BOARD FOR BRANCH PILOTS

Tentative MEETING AGENDA September 14, 2023 at 1:00 p.m. **VPA Board Room** Citing Proposed to Pricial Doard Position of Agricultural Proposed to Pricial Doard Position of Pricial Norfolk, Virginia

- 1. Call to Order
- 2. Safety Evacuation Instructions
- 3. Approval of Agenda
- 4. Approval of Minutes
 - June 12, 2023 Board Meeting
- 5. Public Comment Period*
- 6. Exam Administrator's Report
- 7. Regulatory Update:
 - a) Periodic Review
 - b) Reporting Requirements
 - c) General Review
- 8. Major Incident Response Plan Update
- 9. Universal Licensing Recognition Update
- 10. Positive Results Reporting Protocol
- 11. Financial Statements
- 12. Other Business
- 13. Conflict of Interest Forms / Travel Vouchers
- 14. COIA Training
- 15. Adjourn

NEXT BOARD MEETING SCHEDULED FOR DECEMBER 11, 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).

^{*}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 \S 2.2-3711(A)(8).

- Call to Order

Safety Evacuation Instructions of Safety Evacuation Instruction Instruction

BOARD FOR BRANCH PILOTS MEETING **MINUTES**

ss for discussion The Virginia Board for Branch Pilots met on June 12, 2023, 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 Michael W. Coleman Captain January N. Collins Patrick B. McDermott Christine N. Piersall

Board member, Aaron Anseeuw, was not present for the meeting with regrets.

Staff present for all, or part of the meeting were:

Demetrios J. Melis, Director Kishore Thota, Chief Deputy Director Tom Payne, CID Deputy Director Kathleen R. Nosbisch, Executive Director Bonnie Davis Regulatory Operation Administrator

Elizabeth Peay was not present from the Office of the Attorney General with regrets.

Member of the Audience included:

Jemmalyn Hewlett, Board Member of the Board for Professional and Occupational Regulation (BPOR) and Mark Coberly, Manager, Maritime Law Department, Representative from Woods Rogers Vandeventer Black PLC

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

Nosbisch advised the Board of the emergency evacuation procedures. Safety

Evacuation Instructions

Mr. Coleman introduced Mr. Coberly and Ms. Nosbisch introduced BPOR Introductions

liaison board member, Ms. Hewlett.

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

Agenda

Captain Callis moved to approve the minutes from the March 13, 2023 Board meeting. Mr. Behm seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Coleman, Collins, McDermott and Piersall.

Mr. McDermott moved to approve the minutes from the April 3, 2023 Cell Phone Usage Committee meeting. Mr. Behm seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Coleman, Collins, McDermott and Piersall.

Captain Avery moved to approve the minutes from the April 3, 2023 and May 22, 2023 Regulatory Review Committee meetings. Captain Chisman seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Coleman, Collins, McDermott and Piersall.

There was no public comment.

Public Comment Period

Mr. Coleman presented the resolution Board members considered the Resolution: following resolution in honor of Board President, Ms. Christine N. Piersall.

Christine Piersall

Christine N. Piersall

WHEREAS, Christine N. Piersall, did faithfully and diligently serve as President of the Virginia Board for Branch Pilots from December 2018 through May 2023; and

WHEREAS, Christine N. Piersall did devote generously of her time, talent and leadership to the Board as President; and

WHEREAS, Christine N. Piersall 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 as President; 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 twelfth day of June 2023, that the Virginia Board for Branch Pilots expresses its utmost regard and respect for Christine N. Piersall and her professional legacy as President 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 Christine N. Piersall.

The Board adopted the resolution by consensus. Mr. Coleman thanked Ms. Piersall for her service, for being a resource to him, and for remaining on the Board.

Ms. Piersall expressed her gratitude and stated it has been an honor serving the Board.

Ms. Nosbisch stated it has been a pleasure working with Ms. Piersall as President of the Board.

Mr. Coleman expressed his thanks to the Board for their confidence in electing him. He further expressed his full commitment to the Board and the position of President. He explained that the Board has a significant responsibility to the Port, all of its many stakeholders, and the entire Commonwealth. He commented on the Board's responsibility and power under Section 54.1-902 of the Virginia Code, and the gravity that it entails. He thanked DPOR staff for their ongoing support of the Board.

Board members reviewed a letter from Captain Evans regarding an incident on May 7, 2023 involving the MV MARINE WISDOM.

Captain Evans was ordered to sail the MV MARINE WISDOM (IMO #9606766) at 07:00 from Norfolk Southern Coal Pier 6 in Norfolk, Virginia, to sea. The ship's draft was 42 feet and 6 inches

The weather conditions were fair. The wind speed fluctuated from 10 to 15 knots from a north-northwest direction. Visibility was clear for 10 miles. The tidal current was flooding at approximately 0.5 knots at Craney Island Reach. Once onboard the MARINE WISDOM he conducted a Master/Pilot Exchange of information The Master did not identify any problems with the ship's propulsion. With the assistance of Moran docking master, Al Dykes, the tug MARK MORAN and the tug MAXWELL MORAN, the MARINE WISDOM was undocked from Norfolk Southern Coal Pier 6 at 07:00 (encl 1). At approximately 07:35 (encl 2), the Moran docking master disembarked the vessel onto tug MARK MORAN. The MARINE WISDOM's engine was on half ahead and the ship's speed over the ground was approximately 6.4 knots. At approximately 07:38 (encl 3), Captain Evan noticed the ship's engine rpm dropped to zero. He immediately notified the Master and the Mate on watch and asked for them to determine what the problem was and instructed them to have the Mate forward standby to release the starboard anchor. At approximately 07:39 (encl 4), the MARINE WISDOM started to head into the wind towards the shallow water on the west side of Craney Island

Notification
Letter - Captain
Evans - MV
MARINE
WISDOM

Reach. Captain Evans ordered the rudder hard to starboard, called the Moran tugs for assistance, and as soon as the bow was clear of the cable area, he ordered the starboard anchor to be released in attempt to slow the ship's speed and prevent grounding. At approximately 07:45 (encl 5), the bow of the MARINE WISDOM ran aground, and the ship was stopped. No contact was made with Elizabeth River Buoy 18.

At approximately 07:48 (encl 6), the MARK MORAN put the Moran docking master back onboard and Captain Evans informed the US Coast Guard Command Center of the situation. He was advised by the Master that the main propulsion was again operational at approximately 08:15. After clearance by the US Coast Guard, with the assistance of the tugs MARK MORAN, MAX MORAN, CLAYTON MORAN and CONDOR, the MARINE WISDOM was refloated and proceeded to Sewell's Point F Anchorage. Captain Evan then departed the vessel. He was never advised what happened to cause the loss of the main engine while underway.

After Captain Evans departed from the MARINE WISDOM, he immediately proceeded to I&O Medical Office in Newport News, Virginia to submit a Virginia State drug and alcohol test at approximately 11:45 (encl 7 and 8). On March 9th, the USCG informed the Virginia Pilot Association that no damage to the MARINE WISDOM'S hull was found and that class surveyors have cleared the ship to depart. The MARINE WISDOM sailed at 08:00 on March 10th.

The File Review Committee recommended 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 it was unanimously approved by Messrs., Mme., and Captains: Avery, Behm, Callis, Chisman, Coleman, Collins, McDermott, and Piersall.

Mr. McDermott stated the Committee met to discuss whether a cell phone usage policy should be established. He stated that pilots are sufficiently trained in Bridge Resource Management-Pilots and Legal Aspects of Pilotage courses that cell phones are tools and the danger of non-operational cell phone **Update** use on ships which results in distracted operations. He stated the Committee recommends to not adopt a cell phone usage policy.

Cell Phone Usage Committee

Mr. McDermott moved to not adopt a cell phone usage policy. Mr. Behm seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Coleman, Collins, McDermott and Piersall.

The Board reviewed the proposed regulatory language of the Regulatory Review Committee presented by Captain Chisman.

Review
Committee
ain Update
rs.,

Captain Avery moved to adopt the proposed regulatory language. Captain Collins seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Coleman, Collins, McDermott and Piersall.

Ms. Piersall moved to submit the Notice of Intended Regulatory Action (NOIRA). Captain Callis seconded the motion which was unanimously approved by Mssrs., Mme. And Captains: Avery, Behm, Callis, Chisman, Coleman, Collins, McDermott, and Piersall.

Captain Chisman discussed existing Branch Pilot statutes and potential changes to statutes for Board consideration.

Mr. Coberly provided information on branch pilot limited liability statutes. He stated that approximately 10 coastal states, which includes approximately 60% of pilots in the United States, have limited liability statutes.

The Board had a discussion on the process of DPOR submitting statutory changes to the General Assembly for the 2024session. The Board determined not to pursue any changes to statutes.

The Board reviewed the email from the Department of Planning and Budget regarding the proposed language to add "marijuana" to regulations 18VAC45-20-40 and 18VAC45-20-50.

Mr. Coleman stated the need for a incident response plan in case of a major port incident. Director Melis stated that staff initiated an outline of a plan. Mr. Payne stated there are many facets to the plan, including suspension, investigations, communications, and other affected state agencies. This item will be placed on the agenda of the September 15, 2023 Board meeting agenda.

Major Incident Response Plan

A discussion took place regarding § 54.1-205. Universal License Recognition and exemptions to the statute. This item will be placed on the agenda of the September 15, 2023 Board meeting agenda.

Universal License Recognition

Ms. Piersall left the meeting at 12:30 p.m.

Departure of Board Member

Captain Chisman stated that branch pilots will be attending continuing education courses in 2024 at the Maritime Pilots Institute in Covington, LA for 3-1/2 days. Courses will include, Pilot Leadership, Safety, Pilot Electronics, Ship Simulator, Emergency Ship handling, and 400 Meter ULCV.

2024 Branch
Pilot Continuing
Education

Captain Chisman moved to approve the 2024 Continuing Education for branch pilots. Mr. Behm seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Coleman, Collins, and McDermott.

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

Financial Statements

Captain Chisman stated Captain Dale Meyer surrendered his branch pilot license. He was a pilot for 28 years.

Other Business

Mr. Coleman presented the 2024 meetings dates. Mr. McDermott moved to adopt the following meeting and examination dates for 2024:

March 14, 2024	8:30 AM	BP Exam
March 14, 2024	10:30 AM	Board Meeting
June 13, 2024	8:30 AM	BP Exam
June 13, 2024	10:30 AM	Board Meeting
September 12, 2024	8:30 AM	BP Exam
September 12, 2024	10:30 AM	Board Meeting
December 9, 2024	9a-4p	BP Renewals
December 10, 2024	9a-4p	BP Renewals
December 12, 2024	10:30 AM	Board Meeting

Captain Chisman seconded the motion which was unanimously approved by Messrs., Mme. and Captains Avery, Callis, Chisman, Coleman, Collins, and McDermott.

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

Conflict of
Interest Forms
and Travel
Vouchers

The meeting adjourned at 12:40 p.m.

<u>Adjourn</u>

Michael Coleman, Chair

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port

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- Regulatory Update
- Materials contained in this structure part Active A



Department of Planning and Budget An official website Here's how you know



Find a Commonwealth Resource



Board

Board for Branch Pilots

Chapter

Public Participation Guidelines [18 VAC 45 - 11]

Periodic Review of this Chapter

Includes a Small Business Impact Review

Date Filed: 6/27/2023

Notice of Periodic Review

Pursuant to Executive Order 19 (2022) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, this regulation is undergoing a periodic review.

The review of this regulation will be guided by the principles in Executive Order 19 https://TownHall.Virginia.Gov/EO-19-Development-and-Review-of-State Agency-Regulations.pdf.

The purpose of this review is to determine whether this regulation should be repealed, amended. or retained in its current form. Public comment is sought on the review of any issue relating to this regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare or for the economical performance of important governmental functions; (ii) minimizes the economic impact on small businesses in a manner consistent with the stated objectives of applicable law: and (iii) is clearly written and easily understandable.

The comment period begins July 17, 2023, and ends on August 7, 2023.

Comments may be submitted online to the Virginia Regulatory Town Hall at http://www.townhall.virginia.gov/L/Forums.cfm.

Comments may also be sent to Name: Kathleen R. Nosbisch: Title: Executive Director, Address: DPOR, 9960 Mayland Drive, Suite 400, City: Richmond, State: Virginia, Zip: 23233, Telephone: (804)367-8514, FAX: (866)465-6206, email address: branchpilots@dpor.virginia.gov.

In order for you to receive a response to your comment, your contact information (preferably an email address or, alternatively, a U.S. mailing address) must accompany your comment. Following the close of the public comment period, a report of both reviews will be posted on the Town Hall and a report of the small business impact review will be published in the Virginia Register of Regulations

Contact Information									
Name / Title:	Kathleen R. Nosbisch / Board Executive Director								
Address:	9960 Mayland Drive Suite 400 Richmond, VA 23233								
Email Address:	branchpilots@dpor.virginia.gov								
Telephone:	(804)367-8514 FAX: (866)465-6206 TDD: ()-								

Publication of Notice in the Register and Public Comment Period

Published in the Virginia Register on 7/17/2023 [Volume: 39 Issue: 24]

Naterials contained in this study leave that the constituent of the co Comment Period begins on the publication date and ends on 8/7/2023

Comments Received: 0



Find a Commonwealth Resource



Agency

Board

Board for Branch Pilots

Chapter

Board for Branch Pilots [18 VAC 45 - 20]

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Joseph Brick

Attached please for direct vogeties Board for Branch Picts Frontine Results Reporting PropRig.

Bricky Brick

Visibility Art Art Article

Place Transport Article

Place Transport



N. Michael Baddar, M.D. Certified Medical Review Officer by MROCC & AAMRO



N. Michael Baddar, M.D., M.P.H. Medical Director Certified in Occupational Medicine American Board of Preventive Medicine

Peninsula South - Hampton: 593 Aberdeen Road, Hampton, VA 23661, (757) 825-1100 Southside East - VA Beach, Norfolk: 1290 Diamond Springs Road, VA Beach, VA 23455, (757) 460-0700 Southside West - Chesapeake, Suffolk, Portsmouth: 838 A Old George Washington Highway, Chesapeake, VA 23323, (757) 487-9600 Peninsula North-Newport News: 704 Thimble Shoals Blvd. Suite 200, Newport News, VA 23606 (757) 240-5580

Virginia Beard for Branch Pilots Positive Results Reporting Protocol

As requested by the Virginia Pilot Association, I & O Medical Centers agrees to report all Branch Pilot's positive urine drug screen results or positive alcohol test results to the following current points of contact.

-Kathleen R. Nosbisch, Executive Director

Board for Branch Pilots, DPOR

9960 Maryland Drive, Suite 400

Richmond, VA 23233

Phone: 804-367-8546

-Michael W. Coleman, President

hone: 757-635-5147

Rebecca J. Brink, Designated Employer Representative

irginia Pilot Association
329 Shore Drive

irginia Beach, VA. 23455

ione: 757-233-3013

*As the titles and positions change, I & O Medical Control of the properties of the *** As the titles and positions change, I & O Medical Centers will continue to report the positive test results to the current and updated persons, whose contact information will be provided to I & O Medical Centers from the Virginia Pilot Association.

If additional assistance is required, please contact Joseph A. Oxenford, Laboratory Supervisor at 757-825-1100.

Thank You,

seph A. Oxent Joseph A. Oxenford, Laboratory Supervisor

Department of Professional and Occupational Regulation Statement of Financial Activity

Board for Branch Pilots 954190

Biennium-to-Date Comparison

2022-2024 Biennium June 2023

	June 2023	July 2020 -	July 2022 -		
	Activity	June 2021	June 2023		
Cash/Revenue Balance Brought Forward			2,258		
Revenues	0	2,700	2,280		
Cumulative Revenues		010	4,538		
Cost Categories:		9,00			
Board Expenditures	740	3,107	3,421		
Board Administration	13	140	154		
Administration of Exams		0	0		
Enforcement		1	1		
Legal Services	W 90 00	4	4		
Information Systems	14	104	98		
Facilities and Support Services	3	58	42		
Agency Administration	8 A Q 911.	64	103		
Other / Transfers	0	0	0		
Total Expenses	779	3,478	3,823		
Transfer To/(From) Cash Reserves	(76)	0	(295)		
601, 7,10					
Ending Cash/Revenue Balance			1,011		
religion de					
Cash Reserve Beginning Balance	17,404	0	17,623		
Change in Cash Reserve	(76)	0	(295)		
Ending Cash Reserve Balance	17,328	0	17,328		
Number of Regulants					
Current Month	38				
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

	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 \ Favorable (Ui	Variance nfavorable %
Board Expenditures	49	0	352	320	1	546	72	14	650	427	251	740	3,421	4,670	1,249	3,421	1,249	26.7%
Board Administration	19	13	13	7	12	21	7	12	18	P	C13	13	154	197	44	154	44	22.1%
Administration of Exams	0	0	0	0	0	0	0	0			30	o ^s o	0	0	0	0	0	
Enforcement	0	0	0	0	0	0	0	0		0		0	1	1	0	1	0	21.2%
Legal Services	0	0	0	0	0	0	2	1	50 1	SOL	0	0	4	4	0	4	0	0.0%
Information Systems	5	8	6	5	7	7	7	12	25 8	8	9	14	98	102	4	98	4	4.1%
Facilities / Support Svcs	2	3	4	2	3	12	nis ₄	1104		2	3	3	42	70	28	42	28	39.9%
Agency Administration	9	7	13	7	9	12	004	8	13	4	10	8	103	122	19	103	19	15.3%
Other / Transfers	0	0	0	0	Silo	Ver	0	0	0	0	0	0	0	0	0	0	0	
Total Charges	84	30	388	340	31	597	96	50	693	450	285	779	3,823	5,166	1,343	3,823	1,343	26.0%
		MS	388	Jake Jake					00									

- Other Business
- Materials contained in this are not to be construed as Fuel Are Indian to be construed as Fuel Are Indian to be construed as Fuel Are Indian to be construed as Indian to the construed as Indian