

**BOARD FOR BRANCH PILOTS MEETING
MINUTES**

The Virginia Board for Branch Pilots met on Wednesday, February 2, 2011, at the Virginia Port Authority, 600 World Trade Center, Norfolk, Virginia, with the following members present:

Captain Robert H. Callis, III
Bruce R. Cherry
Captain Milton B. Edmunds
William M. Martin, III
Captain John A. Morgan, Jr.
Meade G. Stone, Jr.

Board members Charles R. Amory, Jr., Captain J. William Cofer and Thomas P. Host III, were not present for the meeting.

Staff present for the meeting was:

Kathleen R. Nosbisch, Executive Director

Cynthia H. Norwood was present from the Office of the Attorney General.

Finding a quorum of the Board present, Mr. Cherry, President, called the meeting to order at 10:30 a.m.

Call to Order

Mr. Martin moved to approve the agenda. Mr. Stone seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Edmunds, Martin, Morgan and Stone.

**Approval of
Agenda**

Mr. Martin moved to approve the minutes from the December 14, 2010, board meeting. Mr. Stone seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Edmunds, Martin, Morgan and Stone.

**Approval of
Minutes**

The Board reviewed the requested additional information provided by Captain Ware concerning an incident aboard the NYK RIGEL on November 20, 2010. This matter was continued from the December 14, 2010 board meeting. After review and discussion, Mr. Martin moved that the letter be filed and that the Board take no action as there appears to be no violation of the Board's regulations or statutes. Mr. Stone seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Edmunds, Martin, Morgan and Stone.

**Follow-up -
Captain David B.
Ware – NYK
RIGEL**

Captain Callis provided the Board with a report of the examinations

Exam

conducted by the Examination Administrators on February 1, 2011. Captain Callis reminded the Board that this was the first exam report following approval of the increase in draft and tonnage. The following report was made:

Administration
Report

Benjamin L. Speckhart

Captain Speckhart answered oral questions related to the raise in grade. The subjects included safe anchoring positions in Lynnhaven and Sewell's Point, anchoring deep loaded vessels, inner harbor transits, proper positioning of towboats in special situations, usage of the deep water route, traffic management, timed arrivals and safe vessel speed. Captain Speckhart stood a good examination and was found to be qualified. Captain Callis moved that Captain Speckhart be raised from the Foxtrot classification (40,000 gross tons and 38 feet maximum draft) to the Golf classification (55,000 gross tons and 42 feet maximum draft). Mr. Stone seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Edmunds, Martin, Morgan and Stone.

January N. Collins

Captain Collins answered oral questions related to the raise in grade. The subjects included safe anchoring positions in Lynnhaven and Sewell's Point, anchoring deep loaded vessels, inner harbor transits, proper positioning of towboats in special situations, usage of the deep water route, traffic management, timed arrivals and safe vessel speed. Captain Collins stood a good examination and was found to be qualified. Captain Callis moved that Captain Collins be raised from the Foxtrot classification (40,000 gross tons and 38 feet maximum draft) to the Golf classification (55,000 gross tons and 42 feet maximum draft). Mr. Stone seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Edmunds, Martin, Morgan and Stone.

Charles A. Huffman

Captain Huffman answered oral questions related to the raise in grade. The subjects included safe anchoring positions in Lynnhaven and Sewell's Point, anchoring techniques, characteristics of deep draft vessels, the effects of strong winds on light draft vessels, traffic management, implementation of the North Atlantic Right Whale Strike Rule and safe vessel speed. Captain Huffman stood a good examination and was found to be qualified. Captain Callis moved that Captain Huffman be raised from the Delta classification (32,000 gross tons and 32 feet maximum draft) to an Echo classification (42,000 gross tons and 36 feet maximum draft). Mr. Stone seconded the motion which was unanimously approved by Messrs. and Captains: Callis,

Cherry, Edmunds, Martin, Morgan and Stone.

Adam L. Halstead

Captain Halstead answered oral questions related to the raise in grade. The subjects included safe anchoring positions in Lynnhaven and Sewell's Point, anchoring techniques, characteristics of deep draft vessels, the effects of strong winds on light draft vessels, traffic management, implementation of the North Atlantic Right Whale Strike Rule and safe vessel speed. Captain Halstead stood a good examination and was found to be qualified. Captain Callis moved that Captain Halstead be raised from the Delta classification (32,000 gross tons and 32 feet maximum draft) to an Echo classification (42,000 gross tons and 36 feet maximum draft). Mr. Stone seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Edmunds, Martin, Morgan and Stone.

William G. Saunders, Jr.

Captain Saunders answered oral questions related to the raise in grade. The subjects included safe anchoring positions in Lynnhaven and Sewell's Point, the effects of strong winds on light draft vessels, traffic management, the benefits of a proper anchor watch, implementation of the North Atlantic Right Whale Strike Rule and safe vessel speed. Captain Saunders stood a good examination and was found to be qualified. Captain Callis moved that Captain Saunders be raised from the Bravo classification (24,000 gross tons and 28 feet maximum draft) to a Charlie classification (32,000 gross tons and 32 feet maximum draft). Mr. Stone seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Edmunds, Martin, Morgan and Stone.

Joseph M. Schacherer III

Captain Schacherer answered oral questions related to the raise in grade. The subjects included safe anchoring positions in Lynnhaven and Sewell's Point, the effects of strong winds on light draft vessels, traffic management, the benefits of a proper anchor watch, implementation of the North Atlantic Right Whale Strike Rule and safe vessel speed. Captain Schacherer stood a good examination and was found to be qualified. Captain Callis moved that Captain Schacherer be raised from the Bravo classification (24,000 gross tons and 28 feet maximum draft) to a Charlie classification (32,000 gross tons and 32 feet maximum draft). Mr. Stone seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Edmunds, Martin, Morgan and Stone.

The North Atlantic Right Whale Strike Rule asserts that all vessels 65 ft or

longer must travel at 10 knots or less along the east coast of the U.S. at certain times of the year to reduce the threat of ship collisions with critically endangered North Atlantic right whales. This extends into the branch pilot's navigated waters. There is a \$25,000 fine associated with violating this rule.

Ms. Nosbsich informed the Board that the proposed regulations would be published by the Registrar's office February 14, 2011, and that the 60 day public comment period would commence February 14 through April 15, 2011. She also informed the Board that a public hearing has been scheduled for March 2, 2011, at 2:00 p.m. at the Department of Professional and Occupational Regulation conference center, located on the second floor of the Perimeter Center building, 9960 Mayland Dr., Richmond. Adoption of the final regulations will be no sooner than 15 days after the public comment period, so this matter will come before the Board again at its July 29, 2011 meeting.

Regulatory Review Update

Ms. Nosbisich informed the Board that the McCrory licensing appeal was before the Henrico Circuit Court. Ms. Norwood stated that she had not heard from opposing counsel, and that the next step would be presenting oral arguments before court. Board members may attend the appeal and will be notified of the date and time.

Other Business

Mr. Cherry acknowledged Mr. William A. Tucker, the Board for Branch Pilots liaison from the Board for Professional and Occupational Regulation. Mr. Tucker has completed two terms on the Board. Mr. Tucker expressed his appreciation for the Board for Branch Pilots, and stated that the branch pilots are a much valued asset to the area and the state economy. Mr. Cherry thanked Mr. Tucker for his faithful services and expressed best wishes.

Ms. Nosbsich informed the Board that at the May 2, 2007 board meeting, the board established four year terms for the offices of President and Vice-President. The term will expire in June; therefore the Board will need to elect a new President and Vice President at the April 28, 2011, board meeting.

Ms. Nosbisich expressed best wishes from Mr. Dixon and Mr. Courtney to the Board and extended their regret that they were unable to attend the board meeting.

Ms. Norwood, Board Counsel, is a Lieutenant Colonel in the in the U.S. Army reserve and she informed the Board that she had been accepted to the Army War College. The Board congratulated her for being chosen for this prestigious assignment and wished her well in this endeavor.

Conflict of Interest forms were completed by all members present.

**Conflict of Interest
Forms**

There being no further business, the meeting was adjourned at 11:30 a.m.

Adjourn

Bruce R. Cherry, President

Gordon N. Dixon, Secretary

DRAFT