

**BOARD FOR BRANCH PILOTS MEETING
MINUTES**

****Hybrid Meeting - In Person & Virtual ****

The Virginia Board for Branch Pilots met (in person) on Monday, December 14, 2020, 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
Thomas P. Host, III
Patrick B. McDermott
Christine N. Piersall

Staff present for all or part of the meeting were:

Mary Broz-Vaughan, Director (Virtually)
Kathleen R. Nusbisch, Executive Director (in person)
Amy Goobic, Executive Assistant (Virtually)

There was no one present from the office of the Attorney General.

Members of the Audience (virtually) included:

Mark Coberly, Manager, Maritime Law Department, Representative from Vandevanter Black and
Captain Frank Rabena, Virginia Pilot Association

Finding a quorum of the Board present, Ms. Piersall, President, called the Call to Order meeting to order at 10:31 a.m.

William Burket, Jr. of the Virginia Port Authority advised the Board of the emergency evacuation procedures. Safety
Evacuation
Instructions

Ms. Nusbisch reminded the Board and meeting attendees of COVID-19 safety procedures.

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

Captain Avery moved to approve the minutes from the September 15, 2020 Board meeting as amended. Captain Collins seconded the motion which was unanimously approved via roll call vote by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Coleman, Collins, Host, McDermott, and Piersall.

Approval of Minutes

There were no public comments.

Public Comment Period

Ms. Nosbisch introduced Mark Coberly, counsel to the Virginia Pilot Association, and Captain Frank Rabena, who were both present virtually to observe the meeting.

Captain Callis provided the Board with a report of examinations conducted by the Exam Administrators on December 14, 2020. The following report was made:

Exam Administrators Report

Zachary Stewart Dodson answered oral questions related to the raise in grade. The subjects included safe anchoring positions in Lynnhaven, Sewell's Point and Newport News, efficient use of bow and stern thrusters in docking and undocking situations, proper use of ship's navigation equipment, anchoring light draft vessels in adverse weather, air draft calculations, vessel traffic management, COPT (Captain of the Port) orders, MSIB (Marine Safety Information Bulletins) and RNA (Regulated Navigation Area) boundaries, northeast sea-lane limitations, current marine construction and dredging projects, and safe vessel speed.

Mr. Dodson stood a good examination and was found qualified. Captain Callis moved that Mr. Dodson be raised in grade from an Alpha (25,000 gross tons and 28 feet maximum draft) to a Bravo License (34,000 gross tons and 31 feet maximum draft). Mr. Behm seconded the motion which was unanimously approved via roll call vote by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Coleman, Collins, Host, McDermott, and Piersall.

Captain Avery thanked Captain Rabena and the Virginia Pilot Association (VPA) for the protocol set in place for the Board for Branch Pilots License Renewal Committee. The Committee met December 7 and 8, 2020.

Consideration of Renewal of Licenses December 7 & 8, 2020

The members of the Board for Brach Pilots License Renewal Committee have reviewed the renewal applications for the 2021 calendar year and present the following report:

Christopher H. Behm; Charles I. Boggs, Jr.; Robert H. Callis, III; Julian Wythe Whiting Chisman, III; January N. Collins; Ernest W. Dodson, Jr.; Milton B. Edmunds; Michael S. Eubanks; Mark S. Evans; Tazewell Fitzgerald; N. Turner Gray, Jr.; Herbert R. Green, III; Nathaniel T. Green, II; Adam L. Halstead; Kevin D. Hartz; C. Howard Hoffman; Richard Keith Hope; Charles A. Huffman; Chadwick M. Jamison; Jacob R. Johnson; Richard A. Lyons; Joseph R. McKnew; 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; 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 via roll call vote by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Coleman, Collins, Host, McDermott, 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 18 VAC 45-20-20, pursuant to subsection C.4 of regulation 18 VAC 45-20-20, 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 via roll call vote by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Coleman, Collins, Host, McDermott, and Piersall.

Captain Avery moved to waive the requirements of subsection C.3 of regulation 18 VAC 45-20-20, pursuant to subsection C.4 of regulation 18 VAC 45-20-20, from Wolf Trap to Washington, DC upon the Potomac River for the following Branch Pilots: E. Waightstill Avery, William G. Diggs, David H. Heath, Dale A. Meyer, Jr., and Roy A. Rector. Mr. Host seconded the motion which was unanimously approved via roll call vote by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Coleman, Collins, Host, McDermott, and Piersall. Captain Avery abstained from voting on his license.

Captain Avery moved to renew the license of Captain James S. Trimble upon receipt and confirmation of medical clearance, and at such time to waive the requirements of subsection C.3 of regulation 18 VAC 45-20-20, pursuant to subsection C.4 of regulation 18 VAC 45-20-20, from Wolf Trap to Washington, DC upon the Potomac River. Mr. Host seconded the motion which was unanimously approved via roll call vote by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Coleman, Collins, Host, McDermott, and Piersall.

Captain Chisman explained that the waiver for the Potomac River was due to lack of traffic on the river the last several years.

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, 2020. Captain Collins seconded the motion which was unanimously approved via roll call vote by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Coleman, Collins, Host, McDermott, and Piersall.

Board members were provided the Biennial Report for informational purposes. **Biennial Report**

Board members reviewed the VPA Apprenticeship Training Program. Captain Chisman provided information on a modification to objective 7.16(b) of the program. Captain Chisman explained that chart 12208 sketch objective currently is completed at the 18 month exam. The apprentice would now have the opportunity to complete this objective during the first week of the apprenticeship thus utilizing the time during the 12 week pre-apprenticeship to prepare. If the apprentice is not successful at the week 1 opportunity then he or she will have another opportunity at week 3 of the apprenticeship. If again not successful, this objective will be completed at the 18 month exam. **Review of VPA Apprenticeship Training Program**

Captain Callis moved to accept the modification to the training program. Captain Collins seconded the motion which was unanimously approved via roll call vote by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Coleman, Collins, Host, McDermott, and Piersall.

Mr. Behm moved to approve the apprenticeship training program. Mr. Host seconded the motion which was unanimously approved via roll call vote by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Coleman, Collins, Host, McDermott, and Piersall.

Ms. Nosbisch expressed regrets from Elizabeth Peay. Assistant Attorney General, as she was unable to attend the meeting. Ms. Nosbisch requested the Board table the review of the regulations until the March meeting in lieu of Ms. Peay's absence. Mr. McDermott moved to table the review until the March meeting. Captain Callis seconded the motion which was unanimously approved via roll call vote by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Coleman, Collins, Host, McDermott, and Piersall. **Review of Regulations**

The Board reviewed a letter from Captain Milton B. Edmunds, regarding an incident on October 2, 2020, involving the M/V HONG DAI.

Review of
Notification
Letter – Captain
Milton B.
Edmunds – M/V
HONG DAI

On Wednesday, September 30th, 2020, Captain Edmunds was ordered at 1815 to sail the MN HONG DAI (IMO #9563606) at 2015 hours from Dominion Terminal Associates (DTA) in Newport News, Virginia to Norfolk Southern Coal Pier 6 (NS6) in Norfolk, Virginia. Captain Edmunds arrived at the vessel at 1945 and went up to the bridge and to introduce himself to the master and Captain Edmunds reviewed the pilot card (encl. 11). They conducted the master pilot exchange and discussed the maneuver to NS6.

The weather conditions were good. The wind speed fluctuated from 10 to 15 knots from a southwest direction. Visibility was clear for 10 miles. The tidal current was flooding at approximately 1 knot at DTA.

With the McAllister docking master at the conn, and tugs GM McAllister and Steven McAllister assisting, the HONG DAI was undocked from DTA at 20:15 (encl. 1). At 20:32 (encl. 2), both tugs were released, the master turned over the conn to me and after the docking master/ pilot exchange, the docking master disembarked. Captain Edmunds left the engine command on half ahead as he maneuvered the HONG DAI from the west end of Newport News Channel through the turn past Newport News buoy #12. After the turn, Captain Edmunds described and showed to the Captain of the HONG DAI on the ship's ECDIS his proposal for turning the ship from Newport News Channel into Norfolk Harbor Reach. The Captain agreed to the proposed maneuver.

Once in the vicinity of Newport News channel buoys #7 and #8 at 20:56 (encl. 3), Captain Edmunds ordered the engine to slow ahead. He continued to maneuver the HONG DAI through the east end of Newport News Channel past Newport News buoy #4 while simultaneously reducing the ship's speed.

After passing through the turn on the east end of Newport News Channel at approximately 21:05 (encl. 4), Captain Edmunds ordered the engine to dead slow ahead. After passing Newport News Channel buoy #2, I used various helm orders to bring the HONG DAI to a northerly course over ground to exit Newport News Channel and enter Sewell's Point Anchorage. This was done to utilize the wider area of the anchorage to facilitate the turn into Norfolk Harbor Reach given the weather conditions and flood current. With the HONG DAI's speed over ground at 3.7 knots and position northwest of Norfolk Harbor Reach, at approximately 21:16 (encl. 5) Captain Edmunds ordered the rudder hard to starboard and the engine full ahead expecting the maximum rate of turn while keeping the speed over ground to a minimum. Captain Edmunds is not believe they got the full ahead RPMs for some time as the ship was slower in turning than he expected. At approximately 21:22 (encl. 6), Captain Edmunds ordered the engine stopped and full astern to continue the HONG DAI's rate of turn to starboard and maintain a proper position in Norfolk Harbor Entrance Reach.

The ship has a right-hand propeller which will cause the ship to back to port, and thereby accelerating the turn. The captain did not immediately relay the command, but said something like "no, no..." and the rest Captain Edmunds did not understand as he spoke to the watch officer in Chinese. There was a considerable delay in engine order response. Captain Edmunds ordered full astern a second time while the master and mate were talking and working with the telegraph. Eventually the master responded, "full astern." During this time, Captain Edmunds considered using the anchor to stop the HONG DAI, but ultimately decided it would increase the probability of causing hull damage and pollution if we should overrun the anchor.

At approximately 21:24 (encl. 7), the engine was finally full astern. At approximately 21:26 (encl. 8) the HONG DAI grounded in the approximate position 36 degrees 58.1317 minutes North and 076 degrees 19.9149 minutes West. Captain Edmunds immediately notified the United States Coast Guard Sector Virginia (USCG-SV) via cell phone. Once the USCG-SV personnel boarded the HONG DAI Captain Edmunds submitted to a blood alcohol breath test, the results of which read 0.00 blood alcohol content. Captain Edmunds remained aboard ready to assist until he was relieved by another Virginia State Unlimited Branch Pilot at approximately 0930 on Thursday, October 1st. Captain Edmunds immediately proceeded to I&O Medical Center in Hampton, Virginia to submit to a Virginia State drug test at approximately 10:15 (encl. 9 and 10).

Ms. Nosbisch provided an update on the investigation regarding the M/V HONG DAI incident, informing the Board that DPOR Investigator Ernie Atkins would be meeting with the US Coast Guard, and that the findings would not be public until after the interview and report made. Ms. Nosbisch suggested tabling discussion until the March meeting.

Discussion was held on the authority of DPOR to initiate an investigation upon receiving notification of an incident. Ms. Broz-Vaughan explained that pursuant to §54.1-306 of the *Code of Virginia*, DPOR has the statutory authority to investigate, the Board cannot direct an investigation. Mr. Behm requested more information as to how DPOR has the authority to initiate an investigation. Ms. Broz-Vaughan stated that Board counsel could provide guidance.

Further discussion was held on the investigation of the M/V HONG DAI incident. Mr. Behm commented that of 8 investigations in the past 18 years only one investigation has been conducted because of a grounding. Captain Callis inquired as to what the threshold would be to initiate an investigation. Ms. Broz-Vaughan stated due to news reports regarding this incident, the agency deemed it necessary to ensure any facts being collected did not get away. Additionally, she commented that the Board would not be tainted in any way, if investigation done by DPOR.

Ms. Piersall asked if the Board would like to table the notification letter until the March Board meeting. Mr. Behm moved to not table the matter, but to file the letter with no violation and that the Board take no action, as there appears to be no violation of the Board's regulations or statutes. Board members voting in the affirmative: Avery, Behm, Callis, Collins, Host, and McDermott. Board members voting the negative: Chisman, and Piersall. Mr. Coleman abstained. The motion passed.

Review was held on the regulatory complaint process as discussed at the September 15, 2020 Board meeting and the Board's authority to request an investigation. Mr. Behm stated that he reviewed meeting minutes from the past 18 years, and provided incident statistics and how many of the incidents resulted in an Informal Fact-Finding (IFF) conference. Discussion was held on how Board members could be tainted if they participated in an investigation of a complaint.

Review Updated
Regulatory
Complaint
Process

Mr. Coleman moved to have Board counsel prepare a legal opinion on context matters discussed. Mr. McDermott seconded the motion, and also suggested a work session to determine procedure for emergency incident. Mr. Coleman amended his motion to include a legal opinion on the Director's authority to initiate an investigation. The amended motion was unanimously approved via roll call vote by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Coleman, Collins, Host, McDermott, and Piersall.

Mr. Behm moved to pass by the complaint process indefinitely to be brought up at a later time if necessary. Mr. Host seconded the motion. Board members voting in the affirmative: Behm, and Host. Board members voting the negative: Avery, Callis, Chisman, Collins, McDermott, and Piersall. The motion failed.

Mr. Coleman moved to have the Board President appoint a committee to review advice from Board Counsel and report back to the Board at the March meeting. Captain Chisman seconded the motion which was approved via roll call vote by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Coleman, Collins, Host, and Piersall. Mr. McDermott abstained.

Ms. Nobsch reminded the Board that any meeting of three board members or more must be publicly notices, have public access, and minutes must be taken. Ms. Piersall asked for volunteers to be on the committee. Ms. Piersall, Mr. Coleman and Captain Chisman volunteered to be on the committee.

Discussion was held on the process to be used if an incident letter is received prior to the March meeting. Captain Chisman stated that the protocol established in September would be used.

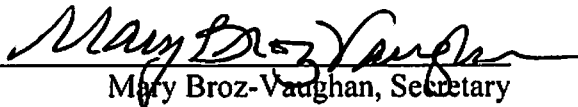
Ms. Nobsisch stated the financial statements were provided for informational purposes. **Financial Statements**

There was no other business discussed. **Other Business**

Conflict of Interest forms and travel vouchers were completed by all members present. **Conflict of Interest Forms and Travel Vouchers**

There being no further business, the meeting was adjourned at 11:52 a.m. **Adjourn**


Christine Piersall, President


Mary Broz-Vaughan, Secretary

**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 December 14, 2020

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, III
Signature

12/14/2020
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 December 14, 2020

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

I. Vincent Behm, Jr.

Date

12-14-20

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 December 14, 2020

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

Renewal of Charles Huffman license

Nature of Personal Interest Affected by Transaction:

Attorney Client

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

12/14/2020
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 December 14, 2020

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.

Patrick B. McDermott
Signature

12-14-2020
Date

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

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: January N. Collins
2. Title: Board Member
3. Agency: Board for Branch Pilots
4. Meeting/IFF Date: Board Meeting December 14, 2020

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.

January N. Collins
Signature

12/14/2020
Date

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

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: E. Waightsill Avery
2. Title: Board Member
3. Agency: Board for Branch Pilots
4. Meeting/IFF Date: Board Meeting December 14, 2020

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

Nature of Personal Interest Affected by Transaction:

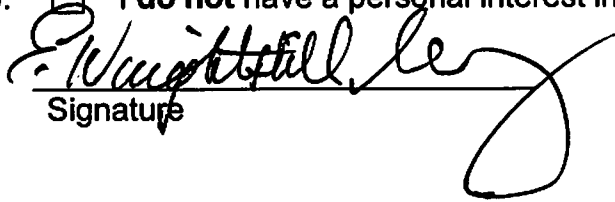
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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

12/14/2020
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 December 14, 2020

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

Nature of Personal Interest Affected by Transaction:

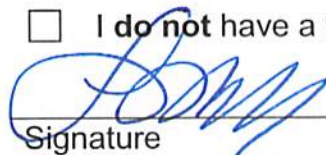
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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

12.14-20
Date

**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 December 14, 2020

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

Captain M. B. Edmunds - m/v Hong Dai

Nature of Personal Interest Affected by Transaction:

My company represented the m/v Hong Dai during the incident

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

Cape Shipping Agency

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

12 / 14 / 2020
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 December 14, 2020

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

12-14-20
Date