

**BOARD FOR BRANCH PILOTS MEETING  
MINUTES**

The Virginia Board for Branch Pilots met on Friday, September 17, 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  
Meade G. Stone, Jr.

Staff present for all or part of the meeting were:

Jay W. DeBoer, Director  
Kathleen R. Nosbisch, Executive Director  
Bonnie Davis, Administrative Assistant

Representative from Vandeventer Black, LLP:

Mark Coberly, Manager, Maritime Law Department

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

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

**Call to Order**

Mr. William Burket Jr., Virginia Port of Authority, Director, MIRT and Emergency Operations, advised the Board of the emergency evacuation procedure, and where first aid and emergency medical equipment could be located.

**Safety  
Evacuation  
Instructions**

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

**Approval of  
Agenda**

Captain Callis moved to approve the minutes as amended from the June 15, 2018, Board meeting. Mr. McDermott seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Cofer, Host, McDermott, Piersall, and Stone.

**Approval of  
Minutes**

There were no public comments.

**Public Comment  
Period**

The history of “branch” was provided for informational purposes courtesy of Mr. Behm.

**History of  
“Branch”**

Mr. McDermott presented Portable Pilot Units (PPUs) policy. He stated the PPU aids in navigation and is very helpful with situational awareness. Some states require the PPU to be turned on and operable when in transit so the track may be recorded. If there is an incident, the recorded information is helpful in the investigation showing an accurate ship position. The policy is not mandating the pilot to use the device, but to have the unit set up properly and operational and recording. Pilots should bear in mind that if the unit becomes inoperative during a transit, or is damaged or unavailable because of exigent circumstances, the pilot shall continue the transit. The Board is expressing its expectation that the device is turned on, and there may be sanctions if it is found not to be onboard and operational.

**Portable Pilot  
Units (PPUs)  
Support Policy**

The PPU policy was amended to read:

Whereas the Board for Branch Pilots (the Board”) has the responsibility of licensing and oversight of Virginia State Pilots, and

Whereas in fulfilling that responsibility the Board is required to review from time to time the navigation and piloting of ships when an incident is reported, and

Whereas in such instances it is necessary for the Board to review the electronically recorded track of the vessel in question which is captured on the personal piloting unit (“PPU”) of the pilot in question, now therefore

The Board hereby resolves that all Virginia State Pilots shall henceforth carry and deploy PPUs aboard the ships and other vessels on which they perform their duties as Pilots of the Commonwealth of Virginia. This requirement shall apply to all piloted vessels except those which on which the PPU cannot be set up due to the construction of the vessel.

While a vessel is under pilotage, the pilot’s PPU shall be activated, and operational, including the feature that saves and records in the unit’s memory the track and position of the vessel being piloted. If any reportable incident occurs during a piloted transit, all data pertaining to that vessel shall be retained indefinitely by the pilot until further notice by the Board. The pilot shall, upon request by the Board, provide his or her PPU or the data contained therein, to the Board for its review. The data for every vessel that is not involved in any reportable incident shall be retained by the pilot for 14 days.

Should a PPU become inoperative during the transit to or while onboard the vessel, due to damage or malfunction or is unavailable because of exigent circumstances, the pilot shall nevertheless continue the transit to its conclusion and be eligible to pilot other ships during the pilot’s rotation.

The Board shall be empowered to impose sanctions for failure to comply with these requirements if the PPU is found to have been available, but not to be onboard and operational.

Mr. McDermott moved to approve the PPU policy. Ms. Piersall seconded the motion which was approved by Messrs., Mme. and Captains: Avery, Callis, Chisman, Cofer, Host, McDermott, Piersall, and Stone. Mr. Behm opposed.

The Board reviewed a letter from Captain Dale Meyer, Jr., regarding an incident on June 16, 2018, involving the *M/V Perly*.

**Review of  
Notification  
Letter: Dale  
Meyer, Jr. – M/V  
Perly**

On June 16, 2018, Captain Meyer was ordered to the M/V Perly to sail from Newport News Pier IX to sea at 1900. The weather was clear the wind was from the SSE at 15 KT's. Docking Master James Morgan was undocking the vessel using McAllister tugs. The undocking went very smoothly and as the ship was getting lined up in the channel still under direction of Captain Morgan, the Captain of the Perly informed us that the tug had allegedly caused a dent to the stern of the vessel. Captain Morgan radioed the tug Sabine which was working the stern and asked if they had done anything to cause damage. The Captain of the Sabine stated that they had done nothing out of the ordinary and did not see any damage. Neither Captain Meyer nor Captain Morgan saw, heard, or felt anything that would cause them to believe that the ship had sustained any damage. Captain Meyer relieved Captain Morgan and he disembarked the vessel to look to see if he could see any damage. Captain Morgan called via VHF and said he could not see any damage and told the Captain to make a report and he would let McAllister know of the allegation. With no further concern we proceeded to sea. At approximately 2120 ten minutes before Captain Meyer was to disembark, the Captain presented him with a Notice of Damage to sign. It was dark on the bridge and he hesitantly signed to document adding on the document that he did not agree that damage had occurred from the tug. After a period of time Captain Meyer was able to review the letter in detail, he asked the Captain to have the original back that he did not agree with the Notice and was uncomfortable signing. The Captain gave Captain Meyer the original back and Captain Meyer disembarked the vessel. Due to the Notice of alleged damage he felt it prudent to file this letter with the Board and submit to a Drug and Alcohol test as soon as he reached shore. 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 and this letter was informational in nature. Ms. Piersall seconded the motion which was approved by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Cofer, McDermott, and Piersall. As T. Parker Host, Inc. was the Vessel Agent for M/W Perly, Board member, Mr. Host was not present for the discussion or vote.

Captain Callis provided the Board with a report of examinations conducted by the Exam Administrators on September 17, 2018. The following report was made:

**Exam**  
**Administrator's**  
**Report**

Richard Austin Lyons answered oral questions related to the raise in grade from a Charlie License (38,000 gross tons and 33 feet maximum draft) to a Delta License (44,000 gross tons and 35 feet maximum draft). The subjects included safe anchoring positions in Sewell's Point, Lynnhaven and Cape Charles Anchorage, considerations when anchoring loaded vessels, proper monitoring and usage of VHF channels, security broadcasts, hazards of marine construction and dredging, small boat traffic, under keel clearance and safe vessel speed.

Ryan Robert Nienstedt answered oral questions related to the raise in grade from a Charlie License (38,000 gross tons and 33 feet maximum draft) to a Delta License (44,000 gross tons and 35 feet maximum draft). The subjects included safe anchoring positions in Sewell's Point, Lynnhaven and Cape Charles Anchorage, considerations when anchoring loaded vessels, proper monitoring and usage of VHF channels, security broadcasts, hazards of marine construction and dredging, small boat traffic, under keel clearance and safe vessel speed.

Timothy Delaney Oksman answered oral questions related to the raise in grade from a Charlie License (38,000 gross tons and 33 feet maximum draft) to a Delta License (44,000 gross tons and 35 feet maximum draft). The subjects included safe anchoring positions in Sewell's Point, Lynnhaven and Cape Charles Anchorage, considerations when anchoring loaded vessels, proper monitoring and usage of VHF channels, security broadcasts, hazards of marine construction and dredging, small boat traffic, under keel clearance and safe vessel speed.

After considering the results of the examination, Captain Callis moved that Richard Austin Lyons be raised in grade from a Charlie License (38,000 gross tons and 33 feet maximum draft) to a Delta License (44,000 gross tons and 35 feet maximum draft). Ms. Piersall seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Cofer, Host, McDermott, Piersall, and Stone.

After considering the results of the examination, Captain Callis moved that Ryan Robert Nienstedt be raised in raise in grade from a Charlie License (38,000 gross tons and 33 feet maximum draft) to a Delta License (44,000 gross tons and 35 feet maximum draft). Mr. Host seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Cofer, Host, McDermott, Piersall, and Stone.

After considering the results of the examination, Captain Callis moved that Timothy Delaney Oksman be raised in grade from a Charlie License (38,000

gross tons and 33 feet maximum draft) to a Delta License (44,000 gross tons and 35 feet maximum draft). Mr. McDermott seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Cofer, Host, McDermott, Piersall, and Stone.

Captain Cofer stated that at the December meeting the Board typically delegates administration of the Apprenticeship Training Program to the Virginia Pilot Association. He stated that there will be some minor changes made to the program for the upcoming year (2019). The information will be provided to board members well in advance of the December meeting for review and then consideration at the December meeting.

**Virginia Pilot Association's Apprenticeship Training Program Update**

Captain Cofer reported that the US Army Corps of Engineers has given authorization for deepening the channels to 55 feet and widen them in certain areas to 1400 feet to allow for two way traffic of ultra large container vessels (ULCV). Because the port has at least three ULCV's per week that require these larger lanes, the project may receive government funding. The Port of Baltimore benefits from the deepened south east sea lane, but incur no expense at this time.

**Army Corps of Engineers 55' Project**

Captain Chisman reported National Transportation Safety Board (NTSB) Chairman, the Honorable Robert L. Sumwalt, NTSB Communications Liaison, Michael Hughes, along with American Pilots Association President, Captain Jorge J. Viso visited The Virginia Pilot Association on July 31<sup>st</sup> and August 1, 2018. The Chairman wants to obtain firsthand knowledge about the profession of piloting. The group visited the VPA office and boarded a ship with Branch Pilot Captain Saunders. Captain Chisman stated it was a very productive meeting; it was an honor to host NTSB.

**National Transportation Safety Board**

Captain Cofer stated that because the size of ships is growing at an unbelievable rate, he requests that the Board consider changing the limited branch pilot categories. The Board will be sent the proposed category information before the December meeting, and Captain Schacherer will be present at that meeting to discuss the reasoning behind the proposed changes for 2019.

**Limited Branch Pilots Categories**

Ms. Nosbisch stated the financial statements were provided for informational purposes. Mr. DeBoer quizzed Ms. Nosbisch on the financial statements, and the reasons for a surplus of non-general funds. Mr. DeBoer stated DPOR provides a good value; the fees are not excessive.

**Financial Statements**

Discussion was held on HB 883, part of the red-tape regulatory reform, which directs DPB to administer a three-year regulatory reduction pilot program aimed at reducing by 25% the regulations and regulatory requirements, as defined in the bill, of the Department of Professional and Occupational Regulation and the Department of Criminal Justice Services by July 1, 2021. Ms. Nosbisch informed the Board a baseline of

**General Assembly Update**

current regulations is to be established by October 1, 2018, and the Board can expect regulations to be a regular agenda item going forward.

Ms. Nosbisch stated the articles from The Virginia Pilot and Virginia Business magazines were provided for informational purposes.

**Other Business**

The Board recessed from 10:48 a.m. until 12:01 p.m.

**Recess**

Mr. Stone read his letter of retirement to the Board:

**Announcement**

*My time has come to say thanks. My journey with the pilots started on February 16, 1982 when I was appointed. I resign at the close of the December 2018 meeting.*

*To Jay and Kate, thanks cannot begin to express my appreciation to you and your office for an extremely well run organization. Over my experience of 36 plus years you all have given extraordinary service to our Commonwealth and to those who have served on this Board, I am proud to have been part of it.*

*To Captain Cofer, it has been my distinct pleasure to have served you. In particular, your initiatives and diligence in the work of our Board to adapt rules and regulations to guide our Pilots and protect our Commonwealth have been without equal.*

*To our current Board members and in the memory of those who I have had the pleasure to work with, please accept my gratitude for a job well done.*

Captain Cofer said Mr. Stone will be greatly missed. The Board members thanked Mr. Stone for his service. Mr. Stone will notify the Norfolk court of his retirement in December.

Ms. Nosbisch provided a presentation on Board Member Roles and Responsibilities.

**Board Member  
Roles and  
Responsibilities**

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

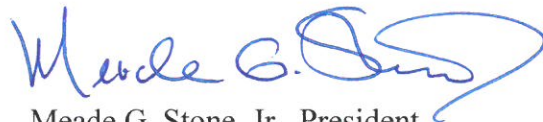
**Conflict of  
Interest Forms  
and Travel  
Vouchers**

There being no further business, the meeting was adjourned at 12:43 p.m.

**Adjourn**

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Meade G. Stone, Jr., President



Jay W. DeBoer, Secretary

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**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 September 17, 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.

  
Signature

9-17-18  
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 September 17, 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:

\_\_\_\_\_

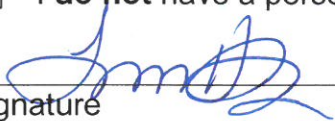
I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6.  I **do not** have a personal interest in any transactions taken at this meeting.

Signature



Date

9-17-18

**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 September 17, 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

*I. Vincent Behm, Jr.*

Date

*9-17-18*

**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 September 17, 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:

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

9/17/18  
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 September 17, 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.

*Christine Piersall*

Signature

*9/17/2018*

Date

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

TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government

- 1. Name: Meade G. Stone, Jr.
- 2. Title: Board Member
- 3. Agency: Board for Branch Pilots
- 4. Meeting/IFF Date: Board Meeting September 17, 2018

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

NONE

Nature of Personal Interest Affected by Transaction:

NONE

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

NONE

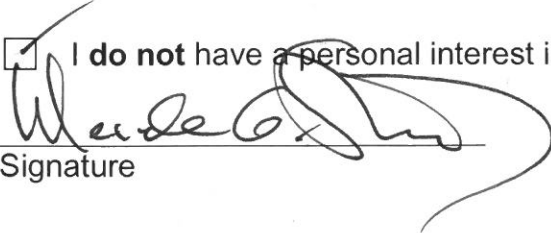
I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6.  I do not have a personal interest in any transactions taken at this meeting.

Signature



Date

9-17-2018

**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 September 17, 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:

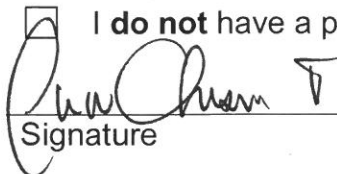
\_\_\_\_\_

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

9-17-18  
\_\_\_\_\_  
Date

**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 September 17, 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.

E. Waightstill Avery  
Signature

9/17/2018  
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 September 17, 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:

---

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

9/17/2018  
Date