

United States Coast Guard
Formal Investigation
Caribbean Fantasy Marine Casualty

Caribe Hilton
1 San Geronimo Street
San Juan, Puerto Rico 00901
March 20, 2017 -- March 28, 2017

REPORTER'S OFFICIAL TRANSCRIPT OF PROCEEDINGS
DAY IV of VIII

DATE TAKEN: Thursday, March 23, 2017

TIME: 0800 - 1613

REPORTED BY:
Sally Sybert Gessner
Official Court Reporter
Administrative Law Judge Office
Baltimore, Maryland 21202-4022

UNITED STATES COAST GUARD
MARINE BOARD OF INVESTIGATION PANEL MEMBERS

COMMANDER MICHAEL CAPELLI, CHAIRMAN
Coast Guard Seventh District (DPI)
909 SE 1st Avenue
Miami, FL 33131-3030

LCDR STEPHEN MIROS, Esquire
Coast Guard Office of Maritime & International Law
2100 2nd Street, SW
Washington DC 20593

JASON YETS, Esquire
Cruise Ship National Center of Expertise
1800 Eller Drive
Ft. Lauderdale, Florida 33316-4210

LT JENNIFER PROCTOR
Coast Guard Seventh District (DPI)
909 SE 1st Avenue
Miami, FL 33131-3030

LTJG CARLOS DIAZ-COLON
Coast Guard Sector San Juan
5 Calle La Puntilla
San Juan, PR 00901

BOARD MEMBERS NOT PRESENT:

Mr. Jim Gillette, Coast Guard Investigations, NCOE
Mr. Tom Woodford, Coast Guard Marine Safety Center

Appearance:

LT Shannon Price
Coast Guard Prevention Law Division
2703 Martin Luther King Avenue, SE
Washington, DC 20593-7213

NATIONAL TRANSPORTATION SAFETY BOARD
MARINE BOARD INVESTIGATION PANEL MEMBERS

ADAM TUCKER
INVESTIGATOR-IN -CHARGE
Office of Marine Safety
490 L'Enfant Plaza East, SW
Washington, DC 20594-2000

LARRY D. BOWLING
Office of Marine Safety
490 L'Enfant Plaza East, SW
Washington, DC 20594-2000

CARRIE BELL
Office of Marine Safety
490 L'Enfant Plaza East, SW
Washington, DC 20594-2000

LUKE WISNIEWSKI
Office of Marine Safety
490 L'Enfant Plaza East, SW
Washington, DC 20594-2000

NANCY McATEE
Fire & Explosive Specialist
Office of Research & Engineering
490 L'Enfant Plaza East, SW
Washington, DC 20594

APPEARANCES ON BEHALF OF PARTIES IN INTEREST

PANAMA

Mr. Gaspar Arenas

AMERICAN CRUISE FERRIES:

Carlos E. Bayron, Esquire
249 Concordia St. 2nd Floor
P.O. Box 6461
Mayaguez, PR 00681

Luz D. Vargas Rivera
249 Concordia St, 2nd Floor
P.O. Box 6461
Mayaguez, PR 00681

RINA

Paul E. Calvesbert, Esquire
1353 Luis Vigoreaux Avenue
Guaynabo, PR 00966

BAJA FERRIES:

A. T. Chenault
400 Poydras Street, 30th Floor
New Orleans, LA 70130

Manolo T. Rodriguez-Bird
420 Ponce de Leon Avenue
San Juan, PR 00918-2405

J. Ramon Rivera-Morales
420 Ponce de Leon Avenue
San Juan, PR 00918

Jorge F. Blasini-Gonzalez
420 Ponce de Leon Avenue
San Juan, PR 00918-3405

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P R O C E E D I N G S

Start Time 0800

CDR CAPELLI: Good morning, this hearing will come to order. Today is March 23rd, 2017; the time is 0800 we will be continuing at the Caribe Hilton, in San Juan, Puerto Rico. I am Commander Mike Capelli of the United States Coast Guard, from the Seventh Coast Guard District, Inspection and Investigation Branch, in Miami, Florida.

I have been directed to serve as the lead investigating officer for this formal investigation which has been convened by the Commander of the Seventh Coast Guard District, Rear Admiral Scott Bushman under the authority of Title 46, United States Code, Section 6301, and Title 46 of the Federal Regulations, Part 4.

To investigate the circumstances surrounding the fire, subsequent grounding, and full evacuation of 511 passengers and crew off the Caribbean Fantasy on August 17th, 2016 while approaching the boarding station to the Port of San Juan, Puerto Rico.

I am conducting the investigation under the rules in 46 C.F.R. Part 4. This investigation will determine as closely as possible, the factors that contributed to the incident so that proper recommendations for the prevention of similar casualties

1 may be made.

2 To determine whether there is evidence of that
3 any act of misconduct, inattention to duty, negligence,
4 or willful violation of law on the part of any licensed
5 or certificated person contributed to the casualty and
6 determine whether there is any evidence that any Coast
7 Guard personnel, or any representative or employee of
8 any government agency, or any other person caused or
9 contributed to the casualty.

10 Panama has been invited to attend this hearing
11 as a Substantially Interested State, and is represented
12 by Mr. Arenas. I have previously determined that RINA,
13 American Cruise Ferries, and Baja Ferries are Parties-
14 in-Interest to this investigation.

15 These parties have a direct interest in the
16 investigation and have demonstrated the potential for
17 contributing significantly to the completeness of the
18 investigation or otherwise enhancing the safety of life
19 and property at sea. All parties in interest have a
20 statutory right to employ counsel to represent them, to
21 cross-examine witnesses, have witnesses called on their
22 behalf.

23 I will examine all witnesses at this formal
24 hearing under oath and witnesses will be subject to
25 federal laws and penalties governing false official

1 statements. Witnesses who are not parties in interest
2 may be advised by their counsel concerning their rights.
3 However, such counsel may not examine or cross-examine
4 other witnesses, or otherwise participate.

5 These proceedings are open to the public, and
6 to the media. I ask for the cooperation of all persons
7 present to minimize any disruptive influence on the
8 proceedings in general, and on the witnesses in
9 particular. I ask that you silence all electronic
10 devices at this time.

11 The members of the press are of course
12 welcome, and an area has been set aside for your use
13 during these proceedings. The news media may question
14 witnesses concerning their testimony after I have
15 released them from these proceedings.

16 Since the date of the casualty, the NTSB and
17 the Coast Guard have conducted substantial evidence
18 collection activities, and some of that previously
19 collected evidence will be considered during these
20 hearings.

21 Should any person have, or believe he or she
22 has information not brought forward, or which might be
23 of direct significance to the ongoing investigation that
24 person is urged to bring that information to my
25 attention by emailing CaribbeanFantasy@USCG.mil.

1 The Coast Guard relies on strong partnerships
2 to execute its missions, and this investigation is no
3 exception. The National Transportation Safety Board is
4 participating in this hearing. Mr. Adam Tucker, seated
5 to my left is the Investigator-In-Charge for the
6 National Transportation Safety Board investigation. Mr.
7 Tucker would you like to make a brief statement?

8 MR. TUCKER: Yes. Good morning, my name is
9 Adam Tucker; I'm the Investigator-In-Charge on behalf of
10 the National Transportation Safety Board for this
11 investigation.

12 The National Transportation Safety Board is an
13 independent federal agency which under the Independent
14 Safety Board Act of 1974 codified as 49 U.S. Code
15 Chapter 11 is required to determine probable cause of
16 this accident, to issue a report of the facts,
17 conditions, and circumstances related to it, and we may
18 make recommendations for measures to prevent similar
19 accidents.

20 The NTSB has joined this hearing to avoid
21 duplicating the development of the facts. Nevertheless,
22 I do wish to point out that this does not preclude the
23 NTSB from developing additional information separately
24 from this proceeding if that becomes necessary.

25 At the conclusion of this hearing, the Safety

1 Board will analyze the facts of this accident, and
2 determine probable cause independently of the Coast
3 Guard. At a future date, a separate report of the
4 Safety Board's findings will be issued that will include
5 our official determination of the probable cause of this
6 accident. If appropriate, the Safety Board will issue
7 recommendations to correct safety problems discovered
8 during this investigation.

9 Thank you.

10 CDR CAPELLI: We will now call our first
11 witness of the day the commanding officer of the Joseph
12 Tezanos.

13 **LIEUTENANT NICHOLAS DAVID HERNDON**
14 **ON SCENE COMMANDER (on board Joseph Tezanos)**

15 LTJG DIAZ-COLON: Please raise your right
16 hand.

17 (LTJG Diaz-Colon administers oath.)

18 **WITNESS**

19 **LT NICHOLAS DAVID HERNDON**

20 A witness called on behalf of the Coast Guard was
21 sworn on their oath and testified as follows:

22 THE WITNESS: I do.

23 LTJG DIAZ-COLON: You may be seated. For the
24 record please state your full name and spell your last.

25 THE WITNESS: Nicholas David Herndon, last

1 name is H-E-R-N-D-O-N.

2 LTJG DIAZ-COLON: For the record, will the
3 Counsel please state your full name, and spell your
4 last?

5 LT PRICE (Counsel): Lieutenant Shannon Price,
6 P-R-I-C-E, from Coast Guard headquarters, Office of
7 Maritime and International Law.

8 LTJG DIAZ-COLON: Thank you. Sir, if you
9 could tell us where you are currently employed and what
10 your position is.

11 THE WITNESS: Currently employed by the United
12 States Coast Guard. Current position is the commanding
13 officer Coast Guard cutter Joseph Tezanos.

14 CDR CAPELLI: Thank you, we are going to start
15 the questioning with Mr. Larry Bowling from the National
16 Transportation Safety Board.

17 MR. BOWLING: Thank you Lieutenant.

18 **WITNESS**

19 **LIEUTENANT NICHOLAS DAVID HERNDON**

20 **(ON SCENE COMMANDER IN THE USCG CUTTER JOSEPH TEZANOS)**

21 **EXAMINATION**

22 BY MR. BOWLING:

23 Q. Thank you, Lieutenant. Before we get into
24 questions related to the Caribbean Fantasy, I want to
25 start out with just the capabilities of the cutter

1 Joseph Tezanos, could you tell us a little bit about the
2 cutter and its capabilities with respect to the search
3 and rescue aspect, or mission for the cutter?

4 A. Yes, sir. The Joseph Tezanos is what we call a
5 fast response cutter. It is one of the Coast Guard's
6 newest surface assets. It is a patrol style boat, 154
7 feet in length. It has an eight meter rib onboard,
8 original inflatable surface small boat.

9 And the cutter itself is equipped with; we call
10 it a C4ISR, Command, Control, Communications, Computers,
11 Intelligence, Surveillance, and Reconnaissance Suite.
12 What that gives us is we have the ability to communicate
13 over a very large band of frequencies. You know UHF
14 frequencies, Ultra High Frequency, very high frequency,
15 marine band radios, as well as satellite and other
16 internet communications.

17 So, we have a lot of versatility when it comes
18 to communications, as well as deploying our cutter boat
19 to respond to any number of situations.

20 Q. And I understood that the C4ISR system also has
21 video capture capability?

22 A. That is correct, sir. That is part of the ISR
23 portion of the intelligence surveillance and
24 reconnaissance suite. So, we have a mast mounted, on
25 the ship's mast, we have a mast mounted camera that has

1 regular video as well as infrared.

2 Q. Okay Lieutenant, thank you. Commander Capelli,
3 at this time I would like to offer up as an exhibit and
4 potentially play three or four minutes of the video
5 captured by the C4ISR system off the Joseph Tezanos,
6 please.

7 CDR CAPELLI: Baja Ferries, do you have any
8 objections to the video?

9 MR. BLASINI: We reserve our objection at this
10 time.

11 CDR CAPELLI: Thank you. At this time we will
12 enter Exhibit Coast Guard#318 into the record.

13 (Video was admitted into
14 evidence as CG-318.)

15 MR. BOWLING: Lieutenant Diaz, if you don't
16 mind, start the video and we will run it to around 10:26
17 or 10:27 please.

18 (Video Exhibit #CG318 playing in open court.)

19 MR. BOWLING: Lieutenant if you want to narrate
20 us through the video, feel free to do that, that's your
21 cutter mast, I assume I am seeing there, correct?

22 THE WITNESS: That is correct sir. What you
23 are seeing is looking off the starboard side of the
24 ship, looking towards the starboard quarter of the ship.
25 The cutter is angled away from the Caribbean Fantasy at

1 this time, so we are nearing the cut out of our mass
2 mounted camera.

3 As you can see we have a blind spot directly
4 aft. You are now looking off the port quarter of the
5 Joseph Tezanos. What you see is a lot of the response
6 assets that were on scene: tugboats, pilot vessels, some
7 good Samaritans, Coast Guard response craft, local fire
8 department, local police. This is the windward side, so
9 this is upwind of the Caribbean Fantasy. This is the
10 side we use mostly for the response efforts.

11 (Pause while video continues to play 81136-81229.)

12 BY MR. BOWLING:

13 Q. And Lieutenant, the timestamp, date timestamp
14 on the lower left hand corner of that video is that San
15 Juan time, or was that San Juan time?

16 A: Yes sir that is San Juan time + four Quebec.

17 Q. Thank you.

18 All right Carlos, Lieutenant Diaz, thank you
19 very much.

20 (Video completed.)

21 Q. Lieutenant if you don't mind, I'm just going to
22 turn the floor over to you. I want to hear the role you
23 played, and the crew of the Joseph Tezanos on the --
24 August 17th. And if you don't mind, just start me around
25 the time you received tasking from the Sector Command

1 Center, Sector San Juan please.

2 A. Yes sir. So that day, August 17th was the
3 culmination day for our ready for operations inspection
4 that my crew was going to go through. We were in a pre-
5 commission status, so this was our last trials day to
6 show that we were ready for operations, and to be placed
7 into active service. So, this was the at sea portion.

8 We were already at the special sea detail, and
9 then I had my supervisor, my boss on board, Commander
10 Heather Kelly, she was on board to sail with us, as well
11 as some inspectors. And we -- moments after starting
12 special sea detail around 0815 we received notice that
13 there was the Caribbean Fantasy fire.

14 Priorities were shifted from the inspection of
15 our ability to conduct operations, to now us being the
16 only large asset reasonably close to help facilitate the
17 rescue efforts.

18 So at 0815 we were re-tasked from RAFOR
19 Operations Inspection to be the on scene coordinator for
20 the Caribbean Fantasy fire.

21 We were under way, maybe ten minutes, a little
22 more than ten minutes later. And then about twenty-two
23 minutes after -- or twenty minutes, as my log shows
24 after getting underway we were on scene at 0850 with the
25 Caribbean Fantasy.

1 Q. Okay, and once you got on scene, what functions
2 and tasking did you perform?

3 A. My function was to serve as the Federal on
4 Scene Coordinator. And I was going to unify all the
5 response of the assets on scene to make sure that we,
6 you know, we -- at that point people were already
7 disembarking the Caribbean Fantasy. And we were
8 outbound to the vessel there was already two motor
9 lifeboats that were in the water, seeming back into
10 port.

11 And then, when we arrived on scene we also saw
12 there were already numerous life rafts in the water with
13 the Marine Evacuation System, the slide was already
14 deployed. So it became apparent to me that they had
15 ordered abandon ship.

16 And so our efforts then, were to take these
17 people that were on -- coming down the slide, or in
18 these life rafts, and move them to shore.

19 So I was going to coordinate with my assets on
20 scene, including, you know, Coast Guard, there was other
21 Customs officials, Customs vessels there, the local
22 tugs, the local pilots, good Samaritans. And then we
23 were going to unify our effort to bring the people from
24 the life rafts to then be embarkation point ashore.

25 So my priorities were to move people from the

1 ship, get them onto an asset that can take them safely
2 to shore. And then try as best as possible to determine
3 accountability of who was on the vessel, the Caribbean
4 Fantasy.

5 Q. And I understood from a preliminary interview
6 that we performed, that you had assigned specific
7 tasking to your crew, particularly with the navigation
8 bridge and communications channels. Can you walk me
9 through that, please?

10 A. Yes, sir. So I, while in the pilot house I had
11 six radio watch standers each manning a different phone,
12 like a phone station/radio station. So I had one person
13 designated to Marine Band 16, and their purpose was to
14 coordinate with, communicate with the Caribbean Fantasy
15 master, as well as some of the Good Sams, and tugboats
16 that were also on 16 for the response.

17 I had a radio watch stander designated to some
18 of the Coast Guard working frequencies to help
19 coordinate amongst the Coast Guard assets. And then
20 another communication watch stander that was on another
21 frequency monitor that we handle aircraft with that was
22 coordinating with the Coast Guard aircraft that were on
23 scene. As well as my XO, he was on fifteen minute phone
24 communications, calling into the command center, to
25 communicate with the Sector staff directly.

1 So we had no less than four radio watch
2 standers at any point, but up to six at a time as well,
3 to help coordinate amongst all the assets. We were able
4 to track the assets on who was on scene and where they
5 were, call signs, what type of vessel they were on the
6 bridge, using our windows, we were just -- had, you
7 know, dry erase markers that we would just kept track of
8 who was on scene, who departed on scene -- or who
9 departed the scene towards the embarkation point
10 shoreward. So that way we were able to keep track of
11 who was where and what they were doing, more or less.

12 Q. And can you explain the relationship, or the
13 role that the cutter has as the on scene coordinator
14 with regard to the Sector? That relationship between
15 the two during this particular operation?

16 A. Yes, sir. The Sector, they are the, the search
17 and rescue mission coordinator. They are the ones who I
18 report to as the on scene coordinator. So they were the
19 ones that tasked me with on scene coordinator. I didn't
20 receive specific tasking of, you know, go do these
21 search patterns, which sometimes what you get assigned
22 as an on scene coordinator from the search and rescue
23 mission coordinator. I was told to go on scene and
24 assume the on scene coordinator.

25 Without very specific tasking of what to do. I

1 just took some initiative and I kind of sorted what I
2 saw on scene and figured what needed to get done was
3 just to take people from the ship, move them to an asset
4 on the surface that was able to get them to shore.

5 Q. Okay, now once the cutter initially pushed
6 through, or past the sea buoy, and arrived on site, what
7 Coast Guard or other first responder assets do you
8 recall being on site. I am not worried, at this point
9 with the Good Samaritan vessels, but the actual first
10 responder, and you know, state, federal government
11 entity type responders.

12 A. Yes, sir. Once I arrived on scene there was
13 already a good number of vessels on scene. Those
14 included surface assets from Coast Guard Station San
15 Juan, the 45 foot response boat, the 33 foot response
16 boats, there was a Customs boat already on scene, their
17 midnight express pursuit style boat. There were some
18 local police and fire vessels on scene. As well as some
19 -- I don't remember how many tugs; it might have been
20 five or six tugs that were already on scene as well,
21 with some of the pilot vessels. So those were already
22 on scene when we arrived at 0850.

23 Q. Okay, and how were you managing communications
24 with the other response vessel at that time? Were you -
25 - did you have communication channels set up already, or

1 did you initiate them when you arrived onsite, can you
2 tell me about the communications between the first
3 responders?

4 A. Yes, sir. So for first responders, for Coast
5 Guard assets we use the standard Sector San Juan
6 communications plan, which is already set in motion, so
7 it is the Coast Guard working channels, it is private
8 channels on the marine band that the Coast Guard uses to
9 communicate with other Coast Guard assets or other blue
10 forces, like Customs and Border Protection.

11 So those, we -- between all the Coast Guard
12 assets, we spoke on that channel which allowed us to
13 have unimpeded communications amongst each other that
14 wouldn't be interrupted by, you know, good Samaritans,
15 or pilots, or any other party.

16 As far as the non-government assets, federal
17 government assets, were we communicating on VHF 16, it
18 was already, the master was already communicating with
19 the command center on 16, Good Sams and the pilot boats
20 and the tugs were already all communicating on 16. So,
21 when we got on scene, we just jumped on VHF 16 and
22 starting coordinating on that channel.

23 Q. Okay, and tell me about the communications with
24 the non-Coast Guard assets.

25 A. Yes, sir. The communications with the non-

1 Coast Guard assets it was more or less effective. There
2 were times when it was frustrating. It got very
3 cluttered, very congested, not -- some of the good
4 Samaritans, well intentioned, commended for being there,
5 but they are not necessarily versed in radio protocol,
6 so they didn't, sometimes they would step on another
7 person that was passing information.

8 There were some language barriers with the good
9 Samaritans, not with the pilots, or the tugs, or the
10 master of the Caribbean Fantasy, but sometimes the Good
11 Sams wouldn't be conversing in English, which didn't
12 pose too much problem for my crew, but it did make it,
13 in the heat of the moment a little confusing between,
14 you know, going from English to Spanish consistently on
15 the same radio frequency. It did pose some barriers.

16 In hindsight I wish we could have moved people
17 to other channels to help clear the net, but we weren't
18 able to. We kept people on 16. I did want to move the
19 master to another channel at one point. But I was --
20 sometimes the communications with the master wasn't as
21 steady as I'd like.

22 We ah -- I think he was, I'm not sure, but I
23 got the impression he was using a handheld. So when we
24 ask him to -- we asked some information he said he'd
25 have to go check, and then we would lose comms with him

1 for a little while until he'd come and hail us again.
2 We weren't able to maintain consistent communications
3 with him. So I was, I was fearful of moving him to
4 another channel and not being able to effectively pass
5 that, and then maintain communications with him.

6 Q. Okay, and you mentioned radio protocol, what is
7 the practice on the Joseph Tezanos where you would reach
8 out over say 16 VHF to a small boat, how would a watch
9 stander, or radio guard do that? How would they hail
10 another vessel?

11 A. Yes sir, so if we are doing law enforcement
12 operations, we will not use the ship's name itself. We
13 would just say, you know, recreation fishing vessel, or
14 whatever vessel we are trying to hail this is, you know,
15 Coast Guard 18 which is part of our hull number.

16 In this case since we are not conducting law
17 enforcement, we are doing search and rescue, we just use
18 the ship's name. We would call out to, you know,
19 Caribbean Fantasy, this is the Joseph Tezanos on channel
20 16, and then we would, you know, then pass for traffic,
21 or wait for them to acknowledge that we are hailing
22 them. So we, on this, on that day we used the ship's
23 name.

24 Q. Okay, and you mentioned that the VHF, we were
25 talking about 16? I think you were talking about VHF 16,

1 right?

2 A. Yes, sir.

3 Q. You were saying it was crowded?

4 A. Yes, sir.

5 Q. When you say it was crowded, can explain that
6 in other terms? I mean, I just congested with voice
7 traffic?

8 A. Yes sir, there were a lot of parties on the
9 net, not everyone was waiting for someone to finish
10 before they would start a conversation, or start a
11 traffic. A lot of people trying to hail the Joseph
12 Tezanos at the same time, and not waiting for another
13 party to finish their transmission before they start
14 theirs.

15 So and then, what also made it confusing was
16 trying to hail the right good Samaritan, if we had to
17 hail a good Samaritan, it was not easy to identify who
18 was what, because they didn't necessarily have a call
19 sign, or name easily visible on their vessel.

20 So trying to get the right person and the wrong
21 person would answer the radio transmission on 16, and
22 then it may be confusing on who was being hailed. And
23 then, you know the Good Samaritan would say well it's
24 not me, I am not at that location, and then the other
25 person would try to come on and say that it was them.

1 So it was just a lot of people trying to talk at once.

2 Q. I understand, thank you. You mentioned
3 communications with the Caribbean Fantasy, the master of
4 the Caribbean Fantasy, tell me what you recall, from the
5 minute, really you got on scene and assumed that on
6 scene coordinator function, walk me through the
7 communications that you recall coming from the Caribbean
8 Fantasy to the cutter Joseph Tezanos.

9 A. Yes, sir. When we got on scene, we ah, one of
10 our first priorities was to establish comms with the
11 communications with the Caribbean Fantasy master. We
12 would consistently ask him for updates on the status of
13 the evacuation, number of personnel on board, and the
14 number of personnel on board was something we were very
15 interested in, because we wanted to know when people
16 had, you know, the ship was fully disembarked.

17 We wanted to know the status of the fire, of
18 his efforts, if he had power, these things, we kept
19 asking for updates on. Sometimes we would get the
20 updates, sometimes we wouldn't. We had asked for the
21 number of personnel on board, you know, a couple times,
22 we'd see people going down the marine evacuation system.

23 Then we would ask for a number, we would get a
24 number, okay, more people would go down the evacuation
25 system. We would ask for another, you know, how many

1 people left on board, and it would be the same number
2 that we had received in the previous transmission. Even
3 though we had seen people disembark.

4 So we knew we were getting somewhat scanty
5 information from the master as far as personnel on
6 board. So we, we tried to get an idea, okay well if the
7 number is less we know, at least, you know obviously
8 less people less on the ship. So I figured when we were
9 getting closer to zero we knew we were getting a better
10 number than initially when we were getting the same
11 number a couple times, even though we'd seen people
12 disembark.

13 Q. Since you brought up the, I use the term
14 passenger accountability how were you managing
15 accountability for those that were coming off the
16 Caribbean Fantasy on the Joseph Tezanos itself? Walk me
17 through that.

18 A. Yes, sir, when we took passengers onto the
19 Joseph Tezanos, we have a system already in place, like
20 a procedure already in place very similar to embark
21 survivors from a mass rescue operation, such as this,
22 where we -- it is very similar for us to use our
23 procedure we would for embarking minors/migrants at sea.

24 Where you, you would process them, you bring
25 them on board, you get their name, who, where they are

1 from and then you are able to keep track of how many you
2 have on board at a single time. So we used that system
3 for when we embarked survivors onto the Joseph Tezanos.

4 Q. And did you receive any tasking from the Sector
5 with regard to how to perform any passenger
6 accountability, or did -- was that passed down as
7 something you did on your own as the on scene
8 coordinator?

9 A. It was not explicitly passed down from the
10 Sector. We told them that we were attempting to get a
11 passenger accountability, but that it, we already didn't
12 know how many people were, had already left the ship,
13 because there was already lifeboats in the water heading
14 towards shore when we were on the way out, and we had no
15 way of knowing how many those lifeboats had.

16 So, from the initial number of 511 we had no
17 way of knowing who was already off the vessel, and who
18 was still on board. So we, at that point we just, kind
19 of a zero point, let's see how many people are left
20 coming off the ship.

21 Q. Okay, and you have mentioned the number 511.
22 Where did that number come from?

23 A. That number came from, when we were steaming
24 out, you know, we were under way from the Coast Guard
25 base we are steaming out towards Caribbean Fantasy, when

1 the Sector was telling us to assume the duties of the on
2 scene coordinator on the radio, they told us that the --
3 there was 511 passenger on board.

4 Q. Okay, thank you. Tell me about the Joseph
5 Tezanos with regard to the freeboard, and what I'm
6 looking for is the ease of embarkation of someone from a
7 life raft, or a small boat to the cutter. How's that,
8 what's the freeboard on the cutter, and where are your
9 embarkation points?

10 A. Yes, sir. The Joseph Tezanos has four
11 embarkation points, two along the starboard side, two on
12 the port side. There is a forward embarkation point on
13 either side, port and starboard, that's just about mid-
14 ship, it is right underneath the pilot house. And then
15 there is an aft embarkation point which is on the
16 quarters, the port and starboard quarters of the Joseph
17 Tezanos.

18 The freeboard in between those two embarkation
19 points is virtually the same. And it is more or less
20 five or six feet off the water line. So for a life raft
21 itself, it would be difficult to embark in any sort of
22 seas.

23 In flat waters it would be a fairly simple
24 matter for an experienced cutterman to maneuver the
25 vessel to disembark passengers from a life raft. But in

1 seas, where the life raft might be moving, since they
2 don't have a mode of propulsion, it would be difficult
3 to remove passengers directly to the ship from a life
4 raft.

5 As far as a small boat, or another vessel, we
6 had good success that day with disembarking passengers
7 with a pilot vessel. The very experienced ship drivers,
8 we, you know, they are used to coming alongside moving
9 vessels. So we had really good success with the pilot
10 vessel, figuring out a course and speed that would work
11 to transfer passengers between the cutter and the pilot
12 vessel itself.

13 We didn't have as much success with the,
14 Catanyo passenger ferry, that transits Bahia to San
15 Juan, they are not, in my experience, they don't seem as
16 versed in coming alongside larger vessels and moving
17 passengers, since they are not really outfitted that
18 was. So we didn't have success with them doing the same
19 maneuver we did with the pilot vessel.

20 Q. And walk me, or can you tell me how the Joseph
21 Tezanos began embarkation of survivors from the
22 Caribbean Fantasy. And I understood in an earlier
23 interview that you had stood down from that particular
24 approach and shifted focus where that the survivors
25 would not board the Joseph Tezanos. Can you tell me

1 about that?

2 A. Yes, sir. Initially when we got on scene I
3 saw that people were already evacuating the Caribbean
4 Fantasy, lifeboats in the water, life rafts in the
5 water, people coming down the slide. We were
6 establishing communications with the master. So at that
7 point my priority was to -- I didn't have good
8 information on what was going on on the Caribbean
9 Fantasy when I first arrived on scene. My priority was,
10 let's get people off the Caribbean Fantasy.

11 So at that point, I knew that I could hold
12 quite a few passengers on board the Joseph Tezanos. And
13 it was very easy for me to communicate with other Coast
14 Guard assets, and do personnel transfers with them. I
15 was at sea, so I knew that I could, you know, have Coast
16 Guard small boats pluck people from the slide, or life
17 rafts and then bring them to me in a very simple matter
18 and still keep close to the Caribbean Fantasy and engage
19 as the on scene coordinator.

20 I then transitioned from that responsibility
21 when I started getting a better idea of what was
22 happening on the Caribbean Fantasy, and I found that it
23 was more suitable for me to fully engage as the on scene
24 coordinator instead of as a holding platform. So then I
25 could start directing the Coast Guard small boats to

1 take, and other assets to take the survivors from the
2 slide, or the rafts and then move them to tugboats, or
3 other vessels that could transport people further to
4 shore.

5 So that way I -- when I started getting a
6 better grasp of what was happening on scene and on the
7 Caribbean Fantasy itself, I transitioned from being a
8 holding platform to fully orchestrating what was going
9 on, on scene.

10 Q. And in the scope of your experience with the
11 Coast Guard and your career at this point, have you
12 participated in a larger scale search and rescue, or is
13 this the largest event you have participated in?

14 A. This is the largest event I have participated
15 in, sir.

16 Q. If I used the term, mass rescue operation, what
17 would that mean to you?

18 A. Mass rescue operation, to me means, I couldn't
19 put a number to what mass would mean, but it is a larger
20 scale, multiple assets, a lot of people involved in a
21 single incident. So it would be something, it could be
22 like a passenger ferry like the Caribbean Fantasy or
23 even a smaller one in my opinion.

24 Q. Okay, thank you. And with that in mind, have
25 you ever trained or participated in a table top or -- do

1 you understand if I say table top exercise?

2 A. Yes sir, I understand.

3 Q. Have you ever participated in a table top
4 exercise, or a field exercise where the Coast Guard or
5 any other entity you may have been associated with
6 exercised a plan related to mass rescue operations?

7 A. No sir, I have never personally been involved
8 in a table top for a mass rescue operation, or an
9 exercise for mass rescue.

10 Q. Tell me about somewhere through the course of
11 the event there were -- was a non-Coast Guard helo drop
12 of what I understood firefighters onto the Caribbean
13 Fantasy. What do you recall from that?

14 A. Yes, sir. The -- when I first arrived on
15 scene, I didn't know that there was even firefighters on
16 board the Caribbean Fantasy, that was never passed to us
17 when we -- until well into the rescue efforts. I don't
18 know how long into the rescue efforts, but it wasn't
19 until we were into it that we got from the, I think the
20 master mentioned that there was firefighters on board.

21 We didn't know how they got there, where they
22 got there, it wasn't until the very end that I was able
23 to piece together they got there from helicopter,
24 because that's how they disembarked, was at the very end
25 that the firefighters left. So I didn't have any

1 communication with them, and I didn't know how long they
2 were there for.

3 Q. Thank you. We heard from the master of
4 Caribbean Fantasy yesterday, and in his statement he
5 basically had indicated, and I don't want to put words
6 into his mouth, but he did -- he was told to leave the
7 ship by the Coast Guard or something to that effect. Do
8 you know anything about any communications with the
9 master of the Caribbean Fantasy from the Joseph Tezanos
10 that direct him to depart the ship?

11 A. Yes sir. We did not direct him to depart the
12 ship. We were suggesting that if it was unsafe on
13 board, for him to leave the ship. And if there were no
14 other passengers the accountability was complete, for
15 him to leave. So we were recommending that he leave the
16 ship, but we were not directing him as such.

17 Q. And if you don't mind, tell me what you recall
18 from the VHF communications at that point, related to
19 that topic. And I know it's been a long time, if you
20 don't recall, I mean, that's fine as well. But if you
21 do, just walk me through what comms you recall going
22 back and forth between the two vessels.

23 A. Yes, sir. I wasn't actually on the VHF radio
24 between the master the Joseph Tezanos. But I recall
25 that, you know, telling my radio watch stander that was

1 working that channel, to tell the master if, you know,
2 the accountability is complete, let's, you know, let's
3 recommend that he get off the vessel if it's, you know,
4 if it is still not safe. It is out of control, you
5 know, he doesn't need to stay behind, let's recommend he
6 leave.

7 And then at a similar time, my executive
8 officer was on the phone with the command center. They
9 were obviously listening in on the radio as well. They
10 called us to make sure that, you know, make sure you are
11 just telling him that you recommend that he leave the
12 vessel, not directing him. And we confirmed that, yes,
13 we are recommending that the master leave, not directing
14 him to leave.

15 Q. Okay, and while we are in this topic area, late
16 in the event, I seem to recall some communication that
17 came to the Joseph Tezanos from the Caribbean Fantasy,
18 from the master, regarding a dive surveyor, the arrival
19 of divers. Do you recall anything about that VHF
20 communication?

21 A. Vaguely sir. I remember, at one point, hearing
22 about divers, I don't remember the context of what the
23 divers were about, I remember just hearing divers. I
24 don't know when it happened. And I immediately
25 discarded that as non-relevant information at the time.

1 My priority was not any concern with any sort of divers.

2 Q. Roger that. Tell me, the cutter, when you got
3 -- when the cutter arrived on scene, was the Caribbean
4 Fantasy still afloat, and just powerless, or was it on
5 ground at that point?

6 A. It was still afloat and powerless, sir. When
7 we arrived on scene the Caribbean Fantasy was more or
8 less geographically, in the middle of the channel, just
9 off El Morro. We were pulling in to -- pulling out into
10 the main ship channel, the range, coming out of San
11 Juan. And the Caribbean Fantasy was ahead of us, and
12 you could see that there was, you know, a lot of
13 billowing smoke, and the winds were pushing it to the
14 west.

15 By the time we got on scene it was a little but
16 further to the west. And then we, over the course of us
17 being on scene it had pushed pretty far to the west and
18 was then grounded.

19 Q. Tell me what you recall about persons in the
20 water, whether there were crew from the Caribbean
21 Fantasy, or passengers or unknown.

22 A. It was unknown to me how many people, if there
23 were people in the water. I do recall the initial call
24 out from San Juan on our way out, that there was, you
25 know, 511 passengers, 508 on board, and three persons in

1 the water is what we were initially told on the radio.

2 That was with us, actually without being on the
3 scene. Once we were on scene I do not recall any
4 persons in the water.

5 Q. Thank you. You used the term earlier, marine
6 evacuation system, MES, prior to August 17th, the day of
7 the event with the Caribbean Fantasy, have you ever
8 experienced, or seen such a system deployed? What's
9 your background with marine evacuation systems?

10 A. No background with those, sir, and I have never
11 seen them deployed before.

12 Q. Okay. Do you recall communications coming in
13 from the master to your radio watch stander on 16, vhf
14 where he was asking for assistance from Coast Guard
15 assets to close? And I say, close, I believe, what I
16 heard was C-L-O-S-E, close. The MES, sir, the
17 lifeboats, do you recall any of the communications
18 there?

19 A. I recall the master, comm to my watch stander,
20 asking about the marine evacuation system. What I
21 recall was that we had a -- the marine evacuation
22 system, to me, without any experience in it, seemed
23 failed. At one point we were -- it was on the windward
24 side of the vessel, and the wind was pushing it against
25 the hull of the Caribbean Fantasy. And it was more or

1 less a sheer drop, it wasn't at an angle. And without
2 any background in the system, that, to me didn't seem
3 like it was going to work.

4 There was one survivor, well, that came down
5 the slide and it was reported that some sort of ankle
6 paid, potentially broken ankle, sprained ankle. It was
7 -- it was not clear on scene what happened to the
8 patient's ankles but that they were injured. And to me,
9 I associated that with this being such a sheer drop.

10 So then, I had one of our Coast Guard small
11 boats tie off to the slide, and pull it out, so that way
12 it had to be at angle, so that way the survivors could
13 slide down the slide, the marine evacuation system and
14 not drop down it.

15 And then I also pulled it away from the ship
16 itself, because the way the slide was deployed, at,
17 without the small boat being tied off to it, it was like
18 a forward, it was pointing towards the forward part of
19 the ship, which was directly below where the smoke
20 stacks were. Which there was fire billowing out the
21 side of the stacks, not the actual top, but it was, the
22 fire had breached the side of the hull where the smoke
23 stacks were, and pieces of the ship were falling down
24 into the water near where the slide was.

25 So I had Coast Guard small boat tie off, and

1 pull the slide away from there, so that way it would,
2 you know, pieces wouldn't fall on the slide, and it
3 would also facilitate passengers moving down the slide.

4 Q. Okay, thank you. At, when this was going on
5 when the Coast Guard small boat made connection to the
6 slide, was the Caribbean Fantasy still adrift, or was it
7 aground at that point?

8 A. I was aground, sir.

9 Q. Okay. When we started the interview, you
10 mentioned that the cutter was on its last day, I think
11 you used the term, ready for operations. Can you tell
12 me a little bit about that process, the ready for
13 operations process with the cutters?

14 A. Yes, sir. So the Joseph Tezanos was in, at
15 that time a precommissioning status. So we, the ship
16 was delivered to the Coast Guard from the ship builder
17 in late June in Key West. And then we spent six weeks
18 in Key West outfitting the ship, doing some drills and
19 exercises, there was a couple initial drills and
20 exercises for the crew as an assessment, they call it
21 sea ops. I forget what it stands for, so apologize
22 using an acronym without being able to explain it. But
23 it is sea ops.

24 Followed the next week by ready for sea
25 inspection, which is kind of -- it's the same sort of

1 inspection that ready for operation is, but this ready
2 for sea inspection happened in Key West before we were
3 going to transit the cutter from Key West to San Juan,
4 Puerto Rico.

5 So it was the same inspectors that were ready
6 for operations, the same drills and exercises, and
7 evaluations, that we completed, and we successfully
8 completed the ready for sea portion in Key West. And
9 then we were going to do the ready for operations
10 portion prior to our commissioning date, so that way
11 immediately upon commissioning the cutter was ready for
12 fleet service.

13 So the ready for operation inspection consisted
14 of man overboard drills from the ship and small boat,
15 fire, combatting fire on board the ship, combatting
16 flooding, personnel casualties, navigation and
17 seamanship drills. So the day were going to do, on
18 August 17th, was the at sea portion of some of those
19 drills.

20 Q. Okay, and you say pre-commission, so the cutter
21 was not commissioned, officially commissioned at that
22 point, on August 17th?

23 A. Yes, sir. The cutter was in, in commission
24 special status.

25 Q. Okay, and given that fact did that impact your

1 ability at all to perform the functions for search and
2 rescue that day?

3 A. No sir.

4 Q. Tell me about the language capabilities on the
5 cutter. I assume that, we know English, I heard that on
6 VHF, and I heard Spanish, are there crewmembers that
7 speak other languages?

8 A. Yes, sir. My crew is comprised of about a
9 quarter Puerto Rican natives, so people from the island
10 of Puerto Rico. So very well stocked with people that
11 speak both English and Spanish on board.

12 I also have some French speakers, just by luck
13 of people's backgrounds, and then a polish speaker as
14 well. So I -- at one point there were some folks from
15 the Caribbean Fantasy on board the Joseph Tezanos, I
16 believe they were crewmembers that were speaking Polish
17 with one of my crewmembers, and you know, comforting
18 conversations.

19 Q. Okay. Tell me about the -- I understand that
20 one of the survivors that boarded the cutter, and had
21 come to you, and I don't recall the exact quote, but it
22 was something to the effect, there are people sinking in
23 the life rafts, you need to get them off, do you recall
24 that?

25 A. Yes sir, I recall that. I was, on the pilot

1 house walking between, you know, port and starboard
2 side, of the ship, just keeping an eye on efforts on
3 scene. We were -- at this point we were still embarking
4 the survivors from the Caribbean Fantasy. And there was
5 this gentleman, he was on board, to me it was
6 immediately apparent that he was very shocked about what
7 was happening.

8 He had been taken off of one of the life rafts
9 by a Coast Guard small boat, and then brought to us to
10 hold until we could get him further ashore. And we
11 were, we already fully, words are escaping me. We
12 already put -- our normal holding for persons on the
13 ship is after the pilot house, underneath an awning that
14 we have. That place was already overloaded with people,
15 we were not overloaded, but it was already filled to
16 capacity for people comfortably.

17 So we started moving the survivors we had
18 embarked forward of the pilot house, so they were
19 required to walk by the pilot house. And then this
20 gentleman made contact with me, I guess assuming that I
21 was someone of importance. And then he pulled me aside
22 and said that there is still people on the life rafts --
23 this is all in Spanish -- you know, they are sinking,
24 people are in danger, they are sinking, people, you
25 know, the life raft is sinking, you've gotta get them

1 off.

2 At that point, I directed one of my -- one of
3 the persons I had that was attending to the survivors on
4 board, he was a -- able to converse with him, the
5 gentleman in Spanish, try to calm him down, move him
6 forward, tell him that, you know, we are taking people
7 off the life rafts, for him not to worry, we are, you
8 know, we are going to make sure that, you know, people
9 are not staying in these life rafts once the people, you
10 know, once they have been disembarked.

11 So he was able to comfort that gentleman.

12 Q. Okay, thank you. And from a firsthand visual
13 account, tell me what you recall with regard to the
14 rigid, or the lifeboats, which would be davit launched
15 from the Caribbean Fantasy, and the life rafts from the
16 Caribbean Fantasy that you recall from being the on
17 scene coordinator.

18 A. Yes, sir. I recall that two of the lifeboats
19 were successfully deployed, and under their own power
20 with persons on board. Again, I don't know how many
21 people were on board. Those two were the same two that
22 I saw entering into San Juan as we were heading out to
23 Caribbean Fantasy.

24 There was a third lifeboat that I saw that was
25 loaded with people, I don't know how many, but it was

1 suspended about ten feet off the water line, while it is
2 still on its falls, its cables, from/on Caribbean
3 Fantasy. And that one had not successfully deployed.
4 Those are the only three that I had seen, either in use
5 or attempted to be used for evacuating persons.

6 The life rafts from Caribbean Fantasy, I don't
7 remember how many there were on scene, but they were
8 loaded with persons, and I don't know how many people
9 were actually on the life rafts, themselves, but it was
10 reported to me, and I didn't, you know, we didn't get
11 along close enough from, with the cutter to verify or
12 with my own eyes, but it was reported to me that these
13 were taking on water or deflating.

14 And so we had then taken people off of the life
15 rafts, and then put them onto Coast Guard boats for
16 either putting on the Joseph Tezanos when we were still
17 doing that. Or moving them to tug boats, pilot boats or
18 other holding platforms to move them to shore.

19 Q. Thank you. Do you know if any of the
20 inflatable life rafts were taken under tow and brought
21 in to the port of San Juan for disembarkation of the
22 survivors, or --

23 A. Yes, sir. We did not have them taken into tow
24 with persons on board. We had already; we removed all
25 the people from the life rafts and then had them taken

1 to shore. We ran into a problem -- that once we
2 disembarked persons from the life rafts -- of
3 accountability of what life rafts still had people, or
4 not. We, we disembarked someone from the life raft, and
5 then, you know, moments later we would focus on another
6 life raft, and then we would, you know, the life rafts
7 would move around, because it is windy seas. And then
8 we'd think that there, you know, we'd have to go back to
9 multiple rafts and verify that there were no people on.

10 And then we made the decision, I made the
11 decision to have the good Samaritans or tug boats, take
12 these empty life rafts into tow, and bring them into San
13 Juan, so that way we can remove them from the scene, and
14 then not have to worry about do those still have people
15 on or not.

16 Q. Okay, thank you. And I realize you weren't
17 watching your watch, but can you give me a rough idea
18 from the point that the cutter arrived on scene and you
19 assumed the on scene coordinator function, how long it
20 was from that point in time, to the point in time that
21 you felt everyone had been -- other than the
22 firefighters that you mentioned earlier were, was
23 removed from Caribbean Fantasy?

24 A. Yes, sir. It was, it became apparent, you know
25 when that time happened, it was, you know, quite a few

1 hours later, it was already into the afternoon when that
2 happened. It was, like kind of a lull in the action.
3 There was okay, you know, the master is not reporting
4 there is anyone left on board besides him and you know,
5 maybe some of his staff and the firefighters.

6 You know, we didn't see anyone disembarking for
7 quite a few, you know, quite a few minutes from the
8 slide. At this point, we had already taken everyone off
9 the life rafts, people were moving ashore.

10 So there was like a lull in the action when it
11 became apparent that, okay, I think we've got almost
12 everyone now. You know, we can focus on the, you know,
13 the master and I think he had some of his officers with
14 him, and then the firefighters were the only ones left.
15 So, at that point we can kind of transition to what is
16 the next phase going to be.

17 Q. Okay, and were you getting any communications
18 from shore side, from the Coast Guard Sector Command
19 Center, or any of the other first responders, with
20 regard to passenger count and the crew count that were
21 coming off there at that point? Or was it something you
22 were dealing with just independently on scene?

23 A. We were dealing independently on scene with who
24 we were sending ashore. And then the shore side, they
25 were doing their own count. But I didn't have any

1 communication with the landing site. I had comms with
2 the command center, but they never passed to us how many
3 had made it to shore. So we didn't know -- it wasn't
4 until hours later, after we had already moored up the
5 ship that we found, okay, all a hundred (sic) and eleven
6 have been accounted for.

7 Q. Okay, and once you stepped down from the search
8 and rescue phase, at some point in time I understand you
9 were relieved by the Richard Dixon.

10 A. Yes, sir.

11 Q. The cutter.

12 A. That is correct.

13 Q. Tell me about that process, what time, you know
14 roughly what time that was?

15 A. Yes, sir. I can look it up; it is in our
16 ship's log here. It was at 1422, the Richard Dixon
17 assumes the on scene coordinator. So Dixon had arrived
18 on scene before then, I'm not sure what time they
19 arrived on scene. They were out west of Puerto Rico and
20 were tasked to come to the scene. And so they were
21 already on scene before that. But at 1422 is when they
22 became the on scene coordinator, and took the duties
23 over from us.

24 Q. Okay, thank you. And the document you were
25 referring to is the Smooth Log is what you have?

1 A. Yes sir, it's our ship's Smooth Log.

2 Q. Okay, Lieutenant Diaz that, I believe that is
3 an exhibit in the packet, correct? The Smooth Log from
4 the Joseph Tezanos?

5 LTJG DIAZ-COLON: Yes.

6 MR. BOWLING: Do you know what exhibit that
7 is?

8 LTJG DIAZ-COLON: I can look that up right now,
9 sir.

10 MR. BOWLING: If you don't mind, please.

11 BY MR. BOWLING:

12 Q. Lieutenant, I have one final question for you
13 at this point, and I'll relinquish the floor to
14 Commander Capelli. I understand at some point in time,
15 the captain of the port put a security zone around the
16 Caribbean Fantasy. Can you tell me your role in that?

17 A. Yes, sir. I'm not sure when that order came
18 out. I know that we were talking about it on the ship,
19 you know, I was thinking about, about getting a security
20 zone around the ship. But it wasn't until the Dixon had
21 assumed the on scene coordinator, that they actually
22 enforced the security zone around the Caribbean Fantasy.

23 Q. Okay, thank you.

24 CDR CAPELLI: Is this the log that you are
25 referring to, Exhibit 027

1 THE WITNESS: Yes, sir.

2 CDR CAPELLI: Okay, thank you very much. And
3 we looked it up, and does Special Emergency Operations
4 and Procedures, does that sound familiar?

5 THE WITNESS: Yes sir, that's SEA OPS.

6 CDR CAPELLI: Okay, for the record, SEA OPS is
7 Special Emergency Operations and Procedures. I am going
8 to turn it over to Mr. Tucker for questions.

9 **WITNESS**

10 **LT NICHOLAS HERDON**

11 **EXAMINATION**

12 BY MR. TUCKER:

13 Q. Good morning, Lieutenant.

14 A. Good morning, sir.

15 Q. My name is Adam Tucker; I'm with the National
16 Transportation Safety Board. I just have a few
17 questions for you, mostly clarification. I just wanted
18 to confirm, what you remember once you arrived on scene.
19 Did you formally announce that the Joseph Tezanos was
20 the on scene coordinator? Do you remember anything like
21 that?

22 A. No sir, we did not formally announce, we just
23 started issuing task direction, and coordinating
24 efforts.

25 Q. Understood. Do you recall if the master

1 understood that you were the on scene coordinator? The
2 Tezanos?

3 A. To my understanding I think it became apparent
4 that we were the ones coordinating the efforts.

5 Q. Okay. The other question I have Lieutenant is
6 do you or any of your crew receive any specific training
7 to international SAR communications protocol?

8 A. Since my crew's been on board the Joseph
9 Tezanos, we have not received international search and
10 rescue training. But, I can't speak to the individual
11 qualifications or training of my crew prior to being on
12 board. I have not attended any international school
13 other than like fundamentals in search and rescue
14 through my officer training.

15 Q. Thank you. I know you had mentioned earlier
16 that there were a lot of other assets on the surface of
17 the water, there were Coast Guard vessels, Good Sams,
18 also CBP vessels, I'm wondering, just back to the
19 communications, were there any particular vessels that
20 you found it difficult to communication with or had no
21 comms with?

22 A. Yes, sir. The Puerto Rican fire department was
23 very -- when they did communicate with me on channel 16
24 it was at their choosing, not when I tried to hail them
25 and communicate with them, and coordinate with them. It

1 was unreliable.

2 The Puerto Rican police department, I had no
3 communications with on the radio, I had to resort to
4 hand signals or sending a small boat a Coast Guard small
5 boat alongside to give them verbal directions. So I had
6 no communications with the Puerto Rican police
7 department. No communications with any of the Puerto
8 Rican police aircraft either.

9 Q. Okay, that was going to be my next question.
10 So the only, if I understand then, there were no comms
11 with any of the other aircraft except for the Coast
12 Guard aircraft asset?

13 A. That's affirmative sir.

14 Q. Thank you. And for you, or for your radio
15 operator, how were you able to know that it was the
16 master communicating to you, the on scene coordinator?
17 Did, did you understand, did he identify himself as the
18 master? Or did you -- how do you know that?

19 A. I never heard him say that he was the master.
20 I -- my radio watch stander told me that he was in
21 communication with the master on channel 16 of the
22 Caribbean Fantasy. So I never heard him say over the
23 speaker that he was the -- identify himself as the
24 master. But it was passed to me that he was such from
25 my watch stander.

1 Q. Okay and when speaking or listening, I
2 understand you weren't working the radio, but when you -
3 - listening to the communications from the Caribbean
4 Fantasy were there any challenges with the language or
5 the accent of the crew that you remember?

6 A. I remember it was -- I mean there was an
7 accent. I think we were able to get through it as best
8 as possible, but I think there -- it did pose some issue
9 with -- for my watch standers, I could see he kind of
10 got frustrated, but he, you know, he might have easily
11 just been frustrated from other things, like a clogged
12 net on channel 16 as well.

13 Q. Okay, you also mentioned an injury to
14 passengers and just wondering, I believe you mentioned
15 an ankle injury, did you or any of your crew witness any
16 other types of injuries during your time out there?

17 A. Yes, sir. So the ankle injury, that was
18 reported to us from one of the Coast Guard small boats
19 at the bottom of the marine evacuation system. And then
20 as soon as they had that person, we directed them to go
21 directly to shore on the small boat, you know, at the
22 best speed.

23 And then there was another passenger that was a
24 pregnant lady, and she had -- it was some sort of
25 complications, either panic attack, some sort of

1 Q. Okay, and did the master ever tell you that he
2 wanted to stay on board the vessel?

3 A. I recall that he was saying he needed to get
4 together some documents or things before he departed the
5 vessel.

6 CDR CAPELLI: Okay, that's all the questions
7 that I have. Panama do you have any questions for the
8 witness??

9 MR. ARENAS: No questions.

10 CDR CAPELLI: Baja Ferries, do you have any
11 questions for the witness?

12 MR. CHENAULT: Yes, I do.

13 CDR CAPELLI: Okay.

14 **WITNESS**

15 **LT NICHOLAS HERNDON**

16 **EXAMINATION**

17 BY MR. CHENAULT:

18 Q. Lieutenant Herndon, my name is A.T. Chenault
19 and I am one of the lawyers for Baja Ferries. I believe
20 you said that -- or could you tell me what the rate or
21 rank of the person that was the communications person on
22 VHF 16?

23 A. Yes sir, it was my electronics technician,
24 second class.

25 Q. Okay, and in communications with the ship, he

1 would identify you just as Joseph Tezanos?

2 A. That is affirmative.

3 Q. And the cutter that relieved you as the on
4 scene commander was identified as Richard Dixon.

5 A. That is correct, sir.

6 Q. And you never identified yourself as the on
7 scene commander, is that right?

8 A. Negative sir, we never did.

9 Q. Do you see how that would create some confusion
10 in a crowded VHF communications system if only the
11 ship's name is being used, and it is the name of an
12 actual person, so that someone standing on the bridge
13 might here, hi this is Richard Dixon, this is Joseph
14 Tezanos , and then there is other people talking?

15 A. I suppose, sir.

16 Q. Um-hmm. That's all I have, thank you.

17 A. Yes, sir.

18 **WITNESS**

19 **LT NICHOLAS HERNDON**

20 **EXAMINATION**

21 BY MR. TUCKER:

22 Q. Yeah Lieutenant, this is Adam Tucker with the
23 National Transportation Safety Board. One follow-up to
24 the question from Baja Ferries. And this is an opinion
25 questions. If -- with respect to communication of the

1 vessel's name, would you foresee any problems in using -
2 - instead of the Joseph Tezanos, Coast Guard 18, would
3 there be any challenges with that? I know you mentioned
4 you use it for law enforcement?

5 A. No sir, I don't foresee any challenges if we
6 were to do this again, use Coast Guard 18 instead.

7 Q. Okay, it is really just for me to understand
8 the simplification, if it could be, the naming could be
9 simplified. So thank you for that, and that's all the
10 questions I have.

11 CDR CAPELLI: Okay, we have no more questions.
12 You are now released as a witness at this hearing, thank
13 you for your testimony and cooperation. If I later
14 determine that we need additional information from you I
15 will contact you through your counsel. If you have any
16 questions about this investigation you may contact the
17 recorder, Lieutenant JG Diaz-Colon.

18 The time is 0900; this hearing is now in
19 recess. We will recess for as long as it takes to make
20 sure next witness is ready.

21 (Recess 090047-91801.)

22 CDR CAPELLI: Good morning, the time is 0918,
23 the hearing will now come, the hearing now is in
24 session. We will hear testimony from the Sector
25 Commander of Sector San Juan.

1 CDR CAPELLI: Good morning Captain, Commander
2 Mike Capelli with the U.S. Coast Guard, we are going to
3 start our questions off with Mr. Larry Bowling from the
4 National Transportation Safety Board.

5 THE WITNESS: Very good, thank you.

6 **WITNESS**

7 **CAPTAIN ROBERT WARREN**

8 **EXAMINATION**

9 BY MR. BOWLING:

10 Q. Thank you, Commander Capelli. Good morning
11 Captain. Captain, before I get into the details on the
12 Caribbean Fantasy, can you just tell me a little bit
13 about the Sector, the organization of the Sector, and
14 the various functions performed here, and the area of
15 responsibility for Sector San Juan please?

16 A. Sure. So Coast Guard Sector San Juan has about
17 550 people 6 fast response cutters, and an 87 foot
18 coastal patrol boat, small boat station here in San
19 Juan, as well as an ACE Navigation team which has a 26
20 foot boat for tending buoys, as well as a 55 foot buoy
21 tender. We have three principle departments: the
22 prevention department which oversees much of my OCMI
23 responsibilities; and then we have the response
24 department that coordinates search and rescue, and law
25 enforcement activities in the area of responsibility.

1 In terms of my different authorities, captain
2 of the port authorities I have within territorial seas
3 around Puerto Rico and the United States Virgin Islands,
4 my authorities extend out to two hundred nautical miles
5 as it relates to the exclusive economic zone.

6 And then, in terms of law enforcement
7 authorities, they extend to the Dominican/Haitian
8 boarder, down to the territorial seas of Venezuela and
9 the Lesser Antilles.

10 Q. Thank you Captain. And you used the term OCMI,
11 can you explain that term?

12 A. So, the Officer in Charge of Marine Inspections
13 is a hat that I wear for ensuring the compliance of U.S.
14 vessels with U.S. laws, facilities with U.S. laws, and
15 international vessels with international conventions,
16 and applicable U.S. laws.

17 Q. Okay, and for foreign flag vessels, for example
18 the Caribbean Fantasy.

19 A. Um-hmm.

20 Q. That is operating under the flag of Panama,
21 what authorities do you have over that particular
22 vessel?

23 A. So we have Port State Control authorities,
24 where any vessel that's operating within waters subject
25 to the jurisdiction of the United States, have to comply

1 with our authorities, our requirements for safe
2 operation in our waters. And so when a foreign flag
3 vessel will come into our ports, we will do a
4 certificate of compliance inspection, where we will make
5 sure that basic safety training and other requirements
6 are met.

7 Q. Thank you Captain. And that is under your
8 captain of the port authority, is that correct?

9 A. That is correct.

10 Q. Thank you. And Commander Capelli for details
11 in the Port State Control program and inspections, I
12 intend to address those with Commander Janet Espino-
13 Young, and then the marine inspection training officer,
14 I believe, Jerry MacMillan.

15 A. Right.

16 Q. Captain, tell me about your background and
17 knowledge of the Caribbean Fantasy prior to the fire.

18 A. So when I arrived in 2014, June of 2014, we had
19 -- the Caribbean Fantasy was one of the vessels that was
20 operating regularly in our waters for the duration of my
21 time here, providing ferry transportation service
22 between Santo Domingo and originally Mayaguez, and then
23 when the Port of Mayaguez had to close due to issues
24 there, it began service to San Juan.

25 And the Caribbean Fantasy right from its

1 original arrival to San Juan, or my Captain of the Port
2 zone which preceded my time here, has been a vessel
3 that's been on a quarterly inspection regime. A lot of
4 the engagement that we had with it, there was a
5 detention in October of 2015, a lot of the weekly
6 engagement with the vessel was from a law enforcement
7 perspective because of the transportation and commerce
8 between Santo Domingo and Puerto Rico provided
9 opportunity for smuggling of people and goods.

10 So that was one area of concern of mine, and
11 the other side was the inspection side. But it was
12 regularly on my radar.

13 Q. Thank you Captain. And I understand from a
14 preliminary interview we performed several months ago
15 that you had actually visited the vessel; can you tell
16 me about that? Prior to the fire.

17 A. Sure. I believe it was October 21st that we
18 had detained the vessel. There were a number of
19 deficiencies that has been identified. And because of
20 its history with sector San Juan and because of the
21 number of deficiencies, I went ahead and went down to
22 the ship to go ahead and see firsthand the vessel. And
23 by this time, the deficiencies had for the most part
24 been corrected, so I was seeing the backside of it. But
25 that was a visit to the ship that I made.

1 Q. All right Captain, and you used the term
2 detained the ship, can you tell me what that effectively
3 is?

4 A. So effectively if we go on board and in this
5 case it was our periodic examination, if we go on board
6 and find out, and find that there is so many
7 discrepancies with compliance that we deem that it is,
8 or I deem that it is no longer safe for the vessel to
9 move within the port, or exit the port, we can go ahead
10 and detain the vessel there at the pier until compliance
11 with safety or other regulations has been reestablished.

12 Q. Okay, thank you. And Captain I realize that
13 has been a real long time, in the scope of time. But do
14 you recall were there any representatives from the
15 classification society known as RINA aboard when you
16 visited the ship at that time? Or representatives from
17 the flag state of Panama?

18 A. No, and, there was not, that I remember. And
19 my visit to the ship was unannounced. I came down, the
20 inspectors were going back on board to verify the
21 correction of some of the items, and I asked to tag
22 along. So when we arrived at the ship, it was, we went
23 on board, we went directly up and met with the captain
24 of the vessel, and then we proceeded to do a
25 verification of some of the corrections.

1 Q. Thank you. And Captain I am going to get into
2 questions related to the fire. But before I do that I
3 want to, make sure we get the layout and construct of
4 Sector San Juan.

5 A. Okay.

6 Q. On the record.

7 A. Sure.

8 Q. Can you tell me various departments that you
9 have established with the Sector, and how they
10 interrelate with each other?

11 A. Okay so the, the -- as I mentioned, the
12 prevention department oversees the inspection of
13 vessels, the investigation of mishaps, collisions,
14 fires, et cetera. As well as waterways management, in
15 terms of making sure that dangerous waters are marked,
16 that ASA navigation are watching properly. So that's
17 the prevention department.

18 My response department has an incident
19 management division that oversees Coast Guard response
20 to pollution, or other hazardous material spills, as
21 well as an enforcement branch which oversees law
22 enforcement.

23 And then I have a logistics department that
24 oversees support for my operational assets, support for
25 our people, training, the personnel side as well. And

1 then I have an intelligence department and a command
2 center supervisor that is independent, those both work
3 directly for the deputy that oversee intelligence, and
4 the command center operations. Is -- does that
5 adequately answer the question?

6 Q. Yes sir, thank you very much. I do want to
7 follow up on the command center. What functions go on
8 in the command center, and with regard to the search and
9 rescue function, how is that, how does that play out
10 within the command center itself?

11 A. Sure, so within the command center we have
12 several different watch positions. We have a
13 communications unit that handles -- that's one person
14 that handles communications with our operational assets,
15 as well as with the boating public. We have a
16 situational unit leader that oversees the vessel
17 arrivals, departures, the status of weather, or assets,
18 et cetera. And we have an operations unit controller
19 that oversees the actual coordination of the operations.

20 And then we have a command duty officer that
21 oversees the watch floor. And of course there is -- we
22 can surge support to any of those positions as we did in
23 this case. But those are the four watch positions that
24 man the command center 24/7. It's a twelve hour watch
25 for each of those watch positions, manned twenty-four

1 hours a day.

2 Q. Thank you Captain. Let's get into the August
3 17th, the time of the event. If you don't mind I'm just
4 going to turn the floor over to you, I want to hear
5 really up through the point you became notified -- I
6 understand you were out doing a speaking engagement, or
7 outreach engagement -- up to the point of the time you
8 felt you shifted from a search and rescue function over
9 to a response function.

10 A. Okay, as you mentioned, when I first received
11 the call I was entering the school, I was scheduled to
12 address all the faculty and staff to kick off the school
13 year. And I was making my way up into the school, and
14 it was a few minutes before eight o'clock, I think
15 probably, seven, seven-fifty or so, when I got the
16 initial call.

17 The principal was greeting me as I got the
18 call. And I said, I'm going to have to head out here
19 immediately, he asked if I could go ahead and make
20 remarks at eight o'clock to kick things off. And while
21 I was waiting, so I got the initial brief, and asked a
22 number of initial questions. And then when, a couple
23 minutes after eight I got a call back from the command
24 center to give me an update on where we were with those.
25 That's where we discussed the, the Joseph Tezanos being

1 assigned as on scene coordinator.

2 Then I provided my remarks to the faculty and
3 staff and by a few minutes later I was heading back into
4 the Sector. Most of the time, or several minutes of my
5 trip back in, I was in communications with the command
6 center getting updates as to the status of our assets,
7 and the status of the search and rescue operation, the
8 mass rescue operation.

9 By the time I got into the Old San Juan, the
10 low road was already being, had been blocked off there
11 they were setting up Pier Six to receive the passengers
12 ashore. With some police assistance I was able to make
13 it fairly quickly into the sector. Where I went into
14 the command center and continued to see, oversee the
15 operation from there.

16 In terms of when we transitioned from search
17 and rescue to you said the MRO, or search and rescue to?

18 Q. Yes Captain, what I'd like you to, walk me
19 through the events up to the point where we get, where
20 you actually got comfortable that you had --

21 A. Okay.

22 Q. -- everybody off the Caribbean Fantasy.

23 A. Okay, got you. Okay, so the, from the original
24 call the report that I had was the fire was out of
25 control, the captain of the Caribbean Fantasy was

1 considering abandoning ship. So the original questions
2 I was asking were related to initial action taken,
3 whether they were able to secure ventilation, secure
4 machinery, secure power, secure the source of the fire.
5 The status of the fire, whether it was spreading or not
6 and the status of injuries and the people.

7 And when I arrived at the command center I did
8 ask the direction of the drift. The response that I got
9 that it was drifting in a westerly course, west-
10 northwest, and then at that point the focus was
11 primarily on making sure that everybody was getting off
12 the boat safely.

13 By that time they were already evacuating, when
14 I got in to the command center they were already
15 evacuating personnel. The Joseph Tezanos, our forty-
16 foot motor lifeboat, the thirty-three foot special
17 purpose craft, were already on scene coordinating those
18 efforts.

19 And I took a critical information call that
20 goes up to District Seven lan area, and headquarters at
21 nine-thirty, and it was coming out of that call that I
22 received an update on the, for the position of the
23 vessel, and that's where we realized that, in fact, the
24 vessel though initially because of the way it had
25 turned, it appeared that it was on a west-northwesterly

1 trajectory, that in fact it was now being set down onto
2 the north coast.

3 And that's where we, where (inaudible word)
4 that the priorities were now twofold. One was to make
5 sure everybody got off safely, which included
6 accountability. But then the other piece was making
7 sure the ship didn't run aground.

8 The initial discussion was, there was, that
9 there were a number of tugboats that had responded to
10 the calls for assistance. And so I asked that the most
11 capable one go and make line off to the ship. And
12 because of the evacuation going on the direction was, my
13 direction was, that the tug be made off, that the tug
14 not take the vessel in tow because of the evacuation
15 that was ongoing, but that the tug take enough tension
16 on the line to keep the vessel from drifting any farther,
17 closer to shore.

18 Sometime after that, I did receive confirmation
19 that a line had been made off to a tug. That, and that
20 -- and that that direction had been fulfilled.

21 Then it was, we continued to discuss the
22 movement of people ashore. It was clear that, per the
23 MRO plan, the on scene coordinator was supposed to
24 maintain accountability of personnel and keep record of
25 persons, being evacuated off the ship. Because of the

1 nature of communications, the nature of the -- when they
2 arrived on scene, and the -- some of the challenges with
3 communication, it was clear that the on scene
4 coordinator was not going to be able to provide that
5 service. And so, accountability would have to be
6 maintained at Pier Six. And that's where we would be
7 able to verify that everybody, in fact, made it off
8 safely.

9 So moving forward I was in comms with Joel
10 Morgado, who is our passenger vessel safety specialist,
11 because he was at Pier Six. Coming, where I wanted a
12 description of how things were looking at the receiving
13 zone, when I came out of that, I saw that the vessel had
14 progressed even closer to shore, and I got confirmation,
15 again that the line had been made off.

16 And at that point we recommended that the ship
17 captain drop the anchor to arrest the movement of the
18 ship towards shore.

19 I did confirmation sometime later that the
20 anchor had been dropped. But it was around ten-thirty
21 that I heard the call that the captain believed that he
22 had run aground. At that point we marked the position.
23 I asked for the bottom type in terms of whether it was
24 reef, coral, or sand. And then we, in essence, began
25 another phase which was activating the area contingency

1 plan in the event of a discharge of oil.

2 We did another call up the chain of command
3 after it touched bottom because obviously, the scenario
4 now became more complex. The next question that was
5 plaguing me as I asked for continued updates on the
6 numbers, I wasn't getting the clarity of answers that I
7 wanted with respect to the accountability of personnel.
8 And one of the concerns that I had was that we would
9 have a ship that was deemed empty, but a passenger
10 count that wasn't complete and that we wouldn't know, my
11 concern was that we would not know at the end of the day
12 whether we got everybody off or not.

13 And so, because the unified command and other
14 members of the response organizations had been, were
15 meeting at Pier Six, I went ahead and went down to Pier
16 Six, to the receiving zone where I could see firsthand
17 how passengers were being brought ashore, how they were
18 being accounted for, and to meet with Joel Morgado
19 there, to raise my confidence level in the
20 accountability of passengers coming ashore.

21 When I got there, I was, I met with the
22 CBP director that was there, as well as the HSI
23 director that was overseeing the accountability
24 piece.

25 And then that was probably a half hour or so

1 before the fire chief indicated that he wanted to have a
2 unified command meeting in the, in a response trailer
3 that was there, and that's where we went in and really
4 started looking at the multi-agency response, because
5 that's where all the agency heads were in there.

6 That's where I learned for the first time that
7 we had firefighter personnel that were on ship, and
8 which raised a number of concerns in my mind in terms
9 of, you know, when I -- I'm thinking about
10 accountability, making sure that, you know, we know
11 exactly who is on the ship, exactly who is off the ship
12 -- realized that there was a gap there because I had up
13 to three fire teams that had gone on board.

14 I didn't know how large those fire teams were,
15 the accountability of those fire teams, who were they
16 communicating with. If the captain didn't have
17 visibility of those that was clearly going to be a gap
18 in my situational awareness.

19 But it was at that time that I got word that
20 the captain was evacuating ship, that he was the last
21 one off, and that the Coast Guard, I'm sorry, that the
22 FUTA (phonetic), aircraft that was carrying him, and I
23 believe it was either the chief engineer, or first mate
24 was landing. We asked that he be brought directly to
25 the command post because at that time we were really

1 trying to get down to the numbers.

2 So we had been dealing with the updated SANS
3 (phonetic) report showed, or advanced notice of arrival
4 report showed 512, the captain was saying 511. We were
5 not there yet in terms of the numbers. And I think that
6 when I went into the trailer we were still fifty, or
7 fifty-four people short.

8 We did have a couple vessels that were still
9 inbound; we knew that there was twenty-seven on our
10 forty-five foot motor lifeboat that was coming in. At
11 that point, the focus was on we need to know exactly
12 what number we are driving to, and we need to know when
13 we get there.

14 So he came on, and that's when I first
15 clarified the numbers were 512, but leaving Santo
16 Domingo there was a member that had irregular heartbeat,
17 they went ahead and transferred that passenger ashore,
18 and so that got us back down to 511.

19 And then we asked him a number of questions
20 about his initial action, and he declared at that point
21 that the vessel was empty. And so there were a number
22 of questions and discussions surrounding how he verified
23 that the ship was, in fact, empty. Whether that was a
24 personnel count, whether that was counting off the
25 ship's roster.

1 And at that point the discussion was that the
2 disembarkation had gone relatively well. That his crew
3 had done a sweep of all common spaces on the ship. That
4 they had gone state room to state room and verified that
5 the state rooms were empty. And he was confident, then
6 that the ship was, in fact, completely empty.

7 At that point we still weren't quite there in
8 the numbers, as we broke up from that command post we
9 went back to the, I went back to Sector San Juan, where
10 we had, right from the beginning, had started standing
11 up our own ICS structure and with the goal of that
12 afternoon meeting with all the unified command members
13 that would oversee the next phase of the operation.
14 Which was going to be the salvage piece, the ACP piece,
15 after the initial response phase was done.

16 It was sometime after that, that I received
17 the call back from Joel Morgado, that -- because we had,
18 right -- after noon we got to 510, so we were missing
19 one person. And the question was, do we go back on the
20 ship to try to find one person, or are we fairly
21 confident that the captain's confidence was, in fact,
22 correct, and that it was an accountability piece.

23 And they were able to down the 511th as a baby,
24 as an infant that was brought off, the mother was taken
25 to the Hospital, she was accounted for with a wristband,

1 et cetera, but her baby was unaccounted for in terms of
2 the baby was there, but not marked, the name was not
3 marked off the list.

4 And so, by early afternoon I got confirmation
5 that 511, in fact, were ashore. Which then freed us up
6 to move to the next phase of the operation.

7 Q. Thank you Captain, and from a timeline
8 standpoint, let's pause right here. So at this point,
9 what I understand, you had a comfort level that everyone
10 was accounted for on the ship, correct?

11 A. That is correct.

12 Q. Okay, just for clarification you mentioned the
13 word -- a couple acronyms I want to get on the record.
14 FURA --

15 A. Oh.

16 Q. I know the acronym is something Federal; it is
17 a rapid response police force.

18 A. That's exactly right.

19 Q. In Spanish?

20 A. So it is Forces United for Rapid Action, is the
21 translation.

22 Q. Okay.

23 A. And it is the -- a specialized maritime arm of
24 the Puerto Rico Police Department.

25 Q. Okay, and then you used the term, or an acronym

1 SANS, that's the System of Advance Notice of Arrival or
2 --

3 A. Right, yes.

4 Q. System?

5 A. Right.

6 Q. And then the third one was ICS, Incident
7 Command System?

8 A. That is correct.

9 Q. The -- through the course of describing the
10 events early in the morning on the 17th, we were talking
11 about the passenger accountability. Where did the
12 number 512 come from, initially?

13 A. Initially, I believe that number came from --
14 when I first came into the command center -- well I
15 heard 511 from -- that came, I believe from the master
16 on the initial report.

17 I asked our folks to pull up the roster of
18 personnel as a part of our accountability process. The
19 original Advance Notice of Arrival Report had 506; I
20 believe it was the update that had 512. And so we knew
21 that 506, 512, or 511, one of those numbers was most
22 likely correct.

23 506 being the oldest number was the one that
24 was most readily discarded. And then it was 512 and 511
25 that we were working with. Until we got confirmation

1 from the master as to that 511 was, in fact, correct.

2 Q. Okay, and that Advanced Notice of Arrival is
3 that something the Coast Guard is generating? Or is
4 that something the company provides or generates and
5 puts to the Coast Guard?

6 A. So that's a Coast Guard requirement. But that
7 is something that the company provides to the Coast
8 Guard as a part of their notification to the Coast Guard
9 that they intend to call on one of our ports.

10 Q. Okay, thank you Captain. You mentioned
11 priorities, can you walk me through in the search and
12 rescue phase what exactly your priorities were with
13 regard to resolution of the critical situation of
14 getting people off the ship?

15 A. So the two priorities, initially in the search
16 and rescue phase was making sure that everybody made it
17 off the ship safely. That an appropriate medical
18 evaluation was conducted of those members. That the
19 appropriate medical response was provided to anyone that
20 was injured.

21 And that -- the other concern was that nobody
22 go in the water, which I had a report that two folks had
23 jumped from a lifeboat into the water, those people were
24 recovered.

25 We also received a number of reports as a part

1 of this that the life rafts were taking on water, and
2 so, again as part of that initial response was making
3 sure that everybody got off of life rafts and into/onto
4 one of our response assets.

5 Q. And Captain while we are on that topic, where
6 were those reports coming to you from? From the Sector
7 Command Center, or somewhere else?

8 A. At the time I was in the Sector Command Center,
9 and the report that, the initial report that I got in
10 terms of life rafts taking on water came in through the
11 Comm Ctr that one of the life rafts had 105 people in
12 it, and it was taking on water.

13 And at that point, our direction was, let's go
14 ahead and remove all those people under the direction of
15 the on scene coordinator, the Coast Guard cutter
16 Tezanos, and I heard that, in fact, the Tezanos was
17 recovering people from that life raft onto their own
18 decks.

19 Q. Okay, thank you. And you mentioned, when we
20 were talking about it, you were telling us about the
21 passenger accountability efforts, you used the term he,
22 that, "He provided some information to the command
23 center that got you", when you were addressing the 510
24 versus the 511.

25 A. Right.

1 Q. And the clearing it -- were you referring to
2 the master on the Caribbean Fantasy?

3 A. I was, yes.

4 Q. Were those communications coming to you
5 directly, or were they coming to the Joseph Tezanos?

6 A. They were not, so the -- those, that
7 information, and when I -- it was my SMC, who was
8 Commander Kelly at the time, SAR Mission Coordinator;
9 she was the one that was providing regular updates.

10 But it was the, our comms unit that was
11 overhearing comms between the, what was, it was
12 understood to be the master of the vessel. And the
13 command center also, and also the communication between
14 the person that was understood to be captain of the
15 vessel and the Joseph Tezanos.

16 It was -- briefed very early that the captain
17 of the vessel had said there were 511 persons on board.
18 And it was my assumption that that was, that the captain
19 in the initial communication, somewhere, had identified
20 himself as the captain of the vessel. Though I, I never
21 sought clarification on that point.

22 Q. Okay, thank you Captain. Do you recall when
23 you first became aware of or interacted with
24 representatives from either American Cruise Ferries or
25 Baja Ferries shore side during the incident?

1 A. So, I could be wrong, but I believe that when I
2 came back from the command post at Pier Six, and that's
3 where we were -- all the wheels were turning while I was
4 out on these other, having these other discussions. The
5 wheels standing up our Incident Command Post were well
6 under way. And I believe it was at that time when I
7 came back, early to mid-afternoon, that that team was
8 assembling.

9 Q. Okay, and again, I realize you had a lot going
10 on, but can you tell me what you recall from the
11 Incident Command Post at Pier Six, or the Command Post
12 at Pier Six, what, who was there, what functions the
13 other agencies were performing, and just walk us through
14 that a little bit?

15 A. Sure. So we had, just starting pier side
16 working our way back, at the floating docks we had
17 medical personnel and we had Coast Guard personnel that
18 were receiving the passengers and crewmembers ashore.
19 And as the passengers and crew were offloaded onto Pier
20 Six there were gurneys set up, stretchers set up, to
21 help those that needed assistance coming ashore.

22 People were categorized into three basic
23 groups: one needing immediate medical attention -- by
24 that point they had stood up sort of a temporary
25 hospital tent where those people were being immediately

1 taken for their evaluation and transportation to a local
2 hospital.

3 The other group was -- they were given yellow
4 wristbands -- those were ones that were either
5 dehydrated, some levels of shock they didn't need to be
6 transported to the local hospital, but they needed to
7 receive medical attention or observation to make sure
8 that they were stable before being moved on to
9 processing.

10 And then the other group, ones that were the
11 clearly ambulatory, no apparent medical needs, and those
12 folks were given green wristbands, they were marked off
13 a list which CBP was maintaining there at the base of
14 the pier, and then being bused over to the Pan American
15 Pier for Customs processing.

16 So that we -- at the pier was medical and Coast
17 Guard personnel, with CBP personnel. CBP was at the
18 base of the pier trying to account for personnel that
19 were then exiting pier into one of those directions.

20 Our accountability of personnel with green
21 wristbands was good, because they actually, basically
22 stood in line at the CBP desk where they were crossing
23 their names off the list. It was the ones going to the
24 orange and the red sections that created the most
25 concern for me, because even though they were accounting

1 for the personnel, the communication between those
2 various centers as it related to the total
3 accountability of personnel, actually was happening, I
4 just didn't have readily, didn't have that information
5 readily available because it was not being aggregated.

6 So CBP was there, we had a firetruck, we had
7 fire personnel, a lot of firefighters that were
8 available pier side, a medical triage unit, and then law
9 enforcement, and PREMA was there, and other response
10 personnel, I guess is the way I would say it. So it was
11 clearly PRPD, the fire, the Emergency Management Agency
12 for Puerto Rico, CBP, HSI and Coast Guard.

13 Q. Thank you, and Captain we will ask your
14 passenger vessel safety specialist when he testified
15 before us this afternoon. But at this point, as of
16 today have you seen a completed list submitted from Baja
17 Ferries, American Cruise Ferries, or any other entity on
18 the extent of what passengers went to what medical
19 facilities on the island for treatment?

20 I know you mentioned the orange bands and the
21 red bands. Have you seen a compilation of where the
22 survivors that were brought ashore, what medical
23 facilities they went to?

24 A. I have not.

25 Q. Thank you. Earlier you mentioned you were

1 aware the vessel went aground and you were asking about
2 the bottom type, why did you do that? Why were you
3 concerned about the bottom type?

4 A. So the bottom type is important in terms of
5 potential damage to the ship. So, if the bottom type is
6 sand or shale, as it was in this case, I'll -- it is
7 unlikely, or less likely that the hull would be ruptured
8 and compromised.

9 If it is a coral bottom, or a rocky bottom,
10 then the potential for the hull being compromised would
11 go up significantly. Where even though we were
12 activating the area contingency plan, a compromised hull
13 where there was a max discharge of about 260 thousand
14 gallons that would become an immediate concern.

15 And so the bottom type would just, would, we
16 still needed confirmation that the hull was not
17 compromised. But the bottom type would give our first
18 indication of what type of problems we might be dealing
19 with.

20 Q. Okay, and Captain while we're here, let's move,
21 so in my mind you have gained comfort on your priority
22 that passengers were acted for.

23 A. Right.

24 Q. So moving forward, can you walk me through the,
25 and I'll use the term, post search and rescue phase.

1 A. Sure.

2 Q. Walk me through that up until the point where
3 you went on with other business, basically, at the
4 Sector.

5 A. Okay, going --

6 Q. And specifically I want to hear about the --

7 A. -- yeah, going, that was about a four day
8 process.

9 Q. Okay.

10 A. And so the, you know, once the passengers were
11 off we were really looking at the integrity of the hull.
12 We had activated the -- or the non-tank vessel response
13 plan had been activated. The area contingency plan was
14 underway.

15 We had -- that afternoon there was a hull
16 assessments being done in terms of the hull. We did get
17 a report of sheening, so the question was, had the hull
18 been compromised. And there was also a list, about a
19 four degree list to the ship. And so the question was,
20 did that, was that due to the fact that it was partially
21 aground, or was that due to the fact that it was taking
22 on water.

23 So, those were some of the areas that we were
24 looking for clarification. And over the next couple
25 days, the priority, we were able to clarify, that it

1 appeared the hull was intact, the hull was not breached,
2 the vessel was, in fact soft aground astern, that the
3 anchor off the starboard bow was holding the bow of the
4 vessel off the shoal.

5 And so, the area contingency plan being
6 activated, we pre-stage boom, we boomed off certain
7 intakes to the power plants and the -- Baja Ferries and
8 the commercial salvage they started to build with
9 support from our engineers a salvage plan, a tow plan
10 for safely removing the vessel from the shoal and then
11 bringing it safely back to into port.

12 The other piece that was happening, and it was
13 -- was this dog piece, the dog accountability piece.
14 And that sucked up a significant amount of my energy for
15 about 24 hours. As the public outrage was being
16 circulated via social media of the possible fatality of
17 two of the dogs that were on board.

18 We had received, by day three we had received a
19 tow plan and a salvage plan. That third night, on a
20 high tide due to a full moon the ship shifted, I
21 received word from Richard Dixon about ten p.m., that
22 the position of the ship had shifted. That it was, the
23 anchor was now tending about one o'clock off the bow and
24 put the ship half on the reef, half off the reef, and it
25 was, the Richard Dixon couldn't confirm whether it was

1 aground or not, and that it might in fact, it, in fact
2 had floated free to a certain degree.

3 And that's where that third night -- then we
4 went ahead and established a tow, we were able to remove
5 it from the shoal about four miles off shore where at
6 first light we had divers go down to verify that the
7 hull was not compromised, and then we were able to
8 execute the tow plan, bringing it into Pier 15.

9 Q. Okay, thank you Captain. The -- you used the
10 term area contingency plan. Just quickly, what is the
11 area contingency plan?

12 A. Sure, the area contingency plan is a plan that
13 is drafted with a number of stakeholders that basically
14 identifies environmentally sensitive areas, and the
15 considerations and plan for how we would respond to an
16 oil or hazardous materials discharge in the waterways in
17 the coastal zone.

18 Q. Okay, thank you. And then the other plan you
19 referenced, was the non-tank vessel response plan.

20 A. So the -- so there's, for this type of vessel
21 that doesn't carry bulk fuel, it, there is a non-tank
22 vessel response plan that covers, that identified oil
23 pollution response organization, and key people and
24 procedures for how that vessel would respond to a
25 discharge of oil from that vessel.

1 Q. Okay, thank you. And you used the term we,
2 through the, I will say the post-search and rescue
3 phase, let's call it the response phase.

4 A. Um-hmm.

5 Q. When you say we, was it Coast Guard
6 independently, or was it members of the unified command?

7 A. So it was members of the unified command.

8 Q. And who all was present, if you don't mind.

9 A. So we have the Environmental Quality Board, the
10 EQB, which is a department of the Puerto Rican
11 government. There was the DPNR, which is, they are
12 folks that handle -- it's the, they are environmental
13 and parks and recreation folks. And then members of
14 Baja Ferries were there as the responsible party as it
15 related to those activities.

16 We had fire there initially, on day one the
17 fire department representative. We also had Customs and
18 Boarder Protection member as part of the unified command
19 because their role would become, was critical with the
20 accountability of personnel and processing them, because
21 again, this was an international voyage. But then also
22 as it related to the cargo and the treatment of the
23 cargo and bringing it ashore.

24 Q. Thank you Captain. The, you mentioned the
25 concern from the public with regard to the loss of four-

1 legged life, the animals that were aboard.

2 A. Um-hmm.

3 Q. A couple dogs, I understand. What was your
4 understanding of how that transpired on the ship, how
5 the animals either we unaccounted for or not removed
6 from the ship? What did you hear at your level?

7 A. So the first time that the subject of pets
8 arose was in that first mobile command post, where I was
9 briefed that a number of pets has been removed, the
10 number given either there, or shortly thereafter was
11 five. But the total number of pets on board was
12 unknown.

13 The fire chief, who was there, said that he
14 wanted to go back on board to remove the pets. And in
15 the discussion there in the Command Post, you know, I --
16 the status of the fire was unknown, right, in terms of
17 whether it was spreading or not.

18 And I said, you know, to the fire chief, that's
19 fine from a Coast Guard procedures and policy though, we
20 would not put our members at risk to go search a vessel
21 that was on fire for an unknown number of pets that
22 still might be on there.

23 However, as the fire teams went on, that day
24 and the next day when they went in to make sure that the
25 ventilation was secured, and that initial action,

1 appropriate initial action had been taken. Their
2 direction was to go ahead and continue to look for any
3 signs of pets. We knew where the, we knew where the
4 kennel was onboard, and it was on an upper deck,
5 slightly aft. Or there was the potentiality that
6 perhaps if the dogs had been left there, they might have
7 survived.

8 On that second day when I -- the family of two
9 of the pets the two that remained missing met with me,
10 they gave -- they were able to provide direction as to
11 where their pets were last seen. And we were able to
12 direct fire crews to that location. And found the two
13 pets there deceased at the disembarkation point. And so
14 unlike the five that had safely been transported down
15 with their owners to safety, these two pets had been
16 taken to the disembarkation point, but never safely
17 removed.

18 Q. Okay, thank you Captain. And from the command
19 perspective, if you can give me a rough estimate, when
20 did you have assurances that the fire in the engine
21 room was at least extinguished, or mitigated to the
22 point that it was a non-issue?

23 A. I think the non-issue, extinguished to the
24 point that it was no longer a concern was not until it
25 was pier side. But we were clearly -- on day two, when

1 the fire team said, secured the ventilation, confirmed
2 that the fire, at that point was not spreading, we knew
3 that at least at that point the fire appeared to be
4 contained.

5 And so that gave a certain level of comfort.
6 The problem with a fire is, if it is not out, there is a
7 -- it could be only a matter of time before those fire
8 boundaries give in, and the fire spreads.

9 And so even though I was pleased to hear that
10 ventilation was secured, and it appeared the fire hadn't
11 spread, it wasn't until the ship was pier side, and the
12 fire teams were able to go in, access the space, and
13 extinguish the fire that we were completely confident
14 that we were good to go there.

15 Q. Okay, thank you Captain. And just to close out
16 the firefighting, within the unified command at your
17 level, did you express any concerns related to the
18 extinguishment of the fire, or the duration of that to
19 anyone in the unified command?

20 A. One of the -- my, I had multiple discussions
21 with the fire chief. And one of the realities of a
22 fire, fighting a fire at sea, is when you have a
23 freeboard of about 70 feet where fire teams have to be
24 embarked and disembarked via helicopter, there is no way
25 to effectively fight that type of fire.

1 So, though the fire teams on board have limited
2 equipment to be able to access the space, to secure
3 fuel, cut off valves, ventilation, verify the status of
4 the fire, they are not equipped, if there is no power to
5 the ship to be able to effectively fight a fire.

6 And so, we were able to quickly determine that
7 that wouldn't be able to happen at sea. And so the goal
8 was to contain it. But that it wouldn't be likely
9 extinguished until pier side.

10 Q. Can you -- when you say fire chief, was this a
11 local fire representative, or a Witt O'Brien rep?

12 A. This was the local fire chief that works for
13 the governor.

14 Q. Thank you, and Captain my last couple of
15 questions are going to be related to the mass rescue
16 operation, and then I'll relinquish the floor. You
17 mentioned the passenger vessel safety specialist, and I
18 want to hear -- I understand Sector San Juan is the only
19 sector that has such a billet. Can you tell me about
20 why Sector San Juan has that billet?

21 A. I do not know why Sector San Juan has that
22 billet, versus other ports, and captain of the port
23 regions that have high capacity passenger vessels. I
24 do know that that billet is significant for us, proved
25 critical. One of the things about the mass rescue

1 operations is everybody in the Coast Guard knows that
2 there is a potentiality for this type of incident to
3 occur.

4 But it's not an event that occurs often, and
5 though we conduct workshops tabletop exercises and full
6 scale exercise, on it, it tyranny of the urgent often
7 keeps it being a priority. And one of the things about
8 having that position here, is it was a priority. And
9 the, the full-scale exercises done the year prior, the
10 tabletop exercises, his ability to focus on making sure
11 that plan was intact, that the plan was properly
12 reviewed by various stakeholders and our partners, that
13 that plan had been validated was critical to success
14 that day.

15 And there were a number of, you know, I would
16 call them good idea fairies that were generating
17 themselves that day, with people wanting to deviate from
18 the plan, and it was great having a small core group of
19 folks from the various that knew the plan, knew the
20 traffic pattern, knew how we were going to process
21 persons ashore.

22 And there were some lessons learned, obviously,
23 that came out of that, for the plan. But I think that
24 that position at Sector San Juan significantly aided the
25 successful outcome of this event.

1 Q. Thank you Captain, and for the record I used
2 the term billet, would you agree that billet is
3 basically another term for position?

4 A. That's right

5 Q. Thank you. Commander Capelli I'll explore the
6 -- the Captain made a comment regarding to the lessons
7 learned from the event, and I intend to explore those
8 with the witness this afternoon. So I have no further
9 questions. Thank you Captain.

10 **WITNESS**

11 **CAPTAIN ROBERT WARREN**

12 **EXAMINATION**

13 BY MR. TUCKER:

14 Q. Good Morning Captain, my name is Adam Tucker;
15 I'm with the National Transportation Safety Board. A
16 few show follow-ups. One is with respect to the SANS
17 Report that you received. It is a requirement for a
18 ship to send an updated SANS report if the disembark a
19 passenger in a, as was this case with the medical
20 disembarkation in Santo Domingo?

21 A. I know that there are parameters that if it
22 exceeds a certain number of hours, in terms of changes
23 to the original report that it does have to be updated.
24 I do not know whether a change of one person would
25 require an update, I would think so because part of what

1 we do is the screening of personnel and making sure that
2 we have ample time to clear those people for arrival.
3 But I would check with my prevention specialist to
4 confirm that.

5 Q. Understood, thank you, Captain. And yeah, I
6 just wanted to clarify, you mentioned fire teams were on
7 board the ship, and they were from the Puerto Rico Fire
8 Department.

9 A. That is correct.

10 Q. Any other fire teams that went out, or --

11 A. Not that I'm aware of.

12 Q. Okay. And the other question I had Captain is
13 during the investigation we, when the vessel was still
14 out there, the port side MES system, the marine
15 evacuation slide was released from the vessel and towed
16 into port. Were you aware that that was released and
17 towed into port?

18 A. I was aware that it was released and towed into
19 port.

20 Q. Okay, and with respect to removal of the
21 lifeboats, were you -- did you know that the, when the
22 lifeboats were removed as well?

23 A. Were removed from the -- they --

24 Q. Yeah, from the removed from the water onto the
25 pier.

1 limited equipment.

2 Q. Did -- was it ever relayed to you that the
3 master might want to stay on board the vessel for a
4 longer period of time?

5 A. So there was a -- there was a period of time
6 when I was going down to Pier Six where -- and I could
7 have the exact numbers wrong -- where I was briefed that
8 the captain a small group of crewmembers remained on
9 board, that was I believe twenty or so.

10 They had verified that everybody was off, and
11 they were finalizing whatever before going off,
12 disembarking the ship, they were safe, they were
13 topside. And it wasn't until I was down on Pier Six,
14 when I heard that the master, in fact, was being helo'd
15 off at that point. That he was claiming to be the last
16 one on the ship. And that's where we asked that upon
17 arrival that he join us in the command post.

18 Q. Thank you sir. And you had mentioned that you
19 activated the non-tank vessel response plan; did you
20 have any concerns that the non-tank vessel response plan
21 was being used properly?

22 A. I asked my Operation Section Chief Janice
23 Espino-Young, who you will talk to tomorrow, a couple
24 times about -- and out IMD staff was working those
25 issues, and I had -- there were no concerns expressed to

1 me at that time about the plan, the adequacy of the
2 plan, or the enactment of the plan.

3 Q. Thank you Captain. I have no more questions.

4 CDR CAPELLI: Does Panama have any questions
5 for the witness?

6 MR. ARENAS: No questions.

7 CDR CAPELLI: Panama has no questions for the
8 witness. Does Baja Ferries have any questions for the
9 witness?

10 MR. BLASINI: No we don't.

11 CDR CAPELLI: Baja Ferries has no questions
12 for the witness. Captain, you are now released as a
13 witness at this hearing, thank you for your testimony
14 and cooperation. If I later determine that we need
15 additional information from you, I will contact you
16 through your counsel. If you have any questions about
17 this investigation you may contact the recorder, LTJG
18 Diaz-Colon, thank you very much.

19 THE WITNESS: Thank you.

20 CDR CAPELLI: The time is 1015, the hearing
21 will now recess. We will reconvene when the next
22 witness is available.

23 (Brief pause.)

24 CDR CAPELLI: Okay, we are going to accept the
25 recommendation that we will recess until 1300.

1 (Whereupon a recess was taken from 1016 -- 1300.)

2 CDR CAPELLI: Good afternoon the time is 1300;
3 we will now reconvene the hearing. We will now hear
4 testimony from the Passenger Vessel Safety Specialist at
5 Sector San Juan.

6 LTJG DIAZ-COLON: Good afternoon, please stand
7 and raise your right hand.

8 (Administers oath.)

9 **WITNESS**

10 **JOEL MORGADO**

11 A witness called on behalf of the Coast Guard was
12 sworn on their oath and testified as follows:

13 THE WITNESS: I swear.

14 LTJG DIAZ-COLON: Please be seated.

15 THE WITNESS: Thank you.

16 CDR CAPELLI: Good afternoon sir.

17 THE WITNESS: Good afternoon.

18 CDR CAPELLI: Commander Mike Capelli with the
19 U.S. Coast Guard. Mr. Larry Bowling from the NTSB is
20 going to start out with the questions.

21 **WITNESS**

22 **JOEL MORGADO PASSENGER SAFETY SPECIALIST**

23 **EXAMINATION**

24 BY MR. BOWLING:

25 Q. Mr. Morgado, for the record, I don't think --

1 we have missed having the witness stand and spell your
2 name please?

3 A. Last name is M-O-R-G-A-D-O.

4 Q. And it is pronounced?

5 A. First name Joel, J-O-E-L.

6 Q. Your last name is pronounced, Morgado?

7 A. Morgado.

8 Q. Okay, and counsel for the witness?

9 LT SHANNON PRICE: Lieutenant Shannon Price,
10 Office of Maritime and International Law.

11 MR. BOWLING: Thank you.

12 BY MR. BOWLING:

13 Q. Mr. Morgado, I'm going to run lead on this
14 particular interview, and just a quick oversight. I'm
15 going to ask you to get Commander Capelli, myself and
16 the other members of the panel up to speed on the mass
17 rescue operation program at large, from the
18 International Maritime Organization standpoint on down
19 to your level at the Sector San Juan.

20 And then, I hope to work you into the -- your
21 recollection of the events on August 17th, so just bear
22 with me.

23 Regarding the definition, the International
24 Maritime Organization's definition of a mass rescue
25 operation, and a little bit of background on that with

1 the Coast Guard's program, can you tell us some, provide
2 us with information there?

3 A. Sure, the International Maritime Organization
4 defines the mass rescue incident as a large group of
5 people that is in distress, that needs assistance
6 immediately, and at large most of the resources that are
7 available are kind of inadequate or not enough to
8 provide that service.

9 That is in essence what IMO defines the mass
10 rescue. And that's how the CGRMS Operation Program also
11 defines mass rescue. That's a standpoint for our
12 program, how we promote mass rescue and we do train and
13 exercise with the industry.

14 In terms of the Mass Rescue Operation Program,
15 it is dated since 2004, and it was created by an act of
16 Congress and it is stated in the common instructions
17 16711.2. And it defines what a mass rescue operation
18 program is, that we have to do, promote outreach with
19 the industry members in mass rescue initiatives. And it
20 also defines our positions and billets around the Coast
21 Guard districts, and Sector San Juan.

22 It also expressed on how to have, we have to
23 conduct drills, trainings, exercise with the industry
24 promoting the better operations and resources in terms
25 of mass rescue.

1 Q. Okay thank you. If you don't mind would you
2 pull the microphone just a little bit closer, please?

3 A. This one?

4 Q. Yes, sir, thank you.

5 A. Excellent, better?

6 Q. Much better, thank you.

7 A. You are welcome.

8 Q. Now still at the program information question
9 level here, tell me about the, your position, because I
10 understand you are somewhat unique at Sector San Juan.
11 There are no, I understand there are no other sectors
12 that have a passenger vessel safety specialist.

13 Can you lay out the program from the Coast
14 Guard perspective nationwide?

15 A. Yes, I can. The mass rescue operation program
16 starts with Coast Guard headquarters, CGSR, and there's
17 where we have our headquarters. And the current manager
18 for the program is a Mr. Thomas Gargle. He is like the
19 manager of the entire program. And spreading down to
20 the districts there is a passenger vessel safety
21 specialist at each district, and the only one on a
22 sector level is me, Sector San Juan.

23 Now with the very recent rearrangement we lost
24 two billets, which was District One and District Five.
25 The information that I do know is that the District

1 Five, the person retired and they decided to close the
2 billet. And the District One if I am not mistaken it
3 was the vessel safety specialist, or VSS for short. He
4 was forced to take another billet as a port security
5 specialist.

6 So after that issue, we were running short of
7 two persons. There is also another billet, which is the
8 one which is located in Seattle, that's an active duty
9 person, and it is designed, and in the layout of the
10 program to be an active duty.

11 Being myself the only one in Sector San Juan I
12 am the, I would guess the correct word would be unique,
13 so no other sectors in the Coast Guard has a PVSS like
14 me. As another aspect we do have certain funds to run
15 the program, but we don't get the same amount of funds
16 that, for example like oil pollution in the Coast Guard,
17 Coast Guard wise. So we don't count with such amount of
18 funding to help us out to promote, and so we can do
19 outreach to the large community.

20 For example, it's -- a district being so large,
21 well it is kind of difficult to a person in a district,
22 and even me, because I have to cover St. John, St.
23 Croix, the U.S. Virgin Islands, and as well our partners
24 which is the international, which is the British Virgin
25 Islands.

1 And that's how the CGSR Program at headquarters
2 gets involved into it. And sometimes we have to do
3 international engagements. And for example, just as
4 very recent as last December I was asked by the Cuban
5 Ministry of the Interior to present the Caribbean
6 Fantasy incident and help them out to promote mass
7 rescue.

8 Also the, in Chile, South America I was also
9 requested to do this type of work, to assist them in how
10 to promote mass rescue. Because as -- in the program we
11 are promoting this, that mass rescue are incidents that
12 are considered with low risk, but with a high
13 consequence when they do happen.

14 And it is something that we have to prepare for
15 and we help the industry to prevent these incidents from
16 happening, by teaching them how to develop mass rescue
17 plans, and helping them out on how to exercise the plan.
18 Identify those risks, and those gaps on how to assist a
19 large amount of persons in distress when their resources
20 are kind of inadequate or nonexistent.

21 Q. Thank you. We had -- the Sector commanding
22 officer was in here, we were interviewing him just prior
23 to you, your interview. And we had asked, I had asked
24 him the question about how Sector San Juan got that
25 unique billet as a passenger vessel safety specialist,

1 yet none of the other sectors had that billet, or that
2 position, and he deferred the answer to you. Do you
3 know why Sector San Juan had that billet compared to all
4 the others, and none of the other sectors had it?

5 A. Yes, there is a reason why, is because of the
6 large amount of cruise ships, and large passenger
7 vessels. Because we are not only talking about cruise
8 ships. The mass rescue is also oriented to vessels that
9 are inspected under Subchapter T, Subchapter K, ferry
10 vessels as well. So we cover a broad band of mass
11 rescue incidents including inland mass rescue. Because
12 incidents like this case happen inland as well.

13 And just because there is such amount of large
14 concentration of cruise ships in the entire Caribbean
15 region, and for Florida State, and within these waters
16 that's why we got that specific billet.

17 I did an exercise once in my office, by
18 connecting into traffic.com, cruiseshiptraffic.com, I
19 think it's a website. And I counted how many cruise
20 ships are transited within our region, in our search and
21 rescue region on any single date, and I counted around
22 82 within Florida, all the way down to the Lesser
23 Antilles islands. So that's a large, large amount of
24 passenger vessels.

25 And like I said before, mass rescue incidents,

1 well they don't happen every day, but, and any given
2 moment we may have another one. It is just a
3 mathematical fact, we don't know when and where, but at
4 a certain point it will happen again.

5 Q. Okay, thank you. At this time, I'd ask
6 Lieutenant Diaz to bring up the mass rescue operations
7 plan for Puerto Rico, and the Virgin Islands. I believe
8 it is Exhibit -- bear with me. Here we go, Exhibit 48.
9 Mr. Morgado --

10 A. Yes?

11 Q. The -- I just brought up the -- I believe that
12 is the last revision of the Coast Guard Sector San Juan
13 Mass Rescue Operation Plan.

14 A. Yes.

15 Q. For Puerto Rico and the U.S. Virgin Islands.
16 And I'm going to get into a lot more detail with that
17 after we walk through the scenario with the Caribbean
18 Fantasy. But for the purposes of future discussions, is
19 this the current plan, and was this plan in place on
20 August 17th during the Caribbean Fantasy fire?

21 A. Yes, both questions are, the answer is yes.

22 Q. Okay, and roughly, we want don't to go through
23 the plan, it is pretty extensive, but can you just give
24 me a quick summary of what that plan entails, and the
25 content in that plan?

1 A. Yes, what we are seeing in the exhibit right
2 now, this is the basic plan. A basic plan, in essence,
3 is like a cover of the annexes. And in the planning
4 process what the basic plans, what it provides is like
5 the basic grounds of acronyms, also roles and
6 responsibilities, in a broadband speaking.

7 It also establishes the ground rules on how to
8 conduct, it provides definitions as well, and it
9 provides reference as well to any specific appendix or
10 the appendices is the real essence of the plan. So the
11 appendix talks more into details of what to do, and
12 who's going to do what with what.

13 So the basic plan refers to any appendices, for
14 example there is alike a -- it starts from Appendix
15 Number A, I think the last one is U. And it provides
16 like landing sights, it provides information as well of
17 resources, it provides as well with a contact list with
18 persons to call, it also provides a specific air layouts
19 of where is going to be conducted specific operations.

20 That we are seeing now, that very first page
21 that we just saw right there, is, provides the tracking
22 of the revisions, that every time we have a change in
23 the plan, we will use that that page to document.

24 And it provides a specific table of contents of
25 where to refer in case of any incident, because you have

1 to bring your plan in case of any incidents, but we do
2 refer to the plan.

3 And the basic plan usually is where you start
4 to refer, where to specific look for to address any
5 particular issue. There is even the most recent layout
6 that was created, was the mass evacuation in port.
7 Which actually it was created by myself when we had a
8 fire in the vessel called the Carnival Liberty in St.
9 Thomas in 2015.

10 Q. Um-hmm.

11 A. And just because it is not normal to have a
12 vessel being in port, and being evacuated in port, so
13 immediately I identified that I had a gap in my plan and
14 I needed something to address this particular issue.

15 And that's why the mass evacuation in port plan
16 was created. And it specifically talks about landing
17 sites and specific processes on how to conduct mass
18 rescue and mass evacuation in port, including landing
19 sight, triage, passenger and victim's research centers
20 and that is specifically how the plan is based for and
21 created for.

22 Q. Okay, thank you. And I will ask you to go into
23 some of the layouts or the appendix at a later point.

24 A. Yes.

25 Q. Specifically a couple, the landing site for

1 one, let me ask you to go to the screen, and point to
2 locations, particularly Pier Six, its location in
3 proximity to the Sector.

4 Regarding the plan, tell me about how that plan
5 and the content is communications to external
6 stakeholders of Coast Guard.

7 A. The way that I have to promulgate this plan,
8 where we have, we have a website, Homeport. The way
9 that I promulgate my plan, I let my stakeholders know,
10 is that it is because I save every single one of those
11 annexes and basic planning into Homeport and it is
12 accessible to stakeholders.

13 And I notify the stakeholders, the plan is
14 there, it is for you to have access, there is no
15 Sensitive Security Information in the mass rescue
16 operation plan, that's why I made it all public. Other
17 than the list of the persons for call, persons for
18 contacts.

19 But, and there is another specific appendix
20 which was brought to me by CBP, or I think it is
21 Homeland Security Investigations, where they provided me
22 with their part of the plan. That one is considered for
23 official use only, or sensitive, just because they -- I
24 agreed with them, not to share it, other than remain
25 within us, just because CBP is part of the

1 accountability process.

2 What else I can say about it? The essence of
3 the plan is to provide that information to all
4 stakeholders on how to promulgate. And the other means
5 for me to promulgate the plan is to exercise.

6 Actually I do, I request to industry to perform
7 exercise on a regular basis, even though that the
8 Commandant instruction, or the (inaudible word) of the -
9 - it is a program that the Coast Guard has to multi-
10 training schedule program for exercises, it says that a
11 mass rescue exercise at any level has to be.

12 Then tabletop to a full-scale exercise has to
13 be conducted within a five year cycle. And just because
14 that is being expressed like that, well I don't follow
15 that specific, and the procedure in the five-year cycle
16 because I do exercise the mass rescue plan sometimes
17 three, two times per year.

18 So I don't wait until five years to do a mass
19 rescue exercise, I am constantly pushing the industry
20 and driving them to the point that, well we need to
21 exercise this. And I have been so far, eight years in
22 the Coast Guard this next July and I -- if I do have to
23 follow the (inaudible word) cycle, I will be like doing
24 my second full-scale exercise within this time.

25 So, so far if I am not mistaken, in an eight

1 year span, I have conducted over nine tabletop
2 exercises, full-scale exercises, I actually, I have two.
3 And I have one planned to be held in April. And a
4 functional exercise was also performed last year. So it
5 is a long list of exercise being conducted, scenario
6 driven to promote mass rescue within the local emergency
7 response community, and industry.

8 Q. Thank you the requirement to exercise or test
9 plan that you just noted, I wrote down, I think it was a
10 five year cycle.

11 A. Correct.

12 Q. Or five year requirement.

13 A. Yes.

14 Q. Is that for the Coast Guard and industry, or
15 just the Coast Guard?

16 A. Coast Guard.

17 Q. Does, do you know if the IMO circular that
18 drives the mass rescue operation program, or the
19 Commandant instruction has any requirement that applies
20 to the owners and operators of high capacity passenger
21 vessels to either participate or exercise a similar
22 plan?

23 A. The Commandant instructions refers that an
24 exercise has to be conducted, a mass rescue exercise has
25 to be conducted at a district level on a five year

1 cycle. That doesn't talk about a specific sector like I
2 am, so that's the particular reason of why I have been
3 conducted, conducting exercises so often. Because I
4 identified that there is a huge gap in Puerto Rico
5 for these to be conducted.

6 IMO, it does promote the healthy execution and
7 planning of mass rescue incidents, but like I said
8 before, there is nothing specific in the regulation, in
9 the Code of Federal Regulations like, for example, the
10 Maritime Transportation Safety Act, at 33 CFR 104/105,
11 specifically requires that industry has to perform four
12 drills and one full-scale exercise within a year. Sop
13 technically speaking, it is just basically a
14 recommendation, it's like a guideline.

15 Q. Right.

16 A. So, that's the reason why I can't hold pressure
17 into industry, with a regulation in hand that can give
18 me the tool to let them know that you need to exercise a
19 mass rescue exercise.

20 So that's a tool that we need at a certain
21 point, if regulation can be amended. Not only for the
22 U.S. Coast Guard, also for the international community
23 like IMO to be, come up with a specific regulation that
24 impose, or rules, or mandates industry to perform mass
25 rescue exercises on a regular basis like the MTSA.

1 Q. Prior to August the 17th, the date of the
2 Caribbean Fantasy fire, what was the last tabletop or
3 field exercise that was hosted or sponsored by Sector
4 San Juan that exercised the mass rescue operation plan
5 that we are looking at here?

6 A. Yes, I can mention a couple of them, and
7 actually I have the documentation with me in case the
8 board needed it. I can start, for example May 6&7,
9 2015, which is this one that I do have here with me.

10 Q. And what are you referring to?

11 A. This is the After Action Report, that I was
12 performed for the Caribbean mass rescue tabletop and
13 full-scale exercise, it was held two days, the first day
14 was a tabletop exercise with the -- I do have a tool
15 it's called the mass rescue board game, also called, as
16 well ICS board game.

17 And it provides -- actually it can be seen
18 here, in the picture, it is like a big piece of board
19 game that I do use, and it provides a visual and
20 engagement tool, discussion based, to responders. On
21 how to promulgate their plans, and do communicate and
22 organize, it also clarifies for also responsibilities.

23 Well, I started on May 6th with that one,
24 specifically, and we moved, the next day into the actual
25 full-scale by deploying a life raft as can be seen in

1 the picture here. It was set off, and it was meant for
2 it to be like a training for crewmembers on board in a K
3 vessel. On a regular service located in Fajardo, and
4 Culebra, and Vieques in the east of Puerto Rico.

5 And we manned that life raft with I guess close
6 to 90 volunteers. The local emergency response actually
7 engaged of recovering the life raft, bring them into
8 shore, and we used the Roosevelt Roads Naval Station as
9 a landing site which is the, also the next piece of a
10 mass rescue after the abandon ship process. At the
11 landing site we have the triage, and accountability
12 process which are also part of a mass rescue incident.

13 Next to that one, we performed another full-
14 scale -- no, tabletop --

15 Q. Mr. Morgado?

16 A. Yes?

17 Q. Real quick, I want to hear about the second one
18 but --

19 A. Yeah.

20 Q. But Commander Capelli I would, I don't if that
21 particular document is in the exhibit package or not.
22 But I would like to recommend that you accept that as
23 the next exhibit, or we note, if you already have it in,
24 please.

25 LTJG DIAZ-COLON: I have to check --

1 321.)

2 CDR CAPELLI: I'd like to enter Caribbean Mass
3 Rescue 2015 tabletop and full-scale exercise, May 6&7,
4 2015 After Action Report marked as Exhibit 322. Does
5 Panama have any objection?

6 MR. ARENAS: No objection.

7 CDR CAPELLI: Does Baja Ferries have any
8 objection?

9 MR. RODRIGUEZ-BIRD: None at this time.

10 CDR CAPELLI: Very well, Coast Guard Exhibit
11 322 has been accepted as part of the record.

12 (Caribbean MRO was admitted into
13 evidence as CG-322.)

14 CDR CAPELLI: We will now continue with
15 questions for the passenger vessel safety specialist and
16 Mr. Larry Bowling will continue.

17 **WITNESS**

18 **JOEL MORGADO PASSENGER SAFETY SPECIALIST**

19 **EXAMINATION (cont.)**

20 BY MR. BOWLING:

21 Q. Thank you Commander. Mr. Morgado, the --
22 having not had an opportunity to go through those in
23 depth I'm going to kind of re-focus the line of
24 questions, I will look through those exhibits later
25 tonight.

1 With regard to the tabletops, and exercises
2 that were just entered, did you run, lead, or facilitate
3 all of those exercises?

4 A. Yes.

5 Q. Can you tell me were there any representatives
6 at any of the exercises, from May -- let's say from
7 January 2015 to August 17th, 2016 were there any
8 representatives there from Baja Ferries, American Cruise
9 Ferries that you recall?

10 A. No.

11 Q. Okay, do you know if any, if those parties were
12 invited, or did you reach out to them in any way with an
13 email, or other form of communication?

14 A. No, the reason for why they were not included
15 is because the tabletop exercises and full-scale
16 exercises were mainly designed for first emergency
17 response for how to conduct mass rescue.

18 Q. Okay, and regarding the exercises, or exercise
19 for the owners and operators of these high capacity
20 passenger vessels, of the exercises, which would be the
21 last one where you had a vessel owner or operator
22 involved?

23 A. On a large passenger vessel, usually that is
24 conducted through District 7, my colleague at District
25 7, and that's why the target for District 7 is directed

1 to the cruise ships, and I am like a support and
2 continuation of his efforts. But the essence and the
3 objectives of the localized drills and exercises we have
4 performed is to habilitate (phonetic) the local
5 emergency response on how to conduct mass rescue.

6 Q. Okay, and the last exercise that I'm aware of
7 at the district level, District 7 level was an exercise
8 titled Black Swan, is that correct?

9 A. Correct, that's correct, that was in 2013.

10 Q. Is that the one you were referring to?

11 A. Which actually I worked as well, during that
12 full-scale exercise, I was responsible for the
13 coordination of 125 volunteers, which actually, they
14 were the actors portraying victims on board the Monarch
15 of the Seas, which was the vessel that was used.

16 Q. Okay, and I know it is a while back but do you
17 recall anyone from Baja Ferries being at that particular
18 event?

19 A. No.

20 Q. Thank you. Let's get into the events of August
21 17th, 2016. And I'm just going to turn the floor over to
22 you, I want to hear about your actions and activities
23 and the things you did directly on the day of the event.
24 And start me, if you don't mind, with when you first
25 became aware of a situation on the Caribbean Fantasy.

1 A. Okay that particular day, approximately at 745
2 as I was in my office, I got the communication, verbal
3 communication, by Commander Espino-Young, saying that
4 the Caribbean Fantasy was on fire, and they were about
5 to conduct an abandon ship -- the possibility of an
6 abandon ship being given.

7 In that moment I changed myself, and suited up
8 in coveralls, and as I was about to leave Sector San
9 Juan towards the landing site, I stopped in the command
10 center to coordinate and make sure that everybody was in
11 the very same page of, and clear of how the mass rescue
12 was going to be conducted. And any other aspects that
13 they want to ask, as I know that I had to go and
14 coordinate, even though that's not part of my job
15 description that I had to respond.

16 Then as I was in the command center and I
17 talked with the staff at the command center it was
18 determined that at a certain point, just because, if I
19 am not mistaken, CBP was asking to the vessel to be
20 brought up into the Pan American Terminal.

21 In that particular moment when I received that
22 information, I totally objected just because, well when
23 we do mass rescue and life rafts and lifeboats is a low
24 profile lifesaving craft, versus terminal being so high
25 as the Pan American dock and that will be very difficult

1 to retrieve the victims, being the terminal so high and
2 the lifeboat sitting so low, it will be very much
3 impractical. So, that's why I mentioned that we need to
4 refer to the Mass Rescue Operation Plan, which is
5 available.

6 There is in command center (inaudible word)
7 folders, and that's why the determination was being
8 given to go to landing site Pier Six. It is called Pier
9 Six because back in the days, there was a structure
10 there that was called Pier Six, but it is not being used
11 for cruise ships anymore.

12 Q. Let me interrupt you real quick.

13 A. Yes.

14 Q. Can I ask LT Diaz to bring up an exhibit so we
15 can see what Pier Six is, please? I believe it is an
16 Index U.

17 A. Correct.

18 Q. Which is E047 Exhibit.

19 A. As we can see here in the Exhibit, may I
20 proceed to the chart, if I may? Okay?

21 Q. Yes, please.

22 A. Pier six used to be right here along this
23 section, there was a two story building, and it was
24 demolished, sure, okay.

25 CDR CAPELLI: No, can you take the mic with

1 you, please?

2 A. Oh, okay. As I was saying, there was a two-
3 story structure located right here, and it was
4 demolished. I can't recall the specific day when they
5 did this change. And after this, the sea plane that
6 used to operate there, they built this floating
7 structure, this floating pier, and they were conducting
8 their operations here. And today it is being used by a
9 local water tour company. And just because it was very
10 suitable to use that particular location, that's why the
11 determination was made to refer as the plan.

12 And it was better suitable to use this one
13 because it was an accessible level for lifeboats and
14 life rafts to be docked there, and passengers could be
15 even treated better in that particular way, rather the
16 Pan American Terminal which was very high profile.

17 Also, right after I -- is there any other
18 questions?

19 Q. No, we're good.

20 A. Okay.

21 Q. Thank you.

22 A. So after I had that conversation with the
23 command center and we all agreed to proceed then to, as
24 a landing site official, Pier Six, called Pier Six, I
25 made my way by foot, running from Coast Guard station

1 all the way down to the landing site.

2 Upon my arrival, that location, that was the
3 first Coast Guard asset on scene. And there was a few
4 emergency responders started to showing up. As for
5 specific reason, maybe, I don't know which one it is,
6 they were already pre-stationed in the Pan American
7 Terminal. So, just because we communicated through the
8 command center to reroute all the assets and resources
9 to the landing site Pier Six.

10 Q. Just real quickly.

11 A. Yes.

12 Q. Where is this Pan American Terminal, the
13 terminal you are referring to, and where is this Pan
14 American Terminal, the terminal you are referring to,
15 and where is the Sector from Pier Six?

16 A. It's at the other side of the bay, and
17 actually, there is a picture in this very same layout in
18 this appendix.

19 Q. Okay.

20 A. If we can follow the next slide, probably the
21 next one, please continue, please continue, please
22 continue, continue, next one, that's Pan American
23 Terminal.

24 Q. Thank you.

25 A. It's at the other side of the bay, it is almost

1 at the -- it's located in the main island of San -- of
2 Puerto Rico, because Old San Juan is technically an
3 island connected to the main island by a bridge. So,
4 they have to drive all the way out of San Juan to have
5 access to the Pan American Terminal.

6 Q. Okay, Thank you.

7 A. You are welcome. As responders start arrive to
8 the landing site, we started an incident command post
9 and we established a unified command, and that's where
10 your local emergency response and myself were trying to
11 start communicating in what was expected and what was
12 needed in order to do a successful mass rescue event.
13 There was a couple of issues that happened during the
14 process and evolution of the emergency. One of them was
15 trying to pre-stage the assets that we needed.

16 And for this I have to recall that on --
17 between April or March of that very same year, 2016, I
18 had a meeting in my office with the representative of
19 the Puerto Rico power authority and with a
20 representative, as well, of port authorities, and we
21 used a wipe board that we have in our office, and we did
22 a brainstorming of what your possibilities in case that
23 we have a mass rescue incident in the island of Old San
24 Juan.

25 Just because we convene to meet again to

1 capture this, and do a plan that -- after meeting that
2 never occurred, because it is a tendency for Puerto Rico
3 emergency response and agencies to have a basic plan,
4 but they don't have a mass rescue operation plan. And
5 that's something that I had been trying to promulgate
6 and trying to establish with the local emergency
7 response in Puerto Rico, especially at PREMA, to prepare
8 a mass rescue operation plan that can get along with our
9 plan.

10 And as I was running to the landing site I
11 called these very same members and told them that -- do
12 you remember what we did in our office back in March and
13 April? The answer was well yes. Well that's exactly
14 what we are going for. So just because during that
15 meeting we were determining where was going to be our
16 staging area, which one is going to be our triage area
17 as well, and that's exactly what we applied, the lessons
18 learned, or that brainstorming captured during our
19 meeting.

20 And that's exactly the same information that I
21 provided myself to the emergency responders that were a
22 part in the incident command post, or ICP for short.

23 Once the waves of boats started arriving, just
24 because we were pre-staged already waiting, we have
25 enough time to receive that very first station boat with

1 22 victims, if I am not mistaken. One of the first
2 victims was handed out to me and I passed it out into
3 the emergency responders, EMS, that they were with me
4 alongside on the floating pier. We established like a
5 pattern on how the flow was for the emergency -- EMT's
6 emergency medical technicians to respond.

7 But at that particular point I did not have
8 entire control of the landing site. I did have CBP,
9 also physically there, which they showed up during the
10 process, and CBP are our partners during this process
11 because we count on them, as well to do accountability
12 process, which is also part of a mass rescue incident.
13 We need to account for every single victim that is on
14 board the vessel, and we have to make sure that everyone
15 is accounted for, otherwise, those that are not
16 accounted for we have to search and rescue mission mode.

17 And it was a specific point that I have a
18 little bit of trouble with CBP officials, because they
19 were trying to getting to control of the actual landing
20 site. And just because I had -- I didn't have anybody
21 else to support my mission, or my purpose at the landing
22 site, so in that very first wave, while CBP managed the
23 incident, I was trying to do my accountability process.

24 And later on during the process, after that
25 first boat was cleared, there was a lot of Coast Guard

1 members from the station, Sector San Juan, which they
2 showed up, led by Chief Jose Ramini (phonetic), he was a
3 clue, and key point person in this process, because as
4 soon as he arrived he asked for myself, which I didn't
5 met him before, we met right there. He asked me what do
6 you need?

7 And I told him exactly what I needed for, and
8 one of the main issues that I told him, we need to get
9 control and command of the landing site. And that's
10 exactly what he did. He actually engaged in
11 conversations with CBP officials at the landing site,
12 and it was to the point that he had to, you know, use
13 his authority to take control of the landing site.

14 And CBP was then set aside at the very same
15 landing site so they can do their process. CBP was also
16 clue as well by marking them with some kind of ribbons
17 that they use to make that that person was accounted for
18 and the name was noted in a list that they were doing
19 manually.

20 During the accountability process, with the
21 different waves of boats, not only lifesaving boats, or
22 lifeboats, we also had Good Samaritan vessels that
23 brought us a couple of victims.

24 We also had ATM, Autoridad de Transporte
25 Maritimo, maritime transportation authority, which they

1 do have two ferry vessels that I called for their
2 assistance once I got notified by the command center
3 that we have people in the water, persons in the water.

4 So I merely contacted the representative in San
5 Juan, and ask him to please can you provide me the
6 status of the two vessels, which were low in profile, so
7 I knew they were capable of maneuvering them, and
8 probably like recovering persons in the water on other
9 life rafts and put them in the larger vessel to be, have
10 them secure.

11 And it was interesting to the point that I,
12 just because I am a marine inspector as well, those two
13 vessels, I took them out of service the week before.
14 But in that particular moment, I had to make the
15 decision to tell the person that we have an emergency so
16 I am granting you permission to go and do a search and
17 rescue, because this is a real emergency, we need
18 everybody that we can have, knowing that our resources
19 may be overwhelmed fast.

20 ATM performed their job, they dispatched two
21 vessels, La Decima, and Caybanyo (phonetic), and they
22 actually, they performed part of the search and rescue
23 mission at the vessel, at the Caribbean Fantasy.

24 If there is any -- this is a question to the
25 board members -- if there is something specific that you

1 want me to emphasize or clarify more just please let me
2 know, I will continue.

3 Everyone was doing accountability, I was trying
4 to do accountability, Chief Ramini (phonetic) was
5 performing accountability, he was stepping on board the
6 vessels, lifeboats and vessels bringing survivors, and
7 he was counting members. He was coming up to me as I
8 was already at the landing site, but not at the floating
9 terminal, I was more at the ICP communicating constantly
10 with the emergency response agency from Puerto Rico.

11 He was running to me numbers; I was making
12 notes of the numbers as we went. EMS was performing
13 accountability process, as well. Social services, which
14 is called family department in Puerto Rico, they were
15 performing accountability.

16 At a certain point I received a total of eight
17 to nine children at the landing site and their parents
18 were not in the lifeboat with them. And I do know that
19 there is protocol or procedure in the social services
20 system, that they do claim these children until their
21 parents claim them.

22 As the incident progressed as well, we received
23 a couple of waves, of actual two lifeboats, I still
24 recall as well, a couple of Good Samaritan vessels that
25 they were bringing life rafts into, next to the landing

1 site people, passengers were recovered because they were
2 being brought empty.

3 At a certain point within the triage, as well,
4 that EMS had a tent just next to the landing site, they
5 were performing EMS, they were treating the victims.

6 Most of the victims that I was seeing, there
7 were like fractured ankles, possible fractured ankles,
8 sprains of the ankles, they have issues with the ankles.

9 Also I have several victims that they were
10 showing injuries like rashes. They were not burned by
11 heat or fire, as I recall, I immediately assume they
12 were because of the friction that they experienced by
13 going through the marine evacuation system, MES. So EMS
14 was taking care of these victims as well.

15 I also recall at a certain point, receiving a
16 phone call to my mobile phone by the command center
17 asking me, or notifying me that they have our
18 helicopter, and FURA helicopter, that's police rapid
19 forces, each one loaded with four victims each, they
20 were asking me where they can land.

21 So the nearest point for them to land next to
22 the EMS tent was by Urbana, next to the landing site,
23 and terminal nine, Pier Nine.

24 So I immediately contacted the state to let
25 them know, hey I have two helos sitting down, with four

1 victims each. Please coordinate because I need to land
2 one helicopter there, and the other one at Pier Nine.
3 And so they did, so also they dispatched help that was
4 needed through the EMS and ambulances to assist the
5 victim, the wounded victim.

6 After the landing site operations, after I knew
7 that -- I met with the captain, the vessel captain at
8 the landing site he was among the very last persons to
9 land in the helicopter.

10 And I had the chance to meet with him, with the
11 staff captain, and with the safety officer. And I ask
12 him if that, if there was everybody accounted for. And
13 because in the passenger list that I had, that I pulled
14 from the, our SANS system it was a total of 512 victims.

15 And right there we got into a conflict because
16 they were saying that they had, he said 513 or 12, I
17 can't recall exactly, because we had a difference for
18 two persons accounted for. And at a certain point, I do
19 ask him that we need to de-conflict information to make
20 sure how accurate is your passenger manifest.

21 And then the safety officer provide us with
22 some clarifications, that upon departure from, almost
23 departing from Santo Domingo they had to land a
24 passenger with symptoms of a possible heart attack. But
25 for a reason, they forgot to take out that person from

1 the passenger list, that's why we had a difference of
2 512 versus 510. So there was too, a difference of one
3 person unaccounted for.

4 So with the conflicted information there was
5 one person in the passenger manifest that was not
6 supposed to be there, but there was still one person
7 unaccounted for.

8 So right after the total operations for
9 recovering the victims in the water, and at the landing
10 site, and in the lifeboats and life rafts, I proceeded
11 to the mobile incident command post where the Captain
12 Warren was already meeting with the local emergency
13 response, to partake part of that meeting, and provided
14 my input regarding how the incident was evolving.

15 So I notified that I needed assistance at the
16 passenger reception center. Which I know that at a
17 certain point the state has provided me with
18 transportation to the local bus company, which is a
19 government owned and operated company, to provide
20 transportation to victims from the landing site Pier
21 Six, to the Pan American dock, that is the place that we
22 used for marshal, all and get together all the
23 passengers.

24 Department of health dispatched a mobile
25 hospital to the passenger reception center. And then I

1 went exactly to the CBP office, which is located in that
2 very same terminal and I started communicating with the
3 CBP officer, with their part, during the accountability
4 process of the landing site. And they were starting
5 like, they stated to, going through their passenger list
6 to make sure they, and cross-reference all the names
7 they noted.

8 But they were still one person short, accounted
9 for. And it was up to almost 1800 hours, approximately,
10 we got into the actual conclusion because one of the CBP
11 officers reminded that there was a person, a victim that
12 was accounted for and they were carrying a baby. So he
13 remembered counting for that specific adult, but didn't
14 account for the baby. So that was why the number
15 matched to 511 total.

16 There was also at a certain point, after
17 getting notification that the passenger list, and after
18 contacting everybody through the phone, all the victims,
19 and there were cross-referencing process, and we closed
20 the accountability process to having all victims
21 accounted for. I proceeded to notify over the phone to
22 the command center that all victims had been officially
23 accounted for by CBP, and entered into the system.

24 And going back a little bit, as well, when I
25 had the captain and staff captain at the landing site,

1 he did mention about the pets that were on board, that
2 they were able to manage to summon five of the pets, but
3 there were two unaccounted for. And that's all the
4 information that I had regarding the pets, as I didn't
5 get into the actual weeds or details for the pets, as
6 our priority was human lives.

7 Q. Thank you very much.

8 A. You are welcome.

9 Q. Just a quick, a couple of quick follow-ups.
10 You mentioned, CBP, we may have it on record, but you
11 were referring to the U.S. Customs and Border Patrol, is
12 that correct?

13 A. Yes, thank you.

14 Q. And then there was another acronym we may or
15 may not have on the record, you used the word PREMA, and
16 that is the Puerto Rico Emergency --

17 A. Puerto Rico Emergency Management Agency.

18 Q. Okay, thank you. Just a couple of points I
19 want to get clear, make sure I'm clear on. You used the
20 term patterns with regard; you were talking about the
21 flow of passengers and survivors as they came to the
22 landing site.

23 A. Yes.

24 Q. Is that spelled out, what is expected spelled
25 out in the existing mass rescue operations plan? And if

1 so, were the, on the day of the event, was that pattern
2 being utilized with the flow of passengers once they
3 reached the landing site?

4 A. The mass rescue operation plan does not
5 specifically talk in details of how the pattern or the
6 flow of the incident is going to take, because every
7 incident is different. Mass rescue incidents won't be
8 exactly the same way. We, for example, talk about Costa
9 Concordia incident, well it is a very much different
10 incident than the one we have here.

11 So it is impossible to capture a plan with
12 specific detail on how to conduct the operations. But
13 in essence, it talks about the dos and don'ts. More
14 than the dos, or what to do, or processes on how
15 agencies or emergency responders or stakeholders have to
16 engage specifically on what role.

17 That, indeed, it contemplated in the -- into
18 the plans and into the appendices. The -- that pattern
19 that I explained, it was more addressed during that
20 particular meeting that I mentioned that I had with the
21 emergency liaison officer for Puerto Rico Emergency --
22 Puerto Rico Electric Power Authority, which his name is
23 Raphael Roman. And also, as well, with the Puerto Rico
24 port authority liaison officer which is Eduardo Ruiz-
25 Sanchez, and the facility security officer, which is

1 Rosario Padro.

2 With those persons on that May or April meeting
3 that I had -- which I didn't capture, because it was an
4 informal meeting -- we did talk about those specific
5 patterns, and our possibilities within, actually in that
6 specific section of the island of San Juan.

7 Pier Six, the Hacienda Building which is right
8 in front of that terminal, and to the local company of
9 the (inaudible word), which is not far away from that,
10 in particular, Pier Four. So we did talk in details of
11 our possibilities with those specific persons during
12 that day, yes.

13 Q. Okay, and that was -- that discussion was, you
14 just were referencing took place at one of the
15 tabletops, or field exercises that we talked about
16 earlier?

17 A. No, it happened in an informal meeting at my
18 office, and I asked these members to participate in this
19 meeting with me, because we were trying to assist Puerto
20 Rico Port Authorities to develop a plan, because they
21 were being proactive as they identify a possible risk.

22 So it was the first meeting of several meetings
23 that were supposed to be conducted. But for several
24 issues we did not accord to meet again because there was
25 a conflict of schedules for those four members that were

1 in that meeting.

2 Q. Okay, thank you. The next follow-up I want to
3 get into, I want to hear about the communications, I
4 want to hear how you were communicating, if you were,
5 with the Joseph Tezanos, the on scene coordinator,
6 certainly how you were communicating with the command
7 staff at Sector San Juan, either in the -- their
8 respective offices, or at the Sector Command Center.

9 And I would also like to hear how, and the
10 method of communications with the other first
11 responders, you only, how were you talking to PREMA,
12 and how you were, you know, was it face to face, was it
13 VHF radio, was it UHF radio, can you cover those for me,
14 please?

15 A. Yes, of course. I don't have any means of
16 communications in terms of VHS radio, or a comms radio.
17 Most of the communication that I had with the command
18 center it was through my mobile phone, personal mobile
19 phone. I didn't have any communication with the on
20 scene coordinator, which was the Tezanos or the other
21 cutter was in the vicinity.

22 Most of my communication was through my mobile
23 phone to the command center, or after the Sector San
24 Juan station guys arrived, one of them, Chief Baker was
25 his name, he had a portable VHF radio, and I remember

1 very well, he even had very much problems trying to
2 communicate to the command center, up to the point that
3 he mentioned to me, that I can't communication with the
4 command center, so I told him well let's go to the
5 mobile phones.

6 So I still kept calling and receiving phone
7 calls from the command center through my mobile phone.
8 I do have to say that it was, just because the command
9 center was overwhelmed by phone calls, for sure, certain
10 times it was very difficult for me to get access to the
11 number to let them know, hey, so far, this is the amount
12 of victims that I have counted so far.

13 Communication with the local emergency
14 responders, it was through face, technically speaking,
15 face to face, because I have them there at that incident
16 command post.

17 In the initial evolution of the incident, once
18 I got that phone call, sorry, not phone call, that
19 communication from Commander Espino-Young at my office,
20 that there was an incident occurring, I called the PREMA
21 operations supervisor by the mobile phone, because I
22 have his phone number, I called three times, I do recall
23 that, and I have no response from him.

24 So I decided to call the Puerto Rico Electric
25 Power Company Authority, Mr. Raphael Roman, he is the

1 liaison officer, and he is an emergency responder. And
2 just because I worked with him in the past, and he's a
3 very good friend of mine, so I just because I work in
4 that field before, I have several contacts for emergency
5 responders in my personal mobile phone.

6 So he got my phone call right away. And I did
7 communicate to him that well, I have an incident, this
8 is the real deal, this is not a drill. And it was --
9 have to be clear to the point that he didn't believe me.
10 He thought I was joking.

11 So I have to tell him, I have to tell you
12 again, that this is not a drill, you need to activate
13 the full tree, so please do so. And just because he is
14 like, at that point, at August 17, 2016 he was like the
15 lead of the emergency liaison committee at PREMA.

16 Q. Okay.

17 A. Well he has all the contacts, so he starts
18 activating the tree, that's how I activated the system
19 right away; I got the initial notification by Commander
20 Espino-Young. And I think that was clue, just like
21 having access to him, so he can activate the entire
22 tree.

23 At this point, I do not know, what went through
24 the 911 system because I don't have access to that
25 system. In terms of getting into who notified 911.

1 But in essence, communications was really, really, really
2 difficult at the landing site, just because I didn't
3 have any means of communicating with the on scene
4 coordinator.

5 The landing site manager and this is a very
6 recommended good practice, in terms of in mass rescue
7 planning, the landing site managers should have inbound
8 one way communication from the on scene coordinator,
9 because that on scene coordinator has to notify the
10 landing site manager. To give an example, well landing
11 site manager, there is one lifeboat with such amount of
12 victims heading to the landing site.

13 It has -- it should be providing a number if
14 there is any injured passenger or victim, so that
15 can be pre-staged before the arriving of the lifeboat or
16 life raft, or the Good Samaritan vessel, whatever is the
17 case.

18 So I didn't have that communication from any
19 point nor the vessel. I did have some communication
20 with the command center, the command center did notify
21 me at certain times that well there is a boat on the way
22 with such amount of victims, so I had sometimes,
23 information about what was about to come to my site. So
24 I could be prepared, and sometimes I just had the vessel
25 arriving and I -- not knowing what was in front of me,

1 so I can coordinate with the State.

2 But, just because it was a good, it was a good
3 point, and a good practice that we were in control at
4 the landing site and I was able to provide information
5 to all emergency responders, that this is what we are
6 going to do now. So that is why it flowed, I have to
7 say, excellent.

8 Because at a certain point, I had a meeting
9 after the second wave -- after the first wave, I
10 apologize, the first wave of the first station Coast
11 Guard boat with 22 victims, I gathered with the core of
12 emergency responders, and I mean everybody, and I let
13 them know we need to work as a team. The only way to do
14 this is a team, everybody has to be in position, and
15 after that it went perfectly, it run perfectly.

16 Q. Thank you. I want to talk about this decision
17 you made to bring in two, and I assume these were
18 certificated -- and I say certificated, they were
19 vessels that had once held, or did hold a certificate of
20 inspection issued by the Officer in Charge of Marine
21 Inspection here in Sector San Juan -- you mentioned
22 earlier that you had removed or suspended their
23 operations, but you asked them to participate, or come
24 assist with rescue of survivors from the Caribbean
25 Fantasy. Tell me a little more about that.

1 A. Sure. The week before I was called to perform
2 an inspection on these vessels, the Cabarunga
3 (phonetic), motor Carbarunga (phonetic) is an aluminum
4 hull catamaran for -- certified with a certificate of
5 inspection issued by the Coast Guard to carry 146
6 passengers if I am not mistaken.

7 And they had an issue -- it was a small problem
8 with the generator that I found that they were doing a
9 connection that was not supposed to be, they were using
10 a fuse as a jumper. And their generator failed to
11 operate, and they notify us, upon doing the inspection,
12 well they didn't have the specific means on how to
13 repair it. So I issued a no sail 835 on that vessel.

14 And actually, I have to correct myself that one
15 was not the week before that one happened the very same
16 week because Caribbean Fantasy, I think happened on a
17 Wednesday or a Thursday, please I don't know exactly.
18 So I think that inspection happened on a Monday if I am
19 not mistaken, for the vessel Cabarunga (phonetic)>

20 But the other vessel that I was using it was -
21 La Decima, and La Decima was scheduled to perform an
22 annual inspection the week before, and I identified that
23 they had corrosion in the turbo chargers, and the
24 exhaust connected to the turbo chargers where they had
25 no, almost no remaining bolts to secure the turbo

1 charger to the exhaust piping. So I issued a no sail
2 835 to correct that deficiency, and I put them out of
3 service, both vessels.

4 And going back again, to that particular day of
5 August 17th, I got a phone call from the command center
6 notifying me that there were persons in the water, some
7 jumpers if I am not mistaken.

8 That was the information that I got, I was
9 notified, one of the persons who called me, which I
10 don't recall who. Just because I didn't have oversight
11 of what was going on next to the vessel, I couldn't
12 assume or presume that there were Good Samaritan vessels
13 already on sight.

14 I didn't have any knowledge that the Joseph
15 Tezanos was already on scene. So just because I have no
16 communications, and means of knowing what was going on
17 next to the vessel, for the reason that I don't know
18 why, it got into my mind to call the responsible for
19 maintenance at the ATM, Autoridad de Transporte
20 Maritimo, his name is Hector Rodriguez.

21 I call him over the phone and ask him, well
22 what's the status of the repairs on these two vessels?
23 And he told me that the Cabarunga was fixed and was
24 fully running, and he was actually waiting for me to go
25 that very same day to clear the deficiency.

1 So, I took his word for granted, and also I ask
2 him as for the status for the La Decima, and he told me
3 well it hasn't been repaired, but it is functioning,
4 it's working, the vessel itself is working.

5 And I took the decision to, just because maybe
6 that was the only hope that those jumpers may have, to
7 be retrieved by somebody, I ask him to please proceed
8 and start rescuing people or assist as you need. Just
9 man the vessels, because, at this point we need
10 assistance from anybody that can help.

11 It is one of the standards in mass rescue
12 operations, and we do promote this, and we outreach t
13 industry, and stakeholders that during a mass rescue
14 incident you are going to need as much help as you are
15 going to need from anybody that can help. Because a
16 mass rescue, resources are going to be overwhelmed fast,
17 that's the standard of a mass rescue.

18 That's the reason why I took the decision to
19 tell him to man with crewmembers those vessels, and
20 assist as they could during the rescue.

21 Q. Okay, thank you. And just for clarification of
22 the record, would I be correct in interpreting, you used
23 the word, No Sail CG835, and that would be basically,
24 referencing a Coast Guard form titled CG835 which is an
25 inspection deficiency issued to the owner of a boat when

1 an inspector identifies a, an area of improvement, or
2 something that doesn't meet regulatory standards.

3 Is that what you are referring to when you say,
4 No Sail? It is because you said prior to operation;
5 they had to fix that certain item?

6 A. That is correct.

7 Q. Okay, thank you. You talked about landing
8 helos, and a landing site for helicopters.

9 A. Yes.

10 Q. Is that -- was that designated already in the
11 existing mass rescue operation plan, or was that
12 something that you put together on scene.

13 a. No, I put that together on scene.

14 Q. Okay, and where was that, again, from Pier Six?

15 A. Just next to it.

16 Q. Okay.

17 A. Next to it. There is a connected pedestrian
18 bridge that connects the actual landing site where we
19 used, with Bahia Urbana, that spot that our helicopter,
20 the Coast Guard helicopter used for landing. And next
21 to Bahia Urbana is Pier Nine.

22 So they were the most close, suitable locations
23 to land helicopters right immediately with access to the
24 emergency management tent, medical emergency tent, EMS.

25 Q. Thank you, and I am very close to relinquishing

1 the floor to one of my teammates here. But you covered
2 two topic areas, and I'd ask Lt. Diaz to bring up
3 Exhibit E032, which I believe is an appendix to the mass
4 rescue operation plan entitled, Crisis Action Team.

5 And Mr. Morgado once that comes up I'd like to
6 hear from you the basis, what that appendix lays out,
7 what a crisis action team is, and I want to know if you
8 are aware if either American Cruise Ferries or Baja
9 Ferries has such a team?

10 A. The Crisis Action Team is --

11 Q. Let, if you don't mind; let us pull that
12 exhibit up.

13 A. Sure.

14 Q. So everyone can see it.

15 LTJG DIAZ-COLON: What was that exhibit number?

16 Q. Exhibit E032, it should be Appendix E. That is
17 it, Crisis Action Team. Can you tell me a little bit
18 about that, please?

19 A. Sure, a Crisis Action Teams as we refer as CAT,
20 or C-A-T, it is a recommendation for industry, it is a
21 good practice so they can have set up team based for the
22 very same company that owns or operates the vessel as
23 immediate access to passenger list. It -- also as
24 immediate representative from the vessel itself, or the
25 company, so they can assist the state to coordinate what

1 is the possibilities of lodging, passenger carrying,
2 food providing, bookings to airlines if required to, so
3 they can care for their customer, for their passenger.

4 For example, I can provide that, to give an
5 example, Carnival Cruise Lines, they do have a, what
6 they call the Go Team, and they are usually composed by
7 a staff of voluntary, so it is sometimes even employees.

8 But they are actually deployed to provide
9 immediate assistance right after a mass rescue incident.
10 When they are capable of, like I said before, doing
11 whatever type of arrangements a passenger may need to be
12 repatriated to their home, or to getting their
13 belongings. They can also establish claims with the
14 companies to, regarding my belongings, or I lost this,
15 or trying to communicate with my family members.

16 And actually that is something that the
17 companies are -- I can compare this, for example with
18 the regulation that FAA requires the airline industry to
19 provide numbers, phone -- hotline numbers, and actually
20 provide caring for the families and the members of the
21 victims.

22 It is the same concept that can be applied for
23 the cruise ships. And given this word, like I said,
24 before Carnival, they also provider assistance to
25 Norwegian Cruise Lines, as far as I understand because

1 they have an agreement. That's what, in essence, is the
2 C-A-T, or Crisis Assistance Team.

3 Q. Okay, and do you know if on the day of the
4 event was there such a team in place either from
5 American Cruise Ferries or Baja Ferries?

6 A. Yes, there were, they actually were at the
7 landing site.

8 Q. And can you tell me a little bit about that
9 team? How many are on a team, and what functions did
10 they do?

11 A. Sure. I can't remember how many of them they
12 were, I do remember they were physically there, they
13 were past the emergency management -- oh, the triage
14 tent, the medical triage tent. They were wearing red
15 shirt, and they were providing assistance with the
16 victims. They were asking information, they were
17 providing -- just because I was not so much in contact
18 with them other than asking several questions sometimes
19 when I needed their support.

20 But I, I do know that they provided an
21 assistance right there at the immediate, the landing
22 site. And also we had family members of passengers that
23 they started to show up at the landing site. And they
24 do take care of those family member arriving, asking for
25 information for the family members. And like any other

1 airline incident, that is also a possibility that it
2 will happen during a cruise ship incident in the case of
3 an MRO.

4 It's -- there is a very great chance that
5 family members are going to start showing up at the
6 landing site, or whatever there is an operations center,
7 to find out information for beloved (inaudible word)
8 family members. They were physically there, and they
9 played key role at well at the victim's reception
10 center, passenger reception center.

11 As they were provided a certain, and a lot of
12 assistance to the victims once they were there, trying
13 to arrange them hotels, as far as I heard, and ask a
14 couple of questions, they were arranging transportation,
15 they were arranging communications with the family
16 members, they were arranging airline transportations,
17 hotels, that's -- that kind of services, that's what
18 they did work there.

19 Q. Okay, thank you. And if I could ask Lt. Diaz
20 to bring up another exhibit, it would be E037, which, I
21 believe is Appendix J, Passenger Accountability and
22 Processing, and Care. And if you will roll on down to
23 the shore side responsibilities. Basically, I'm looking
24 for the advance forward team set up and accountability,
25 Exhibit 037.

1 Right there, roll back up. Mr. Morgado
2 I'm looking for the -- an Appendix J, I may have
3 the wrong site up there. But there is at least a
4 plan recommends an advance forward team be set up
5 by the owner/operator that helps set up and mans
6 the accountability of passengers arriving at the
7 site.

8 I may have the wrong section there. But
9 do you recall such a team being there, from Baja
10 Ferries or American Cruise Ferries on the day of
11 the eighteenth, or excuse me the seventeenth?

12 A. Performing accountability process -- no
13 exactly, I don't remember their performing
14 accountability. Just because I didn't ask a
15 specific if they were performing accountability.

16 And I can't assume or presume that they
17 were doing it, just because I was, I was
18 personally engaged establishing accountability
19 process with agencies as well. The advanced team
20 that I did got was the Sector San Juan station
21 members, that they helped me out to perform
22 accountability,

23 And as one of the lessons learned from
24 this experience is that just because I don't have
25 a back-up, I am the only one performing this

1 function in Puerto Rico, in Sector San Juan. I
2 came up with the solution of developing mass
3 rescue tactical team.

4 And as far as at this current time, I
5 have assembled a core of U.S. Coast Guard
6 auxiliary members which has been trained,
7 actually they have five training so far in the
8 mass rescue operations.

9 The last training was on, actually last
10 Tuesday at Sector Base, and I am preparing these
11 members, of course, actually I have seen some of them
12 that are here, behind us. Some of those members are
13 being trained on how to respond in case of any future
14 mass rescue incidents. So I can communication with
15 these members in a communication system that we also
16 implemented. That I will activate this core of members,
17 and I will have assistance right away from these
18 members, where they have to start to show up.

19 They are being trained on specific sections of
20 the mass rescue elements, which is abandon ship, landing
21 site, reception center. So they can better assist me,
22 and better assist the state as well, including the Coast
23 Guard on how to conduct mass rescue missions. So
24 eventually they will be ready. The set goal is to have
25 them ready to be capable of being deployed March this

1 year.

2 Q. Okay, thank you. The final exhibit I'd like to
3 bring up is E276, and it is an email stream that was
4 provided when we were asking about the total, or
5 summarization of medical services, the number of injured
6 passengers and where the passengers went. And if we
7 could go to page three of that Exhibit E276. Scroll on
8 down please. Right there.

9 And that, I understand, I don't know Carlo
10 Rosado, but my question is, based there, I understand
11 the passengers and crewmember went to, if you count them
12 it is nine different medical facilities. And at present
13 I only know the numbers of two of those facilities.

14 Have you received any information or follow-up
15 to this particular email so that we can account for
16 where every passenger that needed medical treatment
17 beyond first aid went to? Or every crew member?

18 A. No, no, I don't receive any kind of
19 information. Actually, I don't have any kind of access
20 to specific records, just because -- the HIPAA law. And
21 in essence, if somebody wants to get a medical record,
22 if I am not mistaken, they need to get a subpoena, or
23 some kind of court order. I don't know, to get access -
24 -

25 Q. Yeah, and we are subject to the same -- we

1 don't, we don't, we are not looking for that as a panel,
2 we are looking for the totals, so we know that the
3 number of -- the total number of passengers that needed
4 medical treatment beyond first aid and the facilities
5 they went to where they received that care.

6 And the same thing with the crew, and we've yet
7 to be able to track that down, that's the reason why I
8 ask the question about that. But, thank you very much
9 for your time. Commander Capelli I have no further
10 question, thank you.

11 CDR CAPELLI: Good afternoon, I am Commander
12 Capelli with the U.S. Coast Guard, at this time we are
13 going to take a quick recess, it is 1438.

14 (Whereupon a brief recess was taken 1438-1457)

15 CDR CAPELLI: Good afternoon, the time is 1400
16 (actually 1500) -- we are going to continue with
17 questioning the passenger vessel safety specialist from
18 the Sector San Juan. And I would like to remind you you
19 are still under oath.

20 THE WITNESS: Yes.

21 CDR CAPELLI: Turn the questioning over to Mr.
22 Adam Tucker.

23 **WITNESS**

24 **MR. JOEL MORGADO**

25 **EXAMINATION**

1 BY MR. TUCKER:

2 Q. Good afternoon Mr. Morgado.

3 A. Good afternoon, Adam.

4 Q. My name is Adam Tucker and I am with the
5 National Transportation Safety Board. I just have a few
6 follow-up questions for you.

7 And the first question I have for you is you
8 mentioned earlier some of the agencies and some of the
9 first responders that were participating and a part of
10 this whole mass rescue operation.

11 I'm wondering if you can go back on memory all
12 of the agencies and the first responders that were
13 there, and if there are any acronyms can you also tell
14 us what those acronyms mean?

15 A. Yes, as far as I recall our fire department was
16 there, not only were there members and firetrucks, they
17 also have one boat that I knew they were engaged in the
18 response, because at a certain point it got to the
19 landing site so I knew it was there.

20 FURA, which is also Fuerzas Unidas Rapida
21 Accion, it is like a counterdrug fast response team that
22 the police department has, which they will, they have
23 several boats, but I don't know how many boats were
24 engaged in this one, I think one or two, maybe. They
25 were also there because, well I saw them on the landing

1 site at a certain point.

2 I do recall as well that the police department
3 was there. Social services, which is called family
4 department in Puerto Rico. Also Department of
5 Education, I think they reached at a certain point
6 there. I could be mistaken on that one.

7 I do recall the liaison officer and the
8 executive director for the Puerto Rico Company of
9 Tourism, they were at the landing site, they offered
10 their help. I also recall having the AMA, which is the
11 local boss company, Autoridad Metropolitana de Autobuses
12 in Spanish. He was there also, and he offered
13 assistance.

14 I remember -- he wasn't there, but he called me
15 offered his assistance which I ask him one vessel to be
16 brought from the east of Puerto Rico, Fajardo -- he was
17 the executive director of ATM, which is Autoridad de
18 Transporte Maritime, maritime transportation authority -
19 - he offered his resources, as well.

20 And at that particular point, when he called
21 me, I ask him for one asset specifically, it is K
22 vessel, it is a large passenger vessel that holds 600
23 passengers.

24 And the reason why I called for this service
25 specifically, or for this vessel is that it is the only

1 small passenger vessel in the AOR that I know of that
2 has a stern rescue platform sitting close to the water,
3 which is very accessible for lifeboats, especially for
4 life rafts.

5 My total intention was to bring them into play
6 assuming, presuming, knowing the Caribbean Fantasy were
7 under lifesaving capabilities that I may have several
8 life rafts in the water with victims on board. And
9 that's the best platform to recover those victims and
10 lower them on board the vessel.

11 Knowing now that there was 513 give or take
12 passengers on board, and 600 passenger vessel's
13 capability, for sure bring me that one. The estimated
14 transit between Fajardo and San Juan I will estimate is
15 between two hours, two hours and a half.

16 They made it in an hour and thirty minutes
17 which, when they reached into scene everybody was
18 already accounted for in terms of, there was nobody on
19 board. But they responded.

20 EMS, Emergency -- well, it is called Cuerpo de
21 Emergencias Medicas it is an emergency, medical
22 emergency services. Who else was there? At a certain
23 point, as well, it was requested the tug boats because I
24 -- somebody told me I can't remember who, I think it was
25 the command center, I could be mistaken, but I don't

1 think so. They called me to my mobile phone saying that
2 the vessel was without power, probably about to run
3 aground.

4 So I immediately contacted somebody from the
5 American Cruise Ferries there at the terminal. Nestor,
6 not Gonzales -- I am trying to remember. His first name
7 is Nestor -- I may recall further into the discussion,
8 I'm trying to remember. So I contacted him right away
9 and told him to get in contact with your agent and ask
10 him for a couple of tug boats to secure the vessel.

11 Who else was there, I mentioned fire
12 department, I mentioned police. CBP, ICE, HSI, I say,
13 HSI was there, Homeland Security Investigations. I
14 can't recall, as well -- who else PREMA Puerto Rico
15 Emergency Management Agency.

16 Red Cross, Red Cross did show up, I asked the
17 liaison officer for the State to conduct the mass -- to
18 bring portable toilets and water for the responders as I
19 assumed that it -- it may prolong the response time, and
20 the rescue time, so I was foreseeing myself like being
21 there for a while, so they did -- brought a food truck,
22 and they brought water.

23 The media was also there. We had issues with
24 the media because constantly they were crossing the
25 predetermined line between this is the hot zone, and

1 this is the media spot. And we had several issues with
2 media trying to cross over.

3 So I had to be very energetic sometimes with
4 the PREMA medial liaison to, you know, you know, make
5 sure that the media is in their place, and they don't
6 cross to the actual hot zone.

7 At a certain point I did request the State to -
8 - since there were a lot of fire department around,
9 firemen -- just to make a human line to prevent the
10 media to cross over and onlookers as well.

11 Puerto Rico Port Authorities, they were also
12 present. I did mention De Yama -- let me, I have a list
13 here that may help me out to remember who was also
14 there.

15 Oh, the Department of Health, they were
16 physically there as well, they, actually their liaison
17 officer offered the mobile hospital that they do have,
18 but just because there were not enough room to put a
19 mobile hospital, that is why I did recommend it to send
20 it to the passenger reception center, which they did.

21 Puerto Rico Electric Power Authority liaison
22 officer as well, he was there, Mr. Raphael Roman. And
23 that was the very first person I called to activate the
24 emergency tree. I think that's it. I hope I'm not
25 forgetting an agency. Of course Coast Guard they were

1 there -- we were there.

2 Q. Thank you.

3 A. You are welcome.

4 Q. You mentioned firefighter and we, throughout
5 this hearing we learned that there were firefighters
6 from Puerto Rico, from the State, that had, that were
7 put on board the Caribbean Fantasy.

8 A. Yes.

9 Q. By helicopter.

10 A. Yes.

11 Q. Were you aware of that, that they were put out
12 there on helicopter?

13 A. No, and I have to add to that specifically
14 question, I do recall a conversation between me and
15 PREMA chief, which is -- the person is no longer in the
16 position. He was also the fire chief, Mr. Crespo
17 (phonetic), and he did -- I know him for some time.

18 So he did ask me very energetic, like, "I'm
19 trying to put", and I quote, "I'm trying to put firemen,
20 the marine firefighter team that I do have, that they
21 were trained in Ft. Lauderdale and on board the ship,
22 but your captain and the ship captain doesn't allow me
23 to do it".

24 That specifically, at that specific moment I
25 did tell him that it was very impractical because I did

1 remember telling him this, and I quote, because I do
2 remember very well, "The ship captain is in substruction
3 mode, not in adding mode.

4 So he is trying to get persons off the vessel,
5 and not putting persons on the vessel. So you need to
6 follow the procedures. Because at this point the master
7 has total command on board the vessel. If he is going
8 to need, request from local fire department he is going
9 to let it know". So that was my statement to him. And
10 I was somewhat the same energetic the same way he was.

11 And moments after, which I can't remember how
12 much time passed after that conversation with me, I
13 overheard a conversation from somebody saying that the -
14 - there were fire department on board, fire men on
15 board, and they were asking for, just because the vessel
16 had no power, so there was no fire pump running.

17 And they were asking some kind of portable
18 water pump that they can bring on board so they can
19 start extinguishing the fire, or they can do their job.
20 And in that particular moment, I start asking myself
21 like who ordered them, or asked them to be placed on
22 board? I knew that it -- just because it is a -- for me
23 it is logic, in terms of that, there is no way our
24 helicopter would put them on board.

25 So I immediately assumed that it was the FURA

1 helicopter that put them on board. So, and I think I
2 got clarification during that, because they clarified me
3 that it wasn't our Coast Guard cutter, Coast Guard
4 helicopter which put them on board.

5 And just because they were on scene, on board
6 the vessel, and they were asking for specific resources,
7 well following the evolution as an emergency management
8 expert myself. So I did start asking who had portable
9 water pump to bring on board and happen to -- ATM had
10 one in their maintenance station across the bay, so we
11 start coordinating with the local assets, and I think
12 that it was the same fire department boat who went there
13 to pick up the fire pump.

14 And at a certain point when they reached back
15 the landing site I can't recall if the fire department
16 on board the vessel were asking to be taken out of the
17 vessel because they had identified that well, there is
18 pretty much that -- there is nothing we can do so far,
19 and so that they were asking for -- to be taken off
20 vessel, not to be rescued.

21 So all plans to bring the portable water pump
22 off their vessel, or using the Motor Vessel Caso Blanco,
23 the K vessel that I asked to be brought from Fajardo,
24 and they were already on scene to use as a mobile pump,
25 to provide water to the vessel, well that plan was also

1 dropped because now we were looking for to take off the
2 vessel the, that marine firefighter team from the
3 vessel.

4 Q. Thank you very much.

5 A. you are welcome.

6 Q. And while we are still in the on scene mode,
7 I'm just wondering if you can, in general, describe the
8 mood and the condition of the passengers as they came
9 ashore, were they in good spirits, panic, distress,
10 happy, just in general, what do you remember of that?

11 A. All I can say is that I didn't see, or saw any
12 happy faces. I had all the previous ones that you
13 mentioned all of them, people that were calm, but
14 worried, people that were in distress, people that were
15 in panic.

16 I had to intervene with some of these
17 passengers to assist as well, in the very early
18 beginnings for the very first wave until more members
19 showed up, and emergency management and rescuers, as
20 well to the landing site. Even our Public Information
21 Officer, Mr. Gastrolet, there is a very good picture of
22 him assisting a victim at the landing site, and helping
23 a woman out.

24 And she had, I could guess because of the way
25 she was limping, she had both of her ankles injured, and

1 he, he did a great job doing that.

2 But ah, yea, I in essence I saw most of the
3 passengers being some of them not panicked, but there
4 were also panicked. We had people that were in severe
5 stress, and shock. They were asking assistance for knee
6 injuries, elbow injuries, ankle injuries as well. There
7 was a pregnant woman on board that was also, needed to
8 be assisted. She came in one of the -- on one of our
9 boats, set aside, alone.

10 Yeah, but no happy faces at all. And it was a
11 certain point that in the very first wave that the way
12 that -- they were first accounted for by CBP where they
13 were kind of at the very beginning, just because
14 everybody was anxious and they were in stress all of us,
15 including myself, it is just normal in this type of
16 event for -- they were kind of hurrying the process,
17 trying to get it speed up, victims out of the boat, and
18 you are asking -- well give me the name, who are you
19 traveling with, you know. And I have to reach to one of
20 them, which I can't remember who of all of them, were,
21 like these are victims and they are emotionally
22 compromised, we need to, you know, treat the, a little
23 bit better.

24 So they follow, they follow and comply with
25 that. But just because we don't have a mass rescue

1 incident every day, it was like a learning experience to
2 almost everyone on there.

3 And even though we -- everybody -- we had
4 hiccups, we had issues, but it was magnificent at a
5 certain point that everyone there start working as a
6 team, as one. It's just because of that particular
7 addressing to them, like we need to work together.

8 And there was a person of HSI that helped me
9 out to do this, his name is Ebenezer, and just because
10 he had a bull horn around, he help us out to bring team
11 work action into play. So ...

12 Q. Thank you very much.

13 A. You are welcome.

14 Q. And while we are in the mindset of the
15 passengers and this mood, and how people were coming
16 ashore. I'm wondering, did you also see the crew coming
17 ashore in the same area? And if you can just comment,
18 generally, on what you saw with the crew.

19 A. I did recall seeing some crew getting into the
20 landing site. Most of the crew came on board of La
21 Decima which is the ATM ferry vessel that I asked them
22 to go. And they were recovered by a different vessel,
23 but they were transferred into actually this vessel, La
24 Decima. And as well La Carbarungo, which is the other T
25 boat from ATM as well.

1 So most of the crew and actually there is a
2 very good picture of La Decima loaded with crewmembers,
3 with -- donning their life jackets. There -- some of
4 them they were treated because of smoke inhalation --
5 some emotional issues, maybe, they were compromised.

6 But I did remember having most interaction with
7 the captain, with staff captain and the safety officer
8 at the landing site. Which they came, I think it was in
9 our helo, I don't know specifically which helicopter
10 they did landed.

11 But they were the last, and that is very good
12 to see that they were the last two, and they did
13 everything they had to do for the passengers. And
14 that's why I started asking him right away, first of
15 all, if they are okay. Of course they were, you know,
16 worried, of course.

17 But I started questioning to him like, did
18 everybody made it on board, the cabins were swept, that
19 type of information that I can get so I can provide the
20 liaison emergency response committee right there, as I
21 was constantly doing meeting sessions to provide status
22 report as I was being, receiving information from either
23 command center, from the vessels that were approaching
24 as I was constantly on and off from the command post
25 into the actual landing site, and back and forth.

1 And that was my only interaction with
2 crewmember, with safety officer, staff captain, and the
3 captain.

4 Q. Thank you.

5 A. You are welcome.

6 Q. And while we are on the subject of the crew,
7 was this your first interaction with these particular
8 crewmembers?

9 A. Yes.

10 Q. Okay.

11 A. Yes.

12 Q. Staying again with the landing area where
13 everyone came ashore, Pier Six, had you ever noticed
14 anyone with either some type of disability, or mobility
15 issues, or any type of impairment landed at that site?
16 And if you did, can you describe what you witnessed?

17 A. In terms of physical disabilities not that I
18 recall of. The only issue that I did witness is the
19 people with, victims with injuries, that was the only
20 one that I witnessed.

21 The, I still remember a couple of persons being
22 overweight in terms of that emergency responders had to
23 work hard just to take them off the boat. And the angle
24 of the attack of the ramp to leave the landing site of
25 the actual outside of the terminal is very steep. So it

1 took like a couple of men to help them out so we speed
2 up the process.

3 Other disabilities than that, I didn't recall
4 seeing another one.

5 Q. Thank you.

6 A. Welcome, you are welcome.

7 Q. Do you remember what the first vessel with
8 passengers, what that vessel was that arrived at the
9 landing site?

10 A. Yes, I do. It was a U.S. Coast Guard boat with
11 22 victims on board. The count I could be mistaken but
12 I am quite sure it was 22.

13 Q. And after that, what was the next one?

14 A. The next one was a lifeboat.

15 Q. A lifeboat?

16 A. Yes.

17 Q. Do you remember the number of the lifeboat?

18 A. No.

19 Q. Okay.

20 A. But if I go back reference to the pictures that
21 I took with my mobile phone, I may be able to zoom in to
22 see which one was.

23 Q. That's fine. And after that lifeboat was it
24 another lifeboat?

25 A. It could -- I don't remember.

1 Q. Okay.

2 A. It could be, it could be a Good Samaritan
3 vessel. It could be. But I can't say that I do
4 remember because I don't remember. And of course after
5 that there was the second lifeboat and several times I
6 saw our Coast Guard boat bring in victims as well. Like
7 three or four times, the total times that it arrived
8 back to the landing site I can't remember. But I still
9 remember seeing our Coast Guard boat arriving several
10 times, several times.

11 Q. Okay. You mentioned earlier, you were also a
12 marine inspector for the Coast Guard. And had you ever
13 worked on the Caribbean Fantasy in the past conducting
14 any type of inspection?

15 A. Yes, sir. Actually, I started doing
16 inspections in the Caribbean Fantasy when I started my
17 qualification for the foreign passenger vessel
18 qualification. And what we call in the Coast Guard my
19 check ride in that vessel in particular.

20 So estimating, I think I was a total of between
21 five or six times on board the vessel conducting
22 inspections. And I will have to say that just because I
23 was able to be part of the inspection process several
24 times, I knew the very components of that very same
25 vessel, from the engine room all the way up to the top

1 for the lifesaving devices.

2 I knew it was equipped with two MES's, with
3 twenty something life rafts, with three lifeboats, and I
4 can still remember most of the crewmembers by faces
5 because some of them didn't change ever since the vessel
6 showed up in Puerto Rico, I think it was in 2011.

7 Yes, I do remember, and we actually -- I
8 remember many, many inspections, and details of the
9 specific inspections. I still remember one inspection
10 we performed on this vessel after finding out they had a
11 fire in the battery banks and we had to perform two day,
12 after the failed the first day, transitional power test.

13 So I -- just because I was an inspector not
14 only for foreign passenger vessels, but also for
15 inspecting the Subchapter T & K, well, I know my fleet
16 well. And I know what I can count for, and I know what
17 resources to ask, that's why I did ask for those two T
18 boats in ATM, that K boat in Fajardo. And I knew pretty
19 much, kind of well, the Caribbean Fantasy from the
20 bottom all the way up.

21 Q. When was the last time that you remember being
22 on board the Caribbean Fantasy?

23 A. As an inspector, the week before. I -- we did
24 an inspection the week before.

25 Q. Okay.

1 A. We did an inspection the week before, yes, the
2 week before.

3 Q. Okay. Just in, are there any items from that
4 inspection that you remember? Any type of
5 deficiencies. If you don't remember that's fine.

6 A. Specifics, I'm trying to remember. But just to
7 be very specific in terms of every time that we
8 conducted an inspection on that vessel it always ended
9 in more than five to seven deficiencies. The basics
10 that I always remember is fire fightings. There were
11 also -- there were several times we issued more than one
12 the deficiency for Chapter 22 in SOLAS which is
13 firefighting.

14 Which I -- don't recall specifically on this
15 one, but it was normal for us as an inspector, knowing
16 that every time we have to conduct an inspection on this
17 vessel we were mentally prepared that we were going to
18 find issues.

19 I still recall not in this inspection, but from
20 a previous one that the fire control panel was not
21 accurate, with what they had on board. Every time that
22 we always conducted inspection on board this vessel,
23 there was always a representative from Baja Ferries, if
24 I am not mistaken, there was always a representative.
25 And sometimes even class was on board, just because, you

1 know they were expecting for us to issue deficiencies.

2 I still remember, one inspection, that I can
3 recall that we were about to finish the inspection, as I
4 am writing the deficiencies, one of our federal
5 inspectors was in the engine room, and he saw a piping
6 that was like bubbling, he scraped off the surface of
7 the piping, and it happened to be from the cooling water
8 of the generator.

9 So immediately after overheating the generator
10 shuts down. The second generator couldn't keep up the
11 load and the vessel went without power. So it ended in
12 a detention of the vessel. Which were, at that
13 particular point it was not being detained, so it opened
14 again the door to expand the inspection and to find more
15 issues.

16 But specific details of -- for that inspection
17 the week before, of the incident, well I will have to
18 say that we have to look for the Form B that was issued
19 specific details.

20 Q. Thank you.

21 A. You are welcome.

22 Q. The, staying to that. Had you witnessed a crew
23 drill during that inspection if you remember?

24 A. Yes, I did.

25 Q. Did you witness the boat being launched and

1 recovered?

2 A. Yes, I remember the port side life boat being
3 lowered, and tested. And I also requested to lower the
4 fast rescue boat, which they did. I did remember, as
5 well that the captain was there, physically, with me,
6 and I did recall that the captain asked me personally,
7 if he can call the rest of the crewmembers to witness on
8 how to lower both boats. Which of course we agreed to
9 it.

10 More than glad, of course, that thank you for
11 being proactive to bring your other crewmembers so they
12 can witness how this is done.

13 Q. At that time, when the boat was lowered and in
14 the water, did you notice how the crew had released the
15 hooks?

16 A. I am trying to remember, and as far as I do --
17 I could be wrong, but I think I kind of remember them
18 doing manually at a certain point. I can't be a hundred
19 percent sure because my memory, going back to the
20 specific details, well I can't remember. But I think
21 that I saw them doing manually.

22 I also still remember that it was somewhat
23 windy and they tried several times to, when they did the
24 recover back to hook them up to be raised up, the
25 lifeboat collided with the ship, and actually we felt

1 the shudder, because it was pretty much felt it.

2 And I also still remember the captain or the
3 staff captain trying to bring commands to the crewmember
4 that was piloting, and I think remember, I think I
5 remember it was the name Ricardo. And they were trying
6 to bring him commands how to do a better approach. And
7 that's when he slammed the lifeboat with the vessel.
8 When they hoisted up I checked the lifeboat and it had
9 no damage other than a dent mark.

10 Q. Thank you very much.

11 A. You are welcome.

12 Q. One question I do have as well, you mentioned
13 AOR, earlier, can you specify what AOR means?

14 A. Area of Responsibility.

15 Q. Area of Responsibility. Now back to the actual
16 landing site, did you witness what happened with
17 survival craft and the lifeboats after everyone was
18 landed ashore?

19 A. No.

20 Q. Okay.

21 A. At that particular moment I took a ride with
22 the Puerto Rico Port Authorities Liaison Officer, and he
23 took me to the landing site -- ah no, sorry -- to the
24 victim's -- passengers reception center.

25 Q. Okay.

1 A. So at that particular moment I lost sight of
2 lifeboats and the two or three life rafts that were
3 there.

4 Q. And just by your role, if you have any
5 knowledge of -- it was identified earlier that some of
6 the vessels that were on scene, some of the responding
7 vessels, I believe law enforcement, maybe a fire vessel
8 had communication difficulties with the Joseph Tezanos.
9 I understand you did not; you were not privy to that
10 communication on scene. But do you have any knowledge
11 of what type of communication equipment that those
12 particular vessels have?

13 A. I don't have any knowledge of what type of
14 communications they do have. But I do have information
15 that was shared with me, by one of the member in ATM the
16 facilities security officer, he did tell me that -- just
17 because he was on board of one of the vessels -- that
18 both of their captains were receiving calls from the
19 vessel on scene, I guess he means Tezanos. And they
20 were not answering, and he assumed/presumed that just
21 because the, well they have an issue with the English
22 language, that they can't communicate as fluent, or as
23 proficient as they should be.

24 So, and it was an issue. Not only for those
25 two specific vessels that I have knowledge of. But also

1 it was, at a certain point, from -- there was barriers
2 in communication at the landing site because some of the
3 responders they didn't speak English, and some of our
4 members that were there, they were speaking in English.

5 So, it happened that we had several members
6 from the Coast Guard that were there, that were capable
7 of speaking in Spanish and translate. But there were
8 also responders there that were fluent as well. So it
9 was like kind of balanced, I will use the correct term,
10 that it was a perfect balance in communications at the
11 landing site between languages.

12 Q. Thank you.

13 A. You are welcome.

14 Q. And my last question is, it appears that you
15 have, for all the tabletop, and the full-scale drills
16 there is, seems to be some lessons learned from that. I
17 am sure there are lessons learned from this particular
18 evolution as well.

19 And perhaps a document, which we will take
20 later. Just in general, what are some of the lessons
21 learned from this part accident?

22 A. The first one? Communications at all levels.
23 From the on scene coordination piece to the landing site,
24 from responders with the on scene coordinator, from the
25 landing site between agencies, I mean communications at

1 all different aspects in the process. It is always going
2 to be an area of improvement, always.

3 The second one, accountability process. In an
4 incident like this, and we were only talking about 511,
5 at that moment, there were between 513 according with the
6 manifest that we had 512.

7 But everybody doing accountability at the same
8 time, as you know, as you have several people counting
9 where we had different numbers. And I was trying to
10 corroborate numbers, everybody had a different number.

11 So at that particular point I kept doing
12 accountability, knowing that it gives me a level of
13 knowledge of where I am at in the rescue process. But it
14 was shown to be very impractical to several people doing
15 accountability, and accountability is a big one and
16 communications.

17 In terms of the coordination on scene, it is
18 vital, you know, that on scene coordinator is vital to
19 the evolution of the incident, because there is, there
20 has to be that coordination piece between the vessel on
21 scene coordinator and landing site to predetermine what
22 kind of victims we are going to receive, if they are
23 critically injured, if there are persons missing, so we
24 lacked that information at the landing site.

25 But we did the best that we can do. And I saw

1 very, very motivated responders to do whatever it needs,
2 it needs to be done to rescue and care for everyone,
3 including responders.

4 Transportation is also good lessons learned.
5 At that specific point, we didn't have any means of how
6 to transport, so it just came up to my idea to contact to
7 the Department of Transportation. Which I just
8 remembered it was there, and you asked me that previous
9 question before, so, the Department of Transportation,
10 local department of transportation and public works.

11 Which the bus company falls into, which is
12 called AMA Autoridad, Metropolitano de Autobuses. Which
13 just because they were pretty much nearby, you know, I
14 could, I was able to ask for transportation from the bus
15 company, and they were expediting transportation right
16 away.

17 Those were the main components that I can
18 mention. And of course practicing, planning, mass rescue
19 incidents. Practicing, planning, executing, training it
20 has to be done, It has to be done. And given to the fact
21 like I said before, mass rescues will be different any
22 time.

23 There is no way you are going to have the same
24 incident in the same situation like that one, from the
25 one before. Each mass rescue is going to be a different,

1 different incident. The elements will be the same, but
2 the emergency will be different.

3 Q. Well Mr. Morgado --

4 A. Yes.

5 Q. -- thank you very much. That's all the
6 question I have.

7 A. You are very welcome.

8 **WITNESS**

9 **MR. JOEL MORGADO**

10 **EXAMINATION**

11 CDR CAPELLI: Good afternoon Commander Mike
12 Capelli with the U.S. Coast Guard.

13 THE WITNESS: Good afternoon, sir.

14 BY CDR CAPELLI:

15 Q. You said you were on the inspection team for
16 the Caribbean Fantasy.

17 A. Yes.

18 Q. What was your role on that inspection team?

19 A. I was assigned to team one, which is the
20 documentation and licenses. Also, as well, by checking
21 the bridge, the components of the bridge, the equipment,
22 I was assigned to that specifically. And I also, as
23 well, witnessed the evolution of the, the plan of the
24 lifeboat.

25 Q. So you are a qualified Port State Control

1 examiner?

2 A. Yes.

3 Q. And how did you -- when did you first get your
4 Port State Control Examiner qualification and what was
5 that process?

6 A. The Port State Control Examiner, actually I
7 have my qualifications here, I have to look for a
8 specific date, I kind of recall it was in 2015, if you
9 give me just a second I can real quick check to give you
10 a specific date.

11 (Brief pause.)

12 A. I am not sure it is in here, I apologize, it is
13 taking some time for me to get it. So, I am not sure I'm
14 going to find it here.

15 Q. Take your time. Doesn't have to be exact
16 because we can --

17 A. Oh okay, okay, yes.

18 Q. -- so ..

19 A. Yeah, I can provide the documentation; I know I
20 have it here someplace, 2015.

21 Q. 2015?

22 A. Yes, exact date I don't know, I was looking for
23 the exact date, I know that letter is in here, but yes it
24 was in 2015.

25 Q. And that is for all foreign vessels?

1 A. Yes.

2 Q. Or any type, any specific types of foreign
3 vessels that you have been qualified --

4 A. Well, examiner is more like an assisting
5 person. I did got my foreign freight qual, I think that
6 very same year later. And the foreign passenger vessel
7 on 2016.

8 Q. Okay. And it sounds like you are involved with
9 planning --

10 A. Say again?

11 Q. You are -- it sounds like you are involved with
12 planning, it sounds like you do some inspections, and
13 then it looks like you are -- have some response
14 knowledge. Which department do you actually work in?

15 A. I work in prevention, my billet is assigned to
16 prevention, the passenger vessel safety program is also,
17 in each district it is assigned to prevention. With the
18 exception of District 7 which is in planning.

19 Q. Why did you get your passenger vessel
20 inspection qualification?

21 A. When I joined the Coast Guard in 2009, July
22 20th, to be more specific, there was Commander Kalas-
23 Torres, assigned to prevention. And I was, as I was
24 discussing with him his objectives and expectations with
25 me, and he was reading to my job descriptions and he was

1 specifically getting to the details of like promoting
2 safety, talking with industry.

3 And he said that well, the best way that you
4 can promote vessel safety is for you to understand how
5 the vessel works, and what is required.

6 So you can teach the industry to the very
7 essence of what a vessel it is, from, not only from a
8 machinery side, from what competency for the crewmember
9 is, so you are you is going to inspection school. I want
10 you to fully be qualified, be fully qualified in all what
11 it means from passenger vessel, and that's how I got
12 involved into the inspection side.

13 So, I was able to combine the planning, the
14 inspection, and the actual response of my previous
15 background as an emergency management specialist.

16 Q. Excellent, thank you very much. You had
17 mentioned you had some lessons learned; that you told us
18 about, have those lessons learned already changed the
19 mass rescue plan?

20 A. Yes.

21 Q. Or do you have suggested changes for the
22 future?

23 A. Yes, it has. Actually I was part of the team
24 that was putting together the After Action Report, and I
25 provided all my input regarding the overall of my

1 experience as a planner, as an emergency management
2 specialist, and all the lessons learned can be captured.

3 Actually, one of the actions that I know is
4 going to be in there is the creation of a team that can
5 support me. And the After Action Report, I think is out
6 this very same week, or the week before, or last week,
7 and I already have created the team and I am training
8 them just before the After Action Report is even out.

9 So I, and actually, I amend the mass rescue
10 plan the week after the Caribbean Fantasy incident. I
11 don't wait until there is something out to make me do a
12 change if I consider that it is a very good practice or a
13 very good recommendation to do. So I, that's why when
14 Mr. Bowling asked for my mass rescue plan, he noticed
15 right away that it was amended after the Caribbean
16 Fantasy issue.

17 He asked me why. And my response to him is
18 that we can have a mass rescue the day after. So there
19 is means, there is no reason for me to wait until
20 something is out so I can improve the plan. The plan is
21 a breathing document that has to be amended constantly.
22 There is always changes, not only in Coast Guard terms,
23 but also in the emergency response.

24 And just because this happened last year, where
25 there has been an election in Puerto Rico, general

1 BY MR. RODRIGUEZ-BIRD:

2 Q. Good afternoon Mr. Morgado.

3 A. Good afternoon, sir.

4 Q. The Carbarunga and La Decima are ferry boats,
5 right? Passenger ferry vessel?

6 A. That is correct, sir.

7 Q. That trade between Cabanyo, and San Juan?

8 A. That's correct.

9 Q. And did I understood correctly the procedure;
10 the proper Coast Guard procedure to release the Form C-
11 835 would have required that you went back to the vessels
12 to verify that the items were repaired?

13 A. That is correct, and it was scheduled to be
14 happening that very same day, in the morning.

15 Q. In this case, you deviated from the procedure
16 to adapt to the emergency, and respond to the emergency,
17 right?

18 A. That is correct, and also knowing that the
19 deficiencies that were existing at that time on the
20 vessel, it was not an immediate threat to the persons on
21 board the vessel.

22 Q. Right, but you deviated from the normal
23 procedure to respond to the emergency.

24 A. That is correct, sir.

25 Q. Okay, that's all.

1 CDR CAPELLI: Thank you.

2 THE WITNESS: You are welcome.

3 CDR CAPELLI: Does anyone have any further
4 questions?

5 MR. BOWLING: I do Commander Capelli. Please
6 hang on to the mic because you will have to make a
7 decision here. But, I have several questions for the
8 witness, but Mr. Yets and I have been kind of doing a
9 little sidebar here.

10 The witness had indicated that a crewmember was
11 serving as a lifeboat commander and I believe he had
12 indicated lifeboat number two and individual who was the
13 third officer by the name of Ricardo, I believe his last
14 name is Campbell.

15 And I would like to bring up a photo, and I
16 don't know if it is in the exhibit list or not, I don't
17 think it is. And ask the witness to verify that he is
18 talking about the same individual, because there is a
19 discrepancy with -- I believe there is a discrepancy with
20 what the lifeboat, the individual is assigned to, versus
21 the one the witness had indicated he was operating on the
22 last Port State Control exam. The image I am looking for
23 is image 1893. And it --

24 CDR CAPELLI: Okay, let's take a quick recess
25 so that we can make sure we can pull up what we want.

1 The time is 1551.

2 MR. BOWLING: Thank you.

3 (Whereupon a brief recess was taken from 1551 --
4 160832.)

5 CDR CAPELLI: Good afternoon the time is 1608
6 we will reconvene. We are -- I'd like to remind you Mr.
7 Morgado that you are still under oath.

8 THE WITNESS: Yes.

9 **WITNESS**

10 **MR. JOEL MORGADO**

11 **EXAMINATION**

12 BY CDR CAPELLI:

13 Q. When we recessed, we were speaking about you
14 had heard that somebody was driving the boat when it
15 collided with the Caribbean Fantasy, can you describe
16 that, what you had heard again?

17 A. Yes, I recall hearing over the radio, because
18 they were providing instructions to this person which was
19 still in the boat, Ricardo, Ricardo, Ricardo several
20 times, so I know his first name is Ricardo, I don't know
21 his last name. And I don't know who it can be, but I
22 know he was called Ricardo.

23 Q. Okay, when you do your examinations do you
24 verify that the person who is operating the vessels are
25 in accordance with their safety positions?

1 A. No.

2 Q. Okay.

3 A. Unless I have (inaudible few words), but in
4 that particular moment I did not.

5 Q. Okay. So you don't know his, Mass rescue.
6 Ricardo personally?

7 A. No, well I know a Ricardo that is usually is
8 assigned to the bridge, but I don't know if this is the
9 same person. All I know that his name was being called
10 Ricardo. But no last name, or no face to the person that
11 was driving the boat that day.

12 Q. Okay, thank you very much.

13 A. You are welcome.

14 CDR CAPELLI: Okay, I am going to pass the
15 floor over to Mr. Larry Bowling.

16 **WITNESS**

17 **MR. JOEL MORGADO**

18 **EXAMINATION**

19 BY MR. BOWLING:

20 Q. Thank you. Mr. Morgado these will be quick
21 questions. Through some of your statement and testimony
22 today, you talk about the 911 system. If I use the term
23 Computer Assisted, or Computer Aided Dispatch, CAD, are
24 you familiar with that term?

25 A. I do, I am familiar.

1 Q. And do you know within San Juan who would
2 maintain those records? For example the -- for the
3 August 17th, 2016 for the event that relates to the
4 Caribbean Fantasy, where the investigators would go to
5 get that particular record?

6 A. The 911 is a government owned and operated
7 entity, organization, agency. Yes, I do understand that
8 they should have any copies, or at least the transcript
9 everything is recorded, everything is kept. I don't know
10 the terms of how long. But yes, and they do have the CAD
11 system there, they have talked to this before in other
12 exercises.

13 Q. Okay, are you familiar with a point of contact
14 that we would use to get those records?

15 A. I was, but we had a change in the government in
16 January the second of this year. And in essence, most of
17 the liaison officers and agency heads are being changed.

18 So I am in the process, actually, as part of my
19 continuity to start building again, some of those
20 contacts that I lost, or they did retire, or they -- just
21 because some of these positions are political, trust
22 based positions, so there is someone else in the position
23 now. So I am in the process again, to start building
24 relationships, and start communicating with these people
25 again.

1 Q. Okay, thank you, we will track, try and track
2 that that down..

3 A. You are more than welcome.

4 Q. My last question is, you -- I think Mr. Tucker
5 was asking you questions, and you responded about the
6 incident, where there was some shore side discussion with
7 an individual related to the firefighters being landed
8 onto the Caribbean Fantasy. Can you tell me, exactly who
9 that individual was again, and spell his last name and
10 his official position?

11 A. He is -- sure, his name was Mr. Angel Crespo,
12 Angel, and the last name is C-R-E-S-P-O. He was the head
13 of PREMA and fire department; he was doing both positions
14 at the same time. He did ask me that at a point, at the
15 landing site, yes.

16 Q. Okay, thank you very much.

17 A. You are welcome.

18 Q. That's all I have Commander Capelli, thank you.

19 CDR CAPELLI: Okay, like before, does Panama
20 have any more questions for the witness?

21 MR. ARENAS: We have no questions.

22 CDR CAPELLI: No questions. Does Baja Ferries
23 have any further questions for the witness?

24 MR. RODRIGUEZ-BIRD: No questions, thank you.

25 CDR CAPELLI: Baja Ferries no questions for the

1 witness. You are now released as a witness at this
2 hearing, thank you for your testimony and cooperation.
3 If I later determine that we need additional information
4 from you, I will contact you through your counsel.

5 If you have any questions about this
6 investigation you may contact the recorder, Lieutenant
7 J.G. Diaz-Colon, thank you very much.

8 THE WITNESS: Thank you very much as well board
9 members.

10 CDR CAPELLI: The time is 1613 and we will
11 reconvene tomorrow at 0800.

12 THE WITNESS: Thank you.

13 (At 1614 off the record.)

14

15

CERTIFICATION

This certificate is valid only for a transcript accompanied by my original required signature on this page.

I hereby certify that the proceedings in the matter of the Formal Investigation of the Caribbean Fantasy Marine Casualty, heard in the Hilton Caribe, San Juan, Puerto Rico, Thursday March 23, 2017, were recorded by means of audiotape.

I further certify that, to the best of my knowledge and belief, page numbers one to one hundred eighty-six constitute a complete and accurate transcript of the proceedings as transcribed by me.

I further certify that I am neither a relative to nor an employee of any attorney or party herein, and that I have no interest in the outcome of this case.

In witness whereof, I have affixed my signature this 25th day of April, 2017.



Sally S. Gessner, Court Reporter