

**BOARD FOR BRANCH PILOTS MEETING  
MINUTES**

The Virginia Board for Branch Pilots met on Monday, March 19, 2018, at the Virginia Port Authority, 600 World Trade Center, Norfolk, Virginia, with the following members present:

E. Waightstill Avery  
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

Board President, Meade G. Stone, Jr., was not present for the meeting with regrets.

Board staff present for all or part of the meeting:

Kathleen R. Nosbisch, Executive Director

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.

Representatives from United States Coast Guard (USCG):

CDR Ken Kostecki  
CAPT Gregory Sanial  
CAPT Kevin Carroll  
LCDR Barbara Wilk  
LT Gary George  
Albert Grimes  
Chris Scraba

Representatives from Virginia Maritime Association (VMA):

David White, Vice President  
Laura Bird, Marketing Coordinator

Representative from Port of Virginia:

William A. Burket, Jr., Director, Maritime Incident Response Team

Representative from Vandeventer Black, LLP:

Mark Coberly, Manager, Maritime Law Department

Representative from Independent Docking Pilots, Inc. (IDP):

Kevin Eley

Finding a quorum of the Board present, Captain Cofer, Vice President, called the meeting to order at 12:01 p.m.

**Call to Order**

Mr. Burket advised the Board of the emergency evacuation procedure, and where first aid and emergency medical equipment could be located.

**Safety  
Evacuation  
Instructions**

Ms. Piersall moved to approve the agenda. Captain Callis seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Cofer, Host, McDermott, and Piersall.

**Approval of  
Agenda**

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

**Approval of  
Minutes**

There were no public comments.

**Public Comment  
Period**

On behalf of the United States Coast Guard, Captains Sanial and Carroll, bestowed the Distinguished Public Service Award to the Virginia Pilot Association in recognition of notable services that have greatly contributed to the advancement of the missions and goals of the Coast Guard:

**Coast Guard  
Address**

*The Commandant of the United States Coast Guard takes great pleasure in presenting the United States Coast Guard Distinguished Public Service Award to the Virginia Pilot Association in recognition of outstanding achievement in support of the safe navigation and resiliency of Virginia's Marine Transportation System from June 2014 to December 2017. The Association's exceptional proficiency and coordination fully prepared the Port of Virginia to safely receive the East Coast's very first 1200-foot long Ultra Large Container Vessel, followed by weekly arrivals. Through the precise calculations and simulator modeling, the Association closely analyzed the maneuvering characteristics of these extremely large vessels in the Port's narrow federal navigation channels. Based upon their extensive research, the Association championed the critical need for establishing one-way traffic along with environmental limitations for Ultra Large Container Vessel transmits. Together with the Coast Guard Sector Hampton Roads they conducted outreach and presentations to several major waterway users, including the U.S. Navy, to gain unanimous support for the proposed Ultra Large Container Vessel Business Rules. The Rules have since effectively mitigated initial port safety concerns, guided resolution of transit schedule conflicts, and have been adopted as a model by other major ports including New York/New Jersey. In addition, regular arrival of these vessels will help to justify needed federal funding for channel deepening and widening, which*

*will further improve safety and foster commerce. A trusted advisor to the Captain of the Port, the Association's invaluable insights have also fully informed any decision to restrict navigation in advance of hurricanes, tropical storms, and strong winter storms. A key member of the Maritime Transportation System Recovery Unit, they led coordination of vessel movements before and following every port closure, expediting full restoration of port maritime operations which generate more than \$242 million per day. A key asset to the Sector Command Center, the Association's 24x7 watch at the Cape Henry Pilot Tower has provided detailed Maritime Domain Awareness, and the Association's boats have assisted on several search and rescue cases. The Virginia Pilot Association's dedication, professionalism, and unwavering support for the maritime community is most heartily commended and is in keeping with the highest traditions of the United States Coast Guard.*

Captain Cofer said it was an honor to receive the award and accepted it on behalf of the Virginia Pilot Association.

Captain Callis provided the Board with a report of examinations conducted by the Exam Administrators on March 19, 2018. The following report was made:

**Exam**  
**Administrators**  
**Report**

Richard Austin Lyons answered oral questions related to the raise in grade and the completion of the limited branch license. The subjects included courses and distances from Cape Henry to Wolf Trap, safe anchoring positions in Sewell's Point, Lynnhaven and Cape Charles Anchorage, anchorage regulations in the Regulated Area, JHOC notification point, safe anchoring distance and under keel clearance, precautions in reduced visibility, local traffic and knowledge, limitations of bow thrusters and determining the need for tugboat assistance for docking/undocking and safe vessel speed.

Ryan Robert Nienstedt answered oral questions related to the raise in grade and the completion of the limited branch license. The subjects included courses and distances from Cape Henry to Wolf Trap, safe anchoring positions in Sewell's Point, Lynnhaven and Cape Charles Anchorage, anchorage regulations in the Regulated Area, JHOC notification point, safe anchoring distance and under keel clearance, precautions in reduced visibility, local traffic and knowledge, limitations of bow thrusters and determining the need for tugboat assistance for docking/undocking and safe vessel speed.

Timothy Delaney Oksman answered oral questions related to the raise in grade and the completion of the limited branch license. The subjects included courses and distances from Cape Henry to Wolf Trap, safe anchoring positions in Sewell's Point, Lynnhaven and Cape Charles Anchorage, anchorage regulations in the Regulated Area, JHOC notification point, safe anchoring distance and under keel clearance, precautions in reduced visibility, local traffic and knowledge, limitations of bow thrusters and determining the

need for tugboat assistance for docking/undocking and safe vessel speed.

Branch Pilot Michael S. Eubanks answered oral questions related to the extension of route. The subjects included courses and distances from Cape Henry to Wolf Trap, safe anchoring positions in Cape Charles Anchorage, anchorage regulations in the Regulated Area, JHOC notification point, local traffic and knowledge, draft limitations due to adverse weather and safe vessel speed.

Branch Pilot William G. Saunders, Jr. answered oral questions related to the extension of route. The subjects included courses and distances from Cape Henry to Wolf Trap, safe anchoring positions in Cape Charles Anchorage, anchorage regulations in the Regulated Area, JHOC notification point, local traffic and knowledge, draft limitations due to adverse weather and safe vessel speed.

After considering the results of the examination, Captain Callis moved that Richard Austin Lyons for a raise in grade from a Bravo License (33,000 gross tons and 30 feet maximum draft) to a Charlie License (38,000 gross tons and 33 feet maximum draft) and complete the limited branch license from Sea to Wolf Trap to include Cape Charles Anchorage. Ms. Piersall seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Cofer, Host, McDermott, and Piersall.

After considering the results of the examination, Captain Callis moved Ryan Robert Nienstedt for a raise in grade from a Bravo License (33,000 gross tons and 30 feet maximum draft) to a Charlie License (38,000 gross tons and 33 feet maximum draft) and complete the limited branch license from Sea to Wolf Trap to include Cape Charles Anchorage. Mr. Host seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Cofer, Host, McDermott, and Piersall.

After considering the results of the examination, Captain Callis moved Timothy Delaney Oksman for a raise in grade from a Bravo License (33,000 gross tons and 30 feet maximum draft) to a Charlie License (38,000 gross tons and 33 feet maximum draft) and complete the limited branch license from Sea to Wolf Trap to include Cape Charles Anchorage. Mr. McDermott seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Cofer, Host, McDermott, and Piersall.

Branch Pilot Michael S. Eubanks has applied to the United States Coast Guard for a First Class Pilot extension of route from Sea to Wolf Trap to include the Cape Charles anchorage. Captain Eubanks successfully completed the oral examination with the Board for Branch Pilots Examining committee. After considering the results of the examination, Captain Callis moved to approve, upon receiving his Coast Guard license, Branch Pilot Michael S. Eubanks for an extension of route from Sea to Wolf Trap to

include Cape Charles Anchorage. Ms. Piersall seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Cofer, Host, McDermott, and Piersall.

Branch Pilot William G. Saunders, Jr. has applied to the United States Coast Guard for a First Class Pilot extension of from Sea to Wolf Trap to include the Cape Charles anchorage. Captain Saunders successfully completed the oral examination with the Board for Branch Pilots Examining committee. After considering the results of the examination, Captain Callis moved to approve, upon receiving his Coast Guard license, Branch Pilot William G. Saunders, Jr. for an extension of route from Sea to Wolf Trap to include Cape Charles Anchorage. Mr. Host seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Cofer, Host, McDermott, and Piersall.

Ms. Nosbisch informed the Board that in reference to the case File Number 2018-00289 that was before the Board at the December 15, 2017 board meeting, several citizen board members asked that the Association comment on its response to the state and United States Coast Guard investigation into this incident; specifically, the request for discussion are the concerns over the response from the Association's tower personnel on the night of the incident. So although this case is closed, this item has been placed on the agenda for discussion and we will ask Captain Cofer to respond.

**Dispatch / Tower  
Response  
Procedures**

In response, Captain Cofer reviewed the timeline from the date of incident and the Virginia Pilot Association (VPA) actions and response. Captain Cofer gave a brief presentation of changes instituted by the VPA immediately following the incident which included an internal investigation and development of a new policy implemented to address if a ship Master requests a change of pilot and a memo was issued to all tower operators on August 21, 2017. The policy was also disseminated to all dispatch team members. VPA counsel, Mark Coberly, held a seminar for tower watch standers and Mr. Coberly provided the VPA's policy to counsel for the Maryland Pilots for their use. There was additional discussion and questions by the Board for Captain Cofer. At the conclusion, the Board thanked Captain Cofer for his presentation.

The Board reviewed a letter from Captain Robert H. Dozier, III, regarding an incident on February 18, 2018, involving the *M/V EVER LEGEND*.

**Review of  
Notification  
Letter**

On February 18, 2018 Captain Dozier was ordered to the *M/V EVER LEGEND*, from Cape Henry to VIG Terminals, Portsmouth, Virginia. The *M/V EVER LEGEND* is a container vessel with a length of 1098.7, beam 150.2 ft., gross tonnage 98830 tons, draft 36'8", 4000 hp bow thruster. The berthing order was port side to, stern at the 3160 foot mark.

Captain Dozier boarded the vessel at approximately 0300, the current

was ebbing and the wind was northwest at 10-15 knots, and the visibility was clear. The vessel had sailed from Baltimore and after a pilot-pilot exchange and a master-pilot exchange, Captain Dozier assumed the con. Lookouts were posted and the M/V EVER Legend proceeded to VIG Terminals. At 0518, Docking Pilot J. Davidson boarded and after Pilot-Pilot exchange, took the con. The vessel was on a course of 173° speed 6.5 knots. Captain Davidson positioned one tug on the starboard bow and another on the starboard quarter at approximately 0525 and proceeded to the berth.

Captain Davidson conned the vessel down Craney Island Reach. When approaching the entrance channel to VIT, he moved to the starboard side to better view the red buoys. As the high cube stowage made it impossible to see the approach buoys from the centerline. He and the Captain then shifted the conning position to the port side. Captain Dozier remained close to the centerline to monitor rudder and engine commands. As the Captain was utilizing a similar PPU on the port wing, Captain Dozier disconnected his unit and stowed it as the approach seemed normal. Captain Davidson maneuvered closer to green buoy "3" to facilitate his next turn. A few minutes later 0550 Captain Dozier overheard Captain Davidson asking the Master if the Mate aft could see buoy "3". Captain Davidson stopped the engine and maneuvered the tugs to maintain control. After it was determined that buoy "3" was under the rudder, Captain Davidson maneuvered the tugs to try and free buoy "3". Captain Davidson proceeded to berth the vessel using the tugs and thruster and not the main engine to avoid further damage to the ship or buoy "3". First line at 0636, FEW 0706. Captain Davidson informed the United States Coast Guard. Substance screenings were performed as required.

Ms. Nosbisch informed the Board she had received a copy of Captain Dozier's substance screenings and the results were negative. After review and discussion, Mr. McDermott 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. Ms. Piersall seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Cofer, Host, McDermott, and Piersall.

Financial statements were provided for informational purposes. Ms. Nosbisch stated she confers with the Director of Financial Services annually, and there are no anticipated fee increases in the foreseeable future for licensed Branch Pilots.

**Financial  
Statements**

Ms. Nosbisch announced the Virginia Maritime Association 14<sup>th</sup> Annual International Trade Symposium is scheduled for May 9-11 at the Norfolk Waterside Marriott in Norfolk.

**Virginia  
Maritime  
Association  
Symposium**



Captain Cofer reminded the Board that Captain Luther Stallings was unable to renew his branch pilot's license in December due to medical reasons. Captain Stallings notified President Stone by letter dated March 14, 2018, that he was declared fit for duty and passed his United States Coast Guard medical evaluation and was declared able to participate in maritime duties. Since pilots are required to pilot six ships the first half of the year and a minimum of six ships the second half of the year, and Captain Stallings had been unable to work since June, 2017, the Board discussed how many ships he would need to pilot with another pilot in order to perform his duties. Discussion ensued that Captain Stallings should pilot nine ships with another pilot; four of those trips being at night and he would then be granted his license. Captain Avery moved to approve that Captain Stallings should pilot nine ships with another pilot; four of those trips being at night. Mr. Behm seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Cofer, Host, McDermott, and Piersall.

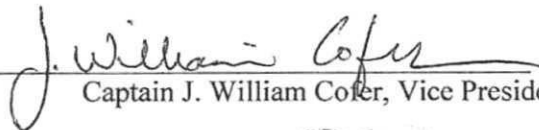
**Other Business**

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

**Conflict of Interest Forms**

There being no further business, the meeting was adjourned at 1:09 p.m.

**Adjourn**

  
Captain J. William Cofer, Vice President

  
Jay W. DeBoer, Secretary

**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 March 19, 2018
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:

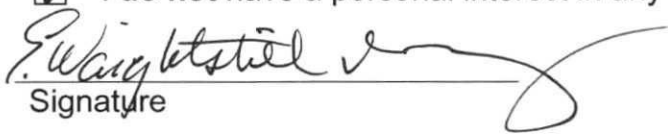
\_\_\_\_\_

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

3/17/2018  
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 March 19, 2018
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 Assn.

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

3/19/18  
Date

**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 March 19, 2018

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

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\_\_\_\_\_

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

3-19-18  
\_\_\_\_\_  
Date

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

TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government

- 1. Name: J. William Cofer
- 2. Title: Board Member
- 3. Agency: Board for Branch Pilots
- 4. Meeting/IFF Date: Board Meeting March 19, 2018

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

3-19-18  
\_\_\_\_\_  
Date

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

TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government

- 1. Name: Thomas P. Host III
- 2. Title: Board Member
- 3. Agency: Board for Branch Pilots
- 4. Meeting/IFF Date: Board Meeting March 19, 2018
- 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:

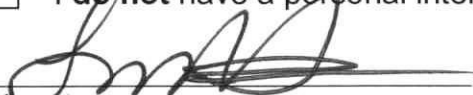
\_\_\_\_\_

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

3-19-18  
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 March 19, 2018

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

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Nature of Personal Interest Affected by Transaction:

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

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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.

*Patrick B. McDermott*  
Signature

3/19/2018  
Date

**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 March 19, 2018

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.

Christine Piersall  
Signature

3/19/2018  
Date