

BOARD FOR BRANCH PILOTS MEETING MINUTES

The Virginia Board for Branch Pilots met on Thursday, July 30, 2015, at the Virginia Port Authority, 600 World Trade Center, Norfolk, Virginia, with the following members present:

Captain Robert H. Callis III
Captain J.W. Whiting Chisman III
Captain J. William Cofer
Thomas P. Host, III
Patrick B. McDermott
Captain John A. Morgan, Jr.
Christine N. Piersall
Meade G. Stone, Jr.

Board member Charles R. Amory, Jr. was not present for the meeting.

Staff present for the meeting was:

Jay DeBoer, Director
Kathleen R. Nosbisch, Executive Director

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

Mr. Stone, President, called the meeting to order at 10:34 a.m.
Mr. Stone confirmed there was a quorum of the Board present.

Call to Order

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

Approval of Agenda

Captain Cofer moved to approve the minutes from the April 30, 2015, board meeting as amended. Captain Morgan seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Callis, Chisman, Cofer, Host, McDermott, Morgan, Piersall and Stone.

Approval of Minutes

There were no public comments.

Public Comment Period

Captain Callis provided the Board with a report of the examinations conducted by the Examination Administrators on July 30, 2015. The following report was made:

Exam Administrators Report

Joseph M. Schacherer III

Joseph M. Schacherer III, answered oral questions related to the extension of route. The subjects included courses and distances, turn bearings, local

traffic, safe anchoring positions in the river, cable and pipeline areas, jetty and pier locations and descriptions, freshets, bank suction and cushion, and safe vessel speed.

Captain Schacherer stood a good examination and was found to be qualified. Captain Callis moved that Captain Schacherer be granted an extension of route from City Point, Hopewell to Richmond Upper Municipal Terminal upon the James River. Captain Morgan seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Callis, Chisman, Cofer, Host, McDermott, Morgan, Piersall and Stone.

Christopher H. Behm

Christopher H. Behm has acquired his inland master's license and has successfully completed the Virginia Pilot Association Apprenticeship Training Program. Captain Behm provided a chart sketch of the sealanes and answered oral questions related to the raise in grade. The subjects included safe anchoring positions in Lynnhaven, Sewell's Point, and Cape Charles, anchoring deep loaded vessels, tidal sailings and arrivals, under keel clearance, deep-water route, naval nomenclature and chain of command, and safe vessel speed. Captain Behm stood a good examination and was found to be qualified. Captain Callis moved that Captain Behm be raised from a Hotel classification (64,000 gross tons and 46 feet maximum draft) to a Branch Pilot. Ms. Piersall seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Callis, Chisman, Cofer, Host, McDermott, Morgan, Piersall and Stone.

Mr. Stone congratulated Captain Behm and presented him with his Branch Pilot license.

Gregory R. Willson

Gregory R. Willson has acquired his inland master's license and has successfully completed the Virginia Pilot Association Apprenticeship Training Program. Captain Willson provided a chart sketch of the sealanes and answered oral questions related to the raise in grade. The subjects included safe anchoring positions in Lynnhaven, Sewell's Point, and Cape Charles, anchoring deep loaded vessels, tidal sailings and arrivals, under keel clearance, deep-water route, naval nomenclature and chain of command, and safe vessel speed. Captain Willson stood a good examination and was found to be qualified. Captain Callis moved that Captain Behm be raised from a Hotel classification (64,000 gross tons and 46 feet maximum draft) to a Branch Pilot. Mr. Host seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Callis, Chisman, Cofer, Host, McDermott, Morgan, Piersall and Stone.

Mr. Stone congratulated Captain Willson and presented him with his Branch Pilot license.

Captain Cofer congratulated Captains Behm and Willson for their outstanding performance over the last five years stating that they have done a tremendous job representing Virginia Pilot Association (VPA) and the Board. Captains Behm and Willson have each piloted over 2,000 ships in the five year program. Captain Cofer shared with the Board that VPA's program is the most practical program in the US and it is unheard of to pilot 2,000 ships during training and have experience on every type of ship. Captain Cofer stated that following the meeting, Captains Behm and Willson would be going to the circuit court for swearing in, and offered his best wishes to them in the future. The Board briefly recessed to photograph the new pilots with President Stone.

**Recognition of
New Unlimited
Branch Pilots**

On June 30, 2015, Captain Rogers was ordered on board the M/V JAZAN for a 2100 inbound transit from Cape Henry to Norfolk International Terminal (NIT), Container Berth 1. The M/V JAZAN is a container ship 1004 ft long by 131 ft wide with a draft of 41 ft 6 in. The ship has a fixed pitch, right hand turning propeller with a 84,000 hp engine. The ship is equipped with a 3400 hp bow thruster that was inoperable.

**Captain Torrence
A. Rogers - M/V
JAZAN**

Captain Rogers boarded the vessel at approximately 2100 at which time the weather at Cape Henry was fair and the winds 10-15 knots out of the south. The forecast called for isolated thunderstorms, and the current was ebbing with low tide predicted at Sewells Point at 0217. Captain Rogers conducted a master pilot exchange with the Captain of the vessel and they proceeded inbound for NIT.

At approximately 2235, the ship picked up the tractor tugs GEORGE T MORAN and PAYTON GRACE MORAN, and at that time the docking master, Al Dykes, boarded the M/V JAZAN. Both tugs are rated for 6000 hp and 72 tons of bollard pull. After an exchange of information, the master relieved Captain Rogers of the conn and gave the conn to the dock master. The dock master made the GEORGE and PAYTON up on the port bow and port quarter respectively. The ship continued inbound to NIT.

As the ship passed green buoy "13" the ship began to make its turn to starboard to prepare for the backing procedure into NIT. After the ship completed its turn in the Elizabeth River channel, the docking master began backing the vessel into NIT channel at approximately 2255. At this time the current was predicted to be slack for ebb, but the winds had increased to 20 knots sustained out of the southwest. This put the winds directly on the port beam of the ship. As the ship backed into NIT with both boats pulling full, the ship was gradually falling down toward the shallower water between green "13" and pier 1. There was a concern that the ship needed additional tug support so the ship was stopped to alongside the shallower water that runs from buoy "13" to the southwest corner of pier 1, to hold position as the dock master called for two additional tugs to assist in the vessel movement as a response to the higher winds. As the beam winds increased, the ship fell

very slowly toward the shoal water on its starboard side. There was no option of maneuvering the ship back to the main channel as this would have moved the stern closer towards the shoal water.

At approximately 2315 the STEVEN and EMILY ANNE McAllister tugs arrived and began pushing full on the starboard bow and starboard quarter. The additional tugs slowly stemmed the drift, however according to the chart plotter, it appears the ship may have rested against the mud bank on its starboard side. The ship did not roll and the fathometer indicted no less than 2 meters under the keel of ship, and the vessel never lost the ability to move fore or aft. There was no indication the ship was resting against the mud other than the location of the ship on the Raven chart plotter, but it is plausible that it was touching the vertical bank.

At approximately 2325 the ship began to move laterally back towards the channel between green "13" and pier 1 NIT. At approximately 2335, an additional the tractor tug, the KAYE E MORAN arrived and began pushing on the starboard center of the ship. The ship continued the docking procedure and arrived at the berth without further incident. At approximately 0120 the US Coast Guard was notified.

At approximately 0930 on 01 July 2015 Captain Rogers completed a urinalysis test. To the best of his knowledge, all regulatory reporting requirements set forth in Board for Branch Pilots regulations were met.

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; the letter was informational in nature. Ms. Piersall seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Callis, Chisman, Cofer, Host, McDermott, Morgan, Piersall and Stone.

Ms. Nosbisch informed the Board that the unexpired terms of President and Vice-President filled by Mr. Stone and Captain Cofer upon Mr. Cherry's retirement, expired May 31, 2015. Ms. Nosbisch stated that as the Board has not met since then, elections were to be held. The terms are for four years. Captain Chisman nominated Mr. Stone as President and Captain Cofer as Vice-President. Mr. McDermott seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Callis, Chisman, Cofer, Host, McDermott, Morgan, Piersall and Stone.

Election of Officers

Discussion was held regarding the draft resolution presented to the Board for review.

Resolving Pilotage Controversies on Recreational Yachts

Captain Cofer presented the following resolution regarding pilotage controversies on recreational yachts:

Resolution

Whereas controversies have arisen on multiple occasions, and continue to arise from time to time between yacht masters and pilots of the Virginia Pilot Association over the issue of whether individual recreational vessels, (hereinafter, “yachts”) are required to take pilots, and

Whereas the Virginia Pilot Association through its membership and board have considered the issue of safe navigation of yachts in Virginia waters and recommend criteria for yachts that may be exempt from taking pilots, and

Whereas the Virginia Pilot Association has requested that the Board for Branch Pilots resolve this continuing controversy regarding which yacht masters must take pilots and which are exempt from taking pilots, and

Whereas, by enacting its Code section 11-501.1 the State of Maryland has established criteria to determine which yachts are exempt from pilotage in Maryland and the shared waters of the Chesapeake Bay, and

Whereas, the Virginia Pilot Association through its membership and board have reviewed the criteria set in the Maryland Section 11-501.1, and have unanimously determined that the criteria set forth therein is appropriate, and consistent with the safe handling of vessels within the waters of the Commonwealth of Virginia,

Whereupon,

It is hereby resolved that the Board for Branch Pilots approves and adopts the criteria established by the State of Maryland, and also recommended and presented by the Virginia Pilot Association, as safe criteria for yachts navigating in the waters of Virginia, as follows:

Employment of pilot on recreational vessel.

- (a) *Definition.* – A recreational vessel is a vessel that meets the definition of “recreational vessel” in 46 U.S.C. § 2101(25), and is:
- (1) not engaged in “commercial service” as defined in 46 U.S.C. § 2101(5), except charters for recreational use;
 - (2) not carrying a “passenger for hire” as defined in 46 U.S.C. § 2101(21a); and
 - (3) in possession of a “cruising license” issued pursuant to 19 C.F.R. § 4.94.
- (b) *Pilotage of recreational vessels.* – A recreational vessel that is both less than 200 feet in overall length and has less than a 12-foot draft may not be required to employ a licensed pilot to pilot the vessel when underway on the navigable waters of the State.”

Mr. McDermott moved to adopt the resolution as presented regarding the pilotage of recreational yachts. Ms. Piersall seconded the motion which was

unanimously approved by Messrs., Mme. and Captains: Callis, Chisman, Cofer, Host, McDermott, Morgan, Piersall and Stone.

Board members reviewed correspondence from the National Transportation Safety Board and their safety recommendations M-11-19-21 regarding pilot fatigue. Ms. Nobsch introduced Mark Coberly, Counsel for the Virginia Pilot Association, and indicated he would be available for questions. Captain Cofer provided a presentation on Virginia State Pilot rules addressing pilot fatigue.

**Review of NTSB
Safety
Recommendations**

The Virginia Pilot Association, through its rules, oversees the practices of its pilots to promote and ensure the highest level of safety by providing ongoing training, and by striving to ensure mental and physical impairment is minimized to the highest degree. There are work rules in place, regarding the number of ships and duration of trips, to guard against pilot fatigue. The Virginia Board for Branch Pilots has been the leader in creating the most demanding pilot chemical testing regulations in the country, which not only includes testing for the use of illegal drugs, but also mind impairing prescription drugs.

The pilot working rules were developed with concern and appreciation for the impact of fatigue. Branch pilots work two weeks on duty then two weeks off duty and every six weeks their off duty week is shifted to an on duty standby week. There are typically 20 pilots on call and ready to work at any given time. A pilot rotation order in Virginia usually consists of piloting two ships and then going to the bottom of the rotation list of pilots for rest.

Pilot rotation working rules state a pilot cannot take more than two ships as part of his or her rotation. In addition, if the two on-board ship orders are more than 12 hours apart, the rules call for the pilot to only pilot one ship but he or she receives full credit for piloting two for rest purposes. In addition, the rules allow a pilot, when ordered to his or her turn, to sign up for just a one-ship rotation. This rule is in direct response to concerns for fatigue, this allows the pilot an option to work fewer hours if for any reason the pilot believes that a usual rotation order would potentially become tiresome even if it was within the limited parameters of the current working rules. The Virginia Pilot Association rules provides each pilot with additional options to respond to fatigue which include the ability to take a sick day without explanation if, in the opinion of the pilot, for any reason he or she is not fully rested to accept a piloting order. There is no punitive action taken against a pilot should he or she determine he or she is not fully rested to accept an assignment. There is always a standby list of pilots on call ready for duty. This list is specifically designed for relieving pilots when rest potentially could become an issue and is the most practical way to ensure pilots have available means of relief if necessary. There are also specific rules in place for river jobs; because of the longer transit time, the rules allow a pilot to only accept one job and then return to the bottom of the rotation list. Also, to

counter the potential for fatigue on a longer river run, there is a rule in effect that allows the pilot ordered to a ship that may take longer than 10 hours, to take another pilot as a relief, or second pilot. The rules, many of which have been in place over 20 years, are designed to provide safe working conditions. There has never been an incident or accident in the Commonwealth of Virginia where fatigue was a factor.

The Virginia Pilot Association requires pilots to complete bridge resource management training on a five year rotation. The Virginia Pilots have participated in this training for the past twenty years. This American Pilots Association approved training course includes a portion on fatigue mitigation and education. The Virginia Pilot Association training for this course will be completed by the Commonwealth's licensees during the months of December, 2015, January and February, 2016.

Mr. Coberly stated that although the NTSB is not a regulatory organization, they are to be lauded for investigating pilot accidents. The two accidents that occurred, which were outside of Virginia, the pilots suffered from sleep apnea.

Mr. McDermott moved to have Ms. Nobsch draft a letter for review by Mr. Stone and Captain Cofer, addressing the NTSB's recommendations. The letter will inform them of how the Virginia pilots are trained on fatigue through the Bridge Management Resource course and an overview of the rules that address fatigue through scheduling. Further, the Board will review VPA rules on fatigue each December at its board meeting. Captain Morgan seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Callis, Chisman, Cofer, Host, McDermott, Morgan, Piersall and Stone.

Captain Cofer informed the Board that Mr. Paul Kirchner, Executive Director, American Pilot Association (APA), was unable to attend the meeting due to the passing of APA President, Mike Watson, who was a former Maryland pilot. Mr. Kirchner will be invited to the December 11 Board meeting.

**Report from
American Pilot
Association**

Board members were provided financial statements for informational purposes.

**Review Financial
Statements**

Ms. Nobsch informed the Board that there was a conflict with the, tentatively scheduled, March 15, 2016 board meeting date and requested an alternate date be considered. She will follow up with Board members, providing alternative dates for consideration.

**Consideration of
2016 Meeting
Dates**

The Board adopted the following meeting and examination dates as for 2016:

June 15, 2016, Examination Administrators Meeting and Branch Pilots

Board Meeting;
September 15, 2016, Branch Pilots Board Meeting (tentative);
December 7 & 8, 2016, Renewals; and
December 15, 2016, Branch Pilots Board Meeting.

The new date for the March 2016 meeting will be approved at the next Board meeting.

Ms. Nosbisch welcome Elizabeth Peay, Board Counsel. She was announced as new counsel at the April board meeting, however this was her first meeting.

Other Business

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

Conflict of Interest Forms

There being no further business, the meeting was adjourned at 11:35 a.m.

Adjourn

Meade G. Stone, Jr., President

Jay W. DeBoer, Secretary