

**BOARD FOR BRANCH PILOTS MEETING**

**MINUTES**

The Virginia Board for Branch Pilots met on Monday, November 3, 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  
Robert T. Hasler, Jr.  
Judge Edgar A. Massenburg  
Captain W. Hugh McCrory, Jr.

Board members Captain Milton B. Edmunds, P. Warren Spratley, Jr., and Meade G. Stone, Jr. 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

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 10:05 a.m.

Call to Order

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

Approval of  
Agenda

Mr. Cherry moved to approve the minutes from the August 1, 2003, Board meeting as written. Captain McCrory seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Hasler, Massenburg, and McCrory.

Approval of  
Minutes

Judge Massenburg presented the following resolution in memory of former Board member Captain Douglas C. Broad to Mrs. Mary Dame Broad:

Presentation of  
Resolution in  
Member of  
Captain Douglas  
C. Broad

RESOLUTION IN MEMORY OF

**Captain Douglas C. Broad**

WHEREAS, **Douglas C. Broad** faithfully and diligently served as a member of the Virginia Board for Branch Pilots from 1967 to 1991; and

WHEREAS, **Douglas C. Broad** devoted generously of his time, talent and leadership to the Board; and

WHEREAS, **Douglas C. Broad** endeavored at all times to render decisions with fairness and good judgment in the best interest of the citizens of the Commonwealth and this profession; and

WHEREAS, the Virginia Board for Branch Pilots is grateful for **Douglas C. Broad's** dedication and service to the Board and to the citizens of the Commonwealth; and

WHEREAS, the Virginia Board for Branch Pilots mourns the death of **Douglas C. Broad**, which occurred on March 31, 2003;

NOW THEREFORE BE IT RESOLVED, this fifth day of May, 2003, that the Virginia Board for Branch Pilots expresses utmost regard and respect for **Douglas C. Broad** and his professional legacy; and, so that all may know of the Board's depth of sorrow and its expression of sympathy, it is ordered this resolution be spread upon the official minutes of the Board and that a copy hereof be presented to the family of **Douglas C. Broad**.

Captain William Counselman, Captain Richard Counselman, Jr., (retired Board member), Captain George Watkins (retired Board member), and Mrs. Susan Broad Cofer were in attendance to witness the presentation.

Captain McCrory moved to adopt the following resolution for service to Mr. Richard B. Zorn, former Board counsel:

RESOLUTION IN HONOR OF

**Richard B. Zorn, Esquire**

WHEREAS, **Richard B. Zorn**, faithfully and diligently served as legal counsel to the Virginia Board for Branch Pilots from 1982 to 2003; and

WHEREAS, **Richard B. Zorn** devoted generously of his time, considerable talent and counsel to the Board; and

Adoption of  
Resolution for  
Richard B. Zorn,  
Esquire

WHEREAS **Richard B. Zorn** endeavored at all times to render decisions with good judgment in the best interest of the citizens of the Commonwealth; and

WHEREAS, **Richard B. Zorn** provided outstanding support and counsel to the Board and its members in the continuing development of its regulations; and

WHEREAS, the Virginia Board for Branch Pilots is grateful for **Richard B. Zorn's** dedication and service to the Board and to the citizens of the Commonwealth;

NOW THEREFORE BE IT RESOLVED, this 3<sup>rd</sup> day of November 2003, that the Virginia Board for Branch Pilots expresses utmost regard and respect for **Richard B. Zorn** and his professional legacy to this Board; and, so that all may know of the Board's depth of its expression, it is ordered this resolution be spread upon the official minutes of the Board and that a copy thereof be presented to **Richard B. Zorn**.

Captain Callis seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Hasler, Massenburg, and McCrory. As Mr. Zorn could not be present at this meeting to accept the resolution, the Board members requested that Board staff invite Mr. Zorn to the December 15, 2003, Board meeting.

Captain Callis provided the Board with a report of the examinations conducted by the Examination Administrators on the morning of November 3, 2003. The following report was made:

**Examination**  
**Administrators**  
**Report**

**Gustave B. Schill**

Captain Schill answered several oral questions related to the raise in grade. The subjects included, anchoring positions in Lynnhaven and Sewell's Point, safe vessel speed, anchoring techniques with deep loaded vessels and delayed sailings with timed arrivals. Captain Schill stood a good examination and was found to be qualified. Captain Callis moved that Captain Schill be raised from the Golf classification (625 ship units and 38 feet maximum draft or 450 ship units and 42 feet maximum draft) to the Hotel classification (725 ship units and 41 feet maximum draft or 550 ship units and 45 feet maximum draft). Mr. Cherry seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Hasler, Massenburg, and McCrory.

Michael S. Eubanks

Captain Eubanks answered several questions related to the raise in grade. The subjects included anchoring positions in Lynnhaven, Newport News, and Sewell's Point, small boat traffic, effects of high winds while docking in Little Creek, master/pilot exchange and pilot responsibilities. Captain Eubanks stood a good examination and was found to be qualified. Captain Callis moved that Captain Eubanks be raised from the Alpha classification (200 ship units and a maximum draft of 23 feet or 125 ship units and a maximum draft of 25 feet) to the Bravo classification (300 ship unit and a maximum draft of 25 feet or 225 ship units and a maximum draft of 27 feet. Mr. Cherry seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Hasler, Massenburg, and McCrory.

The Board members reviewed a letter from Captain John B. Beasley regarding an incident that occurred in July 2003, which resulted in him pleading guilty to driving under the influence in Virginia Beach Traffic Court in September 2003. Mr. Beasley was present at the Board meeting and apologized to the Board for his actions. After discussion, Mr. Cherry moved that an Informal Fact-Finding Conference be held to further review this matter. Captain Cofer seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Hasler, Massenburg, and McCrory. Mr. Hasler appointed Mr. Cherry and Mr. Stone to preside at the Informal Fact-Finding Conference.

Review  
Correspondence  
from Captain John  
B. Beasley

The Board reviewed a letter, along with diagrams, from Captain David B. Ware, dated August 23, 2003, regarding an incident involving the M/V INDEPENDENT ACTION.

David B. Ware -  
M/V  
INDEPENDENT  
ACTION

On Tuesday, August 19, 2003, at 0830, Captain Ware was ordered to pilot the container vessel M/V INDEPENDENT ACTION from Newport News to Richmond Deepwater Terminal on the James River.

The vessel's length was 548.3 feet, its beam was 82.8 feet, its moulded depth was 32.3 feet, and its dead weight tonnage was 20,140 tons. The vessel's draft was 18 feet, 6 inches forward and 20 feet, 10 inches aft.

Captain Ware boarded the vessel at 0815 while it was underway in Newport News Channel. Captain Ware relieved Captain Eubanks who had piloted the vessel inbound that morning from Cape Henry. Captain Eubanks informed Captain Ware of the vessel's draft, air draft and

maneuvering characteristics, and of the fact that the bow thruster was not in working order. Captain Ware presented the Captain of the vessel a signed copy of the Master-Pilot information exchange card and then assumed the conn of the vessel. The weather was clear with very little wind. The vessel handled with no apparent abnormality.

At 1445 the vessel passed lighted red buoy 126 approximately 10-15 feet from its starboard side. The telegraph order to the engine was slow ahead and the vessel's speed was 6.5 knots. At this time the current stage was .7 knots of ebb and the height of tide was .5 feet; it was 42 minutes before low water.

Captain Ware kept the vessel on the same heading approaching lighted red buoy 128 (128) and began turning slowly to port to leave 128 as close as possible to the vessel's starboard side. The purpose of passing closely to 128 was to facilitate the vessel's turn to port into Turkey Island Cutoff using bank cushion and suction from the shoal area on the vessel's starboard side.

After passing 128, Captain Ware gave the rudder command "port twenty degrees" and the vessel began to turn to port into the cutoff at a normal rate. Captain Ware's next command to the rudder was "midships" because the vessel was turning at an acceptable rate and Captain Ware did not want it to begin turning faster to port. The vessel then stopped turning, at which point Captain Ware gave the command "rudder hard to port" and "full ahead" for the engine in an effort to use all of the vessel's rudder and engine power to continue the vessel's turn to port. The vessel continued on a straight heading. Once it became apparent that it would not turn into the cutoff and would go aground on the right side of the channel, the Captain of the vessel ordered the engine stopped and then full astern.

The vessel's starboard bow grounded in soft bottom material bringing the vessel to a gradual stop. The forward tanks were immediately inspected for damage and none was found. There was no damage to the vessel and no oil or other pollutant was being spilled into the river. There were no injuries reported onboard. At this point, Captain Ware called the Coast Guard Marine Safety Office in Hampton Roads and informed the duty officer of the grounding.

At approximately 1830 the rising tide and the flood current floated the vessel free and turned it to an outbound heading. Captain Ware piloted the vessel outbound and dropped the anchor between buoys 128 and 126. The anchor was dropped in order to stop and inspect the forward tanks for

damage from when the vessel had floated free and to pump out the additional ballast water that had been added to the after tanks.

At approximately 2030 the anchor was heaved and Captain Ware piloted the vessel outbound to a safe anchorage area in Seven Mile Reach which is 12 miles downriver from the Benjamin Harrison Bridge. Captain Ware anchored the vessel for the night because of the requirement that restricts vessels over 255 feet in length from transiting the river between Hopewell and Richmond to daylight hours.

At 0500 on August 20, the anchor was heaved and Captain Ware piloted the vessel inbound, passing through Turkey Island Cutoff and the remainder of the James River without incident.

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, Hasler, Massenburg, and McCrory.

The Board reviewed a letter, along with diagrams, from Captain Frank Rabena, dated August 29, 2003, regarding an incident involving the USNS SATURN.

Frank Rabena -  
USNS SATURN

On Monday, August 25, 2003, at 1300 hours, Captain Rabena was ordered to sail the USNS SATURN, a Navy supply ship, from Norfolk Naval Shipyard, Portsmouth, to Cape Henry. The particulars of the USNS SATURN are: length overall - 524 feet; moulded breadth - 72 feet; moulded depth - 26 feet; and deadweight tonnage - 6840 tons. The forward draft was 22 feet; the after draft was 26 feet, 8 inches.

The wind was from the southwest at 10 to 12 knots. The current was one hour past maximum ebb, with a velocity of 1.2 knots. The set of the current was towards the green side of the channel.

At approximately 1430 hours, Captain Rabena was outbound in Norfolk Harbor Reach approaching green buoy 11. Captain Rabena was favoring the green side of the channel to allow sufficient room for the safe passage of two inbound ships: the MATHILDE MAERSK and the CASTILLO DE BUTRON. The USNS SATURN was steadied on 004 degrees true and making speed of 7 knots. As the USNS SATURN was about to meet the second inbound ship, CASTILLO DE BUTRON, Captain Rabena noticed that the USNS SATURN was being set down towards green buoy 11, so he ordered hard to port. The distance between the bow of the ship

and the buoy increased. Captain Rabena then ordered the rudder hard to starboard and the engine to full ahead so as to increase the distance between the stern of the ship and the buoy. The starboard quarter lightly contacted the base of the buoy once, and then the rest of the ship passed clear. Neither the ship nor the buoy sustained any damage. Captain Rabena reported the incident to the U.S. Coast Guard.

After reviewing the letter from Captain Rabena, Mr. Cherry moved to refer the matter to an Informal Fact-Finding Conference so that additional information regarding the incident could be obtained. Captain McCrory seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Hasler, Massenburg, and McCrory. Mr. Hasler appointed Mr. Cherry and Captain McCrory to preside at the Informal Fact-Finding Conference.

Captain Callis moved to adopt the following meeting and examination dates for 2004:

**Set 2004 Meeting Dates**

Monday, February 2 – Examination Administrators  
Tuesday, February 3 – Board Meeting  
Monday, May 3 – Examination Administrators  
Monday, May 3 – Board Meeting  
Monday August 2 – Examination Administrators  
Tuesday, August 3 – Board Meeting  
Monday, November 1 – Examination Administrators  
Monday, November 1 – Board Meeting  
Tuesday and Wednesday, December 7 and 8 – Renewals  
Tuesday, December 14 – Board Meeting

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

The Board members were provided with the draft proposed Public Participation Guidelines regulations for consideration. After making one amendment, Captain McCrory moved to adopt as proposed the amended Public Participation Guidelines. Judge Massenburg seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Hasler, Massenburg, and McCrory.

**Adoption of Proposed Public Participation Guidelines**

The Board members were provided with an enrollment form to allow travel reimbursements to be directly deposited into the Board member's bank account. Mr. Courtney explained that the Department is greatly encouraging participation in this program as direct deposit is less

**Other Business**

expensive than issuing a check, and the recipient receives reimbursement much faster through direct deposit. The Board members stated that they would return the completed enrollment forms to Mr. Courtney.

Conflict of Interest forms were completed by all members present.

Conflict of Interest  
Forms

There being no further business, the meeting was adjourned at 11:00 a.m.

Adjourn



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Robert T. Hasler, Jr., President

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Louise Fontaine Ware, Secretary

COPY TESTE:

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Custodian of Records