

BOARD FOR BRANCH PILOTS MEETING MINUTES

The Virginia Board for Branch Pilots met on Monday, December 15, 2008, 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 J. William Cofer
Captain Milton B. Edmunds
Thomas P. Host, III
William M. Martin, III
Douglas E. Miller
Captain John A. Morgan, Jr.
Meade G. Stone, Jr.

Staff present for the meeting were:

Jay W. DeBoer, Director
Mark N. Courtney, Deputy Director for Licensing and Regulation
Kathleen R. Nosbisch, Executive Director

Cynthia 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 9:32 a.m.

Call to Order

Mr. Cherry introduced new Board member, Captain John A. Morgan, Jr., and welcomed him to the Board.

Introduction of Captain John A. Morgan, Jr.

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

Approval of Agenda

Captain Callis moved to approve the minutes from the October 30, 2008, meeting as amended. Mr. Host seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Host, Martin, Miller, Morgan and Stone.

Approval of Minutes

Captain Edmunds provided the Board with a report of the meeting of Examination Administrators from December 8 and 9, 2009. The Examination Administrators reviewed the renewal applications for the 2008 calendar year and presented the following report:

Exam Administrators Report

The following branch pilot licenses were presented for renewal: Lorenzo D. Amory, III; E. Waightstill Avery; John Brockington Beasley, Jr.; Charles I.

Boggs, Jr.; Robert H. Callis, III; Julian Wythe Whiting Chisman, III; James William Cofer; William L. Counselman; William G. Diggs; Ernest W. Dodson, Jr.; Robert Henley Dozier, III; Milton B. Edmunds; Michael S. Eubanks; Mark S. Evans; Tazewell Fitzgerald; Nelson Turner Gray; Herbert R. Green, III; Nathaniel T. Green, II; Kevin D. Hartz; W. S. Harwood, III; David H. Heath; Charles H. Hoffman; Robert Lee Holland, Jr.; Richard Keith Hope; Brian Keith Hudgins; Chadwick M. Jamison; Jacob R. Johnson; John Allison Jones, Jr.; Benjamin B. Lee; Dale Allen Meyer, Jr.; John A. Morgan, Jr.; John G. Phillips, Jr.; Robert L. Prodan, II; Frank M. Rabena; Roy A. Rector, Jr.; Torrence A. Rogers; Thomas D. Rutter; Gustave B. Schill; Luther J. Stallings, III; Gilbert R. Swink, III; James South Trimble; David B. Ware; Jonathan D. Worth; and Clarence M. Young.

Captain Edmunds noted that Captain Benjamin B. Lee had relinquished the Potomac River branch of his license; Captain Robert Henley Dozier, III, had relinquished the York River branch of his license; and Captain John Allison Jones, Jr., had relinquished the Cape Charles branch of his license. In addition, Captain Edmunds noted that Captain Walter Hugh McCrory had retired.

The members of the Examinations Administrators Committee reviewed the renewal application paperwork and deemed the individuals qualified pursuant to § 54.1-906 of the *Code of Virginia*. Captain Edmunds moved to approve the renewal applications of the above-listed unlimited licensees. Mr. Host seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Host, Martin, Miller, Morgan, and Stone. Captains Callis, Cofer, Edmunds, and Morgan abstained from voting on their respective licenses.

Captain Edmunds reported that no ship has transited the York River above Pages Rock in over five years. Therefore, Captain Edmunds moved to waive the requirements of subsection C.3 of regulation 18 VAC 45-20-20, pursuant to subsection C.4 of regulation 18 VAC 45-20-20, for transit above Pages Rock on the York River for the following branch pilots due to no ship traffic: Robert H. Callis, III; William L. Counselman; William G. Diggs; Mark S. Evans; Tazewell Fitzgerald; Nelson Turner Gray; Charles H. Hoffman; and John A. Morgan, Jr. Mr. Host seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Host, Martin, Miller, Morgan, and Stone. Captains Cofer and Morgan abstained from voting on their respective licenses.

The following limited branch pilot licenses were also presented for renewal: January N. Collins, Joseph R. McKnew, and Benjamin L. Speckhart.

The members of the Examinations Administrators Committee reviewed the renewal application paperwork and deemed the individuals qualified

pursuant to § 54.1-906 of the *Code of Virginia*. Captain Edmunds moved to approve the renewal applications of the above-listed limited licensees at their respective limitations as of December 31, 2008. Mr. Miller seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Host, Martin, Miller, Morgan, and Stone.

Ms. Nobsch indicated to the Board that this matter was continued from the previous Board meeting.

Captain Joseph McKnew, M/T ALRAR

Captain McKnew submitted to the Board the survey report from Alyn F. Fife, Marine Surveyor. The report indicated that the system was not initially designed to tie up barges. After 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 rules, regulations, or statutes. The Board also requested that Captain McKnew receive written notification of the Board's discussion. Mr. Miller seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Host, Martin, Miller, Morgan, and Stone.

Ms. Norwood reported that she has been in contact with the U.S. Navy regarding the incident with the LCU 1643 and the M/T SKARVEN. Ms. Norwood indicated that the individual piloting the LCU 1643 has been reprimanded. By consensus, the Board requested that staff file the letter and that the Board take no action, as there appears to be no violation of the Board's rules, regulations, or statutes. The Board also requested that Captains Amory and Cofer receive written notification of the Board's decision.

Follow-up on Letter from Commander E. J. Anderson, U.S. Navy, Regarding LCU 1643 and M/T SKARVEN

Captain Cofer provided a synopsis of the Virginia Pilot Association's apprenticeship program. A letter from Captain Ware of the Apprenticeship Committee of the Virginia Pilot Association indicated that there are no changes to the program this year. Captain Callis moved to maintain approval of the program. Mr. Stone seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Host, Martin, Miller, Morgan, and Stone. Mr. Martin then moved to delegate the operation and administration of the program to the Virginia Pilot Association for 2009. Mr. Stone seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Host, Martin, Miller, Morgan, and Stone.

Review of Virginia Pilot Association's Apprenticeship Program

Ms. Norwood informed the Board that pursuant to § 54.1-100 of the *Code of Virginia*, a review had been conducted of the Board's regulations and there were no conflicts in their regulations with the Constitution of the United States, the Constitution of Virginia, the laws of the United States, or the laws of the Commonwealth of Virginia.

Review of Regulations Pursued to § 54.1-100 of the Code of Virginia

Ms. Nobsbisch reminded the Board members to return their completed 2008 Financial Disclosure Statements.

Other Business

Mr. Stone noted that he will report on the progress of the Chemical Testing Program Committee at the February 3, 2009, Board meeting.

Captain Cofer noted that he will make a presentation on the Chemical Testing Program at the February 3, 2009, Board meeting.

Mr. Host moved to adopt the follow resolution:

Mark N. Courtney

WHEREAS, **Mark N. Courtney** did faithfully and diligently serve as Executive Director of the Virginia Board for Branch Pilots from 1994 to 2008; and

WHEREAS, **Mark N. Courtney** did devote generously of his time, talent and leadership to the Board; and

WHEREAS, **Mark N. Courtney** did at all times render decisions with fairness and good judgment so as to promote and preserve the best interests of our citizens and the profession of piloting in Virginia; and

WHEREAS, the Virginia Board for Branch Pilots acknowledges its gratitude for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth;

NOW THEREFORE BE IT RESOLVED, this 15th day of December 2008, that the Virginia Board for Branch Pilots expresses utmost regard and respect for **Mark N. Courtney** and his professional legacy to this Board; and, so that all may know of the Board's depth of its expression, it is ordered that this resolution be spread upon the official minutes of the Board and that a copy hereof be presented to **Mark N. Courtney**.

Mr. Stone seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Host, Martin, Miller, Morgan and Stone. Captain Cofer presented Mr. Courtney with the resolution.

Conflict of Interest forms and travel vouchers were completed by all members present.

**Conflict of Interest
Forms**

The Board members took a break from 10:00 a.m to 10:30 a.m.

Break

There being no further business, the meeting was adjourned at 10:30 a.m. **Adjourn**

Bruce R. Cherry, President

Jay W. DeBoer, Secretary

DRAFT