

BOARD FOR BRANCH PILOTS

Tentative MEETING AGENDA

September 13, 2021 at 10:30a.m.

VPA Board Room
Norfolk, Virginia

1. Call to Order
2. Safety Evacuation Instructions
3. Welcome Aaron Anseeuw
4. Approval of Agenda
5. Approval of Minutes
 - June 9, 2021 Board Meeting
6. Public Comment Period*
7. Resolution for Thomas P. Host, III
8. Exam Administrator's Report
9. Notification Letter – Captain Behm – WEDDELL SEA
 - File Review Committee Response
10. Positive Results Reporting Protocol
11. VMA's International Trade Symposium
12. Financial Statements
13. Other Business
14. Conflict of Interest Forms / Travel Vouchers
15. Conflict of Interests Act Training
16. Adjourn

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

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

NEXT BOARD MEETING SCHEDULED FOR DECEMBER 10, 2021 AT 10:30 A.M.

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

- **Call to Order**
- **Safety Evacuation Instructions**
- **Welcome Aaron Anseeuw**

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position
DRAFT AGENDA

**BOARD FOR BRANCH PILOTS MEETING
MINUTES**

The Virginia Board for Branch Pilots met on Wednesday, June 9, 2021, 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 Thomas P. Host, III was not present with regrets.

Staff present for all or part of the meeting were:

Mary Broz-Vaughan, Director
Kathleen R. Nosbisch, Executive Director
Bonnie W. Davis, Administrative Assistant

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

Members of the Audience included:

Captain Frank Rabena, Vice-President, Virginia Pilot Association

Finding a quorum of the Board present, Ms. Piersall, President, called the meeting to order at 10:33 a.m. **Call to Order**

Ms. Nosbisch stated Mr. Host sends regrets and requested the agenda be amended to table his resolution until the September 13, 2021 board meeting.

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

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

Captain Callis moved to approve the minutes from the March 12, 2021 Board meeting as presented. Mr. Coleman seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Coleman, Collins, McDermott, and Piersall. **Approval of
Minutes**

There were no public comments.

**Public Comment
Period**

Ms. Nobsisch introduced Captain Frank Rabena, Vice-President, Virginia Pilot Association present to observe the meeting.

This item was tabled until the September 13, 2021 meeting when Mr. Host can attend.

**Resolution for
Thomas P. Host,
III**

Captain Callis provided the Board with a report of the examination conducted by the Exam Administrators on June 9, 2021. The following report was made:

**Exam
Administrator's
Report**

Zachary Stewart Dodson answered oral questions related to the raise in grade. The subjects included safe anchoring positions in Sewell's Point, Lynnhaven and Cape Charles Anchorage, bridge clearances, under keel clearance, vessel displacement and hydrodynamic influence meeting deep draft vessels, proper monitoring and usage of VHF radio channels, security broadcasts, small boat traffic, use of auxiliary channels, port security, hazards of marine construction and dredging operations, adverse weather, 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 a Charlie license (38,000 gross tons and 34 feet maximum draft) to a Delta license (45,000 gross tons and 36 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, McDermott, and Piersall.

Captain Chisman provided an update on the Potomac River Pilotage. He stated that in 2017, the Board for Branch Pilots was informed of the difficulty of licensing Branch Pilots on the Potomac River and this Board has not issued an extension of route for the Potomac River since 2003. For many years, Robinson Terminals in Alexandria received ships that delivered newsprint for the Washington Post and they also received small cruise ships. The city of Alexandria has not received this newsprint service since 2003 or a cruise ship since 2010 and the Robinson Terminal site was sold years ago; other traffic on the Potomac includes yachts to The Wharf complex in Washington D.C. and non-compulsory tugs that have gone to Cockpit Point. The more recent traffic to Alexandria has been historic sailing ship replicas and yachts and there has not been a request for a pilot to Alexandria since 2018.

**Potomac River
Pilotage**

As in 2017, today there are six Virginia Potomac River Branch Pilots licensed by this Board however in the next several years the number of Virginia Potomac River Branch Pilots will decrease because of retirements. In 2017, two Branch

Pilots volunteered to obtain a Potomac River license but, because of the lack of vessel movements, they have not had enough trips to qualify to sit for a Change of License as prescribed in 18VAC 45-20-30 or to qualify to sit for a Federal First Class Pilot Endorsement from the United States Coast Guard. The November 2017 letter to this Board requested alternative requirements for this route yet, because of the lack of vessel movements, these alternative requirements have not been met.

Although the Potomac River is often thought of as the boundary between Maryland and Virginia, the actual boundary line is the low-water mark on the Virginia side of the river. Thus, the Potomac is a Maryland River. Under the Compact of 1785, however, Maryland and Virginia agreed on their respective rights of, and responsibilities for, navigation on certain waters of the Chesapeake Bay and on the Potomac River. For purposes of navigation, the Potomac was declared to be a "common highway" shared by the two states. Consistent with that Compact and with federal law, both Maryland Pilots and Virginia Pilots have provided service on the Potomac. Virginia Pilots have provided service to ports, points or places on the Virginia side of the river, and Maryland Pilots have served ports, points or places on the Maryland side.

Virginia and Maryland Pilots have always worked together to ensure service on the Potomac and we have worked closely with them over the past six years. As vessels get larger, smaller ports or places, and specifically ports or places on narrow and relatively shallow rivers, will not be able to receive larger vessels because the waterways and shore facilities will not be able to handle them and this has been a contributing factor on the Potomac.

The proposal that was made to this Board in November of 2017 has proven not to be a workable solution. On May 6, 2021, Captain Rabena and Captain Chisman met in Washington D.C. with Captains Eric Nielsen and Captain Beth Christman, President and Vice President of the Association of Maryland Pilots respectively and Captain Jorge Viso, President of the American Pilots Association (APA), Clay Diamond, Executive Director of the APA and Paul Kirchner Senior Counsel of the APA, to discuss the future of pilotage on the Potomac River. At this meeting, it was agreed with the Maryland Pilots, pursuant to agreement from this Board, that the Association of Maryland Pilots will serve all ports, points and places on the Potomac River and that Virginia Potomac River Branch Pilots will no longer offer their services on the Potomac River.

This decision was not arrived at lightly; Virginia licensed Potomac River Branch Pilots have served the maritime interests of the Potomac since the colonial era. However, vessel movements on this river have been intermittent for many years. The Board has regularly granted waivers to licensees in consideration of the lack of traffic on the river and Branch Pilots who volunteered to obtain the license in 2017 have not had enough trips to qualify to sit for the license. This demonstrates that it makes sense for one group to

serve the river. If, for instance, in a year there are two vessels requiring the services of compulsory pilotage, one group should handle both vessels instead of each group handling one. There is also the Chesapeake Bay portion of the route to consider. Virginia Branch Pilots seeking the extension of route for the Potomac River need trips from the entrance of Chesapeake Bay to Smith Point as well as from Smith Point to Alexandria; Maryland pilots do not as they already have this portion of the route because of transits from Cape Henry to Baltimore.

In summary, in the next few years, there will not be enough Virginia Potomac River Branch Pilots to serve the Potomac River. The Association of Maryland Pilots have agreed to serve all ports, points and places on the Virginia side of the Potomac River.

Mr. Coleman moved that the Board for Branch Pilots recognize and consent to the agreement between members of the Virginia Pilot Association and the Association of Maryland Pilots that Maryland Pilots duly licensed by the State of Maryland will provide pilotage service to all ports, points and places on the Potomac River and that Virginia Potomac River Branch Pilots will no longer offer their services to ports, points or places on the Potomac River.

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

Ms. Piersall stated the Final Notification Letters and Complaints process is for informational purposes only. The process was revised and approved at the March 12, 2021 Board meeting.

**Final Notification
Letters and
Complaints
Process**

Ms. Piersall informed the Board that Captain Chisman recused himself from the File Review Committee because he spoke with Captain Dodson and the Coast Guard regarding the incident. Ms. Piersall appointed Captain Avery as Captain Chisman's substitute on the Committee. The File Review Committee previously reviewed the notification letter from Captain Dodson, regarding an incident on June 18, 2021, involving the M/V FENG HUI HAI, and requested additional information.

**Notification
Letter, Captain
Dodson-M/V
FENG HUI HAI**

On April 6, 2021, Captain Dodson was ordered to the M/V FENG HUI HAI for a 1700 move from Seagate Terminal on the Southern Branch of the Elizabeth River to Elizabeth River Terminals ("ERT") Berth #2. ERT is also on the Southern Branch of the Elizabeth River, located 2.35 nautical miles South of Seagate. The FENG HUI HAI is a bulk carrier 656 feet in length, 106 feet in breadth. On the evening of April 6, there was a light northwesterly wind and they were at the last of the flood current with high tide at Money Point predicted at 1819 with a height of 2.67 feet.

Upon arriving at the vessel at 1645, Captain Dodson went to the bridge of the ship and conducted the master/pilot exchange. At the time, the ship was taking on ballast due to concern about the air draft of the vessel in relation to the height of the Norfolk Southern Railway Lift Bridge (“NS RY Lift Bridge”) which is also known as the old Virginian Railroad Bridge. The pilot card at this time showed a draft of 24' 11" giving an air draft of 133' 3". The NS RY Lift Bridge has a vertical clearance of 135' in the raised position. Using real time information obtained from the NOAA PORTS (Physical Oceanographic Real-Time System) tide station located at Money Point, Captain Dodson used a high tide height of 3.4 feet. The previous tide had reached approximately 3.3 feet. The range of tide at Money Point is 2.86 feet and therefore his initial calculation allowed for 0.6-foot positive tide above mean high water. Upon visual inspection with binoculars of the tide gauge boards on either side of the Jordan Bridge, Captain Dodson used 12 inches of extra tide in his calculation, reducing the available height of the NS RY Lift Bridge to 134 feet. At this initial draft of 24'11" the vessel should have had a clearance of 9.27 inches. Captain Dodson concluded that this was not adequate clearance for safe passage and consulted with the Captain and docking master who agreed. The Captain informed them that he could ballast to at least a draft of 26' 7", giving them 2' 5" of clearance under the NS RY Lift Bridge. At this point Captain Dodson told the captain they would remain alongside until this draft was reached.

After further ballasting, the chief mate went ashore again to visually confirm the draft. At 1730 Captain Dodson received a pilot card stating that the draft was now 26' 11", giving them a new air draft of 131' 3" at which point they took in lines and undocked. The vessel was turned and transited upstream on the Southern Branch with the docking master conning the vessel. The vessel passed under the Norfolk and Portsmouth Beltline Railroad Bridge and Jordan Bridge which have vertical clearances of 142 feet and 145 feet respectively. As the vessel passed through the Jordan Bridge, Captain Dodson once again checked the tide gauge boards on the Jordan Bridge which confirmed the height of tide being reported at Money Point at 3.3 feet.

At 1804 the vessel passed under the NS RY Lift Bridge. As the vessel's house passed under the span, the masthead light and the lightning rod of the vessel contacted the overhead span. The Captain and Captain Dodson were on the port bridge wing looking up at the mast and the docking master was on the bridge centerline conning the vessel. Damage appeared to be minimal on the ship and the bridge. They continued the inbound transit and docked at ERT without incident. At that point Captain Dodson contacted the Coast Guard by telephone at 1845 to report the incident. After disembarking the vessel, Captain Dodson returned to the Virginia Pilot office and reported for drug and alcohol tests.

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

Board's regulations or statutes. Captain Chisman and Mr. Coleman recused themselves from the vote. Upon review of the additional information by the Board, Mr. McDermott moved to accept the recommendation. Captain Collins seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Avery, Behm, Callis, Collins, McDermott, and Piersall.

Captain Chisman stated he followed up with the Coast Guard. The Coast Guard stated this ship had a clearance issue with the Old Virginian Railroad Bridge, and they are pursuing the following actions:

1. It was confirmed that the railroad bridge was fully elevated and locked in position. The Coast Guard is in the process of validating that the advertised vertical clearance on the chart is still accurate.
2. The ship's flag state (Hong Kong) and classification society (China Classification Society) will be notified of this incident and the need to verify the vertical clearance provided on the pilot card is correct at their earliest opportunity.
3. A note will be entered into the Coast Guard database for this vessel with the concern of the vertical clearance noted on the pilot card so that other ports could take appropriate action and inform their local pilots.

Ms. Nobsch reported that due to the number of exams for September, Captains Nienstedt, Oksman and Lyons will sit for exam of the James River extension on Friday, September 10th. Captain Chisman stated that as he is currently the only pilot on the Board with a James River extension, he has invited Captain Jamison, a James River Pilot, to assist with the examination. Captain Dodson will sit for his exam for an Echo license on Monday, September 13th prior to the Board Meeting at 10:30.

**September Exam
Date Change**

Ms. Nobsch presented the 2022 meetings dates. Mr. McDermott moved to adopt the following meeting and examination dates for 2022:

**2022 Draft
Meeting Dates**

March 14, 2022	8:30am	Exam
March 14, 2022	10:30am	Board meeting
June 13, 2022	10:30am	Board meeting
September 15, 2022	8:30am	Exam
September 15, 2022	10:30am	Board meeting
December 5-6, 2022	9am – 4pm	BP Renewals
December 12, 2022	10:30am	Board meeting

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

Ms. Piersall advised the Board of the Virginia Maritime Association's 18th Annual International Trade Symposium to be held September 29-October 1, 2021 in Norfolk, VA. Ms. Nobsch stated that Mr. McDermott will attend as a representative of the Board.

**VMA's
International
Trade
Symposium**

Ms. Nosbisch 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 11:10 a.m. **Adjourn**

Christine Piersall, President

Mary Broz-Vaughan, Secretary

DRAFT
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position
DRAFT AGENDA

➤ **Public Comment**

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position
DRAFT AGENDA

Commonwealth of Virginia



BOARD FOR BRANCH PILOTS

RESOLUTION IN HONOR OF

Thomas P. Host, III

WHEREAS, **Thomas P. Host, III**, did faithfully and diligently serve as a member of the Virginia Board for Branch Pilots from July 2007 through June 2021; and

WHEREAS, **Thomas P. Host, III** did devote generously of his time, talent and leadership to the Board; and

WHEREAS, **Thomas P. Host, III** 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;

NOW THEREFORE BE IT RESOLVED, this thirteenth day of September 2021, that the Virginia Board for Branch Pilots expresses its utmost regard and respect for **Thomas P. Host, III** 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 **Thomas P. Host, III**.

Christine Piersall, President

Mary Broz-Vaughan, Secretary

- **Exam Administrator's Report**
- **Notification Letter - Captain Behm - WEDDELL SEA**

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position
DRAFT AGENDA

Make sure to visit VAmaritime.com/Symposium for the most recent updates!

CANCELLED: VMA's 18th Annual International Trade Symposium, Banquet, and Mixer

Considering the resurgence of the COVID-19 coronavirus, the Virginia Maritime Association has made the decision to cancel the 18th Annual International Trade Symposium, including the Maritime Mixer and 101st Annual Maritime Banquet which were to be held September 29-30. However, the [Maritime Golf Outing](#) will be held on Friday, October 1, 2021, at Elizabeth Manor County Club in Portsmouth, VA (see [FAQ below](#) for more information on golf).

We are thankful for the support of all the sponsors, speakers, and registrants who had planned to be with us. We also appreciate those who have kept VMA updated in recent days about more restrictive corporate policies affecting travel and conference attendance in response to increasing COVID-19 infections. Ultimately, this decision was made for the safety of everyone involved in these events and to help prevent further spread of the virus in the broader community.

The VMA is dedicated to producing a welcoming and professional environment, delivering high quality industry intelligence and networking opportunities, and we look forward to you joining us once again September 28-30, 2022.

Information about obtaining refunds, canceling hotel reservations, participation in the Maritime Golf Outing, and addressing other questions may be found on the [F.A.Q. page](#). Sponsors will be contacted on an individual basis to discuss opportunities for refunds and carrying sponsorships forward to 2022.

Sincerely,

David White
Executive Vice President
Virginia Maritime Association
www.VAmaritime.com



[Frequently Asked Questions](#)

[Contact Us](#)

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

2020-2022 Biennium

July 2021

	July 2021 Activity	Biennium-to-Date Comparison	
		July 2018 - July 2019	July 2020 - July 2021
Cash/Revenue Balance Brought Forward			140
Revenues	0	2,700	2,700
Cumulative Revenues			2,840
Cost Categories:			
Board Expenditures	0	2,586	3,107
Board Administration	19	171	159
Administration of Exams	0	0	0
Enforcement	0	1	1
Legal Services	0	4	4
Information Systems	5	132	109
Facilities and Support Services	3	58	60
Agency Administration	8	76	72
Other / Transfers	0	0	0
Total Expenses	35	3,027	3,512
Transfer To/(From) Cash Reserves	(147)	0	(1,767)
Ending Cash/Revenue Balance			1,095

Cash Reserve Beginning Balance	19,584	0	21,205
Change in Cash Reserve	(147)	0	(1,767)
Ending Cash Reserve Balance	19,438	0	19,438

Number of Regulants	
Current Month	41
Previous Biennium-to-Date	44

Department of Professional and Occupational Regulation
Supporting Statement of Year-to-Date Activity
Board for Branch Pilots - 954190
Fiscal Year 2022

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Fiscal YTD Charges	Planned Annual Charges	Current Balance	Projected Charges at 6/30	Projected Variance Favorable (Unfavorable)	
																	Amount	%
Board Expenditures	0	0	0	0	0	0	0	0	0	0	0	0	0	4,668	4,668	-60	4,728	101.3%
Board Administration	19	0	0	0	0	0	0	0	0	0	0	0	19	159	140	127	32	20.0%
Administration of Exams	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Enforcement	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1	0	35.8%
Legal Services	0	0	0	0	0	0	0	0	0	0	0	0	0	5	5	0	5	100.0%
Information Systems	5	0	0	0	0	0	0	0	0	0	0	0	5	117	112	41	76	64.7%
Facilities / Support Svcs	3	0	0	0	0	0	0	0	0	0	0	0	3	61	58	29	33	53.3%
Agency Administration	8	0	0	0	0	0	0	0	0	0	0	0	8	96	88	56	40	41.5%
Other / Transfers	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Charges	35	0	0	0	0	0	0	0	0	0	0	0	35	5,107	5,072	193	4,914	96.2%

- **Other Business**
- **Conflict of Interest Forms /
Travel Vouchers**
- **Conflict of Interests Act**
- **Training**
- **Adjourn**

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position
DRAFT AGENDA