

## BOARD FOR BRANCH PILOTS MEETING

### MINUTES

The Virginia Board for Branch Pilots met on Monday, December 15, 2003, 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.  
Judge Edgar A. Massenburg  
Captain W. Hugh McCrory, Jr.  
P. Warren Spratley, Jr.  
Meade G. Stone

Staff present for the meeting were:

Mark N. Courtney, Executive Director  
Marian H. Brooks, Program Administrator

Ellen E. Coates, Assistant Attorney General, was present at the meeting.

Finding a quorum of the Board present, Mr. Hasler, President, called the meeting to order at 9:37 a.m.

Call to Order

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

Approval of  
Agenda

Mr. Cherry moved to approve the minutes from the November 3, 2003, Board meeting as amended and two sets of minutes from November 19, 2003, Informal Fact-Finding Conferences as written. Mr. Stone seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Hasler, Massenburg, McCrory, Spratley, and Stone.

Approval of  
Minutes

Richard B. Zorn, former Board counsel, was to receive a resolution for service that was previously adopted by the Board at its November 3, 2003, Board meeting. Mr. Hasler presented the resolution to Mr. Zorn on behalf of the Board. On behalf of the Virginia Pilot Association, Captain

Presentation of  
Resolution for  
Richard B. Zorn

Cofer presented Mr. Zorn with a gift for his service. Mr. Zorn was thanked for his many years of service to the Board.

The Board reviewed a letter, along with a diagram and a letter from Carter T. Gunn, Esquire, from Captain Gustave B. Schill, Jr., dated November 10, 2003, regarding an incident involving the M/V STUTTGART EXPRESS.

**Gustave B. Schill –**  
**M/V STUTTGART**  
**EXPRESS**

At 1600 on November 3, 2003, Captain Schill was ordered to Cape Henry to pilot the inbound M/V STUTTGART EXPRESS due to arrive at 1930. The vessel was bound for Norfolk International Terminals (NIT), North Berth, docking port alongside the berth, with Moran Towing scheduled to provide tugs and a docking master. At 1932, Captain Schill boarded the M/V STUTTGART EXPRESS seaward of the "CH" buoy in the precautionary area northeast of Cape Henry.

The particulars of the vessel are: LOA 294.10 m (964 feet); moulded breadth 32.25 m (106 feet); moulded depth 21.40 m (70.2 feet); air draft 44.3 m (145 feet); summer dead weight 67,685 tons; gross registered tonnage 53,815; 718 units; distance from bridge to bow 232.00 m (761 feet); distance from bridge to stern 62 m (203 feet); maximum container capacity 4639 TEU's. The local weather conditions were as follows: the visibility was approximately 8 nautical miles; the wind speed was 9 knots from the direction of 175T (out of the south-southeast); the air temperature was 66 degrees Fahrenheit with a barometric pressure of 1022 Mb.

After boarding the vessel, a ship's mate escorted Captain Schill to the bridge and introduced him to the master, Captain Walter Horn. A verbal master-pilot exchange was conducted. As a part of the master-pilot exchange, the captain reported the vessel's draft was 11 meters, that the vessel had a 3400 horsepower working bow thruster, and that the vessel had no deficiencies. Captain Schill advised the captain that the current was slack for ebb at 1930 at Cape Henry and that the maximum ebb current was predicted to occur in the vicinity of Sewells Point jetty at approximately 2204. Captain Schill advised him of the scheduled outbound merchant traffic that the vessel could expect to meet during the transit, of the docking orders, of the estimated time of arrival to the tugboats, as well as the expected weather conditions for the evening. The captain presented Captain Schill with a copy of the pilot card and ship particulars, which Captain Schill reviewed. The captain advised Captain Schill of the course the vessel was steering and RPM's ordered. Captain Schill set up the portable piloting DGPS unit and ran the "Wheelhouse" and "Capn Voyager" navigation software. Once the master-pilot exchange was complete, Captain Schill assumed the conn and altered course to align

the vessel for the approach to Thimble Shoal Channel buoys 1 and 2. Captain Schill ordered the engine full ahead, which brought the vessel up to a speed of 16 knots. Captain Schill put the ship's radios on VHF channels 13 and 11, and his handheld radio on VHF channel 16. Present on the bridge were Third Officer Chris Gaitano, Quartermaster Marco Langhans, and Lookout Manuelito Macasil, in addition to Captain Schill and Captain Horn.

When the vessel was abeam of the "CH" buoy, Captain Schill observed an outbound container ship approaching buoys 1 and 2 of Thimble Shoal Channel, as well as the aft deck floodlights of what appeared to be an inbound fishing trawler several miles west of the Chesapeake Bay Bridge Tunnel. Captain Schill made passing arrangements with the outbound container ship SEALAND ACHIEVER on VHF channel 13. Further visual radar observations of the inbound vessel indicated the vessel was on a gradual crossing course from the north auxiliary channel toward the south auxiliary channel. No other traffic was sighted in the area. At approximately 1950 the M/V STUTTGART EXPRESS met the SEALAND ACHIEVER port to port and passed without incident.

When the M/V STUTTGART EXPRESS was east of buoys 5 and 6 Thimble Shoal Channel, further visual and radar observations of the inbound vessel indicated the vessel had come about and was now on an outbound reciprocal course, gradually crossing from the south auxiliary channel to the starboard (red) side of the channel, near red buoy 12. At this point, Captain Schill acquired the vessel on radar utilizing the APR function. Shortly after passing through buoys 5 and 6, approximately 1.4 nautical miles east of the Chesapeake Bay Bridge Tunnel, Captain Schill hailed the vessel, which was approximately 4 nautical miles away, by "calling the outbound fishing trawler in the vicinity of red buoy 12 - west of the Chesapeake Bay Bridge Tunnel" using his handheld VHF unit on Channel 16. Captain Schill identified himself as "this is the inbound containership M/V STUTTGART EXPRESS, approaching the Chesapeake Bay Bridge Tunnel." The vessel responded, not giving a name, but indicating a location near red buoy 12 in the vicinity of the Chesapeake Bay Bridge Tunnel. The responding vessel confirmed to Captain Schill his outbound course. Captain Schill said to him "I propose a 2 whistle starboard to starboard passage and I will be in the main channel." The vessel agreed to Captain Schill's proposal of a starboard to starboard passage, and indicated that he would remain in the north auxiliary channel. At 2012, the M/V STUTTGART EXPRESS crossed the Chesapeake Bay Bridge Tunnel.

As the M/V STUTTGART EXPRESS continued on its steady course,

approximately 0.2 nautical miles east of buoys 9 and 10 Thimble Shoal Channel, Captain Schill noted that the aspect of the trawler's side lights was changing repeatedly, indicating that the trawler, which was approximately .3 nautical miles east of red buoy 12, was not on a steady course. The M/V STUTTGART EXPRESS was approximately 100 feet left of the center of Thimble Shoal Channel, utilizing the deeper water in the southern element of the channel, while the trawler was approximately 450 feet right of center. (The buoys are 150 feet north of their charted position due to an ongoing federal channel-dredging project.) At this point, the trawler altered course to his starboard, crossing the channel on a steady east-southeasterly course heading directly for the M/V STUTTGART EXPRESS's bow. Captain Schill immediately began sounding the danger signal and hailed the vessel again on Channel 16, while the captain instructed the mate on watch to turn on the forward mast deck lights, as well as floodlights on the bridge wings. The vessel did not respond to Captain Schill's radio call, and did not alter course.

On channel 16, Captain Schill emphatically told the trawler that they had agreed to a starboard to starboard passage and that if he did not alter course immediately to his port, they would have a collision. The trawler did not respond and continued on this collision/crossing course. Captain Schill continued sounding the danger signal and gave a rudder command of port 20 to steer away from the vessel. The ship started swinging rapidly to port and rolled into a hard port list. Captain Schill gave a rudder command of midship, then starboard 20 to check the vessel's swing and list to port and to prevent the vessel from exiting the channel and grounding. This action caused the ship to respond with a hard roll to starboard, at which point Captain Schill ordered a rudder command of midship then counter rudder to steady the vessel. At this point, the trawler disappeared from Captain Schill's line of sight on the starboard bow behind the rows of stacked containers. Since the trawler no longer appeared to be on the starboard side, Captain Schill assumed he had crossed the head and ordered a rudder command of starboard 20. Captain Schill ordered the engine order telegraph to half ahead and continued to give rudder commands to steady the vessel in the channel. At this point, the trawler appeared close on the starboard side forward of the house. The trawler appeared to be intact, with a slight list. The vessel passed astern of the M/V STUTTGART EXPRESS and appeared to have power. Captain Schill then requested the mate be sent forward to provide a damage assessment.

Captain Schill immediately radioed the pilot tower at Cape Henry requesting pilot launches be dispatched to his position, then called the Coast Guard on channel 16 and requested they shift to channel 22a.

Captain Schill reported the M/V STUTTGART EXPRESS' position, that the trawler had crossed the bow, and that there had been a collision. Captain Schill reported that the M/V STUTTGART EXPRESS was a 964 foot container ship bound for NIT, drawing 36 feet, and that the vessel was unable to stop or render assistance, but that pilot launches were en route. U.S. Coast Guard cutter 47246 interrupted Captain Schill's conversation with U.S. Coast Guard Group Hampton Roads, reporting that they were in the vicinity, had seen and heard the incident, and were en route. The cutter was on scene in less than 10 minutes. Captain Schill also radioed the pilot on an outboard passenger ship in the vicinity of green buoy 19 thimble Shoal channel and recommended he watch for persons or debris in the area. Shortly thereafter, the U.S. Coast Guard cutter reported that there were no injuries and only minimal damage to one of the vessel's outriggers.

The M/V STUTTGART EXPRESS proceeded to NIT North Berth without further incident. Before Captain Schill departed the M/V STUTTGART EXPRESS at 2315, the United States Coast Guard administered breath alcohol tests to Captain Schill and the rest of the bridge team. Captain Schill then proceeded to Riverside Hospital in Newport News and submitted a specimen for NIDA 5 Drug Panel testing.

Captain Callis 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, Massenburg, McCrory, Spratley, and Stone. The Board commended Captain Schill for his excellent seamanship in this matter which averted the loss of life.

The Board reviewed a letter from Captain Gustave B. Schill, Jr., dated November 26, 2003, regarding an incident involving the M/V ALI EKINCI. At 1900, November 20, 2003, Captain Schill was ordered to Cape Henry to pilot the inbound M/V ALI EKINCI, a bulk carrier built in 1982, due to arrive at 2230. The vessel was bound for Giant Cement Terminal, on the Southern Branch of the Elizabeth River, docking port side to the berth, with Moran Towing scheduled to provide tugs and a docking master. At 2235, Captain Schill boarded the vessel seaward of the "CH" buoy in the precautionary area northeast of Cape Henry.

**Gustave B. Schill,**  
**Jr. - M/V ALI**  
**EKINCI**

The particulars of the vessel are: LOA 190.12 m (623 ft.); moulded breadth 27.60 m (91 ft.); moulded depth 15.80 m (52 ft.); summer dead weight 37415 tons; gross registered tonnage 23436; distance from bridge to bow 157.90 m (518 ft.); distance from bridge to stern 32.20 m (106

ft.). The local weather conditions were as follows: the visibility was unlimited; the wind speed was 8-10 knots from the west; the air temperature was in the low 50's.

After boarding the vessel, a ship's mate escorted Captain Schill to the bridge and introduced him to the master, Captain Suha Artun. Captain Schill gave the master a master-pilot exchange card and asked him for his ship's pilot card and particulars. As a part of the master-pilot exchange, the captain reported his draft was 11.4 meters (37 ft 5 in) on an even keel; his present air draft was 34.2 m (112 ft); the vessel did not have a bow thruster; the vessel had a right-handed fixed propeller; and that the vessel had no deficiencies. Captain Schill advised the captain that the current was ebbing at Cape Henry and that the current would change during the transit to a flood current. Maximum flood current was predicted to occur at the mouth of the Southern Branch at approximately 0230 on the morning of the 21st. Captain Schill advised him of the scheduled outbound merchant traffic that the vessel could expect to meet during the transit, of the docking orders, and of the estimated time of arrival to the tugboats. Captain Schill showed the master the charted position of the berth and the location where the vessel would pick up the tugs and docking master. The captain presented Captain Schill with a copy of the pilot card and ship particulars, which Captain Schill reviewed. The captain advised Captain Schill of the course the vessel was steering and RPM's ordered. Captain Schill set up the portable piloting DGPS unit and ran the "Wheelhouse" and "Capn Voyager" navigation software.

Once the master-pilot exchange was complete, Captain Schill assumed the conn and altered course to align the vessel for approach to Thimble Shoal Channel, buoys 1 and 2. Captain Schill ordered the engine full ahead, which brought the vessel up to a speed of 11 knots. Captain Schill put the ship's radios on VHF channels 11, 13 and 16. Present on the bridge were a quartermaster, the chief mate and a lookout, in addition to the captain and Captain Schill. As Captain Schill began to conn the vessel, he observed the ship's gyrocompass had approximately 4 degrees of westerly error. Captain Schill reported this to the mate on watch who then told the master. The transit continued without incident. As the vessel entered the Elizabeth River Captain Schill ordered the engine to half ahead to slow its headway to approximately 8 knots. Captain Schill continued to slow the vessel as it progressed further into the harbor. As it approached Hospital Point, Captain Schill stopped the engine to slow the vessel to bare steerage.

At 0135 docking master Jeff Davidson embarked the vessel from a Moran Towing tug. The vessel's speed over the ground was approximately 4.5

knots at this time and the engine was dead slow ahead. When Captain Davidson arrived on the bridge Captain Schill advised him of the vessel's heading, deep draft, air draft, speed over the ground, engine RPMs ordered and of the westerly gyro error. Captain Davidson assumed the conn of the vessel at this time and continued so until the vessel was made fast alongside the terminal. Captain Schill observed Captain Davidson ordering the assist tugs to approach the vessel for escorting. The tug DRUM POINT, a 3000 hp Mortrac combination tug, was made fast on the starboard bow with a line. Her sister vessel, the TOWN POINT, was instructed to follow closely astern.

During the transit down the Southern Branch Captain Schill observed Captain Davidson ordering various rudder and engine commands for the vessel and for both of the assist tugs. Before the M/V ALI EKINCI passed under the Norfolk and Portsmouth Beltline Railroad and Jordan Bridges, Captain Davidson instructed the forward tug to back its engine, thus helping to reduce the M/V ALI EKINCI's headway. After passing under both bridges safely, Captain Schill observed Captain Davidson positioning the aft tug on the port quarter of the vessel to aid in checking the vessel's swing as he would soon be backing the engine on the ship. The forward tug was instructed to position itself to push on the starboard bow for the same purpose. Captain Davidson ordered astern bells on the ship's engine and the vessel's speed over ground reduced. Both tugs were instructed to push at various speeds. At this point, the vessel's headway continued slowing to approximately 1.5 knots. However, the bow began to fall off rapidly to starboard. Captain Davidson stopped the engine, ordered hard left, and kicked the engine ahead to check the swing to starboard. The vessel responded slowly. His next order was to stop engine, midship, then astern again to check the headway just gained. The vessel was approaching the slip and swinging to starboard slowly. It became apparent that the starboard bow was encountering the effects of the river bank. Captain Davidson continued working the tugs and ship's engine to negate this effect. The flood current overpowered these actions and pushed the stern of the vessel toward the opposite bank of the river to the East. At approximately 0240, it was apparent the vessel's headway had stopped and the vessel had insufficient underkeel clearance. Captain Davidson ordered that another assist tug be dispatched to help push the vessel off the bank. At 0255 the vessel began making headway again and the vessel continued on to the berth without further incident. The third assist tug arrived at 0307, however was not needed. The first line was put ashore at the terminal at 0330.

The captain reported that his tank soundings indicated that all was in order and no damage was noted at that time. Between 0240 and the time

Captain Schill disembarked the vessel, Captain Schill had several telephone conversations with the USCG MSO command duty officer, Ensign Craig, discussing the details of the incident. Captain Schill disembarked the vessel at 0350.

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

The Board reviewed a letter from Captain Gustave B. Schill, Jr., dated December 5, 2003, regarding an incident involving the M/V EVER RESULT.

**Gustave B. Schill,**  
**Jr. - M/V EVER**  
**RESULT**

At 2230, November 27, 2003, Captain Schill was ordered to Cape Henry to pilot the inbound container M/V EVER RESULT, due to arrive at 0200. The vessel was bound for Norfolk International Terminals (NIT) container berth 4, docking starboard side alongside the berth, with McAllister Towing scheduled to provide tugs and a docking master. The vessel arrived early at the capes, and at 0045, Captain Schill boarded the vessel seaward of the "CH" buoy in the precautionary area northeast of Cape Henry.

The particulars of the vessel are: LOA 294.13 m (965 ft.); moulded breadth 32.22 m (106 ft.); moulded depth 21.25 m (70 ft.); summer deadweight 58912 tons; gross registered tonnage 53103; distance from bridge to bow 678 ft.; distance from bridge to stern 278 ft. The local weather conditions were as follows: the visibility was zero at the pilot station; the wind speed was 8-10 knots from the southeast; the air temperature was in the low 50's.

After boarding the vessel, a ship's mate escorted Captain Schill to the bridge and introduced him to the master. Captain Schill gave him a master-pilot exchange card and asked him for his ship's pilot card and particulars. As a part of the master-pilot exchange, the captain reported that his draft was 9.75 m (32 ft) forward and 10.30 m (33 ft 10 inches) aft; the vessel had a 1900 hp bow thruster; the vessel had a right-handed fixed propeller; and that the vessel had no deficiencies. Captain Schill advised the captain that the current was in the last stage of flood and would soon change to ebb. Captain Schill advised him of the scheduled outbound merchant traffic that the vessel could expect to meet during the transit, of the docking orders, and of the estimated time of arrival to the tugboats. Captain Schill showed the master the charted position of the berth and



explained that the docking master would be turning the ship around in the channel and would back the vessel into the terminal. The captain presented Captain Schill with a copy of the pilot card and ship particulars, which Captain Schill reviewed. The captain advised Captain Schill of the course the vessel was steering and indicated the engine was turning half ahead and making 11 knots speed over ground. Captain Schill set up the portable piloting DGPS unit and ran the "Wheelhouse" and "Capn Voyager" navigation software.

Once the master-pilot exchange was complete, Captain Schill assumed the conn and instructed the master to post a lookout forward on the bow and to start sounding the signal for a power driven vessel underway in restricted visibility. Captain Schill altered course to align the vessel for its approach to Thimble Shoal Channel, buoys 1 and 2. Captain Schill put the ship's radios on VHF channels 11, 13 and 16. Present on the bridge were a quartermaster and the mate on watch in addition to the captain and Captain Schill. When the vessel was approximately one mile west of the CH buoy, the vessel exited the fog bank and visibility increased to approximately 8 miles. Captain Schill instructed the mate on watch to stop sounding the fog signal and then ordered the engine full ahead which increased the ship's speed over ground to 16 knots.

As the vessel approached Thimble Shoal lighthouse, Captain Schill observed the visibility ahead was diminishing and radioed another pilot further up the channel on another inbound vessel, who confirmed that there was another fog bank just outside of Old Point Comfort. Captain Schill ordered the engine to half ahead to reduce speed and instructed the mate on watch to start sounding the fog signal again, and to have the lookout report any observations back to the bridge. Against the ebb current, the vessel was making approximately 10 knots over the ground. Captain Schill continued to slow the vessel as the vessel entered Hampton Roads and made its way down Norfolk Harbor Reach.

At 0236, docking master Roger Roberts embarked the vessel from the tug MARY L. MCALLISTER. The M/V EVER RESULT's speed over ground was approximately 4 knots at this time and the engine was dead slow ahead. The visibility was approximately 0.10 nm (600 feet). When Captain Roberts arrived on the bridge Captain Schill advised him of the heading, deep draft, speed over ground, engine RPMs ordered, and of the availability of the bow thruster and its rated horsepower. When the vessel was in Norfolk Harbor Reach Captain Roberts assumed the conn of the vessel and continued so until the vessel was made fast alongside the terminal. Captain Roberts asked that Captain Schill assist him by reporting to him the vessel's heading, course, and speed over ground from the ship's

radar and Captain Schill's DGPS unit during his docking maneuver. Captain Roberts also asked that Captain Schill help him by controlling the bow thruster, to steady the vessel on the headings he ordered, as he worked the ship's engine and rudder and instructed his tugs. Captain Roberts discussed with Captain Schill his intentions for the maneuver. The docking maneuver required that the vessel's heading swing to starboard from 184 degrees true to 305 degrees true as the ship made sternway, then change to starboard from approximately 305 degrees true to 352 degrees true. Once on this approximate heading, Captain Roberts planned to make sternway towards the berth and have the tugs push the ship alongside.

At this time Captain Schill asked the captain to have his crew on the bow and stern of the vessel keep a look out for the various aids to navigation in the approach channel to NIT and to report the sightings and distances back to the bridge. Captain Schill also requested they keep him advised of distances to the corner of NIT pier 1 and to the face of the container berths. Captain Roberts ordered the tug MARY L. MCALLISTER, a 4000 hp single screw kort nozzle tug, make fast on the ship's port quarter and the EMILY ANNE MCALLISTER, a 5000 hp twin screw "z drive" tug, make fast on the starboard quarter.

During the docking evolution, Captain Schill stood at the radar display station which was slightly left of centerline and monitored the ship's radars and his DGPS unit. Before the vessel began backing into the terminal, Captain Schill acquired all four of the unlighted buoys and daybeacons with the ship's ARPA so that they would stand out on the radar display. Captain Schill also used the variable range marker to measure distance to the bow and to the stern and set up the electronic bearing line to give a reference to the course the vessel should make good as the vessel proceeded astern. Captain Roberts shifted his position from one bridge wing to the other and ordered various rudder and engine commands for the vessel and for both of the assist tugs. The bridge of the M/V EVER RESULT is fully enclosed and has a doorway on each wing which opens aft onto a platform behind the house near the smokestack. Visibility from this spot facilitates a less obstructed line of sight aft. This is the position from which Captain Roberts conned the vessel.

As the docking maneuver progressed, Captain Schill moved from the radar station to the bridge wings to report his observations to Captain Roberts. The vessel was turned around and made sternway appropriately. As the vessel approached the point where the next turn was to be executed, Captain Schill observed the port quarter falling off prematurely to port, heading toward the bank and unlighted daybeacon number 6. Because of the changing heading, the radar plots of daybeacons 6 and 8 were lost in

the blind sector created by the smoke stack. Captain Schill went onto the bridge wing and advised Captain Roberts of this, and he immediately ordered the tug on the port quarter to push head-on, and the tug on the starboard quarter to back at varying speeds and angles. At this point, the vessel was making approximately 1.5 to 2 knots of sternway. Captain Schill went back to the radar and continued observing the maneuver, reporting back to Captain Roberts numerous times. Captain Schill noted that the heading and vector of the ship had changed appropriately. As Captain Schill went to the wing to report this to Captain Roberts, he expressed concern about his angle of approach toward the dock. Captain Roberts immediately ordered the rudder put hard to starboard and the engine gradually increased from dead slow ahead, through each step, up to full ahead to stop the sternway and swing the stern to port, away from the container berth. Shortly thereafter Captain Roberts stopped the engine. The vessel ceased making sternway then developed slight headway.

These actions caused the tug on the port quarter to lose its head-on position, fall around to land parallel to the heading, and swing under the tuck of the ship's port quarter. It was at this time during the docking when the tug MARY L. MCALLISTER may have clipped daybeacon 6. As Captain Schill heard a crunching noise, Captain Schill came to the port wing, and saw the tug in irons and unable to work ahead. Captain Schill then went to the starboard wing to report what Captain Schill saw of the tug and of the speed and heading to Captain Roberts. He ordered the MARY L. MCALLISTER to take in her line and stand by on the bow to push. The EMILY ANNE MCALLISTER was also ordered to take in her line and make fast again using the center lead aft and to tow us indirectly towards the berth. These actions, in conjunction with the ship's thruster, brought the ship around the bend and the vessel continued with sternway toward the berth. Once again the tugs were repositioned to push the vessel head-on to the berth. The captain of the MARY L. MCALLISTER reported to Captain Roberts that there was some cosmetic damage to the tug's starboard handrail and aft control station, but none to the ship.

As the vessel was mooring, Captain Schill did not see a radar return from daybeacon 6. Captain Schill informed Captain Roberts of this and he sent the EMILY ANNE MCALLISTER to search for it. The tug was unable to see it visually or on radar. Captain Schill believed the daybeacon had snapped from its support and was afloat and adrift.

Captain Roberts called his office and had their dispatcher call the U.S. Coast Guard and report that he believed the tug had clipped the day marker as he was docking the vessel. Captain Schill disembarked the vessel at 0350.

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

Ms. Coates informed the Board members that Carter Gunn, Esquire, counsel to John B. Beasley in the matter of **File Number 2004-01886** and Frank M. Rabena in the matter of **File Number 2004-01885**, and Captains Beasley and Rabena were present outside of the meeting room to answer any questions the Board may have.

Appointments

In reference to **File Number 2004-01886, John B. Beasley, Jr.**, The Board members reviewed the Consent Order as seen and agreed to by Mr. Beasley. Captain Callis moved to accept the Consent Order whereby Captain Beasley admits to the violation of 18 VAC 45-20-40.1 of the Board's regulations and agrees to the following terms:

File Number 2004-01886, John B. Beasley, Jr.

1. Captain Beasley agrees to complete ASAP as ordered by the court and report his successful completion to the Board.
2. Captain Beasley agrees to be evaluated by a healthcare professional for alcohol abuse to determine whether he is a threat to the public and can perform his duties as a Branch Pilot safely and properly, and provide a copy of such evaluation with his renewal application that is due by December 8, 2003.
3. Captain Beasley admits that he failed to follow the procedures required by 18 VAC 45-20-50.B.3 regarding his prescription and is admonished to comply with this regulation in the future.
4. Captain Beasley agrees to pay Board costs in the assessed amount of \$300.00.

Captain Callis further moved to authorize the President of the Board, Mr. Hasler, to sign the Consent Order on behalf of the Board. Judge Massenburg seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cofer, Edmunds, Hasler, Massenburg, McCrory, and Spratley. As the presiding Board members at the Informal Fact-Finding Conference, Mr. Cherry and Mr. Stone were not present during the discussion or vote.

Regarding **File Number 2004-01885, Captain Frank M. Rabena**, the Board members reviewed the Consent Order as seen and agreed to by Captain Rabena. Mr. Spratley moved to accept the Consent Order

File Number 2004-01885, Captain Frank M. Rabena

whereby Captain Rabena admits to the violation of 18 VAC 45-20-40.5 of the Board's regulations and agrees to the following terms:

1. Captain Rabena agrees to draw from memory the portions of the chart which include Lamberts Bend and Sewells Point in the Port of Hampton Roads at his examination for upgrade in licensure from Foxtrot to Golf.
2. Captain Rabena agrees to the extension of his apprenticeship for a period of 30 days, which is suspended contingent upon his not having been found at fault for any marine incident by the Board during the remainder of his licensure as a Limited Branch Pilot.
3. Captain Rabena agrees to pay Board costs in the assessed amount of \$300.00.

Mr. Spratley further moved to authorize the President of the Board, Mr. Hasler, to sign the Consent Order on behalf of the Board. Judge Massenburg seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cofer, Edmunds, Hasler, Massenburg, Spratley, and Stone. As the presiding Board members at the Informal Fact-Finding Conference, Mr. Cherry and Captain McCrory were not present during the discussion or vote.

Captain Robert L. Prodan, II, appeared on behalf of Captain E. Waightstill Avery as representative of the Virginia Pilot Association's Apprenticeship Committee. Captain Prodan indicated that changes to the program are being recommended, and provided a handout pertaining to the changes. Judge Massenburg moved to approve the changes to the apprenticeship program. Mr. Cherry seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Hasler, Massenburg, McCrory, Spratley, and Stone.

**Review of Virginia  
Pilot Association  
Apprenticeship  
Program**

Judge Massenburg moved to adopt the program as amended and authorize the Virginia Pilot Association to continue to administer the program for the 2004 calendar year. Mr. Cherry seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Hasler, Massenburg, McCrory, Spratley, and Stone.

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 2004 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, Leighton E. Causey, Jr.; 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; Mark S. Evans; Tazewell Fitzgerald; Nelson Turner Gray; Nathaniel T. Green, II; Elias L. Guy; 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 G. Phillips, Jr.; Robert L. Prodan, II; Roy A. Rector, Jr.; Robert W. Scott, Jr.; Gilbert R. Swink, III; James South Trimble; David B. Ware; and Jonathan D. Worth.

The members of the Examinations Administrator 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, Massenburg, McCrory, Spratley, and Stone. Captains Cofer, Edmunds, and McCrory abstained from voting on their respective licenses.

The following limited branch pilot licenses were also presented for renewal: Michael S. Eubanks; Chadwick M. Jamison; Herbert R. Green; Frank M. Rabena; and Gustave B. Schill.

The members of the Examinations Administrator 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, 2003. Mr. Cherry seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Hasler, Massenburg, McCrory, Spratley, and Stone.

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 pursuant to Regulation 18 VAC 45-20-20.C.4: Robert H. Callis, III, and John A. Morgan, Jr. No ship has transitted the York River above Pages Rock in over four years. Mr. Cherry seconded the motion which was unanimously approved by Messrs. and Captains: Cherry, Cofer, Edmunds, Hasler, Massenburg, McCrory, Spratley, and Stone. Captain Callis abstained from the vote as he was one of the pilots affected by the motion.

Captain McCrory also moved to waive the requirements of regulation 18 VAC 45-20-20.C.3 for transit on the eastern branches of the Elizabeth River and Potomac River from York Spit Channel, Chesapeake Bay, to Alexandria for Captain Thomas D. Rutter, pursuant to regulation 18 VAC 45-20-20.C.4. Mr. Cherry seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Hasler, Massenburg, McCrory, Spratley, and Stone.

Captain McCrory moved to waive the requirements of regulation 18 VAC 45-20-20.C.3 for transit from Cape Henry on the Chesapeake Bay to Alexandria for Captain Luther J. Stallings, III, pursuant to Regulation 18 VAC 45-20-20.C.4. Captain Stallings has transited the waters from Alexandria to Washington, DC. Captain Cofer stated that not many ships transit these waters. Captain Stallings was scheduled for a recency trip on September 18, 2003; however, Hurricane Isabel prevented the trip. Captain Cofer seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Hasler, Massenburg, McCrory, Spratley, and Stone.

The Board directed Ms. Coates as counsel to draft a letter regarding the Board's application of regulations 18 VAC 45-20-20.C.3 and 18 VAC 45-20-20.C.4 for consideration at the next Board meeting. While the Board has the discretion to waive the requirements of regulation 18 VAC 45-20-20.C.3, the Board scrutinizes every request and is not required to grant such waivers.

Mr. Courtney stated that there was a conflict with the December 14, 2004, meeting dated and asked if the Board could consider rescheduling that meeting. The Board agreed by consensus to move the meeting date to December 13, 2004.

**Rescheduling of  
December 2004  
Meeting**

Mr. Courtney asked for electronic deposit forms for reimbursements from the Board members who had not yet submitted them.

**Other Business**

Conflict of Interest forms were completed by all members present.

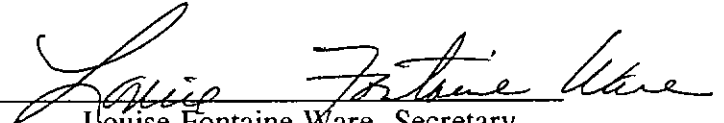
**Conflict of Interest  
Forms**

There being no further business, the meeting was adjourned at 10:53 a.m.

**Adjourn**

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Robert T. Hasler, Jr., President

  
Louise Fontaine Ware, Secretary

COPY TESTE:

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Custodian of Records