

**BOARD FOR BRANCH PILOTS
MEETING AGENDA
JUNE 13, 2022 at 10:30 a.m.
Virginia Port Authority Board Room
Norfolk, Virginia**

1. Call to Order
2. Safety Evacuation Instructions
3. Announcements
4. Approval of Agenda
5. Approval of Minutes
 - March 15, 2022 Board Meeting
6. Public Comment Period*
7. Notification Letter – Captain Schill – CMA CGM MARCO POLO
8. Notification Letter – Captain Callis – ULVC Toledo Triumph
9. Board Member Conference – October 13 - October 14, 2022
10. Financial Statements
11. Other Business
12. Conflict of Interest Forms / Travel Vouchers
13. Adjourn

*Agenda materials made available to the public do not include disciplinary case files or application files pursuant to §54.1-108 of the *Code of Virginia*.

*Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the Department at (804) 367-8514 at least ten days prior to the meeting so that suitable arrangements can be made for an appropriate accommodation. The Department fully complies with the Americans with Disabilities Act.

- **Call to Order**
- **Safety Evacuation Instructions**
- **Announcements**

DRAFT AGENDA

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**BOARD FOR BRANCH PILOTS MEETING
MINUTES**

The Virginia Board for Branch Pilots met on March 15, 2022, at the Virginia Port Authority, 600 World Trade Center, Norfolk, Virginia, with the following members present:

Aaron Anseeuw
Captain E. Waightstill Avery
Vincent Behm, Jr
Captain Robert H. Callis, III
Captain J.W. Whiting Chisman, III
Captain January N. Collins
Patrick B. McDermott
Christine N. Piersall

Michael W. Coleman was not present for the meeting.

Staff present for all or part of the meeting were:

Demetrious Melis, Director
Tom Payne, Deputy Director
Kathleen R. Nosbisch, Executive Director
Amy Goobic, Executive Assistant

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 and Karen Reynes, Board Member, Architect, Professional Engineer, Land Surveyor, Certified Interior Designer, and Landscape Architect Board (APELSCIDLA).

Finding a quorum of the Board present, Ms. Piersall, President, called the meeting **Call to Order** to order at 10:34 a.m.

William Burket, of the Virginia Port Authority, advised the Board of the emergency evacuation procedures. **Safety
Evacuation
Instructions**

Ms. Nosbisch introduced Demetrious Melis, new Director of DPOR. Board members introduced themselves. Ms. Nosbisch also welcomed audience members Mark Coberly and Karen Reynes. Ms. Nosbisch stated that APELSCIDLA Board Member Reynes lives in the area and had expressed interest in observing a Board for Branch Pilots meeting. Ms. Nosbisch expressed regrets from Mr. Coleman for not being in attendance. **Welcome and
Introduction**

Mr. McDermott moved to approve the agenda as presented. Captain Chisman seconded the motion which was unanimously approved by Messrs., Mme. and **Approval of
Agenda**

Captains: Anseeuw, Avery, Behm, Callis, Chisman, Collins, McDermott, and Piersall.

Captain Collins moved to approve the minutes from the December 10, 2021, Board meeting. Mr. Anseeuw seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Anseeuw, Avery, Behm, Callis, Chisman, Collins, McDermott, and Piersall.

Approval of Minutes

Captain Avery moved to approve the minutes from the February 14, 2022, Regulatory Review Committee meeting. Captain Collins seconded the motion which was approved by Messrs., Mme. and Captains: Anseeuw, Avery, Chisman, Collins, McDermott and Piersall. Captain Callis and Mr. Behm abstained.

There were no public comments.

Public Comment Period

The Examining Committee met at 8:30AM in the Elizabeth River Room located in the Virginia Port Authority Office, 600 World Trade Center, Norfolk, VA. Committee Members present were: Capt. Robert H. Callis, III, Capt J. W. Whiting Chisman III, Capt. E. Waightstill Avery, and Capt. January N. Collins. The purpose of the meeting was to examine: Zachary Stewart Dodson for a raise in grade from an Echo license (55,000 gross tons and 39 feet maximum draft) to a Foxtrot license (65,000 gross tons and 42 feet maximum draft).

Exam Administrators Report

Captain Dodson answered oral questions related to the raise in grade. The subjects included safe anchoring positions in Lynnhaven, Cape Charles, Sewell's Point, and Newport News; anchoring deep draft vessels; inner harbor transits; under-keel clearances; small boat traffic; hazards of marine construction and dredging; limits of navigation equipment; and safespeed.

Captain Dodson has acquired his Federal First Class Pilot Endorsement as required by the Apprenticeship Program.

After considering the results of the examination, the Examining Committee recommends Zachary Stewart Dodson for a raise in grade from an Echo license (55,000 gross tons and 39 feet maximum draft) to a Foxtrot license (65,000 gross tons and 42 feet maximum draft).

Captain Avery moved to accept the recommendation of the Examining Committee and approve the raise in grade for Captain Dodson. Captain Callis seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Anseeuw, Avery, Behm, Callis, Chisman, Collins, McDermott, and Piersall.

Board members reviewed the 2023 Upgrade Schedule and Board meeting dates. Captain Chisman moved to approve the schedule and meeting dates. Captain

2023 Upgrade Schedule and Board Meeting

Collins seconded the motion which was approved by Mssrs., Mme. and Captains Anseeuw, Avery, Behm, Callis, Chisman, Collins, McDermott and Piersall. **Dates**

Mr. Anseeuw provided an update on the Regulatory Review Committee. Mr. Anseeuw reported the Committee determined no regulations conflicted with the new Virginia laws pertaining to marijuana. The Committee recommended adding “marijuana” to regulations 18VAC45-20-40 and 18VAC45-20-50. Ms. Nosbisch stated that the Board would need a vote to submit a Notice of Intended Regulatory Action (NOIRA) to begin the process for regulatory changes. Mr. Anseeuw moved to submit the NOIRA. Captain Callis seconded the motion which was unanimously approved by Mssrs., Mme. and Captains: Anseeuw, Avery, Behm, Callis, Chisman, Collins, McDermott and Piersall. **Regulatory Review Committee Update**

Ms. Nosbisch thanked Board members for submitting their Financial Disclosure Statements by the February 1 deadline. **Financial Disclosure Statement**

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

Captain Chisman informed the Board that Captains Oksman and Lyons will schedule to attend the ship handling school in France in May or July, as they have not been able to attend because of international travel COVID restrictions. **Other Business**

Captain Chisman also informed the Board that Captain Rector retired in January, having served 34 years as a Branch Pilot.

Mr. Behm commented on the receipt of Coast Guard investigation of the M/V HONG DAI incident, that was sent electronically to Board members for informational purposes, as the Board addressed this matter in December 2020.

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.

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 saving time change which occurred at 02:00.

Ms. Piersall stated that the File Review Committee determined there appeared to be no violation of the Board's regulations or statutes and recommended no action be taken. Mr. Behm moved to accept the Committee's recommendation that no action be taken. Mr. McDermott seconded the motion which was approved by

Mssrs., Mme. and Captains: Anseeuw, Avery, Behm, Chisman, Collins, McDermott and Piersall.

Captain Callis returned to the meeting.

Ms. Nobsch provided a brief bit of history on the Branch Pilots, stating that the House of Burgesses formalized regulations in 1670, and the House of Delegates created the Board in 1783. The Board for Branch Pilots is the oldest board at 239 years old. Captain Chisman added that initially there were three Boards, located in Norfolk, Hampton, and Alexandria. The three were consolidated approximately 1900.

Mr. Melis provided an update on the agency and objectives set forth by the new administration. He stated that the agency is working on filling vacancies, modernizing the IT infrastructure, and will soon name a new IT Director. He also informed the Board that a Chief Deputy Director has been appointed. Mr. Melis also commented on Governor Youngkin's Executive Order (EO) regarding regulatory reduction. The EO requires a 25 % reductions in regulations, considering the core mission of Health, Safety and Welfare for the public, and insuring regulations are in line with the statutory authority. Mr. Melis also spoke about the 2018 Joint Legislative Audit Review Commission (JLARC) report recommendations regarding restructuring of the agency. He added that effective immediately, Tom Payne would be Deputy Director of Compliance and Investigations, and a Deputy Director for Licensing would be hired.

Ms. Nobsch informed the Board that Bonnie Davis, Administrative Coordinator, received a promotion. Ms. Davis is now the Board Operations Administrator for the Boxing, Martial Arts and Professional Wrestling Advisory Board. Ms. Nobsch thanked Ms. Goobic for filling in for Ms. Davis as Administrative Coordinator. Ms. Nobsch stated that she hopes to announce a new Administrative Coordinator within the week.

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

Conflict of Interest Forms and Travel Vouchers

The meeting adjourned at 11:13 p.m.

Adjourn

Christine Piersall, President

Demetrious Melis, Secretary

➤ **Public Comment**

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

**Board for Branch Pilots
954190**

2020-2022 Biennium

April 2022

	April 2022 Activity	Biennium-to-Date Comparison	
		July 2018 - April 2020	July 2020 - April 2022
Cash/Revenue Balance Brought Forward			140
Revenues	0	5,520	5,040
Cumulative Revenues			5,180
Cost Categories:			
Board Expenditures	280	5,630	5,031
Board Administration	12	284	267
Administration of Exams	0	0	0
Enforcement	0	1	1
Legal Services	0	8	8
Information Systems	7	218	191
Facilities and Support Services	3	98	93
Agency Administration	7	130	126
Other / Transfers	0	0	0
Total Expenses	309	6,369	5,718
Transfer To/(From) Cash Reserves	0	0	(3,581)
Ending Cash/Revenue Balance			3,044

Cash Reserve Beginning Balance	17,623	0	21,205
Change in Cash Reserve	0	0	(3,581)
Ending Cash Reserve Balance	17,623	0	17,623

Number of Regulators	
Current Month	39
Previous Biennium-to-Date	41

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

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