

**BOARD FOR BRANCH PILOTS MEETING
MINUTES**

The Virginia Board for Branch Pilots met on Friday, March 13, 2020, 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 J.W. Whiting Chisman, III
Captain J. William Cofer
Michael W. Coleman
Thomas P. Host, III
Patrick B. McDermott
Christine N. Piersall

Board member Captain Robert H. Callis, III was not present with regrets.

Staff present for all or part of the meeting were:

Kathleen R. Nosbisch, Executive Director
Tanya M. Pettus, Administrative Assistant

There was no one present from the office of the Attorney General.

Members of the Audience included:

Mark Coberly, Manager, Maritime Law Department, Representative from Vandeventer Black
Captain David Ware, Virginia Pilots Association

Finding a quorum of the Board present, Ms. Piersall, President, called the **Call to Order** meeting to order at 11:02 a.m.

Ms. Nosbisch stated Mary Broz-Vaughan, Captain Callis, Heather Lockerman, and Elizabeth Peay send regrets, and introduced Tanya Pettus, administrative assistant, to the Board.

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

**Safety
Evacuation
Instructions**

Mr. McDermott moved to approve the agenda as presented. Captain Avery seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Avery, Behm, Chisman, Cofer, Coleman, Host, McDermott, and Piersall.

**Approval of
Agenda**

Captain Chisman moved to approve the minutes from the December 13, 2019 Board meeting as presented. Mr. Host seconded the motion which was

**Approval of
Minutes**

unanimously approved by Messrs., Mme. and Captains: Avery, Behm, Chisman, Cofer, Coleman, Host, McDermott, and Piersall.

There were no public comments.

Public Comment
Period

Ms. Nosbisch introduced Mark Coberly, counsel to the Virginia Pilot Association and Captain David Ware who were both present to observe the meeting.

The Board reviewed a follow-up letter from Captain Nathaniel T. Green, II, providing further information on an incident involving M/V IJSSEL CONFIDENCE reviewed by the Board at its December 13, 2019 meeting. The follow-up letter was submitted at the request of the Board.

Notification
Letter Follow-up,
Captain
Nathaniel Green,
II-M/V IJSSEL
CONFIDENCE

On September 23, 2019 Captain Green was ordered to sail the M/V IJSSEL CONFIDENCE from Elizabeth River Terminal (ERT) Berth 2 to Sea. The IJSSEL CONFIDENCE is a 590' x 98' bulk carrier drawing 32 '05". Weather conditions were clear with light SW winds and the current was ebbing. The ship was berthed portside to, which meant the ship would be coming off the berth and backing downriver to Money Point where the ship would be turned to port and headed out of the Southern Branch of the Elizabeth River. Due to channel depth and characteristics, this maneuver results in the stern of the ship being near to the DCP Midstream Terminal, which is on the south side of the river. This is a normal procedure when sailing vessels from ERT that are too large to turn around off the berth.

Upon entering the wheelhouse, Captain Green introduced himself to the Captain and greeted the docking master. Captain Green reviewed the pilot card and confirmed the vessel's draft with the docking master. After conducting a Master/Pilot exchange with the Captain, Captain Green ascertained the ship was in good working order and let the docking master know they were ready to get underway.

The docking master was using two tugs for the maneuver. The NANCY MCALLISTER was made fast to the bow using the center lead and the GM MCALLISTER was made fast to the starboard quarter. The docking master had the conn and pulled the ship off the berth and proceeded to back the ship down river towards Money Point. The approach from ERT to Money Point is from east to west. At a point about 2/3s of the way to Money Point, the channel angles more to the northwest so the vessel's stern needs to be steered in that direction accordingly. The docking master gave an order to "work ahead" to the GM MCALLISTER in order to do this. The intention of this order was to bring the stern of the IJSSEL CONFIDENCE to port.

It would be expected that the tug would work at about a 90-degree angle to the ship. However, it appears that the tug worked ahead on an angle of 45 to 60 degrees. The result of this was twofold. The ship's stern movement to port was

less than anticipated and the added thrust from the tug at this angle increased the sternway. When this became apparent the docking master ordered the ship's engine ahead and the rudder "hard to starboard". The effect of the ship's engine was not as strong expected by the docking pilot, so engine speed was increased incrementally until "full ahead" was ordered. The docking master also shifted the rudder from "hard starboard" to "midships" and back to both reduce sternway and move the stern to port. Captain Green felt his actions were appropriate under the circumstances and therefore there was no reason to intercede. At one point Captain Green entered the wheelhouse to verify that the engine telegraph was on "full ahead" as ordered by the docking master after hearing him ask the captain to confirm that order. When Captain Green came back out on the wing of the ship, he noted that the GM MCALLISTER was lying alongside the ship in order to clear the eastern-most mooring dolphin of the DCP Midstream Terminal. As the ship neared the main pier structure of the DCP Terminal the ship's engine had fully checked the sternway, and the docking master ordered "stop engine." The vessel at that t [sic] time had a bit of offshore drift and was not at risk of striking any structures. At this time (0657) the GM MCALLISTER went from being stopped to working ahead with right rudder. This threw the tug's stem against a catwalk, a catwalk support, and a second catwalk. This knocked both catwalks into the river. Captain Green asked the docking pilot something to the effect of "What the heck is going on?" and he replied he had no idea and that his last order to the tug was "all stop". The M/V IJSSEL CONFIDENCE never made contact with the pier or grounded.

Captain Green reported the incident to the Coast Guard via telephone and proceeded to sea. After disembarking the vessel, he went to the drug testing facility and took both the State and Federal drug tests.

Because of the initial damage estimate to the DCP Midstream Terminal and the potential loss of operations during repairs, Captain Green was asked to appear before an inquiry held by the Coast Guard and the National Transportation and Safety Board on October 15, 2019. He appeared and gave testimony as to what he saw and answered questions. Captain Green affirmed to both parties that the captain, crew and docking pilot had all acted in a professional manner. Captain Green has not been contacted by the USCG or the NTSB again regarding this incident.

Mr. Coleman recused himself from the meeting for the Board decision and vote on the incident involving M/V IJSSEL CONFIDENCE.

Recusal of Board Member

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 and this letter was informational in nature. Mr. Behm seconded the motion which was approved by Messrs., Mme. and Captains: Avery, Behm, Chisman, Cofer, Host, McDermott, and Piersall.

Notification Letter Follow-up, Captain Nathaniel Green, II-M/V IJSSEL CONFIDENCE,

Mr. Coleman returned to the meeting.

Discussion was held on the transfer of authority, and the incidents that fall under the Board's purview. The Board agreed by consensus to further discuss the topic as an agenda item at its June meeting.

The Board reviewed a letter from Captain Robert H. Callis, III, providing information on an occurrence involving the Maersk Memphis. Captain Callis informed the Board of the event for informational purposes, as the Maersk Memphis did not ground or allide with any objects at any time during the occurrence.

On February 15, 2020 Captain Callis was ordered to sail the Maersk Memphis from NIT North to sea at 18:30. The Maersk Memphis is a containership of 74,642 gross tons, 299 meters in length and 40 meters in breadth. The maximum draft was 10.9 meters. The vessel has a functional 2,700hp bow thruster and was starboard side to in the middle of the North Berth. The weather was calm with good visibility.

Captain Callis arrived on board around 18:00. He introduced himself to the Captain and had a master/pilot exchange of information. Everything in the exchange was typical except for the Captain stating because of the type of fuel being used the initial start of the engine uses a lot of the starting air, but after that initial start everything is normal.

A short time later the docking master, Captain Josh Parker, arrived. He had two tugboats, the Jack Moran and Clayton Moran. He received the same information from the Captain. The Jack Moran was made fast on the port quarter and the Clayton Moran was forward without a line since the bow thruster was available.

Promptly at 18:30 the ship began to take in lines and slowly pull away from the berth using the aft tugboat and the bow thruster. Once the ship was on a heading to begin forward motion Captain Parker ordered "dead slow ahead", but the engine sputtered and did not turn over. A few more attempts were made with the telegraph, stopping and restarting, but we were not successful getting the engine to run.

It was agreed to put the ship back alongside the berth. Captain Parker did a great job maneuvering the ship with the tugboats and bow thruster to keep the

Continued

Return of Board
Member

Notification
Letter Follow-up,
Capt in
Nathaniel Green,
II-M/V IJSSEL,
CONFIDENCE,
Continued

Review of
Notification
Letter-Captain
Callis-Maersk
Memphis

ship in a safe position at all times. Berthing positions were assigned at the southern end of NIT North where the vessel was eventually berthed without incident. Captain Callis assisted the captain by contacting the Coast Guard ensuring notice was made and explained the situation. Captain Callis left the vessel at 20:00.

After review and discussion, Mr. Coleman moved to accept Captain Callis' letter as informational only, and find that there had been no incident. Mr. McDermott seconded the motion unanimously approved by Messrs., Mmc. and Captains: Avery, Behm, Chisman, Cofer, Coleman, Host, McDermott, and Piersall.

Ms. Piersall advised the Board of the death of Sandy Hook Pilot Captain Dennis R. Sherwood on December 30, 2019. Captain Sherwood succumbed to injuries he received after falling from an accommodation ladder while boarding a container vessel inbound to the Port of New York & New Jersey.

Sandy Hook Pilot Tragedy

Captain Cofer provided, for informational purposes, a letter from the American Pilots' Association to state pilotage authorities addressing accommodation ladder-pilot ladder combinations and pilot safety.

Captain Avery provided the Board with a report of examinations conducted by the Exam Administrators on March 13, 2020. The following report was made:

Exam Administrator's Report

Ryan Robert Nienstedt 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, inner harbor transits, vessel squat and under-kneel clearance, limitations of bow thrusters and adequate tugboat assistance, hazards of marine construction and dredging, traffic management and safe vessel speed.

Timothy Delaney Oksman 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, inner harbor transits, vessel squat and under-kneel clearance, limitations of bow thrusters and adequate tugboat assistance, hazards of marine construction and dredging, traffic management and safe vessel speed.

Richard Austin Lyons 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, inner harbor transits, vessel squat and under-kneel clearance, limitations of bow thrusters and adequate tugboat assistance, hazards of marine construction and dredging, traffic management and safe vessel speed.

After considering the results of the examination, Captain Avery moved Captain Ryan Robert Nienstedt be raised in grade from a Foxtrot classification (65,000

gross tons and 42 feet maximum draft) to a Golf classification (75,000 gross tons and 44 feet maximum draft). Mr. Coleman seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Avery, Behm, Chisman, Cofer, Coleman, Host, McDermott, and Piersall.

After considering the results of the examination, Captain Avery moved Captain Timothy Delaney Oksman be raised in grade from a Foxtrot classification (65,000 gross tons and 42 feet maximum draft) to a Golf classification (75,000 gross tons and 44 feet maximum draft). Mr. Host seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Avery, Behm, Chisman, Cofer, Coleman, Host, McDermott, and Piersall.

After considering the results of the examination, Captain Avery moved Captain Richard Austin Lyons be raised in grade from a Foxtrot classification (65,000 gross tons and 42 feet maximum draft) to a Golf classification (75,000 gross tons and 44 feet maximum draft). Mr. McDermott seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Avery, Behm, Chisman, Cofer, Coleman, Host, McDermott, and Piersall.

Ms. Piersall advised the Board of the Virginia Maritime Association's 17th Annual International Trade Symposium to be held May 13-15, 2020 in Norfolk, VA. Ms. Nosbisch stated that Mr. McDermott will attend as a representative of the Board.

VMA's 17th
International
Trade
Symposium

Ms. Nosbisch provided the Board with an update of DPOR activity as a result of the JLARC study conducted from 2017 to 2018.

JLARC Study
Update

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

Financial
Statements

There was no other business discussed.

Other Business

Ms. Piersall advised the Board that after 29 years of service on the Board, Captain Bill Cofer will be retiring in May. Board members considered the following resolution in honor of Board Vice-President, Captain Bill Cofer.

Retirement and
Resolution-
Captain Bill
Cofer

Captain J. William Cofer

WHEREAS, **J. William Cofer**, did faithfully and diligently serve as a member of the Virginia Board for Branch Pilots from May 1991 to May 15, 2020;

WHEREAS, **J. William Cofer**, did devote generously of his time, talent and leadership to the Board;

WHEREAS, **J. William Cofer**, did endeavor at all times to render decisions with fairness and good judgement 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 March 2020, that the Virginia Board for Branch Pilots expresses its utmost regard and respect for **J. William Cofer** 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 J. William Cofer.

Mr. Host moved to adopt the resolution. Mr. Coleman seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Avery, Behm, Chisman, Cofer, Coleman, Host, McDermott, and Piersall.

Captain Cofer expressed his gratitude and stated it has been an honor serving the Board. Captain Cofer shared an excerpt from an incident report written by Judge Edgar Massenburg in order to demonstrate what he feels is the purpose and responsibility of the Board.

Ms. Nusbisch stated it has been a pleasure working with Captain Cofer and thanked him for being a mentor.

Mr. Host expressed appreciation to Captain Cofer for being a formative representative of all pilots, being well-respected by everyone within the community, from the ports to elected officials.

Captain Cofer thanked the Board and DPOR staff, and mentioned the three individuals who made a huge impact on him as a new board member: Richard Zorn, counsel from the Attorney General's office who served the board for fifteen years and understood the Board; Bruce Cherry, who loved the profession and had a great legal mind from his experience as Clerk of Courts, and Judge Edgar Massenburg, a mighty man of the law and a very special person.

Captain Cofer worked with Judge Massenburg on a report relating to the Collision of the M/V Columbus America and the Neptune Jade and although the Board previously reviewed this document, Captain Cofer, in parting, wanted to read aloud some of the pertinent comments Judge Massenburg made in this report:

The Board for Branch Pilots...is a permanent collegial body which is both a supervisory board and a regulatory board...Briefly, the Board is authorized to promulgate regulations necessary for the proper licensing and regulation of pilots and to prescribe penalties for violations of regulations...the Board may summarily suspend a license if it finds that there is substantial danger to the public health or safety. The Board is specifically prohibited from deciding

upon the liability of a pilot in the event of negligence or misconduct which may result in a loss to others. However, for cause, and in accordance with the Administrative Process Act, it may suspend or revoke a license, impose monetary penalties and recover costs...Regulations Governing Pilots, Part IV, Standards of Conduct, charges pilots with the duty of making timely reports to the Board of all collisions, groundings, or other maritime mishaps of any description. Moreover, pilots are obligated to report any physical, emotional or psychological impairments. Indeed, the regulations are so inclusive that the Board is advised of minor, innocuous incidents that would go unnoticed in other forums. The History of pilotage in Virginia and the Commonwealth's inherent concern for the health, safety and welfare of its citizens, along with pilot's statutory duty to vessel safety and the safety of our waters and ports, require no less than the full attention of this Board...

Waterborne commerce has been a part of the economic fabric of this Commonwealth since the seventeenth century. Seafaring methods, cargos and equipment have changed, but the bedrock principles of good seamanship, safety and service to the ports of Virginia remain steadfast. Pilotage in Virginia is an around the clock enterprise; vessels enter and depart the Port of Hampton Roads twenty-four hours a day, and ships sail the James, York and Potomac rivers daily. Cargo may be hazardous or harmless. Ships and equipment may be state-of-the-art or marginal. In some instances, navigational equipment may be completely inoperable. Indeed, the pilot must be adept at responding to any circumstance, and must be sufficiently skilled to con any vessel, be it an aircraft carrier, a nuclear submarine or a merchant ship which may exceed one thousand feet in length, and be loaded to a draft of fifty feet. The Board looks with pride at the history of pilotage in Virginia. The Board is fully cognizant of its responsibilities and attendant obligations to vessel safety, safety of Virginia's waters and ports and the promotion of commerce. The element of danger is ever present, as it is with all modes of transportation. Thus, no regulatory agency—federal or state—can warrant against future incidents, whether minor or catastrophic. But the General Assembly, the maritime industry and all interested agencies can be assured that the Board for Branch Pilots remains vigilant; that its licensees are skilled; and that pilot training is contemporary and responsive to ever-changing technologies

The Board, by consensus asked that this document be sent to them again in its entirety for further reference.

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

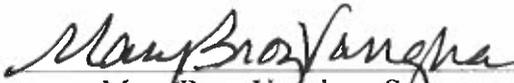
Conflict of Interest Forms and Travel Vouchers

There being no further business, the meeting was adjourned at 11:52 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: E. Waightstill Avery
2. Title: Board Member
3. Agency: Board for Branch Pilots
4. Meeting/IFF Date: Board Meeting March 13, 2020
5. I have a personal interest in the following transaction:

NO

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.

E. Waightstill Avery
Signature

3/13/2020
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 March 13, 2020
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.

Vincent Behm, Jr.
Signature

3-13-20
Date

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

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

1. Name: J. William Cofer
2. Title: Board Member
3. Agency: Board for Branch Pilots
4. Meeting/IFF Date: Board Meeting March 13, 2020
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. William Cofer
Signature

3-13-20
Date

**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 March 13, 2020
5. I have a personal interest in the following transaction:
Notification Letter Follow-up - Captain Nathaniel Green, II – M/V IJSSEL
CONFIDENCE

Nature of Personal Interest Affected by Transaction:

My employer, Capes Shipping Agencies, served as agent for the M/V IJSSEL
CONFIDENCE during her call to Hampton Roads and at the time of the incident.

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.

Michael W. Coleman
Signature

March 17, 2020
Date

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

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

1. Name: Thomas P. Host III
2. Title: Board Member
3. Agency: Board for Branch Pilots
4. Meeting/IFF Date: Board Meeting March 13, 2020

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

Thomas P. Host III

Date

3-13-20

**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 March 13, 2020
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.

Patrick B. McDermott
Signature

3/13/2020
Date

**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 March 13, 2020

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

3/13/2020
Date