



## National Transportation Safety Board

Washington, D.C. 20594  
Office of Marine Safety

### Interview Summary – DCA16PM008

---

**Interview of:** Phil Powell, Captain/owner of fishing vessel Foxy Lady

**Date/Time:** December 10, 2015 1543 to 1730

**Location:** Coast Guard station Gloucester

**Interviewed by:** [REDACTED] – NTSB, [REDACTED] – USCG, [REDACTED] – USCG,  
[REDACTED] - USCG

**Case:** Sinking of fishing vessel Orin C

---

Owner of gillnetter Foxy Lady. 31 years as captain goes fishing 6 days per week, leaves about 0300 and is back in Gloucester about 1430. Draws line with weather at 40 knots of wind. 45 foot Canadian built hull Nova Scotia boat with fiberglass hull. Was fishing Pollock and Monkfish. Gets up about 0130 every morning. Goes to bed about 1900.

Other crew member on board is Jessie. Does computer entries for NMFS and steams about 2.5 hours to the fishing grounds at about 8.5 knots. Foxy Lady can do about 9 knots.

On the day of accident, it was a normal day. Was on the way home about 0930 because they knew the weather was coming. Got 2 calls from Orin C over radio. Answered back, and was told they had water in the oil. Told the Orin C he would come and get them.

Foxy Lady had ground fish on board, and Orin C was in closed area and so Foxy Lady called coast guard to get permission to go through area. Coast guard made Orin C contact them on channel 16 for size, color and superstructure. Foxy Lady was free to transit area as long as not fishing. Foxy Lady told them he could not maintain hull speed through area. Orin C was about 16-17 miles from him at the time. Got to Orin C about 1135. He saw the bow which had no chocks and only bow bit. That is no way to tow a boat. Tow post on Orin C was 5-6 feet back from bow with bow stem sticking up which is no way to line up for tow. Back deck of Orin C was awash. Seas hit Orin C coming all the way up the back deck. Orin C had vats on deck and the wash from the sea was coming to the vats. Crew member on Foxy Lady put together lines to tie to him for tow. Started tow, soon after the rope parted. Rope was 3-4 feet across deck Orin C which chafed. Retied rope. Rick on Orin C took rubber and duct tape and wrapped it. Tow went ok.

Orin C crew got out of rain gear. Rope parted again. Red hose and duct tape used to wrap the rope. They parted off about 4 times. Each time parted the rope was shortened and they had to remake new bridle. They chafed through all ropes. Destroyed all ropes from Foxy Lady. Had 2-inch poly rope and put rain gear around it with duct tape and started towed again. Then the line parted from the Foxy Lady stern - bridle main line parted off on their end. They retied and kept Orin C in tow. At that time, they were 23 miles from dock. Originally picked up Orin C about 36 miles from dock. At 23 miles, tow was good. Then a wave came out of nowhere. Hit Orin C on the bow - right on bow and two front center windows got pushed in and visor peeled back. The wood was flipped up from the wave and wind - opened roof. At that exact time, Phil called coast guard Gloucester and let them know of situation and requested

assistance. He was also in communication with sector Boston for hourly position. At start of tow, he notified Boston that Orin C was without power and was on battery only. Along the way, he spoke with Dave and told him to check bow bit to check strain on bow post. Dave said it was holding fine. There was no water on board at that time.

Boston said cutter would be 1.5 hours with and was a 47-foot boat. When the 47 arrived on scene it went to Orin C to put pump on board. The Orin C was getting heavier which made it harder to tow. Crew on Orin C could not check the lazarette because the deck was awash on the Orin C. Each time the rope parted, Rick Palmer went up to reattach. The other crew member was only seen once on deck and never saw him again. Rick did everything on deck and got a wave over him once but he stayed.

With the 47 on scene, they came down the Orin C's starboard side and attempted to throw ball lanyard to the Orin C. They missed a few shots. The Orin C had a davit sticking out on starboard side. Phil didn't know why 47 went at that angle but thought maybe concern for the davit. The 47 finally got the pump to the Orin C. 47 contacted Foxy Lady that they would take over tow. From there, Phil thought all was well. The pump on the Orin C and the pump was pumping. He heard water was in engine room but below the oil pan. He got the pump working but heard over radio that it got clogged. He heard the coxswain tell the Orin C how to get pump back working and that it was too dangerous to put a Coast Guard person on board. Dave was having a hard time to get pump working. It was clogged and hard to get primed. Batteries were getting weak on Orin C. Don't know how long batteries worked but it was since 0930. Foxy Lady went back to port and off loaded.

Phil told Dave not to fuck around and get survival gear on - don't mess around about 30 minutes before. Coxswain, said over the radio that was there for the 3 guys and not the boat. Some communications on radio was from Rick who was helping all guys get gear on. All of them went to back deck to jump in water. The starboard rail went under water. From that point, Phil heard no more radio communications. He thought they were rescued. The next day at 0600, crew member called him with the news of Dave's passing. He also got a call from Dave's wife. Got coffee and then came to coast guard station Gloucester.

Phil knew Dave from slime eel fishery. Met him about a year ago at auction. Came there with uncle and knew uncle for about 30 years. Dave was running boat for Joe Edelstien. Joe bought boat from Lou Williams. Lou or Joe would know more about boat. Lou had boat for a while. Sold it to Joe for about 20K. Boat sat at dock for a while but does not recall how long. Joe lives in Beverly. Dave was running boat for him. Joe owned boat but don't know any more details what was going on between Joe and Dave.

Slime eel – hag fish. Not many people do it. They smell bad. Meant for Korean market where they use skins for leather. Normally for fishing, they use 50 gal drums with bait. Eels go into drums for the bait and cannot escape. Vats on deck are about 4.5 to 5 feet square in diameter. Dave had ice on deck and 3 barrels of bait on the starboard side. He wished Dave would have kicked them overboard to lighten up the laden boat. About 1130 Dave told him he pumped the Orin C's tanks and they were empty. He shoveled ice on the fish. Below deck was a lobster tank. Had plumbing and piping for circulation of water and O2.

Not aware of any sister boats. Lou would know. It is a Chesapeake boat.

Dave knew the Foxy Lady was out nearby when he ran into problems. Normally they passed each other heading east. He was good friends with Jessie who was a crew member of the Foxy Lady. Were friends

for a long time. The day of the accident, they did not pass each other. Not many people would come and tow him.

Rick, who was a crew member from Orin C was on deck and Phil chatted with him while he was out there. They knew the wind was coming down. Both vessels were on VHF 22 all the time. Dave knew weather was coming down, Phil thought maybe he had to squeeze in another haul to pay his apartment. Phil heard that from office secretary Dani at Cape Ann seafood exchange. They all offload there.

The morning of the accident, the wind was 5 to 10 they cranked through all 4 strings and were done about 0920. Winds were fair and calm. The Foxy Lady was steaming for home. Phil had plans for the day. Dave called and asked for tow. Phil said he can't leave him out there so he made a decision to go get him. Dave called him about 0930. Foxy Lady was about 2 miles from closure line. Phil called coast guard right after because he didn't want a violation. Was on a GPS tracking box from NOAA. About 1000, told Boston he was on a tracking box.

Phil thought Boston was monitoring on the Foxy Lady from the tracking system. Dave did not have the same system. Fishery did not require that.

Boat was always Orin C. Never changed name. Bought from Point Judith. When Lou sold boat to Joe, there was a leak at stern near propeller. Lou showed him where the leak was. One time Dave hit 10-pound island. Dave left bar with crew member asleep in bunk and damaged the bow stem. A big crack was visible. The boat was hauled up to Gloucester railways and he thought Cape Ann seafood exchange financed the repairs to the boat. 4 feet down from peak of bow, big hunk of wood sticking off side Orin C. The keel was repaired at Gloucester Railway but not the bow stem. Part of the keel was hanging straight down. He wondered why Dave was not drug tested. Don't understand how they hit 10-pound island. Whole keel was hanging down straight under the water. Not sure when that happened. Dave's girlfriend worked at the bar where he was at. Damage required the boat to be pulled out.

The Orin C was old and was not well kept. Dave was not a maintenance person. If the repairs for the 10-pound island grounding didn't happen, the boat would not have been painted. Dave lived check to check. Dave also hit 10-pound island another time with steel boat. 10-pound island is outside the harbor on the left side. You can see it in the Perfect Storm movie. Saw boat high and dry on the opposite side of the island. He heard \$35K damage estimated.

Orin C had water in the oil the day of the accident. Phil was told the oil cooler let go which didn't make sense. He knows engines and don't know what happened. Oil pressure higher than expansion tank 35 to 50 pounds on tank and 7 pounds on cap. Dave told Phil there was not enough oil on the boat to change the oil out -- seemed peculiar. Dave could have taken expansion tank cap off and could have steamed home. Thinks the engine was a Detroit which was just rebuilt. He thinks it was also financed through Cape Ann Seafood. Orin C was a single propeller boat. Saw boat only once out of water when Lou had it.

Got Foxy Lady got on scene they rigged the tow. Orin C's tow post was 5 feet back from bow. The problem was, he kept fighting the port side. The Orin C would always fall off on port side and the rope would go right down deck. Foxy Lady steered off to port and fought off the port side. Thought Dave was trying to avoid the bow stem.

The Orin C did not have any chocks. He never saw a boat without chocks. There is so much strain on the rope without a chock. Without a chock, the boat was veering off. Thinks Dave was concerned with bow

stem. Rope would go to the bow stem but never went to port side. It was always on the starboard side. Each time strands popped on each rope. Rick on Orin C tried multiple times to wrap the rope with duct tape but each time was torn off. Originally they used nylon rope. They were to ropes made for the Foxy Lady. Phil had used them previously to tow his boat back.

He did not know if Orin C had a generator or not. On his boat, Foxy Lady had only batteries. He noted the tracking box sucked down a lot of power.

Phil took 15 second video with his phone during the day. Thinks Jessie took pictures. Rick has a whole pile of pictures but don't know exactly what. Phil gave video to local news-paper. They were supportive of him in the past with some issues with NOAA and lots of violations with him and the auction and a lot of local fishermen.

The next morning Phil saw Rick at Roses (store). Said to Rick "you're the guy on the bow of the boat. What went on? All was fine when we left. All three of you were in your survival suits". Rick told him Dave was final person out of water. He was unconscious in the water. He thought it was a heart attack. Rick said there was no water in the lungs. Rick thanked him for coming out.

Description of wave that damaged Orin C: They came out of 100 fathom of water into 50 fathoms. He thinks the wave was sharper. They got a double with one and then another fetching up behind it. He was hit with the same but boat took it. Phil had something similar happen to him on an occasion with windows blown out in his boat which resulted in an injury.

Damage to the Orin C: Looking at the boat from the bow, they had a break in the plywood from the wave damage. The top visor of the wheelhouse  $\frac{3}{4}$  plywood lifted up and went back. Phil spoke with Dave who said he got the damaged areas sealed up. He didn't mention where the water was coming from.

Questions from CG:

Fuel contamination? They all got fuel from Cape Ann. Fuel supplier had tanks redone and relined and there was no debris in the fuel.

Have you been on the boat? Yes, once but only on deck not below.

Not sure who owned the Orin C but thinks Dave was the owner operator of the OC.

Not familiar with how the engine room was set up. Lou would know. He had that boat for quite a while.

Crew got wet with damage. Had to change their clothes out.

He heard the P6 pump was running from Dave on the radio.

The Orin C's tanks were stuffed and full of eels. Initially Dave told Phil the tanks were empty but heard later they were full.

Weather conditions - 8 feet and building when he got to the Orin C. Wind was a little bit out of the NW which he referred to the winds as the Portland Express.

47 arrived on scene about 2 hours after Phil called the coast guard for help.

Thinks Orin C was capable of doing 7 to 8 knots. Don't know exact speed though.

Foxy Lady departed the scene about 30 minutes after 47 arrived.

Phil saw there was one wave that came completely over the rails and soaked Rick on the Orin C. Thinks Rick was tying things down; might have been tying vats. Rick was in oil skins with no rain jacket. Orin C was broadside a few times and the waves went right over it.

Orin C had an open stern. He does not know if there was a step up to the pilot house.

Big wave hit about 1530/1545. Just before dark. Phil got on radio with the Coast Guard immediately after that happened.

Foxy Lady was towing Orin C into the seas. He could not use the autopilot because Orin C was pulling on the port side. When it became dark, he kept the OC into the sea at about 1.5 knots. Kept him into the wind.

Dave was heavy smoker. Big burly guy.

After hitting 10-pound, he thought the Orin C was hauled up immediately because if not, it would have sunk at the dock.

Whole bow stem on Orin C was wood. Tow post was stainless steel.

Phil did not ask Dave to steer behind him. He assumed he was already because he saw him in the pilot house.

When the large wave hit, they had a mix of poly and nylon that had been tied together from the previous partings. They used a rain jacketed and duct tape but the deck chafed through that. The yellow stuff parted strand by strand.

Can't put time line on when Dave reported water on board. So much stuff going on.

With respect to water depths in reference to engine room. Oil pan and dip stick. Typical oil pan about 2.5 feet off deck. But not familiar with that boat. The Orin C had skinny keel.

Phil thought the crew were new to the Orin C. One with perhaps second trip on boat. He knew Rick was a seasoned fisherman. He did not know Travis (the other crew member on Orin C).

The aft deck of the Orin C was awash most of the time. The Orin C was an open bilge boat; if water in the back it works its way forward. He does not think they opened any aft deck hatch because the deck was always awash. Later on Orin C was harder to tow. Foxy Lady was doing 1100 RPM. He was afraid of blowing head gasket and transmission if he did more. 190 to 195 on water temp. 200 PSI on tranny.

Damage to Foxy Lady? Port side aluminum light fence damage and crack at base of stern about 8 inches. Damage was from ropes and heeling over to port side.

Phil has towed boats before. Thinks he has towed 10 boats. Orin C was too heavy to tow at the end. Orin C was 51 feet but skinnier than Foxy Lady. Foxy Lady is about 25 tones without fish and fuel on board. The Orin C was towing way too hard. Normally Phil helps out towing other vessels when they break down. Some with engine problems and others with netting in the prop. Remembered a blown head gasket on his boat from one tow.

Trim of the Orin C? Couldn't tell. Rolling a lot from side to side. Thought that the seas got smaller at the 23-mile point. It was worse further out. Tide was changing and incoming in the afternoon. When wave hit, there was nothing he could do about it.

There was no indication from Dave regarding how long he was disabled. Ricky did everything on deck. The other kid, he only saw him once on deck.

The Coast Guard cutter guys did everything they were taught to do. That davit sticking out was one of the reasons the 47 could not get closer to throw the rope. From the other side, they would have been throwing into the wind.

The crew of the Orin C did not want to go past the last vat heading aft because the deck was awash beyond that.

Phil thought it took about 10 to 15 minutes to get the pump to the Orin C. He heard the 47 communicating with the Orin C. Orin C was also clear on VHF. 47 asked Dave what he had on the bow to hook onto.

Not sure where the crew were throwing the heaving line to. Has seen the 47 and helicopter in Gloucester harbor doing drills - pulling the dummy out of the water.

Dave didn't take care of the boat and the Jessie agreed with him. None of the slime eel boats are in the best condition. They are typically rigged from another kind of fishery.

Interview concluded 1730