

BOARD FOR BRANCH PILOTS

Tentative MEETING AGENDA

December 12, 2022 at 2:00 p.m.

VPA Board Room

Norfolk, Virginia

1. Call to Order
2. Safety Evacuation Instructions
3. Approval of Agenda
4. Approval of Minutes
 - September 15, 2022 Board Meeting
5. Public Comment Period*
6. Branch Pilot Retirements
7. Consideration of Renewal of Licenses – December 5 & 6, 2022
8. Review of Virginia Pilot Association’s Apprenticeship Training Program
9. Review of Regulations Pursuant to §54.1-100 of the *Code of Virginia*
10. Fee Adjustment
11. Notification Letter/Complaint Process
12. Notification Letter – Captain Lyons – MV MOL MAESTRO
13. Certificate of Merit from the USCG awarded to Captain Chadwick Jamison
14. Financial Statements
15. Other Business
16. Conflict of Interest Forms / Travel Vouchers
17. Adjourn

*Five minute public comment, per person, with the exception of any open disciplinary or application files. See page two for instructions on providing public comment.

***The meeting is open to the public; however, a portion of the Board’s business may be discussed in closed session pursuant to Va. Code § 2.2-3711(A)(8).*

NEXT BOARD MEETING SCHEDULED FOR MARCH 13, 2023 AT 10:30 A.M.

Agenda materials made available to the public do not include written advice of legal counsel or other information protected by the attorney-client privilege pursuant to Va. Code § 2.2-3705.1(2).

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

DRAFT AGENDA

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**BOARD FOR BRANCH PILOTS MEETING
MINUTES**

The Virginia Board for Branch Pilots met on September 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
Michael W. Coleman
Captain January N. Collins
Patrick B. McDermott
Christine N. Piersall

Staff present for all or part of the meeting were:

Demetrios Melis, Director
Kishore Thota, Chief Deputy Director
Tom Payne, Deputy Director
Kathleen R. Nosbisch, Executive Director
Breanne Henshaw, Administrative Coordinator

Elizabeth Peay was not present for the meeting with regrets.

Members of the audience included:

Mark Coberly, Manager, Maritime Law Department, Representative from Vandeventer Black.

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

Ms. Nosbisch advised the Board of the emergency evacuation procedures.

**Safety
Evacuation
Instructions**

There were no announcements.

Announcements

Mr. Coleman moved to approve the agenda as presented. Captain Collins 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**

Mr. Coleman moved to approve the minutes from the June 13, 2022, Board meeting as amended. Captain Callis seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Anseeuw, Avery, Behm, Callis, Chisman, Coleman, Collins, McDermott, and Piersall.

**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 Exam Administrators on September 14, 2022. The following report was made:

**Exam
Administrator's
Report**

Ryan R. Nienstedt answered oral questions related to the extension of route. The subjects included courses and distances, channel depths upon the upper James River, characteristics of the river regarding vessel placement approaching turns, usage of turning basins, local traffic, desired meeting positions, pier and dock descriptions, safe anchoring positions, safe anchoring methods in a narrow channel, bridge and power cable clearances, adverse weather conditions including freshets, and safe vessel speed.

Ryan R. Nienstedt stood a good examination and was found qualified. Captain Callis moved that Ryan R. Nienstedt be approved for an extension of route from City Point to Richmond upon the James River and the extension of route will take effect when he presents his Federal First Class Pilot Endorsement to the Board.

No second motion was required. The Board voted and the motion was unanimously approved by Messrs., Mme. and Captains: Anseeuw, Avery, Behm, Callis, Chisman, Coleman, Collins, McDermott, and Piersall.

Richard A. Lyons answered oral questions related to the extension of route. The subjects included courses and distances, channel depths upon the upper James River, characteristics of the river regarding vessel placement approaching turns, usage of turning basins, local traffic, desired meeting positions, pier and dock descriptions, safe anchoring positions, safe anchoring methods in a narrow channel, bridge and power cable clearances, adverse weather conditions including freshets, and safe vessel speed.

Richard A. Lyons stood a good examination and was found qualified. Captain Callis moved that Richard A. Lyons be approved for an extension of route from City Point to Richmond upon the James River and the extension of route will take effect when he presents his Federal First Class Pilot Endorsement to the Board.

No second motion was required. The Board voted and the motion was unanimously approved by Messrs., Mme. and Captains: Anseeuw, Avery, Behm, Callis, Chisman, Coleman, Collins, McDermott, and Piersall.

Timothy D. Oksman answered oral questions related to the extension of route. The subjects included courses and distances, channel depths upon the upper James River, characteristics of the river regarding vessel placement approaching

turns, usage of turning basins, local traffic, desired meeting positions, pier and dock descriptions, safe anchoring positions, safe anchoring methods in a narrow channel, bridge and power cable clearances, adverse weather conditions including freshets, and safe vessel speed.

Timothy D. Oksman stood a good examination and was found qualified. Captain Callis moved that Timothy D. Oksman be approved for an extension of route from City Point to Richmond upon the James River and the extension of route will take effect when he presents his Federal First Class Pilot Endorsement to the Board for Branch Pilots.

No second motion was required. The Board voted and the motion 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 15, 2022. 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, Cape Charles and Sewell's Point, anchoring deep draft vessels, vessel squat and adequate under-keel clearance, usage of the deep-water route in the southeast sealanes, limitations of bow thrusters and adequate tugboat assistance, hazards of marine construction and dredging, traffic management 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 Foxtrot license (65,000 gross tons and 42 feet maximum draft) to a Golf license (75,000 gross tons and 44 feet maximum draft).

No second motion was required. The Board voted and the motion was unanimously approved by Messrs., Mme. and Captains: Anseeuw, Avery, Behm, Callis, Chisman, Coleman, Collins, McDermott, and Piersall.

Board members reviewed a letter from Captain Jamison regarding an incident on June 7, 2022 involving the M/V SPAR LYRA.

On Tuesday, June 7th, 2022, I was ordered to sail the M/V SPAR LYRA (IMO #9289013) from Norfolk Southern Coal Pier 6 (NSP6) in Norfolk, Virginia to Sea. The ship's draft was 41 feet 8 inches.

The weather conditions were good. The wind speed fluctuated from 10-15 knots from an east-southeast direction. Visibility was clear for 10 miles. The tidal current was flooding at approximately 0.5 knots at Craney Island Reach.

File Number
2022-02624
Notification
Letter – Captain
Jamison – M/V
SPAR LYRA

With the assistance of the Moran docking master, tugs CLAYTON and MAXWELL PAUL MORAN, the SPAR LYRA was undocked from NSP6 at 1145 (encl 1). At 1209 (encl 2), both tugs were released and the docking master disembarked. I left the engine command on half ahead as I maneuvered the SPAR LYRA from Lambert's Bend through Craney Island Reach towards Norfolk Harbor Reach. After the turn at green buoy 15 into Norfolk Harbor Reach, I communicated via VHF Channel 13 with M/V SPIRIT OF NORFOLK that I would stay toward the red side of the channel to provide as much room as possible since they were fighting a fire onboard. The SPAR LYRA's speed over ground was approximately 7.6 knots. At approximately 1232 (encl 3), I ordered the engine slow ahead. Several alarms sounded on the bridge of the SPAR LYRA. The captain informed me that the SPAR LYRA had an electrical power failure. At this point, there was no steering capability, nor engine revolutions. I told the captain to prepare both anchors. Within approximately thirty seconds, the steering capability was restored. As we passed by the SPIRIT OF NORFOLK at approximately 1234 (encl 4), the SPAR LYRA began to sheer to starboard and towards green buoy #9 near NOB. I ordered the rudder hard to Port. On VHF channel 13, I called any available tugs for assistance. Tugs Z-ONE, FORT BRAGG, and CONDOR responded and came directly to us. I requested the tug Z-ONE to push on the starboard bow and put a line up as soon as possible. Docking Master Roger Warren boarded the SPAR LYRA from the tug Z-ONE on the starboard bow. At approximately 1237 (encl 5), tug FORT BRAGG made fast on the starboard quarter and tug CONDOR was pushing on the port quarter. I asked the captain to drop the port anchor. The crew dropped the starboard anchor. At approximately 1238 (encl 6), the SPAR LYRA's speed was 4.4 knots and its course over ground was taking us toward NOB with approximately 950 feet from the ship bow to the NOB pier 7. At approximately 1239 (encl 7), the engine revolutions were restored. I immediately ordered the ship's engine dead slow ahead and rudder hard to starboard to combine the effects of the tugs pushing to move the ship bodily to port and away from NOB. At this time, I also ordered the anchor to be heaved up. Green buoy #9 was near SPAR LYRA's starboard quarter so I ordered the engine to be stopped. I told tug FORT BRAGG to stay clear of green buoy #9. Once I believed I was clear of green buoy #9, I ordered the engine dead slow ahead and the tugs Z-ONE and CONDOR to stop pushing. As I proceeded to Sewell's Point Anchorage, I was told green buoy #9 was fouled around the ship's stern so I ordered the engine stopped and proceeded to anchor with the use of the tugs. To facilitate this, Docking Master Roger Warren placed tug FORT BRAGG on the bow with a line in the center lead. He ordered the tug KAREN MORAN, which had by that time arrived on scene, to the starboard quarter with a line. Tug FORT BRAGG towed the SPAR LYRA into Sewell's Point Anchorage G4, and I anchored the ship at approximately 1420 (encl 8). At this time, I notified USCG Command Center Sector Virginia via cellphone of what had occurred. At approximately 1430, green buoy #9 became unfouled from SPAR LYRA's stern without assistance. At 1600, the USCG FRANK DREW arrived to retrieve the buoy. They reported to me that it was undamaged. They placed it back in its original position shortly thereafter. I departed SPAR LYRA at approximately 1700.

After I departed from the SPAR LYRA, I immediately proceeded to I&O Medical Center in Virginia Beach, Virginia to submit a Virginia State drug and alcohol test at approximately 1745.

The File Review Committee informed the Board they reviewed the Initial Intake Review for file number 2022-02624 provided by DPOR staff, and the notification letter received from Captain Jamison. The Committee made a recommendation that the letter be filed and the Board take no action, as there appears to be no violation of the Board's regulations or statutes. The Board moved to accept the recommendation and commended Captain Jamison for his actions described in his notification letter. The motion was approved by Messrs., Mme, and Captains: Anseeuw, Avery, Callis, Chisman, Coleman, Collins, McDermott, and Piersall. Mr. Behm abstained from voting.

There was discussion regarding the reasoning behind the initial review of the notification letter that was conducted by DPOR staff. Director Melis stated the initial review completed by staff is to ensure a third party outside of the Board is reviewing the information and is in APA compliance. Mr. Payne stated the initial review gives the Board a way to receive the facts about the matter in a way that is objective and without bias. Director Melis offered to meet with the File Review Committee and Board Counsel in order to further discuss the process and develop steps to be taken during the review. The Board agreed by consensus for the Committee members to meet with DPOR staff prior to the next meeting.

Ms. Nosbisch informed the Board of the upcoming VMA International Trade Symposium and indicated Captain Chisman and Mr. Coleman will be attending.

**VMA's
International
Trade
Symposium**

Ms. Nosbisch stated the financial statements were provided for informational purposes. Ms. Nosbisch also informed the Board that a fee adjustment will be needed in the near future and information will be provided at the Board meeting scheduled for December 12, 2022.

**Financial
Statements**

Captain Chisman informed the Board that Captain Lyons and Captain Oksman attended school in France in August of this year after they were not able to in March due to travel restrictions.

Other Business

Captain Chisman also informed the Board of the speed restriction regulation being looked at by NOAA Fisheries. There would be a significant impact on pilot operations as ships would be required to reduce speed off the coast of Virginia to 10 knots.

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

Conflict of Interest Forms and Travel Vouchers

The meeting adjourned at 11:40 a.m.

Adjourn

Christine Piersall, President

Demetrios Melis, Secretary

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- **Public Comment**
- **Branch Pilot Retirements**
 - **M. B. Edmunds**
 - **Roy A. Rector, Jr.**
 - **Nathaniel T. Green, II**

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➤ **Consideration of Renewal of Licenses**

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Virginia Pilot Association

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3329 SHORE DRIVE
VIRGINIA BEACH, VA 23451

November 4, 2022

Christine N. Piersall
President, Virginia State Board for Branch Pilots
1605 Kingfisher Court
Chesapeake, Virginia 23321

Dear Mrs. Piersall:

The Apprenticeship Committee, on behalf of the Virginia Pilot Association, recommends that there are no additions or revisions to the Virginia Pilot Association Apprenticeship Training Program.

The Committee, therefore, respectfully requests that the Virginia Board for Branch Pilots authorize the Virginia Pilot Association to administer the pilot apprenticeship program for the 2023 calendar year.

Thank you for your consideration in this matter.

Sincerely,

Charles A. Huffman, V
Apprenticeship Committee

cc: Kate Nosbisch, Executive Director
Dept. of Professional & Occupational Regulation

➤ **Review of Regulations
Pursuant to §54.1-100 of the
Code of Virginia**

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**Board for Branch Pilots
Analysis of Fee Structure and Financial Position**

Date of Last Fee Increase: 2/1/2001
Date of Last Fee Decrease: 3/1/2007

Fee Structure

<u>Fee Type</u>	<u>Current Fees</u>	<u>Proposal A</u>
Application	60	100
Limited Application	60	100
Renewal	60	100
Limited Renewal	60	100
Bad Check	50	50
Certification	35	35

Financial Position

	<u>Actual 2020-22 Biennium</u>	<u>Projected 2022-24 Current Fees</u>	<u>Projected 2024-26 Current Fees</u>	<u>Projected 2024-26 Proposal A</u>
Cash Carryforward	21,345	19,882	17,552	17,552
Revenues	5,040	4,920	4,920	8,200
Expenditures	6,503	7,250	7,450	7,450
Balance	19,882	17,552	15,022	18,302

Captain Chadwick Jamison received a Certificate of Merit from the USCG on Thursday, November 10th at the Virginia Pilot office.

Pictured below are Captain of the Port, Jennifer Stockwell and Captain Chad Jamison.





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

**Board for Branch Pilots
954190**

2022-2024 Biennium

October 2022

	October 2022 Activity	Biennium-to-Date Comparison	
		July 2020 - October 2020	July 2022 - October 2022
Cash/Revenue Balance Brought Forward			2,258
Revenues	0	240	0
Cumulative Revenues			2,258
Cost Categories:			
Board Expenditures	320	1,114	721
Board Administration	7	53	51
Administration of Exams	0	0	0
Enforcement	0	0	0
Legal Services	0	2	0
Information Systems	5	31	24
Facilities and Support Services	2	13	10
Agency Administration	7	24	36
Other / Transfers	0	0	0
Total Expenses	340	1,237	842
Transfer To/(From) Cash Reserves	0	0	(84)
Ending Cash/Revenue Balance			1,500

Cash Reserve Beginning Balance	17,540	0	17,623
Change in Cash Reserve	0	0	(84)
Ending Cash Reserve Balance	17,540	0	17,540

Number of Regulants	
Current Month	39
Previous Biennium-to-Date	44

Department of Professional and Occupational Regulation
 Supporting Statement of Year-to-Date Activity
 Board for Branch Pilots - 954190
 Fiscal Year 2023

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Fiscal YTD Charges	Planned Annual Charges	Current Balance	Projected Charges at 6/30	Projected Variance Favorable (Unfavorable)	
																	Amount	%
Board Expenditures	49	0	352	320	0	0	0	0	0	0	0	0	721	4,670	3,949	2,147	2,522	54.0%
Board Administration	19	13	13	7	0	0	0	0	0	0	0	0	51	197	146	129	68	34.5%
Administration of Exams	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Enforcement	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1	0	30.8%
Legal Services	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Information Systems	5	8	6	5	0	0	0	0	0	0	0	0	24	108	84	66	41	38.5%
Facilities / Support Svcs	2	3	4	2	0	0	0	0	0	0	0	0	10	70	60	29	41	58.9%
Agency Administration	9	7	13	7	0	0	0	0	0	0	0	0	36	114	78	97	17	15.3%
Other / Transfers	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Charges	84	30	388	340	0	0	0	0	0	0	0	0	842	5,160	4,318	2,469	2,691	52.2%

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

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