

**BOARD FOR BRANCH PILOTS MEETING
MINUTES**

The Virginia Board for Branch Pilots met on June 12, 2023, at the Virginia Port Authority, 600 World Trade Center, Norfolk, Virginia, with the following members present:

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
Patrick B. McDermott
Christine N. Piersall

Board member, Aaron Anseeuw, was not present for the meeting with regrets.

Staff present for all, or part of the meeting were:

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

Elizabeth Peay was not present from the Office of the Attorney General with regrets.

Member of the Audience included:

Jemmalyn Hewlett, Board Member of the Board for Professional and Occupational Regulation (BPOR) and Mark Coberly, Manager, Maritime Law Department, Representative from Woods Rogers Vandeventer Black PLC

Finding a quorum of the Board present, Mr. Coleman, President, called the meeting to order at 10:30 a.m.

Call to Order

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

Safety
Evacuation
Instructions

Mr. Coleman introduced Mr. Coberly and Ms. Nosbisch introduced BPOR liaison board member, Ms. Hewlett.

Introductions

Captain Chisman moved to approve the agenda. Mr. McDermott seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Coleman, Collins, McDermott, and Piersall. **Approval of Agenda**

Captain Callis moved to approve the minutes from the March 13, 2023 Board meeting. Mr. Behm seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Coleman, Collins, McDermott and Piersall. **Approval of Minutes**

Mr. McDermott moved to approve the minutes from the April 3, 2023 Cell Phone Usage Committee meeting. Mr. Behm seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Coleman, Collins, McDermott and Piersall.

Captain Avery moved to approve the minutes from the April 3, 2023 and May 22, 2023 Regulatory Review Committee meetings. Captain Chisman seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Coleman, Collins, McDermott and Piersall.

There was no public comment.

Public Comment Period

Mr. Coleman presented the resolution. Board members considered the following resolution in honor of Board President, Ms. Christine N. Piersall. **Resolution: Christine Piersall**

Christine N. Piersall

WHEREAS, Christine N. Piersall, did faithfully and diligently serve as President of the Virginia Board for Branch Pilots from December 2018 through May 2023; and

WHEREAS, Christine N. Piersall did devote generously of her time, talent and leadership to the Board as President; and

WHEREAS, Christine N. Piersall 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 as President; 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 twelfth day of June 2023, that the Virginia Board for Branch Pilots expresses its utmost regard and respect for Christine N. Piersall and her professional legacy as President 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 Christine N. Piersall.

The Board adopted the resolution by consensus. Mr. Coleman thanked Ms. Piersall for her service, for being a resource to him, and for remaining on the Board.

Ms. Piersall expressed her gratitude and stated it has been an honor serving the Board.

Ms. Nosbisch stated it has been a pleasure working with Ms. Piersall as President of the Board.

Mr. Coleman expressed his thanks to the Board for their confidence in electing him. He further expressed his full commitment to the Board and the position of President. He explained that the Board has a significant responsibility to the Port, all of its many stakeholders, and the entire Commonwealth. He commented on the Board's responsibility and power under Section 54.1-902 of the Virginia Code, and the gravity that it entails. He thanked DPOR staff for their ongoing support of the Board.

Board members reviewed a letter from Captain Evans regarding an incident on May 7, 2023 involving the MV MARINE WISDOM.

Notification
Letter – Captain
Evans – MV
MARINE
WISDOM

Captain Evans was ordered to sail the MV MARINE WISDOM (IMO #9606766) at 07:00 from Norfolk Southern Coal Pier 6 in Norfolk, Virginia, to sea. The ship's draft was 42 feet and 6 inches.

The weather conditions were fair. The wind speed fluctuated from 10 to 15 knots from a north-northwest direction. Visibility was clear for 10 miles. The tidal current was flooding at approximately 0.5 knots at Craney Island Reach. Once onboard the MARINE WISDOM he conducted a Master/Pilot Exchange of information. The Master did not identify any problems with the ship's propulsion. With the assistance of Moran docking master, Al Dykes, the tug MARK MORAN and the tug MAXWELL MORAN, the MARINE WISDOM was undocked from Norfolk Southern Coal Pier 6 at 07:00 (encl 1). At approximately 07:35 (encl 2), the Moran docking master disembarked the vessel onto tug MARK MORAN. The MARINE WISDOM's engine was on half ahead and the ship's speed over the ground was approximately 6.4 knots. At approximately 07:38 (encl 3), Captain Evan noticed the ship's engine rpm dropped to zero. He immediately notified the Master and the Mate on watch and asked for them to determine what the problem was and instructed them to have the Mate forward standby to release the starboard anchor. At approximately 07:39 (encl 4), the MARINE WISDOM started to head into the wind towards the shallow water on the west side of Craney Island

Reach. Captain Evans ordered the rudder hard to starboard, called the Moran tugs for assistance, and as soon as the bow was clear of the cable area, he ordered the starboard anchor to be released in attempt to slow the ship's speed and prevent grounding. At approximately 07:45 (encl 5), the bow of the MARINE WISDOM ran aground, and the ship was stopped. No contact was made with Elizabeth River Buoy 18.

At approximately 07:48 (encl 6), the MARK MORAN put the Moran docking master back onboard and Captain Evans informed the US Coast Guard Command Center of the situation. He was advised by the Master that the main propulsion was again operational at approximately 08:15. After clearance by the US Coast Guard, with the assistance of the tugs MARK MORAN, MAX MORAN, CLAYTON MORAN and CONDOR, the MARINE WISDOM was refloated and proceeded to Sewell's Point F Anchorage. Captain Evan then departed the vessel. He was never advised what happened to cause the loss of the main engine while underway.

After Captain Evans departed from the MARINE WISDOM, he immediately proceeded to I&O Medical Office in Newport News, Virginia to submit a Virginia State drug and alcohol test at approximately 11:45 (encl 7 and 8). On March 9th, the USCG informed the Virginia Pilot Association that no damage to the MARINE WISDOM'S hull was found and that class surveyors have cleared the ship to depart. The MARINE WISDOM sailed at 08:00 on March 10th.

The File Review Committee recommended that the letter be filed, and the Board take no action, as there appears to be no violation of the Board's regulations or statutes. The Board moved to accept the recommendation and it was unanimously approved by Messrs., Mme., and Captains: Avery, Behm, Callis, Chisman, Coleman, Collins, McDermott, and Piersall.

Mr. McDermott stated the Committee met to discuss whether a cell phone usage policy should be established. He stated that pilots are sufficiently trained in Bridge Resource Management-Pilots and Legal Aspects of Pilotage courses that cell phones are tools and the danger of non-operational cell phone use on ships which results in distracted operations. He stated the Committee recommends to not adopt a cell phone usage policy.

Cell Phone
Usage
Committee
Update

Mr. McDermott moved to not adopt a cell phone usage policy. Mr. Behm seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Coleman, Collins, McDermott and Piersall.

The Board reviewed the proposed regulatory language of the Regulatory Review Committee presented by Captain Chisman.

**Regulatory
Review
Committee
Update**

Captain Avery moved to adopt the proposed regulatory language. Captain Collins seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Coleman, Collins, McDermott and Piersall.

Ms. Piersall moved to submit the Notice of Intended Regulatory Action (NOIRA). Captain Callis seconded the motion which was unanimously approved by Mssrs., Mme. And Captains: Avery, Behm, Callis, Chisman, Coleman, Collins, McDermott, and Piersall.

Captain Chisman discussed existing Branch Pilot statutes and potential changes to statutes for Board consideration.

Mr. Coberly provided information on branch pilot limited liability statutes. He stated that approximately 10 coastal states, which includes approximately 60% of pilots in the United States, have limited liability statutes..

The Board had a discussion on the process of DPOR submitting statutory changes to the General Assembly for the 2024 session. The Board determined not to pursue any changes to statutes.

The Board reviewed the email from the Department of Planning and Budget regarding the proposed language to add "marijuana" to regulations 18VAC45-20-40 and 18VAC45-20-50.

Mr. Coleman stated the need for an incident response plan in case of a major port incident. Director Melis stated that staff initiated an outline of a plan. Mr. Payne stated there are many facets to the plan, including suspension, investigations, communications, and other affected state agencies. This item will be placed on the agenda of the September 15, 2023 Board meeting agenda.

**Major Incident
Response Plan**

A discussion took place regarding § 54.1-205. Universal License Recognition and exemptions to the statute. This item will be placed on the agenda of the September 15, 2023 Board meeting agenda.

**Universal
License
Recognition**

Ms. Piersall left the meeting at 12:30 p.m.

**Departure of
Board Member**

Captain Chisman stated that branch pilots will be attending continuing education courses in 2024 at the Maritime Pilots Institute in Covington, LA for 3-1/2 days. Courses will include, Pilot Leadership, Safety, Pilot Electronics, Ship Simulator, Emergency Ship handling, and 400 Meter ULCV.

**2024 Branch
Pilot Continuing
Education**

Captain Chisman moved to approve the 2024 Continuing Education for branch pilots. Mr. Behm seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Coleman, Collins, and McDermott.

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

**Financial
Statements**

Captain Chisman stated Captain Dale Meyer surrendered his branch pilot license. He was a pilot for 28 years.

Other Business

Mr. Coleman presented the 2024 meetings dates. Mr. McDermott moved to adopt the following meeting and examination dates for 2024:

March 14, 2024	8:30 AM	BP Exam
March 14, 2024	10:30 AM	Board Meeting
June 13, 2024	8:30 AM	BP Exam
June 13, 2024	10:30 AM	Board Meeting
September 12, 2024	8:30 AM	BP Exam
September 12, 2024	10:30 AM	Board Meeting
December 9, 2024	9a-4p	BP Renewals
December 10, 2024	9a-4p	BP Renewals
December 12, 2024	10:30 AM	Board Meeting

Captain Chisman seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Avery, Callis, Chisman, Coleman, Collins, and McDermott.

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

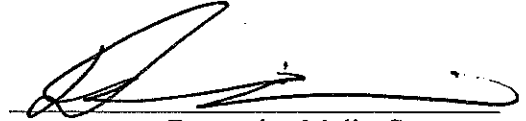
**Conflict of
Interest Forms
and Travel
Vouchers**

The meeting adjourned at 12:40 p.m.

Adjourn



Michael Coleman, President



Demetrios Melis, Secretary

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

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

- 1. Name: J.W. Whiting Chisman III
- 2. Title: Board Member
- 3. Agency: Board for Branch Pilots
- 4. Meeting/IFF Date: Board Meeting June 12, 2023

5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

I declare that 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.

or

I did not participate in the transaction.

6. I **do not** have a personal interest in any transactions taken at this meeting.

J.W. Whiting Chisman III
Signature

6-12-23
Date

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

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

- 1. Name: E. Waightstill Avery
- 2. Title: Board Member
- 3. Agency: Board for Branch Pilots
- 4. Meeting/IFF Date: Board Meeting June 12, 2023
- 5. I have a personal interest in the following transaction:

NO

Nature of Personal Interest Affected by Transaction:

N/A

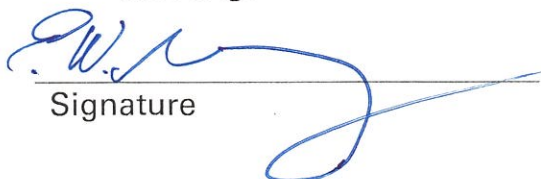
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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

or

I did not participate in the transaction.

- 6. I **do not** have a personal interest in any transactions taken at this meeting.


Signature

6/12/23
Date

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

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

- 1. Name: I.Vincent Behm, Jr.
- 2. Title: Board Member
- 3. Agency: Board for Branch Pilots
- 4. Meeting/IFF Date: Board Meeting June 12, 2023

5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

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

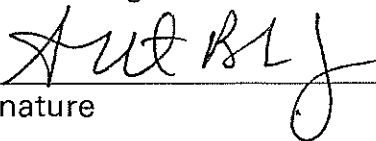
I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I **do not** have a personal interest in any transactions taken at this meeting.

Signature



Date

6-12-23

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

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Michael W. Coleman
2. Title: Board Member
3. Agency: Board for Branch Pilots
4. Meeting/IFF Date: Board Meeting June 12, 2023

5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

I declare that 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.

or

I did not participate in the transaction.

6. I **do not** have a personal interest in any transactions taken at this meeting.



Signature



Date

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

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

- 1. Name: Michael Coleman
- 2. Title: Board Member
- 3. Agency: Board for Branch Pilots
- 4. Meeting/IFF Date: Regulatory Review Meeting May 22, 2023

5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:


I declare that 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.

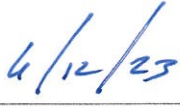
or

I did not participate in the transaction.

6. I **do not** have a personal interest in any transactions taken at this meeting.



Signature



Date

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

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Robert H. Callis, III
2. Title: Board Member
3. Agency: Board for Branch Pilots
4. Meeting/IFF Date: Board Meeting June 12, 2023
5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

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

_____ *Virginia Pilot Association* _____

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

or

I did not participate in the transaction.

6. I **do not** have a personal interest in any transactions taken at this meeting.

Robert H. Callis

Signature

6/12/2023

Date

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

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Patrick B. McDermott
2. Title: Board Member
3. Agency: Board for Branch Pilots
4. Meeting/IFF Date: Board Meeting June 12, 2023
5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

I declare that 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.

or

I did not participate in the transaction.

6. I **do not** have a personal interest in any transactions taken at this meeting.

Signature Patrick B. McDermott Date 6/12/2023

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

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Christine N. Piersall
2. Title: Board Member
3. Agency: Board for Branch Pilots
4. Meeting/IFF Date: Board Meeting June 12, 2023
5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

I declare that 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.

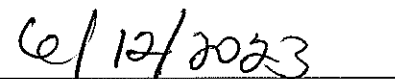
or

I did not participate in the transaction.

6. I **do not** have a personal interest in any transactions taken at this meeting.



Signature



Date

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

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: January Collins
2. Title: Board Member
3. Agency: Board for Branch Pilots
4. Meeting/IFF Date: Board Meeting June 12, 2023

5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

I declare that 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.

or

I did not participate in the transaction.

6. I **do not** have a personal interest in any transactions taken at this meeting.

J. N. Collins
Signature

6/12/2023
Date