

BOARD FOR BRANCH PILOTS MEETING

MINUTES

The Virginia Board for Branch Pilots met on Monday, December 13, 2004, 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
Robert T. Hasler, Jr.
William M. Martin, III
Judge Edgar A. Massenburg
Captain W. Hugh McCrory, Jr.

Board member Meade G. Stone was not present at the meeting.

Staff present for the meeting were:

Louise Fontaine Ware, Director
Nick Christner, Deputy Director of Compliance and Investigations Division
Mark N. Courtney, Executive Director

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

Finding a quorum of the Board present, Mr. Hasler, President, called the meeting to order at 9:30 a.m.

Call to Order

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

Approval of
Agenda

Mr. Cherry moved to approve the minutes from the November 1, 2004, Board meeting as amended. Mr. Callis seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Hasler, Massenburg, and McCrory. Mr. Martin abstained from the vote as he was not present at the November 1, 2004, Board meeting.

Approval of
Minutes

Captain E. Waightstill Avery appeared as representative of the Virginia Pilot Association's Apprenticeship Committee. Captain Avery indicated that changes to the program are being recommended, and provided a handout detailing the proposed changes. Captain Callis moved to approve the changes to the apprenticeship program. Judge Massenburg seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Hasler, Martin, Massenburg, and McCrory.

Review of Virginia
Pilot Association
Apprenticeship
Program

Captain Callis moved to adopt the program as amended and authorize the Virginia Pilot Association to continue to administer the program for the 2005 calendar year. Judge Massenburg seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Hasler, Martin, Massenburg, and McCrory.

Captain Avery also stated that he would be stepping down as the Chairman of the Virginia Pilot Association's Apprenticeship Committee in Fall 2005 and that Captain Jonathan D. Worth would be taking his place.

Captain McCrory provided the Board with a report of the meeting of Examination Administrators from the prior week. The Examination Administrators have reviewed the renewal applications for the 2005 calendar year and presented the following report:

Examination
Administrators
Report - Renewals

The following unlimited branch pilot licenses were presented for renewal: Lorenzo D. Amory; III; E. Waightstill Avery; John Brockington Beasley, Jr.; Charles I. Boggs; Robert H. Callis, III; Leighton E. Causey, Jr.; Julian Wythe Whiting Chisman, III; James William Cofer; William L. Counselman; William G. Diggs; Ernest W. Dodson, Jr.; Milton B. Edmunds; Mark S. Evans; Tazewell Fitzgerald; Nelson Turner Gray; 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; John Allison Jones, Jr.; Benjamin B. Lee; Walter Hugh McCrory, Jr.; Dale Allen Meyer, Jr.; John A. Morgan, Jr.; John G. Phillips, Jr.; Robert L. Prodan, II; Frank M. Rabena; Roy A. Rector, Jr.; Thomas D. Rutter; Gustave B. Schill; Robert W. Scott, Jr.; Luther J. Stallings, III; Gilbert R. Swink, III; James South Trimble; David B. Ware; and Jonathan D. Worth.

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. After discussion, Captain McCrory moved to approve the renewal applications of the above-listed unlimited licensees. Mr. Cherry seconded the motion which was

unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Hasler, Martin, Massenburg, and McCrory. Captains Callis, Cofer, Edmunds, and McCrory abstained from voting on their respective licenses.

As to renewal of the unlimited branch pilot license for Robert Henley Dozier, III, Captain McCrory indicated that Captain Dozier has not yet had his required physical examination due to health issues but is expected to complete this requirement prior to the end of the year. Accordingly, Captain McCrory moved to approve Captain Dozier's renewal application pending receipt of documentation of his physical examination and a letter from his doctor that he is fit for duty. Mr. Cherry seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Hasler, Martin, Massenburg, and McCrory.

The following limited branch pilot licenses were also presented for renewal: Michael S. Eubanks; Herbert R. Green, III; Chadwick M. Jamison; Torrence A. Rogers; and Clarence M. Young.

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. After discussion, Captain McCrory moved to approve the renewal applications of the above-listed limited licensees at their respective limitations as of December 31, 2004. Mr. Cherry seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Hasler, Martin, Massenburg, and McCrory.

Additionally, Captain McCrory moved to waive the requirements of regulation 18 VAC 45-20-20.C.3 for transit above Pages Rock on the York River for the following pilots due to no ship traffic pursuant to Regulation 18 VAC 45-20-20.C.4: 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. No ship has transitted the York River above Pages Rock in over four years. Judge Massenburg seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Hasler, Martin, Massenburg, and McCrory. Captain Callis abstained from voting on his license.

The Board reviewed a letter and accompanying chart from Captain John A. Jones, Jr., dated November 5, 2004, regarding an incident involving the M/V CASTILLO DE BUTRON.

John A. Jones, Jr.
- M/V CASTILLO
DE BUTRON

On November 1, 2004, Captain Jones was ordered to shift the M/V *CASTILLO DE BUTRON* from Lynnhaven Anchorage (LS- 1) to Dominion Terminal Associates (DTA) in Newport News. Captain Jones boarded the vessel at approximately 0400. The vessel is a bulk carrier 240 meters long (787.4 feet) with a 36 meter beam (118.1 feet). Her draft was 39.4 feet, and she was 66,573 deadweight tons. The visibility was exceptionally clear with light winds and maximum ebb current at 0425.

After Captain Jones arrived on the bridge, he and the Master conducted the master-pilot exchange; the Master advised Captain Jones that all equipment was in good working order. At approximately 0430, the vessel's anchor was aweigh, and the vessel proceeded to enter Thimble Shoal Channel. Captain Jones increased speed to full, and at 0520 was making good 8.2 knots as the vessel passed between buoys 7 and 8 in Thimble Shoal Channel.

Captain Jones was aware of three vessels inbound astern of the vessel, and one vessel outbound, with the closest being approximately two miles astern. The pilot of the closest ship agreed to follow astern of the M/V *CASTILLO DE BUTRON* the entire passage. Captain Jones had not had communications with the other two inbound vessels at this point, but he heard by VHF radio the second inbound vessel arrange to overtake the vessel astern of the M/V *CASTILLO DE BUTRON*.

At 0521, the M/V *CASTILLO DE BUTRON* passed over the Chesapeake Bay Bridge Tunnel with Captain Jones keeping the vessel about 250 feet north of center line of the channel in order to permit meeting and overtaking maneuvers.

At approximately 0522, Captain Jones observed the vessel's starboard anchor chain begin to run uncontrollably out of the chain locker. The Master attempted to immediately stop the engine and go full astern. Captain Jones advised him not to do this as the vessel may, at best, exit the channel and go aground, or block the channel and pose a threat to the inbound and outbound vessels. Captain Jones asked the Master to contact the Mate standing by forward to attempt to stop the chain with the brake. Captain Jones immediately called all four vessels concerned and had them stand by on the same VHF frequency so he could apprise them of the situation. They all complied, and Captain Jones quickly informed them of the problem and his concerns.

The vessel's speed was steadily decreasing. By using hard over rudder commands, Captain Jones was able to steady the ship and use the chain as

one would to maneuver alongside a berth. Seeing this was successful, Captain Jones reduced the vessel's speed by telegraph to half ahead which further reduced the vessel's speed made good. Unfortunately, the brake held only briefly, and the rest of the chain started paying out violently. Captain Jones had the Master clear the forecastle of all personnel and ordered full ahead. Captain Jones' intentions were to part (break) the anchor chain and avoid grounding or collision. At approximately 0533, all of the anchor chain ran out and parted at approximately 11 ½ shackles (1035 feet). The vessel's speed had been reduced to 1.9 knots at this time and immediately started to increase once the chain parted.

Captain Jones informed the pilots on the other four vessels what had happened, and advised them that he would be continuing into port. Captain Jones then called McAllister Brothers Towing and requested two assist tugs for the remaining transit. Captain Jones' next call was to the United States Coast Guard, whom he advised of the incident and received clearance from them to continue the transit to DTA. The tugs met the vessel at Thimble Shoals Light, and the vessel proceeded in without incident.

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

Judge Massenburg moved to adopt the following resolution to honor the years of dedicated service by former Board member P. Warren Spratley, Jr., to the Board:

**Resolution for
Service**

P. Warren Spratley, Jr.

WHEREAS, **P. Warren Spratley, Jr.**, did faithfully and diligently serve as a member of the Virginia Board for Branch Pilots from October 1979 to November 2004; and

WHEREAS, **P. Warren Spratley, Jr.**, did devote generously of his time, talent and leadership to the Board; and

WHEREAS, **P. Warren Spratley, Jr.**, 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 13th day of December 2004, that the Virginia Board for Branch Pilots expresses utmost regard and respect for **P. Warren Spratley, Jr.**, 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 **P. Warren Spratley, Jr.**

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

Mr. Sievers 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
Pursuant to § 54.1-
100

Mr. Courtney informed the Board members that Mr. Martin had been appointed by the Hampton Circuit Court to succeed Mr. Spratley.

Other Business

Mr. Courtney introduced Mr. Christner to the Board members.

The Board members were provided with the Department's most recent biennial report.

Mr. Courtney requested that the Board members submit their Financial Disclosure Statements for the current year if they had not already done so.

Conflict of Interest forms were completed by all members present.

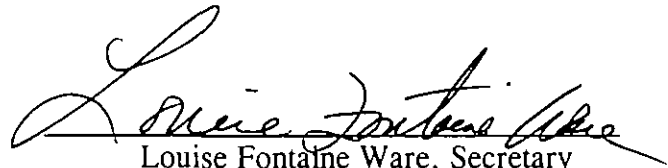
Conflict of Interest
Forms

There being no further business, the meeting was adjourned at 10:04 a.m.

Adjourn



Robert T. Hasler, Jr., President



Louise Fontaine Ware, Secretary

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

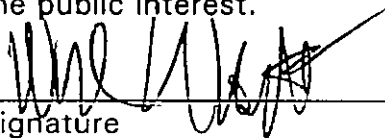
**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: William M. Martin, III
2. Title: Member
3. Agency: Board for Branch Pilots
4. Transaction: Board Meeting on December 13, 2004
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.


Signature

12/13/04
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 December 13, 2004
5. Nature of Personal Interest Affected by Transaction: I did not
vote on the renewal of my own license.

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

Date

Robert H. Callis, III

12/13/04

**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 December 13, 2004
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.

Bruce R. Cherry
Signature

Dec. 13, '04
Date

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

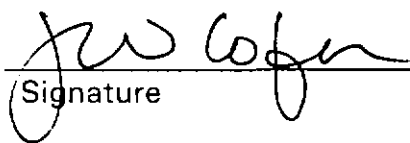
**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: J. William Cofer
2. Title: Member
3. Agency: Board for Branch Pilots
4. Transaction: Board Meeting on December 13, 2004
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

12-13-04
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 December 13, 2004
5. Nature of Personal Interest Affected by Transaction: I did not vote on renewal of my own license.
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:

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

Milton B. Edmunds
Signature

12/13/04
Date

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

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

1. Name: Robert T. Hasler, Jr.
2. Title: Member
3. Agency: Board for Branch Pilots
4. Transaction: Board Meeting on December 13, 2004
5. Nature of Personal Interest Affected by Transaction: _____

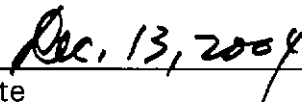
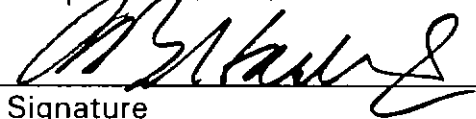
6. I declare that:

(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

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 December 13, 2004
5. Nature of Personal Interest Affected by Transaction: I DID NOT
VOTE ON THE RENEWAL OF MY LICENSE

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

12/13/04
Date

**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 December 13, 2004
5. Nature of Personal Interest Affected by Transaction: None
-

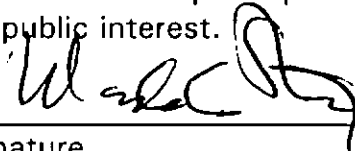
6. I declare that:

(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.

Signature



Date

12-13-04