

BOARD FOR BRANCH PILOTS

Tentative MEETING AGENDA

March 13, 2023 at 10:30 p.m.

VPA Board Room

Norfolk, Virginia

1. Call to Order
2. Safety Evacuation Instructions
3. Approval of Agenda
4. Approval of Minutes
 - December 12, 2022 Board Meeting
5. Public Comment Period*
6. Portable Pilot Units (PPU) Presentation (Captain Young)
7. M/V Ever Forward Grounding - Maryland
 - United States Coast Guard (USCG) Report
 - Findings of Concern (FOC) issued by USCG concerning non operational use of cell phones on ships
 - Maryland Board of Pilots newly issued Cell Phone Policy
 - Virginia Draft Cell Phone Policy
8. Response from Captain Lyons – MV MOL MAESTRO
9. Exam Administrator's Report
10. Regulatory Review Update
11. General Assembly Update
12. Financial Statements
13. Election of President and Vice President
14. Other Business
15. Conflict of Interest Forms / Travel Vouchers
16. Adjourn

*Five minute public comment, per person, with the exception of any open disciplinary or application files. See page two for instructions on providing public comment.

***The meeting is open to the public; however, a portion of the Board's business may be discussed in closed session pursuant to Va. Code § 2.2-3711(A)(8).*

NEXT BOARD MEETING SCHEDULED FOR JUNE 12, 2023 AT 10:30 A.M.

Agenda materials made available to the public do not include written advice of legal counsel or other information protected by the attorney-client privilege pursuant to Va. Code § 2.2-3705.1(2).

➤ **Call to Order**

➤ **Safety Evacuation Instructions**

DRAFT AGENDA

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DRAFT AGENDA

**BOARD FOR BRANCH PILOTS MEETING
MINUTES**

The Virginia Board for Branch Pilots met on Monday, December 12, 2022, at the Virginia Port Authority, 600 World Trade Center, Norfolk, Virginia, with the following members present:

Aaron Anseeuw
Captain E. Waightstill Avery
I. Vincent Behm, Jr
Captain Robert H. Callis, III
Captain J.W. Whiting Chisman, III
Michael W. Coleman
Captain January N. Collins
Christine N. Piersall

Patrick B. McDermott was not present for the meeting.

Staff present for all or part of the meeting were:

Demetrios Melis, Director
Kishore Thota, Chief Deputy Director
Tom Payne, Deputy Director
Steve Kirschner, LRPD Deputy Director
Kathleen R. Nosbisch, Executive Director
Bonnie Davis, Regulatory Operation Administrator

Elizabeth Peay was present from the Office of the Attorney General.

Member of the Audience included:

Mark Coberly, Manager, Maritime Law Department, Representative from Vandeventer Black.

Finding a quorum of the Board present, Ms. Piersall, President, called the **Call to Order** meeting to order at 2:00 p.m.

Ms. Nosbisch advised the Board of the emergency evacuation procedures.

Safety
Evacuation
Instructions

Ms. Nosbisch introduced Steve Kirschner as the Deputy Director of the Licensing and Regulatory Programs Division. Ms. Nosbisch informed the Board that Bonnie Davis has transitioned from the Boxing, Mixed Martial Arts and Professional Wrestling Advisory Board Operations Administrator to the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects Regulatory Operations Administrator and Breanne Henshaw has been promoted from Administrative Coordinator to Licensing Operations Administrator so the

Welcome and
Introduction

Board is in the process of hiring a new Administrative Coordinator. She also welcomed audience member Mark Coberly and stated that Mr. McDermott extends regrets.

Captain Avery moved to approve the agenda as presented. Mr. Behm seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Anseeuw, Avery, Behm, Callis, Chisman, Coleman, Collins, and Piersall.

**Approval of
Agenda**

Captain Callis moved to approve the minutes from the September 15, 2022 Board meeting as amended. Mr. Anseeuw seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Anseeuw, Avery, Behm, Callis, Chisman, Coleman, Collins, and Piersall.

**Approval of
Minutes**

A discussion took place regarding the summarization of the minutes. Mr. Coleman inquired why the minutes were summarized and did not include specific board member statements. Ms. Nosbisch indicated that discussions were summarized in minutes. Mr. Kirschner stated that § 2.2-3707. (Effective until September 1, 2022) Meetings to be public; notice of meetings; recordings; minutes. States in part: Minutes shall be in writing and shall include (a) the date, time, and location of the meeting; (b) the members of the public body recorded as present and absent; and (c) a summary of the discussion on matters proposed, deliberated or decided, and a record of any votes taken. Mr. Melis stated that upon the request of a board member, specific information will be recorded in the minutes.

There were no public comments.

**Public Comment
Period**

Captain Roy A. Rector, Jr. and Captain Nathaniel Green, II retired in 2022. Captain Chisman congratulated Captain Rector and Captain Green on their career accomplishments and wished them a happy retirement.

**Branch Pilot
Retirements**

Captain Avery stated that the members of the Board for Branch Pilots License Renewal Committee have reviewed the renewal applications for the 2023 calendar year and present the following report:

**Consideration of
Renewal of
Licenses
December 5 & 6,
2022**

E. Waightstill Avery; Christopher H. Behm; Charles I. Boggs, Jr.; Robert H. Callis, III; Julian Wythe Whiting Chisman, III; January N. Collins; William G. Diggs; Ernest W. Dodson, Jr.; Michael S. Eubanks; Mark S. Evans; Tazewell Fitzgerald; N. Turner Gray, Jr.; Herbert R. Green, III; Adam L. Halstead; Kevin D. Hartz; David H. Heath; C. Howard Hoffman; Richard Keith Hope; Charles A. Huffman; Chadwick M. Jamison; Jacob R. Johnson; Richard A. Lyons; Joseph R. McKnew; Dale Allen Meyer, Jr.; Ryan R. Nienstedt; Timothy D. Oksman; Frank M. Rabena, Jr.; Torrence A. Rogers; William G. Saunders, Jr.; Joseph M. Schacherer, III; G. Benjamin Schill, Jr.; Benjamin L. Speckhart; James South Trimble; David B. Ware; Gregory R. Willson; Jonathan D. Worth; and Clarence M. Young.

The members of the Board for Branch Pilots License Renewal Committee reviewed the renewal application paperwork and deemed the individuals qualified pursuant to § 54.1-906 of the *Code of Virginia*. Captain Avery moved to approve the renewal applications of the above-listed unlimited licensees. Mr. Coleman seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Anseeuw, Avery, Behm, Callis, Chisman, Coleman, Collins, and Piersall. Captains Avery, Callis, Chisman, and Collins abstained from voting on their respective licenses. Mr. Behm abstained from voting on Christopher H. Behm's license. Ms. Piersall abstained from voting on Charles A. Huffman's license.

Captain Avery moved to waive the requirements of subsection C.3 of regulation 18VAC45-20-20, pursuant to subsection C.4 of regulation 18VAC45-20-20, from Hopewell to Richmond upon the James River for the following branch pilot: David B. Ware. Mr. Behm seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Anseeuw, Avery, Behm, Callis, Chisman, Coleman, Collins, and Piersall.

The following limited branch pilot license was also presented for renewal: Zachary Stewart Dodson.

The members of the Examination Administrators Committee reviewed the renewal application paperwork and deemed the individual qualified pursuant to § 54.1-906 of the *Code of Virginia*. Captain Avery moved to approve the renewal application of the above-listed limited licensee at the respective limitations as of December 31, 2022. Captain Callis seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Anseeuw, Avery, Behm, Chisman, Callis, Coleman, Collins, and Piersall.

Board members reviewed the VPA Apprenticeship Training Program. Captain Chisman stated there were no recommended changes from the Apprenticeship Committee.

**Review of VPA
Apprenticeship
Training
Program**

Captain Chisman stated that as the Apprentice Committee, they are responsible for stewardship of the Virginia Board for Branch Pilots Apprenticeship Program. Each year they evaluate the duties, curriculum, and professional schooling apprentices will experience during their six years, to evaluate if all existing elements continue to work towards the objective of "providing the Commonwealth of Virginia with the most highly skilled, most experienced pilots available."

Captain Chisman moved to renew the apprenticeship program for 2023. Mr. Behm seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Anseeuw, Avery, Behm, Callis, Chisman, Coleman, Collins, and Piersall.

Ms. Peay 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 of the Code of Virginia

Ms. Nobsch provided information on proposed fee increases for sufficient revenue. She explained upon Board consideration and approval, a Notice of Intended Regulatory Action (NOIRA) would be filed to begin the process which would take 18-24 months. She presented the proposal for consideration.

Fee Adjustment

Discussion was held on the proposal. Captain Chisman moved to accept the fee proposal. Mr. Behm seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Anseeuw, Avery, Behm, Callis, Chisman, Coleman, Collins, and Piersall.

Ms. Piersall stated the Branch Pilot Notification Letters/Complaints Decision Tree and Notes were for informational purposes only. Mr. Behm inquired about the difference between a Close/No Further Action and a No Violation. Mr. Payne stated that a Close/No Further Action is after an inquiry and the pilot is anonymous; with a No Violation designation the pilot has been named and an investigation has occurred.

Notification Letter/Complaint Process

The Board reviewed a letter from Captain Lyons, regarding an incident on November 27, 2022, involving the M/V MOL MAESTRO.

Review of Notification Letter – Captain Lyons – M/V MOL MAESTRO

On Sunday, November 27th, 2022, Captain Lyons was ordered at 15:00 to sail the MV MOL MAESTRO (IMO #9415727) from Norfolk International Terminals South Berth 1 (NIT SB1) in Norfolk, Virginia to Sea at 17:00. He arrived onboard the ship at approximately 16:30. The ship's draft was 37 feet and 1 inch. The ship was moored starboard side to the dock at the southernmost berth, South Berth 1 (SB1). There was a container ship moored north of the MOL MAESTRO in South Berth 2 (SB2). Container crane #6 was positioned in the vicinity of the MOL MAESTRO's starboard bow.

The weather conditions were fair. The wind speed fluctuated from 20 to 25 knots from a south- southwest direction. Visibility was clear for 10 miles. The tidal current was ebbing at approximately 0.5 knots at Craney Island Reach.

Once onboard the MOL MAESTRO he met with the ship's master and conducted a master/pilot exchange of information. At that time the Master advised that all ship's machinery was operating properly. The docking master came aboard and also spoke with the master, conducting his master/docking master information exchange. He then took the conn, and prior to commencing the undocking, ordered the tug BETH M. MCALLISTER to make fast aft through the center lead, and the tug STEVEN MCALLISTER to

push midship without a line. The Docking Master directed the undocking maneuver from the starboard bridge wing.

The MOL MAESTRO undocked from NIT SB1 at 16:56 (encl 1), and at that time Captain Lyons made a security call for vessel traffic on the ship's VHF radio via channel 13. As he waited for any response inside the ship's bridge, at approximately 16:57 (encl 2), the STEVEN MCALLISTER shifted from midship to the port bow, and the BETH M. MCALLISTER began to back against the line on the ship's stern. He could not hear the orders for the ship's bow thruster. At approximately 16:58 (encl 3), the Docking Master ordered the ship Dead Slow Astern as the stern moved away from the berth.

A mate was positioned on the bow as lookout because the height of the containers on deck obstructed the view from the bridge. Shortly after the stern came off the dock, the mate forward reported the bow was too close to the shore crane. At that time, Captain Lyons proceeded to the starboard bridge wing. The Docking Master ordered the ship's engine half astern and ordered the STEVEN MCALLISTER to make its line fast through the center lead forward. A few moments later the mate forward reported that the starboard bow had contacted Crane #6. At approximately 16:59 (encl 4), the Docking Master ordered the ship's engine stopped and ordered the tug BETH M. MCALLISTER to push on the port quarter. The Docking Master then ordered the ship's engine Dead Slow Ahead. Once the ship was stopped and the STEVEN MCALLISTER made fast, MOL MAESTRO was maneuvered away from the berth with no further incident and proceeded to sea.

After Captain Lyons departed from the MOL MAESTRO, he immediately proceeded to ARC point Labs in Virginia Beach, Virginia to submit a Virginia State drug and alcohol test at approximately 20:30. On Monday, November 28th the Port of Virginia administration reported to the Vice President of the Virginia Pilot Association that no evidence of contact was found, and he relayed this to Captain Lyons. On November 29th, the Port of Virginia administration reported that, after further investigation, evidence of contact was found.

The File Review Committee made a recommendation that the letter be filed and that the Board take no action, as there appears to be no violation of the Board's regulations or statutes.

After review and discussion, Captain Callis moved that staff request more detailed information on the strength of the bow thruster and identity of the docking master. Captain Collins seconded the motion which was approved by Messrs., Mme. and Captains: Anseeuw, Avery, Behm, Callis, Chisman, Collins, and Piersall. Mr. Coleman abstained from voting. The item will be placed on the March 13, 2023 meeting agenda.

Captain Chisman announced that Captain Chadwick Jamison received a Certificate of Merit from the United States Coast Guard on Thursday, November 10, 2022 at the Virginia Pilot Association office. The certificate was read into the minutes by Captain Chisman:

Certificate of Merit from the USC awarded to Captain Chadwick Jamison

Certificate of Merit

IN RECOGNITION

of notable services that have assisted greatly in furthering the aims and functions of the Coast Guard this certificate is awarded to Captain Chadwick Jamison.

Certificate of Merit to Captain Chadwick Jamison

The Commandant of the United States Coast Guard takes great pleasure in presenting the United States Coast Guard Certificate of Merit to Captain Chadwick Jamison for his significant efforts upholding the safety of life at sea and maritime security in the Port of Virginia on June 7, 2022. As the Virginia Pilot on board the SPAR LYRA, Captain Jamison displayed impeccable judgement and composure in the midst of a chaotic and ambiguous situation. While on its outbound transit in the Norfolk Harbor Reach, the SPAR LYRA suddenly experienced a total loss of power, propulsion, and steering control. To compound matters, SPAR LYRA was in the vicinity of Naval Station Norfolk and rapidly approaching the scene of the SPIRIT OF NORFOLK as it commenced initial firefighting actions and the mass rescue of 106 passengers onboard. Recognizing SPAR LYRA's risk to the SPIRIT OF NORFOLK in a perilous position, he made an urgent broadcast which alerted response vessels in time to avert a collision. Captain Jamison's time-critical actions and professional seamanship provided vessels on SPAR LYRA's course sufficient time to maneuver the SPIRIT OF NORFOLK and divert towing vessels to intercept the SPAR LYRA. His poised communications were vital to on-the-water coordination that ultimately arrested SPAR LYRA's movement and avoided a potentially catastrophic incident. Captain Jamison's dedication, judgment, and unwavering commitment to the safety of life at sea are most heartily commended and are in keeping with the highest traditions of the United States Coast Guard.

Ms. Nosbisch stated the financial statements were provided for informational purposes.

Financial Statements

Mr. Behm suggested that the election of officers be moved to March, not June. The vote will be in March with an effective date of June 1st.

Other Business

Ms. Nosbisch thanked Mr. Coleman for inviting the board and staff to the Virginia Maritime Association (VMA) meeting today. She congratulated Mr. Coleman, Captain Callis and Mr. Coberly on their appointments at the VMA.

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

Conflict of Interest Forms and Travel Vouchers

The meeting adjourned at 2:54 p.m.

Adjourn

Christine Piersall, President

Demetrios Melis, Secretary

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- **Public Comment Period**
- **Portable Pilot Units (PPU) Presentation**

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- **Exam Administrator's Report**
- **Regulatory Review Update**
- **General Assembly Update**

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**Department of Professional and Occupational Regulation
Statement of Financial Activity
Board for Branch Pilots
954190**

2022-2024 Biennium

January 2023

	January 2023 Activity	Biennium-to-Date Comparison	
		July 2020 - January 2021	July 2022 - January 2023
Cash/Revenue Balance Brought Forward			2,258
Revenues	720	2,640	2,040
Cumulative Revenues			4,298
Cost Categories:			
Board Expenditures	72	1,757	1,339
Board Administration	7	86	90
Administration of Exams	0	0	0
Enforcement	0	0	0
Legal Services	2	3	2
Information Systems	7	57	46
Facilities and Support Services	4	35	28
Agency Administration	4	39	60
Other / Transfers	0	0	0
Total Expenses	96	1,978	1,566
Transfer To/(From) Cash Reserves	0	0	(84)
Ending Cash/Revenue Balance			2,816

Cash Reserve Beginning Balance	17,540	0	17,623
Change in Cash Reserve	0	0	(84)
Ending Cash Reserve Balance	17,540	0	17,540

Number of Regulants	
Current Month	34
Previous Biennium-to-Date	41

Department of Professional and Occupational Regulation
 Supporting Statement of Year-to-Date Activity
 Board for Branch Pilots - 954190
 Fiscal Year 2023

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Fiscal YTD Charges	Planned Annual Charges	Current Balance	Projected Variance Favorable (Unfavorable)			
																Projected Charges at 6/30	Amount	%	
Board Expenditures	49	0	352	320	1	546	72	0	0	0	0	0	1,339	4,670	3,331	2,287	2,382	51.0%	
Board Administration	19	13	13	7	12	21	7	0	0	0	0	0	90	197	107	141	56	28.5%	
Administration of Exams	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Enforcement	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	0	25.3%	
Legal Services	0	0	0	0	0	0	2	0	0	0	0	0	2	4	2	3	1	14.3%	
Information Systems	5	8	6	5	7	7	7	0	0	0	0	0	46	105	59	77	28	26.4%	
Facilities / Support Svcs	2	3	4	2	3	12	4	0	0	0	0	0	28	70	42	48	23	32.1%	
Agency Administration	9	7	13	7	9	12	4	0	0	0	0	0	60	117	57	97	20	16.9%	
Other / Transfers	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Total Charges	84	30	388	340	31	597	96	0	0	0	0	0	1,566	5,164	3,598	2,654	2,510	48.6%	

- **Election of President and Vice President**
- **Other Business**
- **Conflict of Interest Forms/
Travel Vouchers**
- **Adjourn**

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