

BOARD FOR BRANCH PILOTS MEETING

MINUTES

The Virginia Board for Branch Pilots met on Monday, May 2, 2005, 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
William M. Martin, III
Captain W. Hugh McCrory, Jr.
Meade G. Stone

Board members Robert T. Hasler, President, and Judge Edgar A. Massenburg were not present at the meeting.

Staff present for the meeting were:

Louise Fontaine Ware, Director
Mark N. Courtney, Executive Director
Marian H. Brooks, Program Administrator
Nick A. Christner, Deputy Director of Compliance & Investigations Division

William R. "Rob" Sievers, Assistant Attorney General, was present at the meeting.

Finding a quorum of the Board present, Mr. Cherry, Vice-President, called the meeting to order at 10:00 a.m.

Call to Order

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

Approval of
Agenda

Captain Callis moved to approve the minutes from the February 2, 2005, Board meeting as amended. Mr. Stone seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Martin, McCrory, and Stone.

Approval of
Minutes

Mr. Stone moved to approve the minutes from the April 6, 2005, Informal Fact-Finding Conference as written. Captain Cofer seconded the motion which was unanimously approved by Messrs. And Captains: Callis, Cherry, Cofer, Edmunds, Martin, McCrory, and Stone.

Regarding **File Number 2005-03123, Captain Tazewell Fitzgerald**, the Board members reviewed the Consent Order as seen and agreed to by Captain Fitzgerald. Carter Gunn, Esquire, and Tazewell Fitzgerald were present to answer any questions. After discussion, Captain McCrory moved to accept the Consent Order whereby Captain Fitzgerald admits to the violation of 18 VAC 45-20-40.5 of the Board's regulations and agrees to the following terms:

File No. 2005-03123, Tazewell Fitzgerald

1. Captain Fitzgerald agrees to successfully complete a bridge resource management ("BRM") course by an accredited maritime school within sixty (60) days of entry.
2. Captain Fitzgerald also agrees to pay the Board \$500.00 in Board costs.

Mr. Martin seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Martin, McCrory, and Stone. Mr. Gunn and Captain Fitzgerald presented the Board with a certificate of completion of the BRM Course as well as a check in the amount of \$500 for the Board's investigative costs. As the presiding Board members at the Informal Fact-Finding Conference, Captain Callis and Mr. Stone were not present during the discussion or vote.

Captain Callis provided the Board with a report of the examination conducted by the Examination Administrators on May 2, 2005. The following report was made:

Examinations Administrators Report

Herbert R. Green

Captain Green answered oral questions related to the raise in grade. The subjects included safe anchoring positions in Lynnhaven, Sewell's Point, and Newport News, safe vessel speed, the effects of wind on high profile containerships, under keel clearance, use of bridge to bridge radiotelephone, timed arrivals and anchoring techniques for loaded vessels. Captain Green stood a good examination and was found to be qualified. Captain Callis moved that Captain Green be raised from the Golf classification (625 ship units and a maximum draft of 38 feet or 450 ship units and a maximum draft of 42 feet) to the Hotel classification (725 ship units and a maximum draft of 41 feet or 550 ship units and a maximum draft of 45 feet). Mr. Stone seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Martin, McCrory, and Stone.

The Board reviewed a letter and accompanying chart from Captain Robert L. Holland, Jr., dated March 3, 2005, regarding an incident involving the M/T A. PROLOGUE.

Captain Robert L. Holland, Jr., M/T A. PROLOGUE

On March 01, 2005, Captain Holland was ordered to move the motor tanker M/T A. PROLOGUE at 2130 from Triport Terminal to IMTT, Chesapeake, on the Southern Branch of the Elizabeth River. The M/T A. PROLOGUE is a tanker with length overall of 170.60 meters; a breadth of 26.00 meters; and depth of 14.45 meters. Her drafts were 8.88 meters aft, and 5.25 meters forward. The night was clear with good visibility, the wind was west at 15 to 20, and the maximum flood tide was at 2232.

Captain Holland arrived on board at 2105, and met the captain on the bridge. Captain Holland set up his DGPS which was functioning at all times. After reviewing and signing the pilot card, Captain Holland checked out the navigation equipment on the bridge. Once Docking Master Mark Scanlon arrived, they conducted the master/pilot exchange. At Triport Terminal, the M/T A. PROLOGUE was moored port side to. The ship would be moored starboard side to at IMTT, down river on the opposite side of the river. Accordingly, it was determined that the best maneuver was to back the ship from Triport to IMTT, approximately 1200 yards. The captain concurred with the proposed maneuver. Docking Master Scanlon would have the conn for the entire transit. The captain said all equipment was working properly and that the ship had no unusual handling characteristics.

Two Moran tugs were in attendance: the TOWN POINT was on the bow, and the JAMES MORAN was on the stern. After JHOC gave clearance, the Gilmerton Bridge was contacted, a security call was made, and lines were taken in at about 2200. The ship pulled off the pier and proceeded to back through the Gilmerton Bridge and NW #7 Bridge under ship's power. Speed was 1.2 knots per DGPS.

When the ship cleared the bridges, an order was given to come ahead on the engine by docking master Scanlon; first dead slow, then slow ahead, and then half ahead. Although the tachometer indicated some revolutions on the dead slow ahead bell, there was a total engine failure at 2233 EST. An order to let the starboard anchor go was given at 2235, and it slowed the ship speed astern to .5 knot. The M/V STAR BETINA was moored to Elizabeth River Terminal Berth #2 starboard side to. Captain Holland sounded the danger signal repeatedly from the starboard wing of the bridge.

The M/T A. PROLOGUE made contact with the M/V STAR BETINA; its starboard quarter hit the port quarter of the M/V STAR BETINA. Docking Master Scanlon did everything possible to stop the accident with the movement of the tugs. The Coast Guard was notified. After about 20 minutes, power was restored and the ship proceeded to IMTT without further incident.

Captain Holland was tested for alcohol by the Coast Guard on the ship and completed a drug test once ashore. Both were negative.

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. Mr. Stone seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Martin, McCrory, and Stone.

The Board reviewed a letter and accompanying chart from Captain Charles H. Hoffman, dated February 9, 2005, regarding an incident involving the USNS BIG HORN.

Captain Charles H.
Hoffman, USNS
BIG HORN

On February 4, 2005, Captain Hoffman was ordered on board the USNS BIG HORN, for an inbound transit from Cape Henry to the Norfolk Naval Shipyard. Once on board at 0600, Captain Hoffman had a Master/Pilot information exchange with the master, Captain Ferguson, and the vessel proceeded inbound. Winds were northwest at 20 knots, visibility was approximately five miles and clearing, and it was the last hour of flood current at Cape Henry. The USNS BIG HORN is a fleet replenishment oiler, with length overall of 677' 6" a width of 97' 6" and its displacement is 41,700 long tons. The vessel had a draft of 32' 06". The vessel was bound for Berth 2 Norfolk Naval Shipyard, where she would be going port side alongside. Captain Hoffman informed the master that they would be picking up tugs and the Naval Base Docking Master in the area of Hospital Point between 8:05 and 8:10 a.m.

Their transit inbound went smoothly, and at approximately 8:05 a.m., Captain Hoffman made a security call. At 8:09 a.m., dock master John Morey came on board. Captain Hoffman continued conning the vessel while Captain Ferguson and Captain Morey had their information exchange. The ship was under control and maneuvering well at a speed of 4.7 knots. Upon completing their information exchange, the vessel was approaching buoy R "36" in Port Norfolk Reach. Captain Hoffman ordered right 10° rudder, and the vessel began a slow right turn. Captain

Hoffman exchanged pertinent information with Captain Morey, and he took over the conn. Captain Ferguson, Captain Morey and Captain Hoffman were satisfied with the vessel's position.

The vessel proceeded into Town Point Reach still well under control, with ebb current and a northwest wind of 10-15 knots. Captain Hoffman contacted the Elizabeth River Ferry and advised that the vessel would be turning in Town Point Reach and backing down to the Norfolk Naval Shipyard. After Captain Hoffman's VHF transmission, Captain Morey told him and the master that the vessel would be turning between Pier 1 and Ocean Marine. Captain Hoffman stated that "that is going to be tight." Captain Morey replied that there was adequate room and it would not be a problem.

As the vessel turned into the lower reach of the Southern Branch, the tug MARCI MORAN took position on the starboard bow, and the tug WENDY MORAN was on the port quarter. The vessel continued inbound into the lower reach of the Southern Branch to a position between Pier 1 Norshipco and Ocean Marine. Captain Morey began to turn the vessel to port, as the vessel would be turning around in order to go port side alongside Berth 2 Norfolk Naval Shipyard.

As the vessel continued to turn to port, the crewmembers on the bow reported by radio that the bow was closing in on Pier 1 Norshipco. Captain Morey then began to take action with the vessel's engine ordering dead slow astern on the port engine. The crew then reported that the bow was continuing to close in on Pier 1, at a distance of 200 feet. The crew next reported 50 feet at the bow, and closing. Both engines were then ordered full astern, and Captain Hoffman observed that the orders were followed promptly. The next distance given was 30 feet to the Pier. At 8:33 the crew reported contact forward. The vessel was slightly past perpendicular to Pier 1, and the stern was clear of the Portsmouth side of the river. Both engines were then ordered stopped as the vessel had sternway. The orders were again followed promptly and the engines were stopped. The vessel continued to turn to port with a slight amount of sternway, until it was fully turned around. At this point, Captain Morey steadied the turn and proceeded to back down to Berth 2 Norfolk Naval Shipyard. The vessel was then berthed Portside alongside without further incident at Berth 2.

Captain Hoffman personally was given no report of damage. Captain Ferguson asked Captain Hoffman to give a brief statement indicating the time he was relieved of the conn.

After discussion, Mr. Stone 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, and statutes. Mr. Martin seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Martin, McCrory, and Stone.

Mr. Courtney indicated to the Board that this matter was continued from the last Board meeting in order to obtain the report of the US Coast Guard. Mr. Courtney informed the Board that the US Coast Guard had not completed its investigation of this incident.

Captain Clarence
M. Young, M/V
ROCKAWAY
BELLE

After discussion, Captain McCrory moved that an Informal Fact-Finding Conference be held to further review this matter. Captain Callis seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Martin, McCrory, and Stone. Mr. Cherry appointed Mr. Martin and Captain Edmunds to serve as the presiding Board members at the Informal Fact-Finding Conference

Mr. Courtney spoke with the Board members regarding old meeting minutes and the Board members agreed to send them to the Library of Virginia archives for safe keeping.

Other Business


Mr. Cherry welcomed William A. Tucker, a member of the Board for Professional and Occupational Regulation, who was present and is the liaison to the Board for Branch Pilots.

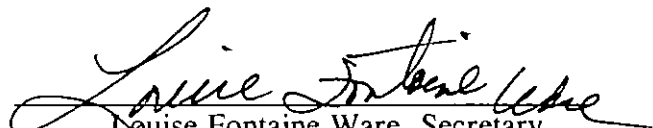
Conflict of Interest forms were completed by all members present.

Conflict of Interest
Forms

There being no further business, the meeting was adjourned at 10:38 a.m.

Adjourn


Bruce R. Cherry, Vice-President


Louise Fontaine Ware, Secretary

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Meade G. Stone, Jr.
2. Title: Member
3. Agency: Board for Branch Pilots
4. Transaction: Board Meeting on May 2, 2005
5. Nature of Personal Interest Affected by Transaction: NONE
-

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

NONE

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Meade G. Stone, Jr.
Signature

5-2-05
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: William M. Martin, III
2. Title: Member
3. Agency: Board for Branch Pilots
4. Transaction: Board Meeting on May 2, 2005
5. Nature of Personal Interest Affected by Transaction: _____

NONE

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

(b) I am able to participate in this transaction fairly, objectively, and in the public interest:

William M. Martin, III
Signature

MAY 2, 2005
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: W. Hugh McCrory, Jr.
2. Title: Member
3. Agency: Board for Branch Pilots
4. Transaction: Board Meeting on May 2, 2005
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

VIRGINIA PILOT ASSOCIATION

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

W. Hugh McCrory, Jr.
Signature

5/2/05
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT**

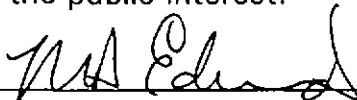
TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Milton B. Edmunds
2. Title: Member
3. Agency: Board for Branch Pilots
4. Transaction: Board Meeting on May 2, 2005
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.



Signature

5/2/05

Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: J. William Cofer
2. Title: Member
3. Agency: Board for Branch Pilots
4. Transaction: Board Meeting on May 2, 2005
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

J. William Cofer
Signature

May 2, 2005
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Bruce R. Cherry
2. Title: Member
3. Agency: Board for Branch Pilots
4. Transaction: Board Meeting on May 2, 2005
5. Nature of Personal Interest Affected by Transaction: NONE
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6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

NONE

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Bruce R. Cherry
Signature

May 2, 2005
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Robert H. Callis, III
2. Title: Member
3. Agency: Board for Branch Pilots
4. Transaction: Board Meeting on May 2, 2005
5. Nature of Personal Interest Affected by Transaction: _____
-

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

yes

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Robert H. Callis, III
Signature

May 2, 2005
Date