

**BOARD FOR BRANCH PILOTS MEETING
MINUTES**

The Virginia Board for Branch Pilots met on Tuesday, September 15, 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 Robert H. Callis, III
Captain J.W. Whiting Chisman, III
Michael W. Coleman
Captain January N. Collins
Thomas P. Host, III
Patrick B. McDermott
Christine N. Piersall

Staff present for all or part of the meeting were:

Mary Broz-Vaughan, Director
Kathleen R. Nosbisch, Executive Director
Tanya M. Pettus, Administrative Assistant

Elizabeth Peay from the office of the Attorney General was present.

Members of the Audience included:

Mark Coberly, Manager, Maritime Law Department, Representative from Vandeventer Black
Captain Jorge Viso, President, American Pilots' Association
Captain Frank Rabena, Vice-President, Virginia Pilot Association
Paul Kirschner, American Pilots' Association
Chip Dodson
Keith Dodson
Zachary Dodson
Katie Wendell
Timothy Oksman
Melissa Oksman
Ryan Nienstedt
Richard Lyons
Bri Sancote

Ms. Piersall, President, called the meeting to order at 10:31 a.m.

Call to Order

William Burket, Jr. of the Virginia Port Authority advised the Board of the emergency evacuation procedure.

Safety
Evacuation
Instructions

Ms. Nosbisch reminded the Board and meeting attendees of COVID-19 safety procedures.

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

**Approval of
Agenda**

Mr. Coleman moved to approve the minutes from the June 15, 2020, Board meeting as presented. Captain Collins seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Coleman, Collins, Host, McDermott, and Piersall.

**Approval of
Minutes**

There were no public comments.

**Public Comment
Period**

Captain Callis provided the Board with a report of examinations conducted by the Exam Administrators on September 14, 2020. The following report was made:

**Exam
Administrator's
Report**

Richard Austin Lyons 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, movement guidelines for New Panamax vessels, movement rules for ULCVs (Ultra Large Container Vessels), effects of current on deep draft vessels, effects of wind on large surface area vessels, calculating adequate towboat power, under keel clearance, deep-water route, emergency ship handling, naval nomenclature and chain of command, and safe vessel speed.

After considering the results of the examination, Captain Callis moved Captain Richard Austin Lyons be raised in grade from a Hotel classification Hotel classification (91,000 gross tons and 47 feet maximum draft) to a Branch Pilot. Mr. Host seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Coleman, Collins, Host, McDermott, and Piersall.

Ryan Robert Nienstedt 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, movement guidelines for New Panamax vessels, movement rules for ULCVs (Ultra Large Container Vessels), effects of current on deep draft vessels, effects of wind on large surface area vessels, calculating adequate towboat power, under keel clearance, deep-water route, emergency ship handling, naval nomenclature and chain of command, and safe vessel speed.

After considering the results of the examination, Captain Callis moved Captain Ryan Robert Nienstedt be raised in grade from a Hotel classification (91,000

gross tons and 47 feet maximum draft) to a Branch Pilot. Mr. Coleman seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Coleman, Collins, Host, McDermott, and Piersall.

Timothy Delaney Oksman 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, movement guidelines for New Panamax vessels, movement rules for ULCVs (Ultra Large Container Vessels), effects of current on deep draft vessels, effects of wind on large surface area vessels, calculating adequate towboat power, under keel clearance, deep-water route, emergency ship handling, naval nomenclature and chain of command, and safe vessel speed.

After considering the results of the examination, Captain Callis moved Captain Timothy Delaney Oksman be raised in grade from a Hotel classification (91,000 gross tons and 47 feet maximum draft) to a Branch Pilot. Mr. Host seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Coleman, Collins, Host, McDermott, and Piersall.

Captain Chisman commended the Branch Pilots on their hard work, particularly as limited Branch Pilots during COVID-19, and stated he looks forward to Captains Lyons, Nienstedt, and Oksman representing the Commonwealth as Branch Pilots.

Zachary Stewart Dodson answered oral questions related to the initial license. The subjects included courses and distances from CH Buoy to the James River Bridge and to Town Point, local traffic, safe anchoring positions in Lynnhaven, Sewell's Point and Newport News, anchoring techniques, docking and undocking situations with, and without towboats, meeting and overtaking situations, pilot/dockmaster relationship, bridge clearances, emergency ship handling, use of the auxiliary channel, bank cushion and suction, under keel clearance, reduced visibility, safe vessel speed, the master/pilot exchange of information, proper usage of personal and ship's navigation equipment, vessel and terminal security, state and federal regulations, the duties of a Limited Branch Pilot, personal conduct, fatigue, prescription drugs, chemical testing, the role of the MRO (medical review officer) and reportable incidents. Zachary Stewart Dodson also successfully completed a chartlet demonstrating his spatial awareness of major aids to navigation and their relationship to land.

After considering the results of the examination, Captain Callis moved to approve Captain Zachary Stewart Dodson for an Alpha License (25,000 gross tons and 28 feet maximum draft). Mr. McDermott seconded the motion.

Captain Chisman advised the Board that Dodson was unable to complete the Intermediate Manned Model Shiphhandling course at the Warsash Maritime Centre in England scheduled for September because of COVID-19 travel restrictions. Captain Chisman advised that Dodson has completed other manned model and simulator training that has been added to the Apprenticeship since the Warsash training was added to the program in 2002. Dodson will attend 20,000 TEU manned model and simulator training at the Maritime Pilots Institute in Covington, LA at the end of year 3 of his apprenticeship instead of year four. Captain Chisman also advised that Dodson completed and passed a physical exam, but because the drug test was 65 days old, Mr. Dodson submitted to another drug test on September 12, 2020 and the results are forthcoming. The Board agreed by consensus that Mr. Dodson has met the requirements for an Alpha License.

The motion was unanimously approved by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Coleman, Collins, Host, McDermott, and Piersall.

Captain Chisman and Captain Avery commended Mr. Dodson on his work over the last two years and stated he will have a great career.

The Board recessed from 10:49 a.m. to 11:01 a.m. to review the pilots' charts and congratulate the pilots.

Recess

Captain Callis officially concluded the Exam Administrator's Report.

**Exam
Administrator's
Report, Cont.**

Mr. Host recused himself from the meeting for the Board decision and vote on the incident involving the M/T CHEM ANTARES.

**Recusal of Board
Member**

The Board reviewed a letter from Captain Gregory R. Willson., providing information on an occurrence involving the M/T CHEM ANTARES.

**Review of
Notification
Letter-Captain
Gregory R.
Willson, M/T
CHEM
ANTARES**

On July 9, 2020, Captain Willson was ordered to M/T CHEM ANTARES, a tank vessel with a draft of 22' 10" located at Newport News Anchorage. The M/T CHEM ANTARES is a tank vessel with a length overall of 427' 6", a beam of 79' 4", gross tonnage of 11580 tons, conventional rudder, right-handed fixed pitch propeller, and a bow thruster (800kw).

At 1300, Captain Willson embarked the M/T CHEM ANTARES at Newport News Anchorage. At this time, the current in Newport News was flooding with a set of approximately 296 deg T and a drift of approximately 0.4 knots. The wind was from the northeast in a direction of approximately 045 deg T and a velocity of approximately 5 knots. Visibility was clear with small, isolated rain storms in the area.

After a master-pilot exchange, the vessel began heaving anchor and was underway at 1324. Captain Willson proceeded to pilot the M/T CHEM ANTARES from Newport News Anchorage to Associated Asphalt Hopewell. At approximately 1930, the M/T CHEM ANTARES rendezvoused with the tugs ALFRED WALKER (1800 horsepower) and CHANDLER B (1800 horsepower) in the vicinity of day marker "108". At approximately 1936, the ALFRED WALKER was made fast on the port bow. At approximately 1938, the CHANDLER B. was made fast on the port quarter. At this time, the vessel was on a heading of 272 deg T, course over ground was 270 deg T, and speed over ground was 4.9 knots. The current was approximately slack water. The wind was from the east-northeast from a direction of approximately 060 deg T and a velocity of approximately 10 - 12 knots. Visibility was clear.

Once the tugs were made fast, the engine was stopped to reduce headway. Just east of Associated Asphalt Hopewell, Captain Willson turned M/T CHEM ANTARES to starboard to facilitate docking starboard side alongside the pier. Once the vessel was turned approximately 180 degrees with a heading of approximately 125 deg T, Captain Willson used M/T CHEM ANTARES engine dead slow astern to back into position relative to the cluster pilings at Associated Asphalt Hopewell. Captain Willson stopped the engine with approximately 1 knot of sternway. As M/T CHEM ANTARES was approaching its position, dead slow ahead was ordered on the engine to reduce the vessel's sternway.

When sternway was completely off of the vessel, M/T CHEM ANTARES was still located in the navigable channel with its starboard side approximately 300 feet off of the cluster pilings. At this time, the tug ALFRED WALKER and the tug CHANDLER B. were used ahead at 90 degree angles to move the vessel laterally towards the pier. M/T CHEM ANTARES's bow thruster was used during this part of the maneuver to maintain the vessel's heading parallel to the pier heading. At this time, the M/T CHEM ANTARES's heading was 140 deg T, course over ground was 246 deg T, and speed over ground was approximately 0.7 knots.

As M/T CHEM ANTARES exited the channel, both tugs were instructed to stop pushing ahead and back easy on their lines at 90 degree angles to the vessel. The M/T CHEM ANTARES's bow thruster continued to be used as necessary to maintain the vessel's heading parallel to the cluster pilings.

By the time M/T CHEM ANTARES was approximately 40 feet from the pier, the vessel's speed over ground was approximately 0.3 knots. Both tugs continued to back easy at 90 degrees to reduce lateral speed over ground

until the vessel was alongside the cluster pilings.

At the point of contact with the cluster pilings, the M/T CHEM ANTARES's speed over ground was 0.2 knots and M/T CHEM ANTARES made contact with both cluster pilings practically simultaneously.

Captain Willson did not witness, nor was aware of any damage to the cluster pilings at any time during or after the maneuver, nor did he notice any damage while disembarking the vessel and leaving the facility. Captain Willson did not receive any reports of damage from any terminal personnel, vessel's crew, or anyone else on the day of the maneuver.

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, Callis, Chisman, Coleman, Collins, McDermott, and Piersall.

Mr. Host returned to the meeting.

In the matter of **File Number 2020-02340, Thomas D. Rutter**, the Board members reviewed the record which consisted of the Notice of Prima Facie Case, Report of Findings, evidence, and the Presiding Officer's Summary and Recommendation. Captain Avery moved to accept the recommendation of the Presiding Officer and find no violation of the Board's regulations. Captain Collins seconded the motion. After lengthy discussion, the motion was unanimously approved by: Avery, Behm, Callis, Chisman, Coleman, Collins, Host, McDermott, and Piersall.

Captain Chisman presented the Board with the resume of maritime investigator Kevin M. Carroll for informational purposes. Discussion was held on DPOR's authority to investigate complaints brought before the Board as well as the Board's involvement in emergency decision making in light of a catastrophic event. Ms. Piersall advised the Board that further discussion would be tabled until the Regulatory Complaint Process agenda item was reviewed.

Captain Chisman introduced Paul Kirschner of the American Pilots' Association (APA) who was present to address the Board regarding pilot commissions across the country. Mr. Kirschner stated that the APA is a strong advocate for pilot commissions across the country, and that pilot commissions are necessary to ensure public confidence in the safety of the shipping industry within each state. Mr. Kirschner advised the Board on scenarios involving catastrophic events, and the role of the Board members, pilot commissions, and federal and state governments should such an event occur. Mr. Kirschner advised of the importance of predetermined roles among the Board and DPOR

Return of Board Member

Prima Facie Case: File Number 2020-02340, Thomas D. Rutter

Maritime Investigator

Paul Kirschner, American Pilots' Association

in navigating incident management, and the presentation of facts to the media, investigators, and government officials.

Ms. Broz-Vaughan and Ms. Peay advised the Board of DPOR's complaint process and explained the Administrative Process Act, which ensures due process for respondents under the jurisdiction of DPOR and the Board.

**Regulatory
Complaint
Process**

Discussion was held on Board members who participate in technical reviews during the course of a complaint investigation, as well as the recusal of Board members privy to information within a complaint file prior to a full Board review. Mr. McDermott moved to authorize staff to provide all Board members with a copy of a complaint received by DPOR at the time that such complaint is received. Mr. Behm seconded the motion. After further discussion, the motion was unanimously approved by: Avery, Behm, Callis, Chisman, Coleman, Collins, Host, McDermott, and Piersall.

Discussion was held on the process for an initial review of a complaint received by the Board. After discussion, Mr. Coleman moved that a sub-committee of the President and Vice-President, or a pilot member of the Board designated by the President in the event that the Vice-President is not a pilot, will conduct an initial review of any complaint received in order to determine whether an investigation of the complaint is warranted. Mr. Host seconded the motion which was unanimously approved by: Avery, Behm, Callis, Chisman, Coleman, Collins, Host, McDermott, and Piersall.

Discussion was also held on the Board's retention policy.

Captain Chisman advised the Board that he filed a request with the State Corporation Commission for a rate increase of 8.2% on August 24, 2020

**State
Corporation
Commission Rate
Increase Request**

Ms. Nosbisch advised the Board that the VMA International Trade Symposium re-scheduled for September 22-24, 2020, has been cancelled due to COVID-19. The symposium will take place on May 12-14, 2021. Ms. Nosbisch advised that Mr. McDermott will attend as a representative of the Board.

**VMA
International
Trade
Symposium
Update**

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

**Financial
Statements**

Captain Callis asked that staff consider rotating the Board members used as experts during informal fact conferences so that other members may gain that experience.

Other Business

Captain Chisman advised the Board of the pilot community's ongoing work with the CDC, Virginia Department of Health, and federal authorities in light

of COVID-19. Captain Chisman advised of aggressive testing and use of PPE within the shipping industry and pilot community.

Discussion was held on Mr. Carroll's resume reviewed earlier in the meeting. Ms. Broz-Vaughan and Ms. Nosbisch advised the Board that they will follow up with Administration to determine the next steps for entering into agreements with maritime investigators.

Ms. Nosbisch congratulated Captain Chisman and Mr. Coleman for being recognized in the Virginia 500 Power List for their work in the category of Transportation: Maritime, Ports, and Logistics.

Ms. Piersall reminded the Board members to complete their Conflict of Interest forms and travel vouchers.

**Conflict of
Interest Forms
and Travel
Vouchers**

There being no further business, the meeting was adjourned at 1:10 p.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. Waightsill Avery
2. Title: Board Member
3. Agency: Board for Branch Pilots
4. Meeting/IFF Date: Board Meeting September 15, 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.

E. Waightsill Avery
Signature

9/15/2020
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 September 15, 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:

m

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.

I. Vincent Behm, Jr.
Signature

9-15-20
Date

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

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

1. Name: Robert H. Callis, III
2. Title: Board Member
3. Agency: Board for Branch Pilots
4. Meeting/IFF Date: Board Meeting September 15, 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:

Virginia Pilot Association

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.

Robert H. Callis, III
Signature

9/15/20
Date

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

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

- 1. Name: J. W. Whiting Chisman III
- 2. Title: Board Member
- 3. Agency: Board for Branch Pilots
- 4. Meeting/IFF Date: Board Meeting September 15, 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. W. Whiting Chisman III
Signature

9-15-20
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 September 15, 2020

5. I have a personal interest in the following transaction:

N/A

Nature of Personal Interest Affected by Transaction:

N/A

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

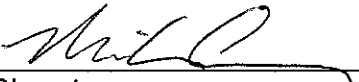
N/A

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

9/15/20

Date

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

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

- 1. Name: January N. Collins
- 2. Title: Board Member
- 3. Agency: Board for Branch Pilots
- 4. Meeting/IFF Date: Board Meeting September 15, 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:

JN 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.

Jan N. Collins
Signature

9/15/20
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 September 15, 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:

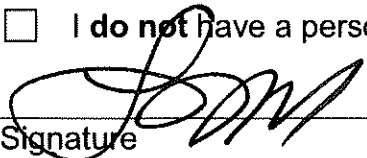
I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.

Signature



Date

9.15.20

**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 September 15, 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

September 15, 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 September 15, 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

9/15/2020

Date