BOARD FOR BRANCH PILOTS MEETING MINUTES

The Virginia Board for Branch Pilots met on Friday, September 13, 2019, 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 Captain J. William Cofer Michael Coleman Thomas P. Host, III Christine N. Piersall

Board member, Patrick B. McDermott, was not present with regrets.

Staff present for all or part of the meeting were:

Mary Broz-Vaughan, Director Kathleen R. Nosbisch, Executive Director

Elizabeth Peay was not present with regrets.

Heather Hays Lockerman, Senior Assistant Attorney General, was present from the Office of the Attorney General.

Members of the Audience included:

William Burket Jr., Virginia Port of Authority, Director, MIRT and Emergency Operations

Finding a quorum of the Board present, Ms. Piersall, President, called the Call to Order meeting to order at 11:30 a.m.

Mr. Burket of the Virginia Port Authority (VPA) advised the Board of the Safety emergency evacuation procedure and where first aid and emergency medical Evacuation equipment could be located. Instructions

Mr. Coleman arrived to the meeting at 11:37 a.m. **Arrival of Board** <u>Member</u>

Ms. Piersall requested a moment of silence in memory of Charles Amory, Moment of former Board member. Silence – Charles Amory

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

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Captain Chisman moved to approve the amended minutes from the June 14, 2019 Board meeting. Captain Avery seconded the motion which was Minutes unanimously approved by Messrs., Mme. and Captains: Avery, Callis, Chisman, Cofer, Coleman, Host, and Piersall. Mr. Behm abstained.

Approval of

There were no public comments.

Public Comment Period

Captain Callis provided the Board with a report of examinations conducted by the Exam Administrators on September 13, 2019. The following report was made:

Exam Administrator's Report

Charles A. Huffman, V answered oral questions related to the extension of route. The subjects included courses and distances from Cape Henry to Pages Rock and Wolftrap, safe anchoring positions in the York River and Cape Charles, local traffic, Cape Charles harbor, high water transit times, under keel clearance, George P. Coleman Bridge restrictions and characteristics, aids to navigation and safe vessel speed.

Chadwick M. Jamison answered oral questions related to the extension of route. The subjects included courses and distances from Cape Henry to Pages Rock and Wolftrap, safe anchoring positions in the York River and Cape Charles, local traffic, Cape Charles harbor, high water transit times, under keel clearance, George P. Coleman Bridge restrictions and characteristics, aids to navigation and safe vessel speed.

Ryan Robert Nienstedt answered oral questions related to the raise in grade. The subjects included safe anchoring positions in Lynnhaven, Cape Charles and Sewell's Point, anchoring deep draft vessels, inner harbor transits, underkeel clearance, small boat traffic, hazards of marine construction and dredging, limitations of navigation equipment and safe vessel speed.

Timothy Delaney Oksman answered oral questions related to the raise in grade. The subjects included safe anchoring positions in Lynnhaven, Cape Charles and Sewell's Point, anchoring deep draft vessels, inner harbor transits, under-keel clearance, small boat traffic, hazards of marine construction and dredging, limitations of navigation equipment and safe vessel speed.

Richard Austin Lyons answered oral questions related to the raise in grade. The subjects included safe anchoring positions in Lynnhaven, Cape Charles and Sewell's Point, anchoring deep draft vessels, inner harbor transits, underkeel clearance, small boat traffic, hazards of marine construction and dredging, limitations of navigation equipment and safe vessel speed.

After considering the results of the examination, Captain Callis moved

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Charles A. Huffman, V for an extension of route from Sea to Pages Rock upon the York River including the Cape Charles Anchorage and Wolf Trap. Mr. Behm seconded the motion which was approved by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Cofer, Coleman, and Host. Ms. Piersall abstained.

After considering the results of the examination, Captain Callis moved Chadwick M. Jamison for an extension of route from Sea to Pages Rock upon the York River including the Cape Charles Anchorage and Wolf Trap. Mr. Behm seconded the motion which was approved by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Cofer, Coleman, Host, and Ms. Piersall.

After considering the results of the examination, Captain Callis moved Ryan Robert Nienstedt be raised in grade from from an Echo classification (52,000 gross tons and 37 feet maximum draft) to the newly approved Foxtrot classification (65,000 gross tons and 42 feet maximum draft). Mr. Host seconded the motion which was approved by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Cofer, Coleman, Host, and Ms. Piersall.

After considering the results of the examination, Captain Callis moved Timothy Delaney Oksman be raised in grade from a from an Echo classification (52,000 gross tons and 37 feet maximum draft) to the newly approved Foxtrot classification (65,000 gross tons and 42 feet maximum draft). Mr. Behm seconded the motion which was approved by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Cofer, Coleman, Host, and Ms. Piersall.

After considering the results of the examination, Captain Callis moved Richard Austin Lyons be raised in grade from an Echo classification (52,000 gross tons and 37 feet maximum draft) to the newly approved Foxtrot classification (65,000 gross tons and 42 feet maximum draft). Mr. Host seconded the motion which was approved by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Cofer, Coleman, Host, and Ms. Piersall.

Captain L.J. Stallings, III, retired August 28, 2019. Captain Cofer stated Branch Pilot Captain Stallings served as a Branch Pilot for over 48 years; he took Retirement tremendous pride in his role. His father was also a pilot. Captain Stallings piloted 7,856 ships. Captain Callis showed a picture of him boarding his last ship. The Board recognized him with appreciation for his service. Ms. Piersall stated he had a long, distinguished career.

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The Board reviewed a letter from Captain Benjamin Speckhart, regarding an incident on August 28, 2019, involving the Atlantic Star.

On August 28th, 2019, Captain Speckhart was ordered to be on board the Atlantic Star at 1600 to transfer the ship from NIT south berth to PMT. The ship was starboard side alongside the pier at NIT south berth and would be docked starboard side alongside at PMT. At 1530 Captain Speckhart boarded the vessel and engaged in a Master Pilot exchange and contacted JHOC to get permission to sail the vessel. According to the Captain and Pilot card, all machinery (including bow and stern thrusters) on the vessel were in good working order. The length of the vessel is 971ft, the breadth 123ft, and the draft was 29ft 3in. The vessel also has an enclosed bridge wing. At the time of the undocking, the wind was light (less than 10 knots and out of the North) and the current was in flood condition. The docking pilot was Chris Ferguson of Independent Docking Pilots. The tug AJ McAllister was made fast to the port quarter to assist with the undocking and followed us to PMT, where it again assisted with the docking.

At 1600 the Atlantic Star got underway from NIT south berth. At approximately 1620, after the vessel was in Craney Island Reach, the Captain turned the con of the vessel over to Captain Speckhart. After making the turn at Lambert's Bend, he steadied the ship. At approximately 1645, Captain Ferguson was again given the con and Captain Speckhart was relieved. The bridge was informed that Captain Ferguson had the con of the vessel. The vessel's speed was 6 knots. At the time of docking the vessel at PMT, the current condition and wind speed were the same as they were when undocking the vessel. However, once the Atlantic Star was close to the pier the current was negligible. At this time, the booms of the container cranes were raised and in the up position.

Captain Ferguson maneuvered the vessel stern first through the entrance channel at PMT with no issues. During this time, Captain Speckhart was walking back and forth to each side of the bridge wings to monitor the ships position. The AJ McAllister was made fast to the port quarter of the vessel.

Approximately 100ft from the ship's final position, Captain Ferguson and the Captain of the vessel noticed that there was a piling extending from the pier fendering. The vessel had a sternway of less than two knots at this point. The engine was stopped. The piling was of concern to the Captain, so Captain Ferguson gave a dead slow ahead command to stop the vessel's sternway. When sternway was almost stopped, Captain Ferguson decided to the lay the ship alongside the pier to better assess the situation concerning the loose piling at the pier. At approximately 1715, 30 minutes after the docking pilot took over the con of the vessel, the ship landed alongside the pier with a speed of less than .2 knots of sternway. Shortly thereafter, as the vessel slid aft alongside the pier, it made contact with the container crane. At this time, Captain Speckhart was at the center of the bridge of the vessel. The wind

Review of
Notification
Letter: Captain
Speckhart
Atlantic Star

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speed and current were negligible at this point in the maneuver.

At the time of contact, Captain Speckhart walked over to the starboard bridge wing to assess the situation. Captain Ferguson told Captain Speckhart what happened, but Captain Ferguson couldn't see where the Atlantic Star hit because the ceiling of the enclosed bridge wing blocked his visibility of the container crane. Captain Speckhart walked outside and briefly looked at the crane and saw a piece of bent metal on the crane as well as a bent railing on the roof of the bridge wing. After assessing the damage, Captain Ferguson and Captain Speckhart determined that the ship was clear from the crane and Captain Ferguson continued to slide the ship aft to its intended final position.

At 1815, all lines were made fast to the pier. At this time, Captain Speckhart called the United States Coast Guard to inform them that the Atlantic Star had made contact with the container crane at PMT. Captain Speckhart also informed them that he did not believe there were any injuries as a result of the collision. The officer informed Captain Speckhart that an investigator would be contacting him to discuss the situation. At 1900, Captain Speckhart spoke with the investigator and informed her that there were no injuries and he would be providing a written statement detailing the event as soon as possible.

At 2000, Captain Speckhart arrived at the drug and alcohol testing facility where he was given a breathalyzer and State and Federal drug test. Captain Speckhart completed the test at 2045.

After review and discussion, Mr. Behm 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. Mr. Host seconded the motion which was approved by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Cofer, Coleman, Host and Piersall.

The Board reviewed a letter from Captain David Heath, regarding an incident on September 2, 2019, involving M/V SAKIZAYA WISDOM.

On the morning of September 02, 2019, Captain Heath was ordered for 0330 to the Panamanian flagged motor vessel SAKIZAYA WISDOM for a move from Cape Charles anchorage to Norfolk Southern coal pier No. 6. Captain Heath arrived approximately 30 minutes early at which time the ship was ready to sail. The Master gave him the pilot card which he reviewed and they conducted a Master/pilot exchange. The Master advised that the draft was 43.7 feet and that all equipment was functioning properly on the vessel. As Captain Heath reviewed the pilot card and he checked paragraphs as he read them, and then signed it to show that he had received it. A copy of the pilot card is attached. Captain Heath then showed the Master his docking orders and his intended route out of the anchorage and into the channels all the way to the pier. Due to the draft he would be restricted to the channels the entire way. Captain Heath explained to the Captain that the current was just starting

Review of
Notification
Letter: Captain
Heath - M/V
SAKIZAYA
WISDOM

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to ebb and would be increasing as they made their way out to Cape Henry and when turning at Cape Henry the ebb current would then be against them. Captain Heath also showed him where they would pick the tug boats up. Captain Heath explained that they would be going to the Southside of the pier port side to, bow in. The Master acknowledged this and stated that they were almost fully loaded and that they only had a small amount of coal to top off in the one remaining cargo hole.

The weather conditions were clear and due to SAKIZAYA WISDOM's loaded condition they had good visibility ahead as the vessel was sitting lower in the water. The current was just starting to ebb, and the wind was light out of the east around 5 kts. They got underway at approximately 0320. The Captain asked if they needed someone standing by forward, Captain Heath answered yes, and with a radio. They then exited the anchorage and upon entering the channel Captain Heath increased to full ahead and proceeded outbound of York Spit channel.

Upon entering the channel, Captain Heath immediately noticed that the ship required a substantial amount of rudder to initiate a turn and even more counter rudder to check a turn. This was not out of the ordinary but was indicative that the ship was deep loaded. According to the pilot card, when fully laden the vessel had a top speed at full ahead of 10.8 kts., which was very close to her actual performance. The SAKIZAYA WISDOM handled well when going straight ahead, but was sluggish in the turns. Each turn required a substantial amount of rudder to increase the rate of turn and then even more counter rudder to check the turn. The pilot card stated that it takes 28.5 seconds for the rudder to move from hard over to hard over. Captain Heath found this to be fairly accurate.

The channel was clear of traffic and they met no vessels in the channel between the anchorage and the Chesapeake Bay Bridge tunnel.

As they approached the CBBT, Captain Heath saw on radar two vessels to the east of the CBBT coming down from the north. Both had Automated Identification systems activated. The first vessel "River Rat" showed a constant course and speed of 7 kts with a vector crossing the channel ahead of them at about one mile. The second vessel showed a vector passing well astern of the vessel. The "River Rat" crossed their bow as Captain Heath had expected. However, when he crossed my bow, he slowed down. Captain Heath was tracking him visually, on radar, and with AIS. He then called him by name on Channel 13. He did not answer. Captain Heath could still see his green starboard light. Captain Heath then walked over to the radio monitoring channel 16 and called him on CH16 by name. The "River Rat" then turned and started heading directly at us. Captain Heath could clearly see his port and starboard light. Captain Heath then began blowing the danger signal on the bow. The mate started blowing the danger signal and then Captain Heath took over blowing the danger signal. Captain Heath continued blowing the danger

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signal multiple rounds. After they started blowing the danger signal, the "River Rat" immediately started to cross our bow again, this time from starboard to port. They could clearly see his red port light. Once dead ahead of us, he turned again and started across our bow from port to starboard. During this entire time we were steadily sounding the danger signal. The rudder was ordered hard to port, and just about as soon as the command was given, the "River Rat" cleared the starboard bow and Captain Heath ordered the rudder back to midship and ordered the helmsman to steady the course.

They never lost sight of the "River Rat". After passing to starboard of the bow, the "River Rat" did not continue on a course away from them, but turned and headed on a passing course approximately 50 to 75 feet off their starboard side. It appeared that he would stay clear and pass, however, as he got abeam of our starboard quarter, the gap between the vessels closed. The "River Rat's" starboard bow glanced off their starboard quarter. He then increased speed and proceeded on past up the channel. Once again, Captain Heath tried to call him multiple times on channel 16. After several attempts he answered but was mostly garbled. Captain Heath told him to switch to a working channel and after several mostly inaudible exchanges the "River Rat" stated that he was having problems with his handheld radio but everyone on board was ok and no one was injured. Captain Heath then asked if he had any damage and he replied that he thought so, but he was not taking on any water and he was going to continue on. Captain Heath advised him that I was calling the Coast Guard. He informed the Coast Guard of the incident and then proceeded to Lamberts Point coal pier without any further issues. The Coast Guard investigating officer advised they were not required to submit a Form 2692 Report of Casualty, and that they were handing the investigation over to the VA Marine Police. Captain Heath departed the SAKIZAYA WISDOM safely secured at the berth and promptly reported to take a federal and state drug test along with an alcohol test. All three were negative.

After review and discussion, Captain Cofer 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. Mr. Behm seconded the motion which was approved by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Cofer, Host and Piersall. Mr. Coleman abstained.

Ms. Nosbisch presented the 2020 meetings dates. She noted the new start time of 11:00 a.m. Mr. Host moved to adopt the following meeting and examination dates for 2020:

Consideration of 2020 Meeting Dates

March 13, 2020	11:00 AM	Branch Pilots
June 15, 2020	11:00 AM	Branch Pilots
September 15, 2020	11:00 AM	Branch Pilots
December 7, 2020	9a-4p	BP Renewals

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December 8, 2020 9a-4p **BP** Renewals 11:00 AM **Branch Pilots** December 18, 2020

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

New Board Member Training is October 3-4, 2019; the Conflict of Interest Board Member Disclosure training will be completed at the meeting. Mr. Host and Mr. McDermott will be attending.

Training

Ms. Nosbisch stated Merit is working to streamline professional licensing Merit credentials across Virginia. It is not mandatory of licensees to participate and only licensees who had an email on file with DPOR received notification. It is an online credentialing service that is accessible, verifiable, and free. Organizations and the public will be able to efficiently check the digital credentials of licensed professionals.

Ms. Broz-Vaughan stated DPOR is excited about the digital credentialing; eventually moving all the boards to SharePoint. Within the next twelve months, DPOR will use SharePoint and board members will have a log in to review the agenda.

Ms. Nosbisch informed the Board that every four years, the Board is required to conduct a periodic review of the regulations and public participation Regulatory guidelines. The review is to ensure the regulations: are supported by statutory authority, determine that the regulations are necessary for the protection of the health, safety and welfare of the public, are clearly written and easily understood, and ensure the economic impact on small business is minimized as much as possible. The Public Comment period was August 19 through September 9, 2019. There were no public comments. Captain Chisman moved to retain the regulations in their current form. Mr. Host seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Cofer, Coleman, Host, and Piersall.

Periodic Review

Ms. Nosbisch stated the financial statements were provided for informational purposes. Ms. Broz-Vaughan stated as of July 1, 2019, DPOR set aside cash balances and sequestered funds so the money is available for technological improvements recommended by Joint Legislative Audit and Review Commission (JLARC).

Financial Statements

Mr. Host asked if there was any news on the car carrier that tipped/rolled in Other Business Brunswick, Georgia. Captain Cofer stated it was still in the river. He stated everyone is okay, but there is no further information available at this time.

Ms. Nosbisch announced Ms. Broz-Vaughan has been appointed Director of DPOR where she has served as Acting Director since February. The Board Board for Branch Pilots Meeting Minutes September 13, 2019 Page 9 of 9

congratulated her.

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

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

Conflict of
Interest Forms
and Travel
Vouchers

There being no further business, the meeting was adjourned at 12:36 p.m.

<u>Adjourn</u>

Christine Piersall, President

Mary Broz-Vaughan, Secretary

1. _.	Name:	Michael W. Coleman	
2 .	Title:	Board Member	
3.	Agency:	Board for Branch Pilots	
4.	Meeting/IFF Date:	Board Meeting September 13, 2019	
		erest in the following transaction:	
	Capes Shrings	nterest Affected by Transaction: Agent is Sawed as agent for the MIV.	
	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 par public interest.	rticipate in this transaction fairly, objectively, and in the	
	I did not particip	pate in the transaction.	
3.	□ I do not have a	personal interest in any transactions taken at this meeting. $9/13/19$	
	Signature	Date	

1.	Name:	E. Waightstill Avery	
2.	Title:	Board Member	
3.	Agency:	Board for Branch Pilots	
4.	Meeting/IFF Date:	Board Meeting September 13, 2019	
5.	I have a personal into	erest 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:		
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	or		
	☐ I did not particip	pate in the transaction.	
6.	do not have a	personal interest in any transactions taken at this meeting.	
	Sage	9/13/2019	
	Signature	Date	

1.	Name:	I.Vincent Behm, Jr.	
2.	Title:	Board Member	
3.	Agency:	Board for Branch Pilots	
4.	Meeting/IFF Date:	Board Meeting September 13, 2019	
5.	I have a personal interest in the following transaction:		
	Nature of Personal Interest Affected by Transaction:		
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	Signature	7-13-19 Date	

1.	Name:	Robert H. Callis, III	
2.	Title:	Board Member	
3.	Agency:	Board for Branch Pilots	
4.	Meeting/IFF Date:	Board Meeting September 13, 2019	
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 am able to participate in this transaction fairly, objectively, and in the public interest.		
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6.	ldo not have a	personal interest in any transactions taken at this meeting.	
	- New Hall:	9/13/19	
	Signature	Date	
	じ		

1.	Name:	J.W. Whiting Chisman III		
2.	Title:	Board Member		
3.	Agency:	Board for Branch Pilots		
4.	Meeting/IFF Date:	Board Meeting September 13, 2019		
5.	I have a personal int	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:			
	am able to participate in this transaction fairly, objectively, and in the public interest.			
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	☐ I did not particip	pate in the transaction.		
6.	I do not have a	personal interest in any transactions taken at this meeting.		
	Jun Chism	9-13-19		
	Signature	Date		

1.	Name:	J. William Cofer	
2.	Title:	Board Member	
3.	Agency:	Board for Branch Pilots	
4.	Meeting/IFF Date:	Board Meeting September	13, 2019
5.	I have a personal interest in the following transaction:		tion:
	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.		
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6.	I do not have a	personal interest in any tran	sactions taken at this meeting.
	XW WI_		9-13-19
(Signature		Date

1.	Name:	Thomas P. Host III	
2.	Title:	Board Member	
3.	Agency:	Board for Branch Pilots	
4.	Meeting/IFF Date:	Board Meeting September 13, 2019	
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6.	. I do not have a personal interest in any transactions taken at this meetin		
	And The	9-13-19	
	Signature	Date	

1.	Name:	Christine N. Piersall		
2.	Title:	Board Member		
3.	Agency:	Board for Branch Pilots		
4.	Meeting/IFF Date:	Board Meeting September 13, 2019		
5.	I have a personal int	I have a personal interest in the following transaction: Urensing of Cinarus Huffman V		
	Nature of Personal Interest Affected by Transaction: Lam nis actained 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 par public interest.	rticipate in this transaction fairly, objectively, and in the		
	or I did not particip	pate in the transaction.		
6.	☐ I do not have a	a personal interest in any transactions taken at this meeting.		
	Christine Q	reals 9/13/12/9		
	Signature	Date		