

BOARD FOR BRANCH PILOTS

Tentative MEETING AGENDA

September 15, 2022 at 10:30a.m.

VPA Board Room

Norfolk, Virginia

1. Call to Order
2. Safety Evacuation Instructions
3. Announcements
4. Approval of Agenda
5. Approval of Minutes
 - June 13, 2022 Board Meeting
6. Public Comment Period*
7. Exam Administrator's Report
8. File Number 2022-02624 Captain Chadwick M. Jamison
 - Notification Letter – Captain Jamison – M/V SPAR LYRA
 - Initial Intake Review
9. VMA's International Trade Symposium
10. Financial Statements
11. Other Business
12. Conflict of Interest Forms / Travel Vouchers
13. 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 12, 2022 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**
- **Announcements**

DRAFT AGENDA

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

**BOARD FOR BRANCH PILOTS MEETING
MINUTES**

The Virginia Board for Branch Pilots met on June 13, 2022, at the Virginia Port Authority, 600 World Trade Center, Norfolk, Virginia, with the following members present:

Captain E. Waightstill Avery
Captain Robert H. Callis, III
Captain J.W. Whiting Chisman, III
Michael W. Coleman
Captain January N. Collins
Patrick B. McDermott
Christine N. Piersall

Aaron Anseeuw and Vincent Behm, Jr were not present for the meeting.

Staff present for all or part of the meeting were:

Demetrious Melis, Director
Kishore Thota, Chief Deputy Director
Tom Payne, Deputy Director
Kathleen R. Nosbisch, Executive Director
Johnathan Darden, Director of Investigations – Central Operations
Bonnie Davis, Board Administrator
Breanne Henshaw, Administrative Coordinator
Earnest Atkins, Investigator

Joshua Lief and Elizabeth Peay was present from the Office of the Attorney General.

Members of the audience included:

Mark Coberly, Manager, Maritime Law Department, Representative from Vandeventer Black.

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

Tracy Freeman, of the Virginia Port Authority, advised the Board of the emergency evacuation procedures. Captain Chisman acknowledged Mr. Freeman and the Virginia Port Authority for their efforts in assisting the Spirit of Norfolk, which caught fire on Tuesday, June 7, 2022 and was extinguished on Saturday, June 11, 2022. **Safety**
Evacuation
Instructions

The full Board and DPOR staff introduced themselves. Ms. Piersall welcomed Ms. Henshaw as the new Administrative Coordinator for the Board. Ms. Nosbisch expressed regrets from Mr. Anseeuw and Mr. Behm for not being in attendance. **Announcements**

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

**Approval of
Agenda**

Captain Avery moved to approve the minutes from the March 15, 2022, Board meeting. Captain Collins seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Avery, Callis, Chisman, Coleman, Collins, McDermott, and Piersall.

**Approval of
Minutes**

There were no public comments.

**Public Comment
Period**

Board members reviewed a letter from Captain Schill regarding an incident on April 3, 2022 involving the CMA CGM MARCO POLO.

**Notification
Letter – Captain
Schill – CMA
CGM MARCO
POLO**

On April 3, 2022, Captain Schill was assigned to pilot the container vessel CMA CGM MARCO POLO, IMO# 9454436, during its transit from Cape Henry to the Virginia International Gateway Terminal ("VIG").

The vessel, built in 2012, is 176,546 International Gross Tons, has an overall length of 1299 feet, and has a 176 foot beam. It is equipped with a 72,414 hp main engine, single right-handed propeller, and a 4,290 hp bow thruster. The bridge-forward ship has a 16,590 TEU capacity. At the time of the transit on April 3, 2022, the forward draft was 37'05", aft draft was 38'05", and the air draft was 191.13 feet.

After boarding the CMA CGM MARCO POLO in the Precautionary Area off Cape Henry at 0130, Captain Schill conducted a Master Pilot Exchange with the Captain, set up Captain Schill's Portable Pilot Unit ("PPU"), assumed the conn, and commenced the transit to VIG. The visibility was unlimited and the wind was light and southerly, approximately 4-7 kts.

The Moran Towing Docking Master boarded the vessel at 0310 abeam of Old Point Comfort for the tethered escort tug part of the transit to the berth. Upon reaching the bridge, he reviewed the vessel's pilot card.

At approximately 0315, per the Docking Master's instructions, the Azimuth Stern Drive ("ASD") tugboat MAXWELL PAUL MORAN made fast to the stern of the ship with his towline in the center lead as their escort tug. The ship continued along its route to the terminal uneventfully.

At approximately 0402, as they were passing the Craney Island Spoil Rehandling Basin (.4 nm north of Craney Island Reach buoy "20"), they prepared for the docking master to assume the conn. Captain Schill advised him of the ship's particulars, intended berth, port side to, 2660 footmark, their course, 172 degrees, and speed 5.5 kts with the engine turning Dead Slow Ahead which was 22 rpm for 5.6 kts. They exchanged the conn under the Master's direction.

The Docking Master conned from the centerline cockpit position and Captain Schill observed from the port side of the enclosed wheelhouse.

At approximately 0403, the Docking Master instructed the ASD tugboat ROSEMARY McALLISTER to make fast to the ship's starboard quarter with a line. At approximately 0408, the Dock Master instructed the ASD tugboat CLAYTON MORAN to take up a position on the ship's port bow without a line.

The current at Lambert Bend was ebbing and predicted to be 0.92kt Maximum Ebb at 03:17, Slack before Flood 06:41.

The Docking Master made his approach into the terminal channel entrance from Craney Island Reach. The visibility forward was limited due to the height of eye from the bridge and profile of the containers stacked on deck. The entrance buoys closest to the ship were not visible from the enclosed wheelhouse space as the ship turned into the VIG entrance channel.

At approximately 0420, the ROSEMARY McALLISTER advised the Docking Master on the VHF radio that buoy "CA", the first buoy in the entrance channel, was approximately 40 feet off the starboard side of the ship and closing. This was caused by the ebb current in the entrance channel and the southerly wind setting the ship bodily to starboard. The Docking Master responded by ordering the ROSEMARY to push full in an attempt to lift the stern. At no time did the forward lookout or mooring crew advise the Captain that the ship was close to or closing on the buoy.

After hearing the report from the ROSEMARY, Captain Schill moved from the port side where Captain Schill had been observing the maneuver to the starboard bridge wing. At that point the distance between the ship's hull and the buoy was just a few feet and closing slowly until the vessel was set down on the buoy. The buoy gently made contact with the hull in a position directly under the bridgework, which is 521' from the bow. The buoy remained alongside the starboard side of the hull as they continued making headway for a short time. When the buoy reached the stern flare of the ship (approximately 200' from the stern) it was no longer in contact with the hull and appeared to be undamaged and still watching properly on station -both visually and with reference to its charted "PPU" position.

At approximately 0428, the MAXWELL PAUL MORAN was instructed to take in his towline from the aft center lead on the stern and to shift position to the starboard bow without a line to push the vessel laterally to the berth in conjunction with the ROSEMARY McALLISTER still on the starboard quarter. At approximately 0432, the CLAYTON MORAN was released from its position on the port bow and was fully released from the job. At this time the Docking Master and the Captain moved to the port bridgework control station for the rest of the maneuver.

The vessel proceeded alongside and was moored fast at approximately 0521.

At approximately 0537, Captain Schill contacted P/O Lopez at the USCG JHOC Command Center to report that the vessel made contact with the buoy. At 0544 Captain Schill contacted a testing lab to schedule a State and Federal Drug and Alcohol post incident screening. At approximately 0610, Captain Schill spoke with USCG 1/0 Lt. Gagne and answered his questions regarding the incident.

The lab tests were completed between 07:01 and 07:07 and proof of the tests were sent to the President of the Board for Branch Pilots and the DPOR Board Administrator. Captain Schill subsequently confirmed with the USCG Waterways Division after their inspection that the buoy is on station, undamaged, and watching properly.

Mr. Payne and Mr. Melis indicated an initial review of notification letters require review within DPOR's Compliance & Investigations Division in addition to the review completed by the File Review Committee. Mr. Melis indicated the agency has the authority to review the notification letters in order to be in compliance with the APA. The Board discussed the length of time a review by DPOR would take and what parties may be involved in the review, such as the individual who sent the letter to the Board and the Coast Guard. DPOR staff indicated they will speak with who they're able to in order to gain the necessary information for the review and a timeframe for DPOR's review has not yet been established.

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

Captain Callis was recused.

Board members reviewed a letter from Captain Callis regarding an incident on March 12-13, 2022, involving the ULVC Toledo Triumph. This notification letter was previously reviewed at the March 15, 2022 Board meeting. The notification letter was reintroduced to the Board after DPOR staff reviewed the incident.

Notification
Letter – Captain
Callis – ULVC
Toledo Triumph

At 2100 on March 12, 2022, Captain Callis was ordered to sail the ULCV (ultra large container vessel) Toledo Triumph from VIG to sea at 23:00. The Toledo Triumph is 365.9 meters (1,200') length overall with 51.2 meters (168') beam. The vessel draft was 10.4 meters (34' 2"), even keel. The vessel has a 5,310-horsepower bow thruster.

Captain Callis arrived on board at 22:20. He reviewed the pilot card, set up his PPU (personal piloting unit), and obtained clearance to sail from USCG Sector

Virginia. The stage of the current was just after maximum ebb and the tide was approximately one foot above mean low water and rising. Captain Callis discussed the weather situation with the dockmaster Captain John Freemont since a Gale Warning was in effect. Winds were WNW at 30-35 knots with possible gusts to 40 knots in the Chesapeake Bay, but slightly less in the harbor. Once the captain was on the bridge, they had a master/pilot exchange of information including the weather conditions and vessel maneuverability. While the weather conditions were not ideal, it was deemed safe to sail. Three towboats, the Rosemary McAllister, Alicia F. McAllister, and the G. M. McAllister were used for undocking. The Rosemary McAllister was the designated escort towboat made fast on the stern and the other towboats, along with the bow thruster, worked as needed in different positions during the undocking evolution.

They got underway at 23:35 and proceeded outbound. Once past the naval base the escort tug was released and the dockmaster disembarked at 00:35. As they cleared Old Point Comfort at 00:45 they increased to full ahead. The maneuvering speeds of the Toledo Triumph seemed slightly low compared to many vessels of its size. Full maneuvering speed is 12.2 knots in ballast and the captain had stated in the MPX briefing the bottom is due for cleaning and they were likely to only get around 11 knots on full, but they can increase RPMs above full maneuvering speed. With the wind on the beam at a steady 30-35 knots, Captain Callis asked for a few extra revolutions for better control which is not an unusual request.

The transit was uneventful until 01:30 (diagram A) when the Chief Engineer called and ordered the main engine stopped because of activated fire alarms and a lot of smoke in the engine room. They were a half mile away from the Chesapeake Bay Bridge Tunnel making 13.9 knots with a following ebb current and strong winds on their port quarter. The ship's momentum carried it past the CBBT, but the vessel's speed was slowly decreasing. Anticipating the vessel turning into the wind as it slowed, Captain Callis used right rudder to slightly swing to starboard, trying to maintain steering control and to remain in the channel. About a half mile past the CBBT the ship, with the rudder hard to starboard, eventually started swinging to port. The ship was making 8.5 knots and red buoy 6 was directly ahead (Diagram B).

The Captain and the Chief Engineer were constantly conversing and evaluating the situation over the phone. Captain Callis inquired about the availability of the engine, and through communication with the engine control room it was agreed to try using the engine sparingly and in a limited capacity (dead slow). With the use of the engine and right rudder Captain Callis was able to hold up the stern enough to avoid hitting the buoy as the ship headed out of the channel on the north side making 5 knots. The vessel speed was constantly decreasing from the force of the wind and the full rudder.

Once clear of the buoy Captain Callis gave the order to stop engine, back dead slow astern and drop the port anchor. There was difficulty communicating to the personnel on the bow because of the wind noise which caused a delay dropping the anchor. The wind noise sounded like the anchor chain running out so there was some confusion as to whether it was dropped. There was not enough time for all of the commands to be carried out in such a small timeframe. Since the opportunity to use the anchor was a very brief, and likely in vain, it passed quickly.

At 01:46 the bow was just over a ship length outside the channel when all forward movement stopped (Diagram D). The anchor had not been released yet and Captain Callis decided there was no benefit to dropping the anchor at that time. The bow was stationary, but the stern continued to swing to starboard (Diagram E). They continued backing for a few minutes. With no progress moving the bow the engine was stopped. The stern movement eventually slowed at 02:05 (Diagram F). At that time, Captain Callis notified relevant parties of the situation which included the pilot tower, USCG Sector Virginia and the vessel's agent.

By this time the Chief Engineer had determined the problem was coolant water spraying from a ruptured cylinder sleeve onto hot engine components which filled the space with a large steam cloud. The steam cloud set off the fire alarms. This was a better situation than an engine room fire, but still a significant problem that limited usage of the main engine.

The vessel appeared to be stationary, but there were still very slight heading changes, and at 02:23 the vessel started moving astern (Diagram G). The wind and current started moving the vessel eastward, parallel to the channel and towards deeper water. Having the option to drop the anchor if needed, this was a favorable situation, so Captain Callis allowed the vessel to drift in an ESE direction (Diagram H). With limited engine availability in high winds, it would be impossible to gain directional control and maneuver the vessel in such a confined area, but by using the bow thruster to help maintain heading and minimal usage of the ship's engine, Captain Callis was able to control the backwards drift for 2 hours until the ship was in a safe position (Diagram I). At 04:30 they dropped the starboard anchor in North Lynnhaven Anchorage approximately 5 miles from the engine loss position (Diagram I).

At 05:10 the ship had settled into the wind and current (Diagram J). Captain Callis notified all relevant parties of our situation and final position. Captain Callis departed the vessel at 06:00 and arrived at the testing facility at 07:00. BAC was 0.000 and the drug screen results will be available once processed.

After a check of all tanks and compartments there appeared to be no damage to the vessel hull. All times are Eastern Standard to avoid confusion from the daylight savings time change which occurred at 02:00.

DPOR staff informed the Board that the notification letter was added to the agenda for this meeting in order to comply with FOIA standards. Mr. Lief stated FOIA requires three working days notice. Mr. Melis stated the Coast Guard gave Captain Callis commendation for his work at controlling the vessel when the incident occurred. Mr. Payne indicated this incident was reviewed by the Compliance & Investigations Division staff and there was no violation found.

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

Captain Callis returned to the meeting.

Ms. Nosbisch informed the Board of the upcoming Board Member Conference occurring in October of 2022. Ms. Nosbisch indicated the conference will be held in Williamsburg, VA. Mr. McDermott discussed his attendance at the previous conference and stated that the conference gave him perspective in regards to how the Board operates within state government. Mr. McDermott continued by stating he valued the information he learned at the previous conference.

**Board Member
Conference
October 13 –
October 14, 2022**

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

**Financial
Statements**

There was no other business.

Other Business

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

**Conflict of
Interest Forms
and Travel
Vouchers**

The meeting adjourned at 11:04 a.m.

Adjourn

Christine Piersall, President

Demetrious Melis, Secretary

- **Public Comment**
- **Exam Administrator's Report**

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➤ **VMA's International Trade Symposium**

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**Department of Professional and Occupational Regulation
Statement of Financial Activity**

**Board for Branch Pilots
954190**

2022-2024 Biennium

July 2022

	July 2022 Activity	Biennium-to-Date Comparison	
		July 2020 -	July 2022 -
Cash/Revenue Balance Brought Forward			2,258
Revenues	0	0	0
Cumulative Revenues			2,258
Cost Categories:			
Board Expenditures	49	326	49
Board Administration	19	18	19
Administration of Exams	0	0	0
Enforcement	0	0	0
Legal Services	0	0	0
Information Systems	5	5	5
Facilities and Support Services	2	3	2
Agency Administration	9	8	9
Other / Transfers	0	0	0
Total Expenses	84	359	84
Transfer To/(From) Cash Reserves	(84)	0	(84)
Ending Cash/Revenue Balance			2,258

Cash Reserve Beginning Balance	17,623	0	17,623
Change in Cash Reserve	(84)	0	(84)
Ending Cash Reserve Balance	17,540	0	17,540

Number of Regulants	
Current Month	39
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 2023

	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	49	0	0	0	0	0	0	0	0	0	0	0	49	4,670	4,621	525	4,144	88.8%
Board Administration	19	0	0	0	0	0	0	0	0	0	0	0	19	197	178	130	67	33.9%
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	30.9%
Legal Services	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Information Systems	5	0	0	0	0	0	0	0	0	0	0	0	5	108	103	38	70	65.0%
Facilities / Support Svcs	2	0	0	0	0	0	0	0	0	0	0	0	2	70	69	13	57	81.7%
Agency Administration	9	0	0	0	0	0	0	0	0	0	0	0	9	114	105	69	45	39.4%
Other / Transfers	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Charges	84	0	0	0	0	0	0	0	0	0	0	0	84	5,160	5,076	776	4,384	85.0%

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

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