

**BOARD FOR BRANCH PILOTS MEETING
MINUTES**

The Virginia Board for Branch Pilots met on Friday, December 15, 2017, at the Virginia Port Authority, 600 World Trade Center, Norfolk, Virginia, with the following members present:

E. Waightstill Avery
I. Vincent Behm, Jr.
Captain Robert H. Callis, III
Captain J.W. Whiting Chisman, III
Captain J. William Cofer
Thomas P. Host, III
Patrick B. McDermott
Christine N. Piersall
Meade G. Stone, Jr.

Staff present for the meeting was:

Kathleen R. Nosbisch, Executive Director
Bonnie Davis, Administrative Assistant

Agency staff present for all or part of the meeting:

Jay W. DeBoer, Director

Elizabeth Peay, Assistant Attorney General, was present from the office of the Attorney General.

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

Ms. Nosbisch introduced Vince Behm, new citizen Board member who is replacing Charles Amory; Captain E. Waightstill Avery, new pilot Board member who is replacing Captain John Morgan; and other Board members introduced themselves. She also introduced the audience: Brittany Utz and Lauren Axselle, both with Joint Legislative Audit and Review Commission (JLARC); Captain Rick Wester and Lieutenant Ryan Gomez, both with the United States Coast Guard; Justin Guthrie, Dave Sump, and Captain John Beasley, all representing Captain Beasley; and Mark Coberly, Partner of Vandeventer Black LLC, Manager of Maritime Law Department. **Welcome and Introductions**

Ms. Nosbisch advised the Board of the emergency evacuation procedures. **Safety Evacuation Instructions**

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

Ms. Piersall moved to approve the minutes from the September 15, 2017, Board meeting. Mr. McDermott seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Avery, Callis, Chisman, Cofer, Host, McDermott, Piersall and Stone. Mr. Behm abstained.

Approval of Minutes

There were no public comments.

Public Comment Period

Chair of the meeting was passed from Mr. Stone to Mr. McDermott.

Departure of Board Members

Mr. Stone, Captain Callis, and Captain Cofer departed the meeting room.

Regarding **File Number 2018-00287, Captain John Brockington Beasley, Jr.**, he and his counsel were present to address the Board. The Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the investigative file, transcript, exhibits, the Summary of the Informal Fact-Finding Conference, and the presiding officers' recommendation. Ms. Piersall moved to accept the Summary of the Informal Fact-Finding Conference as to the facts, which cites the following violation of the Board's regulations: 18VAC45-20-40.6 (Count 1). Mr. Host seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Avery, Behm, Chisman, Host, McDermott, and Piersall.

File Number 2018-00287, Captain John Brockington Beasley, Jr.

Ms. Nosbisch indicated that there have been prior disciplinary actions against Captain Beasley. On December 15, 2003, the Board ratified a Consent Order finding Captain Beasley in violation of Board regulation 18VAC45-20-50. B.3. Captain Beasley agreed to complete A.S.A.P. as ordered by the court and reported his successful completion to the Board. He also agreed to be evaluated by a healthcare professional for alcohol abuse to determine whether he was a threat to the public and could perform his duties as a Branch Pilot safely and properly. He provided copies of the evaluation which reflected to the satisfaction of the Board that he was not a threat to the public and could perform his duties as Branch Pilot safely and properly. He also agreed to pay Board costs of \$300.

For the violation contained in Count 1, the recommended sanction is a monetary penalty of \$2500.00 and revocation of license. Ms. Piersall moved to accept the sanction for Count 1. Mr. Host seconded the motion which was unanimously approved by Messrs., Mme. and Captains Avery, Behm, Chisman, Host, McDermott, and Piersall.

As the presiding officers, Mr. Stone and Captain Callis were not present for the discussion or vote. Captain Cofer recused himself from the discussion and vote.

Mr. Stone, Captain Callis, and Captain Cofer returned to the meeting room.

Return of Board

Member

Chair of the meeting was passed from Mr. McDermott to Mr. Stone.

Captain Callis provided the Board with a report of examinations conducted by the Exam Administrators on December 14, 2017. The following report was made:

**Exam
Administrators
Report**

Richard Austin Lyons

Richard Austin Lyons answered oral questions related to the raise in grade. The subjects included courses and distances from Cape Henry to Town Point, safe anchoring positions in Sewell's Point and Lynnhaven Anchorage, anchoring in strong winds, proper use of the auxiliary channel, docking and undocking situations without tugboat assistance, efficient use of bow and stern thrusters, under keel clearance, air draft limitation, real time tidal data usage, proper lookout, master/pilot exchange of information and safe vessel speed. Mr. Lyons stood a good examination and was found qualified. Captain Callis moved that Mr. Lyons be raised in grade from an Alpha License (21,000 gross tons and 27 feet maximum draft) to a Bravo License (33,000 gross tons and 30 feet maximum draft). Mr. Host seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Cofer, Host, McDermott, Piersall and Stone.

Ryan Robert Nienstedt

Ryan Robert Nienstedt answered oral questions related to the raise in grade. The subjects included courses and distances from Cape Henry to Town Point, safe anchoring positions in Sewell's Point and Lynnhaven Anchorage, anchoring in strong winds, proper use of the auxiliary channel, docking and undocking situations without tugboat assistance, efficient use of bow and stern thrusters, under keel clearance, air draft limitation, real time tidal data usage, proper lookout, master/pilot exchange of information and safe vessel speed. Mr. Nienstedt stood a good examination and was found qualified. Captain Callis moved that Mr. Nienstedt be raised in grade from an Alpha License (21,000 gross tons and 27 feet maximum draft) to a Bravo License (33,000 gross tons and 30 feet maximum draft). Ms. Piersall seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Cofer, Host, McDermott, Piersall and Stone.

Timothy Delaney Oksman

Timothy Delaney Oksman answered oral questions related to the raise in grade. The subjects included courses and distances from Cape Henry to Town Point, safe anchoring positions in Sewell's Point and Lynnhaven Anchorage, anchoring in strong winds, proper use of the auxiliary channel, docking and undocking situations without tugboat assistance, efficient use of bow and stern thrusters, under keel clearance, air draft limitation, real time tidal data usage, proper lookout, master/pilot exchange of information and safe vessel speed. Mr. Oksman stood a good examination and was found qualified. Captain Callis moved that Mr. Oksman be raised in grade from an Alpha

License (21,000 gross tons and 27 feet maximum draft) to a Bravo License (33,000 gross tons and 30 feet maximum draft). Mr. Host seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Cofer, Host, McDermott, Piersall and Stone.

Captain Callis reported that Captain Luther J. Stallings, III, will not be renewing at this time due to medical reasons. When ready to renew, he will submit the request for renewal, and the Board will determine the requirements for renewal.

**Consideration of
Renewal of
Licenses**

The Examination Administrators Committee met on December 11 and 12, 2017 and reviewed the renewal applications for the 2018 calendar year and the following branch pilot licenses are presented for renewal: Christopher H. Behm; Charles Boggs, Jr.; Robert H. Callis, III; January Collins; William G. Diggs; Ernest W. Dodson, Jr.; Robert H. Dozier, III; Milton B. Edmunds; Michael S. Eubanks; Mark S. Evans; Tazewell Fitzgerald; N. Turner Gray, Jr.; Herbert R. Green, III; Nathaniel T. Green, II; Adam Halstead; Kevin Hartz; David Heath; C. Howard Hoffman; Richard Keith Hope; Charles A. Huffman; Chadwick Jamison; Jacob Johnson; Joseph McKnew; Dale A. Meyer, Jr.; Frank Rabena; Roy A. Rector, Jr.; Torrence Rogers; Thomas D. Rutter; William G. Saunders, Jr.; Joseph Schacherer, III; Benjamin Schill, Jr.; Benjamin Speckhart; James S. Trimble; David Ware; Gregory R. Willson; Jonathan Worth; and Clarence Young.

The members of the Examination Administrators Committee reviewed the renewal application paperwork and deemed the individuals qualified pursuant to §54.1-906 of the Code of Virginia. Captain Chisman moved to approve the renewal applications of the above-listed unlimited licensees. Captain Avery seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Cofer, Host, McDermott, Piersall, and Stone. Captain Callis abstained from voting on his license. Mr. Behm abstained from voting on Captain Behm's license.

Virginia State Pilot, E. Waightstill Avery appeared before the Board with renewal application for 2018 that included request for waiver for the Potomac River – Buoy “R42” to Piney Point in accordance to requirements of subsection C.3 of Regulation 18VAC45-20-20, pursuant to subsection C.4 of Regulation 18VAC45-20-20.

Virginia State Pilot, J. William Cofer appeared before the Board with renewal application for 2018 that included request for waiver for the James River from the James River Bridge to Deepwater Terminal, and in accordance to requirement of subsection C.3 of Regulation 18VAC45-20-20 pursuant to subsection C.4 of Regulation 18VAC45-20-20.

Virginia State Pilot, J.W. Whiting Chisman appeared before the Board with renewal application for 2018 that included request for waiver for the James

River – City Point to Richmond in accordance to requirements of subsection C.3 of Regulation 18VAC45-20-20, pursuant to subsection C.4 of Regulation 18VAC45-20-20.

The members of the Examination Administrators Committee reviewed the renewal application paperwork which included requested waivers in reference to limited ship traffic upon portions of the Potomac River and the James River and deemed the individuals qualified pursuant to §54.1-906 of the Code of Virginia. Captain Callis moved to approve the renewal applications of the above-listed unlimited licensees. Ms. Piersall seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Cofer, Host, McDermott, Piersall, and Stone. Captains Avery, Chisman, and Cofer abstained from voting on their licenses.

Captain Callis reported that three pilots have retired: B. Keith Hudgins; Gilbert R. Swink, III; and John A. Morgan, Jr.

Captain Cofer informed the Board that there will be a short presentation on the new portable pilot system which is carried on the ships at the March 19, 2018 meeting.

**Continuing
Education
Update**

Board members reviewed the apprenticeship program manual provided by the Virginia Pilot Association's Apprenticeship Committee. Discussion was held on the changes to the program. Captain Chisman moved to approve the proposed changes to the 2018 Commonwealth of Virginia Ship Piloting Apprenticeship Training Program and add "Port Stakeholder Tour", eliminate "MAMA Class"; and add "and ULCV's" and delegate the operation and administration of the program to the Virginia Pilot Association for 2018. Mr. Host seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Cofer, Host, McDermott, Piersall, and Stone.

**Review of
Virginia Pilot
Association's
Apprenticeship
Training
Program**

Captain Chisman informed the Board that due to the dramatic decrease in the regular ship traffic on the Potomac River since 2002, the Virginia Pilot Association (VPA) is requesting a minimum requirement to obtain a license for the Potomac River. The VPA requested four round trips on a Virginia Pilot launch from Cape Henry to the end of the route, four round trips on vessels between Piney Point and the end of the route, and in lieu of trips on vessels between Cockpit Point and the end of the route if they do not become available, two days in a simulator under the supervision of a licensed Potomac River pilot to simulate the twenty-five miles between Cockpit Point and Alexandria which would include multiple simulations passing through the Woodrow Wilson Bridge. Captain Avery moved to approve the revised minimum requirement for the Potomac River. Ms. Piersall seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Cofer, Host, McDermott, Piersall, and Stone. Captain Chisman stated the revision will also be presented to the United

**Minimum
Requirements of
Potomac River**

States Coast Guard Sector Maryland-National Capital Region and the Association of Maryland Pilots. The Board requested that the VPA report the results of the presentation to the other organizations to the Board.

Ms. Peay, Board Counsel, stated, that pursuant to § 54.1-100 of the *Code of Virginia*, a review of the Board's regulations had been conducted and there were no conflicts in its 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**

On September 6, 2017, Captain M.B. Edmunds was ordered to the M/V "YM ESSENCE", a Chinese flagged container vessel moored at N.I.T. south Berth 4, starboard side alongside. "YM ESSENCE" is 260 m L.O.A. x 37.3 m beam. The draft was 9 m forward and 10.7 aft. She has a functional 2450 h.p. bowthruster.

**Review of
Notification
Letter**

He boarded the vessel at approximately 1745. Captain J.T. Kidwell (dockmaster) boarded shortly thereafter. The Master-Pilot exchange took place with pertinent information including pilot card information, bollard strength (SWL), traffic and current. Captain Kidwell conducted his master-docking pilot exchange, obtaining the same information. The Master turned over the conn to Captain Kidwell for the undocking maneuver. The weather that was observed prior to sailing was much the same as it had been for most of the day, which was SSW winds at 10 knots with rain showers, some which were heavy at times. The radar showed heavy rain to the West moving Northeast with no indication of heavy wind (bow echoes) noticed. At the time of undocking there were no weather alerts of strong winds or thunderstorms nearby. Captain Edmunds advised Captain Kidwell of an inbound vessel off N.O.B. which we would let pass before entering the channel. The tug "AJ McAllister" was made fast on the port quarter and they began dropping lines at 1800. (see chart "1"). Docking and undocking ships of this size and class with bow thrusters is customarily performed with one tug in these weather conditions. At 1805, with all lines clear, Captain Kidwell began using the thruster and the "AJ" to work the vessel off the dock.

At about 1810 (see chart "2"), they developed sternway and slowly moved the vessel astern and away from berth, but at about 1815 (see chart "3"), the wind increased from the West at about 35-50 knots. The bow thruster was unable to hold the bow into the wind and began to fall back toward the dock. With the bow falling toward the dock and possible contact with the shore cranes, (see chart "4") Captain Kidwell's only option was to back the vessel stronger. The tug "Lucky D" with the barge "Richmond Express" were moored in the middle berth astern of the "YM ESSENCE". Captain Kidwell continued backing to clear, but at about 1820 (see chart "5") with the ship's stern between Red "6" and "8", the sternway stopped when the stern apparently grounded, and the bow contacted the port side (quarter) of the barge. (see chart "6").

Captain Edmunds immediately notified the United States Coast Guard Command Center by mobile phone and reported the incident, and that the Captain of the ship declared that there was no damage to his vessel. He also provided his contact number. The tug “Kaye E. Moran” (see chart “7”) was hailed to assist and the ship was again underway at about 1840 (see chart “8”), by which time the wind had decreased to 15-20 NW. At this time he called the USCG Sector Hampton Roads on VHF channel 22A, who directed that the vessel proceed back to pierside. Captain Kidwell docked the vessel at container berth #1 without further incident.

The operator of the “A.J.McAllister” reported that the wind had gusted to 56 knots. Captain Edmunds later discovered that a National Weather Service MARINE BROADCAST (see attachment) predicting strong thunderstorms was issued at 1814 – after they had undocked and virtually simultaneously with when they experienced the weather event.

Captain Edmunds disembarked the vessel at about 2015 and proceeded to I & O Medical Center for state and federal drug and alcohol screening. Ms. Nosbisch reported that the Board received a copy of the test results which were negative.

After review and discussion, Ms. Piersall moved 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; the letter was informational in nature. Captain Avery seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Cofer, McDermott, Piersall, and Stone. Mr. Host was not present for the discussion or vote.

Mr. Stone read the following resolution:

RESOLUTION IN HONOR OF JOHN A. MORGAN, JR.

WHEREAS, John A. Morgan, Jr. did faithfully and diligently serve as a member of the Virginia Board for Branch Pilots from November 2008 to October 2017; and

WHEREAS, John A. Morgan, Jr. did devote generously of his time, talent and leadership to the Board; and

WHEREAS, John A. Morgan, Jr. did at all times render decisions with fairness and good judgment so as to promote and preserve the best interests of our citizens and the profession of piloting in Virginia; and

WHEREAS, the Virginia Board for Branch Pilots acknowledges its gratitude for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth;

**Retirement and
Resolution for
Captain John A.
Morgan, Jr.**

NOW THEREFORE BE IT RESOLVED, this fifteenth day of December 2017, that the Virginia Board for Branch Pilots expresses its utmost regard and respect for John A. Morgan, Jr. and his professional legacy to this Board; and, so that all may know of the Board's depth of its expression, it is ORDERED that this resolution be spread upon the official minutes of the Board and that a copy hereof be presented to John A. Morgan, Jr..

The Board approved the resolution by consensus. Ms. Nosbisch informed the Board that Captain Morgan sends his regrets that he could not attend in person to receive his resolution. Captain Cofer stated Captain Morgan was a dedicated pilot who attained all three river licenses.

Captain Cofer announced Captain Gilbert R. Swink, III retired. Captain Cofer stated that Captain Swink loved his career as a pilot and working with his fellow pilots.

**Retirement of
Captain Gilbert
R. Swink, III**

The Board reviewed the article on the biggest container ship that arrived to the Port of Virginia, the CMA CGM Theodore Roosevelt, in August. Captain Wester stated that working with the VPA has been a truly collaborative effort. He also stated that he was very impressed with the transparency, the team effort, and the pilot expertise working with the container vessels.

**Article from
Virginia Business
October 2017**

Financial statements were provided to the Board for informational purposes. The Board is in a good financial position, and there are no fee increases expected in the foreseeable future.

**Financial
Statements**

Ms. Nosbisch informed the Board that the Virginia Maritime Association's International Trade Symposium will be held May 9-11, 2018, in Norfolk. She stated that if you have an interest in attending the symposium please let her know.

Other Business

The 2018 meeting dates were provided again for the new Board members and were informationally only.

Board member rosters were provided for verification. Any changes should be submitted to staff.

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

**Conflict of
Interest Forms /
Travel Vouchers**

Ms. Nosbisch informed Board members that they will receive an email later this month from the Virginia Conflict of Interest and Ethics Advisory Council regarding their yearly statement of economic interests (SEI). Ms. Nosbisch stated that completion of the SEI form is a requirement for Board members and that the online form must be completed by all Board members between

**Statement of
Economic
Interest**

January 1, 2018 and February 1, 2018.

Mr. Behm, Ms. Peay, and Mr. DeBoer left the meeting at 12:00 p.m.

**Departure of
Board Members**

Board members participated in mandatory Conflict of Interest Act training.

COIA Training

There being no further business, the meeting was adjourned at 12:58 p.m.

Adjourn

Meade G. Stone, Jr., President

Jay W. DeBoer, Secretary

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