

**BOARD FOR BRANCH PILOTS MEETING
MINUTES**

The Virginia Board for Branch Pilots met on September 13, 2021, at the Virginia Port Authority, 600 World Trade Center, Norfolk, Virginia, with the following members present:

Andrew Anseeuw
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

Staff present for all or part of the meeting were:

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

Elizabeth Peay, from the office of the Attorney General, and Bonnie Davis, Administrative Assistant send regrets.

Members of the Audience included:

Mark Coberly, Manager, Maritime Law Department, Representative from Vandeventer Black, Wesley Host, Patty Host, Kelsey Sanock, and Tom Host all from T. Parker Host

Finding a quorum of the Board present, Ms. Piersall, President, called the **Call to Order** meeting to order at 10:30 a.m.

Ms. Nosbisch advised the Board of the emergency evacuation procedures. **Safety
Evacuation
Instructions**

The Board welcomed new board member Aaron Anseeuw who is filling the seat vacated by Mr. Host. **Welcome Aaron
Anseeuw**

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

Captain Callis moved to approve the amended minutes from the June 9, 2021 Board meeting as presented. Mr. Coleman seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Avery, Behm, Callis, **Approval of
Minutes**

Chisman, Coleman, Collins, McDermott, and Piersall. Mr. Anseeuw abstained from voting.

There were no public comments.

**Public Comment
Period**

Ms. Piersall read the resolution for consideration by the Board:

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

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.

The Board members agreed to the resolution by consensus and congratulated and thanked Mr. for his service.

Captain Callis provided the Board with a report of the examinations conducted by the Exam Administrators on September 10, 2021. The following report was made:

**Exam
Administrator's
Report**

Richard Austin Lyons answered oral questions related to the extension of route. The subjects included courses and distances from the James River Bridge to City Point, the effects of squat on maneuvering in shallow water and ship behavior in Rock Landing Shoal Channel and Dancing Point Channel, tide restrictions on the river, characteristics of the James River

Bridge and the Benjamin Harrison Bridge, safe anchoring positions and weather considerations including fog, and docking and undocking maneuvers at the Advansix Terminal and Associated Asphalt Terminal in Hopewell, VA.

Richard Austin Lyons stood a good examination and was found qualified. Captain Callis moved that Richard Austin Lyons be approved for an extension of route from the James River Bridge to City Point, Hopewell, Virginia, and the extension of route to become effective September 15, 2021.

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

Ryan Robert Nienstedt answered oral questions related to the extension of route. The subjects included courses and distances from the James River Bridge to City Point, the effects of squat on maneuvering in shallow water and ship behavior in Rock Landing Shoal Channel and Dancing Point Channel, tide restrictions on the river, characteristics of the James River Bridge and the Benjamin Harrison Bridge, safe anchoring positions and weather considerations including fog, and docking and undocking maneuvers at the Advansix Terminal and Associated Asphalt Terminal in Hopewell, VA.

Ryan Robert Nienstedt stood a good examination and was found qualified. Captain Callis moved that Ryan Robert Nienstedt be approved for an extension of route from the James River Bridge to City Point, Hopewell, Virginia, and the extension of route to become effective September 15, 2021.

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

Timothy Delaney Oksman answered oral questions related to the extension of route. The subjects included courses and distances from the James River Bridge to City Point, the effects of squat on maneuvering in shallow water and ship behavior in Rock Landing Shoal Channel and Dancing Point Channel, tide restrictions on the river, characteristics of the James River Bridge and the Benjamin Harrison Bridge, safe anchoring positions and weather considerations including fog, and docking and undocking maneuvers at the Advansix Terminal and Associated Asphalt Terminal in Hopewell, VA.

Timothy Delaney Oksman stood a good examination and was found qualified. Captain Callis moved that Timothy Delaney Oksman be approved for an extension of route from the James River Bridge to City Point, Hopewell, Virginia, and the extension of route to become effective September 15, 2021.

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

Captain Callis provided the Board with a report of the examination conducted by the Exam Administrators on September 13, 2021. The following report was made:

Zachary Stewart Dodson answered oral questions related to the raise in grade. The subjects included safe anchoring positions in Lynnhaven, Sewell's Point, and Cape Charles, safe anchoring techniques, under keel clearance, inner harbor transits, vessel traffic management, determination of adequate towboat power in adverse weather, vessel interaction during overtaking and meeting situations, bank suction and cushion, effectiveness of bow thrusters, and safe vessel speed.

Zachary Stewart Dodson stood a good examination and was found qualified. Captain Callis moved that Zachary Stewart Dodson be approved for a raise in grade from a Delta license (45,000 gross tons and 36 feet maximum draft) to an Echo license (55,000 gross tons and 39 feet maximum draft).

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

Mr. Behm recused himself from the meeting for discussion of the notification letter.

Recusal of Board Member

The File Review Committee previously reviewed the notification letter from Captain Behm, regarding an incident on June 18, 2021, involving the WEDDELL SEA.

Notification Letter, Captain Behm- WEDDELL SEA

On the morning of June 18, 2021, Captain Behm was ordered to sail the tug WEDDELL SEA and barge PENN NO. 90 from Lyon Shipyard on the Eastern Branch of the Elizabeth River to sea at 1000 hours. The WEDDELL SEA is 104.9' in length, with a beam of 37.8' and a draft of 17'. The barge PENN NO. 90 is 417' in length, with a beam of 76' and a draft of 7'. He arrived onboard the tug at 0940 hours, greeted the captain, completed the master/pilot exchange and exchanged paperwork. The wind was SW at 5 to 10 knots and the state of the current was the last of the ebb. The barge unit was berthed against 4 dolphins port side to, perpendicular to the stream, with her bow inshore (northwestward). At 1000 hours the tug made up to the barge in pushing gear. Shortly thereafter the assist tug CLAYTON W. MORAN arrived, dropped off the Moran docking master and took her position on the starboard side of the barge. The Moran docking master boarded the tug and talked with the captain conducting the master/docking master exchange. The docking master said he preferred to be on the bow

of the barge for the maneuver and the captain agreed. Captain Behm stayed in the upper wheelhouse of the tug with the captain. The planned undocking maneuver consisted of backing the barge into the stream and then turning the bow to the port approximately 60 degrees to head down stream. The tug CLAYTON W. MORAN held the tug and barge alongside the dolphins while lines were let go. At 1022 hours they undocked from the berth with the docking master giving commands to the CLAYTON W. MORAN and to the captain of the WEDDELL SEA. At 1024 hours Captain Behm heard over the radio the docking master order the CLAYTON W. MORAN to come ahead on the starboard bow to cause the barge to swing to port. Shortly after the CLAYTON W. MORAN started pushing, the port bow of the barge apparently made contact with the last mooring dolphin as it was swinging past. From their position in the wheelhouse they could not see the dolphin and did not see the actual contact with the dolphin. After they were fully into the stream and the dolphin came into their view, they could see the dolphin was leaning over. There were a few scratches on the bow of the barge but no visible damage. The rest of the transit to Cape Henry was uneventful. After disembarking the vessel at Cape Henry, Captain Behm returned to the Virginia Pilot Office and reported for a drug test.

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

Mr. Behm returned to the meeting.

The Board reviewed the protocol, the Board's regulation 19VAC45-20-50.C, and 18VAC45-20-40.12. The Board agreed by consensus to require proof of any test required as per paragraphs 10 and 11 of 18VAC45-20-40 until such time the regulations can be changed. Ms. Nobsch suggested a Regulatory Review Committee to review 18VAC45-20-40 as well as other regulations.. Ms. Piersall asked for volunteers. Captain Avery, Mr. Coleman, Captain Collins, and Mr. Anseeuw volunteered to serve on the committee. Ms. Nobsch will follow-up with the committee members regarding a meeting date.

Ms. Nobsch advised the Board that the Virginia Maritime Association's 18th Annual International Trade Symposium to be held September 29-October 1, 2021 has been cancelled.

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

Return of Board Member

Positive Results Reporting Protocol

VMA's International Trade Symposium

Financial Statements

Ms. Piersall reviewed the email response from Elizabeth Peay dated September 2nd regarding the Board's further questions regarding process in regards to notification letters.

Other Business

Ms. Broz-Vaughan informed the board that due to the marijuana conviction changes in legislation, the language in the current regulations must be changed to exclude misdemeanor marijuana drug convictions and this can be accomplished by an exempt regulatory action if filed within 90 days of the enactment.

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

Conflict of Interest Forms and Travel Vouchers

The Board recessed from 11:26 a.m. to 11:36 a.m.

Recess

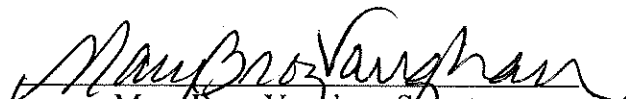
Board members participated in mandatory Conflict of Interest Act training.

Conflict of Interest Act Training

There being no further business, the meeting was adjourned at 11:59 a.m.

Adjourn


Christine Piersall, President


Mary Broz-Vaughan, Secretary

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

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

- 1. Name: J.W. Whiting Chisman III
- 2. Title: Board Member
- 3. Agency: Board for Branch Pilots
- 4. Meeting/IFF Date: Board Meeting September 13, 2021

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

Nature of Personal Interest Affected by Transaction:

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

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

or

I did not participate in the transaction.

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

J.W. Whiting Chisman III
Signature

9-13-21
Date

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

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

1. Name: Aaron Anseeuw
2. Title: Board Member
3. Agency: Board for Branch Pilots
4. Meeting/IFF Date: Board Meeting September 13, 2021

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

2021-SEP-13
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 13, 2021
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

Patrick B. McDermott

Date

9/13/2021

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 13, 2021

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

N/A

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

 9/13/21

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

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

- 1. Name: January Collins
- 2. Title: Board Member
- 3. Agency: Board for Branch Pilots
- 4. Meeting/IFF Date: Board Meeting September 13, 2021

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

Nature of Personal Interest Affected by Transaction:

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

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

or

I did not participate in the transaction.

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

J. N. Collins
Signature

13 SEP 21
Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: I.Vincent Behm, Jr.
2. Title: Board Member
3. Agency: Board for Branch Pilots
4. Meeting/IFF Date: Board Meeting September 13, 2021

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

Notification Letter - Capt. Behm

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.V. Behm

Date

9-13-21

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

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

1. Name: Michael W. Coleman
2. Title: Board Member
3. Agency: Board for Branch Pilots
4. Meeting/IFF Date: Board Meeting September 13, 2021

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

Nature of Personal Interest Affected by Transaction:

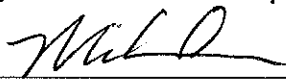
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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

9/13/2021

Date

**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 13, 2021

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

Nature of Personal Interest Affected by Transaction:

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

_____ Virginia Pilot Assn. _____

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 *Robert H. Callis, III*

Date 09/13/2021

**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 13, 2021

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.

Christine Piersall
Signature

9/13/2021
Date