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US COAST GUARD HEARING

TALL SHIP HMS BOUNTY

FEBRUARY 12, 2013 – MARCH 7, 2013

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1

1 COMMANDER KEVIN CARROLL: This hearing will come to order, the record will show
2 that this hearing was called to order at 09:00 on February 12th, 2013, and is being held at
3 the Renaissance Hotel in Portsmouth Virginia. Good morning ladies and gentlemen, I am
4 Commander Kevin Carroll, Chief of the Inspections Investigations Branch of the 5th Coast
5 Guard District. I have been directed to serve as Investigating Officer for this one person
6 formal investigation which was convened by the Commander of the 5th Coast Guard
7 District, Rear Admiral Steven H. Ratti. The investigation is convened under the authority
8 of 46 United States Code 6301, and 46 code of Federal Regulations Part 4, to investigate
9 the circumstances involving the sinking of the vessel Bounty, and subsequent presumed
10 death of the vessel's Master and the death of one crew member, which occurred on
11 October 29th, 2012 approximately 90 miles off the coast of Cape Hatteras, North
12 Carolina. I will conduct this investigation under the rules in 46 CFR Part 4. This
13 investigation is intended to determine the cause of the casualty, and the responsibility
14 therefore to the fullest extent possible, and to obtain information for the purpose of
15 preventing or reducing the effects of similar casualties in the future. This investigation is
16 also intended to determine whether there is any evidence that any incompetence,
17 misconduct, or willful violation of the law on the part of any licensed Officer, pilot, seaman,
18 employee, owner, or agent of such owner of any vessel involved, any Officer of the Coast
19 Guard, or the other Officer or employee of the United States, or any person caused or
20 contributed to the cause of this casualty. Or whether there is any evidence that any act
21 was committed in violation of any provisions of the U.S. Code or the regulations issued
22 there under. I am also empowered to recognize any commendable actions by persons
23 involved and to make appropriate recommendations in this regard. The results of my

1 investigations is subject to the final review and approval of the Commandant of the United
2 States Coast Guard. All parties are reminded that this hearing will examine the events
3 leading to the sinking of the vessel Bounty, and subsequent presumed death of the
4 Master and the death of one crew member. For the purpose of this hearing, the words
5 vessel, or boat, will refer to the vessel Bounty unless otherwise noted. All witnesses
6 called to testify during this hearing will be examined under oath or affirmation. When
7 testifying, the witness is subject to the Federal Laws and penalties for perjury for making
8 false statements under 18 United States Code 1001. Witnesses who are not parties of
9 interest will be excluded from the hearing room when not testifying. All parties who are of
10 interest have a statutory right to employ council to represent them, to cross examine
11 witnesses, and to have witnesses called on their behalf. Witnesses who are not parties of
12 interest may be advised by their council concerning their rights, however such council
13 may not examine or cross examine other witnesses or otherwise participate. A party of
14 interest is an individual or organization or other entity that under the existing evidence or
15 because of his or her position may have been responsible for or contributed to the
16 casualty. A party of interest may also be an individual, organization, or other entity having
17 a direct interest in the investigation and demonstrating the potential for contributing
18 significantly to the completeness of the investigation or otherwise enhancing the safety of
19 life or property at sea through participation as a party of interest. The following individuals
20 and firms have been designated as parties of interest: HMS Bounty Organization LLC,
21 Harry and Claudee Christian as the legal representatives of Claudee Christian, and John
22 Svendsen Cheif Mate of Bounty. At this time I ask for the appearances from the parties of
23 interest and their council, starting with HMS Bounty please.

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LEONARD LANGER: Leonard Langer, council for HMS Bounty.

FRANK EMERZINO: 548 West Jefferson Turnpike, Smithtown, New York for HMS
Bounty LLC.

(Foreign Voice)

JAY BOLTON: Jay Bolton, advisor to council.

JOHN SVENDSEN: John Svendsen

COMMANDER KEVIN CARROLL: Thank you. These proceedings are open to the public and the media. I would like to request the cooperation of all persons present to minimize any disruptive influence on the proceedings in general, and on the witnesses in particular. Smoking will be prohibited. The audience is asked to ensure that your cell phones and other electrical devices do not disturb the proceedings, I'll pause for a moment while everyone places their phone in the off or vibrate silent function. You are each also asked to refrain from departing or entering a room except during periods of recess. Flash photography will be permitted during the opening statement and during recess periods only. There are two television cameras in the room, and only two. Cameras must remain stationary and not interfere with the hearing. The members of the press are of course welcome, an area has been set aside for your use during the proceedings. The news

1 media may question the witnesses considering their testimony that they have given after I
2 release them. I ask that such interviews be conducted outside of this room. Lieutenant
3 Michael Patterson is the 5th District External Affairs Officer, he is this investigation body's
4 spokesperson, any questions regarding or the direct investigation team will go to him.
5 The sources of information into which this investigation will require are varied. The Coast
6 Guard has made attempts to locate every available piece of information pertinent to this
7 casualty. This board will hear all such evidence. Should any person have, or believe he
8 or she has information not yet induced that may be of direct significance I urge that
9 person to communicate with the recorder Lieutenant Commander Nicholas Parham, Nick
10 please raise your hand thank you, see him if you would like to add something to the
11 record. At this time I'd like everybody to please rise and join me in a moment of silence
12 for those persons who lost their lives as a result of this casualty. Thank you. This
13 concludes my opening statement. My opening statement will be delivered each day, the
14 reason for this is to anybody else who was not present the day before, but also to
15 recenter ourselves on the importance and the mission of this investigation. To determine
16 a cause, to prevent it from happening again, that is the mission of this investigation. At
17 this time I would like to introduce the Coast Guard members serving as part of the
18 investigation team. The officer to my right is Lieutenant Commander Andrew Brant, he is
19 serving as legal advisor for this investigation. The officer to my left is Lieutenant Charles
20 Malore he is the assistant investigator to this case and he is from U.S. Coast Guard
21 Sector North Carolina. Over there to my right is Lieutenant Commander Nicholas Parham
22 who is attached to the Coast Guard Investigation National Center of Expertise, he is also
23 serving as recorder for this investigation. The National Transportation Board has

1 assigned an investigator to this case, his name is Captain Ron Jones who has
2 collaborated with this investigation since it's inception. Captain Jones isn't able to be with
3 us today, he will most likely join us on Thursday of this week due to circumstances
4 beyond his control, we are looking forward to captain Jones joining us on that day. I will
5 now be sworn in for this hearing.

6
7 UNKNOWN: Commander Carroll please raise your right hand. Do you swear that you
8 will faithfully perform your duties as lead investigating officer of this formal investigation,
9 and that you will examine and inquire into the matter now before you without partiality, so
10 help you God?

11
12 COMMANDER KEVIN CARROLL: I do.

13
14 UNKNOWN: Thank you.

15
16 COMMANDER KEVIN CARROLL: I will now swear in Lieutenant Commander Parham as
17 the recorder. Lieutenant Commander Parham, please raise your right hand. Do you
18 swear that you will faithfully perform all of the duties incumbent upon you as the
19 designated recorder of this formal investigation, and that you will examine and inquire to
20 the matter now before you without partiality so help you God:

21
22 LIEUTENANT COMMANDER NICHOLAS PARHAM: I do.

23

1 COMMANDER KEVIN CARROLL: Thank you, please be seated. Lieutenant
2 Commander Parham, please swear in the other members of the Coast Guard
3 investigation.

4
5 LIEUTENANT COMMANDER NICHOLAS PARHAM: Lieutenant Commander Brant
6 please rise and raise your right hand. Do you swear that you will faithfully perform your
7 duties as the legal advisor of this formal investigation, and that you will examine and
8 inquire to the matter before you without partiality so help you God?

9
10 LIEUTENANT COMMANDER ANDREW BRANT: I do.

11
12 LIEUTENANT COMMANDER NICHOLAS PARHAM: Thank you, please be seated.
13 Lieutenant Malore please rise and raise your right hand. Do you swear that you will
14 faithfully perform your duties as the assistant lead investigating officer of this formal
15 investigation, and that you will examine and inquire to the matter now before you without
16 partiality so help you God?

17
18 LIEUTENANT CHARLES MALORE: I do.

19
20 LIEUTENANT COMMANDER NICHOLAS PARHAM: Thank you, please be seated.

21
22 COMMANDER KEVIN CARROLL: As the first order of business I have the following
23 Coast Guard exhibits ready for presentation and consideration in these proceedings to be

1 accepted and entered into exhibits as part of the record. During a meeting which took
2 place with the parties yesterday at the Portsmouth Federal Building copies of each of
3 these documents were provided for review for each party of interest. Copies are also
4 present and available for all parties of interest at their desk at this time. An objection was
5 voiced by legal council for HMS Bounty Organization regarding two proposed exhibits,
6 CG24, and CG34. With respect to CG24 a printout of Facebook posts from the page
7 represented as belonging to the HMS Bounty Organization, an objection was raised to, as
8 to the authenticity of the document. I have considered this objection and will be noted for
9 the record. I have concluded that I am satisfied as the authenticity and the relevance of
10 CG24. With regards to CG34, a question was raised as to the timeframe of when the
11 photograph represented in CG34, when it was taken. We have verified details regarding
12 the photos from Mr. Guess, and it was determined that the photo was taken in May of
13 2012. These exhibits have been marked and submitted as CG1 through CG72, and I ask
14 if the parties of interest have any further objections to these exhibits. Christian family.

15
16 HARRY CHRISTIAN: Uh no, no sir.

17
18 COMMANDER KEVIN CARROLL: Bounty Organization?

19
20 LEONARD LANGER: No sir.

21
22 COMMANDER KEVIN CARROLL: Mr. Svendsen?
23

1 JOHN SVENDSEN: No sir.

2
3 COMMANDER KEVIN CARROLL: Noted, thank you. I would also like to add for the
4 exhibit record, exhibit CG73, which is a representation of NOAA 48 hour surface condition
5 projections for October 25th, 2013. Lieutenant Commander Parham is handing you a
6 copy of it now. A version of this was originally offered by Mr. Shisha on behalf of the
7 Christian Family during the party of interest meeting. To verify the authenticity of the
8 representation the Coast Guard has obtained their own copy from the NOAA archive
9 website. It has been marked as CG73. There was a discussion during the party of
10 interest meeting regarding the relevance of this document. I have considered concerns
11 voiced by legal council for HMS Bounty Organization. Having verified the authenticity of
12 the document and considered the relevance, I am proposing to include this as CG73. Are
13 there any objections to CG73? Bounty Organization?

14
15 LEONARD LANGER: Um, just the objection we made yesterday is renewed at this time.

16
17 COMMANDER KEVIN CARROLL: Understood. Mr. Svendsen?

18
19 JOHN SVENDSEN: No sir.

20
21 COMMANDER KEVIN CARROLL: Mr Shisha?

22
23 JAKE SHISHA: No, I offered it.

1
2 COMMANDER KEVIN CARROLL: If there are no further objections to Coast Guard
3 Exhibits CG1 through CG73 being accepted into the record, they are accepted and
4 entered as part of the record. Prior to convening this hearing, there was a written
5 objection filed by legal council of HMS Bounty Organization and I am prepared to address
6 that objection now. On February 9th, 2013, council for HMS Bounty Organization filed a
7 written objection which sought to exclude any testimony by witness Todd Kausikouski
8 regarding conversations Mr. Kausikouski may have had with Captain Woolbridge
9 regarding the condition of planks that had been removed from the Bounty, from the
10 Bounty. Council's objection was based on a rule of evidence described as the dead
11 man's statute. As was previously explained to the party of interest, formal rules of
12 evidence to not apply to these proceedings, therefore, while the objection is noted, I
13 intend to inquire into the referenced conversations. Do any of the parties of interest have
14 any exhibits that they wish to present at this time? If so, please hand them to the
15 recorder, and copies to the other parties for examination and marking.

16
17 JAKE SHISHA: I dont have copies, yesterday we had also submitted two photographs,
18 the Coast Guard took one, and we had two photographs that were submitted for
19 consideration.

20
21 COMMANDER KEVIN CARROLL: Correct, we have copies of those

22
23 LIEUTENANT COMMANDER NICHOLAS PARHAM: Yes sir.

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COMMANDER KEVIN CARROLL: Are they ready to be marked as exhibits?

LIEUTENANT COMMANDER NICHOLAS PARHAM: Yes sir.

COMMANDER KEVIN CARROLL: Ok, do so now. The two photographs in question, can you please explain them Mr. Shisha? If I mispronounce your name please let me know.

JAKE SHISHA: That's good. Shee-sha

COMMANDER KEVIN CARROLL: Shee-sha, gotcha.

JAKE SHISHA: The first one is a photograph that depicts people on a stage and an area that appears to just have been recently caulked along with some material used as caulking.

COMMANDER KEVIN CARROLL: Sir, are any persons in that photograph intended to be called as witnesses during this proceeding?

JAKE SHISHA: Uhh, no, I uh, I believe that one is going to be called but refused somebody had identified a shipmate , we would ask people to identify who they are during the hearing, if they recognize any of the people.

1 COMMANDER KEVIN CARROLL: And the materials that are depicted in that question,
2 you intend on questioning witnesses regarding the materials that are depicted?

3
4 JAKE SHISHA: Yes, yes I do.

5
6 COMMANDER KEVIN CARROLL: Ok.

7
8 (whispers)

9
10 COMMANDER KEVIN CARROLL: Ok, we'll enter it as an exhibit now. Nick how will this
11 be entered:

12
13 LIEUTENANT COMMANDER NICHOLAS PARHAM: Yes Commander that will be
14 entered as Christian A.

15
16 COMMANDER KEVIN CARROLL: Do other parties of interest have objections:

17
18 Mr. Lange HMS Bounty objects on the grounds that it fails to accurately depict the activity
19 caulking the bottom that it is not accurate as to the job of caulking the bottom. It's hard to
20 identify the individuals in the photograph and it would be cumulative as to testimony by
21 members of the crew as to the job of caulking the bottom.

22
23 COMMANDER KEVIN CARROLL: Mr Svendsen?

1
2 JOHN SVENDSEN: No sir.

3
4 COMMANDER KEVIN CARROLL: Ok. The objection is noted. We will allow the exhibit
5 to be used to question the witnesses we can determine relevance or if it's cumulative at a
6 later time. Do you have another exhibit Mr Shisha?

7
8 JAKE SHISHA: Um, i gave the Coast Guard one this one, its a picture of, from what I
9 understand it's the best picture of the life raft that is available.

10
11 COMMANDER KEVIN CARROLL: It could be entered at another time sir.

12
13 JAKE SHISHA: Ok.

14
15 COMMANDER KEVIN CARROLL: In regards to the schedule, we intended to have
16 witnesses present to deliver testimony, and prior to beginning of witness testimony Mr
17 Robert Hansen owner of the Bounty was subpoenaed to testify in this hearing, his lawyer
18 has provided the following statement which I will no read. The letter is dated February
19 5th, 2013. Dear Commander Carroll, we write on behalf of our client Mr Robert Hansen, I
20 understand that your office has written a subpoena requesting that we provide testimony
21 during the upcoming formal investigation into the sinking of the sailing vessel HMS
22 Bounty, currently scheduled to commence February 12th, 2013. As I informed Lieutenant
23 Commander Brant in our teleconference yesterday, I write to confirm that Mr Hansen is

1 asserting his 5th Amendment Constitutional Right, not to testify at the upcoming hearing.
2 Should you have any questions or require additional information for the record, please do
3 not hesitate to contact me. Sincerely yours, Michael G Chellos. As noted for the record.
4 Originally scheduled to testify first today is Ms Tracy Simonin of HMS Bounty
5 Organization, due to the blizzards in the Northeast, her flight was delayed. She will not
6 be able to deliver testimony today, she will be scheduled at a later time. If there are no
7 further preliminary matters, then I will take a short recess, and after reconvening call the
8 first witness to the Coast Guard will be Mr John Svendsen. We will reconvene at 09:30.
9 Thank you.

10
11 COMMANDER KEVIN CARROLL: Let's go back on the record. We will now have
12 testimony from Mr John Svendsen, Chief Mate of the Bounty. Mr Svendsen please come
13 forward to the witness table and Lieutenant Commander Parham will administer your
14 oath.

15
16 LIEUTENANT COMMANDER NICHOLAS PARHAM: Mr Svendsen please raise your
17 right hand. False statements given to an agency of The United States is punishable by
18 fine and or imprisonment under 18 UFC 1001, knowing this do you solemnly swear that
19 the testimony that you are about to give will be the truth the whole truth and nothing but
20 the truth so help you God?

21
22 JOHN SVENDSEN: I do.
23

1 LIEUTENANT COMMANDER NICHOLAS PARHAM: Please be seated.

2

3 COMMANDER KEVIN CARROLL: Good morning Mr Svendsen, how are you?

4

5 JOHN SVENDSEN: I am good.

6

7 COMMANDER KEVIN CARROLL: Can you please state your full name and spell your
8 last name?

9

10 JOHN SVENDSEN: John Earl Svendsen, S-v-e-n-d-s-e-n.

11

12 COMMANDER KEVIN CARROLL: What is your current occupation?

13

14 JOHN SVENDSEN: Student

15

16 COMMANDER KEVIN CARROLL: What was your occupation on October 29th, 2012?

17

18 JOHN SVENDSEN: Chief Mate of the Bounty.

19

20 COMMANDER KEVIN CARROLL: Ok. Do you hold a Merchant Mariners credential?

21

22 JOHN SVENDSEN: I do

23

1 COMMANDER KEVIN CARROLL: Ok, can you please detail what that license or
2 credential has?

3
4 JOHN SVENDSEN: I have an AD Unlimited and a 16 ton Masters License Ocean and
5 Sailing Endorsement

6
7 COMMANDER KEVIN CARROLL: Ok. Can you give us a brief description of your
8 maritime expertise?

9
10 JOHN SVENDSEN: I have been on the water all my life. I moved to Hawaii and worked
11 as a dive master, dive instructor and boat captain, and in the third renewal of my captains
12 license I started off at 100 ton captain and worked in Palmira Atoll in the Central Pacific
13 and then San Diego Maritime Museum and the Bounty.

14
15 COMMANDER KEVIN CARROLL: Do you have any tall ship experience prior to Bounty?

16
17 JOHN SVENDSEN: I worked on the Californian and the Surprise in the San Diego
18 Maritime Museum.

19
20 COMMANDER KEVIN CARROLL: For how long? For each respective vessel?

21
22 JOHN SVENDSEN: It was about a year, and the Surprise didn't sail that often so I only
23 went on her four times.

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COMMANDER KEVIN CARROLL: Ok. How long were you Chief Mate on Bounty?

JOHN SVENDSEN: On and off since the first year that I was there.

COMMANDER KEVIN CARROLL: Ok.

JOHN SVENDSEN: It was the third year I was the Chief Mate full time.

COMMANDER KEVIN CARROLL: When you originally started what was your position onboard?

JOHN SVENDSEN: I was hired as an AD and worked as a deck hand, worked my way up.

COMMANDER KEVIN CARROLL: Ok. So total time sailing on Bounty, what would you put that at?

JOHN SVENDSEN: I started February 2010.

COMMANDER KEVIN CARROLL: February 2010. Typically how long is a season for Bounty? Or was?

1 JOHN SVENDSEN: Between eight and ten months.

2

3 COMMANDER KEVIN CARROLL: Eight and ten months, ok, when it's off season what
4 would the vessel, where would the vessel be, what would it be doing?

5

6 JOHN SVENDSEN: I was in Peanut Island and then in Puerto Rico, and we were
7 planning on being in Galveston Texas this year.

8

9 COMMANDER KEVIN CARROLL: Ok. Can you give us a description of the type of
10 vessel the Bounty was?

11

12 JOHN SVENDSEN: She's a 180 foot fully rigged ship, and uh, traditionally rigged with
13 yards on all three masts.

14

15 COMMANDER KEVIN CARROLL: Ok, what was the hull material?

16

17 JOHN SVENDSEN: She was made of wood with oak and douglas fir.

18

19 COMMANDER KEVIN CARROLL: Ok. specifically can you give us some details on
20 where the oak was present on the vessel?

21

22 JOHN SVENDSEN: The oak was below the water line and the douglas fir was above
23 the water line.

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COMMANDER KEVIN CARROLL: Ok. In regards to what, planking or framing?

JOHN SVENDSEN: Uh, planking.

COMMANDER KEVIN CARROLL: Ok, in regards to framing, what was she framed with?

JOHN SVENDSEN: I believe she was framed with similar components, oak below and douglas fir above.

COMMANDER KEVIN CARROLL: Ok. In regards to machinery, what machinery did Bounty have onboard?

JOHN SVENDSEN: She was equipped with two main propulsion engines which were John Deere 375 horsepower engines and two generators which were approximately 40kw.

COMMANDER KEVIN CARROLL: Ok. Regards to bilge watering system how was Bounty equipped?

JOHN SVENDSEN: She had two electronic, or electrical bilge pumps and a manifold system with a hydraulic pump included in that and a portable hydraulic pump and a gasoline trash pump.

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COMMANDER KEVIN CARROLL: Ok, so from what you say, there was two electric pumps, there were two hydraulic pumps,

JOHN SVENDSEN: Yup

COMMANDER KEVIN CARROLL: Can you describe the hydraulic pumps, it sounded like you said one was a portable?

JOHN SVENDSEN: One was fixed into the manifold system into the bilge and the other was a portable it was connected to a hose that let outboard on the starboard side inside the engine room compartment.

COMMANDER KEVIN CARROLL: Ok, ok, and the other was a gasoline powered pump?

JOHN SVENDSEN: That is correct.

COMMANDER KEVIN CARROLL: Ok, was that also a portable pump? Was that a portable pump?

JOHN SVENDSEN: Yes

1 COMMANDER KEVIN CARROLL: Ok. Alright, just so that we have a frame of reference
2 for the vessel Bounty during the course of this investigation I'd like to direct your attention
3 please to CG6, Coast Guard Exhibit 6. Can you identify this document?
4

5 JOHN SVENDSEN: (inaudible) HMS Bounty
6

7 COMMANDER KEVIN CARROLL: Ok. I don't know if you can read it there, can you read
8 the date and who the creator was?
9

10 JOHN SVENDSEN: Looks like it was 2001, and the , the little, inboard profile (inaudible)
11 Wyman.
12

13 COMMANDER KEVIN CARROLL: Ok. Have you seen this document before?
14

15 JOHN SVENDSEN: I have.
16

17 COMMANDER KEVIN CARROLL: Ok, in regards to the inboard profile and layout of
18 Bounty, does this accurately reflect how Bounty was laid out on the day of October 29th
19 2012?
20

21 JOHN SVENDSEN: Yes.
22

1 COMMANDER KEVIN CARROLL: Are there any differences in regards to how it was laid
2 out or is this accurate?

3
4 JOHN SVENDSEN: The, between decks the ladder that's been moved and theres a new
5 hatch system above with the ladder coming up through the center

6
7 COMMANDER KEVIN CARROLL: Ok.

8
9 JOHN SVENDSEN: and the forward house was no longer there, that became a tonnage
10 hatch.

11
12 COMMANDER KEVIN CARROLL: Ok. Do we have something where Mr Svendsen can
13 mark on the exhibit. Mr Svendsen can I ask you to please approach the large scale
14 printout of Coast Guard Exhibit 6. Can you please mark those differences. If you could
15 describe what you are doing while you are writing.

16
17 JOHN SVENDSEN: Uh, I'm putting the ladder in from the main hatch down.

18
19 COMMANDER KEVIN CARROLL: Ok.

20
21 JOHN SVENDSEN: There's a elimination of a hatch to accommodate a door, the
22 forward hatch became a tonnage hatch, and the stairs were removed.

23

1 COMMANDER KEVIN CARROLL: Can you please initial those changes you made to the
2 document sir? When were those changes done Mr Svendsen?

3
4 JOHN SVENDSEN: They were don temporarily when we were in New Haven and they
5 were done permanently when in the yard.

6
7 COMMANDER KEVIN CARROLL: When was the yard period that you are referring to?

8
9 JOHN SVENDSEN: September through October

10
11 COMMANDER KEVIN CARROLL: Of what year please?

12
13 JOHN SVENDSEN: 2012

14
15 COMMANDER KEVIN CARROLL: 2012. Ok. You're satisfied with the layout of the
16 vessel with your knowledge as Chief Mate...take your seat sir, thank you.

17
18 LIEUTENANT COMMANDER NICHOLAS PARHAM: Just one moment Commander so
19 that I can make that an amended exhibit.

20
21 COMMANDER KEVIN CARROLL: Ok.
22

1 LIEUTENANT COMMANDER NICHOLAS PARHAM: For the record (inaudible) record of
2 HMS Bounty, inboard profile will now be referred to as CG6A.

3
4 COMMANDER KEVIN CARROLL: Thank you. I'd like you to identify one more document
5 of you could please. If you'd please go to Coast Guard Exhibit 66. Can you identify this
6 document sir?

7
8 JOHN SVENDSEN: It appears to be a line drawing of the Bounty.

9
10 COMMANDER KEVIN CARROLL: Ok. Have you seen this drawing before?

11
12 JOHN SVENDSEN: Yes sir.

13
14 COMMANDER KEVIN CARROLL: Ok, you have seen this drawing before. In regards to
15 the layout for the vessel depicted on the bottom which would be again the inboard profile.
16 Does this reflect those changes that you just initialed on Coast Guard Exhibit 6 in regards
17 to the new stairway and the new entryway from the weather deck?

18
19
20 JOHN SVENDSEN: Yes.

21
22 COMMANDER KEVIN CARROLL: Ok, it does. Alright, does it also indicate the tonnage
23 opening that you described when you made the changes to Coast Guard Exhibit 6?

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JOHN SVENDSEN: Yes

COMMANDER KEVIN CARROLL: Ok. Now in regards to utilizing one of these exhibits in regards to this hearing, between Coast Guard Exhibit 6 and Coast Guard Exhibit 66, in your opinion which would be the best if we were to present this to crew. And let me explain, what we intend to do is utilize one of these exhibits as a fram of reference for where people were, what people were doing, and the conditions that they observed from October 25th to October 29th.

JOHN SVENDSEN: I would say 66.

COMMANDER KEVIN CARROLL: Ok.

JOHN SVENDSEN: Exhibit 66, that's up on the board.

COMMANDER KEVIN CARROLL: Ok. Understood. Now, I'd like you to coach this particular exhibit please, exhibit 66. Some areas I'd like for you to identify please. (Inaudible) do you have any objection?

UNKNOWN: No.

1 COMMANDER KEVIN CARROLL: Ok. Just to get us a frame of reference, can you
2 please identify where the tank room is in regards to fuel tanks?

3
4 JOHN SVENDSEN: It would be right here, (inaudible) the main mast

5
6 COMMANDER KEVIN CARROLL: Can you please mark that.

7
8 JOHN SVENDSEN: How would you like me to mark that?

9
10 COMMANDER KEVIN CARROLL: Could you put fuel tank room. While it may be
11 evident, can you please mark where the engine room is? Are you familiar with the engine
12 room on Bounty?

13
14 JOHN SVENDSEN: Yes.

15
16 COMMANDER KEVIN CARROLL: Ok. You referred earlier to a bilge manifold and
17 electric pumps, in what bulkhead would that be located on in that diagram?

18
19 JOHN SVENDSEN: The forward bulkhead.

20
21 COMMANDER KEVIN CARROLL: Ok, could you please mark that with an arrow, just put
22 bilge manifold please. Can you please also note on there the nav shack? Ok. Thank
23 you very much. Could you please initial the notations that you've made for us please.

1

LIEUTENANT COMMANDER NICHOLAS PARHAM: Ok, Commander for the record with the amendments to the large scale copy of CG66 will now be referred to as CG66A.

4

5

COMMANDER KEVIN CARROLL: Thank you. Mr Svendsen in regards to the position of the fuel tanks, which you indicated on Coast Guard Exhibit 66A, have the fuel tanks always been in that location?

6

7

8

9

JOHN SVENDSEN: No, they were forward to that location.

10

11

COMMANDER KEVIN CARROLL: Ok. When was that change made?

12

13

JOHN SVENDSEN: In the yard period in 2012.

14

15

COMMANDER KEVIN CARROLL: Ok, in the yard period in 2012. Ok, understand. I'd like to admit, if you could put this up on the screen, CG14. CG14. Do you recognize this photo sir?

16

17

18

19

JOHN SVENDSEN: I do

20

21

COMMANDER KEVIN CARROLL: Ok, can you tell everybody what you see?

22

1 JOHN SVENDSEN: It's standing on the starboard side of the main mast looking forward
2 at the skylight and the forawrd companion light.

3
4 COMMANDER KEVIN CARROLL: Ok. The forward companion light, did this structure
5 exist on Bounty on the day of October 29th 2012?

6
7 JOHN SVENDSEN: No sir

8
9 COMMANDER KEVIN CARROLL: Ok. Is this the structure that you describe as being
10 removed during the yard period in the Booth (inaudible) Shipyard in 2012?

11
12 JOHN SVENDSEN: That is correct.

13
14 COMMANDER KEVIN CARROLL: Ok. I'd like to bring up exhibits 15 and 16, Nick could
15 you go ahead put them up, so exhibit 15, do you recognize that photograph?

16
17 JOHN SVENDSEN: I do.

18
19 COMMANDER KEVIN CARROLL: Ok, can you please describe it?

20
21 JOHN SVENDSEN: Looking forward from the same point, now with the new companion
22 way from the main hatch and the tonnage hatch looking forward.

23

1 COMMANDER KEVIN CARROLL: Ok, and when was this change executed?

2

3 JOHN SVENDSEN: In the yard date of 2012.

4

5 COMMANDER KEVIN CARROLL: Ok. One last photograph, um, please turn to Coast
6 Guard 16 please. Can you identify the photograph please?

7

8 JOHN SVENDSEN: Starboard side, actually port-side looking down into the tonnage
9 hatch that we were scraping and cleaning. It appears to be taken in New Haven.

10

11 COMMANDER KEVIN CARROLL: Thank you. Excuse me, we asked in the beginning
12 that no evidence be photographed. Please turn the cameras away from the screen.
13 Thank you. Ok. Thank you Mr Svendsen, can you please turn to CG8, CG8. I think for
14 the purposes for the hearing we are trying to go through specific exhibits so we can get a
15 frame of reference for when we're describing particular areas on Bounty or how she was
16 outfitted or how she was framed or how she was on the day of her casualty I wanted you
17 to review this. Can you identify this document please.

18

19 JOHN SVENDSEN: Yes sir, it's the HMS Bounty midship section

20

21 COMMANDER KEVIN CARROLL: Ok.

22

23 JOHN SVENDSEN: It appears that it was created in 2001 by David Wyman.

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COMMANDER KEVIN CARROLL: Ok. Thank you. From your description before you noted that the vessel constructed of wood and to the best of your knowledge you said it was planked with both oak and douglas fir, ok. In regards to your knowledge of Bounty, have you been with Bounty on particular yard periods before?

JOHN SVENDSEN: I have

COMMANDER KEVIN CARROLL: Ok, what I'm seeing here is a picture that could show Scarvel Construction plank on frame, planking on the interior of the vessel and on also the exterior of the vessel, is that consistent with your knowledge of Bounty?

JOHN SVENDSEN: Yes sir.

COMMANDER KEVIN CARROLL: Ok, in regards to the bottom of the document on the frames it says double hutted frame, do you recall Bounty having double hutted frame construction?

JOHN SVENDSEN: Yes.

COMMANDER KEVIN CARROLL: Ok, in regards to the way out of the hold between deck and the main deck, is this consistent with your knowledge of Bounty?

1 JOHN SVENDSEN: Yes.

2

3 COMMANDER KEVIN CARROLL: Ok, thank you. I'd like you to please turn to exhibit
4 CG5, CG5. Can you identify this document for me sir?

5

6 JOHN SVENDSEN: It's the Bounty COI.

7

8 COMMANDER KEVIN CARROLL: Ok, COI standing for...

9

10 JOHN SVENDSEN: Certificate of Inspection.

11

12 COMMANDER KEVIN CARROLL: Ok, can you please read the certification expiry date
13 please?

14

15 JOHN SVENDSEN: The expiry date is 30 September 2012.

16

17 COMMANDER KEVIN CARROLL: Ok, have you seen this document before?

18

19 JOHN SVENDSEN: I have.

20

21 COMMANDER KEVIN CARROLL: Ok. Did they have a certificate of inspection onboard
22 on October 29th 2012?

23

1 JOHN SVENDSEN: To the best of my recollection, yes.

2
3 COMMANDER KEVIN CARROLL: Ok, general question in regards to documents that
4 may have been on Bounty, have any been recovered or were any brought with the crew
5 when the vessel abandoned ship?

6
7 JOHN SVENDSEN: No, i believe the bag, the waterproof bag we had has not been
8 recovered.

9
10 COMMANDER KEVIN CARROLL: Ok, we'll discuss that a bit more later. Can you
11 please note in the block that says route permitted conditions of operation? Can you
12 please note how Bounty was certificated by the Coast Guard?

13
14 JOHN SVENDSEN: Moored attraction vessel

15
16 COMMANDER KEVIN CARROLL: Ok, can you please describe how Bounty was used as
17 a moored attraction vessel?

18
19 JOHN SVENDSEN: We would pull into port, open up the ship after an inspection from
20 the Coast Guard in that particular port, and allow up to 149 passengers on board the ship
21 for the festival or event or the tours for the week or that particular week.

22

1 COMMANDER KEVIN CARROLL: Ok. In its capacity as a moored attraction vessel did
2 the Bounty get underway with passengers that were paying to come on board.

3
4 JOHN SVENDSEN: No

5
6 COMMANDER KEVIN CARROLL: Okay. To your knowledge was bounty ever
7 certificated other than moored attraction vessel as indicated on the COI?

8
9 JOHN SVENDSEN: No

10
11 COMMANDER KEVIN CARROLL: Ok. Next few questions we will refer to Coast Guard
12 exhibit 18. Can you please turn to CG 18. He recognized his document sir?

13
14 JOHN SVENDSEN: yes sir

15
16 COMMANDER KEVIN CARROLL: Okay. Can you please describe what it is?

17
18 JOHN SVENDSEN: It's the HMS Bounty crew manual.

19
20 COMMANDER KEVIN CARROLL: Okay what addition.

21
22 JOHN SVENDSEN: It is third edition December 2011.

23

1 COMMANDER KEVIN CARROLL: Okay is this the most current edition on October 29,
2 2012?

3
4 JOHN SVENDSEN: Yes

5
6 COMMANDER KEVIN CARROLL: Okay. Alright I'll be referring to several questions, first
7 of all do you know who the author of this crew manual was?

8
9 JOHN SVENDSEN: My understanding its authored by many people, Sam (inaudible)
10 and Rebecca (inaudible) being the key authors.

11
12 COMMANDER KEVIN CARROLL: Okay, did Bounty have a mission statement in this
13 crew manual?

14
15 JOHN SVENDSEN: I believe it did

16
17 COMMANDER KEVIN CARROLL: Can you please turn to that and read it for us please?

18
19 JOHN SVENDSEN: Crew members of tall ship Bounty strives to preserve the ship by
20 continuing the maritime tradition of sailing through learning and teaching the art of
21 seamanship and nautical history. In doing so will develop the personal skills necessary to
22 (inaudible) and thrive on board as well as throughout the rest of our lives.
23

1 COMMANDER KEVIN CARROLL: Was Bounty used for sail training?

2

3 JOHN SVENDSEN: (inaudible) stated that the Bounty was not a sail training ship but was
4 a vessel to allow people to enhance the way that they lived in society and we did not train
5 the professional crew on board.

6

7 COMMANDER KEVIN CARROLL: I'm sorry say that last,

8

9 JOHN SVENDSEN: We did trained the professional crew while on board

10

11 COMMANDER KEVIN CARROLL: Okay. Was Bounty in member of the organization Tall
12 Ships America to your knowledge?

13

14 JOHN SVENDSEN: Yes sir.

15

16 COMMANDER KEVIN CARROLL: Okay. What is Tall Ships America?

17

18 JOHN SVENDSEN: An organization of ships and individual members that support the
19 traditional sailing for tall ships.

20

21 COMMANDER KEVIN CARROLL: Okay. In the crew manual is there any listing for
22 standing orders?

23

1 JOHN SVENDSEN: I believe so.

2

3 COMMANDER KEVIN CARROLL: Okay, can you please locate that? Were you able to
4 find it sir?

5

6 JOHN SVENDSEN: Yes sir.

7

8 COMMANDER KEVIN CARROLL: On what page?

9

10 JOHN SVENDSEN: Page 11.

11

12 COMMANDER KEVIN CARROLL: Okay, can you please describe whose standing
13 orders are these?

14

15 JOHN SVENDSEN: Capt. Robin Walbridge.

16

17 COMMANDER KEVIN CARROLL: Okay, can you please describe some of the standing
18 orders to us please?

19

20 JOHN SVENDSEN: The basic understanding of the standing orders is to make sure that
21 the ship is operated safely and the mates know when to communicate certain aspects of
22 changes throughout the sailing day to the master

23

1 COMMANDER KEVIN CARROLL: Okay. The bottom page and listed as page 11 with the
2 standing orders correct?

3
4 JOHN SVENDSEN: Yes.

5
6 COMMANDER KEVIN CARROLL: Is there any description towards the bottom, can you
7 explain please where it says sail management?

8
9 JOHN SVENDSEN: Sail management at what line?

10
11 COMMANDER KEVIN CARROLL: It's towards the bottom of the page directly under the
12 (inaudible) future judgment if you do not call me.

13
14 JOHN SVENDSEN: Yes sir.

15
16 COMMANDER KEVIN CARROLL: Okay, specifically can you list what the sail
17 management is?

18
19 JOHN SVENDSEN: (inaudible) 10 knots take and rise, 15 knots (inaudible), 25 knots
20 take and (inaudible), and 30 knots (inaudible) topsails.

21

1 COMMANDER KEVIN CARROLL: Okay, okay understand. I'd like to direct your attention
2 please to will come back to this we are going to go to Coast Guard Exhibit 10 please.
3 Specifically within Exhibit 10 I'd like you to go to page 4, do you recognize this document?

4
5 JOHN SVENDSEN: I do.

6
7 COMMANDER KEVIN CARROLL: Okay, can you describe what this document is?

8
9 JOHN SVENDSEN: It's a stability letter dated June 15, 2011

10
11 COMMANDER KEVIN CARROLL: Okay, was this document on board Bounty on
12 October 29, 2011? 2012 excuse me.

13
14 JOHN SVENDSEN: Yes.

15
16 COMMANDER KEVIN CARROLL: Okay, can you describe what the stability letter does?

17
18 JOHN SVENDSEN: It identifies operation operating restrictions.

19
20 COMMANDER KEVIN CARROLL: Okay, in terms of route what was the operating
21 restrictions in terms of the vessels route?
22

1 JOHN SVENDSEN: Operation unexposed water is permitted since the vessels route is
2 based upon other considerations in addition to stability, you are cautioned that the route
3 may be further limited to that specified in the certificate of inspection.
4

5 COMMANDER KEVIN CARROLL: Okay, in terms of personnel can you please read that
6 paragraph please?
7

8 JOHN SVENDSEN: a maximum of 36 persons may be carried on this vessel of which 12
9 may be passengers these numbers are based on average rate of 180 per person, 180
10 pounds per person. Since the personal capacities are based upon other considerations in
11 addition to stability your cautioned that the number of persons carried may be further
12 limited due to to to that specified on the certificate of inspection.
13

14 COMMANDER KEVIN CARROLL: Okay, in terms of paragraph 5 weight changes, can
15 you please read that?
16

17 JOHN SVENDSEN: This stability letter has been issued based on the following lightship
18 parameters: displacement 430.22 long tons, BCG 13.34 feet above the baseline, L CG
19 54.49 feet aft of station zero.
20

21 COMMANDER KEVIN CARROLL: Okay, the paragraph below it please.
22

1 JOHN SVENDSEN: Any alteration resulting in changes in these parameters will
2 invalidate this stability letter, ballast or any other such weight added removed altered or
3 relocated without authorization or supervision of the cognizant OC, other than 54,000
4 pounds of lead ballast fixed to the vessels keel this vessel is not equipped with any
5 removable ballast.

6
7 COMMANDER KEVIN CARROLL: Okay, did Bounty have any removable ballasts on
8 board the vessel in October 2012?

9
10 JOHN SVENDSEN: I believe it had lead weighted ingots.

11
12 COMMANDER KEVIN CARROLL: Where were those lead ingots located?

13
14 JOHN SVENDSEN: Primarily in the after part of the ship.

15
16 COMMANDER KEVIN CARROLL: Okay. Could you please be a little bit more specific?
17 Can we please put up Exhibit 66A? Please, thank you. Where were they located, thank
18 you.

19
20 JOHN SVENDSEN: (inaudible)

21
22 COMMANDER KEVIN CARROLL: Please. When were those lead ingots added?
23

1 JOHN SVENDSEN: They had been on the ship since I was there.

2

3 COMMANDER KEVIN CARROLL: Okay, but they are not noted in the stability letter.

4

5 JOHN SVENDSEN: That is correct.

6

7 COMMANDER KEVIN CARROLL: Okay, had they always been in that location?

8

9 JOHN SVENDSEN: To my knowledge yes.

10

11 COMMANDER KEVIN CARROLL: Okay, alright thank you. Please sit down. Okay, same
12 document page 5 please, can you please read paragraph 10 which is entitled sails.

13

14 JOHN SVENDSEN: Sails, the sails which may be said to those shown on the sail plan
15 dated June 10, 2011 bearing the US Coast Guard training and safety Center approval
16 stamp dated June 15, 2011. Royal sails are not permitted on any mast the topgallant sail
17 is not permitted on the mizzen mast that sail plan must be maintained under the vessel in
18 a suitable location at all times.

19

20 COMMANDER KEVIN CARROLL: In regards to the exhibit CG and the crew manual it
21 specifically mentioned Royals, were Royals flown on Bounty at any time?

22

23 JOHN SVENDSEN: Yes.

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COMMANDER KEVIN CARROLL: Okay. In terms of please turn the page within this particular document please even identified this portion of the stability letter.

JOHN SVENDSEN: Yes.

COMMANDER KEVIN CARROLL: Okay. What is this?

JOHN SVENDSEN: HMS Bounty sail plan June 10, 2011

COMMANDER KEVIN CARROLL: Okay. What's depicted here or is this a typical arrangement for how Bounty would be outfitted in regard to sail?

JOHN SVENDSEN: Yes.

COMMANDER KEVIN CARROLL: Okay.

JOHN SVENDSEN: We would have a royal on the main occasionally.

COMMANDER KEVIN CARROLL: Okay. Is this stability letter?

JOHN SVENDSEN: Based on the facts, I'm going to say no.

1 COMMANDER KEVIN CARROLL: Okay. To your knowledge does Bounty required to
2 have a stability letter in accordance with any regulation?

3
4 JOHN SVENDSEN: I do not know.

5
6 COMMANDER KEVIN CARROLL: Okay. I'd like to turn back to the crew manual, if we
7 could please that's CG 18, CG 18. If you could please turn to page 10, what is depicted
8 here on page 10 of the crew manual?

9
10 JOHN SVENDSEN: Chain of command

11
12 COMMANDER KEVIN CARROLL: Okay, can you please list of the roles that are within
13 the chain of command?

14
15 JOHN SVENDSEN: By title?

16
17 COMMANDER KEVIN CARROLL: By title, just by title.

18
19 JOHN SVENDSEN: Master Capt., chief mate, second mate, third mate, boatswain, able-
20 bodied seamen three, deck hand none.

21
22 COMMANDER KEVIN CARROLL: Okay. Were there any positions in regards to Bounty's
23 crew complement that are not listed within this chain of command?

1
2 JOHN SVENDSEN: Cook, and engineer.

3
4 COMMANDER KEVIN CARROLL: Engineer, our engineering duties listed anywhere
5 within this document?

6
7 JOHN SVENDSEN: No, not to my knowledge.

8
9 COMMANDER KEVIN CARROLL: okay. Who was Bounty's master, who was Bounty's
10 master on October 29, 2012?

11
12 JOHN SVENDSEN: Robin Welbridge.

13
14 COMMANDER KEVIN CARROLL: Okay. Who was captain Robin Welbridge?

15
16 JOHN SVENDSEN: He was the gentleman who had been master of Bounty for 17 years.

17
18 COMMANDER KEVIN CARROLL: Okay. And you sailed with him as your master for your
19 entire time on Bounty?

20
21 JOHN SVENDSEN: Yes sir.

22
23 COMMANDER KEVIN CARROLL: Was there ever a relief captain for Capt. Welbridge?

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JOHN SVENDSEN: No.

COMMANDER KEVIN CARROLL: What was your opinion of Capt. Walbridge's duties and how he executed his duties as master of Bounty?

JOHN SVENDSEN: He was a professional licensed 1600 ton master and was always available to teach and share his knowledge of traditional sailing.

COMMANDER KEVIN CARROLL: Yesterday during the party of interest meeting I shared with you a video clip marked CG 20, do you recall that video clip?

JOHN SVENDSEN: Yes sir.

COMMANDER KEVIN CARROLL: It depicted Robin Walbridges during an interview in Belfast, Maine in August 2012, do you recall specifically the statements that Capt. Walbridge made?

JOHN SVENDSEN: Yes.

COMMANDER KEVIN CARROLL: Can you recall those for me please?

1 JOHN SVENDSEN: He stated that he was asked that if she had been headed in any
2 weather he stated that he chased hurricanes.

3
4 COMMANDER KEVIN CARROLL: Okay, to your knowledge and experience of sailing
5 with Capt. Walbridge where his comments made during that interview consistent with how
6 he operated Bounty?

7
8 JOHN SVENDSEN: Yes.

9
10 COMMANDER KEVIN CARROLL: Okay. In regards to chasing hurricanes can you please
11 list for us the occasions in which you observed Capt. Walbridge directing Bounty into
12 close proximity of hurricanes or large storms?

13
14 JOHN SVENDSEN: I was on board in 2010 when we sailed from Boothbay to Puerto
15 Rico we encountered storms on that trip and also in 2012 when we encountered Sandy.

16
17 COMMANDER KEVIN CARROLL: Now when encountering these storms is one thing, by
18 chasing a storm is a different thing. In my mind that's where you deliberately put the
19 vessel into a known storm system, now was in 2010 from Boothbay to Puerto Rico was
20 that intentional? was the vessel intentionally put into close proximity to a large storm?

21
22 JOHN SVENDSEN: The storm was in route while we were there so
23

1 COMMANDER KEVIN CARROLL: In regards to chasing a storm, described to me what
2 you believe your definition of chasing a story this.

3
4 JOHN SVENDSEN: Chasing a storm as I had it described by Robin was to get onto the
5 navigable side the southeast side as he described it and get video of the storm so you get
6 a favorable winds of the storm.

7
8 COMMANDER KEVIN CARROLL: Why?

9
10 JOHN SVENDSEN: He believed it was the safest place to be and the best ride for the
11 ship.

12
13 COMMANDER KEVIN CARROLL: Okay. Now is that when you would encounter a storm
14 that you did not know existed? Or was that actually going after a forecasted and charted
15 storm?

16
17 JOHN SVENDSEN: I never witnessed Robin seeking out a storm. If there was a storm he
18 would put the ship in the safest position in a storm.

19
20 COMMANDER KEVIN CARROLL: Okay. You mentioned 2012 with hurricane Sandy.

21
22 JOHN SVENDSEN: Yes sir.

23

1 COMMANDER KEVIN CARROLL: In regards to the comments made in that interview
2 stated chased hurricanes, did Bounty Chase hurricane Sandy?

3
4 JOHN SVENDSEN: Not in my opinion.

5
6 COMMANDER KEVIN CARROLL: Okay. He stated earlier though that Capt Wall bridge
7 you do believe that his statements made during that video interview were consistent with
8 how he operated Bounty? That he chased hurricanes.

9
10 JOHN SVENDSEN: The, I'll say it was consistent in his wording and is way that he
11 approached hurricanes yes.

12
13 COMMANDER KEVIN CARROLL: Okay. In regards sticking with the crew manual I would
14 like to go back, do you know what a boat check is?

15
16 JOHN SVENDSEN: Yes sir.

17
18 COMMANDER KEVIN CARROLL: Okay can you please turn to the manual where boat
19 checks are listed?

20
21 JOHN SVENDSEN: Page 19 boat checks?

22
23 COMMANDER KEVIN CARROLL: Okay, please describe for us what is a boat check.

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JOHN SVENDSEN: Boat check is a duty that is performed consistently well underway, the expectation is every half hour that one of the individuals a deckhand or an A/D would walk throughout the ship and inspect every compartment of the ship opening up bilge platforms and using their nose and every senses to get the best assessment of the ship to look for and prevent anything from becoming a problem.

COMMANDER KEVIN CARROLL: Okay. So these are the duties and expectations of roving patrols while underway with Bounty?

JOHN SVENDSEN: Yes sir.

COMMANDER KEVIN CARROLL: This is also done at the pier?

JOHN SVENDSEN: Yes sir.

COMMANDER KEVIN CARROLL: Okay. How long should a good boat check take?

JOHN SVENDSEN: In my estimation between 20 and 30 minutes.

COMMANDER KEVIN CARROLL: Okay. Can you please describe for us what you believe what are the high points in regards to this, below deck and it lists forward tank room, galley, boatswain storage, between deck and head area, aft area after tanker room

1 engine room, and (inaudible) what are the specific duties that the deckhands are
2 supposed to accomplish during these checks of those areas?

3

4 JOHN SVENDSEN: They are looking for water, fire, and anything unusual that they
5 would seek that needs to be reported to the mate or the master that needs to be
6 addressed.

7

8 COMMANDER KEVIN CARROLL: Okay. In regards to water was there often water found
9 in Bounty's hulls (inaudible)?

10

11 JOHN SVENDSEN: When we are in a static environment there was water within the boat
12 that you could barely see and we had a statement if there was water that you could see in
13 any compartment the bilges should be pumped.

14

15 COMMANDER KEVIN CARROLL: Okay. Static environment being what?

16

17 JOHN SVENDSEN: At the dock.

18

19 COMMANDER KEVIN CARROLL: At the dock, okay. What about underway?

20

21 JOHN SVENDSEN: Underway the same rules stood that they saw water anywhere in
22 any bilge compartment that the bilges would be pumped.

23

1 COMMANDER KEVIN CARROLL: In general between the static condition and in the
2 underway condition in which case did you find more water in the bilges?

3
4 JOHN SVENDSEN: Underway.

5
6 COMMANDER KEVIN CARROLL: Underway. Okay. How often do you believe the bilge
7 pumps were run during boat checks under normal conditions?

8
9 JOHN SVENDSEN: Under normal conditions we would run the the boat or run the bilge
10 pumps once or twice per four hour watch.

11
12 COMMANDER KEVIN CARROLL: Once or twice per a four hour watch. In regards to the
13 bilge system you described before which systems were used?

14
15 JOHN SVENDSEN: The electrical pumps

16
17 COMMANDER KEVIN CARROLL: Okay. I want to direct your attention to page 18
18 please. Of the crew manual.

19
20 JOHN SVENDSEN: Yes sir.

21
22 COMMANDER KEVIN CARROLL: Okay, what is described here?

23

1 JOHN SVENDSEN: It's the basic introduction to the engine room.

2

3 COMMANDER KEVIN CARROLL: Okay. Who receives this introduction to the engine
4 room?

5

6 JOHN SVENDSEN: It was the, it was a part of the introductory walk-through on the boat.

7

8 COMMANDER KEVIN CARROLL: Okay. The introductory walk-through of the boat is that
9 provided to every crew member on board Bounty?

10

11 JOHN SVENDSEN: That is the standard.

12

13 COMMANDER KEVIN CARROLL: Okay. Is there any performance qualification standard
14 is there a standard or a qualification board to make sure all the crew members
15 understand what their assigned duties are in regards to the engine room and the boat
16 check?

17

18 JOHN SVENDSEN: We had what was initially called a one day, one week, one month,
19 three months checklist

20

21 COMMANDER KEVIN CARROLL: Okay

22

23 JOHN SVENDSEN: of things for people to go through and sign off on.

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COMMANDER KEVIN CARROLL: Okay. In regards to pumping the bilges, on the same page, can you please go through and describe the process, you could actually read from the manual if you could please.

JOHN SVENDSEN: Pumping bilges number one, the bilge pumps require three phase power (inaudible) provide three-phase check with the engineer, generators required to. From the pump address the valves opening halfway to the overboard pipe, three, turn pump on. Address valve directly above pump so that it has 20 to 30 psi. Four, open the valve to boatswain stores (inaudible) bilge manifold. maintain a good prime on the pump. Note the time pumped for each compartment in the bilge log. Along with which pump you are using and any other notes. Work your way across the bilge manifold and engine room, once each compartment is finished, or you can't keep it primed without setting the bilge valve to C. Pump forward compartments first, set the bilge, set the C bilge valve, turn off the pump, and close all valves.

COMMANDER KEVIN CARROLL: You mentioned earlier that there was also two hydraulic pumps on board Bounty for bilge dewatering, are they mentioned at all within the manual?

JOHN SVENDSEN: I believe they are not.

1 COMMANDER KEVIN CARROLL: Okay, in regards to the gasoline powered pump that
2 you had mentioned earlier, was that listed here.

3
4 JOHN SVENDSEN: No.

5
6 COMMANDER KEVIN CARROLL: Okay. Nick can you please put on the screen CG 43,
7 CG 43. That's all what I want to see their Nick. Ok, Mr Svendsen on the bottom you see
8 a green part depicted can you please put the cursor over that.

9
10 JOHN SVENDSEN: Yes sir.

11
12 COMMANDER KEVIN CARROLL: Is that one of the hydraulic pumps that you
13 mentioned?

14
15 JOHN SVENDSEN: Yes it is.

16
17 COMMANDER KEVIN CARROLL: Alright and is actually fixed into the bilge manifold
18 system?

19
20 JOHN SVENDSEN: Yes sir.

21
22 COMMANDER KEVIN CARROLL: Okay. Now please go up Nick, see 2 electrical pumps,
23 are those the two electrical pumps that you have noted before?

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JOHN SVENDSEN: Yes sir.

COMMANDER KEVIN CARROLL: Okay. And the manifold is that depicted in the photograph?

JOHN SVENDSEN: Yes sir.

COMMANDER KEVIN CARROLL: Okay is it directly below those two pumps?

JOHN SVENDSEN: Yes sir.

COMMANDER KEVIN CARROLL: Is this a depiction of how Bounty's bilge manifold was on October in October 2012?

JOHN SVENDSEN: Yes.

COMMANDER KEVIN CARROLL: Okay, alright excellent. Now you said, well let me make this clear, under normal operating conditions the bilge pumps were operated how often every hour?

JOHN SVENDSEN: How often every hour?

1 COMMANDER KEVIN CARROLL: How often every hour during boat checks?

2

3 JOHN SVENDSEN: Under normal operating conditions it would probably be once every
4 2 to 4 hours.

5

6 COMMANDER KEVIN CARROLL: Once every 2 to 4 hours, okay, once every 2 to 4
7 hours. How long with the pumps be run for roughly per compartment?

8

9 JOHN SVENDSEN: Between 1 to 2 minutes.

10

11 COMMANDER KEVIN CARROLL: Okay. Did Bounty have watertight bulkheads?

12

13 JOHN SVENDSEN: Yes.

14

15 COMMANDER KEVIN CARROLL: Okay, can you note on the diagram where those
16 bulkheads would be located please?

17

18 JOHN SVENDSEN: Yes.

19

20 LIEUTENANT COMMANDER NICHOLAS PARHAM: For the record, we will refer to
21 these as CG 66A.

22

23 COMMANDER KEVIN CARROLL: How many have you noted on there Mr. Svendsen?

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JOHN SVENDSEN: Six.

COMMANDER KEVIN CARROLL: Six, okay, so there is six watertight bulkheads?

JOHN SVENDSEN: Yes.

COMMANDER KEVIN CARROLL: Okay. In your opinion were those bulkheads that you noted as watertight bulkheads, are they truly watertight?

JOHN SVENDSEN: As watertight as they could be on a wooden boat.

COMMANDER KEVIN CARROLL: Okay. Have a seat please. When you sit down I would like you to please describe explain that comment.

JOHN SVENDSEN: I've never seen it watertight bulkheads being constructed, for my understanding they were two pieces of plywood that were laminated or glued and put down to the frames and/or caulked or sealed in that area.

COMMANDER KEVIN CARROLL: Okay, was water able to communicate at all from compartment to compartment?

1 JOHN SVENDSEN: We had limber holes and it seemed like there was little water that
2 would get through from compartment to compartment.

3
4 COMMANDER KEVIN CARROLL: Okay. I think we've established enough with bounty
5 right now what I want to do right now is forecast forward you mentioned earlier that the
6 vessel had a yard day in Maine in 2012, roughly when was that?

7
8 JOHN SVENDSEN: Middle of September through October.

9
10 COMMANDER KEVIN CARROLL: Okay middle of September through October, were you
11 present during this yard period?

12
13 JOHN SVENDSEN: I was there a day or two before we got to dock, I was primarily in
14 Fort Lauderdale Florida going to school.

15
16 COMMANDER KEVIN CARROLL: What were you doing in Fort Lauderdale Florida?

17
18 JOHN SVENDSEN: I was continuing my training and (inaudible) for my NCW.

19
20 COMMANDER KEVIN CARROLL: Okay.

21
22 JOHN SVENDSEN: The last courses I took were, GMBSS and crisis management.
23

1 COMMANDER KEVIN CARROLL: Okay. Alright so you are not present except for the last
2 two days that bounty was in the harbor?

3
4 JOHN SVENDSEN: Correct.

5
6 COMMANDER KEVIN CARROLL: Okay. To your knowledge what was accomplished in
7 the shipyard I understand you are only there for the last two days, but can you describe to
8 us what Bounty had accomplished her yard (inaudible)?

9
10 JOHN SVENDSEN: We replaced to planks on the hull, we put on the modified butterflyed
11 hatch with the companion light, made a formal ladder lane coming down from that area,
12 we made that tank room and the crew quarters from their previous positions being crew
13 quarters aft, and tank room forward to the opposite, and there was a watertight bulkhead
14 that was created within that construction and other minor maintenance.

15
16 COMMANDER KEVIN CARROLL: So it was a watertight bulkhead that was created, was
17 that existing prior?

18
19 JOHN SVENDSEN: There was a watertight bulkhead there, they took the watertight
20 bulkhead out to facilitate moving the tanks and replacing the two water tanks that we had
21 previously, were transformed into fuel tanks and there were two stainless steel fuel tanks
22 that were added on to the water tanks.

23

1 COMMANDER KEVIN CARROLL: How do you know this was accomplished if you
2 weren't there?

3
4 JOHN SVENDSEN: When I arrived I was given a tour and was showed the work.

5
6 COMMANDER KEVIN CARROLL: Who was, who gave you the tour?

7
8 JOHN SVENDSEN: It was Robin, Chris, and Matt.

9
10 COMMANDER KEVIN CARROLL: Okay, when we give somebody's name can you give
11 first and last name please.

12
13 JOHN SVENDSEN: Robin Walbridge, Matt Saunders, and Chris Barksdale.

14
15 COMMANDER KEVIN CARROLL: Okay, Robin Walbridge previously stated as Master of
16 the Bounty, who is Matt Saunders,

17
18 JOHN SVENDSEN: Matt Saunders is the second mate, and Chris Barksdale is the
19 engineer.

20
21 COMMANDER KEVIN CARROLL: Okay. Chris Barksdale is the engineer. From your
22 conversations with them what was there general impression of the work that was done to
23 Bounty while in the shipyard?

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JOHN SVENDSEN: They said it was an improvement to the vessel.

COMMANDER KEVIN CARROLL: Okay, replacing the to planks in the hull that you said, replaced?

JOHN SVENDSEN: I believe so yes.

COMMANDER KEVIN CARROLL: What were the locations, where those planks were replaced?

JOHN SVENDSEN: Starboard aft and port forward, above the water line.

COMMANDER KEVIN CARROLL: Do you know who performed that work?

JOHN SVENDSEN: I believe the shipyard perform that work.

COMMANDER KEVIN CARROLL: Okay. Did you have a chance to examine that work that was done to the hull above the water line starboard aft and port forward in regards to the planks?

JOHN SVENDSEN: I did look at it.

COMMANDER KEVIN CARROLL: Okay. In your opinion was it sound?

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JOHN SVENDSEN: Yes it looked satisfactory.

COMMANDER KEVIN CARROLL: How would you detail your experience with wooden hull vessel.

JOHN SVENDSEN: I been working on wooden hull vessels for just under five years, and I was developing knowledge everyday.

COMMANDER KEVIN CARROLL: Okay. Have you ever been involved with plank replacement before?

JOHN SVENDSEN: I have never replaced it plank.

COMMANDER KEVIN CARROLL: Okay. Have you ever been involved with caulking?

JOHN SVENDSEN: I've done minor caulking

COMMANDER KEVIN CARROLL: Okay. When you return to the vessel, was the vessels still in the dry dock or was it back into the water.

JOHN SVENDSEN: It was in the water.

1 COMMANDER KEVIN CARROLL: It was in the water. Okay. Did anyone at any time upon
2 your return to the vessel in Boothbay express any concerns with the vessel prior from her
3 departure from Boothbay?

4
5 JOHN SVENDSEN: No Sir.

6
7 COMMANDER KEVIN CARROLL: Okay. Did anybody express any concerns with the
8 condition of the planking or the framing of the vessel prior to leaving Boothbay?

9
10 JOHN SVENDSEN: No Sir.

11
12 COMMANDER KEVIN CARROLL: Okay. So, now are going to turn it over to you a little
13 bit, the plan (inaudible) Boothbay, do you know when that was when the vessel left
14 Boothbay?

15
16 JOHN SVENDSEN: It was the end of October.

17
18 COMMANDER KEVIN CARROLL: Okay.

19
20 JOHN SVENDSEN: Middle to the end of October.

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22 COMMANDER KEVIN CARROLL: Prior to departing did did the vessel have a Coast
23 Guard inspection prior to leaving?

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JOHN SVENDSEN: Robin (inaudible) invited the Coast Guard down to see the boat when we were and yard so I would assume that the answer is yes, but I do not, I cannot confirm that.

COMMANDER KEVIN CARROLL: Okay. Did the vessel have a survey by a marine surveyor while the vessel was in the yard?

JOHN SVENDSEN: Yes.

COMMANDER KEVIN CARROLL: Okay. Who performed that survey?

JOHN SVENDSEN: David Wyman.

COMMANDER KEVIN CARROLL: Okay, were you there for that?

JOHN SVENDSEN: Yes Sir I was.

COMMANDER KEVIN CARROLL: Okay, can you please describe what Mr. Wyman did?

JOHN SVENDSEN: Mr. Wyman and I walked through every compartment of the boat, and inspected, I inspected all the bilge openings so he could get in and look around, we walked in every compartment, upon deck and check the work that have been done, and

1 also looks for any concerns that he would see, and at the end of the survey he asked for
2 us to reinforce the rudder, and the boat was in the best condition he had ever seen.

3
4 COMMANDER KEVIN CARROLL: Okay, did he operate any machinery?

5
6 JOHN SVENDSEN: I don't believe so.

7
8 COMMANDER KEVIN CARROLL: Okay. And you detailed before that when you returned
9 the vessel was back in a water, so when the survey was performed the vessel was in the
10 water?

11
12 JOHN SVENDSEN: Yes Sir.

13
14 COMMANDER KEVIN CARROLL: Okay. Was a report provided regarding the survey
15 from Mr. Wyman?

16
17 JOHN SVENDSEN: I'm going to say I don't know but I assume so.

18
19 COMMANDER KEVIN CARROLL: Okay. Again when did the vessel leave Boothbay?

20
21 JOHN SVENDSEN: in middle to end of October, I don't remember the exact date.
22

1 COMMANDER KEVIN CARROLL: Okay. Middle to end of October. Does October 20th
2 sound correct?

3
4 JOHN SVENDSEN: It sounds about right, yeah.

5
6 COMMANDER KEVIN CARROLL: Where was Bounty's next port of call after Boothbay?

7
8 JOHN SVENDSEN: New Haven Connecticut.

9
10 COMMANDER KEVIN CARROLL: Okay. In terms of the jobs that you listed earlier were
11 all of them, was all the work completed in Boothbay Harbor prior to departure from New
12 London?

13
14 JOHN SVENDSEN: All of the work was completed we were getting some finishing
15 touches on some of the cabins in the forward area as far as some painting to get them to
16 look a little

17
18 COMMANDER KEVIN CARROLL: Okay. So basically that was after the yard period?

19
20 JOHN SVENDSEN: Yup.

21
22 COMMANDER KEVIN CARROLL: Okay. What was Bounty's purpose in New London?

23

1 JOHN SVENDSEN: We were going there to do a day sail with the Navy.

2

3 COMMANDER KEVIN CARROLL: Okay. Can you describe what the day sail was?

4

5 JOHN SVENDSEN: The newest commission nuclear submarine was up in New London,
6 the sub base up there, we went in, they came down to the ship we went out for about four
7 hours and sailed out into the bay heading towards the base and then came back to the
8 dock.

9

10 COMMANDER KEVIN CARROLL: Approximately how many members of the Navy were
11 on board during,

12

13 JOHN SVENDSEN: I would say between 30 to 40.

14

15 COMMANDER KEVIN CARROLL: 30 to 40. What was Bounty's crew complement at the
16 time?

17

18 JOHN SVENDSEN: I want to say around 16.

19

20 COMMANDER KEVIN CARROLL: 16 around?

21

22 JOHN SVENDSEN: Yeah, we had, I think we had some overlap of people that were
23 leaving and some staying, so it may have been 18 or so.

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COMMANDER KEVIN CARROLL: We talked previously about Bounty's attraction vessel status at the pier, people coming on board, but this was an actual day sail?

JOHN SVENDSEN: Yes.

COMMANDER KEVIN CARROLL: Okay, did the Navy pay for this trip?

JOHN SVENDSEN: No, not to my knowledge.

COMMANDER KEVIN CARROLL: Okay, was it normal operation for Bounty to take groups out on day sails?

JOHN SVENDSEN: No.

COMMANDER KEVIN CARROLL: Okay, do you know how this was arranged?

JOHN SVENDSEN: I'm assuming it was through Bob,

COMMANDER KEVIN CARROLL: Can you,

JOHN SVENDSEN: Hansen, sorry, Robert Hansen.

1 COMMANDER KEVIN CARROLL: Okay. How did the day sailed go?

2
3 JOHN SVENDSEN: It went very well.

4
5 COMMANDER KEVIN CARROLL: Okay

6
7 JOHN SVENDSEN: Very courteous and professional Mariners (inaudible) vessel to my
8 knowledge.

9
10 COMMANDER KEVIN CARROLL: Okay. In regards to the vessels transit from Boothbay
11 to New London prior to the day sail did any of the crew members or anyone on board the
12 vessel express any concerns with the vessel or any of the vessel's systems?

13
14 JOHN SVENDSEN: Not to my knowledge, we are always doing our best to improve the
15 vessel and very excited about the changes that we had made.

16
17 COMMANDER KEVIN CARROLL: Okay so people were relatively happy with the work
18 that was done and Boothbay?

19
20 JOHN SVENDSEN: That was my understanding.

21
22 COMMANDER KEVIN CARROLL: Okay. Is it typical for Bounty crew members to actually
23 participate in the work that is done during the yard periods?

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JOHN SVENDSEN: Yes.

COMMANDER KEVIN CARROLL: Okay. Now obviously you are only there for the last two days, do you remember who was in charge in regards to the crew of Bounty during the yard period?

JOHN SVENDSEN: Robin Walbridge.

COMMANDER KEVIN CARROLL: Okay, Robin Walbridge. Did any of the crew members have any specific jobs while they were in the shipyard, or any specific tasks they were assigned to? To your knowledge?

JOHN SVENDSEN: To my knowledge the Dan Cleveland was working on shaping yards, and laminating and Laura Groves was in charge of the general duties of the day-to-day work party.

COMMANDER KEVIN CARROLL: Correct me if I'm wrong the day-to-day work that was done in the shipyard, the planks in the hull, the butterfly hatch from the ladder down was replaced, tanker was moved, the creation of the watertight door, and or watertight excuse me watertight bulkhead, was that it?

1 JOHN SVENDSEN: To my understanding and the shaping of the yards and the
2 laminating of those 3 yards.

3
4 COMMANDER KEVIN CARROLL: Okay. Approximately what time did the day sail with
5 the Navy and?
6

7 JOHN SVENDSEN: I'm going to say mid-to-late afternoon.
8

9 COMMANDER KEVIN CARROLL: Okay, on what they was that?
10

11 JOHN SVENDSEN: I assume that would be the 25th, if I remember correctly.
12

13 COMMANDER KEVIN CARROLL: The 25th of?
14

15 JOHN SVENDSEN: October 2012.
16

17 COMMANDER KEVIN CARROLL: Okay. After the day sail was completed what did you
18 do?
19

20 JOHN SVENDSEN: They offered us a tour of their sub, so they provided us with the
21 lands and we had a quick walk-through of the submarine they were,
22

23 COMMANDER KEVIN CARROLL: How was that?

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JOHN SVENDSEN: Unbelievable, phenomenal piece of technology, and very knowledgeable crew, very impressive experience

COMMANDER KEVIN CARROLL: When did you report back to Bounty?

JOHN SVENDSEN: Around dinnertime.

COMMANDER KEVIN CARROLL: Okay, so around dinnertime, what time is dinner time?

JOHN SVENDSEN: Typically around 5 o'clock but we were running a little bit late that day.

COMMANDER KEVIN CARROLL: Okay what was the plan from New London?

JOHN SVENDSEN: The plan from New London was to sail south to St. Petersburg Florida.

COMMANDER KEVIN CARROLL: Okay, what was to take place in St. Petersburg Florida?

JOHN SVENDSEN: In St. Petersburg Florida we were to opened up for tours dockside.

1 COMMANDER KEVIN CARROLL: Okay. For whom?

2
3 JOHN SVENDSEN: The general public

4
5 COMMANDER KEVIN CARROLL: The general public so there was no specific, for
6 example, the Navy day sail was a special event?

7
8 JOHN SVENDSEN: Correct that was an exception to the rule.

9
10 COMMANDER KEVIN CARROLL: Okay, so what you are going to be accomplishing in
11 St. Petersburg was normal operations for Bounty

12
13 JOHN SVENDSEN: Correct

14
15 COMMANDER KEVIN CARROLL: Not with any specific organization or group?

16
17 JOHN SVENDSEN: No

18
19 COMMANDER KEVIN CARROLL: Okay, when were you due in St. Petersburg?

20
21 JOHN SVENDSEN: I'm going to say September 10 or 11th somewhere in that
22 neighborhood.

23

1 COMMANDER KEVIN CARROLL: Did you say September?

2

3 JOHN SVENDSEN: Um sorry, November 10 or 11th.

4

5 COMMANDER KEVIN CARROLL: November 10 or 11th. You said you are departing on
6 the 25th, due on November 10 so that was the timing that you had,

7

8 JOHN SVENDSEN: Yes.

9

10 COMMANDER KEVIN CARROLL: Okay. Now in regards to arriving in St. Petersburg on
11 the 10th what would happen if you were not able to get there on the 10th, what would
12 have been the detriment to Bounty?

13

14 JOHN SVENDSEN: We would have been either late for opening up for our public tours
15 we had planned or we would have skipped it and gone on to Galveston.

16

17 COMMANDER KEVIN CARROLL: Okay. What was supposed to happen in Galveston?

18

19 JOHN SVENDSEN: We were putting the boat there for our winter period,

20

21 COMMANDER KEVIN CARROLL: Okay

22

23 JOHN SVENDSEN: It would remain there for the winter.

1

COMMANDER KEVIN CARROLL: Okay so the winter period, that's the layout you are talking about before?

4

5

JOHN SVENDSEN: Yup.

6

7

COMMANDER KEVIN CARROLL: Okay. Was there any specific time you were supposed to be in the winter period?

8

9

10

JOHN SVENDSEN: We were looking at getting there before Thanksgiving.

11

12

COMMANDER KEVIN CARROLL: Before Thanksgiving. Why Thanksgiving?

13

14

JOHN SVENDSEN: It was the goal set forth by Tracy and Robin I presume.

15

16

COMMANDER KEVIN CARROLL: Okay. Okay. So back to October 25, 2012 the crew has come back from the tour on the submarine and it's time to get underway, described to me how voyage planning was conducted on Bounty.

18

19

20

JOHN SVENDSEN: The voyage plan was put together by Matt Saunders our second mate.

21

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23

COMMANDER KEVIN CARROLL: What the that consist of?

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JOHN SVENDSEN: It consisted of creating waypoints, mileage, distance, known hazards, concerns, radio communications, tides, currents, weather, basic information involved, there is a list of items, I provided a list of could be items that would be recommended for voyage planning in my BRM course, and Robin had refined it down to what he expected from Matt. b

COMMANDER KEVIN CARROLL: Okay. was that contained in the crew manual?

JOHN SVENDSEN: No.

COMMANDER KEVIN CARROLL: Okay. In regards to what you stated about the voyage plan known hazards were there any known hazards that you were set to encounter from the voyage from New London on the 25th to St. Petersburg?

JOHN SVENDSEN: It was brought to our attention through multiple different sources of information hurricane Sandy was in our path.

COMMANDER KEVIN CARROLL: Okay. What date did you become aware that there was a storm them Sandy?

JOHN SVENDSEN: I believe I was aware of it on the 23rd I want to say, of October.

1 COMMANDER KEVIN CARROLL: Okay. How did you become aware?

2

3 JOHN SVENDSEN: In looking at the weather for the region and looking at the NOAA
4 website.

5

6 COMMANDER KEVIN CARROLL: Okay. Can you be specific as far as the NOAA
7 website?

8

9 JOHN SVENDSEN: The NOAA hurricane,

10

11 COMMANDER KEVIN CARROLL: National Hurricane Center,

12

13 JOHN SVENDSEN: National Hurricane.

14

15 COMMANDER KEVIN CARROLL: What did you have onboard Bounty to assist in voyage
16 planning in regards to known hazards and whatnot, what navigational equipment b?

17

18 JOHN SVENDSEN: We had a rose point, software system that would help with electronic
19 charts, and navigation waypoints, we had paper charts, publications, and do you want to
20 get into the electronics ?

21

22 COMMANDER KEVIN CARROLL: Yes please.

23

1 JOHN SVENDSEN: We also had a weather fax, we had a computer hooked up to and
2 MFHF radio, (inaudible)that would provide us with (inaudible) and electronic fact sheets
3 as well, plus email communications .
4

5 COMMANDER KEVIN CARROLL: Okay can you explain the HF files
6

7 JOHN SVENDSEN: There is a service that you can type in the area in which you're going
8 to be sailing and they will provide you with files with wind direction and speed and
9 conditions in that area.
10

11 COMMANDER KEVIN CARROLL: Okay, and that's part of the voyage planning?
12

13 JOHN SVENDSEN: It's yea, it's something that Rob looks at when he goes before the
14 dock and brings it attention to the mates as we are getting ready to go underway.
15

16 COMMANDER KEVIN CARROLL: So the voyage plan is prepared by the second mate,
17 who approves the voyage planned?
18

19 JOHN SVENDSEN: Robin Walbridge
20

21 COMMANDER KEVIN CARROLL: Robin. How is that done?
22

1 JOHN SVENDSEN: My understanding is he comes in and reviews the voyage plan and
2 ask questions and modifies it as he sees fit.

3
4 COMMANDER KEVIN CARROLL: Okay, so do you see this voyage plan as well?

5
6 JOHN SVENDSEN: I do.

7
8 COMMANDER KEVIN CARROLL: Okay, so did this in fact have information regarding
9 hurricane Sandy within the voice plan?

10
11 JOHN SVENDSEN: I believe it was oral not written.

12
13 COMMANDER KEVIN CARROLL: Okay, oral, who spoke?

14
15 JOHN SVENDSEN: Robin and I spoke about the hurricane in our conversation detailed
16 his plans on how he was going to approach the hurricane.

17
18 COMMANDER KEVIN CARROLL: Okay, can you please describe that?

19
20 JOHN SVENDSEN: His plan was to sail South by East and head out in the general
21 direction of Bermuda, and wait to see what the hurricane was going to do, if it was going
22 to come in land or if it was going to follow the Gulf stream, or if it was going to go offshore
23 and he was going to wait to see what the hurricane was committed to, and then if possible

1 he was looking at several different options as far sailing due east hoping to allow the
2 storm to move past or go to Bermuda and come across the top of the hurricane and come
3 through closer to the shore.

4
5 COMMANDER KEVIN CARROLL: Okay and that would be going to the West?

6
7 JOHN SVENDSEN: Correct

8
9 COMMANDER KEVIN CARROLL: Was going north an option that was discussed?

10
11 JOHN SVENDSEN: It was discussed in the sense that if the hurricane went directly in
12 front of us and we need another option and push us in whatever direction it was which he
13 referred to is toward Newfoundland.

14
15 COMMANDER KEVIN CARROLL: Okay, was to stay in New London discussed?

16
17 JOHN SVENDSEN: I had brought it up and he said he felt the ship was safer at sea.

18
19 COMMANDER KEVIN CARROLL: Okay the ship was safer at sea rather than being at
20 the berth in New London?

21
22 JOHN SVENDSEN: Correct.

23

1 COMMANDER KEVIN CARROLL: Where was the berth at New London?

2

3 JOHN SVENDSEN: It was on the pier right by the railroad train station.

4

5 COMMANDER KEVIN CARROLL: By the train station. And at that point on the 25th you
6 had seen the forecasted tracks for Sandy correct?

7

8 JOHN SVENDSEN: Yes.

9

10 COMMANDER KEVIN CARROLL: Okay in your opinion with those forecasts tracks and
11 where Bounty was in New London, was that a good location?

12

13 JOHN SVENDSEN: Clarify your question.

14

15 COMMANDER KEVIN CARROLL: Okay in regards to the storm tracks that you had seen
16 as of October 25 and where Bounty was berthed in New London Connecticut, by the
17 railroad tracks given that storm track, the expected storm track, given Bounty's location,
18 do you believe that was a good location for Bounty to be, in terms of risk to the vessel, or
19 the crew?

20

21 JOHN SVENDSEN: I believe that that particular pier we would have taken a lot of
22 weather if we were tied up to that the pier.

23

1 COMMANDER KEVIN CARROLL: Okay. In regards to the voyage plan being signed off
2 by Robin Walbridge, who signed off on that particular voyage plan, did anyone else for
3 example a second mate who prepared the voyage plan, did he prepare different voyage
4 plan, that was changed or was basically what I'm looking for what was approved for the
5 voyage plan. You said you used waypoints, speed, time, distance, what not, now this
6 voyage claimant was ultimately approved, prepared by Matt Saunders, and approved by
7 captain Walbridge, what plan was depicted?

8
9 JOHN SVENDSEN: It was a straight line after we had left New London to go out and
10 then head down towards I believe we were going in between the Bahamas in Florida at
11 that point Robin Walbridge altered the plan as he saw fit underway.

12
13 COMMANDER KEVIN CARROLL: Okay so Matt Saunders actually created a plan from
14 what you're saying when east southeast from New London?

15
16 JOHN SVENDSEN: My understanding was this plan was more of a direct path, he did
17 not choose waypoints based on the hurricane in its path, that was when Robin altered the
18 plan, I believe it was altered verbally not in writing.

19
20 COMMANDER KEVIN CARROLL: you said altered verbally on the 25th or was that a
21 later date?

22
23 JOHN SVENDSEN: I believe it would of been on the 25th.

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COMMANDER KEVIN CARROLL: On the 25th, okay. When he altered the plan what was the new verbal altered plan?

JOHN SVENDSEN: South by East

COMMANDER KEVIN CARROLL: South by East, and then as you described to see what the storm was going to do and make a decision from there?

JOHN SVENDSEN: That is correct.

COMMANDER KEVIN CARROLL: Okay to the second mate disagree because he proposed an original plan and then there was altered, did he disagree with Captain Walbridge?

JOHN SVENDSEN: I don't recall anyone disagreeing with the plan.

COMMANDER KEVIN CARROLL: did you voice your opinion in regards to the plan?

JOHN SVENDSEN: I did.

COMMANDER KEVIN CARROLL: What did you say?

1 JOHN SVENDSEN: I said there are people concerned about the hurricane, and I wanted
2 to discuss options as far as staying here hiding from the hurricane what we're going to do
3 to accommodate the weather as we go along.

4
5 COMMANDER KEVIN CARROLL: With his command of bounty was captain Walbridge's
6 somebody who was receptive to contrary opinions?

7
8 JOHN SVENDSEN: Robin would always listen to me and here out what my opinions
9 were and then he would offer his reasons for what he believed was the best option and
10 ultimately he would make the decision.

11
12 COMMANDER KEVIN CARROLL: Okay. You said that people were concerned, can you
13 please describe to me who those people were, and what their concerns were?

14
15 JOHN SVENDSEN: The people that I remembers very specifically word Dan and Laura's
16 concerns and Stacy Hathaway, who called me and was concerned for me.

17
18 COMMANDER KEVIN CARROLL: Who is Stacy Hathaway?

19
20 JOHN SVENDSEN: She is my girlfriend.

21
22 COMMANDER KEVIN CARROLL: Okay. So what were their concerns?

23

1 JOHN SVENDSEN: That we were, if we knew what we were sailing out into as far as
2 hurricane Sandy being on the horizon, and wanted to know what our plans were.

3
4 COMMANDER KEVIN CARROLL: okay, were any concerns related to you by Bounty
5 management?

6
7 JOHN SVENDSEN: No.

8
9 COMMANDER KEVIN CARROLL: Okay. How are those concerns addressed?

10
11 JOHN SVENDSEN: I pulled Robin off the boat, on the 25th after we returned from the
12 Navy tour, and said here are the concerns have been brought to my attention, I'd like to
13 could discuss what options you have available to us, in which you feel like the best plan
14 is, and he expresses experience with hurricanes, and on bounty and the ship was safer at
15 sea, and he would address the crew.

16
17 COMMANDER KEVIN CARROLL: Did he address the crew?

18
19 JOHN SVENDSEN: Yes Sir.

20
21 COMMANDER KEVIN CARROLL: When and where?

22

1 JOHN SVENDSEN: He addressed back on the ship the same day and he called all
2 hands to our capstain which is behind our nav shack and we had a discussion with all of
3 the crew, he expressed his plan and gave everybody the option to leave the ship if they
4 so felt that that was the best option for them, and he expressed his comfort with what his
5 plan was and what he was going to do and he wouldn't put anybody in harm's way, would
6 keep the ship safe, and everybody stayed on the ship.

7
8 COMMANDER KEVIN CARROLL: So nobody chose to leave?

9
10 JOHN SVENDSEN: Correct.

11
12 COMMANDER KEVIN CARROLL: Did any of the other crew members beside Dan and
13 Laura, Dan Cleveland and Laura Groves, did anyone else on the vessel express any
14 concerns to you prior to that meeting?

15
16 JOHN SVENDSEN: Not that I specifically remember but there may have been in passing
17 people were talking about it, those were the two that very specifically came to me.

18
19 COMMANDER KEVIN CARROLL: Did anybody express any concerns to you before then,
20 or after that meeting excuse me?

21

1 JOHN SVENDSEN: We all talked about the plan, and what we had set forth, and we
2 were just there to prepared the ship, and do everything we could to be in the best position
3 possible.

4
5 COMMANDER KEVIN CARROLL: Okay. In regards to the voyage plan that Matt Sanders
6 presented, and the voyage plan that captain Walbridge ultimately altered his plan which
7 one in your opinion presented the most rested vessel for the crew?

8
9 JOHN SVENDSEN: The at sea there is always risk, and for made to quantify or qualify
10 what that risk is, they both had us going in a similar direction Robin's plan give us more
11 see room and the ability to head away from the hurricane, which to me sounded prudent.

12
13 COMMANDER KEVIN CARROLL: Okay. Prior to the vessel leaving again we talked from
14 Boothbay to New London you said that everybody was actually satisfied with the condition
15 of Bounty, and Bounty's systems correct?

16
17 JOHN SVENDSEN: That is my knowledge yes.

18
19 COMMANDER KEVIN CARROLL: Okay. Upon departing from New London what were
20 those feelings consistent?

21
22 JOHN SVENDSEN: Yes.

23

1 COMMANDER KEVIN CARROLL: Okay, so we believe Bounty was will fit an operational,

2

3 JOHN SVENDSEN: Yes that was my understanding, was 100% believing David Wyman
4 survey.

5

6 COMMANDER KEVIN CARROLL: Okay. In terms of the crew were there any new crew
7 members on board?

8

9 JOHN SVENDSEN: Jessica Black was our cook and she was the newest member of our
10 crew.

11

12 COMMANDER KEVIN CARROLL: Okay, she was the newest member of the crew?

13

14 JOHN SVENDSEN: She was.

15

16 COMMANDER KEVIN CARROLL: Okay. Who else had joined Bounty, let's say at or
17 during the yard.

18

19 JOHN SVENDSEN: Chris Barksdale.

20

21 COMMANDER KEVIN CARROLL: Okay so Chris Barksdale and Jessica Black were
22 relatively new.

23

1 JOHN SVENDSEN: That is correct.

2

3 COMMANDER KEVIN CARROLL: Okay. I'm going to direct your attention to exhibit CG
4 70, CG 70. Can you identify this document, I will wait for you to get there. Can you identify
5 that document?

6

7 JOHN SVENDSEN: Yes Sir it's our HMS Bounty LLC crew list, from New London to St.
8 Petersburg.

9

10 COMMANDER KEVIN CARROLL: Okay. Are the numbers listed here the members that
11 were on Bounty on October 25, 2012?

12

13 JOHN SVENDSEN: Yes Sir.

14

15 COMMANDER KEVIN CARROLL: Okay. From departure at Boothbay were there any
16 drills conducted onboard Bounty? I will be more specific, was an abandoned ship drill
17 conducted?

18

19 JOHN SVENDSEN: No.

20

21 COMMANDER KEVIN CARROLL: Was a man overboard drill conducted?

22

1 JOHN SVENDSEN: I believe we did conduct a man overboard drill, I'm not 100% sure
2 but I believe we did.

3

4 COMMANDER KEVIN CARROLL: Do you recall the time?

5

6 JOHN SVENDSEN: No.

7

8 COMMANDER KEVIN CARROLL: Okay. Fire drill?

9

10 JOHN SVENDSEN: Not to my knowledge.

11

12 COMMANDER KEVIN CARROLL: Okay. The new crew members Jessica Black and
13 Christopher Barksdale did they receive the safety training that you described before?

14

15 JOHN SVENDSEN: I believe that Dan Cleveland did these initial trainings.

16

17 COMMANDER KEVIN CARROLL: What does that training consist of?

18

19 JOHN SVENDSEN: On the sheet it goes through the basic safety walk around through
20 all the different departments being aware of the immersion suit and going through the
21 basic steps of how to safely walk around the ship.

22

23 COMMANDER KEVIN CARROLL: Okay. Are they given any safety gear at that time?

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JOHN SVENDSEN: They are shown where the safety gear is stored.

COMMANDER KEVIN CARROLL: Okay, what did you have onboard in terms of for safety?

JOHN SVENDSEN: I believe we had over 100 PFDs say in the neighborhood of 30+immersion suits.

COMMANDER KEVIN CARROLL: Okay. 30 immersion suits. we will have to take a recess in a minute, question before we go for recess, We spoke before in regards to the video clip you viewed yesterday with Robin Walbridge saying that he chased hurricanes.

JOHN SVENDSEN: Yes Sir.

COMMANDER KEVIN CARROLL: Was this his choice to the part New London on 25 October, east southeast from New London, was this consistent with captain Walbridge is comments he made during that video?

JOHN SVENDSEN: My understanding is we weren't chasing it, we were going to go and take the safest route that we could.

1 COMMANDER KEVIN CARROLL: Okay so he believed this was the safest route for the
2 vessel and the crew?

3
4 JOHN SVENDSEN: Yes Sir.

5
6 COMMANDER KEVIN CARROLL: Okay, so there was no comments made by captain
7 Walbridge at any time that you are privy to that we are going to chase hurricane?

8
9 JOHN SVENDSEN: Not that I recall, I mean it is something that he would say in an
10 interview or a conversation and so it's possible that he did say it.

11
12 COMMANDER KEVIN CARROLL: Okay, but you did not hear that?

13
14 JOHN SVENDSEN: No, not to my knowledge

15
16 COMMANDER KEVIN CARROLL: thank you again were you present for the discussions
17 regarding the voyage planning?

18
19 JOHN SVENDSEN: Yes.

20
21 COMMANDER KEVIN CARROLL: Okay. I want to take a 10 minute recess. Please. We
22 will take 10 minutes, we will be back on the record at 11:05.

23

1 COMMANDER KEVIN CARROLL: Alright, back on the record.

2

3 LIEUTENANT COMMANDER NICHOLAS PARHAM: Uh, Mr. Svendsen, uh, you are
4 reminded that the oath you swore to earlier is, uh, still in effect.

5

6 JOHN SVENDSEN: Yes, sir.

7

8 COMMANDER KEVIN CARROLL: Okay. Mr. Svendsen, from the point of departure on
9 October 25 in New London, I want you to describe to me, the best that you can, what
10 Bounty occurred - encountered after that time.

11

12 JOHN SVENDSEN: We sailed south by east, um, and the plan was to go quickly as we
13 could and get to a point where Robin could assess what the storm was doing and we
14 eventually turn and went to the west to go over the top of the storm and get underneath
15 the leave (?) of Cape Hatteras

16

17 COMMANDER KEVIN CARROLL: Alright. Do you recall when that turn to the west was
18 made?

19

20 JOHN SVENDSEN: I want to say, the morning of the 28th maybe. Somewhere in that
21 time frame.

22

23 COMMANDER KEVIN CARROLL: Okay. Nick.

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LIEUTENANT COMMANDER NICHOLAS PARHAM: Yes, sir.

COMMANDER KEVIN CARROLL: I want you to, please ... and you're on the screen right now

LIEUTENANT COMMANDER NICHOLAS PARHAM: inaudible

COMMANDER KEVIN CARROLL: Coast Guard exhibit 3. Yesterday in the during the party and interest meeting we discussed three exhibits. One, which was Coast Guard exhibit 1 describes the AIS track for Bounty supplied by, actually excuse me, exhibit 1 was weather. Weather data from the National Hurricane Center and also the Navy. Exhibit 2 involved the AIS track which was taken from the nav center in Alexandria based on Bounty's AIS. This graphical representation is exhibit 3. Can you put that full screen? Is that possible? Before you start it, I am going to go through... now this is showing the 25th of October. Correct, Nick? Is that what's up there?

LIEUTENANT COMMANDER NICHOLAS PARHAM: Yes, sir. It showing 25 October at 2155.

COMMANDER KEVIN CARROLL: Alright, Mr. Svendsen. This is 25 October 2155. What I am going to show you here illustrated... I am going to use my little laser pointer... this is

1 the AIS position of Bounty. This down here is the center of Hurricane Sandy. Now we
2 are going to step it forward to give you little increments to give you a frame of reference
3 for your testimony.

4
5 JOHN SVENDSEN: Thank you.

6
7 COMMANDER KEVIN CARROLL: Again. 25 October 2155.

8
9 LIEUTENANT COMMANDER NICHOLAS PARHAM: This one...

10
11 COMMANDER KEVIN CARROLL: Okay. We will wait for that to come up. So you said
12 that plan was to come from New London to east south east? Correct?

13
14 JOHN SVENDSEN: From New London south by east.

15
16 COMMANDER KEVIN CARROLL: South by east. Okay. To get the vessel sea room.
17 Can you describe what that is?

18
19 JOHN SVENDSEN: Robin stated that he wanted to stay heading south as far south as we
20 could, but a little bit east so that we could stay away from land and allow the hurricane to,
21 uh, pick its track line.

22
23 COMMANDER KEVIN CARROLL: Okay. But eventually the course was changed.

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JOHN SVENDSEN: Correct.

COMMANDER KEVIN CARROLL: I am not sure the day or the time right now

JOHN SVENDSEN: Yeah

COMMANDER KEVIN CARROLL: But it was changed to the west.

JOHN SVENDSEN: Correct. We were going to head south west, basically. That was the general course.

COMMANDER KEVIN CARROLL: Was the vessel receiving weather information underway?

JOHN SVENDSEN: We were looking at the grip file, we were looking at the weather facts and we were also getting information for Tracy, Simonin and the director.

COMMANDER KEVIN CARROLL: How was she getting you weather information?

JOHN SVENDSEN: Um, she was sending emails to Robin with information about the hurricane tracking information.

1 COMMANDER KEVIN CARROLL: Okay. How was this information being used... the
2 grips, email files, weather facts and the informations being sent to you by Tracy. How
3 were you using that?
4

5 JOHN SVENDSEN: Robin was looking at the information and making the best decision
6 possible and he would bring up copies of the weather facts and... to the nav shack and
7 we would discuss what was going on. We also discussed at our 0800 mates meeting.
8

9 COMMANDER KEVIN CARROLL: So everyday you had a mates meeting at 0800?
10

11 JOHN SVENDSEN: Correct.
12

13 COMMANDER KEVIN CARROLL: Okay. Screen. How frequently did you have other
14 conversations regarding specifically the storm track or the position of Hurricane Sandy?
15

16 JOHN SVENDSEN: When Robin would come up and to talk to the mate on watch he
17 would bring it to the attention and that mate would relay it to the next watch.
18

19 COMMANDER KEVIN CARROLL: Okay. Was the storm tracked at all?
20

21 JOHN SVENDSEN: Yes. We were charting the storm and we were also doing half hour
22 weather increments. So we would do barometric pressure, wind speeds, wind directions
23 and charting all of that as well.

1 COMMANDER KEVIN CARROLL: Okay. Who was charting it?

2
3 JOHN SVENDSEN: Robin was doing most of the chart work and the mates on duty were
4 doing most of the observations on deck.

5
6 COMMANDER KEVIN CARROLL: Ok. Where was the chart displayed?

7
8 JOHN SVENDSEN: In the nav shack at the table.

9
10 COMMANDER KEVIN CARROLL: Okay. Here the representation...are we ready Nick?

11
12 LIEUTENANT COMMANDER NICHOLAS PARHAM: Yes, sir.

13
14 COMMANDER KEVIN CARROLL: So. Again. This is 25 October 2155 eastern daylight
15 standard time. The position of Sandy and the position of Bounty. Pause it please.
16 Alright. Same time 2155. This position in regards to Hurricane Sandy and in regards to
17 the National Hurricane Center this is the position of Bounty, Bounty's AIS, the Nav Cen
18 from Alexandria. This for the National Hurricane Centers is the forecasted track of Sandy.
19 Is this consistent with the information passed at these meetings?

20
21 JOHN SVENDSEN: Yes.

22
23 COMMANDER KEVIN CARROLL: Okay. Continue.

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UNKNOWN: Come here.

COMMANDER KEVIN CARROLL: Pause. Yes.

UNKNOWN: I think you have a question from, uh, council from the value organization and I suspect is in connection to the fact that they are filming this. that this is, and if you want to make an announcement that this is our, our prepared material and prepared from open sources.

COMMANDER KEVIN CARROLL: This is our prepared material from open source. They had asked permission to do that so we are allowing them to do this. Thank you very much for that.

UNKNOWN: Thank you.

COMMANDER KEVIN CARROLL: Alright. So this is is 26 October 0900. What you have here is the position of Bounty and you have the position of Hurricane Sandy. Continue. What we see is the forecasted track. Pause it. This is the forecasted track of the 26 October 0900. Is this also consistent with those meetings?

JOHN SVENDSEN: Yes.

1 COMMANDER KEVIN CARROLL: Ok. Again. So this is the East South East course we
2 are talking about?

3
4 JOHN SVENDSEN: South by East.

5
6 COMMANDER KEVIN CARROLL: South by east course. Okay. Continue. This is 26
7 October 2125 eastern daylight savings time. Again, the position of Bounty, position of
8 Sandy as per the National Hurricane Center. Okay. Let it roll through. Then again this is
9 the forecasted track. This is 27 October 1020 position of Bounty, position of Hurricane
10 Sandy. There is the forecasted track again. Pause it. This is 27 October at 2058 eastern
11 daylight savings time. What you are saying is that you were going south by east and
12 then the course changes to the west?

13
14 JOHN SVENDSEN: Yes. South west.

15
16 COMMANDER KEVIN CARROLL: Okay. Is it safe to say that 27 October was the date
17 that the course change was executed to the west?

18
19 JOHN SVENDSEN: Yes.

20
21 COMMANDER KEVIN CARROLL: Okay. 2058 eastern daylight savings time. So
22 sometime during that day.
23

1 JOHN SVENDSEN: Correct.

2

3 COMMANDER KEVIN CARROLL: So do you recall what time of the day the course
4 changes alter?

5

6 JOHN SVENDSEN: I am going to say... it was not during my watch. So, I believe it was
7 in the afternoon.

8

9 COMMANDER KEVIN CARROLL: Okay. Who made the order that changed the course?

10

11 JOHN SVENDSEN: Robin Walbridge.

12

13 COMMANDER KEVIN CARROLL: Okay. Do you know why?

14

15 JOHN SVENDSEN: He stated he wanted to be ... he felt that the hurricane was going to
16 track up the gulf stream and not make landfall south of Cape Hatteras. And that we
17 would be able to cross the top of the hurricane and get on to the ... side of the hurricane
18 benefitting from the southwest and western winds.

19

20 COMMANDER KEVIN CARROLL: So the plan was to cross in front of ... roll it forward
21 please. Pause. This is the forecasted track so this was, in fact, the plan Captain
22 Walbridge executed was to cut in front of the storm.

23

1 JOHN SVENDSEN: Yes, sir.

2
3 COMMANDER KEVIN CARROLL: On 27 October, were you experiencing wind, waves,
4 weather from Hurricane Sandy at this point?

5
6 JOHN SVENDSEN: Not significant, no. I would say that we were starting to see signs of
7 weather and winds were picking up into the 20 knot range. That would be my guess.

8
9 COMMANDER KEVIN CARROLL: Continue to roll through. This is 28 October 0615.
10 That's the position of Bounty. This is the track of Hurricane Sandy. Pause it. These are
11 the hurricane force winds. Tropical storm in blue, I believe, what is blue I can't read it?

12
13 LIEUTENANT COMMANDER NICHOLAS PARHAM: Blue is 39 miles

14
15 COMMANDER KEVIN CARROLL: Blue is 39 miles per hour. So at this point, on 28
16 October at 0615 were you experiencing sufficient winds?

17
18 JOHN SVENDSEN: Yeah. The wind was gradually increased to the 30s.

19
20 COMMANDER KEVIN CARROLL: Roll through. Pause it. 28 October 1959 Eastern
21 daylight standard time. This the position for Hurricane Sandy. This is the position for
22 Bounty. Now up to this point did Hurricane Sandy do everything that the mates on board
23 Bounty predicted, thought it would do?

1
2 JOHN SVENDSEN: To this point, yes.

3
4 COMMANDER KEVIN CARROLL: To this point, right. This is the course that Captain
5 Walbridge executed.

6
7 JOHN SVENDSEN: Yes, sir.

8
9 COMMANDER KEVIN CARROLL: Okay. Were there any concerns voiced by you in
10 regards to this course?

11
12 JOHN SVENDSEN: Being a prudent mariner, I was concerned and I expressed that we
13 need to make sure everything is as safe as possible and we could get inside the ... of
14 Cape Hatteras as soon as possible.

15
16 COMMANDER KEVIN CARROLL: Okay. What did Bounty make good... speed did
17 Bounty go under normal conditions?

18
19 JOHN SVENDSEN: We would typically plan our voyages between 4 and 5 knots
20 depending on the voyage. On this particular trip we were averaging close to 7 knots...

21
22 COMMANDER KEVIN CARROLL: 7 knots. Why?

23

1 JOHN SVENDSEN: We wanted to get as far south as we could to avoid the weather
2 systems that were building to the north.

3
4 COMMANDER KEVIN CARROLL: Right. Roll through. This is 29 October 1959 eastern
5 daylight savings time, this... Pause it. No, go back. Pause it. This is the east Hatteras
6 buoy This where the data was collected from. Thats the ... this is the AIS tracker
7 Bounty, this the center of Hurricane Sandy. Okay. Roll through please. That's at 1959
8 eastern daylight savings time the 29th October. This is 29 October 0234 eastern daylight
9 standard time. Position for Bounty, position for Hurricane Sandy. That visual depiction for
10 the AIS track for Bounty and the predicted track for Hurricane Sandy and the actual track
11 for Hurricane Sandy - is that consistent with your recollections of the voyage of the
12 Bounty from the 25th of October?

13 JOHN SVENDSEN: Yes, sir.

14
15 COMMANDER KEVIN CARROLL: Alright. Okay. So 27 October, sometime after 1020
16 that is when the course changed position to the west.

17
18 JOHN SVENDSEN: That is correct.

19
20 COMMANDER KEVIN CARROLL: Okay. And again, why?

21
22 JOHN SVENDSEN: Robin stated he wanted to get to the navigable side of the hurricane
23 where we could benefit from the southwest and westerly winds to go down the coast.

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COMMANDER KEVIN CARROLL: Okay. Was there concerns with the vessel condition at that point?

JOHN SVENDSEN: No, not to my recollection.

COMMANDER KEVIN CARROLL: So, from when you set the trip from Booth Bay to New London the ship was, in your opinion, in very good condition.

JOHN SVENDSEN: Yes, sir.

COMMANDER KEVIN CARROLL: And if your recollections and conversations you had with the crew it was in good condition.

JOHN SVENDSEN: Yes, sir

COMMANDER KEVIN CARROLL: From the time it left New London to the 27th of October when that westerly course was ordered, the vessel was still operating in good condition.

JOHN SVENDSEN: Yes, sir.

1 COMMANDER KEVIN CARROLL: Alright. Specifically, were there any concerns voiced
2 to you by crew members in regards to the bilge dewatering system?

3
4 JOHN SVENDSEN: We had a discussion about the priming of the bilge pumps and I
5 went down and was able to operate the bilge pumps and get them to prime. In a seaway
6 when the water's moving, it is a little more challenging to get a good prime on the bilge
7 pumps.

8
9 COMMANDER KEVIN CARROLL: Okay. Can you explain why?

10
11 JOHN SVENDSEN: The bilge intakes in a lot of different compartments have baffles that
12 keep the water in towards to keel and when the water gets moving due to the rolling of the
13 boat the water is not staying right where the intake is so it will suck air occasionally and
14 lose prime.

15
16 COMMANDER KEVIN CARROLL: Okay. Alright. In regards to the notes used 27
17 October as a time frame. You said that every 2 to 4 hours during a boat check, the bilges
18 need to be dewatered?

19
20 JOHN SVENDSEN: Yeah and obviously depending on the individual, uh, on my watch
21 Doug Fond would be pumping the bilges most of the time he was very experienced and
22 talented at that process.

23

1 COMMANDER KEVIN CARROLL: Douglas Fond?

2

3 JOHN SVENDSEN: Yes.

4

5 COMMANDER KEVIN CARROLL: On that note, if you could please. Please turn to
6 exhibit CG 71. CG71. Do you recognize this document?

7

8 JOHN SVENDSEN: Yes, sir.

9

10 COMMANDER KEVIN CARROLL: Okay. Who created this?

11

12 JOHN SVENDSEN: I believe Isaac.

13

14 COMMANDER KEVIN CARROLL: Ok. What is depicted here?

15

16 JOHN SVENDSEN: It's our watch schedule.

17

18 COMMANDER KEVIN CARROLL: And what else?

19 JOHN SVENDSEN: And also a list of navigational equipment in the ship's office.

20

21 COMMANDER KEVIN CARROLL: Okay. In regards to you said your watch, what was
22 your watch?

23

1 JOHN SVENDSEN: I was on A watch, so I was the mate of A watch. Doug Fond was the
2 AB and Mark and Claudine were the deck hands.

3
4 COMMANDER KEVIN CARROLL: Mark, who? Please.

5
6 JOHN SVENDSEN: Uh, I don't remember the last name...

7
8 COMMANDER KEVIN CARROLL: If you could refer to exhibit 70, it will refresh your
9 recollection.

10
11 JOHN SVENDSEN: Mark, uh, Warner.

12
13 COMMANDER KEVIN CARROLL: Okay. And Claudine was?

14
15 JOHN SVENDSEN: Christian.

16
17 COMMANDER KEVIN CARROLL: Okay. Who had the B watch?

18
19 JOHN SVENDSEN: Matt Saunders.

20
21 COMMANDER KEVIN CARROLL: Okay and who was his team?

22
23 JOHN SVENDSEN: Adam Percush and Jessica Hewitt and John Jones.

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COMMANDER KEVIN CARROLL: Alright. And C watch was?

JOHN SVENDSEN: Dan Cleveland, Drew Sallapattick and, uh, (inaudible) that would have been Josh, I don't know how to pronounce his last name Skornevachia is the last name.

COMMANDER KEVIN CARROLL: Okay. Also it is listed as day workers. Who are the day workers?

JOHN SVENDSEN: Robin Walbridge.

COMMANDER KEVIN CARROLL: Okay.

JOHN SVENDSEN: Chris Barksdale. Laura Burns. Jessica Black.

COMMANDER KEVIN CARROLL: Okay. Alright, very good. So that was the team that was set. So from that course change from the west can you please take us from there and tell us what happened to Bounty.

JOHN SVENDSEN: We were making good time. Close to 10 knots at times, uh, working our way towards the coast and when I got off watch everything was going smoothly. In the morning of the... it would be the 28th and sometime when I was awoken previous...

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COMMANDER KEVIN CARROLL: I am sorry. Can you go back. You said at the end of your watch when did your watch end?

JOHN SVENDSEN: Uh, it was the 8-12 watch.

COMMANDER KEVIN CARROLL: Okay

JOHN SVENDSEN: So, at noon.

COMMANDER KEVIN CARROLL: So at noon on the 28th?

JOHN SVENDSEN: Mm, hmm. Everything was going well.

COMMANDER KEVIN CARROLL: Okay.

JOHN SVENDSEN: And we had our four course drawn and set, which is our storm sail and thats when we went up and furled it and set the four staysail and then I went down to sleep.

COMMANDER KEVIN CARROLL: Okay, so is this before noon? The four course ...

JOHN SVENDSEN: It was after noon.

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COMMANDER KEVIN CARROLL: It was after noon.

JOHN SVENDSEN: Yep.

COMMANDER KEVIN CARROLL: Okay, and your watch ended when?

JOHN SVENDSEN: At noon.

COMMANDER KEVIN CARROLL: Okay, at noon. Okay so from your watch on the 28th that began at 0800 and ended at 1200 everything was operational in the engine room.

JOHN SVENDSEN: That is correct.

COMMANDER KEVIN CARROLL: Okay. Everything was operational in regards to the sails that were set at that time.

JOHN SVENDSEN: Yes, sir.

COMMANDER KEVIN CARROLL: What sails were set?

JOHN SVENDSEN: The four lower four course.

1 COMMANDER KEVIN CARROLL: Okay. At what time did the four course split?

2

3 JOHN SVENDSEN: I believe it was in the 12 o'clock hour.

4

5 COMMANDER KEVIN CARROLL: So, shortly after your watch ended?

6

7 JOHN SVENDSEN: That is correct.

8

9 COMMANDER KEVIN CARROLL: During your watch were in of the deck hands
10 performing any of the boat checks that were described in the crew manual?

11

12 JOHN SVENDSEN: Yes.

13

14 COMMANDER KEVIN CARROLL: Okay. Did any of the deck hands, at any time, express
15 to you any concerns that they had?

16

17 JOHN SVENDSEN: We were doing - at that point we were pumping out consistently and
18 making sure that everyone was doing their best to look at the strainers and make sure
19 that they were clear from debris.

20

21 COMMANDER KEVIN CARROLL: Pumping consistently means that the bilge pumps
22 were running continuously. When did that start?

23

1 JOHN SVENDSEN: I believe it was before the wa- before I got on watch so sometime
2 before 0800.

3
4 COMMANDER KEVIN CARROLL: Okay. So under normal operations what you described
5 before is that the bilge pumps had to be run one or two times in a four hour period. Now
6 bilge pumps on the morning of the 28th were continuously operating.

7
8 JOHN SVENDSEN: That is correct.

9
10 COMMANDER KEVIN CARROLL: When did that, again, start the continuous operation?

11
12 JOHN SVENDSEN: before zero 0800 I don't have an exact time.

13
14 COMMANDER KEVIN CARROLL: Right so before your watch. Did any other member
15 from any other watch team express any concerns of the operation of the bilges of the
16 bilge dewatering system?

17
18 JOHN SVENDSEN: To my knowledge there were a couple of people that brought it to
19 the attention of the other mates who were working on clearing the other strainers.

20
21 COMMANDER KEVIN CARROLL: When you say cleaning the strainers, what was being
22 cleared?

23

1 JOHN SVENDSEN: On the pickup hose we would come down and there was a canister
2 with holes in it to pick out large debris and a cap on the end of the hose that would strain
3 out debris from getting caught into the hose itself or into the manifold system.
4

5
6
7 COMMANDER KEVIN CARROLL: What was the debris from?
8

9 JOHN SVENDSEN: my guess would be that it was from the rolling of the ship and going
10 up into the ceiling planking and knocking out dust and small particles and possibly things
11 that were just lodged.
12

13 COMMANDER KEVIN CARROLL: Correct me if I am wrong from what you said before,
14 that it is normal for a wood hull vessel, in your opinion, to take on water. A certain
15 amount of water.
16

17 JOHN SVENDSEN: That's right.
18

19 COMMANDER KEVIN CARROLL: The water that Bounty was taking on at this time, is
20 that what you would consider normal?
21

22 JOHN SVENDSEN: I would say that at this time it was an active seaway that was
23 producing more water than normal.

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COMMANDER KEVIN CARROLL: Alright. Had you seen Bounty take on this much water before?

JOHN SVENDSEN: At the point of my 0800 to twelve o'clock watch, I had seen it take on water in that, in that way in an active seaway, yes.

COMMANDER KEVIN CARROLL: Okay. When the pumps were being used continuously, which pumps?

JOHN SVENDSEN: They were the electric pumps.

COMMANDER KEVIN CARROLL: Okay. The gasoline powered pump was not being used at this time?

JOHN SVENDSEN: That is correct, it was not being used.

COMMANDER KEVIN CARROLL: And the hydraulic, both hydraulic pumps were not being used at this time.

JOHN SVENDSEN: I believe that is correct.

1 COMMANDER KEVIN CARROLL: Okay. Now its the job of the deck hands to operate
2 the bilge pumps, correct?

3
4 JOHN SVENDSEN: Yes, sir.

5
6 COMMANDER KEVIN CARROLL: Why not the engineer? I mean, from exhibit 70
7 Christopher Barksdale, as you stated, is the engineer.

8
9 JOHN SVENDSEN: He would assist Robin Walbridge the captain and the engineer Chris
10 Barksdale would be assisting with bilge pumping.

11
12 COMMANDER KEVIN CARROLL: Okay. You stated before Bounty made about 4 to 5
13 knots for ocean passages. Is that correct?

14
15 JOHN SVENDSEN: That was our typical voyage plan speed.

16
17 COMMANDER KEVIN CARROLL: But you were making 10 at this point.

18
19 JOHN SVENDSEN: Correct.

20
21 COMMANDER KEVIN CARROLL: How?

22

1 JOHN SVENDSEN: We were running at that point both main engines and the four course
2 was drawn very nicely.

3

4 COMMANDER KEVIN CARROLL: Okay. Is it normal for you to run both main engines?

5

6 JOHN SVENDSEN: Yes and no depending on, we would regularly run both main engines.

7

8 COMMANDER KEVIN CARROLL: Okay. So seeing that normal passage is 5 knots. 10
9 knots, you were trying to get extra speed?

10

11 JOHN SVENDSEN: Yes, sir.

12

13 COMMANDER KEVIN CARROLL: Okay. To do what?

14

15 JOHN SVENDSEN: To get over the storm and get into the lay of land.

16

17 COMMANDER KEVIN CARROLL: Okay.

18

19 JOHN SVENDSEN: Reduce the seaway.

20

21 COMMANDER KEVIN CARROLL: In your opinion were you stressing the engines for
22 Bounty?

23

1 JOHN SVENDSEN: No.

2

3 COMMANDER KEVIN CARROLL: No, so they had been operated at this level before?

4

5 JOHN SVENDSEN: Absolutely.

6

7 COMMANDER KEVIN CARROLL: Okay. To your knowledge, when were the engines
8 last overhauled?

9

10 JOHN SVENDSEN: I would say before I got on in 2010.

11

12 COMMANDER KEVIN CARROLL: Okay and the generators?

13

14 JOHN SVENDSEN: The generators were overhauled at the beginning of the season in
15 2012.

16

17 COMMANDER KEVIN CARROLL: Okay. How were the generator used typically? You
18 had a port generator?

19

20 JOHN SVENDSEN: Correct, we had a port and a starboard generator and we would
21 alternate them based on days and then Robin made the decision to run one generator
22 more consistently than the other.

23

1 COMMANDER KEVIN CARROLL: Which generator? Wait so they used to be alternated.

2

3 JOHN SVENDSEN: Correct.

4

5 COMMANDER KEVIN CARROLL: And then one was run more than the other.

6

7 JOHN SVENDSEN: Correct.

8

9 COMMANDER KEVIN CARROLL: Okay. Which one was run more than the other?

10

11 JOHN SVENDSEN: I believe he was favoring the starboard engine at the time.

12 COMMANDER KEVIN CARROLL: Okay. So the port generator was left idle? Just not
13 running?

14

15 JOHN SVENDSEN: Yeah, we would start it up occasionally.

16

17 COMMANDER KEVIN CARROLL: How often?

18

19 JOHN SVENDSEN: I would say when we were doing maintenance on the starboard
20 engine or if we were checking fluids - something like that. So, would guess somewhere in
21 a couple times a week or more.

22

1 COMMANDER KEVIN CARROLL: Okay. What was the reason for that, rather than
2 alternating the generators why would you just seems like use one and leave the other in
3 reserve. Is that correct?

4
5 JOHN SVENDSEN: Yeah, he was looking at changing the maintenance schedule to
6 offset cost. Having both generators requiring maintenance at the same time.

7
8 COMMANDER KEVIN CARROLL: Okay. Was Mr. Barksdale a part of this decision?

9
10 JOHN SVENDSEN: Not to my knowledge.

11
12 COMMANDER KEVIN CARROLL: Okay. So from the time your watch ended, you are
13 saying both bilge pumps are pumping consistently. Both bilge pumps are running
14 continuously the four course split shortly after your watch. Take me from there.

15
16 JOHN SVENDSEN: We furled the four course and took care of some basic tidying up
17 and then I went down to take a nap after lunch.

18
19 COMMANDER KEVIN CARROLL: Okay. Who relieved you?

20
21 JOHN SVENDSEN: Dan Cleveland.

22
23 COMMANDER KEVIN CARROLL: Dan. Okay.

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JOHN SVENDSEN: Then I was awoken that afternoon with a list of items that had transpired on my nap and I walked through and did a brief damage control assessment and then went to talk to Dan and Robin about what had happened while I was asleep. Then we started to make a plan as far as utilizing the hydraulic pumps and trying to figure out what we could do to get the generators back running and the port engine running.

COMMANDER KEVIN CARROLL: What had happened during your nap?

JOHN SVENDSEN: The, we had a small electrical fire on the light switch to the oven that was addressed by turning the breaker off. We had a site two break of our port day tank, the port main engine and the port generator were not running and the starboard engine, or starboard generator was causing the lights to flicker slightly at that point.

COMMANDER KEVIN CARROLL: Okay. Let me stop at the site glass please. The site glass on the port day tank was broken.

JOHN SVENDSEN: That is correct.

COMMANDER KEVIN CARROLL: What is the capacity of the day tank?

JOHN SVENDSEN: Between 200 - 240 gallons.

1 COMMANDER KEVIN CARROLL: Okay. Bounty normally used how many gallons of fuel
2 per hour?

3
4 JOHN SVENDSEN: Typically 10 - 12 on normal operations.

5
6 COMMANDER KEVIN CARROLL: Okay. The boat checked that you described in regards
7 to the crews responsibility. Is it their responsibility to check the fuel levels on the day
8 tank?

9
10 JOHN SVENDSEN: Yes. They record it every half hour.

11
12 COMMANDER KEVIN CARROLL: Every half hour. So when the site glass broke did all
13 of the fuel from the fuel tank run out?

14
15 JOHN SVENDSEN: I am not aware of how much fuel came out of the day tank.

16
17 COMMANDER KEVIN CARROLL: Okay. Did someone discover the site glass broke or
18 did the port main engine, port generator stopping alert the crew to the site glass being
19 broken.

20
21 JOHN SVENDSEN: I am not sure how that was reported.

22

1 COMMANDER KEVIN CARROLL: Okay. Who's watch did it happen on, did the port
2 engine, the port generator stop working.

3
4 JOHN SVENDSEN: I believe that happened on Dan Cleveland's watch.

5
6 COMMANDER KEVIN CARROLL: On Dan. So that would have been the 12-4.

7
8 JOHN SVENDSEN: Correct.

9
10 COMMANDER KEVIN CARROLL: How was the site glass broken?

11
12 JOHN SVENDSEN: It looked like it was shattered 8 - 10 inches above the lower
13 connection.

14
15 COMMANDER KEVIN CARROLL: Can you describe what the site glass looks like?

16
17 JOHN SVENDSEN: It's mounted on the exterior tank with stainless steel sheet that
18 protects it between to valves running from the top to the bottom of the tank on the
19 (inaudible) side of the tank.

20
21 COMMANDER KEVIN CARROLL: Okay. Can you please turn to exhibit CG47. Is that a
22 photograph

23

1 JOHN SVENDSEN: Yes thats a photograph of the site tube

2

3 COMMANDER KEVIN CARROLL: In which tank can you tell.

4

5 JOHN SVENDSEN: It appears to be the starboard tank.

6

7 COMMANDER KEVIN CARROLL: Okay. So this is the one ... that was broken.

8

9 JOHN SVENDSEN: Correct.

10

11 COMMANDER KEVIN CARROLL: So there is a valve at the top and a valve at the
12 bottom.

13

14 JOHN SVENDSEN: Yes.

15

16 COMMANDER KEVIN CARROLL: The glass itself is, in fact, glass. It's not some other
17 type of material.

18

19 JOHN SVENDSEN: I believe it is glass.

20

21 COMMANDER KEVIN CARROLL: And it has a stainless steel, okay. So the glass is
22 broken, you don't know how.

23

1 JOHN SVENDSEN: Correct.

2

3 COMMANDER KEVIN CARROLL: So, what time were you woken up around?

4

5 JOHN SVENDSEN: I would say between 4 and 5 o'clock.

6

7 COMMANDER KEVIN CARROLL: Alright. 4 and 5 o'clock. So at that point the port main
8 engine and the generator were down?

9

10 JOHN SVENDSEN: I believe so, yes.

11

12 COMMANDER KEVIN CARROLL: Okay.

13

14 JOHN SVENDSEN: It may have been earlier.

15

16 COMMANDER KEVIN CARROLL: So there's a small fire. The site glass is broken
17 causing the main engine and the main generator to come down. You said there was a
18 problem with the starboard generator at that point as well.

19

20 JOHN SVENDSEN: Yeah, it appeared like, the lights were flickering, it was starving for
21 fuel.

22

1 COMMANDER KEVIN CARROLL: Alright, so lights were flickering. Was anybody
2 working in the engine room at the time that you were woken up?

3

4 JOHN SVENDSEN: Yeah. I believe Matt and Chris Barksdale and John Jones.

5 COMMANDER KEVIN CARROLL: Matt

6

7 JOHN SVENDSEN: Saunders

8

9 COMMANDER KEVIN CARROLL: Saunders, Chris Barksdale and John Jones were
10 working in the engine room. Alright so there was a small fire extinguisher turned the
11 breaker off - that was a general alarm. Do you have a general alarm on Bounty?

12

13 JOHN SVENDSEN: Yes, we have a general alarm.

14

15 COMMANDER KEVIN CARROLL: Okay there was a general alarm. Okay so somebody
16 just turned the breaker off.

17

18 JOHN SVENDSEN: Yes.

19

20 COMMANDER KEVIN CARROLL: Do you know who that was?

21

22 JOHN SVENDSEN: I was informed that it was Robin.

23

1 COMMANDER KEVIN CARROLL: Okay. Site glass was broken, we don't know how.
2 Port day tank was drained.

3
4 JOHN SVENDSEN: I believe there was some fuel in the port day tank, but I am not sure.
5 I did not investigate how much was in it.

6
7 COMMANDER KEVIN CARROLL: Okay. The lights were flickering because the
8 starboard generator was fluctuating.

9
10 JOHN SVENDSEN: Correct.

11
12 COMMANDER KEVIN CARROLL: What else occurred during your nap?

13
14 JOHN SVENDSEN: Robin Walbridge fell and had a sore back as a result of it. He had
15 reduced mobility, but was still mobile.

16
17 COMMANDER KEVIN CARROLL: Do you know how he fell?

18
19 JOHN SVENDSEN: I believe he was in the great cabin and when the boat rolled, he
20 slipped and fell into one of the tables in the great cabin.

21
22 COMMANDER KEVIN CARROLL: Okay. How do you know that?

23

1 JOHN SVENDSEN: The table was loose from its mount and that was the discussion he
2 had with me.

3
4 COMMANDER KEVIN CARROLL: Okay. So his mobility was compromised, but still he
5 was capable of walking around, moving around the vessel.

6
7 JOHN SVENDSEN: Correct.

8
9 COMMANDER KEVIN CARROLL: Okay. Did anything else occur during the time you
10 were in the rack?

11
12 JOHN SVENDSEN: I believe that's all.

13
14 COMMANDER KEVIN CARROLL: Alright. So what actions were taken?

15
16 JOHN SVENDSEN: We were working on changing out the ... and filters on the
17 generators. Focusing on the generators first. We were pumping continuously and we
18 had people down in each bilge compartment straining out and material that was floating
19 around in the compartments themselves and making sure that the strainers were clear in
20 the best position to take the water on the boat.

21
22 COMMANDER KEVIN CARROLL: Okay. And this again is around 4 or 5 PM on the 28th.

23

1 JOHN SVENDSEN: Correct.

2

3 COMMANDER KEVIN CARROLL: Okay. Did you believe the vessel was in distress at
4 this point?

5

6 JOHN SVENDSEN: At that point, I was concerned and I went up and had a conversation
7 with Robin. Due to my recent coursework with ... I expressed to him my concerns and
8 said that the most prudent thing to do was to communicate with the coast guard early and
9 be able to apprise them of whats happening with our office and that way we could make
10 informed decisions with all of us involved. And he felt that the best thing to do was focus
11 on getting the generators ready and we went in and worked diligently on that.

12

13 COMMANDER KEVIN CARROLL: Okay. Were the bilge pumps and there two electric
14 bilge pumps. Were those capable of being run off of one generator.

15

16 JOHN SVENDSEN: Yes.

17

18 COMMANDER KEVIN CARROLL: Okay. Alright. The discussion to call the Coast Guard
19 was had, the captain made the decision not to.

20

21 JOHN SVENDSEN: Correct.

22

1 COMMANDER KEVIN CARROLL: Okay. Alright. Can you continue on from there
2 please.

3
4 JOHN SVENDSEN: Then we worked in the compartment and at the point the water was -
5 we were keeping up with the water for the most part. It was coming in a little bit faster but
6 we were keeping up with it. Everybody was optimistic and hopeful. We decided to ... and
7 reduce the movement of the seaway and see if we could get the bilge inputs in the water
8 to take out more water and when I was down in the engine room doing checks on the
9 progress we were making, I noticed we were taking on more water than I felt comfortable
10 with and then went up and had a conversation with Robin.

11
12 COMMANDER KEVIN CARROLL: What time was this?

13
14 JOHN SVENDSEN: Early evening, I will say. I was not logging the times, I would say
15 early evening.

16
17 COMMANDER KEVIN CARROLL: Okay so if you were woken at 4, 5 o'clock and that's
18 when you were briefed in things that occurred during the time you were resting. From
19 that time when you discovered the injury, the site glass being broke and the fire - one
20 hour, two hours?

21
22 JOHN SVENDSEN: I would say an hour to two hours would be a fair judgment of time.
23

1 COMMANDER KEVIN CARROLL: About 18:00?

2
3 JOHN SVENDSEN: Somewhere in that time frame.

4
5 COMMANDER KEVIN CARROLL: Okay, continue.

6
7 JOHN SVENDSEN: Then we continued working throughout that process and at certain
8 point I felt that water was progressing further and I went and strongly had a conversation
9 with Robin and we decided to notify Bob and the Coast Guard and at that point I called on
10 the satellite phone and communicated with Tracy and Bob and then attempted to
11 communicate with the Coast Guard. The satellite phone was a hand held ...satellite
12 phone which required me to be on deck to get reception and was challenging to
13 communicate with I could not tell if I was on voice mail or talking to a real person at times,
14 uh, with my conversation with Robert Hansen I was able to determine at some point that I
15 could hear him attempting to communicate back with me. I could not hear the words, but
16 I could hear his voice so I had the most confidence with my conversation with Robert
17 Hansen that he was hearing and that I was repeating our coordinates that we were in
18 distress.

19
20 COMMANDER KEVIN CARROLL: Okay. So you called Mr. Hansen. Who else did you
21 call?

22

1 JOHN SVENDSEN: I believe I called Tracy, Simonin and a couple of Coast Guard
2 numbers we had received and talk to Michael or left a message for Michael Tudor the XO
3 of the Eagle.

4
5 COMMANDER KEVIN CARROLL: Okay. So at this point you believed you were in
6 distress.

7
8 JOHN SVENDSEN: Yes, sir.

9
10 COMMANDER KEVIN CARROLL: Okay. This is around the same 1800.

11
12 JOHN SVENDSEN: In that time frame, yeah.

13
14 COMMANDER KEVIN CARROLL: In that time frame. Now can you explain what Hove to
15 is?

16
17 JOHN SVENDSEN: Hove to is just keeping the boat with the nose pointed up into the
18 seaway and taking the waves on the corner to slow the speed of the ship and to ease the
19 motion of the seaway.

20
21 COMMANDER KEVIN CARROLL: So, to this point at that time when you determined you
22 were distressed, was Bounty taking on more water than in your experience was normal?
23

1 JOHN SVENDSEN: Okay. Yes.

2

3 COMMANDER KEVIN CARROLL: Where was the water coming from?

4

5 JOHN SVENDSEN: The water appeared to be coming in from the seams between the
6 planking on the hull.

7

8 COMMANDER KEVIN CARROLL: So about the wind water line?

9

10 JOHN SVENDSEN: I would say above the water line.

11

12 COMMANDER KEVIN CARROLL: Was there any particular place on the hull?

13

14 JOHN SVENDSEN: There was two sections, one near the main mast, one near the ...
15 mast on the port side.

16

17 COMMANDER KEVIN CARROLL: Okay. Did you actually see water coming in through
18 the seams?

19

20 JOHN SVENDSEN: I saw the results of water coming in on the tween decks, where there
21 were water marks on the floor.

22

1 COMMANDER KEVIN CARROLL: Okay. That wouldn't be possible to come in through
2 the weather deck?

3
4 JOHN SVENDSEN: The manner in which it was coming in, I would say it was coming in
5 through the hull, not through the weather deck.

6
7 COMMANDER KEVIN CARROLL: So when you refer to the tween deck, again, so the
8 water was coming in, in your opinion... can you please approach and show us where you
9 believe the to your knowledge where it was coming in.

10
11 LIEUTENANT COMMANDER NICHOLAS PARHAM: For the record, the witness is
12 approach CG66A

13
14 JOHN SVENDSEN: Right in through this area and then also through this area here as
15 well.

16
17 COMMANDER KEVIN CARROLL: I'm sorry, could you say it one more time please.

18
19 JOHN SVENDSEN: Through the area above the engine room and then also the area
20 above the tank room where the main mast is.

21
22 COMMANDER KEVIN CARROLL: Okay. As described before, Bounty had planking
23 externally and internally on the frames, so how could you see that?

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JOHN SVENDSEN: There was, what appeared to be the equivalent of the amount of water that you would mop that way in those two areas.

COMMANDER KEVIN CARROLL: On the tween deck.

JOHN SVENDSEN: On the tween deck.

COMMANDER KEVIN CARROLL: That area, from the main engine up through that trunk, what is that?

JOHN SVENDSEN: That is an exhaust trunk.

COMMANDER KEVIN CARROLL: Is it possible the water was coming in through the exhaust trunk?

JOHN SVENDSEN: It is possible that there was some water coming in through the exhaust trunk and also through the hatch at the nav shack, uh, there was that the water on the tween decks was clearly coming in from the port side. Not from the over hang.

COMMANDER KEVIN CARROLL: From the port side. Okay. By the main mast and the mizzen mast on the port side.

1 JOHN SVENDSEN: That is correct.

2

3 COMMANDER KEVIN CARROLL: Thank you. Were the hydraulic pumps being used at
4 this time?

5

6 JOHN SVENDSEN: Yes.

7

8 COMMANDER KEVIN CARROLL: Both of them?

9

10 JOHN SVENDSEN: Its possible. I know that the primary pump that we were using was
11 the portable, hydraulics.

12

13 COMMANDER KEVIN CARROLL: Alright. So the primary pump was the portable.
14 Where was the portable hydraulic pump kept?

15

16 JOHN SVENDSEN: It was kept under the port day tank.

17

18 COMMANDER KEVIN CARROLL: Okay.

19

20 JOHN SVENDSEN: In the engine room

21

22 COMMANDER KEVIN CARROLL: And how was it hooked into the bilge system?

23

1 JOHN SVENDSEN: There was a cam clip, a cam clip that was attaching it to a hose that
2 allowed it to be placed in the forward area of the engine room near the forward watertight
3 bulkhead.

4
5 COMMANDER KEVIN CARROLL: Okay, and was that portable pump, was that capable
6 of drawing suction from those areas that we noted before in the bilge manifold system?

7
8 JOHN SVENDSEN: The portable pump pumps straight overboard.

9
10 COMMANDER KEVIN CARROLL: Okay but where did the suction come from?

11
12 JOHN SVENDSEN: It takes suction from the area right underneath the manifold.

13
14 COMMANDER KEVIN CARROLL: Okay, so it was not capable of drawing suction from
15 anywhere else except the engine room?

16
17 JOHN SVENDSEN: That is correct.

18
19 COMMANDER KEVIN CARROLL: Okay and that's the portable pump?

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21 JOHN SVENDSEN: Yes.

22
23 COMMANDER KEVIN CARROLL: The ... hydraulic pump was capable wasn't it?

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JOHN SVENDSEN: Yes it was capable of drawing from the manifold.

COMMANDER KEVIN CARROLL: Okay, but were not sure if that was being used.

JOHN SVENDSEN: I'm not sure.

COMMANDER KEVIN CARROLL: Okay. You're not sure, okay. What about the gasoline powered pump?

JOHN SVENDSEN: That was not being used at this time.

COMMANDER KEVIN CARROLL: Okay. Okay. Alright so after your communication you felt, correct me if I'm wrong, you felt reasonably certain that you are able to communicate Bounty's distress to Robert Hansen, but you aren't sure what he was saying?

JOHN SVENDSEN: Correct.

COMMANDER KEVIN CARROLL: Okay, you are not sure if you communicated this to the Coast Guard or Tracy Simonin?

JOHN SVENDSEN: No.

1 COMMANDER KEVIN CARROLL: Okay and this is around this is after 18:00 on the 28th,

2

3 JOHN SVENDSEN: Yes.

4

5 COMMANDER KEVIN CARROLL: What actions did you take next?

6

7 JOHN SVENDSEN: We continue to attempt to communicate with Robert Hanssen, the
8 Coast Guard, and were also I suggested to Doug and to Robin Walbridge to attempt to
9 communicate with (inaudible) and also the HFMF email system.

10

11 COMMANDER KEVIN CARROLL: Okay, this is the email system the one that you noted
12 before?

13

14 JOHN SVENDSEN: Correct

15

16 COMMANDER KEVIN CARROLL: was being used for her (inaudible) and Tracy Simonin
17 was passing you weather information from the National Hurricane Center.

18

19 JOHN SVENDSEN: That is correct.

20

21 COMMANDER KEVIN CARROLL: Okay, what happened next?

22

1 JOHN SVENDSEN: And then, Robin eventually got to communications with the with the
2 Coast Guard, and Tracy, what the status was and that they were sending a C-130 at
3 some point. And then the C-130 arrived and we were able to establish VHF
4 communications with them, and get a clear image of what we are required, the Starboard
5 generator eventually failed and then was restarted after we changed out the online filters
6 in the engine, and then it was overcome by water and then we got the port generators
7 started, and it was running our bilge pumps and the starboard main engine was providing
8 power for of the ship and also for the hydraulic pumps.

9
10 COMMANDER KEVIN CARROLL: okay, the hydraulic pumps ran off of what engine?

11
12 JOHN SVENDSEN: The starboard main engine.

13
14 COMMANDER KEVIN CARROLL: It ran off the starboard main?

15
16 JOHN SVENDSEN: Yes sir.

17
18 COMMANDER KEVIN CARROLL: Okay I'd like you please to take a look at exhibit CG
19 46. Are there fuel filters depicted in that photo?

20
21 JOHN SVENDSEN: Yes

22
23 COMMANDER KEVIN CARROLL: Okay, is this a photo of Bounty's engine room?

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JOHN SVENDSEN: Yes.

COMMANDER KEVIN CARROLL: Okay, what are those fuel filters off of?

JOHN SVENDSEN: I believe that that is port main engine, and the port generator rate forward filters.

COMMANDER KEVIN CARROLL: Okay, those rate forward filters are those the ones you referred to changing out? Or needed to be changed out:

JOHN SVENDSEN: No, the online engines, engine filters for.

COMMANDER KEVIN CARROLL: Let's look at CG 65 please, were you involved in this process at all, of switching out the filters?

JOHN SVENDSEN: I was involved to the point of bringing the filters, assisted in bringing the filters to Matt Saunders who is the doing the primary work changing out the filters.

COMMANDER KEVIN CARROLL: Okay, CG 65 I want to bring your attention to page 1. There is two different fuel filters depicted here on page one please, actually the Raycore series 1000, and Raycore series 500, are these the fuel filters, Ray core fuel filters that were off of the day tank?

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JOHN SVENDSEN: I believe so

COMMANDER KEVIN CARROLL: Okay, turn the page please. What you're looking at here is fuel filters for a John Deere generator, indicates this what rated to be possibly for Bounty, do either of these look similar?

JOHN SVENDSEN: To the filter B was similar to what we have

COMMANDER KEVIN CARROLL: okay, so this is the actual, this is the fuel filter that needed to be switched?

JOHN SVENDSEN: That is correct

COMMANDER KEVIN CARROLL: Okay, turn to page 4, this square filter does this depict the filter arrangement for the generator?

JOHN SVENDSEN: Not to my knowledge no

COMMANDER KEVIN CARROLL: Okay, page 5 please, does this picture illustrate the fuel filter arrangement for the generator?

JOHN SVENDSEN: Yes.

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COMMANDER KEVIN CARROLL: Okay it does excellent, so now who was switching the filters for the generators?

JOHN SVENDSEN: Matt Saunders.

COMMANDER KEVIN CARROLL: Okay, Matt is the second mate correct?

JOHN SVENDSEN: That is correct

COMMANDER KEVIN CARROLL: Why wasn't there, was there an engineer on board

JOHN SVENDSEN: Yes.

COMMANDER KEVIN CARROLL: Why wasn't he there?

JOHN SVENDSEN: He was feeling the effects of seasickness. And was going up on deck to catch air then coming back down to assist in taking a few moments to rest, get his senses back around him

COMMANDER KEVIN CARROLL: Okay, so continue from there please

1 JOHN SVENDSEN: And then once, once the generators were down and the starboard
2 main engine was down, we were working previous to that at attempting to get the
3 gasoline trash pump to dewater the boat and we were never able to get positive prime
4 that we could hold with that particular system, we requested that pump be dropped to the
5 vessel and when we were told the timeline of when the pumps would be able to be
6 dropped to the vessel it would be more of a rescue rather than a dewatering mission.
7

8 COMMANDER KEVIN CARROLL: Okay around what time was this?
9

10 JOHN SVENDSEN: I would guess on or before midnight.
11

12 COMMANDER KEVIN CARROLL: On or before midnight, okay. So that is the 1800
13 timeframe, what sea conditions was Bounty in at that time?
14

15 JOHN SVENDSEN: We were I would say in 25 to 30 foot seas with spray coming over the
16 deck, winds in the neighborhood of 50 mph.
17

18 COMMANDER KEVIN CARROLL: Work conditions getting worse, or were they getting
19 better?
20

21 JOHN SVENDSEN: They were stable at that point.
22

23 COMMANDER KEVIN CARROLL: When did you request pumps from the Coast Guard?

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JOHN SVENDSEN: When I was in communications with the C-130.

COMMANDER KEVIN CARROLL: Okay, what time was that?

JOHN SVENDSEN: In the late evening, I would say.

COMMANDER KEVIN CARROLL: In the late evening, okay.

JOHN SVENDSEN: I would say somewhere in the 10 to 11 o'clock timeframe.

COMMANDER KEVIN CARROLL: Okay alright what happened next:

JOHN SVENDSEN: Then Robin made the decision that when the water would get to just below the tween decks then we would put everybody in immersion suits on the weather deck.

COMMANDER KEVIN CARROLL: Okay. I would like to put up exhibit CG8 please, the mid-ship section. Can you approach this CG8 as the midship of Bounty. So you said the plan was that when the water got to the tween deck, now continue from there

1 JOHN SVENDSEN: When the water got to the tween deck we would put everybody in
2 immersion suits and bring them up onto the main deck after the nav shack, staging to
3 the life rafts

4
5 COMMANDER KEVIN CARROLL: Okay. From the keelson to the bottom of the bilges to
6 the top of the tween deck, what's your estimate of the height, how much water

7
8 JOHN SVENDSEN: Between 10 and 12 feet

9
10 COMMANDER KEVIN CARROLL: 10 to 12 feet from the centerline? Okay thank you.
11 Continue from there please.

12
13 JOHN SVENDSEN: And once we got everybody up on deck in immersion suits with a life
14 jacket we had people assembling, before that we had the gaffe break on our aft most
15 sound on the boat so we had half of the people working on containing the gaffe so it
16 wasn't flogging half were preparing food water, immersion suits, life jackets, once
17 everybody was staged we brought everybody up on deck and we staged act by the life
18 rafts, I was in the nav shack, on the VHF radio communicating with the Coast Guard,
19 Robin was sitting on the yards which was portside of the ship right outside the nav shack
20 so I could communicate with him easily, and what he wished to communicate with the
21 Coast Guard, and at that point we were standing by to hear what our ETA was for having
22 a helicopter come out
23

1 COMMANDER KEVIN CARROLL: At that point did you have propulsion?

2

3 JOHN SVENDSEN: No, the main engines and generators were underwater at that point.

4

5 COMMANDER KEVIN CARROLL: Okay. What were the yards, you said he was sitting
6 on the yards on the deck?

7

8 JOHN SVENDSEN: There were two topsails and a mizzen sail lowered yard that we had
9 shaped

10

11 COMMANDER KEVIN CARROLL: Is this what you said Dan Cleveland did in the
12 shipyard?

13

14 JOHN SVENDSEN: That is correct

15

16 COMMANDER KEVIN CARROLL: Okay. So at this point what was the state of the crew?

17

18 JOHN SVENDSEN: They were on deck and had been instructed to standby and we
19 would have more of when to abandon ship when Robin made that decision.

20

21 COMMANDER KEVIN CARROLL: Okay. Was anyone else injured besides Capt.
22 Walbridge?

23

1 JOHN SVENDSEN: Adam Cogosh had fallen over and arms chest, and had neck and
2 shoulder injuries.

3

4 COMMANDER KEVIN CARROLL: So there were two injured crewmen at this time, the
5 Capt. and Adam?

6

7 JOHN SVENDSEN: That is correct

8

9 COMMANDER KEVIN CARROLL: Okay, what about as far as fatigue?

10

11 JOHN SVENDSEN: Everyone was under the influence of fatigue

12

13 COMMANDER KEVIN CARROLL: Okay

14

15 JOHN SVENDSEN: For my estimation.

16

17 COMMANDER KEVIN CARROLL: Who had the watch at this point?

18

19 JOHN SVENDSEN: At that point Dan had maintained the watch for the most part while I
20 was on communications and Matt was working with the generators

21

1 COMMANDER KEVIN CARROLL: So what time, it seems like the watch schedule from 8
2 to 12, 12 to 4, 4 to 8, watch schedule deteriorated at some point, what time did that
3 happen?

4
5 JOHN SVENDSEN: I believe that Dan stayed on watch from the 12 to 4 on until we
6 abandon ship

7
8 COMMANDER KEVIN CARROLL: Okay, so as far as the officers were concerned, the
9 captain was injured from the time that you are napping from 12 to 4?

10
11 JOHN SVENDSEN: That is correct.

12
13 COMMANDER KEVIN CARROLL: Okay, you took over coms, Mr. Cleveland had the
14 con?

15
16 JOHN SVENDSEN: Yeah

17
18 COMMANDER KEVIN CARROLL: And Matt Sanders was in the engine room?

19
20 JOHN SVENDSEN: That is correct

21
22 COMMANDER KEVIN CARROLL: Okay and this is due to the fact that the engineer was
23 physically incapacitated due to seasickness?

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JOHN SVENDSEN: That is correct

COMMANDER KEVIN CARROLL: Okay. What happened then?

JOHN SVENDSEN: Then we were communicating with the Coast Guard, they said there were no assets in or out on the surface or via helicopter, and I communicated with that with Robin, and he said he suspected so, he was hoping that we would be able to maintain staying on deck until about zero 800. I was watching the starboard (inaudible) at one point I saw the foredeck take on more water than I was comfortable with so I said, I believe we should abandon ship, and he said I think we have a lot more time left, and I looked back over and a second wave that came up washed over to the point where the forward pin rail was almost underwater, and I said I think it's time that we abandon ship, and he said I think we've got more time, and by the third time I made a dramatic gesture by putting the left, I had my emersion suit around my waist, went to put the left arm of my emersion suit on and he said okay, I trust we should abandon ship, and within a minute I would say the boat had rolled over on her (inaudible) end.

COMMANDER KEVIN CARROLL: So you made the recommendation to abandon ship twice to Capt. Walbridge prior to him executing that or order?

JOHN SVENDSEN: Correct.

1 COMMANDER KEVIN CARROLL: Okay, from the time you first gave that order, the
2 recommendation to the captain, to the time he actually accepted your recommendation,
3 what was the time period between that?
4

5 JOHN SVENDSEN: Two minutes, give or take.
6

7 COMMANDER KEVIN CARROLL: Two minutes okay.
8

9 JOHN SVENDSEN: Two.
10

11 COMMANDER KEVIN CARROLL: Two, okay understood, alright. So what happened
12 next?
13

14 JOHN SVENDSEN: Then when the ship rolled over it through everybody into the water
15 that was on deck, I was in the nav shack and was caught in the down flooding and just
16 holding on until eventually I was able to pull myself out, and got out. I did call out to the C-
17 130 in the process of the boat rolling over, and let them know that we were abandoning
18 ship, then at that point it became difficult to keep track of where everyone was, I saw a
19 robin Walbridge walking aft along the yards, going towards the life vests and the emersion
20 suit with a life jacket, and his dry belt. I was bounced around on deck with the water in the
21 movement of the ship, eventually climbed up the mast made it to the pin rail on the port
22 side, worked along the hull, but because of the motion of the ship I decided to go out
23 along the mast which at that point was almost horizontal, and jumped into the water, and

1 struggled to get free of the ship sinking underwater a few times and eventually made it
2 free of the ship, and made contact with a life raft canister that was not inflated, was not
3 able to stay nearby being drug underwater by a yard, then eventually swam for three
4 hours give or take, followed my swimming pattern towards the track of the C-130 to its
5 closest point of approach, and eventually that led me to a strobe, and once I made it to
6 the strobe the helicopter arrived on scene and picked me up from the water, out of the
7 water and into the helicopter.

8
9 COMMANDER KEVIN CARROLL: Okay, were you injured?

10
11 JOHN SVENDSEN: Yes, I had a bruise and damaged faced, head and neck trauma, I
12 had broken bones in my hand, in my right hand, some other arm injuries, and chest and
13 abdomen trauma, as well as a twisted knee on my right side, my esophagus and stomach
14 were inflamed from saltwater that I had swallowed, and hypothermia and exposure, and
15 my shoulder was slightly dislocated.

16
17 COMMANDER KEVIN CARROLL: From the time that you were out on back was there
18 any crew members below deck at that point or was everybody on deck at that point?

19
20 JOHN SVENDSEN: Everybody was on deck except for me, and I was in the ladder way.

21
22 COMMANDER KEVIN CARROLL: Okay.
23

1 JOHN SVENDSEN: At the radio.

2

3 COMMANDER KEVIN CARROLL: Okay, and at that point everybody was wearing an
4 emersion suit?

5

6 JOHN SVENDSEN: That is correct.

7

8 COMMANDER KEVIN CARROLL: Okay, (inaudible) on board?

9

10 JOHN SVENDSEN: Yes. We had two e-perbs which we had, were instructed to turn on,
11 and we turned one of them off, and we were instructed by the C-130 to hit the second one
12 if we needed further assistance.

13

14 COMMANDER KEVIN CARROLL: Okay.

15

16 JOHN SVENDSEN: I believe that there was also a small handheld one that Doug had.
17 And one small handheld that was in the emersion, the man overboard kit.

18

19 COMMANDER KEVIN CARROLL: Doug?

20

21 JOHN SVENDSEN: Doug Fought.

22

1 COMMANDER KEVIN CARROLL: Okay. The, the captain you said he was wearing his
2 emersion suit, yet he was injured?

3
4 JOHN SVENDSEN: That is correct.

5
6 COMMANDER KEVIN CARROLL: The last that you saw Capt. Walbridge he was making
7 his way back towards the stern?

8
9 JOHN SVENDSEN: That is correct.

10
11 COMMANDER KEVIN CARROLL: Okay, that's the last that he saw of him?

12
13 JOHN SVENDSEN: Yes sir.

14
15 COMMANDER KEVIN CARROLL: Okay. you said you requested pumps from the Coast
16 Guard correct?

17
18 JOHN SVENDSEN: Yes

19
20 COMMANDER KEVIN CARROLL: Do you know why pumps weren't delivered?

21
22 JOHN SVENDSEN: Only what I have read in this book.

23

1 COMMANDER KEVIN CARROLL: Okay, at that point was any communications given to
2 you about why pumps could not be brought?

3
4 JOHN SVENDSEN: They, the C1 30 was not able to drop pumps to us in the helicopters
5 weren't going to be out to us until after sunrise.

6
7 COMMANDER KEVIN CARROLL: Okay, at the time of capsizing what would you
8 estimate the weather conditions to be, and waves?

9
10 JOHN SVENDSEN: I would say the sea was between 25 and 28 feet, and the winds were
11 40 kn.

12
13 COMMANDER KEVIN CARROLL: The time is now 12:10, this is my intention we are due
14 for a lunch break, when we come back I'm going to continue with Mr. Svendsen at that
15 point the parties of interest will each have an opportunity to ask questions. After they are
16 through I may have some additional questions for you, but at this point the time is 12:10,
17 we will return back here at 13:30, 13:30 thank you.

18
19 COMMANDER KEVIN CARROLL: Let's go back on the record.

20
21 LIEUTENANT COMMANDER NICHOLAS PARHAM: Back on the record at 1:30, Mr.
22 Svendsen just reminding you that the oath that you took previously is still binding, do you
23 understand?

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JOHN SVENDSEN: Yes.

LIEUTENANT COMMANDER NICHOLAS PARHAM: Okay, thank you.

COMMANDER KEVIN CARROLL: At this point I would like to make the opportunity available to the Bounty Organization to ask questions to Mr. Svendsen. Mr. Langer, can you take the desk up there.

LEONARD LANGER: Thank you. Good afternoon Mr. Svendsen.

JOHN SVENDSEN: Good afternoon.

LEONARD LANGER: You indicated that in response to Cmdr. Carroll's questions this morning that you arrived back in Boothbay approximately 2 or three days before the vessel left?

JOHN SVENDSEN: Yes sir.

LEONARD LANGER: And at that time you had meetings with the captain Walbridge and the other mates is that correct?

JOHN SVENDSEN: Yes.

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LEONARD LANGER: And then on you also had opportunity to walk around with Mr. Wyman sort of a

JOHN SVENDSEN: That is correct

LEONARD LANGER: During that period of time did the captain ever indicate to you that he had any concerns about any of the work that had been done in the yard?

JOHN SVENDSEN: No

LEONARD LANGER: Did any of the mates have any concerns that they relate to you about the yard work?

JOHN SVENDSEN: No, other than the typical, you know this is what were doing, this is with happening.

LEONARD LANGER: And I think you said in response to Cmdr. Carroll's questions that throughout the time period From when the vessel left Boothbay to the time you arrive at New London in your opinion everything was working properly?

JOHN SVENDSEN: Yes.

1 LEONARD LANGER: And in your opinion, had the vessel been properly cleaned while in
2 the yard?

3
4 JOHN SVENDSEN: It looked very clean.

5
6 LEONARD LANGER: And I think you said that at least in your opinion after you have
7 finished your inspections both with the rest of the crew and Mr. Wyman you felt the
8 vessel was in the best condition that it had ever been in?

9
10 JOHN SVENDSEN: Since I have been on board yes.

11
12 COMMANDER KEVIN CARROLL: Mr. Langer, we are rehashing my questions from this
13 morning, can we ask a new question, or ask more information regarding my questions?

14
15 LEONARD LANGER: Mr. Svendsen who made the decision to hire Chris Barksdale as
16 the engineer on the vessel?

17
18 JOHN SVENDSEN: It was a collaborative effort I suggested him, and Robin and I
19 discussed it and he said to bring him on board.

20
21 LEONARD LANGER: You also indicated that the tanks, the two fuel tanks had been
22 moved, and I think we've showed an exhibit, can you tell me why the tanks were moved?

23

1 JOHN SVENDSEN: We move the tanks based on the recommendations of the Coast
2 Guard inspector who said on commercial vessels as recommended to have your tanks
3 with no crew space in between them, the tank room and the engine room.
4

5 LEONARD LANGER: And so the tanks, prior to the tanks being moved was there a crew
6 space between the tank room and the engine room?
7

8 JOHN SVENDSEN: Yes sir there was.
9

10 LEONARD LANGER: After the tanks had been moved where was the crew space?
11

12 JOHN SVENDSEN: It was moved forward of the tank room.
13

14 LEONARD LANGER: Prior to the change had there been fuel lines running through
15 through the crew quarters?
16

17 JOHN SVENDSEN: Yes.
18

19 LEONARD LANGER: And after the change there were no fuel lines or other fuel
20 equipment located within crew bunking spaces?
21

22 JOHN SVENDSEN: That is correct.
23

1 COMMANDER KEVIN CARROLL: I would like to clarify here, where you privy to the
2 conversation with the Coast Guard inspector? Were you there?

3
4 JOHN SVENDSEN: I was there.

5
6 COMMANDER KEVIN CARROLL: Okay who was the inspector?

7
8 JOHN SVENDSEN: I have no recollection of the specific inspector, it was during the
9 season.

10
11 COMMANDER KEVIN CARROLL: Do you know where?

12
13 JOHN SVENDSEN: I don't recall which port it was.

14
15 COMMANDER KEVIN CARROLL: But it was during the 2012 season?

16
17 JOHN SVENDSEN: That is correct.

18
19 COMMANDER KEVIN CARROLL: What specifically were you told?

20
21 JOHN SVENDSEN: The inspector when he walked through stated that most commercial
22 vessels have the tank room next to the engine room or in some place where there are no
23 fuel lines running through crew spacing.

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COMMANDER KEVIN CARROLL: Okay, was there anyone else present during this conversation?

JOHN SVENDSEN: Robin Walbridge.

COMMANDER KEVIN CARROLL: Was this an 835 or deficiency issue?

JOHN SVENDSEN: No sir.

COMMANDER KEVIN CARROLL: Okay.

JOHN SVENDSEN: It was just a common,

COMMANDER KEVIN CARROLL: Okay. Go ahead Mr. Langer.

LEONARD LANGER: Thank you. When was the last time that the vessel had held a man overboard drill?

JOHN SVENDSEN: I believe it was on a trip to New London, it may have been the trip before that

LEONARD LANGER: Just before or just after the yard visit?

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JOHN SVENDSEN: Yes sir.

LEONARD LANGER: Was there an abandon ship drill undertaken as well?

JOHN SVENDSEN: Not during that time. It was previous. They did an abandon ship drill and fire drill once a month.

LEONARD LANGER: So an abandon ship drill and a fire drill was done once a month?

JOHN SVENDSEN: That was the standard yes.

LEONARD LANGER: How often did the captain update you on decisions that he was either in the process of making or had made in regard to the maintenance of the vessel?

JOHN SVENDSEN: I would say a couple times a month or more.

LEONARD LANGER: And would you have a meeting on a daily basis or a weekly basis regarding the vessel or the crew?

JOHN SVENDSEN: We met in the morning at 8 AM during our mates meeting.

LEONARD LANGER: Who else would be present?

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JOHN SVENDSEN: All of the mates, engineer, and himself.

LEONARD LANGER: Would the boatswain also be there?

JOHN SVENDSEN: The boatswain yes sir.

LEONARD LANGER: And what was discussed at those meetings?

JOHN SVENDSEN: A variety of subjects from the daily adaptations to the voyage plan to the maintenance to teaching moments he felt were available, what drills might be brought up and how we would do them.

LEONARD LANGER: After the vessel was put back in the water, did you feel that she was tighter than she was prior to arriving at the shipyard?

JOHN SVENDSEN: Yes sir.

LEONARD LANGER: Did you have to pump her less often than you did prior to coming to the shipyard?

JOHN SVENDSEN: I believe that's accurate.

1 LEONARD LANGER: Did that hold true for the entire trip to New London?

2
3 JOHN SVENDSEN: I want to say yes.

4
5 LEONARD LANGER: And was that also the case while you were in New London?

6
7 JOHN SVENDSEN: Yes.

8
9 LEONARD LANGER: And after you left New London on the 25th until you started
10 encountering the heavier weather was that also true that you are still pumping less than
11 you had prior to the yard visit?

12
13 JOHN SVENDSEN: It seemed less or comparable.

14
15 LEONARD LANGER: You indicated that there were two hydraulic pumps on board, one
16 was fixed into the ship's manifold system, and one was more a portable pump within the
17 engine room, is that correct?

18
19 JOHN SVENDSEN: Yes sir.

20
21 LEONARD LANGER: What was the size of the discharge from the portable hydraulic
22 pump?

23

1 JOHN SVENDSEN: I believe the portable hydraulic pump was a 3 inch line, I believe.

2

3 LEONARD LANGER: And did it discharge through the starboard hull?

4

5 JOHN SVENDSEN: That is correct.

6

7 LEONARD LANGER: Whereabouts would it have discharged?

8

9 JOHN SVENDSEN: It's above the waterline, almost I would say 6 inches below the
10 weather deck.

11

12 LEONARD LANGER: About at midship, forward amid ship?

13

14 JOHN SVENDSEN: It's right, it's aft. After the mid-ships.

15

16 LEONARD LANGER: After the mid-ships?

17

18 JOHN SVENDSEN: Right along where the nav house would be if you are standing on
19 deck.

20

21 LEONARD LANGER: And the vessel's manifold system do you know what size that was?

22

23 JOHN SVENDSEN: 2 inch.

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LEONARD LANGER: Did Capt. Walbridge have a practice or having as many redundant systems on board as he could?

JOHN SVENDSEN: Yes sir.

LEONARD LANGER: And that applied to the pumping system as well?

JOHN SVENDSEN: Yes sir.

LEONARD LANGER: You sailed with the Capt. I think you said a hurricane in 2010?

JOHN SVENDSEN: It was a nor'easter storm.

LEONARD LANGER: A nor'easter. How did the weather during that compare with the weather you encountered in October 2012?

JOHN SVENDSEN: The sea state was larger in 2010, and we saw sustained winds that were equal to or more vendor hurricane Sandy.

LEONARD LANGER: And did you have the same types of problems, strike that, did you encounter problems with the pumping system, or taking on excessive amounts of water during that storm?

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JOHN SVENDSEN: We did have a bilge pump that had, one of the electrical bilge pumps had a broken shaft to the impeller, and we went into Bermuda to have that repaired.

LEONARD LANGER: Was the rest of the vessel's pumping system adequate to keep up with the water?

JOHN SVENDSEN: Yes.

COMMANDER KEVIN CARROLL: To get clarification on that, the duration that you were in proximity to the storm system, was at the same amount of time that you were within the same proximity to hurricane Sandy?

JOHN SVENDSEN: I would say comparable if not longer in 2010.

LEONARD LANGER: Do you believe the safety of the crew was a priority for Capt. Walbridge?

JOHN SVENDSEN: The number one priority.

LEONARD LANGER: And was the safety of the vessel also a priority for Capt. Walbridge?

1 JOHN SVENDSEN: Yes sir.

2

3 LEONARD LANGER: In your opinion would Capt. Walbridge intentionally place the crew
4 and any sort of danger?

5

6 JOHN SVENDSEN: No.

7

8 LEONARD LANGER: In your opinion would Than Walbridge ever place the vessel in any
9 sort of danger?

10

11 JOHN SVENDSEN: No sir.

12

13 LEONARD LANGER: Do you believe that when the vessel left New London that Capt.
14 Walbridge was chasing a hurricane?

15

16 JOHN SVENDSEN: No sir.

17

18 COMMANDER KEVIN CARROLL: One second, I asked you a question before in regards
19 to the video that you watched, that you chased hurricanes, the says that you find that to
20 be true, have you seen it in your experience, and you said yes, you mentioned to storms
21 in which you mentioned that to be true, Maine to Puerto Rico, or Puerto Rico to Maine,
22 and hurricane Sandy, so clarify please.

23

1 JOHN SVENDSEN: My opinion is that Capt. Walbridge was not chasing a hurricane or
2 chasing a storm system but if he encountered them he would want to be on the navigable
3 side of them and utilize them to navigate the ship and its safest format.
4

5 COMMANDER KEVIN CARROLL: Go ahead.
6

7 LEONARD LANGER: I can clarify, if I will. Do you believe that Capt. Walbridge made a
8 decision to leave New London because there was a hurricane at sea, or did he leave
9 because he felt that the vessel would be safest to take her at sea?
10

11 JOHN SVENDSEN: He was leaving because he felt the vessel was safer at sea.
12

13 LEONARD LANGER: When Capt. Walbridge made the decision to turn south by West on
14 27 October was that consistent of your understanding of what Capt. Walbridge had
15 explained to you and the crew, he thought the track of the hurricane would follow?
16

17 JOHN SVENDSEN: Yes.
18

19 LEONARD LANGER: When you are in New London did Capt. Walbridge say anything to
20 you about concerns he had with conditions of the vessel?
21

22 JOHN SVENDSEN: No sir.
23

1 LEONARD LANGER: The two planks that were replaced, you said one was replaced on
2 the port side forward?

3
4 JOHN SVENDSEN: Correct.

5
6 LEONARD LANGER: Would that be forward of the mizzen mast?

7
8 JOHN SVENDSEN: It was in I believe it was in near the channel of the fore mast, below
9 the channel, the channel and the whale board.

10
11 LEONARD LANGER: Would that be forward of where you thought the planks had been
12 leaking on the port side?

13
14 JOHN SVENDSEN: Yes sir.

15
16 LEONARD LANGER: And you thought the water was coming in on the port side just
17 above the tween deck level?

18
19 JOHN SVENDSEN: Yes.

20
21 LEONARD LANGER: Do you know whether any fuel spilled in the engine room when
22 the... clasp was broken?

23

1 JOHN SVENDSEN: To me it appeared like there had been some fuel that was spilled in
2 the engine room.

3

4 LEONARD LANGER: Can you quantify the amount, was it a a cup a gallon?

5

6 JOHN SVENDSEN: I cannot quantify the amount, I would say it was more than a cup for
7 sure.

8

9 LEONARD LANGER: Were you overpowered by the smell of diesel fuel when you went
10 into the engine room?

11

12 JOHN SVENDSEN: No.

13

14 LEONARD LANGER: Was there diesel fuel covering equipment or the floorboards and
15 the engine room when you went in?

16

17 JOHN SVENDSEN: There was fuel on the floorboards yes.

18

19 LEONARD LANGER: What is the practice, or what was the practice in October 2012 with
20 regard to filling the day tanks?

21

22 JOHN SVENDSEN: Typically we would fill the day tanks at the end of the engineering,
23 engineers watch before the engineer went to bed.

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LEONARD LANGER: What, so what time in the evening with that usually be?

JOHN SVENDSEN: It ranged from 8 o'clock to midnight somewhere in that timeframe typically.

LEONARD LANGER: And how do you get the fuel from the main tanks to the day tanks?

JOHN SVENDSEN: There is an electric pump that pumps event you have to hold a button and fill the tanks up.

LEONARD LANGER: And you indicated that it's part of the vessel, the watch's rounds to check whether the day tanks are full or not.

JOHN SVENDSEN: Yes.

LEONARD LANGER: And is there a log they keep as to when they had to fill the day tanks during the day?

JOHN SVENDSEN: There is a log for filling the tanks and there is also a log for measuring the amount that was kept as well.

1 LEONARD LANGER: Did any of the mates or crew members on board the vessel indicate
2 to you at any time that they had to fill the day tank during the day on October 28?

3
4 JOHN SVENDSEN: Not to my recollection.

5
6 LEONARD LANGER: Did you happen to look at the log at any time to see if an entry had
7 been made?

8
9 JOHN SVENDSEN: I did not look at the log that day.

10
11 LEONARD LANGER: And I think that you had indicated that the site clasp was broken
12 somewhere between about 12 inches or higher from, 12 to 18 inches from the bottom, or
13 from the top?

14
15 JOHN SVENDSEN: From the bottom.

16
17 LEONARD LANGER: And do you know how many gallons of fuel would have remained in
18 the tank at that point?

19
20 JOHN SVENDSEN: I do not.

21
22 LEONARD LANGER: Did you ever see any evidence on October 28 of a leakage from the
23 weather deck or down flooding onto a tween deck from the weather deck?

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JOHN SVENDSEN: As I stated previously there was some near the exhaust trunk and also some near the nav shack.

LEONARD LANGER: The exhaust trunk once you decided, the Star board, or both sides through the vessel?

JOHN SVENDSEN: It does. The exhaust trunk was the one underneath the capstan. That I was referring to.

LEONARD LANGER: Okay. You said briefly that you went and got filters to replace the ones that were being worked on in the engine room, is that correct?

JOHN SVENDSEN: That is correct sir.

LEONARD LANGER: And where those way core filters, or filters for the engine?

JOHN SVENDSEN: They were filters on the engine.

LEONARD LANGER: And did the vessel have, to your understanding an adequate supply of filters for the generators and the engines?

JOHN SVENDSEN: Yes sir.

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LEONARD LANGER: Did you ever feel that you have lost service on either a generator or a main engine due to a lack of way core filters?

JOHN SVENDSEN: No sir.

LEONARD LANGER: Did you ever feel that you had incurred problems with either the generators, strike that. The filters that you were changing were filters on the generator and on the engine when you needed to, is that correct?

JOHN SVENDSEN: Yes, during that

COMMANDER KEVIN CARROLL: Did you change filters Mr. Svendsen?

JOHN SVENDSEN: Now I was assisting Matt Saunders.

LEONARD LANGER: So when Mr. Saunders said he needed a filter you would go get one and bring it back to him, and assist him?

JOHN SVENDSEN: Yeah I brought the filters from the forward tank room which is where they are stored to the engine room.

LEONARD LANGER: Was Mr. Barksdale present at that time?

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JOHN SVENDSEN: He was in an out of the engine room from time to time.

LEONARD LANGER: Did Mr. Barksdale ever indicate to you that the vessel lacked the right filter to put on either the generators or the engines?

JOHN SVENDSEN: Not to my recollection no.

LEONARD LANGER: You said that the generators were approximately 40 KW generators?

JOHN SVENDSEN: Approximately.

LEONARD LANGER: They are in fact two different sizes, the port generator was 38 KW,

JOHN SVENDSEN: I believe so.

LEONARD LANGER: In the starboard generator was a 40 KW?

JOHN SVENDSEN: I believe that is correct.

COMMANDER KEVIN CARROLL: Mr. Langer, are you telling him that or is he telling you that?

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LEONARD LANGER: I'll be happy to rephrase it. I'm not telling him that. Can you explain to me the size of the generators?

JOHN SVENDSEN: I believe we had 1 38KW and 140 KW generators, approximately 40.

LEONARD LANGER: When were they installed?

JOHN SVENDSEN: Prior to my service on the Bounty.

LEONARD LANGER: To your knowledge did they use the same filters?

JOHN SVENDSEN: I believe they used different filters.

LEONARD LANGER: And how are they different?

JOHN SVENDSEN: They were different sizes and shapes.

LEONARD LANGER: And is that knowledge come from your experience or from somebody telling you that?

JOHN SVENDSEN: Both.

1 LEONARD LANGER: Do you know whether Mr. Barksdale was aware that there were
2 different size filters for the generators?

3

4 JOHN SVENDSEN: I did not have that conversation with him.

5

6 LEONARD LANGER: How long did the starboard engine run prior to the decision to
7 abandon ship?

8

9 JOHN SVENDSEN: Clarify your question.

10

11 LEONARD LANGER: At some point on the 28th the crew moved from the tween deck to
12 the main deck, is that correct?

13

14 JOHN SVENDSEN: That is correct.

15

16 LEONARD LANGER: And wind of the starboard engine stop running?

17

18 JOHN SVENDSEN: The starboard engine was, the starboard main engine for propulsion
19 stopped running when water overcame better engine.

20

21 LEONARD LANGER: And approximately when was that?

22

23 JOHN SVENDSEN: I would say after after 18:00.

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LEONARD LANGER: Had the starboard generator stopped running at that point?

JOHN SVENDSEN: It had previously stopped running correct.

LEONARD LANGER: Was the port generator running at that point?

JOHN SVENDSEN: Yes sir.

LEONARD LANGER: How long did the port generator run?

JOHN SVENDSEN: I would say 20:00 give or take.

LEONARD LANGER: Into your knowledge were the electric pumps running off the port generator until it stopped running?

JOHN SVENDSEN: Yes.

LEONARD LANGER: Could you describe generally your feeling about how the crew was mustered on the deck, was it an orderly muster were people calm in your opinion, what was going on on the main deck prior to the time that the vessel rolled over?

1 JOHN SVENDSEN: Through the entire evolution the crew acted admirably, bravely,
2 professionally, and were mustered on deck in an orderly manner.

3
4 LEONARD LANGER: Was there a comments from the crew during that time that you
5 might have heard about the manner in which the monster was taking place?

6
7 JOHN SVENDSEN: Everything seemed professional to me I don't know

8
9 LEONARD LANGER: Have you heard comments from the crew after your ride back on
10 shore that they felt the muster wasn't done in a professional manner?

11
12 JOHN SVENDSEN: From my experience everyone, my experience the crew thought of
13 everyone as highly professional and actions that were taken to abandon ship.

14
15 LEONARD LANGER: When the vessel left New London on the 25th was third. A time
16 when the crew was preparing the vessel to encounter heavy weather?

17
18 JOHN SVENDSEN: We were preparing for the hurricane from the moment we got off the
19 dock.

20
21 LEONARD LANGER: Do you believe that those preparations had been completed prior to
22 the time the vessel had started to encounter the heavy weather.

23

1 JOHN SVENDSEN: Yes we had suspended work party to give everybody additional rest
2 time once we felt, once Robin felt that the boat was prepared for the seaway that the
3 hurricane would create.

4
5 LEONARD LANGER: Had everything been latched it down to your satisfaction?
6

7 JOHN SVENDSEN: Yes.
8

9 COMMANDER KEVIN CARROLL: Mr. Langer, while you are looking at that I want to ask
10 one more follow up question. So on October 25, when you departed you started
11 preparing for the hurricane?
12

13 JOHN SVENDSEN: Yes, sir
14

15 COMMANDER KEVIN CARROLL: Why would you be on a vessel deliberately going
16 towards a hurricane that you had to prepare for? Was there any specific reason that you
17 had to depart New London and go towards that storm?
18

19 JOHN SVENDSEN: It was Robin's choice to head in that direction and that was the
20 direction he was feeling the boat was in it's safest position.
21

22 COMMANDER KEVIN CARROLL: Towards the storm?
23

1 JOHN SVENDSEN: To the southeast, south by east so we would be out having the
2 searoom to evaluate what the storm was gonna do so we could go to the east or the west
3 of it or to ... and ride it out.
4

5 COMMANDER KEVIN CARROLL: I would compare that to storm preparations that you
6 would take in a land based structure where you start preparing your home when the storm
7 is 96 hours out, 72 hours out, 48 hours out. You don't have a choice, you can't move the
8 home. But in this case you started preparing for the storm on the 25th, is that correct?
9

10 JOHN SVENDSEN: Yes.
11

12 COMMANDER KEVIN CARROLL: Alright, thank you. Go ahead Mr. Langer.
13

14 LEONARD LANGER: If I could just have a moment, Commander.
15

16 COMMANDER KEVIN CARROLL: Sure.
17

18 LEONARD LANGER: (Inaudible) Thank you, Mr. Svendsen.
19

20 JOHN SVENDSEN: Thank you.
21

22 COMMANDER KEVIN CARROLL: Mr Shisha, please
23

1 JAKE SHISHA: Good afternoon, sir.

2

3 JOHN SVENDSEN: Good afternoon.

4

5 JAKE SHISHA: You had referred many times to what you had learned and school in your
6 training is that correct?

7

8 JOHN SVENDSEN: Yes, sir.

9

10 JAKE SHISHA: You were familiar, do you know what SMS is?

11

12 JOHN SVENDSEN: Yes.

13

14 JAKE SHISHA: Can you tell us what that is?

15

16 JOHN SVENDSEN: Safety Management System

17

18 JAKE SHISHA: And that's what should be done, that's the current practice to a safe
19 operation of a vessel.

20

21 COMMANDER KEVIN CARROLL: Mr. Shisha, we already determined he is a licensed
22 mariner. He was on board, what is, from we can determine, a non-commercial vessel at

1 the time. Safety management system is an IMO principle. Now, what specifically are we
2 going for?

3
4 JAKE SHISHA: I'm just going to ask, did they have just the concept. Did they have any
5 bridge management type of systems that you guys employ when you operate the vessel.

6
7 JOHN SVENDSEN: Our bridge resource management team consisted of our mates
8 meetings. Getting together to evaluate events that were predicted to happen or had
9 happened and discuss them to bring the team together to make as educated a decision
10 as possible. Ultimately falling on Robin to make the end decision.

11
12 JAKE SHISHA: Was there similar type of procedures with respect to the shore support
13 that you had. In other words were there any manuals and procedures for doing and what
14 kind of support did you get from people shoreside.

15
16 JOHN SVENDSEN: We would communicate our needs to the office via email and text
17 message and phone conversations of what supplies or materials we needed and they
18 would provide them for us.

19
20 JAKE SHISHA: Was there anyone shoreside that had marine knowledge or expertise
21 that could assist in decision making and procedures for maintaining the vessel?

22

1 JOHN SVENDSEN: We had all kinds of resources available that Robin would pull from
2 included David Wyman and other people in the industry he knew.

3
4 JAKE SHISHA: Now, during the... were you ever on board when they were doing
5 caulking?

6
7 JOHN SVENDSEN: I have been on board when there was caulking being done to the
8 boat.

9
10 JAKE SHISHA: You went through the, is the caulk normally done by the ship's crew?

11
12 JOHN SVENDSEN: It's done by the ship's crew and by the yard in combination.

13
14 JAKE SHISHA: In the last walk through in 2000, in September October 2012, did the
15 yard do the ship caulking or was it all ship's crew.

16
17 JOHN SVENDSEN: My understanding is it was a combination of the two.

18
19 JAKE SHISHA: Now, were you familiar with what type of material the ship's crew would
20 use in caulking?

21
22 JOHN SVENDSEN: The ships standard was (inaudible) and a dap material
23

1 JAKE SHISHA: Exhibit, I believe this is A1, Christian A

2

3 LIEUTENANT COMMANDER NICHOLAS PARHAM: Yes that would be Christian A . You
4 should have that.

5

6 COMMANDER KEVIN CARROLL: You should have that.

7

8 JAKE SHISHA: It's the same objection we had earlier to that exhibit on the basis that it
9 lacks foundation and it also mischaracterizes what was going on

10

11 COMMANDER KEVIN CARROLL: I am going to allow it to be used at this time. Perhaps
12 you need to set up a foundation with this for people were actually in the shipyard in this
13 photo.

14

15 JAKE SHISHA: I am going to try and lay a foundation. In that picture, does it appear the
16 vessel's out of the water?

17

18 JOHN SVENDSEN: Yes, sir.

19

20 JAKE SHISHA: And we see some people standing on something, what are they
21 standing on?

22

23 JOHN SVENDSEN: It appears to be a staging.

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JAKE SHISHA: Is that like a scaffold?

JOHN SVENDSEN: Similar

JAKE SHISHA: Staging. Is staging used when they do the caulking?

JOHN SVENDSEN: On occasion, yes.

JAKE SHISHA: Is the boatswain pictured in here?

JOHN SVENDSEN: Not that I can make out.

JAKE SHISHA: Alright. There is a bucket there of some material that looks like a 33 on there. Do you know what that it, have you seen that material before?

JOHN SVENDSEN: I believe that's the glazing compound

JAKE SHISHA: Excuse me?

JOHN SVENDSEN: I believe that is a glazing compound dap

JAKE SHISHA: What would that be used for?

1 JOHN SVENDSEN: After the cotton and oakum had been put in it would be put over the
2 top of the seam

3

4 JAKE SHISHA: Do you know what the caulking material itself was?

5

6 JOHN SVENDSEN: oakum and cotton

7

8 JAKE SHISHA: and oakum would be like a cotton

9

10 JOHN SVENDSEN: oakum is one material that is put down and cotton they are two
11 separate materials.

12

13 JAKE SHISHA: Where was the caulking purchased?

14

15 JOHN SVENDSEN: I am not sure I was not there to purchase it.

16

17 JAKE SHISHA: Do you know whether this glaze was approved for marinemarine use?

18

19 JOHN SVENDSEN: I do not know.

20

21 JAKE SHISHA: Would that be one of the things that if you had a management system
22 you would want to run through either management or was there someone to find out if
23 that was a permitted use

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JOHN SVENDSEN: Robin was involved in those discussions and approved the material I don't have knowledge of that.

JAKE SHISHA: who would make that decision as to when a surveyor would be needed, what the extent of the survey should be?

JOHN SVENDSEN: I am not privy to that conversation.

JAKE SHISHA: Do you know if there are any procedures or anybody designated as a person in charge of the maintenance schedules of classification and making sure everything is current?

JOHN SVENDSEN: That would be a combination of the office and Robin primarily.

COMMANDER KEVIN CARROLL: Mr. Schutze classification?

JAKE SHISHA: I'm sorry

COMMANDER KEVIN CARROLL: (inaudible) explain the terms.

JAKE SHISHA: I'm sorry I meant inspection

1 COMMANDER KEVIN CARROLL: okay

2

3 JAKE SHISHA: I misspoke. Do you know if there is any written policy for that?

4

5 JOHN SVENDSEN: I am not aware of a written policy

6

7 JAKE SHISHA: Do you know what the marine qualifications and experience were of the
8 people shore side?

9

10 JOHN SVENDSEN: I am familiar with David Wyman and his background and knowledge.

11

12 JAKE SHISHA: David Wyman was not an employee of the organization, is that correct?

13

14 JOHN SVENDSEN: not to my knowledge.

15

16 JAKE SHISHA: David Wyman was he a surveyor hired specifically for what the bounty
17 wanted done at a particular time, to your knowledge?

18

19 JOHN SVENDSEN: I would assume that he was hired for a specific task.

20

21 JAKE SHISHA: When you arrived at the shipyard, when was the first time, you said
22 that on the 23rd you were aware there was a hurricane?

23

1 John Svendsen Around that time yes

2

3 JAKE SHISHA: Were you involved or were you aware of any planning on the 23rd with
4 respect to the hurricane?

5

6 JOHN SVENDSEN: That was Robin was looking into the weather and I was looking into
7 the weather and we had a discussion briefly about it.

8

9 JAKE SHISHA: Now in your training, did you receive training about preparations for
10 hurricanes.

11

12 JOHN SVENDSEN: I had a meteorology course, yes.

13

14 JAKE SHISHA: Were you aware of, or did you look for any of the marine
15 recommendation for the national hurricane Center? Have you ever seen them?

16

17 JOHN SVENDSEN: I have looked at the site.

18

19 JAKE SHISHA: Can I just show, to refresh your recollection...

20

21 UNKNOWN: He hasn't indicated that his recollection is impaired.

22

1 JAKE SHISHA: Yes, do you remember specifically all the preparations and
2 requirements for heading, when you are going to sail and there was a risk of
3 encountering the effects of a hurricane?
4

5 JOHN SVENDSEN: Our course of action was to set forth into the South by East course
6 and to make an assumption or a safe determination by Robin Walbridge what the next
7 course of action was to be.
8

9 JAKE SHISHA: Alright, now you're familiar when you do this there are certain risk
10 analysis that should go into making a determination of whether you are going to leave,
11 not leave, and what course to take. Are you aware of that?
12

13 JOHN SVENDSEN: Yes, sir.
14

15 JAKE SHISHA: And those risk analysis should take into account several factors. Is that
16 correct?
17

18 JOHN SVENDSEN: Yes.
19

20 JAKE SHISHA: You indicated that you had discussed several options. Staying, one of
21 them was going heading south heading southeast and the other one was going north. Is
22 that correct?
23

1 JOHN SVENDSEN: One what you hove to and to ride out the storm which would have
2 taken us and what Robin determined to be a north, northerly direction he said towards
3 Newfoundland.

4
5 JAKE SHISHA: Did you ever consider looking for a safer berth in the New London
6 area?

7
8 JOHN SVENDSEN: There was, I had mentioned options as far as staying in, not going
9 out to sea. Robin felt the ship was safer at sea.

10
11 JAKE SHISHA: Are you aware there were other vessels, the Eagle. Are you familiar
12 with the Eagle?

13
14 JOHN SVENDSEN: Yes sir

15
16 JAKE SHISHA: Is that a tall ship, a sailing ship?

17
18 JOHN SVENDSEN: Yes.

19
20 JAKE SHISHA: And that are you familiar that's in the New London area, is that correct?

21
22 JOHN SVENDSEN: it was up the river at the subbase.

23

1 JAKE SHISHA: did that vessel leave during the hurricane?

2

3 JOHN SVENDSEN: My conversations with them were that they were in the middle of the
4 yard period and had scaffolding up and were not in a position where they could get
5 underway to leave.

6

7 JAKE SHISHA: Was any effort made to find a safer berth in the New London area?

8

9 COMMANDER KEVIN CARROLL: I want to go back to something... Did you consult
10 with anyone on board the Eagle with your decision-making process prior to departure
11 from New London?

12

13 JOHN SVENDSEN: Not prior to departure, no.

14

15 JAKE SHISHA: Did the Coast Guard issue any requirements for vessels to leave the
16 port?

17

18 JOHN SVENDSEN: Not to my knowledge.

19

20 JAKE SHISHA: Did you contact management and ask them if there was any weather
21 routing? I'm sorry are you familiar with what weather routing is?

22

23 JOHN SVENDSEN: Yes, sir. I am familiar with weather routing.

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JAKE SHISHA: And that's where you seek the advice of professional meteorologists.

JOHN SVENDSEN: Yes, sir.

JAKE SHISHA: And did management offer, or did you ask management for any weather routing information?

JOHN SVENDSEN: That was, the conversations about the weather, was between Robin and the management. I was not involved in that conversation.

JAKE SHISHA: And did you know if that was available (inaudible)?

JOHN SVENDSEN: I don't know if it was or was not.

JAKE SHISHA: Before you indicated before you set sail he started looking at weather faxes and weather reports, is that correct?

JOHN SVENDSEN: Yes.

JAKE SHISHA: Are you, and you were involved in that process?

JOHN SVENDSEN: Yes sir.

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JAKE SHISHA: Are you familiar with certain rules and recommendations from the National Hurricane Center with regards to actions that should be taken prior to heading to sea if there is the possibility of a hurricane?

UNKNOWN: I object, there is no foundation that that those such things exist, or that they are applicable.

COMMANDER KEVIN CARROLL: That's, I would again, I don't know how many more times the man can say that Rabin made the decision, as far as a standard that he may or may not know exists, Robin made the ultimate decision for this vessel to leave.

JAKE SHISHA: Clearly do that. Did you look at different forecasts, di you look at 24 hour forecasts, 48 hour, 72 hour forecasts?

JOHN SVENDSEN: I did.

JAKE SHISHA: Did you look at weather maps?

JOHN SVENDSEN: I did.

JAKE SHISHA: Are you familiar with, did anybody chart the course before you left the predicted courses of the hurricane? On the chart?

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JOHN SVENDSEN: I don't believe they were done before we left the dock.

JAKE SHISHA: Before you left the dock, did anybody compute, or chart what was CPA, do you know what CPA means?

JOHN SVENDSEN: Yes sir.

JAKE SHISHA: Can you tell us what it means?

JOHN SVENDSEN: Closest point of approach.

JAKE SHISHA: Did anybody compute the closest point of approach, based on the weather forecasts, and based on the intended tracks?

JOHN SVENDSEN: Not to my knowledge.

JAKE SHISHA: Did you ever consider that to be, are you aware that's what's recommended by the National Hurricane Center?

UNKNOWN: And again I object to the same issue, the decision was made by someone other than Mr. Svendsen.

1 COMMANDER KEVIN CARROLL: The point has been made that he didn't do it, so...

2

3 JAKE SHISHA: Okay. Before you left, and in the computation, did anybody ever, or did
4 you ever hear of the 1,2,3 rule in tracking a hurricane?

5

6 JOHN SVENDSEN: I'm going to say I'm not familiar with that.

7

8 JAKE SHISHA: In tracking the hurricane, did you allow, what i mean by 1,2,3, rule, in the
9 24 hour forecast you would allow 100 foot variation, 100 mile variation in the forecast
10 track.

11

12 COMMANDER KEVIN CARROLL: He says he doesn't know what it is, he said that...

13

14 JAKE SHISHA: Okay, I'll withdraw the, did you take into consideration what the expected
15 variation could be to the forecast?

16

17 JOHN SVENDSEN: We did look into those models, yes.

18

19 JAKE SHISHA: Okay, and how much of a radius did you give with respect to the 24 hour
20 forecast, the 48, and the 72?

21

1 JOHN SVENDSEN: My experience sailing into a hurricane is one time on Sandy, and I
2 was deferring my knowledge to Robin Walbridge to make the decision and do the
3 analysis.

4
5 JAKE SHISHA: But you did look at forecasts that went out to the future, is that correct?
6

7 JOHN SVENDSEN: Yes sir.
8

9 JAKE SHISHA: Did, on the 23rd, did you do any hurricane preparation?
10

11 JOHN SVENDSEN: We were always constantly in a state of preparing for sea, and in sea
12 stowing, and our practice was to be ready for sea at all times, in all conditions.
13

14 JAKE SHISHA: My question is on the 23rd, what specific preparations did you do with
15 respect to making it to the hurricane? In other words what were you doing at that point to
16 analyze whether you should stay whether you should go what proportions you can do.
17 What was concretely done on the 23rd?
18

19 COMMANDER KEVIN CARROLL: Well, Mr... I want to ask something, I'm not aware... I
20 know where the storm was located what the forecast models were for the 25th. Do you
21 have any information for where the storm was forecasted and the position of the storm on
22 the 23rd? I think they were in New London.
23

1 JAKE SHISHA: Right but he, the witness had indicated that he was aware of the storm
2 on the 23rd.

3
4 COMMANDER KEVIN CARROLL: Okay.

5
6 JAKE SHISHA: So my question is, on the 23rd did you look at those forecasts?
7

8 JOHN SVENDSEN: We did, and one of the things I learned in my meteorology course is
9 the storm prediction past three days out is not as accurate as it is before hand. So we
10 were just looking at how it was going to develop at that point.
11

12 JAKE SHISHA: From the 23rd? Were you, did you want to lead as early as possible to
13 give you as much time in case you did encounter heavy weather?
14

15 UNKNOWN: I'm going to object the testimony has been what the decision-making
16 process was has been explored and described.
17

18 LIEUTENANT COMMANDER NICHOLAS PARHAM: I think the testimony is that the
19 decision was made by somebody else. So you can ask, and this witness has been
20 asked about conversations that he had with Capt. Walbridge. and hearsay be
21 acceptable, admissible here, he can tell us what Capt. Walbridge said but I don't think he
22 can speculate as to what Capt. Walbridge thought in absence of the crew (inaudible).
23

1 JAKE SHISHA: That question was on the, do you know when the voyage planning
2 started, that's the date they started the voyage planning?

3
4 JOHN SVENDSEN: That would be a question for Matt Saunders who completed the
5 voyage plans, started them.

6
7 JAKE SHISHA: But why, on the 24th were you looking at the weather charts?

8
9 JOHN SVENDSEN: I was looking at the NOAA hurricane forecasting models.

10
11 JAKE SHISHA: On the 25th were you looking at both the facsimiles and the printed
12 weather reports?

13
14 JOHN SVENDSEN: Yes.

15
16 JAKE SHISHA: The facsimiles, do they give you predictions of what the wind will be and
17 what the seas will be?

18
19 JOHN SVENDSEN: Yes.

20
21 JAKE SHISHA: And do you have them for 24 to 48 hours out?

22
23 JOHN SVENDSEN: I believe they are on that model yes.

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JAKE SHISHA: And were you personally looking at them?

JOHN SVENDSEN: I did look at them yes.

JAKE SHISHA: I would like to take a look at, I believe it's marked 73,

LIEUTENANT COMMANDER NICHOLAS PARHAM: Its CG 73.

JAKE SHISHA: Have you read maps which are wind and sea surface forecasts like this before?

JOHN SVENDSEN: Yes sir.

JAKE SHISHA: And you're familiar with them is that correct?

JOHN SVENDSEN: I am familiar.

JAKE SHISHA: And you guys and you had obtained various sorts documents from NOAA before you left is that correct?

JOHN SVENDSEN: Yes.

1 JAKE SHISHA: Now, did you see the one that is shown here or something similar to it?

2

3 JOHN SVENDSEN: To the best of my recollection we looked at charts similar to this.

4

5 JAKE SHISHA: Alright, now this chart Exhibit 73, was issued at 3:57 UTC on the 25th, is
6 that right?

7

8 JOHN SVENDSEN: That's what it says yes.

9

10 JAKE SHISHA: And that would be before you left?

11

12 JOHN SVENDSEN: Yes.

13

14 JAKE SHISHA: This chart showed what the wind conditions and predicted seas would be
15 for 72 hours out, two days out until October 27, which would be 48 hours?

16

17 JOHN SVENDSEN: Yes sir.

18

19 JAKE SHISHA: Based on this map, when you saw it did it indicate to you that if you are
20 going southeast that in two days you would not have been able to pass that system?

21

22 JOHN SVENDSEN: Clarify your question.

23

1 JAKE SHISHA: When you saw this map, showing what the predictions would be for the
2 next 72 hours, did it not show that you would be going into 50 kn winds no matter where
3 you went?
4

5 JOHN SVENDSEN: According to this chart it does appear the range of wind in the area
6 that we were going was between 35 and 60 kn.
7

8 JAKE SHISHA: And 60 kn is very close to a hurricane, is it not?
9

10 JOHN SVENDSEN: Yes sir.
11

12 JAKE SHISHA: And based on this chart did you see anywhere that you could go before
13 you left that you could go that you would be able to avoid that? Based on this, based on
14 how fast the vessel goes, and what's predicted?
15

16 JOHN SVENDSEN: We looked at the options, and from what I can tell there was an
17 option to, straight up the storm to the east of it and that would be in the 35 to 40 kn range.
18

19 JAKE SHISHA: And again when he said looking at this it would show that wherever you
20 went you would have been in the, you could have encountered winds up to 60 kn?
21

22 JOHN SVENDSEN: There was that potential.
23

1 JAKE SHISHA: Did you bring this risk up to the captain, and ask him hey what are we
2 going to do, we are risking going into 60 kn winds, what are we going to do?

3

4 JOHN SVENDSEN: Yes I did.

5

6 JAKE SHISHA: And what was his response to that?

7

8 JOHN SVENDSEN: His response was that in his experience in the oil field going out into
9 hurricanes to bring people off the rigs, and in going into winds that he had previously
10 encountered with the Bounty that the ship was able to handle them, withstand them
11 safely.

12

13 JAKE SHISHA: Were you, with all due respect forth the captain, he was not a trained
14 meteorologist was he?

15

16 JOHN SVENDSEN: UNKNOWN: Objection

17

18 JAKE SHISHA: In other words do you know if he had any meteorology training, what
19 would he base his decision, and come to a conclusion about the forecasted weather that
20 would be different from NOAA, that's what I am trying to get. Was there anything that he
21 mentioned to you...

22

1 UNKNOWN: that question sounds argumentative, but it's not argumentative, but it calls
2 on him to speculate as to what Capt. Walbridge thought again, this witness can testify to
3 conversations that they had, he can't speculate as to what Capt. Walbridge thought.
4

5 JAKE SHISHA: I'm not going to ask, now there was based on what you saw, there was a
6 projection of risk that you were going to hit, in the course that you are going to take you
7 were going to hit 60 kn winds.
8

9 JOHN SVENDSEN: 60 kn is displayed on that chart yes.
10

11 JAKE SHISHA: Now was that ever told to the crew?
12

13 COMMANDER KEVIN CARROLL: I think Mr. Shisha he already describes that there was
14 a meeting held.
15

16 JAKE SHISHA: I'm just trying to see if, if that was told him, what the expected winds
17 would be.
18

19 COMMANDER KEVIN CARROLL: That's a good point, have you seen this specific chart,
20 for this day?
21

22 JOHN SVENDSEN: No sir.
23

1 COMMANDER KEVIN CARROLL: Okay, but you have seen charts like it?

2
3 JOHN SVENDSEN: I have seen charts like it.

4
5 COMMANDER KEVIN CARROLL: It's difficult to use this to question the witness based
6 upon the fact that he has never actually seen this particular chart to his recollection, as far
7 as other charts, now he has already established that they had ample information giving
8 them the predicted forecast, and the projected strength of the storm so that's a given, he's
9 already described the fact that he has discussed with Capt. Walbridge prior to departing
10 that there are conversations being held in regards to different options. He also described
11 that he presented different options to Capt. Walbridge rather than the decision to sail.
12 Now the choice I think we have concluded and will get other testimony from other people
13 that were available at these meetings to be able to say yes the decision was Capt.
14 Walbridge's to sail into the storm, now in regards to the meaning, meeting from what my
15 recollection is from my questioning this morning is that the meeting was held at the
16 request of some of the crew members to the chief mate, the chief mate went to the
17 captain, Capt. held the meeting and described what they were going to go into. So if you
18 want to ask specifically what was at that meeting please go ahead.

19
20 JAKE SHISHA: That's what I'm getting to. Did Capt. at that meeting indicate to the crew
21 what size seas and winds he was anticipating based on the information that he had?

22

1 JOHN SVENDSEN: He described that there was hurricane like conditions with potentially
2 up to 60 kn of wind, that were forecasted with 25 foot seas.

3
4 JAKE SHISHA: Okay, and did he indicate to the crew, that if any crew wanted to go they
5 could go, home, is that correct?

6
7 JOHN SVENDSEN: He gave everyone the choice to stay on the boat or to leave freely
8 and there would be no hard feelings.

9
10 JAKE SHISHA: Did he also indicate that if you left you would have to pay your own
11 transportation home?

12
13 JOHN SVENDSEN: I don't recall him saying that.

14
15 JAKE SHISHA: And, you saw the videotape that was, that was Exhibit 20, the interview?

16
17 JOHN SVENDSEN: Yes sir.

18
19 JAKE SHISHA: Now the captain, he also described, do you remember where he
20 described being in heavy seas, and he said it's just a gentle going up and down, and it's
21 as comfortable as we are standing here, do you remember him saying that comment?

22
23 JOHN SVENDSEN: I do remember him saying that.

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JAKE SHISHA: Now you had been out in the North Atlantic in rough weather, is that correct?

JOHN SVENDSEN: Yes sir.

JAKE SHISHA: And at times it's not, you are going to hit confused and choppy seas is that correct?

JOHN SVENDSEN: Yes sir

JAKE SHISHA: When you hit the Gulf Stream you are going to hit confused and choppy seas is that correct?

UNKNOWN: I object, I I asked for an opportunity to speak with Cmdr. Carroll on a sidebar, I think this is clearly not going to the focus of this investigation, it is going beyond that to other proceedings that may occur.

COMMANDER KEVIN CARROLL: Take a moment. (sidebar conversation).Go ahead Mr. Shisha, do you have any further questions, please continue.

JAKE SHISHA: Excuse me, thank you. You had indicated that at some point there was a decision, I believe it was on the 27th to start heading in a more westerly direction?

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JOHN SVENDSEN: That is correct.

JAKE SHISHA: Would that more, in making that course change, would that be putting the vessel in a position that would be cross going across the forecasted track of the hurricane?

JOHN SVENDSEN: Yes.

JAKE SHISHA: Were you as a mariner aware that that is something that is not recommended to be done?

UNKNOWN: Same objection, the issue is it's argumentative, the issue has been discussed with the Coast Guard's own exhibits with the tracks of the hurricanes.

COMMANDER KEVIN CARROLL: Ask him what he thought, as far as it's not recommended, you would want to bring somebody that said it was not recommended.

JAKE SHISHA: Were you concerned, did you have any concern yourself about the practice of turning the vessel to go across the track of a hurricane?

1 JOHN SVENDSEN: As a mariner I am concerned anytime I have the boat off the dock in
2 any conditions, and in this situation Robin felt and chose that that was the safest route for
3 us to take.

4
5 JAKE SHISHA: Did you have any opinion one way or the other?

6
7 JOHN SVENDSEN: My opinion was that Robin had more experience than I did in this
8 situation, and I was trusting in his knowledge, and familiarity with the ship.

9
10 JAKE SHISHA: Did you have the option to call the office and asked them for weather
11 routing, to say hey you know we are in a tight situation, can you go to a professional
12 weather routing service and give us the best advice, did you have that available to you?

13
14 UNKNOWN: Objection.

15
16 COMMANDER KEVIN CARROLL: Based on?

17
18 UNKNOWN: The objection is the foundation, and also contrary to the testimony that the
19 captain was making the decisions as the captain may or may not have told them
20 something, but whether the mate had went to do something else,

21
22 COMMANDER KEVIN CARROLL: I would also point out that testimony delivered this
23 morning from Mr. Svendsen stated that it was requested and it was received via the ship

1 HF emails that they were receiving weather information weather routing he had already
2 answered that he did not believe that weather routing was available, or asked for.
3

4 JAKE SHISHA: but I just wanted to, if they asked for it at any time, I know when I asked
5 before they said they did not consult one, I am just saying at this point was there any
6 discussion about consulting a weather routing service.
7

8 JOHN SVENDSEN: Robin was in communications with the office in handling all of that.
9

10 JAKE SHISHA: With respect to the engineer, you were involved in hiring the engineer, he
11 said it was a joint decision between you and Robin?
12

13 JOHN SVENDSEN: I had worked with Chris Barksdale previously and recommended him.
14

15 JAKE SHISHA: He had worked previously as a marine engineer?
16

17 JOHN SVENDSEN: At Palmira Atoll where I had worked with him previously.
18

19 JAKE SHISHA: And did he have experience actually sailing?
20

21 JOHN SVENDSEN: I had been underway with him before.
22

1 JAKE SHISHA: The crew, were all the, as far as you know were all the crew members
2 paid crew members?

3
4 JOHN SVENDSEN: To my understanding yes.

5
6 JAKE SHISHA: I am almost done I believe. You said you went around with the marine
7 surveyor?

8
9 JOHN SVENDSEN: Yes sir.

10
11 JAKE SHISHA: When you went around, did he check, how much did he check, did he
12 check any of the caulking work?

13
14 JOHN SVENDSEN: I do not have any specific memory whether he did or did not.

15
16 JAKE SHISHA: Thank you, I have no further questions.

17
18 COMMANDER KEVIN CARROLL: I have a few follow-up questions then we'll recess,
19 then we will bring the next witness. Mr. Svendsen, again with the Coast Guard inspector
20 you said in season had made the recommendation to move the fuel tanks?

21
22 JOHN SVENDSEN: He said it was common practice in the, he said it was common
23 practice for commercial vessels to leave, to not leave fuel lines through crew spacing.

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COMMANDER KEVIN CARROLL: But it was not a requirement that was issued, correct?

JOHN SVENDSEN: Correct. It was just an observation he made.

COMMANDER KEVIN CARROLL: Were the fuel tanks moved solely on this recommendation?

JOHN SVENDSEN: We were, we were putting new fuel tanks and, so all of our fuel tanks would be stainless.

COMMANDER KEVIN CARROLL: Okay.

JOHN SVENDSEN: And then putting in new water tanks, and it was felt by Robin at the time that it would be the best decision, as long as we had to pull the deck out and rearranged everything in that space, the watertight bulkheads that we could improve the safety for crew.

COMMANDER KEVIN CARROLL: But, okay the place the fuel tanks were ultimately placed at Boothbay, that was where the original fuel tank room was correct?

1 JOHN SVENDSEN: I believe it was where it was originally placed, or I should say
2 previously placed. The Bounty at one point carried almost 20,000 gallons of fuel. There
3 would have been a lot of fuel tanks on board.
4

5 COMMANDER KEVIN CARROLL: I would like you to clarify from the time when the
6 vessel capsized and sank on October 29, when was the last time and abandon ship drill
7 was held on board Bounty for the crew?
8

9 JOHN SVENDSEN: I have a approximately six-week window when I was not there so I do
10 not know if it did happen between then and there, but before that I believe it was, it would
11 have been 6 to 7 weeks before that, somewhere in that timeframe.
12

13 COMMANDER KEVIN CARROLL: Working back from the 29th. It was not done from New
14 London until the time of the sinking? Correct?
15

16 JOHN SVENDSEN: Correct.
17

18 COMMANDER KEVIN CARROLL: It was not done from New London to be Bay?
19

20 JOHN SVENDSEN: That is correct.
21

22 COMMANDER KEVIN CARROLL: It was definitely prior to the arrival of the ship to
23 Boothbay?

1
2 JOHN SVENDSEN: I would believe so.

3
4 COMMANDER KEVIN CARROLL: Okay, I would like to ask you about redundant
5 systems, can you please let me know which systems were in fact had redundancies in
6 them?

7
8 JOHN SVENDSEN: Robin liked to have redundancy in all systems from radar to
9 navigation suites to this stoves or refrigerator heads everything on board.

10
11 COMMANDER KEVIN CARROLL: Okay. Can you be specific with that? Give me some
12 examples.

13
14 JOHN SVENDSEN: We had two radars, to GPS's, we had to washer dryers, Tussaud's,
15 two refrigerators for cruisers into hydraulic bilge pumps, we had two engines to
16 generators every system that we could think of it would have redundancy with it.

17
18 COMMANDER KEVIN CARROLL: Good practice I want to address some questions about
19 the bilge system. The electric pumps, from what you indicated and what we saw and the
20 crew manual those were the pumps that was primarily used correct?

21
22 JOHN SVENDSEN: That is correct.

23

1 COMMANDER KEVIN CARROLL: You had two hydraulic pumps, now with the fixed and
2 the portable

3
4 JOHN SVENDSEN: Yes

5
6 COMMANDER KEVIN CARROLL: How often were those used?

7
8 JOHN SVENDSEN: The portables, we did the exercise once a week, is what the
9 standard practice was.

10
11 COMMANDER KEVIN CARROLL: Okay, once a week

12
13 JOHN SVENDSEN: Once a week to, once a month depending on whether we were
14 underway or not, and what was happening.

15
16 COMMANDER KEVIN CARROLL: When had they had been utilized, from October 29,
17 the day of the sinking, when was the last day they had been utilized.

18
19 JOHN SVENDSEN: I don't recall.

20
21 COMMANDER KEVIN CARROLL: Were they tested prior to departure from New London?

22
23 JOHN SVENDSEN: They may have been, I was not involved with that.

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COMMANDER KEVIN CARROLL: Who would have been in charge of that?

JOHN SVENDSEN: Robin, and possibly the engineer.

COMMANDER KEVIN CARROLL: Okay, Robin or Mr. Barksdale, so obviously we can ask Mr. Barksdale. In regards to the trash pump, was the trash, pardon me, was the gasoline powered pump,

JOHN SVENDSEN: Yes sir,

COMMANDER KEVIN CARROLL: was that utilized?

JOHN SVENDSEN: It, we attempted to use it, and we were not able to get it primed.

COMMANDER KEVIN CARROLL: That's the day, October 28th, correct?

JOHN SVENDSEN: Correct.

COMMANDER KEVIN CARROLL: Had you ever trained with it?

JOHN SVENDSEN: We trained with it in Europe the previous season.

1 COMMANDER KEVIN CARROLL: Okay, that was 2011?

2
3 JOHN SVENDSEN: That is correct.

4
5 COMMANDER KEVIN CARROLL: Okay, and it worked then?

6
7 JOHN SVENDSEN: Yes sir.

8
9 COMMANDER KEVIN CARROLL: Okay, who was in charge of maintaining that pump?

10
11 JOHN SVENDSEN: Robin.

12
13 COMMANDER KEVIN CARROLL: Okay. I'm going to direct your attention to Coast
14 Guard Exhibit 24. Do you recognize this exhibit?

15
16 JOHN SVENDSEN: From yesterday.

17
18 COMMANDER KEVIN CARROLL: Okay, from yesterday, okay. First question, did
19 Bounty have a Facebook page?

20
21 JOHN SVENDSEN: That is my understanding.

22

1 COMMANDER KEVIN CARROLL: Okay, did you have the ability to post on behalf of
2 Bounty?

3
4 JOHN SVENDSEN: No sir, I don't even know how to post on my Facebook.

5
6 COMMANDER KEVIN CARROLL: Okay, do you know if anybody onboard the vessel had
7 the ability to post on Facebook?

8
9 JOHN SVENDSEN: I believe everything went through Tracey.

10
11 COMMANDER KEVIN CARROLL: So Tracey was the only person who had the ability to
12 post on the Bounty's Facebook page?

13
14 JOHN SVENDSEN: I don't know that for certain.

15
16 COMMANDER KEVIN CARROLL: You don't know that, okay. Okay, thank you very
17 much, one second. Thank you Mr. Svendsen.

18
19 JOHN SVENDSEN: Thank you.

20
21 COMMANDER KEVIN CARROLL: Okay. We are going to come back at 14:50 we are
22 going to take a short recess. During that time I would like you to get the next witness on

1 the phone. The next witness will be telephonic, that will be Dawn Kallen, the senior
2 investigating officer from Long Island Sound. Thank you.

3
4 COMMANDER KEVIN CARROLL: Good afternoon this is Cmdr. Carroll from the US
5 Coast Guard who is on the line?

6
7 DAWN KALLEN: Hello Cmdr. this is Dawn Kallen

8
9 COMMANDER KEVIN CARROLL: Hello Ms. Kallen: Lieut. Cmdr. Parham is going to
10 identify you and swear you into the record.

11
12 DAWN KALLEN: Okay.

13
14 LIEUTENANT COMMANDER NICHOLAS PARHAM: Ms. Kallen I understand you have
15 somebody there to verify your identity.

16
17 DAWN KALLEN: yes I do.

18
19 LIEUTENANT COMMANDER NICHOLAS PARHAM: Can you just please have them get
20 on the phone and express their verification of your identity.

21
22 UNKNOWN: Good afternoon Commander (inaudible) chief of prevention at sector Long
23 Island sound and I have verified that you are speaking to Dawn Kallen.

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LIEUTENANT COMMANDER NICHOLAS PARHAM: Alright, thank you commander.
Ms. Kallen could you please rise and raise your right hand.

DAWN KALLEN: Okay.

LIEUTENANT COMMANDER NICHOLAS PARHAM: A false statement given to an agency of the United States is punishable by a fine and / or imprisonment under 18 USC 1001. Knowing this do you solemnly swear that the testimony you are about to give is the truth the whole truth and nothing but the truth so help you God?

DAWN KALLEN: Yes I do.

LIEUTENANT COMMANDER NICHOLAS PARHAM: Okay thank you. We will begin now.

COMMANDER KEVIN CARROLL: Good afternoon Ms. Kallen. Can you please state your full name and spell your last name?

DAWN KALLEN: Yes my name is Dawn Mae Kallen. My last name is K-A-L-L-E-N.

COMMANDER KEVIN CARROLL: What is your current occupation?

1 DAWN KALLEN: I am the senior investigator at Coast Guard sector Long Island sound
2 in New Haven Connecticut.

3
4 COMMANDER KEVIN CARROLL: What do your duties entail?

5
6 DAWN KALLEN: I do it all. I am the chief of the investigative division, but I am the only
7 person in the division so I investigate marine casualties mostly involving commercial
8 vessels. I also investigate merchant mariners for acts of misconduct and negligence and
9 things like that. My duties are vast, pretty much anything and investigative officer does
10 for the United States Coast Guard that's what I do. I interview witnesses, I survey
11 scenes of accidents if there is a scene to survey, I review evidence, I take statements, I
12 do all kinds of different things.

13
14 COMMANDER KEVIN CARROLL: Okay. In advance of your testimony I sent to you two
15 documents via email, did you receive them?

16
17 DAWN KALLEN: Yes sir I did.

18
19 COMMANDER KEVIN CARROLL: Can you please identify them for me please.

20
21 DAWN KALLEN: Yes I can, I have in front of me listed as CG 12 and that is the American
22 Bureau of shipping statutory survey report for the Bounty that is dated 11November
23 2010 and I also have in front of me CG 49 and that is notes from Dawn Kallen from a visit

1 to the HMS Bounty Organization in East Pawtucket New York for the Bounty formal
2 investigation.

3
4 COMMANDER KEVIN CARROLL: okay. So you did attend meeting on December 6,
5 2012?

6
7 DAWN KALLEN: I did.

8
9 COMMANDER KEVIN CARROLL: Where was the meeting again?

10
11 DAWN KALLEN: That was at the offices of the HMS bounty organization and that was in
12 East Pawtucket New York out on Long Island.

13
14 COMMANDER KEVIN CARROLL: Who was present at this meeting?

15
16 DAWN KALLEN: I was there; Cmdr. Carroll you were there; Mr. Robert Hansen, the
17 owner of the HMS Bounty organization LLC; Tracy Simonin, an employee of the HMS
18 bounty organization was in and out she wasn't there for the entire duration; Mr. David
19 Dubois, a surveyor with marine safety (inaudible) was also present; Mr. Leonard Langer,
20 an attorney for the owner Mr. Robert Hansen was also present.

21
22 COMMANDER KEVIN CARROLL: Okay thank you. Exhibit CG 12 the American Bureau
23 of shipping statutory survey report. Was this document discussed at the meeting?

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DAWN KALLEN: Yes it was, actually you went through this document line by line with the owner, Mr. Hansen and I took notes during that process.

COMMANDER KEVIN CARROLL: This is specifically what I would like to ask you about is in relation to your notes you took that day at that meeting in this particular document. What I would like you to do please, is refer to your notes specific to the ABS bureau of ... American Bureau of shipping statutory survey report and go back with your notes to each item and let me know what the item was from the report and what the listed condition was during that interview on 6 December. Could you do that, please?

DAWN KALLEN: Yes sir I can. First what I will say is with my notes, they don't list every single item because as you review the report you will note that some of the items they are actually identified as being rectified. So the notes that I took were for things the owner could save or either done or not done. Is it okay if I don't list the item, or would you like me to do that?

COMMANDER KEVIN CARROLL: No, you just clearly stated what your recollections was of that conversation that the items were not listed in your notes, were in fact rectified at the time.

DAWN KALLEN: Okay. I will start with item number three which is on page 2 of CG 12.

1 COMMANDER KEVIN CARROLL: Okay I want to make sure the parties and interests
2 have the report in front of them. Does everybody have the report in front of them?

3
4 UNKNOWN: Exhibit 12?

5
6 COMMANDER KEVIN CARROLL: That's correct.

7
8 UNKNOWN: Yeah.

9
10 COMMANDER KEVIN CARROLL: Okay, proceed Ms. Kallen, thank you.

11
12 DAWN KALLEN: Okay, you're welcome. Item number 3 this was identified as the, do you
13 want me to through the recommendations, or read the entire item?

14
15 COMMANDER KEVIN CARROLL: I want you to go through what was found and what the
16 status was as per your notes.

17
18 DAWN KALLEN: Okay, what was found on item number three, open survey or comments
19 S – 007 and S – 008 as detailed in America's Naval Engineering Department Technical
20 Review Letter, dated 08 November 2010, task number 640-8870 or the project number
21 244-0007 were not verified at this time as the work had not yet been carried out.
22 Installation of the (inaudible) and light lines from the forward and of the (inaudible) were
23 not verified.

1
2 COMMANDER KEVIN CARROLL: Okay.

3
4 DAWN KALLEN: And as the owner stated to you at that time item number three had
5 been completed (inaudible) of the completion.

6
7 COMMANDER KEVIN CARROLL: Okay.

8
9 DAWN KALLEN: Do you want me to read the recommendations too commander?

10
11 COMMANDER KEVIN CARROLL: Go ahead and read the recommendation please.

12
13 DAWN KALLEN: It is recommended that open survey or comments S – 007 and S – 008
14 as detailed in (inaudible) technical review letter number WYZ – 10 – 06 – A – 105 be
15 verified to the satisfaction of the attending surveyor prior to issuing of the lower lying
16 certificate.

17
18 COMMANDER KEVIN CARROLL: Continue please.

19
20 DAWN KALLEN: Okay. The next item is item number seven which starts on page 3 of CG
21 12 but really is only on page 4 of CG 12 so, what was found in item number seven
22 (inaudible) and forward hatches to the galley and galley stores found in (inaudible) and
23 were found missing (inaudible) bolts broken. The recommendation, or it is recommended

1 that the port right in the (inaudible) hatches port right and that the docking bolts be
2 repaired and provided (inaudible) to the satisfaction of the attending surveyor prior to
3 issuing of the below lying certificate. It was earlier reported to you at that time that item
4 number seven had not been done.

5
6 COMMANDER KEVIN CARROLL: Okay, continue please.

7
8 DAWN KALLEN: The next is item number eight, also on page 4 of CG 12. What was
9 found is three things actually. Item number one (inaudible) on 3 of the hatches, 4 total,
10 found not permanently attached by chain or other similar means. Number two (inaudible)
11 aluminum hatches one of the four (inaudible) are missing and unable to close properly.
12 Number three asked tank room flush quick acting aluminum hatch jacket found adrift. The
13 recommendation, it is recommended that the aforementioned items be repaired to the
14 satisfaction of the attending surveyor prior to the issuing of the below lying certificate.
15 Number eight, the report from the owner at that time regarding item number eight was
16 that they may not have done anything about it, he is not sure at the time if they did any of
17 those things listed in number eight.

18
19 COMMANDER KEVIN CARROLL: Okay.

20
21 DAWN KALLEN: The next is number nine also found on page 4 of CG 12. It was found
22 that watertight bulkhead's frame number 11, 17, 23, 29, 35, and 45 between the bottom
23 shell and tween decks found were untact and found with open penetrations. The

1 recommendation, it is recommended that the aforementioned watertight bulkhead's untact
2 or open penetration be repaired and made watertight to the satisfaction of the attending
3 surveyor prior to the issuing of the below lying certificate. The owner stated at the time to
4 you that it may not have been 100% resolved.

5
6 COMMANDER KEVIN CARROLL: Okay, thank you continue please.

7
8 DAWN KALLEN: Item number 10 found also on page 4 of CG 12. It was found midship
9 companionway had unattached wash boards found with a poor and loose fit including
10 missing the vertical guide channel that the washboards slide in. The recommendation, it is
11 recommended that the mid-ships companionway sliding hatch, wash boards, and guide
12 channel be removed and made tight to the satisfaction of the attending surveyor prior to
13 the issuing of the below lying certificate. The owner reported that item number 10 was
14 resolved and may be resolved on this date of the 2010 visit.

15
16 COMMANDER KEVIN CARROLL: Alright, continue.

17
18 DAWN KALLEN: Next is item number 11 found on page 5 of CG 12. What was found in
19 item number 11, port side engine room fire bilge manifold overboard midship piping was
20 found (inaudible) and provided with a soft patch. The recommendation, it is
21 recommended that the fire bilge manifold overboard midship piping be part cropped and
22 removed to the satisfaction of the attending surveyor prior to the issuing of the below lying

1 certificate. The owner reported at that time to you that item number 11 was resolved also
2 during the 2010 visit.

3
4 COMMANDER KEVIN CARROLL: Okay, thank you.

5
6 DAWN KALLEN: The next item is number 12 found on page 5 of CG 12. What was found
7 and number 12, one modification to the weathertight doors and sliding hatches on the
8 main deck and tween deck (board decks) including (inaudible) defined drawings C-110,
9 C-111, C-112, and C-113 were not carried out at this time and remain outstanding. Item
10 number two at 11 are doors numbered 09, 12, 13, and 14 as per the LL-11-C- were
11 found to be leading the (inaudible) will below deck, arrangements including (inaudible)
12 have not been submitted for review. The recommendation, it is recommended that the
13 weathertight door and the sliding hatch modifications as detailed in a boat lines be
14 completed to the satisfaction of the attending surveyor prior to the issuing of the below
15 lying certificate. It is further recommended that (inaudible) on the tween deck (inaudible)
16 board deck arrangement be submitted for review and approval and any modifications be
17 completed to the satisfaction of the attending surveyor prior to the issuing of the below
18 lying certificate. The owner reported to you that item number 12 was not done.

19
20 COMMANDER KEVIN CARROLL: Thank you continue please.

21
22 DAWN KALLEN: The next is item number 13 found on page 5 of CG 12. It was found in
23 item 13 main deck, I'm sorry, main (inaudible) soft trunk vent (inaudible) engine room

1 located between deck level will (preboard deck) (inaudible) ways of the deck connection.
2 The recommendation, it is recommended that the main engine exhaust pump vent, and
3 the engine casing stairwell connection between decks be made weathertight to the
4 satisfaction of the attending surveyor prior to the issuing of the below lying certificate. The
5 owner reported to you that item 13 was not done.

6
7 COMMANDER KEVIN CARROLL: Okay, thank you proceed.

8
9 DAWN KALLEN: The next is item number 14, and that is found on page 6 of CG 12. What
10 was found in item 14 as numbers two, three, five, and 15 per LL-11-C- will be provided
11 with means of weathertight and battening devices. The recommendation it is
12 recommended that the securing arrangements for the aforementioned hatches be verified
13 to the satisfaction of the attending surveyor prior to the issuing of the below lying
14 certificate. The owner reported to you on number 14 that he was unsure of the references
15 to the hatches and he would need to follow up. He did not have a whole lot of information
16 about that too.

17
18 COMMANDER KEVIN CARROLL: Okay, continue please.

19
20 DAWN KALLEN: Item number 15 found on page 6 of CG 12. What was found the engine
21 room ventilator sill pipe was found noncompliant, minimum sill height to be 30 inches
22 above the deck (assuming the deck is the preboard deck) and found missing a means of
23 closure. The recommendation, it is recommended that the engine room ventilator sill pipe

1 include arrangements to be modified accordingly in submitted to ABS engineering to
2 review, approval, and modifications be carried out to satisfaction of the attending surveyor
3 prior to the issuing of the below lying certificate. The owner reported to you that item
4 number 15 was not done.

5
6 COMMANDER KEVIN CARROLL: Okay proceed please.

7
8 DAWN KALLEN: The next is item number 16 found on page 6 of CG 12. What was found
9 the air pipe on the main vent found noncompliant as follows: number one vent is made of
10 PVC and found above the deck of 3 inches at no automatic (inaudible) provided, number
11 two fuel oil (inaudible) found above the deck height of 4 inches with no automatic closing
12 appliance provided, nor flame free. The recommendation, it is recommended that the air
13 pipe arrangement be submitted to A DS engineering for review and approval, and that
14 modifications be carried out to the satisfaction of the attending surveyor prior to the
15 issuance of the below lying certificate. The owner reported to you in regard to item
16 number 16 that he was unsure if the (inaudible) was done, but he did record that the fuel
17 vent was not done.

18
19 COMMANDER KEVIN CARROLL: Okay.

20
21 DAWN KALLEN: The fuel vent wasn't done, and he wasn't sure if the mmp vent was
22 done.

23

1 COMMANDER KEVIN CARROLL: Okay, continue please.

2
3 DAWN KALLEN: Item number 17 is the next also found on page 6 of CG 12. What was
4 found number one: port light located in the forward galley, and gallery store hatch,
5 forward companionway, and midship cargo hatch, found made of a plastic lexan type
6 material with no (inaudible) arrangements provided. Number two: midship cargo hatch
7 skylight in the aft companion way sliding hatch top found made of a plastic lexan type
8 material with (inaudible) frame, with no dead light, or binding plate provided. Number
9 three, which is continued on page 7 of CG 12. Main salon port starboard and transport
10 windows was found made of a plastic lexan type material with wooden framing and no
11 winding up plate arrangements provided. The recommendation, it is recommended that
12 port light, skylight, and window arrangements including dead light and a blanking
13 arrangements be submitted to ABS engineering for review and approval, and that
14 modifications be completed to the satisfaction of the attending surveyor prior to the
15 issuance of the below lying certificate. The owner recorded to you with regards to item
16 number 17, that all the windows are filmed in lexan but did (inaudible) for the aft windows.

17
18 COMMANDER KEVIN CARROLL: Okay, thank you.

19
20 DAWN KALLEN: Moving on to number 18 found on page 7 of CG 12. What was found the
21 forward (inaudible) opening of 15" x 16" with no bars or rails provided with a maximum of
22 9 inches above the deck. The recommendation, it was recommended that the forward
23 (inaudible) port be provided bars or rails at a maximum height of 9 inches above the deck

1 to the satisfaction of the attending surveyor prior to the issuance of the below lying
2 certificate. It was reported to you that item number 18 was not done.

3
4 COMMANDER KEVIN CARROLL: Okay, continue please.

5
6 DAWN KALLEN: Item 19, page 7 of CG 12. What we found in 19 the owner has
7 designated between deck as the pre-board deck and as such has found a large area of
8 resurfaced and only one six-inch (inaudible). The recommendation, it is recommended
9 that the tween deck (inaudible) arrangements be submitted to ABS engineering to review
10 and any modifications be carried out to the satisfaction of the attending surveyor prior to
11 the issuing of the below lying certificate. It was reported to you that item number 19 was
12 not done.

13
14 COMMANDER KEVIN CARROLL: Okay, does that conclude the deficiencies?

15
16 DAWN KALLEN: Yes.

17
18 COMMANDER KEVIN CARROLL: Do you recall if I asked Mr. Hansen the question about
19 whether or not a well line certificate was ever issued?

20
21 DAWN KALLEN: I remember there were some comments, honestly I was taking notes
22 and trying to write things down at the same time so I do remember you asking the
23 question, but I do not remember what his answer is.

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COMMANDER KEVIN CARROLL: Okay, fair enough. Okay, Ms. Kallen I am going to end my questioning now, but I offered the opportunity to the parties of interest to approach the speakerphone and question you. I will give the first opportunity to Mr. Svendsen.

DAWN KALLEN: Okay.

Mr. Svendsen: I have no questions.

COMMANDER KEVIN CARROLL: Okay, Mr. Svendsen has no questions for you. Bounty Organization?

LEONARD LANGER: Good afternoon Ms. Kallen, this is Leonard Langer.

DAWN KALLEN: Hello Mr. Langer.

LEONARD LANGER: Do you recall a discussion on that afternoon as to why the ABS had done a survey on the Bounty?

DAWN KALLEN: I think there was some discussion about that, I believe it was in pursuit of a level line.

1 LEONARD LANGER: And do you recall a statement that a low line would be required if
2 Bounty was to carry passengers for hire?

3
4 DAWN KALLEN: I'm not really sure, you know I (inaudible) there was a lot of paper in the
5 exchange that day, and I was trying to document all the paper that commander ... wanted
6 assimilated, I was listening to most of the conversation but I was also trying to document
7 a lot of things we are collecting at the time, so I don't have a need to for you on that.

8
9 LEONARD LANGER: Do you know as a Coast Guard inspector whether the Bounty
10 required a low lying certificate to operate as she was on the date of the loss?

11
12 COMMANDER KEVIN CARROLL: Mr Langer...

13
14 DAWN KALLEN: I am not a Coast Guard inspector, I'm a Coast Guard (inaudible)
15 investigator I am not a qualified inspector, so I don't think I'm qualified to answer that
16 question.

17
18 LEONARD LANGER: Did you understand the ABS survey that you were just reading from
19 to state that these were recommendations that were being made, that had to be resolved
20 before low lying certificate could be issued?

21
22 DAWN KALLEN: That's my understanding of the documents
23

1 LEONARD LANGER: No other questions thank you.

2
3 COMMANDER KEVIN CARROLL: Mr. Shisha representing the Christian Family will now
4 ask you questions.

5
6 JAKE SHISHA: Thank you, of the items that you have listed that were not taken care of,
7 did any of them affect the risk or ability of water coming in to the vessel and heavy
8 weather?

9
10 DAWN KALLEN: My name is Kallen, K-A-L-L-E-N, And if all you're asking is about
11 something that quite honestly I don't have any information on, I never ever ever step foot
12 on the Bounty, I have only seen it in photographs, and read about it since the accident so
13 I do not feel that I am qualified to answer that question

14
15 Commander Kevin Carroll : This witness is not offered as an expert.

16
17 COMMANDER KEVIN CARROLL: She was simply taking notes that day, okay, thank
18 you. Okay, that's it. There are no further questions Ms. Kallen and I appreciate your time
19 and attendance this afternoon, and I'll bid you good day.

20
21 DAWN KALLEN: Thank you Commander.

22
23 COMMANDER KEVIN CARROLL: Have a good day.

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DAWN KALLEN: You too.

COMMANDER KEVIN CARROLL: Okay, take a recess until 15:30, is that enough time to get the next witness on the?

LIEUTENANT COMMANDER NICHOLAS PARHAM: Yes commander

COMMANDER KEVIN CARROLL: Okay, the next witness will be Mr. Scott Kuhaneck from Coast Guard Headquarters via phone at 15:39. Thank you.

COMMANDER KEVIN CARROLL: Mr. Kuhaneck This is Cmdr. Kevin Carroll, are you on the line sir?

THOMAS KUHANECK: I am commander, how are you?

COMMANDER KEVIN CARROLL: I am doing well, I have you on speakerphone here at the Bounty formal hearing in Portsmouth Virginia. I have Lieut. Cmdr. Nick Parham who is going to swear you in.

THOMAS KUHANECK: Alright sir.

1 LIEUTENANT COMMANDER NICHOLAS PARHAM: Okay, Mr. Kuhaneck, if you could
2 raise your right hand,

3
4 THOMAS KUHANECK: I am,

5
6 LIEUTENANT COMMANDER NICHOLAS PARHAM: A false statement given to an
7 agency of the United States is punishable by a fine and / or imprisonment under 18 USC
8 1001. Knowing this do you solemnly swear that the testimony you are about to give is
9 the truth the whole truth and nothing but the truth so help you God?

10
11 THOMAS KUHANECK: I do.

12
13 LIEUTENANT COMMANDER NICHOLAS PARHAM: Thank you, we will continue in a
14 moment.

15
16 COMMANDER KEVIN CARROLL: Mr. Kuhaneck can you please state your full name and
17 spell your last name please?

18
19 THOMAS KUHANECK: Sure, first name Thomas, middle name Scott with two T's, and
20 the last name is spelled Kilo, Uniform, Hotel, Alpha, November, Echo, Charlie, Kilo.

21
22 COMMANDER KEVIN CARROLL: Okay, thank you very much. What is your current
23 occupation Mr. Kuhaneck?

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THOMAS KUHANECK: I work within the office of Commercial Vessel Compliance at Coast Guard headquarters GS 14.

COMMANDER KEVIN CARROLL: Okay, and what do your duties entail?

THOMAS KUHANECK: Well like a lot of people within the CVC we are often identified as program managers for specific items but we all do right by doing things. My official title is the tug and barge program manager for the Coast Guard, I also handle however oceanic research vessels I handle sailing school vessels, I handle other uninspected vessels, including recreational vessels in some cases, marine events of national significance and projects as directed by my team leader or my division officer.

COMMANDER KEVIN CARROLL: Okay, thank you very much. In advance of your testimony I sent you three separate documents, did you receive them via email?

THOMAS KUHANECK: Yes sir I did.

COMMANDER KEVIN CARROLL: Can you please identify them for me?

THOMAS KUHANECK: CG 45 which is a letter from the Coast Guard to Rick Martin Ramsey, CG 5 a certificate of inspection for moored attraction vessel Bounty, and CG 4 I believe, a certificate of documentation for the Bounty.

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COMMANDER KEVIN CARROLL: Okay excellent. In regards to the vessel Bounty, are you familiar with it?

THOMAS KUHANECK: I am somewhat familiar with Bounty having dealt with her on the business on numerous occasions particularly around the 2007 timeframe I have never been on board though.

COMMANDER KEVIN CARROLL: Okay, specifically we are going to talk about Bounty and the how it regards to specific Coast Guard regulations in regarding commercial vessel compliance. I would like to begin with Coast Guard Exhibit 4 which is the certificate of documentation, Coast Guard Exhibit 4.

THOMAS KUHANECK: Yes sir.

COMMANDER KEVIN CARROLL: Okay. What does the certificate of documentation detail in regards to this particular certificate of documentation?

THOMAS KUHANECK: Like most certificates of documentation that I'm familiar with it identifies the vessel's name and provides the official number, it talks about the handling cords and hull material, whether it is mechanically propelled or not, it provides (inaudible) of the vessel built and the important thing for most people when they are looking at a COD where are the operational enforcements that identify for the Coast Guard particularly

1 what the vessel is authorized to do pursuant to the certificate of documentation, what
2 types of trade or activity it can engage.

3
4 COMMANDER KEVIN CARROLL: In regards to the endorsements, what type of
5 endorsements does Bounty have?

6
7 THOMAS KUHANECK: I see coast wise, registry, and recreational, which is basically
8 (inaudible).

9
10 COMMANDER KEVIN CARROLL: Okay can you give a brief description of what
11 coastwise endorsement allows Bounty?

12
13 THOMAS KUHANECK: This allows you to engage in coastwise trade, basically ability to
14 transport people from one coastline location to another coastline location but prevents
15 (inaudible).

16
17 COMMANDER KEVIN CARROLL: Okay in regards to the fishery endorsement, what
18 does that allow?

19
20 THOMAS KUHANECK: If you are so configured ours is to commercial fisheries.

21
22 COMMANDER KEVIN CARROLL: Okay in regards to the registry endorsement what
23 does that do?

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THOMAS KUHANECK: Registry is comparable in many respects to coastwise endorsement but on an international basis.

COMMANDER KEVIN CARROLL: Okay, and the recreation?

THOMAS KUHANECK: Allows her to sail recreationally.

COMMANDER KEVIN CARROLL: Okay. Does this document allow her to engage in commercial enterprises specifically this document?

THOMAS KUHANECK: It's necessary but it's not always sufficient for commercial operations.

COMMANDER KEVIN CARROLL: Okay for US light vessel what would be typical level of operations that they are allowed to conduct?

THOMAS KUHANECK: Well, again depending on the type of service, and uninspected passenger vessel could get by with a certificate of documentation and little other documentation. A 12 pack uninspected passenger vessel may be large enough that it might need a domestic low lying depending on its scope of operations whether it goes beyond the property line or not.

1 COMMANDER KEVIN CARROLL: Okay, please explain to me what is a 12 pack?

2

3 THOMAS KUHANECK: A 12 pack would be a 12 passenger uninspected passenger
4 vessel, that would be a vessel more than 100 gross registered tons, it could carry up to 12
5 passengers and would be uninspected.

6

7 COMMANDER KEVIN CARROLL: Okay, you did say a low lying certificate would be
8 required?

9

10 THOMAS KUHANECK: Based on the vessel's (inaudible) more than 79 feet and it went
11 beyond the boundary line in a given area of operations as a 12 pack it would be a low
12 lyer.

13

14 COMMANDER KEVIN CARROLL: Okay, in regards to the boundary line, what boundary
15 line are you referring to?

16

17 THOMAS KUHANECK: Boundary line regulations differ in the United States and dessert
18 found in title 46 Code of Federal Regulations part seven.

19

20 COMMANDER KEVIN CARROLL: Okay, and they signify what?

21

22 THOMAS KUHANECK: Essentially a line, and that this line where required regulations fit
23 in, whether it's low lines or other types of requirements, for seagoing vessels.

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COMMANDER KEVIN CARROLL: Okay, alright I would like you to please refer to Coast Guard exhibit CG five please.

THOMAS KUHANECK: That is the moored attraction vehicle COI.

COMMANDER KEVIN CARROLL: Correct. Just identify the document, what vessel was the COI issued?

THOMAS KUHANECK: Bounty.

COMMANDER KEVIN CARROLL: And the certification date?

THOMAS KUHANECK: I see 15 May 2012.

COMMANDER KEVIN CARROLL: And the expiry date?

THOMAS KUHANECK: 30 September 2012.

COMMANDER KEVIN CARROLL: Okay and regards to the routes permitted of operations, what is a moored attraction vessel?

1 THOMAS KUHANECK: A moored attraction vessel is typically used as a platform for
2 public display or exhibit where a vessel is temporarily moored to a pier not underway
3 however it is considered an operation is intrinsically a hire it to have a certificate of
4 inspection aided to it so they can embark those passengers. We relax some standards
5 based on the fact that it is a moored vessel.
6

7 COMMANDER KEVIN CARROLL: Is there a specific subchapter in the Code of Federal
8 Regulations to which moored attraction vessels were regulations are contained?
9

10 THOMAS KUHANECK: Not specifically you'll find the most information about moored
11 attraction vessels within the Coast Guard's marine safety handbook volume 2.
12

13 COMMANDER KEVIN CARROLL: Okay can you specify what's in the marine safety
14 handbook volume 2 in regards to moored attraction vessels?
15

16 THOMAS KUHANECK: Well there is approximately 9 to 10 pages of policy guidance to
17 officers in charge of marine inspection when they receive an application from a vessel to
18 be considered a moored attraction vessel, general policy and things that the officer in
19 charge of inspection should be looking at in regards to moored attraction vessels. In some
20 cases you have vessels that don't otherwise have certificates of inspection that will want
21 to operate as a moored attraction vessel, they can do that if it meets the criteria in the
22 COI satisfies them safely. In some cases we actually have an inspected vessel that has a
23 certificate of inspection and they want to operate as a moored attraction vessel, they

1 typically have more than enough equipment for what were looking for in terms of safety in
2 place so passengers can embark and disembark safely and there is a sufficient number of
3 crew to handle what is potentially usually more passengers than they are accustomed to.
4

5 COMMANDER KEVIN CARROLL: Okay so in regards to a moored attraction vessel for
6 Bounty, was Bounty a vessel that simply had a COI as a moored attraction vessel or was
7 Bounty certificated in some other capacity?
8

9 THOMAS KUHANECK: To my understanding Bounty's only COI was for a moored
10 attraction vessel.
11

12 COMMANDER KEVIN CARROLL: Okay, to your knowledge in dealing with Bounty in the
13 past, did they ever been certificated as anything other?
14

15 THOMAS KUHANECK: I don't know for certain, again I was hired at headquarters
16 approximately 10 years ago my first interaction with Bounty took place again in the 2007
17 timeframe, I know she had been around for quite some time she may have attempted, or
18 may have been previously issued a certificate under some other authority, I just don't
19 know sir.
20

21 COMMANDER KEVIN CARROLL: Okay so according to this certificate, Bounty to the
22 was only allowed to have passengers for hire on board at the pier correct?
23

1 THOMAS KUHANECK: Yes sir.

2

3 COMMANDER KEVIN CARROLL: Okay described from your work at the CVC the
4 commercial vessel compliance and headquarters what are the other options available or
5 would have been available to Bounty if they wanted to be able to carry passengers for
6 hire?

7

8 THOMAS KUHANECK: Underway?

9

10 COMMANDER KEVIN CARROLL: Yeah, underway.

11

12 THOMAS KUHANECK: Well given her size at 260 some odd gross registered tons
13 subchapter T is a small passenger vessel would not have been available. Small
14 passenger vessels are less than 100 gross tons.

15

16 COMMANDER KEVIN CARROLL: Okay

17

18 THOMAS KUHANECK: Had we somehow been able to get her a certificate under T her
19 level of inspection would have been acceptable. There is another type of small passenger
20 vessel that is certificated for more than 150 passengers. Maybe we need to step back a
21 little bit, T is for 149 passengers or less and/or 49 overnight guests. K, subchapter K is for
22 large or small passenger vessels and that's for more than 150 passengers or 50 or more
23 overnight guests. And you have to be steel or aluminum construction certificated under K.

1 There was potentially another option as a sailing school vessel, that title 46 federal
2 regulations part 169, Bounty was of the size and constructed of the material that would
3 have been acceptable for certification under part 169, however vessels that are
4 certificated as school vessels must have a low line. So not being able to get a low line
5 could potentially disqualify her for certification under part 169.
6

7 COMMANDER KEVIN CARROLL: Okay. In regard to the endorsements we previously
8 noted under certificate of documentation as a recreational vessel
9

10 THOMAS KUHANECK: Yes sir
11

12 COMMANDER KEVIN CARROLL: Has Bounty's gross tonnage at 266 they were
13 permitted to sail as a recreational vessel?
14

15 THOMAS KUHANECK: Yes sir, there is no limit for size. Once you go above a certain
16 size though as a recreational vessel depending if you are more or not than 300 gross
17 registered tons and you wanted to go beyond the boundary line, be a seagoing motor
18 vessel, (inaudible) such a huge section for certification, even though it is a recreational
19 vessel, but the critical threshold there is 300 gross registered tons.
20

21 COMMANDER KEVIN CARROLL: What subchapter would Bounty be subjected to in
22 accordance with the federal regulations if they were over 300 gross tons?
23

1 THOMAS KUHANECK: A seagoing motor vessel subchapter I.

2
3 COMMANDER KEVIN CARROLL: Okay. Now, what Bounty have been permitted in any
4 capacity to be able to have passengers for hire under way? Given the

5
6 THOMAS KUHANECK: (Inaudible) line, no.

7
8 COMMANDER KEVIN CARROLL: Okay. I would like to direct your attention to exhibit
9 CG 35.

10
11 THOMAS KUHANECK: Yes sir, I have that one. The 2007 letter yes.

12
13 COMMANDER KEVIN CARROLL: Okay, can you identify this letter for us please Mr.
14 Kuhaneck?

15
16 THOMAS KUHANECK: yes this is a letter that I drafted for signature of Michael Carr who
17 is the office chief of the office of vessel activities, that was called back at that time, to
18 Margaret Ramsey, it is written in response to I believe a televised conversation that Capt.
19 Carr had had with Miss Ramsey on her about November 7 of 2007, I was directed to draft
20 a letter to basically address concerns that she had about operations on a world wide
21 voyage essentially recreating the voyage of the Bounty.

22

1 COMMANDER KEVIN CARROLL: Okay were you are the conversations or did Captain
2 Carr have those conversations with her?

3
4 THOMAS KUHANECK: I had conversations with Miss Ramsey, I was not privy to the
5 conversations that Capt. Carr may have had with her privately.

6
7 COMMANDER KEVIN CARROLL: Okay what does this letter communicate from Coast
8 Guard chief of officer of activities to the Bounty Organization?

9
10 THOMAS KUHANECK: Basically that as a pleasure yacht not engaging in trade the
11 vessel can embark nonpaying guests while both moored and underway. So it could sail
12 from the United States to say the United Kingdom with guests onboard, nonpaying guests
13 as a recreational vessel and that is not a problem.

14
15 COMMANDER KEVIN CARROLL: Okay

16
17 THOMAS KUHANECK: It could also act as a moored attraction vessel over in Europe.
18 For international voyages, passenger carrying voyages you would need an international
19 load line, but we you are tied to the pier in a foreign port a load line is not required.

20
21 COMMANDER KEVIN CARROLL: Okay

22

1 THOMAS KUHANECK: It can act as a moored attraction vessel in foreign ports provided
2 two things, it had a moored attraction vessel COI (inaudible) officer in charge of mooring
3 inspections, in this case activities Europe, two it (inaudible) port authority in that particular
4 country permitted moored attraction vessel operations.

5
6 COMMANDER KEVIN CARROLL: Okay

7
8 THOMAS KUHANECK: We so notated in the letter.

9
10 COMMANDER KEVIN CARROLL: Okay, understand.

11
12 THOMAS KUHANECK: If I could point out one additional, some additional input if you
13 give liberty to make it, (inaudible) we involved the chain of command and activities in
14 Europe in this case the command would have been Coast Guard Atlantic Area. Before we
15 issued a signed letter we drafted a letter for the advisor staff of the Atlantic Area and the
16 acting OC at the time (inaudible) Donnell Bogdenelli. There were some email received as
17 (inaudible) they also indicated in some dispatch that they wanted to include a moored
18 attraction vessel COI, and did have anonymity given a low line was not needed for the
19 issue of a moored attraction vessel COI.

20
21 COMMANDER KEVIN CARROLL: Okay, understand. What I'm going to do at this time,
22 actually, at this time Mr. Kuhaneck I am going to allow the parties of interest and

1 opportunity to ask you any questions they have, and I'm going to start with Mr. Shisha
2 representing the Christian family, Mr. Shisha.

3
4 JAKE SHISHA: No questions.

5
6 COMMANDER KEVIN CARROLL: Mr Shisha has no questions for you. Mr. Langer?

7
8 LEONARD LANGER: Good afternoon Mr. Kuhaneck, my name is Leonard Langer
9 representing HMS Bounty Organization. Very briefly Bounty to your understanding was a
10 uninspected vessel that did not need a COI if she was acting as a recreational vessel?

11
12 THOMAS KUHANECK: Yes sir, that was our assumption or understanding in 2007 when
13 the letter was written. That she was not carrying passengers for hire, that the individuals
14 embarked on board were guests like any other recreational vehicle, a recreational vessel
15 is not subject to inspection up to a certain point again at 300 gross registered tons and a
16 recreational vessel that does not require a low line.

17
18 LEONARD LANGER: And as a recreational vessel she can carry a ... professional crew
19 without considering carrying passengers for hire?

20
21 THOMAS KUHANECK: Yes sir.

22

1 LEONARD LANGER: And she did not require a COI, she would also not require a time
2 certificate?

3
4 THOMAS KUHANECK: That is a question I'm going to say I don't know the answer to that
5 sir. There are at times instances where we have sailing vessels that require a tonnage
6 certificate they are inspected,

7
8 COMMANDER KEVIN CARROLL: Mr. Kuhaneck one moment please, Mr Peter Erickson
9 is giving testimony and he is actually from the Marine Safety Center Tonnage Division, he
10 would actually be a better witness to direct questions to regarding tonnage.

11
12 LEONARD LANGER: I would also be referring to the stability described in

13
14 COMMANDER KEVIN CARROLL: Stability will be a different witness. And that's not on, I
15 believe it will be next week. There is different offices in different headquarters that deal
16 with different aspects in commercial vessel policy specifically the Marine Safety Center
17 has a tonnage division, the Marine Safety Center also has salvage and emergency
18 response team, and they also have the office that would deal with specifically with
19 inquiring about device stability tests. That's why we have the number of witnesses that we
20 do from the Coast Guard to answer questions.

21
22 THOMAS KUHANECK: I was going to suggest that Mr. Erickson be consulted on that
23 aspect, but we do have uninspected vessels, we do have load lines, all based on the fact

1 that they are commercial, commercial doesn't necessarily dictate an inspection. And
2 uninspected passenger vessel with a commercial service could need a load line.

3
4 LEONARD LANGER: As an uninspected recreational vessel Bounty would not have
5 needed a load line.

6
7 THOMAS KUHANECK: As a recreational vessel yes sir she does not need a load line.

8
9 LEONARD LANGER: And she does not need a COI. As a

10
11 THOMAS KUHANECK: As a recreational vessel for her size she does not need a COI.

12
13 LEONARD LANGER: Thank you.

14
15 COMMANDER KEVIN CARROLL: Mr. Svendsen one second.

16
17 LEONARD LANGER: I have nothing else thank you.

18
19 COMMANDER KEVIN CARROLL: Okay, Mr. Svendsen then we will continue with Mr.
20 Shisha.

21
22 JOHN SVENDSEN: I have no questions.

23

1 COMMANDER KEVIN CARROLL: Mr. Shisha go ahead please.

2

3 JAKE SHISHA: Good afternoon.

4

5 THOMAS KUHANECK: Yes sir.

6

7 JAKE SHISHA: Do you consider carrying a passenger for hire, that passenger has to
8 give some type of consideration?

9

10 THOMAS KUHANECK: Yes sir, under the definition for passenger for hire that you'll find
11 in title 46 US code 2101, consideration and conditional carriage basically. Consideration
12 can take a variety of forms, most commonly is money.

13

14 JAKE SHISHA: Can consideration be if somebody comes on and is required to do work
15 and is not paid for that work?

16

17 THOMAS KUHANECK: You have gone into a question that is outside of my field of
18 expertise sir, that is a legal question, I don't know that based on the plain meaning of
19 statutes that covers it.

20

21 JAKE SHISHA: Thank you.

22

1 COMMANDER KEVIN CARROLL: Mr. Kuhaneck, there is no further questions so at this
2 point I want to thank you, for your attendance and now wish you good afternoon sir.

3
4 THOMAS KUHANECK: Thank you

5
6 Commander Carroll, and if you need any more information just let me know.

7
8 COMMANDER KEVIN CARROLL: Thank you very much.

9
10 THOMAS KUHANECK: Take care sir.

11
12 COMMANDER KEVIN CARROLL: Lieut. Cmdr. Parham do we have any more witnesses
13 for today?

14
15 LIEUTENANT COMMANDER NICHOLAS PARHAM: No commander that's all for today.

16
17 COMMANDER KEVIN CARROLL: Okay, question for the Bounty Organization, Tracy
18 Simonin was supposed to be the first witness for today. It was informed to Mr. Parham
19 that she is on the ground, she is here, will be here shortly, she will be presentable as the
20 first witness tomorrow if you so desire.

21
22 COMMANDER KEVIN CARROLL: Okay who was originally scheduled to be the first
23 witness tomorrow?

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LIEUTENANT COMMANDER NICHOLAS PARHAM: Tomorrow morning was first Mr. Kuhaneck, but we moved him up to today, so that would be Mr. (inaudible) would be next in line.

COMMANDER KEVIN CARROLL: Okay and then after Mr.Kaprose,

LIEUTENANT COMMANDER NICHOLAS PARHAM: Mr. Rogers, and Mr Katsky.

COMMANDER KEVIN CARROLL: Okay, what we will do is we will have Ms. Simon as first witness tomorrow.

LIEUTENANT COMMANDER NICHOLAS PARHAM: Yes

COMMANDER KEVIN CARROLL: Okay, Ms. Simon will be first witness tomorrow at 09:00. Are there any matters from the party of interests before we adjourn for today?

UNKNOWN: No sir

COMMANDER KEVIN CARROLL: I would like to meet with Ms. Simonin if we could please, 08:45? Make this available to all parties of interest, at 08:45 in the Coast Guard and NPSS it's off to the side there.

1 UNKNOWN: You want her here early then, you want her here before our meeting or

2
3 COMMANDER KEVIN CARROLL: Well I'd like, 08:30 we'll meet with parties of interest, at
4 08:45 I'd like to have her in that room so that we can have the video and she can watch it
5 again.

6
7 UNKNOWN: Very good sir.

8
9 COMMANDER KEVIN CARROLL: Okay, I do not hear from today, tomorrow morning I
10 will go again at 09:00, Tracey Simonin as the first witness. Thank you.

11
12 UNKNOWN: Test test test test test test test test (background voices)

13
14 COMMANDER KEVIN CARROLL: This hearing will come to order. The record will show
15 that this hearing was called to order at 09:00 February 13 and it is being held at the
16 Renaissance Hotel and Portsmouth Virginia. Good morning ladies and gentlemen, I am
17 Commander Kevin Carroll, Chief of the Inspections Investigations Branch of the 5th Coast
18 Guard District. I have been directed to serve as Investigating Officer for this one person
19 formal investigation which was convened by the Commander of the 5th Coast Guard
20 District, Rear Admiral Steven H. Ratti. The investigation is convened under the authority
21 of 46 United States Code 6301, and 46 code of Federal Regulations Part 4, to investigate
22 the circumstances involving the sinking of the vessel Bounty, and subsequent presumed
23 death of the vessel's Master and the death of one crew member, which occurred on

1 October 29th, 2012 approximately 90 miles off the coast of Cape Hatteras, North
2 Carolina. I will conduct this investigation under the rules in 46 CFR Part 4. This
3 investigation is intended to determine the cause of the casualty, and the responsibility
4 therefore to the fullest extent possible, and to obtain information for the purpose of
5 preventing or reducing the effects of similar casualties in the future. This investigation is
6 also intended to determine whether there is any evidence that any incompetence,
7 misconduct, or willful violation of the law on the part of any licensed Officer, pilot, seaman,
8 employee, owner, or agent of such owner of any vessel involved, any Officer of the Coast
9 Guard, or the other Officer or employee of the United States, or any person caused or
10 contributed to the cause of this casualty. Or whether there is any evidence that any act
11 was committed in violation of any provisions of the U.S. Code or the regulations issued
12 there under. I am also empowered to recognize any commendable actions by persons
13 involved and to make appropriate recommendations in this regard. The results of my
14 investigations is subject to the final review and approval of the Commandant of the United
15 States Coast Guard. All parties are reminded that this hearing will examine the events
16 leading to the sinking of the vessel Bounty, and subsequent presumed death of the
17 Master and the death of one crew member. For the purpose of this hearing, the words
18 vessel, or boat, will refer to the vessel Bounty unless otherwise noted. All witnesses
19 called to testify during this hearing will be examined under oath or affirmation. When
20 testifying, the witness is subject to the Federal Laws and penalties for perjury for making
21 false statements under 18 United States Code 1001. Witnesses who are not parties of
22 interest will be excluded from the hearing room when not testifying. All parties who are of
23 interest have a statutory right to employ council to represent them, to cross examine

1 witnesses, and to have witnesses called on their behalf. Witnesses who are not parties of
2 interest may be advised by their council concerning their rights, however such council
3 may not examine or cross examine other witnesses or otherwise participate. A party of
4 interest is an individual or organization or other entity that under the existing evidence or
5 because of his or her position may have been responsible for or contributed to the
6 casualty. A party of interest may also be an individual, organization, or other entity having
7 a direct interest in the investigation and demonstrating the potential for contributing
8 significantly to the completeness of the investigation or otherwise enhancing the safety of
9 life or property at sea through participation as a party of interest. The following individuals
10 and firms have been designated as parties of interest: HMS Bounty Organization LLC,
11 Harry and Claudee Christian as the legal representatives of Claudee Christian, and John
12 Svendsen Cheif Mate of Bounty. All parties of interest and attorneys present yesterday
13 are here today. These proceedings are open to the public and the media. I would like to
14 request the cooperation of all persons present to minimize any disruptive influence on the
15 proceedings in general, and on the witnesses in particular. Smoking will be prohibited.
16 The audience is asked to ensure that your cell phones and other electrical devices do not
17 disturb the proceedings, I'll wait a moment while everyone checks their phone now. Flash
18 photography will be permitted during the opening statement and during recess periods
19 only. There are two television cameras in the room, and only two. Cameras must remain
20 stationary and not interfere with the hearing. The members of the press are of course
21 welcome, an area has been set aside for your use during the proceedings. The news
22 media may question the witnesses considering their testimony that they have given after I
23 release them. I ask that such interviews be conducted outside of this room. We will be

1 recessing for lunch at approximately 11:30 - 1PM each day, the schedule may change
2 depending on the length of each witness. The sources of information into which this
3 investigation will require are varied. The Coast Guard has made attempts to locate every
4 available piece of information pertinent to this casualty. This board will hear all such
5 evidence. Should any person have, or believe he or she has information not yet induced
6 that may be of direct significance I urge that person to communicate with the recorder
7 Lieutenant Commander Nicholas Parham, Nick please raise your hand thank you, see
8 him if you would like to add something to the record. At this time I'd like everybody to
9 please rise and join me in a moment of silence for those persons who lost their lives as a
10 result of this casualty. Thank you. This concludes my opening statement. Again I plan on
11 having my opening statement like this again each day, and again sets the tone for the
12 seriousness of the importance of the investigation and also pays respect to those that
13 have lost their lives. This concludes my opening statement. I would like to make a point,
14 Capt. Robert Jones from the NTSB he has been assigned as the lead investigator by his
15 organization to this investigation. He was on his way down here and we expect to hear at
16 about about 09:30. What we are going to do now, is I'm going to conclude my opening
17 statement, we are going to take a recess and at that time we will come back at 09:30, if
18 he is here that is great, if he is not here then he will be most likely coming into the room
19 during the testimony of the first witness which is Tracy Simonin, he and I have already
20 discussed this. Okay. 09:30, thank you.

21
22 LIEUTENANT COMMANDER NICHOLAS PARHAM: Ladies and gentlemen please take
23 your seats we are going to be starting in a few minutes.

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COMMANDER KEVIN CARROLL: Lieut. Cmdr. Parham let's go back on the record. Ladies and gentlemen as I stated before we were trying to delay a little bit for Capt. Jones from the NTSB but he is obviously not here, I expect him to be an most likely during the testimony for the next witness. I apologize for the obstruction, but it is important for the NTSB to be here and he will be most likely coming in during the testimony. Nick will you please call the next witness.

LIEUTENANT COMMANDER NICHOLAS PARHAM: Call Tracy Simonin, Ms. Simonin, you right. Ms Simonin I would ask that you please raise your right hand. A false statement given to an agency of the United States is punishable by a fine and / or imprisonment under 18 USC 1001. Knowing this do you solemnly swear that the testimony you are about to give is the truth the whole truth and nothing but the truth so help you God?

TRACEY SIMONIN: I do.

LIEUTENANT COMMANDER NICHOLAS PARHAM: Please be seated.

COMMANDER KEVIN CARROLL: Good morning Ms. Simonin, how are you?

TRACEY SIMONIN: Good.

1 COMMANDER KEVIN CARROLL: Just to give you a description of what we are going to
2 do. Will ask you some specific questions and there might be the opportunity that I would
3 have it to ask you to refer to an exhibit, there is a binder right in front of your hands they
4 are tabbed, and I will ask for you to turn to, for example, 25, and then I will ask you
5 questions about that exhibit that you have before you. If you have any questions or
6 problems regarding these exhibits Lieut. Cmdr. Parham can assist you. Okay? Alright.
7 Can you please state your full name and spell your last name for the record?

8
9 TRACEY SIMONIN: My name is Tracey Lynn Simonin, S-i-m-o-n-i-n.

10
11 COMMANDER KEVIN CARROLL: Okay, How was your flight, you made it an okay?

12
13 TRACEY SIMONIN: I did.

14
15 COMMANDER KEVIN CARROLL: Okay, after all the snow?

16
17 TRACEY SIMONIN: Yes.

18
19 COMMANDER KEVIN CARROLL: Okay, what is your current occupation?

20
21 TRACEY SIMONIN: I am the director of shoreside operations

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23 COMMANDER KEVIN CARROLL: For?

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TRACEY SIMONIN: The HMS Bounty.

COMMANDER KEVIN CARROLL: Okay. How long have you been director of shoreside operations for the HMS Bounty?

TRACEY SIMONIN: Two years.

COMMANDER KEVIN CARROLL: Okay, for two years, what did you do previously before that?

TRACEY SIMONIN: I worked with Robert Hansen at his company, as his personal assistant.

COMMANDER KEVIN CARROLL: Okay, so two years ago you specifically started your job as director of shoreside operations for Bounty?

TRACEY SIMONIN: Correct.

COMMANDER KEVIN CARROLL: Okay, did you have any dealings with the vessel Bounty prior to your appointment as director?

TRACEY SIMONIN: Yes.

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COMMANDER KEVIN CARROLL: You did, okay. How long total have you been involved with the operation of Bounty?

TRACEY SIMONIN: I had handled the accounting side of it through 2010.

COMMANDER KEVIN CARROLL: Okay.

TRACEY SIMONIN: So that was from approximately 2002 on.

COMMANDER KEVIN CARROLL: Okay, so from 2002 on. Understood. Is that a full-time position?

TRACEY SIMONIN: No. The accounting side no.

COMMANDER KEVIN CARROLL: Okay, as far as your director time two years ago?

TRACEY SIMONIN: Oh, yes.

COMMANDER KEVIN CARROLL: That has been full-time, okay very good. Do you have any maritime experience?

TRACEY SIMONIN: No I do not.

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COMMANDER KEVIN CARROLL: Okay, so you do not hold a merchant mariners credential?

TRACEY SIMONIN: No.

COMMANDER KEVIN CARROLL: Does HMS Bounty Organization operate any other vessels?

TRACEY SIMONIN: No.

COMMANDER KEVIN CARROLL: Okay, so you're, can you please describe what your duties were as director of shoreside operations for Bounty.

TRACEY SIMONIN: It was my job to help when the ship needed parts they would contact me, I would order them, I would orchestrate fuel deliveries, food supplies, I would assist in scheduling where the ship was going to appear, from there I would promote the ship with the local media of the town, and then I would basically do any of the logistics and setting up before the ship arrived to make sure everything was set for them when they got there.

COMMANDER KEVIN CARROLL: Okay, were you involved with the hiring of crew?

TRACEY SIMONIN: No I was not.

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COMMANDER KEVIN CARROLL: Okay, who was involved with the hiring of crew?

TRACEY SIMONIN: The chief mate, then the captain.

COMMANDER KEVIN CARROLL: Okay, so the chief mate and the captain. How did one apply to be a crew member on Bounty?

TRACEY SIMONIN: We would post an ad on Tall Ships America has a site where you can post ads called a belt bank. So I would post the ad when I was instructed to do so and then the resumes would come to my email and I would forward them to the chief mate for review.

COMMANDER KEVIN CARROLL: Alright. Was the chief mate please?

TRACEY SIMONIN: John Svendsen.

COMMANDER KEVIN CARROLL: Was Bounty a member of Tall Ships America?

TRACEY SIMONIN: Yes.

COMMANDER KEVIN CARROLL: Okay, what is Tall Ships America?

1 TRACEY SIMONIN: It is an organization that keeps the, they promote sail training, they
2 also participate in maritime festivals which we appear in.

3
4 COMMANDER KEVIN CARROLL: Okay. Can you give us a brief description of Bounty,
5 What kind of vessel was Bounty?

6
7 TRACEY SIMONIN: Bounty was a moored attraction vessel.

8
9 COMMANDER KEVIN CARROLL: Was it used for any other purposes than a Moored
10 Attraction Vessel attraction vessel? So it was not used as a recreational vessel?

11
12 TRACEY SIMONIN: I am not sure I understand the question

13
14 COMMANDER KEVIN CARROLL: Was Bounty used as a recreational vessel?

15
16 TRACEY SIMONIN: From my understanding when we would sail from port to port it was
17 considered a recreational vessel, but when we appeared and a port it was a Moored
18 Attraction Vessel.

19
20 COMMANDER KEVIN CARROLL: Okay, if you could please turn in your binder the
21 exhibit CG5, CG5 and again if you have trouble finding it, its tab five. So it would be
22 towards the front. Are you there? You are, okay. Can you please identify this document
23 for me please?

1

TRACEY SIMONIN: This is a certificate of inspection from the US Coast Guard.

3

4

COMMANDER KEVIN CARROLL: Okay, for what vessel?

5

6

TRACEY SIMONIN: Bounty.

7

8

COMMANDER KEVIN CARROLL: Okay, do you recognize this certificate?

9

10

TRACEY SIMONIN: Yes.

11

12

COMMANDER KEVIN CARROLL: Okay, so you have seen a certificate of inspection for
Bounty before?

13

14

15

TRACEY SIMONIN: Correct.

16

17

COMMANDER KEVIN CARROLL: Okay, in the center of the page there is a block that
says route permitted and conditions of operations, can you please detail what's listed in
that block?

18

19

20

21

TRACEY SIMONIN: You mean the section where it is talking about our schedule?

22

1 COMMANDER KEVIN CARROLL: No. I think you are on the second page, I would please
2 ask you to turn to the first page.

3
4 TRACEY SIMONIN: Oh, I'm sorry. And what was your question?

5
6 COMMANDER KEVIN CARROLL: The question is can you please detail for me and the
7 route permitted and the conditions of operations block what is listed there.

8
9 TRACEY SIMONIN: It basically states that we are allowed to have passengers on board
10 when we are secured and moored to a pier.

11
12 COMMANDER KEVIN CARROLL: Okay, as a Moored Attraction Vessel?

13
14 TRACEY SIMONIN: Correct.

15
16 COMMANDER KEVIN CARROLL: Okay, did you liaise with the Coast Guard to arrange
17 for inspection of Bounty as a Moored Attraction Vessel?

18
19 TRACEY SIMONIN: Yes I did.

20
21 COMMANDER KEVIN CARROLL: Okay, to your knowledge has Bounty ever been
22 certificated as anything other than a Moored Attraction Vessel?

23

1 TRACEY SIMONIN: Not to my knowledge.

2

3 COMMANDER KEVIN CARROLL: Okay, not to your knowledge. Has Bounty ever
4 attempted to seek certification for anything other than a Moored Attraction Vessel?

5

6 TRACEY SIMONIN: Not to my knowledge.

7

8 COMMANDER KEVIN CARROLL: Not to your knowledge, okay. If I could please turn to
9 document CG 69 in the binder, CG 69. Do you recognize this document?

10

11 TRACEY SIMONIN: Yes I do.

12

13 COMMANDER KEVIN CARROLL: What is it?

14

15 TRACEY SIMONIN: It is the homepage of the tall ship Bounty.org website.

16

17 COMMANDER KEVIN CARROLL: Okay, who manages the page?

18

19 TRACEY SIMONIN: I do.

20

21 COMMANDER KEVIN CARROLL: You did, okay so you are in charge of the postings on
22 the HMS Bounty Organization website?

23

1 TRACEY SIMONIN: Correct.

2

3 COMMANDER KEVIN CARROLL: Okay, just wanted to ask you some specific questions,
4 and this relates to how someone could be onboard Bounty. I would like you to please if
5 you could turn to page 3. Page 3 details the HMS Bounty volunteer programs for
6 restoration and crewing. Can you please explain this program?

7

8 TRACEY SIMONIN: We often allowed people to come on as volunteers, usually a
9 volunteer is someone who can't commit to a long period of time on the ship, that a crew
10 member would, so if we were doing a restoration period and people wanted to come and
11 help we would allow that.

12

13 COMMANDER KEVIN CARROLL: Okay what day be allowed to sail on board the vessel
14 from port to port?

15

16 TRACEY SIMONIN: Yes.

17

18 COMMANDER KEVIN CARROLL: They are, okay. If you could please turn the page, this
19 page describes HMS Bounty paid crew opportunities. To your knowledge how many paid
20 crew did Bounty have at any given time?

21

22 TRACEY SIMONIN: At any given time it would be around 15 to 18 people.

23

1 COMMANDER KEVIN CARROLL: Okay and to set the manning standard for the vessel?

2

3 TRACEY SIMONIN: I honestly don't know that, that was before I took over so I am not
4 sure.

5

6 COMMANDER KEVIN CARROLL: Okay. How did someone become paid crew?

7

8 TRACEY SIMONIN: They would apply for a position, send a resume of their interests, if it
9 was something after review by the chief mate as an interested person he would then
10 contact them and conducted an interview.

11

12 COMMANDER KEVIN CARROLL: Okay, now from what you're saying is somebody
13 would put in a application you would then receive that application,

14

15 TRACEY SIMONIN: Correct.

16

17 COMMANDER KEVIN CARROLL: Was that also through Tall Ships America?

18

19 TRACEY SIMONIN: Yes. We used,

20

21 COMMANDER KEVIN CARROLL: Okay

22

23 TRACEY SIMONIN: It was always posted through Tall Ships America.

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COMMANDER KEVIN CARROLL: So the ultimate hiring was between the captain of the vessel, and who was the captain of the vessel?

TRACEY SIMONIN: Capt. Robin Walbridge.

COMMANDER KEVIN CARROLL: Or the chief mate John Svendsen.

TRACEY SIMONIN: Correct.

COMMANDER KEVIN CARROLL: Okay, in regards to firing the crew, who was in charge of firing crew?

TRACEY SIMONIN: Captain Walbridge.

COMMANDER KEVIN CARROLL: Okay Capt. Walbridge. In your capacity as director did you ever have any opportunity during your two years as director to take any disciplinary action against any crew member of Bounty?

TRACEY SIMONIN: No.

COMMANDER KEVIN CARROLL: Okay, was that a part of your responsibilities?

1 TRACEY SIMONIN: No.

2

3 COMMANDER KEVIN CARROLL: Okay, was the performance review for any of the paid
4 crewmen was that a part of your responsibilities?

5

6 TRACEY SIMONIN: No.

7

8 COMMANDER KEVIN CARROLL: Okay, who had that responsibility?

9

10 TRACEY SIMONIN: I assume Capt. Walbridge.

11

12 COMMANDER KEVIN CARROLL: Okay, if you could please turn the page to page 5 of
13 exhibit CG 69. This is for trainees, I would like you to go down to the portion where it says
14 passages range from \$150 to \$250 per day. And would you note the date that this was
15 extracted from your website is on the bottom October 31 of 2012. Were people able to
16 pay to be on board Bounty for sail training?

17

18 TRACEY SIMONIN: No they were not.

19

20 COMMANDER KEVIN CARROLL: Why is this in the website?

21

22 TRACEY SIMONIN: To be honest I am not as skilled in the website design to remove
23 things, I was able to adjust the schedule and formatted homepage and a blurb or two but

1 beyond that I wasn't the person who designed the site so I didn't ever take it down, I don't
2 really have that capability.

3
4 COMMANDER KEVIN CARROLL: Okay, to your knowledge and your two years as
5 director for the Bounty Organization shoreside operations did Bounty or have paid
6 passengers for hire onboard while underway?

7
8 TRACEY SIMONIN: The only time to Bounty had paid passengers was when we would
9 be participating in the Tall Ships America event with a mens agreement.

10
11 COMMANDER KEVIN CARROLL: Can you please describe that?

12
13 TRACEY SIMONIN: My understanding of the mens agreement is that,

14
15 COMMANDER KEVIN CARROLL: First of all what is a mens?

16
17 TRACEY SIMONIN: I don't know what it stands for, something, a maritime event of
18 national significance, I believe,

19
20 COMMANDER KEVIN CARROLL: Okay.

21

1 TRACEY SIMONIN: Tall Ships of America would generally work with the Coast Guard
2 and set up the structure where we were, the Bounty was allowed to take passengers in
3 between specific ports only.
4

5 COMMANDER KEVIN CARROLL: Okay, when was this?
6

7 TRACEY SIMONIN: This was in 2010.
8

9 COMMANDER KEVIN CARROLL: In 2010, and you recall what ports?
10

11 TRACEY SIMONIN: It was the Tall Ships of America events of that year.
12

13 COMMANDER KEVIN CARROLL: For all that year?
14

15 TRACEY SIMONIN: There was about five of them.
16

17 COMMANDER KEVIN CARROLL: Okay. If I could direct your attention to exhibit CG 70 if
18 you could please. Can you identify this document please?
19

20 TRACEY SIMONIN: This is a crew list for the members aboard the Bounty.
21

22 COMMANDER KEVIN CARROLL: Okay, for what time period?
23

1 TRACEY SIMONIN: From October 25 which is when the ship departed New London
2 Connecticut.

3
4 COMMANDER KEVIN CARROLL: Okay so October 29 this would have been crew list on
5 board the vessel.

6
7 TRACEY SIMONIN: Correct.

8
9 COMMANDER KEVIN CARROLL: Looking at this list, can you please identify for me were
10 any of these crew members listed on board paid volunteers? Paid crew, excuse me?

11
12 TRACEY SIMONIN: All but one person was a paid crew member.

13
14 COMMANDER KEVIN CARROLL: Okay who was that person?

15
16 TRACEY SIMONIN: Douglas Faulk.

17
18 COMMANDER KEVIN CARROLL: Okay, so Mr. Faulk was on board strictly as a
19 volunteer?

20
21 TRACEY SIMONIN: Correct.

22

1 COMMANDER KEVIN CARROLL: Okay, and how does a volunteer work? Can they
2 come and go as they please, or

3
4 TRACEY SIMONIN: We generally, the Bounty would request that you would specify how
5 long you could be there, but yes he was free to go when he chose.

6
7 COMMANDER KEVIN CARROLL: Okay was he subject to any of the captains standing
8 orders or was he for lack of a better term able to do whatever he wanted on board the
9 vessel?

10
11 TRACEY SIMONIN: He would have been subject to anything a paid crew member would
12 have been subject to. And following orders and staying watches performance as a crew
13 member.

14
15 COMMANDER KEVIN CARROLL: And work?

16
17 TRACEY SIMONIN: Correct.

18
19 COMMANDER KEVIN CARROLL: And would they receive anything in exchange for their
20 work? No pay?

21
22 TRACEY SIMONIN: No pay.
23

1 COMMANDER KEVIN CARROLL: Okay, were they given meals?

2

3 TRACEY SIMONIN: Meals.

4

5 COMMANDER KEVIN CARROLL: Okay,

6

7 TRACEY SIMONIN: And lodging.

8

9 COMMANDER KEVIN CARROLL: Lodging, and that's it?

10

11 TRACEY SIMONIN: Correct.

12

13 COMMANDER KEVIN CARROLL: Okay. Did any of the crew members on board from
14 October 25 from the departure from New London were new day crew?

15

16 TRACEY SIMONIN: Yes.

17

18 COMMANDER KEVIN CARROLL: Who was that please?

19

20 TRACEY SIMONIN: Jessica Black, the cook.

21

22 COMMANDER KEVIN CARROLL: Okay, so she had just joined at that point?

23

1 TRACEY SIMONIN: Correct.

2

3 COMMANDER KEVIN CARROLL: Okay so everyone else on this list had been crew for a
4 period of time?

5

6 TRACEY SIMONIN: Yes.

7

8 COMMANDER KEVIN CARROLL: Before, okay. Miss Claudie Christian when was she
9 added to the crew?

10

11 TRACEY SIMONIN: She was added to the crew as of October 18.

12

13 COMMANDER KEVIN CARROLL: As of October 18. So she received pay from October
14 18 until obviously October 29?

15

16 TRACEY SIMONIN: Correct.

17

18 COMMANDER KEVIN CARROLL: Okay I would like you to go back to the previous
19 exhibit CG 69 if you could please. Page 6. Okay. Can you identify what is on page 6 of
20 exhibit CG 69?

21

22 TRACEY SIMONIN: This is a biography of Capt. Walbridge.

23

1 COMMANDER KEVIN CARROLL: Did you author this?

2

3 TRACEY SIMONIN: No I did not.

4

5 COMMANDER KEVIN CARROLL: Who was the author?

6

7 TRACEY SIMONIN: I am not aware of who the author is.

8

9 COMMANDER KEVIN CARROLL: Okay, did you post it?

10

11 TRACEY SIMONIN: No.

12

13 COMMANDER KEVIN CARROLL: Okay. How long had Capt. Walbridge been the captain
14 of the Bounty?

15

16 TRACEY SIMONIN: 17 years.

17

18 COMMANDER KEVIN CARROLL: For 17 years. You have had the opportunity to meet
19 him?

20

21 TRACEY SIMONIN: Yes.

22

23 COMMANDER KEVIN CARROLL: You have had the opportunity to sail with him?

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TRACEY SIMONIN: No. Only on a day sail.

COMMANDER KEVIN CARROLL: Onboard Bounty?

TRACEY SIMONIN: Correct.

COMMANDER KEVIN CARROLL: Okay, this morning we showed you two video clips and they are exhibits CG 20, and CG 20A, was Capt. Walbridge and that clip that you saw this morning?

TRACEY SIMONIN: Yes.

COMMANDER KEVIN CARROLL: Okay have you seen that clip before this morning?

TRACEY SIMONIN: Yes.

COMMANDER KEVIN CARROLL: Regarding his comments with chasing hurricanes is this consistent with comments you have heard him made in the past?

TRACEY SIMONIN: No.

1 COMMANDER KEVIN CARROLL: Now. I'd like to go back to CG 69 in regards to Capt.
2 Walbridge's biography I'm going to read to you the first sentence that says: according to
3 Capt. Robin Walbridge Bounty has no boundaries as Capt. his well known for his ability
4 his desire to take Bounty to places that no ship has gone before. Is that consistent with
5 your knowledge of Capt. Walbridge as performance as master of Bounty?
6

7 TRACEY SIMONIN: Yes.
8

9 COMMANDER KEVIN CARROLL: Okay, can you describe that?
10

11 TRACEY SIMONIN: Capt. Walbridge often wanted to bring the ship where it has not been
12 before, to share the Bounty with others, so when the schedule was made we would
13 discuss different places where the ship hasn't gone.
14

15 COMMANDER KEVIN CARROLL: Okay can you give me some examples?
16

17 TRACEY SIMONIN: In 2011 we went to Europe,
18

19 COMMANDER KEVIN CARROLL: Okay.
20

21 TRACEY SIMONIN: So we took it to Sweden, Norway, into the Baltic Sea.
22

23 COMMANDER KEVIN CARROLL: Okay. You were director at that time?

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TRACEY SIMONIN: Dir. of shoreside operations yes.

COMMANDER KEVIN CARROLL: Okay, to your knowledge was there anybody on board the vessel during that 2011 Europe trip, were any of those people on board volunteers?

TRACEY SIMONIN: I believe everyone was paid crew.

COMMANDER KEVIN CARROLL: You believe everyone was paid crew?

TRACEY SIMONIN: Oh, sorry, Douglas Faulk was on board for part of the trip and he was not paid.

COMMANDER KEVIN CARROLL: As director of shoreside operations to your knowledge was Capt. Walbridge ever subject to any enforcement actions of the US Coast Guard?

TRACEY SIMONIN: Not to my knowledge.

COMMANDER KEVIN CARROLL: Okay, who was your boss?

TRACEY SIMONIN: Robert Hansen.

1 COMMANDER KEVIN CARROLL: Okay. As director of shoreside operations was Capt.
2 Walbridge ever subjected to any type of disciplinary action on part of Bounty
3 Organization?

4
5 TRACEY SIMONIN: Not to my knowledge.

6
7 COMMANDER KEVIN CARROLL: Okay. I would like you to please turn to exhibit CG 17,
8 CG 17. I would like you to take a moment and take a look through this exhibit CG 17 and
9 familiarize yourself with it. Can you please identify that document for me?

10
11 TRACEY SIMONIN: This is a document from the NCA which is an agency in the United
12 Kingdom, I assume the equivalent of the US Coast Guard. We had invited them, the
13 Bounty Organization had invited them down to come inspect the ship as well as the US
14 Coast Guard we would do in any port visit.

15
16 COMMANDER KEVIN CARROLL: Okay and what is this document signify?

17
18 TRACEY SIMONIN: This document signifies items in which they feel the NCA felt we
19 should have addressed.

20
21 COMMANDER KEVIN CARROLL: Okay. On page 2 of this exhibit, did the NCA have an
22 issue with bounties tonnage? Or lack of a tonnage certificate during this visit in 2011?
23

1 TRACEY SIMONIN: Yes.

2

3 COMMANDER KEVIN CARROLL: Okay, what date was the survey?

4

5 TRACEY SIMONIN: The survey was on May 20, 2011.

6

7 COMMANDER KEVIN CARROLL: Okay, can you please turn to page 4 of this exhibit.

8 Can you identify this document?

9

10 TRACEY SIMONIN: This is the document from the US Coast Guard when they came
11 down to the ship on the same day.

12

13 COMMANDER KEVIN CARROLL: Okay can you please read for us item number two?

14

15 TRACEY SIMONIN: It talks about the international tonnage certificate.

16

17 COMMANDER KEVIN CARROLL: Okay, and what happened as a result of this
18 document?

19

20 TRACEY SIMONIN: We applied, the Bounty Organization contacted the ABS to obtain
21 the international tonnage certificate,

22

23 COMMANDER KEVIN CARROLL: Okay, was one received?

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TRACEY SIMONIN: Yes

COMMANDER KEVIN CARROLL: Okay. Please go to Exhibit 72. Can you identify this document please?

TRACEY SIMONIN: This is an international tonnage certificate.

COMMANDER KEVIN CARROLL: Okay, issued on what date?

TRACEY SIMONIN: July 25, 2011.

COMMANDER KEVIN CARROLL: Okay was this tonnage certificate issued as a result of the deficiencies mentioned by NCA British safety control authorities and the US Coast Guard requirement for activities Europe?

TRACEY SIMONIN: Yes.

COMMANDER KEVIN CARROLL: Okay can you please list for me what is the gross tonnage on page 1?

TRACEY SIMONIN: 413.

1 COMMANDER KEVIN CARROLL: Okay. As a result of this certificate were there any
2 concerns on behalf of the Bounty Organization?

3
4 TRACEY SIMONIN: I am trying to understand the question.

5
6 COMMANDER KEVIN CARROLL: Okay, this requirement to have a tonnage certificate,
7 was your tonnage altered from a previously issued tonnage?

8
9 TRACEY SIMONIN: Yes.

10
11 COMMANDER KEVIN CARROLL: Okay, did you appeal this requirement for this tonnage
12 certificate?

13
14 TRACEY SIMONIN: Yes we did.

15
16 COMMANDER KEVIN CARROLL: Okay, I want you to please turn to exhibit CG 36. Can
17 you please go to page 2, page 2. Do you recognize this document please?

18
19 TRACEY SIMONIN: Yes.

20
21 COMMANDER KEVIN CARROLL: Okay, what is it?

22

1 TRACEY SIMONIN: This is a letter written by myself to Lieut. Cmdr. Dulaury requesting
2 the decision of the US Coast Guard activities Europe to the appeal of the decision that
3 was made.
4

5 COMMANDER KEVIN CARROLL: Okay why was the appeal requested?
6

7 TRACEY SIMONIN: It was being requested because our grandfathered status, the
8 grandfather status the boat had for tonnage was being taken away, so we were trying to
9 request that it be reinstated because there was no major alterations made to the vessel.
10

11 COMMANDER KEVIN CARROLL: Okay, I'd like to direct your attention to the last
12 paragraph please, can you please read the last paragraph?
13

14 TRACEY SIMONIN: Once we have successfully brought the Bounty back to our original
15 tonnage configuration we respectfully ask that we be granted grandfather status again
16 with regard to tonnage is having to meet current (inaudible) regulations would put undue
17 hardship on a 50-year-old wooden sailing ship of the primitive build.
18

19 COMMANDER KEVIN CARROLL: Can you please describe that statement: the 50 year
20 old wooden sailing ship of primitive build?
21

22 TRACEY SIMONIN: The ship was built in 1960, whereas solus and Marco to my
23 understanding a ship to this page would not be able to meet the regulations.

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COMMANDER KEVIN CARROLL: Wooden sailing ship of primitive build, did Bounty Organization consider this a wooden sailing ship of primitives build?

TRACEY SIMONIN: I am not sure, this was something that, this letter was written between myself and our naval architect.

COMMANDER KEVIN CARROLL: Who was your naval architect?

TRACEY SIMONIN: (inaudible) Naval Architects.

COMMANDER KEVIN CARROLL: Specifically who?

TRACEY SIMONIN: Now his name is escaping me.

COMMANDER KEVIN CARROLL: Okay, but you penned the letter?

TRACEY SIMONIN: Yes.

COMMANDER KEVIN CARROLL: Okay, it was collaborated between Ferrel and who?

TRACEY SIMONIN: and myself.

1 COMMANDER KEVIN CARROLL: What was the name of the firm?

2

3 TRACEY SIMONIN: Parrel and Morton Naval Architects.

4

5 COMMANDER KEVIN CARROLL: Okay and you don't recall the name of the Naval
6 architects?

7

8 TRACEY SIMONIN: It is escaping me at the moment.

9

10 COMMANDER KEVIN CARROLL: Okay, can you describe to me why Bounty lost the
11 grandfathering status for the tonnage certificate?

12

13 TRACEY SIMONIN: It is my understanding that we do ship had a staircase circular
14 staircase in an existing tonnage opening, with that staircase and place it voided out the
15 tonnage opening.

16

17 COMMANDER KEVIN CARROLL: Okay

18

19 TRACEY SIMONIN: So it was the Bounty organizations stance that the staircase was not
20 a permanent structure within the ship and could easily be removed.

21

22 COMMANDER KEVIN CARROLL: Okay, when was that staircase put in invalidating the
23 tonnage opening?

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TRACEY SIMONIN: From my understanding it was put in to create a safer exit way for patrons when they came on the ship as a dockside attraction.

COMMANDER KEVIN CARROLL: Okay with that alteration that was made to the staircase, when was that made?

TRACEY SIMONIN: I do not know what year that was made.

COMMANDER KEVIN CARROLL: Okay, was at alteration made with notification to the Coast Guard?

TRACEY SIMONIN: I am not aware.

COMMANDER KEVIN CARROLL: Okay was that alteration made with notification to the ABS, the issuing authority for the tonnage certificate?

TRACEY SIMONIN: I do not know.

COMMANDER KEVIN CARROLL: Okay, what were the results from your appeals, from what I can see here you apparently appealed this to activities Europe which would have been though OCMI for the trip to Europe, and then it went to Atlantic area which would be

1 page 3 for similar appeal was made, and then ultimately I believe it's on page 1 of this
2 document to Coast Guard headquarters. What were the results of your appeals?

3
4 TRACEY SIMONIN: The result of the appeal was that once the Bounty Organization
5 returned the ship to its original configuration to grandfathering status would be reinstated.

6
7 COMMANDER KEVIN CARROLL: Okay, was the vessel return to its original
8 configuration?

9
10 TRACEY SIMONIN: It was but not until July 2012.

11
12 COMMANDER KEVIN CARROLL: July 2012.

13
14 TRACEY SIMONIN: July 2012.

15
16 COMMANDER KEVIN CARROLL: Okay, what was done?

17
18 TRACEY SIMONIN: The staircase that we mentioned earlier was removed and the
19 tonnage hatch was returned to a tonnage opening.

20
21 COMMANDER KEVIN CARROLL: Now where was that done?

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23 TRACEY SIMONIN: That was done in Fair Haven Massachusetts.

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COMMANDER KEVIN CARROLL: Okay, was the Coast Guard present?

TRACEY SIMONIN: I do not know, I was not there.

COMMANDER KEVIN CARROLL: Okay was the ABS present?

TRACEY SIMONIN: I do not know.

COMMANDER KEVIN CARROLL: Okay. I would like you to turn please to exhibit CG 14,
CG 14. Can you identify this for us?

TRACEY SIMONIN: I can.

COMMANDER KEVIN CARROLL: Okay. What do you see?

TRACEY SIMONIN: This is a picture of the weather deck, and the door house structure
that was on top of the tonnage opening.

COMMANDER KEVIN CARROLL: Okay so this was the structure that invalidated the
tonnage opening?

TRACEY SIMONIN: Correct.

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COMMANDER KEVIN CARROLL: Okay, it was removed in

TRACEY SIMONIN: July

COMMANDER KEVIN CARROLL: July 2012, okay. Was a new tonnage certificate issued?

TRACEY SIMONIN: Yes.

COMMANDER KEVIN CARROLL: By ABS?

TRACEY SIMONIN: Yes.

COMMANDER KEVIN CARROLL: Okay, please turn to exhibit CG 44, CG 44. Can you identify this document?

TRACEY SIMONIN: This is the new tonnage certificate.

COMMANDER KEVIN CARROLL: Okay in a date of issue was what?

TRACEY SIMONIN: July 16, 2012.

1 COMMANDER KEVIN CARROLL: Okay let me direct your attention please to page 5, to
2 page 5. The bottom block listed as tonnage is, can you please read what the convention
3 tonnage is?

4
5 TRACEY SIMONIN: 409 gross tons, international tonnage.

6
7 COMMANDER KEVIN CARROLL: 409 international tonnage, what is the regulatory?

8
9 TRACEY SIMONIN: 266 gross tons.

10
11 COMMANDER KEVIN CARROLL: Okay, so to your knowledge the certificate reinstated
12 Bounty's grandfathered certificate status?

13
14 TRACEY SIMONIN: Yes.

15
16 COMMANDER KEVIN CARROLL: Okay, pause for a moment. Let the record show Capt.
17 Rob Jones of the NTSB is entering the room and joining the hearing. Allow And Jones to
18 make his opening at the beginning after the next recess welcome Capt. John's.

19
20 Captain Jones: Hello everybody, sorry for the delay, appreciate it.
21

1 COMMANDER KEVIN CARROLL: From what I understand tonnage for Bounty was
2 invalidated because the structure was placed on the vessel, you don't know when that
3 was?

4
5 TRACEY SIMONIN: No.

6
7 COMMANDER KEVIN CARROLL: Okay, the structure was removed, the tonnage
8 opening was back in place, new tonnage certificate was issued in July 2012?

9
10 TRACEY SIMONIN: Correct.

11
12 COMMANDER KEVIN CARROLL: Okay, I would like for you to identify for me CG 15, CG
13 15. Can you identify that structure?

14
15 TRACEY SIMONIN: This is a picture of the new structure of that covered the stairway to
16 get onto the tween deck of the ship.

17
18 COMMANDER KEVIN CARROLL: Okay so this was the new structure that allowed
19 access to the tween deck?

20
21 TRACEY SIMONIN: A secondary means of access corridor.
22

1 COMMANDER KEVIN CARROLL: And this was made after the new tonnage certificate
2 was issued?

3
4 TRACEY SIMONIN: Yes.

5
6 COMMANDER KEVIN CARROLL: Okay, was ABS consulted In regards to this addition,
7 and did it affect tonnage at all?

8
9 TRACEY SIMONIN: This would not affect tonnage.

10
11 COMMANDER KEVIN CARROLL: How do you know that?

12
13 TRACEY SIMONIN: it is not over a tonnage opening.

14
15 COMMANDER KEVIN CARROLL: Okay, did you consult with a ABS in that regard?

16
17 TRACEY SIMONIN: I do not know.

18
19 COMMANDER KEVIN CARROLL: Okay, did you consult with the Coast Guard in that
20 regard?

21
22 TRACEY SIMONIN: I do not know.

23

1 COMMANDER KEVIN CARROLL: Okay did you consult with the naval architect in that
2 regard?

3
4 TRACEY SIMONIN: Yes.

5
6 COMMANDER KEVIN CARROLL: You did, who was that?

7
8 TRACEY SIMONIN: Farrell and Morton Naval Architects.

9
10 COMMANDER KEVIN CARROLL: Are there any correspondence to that regard? That
11 Bounty Organization has?

12
13 TRACEY SIMONIN: In regard to if that structure would change the tonnage?

14
15 COMMANDER KEVIN CARROLL: Correct.

16
17 TRACEY SIMONIN: It's possible, I don't know off the top of my head

18
19 COMMANDER KEVIN CARROLL: Okay. When was this structure put on?

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21 TRACEY SIMONIN: The structure was put on at Boothbay Harbor shipyard.

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23 COMMANDER KEVIN CARROLL: Okay.

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TRACEY SIMONIN: It replaced the structure that was put there when the tonnage opening, when the new tonnage certificate was put in place, it was a temporary structure their.

COMMANDER KEVIN CARROLL: Okay, when was the vessel in Boothbay?

TRACEY SIMONIN: September 2012.

COMMANDER KEVIN CARROLL: Okay, and then in October 2012

TRACEY SIMONIN: It had arrived in September.

COMMANDER KEVIN CARROLL: Okay what was it doing there?

TRACEY SIMONIN: It was annual hull out, where we take the boat out of the water, paint the bottom, pullout and necessary, and the fuel tanks are being replaced.

COMMANDER KEVIN CARROLL: Okay why were the fuel tanks being replaced?

TRACEY SIMONIN: I do not know the reason why.

COMMANDER KEVIN CARROLL: Was the fuel tanks being moved?

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TRACEY SIMONIN: Yes.

COMMANDER KEVIN CARROLL: Was the naval architect contacted in regards to the move in of those tanks and how they would affect stability?

TRACEY SIMONIN: Yes.

COMMANDER KEVIN CARROLL: Who was consulted?

TRACEY SIMONIN: At Capt. Walbridge's request I consulted Melbourne Smith who is a Naval architect.

COMMANDER KEVIN CARROLL: When was that?

TRACEY SIMONIN: September 2012

COMMANDER KEVIN CARROLL: Okay, was any report generated by Melbourne Smith?

TRACEY SIMONIN: No.

COMMANDER KEVIN CARROLL: Did they provide any input on what the changes to stability for Bounty would be as a result from the movement of those tanks?

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TRACEY SIMONIN: I don't recall.

COMMANDER KEVIN CARROLL: Were you privy to any conversations with Melbourne Smith or captain Walbridge and regards to stability changes?

TRACEY SIMONIN: No.

COMMANDER KEVIN CARROLL: Were there any conference calls held?

TRACEY SIMONIN: No.

COMMANDER KEVIN CARROLL: What other projects were scheduled to be conducted in the shipyard?

TRACEY SIMONIN: To the best of my own knowledge it was to replace the temporary structure with a staircase they see here in the photo, the fuel tanks, and the normal maintenance on the ship, painting the bottom.

COMMANDER KEVIN CARROLL: Okay, who was in charge of the yard.?

Captain Robin Walbridge.

1 COMMANDER KEVIN CARROLL: Did Bounty receive a Coast Guard inspection while
2 you were at the shipyard in Boothbay?

3
4 TRACEY SIMONIN: Yes.

5
6 COMMANDER KEVIN CARROLL: Okay, can you give us some details on that?

7
8 TRACEY SIMONIN: I do not know the details of that, I reached out to us Coast Guard to
9 schedule the inspection.

10
11 COMMANDER KEVIN CARROLL: What inspection?

12
13 TRACEY SIMONIN: To visit the ship when we are replacing the fuel tanks, and a hull
14 inspection.

15
16 COMMANDER KEVIN CARROLL: Okay, was Bounty's scheduled for a hull inspection?

17
18 TRACEY SIMONIN: I don't believe it was due for one although we generally get one
19 every year.

20
21 COMMANDER KEVIN CARROLL: So you had a hull inspection from the Coast Guard
22 every year?

23

1 TRACEY SIMONIN: Just about.

2

3 COMMANDER KEVIN CARROLL: Okay, in what capacity, as an attraction vessel?

4

5 TRACEY SIMONIN: I do not know, I'm not that familiar with it.

6

7 COMMANDER KEVIN CARROLL: Okay, but you were in charge of,

8

9 TRACEY SIMONIN: Scheduling it. The phone call

10

11 COMMANDER KEVIN CARROLL: Okay, in this case who did you speak with from the

12 Coast Guard?

13

14 TRACEY SIMONIN: I believe I spoke with Charlie Kaporse.

15

16 COMMANDER KEVIN CARROLL: And he attended the vessel?

17

18 TRACEY SIMONIN: From what I understand (inaudible)

19

20 COMMANDER KEVIN CARROLL: What type of inspection did he perform?

21

22 TRACEY SIMONIN: I do not know.

23

1 COMMANDER KEVIN CARROLL: You do not know, okay. I would like you to refer to
2 please Coast Guard Exhibit 25A, 25A. Do you recognize this document?

3
4 TRACEY SIMONIN: Yes, these are text messages between myself and captain
5 Walbridge.

6
7 COMMANDER KEVIN CARROLL: Okay, the first entry that you see there at the very top
8 it has numbers line 1, what is the first date for that?

9
10 TRACEY SIMONIN: September 20th, 2012.

11
12 COMMANDER KEVIN CARROLL: Okay, so what i want to do is I have specific questions
13 about specific lines, and I will direct you to those lines, and then I will ask you the
14 question. Okay, alright. The first question that I have is on line 26, okay, specifically can
15 you read on line 26, designate please who this was from?

16
17 TRACEY SIMONIN: Captain Walbridge and it said, you need paperwork on Chris and
18 Jeff returns on Monday are we doing a day sail for the Navy, if we are we will need to stay
19 in the yard for an extra couple weeks.

20
21 COMMANDER KEVIN CARROLL: Okay, was there a day sail for the Navy?

22
23 TRACEY SIMONIN: Yes there was.

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COMMANDER KEVIN CARROLL: When was that?

TRACEY SIMONIN: October 25th.

COMMANDER KEVIN CARROLL: Okay, and where was that?

TRACEY SIMONIN: In New London Connecticut.

COMMANDER KEVIN CARROLL: Okay. Can you please describe, did you setup this day sail?

TRACEY SIMONIN: Yes I helped orchestrate, I helped set it up with the nave.

COMMANDER KEVIN CARROLL: Okay, can you explain to me what this was?

TRACEY SIMONIN: Basically it was just a way to bring the two different mariner worlds together, we brought them on board, took them for a day sail, in return they took the members of the Bounty on a tour on one of the submarines.

COMMANDER KEVIN CARROLL: Okay, was this a paid trip?

TRACEY SIMONIN: No it was not.

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COMMANDER KEVIN CARROLL: Okay was this done in a capacity that you mentioned before a mens?

TRACEY SIMONIN: No.

COMMANDER KEVIN CARROLL: Okay so this was unpaid, was the Navy on Board as guests?

TRACEY SIMONIN: Yes.

COMMANDER KEVIN CARROLL: Okay, did you attend that trip?

TRACEY SIMONIN: I did.

COMMANDER KEVIN CARROLL: You did, okay. I would like to direct your attention to page 32, line 32, line 32 please say who the text was from and the date, and then please read the text.

TRACEY SIMONIN: This text is from myself, it says I do not need any paperwork for Chris, I have it, yes for the day sail for the Navy, Bob is anxious for you to finish and get out, any chance earlier than the 17th?

1 COMMANDER KEVIN CARROLL: Okay, can you identify who Bob is?

2

3 TRACEY SIMONIN: Bob is the owner, founding member of the HMS Bounty
4 Organization

5

6 COMMANDER KEVIN CARROLL: Okay, was he take part in arranging the day sail for the
7 Navy as well?

8

9 TRACEY SIMONIN: Yes.

10

11 COMMANDER KEVIN CARROLL: Okay, in regards to Bounty's yard. When was Bounty's
12 yard period scheduled to be completed?

13

14 TRACEY SIMONIN: Typically it was open-ended, you know you have an idea of
15 approximately how long the work will take, we budgeted for a month.

16

17 COMMANDER KEVIN CARROLL: Okay, who scheduled the yard period?

18

19 TRACEY SIMONIN: At captain Walbridge's instruction I called the yard to set up a
20 (inaudible) four when the ship arrived.

21

22 COMMANDER KEVIN CARROLL: Okay, was the shipyard provided with any statement of
23 work or expectations of what they were going to be doing in the shipyard?

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TRACEY SIMONIN: To that point I do not know.

COMMANDER KEVIN CARROLL: Okay, so you are not a part of that. Okay, who would have communicated that?

TRACEY SIMONIN: Captain Walbridge.

COMMANDER KEVIN CARROLL: Okay. To your knowledge did Bounty haste and their departure from the shipyard to make this trip with the Navy on the 25th?

TRACEY SIMONIN: No.

COMMANDER KEVIN CARROLL: So it was on schedule?

TRACEY SIMONIN: Correct.

COMMANDER KEVIN CARROLL: I would like to direct your attention to line 40 please, and again please do it was to and from, the date, and the text.

TRACEY SIMONIN: The date is October 1 to text message is from myself to captain Walbridge and it says: I hope you had a great weekend, tomorrow can we do a conference call in the afternoon to check on status with Bob if that's okay.

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COMMANDER KEVIN CARROLL: Okay, and Bob is who?

TRACEY SIMONIN: Bob Hansen.

COMMANDER KEVIN CARROLL: Okay, now in regards to the yard period, how long was Bounty in the yard period?

TRACEY SIMONIN: It was in the yard for a month.

COMMANDER KEVIN CARROLL: A month, when did it arrive?

TRACEY SIMONIN: September 17.

COMMANDER KEVIN CARROLL: September 17, and it departed?

TRACEY SIMONIN: I think it was about October 20, not exactly sure of the date.

COMMANDER KEVIN CARROLL: Okay, so September 17 two October 20. Were conference calls held to discuss status of the yard.

TRACEY SIMONIN: Yes.

1 COMMANDER KEVIN CARROLL: Okay who was present on those calls?

2

3 TRACEY SIMONIN: Myself, Bob Hansen, and captain Walbridge.

4

5 COMMANDER KEVIN CARROLL: Okay, what was discussed during these calls.

6

7 TRACEY SIMONIN: Usually the progress of the projects at hand.

8

9 COMMANDER KEVIN CARROLL: Okay, how many calls did you have during that time
10 period from September 17 to October 20?

11

12 TRACEY SIMONIN: I only remember one or two

13

14 COMMANDER KEVIN CARROLL: Okay, of those one or two, do you recall captain
15 Walbridge expressing any concerns with the condition of Bounty?

16

17 TRACEY SIMONIN: No.

18

19 COMMANDER KEVIN CARROLL: Okay in regards to any of the hull machinery systems
20 or any of the crew?

21

22 TRACEY SIMONIN: No.

23

1 COMMANDER KEVIN CARROLL: I would like to direct your attention to line 50 please.
2 Now and who is this to end the date, and what is the text?

3
4 TRACEY SIMONIN: This is from myself to captain Walbridge on October 4 and I wrote
5 just emailed you about combing height.

6
7 COMMANDER KEVIN CARROLL: What combing height?

8
9 TRACEY SIMONIN: I don't remember now what it was in reference to, a question I
10 believe Robert Hansen asked me to find out the coming height of what Bounty was.

11
12 COMMANDER KEVIN CARROLL: And you don't know what for on the vessel?

13
14 TRACEY SIMONIN: No.

15
16 COMMANDER KEVIN CARROLL: Okay, line 51 can you please read that?

17
18 TRACEY SIMONIN: It says what is a deck measurement the tanks were moved

19
20 COMMANDER KEVIN CARROLL: Okay, again from,

21
22 TRACEY SIMONIN: From myself to captain Walbridge.

23

1 COMMANDER KEVIN CARROLL: Okay what were you looking for? Other than the
2 obvious, I mean why were you looking at the distance the tanks were moved?

3
4 TRACEY SIMONIN: Bob Hansen asked me to find that out I don't know why.

5
6 COMMANDER KEVIN CARROLL: Okay, line 56 please.

7
8 TRACEY SIMONIN: This is a text from myself to Robin Walbridge call me when you have
9 some service question about stability for the Navy sail.

10
11 COMMANDER KEVIN CARROLL: Okay. What was the question about stability?

12
13 TRACEY SIMONIN: I don't recall I believe it was in reference to when captain Walbridge
14 had asked me to contact Melbourne Smith so it somehow relates to that I don't know.

15
16 COMMANDER KEVIN CARROLL: Okay did you contact Melbourne Smith?

17
18 TRACEY SIMONIN: I reached out to them Melbourne Smith yes.

19
20 COMMANDER KEVIN CARROLL: Okay you don't recall the conversation or who you
21 spoke with?

22
23 TRACEY SIMONIN: I usually spoke to them for your email to Melbourne Smith.

1
2 COMMANDER KEVIN CARROLL: Okay

3
4 TRACEY SIMONIN: And I don't recall what exactly it was in reference to.

5
6 COMMANDER KEVIN CARROLL: Do you have this emails?

7
8 TRACEY SIMONIN: I would imagine I Them yes.

9
10 COMMANDER KEVIN CARROLL: Okay, Mr. Langer I would like those emails.

11
12 LEONARD LANGER: The emails referenced in this item

13
14 COMMANDER KEVIN CARROLL: Correct.

15
16 LEONARD LANGER: Okay.

17
18 COMMANDER KEVIN CARROLL: I would say any and all emails between the Bounty
19 Organization and Melbourne Smith regarding the stability to the vessel.

20
21 COMMANDER KEVIN CARROLL: Line 58 please.

22

1 TRACEY SIMONIN: This was sent by myself to captain Walbridge: conference call
2 tomorrow to talk about combings what time would be good?

3
4 COMMANDER KEVIN CARROLL: Again with combings, what was the concern this is the
5 second listing for combings?

6
7 TRACEY SIMONIN: I do not recall, I am not very technical about the ship so if Mr.
8 Hansen asked me to pass Mr. Walbridge something I did, but I did not always know why.

9
10 COMMANDER KEVIN CARROLL: What was the state, what was the date?

11
12 TRACEY SIMONIN: October 8.

13
14 COMMANDER KEVIN CARROLL: Okay, to your knowledge was there a conference call?

15
16 TRACEY SIMONIN: I believe so.

17
18 COMMANDER KEVIN CARROLL: Did you participate?

19
20 TRACEY SIMONIN: Yes.

21
22 COMMANDER KEVIN CARROLL: Okay, do you recall what was discussed.

23

1 TRACEY SIMONIN: No.

2

3 COMMANDER KEVIN CARROLL: Line 61 please, it would be on page 3.

4

5 TRACEY SIMONIN: It's a text message from myself to captain Walbridge on October 9: I
6 saw a pic of the hatch on Facebook, are we going to put the green pattern on the smaller
7 windows?

8

9 COMMANDER KEVIN CARROLL: Okay, did Bounty have a Facebook page?

10

11 TRACEY SIMONIN: Yes it did.

12

13 COMMANDER KEVIN CARROLL: Okay, who was in charge, who was the administrator
14 for the Facebook page?

15

16 TRACEY SIMONIN: I initially set up the Facebook page but had a co-administrator that
17 did 95% of the postings on it.

18

19 COMMANDER KEVIN CARROLL: Okay, who was the co-administrator?

20

21 TRACEY SIMONIN: His name was Jim Salivitay.

22

23 COMMANDER KEVIN CARROLL: Was he onboard Bounty?

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TRACEY SIMONIN: No he was just a follower of the crew member, somebody who is interested in following the ship activities.

COMMANDER KEVIN CARROLL: Who had authority to post on Bounty's Facebook page?

TRACEY SIMONIN: Both myself and Jim.

COMMANDER KEVIN CARROLL: Okay, did captain Walbridge have the authority to post?

TRACEY SIMONIN: No.

COMMANDER KEVIN CARROLL: Did anybody on board Bounty have the ability to post on the Bounty's Facebook page?

TRACEY SIMONIN: No.

COMMANDER KEVIN CARROLL: Line 96 please.

TRACEY SIMONIN: It is a text message from captain Walbridge to myself on October 17 and it reads: 30 (inaudible) pieces would be great.

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COMMANDER KEVIN CARROLL: Okay, what is that describing?

TRACEY SIMONIN: That is describing ray core filters that the ship had asked for.

COMMANDER KEVIN CARROLL: Okay, so captain Walbridge asked you to order two cases of 30 μ filters for what?

TRACEY SIMONIN: I do not know what they're used for.

COMMANDER KEVIN CARROLL: Okay. Line 103 please.

TRACEY SIMONIN: It's a text message from myself to captain Walbridge we brought two types of filters to micron and 30 μ call (inaudible) and make sure they have stock of both.

COMMANDER KEVIN CARROLL: Okay, what were these filters for?

TRACEY SIMONIN: These again referenced the ray core filters.

COMMANDER KEVIN CARROLL: For what?

TRACEY SIMONIN: I don't know exactly what marine part engine part these go to.

1 COMMANDER KEVIN CARROLL: Okay. If you could please go to line 109.

2

3 TRACEY SIMONIN: This is a text message from myself to captain Walbridge: did David
4 Wyman call you yet?

5

6 COMMANDER KEVIN CARROLL: Okay who is David Wyman?

7

8 TRACEY SIMONIN: David Wyman is also a naval architect, the ship has worked with him
9 for many years.

10

11 COMMANDER KEVIN CARROLL: Okay, in what capacity?

12

13 TRACEY SIMONIN: I do not know what, I'm not sure I understand what you mean.

14

15 COMMANDER KEVIN CARROLL: What did Mr. Wyman perform for the Bounty
16 Organization? What did he do?

17

18 TRACEY SIMONIN: He performed surveys of the ship.

19

20 COMMANDER KEVIN CARROLL: Okay. Line 110, if you could please?

21

22 TRACEY SIMONIN: That was from myself to captain Walbridge: (inaudible) the
23 insurance company has agreed to an in water survey.

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COMMANDER KEVIN CARROLL: Okay, was it surveyed, a survey performed on Bounty while in the shipyard.

TRACEY SIMONIN: Yes.

COMMANDER KEVIN CARROLL: Okay, who had performed that survey?

TRACEY SIMONIN: David Wyman.

COMMANDER KEVIN CARROLL: Why?

TRACEY SIMONIN: The insurance company had requested that a survey be done.

COMMANDER KEVIN CARROLL: Okay. Do you know why?

TRACEY SIMONIN: I believe it was because the previous survey was from 2007.

COMMANDER KEVIN CARROLL: Okay, and the insurance company agreed to and in water survey?

TRACEY SIMONIN: Correct.

1 COMMANDER KEVIN CARROLL: Okay had you been involved with Bounty being
2 surveyed by a marine surveyor in the past?

3
4 TRACEY SIMONIN: No I was not.

5
6 COMMANDER KEVIN CARROLL: Okay, do you know what a marine survey entails?

7
8 TRACEY SIMONIN: No I do not.

9
10 COMMANDER KEVIN CARROLL: Was the survey completed?

11
12 TRACEY SIMONIN: To the best of my knowledge yes.

13
14 COMMANDER KEVIN CARROLL: Okay, do you know on what date?

15
16 TRACEY SIMONIN: No I do not.

17
18 COMMANDER KEVIN CARROLL: Okay if I could direct your attention to CG 24 please,
19 CG 24. Do you recognize this document, I want you to flip through all the pages for the
20 particular exhibit I would like you to flip through their. Do you recognize this exhibit, the
21 images here?

22
23 TRACEY SIMONIN: Yes.

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COMMANDER KEVIN CARROLL: Okay, what is it?

TRACEY SIMONIN: The images are a map of the Bounty's lobby locations on Facebook.

COMMANDER KEVIN CARROLL: On Facebook, okay, the first page there are two entries there, what are the dates?

TRACEY SIMONIN: The first is October 26 and the second was October 27.

COMMANDER KEVIN CARROLL: Who had authority to post on behalf of Bounty's Facebook page?

TRACEY SIMONIN: Either myself or Jim Salivatay.

COMMANDER KEVIN CARROLL: Okay did you put these posts on there?

TRACEY SIMONIN: I did not.

COMMANDER KEVIN CARROLL: To your knowledge did Jim Salviatay do that?

TRACEY SIMONIN: Yes.

1 COMMANDER KEVIN CARROLL: He did. And he works for Bounty Organization?

2
3 TRACEY SIMONIN: No he doesn't work.

4
5 COMMANDER KEVIN CARROLL: Okay, where was he on October 26 and October 27.

6
7 TRACEY SIMONIN: He lives in Illinois I believe I want to say Chicago but I'm not positive
8 about the city.

9
10 COMMANDER KEVIN CARROLL: Okay please turn the page, again what are you looking
11 at?

12
13 TRACEY SIMONIN: This is a post on Facebook on October 27.

14
15 COMMANDER KEVIN CARROLL: Okay, can you please read it for me?

16
17 TRACEY SIMONIN: It says writing storm out day two: I am sure the Bounty's crew would
18 be overwhelmed by all the prayers and best wishes that have been given, rest assured
19 that the Bounty's safe in very capable hands the Bounty's (inaudible) not all feel
20 responsible or a lack of foresight as some times suggested the fact of the matter is the
21 ship is safer at sea then in port. in the next few posts I will try to quell some fears
22 (inaudible) in Bounty's favor (inaudible) sailing from Maine to Puerto Rico in 2010.
23

1 COMMANDER KEVIN CARROLL: Okay, did you make this post?

2

3 TRACEY SIMONIN: I did not.

4

5 COMMANDER KEVIN CARROLL: Okay, did you know who did?

6

7 TRACEY SIMONIN: Jim Salvitay.

8

9 COMMANDER KEVIN CARROLL: Okay, from Illinois, so I would like you to look through
10 here, did you make any of these posts?

11

12 TRACEY SIMONIN: No.

13

14 COMMANDER KEVIN CARROLL: Okay, then who did?

15

16 TRACEY SIMONIN: Jim Salvitay.

17

18 COMMANDER KEVIN CARROLL: Okay, he made all of these posts?

19

20 TRACEY SIMONIN: Yes.

21

22 COMMANDER KEVIN CARROLL: Okay. To your knowledge was he in contact with the
23 vessel at that time?

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TRACEY SIMONIN: His son was a crew member on the ship.

COMMANDER KEVIN CARROLL: Okay, so was his son and contact with Jim Salivatay during that time?

TRACEY SIMONIN: I do not know.

COMMANDER KEVIN CARROLL: You do not know. Where was Bounty on October 25?

TRACEY SIMONIN: In New London Connecticut.

COMMANDER KEVIN CARROLL: Okay and that was the Navy day sail?

TRACEY SIMONIN: Correct.

COMMANDER KEVIN CARROLL: Okay, and you are there?

TRACEY SIMONIN: Yes I was.

COMMANDER KEVIN CARROLL: Okay, what time did they sail end?

TRACEY SIMONIN: I think it ended approximately at 3:30 or 4 o'clock.

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COMMANDER KEVIN CARROLL: And what did you do then?

TRACEY SIMONIN: I then waited around for someone that was interested in looking at the boat to purchase, and gave them a tour.

COMMANDER KEVIN CARROLL: Okay, so Bounty was for sale, on October 25?

TRACEY SIMONIN: Yes.

COMMANDER KEVIN CARROLL: Okay, were they onboard during the day sail?

TRACEY SIMONIN: No.

COMMANDER KEVIN CARROLL: They reviewed the vessel when?

TRACEY SIMONIN: After the day sail was over.

COMMANDER KEVIN CARROLL: Okay. Where did you go afterwards?

TRACEY SIMONIN: Where did you go afterwards?

COMMANDER KEVIN CARROLL: Where did the crew go after the day sail, sorry?

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TRACEY SIMONIN: Oh, they went to tour the submarine at the sub base.

COMMANDER KEVIN CARROLL: Okay, did you attend the tour?

TRACEY SIMONIN: No I did not.

COMMANDER KEVIN CARROLL: Did you have any conversation, when did you depart New London, you didn't sail with the vessel obviously?

TRACEY SIMONIN: No. Right after the gentleman that was interested in looking at the ship was done I got in my car and headed back towards Long Island.

COMMANDER KEVIN CARROLL: Okay, who else from Bounty Organization was on Board the vessel during the day sail?

TRACEY SIMONIN: The crew.

COMMANDER KEVIN CARROLL: The crew, was anybody from shoreside support on Board the vessel?

TRACEY SIMONIN: No.

1 COMMANDER KEVIN CARROLL: On October 25, as the director of shoreside
2 operations were you aware of the forecasted track for the storm hurricane Sandy?

3
4 TRACEY SIMONIN: I was aware a hurricane was coming what I did not know any
5 specifics about it at that time.

6
7 COMMANDER KEVIN CARROLL: Is it a part of your duties for shore side operations for
8 Bounty to monitor weather in their expected track?

9
10 TRACEY SIMONIN: No.

11
12 COMMANDER KEVIN CARROLL: Okay. What was Bounty's next port of call after the
13 day sail?

14
15 TRACEY SIMONIN: St. Petersburg, Florida.

16
17 COMMANDER KEVIN CARROLL: Okay. What were they supposed to do in St.
18 Petersburg, Florida?

19
20 TRACEY SIMONIN: Open up for dockside tours.

21
22 COMMANDER KEVIN CARROLL: Were those dockside tours arranged by you?

23

1 TRACEY SIMONIN: Yes.

2

3 COMMANDER KEVIN CARROLL: Was there any specific organization that these tours
4 were arranged for?

5

6 TRACEY SIMONIN: No.

7

8 COMMANDER KEVIN CARROLL: Okay. So this was open to the general public?

9

10 TRACEY SIMONIN: Correct.

11

12 COMMANDER KEVIN CARROLL: Was Bounty going to have any other functions while
13 they were there?

14

15 TRACEY SIMONIN: I believe there was a function that would have been held with down
16 syndrome children. Sort of a reception.

17

18 COMMANDER KEVIN CARROLL: Was this a paid reception?

19

20 TRACEY SIMONIN: No.

21

22 COMMANDER KEVIN CARROLL: Was this a day sail, like it would have been for the
23 Navy?

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TRACEY SIMONIN: No.

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COMMANDER KEVIN CARROLL: So this was shore side?

5

6

TRACEY SIMONIN: Correct.

7

8

COMMANDER KEVIN CARROLL: What organization?

9

10

TRACEY SIMONIN: The Ashley Duranous (sp) Foundation.

11

12

COMMANDER KEVIN CARROLL: Who arranged this?

13

14

TRACEY SIMONIN: This was arranged between Captain Robin Walbridge and a photo marketing person we were working with all season, his name was Gary Kemp.

15

16

17

COMMANDER KEVIN CARROLL: Photo marketing?

18

19

TRACEY SIMONIN: Correct.

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21

COMMANDER KEVIN CARROLL: Okay. So Captain Walbridge arranged this?

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TRACEY SIMONIN: Yes.

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COMMANDER KEVIN CARROLL: Okay. Was it often that Captain Walbridge arranged for specific tours, did he have that authority as Captain?

TRACEY SIMONIN: I mean, of course he would have that authority, but it wasn't something he did often.

COMMANDER KEVIN CARROLL: Was there any contract initiated between the Bounty foundation and the Ashley Duranous Foundation?

TRACEY SIMONIN: No.

COMMANDER KEVIN CARROLL: So this was simply a visit.

TRACEY SIMONIN: Correct.

COMMANDER KEVIN CARROLL: Okay. Any other expectations as a result of this visit?

TRACEY SIMONIN: No.

COMMANDER KEVIN CARROLL: Okay, alright. So, from October 25 when they were in New London, when were they due to be in St. Petersburg?

1 TRACEY SIMONIN: November 10 and 11 we would have opened up for dockside tours.

2

3 COMMANDER KEVIN CARROLL: And it was only restricted to those days?

4

5 TRACEY SIMONIN: Yes.

6

7 COMMANDER KEVIN CARROLL: Okay.

8

9 TRACEY SIMONIN: What do you mean by "restricted"?

10

11 COMMANDER KEVIN CARROLL: Well meaning that you would only do tours on those
12 two days.

13

14 TRACEY SIMONIN: Yes.

15

16 COMMANDER KEVIN CARROLL: Okay. So after the tours were completed November
17 11, where was Bounty due for?

18

19 TRACEY SIMONIN: It's winter port in Galveston, Texas.

20

21 COMMANDER KEVIN CARROLL: Were they expected there on any specific date?

22

23 TRACEY SIMONIN: No.

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COMMANDER KEVIN CARROLL: As director of shore side operations for the Bounty, was there any importance expressed to Captain Walbridge that they had to meet this November 10 or 11 obligation in St. Petersburg?

TRACEY SIMONIN: No, it could have easily been rescheduled if there was an issue.

COMMANDER KEVIN CARROLL: Could it have been cancelled?

TRACEY SIMONIN: Correct.

COMMANDER KEVIN CARROLL: So we stated before that you were aware there was a forecasted storm named hurricane Sandy on October 25.

TRACEY SIMONIN: Correct.

COMMANDER KEVIN CARROLL: Were you aware of Bounty's plans to depart on the evening of the 25th?

TRACEY SIMONIN: Yes.

COMMANDER KEVIN CARROLL: Okay. Did you discuss these Capt. Walbridge?

1 TRACEY SIMONIN: That was not something I usually discussed with him that was at his
2 discretion.

3
4 COMMANDER KEVIN CARROLL: Okay. Did he express any concerns to you prior to
5 departure?

6
7 TRACEY SIMONIN: no.

8
9 COMMANDER KEVIN CARROLL: Did any of the crew members on board during the day
10 sail express any concerns to you in regards to the departure?

11
12 TRACEY SIMONIN: No.

13
14 COMMANDER KEVIN CARROLL: Did any of the United States Navy personnel on board
15 during the day express any concerns to you in regards to the departure?

16
17 TRACEY SIMONIN: No.

18
19 COMMANDER KEVIN CARROLL: Okay. Were you concerned about the departure?

20
21 TRACEY SIMONIN: No.

22

1 COMMANDER KEVIN CARROLL: So, knowing that there was a forecasted storm you
2 were not concerned?

3
4 TRACEY SIMONIN: I didn't realize the path of the storm at that point in time. So, no.

5
6 COMMANDER KEVIN CARROLL: Okay. When Bounty was underway and offshore what
7 was your means of staying in touch with them?

8
9 TRACEY SIMONIN: I communicated with Capt. Walbridge through a hand radio email
10 system.

11
12 COMMANDER KEVIN CARROLL: Okay I would like you to turn to CG 22. CG 22. I
13 would like you to please just take a moment and flip through and see if you recognize this
14 document. It's about 43 pages.

15
16 TRACEY SIMONIN: I recognize them as emails on the hand radio email system.

17
18 COMMANDER KEVIN CARROLL: Okay. Alright. Did Capt. Walbridge ever ask you any
19 time to send you weather information in regards to hurricane Sandy.

20
21 TRACEY SIMONIN: Yes he did.
22

1 COMMANDER KEVIN CARROLL: Okay. Please turn to page 3. Do you see that email
2 on page 3?

3
4 TRACEY SIMONIN: Yes.

5
6 COMMANDER KEVIN CARROLL: Okay. Can you please see who it is to, or excuse me,
7 who it is from and who it is to and read the text?

8
9 TRACEY SIMONIN: Okay. It is from Capt. Walbridge. It was to myself and Robert
10 Hansen. It starts off with the coordinates of where they were at that time. Good
11 morning, Ms. Tracy, Mr Hansen (inaudible) we are heading south by east we need to see
12 what the storm wants to do I am guessing wants to come ashore at New Jersey/New York
13 City. We are running trying to stay on the east side of it, bad side of it, until we get some
14 sea room. If we guess wrong we can run towards Newfoundland, if it turns and wants to
15 tangle with us that means it is pretty far offshore and we can turn and go down the west
16 side of it. I need to be sure if it is well offshore before take advantage of the good
17 weather for us. Right now I do not want to get between a hurricane and a hard spot. If
18 you can send us updated track info where it is projected to that would be great. We
19 know where it is I have to guess, along with the weathermen, where it is going. Will
20 keep you updated. Robin.

21
22 COMMANDER KEVIN CARROLL: Okay. Did you send them updated forecast
23 information for hurricane Sandy?

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TRACEY SIMONIN: I did.

COMMANDER KEVIN CARROLL: Okay. How did you do that?

TRACEY SIMONIN: At first I was searching the Internet trying to find exactly what he was looking for. I ended up settling with the national hurricane Center's forecast which were updated every four or five hours.

COMMANDER KEVIN CARROLL: Okay. How many times did you email him to let him know this? Or give him updated track information?

TRACEY SIMONIN: Every time I went, every for five hours I went online and get the updates and send it to him. Except while I was sleeping.

COMMANDER KEVIN CARROLL: Okay. This email I see where he requested October 26.

TRACEY SIMONIN: Yes.

COMMANDER KEVIN CARROLL: Guesstimate how many times that you sent him track information?

1 TRACEY SIMONIN: Three times that day maybe, I don't know.

2

3 COMMANDER KEVIN CARROLL: Does 15 sound correct?

4

5 TRACEY SIMONIN: Okay?

6

7 COMMANDER KEVIN CARROLL: How often during your tenure as director shoreside of
8 operations did you supply weather information to bounty at this interval during your time
9 there?

10

11 TRACEY SIMONIN: This is the first time I've ever had to send them weather information.

12

13 COMMANDER KEVIN CARROLL: Okay. This was not a part of your normal duties?

14

15 TRACEY SIMONIN: No.

16

17 COMMANDER KEVIN CARROLL: This was outside the norm.

18

19 TRACEY SIMONIN: Correct.

20

21 COMMANDER KEVIN CARROLL: Did Bounty encounter any trouble after they departed
22 New London?

23

1 TRACEY SIMONIN: Yes.

2

3 COMMANDER KEVIN CARROLL: When did you become aware this?

4

5 TRACEY SIMONIN: Approximately 8:30 PM Sunday, October 28.

6

7 COMMANDER KEVIN CARROLL: Okay. How were you informed?

8

9 TRACEY SIMONIN: I received a phone call from Mr. Hansen that they had made a
10 distress call.

11

12 COMMANDER KEVIN CARROLL: Okay.

13

14 TRACEY SIMONIN: Then subsequently an email from Capt. Walbridge.

15

16 COMMANDER KEVIN CARROLL: What was relayed during that call for Mr. Hansen?

17

18 TRACEY SIMONIN: He gave me the coordinates where the ship was and told me the
19 ship was in trouble and to call the Coast Guard.

20

21 COMMANDER KEVIN CARROLL: Okay. And what did you do?

22

23 TRACEY SIMONIN: I immediately got hung up the phone and call the Coast Guard.

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COMMANDER KEVIN CARROLL: Okay. Can you please describe your actions were after that initial call for Mr. Hansen and when you talk to the Coast Guard.

TRACEY SIMONIN: I called up I believe it was sector in from North Carolina and told them where the ship was located and they were in distress and the message that was relayed to me. After that I went to the HMS Bounty office to obtain a current crew list and the registration information so I can provide it all to the Coast Guard and anything they needed up me at that point.

COMMANDER KEVIN CARROLL: I would like you to refer to exhibit CG 24 once again the Facebook posts. Were you in contact with Mr. Sallapattick?

TRACEY SIMONIN: Yes.

COMMANDER KEVIN CARROLL: Okay. What did you relay to him?

TRACEY SIMONIN: Actually he contacted me because he saw something on the Internet that the Bounty's e perp registration, e perps were settled.

COMMANDER KEVIN CARROLL: Okay. What did you relay to him?

TRACEY SIMONIN: I told him yes we were in contact with the Coast Guard.

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COMMANDER KEVIN CARROLL: Okay. On page 3 at the top of the page and specifically that would be the top left corner could you please read to me that post, what date it is and then read the text underneath.

TRACEY SIMONIN: Its October 28 and it says Bounty update October 28 11 PM Eastern. One of Bounty's generators has failed, they are taking on more water than they would like. The crew would like you to know they are safe. At 2118 hours the Coast Guard issued an urgent marine information broadcasts for the HMS Bounty taking on water 90 miles southeast of Cape Hatteras with 15+ people aboard. That has been rescinded. Tracy is in contact with the Coast Guard at this very moment and is closely monitoring the situation. Tracy has also spoken to the Captain Robin to confirm that Bounty the crew are safe. The captain will wait until morning to determine if the bounty is in need of assistance.

COMMANDER KEVIN CARROLL: Do you know what urgent marine information broadcast is?

TRACEY SIMONIN: No I do not.

COMMANDER KEVIN CARROLL: Okay. You did not make this post as you stated before, Mr. Sallapattick did.

TRACEY SIMONIN: Correct.

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COMMANDER KEVIN CARROLL: Okay. How would he know that the UMIB had been rescinded?

TRACEY SIMONIN: I do not know other than she was a very savvy of the Internet and getting updates when the bounty was mentioned.

COMMANDER KEVIN CARROLL: Okay. At this point in your mind, from apparently working with Mr. Sallapattick and (inaudible) with him at 11 PM did you believe that the crew of the bounty were safe at that point?

TRACEY SIMONIN: The communication I had with Capt. Walbridge he alluded to that fact that they would be safe until morning.

COMMANDER KEVIN CARROLL: That they would be safe until morning and that was at 11 PM on October 28?

TRACEY SIMONIN: Correct.

COMMANDER KEVIN CARROLL: Okay. All right at this time what I would like to do is to take a 10 minute recess. What we will do when we come back is, Ms. Simonin you will still be presenting testimony and give the opportunity to Capt. Jones to ask any questions

1 he would like. But before he does that, I would also like to give Capt. Jones the
2 opportunity to read your opening if you would like, Sir.

3
4 CAPTAIN ROB JONES: Okay.

5
6 COMMANDER KEVIN CARROLL: So we will be back at ten minutes to 11, please.

7
8 COMMANDER KEVIN CARROLL: Okay let's get back on the record. Ladies and
9 gentlemen I want to introduce, this is Capt. Rob Jones from the National Transportation
10 Safety Board, he is the lead investigator for this investigation. Capt. Jones do want to
11 introduce yourself.

12
13 CAPTAIN ROB JONES: Good morning

14
15 LIEUTENANT COMMANDER NICHOLAS PARHAM: Prior to let's go ahead and swear in
16 Captain Jones, Captain Jones if you could stand up and raise your right hand please. Do
17 you swear that you will faithfully perform your duties as the NTSB investigator at this
18 formal investigation and that you will examine and inquire into the matter now at hand
19 before you without partiality so help you God?

20
21 CAPTAIN ROB JONES: I will

22
23 LIEUTENANT COMMANDER NICHOLAS PARHAM: Thank you please be seated.

1
2 CAPTAIN ROB JONES: Good morning I am Rob Jones investigator in charge for the
3 National Transportation Safety Board for this investigation. The safety Board is an
4 independent federal agency which under the Independent safety Board act of 1974 is
5 required to determine a cause or probable cause of this accident. to issue a report of the
6 facts, and conditions and circumstances relating to it and may make recommendations for
7 measures to prevent similar accidents. The safety board is drawings this hearing to avoid
8 duplicating the development of facts. Nevertheless if you wish to point out this does not
9 preclude safety board from developing additional information separately from this
10 proceeding if that becomes necessary. At the conclusion of this hearing the safety board
11 will analyze the facts of this accident and determine a probable cause independently of
12 the Coast Guard. at a future date a separate report of the safety board's findings will be
13 issued which will include our initial determination of the probable cause of this accident. If
14 appropriate the safety board will issue recommendations to correct safety problems
15 discovered during this investigation. These recommendations may be made in advance of
16 this report. Thank you period

17
18 COMMANDER KEVIN CARROLL: At this point, Ms Simonin is still under oath?

19
20 LIEUTENANT COMMANDER NICHOLAS PARHAM: Yep. Ms. Simonin may you be
21 reminded that the oath is still binding
22

1 COMMANDER KEVIN CARROLL: Ms. Simonin if I could ask you to please lean into the
2 microphone a little bit we can move forward a little if necessary, that one night there.

3
4 TRACEY SIMONIN: This one?

5
6 COMMANDER KEVIN CARROLL: Yes please. Captain Jones I like to give you this
7 opportunity to interview Ms. Simonin.

8
9 CAPTAIN ROB JONES: How are you Ms. Simonin?

10
11 TRACEY SIMONIN: Good morning.

12
13 CAPTAIN ROB JONES: I want to change tracks a little bit, did you go over any hiring
14 practices already?

15
16 COMMANDER KEVIN CARROLL: We did.

17
18 CAPTAIN ROB JONES: Are you in charge of the hiring?

19
20 TRACEY SIMONIN: No I am not.

21
22 CAPTAIN ROB JONES: Do you keep any records of personnel that are on board the
23 vessel, and previous performance or anything like that?

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TRACEY SIMONIN: The records that I keep are mainly for payroll purposes, in terms of Social Security numbers and direct deposit information.

CAPTAIN ROB JONES: So no previous performance?

TRACEY SIMONIN: No.

CAPTAIN ROB JONES: Who would have that knowledge, if you wanted to hire a returning crew member, or people that had been on before?

TRACEY SIMONIN: Since I did not make the determination of if someone was hired I have to assume it was with the person that was actually doing the hiring, that they would have those, that information.

CAPTAIN ROB JONES: And who would that be?

TRACEY SIMONIN: The chief mate.

CAPTAIN ROB JONES: Was it only the chief mates responsibility or one single individual, the chief mate?

1 TRACEY SIMONIN: Prior to 2010 it was done by the former director of shoreside
2 operations.

3
4 CAPTAIN ROB JONES: And again no records in regards to the people that had been
5 employed?

6
7 TRACEY SIMONIN: Just W-4 information, and direct deposit information that would've
8 been kept at the office.

9
10 CAPTAIN ROB JONES: Was there any way to keep track of training that some of the
11 crew members may have undergone aboard the vessel or in some other type of maritime
12 situation.

13
14 TRACEY SIMONIN: I did not have that information.

15
16 CAPTAIN ROB JONES: How was your relationship with Capt. Walbridge?

17
18 TRACEY SIMONIN: Very good.

19
20 CAPTAIN ROB JONES: Did you ever have any disagreements with him about
21 procedures or trips, either you disagreed with what he was doing, or he disagreed with
22 what you are trying to ask of the vessel?

23

1 TRACEY SIMONIN: No.

2

3 CAPTAIN ROB JONES: No, never?

4

5 TRACEY SIMONIN: No.

6

7 CAPTAIN ROB JONES: When you made the trip, the day trip out in New London, did you
8 make that trip out of New London with the, with the Navy?

9

10 TRACEY SIMONIN: I did.

11

12 CAPTAIN ROB JONES: I'm sorry, just trying to catch up, sorry if I'm repeating what's
13 already been asked and answered.

14

15 TRACEY SIMONIN: It's okay.

16

17 CAPTAIN ROB JONES: Did that fall within the guidelines, the way the vessel was
18 certified, as a moored attraction vessel?

19

20 TRACEY SIMONIN: This was, no money was exchanged, this was just a good deed so to
21 speak.

22

23 CAPTAIN ROB JONES: But is this allowed by your certificate? Do you know that?

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TRACEY SIMONIN: I do not know.

CAPTAIN ROB JONES: Okay, how do you know if there is enough life-saving safety equipment on board for the people that you brought aboard that day, other than the crew that was already on?

TRACEY SIMONIN: I conferred with the captain.

CAPTAIN ROB JONES: Okay, it's the captain's decision to make sure that that's there?

TRACEY SIMONIN: I asked him how many life preservers we had on board before letting the Navy know how many people they could bring on board.

CAPTAIN ROB JONES: Okay, has the Bounty ever done any other trips like that, and other ports where it's not for pay but day trips in or around a harbor if you could remember those and described them to us?

TRACEY SIMONIN: We have done them for the employees of Robert Hansen's other company.

CAPTAIN ROB JONES: And again that's with pay for the trip or no?

1 TRACEY SIMONIN: No.

2

3 CAPTAIN ROB JONES: The commander asked about the trip down to St. Petersburg,
4 and if there is any pressure to get there, and you said it could've been canceled or even
5 delayed. Was there any other pressure at any other time in your knowledge of the trip of
6 Bounty, or trips to and from anywhere?

7

8 TRACEY SIMONIN: No, because at any point in time we exercise the right to cancel the
9 appearance.

10

11 CAPTAIN ROB JONES: Okay, can you describe Capt. Walbridge for me, your opinion of
12 him?

13

14 TRACEY SIMONIN: My opinion, he was a wonderful man very intelligent, I trusted
15 anything that he told me to be true, soft-spoken, goodhearted

16

17 CAPTAIN ROB JONES: How long had you known him?

18

19 TRACEY SIMONIN: I've known him since 2002.

20

21 CAPTAIN ROB JONES: And that was all the time that he was captain of the Bounty?

22

23 TRACEY SIMONIN: Yes.

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CAPTAIN ROB JONES: And how did he become captain of the Bounty? Were you there at his hiring?

TRACEY SIMONIN: He was captain of the Bounty prior to the ownership of HMS Bounty Organization.

CAPTAIN ROB JONES: Okay, you approved of him coming along with the Bounty as Capt.?

TRACEY SIMONIN: I was not in the position of that at that time.

CAPTAIN ROB JONES: Okay, was the owner Mr Hanson?

TRACEY SIMONIN: Correct.

CAPTAIN ROB JONES: Did he do any background checks information on him?

TRACEY SIMONIN: I do not know.

CAPTAIN ROB JONES: Do you know how many crew were new to the Bounty before it sailed out of the London?

1 TRACEY SIMONIN: There was one the cook.

2

3 CAPTAIN ROB JONES: And she had never sailed before?

4

5 TRACEY SIMONIN: No, she had joined the day before.

6

7 CAPTAIN ROB JONES: And how about any other crew members, had they ever sailed
8 on Bounty before, did they join at Boothbay?

9

10 TRACEY SIMONIN: The engineer Chris Barksdale joined in Boothbay.

11

12 CAPTAIN ROB JONES: Okay. Now is there any training that you know of that the owner
13 of the company can ensure of when new crew members come aboard prior to setting
14 sail?

15

16 TRACEY SIMONIN: I am not aware of the specifics that go on the ship.

17

18 CAPTAIN ROB JONES: So all that is left to the captain?

19

20 TRACEY SIMONIN: Correct.

21

22 CAPTAIN ROB JONES: To the Bounty, did you have a minimum crew member for setting
23 sail?

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TRACEY SIMONIN: I do not know the number for that.

CAPTAIN ROB JONES: Was the Bounty a member of TSA? Tall Ships America?

TRACEY SIMONIN: Yes it was.

CAPTAIN ROB JONES: What were the requirements to join that organization if there are any?

TRACEY SIMONIN: I don't know of their specific requirements other than a membership fee.

CAPTAIN ROB JONES: And what does the Bounty Organization get out of being a member of TSA?

TRACEY SIMONIN: We generally participate in their tall ship events that they put on each year. We also have access to their billet bank in terms of posting ads for their new crew members, and the knowledge they have in the sailing community.

CAPTAIN ROB JONES: Did TSA, do they have good practices that you are aware of that you have made to be aware of as an organization?

1 TRACEY SIMONIN: I never encountered anything that I did not appreciate from the
2 organization. I don't know of any specific things that your questioning.

3
4 CAPTAIN ROB JONES: Just trends in the tall ship business, where they disseminate that
5 to the individual members of TSA, here's something we come across, maybe you can
6 employ that on your vessel or not?

7
8 TRACEY SIMONIN: Oh yeah, yes.

9
10 CAPTAIN ROB JONES: Okay, you actively use them where you could?

11
12 TRACEY SIMONIN: Yes.

13
14 CAPTAIN ROB JONES: Or gave feedback to the TSA?

15
16 TRACEY SIMONIN: Yes.

17
18 CAPTAIN ROB JONES: Okay, and do you have records of that or is that just phone calls?

19
20 TRACEY SIMONIN: Generally I would speak on the phone with them if I had a question,
21 or if I attended a seminar or a meeting was being held by TSA.

22
23 CAPTAIN ROB JONES: Did you sail on the Bounty a lot?

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TRACEY SIMONIN: No.

CAPTAIN ROB JONES: Not at all?

TRACEY SIMONIN: No.

CAPTAIN ROB JONES: How often?

TRACEY SIMONIN: Under five times, only day sails.

CAPTAIN ROB JONES: What was your impression of the Bounty and how it was run underway?

TRACEY SIMONIN: I don't know much about boats so my experience was limited to the Bounty, and I saw teaching moments at every step of the way, explaining how things worked.

CAPTAIN ROB JONES: Okay thanks. Going back to the insurance ask for a survey when the Bounty was still up in the shipyard, who called who?

TRACEY SIMONIN: The insurance broker notified me that the insurance company was requesting an updated survey.

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CAPTAIN ROB JONES: Okay, and then what was the next step?

TRACEY SIMONIN: At that time I did not know what that was, so I asked the broker to explain it to me. She supplied me with the previous survey, I then in turn called David Wyman to set up a new survey since he was the one that performed the previous one.

CAPTAIN ROB JONES: Was the insurance company aware of Mr. Wyman?

TRACEY SIMONIN: Yes

CAPTAIN ROB JONES: That he worked for you?

TRACEY SIMONIN: He did not work for us, he was an independent surveyor.

CAPTAIN ROB JONES: But did he do service for you?

TRACEY SIMONIN: Yes.

CAPTAIN ROB JONES: Did he do plans for you? Change plans, make drawings?

TRACEY SIMONIN: I do not know.

1 CAPTAIN ROB JONES: Okay. Did the insurance company know that Wyman had done
2 other plans or drawings for the Bounty?

3
4 TRACEY SIMONIN: I don't know.

5
6 CAPTAIN ROB JONES: Now going back, I'm sorry jumping around here, trying to catch
7 up but going back to that one post, and I'm going to asked the Coast Guard to help out
8 with the the Facebook, I'm not sure exactly which evidence number it was, but

9
10 LIEUTENANT COMMANDER NICHOLAS PARHAM: For the record that is Coast Guard
11 24.

12
13 CAPTAIN ROB JONES: and that was the quote the ship is safer at sea, and that was
14 posted by Jim Salavak, that you said. Was that his typing, those words or was that a copy
15 from the vessel that was sent and then posted on the Facebook site?

16
17 TRACEY SIMONIN: I believe those were his words.

18
19 CAPTAIN ROB JONES: Not anybody from the vessel?

20
21 TRACEY SIMONIN: I do not know that for sure.
22

1 CAPTAIN ROB JONES: Okay, you said you had potential buyers out in New London, and
2 they visited alongside, or after the day sail?

3
4 TRACEY SIMONIN: Correct.

5
6 CAPTAIN ROB JONES: What was their impression of the Bounty, or did you get a call
7 back from them that night or that day?

8
9 TRACEY SIMONIN: I believe they were impressed with the ship as most were when they
10 visited, but I did not get involved and what their thought process was when they were
11 viewing it.

12
13 CAPTAIN ROB JONES: Did they entertain an offer?

14
15 TRACEY SIMONIN: Not to me.

16
17 CAPTAIN ROB JONES: When you are exchanging the information about hurricane
18 Sandy with of us all, but the captain, were you sending just the NOAA forecast, or the
19 national hurricane Center forecast, just the latitude and longitude, and their predictions, or
20 are there any pictures involved or maps of the hurricane and wind radius, wave radius,
21 anything like that?

22

1 TRACEY SIMONIN: The only information I sent was all text data, I basically copied and
2 pasted from their website everything that was about that storm and just sent it to them, to
3 the ship.
4

5 CAPTAIN ROB JONES: Do you know if they had the ability on board to look at weather
6 maps, facsimile, maps or facsimiles?
7

8 TRACEY SIMONIN: I was told that there was a weather fax on board but I don't know
9 how much detail, or what that shows them.
10

11 CAPTAIN ROB JONES: There was also on that one of the pieces of evidence that you
12 had just read, where the notification of the (inaudible) had been rescinded, or the
13 emergency had been rescinded, how is it rescinded?
14

15 TRACEY SIMONIN: I don't know.
16

17 CAPTAIN ROB JONES: To remember which,
18

19 COMMANDER KEVIN CARROLL: 24
20

21 CAPTAIN ROB JONES: An emergency beacon had been lit off or (inaudible) okay, let's
22 go back to you said Mr. Hansen got a distress call, how did he get that?
23

1 TRACEY SIMONIN: From satellite phone.

2

3 CAPTAIN ROB JONES: From?

4

5 TRACEY SIMONIN: The ship, I don't know who was making the call.

6

7 CAPTAIN ROB JONES: Okay, and then Mr. Hansen called you?

8

9 TRACEY SIMONIN: Correct.

10

11 CAPTAIN ROB JONES: That he get involved after that at any point?

12

13 TRACEY SIMONIN: Yes, Mr. Hansen and I were in communication the entire evening.

14

15 CAPTAIN ROB JONES: Did you give him updates or did he, was he in touch with the
16 vessel at all?

17

18 TRACEY SIMONIN: I gave him updates, he was in touch with the Coast Guard directly as
19 I was.

20

21 CAPTAIN ROB JONES: Were you aware that the Bounty had been and hurricanes
22 before?

23

1 TRACEY SIMONIN: I had heard that piece of information yes.

2

3 CAPTAIN ROB JONES: How did that make you feel as the manager of the company?

4

5 TRACEY SIMONIN: I don't really have a thought on it to be honest.

6

7 CAPTAIN ROB JONES: Do you know how Mr. Hansen felt about that?

8

9 TRACEY SIMONIN: No I do not.

10

11 CAPTAIN ROB JONES: When you are aware that the hurricane was brewing or being
12 forecast, and Bounty was headed for St. Petersburg, you had, did you say any concerns
13 to Mr. Hansen, did he know about it?

14

15 TRACEY SIMONIN: He knew about the hurricane yes.

16

17 CAPTAIN ROB JONES: Okay, do you know if he had any conversations with Capt.
18 Walbridge as to what matter of course to take?

19

20 TRACEY SIMONIN: I don't know.

21

22 CAPTAIN ROB JONES: Did Mr. Hansen the owner ever got involved what the captain
23 with regards to which way, route direction, what to avoid, what not to avoid?

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TRACEY SIMONIN: I don't believe so.

CAPTAIN ROB JONES: So would you believe, would you feel, what you're saying if I am interpreting it right is it's the captain's decision?

TRACEY SIMONIN: Correct.

CAPTAIN ROB JONES: Does the Bounty Organization have any other maritime ownership in vessels?

TRACEY SIMONIN: No.

CAPTAIN ROB JONES: Where were you employed before he started working for the Bounty Organization?

TRACEY SIMONIN: Island Bear, which is Robert Hansen's other company.

CAPTAIN ROB JONES: Can you describe that company for me?

TRACEY SIMONIN: It's an air-conditioning manufacturing company.

CAPTAIN ROB JONES: How many employees?

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TRACEY SIMONIN: About 130.

CAPTAIN ROB JONES: I just wanted to look at the safety management culture for a little bit, and was there any safety documentation procedures with regards to your Bounty Corporation that pertain to the Bounty itself?

TRACEY SIMONIN: Like anything specific?

CAPTAIN ROB JONES: Don't we have a document is not enough people on board if that number was ever obtained or looked at, a risk management, where the office you or Mr. Hansen, is at the office is at the entire management company for the Bounty.

TRACEY SIMONIN: Yes. I am not a managing member of the company, I am an employee.

CAPTAIN ROB JONES: Employee, facilitator?

TRACEY SIMONIN: Yes.

CAPTAIN ROB JONES: The go to employee, in regards to purchases?

TRACEY SIMONIN: Correct.

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CAPTAIN ROB JONES: Safety gear, how about fuel for the vessel?

TRACEY SIMONIN: I would arrange fuel delivery at the captain's request.

CAPTAIN ROB JONES: Okay so you are pretty hands-on with regards to the movements of the Bounty, it's coming and going how many people were coming aboard, making sure that there is enough food water aboard, or at least you are being asked to order that?

TRACEY SIMONIN: Correct.

CAPTAIN ROB JONES: Okay, so how long have you been doing this?

TRACEY SIMONIN: Two years.

CAPTAIN ROB JONES: So those numbers are going to change the number of people in the type of job that the Bounty's on?

TRACEY SIMONIN: Correct.

CAPTAIN ROB JONES: Any type of go or no go type policy that the vessel would not do something because, because Mr. Hansen would weigh in on, or yourself anything like that?

1
2 TRACEY SIMONIN: Not that I'm aware of.

3
4 CAPTAIN ROB JONES: That's all, that's all you have, thank you very much.

5
6 TRACEY SIMONIN: You're welcome.

7
8 Commander Kevin Carroll I think, Mr. Svendsen, as a party of interest the first opportunity
9 to ask Ms. Simonin any questions. Mr. Svendsen do you have any questions, please over
10 there, thank you.

11
12 JOHN SVENDSEN: Good morning Tracy.

13
14 TRACEY SIMONIN: Good morning.

15
16 JOHN SVENDSEN: From conversations we've had it's been established, to have to do
17 anything

18
19 COMMANDER KEVIN CARROLL: Pardon?

20
21 JOHN SVENDSEN: To have to do anything specific before I start?

22

1 COMMANDER KEVIN CARROLL: No, no, no you can ask, i just ask you to project your
2 voice a little bit so we can hear you.

3
4 JOHN SVENDSEN: You have been asked a lot of questions about the organization and
5 your relationship with the ship, and your experience was the ship operated safely?

6
7 TRACEY SIMONIN: Yes.

8
9 JOHN SVENDSEN: And according to your knowledge of what was required of the ship as
10 far as manning requirements and use of the ship, was Bounty manned appropriately?

11
12 TRACEY SIMONIN: I believe so.

13
14 JOHN SVENDSEN: And it was determined that Capt. Walbridge set up those standards
15 for how it was manned, is that correct?

16
17 TRACEY SIMONIN: I believe so.

18
19 JOHN SVENDSEN: Was there any discussion between you and Robert Hansen about
20 how to standards were to be held on the boat?

21
22 TRACEY SIMONIN: No.

23

1 JOHN SVENDSEN: Okay, that's all the questions I have.

2

3 COMMANDER KEVIN CARROLL: Thank you Mr. Svendsen. Mr. Shisha?

4

5 JAKE SHISHA: Good morning

6 TRACEY SIMONIN: Good morning.

7

8 JAKE SHISHA: Where there any other shore-based employees other than you working
9 for the company?

10

11 TRACEY SIMONIN: There was a temporary employees this season yes.

12

13 JAKE SHISHA: And what was that temporary employees responsibility?

14

15 TRACEY SIMONIN: To aid whenever I needed him to do.

16

17 JAKE SHISHA: Did he have any maritime

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19 COMMANDER KEVIN CARROLL: Mr Shisha can you speak up just a bit?

20

21 JAKE SHISHA: Did that person have any maritime background?

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23 TRACEY SIMONIN: No.

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JAKE SHISHA: What was Mr. Hansen's participation with respect to the organization?

TRACEY SIMONIN: He was aware of what the ship was scheduled to do, where was scheduled to appear, and any issues technical, he dealt with Capt. Walbridge directly.

JAKE SHISHA: Did, was there anything that needed his approval, such as purchases, itinerary, would anything need his approval?

TRACEY SIMONIN: Any large projects would need his approval.

JAKE SHISHA: Did he have maritime experience?

TRACEY SIMONIN: I'm not aware of his maritime experience. And the level of it.

JAKE SHISHA: Are you aware, you were aware in operating this vessel there are various regulatory requirements, Coast Guard, ABS, tonnage certificates, who had the responsibility to make sure that you are in compliance with them?

TRACEY SIMONIN: The organization works closely with the Coast Guard, and would ask questions of what things were required of the ship if we did not handle it properly etc.

1 JAKE SHISHA: Was it your, who at the organization, was there anybody that had the
2 specific responsibility to make sure that you complied with all the Coast Guard
3 regulations, and the ABS if they had any restrictions and, who had that responsibility?
4

5 TRACEY SIMONIN: That was a joint effort between Capt. Walbridge, myself and Rob
6 Hansen.
7

8 JAKE SHISHA: Did, what training did you have with respect to interpreting the
9 regulations and complying with the regulations?
10

11 TRACEY SIMONIN: The only regulations that I would be familiar with our with respect to
12 being a dockside attraction, and what's required of anything else would be Capt.
13 Walbridge.
14

15 JAKE SHISHA: Did you have available the code, the CFR, the statutes, did you have
16 those in your office?
17

18 TRACEY SIMONIN: No.
19

20 JAKE SHISHA: Were they on board the vessel?
21

22 TRACEY SIMONIN: I am not aware.
23

1 JAKE SHISHA: Now, did you have any kind of manual or procedure that was written
2 regarding set maintenance?

3
4 TRACEY SIMONIN: I am not aware.

5
6 JAKE SHISHA: Did you have any records or procedures as to how often abandoned ship
7 drills were to be performed?

8
9 TRACEY SIMONIN: I would have no knowledge of that.

10
11 JAKE SHISHA: You were aware that if you altered the vessel that at some time you need
12 to get Coast Guard approval for it

13
14 LIEUTENANT COMMANDER NICHOLAS PARHAM: (inaudible)

15
16 JAKE SHISHA: Sorry. Did there come a time where you had, you had to appeal a
17 question in tonnage because he made some changes? Is that correct?

18
19 TRACEY SIMONIN: Yes.

20
21 JAKE SHISHA: Who at the organization was responsible for determining whether a
22 certain change or certain action required Coast Guard approval, notification?

23

1 TRACEY SIMONIN: I assume that was something that the captain handled directly if he
2 had a question.

3
4 JAKE SHISHA: And you know what training or experience Capt. Walbridge had in those
5 matters?

6
7 TRACEY SIMONIN: I do not know.

8
9 JAKE SHISHA: Have you ever seen the vessels stability letters?

10
11 TRACEY SIMONIN: I have.

12
13 JAKE SHISHA: And were you aware that, of any restrictions contained in those stability
14 letters?

15
16 TRACEY SIMONIN: I'm not familiar with the specifics in the letter, but I have seen the
17 letter.

18
19 JAKE SHISHA: If I could have you go to Exhibit 9. Have you ever seen this letter before?

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21 TRACEY SIMONIN: Yes.

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23 JAKE SHISHA: And was that maintained in the office?

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TRACEY SIMONIN: A copy was kept on board the ship, and a copy was kept at the office.

JAKE SHISHA: Now, did you, can you read the paragraph on the second page?

TRACEY SIMONIN: Any alteration resulting in changing these parameters will invalidate this stability letter. No fixed ballast or other such weights shall be added or removed, altered, and or relocated without the authorization and supervision of the cognizant OCM!, other than 54,000 pounds of lead ballast fixed to the vessels keel, the vessel is not fitted with any removable ballast.

JAKE SHISHA: And, are you familiar, do you know it ballast is?

TRACEY SIMONIN: No I do not.

JAKE SHISHA: Do you know weights, these are weights, do you know if there are any weights put on in the shipyard when they altered the tanks?

TRACEY SIMONIN: I do not know.

1 JAKE SHISHA: Do you know, did you get any reports from the Naval architects whether
2 the weight that they were going to do, strike that, the work that they were going to do
3 would affect the stability of the vessel?
4

5 TRACEY SIMONIN: I do not know, I was not involved in any technical aspect of the ship,
6 or the work in the yard.
7

8 JAKE SHISHA: Who would be responsible to know whether or not you need a Naval
9 architect to review something and whether or not you would be violating your letter of
10 stability?
11

12 TRACEY SIMONIN: I am sorry, ask the question again.
13

14 JAKE SHISHA: My question is who has the responsibility to inquire either from the Coast
15 Guard, or the ABS, or naval architect whether their actions on the vessels in moving
16 weights or anything else would affect the stability of the vessel?
17

18 TRACEY SIMONIN: Capt. Walbridge.
19

20 JAKE SHISHA: Is Capt. Walbridge required to give you copies of any communications
21 that he has?
22

23 TRACEY SIMONIN: No.

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JAKE SHISHA: Is he authorized to retain naval architects by himself?

TRACEY SIMONIN: I would be something that he would discuss with Robert Hansen.

JAKE SHISHA: Do you know whether he discussed with Robert Hansen and if the work that was done, going to be done at Boothbay which involved adding weights to the vessel or shifting tanks, did he discuss that with Robert Hansen?

TRACEY SIMONIN: I don't know specific discussions that they had.

JAKE SHISHA: Now for my understanding, is the only one at the HMS Bounty Organization that made decisions as to hiring architects, doing changes to the vessel, the only one that had that maritime experience was Capt. Walbridge?

TRACEY SIMONIN: Any major decisions would be discussed between Capt. Walbridge and the owner Robert Hansen.

JAKE SHISHA: Was there anyone in the organization other than Capt. Walbridge that had maritime experience?

TRACEY SIMONIN: I don't know.

1 JAKE SHISHA: Who would monitor the performance of Capt. Walbridge?

2

3 TRACEY SIMONIN: Robert Hansen.

4

5 JAKE SHISHA: Did Robert Hanson ever have any program for continued education, or
6 maritime training to update Capt. Walbridge?

7

8 TRACEY SIMONIN: Not that I'm aware of.

9

10 JAKE SHISHA: Have you ever heard of anything called SMS, or ship management
11 systems?

12

13 TRACEY SIMONIN: No.

14

15 JAKE SHISHA: Have you ever heard that discussed by the owner the company Mr.
16 Hansen?

17

18 TRACEY SIMONIN: No.

19

20 JAKE SHISHA: Now, whose responsibility was it to make sure that you complied with the
21 certificate of inspection?

22

23 TRACEY SIMONIN: Capt. Walbridge.

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JAKE SHISHA: You indicated, how, when did Ms. Christian start sailing, or start working with the Bounty?

TRACEY SIMONIN: In May 2012 I believe.

JAKE SHISHA: Now that, she did not become a paid employee until October 17 is that correct?

TRACEY SIMONIN: October 18.

JAKE SHISHA: October 18, so that's about five months that she was not being paid, is that correct?

TRACEY SIMONIN: Correct.

JAKE SHISHA: And her, as her, I guess as a volunteer which she required to do work?

TRACEY SIMONIN: Yes.

JAKE SHISHA: Was she required to stand watches?

TRACEY SIMONIN: Yes.

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JAKE SHISHA: And did anyone from the organization ever look into whether a person who gives consideration, in other words she gave her labor, is that correct, and her effort to help the organization?

TRACEY SIMONIN: Yes.

JAKE SHISHA: Did anyone in the organization ever question or look into whether that consideration would make her a passenger for hire?

UNKNOWN: Objection.

UNKNOWN: She has already testified that that was not her responsibility, she can answer the question if she is aware if somebody else had looked at that subject which is either a yes or no answer.

TRACEY SIMONIN: Repeat the question.

JAKE SHISHA: Did anybody ever research the issue or discuss the issue of whether a person who provides services such as standing watches and working, and does not get paid is considered under a regulation a passenger for hire?

TRACEY SIMONIN: No.

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UNKNOWN: I'm sorry can you clarify is that to your knowledge,

TRACEY SIMONIN: To my knowledge no.

JAKE SHISHA: When Ms. Christian they get paid, can you tell us how much that was?
The rate of pay?

TRACEY SIMONIN: Her rate of pay would have been \$100 gross per week.

JAKE SHISHA: Per week?

TRACEY SIMONIN: Correct. Gross pay.

JAKE SHISHA: What, not having maritime experience in the office, did you reach out to any consultants or to any publications to educate yourself as to good proper management of a vessel?

TRACEY SIMONIN: No I did not.

JAKE SHISHA: Were you aware that the Coast Guard issues publications that are called Navex, I believe they are navigation and information that are meant to help, for the sailing community and the maritime community, were you aware of those Navex?

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TRACEY SIMONIN: No.

JAKE SHISHA: Did the office have any Navex?

TRACEY SIMONIN: Not that I'm aware of.

JAKE SHISHA: Was there any written procedures anywhere on the office or on the ship that gave me detail of the, how maintenance was supposed to be done and how often it was supposed to be done?

TRACEY SIMONIN: I am only specifically aware of the crew manual, if there was other paperwork on board I do not know.

JAKE SHISHA: Were there any procedures, who would vet what type of equipment, or materials is suitable for marine environment, and can be used on the vessel?

TRACEY SIMONIN: I would have no knowledge of that.

JAKE SHISHA: Would you see the receipts where items are being purchased, would that be run by you?

TRACEY SIMONIN: Yes, it would eventually make it to the office.

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JAKE SHISHA: Now you are aware that one of the things on this wooden vessel that had to be done on a regular basis was caulking?

TRACEY SIMONIN: Correct.

JAKE SHISHA: Was there any determination, or any policy as to who was allowed to do the caulking, how much training they needed and caulking?

TRACEY SIMONIN: Not that I'm aware of, I'd don't know.

JAKE SHISHA: Do you know whether the caulking material was purchased at Home Depot?

TRACEY SIMONIN: I do not know.

JAKE SHISHA: Do you review any of the shipyard invoices and work orders?

TRACEY SIMONIN: I simply make the payments toward them, but in terms of reviewing them know.

JAKE SHISHA: Who determined what work would be authorized during the annual dry docking?

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TRACEY SIMONIN: Capt. Walbridge and Mr. Hansen.

JAKE SHISHA: Was there a budget set up for that?

TRACEY SIMONIN: I do not, I would not be privy to that conversation if there was.

JAKE SHISHA: Did, where you ever aware that water would leak into the vessel, and they would have to pump out bilges on a regular basis?

TRACEY SIMONIN: I had been told that wooden boats always have some sort of water on the boat, but I have no real knowledge of that.

JAKE SHISHA: Were you aware that they maintained a logbook that showed how often the vessel was pumped and how long the pumps were working for?

TRACEY SIMONIN: I am aware that logbooks were maintained although I am not aware of what they were specifically for.

JAKE SHISHA: Did you have anybody review these logbooks to assess how much water was coming in?

TRACEY SIMONIN: I am not familiar with any of that.

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JAKE SHISHA: Did you hire a consultant or anyone with maritime experience to review the log books, to review the procedures that were being done to see whether they met with safe and proper practices?

TRACEY SIMONIN: Not that I'm aware of.

JAKE SHISHA: Without having a maritime background how did you know, and how could you judge the captain's performance as far as the maintenance of the vessel?

UNKNOWN: Objection, (inaudible) her responsibility or had she the ability to perform such a task.

COMMANDER KEVIN CARROLL: I did ask her the question previously whether or not she was in charge of overall performance or evaluation of the crew, and she answered she was not.

JAKE SHISHA: I will withdraw the question.

COMMANDER KEVIN CARROLL: Thank you.

JAKE SHISHA: Did the organization, at any time have anyone review the practices procedures and performance of the captain?

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TRACEY SIMONIN: I do not know.

JAKE SHISHA: You stated that you had seen a video that was exhibit number 20 in which the captain talked about chasing hurricanes, you had seen that before this date?

TRACEY SIMONIN: Yes.

JAKE SHISHA: When was the first time he saw that?

TRACEY SIMONIN: Probably about a month or so ago.

JAKE SHISHA: And that was after the casualty?

TRACEY SIMONIN: Correct.

JAKE SHISHA: Do you know if Mr. Hansen had seen the interviews anytime before hand?

TRACEY SIMONIN: I don't know.

JAKE SHISHA: I think I'm almost finished. Thank you very much ma'am.

1 TRACEY SIMONIN: You're welcome.

2

3 COMMANDER KEVIN CARROLL: Bounty Organization?

4

5 LEONARD LANGER: I'm going to ask you to look at Coast Guard five. You said you are
6 familiar with this?

7

8 TRACEY SIMONIN: Correct.

9

10 LEONARD LANGER: Can you tell us the expiration date on that document?

11

12 TRACEY SIMONIN: September 30, 2012.

13

14 LEONARD LANGER: Okay, in the Bounty sailed from New London with this certificate of
15 inspection expired correct?

16

17 TRACEY SIMONIN: It is my understanding that the certificate of inspection only deals
18 with our activities as a moored attraction vessel.

19

20 LEONARD LANGER: So what was your intention when the ship reached St. Petersburg?
21 With regards to the certificate?

22

1 TRACEY SIMONIN: The Coast Guard, we would have requested the Coast Guard to
2 come down and inspect the ship and issuing a certificate of inspection.

3
4 LEONARD LANGER: And as the Coast Guard come down every time you have a shore
5 side display?

6
7 TRACEY SIMONIN: Yes.

8
9 LEONARD LANGER: And do they always do an inspection?

10
11 TRACEY SIMONIN: Correct.

12
13 LEONARD LANGER: Now, the commander asked you about the stairs, and you aren't
14 aware of when they were put in?

15
16 TRACEY SIMONIN: No I do not recall.

17
18 LEONARD LANGER: Where they put in before you started on as the director of shoreside
19 management?

20
21 TRACEY SIMONIN: Yes.

22
23 LEONARD LANGER: Okay so they were there by 2010 correct?

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TRACEY SIMONIN: Correct.

LEONARD LANGER: Were there any Coast Guard inspections since 2010 but the stairs in?

TRACEY SIMONIN: Every time we were at a port of call.

LEONARD LANGER: How many times would that be approximately?

TRACEY SIMONIN: At least 20 times per season.

LEONARD LANGER: Did anybody in any of those inspections mention anything about the stairs?

TRACEY SIMONIN: No.

LEONARD LANGER: You looked at the website where it said that we were taking on passengers for hire, do recall doing that?

TRACEY SIMONIN: Correct.

LEONARD LANGER: When was that put up?

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TRACEY SIMONIN: That was put up prior to 2010, I do not know the date in which that was put up.

LEONARD LANGER: Do you know the intention of why that was put up on the website?

TRACEY SIMONIN: The intention was that if we, if the Bounty Organization had obtained load line.

LEONARD LANGER: Then what?

TRACEY SIMONIN: The ability to carry passengers.

LEONARD LANGER: Okay so the Bounty needed to get a load line before they could be certified to carry passengers? Correct?

TRACEY SIMONIN: Correct.

LEONARD LANGER: Did they get a load line?

TRACEY SIMONIN: No they did not.

LEONARD LANGER: Did they try to get a load line?

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TRACEY SIMONIN: Yes they did.

LEONARD LANGER: Were they in the process of getting the load line prior going to Europe?

TRACEY SIMONIN: Yes.

LEONARD LANGER: Would anyone call, did you get any calls regarding someone that wanted to pay to be on the Bounty?

TRACEY SIMONIN: Yes.

LEONARD LANGER: Okay and how did you respond to those calls?

TRACEY SIMONIN: I responded that we couldn't take passengers at this time. And turned them away.

LEONARD LANGER: Was there an expectation at some point in time, if you got the load line, that you would be able to take on paying passengers?

TRACEY SIMONIN: Yes.

1 LEONARD LANGER: That was something that the organization was working towards?

2

3 TRACEY SIMONIN: Correct.

4

5 LEONARD LANGER: Was there any special significance of the ship going to St.
6 Petersburg?

7

8 TRACEY SIMONIN: The ship,

9

10 LEONARD LANGER: Let me rephrase the question, my apologies. The Bounty have any
11 history with the pier at St. Petersburg?

12

13 TRACEY SIMONIN: Yes.

14

15 LEONARD LANGER: And what was that history?

16

17 TRACEY SIMONIN: When the ship was owned by MGM it spent many years there as its
18 permanent home, even under the ownership of HMS Bounty Organization it spent many
19 winters there.

20

21 LEONARD LANGER: And what was going to happen to that pier?

22

1 TRACEY SIMONIN: I was told that the pier was going to be torn down in the spring of
2 2013.

3
4 LEONARD LANGER: Was that the reason that the Bounty was going to stop there?
5 Before it wintered in Galveston?

6
7 TRACEY SIMONIN: Yes we, Robin Walbridge suggested that we make that a stop, kind
8 of a final goodbye to the pier.

9
10 LEONARD LANGER: Now you are asked some questions regarding the most recent
11 survey that was asked for by the insurance company, do you remember those questions?

12
13 TRACEY SIMONIN: Yes.

14
15 LEONARD LANGER: You said you saw the prior surveys that were done by Mr. Wyman,
16 is that correct?

17
18 TRACEY SIMONIN: Yes the insurance company sent me a copy of the 2007 survey.

19
20 LEONARD LANGER: So you actually saw the report that was completed by Mr. Wyman,
21 correct?

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23 TRACEY SIMONIN: Correct.

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LEONARD LANGER: Do you know if there was a report completed by Mr. Wyman in 2012?

TRACEY SIMONIN: I don't believe it was completed.

LEONARD LANGER: But he did do a walk-through of the boat, and had taken notes correct?

TRACEY SIMONIN: Yes.

LEONARD LANGER: And as far as you know there was no report ever completed?

TRACEY SIMONIN: Correct.

LEONARD LANGER: Do you know what a load line is?

TRACEY SIMONIN: I don't know the specifics of a load line, just that it would enable us, the Bounty to carry passengers.

LEONARD LANGER: Okay, and you were involved in attempting to get that load line?

TRACEY SIMONIN: Not particularly.

1

LEONARD LANGER: Okay, were you involved in trying to schedule whatever was necessary to get the load line?

4

5

TRACEY SIMONIN: I was involved in if ABS needed to be called to set up an appointment.

6

7

8

LEONARD LANGER: And was the load line to your knowledge necessary to run the vessel?

9

10

11

TRACEY SIMONIN: It was not necessary to run the vessel.

12

13

LEONARD LANGER: And the stability letter that you just discussed, was that necessary to run the vessel?

14

15

16

TRACEY SIMONIN: I'm not aware of the necessities.

17

18

LEONARD LANGER: He stated that Doug Flout I believe his name is was not a paid crew member, is that correct?

19

20

21

TRACEY SIMONIN: Correct.

22

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LEONARD LANGER: Was that by his own choice?

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TRACEY SIMONIN: Correct.

LEONARD LANGER: How do you know that?

TRACEY SIMONIN: I asked him one time.

LEONARD LANGER: Okay and there was some questions recently about Ms. Christian's becoming a paid crew member correct?

TRACEY SIMONIN: Correct.

LEONARD LANGER: Do you know if those checks have ever been cashed?

TRACEY SIMONIN: It has not.

LEONARD LANGER: Did you do anything to attempt to get those checks cashed?

COMMANDER KEVIN CARROLL: How is this relevant to the casualty?

LEONARD LANGER: I will withdraw the question. Would you ever question anything that Robin Walbridge said?

1 TRACEY SIMONIN: No.

2

3 LEONARD LANGER: Thank you.

4

5 COMMANDER KEVIN CARROLL: I have some follow-up questions Ms. Simonin.
6 Specifically Bounty's trip to Europe in 2011, you are in charge of the website correct?

7

8 TRACEY SIMONIN: Correct, but my knowledge was limited on how to finagle it, so I just
9 stuck to the schedule for the most part.

10

11 COMMANDER KEVIN CARROLL: Did Bounty advertise on their website paid passages
12 for hire during their trip in 2011 in Europe?

13

14 TRACEY SIMONIN: In 2010 and the winter of 2011 the first part of the year we were, the
15 organization was attempting to obtain the load line, so it was the anticipation that it would
16 be completed in order to take passengers, so yes it was up on the website, and we had to
17 end up leaving, and anyone who inquired was turned away.

18

19 COMMANDER KEVIN CARROLL: So you took it down from the website?

20

21 TRACEY SIMONIN: I took it down from the website once it was brought to my attention
22 that we still had it on there.

23

1 COMMANDER KEVIN CARROLL: You took it down from the website?

2

3 TRACEY SIMONIN: I only know how to erase a page, I don't know how to preserve it
4 period

5

6 COMMANDER KEVIN CARROLL: Why wasn't the other page advertising passengers for
7 hire deleted from the website?

8

9 TRACEY SIMONIN: I didn't realize it was on there as a link. My main focus for the
10 website was always the schedule in the main page that you looked at, my knowledge of
11 website design is very limited at best.

12

13 COMMANDER KEVIN CARROLL: So review of the website and the advertisement for
14 paid passengers for hire during the Bounty's 2011 trip was removed by your direction, but
15 not the other one?

16

17 TRACEY SIMONIN: I didn't realize it was in there.

18

19 COMMANDER KEVIN CARROLL: Okay, in regards to the manning for the vessel was
20 there a requirement for the officers on board to hold a merchant mariners license?

21

22 TRACEY SIMONIN: I know it was asked of the, them I don't know if a requirement or not?

23

1 COMMANDER KEVIN CARROLL: We are going to go to the website document.

2

3 LIEUTENANT COMMANDER NICHOLAS PARHAM: (inaudible) reference CG 69.

4

5 COMMANDER KEVIN CARROLL: That would be page 4, it says officers, can you read
6 below what it says?

7

8 TRACEY SIMONIN: Sea time license paid based on experience, paid 18+.

9

10 COMMANDER KEVIN CARROLL: Okay, was it a requirement to hold a license to hold an
11 officer position aboard Bounty?

12

13 TRACEY SIMONIN: Yes.

14

15 COMMANDER KEVIN CARROLL: Okay, it was, at whose direction?

16

17 TRACEY SIMONIN: It was a policy that was set in place prior to my position.

18

19 COMMANDER KEVIN CARROLL: Okay, what about the engineers? Did Bounty have an
20 engineer position on board?

21

22 TRACEY SIMONIN: Yes.

23

1 COMMANDER KEVIN CARROLL: Did they always have an engineer on board?

2

3 TRACEY SIMONIN: I believe so.

4

5 COMMANDER KEVIN CARROLL: Okay, was the engineer required to have any license
6 or professional credential?

7

8 TRACEY SIMONIN: Not that I am aware of.

9

10 COMMANDER KEVIN CARROLL: While in New London while the vessel was being
11 surveyed possibly for purchase, or viewed for purchase was there a survey or their
12 present to your knowledge?

13

14 TRACEY SIMONIN: No.

15

16 COMMANDER KEVIN CARROLL: Okay I would like to look at Exhibit 26 please. Do you
17 recognize this exhibit?

18

19 TRACEY SIMONIN: Yes I do.

20

21 COMMANDER KEVIN CARROLL: Okay, what is it?

22

1 TRACEY SIMONIN: This is the receipt from filtration depot for the order of the ray core
2 filters.

3
4 COMMANDER KEVIN CARROLL: Okay, this is what relates back to the text messages
5 we were reading before?

6
7 TRACEY SIMONIN: Correct.

8
9 COMMANDER KEVIN CARROLL: So these are the filters that you ordered?

10
11 TRACEY SIMONIN: Yes.

12
13 COMMANDER KEVIN CARROLL: Where they delivered to Bounty?

14
15 TRACEY SIMONIN: Yes.

16
17 COMMANDER KEVIN CARROLL: When?

18
19 TRACEY SIMONIN: By me on October 25 when we attempted delivery at Boothbay and
20 did not make it.

21
22 COMMANDER KEVIN CARROLL: Was there anything else scheduled on that delivery
23 two Bounty on October 25?

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TRACEY SIMONIN: Some stoves.

COMMANDER KEVIN CARROLL: Stoves, okay. Last question, the Navy did not pay for the trip on October 25 correct?

TRACEY SIMONIN: I'm sorry repeat that period

COMMANDER KEVIN CARROLL: The Navy did not pay for their trip on October 25?

TRACEY SIMONIN: No they did not.

COMMANDER KEVIN CARROLL: Was a donation made to the organization?

TRACEY SIMONIN: No it was not.

COMMANDER KEVIN CARROLL: Okay. Capt. Jones do you have anymore questions?

CAPTAIN ROB JONES: A couple of follow-ups. Just before about the engineering officer that was not required?

TRACEY SIMONIN: Not that I'm aware of.

1 CAPTAIN ROB JONES: (inaudible)

2

3 TRACEY SIMONIN: No I do not.

4

5 CAPTAIN ROB JONES: And going back to the load line, why did the process stop for
6 seeking it?

7

8 TRACEY SIMONIN: I believe we ran out of time before having to leave for our trip to
9 Europe.

10

11 CAPTAIN ROB JONES: Upon returning from Europe were you still going to seek one?

12

13 TRACEY SIMONIN: I don't know what the plan was.

14

15 CAPTAIN ROB JONES: Do you know what a load line would have done for the vessel,
16 other than you stated it would allow you to carry passengers, structurally do you know
17 what a load mine what do?

18

19 TRACEY SIMONIN: No.

20

21 CAPTAIN ROB JONES: The Bounty carried survival suits and two life rafts?

22

23 TRACEY SIMONIN: Correct.

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CAPTAIN ROB JONES: Do you know if that was required?

TRACEY SIMONIN: I don't know what was required, but we carried them.

CAPTAIN ROB JONES: Who ordered you to put them on their or to purchase them or were you employed at the time in the position?

TRACEY SIMONIN: I was employed and they were already there, but we did inspect them the life rafts yearly.

CAPTAIN ROB JONES: Who inspected them?

TRACEY SIMONIN: Wherever the ship was in the wintertime.

CAPTAIN ROB JONES: Who did the actual inspection?

TRACEY SIMONIN: A life raft inspection company.

CAPTAIN ROB JONES: Okay, so you sent out when they were expiring?

TRACEY SIMONIN: Correct, yes.

1 CAPTAIN ROB JONES: You handled all the purchasing, he basically where the
2 purchasing agent for the ship?

3
4 TRACEY SIMONIN: Some things were bought with cash but if they bought something
5 otherwise they would tell me specifically what they would needed and I would buy it.
6

7 CAPTAIN ROB JONES: Okay, engineering, all the stuff, like the ray core filters we were
8 discussing?

9
10 TRACEY SIMONIN: Correct.

11
12 CAPTAIN ROB JONES: Did you see a lot of engineering parts coming across your desk
13 for purchase, or need for purchase?

14
15 TRACEY SIMONIN: I guess an average amount.
16

17 Rob Jones: Did you ever hear of any problems with the engine room and its operation
18 over time?

19
20 TRACEY SIMONIN: No.

21
22 CAPTAIN ROB JONES: That's all I have.
23

1 UNKNOWN: I have a follow up.

2

3 COMMANDER KEVIN CARROLL: Go ahead.

4

5 JAKE SHISHA: Did any of the volunteers such as Miss Christian make donations to the
6 Bounty?

7

8 TRACEY SIMONIN: No.

9

10 JAKE SHISHA: Were you aware of the fact that, that the captain had allowed, told the
11 crew before they left anyone that wants to go home can go home?

12

13 TRACEY SIMONIN: Yes, I heard that after the fact.

14

15 JAKE SHISHA: Do you know whether or not he stated that, that the organization would
16 not pay for the travel home for anyone that got off

17

18 COMMANDER KEVIN CARROLL: I don't think she was present at the meeting.

19

20 JAKE SHISHA: I was wondering, if she had knowledge of it, if she knows yes or no?

21

22 COMMANDER KEVIN CARROLL: You can ask,

23

1 JAKE SHISHA: I just want to know if she knows.

2

3 COMMANDER KEVIN CARROLL: You can ask her if someone chose to go home would
4 they have been responsible for their own way.

5

6 JAKE SHISHA: Right, if somebody chose to go home with they have been responsible
7 for their own transportation?

8

9 UNKNOWN: And this falls into what, certainly there was no questions about this before.

10

11 UNKNOWN: Okay, you can ask if she was aware that that was said, or if that was her
12 understanding, and in regards to asking her about whether to travel would've been
13 required to be paid out of pocket by the person, I think you can ask her if there was a
14 plan, if she was a where of a plan, and if she answers no to that then, then that's it.

15

16 JAKE SHISHA: I'm just going to ask if she was aware if there was a policy and effect one
17 way or the other.

18

19 TRACEY SIMONIN: I was not aware.

20

21 JAKE SHISHA: And would there be a policy in effect one way or the other if a crew
22 member voluntarily gets off?

23

1 TRACEY SIMONIN: It's normal practice for a crew member to pay their own way from the
2 ship.

3
4 JAKE SHISHA: Thank you.

5
6 COMMANDER KEVIN CARROLL: Okay, Ms Simonin you are excused at this time, but
7 you are subject to recall.

8
9 TRACEY SIMONIN: Okay.

10
11 COMMANDER KEVIN CARROLL: Okay, the time is now 10 to 12, (inaudible) I would like
12 to come back at 12:00 please. Come back at 13:00, 13:00 back on the record, the next
13 witness will be Charlie Kipouras. Thank you.

14
15 Commander Kevin Carroll Okay, we are back on the record what the record reflect that it
16 is now 13:00 on 13 February, all parties and all attorneys that were present before the
17 break are present now. Lieut. Cmdr. Parham please call the next witness.

18
19 LIEUTENANT COMMANDER NICHOLAS PARHAM: I call (inaudible) Charles Kipouras.
20 Please stand up please,(inaudible) please raise your right hand. False statements given
21 to an agency of The United States is punishable by fine and or imprisonment under 18
22 UFC 1001, knowing this do you solemnly swear that the testimony that you are about to
23 give will be the truth the whole truth and nothing but the truth so help you God?

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CHARLES KIPOURAS: I do

LIEUTENANT COMMANDER NICHOLAS PARHAM: Please be seated.

COMMANDER KEVIN CARROLL: Lieut. Cmdr. can you please state your name for the record?

UNKNOWN: Lieut. Cmdr. Gene (inaudible)

COMMANDER KEVIN CARROLL: Okay, thank you. Good afternoon Mr. Kipouras how are you.

CHARLES KIPOURAS: Good, how are you?

COMMANDER KEVIN CARROLL: Very well.

UNKNOWN: (inaudible)

COMMANDER KEVIN CARROLL: Mr. Kipouras can you please state your full name and spell your last name for the record?

CHARLES KIPOURAS: Charles R. Kipouras, last name K-i-p-o-u-r-a-s.

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COMMANDER KEVIN CARROLL: Okay, and what is your current occupation?

CHARLES KIPOURAS: I am a civilian marine inspector employed at Coast Guard Ctr., New England and South Portland Maine.

COMMANDER KEVIN CARROLL: Can you please detail your experience with the Coast Guard?

CHARLES KIPOURAS: I have been a civilian marine inspector in my present position since October 2000. Prior to that I was active duty Coast Guard for 22 years.

COMMANDER KEVIN CARROLL: Okay, during those 22 years prior to your civilian marine inspector position, how much of that was done as a marine inspector?

CHARLES KIPOURAS: Approximately 6 years from 94 to 2000.

COMMANDER KEVIN CARROLL: What did you do before that?

CHARLES KIPOURAS: I was a quartermaster, chief quartermaster, Navy warrant officer, various other jobs, underway stationed on Cutter's navigation worked at the first District operations center search and rescue a couple of different groups Portland group, Buffalo, intervention, search and rescue.

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COMMANDER KEVIN CARROLL: What do your duties entail in your current position at sector South Portland?

CHARLES KIPOURAS: Sector 11?

COMMANDER KEVIN CARROLL: New England, excuse me.

CHARLES KIPOURAS: I am a civilian marine inspector, I primarily focus on the US fleet, domestic passenger vessels, core daily activities, the inspection activities and the required annual exams, coordinate activities for three other warrant officers and a couple of junior officers.

COMMANDER KEVIN CARROLL: So you do these,

CHARLES KIPOURAS: I do the inspections also myself.

COMMANDER KEVIN CARROLL: Okay, so you also act as a dispatcher?

CHARLES KIPOURAS: Yeah, I schedule our dispatcher, administrative.

COMMANDER KEVIN CARROLL: Do you hold a merchant mariner's credential?

1 CHARLES KIPOURAS: No I don't.

2

3 COMMANDER KEVIN CARROLL: Okay, there is a binder in front of you I'm going to
4 have during my questioning I will ask you to refer to these specific exhibits, the numbers
5 are tabbed, for example I would like you to first turn to exhibit number five, CG 5.

6

7 CHARLES KIPOURAS: Okay, it's a certificate of inspection.

8

9 COMMANDER KEVIN CARROLL: Okay, please identify the document for me sir.

10

11 CHARLES KIPOURAS: It's a certificate of inspection for the Bounty, a moored attraction
12 vessel it was issued 16 May 2012.

13

14 COMMANDER KEVIN CARROLL: Okay, when is the expiration date?

15

16 CHARLES KIPOURAS: Third of September 2012.

17

18 COMMANDER KEVIN CARROLL: Okay. Vessel Bounty is listed on the routes and
19 conditions of operations as a moored attraction vessel?

20

21 CHARLES KIPOURAS: That is correct.

22

1 COMMANDER KEVIN CARROLL: Okay, can you please describe to me what is a
2 moored attraction vessel?

3
4 CHARLES KIPOURAS: It is a vessel that is does dockside tours tied up to a pier at
5 certain ports on certain dates as outlined on the certificate of inspection.

6
7 COMMANDER KEVIN CARROLL: Okay, is a moored attraction vessel inspected in
8 accordance with any particular subchapter of the code of federal regulations?

9
10 CHARLES KIPOURAS: No it's not.

11
12 COMMANDER KEVIN CARROLL: Okay, what are the standards that we inspect the
13 vessels to?

14
15 CHARLES KIPOURAS: Guidance that is in the marine safety manual volume 2 for policy
16 for inspecting the moored attraction vessel.

17
18 COMMANDER KEVIN CARROLL: Are you qualified to conduct an inspection on a
19 moored attraction vessel?

20
21 CHARLES KIPOURAS: Yes I am.

22

1 COMMANDER KEVIN CARROLL: Can you please detail for me what occurs during a
2 moored attraction vessel exam?

3
4 CHARLES KIPOURAS: Sure. You approach the vessel you make sure it is moored
5 properly, proper mooring lines are out it's tied up, secured to the pier, it's usually a two
6 gangways, and on gangway and off gangway for personnel traffic, board the vessel check
7 the certificate do a general safety walk around, there would be a number of items from the
8 certificate that we check, that they have the proper amount of fire extinguishers listed,
9 take a walk through the areas that are open to passengers during their tours, make sure
10 that there are no general safety hazards slips trips falls, open hatches, verify the
11 passengers may not be allowed in the radiator or engineering spaces so listed, check the
12 bilges for accessible oil or excessive water, see if there is any leakage to verify the
13 structural integrity of the hull, and sure that the number of people required number of crew
14 required amount to safely control the amount of passengers that are on board, are in
15 place.

16
17 COMMANDER KEVIN CARROLL: How many passengers was Bounty allowed in
18 accordance with their certificate of inspection?

19
20 CHARLES KIPOURAS: 150.

21
22 COMMANDER KEVIN CARROLL: Okay. Is there anywhere on the certificate of
23 inspection that a hull exam expiry date is listed?

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CHARLES KIPOURAS: It would be listed on page 2, or page 3 of the COI.

COMMANDER KEVIN CARROLL: Okay

CHARLES KIPOURAS: So right here, from the COI right here the last exam was conducted on 16 November 2010, the inspectors at the time did not enter the next due date, into the computer system because I see it didn't map out here on the certificate.

COMMANDER KEVIN CARROLL: Okay when would the next date be required?

CHARLES KIPOURAS: It would have been five years from the previous date.

COMMANDER KEVIN CARROLL: Where is that standard listed?

CHARLES KIPOURAS: It is in the marine safety manual volume 2.

COMMANDER KEVIN CARROLL: So a moored attraction vessel is required to have a hull exam every five years?

CHARLES KIPOURAS: Either a hull exam or it should have an independent survey, or and in the water inspection, basically so the OCI, officer in charge of inspection, can verify that the hull is, the watertight integrity of the hull.

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COMMANDER KEVIN CARROLL: So you are saying that for a hull exam of a moored attraction vessel, that can actually occur in the water?

CHARLES KIPOURAS: It could if a survey was conducted and there was the inspectors were satisfied to the condition of the hull then that could be accepted.

COMMANDER KEVIN CARROLL: To your understanding with reviewing the certificate of inspection was bound to do for a hull exam?

CHARLES KIPOURAS: No they were not.

COMMANDER KEVIN CARROLL: In 2012?

CHARLES KIPOURAS: No they were not sir.

COMMANDER KEVIN CARROLL: Are you familiar with the vessel Bounty?

CHARLES KIPOURAS: To a degree, over time at first attended the vessel in 2001.

COMMANDER KEVIN CARROLL: Okay, did you attend the vessel Bounty in 2012?

CHARLES KIPOURAS: I did.

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COMMANDER KEVIN CARROLL: Okay what time?

CHARLES KIPOURAS: I attended twice, the first day was Monday, September 24.

COMMANDER KEVIN CARROLL: Okay, why did you attend a vessel?

CHARLES KIPOURAS: I tended to do a fuel tank inspection they were putting into new fuel tanks, at the request of the Bounty Organization.

COMMANDER KEVIN CARROLL: Who contacted you from the Bounty Organization?

CHARLES KIPOURAS: Two personnel, it was Tracy Simonin and I believe her assistant Mr. Reese Ohanlan.

COMMANDER KEVIN CARROLL: Okay, what did the request of the Coast Guard?

CHARLES KIPOURAS: Their question was can we come out and do, they were putting into new fuel tanks and wanted us to do an inspection of the fuel tanks, and they also said that the vessel would be hulled and they were looking for us to do a hull exam.

COMMANDER KEVIN CARROLL: Okay, and we did not do a hull exam?

1 CHARLES KIPOURAS: No we did not.

2
3 COMMANDER KEVIN CARROLL: Why?

4
5 CHARLES KIPOURAS: Again because it wasn't due until 2015.

6
7 COMMANDER KEVIN CARROLL: Okay as a moored attraction is Bounty required to
8 have a fuel tank inspection?

9
10 CHARLES KIPOURAS: No sir.

11
12 COMMANDER KEVIN CARROLL: But you attended the vessel and conducted a fuel tank
13 inspection?

14
15 CHARLES KIPOURAS: I did.

16
17 COMMANDER KEVIN CARROLL: Okay, I would like you to turn to exhibit CG 42, CG 42.
18 Can you please identify the document for me?

19
20 CHARLES KIPOURAS: Yes it is an activity summary report from missile which is our
21 computer system detailing my activities for when I visited the vessel for the fuel tank
22 inspection.

23

1 COMMANDER KEVIN CARROLL: Okay did you declare any deficiencies when you are
2 on board?

3
4 CHARLES KIPOURAS: I cleared one after I was back at my office after the initial visit on
5 September 24.

6
7 COMMANDER KEVIN CARROLL: Okay, is that listed here?

8
9 CHARLES KIPOURAS: It is.

10
11 COMMANDER KEVIN CARROLL: Okay can you please read to us where that is, identify
12 where that is?

13
14 CHARLES KIPOURAS: Right, on the first page on the bottom there is a item number four,
15 would you like me to read the whole?

16
17 COMMANDER KEVIN CARROLL: Please.

18
19 CHARLES KIPOURAS: Since last measurement in 1990 the vessel has undergone
20 substantial alteration from her gross registered tonnage of 266 without informing the
21 tonnage assigning authority to her alteration, vessels are to be measured and a correct
22 international tonnage certificate documentation to be provided.

23

1 COMMANDER KEVIN CARROLL: And you cleared that deficiency?

2
3 CHARLES KIPOURAS: I did.

4
5 COMMANDER KEVIN CARROLL: Were you provided any evidence from the Bounty
6 Organization that that deficiency have been rectified?

7
8 CHARLES KIPOURAS: Yes I received a copy of the new tonnage certificate in early
9 August that the survey had occurred on July 13 at Newberry Massachusetts.

10
11 COMMANDER KEVIN CARROLL: Okay I would like to direct your attention to page 2
12 please. The block where it says narrative summary, I would like you to please read the
13 narrative from 24 September 2012 down to apparently what is your name down there, can
14 you please read that?

15
16 CHARLES KIPOURAS: Yes sir. 24 September 12 attended the vessel drydock in
17 Boothbay Harbor shipyard to witness pressure testing of two new 2000 gallons stainless
18 steel fuel tanks, vessel representative Robin Walbridge master. The tanks were built in
19 accordance with MSC, marine safety center approved plans serial E1 – 020030 dated
20 February 11, 2002. Tests were conducted in New York about one month ago there was
21 note Coast Guard oversight during construction as vessel is not due drydock accreditation
22 for attraction vessel until 2015. A credit drydock exam is not being conducted during this

1 hull out. witnessed satisfactory air tests of both tanks at 7 psi, tanks will be installed in the
2 vessel in the next two weeks the inspection is to continue C R Kipouras.

3
4 COMMANDER KEVIN CARROLL: Okay, if Bounty was not required by regulation to have
5 their fuel tanks inspected why did you perform that particular inspection?

6
7 CHARLES KIPOURAS: Basically two reasons, we were requested to come up and take a
8 look at them, and that's one of our missions that we do with industry, facilitate commerce
9 so they had requested that we come up and look at the fuel tanks, and the second one
10 was just to get up there and see what the scope of the work was to be performed on the
11 ship during the hull out.

12
13 COMMANDER KEVIN CARROLL: Okay, I would like you to read below of where your
14 signature was, the note?

15
16 CHARLES KIPOURAS: Note, there is one outstanding deficiency issued 15 July , 2011
17 by activities you Europe for vessel to be reinspected due to vessel undergoing substantial
18 alteration of gross registered tonnage up 266 per ABS Houston, tonnage certificate dated
19 July 16, 2012 the ship is remeasured according to Article 32D of this 1969 tonnage
20 convention. The gross tonnage according to the measurements previously enforced to the
21 measurement system of the international convention on tonnage measurement of ships
22 1969 this 266 registered tons according to the regulations of the United States of
23 America. Certificate is reissued to reflect restated tonnage grandfathering privilege.

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COMMANDER KEVIN CARROLL: And please read below 16 October 2012.

CHARLES KIPOURAS: 16 October 2012 I attended the vessel as before. The two new fuel tanks have been installed and the crew is in process of finishing installing fuel lines, all work appeared to be satisfactory, vessel will be launched on 17 October and apart on 20 October, in Route Galveston where will spend the winter, ETA Thanksgiving. Held discussion with master regarding 2013 operating season, emphasized the need to submit a detailed itinerary to the (inaudible) OCI so an accurate COI can be issued. Inspection complete. C R Kipouras.

COMMANDER KEVIN CARROLL: So it explains to shoreside personnel when they called and requested to you to do a hull exam that you were not going to do a hull exam when you attended a vessel, is that correct?

CHARLES KIPOURAS: What is that again?

COMMANDER KEVIN CARROLL: When you were contacted by the Bounty shoreside personnel,

CHARLES KIPOURAS: Yes.

COMMANDER KEVIN CARROLL: They requested a hull exam, correct?

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CHARLES KIPOURAS: They did.

COMMANDER KEVIN CARROLL: Did you explain to them that you were not going to conduct a hull exam at that time?

CHARLES KIPOURAS: At that time, I did not.

COMMANDER KEVIN CARROLL: Okay. When did you explain this to anyone from the Bounty organization?

CHARLES KIPOURAS: I, upon arriving on September 24, in discussion with the master Robin Walbridge.

COMMANDER KEVIN CARROLL: Okay. When you arrived at the vessel on 24 September 2012, where was it?

CHARLES KIPOURAS: It was hauled at Boothbay Harbor Shipyard, in Boothbay Harbor, Maine.

COMMANDER KEVIN CARROLL: Okay. Where was the vessel?

CHARLES KIPOURAS: The vessel was on the railway.

1

COMMANDER KEVIN CARROLL: Okay, so it was hauled out of the water?

2

3

CHARLES KIPOURAS: Yes, it was out of the water.

4

5

COMMANDER KEVIN CARROLL: Okay. Did you walk the dry dock?

6

7

CHARLES KIPOURAS: No, at that time I parked, there's an upper parking lot just off the road. Parked in there and went down to walk by the front of the vessel on the way over to the, there was a large warehouse that was adjacent to the railway area. And that's where I assumed where the two tanks would be, and they were and that's where I made contact with the master.

8

9

10

11

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13

COMMANDER KEVIN CARROLL: Okay. Did you have any contact with anybody from the shipyard?

14

15

16

CHARLES KIPOURAS: No.

17

18

COMMANDER KEVIN CARROLL: Okay. Who was your point of contact on the vessel?

19

20

CHARLES KIPOURAS: The master, Robin Walbridge.

21

COMMANDER KEVIN CARROLL: Okay. Did Captain Walbridge, at any point, express to you any concerns with the condition of the vessel as it was on the railway?

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CHARLES KIPOURAS: No he did not.

COMMANDER KEVIN CARROLL: Okay. Did anybody from the shipyard at any time during your visit 24 September express any concern to you regarding the condition of the vessel on the railway?

CHARLES KIPOURAS: No, they did not.

COMMANDER KEVIN CARROLL: Okay. When you returned back on the 16 October 2012 to attend the vessel as before, was it still on the railway or was it...

CHARLES KIPOURAS: No, it was still on the railway.

COMMANDER KEVIN CARROLL: On 16 October 2012 it was still on the railway?

CHARLES KIPOURAS: Yes, sir.

COMMANDER KEVIN CARROLL: Okay. So, did you board the vessel this time?

CHARLES KIPOURAS: I did.

COMMANDER KEVIN CARROLL: Did you walk the dry dock for it?

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CHARLES KIPOURAS: I briefly came around the vessel and saw that there was no exterior work going on. Everything appeared to be complete, you know the maintenance that they had conducted. I climbed up the ladder and climbed up onboard and met the master, excuse me, up on the main deck.

COMMANDER KEVIN CARROLL: Was the vessel painted at that time?

CHARLES KIPOURAS: It was.

COMMANDER KEVIN CARROLL: Okay. That 24 September, was the vessel painted at that time?

CHARLES KIPOURAS: No it wasn't.

COMMANDER KEVIN CARROLL: While you were on board, 16 October, describe to me what you did.

CHARLES KIPOURAS: We went below to, what I would call, the tank room to look at the two tanks that I had looked at on September 24. At that time I wanted to ensure that they were put in place, that they were properly braced and shored up to avoid shifting in the seaway. There was still work going on, personnel were still working on connected fuel lines and things like that. Also there was personnel were also in the process of working

1 on the overhead on the tween deck which was pretty much their main deck where they
2 had removed decking so they could take off the two old tanks and put in the new tanks.

3
4 COMMANDER KEVIN CARROLL: Okay. Did you see anything onboard Bounty when
5 you were on the vessel on 16 October 2012 that gave you concern, as an inspector?

6
7 CHARLES KIPOURAS: No, I did not.

8
9 COMMANDER KEVIN CARROLL: Okay. The placement of the fuel tanks apparently met
10 your satisfaction, correct?

11
12 CHARLES KIPOURAS: Yes, sir.

13
14 COMMANDER KEVIN CARROLL: Okay. Were you able to, where you were in the tank
15 room, view any portion of the vessel's framing?

16
17 CHARLES KIPOURAS: A little bit.

18
19 COMMANDER KEVIN CARROLL: What you saw, did it give you concern?

20
21 CHARLES KIPOURAS: No, sir.

22

1 COMMANDER KEVIN CARROLL: Okay. How much experience do you have on wooden
2 hull vessels?

3
4 CHARLES KIPOURAS: We have, I have been to Coast Guard, wood boat inspection
5 school out in San Diego that Captain Frankie ran. Excuse me, I attended there in
6 October 99. We've got a few other wooden boats in our zone, some smaller schooners
7 that are are certificated passenger vessels on the 46 CFR. So probably 4 or 5 of those, I
8 would say so, we do the annual inspections on those and the biannual hull exams.

9
10 COMMANDER KEVIN CARROLL: Okay. From your understanding, given Bounty's
11 certification as an attraction vessel, are they required, per any regulation, to have a
12 stability test?

13
14 CHARLES KIPOURAS: No, not to my knowledge?

15
16 COMMANDER KEVIN CARROLL: Okay. From your understanding of Bounty's
17 operation, is more attraction vessel are they required to have a (inaudible) certificate?

18
19 CHARLES KIPOURAS: Not to my knowledge, no.

20
21 COMMANDER KEVIN CARROLL: Captain Jones, do you have an questions?
22

1 Captain Jones: Yeah, a couple. You first went up there on the 24th to examine the fuel
2 tanks?

3
4 CHARLES KIPOURAS: Yes, sir.

5
6 CAPTAIN ROB JONES: They were manufactured somewhere else?

7
8 CHARLES KIPOURAS: Yes, sir, I believe, Long Island, New York.

9
10 CAPTAIN ROB JONES: Was there any, and you went there, what, specifically to see
11 what on the fuel tanks?

12
13 CHARLES KIPOURAS: I was to witness a pressure test on the fuel tanks.

14
15 CAPTAIN ROB JONES: Do you look at the physical aspect of the tanks too?

16 CHARLES KIPOURAS: I did, I kind of verified that the tanks were, you know, the same
17 size as the approved plans they had given us and just did a visual physical examination
18 on the tanks.

19
20 CAPTAIN ROB JONES: Can you see inside the tanks?

21

1 CHARLES KIPOURAS: They were completed, there was vents and fills, small openings a
2 couple of three inches so I could glance in, you know, shine a flashlight but I couldn't see
3 that well inside.

4
5 CAPTAIN ROB JONES: You couldn't see any debris or anything?

6
7 CHARLES KIPOURAS: No, I didn't see any debris or any problems.

8
9 CAPTAIN ROB JONES: Whether clear or debris.

10
11 CHARLES KIPOURAS: Right.

12
13 CAPTAIN ROB JONES: There's only a little sight inspection, a hole that you could see
14 through?

15
16 CHARLES KIPOURAS: At that time there would have been a line, a vent line, things like
17 that.

18
19 CAPTAIN ROB JONES: So who would have been responsible for making sure those
20 tanks were clean and ready for fuel or whatever they were to contain? The manufacturer,
21 the owner, or do you know?

22

1 CHARLES KIPOURAS: I am not sure I understand the question, two parts of ... the
2 master would have been ultimately responsible of the tanks when they were getting ready
3 to refuel, when they were taking on fuel when the tanks were on board. If they were
4 being manufactured, if we had, if the Coast Guard had been contacted if this were for a
5 certificated boat under 46 CFR, we would have have been notified. Or the Coast Guard,
6 the local Coast Guard, would have been notified that tanks were being built so generally
7 you go up when the tanks were about 3/4 completed and before the top is put on so you
8 can verify the internal welding, spacing for baffles and things like that and then the top
9 would be welded on and the tank would be completed. And that's when the pressure test
10 would be conducted.

11
12 CAPTAIN ROB JONES: Okay, so the pressure test is conducted and you're satisfactory?

13
14 CHARLES KIPOURAS: Yes, it was.

15
16 CAPTAIN ROB JONES: And the next time you visited, they were installed.

17
18 CHARLES KIPOURAS: That is correct.

19
20 CAPTAIN ROB JONES: As they were being installed, or were they already installed?
21

1 CHARLES KIPOURAS: They were, the tanks were already in place themselves. A lot of
2 the fuel lines and things like that were being installed as I visited. They actually had to
3 take a break so I could get in the space and check it out.
4

5 CAPTAIN ROB JONES: And was that part of the original request, that you went up there
6 in the first place to see the pressure test, the tanks, and also to insure that they were
7 installed correctly?
8

9 CHARLES KIPOURAS: On that initial visit on the 24th of September when I did the
10 pressure test, witness the pressure test, I had asked to be notified when they were put in,
11 that I would like to come back and take a look at it and just see them in place and see
12 how the work was going.
13

14 CAPTAIN ROB JONES: And you said there was other work going on around the tanks
15 down below?
16

17 CHARLES KIPOURAS: Yes, sir.
18

19 CAPTAIN ROB JONES: And do you have any oversight responsibility to that work?
20

21 CHARLES KIPOURAS: I would say no, not really for this instance.
22

23 CAPTAIN ROB JONES: That's all I have right now.

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COMMANDER KEVIN CARROLL: Okay. Let's go, Mr. Shisha first then.

JAKE SHISHA: Did you have the opportunity to see any blueprints or anything to show where the baffles would be on that tank?

CHARLES KIPOURAS: Yes, I did. The plans that they submitted to us, that they emailed us indicated where the baffles were and the dimensions of the tank, if you will.

JAKE SHISHA: Thank you, that's all I have.

CHARLES KIPOURAS: Yes, sir.

COMMANDER KEVIN CARROLL: Bounty organization, please?

LEONARD LANGER: Good afternoon, Mr. Kipouras.

CHARLES KIPOURAS: Good afternoon, Mr. Langer.

LEONARD LANGER: When you conducted, did your inspections, in September and October of 2012, did you use any sort of inspection booklet or check off sheet that you would record what you would have seen?

1 CHARLES KIPOURAS: I use a small green notebook, a little memorandum, to take a few
2 notes and stuff like that.

3
4 LEONARD LANGER: And, are those notes still available, or were they destroyed when
5 you did the missile entry.

6
7 CHARLES KIPOURAS: No, that's, they're probably still sitting in that small little book and
8 they are just small, a couple of notes, but it's probably in my desk at my office. But they
9 are notes basically, what I use the notes to get back and make my computer entries into
10 the missile.

11
12 LEONARD LANGER: Did you participate in the 2010 hull inspection that the Coast Guard
13 did?

14
15 CHARLES KIPOURAS: No, I did not.

16
17 LEONARD LANGER: No other questions.

18 COMMANDER KEVIN CARROLL: Thank you. Mr. Svendsen.

19
20 JOHN SVENDSEN: Good afternoon sir.

21
22 CHARLES KIPOURAS: Good afternoon.

23

1 JOHN SVENDSEN: Did the Bounty regularly request the US Coast Guard to come down
2 and inspect and build a working relationship with the inspectors while they were hauled
3 out in Booth Bay?
4

5 CHARLES KIPOURAS: Yes, I would say they did.
6

7 JOHN SVENDSEN: And while developing that working relationship, was there an
8 emphasis on making sure that they Coast Guard was involved in the work that was being
9 done?
10

11 CHARLES KIPOURAS: Yes, I would say to a degree.
12

13 JOHN SVENDSEN: Okay and while you were interacting with Captain Robin Walbridge,
14 did he conduct himself in a professional manner?
15

16 CHARLES KIPOURAS: Yes, at all times.
17

18 JOHN SVENDSEN: Thank you.
19

20 COMMANDER KEVIN CARROLL: Thank you, sir. Captain Jones, did you have any
21 further questions?
22

1 CAPTAIN ROB JONES: One more. Mr. Kipouras, when you went back to the vessel and
2 were on board with the fuel tanks ... if there was anything else that was brought to your
3 attention, or you saw that caused concern. How would you deal with that? You are there
4 on a voluntary basis to handle those fuel tanks, but what would you do if something else
5 came up?

6
7 CHARLES KIPOURAS: Uh... I'm sorry....

8
9 UNKNOWN: One moment please. I think the first question would be, was something
10 brought to his attention and if the answer to that is no then I think that we would be putting
11 him in a position to speculate.

12
13 CAPTAIN ROB JONES: I think that's his job. If he were to see something that was not
14 safe or, you know, if he's down there looking at the fuel tanks and ...

15
16 UNKNOWN: So, you could ask him if something was brought to his attention this time, if
17 answers no to that then he could answer in the past has he has something brought to his
18 attention.

19
20 CAPTAIN ROB JONES: I'm happy to try to frame it in a way that's acceptable, but maybe
21 you can help me, I'm saying, as a marine inspector, he is attending the vessel on a
22 voluntary basis, what I would consider is a good position to make sure that the fuel tanks

1 are okay. If something was aboard that vessel, in the vicinity of the fuel tanks, that he
2 saw was either unseaworthy, unsafe, or any other type of ...

3
4 COMMANDER KEVIN CARROLL: It's a fair question.

5
6 CAPTAIN ROB JONES: Then he, what would he do next?

7
8 COMMANDER KEVIN CARROLL: Charlie, answer the question, please.

9
10 CHARLES KIPOURAS: Aye, sir. I would inquire as to what was going on here, was there
11 anymore scheduled work to be taken care of. I would express concerns if I thought there
12 was an issue with watertight integrity or anything or the potential of any issues that could
13 cause safety problems.

14
15 CAPTAIN ROB JONES: And who would you express those concerns to?

16
17 CHARLES KIPOURAS: I would express those to the person I was dealing with, in this
18 case it would have been Robin Walbridge.

19
20 CAPTAIN ROB JONES: Would you make that known to your own officer, go higher up the
21 ladder to ensure...

22

1 CHARLES KIPOURAS: Yes, sir I would. I would, I'm pretty good at keeping my
2 supervisor informed, so if I thought there was concerns or anything like that, out of the
3 ordinary I would go back and get that initiated with my chain of command.
4

5 CAPTAIN ROB JONES: And just to finish, with your inspections to the fuel tanks, while
6 you were down in that area, did you see anything that gave you any concern?
7

8 CHARLES KIPOURAS: No, I did not.
9

10 CAPTAIN ROB JONES: Okay. I have no further questions.
11

12 COMMANDER KEVIN CARROLL: Alright. Yes, it's a fair question. During your
13 attendance on Bounty, how would that ... and I will give you a couple of examples, can
14 you tell me what a subchapter T vessel is?
15

16 CHARLES KIPOURAS: A subchapter T vessel is, 468 CFR subchapter T is under 100
17 gross tons, carries 150 or less passengers, 49 or less overnight passengers and its
18 regulated as underway certificated passenger vessel.
19

20 COMMANDER KEVIN CARROLL: Okay is that vessel capable of taking passengers out
21 underway?
22

23 CHARLES KIPOURAS: Yes.

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COMMANDER KEVIN CARROLL: Okay, yes, I should have listened to your answer. For a vessel over 100 gross tons, that's to carry passengers underway, what's the subchapter they would be under?

CHARLES KIPOURAS: 468 CFR, subchapter H.

COMMANDER KEVIN CARROLL: The inspection you would do on those vessels, how does that differ on scope from how you would do an attraction vessel COI, is it greater or is it less?

CHARLES KIPOURAS: It's much greater.

COMMANDER KEVIN CARROLL: Thank you. I don't have any further questions for Mr. Kipouras, I just remind you that you are subject to recall.

CHARLES KIPOURAS: Aye.

COMMANDER KEVIN CARROLL: Alright. Thank you for your attendance, sir.

CHARLES KIPOURAS: Thank you.

COMMANDER KEVIN CARROLL: Okay time is now 1330.

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Inaudible

COMMANDER KEVIN CARROLL: I would like to get 10 minutes. 10 minutes and we will be back on the record at 1340. Bert Rogers is our next witness.

COMMANDER KEVIN CARROLL: Back on the record.

LIEUTENANT COMMANDER NICHOLAS PARHAM: Yes, sir. Coast Guard would like to call to the stand Mr. Bert Rogers.

COMMANDER KEVIN CARROLL: Let the record reflect that all parties and interests and all attorneys are present that were present from last recess.

LIEUTENANT COMMANDER NICHOLAS PARHAM: Mr. Rogers if you could stand, I will swear you in. Raise your right hand. A false statement given to an agency of the United States is punishable by fine and / or imprisonment under 18 USC 100. Knowing this, do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God.

ROBERT ROGERS: I do.

LIEUTENANT COMMANDER NICHOLAS PARHAM: Please be seated.

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COMMANDER KEVIN CARROLL: Mr. Rogers, Good Afternoon and thank you for attending.

ROBERT ROGERS: My pleasure.

COMMANDER KEVIN CARROLL: Can you please state your full name and spell your last name.

ROBERT ROGERS: Robert L. Rogers. R-O-G-E-R-S.

COMMANDER KEVIN CARROLL: Okay and what is your current occupation.

ROBERT ROGERS: Executive Director, Tall Ships America.

COMMANDER KEVIN CARROLL: Okay. Do you hold a merchant mariners credential?

ROBERT ROGERS: No.

COMMANDER KEVIN CARROLL: Have you ever held a merchant mariners credential?

ROBERT ROGERS: Yes.

1 COMMANDER KEVIN CARROLL: Okay. What license or credential or document did you
2 hold?

3
4 ROBERT ROGERS: It was a It was a maritime ocean master and it expired longer ago
5 than anyone cares to talk about.

6
7 COMMANDER KEVIN CARROLL: Okay. Could you please detail your maritime expertise
8 and experiences?

9
10 ROBERT ROGERS: Well I have been sailing tall ships one way or another for, since
11 1979 and I worked my way up through the ranks. Always promoted, sort of, in the ranks
12 and eventually got licensed to serve as mate and master. Then moved ashore, started
13 sailing a desk, so to speak, as program director for a tall ship operation and then as
14 Executive Director for Tall Ship Operation and now as Executive Director for Tall Ships
15 Association.

16
17 COMMANDER KEVIN CARROLL: Okay. How many vessels have you served on as
18 master, tall ship?

19
20 ROBERT ROGERS: Two.

21
22 COMMANDER KEVIN CARROLL: Two? Which vessels were they?
23

1 ROBERT ROGERS: Schooner Spirit of Massachusetts and the Schooner Alexandria,
2 formerly know as Lynndo.

3
4 COMMANDER KEVIN CARROLL: Can you please describe those vessels, just generally.

5
6 ROBERT ROGERS: Both 100 ton vessels, the Spirit of Massachusetts was inspected as
7 sub chapter T, small passenger vessel and then we were inspected sub chapter R, sailing
8 school vessel. Schooner Alexandria was foreign built, she was privately owned by a non-
9 profit organization and she did not engage in commerce, so to speak, and had no
10 certification at all.

11
12 COMMANDER KEVIN CARROLL: Okay. How long did you serve as master on board
13 those vessels, collectively?

14
15 ROBERT ROGERS: About 10 years.

16
17 COMMANDER KEVIN CARROLL: Okay. Can you tell us a little bit about Tall Ships
18 America, please?

19
20 ROBERT ROGERS: Sure, we're a non-profit educational organization 501 C 3,
21 headquartered in Newport, Rhode Island. Founded in 1973, we have, we a membership
22 organization so tall ship operators and organizations are primary members. We also
23 have individual members who are individuals who support sail training and the kind of

1 educational activities that take place on tall ships and we have a light support base of
2 business members who support the sail training phenomenon.

3
4 COMMANDER KEVIN CARROLL: Okay. In regards to your membership, can you tell us
5 a little bit about the membership demographics in regards to the vessels. In particular,
6 are they mostly US flag vessels?

7
8 ROBERT ROGERS: Mostly US flag vessels, we have a fair number of Canadian flag
9 vessels and then we have a sprinkling of foreign flag vessels from all around the world.
10 Most of the national sail training vessels that are run by foreign national Navy's or
11 merchant academies are our members as well. An equivalent in America would be
12 Eagle, but so, we have members from Asia, members from Europe, members from South
13 America - all over the world.

14
15 COMMANDER KEVIN CARROLL: Is Coast Guard Cutter Eagle a member?

16
17 ROBERT ROGERS: Yes.

18
19 COMMANDER KEVIN CARROLL: Okay. How many vessels are members of Tall Ships
20 America?

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22 ROBERT ROGERS: We got about 170 or so vessel members and another 30 or so
23 associated affiliated program members, non-vessel operators.

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COMMANDER KEVIN CARROLL: So as for a vessel to become a member of Tall Ships America, what are the requirements for membership?

ROBERT ROGERS: There is no particular requirement. There are dues that need to be paid, we do not have entrance criteria but participation in the sail training phenomenon which is really a commitment to maintaining the maritime traditions and to running educational programs is at the core of its membership. It's what everybody has in common.

COMMANDER KEVIN CARROLL: That's the second time you said it, I'll bite. What is the "sail training phenomenon"?

ROBERT ROGERS: Sail training phenomenon is a little hard to describe, but these ships sail one way or another to provide an opportunity for people to go aboard and participate directly in the operation of the vessel. We call that sail training when it is organized in a way so that the participants can have a safe, productive educational experience and leave at the end of the their voyage. Whether that voyage be a 3 hour sail around the harbor or whether it be a 2 year circumnavigation around the world, they're gonna leave with an experience that they truly own, by virtue of having participated in it directly, the same way that the Coast Guard Academy cadets receive training in Eagle, which is maybe not directly relevant to their skills they will need in their future Coast Guard careers, they none the less gain great values of team work, courage.

1 Of experiencing ocean and the sea environment unmitigated through modern technology
2 and so it is an adventure, education experience and collectively, in all of its
3 manifestations, we call this sail training. Our members are very diverse in their program
4 offerings, some of them specialize in short day sail operations for school kids, you know
5 elementary school age or middle school age. Some specialize in programs of longer term
6 for either older students or adults. The thing they all have in common is that the
7 participants are engaged in the operation of the vessel, under the supervision of the
8 professional crew so that they can have an authentic experience of seafaring and through
9 that experience become mariners, if that's their goal. or just better people through having
10 faced these challenges and come out on top.

11
12 COMMANDER KEVIN CARROLL: Okay. Does membership give you access to any,
13 what I would say is, best practices, training programs, any educational material. Does
14 Tall Ships America make that available to their membership?

15
16 ROBERT ROGERS: Absolutely. We have conferences and meetings every year where
17 we bring sail trainers together, often in together with experts that we, in various fields, that
18 are relevant to our operations, to discuss practices. To learn things that are important.
19 To always be improving the safety practice and professionalism on board. We have an
20 annual conference that we just finished last week in Erie, Pennsylvania that was very well
21 attended. Some really, really good expert presenters part of that, this is part of our
22 communal education. In addition to the experts we bring in to share their expertise, the
23 sail training practitioners share their own experiences through these convocations and we

1 learn a lot from each other. It is all specifically addressed to raise the standard of practice
2 and professionalism throughout the fleet. We do have an annual conference, we have
3 regional meetings, we also have, as part of our organization, a ship operations and safety
4 committee which is largely composed of some members of our board of directors and
5 other people who are not but are general members. These are licensed master mariners
6 currently active in the field and they collectively take a look at what's going on in the
7 industry and what issues need attention and we figure out how to muster the resources
8 out to the members. Sometimes it has to do with regulations, sometimes it has to do with
9 safety practices, but this is, we have an active ongoing campaign to stay on top of that.
10 We communicate that to our members through our blog we maintain on our website. It's
11 call Navigating the Regulatory Seas and we post updates to that regularly.

12
13 LIEUTENANT COMMANDER NICHOLAS PARHAM: Stand by, we are having problems
14 with ...

15
16 COMMANDER KEVIN CARROLL: The microphones are down?

17
18 LIEUTENANT COMMANDER NICHOLAS PARHAM: Yes, we part (inaudible). Are you
19 able to hear?

20
21 (Inaudible talking)

22
23 ROBERT ROGERS: Am I talking into the wrong one?

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LIEUTENANT COMMANDER NICHOLAS PARHAM: No.

COMMANDER KEVIN CARROLL: Pardon the interruption. Thank you. Please continue, sir.

ROBERT ROGERS: So, I was talking about our meetings and our blog. We also send out bulletins to our members when particular issues come up through a email communication system. I think, what else, we publish a directory which is not particularly safety related but it is good information for our members and is a benefit for them. I think that's pretty much where our safety action takes place. We stay in close touch with the regulatory inspection side of Coast Guard about issues that concern them and that they see is some sort of communication gap going on. We talk about it, we try to fill it and we basically view our role as one of trying to help advance the bar of safety in a non-regulatory way. Coast Guard does the regulation, we try to do the education and together we raise the bar.

COMMANDER KEVIN CARROLL: Okay. Do Tall Ships America, in that they, are the members of Tall Ships America vessel members that are for the term for the Coast Guard term, un inspected?

ROBERT ROGERS: Mmm, hmm.

1 COMMANDER KEVIN CARROLL: Okay. Is there any type of self inspection program that
2 Tall Ships America offers the membership, kind of a guideline, these are the things you
3 should be doing if you are not inspected. Possibly these are the things you should be
4 doing.

5
6 ROBERT ROGERS: No, we have not taken that step.

7
8 COMMANDER KEVIN CARROLL: Okay. Is there any standards in which Tall Ships
9 America provides the memberships, in relation to go no go policies, in regards to, or risk
10 based decision making in regards to voyage planning?

11
12 ROBERT ROGERS: No, we don't promote any standards but is an issue we discuss
13 regularly at our conferences.

14
15 COMMANDER KEVIN CARROLL: Okay. Do your knowledge, was the vessel Bounty a
16 member of Tall Ships America?

17
18 ROBERT ROGERS: Yes, she was.

19
20 COMMANDER KEVIN CARROLL: Would you list the Bounty, as an active participant
21 within Tall Ships America?
22

1 ROBERT ROGERS: Yes, in that Captain Walbridge would attend our conferences and
2 meetings when he could. In other words, when we wasn't at sea or foreign ports and was
3 very supportive. Seemed to get a great deal out of it. Bounty, herself was a frequent and
4 welcome participant in our Tall Ships challenge events, which are an annual series of
5 races and port festivals that we organize to promote sail training to the general public and
6 Bounty as an attraction vessel was very successful in that role.

7
8 COMMANDER KEVIN CARROLL: Okay. You are familiar with what occurred to vessel
9 Bounty on October 29, 2012.

10
11 ROBERT ROGERS: Yes, sir.

12
13 COMMANDER KEVIN CARROLL: Okay. The discussion that we have been having is
14 whether or not the term "a ship is safer at sea than in port during a storm" You listed that
15 you were a tall ship captain for a period of, on 2 vessels, for 10 years?

16
17 ROBERT ROGERS: Yes.

18
19 COMMANDER KEVIN CARROLL: Do you have an opinion on the matter?

20
21 ROBERT ROGERS: I do.

22 COMMANDER KEVIN CARROLL: Can I hear it please?
23

1 ROBERT ROGERS: Sure. I don't believe that.

2
3 COMMANDER KEVIN CARROLL: Okay.

4
5 ROBERT ROGERS: I think its circumstantial and maybe cases where that might be the
6 right answer and maybe cases where it is not.

7
8 COMMANDER KEVIN CARROLL: Okay. In regards to the crew being safer at sea, is the
9 crew safer at sea or is the crew safer in port.

10
11 ROBERT ROGERS: Well, we get absurd and say they are all safe when they are home
12 in their beds and that's not at sea but in response to, you know, if the crew's duty is to the
13 ship and they are gonna stay with the ship then the well being of the ship and the well
14 being of the crew are need to be considered holistically.

15 I think its in most people's standard assumption and understanding that if you had to
16 make a choice between saving the crew or saving the ship, you would save the crew.

17
18 COMMANDER KEVIN CARROLL: Captain Jones, do you have any questions?

19
20 CAPTAIN ROB JONES: Afternoon, Mr. Rogers.

21
22 ROBERT ROGERS: Hello, Captain Jones.

23

1 CAPTAIN ROB JONES: How are you?

2

3 ROBERT ROGERS: Fine, sir.

4

5 CAPTAIN ROB JONES: Nice to finally meet you.

6

7 ROBERT ROGERS: Nice to meet you.

8

9 CAPTAIN ROB JONES: How big were the schooners that you were captain of?

10

11 ROBERT ROGERS: 100 tons, about 130 feet long.

12

13 CAPTAIN ROB JONES: That's what I was going for, length.

14

15 ROBERT ROGERS: Yep.

16

17 CAPTAIN ROB JONES: When did you last sail, Captain?

18

19 ROBERT ROGERS: As a master?

20

21 CAPTAIN ROB JONES: As a master.

22

23 ROBERT ROGERS: 1991.

1
2 CAPTAIN ROB JONES: That's not too long ago. What would you say, you said there
3 was no requirement to be a member of the TSA. What's the benefit of it, of being a
4 member of the TSA.

5
6 ROBERT ROGERS: Well, there's lots of benefits. There's the overt ones that are
7 obvious which are kind of member benefits that we provide. Of course the conference I
8 described is one, and the meetings are really important to the community because we are
9 share information and we do improve through that process. There's also a lot of other
10 peripheral operational benefits, we offer a billet bank which is a jobs posting thing that a
11 lot of our members really like and is good to get good crew to the right ships. We
12 obviously have a website and a blog where we share information, we produce a directory
13 called Sail Tall Ships, which is generally comes out every year and half or two years. We
14 have a new one coming out, this is where we feature individual member vessel and put
15 together a little story about each ship and this is sent out to a lot of people. So we
16 promote training and we promote members to the general public through this and
17 through other means. We have things like insurance programs there's many membership
18 associations do that provide benefits to our members. We have, we are always working
19 on relationships with suppliers, necessary goods and services that our members depend
20 on and if we can do it on a national basis to put together favorable opportunities for our
21 members to avail themselves those services, we do that. One is particularly important is
22 that we have an endorsed insurance program for our members and that has been helpful,
23 I think it has generated this discussion to not just because it is a benefit to our members,

1 but because this insurance organization is very active with us helping to promote safety
2 and operations because we all have a stake in that. Number of other benefits as well.

3
4 CAPTAIN ROB JONES: You mentioned you had a blog site and you tried to disseminate
5 best practices amongst the member vessels. Is there anyway you can check, not
6 compliance, but participation in best practices?

7
8 ROBERT ROGERS: We haven't done that. We have not done that.

9
10 CAPTAIN ROB JONES: Would you say most of your 170 vessels, do they fall under the
11 regulatory envelope, or, like the Bounty, uninspected?

12
13 ROBERT ROGERS: Most of them are inspected one way or another if they, speaking of
14 the US flag vessels. It gets a little hard to define with some of the foreign flag vessels,
15 because standards are different I am not as familiar with them. But as far as the US flag
16 vessels, most of them are either small passenger vessels under sub chapter T, or sailing
17 school vessels under sub chapter R of title 46 CFR.

18
19 CAPTAIN ROB JONES: Is there a reason that you might know of why the Bounty did not
20 go for more of a certification vessel status?

21
22 ROBERT ROGERS: I can think of several reasons, I don't know which reason would
23 apply to Bounty but there are some thresholds that uninspected vessels find hard to meet.

1 As a foreign built hull, that can be a problem for going for a subchapter T inspection
2 status. Obviously one of the benefits of subchapter R is it does allow for foreign built hulls
3 to make application. There are other things often uninspected vessels are old, or built
4 before the regulations exist and the cost of retrofitting them to comply with the inspected
5 standards is greater than the return. There's a business calculation on the part of the
6 owners, its not my calculation. Business calculation on the part on the owners is greater
7 to be able to earn back at operating on their expected status. So they choose to have
8 limited operations on an uninspected status.

9
10 CAPTAIN ROB JONES: In the Tall Ships Association, in the TSA community, how was
11 the Bounty, let's do a two part. How was the Bounty Organization perceived and how
12 was the vessel itself perceived?

13
14 ROBERT ROGERS: Well, I can offer you some generalizations but the Bounty the
15 vessel has a long history so she has been perceived a lot of different ways over time.
16 There was a time a couple of decades ago when a lot of people thought Bounty would not
17 survive. Her recent ownership and the reinvestment that has gone into her, I think
18 generally the trend of opinion in the community was that she was on the right track, she
19 was making great progress and she was enjoying the benefits of an owner that would
20 invest in her to bring her up to standard. So, we felt it was our job to sort of cheerlead
21 that and encourage the folks and Bounty whenever we encountered them to keep up the
22 good work and keep going. Everybody knew it wasn't done, but they were on the right
23 track.

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CAPTAIN ROB JONES: You recently said you recently had a conference, if someone came up to you, would you recommend the Bounty for a tall ship experience?

ROBERT ROGERS: In what capacity?

CAPTAIN ROB JONES: On board as a crew, to sail on the Bounty.

ROBERT ROGERS: As a crew member?

CAPTAIN ROB JONES: Yes.

ROBERT ROGERS: I would. But I would advise them about her inspection status and I would advise them to talk to the crew and figure that out. I would not, and never have, recommended Bounty in any sort of trainee carrying capacity.

CAPTAIN ROB JONES: And why not?

ROBERT ROGERS: Because it's not inspected.

CAPTAIN ROB JONES: I am sorry could you repeat that?

ROBERT ROGERS: Because she was not inspected.

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CAPTAIN ROB JONES: Okay.

ROBERT ROGERS: On the other hand, we frequently recommended her as an attraction vessel, in the various port festivals that we helped her coordinate. She was very successful.

CAPTAIN ROB JONES: Okay, thank you. Going back to the quote that you were told the ship was safer at sea. I'd like you also to put yourself on the Bounty on October 25th in New London with the forecast. What would you have done?

ROBERT ROGERS: I would not have sailed. I would, even have tried to make safe berth where I was or found alternate safe berth that I could reach.

CAPTAIN ROB JONES: Okay. That's all I have. Thank you.

COMMANDER KEVIN CARROLL: I believe the Bounty Organization is first now.

LEONARD LANGER: Good afternoon Mr. Rogers.

ROBERT ROGERS: Good afternoon.

1 LEONARD LANGER: How would you compare the two vessels that you served on as
2 master in the 80s and up to 91 to the Bounty?

3
4 ROBERT ROGERS: Well they were smaller. One was inspected and new, The Spirit of
5 Massachusetts, I had the pleasure of joining her in 1985 and then she was a year and
6 something old. So she was a pretty new, strong vessel. Previous to that, and you are
7 talking about vessels I commanded, not vessels I served

8
9 LEONARD LANGER: Correct.

10
11 ROBERT ROGERS: There's a larger set of the others. The Alexandria is more similar to
12 Bounty in that she was an older hull, I believe she was built in the 20s in Sweden. They're
13 both wooden ships. She was uninspected and she really didn't have, she did not have
14 any of the structural features that you would expect in an inspected vessel. We sailed her
15 locally. When I was aboard of her we sailed purely in the Chesapeake Bay and at that
16 point, I felt that was appropriate for that vessel.

17
18 LEONARD LANGER: Did you personally know Captain Walbridge?

19
20 ROBERT ROGERS: I did.

21
22 LEONARD LANGER: Did you feel that he was a competent mariner?
23

1 ROBERT ROGERS: I did. I do.

2

3 LEONARD LANGER: Did you have any conversations with him in the past year with
4 regard to the operation of the Bounty and Tall Ships America functions?

5

6 ROBERT ROGERS: Yes. It was along the lines that I mentioned earlier. It was praising
7 him for his great progress in the path to the vessel's full rehabilitation and encouraging
8 him to keep it up and trying to find out from him if there was some hard spots we could
9 help with. If there were particular things that he needed that maybe we could help him
10 get. That's part of our role is to try to help the, help our member vessels and sailors be
11 successful. So if there is something we can do, we want to try to do it.

12

13 LEONARD LANGER: Did he tell you whether there were any particular areas he thought
14 TSA could help him with?

15

16 ROBERT ROGERS: No. He sort of encouraged us to keep doing our end of it. I think
17 that he thought that if we could continue to develop the tall ships challenge series as a
18 way for Bounty to earn revenue, in an appropriate way and promote herself to the general
19 public, as what happens in the tall ships challenge events, then that was the help he
20 wanted from us.

21

22 LEONARD LANGER: I have no other questions.

23

1 COMMANDER KEVIN CARROLL: Mr. Svendsen.

2
3 JOHN SVENDSEN: Good afternoon Bert.

4
5 ROBERT ROGERS: Hello.

6
7 JOHN SVENDSEN: Can you describe for me the relationship you had with Robin and the
8 Bounty over this summer specifically.

9
10 ROBERT ROGERS: Yeah, Friendly. Congenial. Usually supportive. Robin was a big
11 cheerleader for Tall Ships America and he made the ship available for a dockside
12 fundraising event that we held at Newport. Bounty was a very reliable participant in the
13 events we staged this summer for the tall ships challenge and the relationship was top
14 notch.

15
16 JOHN SVENDSEN: Can you also describe to me how you promoted and utilized the
17 Bounty within these events? You mentioned the fundraising event in Rhode Island, how
18 were you promoting it within the community and to promote it as an object of drawing the
19 general public into these events?

20
21 ROBERT ROGERS: Well, Bounty was, she was the star of the show in many respects at
22 a lot of the tall ships events because of her history and her, and the history she

1 represents and her hollywood star appeal has a lot of value to the visiting public. So we
2 would often feature Bounty as a headliner vessel in the various port events that we had.

3
4 JOHN SVENDSEN: Thanks a lot. I heard conversations within the fleet that the Bounty
5 was being considered amongst the ships that were building a reputation and some even
6 said that possibly the flagship of the American fleet. Is that anything that you had heard?

7
8 ROBERT ROGERS: No.

9
10 JOHN SVENDSEN: No?

11
12 ROBERT ROGERS: It depends. It's two questions. Did I ever hear anybody call it the
13 flagship of the American fleet? No. I didn't hear that. Was she building a positive
14 reputation? Yes. I did hear that.

15
16 JOHN SVENDSEN: Okay. Throughout these events we had personal interactions and
17 professional interactions. You and I had a conversation in Green Port, New York about
18 the status of the Bounty and about plans and goals for the future. Can you describe
19 those conversations?

20
21 ROBERT ROGERS: Absolutely. They are very fresh in my mind and we were on the
22 dock in Green Port and we were having conversation and you actually brought the subject
23 up and you said "Bert, I am here with Bounty for the long haul. I really want to help take

1 her through the rest of the way. I want her to be setting the standard for the industry to go
2 back to front up at the castle itself is through wall that that's what you think anything you
3 can do to help us." I believe at that point I encouraged you to get your heads together
4 closely with Capt. Miles with Pride of Baltimore II because he had been, like Bounty,
5 Pride of Baltimore II has a major foundation business plan attending Port Festival events
6 and earning revenues from that basically as a port attraction vessel. Even though she
7 also has a certificate of inspection subchapter T and I think I advise you at the time that
8 he was the guy that had the most experience of how to make that success work and
9 maintain his vessel at the highest level simultaneously.

10
11 JOHN SVENDSEN: In regards to that advice did you see the Bounty make transitions in
12 a positive way towards improving their program, the safety in which they ran the ship and
13 the appearance in which the ship presented?

14
15 ROBERT ROGERS: I was never a board to observe any underway operational safety
16 issues at all, but I certainly interacted with the crew enough to appreciate that it was well
17 run. Nobody was, you can tell when a crew is ragged and has loose ends and this was a
18 tight crew. I was impressed by that. Certainly the vessel was being presented well and
19 that's also evidence of a tight crew. But, you know, in terms of the operations on the dock
20 were engaging with the public in a safe effective manner. There was evidence for that in
21 every port, it was very well done.

22

1 JOHN SVENDSEN: Thank you. The Bounty has had a relationship as an organization
2 and as a crew with tall ships America for quite some time. Have you seen any significant
3 advancement in that relationship in the last year?
4

5 ROBERT ROGERS: Absolutely. In terms of the ongoing investment in the ship and I
6 would say a very explicit and overt statements of dedication to crew training and
7 readiness. That's something I had not seen before.
8

9 JOHN SVENDSEN: With that in mind, there was also a time in Halifax where some
10 applications sent around fleet for cruise to join Tall Ships America. Do you recall any
11 event related to the Bounty that was affiliated memberships?
12

13 ROBERT ROGERS: Absolutely. I'm not sure if this was your idea or if this was Robin's
14 idea or if you conspired together. But somehow or another you and the leadership of
15 Bounty contrived so that every member in Bounty's crew became a member of Tall Ships
16 America. Thank you.
17

18 JOHN SVENDSEN: The goal with that in mind, is to provide the mariners on board
19 additional education, opportunity for further training and to supplement their training costs.
20 Can you describe any change or any addition to the people from the Bounty applying for
21 those types of grants and being more involved in the Tall Ships America program and to
22 contribute to the safety of the industry.
23

1 ROBERT ROGERS: Right. We have long had a fairly high demand from Bounty's crew
2 ranks for our professional development grants and when you don't know what that is ...
3 basically a scholarship we offer to members who are professionally at work in the fleet to
4 help them with some of the certifications and training that they need to advance their
5 credential. Yes, indeed in the last year we have probably had more of those from Bounty
6 than any other vessel.

7
8 JOHN SVENDSEN: Also, has anyone from the Bounty organization been invited to your
9 organization to play an active role to contribute on a higher level with your organization.
10 From Bounty's former crew.

11
12 ROBERT ROGERS: You mean, as in the board of directors?

13
14 JOHN SVENDSEN: Even possibly an intern.

15
16 ROBERT ROGERS: Yes, yes indeed. We have recently committed to, now I am going
17 to stumble on her name, a Bounty crewman from the summer who did some volunteer
18 blogging for us while the ship was underway. We have engaged her to be an intern with
19 us next summer.

20
21 JOHN SVENDSEN: So, in your general review, you will say that the Bounty was on a
22 track to be more involved and engaged, improving the operations of safety on tall ships in
23 general for the phenomenon that you were referring to earlier?

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ROBERT ROGERS: Absolutely.

COMMANDER KEVIN CARROLL: Thank you. Mr. Shisha.

JAKE SHISHA: Morning Captain Rogers. Good afternoon. In late October, about how many member vessels did you have stationed on the Atlantic Coast?

ROBERT ROGERS: Oh, boy. I don't know. I would say, a safe number would be about 50.

JAKE SHISHA: Out of those 50, how many made a decision to leave port in the wake, in anticipation of Hurricane Sandy.

ROBERT ROGERS: None that I know of.

JAKE SHISHA: Other than

ROBERT ROGERS: Except for Bounty.

JAKE SHISHA: Thank you, I have no further questions.

1 COMMANDER KEVIN CARROLL: Captain, do you have anything else? Okay. Mr.
2 Rogers, I appreciate your attendance today very much. You are excused, you are
3 subject to recall if we need you, but you are free to go and we appreciate your attendance
4 again.

5
6 ROBERT ROGERS: Alright, thank you very much.

7
8 COMMANDER KEVIN CARROLL: The next witness will be Todd Kozakowski. We will go
9 back on the record after a recess. What time is that 14, 1435. In 10 minutes I would like
10 to see the parties and interests and their representatives in the room. We are going to
11 show you an exhibit. That exhibit is CG 61. CG 61 which will be used to interview the
12 next witness. That will be in 10 minutes please. Thank you.

13
14 LIEUTENANT COMMANDER NICHOLAS PARHAM: Ready?

15
16 COMMANDER KEVIN CARROLL: Ready.

17
18 LIEUTENANT COMMANDER NICHOLAS PARHAM: At this time the Coast Guard would
19 like to call to the stand Mr. Todd Kozakowski. Mr. Kozakowski please have a seat. I'm
20 sorry, stand, we need to swear you in first. Raise your right hand. A false statement
21 given to an agency of the United States is punishable by fine and / or imprisonment under
22 18 USC 1001. Knowing this, do you solemnly swear that the testimony that you are about
23 to give will be the truth, the whole truth and nothing but the truth, so help you God?

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TODD KOSAKOWSKI: I do.

LIEUTENANT COMMANDER NICHOLAS PARHAM: Please be seated.

COMMANDER KEVIN CARROLL: Good afternoon, sir. Thank you for your attendance.

TODD KOSAKOWSKI: Good afternoon.

COMMANDER KEVIN CARROLL: Could you please state your name and spell your last name.

TODD KOSAKOWSKI: My name is Todd Kosakowski. K-O-S-A-K-O-W-S-K-I

COMMANDER KEVIN CARROLL: What is your current occupation?

TODD KOSAKOWSKI: I am lead shipwright and project manager at Booth Bay Harbor Shipyard.

COMMANDER KEVIN CARROLL: Do you hold a merchant mariner credential?

TODD KOSAKOWSKI: I do not.

1 COMMANDER KEVIN CARROLL: Can you please detail your experience working at a
2 shipyard?

3
4 TODD KOSAKOWSKI: I started 6 1/2 years ago, I was brought in as a carpenter for a
5 replica ship that was built. I helped build a deck and a deck structures and then was
6 quickly promoted to foreman and after that, project manager.

7
8 COMMANDER KEVIN CARROLL: Do you have any credentials as a marine surveyor?

9
10 TODD KOSAKOWSKI: I do not.

11
12 COMMANDER KEVIN CARROLL: Okay. Have you ever attended any schools in regards
13 to architecture, ship repair...

14
15 TODD KOSAKOWSKI: I just recently enrolled in an online curriculum for naval
16 architecture and yacht design.

17
18 COMMANDER KEVIN CARROLL: Okay.

19
20 TODD KOSAKOWSKI: That's within the last 6 months.

21
22 COMMANDER KEVIN CARROLL: Do you have any tall ship experience?

23

1 TODD KOSAKOWSKI: I do. The last 10 years for 2 1/2 of them I was onboard both steel
2 and wooden ships.

3
4 COMMANDER KEVIN CARROLL: Can you please list those vessels and give us a brief
5 description of them, what their hull material was, length and also what you did onboard
6 and when

7
8 TODD KOSAKOWSKI: The first two ships were in Key West, they were the Liberty clipper
9 and Liberty. They were both steel. One was 120 length, the other, I believe was 70. After
10 that I worked on the Appledore 2 in Camden, that's roughly an 80 foot long traditional
11 schooner, wood. After that I worked on the Lennie G. Howard for the South Street
12 Seaport Museum. That's a 85+ foot when traditional ship. I worked on the (inaudible) as
13 deckhand. The next job that I took was chief mate and winter maintenance organizer on
14 the sloop Clearwater which is a large wooden sloop. After that I worked on the schooner
15 Amistad which is roughly 100 foot on deck topsail schooner wood.

16 COMMANDER KEVIN CARROLL: Okay. What experience do you have in maintaining,
17 repairing, restoring or creating wooden hull vessels?

18
19 TODD KOSAKOWSKI: My experience in restoration in general began on the sloop
20 Clearwater, while running their maintenance programs and also attending shipwrights in
21 charge of plank removal and replacement on the side of the hull in the water. At that
22 point in time, I decided that I would try and pursue that aspect of ship maintenance

1 traditional shipwrighting and I attended a two-year program at the apprentice shop for
2 wooded boat building.

3
4 COMMANDER KEVIN CARROLL: Okay. Where was that?

5
6 TODD KOSAKOWSKI: Rockland Maine.

7
8 COMMANDER KEVIN CARROLL: Okay. What did that apprenticeship in detail?

9
10 TODD KOSAKOWSKI: It was two projects, it's not the same for everyone, the first year I
11 built a 24 foot lobster boat. The second year I was running the build of a 18 foot cat boat
12 that was near completion when I left but not in the water.

13
14 COMMANDER KEVIN CARROLL: What type of planking are you familiar with working on
15 vessels, when would it hull vessels?

16
17 TODD KOSAKOWSKI: Most specific carvel planking, plank on frame.

18
19 COMMANDER KEVIN CARROLL: Can you describe carvel planking for us please?

20
21 TODD KOSAKOWSKI: Carvel planking is single layer of planking that is for an aft on
22 (inaudible) and it's caulked seams between.

23

1 COMMANDER KEVIN CARROLL: Okay. Have you ever worked with clinker or lapstrake
2 frames? Or planking?

3
4 TODD KOSAKOWSKI: On smaller vessels.

5
6 COMMANDER KEVIN CARROLL: On smaller vessels, okay. Are you familiar with the
7 vessel Bounty?

8
9 TODD KOSAKOWSKI: I am.

10
11 COMMANDER KEVIN CARROLL: Had you worked on Bounty before?

12
13 TODD KOSAKOWSKI: Yes.

14
15 COMMANDER KEVIN CARROLL: Okay. Can you please give us the time periods that
16 you worked on Bounty?

17
18 TODD KOSAKOWSKI: The first time I worked on Bounty, it was shortly after I was
19 employed by the shipyard, 6 1/2 years ago when they were restoring the topsides
20 planking.

21
22 COMMANDER KEVIN CARROLL: What year was that?

23

1 TODD KOSAKOWSKI: I believe that was 06 07?

2

3 COMMANDER KEVIN CARROLL: and the topside plinking with being replaced?

4

5 TODD KOSAKOWSKI: Yes. Framing and planking.

6

7 COMMANDER KEVIN CARROLL: The framing planking was being replaced and you
8 were involved on that project?

9

10 TODD KOSAKOWSKI: At the later stages I mostly participated in hanging planking and
11 then once that came to an end, finished the planking, I went to the deck and worked on
12 the deck structure. Waterways and cover boards.

13

14 COMMANDER KEVIN CARROLL: So, Were you the lead shipyard representative for that
15 project?

16

17 TODD KOSAKOWSKI: I was not.

18

19 COMMANDER KEVIN CARROLL: Who was?

20 TODD KOSAKOWSKI: I believe it was Joe Jakomovich, the yard foreman.

21

22 COMMANDER KEVIN CARROLL: Okay. When did you next work on Bounty?

23

1 TODD KOSAKOWSKI: I believe it was 2010. They came in for some very basic repairs,
2 mostly done themselves. We helped take the mizzen mast off the boat and I also built
3 then a mizzen fighting top out of wood.
4

5 COMMANDER KEVIN CARROLL: I'm sorry, a mizzen fighting top?
6

7 TODD KOSAKOWSKI: That's correct.
8

9 COMMANDER KEVIN CARROLL: Can you explain what that is?
10

11 TODD KOSAKOWSKI: It's basically the cross trees, the grating on the cross trees at the
12 top of the lower, the mizzen lower.
13

14 COMMANDER KEVIN CARROLL: Did you work on any projects on the hull in 2010?
15

16 TODD KOSAKOWSKI: I don't recall, if I had, they would have been very small.
17

18 COMMANDER KEVIN CARROLL: When is the next time you worked on Bounty?
19

20 TODD KOSAKOWSKI: This previous, haul out, when they came in to Booth Bay, I was in
21 charge of hauling the vessel out and the projects that the yard employees did on the boat.
22

1 COMMANDER KEVIN CARROLL: Okay. So you were the foreman for the job for the
2 yard?

3
4 TODD KOSAKOWSKI: I was.

5
6 COMMANDER KEVIN CARROLL: Okay. Does that include quality control in regards to
7 the work that's done?

8
9 TODD KOSAKOWSKI: It does.

10
11 COMMANDER KEVIN CARROLL: When did the vessel arrive in Booth Bay?

12
13 TODD KOSAKOWSKI: I believe it was late September.

14
15 COMMANDER KEVIN CARROLL: Do you recall when the vessel left?

16
17 TODD KOSAKOWSKI: Mid October.

18
19 COMMANDER KEVIN CARROLL: Were you a part of any pre-arrival meetings with
20 anybody from shipyard management in regards to the scope of work that Bounty was
21 going to accomplish while in the yard?

22
23 TODD KOSAKOWSKI: I was not.

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COMMANDER KEVIN CARROLL: You were not. Who do you work for, who's your boss?

TODD KOSAKOWSKI: Eric Graves.

COMMANDER KEVIN CARROLL: Who is that, what does he do?

TODD KOSAKOWSKI: He's the yard president.

COMMANDER KEVIN CARROLL: Do you know if Mr. Graves had any contact with anyone from the Bounty prior to arrival to detail the scope of work?

TODD KOSAKOWSKI: I believe that there were phone contact between he and Robin, an initial punch list of projects was developed.

COMMANDER KEVIN CARROLL: Did you ever see this punch list of projects?

TODD KOSAKOWSKI: Yes.

COMMANDER KEVIN CARROLL: Okay. What was on the punch list?

TODD KOSAKOWSKI: There was some very vague line items referring to moving tanks, replacing tanks.

1 COMMANDER KEVIN CARROLL: Anything else?

2

3 TODD KOSAKOWSKI: Hull block launch. In the initial punch list we were gonna partake
4 in the caulking, we were gonna help them caulk the boat. We were gonna do the cleaning
5 of the bottom, the painting.

6

7 COMMANDER KEVIN CARROLL: Okay. The hull block and launch. Could you describe
8 that please?

9

10 TODD KOSAKOWSKI: It's just blocking for the boat on to the dry dock and the physical
11 aspect of hauling the boat out of the water.

12

13 COMMANDER KEVIN CARROLL: Were you in charge of that?

14

15 TODD KOSAKOWSKI: I was.

16

17 COMMANDER KEVIN CARROLL: So you were there when Bounty came out of the
18 water?

19

20 TODD KOSAKOWSKI: I was, I ran the dry dock at that point.

21

22 COMMANDER KEVIN CARROLL: Do you recall what date that was?

23

1 TODD KOSAKOWSKI: I don't.

2

3 COMMANDER KEVIN CARROLL: Okay. The day that Bounty came out of the water,
4 when you were there, do you recall what was your overall impression of the hull?

5

6 TODD KOSAKOWSKI: My overall impression of the hull was that the bottom looked
7 great, we just had a couple of boats out in the last summer, spring, and it was in much
8 better shape than those vessels. Tight seams, no visible weeping seams at that point.
9 Very clean, very fair.

10

11 COMMANDER KEVIN CARROLL: Okay. Who was the lead for the Bounty for the yard
12 period?

13 TODD KOSAKOWSKI: That would be the Captain, Robin Walbridge.

14

15 COMMANDER KEVIN CARROLL: Okay. Did you have any meetings with Captain
16 Walbridge prior to the beginning of the yard period to discuss the scope of the projects to
17 be done.

18

19 TODD KOSAKOWSKI: I did not. There were a couple of text messages I received from
20 our office, the initial punch list. I texted him a few times, just to see what I could expect for
21 work, whether or not I was staffed for that, to make those changes. It was very obvious
22 that it was going to be a very quick haul out with very little work.

23

1 COMMANDER KEVIN CARROLL: Okay. A month is considered a quick haul out?

2

3 TODD KOSAKOWSKI: Yes.

4

5 COMMANDER KEVIN CARROLL: Okay. How many people from the shipyard were
6 working on the project?

7

8 TODD KOSAKOWSKI: Approximately, myself included, 5.

9

10 COMMANDER KEVIN CARROLL: Okay. Can you list who those people were please?

11

12 TODD KOSAKOWSKI: Jim Jones, James Knightly, Ross Branch and Doug Peterson.

13

14 COMMANDER KEVIN CARROLL: Okay:

15

16 TODD KOSAKOWSKI: And myself.

17

18 COMMANDER KEVIN CARROLL: Did you have any meetings with Captain Walbridge
19 when you arrived where he expressed any concerns with the condition of the vessel prior
20 to the beginning of work on the vessel?

21

1 TODD KOSAKOWSKI: He did not. To answer again, there was a section of planking on
2 the port corridor that he had said he rubbed a bulk head out doing dock maneuvers. That
3 was the only place that he knew that we would be spending a little bit of time repairing.

4 COMMANDER KEVIN CARROLL: In your experience working with Bounty before, did the
5 shipyard do all the required work during the yard period?
6

7 TODD KOSAKOWSKI: No, we always working in conjunction with the crew for the most
8 part.
9

10 COMMANDER KEVIN CARROLL: Okay. So the crew did some of the work in the yard
11 period as well?
12

13 TODD KOSAKOWSKI: That is correct.
14

15 COMMANDER KEVIN CARROLL: Okay. During this particular yard period, did the crew
16 from Bounty work on the hull of the vessel?
17

18 TODD KOSAKOWSKI: They did.
19

20 COMMANDER KEVIN CARROLL: Can you please describe some of the jobs that they
21 did?
22

1 TODD KOSAKOWSKI: General maintenance of seams on the boat which included
2 bumping loose seams for tightening the cotton and oakum between the planks.

3
4 COMMANDER KEVIN CARROLL: Okay, can you describe how that's done.

5
6 TODD KOSAKOWSKI: It's done with a beetle, a large wooden maul and a large iron
7 caulking iron.

8
9 COMMANDER KEVIN CARROLL: Okay.

10
11 TODD KOSAKOWSKI: One man hold the iron, one man swings the beetle and they
12 tighten the seams.

13
14 COMMANDER KEVIN CARROLL: Okay, so this is a two person job?

15
16 TODD KOSAKOWSKI: Yes.

17
18 COMMANDER KEVIN CARROLL: Okay, what else was done?

19
20 TODD KOSAKOWSKI: Filling the seams with seam compound, some of the seams, the
21 oakum has a life span, if its deemed that that seam has to be reeved out, they were also
22 reeving out seams and adding new cotton and oakum to the seams.

23

1 COMMANDER KEVIN CARROLL: Okay. Explain, back to the carvel planking description
2 that we had before. So you had planks of wood on frames in the vessels and the two
3 planks coming together, do those create those seams that we're talking about?
4

5 TODD KOSAKOWSKI: That's right. There's, those planks are beveled to set together and
6 there's another outward bevel on top of that for the cotton and oakum and seam
7 compound.
8

9 COMMANDER KEVIN CARROLL: In front of you, you have a binder with exhibits in it.
10 There are also tabs, I would like you to please turn to exhibit CG 8. CG 8. It would be
11 towards the front.
12

13 TODD KOSAKOWSKI: Towards the front?
14

15 COMMANDER KEVIN CARROLL: 8. Number 8.
16

17 TODD KOSAKOWSKI: Okay, I have it.
18

19 COMMANDER KEVIN CARROLL: Can you identify the document for me, please?
20

21 TODD KOSAKOWSKI: It looks to be a cross section of the hull showing framing,
22 deckings, tween deckings, and planking. Both inner and outer planking.
23

1 COMMANDER KEVIN CARROLL: Okay. Is this diagram, which is labeled as HMS Bounty
2 midship section, is this respective of how you saw Bounty to be at the shipyard in
3 September and October of 2012?
4

5 TODD KOSAKOWSKI: One difference is the lead keel, the lead ballast keel that was
6 added in the topside restoration is not present in the picture.
7

8 COMMANDER KEVIN CARROLL: Okay.

9 TODD KOSAKOWSKI: All other things, depending on where it is in the vessel, it is what,
10 what I remember.
11

12 COMMANDER KEVIN CARROLL: Okay. The planking on Bounty's exterior for the hull,
13 what is that planking? What type of wood was it?
14

15 TODD KOSAKOWSKI: The bottom planking was white oak, the topsides was Douglas fir.
16

17 COMMANDER KEVIN CARROLL: Okay. How do you know that?
18

19 TODD KOSAKOWSKI: I, working on hanging the planks, I know the wood on the topsides
20 because that's what I put in just from visuals and knowing from others, I know that the
21 bottom was oak.
22

23 COMMANDER KEVIN CARROLL: Okay. What about the framing?

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TODD KOSAKOWSKI: The framing was definitely oak just by my knowing from fastening to it.

COMMANDER KEVIN CARROLL: Okay. Frames are listed as double fudock frames, what does that mean?

TODD KOSAKOWSKI: Each frame is a two part frame, there is a fore and aft side to the frame so that when they are constructed they can overlap the joints. Primarily because you are not going to find one piece of wood that will make that turn, the radius of the hull.

COMMANDER KEVIN CARROLL: Okay, now in regards to you said the materials that are used in between the seams you said it was oakum, what is oakum?

TODD KOSAKOWSKI: Oakum is a hemp, a tarred hemp.

COMMANDER KEVIN CARROLL: Okay so it's an organic material?

TODD KOSAKOWSKI: It is.

COMMANDER KEVIN CARROLL: Okay, and you put it in between the seams and this is done when the ship is out of the water correct?

1 TODD KOSAKOWSKI: Correct, if the section that you are caulking is in the water you are
2 not going to be able to caulk a section of the hull under the water.

3
4 COMMANDER KEVIN CARROLL: Okay, so it has to be done out of the water.

5
6 TODD KOSAKOWSKI: Yes.

7
8 COMMANDER KEVIN CARROLL: Okay

9
10 TODD KOSAKOWSKI: There is caulking that you can do off of floats in the topsides or by
11 other means.

12
13 COMMANDER KEVIN CARROLL: The caulking that was don on board Bounty during
14 Sept and Oct of 2012 when you were foreman, that was done in the dry dock?

15
16 TODD KOSAKOWSKI: That's true.

17
18 COMMANDER KEVIN CARROLL: Okay, what else would you do when you are caulking
19 the seams on a vessel's planks like Bounty?

20
21 TODD KOSAKOWSKI: It would be a general inspection of the vessel as a whole with
22 watching for weeping places and seams, butts, where the planking come together fore

1 and aft. Those are subjected to more stress than the other seams, they work more just
2 being vigilant for any places in the hull that seam to not dry up over time.

3
4 COMMANDER KEVIN CARROLL: Okay, the question was as far as materials what other
5 materials would you use when you were caulking a seam?

6
7 TODD KOSAKOWSKI: Both cotton and oakum were used caulking the seams, and then
8 there was seam compound in this case a myriad of things and that's from the captain.

9
10 COMMANDER KEVIN CARROLL: Can you list what those are?

11
12 TODD KOSAKOWSKI: One was GAPP glazing compound. Another was NP1 which is a
13 construction adhesive, and the other would have been underwater seam compound.

14
15 COMMANDER KEVIN CARROLL: Say the last one again.

16
17 TODD KOSAKOWSKI: Underwater seam compound.

18
19 COMMANDER KEVIN CARROLL: Underwater seam compound. The GAPP glazing is
20 that in your experience an item that has been used by you or in your experience has been
21 used as a compound to close seams.

22
23 TODD KOSAKOWSKI: It has.

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COMMANDER KEVIN CARROLL: So you have used that before?

TODD KOSAKOWSKI: I have mostly on topside planking.

COMMANDER KEVIN CARROLL: Okay, when you say topsides,

TODD KOSAKOWSKI: Above the water.

COMMANDER KEVIN CARROLL: Above the waterline. Okay. In regards to NP1, have you ever used NP1?

TODD KOSAKOWSKI: Only on the Bounty.

COMMANDER KEVIN CARROLL: And that is N, November, P papa, 1?

TODD KOSAKOWSKI: That is correct.

COMMANDER KEVIN CARROLL: Okay, and you said you only use that,

TODD KOSAKOWSKI: On the Bounty.

1 COMMANDER KEVIN CARROLL: On the Bounty. And the third one the construction
2 underwater seam compound?

3
4 TODD KOSAKOWSKI: That is a typical boat seam compound.

5
6 COMMANDER KEVIN CARROLL: In regards to the selection of materials to be used on
7 the hull, in regards to caulking the seams, who makes that selection for the materials?

8
9 TODD KOSAKOWSKI: The captain.

10
11 COMMANDER KEVIN CARROLL: And this was at Boothbay harbor shipyard?

12
13 TODD KOSAKOWSKI: It's usually done in kind, so they try, the captain and general is the
14 owner's rep and they will decide what they're going to use, typically it's what they have
15 been using on the hull, we have very little input as to what they use.

16
17 COMMANDER KEVIN CARROLL: Okay, who purchases the material?

18
19 TODD KOSAKOWSKI: That can be either the owners representative or the captain or the
20 shipyard. In this case it was the owner's representative who was the captain.

21
22 COMMANDER KEVIN CARROLL: And his name was?

23

1 TODD KOSAKOWSKI: Robin Walbridge.

2

3 COMMANDER KEVIN CARROLL: Who else from the Bounty crew was working on the
4 hull during the yard period?

5

6 TODD KOSAKOWSKI: I would say that more than likely everyone that was crew on the
7 boat had a chance to be under the boat.

8

9 COMMANDER KEVIN CARROLL: Okay,

10

11 TODD KOSAKOWSKI: It was different even from hour to hour depending on what else
12 was going on on the vessel. Every time I looked under the boat it was generally a different
13 group, some people doing more than, more than the others, more time than the others
14 under.

15

16 COMMANDER KEVIN CARROLL: Okay, do you remember any specific names?

17

18 TODD KOSAKOWSKI: Laura, I do not remember her last name.

19

20 COMMANDER KEVIN CARROLL: Do you remember what her position or title was?

21

1 TODD KOSAKOWSKI: I believe she was the boatswain of the vessel, she was from my
2 understanding in charge of the hull maintenance while they were out. She was leading the
3 caulking.

4
5 COMMANDER KEVIN CARROLL: Did you have an opportunity to speak with Laura in
6 regards to different caulking projects that were going on board on the hull?

7
8 TODD KOSAKOWSKI: I did, probably on a daily basis, or sometimes more we would, I
9 would check in with most of the projects that were going on on board Bounty. There was
10 sharing of tools whether it was the shipyards or my own personal tools, and also some
11 interfacing with different techniques, offering some advice.

12
13 COMMANDER KEVIN CARROLL: So caulking was conducted on the hull?

14
15 TODD KOSAKOWSKI: Yes.

16
17 COMMANDER KEVIN CARROLL: Okay, was there caulking done on the hull below the
18 waterline?

19
20 TODD KOSAKOWSKI: Yes.

21

1 COMMANDER KEVIN CARROLL: Okay, 100% from being from both port and starboard
2 side down to the garbage drain, percentage of how many seams below the waterline were
3 caulked? Do you know?

4
5 TODD KOSAKOWSKI: It's a very large vessel, but I would say less than 5%.

6
7 COMMANDER KEVIN CARROLL: Less than 5% below the waterline was caulked?

8
9 TODD KOSAKOWSKI: That's correct.

10
11 COMMANDER KEVIN CARROLL: Same question for the seams above the waterline,
12 Port and starboard side up to the (inaudible), how many percentage of seams were
13 caulked?

14
15 TODD KOSAKOWSKI: I would say 10%.

16
17 COMMANDER KEVIN CARROLL: 10%,

18
19 TODD KOSAKOWSKI: Mostly due to the two planks we took off the vessel.

20
21 COMMANDER KEVIN CARROLL: Okay, so total we are talking about 15% of this seams
22 on board Bounty, total were re-caulked?

23

1 TODD KOSAKOWSKI: Re-caulked or retightened.

2

3 COMMANDER KEVIN CARROLL: Retightened okay so explain that please?

4

5 TODD KOSAKOWSKI: We just, bumping this seams to set the cotton, over a seam may
6 have worked, it's typical to go over it and remove the seam compound try and tighten the
7 seam with the same means that you would bump new laid cotton and oakum.

8

9 COMMANDER KEVIN CARROLL: When the vessel came out of the dry dock, you are
10 present correct?

11

12 TODD KOSAKOWSKI: Yes.

13

14 COMMANDER KEVIN CARROLL: Was there any weeping from the vessel's hull, in other
15 words was there any water in the interior of the hull, then it was drawn out from the lack of
16 the water pressure was now coming out?

17

18 TODD KOSAKOWSKI: There were probably three or four places on the hull that were
19 weeping.

20

21 COMMANDER KEVIN CARROLL: Where were they?

22

23 TODD KOSAKOWSKI: The biggest weep was the starboard side garboard at the forefoot.

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COMMANDER KEVIN CARROLL: Please explain what the garboard straight is.

TODD KOSAKOWSKI: The garboard is the lowest most straight of planking, it's the plank that goes on board, it's typically thicker and it abuts the framing, the frame faces and the side of the plank, instead of coming in contact with other planks it comes in contact with the keel.

COMMANDER KEVIN CARROLL: Okay, where else was the hull weeping?

TODD KOSAKOWSKI: The other two weeps were in the same general area on the port side, maybe a third of the way down the hull. They were roughly 3, two or three planks up from the garboard.

COMMANDER KEVIN CARROLL: Okay, did you see this as being unusual as being compared to other vessels that you had seen hulled out of Boothbay harbor shipyard?

TODD KOSAKOWSKI: No, it was typical that weeping seams were always found on the vessels that we hulled. Wooden boats are notorious for needing maintenance when they are hulled out.

COMMANDER KEVIN CARROLL: Roughly how many wooden vessels have you seen hulled out at Boothbay Harbor shipyard during your time there?

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TODD KOSAKOWSKI: 20 maybe.

COMMANDER KEVIN CARROLL: 20. What other projects were done on board, we talked about caulking on the seams, about an area back the port trans(inaudible),

TODD KOSAKOWSKI: That is correct.

COMMANDER KEVIN CARROLL: Okay, what other projects were done?

TODD KOSAKOWSKI: We installed a hatch that was made by another shipyard that was the main hatch. We helped to move tanks onto the boat, and secured fuel tanks in the new tank room. Some of these projects were to facilitate those, the soft patch in the tween decks had to be removed and in turn changed to a means of access to what would be the new crew's quarters. We also moved a bulkhead in the tank space and repaired the bulkhead in front of that, the bulkhead that would have been in between the old tank space and the crew's quarters.

COMMANDER KEVIN CARROLL: So the bulkhead that you moved obviously was in one location and then you moved it to a different location, a different frame?

TODD KOSAKOWSKI: One frame to the aft.

1 COMMANDER KEVIN CARROLL: One frame for the aft. Was your general impression of
2 the work that the crew was doing, on board Bounty?

3
4 TODD KOSAKOWSKI: My general impression, it was very similar to the work I myself do
5 and our employees. A lot of it is dirty work with demolition said there was nothing out of
6 the ordinary.

7
8 COMMANDER KEVIN CARROLL: So you are satisfied that the crew of the Bounty was
9 competent and this talking of the seams?

10
11 TODD KOSAKOWSKI: In the case of the seams the only difference would be I had a
12 couple of discussions that they maybe could set this seams harder, but in general they
13 were doing an adequate job.

14
15 COMMANDER KEVIN CARROLL: Going back to the waterline down, waterline up
16 concept, waterline down to the keel from the garbage train up to the waterline, what was
17 your impression of the planking for Bounty?

18
19 TODD KOSAKOWSKI: It was I would say better than average, and seemed tight and fair.

20
21 COMMANDER KEVIN CARROLL: Okay, now same question from the waterline, no
22 excuse me, yet excuse me from the waterline of two the sheer straight?

23

1 TODD KOSAKOWSKI: From the water line up there were a lot of seams that were spitting
2 the seam compound from either working or drying excessive drying, it looked as though
3 the top side was in rough shape, not decayed but in need of paint and upkeep.

4
5 COMMANDER KEVIN CARROLL: Were there any repairs done to planking from the
6 water line up to the sheer straight?

7
8 TODD KOSAKOWSKI: There were two planks replaced one either side.

9
10 COMMANDER KEVIN CARROLL: Can you be a little bit descriptive on where those
11 planks were?

12
13 TODD KOSAKOWSKI: They were directly under the channels on the port side, on the
14 port side it was directly under the channels of the main, and the starboard,

15
16 COMMANDER KEVIN CARROLL: Of the main what?

17
18 TODD KOSAKOWSKI: Of the mainmast.

19
20 COMMANDER KEVIN CARROLL: Okay

21
22 TODD KOSAKOWSKI: The mainmast channels. On the starboard side it was directly
23 underneath the mizzen channels.

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COMMANDER KEVIN CARROLL: From the sheer straight down on the port side plank under the channel of the mainmast, how far aft from the bow was that?

TODD KOSAKOWSKI: The beginning of the point probably 25 feet.

COMMANDER KEVIN CARROLL: Same question for the starboard side. How far back from the bow?

TODD KOSAKOWSKI: 60.

COMMANDER KEVIN CARROLL: 60. The plank that was replaced on the port side, how long was it?

TODD KOSAKOWSKI: Roughly 20 to 22 feet, I believe both planks were similar in length.

COMMANDER KEVIN CARROLL: Similar in length so, for the starboard side?

TODD KOSAKOWSKI: Yes.

COMMANDER KEVIN CARROLL: How thick it?

TODD KOSAKOWSKI: 3 inch.

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COMMANDER KEVIN CARROLL: How wide?

TODD KOSAKOWSKI: Roughly 8 1/4 inches.

COMMANDER KEVIN CARROLL: 8 1/4 inches okay. Did you have any concerns with the hull when those planks were removed?

TODD KOSAKOWSKI: I did.

COMMANDER KEVIN CARROLL: Okay, can you please describe your concerns?

TODD KOSAKOWSKI: For the best in the topsides only being roughly 6 1/2 years old, it was showing excessive signs of decay in the framing and the planking.

COMMANDER KEVIN CARROLL: Was it only in these two portions of the hull under the port side under the channel of the mainmast 25 feet aft the bow, and on the starboard side by the mizzen masts 60 feet aft of the bow?

TODD KOSAKOWSKI: The only other place would have been the framing that we uncovered with the port hip replacement. There was a section of about eight planks roughly 3 feet long, the framing under those planks were in the same shape.

1 COMMANDER KEVIN CARROLL: Okay can you describe what you saw for us please?

2

3 TODD KOSAKOWSKI: The planking in general was decayed from the inside of the vessel
4 reaching maybe two thirds of the way through the planking, from the inside. It was black
5 there were checks and cracks going cross grained through the planking,

6

7 COMMANDER KEVIN CARROLL: Please explain what a check is.

8

9 TODD KOSAKOWSKI: A check is a crack in wood that goes with the grade, that's a very
10 normal defective wood. Its quick drying could accelerate checking, brand-new wood has
11 checks whether it's windblown down, there are lots of different ways you can have a
12 check in wood. The cracks are more of a major defect in that they are cross grain and
13 they take away from the strength of the word.

14

15 COMMANDER KEVIN CARROLL: So the planks that were removed on the port side and
16 on the starboard side and by the port hip, or those planks also decayed?

17

18 TODD KOSAKOWSKI: They were.

19

20 COMMANDER KEVIN CARROLL: They were. Were those identified for replacement
21 when the ship arrived, excuse me where they identified for replacement before the vessel
22 arrived?

23

1 TODD KOSAKOWSKI: No, not before the vessel arrived.

2

3 COMMANDER KEVIN CARROLL: Okay, when were they identified for replacement?

4

5 TODD KOSAKOWSKI: Shortly after we hulled out, I had a meeting with Capt. Walbridge
6 and he had two areas that were covered by a small square of plywood that he wanted us
7 to investigate.

8

9 COMMANDER KEVIN CARROLL: Okay, oh where was that?

10

11 TODD KOSAKOWSKI: One respectively for each plank, right in the middle of the ship.

12

13 COMMANDER KEVIN CARROLL: Okay so the planks that you previously mentioned
14 port side, starboard side, by the port hip?

15

16 TODD KOSAKOWSKI: That is correct.

17

18 COMMANDER KEVIN CARROLL: Okay, so he asked you to investigate those?

19

20 TODD KOSAKOWSKI: He did.

21

22 COMMANDER KEVIN CARROLL: Okay, what steps did you take?

23

1 TODD KOSAKOWSKI: I was immediately a chisel and mallet very minimally intrusive
2 trying to carve out exactly what we are looking at. It looked as though there was a very
3 small section of rot and the planking, once we uncovered that and we could get a cross-
4 section of that plank it looked as though the planking was poor. It is typical that you can
5 get out of a load of lumber on a project a couple of bad logs, or a couple of pieces that
6 had more defect in them. We figured that this was one of those situations that we would
7 take the plank, the plane for whatever reason had not stood up like the other planks.

8
9 COMMANDER KEVIN CARROLL: Just to clarify for me, so it's one plank port side, one
10 plank starboard side, and it was how many planks by the port hip?

11
12 TODD KOSAKOWSKI: Roughly 8 very short planks.

13
14 COMMANDER KEVIN CARROLL: Eight short planks. What was the condition of the
15 framing underneath?

16
17 TODD KOSAKOWSKI: The framing underneath was soft and also damp, and it showed
18 the same cross grained checking that the planking did.

19
20 COMMANDER KEVIN CARROLL: Did you bring this to the attention of anybody on board
21 the vessel?

22

1 TODD KOSAKOWSKI: We actually had one of the crew members that assisted us taking
2 apart about, he was involved from the start with identifying that the plank needed to come
3 off, Capt. Walbridge was immediately notified and shown the problem, it was right at a
4 gangway's so most of the crew saw what we were looking at, and were part of pieces of
5 our conversation.

6
7 COMMANDER KEVIN CARROLL: Who was the crew member that was helping remove
8 the plank?

9
10 TODD KOSAKOWSKI: Mark, I don't believe I knew his last name.

11
12 COMMANDER KEVIN CARROLL: Mark, who was present from the shipyard?

13
14 TODD KOSAKOWSKI: Jim Jones and James Knightley, and myself off and on.

15
16 COMMANDER KEVIN CARROLL: So you brought this to the attention of Capt.
17 Walbridge?

18
19 TODD KOSAKOWSKI: I did.

20
21 COMMANDER KEVIN CARROLL: Okay, what did Capt. Walbridge say?

22
23 TODD KOSAKOWSKI: He was a little shocked when we first were starting looking into it.

1
2 COMMANDER KEVIN CARROLL: Okay.

3
4 TODD KOSAKOWSKI: His shock turned to awe when we were prodding some of the
5 other framing and showing the same signs of degradation and, more widespread through
6 behind the plank. So it was one frame and general on either side that showed a much
7 greater degree of decay. Once we started looking at the other frames it was a little more
8 widespread.

9
10 COMMANDER KEVIN CARROLL: Can you see the framing of Bounty from the interior of
11 the vessel?

12
13 TODD KOSAKOWSKI: Very little.

14
15 COMMANDER KEVIN CARROLL: Okay, why is that?

16
17 TODD KOSAKOWSKI: There is inter-planking, the ceiling of the vessel, and also tankage,
18 structures for the engine room, there is, you can see much more of the bottom of the
19 vessel than the top from the inside.

20
21 COMMANDER KEVIN CARROLL: And that would be below the waterline?

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23 TODD KOSAKOWSKI: That is correct.

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COMMANDER KEVIN CARROLL: In regards to the, let's stick with the port side and starboard side planking, the two 22 foot pieces, and did that length of a plank, how many frames can you view within that length?

TODD KOSAKOWSKI: I believe anywhere from 8 to 10. There was also framing for chain plates, there were extra, extra frames and some of those areas.

COMMANDER KEVIN CARROLL: Chain plates for what?

TODD KOSAKOWSKI: Chain plates for the mast, for the rigging.

COMMANDER KEVIN CARROLL: Okay, what was the condition of those?

TODD KOSAKOWSKI: It was the same as the frames.

COMMANDER KEVIN CARROLL: Which was?

TODD KOSAKOWSKI: Poor. Degraded.

COMMANDER KEVIN CARROLL: Okay, rot, is that the term that you use?

TODD KOSAKOWSKI: Yes.

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COMMANDER KEVIN CARROLL: Can you describe to us what that is?

TODD KOSAKOWSKI: Rot is typical of wood that has been absorbing freshwater for a good amount of time usually there is sports like mold eat away at the glue in between the grain of the wood. The problem was that this didn't look like typical rot. It was dry or almost burned or charred looking, and cross grained checking is not typical of rot that I have been experienced too.

COMMANDER KEVIN CARROLL: In your experience how do you deal with rot on a wooden hull vessel?

TODD KOSAKOWSKI: Really the only way to deal with it is to remove it, and replace what is rotten.

COMMANDER KEVIN CARROLL: Okay. Did you make any recommendations to Capt. Walbridge and how this should be treated?

TODD KOSAKOWSKI: The recommendation that I gave was that we try and inspect the rest of the boat to see how far this degradation goes and also to dig out the most severe sections of the rot, and replace with a graving piece. Which would just be a white oak in this case fastened to the existing framing.

1 COMMANDER KEVIN CARROLL: Okay, was your recommendation followed?

2

3 TODD KOSAKOWSKI: The graving piece was followed he was on board for that, the
4 response to the rest of that was they would deal with the hull at the next year's hull exam
5 by the Coast Guard.

6

7 COMMANDER KEVIN CARROLL: Okay, was the Coast Guard attending Bounty during
8 this yard period.

9

10 TODD KOSAKOWSKI: Yes, for the tank installation they came.

11

12 COMMANDER KEVIN CARROLL: Okay, were you there the day that the Coast Guard
13 was there?

14

15 TODD KOSAKOWSKI: I was.

16

17 COMMANDER KEVIN CARROLL: Okay, did you bring what you found to the attention of
18 the Coast Guard inspector?

19

20 TODD KOSAKOWSKI: I did not.

21

22 COMMANDER KEVIN CARROLL: Can I ask why?

23

1 TODD KOSAKOWSKI: I believe that the owner's representative is kind of, my, the extent
2 of my depth, that's who I answer to the owner's representative and my boss.

3
4 COMMANDER KEVIN CARROLL: Okay, did you inform your boss and that is Mr. Eric
5 Graves correct, to the conditions that you found?

6
7 TODD KOSAKOWSKI: I did.

8
9 COMMANDER KEVIN CARROLL: Okay, what did he say?

10
11 TODD KOSAKOWSKI: He was shocked, but I don't know what other measures he took,
12 whether he notified anybody or not.

13
14 COMMANDER KEVIN CARROLL: Okay. Let's discuss the area at the stern on the port
15 hip. What did you see on the port hip?

16
17 TODD KOSAKOWSKI: The port hip was obviously in a collision, instead of it, the collision
18 scraping the wood, it peeled the wood away from the transom right off of the boat. The
19 wood that was there had very little strength, the planking, the fashion pieces for the
20 transom and also some of the fashion piece which is mostly ornamental, on the side of
21 the hull, on the port side of the hull.

22

1 COMMANDER KEVIN CARROLL: In your experience with wooden hull vessels, first
2 question what is the transom?

3
4 TODD KOSAKOWSKI: The transom is the, the, it's the planking across the stern of the
5 boat, it is typically framed out and has very little shape to it. In this case it was fairly
6 straight across the corner posts.

7
8 COMMANDER KEVIN CARROLL: What is the corner posts for a wooden hull vessel?

9
10 TODD KOSAKOWSKI: It a quarter post is typically a part of the cabin house and it takes
11 the fore and aft side of a cabin house, and also the port ship side of the cabin house.

12
13 COMMANDER KEVIN CARROLL: Okay was this rot on the port hip, was this anywhere
14 near the corner post?

15
16 TODD KOSAKOWSKI: No, not in the way I know a corner post, this would have been
17 framing that was more of a cheek piece I guess in my terms, from the hull planking to the
18 transom planking.

19
20 COMMANDER KEVIN CARROLL: Okay

21
22 TODD KOSAKOWSKI: if that's the piece that you mean than I did see severe degradation
23 there, rot, and the same kiln drying hard look.

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COMMANDER KEVIN CARROLL: And all this is above the waterline?

TODD KOSAKOWSKI: That's correct

COMMANDER KEVIN CARROLL: What are the hazards, or what are the risks but for now pursuing I would say what you're talking about, the planking, this 8 inch window, that was 8 inches correct?

TODD KOSAKOWSKI: That's correct

COMMANDER KEVIN CARROLL: That you would be able to see in, what are the risks present for not pursuing going up or down the frame Bay to discover how extensive the rot is within the vessel?

TODD KOSAKOWSKI: The primary risk would be being ignorant of something that could be widespread through the boat.

COMMANDER KEVIN CARROLL: So, was an investigation done into how far the rot that he saw within these damaged planks on the starboard side, port side, and on the port hip was an investigation done thoroughly to your experience?

1 TODD KOSAKOWSKI: The only investigation was done by myself with very minimal
2 destruction to the boat both prodding and taking moisture meter readings from the
3 planking and the hull framing from whatever I can reach.
4

5 COMMANDER KEVIN CARROLL: But what a moisture meter be used for?
6

7 TODD KOSAKOWSKI: A more sure meter would tell you excessive drying or excessive
8 wetness of the planking or framing.
9

10 COMMANDER KEVIN CARROLL: Okay what did your moisture meter readings tell you?
11

12 TODD KOSAKOWSKI: I kind of came up that it was inconclusive because there was such
13 a wide readings from 5% to 100% moisture and 14 feet of framing side-by-side framing.
14

15 COMMANDER KEVIN CARROLL: Okay. Can you treat rot chemically?
16

17 TODD KOSAKOWSKI: You can, with topical agents may be antifreeze or a mixture of
18 turpentine and linseed oil, these penetrations of these chemicals have tested in the yard
19 and have read a lot about in the treatment of wooden boats and typically the penetration
20 is that more than three quarters of an inch and a very long period of time,
21

22 COMMANDER KEVIN CARROLL: Why would the penetration be important?
23

1 TODD KOSAKOWSKI: Because if you're treating a frame that is rotten from the inside out
2 your topical agent may not even reach that.

3
4 COMMANDER KEVIN CARROLL: Understood, were chemicals used on Bounty to treat
5 the areas of rot that were exposed?

6
7 TODD KOSAKOWSKI: The plan was to treat them in some way, I missed about a day
8 and a half of work when I came back, that they had painted with what I believe, just
9 regular white enamel paint over the framing to receive the new planks.

10
11 COMMANDER KEVIN CARROLL: So white paint was put over, what will you say was
12 rotted frames.

13
14 TODD KOSAKOWSKI: The yes, by the crew.

15
16 COMMANDER KEVIN CARROLL: By what crew?

17
18 TODD KOSAKOWSKI: By the Bounty crew.

19
20 COMMANDER KEVIN CARROLL: By the Bounty crew, but you were not there?

21
22 TODD KOSAKOWSKI: I was not there no.

23

1 COMMANDER KEVIN CARROLL: Okay, how do you know they did it?

2

3 TODD KOSAKOWSKI: Because the two carpenters I had on the vessel cutting planks
4 told me that the crew had decided they were going to treat the boat with.

5

6 COMMANDER KEVIN CARROLL: Okay, is accurate is that bad?

7

8 TODD KOSAKOWSKI: I would say that probably did not have an impact on what was in
9 the framing.

10

11 COMMANDER KEVIN CARROLL: Okay, so to go back again, the condition of the frames
12 outside of these two damaged planks outside of port side and starboard side, and the
13 area of the port hip, it is unknown what the conditions of these areas were above and
14 below within the frame bay of those specific areas?

15

16 TODD KOSAKOWSKI: That is correct anything that I couldn't have reached by hand and
17 those windows, were inaccessible from the inside of the boat.

18

19 COMMANDER KEVIN CARROLL: With what you could reach by hand, were you able to
20 feel anything?

21

22 TODD KOSAKOWSKI: I in maybe three or four areas found some of the same soft
23 framing and also visually inspected some of the same cross grained checking.

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COMMANDER KEVIN CARROLL: Did you make the recommendation to Robin Walbridge or anyone else on the vessel that you need to move, remove more planks and see how far this goes?

TODD KOSAKOWSKI: I believe I did, and it was very quickly shot down by the captain.

COMMANDER KEVIN CARROLL: Why, did he give you a reason?

TODD KOSAKOWSKI: That would have taken a considerable amount of time and money, and I don't think either of those were in the budget.

COMMANDER KEVIN CARROLL: Were the sections of planking of the port and starboard side replaced?

TODD KOSAKOWSKI: Yes.

COMMANDER KEVIN CARROLL: Okay, what did you go back with, did you go back with the same material?

TODD KOSAKOWSKI: Note the captain decided that any tanks that we were taking off the boat replacing the fir we would use white oak, that's what we've used.

1 COMMANDER KEVIN CARROLL: Okay did you notice anywhere else from the water line
2 up to the sheer straight, port side or starboard side suspect planks that were showing the
3 same indications of the ones that were removed, of having rot ?
4

5 TODD KOSAKOWSKI: Outwardly even a planks that we took off the vessel showed very
6 little signs of rots. It was from the contact of the frame coming out word is where it was
7 showing most of the decay. The outward third of the planking really showed no signs of
8 decay other than being dry and the paint was flaking off
9

10 COMMANDER KEVIN CARROLL: Okay so referring back to CG 8 you have that interior
11 ceiling planking that's in the interior correct?.

12
13 TODD KOSAKOWSKI: That's correct.
14

15 COMMANDER KEVIN CARROLL: Okay, then you have the frames. Now the frames
16 aren't continuous are they, they have to frame base to frame bases between the frames,
17 then you have the exterior planking?
18

19 TODD KOSAKOWSKI: That is correct.
20

21 COMMANDER KEVIN CARROLL: So from what you are saying is you don't believe that
22 this rot, decay was on the exterior of the hull on the plank face?
23

1 TODD KOSAKOWSKI: That is correct.

2

3 COMMANDER KEVIN CARROLL: It was on the interior, so outwardly again what caused
4 these two planks to be identified the port side plank and starboard side plank because
5 those to be removed?

6

7 TODD KOSAKOWSKI: The, investigating this two spots that he had problems with, he
8 had covered them with plywood. I do not know how long they had been operating like
9 that. The size of the suspect area was probably no bigger than a softball.

10

11 COMMANDER KEVIN CARROLL: Okay, you said that the captain made the decision to
12 go back, when those planks were replaced to not use Douglas Fir, but rather use oak.

13

14 TODD KOSAKOWSKI: That is correct.

15

16 COMMANDER KEVIN CARROLL: Okay, he makes the decision on the hull materials?

17

18 TODD KOSAKOWSKI: Yes.

19

20 COMMANDER KEVIN CARROLL: Who purchases the hull materials?

21

22 TODD KOSAKOWSKI: They were a stock item that we had in the yard from a previous
23 project.

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COMMANDER KEVIN CARROLL: Okay, so they were a stock item in the yard, now you said you were involved with the 2006 2007 project Boothbay harbor shipyard correct?

TODD KOSAKOWSKI: That is correct.

COMMANDER KEVIN CARROLL: And that is when the planking and framing above the waterline was replaced?

TODD KOSAKOWSKI: That is correct.

COMMANDER KEVIN CARROLL: The materials used for that project, were those stock items in the yard?

TODD KOSAKOWSKI: No they were not.

COMMANDER KEVIN CARROLL: How do you know that?

TODD KOSAKOWSKI: They would have, we do not have the means to keep something, that amount of wood on-site.

COMMANDER KEVIN CARROLL: Okay does the shipyard purchased the materials to be used for vessels when they have work done in the shipyard?

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TODD KOSAKOWSKI: Yes.

COMMANDER KEVIN CARROLL: They do, okay. Does the shipyard make the decision on what materials to buy?

TODD KOSAKOWSKI: We may have some, some aspects that we get people to use a certain product, but ultimately with a lot of the vessels we don't, it is something they decide on.

COMMANDER KEVIN CARROLL: Okay, do you have any knowledge of the 2006, 2007 yard period of who made the selection of what materials to be used for that and replanking and reframing above the waterline?

TODD KOSAKOWSKI: Mostly just hearing from the yard manager, some of the conversations that they had. I was not personally involved with the decisions.

COMMANDER KEVIN CARROLL: Okay you said a fellow by the name of Joe Jakamovich,

TODD KOSAKOWSKI: Yes

COMMANDER KEVIN CARROLL: Is, was the foreman for that project?

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TODD KOSAKOWSKI: Yes.

COMMANDER KEVIN CARROLL: Okay, was Joe Jakamovich on this project?

TODD KOSAKOWSKI: No he has been retired and may have been on board a couple of times just to see what we were up to, but he was not involved in the project.

COMMANDER KEVIN CARROLL: Was he involved in the blocking of the hull out?

TODD KOSAKOWSKI: I believe that we talked at length with the blocking schedule on the boat, because the boat changes so much year-to-year, and we are pretty close with him on devising a blocking schedule for this hull out.

COMMANDER KEVIN CARROLL: So the boat changes so much from year to year, what does that mean?

TODD KOSAKOWSKI: The shape of the keel, in this case it is a hog, instead of the keel being a straight line, it's an ellipse from the bow to the stern, and taking into account the last couple of hull outs, what were measured for actuals of the keel, and making some precautions as to whether it would change again in this hull out.

1 COMMANDER KEVIN CARROLL: Is that normal for a wooden hull vessel, for the hull
2 lines to change over the years?

3
4 TODD KOSAKOWSKI: With an older vessel yes.

5
6 COMMANDER KEVIN CARROLL: Who replaced the planks on the port side of Bounty
7 where this rot was discovered?

8
9 TODD KOSAKOWSKI: Who replaced them?

10
11 COMMANDER KEVIN CARROLL: Who replaced them?

12
13 TODD KOSAKOWSKI: The shipyard, Jim Jones and James Knightley. And also one
14 Bounty crew number, Mark that I previously spoke of.

15
16 COMMANDER KEVIN CARROLL: Mark, okay, what about starboard side plank?

17
18 TODD KOSAKOWSKI: The same crew.

19
20 COMMANDER KEVIN CARROLL: Same crew, okay. Did anybody from the shipyard
21 voice any concerns about, hey we are putting on a new plank on frames that are
22 decayed?

23

1 TODD KOSAKOWSKI: To me yes they did.

2

3 COMMANDER KEVIN CARROLL: Okay, did you express those concerns to the master?

4

5 TODD KOSAKOWSKI: To the master of the vessel, yes.

6

7 COMMANDER KEVIN CARROLL: Okay, what did he say?

8

9 TODD KOSAKOWSKI: Again, it was a little bit of a surprise to him that the vessel was in
10 that shape, and it was going to be 10 to 2 when the next haul out was for the Coast Guard
11 hull survey.

12

13 COMMANDER KEVIN CARROLL: Okay, in your experience would you see wood
14 degrade that dramatically over that period of time? From 2006, 2007 to 2012?

15

16 TODD KOSAKOWSKI: I have never seen that before, no.

17

18 COMMANDER KEVIN CARROLL: Okay, was the captain not happy about this, Capt.
19 Walbridge was he not happy about this work, or the condition of the material?

20

21 TODD KOSAKOWSKI: I would say that he was shocked and definitely upset that the hull
22 material had degraded that quickly, yes.

23

1 COMMANDER KEVIN CARROLL: Okay. The work on the port hip, who conducted the
2 repairs on the port hip?

3
4 TODD KOSAKOWSKI: That was the same two shipmates Jim Jones and James
5 Knightley.

6
7 COMMANDER KEVIN CARROLL: Okay, did Mark also help with that?

8
9 TODD KOSAKOWSKI: Off and on, he was at that point doing some work on the interior
10 bulkhead that we were replacing, and restoring.

11
12 COMMANDER KEVIN CARROLL: Okay, can you explain the repair that was done back
13 on the port hip?

14
15 TODD KOSAKOWSKI: The port hip, these were planks that abutted, where the last
16 planks on the port side going to the transom, they were just aft of the gallery windows, so
17 the planks would not have been full length planks as it was, they would have ended at
18 that gallery. The repair was to not disturb the gallery, Robin Walbridge did not want to
19 take off the full length of the planking, which would have been maybe 6 feet. Instead we
20 scarred the ends of those planks which were plus or -3 feet we scarfed on new planking
21 after that.

22
23 COMMANDER KEVIN CARROLL: Okay, can you explain what scarfing is?

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TODD KOSAKOWSKI: It would be cutting the planking at an angle to accept a longer glue joint, and making a mechanical structural bond between the two pieces of wood with in this case glue and nails.

COMMANDER KEVIN CARROLL: Glue?

TODD KOSAKOWSKI: Glue in this seams yes.

COMMANDER KEVIN CARROLL: Okay, what kind of glue?

TODD KOSAKOWSKI: I believe it was epoxy.

COMMANDER KEVIN CARROLL: Okay, comparable in strength to a replaced plank?

TODD KOSAKOWSKI: I would say no.

COMMANDER KEVIN CARROLL: Okay.

TODD KOSAKOWSKI: But given the length of the plank it made probably less structural question in this case.

1 COMMANDER KEVIN CARROLL: Okay, given the condition at the port hip, the repair
2 that was authorized was this the repair that you would have conducted if you had the
3 choice?

4
5 TODD KOSAKOWSKI: Had I been able to choose what we did as a repair, no. No I would
6 not have chosen that as a repair.

7
8 COMMANDER KEVIN CARROLL: What would you have done?

9
10 TODD KOSAKOWSKI: I would have removed the fashion pieces to the gallery, taken the
11 planks off full-length, and put them on traditionally and full-length.

12
13 COMMANDER KEVIN CARROLL: Same question, with the port and starboard planking
14 that was replaced, is that the repair that was authorized, is that the repair that you
15 would've executed?

16
17 TODD KOSAKOWSKI: Without taking any other planks off, the repair that we did was a
18 repair that I was comfortable with.

19
20 COMMANDER KEVIN CARROLL: Say that again, so the repair that was done, you are
21 comfortable with the repair?

22
23 TODD KOSAKOWSKI: Yes.

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COMMANDER KEVIN CARROLL: Okay, so you are comfortable with taking a new plank, and putting it onto a frame that has decay, and has been painted with white paint?

TODD KOSAKOWSKI: That is correct.

COMMANDER KEVIN CARROLL: That's correct? Were you concerned about the condition of the vessel when she was getting ready to sail?

TODD KOSAKOWSKI: I was.

COMMANDER KEVIN CARROLL: You were, okay. Did you express those concerns with anybody?

TODD KOSAKOWSKI: I did, mostly Robin Walbridge,

COMMANDER KEVIN CARROLL: Okay, what did you say?

TODD KOSAKOWSKI: I told him that I was more than worried about what we found, and just voiced my concerns a couple of different times.

COMMANDER KEVIN CARROLL: Okay, and his response was?

1 TODD KOSAKOWSKI: The first response that I got, he was terrified.

2
3 COMMANDER KEVIN CARROLL: He was terrified?

4
5 TODD KOSAKOWSKI: Of what we found.

6
7 COMMANDER KEVIN CARROLL: Okay, was anybody else present to that conversation?

8
9 TODD KOSAKOWSKI: No.

10
11 COMMANDER KEVIN CARROLL: Okay, you said there was another conversation that
12 was the first conversation, is there another conversation?

13
14 TODD KOSAKOWSKI: There was another conversation that he met me in my office early
15 in the morning, and he tried to explain what, what he wanted to do and what he saw as
16 the next course of action with the hull, with the next haul out, with the Coast Guard hull
17 survey,

18
19 COMMANDER KEVIN CARROLL: And what was that?

20
21 TODD KOSAKOWSKI: He had a very, he wanted it to stay between the two of us that he
22 had explained that these problems to the owner, and I didn't need to be worried, he was

1 going to argue for our behalf that the construction materials and the everything that the
2 yard had done in the previous haul out was not something to take two, take two suit.

3
4 COMMANDER KEVIN CARROLL: Suit?

5
6 TODD KOSAKOWSKI: He mentioned that Bob Hansen was, his first reaction was, do we
7 have a claim to a lawsuit against the shipyard for faulty material, or faulty workmanship.

8
9 COMMANDER KEVIN CARROLL: Okay, were you privy to any conversations between
10 Capt. Walbridge and Robert Hansen about the condition of the vessel?

11
12 TODD KOSAKOWSKI: I was not.

13
14 COMMANDER KEVIN CARROLL: Was there anybody from Boothbay harbor shipyard
15 privy to any conversation between Capt. Walbridge and Robert Hansen in regards to the
16 conditions of the vessel, or a potential suit?

17
18 TODD KOSAKOWSKI: Not that I'm aware of.

19
20 COMMANDER KEVIN CARROLL: Okay. Was to your knowledge, was Eric Graves the
21 president of Boothbay Harbor shipyards was he ever contacted in any capacity by
22 anybody from the Bounty Organization involving a discussion about involving the
23 conditions of the vessel?

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TODD KOSAKOWSKI: Not that I'm aware of.

COMMANDER KEVIN CARROLL: Truthfully just from what you're saying the conversation you and Robin Walbridge had alone, you have no confirmation that there was anything actually discussed with between Robin and the Bounty Organization is that correct?

TODD KOSAKOWSKI: That is correct.

COMMANDER KEVIN CARROLL: Okay, when the work was being conducted and the decay being discussed did you take photographs?

TODD KOSAKOWSKI: I did.

COMMANDER KEVIN CARROLL: Okay, do you normally take photographs of vessel projects that you are the foreman for?

TODD KOSAKOWSKI: In the last few years I have they have come in handy with whether its court, court orders or other people's records.

COMMANDER KEVIN CARROLL: Okay have you been involved with other lawsuits with other vessels?

1
2 TODD KOSAKOWSKI: One other lawsuit.

3
4 COMMANDER KEVIN CARROLL: Okay, and what was that involving?

5
6 TODD KOSAKOWSKI: That was the Bob Douglas against the shipyard involving the
7 Shenandoah, Schooner Shenandoah.

8
9 COMMANDER KEVIN CARROLL: What did that involve?

10
11 TODD KOSAKOWSKI: That involved vessel eventually taking on water after it left the
12 yard due to fastenings that had not been put properly installed in planking.

13
14 COMMANDER KEVIN CARROLL: Okay. Quick question for Bounty, how was Bounty
15 fastened?

16
17 TODD KOSAKOWSKI: Bounty was fastened with essentially three different types of
18 fastenings. Every frame bay which is to fuddex side-by-side, there would be one through
19 trunnel which is wedged from both sides of the vessel inside and out, there are two blind
20 trunnels that would have been wedged inside the framing, and on the exterior of the hull
21 planking, and there would be one galvanized boat nail approximately 3/8 of an inch in
22 diameter and eight or 10 inches long.

23

1 COMMANDER KEVIN CARROLL: What is a trunnel?

2
3 TODD KOSAKOWSKI: A trunnel in this case is a locust wood dowel that is wedged on either
4 end, a traditional ship building material.

5
6 COMMANDER KEVIN CARROLL: What were the condition if you saw any of the locust
7 trunnels?

8
9 TODD KOSAKOWSKI: There were in the way repair port and starboard there were
10 trunnels that showed the same charred decay and also cross grain checking.

11
12 COMMANDER KEVIN CARROLL: Okay. What about any of the galvanized fasteners,
13 were any of the galvanized fasteners in a state of decay, or what was their condition?

14
15 TODD KOSAKOWSKI: I don't recall if I had a picture of them, but they were what you
16 would assume in that circumstance, they were slightly degraded, they weren't by any
17 means not unstructural anymore, they showed signs of use.

18
19 COMMANDER KEVIN CARROLL: Okay. Did you keep any samples from the Bounty's
20 hull?

21
22 TODD KOSAKOWSKI: I did.

23

1 COMMANDER KEVIN CARROLL: Okay, do you recall conducting an interview with me in
2 Boothbay harbor shipyard in December 2012?

3
4 TODD KOSAKOWSKI: I do.

5
6 COMMANDER KEVIN CARROLL: Did you give the samples to me?

7
8 TODD KOSAKOWSKI: I did.

9
10 COMMANDER KEVIN CARROLL: Lieut. Parham is going to present to you Coast Guard
11 Exhibit 61. Can you identify Coast Guard Exhibit 61 please?

12
13 TODD KOSAKOWSKI: It is what looks like fir planking and oak planking along with a
14 locust trunnel.

15
16 COMMANDER KEVIN CARROLL: Okay, are they marked at all?

17
18 TODD KOSAKOWSKI: A are marked by myself.

19
20 COMMANDER KEVIN CARROLL: You mark them, are these the pieces of wood that you
21 gave me in Boothbay harbor shipyard?

22
23 TODD KOSAKOWSKI: They are.

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COMMANDER KEVIN CARROLL: Okay, what are they from?

TODD KOSAKOWSKI: They are from HMS Bounty.

COMMANDER KEVIN CARROLL: Okay.

TODD KOSAKOWSKI: I believe they all came from the port repair.

COMMANDER KEVIN CARROLL: Okay. So this was a part of the planking that was identified to be removed, and was removed from the vessel obviously?

TODD KOSAKOWSKI: That is correct.

COMMANDER KEVIN CARROLL: So you chose to keep it?

TODD KOSAKOWSKI: I did.

COMMANDER KEVIN CARROLL: Okay, can I ask why?

TODD KOSAKOWSKI: It struck me as important material. It is not uncommon for me to keep things after a vessel leaves, whether it's a degraded prop that somebody leaves, has left saying that they don't need it anymore, in this case it was for documentation for

1 my own study, in case it was needed for any kind of analysis for in this case questioning
2 by myself as to what the decay could have been.

3
4 COMMANDER KEVIN CARROLL: Okay, when did you collect those pieces?

5
6 TODD KOSAKOWSKI: Probably right after they were removed from the boat.

7
8 COMMANDER KEVIN CARROLL: When was that?

9
10 TODD KOSAKOWSKI: It would have been either the middle or end of September, roughly
11 I would say a week after we hauled the vessel.

12
13 COMMANDER KEVIN CARROLL: Where did you keep them?

14
15 TODD KOSAKOWSKI: In my office.

16
17 COMMANDER KEVIN CARROLL: Did you show this to anyone from Boothbay harbor
18 shipyard?

19
20 TODD KOSAKOWSKI: I believe that I had shown a couple of items to the office staff, the
21 president of the yard, my boss, and they were general knowledge to the Bounty crew and
22 the ship mates that we had employed at Boothbay harbor shipyard.
23

1 COMMANDER KEVIN CARROLL: Before you presented those items to me in Boothbay
2 harbor shipyard in December 2012 did you present those to any other members of the
3 Coast Guard?
4

5 TODD KOSAKOWSKI: No I did not.
6

7 COMMANDER KEVIN CARROLL: I'd like to direct your attention please in the binder,
8 Lieut. Detective Parham please collect the pieces back. Coast Guard Exhibit 41, CG 41.
9 Exhibit 41 is a series of photographs, the first photograph, can you please identify that
10 photograph?
11

12 TODD KOSAKOWSKI: The photograph is of one of the planks that we removed, the
13 framing underneath, and my hand as scale.
14

15 COMMANDER KEVIN CARROLL: So you took the photograph?
16

17 TODD KOSAKOWSKI: I did.
18

19 COMMANDER KEVIN CARROLL: Okay, do you recall what date you took the
20 photograph?
21

22 TODD KOSAKOWSKI: I do not.
23

1 COMMANDER KEVIN CARROLL: Okay, can you tell us what you see here, we are going
2 to go through each photograph that we have as Exhibit 41, and I would like you to please
3 detail who took the photograph, what it is of, and why he took it. Okay?
4

5 TODD KOSAKOWSKI: The first photograph is of one of the frame, planking base that we
6 removed the plank, it's of framing I took the picture, and I took the picture because it
7 shows some of the cross grained checking, the decay on the surface, and also the a
8 portion of the framing that just fell out of the vessel when we took the plank off.
9

10 COMMANDER KEVIN CARROLL: So the framing actually fell out of the vessel when the
11 plank was removed?
12

13 TODD KOSAKOWSKI: In this section yes.
14

15 COMMANDER KEVIN CARROLL: Okay, now can you please describe to me how this
16 was repaired?
17

18 TODD KOSAKOWSKI: This would have been repaired I believe with a graving piece
19 approximately the width of the framing and at a rough depth of about 3 inches.
20

21 COMMANDER KEVIN CARROLL: Explain that please.
22

1 TODD KOSAKOWSKI: The material on the surface of the frame would have been carved
2 out with a chisel and other tools, back to what we deemed better wood, and then another
3 piece of wood would have been put in its place.
4

5 COMMANDER KEVIN CARROLL: Did we talk about chemical treatment before, I think
6 when you are done basically carving out the pieces of rotted wood, the good wood, would
7 you use any chemical treatment or was anything applied to what you believed was the
8 good wood?
9

10 TODD KOSAKOWSKI: In this case we probably would have used some manner of
11 adhesive, I am not positive that we used 5200 but that would have been to typical repair
12 3M product that is marine adhesive that will fill in a voids for any error or water behind that
13 graving piece.
14

15 COMMANDER KEVIN CARROLL: Does 5200 help prevent the spread of rot?
16

17 TODD KOSAKOWSKI: No.
18

19 COMMANDER KEVIN CARROLL: Does it treat rot in any way?
20

21 TODD KOSAKOWSKI: No.
22

1 COMMANDER KEVIN CARROLL: Okay, please turn to the next photograph. Did you take
2 this photograph?

3
4 TODD KOSAKOWSKI: I did.

5
6 COMMANDER KEVIN CARROLL: Okay, but is it?

7
8 TODD KOSAKOWSKI: This is of a single iron fastener in framing from one of the repaired
9 areas.

10
11 COMMANDER KEVIN CARROLL: Do you know which area of the vessel it was?

12
13 TODD KOSAKOWSKI: I can't tell from the picture no.

14
15 COMMANDER KEVIN CARROLL: Okay.

16
17 TODD KOSAKOWSKI: The in the middle of the picture that shows a seam in the middle
18 of the two fuddux, it also shows a fastener that would've gone into what I would assume is
19 the beam shelf, or may be a hanging knee, that his large bolt that you see. This picture
20 was taken to show you that, to document that the both iron fasteners are in okay shape
21 and the framing is showing the same rot characteristic on the face of it.

22

1 COMMANDER KEVIN CARROLL: I'm going to point out that this is paginated as number
2 three where it is in fact, and number two is the next one so can you please turn the page,
3 which is CG 41 page 2, the last one was CG 41 page 3, for this particular picture, did you
4 take this photograph?

5
6 TODD KOSAKOWSKI: I did take this photograph, it is the same frame that is shown in
7 the first photograph, with a piece of the frame that had fallen out of that void. It shows the
8 same cross grain checking, it shows a little bit better the depth of that cross grained
9 checking in the frequency of it, and that void, and also the what appears to be some type
10 of mold on the face of the frame.

11
12 COMMANDER KEVIN CARROLL: Have you ever seen mold like that before, or is it
13 mold?

14
15 TODD KOSAKOWSKI: Yes.

16
17 COMMANDER KEVIN CARROLL: What is it?

18
19 TODD KOSAKOWSKI: I'm not sure that it's mold, I have seen it, it's a mold like fungus on
20 the, it's typically underneath covering boards in moist wet spaces.

21
22 COMMANDER KEVIN CARROLL: Okay, please turn to the next page, page 4. Did you
23 take this photograph?

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TODD KOSAKOWSKI: I did.

COMMANDER KEVIN CARROLL: Okay, what does it show?

TODD KOSAKOWSKI: It is more hull framing. At the point of the repair it shows I believe the picture was taken to show the severity of how soft some of this wood was as the framing material. It also shows the butt end of the adjoining plank and that repair, which if you look closely at the interior third of that is black.

COMMANDER KEVIN CARROLL: You're talking about the adjacent plank forward of the area, that's what you talking about?

TODD KOSAKOWSKI: I believe that this is the port side, that would be the forward side of the next plank, the aft side of the repair.

COMMANDER KEVIN CARROLL: So you had concerns with that plank as well?

TODD KOSAKOWSKI: Yes.

COMMANDER KEVIN CARROLL: Was that plank removed?

TODD KOSAKOWSKI: No.

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COMMANDER KEVIN CARROLL: Would you turn to the next page please, page 5. Did you take this photograph?

TODD KOSAKOWSKI: Yes.

COMMANDER KEVIN CARROLL: What is it of?

TODD KOSAKOWSKI: I believe it is the, a different angle on the same area it shows the same soft oak, it also shows to some degree that same old, that same surface mold.

COMMANDER KEVIN CARROLL: Okay, now again without removing the plank above and below, you don't know what the condition is of the framing above and below it?

TODD KOSAKOWSKI: That's correct.

COMMANDER KEVIN CARROLL: Was that done?

TODD KOSAKOWSKI: The planking was not removed, no.

COMMANDER KEVIN CARROLL: Just this plank?

TODD KOSAKOWSKI: Yes.

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COMMANDER KEVIN CARROLL: Okay, so it could have been fine? Is that true?

TODD KOSAKOWSKI: Sure anything is possible.

COMMANDER KEVIN CARROLL: Okay, it could have been worse?

TODD KOSAKOWSKI: Yes.

COMMANDER KEVIN CARROLL: You don't know?

TODD KOSAKOWSKI: We don't know.

COMMANDER KEVIN CARROLL: Okay, next page please. Same questions.

TODD KOSAKOWSKI: This is another photo of mine, showing locust fastenings. It also shows where some of the iron bolts were, a seam in the fudduk, from fudduck to fudduck. It also shows the degree of the checking and cross grain cracks inside of the trunnel hole in the upper left-hand side of the picture.

COMMANDER KEVIN CARROLL: What would the problem be with the cross grain cracks and checks within the trunnel hole?

1 TODD KOSAKOWSKI: That was primarily just to show the depth of it, that they did in fact
2 go past the surface, in that case it appears that the cross grained checking gone and
3 maybe 2 to 3 inches.

4
5 COMMANDER KEVIN CARROLL: What did the trunnels do?

6
7 TODD KOSAKOWSKI: The trunnels are fastenings.

8
9 COMMANDER KEVIN CARROLL: And they do what?

10
11 TODD KOSAKOWSKI: They hold the planking onto the frames.

12
13 COMMANDER KEVIN CARROLL: Okay, so if there were cracks and cross grain checks
14 within the trunnel hole wood that affect the holding power of the trunnel?

15
16 TODD KOSAKOWSKI: I would assume that would mean that the trunnel board be loose
17 and that framing, yes.

18
19 COMMANDER KEVIN CARROLL: Next photograph please.

20
21 TODD KOSAKOWSKI: Another photo of mine it was again a close-up of that same
22 trunnel hole, showing the cross grained checking and the cracks, also some of the
23 surface mold.

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COMMANDER KEVIN CARROLL: Okay, next photograph please.

TODD KOSAKOWSKI: Another picture of the same trunnel hole.

COMMANDER KEVIN CARROLL: Same description, and you also took this photograph?

TODD KOSAKOWSKI: I did take this photo.

COMMANDER KEVIN CARROLL: Okay.

TODD KOSAKOWSKI: It appears that the trunnel is, was not a trunnel for fastening because it is not wedged, it was more than likely placed to fill a void.

COMMANDER KEVIN CARROLL: Is that a blind trunnel that you are talking about before?

TODD KOSAKOWSKI: No, it would have been a trunnel to fill a hole for a planking clamp, which gets no wedges on either end.

COMMANDER KEVIN CARROLL: Okay. Next page next picture.

1 TODD KOSAKOWSKI: The next picture I took, it depicts a trunnel that was removed by
2 hand, which is not typical. You can see from the bottomed out portion of the hole there is
3 a imprint where a wedge was driven into the wood. Even though the wedge did significant
4 impression in the bottom of the hole, you could still pull the trunnel out by hand.

5
6 COMMANDER KEVIN CARROLL: Just pull it straight out, are those trunnel supposed to
7 be fastened tightly, to the plank of the frame?

8
9 TODD KOSAKOWSKI: A blind trunnel what it is driven in to the wedge on the inside of
10 the frame, I've never seen come back out. They are a pretty tenacious fastening.

11
12 COMMANDER KEVIN CARROLL: Next page, next photograph please.

13
14 TODD KOSAKOWSKI: Again, I believe that is the same trunneless hole, just showing a
15 close-up of the checking.

16
17 COMMANDER KEVIN CARROLL: Okay, and you took this photograph?

18
19 TODD KOSAKOWSKI: I did take this photograph.

20
21 COMMANDER KEVIN CARROLL: Okay, next page next photograph.

22

1 TODD KOSAKOWSKI: This photo I took, it depicts a large portion of the framing that was
2 removed with little effort, showing the cross grained checking had, there is nothing for
3 scale in the photo but I believe that it was roughly 5 or 6 inches through the framing, and
4 by the, judging by the further decay at that joint the wood had given up way before that.
5 This wasn't a new check that the wood defected like that, it had been like that for some
6 time.

7
8 COMMANDER KEVIN CARROLL: Where was this?

9
10 TODD KOSAKOWSKI: I believe that was the star board aft framing that was repaired.

11
12 COMMANDER KEVIN CARROLL: Next page, next photograph please.

13
14 TODD KOSAKOWSKI: This is another photo of mine, it depicts the same frame, we have
15 begun to take the decayed wood out of that frame and just to better assess how far there
16 was decayed and prepare a grazing piece.

17
18 COMMANDER KEVIN CARROLL: The portion sticking out, is that a trunnel?

19
20 TODD KOSAKOWSKI: Yes, there are, it shows a journal that has been placed to hold the
21 two fudducks together, they are fastened through trunnel to each other, and it also shows
22 more than likely a couple of planking holes that were filled with trunnels, and through

1 trunnels. It also depicts that the cross grained checking is not to the end of it in this round
2 of demolition, and that looks maybe to be about 3 inches into the framing.

3
4 COMMANDER KEVIN CARROLL: Okay. Next photograph next picture please explain.

5
6 TODD KOSAKOWSKI: This is another photo of mine, this depicts the same frame, the
7 same repair with my hand for scale. It also shows the framing was dug out behind the
8 next plank down so in that case the frame did show significant decay under the next plank
9 down.

10
11 COMMANDER KEVIN CARROLL: Okay, next photograph please.

12
13 TODD KOSAKOWSKI: This is another photo I took. It is the same frame at a different
14 angle. Showing the same round of digging out for repair.

15
16 COMMANDER KEVIN CARROLL: Next photograph please.

17
18 TODD KOSAKOWSKI: Another of my photos depicting as a smaller picture I remember
19 this, showing the grain, the end grain of the trunnels infected with this same mold. That's
20 what you see showing up very white in the middle trunnel, I believe it shows the same
21 frame for repair.

22

1 COMMANDER KEVIN CARROLL: Next photograph please. Can you please describe
2 what you see?

3
4 TODD KOSAKOWSKI: This is the port aft repair to the transom. This shows the planking
5 that was taken off, this was not how it ended up being repaired. This was the first round of
6 demolition of getting the planks off the boat and assessing it. You can see the gallery
7 ahead of that where the full-length of the planks would terminate. It also shows the
8 framing underneath the planking with the same charred of fact and cross grained
9 checking that we found in the other framing in the vessel.

10
11 COMMANDER KEVIN CARROLL: How is that framing addressed?

12
13 TODD KOSAKOWSKI: This framing was addressed in any way. It couldn't have been
14 removed.

15
16 COMMANDER KEVIN CARROLL: It could not have been removed?

17
18 TK No, it's a very large timber holding the transom together.

19 COMMANDER KEVIN CARROLL: So, how was it treated?

20
21 TODD KOSAKOWSKI: I am not aware that it was treated with anything before it received
22 the new planking.

23

1 COMMANDER KEVIN CARROLL: Were you satisfied with that repair, as foreman for this
2 job?

3
4 TODD KOSAKOWSKI: I was satisfied because the plan was to re-access it at the hull
5 survey. The repair was more than adequate given it's location above the water line and
6 the given the planking was already short, short planks going to the gallery windows.

7
8 COMMANDER KEVIN CARROLL: Alright, so you basically what you are saying is that
9 you were comfortable that it could make it to the next year?

10
11 TODD KOSAKOWSKI: Yes.

12
13 COMMANDER KEVIN CARROLL: Okay. Next photograph please.

14
15 TODD KOSAKOWSKI: This is the closeup of the ends of the planking that we repaired on
16 that same port. A picture by myself. You can see that the exterior planking was cut up
17 and down. You can see that that is roughly an inch into the wood and that the decay
18 roughly stops about that, at about that position in the width of the planking. The next two
19 inches of that Douglas Fir planking are both rotten and soft with that same charred and
20 black appearance.

21

1 COMMANDER KEVIN CARROLL: From what you described before, you stated that from
2 the exterior of the vessel, the planking standing on the outside looking towards the vessel,
3 the planking might look fine.

4
5 TODD KOSAKOWSKI: That's correct. That's what's depicted in this picture.

6
7 COMMANDER KEVIN CARROLL: This picture that's indicative of the condition you
8 believe is that the planking was actually from the interior of the vessel was rotting.

9
10 TODD KOSAKOWSKI: That's correct.

11 COMMANDER KEVIN CARROLL: Why? Do you have a theory?

12
13 TODD KOSAKOWSKI: No.

14
15 COMMANDER KEVIN CARROLL: Have you ever seen this in your experience with
16 working with wooden hull vessels?

17
18 TODD KOSAKOWSKI: I've seen this level of degradation, this level of rot and decay in a
19 vessel. Typically it's much much older repair and this is indicative of almost, in terms of
20 the oak framing, an original vessel being restored. I have very little experience working
21 with fir planking, so I am not sure if that's typical. That would be very atypical of oak
22 planking at six years old.

23

1 COMMANDER KEVIN CARROLL: Okay. Next picture please.

2
3 TODD KOSAKOWSKI: I believe this is the same, this is the transom planking. This
4 planking was not repaired. This is picture I took to show the large structural timber on the
5 port hip is in the left of the picture. This is the butt ends of all the planking from the
6 transom and also shows some of the fascia piece of the transom coming around the
7 windows.

8
9 COMMANDER KEVIN CARROLL: That bottom right corner, that window, where is that
10 window?

11
12 TODD KOSAKOWSKI: That's the transom.

13
14 COMMANDER KEVIN CARROLL: That's the transom window?

15
16 TODD KOSAKOWSKI: That is correct.

17
18 COMMANDER KEVIN CARROLL: Okay, so the other side of that is the tween deck?

19
20 TODD KOSAKOWSKI: Yes. The picture depicts further degradation of the transom
21 planking and cross-grain tracking.

22
23 COMMANDER KEVIN CARROLL: Okay.

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TODD KOSAKOWSKI: And mold.

COMMANDER KEVIN CARROLL: Next photograph, please.

TODD KOSAKOWSKI: This shows early on in the repair, a picture by me that the same string structure holding the transom to the port side hull. In the lower left of the picture that's the top of the whale strake and the planks that were repaired were on the planks that were in the collision that were peeled away from that structural timber.

COMMANDER KEVIN CARROLL: Okay.

TODD KOSAKOWSKI: We did not ...

COMMANDER KEVIN CARROLL: You are referring to the collision. Are you aware that Bounty was involved in a collision before arriving in Booth Bay Harbor ship yard?

TODD KOSAKOWSKI: Yes, it was, my knowledge that the Captain had just rubbed against a pier in some heavy winds just by moving the ship.

COMMANDER KEVIN CARROLL: Okay. Next photograph, please.

1 TODD KOSAKOWSKI: Another picture by myself this is a close up of that structural
2 timber from the transom to the porthole. It shows one plank that we did not repair
3 showing the same signs of decay that the other planks did.
4

5 COMMANDER KEVIN CARROLL: So this frame and that plank, this is the condition of
6 the vessel was an when it sailed from Boothbay harbor shipyard at the end of October?
7

8 TODD KOSAKOWSKI: Yes.
9

10 COMMANDER KEVIN CARROLL: Next page please.
11

12 TODD KOSAKOWSKI: This is a picture by myself of that same port corridor earlier in the
13 repair with less planks off the vessel. Showing the structural timber of the transom, the
14 transom planking and also the port side of the hull planking.
15

16 COMMANDER KEVIN CARROLL: Next photograph, please.
17

18 TODD KOSAKOWSKI: This is another picture that I took of the transom looking forward
19 to showing the butt ends of the planks that were repaired and also planking from the
20 transom that structural timber from the transom to the hull planking.
21

22 COMMANDER KEVIN CARROLL: Okay. Next photograph please.
23

1 TODD KOSAKOWSKI: Another picture of myself. The same area, the same planking and
2 framing.

3
4 COMMANDER KEVIN CARROLL: Next photograph please.

5
6 TODD KOSAKOWSKI: Again a picture I took early in the demolition of that port side
7 repair.

8
9 COMMANDER KEVIN CARROLL: Is the damage from the reported collision to the pier, is
10 that depicted in this photograph?

11
12 TODD KOSAKOWSKI: Yes, those uppermost, the four planks in the picture. Those
13 would have been, they suffered some collision, some affects of the collision. And also the
14 fascia piece that goes behind the planks was damaged.

15
16 COMMANDER KEVIN CARROLL: Okay. The framing in that area, is it possible the
17 framing was in that condition because of that collision with the pier.

18
19 TODD KOSAKOWSKI: No.

20
21 COMMANDER KEVIN CARROLL: Why?

22
23 TODD KOSAKOWSKI: The collision, to my knowledge, had been done that season.

1
2 COMMANDER KEVIN CARROLL: Okay.

3
4 TODD KOSAKOWSKI: This is not, this decay could not have happened in the 6 months in
5 between.

6
7 COMMANDER KEVIN CARROLL: Next photograph please.

8
9 TODD KOSAKOWSKI: This another picture that I took, this is planking that came off the
10 same port hip it shows that it was checked entirely in half and it was also cross-grain
11 cracks that went, that terminated 2/3 through the thickness of the planking.

12
13 COMMANDER KEVIN CARROLL: Could you see that from the outside?

14
15 TODD KOSAKOWSKI: Yes.

16
17 COMMANDER KEVIN CARROLL: Okay, so it was visually

18
19 TODD KOSAKOWSKI: Only when the fascia piece, only after we started the demolition.

20
21 COMMANDER KEVIN CARROLL: Okay, so this piece right here, this came from where?

22
23 TODD KOSAKOWSKI: That planking, in that area but it would have been undercover.

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COMMANDER KEVIN CARROLL: On the port hip.

TODD KOSAKOWSKI: That's correct.

COMMANDER KEVIN CARROLL: Next photograph please?

TODD KOSAKOWSKI: Another picture I took depicting the same piece of planking.

COMMANDER KEVIN CARROLL: Okay. So, would it surprise you to that you took 26 photographs of the vessel?

TODD KOSAKOWSKI: Did it surprise me?

COMMANDER KEVIN CARROLL: Would it surprise you?

TODD KOSAKOWSKI: No.

COMMANDER KEVIN CARROLL: Okay. So you presented that to me during our interview December 2012. Why?

TODD KOSAKOWSKI: The evidence, the hard evidence?

1 COMMANDER KEVIN CARROLL: The photographs were provided to me by the shipyard
2 attorney several weeks after. Pieces of (inaudible) were presented to me that day. I'm
3 asking why did you present them to me then?
4

5 TODD KOSAKOWSKI: I believe that they had an impact on what could have happened
6 with the vessel. The strength of the vessel. The shape that the vessel was in.
7

8 COMMANDER KEVIN CARROLL: Okay. How would it, how would the condition, how
9 would rot in the planks and frames affect the overall strength of the vessel?
10

11 TODD KOSAKOWSKI: The strength of the vessel is the only thing that keeps it afloat. If
12 the topsides are weak, that's what's holding the rig up. I really felt that they meant a lot to
13 your investigation.
14

15 COMMANDER KEVIN CARROLL: Okay. So, when did the vessel leave Booth Bay
16 Harbor Shipyard again?
17

18 TODD KOSAKOWSKI: Middle October.
19

20 COMMANDER KEVIN CARROLL: Middle of October, so when it left were you concerned
21 for the vessel safety?
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23 TODD KOSAKOWSKI: I was.

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COMMANDER KEVIN CARROLL: You were, okay, but again you said the repairs that were made, you're satisfied with the repairs.

TODD KOSAKOWSKI: Given what we were allowed to do, they wouldn't have been a first choice by any mean, but I felt they were more than adequate.

COMMANDER KEVIN CARROLL: Okay so we describe the fact that there was no exploratory work to see the extent of the rot within the planks, is that what had your concern?

TODD KOSAKOWSKI: That is correct.

COMMANDER KEVIN CARROLL: Okay, again you had a conversation with Capt. Walbridge prior to the vessel's departure, did he tell you that he was also concerned?

TODD KOSAKOWSKI: He did.

COMMANDER KEVIN CARROLL: What did he say?

TODD KOSAKOWSKI: When I explained that I was concerned and I tried to explain that I really thought he had to pick and choose whether to not use the vessel how they had

1 been in the last couple of years, he said that he was terrified of what we had found, and
2 he agreed.

3
4 COMMANDER KEVIN CARROLL: To your knowledge do you know how they used the
5 vessel in the past couple of years?

6
7 TODD KOSAKOWSKI: I believe they had been overseas to Ireland, and they had crossed
8 the Atlantic a couple times.

9
10 COMMANDER KEVIN CARROLL: When the vessel departed at the end of October, at
11 that point were you aware what their next destination was?

12
13 TODD KOSAKOWSKI: I believe, I'm sorry has again.

14
15 COMMANDER KEVIN CARROLL: When they left but if they harbor shipyard at the end of
16 October, do you know where their next port of call was?

17
18 TODD KOSAKOWSKI: He explained that it was New London.

19
20 COMMANDER KEVIN CARROLL: Okay did you believe that the vessel is capable of
21 making it to the next yard period, a year away from there?

22
23 TODD KOSAKOWSKI: I did.

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COMMANDER KEVIN CARROLL: You did, okay. But you are concerned for the vessels safety?

TODD KOSAKOWSKI: That is correct.

COMMANDER KEVIN CARROLL: Okay again did you ever voice any concerns to anybody from the Coast Guard?

TODD KOSAKOWSKI: No I did not.

COMMANDER KEVIN CARROLL: But you did voice concerns to Capt. Walbridge, captain of the Bounty?

TODD KOSAKOWSKI: Yes I did.

COMMANDER KEVIN CARROLL: Okay, did you voice concerns to anyone else?

TODD KOSAKOWSKI: Yes that would be Eric Graves, the president of the yard

COMMANDER KEVIN CARROLL: You said you had a conversation with them?

TODD KOSAKOWSKI: Yes.

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COMMANDER KEVIN CARROLL: What did he say?

TODD KOSAKOWSKI: You never saw, never came them about, and he was surprisingly I was saying, and agreed that the next haul out with the Coast Guard hull examination that things would go further.

COMMANDER KEVIN CARROLL: Okay, in regards to Bounty in the interactions with the Coast Guard, do you know if Bounty had a certificate of inspection?

TODD KOSAKOWSKI: To my knowledge they did not.

COMMANDER KEVIN CARROLL: They did not, you believe that they did not have a Coast Guard certificate of inspection?

TODD KOSAKOWSKI: Their certificate was for dockside or moored attraction vessel.

COMMANDER KEVIN CARROLL: Had he been involved with the Coast Guard hull exams before?

TODD KOSAKOWSKI: In a standby role, facilitating them examining an area that they could not get to otherwise. But no not on a one-on-one.

1 COMMANDER KEVIN CARROLL: Okay said you had a conversation with Capt.
2 Walbridge in regards to how he had to pick and choose his weather?

3
4 TODD KOSAKOWSKI: I did.

5
6 COMMANDER KEVIN CARROLL: Capt. Jones am going to give you the options, you can
7 start your questioning with Mr. Kosakowski, what would you like to do?

8
9 CAPTAIN ROB JONES: What would Mr. Kosakowski like to do? Do you want to take a
10 break?

11
12 TODD KOSAKOWSKI: I do not need a break.

13
14 CAPTAIN ROB JONES: Okay, mine will be short. Just playing out what Cmdr. Carroll just
15 said, pick and choose, what do you mean by that?

16
17 TODD KOSAKOWSKI: Avoid heavy weather.

18
19 CAPTAIN ROB JONES: Heavy weather, like transoceanic sailing, or

20
21 TODD KOSAKOWSKI: Any weather that was, we did not go into detail, that was about
22 the extent of it. My version of heavy weather, was probably very different than his.

23

1 CAPTAIN ROB JONES: Because you had said use the vessel as you had done before,
2 and you mentioned Ireland, so that is transoceanic, open ocean,

3
4 TODD KOSAKOWSKI: That is correct.

5
6 CAPTAIN ROB JONES: Did he know where they were going after New London?

7
8 TODD KOSAKOWSKI: I believe that they were on their way to Florida. And eventually
9 Texas.

10
11 CAPTAIN ROB JONES: Okay, New London to Florida, that is ocean sailing wouldn't you
12 say?

13
14 TODD KOSAKOWSKI: that is correct.

15
16 CAPTAIN ROB JONES: Did he voice any concerns about that before, or did you?

17
18 TODD KOSAKOWSKI: Only in saying he needed to start treating the vessel different. I
19 didn't go into what I interpreted that as.

20
21 CAPTAIN ROB JONES: Okay, let's just go back to an earlier part of your testimony, you
22 said you moved a bulkhead down in the, around the area that the fuel tanks are being
23 moved?

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TODD KOSAKOWSKI: That is correct.

CAPTAIN ROB JONES: Whose responsibility, was that a watertight bulkhead?

TODD KOSAKOWSKI: Yes.

CAPTAIN ROB JONES: Once it is put back in place, whose responsibility is it to ensure that it is again watertight.

TODD KOSAKOWSKI: I assume that the quality control would have been on my side,

CAPTAIN ROB JONES: Was there a way to prove that it was watertight?

TODD KOSAKOWSKI: There was not.

CAPTAIN ROB JONES: Was that expected by anybody other than yourself after its installation?

TODD KOSAKOWSKI: No it was not.

CAPTAIN ROB JONES: Did it have to be? Even though it is a moored attraction vessel? Either by the Coast Guard or anybody else?

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TODD KOSAKOWSKI: I don't believe that it needs to be inspected by the Coast Guard.

CAPTAIN ROB JONES: Okay. Also again earlier on you said one of the things about the caulking underneath, the crew was competent but just with regard to caulking and just needed to set harder, can you explain that, just pounded in further?

TODD KOSAKOWSKI: Yes it is just the four set with you are driving the cotton and the oakum in between the seams.

CAPTAIN ROB JONES: What they were doing was a satisfactory, just not as hard as he would've liked?

TODD KOSAKOWSKI: That is correct.

CAPTAIN ROB JONES: You said the decay or the rot that you had found, was visible in the middle of September, is that when you had uncovered it or discovered it?

TODD KOSAKOWSKI: It was visible only to me when we hauled the vessel at the yard.

CAPTAIN ROB JONES: When was all these pictures, and everything repaired and covered, you know not visible anymore?

1 TODD KOSAKOWSKI: When would it been covered?

2

3 CAPTAIN ROB JONES: Yes.

4

5 TODD KOSAKOWSKI: I am not sure of the exact date I am sure that we had the planks
6 off the week after we hulled and they would have been back on within the next week and
7 a half to two weeks.

8

9 CAPTAIN ROB JONES: So you hulled on, when did you hull?

10

11 TODD KOSAKOWSKI: I am unaware of the date, I don't recall.

12

13 CAPTAIN ROB JONES: So, a week after you hulled, then another week?

14

15 TODD KOSAKOWSKI: Give or take yes.

16

17 CAPTAIN ROB JONES: Did Capt. Walbridge see all these pictures that you had shown
18 us, did he physically see all this decay and rot that you have documented?

19

20 TODD KOSAKOWSKI: He did not see the pictures but he did see all of those areas as
21 they were being uncovered and that the extent of the demolition.

22

23 CAPTAIN ROB JONES: So he physically saw the rot?

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TODD KOSAKOWSKI: Yes.

CAPTAIN ROB JONES: Not the pictures?

TODD KOSAKOWSKI: That is correct.

CAPTAIN ROB JONES: This, I wish we had a number here, it's one of the last couple before the end of the section, so the port quarter there that is exposed to the left side of the window, water got in there, where would it go?

TODD KOSAKOWSKI: If water got into this area, though, right behind this area is the tween decks,

CAPTAIN ROB JONES: Let the record show this is CG 41 page 24, page 24. And, I'm sorry, in the tween decks.

TODD KOSAKOWSKI: That is correct.

CAPTAIN ROB JONES: Any way that it would seep down to the bilge? Unseen?

TODD KOSAKOWSKI: Yes, just following the path of least resistance, following the framing down to the bilge.

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CAPTAIN ROB JONES: So I could go both to the tween decks and to the bilge.

TODD KOSAKOWSKI: That is correct.

CAPTAIN ROB JONES: When did you take these pictures?

TODD KOSAKOWSKI: I am not aware of the exact date, but it would have been during the during that early October or late September.

CAPTAIN ROB JONES: Were they before or after you talked about to the captain about remedying the decay or the rot?

TODD KOSAKOWSKI: The pictures were taken as it was being uncovered, the conversations went on at roughly that time. At about the same time

CAPTAIN ROB JONES: With what you have documented here and knowing that the vessel was heading to sea were you concerned that it might be a sprung plank could happen, can occur, would there be a possibility from the rot that you discovered?

TODD KOSAKOWSKI: I can't say that that went through my head, but it surely could have happened given the right circumstances.

1 CAPTAIN ROB JONES: And Cmdr. Carol had asked you before the repairs satisfactory
2 to, is that what you are charged with, and regarding talking to the owner or the captain,
3 talking to the captain me be more specific, that what he gave you was the direction you
4 felt that was satisfactory, and you satisfied his concern, or his decision the way the rot or
5 decay was going to be fixed?
6

7 TODD KOSAKOWSKI: The repairs that we had an opportunity to do would not have been
8 what we would like to have seen of a final fix for, the repairs were done with what I
9 believe a certain amount of, they were fine for the repair as long as we were going back
10 to these repairs in a year and assessing the entire vessel as a whole and not just fixing
11 the small areas.
12

13 CAPTAIN ROB JONES: And why would the vessel be coming back in a year, because it's
14 hull exam wouldn't have been done until 2015, right? Did it have to come back in a year?
15

16 TODD KOSAKOWSKI: No, I think the hull exam was due in a year, that next November
17 maybe, at least that was my understanding,
18

19 CAPTAIN ROB JONES: Okay, you are not sure. You had mentioned that you felt by
20 telling the captain about this rot you had notified to you needed to notify, what else could
21 you have done the think, you notified your owner, the operator the company,
22

1 TODD KOSAKOWSKI: With 20/20 hindsight, it would have been a call to the local Coast
2 Guard.

3
4 CAPTAIN ROB JONES: Has that ever happened before, have you ever done that before?

5
6 TODD KOSAKOWSKI: I have not.

7
8 CAPTAIN ROB JONES: What would happen if you had called the Coast Guard? Do you
9 think?

10
11 TODD KOSAKOWSKI: I would imagine that they would send an inspector, I'm not sure I
12 do not know the order of operations.

13
14 CAPTAIN ROB JONES: The other vessels that you had seen, about 20 other wooden
15 vessels you had at least worked on, and when the rot like this was found what was the
16 conclusion, or maybe it wasn't just like this, but similar rot, or you describe the rotten for
17 me if you could?

18
19 TODD KOSAKOWSKI: The typical rots that we find in vessels is a wet rot that is more like
20 you are looking at compost, the physical breakdown and the glue that is inside the cells of
21 the wood physically breaking down, it looks a lot more like soil, typically much more
22 humid.

23

1 CAPTAIN ROB JONES: And in your experience how are those typically repaired
2 effectively?

3

4 TODD KOSAKOWSKI: How are they remedied, repaired?

5

6 CAPTAIN ROB JONES: Yes repaired.

7

8 TODD KOSAKOWSKI: By the replacement of those pieces.

9

10 CAPTAIN ROB JONES: Is the only time that you have seen rot to this kind of decay and
11 repaired the way it was?

12

13 TODD KOSAKOWSKI: No, I've seen rotted wood repaired with graving pieces before an
14 different vessels.

15

16 CAPTAIN ROB JONES: You said the way to go about looking for this, and fixing the
17 problem is to continue to inspect and replace, what do you think you would have found if
18 you continued to pull planks in the areas of the rot that you found?

19

20 TODD KOSAKOWSKI: It was my guess that the planking, the fir planking at least suffered
21 the same degradation,

22

1 CAPTAIN ROB JONES: And how much do you think that would have been throughout the
2 vessel? If you could even speculate that?

3
4 TODD KOSAKOWSKI: The percentage that was fir planking, it was roughly 75% of the
5 top sides.

6
7 CAPTAIN ROB JONES: Okay, all the pictures that you have documented here, is this the
8 work that was done by your yard?

9
10 TODD KOSAKOWSKI: Yes.

11
12 CAPTAIN ROB JONES: Six years ago?

13
14 TODD KOSAKOWSKI: Yes.

15
16 CAPTAIN ROB JONES: Okay, thanks that is all I have.

17
18 COMMANDER KEVIN CARROLL: We are going to take a 10 minute recess and then
19 when we come back the parties of interest will have the opportunity to ask a few
20 questions. We will come back on the record at 16:40. Thank you.

21
22 COMMANDER KEVIN CARROLL: Okay, let's go back on the record, Nick please remind
23 us (inaudible)

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LIEUTENANT COMMANDER NICHOLAS PARHAM: Mr. Kosakowski you are cautioned that the (inaudible) is still binding.

TODD KOSAKOWSKI: Sure.

COMMANDER KEVIN CARROLL: All parties and counsel are present. Okay we will begin with Mr. Shisha. As a general reminder to the parties of interest again if I have asked a question there is no need to re-ask the same question.

JAKE SHISHA: Mr. Kosakowski, good afternoon.

TODD KOSAKOWSKI: Good afternoon.

JAKE SHISHA: Does caulking, the job require certain skill?

TODD KOSAKOWSKI: Yes.

JAKE SHISHA: When the ship came in the yard, was the shipyard assigned the task of serving caulking on the hull?

1 TODD KOSAKOWSKI: I am unaware if we were assigned that task, it is a task that I take
2 upon myself when a vessel gets hulled, to give a fairly quick overview of the condition of
3 the hull.

4
5 JAKE SHISHA: You did not do an actual survey inspecting every seam?

6
7 TODD KOSAKOWSKI: No sir.

8
9 JAKE SHISHA: You indicated that you would see different people from the Bounty, at
10 different times, constantly changing doing work on the hull, is that correct?

11
12 TODD KOSAKOWSKI: That is correct.

13
14 JAKE SHISHA: Are you aware of what experience and skill these people had in
15 caulking?

16
17 TODD KOSAKOWSKI: Only by what I saw, how they caulked, you can tell an
18 unexperienced caulker from an experienced caulker.

19
20 JAKE SHISHA: Do you, were they using DAP below the waterline?

21
22 TODD KOSAKOWSKI: I believe that there were instances that they did use it below the
23 waterline.

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JAKE SHISHA: You indicated that your shipyard does not use DAP below the waterline, is that correct?

TODD KOSAKOWSKI: That is correct.

JAKE SHISHA: Do you know whether DAP is approved for caulking below the waterline?

TODD KOSAKOWSKI: I am unaware of what is approved.

JAKE SHISHA: Is there a reason that you do not use DAP below the waterline in your shipyard?

TODD KOSAKOWSKI: The reason that we don't use it anymore is because of the use of it on a previous boat.

JAKE SHISHA: And what did that experience reveal?

TODD KOSAKOWSKI: That it was not the proper seam sealant to use.

JAKE SHISHA: What is a proper seam sealant for this type of vessel below the waterline?

1 TODD KOSAKOWSKI: I have seen it efficiently used a few different products, one being
2 cement mixed with water, just basic Portland cement, another would be poly sulfide to
3 part product called DATCO, there is a myriad of underwater seam compounds including a
4 product called underwater scene compound.

5
6 JAKE SHISHA: What do you know the price comparison between the underwater seam
7 compound that you just mentioned versus DAP?

8
9 TODD KOSAKOWSKI: By weight, I would say that DAP is about 1/10th the price of
10 underwater seam compound.

11
12 JAKE SHISHA: You indicated, there is also testimony that in addition, that after they put
13 the DAP on, they would use a regular window glazing, like you use on your window, have
14 you ever seen that in practice on Bounty?

15
16 TODD KOSAKOWSKI: DAP is window glazing.

17
18 UNKNOWN: I don't remember that testimony.

19
20 JAKE SHISHA: From the chief, from the chief mate, I had asked him what was done with
21 the, what was used the glazing used for, and I showed him a picture of it, and he
22 indicated that they use that,
23

1 UNKNOWN: That's what you're talking about, the window glazing

2

3 JAKE SHISHA: The window glazing I am asking about. The DAP, you indicated that the
4 wood that was used on the topsides was relatively new, six years?

5

6 TODD KOSAKOWSKI: The topsides was replanked 6.5 years ago that is correct.

7

8 JAKE SHISHA: And the cause of the rot, would it most likely be fresh water seepage?

9

10 TODD KOSAKOWSKI: I am unaware of what would have caused that degree of
11 degradation, freshwater would be the likely suspect.

12

13 JAKE SHISHA: Would improper maintenance, or improper caulking over the last six
14 years be a cause for it to rot?

15

16 TODD KOSAKOWSKI: Improper maintenance is going to let freshwater intrude the vessel
17 that is correct.

18

19 JAKE SHISHA: What was the condition of the glazing you saw on top side?

20

21 TODD KOSAKOWSKI: Overall it was dry and appearance, they were replacing or
22 removing glazing as they were working on the hull.

23

1 JAKE SHISHA: You had indicated before that they did 5% of the hull of this seams below
2 the waterline, is that correct?

3
4 TODD KOSAKOWSKI: Yes.

5
6 JAKE SHISHA: And they did 10% above the waterline?

7
8 TODD KOSAKOWSKI: That is correct.

9
10 JAKE SHISHA: So if you average those out, they did less, they did 7% of all the seams?

11
12 TODD KOSAKOWSKI: Yes, I guess so yes.

13
14 JAKE SHISHA: Is there a, who determined which seams had to be done?

15
16 TODD KOSAKOWSKI: The boatswain had circled the problem areas, these were wet
17 seams or seams that were weeping after being hulled, I myself marked a couple and
18 chalk, just seams to tend to, which means remove the seam compound and either
19 tightening the seam or adding material to the seam.

20
21 JAKE SHISHA: If the vessel is properly caulked and maintained, a wooden vessel, can it
22 be watertight?

23

1 TODD KOSAKOWSKI: In the case of Carvel planking it is very hard to keep a completely
2 watertight boat, I am not sure that I've seen one.

3
4 JAKE SHISHA: Normally a vessel that is properly caulked, how often would you have to
5 pump the bilge? Do you know?

6
7 TODD KOSAKOWSKI: I think that would vary from boat to boat.

8
9 LEONARD LANGER: I think that that,

10
11 COMMANDER KEVIN CARROLL: What type of vessels, what,

12
13 JAKE SHISHA: Something like the Bounty or a ship of this size, this type of construction.

14
15 LEONARD LANGER: There is still no foundation for Mr. Kosakowski knowing that.

16
17 COMMANDER KEVIN CARROLL: He has been present on board wooden tall ships
18 before, he can give testimony to that degree.

19
20 JAKE SHISHA: Let me rephrase this. There has been testimony that when the vessel
21 was out at sea it would have to be pumped out, they would pump out the bilges every two
22 or four hours, to you as a shipwright, is that normal or would that be an indication that
23 some action needed to be taken?

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TODD KOSAKOWSKI: In the vessels that I had both worked on and sailed on there, especially underway, daily pumping would be probably a normal action. I'm not sure every 4 hours, that seems excessive, but depending on the seas you might see that as a regular on the vessel.

JAKE SHISHA: If it was every two to four hours, would that be something that would indicated to a mariner whether they should investigate if the ship is sufficiently water tight?

LEONARD LANGER: I'm gonna object, there's no foundation. No foundation for that and its argumentative.

COMMANDER KEVIN CARROLL: He's already answered the question to a degree, I think that's sufficient.

JAKE SHISHA: If the vessel as a whole, does every part of the vessel and all the planking contribute to the entire rigidity of the vessel?

TODD KOSAKOWSKI: Yes.

JAKE SHISHA: If you have, in a sea, does the ship work and move?

TODD KOSAKOWSKI: In my experience, most do, yes.

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JAKE SHISHA: If you have rot and loose frames on the vessel, would that allow it to move more than if it didn't have rotted frames?

TODD KOSAKOWSKI: That's conceivable, yeah.

JAKE SHISHA: You had indicated that you recommended that you avoid heavy weather, is that correct?

TODD KOSAKOWSKI: That's correct.

JAKE SHISHA: Would forecasts of going into winds in excess of 40 or 50 knots be heavy weather?

TODD KOSAKOWSKI: That would, to me, be signs of heavy weather yes.

JAKE SHISHA: You had indicated that the captain told you that he had spoken to the owner.

TODD KOSAKOWSKI: Yes.

JAKE SHISHA: Was it your understanding that it was the owners decision whether or not to do the work?

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LEONARD LANGER: Objection. There's no foundation for that.

COMMANDER KEVIN CARROLL: He did indicate that he was not privy to any conversations.

JAKE SHISHA: At any time, did Captain Walbridge or anybody else indicate anything that the owner told them, or any instructions they received from the owner?

LEONARD LANGER: If I could raise my earlier objection, he said he wasn't privy to any conversation between...

JOHN SVENDSEN: I agree. It's easier for him to say no again than hash it out.

JAKE SHISHA: Not if he was privy, does he know of any conversations?

TODD KOSAKOWSKI: I'm not aware of any conversations.

JAKE SHISHA: In the prior shipyard periods, did you have any interaction with the owners or Mr. Hansen in the prior ship periods, dock periods?

TODD KOSAKOWSKI: Other than in passing, I don't believe so.

1 JAKE SHISHA: Do you know if anyone in the crew other than the captain was aware of
2 the extent of rotting.

3
4 COMMANDER KEVIN CARROLL: He's given testimony to that fact, I've asked him the
5 question. He specifically mentioned that Mark was there and he specifically mentioned
6 that someone named Laura was there. So, please.

7
8 JAKE SHISHA: I'm sorry.

9
10 COMMANDER KEVIN CARROLL: Okay.

11
12 JAKE SHISHA: When you indicated, did you indicate your concern about avoiding heavy
13 weather to anyone else in the crew other than the master?

14
15 TODD KOSAKOWSKI: No, I did not.

16
17 JAKE SHISHA: Do you know whether the master has conveyed to, your concern about
18 going in heavy weather, to anybody else?

19
20 TODD KOSAKOWSKI: Not to my knowledge.

21
22 JAKE SHISHA: I have no further questions.

23

1 COMMANDER KEVIN CARROLL: Okay. Mr. Svendsen.

2
3 JOHN SVENDSEN: Afternoon, Todd.

4
5 TODD KOSAKOWSKI: Afternoon.

6
7 JOHN SVENDSEN: You mentioned your responsibility to the ships agent being Robin
8 Walbridge and communicating this with him. At any point did you feel like communicating
9 that above and beyond to him or to with your owner and him at the same time. So you
10 had confirmation of thats conversation.

11
12 TODD KOSAKOWSKI: I didn't.

13
14 JOHN SVENDSEN: Okay. When managing the relationship with the ships agent and the
15 owner and the concerns you had. Was there any point where you considered a
16 conference call between Robin

17
18 COMMANDER KEVIN CARROLL: I'm sorry, Mr. Svendsen, you say ship's agent, who
19 are you referring to?

20
21 JOHN SVENDSEN: Robin Walbridge, the captain.

22
23 COMMANDER KEVIN CARROLL: Okay.

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JOHN SVENDSEN: I thought I had established that in the previous question, I'm sorry.

COMMANDER KEVIN CARROLL: I'm sorry.

JOHN SVENDSEN: Did you consider having a conference call between all of the parties involved in your management and the Bounty's management.

TODD KOSAKOWSKI: I did not consider it at the time.

JOHN SVENDSEN: Was this documented at your office at the time you discovered it beyond the photos and taking the wood?

TODD KOSAKOWSKI: There was not documentation other than the photographs.

JOHN SVENDSEN: Okay and you said it was difficult to evaluate beyond pulling planks and exploring further after you had used some kind of a meter

TODD KOSAKOWSKI: Moisture meter

JOHN SVENDSEN: and without pulling planks there was no definitive answer how far it hits red.

1 TODD KOSAKOWSKI: That's correct.

2
3 JOHN SVENDSEN: Was there concern amongst you and management on your side to
4 bring this to the attention of the owner and to further investigate after you had a
5 conversation with, I believe it was, Eric.

6
7 TODD KOSAKOWSKI: Yes. Can you rephrase the question?

8
9 JOHN SVENDSEN: Did you and Eric have a conversation about pursuing taking this
10 information further up the chain of command, so to speak, with the Bounty organization to
11 the ownership and possibly to the Coast Guard at that time?

12
13 TODD KOSAKOWSKI: I did not.

14
15 JOHN SVENDSEN: With your concern, does the indicate your concern was fully satisfied
16 at that point so that the Bounty could sail or did you feel that there was anyway to convey
17 this information or any concerns to anyone else?

18
19 TODD KOSAKOWSKI: Given the experience of the captain, I believed I was talking to the
20 right person and I believed he heard my concern and that was the end of the chain of
21 command. 20/20 hindsight is different, but I believed I talked to the right person.

22

1 JOHN SVENDSEN: Considering his experience, knowing he had been involved in the
2 2001 2007 rebuilds that you were involved with. How would you evaluate his skill with
3 wooden boats and their construction and repair?
4

5 TODD KOSAKOWSKI: His skill with wooden boats was something to aspire to, it was
6 definitely all encompassing. I met very few captains that knew as wide a range of skills
7 as he did.
8

9 JOHN SVENDSEN: And if had stated his comfort with something lasting through the next
10 haul out period or hull inspection, would you assume, would you feel comfortable with that
11 and would you look at, did you see any signs with the crew's comfort with that?
12

13 TODD KOSAKOWSKI: I would say that both, I would say that that's why I was satisfied
14 with the repairs that we did and I would also say that they way he spoke of the repairs to
15 the crew they were comfortable with what was being repaired why and what the further
16 course of action would be.
17

18 JOHN SVENDSEN: Move forward to October 30, now you are considering this in a
19 different light. What was your desire to communicate to the Coast Guard at that point in
20 time?
21

22 TODD KOSAKOWSKI: At that point of time, I had taken the pictures that I did and the
23 remnants of the hull that I had.

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JOHN SVENDSEN: And did you reach out to the Coast Guard at that point in time?

TODD KOSAKOWSKI: I did not.

JOHN SVENDSEN: Did you reach out to the Coast Guard to provide information at any point in time before you were asked by Kevin Harrell?

TODD KOSAKOWSKI: No, but that was planned.

JOHN SVENDSEN: You stated clearly that the hull inspection, or the hull repairs that you made were satisfactory to a level that you would allow the boat to sail. Was there at any point in time when you considered a halt in the work that was being done on the ship to explore any other options or, I will start with that question.

TODD KOSAKOWSKI: Can you rephrase that question?

JOHN SVENDSEN: Was there at any point that you felt that you would recommend a halt in the repairs or work being done on the Bounty to evaluate with ownership or with any of the parties involved?

1 TODD KOSAKOWSKI: The only thoughts I had about halting and changing what we were
2 doing for repair or further investigating were all conversation with Captain Robin
3 Walbridge and they didn't go any further than that.
4

5 JOHN SVENDSEN: And that's my final question, thanks Todd.
6

7 COMMANDER KEVIN CARROLL: Thank you. Bounty Organization.
8

9 LEONARD LANGER: Afternoon, Mr. Kosakowski.
10

11 TODD KOSAKOWSKI: Good afternoon.
12

13 LEONARD LANGER: To follow up on some questions asked by some of the other
14 individuals, is it the yard's practice to make written reports after projects such as the work
15 on the Bounty was done in writing for your file?
16

17 TODD KOSAKOWSKI: We do not keep written reports other than the initial line item
18 punch list of projects. Usually it documents hours that it took to complete the repair along
19 with the cost of materials. That's for tracking of the projects, costs and also time
20 management. That's the only document.
21

22 LEONARD LANGER: You don't make documentation of any concerns you or other
23 people at the yard might have on a particular project?

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TODD KOSAKOWSKI: We have not.

LEONARD LANGER: As I understand it, you not only failed to call the Coast Guard when you found this condition, but you never provided any sort of written report or notice to the Coast Guard of this condition.

TODD KOSAKOWSKI: That's correct, I did not.

LEONARD LANGER: After the vessel left, did you send any email or other correspondence to Captain Walbridge to make a record of your concerns to him?

TODD KOSAKOWSKI: I did not.

LEONARD LANGER: Did you ever send an email or any sort of written correspondence with HMS Bounty Organization to express your concerns?

TODD KOSAKOWSKI: I, myself, did not.

LEONARD LANGER: Do you know if anybody at Booth Bay Harbor Shipyard wrote any emails or any other written correspondence to HMS Bounty Organization expressing your concerns or the concerns of the shipyard if there were any?

1 TODD KOSAKOWSKI: I am unaware of any conversations or email.

2

3 LEONARD LANGER: These conversations you supposedly had with Captain Walbridge,
4 was there anybody else present?

5

6 TODD KOSAKOWSKI: There was not.

7

8 LEONARD LANGER: Where did these conversations take place?

9

10 TODD KOSAKOWSKI: The either took place on the dry dock, on the wheel way, or in my
11 office in the main building of the yard.

12

13 LEONARD LANGER: Did you call Capt. Walbridge and ask him to come to your office?
14 To have these conversations?

15

16 TODD KOSAKOWSKI: No he frequently stopped then if I was in my office to talk about
17 the scope of work or any questions that he had.

18

19 LEONARD LANGER: Do you know when the first conversation took place, the date or
20 time of the first conversation?

21

22 TODD KOSAKOWSKI: My first conversation in regards to what?

23

1 LEONARD LANGER: With Capt. Walbridge regarding your concern with the condition of
2 the vessel.

3
4 TODD KOSAKOWSKI: The date and time I do not have but it would have been as we
5 were taking the first plank off of the vessel.

6
7 LEONARD LANGER: And did you call him to come and look and see at what you had
8 found?

9
10 TODD KOSAKOWSKI: I believe what I did was found him in one of the other shipyard
11 buildings and had him come up to the hull, to the repair.

12
13 LEONARD LANGER: How many total conversations did you have with Capt. Walbridge
14 on these issues of the planking?

15
16 TODD KOSAKOWSKI: I would say that I had probably at least a conversation a day,
17 during the hull out while they were hauled out.

18
19 LEONARD LANGER: So is it your testimony that you had 30 separate conversations with
20 Capt. Walbridge regarding the condition of the planking on the vessel?

21
22 TODD KOSAKOWSKI: I would say that that is probably a fair number. And that's in
23 regards to what could have caused it, how to treat it, where to go, how far to take a

1 certain repair that would have been touching on all aspects of that, of the rot and the
2 repair and concerns about it.

3
4 LEONARD LANGER: Throughout those 30 some odd conversations, there was never
5 anyone else present during that time period that you are talking?

6
7 TODD KOSAKOWSKI: No, I am sure some of those were in front of other yard
8 employees or Bounty crew.

9
10 LEONARD LANGER: Can you give me an instance and the name of another crew that
11 would have been present during those conversations?

12
13 TODD KOSAKOWSKI: One would have been right when we were taking the first plank off
14 of the vessel, and I believe that Jim Jones and James Knightley were present, they were
15 doing the demolition along with I wasn't familiar with the Bounty crews last names, but
16 Mark helped take the planks off he would have been present, Dan who is a previous
17 Bounty boatswains, and also the new boatswain Laura, and the conversation was Robin,
18 Robin was also present and we were assessing the frames in that area, this would have
19 been in the port side hull, topsides, and the conversation being mostly between Robin
20 and the two Bounty crew members Dan and Laura about being concerned about
21 freshwater, what freshwater can and will do to hull framing you, and I am sure that in
22 there we talked about how we're going to remedy it and concerns with the structural
23 integrity of those frames.

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LEONARD LANGER: Any other recollection where there were crew members present during your conversations with Captain Walbridge?

TODD KOSAKOWSKI: There probably would have been conversations, their were conversations at the port hip with again Mark present with a 2 yard employees that I mentioned Jim and James about what would have caused the frame rot in that area.

LEONARD LANGER: Those are the two conversations that you recall?

TODD KOSAKOWSKI: Those are the conversations that I recall yes.

LEONARD LANGER: Typically how long did your conversations with Capt. Walbridge last?

TODD KOSAKOWSKI: Probably the longest would have been probably not more than 10 minutes, a lot of them would have been in passing, either having him okay a repair going farther than we talked about previous or how we were going to tackle some of the repair.

LEONARD LANGER: Mr. Shisha asked you some questions about caulking, I think you said, and I don't mean to ask you to repeat, Carroll has already asked you but, in light of Mr. Shisha's questions where you satisfied with the caulking job that the Bounty created on the vessel.

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TODD KOSAKOWSKI: I was.

LEONARD LANGER: After the vessel was launched how long did it lay alongside the dock?

TODD KOSAKOWSKI: It was more than likely there a week.

LEONARD LANGER: And did you make any inspections on the interior of the vessel during that week?

TODD KOSAKOWSKI: I made an initial, after the launching I made an initial attempt to access bilges, nothing seemed out of the ordinary and the bilges.

LEONARD LANGER: Bilges were dry?

TODD KOSAKOWSKI: They were not dry, some of the bilges had minimal water left from before the haul out.

LEONARD LANGER: Did you have any contact with Capt. Walbridge at any time after the vessel had left your yard?

TODD KOSAKOWSKI: Not that I remember no I didn't.

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LEONARD LANGER: If you have any contact with any other members of the crew after the vessel had left your yard?

TODD KOSAKOWSKI: I don't believe so.

LEONARD LANGER: Did any crew member come to you, or did Than Walbridge come to you after the boat had been launched and was laying alongside and indicated that they felt the vessel was taking on more water than it should have?

TODD KOSAKOWSKI: No.

LEONARD LANGER: When you said you spent two years at the apprentice shop?

TODD KOSAKOWSKI: Yes.

LEONARD LANGER: The apprentice shop uses DAP caulking DAP compound for caulking?

TODD KOSAKOWSKI: Yes, in topsides planking it does yes.

LEONARD LANGER: And DAP talking was also used on the vessel Shenandoah when it was at your yard?

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TODD KOSAKOWSKI: That is correct.

LEONARD LANGER: Do you still have the camera that you took those pictures with?

TODD KOSAKOWSKI: It was with, the pictures are from an iPhone.

LEONARD LANGER: Had they been erased from your iPhone?

TODD KOSAKOWSKI: No they were transferred to my home computer.

LEONARD LANGER: When were they transferred to your home computer?

TODD KOSAKOWSKI: I had dropped a phone, and had to replace the phone so in order to preserve everything that was on the phone it went, it was backed up on my home computer, I received a new phone and transferred some files back onto the new phone, and some stayed on the home computer.

LEONARD LANGER: When was the, when where the photos transferred onto the computer?

TODD KOSAKOWSKI: Probably towards the end of the Bounty haul out.

1 LEONARD LANGER: And what happened to the old phone?

2
3 TODD KOSAKOWSKI: The old phone?

4
5 LEONARD LANGER: Right.

6
7 TODD KOSAKOWSKI: It was sent back into Verizon.

8
9 LEONARD LANGER: So it was gone?

10
11 TODD KOSAKOWSKI: The old phone is gone.

12
13 COMMANDER KEVIN CARROLL: I am curious on how this is relevant?

14
15 LEONARD LANGER: I have a question to the issue of a sort of corroboration of
16 determining when the photographs were taken and since he is not able to give us a date
17 as to when they were taking.

18
19 COMMANDER KEVIN CARROLL: Do you believe that the photos were not taken during
20 the Boothbay harbor shipyard haul out?

21
22 LEONARD LANGER: I just didn't know when the photos were taken. I believe I am done.

23

1 COMMANDER KEVIN CARROLL: I did not hear what you said serve.

2
3 LEONARD LANGER: I think I am done, thank you.

4
5 COMMANDER KEVIN CARROLL: Capt. Jones you have any questions?

6
7 CAPTAIN ROB JONES: I have a few follow-ups.

8
9 COMMANDER KEVIN CARROLL: Mr. Langer are you just taking a moment?

10
11 LEONARD LANGER: I am just taking a moment.

12
13 COMMANDER KEVIN CARROLL: Okay. Capt. Jones.

14
15 CAPTAIN ROB JONES: As a project manager when the Bounty yard period finished, are
16 you do you do an inspection of the vessel?

17
18 TODD KOSAKOWSKI: Typically we walked the projects that we were on and also give a
19 brief idea of whether the boat is taking on water or making sure everything is firing up,
20 engines are firing up that type of thing, yes.

21
22 CAPTAIN ROB JONES: How about just general hospitality, shipyard gear, gear adrift,
23 was the Bounty, as far as the Bounty yard period from at the shipyard to release him back

1 to the owner, do you do an inspection of the vessel, what did you find what didn't you
2 find?

3
4 TODD KOSAKOWSKI: The inspections that happened would have been right after
5 launch, I would have inspected the vessel, there was actually still projects going on, we
6 worked on the boat in the water installing hatches, some of the repairs to the soft patch
7 down below that were still taking place, and as far as an inspection after those projects
8 are done for me to acquire backyard tools, things that may have been left adrift on the
9 boat, that's an inspection that would have happened and typically just kind of a last walk
10 through before they are leaving, leaving town, leaving the harbor.

11
12 CAPTAIN ROB JONES: Just on the general cleanliness of the, did anybody from Bounty
13 come to you, back to the shipyard and say this still needs to be done, Disney's to be
14 cleaned up, and he geared the draft, no debris, anything like that?

15
16 TODD KOSAKOWSKI: Not to my knowledge.

17
18 CAPTAIN ROB JONES: Okay, just one other question. When we met with you in
19 December you related a conversation to us and it basically said and I |quote, and we did
20 do a transcription of this " they should figure out how to get rid of the boat as soon as
21 possible," do you remember that conversation that you related to us?

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23 TODD KOSAKOWSKI: I do.

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CAPTAIN ROB JONES: Can you give us the circumstances and the people that were involved in that conversation?

TODD KOSAKOWSKI: Again it was a conversation that I had with Capt. Walbridge and myself, nobody was present and this was approximately 2 hours, three hours after his conversation with me detailing that Bob Hansen had asked him about the possibility of a lawsuit against the yard. I approached him three hours afterwards I asked him further what would have happened in this conversation with Bob Hansen and what he told him. I just wanted to know for my own information, he said that he told Bob Hansen that he should get rid of the boat as soon as possible.

CAPTAIN ROB JONES: The photographs that you had took and we have seen here today, when did the owner of the shipyard know about those photographs, the president Mr. Graves?

TODD KOSAKOWSKI: He, I don't believe he had ever saw the photographs.

CAPTAIN ROB JONES: When was your first made aware of it?

TODD KOSAKOWSKI: Probably the day that I told you that I had taken them I don't know if I had ever expressed to him that I had taken pictures of the hull, although it was not uncommon that I took pictures of the work that we did.

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CAPTAIN ROB JONES: How about, the wood samples the same? Or did he know about that?

TODD KOSAKOWSKI: He didn't know that I took and have in my office parts of the Bounty.

CAPTAIN ROB JONES: What did he say after you showed him those photographs?

TODD KOSAKOWSKI: I don't believe that I ever showed him the photographs.

CAPTAIN ROB JONES: What did he say to you after he realized that there were photographs, (inaudible)?

TODD KOSAKOWSKI: I do not recall having a conversation with him about it.

CAPTAIN ROB JONES:CAPTAIN ROB JONES: Okay that is all I have.

COMMANDER KEVIN CARROLL: You stated earlier that you had a conversation with Capt. Walbridge and you told him not to sail the vessel and bad weather, did he respond back to you?

1 TODD KOSAKOWSKI: The conversation I had with him was he needed to change how
2 he used the boat, avoid heavy weather, things of that sort, it was more a conversational
3 tone, it wasn't, he did not respond to that, he more or less agreed with me on avoiding
4 heavy weather in conversation. Which would have been just a general gesture, I don't
5 remember him actually saying anything in response to that.
6

7 COMMANDER KEVIN CARROLL: But in your opinion the way the vessel was when it
8 departed from Boothbay harbor shipyard, you believed that it could make it to the next
9 yard period?
10

11 TODD KOSAKOWSKI: I assume so yes.
12

13 COMMANDER KEVIN CARROLL: You assumed so, okay. Given the fact that you
14 testified before that you really do not know what the condition of the frames, or the
15 planking was above or below those specific areas that were replaced at the port side and
16 the starboard side and a transom?
17

18 TODD KOSAKOWSKI: Can you rephrase the question, sorry.
19

20 COMMANDER KEVIN CARROLL: Did you believe that the vessel could make it to the
21 next yard period?
22

23 TODD KOSAKOWSKI: I do.

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COMMANDER KEVIN CARROLL: You do, okay. Did you still, did you have confidence that you knew what the overall condition of the vessel was?

TODD KOSAKOWSKI: I did not have confidence of, no, I did not know what the shape of the vessel was like.

COMMANDER KEVIN CARROLL: Okay, was the exploratory process never gone through, going through removing more planks?

TODD KOSAKOWSKI: That is correct.

COMMANDER KEVIN CARROLL: Okay, okay. So you are saying you kept the samples took the photographs because you are concerned about the vessels safety?

TODD KOSAKOWSKI: For documentation, yes.

COMMANDER KEVIN CARROLL: Were you worried about covering your butt a little bit?

TODD KOSAKOWSKI: I don't remember thinking that, no.

COMMANDER KEVIN CARROLL: Okay. You said you are glad you've took the photographs, on October 30, why?

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TODD KOSAKOWSKI: For your investigation.

COMMANDER KEVIN CARROLL: For my investigation, okay. (inaudible)

UNKNOWN: I have a follow up.

COMMANDER KEVIN CARROLL: Sure, please.

JAKE SHISHA: Was it your opinion that the only true way to ascertain if that vessel was seaworthy was by removing the planks and doing a thorough inspection?

LEONARD LANGER: I object, it calls for a legal conclusion (inaudible)

COMMANDER KEVIN CARROLL: I am sorry I cant hear you Mr. Langer.

LEONARD LANGER: ... a legal conclusion as well,

COMMANDER KEVIN CARROLL: A legal conclusion, or a seaworthiness determination?

LEONARD LANGER: That is a legal conclusion, the way it was asked, and was for other purposes.

1 JAKE SHISHA: He can answer if he thinks the only way to determine the material
2 condition of the vessel is to continue to remove planks.

3
4 COMMANDER KEVIN CARROLL: I believe he already has answered that question.

5
6 JAKE SHISHA: He was talking about that already.

7
8 COMMANDER KEVIN CARROLL: He has answered that question several times.

9
10 UNKNOWN: He answered that that's the way that he had (inaudible)

11
12 JAKE SHISHA: Can you answer that question?

13
14 TODD KOSAKOWSKI: That is not the only way to do it, I am sure that by drilling frames
15 you could probably come up with a pretty sound conclusion about what the shape of the
16 hull was.

17
18 JAKE SHISHA: Was that ever done?

19
20 TODD KOSAKOWSKI: No.

21
22 JAKE SHISHA: Without drilling the frames, and without removing the plank, could you be
23 certain that the vessel was seaworthy?

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UNKNOWN: Same objections.

COMMANDER KEVIN CARROLL: If we're going to talk about condition we can talk about condition, we are not going to use the term seaworthy, we will talk about the overall condition of the vessel.

JAKE SHISHA: Yes.

TODD KOSAKOWSKI: Can you rephrase the question?

JAKE SHISHA: Without either removing the planks or drilling, which was not done, were you satisfied that you can determine with certainty that the vessel was seaworthy?

UNKNOWN: It's the same objection.

COMMANDER KEVIN CARROLL: Mr. Shisha he has answered the question I think, very succinctly and he was unaware.

JAKE SHISHA: That's fine I don't want to beat a dead horse.

COMMANDER KEVIN CARROLL: Okay, thank you. We are concluded for the day, Lieut. Parham was the first witness scheduled for tomorrow?

1
2 LIEUTENANT COMMANDER NICHOLAS PARHAM: The first witness tomorrow morning
3 is Mr. Erickson, from the marine safety center,
4

5 COMMANDER KEVIN CARROLL: And that is telephonic testimony, okay. Ladies and
6 gentlemen we are concluded for the day, we will come back on the record tomorrow at
7 09:00. Mr. Kosakowski you are released but subject to recall.
8

9 TODD KOSAKOWSKI: Thank you sir.
10

11 COMMANDER KEVIN CARROLL: Thank you.
12

13 LIEUTENANT COMMANDER NICHOLAS PARHAM: Ladies and gentleman, we will be
14 beginning in one minute.
15

16 COMMANDER KEVIN CARROLL: Thank you Captain Jones. Are there any preliminary
17 matters for the parties in interests?
18

19 LEONARD LANGER: Yes, HMS Bounty Organization would ask that we issue an order to
20 either Booth Bay Shipyard and / or Todd Kosakowski to preserve any electronic
21 information relating to when the photographs were discussed yesterday were taken. Mr.
22 Kosakowski was unable to tell the board when the photographs were taken or in what order
23 they were taken and preserving the electronic information may provide assistance to the

1 board with regard to the chronology and also for later information that may become
2 important.

3
4 COMMANDER KEVIN CARROLL: Okay. Understood. What I would request is that you
5 put that in writing and we will take it into consideration.

6
7 LEONARD LANGER: Thank you.

8
9 COMMANDER KEVIN CARROLL: Thank you. If there are no more preliminary matters,
10 we will take a short recess and after reconvening we will call the first Coast Guard witness
11 who is Mr. Peter Erickson from Coast Guard Headquarters Marine Safety Center. That
12 witness will be telephonic and we will come back at 0915. 0915. Thank you.

13
14 PETER EARECKSON: inaudible telephone conversation

15
16 COMMANDER KEVIN CARROLL: Mr. Eareckson, we can actually hear you right now on
17 speakerphone, you may want to put us on mute until you are ready to go on the record.

18 Ok, sir?

19
20 PETER EARECKSON: Oh, I'm so sorry. Yes.

21
22 COMMANDER KEVIN CARROLL: Alright.

23

1 LIEUTENANT COMMANDER NICHOLAS PARHAM: Ladies and gentlemen, if you will
2 please take your seats, we will be starting in a moment.

3
4 COMMANDER KEVIN CARROLL: Let's go back on the record.

5
6 LIEUTENANT COMMANDER NICHOLAS PARHAM: At this time the Coast Guard calls to
7 testify Mr. Peter Eareckson. Mr. Eareckson can you hear us okay?

8
9 PETER EARECKSON: Yes, (inaudible) I have you on speaker so that (inaudible) can
10 identify but I can just pick up the handset if it will help the call.

11
12 LIEUTENANT COMMANDER NICHOLAS PARHAM: Okay. Thank you. Mr. Ellis, if
13 you're there please verify the identity of Mr. Eareckson please.

14
15 BRIAN ELLIS: Yes, I can. My name is Brian Ellis and I am sitting here with Peter
16 Eareckson employee of US Coast Guard Marine Safety Center here in Washington DC.

17
18 LIEUTENANT COMMANDER NICHOLAS PARHAM: Okay, thank you very much sir. Mr.
19 Eareckson, if you could please rise and raise your right hand.

20
21 PETER EARECKSON: I have done so.
22

1 LIEUTENANT COMMANDER NICHOLAS PARHAM: A false statement given to an
2 agency of the United States is punishable by fine and / or imprisonment under 18 USC
3 1001. Knowing this do you solemnly swear that the testimony you are about to give will
4 be the truth, the whole truth and nothing but the truth, so help you God?

5
6 PETER EARECKSON: I do.

7
8 LIEUTENANT COMMANDER NICHOLAS PARHAM: Thank you. Please be seated, we
9 will begin.

10
11 COMMANDER KEVIN CARROLL: Good morning, Mr. Eareckson. This is Commander
12 Carroll of the 5th district, can you hear me okay sir?

13
14 PETER EARECKSON: Yes (inaudible)

15
16 COMMANDER KEVIN CARROLL: Okay. Can you please state your name and spell you
17 last name please?

18
19 PETER EARECKSON: Yes sir. My name is Peter Eareckson. My last name is spelled
20 E-A-R-E-C-K-S-O-N

21
22 COMMANDER KEVIN CARROLL: Okay. Thank you. Could you please tell us, who is
23 your employer?

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PETER EARECKSON: I work for the US Coast Guard as a civilian and my immediate (inaudible) Coast Guard Marine Safety Center.

COMMANDER KEVIN CARROLL: Okay. What do your duties entail?

PETER EARECKSON: Program manager for the United States for (inaudible)

COMMANDER KEVIN CARROLL: Please do.

PETER EARECKSON: ...the program is under the Coast Guard, under an act of Congress, where the Coast Guard administers protection of the coast waters of the United States, ... gross and net tonnage two commercial vessels, recreational vessels, and public vessels (inaudible) is applied to vessel based on the tonnage. It is required to be measured under the tonnage measurement code of United States which the Coast Guard administers for, so I'm the program manager for the program, responsible for the regulation (inaudible) on the Coast Guard's behalf. A variety of other administrative and legal functions of the administrative program.

COMMANDER KEVIN CARROLL: What other organizations conduct work for the Coast Guard in regards to tonnage on our behalf?

1 PETER EARECKSON: Under US law we delegate to our own regulations, what we call
2 authorized measurement agencies, classification requirements, and application would be
3 evaluated, the the requirements are spelled out in the tonnage regulations in 46 CFR, at
4 this point there are seven classes of measurements which we have authorized, US
5 vessels on behalf of the Coast Guard.

6
7 COMMANDER KEVIN CARROLL: And those are?

8
9 PETER EARECKSON: (inaudible)

10
11 COMMANDER KEVIN CARROLL: Okay. At this point we are conducting a formal hearing
12 in regards to the casualty involved with the vessel Bounty which occurred on October 29,
13 2012, I'm going to ask you some specific questions in regards to tonnage that relate to
14 Bounty in the hopes of getting some clarification on some modifications that were made to
15 the vessel this summer. Specifically, in preparation for your testimony today we sent you
16 some copies of exhibits that we will be questioning you want, can you please tell me what
17 exhibits you have?

18
19 PETER EARECKSON: The exhibits that were emailed to me, I can list the Coast Guard
20 document or the number CG 4,

21
22 COMMANDER KEVIN CARROLL: I'm sorry sir can you please just, okay just, okay go
23 ahead and list the exhibits

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PETER EARECKSON: I'm sorry?

COMMANDER KEVIN CARROLL: Just list the exhibits as you were, sorry.

PETER EARECKSON: Okay, just keep going, CG 44, CG 4, CG 17, CG 36, CG 36A, and CG 72.

COMMANDER KEVIN CARROLL: Okay excellent, thank you very much. Can you please identify for me please exhibit CG 4. CG4.

PETER EARECKSON: Alright, I've printed out copies and I'm looking at that right now.

COMMANDER KEVIN CARROLL: Okay.

PETER EARECKSON: (inaudible) By the national Coast Guard transportation center, certificate issued for Bounty (inaudible) 2012.

COMMANDER KEVIN CARROLL: Okay, and the expiration date is what Sir?

PETER EARECKSON: Expiration date of July 31, 2013.

1 COMMANDER KEVIN CARROLL: Okay can you please, the block that is towards the
2 upper left corner, which lists a gross tonnage can you please list what the gross tonnage
3 of Bounty was on the issue date?
4

5 PETER EARECKSON: it lists a tonnage of international (inaudible) United States law of
6 409 GRT (inaudible) it also lists 266 GRT as the regulatory tonnage.
7

8 COMMANDER KEVIN CARROLL: Okay, can you give us a brief description of the
9 difference between what is ITC and GRT?
10

11 PETER EARECKSON: The GRT measurements (inaudible) sometimes referred to as a
12 national measurement system, most of the systems ideally gross registered tonnage
13 came about in the 1800's and we, the United States our version of that measurement was
14 brought into law in 1864, other countries around the world generally did the same thing so
15 by the late 1800s most maritime nations of the world were using a derivative of this British
16 system (inaudible) to give you a gross tonnage which is a parameter reflective of the
17 volume of the vessel. These systems, (inaudible) systems as they are called became
18 quite complex in a sense that (inaudible) had a complex series of additions and
19 deductions, to get the total volume of the vessel ... GRT number like a gross income,
20 that's what the GRT is (inaudible) give the Bounty 266, of deductions (inaudible) of
21 numbers over to the right, that's a quick synopsis of what our national regulations give the
22 GRT number. The international system will issue a GTIDP (inaudible) developed at an
23 international conference that occurred in London in 1969 (inaudible) kinds of systems, the

1 international community trying to come up with a common system (inaudible) that you
2 have with these older systems, (inaudible) design, tonnage openings, with the example
3 which was basically (inaudible) so the international system was developed in 1969
4 (inaudible) older systems, but on a much similar basis which involve just looking at the
5 total volume of the vessel (inaudible) and deductions.

6
7 COMMANDER KEVIN CARROLL: Okay thank you sir. I would like to direct your attention
8 please to exhibit CG 17, CG 17. Page 1 of the document, can you please identify the
9 document for Acer?

10
11 PETER EARECKSON: Okay if I'm looking at it right it's a Coast Guard inspection and a
12 survey on the British, the UK maritime (inaudible) this one had the name Bounty on the
13 top of it (inaudible)

14
15 COMMANDER KEVIN CARROLL: What was the date of the report?

16
17 PETER EARECKSON: Date of the report, it was written in the British style, May 20,
18 2011. 20.5.2011

19
20 COMMANDER KEVIN CARROLL: Okay can you please turn to page 2?

21
22 PETER EARECKSON: I am on it.

23

1 COMMANDER KEVIN CARROLL: Okay. Did the MCA authorities issue a deficiency to
2 Bounty on the date of this report?

3
4 PETER EARECKSON: Yes, (inaudible) on this form, I'm looking at a list of descriptions
5 of deficiencies, I'm assuming that's what this is.

6
7 COMMANDER KEVIN CARROLL: Okay.

8
9 PETER EARECKSON: The first one is a tonnage certificate not on board.

10
11 COMMANDER KEVIN CARROLL: And what does it state below?

12
13 PETER EARECKSON: I'm sorry, can you repeat?

14
15 COMMANDER KEVIN CARROLL: What does it state below ITC 69 tonnage certificate
16 not on board?

17
18 PETER EARECKSON: Certificate not on board too, I'm having a hard time reading that,
19 (inaudible)

20
21 COMMANDER KEVIN CARROLL: Okay, can you please turn to page page 4, page 4 of
22 the same exhibit?

23

1 PETER EARECKSON: (inaudible)

2
3 COMMANDER KEVIN CARROLL: Okay,

4
5 PETER EARECKSON: Dated 20 May 2011 as the date of inspection

6
7 COMMANDER KEVIN CARROLL: Okay, now on this particular form was Bounty issued a
8 tonnage related deficiency on the date of this report?

9
10 PETER EARECKSON: Yes, this report shows it is to obtain a national tonnage
11 certificate, as first tonnage regulations (inaudible).

12
13 COMMANDER KEVIN CARROLL: Okay in regards to the certificate of documentation we
14 viewed before, was Bounty required to have an international tonnage certificate?

15
16 PETER EARECKSON: (inaudible) certificate of documentation. The way that we produce
17 the certificate of documentation from the Coast Guard is (inaudible) send tonnage
18 certificates to the NTC upon issuance or reissuance,

19
20 COMMANDER KEVIN CARROLL: Mr. Eareckson, Mr. Eareckson,

21
22 PETER EARECKSON: Should reflect the tonnage is assigned, (inaudible) classification
23 and size. The paperwork here shows in this case the vessel do not have it, an

1 international tonnage certificate, and I'm looking at the (inaudible) form, and that would be
2 a violation of our international, international treaty obligations specific towards the national
3 tonnage convention, any vessel of the United States (inaudible) on an international
4 voyage after 18 July 1994 have to have this document, called an international tonnage
5 certificate on board the vessel.

6
7 COMMANDER KEVIN CARROLL: For the records sir can you please tell us what is the
8 NVDC?

9
10 PETER EARECKSON: Oh I'm sorry, the National Vessel Documentation Center.

11
12 COMMANDER KEVIN CARROLL: Okay, thank you very much.

13
14 PETER EARECKSON: Sorry.

15
16 COMMANDER KEVIN CARROLL: Would it matter what service the vessel is in, in other
17 words if the vessel was in recreational service and was on an international voyage, would
18 it still be required to have an international tonnage certificate?

19
20 PETER EARECKSON: In your line of questioning the answer is yes, it would have to
21 have one, but the only exception is for a vessel of war, warships, in that case the
22 international tonnage certificate doesn't apply to warships, but it makes a distinction on

1 any other kind of vessel such as recreational, commercial, anything that is not a warship
2 is required to have this document on board.

3
4 COMMANDER KEVIN CARROLL: Okay sir thank you very much. I'd like to direct your
5 attention please to exhibit CG 44, CG 44.

6
7 PETER EARECKSON: Alright just one second, yes sir, I am looking at my printed copy.

8
9 COMMANDER KEVIN CARROLL: Okay, I'm going to let the parties of interest in the
10 other parties have a chance to turn to that page.

11
12 PETER EARECKSON: Alright.

13
14 COMMANDER KEVIN CARROLL: Can you please identify this document for me?

15
16 PETER EARECKSON: This is the front side of, well, this document has a number of
17 pages, 15 pages in this document, and the front side the first side of various of US and
18 international, international tonnage certificates and to US tonnage certificates are issued
19 by the American Bureau of Shipping (inaudible).

20
21 COMMANDER KEVIN CARROLL: Okay, and what is the date?
22

1 PETER EARECKSON: Well there is a total of three documents, there's international
2 tonnage certificate page 1 which was issued on July 15, 2012, if I go to page 4 of CG 44
3 there is a US tonnage certificate issued by (inaudible) on July 15, 2012, and the third
4 document is a front of a US tonnage certificate (inaudible) on 16 July 2001.

5
6 COMMANDER KEVIN CARROLL: Okay Mr. Eareckson I'm going to apologize because I
7 told you to turn to the wrong exhibit on my notes on going to ask you to turn to exhibit CG
8 72, thank you (inaudible)

9
10 PETER EARECKSON: (inaudible) wrong certificate or my labeling.

11
12 COMMANDER KEVIN CARROLL: No, that was my bad, exhibit CG 72.

13
14 PETER EARECKSON: Oh, CG 72, does the front and reverse of an international's
15 tonnage certificate issued by (inaudible) on the Coast Guard's behalf on Bounty on July
16 25, 2011.

17
18 COMMANDER KEVIN CARROLL: Okay, how many pages do you have?

19
20 PETER EARECKSON: On CG 72 I have two pages.

21
22 COMMANDER KEVIN CARROLL: Okay in regards to the gross tonnage for Bounty, what
23 was the gross tonnage as the date of this issuance of this certificate?

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PETER EARECKSON: According to the certificate of the gross tonnage of 413 GTITC, and on the reverse of the certificate because the US certificate was not issued (inaudible) US law, it only had one set of tonnages one gross one net both on the international tonnage certificate.

COMMANDER KEVIN CARROLL: Okay, thank you very much, so on the date of that certificate the gross tonnage was in fact 413 and that would be for domestic and international call?

PETER EARECKSON: Yes under US law this, a vessel of this size can get complicated on the various permutations, depending on age of vessel, there's a lot of different parameters (inaudible) measured only under the convention system in this certificate (inaudible) assigned only under the conventions, for international voyages which the certificate shows it was (inaudible) and US law, international conventions were required.

COMMANDER KEVIN CARROLL: Thank you sir I like to direct your attention to exhibit CG 36, CG 36.

PETER EARECKSON: Alright, I am looking at it

COMMANDER KEVIN CARROLL: Okay, can you identify page 1 of this document?

1 PETER EARECKSON: This document is a letter from HMS Bounty Organization signed
2 by a Tracy Simonin and dated 15th of December 2011
3

4 COMMANDER KEVIN CARROLL: What is the substance of the first page of the letter?
5

6 PETER EARECKSON: This letter is appealing US Coast Guard activity regarding
7 whether this particular vessel (inaudible) regulatory adjustments for international
8 purposes this the basic
9

10 COMMANDER KEVIN CARROLL: Okay, can you explain to me, can you please explain
11 to me what is grandfathering?
12

13 PETER EARECKSON: Yeah, grandfathering is not a legal term, although we use it in
14 some of our policy documents to describe provision and contacts of the international
15 tonnage convention to allow older vessels (inaudible) variation in their tonnage these
16 provisions allow (inaudible) their national and our case as to why certain provisions of the
17 international convention. These provisions are found an article 3 of the international
18 tonnage convention (inaudible) those provisions are also well documented in US law
19 (inaudible) of 1986.
20

21 COMMANDER KEVIN CARROLL: Okay think you understood, for this appeal to be at the
22 Commandant level, CG 543, would this be the first line of appeal, or were they have to
23 appeal first to the issuing authority of the OCMI.

1
2 PETER EARECKSON: Yeah, the pictures are a little complex for this particular vessel, I
3 mean because of activity here which then reports to (inaudible) the short of it is the way
4 the paperwork flows on this one is (inaudible) identified the problem with the tonnage
5 assigned on the vessel (inaudible) shows and gives specific criteria (inaudible) and very
6 complicated (inaudible) and the criteria in the case of Bounty would have been a 5%
7 change in regulatory tonnage (inaudible) tonnage changed quite a bit (inaudible)
8 recreation kind of thing the vessel has changed this is the criteria for (inaudible) in
9 accordance with CFR 43 (inaudible) the owner exercised the owners right to appeal this
10 decision to the Commandant, commandant to act on the appeal in 2012, the spring of
11 2012.

12
13 COMMANDER KEVIN CARROLL: Okay thank you sir. I would like to direct your attention
14 to CG 36A, 36A. Specifically page 6

15
16 PETER EARECKSON: Yes sir just one moment. (inaudible)

17
18 COMMANDER KEVIN CARROLL: Okay

19
20 PETER EARECKSON: (inaudible) March before the spring.

21
22 COMMANDER KEVIN CARROLL: Okay can you give us a little summary of what the
23 letter describes?

1
2 PETER EARECKSON: This letter describes, it describes a short summary of Bounty the
3 fact that she is gone under alterations in 1990, modified 2006, (inaudible) read the whole
4 thing, it goes through the history of what has happened on Bounty with the alterations in
5 2007 which would have required them to (inaudible), it then describes the grandfathering
6 provisions the national tonnage certificate which I mentioned earlier, (inaudible) and again
7 the purpose is to you know (inaudible) application of requirements on a vessel (inaudible)
8 higher tonnage is so disorder describes the grandfathering provisions and why they were
9 there, and then it talks in terms of the vessel was changed and then they wanted to put
10 the vessel back in the original configuration, apparently realizing the limitations of Bounty,
11 the changes they did had repercussions (inaudible) and ability to comply with international
12 requirements of their tonnage space, answer this letter then says (inaudible) the
13 reinstatement of grandfathering privileges if you decide, the owner decides to return the
14 vessel to its pre-altered configuration. The decision that was made by the director of
15 provisions was that the Coast Guard considered they could reinstate the grandfathering
16 privileges on Bounty due to circumstances of Bounty (inaudible) administrative actions to
17 re-issue appropriate paperwork once the owners restored Bounty to pre-2006
18 modifications to the 1990 configurations.

19
20 COMMANDER KEVIN CARROLL: So they were allowed to return to their original tonnage
21 as long as they made physical changes to the vessel to bring the vessel back to the
22 configuration and was originally when measured, correct?
23

1 PETER EARECKSON: Yes that is correct.

2
3 COMMANDER KEVIN CARROLL: Okay, now few could turn to exhibit CG 44, CG 44.
4 One more time could you identify I know you said there were several pages, I would like
5 you to concentrate on, is there anywhere within this document that reflects that return of
6 Bounty's original tonnage back to the original 266 GRT?
7

8 PETER EARECKSON: The, yes sir, let me take a look at it here, yes page 4, (inaudible),
9 page 4 is a US tonnage certificate issued by the US Coast Guard on July 16, 2012 that
10 reflects the reinstallation, or reassignment of the 266 GRT tonnage this certificate would
11 have been issued by completion of alterations to restore the vessel (inaudible) United
12 States Bureau of shipping.
13

14 COMMANDER KEVIN CARROLL: Okay, so apparently they meant a requirement for
15 ABS to return the vessel to its original configuration?
16

17 PETER EARECKSON: Yes (inaudible).
18

19 COMMANDER KEVIN CARROLL: As evidence, issuing of this certificate ABS attended
20 the vessel and confirmed that they returned the vessel to its original configuration to
21 retain the grandfather status.
22

1 PETER EARECKSON: Yes I'm showing one slight caveat in the way that the
2 requirements are written, the way you apply this law (inaudible) restoring the vessel back
3 to its original configuration the law really does allow some minor changes from an earlier
4 baseline, (inaudible) so it's possible indicated that Bounty may not have had something
5 exactly identical tonnage wise to the way it would've been in 1990, (inaudible) that
6 would've compensated and get same tonnage I just don't know for certain whether in this
7 case if that was done but you can, does that make sense to you the way that we would
8 apply the law the statute and the provisions special tonnage convention (inaudible). So
9 it's possible that it wouldn't be 100% identical to the way it looked in 1990, it was modified
10 at that time, not identical and that's perfectly fine (inaudible).

11
12 COMMANDER KEVIN CARROLL: And back with the original requirements that's where
13 the term substantial alterations come from is that correct?

14
15 PETER EARECKSON: That comes from article (inaudible) of the tonnage convention,
16 baseline language (inaudible) in the United States (inaudible).

17
18 COMMANDER KEVIN CARROLL: Okay, understood Sir what I'm going to do now is give
19 the opportunity for Capt. Rob Jones from the NTSB to ask you questions, and then we
20 have three parties of interests that allowed the opportunity to ask you questions as well, is
21 that okay?

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23 PETER EARECKSON: Yes or absolutely.

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COMMANDER KEVIN CARROLL: Thank you, Capt. Jones.

CAPTAIN ROB JONES: Good morning Mr. Eareckson.

PETER EARECKSON: Good morning sir.

CAPTAIN ROB JONES: The documents that you read before those are the only documents that you have in your possession right now?

PETER EARECKSON: Associated with Bounty?

CAPTAIN ROB JONES: Yes, the exhibits.

PETER EARECKSON: As far as the proceeding is concerned that is correct. We were involved with Bounty and may have other records,

CAPTAIN ROB JONES: Sir I was just referring to the exhibits you had, I was specifically looking at Exhibit 9 and 10. I will just speak to them to you I know you don't have them in front of you.

PETER EARECKSON: I don't have them available.

1 CAPTAIN ROB JONES: Okay, there is a stability letter, and there is a difference of
2 displacement tonnage of 277 in August 2009 to 430 displacement tons in June 15, 2011,
3 can you speak to that at all?
4

5 PETER EARECKSON: Am I can only speak to it (inaudible) for so I have no knowledge
6 or privy to any discussions of stability, not my program is only responsible for tonnage
7 assignments (inaudible) with the differences between displacement parameter which I
8 think you're referring to (inaudible), my program.
9

10 CAPTAIN ROB JONES: Mr. Eareckson
11

12 COMMANDER KEVIN CARROLL: We have the Marine safety center who issued the
13 stability letter that is going to be available to discuss both of those documents, but she
14 selected Mr. Eareckson to answer your question?
15

16 CAPTAIN ROB JONES: Mr. Eareckson If you could explain briefly I know you don't have
17 them in front of you and Cmdr. Carroll is a said we do have someone with more authority
18 to talk to it, but if you could just give a brief description that would be fine.
19

20 PETER EARECKSON: All I can say is under the tonnage (inaudible) of the United States
21 under the regulatory (inaudible) there's really no relationship between gross tonnage
22 under the tonnage convention or the regulatory displacement of a vessel, the best way to
23 picture that is if he took the Bounty at and we measured it under the international

1 (inaudible) to get a number, that number will not change (inaudible) displacement
2 increased substantially GCTIC number would be identical before and after that change.
3

4 CAPTAIN ROB JONES: Okay thank you, that's all I have right now.
5

6 COMMANDER KEVIN CARROLL: Okay, Mr. Shisha?
7

8 JAKE SHISHA: No questions.
9

10 COMMANDER KEVIN CARROLL: Bounty Organization?
11

12 LEONARD LANGER: No questions, thank you.
13

14 COMMANDER KEVIN CARROLL: Mr. Svendsen?
15

16 JOHN SVENDSEN: No questions.
17

18 COMMANDER KEVIN CARROLL: Okay, Mr. Eareckson? Mr. Eareckson, this is
19 Commander Carroll, none of the other parties of interest have any questions for you at
20 this time, so what I will do is thank you for communicating with us today, you are
21 dismissed but you are subject to recall, and I appreciate your time.
22

1 PETER EARECKSON: Thank you very much and thank you for your time on this to,
2 goodbye.

3
4 COMMANDER KEVIN CARROLL: Good day sir. We will have a short recess and come
5 back at 10:00 when the Coast Guard will call Mr Jackimovicz. 10:00, thank you.

6
7 LIEUTENANT COMMANDER NICHOLAS PARHAM: Coast Guard calls at this time Mr.
8 Joe Jackimovicz.

9
10 COMMANDER KEVIN CARROLL: All parties and interests and their attorneys are
11 present.

12
13 LIEUTENANT COMMANDER NICHOLAS PARHAM: Mr. Jackimovicz, please come to
14 the table right here and stand before me, I'll swear you in. Please raise your right hand.
15 A false statement given to an agency of the United States is punishable by fine and / or
16 imprisonment under 18 USC 1001. Knowing this, do you solemnly swear to tell the truth,
17 the whole truth and nothing but the truth, so help you God?

18
19 JOSEPH JACKIMOVICZ: I do.

20
21 LIEUTENANT COMMANDER NICHOLAS PARHAM: Thank you, please be seated.

22
23 COMMANDER KEVIN CARROLL: Good morning Mr. Jackimovicz how are you sir?

1
2 JOSEPH JACKIMOVICZ: Good morning.

3
4 COMMANDER KEVIN CARROLL: Can you please state your name and spell your last
5 name.

6
7 JOSEPH JACKIMOVICZ: My name is Joseph Jackimovicz, spelled J-A-C-K-I-M-O-V-I-C-
8 Z.

9
10 COMMANDER KEVIN CARROLL: Thank you sir, what is your current occupation?

11
12 JOSEPH JACKIMOVICZ: I am retired.

13
14 COMMANDER KEVIN CARROLL: Okay. Were you an employee of Boothbay Harbor
15 shipyard?

16
17 JOSEPH JACKIMOVICZ: Yes.

18
19 COMMANDER KEVIN CARROLL: Can you tell us when?

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21 JOSEPH JACKIMOVICZ: Well I was employed at the facility since 1978, it had
22 undergone numerous name changes and numerous owners. So I started in 78 and
23 worked through December 2009.

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COMMANDER KEVIN CARROLL: Okay. Can you please give us a description of what your duties entailed as an employee?

JOSEPH JACKIMOVICZ: I started there as a carpenter to work there through a cold winter and go somewhere else in the spring. I was offered the job of yard manager within a month of my employment and I had to think about that for a while. I accepted it and was the assistant manager for two years before I became yard manager. I was involved with all operations of hauling, launching and repair maintenance of vessels of all types. Wood, fiberglass, steel, aluminum.

COMMANDER KEVIN CARROLL: Okay can you give us a few details on your professional background including any credentials or certifications you may have?

JOSEPH JACKIMOVICZ: I don't have any certifications. The only, I have a Masters degree in geology but that doesn't pertain to what were talking here.

COMMANDER KEVIN CARROLL: Okay. What is your professional experience dealing with wooden hull vessels?

JOSEPH JACKIMOVICZ: What's that?

COMMANDER KEVIN CARROLL: Wooden hull vessels. excuse me.

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JOSEPH JACKIMOVICZ: What my experience is? I've hauled well over 100 and range in size from small yachts to 650 ton vessels.

COMMANDER KEVIN CARROLL: Okay. Have you ever attended any courses on maintenance or repair?

JOSEPH JACKIMOVICZ: No I haven't.

COMMANDER KEVIN CARROLL: Have you ever constructed a wooden hull vessel?

JOSEPH JACKIMOVICZ: yes.

COMMANDER KEVIN CARROLL: Okay could you give us some descriptions for that?

JOSEPH JACKIMOVICZ: I, when I ran my own business I constructed to hurricane Island outlet bound 30 foot vessels. They were wood. I was involved in constructing a 40 foot catch, I was involved in construction of a 34 foot less boat traditional plank wood in both of those the catch and they were traditional wooden plank construction. Then I was involved with, when we were doing repairs on the Shermans ricker which is a museum vessel, it's 144 foot 350 ton schooner built out in Lunenburg. I was involved in working on that that had very similar materials to what the Bounty had. I was involved with major

1 relief construction of (inaudible) which is 132 foot wooden schooner built here in the
2 Chesapeake Bay area. Then I saw a lot of repairs on very similar wooden vessels.

3
4 COMMANDER KEVIN CARROLL: Okay. Are you familiar with planking and construction
5 of carvel plank vessels?

6
7 JOSEPH JACKIMOVICZ: Most definitely.

8
9 COMMANDER KEVIN CARROLL: Okay. Are you familiar with caulking on carvel plank
10 vessels?

11
12 JOSEPH JACKIMOVICZ: Yes, I am.

13
14 COMMANDER KEVIN CARROLL: Can you describe to us the process of caulking?

15
16 JOSEPH JACKIMOVICZ: Well, a small and a large vessel, they're different, but I will go
17 with the large vessel because that's what I think we are talking about here. Normally
18 what you would do on a, first of all you have to get the proper material. There's only 2
19 materials you can you in caulking a vessel, that's cotton make for caulking which is a
20 special product and oakum which is a special product. Both of them are getting harder
21 and harder to find because the vessels aren't available anymore. Or there aren't that
22 many. First of you put cotton in there, right at the bottom of the seam to tighten the seam
23 to that. Usually on a vessel like Bounty, you would put 2 layers of oakum over it and that

1 would get pounded in. An individual would put that caulking in and 2 men would come by
2 afterwards with a, one would hold a caulking iron with a long handle on it and another
3 individual would hold a wooden mallet that was called a bean. I don't know where the
4 name came from, so they would go along the seam and pound and tighten in the oakum
5 and somebody (inaudible) why don't they use a (inaudible) iron instead. Well, if you miss
6 the top of that caulking iron and hit the wood on the hull, you're going to put a little ding in
7 the hull. A wooden mallet, that's not going to damage the hull at all. So I guess that's the
8 reason why they did it. And after that you would put some kind of compound over the
9 oakum. Now before you did that, usually whether its on the top side or bottom, you'd run
10 the seam with some paint. If the planking was below the water line, you'd put bottom
11 paint on it. If, and that set the oakum so it wouldn't shift by the time you put the
12 compound in. Above the line you used an oil based paint that would be compatible with
13 the finish that was on the topside. If you put copper paint on the topside, it would bleed
14 through and disfigure the boat.

15
16 COMMANDER KEVIN CARROLL: Okay.

17
18 JOSEPH JACKIMOVICZ: So, that's basically the procedure.

19
20 COMMANDER KEVIN CARROLL: What is oakum?

21
22 JOSEPH JACKIMOVICZ: Its a hemp material.

23

1 COMMANDER KEVIN CARROLL: Okay.

2
3 JOSEPH JACKIMOVICZ: But be careful about hemp, but anyway, it's a traditional
4 material used for hundreds of years for caulking vessels.

5
6 COMMANDER KEVIN CARROLL: Okay. The seam that you would put the oakum and
7 the cotton into, what does the condition of that seam have to be? Does it have to be
8 relatively sound?

9
10 JOSEPH JACKIMOVICZ: Yes. Sometimes what will happen, you try to get a uniform
11 outside opening seam, usually on vessel like that it would be $5/16$ $3/8$ of an inch and
12 cotton would go in and oakum would go over it. Sometimes you had thinner planking you
13 had one cotton and one oakum, there's not enough room. The oakum would be set it
14 approximately $3/4$ $3/8$ of an inch and as I say the compound would go over it.
15 Occasionally, the seam would be too, it may be too open. The ideal seam is that on the
16 back with facing planking, the wood is tight against each other and the depth of the seam
17 is usually on a 3 inch plank, might go in about anywhere from 2 $1/2$ to maybe 2 $3/4$
18 inches, maybe 3 inches. So, and you try to keep it all uniform. Occasionally the seam on
19 the outside might be $1/2$ inch, where you jam in more oakum to tighten that up, you don't
20 want to have the oakum way into the seam. You want to have the surface of the oakum
21 even all the way across the seam. Sometimes the seam might be too narrow. It might be
22 an eighth of an inch. Well then the caulking goes in with a caulking iron called a

1 (inaudible). You go in there and you pound that and basically what you do is open the
2 seam so that you can get the two layers of oakum in it.

3
4 COMMANDER KEVIN CARROLL: Okay. Now, this is something that needs to be done
5 when the vessel is out of the water. Correct?

6
7 JOSEPH JACKIMOVICZ: Yes.

8
9 COMMANDER KEVIN CARROLL: Now, correct me if I'm wrong, when the vessel, wood
10 vessel first comes out of the water the hull it wet correct?

11
12 JOSEPH JACKIMOVICZ: Totally wet.

13
14 COMMANDER KEVIN CARROLL: Okay. Does it need to dry before you put in ...

15
16 JOSEPH JACKIMOVICZ: Well, the procedure we usually go through it that the vessel
17 usually comes out, we clean the bottom off and that may need pressure washing or it
18 may need even scraping. You'll have mussels and seaweed growing on it. So you clean
19 the vessel off and within a day that surface is relatively dry.

20
21 COMMANDER KEVIN CARROLL: Okay. When are you able to caulk?

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23 JOSEPH JACKIMOVICZ: You could probably caulk the next day.

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COMMANDER KEVIN CARROLL: Okay.

JOSEPH JACKIMOVICZ: What you know what, when you can't caulk it yet, sometimes vessels will come out with water, let me put it this way, every traditionally plank or framed vessel I have ever hauled, whether it's a yacht or a commercial vessel, it's had waters in the bills when we hauled it. Okay. Sometimes we drain the water out and sometimes we didn't. If we had caulk under there and the seam was leaking a little bit, we had, we would drill a hole in one of the planks, drain the water out. Now when the boat went back in, we put a wooden plug in that hole to plug it up. You wouldn't need the, you can't have water coming out of the seam.

COMMANDER KEVIN CARROLL: Okay. Wooden hull vessels are out of the water for a substantial amount of time, would it dry out?

JOSEPH JACKIMOVICZ: It depends on the thickness of the plank. A wooden vessel like the Bounty, a months time with moisture or water in the bills, zero drying out. I've had a vessel, I believe the Ernestia, which is a museum vessel up in Bedford. We had it out for close to 6 -8 months, you could tell that the planking was starting to dry out a little because the caulking was a little loose.

COMMANDER KEVIN CARROLL: Okay, so when you would put a vessel like that back in the water it would need to swell.

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JOSEPH JACKIMOVICZ: Yes, now what you don't want to do it use the vessel right away. If you use the vessel right away after you launch it and the planks were loose because they hadn't swelled, they you're going to have a problem. You're going to loosen up fastenings, you're going to have major leaking problems, etcetera.

COMMANDER KEVIN CARROLL: So you are familiar with Bounty, correct?

JOSEPH JACKIMOVICZ: I certainly am.

COMMANDER KEVIN CARROLL: If Bounty was out of the water for a month and had to get caulking done and went back into the water, would it need time to swell?

JOSEPH JACKIMOVICZ: No.

COMMANDER KEVIN CARROLL: Okay.

JOSEPH JACKIMOVICZ: I mean that wood was saturated.

COMMANDER KEVIN CARROLL: Okay. Excellent. Please describe to me caulking on seams, would it ever be necessary to use lead patches on the exterior of the hull to keep the caulking within the seams?

1 JOSEPH JACKIMOVICZ: You better not. Now, I'll tell you I have hauled inspected
2 vessels out in which on a butt there would be a lead patch, I mean we didn't put it on, we
3 hauled it out, Coast Guard inspector comes down, I want to know what's behind that lead
4 patch. We take the lead patch out, it may be there was a little crack there because they
5 drove a spike in to hard and they cracked the seam. They seem to be satisfied if the
6 caulking was solid in there, they were happy. They just wanted to know what was behind
7 the lead patch and sometimes we put the lead patch back on because that just protected
8 the area a little bit more.

9
10 COMMANDER KEVIN CARROLL: Can you please explain to me, in the terms of
11 planking, what is a butt?

12
13 JOSEPH JACKIMOVICZ: Well, along the left of the hull, we don't have planks that run
14 120 feet, so a (inaudible) of plank is what runs from the bough to the stern and you try to
15 have a few number of those planks as possible because your trying to reduce the
16 number of butt. Where plank ends come together, that's a butt.

17
18 COMMANDER KEVIN CARROLL: okay.

19
20 JOSEPH JACKIMOVICZ: In all of my experience, if you are going to have a problem with
21 caulking, that's the first thing that would pose a problem.

22

1 COMMANDER KEVIN CARROLL: Okay. Is it normal for a vessel, would you say
2 traditional is plank on frame, that is carvel planking, correct?

3 JOSEPH JACKIMOVICZ: Yes.
4

5 COMMANDER KEVIN CARROLL: is it typical for a vessel to have caulking washed out
6 from time to time?
7

8 JOSEPH JACKIMOVICZ: Oh yeah. Definitely. A vessel, a wooden vessel will work in a
9 seaway, a brand-new one will work in a heavy seaway, the older the boat gets the more
10 it's going to work. And that works, if the planking, what happens with a wooden vessel
11 works is the planking does this. I'm exaggerating, but it moves horizontally and the butts
12 do this and do this and do this and give us so when it does this if you have compressed
13 the caulking, now the caulking is going to be a little bit loose and is going to allow water
14 in.
15

16 COMMANDER KEVIN CARROLL: So, the butts are caulked?
17

18 JOSEPH JACKIMOVICZ: Oh yeah, yeah.
19

20 COMMANDER KEVIN CARROLL: You said you have had experience working on the
21 vessel Bounty, correct?
22

1 JOSEPH JACKIMOVICZ: I've been involved with four different occasions which we
2 hauled it out.

3
4 COMMANDER KEVIN CARROLL: okay. Could you please start, tell us what your first
5 interaction with bounty was?

6
7 JOSEPH JACKIMOVICZ: yeah we hauled it out and I believe mid-to-late August 2001
8 And it was launched in the spring 2002, I don't know the exact date. That was my first
9 experience with it. The first time I met the captain, the first time I saw the boat or worked
10 on the boat.

11
12 COMMANDER KEVIN CARROLL: And this was at the booth bay harbor shipyard?

13
14 JOSEPH JACKIMOVICZ: Yes, it was.

15
16 COMMANDER KEVIN CARROLL: okay.

17
18 JOSEPH JACKIMOVICZ: At that time it was called Sample Shipyard.

19
20 COMMANDER KEVIN CARROLL: Samples. What was your next time, opportunity to
21 work with bounty?

22

1 JOSEPH JACKIMOVICZ: The boat had been hauled out and several other locations, I
2 think one of them was in the Norfolk area. I believe it may have been hauled up in Tampa
3 Florida and I don't know the name of the boat yard. But the next time we hauled it out was
4 in 2006 and around end of May early June and the vessel left our yard in July 2007.
5 The next time the vessel came out some time in the beginning of October in 2010 and
6 went back in the water, I believe, sometime in the middle of November of that same
7 year. The last time we hauled out was this past fall for, it was mid-to-late September and
8 we launched it mid-late October 2012.

9
10 COMMANDER KEVIN CARROLL: you said you were retired during that 2012 September
11 and October yard period. Were you involved with the vessel?

12
13 JOSEPH JACKIMOVICZ: I was involved to the extent of operating the equipment for
14 hauling and launching. When I retired ceased day to day operations on working at the
15 yard. But I do help occasionally with hauling and launching vessels.

16
17 COMMANDER KEVIN CARROLL: Okay who took over your position as yard manager?

18
19 JOSEPH JACKIMOVICZ: Well, to an extent, nobody. It's shared. The president, he was
20 named president, but he is kind of doing my work, Eric Graves and then the man down in
21 the yard doing the work I did down in the yard was Todd Kosakowski, which I believe he
22 was here yesterday.

23

1 COMMANDER KEVIN CARROLL: Okay. Very good. Let's start with your earliest
2 interaction with Bounty which you stated was August 2001 to spring 2002.

3
4 JOSEPH JACKIMOVICZ: Right.

5
6 COMMANDER KEVIN CARROLL: Okay. What, how did you work on Bounty? What was
7 your capacity?

8
9 JOSEPH JACKIMOVICZ: I was the yard manager, I was in charge of the repair of the
10 vessel. I searched out and purchased materials and coordinated the work with Capt.
11 Walbridge. That was a most interesting experience because the vessel arrived here in a
12 very leaky condition. When the captain arrived and it was tied up at the end of our dock
13 and we were going to haul it in either later that day or the following day. I asked him about
14 the boat about how she's doing and he said well she's leaking. I said how much? He told
15 me 30,000 gallons an hour. I was kind of flabbergasted but I wasn't going to argue with
16 him and I said this guy must be nuts or something like that. Can't be. But when we
17 hailed the boat out and it was, the keel was free of the water, the amount of water
18 coming out of that boat, I believed him.

19
20 COMMANDER KEVIN CARROLL: Okay.

21
22 JOSEPH JACKIMOVICZ: The bottom was totally worm eaten.
23

1 COMMANDER KEVIN CARROLL: Worm eaten?

2
3 JOSEPH JACKIMOVICZ: Worm eaten.

4
5 COMMANDER KEVIN CARROLL: Explain worm eaten, please?

6
7 JOSEPH JACKIMOVICZ: Well, the vessel was, before the current present owner
8 bought it, the vessel was a museum boat down in Fall River Massachusetts. They were
9 hard up on funds, so they did a certain amount of work, they did some would work on the
10 bottom and then what they tried to do with the vessel was, well they did, they brought it
11 down to Florida somewhere to be a display and have people come aboard and pay for it.
12 That money coming aboard was the way they pay for repairs. Well I asked about it to find
13 out why we have such an extreme problem because we didn't have that much of a worm
14 problem up in New England at that time. What the captain told me as they did this work in
15 the ticket to Florida and didn't put any (inaudible) on the bottom of the boat because they
16 didn't have the money to do it. So these are tomato worms, they tunnel right through the
17 wood and we have, there is a, as a gift when vessel left the owner had little digital clocks
18 made up and they were mounted on a chunk of this worm eaten wood. I still have mine.

19
20 COMMANDER KEVIN CARROLL: Okay. Who was the owner?

21
22 JOSEPH JACKIMOVICZ: Uh, Bart Hansen.

23

1 COMMANDER KEVIN CARROLL: Okay. Alright so the work that was done in August
2 2001 to spring 2002 that's a rather long time.

3
4 JOSEPH JACKIMOVICZ: well, we had, I mean he was, when he saw the water coming
5 out he was flabbergasted.

6
7 COMMANDER KEVIN CARROLL: Who?

8
9 JOSEPH JACKIMOVICZ: The owner. He was there when we hauled it. He wanted to
10 see what was going on. What's he going to do? He decided he wanted to repair the
11 bottom. So the boat originally was supposed to be in the yard for several months, but we
12 saw that this is going to be a big job. So what we had done is, we replaced all of the
13 bottom planking with white oak the original framework on the bottom of the vessel from
14 the water line down we didn't touch. Except for a few pieces here and there. There was a
15 Coast Guard inspector that came down, they didn't need to but his intent was that some
16 point in time he wanted to carry passengers. So he called the Coast Guard in to make
17 sure that we were compliant to their satisfaction.

18
19 COMMANDER KEVIN CARROLL: Who called the Coast Guard?

20
21 JOSEPH JACKIMOVICZ: The captain probably did.

22
23 COMMANDER KEVIN CARROLL: Okay. Captain who?

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JOSEPH JACKIMOVICZ: Walbridge

COMMANDER KEVIN CARROLL: . Capt. Robin Walbridge. Let me, so, all of the planking from the waterline down was replaced with white oak?

JOSEPH JACKIMOVICZ: Yes.

COMMANDER KEVIN CARROLL: Okay. Is white oak a suitable material to be used...

JOSEPH JACKIMOVICZ: best thing we could use.

COMMANDER KEVIN CARROLL: Okay.

JOSEPH JACKIMOVICZ: well, let me say, it's the best being used in commercial vessels since it's been done for hundreds of years.

COMMANDER KEVIN CARROLL: Okay. But the framing from the waterline down

JOSEPH JACKIMOVICZ: The framing, we only replaced a few, the framing was in good shape so we didn't replace much of it at all. There was a piece or two, there were some pieces of frame they came back after (inaudible) they kind of angled in. They didn't go under the keel or anything, so a piece of frame from one side was fastened through deadwood fastened through the other side to hold the pieces together. There is about a

1 half a dozen pieces back there so, I would say, there was at least 90% of the original
2 framing on the boat. It was deemed more than suitable to be able to fasten plank to.

3
4 COMMANDER KEVIN CARROLL: The vessel had a survey by a marine surveyor?

5
6 JOSEPH JACKIMOVICZ: I don't know. Usually a surveyor would be ordered by the
7 owner or the owner's agent and in this case I am calling the owner's agent the captain.

8
9 COMMANDER KEVIN CARROLL: Okay. From the time that the vessel arrived, from
10 the time that it departed, what was the condition of the vessel? Did it increase, did it
11 decrease in condition?

12
13 JOSEPH JACKIMOVICZ: Then what?

14
15 COMMANDER KEVIN CARROLL: From the time that it arrived. You said that it was in
16 pretty bad shape.

17
18 JOSEPH JACKIMOVICZ: Well, we, the leaking condition, yes.

19
20 COMMANDER KEVIN CARROLL: Right. When the vessel left, was it in better condition?

21
22 JOSEPH JACKIMOVICZ: Oh much better.
23

1 COMMANDER KEVIN CARROLL: Okay.

2

3 JOSEPH JACKIMOVICZ: Now, I won't say that it was dry but it wasn't leaking any 30,000
4 gallons of water an hour. I must say that the captain had enough pumps on board to
5 handle 30,000 gallons an hour even when it sat in the dock at Fall River.

6

7 COMMANDER KEVIN CARROLL: Okay. Enough pumps in the bilge dewatering system?

8

9 JOSEPH JACKIMOVICZ: yes.

10

11 COMMANDER KEVIN CARROLL: The fixed bilge dewatering system?

12

13 JOSEPH JACKIMOVICZ: I might as well say it now, all through the years that we have
14 worked on the vessel. All the pipe work on the vessel was done by the crew, we never did
15 any of it. We might have bought some material, but the waste lines, the freshwater lines,
16 the bilge section system, the fuel lines were all done by the crew.

17

18 COMMANDER KEVIN CARROLL: Okay. The replacement of these white oak frame
19 planking the waterline down, who did that work?

20

21 JOSEPH JACKIMOVICZ: The yard did.

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23 COMMANDER KEVIN CARROLL: The yard. The crew didn't work on that?

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JOSEPH JACKIMOVICZ: Pardon me?

COMMANDER KEVIN CARROLL: Did the crew of the vessel work on that?

JOSEPH JACKIMOVICZ: Not on that, no.

COMMANDER KEVIN CARROLL: Okay. You said before that you searched out and purchased materials

JOSEPH JACKIMOVICZ: Right.

COMMANDER KEVIN CARROLL: Okay, so that was in your capacity as...

JOSEPH JACKIMOVICZ: Yes. We couldn't find, in New England, we couldn't find white oak planking of suitable length and what I mean by that, 24 to 40 feet, it just wasn't available. Frame stock, I could find that would be shorter pieces of material, because the frame sections were anywhere from 6 to 12 feet long. That was easy. I could find stuff up to 16 feet. We didn't want to put a series of 16 foot planks the length of the hull that would be too many of them. So I traveled through a mill down in Tennessee, through a lot of phone calls and searching, I found out that I could, there was one man they said that could cut white oak that long for you. Larry Shone, Shone lumber down in Butler, Tennessee. I called him up and he said yeah I don't know what you want but it would be

1 good if you came down here and showed me. We'll have some tempers here and we'll cut
2 it you tell me what you're looking for. So I spent a half of a day at his mill, he had some
3 logs there. He started cutting 3 1/4 inch planks, we always oversize our planking
4 because we plane it down at the yard for the dimension that we want. Sometimes a saw
5 blade doesn't go through so, it may be uneven, so we get it a little bit over dimension. So
6 I went down there and (inaudible) and I would say "yep, that looks good those knots are
7 nice and tight there" that's not so good its got a little bark around it. So, after half a day
8 he understood what I wanted and I got probably 2 or 3 more truckloads of white oak
9 plank. Now they were cut, what we call live edge. You know, they weren't rectangular
10 pieces of wood because their shape, all the planking is shapen. If I took, if I took a plank
11 that was say rectangular, say it was a 3 x 12 inches wide all the way. We had to spiral
12 the plank onto it, the woodworkers would go up in the vessel to see where the plank is
13 going put a spire plank on there which would be plywood probably around the hull, take
14 their measurements, would lay it on that plank and most of the time one end would be
15 concave and one would be convex. One side might be 9 inches wide, the other might be
16 7 1/2 inches wide.

17
18 COMMANDER KEVIN CARROLL: So, it's a puzzle? An art.

19
20 JOSEPH JACKIMOVICZ: Yeah, it is. It's not something that, if somebody didn't do it,
21 they wouldn't know what they are doing.
22

1 COMMANDER KEVIN CARROLL: Okay. So, now again, from what I have seen of
2 Bounty, Bounty was not a rectangular object so

3
4 JOSEPH JACKIMOVICZ: Lot of shape

5
6 COMMANDER KEVIN CARROLL: Alright the shape, how do you achieve the shape in
7 those planks? Are they steam bent, are they

8
9 JOSEPH JACKIMOVICZ: Well, you bend it around and what's nice using green oak, you
10 can put it in the steamer and you can bend it. Now for some reason, somebody said I
11 want to use dry oak, you could never bend dry oak and it wouldn't take the steam. You
12 need moisture right through that plank and the moisture in the wood real hot tends to
13 lubricate the grain and you can bend it around. To give you an example, on the Bounty
14 there was a section back aft coming into the transom that a plank would be almost vertical
15 and it would rotate almost 90 degrees by the time it hit the transom. There's no way in
16 God's creation you could take dry oak and bend it to that. It had to be steam bent and the
17 wood had to be green in order to bend it to do that.

18
19 COMMANDER KEVIN CARROLL: Please explain what green wood is.

20
21 JOSEPH JACKIMOVICZ: It's wood that hasn't been seasoned. In other words, it hasn't
22 dried out. There's been a rule of thumb in our industry for drying wood and, air drying
23 wood, that is and its 1 year per inch of thickness. So a 3 inch oak plank would be 3

1 years. 6 inch oak frame, that's 6 years. That's air drying. Economically its unfeasible to
2 wait that amount of time. Now, somebody asked me one time about, I don't think that it
3 was the Bounty, it was another boat. They go how about having the wood kiln dried?
4 Well, I talked about that too. To kiln dry wood and not destroy it, 6 inch material is well
5 over a year. That's unfeasible and one operator told me I wouldn't even try to dry the 3
6 inch oak because I would probably destroy it. So, it's basically unfeasible. The best thing
7 to do is to have air drying, but who's going to have wood around for 6 years thinking we're
8 going to have a project and have money tied up in that.

9
10 COMMANDER KEVIN CARROLL: I don't know.

11
12 JOSEPH JACKIMOVICZ: But see that's it, it's unfeasible.

13
14 COMMANDER KEVIN CARROLL: Okay. So the condition of Bounty was definitely
15 improved during that time?

16
17 JOSEPH JACKIMOVICZ: Oh yes.

18
19 COMMANDER KEVIN CARROLL: You were satisfied with the work?

20
21 JOSEPH JACKIMOVICZ: Very.
22

1 COMMANDER KEVIN CARROLL: Okay. Again, back to the, you searched out an
2 purchased the material, do you have the ability to purchase whatever material you wanted
3 or were you given financial
4

5 JOSEPH JACKIMOVICZ: Well sometimes there wasn't any choice. I mean, the boat was
6 built with oak planking on the bottom, we duplicated what existed and nobody would
7 contest that.
8

9 COMMANDER KEVIN CARROLL: Okay. So again
10

11 JOSEPH JACKIMOVICZ: And oak is a very strong material. Now I could go to a tropical
12 hagwood, but my God the expense would be great and we, it might be quite difficult to do
13 some of the bends because I don't think we could steam the tropical hagwood.
14

15 COMMANDER KEVIN CARROLL: Okay so again in your capacity as yard manager for
16 the job, you could purchase any material you wanted, just tell the owner this is what I am
17 purchasing?
18

19 JOSEPH JACKIMOVICZ: No, no
20

21 COMMANDER KEVIN CARROLL: Okay.
22

1 JOSEPH JACKIMOVICZ: Sometimes the owner, sometimes there were traces and if I
2 could see there was a vast difference in cost, I, we contacted the owner, talked to Captain
3 Walbridge and then somehow get the message back on what they wanted to use. A lot of
4 times, I would say during the course of all the haul outs on the Bounty, we gave the
5 Captain the use of a pick up truck and many times he would go places and buy stuff for
6 the boat. Sometimes it was stuff that we would use and sometimes it was stuff that the
7 crew would use.

8
9 COMMANDER KEVIN CARROLL: The final choice of materials and items to be used

10
11 JOSEPH JACKIMOVICZ: There's no choice, I just chose it.

12
13 COMMANDER KEVIN CARROLL: Okay. Right. Lets go to the October, actually no,
14 excuse me, May 2006 - 2007 haul out period, you were involved with Bounty again?

15
16 JOSEPH JACKIMOVICZ: Yes, I was.

17
18 COMMANDER KEVIN CARROLL: In what capacity?

19
20 JOSEPH JACKIMOVICZ: Again, yard manager. I hadn't retired yet.

21
22 COMMANDER KEVIN CARROLL: What was done during that time?

23

1 JOSEPH JACKIMOVICZ: That time was the time period in which they wanted a bunch of
2 major work done to the topside frames and the topside planking. When I say topside
3 planking, I mean from the waterline to the deck. Now it turns out that its not the same
4 material all the way up through. There's whale stripe that goes up the side of the hull
5 which is (inaudible) of the plank thickness, I believe it was about 6 inches thick in total. It
6 was 3 inches in the inner layer and the outer layer was about another 3 inches and it was
7 painted yellow, the whole length of the hull so it stood out. So you could see it distinctly, if
8 we had photographs you could see it.

9
10 COMMANDER KEVIN CARROLL: Was it at the bilge streak?

11
12 JOSEPH JACKIMOVICZ: You could think of it that way, it's on the outside of the hull.

13
14 COMMANDER KEVIN CARROLL: Okay.

15
16 JOSEPH JACKIMOVICZ: The bilge streak is usually on the inside of the hull.

17
18 COMMANDER KEVIN CARROLL: Okay.

19
20 JOSEPH JACKIMOVICZ: You know it was the boats traditionally were built with that and I
21 could see where that could be used as a sacrificial layer that you would be tying up
22 against a darker piling, the outer layer could be that. The other 3 inch layer could be
23 easily removed and replaced, so to me it was like a sacrificial layer. From that point to

1 the water line where we had worked before all the planking was oak. From that point
2 above to the deck, the planking was

3
4 COMMANDER KEVIN CARROLL: Okay. There's a binder in front of you and its tabbed
5 with exhibits that we have. I would ask you to turn to tab 8 which is Coast Guard exhibit
6 8. CG8. Mr. Parham can help you in you like. Okay.

7
8 JOSEPH JACKIMOVICZ: I wish you had photographs. That number indicated as whale,
9 you see on the left side there says whale?

10
11 COMMANDER KEVIN CARROLL: Exactly

12
13 JOSEPH JACKIMOVICZ: A quarter inch.

14
15 COMMANDER KEVIN CARROLL: Okay, so that would actually stand proud,

16
17 JOSEPH JACKIMOVICZ: Yes of the hull planking

18
19 COMMANDER KEVIN CARROLL: Okay understood can you identify this document for
20 me?

21
22 JOSEPH JACKIMOVICZ: It says mid ship section of the Bounty.
23

1 COMMANDER KEVIN CARROLL: Okay, have you ever seen this before?

2
3 JOSEPH JACKIMOVICZ: No I haven't.

4
5 COMMANDER KEVIN CARROLL: Okay, when you worked on the vessel during the
6 various yard periods which you interacted with the vessel did you have plans of the
7 vessel?

8
9 JOSEPH JACKIMOVICZ: I had some drawings I had the marine architect there was hired
10 by the Bounty Organization showed me some, but I've never seen this.

11
12 COMMANDER KEVIN CARROLL: Who was the architect do you know?

13
14 JOSEPH JACKIMOVICZ: David Wyman.

15
16 COMMANDER KEVIN CARROLL: Okay, did he work on the vessel during 20..,

17
18 JOSEPH JACKIMOVICZ: You physically didn't work on it, but he at that time it was
19 desired to add some external ballasts to the bottom of the keel and he was intimately
20 involved with that, he did all the design work, we added about 25 to 30 tons of lead on the
21 bottom of the keel.

22
23 COMMANDER KEVIN CARROLL: Why would you do that?

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JOSEPH JACKIMOVICZ: He told me it was to try and give more stability to the vessel. We had, every time, every pound that you have above the waterline is a destabilizing aspect, so what you try and do is you try and counteract it with lead on the bottom, but all these sailboats that have thin, you have to have went on the bottom because they are trying to counteract all the weight that is way up high, that tends to destabilize the boat.

COMMANDER KEVIN CARROLL: Okay and that 25 to 30 tons of lead on the keel that was placed on in 2006, 2007?

JOSEPH JACKIMOVICZ: Yes it was.

COMMANDER KEVIN CARROLL: Okay. So back to 2006, 2007, you're saying that the planking in the frame from the waterline up was replaced?

JOSEPH JACKIMOVICZ: Yes.

COMMANDER KEVIN CARROLL: Can you talk about that?

JOSEPH JACKIMOVICZ: Well it was, we replaced it from the outside, because the inside of the boat as you can see, may see if I can indicate, on the left side there is a ceiling I can't make out whether it says 2 3/4 or three and three-quarter inch, the boat had a ceiling which is like an inter planking layer the whole length of the boat, and when you

1 planking on the outside and planking on the inside that adds tremendous strength to the
2 hull, and you have all of these compartments and items built into the boat on the inside,
3 so a lot of times when you are replacing frames, we all take the outside planking up, and
4 replaced frames. So that was all original from the 1960s when the boat was built, and had
5 deteriorated and they wanted to fix that. So we removed them several pieces at a time,
6 put new framing and and only got done we put planking over that.

7
8 COMMANDER KEVIN CARROLL: Okay so the, which are saying is the interior ceiling of
9 planking was removed,

10
11 JOSEPH JACKIMOVICZ: No, no I'm saying the outside, everything on the inside stayed
12 because there were things built-in, there were cabinets built-in, we don't want to destroy
13 the whole inside of the boat, so we did all the work from the outside.

14
15 COMMANDER KEVIN CARROLL: Understood, can you tell me about a little bit about the
16 materials that were used in regards to the planking?

17
18 JOSEPH JACKIMOVICZ: It was requested that we use Douglas fir.

19
20 COMMANDER KEVIN CARROLL: Okay was that,

21

1 JOSEPH JACKIMOVICZ: And there were options on that, cost options, so my research I
2 came up with two options and because they were a fair difference in cost, we let the
3 owner decide.

4
5 COMMANDER KEVIN CARROLL: Okay so describe to me first of all the Douglas fir, is
6 that a acceptable material to use as planking?

7
8 JOSEPH JACKIMOVICZ: It has been used for probably 150 years and vessel
9 construction, for decks, planking, ceiling.

10
11 COMMANDER KEVIN CARROLL: Okay so it's good material?

12
13 JOSEPH JACKIMOVICZ: Well let's just say suitable. In my experience I've never been
14 fond of Douglas Fir.

15
16 COMMANDER KEVIN CARROLL: Okay, why?

17
18 JOSEPH JACKIMOVICZ: It is splintering wood, when you handle it you get splinters, in
19 my estimation it is more susceptible to decay than other words, but it was a traditional
20 wood used all the time, it was available in long lengths, and big sections, it was always
21 used, I've used it other times in other vessels and they've never had any problem with it.
22

1 COMMANDER KEVIN CARROLL: Okay, so you did say you had a conversation
2 regarding the selection of the planking?

3
4 JOSEPH JACKIMOVICZ: With the captain yes.

5
6 COMMANDER KEVIN CARROLL: Okay, how did that conversation go?

7
8 JOSEPH JACKIMOVICZ: Well I said these are your two options, and when I found out I
9 had to appear here, I did a little bit of research, we have so much paperwork involved with
10 the Bounty I had to take everything out, I did some research that showed that the cost of
11 using the low-cost wood that we bought was about \$20,000, and the cost of the more
12 expensive wood was about \$50,000, so there was roughly a \$30,000 difference in cost.
13 That was in a decision that myself for the yard was going to make.

14
15 COMMANDER KEVIN CARROLL: Okay, so the \$50,000 planking as opposed to a
16 \$20,000 planking, what is the difference?

17
18 JOSEPH JACKIMOVICZ: Will the real difference was that you had straight vertical grain
19 and there was very few knots, that was the difference.

20
21 COMMANDER KEVIN CARROLL: Okay, different grades, I mean are there different
22 grades of material that you can have, there is Grade A beef, is there different grades?
23

1 JOSEPH JACKIMOVICZ: Anytime, even if I buy oak or by Cedar, there is no grade in the
2 marine field, I know in housing construction you have different grades of plywood, well we
3 don't have that type of designation,
4

5 COMMANDER KEVIN CARROLL: Is there a marine grade plywood?
6

7 JOSEPH JACKIMOVICZ: Sure.
8

9 COMMANDER KEVIN CARROLL: Okay, so for plywood there is.
10

11 JOSEPH JACKIMOVICZ: It's about three times more expensive than we would call
12 household plywood.
13

14 COMMANDER KEVIN CARROLL: So for planking, is there a marine grade,
15

16 JOSEPH JACKIMOVICZ: No, well yards typically go with mahogany, and that is
17 considered more of a marine application, you would never put mahogany planking on the
18 Bounty. First off, if I try to pick that I would hear the owner screaming from Long Island up
19 to Maine at the cost. It is just totally uneconomical, you probably couldn't get the
20 dimensions that she wanted.
21

22 COMMANDER KEVIN CARROLL: So in regards to the identification of the \$20,000
23 planking, and the \$50,000 planking, you're saying that the \$50,000 planking was better.

1
2 JOSEPH JACKIMOVICZ: Will let me explain a little bit more on the difference of the
3 wood. The wood that we use less expense, now just because it's less expensive doesn't
4 mean it's unsuitable for what we are doing. There were no defects in the wood we used. I
5 can give you some examples of what I consider defects, a loose knot, a loose knot is
6 going to at some point fallout of the plank and (inaudible). Sapwood, sapwood is not really
7 a defect, but sapwood if you understand wood at all, sapwood in a tree has no glucose
8 compound, meaning sugar, fungus are tracked to that like little kids to candy, they love it.
9 Unless not to say that there aren't glucose compounds and the rest of the wood, but there
10 is a lot less, so we don't use sapwood at all in either oak cedar fir or anything. You can tell
11 the sapwood because of the very light color it's very distinctive it grows on the outer layer,
12 it's the active living part of the tree around the circumference of the tree it's about an inch,
13 inch and a half usually in from the bark. Oversized knots are not good, you been the plank
14 in its gonna be a hard spot, it's gonna break, we don't use oversize knots. Any decay in
15 the wood we wouldn't start, I bought wooden there is a little decay here and there, or
16 somewhere so we don't use that. Excessively large checks, which are the result of trying,
17 you don't want that either because a small check is going to seal up with moisture. So
18 those are some of the defects, and typically workers know when they see a problem they
19 are not going to use it, it's not like we have a checklist and say it doesn't have this it
20 doesn't have that, this is okay, you just know.

21
22 COMMANDER KEVIN CARROLL: Okay, so what you're saying,
23

1 JOSEPH JACKIMOVICZ: The big detriment to using this kind of wood, is because it has a
2 whole bunch of knots is you can put a good finish on it, a good finish is not a priority on a
3 vessel at the Bounty.

4
5 COMMANDER KEVIN CARROLL: Why?

6
7 JOSEPH JACKIMOVICZ: You can't smooth the surface if the knots stand proud, you try
8 and sand it and what happens is the softer wood around the knot gets trued away and
9 now you see these knots. so that's the big detriment.

10
11 COMMANDER KEVIN CARROLL: Okay so in regards to the materials, there was a
12 discussion that you had with captain Walbridge, and you presented the two options?

13
14 JOSEPH JACKIMOVICZ: Yes.

15
16 COMMANDER KEVIN CARROLL: Did you present the drawbacks, benefits of both
17 options?

18
19 JOSEPH JACKIMOVICZ: We discussed the merits of the two woods, yes.

20
21 COMMANDER KEVIN CARROLL: Okay, who made the selection?

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23 JOSEPH JACKIMOVICZ: I assume it was the owner of the boat.

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COMMANDER KEVIN CARROLL: Okay, who gave you the go-ahead of which materials?

JOSEPH JACKIMOVICZ: The captain.

COMMANDER KEVIN CARROLL: The captain.

JOSEPH JACKIMOVICZ: Now it may be that, there may have been some paperwork involved, we had a vice president at the time that that a lot of the financial aspects, and he had a set of records to, he was the one that did all of the invoicing, this was such a latch job, that we invoice that every two weeks. So the vessel was here 13 to 14 months, so we had 30 to 40 separate invoices. I didn't have a chance to go through all of them. Each invoice contain between 30 to 40 pages of information, materials used, labor extended on the various jobs, so there was a tremendous amount of material, and another or some faxes between the yard and the architect, and between the yard and the owner of the boat, and there may have been some emails that may have been printed out or may not have been, I had files, I left three years ago I tried to find, I found part of my file I couldn't find the rest of them, I am sure they are around I just haven't located them.

COMMANDER KEVIN CARROLL: Okay, I would like you to please.

JOSEPH JACKIMOVICZ: Pardon me?

1 COMMANDER KEVIN CARROLL: I would like you to locate them please, I would like you
2 to locate them if you could please.

3
4 JOSEPH JACKIMOVICZ: All of them?

5
6 COMMANDER KEVIN CARROLL: Anything to do with,

7
8 JOSEPH JACKIMOVICZ: The amount of paperwork we are talking about, All the vendor
9 files of where we bought stuff for the Bounty our inboxes, and we are probably talking
10 between 1000 to 2000 pages of material and a somebody wasn't familiar with what they
11 were looking at it's going to confuse a lot of people. I can do it, I can photocopy
12 everything, but you are going to have a tremendous amount of paperwork.

13
14 COMMANDER KEVIN CARROLL: Is this yours, or the shipyards?

15
16 JOSEPH JACKIMOVICZ: Some of it is mine, some of it is the shipyards, the shipyard had
17 some files, the general manager at the time who is no longer working at the yard, he left I
18 think in 2010, he has some files because there was a contract and he was the one that
19 signed the contract, so it wasn't me, and then we had the vice president who did a lot of
20 the financial work, a lot of financial aspects of it, he had a set of files, now whether he
21 took the files with him or they are at the yard I don't know.

22
23 COMMANDER KEVIN CARROLL: Okay, who are those people?

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JOSEPH JACKIMOVICZ: David Stinson was the general manager, I think he was involved, he and I had flown down to St. Petersburg before the boat came up for that work and looked at the vessel, and we talked with captain Walbridge, I don't think we saw the owner at that time we just saw the captain. Doane Helsetine was the vice president and he retired last year. Doane is D-o-a-n-e. Last name is H-e-l-s-e-t-i-n-e.

COMMANDER KEVIN CARROLL: What I would say to you sir is since you are no longer a employee of the shipyard, I would like you to locate any and all available files that you have for the vessel.

JOSEPH JACKIMOVICZ: So photocopy them? We would like to retain some files, I just don't want to ship the files out and get lost, we could photocopy them.

COMMANDER KEVIN CARROLL: We will discuss this off the record, but I would like you to locate your files, and we will discuss how that is going to be transmitted to the Coast Guard.

JOSEPH JACKIMOVICZ: Now some of my things are a yellow pad, or writing pad, something like this, I assume you want that to?

COMMANDER KEVIN CARROLL: Correct.

1 JOSEPH JACKIMOVICZ: Okay.

2

3 COMMANDER KEVIN CARROLL: Let's, and we will communicate to the shipyard. I want
4 to go back to so the cheaper planking was purchased?

5

6 JOSEPH JACKIMOVICZ: Pardon me?

7

8 COMMANDER KEVIN CARROLL: To cheaper planking was purchased correct?

9

10 JOSEPH JACKIMOVICZ: Yes.

11

12 COMMANDER KEVIN CARROLL: Okay, so it was placed on board Bounty correct?

13

14 JOSEPH JACKIMOVICZ: It went from the rail to the deck, it was probably a distance of
15 five or 6 feet.

16

17 COMMANDER KEVIN CARROLL: Okay, now what about the framing?

18

19 JOSEPH JACKIMOVICZ: White oak.

20

21 COMMANDER KEVIN CARROLL: White oak?

22

23 JOSEPH JACKIMOVICZ: Right.

1
2 COMMANDER KEVIN CARROLL: Okay, same situation in regards to what you had in
3 2001 where you had to go to Tennessee?
4

5 JOSEPH JACKIMOVICZ: I didn't travel to get that oak, I think we went and ordered it,
6 whether in down in Tennessee the ship the logs and then we had it milled locally to 6
7 inches thick. A lot of times it was more feasible for us to order particularly my shop
8 material because the mills around our area could handle up to maybe 20 to 24 feet. We
9 ordered it and if I needed a certain piece of material I did get away local mill when the
10 logs were delivered there and said okay let's start cutting, that's what I'm looking for. We
11 were trying to get some shape because most of the frames had shape to it, so you had to
12 cut shapes to it. There were bevels on the inside surface on the outside surface, so you
13 ran through the bandsaw, and one of the benefits of using green oak in that capacity was
14 that the moisture lubricated either the rotary saw blade or the bandsaw blade, made it
15 easier to handle. We have used thick white oak before and it is murder to use, it is awful
16 hard to work it because it gets so hard.
17

18 COMMANDER KEVIN CARROLL: When you talk about bevel, you talk about a V?
19

20 JOSEPH JACKIMOVICZ: No, in other words, the bevel is in relation to the longitudinal
21 portion of the vessel. A safe frame is cantered like this, the aft face is perpendicular to the
22 vessel, not the forward face but the two sides are at angles, so that they bevel. Usually at
23 the top of the individual framed piece from one end to the other the beveled changed, so

1 you had easily three individuals cutting that piece of wood through a shift bandsaw, we
2 had assembled 36 inch band saws, and there is a handle on those that you can rotate, we
3 have a gauge that reads various degrees we can cut a bevel, the bevel may change from
4 7° to 12° and 6 feet. We had it written on, we used a felt marker and wrote it on the frame
5 piece so and then gradually as it is being fed through we are changing the angle, as the
6 cut is being made, and you have a fellow in front of that piece of wood, back of the piece
7 of wood, and a fellow running the little handle that is changing the bevel, and we, I cost of
8 frames, this drawing doesn't show it does not even indicate a frame that goes from one
9 side across the keel to the other side is made up of a number of individual pieces called
10 fuddocks. Somebody told me that that term has been used before in this meeting, but
11 individual pieces. The framing when you had a complete frame it was 12 inches thick, six-
12 inch piece here six and piece there, the fuddocks overlap each other at the fuddock butt,
13 the rule of thumb was at least 2 feet and the gaps in between this 12 inch frames were
14 similar to 8 to 10 inches. This ran the whole length of the vessel, this is a massive amount
15 of wood there, and the only way, (inaudible) it was done in the old days because it
16 allowed a certain amount of degradation of the frame before it affected the strength of the
17 hull.

18
19 COMMANDER KEVIN CARROLL: Okay, so in regards to the work that was completed
20 and 2006 to 2007, you said the materials were suitable?

21
22 JOSEPH JACKIMOVICZ: Yes.
23

1 COMMANDER KEVIN CARROLL: Okay, was the work done in regards to your job, was
2 the work done to your satisfaction?

3
4 JOSEPH JACKIMOVICZ: Yes.

5
6 COMMANDER KEVIN CARROLL: It was, okay. Did Bounty Organization have any
7 problems with how the work was done?

8
9 JOSEPH JACKIMOVICZ: Not that I know of, no.

10
11 COMMANDER KEVIN CARROLL: Okay, how was the vessel fastened?

12
13 JOSEPH JACKIMOVICZ: In this traditional vessel, it was fastened with trunnels and
14 galvanized nails. Usually in each frame there were three trunnel's and one galvanized
15 nail. One of the trunnel's went through the outside plank, through the frame, and through
16 the inside ceiling and were wedged on both ends.

17
18 COMMANDER KEVIN CARROLL: Okay, explain what is wedging?

19
20 JOSEPH JACKIMOVICZ: The, I should explain trunnel's first I think, a trunnel is basically
21 a dowel, a round Dowell, and I believe in the Bounty they were an inch and an eighth
22 diameter. The ones that we use are made out of black locust wood, black locus is one of
23 the most decay resistant words that is available in North America. I purchased these pre-

1 made from an individual and Southwest New Hampshire and he had a devil make a
2 machine that could spit out 1000 linear feet of stock in an hour. I'm not saying they were
3 1000 feet long they were anywhere from 12 to 20 inches long and they were usually, they
4 were hammered into a hull that was very slightly undersized so there would be a snug fit,
5 they were intentionally left long because usually when you pound it in, it mushrooms over
6 a little bit so it had to be straight grained. Now there is one additional thing that we didn't
7 to the doubtless before we use them these were air dried whatever the rule of thumb I
8 gave you over there and manage per year, an inch of thickness. We planned on using the
9 bowels, we have an old refrigerator in one of our shops the compressor was removed
10 (inaudible) we put a bundle of these troubles in that refrigerator for a day or two before we
11 knew we were going to use them, and it was a bout 100° or more we needed to dry that
12 doll a little bit more, so it was more than air dry, so what that does is shrunk the dowel a
13 liberal bit more so we force that delve into the planking and into the framework and sawed
14 off the end of it and to get chisels split and drove a wedge in it to split the bow, to give it
15 holding power the and with that the same on both ends. Now if a dowel ended within the
16 frame went through the planking and into the frame but didn't go through the frame that's
17 kind of a blind dowel, a term for it, I'm not quite familiar with the terminus, but they put a
18 wedge in the end before they draw it into, and then when it bottomed out in the hull and
19 drove the wedge in, and flared the inside part of the dowel, and so that given the holding
20 power. Now as a little collateral beneficial things that happens when you, the way we've
21 done it would we had green oak is that when you put that dry towel and put it in the whole
22 pretty soon some of that moisture is going from the green oak into the dowel and
23 expanding the dowel because when wood gets wet it expands. Even before when we

1 launched the boat that dowel is even tightened a little bit more because it absorbs some
2 of the moisture.

3
4 COMMANDER KEVIN CARROLL: Okay, quick question the planking that was replaced in
5 2006, 2007, what was the condition of the planking that was taken off?
6

7 JOSEPH JACKIMOVICZ: The lower planking below the rail, the oak was in pretty good
8 shape, but we had to take it off because we had to get down to the frame, we wanted to
9 get down and replace the frames. The tops of the frames the higher that we get on the
10 planking below deck the worst of planking in the frames were.
11

12 COMMANDER KEVIN CARROLL: Okay so what was the material that was used before?
13 You said you replace it with Douglas fir.
14

15 JOSEPH JACKIMOVICZ: It was not oak it was a softwood, and the only thing I can think
16 of is Douglas fir.
17

18 COMMANDER KEVIN CARROLL: Okay.
19

20 JOSEPH JACKIMOVICZ: The common wood, keep in mind the boat was built Lunenburg
21 Nova Scotia, and they use a lot of woods that we would not use down here when they
22 build boats. They have used Maple they have used spruce, they have used red Oak
23 they've used birch, we don't like to use that type of wood.

1
2 COMMANDER KEVIN CARROLL: Why?

3
4 JOSEPH JACKIMOVICZ: Because their government frowned upon them importing wood
5 from the United States, red oak is very rare up in Canada.

6
7 COMMANDER KEVIN CARROLL: Okay so why are those woods of less quality?

8
9 JOSEPH JACKIMOVICZ: They decay faster.

10
11 COMMANDER KEVIN CARROLL: Okay.

12
13 JOSEPH JACKIMOVICZ: And there is a lot of Douglas fir that grows in Canada, so that
14 was easy for them to obtain to use. In this figure that we are looking at you will see the
15 keel, that was red Oak, but that was totally underwater so there wasn't going to be a
16 decay issue with that. The keelson, I believe was Douglas fir, and then it does not show
17 here what they had done, there is a bolt that goes from the bottom of the keel through one
18 of those frame fuddocks an right through the top of that keelson, and they were about 1
19 1/8 inch galvanized steel bolt, was the original construction.

20
21 COMMANDER KEVIN CARROLL: Keel bolt.

22

1 JOSEPH JACKIMOVICZ: Keel bolt, and then that shoe, the shoe you see there covered
2 up the hole where the bolt went through because the bolt was recessed into the keel.

3
4 COMMANDER KEVIN CARROLL: Okay, during the 2006 2007 period you said that they
5 added 25 to 30 tons of lead to the bottom of the keel, how did they do that?

6
7 JOSEPH JACKIMOVICZ: Yes we did, first thing we did was we added, since we knew
8 that all of the keel bolts were original it was asked that we put in some more keel bolts, so
9 we added some keel bolts I can't remember how many we added, they were 6 to 8 and
10 number they were an inch and a quarter, it took two men a whole day to put one keel bolt
11 in, it might have even taken more.

12
13 COMMANDER KEVIN CARROLL: Did you remove the old ones?

14
15 JOSEPH JACKIMOVICZ: No, it would destroy the wood around it if we tried to remove
16 the old ones.

17
18 COMMANDER KEVIN CARROLL: So the old ones stay in?

19
20 JOSEPH JACKIMOVICZ: Yep, all of the old fastening through that backbone, and I call
21 the backbone being the keel, the keelsen, and the deadwood that was all original, but the
22 forefoot of the boat was original to. We replace the spin post in 2001/2002. We replace

1 the upper part of the stem in 2006/2007, but we did not go to low there because the wood
2 was solid so we scarfed in some new stem pieces.

3
4 COMMANDER KEVIN CARROLL: Said scarfing is taking, what is scarfing?

5
6 JOSEPH JACKIMOVICZ: When you are trying to get a longitudinal member and you want
7 it for structural strength you just don't put them together, so you put a scaff in their so this
8 piece of wood in this piece of wood overlap and you bolt those together so that spreads
9 the load it gives it strength and carries the longitude and the strength of the vessel.

10
11 COMMANDER KEVIN CARROLL: So it's an angle rather than a perpendicular
12 connection?

13
14 JOSEPH JACKIMOVICZ: Yes, that's correct. That shelf you see there, you see on that
15 figure, they have a shelf and there is a dimension or something, that's a longitudinal
16 strength member, you see the deck, the deck beam sit on that,

17
18 COMMANDER KEVIN CARROLL: Correct.

19
20 JOSEPH JACKIMOVICZ: We refer to it as a beam shelf, because the beams set on it.
21 That thing if my memory it gives some dimensions here, but to me it was 6" x 24",
22 although it says 27 here, and this ran from the stern of the vessel to the transom, and that
23 was a longitudinal strength member,

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COMMANDER KEVIN CARROLL: In addition to supporting the deck beam.

JOSEPH JACKIMOVICZ: All know, it's adding longitudinal strength to the vessel, and it's bolted through the frames and the deck beams are through bolted through that beam shelf. Now in 2006/2007 the forward port section about 25 to 30 feet, there was decay in it and we replaced all that. And you can see it's made up of four different pieces, it was laminated so the bots are staggered everywhere, and so we replaced that and on the starboard side it doesn't, it says clamp, 5.25" is, the clamp is another longitudinal strength member, just below the beam shelf, an on the port side when were replaced about 30 feet of that, and those pieces are scarfed together, we replace those, it was just something when we opened up the boat we found but we had not intended to do that.

COMMANDER KEVIN CARROLL: Okay so in regards again to the 2006/2007 yard period, you presented material options, the captain made the selection, the work was done, you are satisfied with the work, the vessel left?

JOSEPH JACKIMOVICZ: Right.

COMMANDER KEVIN CARROLL: Okay, let's go forward to the October 2010 yard period.

JOSEPH JACKIMOVICZ: Okay.

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COMMANDER KEVIN CARROLL: What capacity did you work on the vessel then?

JOSEPH JACKIMOVICZ: Well, now I wasn't in day-to-day operations, I stopped in December 2009. I was there, I was there I did spend a lot of time for one particular thing that had to be done, they wanted to replace the mizzen mast. The lower part of the mizzen mast is made out of a steel pipe or tubing. It was original also, it was originally used as the engine exhaust, so the exhaust would exit way up high so when they are filming, and the engines are on they wouldn't see exhaust smoke around where they are trying to film, and so that was getting to the point where Robin was primarily concerned about it, and they had talked about it before hand, okay this is the time we are going to replace it, so they came up with a bunch of drawings, I can't remember the date Weiman made the drawings or I made the drawings, but we went to a metal welding shop, very reputable local company, I showed them what we had, you know come to think of it now that tubing was provided by the owner we did not provide the tubing. It came up and then we had to put fittings on it and weld this and do this and everything like that. So we made it and installed it with our crane, and then the crew did the rest of the rigging after it was installed. Those the main part that I was involved in that time. I think they watch the bottom of the boat and painted it maybe some other things I'm not aware of.

COMMANDER KEVIN CARROLL: Okay, did you have the opportunity during the 2010 to review the work that you had done and 2006?

1 JOSEPH JACKIMOVICZ: Oh yeah, I had looked at it, it looks fine to me.

2

3 COMMANDER KEVIN CARROLL: It looks good to you, okay. Who was in charge of the
4 project in 2010?

5

6 JOSEPH JACKIMOVICZ: I would say overall in charge was Eric Graves, the current
7 president of the company. Todd Kieslowski probably had a lot of input into it but as I
8 recollect, Todd was involved with doing some woodwork, this steel mast went down
9 through the deck, it was mounted on the main deck, the main deck was a deck below the
10 weather deck, there was no enclosure so, the main deck ran the whole length of the
11 vessel and it mounted on a steel plate that was like a 6 x 6 steel plate, and there is a little
12 foot for it to recess into it where they would lock it in place, and around them below decks
13 there is all this wood work that made it look like it was a wooden mast, an Todd did a lot
14 of wood work down in that area.

15

16 COMMANDER KEVIN CARROLL: Can you turn to exhibit CG 6?

17

18 JOSEPH JACKIMOVICZ: 17-6?

19

20 COMMANDER KEVIN CARROLL: CG 6. CG 6, tab number 6.

21

22 JOSEPH JACKIMOVICZ: This one?

23

1 COMMANDER KEVIN CARROLL: Can you identify that document?

2

3 JOSEPH JACKIMOVICZ: This is inboard profile HMS Bounty.

4

5 COMMANDER KEVIN CARROLL: Can you identify with a mizzen mast is?

6

7 JOSEPH JACKIMOVICZ: Yes.

8

9 COMMANDER KEVIN CARROLL: When you're talking about the mizzen mast, you said
10 that that actually ran all the way down,

11

12 JOSEPH JACKIMOVICZ: To the main deck

13

14 COMMANDER KEVIN CARROLL: Okay,

15

16 JOSEPH JACKIMOVICZ: What you see below that main deck I believe they were steel
17 pipes that supported the weight of that mast on the steel plate.

18

19 COMMANDER KEVIN CARROLL: Okay, but this was replaced in 2010?

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21 JOSEPH JACKIMOVICZ: The mizzen mast.

22

23 COMMANDER KEVIN CARROLL: Okay, all the way down through to the deck?

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JOSEPH JACKIMOVICZ: To what I call the main deck, they haven't labeled the decks on this.

COMMANDER KEVIN CARROLL: The main deck is that, what would you say the topmost deck?

JOSEPH JACKIMOVICZ: Now, that is the weather deck, that's the deck he get rained on and everything else.

COMMANDER KEVIN CARROLL: The deck beneath that,

JOSEPH JACKIMOVICZ: Pardon me?

COMMANDER KEVIN CARROLL: It's the deck beneath that?

JOSEPH JACKIMOVICZ: Yes yes yes, the terminology on decks on vessels such a variable I think it's designated by the builder a lot, the Navy warships back then had decks that names that I'm not even familiar with.

COMMANDER KEVIN CARROLL: Okay, so what you're saying is in 2010, you did attend the vessel, it was in a limited capacity in regards to replacing the mizzen mast and you believe that the planking the framing that was put on the vessel in 2006/2007 was okay?

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JOSEPH JACKIMOVICZ: Right.

COMMANDER KEVIN CARROLL: Okay.

JOSEPH JACKIMOVICZ: I mean the only way you could really tell us to take the pieces off, but there was no reason, we had no indication that we had to do that.

COMMANDER KEVIN CARROLL: To your knowledge were any of those planks taken off during that time?

JOSEPH JACKIMOVICZ: No.

COMMANDER KEVIN CARROLL: No, okay. Let's go forward to the 2012 haul out, in September and October, did you have dealings with the vessel during that time?

JOSEPH JACKIMOVICZ: The only, as I said I ran the equipment that hauled the vessel and launched the vessel, and my routine is that every day I stop by the office and the vessel to find out what's going on, I mean at the office of the shipyard and see what's going on and because they used me still to run the equipment, so I came in, I probably went aboard the vessel maybe three times while it was hauled out on the railway, and other than that I did not have anything to do with the vessel.

1 COMMANDER KEVIN CARROLL: Okay during that time did anyone from the shipyard
2 consult you regarding the condition of the vessel Bounty?

3
4 JOSEPH JACKIMOVICZ: The skipper wanted some of the planks removed, the floor
5 planks removed up at the top, just below deck. I think it was a plank just below the deck
6 level. So the fellas did that, I showed up one day an somebody, it could have been Todd
7 or somebody else that found something that surprised the dickens out of us, he said that
8 wood was stained, and we had put that in five years before, and I was startled by it too, I
9 ran up and looked at one area, and said yeah you are right, I said to them did we put that
10 in, did we put that piece of wood in or was it original from when the boat was built, he said
11 no we had replaced that, so we had some concern about that.

12
13 COMMANDER KEVIN CARROLL: Okay, who did you discuss this with?

14
15 JOSEPH JACKIMOVICZ: I talked with captain Walbridge about it, I talked with Eric
16 Graves to president about it, an Todd Kieslowski.

17
18 COMMANDER KEVIN CARROLL: How to does conversations go?

19
20 JOSEPH JACKIMOVICZ: Well we were all surprised about it, and it was our feeling that it
21 was not a serious matter, the strength of the vessel, it wasn't a serious matter at the
22 moment but over a period of time it would be a serious matter, there was a lot of structural
23 strength behind it, the beam shelf for instance was a massive piece of wood, and it was

1 right in that area, and in my experience if you are going to have a problem like that that's
2 where you have it, right at the top of the frame below the deck, the lower you go, the less
3 problems you have. Now let me expand on that problem a little bit because I talked about
4 through a captain a number of times before even this haul out the ventilation on the boat.
5 A ventilation is a serious issue on any wooden boat. You have dead air spaces between
6 the frames below deck level, and what a vessel is being operated and operated on the
7 sea, believe it or not there is a fair amount of ventilation, natural ventilation that goes on
8 on the boat, the boat is rocking and rolling, you have wind, you have different wind
9 pressures that causes air to move and everything, but when a vessel sits at a dock for
10 months on end, there is dead air, and the climate in the Gulf Coast of Puerto Rico is very
11 much different than the climate in Maine. You have a lot of moist warm air, and if it is a
12 dead air space you have a problem. This kind of concerned me to the point, what the, this
13 doesn't seem right, so I did a search online, I googled, I can't remember the exact words
14 are used, I think I used something like Douglas fir decay, and it was all pages of items
15 came up on Google, finally I came up to something, the National Park Service does
16 sponsors research into Douglas fir decay. Oh I said that's good. It was a report done by
17 an independent laboratory at the behest of the National Park Service that were caretakers
18 of the San Francisco Bay Maritime Museum. Now they had a lot of old commercial craft
19 that were built in the early 1900s and lo and behold they were mostly built of Douglas fir.
20 Okay, this is fitting in with what I am trying to find out, so I located the site, and they took
21 a perfectly good piece of Douglas fir and they put it in what they considered ideal lab
22 conditions and they found within 30 days there was extensive decay and that piece of
23 wood. I said wow. So I'm not saying that vessels are under perfect ideal conditions, but a

1 vessel down south and the more humid environment is in a more suitable condition for
2 decay then a vessel up in Maine, so and that's about all I went, so a kind of reinforced my
3 idea about Douglas fir. Now saying that, I can say that without any question in my mind, if
4 we had used a more expensive wood I think the same thing would have happened.

5
6 COMMANDER KEVIN CARROLL: You do?

7
8 JOSEPH JACKIMOVICZ: Sure, yeah sure.

9
10 COMMANDER KEVIN CARROLL: Okay, not because of the quality of material?

11
12 JOSEPH JACKIMOVICZ: No, because of the climate in which the vessel lift. If you have a
13 vessel tied up at dock for 4 to 5 months anytime in that type of environment and there is
14 no ventilation you're going to have problems. Now I discussed that with Robin, about this,
15 and he says, you know I have been trying to get my mind wrapped around this ventilation
16 thing and you know the only thing I can think of is when the boat is tied up it has a series
17 of fans down in the bilge blowing air up, now, I forgot, it probably doesn't even show, but
18 when the boat was constructed between the deck beams above the beam shelf there is a
19 little gap, they had drilled ventilation holes an inch and a half diameter in the voids where
20 the frames were, so when the vessel was operating at sea there was air pressures that
21 were pushing air up and down through this little ventilation holes, so there was ventilation.
22 But when you didn't have any movement of air, those ventilation holes aren't going to do
23 anything, but if you had a fan somewhere that could force air through and throw that

1 warm moist air out through that up or part of the void space between the frames and the
2 deck, then you would get rid of the problem.

3
4 COMMANDER KEVIN CARROLL: Okay, let's get back to the area that you said you
5 specifically recalled where that was on the vessel? The area where it was presented to
6 you that there was some rot?

7
8 JOSEPH JACKIMOVICZ: It was the area just below the deck.

9
10 COMMANDER KEVIN CARROLL: Just below the deck, okay. How much of the interior
11 framing were you able to see?

12
13 JOSEPH JACKIMOVICZ: I could see it all the way to the ceiling.

14
15 COMMANDER KEVIN CARROLL: Okay, now over what distance?

16
17 JOSEPH JACKIMOVICZ: This much.

18
19 COMMANDER KEVIN CARROLL: How long, longitudinally?

20
21 JOSEPH JACKIMOVICZ: Oh you are referring to the plank, probably 20 to 24 feet
22 somewhere like that.

23

1 COMMANDER KEVIN CARROLL: Okay, what was the width of the plank? The width,
2 meaning,

3
4 JOSEPH JACKIMOVICZ: Of the width, probably 7 to 8 inches.

5
6 COMMANDER KEVIN CARROLL: Okay, so within that 20 to 22'8" what was the condition
7 of the frame such saw?

8
9 JOSEPH JACKIMOVICZ: Wealth there was decay and the frame. Basically what
10 happened at the first start of decay, decay sports transfer themselves into the oak, you
11 don't want good wood against bad wood so to speak, and it transferred into the oak, to
12 me it looked like it went an inch to an inch and a half,

13
14 COMMANDER KEVIN CARROLL: What would that do to the strengths of the structural
15 member?

16
17 JOSEPH JACKIMOVICZ: As I indicated, the vessel was built so massive dedicate take
18 quite a bit of decay, degradation of the structure before it actually impacted on the boat,
19 and again behind there was this beam shelf located right close to that, that added
20 tremendous structural strength to the boat.

21

1 COMMANDER KEVIN CARROLL: In regards to the planks and how they were attached
2 to the frames with the trunnel's and how the beams and the struts were caulked, what
3 would happen to a vessel if they had a new plank on a rotted frame?
4

5 JOSEPH JACKIMOVICZ: Weather is enough would therefore to actually, for the frame to
6 grab, keep in mind part of the trunnel went all the way through to the ceiling, so was
7 holding there, and the other trunnels had gone most of the way through to the back of the
8 existing frames, it was solid wood. Now there was a plan a talk, for us to haul the boat this
9 coming fall and I have no doubt in my mind that that would have been addressed, you
10 know this whole situation would have been addressed. We would have come up with a
11 solution without having to take all that stuff off. I had in my mind already something that
12 could have been done, an we could put the oak planking, we could put planking back over
13 it and you would never know the difference.
14

15 COMMANDER KEVIN CARROLL: Okay so the, would require new planking?
16

17 JOSEPH JACKIMOVICZ: Well whatever we had taken off, probably top several planks
18 would have to come off anyway.
19

20 COMMANDER KEVIN CARROLL: Okay for the entire length of the vessel?
21

22 JOSEPH JACKIMOVICZ: Well we kept going, I can't say that this problem exists at the
23 whole length of the vessel, we could only see, they took a section of plank, this was a port

1 forward area I believe, and they took another plank off starboard to midship to aft, I didn't
2 see that spot, I just saw the one on the port side.

3
4 COMMANDER KEVIN CARROLL: Okay so when you do find rot within a plank, you
5 remove the plank is that correct?

6
7 JOSEPH JACKIMOVICZ: Yes.

8
9 COMMANDER KEVIN CARROLL: Okay, what about with the frames? Now you again had
10 the 8 inch window around the frames, and your experience how do you deal with a
11 situation like that?

12
13 JOSEPH JACKIMOVICZ: Well it depends on what you want to do. You see I wasn't in
14 any discussions, I had not discussed with Robin in the yard what they had in mind, so I do
15 not know what that discussion resulted in.

16
17 COMMANDER KEVIN CARROLL: But if you didn't remove anymore planking either
18 above or below the affected area that you could see, would you know what the condition,

19
20 JOSEPH JACKIMOVICZ: No.

21
22 COMMANDER KEVIN CARROLL: Okay, so if you simply put the plank back onto the
23 frame,

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JOSEPH JACKIMOVICZ: Right. Now I understand that the crew did some kind of treatment to what they saw, and what that means I don't know, I don't know if it is paint, or wood preserver or what. The only thing I say about wood preserver is that topical treatments of wood preservative are not very effective.

COMMANDER KEVIN CARROLL: Why?

JOSEPH JACKIMOVICZ: It doesn't penetrate the what. When you buy treated wood at the local lumberyard, they call it pressure-treated wood. It has to go into a pressure chamber and the fungicidal material gets pushed into the grain, you just can't brush it on with a brush. I mean it probably helps a little bit, it probably would any decay or fungus that was there it would probably kill that, but it's not going to go into the solid wood.

COMMANDER KEVIN CARROLL: Now in regards, you said you know the crew gave it some treatments, how do you understand that?

JOSEPH JACKIMOVICZ: I did not hear your question.

COMMANDER KEVIN CARROLL: You said before you understand the crew treated the wood in some capacity, how do you know?

JOSEPH JACKIMOVICZ: I was told that, I was told that by one of the men at the yard.

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COMMANDER KEVIN CARROLL: Do you know who?

JOSEPH JACKIMOVICZ: It was either Jim Jones or Todd Kieslowski, I can't remember which.

COMMANDER KEVIN CARROLL: Now with the affected area, or let's go to the unknown areas, if you didn't know what the condition of the frames were, you didn't know what the conditions of the plank board, because you didn't remove them, how would that affect the holding power of the trunnel's?

JOSEPH JACKIMOVICZ: First off, I don't know, I can't say that, but any trunnel that is in solid wood is going to be doing its job.

COMMANDER KEVIN CARROLL: What if it wasn't in solid wood, what if it was an rotted wood?

JOSEPH JACKIMOVICZ: Well it would depend on the trunnel, because then the trunnel would have to span the outside plank and the good wood area. To trunnel was intact and in good shape, and I never saw any troubles that were taken out, or other steel fasteners that were taken out, so I can't answer that.

1 COMMANDER KEVIN CARROLL: Did you have any other conversations with captain
2 Walbridge in regards to the condition of Bounty before it left?

3
4 JOSEPH JACKIMOVICZ: Well two days before he left it was on a Friday, I asked him how
5 was the vessel doing, he said great, it's tight, the vessel is tight, of course I have to take
6 kind of a grain of salt when captain Walbridge said the boat is tight because in my mind it
7 was probably still leaking, but it has experience with how the vessel has leaked in the
8 past a little bit of leaking in the boat, it was nothing and, he told me after he read did the
9 bilge pumping system and 2002 that he had more than enough capacity for anything that
10 he could anticipate. He told me experiences usually when the vessel set of the dock it
11 either didn't leak, or it was just a small leakage, but the more seas that he ran into it with
12 would leak a little bit more because the vessel was working. In my mind the vessel was a
13 50-year-old vessel.

14
15 COMMANDER KEVIN CARROLL: Okay, when the vessel is working, what we described
16 before if it was a trunnel, that was within, holding a plank to a frame an both of the plank
17 and the frame had rot,

18
19 JOSEPH JACKIMOVICZ: The bulk of the working on that vessel would probably be from
20 around the waterline down to the keel.

21
22 COMMANDER KEVIN CARROLL: Waterline down to the keel,
23

1 JOSEPH JACKIMOVICZ: Because that beam shelf that I showed you there, it's going to
2 resist a lot.

3
4 COMMANDER KEVIN CARROLL: Okay.

5
6 JOSEPH JACKIMOVICZ: I mean that's a tremendous, you have to realize that's a
7 tremendous structural member.

8
9 COMMANDER KEVIN CARROLL: Okay, what was your impression of captain Walbridge
10 from your dealings with him?

11
12 JOSEPH JACKIMOVICZ: He was a hands-on individual on that boat for 17 years, I had a
13 lot of respect for him, he has sailed the vessel four more times across the Atlantic, up and
14 down the East Coast a number of times, across the Pacific to Victoria British Columbia,
15 down to the Galapagos, and he told me one time it wasn't this past time, we never talked
16 about, at this time we never talked about hurricanes, one other time he told me about a
17 hurricane he rode out in the Gulf of Mexico, off the coast of Florida. He had his anchor out,
18 but the anchor was dragging, he was watching his GPS, he had some GPS locations of
19 oil rigs, that was his big concern that he would drag you into an oil rig out there, and
20 everything was okay, and somehow either somebody, the chain broke, the anchor is
21 there, he took the GPS location there, turned his engines on an kind of dodged into the
22 hurricane and maintained his position so the waste would had the vessel head on, and

1 when the hurricane passed by he went up to New Orleans and spent the winter in Baton
2 Rouge I believe. But I don't know what year that was.

3
4 COMMANDER KEVIN CARROLL: An Bounty?

5
6 JOSEPH JACKIMOVICZ: In Bounty. And he indicated he was an 18 to 20 foot seas in the
7 shape of the transom, you could almost see it on a figure that we looked at a profile, ways
8 would get kind of up underneath that transom and he said it would hit it like a cannon.
9 Shakes the whole boat, those wave coming up behind there.

10
11 COMMANDER KEVIN CARROLL: So your impression was that he was a competent
12 mariner?

13
14 JOSEPH JACKIMOVICZ: This he was, yes he was certainly.

15
16 COMMANDER KEVIN CARROLL: Was he a competent shipwright?

17
18 JOSEPH JACKIMOVICZ: He learned through the years, he was doing work on the boat,
19 one of the big jobs he was supposed to do an 2006/2007 on the original contract was to
20 replaced the deck beams and the deck, we did not get to that because we had to replace
21 a good section of the beam shelf up forward, the clamp, and we replace the transom, that
22 wasn't anticipated so the transom was a major job. To do the deck and the deck beams
23 was probably \$200,000, to \$250,000 job, so instead of doing all that, he was concerned

1 about the leaky deck, he came up with a solution of putting (inaudible) over the existing
2 deck and putting a veneer of Douglas fir over it, the original deck was Douglas fir and
3 making an imitation seam putting bumps and just wood plugs that covered all of the
4 fastenings and put some kind of rubber compound in the seam so when we got done it
5 looked like a traditional deck. When I asked him about it, when we hauled in 2010 I said
6 how is your deck, and he said great, it worked great.

7
8 COMMANDER KEVIN CARROLL: So 2006/2007 was when the deck had the covering
9 replaced over it?

10
11 JOSEPH JACKIMOVICZ: Yes.

12
13 COMMANDER KEVIN CARROLL: Okay prior to the vessel leading, or even after the
14 vessel left common did tag Kozakowski ever come to you an express any concern with
15 the condition of Bounty?

16
17 JOSEPH JACKIMOVICZ: Well he was concerned about the decay, as I was. I mean you
18 know it just, that is something that we never expected. When I talked with Robin
19 Walbridge, you know the captain, he didn't express any of his concern and my experience
20 from working with wooden vessels I have seen conditions a lot worse than that an vessels
21 that operated, fishing boats angling. I was fortunate that when I started at the yard half of
22 the fishing boats that I hauled were what, and most of them were old wooden boats so I
23 had a lot of experience with this. Now he has worked at our yard with this type of

1 construction since about 2005/2006. I had a greater experience so I didn't really think it
2 was such a big issue. Now obviously an captain Walbridge knew the boat, he knew that
3 both better than anybody did. He knew exactly what happens when he's out to see, when
4 it's give and take on more water, and I feel certain that this would have been address
5 when we hauled it this coming fall.

6
7 COMMANDER KEVIN CARROLL: Okay, so you think, you believe that if the vessel
8 operated reasonably, it would have been able to make it to the next yard period?

9
10 JOSEPH JACKIMOVICZ: Right. Now you know, the key thing here is you should keep in
11 mind is that it's a 50-year-old boat. The basic backbone structure of that boat the keel, the
12 keelsen and all the bottom frames the forefoot and deadwood goes back to the early
13 1960s.

14
15 COMMANDER KEVIN CARROLL: Original.

16
17 JOSEPH JACKIMOVICZ: Right, that is all original. And you have to realize that that is
18 tired, and everybody knows that when you see a boat and it has a hog in the keel the boat
19 is tired.

20
21 COMMANDER KEVIN CARROLL: Explain that. Hog in the keel.
22

1 JOSEPH JACKIMOVICZ: Well, when I haul old boats particularly (inaudible) and I have
2 blocking set up in a straight line, the assumption is that the keel is straight, okay, so, see I
3 didn't know what the situation on the Bounty was and 2001, so we had, I had the blocking
4 set up and we are bringing the boat up and all of a sudden I can see the boat starting to,
5 the water level going down from the hull, so its grounded out so, I had the diver go down
6 and take a look fore and aft, the forward most part of the keel the aft most part of the keel
7 they are touching, we had a 6 inch gap in the middle blocking area, okay the boat gonna
8 rock, so I don't like to keep hauling the boat out and let that settle out to a straight line,
9 you are straining the hull, it took a hog because that's an equilibrium point that the boat
10 wants to sit in the water as it ages, it's as common as breathing, an old wooden boat that
11 size is going to get a hog. I have hauled many boats like that,

12
13 COMMANDER KEVIN CARROLL: Let me just get for a description, you are saying that
14 from the bow to the stern?

15
16 JOSEPH JACKIMOVICZ: Yeah, along the keel.

17
18 COMMANDER KEVIN CARROLL: Along the keel the bow and the stern would be lower
19 towards midship,

20
21 JOSEPH JACKIMOVICZ: They would touch, the rest the blocking, maybe an inch here,
22 two inch, it would go to a maximum and decrease back to touching, very common on old
23 vessels. So what I do, is I have the diver put wedges in, I don't want that boat trying to

1 change, change shape, and basically what it is is a boat has the bulk of its flotation at the
2 middle of the boat, you have a transom like this, with all this weight hanging over the end
3 but very little flotation as the boat gets further the weight is starting to push down,
4 buoyancy forces in the middle and waits at the end of the boat pushing down. You got a
5 hog. Like I said, any old wooden boat that's going to happen. Now it's interesting when
6 we did the lead ballast and 2006 it was requested that we put it on a straight keel not put
7 it on this hog, so we, okay I said the way we can do this is we can make sandboxes and
8 set them on our blocking, and I was asked what a sandboxes, it's a metal box probably 3
9 foot long 12 foot wide maybe 10 inches high, and then there's cutouts along, maybe three
10 cutouts along the bottom the three-foot dimension and inside of the box we would put
11 sand, beach sand, you know how beach sand districts right through your fingers, we put
12 sand like that in plastic trash bags and set it, seal the end of it fill up the whole box and
13 put wooden blocking on top of that. And the idea was over the course of a week or two
14 you dig into the plastic let the sand ease out and low and behold that keel is settling
15 down, so when we got done with that process the keel was perfectly straight on the
16 blocking pad, and as it turns out we didn't do the sand work, captain Walbridge and a
17 couple of crew decided they were going to do it, and he did it in a day and a half.

18
19 COMMANDER KEVIN CARROLL: Okay so 2006/2007 when the ballast was added to the
20 keel you are saying that the keel at that point was straight because of the sandbox?
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22 JOSEPH JACKIMOVICZ: Well no, what we did is we blocked up the hog, when we
23 hauled it and then we let the sand go out to straighten out the keel, that's what we did.

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COMMANDER KEVIN CARROLL: Okay, was it straightened out?

JOSEPH JACKIMOVICZ: Yes.

COMMANDER KEVIN CARROLL: Then the lead ballast keel was added?

JOSEPH JACKIMOVICZ: It was applied to that straight keel.

COMMANDER KEVIN CARROLL: Okay, what was the what was, go ahead.

JOSEPH JACKIMOVICZ: When we hauled the boat and 2010 it had the hog.

COMMANDER KEVIN CARROLL: Again?

JOSEPH JACKIMOVICZ: Oh sure.

COMMANDER KEVIN CARROLL: What about this time? 2012?

JOSEPH JACKIMOVICZ: Oh yeah.

COMMANDER KEVIN CARROLL: What happened to the lead?

1 JOSEPH JACKIMOVICZ: It gradually adjusted. The lead was firmly attached, we bolted
2 that into the frame and everything, that was into this keel structure, nothing happened
3 with that, it was installed solid as can be.
4

5 COMMANDER KEVIN CARROLL: So it conformed to the hog?
6

7 JOSEPH JACKIMOVICZ: Yes it did. Let me give you an example, it is a battle to try and
8 get rid of, a hog in a part of a boat. I had the Sherman Zwicker, Built up in Lunenburg
9 same place as the Bounty, 144 feet long, it had a hog in the keel I hauled it in the early
10 80s, had a bad hog in the middle, the owner didn't want me to get the hog out of the keel.
11 He brought it up to another boatyard, and a flattened the keel out pretty similar to how I
12 described, and it put a steel plate on the bottom, a 1 inch steel plate and they ran up a
13 steel plate along both sides of the keel, and where the side plate met the bottom plate
14 they welded that the whole length of the keel, and they through bolted that through the
15 keel I hauled the boat a couple years later and had the hog in the keel. That steel plate
16 bent right to it, so you can't fight that. If the backbone is tired, and when the backbone is
17 tired, you take a (inaudible) its gonna work, and when it works its going to leak more.
18

19 COMMANDER KEVIN CARROLL: What time is it? Okay Mr. Jackimovicz we are going to
20 break for lunch, when we return what I am going to do is Capt. Jones from the NTSB is
21 going to have the opportunity to ask you some questions, and then the gentleman behind
22 you the parties of interest and their representatives will have the opportunity to ask you
23 some questions, okay.

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JOSEPH JACKIMOVICZ: Sure.

COMMANDER KEVIN CARROLL: Okay so what we are going to do is come back at 13:00, thank you sir.

JOSEPH JACKIMOVICZ: You're welcome.

LIEUTENANT COMMANDER NICHOLAS PARHAM: (inaudible)

LIEUTENANT COMMANDER NICHOLAS PARHAM: Ladies and gentlemen if you could please take a seat we will be starting here in two minutes.

COMMANDER KEVIN CARROLL: All right ladies and gentlemen we will go back on the record. The record will reflect all parties and interests and their representatives are once again in attendance.

LIEUTENANT COMMANDER NICHOLAS PARHAM: Mr. Jackimovicz, (inaudible) the oath you took earlier is still binding. You understand? Thank you.

COMMANDER KEVIN CARROLL: Mr. Jackamovicz At this time Capt. Jones from NTSB will ask you some questions.

1 JOSEPH JACKIMOVICZ: Okay.

2

3 CAPTAIN ROB JONES: Good afternoon Mr. Jackimovicz.

4

5 JOSEPH JACKIMOVICZ: Good afternoon.

6

7 CAPTAIN ROB JONES: Who hired you for this last yard period that the Bounty was at?

8

9 JOSEPH JACKIMOVICZ: You mean 2012?

10

11 CAPTAIN ROB JONES: Yes.

12

13 JOSEPH JACKIMOVICZ: The shipyard.

14

15 CAPTAIN ROB JONES: Who specifically? Mr. Graves, Mr. Kosakowski?

16

17 JOSEPH JACKIMOVICZ: It might have went all the way up to the owner of the yard, but I
18 would say Eric Graves.

19

20 CAPTAIN ROB JONES: Okay. You said you worked with Mr. Kosakoski before?

21

22 JOSEPH JACKIMOVICZ: Yes.

23

1 CAPTAIN ROB JONES: And what's your knowledge of his abilities and his...

2

3 JOSEPH JACKIMOVICZ: Well, just by observation they are excellent.

4

5 CAPTAIN ROB JONES: How much did you work with him at this last yard period?

6

7 JOSEPH JACKIMOVICZ: well I really did not work at the yard, all I did was help with the
8 haul out and the launching.

9

10 CAPTAIN ROB JONES: Okay, but you did discuss, and you told us before, you did
11 discuss the rot and decay that was found.

12

13 JOSEPH JACKIMOVICZ: That is correct.

14

15 CAPTAIN ROB JONES: You termed it as, you didn't think it was a serious problem?

16

17 JOSEPH JACKIMOVICZ: No I didn't.

18

19 CAPTAIN ROB JONES: We heard from Mr. Kosakowski, I think he thought it was more
20 a serious problem.

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22 JOSEPH JACKIMOVICZ: Well I'm basing my judgment on 40 years of experience and he
23 is basing his judgment on probably five or six years of experience.

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CAPTAIN ROB JONES: Okay.

JOSEPH JACKIMOVICZ: So that's probably the difference.

CAPTAIN ROB JONES: Mr. Kosakowski took a bunch of pictures documenting the damage, or the decay, sorry, let me rephrase. Have you seen those?

JOSEPH JACKIMOVICZ: No I haven't.

CAPTAIN ROB JONES: They are in evidence number

LIEUTENANT COMMANDER NICHOLAS PARHAM: That would be Coast Guard... 41?
40?

COMMANDER KEVIN CARROLL: Yeah that would be CG 41.

JOSEPH JACKIMOVICZ: 41?

CAPTAIN ROB JONES: I don't want to spend a lot of time on each one, unless you see something that you can describe to us that elevates the seriousness of how you feel you saw the rot. If you could just go through those and tell me what you see. Describes me your evaluation of those pictures.

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JOSEPH JACKIMOVICZ: Well, I mean, on the surface of all the frames I see decay. On one I see it less so, I don't know whether it is before or after a particular plank section.

4

5

CAPTAIN ROB JONES: Can you just go to, it's a pretty small number but 24? Coast Guard 24.

6

7

8

JOSEPH JACKIMOVICZ: well these are numbered per se.

9

10

CAPTAIN ROB JONES: Yeah, there is, way down there.

11

12

LIEUTENANT COMMANDER NICHOLAS PARHAM: it's really small.

13

CAPTAIN ROB JONES: I couldn't find it either.

14

15

JOSEPH JACKIMOVICZ: Where are you looking for the number?

16

17

LIEUTENANT COMMANDER NICHOLAS PARHAM: It didn't print out very well. 24. Can

18

you hold up... This is the same one?

19

20

COMMANDER KEVIN CARROLL: That's the one. Let the record reflect it as exhibit CG

21

41 page 24.

22

23

CAPTAIN ROB JONES: Again, your thoughts same assessment?

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JOSEPH JACKIMOVICZ: Well, it's some concern, no doubt about it. The fact is, they have to consider is, do you have holding power fastenings. Just by looking at a photograph you can't tell that. It would have to be the individuals that pulled the nails out or cut the trunnels out of the way and anything that I, I didn't see this when I was on the boat. But everything that I saw indicated to me that, in reasonable condition, encountering moderate seas that the vessel wouldn't have a problem.

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CAPTAIN ROB JONES: Okay. I was just trying to, you know Mr. Kosakowski and his ability and his assessment of what he had seen...

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12

JOSEPH JACKIMOVICZ: Right. This is the worst he's ever seen, this is nothing. This is not the worst I've ever seen.

13

14

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CAPTAIN ROB JONES: Okay. So, not the worst okay. That's fine. Now he also did tell us in his conversations with Capt. Walbridge, Capt. Walbridge's description of his evaluation was that he was terrified about the rot or the decay he had found.

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JOSEPH JACKIMOVICZ: Well that seems contradictory to what has happened

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CAPTAIN ROB JONES: Okay.

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JOSEPH JACKIMOVICZ: I can explain the comment.

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CAPTAIN ROB JONES: Alright. And you've known Mr. Kosakowski for about six years?

JOSEPH JACKIMOVICZ: About 2005 2006 and before that the sail of vessels, he took a course at the apprentice shop up in Rockland. I think that was a two-year course, of course that was small boats. So his employment at our yard with big vessels has been from just around 2006 on.

CAPTAIN ROB JONES: What do you think about his knowledge and ability currently?

JOSEPH JACKIMOVICZ: He's come up fast. He's done real well.

CAPTAIN ROB JONES: Did he work underneath you, did you tutor him?

JOSEPH JACKIMOVICZ: Well, I was the manager on that job, this last haul out he was the manager of the job so he has elevated into that position. He's a sharp individual, he picks up fast. His workmanship is excellent.

CAPTAIN ROB JONES: Okay. You could understand his concern with what he found?

JOSEPH JACKIMOVICZ: Yes.

1 CAPTAIN ROB JONES: The, just, and I'm going to go back over your testimony as I had
2 questions. You had mentioned before yard periods 2001, 06 and 0, 10 and the latest one
3 12.

4
5 JOSEPH JACKIMOVICZ: Right.

6
7 CAPTAIN ROB JONES: You attended the vessel at all that time and was Captain
8 Walbridge captain all that time?

9
10 JOSEPH JACKIMOVICZ: He was the captain all of the time.

11
12 CAPTAIN ROB JONES: Okay no other captains?

13
14 JOSEPH JACKIMOVICZ: Nope.

15
16 CAPTAIN ROB JONES: Alright. And there was another couple of yard periods that you
17 had talked about at different places. Did you go there and visit them...

18 JOSEPH JACKIMOVICZ: No I didn't.

19
20 CAPTAIN ROB JONES: Okay.

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22 JOSEPH JACKIMOVICZ: There was one time in Norfolk area as I indicated, and I
23 believe there was another time in the Tampa Bay area. In Tampa Florida.

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CAPTAIN ROB JONES: Okay. And another thing you had mentioned during one of the haul outs you had said the bounty had enough pumps on her to pump out thousands of gallons per hour

JOSEPH JACKIMOVICZ: That's when the boat originally arrived back in 2001.

CAPTAIN ROB JONES: How did you assess that, how much water was on board?

JOSEPH JACKIMOVICZ: A lot. I mean

CAPTAIN ROB JONES: you could tell it was pumping 30,000 gallons an hour?

JOSEPH JACKIMOVICZ: Well I couldn't tell it was pumping that, When I hauled it out and saw how much water was coming out of the boat I said okay. I think 30,000 gallons an hour is 500 gallons a minute.

CAPTAIN ROB JONES: Okay.

JOSEPH JACKIMOVICZ: Definitely 500 gallons a minute coming out of the boat.

CAPTAIN ROB JONES: And how long did it pump?

1 JOSEPH JACKIMOVICZ: We didn't pump. It just, you mean, drained out?

2

3 CAPTAIN ROB JONES: Yeah.

4

5 JOSEPH JACKIMOVICZ: It probably took, well it gradually decreased so it didn't just
6 stop. It probably took maybe three or four hours.

7

8 CAPTAIN ROB JONES: was that draining or was that pumping though?

9

10 JOSEPH JACKIMOVICZ: Draining. I didn't see anything pumping. I wasn't observing
11 the vessel being pumped.

12

13 CAPTAIN ROB JONES: Okay, but before, let's go back, you had said they had enough
14 pumps to handle 30,000 gallons an hour.

15

16 JOSEPH JACKIMOVICZ: Right.

17

18 CAPTAIN ROB JONES: is just in the documentation of the pumps they had? I mean you
19 never witnessed them pumping

20

21 JOSEPH JACKIMOVICZ: No I didn't. the vessel came to our yard from Fall River that
22 first time. The bounty organization had rented additional diesel pumps to put on deck. And
23 those pumps were rated at 200,000 gallons an hour. They never had to use them.

1

2

CAPTAIN ROB JONES: okay. So from the water you saw seeping out paired with the physical capacity of the pumps on board, you knew that they had the capacity of handling the water.

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6

JOSEPH JACKIMOVICZ: Right. Otherwise the boat would have sunk.

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CAPTAIN ROB JONES: Right. You also mentioned, with regards to choosing the wood, it's not economically feasible anymore. And I'm just going back over your knowledge which we've all shared in today I think. I've been debating four years of maritime college in three hours you, I think we are about the same. What was done in the past, was the wood just laid out to dry for years?

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JOSEPH JACKIMOVICZ: Well in the old days the yards built vessels year-round. They cut wood well in advance so the wood would be sitting around different shapes different frame styles. They would season them. They would have to be careful when they season them, because if you didn't season them right you would end up with firewood. So there was a little bit involved in aging the one. One of the most feasible ways things they had done in the past was take white oak and put it in salt water and to cure it so to speak. Basically what I mean by curing is from the salt water after a given time a lot of those glucose compounds I talked about earlier what get leached out so there would be less tendency for what to decay because the sugar is gone. Now, and I read somewhere that during World War II when they were building some of the minesweepers up in New

1 England, they had taken some of that oak they had sank in the mud flats at the
2 Portsmouth Naval shipyard from the Civil War and use them in World War II.

3
4 CAPTAIN ROB JONES: Okay.

5
6 JOSEPH JACKIMOVICZ: Alright.

7
8 CAPTAIN ROB JONES: Thanks. Over your career at Booth Bay and the previous
9 name, how many vessels which you have estimated that you worked on were hauled out?

10
11 JOSEPH JACKIMOVICZ: Just counting yachts let's say 50 feet, were talking large
12 vessels 2 to 300.

13
14 CAPTAIN ROB JONES: Your memory of everything about the Bounty is pretty
15 descriptive.

16
17 JOSEPH JACKIMOVICZ: Well

18
19 CAPTAIN ROB JONES: Do you have this type of memory for all the vessels you had?

20
21 JOSEPH JACKIMOVICZ: Well sometimes...
22

1 CAPTAIN ROB JONES: Or is there a reason, or, elaborate on your answers. I almost
2 have to say yes or no but, how come you remember so much about the Bounty?

3
4 JOSEPH JACKIMOVICZ: I remember some other vessels because, the Bounty was a
5 unique vessel. So it was memorable from that point of view and it's the latest large
6 amount of work that had done on it. I could elaborate a lot on the victory (inaudible) that
7 you don't want to talk about that. That was in 1988. I can elaborate a lot on the extensive
8 work we did on the Sherman (inaudible) 144 Schooner that was in 1982 but you don't
9 hear about that either. So there are things that happen that all of a sudden you remember
10 a lot of the stuff around it.

11
12 CAPTAIN ROB JONES: I appreciate it, I appreciate the memory too. The, when you
13 mention the trunnels and you picked up the black, the black locusts. Was there any
14 issues with the dissimilar woods? The black trunnel, or the black locust against the

15
16 JOSEPH JACKIMOVICZ: There was more of an issue with metal fastenings and wood
17 than there is with wood with wood. the way it didn't matter. Common trunnel material
18 would be black locust, ash and oak.

19
20 CAPTAIN ROB JONES: okay so when you said before that you don't put good wood
21 against bad wood you meant rotting wood.

22
23 JOSEPH JACKIMOVICZ: Right, that's correct.

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CAPTAIN ROB JONES: not a different type of wood. Okay. Less satisfactory wood.

3

Also, the Bounty and the hog you described in the keel. Was that getting worse with each

4

haul out?

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JOSEPH JACKIMOVICZ: Well, when I hauled the boat out, they already knew that it had

7

a hog. I would make the blocking not straight, built some of the hog in the blocking - not

8

all of it.

9

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CAPTAIN ROB JONES: I don't mean to cut you short, but again everybody's

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12

JOSEPH JACKIMOVICZ: Perceptively, in the 12 years, no.

13

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CAPTAIN ROB JONES: Okay in the amount that the vessel was hogged, was that

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normal for a wooden vessel of that length and when is it too much?

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JOSEPH JACKIMOVICZ: I suppose it would be too much when the vessel broke it's

18

back.

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CAPTAIN ROB JONES: Okay.

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JOSEPH JACKIMOVICZ: She had about an eight inch hog. In other words, if you drew a

23

straight line, put a string line from the bottom of the keel at the stern and at the bough and

1 measured the distance, 8 inches above maximum. I had seen that it had been that the
2 whole time.

3
4 CAPTAIN ROB JONES: Does this happen to steel vessels also.

5
6 JOSEPH JACKIMOVICZ: Probably, steel vessels work also. They'll work in seaway. I
7 haven't hauled that many steel vessels that were very big that i noticed that. Usually the
8 keels are all banged up so it's hard to tell if its the hog or you have to compensate for
9 some other, they get beat up a little bit.

10
11 CAPTAIN ROB JONES: Is this common in wooden vessels, it just happens to all of them
12 over time no matter what?

13
14 JOSEPH JACKIMOVICZ: Yes. Sometimes extraordinary measures are taken like
15 diagonal bracing along the front side frames to stiffen it up. I believe all the clipper, big
16 clipper ships always had diagonal bracing. They beat the devil out of those boats to go as
17 fast as they could. But they hog too.

18
19 CAPTAIN ROB JONES: Is that better for the vessel, or is that starting to work against the
20 vessel natural tendencies?

21
22 JOSEPH JACKIMOVICZ: That means the vessels getting tired. It just wants you to be
23 more careful with what you do with the vessel.

1
2 CAPTAIN ROB JONES: Any other vessels that were exposed to the same type of
3 environment, the Bounty down in humid warmer climates, that you've seen it pulled out in
4 Booth Bay other than the Victory Chimes and Camden schooners? They've come out
5 which are always in the northeast?
6

7 JOSEPH JACKIMOVICZ: There is just one other vessel I remember something similar.
8 The name of the vessel was the Adventure. Right now it's a museum vessel in
9 Gloucester. I was asked to come down to look at the boat to give an estimate on doing
10 some work on frame and plank repair. And I had hauled up that vessel previously when it
11 was used as a crew schooner up in Maine for a different owner. But now it was a non-
12 profit. So, I went to board the vessel (inaudible) and they tell me that (inaudible) of the
13 frame on the starboard side had been replaced 3 or 4 years before. But they wanted an
14 estimate on doing some work about 20 - 30, 20 frames aft, which means you have to
15 take the plank off in order for you to replace the frame. Well that's good. I wanted to see
16 what was done before, so I went up in the bough area and I could tell these were new
17 frames. And something didn't look right. I took out my pocket knife and stuck it in the
18 wood, it went in an inch and a half. I said uh oh and I went up there, I could smell a little
19 musty odor. Any time you smell a musty odor, there's some little decay there (inaudible).
20 I mean, whether they're plastered against the, a solid wall or they were on wood, if you
21 get that musty odor, that little musty scent. So I told the caretaker / skipper, you need to
22 ventilate this place. Those frames are starting to go bad and that's like 3 or 4 years. So,

1 again, dead air space in an area on a static boat that doesn't move from the dock, around
2 the year, it stays in one spot. It had a problem.

3
4
5 CAPTAIN ROB JONES: And that was the only other vessel that

6
7 JOSEPH JACKIMOVICZ: As you say, some of the other boats I hauled they were getting
8 decay issues a lot of them were inspected vessels. The Coast Guard inspectors would
9 give the owner, the captain hell if you want to say that to fix this or do that, blah blah and
10 everything like that. Sometimes they would work out a program to do it. Those vessels
11 had restrictions on how they could operate anyway, they didn't go out in the ocean or
12 anything.

13
14 CAPTAIN ROB JONES: You had mentioned you were already starting to formulate a plan
15 in your head, how to fix what you had seen on Bounty, but could I, sorry, don't want to
16 interrupt you. But is this of your own doing

17
18 JOSEPH JACKIMOVICZ: Well, I am trying to formulate something I can suggest

19
20 CAPTAIN ROB JONES: Did anybody come to you ahead of time

21
22 JOSEPH JACKIMOVICZ: No.

23

1 CAPTAIN ROB JONES: So this is your own thoughts.

2

3 JOSEPH JACKIMOVICZ: Right. I am concerned. I was concerned about it.

4

5 CAPTAIN ROB JONES: and you were thinking towards the next yard period.

6 JOSEPH JACKIMOVICZ: Yes.

7

8 CAPTAIN ROB JONES: Okay. With what was found in the repairs that was made to the
9 Bounty. Did you think that was enough for the decay or the rot that you had heard about
10 on her for her to proceed to the sea.

11

12 JOSEPH JACKIMOVICZ: The indication I got that she went to New London Connecticut
13 and there weren't any issues that I know of. Probably as she proceeded she probably
14 leaked a little bit more from the bottom. I mean, all the issues I had seen everything
15 started at the bottom. If anything happened at the top it was after the disaster had already
16 happened. I mean if the boat leaning off the side, it was very common in the old wooden
17 ship days that the bullocks would get knocked, we get torn right off the hull because of
18 wave action. Well, when a bullock gets torn off the side of the hull pull some of the
19 upper planking up. Now you're exposing the inside of the boat to even more water. So it
20 seems like to me the issue is something from below flooding the boat and the boat sinks
21 higher in the water that puts more stress in the wave action, the wave action can hit all
22 the upper works more. I have seen some of the aerial photographs of the boat in the

1 water with the top mast gone and to me, I'm amazed the the boat was still in tact. To me,
2 the boat was in tact and that surprises me.

3
4 CAPTAIN ROB JONES: Okay, one last question. With all your knowledge of wood boats
5 and woodworking, do you know of any minimum regulations that would have added or
6 made the Bounty safer structurally that would have made that vessel unique

7
8 JOSEPH JACKIMOVICZ: Any regulations?

9
10 CAPTAIN ROB JONES: yeah.

11
12 JOSEPH JACKIMOVICZ: well I, not offhand. One time, in the early 80s Coast Guard I
13 believe realizing that it was an expensive effort for the owner of the boat, to pull planks
14 off to see underneath. They were taking core samples and these were some Coast
15 Guard ... but they only did that for a year or two and it seemed to stop. Just like taking a
16 core sample of rock, they took right through the plank, right through the frame and
17 brought this piece up and looked at it. And what we would do it put a dowel to fill the
18 wood back in. I think they determined that that wasn't the best way to go. I think the best
19 way to go if there is any question or anything, you could take the plank off. I have been
20 up on staging when the Coast Guard inspector came by and demanded that planks got to
21 come off so we can see that ... I said you are talking to the wrong guy. I'm not paying the
22 bill to do that, you have to tell the owner or the owner's rep to do this. If he says do it I
23 know I'm getting paid. So it's tough.

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CAPTAIN ROB JONES: Yeah, okay. Thank you.

COMMANDER KEVIN CARROLL: There was a question here though, there was a question here in regards to the condition of the planking and framing? And it wasn't removed?

JOSEPH JACKIMOVICZ: No. As I said I don't run the day to day operations to find out what is going on, you know what the story was, so

COMMANDER KEVIN CARROLL: You want to clarify one thing before we turn it over to the parties and interests. During the 2012, September and October yard period. Who had more of an opportunity to review the condition of the planking and frames on Bounty? You or Todd Kosakowski?

JOSEPH JACKIMOVICZ: Probably the Captain and Todd.

COMMANDER KEVIN CARROLL: Okay. Alright. We'll start with Mr. Svendsen.

JOHN SVENDSEN: Afternoon, Joe.

JOSEPH JACKIMOVICZ: Hi.

1 JOHN SVENDSEN: you had mentioned that after you had looked at the boat and I
2 believe it was 2006 - 7, you put some work together and you saw that there is no defect
3 in the wood that you are going to put on the Douglas fir.

4
5 JOSEPH JACKIMOVICZ: That is correct.

6
7 JOHN SVENDSEN: You described that the people at the yard would know what to look
8 for

9
10 JOSEPH JACKIMOVICZ: that's right.

11
12 JOHN SVENDSEN: Did you have the internal training in place and knowledge that was
13 exchanged for them to be able to obtain that information and knowledge?

14
15 JOSEPH JACKIMOVICZ: they were experienced.

16
17 JOHN SVENDSEN: Okay. Was there formal training that people were sent out to or
18 exposed to articles ...

19
20 JOSEPH JACKIMOVICZ: In all my years of working on those boats, nobody has per se
21 been trained. And to my knowledge no other yard in New England has done it either.

22
23 JOHN SVENDSEN: So it would be fair to say that its hands on passing of information

1
2 JOSEPH JACKIMOVICZ: Right. This type of constructions I consider more of an art thats
3 learned by experience and knowledge hand down from old workers to younger workers.
4 That's the best way I can describe it.

5
6 JOHN SVENDSEN: Okay.

7
8 JOSEPH JACKIMOVICZ: Now some of the people we had here were trained at
9 apprentice shops. But apprentice shops were training for this type of work.

10
11 JOHN SVENDSEN: you described your experience versus Todd's experience and you
12 said 5-6 years of yard experience for Todd and somewhere from 30-40 for yourself

13
14 JOSEPH JACKIMOVICZ: Right, as I indicated earlier, when I started there in 1978, I had
15 the opportunity to work on the large boats 25 to 35 boats a year. 75% of those boats
16 back then were wooden boats. No excuse me they were fishing boats. Half of those
17 boats were fishing boats. Fishermen are kind of notorious for how the upkeep their
18 boats. I've seen vessels I wondered why they even floated. I hauled in old fishing boat
19 that was originally an old tuna boat from the West Coast. It had that style of the late 40s
20 early 50s tuna boat. I never hauled a boat before. I hauled the boat out and as soon as
21 one of the planks got free of the water, the plank fell right off. Right off. So the only thing
22 holding that in place was water pressure. All the fastenings were gone. No oil came out
23 of the boat because he was pumping so much that it was nice clean seawater that

1 dropped out with it. I seen all these different things, so after a while you get the feeling
2 what's going to work and what's not going to work.

3
4 JOHN SVENDSEN: And you felt comfortable that the Bounty's ship was in a condition
5 that it would work effectively?

6
7 JOSEPH JACKIMOVICZ: well, I had no idea it was going to go into a hurricane.

8
9 JOHN SVENDSEN: The conclusion of my original question was going to consist of asking
10 where you felt Robin's experience and knowledge as a shipwright and doing wooden boat
11 repairs would fall in comparison to yourself and Todd.

12
13 JOSEPH JACKIMOVICZ: Well, lets, he's had 17 years of experience on that one boat.
14 He's had experience on other boats too. But he told me some of them, some schooners
15 and other boats that he worked on so I am not fully aware of all that experience. He
16 struck me as being very capable and responsible and knowledgable. He certainly knew
17 more about that boat than anybody else did.

18
19 JOHN SVENDSEN: In your experience in the 3 - 4 different haul outs that you worked
20 with or had been around, would you say that Robin Walbridge was hands on in his
21 experience with the rebuilds and the knowledge in evaluating the condition of the ship and
22 what to be done next
23

1 JOSEPH JACKIMOVICZ: Absolutely. He brought to my attention on this recent haul out, I
2 happened to be in the yard, he said Joe I got a little problem I got a little bit of a leak
3 running down in the, it was down near the (inaudible) area on the starboard side. It's
4 been leaking there a little bit and he said the water was in the boat the whole time the
5 vessel was hauled out. He said see if you can find out where its leaking and it was in a
6 tough area too because it was in a real tight corner and you really couldn't get in there
7 with regular caulking tools or anything. So I went and grabbed a piece of stainless steel
8 rod. A welding rod. It was a little bit flexible so I started poking around and I everything felt
9 solid and all of a sudden I pushed it in 3 inches and I said uh oh. I wiggled it around and
10 it was like a hole in the seam and the caulking. So I didn't, there was no way you could
11 really caulk it and be sure it would be tight. So we discussed it a little bit and I said the
12 easiest thing that I know it going to work is if you take a soft wood plug and just make
13 sure you find out what the size of that hole is. Probably the diameter of a pencil. I said
14 use cedar or pine or something like that and put a little point on it and make sure its a nice
15 dry fit. And this technique is very similar to using a stock water on a seam on a boat
16 which has been used to stop water getting inside of a boat for hundreds of years. Its a
17 boat building technique. So, its the same concept, so I, he said, let me think about it, I'll
18 see what I will do. I came back a couple days later and there's a lead patch over there. I
19 said what did you do, he says well I did what you did and I could tell as soon as I put it in
20 and drove it in there, there was no more water. It totally stopped it. Then he put some
21 kind of a rubber compound on there and put a lead patch and tapped that on. My
22 experience with the lead patch is that they work. The Coast Guard doesn't like them
23 because they don't know what's underneath the patch. Usually we have to take them off,

1 if they are satisfied, sometimes we will clean it up and put the patch back on. But at least
2 they know what it was and I think they recorded it and where it was. So, he and I think he
3 did it all. So that's an example of his hands on type of doing things. And I believe when
4 they put that deck on back in 2006- 2007, he was doing a lot of that work too. And piping
5 work down below, I think he was involved in that, we were never involved so I don't know
6 how much he was doing. They changed some of the cabin arrangements in 2006 - 2007.
7 They wanted us to do it. There was so much work to do we couldn't. So, he went and
8 hired, he asked if he could hire some local carpenters, just regular house carpenters to do
9 this work inside, we said yeah if you want to. He worked right along with them changing
10 these cabin structures. When operating the sand bags during that same haul out and
11 lowered the boat down, I kind of cringed when he did it in a day and a half. I told him I'd
12 do it in a week or two. Go gradually, go down slow. Like a day or two later he said, Joe
13 I'm having trouble with some of my doors in the cabins. I said what you expect, you know
14 you do it too fast, so he was hands-on.

15
16 JOHN SVENDSEN: Would you say in your experience that he would train his crew and
17 look for teaching moments throughout the yard periods and what you observed?

18
19 JOSEPH JACKIMOVICZ: He struck me as somebody who wanted to tutor young people,
20 and now is an aspect that I wouldn't have expected from him and he told me instances of
21 working on other vessels before working on the Bounty, about doing things like that, he
22 told me before he left that that was the crew you are was the best crew he ever had. So
23 he thought highly of it.

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JOHN SVENDSEN: And so did you experience him also sharing information and finding teaching moments with the yard workers as well?

JOSEPH JACKIMOVICZ: Well that, usually whenever the yard work what we were doing he wouldn't be doing that work., So there wasn't that interaction per se.

JOHN SVENDSEN: When you mentioned working with ventilation and adding ventilation and to the frame bays, where there moments where you and Robin discussed what to do and did you see any evidence of him applying those discussions to the ship.

JOSEPH JACKIMOVICZ: I did not see any evidence, I had talked to him previously, I can't say he may have done it in 2001/2002, but I think in that yard. 2006/2007 I did mention ventilation, he told me he had thought about it a lot, and one of the ways that he thought he would accomplish it if he ever did, and I don't know why he stopped, was to put fans down in the bilge to force the air up through the frames. That wouldn't be an easy thing to do because there's so much stuff down there, there is framework for decking down there, as well as the decking, and is probably pipe work criss crossing down into the bilge area, you had heavily debt but had quote unquote four watertight bulkheads, so you had five compartments in the boat, so I, we discussed that he was trying to come up with some ideas, a lot of times she would come up with ideas of what he wanted to do on the boat without any input from us, occasionally you might say what you think of that, when he wanted to do a quick fix for scarfing the leaking on the decking, he said what if I put an

1 ice and water shield down, I said is a quick fix that's probably going to work, the original
2 deck and deck beams are still there so that's another original structure of the boat, we
3 never change that, we were supposed to but we decided we had to do some other
4 structural work the beam shelf, the clamp, and replace the transom we figured he didn't
5 have the money to do it so.

6
7 JOHN SVENDSEN: Did you see the fans he had installed in the tween decks,

8
9 JOSEPH JACKIMOVICZ: Excuse me?

10
11 JOHN SVENDSEN: Did you see the fans installed on the tween decks to accommodate
12 some of the ventilation on the ship?

13
14 JOSEPH JACKIMOVICZ: Do I see any what now?

15
16 JOHN SVENDSEN: Did you see any fans in 2012 that he had installed?

17
18 JOSEPH JACKIMOVICZ: No, no.

19
20 JOHN SVENDSEN: You talked about the framing and that it was a concern but you
21 thought it was structurally sound, as long as it was able to hold the fasteners, did you
22 hear Todd or yourself communicate anything other than the fasteners being able to be
23 soundly adhered to the planks and the framing?

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JOSEPH JACKIMOVICZ: No I didn't.

COMMANDER KEVIN CARROLL: Mr. Svendsen would you be surprised that Mr. Kozakowski had told us that he was actually able to pull a wooden trunnel out of one of the frames, what with his fingers?

JOHN SVENDSEN: What I should be surprised, no.

COMMANDER KEVIN CARROLL: Is that normal?

JOHN SVENDSEN: What?

COMMANDER KEVIN CARROLL: Is that normal?

JOHN SVENDSEN: No, no.

COMMANDER KEVIN CARROLL: What would that indicate?

JOHN SVENDSEN: Well it could indicate that the trunnel had probably dried out, because when it dries out it shrinks, so could make it loose. Now you talking about one of the original trials, that's what it would kind of indicate to me.

1 COMMANDER KEVIN CARROLL: Would also apply, or possibly indicate that the wood
2 around it was not solid?

3
4 JOHN SVENDSEN: That could also, yeah.

5
6 COMMANDER KEVIN CARROLL: Continue.

7
8 JOHN SVENDSEN: When you are looking at the choice of wood, being the \$20,000
9 versus the \$50,000, was the \$20,000 choice of wood showing signs of quality would an
10 appropriate construction material for the Bounty?

11
12 JOSEPH JACKIMOVICZ: It was appropriate for what we were doing, yes. As long as like
13 I indicated before as long as it didn't have defects in it, and we have been working with
14 the wood for so long that intuitively the workers would have known, though there is a
15 problem with this piece, it would stand right out, the knot is too big, if you had a huge knot
16 in the middle of a plank and dented it would be a hard part there and it would crack right
17 there, so we wouldn't use it, that is just an example.

18
19 JOHN SVENDSEN: The attention to detail that was placed into the rebuilt and
20 reconstruction of the Bounty, can you describe that for me in a way that you worked with
21 the yard workers to accomplish the task at hand?

22

1 JOSEPH JACKIMOVICZ: I am not quite sure what you mean by attention to detail. What
2 particular details are you talking about, I mean, we strive to have the for instance plank
3 edges to be tight against each other, we want the caulking to be correct, this seams to be
4 correct, fastenings to hold, the nail fastenings are counter sunk and bound over, the wood
5 is primed on the outside, smooth out and primed and painted,

6
7 COMMANDER KEVIN CARROLL: Sir, sir, hold on wait, now which yard period are you
8 referring to?

9
10 JOSEPH JACKIMOVICZ: I was referring to 2006/2007.

11
12 COMMANDER KEVIN CARROLL: He has already testified that he was satisfied with the
13 quality of work that was done during that time, does that answer your question, or is there
14 another?

15
16 JOHN SVENDSEN: Let me, I guess rephrase.

17
18 COMMANDER KEVIN CARROLL: Okay.

19
20 JOHN SVENDSEN: In comparison to other ships that you had worked on, the quality of
21 work and materials and the end product that you are satisfied with, how do they compare
22 to other vessels that were certified to carry passengers, or
23

1 JOSEPH JACKIMOVICZ: It was comparable.

2

3 JOHN SVENDSEN: With the observed maintenance and effort that you saw that the
4 Bounty crew under the tutelage of Robin Walbridge, when you witness the boat in 2006
5 and 2007 and again in 2011 and 2012, you mentioned the crew was the best he had had,
6 can you describe some of the evidence that you saw that?

7

8 JOSEPH JACKIMOVICZ: Well see I think he was referring to the crew in that respect
9 operating a boat sailing, and I never saw the boat sailing so I can't say.

10

11 JOHN SVENDSEN: Would you describe that the boat appeared to be well-maintained
12 when he saw it.

13

14 JOSEPH JACKIMOVICZ: They were doing the best they could, Yep.

15

16 JOHN SVENDSEN: You discussed are you conceived of a plan that you felt would be
17 appropriate for the Bounty in the upcoming yard period.

18

19 JOSEPH JACKIMOVICZ: That is correct.

20

21 JOHN SVENDSEN: Within that you had concerns and you had a plan, was very time,
22 could I know you have a relationship with Robin Walbridge, was very time during the yard

1 period where you stopped in daily, that you had discussed those concerns and those
2 plans with Captain Walbridge?

3
4 JOSEPH JACKIMOVICZ: No I didn't. I formulated this after he left. I mean I didn't have a
5 complete, I hadn't completed it in my mind, knowing what the Coast Guard had accepted
6 in the past, I was trying to develop something along that line.

7
8 JOHN SVENDSEN: You had said he saw aerial photos of the Bounty and were surprised
9 to see that it was intact?

10
11 JOSEPH JACKIMOVICZ: Yes.

12
13 JOHN SVENDSEN: And it floated for one if not two days after the crew abandoned ship?

14
15 JOSEPH JACKIMOVICZ: I don't know when the pictures were taken, now the vessel got
16 in that condition from events that happened prior to that. In other words it was taking a lot
17 of water, know how it was taking that water I don't know,

18
19 JOHN SVENDSEN: What surprised you about it still being intact? Can you clarify?

20
21 JOSEPH JACKIMOVICZ: Well and doing some additional research from a publication
22 called the nautical research Journal, a fellow wrote an article back in the 80s about the
23 down easters that were used as ocean carriers, four – vessels versus square vessels,

1 and a lot of things that he talked about was the cyclical action of wave actions over a
2 period of time, and he mentioned that a 15 to 20 foot waves have a period of 15 seconds
3 average, in other words you have a wave come by every 15 seconds, so that's four
4 waves a minute okay, and so here's the boat getting pounded by big waves, four waves a
5 minute, 240 waves in our and a day, just under 6000 poundings, and we are talking about
6 energy, it's this kind of, you got a 10 foot wave it has a certain amount of energy, a 20
7 foot wave has four times the amount of energy, and there's a lot of energy there, and they
8 even brought this out in news reports, when Sandy hit the coast, they said they had a 4
9 foot surge of water coming in, the energy of that had the effect of energy of an F3
10 tornado. Moving water has a tremendous amount of energy so to me if the boat is
11 wallowing in the sea and its getting pounded by these waves, I am surprised it is still
12 intact. I mean that's,

13
14 JOHN SVENDSEN: What that demonstrate to you that the fasteners and the trunnel's
15 would have done their job to hold the planking to the hull and keep the ship,

16
17 JOSEPH JACKIMOVICZ: Yeah, I was surprised, I would have thought that the bullock
18 would've gotten torn off, if they get torn off because you have these framework coming up
19 from down below, you take the bullock off it's going to take some of the upper planking up
20 with it, and when you do that you're opening up the boat to more flooding. But in the
21 photos that I saw I did not see anything like that, what I saw, it was interesting was that all
22 the shrouds seem to be connected to the side of the hull, okay the prop master gone and
23 maybe the yards were gone, and though shrouds are attached to gang planks which are

1 bolted through the exact wood that we are talking about and the chain plates were in
2 place they were not dislodged, so there was strength there, as I said, I keep emphasizing
3 the beam shelf in the boat it is a tremendous strength member of the boat.
4

5 JOHN SVENDSEN: So you pointed out that the lower mast were all still, and that the
6 shrouds were still intact and the chain plates were still fastened,
7

8 JOSEPH JACKIMOVICZ: Attached through the frames, through the planking the frames
9 (inaudible)
10

11 COMMANDER KEVIN CARROLL: You are able to determine that from looking at the
12 picture?
13

14 JOSEPH JACKIMOVICZ: Sure, there were multiple, sometimes in the paper you would
15 see one here, and sometimes you'd see another view, I probably haven't seen all of them,
16 but what I saw I said my God that boat is still floating and intact, that was surprising to
17 me.
18

19 JOHN SVENDSEN: Having the fasteners for the chain plates keeping everything intact
20 and the strength of the hull does that indicate to you that there was strength in the framing
21 and strength in the planking and the shelving,
22

1 JOSEPH JACKIMOVICZ: There was strength there, where it came from I don't know, but
2 there was strength there.

3
4 JOHN SVENDSEN: In your overall opinion of the relationship you had with Bob Hansen
5 and while Robin Walbridge throughout the yard periods where you were doing the
6 rebuilds with the ship, was their intention to make the ship as strong as she could be, and
7 a seaworthy as she could be?

8
9 JOSEPH JACKIMOVICZ: Yes there was because right from the beginning and
10 2001/2002, I don't know whether it's at Bob's insistence or Robin Walbridge, but probably
11 both of them that they wanted the Coast Guard to look at the work we were doing
12 because there was this idea behind all this to have it being an inspected vessel. Well let's
13 stop and have the Coast Guard look at it, and in the yard. Of 2006/2007 the Coast Guard
14 came by and inspected, I can't remember if they came by in 2010 or not there wasn't
15 anything structural that we were doing, whether or not they had to see that mizzen mast I
16 don't know, I never, in all my years of working with inspected vessels, I've never once
17 called the Coast Guard to inspect the vessel. It is always the owner or the organization or
18 somebody. The Coast Guard is called me on occasion to find out the schedule of a boat
19 so they can plan their inspections and everything but it's always between the boat and the
20 Coast Guard.

21
22 JOHN SVENDSEN: Excellent, and all of that even if it wasn't required, the Bounty or
23 Robin would contact the Coast Guard to involve them in the inspections,

1
2 JOSEPH JACKIMOVICZ: Because they were aiming for certification. If their intention was
3 never to have the boat certified I don't think they would have called the Coast Guard.
4

5 JOHN SVENDSEN: So in your mind, in your opinion they were striving towards being a
6 certified vessel and to having all of the safety equipment and instruction,
7

8 JOSEPH JACKIMOVICZ: That is correct, that is correct, I went on board one time and
9 there was a package sitting on the aft deck, this was sometime in 05 or 06, like seven
10 years ago, it was probably during that 2006/2007 time, and I asked him what is this right
11 here, he says well you know if I'm sailing downwind in a storm and somebody falls
12 overboard we are going to be 5 miles downwind before we turn around and come back, if
13 all we're looking for is a floating individual we are never going to find him so this is a little
14 package that may be had a radar reflector or a beacon, it might have even had a mini little
15 life raft and it, in the (inaudible) days if somebody fell overboard, that is it, goodbye, they
16 are not going to turn the boat around, so I'm thinking okay okay he is thinking right, and I
17 think either the crew or he mentioned with time that they would have I don't know, if you
18 could call them safety drills or something to that respect, if this happens this is what we
19 do, I mean I was never involved with those because he never did them when I was
20 around or anything he probably did not do it in the yard period he probably did on board
21 the vessel while the vessel is operating but I know he did things like this, so
22

23 COMMANDER KEVIN CARROLL: How do you know that?

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JOSEPH JACKIMOVICZ: He told me, that's how my know. and I asked him when I saw him teach like that I said you know that makes a lot of sense, somebody goes over you throw this over right away, they swim to it and they can stay afloat in being more noticeable, they can be found easier, because his intention, he was going to turn around and find them.

JOHN SVENDSEN: You also mentioned that he installed an ice and snow shield on the ship,

JOSEPH JACKIMOVICZ: Yes.

JOHN SVENDSEN: Do you feel that that contributed to making the ship a dryer ship, and more safe ship?

JOSEPH JACKIMOVICZ: Yes, it's a material used up in New England quite a bit on the lower e's mostly sometimes on the whole roof, we are prone to have a lot of snow like we did a week or so ago, and what happens is that he's coming up through the house will melt go down the eve freeze and dam up the water behind it, then you get water coming in, it leaks into the house, it happened to me too, but once the ice and water chute came by it has a thin plastic membrane on one side and an asphaltic material on the bottom that is kind of sticky, so it will stick and it comes 3 feet wide you lay down in sheets, I did that about 20 years ago never any more leaks, so he is taking a material that worked in

1 one, and one mode of construction and applied it to, he wanted to stop the leak, that was
2 the quickest way he could do it, and in other than one or two Little spots he said it worked.
3 Now you know better than I do whether it worked or not, did it work?
4

5 JOHN SVENDSEN: I like being dry at night. Thank you very much for your expertise.
6

7 JOSEPH JACKIMOVICZ: Okay, thank you.
8

9 COMMANDER KEVIN CARROLL: Okay, Mr. Shisha?
10

11 JAKE SHISHA: I have no questions.
12

13 COMMANDER KEVIN CARROLL: Bounty Organization?
14

15 LEONARD LANGER: Good afternoon sir.
16

17 JOSEPH JACKIMOVICZ: Good afternoon.
18

19 LEONARD LANGER: I think you stated that Bounty was a unique vessel,
20

21 JOSEPH JACKIMOVICZ: I did.
22

23 LEONARD LANGER: Why?

1
2 JOSEPH JACKIMOVICZ: Well it was a representation of an 18th-century vessel, you
3 know the late 1700s and I might make a note here it's not an exact one, this was a lot
4 bigger boat, the original Bounty was about 90 to 91 feet on deck the Bounty that we are
5 referring to is about 118 feet on deck. And it was done so to be able to carry supplies and
6 have room for cameras on deck while they were filming the movie, and she had a
7 tremendous amount of fuel capacity because they had some other boats that work around
8 it to film it and everything in the middle of the South Pacific I guess you would call it
9 wilderness, there wasn't much available, so it carried enough fuel for everybody and there
10 aren't too many vessels configured like the Bounty is in the traditional manner. Another is
11 one up in New England that if you look at it looks very similar and we have worked on the
12 boat also, the Friendship of Salem owned by the National Park Service. We hauled that
13 out in 2008/2009. Now that was built as a composite vessel so it is not built traditionally.
14 And I might add that that boat had decay problems with Douglas fir too, so again it
15 reinforces my view on Douglas fir.

16
17 LEONARD LANGER: What do you consider the traditional manner, what do you mean
18 when you say that?

19
20 JOSEPH JACKIMOVICZ: I can hear you.

21
22 LEONARD LANGER: I'm sorry, what do you mean by the traditional manner, what you
23 mean by that when he said that just now? That it was built in the traditional manner?

1
2 JOSEPH JACKIMOVICZ: Oh traditional manner, plank on frame. In other words, and then
3 you have to caulk the seams, the Friendship of Salem was strip plank and had a veneer
4 of Douglas fir screwed on the outside to look like planking.

5
6 LEONARD LANGER: When you had discussions in the yard time in 2007 regarding the
7 Douglas fir, was David Wyman involved in any of those discussions?

8
9 JOSEPH JACKIMOVICZ: Well he, David Wyman was the one that suggested we use
10 Douglas fir because originally I have a copy at the yard a provisional contract in a call for
11 us to use white oak, and the reasoning for this was that they wanted to reduce the weight,
12 as much weight as they wanted to increase the stability of the vessel and to just to give
13 you an example of what the differences, I know this in cubic feet Douglas fir wood
14 heavyweights in the neighborhood of around 35 pounds per cubic foot and white oak
15 would have a weight of around 50 pounds or more per cubic foot, a cubic foot represents
16 12 board feet, does everybody understand what I mean by board feet, okay, so you would
17 be saving an appreciable amount of weight, I happen to look at one of the invoices and
18 found that we had bought 5000 board feet of Douglas fir to do the topside, that doesn't
19 mean that every piece of that, that many board feet went into the boat because there was
20 wastage. I kind of calculated that we probably saved about 5000 pounds of weight
21 between the difference between the white oak and the Douglas fir, and I also found out a
22 note saying that Bounty Organization desires to use Douglas fir instead of white oak for
23 some of the topside planking. So that was the reasoning behind it, and at the same time

1 to reduce weight, this on the side, Capt. Walbridge even jokingly said maybe I could have
2 some of us topmast and yards made out of carbon fiber to lighten it up even more, the
3 more weight you have up high the more leverage that exerts in a storm, as the boat tips,
4 could try and tip the boat so that was the whole thing. Add ballast real low and try to
5 reduce more weight as best we can.

6
7 LEONARD LANGER: Do you know how much weight was reduced during the timeframe
8 from 2001 to 2012?

9
10 JOSEPH JACKIMOVICZ: While the original planking it had to be for anyway so we didn't
11 reduce the weight we just kept the weight down, if we would have planked it with white
12 oak we would have added weight. Most of the wood had been compensated by the
13 ballast we put on.

14
15 LEONARD LANGER: So your understanding is that the weight of the boat did not change
16 during 2001 to 2012?

17
18 JOSEPH JACKIMOVICZ: Not really no, just the bolt (inaudible) that was probably a 350
19 ton boat, give or take so many tons or whatever. I mean we added 25 to 30 tons of ballast
20 on it so obviously there is some weight there, they did have some I believe internal
21 ballasts, but for some reason in the back of my mind I can't prove it, that some of that
22 internal lead ballast was recast from the bottom, but Mr. Hansen provided a lot of scrap
23 lead to have that ballast cast.

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LEONARD LANGER: What does the reduction of weight due above the waterline?

JOSEPH JACKIMOVICZ: It increases stability. The easiest way to picture it is that I think you can readily grasp a sailboat. If that sailboat did not have ballast down low the wind is going to flip it right over. Now usually you would say centerboard boats don't have a ballast, but with centerboard boats they are built to be able to take that, and they are more tender than a keelboat, so, probably need a marine architect, you would need a marinemarine engineer to figure out how they would increase stability and I think there were some discussions even with the Coast Guard as to try to increase stability, but I was never in those discussions at all. And I don't know whether Mr. Wyman presented data or what he would think of the stability would be, on some occasions they have done static tests at docket by putting a known weight on one side of the hull and see how much it lifted up, I mean I don't know all the mechanics it is something that the Coast Guard requires,

LEONARD LANGER: While that is getting into stability,

JOSEPH JACKIMOVICZ: Yeah right.

LEONARD LANGER: We don't need to do that. The so the conversations, or did you have any conversations with Mr. Wyman directly?

1 JOSEPH JACKIMOVICZ: He came down I talked to him,

2

3 LEONARD LANGER: Okay, so he was in the yard?

4

5 JOSEPH JACKIMOVICZ: Yes.

6

7 LEONARD LANGER: During 2007?

8

9 JOSEPH JACKIMOVICZ: Yep.

10

11 LEONARD LANGER: How about 2001?

12

13 JOSEPH JACKIMOVICZ: Yes, I mean I have drawings that he would fax me to do this
14 and to do that and sometimes he would come down to look and we would discuss it a little
15 bit, he came down, extensively I would say in 2001/2002 and 2006/2007.

16

17 LEONARD LANGER: So between 2001 and 2007 the whole bottom of the boat was
18 replaced, basically?

19

20 JOSEPH JACKIMOVICZ: In 2001 and 2002.

21

22 LEONARD LANGER: In 2007 above the waterline was replaced,

23

1 JOSEPH JACKIMOVICZ: Yes above the waterline to the deck level.

2

3 LEONARD LANGER: So between those two re-fits almost the whole boat was changed is
4 that correct?

5

6 JOSEPH JACKIMOVICZ: Except for some essential structure which I call the backbone,
7 bottom frames, the deck, the deck beams.

8

9 LEONARD LANGER: Did you feel those needed to be changed?

10

11 JOSEPH JACKIMOVICZ: Well with the boat having a hog and it, I mean they would have
12 to sometime be attended to, but again through so many years of experience and dealing
13 with boats that have a hog, that didn't create a problem, I just, it wasn't essential but it
14 had to be something you had to have in the back of your mind, there's a reason why that
15 boats hog.

16

17 COMMANDER KEVIN CARROLL: I would like to clarify, first you said essential, and now
18 you're saying not essential? The structural items, you mentioned the structural items he
19 talked about the backbone he talked about several deck beams, so they were essential,
20 and now you're saying they're not essential, which is it?

21

22 JOSEPH JACKIMOVICZ: When did I say,

23

1 COMMANDER KEVIN CARROLL: He asked you the question was all the structure
2 replaced, you said with the exception of the essential items?

3
4 JOSEPH JACKIMOVICZ: Except for the backbone, bottom frames, deck, and the deck
5 beams.

6
7 COMMANDER KEVIN CARROLL: okay, maybe I missed,

8
9 JOSEPH JACKIMOVICZ: I was just trying to explain what we did not replace, here it
10 indicated that essentially the boat was rebuilt, and was strong throughout, and I disagree
11 with that.

12
13 COMMANDER KEVIN CARROLL: Okay, thank you

14
15 LEONARD LANGER: But certainly it was functional at that point,

16
17 JOSEPH JACKIMOVICZ: Oh sure, and other boats in similar conditions are perfectly
18 functional too.

19
20 LEONARD LANGER: Were you aware of the ventilation and 2001/2002?

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22 JOSEPH JACKIMOVICZ: I don't think so, I may have mentioned to him about ventilation,
23 but I don't think I really talked about it.

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LEONARD LANGER: So it wasn't much of an issue back then?

JOSEPH JACKIMOVICZ: I didn't, it didn't appear to be as a new sometime down the road they were going to replace the top side, and it came about at that time in 2006/2007, at that time I did indicate to Robin, he ought to consider ventilation here. The big issue with ventilation is when the boat is static for a long time at the dock, because it gives very little. When the boat is operating believe it or not there's a lot of air moving through the boat.

LEONARD LANGER: So was the ventilation different and again we are talking about static for now, between 2001 and 2012? The ventilation on the boat, was it any different?

JOSEPH JACKIMOVICZ: I don't think so, unless the crew know something that I don't know.

LEONARD LANGER: No, I am asking what you knew. Now when they were in the last time, 2012, did anyone discuss concerns with you about weather? The boat going out in weather?

JOSEPH JACKIMOVICZ: Well you know at that time, I didn't and when the boat left our yard,

1 LEONARD LANGER: Did anyone discuss it with you? You said you didn't but did
2 anybody mention it to you?

3
4 JOSEPH JACKIMOVICZ: No.

5
6 LEONARD LANGER: I think you're talking about from when the boat went from Boothbay
7 Harbor to New London, were you aware that the bilges were almost dry at that time?

8
9 JOSEPH JACKIMOVICZ: No.

10
11 LEONARD LANGER: Was that a good indication?

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13 JOSEPH JACKIMOVICZ: Sure. I'm surprised.

14
15 LEONARD LANGER: Why were you surprised?

16
17 JOSEPH JACKIMOVICZ: Well because a boat traveling through the water is going to
18 work a little bit, now obviously went through reasonably calm seas but Robin told me, it
19 was two days after we launched it, I said how's the boat he said nice and tight, but
20 sometimes I don't take that for what exactly he means, I mean for him with his experience
21 a boat leaking at 30,000 gallons an hour tight could mean 20 gallons an hour.

22

1 LEONARD LANGER: You had some discussions before about Puerto Rico and I just
2 wanted you to elaborate a little if you don't mind? Is there a difference between the
3 weather in Puerto Rico and the weather in Florida, let's start there?
4

5 JOSEPH JACKIMOVICZ: In my view is quite similar, warm and humid, come up to Maine
6 in the wintertime and tell me if it's warmer humid.
7

8 LEONARD LANGER: I've had the pleasure thank you and I agree with your analysis.
9

10 JOSEPH JACKIMOVICZ: Here's another expectation of wooden boats, and I gave this,
11 the proportion of wooden boats say per hundred vessels, on taking out the yacht because
12 there is a lot of them, and Maine versus Florida, there is probably three times the number
13 for each 100 boats that we have that are yachts there is probably three times more
14 wooden boats than there are in Florida or the Gulf coast, why, climate. Climate is murder
15 on wooden boats down south. Now let's not say you can't do it, but that's one of the
16 reasons.
17

18 LEONARD LANGER: Do you know how much money was spent on Bounty between
19 2001 and 2012, Boothbay Harbor or samples you had?
20

21 JOSEPH JACKIMOVICZ: I've got to think in terms of millions of dollars, I think maybe the
22 first one was in the million-dollar range, the one in 2006/2007 probably was in the million-
23 dollar range could have been more maybe 1.2 million, 2010 the biggest job we did was

1 the mizzen mast that was somewhere between \$50-\$80,000, this last time I don't know, in
2 2012.

3
4 LEONARD LANGER: You gave a very good explanation and I appreciate the knowledge
5 between good planking and bad planking, we talk about Douglas fir now, the planks that
6 you got what percentage of those planks were not used?

7
8 JOSEPH JACKIMOVICZ: Were not used, I didn't buy the wood as planks, when I look at
9 him, they were timbers anywhere from 32 to 40 feet long and they were 12 x 12, 12 x 14,
10 12 x 16, now when I say 12 x 12 the actual dimension is 11.5 x 11.5 but you, that's what
11 you pay for. We had them cut to 3 1/4 inches, I went and I picked out the timbers to make
12 sure that we had did not have bad knots or excessive checking, or a lot a sapwood and,
13 we cut it up and we planed them. I have been down to the yard several times since that
14 2006/2007, I haven't seen any of that material around. I guess it was virtually all used.

15
16 LEONARD LANGER: Let me understand this then so, prior to the boards even being cut
17 you would call out some of the bad pieces of the board that you do not like, is that my
18 understanding correctly?

19
20 JOSEPH JACKIMOVICZ: What I'm looking at a pile of timbers that might be 100 pieces of
21 wood that are this dimension I went out and picked the best pieces I can find, I calculated
22 the board footage that I was selecting and knowing how much I needed, then I had that
23 milled. That mill had a capacity to cut timbers 50 feet long. There aren't too many mills in

1 New England that can do that, and they provided this would to the construction industry,
2 but they didn't sell them like that, they cut them down, so this would even by nature
3 before it was used had to have some integrity to it, had to be in good shape, but I tried to
4 pick the best ones.

5
6 LEONARD LANGER: What percentage of the boards that were shipped to you where the
7 best ones that she did use?

8
9 JOSEPH JACKIMOVICZ: Probably 90%.

10
11 LEONARD LANGER: Okay, and you said that the persons in the yard would also know
12 when a plank was bad, they would not use it, what percentage is that?

13
14 JOSEPH JACKIMOVICZ: What percentage of,

15
16 LEONARD LANGER: What percentage of planks now that they are cut were not being
17 used?

18
19 JOSEPH JACKIMOVICZ: Oh, 90%, I am referring to what we had that would not be used,
20 90% would be used and 10%, right.

21
22 LEONARD LANGER: I think you said that excessive knots or oversized knots were
23 problems that you would call defects?

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JOSEPH JACKIMOVICZ: Yeah like a large pitch pocket, you know that would be like a hole in the plank full of sticky pitch, I mean you get some small pitch pockets that might be sufficient, that's okay, but you don't want a big pitch pocket.

LEONARD LANGER: So basically the defects that you're talking about our visual defects?

JOSEPH JACKIMOVICZ: Yes.

LEONARD LANGER: Was the wood ever tested before being used?

JOSEPH JACKIMOVICZ: We never tested any wood that we ever used, I mean we bought it we looked at it, if it physically looked intact, now I know that the Navy and building the minesweepers and World War II would test, they would laminate a lot and test those structures how strong they were, interestingly enough a lot of that was Douglas fir too.

LEONARD LANGER: Is the fact that it came down south from Tennessee is that correct the wood?

JOSEPH JACKIMOVICZ: Pardon me.

1 LEONARD LANGER: Was the wood from Tennessee?

2

3 JOSEPH JACKIMOVICZ: Yes, well the White Oak.

4

5 LEONARD LANGER: Well where was the Douglas fir from?

6

7 JOSEPH JACKIMOVICZ: The Pacific Northwest is the only place a grows..

8

9 LEONARD LANGER: Can I have one second sir?

10

11 COMMANDER KEVIN CARROLL: Sure.

12

13 LEONARD LANGER: I just have one more question, would you consider the Bounty fully
14 functional vessel?

15

16 JOSEPH JACKIMOVICZ: For its purpose.

17

18 LEONARD LANGER: Capable of ocean travel?

19

20 JOSEPH JACKIMOVICZ: It has done a lot of it.

21

22 LEONARD LANGER: Was it built as a prop?

23

1 JOSEPH JACKIMOVICZ: Pardon me?

2

3 LEONARD LANGER: Was it built as a prop, as a movie prop?

4

5 JOSEPH JACKIMOVICZ: Basically yes,

6

7 LEONARD LANGER: But it's usable right?

8

9 JOSEPH JACKIMOVICZ: When I looked at it in 2001/2002 when we were able to
10 disassemble a lot of it, I was amazed at the techniques, it was perfect traditional
11 shipbuilding techniques,

12

13 LEONARD LANGER: And it was built up in Canada correct?

14

15 JOSEPH JACKIMOVICZ: Lunenburg.

16

17 LEONARD LANGER: Good shipbuilders?

18

19 JOSEPH JACKIMOVICZ: Pardon me?

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21 LEONARD LANGER: But they could ship builders?

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23 JOSEPH JACKIMOVICZ: Yes they are.

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LEONARD LANGER: Thank you very much.

COMMANDER KEVIN CARROLL: I have a couple of questions. Specifically to the difference between the planking of the Douglas fir, between the \$20,000 and \$50,000 he talked about the difference in the price would be knots, checking and sapwood, is that correct?

JOSEPH JACKIMOVICZ: I didn't hear you.

COMMANDER KEVIN CARROLL: The difference, you saw, and the selection of materials, you are suggesting that they have there was 50,000, or you are proposing two different types of planking, one was \$50,000 and one was \$20,000, and you said the differences were in regards to the number of knots, checking in sapwood?

JOSEPH JACKIMOVICZ: He wouldn't have used it if it was sapwood.

COMMANDER KEVIN CARROLL: Okay. So what is the difference between

JOSEPH JACKIMOVICZ: Well, basically knots

COMMANDER KEVIN CARROLL: Okay.

1 JOSEPH JACKIMOVICZ: It wasn't clear wood. I mean, you go to the lumber yard, you
2 buy knotty pine. Big difference in price.

3
4 COMMANDER KEVIN CARROLL: Okay. What about growth, young growth, old growth.

5
6 JOSEPH JACKIMOVICZ: The, I can't say whether that the more expensive one was old
7 growth

8
9 COMMANDER KEVIN CARROLL: Would that be one of the indicators between price?

10
11 JOSEPH JACKIMOVICZ: It could be, but I can't say that's what we did. The biggest
12 difference was that it was clear wood and it was nice straight grain and it didn't have any
13 sap wood at all.

14
15 COMMANDER KEVIN CARROLL: So you are saying really other than the visual defects
16 there was no difference between planking that you would purchase between these two
17 sets? One is \$50,000 and one is \$20,000.

18
19 JOSEPH JACKIMOVICZ: Not that I could tell.

20
21 COMMANDER KEVIN CARROLL: Okay. Do you recall, we have an interview in
22 December 2012, when you referred to the planking that was placed on Bounty in 2006
23 and 2007 as construction grade?

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JOSEPH JACKIMOVICZ: Yeah.

COMMANDER KEVIN CARROLL: Do you recall referring to it has young growth?

JOSEPH JACKIMOVICZ: As what growth?

COMMANDER KEVIN CARROLL: Young growth.

JOSEPH JACKIMOVICZ: Well, it was second growth, which means that the original trees were cut down and this growth came up. Usually those trees grow faster.

COMMANDER KEVIN CARROLL: Okay. In regards to young growth, or second growth

JOSEPH JACKIMOVICZ: Young growth will have probably had wider grain.

COMMANDER KEVIN CARROLL: okay. Is that more susceptible to decay?

JOSEPH JACKIMOVICZ: I don't know.

COMMANDER KEVIN CARROLL: The wider grain does that make it stronger, comparably?

1 JOSEPH JACKIMOVICZ: I'd say the finer grade probably would be stronger.

2

3 COMMANDER KEVIN CARROLL: Finer grain would be stronger.

4

5 JOSEPH JACKIMOVICZ: Right.

6

7 COMMANDER KEVIN CARROLL: Okay. The painting on the hull, the color of the hull,
8 would that have any bearing on the condition or promotion of rot in low ventilation areas?

9

10 JOSEPH JACKIMOVICZ: Yes.

11

12 COMMANDER KEVIN CARROLL: It would? Did you ever have a conversation with the
13 Capt. Walbridge to that regard?

14

15 JOSEPH JACKIMOVICZ: I told him that the dark hull attracts heat and I've shown
16 examples to people of the boat it had in the summertime a piece of wood painted white
17 and a piece of wood painted black. You could barely hold your hand on the piece
18 painted black, your hand is quite comfortable on the piece painted white. What kind of
19 happens is the wood painted black, which is a pro conductor of heat but it will conduct at
20 some point. So if you keep blasting sunlight onto a black surface slowly that heat
21 penetrates into the wood and what happens is that the sun goes down the wood is still
22 warm, still generating heat. I think you can probably, the analogy would be on hot tar
23 pavement. The sun can be down but the pavement is still hot. So it's generating heat. So

1 it's warmth and humidity that promotes decay. So the more you can do that the better
2 chance you have.

3
4 COMMANDER KEVIN CARROLL: But placing the icing shield, veneer on the deck,
5 would that keep moisture in and help ventilation or would that make it worse?

6
7 JOSEPH JACKIMOVICZ: Well, The purpose was not ventilation, the purpose was
8 keeping the deck from leaking.

9
10 COMMANDER KEVIN CARROLL: Right, but in regards to

11
12 JOSEPH JACKIMOVICZ: There's no ventilation. If that hull was tight, there wouldn't be
13 any ventilation through the deck. So that's kind of a non-argument.

14
15 COMMANDER KEVIN CARROLL: It's not an argument, it's just a question

16
17 JOSEPH JACKIMOVICZ: It wouldn't effect it.

18
19 COMMANDER KEVIN CARROLL: But if you put that on wood that was already in poor
20 condition, what wood happen to it? Would it preserve it?

21
22 JOSEPH JACKIMOVICZ: If you put it on top of wood that was wet, number one it
23 wouldn't stick and I observed that it stuck really well.

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COMMANDER KEVIN CARROLL: Okay.

JOSEPH JACKIMOVICZ: It's Not going to change the condition I don't think.

COMMANDER KEVIN CARROLL: Back to the portion of the hull that you did see with Mr. Kosakowski and Capt. Walbridge. Did you see the planking that came off?

JOSEPH JACKIMOVICZ: I saw pieces of it I didn't see really big pieces but I did see some pieces

COMMANDER KEVIN CARROLL: Okay. The piece of plank that came off, now is that consistent with, you said, was a decay?

JOSEPH JACKIMOVICZ: It was what now?

COMMANDER KEVIN CARROLL: what it decayed?

JOSEPH JACKIMOVICZ: yeah on one side.

COMMANDER KEVIN CARROLL: on one side, which side?

JOSEPH JACKIMOVICZ: The inside of the boat.

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COMMANDER KEVIN CARROLL: The inside of the boat?

JOSEPH JACKIMOVICZ: Right.

COMMANDER KEVIN CARROLL: From the exterior of the vessel, you would not be able, if you were walking the line of the vessel you would not be able to see

JOSEPH JACKIMOVICZ: No.

COMMANDER KEVIN CARROLL: Unless the plank was removed.

JOSEPH JACKIMOVICZ: No.

COMMANDER KEVIN CARROLL: Now the condition of that plank that was put on in 2006-2007, when it was removed in 2012, is that consistent with your experience of what a plank should look like?

JOSEPH JACKIMOVICZ: Not in 5 years.

COMMANDER KEVIN CARROLL: Not in 5 years. Okay. So again, what are you thoughts?

JOSEPH JACKIMOVICZ: Climate.

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COMMANDER KEVIN CARROLL: Climate?

JOSEPH JACKIMOVICZ: Lack of ventilation.

COMMANDER KEVIN CARROLL: Climate and lack of ventilation.

JOSEPH JACKIMOVICZ: Basically, I indicated when that study was done, the Bounty's condition with that warm and humidity was approaching ideal lab conditions. Not saying that Bounty was a lab for that, but that's what was happening. The same boat in New England that stayed year round and stayed there wintertime, it probably might have happened with the lack of ventilation, but it would have been a lot slower process.

COMMANDER KEVIN CARROLL: Sure.

CAPTAIN ROB JONES: Back to what you said about the dark wood or the dark hull was generating heat. Was it generating or was it

JOSEPH JACKIMOVICZ: Absorbing. It was absorbing the heat.

CAPTAIN ROB JONES: Okay, it hasn't dissipated yet?

JOSEPH JACKIMOVICZ: Right.

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CAPTAIN ROB JONES: And just to, how long have you know Robin Walbridge?

JOSEPH JACKIMOVICZ: Since 2001.

CAPTAIN ROB JONES: Since the start of that first time.

JOSEPH JACKIMOVICZ: Right.

CAPTAIN ROB JONES: And how often had you stayed in contact with him?

JOSEPH JACKIMOVICZ: Well, obviously all the haul outs I'd seen him, he's called me on the phone a couple times asking me about what not or inadvertently he was trying to get a hold of his wife and he speed dialed my phone number and we chatted when he was angry one time. My wife and I had visited him down in home in St. Petersburg on 2 occasions in the past 10 or 12 years.

CAPTAIN ROB JONES: So a friendship relationship?

JOSEPH JACKIMOVICZ: Yeah, I'd say we had a kind of a personal relationship.

CAPTAIN ROB JONES: When you saw him on the yard did you talk about other voyages he's been on or transits with the Bounty?

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JOSEPH JACKIMOVICZ: We had in the past, I didn't see him that often this past haul in in 2012.

CAPTAIN ROB JONES: Oh you didn't see him at all?

JOSEPH JACKIMOVICZ: No I saw him, but not as much. I probably, while he was out in the yard, I probably saw, he was, I think the boat was at our yard 30 - 35 days, I might have seen him on 5 days of that 35 days.

CAPTAIN ROB JONES: Did he ever discuss with you then or previous, any rough weather they had been in?

JOSEPH JACKIMOVICZ: Yeah, he told me about that present in the Gulf of Mexico that he went through the tail ends of a hurricane.

CAPTAIN ROB JONES: While they were at anchor of though right?

JOSEPH JACKIMOVICZ: Pardon me?

CAPTAIN ROB JONES: I think they were first at anchor, you said?

1 JOSEPH JACKIMOVICZ: yeah, but they were out in the gulf. They were out in the
2 middle of the gulf, they weren't in a harbor or the coast or anything. They were out there
3 basically in the ocean. I don't know if they could see land.

4
5 CAPTAIN ROB JONES: And they were at anchor?

6
7 JOSEPH JACKIMOVICZ: Yeah, he put an anchor, he wanted to slow down, he wanted
8 his engines to be a little bit easier so he

9
10 CAPTAIN ROB JONES: A sea anchor?

11
12 JOSEPH JACKIMOVICZ: No. A regular anchor with anchor chain and a steel or iron
13 anchor.

14
15 CAPTAIN ROB JONES: Just dragging through the water?

16
17 JOSEPH JACKIMOVICZ: Yeah, well slowly.

18
19 CAPTAIN ROB JONES: Okay. He wasn't anchored to the bottom that you know of.

20
21 JOSEPH JACKIMOVICZ: Anchored stationary, no.

22
23 CAPTAIN ROB JONES: Okay. But it was out in the middle of the gulf.

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JOSEPH JACKIMOVICZ: Well it was off the coast of Florida. I don't think they could see land. His main concern was that they might drag into an oil platform. I guess there's a lot of them out there. I haven't been out there. But he knew the GPS locations of those, he could see which way he was going and when he finally lost his chain and anchor he took a position. He said someday, I'm going to go back and get it. But he hadn't.

CAPTAIN ROB JONES: Did any of the other trips he talked about, storms with the Bounty, how the vessel rode, any of those experiences?

JOSEPH JACKIMOVICZ: Any other vessels?

CAPTAIN ROB JONES: That vessel, the Bounty. Did he ever talk to you about any other storms the Bounty had been in and how the vessel had rode through them?

JOSEPH JACKIMOVICZ: No. But in the course of traveling across the Atlantic back and forth several times and going to the West coast, I am sure it wasn't calm sailing but I never discussed it with him.

CAPTAIN ROB JONES: When you heard that the Bounty was out there in Hurricane Sandy, what was your reaction to that?

1 JOSEPH JACKIMOVICZ: Oh my God. First off, I would keep track of the Bounty all
2 through the years. The owner of the boat doesn't know this, but they had a website. You
3 could go on and hit location and see these little red dots where the vessel was traversing,
4 now on that Friday before the loss I pushed on the website and it showed it in New
5 London. I was thinking, oh good they will probably at least stay in New London or
6 probably go on the North Coast of Long Island and be okay. I was totally flabbergasted
7 on Monday morning. I wouldn't have believed it.

8
9 CAPTAIN ROB JONES: Did this surprise you about the Robin Walbridge you know?

10
11 JOSEPH JACKIMOVICZ: Yes.

12
13 CAPTAIN ROB JONES: Any more thoughts on it, why he would have done it?

14
15 JOSEPH JACKIMOVICZ: No. I don't know. He's had experience, I haven't sailed like he
16 has on the boat. I don't know the boat as he knew the vessel. I can't be an expert witness
17 on that absolutely not. I can't comment on that.

18
19 CAPTAIN ROB JONES: Okay. Alright thank you. That's all I have.

20
21 COMMANDER KEVIN CARROLL: Alright. Mr. Jackimovicz you are released, but you are
22 subject to recall.

23

1 JOSEPH JACKIMOVICZ: Today?

2
3 COMMANDER KEVIN CARROLL: No, just ...

4
5 JOSEPH JACKIMOVICZ: Anytime?

6
7 COMMANDER KEVIN CARROLL: In the future. Thank you very much for your
8 attendance.

9
10 JOSEPH JACKIMOVICZ: Thank you.

11
12 COMMANDER KEVIN CARROLL: Let's come back at 1430 please. 1430. Thank you.

13
14 COMMANDER KEVIN CARROLL: Let's get back on the record. All parties of interests and
15 their representatives that were here before are in attendance now, Lieut. Cmdr. Parham
16 please call the next witness.

17
18 LIEUTENANT COMMANDER NICHOLAS PARHAM: At this time I called to testify Mr.
19 David Wyman. Stand right there by the front table. Please raise your right hand. False
20 statements given to an agency of The United States is punishable by fine and or
21 imprisonment under 18 UFC 1001, knowing this do you solemnly swear that the testimony
22 that you are about to give will be the truth the whole truth and nothing but the truth so help
23 you God?

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DAVID WYMAN: Yes sir.

LIEUTENANT COMMANDER NICHOLAS PARHAM: Thank you please be seated.

COMMANDER KEVIN CARROLL: Good afternoon sir. Can you please state your name and spell your last name?

DAVID WYMAN: David Wyman, W-y-m-a-n.

COMMANDER KEVIN CARROLL: Okay, and who is your employer Mr. Wyman?

DAVID WYMAN: I'm independent I have my own company.

COMMANDER KEVIN CARROLL: What do you do?

DAVID WYMAN: I am a marine surveyor and naval architect.

COMMANDER KEVIN CARROLL: Okay, can you please list your professional credentials?

1 DAVID WYMAN: I have a professional engineer's license, I am an accredited marine
2 surveyor with SAMS, I am a member of the society of Naval architects and marine
3 engineers, and I have a retired master of sailing motor vessels.

4
5 COMMANDER KEVIN CARROLL: Can you please give us a little bit of your professional
6 background, where you have worked?

7
8 DAVID WYMAN: Yes, I started out my career as a Coast Guard Marine Inspector, after
9 that I went to school got a Masters degree in engineering, sailed for a while on my
10 license, after that I taught at Maine Maritime Academy for nine years, and then I worked
11 at a Naval research laboratory in Panama City Florida for 18 years, and after that which is
12 about 15 years ago I went out on my own, independent.

13
14 COMMANDER KEVIN CARROLL: Okay can you please detail for me your history and
15 interactions with the vessel Bounty?

16
17 DAVID WYMAN: Yes I, first got involved with the Bounty about gonna say about 15 years
18 ago when I made a week or a little bit longer trip on her around Florida from the east side
19 to the west side of Florida, and after that I got involved with, I did a survey on her when
20 Mr. Hansen, after Mr. Hansen had just bought the vessel prior to her being towed up to
21 the shipyard in Boothbay in 01 I think it was,

22
23 COMMANDER KEVIN CARROLL: 2001?

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DAVID WYMAN: Yes I believe that is correct, I am not absolutely sure of the dates. And then during that shipyard. And then the subsequent shipyard periods I did survey design work, design on different components and so on of the vessel as she was being rebuilt.

COMMANDER KEVIN CARROLL: So you did design work you actually designed systems on board the vessel?

DAVID WYMAN: I did some of the yes.

COMMANDER KEVIN CARROLL: Okay

DAVID WYMAN: Whatever I was requested to do.

COMMANDER KEVIN CARROLL: But you also filled the roles of marine surveyor for the vessel?

DAVID WYMAN: Yes.

COMMANDER KEVIN CARROLL: Surveyed in what capacity?

DAVID WYMAN: Say again.

1 COMMANDER KEVIN CARROLL: In what capacity were you surveying the vessel?

2

3 DAVID WYMAN: I was serving the vessel for the owner.

4

5 COMMANDER KEVIN CARROLL: For the owner?

6

7 DAVID WYMAN: Yep.

8

9 COMMANDER KEVIN CARROLL: Okay.

10

11 DAVID WYMAN: And what he used the survey for I am not sure, I am assuming maybe
12 insurance.

13

14 COMMANDER KEVIN CARROLL: Okay, Is that normal for a marine surveyor to actually
15 do design work on vessel systems and also serve as a surveyor?

16

17 DAVID WYMAN: It is for me. I am not sure what others do specifically, but I feel like I get
18 to know the vessel a lot more closely by doing various work on it.

19

20 COMMANDER KEVIN CARROLL: Okay, so you were hired in a design capacity by the
21 owner?

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23 DAVID WYMAN: Yes.

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COMMANDER KEVIN CARROLL: And you were also hired as the survey or by the owner.

DAVID WYMAN: Yes.

COMMANDER KEVIN CARROLL: Who did you normally liaise with in your interactions with Bounty?

DAVID WYMAN: With the captain.

COMMANDER KEVIN CARROLL: Who was the captain?

DAVID WYMAN: Robin Walbridge.

Can you detail some of the systems you do design work on?

DAVID WYMAN: The bilge pumping system I did some work on a bunch of the structural issues, designing the knees that were installed and breast hook that was installed and those things (inaudible) components.

COMMANDER KEVIN CARROLL: Okay can you detail for me what some of the structural issues were for me?

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DAVID WYMAN: What the structural issues, the knees that tie the side to the deck the large breast hook beside the starboard side I designed the rudder I designed the fuel tanks, and basically acted as a consultant on a bunch of the work that was being done.

COMMANDER KEVIN CARROLL: Okay, can you give me some examples of the work that you acted as a consultant for?

DAVID WYMAN: Looking at how the vessel was fastened looking at the framing that was replaced and so on I also designed the lead shoe that one on the bottom of the vessel.

COMMANDER KEVIN CARROLL: Can you describe that for me please?

DAVID WYMAN: The lead shoe?

COMMANDER KEVIN CARROLL: Yes.

DAVID WYMAN: It's put in about 65 tons of lead on the bottom and a shoe that was approximately 20 inches wide and about 10 inches deep and put it in a 10 foot section I believe.

COMMANDER KEVIN CARROLL: When was that done?

1 DAVID WYMAN: In 10 foot long sections.

2

3 COMMANDER KEVIN CARROLL: What year was that done, I am sorry sir?

4

5 DAVID WYMAN: I don't remember.

6

7 COMMANDER KEVIN CARROLL: Okay.

8

9 DAVID WYMAN: It was not the first shipyard period. It was later on then that.

10

11 COMMANDER KEVIN CARROLL: The first shipyard period would have been when?

12

13 DAVID WYMAN: '01 I believe.

14

15 COMMANDER KEVIN CARROLL: 2001?

16

17 DAVID WYMAN: Yeah,

18

19 COMMANDER KEVIN CARROLL: Can you please do tell from me the work that you did
20 on the bilge pumping system?

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22 DAVID WYMAN: I worked on the basic design for the manifold and the pumps that were
23 installed, the pumping system.

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COMMANDER KEVIN CARROLL: In front of you you have a binder, and in that binder there are tabs specifically what I would like to do is turn to tab 38, and that would be Coast Guard Exhibit 38. Nick can you please help Mr. Wyman to remove some of those microphones out of his way. 38 please. Any professional capacity you first attended the vessel in 2001 correct?

DAVID WYMAN: I think that is right, the exact dates I don't have firmly in my mind. My first professional capacity was when I did a survey on the vessel prior to moving to the shipyard.

COMMANDER KEVIN CARROLL: So prior to you moving to the shipyard, where?

DAVID WYMAN: She was in New Bedford and she was moved to the shipyard in Boothbay.

COMMANDER KEVIN CARROLL: Okay. Now I would like you to identify for me if he could please that tab, Coast Guard Exhibit 38 can you identify this document for me please?

DAVID WYMAN: Yes that's a letter that I had written to John at Rockland Marine Hydraulics, he was at the company to put together the hydraulic system work.

1 COMMANDER KEVIN CARROLL: Can you describe to us the hydraulic system?

2

3 DAVID WYMAN: The hydraulic system was a hydraulic pump that was put on to the
4 starboard main engine through a power takeoff that was engaged or disengaged with a
5 clutch and that hydraulic system was used to power either or both of the Stanley hydraulic
6 pumps that were installed on the vessel.

7

8 COMMANDER KEVIN CARROLL: Okay, what is the date of this letter?

9

10 DAVID WYMAN: This says 5-6-04.

11

12 Okay, do you know when these pumps were placed on board?

13

14 DAVID WYMAN: No I do not, I wasn't involved with the actual placing, just involved with
15 (inaudible).

16

17 COMMANDER KEVIN CARROLL: Okay, so you designed it did not deal with the
18 installation?

19

20 DAVID WYMAN: Right.

21

22 COMMANDER KEVIN CARROLL: Okay, were these intended, these two hydraulic
23 pumps were these going to be tied into an existing manifold?

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DAVID WYMAN: One of them was tied into the existing manifold so that we had ended up with three different ways of powering the bilge pumps. One with the electric ones with either the port or starboard generator, and then this one with the hydraulic pump which was part of the manifold, so that it was totally independent of the electrical system and could work even if the electrical system went down.

COMMANDER KEVIN CARROLL: Okay, did you do any design work for the electrical system that you are referring to?

DAVID WYMAN: No.

COMMANDER KEVIN CARROLL: No, so it was previously existing?

DAVID WYMAN: No, I did not get involved with the electrical system.

COMMANDER KEVIN CARROLL: Okay, in the capacity of a surveyor or did you have the capacity to survey the electrical bilge pumps?

DAVID WYMAN: Could you repeat that?

COMMANDER KEVIN CARROLL: In your capacity as a surveyor, did you have the opportunity to survey the electrical bilge pumps?

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DAVID WYMAN: Yes I looked at them, they were there, I believe I observed their operation at some point.

COMMANDER KEVIN CARROLL: Okay, if you could look through this document please which is CG 38, do you have any specifications on the two pumps that you are referring to? Can you find those anywhere in their?

DAVID WYMAN: The hydraulics, it says here that it is a Vickers B 20 constant flow of hydraulic pump.

COMMANDER KEVIN CARROLL: Okay, how many gallons per minute?

DAVID WYMAN: That looks like it's a 9 gallon per minute at 2000 psi.

COMMANDER KEVIN CARROLL: Okay, is that the hydraulic pump that was put in?

DAVID WYMAN: I believe so.

COMMANDER KEVIN CARROLL: 9 gallons per minute?

DAVID WYMAN: Yes.

1 COMMANDER KEVIN CARROLL: You referred to a Stanley pump a few minutes ago,
2 does that sound correct?

3
4 DAVID WYMAN: Yes.

5
6 COMMANDER KEVIN CARROLL: Okay?

7
8 DAVID WYMAN: The Vickers pump is the hydraulic pump that pumps hydraulic fluid, the
9 Stanley pump is the pump that pumps the bilge water.

10
11 COMMANDER KEVIN CARROLL: Okay, that's what I'm looking for.

12
13 DAVID WYMAN: It is powered by a hydraulic motor.

14
15 COMMANDER KEVIN CARROLL: Okay, are there any specifications for the bilge pump?

16
17 DAVID WYMAN: I presume there are but I haven't looked through what you have got
18 here.

19
20 COMMANDER KEVIN CARROLL: Please take a moment.

21
22 DAVID WYMAN: I don't see them here in this,

23

1 COMMANDER KEVIN CARROLL: Okay, let's go to CG 29, CG 29 so it would be tab 29.

2

3 DAVID WYMAN: 29?

4

5 COMMANDER KEVIN CARROLL: Yes please. Now the first page of this document, do
6 you recognize this document, on page 1?

7

8 DAVID WYMAN: Yes, this is a diagram of the hydraulic circuit for running the hydraulic
9 bilge pumps.

10

11 COMMANDER KEVIN CARROLL: Okay, turn the page please, page 2. Is this identical to
12 the last exhibit that we were looking at in regards to the Bounty dewatering bilge,

13

14 DAVID WYMAN: Yes, that's what it looks like.

15

16 COMMANDER KEVIN CARROLL: And the next page, page 3?

17

18 DAVID WYMAN: Yes. Yup.

19

20 COMMANDER KEVIN CARROLL: Okay, what does it show you?

21

22 DAVID WYMAN: This is, yes and then this is indicating the whole hydraulics, basically a
23 diagram of how the hydraulic system is put together. It shows the Stanley hydraulic pump.

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COMMANDER KEVIN CARROLL: Okay, can you please read the specifications for those pumps please?

DAVID WYMAN: It says it's a TP 08013 trash pump, 2000 psi, 9 GPM, 4 inch suction, 4 inch discharge 800 gallons per minute at a 10 foot head.

COMMANDER KEVIN CARROLL: Okay so both pumps had 800 gallons per minute at a 10 foot head?

DAVID WYMAN: Yes, that's what it says.

COMMANDER KEVIN CARROLL: Okay, so that's how they were designed. Turn the page please, refer to same exhibit, page 5.

DAVID WYMAN: Alright.

COMMANDER KEVIN CARROLL: Is that the Stanley TP 080 trash pump?

DAVID WYMAN: I don't know, it doesn't, it's exterior view is not the pump that's on the boat.

COMMANDER KEVIN CARROLL: Okay,

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DAVID WYMAN: And whether this is a later version of that pump, but the pump that was on the ship had more rounded water pumping section.

COMMANDER KEVIN CARROLL: Okay. Is the capacity the same? In regards to specifications on page 5, is that the same?

DAVID WYMAN: It looks like it is.

COMMANDER KEVIN CARROLL: 800 gallons per minute?

DAVID WYMAN: Yup.

COMMANDER KEVIN CARROLL: Alright. From your recollections do you recall the manifold system from Bounty?

DAVID WYMAN: Yes.

COMMANDER KEVIN CARROLL: Do you recall what piping?

DAVID WYMAN: It is 2 inch I believe copper nickel piping.

1 COMMANDER KEVIN CARROLL: Okay, with a 4 inch suction to these pumps and a 4
2 inch discharge how would you tie that into the manifold system?

3
4 DAVID WYMAN: That would reduce its capacity.

5
6 COMMANDER KEVIN CARROLL: I am asking how you would do it? How would you tie
7 that into the,

8
9 DAVID WYMAN: The pump is, the one that is tied into the manifold has a fixture on the
10 bottom of the pump, which is where the inlet for the pump is so that it could then tie into
11 the bilge piping, whereas this pump, the original design for this pump was to be used
12 independent of a piping system. That pump sits in the water and the water is sucked in
13 the bottom of the pump and then discharged out through the top.

14
15 COMMANDER KEVIN CARROLL: Okay, so the pump that was actually placed onto the
16 manifold system was actually a pump that was supposed to be not on the manifold
17 system?

18
19 DAVID WYMAN: No, it's a pump that was modified to work with a manifold system.

20
21 COMMANDER KEVIN CARROLL: Okay, so it was modified. Turn to CG 43 which is a
22 photograph.

23

1 DAVID WYMAN: 43?

2

3 COMMANDER KEVIN CARROLL: Yep. Yes 43. Now, do you see that Stanley pump?

4

5 DAVID WYMAN: Yes, it's the green pump.

6

7 COMMANDER KEVIN CARROLL: It's the green pump, so that the pump, you drew the
8 designs for but you weren't a part of it for the installation?

9

10 DAVID WYMAN: Correct.

11

12 COMMANDER KEVIN CARROLL: Okay, describe for me again how you would tie that
13 into the manifold system?

14

15 DAVID WYMAN: There is a bowl almost on that's attached to the bottom of the pump,
16 and I believe that is something that we got directly from Stanley, they designed it to work
17 with this pump, and then that is plugged into the bilge manifold so it can suck from the
18 bilge manifold and then out the top you see, I don't know that I see where the hose is
19 going to the overboard discharge but it then pumped to the main build system over board
20 discharge.

21

22 COMMANDER KEVIN CARROLL: Okay, so 800 gallons per minute at a 10 inch head, or
23 10 foot head pardon me. How would reducing this section to 2 inches and reducing the

1 discharge to 2 inches, from a 4 inch suction and 4 inch discharge, what would the
2 capacity of the pump be?

3
4 DAVID WYMAN: It would diminish the capacity of the pump significantly.

5
6 COMMANDER KEVIN CARROLL: Significantly?

7
8 DAVID WYMAN: Probably just based on the ratio of the areas probably to a quarter of the
9 flow, but but what it would do is because it would be diminished inflow, that would
10 increase the pressure, it would increase the flow a little bit, so it may have good been
11 good for 250 gallons per minute or something.

12
13 COMMANDER KEVIN CARROLL: Okay, so from your estimation one of these pumps,
14 the pump that was tied into the manifold system while it's rated at 800 gallons per minute,
15 it's only adequate for about 250?

16
17 DAVID WYMAN: Due to the pump. Yes. But what we did was we tie this together so that
18 we had a way to pump the whole bilge system if there was no electricity, and this is a
19 pump that I have had a good deal of experience with and have confidence with it, so
20 that's why we chose it.

21
22 COMMANDER KEVIN CARROLL: Okay, with the distance away from this pump, for
23 example if this was back in the engine room and it was tied into the manifold system and

1 you are trying to draw suction from say the floor peak, would that affect the capacity of the
2 pump?

3
4 DAVID WYMAN: The longer the pipe runs, the more pipe friction, the more that the flow is
5 going to get reduced.

6
7 COMMANDER KEVIN CARROLL: Okay, you said that there were two pumps but I only
8 see one pump in the picture? One hydraulic pump.

9
10 DAVID WYMAN: Yes there is one that was fitted as part of the whole bilge manifold
11 system, the second one was independent and meaning that it was set up so that it did not
12 tie in to the bilge manifold system, and had fairly long hydraulic hoses so that it can be
13 connected up and could work totally independent of the bilge manifold system. So that it
14 in second was another backup so that if something happened to the bilge manifold
15 system it could be deployed in the engine room or in a space close by to pump out, and it
16 had its own dedicated 3 inch overboard discharge.

17
18 COMMANDER KEVIN CARROLL: Okay, so it's own dedicated, excellent okay. So what
19 would you estimate the capacity of that pump to be?

20
21 DAVID WYMAN: I would think it would be somewhat less than the 800 gallon per minute,
22 but not too much less.

23

1 COMMANDER KEVIN CARROLL: Okay, because the suction is in being reduced?

2

3 DAVID WYMAN: Yes. And the head wasn't very great.

4

5 COMMANDER KEVIN CARROLL: Okay, explain that.

6

7 DAVID WYMAN: If the depending on where the water level was that it was pumping from
8 its overboard discharge was at a level just above the waterline.

9

10 COMMANDER KEVIN CARROLL: Okay so if the water was over the pump it would be
11 better, is that what you're saying, or are you talking about the distance that you are trying
12 to move the water?

13

14 DAVID WYMAN: Yes, the head that it has to pump up against is a function of the vertical
15 distance that it has to move the water plus the pipe friction that it incurs.

16

17 COMMANDER KEVIN CARROLL: Okay excellent thank you. Can you please turn to
18 Exhibit 30, Exhibit 30 which is another photograph.

19

20 DAVID WYMAN: Give me that number again.

21

22 COMMANDER KEVIN CARROLL: Three, zero, sir. Three, zero.

23

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DAVID WYMAN: Yes.

COMMANDER KEVIN CARROLL: Okay, can you identify the photograph for me please?

DAVID WYMAN: That is the bilge pumping manifold system.

COMMANDER KEVIN CARROLL: Okay, are the electric pumps pictured here?

DAVID WYMAN: Yes the two gray cylindrical items are the electrical motors that drive the pumps.

COMMANDER KEVIN CARROLL: Okay and the green fix pumped that we talked about do you see that?

DAVID WYMAN: Yes that is just barely visible in my copy over to the left and down.

COMMANDER KEVIN CARROLL: Okay, the portable hydraulic pump, where would that tie into here?

DAVID WYMAN: That was stored separately in the engine room, and where it was stored I am not sure.

1 COMMANDER KEVIN CARROLL: Okay, that is fair enough. In your opinion between the
2 electric bilge pumps and the hydraulic pumps, which was the more inefficient, or more
3 capable pump?
4

5 DAVID WYMAN: I'm thinking the hydraulic pump could probably pump a little bit more
6 than, then an electric pump, but it certainly would be possible to use all of the pumps at
7 once.
8

9 COMMANDER KEVIN CARROLL: Okay. So it's pretty redundant, they had the two
10 electric bilge pumps, and then,
11

12 DAVID WYMAN: Yes, I wanted a system where there were alternatives, that it didn't rely
13 on just one electric pump or one electric source, or any electrical source so that gave the
14 crew a good of chance as possible.
15

16 COMMANDER KEVIN CARROLL: Okay, understanding pipe friction, head and all that, in
17 optimal conditions what do you think the system could dewater at optimal conditions,
18 gallons per minute or gallons per hour?
19

20 DAVID WYMAN: With the bilge manifold pumping system?
21

22 COMMANDER KEVIN CARROLL: Yes.
23

1 DAVID WYMAN: I believe the logical pumps are like 150 gallons per minute, and there
2 are two of those so that would be 300, plus the 250 maybe so maybe 500, 550 gallons
3 per minute, and that is not including the other hydraulic pump.
4

5 COMMANDER KEVIN CARROLL: The other independent one?
6

7 DAVID WYMAN: Right.
8

9 COMMANDER KEVIN CARROLL: The one that was, again that was directly off the
10 starboard main engine correct?
11

12 DAVID WYMAN: Yes.
13

14 COMMANDER KEVIN CARROLL: So if you could throw that one into the equation, what
15 would you be able to dewater?
16

17 DAVID WYMAN: The hydraulic pump, that pumped the hydraulic fluid on the starboard
18 engine was good for 9 gallons per minute, that is sufficient to pump one of the Stanley
19 hydraulic trash pumps, so you probably, what you would want to do to move the
20 maximum amount of water would be to use the two electric pumps and the independent
21 Stanley pump, and that being the case you might get maybe 400 to 500 gallons per
22 minute from the independent Stanley pump, and then another 300 gallons per minute

1 from the, I'm doing the arithmetic in my mind so I'm not positive but where close, so we
2 are 700 to 800 gallons per minute.

3

4 COMMANDER KEVIN CARROLL: Was it possible to use the independent hydraulic pump
5 and a fixed hydraulic pump at the same time?

6

7 DAVID WYMAN: No.

8

9 COMMANDER KEVIN CARROLL: No it was not?

10

11 DAVID WYMAN: It was set up, the hydraulic system was set up with quick disconnects on
12 the hydraulic hoses so that you can plug either one in, but not both.

13

14 COMMANDER KEVIN CARROLL: Understood, did you have any design work with the
15 bilge manifold system? Did you ever do any design work with the bilge manifold system?

16

17 DAVID WYMAN: No.

18

19 COMMANDER KEVIN CARROLL: No, that was,

20

21 DAVID WYMAN: I think that was the ship, or the shipyard did that.

22

23 COMMANDER KEVIN CARROLL: Okay, what about the strainers?

1

DAVID WYMAN: The strainers?

3

4

COMMANDER KEVIN CARROLL: Yes, the bilge manifold strainers, did you work with those at all?

6

7

DAVID WYMAN: I inspected them, but I was not involved in,

8

9

COMMANDER KEVIN CARROLL: So in your capacity as a surveyor?

10

11

DAVID WYMAN: Yes.

12

13

COMMANDER KEVIN CARROLL: Okay, let's talk about that. Please go to documents CG 40, CG 40.

15

16

DAVID WYMAN: Four, zero?

17

18

COMMANDER KEVIN CARROLL: Four, zero please. Do you recognize this document at all?

20

21

DAVID WYMAN: Yes, it is a copy of my survey report.

22

1 COMMANDER KEVIN CARROLL: Okay, can you just take a moment and review and
2 give me just a brief description of what your survey details here.

3
4 DAVID WYMAN: When I do a survey of a vessel basically what I do is I look through the
5 entire vessel. I am looking through it for general condition, structural adequacy, look to
6 see if the electrical system seems to measure up to what it should be, various mechanical
7 systems safety systems, basically a general inspection of the whole vessel. Assess its
8 condition and suitability for the service that it is intended to be.

9
10 COMMANDER KEVIN CARROLL: This 2001 survey to your knowledge, did you do this
11 survey when the vessel was in the water, or out of the water?

12
13 DAVID WYMAN: This was the one that was done, okay, this was the one that was done
14 in Fall River I guess, this was done before the ship had been rebuilt.

15
16 COMMANDER KEVIN CARROLL: Okay.

17
18 DAVID WYMAN: So what was your question?

19
20 COMMANDER KEVIN CARROLL: My question was was the survey done in the water or
21 out of the water?

22
23 DAVID WYMAN: In the water.

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COMMANDER KEVIN CARROLL: Okay, it was done in the water.

DAVID WYMAN: I used a diver to look at the underwater portion of the vessel.

COMMANDER KEVIN CARROLL: Okay, is that normal to use a diver when you don't have the ability to view the exterior of the hull?

DAVID WYMAN: If on occasion I have done that. I typically don't do them, surveys underwater surveys. Because divers aren't that reliable as far as being able to tell what is going on.

COMMANDER KEVIN CARROLL: Okay, so it is more reliable to see the vessel in a dry dock, or railway?

DAVID WYMAN: Exactly, yes. But in this case we needed to get some idea of what condition the underwater portion of the vessel was in.

COMMANDER KEVIN CARROLL: Okay. Can you give us a brief description of what the overall condition of the vessel that was and as a result of the survey.

DAVID WYMAN: Horrible.

1 COMMANDER KEVIN CARROLL: Okay,

2

3 DAVID WYMAN: She was in fairly deteriorated condition, she was leaking quite badly, I
4 believe she had been on the bottom at least once, she was relatively more shallow berth,
5 the results of my survey I recommended that they cover the whole bottom of the vessel
6 with plastic and then nail plywood over it to hold it in place and that it be towed to a
7 shipyard for a hauling out.

8

9 COMMANDER KEVIN CARROLL: Was it?

10

11 DAVID WYMAN: Yes I believe that was done. She was originally looking at this, I am
12 remembering that they were originally going to go to Gloucester Massachusetts, and in
13 the Gloucester yard I believe declined the hull work, and that's when she was towed to
14 Booth Bay.

15

16 COMMANDER KEVIN CARROLL: Okay, did you attend the vessel when it was in the
17 shipyard at Boothbay in 200?

18

19 DAVID WYMAN: I believe so.

20

21 COMMANDER KEVIN CARROLL: Okay, what did you do there, what did you do there
22 sir?

23

1 DAVID WYMAN: Observed her being rebuilt, and she was rebuilt from the keel up to the
2 just above the waterline. The bottom was in very very poor condition the bottom was
3 basically all eaten up by torpedo worms.

4
5 COMMANDER KEVIN CARROLL: Okay,

6
7 DAVID WYMAN: And leaking badly, they rebuilt her up to just above the waterline.

8
9 COMMANDER KEVIN CARROLL: During that time, in 2001, you acted as both a survey
10 or and did you do any design work during the 2001?

11
12 DAVID WYMAN: I don't remember whether I did any design work at that point or not, or
13 just a consultant and surveyor.

14
15 COMMANDER KEVIN CARROLL: As a result of your surveys did you also establish the
16 value of the vessel?

17
18 DAVID WYMAN: Yes.

19
20 COMMANDER KEVIN CARROLL: Okay?

21
22 DAVID WYMAN: Typically I, I don't know if I put a value on it, I didn't put a value on it.

23

1 COMMANDER KEVIN CARROLL: Okay. Did you have an opportunity to survey the
2 vessel again after the 2001 survey?

3
4 DAVID WYMAN: Yes.

5
6 COMMANDER KEVIN CARROLL: Okay when was that?

7
8 DAVID WYMAN: I believe it was at the end of the next yard period which was in like 2005
9 or somewhere in there.

10
11 COMMANDER KEVIN CARROLL: Let's look at exhibit,

12
13 DAVID WYMAN: I don't remember the date.

14
15 COMMANDER KEVIN CARROLL: Okay well that's, we might be able to help you out.
16 Let's look at exhibit CG 37.

17
18 DAVID WYMAN: 37?

19
20 COMMANDER KEVIN CARROLL: Yes sir.

21
22 DAVID WYMAN: Okay this was in 2007.

23

1 COMMANDER KEVIN CARROLL: Okay can you identify this document?

2
3 DAVID WYMAN: This is a copy of my survey report.

4
5 COMMANDER KEVIN CARROLL: Okay,

6
7 DAVID WYMAN: From June 29, 2007.

8
9 COMMANDER KEVIN CARROLL: Can you give me some details of what your survey?

10
11 DAVID WYMAN: This was when the vessel was rebuilt, well wait a minute, okay, this was
12 after the ship was rebuilt. From the water line up. I believe I may have actually done this
13 survey down in Bayou La Batre Alabama. But I'm not positive of that. Nope, that was
14 previous to that. This was the 2007 was in Boothbay when the vessel had the complete
15 rebuild up to the deck.

16
17 COMMANDER KEVIN CARROLL: Okay were you involved with the survey at Steiner
18 shipyard in Bayou La Batre, Alabama?

19
20 DAVID WYMAN: Yes.

21
22 COMMANDER KEVIN CARROLL: What was done there?

23

1 DAVID WYMAN: That was an on hire survey documenting what the condition of the
2 vessel was at that point.

3
4 COMMANDER KEVIN CARROLL: Okay. Now this particular survey, this was done
5 where?

6
7 DAVID WYMAN: This one, the 2007?

8
9 COMMANDER KEVIN CARROLL: Yes.

10
11 DAVID WYMAN: Let me just read here to refresh my memory.

12
13 COMMANDER KEVIN CARROLL: Please.

14
15 DAVID WYMAN: In Boothbay Harbor.

16
17 COMMANDER KEVIN CARROLL: Okay, this particular survey over how long did you
18 attend the vessel, how long of a time period did you attend the vessel?

19
20 DAVID WYMAN: It says during the past 15 months the vessel was examined both
21 internally and externally every 2 to 4 weeks during the rebuild process.

22

1 COMMANDER KEVIN CARROLL: Okay, so did you do any design work or consulting
2 work?

3
4 DAVID WYMAN: I did some design work for it, this time period was when I did the design
5 work.

6
7 COMMANDER KEVIN CARROLL: Okay. The planking and framing you said was
8 replaced from the water line up?

9
10 DAVID WYMAN: Yes.

11
12 COMMANDER KEVIN CARROLL: Okay. Did you do any design work in regards to the
13 planking and the framing?

14
15 DAVID WYMAN: I did some drawings of the vessel, I think they were mainly arrangement
16 drawings, I know I did a midship section drawing of the vessel to document what the
17 structure was.

18
19 COMMANDER KEVIN CARROLL: Okay, in regards to the selection of hull materials that
20 were used in the re-planking and reframing, did you have any interactions with?

21

1 DAVID WYMAN: I talked with the owner of the yard and for the most part white oak was
2 used, I think all of the framing was white oak, and when they got up the topsides some of
3 that was planked with fir.

4
5 COMMANDER KEVIN CARROLL: Some of the planking was planked with fir?

6
7 DAVID WYMAN: On the topsides if I remember correctly.

8
9 COMMANDER KEVIN CARROLL: Douglas fir?

10
11 DAVID WYMAN: Yes.

12
13 COMMANDER KEVIN CARROLL: Okay, who would have selected the hull materials?

14
15 DAVID WYMAN: The shipyard did.

16
17 COMMANDER KEVIN CARROLL: Okay. Is Douglas fir in your opinion a good wood to
18 use for planking?

19
20 DAVID WYMAN: It's an okay would I wouldn't say, it certainly wouldn't be my first choice,
21 but,

22
23 COMMANDER KEVIN CARROLL: What would be your first choice?

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DAVID WYMAN: For this vessel, white oak.

COMMANDER KEVIN CARROLL: Was the suggestion made to use Douglas fir to reduce weight for the vessel?

DAVID WYMAN: That was one of the issues, I think one of the other issues was supply issue. Trying to find seasoned white oak for the topsides was an issue, and the white Oak was that they could get, was green which worked fine for underwater because it would cure nicely and the saltwater, but above the waterline the green will contract quite a bit as it dries out and would pull up seams and so on so that could be a problem so the fir makes a decent choice.

COMMANDER KEVIN CARROLL: Makes it a decent choice for above the waterline?

DAVID WYMAN: Yes, if you don't have good seasoned white oak.

COMMANDER KEVIN CARROLL: Okay, so I'm not clear. You are saying that green Douglas fir is good for use of planking?

DAVID WYMAN: No, no, most of the Douglas fir that's available is seasoned, it's dried and it's available and relatively long straight lengths with good grain structure so,

1 COMMANDER KEVIN CARROLL: Okay so the planking that was selected for Bounty
2 during this yard period, in your opinion was it good Douglas fir?

3
4 DAVID WYMAN: It appeared to be yes.

5
6 COMMANDER KEVIN CARROLL: Okay, did you examine it?

7
8 DAVID WYMAN: I looked at, yes I looked the whole vessel over, and I as I said in here
9 was on the vessel every 2 to 4 weeks over that 15 month period.

10
11 COMMANDER KEVIN CARROLL: Okay, every 2 to 4 weeks you are on board conducting
12 your survey, to generate this report?

13
14 DAVID WYMAN: Yes.

15
16 COMMANDER KEVIN CARROLL: Did you operate vessel systems while you are on
17 board the vessel?

18
19 DAVID WYMAN: I certainly observed the operation of the machinery and electrical
20 systems, and I'm sure I observed the operation of the build system.

21
22 COMMANDER KEVIN CARROLL: Okay can you turn to page 3 please, page 3.

23

1 DAVID WYMAN: Of this survey?

2

3 COMMANDER KEVIN CARROLL: Yes, of the survey please. In regards to the propulsion
4 machinery it lists there are new 2 new diesel systems installed in 2003, did you have
5 anything to do with the design of the propulsion system for Bounty?

6

7 DAVID WYMAN: No.

8

9 COMMANDER KEVIN CARROLL: Okay. turn to page 5 please.

10

11 DAVID WYMAN: Which page number was that?

12

13 COMMANDER KEVIN CARROLL: Page 5. Where it describes the dewatering system
14 towards the bottom of the page can you please read through that for me?

15

16 DAVID WYMAN: What I've got listed here is to 2 inch copper nickel pipe from each of the
17 compartments of the bilge manifold, 2 combination fire/bilge pump 7 1/2 hp each 208
18 volts for, two engine driven pumps with a hydraulic drive connected into the build system,
19 and one independent hydraulic drive system, there were no automatic pumps, there were
20 no manual pumps, and there was a high water line.

21

22 COMMANDER KEVIN CARROLL: One second Mr. Wyman. One of our parties of interest
23 just left the room, keep going?

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UNKNOWN: Yeah, i mean he has a right to be present,

COMMANDER KEVIN CARROLL: Okay. So again at the end of this survey how would you have detailed Bounty's condition, or how did you detailed Bounty's condition in the survey?

DAVID WYMAN: With this survey?

COMMANDER KEVIN CARROLL: Yes.

DAVID WYMAN: I would say that she was in good condition.

COMMANDER KEVIN CARROLL: Okay, on page 6,

DAVID WYMAN: She still had some work to do but she was in good condition.

COMMANDER KEVIN CARROLL: Okay on page 6 you can see that the vessel is in very good condition. Okay.

DAVID WYMAN: Yes, that's consistent.

1 COMMANDER KEVIN CARROLL: Okay what more work needed to be done in your
2 opinion?

3
4 DAVID WYMAN: I believe that the and I have to make sure, I am not sure my dates are
5 correct, but the deck still had some issues that needed attention and the rigging I was
6 concerned about and needed to get that thoroughly inspected.

7
8 COMMANDER KEVIN CARROLL: Okay when the planking was going on the vessel did
9 you have an opportunity to review the framing?

10
11 DAVID WYMAN: Yes.

12
13 COMMANDER KEVIN CARROLL: Okay and the framing above the waterline was,

14
15 DAVID WYMAN: White Oak.

16
17 COMMANDER KEVIN CARROLL: And was replaced as well?

18
19 DAVID WYMAN: Yes.

20
21 COMMANDER KEVIN CARROLL: Okay so,

22

1 DAVID WYMAN: Almost all of the framing of the vessel was replaced and all of the
2 planking was replaced, so the hull was basically brand-new.

3
4 COMMANDER KEVIN CARROLL: In 2006/2007?

5
6 DAVID WYMAN: The lower portion of the hull a few years earlier.

7
8 COMMANDER KEVIN CARROLL: Okay,

9
10 DAVID WYMAN: And the upper portion of the hull in 2007.

11
12 COMMANDER KEVIN CARROLL: Okay, very good. So in the end of the survey you
13 believe that the Bounty was in fact listed in very good condition?

14
15 DAVID WYMAN: Yes.

16
17 COMMANDER KEVIN CARROLL: Okay. I would like you to turn to exhibit CG 39 please.

18
19 DAVID WYMAN: 39?

20
21 COMMANDER KEVIN CARROLL: CG 39. Mr. Svendsen has returned to the room. Did
22 you conduct a survey on board Bounty and 2012?

23

1 DAVID WYMAN: I began a survey on the Bounty and 2012 in Boothbay.

2

3 COMMANDER KEVIN CARROLL: Okay, can you describe that?

4

5 DAVID WYMAN: Yes, I was requested to update my survey of the Bounty by the owners
6 for insurance purposes, and it was just as the vessel was getting ready to leave
7 Boothbay, and she was already been relaunched and was afloat and I spent a morning on
8 board the vessel, and went through each of the compartments, and looked to my
9 inspection, crawled and did everything, and that was as far as I gotten.

10

11 COMMANDER KEVIN CARROLL: So the survey was going to continue?

12

13 DAVID WYMAN: Yes.

14

15 COMMANDER KEVIN CARROLL: When?

16

17 DAVID WYMAN: That was still to be determined. I had taken, I had made my notes and
18 my next thing in my survey was to review what I had done previous, previous surveys to
19 make sure I had a sense of what I had seen before, and then decide what I needed to do
20 further to complete this survey, and I never got to that second stage.

21

22 COMMANDER KEVIN CARROLL: Okay, and these are your notes that you took?

23

1 DAVID WYMAN: These are the notes that I made when I was on the boat.

2

3 COMMANDER KEVIN CARROLL: Okay, what date were these?

4

5 DAVID WYMAN: It said it was October 19 in 2012.

6

7 COMMANDER KEVIN CARROLL: Okay, does it detail anywhere in here that you are
8 going to attend the vessel again?

9

10 DAVID WYMAN: Say again?

11

12 COMMANDER KEVIN CARROLL: Does it detail any future plans for you to attend the
13 vessel again?

14

15 DAVID WYMAN: No.

16

17 COMMANDER KEVIN CARROLL: Okay, no. Did you run any machinery while you were
18 on board the vessel?

19

20 DAVID WYMAN: No.

21

22 COMMANDER KEVIN CARROLL: Okay, did you test any vessel systems whatsoever?

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DAVID WYMAN: Say again?

COMMANDER KEVIN CARROLL: Did you test any vessel systems whatsoever?

DAVID WYMAN: Any vessel systems?

COMMANDER KEVIN CARROLL: Systems, fire, main,

DAVID WYMAN: No.

COMMANDER KEVIN CARROLL: No, okay, main engines?

DAVID WYMAN: No.

COMMANDER KEVIN CARROLL: Not to build systems?

DAVID WYMAN: No.

COMMANDER KEVIN CARROLL: Okay.

DAVID WYMAN: And I as I said this was my beginning of the survey, and I had never completed it.

1 COMMANDER KEVIN CARROLL: Okay, were you able to examine the bottom of the
2 vessel,

3
4 DAVID WYMAN: A half a day on a vessel of this size isn't enough to do the entire survey.

5
6 COMMANDER KEVIN CARROLL: Okay, so why weren't you called earlier?

7
8 DAVID WYMAN: I don't know. I assume that the owners had just gotten a request from
9 the insurance company, and then immediately called me, and I rearrange my schedule so
10 I could at least get started on it.

11
12 COMMANDER KEVIN CARROLL: At least get started on it?

13
14 DAVID WYMAN: Yes.

15
16 COMMANDER KEVIN CARROLL: What else would you have done if you are able to
17 complete the survey?

18
19 DAVID WYMAN: Probably observed the operation of a bunch of the different systems on
20 the vessel, certainly would want to have inspected as much of the hull will as I could. I
21 would my preference would be to be inspected out of the water, but that was not an
22 option in this case, and I believe the owners had reported to me that an in water survey
23 was sufficient for the insurance company.

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COMMANDER KEVIN CARROLL: Bottom paragraph above recommendations it reads the vessel was discovered in good condition she had just conducted a haul out and painting prior to survey the captain had reported the bottom was in good condition.

DAVID WYMAN: Yep.

COMMANDER KEVIN CARROLL: Okay, who was present during your survey?

DAVID WYMAN: Capt. Walbridge was there part of the time and the chief mate John was there the rest of the time.

COMMANDER KEVIN CARROLL: Okay, do you see the chief mate in the room anywhere, if you turnaround?

DAVID WYMAN: Yes, he is right there.

COMMANDER KEVIN CARROLL: It lists John Jones and here there is another crew member named John Jones, that man behind you was in fact John Svendsen is that the man that was with you?

DAVID WYMAN: Yes.

1 COMMANDER KEVIN CARROLL: At any point when you are on board the vessel did
2 anyone express any concerns to you regarding the condition of the hull?

3
4 DAVID WYMAN: No.

5
6 COMMANDER KEVIN CARROLL: Did anyone from the shipyard express to you concerns
7 regarding the condition of the hull?

8
9 DAVID WYMAN: No.

10
11 COMMANDER KEVIN CARROLL: Do you think you were adequately able to survey the
12 condition of the hull while you are on board?

13
14 DAVID WYMAN: I was able to adequately look at what I looked at, but I did not couldn't
15 complete it with it.

16
17 COMMANDER KEVIN CARROLL: Okay, were you able to adequately survey the hull
18 while you were on board?

19
20 DAVID WYMAN: The interior of the hull, yes.

21
22 COMMANDER KEVIN CARROLL: So what did you see on the interior of the hull?

23

1 DAVID WYMAN: The interior of the hull looked to be in good condition. It was suffering a
2 little bit from a lack of ventilation, which is one of my recommendations that it needed
3 more ventilation.

4
5 COMMANDER KEVIN CARROLL: What were indications that you saw that the vessel
6 had problems with ventilation?

7
8 DAVID WYMAN: The forward tank room where the sewage system is had an unpleasant
9 odor and it, and that was an indication and just there really isn't much movement of air in
10 the hull in the structure and long-term debt lack of ventilation is going to cause
11 deterioration of the structure.

12
13 COMMANDER KEVIN CARROLL: Capt. Jones is going to ask you some questions.

14
15 DAVID WYMAN: Yes sir:

16
17 CAPTAIN ROB JONES: Just following up on the survey that you conducted prior to
18 Bounty departing, you were called by the company, Bounty Organization to do a survey,
19 is that correct?

20
21 DAVID WYMAN: Yes. I was called by the company I forgot whether it was Bob Hansen or
22 the lady.

23

1 CAPTAIN ROB JONES: The last survey that was on exhibit number 31, how many days
2 did it take you don't have to look for, that was 2006/2007?

3
4 DAVID WYMAN: That was a survey that I did over the period of the 15 months that the
5 vessel was being reconstructed.

6
7 CAPTAIN ROB JONES: So when the owner called you to do the survey, how long did you
8 expect it to take?

9
10 DAVID WYMAN: I had not really thought a great deal about that, I said I would get down
11 to the vessel and do what I could.

12
13 CAPTAIN ROB JONES: Did they give you a date when it was due by?

14
15 DAVID WYMAN: Nope.

16
17 CAPTAIN ROB JONES: Did the insurance company have a date that it was needed by?

18
19 DAVID WYMAN: I did not talk to the insurance company.

20
21 CAPTAIN ROB JONES: So with the vessel sailing did he make any plans that you could
22 either meet them in New London, meet them in St. Petersburg, meet them in Galveston to
23 finish the survey?

1
2 DAVID WYMAN: We did not get that far.

3
4 CAPTAIN ROB JONES: Have you done surveys were they have been over extended
5 periods of time, meeting the vessel further and further down the road?

6
7 DAVID WYMAN: Yes.

8
9 CAPTAIN ROB JONES: You have, and have you done that for the organization before?

10
11 DAVID WYMAN: For the Bounty?

12
13 CAPTAIN ROB JONES: Yes.

14
15 DAVID WYMAN: Yeah, yes I have inspected the Bounty a number of times and some of
16 the times I've written a formal report and some of times are just done an inspection, like I
17 don't remember which year it was but it was after 2007 but certainly a few years back we
18 brought the vessel down through the Erie Canal and took all, the mast down the rigging
19 down everything down so that, and got an opportunity to inspect all of the masts and the
20 spires rigging and so on and I don't know that I ever actually documented that a formal
21 survey report, but that was an example of another inspection I have done on it.

22

1 CAPTAIN ROB JONES: When you did get the call did you know approximately when the
2 Bounty was the parting Boothbay?

3
4 DAVID WYMAN: Say that again?

5
6 CAPTAIN ROB JONES: When you got the call from Bounty Organization, when the to go
7 survey the vessel and Boothbay, did you know approximately when the vessel was going
8 to be departing?

9
10 DAVID WYMAN: Yes, I think it was supposed to depart that weekend.

11
12 CAPTAIN ROB JONES: Did you tell the owners that I don't have enough time? Did you
13 tell them I will just do what I can but I won't have enough time and I will do it later?

14
15 DAVID WYMAN: I think I told them I would do as much as I can, and I don't know that I
16 specifically said I don't have enough time, I said I would get started, and many times what
17 happens with insurance surveys is that the as long as I'm starting on it or made
18 arrangements to start on it then the insurance company is okay with it not happening
19 immediately.

20
21 CAPTAIN ROB JONES: Okay.

22
23 DAVID WYMAN: And what they wanted was an update to the survey.

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CAPTAIN ROB JONES: And what was the reason for the survey, what were you tasked to do?

DAVID WYMAN: To update my condition and value survey of the vessel for the benefit of the insurance company. And I would be working for the owners of the vessel.

CAPTAIN ROB JONES: So basically, you are telling us that this is not complete?

DAVID WYMAN: Say it again?

CAPTAIN ROB JONES: This, Exhibit 39, your handwritten notes that is an incomplete survey?

DAVID WYMAN: Correct.

CAPTAIN ROB JONES: And if it was complete he would have had a conclusion, like the one that you did in 2006/2007?

DAVID WYMAN: I would have gone through and reviewed my survey of 2007 using some of the data from there and I would also need to update it with any changes that had been made in the vessel and so on and I had never gotten to that stage working through the survey. Once I had the opportunity to work through the survey and look at what I got then

1 I would need to make arrangements to gather whatever additional information which may
2 have included an additional inspection of the vessel.

3
4 CAPTAIN ROB JONES: Would you like me to keep going?

5
6 COMMANDER KEVIN CARROLL: I would like you to keep going.

7
8 CAPTAIN ROB JONES: Okay. Mr. Wyman, your first relationship with the Bounty
9 Organization and the Bounty and doing surveys, when did that come about and who
10 contacted you first?

11
12 DAVID WYMAN: My first work working for the Bounty organization was in 2001, shortly
13 after Mr. Hansen had bought the vessel and she was still in Fall River or wherever the
14 vessel was.

15
16 CAPTAIN ROB JONES: How were you, how did the Bounty notify you, or ask for your
17 services?

18
19 DAVID WYMAN: I don't remember whether Robin Walbridge called me, or Mr. Hansen
20 called me, but one or the other of them did.

21
22 CAPTAIN ROB JONES: Was it through a relationship that you had established with Robin
23 Walbridge, the captain of the vessel?

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DAVID WYMAN: Yes.

CAPTAIN ROB JONES: Okay was that the first time that you had met him in 2001/2002?

DAVID WYMAN: No.

CAPTAIN ROB JONES: When was it?

DAVID WYMAN: I first met him probably 25 years ago or so, when both he and I were volunteer skippers on a small schooner in Apalachicola carrying youth groups.

CAPTAIN ROB JONES: And you had known him since the Bounty Organization has taken, took over the Bounty in, yes,

DAVID WYMAN: I had sailed with him, he had invited me to go sailing on the Bounty with him and I went sailing with him from I think maybe Miami around the Tortugas and St. Pete for a week,

CAPTAIN ROB JONES: Let's go from when you started actually working for the Bounty Organization as a survey or and through the present would you describe your relationship with Capt. Walbridge, professional, personal, or both?

1 DAVID WYMAN: Some of both.

2

3 CAPTAIN ROB JONES: How often did you stay in touch with him over the course of the
4 year in the last five years?

5

6 DAVID WYMAN: On the average he would probably call me every 2 to 3 weeks,
7 sometimes sooner sometimes shorter intervals sometimes longer.

8

9 CAPTAIN ROB JONES: Okay, did you speak of a lot of voyages they were on where the
10 ship was going how the ship was handling how it was riding anything they might be
11 looking to do in the future?

12

13 DAVID WYMAN: Primarily it was, he had questions about different things on the ship,
14 most recently we have been having a lot of discussions about the rig, the standing rigging
15 for the rig and he was gradually going through all of the standing rigging to make sure that
16 it was appropriately sized and in good condition and so on, and I was advising him on
17 that.

18

19 CAPTAIN ROB JONES: When you say going through it, was he replacing, taking away
20 old and replacing with new?

21

22 DAVID WYMAN: He was doing some of that yes.

23

1 CAPTAIN ROB JONES: How much of the rigging would you say had been replaced
2 during this timeframe?

3
4 DAVID WYMAN: I believe that the ship was completely re-rigged when she was on
5 charter with with Disney, doing the Pirates of the Caribbean movie.

6
7 CAPTAIN ROB JONES: What year was that in?

8
9 DAVID WYMAN: It's in one of my surveys. The 2007 survey probably.

10
11 CAPTAIN ROB JONES: Just for the sake of time will note it and I will look it up later.

12
13 COMMANDER KEVIN CARROLL: One of your completed surveys?

14
15 DAVID WYMAN: Yes, I think it was back and 2005, but his concern in regard to the rigging
16 was that the vessel had been gone through a number of different owners, a lot of different
17 crews, and so on and things had gotten changed throughout its life and he was, he just
18 want to go through and make sure that what was there on the vessel was appropriate for
19 what it was doing, and that sizes of rigging weren't bigger than they needed to be and
20 were smaller than they needed to be, to make sure everything was appropriately sized,
21 and that's what we were kind of doing in the last year or so.

22
23 CAPTAIN ROB JONES: Okay, did you ever sail aboard Bounty with Capt. Walbridge?

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DAVID WYMAN: Yes I sailed with him a number of times.

CAPTAIN ROB JONES: In what capacity?

DAVID WYMAN: As a guest. Never as a crew member.

CAPTAIN ROB JONES: Okay, a number of times, what do you think of the captain?

DAVID WYMAN: He was probably the best captain I have ever been involved with.

CAPTAIN ROB JONES: Let's go to a little bit more the survey stuff and ship structure stuff, information. How is water removed from the tween deck on the Bounty?

DAVID WYMAN: The only way it can be removed from the tween deck was to have it go down into the hold where the build system was there was no specific way to remove the water except that there were two nonreturn valves that were required for the tonnage, but I'm doubtful that they really would have functioned very well.

CAPTAIN ROB JONES: So when you say there was no real way for it to be removed it would just go down,

DAVID WYMAN: It just had to go down below and then be pumped out.

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CAPTAIN ROB JONES: How?

DAVID WYMAN: Through whatever openings there were.

CAPTAIN ROB JONES: The water would seek its own way, I mean there is no drain holes, there is no,

DAVID WYMAN: No, the way the Bounty's built and it's kind of a figment of the tonnage rules, that her tween deck is her uppermost watertight deck, so everything below the tween deck as far as the tolerance rules are concerned is just kind of open structure, and that's not in reality how it was, but that's what, but all watertight bulkheads (inaudible) tween deck.

CAPTAIN ROB JONES: If water did get up in the tween deck it didn't really have a way to get out except get out eventually, would that make the vessel unstable?

DAVID WYMAN: It certainly would create free surface, and if a lot of water got on the deck yes, I'm not aware of any incidences where that was an issue.

CAPTAIN ROB JONES: Where there over boards on this vessel?

DAVID WYMAN: There were the two nonreturn over boards on,

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CAPTAIN ROB JONES: And when you say nonreturn it would allow water back in?

DAVID WYMAN: They were spring-loaded,

CAPTAIN ROB JONES: Did you check those during your survey?

DAVID WYMAN: Yes.

CAPTAIN ROB JONES: With a satisfactory?

DAVID WYMAN: No.

CAPTAIN ROB JONES: Was anything done, did you point that out to anybody?

DAVID WYMAN: Yes, I mentioned it to Robin but the design of them didn't look like they were going to work anyway, all they were doing was meeting the tonnage requirement. Because in order to exempt that tween deck she had to have the wood line tonnage hatch and then she had to have the nonreturn closures on the tween deck.

CAPTAIN ROB JONES: And if they were submerged, where were they about on the vessel?

1 DAVID WYMAN: They were about midship, one port and one starboard.

2

3 CAPTAIN ROB JONES: And how about the height from the keel?

4

5 DAVID WYMAN: Right at the deck level.

6

7 CAPTAIN ROB JONES: Deck level, which deck?

8

9 DAVID WYMAN: Tween deck.

10

11 CAPTAIN ROB JONES: Okay, and if they were submerged?

12

13 DAVID WYMAN: Water would not come in.

14

15 CAPTAIN ROB JONES: It would not?

16

17 DAVID WYMAN: No.

18

19 CAPTAIN ROB JONES: But you just said they didn't work.

20

21 DAVID WYMAN: They were closed, and he didn't look to me like they would operate.

22 That they would open.

23

1 CAPTAIN ROB JONES: I am misunderstanding, would they allow water out?

2
3 DAVID WYMAN: That's the theory of them.

4
5 CAPTAIN ROB JONES: Would they? Allow water out?

6
7 DAVID WYMAN: I don't think so because they are spring-loaded and in order for, you
8 would have to have,

9
10 CAPTAIN ROB JONES: So they were not functioning, is that correct?

11
12 DAVID WYMAN: Yeah,

13
14 CAPTAIN ROB JONES: They would not allow water in or out?

15
16 DAVID WYMAN: Right.

17
18 CAPTAIN ROB JONES: Were you involved at all with the Bounty Organization seeking a
19 load line?

20
21 DAVID WYMAN: Only in I was approached by Bob Hansen about doing some of that
22 work, and at that point I was not able to take on the work to do it in the timeframe that
23 they wanted, so I suggested they get somebody else.

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CAPTAIN ROB JONES: Another naval architect?

DAVID WYMAN: Yes. I wasn't involved in that aspect of it.

CAPTAIN ROB JONES: Do you know why they wanted a load line?

DAVID WYMAN: Yes because in order to, she was over 150 gross tons which is the limit, above that you have to have a load line if you're going to act as a commercial vessel, and they wanted to carry 12 passengers, and so she had to have a load line in order to do that.

CAPTAIN ROB JONES: What extra protection what a load line offer the vessel?

DAVID WYMAN: None.

CAPTAIN ROB JONES: None?

DAVID WYMAN: I don't believe so. The Bounty operated at a, she was not a cargo carrier, she, the weight of the Bounty was what it was, adding 12 passengers onto a 500 ton vessel isn't going to change anything. The load line was just a, other than to meet a regulatory requirement

1 CAPTAIN ROB JONES: Do you know why the load line process stopped, or if it was
2 stopped?

3
4 DAVID WYMAN: I was not involved in it I don't know.

5
6 CAPTAIN ROB JONES: Did the, when you are attending the vessel in Boothbay was any
7 mention made to you about a ballast being removed to the stern, the removal of a ballast
8 in the vessel?

9
10 DAVID WYMAN: Robin had talked with me a little bit about moving a little bit of ballast to
11 the stern to trim the vessel a little bit more by the stern because he felt she would handle
12 a little bit better, and with the small amount of ballast that was going to be moved, and so
13 on I didn't think it was going to have any effect on her ability,

14
15 CAPTAIN ROB JONES: So no calculations or drawings were needed for that?

16
17 DAVID WYMAN: No.

18
19 CAPTAIN ROB JONES: Do you know if moving it achieved the desired effect that the
20 captain wanted?

21
22 DAVID WYMAN: Say that again.

23

1 CAPTAIN ROB JONES: Do you know if moving that ballast back to the stern had the
2 desired effect that the captain was talking about?

3
4 DAVID WYMAN: I, no I don't, because I did not talk with him after Boothbay.

5
6 CAPTAIN ROB JONES: Well what about while you were there, that would have been
7 accomplished before you are there wasn't?

8
9 Right, but the vessel hadn't been underway.

10
11 CAPTAIN ROB JONES: I'm not talking about the desired effect for the steering ability, did
12 it change the trim of the vessel standing alongside at the dock in the water?

13
14 DAVID WYMAN: The actual change in trim was insignificant as far as I was concerned.

15
16 CAPTAIN ROB JONES: Okay, do you know how much it was?

17
18 DAVID WYMAN: No. But it did not change the trim enough to be really obvious.

19
20 CAPTAIN ROB JONES: Okay, just going back to your relationship with Capt. Walbridge
21 did it surprise you to find out that he was under way with hurricane Sandy and the
22 Western Atlantic?

23

1 DAVID WYMAN: I really hadn't thought about that.

2

3 CAPTAIN ROB JONES: Right now you haven't thought about that, or you hadn't thought
4 about it at all?

5

6 DAVID WYMAN: I had not thought about it and I respected Robin's judgment, and I know
7 a lot of people have tried to second-guess him, I don't feel qualified to second-guess him.

8

9 CAPTAIN ROB JONES: You have a sail masters license that you?

10

11 DAVID WYMAN: Did I?

12

13 CAPTAIN ROB JONES: What lessons did you hold?

14

15 DAVID WYMAN: I have a limited masters license,

16

17 CAPTAIN ROB JONES: What,

18

19 DAVID WYMAN: 500, ehh, 50 ton auxiliary sail, and an unlimited third mate's license,
20 both of which are retired at this point.

21

22 CAPTAIN ROB JONES: So you're saying that you don't figure you are qualified to
23 comment on his actions?

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DAVID WYMAN: I did not talk to Robin at all when he was in New London getting ready to go, and what his rationale for doing that, obviously would have been a whole lot better if you did not sail, and that's from this vantage point rather than from the future. I do know that in my own mind that we are right at the end of hurricane season, there had never been a significant hurricane that late in the season, and any hurricane that had come up the East Coast that late in the fall usually petered out and really didn't amount to much, and I didn't follow the hurricane that much, it is just unfortunate what happened.

CAPTAIN ROB JONES: Okay, that is all I have right now Mr. Wyman thank you.

UNKNOWN: Mr. Wyman I would like to turn your attention back to Coast Guard Exhibit 39.

DAVID WYMAN: 39?

UNKNOWN: Please. I want to make sure I understood your testimony, were you indicating that what is Coast Guard 39 constitute as your notes that you had made?

DAVID WYMAN: These are my rough notes, of the inspection that I did in Boothbay.

UNKNOWN: What did you do with these notes after you left the ship and Boothbay?

1 DAVID WYMAN: I put them in my pile of things to work on and this never got to the top of
2 the pile.

3
4 UNKNOWN: Because obviously a short time after it became irrelevant?

5
6 DAVID WYMAN: Say again?

7
8 UNKNOWN: You never took the work up again because shortly thereafter it became
9 irrelevant?

10
11 DAVID WYMAN: Right.

12
13 UNKNOWN: You didn't deliver this to anyone?

14
15 DAVID WYMAN: No. The only person I delivered it to was when Cmdr. Carroll requested,

16
17 UNKNOWN: In response to the subpoena, or a request?

18
19 COMMANDER KEVIN CARROLL: It was a request.

20
21 DAVID WYMAN: It was prior to being subpoenaed.

22

1 UNKNOWN: Okay, when you take notes do you normally close your notes with a
2 recommendation section?

3

4 DAVID WYMAN: Yes.

5

6 UNKNOWN: Okay, and do you sign your notes? As well?

7

8 DAVID WYMAN: Sometimes. It all depends on what I am doing. I wasn't sure when I was
9 going to get back to this,

10

11 UNKNOWN: Okay, do you sign your notes in order to indicate to yourself that they are
12 your notes?

13

14 DAVID WYMAN: I don't know, just.

15

16 COMMANDER KEVIN CARROLL: Just what?

17

18 UNKNOWN: I am wondering why your signature appears at the bottom of a document
19 that you describe as notes.

20

21 DAVID WYMAN: Before I sent these to Commander Carrol I signed it. I didn't sign it when
22 I was taking those, but before I sent this to Cmdr. Carol I just signed my name on it to
23 indicate that this was mine. When it was just my notes I didn't need to sign, but I just felt

1 signing it was the appropriate thing to do, up in the upper right-hand corner of whenever I
2 take notes I put my name or initials and the date and someone, so that I can identify what
3 it is.

4
5 UNKNOWN: Okay, thank you.

6
7 COMMANDER KEVIN CARROLL: Do you recall conducting an interview with me at
8 Boothbay harbor in December 2012?

9
10 DAVID WYMAN: Yes sir.

11
12 COMMANDER KEVIN CARROLL: I'd like to ask you why didn't you indicate to me at that
13 time that you didn't believe your survey was finished?

14
15 DAVID WYMAN: I really hadn't thought about it all that much.

16
17 COMMANDER KEVIN CARROLL: The vessel sinks at sea, you conduct a survey on it
18 before it leaves, and you didn't think about your survey?

19
20 DAVID WYMAN: I didn't think about, I hadn't gotten back to thinking about completing the
21 survey.

22
23 COMMANDER KEVIN CARROLL: Pardon?

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DAVID WYMAN: This, these notes right here are a result of what I did for an inspection in Boothbay, and when I finished that inspection in Boothbay I set these aside and I didn't do anything more with it,

COMMANDER KEVIN CARROLL: Did you finish the inspection?

DAVID WYMAN: Say again?

COMMANDER KEVIN CARROLL: Did you finish the inspection?

DAVID WYMAN: When I finished the inspection that I did in Boothbay I had not at that point determined whether I was finished with the survey or not, and I just set the notes aside.

COMMANDER KEVIN CARROLL: When did you determine that you were in fact not finished with the survey?

DAVID WYMAN: When I left the ship.

COMMANDER KEVIN CARROLL: Wait a minute,

DAVID WYMAN: In doing the survey,

1

2 COMMANDER KEVIN CARROLL: I am a qualified marine inspector I understand what
3 you are talking about, so now were you or were you not complete with the survey, your
4 evaluation of the vessel?

5

6

DAVID WYMAN: I was not, I had not completed the survey.

7

8

COMMANDER KEVIN CARROLL: Did you communicate that to the ownership or Capt.
9 Walbridge?

10

11

DAVID WYMAN: I don't know that I did, but the way that I would communicate to the
12 owner that I had completed it is I would issue him my formal report.

13

14

COMMANDER KEVIN CARROLL: I'm going to allow the parties of interest to ask you
15 questions. Let's go with Bounty Organization first. Just to remind the parties of interest we
16 don't have to cover areas that all already have been covered.

17

18

LEONARD LANGER: Good afternoon Mr. Wyman. Could you describe the general
19 structure of the Bounty?

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DAVID WYMAN: Her structure?

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LEONARD LANGER: Yes.

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DAVID WYMAN: She is a very heavily built wooden vessel, which has double fuddock framing, and heavy planking and then heavy ceiling on the inside of the framing, and she is built basically in an agreement with ABS rules for wooden vessels that were basically a holdover from the 19th century, and those rules were really established for heavy displacement bulk carriers and she was very substantially built, and that structure is much heavier than what would have been a yacht would have been built.

LEONARD LANGER: Do you know which version of the ABS rules she was built to?

DAVID WYMAN: Say again.

LEONARD LANGER: Do you know which version of the ABS rules she was built to?

DAVID WYMAN: The ABS rulebook that I use is a 1943 printed of the rules that was a reprint of a 1920s version of the rule book, just a reprinting of it. It was printed during WWII when there was some effort to build some wooden vessels. But it is basically the standards for a large bulk carrier, like a coal,

COMMANDER KEVIN CARROLL: I'm sorry, was the vessel ever ABS classed?

DAVID WYMAN: No. Not that I know of.

1 COMMANDER KEVIN CARROLL: Than have you know it was built to ABS standards?

2
3 DAVID WYMAN: Part of my review of the vessel I did some scant link calculations
4 through the, based on the structure I found on the vessel, and I compared that to what the
5 ABS rule would require, in the scan links of the vessel were, and this is dredging it out of
6 the memory but consistent with it, there may have been some slight variations, but the
7 hull structure was consistent with this ABS rule.

8
9 COMMANDER KEVIN CARROLL: Did you provide a report?

10
11 DAVID WYMAN: No.

12
13 COMMANDER KEVIN CARROLL: Did you put that in any survey that you had
14 conducted?

15
16 DAVID WYMAN: I don't think so.

17
18 COMMANDER KEVIN CARROLL: Continue Mr. Langer.

19
20 LEONARD LANGER: Thank you.

21

1 DAVID WYMAN: I did a lot of calculations and a lot of looking at the vessel, and my
2 survey reports are a summation of the condition for survey purposes. But it's not all
3 document.

4
5 COMMANDER KEVIN CARROLL: Continue.

6
7 LEONARD LANGER: You indicated that you felt Capt. Walbridge was a very confident
8 captain, do you believe that if he had had concerns about the vessel in October 2012 he
9 would have mentioned to you when you are on board?

10
11 DAVID WYMAN: Yes. There is no doubt in my mind that Robin, asked, we talked about
12 every aspect of the ship and if he had concerns I have every confidence that he would
13 have talked to me about it.

14
15 LEONARD LANGER: Do you believe that he would ever jeopardize the safety of the
16 crew of the Bounty?

17
18 UNKNOWN: This is ridiculous.

19
20 COMMANDER KEVIN CARROLL: You are asking him to speculate.

21

1 LEONARD LANGER: I am asking based on his knowledge and 25 years knowledge and
2 experience with Captain Walbridge as to what he would do. I'm not asking him to, I'm
3 asking for an opinion.
4

5 UNKNOWN: I think it's of marginal relevance.
6

7 LEONARD LANGER: But other witnesses have been asked with their opinions were of
8 the captain, he should be able to answer the same question.
9

10 UNKNOWN: And he did, once.
11

12 LEONARD LANGER: Can I ask him whether he believed that he would jeopardize the
13 vessel? Or are you precluding the questions?
14

15 COMMANDER KEVIN CARROLL: How much, ask another question.
16

17 LEONARD LANGER: Do you believe that Capt. Walbridge would ever jeopardize the
18 safety of his vessel?
19

20 DAVID WYMAN: No.
21

22 LEONARD LANGER: Do you believe based on your experience that Captain Walbridge
23 was a reckless mariner?

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DAVID WYMAN: No.

LEONARD LANGER: Yesterday witness testified that Captain Walbridge told him that Capt. Walbridge was terrified that

COMMANDER KEVIN CARROLL: Excuse me, sir (voices in background), go ahead.

LEONARD LANGER: Yesterday witness testified Capt. Walbridge told him that Capt. Walbridge was terrified about the condition of the Bounty in October 2012, and your experience would Captain Walbridge ever used the word terrified to describe his feelings about the condition of Bounty?

DAVID WYMAN: I never heard him use that word, and I don't know him ever being terrified that I've ever heard.

LEONARD LANGER: I have no other questions thank you.

COMMANDER KEVIN CARROLL: Mr Shisha?

JAKE SHISHA: As a surveyor you are to determine the condition of the vessel?

DAVID WYMAN: Yes.

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JAKE SHISHA: Have you been on the vessel when she was in dry dock?

DAVID WYMAN: Yes.

JAKE SHISHA: Have you ever determined whether she had a hog or sag?

DAVID WYMAN: Yes.

JAKE SHISHA: Did you ever note that she had a hog in any of your reports?

DAVID WYMAN: I don't know if I ever mention that in my notes are not, but she definitely had hog in her.

JAKE SHISHA: Would that be something that would be important to point out, it indicates that the kilos bending correct?

DAVID WYMAN: That is correct.

JAKE SHISHA: And the keel is the main support of the vessel?

DAVID WYMAN: Can you say that again.

1 JAKE SHISHA: Strike that. Is that something that you normally would report if the vessel
2 has a hog or a sag in your report?

3
4 DAVID WYMAN: On a large wooden vessel like that, unless it looks like a problem
5 indicating a structural problem I probably would not mention it. Because a large wooden
6 vessel like that is, all of them are hogged.

7
8 JAKE SHISHA: As a survey or were you concerned about her watertight integrity?

9
10 DAVID WYMAN: Yes.

11
12 JAKE SHISHA: Did you ever review, were you aware that she catalogs of how often she
13 pumped the bilges and how long the pumps were run for?

14
15 DAVID WYMAN: Yes I believe that,

16
17 JAKE SHISHA: Did you ever review those logs to make a determination of how much
18 water she was taking in?

19
20 DAVID WYMAN: No.

21
22 JAKE SHISHA: I have no further questions.

23

1 COMMANDER KEVIN CARROLL: Mr. Svendsen?

2

3 JOHN SVENDSEN: Good afternoon David. You describe Robin as the best captain that
4 you had sailed with,

5

6 DAVID WYMAN: Yes.

7

8 JOHN SVENDSEN: Can you clarify some characteristics that were relevant to the safe
9 operation of the Bounty?

10

11 DAVID WYMAN: Robin was very knowledgeable about vessels in general and particularly
12 about Bounty and square riggers, he was always levelheaded, I never saw them get
13 excited about anything, he was thought through and plan things in advance to make sure
14 things were going to work right, he was as far as I'm concerned an impressive skipper.

15

16 JOHN SVENDSEN: Can you also described to me his knowledge and understanding of
17 ship systems?

18

19 DAVID WYMAN: Yes, he knew the vessel extremely well. He was there through every
20 yard period and he was intimately involved with everything that was done on the vessel.

21

1 JOHN SVENDSEN: When you are on board you suggested that the Bounty improve the
2 ventilation in the ship, did you know that there was existing ventilation and air conditioner
3 fans in the vessel?
4

5 DAVID WYMAN: There was, I don't think that there were any powered ventilation in the
6 hold spaces that was permanently installed, I know Robin talked about putting in
7 temporary fans to try and get some of some ventilation, but I don't think there was
8 anything permanently installed for ventilation.
9

10 JOHN SVENDSEN: When we were walking through the ship, and in your surveys he
11 stated that most of the condition of the ship was good throughout the survey, do you
12 remember the words exchanged to me and your overall opinion of the vessel and her
13 shape?
14

15 DAVID WYMAN: I assume I would have said that I thought she was in very good
16 condition.
17

18 JOHN SVENDSEN: And did you indicate to me that there is any indication of any concern
19 that you are aware of?
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21 DAVID WYMAN: My only concerns were long-term ventilation, and that my only other
22 concern was the tiller on the rudder which had some corrosion damage, and and that was
23 repaired in Boothbay.

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JOHN SVENDSEN: So, your concerns were actively being met by Robin, the crew, and I?

DAVID WYMAN: Yes.

JOHN SVENDSEN: Thank you

UNKNOWN: A couple follow ups Mr. Wyman.

DAVID WYMAN: Yes,

UNKNOWN: In your booklet, tab 41

DAVID WYMAN: 41?

UNKNOWN: Before you go there did, while you attended the vessel in Boothbay was there any talk of any of the wood rotting, or decaying brought to your attention. Okay now go to 41 please. You can just flip through these, these were provided by the project manager of the Bounty in the shipyard Mr. Todd Kaczynski, Kozakowski, did you meet him while you are there did you know him?

DAVID WYMAN: No I did not.

1 UNKNOWN: Do you know him?

2

3 DAVID WYMAN: Now, I have met him since I was here but

4

5 UNKNOWN: Okay, he just flipped through those, again this is a, exhibits, there we took
6 portions of the Bounty I won't go into each one and where they are. Is that right that you
7 have seen the four and decay, not so much on the Bounty before on other wooden ships?

8

9 DAVID WYMAN: Yes certainly, this looks like relatively minor decay damage the decay
10 that was found in the framing systems Bounty when she was, before she was rebuilt,
11 taken apart, a lot of frames were just mush.

12

13 UNKNOWN: Okay, you don't have to go through anymore. You just said that you and
14 Robin, you and Capt. Walbridge talked about every aspect of the vessel?

15

16 DAVID WYMAN: Yes.

17

18 UNKNOWN: Then he talked to at all about the rot they found in the decay they found?

19

20 DAVID WYMAN: No he did not.

21

22 UNKNOWN: To me if it was a little consequence, that something that someone has
23 known a man for some amount of time and been intimately involved in the design and

1 surveying of the ship, if of no consequence he would just, hey we found in little rot, we are
2 going to take a look at it next year, that conversation never happened?

3
4 DAVID WYMAN: That conversation never happened.

5
6 UNKNOWN: It never came up after the yard period or,
7

8 DAVID WYMAN: Nope. I don't know why but it didn't. One of the things that I think should
9 be taken into account here is that she was very heavily built and the rules, the ABS rules
10 basically stemming from the 19th century allow for a certain amount of deterioration in the
11 structure, knowing that a big wooden vessel like this is going to deteriorate over the
12 years, and yes this is some deterioration and this is something that should be attended to
13 at sometime in the future, at a planned maintenance but, I didn't see this, but based on
14 what I am seeing in the pictures, I doubt that it is significant.

15
16 UNKNOWN: Okay well
17

18 COMMANDER KEVIN CARROLL: Okay, Lieut. Parham please help him locate picture
19 24. Can you tell me what you see there sir?
20

21 DAVID WYMAN: Say again?
22

23 COMMANDER KEVIN CARROLL: Can you tell me what you see in the picture?

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DAVID WYMAN: That looks like the port quarter of the vessel just below the sheer and not in an area where she had suffered some damage, I think it was in Eastport, I was aware of this damaged area. This one, Robin, when I talked to him prior to Boothbay this was on his list of things to repair.

COMMANDER KEVIN CARROLL: Okay, so are you saying the damage that you see in this area and this photograph that is damage that is consistent with hitting him here?

DAVID WYMAN: It had obviously been opened up and I never saw it opened up like this, all I saw was the damaged area where it had come up against the pier.

COMMANDER KEVIN CARROLL: Do you see any rot?

DAVID WYMAN: With this picture I can't tell, there might well be some deterioration, but

COMMANDER KEVIN CARROLL: Do you see any checks within the frame?

DAVID WYMAN: Say again?

COMMANDER KEVIN CARROLL: Checks within the frames?

DAVID WYMAN: The checks?

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COMMANDER KEVIN CARROLL: Yeah, do you see any?

DAVID WYMAN: Yes there are some checks.

COMMANDER KEVIN CARROLL: As a survey or what are, what your overall assessment of what you see in this area?

DAVID WYMAN: This photograph is a poor substitute for looking at the vessel, but, based on the photograph I am seeing some checks in the frames, that kind of checking and heavy structural timbers is a normal occurrence and really doesn't affect the strength of them that much. Now the checks like that will let water in, and if fresh water gets in from above long term it will cause rot.

COMMANDER KEVIN CARROLL: Do you have any more questions?

UNKNOWN: Yes just one more. The engineering systems aboard the Bounty, do you call them complex?

DAVID WYMAN: The engineering system?

UNKNOWN: The two mains, the generators, the pumps?

1 DAVID WYMAN: It was a very simple straightforward system.

2

3 UNKNOWN: Necessary for a licensed engineer to be on board there?

4

5 DAVID WYMAN: That's a good question, I don't know, but I do know that whoever was
6 going to be the engineer certainly needed to be very familiar with the machinery and the
7 machinery space, and the systems.

8

9 UNKNOWN: Very familiar, could you elaborate on that? If someone knew how to run
10 those engines, if things started going wrong, if someone was trained that way would they
11 be able to, to keep up for lack of a better term with the systems if they were failing?

12

13 DAVID WYMAN: They would need to understand how each of the systems worked. And
14 how they are put together. And what things you could do if things went wrong. That would
15 require a fair amount of knowledge of the systems, and they are not complex systems,
16 but they are systems that have some potential failure points.

17

18 UNKNOWN: So would you say that the Bounty would benefit by having a licensed
19 engineer on board?

20

21 DAVID WYMAN: When you say a licensed engineer, do you mean someone like a third
22 assistant?

23

1 UNKNOWN: I do, because you had a third mate's license and you have a PE,

2

3 DAVID WYMAN: Yes.

4

5 UNKNOWN: You're familiar with the marine systems and you have surveyed the engine
6 room, so

7

8 DAVID WYMAN: Yes.

9

10 UNKNOWN: That is what I'm asking.

11

12 DAVID WYMAN: Maybe a very limited license would be appropriate, certainly don't need
13 an unlimited license for it, but some type of a limited engineer license would really be
14 beneficial.

15

16 UNKNOWN: Thank you that's all I have.

17

18 DAVID WYMAN: Having knowledge is important.

19

20 UNKNOWN: Okay, thank you.

21

22 COMMANDER KEVIN CARROLL: Did you send your notes that you took for the survey
23 that you conducted to the Bounty Organization?

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DAVID WYMAN: I didn't understand that.

COMMANDER KEVIN CARROLL: The notes that you took, for your survey in 2012, did you send them to the Bounty Organization?

DAVID WYMAN: No. I don't think so.

UNKNOWN: To the insurance company?

DAVID WYMAN: No, I did not send them to the insurance company. Now it's possible that I gave Bob Hansen a copy, but the only, I gave you a copy of them, and you're the first person I gave them to, I believe.

COMMANDER KEVIN CARROLL: Please turn to exhibit CG 39.

DAVID WYMAN: 39?

COMMANDER KEVIN CARROLL: Now we marked this exhibit with CG 39, now at the bottom below your signature it says HMS Bounty US Coast Guard 12 1712 000420, I didn't put that there, did you put that there?

DAVID WYMAN: Nope.

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COMMANDER KEVIN CARROLL: Did you supply your notes to the Bounty Organization?

DAVID WYMAN: I may have, I don't know, I don't remember.

COMMANDER KEVIN CARROLL: Sit down.

DAVID WYMAN: Say again?

COMMANDER KEVIN CARROLL: Did you supply your notes to the Bounty Organization?

DAVID WYMAN: I don't remember.

COMMANDER KEVIN CARROLL: Did you give them to me?

DAVID WYMAN: I believe I gave them to you, you requested them.

COMMANDER KEVIN CARROLL: Did you put that notation down there?

DAVID WYMAN: No. I don't have any idea where that came from. I may have given them to Mr. Hansen and he gave them to you, I don't know.

COMMANDER KEVIN CARROLL: Do you normally supply your notes?

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DAVID WYMAN: Say again?

COMMANDER KEVIN CARROLL: Do you normally supply your notes for an unfinished survey to the vessel?

DAVID WYMAN: No because I usually don't supply anything to the owner until I have a formal report.

COMMANDER KEVIN CARROLL: Okay.

DAVID WYMAN: Sometimes if I'm doing a survey and I've got some things that I want to communicate to them, like I have a list of things that I found that are a problem, and I will give them informal notes and say my suggestion is fixed these, and let me come back so that I can raise survey that does not have a lot of recommendations on it.

COMMANDER KEVIN CARROLL: And your accreditation for marine surveyor is with SAMS?

DAVID WYMAN: Yes.

COMMANDER KEVIN CARROLL: Does SAMS have any rules against surveying work that you actually design?

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DAVID WYMAN: No.

COMMANDER KEVIN CARROLL: No?

DAVID WYMAN: I don't think there are any rules prohibiting that.

COMMANDER KEVIN CARROLL: There are no conflicts rules within?

DAVID WYMAN: I don't consider it any conflict.

COMMANDER KEVIN CARROLL: Okay.

DAVID WYMAN: And it's really up to the insurance company, because that's who the survey is for, if they accept what I have done and I always make sure that if there is any possible conflict of interest, that people understand that, and in my previous report you see I had detailed when I looked at the vessel, and what things have been done.

COMMANDER KEVIN CARROLL: As far as any possible conflict of interest, what are you referring to?

DAVID WYMAN: I don't believe there is any conflict of interest.

1 COMMANDER KEVIN CARROLL: No, you just said you would detail if there was a
2 possible conflict of interest, what would be a conflict of interest?

3

4 DAVID WYMAN: Oh, I can give you an example,

5

6 COMMANDER KEVIN CARROLL: Please.

7

8 DAVID WYMAN: I did a survey for a research vessel that was being purchased by one of
9 my son-in-law's, and I told him I've got an interest in this because you're my son-in-law,
10 and I said I'm willing to do the survey for you but you need to make the insurance
11 company know that I am related to you, and if they are okay with that then fine, but I'm
12 not going to do a survey without making that known.

13

14 COMMANDER KEVIN CARROLL: What about for a friend?

15

16 DAVID WYMAN: A friend?

17

18 COMMANDER KEVIN CARROLL: Yeah what if you are performing a survey for a friend,
19 is that a conflict of interest?

20

21 DAVID WYMAN: No, I do surveys for quite a few friends, in fact many of the people that I
22 survey for become friends.

23

1 COMMANDER KEVIN CARROLL: Okay

2

3 UNKNOWN: Can I ask a follow-up question?

4

5 COMMANDER KEVIN CARROLL: Quick, please.

6

7 UNKNOWN: At any time either before you spoke to the Coast Guard for at, before coming
8 to this hearing did you speak to any of the Bounty's attorneys?

9

10 DAVID WYMAN: Did I speak to any,

11

12 UNKNOWN: Attorneys that were representing Mr. Hansen or the Bounty interests?

13

14 DAVID WYMAN: Yes.

15

16 UNKNOWN: And when did you speak to them?

17

18 DAVID WYMAN: A week or two ago, they called me a few times.

19

20 UNKNOWN: And did you speak to them, other than the lawyer that you hired for yourself,
21 I don't want know about the lawyer,

22

23 DAVID WYMAN: Say that again?

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UNKNOWN: Did you speak to anyone else other than the Coast Guard or the Bounty attorneys before you came here?

DAVID WYMAN: About this?

UNKNOWN: Yes.

DAVID WYMAN: I don't think so other than, no, I spoke to Cmdr. Carol and Capt. Jones at Boothbay about this.

UNKNOWN: That's all I have, thanks.

UNKNOWN: In your first communication with anybody on behalf of the Bounty organization in regards to this investigation was in the last two weeks?

DAVID WYMAN: No I talked to the owner, Mr. Hansen on and off.

UNKNOWN: But the first time that you talk to an attorney in this case was within the last two weeks?

DAVID WYMAN: I know that I had a conference call with a number of the attorneys for the Bounty, and that was within the last week or two, and I believe I talked to Mr. Langer

1 earlier than that, and I had also talked to Mr. Langer a couple of weeks ago when he was
2 involved with a different survey that I was doing.

3
4 COMMANDER KEVIN CARROLL: As a witness in a Coast Guard formal investigation you
5 conducted a conference call with the attorneys of a party of interest?

6
7 DAVID WYMAN: I was contacted by them and they asked to speak with me, and I spoke
8 with them.

9
10 COMMANDER KEVIN CARROLL: Thank you Mr. Wyman, you are dismissed you are
11 subject to recall, thank you, we go back on the record tomorrow morning at 09:00.

12
13 UNKNOWN: Test mic 1, test mic 2, test mic 3, test mic 4.

14
15 COMMANDER KEVIN CARROLL: This hearing will come to order. The record will show
16 that this hearing was called to order at 0900 on February 15, 2013 and is being held at
17 the Renaissance Hotel in Portsmouth, Virginia. Good morning ladies and gentleman, I
18 am Commander Kevin Carroll, Chief of the Inspections and Investigations branch of the
19 5th Coast Guard District. I have been directed to serve as investigating officer for this
20 one person formal investigation which was convened by the Commander of the 5th Coast
21 Guard district Rear Admiral Stephen H. Ratti. This investigation is convened under the
22 authority of the 46 US Code 6301 and 46 Code of Federal Regulations Part 4 to
23 investigate the circumstances in the sinking of the vessel, Bounty, and subsequent

1 presumed death of the vessel's master and the death of one crew member which
2 occurred on October 29, 2012 approximately 90 miles off the coast of Cape Hatteras,
3 North Carolina. I will conduct this investigation under the rules of 46 CFR part 4. This
4 investigation is intended to determine the cause of the casualty and the responsibility
5 therefore to the fullest extent possible and to obtain information for the purpose of
6 preventing or reducing the effects of similar casualties in the future. This investigation is
7 also intended to determine whether there is any evidence to any incompetence,
8 misconduct or willful violation of the law on the part of any licensed officer, pilot, seaman,
9 employee, owner, or agent of such owner of any vessel involved. Any officer of the Coast
10 Guard or any employee of the United States or any person caused or contributing to the
11 cause of this casualty. Or whether there is any evidence that any act was committed in
12 violation of any provisions of the US code or the regulations issued thereunder. I am also
13 empowered to recognize and commendable actions by persons involved and to make
14 appropriate recommendations in this regard. The results of my investigation are subject
15 to final review and approval of the Commandant of the United States Coast Guard. All
16 parties are reminded that this hearing will examine the events leading to the sinking of the
17 vessel Bounty and subsequent presumed death of the master and the death of one crew
18 member. For the purpose of this hearing the words vessel or boat will refer to the vessel
19 Bounty unless otherwise noted. All witnesses called to testify during this hearing will be
20 examined under oath or affirmation. When testifying, the witness is subject to the Federal
21 Laws and penalties for perjury for making false statements under 18 USC 1001.
22 Witnesses who are not parties in interest will be excluded from the hearing room when
23 not testifying. All parties in interests have a statutory right to employ council to represent

1 them, to cross examine witnesses, and to have witnesses called on their behalf.
2 Witnesses who are not parties of interest may be advised by their council concerning their
3 rights, however such council may not examine or cross examine other witnesses or
4 otherwise participate. A party of interest is an individual or organization or other entity
5 that under the existing evidence or because of his or her position may have been
6 responsible for or contributed to the casualty. A party of interest may also be an
7 individual, organization, or other entity having a direct interest in the investigation and
8 demonstrating the potential for contributing significantly to the completeness of the
9 investigation or otherwise enhancing the safety of life or property at sea through
10 participation as a party in interest. All the parties in interest that were present yesterday,
11 are also present today. These proceedings are open to the public and to the media. I
12 would like to request the cooperation of all persons present to minimize any disruptive
13 influence on the proceedings in general, and on the witnesses in particular. Smoking will
14 be prohibited. The audience is asked to ensure that your cell phones and other electrical
15 devices do not disturb the proceedings, I'll would as that everybody please check your
16 devices now, please place the devices in the silent or vibrate mode. You are each also
17 asked to refrain from departing or entering a room except during periods of recess. Flash
18 photography will be permitted during the opening statement and during recess periods.
19 Television cameras are allowed in the room and must remain stationary and not interfere
20 with the hearing. The members of the press are of course welcome, an area has been
21 set aside for your use during the proceedings. Once again, in regards to the Coast
22 Guard, Coast Guard spokesperson is Lieutenant Michael Patterson. He's raising his hand
23 right now, if you have any issues, you'd like to speak to him, thank you Michael. The news

1 media may questions witnessed concerning the testimony that they have given after I
2 have released them. I ask that such interviews be conducted outside of the room. We
3 will be recessing for lunch each day at or around about 1130 until 1pm each day. The
4 sources of information in to which this investigation will enquire are varied. The Coast
5 Guard has made attempts to locate every available piece of information pertinent to the
6 casualty. This board will hear all such evidence. Should any person have, or believe he
7 or she has, information not yet induced that may be of some direct significance I urge that
8 person to communicate with the recorder, Lieutenant Commander Nicholas Parham.
9 Lieutenant Commander Parham raise your hand. Thank you. At this moment I would like
10 everybody to please rise and join me in a moment of silence out of respect of those
11 persons who lost their life as a result of this casualty. This concludes my opening
12 statement, I will now allow Captain Rob Jones of the NTSB to read his opening
13 statement.

14
15 CAPTAIN ROB JONES: Good morning. I am Rob Jones, investigator in charge for the
16 National Transportation Safety Board for this investigation. The safety board is an
17 independent federal agency which, under the independent safety board act of 1974, is
18 required to determine the cause or probable cause of this accident. To issue a report of
19 the facts, conditions and circumstances related to it and may make recommendations for
20 measures to prevent similar accidents. The safety board has joined this hearing to avoid
21 duplicating the development of facts. Never the less, I do wish to point out that this does
22 not preclude the safety board from developing additional information separately from this
23 proceeding if that does become necessary. At the conclusion of this hearing, the safety

1 board will analyze the facts of this accident and determine the probable cause
2 independently of the Coast Guard. At a future date, a separate report of the safety
3 board's findings will be issued which will include our official determination of the probable
4 cause of this accident. If appropriate, the safety board will issue recommendations to
5 correct safety problems discovered during this investigation. These recommendations
6 may be made in advance of this report. Thank you.

7
8 COMMANDER KEVIN CARROLL: Thank you Captain Jones, before we recess and call
9 the first witness, yesterday I asked the witness whether he had discussed his testimony
10 with any attorney in this case, my question was not intended to imply that it is improper for
11 any attorney representing any party to these proceedings to question any witness, I do
12 however reserve the right to question any witness regarding any conversation that the
13 witness may have had prior to testifying before this investigation. Nick, let's take until
14 0915 and then we will call the first witness. Thank you.

15
16 LIEUTENANT COMMANDER NICHOLAS PARHAM: Ladies and gentlemen if you will
17 please take your seats will be starting here in a few minutes.

18
19 COMMANDER KEVIN CARROLL: Let's go on the record, all parties, parties of interest in
20 the representatives are present from the last time that we recessed. Lieut. Cmdr. Parham
21 please call the next witness.
22

1 LIEUTENANT COMMANDER NICHOLAS PARHAM: The Coast Guard called to testify
2 Mr. Daniel Cleveland. Step right up your Mr. Cleveland. Stay standing. Please raise your
3 right hand. A false statements given to an agency of The United States is punishable by
4 fine and or imprisonment under 18 UFC 1001, knowing this do you solemnly swear that
5 the testimony that you are about to give will be the truth the whole truth and nothing but
6 the truth so help you God?

7
8 DANIEL CLEVELAND: I swear

9
10 LIEUTENANT COMMANDER NICHOLAS PARHAM: Thank you, please be seated.

11
12 COMMANDER KEVIN CARROLL: Go ahead, get some water. Good morning sir, can you
13 please state your name and spell your last name please?

14
15 DANIEL CLEVELAND: Are both of these on?

16
17 COMMANDER KEVIN CARROLL: Yes.

18
19 DANIEL CLEVELAND: Daniel Morgan C-l-e-v-e-l-a-n-d, Cleveland.

20
21 COMMANDER KEVIN CARROLL: Good morning Mr. Cleveland how are you today #

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23 DANIEL CLEVELAND: Good morning sir doing pretty good.

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COMMANDER KEVIN CARROLL: Who is your employer?

DANIEL CLEVELAND: Nobody right now.

COMMANDER KEVIN CARROLL: Okay, who was your employer on October 29, 2012?

DANIEL CLEVELAND: The HMS Bounty Organization LLC, I believe the LLC part.

COMMANDER KEVIN CARROLL: Okay, what did your duties entail?

DANIEL CLEVELAND: I was third mate at the time, specifically in charge one of the navigational watches, seat watch, and inspection of most of the safety gear aboard, on a weekly, monthly, bi-yearly and yearly process.

COMMANDER KEVIN CARROLL: Okay, can you please detail for us your professional background?

DANIEL CLEVELAND: I started working for the Bounty on board in March 2008, I came on as a deckhand, with very little knowledge of sailing or anything like that and was promoted of sort of AB of the watch a little bit later, the next year in fact in 09, so I got a little bit more responsibility, halfway through that year we needed a boatswain, and I sort of requested that position and had a trial period with the captain and held that position

1 until 2012 when Robin asked me to come back as the third officer, and that winter I
2 received my 100 ton inter-coastal, sail auxiliary, and irony had my able Seaman with
3 RFBW and CW endorsements.

4
5 COMMANDER KEVIN CARROLL: Excellent, do you have any other professional
6 experience on any other vessel besides Bounty?

7
8 DANIEL CLEVELAND: No professional experience, no sir.

9
10 COMMANDER KEVIN CARROLL: Okay, what about recreational?

11
12 DANIEL CLEVELAND: I have been based sails on some schooners, taken small boats for
13 a small cruisers, they sailing on dinghies, 22 footers and things like that.

14
15 COMMANDER KEVIN CARROLL: Okay, when you worried that can can you please
16 describe for us what your responsibilities, duties were as a deckhand on Bounty?

17
18 DANIEL CLEVELAND: Yeah, mostly all the day-to-day operations of the vessel, you
19 stood too, for a 24 hour period you stood two four-hour watches and one for our
20 (inaudible) and I was on sea watch at the time and I would stand home forward lookout
21 and a boat check position, if we had four hands on watch we would also have a standby
22 which did chores, deck washes, and then odds and ends for regular maintenance, and
23 work parties have been two different times a day depending on what watch you are on 4

1 to 8, 8 to 12, 12 to 4, and just regular maintenance deemed by the master, the mate, and
2 the boatswain, they all three sort of work hand-in-hand what maintenance is required. We
3 are given a work party assignment and you would work on it for those four hours,
4 sometimes it was 3 1/2.

5
6 COMMANDER KEVIN CARROLL: Okay, what is there, you said AD's had additional
7 responsibility?

8
9 DANIEL CLEVELAND: Yeah, it's minor but basically you work a little bit closer with the
10 officer of the watch and sort of make sure that the chores are getting done and you're
11 helping the officer sort of manage all of the day-to-day operations during the watch
12 period. But you would still stand position unless there was enough people on the watch,
13 and then you would supervise, but typically were still standing helm for Lookout, boat
14 check.

15
16 COMMANDER KEVIN CARROLL: Okay, now you said you were promoted to boatswain
17 correct?

18
19 DANIEL CLEVELAND: Yes sir.

20
21 COMMANDER KEVIN CARROLL: What did the duties of boatswain entail?
22

1 DANIEL CLEVELAND: Well, once your boatswain you are no longer a watch stander you
2 are a day man so similar hours you work typically 7 to 7, maybe and the morning we
3 wake up you prep for a work party you show up for the officers meanings which we
4 always had with Robin and talk about what the long-term and short-term plan was, where
5 we were going next what you could get on in the time that she had and then there was a
6 morning work party, and an afternoon work party. During all hand situations, whether it be
7 sail handling, docking, or leaving you are kind of in charge of the deck in cooperation with
8 some of the officers also, but just make sure that everybody has their lines, on their dock
9 lines, lay on their fenders, those things are all hands, call sail during sail evolutions so on
10 and so forth.

11
12 COMMANDER KEVIN CARROLL: What responsibilities does the boatswain have during
13 the Bounty's yard periods?

14
15 DANIEL CLEVELAND: Typically we work really closely with Robin and between him and
16 the majority of the crew depending on the project. And a lot of times most of the
17 deckhands were involved in scrubbing the bottom cleaning the bottom getting the
18 barnacles off, and if there was any caulking that needed to be done, or seam compound
19 that needed to be placed on typically we took care of the basic bottom job in the
20 boatswain typically oversaw that. If there were any other major projects for example we
21 had a re-rig, for example we replaced the mizzen lower a couple years ago when I was
22 boatswain and I worked very closely with Robin in a couple of the able Seaman in getting

1 that done. Sort of a supervisor and working real close with the captain and the yard guy
2 here or there.

3
4 COMMANDER KEVIN CARROLL: In regards, you keep referring to the captain, who was
5 the captain?

6
7 DANIEL CLEVELAND: Capt. Robin Walbridge.

8
9 COMMANDER KEVIN CARROLL: Okay, was he the captain for your entire time?

10
11 DANIEL CLEVELAND: For my entire time, yes sir.

12
13 COMMANDER KEVIN CARROLL: Can you describe Capt. Walbridge for us please?

14
15 DANIEL CLEVELAND: Personality wise, or physically?

16
17 COMMANDER KEVIN CARROLL: Let's go personality.

18
19 DANIEL CLEVELAND: Okay. I suppose he was as far as some of the captains go he was
20 never much of a yeller or a screamer, I have had them yell me when I messed up but,
21 he was very calm often times when things would go wrong you would never really see
22 him freak out, he handled situations in a calm manner, that was always really nice to have
23 around, you never saw them get nervous or scared, in my opinion anyway, and that was

1 always a lot of help because it made you feel like you could handle things. I like working
2 with them a lot because he allowed you, he was a great teacher in that he allowed you to
3 think of solutions to problems on your own, anytime you had a situation he would ask you
4 how are you going to handle it, as opposed to giving you the answer, unless you bugs
5 him a lot for. So that was cool I got to learn a lot by doing which is the best way to learn in
6 my opinion expertise as far as experience hands-on. I mean that's kind of in a nutshell, I
7 guess. He is incredibly talented I think people have read in the news he was a chess
8 player has a problem solver his mind seemed to always be two steps ahead of everybody
9 else so, he was very thoughtful.

10
11 COMMANDER KEVIN CARROLL: Did you consider, did you consider him a good
12 teacher?

13
14 DANIEL CLEVELAND: Yes I do.

15
16 COMMANDER KEVIN CARROLL: Okay. I would like you to please refer to, you have a
17 binder in front of you,

18
19 DANIEL CLEVELAND: Yes sir.

20
21 COMMANDER KEVIN CARROLL: You can get some more water. In the binder there is
22 tabs, if you look in those tabs their specific exhibits, for example I want you to turn to tab

1 18. Now as we go through this I will ask you to identify what you see, can you please
2 identify that exhibit?

3
4 DANIEL CLEVELAND: Yes it looks like the front page, it says HMS Bounty crew manual
5 third edition.

6
7 COMMANDER KEVIN CARROLL: Okay, can you tell me a little bit about the crew
8 manual, what does it do?

9
10 DANIEL CLEVELAND: The current manual states basically the sort of your
11 responsibilities on about, or everyone to believe it would start with the deckhands daily
12 responsibilities and go through all the ranks that we had on the vessel. It would talk about
13 the Bounty history I believe was in the back of it, and it talked a little bit about some of
14 the, we had one addition for a while that had a lot of rig information and, and then like, I
15 am lost for the word but the requirements on board, like this is what you should bring, this
16 is our rules on quiet time this is our rules on good seamanship, shipmate ship self that
17 sort of thing the talks little bit about that kind of stuff.

18
19 COMMANDER KEVIN CARROLL: Did you have standing orders within the crew manual?

20
21 DANIEL CLEVELAND: I believe there were yes sir.

22
23 COMMANDER KEVIN CARROLL: Can you identify what the standing orders were?

1
2 DANIEL CLEVELAND: Where they were?

3
4 COMMANDER KEVIN CARROLL: Yes.

5
6 DANIEL CLEVELAND: They are on page 10 or 11.

7
8 COMMANDER KEVIN CARROLL: Page 10, okay.

9
10 DANIEL CLEVELAND: Do you want me to go to that page?

11
12 COMMANDER KEVIN CARROLL: Sure.

13
14 DANIEL CLEVELAND: Yeah 11 there we go standing orders.

15
16 COMMANDER KEVIN CARROLL: Okay. Within the standing orders I'm going to direct
17 your attention towards the bottom portion of the page, where it talks about sails
18 management.

19
20 DANIEL CLEVELAND: Yes sir.

21
22 COMMANDER KEVIN CARROLL: Can you describe for us sail management on board
23 Bounty based on the standing orders?

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DANIEL CLEVELAND: Yeah, Robin was always pretty open about, like it says there, I will only question your future judgment if you do not call me, that was something that was really nice was no matter what time of the night you could always go bug him about a question. What it says here is at night we would not carry the Royals or the mizzen and sails, the mizzen sails are the furthest ones aft and he didn't want those after sails because if a squall came through they would get wound up and unlike most fore and aft rig vessels you want to run away from a storm

COMMANDER KEVIN CARROLL: I'm sorry, can you say that one more time?

DANIEL CLEVELAND: Unlike most fore and aft rig vessels we would want to run away from a storm, so if high winds come up suddenly like a squall the sail aft would round us up into the weather and could potentially be harmful to our rig into the vessel so you would want to be able to fall off if your mizzen sails had too much effort you would not be able to fall off, so we would take them in at night because you can't necessarily see squalls coming early enough.

COMMANDER KEVIN CARROLL: Can you explain what fall off means please?

DANIEL CLEVELAND: Yes sir, to turn away from the wind.

1 COMMANDER KEVIN CARROLL: Okay, to turn away, understood. I would like to direct
2 your attention to tab 10, which would be Coast Guard Exhibit 10. Specifically I want to
3 direct your attention to in this particular exhibit his page 4, page 4.
4

5 DANIEL CLEVELAND: Page 4.
6

7 COMMANDER KEVIN CARROLL: Can you identify this document please?
8

9 DANIEL CLEVELAND: This is a stability letter.
10

11 COMMANDER KEVIN CARROLL: Okay, have you ever seen it before?
12

13 DANIEL CLEVELAND: I have seen a copy that says stability letter, but I don't know if it
14 was this page or not.
15

16 COMMANDER KEVIN CARROLL: Okay, do you know what a stability letter, and the
17 operating instructions and there, what that accomplishes?
18

19 DANIEL CLEVELAND: Yeah I believe you go, I was on board when we had a couple of
20 stability tests they had barrels on board filled them with water did a plumb line things like
21 that, I'm not an engineer or an architect so, but what I am assuming that it does is make
22 sure that the vessel stays safely on an even keel so to speak during different conditions.
23

1 COMMANDER KEVIN CARROLL: Okay, please turn to page 5.

2

3 DANIEL CLEVELAND: Yes sir.

4

5 COMMANDER KEVIN CARROLL: In paragraph 10 can you please list for me within
6 paragraph 10 where it says sails, can you read that to me please?

7

8 DANIEL CLEVELAND: Yep. Number 10 sails, the sails which may be set are limited to
9 those shown on the sail plan dated June 10, 2011 bearing US Coast Guard Marine safety
10 center approval stamp dated June 15, 2011, Royal sails are not permitted on any mast, a
11 gallant sail is not permitted on the mizzen mast, the plan must be maintained on the
12 vessel in a suitable location at all times.

13

14 COMMANDER KEVIN CARROLL: Okay on page 6, the next page there is another
15 document, can you identify that for me?

16

17 DANIEL CLEVELAND: That looks like a sail plan.

18

19 COMMANDER KEVIN CARROLL: Okay, did you have this on board Bounty?

20

21 DANIEL CLEVELAND: In one of the manuals I believe we did. Somewhere.

22

23 COMMANDER KEVIN CARROLL: What manual was added?

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DANIEL CLEVELAND: I, it might've been in one of the older crew manuals, but I can't be sure.

COMMANDER KEVIN CARROLL: Okay, was the sail plan followed on board Bounty?

DANIEL CLEVELAND: No sir we carried a main Royal, and at one point in time for a short period we did have a full Royal.

COMMANDER KEVIN CARROLL: Okay, and did you fly royals?

DANIEL CLEVELAND: Yes sir, at times we did.

COMMANDER KEVIN CARROLL: Okay, understood. I want to go back and talk about the captain, in regards to Capt. Walbridge is adherence to the standing orders to think he was pretty strict with the standing orders?

DANIEL CLEVELAND: I would say yes sir, yeah, I believe that there are exceptions to some of his standing orders, as long as you are in constant communication with him, so I would consistently say hey you know this is what I'm dealing with, here's these conditions, maybe it's fog or something like that, the visibility I believe is this, would you come take a look at it, so on and so forth.

1 COMMANDER KEVIN CARROLL: Circumstances change.

2

3 DANIEL CLEVELAND: Yes sir. Maintaining communication is what he was most
4 particular about.

5

6 COMMANDER KEVIN CARROLL: Do you think he had the safety of the crew as one of
7 his top priorities?

8

9 DANIEL CLEVELAND: Yes sir, I do.

10

11 COMMANDER KEVIN CARROLL: Explain for us during the time, and you worked with
12 him from 2008 three 2012,

13

14 DANIEL CLEVELAND: Yes sir.

15

16 COMMANDER KEVIN CARROLL: In regards to the statement that he made in regards to
17 we chase hurricanes, can you please, have you ever heard him say anything to that
18 regard?

19

20 DANIEL CLEVELAND: I heard that interview, the part that somebody isolated that
21 particular part of the interview on the media at some point in time after this whole thing, I
22 believe that what he actually means, because I've experienced in line with him and
23 hurricanes before, he doesn't mean that he is chasing them around looking for them, if

1 there was one in the vicinity that we happen to be in, we want to be following it, say if it is
2 going north, we want to be south of it, it gives us very fair wins if we are in the proper
3 quadrant, she is a large vessel, as long as we carry minimal sail it is not a big risk to us,
4 again of course depending on the conditions, and we actually have a very fine sail
5 through the hurricanes that I had been in before Sandy, chasing them, meaning following
6 them.

7
8 COMMANDER KEVIN CARROLL: Okay

9
10 DANIEL CLEVELAND: Staying in the safer quadrant, the navigable quadrant is what they
11 call it.

12
13 COMMANDER KEVIN CARROLL: Okay, understood, so chasing actually means if you
14 are in the vicinity you would get behind?

15
16 DANIEL CLEVELAND: Yes sir, here.

17
18 COMMANDER KEVIN CARROLL: Okay,

19
20 DANIEL CLEVELAND: Be in the safe place.

21
22 COMMANDER KEVIN CARROLL: Okay, so the safe places behind the hurricane?
23

1 DANIEL CLEVELAND: Yeah, I mean, you don't want to be in its path, so you want to be
2 behind it, following it so yeah I guess that's the right word not in front of it.

3
4 COMMANDER KEVIN CARROLL: Okay, understood.

5
6 DANIEL CLEVELAND: Depending on the wind direction though really.

7
8 COMMANDER KEVIN CARROLL: Okay, can you please detail for us you said you had
9 been on board Bounty during hurricanes before, can you please tell us when that was?

10
11 DANIEL CLEVELAND: Yeah the first one, I think, I'm not a meteorologist but I think in the
12 Pacific they call them typhoons, not hurricanes but I guess they are the same thing as
13 long as they are north of the equator, but I don't remember its name we were on our way
14 to Costa Rica we had just left, I believe the place was called Hatuco, in a butcher that but,
15 it's in Mexico, and we had some pretty rough weather, we have a weather fax on board so
16 we pay attention to that significantly and it was I don't know if it ever turned into a full-
17 blown hurricane, I think it did, but we were following it on the weather fax and said tropical
18 storm so on and so forth, and what we typically do is reduce sail to our storm
19 configuration which is either a debrief in the main top and full course, or just the full
20 course which is typically the last sail that we like to carry because it so low we could just
21 clean it up and forget about it,
22

1 COMMANDER KEVIN CARROLL: If I could ask a question, is the four course actually
2 depicted on the sail plan, is it still open in front of you?

3
4 DANIEL CLEVELAND: Yes sir it is the one that says 966 the full course, I believe that is
5 probably sail area, the number.

6
7 COMMANDER KEVIN CARROLL: Excellent thank you.

8
9 DANIEL CLEVELAND: In a mean it's one of those situations where you are in nasty
10 weather for three days or so, you try make sure you're going slower than the hurricane so
11 that it goes away from you than your back in the decent weather, so you slowly vessel
12 down as much as you can, if the storm was moving fast enough that way it would leave
13 us behind so to speak. After three days of crappy whether you are tired and wet. Is not
14 the most pleasant but we typically do sell pretty well come up pretty fast oftentimes, they
15 can be a decent ride.

16
17 COMMANDER KEVIN CARROLL: How fast?

18
19 DANIEL CLEVELAND: The fastest I've ever seen a vessel over ground which involves
20 the seaway moving and everything was 14.7 kn, but typically in a kind of weather 11
21 overground.
22

1 COMMANDER KEVIN CARROLL: What speed did Bounty normally make good during
2 ocean passages?

3
4 DANIEL CLEVELAND: Four.

5
6 COMMANDER KEVIN CARROLL: What was that?

7
8 DANIEL CLEVELAND: Four.

9
10 COMMANDER KEVIN CARROLL: Four?

11
12 DANIEL CLEVELAND: Yeah. Give me 20 kn and she will do 5 to 10 with a current.

13
14 COMMANDER KEVIN CARROLL: Okay. That storm the that you mentioned within Costa
15 Rica and the Pacific, what year was that?

16
17 DANIEL CLEVELAND: That was 2008.

18
19 COMMANDER KEVIN CARROLL: 2008, okay. What?

20
21 DANIEL CLEVELAND: There was one in 2009, no, it was the same year in 2008 we had
22 just gone through the Panama Canal we were headed north to Louisiana. I can't
23 remember if we were still south of Cuba or north of Cuba but that was the situation that I

1 spoke of earlier where we hoped to that this storm was only moving north at maybe 4 kn
2 and we were doing probably about 11. We didn't want to get close to the eye of course,
3 the closer you get the higher the ones are, but also the wind direction is gonna change if
4 you change what quadrant you are in and the hurricane. So we ended up heeding to for a
5 couple of days, that's when we park the boat, so to say.

6
7 COMMANDER KEVIN CARROLL: What is heeding to or hoveed to?

8
9 DANIEL CLEVELAND: Being hoveed to is either, you can do it with sails up, the Bounty
10 actually hoveed to actually very well with no sail area, which is the safest way to do it, you
11 could brace the yards in a manner where you put the helm hard up meaning into the wind,
12 and she would round up a little bit, mostly keep the seams just forward or aft of the beam,
13 or just forward to the quarter and aft to the bow so she would sort of ride of the seas and
14 wallow a little bit but very safe she was laying over and there is no sail area up your only
15 drifting with the current and windage, we could typically do it at a knot, under 2 kn, that's
16 what we in the doing because you're going too fast in the storm left us behind and then
17 we sent our merry way to Baton Rouge.

18
19 COMMANDER KEVIN CARROLL: Obviously had to be behind the storm,

20
21 DANIEL CLEVELAND: Yes, well know you don't you have to be at an outer quadrant, the
22 wind needs to be, you can heave to no matter where the wind is you don't have to be
23 behind it, you just have to have, it depends on what direction you want to go in.

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COMMANDER KEVIN CARROLL: Okay, understood. So what would you say the same quadrant for hurricane?

DANIEL CLEVELAND: I believe I've always been told they say it's the Southwestern, or the southeastern quadrant, and again I'm not a meteorologist, or a master really, the idea is that you are not going to be blown closer to the eye, you're going to be kicked out of the storm so to speak. For us for our purposes and so is been built where has the wind been fare, is he going the direction we need to go and are we getting further away from the eye of the storm, that's the purpose.

COMMANDER KEVIN CARROLL: What other times have you been on board Bounty during hurricanes?

DANIEL CLEVELAND: It was those two and then it was Sandy.

COMMANDER KEVIN CARROLL: Then Sandy?

DANIEL CLEVELAND: Yes sir.

COMMANDER KEVIN CARROLL: None of his other two storms correct me if I'm wrong, and those are both in 2008?

1 DANIEL CLEVELAND: Yes sir.

2

3 COMMANDER KEVIN CARROLL: Comparable conditions to hurricane Sandy? Those
4 two storms?

5

6 DANIEL CLEVELAND: Yes. The winds in the first one I don't believe were quite as
7 strong, I know that our handheld anonometer read 90 while we were out in Sandy, but the
8 second one is very comparable similar seas similar windage.

9

10 COMMANDER KEVIN CARROLL: Okay, what about duration that you are exposed to the
11 hurricane conditions, was also comparable.

12

13 DANIEL CLEVELAND: About three days.

14

15 COMMANDER KEVIN CARROLL: Okay, three days. So in your opinion hurricane Sandy
16 and Bounty's exposure to the forces from hurricane Sandy, this would not be the first
17 time that would have been conditions like that?

18

19 DANIEL CLEVELAND: Now, in my opinion no that's not the first time I've seen this
20 conditions onboard Bounty.

21

22 COMMANDER KEVIN CARROLL: How did the vessel performed and those two storms in
23 2008?

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DANIEL CLEVELAND: She works hard, and you work hard. The major difference between those storms in this one was that our bilge pumps kept up.

COMMANDER KEVIN CARROLL: Okay, what you mean, that she works hard? You're obviously referring to the Bounty when he said she right?

DANIEL CLEVELAND: Yes, the vessel, you could just tell that she's going through heavy seas and heavy winds. Work hard, I don't know, probably just more to stay my impression of the vessel. She's working hard and bad weather, she's having a fine time in fine weather, you know. Probably not a technical term I guess.

COMMANDER KEVIN CARROLL: Okay.

DANIEL CLEVELAND: Technically ships work, wooden ships work, metal ships work in bad weather, so you can say that work means she's flexing, she's moving if you wanted to.

COMMANDER KEVIN CARROLL: Okay. Have you ever heard the term on board that Bounty likes hurricanes?

DANIEL CLEVELAND: Yeah I've heard that term, yes.

1 COMMANDER KEVIN CARROLL: Who have you heard that from?

2

3 DANIEL CLEVELAND: I've probably said that term. I don't know really, I mean anybody
4 and everybody that has been in it, I would imagine Robin possibly has said that, I can't
5 recall exactly who and when, I believe the reasoning behind that is because it takes a
6 pretty decent wind to get her to move, so like in my ideal situation I think 30 kn is a great
7 windage for the vessel, obviously at 60 are not having fun anymore, but she handles very
8 well.

9

10 COMMANDER KEVIN CARROLL: Why wouldn't you have fun at 60?

11

12 DANIEL CLEVELAND: Because it's a lot of work, imagine we are sailing under the four
13 course, but maybe you want to change course so yet the brace, the harder the ones are
14 the harder it is to handle your sails.

15

16 COMMANDER KEVIN CARROLL: So you said the four course was your storm sail?

17

18 DANIEL CLEVELAND: Yes sir, it was one of them. This year we had a inner stay sail that
19 we just finished triple stitched reinforced, 1 inch bolt rope, we put some double sheets on
20 it it was designed for 80 and 90 mile an hour winds.

21

22 COMMANDER KEVIN CARROLL: Okay. Is that other storm sail listed?

23

1 DANIEL CLEVELAND: No sir.

2

3 COMMANDER KEVIN CARROLL: So would not be the forward stay sail on the sail plan?

4

5 DANIEL CLEVELAND: No it would not, it would be inboard, but further aft, you see the jib
6 and the forward stay sail, just put one right behind that.

7

8 COMMANDER KEVIN CARROLL: Okay.

9

10 DANIEL CLEVELAND: It's a much smaller area.

11

12 COMMANDER KEVIN CARROLL: Okay, so we talk later about the storm in regards to I
13 think we've heard testimony in regards to the four course, but that is listed here correct.

14

15 DANIEL CLEVELAND: Yes sir, for courses that are.

16

17 COMMANDER KEVIN CARROLL: Did you say forward stay sail?

18

19 DANIEL CLEVELAND: There is a forward stay sail listed there but it is not

20

21 COMMANDER KEVIN CARROLL: That's wrong,

22

1 DANIEL CLEVELAND: No it's labeled wrong because it's on the fourth top of the stay, so
2 is actually the fourth top stay sail.

3
4 COMMANDER KEVIN CARROLL: Okay, so as far as term of reference is not entirely
5 accurate.

6
7 DANIEL CLEVELAND: Exactly.

8
9 COMMANDER KEVIN CARROLL: Okay excellent. Let's start discussing the vessel, were
10 you on board a vessel in 2012 in September and October?

11
12 DANIEL CLEVELAND: Yes sir.

13
14 COMMANDER KEVIN CARROLL: Okay, where was the vessel in September?

15
16 DANIEL CLEVELAND: I believe we were in the yard period.

17
18 COMMANDER KEVIN CARROLL: Okay, where was the yard period?

19
20 DANIEL CLEVELAND: Boothbay Maine, I'm really bad with dates sorry.

21
22 COMMANDER KEVIN CARROLL: Okay, that's fine. In terms of reference the vessel was
23 determined to have sank on October 29?

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DANIEL CLEVELAND: Yes, yes sir.

COMMANDER KEVIN CARROLL: And we will discuss dates for the from that, obviously the yard period was,

DANIEL CLEVELAND: Prior to that,

COMMANDER KEVIN CARROLL: Just prior to that, how many months prior to that?

DANIEL CLEVELAND: We were in there for about a month, so I believe we were there for a large period of September, and period of October.

COMMANDER KEVIN CARROLL: And you are on board?

DANIEL CLEVELAND: Yes sir.

COMMANDER KEVIN CARROLL: And what duties did you have all you are on board?

DANIEL CLEVELAND: Specifically I made three new top yards for the boat, so I was aiding some of the yard guys and laminating, but then I was shaping 3 yards by myself.

1 COMMANDER KEVIN CARROLL: Were you involved with any other maintenance on
2 board the vessel, in regards to caulking?

3
4 DANIEL CLEVELAND: Yes I was, from time to time.

5
6 COMMANDER KEVIN CARROLL: Okay. How familiar are you with the repair and
7 maintenance of a wooden hull vessel?

8
9 DANIEL CLEVELAND: Well I've spent the last five years learning and advancing my
10 knowledge of maintaining wooden hull vessels. I've never worked professionally as a ship
11 right, but I have worked closely with some and very closely with Robin learning scarfs
12 Dutchman's caulking, I'm trying to think of what else specifically goes to boat building.

13
14 COMMANDER KEVIN CARROLL: What is the scarf?

15
16 DANIEL CLEVELAND: A scarf is, let's say your piece of wood breaks, you cut it no matter
17 where you have a 12:1 ratio of an angle that his first surface area purposes and you, but
18 you need the whole thing to be 20 feet and they can only make it 15 so you have to put a
19 piece in the middle, and it is all about angles and ratio to the diameter of the mast. You
20 glue it up with epoxy.

21
22 COMMANDER KEVIN CARROLL: How many yard periods have you been onboard
23 Bounty prior to the Boothbay in 2012?

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DANIEL CLEVELAND: We hauled out in 2009, the very beginning of 2009 in Tampa, we hauled out in Boothbay probably the beginning of 2010 or the end of 2010, that is when we replace the mast, had another yard period in I believe that one and 2011 after the ocean crossing and then we had this one, so three or four.

COMMANDER KEVIN CARROLL: Okay, three or four, which of those did you serve as boatswain for?

DANIEL CLEVELAND: All of them but the 2008 one and the 2012 one.

COMMANDER KEVIN CARROLL: Okay

DANIEL CLEVELAND: The 2008 one I was just a deckhand, on sorry that wasn't the 2008, the beginning of 2009 we went and had one, and I was just an AB on it so, that's when I first started learning how to caulk I believe later that year in 2008.

COMMANDER KEVIN CARROLL: Who did you learn to caulk from?

DANIEL CLEVELAND: His name was Sam Sicama he was my boatswain in 2008.

COMMANDER KEVIN CARROLL: What was his name?

1 DANIEL CLEVELAND: Sam Sicama

2
3 COMMANDER KEVIN CARROLL: Okay. Did you work with Capt. Walbridge ever teach
4 you anything about maintaining and repairing the vessel?

5
6 DANIEL CLEVELAND: Yeah. Absolutely he is the one that taught me how to scarf, he is
7 the one upon how to do Dutchman's, I know we spend a lot of time, I spent a lot of time
8 with Sam caulking we did a big project in the tween decks one time and Robin was
9 around for a lot of that supervising making sure that we did know what we were doing,
10 Sam I believe, but don't quote me on this, but I'm pretty sure that he learned from a
11 Master Caulker, not unnecessarily as an apprentice are working with him and his
12 technique was pretty wild.

13
14 COMMANDER KEVIN CARROLL: Okay, would you detail Capt. Walbridge is
15 competence, how would you detail Capt. Walbridge is competence with maintaining and
16 repairing wooden vessels?

17
18 DANIEL CLEVELAND: He is pretty spot on and my opinion. Is kind of one of those guys
19 that's pretty old school, just really he can make a project work really well without spending
20 three days detailing plans for it, are scarfed a lot of yards with them, one mast with them
21 we did a lot of Dutchman's different is a lot prettier work than I do. think he's very
22 confident, competent excuse me, and his own time he is a kayak builder, a small boat
23 builder.

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COMMANDER KEVIN CARROLL: Okay so was there any appointed during the yard period where the condition of the hull was called into question buy anybody from the shipyard?

DANIEL CLEVELAND: At any yard period?

COMMANDER KEVIN CARROLL: This particular yard period, 2012, yes.

DANIEL CLEVELAND: Yeah I remember some of the rot that we found under the planks that we pulled out some of the rot that we found in one of the frames on the fore and port side and then the rot that we found in the port quarter, when they pulled that stuff out.

COMMANDER KEVIN CARROLL: Okay.

DANIEL CLEVELAND: And I remember when in passing myself since I wasn't really involved in the project talking with Robin about talking with Todd about it and I know Jim and James were working on their projects, I remember standing around the yard thinking outmanned so and and so forth.

COMMANDER KEVIN CARROLL: Who is Jim and James?

1 DANIEL CLEVELAND: I only remembered Jim's last name, Jim Jones he is a older fella
2 probably and his 40s, yard worker or their James is probably and his 30s he was a yard
3 worker there.

4
5 COMMANDER KEVIN CARROLL: Did you have any opportunity to observe the
6 conditions that you said you saw, rot?

7
8 DANIEL CLEVELAND: I did.

9
10 COMMANDER KEVIN CARROLL: Okay, had you seen that condition on Bounty before?

11
12 DANIEL CLEVELAND: I had never seen the frames behind the planks, those were, I
13 mean I had seen us pull points before but I had never seen rotten frames. So in the
14 frames that was the first time I had seen rot in them but I had seen that condition, I had
15 seen rot in wood before, so.

16
17 COMMANDER KEVIN CARROLL: But not on board Bounty?

18
19 DANIEL CLEVELAND: Yes onboard Bounty.

20
21 COMMANDER KEVIN CARROLL: Onboard Bounty, okay, where?

22

1 DANIEL CLEVELAND: I had to fix a galley hatch one time, I had to put a Dutchman in,
2 through the fastenings freshwater had gotten in and rotted the wood there so the hatch
3 would not stay on so I cut that out and put a Dutchman in that, we had rocked in a couple
4 of the yards so we would dig it out and throw a scarf for a Dutchman in that depending on
5 how extensive it was. One of the yards was pretty rotten that's the reason I was building
6 those three top yards so that we could replace them as they were getting too far for us to
7 just Dutchman them. Those planks that got replaced there was rocked pockets that we
8 found in them that's why we had to dig some stuff out, and that's why they got replaced in
9 the yard, so.

10
11 COMMANDER KEVIN CARROLL: Were you privy to any conversation between the ship,
12 you said Todd, who is Todd?

13
14 DANIEL CLEVELAND: Todd is the, this year he was the yard manager I had worked with
15 him when we had replaced the mast and I don't know if he was the manager then, but he
16 is kind of the go to guy at the yard.

17
18 COMMANDER KEVIN CARROLL: Okay, how would you term Todd's competence in your
19 experience with him?

20
21 DANIEL CLEVELAND: I would like more opportunity to learn from Todd, I think he knows
22 a lot.

23

1 COMMANDER KEVIN CARROLL: Okay, did you discuss with Todd the condition of the
2 rot that was found on Bounty in those locations?

3
4 DANIEL CLEVELAND: No, not extensively know, it was because I was working in the
5 other boat yard, the boat shed, I was doing a lot of the yard stuff the conversations that
6 we had, the group of us that were looking at the rot off and on were for my sake kind of in
7 passing I remember Robin being upset about it because of how new those frames were,
8 and I remember we discussed dealing with freshwater getting into it and how we can
9 better deal with it, so

10
11 COMMANDER KEVIN CARROLL: Was there any hypothesis or reason believed why this
12 was occurring?

13
14 DANIEL CLEVELAND: Yeah there were a few hypothesis thrown around, we were still
15 having some deck leaks, I know they had replaced or put a new deck down on top of the
16 old one and had reduced the deck leak significantly, but there was still existed, so
17 freshwater getting in there, could have been one of the issues, some of the planks had
18 checks freshwater can get in through some of the checks, that could've been one of the
19 issues that we hypothesized, some of the DAP own the outside had cracks in it and we
20 would bump it and replace the seaming compound, but a freshwater stayed in there and
21 got in there that was one of the issues that could have been an issue.

22

1 COMMANDER KEVIN CARROLL: Back to caulking can you explain to us how you would
2 caulk on Bounty?

3
4 DANIEL CLEVELAND: Yeah so if the, first of all caulking on a wooden vessel traditionally
5 begins with cotton oakum and then seam compound. The cotton you can buy a couple of
6 different ways, but basically it is an long streams you roll it between your hands you stick
7 it into a seam, if there is nothing in the same so if you have a brand-new boat or you have
8 reeved everything out, you have an iron which is imagine a paint scraper but a little bit
9 more heavy duty and a mallet, and actual caulking mallet which is a typical tool, you
10 pushed the cotton in bites which is just a loop for a length and you choke it back which
11 means you push it back against the previous caulking and then you bang it in a little bit
12 and you roll it over from bottom to top top to bottom and what you're doing is you're taking
13 the fibers of the cotton and your sort of tearing them and plying them together many
14 people hypothesize that if you do that well enough with the cotton itself it could be
15 waterproof, you're creating sort of a watertight fabric. Once you've got that really nice and
16 rolled over eating a different type of iron it is thicker and has a concave mouth to it, you
17 really hit that really hard and if you didn't do a good enough job choking it and rolling it
18 over it's going to bang right into the boat, you don't want to go too far, that means it's too
19 loose and it might actually go through the seam and not be effective, so she did a good
20 job you would know it because you could only hit at a certain distance. And then you're
21 going to lay, on the big boats we would play two beads of oakum, so oakum is basically
22 old rope fibers that is been inundated with tar or oil, and the oil helps to push the water
23 out in a very similar aspect to that is you don't necessarily have to choke the oakum back

1 you laid on top of the cotton you roll it over you set it with the same largemouth iron and
2 then you horse it or houz it depending on what part of the country you are in and that is
3 just a bigger iron where you hold it, it's a two-man job typically you have somebody hold
4 the handle with an iron on it and then they have a beetle which is a big wooden mallet,
5 Thor's hammer, and you really swing it, that sets it in, again if you did not do a good job
6 you are going to push it into far. You want probably a quarter to a half at the most area for
7 seaming compound, then you prime the oakum, see paint over it traditionally they would
8 use red lead, we used an oil primer that helps again not only prime for the seaming
9 compound but push the water out and then you fill the seaming compound up.

10
11 COMMANDER KEVIN CARROLL: So the oil primer could actually help keep water out?

12
13 DANIEL CLEVELAND: Yeah I mean it's an oil-based product so it keeps water out.

14
15 COMMANDER KEVIN CARROLL: What seaming compound would you used typically?

16
17 It depends we had a couple different products on board we would use, we experimented
18 with something sometimes but typically when I first started we were using DAP, which is a
19 Home Depot product a window glazing, and then we would also use, that deck that I said
20 that was put down we used NP1 which is, I believe it is a constructive construction
21 sealant or adhesive used a lot in concrete cracks and things like that. We were trying to
22 decide which one works best so we were, but mostly it was DAP throughout the entire

1 boat for a long time, when we started using the NP1 on the hull to see if it would actually
2 work better, I think they were comparable in price, but I don't know.

3
4 COMMANDER KEVIN CARROLL: Did you ever use NP1?

5
6 DANIEL CLEVELAND: On the hull?

7
8 COMMANDER KEVIN CARROLL: Yes.

9
10 DANIEL CLEVELAND: Yes I did.

11
12 COMMANDER KEVIN CARROLL: Okay, how did it stand up?

13
14 DANIEL CLEVELAND: Great.

15
16 COMMANDER KEVIN CARROLL: Compared to DAP?

17
18 DANIEL CLEVELAND: I thought that the DAP worked really well under the waterline,
19 every time we hauled the boat out the bottom, the DAP state in good shape I believe that
20 is because it does better when it remains moist, above the waterline especially because
21 we spent a lot of time in the tropics the sun seems to dried out real bad, and that's when it
22 would crack and the NP1 wood handle the sunlight and the heat a lot better than the DAP
23 would.

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COMMANDER KEVIN CARROLL: Okay.

DANIEL CLEVELAND: They both seems to work quite well I thought underwater.

COMMANDER KEVIN CARROLL: Okay, who chose materials that were to be used on Bounty, in regards to I would say caulking, in regards to planks, in regards to really any repairs that were done?

DANIEL CLEVELAND: I would assume that was either probably Robin and Bob depending on what product is the best product for the price.

COMMANDER KEVIN CARROLL: Who is Bob?

DANIEL CLEVELAND: Oh, Robert Hansen. The owner.

COMMANDER KEVIN CARROLL: Do you know what was used in Boothbay on the hull in regards to the cotton and oakum was used, was that during this yard period?

DANIEL CLEVELAND: No.

COMMANDER KEVIN CARROLL: What was used on the hull during this yard period, are you aware?

1

2

DANIEL CLEVELAND: It was cotton, oakum, and it was, what we decided to do was the next year that we hold about we were going to decide on one product finally, I believe that we chose on the starboard side we were going to do one, I don't remember if it was DAP or NP1, and then on the port we did the other. So that when we hauled that we could see the condition of below the waterline and decide on which one was more effective.

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COMMANDER KEVIN CARROLL: What was used above the waterline? Same thing, same?

9

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11

DANIEL CLEVELAND: Yes, DAP or NP1. I don't remember if we decided to switch to NP1 or not I did not caulk the new planks, those were the only things that were caulked this year above the waterline.

12

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15

COMMANDER KEVIN CARROLL: Only the new planks were caulked above the waterline this year?

16

17

18

DANIEL CLEVELAND: I believe so yes.

19

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COMMANDER KEVIN CARROLL: Okay, was the caulking and the planking above the waterline inspected this year?

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DANIEL CLEVELAND: Inspected by?

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COMMANDER KEVIN CARROLL: Inspected by anybody?

DANIEL CLEVELAND: Yes of course, when it was finished, it was done, all the caulking that was actual caulking so the cotton the oakum in the seam compound that was done by only two crew members and/or the yard guys.

COMMANDER KEVIN CARROLL: Who did the caulking this yard period?

DANIEL CLEVELAND: Laura Rhodes and Jessica Hewitt.

COMMANDER KEVIN CARROLL: Laura Rhodes, is that the boatswain?

DANIEL CLEVELAND: Yes sir. And Jessica was one of our more experienced hands.

COMMANDER KEVIN CARROLL: In regards to the planks that were removed above the waterline can you detail for us were those were if you know?

DANIEL CLEVELAND: Yes I helped Laura measure them, Robin asked us to. Port forward under the four chains, I believe it was I don't know, I don't remember how long they were, they were pretty long planks though, maybe 30 or 40 something feet and then starboard under the mizzen chains, so closer to the quarter.

1 COMMANDER KEVIN CARROLL: Okay are there any other areas on the hull that were a
2 concern back at the transom?

3
4 DANIEL CLEVELAND: Yes, at the port quarter there was some damage from I believe in
5 East Bay Maine we, they had the bright idea of shooting fireworks off from the dock that
6 the vessel was docked to, it just so happened that it was blowing like 40 kn, so I think
7 when they came alongside he put the quarter against the dock somehow. I was off that
8 day so I was not on board. So it was crunched up a little bit from the collision and
9 probably had some water get in it, so they pulled all that stuff out and found rot in that
10 transom frame.

11
12 COMMANDER KEVIN CARROLL: Were you a part of that repair at all?

13
14 DANIEL CLEVELAND: No I was not. I went up there and took a look but I was taking a
15 break from my giant skill saw. I saw what was behind the planks but I was only up there
16 briefly from time to time.

17
18 COMMANDER KEVIN CARROLL: Okay you saw the planks that were removed though
19 correct?

20
21 DANIEL CLEVELAND: Yes.
22

1 COMMANDER KEVIN CARROLL: Where was the rot within those planks, or was at the
2 front side obviously that would be outboard, or was it on the inboard side?

3
4 DANIEL CLEVELAND: Are you talking about the quarter?

5
6 COMMANDER KEVIN CARROLL: No let's start with the port forward (inaudible) for
7 chains.

8
9 DANIEL CLEVELAND: I did not see any of the rot in the starboard after one, whether
10 there was I do not know, the port forward one the aftermost frame had wrought and it on
11 the outboard side. So, that's what I was aware of, it was maybe 2 inches deep maybe.

12
13 COMMANDER KEVIN CARROLL: What about the planking, did you see the planking?

14
15 DANIEL CLEVELAND: Yeah, we covered the right pockets that we found, we dug the rot
16 out to get the moisture away from the planking, we did not know at the time if we were
17 going to definitely replace it or could've repaired the plank instead, so we wanted to get
18 the moisture away so it is the first thing that we did we did that before we got into the
19 yard, and then we covered it with, what we took a seaming compound and a small piece
20 of plywood to make sure that no more moisture would get in their, I saw the rotten plank.

21
22 COMMANDER KEVIN CARROLL: So the plank was removed before you got to the yard?
23

1 DANIEL CLEVELAND: No, no, no the rot in the holes were we found pockets of rotten,
2 those little pockets were removed, And covered up so no more moisture would get in, and
3 then the plank was removed by the yard guys.

4
5 COMMANDER KEVIN CARROLL: Okay and you saw the plank?

6
7 DANIEL CLEVELAND: After they pulled it?

8
9 COMMANDER KEVIN CARROLL: Okay yes.

10
11 DANIEL CLEVELAND: No, I really did not actually, sorry.

12
13 COMMANDER KEVIN CARROLL: In your experience aboard Bounty and working with as
14 the boatswain, how do you treat rot on a wooden hole vessel?

15
16 DANIEL CLEVELAND: It depends if there is a couple things different things you can do,
17 the most ideal is that you remove the rot, if it's a situation where you can do a Dutchman,
18 a Dutchman is similar to a scarf, where you replace the wood again, typically ideally at a
19 12 to 1 ratio, so let's say it's a round pole okay and it's got rot right here, let's say it's a 1
20 foot diameter, you are going to go out 12 feet on either side, cut it down, I'm horrible at
21 math but so that it, you are going down from the outer extremities down into the piece,
22 you're going to make a new piece of wood and laminate it, now that ratio means that that
23 spar scientifically should have the same loadbearing capacity as it did before. So that is a

1 Dutchman. So that would be ideal is that you would pull all that rot out put a Dutchman
2 and it, or just get a whole new spar, then some of the other things that you can do let's
3 say it's merely surface rot, you can try and dried out, or if it is something that you cannot
4 get into, like way down into a check he realized that there may be something down there
5 they make a lot of products that get rot, basically what they are is, I am not a chemist but
6 they are thinned epoxy so that it will get down into the wood and dry out all that rot so no
7 more moisture is in there, and that's the situation where you know you have only lost a
8 little bit of surface area and it is not going to be consequential,

9
10 COMMANDER KEVIN CARROLL: Are those ethylene alcohol-based?

11
12 DANIEL CLEVELAND: I don't know.

13
14 COMMANDER KEVIN CARROLL: Just trying to get an idea.

15
16 DANIEL CLEVELAND: Yeah, I don't know.

17
18 COMMANDER KEVIN CARROLL: Were you privy to any conversations on different ways
19 to treat the rot that was found onboard Bounty?

20
21 DANIEL CLEVELAND: On in particular the frames that you're talking about, or just
22 anywhere?
23

1 COMMANDER KEVIN CARROLL: On the planks in the frames I would say.

2

3 DANIEL CLEVELAND: No. I saw what they did to the frame, after frame on the port side
4 but I did not see anything else, or listen to conversation.

5

6 COMMANDER KEVIN CARROLL: Did Capt. Walbridge expresses concern to you in
7 regards to, you said before he did, but the to the conditions of the frame because they
8 were new,

9

10 DANIEL CLEVELAND: Yes, he expressed it.

11

12 COMMANDER KEVIN CARROLL: Okay,

13

14 DANIEL CLEVELAND: He did, he was frustrated, for seasons we have talked about deck
15 leaks and how to solve them, it is kind of a difficult situation and he just wanted to be sure
16 that I understood, myself and Laura we were both there, and this is an issue that we
17 continually continue to address.

18

19 COMMANDER KEVIN CARROLL: You saw the rot and the port frames correct?

20

21 DANIEL CLEVELAND: Yes, I only saw it in a frame, well they are double fudducks so
22 there's two frames, next to each other.

23

1 COMMANDER KEVIN CARROLL: How much of the frame could you see?

2

3 DANIEL CLEVELAND: Those planks are not quite, may be 6 inches tall, so that area that
4 we pulled the plank out, you can kind of get down in between the ceiling planking's and
5 poke around, I couldn't really see that well.

6

7 COMMANDER KEVIN CARROLL: Okay, did you look?

8

9 DANIEL CLEVELAND: Yeah.

10

11 COMMANDER KEVIN CARROLL: Did you find any other indications of rot above or
12 beneath the area?

13

14 DANIEL CLEVELAND: I did not find something that my knife were joined to below that
15 area. And like I said I think it went in like 2 inches or so, but that's what I saw.

16

17 COMMANDER KEVIN CARROLL: Did Capt. Walbridge expresses concerns that your are
18 aware of to the shipyard?

19

20 DANIEL CLEVELAND: I believe so, yeah, they were right there standing, the three of
21 them Robin, Jim, James and I believe Todd so for were talking about it right there in front
22 of it, and I would have to walk by them constantly to get tools and such.

23

1 COMMANDER KEVIN CARROLL: Was it a professional discussion, or was Capt.
2 Walbridge upset, you said before he didn't really get angry?

3
4 DANIEL CLEVELAND: I believe was a professional discussion they talked about they
5 were a little concerned about the quality of wood and why it would rot, I don't know when
6 they replaced it so, 2006 or something. Just kind of whether the quality of the wood we
7 have may have caused that or something else was to blame, or if it was a combination I
8 think that is what they were talking about.

9
10 COMMANDER KEVIN CARROLL: To your knowledge was Capt. Walbridge concerned
11 about the safety of the vessel?

12
13 DANIEL CLEVELAND: No I don't think so, if he was we would have, we would have
14 pulled more planks I assume if we were worried about it being extensive. That amount of
15 rot and that area and let's say it was in another two or three areas maybe we did not
16 know because we didn't go pull them that's inconsequential for a vessel that size.

17
18 COMMANDER KEVIN CARROLL: Okay, the area, the exterior of the portside planking
19 where he said you had to dig some areas of rots out along the length of the plank that
20 was replaced could you see any other indications of wrought on that plank that was
21 pulled?

22

1 DANIEL CLEVELAND: No Laura did a real extensive job of poking around and checking
2 these planks and she brought me over the side in particular one day and she found those,
3 these are two pockets one was like softball size and one was like golf ball size and she
4 developed stuff out, and did not go away from that area very far. So it didn't seem that the
5 whole plank was rotten or anything,

6
7 COMMANDER KEVIN CARROLL: What was the size of the plank that was replaced on
8 the port side?

9
10 DANIEL CLEVELAND: Roughly, really roughly as an estimate I would say either 38 or 42
11 feet maybe.

12
13 COMMANDER KEVIN CARROLL: Okay, if it was just a small area like golf, what did you
14 say?

15
16 DANIEL CLEVELAND: It was like a golf ball, maybe this far apart?

17
18 COMMANDER KEVIN CARROLL: Okay why would you replace that much of the plank?

19
20 DANIEL CLEVELAND: You can't effectively put a Dutchman in that area and it would also
21 be kind of silly to just put a tiny plank there because it wouldn't be as structurally sound
22 and may well just put a whole new one in their.

23

1 COMMANDER KEVIN CARROLL: Okay, go over as many frame spaces as you can.

2
3 DANIEL CLEVELAND: Yes absolutely.

4
5 COMMANDER KEVIN CARROLL: Okay, but you did see the plank that came off?

6
7 DANIEL CLEVELAND: I do not look at them when they came off no, I have no idea what
8 they look like, but I think they used white oak to replace them I think I saw that.

9
10 COMMANDER KEVIN CARROLL: Okay, do you know what the plank was originally?

11
12 DANIEL CLEVELAND: Douglas fir.

13
14 COMMANDER KEVIN CARROLL: That was fir?

15
16 DANIEL CLEVELAND: Yes, the topsides were Douglas fir.

17
18 COMMANDER KEVIN CARROLL: Okay, why not go back with Doug fir?

19
20 DANIEL CLEVELAND: Why not go back with a better wood? That was Robin's, I mean if
21 we were going to replace something now and we can afford, we can't afford to do the
22 whole boat in White Oak in say back in 06, but if we are going to fix one piece at a time,

1 we can afford to pay for, I'm just giving you the conversation, so speculative so, why not
2 fix it with a nicer wood, they had it in stock it was a nice tight grain White Oak.

3
4 COMMANDER KEVIN CARROLL: Do you know if cost was an issue during this drydock
5 in regards to possibly removing more planks and seeing the extent of the problem?

6
7 DANIEL CLEVELAND: I was never privy to that conversation like that.

8
9 COMMANDER KEVIN CARROLL: Okay. So how do you think the yard period went?

10
11 DANIEL CLEVELAND: I thought it went pretty good, it was actually pretty fast we got the
12 bottom done a lot quicker than I thought we would.

13
14 COMMANDER KEVIN CARROLL: Okay, when you originally hauled the vessel, were you
15 there?

16
17 DANIEL CLEVELAND: Yes, oh yeah, I was on board.

18
19 COMMANDER KEVIN CARROLL: Okay, were there any usually from my experience
20 when hauled vessels come out you can see if the builders were holding water you might
21 see some leak out that any,
22

1 DANIEL CLEVELAND: Yeah, there was some seepage here and there the garboard
2 drake head, we had had problems with it previously because that is where the water is
3 always going to try and come out and it's, it's an interesting build, many vessels are like
4 this, but the keel is up inside the garboard its drake is that first plank that goes next to the
5 keel, there is sort of a seam between their it's shaped like this, it is hard to get up under
6 their typically don't really have to.

7
8 COMMANDER KEVIN CARROLL: The record does not reflect your hand movements can
9 you turn to Exhibit 8, that might help you.

10
11 DANIEL CLEVELAND: Sorry,

12
13 COMMANDER KEVIN CARROLL: Can you identify this particular document?

14
15 DANIEL CLEVELAND: Yeah it looks like a hull section it's the midship section of the HMS
16 Bounty.

17
18 COMMANDER KEVIN CARROLL: Okay, have you ever seen this before?

19
20 DANIEL CLEVELAND: Yes I had a copy of these on board.
21

1 COMMANDER KEVIN CARROLL: Okay great. Lieut. Cmdr. Parham can you please give
2 Mr. Cleveland a copy of that. I'm going to ask you to mark some areas so we can get it on
3 the record.

4
5 DANIEL CLEVELAND: Okay.

6
7 COMMANDER KEVIN CARROLL: So in regards to you said you would have leaks in the
8 garboard seam is that correct?

9
10 DANIEL CLEVELAND: Yes the garboard seam is going to be that seam, here I will circle
11 it on both sides okay.

12
13 COMMANDER KEVIN CARROLL: Okay. Now in particular did you have any problems
14 with the garboard seam during this drydock?

15
16 DANIEL CLEVELAND: Yep, it was weeping here and there and it needed a really nice full
17 caulking job and that's what we did.

18
19 COMMANDER KEVIN CARROLL: Who did the caulking on the garboard seam?

20
21 DANIEL CLEVELAND: I did some of the more irritating places, but Laura went to town.
22

1 COMMANDER KEVIN CARROLL: Laura went to town, okay in regards to, did you ever
2 use a lead patch to help keep caulking in?

3
4 DANIEL CLEVELAND: Yeah, yeah we did a bunch of that this year. We used to use
5 copper, anytime we let say a seam would blowout we would send a diver down and take
6 roofing tar, we actually use rope a lot of times, because underwater it's an easy thing you
7 can bang it into a seam you take roofing tar and copper take some copper nails and pop it
8 right in solved problem really well, and then when we haul we pull it improperly caulk it.
9 This year because we had consistent issues with that particular theme, what I said earlier
10 it was a little different than other garboard seams, it was very difficult to caulk, because it
11 was almost like they put a piece on the outside, I don't really understand how it is
12 constructed, but so we took lead patch and roof tar after we actually caulked it and place
13 that in there as a more permanent style of repair.

14
15 COMMANDER KEVIN CARROLL: What you described before with the diver, a seam
16 would blowout, while the vessel was in the water that is a temporary repair yes?

17
18 DANIEL CLEVELAND: Yes sir.

19
20 COMMANDER KEVIN CARROLL: Okay and then when you would get into the drydock,

21
22 DANIEL CLEVELAND: Pull it and properly caulk it.
23

1 COMMANDER KEVIN CARROLL: Were there any other areas on the hull that had lead
2 patches on it?

3
4 DANIEL CLEVELAND: We did, I think we really only lead patched the garboard seam, the
5 starboard forefoot wept a lot, but technically it is still the garboard seam, it's the stem
6 which you could still call the backbone and the keel as those planks meet, as one
7 meets the stem, that whole seam to keel in the backbone I would still call it the garboard,
8 but I'm probably wrong, that had a lead patch in front of it, and I believe Todd caulked that
9 because it was very difficult area, and Robin wanted him to do it.

10
11 COMMANDER KEVIN CARROLL: Can you please give Mr. Cleveland a copy of the
12 Coast Guard Exhibit 6. And if you could please turn into your binder to Coast Guard
13 Exhibit 6.

14
15 DANIEL CLEVELAND: Six?

16
17 COMMANDER KEVIN CARROLL: Yes. Have you ever seen this document before?

18
19 DANIEL CLEVELAND: Yes.

20
21 COMMANDER KEVIN CARROLL: What is it please?
22

1 DANIEL CLEVELAND: It says in Board profiles, so it is probably the vessel cut right down
2 the center line.

3
4 COMMANDER KEVIN CARROLL: Okay, can you identify the area that you were talking
5 about about 4 foot, can you see that?

6
7 DANIEL CLEVELAND: Yup I will circle that also.

8
9 COMMANDER KEVIN CARROLL: And to your knowledge who worked on that area?

10
11 DANIEL CLEVELAND: Todd.

12
13 COMMANDER KEVIN CARROLL: Todd, okay, do you know Todd's last name?

14
15 DANIEL CLEVELAND: I know he's Polish, Keselowski or something like that, sorry.

16
17 COMMANDER KEVIN CARROLL: Okay, don't be sorry. That's fine. Any other areas in
18 regards to this particular document that you could identify along the length of the keel that
19 there was an issue?

20
21 DANIEL CLEVELAND: Yeah, all the trouble spots on the garboard where we put lead, the
22 trouble spots was where we put lead, I can't give you pinpoint accuracy but I can maybe

1 give you the quantity of lead patches that were put on, because it wasn't just one
2 (inaudible) problem areas

3
4 COMMANDER KEVIN CARROLL: Okay, sure.

5
6 DANIEL CLEVELAND: I will basically estimate, there, back aft actually the garboard
7 looked really good so,

8
9 COMMANDER KEVIN CARROLL: So back aft, the garboard looked good?

10
11 DANIEL CLEVELAND: Yeah it was basically from right around the mainmast forward that
12 we were having the issues, and mostly I believe on the starboard side but again obviously
13 I was sort of observing a lot of this process, as opposed to physically acting on it.

14
15 COMMANDER KEVIN CARROLL: Okay, see you are working on different projects.

16
17 DANIEL CLEVELAND: Yes, I would consistently come over whether to see if I can be of
18 any help and also as an officer of the maintain knowledge of what is going on on the
19 vessel all over the place.

20
21 COMMANDER KEVIN CARROLL: Did Bounty have any ballasts on board?
22

1 DANIEL CLEVELAND: She had the exterior lead keel and had lead ballast on the inside
2 of the vessel.

3
4 COMMANDER KEVIN CARROLL: Lead ballast on the inside of the vessel,

5
6 DANIEL CLEVELAND: Yeah, led pigs I believe is what they call them.

7
8 COMMANDER KEVIN CARROLL: Okay, where was that located?

9
10 DANIEL CLEVELAND: We put as much of it in the after part of the vessel as we could,
11 Robin wanted to drop the Stern by like four or 6 inches I can't remember how much, we
12 put quite a bit in the lazarett comment is a reversal of the same comedy woman a circle
13 that or anything?

14
15 COMMANDER KEVIN CARROLL: Yes, Please circle it and put lead.

16
17 DANIEL CLEVELAND: Lead ballast there, there was some of the engine room, and there
18 were some in the tank room.

19
20 COMMANDER KEVIN CARROLL: Okay so was ballast moved?

21
22 DANIEL CLEVELAND: In 2012 we moved it aft from, so we moved the tank room aft to
23 when we got the tanks, and so a lot of the lead was in that first tank room, we moved it

1 aft, and removed as much as we could, we filled the lazzarett up as much as we could, as
2 high as we had room for, same with the engine room, and then the remaining lead went to
3 the tank room, but it was all ever since 08 it was all back behind I want to say mid-ships
4 but a little bit forward of the main mast aft is where we tried to keep it.

5
6 COMMANDER KEVIN CARROLL: Okay, so Robin said we want to get another 4 to 6
7 inches of immersion at the stern?

8
9 DANIEL CLEVELAND: Yes I can't remember if it was four or six.

10
11 COMMANDER KEVIN CARROLL: Okay, was that achieved?

12
13 DANIEL CLEVELAND: He thought so, yeah I remember him saying that he thought it did,
14 seeing the vessel after he got back in the water that maybe it was achieved.

15
16 COMMANDER KEVIN CARROLL: Okay, did you have a conversation with him about
17 that?

18
19 DANIEL CLEVELAND: Very brief, like sweet basically

20
21 COMMANDER KEVIN CARROLL: Okay, what was that?

22
23 DANIEL CLEVELAND: It was like okay excellent that that happened sort of thing.

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COMMANDER KEVIN CARROLL: Okay, why would you want to do that?

DANIEL CLEVELAND: She is a bluff bowed ship so she's just handling the bathtub in the water really and if he can lift that bow out a little bit like the four course in the edge was lifting sails she will sail faster, and move more efficiently, the other is if you can get that writer to bite a little bit better when you are running away from a Seaway like typically these vessels like to run from storms, run downwind she will be much easier to manage on the helm.

COMMANDER KEVIN CARROLL: Okay. You said something I want to go back to that, you said that the four courses a lifting sail, can you describe that please?

DANIEL CLEVELAND: Yeah it because it is not up high it doesn't press against the mast with downward pressure it lifts because it is so far forward and it is going to come up underneath of it basically an sort of pulled the bow up out of the water a bit, so we just call them, as sailing, sail trim call it a lifting sail.

COMMANDER KEVIN CARROLL: Okay. So does it stabilize the vessel?

DANIEL CLEVELAND: From a port and starboard keeling, only if it is braced over., Only if the effort is from the port or the starboard side, so the wind is directly behind and it is square to the ship no.

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COMMANDER KEVIN CARROLL: Okay so, good point. What I would like to do is give you a chance to get a little bit of a break, let's take a break until 25 after, at 25 after we will come back on the record.

COMMANDER KEVIN CARROLL: Okay Nick will go back on the record.

LIEUTENANT COMMANDER NICHOLAS PARHAM: Yes sir.

COMMANDER KEVIN CARROLL: Okay, all parties of interest and their representatives are present, okay, thank you again.

LIEUTENANT COMMANDER NICHOLAS PARHAM: The oath that you took earlier is still binding.

DANIEL CLEVELAND: Yes sir, absolutely.

COMMANDER KEVIN CARROLL: A point of clarification, the lead patches that were put over the garboard seam, the seam was recaulked?

DANIEL CLEVELAND: Yes sir.

COMMANDER KEVIN CARROLL: Okay just wanted to make sure.

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DANIEL CLEVELAND: I believe so.

COMMANDER KEVIN CARROLL: Okay, alright so you said before that the yard period went very well?

Yeah.

COMMANDER KEVIN CARROLL: Okay, do you believe the captain was satisfied with the work that was done in the yard?

DANIEL CLEVELAND: I do think so yes.

COMMANDER KEVIN CARROLL: Did he express that to you?

DANIEL CLEVELAND: I don't remember specifically.

COMMANDER KEVIN CARROLL: Okay, do you remember if the vessel had a survey?

DANIEL CLEVELAND: I don't remember that I know a fellow from the guard came by and inspected the tanks.

COMMANDER KEVIN CARROLL: The guard?

1
2 DANIEL CLEVELAND: The Coast Guard.

3
4 COMMANDER KEVIN CARROLL: Okay,

5
6 DANIEL CLEVELAND: The Coast Guard came by and inspected tanks, did pressure test
7 on all of them, and I think he also poked around while they were finishing up the fuel lines,
8 so.

9
10 COMMANDER KEVIN CARROLL: On the interior of the vessel?

11
12 DANIEL CLEVELAND: Yes.

13
14 COMMANDER KEVIN CARROLL: Can you describe for us please, you said that the
15 tanks were moved, what tanks were moved that you are talking about?

16
17 DANIEL CLEVELAND: Oh, in the yard period we got new fuel tanks, new water tanks
18 because our old fuel tanks were galvanized I believe, and it was time to replace them.

19
20 COMMANDER KEVIN CARROLL: Okay, what were the condition of the tanks when they
21 came out?

22
23 DANIEL CLEVELAND: Rusty.

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COMMANDER KEVIN CARROLL: Rusty, okay,

DANIEL CLEVELAND: Yeah, time to replace them.

COMMANDER KEVIN CARROLL: Time to replace them, okay. He said that the tanks were moved to a different location than they were before?

DANIEL CLEVELAND: Yes, the tanks were, so there was, in this document right now, this looks like the new one,

COMMANDER KEVIN CARROLL: What document are you referring to?

DANIEL CLEVELAND: Oh I am sorry, the inboard profile.

LIEUTENANT COMMANDER NICHOLAS PARHAM: Is that the document referred to as CG6?

DANIEL CLEVELAND: It might be the new one, we moved the water and fuel tanks sort of one compartment aft, the aft crew was where the mainmast was which is the crew quarters, prior to that the tanks were forward of the crew space and we swapped them.

1 COMMANDER KEVIN CARROLL: What were the size of tanks that were put in and do
2 you know?

3
4 DANIEL CLEVELAND: I think I know the old ones were 900 gallon fuel tanks each, and
5 I'm assuming they are the same, but I don't know that for sure.

6
7 COMMANDER KEVIN CARROLL: What about the water tanks?

8
9 DANIEL CLEVELAND: I believe that they were also 9.

10
11 COMMANDER KEVIN CARROLL: Okay, were you involved with the project?

12
13 DANIEL CLEVELAND: No, very limitedly, mostly just looking at it and glad that I didn't
14 have to be a part of it.

15
16 COMMANDER KEVIN CARROLL: When did the vessel leave Boothbay?

17
18 DANIEL CLEVELAND: Mid-October, I don't know the date.

19
20 COMMANDER KEVIN CARROLL: Okay, when the vessel went back into the water what
21 was the condition of the hull, were there any leaks, that you were concerned about?

22

1 DANIEL CLEVELAND: I was actually pretty surprised about how dry the bilges were. I felt
2 like most of the water that was in there was probably never water that we could get out of
3 the boat, they've spent probably a week at least shop vacc'ing the bilge pumps to try and
4 get them all clean and get the water out they were pouring out, the water out and so on
5 and so forth, so after that we splashed in for a couple of days, she was very dry and
6 probably just water that was left over.

7
8 COMMANDER KEVIN CARROLL: Okay, were all projects completed?

9
10 DANIEL CLEVELAND: No, no no, we were still working on the fuel lines I think, I think
11 they finish the water lines, I was still working on the spars, so there was a lot going on, a
12 lot of cleanup, preparation for voyage things like that.

13
14 COMMANDER KEVIN CARROLL: Okay, so there were still cleanups going on?

15
16 DANIEL CLEVELAND: Oh yeah.

17
18 COMMANDER KEVIN CARROLL: Okay, was there any rush to get out of the yard for any
19 reason?

20
21 DANIEL CLEVELAND: I don't remember feeling rushed no, I am sure we were on a
22 timeline.

23

1 COMMANDER KEVIN CARROLL: Okay,

2

3 DANIEL CLEVELAND: I would assume so, I know Robin wanted me to get the spars, all
4 three of them eight sided, and I had you know may be a week for each spar and a little
5 more than that so, I got it done, I was surprised actually.

6

7 COMMANDER KEVIN CARROLL: Okay, what was the next port of call from Boothbay?

8

9 DANIEL CLEVELAND: New London Connecticut.

10

11 COMMANDER KEVIN CARROLL: Okay, and when did you arrive in New London?

12

13 DANIEL CLEVELAND: I don't remember for sure, but I believe we were therefore two or
14 three days, we were doing a day sail for the Navy crew of the summary Mississippi
15 maybe I don't remember the name.

16

17 COMMANDER KEVIN CARROLL: Was it in October that you arrived in New London?

18

19 DANIEL CLEVELAND: Yes.

20

21 COMMANDER KEVIN CARROLL: Toward the beginning or the end?

22

23 DANIEL CLEVELAND: It was towards the end.

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COMMANDER KEVIN CARROLL: Towards the end, okay,

DANIEL CLEVELAND: Thinking back it was definitely towards the end.

COMMANDER KEVIN CARROLL: Point of reference to the October 29 being the vessel
sank

DANIEL CLEVELAND: The vessel sank and we were at sea before, was the 29th a
Sunday, or a Monday, I don't remember, but we were at sea for two or three days before
that, and we had left from New London, so, towards the end of the month.

COMMANDER KEVIN CARROLL: Okay, so what happened in New London?

DANIEL CLEVELAND: Specifically we were dock side, we did a day sail for the Navy, its
crewmembers, and we got back from the day sail we went, they invited us to see their
submarine, which was a pretty neat tour, then we got back on board and got ready to get
underway.

COMMANDER KEVIN CARROLL: How did the day sail go?

DANIEL CLEVELAND: It was fun, it went well, the Navy boys love that I think, we trained
them to go on the rig, made them all lines, it was really cool, and Robin stated this but it

1 was neat that we were training the crew of the newest vessel in the Navy how to sail one
2 of the oldest type ships, it was fun.

3
4 COMMANDER KEVIN CARROLL: Did Robin like sharing the vessel?

5
6 DANIEL CLEVELAND: Oh yes, that was probably the highlight of his career, he loves
7 sharing the vessel with people.

8
9 COMMANDER KEVIN CARROLL: I want you to refer to, it is tab 70, towards the back.

10
11 DANIEL CLEVELAND: There it is, okay.

12
13 COMMANDER KEVIN CARROLL: Can you identify that document?

14
15 DANIEL CLEVELAND: This looks like the cruelest, it says, it's our cruelest from our
16 departure in New London to our arrival in St. Petersburg, it says the date is the 25th.

17
18 COMMANDER KEVIN CARROLL: Okay, so the next port of call for Bounty, after New
19 London was supposed to be St. Petersburg?

20
21 DANIEL CLEVELAND: Yes sir.

22

1 COMMANDER KEVIN CARROLL: Okay, what was supposed to be done in St.
2 Petersburg?

3
4 DANIEL CLEVELAND: I believe we were going to open up for dock side towards.

5
6 COMMANDER KEVIN CARROLL: Okay, can you explain what dock side tours are?

7
8 DANIEL CLEVELAND: Yes, we come alongside and tie up, we clean up the vessel from
9 the voyage, we had a small boat, like an inflatable that we would put over the side, at the
10 time we had a dory that was on deck we would put that on the dock or in the water so that
11 the decks were clear for tours. Coast Guard investigators would come on board they
12 would do an inspection every time that we had to open up to the public, they would do a
13 walk-through, they would make sure the fire hoses are working, all of the extinguishers
14 are in place and in working order, things like that, make sure that the required brows for
15 everyone getting on or off the vessel, everything was in place according to our plan, and
16 then we would open up. Typically for an eight hour period sometimes we had an eight
17 hour period.

18
19 COMMANDER KEVIN CARROLL: Okay, this was different than what was done for the
20 Navy correct?

21
22 DANIEL CLEVELAND: Yes, the Navy thing was, they came on board we got underway,
23 taught him how to sail the boat, hopped around the harbor, in this case we went out to

1 Long Island sound and came back. In dockside tours we don't leave the dock we are
2 typically therefore a weekend period and we are open to the public for either donations or
3 ticket prices.
4

5 COMMANDER KEVIN CARROLL: Okay, did you ever have passengers that paid to be on
6 board and take them out on day sails like you did the Navy?
7

8 DANIEL CLEVELAND: No we can't take paid passengers.
9

10 COMMANDER KEVIN CARROLL: Okay, so this document CG 70 detailed crew list, is
11 this the crew that sailed from New London on 25 October?
12

13 DANIEL CLEVELAND: Yes.
14

15 COMMANDER KEVIN CARROLL: Okay,
16

17 DANIEL CLEVELAND: Yes, I don't think that is missing anybody.
18

19 COMMANDER KEVIN CARROLL: Okay, so in regards to the trip from Boothbay to New
20 London, you said that boat checks were performed correct?
21

22 DANIEL CLEVELAND: Yes sir.
23

1 COMMANDER KEVIN CARROLL: While the vessel is underway, or were boat checks
2 performed at the dock?

3
4 DANIEL CLEVELAND: Yeah, we have a dockside protocol for watch standing as well as
5 an underway protocol for watch standing.

6
7 COMMANDER KEVIN CARROLL: Okay, the protocol is where?

8
9 DANIEL CLEVELAND: Oh, as far as written down, we have it posted in the galley, the
10 heads and I believe it's in the crew manual. And it has to do with the day-to-day functions
11 of being on watch.

12
13 COMMANDER KEVIN CARROLL: Okay, the day-to-day functions of being on watch in
14 the boat check, does that involve using the bilge pumping system?

15
16 DANIEL CLEVELAND: Yes it does.

17
18 COMMANDER KEVIN CARROLL: Okay, during that trip to your knowledge did any of the
19 crew performing boat checks express any concerns with the operation of the bilge
20 pumping system?

21
22 DANIEL CLEVELAND: Some of the concerns that I was made aware of was that the
23 engine room did not seem to be pumping as quickly as it typically did, the engine room

1 pumped typically fairly quickly because it was where the manifold system was, so there
2 was less throw for the pumps, and I had heard that it was not going quite as fast as it
3 needed to be, but the water did not seem like it was very high either, so I'm not sure if it
4 was made to be a major concern.

5
6 COMMANDER KEVIN CARROLL: During the trip to Boothbay to New London, he said at
7 the pier in Boothbay you are surprised at how dry the bilges were, what was your
8 impression of the bilges during the transit from Boothbay to New London?

9
10 DANIEL CLEVELAND: I thought that they were very similar to that, and I thought they
11 were very normal.

12
13 COMMANDER KEVIN CARROLL: Okay, can you describe for me to build pumping
14 system of Bounty for me please?

15
16 DANIEL CLEVELAND: Yeah from a user point of view, like I said I'm not an engineer. We
17 had two electrical pumps that were mounted on the bulkhead, they ran off of the ships
18 power system, and we had intakes and every compartment but the lazarett because the
19 lazarett was up on a counter and there was no water in it really, it ran forward to the
20 engine room, and the intakes all had strainers on them to keep debris from getting in
21 there and they were all placed as close to the centerline of the vessel as close as they
22 could in the deepest part of the hull, and they were operated by a switch and levers for
23 overboard portside or starboard, and each compartment had its own manifold I guess you

1 would call it, levers that you would open and close, and you could pump from aft to fore,
2 fore to aft, we typically ran through it a couple of times just to make sure we got it as dries
3 we could.
4

5 COMMANDER KEVIN CARROLL: Was any training provided to the crew members
6 onboard the Bounty to do boat checks and the operation of this bilge pumping system?
7

8 DANIEL CLEVELAND: Yes, every single person on board is trained how to pump the
9 bilges, those are the electric bilges.
10

11 COMMANDER KEVIN CARROLL: Okay, were there any other pumps, besides the
12 electric pumps?
13

14 DANIEL CLEVELAND: Yes we had hydraulic pumps, and a trash pump. I think one
15 hydraulic pump was immovable I believe, and then the other one was attached to a hose
16 and we could move it around in the engine room, they ran off of the Star board engine.
17

18 COMMANDER KEVIN CARROLL: Okay, did you ever use those pump?
19

20 DANIEL CLEVELAND: Yeah, the, we especially use them during Sandy, but they were
21 our emergency pumps, so
22

1 COMMANDER KEVIN CARROLL: Okay, what was the other, he said that there was a
2 trash pump?

3
4 DANIEL CLEVELAND: Yeah, we had a gasoline, we call that the trash pump, I think that's
5 not necessarily the standard industry name for but it's an emergency pump, it's mobile,
6 it's big it comes with an intake and output hose, and it runs on gasoline.

7
8 COMMANDER KEVIN CARROLL: Okay where the crew provided training on how to use
9 a hydraulic pumps?

10
11 DANIEL CLEVELAND: No.

12
13 COMMANDER KEVIN CARROLL: Okay, were the crew provided training on how to use
14 the portable gasoline powered pump?

15
16 DANIEL CLEVELAND: No.

17
18 COMMANDER KEVIN CARROLL: Okay, when was the last time the gas powered
19 portable pump had been used?

20
21 DANIEL CLEVELAND: To my knowledge it was in England in 2011, we used it, we were
22 requested to display its use in its proper function by, not the British Coast Guard but the,
23 whoever does their inspections for dockside.

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COMMANDER KEVIN CARROLL: The British authorities.

DANIEL CLEVELAND: I think so yes.

COMMANDER KEVIN CARROLL: Was it ever used in a training capacity at all?

DANIEL CLEVELAND: No we did not train the crew on it's use, no.

COMMANDER KEVIN CARROLL: Okay, was it ever run just to make sure that it worked, for maintenance?

DANIEL CLEVELAND: Not since England I believe. We knew that it worked and we decided to keep it in as mint condition as possible. It was in a Tupperware and a bag so it didn't get water and it.

COMMANDER KEVIN CARROLL: Okay, so sealed up in a bag in a Tupperware?

DANIEL CLEVELAND: Yes.

COMMANDER KEVIN CARROLL: Where was it stored?

1 DANIEL CLEVELAND: It was stored in one of the cabins on the outboard side, I believe
2 starboard side of the vessel.

3
4 COMMANDER KEVIN CARROLL: Okay, in regards to abandon ship drills, from the time
5 that the vessel splash in Boothbay, when was the last time that you did and abandon ship
6 drill?

7
8 DANIEL CLEVELAND: Again I can't give you an exact date, but we did, we consistently
9 did drills every month throughout the month. The most previous abandon ship drill
10 probably was not longer than a month from before we hauled out, because we tried to
11 stay consistent. We did MOB drills much more often than fire or abandoned ship, but I
12 would believe that it was within a month before we hauled.

13
14 COMMANDER KEVIN CARROLL: Okay, did you do and abandon ship drill from
15 Boothbay to New London?

16
17 DANIEL CLEVELAND: No sir.

18
19 COMMANDER KEVIN CARROLL: Did you do a man overboard drill from Boothbay to
20 New London?

21
22 DANIEL CLEVELAND: I don't recall that we did.

23

1 COMMANDER KEVIN CARROLL: Okay, did you do any fire drills?

2

3 DANIEL CLEVELAND: From Boothbay to New London?

4

5 COMMANDER KEVIN CARROLL: Yes.

6

7 DANIEL CLEVELAND: I don't believe so.

8

9 COMMANDER KEVIN CARROLL: Okay.

10

11 DANIEL CLEVELAND: That was a fairly short trip to my recollection.

12

13 COMMANDER KEVIN CARROLL: Right, did you have any new crew members on board?

14

15 DANIEL CLEVELAND: We did, we got Chris Barksdale and Jessica Black.

16

17 COMMANDER KEVIN CARROLL: Okay, is there any type of crew orientation training that
18 they are given?

19

20 DANIEL CLEVELAND: Yes, when you come on board you do a safety orientation, so you
21 are ran through the vessel shown where all the fire expenditures are, shown were not to
22 fall, where not put your feet, you are typically given a loft training also, how you go aloft,
23 we did not do that in the yard because we don't like to climb when we are hauled out of

1 the water, and so you are going to be shown from aft to fore every compartment all that
2 orientation work, you are made familiar with the crew manual,

3
4 COMMANDER KEVIN CARROLL: Okay, are you given any safety gear?

5
6 DANIEL CLEVELAND: Yeah we do emersion suit tests, not tests but you get into an
7 emersion suit.

8
9 COMMANDER KEVIN CARROLL: Okay, so the new crew members were given emersion
10 suits?

11
12 DANIEL CLEVELAND: I'm not sure, I know that I delegated the safety orientation to my
13 AV at the time.

14
15 COMMANDER KEVIN CARROLL: Was it your responsibility to do safety training?

16
17 DANIEL CLEVELAND: It is my responsibility to either perform the safety orientation or
18 delegated to somebody who I deemed was capable.

19
20 COMMANDER KEVIN CARROLL: Okay, who was the person that you thought was
21 capable in this case?

22

1 DANIEL CLEVELAND: He was my AV, his name was Joseph, I don't remember his last
2 name,

3

4 COMMANDER KEVIN CARROLL: You can look at the crew list if you like.

5

6 DANIEL CLEVELAND: He left while we were in yard period.

7

8 COMMANDER KEVIN CARROLL: Okay, so he left when you are in the yard period.

9

10 DANIEL CLEVELAND: Yes.

11

12 COMMANDER KEVIN CARROLL: Okay, so, if Christopher Barksdale was new would he
13 have done that safety training and the yard period?

14

15 DANIEL CLEVELAND: Yes.

16

17 COMMANDER KEVIN CARROLL: If Jessica Black was new,

18

19 DANIEL CLEVELAND: Yes, she should have yes.

20

21 COMMANDER KEVIN CARROLL: From who, so Joe gave it to her new?

22

23 DANIEL CLEVELAND: Yes, I would have directed that Joseph would have.

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COMMANDER KEVIN CARROLL: But Joe left before the yard period.

DANIEL CLEVELAND: No, he left in the yard period.

COMMANDER KEVIN CARROLL: He left in the yard period?

DANIEL CLEVELAND: During the yard period.

COMMANDER KEVIN CARROLL: When did Jessica joined the vessel?

DANIEL CLEVELAND: I believe Jessica, I believe I could be wrong joined before the yard period. We had a cook that left, and a previous cook who was a deckhand, and I think she filled then until Jessica came on, I honestly don't remember when Jessica came on.

COMMANDER KEVIN CARROLL: Okay, understood. The taking please, take a look at exhibit CG 71, the very next page. Take a moment to review this document, it's two pages, and then I will ask you some questions about it.

DANIEL CLEVELAND: Okay.

COMMANDER KEVIN CARROLL: Okay, is this Bounty's watch schedule depicted on here?

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DANIEL CLEVELAND: Yes, we have all three watches, A, B, C, and just who was on those watches?

COMMANDER KEVIN CARROLL: Okay.

DANIEL CLEVELAND: It says the timeline for our watch, how it operates, and when you're on watch and when you're on work party.

COMMANDER KEVIN CARROLL: Okay, what was the A watch?

DANIEL CLEVELAND: As far as the crew is concerned?

COMMANDER KEVIN CARROLL: What time, when it was?

DANIEL CLEVELAND: It rotated, either if we were at sea for more than a week we would rotate on a ship Sunday, which wasn't necessarily the day of Sunday but it was typically a seven-day period, he would stay on one particular watch and then we would rotate, or typically in season we are typically import every weekend, we would just jog the watches when we left next You could have been the 4 to 8, you could've been the 8 to 12, could've been the 12th the four.

1 COMMANDER KEVIN CARROLL: Okay, let's use October 25, New London as a frame of
2 reference, what would have the A watch have been, can you identify the people that
3 would've been on the A watch?
4

5 DANIEL CLEVELAND: A watch is John Svendsen, Doug Fount, Mark Warner, and
6 Claudine Christian.
7

8 COMMANDER KEVIN CARROLL: Okay, what time would have that watch been?
9

10 DANIEL CLEVELAND: If you don't mind I can remember what watch I was on, and then
11 figure out what the other two,
12

13 COMMANDER KEVIN CARROLL: Go ahead.
14

15 DANIEL CLEVELAND: I was on the 4 to 8 on the trip, no I'm sorry, you're talking about
16 from Boothbay to New London?
17

18 COMMANDER KEVIN CARROLL: No, let's use departure from New London.
19

20 DANIEL CLEVELAND: Departure from New London, yeah, I was on the 4 to 8, and I
21 relieved Matt Sanders watch, so that means he was on the 12 to 4, I would come in after
22 him, and that means that John was on the 8 to 12.
23

1 COMMANDER KEVIN CARROLL: Okay.

2
3 DANIEL CLEVELAND: I believe that is right.

4
5 COMMANDER KEVIN CARROLL: Who is Matt?

6
7 DANIEL CLEVELAND: Matt Sanders was the second mate, he was the officer of B watch.

8
9 COMMANDER KEVIN CARROLL: Who was his watch team, who were they?

10
11 DANIEL CLEVELAND: It was Adam Crowchosh, that was his AV, Jessica Hewitt, John
12 Jones.

13
14 COMMANDER KEVIN CARROLL: Okay, and what about that A watch, Mr. Svendsen's
15 watch?

16
17 DANIEL CLEVELAND: Mr. Svendsen's was Doug Fount was his AV, Mark Warner, and
18 Claudine Christian.

19
20 COMMANDER KEVIN CARROLL: Day workers are depicted towards the right of the
21 page, who are the day workers?

22

1 DANIEL CLEVELAND: Robin the captain, so he did not stand watch, Chris Barksdale was
2 our engineer he did not then watch, Laura Groves was the boatswain, and Jessica Black
3 was the cook.

4
5 COMMANDER KEVIN CARROLL: Okay so during the day sail, during the day so with the
6 Navy this would be the watch schedule that was in place during a time?

7
8 DANIEL CLEVELAND: Typically on day sails it is a all hands situation, the officer who
9 would have had the deck, that be the day we were getting underway in which case this
10 was would be the officer having the con so to speak, just pay attention specifically to the
11 navigation, his watch would typically be having helm, boat check, and forward lookout.
12 But everybody was participating in the day sail.

13
14 COMMANDER KEVIN CARROLL: Okay the, what time did the day sail start with the
15 Navy?

16
17 DANIEL CLEVELAND: I don't remember for sure but it was probably midmorning, maybe
18 10 or 11 o'clock.

19
20 COMMANDER KEVIN CARROLL: Okay, what time did it end?

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22 DANIEL CLEVELAND: It was before sunset, I would assume four or five, maybe three
23 even.

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COMMANDER KEVIN CARROLL: And then you went on the trip to the submarine?

DANIEL CLEVELAND: Yes sir.

COMMANDER KEVIN CARROLL: How long did that take?

DANIEL CLEVELAND: Probably an hour or two.

COMMANDER KEVIN CARROLL: Okay, alright. What time did you start getting ready to get underway, because from what I understand that's the 25th that they with the Navy day sail, and then departed New London correct?

DANIEL CLEVELAND: Yes her.

COMMANDER KEVIN CARROLL: What time did you start getting ready to get underway?

DANIEL CLEVELAND: As soon as anybody got back from, because we went into a couple different vans, anyone that was getting back from the Mississippi, I think that was the name of the submarine, they started getting ready to get underway. We had a lot, we had some tables that we used at an inappropriate brow angle, we had the dory to get on board and then sea stow.

1 COMMANDER KEVIN CARROLL: Let's talk about voyage planning. Typically when
2 Bounty is getting underway from a port to another port how was voyage planning done?

3
4 DANIEL CLEVELAND: The second mate Matt Sanders said he was in charge of voyage
5 plans directly, and obviously worked closely with Robin for that information, and so he
6 had a full binder with the whole voyage plan set out, even waypoints and things like that,
7 he used a computer program NAVEX to help them with that kind of thing, he had paper
8 charts as well as chart plotter information all late out, course lines and things that we
9 would try and adhere to.

10
11 COMMANDER KEVIN CARROLL: Is reviewing the weather or forecasting the weather
12 part of voyage planning or?

13
14 DANIEL CLEVELAND: Definitely part of wage planning.

15
16 COMMANDER KEVIN CARROLL: Did you ever conduct a voyage planning?

17
18 DANIEL CLEVELAND: Excuse me?

19
20 COMMANDER KEVIN CARROLL: Did you ever conduct voyage planning?

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22 DANIEL CLEVELAND: No no, not the technical aspect of it, we would all be in
23 communication about what we are planning on doing, but no?

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COMMANDER KEVIN CARROLL: Was it a collaborative process amongst the officers and the captain?

DANIEL CLEVELAND: For the actual physical voyage plan in the binder, not every time, sometimes it would be, mostly I would assume that Robin and John and Matt would talk about it a lot.

COMMANDER KEVIN CARROLL: Did you talk about this particular voyage plan from New London to St. Petersburg?

DANIEL CLEVELAND: Not like the particulars, the waypoints, we did have a conversation, Robin expressed his plan for this sail to St. Petersburg with the entire crew also.

COMMANDER KEVIN CARROLL: Okay, so he expressed that to the entire crew?

DANIEL CLEVELAND: Yes.

COMMANDER KEVIN CARROLL: Okay, does he normally express his voice plans with the entire crew?

1 DANIEL CLEVELAND: Before we get underway Robin often has an all hands situation
2 where he has a conversation with us about where we are going, we're going to try and
3 sail the winds might be doing this the weather is good to be doing this, he also likes to ask
4 people how we going to get off the dock today, things like that as a learning exercise. As
5 far as the very particular details that would be in say the binder, the voice plan, no that
6 was not necessarily the case, just typically an educational experience for the crew.
7

8 COMMANDER KEVIN CARROLL: Okay, so how did this meeting go?
9

10 DANIEL CLEVELAND: Because this weather force was starting, and everybody was
11 aware of it Robin wind to be very clear with the crew with kind of what his thought process
12 was, not all of them were probably aware of his experience in foul weather, so he kind of
13 made that clear, his history working in the oil fields, doing evacuations and things, but in
14 particular he wanted us to understand his thought process on what the storm was
15 forecasted to do and what he felt was like a safe route in order for us to still make it to St.
16 Petersburg in a timely but safe fashion.
17

18 COMMANDER KEVIN CARROLL: What did he describe as he believed the forecast was?
19

20 DANIEL CLEVELAND: We knew it was a hurricane and that she was coming North off the
21 coast, along the coast, all signs pointed to her landing in the New England area, Robin
22 was very aware of when she was intended to turn shoreside because of the way the
23 jetstream was dipping and it was a high-pressure system that could possibly keep her

1 from just leaving, which I guess normally, again I'm not a meteorologist, but normally that
2 late in the hurricane season most of them fizzle and go out, but it was very possible that
3 this one wasn't, we were all aware of that, he was very aware of it and he talked about
4 how he did not want to get initially we weren't going to go in a straight line to St. Pete
5 because he said if the forecast was incorrect, if the hurricane made landfall early than we
6 would caught be caught between it and the shore which would be very unfortunate for us.
7 His plan has he had verbalized all of us was to go on a southeasterly course because at
8 the time Sandy was below Hatteras, she was quite a ways away, I believe, and we're
9 going to go on a southeasterly course so that if the storm went to do North or went ashore
10 we would be away from it. We ultimately decided, and he ultimately discussed with us if
11 he felt that we made enough southerly, because he is going to have everything set and
12 the engines hammered he wanted to make as much southerly and easterly as he could
13 Sophie had to run East to get away he could, and we would not allow ourselves to get
14 pushed up to Greenland. But if we had gone far enough south before the storm had come
15 far enough north than we were going to cut over because he knew that it wasn't going to,
16 forecasted not to go ashore before Hatteras, and so what we're trying to do was get sort
17 of South of Hatteras and then shoot over, and that's what he proposed could have been
18 an approach. So if we were far enough south we were going to try and get on the
19 opposite side of the storm and take advantage of the fairwinds that were there that would
20 have been there and shoot to St. Pete.

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22 COMMANDER KEVIN CARROLL: Okay, was this different than the voyage plan that Matt
23 Sanders created?

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DANIEL CLEVELAND: I don't know, I don't, I didn't look at the voice plan that Matt Sanders created before we left.

COMMANDER KEVIN CARROLL: Okay, did you see any of the weather forecasts for hurricane Sandy?

DANIEL CLEVELAND: Oh yeah, we were printing off weather faxes, we even set up a kind of a blown up version of it throughout the voyage to keep track of where we were, where the store was but before we left we had griffs files we had everybody was on the phone on NOAA, weather, and weather forecasts were being printed off at the time too.

COMMANDER KEVIN CARROLL: On the 25th what were the forecasts predicting landfall for hurricane Sandy, do you remember?

DANIEL CLEVELAND: I believe they were predicting it and the I call it the armpit of New England, like Long Island, New Jersey sort of area. I believe they were predicting where ultimately it went, to my remembrance.

COMMANDER KEVIN CARROLL: Okay, so New England or New Jersey?

1 DANIEL CLEVELAND: I guess New Jersey's kind of south of New England, I think they
2 were predicting like a southern New England landfall, that's what I think they were, from
3 my remembrance.

4
5 COMMANDER KEVIN CARROLL: Okay, did any of the crew express any concerns
6 regarding getting underway with the forecast of the storm?

7
8 DANIEL CLEVELAND: As far as the hands were concerned, the deckhands and AV's, I
9 did not hear any verbal concerns, I'm sure there was some, as far as myself I know that
10 Laura myself John Matt I think we had a conversation of how we knew the storm they
11 were saying was going to be big, it will be dangerous, most of the concerns that we kind
12 of spoke about not so much as should we go, really, I remember being in this weather
13 before and just kind of being like oh well I guess were going to be wet and cold and
14 miserable for three days.

15
16 COMMANDER KEVIN CARROLL: What other options were available in your experience?

17
18 DANIEL CLEVELAND: From my experience I suppose we could have stayed on the dock,
19 there are risks with that we could have possibly gone further up river, I don't know what
20 the bridge height was that was right up there but I believe it is plenty for us, because I
21 think the Eagle is north of the bridge, we could have maybe gone over there. As far as my
22 experience is concerned, I've never been on dock when a storm is showing up I've
23 always been out at sea, and then the storm makes itself,

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COMMANDER KEVIN CARROLL: Did Capt. Walbridge have any opinions on what he believed the safest place to be for the ship during a storm?

DANIEL CLEVELAND: He did not, I guess so, I guess he believes that the ship is safer at sea during a storm. If you handle it appropriately.

COMMANDER KEVIN CARROLL: Obviously hindsight being 20/20, what is your opinion? Is the ship safer at sea?

DANIEL CLEVELAND: I think it depends on the conditions. I think that being in a storm at sea as much as I have been and having it go so well so often I believe that you could argue that point, of course I guess you could argue the point that it is not safer. I believe that at Connecticut there at New London with a tidal surge of about, with hindsight, I think it was 6 to 9 feet or something like that, our freeboard was only 13, so we would have very likely have been on the dock, and we more than likely would have still been on board as crew because our responsibilities are with the ship. So I can't say that we as individuals would have been any safer. But I don't know.

COMMANDER KEVIN CARROLL: So you don't think the crew would have been safer in port?

1 DANIEL CLEVELAND: No, because we would have been on board, we would have been
2 tying her like crazy, and that is our home, so.

3
4 COMMANDER KEVIN CARROLL: But I guess if there is a problem we could just jump to
5 the pier so?

6
7 DANIEL CLEVELAND: Yeah, but have you ever been on a pier and a hurricane?

8
9 COMMANDER KEVIN CARROLL: Yes.

10
11 DANIEL CLEVELAND: I wouldn't want to be there either you know, so.

12
13 COMMANDER KEVIN CARROLL: You don't want to be anywhere near hurricane.

14
15 DANIEL CLEVELAND: Yeah.

16
17 COMMANDER KEVIN CARROLL: Okay, so did Capt. Walbridge did he hold this meeting
18 on his own, was this his idea or was he prompted to hold the meeting, was he asked?

19
20 DANIEL CLEVELAND: I believe it was his idea

21
22 COMMANDER KEVIN CARROLL: Okay, again please describe what did he impart to the
23 crew during the meeting, you already express that he talked about his plan?

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DANIEL CLEVELAND: He mentioned the plan, he mentioned his experience with hurricanes and he also told everybody that if they were not comfortable in this weather, or they wanted to leave that there would be no hard feelings, there would be no begrudging at all, and he was very clear about that, and I believed him.

COMMANDER KEVIN CARROLL: So you believe he was sincere?

DANIEL CLEVELAND: Yes, absolutely.

COMMANDER KEVIN CARROLL: Okay, a point of clarification, if somebody chooses to leave Bounty and they want to go home, do they have to pay their own way to get home?

DANIEL CLEVELAND: Yeah, I would, I mean, there is an something like a organizational protocol or anything, in my experience if you choose to leave a job it's your choice so you are technically quitting I guess, and I would assume you'd have to find your own way home.

COMMANDER KEVIN CARROLL: After, let's say that Bounty would've arrived in St. Petersburg, where was he going after St. Petersburg?

DANIEL CLEVELAND: Galveston Texas.

1 COMMANDER KEVIN CARROLL: Okay, Galveston Texas, after it arrived in Galveston
2 Texas what was it going to do?

3
4 DANIEL CLEVELAND: It was going to be there for the winter, I don't know if all the details
5 were hammered out, some of the things that I had heard, I know that Laura and I were
6 hired to stay on board through the winter and finish the spars and rigging them, and I
7 believe, again this was not completely hammered out details, but the volunteers for the
8 Alyssa, she was going to be in dry dock so they have a museum, were going to run the
9 tour's on the vessel through the winter.

10
11 COMMANDER KEVIN CARROLL: So the crew was going to disband after it arrived in
12 Galveston?

13
14 DANIEL CLEVELAND: Yeah, the season ends when she gets to her home port.

15
16 COMMANDER KEVIN CARROLL: When they get to their home port, and everybody goes
17 home, do they pay their own way?

18
19 DANIEL CLEVELAND: Yes sir.

20
21 COMMANDER KEVIN CARROLL: Okay, so they chose to leave in New London, or they
22 would've wrote it out and then finish the season in Galveston and they would've had to
23 pay their own way?

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DANIEL CLEVELAND: Oh yeah.

COMMANDER KEVIN CARROLL: Okay, good point, so what else occurred during the meeting?

DANIEL CLEVELAND: Well nobody decided to leave. That information was shared Robin gave that opportunity, and I don't recall there being a whole lot of other conversations, maybe somebody asked a little bit of clarification on exactly the plan and things like that, but I don't really remember that being a detail.

Okay.

DANIEL CLEVELAND: Somebody else might remember that better.

COMMANDER KEVIN CARROLL: So boat checks are done at the pier while you are important?

DANIEL CLEVELAND: Yes.

COMMANDER KEVIN CARROLL: Were boat checks conducted during the day-to-day sail?

1 DANIEL CLEVELAND: Yes, the on watch would have somebody doing boat checks.

2

3 COMMANDER KEVIN CARROLL: Okay. Did anybody express any concerns regarding
4 the operation of the bilge pumping system while in New London?

5

6 DANIEL CLEVELAND: I don't recall.

7

8 COMMANDER KEVIN CARROLL: Okay what time did the vessel the part New London?

9

10 DANIEL CLEVELAND: Oh it probably would be in the evening, I'm assuming 6 or 7 PM.

11

12 COMMANDER KEVIN CARROLL: Okay six or 7 PM who would've had watch, who
13 would've had the watch then?

14

15 DANIEL CLEVELAND: I would've had the watch then, but I don't remember.

16

17 COMMANDER KEVIN CARROLL: So you would depart New London, about six or seven
18 on 25 October, okay, take me from there.

19

20 DANIEL CLEVELAND: We got underway, we went on a southeasterly course, and the
21 weather was gorgeous actually, we had a next captain, every afternoon we have these all
22 hands meetings with Robin, Robin asked us questions you know, if you are looking into
23 the sky in the sea right now could you traditionally, he talked a lot about traditional

1 methods, I remember this conversation he asked if we could tell there was a system out
2 there at all. And he said not knowing that there is a system, what do you think you could
3 perceive? We came up with a couple of ideas, but we all knew there was a system, so
4 just trying to figure out the clouds very traditionally, it was a fun conversation continuously
5 talking about the weather. Mates meetings were no different, talking about the weather,
6 talking about navigable quadrants of hurricanes, trying to decide on how we could make
7 this map, Robin really wanted this map of our position versus the storm's position
8 constantly updated, that was kind of a cool thing but we had some trouble trying to blow
9 up a weather fax.

10
11 COMMANDER KEVIN CARROLL: Who was updating the map?

12
13 DANIEL CLEVELAND: I believe Matt Sanders was.

14
15 COMMANDER KEVIN CARROLL: Okay.

16
17 DANIEL CLEVELAND: There was a lot of sea stow in preparation for heavy weather. I
18 can't remember, yet it was the first day underway we brought the royal yard down from
19 the mainmast, that was the only mast that had a royal yard up at the time, Laura written a
20 work party and got that spar down to the deck, through a huge weight aloft, and lashed
21 that down, we just make sure that the whole vessel was ready for heavy weather,
22 because we assumed that we would have some.

23

1 COMMANDER KEVIN CARROLL: Were the yard projects complete?

2

3 DANIEL CLEVELAND: Yes, as far as the, yeah, the fuel lines, the water lines, all of those
4 things were ran, the pumps were running, the fuel pumps and things, so everything that
5 was worked on in the yard I believe was complete yes.

6

7 COMMANDER KEVIN CARROLL: Okay. Explain some things, the captain would hold two
8 meetings a day, one that was for all hands, what time was that?

9

10 DANIEL CLEVELAND: 12:45.

11

12 COMMANDER KEVIN CARROLL: 12:45, and what time did he do the mates meetings?

13

14 DANIEL CLEVELAND: 8 o'clock in the morning, 0800.

15

16 COMMANDER KEVIN CARROLL: Okay, what was done at the mates meetings?

17

18 DANIEL CLEVELAND: All of us, and John, myself, Matt, and Laura would, and the
19 engineer would meet with Robin in the gray cabin, during breakfast typically, and just
20 discuss what is going on today some of the consistent things we are planning on in the
21 future, and that's really, details about the current navigation, details about the next day
22 navigation details about what we were going to do when we got to where we were going,
23 lots of things like that, ships business.

1

COMMANDER KEVIN CARROLL: You made a comment before that when you left you had the engines,

4

5

DANIEL CLEVELAND: Yes.

6

7

COMMANDER KEVIN CARROLL: Can you explain that?

8

9

DANIEL CLEVELAND: They were necessarily full, but I don't remember exactly the RPMs, but Robin wanted to make tracks was his exact terminology I think.

10

11

12

COMMANDER KEVIN CARROLL: For what?

13

14

DANIEL CLEVELAND: We wanted to get as far south and east so that if we could get to the other side of the storm, south of Hatteras or close to Hatteras than we would have a nice clean sail all the way to St. Petersburg, instead of being far offshore.

15

16

17

COMMANDER KEVIN CARROLL: So in regards to the forecast for hurricane Sandy, he said that everyone was aware where the current forecast was?

18

19

20

DANIEL CLEVELAND: Yet we had not only posted in the galley where the crew was that map that I was telling you about, but we would leave the previous and current weather faxes in the nav shack where the officers does his navigation on the chart, and a logbook,

21

22

23

1 and I remember as an officer just speaking with my crew consistently about it, sort of
2 safety requirements that I have and the ship has when we are on deck, when the weather
3 gets snotty on that going to leave you up on the bow, things like that, we were very aware
4 and talking about it constantly.

5
6 COMMANDER KEVIN CARROLL: Did the forecast for the storm ever appreciably change
7 during the time that you were constantly monitoring it?

8
9 DANIEL CLEVELAND: No her chart line was pretty consistent from what I remember.

10
11 COMMANDER KEVIN CARROLL: So the playlist hills to the south southeast,,
12

13 DANIEL CLEVELAND: The plan was to head south east really fast so that we weren't so
14 far east that we could not make a better course to St. Pete, but so we could stay to the
15 east of the storm if we needed to. If it didn't come to shore or if it did even go east we
16 could stay away from it, but we wanted to get as far south as fast as we could to get
17 below Hatteras, because we knew that it wasn't going to go ashore before Hatteras, and if
18 we could than we could get onto the other side and have a very ideally a safe trip in.

19
20 COMMANDER KEVIN CARROLL: Okay so, October 25 you said your engines weren't all
21 the way RPM but they were hard?
22

23 DANIEL CLEVELAND: Yes.

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COMMANDER KEVIN CARROLL: Have you ever saying them run that hard before?

DANIEL CLEVELAND: Yeah but, we don't do it very often.

COMMANDER KEVIN CARROLL: Okay, how long were they run, what would you say that they were running at the maximum?

DANIEL CLEVELAND: I don't remember the RPM, I doubt they were running at maximum.

COMMANDER KEVIN CARROLL: Okay, so take me from there.

DANIEL CLEVELAND: So this farce came down, we are running at maximum or whatever we were going real fast, and that was I don't remember what the day of the week that was but, I'm really bad with days, if we sunk on the 29th and we left on the 25th, so

COMMANDER KEVIN CARROLL: The 29th was a Monday.

DANIEL CLEVELAND: It was a Monday,

COMMANDER KEVIN CARROLL: If that helps you.

1 DANIEL CLEVELAND: Yeah, so we sunk on the 29th we left the 25th, we took the yard
2 down on the 26th, and basically continued to prep for heavy weather, the 27th was the
3 first time that I remember the weather starting to deteriorate, as far as the conditions, the
4 seas were getting larger the winds were increasing,

5
6 COMMANDER KEVIN CARROLL: What was it?

7
8 DANIEL CLEVELAND: The 27th.

9
10 COMMANDER KEVIN CARROLL: No no, the weather.

11
12 DANIEL CLEVELAND: The weather was increasing, and the seas were building, that was
13 the first time I noticed, the first two days out it was really quite calm,

14
15 COMMANDER KEVIN CARROLL: For the 27th what would you say you were
16 experiencing as far as the weather and the seas?

17
18 DANIEL CLEVELAND: Oh probably 8 and 12 foot seas maybe, and probably 25 kn of
19 wind.

20
21 UNKNOWN: From where?

22
23 DANIEL CLEVELAND: What?

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UNKNOWN: From where?

COMMANDER KEVIN CARROLL: From where?

DANIEL CLEVELAND: Oh, from where, we were headed southeast I believe the wind was on our, I think it was on our port beam, which would have been the Northeast.

COMMANDER KEVIN CARROLL: Okay,

DANIEL CLEVELAND: But it may have been on the Star board beam, I can't remember for sure, sorry

COMMANDER KEVIN CARROLL: Up until this point, when you said the weather started to deteriorate, 8 to 12 foot seas, 25 kn of wind that was not abnormal conditions for Bounty?

DANIEL CLEVELAND: No sir, not not abnormal for Bounty, as long as it's fair, you know, if it was fore to the beam it would be a real rough ride.

COMMANDER KEVIN CARROLL: Was it forward to the beam?

1 DANIEL CLEVELAND: I don't remember I don't believe so, I am pretty sure that we were
2 sailing.

3
4 COMMANDER KEVIN CARROLL: Was it a rough ride?

5
6 DANIEL CLEVELAND: No. Not in my opinion but, I have been in that before so,
7

8 COMMANDER KEVIN CARROLL: Okay it is kind of based on your experience on if it is
9 rough or not. Up to this point were there any concerns or problems with either the
10 machinery either generators either propulsion machinery or the bilge pumping systems on
11 Bounty?
12

13 DANIEL CLEVELAND: I believe we were having a little bit of trouble with one of the
14 generators, it was like spitting funny smoke and puttering and an out, it wasn't dying but it
15 wasn't, surge wasn't the right word but it would kind of pick up in sound and in lower and
16 sound,
17

18 COMMANDER KEVIN CARROLL: Fluctuate?
19

20 DANIEL CLEVELAND: Sure, that's a great word for it.
21

22 COMMANDER KEVIN CARROLL: Which one?
23

1 DANIEL CLEVELAND: I don't remember for sure. Anytime, because of my extreme lack
2 of experience with the engineering department, anytime that there was an issue I typically
3 got Robin or even Matt or John, or Chris, these guys are pretty much better at that stuff
4 than I am.

5
6 COMMANDER KEVIN CARROLL: Did you always sailed with an engineer on board
7 Bounty?

8
9 DANIEL CLEVELAND: Yeah. Sometimes we did not have an engineer at the time but one
10 of our officers was always considered an engineer, but we did not necessarily always
11 have a day man's position, but that was usually for shorter intervals.

12
13 COMMANDER KEVIN CARROLL: Had you worked with Chris Barksdale before?

14
15 DANIEL CLEVELAND: Me personally, no.

16
17 COMMANDER KEVIN CARROLL: Okay, so during your time from Boothbay, working with
18 him in the yard until departure in New London what were your, what was your evaluation
19 of his ability as an engineer?

20
21 DANIEL CLEVELAND: I am not the right person to evaluate an engineer, but he seemed
22 competent.

23

1 COMMANDER KEVIN CARROLL: Okay. 27th the weather started to deteriorate, 8 to 12
2 foot seas, 25 kn, wind was at the port beam you think, fluctuations with the generator,

3
4 DANIEL CLEVELAND: Yes sir.

5
6 COMMANDER KEVIN CARROLL: Take me from there.

7
8 DANIEL CLEVELAND: So that was Friday night I believe, the 27th, those conditions
9 steadily increased throughout the evening, the 28th it was still increasing, the weather
10 seemed to keep increasing obviously, until I was at Elizabeth city, but the weather was
11 just a consistent increase, the barometer was a consistent drop, slow and steady, watch
12 went on as per usual, we were rating lifelines in the tween decks and on deck, lines that
13 we could clip into if we needed to, in the tween it is a very open space as I've seen
14 people get injured because you can go from 12 feet across the vessel pretty easily, so we
15 have lifelines rigged through their, but really I mean we did not have work parties
16 anymore so that the crew had extra time to rest. Watch duties were all that was being
17 performed by the crew, consistency so make sure everything was in its place keeping the
18 vessel safe

19
20 COMMANDER KEVIN CARROLL: Were any of the crew sick or injured?

21
22 DANIEL CLEVELAND: At that, don't believe anybody was injured, and I couldn't give you
23 exact individuals except for maybe a few that were seasick, I know Chris Barksdale is

1 probably seasick and I'm trying to remember who else might have been, one of my
2 deckhands, he used to get seasick but that seemed to go away later in the season, I
3 seem to remember everybody performing pretty well everybody was tired.

4
5 COMMANDER KEVIN CARROLL: Okay, was it typical to get rest?

6
7 DANIEL CLEVELAND: Yes, Robin was in storms, he was very particular, stop work party,
8 so you actually have instead of a six and eight hour period of rest and a lot of times you
9 have quite a bit more because now you don't have to work that extra four hours in a 24.
10 Period

11
12 COMMANDER KEVIN CARROLL: Okay. So take me from there.

13
14 DANIEL CLEVELAND: That would be Saturday night I was on the 4 to 8, I relieved Matt
15 Sanders at 4 o'clock, we had before that, we had, that's when issues with the bilges
16 became very apparent, we were not staying ahead of the water pumping, I was resting for
17 the four hours before I came on watch, and the weather was pretty bad, we were seeing,
18 ultimately what we were seeing was 30 foot seas like I said at one point in time late in the
19 middle of the night, the anonometer read 90 mph winds, or 90 kn, and then it broke,

20
21 COMMANDER KEVIN CARROLL: It broke?
22

1 DANIEL CLEVELAND: Will the next time that I tried to take a reading it said 15 kn, so I'm
2 assuming the wheel went stripped or something I'm not sure, it's a handheld,

3

4 COMMANDER KEVIN CARROLL: Can you clarify for, when you say Saturday night, you
5 were on the 4 to 8?

6

7 DANIEL CLEVELAND: I was on the 4 to 8.

8

9 COMMANDER KEVIN CARROLL: 16:00 to 20:00?

10

11 DANIEL CLEVELAND: Yes, I'm sorry I will use military time from now on.

12

13 COMMANDER KEVIN CARROLL: please.

14

15 DANIEL CLEVELAND: When I took the deck at 1600 Robin asked me to leave the vessel
16 to, we had been carrying the four course only because of the winds were high and again
17 it's our safe storm, I'm sorry in getting ahead of yourself, that sail blew out, ripped in half,
18 all hands are called and we went and furled it, set the four staysail are up, the other
19 smaller storm sail. That happened before I was on watch.

20

21 COMMANDER KEVIN CARROLL: But that was on Saturday?

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23 DANIEL CLEVELAND: Yes sir.

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COMMANDER KEVIN CARROLL: What was your course on Saturday, was it still Southeast?

DANIEL CLEVELAND: No I think we decided to go Southwest.

COMMANDER KEVIN CARROLL: Okay, do you know when that was?

DANIEL CLEVELAND: No not exactly, I believe it was sometime on Saturday.

COMMANDER KEVIN CARROLL: Do you know why that was?

DANIEL CLEVELAND: Yeah Robin felt that we had made enough southerly that we could get ahead of the storm far enough away from the eye, that we could put the wind on our port quarter and make tracks for St. Pete directly. Go for Florida directly.

COMMANDER KEVIN CARROLL: But you were still forward of the storm.

DANIEL CLEVELAND: We were forward of the storm, we were, we wanted to be on the northwestern quadrant of it, because the ways to be on our port quarter, it would be behind us.

1 COMMANDER KEVIN CARROLL: Okay being that far forward from the eye of the storm
2 at that point when you made the turn to Southwest the winds were at on the port quarter?

3
4 DANIEL CLEVELAND: Yes, does it make more sense, that probably fixes whatever I said
5 earlier., That was for sure and I believe we made that course change that day. I'm sorry
6 about that, it is much easier to remember Sunday because that is really the focus on my
7 mind than the previous day's,

8
9 COMMANDER KEVIN CARROLL: Don't be sorry at all, continue.

10
11 DANIEL CLEVELAND: Anyway, so the sail have blown out, we had furled it I was aloft
12 with quite a few members of the crew we took that sail and and reset the four staysail, we
13 still had sail area we were still motoring and we were still running from the wind and the
14 South West recourse. I took the deck at 1600 Robin, this was the exact stated that he
15 said, I believe we are losing the battle against the bilge water, I want to put, we had been
16 using the hydraulic pumps and electron pumps but we still didn't feel like we were staying
17 ahead of the dewatering so he wanted to put, because the boat was rolling heavily so the
18 bilge water would go from one side to the next he wanted to put the water on one side of
19 the vessel so we can put all of our intakes there, keep water there relatively, and
20 hopefully dewater faster and more efficiently. I hoved to, that rolls the vessel over a little
21 bit you know, and tried to continue dewatering.

22

1 COMMANDER KEVIN CARROLL: Okay and I'm just trying to get situated so, the vessel
2 sank on Monday, October 29, Sunday would be October 28, is this Saturday or Sunday?

3
4 DANIEL CLEVELAND: Oh I am sorry, I keep thinking Sunday was the 29th. Okay so my
5 days are wrong, I took watch the day before we sunk at 1600, that is when we hove to.

6
7 COMMANDER KEVIN CARROLL: Okay.

8
9 DANIEL CLEVELAND: So that would be the 28th.

10
11 COMMANDER KEVIN CARROLL: Good, thank you. What was the condition of the
12 machinery in the engine room at that point, main engines generators bilge dewatering
13 system?

14
15 DANIEL CLEVELAND: When I took watch at 1600, on the 28th, I believe that we were, I
16 can't remember if that was the time, or if a little bit later was when the fuel line was
17 broken, and one of our generators went down for a period of time, it may have been later
18 that night, otherwise I think everything was running when I took deck at 1600.

19
20 COMMANDER KEVIN CARROLL: At 1600 on Sunday, the 28th?

21
22 DANIEL CLEVELAND: Yes, I believe everything I still had, I still had the throttles down,
23 we were sailing under the four staysail, and when Robin asked me to heave to, we took in

1 the four staysail furled it, and took one engine out of gear, the port, kept the starboard in
2 gear and ahead to help keep the vessel rounded slightly into the seaway so he could put
3 the seas forward of the port beam.
4

5 COMMANDER KEVIN CARROLL: Okay, so at that point to call you had been on board
6 Bounty, going through to previous large storms, and at this point you said Robin said that
7 you are losing the dewatering battle, is that correct?
8

9 DANIEL CLEVELAND: Yes sir.
10

11 COMMANDER KEVIN CARROLL: On the 28th, did you get an opportunity to go into the
12 bilges?
13

14 DANIEL CLEVELAND: Yes sir.
15

16 COMMANDER KEVIN CARROLL: Okay. Had you seen more water than you had seen
17 before in your experience or had you seen less water?
18

19 DANIEL CLEVELAND: It was probably at the maximum of the water that I had seen
20 before. It wasn't, I mean, yeah probably the maximum that I have seen, I don't think that
21 I've seen more than that, at that time.
22

23 COMMANDER KEVIN CARROLL: Okay. Did any water get into the lazz, lazzaret?

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DANIEL CLEVELAND: No, not for a long time.

COMMANDER KEVIN CARROLL: Okay but it eventually did?

DANIEL CLEVELAND: Oh yeah, yeah.

COMMANDER KEVIN CARROLL: Okay, well obviously.

DANIEL CLEVELAND: Yes.

COMMANDER KEVIN CARROLL: Okay continue on from there, at 1600 you took the watch, Robin let you know that he was concerned, losing the battle with the bilge water, (inaudible)?

DANIEL CLEVELAND: Yes sir.

COMMANDER KEVIN CARROLL: Okay from there.

DANIEL CLEVELAND: We, at that point my watch protocol slightly changed, we were hoved to, the wheel was lashed, we don't need a helmsman we decided that as long as myself or someone else was in the nav shack periodically taking a look out from on deck we really didn't need to have anyone else on deck, there is no point it was getting dark,

1 and the conditions were poor, for safety sake we did not want anybody on deck by
2 themselves. So what I did was maintain my watch, my hourly plots on the chart and in the
3 log from the nav shack and periodically coming up on deck and looking around, not
4 leaving the nav shack but the nav shack is a house top so you can see inside the hatch
5 and take a look around. Make sure that there is no other vessels after. Paying attention to
6 the radar and things like that. I had two of my deckhands down in the engine room with
7 Robin, I believe at the time Matt was still down there, I think John might have relieved
8 Matt a little bit later so he could get some rest, I don't remember the time or even if it's
9 100%, but I do believe that happened. Dinner would've been through my watch and so
10 cycling people through the galley to eat, I believe we had macaroni and cheese, when the
11 time came for my watch to change we decided instead of having an actual relief, so John
12 never came and actually relieved me, I just maintained the nav shack watch more hands
13 would come up and we would help out in the engine room, I don't know exactly what was
14 going on down there, we would go down there to check and see if they needed anything,
15 periodically Robin asked me to look over the side and make sure that water was actually
16 leaving the vessel through the bilge manifold, every time I looked and I could see it it was.

17
18 COMMANDER KEVIN CARROLL: Okay. Where do you believe water was entering the
19 hull?

20
21 DANIEL CLEVELAND: The only places that I can tell you for sure water was entering the
22 hull was through there was a few short lengths of seams on the port side of the engine
23 room that would have been just above, not just above the waterline, but above the

1 waterline possibly below the whale strake though, when we would take a role and a sea
2 wave would hit that side of the vessel you can hear it psst in so that means that a couple
3 of the seams had blown out, so water was sort of spurting and through that every time it
4 would roll, that was in the engine room. There was one place forward on the starboard
5 side on the tween decks when we rolled down it was sort of in the heads that you could
6 hear the same sound, but we had ceiling planking so you could not really see it, except
7 for damming the bilges necessarily, sometimes there is a gap in the ceiling planking and
8 you can see the sea water running down, but that is typically down in the turn of the bilge.
9 I think there was one other spot on the port side also, in the tween's we were hearing the
10 same noise, that's where I was hearing it.

11
12 COMMANDER KEVIN CARROLL: Were any of the crew that were down below trying to
13 clear the strainers and work with the bilge system?

14
15 DANIEL CLEVELAND: Yes.

16
17 COMMANDER KEVIN CARROLL: Were any of those reporting to you they had seen
18 water coming into the hull anywhere?

19
20 DANIEL CLEVELAND: No. We were clearing the strainers consistently on watch prior to
21 mine. Just checking on them we typically do that especially if we are having trouble
22 pumping the bilges we pull the strainers out take a look at them, if there is anything in
23 them clear them out, they were remarkably clear, especially from being in a yard period

1 where we did a lot of work in the area of the bilges. Every day I remember Laura having a
2 work party down there vacuuming everything up, and so they were staying very clear,
3 checking them constantly and as far as reporting water coming in through there I believe
4 at that time to build water was too high for where those gaps in the ceiling are hard to
5 see, so you wouldn't see water trickling.

6
7 COMMANDER KEVIN CARROLL: Okay. In your opinion since you had the con at the
8 time you had the nav shack, you kept coming out to check, did you see any green water
9 coming over the deck and going down into the hull via the deck?

10
11 DANIEL CLEVELAND: No. No I did not see any of that.

12
13 COMMANDER KEVIN CARROLL: So in your opinion all the water that was coming into
14 the hull was coming in through the seams?

15
16 DANIEL CLEVELAND: I would believe so yes. I mean, yeah. That's all I could see there
17 was definitely no green water coming up in any hatches, everything was battened down.

18
19 COMMANDER KEVIN CARROLL: Okay, what was the condition of the crew at this time?

20
21 DANIEL CLEVELAND: Probably tired, they had been working very hard. A lot of them had
22 been resting. We had still up through mostly my watch still only been operating one watch

1 at a time so everybody had been getting rest, some people sleep better than others in
2 that kind of whether, so.

3
4 COMMANDER KEVIN CARROLL: Was anybody injured?

5
6 DANIEL CLEVELAND: I don't remember when Chris got injured, but Chris Barksdale hurt
7 his hand, I know that, I think it was later in the night though.

8
9 COMMANDER KEVIN CARROLL: Okay. Continue please.

10
11 DANIEL CLEVELAND: The water is rising the weather is increasing, this is again the 28th
12 late in the evening, probably almost 20:00, Robin I believe Matt again, John, I know John
13 Jones he was kind of our engineers aid or assistance most of the season, he was down
14 there, they were dealing with a lot of things, trying to keep the electrical systems running,
15 trying to get the bilge pumps to just work efficiently, nobody really understood why they
16 weren't working to pump water out in the capacity that we are used them doing, because
17 the strainers were not clogged, so there was kind of think about what if it could be
18 something in the pipe somewhere in the system, but there was, that was really just like a
19 passing comment, and I'm not sure that there was anything we could do about that
20 anyway, but at some point in time we lost both generators after this port generator had
21 gone down because of the fuel line, they were working on fixing that, the starboard one
22 went out and I don't know why. So we lost power for a short period of time and then
23 regained it.

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COMMANDER KEVIN CARROLL: What time, do you know?

DANIEL CLEVELAND: No, not for sure, I could tell you that it was more than likely closer to midnight than the 20:00.

COMMANDER KEVIN CARROLL: So closer to midnight you lost complete power on the vessel?

DANIEL CLEVELAND: For a short period of time.

COMMANDER KEVIN CARROLL: Okay how did you get it back?

DANIEL CLEVELAND: I'm not sure.

COMMANDER KEVIN CARROLL: Okay,

DANIEL CLEVELAND: I don't know if they fixed the port generator or if they fixed the starboard or if they fixed both, I don't know.

COMMANDER KEVIN CARROLL: Okay, did you lose propulsion?

1 DANIEL CLEVELAND: Yes, in some point in time but that was later, past midnight, the
2 starboard engine at one point time would have been underwater, it was down lower than
3 the generators were, so, the hydraulic bilge pumps run on the starboard generator, or
4 engine.

5
6 COMMANDER KEVIN CARROLL: Okay, continue please.

7
8 DANIEL CLEVELAND: We got the trash pump working for a very short period of time, it
9 would run not run, we don't know why. We tried a lot of different things, different hoses,
10 check the strainers, priming it a lot, we could only run it in the tween decks for a period of
11 time because of the carbon monoxide threat. There was a lot of things going on at that
12 time, we were getting fed by our cook in passing, a lot of people were working, but he
13 much all hands to the rest of the night. We were on deck making sure everything was
14 okay still latched down, water was still rising, ultimately what ended up happening is the
15 engine room had to be vacated. There exists no longer anything you could do, so we had
16 no power at that time. Throughout the earlier parts of the evening while we still had power
17 Robin was sending a lot of emails out, I remember John being on the satellite phone,
18 which obviously we did not need to generators for but, trying to get a hold of a multitude
19 of people, the organization, the Coast Guard search and rescue, I know that we sent off
20 one E-perb, later we set off both. We were trying to consistently, I know that, I was kind of
21 performing multiple roles, I was going down in helping Laura was running a lot of the
22 fighting the water, cleaning the bilges keeping people safe, getting the safety gear, getting
23 tools that were important out of the area, just checking on those things trying to update

1 Robin. I remember at the time the barometer seemed to rise where we had a kind of little
2 bit of hope in a, and then talked to you guys, you guys were through a C-130 over or a
3 Hercules over, got radio contact with us. I was also keeping logs on our position up-to-
4 date,

5
6 COMMANDER KEVIN CARROLL: Were any of the logs taken off of the vessel?

7
8 DANIEL CLEVELAND: I believe they were put into ditch kits. But them of the ditch kits
9 have been recovered

10
11 COMMANDER KEVIN CARROLL: What is a ditch kit?

12
13 DANIEL CLEVELAND: A dry bag. We had quite a few different safety pieces of safety
14 equipment, we had a few dates gets with food water radio players, pilot charts so current
15 send information like that. We had two of those that were specific constantly maintained
16 and a lot of our extra safety gear expired flares all kinds of stuff we threw into as many dry
17 bags as they could, lots of water, lots of food we were trying to prep for the possibility that
18 we would be in the life-raft for who knows how long. So all that was loaded and left in the
19 tween decks at the one place where we would egress. Lifejackets were unloaded all the
20 emersion suits were made available so that when we decided to don them and egress
21 that would be easy and it would not be on deck in the boxes. We rigged up lifelines that
22 we would use to have everybody be able to hold onto her clip into in case we could not
23 get into the rafts, we were talking about how we were going to launch.

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COMMANDER KEVIN CARROLL: What was the, as far as the crew was concerned, was there panic?

DANIEL CLEVELAND: No. No there was not panic, I do not notice any panic throughout the entire evening, I was very impressed with the crew.

COMMANDER KEVIN CARROLL: Okay, so when you're opinion everybody was attending to their job and remaining composed?

DANIEL CLEVELAND: Yes.

COMMANDER KEVIN CARROLL: Okay.

DANIEL CLEVELAND: Yeah, very well, Adam heard himself some time during the evening but he was still in very good spirits.

COMMANDER KEVIN CARROLL: Okay, how was the captain?

DANIEL CLEVELAND: Robin was doing well, he was in the office a lot in getting through the email. He was in the nav shack later in the evening communicating through the high-frequency radio, he had fallen in the great cabin earlier in the evening before he started talking to the high-frequency radio in the nav shack, and he had sort of stumbled and

1 fallen backwards and hit his lower back on the table, he was injured and he lie down for a
2 little while in order to be able to just continue through the evening. You could tell he was
3 in pain, but he was mobile.

4
5 COMMANDER KEVIN CARROLL: Okay, continued.

6
7 DANIEL CLEVELAND: We, I mean I'm not really sure, all these things were going on
8 throughout the evening. I know that after we got everything out of boatswain's that we
9 thought would be useful in case we could continue to fight for the ship, I know we were
10 talking to the search and rescue teams trying to get pumps here, but they could not be
11 delivered until a certain time, and then having conversations as officers, when is that
12 going to be too late for us and so on and so forth. Still communicating in the nav shack
13 with you guys through the handheld, the handheld VHF, we had plenty of battery power.

14
15 COMMANDER KEVIN CARROLL: Had you communicated?

16
17 DANIEL CLEVELAND: Me personally, no. John was on the radio, Matt was on the radio,
18 and Robin.

19
20 COMMANDER KEVIN CARROLL: Okay.

21
22 DANIEL CLEVELAND: At one point in time does search and rescue airplane so that we
23 could turn off one of the EPIRBs that we had set, we had a ships EPIRB, 2 ships EPIRBs

1 and a personal EPIRB on board the vessel. We launched both, we turned on both
2 shipboard EPIRBs, the Hercules told us we could turn one of them off, and in case you
3 cannot make a VHF mayday, when we turned the second one back on that would signal
4 to the search and rescue that we had in fact left the vessel. I remember that conversation,
5 I think I was in the nav shack for that. ultimately after we were all, had all of our gear
6 prepared, and we allowed everyone to rest, once we decided if we didn't get Coast Guard
7 pumps we would probably be abandoning the vessel, and there wasn't a reason to
8 extenuate the crew, everyone went and lie down in the tween's to rest, relax, myself,
9 Mark, Chris Barksdale we continue to work on the trash pump. The trash pump was
10 frustrating, it only ran a little bit for a few minutes well, and in the rest of the time it didn't
11 run for nothing.

12
13 COMMANDER KEVIN CARROLL: That is the portable gasoline pump?

14
15 DANIEL CLEVELAND: Yes sir.

16
17 COMMANDER KEVIN CARROLL: Gotcha.

18
19 DANIEL CLEVELAND: We kept working with dad as best as we could throughout the
20 whole night really. We took it on deck we got a longer hose and we could still reach a
21 down in the engine room, I think it was a longer hose may be,

22
23 COMMANDER KEVIN CARROLL: On which deck, the tween deck or the weather deck?

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DANIEL CLEVELAND: The weather deck, we took the actual pump just outside the nav shack so that we can leave it on.

COMMANDER KEVIN CARROLL: What length of hose would you have needed?

DANIEL CLEVELAND: Well it's probably about 9 feet from the tween's to the weather deck, maybe even 10, and then if we wanted it to put it in the bilges of the engine room another 10, but that wasn't necessary anymore.

COMMANDER KEVIN CARROLL: Lieut. Cmdr. Parham can you help me find the exhibit, open never mind got it, CG 48, CG 48. Can you look through this, can you identify this document for me?

DANIEL CLEVELAND: It says it's the manual for the gasoline water pump, trash water pump, Willtech brand.

COMMANDER KEVIN CARROLL: You did work with the trash pump that you are referring to correct?

DANIEL CLEVELAND: Yes sir.

COMMANDER KEVIN CARROLL: Is the step pump?

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DANIEL CLEVELAND: It looks like it.

COMMANDER KEVIN CARROLL: It looks like it, okay. Have you ever seen this manual before?

DANIEL CLEVELAND: No sir. Well, I think we open this up when we were trying to get it to work.

COMMANDER KEVIN CARROLL: Okay.

DANIEL CLEVELAND: I don't know that I was looking at it, but I think we were looking at a manual for it because we were trying to figure out if we're missing something simple.

COMMANDER KEVIN CARROLL: Okay, when you first try to use this pump where were you when this pump was first broken out?

DANIEL CLEVELAND: I pulled it out of the room that it was stored in.

COMMANDER KEVIN CARROLL: Where were they first attempting to use it?

DANIEL CLEVELAND: It was right outside the engine room door, sort of off to the side of little bit, and we had run the output hose aft through the grey cabin window.

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COMMANDER KEVIN CARROLL: How far of a distance is that roughly? Let's start from where the end of the suction was, up the steps, how long was that?

DANIEL CLEVELAND: That was probably 8 or 9 feet.

COMMANDER KEVIN CARROLL: And how high would you estimate it?

DANIEL CLEVELAND: Oh, I'm sorry that's sort of what I mean it is probably an 8 or 9 foot vertical, probably 10, 10 feet 12 feet.

COMMANDER KEVIN CARROLL: Okay, and you're pushing it,

DANIEL CLEVELAND: That's to the deck, to the lower deck.

COMMANDER KEVIN CARROLL: And you are pushing it back to the grey cabin windows you said?

DANIEL CLEVELAND: It was probably like maybe 30 feet.

COMMANDER KEVIN CARROLL: Okay, 30 feet, is that a horizontal or vertical?

1 DANIEL CLEVELAND: Horizontal, because vertical to get over the settees, maybe 5 feet,
2 and then aft another 5 feet.

3
4 COMMANDER KEVIN CARROLL: Okay, did you ever get it to work in that configuration?

5
6 DANIEL CLEVELAND: Yes.

7
8 COMMANDER KEVIN CARROLL: You did?

9
10 DANIEL CLEVELAND: We did, for like 30 seconds.

11
12 COMMANDER KEVIN CARROLL: 30 seconds, okay.

13
14 DANIEL CLEVELAND: Yeah, it was,

15
16 COMMANDER KEVIN CARROLL: Okay, when did you next attempt to use that particular
17 pump?

18
19 DANIEL CLEVELAND: We continue to try and use that pump in that configuration for a
20 very long time. Later in the, I guess it would be morning now after 0:00 hours, after we
21 decided that a majority of the crew should rest, we should have a rotating, this was
22 Robbins idea, he had an all hands in the nav shack, talking about abandoning ship and
23 the way we need to sort of go about it from a safety point of view, and that he felt that

1 everybody needed to rest now and he reassured us about Coast Guard search and
2 rescue abilities, he was very calm and he wanted to make everyone aware that the
3 situation is a real situation. And how the best way to handle it would be. So everyone
4 went to rest but he wanted 2 to 3 people to rotate to continue making it work. What ended
5 up happening was myself, Mark, and Chris Barksdale just kept working with it. Later a few
6 other people came and helped, we didn't setup a half hour rotating shift or anything like
7 that. Just trying to make it work. We took it on deck, after everybody was resting, and
8 configuration was, the pump was on deck right outside the nav shack, it is two short
9 flights of steps down to the tween deck, again that is vertically probably 8 to 10 feet, and
10 then the other hose was down in the engine room, at this time we may have already
11 removed the ladder to the engine room because the water was trying to break it off, we
12 did not want it smashing around the neck so he pulled it up and out. The water was high
13 enough to where the hose did not have to go to the deck, and we got it, the other hose we
14 just sent it straight over the side, it was probably 15 feet to be over the side.

15
16 COMMANDER KEVIN CARROLL: Did you ever get it to work?

17
18 DANIEL CLEVELAND: No.

19
20 COMMANDER KEVIN CARROLL: Okay.

21
22 DANIEL CLEVELAND: We got it to run, it would run but it would not pump water.
23

1 COMMANDER KEVIN CARROLL: Okay, continue please.

2

3 DANIEL CLEVELAND: And then ultimately that was no longer working, and it was, the
4 water was very high, Robin decided that when we could first see the water on the leeward
5 side of the tween decks, you know because it was going to come up to the ceiling and
6 then start to be able to see it on the corner where the tween decks ceiling planking, as
7 soon as we could see water there, that is when he wanted everybody on deck to prep for
8 launching the life raft and getting into the life rafts. That was the plan. So once I was
9 reported, everyone was had already gone emersion suits, shortly before that the entire
10 crew, we had our ditch kits, we had all of the extra safety gear, the lifelines, the
11 lifejackets, everything, what we did is reposted John in the nav shack, Laura outside the
12 nav shack, myself at the by the way are on the capstain which is just aft of the nav shack,
13 the life rafts by the way are on the quarter, there on the stern, and we helped all of our
14 hands aft, so we pulled them from the nav shack, and aft to the capstain and sent them
15 back aft, so they were on the weather side. The high side of the vessel and there's the
16 helm, the mast and there is a nice big house top back there so you can stay away from
17 the leeward side, not going to and be thrown to the leeward side, and everybody stayed
18 low on their hands and knees, stayed back there, we got the whole crew on deck, Robin
19 stayed at the nav shack, and John was in, Robin asked me to make some lines up, what
20 we wanted to do was make a bowl and longline so be able to put it on someone so when
21 they went to jump in the life raft if they messed they would not just leave us, so we could
22 pull them back. So I went forward and I had my rig on me, my knife, I cut a line and tied
23 knots, I was halfway out of my emersion suit so I could still make knots and things like

1 that, so I was about the same distance forward as the main mast is, the rest of the crew
2 was aft. Matt Sanders was by the nav shack, just on the port side of Robin, Mark and
3 Anna were there to but everybody else was farther aft of the mizzen mast, John was in
4 the nav shack and Laura was right there, and Robin was also I think. I was getting all that
5 stuff ready and I think that John was still on the VHF with the Coast Guard search and
6 rescue, and we were, we had already talked about where we wanted to take the rafts,
7 they are very heavy, they are like 25 pound rafts, and in those conditions we were going
8 to move them very far, so we were going to launch them right there at the stern. As I'm
9 getting these lines ready though, and I don't know what time this was I think I read in
10 some media stuff that it was maybe four or something, I heard John tell Robin, because
11 he had looked forward, and look forward deck at the bow and the boat had gone
12 underwater, and that is when Robin said we've got to go, but there is no time, and it took
13 two seconds from that particular phrase to the vessel was on her (inaudible).

14
15 **COMMANDER KEVIN CARROLL:** So the vessel capsized at that point?

16
17 **DANIEL CLEVELAND:** Not a full capsize, but went 90 degrees then water came up from
18 the leeward side, grabbed on to all of us, everybody, it didn't matter who you are, those of
19 us that were closer to the wayward side had the rigging that they could try and get a hold
20 of, so on and so forth, and then basically everybody stories have sounded the same,
21 being thrown around being caught on stuff being caught underneath stuff, he had buy
22 things, everybody was trying to make their way aft because that was the easiest way to
23 get off of the vessel, because the vessel was no longer safe obviously, the life rafts have

1 been thrown off the vessel, there is a lot of things floating, wood, things like that I think
2 that's the reason why the ditch kits weren't cracked because everybody just got thrown
3 and water.

4
5 COMMANDER KEVIN CARROLL: Okay, were you injured?

6
7 DANIEL CLEVELAND: I was but I didn't know at the time.

8
9 COMMANDER KEVIN CARROLL: What was your injury?

10
11 DANIEL CLEVELAND: I broke a couple of ribs, I didn't even actually know it until after a
12 day or two I finally went to see a doctor and said they were broken, they just sort of hurt.

13
14 COMMANDER KEVIN CARROLL: Do you know how that happened?

15
16 DANIEL CLEVELAND: No. I can tell you a few of the things that hit me in different places,
17 but I don't know what hit me in the ribs.

18
19 COMMANDER KEVIN CARROLL: So after you are in the water, what happened?

20
21 DANIEL CLEVELAND: I found a big wooden grate, it was the back of the stern common
22 something that the tiller rope runs around the wheel and then along the deck so you don't
23 trip over it, there is this wood grating that sits there. I found that, I was sort of kicking

1 away from the boat as much as I could, I was very happy to find Laura shortly after that,
2 she found my grating, and after that i just sort of, found me really, it wasn't like anybody
3 was, I mean we were all looking for each other but all he could see was a lot of red suits
4 and a lot of yelling, and the current had us going from aft to forward which was really
5 unfortunate because of the vessel was going from like a 45 back to a 90 and the entire rig
6 was still on her, except that Royal had been brought down, but nothing has broken, none
7 of the rig had broken, so is a very hazardous situation being that the spars were
8 slamming into the water right above us,

9
10 COMMANDER KEVIN CARROLL: So the rigging was going from horizontal to vertical,
11 back-and-forth?

12
13 DANIEL CLEVELAND: From horizontal to a 45, yeah it was coming out of the water in
14 slamming back down, I've heard the stories of said some people were caught on it when it
15 would go up and come back down I was fortunate enough not to experience that, so
16 you're being pushed forward and I could remember is trying to swim away from of the
17 vessel to get a safe distance, and that's when Laura found the piece of wood, it was a
18 large piece of wood, Jessica Hewitt, and then Drew, Chris Barksdale and Adam, that was
19 the six of us that were on this large grating swimming away and telling everybody I
20 remember yelling just keep swimming away from the boat and once in a while looking
21 back and looking at it, but we saw a life draft that was inflated and we were kicking
22 forward trying to get to it but we couldn't keep up with it, and we saw a canister a life raft
23 canister I don't know if it was ours, I heard that the Hercules had launched one dropped a

1 raft, but the canister had not opened up yet so it wasn't floating away from us, which was
2 very convenient for us because we could reach it we got a hold of the painter we inflated
3 liferaft and then we proceeded to struggle to get to it and get and it, I don't know how long
4 it took but it took a long time.

5
6 COMMANDER KEVIN CARROLL: So it took a long time for the crew in the water to get
7 into the life raft?

8
9 DANIEL CLEVELAND: Yeah, after it inflated getting to it was very difficult, the line that
10 ran from it that we were all holding onto, we finally decided to ditch the piece of wood
11 because we all had hold of this line, but the Gumby fingers you can't hold onto a half-inch
12 double braided line, you can hold onto that you just slip when the wave tries to pull you
13 away from the raft,

14
15 COMMANDER KEVIN CARROLL: Talking about the Gumby, you're talking about the
16 immersion suits?

17
18 DANIEL CLEVELAND: Yes sir.

19
20 COMMANDER KEVIN CARROLL: So the hands and the immersion suits made it difficult
21 to hold the liferaft canister?
22

1 DANIEL CLEVELAND: In my opinion they could use some grippy stuff on them, but we
2 were hauling towards it and we finally did get to the raft. Short and simple if you other
3 safety, life at sea things, the liferaft was very difficult to hold onto, there were strings on
4 the outside that you could not grab onto, maybe if they had floaty's on them and they
5 were extended away from the raft you could scoop your arm into them, but we all had to
6 actually bite the string in order to pull it away from the raft in order to put her fingers in it.

7
8 COMMANDER KEVIN CARROLL: With your teeth?

9
10 DANIEL CLEVELAND: Yes our teeth. We, then we proceeded to try and get into the raft,
11 Laura was the first person to try and she could not, so she moved aside and rest, and the
12 rest of us tried we were all hanging on this line, what we finally figured out would work, we
13 got on the latter side I got 1 foot in on the lowest rung, it was very difficult the immersion
14 are full of water so they are very heavy when you trample your legs out of water, they are
15 wonderful for buoyancy, Drew could get his knee on my knee and then myself and one
16 other of the crew, I don't know who it was, we could push him while he tried to pull himself
17 in, once he was in I did the same thing and he helped pull me in from in the raft, after that
18 it was much more simple because you could pull people in, we pulled Adam in, he was
19 the one that had injured his back, and everybody else came in fairly easily after that.

20
21 COMMANDER KEVIN CARROLL: What happened after that?

22

1 DANIEL CLEVELAND: We were in the life raft, there is a lot of water in the raft, at first we
2 worried that it might be dangerous, but seeing as how she handled the sea we figured it
3 probably wasn't, we tried looking for a bailer couldn't find it in the gear, again, you cannot
4 access the gear with the Gumbo suit fingers on, there is no way that you could have
5 opened it so I took it half off just one side of me, and took probably about 20 minutes to
6 start to get cold that way so I put it back on after I got the equipment open even though
7 the water was pretty warm. We spread out in the raft just and kind of all quadrants tried to
8 relax, but stay awake, I could see the other raft for a short period of time, we saw a light
9 on the outside could see a drifting away to me lost sight of it Laura had one of the
10 EPIRBs, and Matt Sanders had the other EPIRB attached to him also, so we split our
11 abandon ship protocol into two watches meaning there's two life rafts, a port and
12 starboard liferaft, we have a port and starboard watch. So Matt Sanders is in one raft and
13 I'm in the other, Laura was in mine on my watch Matt had his crew so he took that EPIRB
14 and she took the other one. So we held it out the window especially whenever we could
15 see the Hercules fly through, flyover, I started bailing with the water bottle I had attached
16 to me, less for purpose more just to keep active, other individuals started to join in just to
17 kind of stay active, I suppose just to do something.

18
19 COMMANDER KEVIN CARROLL: Then what happened?
20

21 DANIEL CLEVELAND: We were there for a while, sort of kind of just telling jokes and
22 stuff, nobody was in a bad mood nobody was crying more upset or anything, I never felt
23 once like as an officer I had to really try to keep people's spirits up, which was great

1 everybody was doing pretty well. Staying positive. We talked a lot about some of the
2 struggles that we had gone through to get here, the nodes like the radio clapping on, I
3 had a handheld, I didn't have that anymore I don't know where it went, you know just kind
4 of the minor struggles just like oh man this grabs onto me here, then just also telling
5 stories talk about what we were going to do when we get home stuff like that, when we
6 saw the helicopter for the first time, it was dawn and that was really a relieving sort of
7 feeling and then the swimmer came in, told us, briefed us on how this was going to go
8 and when we saw the helicopter we decided who should go first and that Adam should go
9 first because of his back, and that the girls should go next and so on and so forth and
10 they told Adam and Jess out, and then the life raft flipped, and that worked out the life raft
11 re-inflated, you could breathe you were fine, Justin more water than you were in
12 previously, we swam outside of the raft and held onto it and then we were picked up by
13 the rescue swimmer.

14
15 COMMANDER KEVIN CARROLL: When was the last time that you saw a Robin
16 Walbridge?

17
18 DANIEL CLEVELAND: The last time that I saw a Robin Walbridge was as I was tying
19 those knots when I heard John say about the forward deck that it was underwater, I still
20 do not have my immersion suit all away on and Laura and Anna were at the other
21 deckhands helping me finish putting it on, and basically I had it on and then the ship went
22 over, that was the last time I saw him.

23

1 COMMANDER KEVIN CARROLL: When was the last time that you saw Claudine
2 Christian?

3
4 DANIEL CLEVELAND: The last time that I saw Claudine was when I grabbed her hand
5 and pulled her from the nav shack and sent her asked to the life raft.

6
7 COMMANDER KEVIN CARROLL: Okay Mr. Cleveland, I'm going to stop asking
8 questions at this time and we are going to take a break, we're going to take a break for
9 lunch I appreciate your testimony, when we come back I'm going to explain what is going
10 to happen. This is Capt. Jones of the NTSB he is going to have the opportunity to ask you
11 a couple of questions, and then the gentleman behind you will have the opportunity to ask
12 you some questions. Again I have made points before that their questions will not cover
13 areas that I have already covered.

14
15 DANIEL CLEVELAND: Right, that is fine.

16
17 COMMANDER KEVIN CARROLL: The time is now 5 to 12, I would like to, I would like to
18 come back at 13:15 but I would like the parties of interest to please meet with me to
19 discuss at 13:00 in the room outside of the conference room. Thank you sir.

20
21 COMMANDER KEVIN CARROLL: Okay, we are back on the record, all parties and their
22 counsel are present. Mr. Cleveland, how are you sir?

23

1 DANIEL CLEVELAND: Good.

2

3 COMMANDER KEVIN CARROLL: Okay, as we discussed prior to breaking for lunch, this
4 is Capt. Rob Jones he is from the National Transportation Safety Board he will be asking
5 you some questions now.

6

7 DANIEL CLEVELAND: Okay good.

8

9 LIEUTENANT COMMANDER NICHOLAS PARHAM: I just wanted to remind Mr.
10 Cleveland that the oath that he took previously is still binding.

11

12 DANIEL CLEVELAND: Yes sir.

13

14 LIEUTENANT COMMANDER NICHOLAS PARHAM: Okay.

15

16 CAPTAIN ROB JONES: Good afternoon Mr. Cleveland

17

18 DANIEL CLEVELAND: Good afternoon Mr. Jones.

19

20 CAPTAIN ROB JONES: Could we just go back to, you have a third mate's license?

21

22 DANIEL CLEVELAND: I have a captain's license, 100 ton intercoastal with sail auxiliary.

23

1 CAPTAIN ROB JONES: Okay, any other endorsements?

2

3 DANIEL CLEVELAND: Yes I have an able seaman unlimited with RFPNW and STCW
4 compliance (inaudible).

5

6 CAPTAIN ROB JONES: Okay. You had mentioned that the STCW, what kind of training
7 does that entail?

8

9 DANIEL CLEVELAND: The STCW training to the level that I met involves a BST which is
10 a five day course, basic safety training, it is basic firefighting, basic first aid, CPR, I think
11 one of the classes is called personal responsibility, it has another phrase that I can't
12 remember exactly what it is called, and it involves, we actually take you firefighting class
13 with the firefighting school, we learn how to do CPR we learn basic first aid, we learn deck
14 safety, Coast Guard classes, Coast Guard tests, and then also you go through a life boat
15 course which is classroom and practical time, how to launch lifeboats, operate lifeboats,
16 you need both of those courses in order to be as STCW compliant as an able seaman.

17

18 CAPTAIN ROB JONES: Did you have to pay for these courses.

19

20 DANIEL CLEVELAND: Yes sir.

21

22 CAPTAIN ROB JONES: Out of your own money?

23

1 DANIEL CLEVELAND: Yes sir.

2

3 CAPTAIN ROB JONES: The BST courses, did they not have anything to do with
4 immersion suits? Or life rafts?

5

6 DANIEL CLEVELAND: Yeah.

7

8 CAPTAIN ROB JONES: Can you describe what you learned?

9

10 DANIEL CLEVELAND: Yet we actually went to a pool, got in the immersion suits, had
11 classroom time talking about abandoning ship before hand, and then had a practical day
12 where we were in a pool and immersion suits, we learned a lot of different survival
13 techniques, in and out of the immersion suits. How to retain body heat, how to float safely,
14 we also were experienced, we were taught and then experience with how to flip a liferaft,
15 let's say if it opened up at it was upside down, you learn how to get in the liferaft, you
16 learned how to start a sart, you learned about EPIRBs, you learned about all of the safety
17 equipment inside of the life drafts, the equipment that typically came with the immersion
18 suits, we did a lot of different swimming techniques in immersion suits, let's say you don't
19 have a raft you learn how to sort of make a raft of people, if somebody isn't in an
20 immersion suit, how to get them as far out of the water as you can with the help of
21 another sailor in an immersion suit, a lot of things like that.

22

1 CAPTAIN ROB JONES: Did any of this previous training help, help you in the Bounty
2 capsized?

3
4 DANIEL CLEVELAND: It did, when the, when the Bounty capsized the training helped
5 give me an idea of what is available, but the conditions were such that, the training
6 doesn't really talk about what's going to, what's really going to happen, was really going
7 to be difficult, I think effectively personally.

8
9 CAPTAIN ROB JONES: When you told us that you flipped the life raft over and able, was
10 it a pool?

11
12 DANIEL CLEVELAND: Yeah, what it is is they started it flipped over and in there is a way
13 to flip it back so that you can get in it.

14
15 CAPTAIN ROB JONES: In your comp wish that in the training?

16
17 DANIEL CLEVELAND: Yes.

18
19 CAPTAIN ROB JONES: Were you able to do that at all and the real situation when you
20 face yourself in it?

21
22 DANIEL CLEVELAND: In the real situation while we were in the raft if flipped, and the
23 rescue swimmer was there and already pulling people into the aircraft so we exited the

1 raft and did not bother flipping it. We held onto lines and just waited for the rescue
2 swimmer to take us.

3

4 CAPTAIN ROB JONES: Okay, bear with me because of all of the great testimony that you
5 gave before I am going to be jumping around,

6

7 DANIEL CLEVELAND: Your fine.

8

9 CAPTAIN ROB JONES: As long as we're on the right life rafts come you mentioned that it
10 was hard to hold on to them because of the hands on the Gumby suits or the survival
11 suits and the length of the line on the rafts,

12

13 DANIEL CLEVELAND: Yeah

14

15 CAPTAIN ROB JONES: Were these rafts, where were they located on deck?

16

17 DANIEL CLEVELAND: They were as far aft as they could be located, they were, you had
18 the helm, you had a small doghouse that overlooked the great cabin, and then you had a
19 grating sort of a step up over a pillar and rudder post, they were sitting on top of that just
20 forward of the tap room.

21

22 CAPTAIN ROB JONES: Were they in cradles?

23

1 DANIEL CLEVELAND: Yes.

2

3 CAPTAIN ROB JONES: Were they on hydrostatic releases?

4

5 DANIEL CLEVELAND: Yes sir.

6

7 CAPTAIN ROB JONES: And how did they get off the cradles?

8

9 DANIEL CLEVELAND: They had the hydrostatic release would either release or manually
10 you'd release them,

11

12 CAPTAIN ROB JONES: Did you manually release them?

13

14 DANIEL CLEVELAND: Did we, no. But we can.

15

16 CAPTAIN ROB JONES: Okay, so do they actually released themselves?

17

18 DANIEL CLEVELAND: Yes.

19

20 CAPTAIN ROB JONES: When the vessel sank?

21

22 DANIEL CLEVELAND: Yes.

23

1 CAPTAIN ROB JONES: But the vessel was in the pictures still on top of the water?

2

3 DANIEL CLEVELAND: It was.

4

5 CAPTAIN ROB JONES: Hydrostatic releases usually release at a certain depth of the
6 water because of the pressure,

7

8 DANIEL CLEVELAND: Yep I understand how they work, yup.

9

10 CAPTAIN ROB JONES: So I was just curious,

11

12 DANIEL CLEVELAND: I do know that probably, because I was on board when the vessel
13 tipped over, at least half if not all the way up to the rail was underwater periodically,
14 meaning initially it when under or a wave washed over the vessel, and it lifted back up, I
15 know that I was on the high side of the vessel when it tipped over, and I know that I was
16 underwater periodically, so it is likely that both hydrostatic releases were underwater at
17 one time or another, which may have caused them to release.

18

19 CAPTAIN ROB JONES: Did the lanyard break free and they secured to the cradle?

20 Usually with a shackle or something like that?

21

1 DANIEL CLEVELAND: It's a weak link, unless you are manually launching it, you don't tie
2 it off to a hard point. So theoretically I guess the painter would pay out a certain length
3 then it should, the weak link should break.
4

5 CAPTAIN ROB JONES: You said you were in charge of conducting the safety
6 orientations?
7

8 DANIEL CLEVELAND: Yes sir.
9

10 CAPTAIN ROB JONES: And for the two crew member that were mentioned before, you
11 designated that to another AV, is there any way to verify that they got that training?
12

13 DANIEL CLEVELAND: Yes sir we had a checkoff list, that basically it had bullet points
14 that were all topics that needed to be covered.
15

16 CAPTAIN ROB JONES: Okay, and that was, you saw that list?
17

18 DANIEL CLEVELAND: Yes sir.
19

20 CAPTAIN ROB JONES: That's how you verified?
21

22 DANIEL CLEVELAND: Yes sir, and verbal confirmation also.
23

1 CAPTAIN ROB JONES: Does that list or anything get sent to the office, do you keep
2 records of that?

3
4 DANIEL CLEVELAND: We keep them on board.

5
6 CAPTAIN ROB JONES: All of the records are on board?

7
8 DANIEL CLEVELAND: Yes. To my knowledge.

9
10 CAPTAIN ROB JONES: Does any changes in safety training, does that come from the
11 office the captain?

12
13 DANIEL CLEVELAND: You're saying, let's say we experience something where we
14 should improve our safety standards of training, things like that?

15
16 CAPTAIN ROB JONES: That is a good way to put it.

17
18 DANIEL CLEVELAND: I would say that would be a mutual thing depending on who had
19 the experience, or who brought it up, and then we would go about it as a group of officers
20 trying to solve that, and then make that amendment to our safety training. Maybe not one
21 particular person is constantly in charge of that, maybe probably more of a group effort.

22

1 CAPTAIN ROB JONES: Okay. As long as we're on safety, one of the documents you are
2 showed before was a sail plan?

3
4 DANIEL CLEVELAND: Yes sir.

5
6 CAPTAIN ROB JONES: And also a crew manual about sailing with Royal's?

7
8 DANIEL CLEVELAND: Yes sir.

9
10 CAPTAIN ROB JONES: And that was not supposed to be done?

11
12 DANIEL CLEVELAND: Yes, that is what the stability letter says.

13
14 CAPTAIN ROB JONES: But the ship did it.

15
16 DANIEL CLEVELAND: From time to time yes.

17
18 CAPTAIN ROB JONES: And who ordered that, under whose direction did that come
19 from?

20
21 DANIEL CLEVELAND: The ship had Royals when I got on board, so they were carried
22 when the wind was light enough.

23

1 CAPTAIN ROB JONES: But who decides to say put the Royals up, let's fly with Royals
2 today?

3
4 DANIEL CLEVELAND: It depends, it would be the officer in charge, Robin was ultimately
5 in charge of all decisions made on board.

6
7 CAPTAIN ROB JONES: So those royals were flown opposite of what was said in the
8 stability letter?

9
10 DANIEL CLEVELAND: Yes sir.

11
12 CAPTAIN ROB JONES: Do you know why that was?

13
14 DANIEL CLEVELAND: Because the ship could handle it just fine apparently.

15
16 CAPTAIN ROB JONES: And whose opinion?

17
18 DANIEL CLEVELAND: I would say the captain's.

19
20 CAPTAIN ROB JONES: You also mentioned that the hurricanes that you had been in
21 before, and one coming out of, I am not sure of the date, I think 2008 he said, but the one
22 coming out of the canal, you said you're coming out to the Caribbean through the Gulf,
23 and where was that hurricane, was it north of you, south of you?

1
2 DANIEL CLEVELAND: It was north of us.

3
4 CAPTAIN ROB JONES: So you were already underway? Okay. How did you ride that one
5 out?

6
7 DANIEL CLEVELAND: At first we were sailing behind it, or following it as it was moving
8 north we were headed north also. We were keeping an eye on it, just like we were with
9 Sandy, its location our location and relevance to it. When we realized that we were
10 moving faster than the system was moving north, and we did not want to get that close to
11 it we hove to, because we didn't want to basically catch up to the eye, and then be in an
12 unfair wind situation, so we hove to and slowed down, so that it would continue to move
13 away from us.

14
15 CAPTAIN ROB JONES: You are basically behind it, and it's going in the same path you
16 want to go?

17
18 DANIEL CLEVELAND: Yes sir.

19
20 CAPTAIN ROB JONES: A little opposite to the conditions with Sandy right?

21
22 DANIEL CLEVELAND: Yes sir.

23

1 CAPTAIN ROB JONES: Were there any engineering issues at that time? Were you
2 running engines in that kind of weather?

3
4 DANIEL CLEVELAND: We were sailing at that period because of the wind were fair
5 enough we did not need to make extra speed, so the motors were off.

6
7 CAPTAIN ROB JONES: The conditions that you are sailing in and that hurricane with a
8 comparable to what you saw on Sandy?

9
10 DANIEL CLEVELAND: Yes.

11
12 CAPTAIN ROB JONES: Could you see the amount of water being generated in the
13 vessel in that hurricane as opposed to Sandy or in comparison to Sandy?

14
15 DANIEL CLEVELAND: I could not tell you how much water was being generated, but
16 what I can tell you is that we were keeping up with dewatering, so I never saw the amount
17 of water during that hurricane that I ended up seeing in Sandy, because it was effectively
18 being pumped out.

19
20 CAPTAIN ROB JONES: But you said the wave conditions were similar?

21
22 DANIEL CLEVELAND: Yes sir.

23

1 CAPTAIN ROB JONES: Were they, was the vessel riding through the waves similar, with
2 a hitting the stern, the quarter?

3
4 DANIEL CLEVELAND: They were on the quarter.

5
6 CAPTAIN ROB JONES: The same as they were for Sandy?

7
8 DANIEL CLEVELAND: Very similar yes, I think, once we hove to and Sandy, they were
9 closer to the beam not so much astern, but we also hove to during this one and they
10 were closer to the beam, not on the quarter, so yes we were writing very similar.

11
12 CAPTAIN ROB JONES: Alright, again we are jumping. The shipyard period, who is
13 responsible for taking a look at the hull of the vessel before goes back into the water?

14
15 DANIEL CLEVELAND: I missed one of the words.

16
17 CAPTAIN ROB JONES: Who is responsible for just ensuring that the vessel is okay to go
18 back into the water? Off the waves?

19
20 DANIEL CLEVELAND: Ultimately it would be the captain.

21
22 CAPTAIN ROB JONES: Okay, did he go down and inspect all of the seams that were
23 worked on?

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DANIEL CLEVELAND: Yes sir.

CAPTAIN ROB JONES: Was there any issues?

DANIEL CLEVELAND: No.

CAPTAIN ROB JONES: Anybody else inspect them or just the captain?

DANIEL CLEVELAND: Yes, I did, John wasn't in the yard, oh yeah he was, all of us as officers we always are looking at every aspect that we can understand and have an opinion on, and I would also assume that the yard manager was probably taking a look at it.

CAPTAIN ROB JONES: When you left the yard in Boothbay, and you said you, except for Capt. Walbridge, you had the most time on board the vessel?

DANIEL CLEVELAND: Yes sir.

CAPTAIN ROB JONES: You know how it handles how it feels underway?

DANIEL CLEVELAND: mm hmm.

1 CAPTAIN ROB JONES: Any difference in the feel when it left Boothbay?

2

3 DANIEL CLEVELAND: No sir.

4

5 CAPTAIN ROB JONES: Were you under sail the entire time from Boothbay to New
6 London?

7

8 DANIEL CLEVELAND: I don't think so, I don't think that there was sufficient wind for the
9 transit but I can't remember for sure.

10

11 CAPTAIN ROB JONES: So you motored?

12

13 DANIEL CLEVELAND: Yeah probably.

14

15 CAPTAIN ROB JONES: Did you have any issues with the engines from Boothbay to New
16 London?

17

18 DANIEL CLEVELAND: Not the engines now, I believe they were fine.

19

20 CAPTAIN ROB JONES: They were fine, were you pumping water at that time?

21

22 DANIEL CLEVELAND: Yeah but at a normal, our normal pace.

23

1 CAPTAIN ROB JONES: Everything that was running in the engine room, was running
2 okay?

3
4 DANIEL CLEVELAND: From what I remember yes, I know that like I mentioned earlier
5 some people mentioned that the engine room did not seem to be pumping as fast as it
6 usually did

7
8 CAPTAIN ROB JONES: So you sailed through pickup bay and through the canal, or did
9 you come around outside?

10
11 DANIEL CLEVELAND: I don't remember, we went through Cape Cod Canal a lot that
12 season, so I would assume that is what we took, I can't remember for sure, we honestly
13 went through it at least four times last year.

14
15 CAPTAIN ROB JONES: Okay, and you always go through there under power?

16
17 DANIEL CLEVELAND: Yeah, oh yeah, yeah.

18
19 CAPTAIN ROB JONES: When you are in New London for the daytrip, it was over, you
20 have done the tour to the Navy boat, what time did you actually get underway from the
21 dock?

22

1 DANIEL CLEVELAND: I can't give you an exact time I don't remember the time, I think a
2 fine estimate would be early evening, I'm thinking 6 o'clock. I believe.

3
4 CAPTAIN ROB JONES: Because I think you said you are finishing up with the Navy sub
5 around sunset?

6
7 DANIEL CLEVELAND: Well no, we left before sunset, it was my watch when we were
8 getting underway and I was the 16:00 to 20:00

9
10 CAPTAIN ROB JONES: Back on the Bounty?

11
12 DANIEL CLEVELAND: Yeah, so

13
14 CAPTAIN ROB JONES: Was the ship ready for getting underway from New London out
15 to sea?

16
17 DANIEL CLEVELAND: It was ready to get through the harbor through Long Island sound
18 the moment we left the dock, but we continue to make it shipshape and sea stowed
19 throughout, we sea stowe constantly moving things and putting them back but, as far as
20 sea ready is concerned that process was being finished on our way out of the harbor.

21
22 CAPTAIN ROB JONES: How long did it take you to clear the tip of Long Island, to hit
23 open ocean so to say?

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DANIEL CLEVELAND: I would say the rest of my watch so at least until eight, because we didn't motor at like 4 kn.

CAPTAIN ROB JONES: So you mentioned I was a full day in New London for the crew, between getting ready for the day sail, going over to the Mississippi, now the parting New London and clearing basically out to sea, and you are stowing gear in making the ship ready, how many crew member do you have on board?

DANIEL CLEVELAND: We had 16 at the time but we were in a watch system so as soon as people were getting back to the boat from the Mississippi many of them were helping getting the big stuff done, but as soon as the on watch was there and we were ready to go, we stand everybody else down, so from 1600 to whenever we were ready to leave it was now just be on watch.

CAPTAIN ROB JONES: So no fatigue issues, that you can think of?

DANIEL CLEVELAND: No actual fatigue issues were made apparent, no.

CAPTAIN ROB JONES: Prior to getting underway, describe what conversation the captain had with the group, how did that come about? Again sorry if I'm regurgitating what we talked about.

1 DANIEL CLEVELAND: He called an all hands,

2

3 CAPTAIN ROB JONES: It wasn't generated, because I am reading interviews they had
4 previously done, it wasn't generated by the crew from concern that then he came forward
5 to the crew?

6

7 DANIEL CLEVELAND: I'm not aware if that, he only did it was because people said they
8 were concerned. I know I did not personally go to Robin and say I am concerned.

9

10 CAPTAIN ROB JONES: Were you?

11

12 DANIEL CLEVELAND: Moderately, mostly about the discomfort because I experienced it
13 before, and nobody ever looks forward to that so,

14

15 CAPTAIN ROB JONES: You mean the ride?

16

17 DANIEL CLEVELAND: Yes sir.

18

19 CAPTAIN ROB JONES: It's not going to be a calm ride.

20

21 DANIEL CLEVELAND: Right.

22

1 CAPTAIN ROB JONES: He got the officers of the vessel, 16 people on board including
2 the captain, what was the general consensus of that meeting? With the crew, did they
3 hear what they wanted to hear or do they want to voice more opposition to it?
4

5 DANIEL CLEVELAND: I really don't, I didn't have individual crew members verbalize any
6 feelings that were of discontent with say the way the meeting went, I was content with the
7 way, with the things that he was telling us.
8

9 CAPTAIN ROB JONES: Was everybody else?
10

11 DANIEL CLEVELAND: I didn't individually go to people and ask them, or hear that they
12 were, and didn't hear individuals say that they weren't.
13

14 CAPTAIN ROB JONES: Nobody left the vessel, after Robin's offer that they could leave?
15

16 DANIEL CLEVELAND: Right nobody left.
17

18 CAPTAIN ROB JONES: And that's because you feel that he convinced them, or they
19 were comfortable now with the decision?
20

21 DANIEL CLEVELAND: Well in my opinion if somebody wasn't and they wanted to leave,
22 they would have.
23

1 CAPTAIN ROB JONES: Do you think peer pressure could keep them from leaving?

2

3 DANIEL CLEVELAND: I think if you let it it can, sure.

4

5 CAPTAIN ROB JONES: Was it a tight knit ship would you say, was everybody friendly?

6

7 DANIEL CLEVELAND: We were all very close. I don't think any of us would've judged
8 anyone for leaving, and if an individual felt that way that is unfortunate, because that is
9 not the way that we were.

10

11 CAPTAIN ROB JONES: If they left they might feel that they left somebody down though
12 right?

13

14 DANIEL CLEVELAND: Maybe they would, I don't know.

15

16 CAPTAIN ROB JONES: Okay. The 16 people on board, there is a video that was shown
17 before it said that they usually run with 20 to 25 people, is 16 people enough to take the
18 Bounty out and to possibly hurricane conditions?

19

20 DANIEL CLEVELAND: In my opinion yes I have done it before with a small crew, typically
21 towards the end of a season we never carry the full 20, people's contracts and earlier,
22 they have other responsibilities that they have agreed to previously, especially in the yard
23 period it's very consistent that during and after a yard period our crew is diminished to

1 typically 15 number average, so that is pretty normal. I know that he had sailed across the
2 Atlantic with, I think it was like 10, so it is clearly possible.

3

4 CAPTAIN ROB JONES: Is it safe? It's possible, but is it safe?

5

6 DANIEL CLEVELAND: I think that is a matter of opinion. And the conditions at hand.

7

8 CAPTAIN ROB JONES: If you start losing people to either fatigue or injury, or system
9 start going bad, you start losing your numbers it's hard to keep up with things as they go
10 bad with a short amount of crew right?

11

12 DANIEL CLEVELAND: That's a fact.

13

14 CAPTAIN ROB JONES: On the, you had mentioned that you had a weather fax on
15 board?

16

17 DANIEL CLEVELAND: Yes sir.

18

19 CAPTAIN ROB JONES: So you're watching, looking at maps?

20

21 DANIEL CLEVELAND: Yes sir.

22

23 CAPTAIN ROB JONES: Of what, the Western Atlantic?

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DANIEL CLEVELAND: Yes sir, printouts of the whole area.

CAPTAIN ROB JONES: And was at the circle, the circles with millibars jutting out over the course of the ocean?

DANIEL CLEVELAND: The weather fax map that we have on board shows us as little boxes, it says gale if there is a gale, has the isobars, also do service analysis and the 500 mbar to get the upper atmosphere information, which gives us the jet stream.

CAPTAIN ROB JONES: My next question, how is the captain understanding where the jet stream was?

DANIEL CLEVELAND: He was very aware.

CAPTAIN ROB JONES: High or low?

DANIEL CLEVELAND: Yes, it would give us the little circle of the hurricane and all of that kind of stuff.

CAPTAIN ROB JONES: Wave heights?

DANIEL CLEVELAND: Wind speed also.

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CAPTAIN ROB JONES: Significant wave heights?

DANIEL CLEVELAND: Yeah, and we also operate with gribbs to give us a more,

CAPTAIN ROB JONES: Do you know what significant wave height is?

DANIEL CLEVELAND: I would assume higher ways than normal, than average maybe.

CAPTAIN ROB JONES: That can be experienced in the area that you are,

DANIEL CLEVELAND: It is typically on the weather faxes and the gribbs file gives us that information too.

CAPTAIN ROB JONES: Do you remember any of the numbers that you may have seen on the significant wave height?

DANIEL CLEVELAND: No sir I don't remember exactly.

CAPTAIN ROB JONES: Do you know if you experienced any higher than normal sized waves, or were they kind of consistent with the wave area that you are in?

1 DANIEL CLEVELAND: From time to time there were definitely higher waves, there always
2 is, I believe the highest waves that we saw were probably 30 feet.

3
4 CAPTAIN ROB JONES: Significant.

5
6 DANIEL CLEVELAND: Yeah, of course. Actually just see no in my experience on the
7 vessel, they are not the biggest ways that we've seen.

8
9 CAPTAIN ROB JONES: Okay, what were they?

10
11 DANIEL CLEVELAND: The biggest ways that I've ever seen on it, were in excess of 60
12 feet.

13
14 CAPTAIN ROB JONES: Were these breaking waves or swells?

15
16 DANIEL CLEVELAND: They were not breaking waves, but they were not just swells, they
17 weren't just rollers?

18
19 CAPTAIN ROB JONES: Wind generated waves?

20
21 DANIEL CLEVELAND: I would assume a far off system, plus the wind and current in my
22 particular area.

23

1 CAPTAIN ROB JONES: And what was the wind in your particular area at 60 foot seas?

2

3 DANIEL CLEVELAND: At that time, 25 to 30 kn.

4

5 CAPTAIN ROB JONES: Oh, so they were coming from somewhere else.

6

7 DANIEL CLEVELAND: Yes they were coming from somewhere else.

8

9 CAPTAIN ROB JONES: The waves on that day that the 30 foot waves, where were they
10 hitting the vessel, where's the vessel experiencing that type of see from?

11

12 DANIEL CLEVELAND: When we hove to there going to be anywhere from just aft of
13 beam to just forward of the beam depending on how she lied.

14

15 CAPTAIN ROB JONES: Which side?

16

17 DANIEL CLEVELAND: Port side, sorry.

18

19 CAPTAIN ROB JONES: Was the ship shuddering as these waves hit?

20

21 DANIEL CLEVELAND: As far as vibration shake, from time to time yes I would say
22 so. Typically she rode like a cork and less like a steel boat, she was on top of them pretty
23 consistently.

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CAPTAIN ROB JONES: I got a little bit ahead of myself, you're down on the southwest course now right, if I'm asking about those ways?

DANIEL CLEVELAND: Yes.

CAPTAIN ROB JONES: How was the vessel riding when you're on the, and were you Southeast, or were you South by East, because the plot I look at it looked like more than 170 to 180?

DANIEL CLEVELAND: Yeah, South by East is, I said southeasterly but South by East, that's.

CAPTAIN ROB JONES: That's not too far from South.

DANIEL CLEVELAND: Right. Like I said Robin wanted to make tracks south and east in case he needed to run away to the East but stay south so that if we could ideally we could make a better course for St. Pete.

CAPTAIN ROB JONES: How was the vessel riding on that Southeast, that South by East course?

1 DANIEL CLEVELAND: At the time the weather had not significantly increased, so she
2 was not uncomfortable. As far as the direction of the seaway it would have been probably
3 just off of the starboard bow, so, which is not our best point of sail, we make a slower
4 track that way. But I did not remember to be too uncomfortable the discomfort definitely
5 started on late Saturday or Sunday,
6

7 CAPTAIN ROB JONES: On the southwest course?
8

9 DANIEL CLEVELAND: Yes sir, because that is when the weather was getting really bad.
10

11 CAPTAIN ROB JONES: At that point you had mentioned before about how you approach
12 a hurricane or want to, you said before when you were coming out of Panama you are
13 able to ride slower than, but with the hurricane that was there because you were behind?
14

15 DANIEL CLEVELAND: Yes sir.
16

17 CAPTAIN ROB JONES: Sandy from the start, from when the vessel left New London all
18 you did was close with it,
19

20 DANIEL CLEVELAND: Yes sir.
21

22 CAPTAIN ROB JONES: So the distance continued to decrease, winded seas continue to
23 increase

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DANIEL CLEVELAND: Yes sir.

CAPTAIN ROB JONES: And that the other thing that you said before was that you don't want to get in front of it, but by getting on that southwest course that is exactly what you did.

DANIEL CLEVELAND: Yeah, the decision to do that was Robin's, but the idea behind it was that we were still far enough away from the center of the storm, and the winds were still going to be fair, and we would use those winds and at speed that it would generate to not only be in front of it but be on the Western side of it and then also to be able to pass it, so it'll pass us as we are passing it, and we are taking advantage of the wind direction and then ideally it would have gone on its course and we would have continued south.

CAPTAIN ROB JONES: Were you motoring at any of that time, when you're on the southwest?

DANIEL CLEVELAND: We motored the whole time.

CAPTAIN ROB JONES: What if you lost your engines as you crossed the path of the hurricane?

DANIEL CLEVELAND: While we were sailing also. So we would have been going slower.

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CAPTAIN ROB JONES: What if you lost your rudder while you were sailing?

DANIEL CLEVELAND: Those are both questions you have every time you go out to sea in a sailboat.

CAPTAIN ROB JONES: But not when you cross the path of a hurricane.

DANIEL CLEVELAND: Well yeah, of course they are, a question when you cross the path of a hurricane, yes.

CAPTAIN ROB JONES: Alright, well let's look at it a different way. Did you have any other options than going to the South West before you made the change to the South by East course?

DANIEL CLEVELAND: I suppose that we could have gone due north, Or northeast, or due east.

CAPTAIN ROB JONES: Could you have gone further to the east?

DANIEL CLEVELAND: We could have, yes, we could have gone out to sea. We could have gone north, we could of gone Northeast we could've gone back to New London.

1 CAPTAIN ROB JONES: Who made the decision to go south, to the southwest?

2

3 DANIEL CLEVELAND: That would be Capt. Robin.

4

5 CAPTAIN ROB JONES: Okay was there any consultation about that with any of the
6 mates?

7

8 DANIEL CLEVELAND: As far as him approaching us, and him asking us about it?

9

10 CAPTAIN ROB JONES: Or just by saying hey in the next half hour I feel that it is time to
11 do this, I mean you're going to have to tack right, you're going to have to do a lot to make
12 a change from one tag to the other, I am not a sailor, but you know I've learned a lot in
13 the last few days. But when you get on that course no one had a question about it, there
14 were questions at the dock, but there were no questions when he changed course to the
15 southwest?

16

17 DANIEL CLEVELAND: I did not question his plan at the dock, and I did not question it
18 then either.

19

20 CAPTAIN ROB JONES: Did anybody else?

21

22 DANIEL CLEVELAND: I am not aware of it.

23

1 CAPTAIN ROB JONES: When you made that Southwest course change, did you start
2 feeling any effects of the Gulf Stream?

3
4 DANIEL CLEVELAND: The sea got a little steeper, yes sir.

5
6 CAPTAIN ROB JONES: Which is normal?

7
8 DANIEL CLEVELAND: Expected., Well it is expected.

9
10 CAPTAIN ROB JONES: Expected because the winds are opposing the sea current?

11
12 DANIEL CLEVELAND: Yes sir.

13
14 CAPTAIN ROB JONES: Was there any talk about anticipating that ahead of time?

15
16 DANIEL CLEVELAND: It was an expectation that, as far as I know the officers were
17 aware of, their captain was aware of I do not know that it was openly discussed.

18
19 CAPTAIN ROB JONES: Is this going to have a harder effect on working the vessel, going
20 against the current to the opposing wind and sea?

21
22 DANIEL CLEVELAND: Yes sir.

23

1 CAPTAIN ROB JONES: Anything change? Was the vessel still riding okay in your
2 opinion?

3
4 DANIEL CLEVELAND: Yeah, she was riding fine, but we are making less southerly, but
5 we were also hove to at this point so we weren't trying to make southerly anymore, we
6 were trying to dewater the vessel.

7
8 CAPTAIN ROB JONES: So you think it was a successful route to get around on the other
9 side of the path of the hurricane?

10
11 DANIEL CLEVELAND: I feel like that is kind of like a silly question, in hindsight, so no,

12
13 CAPTAIN ROB JONES: Now, now, I am saying before the eventuality, at the time that
14 you crossed did you think that you are, think that things would keep going right?

15
16 DANIEL CLEVELAND: Before we hove to before we needed to focus on dewatering I
17 feel that if we did not have to focus on dewatering we could have crossed its path and we
18 could have continued south west yes. I believe that we were to the northeast, excuse me
19 Northwest of the eye of the storm when we had to heave to. I believe so.

20
21 CAPTAIN ROB JONES: You are in the Northwest quadrant?

22
23 DANIEL CLEVELAND: Yeah.

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CAPTAIN ROB JONES: And that's the safest, navigable side from what you are saying?

DANIEL CLEVELAND: Yes, and theoretically if we would have kept going we would have been on the western side of it and we'll could've continued and it would've passed us when we passed it.

CAPTAIN ROB JONES: Is a hurricane predictable?

DANIEL CLEVELAND: Of course not.

CAPTAIN ROB JONES: Could it have come and taken a sharp return to the west?

DANIEL CLEVELAND: Yes sir.

CAPTAIN ROB JONES: And come at you?

DANIEL CLEVELAND: Yes sir.

CAPTAIN ROB JONES: Just bare with me one second. I think that is all I have for right now. Thank you.

1 COMMANDER KEVIN CARROLL: Mr. Cleveland, what is going to happen now is the
2 gentleman behind you are parties of interest with their attorneys now have the opportunity
3 to ask you questions as well.

4
5 DANIEL CLEVELAND: Okay.

6
7 COMMANDER KEVIN CARROLL: Okay lets her with Bounty Organization, Bounty
8 Organization.

9
10 LEONARD LANGER: Good afternoon Mr. Cleveland.

11
12 DANIEL CLEVELAND: Good afternoon.

13
14 LEONARD LANGER: Would it be fair to say you are comfortable with the Captains
15 decisions throughout the trip?

16
17 DANIEL CLEVELAND: Yes sir.

18
19 LEONARD LANGER: Was there ever a time, excuse me where you had any verbal
20 disagreements with the captain over the decisions that he was making?

21
22 DANIEL CLEVELAND: No sir.

23

1 LEONARD LANGER: Did you overhear any other officers or crew having verbal
2 disagreements with the captain?

3
4 DANIEL CLEVELAND: No sir.

5
6 LEONARD LANGER: You had indicated that in the shipyard Capt. Walbridge had asked
7 some of the crew to move some of the movable ballasts aft? Is that correct?

8
9 DANIEL CLEVELAND: Yes sir.

10
11 LEONARD LANGER: Do you know roughly how much each ingot weighed?

12
13 DANIEL CLEVELAND: Probably maybe 20 to 40 pounds and at because I cannot
14 remember for sure. It is lead and that is probably 2 1/2 to 3 inches wide by 2 inches tall by
15 a foot long, so an engineer would be able to figure that out.

16
17 LEONARD LANGER: And you said that some of the movable ballast, was some of the
18 movable ballast moved into the lazaret?

19
20 DANIEL CLEVELAND: Yes.

21
22 LEONARD LANGER: Do you know about how much total weight would have been
23 moved into the lazaret?

1
2 DANIEL CLEVELAND: I could not tell you.

3
4 LEONARD LANGER: Do you know how much total weight was moved into the engine
5 room?

6
7 DANIEL CLEVELAND: I couldn't tell you.

8
9 LEONARD LANGER: Was any of it put in the new tank room?

10
11 DANIEL CLEVELAND: I believe we might have had to put some of it in the new tank
12 room, I was not in charge of that project, any excess that we had, after we filled the
13 lazaret and the engine room, would have been the tank room, that was the next forward
14 most compartment.

15
16 LEONARD LANGER: Who was in charge of that job?

17
18 DANIEL CLEVELAND: I know that the boatswain worked close with the captain on
19 exactly where he wanted it.

20
21 LEONARD LANGER: Do you have any estimate on how much total weight was moved?

22

1 DANIEL CLEVELAND: I could tell you approximately, like I said the size of each ingot,
2 and then the shape of the sack of them, but I haven't estimated the weight myself. So I
3 couldn't tell you. I have no idea.

4
5 LEONARD LANGER: Thank you I have no other questions.

6
7 COMMANDER KEVIN CARROLL: Mr. Shisha?

8
9 JAKE SHISHA: Good afternoon Mr. Cleveland.

10
11 DANIEL CLEVELAND: Good afternoon.

12
13 JAKE SHISHA: My name is Jake Shisha and I represent the Christian family. Had you,
14 other than an occasional sail or recreational, have you ever sailed under any other than
15 Capt. Walbridge?

16
17 DANIEL CLEVELAND: Not professionally, no.

18
19 JAKE SHISHA: Have you ever sailed on another ship or trained on another ship for any
20 extended period other than the Bounty?

21
22 DANIEL CLEVELAND: Not professionally, no.

23

1 JAKE SHISHA: Would it be fair to say that most of your knowledge came from sailing on
2 the Bounty under Capt. Walbridge.

3
4 DANIEL CLEVELAND: I think you would be fair to say that, yes.

5
6 JAKE SHISHA: Ms. Christian, when did she join the vessel?

7
8 DANIEL CLEVELAND: I don't remember exactly, she had been on for awhile though.

9
10 JAKE SHISHA: Did she have any prior sailing experience?

11
12 DANIEL CLEVELAND: Not to my knowledge.

13
14 JAKE SHISHA: Would it refresh your recollection if I told you that she came on board in
15 May, late May, would that be consistent with your recollection?

16
17 DANIEL CLEVELAND: It sounds right.

18
19 JAKE SHISHA: From late May until you departed on October 25, how much of the time
20 were you in the yard?

21
22 DANIEL CLEVELAND: We were in the yard for a month, about, and it was from the
23 middle of September to the middle or late of October.

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JAKE SHISHA: Would you have considered her a green seamen?

DANIEL CLEVELAND: She was I guess if the term green you are using is for a new person or a newbie, yes sir.

JAKE SHISHA: She would be, to and I ask you to take a look at Exhibit 71?

DANIEL CLEVELAND: 71.

JAKE SHISHA: I'm sorry, Exhibit 70.

DANIEL CLEVELAND: 70?

JAKE SHISHA: Yes. Can you tell me who else on that crew list you would consider a green seamen?

DANIEL CLEVELAND: I would say that Joshua Scornavacci was a green sailor, Anna Sprog was a green sailor, I don't know other than one other tall ship Mark's experience, but I think he was not green, Chris Barksdale was a green sailor, and Jessica Black was a green sailor.

1 JAKE SHISHA: Do you know if any of those green sailors had any heavy weather sailing
2 experience?

3
4 DANIEL CLEVELAND: I don't believe the green sailors had any weather sailing
5 experience.

6
7 JAKE SHISHA: Do you have any specific recollection of how many abandon boat drills
8 Ms. Christian would have attended?

9
10 DANIEL CLEVELAND: I would say about one per month since she got on board. Possibly
11 more.

12
13 JAKE SHISHA: You had indicated before that you had been trained, that you actually put
14 on a survival suit, went into the water with it?

15
16 DANIEL CLEVELAND: Yes sir.

17
18 JAKE SHISHA: Do you know if Ms. Christiansen ever donned a survival suit?

19
20 DANIEL CLEVELAND: I know that she donned a survival suit.

21
22 JAKE SHISHA: Excuse me?

23

1 DANIEL CLEVELAND: I know that she donned a survival suit.

2

3 JAKE SHISHA: I'm talking about before this accident.

4

5 DANIEL CLEVELAND: Oh, before the accident or before she ever got on board?

6

7 JAKE SHISHA: Now my question was in a drill,

8

9 DANIEL CLEVELAND: Yeah, yes. She donned them every time we conducted and
10 abandon ship drill, and she donned it when she first came on board.

11

12 JAKE SHISHA: And do you know if they were ever, do they come in different sizes?

13

14 DANIEL CLEVELAND: Yes they do.

15

16 JAKE SHISHA: Do you know if it was ever checked, is there any documentation that it
17 was checked to see if it fitted properly?

18

19 DANIEL CLEVELAND: There are three sizes of immersion suit, there's the small, the
20 average, and a large, and I believe Ms. Christian fit the best in the small, I could be
21 mistaken, but I know that we are very particular I'm making sure that the right person
22 gets in the right size suit.

23

1 JAKE SHISHA: Do you have any specific recollection explaining to her how to use it and
2 trying it on her?

3
4 DANIEL CLEVELAND: Yes sir I do.

5
6 JAKE SHISHA: You had indicated when you are in the yard, you are involved in the
7 caulking, do you know what percentage of this seams below the waterline were
8 recaulked?

9
10 DANIEL CLEVELAND: There is completely recaulked which means we rove out
11 everything and redid it from cotton two seam compound, that percentage of those was
12 probably, I don't know five maybe, like I said I was not caulking all the time, I was
13 observing and helping out in a few troublesome areas, that would be my estimate from
14 my observations. The amount that was bumped, or reDAPPED or seam compound which
15 is not a heavily skilled labor at all was a significant amount. Any place where we felt the
16 seam compound was not adequate was bumped and we re-DAPP'ed over it or NP1'ed it.

17
18 JAKE SHISHA: And was that done above the waterline also?

19
20 DANIEL CLEVELAND: In the yard period the only places that were caulked above the
21 waterline were the two new planks, one on the port forward, one on the starboard aft, and
22 then that port quarter area.

23

1 JAKE SHISHA: Did you have any kind of concern about the quality of the caulking that
2 was being used?

3
4 DANIEL CLEVELAND: No I personally trained Laura and very impressed with her and
5 Jess's ability to caulk the vessel.

6
7 JAKE SHISHA: Did you have any concern about how well the vessel was caulked?

8
9 DANIEL CLEVELAND: In an overall manner?

10
11 JAKE SHISHA: Before you left going into a, you know before you left, on October 25, did
12 you have any concern?

13
14 DANIEL CLEVELAND: No sir.

15
16 JAKE SHISHA: Do you recall, do you recall being interviewed by the Coast Guard after
17 this incident?

18
19 DANIEL CLEVELAND: Yes sir.

20
21 JAKE SHISHA: Can I ask you to turn to Exhibit 50?

22
23 DANIEL CLEVELAND: 50?

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JAKE SHISHA: 50, the second page. Can I ask you just to read to yourself the fourth paragraph, the first three sentences in the fourth paragraph.

DANIEL CLEVELAND: The fifth interview that I sat in on was with a Mr. Dan Cleveland who was the acting third mate onboard. He confirmed the same details such as the yard period in the leaving to New London, and then heading out to sea.

JAKE SHISHA: Keep going.

DANIEL CLEVELAND: He believed that a lot of water, a lot of the water was coming in through the seams from the waterline and above as they had not been worked on in the yard, and it was caulked with a cheap material.

JAKE SHISHA: That's all. Was that accurately, was that accurate, did you say that?

DANIEL CLEVELAND: Yeah, in my opinion the DAPP dries out when it is above the waterline in the sunlight. And it performs much better under the waterline.

JAKE SHISHA: Now if you are going in heavy seas can you anticipate that you are going to get water, that the ship is going to roll and you're going to get hit with waves and you're going to have water exposed two areas above the waterline?

1 DANIEL CLEVELAND: Yes sir.

2

3 JAKE SHISHA: When you did the caulking can you look to see if you have an exhibit
4 Christian A?

5

6 DANIEL CLEVELAND: Okay.

7

8 JAKE SHISHA: Do you see people on a scaffold? Does it appear that there is a product
9 there that says I think it says 3 3 Glaze on it?

10

11 DANIEL CLEVELAND: Yes sir.

12

13 JAKE SHISHA: Is that a window glazing?

14

15 DANIEL CLEVELAND: Yes that is the DAPP product that we are talking about.

16

17 JAKE SHISHA: Do you know if that is approved for marine use?

18

19 DANIEL CLEVELAND: I don't believe anyone has approved it or disapproved it, I don't
20 really know how the marine approval system runs.

21

22 JAKE SHISHA: Now above the waterline, this is the same window glaze that you would
23 use on your window at home?

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DANIEL CLEVELAND: Yeah, I would assume so.

JAKE SHISHA: And that gets hard after awhile?

DANIEL CLEVELAND: I have never glazed a window sir.

JAKE SHISHA: In your experience it would get hard and it would crack?

DANIEL CLEVELAND: Yes sir.

JAKE SHISHA: And that would affect the watertight integrity of the seam?

DANIEL CLEVELAND: Theoretically it would not, the boat should be watertight with cotton and oakum, the seam compound helps to keep the cotton and oakum in place.

JAKE SHISHA: When you left the shipyard, you indicated there were some problems with the bilge pumps?

DANIEL CLEVELAND: The yes, what I heard was that the engine room was not pumping as quickly as it typically did.

1 JAKE SHISHA: Now is there a significant change and the amount of water that you need
2 to pump when start to enter heavy seas?

3
4 DANIEL CLEVELAND: There is a change, yes sir.

5
6 JAKE SHISHA: Normally, how often did you have to pump your bilges if you are
7 underway? In normal conditions?

8
9 DANIEL CLEVELAND: We made a habit that once a watch the bilges were pumped
10 regardless, because there is always some amount of water so that would be our average
11 once every four hours.

12
13 JAKE SHISHA: Were there times when we would pump it twice per watch?

14
15 DANIEL CLEVELAND: Oh yeah.

16
17 JAKE SHISHA: Was any effort ever made, I know you have logbooks that you put in
18 when you pump and how long you pump,

19
20 DANIEL CLEVELAND: Yes sir.

21
22 JAKE SHISHA: Was there any effort ever made to make a calculation of how much water
23 was coming into the vessel?

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DANIEL CLEVELAND: I don't believe so.

JAKE SHISHA: Now you indicated there was a question about the pumping speed when you got to New London, after you left New London you knew that you are going to be headed towards a hurricane, in the general direction, is that correct?

DANIEL CLEVELAND: Yes sir.

JAKE SHISHA: You anticipated that it was going to be a very rough week. You are going to have a rough ride.

DANIEL CLEVELAND: Yes sir.

JAKE SHISHA: If you have a rough ride can you anticipate that the vessel is going to work, it's seams are work,

DANIEL CLEVELAND: Yes sir.

JAKE SHISHA: And the more the vessel works, the more water comes in?

DANIEL CLEVELAND: Yes, that would go hand in hand I suppose.

1 JAKE SHISHA: In light of that knowledge, what effort was made to inspect, or tried to
2 determine the cause why it appeared that the bilge pumps were not pumping as fast as
3 normal?
4

5 DANIEL CLEVELAND: I believe that the rate in which it was different from previous
6 situations was such that it did not seem to be a cause for alarm. We would have periods
7 of time throughout all types of weather where sometimes the foredeck, or excuse me not
8 the foredeck, the forward crew area would pump incredibly well and sometimes it didn't,
9 sometimes boatswain's pumped incredibly well and sometimes it didn't. The pumps or the
10 conditions, they were not consistent enough for us to have empirical data so that's why I
11 believe a large alarm was not made from this fluctuation.
12

13 JAKE SHISHA: But you don't know, for example, you didn't rule out whether there could
14 have been a clog, there could have been a problem with the suction, did anybody do any
15 kind of analysis to try and rule out problems. You could have a bad impeller is that
16 correct?
17

18 DANIEL CLEVELAND: I don't know enough about the pump themselves to answer your
19 question though we do a lot of things to look into why the pumps were not operating as
20 much as we would like them to.
21

22 JAKE SHISHA: When, and I am talking about specifically, from the time that you left the
23 shipyard until a time that you left New London, what was done to check the bilge pumps?

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DANIEL CLEVELAND: We would inspect the strainers to make sure that they are not clogged they are at the ends of every hose and every compartment, that is a typical issue. Other than that I don't know what else can be done being that I am not an engineer, and I am not sure what was investigated other than that.

JAKE SHISHA: Did anybody have any concern that you are pumping, that you are not pumping as fast as usual, and you are going to enter a situation where it is anticipated that you're going to be taking more water than usual?

DANIEL CLEVELAND: I don't know how consistent or across the board that concern was, I don't know.

JAKE SHISHA: Did anybody look at the logs to see whether, or how much you are pumping, the times that your time and the areas that they were pumping how that changed over time commented anybody ever analyze that long before you left to try and get an idea?

DANIEL CLEVELAND: I'm not sure I know I did not.

JAKE SHISHA: When you sailed with Ms. Christian how did she appear to you when there was this discussion about the weather in the decision the sail?

1 DANIEL CLEVELAND: Would you say that again?

2

3 JAKE SHISHA: In other words did you observe her during the meeting when the captain
4 was talking about the weather?

5

6 DANIEL CLEVELAND: Yes sir, I try to observe everybody.

7

8 JAKE SHISHA: What did she appear like?

9

10 DANIEL CLEVELAND: She appeared like she was paying a lot of attention to what Robin
11 says which was typically how she appeared when he talked.

12

13 JAKE SHISHA: Just to get an idea, could you describe how generally she was, her
14 demeanor what kind of worker she was?

15

16 DANIEL CLEVELAND: In general Claudine was probably the most indomitably spirited
17 individual on the vessel, I'm not entirely sure that she was ever we ever saw her down,
18 down and out or down in the dumps sort of thing, I don't believe I ever saw her not
19 smiling, when she was working when she was doing hard work she was doing gross
20 work, I know that when she, when we would have all hands meetings she was obviously
21 listening to what Robin and the officers were saying and working it through her mind, she
22 was very intent on learning and advancing her abilities in her own words her impact in
23 productivity to the vessel for the sake of the crew.

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JAKE SHISHA: Did you have any concern that you had a significant portion of the crew that were green hands and were going out towards this hurricane did that cause any concern to any of the officers or the captain?

DANIEL CLEVELAND: I know that my experience with the crew that we had on board, was a very positive group comment they had seen some foul weather before that year and performed very admirably,

JAKE SHISHA: I'm sorry, I was just talking about the green seamen that had not seen it.

DANIEL CLEVELAND: Specifically I could even take you down the line of each of those green individuals, but this season they were all very effective and they listened well and they did with the officers asked to the extent that everything was done appropriately to my opinion.

JAKE SHISHA: Did you see Ms. Christian every day, did you have interaction with her, or were you guys are different watches that you would not see her?

DANIEL CLEVELAND: We were on different watches but I did see her every day.

JAKE SHISHA: Did you notice any change in her demeanor, or any concern?

1 DANIEL CLEVELAND: From what point to what point, sorry?

2

3 JAKE SHISHA: At any point.

4

5 DANIEL CLEVELAND: No sir.

6

7 JAKE SHISHA: Was she responsible four during her watch to go down in the engine room
8 and to pump bilges?

9

10 DANIEL CLEVELAND: Yes sir.

11

12 JAKE SHISHA: Did you ever have any discussions with her about her pumping bilges?

13

14 DANIEL CLEVELAND: Not me personally, no.

15

16 JAKE SHISHA: You indicated, how many times, when was it that you first started to have
17 to run the pumps continuously?

18

19 DANIEL CLEVELAND: I believe it was on Sunday, probably Sunday morning, late
20 morning.

21

22 JAKE SHISHA: And that would be the 28th?

23

1 DANIEL CLEVELAND: Yes sir the day before we sank.

2

3 JAKE SHISHA: Was there any calculations made based on the pump sizes and
4 increased, water levels, and how much water you are taking in?

5

6 DANIEL CLEVELAND: At the time no sir, we were focused on getting the water out.

7

8 JAKE SHISHA: Was there any discussions with the captain about asking to get pumps,
9 before there was an urgent call made to the Coast Guard, was her any questions about,
10 any discussions about maybe we should get additional pumps?

11

12 DANIEL CLEVELAND: Yeah.

13

14 JAKE SHISHA: And how much time elapsed from when you had that discussion until the
15 call was made to the Coast Guard?

16

17 DANIEL CLEVELAND: I don't believe it was very much time, I think it was, I don't
18 remember the time that we first contacted the Coast Guard, but I know that the thought
19 process of needing pumps and contacting the Coast Guard I don't believe was a long
20 period of time, I couldn't tell you for sure.

21

22 JAKE SHISHA: Now Ms. Christian, I want to go in the day, I guess the 29th when you
23 abandon ship,

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DANIEL CLEVELAND: Yes sir.

JAKE SHISHA: During the 28th you saw, do you remember seeing Ms. Christian anytime on the 28th?

DANIEL CLEVELAND: Yeah, most of that night.

JAKE SHISHA: Did you have any discussions with her?

DANIEL CLEVELAND: Not many personal discussions, no she was working directly with the boatswain as was the majority of the rest of the crew.

JAKE SHISHA: On the 29th, and what watch was she on?

DANIEL CLEVELAND: She was on A watch.

JAKE SHISHA: And notwithstanding the 8 to 12?

DANIEL CLEVELAND: Yes sir.

JAKE SHISHA: Prior to, do you remember when is the first time that you saw her on the 29th?

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DANIEL CLEVELAND: I did would probably be about zero hundred hours.

JAKE SHISHA: And how did she appear at that time?

DANIEL CLEVELAND: She appeared in good spirits, she was working very hard alongside the rest of the crew moving safety gear and bringing tools up from boatswain's trying to maintain the strainers and integrity in the bilges, but she did not seem frightened or despondent in any way. She was very effective.

JAKE SHISHA: When was the next time that you saw her after that?

DANIEL CLEVELAND: Shortly after that I was going from the nav shack to every other place where things were being accomplished, and I was seeing her in boatswain's and I was seeing her in the tween decks as well as the rest of the crew doing many different projects throughout the entire rest of the night.

JAKE SHISHA: During this period of time, the 29th what was the roll of the vessel, how much was it rolling?

DANIEL CLEVELAND: I believe she was going from just beyond centerline over to about 45 degrees in the very very worst of it, to give you an idea the leeward rail was not underwater until we went on our B mast. The whole night.

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JAKE SHISHA: For how long of a period of time we taking rolls of the 45 degrees?

DANIEL CLEVELAND: I would say as soon as we hoved to.We were probably taking those rolls or something like that you know, honestly being down below and working in the Seaway we were all in those waves for a couple of days, it is very hard to gauge because your moderately used to performing in that sort of condition.

JAKE SHISHA: Is it difficult to work when you're taking 45 degree rolls?

DANIEL CLEVELAND: Of course.

JAKE SHISHA: Is it scary when you're taking 45° rolls?

DANIEL CLEVELAND: Maybe to some people.

JAKE SHISHA: That's what I'm getting at, did any of the green crew or Ms. Christian appear to be scared when she was taking a 45 degree roll.

UNKNOWN: I'm going to object,

DANIEL CLEVELAND: Not openly.

1 COMMANDER KEVIN CARROLL: Again, we have discussed already what Mr.
2 Cleveland's opinion was of the crew's demeanor, the entire crew's demeanor, again, we
3 are looking at identifying causes for the casualty,
4

5 JAKE SHISHA: Okay, I'll move on. I understand. Did you see Ms. Christian when the
6 crew was called, at some point the crew was called to put on their immersion suits,
7

8 DANIEL CLEVELAND: Yes sir.
9

10 JAKE SHISHA: Did you see Ms. Christian when she was doing this?
11

12 DANIEL CLEVELAND: Did I see her putting it on, no sir.
13

14 JAKE SHISHA: Do you know she had any difficulty in doing it, or struggling to do it?
15

16 DANIEL CLEVELAND: I did not see her putting it on, so no.
17

18 JAKE SHISHA: Excuse me?
19

20 DANIEL CLEVELAND: I do not know she had trouble, I did not see her putting it on, I was
21 doing a few other things while the crew was putting their immersion suits on.
22

23 JAKE SHISHA: Do you know where she was when they were mustering?

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DANIEL CLEVELAND: Yes sir, I do. The entire crew, the entire crew except for myself and a few people that were in the nav shack were along the port side in the tweens aft, this is where they donned their immersion suits and then when we egressed, we egressed, then when we egressed we egressed up the nav shack stairs, it's the after stairwell,

JAKE SHISHA: Was she there when you egressed, did she egress with you?

DANIEL CLEVELAND: I was on deck before the crew egressed, I pulled every single individual except for John out of the nav shack along with Laura and John, the three of us aided every single individual crewmember on deck and aft, so I did see her.

JAKE SHISHA: Where the green crew members, or Ms. Christian, that they need any more assistance, or

DANIEL CLEVELAND: No, every single person I put my hands on and pulled them on deck and put them in place.

JAKE SHISHA: Then how much time elapsed from that point until when the vessel rolled?

DANIEL CLEVELAND: Approximately, I don't know maybe 10 minutes, it's very hard to gauge time on that situation.

1
2 JAKE SHISHA: What is your best estimate?

3
4 DANIEL CLEVELAND: Maybe 10 minutes.

5
6 JAKE SHISHA: Where was the last place that you saw Ms Christian?

7
8 DANIEL CLEVELAND: I know I stated that to Mr. Carroll, but the last time I saw her was
9 when I was handing, I grabbed her hand from Laura's and put her aft, I remember tossing
10 a ditch kit back there.

11
12 JAKE SHISHA: And who was she standing next to?

13
14 DANIEL CLEVELAND: I can't be sure, everybody, nobody was standing first of all,
15 everybody was crouched and huddled very close to each other, farther aft, as far aft, next
16 to the life rafts as you could get.

17
18 JAKE SHISHA: What instruction, in other words what instructions did you give her when
19 you saw her the last time?

20
21 DANIEL CLEVELAND: When I pulled her up, I told her to stay low, I told her to go from
22 me to the fife rail along the mast because these are objects that would keep you from

1 sliding down to the leeward side of the boat, I told her to grab the person that I would
2 hand her,

3
4 JAKE SHISHA: And that would've been who?

5
6 DANIEL CLEVELAND: I couldn't tell you who was.

7
8 JAKE SHISHA: Was that the last time that you saw he?

9
10 DANIEL CLEVELAND: Yes sir.

11
12 JAKE SHISHA: Just one second. I think that is all I have, thank you.

13
14 COMMANDER KEVIN CARROLL: Do you have a question?

15
16 UNKNOWN: Yes.

17
18 COMMANDER KEVIN CARROLL: Go ahead.

19
20 UNKNOWN: I have a question, you said in New London that the captain mustered
21 everybody together and offered them a chance to go home, during your five years there
22 has he ever done that at any other time or trip?

23

1 DANIEL CLEVELAND: Maybe once, but I cannot recall a particular instance.

2

3 COMMANDER KEVIN CARROLL: Okay, I have a few more questions. Lieut. Cmdr.
4 Parham can you give, please give Mr. Cleveland, a copy of the document that is CG 66,
5 we talked earlier about where you believed on the hull flooding was coming into, what I
6 want you to do please when you receive the document is to note at the top approximately
7 how far back on the bow, the port, the starboard side, and then note please the distance
8 from the sheer straight to where that is.

9

10 DANIEL CLEVELAND: Okay.

11

12 COMMANDER KEVIN CARROLL: With the other documents that you have, we will have
13 you signed, do so have those?

14

15 DANIEL CLEVELAND: Yes okay, I will sign the bottom corner?

16

17 COMMANDER KEVIN CARROLL: Please. Mr. Svendsen, I apologize, I forgot to let you
18 ask questions. So please complete that Mr. Cleveland. I very much apologize.

19

20 DANIEL CLEVELAND: I am only 100% sure about a two spots so that is all I have circled,
21 and I numbered, choreographing the spots on both of the viewpoints.

22

23 COMMANDER KEVIN CARROLL: Only what you are sure of, thank you.

1
2 DANIEL CLEVELAND: My initial only?

3
4 COMMANDER KEVIN CARROLL: Your signature please, thanks. Mr. Svendsen you can
5 take your place and ask questions please.

6
7 JOHN SVENDSEN: Good afternoon Dan.

8
9 DANIEL CLEVELAND: Hey Joe.

10
11 JOHN SVENDSEN: There was mention of maintenance done on the weather deck to
12 maintain water tightness, can you describe to me the plan that Robin instituted on the 8 to
13 12 watch for the boatswain and that watch to accomplish that task?

14
15 DANIEL CLEVELAND: What we decided was to have a very consistent maintenance plan
16 that every single day weather permitting, that there was a work party in the morning, the
17 priority would be leak chasing for lack of a better term. Using firehose isolation methods
18 of water, standing water, trying to make sure that water stood in certain places we would
19 hunt for where the water was coming in below decks, so he would be in the tween's while
20 we were running water in certain places, find out where it is coming in there, but because
21 the way the deck works that it isn't necessarily coming in here and down here, it could be
22 chased, so that was the difficult part and that's why we made such an emphasis on
23 constantly finding where it was actually coming in at. The way we would do that is move

1 the location of our water, be it running or standing, from mid-ships because of the camber
2 and the rocker in the vessel and aft, and mid-ships forward because the water runs down
3 and we would just keep working our way aft, and when we would find water coming into
4 the tweens we would look for anything visually on deck that could be a symbol of causing
5 a leak, but also we would move the water, and if we saw that it was still leaking from their
6 as we were applying water here, then we knew it wasn't necessarily that spot. Anyplace
7 that we could isolate the influx of water on the deck, because of basically narrowing the
8 options down we would rip up the seam, re-caulk it, we would repair any checks that were
9 maybe in expansions, or capstains than bits for example. That was a process that was
10 unceasing to solve that issue because of the risk of freshwater.

11
12 JOHN SVENDSEN: And did you also witness that was done on the top sides? Over the
13 side, to chase leaks as you stated?

14
15 DANIEL CLEVELAND: Yes Sir, I know that I myself when I was boatswain focused on,
16 this year Laura honestly did a much more effective job than I did spending a lot of time
17 over the side with a fire hose, applying water onto the channels, and into the sheer
18 straight seams, particularly the captain's cabin leaked a lot so we would focus their, any
19 area where the seams between the decks, if we knew that there was water coming in,
20 inside the vessel we would be applying water again from lower to up, because if you just
21 apply to the top you have no clue how the water is running down the whole length of the
22 hull. In trying to this freshwater egress, that's not the right word, by finding the
23 troublesome seams and re-caulking them, and now is an ongoing part of the project also.

1

JOHN SVENDSEN: And you would classify that as proactive and continuous?

3

4

DANIEL CLEVELAND: Yes sir, to a frustrating degree.

5

6

JOHN SVENDSEN: And as the boatswain actively for a couple of years, and then helping to train Laura to be an active boatswain would you describe the efforts of her activity to be professional?

9

10

DANIEL CLEVELAND: Yes sir, and an advancement upon mine.

11

12

JOHN SVENDSEN: And would you say that as we were taking on different maintenance projects that they were done in a professional and well thought out manner

14

15

DANIEL CLEVELAND: Yes sir.

16

17

JOHN SVENDSEN: Based on that what is your overall opinion of the shape of the vessel as we left Boothbay to New London and were preparing to go to sea?

19

20

DANIEL CLEVELAND: I was very impressed, I thought we had narrowed down our deck leaks to a minimum amount, I was really happy with the level of the water and the bilges when we splashed and on our transit to New London. In my experience I felt like the bilge

22

1 water was the lowest in the yard period that it had ever been, and I was, my impression
2 was it was a very good procedure.

3
4 JOHN SVENDSEN: Having more years on board with Robin than any other crew
5 member on the crew list, can you describe robins men touring in a manner that he
6 created a team of people that he worked with to develop sailors, to be professional,
7 consistent, and prepared for any activity on the vessel?

8
9 DANIEL CLEVELAND: Robin used to say things like, he used to be a baseball player, he
10 was actually pretty good but not because he was talented, but because he visualized the
11 situation as often as he could, it was something that he pushed us to do a lot, he was very
12 outspoken about this. The idea about thinking about, for example a man overboard
13 situation, with say in the middle of the night in bad weather, he would talk to us as a crew
14 and ask us, we would have open discussions, oh what will we do, what we have to do,
15 visualize the situation, what would be your response, and we all had responsibilities we
16 would talk about different circumstances and visualizing these issues and trying to solve
17 them in emergency situations that was very important, he talked about also in problem
18 solving, be at a mast breaking underway or just a project that we have to fix that we had
19 never done before. Robin didn't just tell you how to do it which is the one of the biggest
20 reasons I think I've learned so much in my time, was because he would ask you how you
21 would come about dealing with the situation, fixing it, and he would give you the
22 opportunity to try your idea as long as it was in a dangerous situation. So you would
23 experience your theories applied, your knowledge applied, and how well it worked and

1 didn't work, and then he would approach you and say now what about this, did you think
2 about the situation, and that one. You would together find the proper answer which he
3 knew all along, but in my opinion it was a very good way to learn something. I think that
4 was his, his visualization talks, we did a lot of them about abandoning ship, is one of the
5 reasons why so many of us are still here.

6
7 JOHN SVENDSEN: Would you say that also he had an ability to take a quote, unquote
8 green hand and provide them with experience at sea in a dynamic environment to
9 enhance their knowledge and their professional abilities?

10
11 DANIEL CLEVELAND: I know when I came on board mileage profession before that had
12 been a landscaper and in the first year I had the opportunity to be a part of projects that
13 included up rigs and down rigs, sail handling reefing and furling, sail repair, a lot of
14 opportunities that made me grow, that I am not sure I would have gotten anywhere else
15 as a mere deckhand who did not know anything. But he also did not just throw you in the
16 fire he had the ability to either, if he could do it personally parry you with the right person
17 and sort of see the potential in an individual for their future. He called us all future
18 captains of America.

19
20 JOHN SVENDSEN: And can you describe to me Robin's engineering expertise?

21
22 DANIEL CLEVELAND: In talking to Capt. Bailey, he was hired on the roads, as initially an
23 engineer, I know the Niagara used him as an engineer because in the industry he was

1 renowned for his mechanical skills, I know he used to own an engine shop prior to that,
2 and being a master on the oil crew vessels and cargo vessels in the Gulf, he was typically
3 the sole engineer of those vessels back then I think. I know that when we would have
4 issues in the engine room a lot of times we typically shifted an engineer, he would sort of
5 work the same way with an engineer as he would work with any of us, I think they could
6 not quite solve it he would ask them for their theories and what they thought and how to
7 make them grow but he was capable of going down there and just taking care of
8 business. I have heard a story, take it as you well they took some parts from a microwave
9 to get one of our generators to run again because we did not have the parts on board at
10 the time. That was I don't know when, but so a lot of his abilities on the upper echelon of
11 thought processes in my opinion.

12
13 JOHN SVENDSEN: Can you describe to me some illustrations of how he is done some
14 troubleshooting beyond your story of the microwave, where you were able to see him fix
15 problems at sea and keep the boat transiting smoothly.

16
17 DANIEL CLEVELAND: There is a lot to choose from, let me think. For example we broke
18 our main yard one time, in half, it is an important sail, and he asked me how I was going
19 to get part of it down so I can fix it. There is a large rod that runs from one end of the yard
20 to the next, and it had bent and it was holding the thing up, and I said I was going to go
21 up there and cut that jack stay with a grinder and then I'm going to lower this thing down
22 and fix it, and he said well what he going to do, we don't have an extra jack stay on board
23 how are you going to be able to handle that, and I said i don't know how get this piece

1 down without it, and he said, he gave me the answer, popping the soft and lowering it
2 down, it slid right off that Jack stayed just like butter, it was really, I couldn't think of that,
3 that was one instance of a creative situation,
4

5 COMMANDER KEVIN CARROLL: Mr. Svendsen, I think we have established, what Mr.
6 Cleveland's opinion is professionally and personally of Capt. Walbridge, if we are not
7 going to talk about something specifically about the casualty,
8

9 JOHN SVENDSEN: My feeling was that there was a lot brought up about a lack of an
10 engineer on board or a lack of a licensed engineer and although Robin Walbridge did not
11 have an actual engineering license, his engineering expertise I find relevant to this
12 casualty.
13

14 COMMANDER KEVIN CARROLL: Okay, we have talked about that as far as that and
15 whatnot, I think we've established that, just try to,
16

17 JOHN SVENDSEN: Sure. There is also some mention of calculations, what is your
18 familiarity is this appropriate or not appropriate question mark
19

20 COMMANDER KEVIN CARROLL: I haven't heard the question yet.
21

1 JOHN SVENDSEN: Okay, Robin's ability to do calculations on breaking strengths, on
2 dewatering, on water flow on, speed through the water and all kinds of aspects of working
3 with the vessel, was Robin, what was Robin's efforts in that regard?
4

5 DANIEL CLEVELAND: He was very analytical to the point where I was usually lost when
6 he was talking a lot about the engineering principles, I think he fancied himself in was
7 capable of a little bit of Naval architecture, doing a lot of calculations on whether the
8 vessel would achieve neutral buoyancy being completely flooded, he did a lot of
9 calculations on a believe suction capabilities at what lengths of hoses and things like that
10 I remember him talking about things like that that doesn't have anything to do with the rig
11 science that he was capable of also.
12

13 JOHN SVENDSEN: Can you describe Capt. Walbridge's philosophy on exercising the
14 hydraulic pumps and the trash pumps on board?
15

16 DANIEL CLEVELAND: With the trash from he did not, to my recollection he did not want
17 us to use it on a regular basis, he wanted it to stay in as pristine condition as possible,
18 that is why we stored it in a watertight area. We used it to make sure that it worked when
19 we got it, we probably use that a handful of times after that, I was not part of the trash
20 pumps tests so to speak, with the hydraulic pumps we tested them on a monthly basis. It
21 was a on both my checklist and the engineer's checklist. I unfortunately didn't have the
22 opportunity to learn how to use them from the engineer, but I for redundancy sake would
23 check with him to make sure that they were being tested and how they operated.

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COMMANDER KEVIN CARROLL: Okay, that is a good question, when was the last time that the hydraulic pumps were tested prior to the sinking?

DANIEL CLEVELAND: They were tested the last time I am aware of was I think the month before we got into the yard period. I don't believe, yeah the month before we got into the yard. Period

COMMANDER KEVIN CARROLL: So the hydraulic backup pump, or emergency pumps were not tested after you got off of the rail and were leaving Boothbay?

DANIEL CLEVELAND: To my knowledge they were not.

COMMANDER KEVIN CARROLL: Okay. Please.

JOHN SVENDSEN: There was some discussion about whether someone would be having their travel paid for if they left the vessel, can you describe your knowledge of how crew fund was used on the boat question mark

DANIEL CLEVELAND: Crew fund, crew fund was a donation system, we had tip jars set out during dockside tours, and all of the tips and there went into what we called crew fund, crew fund was for the crew to say and a medical situation if they needed to go to a doctor on their own accord, this is obviously not just an emergency situation, but a

1 situation that needed to be remedied and because of our pay based on room and board
2 the crew fund was there for those kinds of things. If a crew member's family, we have had
3 in the past family members having an issue and a crew member needing to leave, crew
4 fund has paid for that. Crew fund also pays for crew excursions, on like a week off or
5 something, I forgot about crew fund.

6
7 JOHN SVENDSEN: See you have seen crew fund used to send somebody home?

8
9 DANIEL CLEVELAND: Yes, even at season for a kid who had some knee problems and
10 he had to leave, I think we sent him with it.

11
12 JOHN SVENDSEN: We have established your overall opinion of Robin you discussed
13 some of the hands and their experience on board, can you describe what you felt the
14 Bounty was capable of sailing and at the end of the season with the current crew that they
15 have on board.

16
17 DANIEL CLEVELAND: Honestly, knowing the weather that we were going to head into,
18 and knowing because I have experienced that weather before I was confident in this crew
19 and the vessel because, the professionalism here was, and I blame this a lot on the
20 officer corps, and Robin, and kind of the places that we were trying to take the Bounty
21 their individual crews and as a whole professionalism as mariners was farther along than I
22 had seen in previous seasons because the emphasis was put so much more on the
23 forefront on making the sailors more professional, more particular, more detail oriented,

1 this is the most credentialed crew that we had on board also so the most basic safety
2 training, the most STCW requirements.

3
4 JOHN SVENDSEN: In that regard there has been mentioned to a crew manual, on an
5 emphasis on training and myth talked about checklists, can you mention how you utilized
6 those checklists on training to have people prepared for going to sea.

7
8 DANIEL CLEVELAND: We had a training modular program that we integrated a little bit
9 the year before this but it really came to fruition this year we had it based on, we called it,
10 week one month one, and month four and month six, and it had everything from your
11 basic seamanship, splicing sail handling, so on and so forth, but it also had
12 advancements in safety training, the immersion suit donning, the drills that you had gone
13 through that all was supposed to happen within the first week, first day for a lot of it, first
14 week, and as it progressed your training you became more familiar with VHF etiquette,
15 like how to perform mayday calls and how to handle EPIRBs the inter-workings of life
16 rafts and things like that, so that the crew that hadn't learned BST we had the opportunity
17 to teach you how to launch a flare and all that kind of stuff.

18
19 JOHN SVENDSEN: And as being part of the mates meetings that were taking place and
20 the morning, can you describe the efforts that were put into advancing to having a mate's
21 manual that would describe more fluidly described the boatswain's job the engineer's job,
22 and have a larger basis of information for the training and application of peoples job
23 descriptions?

1
2 DANIEL CLEVELAND: Yeah. In my first couple years on board the transition from one
3 person in a position to saying you hire was basically a personal walk-through and these
4 are my objectives and this is how I do the job, but that wasn't per se for every position on
5 board a very detailed manual, this is what we expect every crew member, or in your
6 position these are your specific responsibilities, this is how you specifically go about them.
7 I know a lot of last year and this year we continued and had in print quite a few of these
8 manuals count for a lot of these positions. They had not only specific checklist for
9 responsibilities but they could see those responsibilities, say for example my job, who do I
10 send the life rafts to at the end of every year, who do I send all the fire extinguishers to at
11 the end of the year that need to be reinspected professionally, a lot of those resources
12 are in these manuals. and so the emphasis on a very set level of consistency and
13 professionalism was put in the manuals.

14
15 JOHN SVENDSEN: Do you feel that in writing and discussing that that enhanced the
16 professionalism on board?

17
18 DANIEL CLEVELAND: I know it enhanced mine, I learned a significant amount.

19
20 JOHN SVENDSEN: Thank you.

21
22 COMMANDER KEVIN CARROLL: Thank you. Have you collected those exhibits?
23

1 LIEUTENANT COMMANDER NICHOLAS PARHAM: I will get them right now.

2

3 COMMANDER KEVIN CARROLL: Thanks. I just have a couple of follow-up questions. Do
4 you have any follow-up questions? Okay. Have you ever seen, during the 2008 storms
5 have you ever seen water in the lazaret?

6

7 DANIEL CLEVELAND: No sir.

8

9 COMMANDER KEVIN CARROLL: At what point did you see water in the lazaret?

10

11 DANIEL CLEVELAND: I went down there, I went down there to get something and I was
12 walking on floating sole boards, and that was again an estimate of the time was after the
13 water in the engine room was almost to the point where people had to leave,

14

15 COMMANDER KEVIN CARROLL: So that would have been, correct me if I am wrong,
16 around 2000, 2200 on Sunday, or later?

17

18 DANIEL CLEVELAND: On Sunday, I'm thinking, I'm thinking later, but that might have
19 been accurate, I'm really horrible with the timeline, it is kind of difficult to remember.

20

21 COMMANDER KEVIN CARROLL: To give you an idea how would the water have entered
22 the lazaret?

23

1 DANIEL CLEVELAND: It would have had to enter through one of the bulkheads between
2 the engine room and the lazaret, or maybe through the bilges in the ceiling planking, it
3 would have to pass through a bulkhead and out a limber hole in the frame.
4

5 COMMANDER KEVIN CARROLL: Okay.
6

7 DANIEL CLEVELAND: Unless it was coming through seams back there, but I don't know
8 anything about that.
9

10 COMMANDER KEVIN CARROLL: Okay, but this is important for me in terms, as far as
11 rate of flooding, was anybody on board using any means to try and determine the rate of
12 flooding?
13

14 DANIEL CLEVELAND: Other than by visual means,
15

16 COMMANDER KEVIN CARROLL: Visual or, in some cases with tanks sometimes you
17 know for barges you use the wrongs of a ladder,
18

19 DANIEL CLEVELAND: Yeah.
20

21 COMMANDER KEVIN CARROLL: Was that used at all?
22

1 DANIEL CLEVELAND: Not organize-ably, I would say that there were individuals saying, I
2 remember the Coast Guard actually asked us what they thought our rate of flooding was,
3 I think Robin, I think he used 2 ft./h, I think I don't remember for sure, which if you wanted
4 to put it in rungs of a ladder it would probably be one or two, or 1 1/2 or something, but
5 that was discussed but not very analytically.

6
7 COMMANDER KEVIN CARROLL: Were you able to make a determination of whether
8 you thought 2 feet an hour was consistent, or did that sound reasonable?

9
10 DANIEL CLEVELAND: By my observation yes, I didn't really think about the rate very
11 much, just the removal.

12
13 COMMANDER KEVIN CARROLL: Okay, understood. Back to the trash pump, you said
14 that it was tested in 2011 in Europe, when it was laid up in the bag, was it properly
15 drained of fuel?

16
17 DANIEL CLEVELAND: I don't know I was not a part of that.

18
19 COMMANDER KEVIN CARROLL: Okay, that's a fair answer. And back to the 2008
20 storms that you are on board Bounty in hurricane like conditions, where the bilge pumps
21 running continuously during those storms?

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23 DANIEL CLEVELAND: To my recollection most likely.

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COMMANDER KEVIN CARROLL: Okay, but in your opinion what made this different was the loss of the bilge systems?

DANIEL CLEVELAND: I don't think before the loss of the bilge systems it was apparent to me they were not performing as they usually do, so because, because we never in those storms got to a situation where again to my recollection where we were concerned enough to break out even the hydraulic pump.

COMMANDER KEVIN CARROLL: Okay so the hydraulic pumps were not used during those times?

DANIEL CLEVELAND: To my recollection, I can't, I was a deck can back then so I wasn't probably paying a lot of attention to that sort of thing, I was doing what I was told.

COMMANDER KEVIN CARROLL: Okay, understood.

DANIEL CLEVELAND: But I don't remember being aware that so,

COMMANDER KEVIN CARROLL: Lieut. go-ahead,

1 UNKNOWN: You said from Boothbay down to New London that the bilge pumps weren't
2 working as usual, when you guys left New London, those two days that you are going out
3 to see, were you running them then?
4

5 DANIEL CLEVELAND: They were operating, the reports that I was getting said that they
6 were running, they seemed to be running a little slow and the engine room was by
7 observation, I didn't notice a giant difference personally when I went down to pump the
8 engine room. But other people mentioned it and I believe that that situation did not
9 change from, on our New London or from New London and a few days after.
10

11 UNKNOWN: So in that situation didn't change, and you guys had a course that charted in
12 front of the hurricane, that bilge pumping situation had not changed any?
13

14 DANIEL CLEVELAND: I don't believe so, again I mentioned earlier it seemed because it
15 was, because they fluctuated in their ability on a regular basis anyway it seemed like,
16 maybe it wasn't a cause for concern.
17

18 COMMANDER KEVIN CARROLL: Was the bilge pump situation part of the change,
19 course change that was initiated?
20

21 DANIEL CLEVELAND: Was the bilge pump,
22

1 COMMANDER KEVIN CARROLL: Did that factor in, issues that you are having with the
2 build system?

3
4 DANIEL CLEVELAND: I don't know.

5
6 COMMANDER KEVIN CARROLL: Okay. Mr. Cleveland,

7
8 JAKE SHISHA: I have a follow-up question.

9
10 COMMANDER KEVIN CARROLL: Okay Mr. Shisha.

11
12 JAKE SHISHA: When it was reported that the builds, independently by different people
13 that the builds did not seem to be pumping out as quickly, was there ever a determination
14 if that was because the pump rate was slow, or the amount of water was greater?

15
16 DANIEL CLEVELAND: Certainly not because the amount of water was greater,

17
18 JAKE SHISHA: Excuse me question mark

19
20 DANIEL CLEVELAND: It was certainly not because of the amount of water was greater,
21 the amount of water was quite low from the entire time from Boothbay to New London and
22 then after the weather started getting bad after New London, so it wouldn't have been
23 that. I don't believe it was determined why the rate slower.

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JAKE SHISHA: Thank you.

COMMANDER KEVIN CARROLL: Mr. Cleveland even sitting up there for a long time I appreciate your professionalism and your time, thank you very much, we are going to release you now but you are subject to recall, it doesn't mean that you to stay in the area but we can recall you if we wish. We say that everybody

DANIEL CLEVELAND: Okay.

COMMANDER KEVIN CARROLL: Okay, so,

DANIEL CLEVELAND: Can I say, I have

COMMANDER KEVIN CARROLL: Yes, I apologize, US before few are able to address, you can direct your comments to me and Capt. Jones I would say.

DANIEL CLEVELAND: Very quickly I have a few situations that a lot of us ran into in the evacuation of the vessel that I think concern the safety of life at sea on the equipment that is available. Very short points that I would just like you guys to take notes on. In the immersion suits, with the immersion suits I mentioned earlier that it was very difficult to hold onto that line in order to pull ourselves and the liferaft, maybe again this is just what I experienced they have no grip in the hands, so I double braided line is very wet is very

1 slippery in bare handedness, the glow sticks that come with them, they are on a lanyard
2 that is longer than myself who has a 72 inch arm span can reach with one arm, I have to
3 pull, these are what is factory made and what is given to us, we can't reach the glow stick
4 without pulling the lanyard towards us a couple of times,

5
6 COMMANDER KEVIN CARROLL: Is this the zylon glow stick?

7
8 DANIEL CLEVELAND: Break ones,

9
10 COMMANDER KEVIN CARROLL: Yeah, okay.

11
12 DANIEL CLEVELAND: They live in a little pocket way up here on your shoulder that's
13 very difficult to get to in your gummy fingers. The I had a handheld radio with me that did
14 not make it to the life raft with me, I don't remember when it was ripped off of me but it
15 was lanyards to me, it has a little loop, may be a large enough pocket for you to affix a
16 hand-held radio to, so that it is not dangling from you, especially with these vessels with
17 the rigs a lot of things clap on to you and I believe that is when I lost the radio, I don't
18 know. So maybe so it is not hanging off of you.

19
20 UNKNOWN: Is that a waterproof radio?

21
22 DANIEL CLEVELAND: Yes. I mentioned this string on the outside of the raft, you brought
23 it up also Capt. Jones, like I said maybe if it was longer and floats so it would sort of float

1 away from the belly of the raft you that you could stick your hand into as opposed to, we
2 actually had to bite it in order to pull it away from the raft in order to grab onto it. The deep
3 EPIRBs lanyards are all very long, factory manufactured, EPIRBs lanyards are really
4 long, I feel like they should only need to be as long as long as they need to be in order to
5 tie to the raft and it will float outside the raft, because if you are not going directly from the
6 vessel to the liferaft which is subject to happen, you've got this giant thing that is integral
7 in your life-saving situation that is now hanging off of you far away and could catch on
8 anything and get pulled just like my radio which was only 2 inches from me it
9 disappeared. Luckily for us that didn't happen. The access to the gear, I mentioned the
10 safety gear inside liferaft, I could not open it without taking my hands out of the immersion
11 suit, we were in 70 something degree water in a freezing climate that would just be very
12 silly to have to do that in order to access that gear, so I don't know how to solve these
13 issues obviously it's a something maybe for the experts, from my experience. One of the
14 life rafts, the flat covers they have two of them, one of the life rafts, not the one I was in
15 had a zipper closure that they could close it to keep the weather out with a zipper, a very
16 easy situation, I think it was just rolled up and Velcro and then just zip, hours, we could
17 not figure out how to make it work it did not have a zipper it had some sort of ties that
18 were outside the raft but the other ones on the flap were inside, we ended up deciding to
19 leave them open because you could not figure that out. We could not catch the liferaft that
20 was inflated, I feel like the droge was not effective enough, maybe not big enough again I
21 don't know how to solve these situations. The boarding ramp, on one side of each of
22 these rafts, and I know one was a Viking brand I don't know what the other one was there
23 is both a boarding ramp on one side and a ladder on the other side, but the ladder is on

1 the side that the sea droge rope is attached to so they usually, that is the sigh that you
2 are going to approach where the ladder is, I heard from a couple of other sailors who
3 actually boarded on the ramp side that they had no struggle whatsoever getting on the
4 raft, I know that the six of us that were in my raft and took us at least 45 minutes to get
5 the first person, so not to say that both sides need to have a ramp, I was thinking with the
6 ladder, it was only like two rungs, it only stuck down into the water this far, and because
7 of our immersion were so full of water we couldn't take her knees up and get our feet in
8 there, so may be more rungs, may be a weight at the bottom rung so it actually floats
9 down while and you can get your, just by standing in the water maybe, you can put your
10 foot on the first run, I think that would help a lot. I know that the immersion suits need to
11 have water in them, sometimes I've heard to keep you warm, to help keep you warm, but
12 when we got our belly over the top of the entrance to the raft and our feet were out of the
13 water, at that point we were an extra who knows how many gallons heavier, it was very
14 difficult, and a few of us who are in decent shape we could not pull ourselves up without
15 any aid from someone else, so if you were alone you would just have to decide to stay
16 outside the raft in my opinion. Maybe some small scuppers in the feet so that water was
17 still was in there, but can have the opportunity to escape, because water is going to get
18 into your suit no matter what really, it is just a thought, it was very difficult to get into the
19 rest. There were times that we almost decided that we weren't going to get in, but we
20 decided effectively to. That's all I have. Those were some of the struggles that most of us
21 experienced with the equipment.

22

1 COMMANDER KEVIN CARROLL: That's why we're here, we need to hear that, thank
2 you very much. Thank you, you are released you are subject to recall, thank you very
3 much.

4
5 LIEUTENANT COMMANDER NICHOLAS PARHAM: During the witness testimony there
6 were three exhibits that were, three exhibits that were altered by Mr. Cleveland, the first
7 one was a copy of CG 8 which is now been marked as, this copy as notated has been
8 marked CG 74, the second was a copy of CG 6, with his notations it is now been marked
9 as CG 75, a copy of CG 66 with his notations is now been marked as CG 76. I would
10 recommend that these be entered as part of the record.

11
12 COMMANDER KEVIN CARROLL: Do so. Any objections?

13
14 LIEUTENANT COMMANDER NICHOLAS PARHAM: I will show these to the parties of
15 interest at this time for any viewing. Copies will also be made for your binders by the end
16 of the day.

17
18 COMMANDER KEVIN CARROLL: Okay, please enter them into the record. Recess now,
19 we will recess until 03:15, the next witness will be Laura Groves, thank you. Parties of
20 interest I like to meet with you over there please, thank you Mr. Cleveland.

21
22 LIEUTENANT COMMANDER NICHOLAS PARHAM: At this time the Coast Guard will call
23 to testify Laura Groves. Ms. Groves right up here. Stand right here at the table m'am.

1 Please raise your right hand, A false statement given to an agency of the United States is
2 punishable by a fine and / or imprisonment under 18 USC 1001. Knowing this do you
3 solemnly swear that the testimony you are about to give will be the truth the whole truth
4 and nothing but the truth so help you God?

5
6 LAURA GROVES: I do.

7
8 LIEUTENANT COMMANDER NICHOLAS PARHAM: Please be seated.

9
10 COMMANDER KEVIN CARROLL: Good afternoon.

11
12 LAURA GROVES: Hey.

13
14 COMMANDER KEVIN CARROLL: State your name and spell your last name.

15
16 LAURA GROVES: Laura Francis Groves G-R-O-V-E-S.

17
18 COMMANDER KEVIN CARROLL: It's going to be that easy, I will ask questions, you will
19 answer them.

20
21 LAURA GROVES: Okay.

22
23 COMMANDER KEVIN CARROLL: No different than that.

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LAURA GROVES: Okay.

COMMANDER KEVIN CARROLL: On October 29, 2012 who was your employer?

LAURA GROVES: HMS Bounty LLC

Okay. What was your position at HMS Bounty LLC?

LAURA GROVES: This year I was the boatswain.

Okay, what do your duties entail as boatswain?

LAURA GROVES: Organizing and coming up with basically a work list that the vessel needs anything from the rig to the hull, the deck, basically anything except for the engineers department. Prioritizing that list and then delegating those jobs to crew members and overseeing their work is a complete those projects. Also in all hands situations, such as all hands sailing maneuvers the boatswain calls the deck that calls sail, also in docking situations they are in charge of all of the deckhands.

COMMANDER KEVIN CARROLL: Okay, so it is a supervisor position, yes?

LAURA GROVES: Sorry?

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COMMANDER KEVIN CARROLL: It was a nod, these microphones are picking up and we are recording everything, so thanks. Can you detail for us your professional background please?

LAURA GROVES: I have a bachelors degree in environmental studies, I worked on several boats in the Keys including newfound Harbor Marine Institute, I was a science instructor, I also worked on tourist boats in Key West doing snorkeling and dinner cruises, and I came on the Bounty as a deckhand in the next year I was an able seaman and this past year I was boatswain.

COMMANDER KEVIN CARROLL: Okay, do you hold a merchant mariners credential?

LAURA GROVES: I do, I have a 100 ton near coastal sail auxiliary, and able seaman special.

COMMANDER KEVIN CARROLL: Other than Bounty do you have any experience on wooden hull vessels?

LAURA GROVES: No.

COMMANDER KEVIN CARROLL: How long total from the time that you joined Bounty as a deckhand, how long have you been on board?

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LAURA GROVES: Three years.

COMMANDER KEVIN CARROLL: Three years, is that three seasons?

LAURA GROVES: Yes.

COMMANDER KEVIN CARROLL: Okay. So you started as a deckhand?

LAURA GROVES: Yes sir.

COMMANDER KEVIN CARROLL: Okay, and you moved up to boatswain?

LAURA GROVES: Eventually, I was an able seaman in between.

COMMANDER KEVIN CARROLL: Okay, so is that a normal progression, you start as a deckhand work to AV and then to possibly to boatswain?

LAURA GROVES: Yeah, boatswain or mate.

COMMANDER KEVIN CARROLL: Okay, how long were you boatswain on Bounty?

LAURA GROVES: From I guess February of this year until October 29.

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COMMANDER KEVIN CARROLL: Okay, so February of this year?

LAURA GROVES: February of last year.

COMMANDER KEVIN CARROLL: Okay, February 2012 until October?

LAURA GROVES: Yes.

COMMANDER KEVIN CARROLL: Okay, so it was your first season on Bounty?

LAURA GROVES: Yes.

COMMANDER KEVIN CARROLL: Have you been involved with any shipyard periods with Bounty?

LAURA GROVES: Three of them.

COMMANDER KEVIN CARROLL: Three okay, when was the first one please?

LAURA GROVES: Probably October, November 2010, and then probably I am guessing October 2011, no that was actually probably November landed late that season, and then this past yard period in September and October 2012.

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COMMANDER KEVIN CARROLL: Can you tell us a little bit about the yard period in 2010?

LAURA GROVES: Yeah we did typical hull maintenance on the bottom, maintenance, scraping, sanding, caulking, putting more seam compound in places that needed it, a paint job as well as we replaced the mizzen lower mast and the top platform was rebuilt for that, those of the projects that stand out in my mind.

COMMANDER KEVIN CARROLL: Okay is that your first time being in a dry dock with a wooden hull vessel?

LAURA GROVES: With a wooden hull vessel yes.

COMMANDER KEVIN CARROLL: You have worked on other vessels and dried out?

LAURA GROVES: Yes.

COMMANDER KEVIN CARROLL: What vessels?

LAURA GROVES: Personal mainly, also one of the boats on I worked on in Key West, I also own a sailboat guy worked on myself.

1 COMMANDER KEVIN CARROLL: Okay, what hull material?

2

3 LAURA GROVES: Fiberglass.

4

5 COMMANDER KEVIN CARROLL: All fiberglass, until Bounty?

6

7 LAURA GROVES: Yes.

8

9 COMMANDER KEVIN CARROLL: Can you tell us a little bit about that 2011 yard.

10

11 LAURA GROVES: It was quick we were there for about five days in St. Thomas, the yard
12 did the bottom I just think they washed down her really well and repainted it. We were
13 doing maintenance topside we were really involved in that project. I know we were shop
14 vaccing the bilges trying to get them dry for some of the weeping seams, like the one on
15 the 4 foot on the garboard straight.

16

17 COMMANDER KEVIN CARROLL: Did you do any caulking in October 2010?

18

19 LAURA GROVES: No.

20

21 COMMANDER KEVIN CARROLL: No?

22

1 LAURA GROVES: Well I did not do the actual caulking with the oakum and the cotton, I
2 did the bumping as well as applying this seam compound.

3
4 COMMANDER KEVIN CARROLL: Okay, can you explain to us what is bumping?

5
6 LAURA GROVES: You take a, basically it is like a chisel it is a caulking iron on a stick
7 basically for lack of better terms, and then one person holds it on the seam, and the other
8 takes a beetle which is a really large mallet and whacks it as hard as you can and shows
9 the cotton material farther into the scene.

10
11 COMMANDER KEVIN CARROLL: So you are not removing the old material you are just
12 pushing the old material back in?

13
14 LAURA GROVES: Right and if, you can tell if you need to replace the material from when
15 you are doing procedure, if you get a bunch of water that squirts out, because then that
16 clearly indicates to you that the material that is in there is waterlogged and probably
17 rotting and we need to replace, so when you calm into an area like that then you take
18 your roofing iron, and pull it out.

19
20 COMMANDER KEVIN CARROLL: Okay, so during that 2010 yard period all you did was
21 bumping, no re-caulking?

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23 LAURA GROVES: No.

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COMMANDER KEVIN CARROLL: In 2011 did you do any re-caulking?

LAURA GROVES: Not directly during the yard period. I did caulking above the waterline, Mike Olsen, Daniel Cleveland. My boatswain Daniel Cleveland taught me how to caulk above the waterline during the season, or throughout the season in 2011.

COMMANDER KEVIN CARROLL: In the season 2011 how much re-caulking did you have to do above the waterline, roughly?

LAURA GROVES: I would say maybe three or four spans of a fathom. So not a whole lot but

COMMANDER KEVIN CARROLL: So you were on board Bounty of September and October 2012?

LAURA GROVES: Yes.

COMMANDER KEVIN CARROLL: Where was the vessel?

LAURA GROVES: The space Harbor Maine.

COMMANDER KEVIN CARROLL: Okay, was it at the shipyard?

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LAURA GROVES: Yes.

COMMANDER KEVIN CARROLL: Which paragraph?

LAURA GROVES: Boothbay Harbor shipyard.

COMMANDER KEVIN CARROLL: During the yard period you are boatswain?

LAURA GROVES: Yes.

COMMANDER KEVIN CARROLL: And during the yard period what is the boatswain's duties?

LAURA GROVES: To speak with the captain on a daily basis about the projects that are going on and delegation of those projects to the crew members, which crew members were available to come and useful in different projects, who would be the best to work in each project, I would say after being, assigning the deckhands and AV's work party for the year I was quite knowledgeable of their skills, and their skill level, and so I was helping to figure out who would be best where. And then at our morning muster I would assign people to go to their various projects, and for the main part I was overseeing the work on the bottom. I had a group of, it kind of varied, it was a group of about six people,

1 some of them were always working on the bottom, but there was always three or four of
2 those group of six there at any given time.

3
4 COMMANDER KEVIN CARROLL: Okay, who were they?

5
6 LAURA GROVES: Jessica Hewitt, Anna, John Jones was there most of the time but not
7 all of the time, Marco or Mark Hilgendorff, this girl that came in working for us for a few
8 weeks but I honestly can't tell you her name, she left,

9
10 COMMANDER KEVIN CARROLL: Okay, but she did caulking?

11
12 LAURA GROVES: She didst scraping and sanding and bumping, and seam compound.
13 And Claudine.

14
15 COMMANDER KEVIN CARROLL: Claudine.

16
17 LAURA GROVES: Yes.

18
19 COMMANDER KEVIN CARROLL: What was Anna's last name?

20
21 LAURA GROVES: Sprog.

22
23 COMMANDER KEVIN CARROLL: Okay, and Claudine is Claudine Christian correct?

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LAURA GROVES: Yes.

COMMANDER KEVIN CARROLL: Can you describe to us some of the projects that were going on?

LAURA GROVES: Yeah, other than working on the bottom there was the tank room project with a couple guys on there is mostly Adam Procosh Andrew's Salapadic (inaudible), also Morgan, it was error previous cook was a deckhand at the yard and she was working on the bottom a lot. But a couple of her guys were up inside the boat working on the tank room project, and Dan was making spars, the yard guys were replacing a few planks and working on the port quarter.

COMMANDER KEVIN CARROLL: Who are the yard guys?

LAURA GROVES: I really don't remember their names off the top of my head.

COMMANDER KEVIN CARROLL: Okay,

LAURA GROVES: I should know them, but I don't,

COMMANDER KEVIN CARROLL: Do you recall the name Todd Kozakowski?

1 LAURA GROVES: Todd, yes, Todd was kind of the director, Foreman of the yard. I can
2 describe what they look like to you more than their names.

3
4 COMMANDER KEVIN CARROLL: Okay back to where you said Dan was making sparse,
5 you are referring to Dan Cleveland?

6
7 LAURA GROVES: Yes.

8
9 COMMANDER KEVIN CARROLL: In terms of the crew that was working on the spell hull,
10 what were they doing to the hull?

11
12 LAURA GROVES: They started out scrubbing all of the algae that was on it when we first
13 hauled out I went around in spray-painted circles on seams that seemed to be weeping
14 water coming out of the boat. Then they did a light scuff not a real heavy sanding or
15 scraping job, we had done that in 2010 it was more of a light scuff to get all of the algae
16 off with sandpaper, and then they started bumping seams, and I gave them a spray can
17 so they could, anywhere they came across water that was gushing out of the seams when
18 they were bumping which is what I told him to mark these places so that I could inspect
19 them and see if I needed to and rap out the seams and recaulk them. So they were
20 circling these areas that could be problems but basically just doing bumping and then
21 seams that didn't need to be recaulked completely just got bumped and then they put
22 seaming compound in those seams, and after I was finished caulking, re-caulking the

1 places that needed to be called they put seaming compound there and then they did a
2 paint job.

3
4 COMMANDER KEVIN CARROLL: Okay can you explain to us the process of caulking?

5
6 LAURA GROVES: So either you have a new seam or a seam that you have ripped out
7 the previous caulking, you start with cotton and you have a making iron that is incredibly
8 thin, much thinner than what you would use for bumping it's going to be real fine, and
9 then he choked back take little bites and choke it back so you can get it in their real
10 compact, roll it over and then you are going to take your another a different calking iron a
11 thicker one, you're going to put that in there and you're going to slam it in as hard as you
12 can, and then you take your oakum and do basically the same thing, choking back, roll it
13 over, and then, real hard, it shouldn't go anywhere, if you hit it and it goes all away in, like
14 say into the boat that have clearly done a poor job, basically headed as hard as you can,
15 this season I used bottom paint over the oakum and then seaming compound over that.

16
17 COMMANDER KEVIN CARROLL: What seaming compound do you use?

18
19 LAURA GROVES: The starboard side of the boat this year we used NP1, I believe it is a
20 type of polyurethane it is a black rubbery substance that comes in a tube, it's a the
21 information on it sounds like it is generally supposed be used for sealing up cracks in
22 retaining walls and basements and things like that. On the port side we used DAPP that
23 we had previously used before.

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COMMANDER KEVIN CARROLL: So DAPP Is on the port side?

LAURA GROVES: Yes

COMMANDER KEVIN CARROLL: Why not use just one on the whole hull, like two?

LAURA GROVES: It was an experiment.

COMMANDER KEVIN CARROLL: Okay, what was the experiment for?

LAURA GROVES: Well we had in 2011, we had put some NP1 on this seams above the waterline and they seem to hold up really well, what we could tell better than the DAPP was holding up in the exposure to the sun and also when we were in yard and 2011 Dan put a few, filled a few seams below the waterline with NP1 even though we weren't doing much work down there, he made a point to do that so that way when we hauled out this year we could examine those, which looked really good when we got to yard this year. So we got the approval from Robin to go ahead and try out one side of the hull a new product to see if it would work better.

COMMANDER KEVIN CARROLL: Who is Robin?

LAURA GROVES: Capt. Robin Walbridge.

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COMMANDER KEVIN CARROLL: Okay, in what capacity did Capt. Walbridge, in regards to the shipyard what was his role?

LAURA GROVES: He was obviously Capt. of the Bounty he also oversaw every project going on, he was highly involved in everything.

COMMANDER KEVIN CARROLL: How are materials selected, did you do any specific research? Or was this through word of mouth, did you ask people in the shipyard?

LAURA GROVES: Which products?

COMMANDER KEVIN CARROLL: DAPP and NP1.

LAURA GROVES: Those were products that had been used by the ship when I got on board, so I do not know where they originally came from.

COMMANDER KEVIN CARROLL: Okay but from your experience from 2010, 2011, 2012 you had seen that both of them had worked to some degree?

LAURA GROVES: Correct.

1 COMMANDER KEVIN CARROLL: Okay you said that caulking was taught to you by Mr.
2 Cleveland?

3
4 LAURA GROVES: Yes.

5
6 COMMANDER KEVIN CARROLL: Okay and his experience it seemed to work just
7 through experience?

8
9 LAURA GROVES: Yes.

10
11 COMMANDER KEVIN CARROLL: What about Capt. Walbridge, did Capt. Walbridge
12 teach you caulking?

13
14 LAURA GROVES: He did not, he would often come and stand over my shoulder and
15 watch while I was doing it.

16
17 COMMANDER KEVIN CARROLL: Okay.

18
19 LAURA GROVES: But never commented.

20
21 COMMANDER KEVIN CARROLL: Okay understand. Would you consider yourself
22 experienced at caulking?

23

1 LAURA GROVES: I would not consider myself an expert, but I do consider myself
2 someone who knows how to caulk appropriately.

3
4 COMMANDER KEVIN CARROLL: Okay, what about in regards to your evaluation of
5 conditions on wooden hull vessels, how would you detail your experience? From
6 unexperienced to expert?

7
8 LAURA GROVES: I would say I have a lot to learn, but I also learned quite a bit, I feel
9 fairly comfortable doing basic maintenance of a wooden vessel.

10
11 COMMANDER KEVIN CARROLL: In regards to, you said you did an evaluation of the
12 seams on the hull after it came on the railway, you used a can of spray paint, roughly how
13 many seams that you identify that were questionable? If you talk about percentage of the
14 hull, sheer straight to sheer straight being 100%, what would you say, and bow to stern of
15 course?

16
17 LAURA GROVES: I don't know, probably 5%.

18
19 COMMANDER KEVIN CARROLL: So 5% you believe were suspect?

20
21 LAURA GROVES: Yes.

22
23 COMMANDER KEVIN CARROLL: Okay, and that is total seams of the hull?

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LAURA GROVES: Yes.

COMMANDER KEVIN CARROLL: Did anybody assist you in the evaluation?

LAURA GROVES: I know I probably walked around with Dan Cleveland a couple of times and I think I walked around with Robin as well, because you don't want to, you have got 24 hours, 48 hours or so before those seams are not going to be weeping anymore depending on how much water is actually deep down in the bilges. So in that time. I tried to assess it as well as possible with as many eyes as possible.

COMMANDER KEVIN CARROLL: What would a weeping seam show you?

LAURA GROVES: That there is water on the inside of the boat and the bilge when we hauled out, and if it is coming from the inside of the boat to the outside of the boat there is clearly an open area there where water is coming through.

COMMANDER KEVIN CARROLL: Okay and regard to all of the people that worked on the hull, Jessica Hewitt had worked on the hull, correct?

LAURA GROVES: She did.

1 COMMANDER KEVIN CARROLL: How would you detail her experience, from completely
2 unexperienced to expert, where would you put her?

3
4 LAURA GROVES: Probably about the same as myself, she claimed to have done
5 caulking before for the OCF boats, the ocean classrooms so when we started the first day
6 caulking we both were working on the seam next to each other and I talked about the
7 methods and watched her do it and decided that her work was satisfactory.

8
9 COMMANDER KEVIN CARROLL: So you evaluated her ability correct?

10
11 LAURA GROVES: Yes.

12
13 COMMANDER KEVIN CARROLL: What about Ms. Sprogg?

14
15 LAURA GROVES: Well I had taught all of them, well Jessica, Jessica Hewitt was doing
16 the actual caulking with myself the rest of the hands that I had down there, I taught them
17 how to bump, how to put seaming compound in and how to paint, how to use sandpaper,
18 but they weren't doing much that required technical skills.

19
20 COMMANDER KEVIN CARROLL: Okay so,

21
22 LAURA GROVES: I did teach them, all of them how to do it but they were working on
23 different,

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COMMANDER KEVIN CARROLL: Is it typical when you come into a shipyard for the Bounty crew to do a lot of the work?

LAURA GROVES: Yes.

COMMANDER KEVIN CARROLL: Okay. Did the shipyard crew do any caulking?

LAURA GROVES: Todd did some caulking, there is an area starboard side, the garborage seam up by the forefoot that had been a problem that we knew about from, I know at least from the previous year we had known about it, and we had tried something then, I was in a part of repairing it then so I am not sure, all I know is what I pulled out of the seam when got the yard this year, and I don't know, what kind of substance, I think it was the putty epoxy stuff that sets underwater like for patching leaks and water it's a two-part system, I don't remember what it's called, I think that is what they used, so I pulled that out it clearly had not worked, so Todd, I had Todd do that part because I felt like I was not experienced enough to do such a complicated open piece. There was a spot on the other side, the port side that was a butt seam in the garboard straight that was also rather large that I did not feel qualified to do that. so I had him do it.

COMMANDER KEVIN CARROLL: Okay so you reached out for help when you thought something was beyond your capabilities?

1 LAURA GROVES: Right.

2

3 COMMANDER KEVIN CARROLL: Okay. In terms of what was recaulked, let's use from
4 the waterline down to the garboard straight, what was the percentage of the seams below
5 the waterline total port, starboard side that were recaulked?

6

7 LAURA GROVES: Maybe between 5% and 10% definitely no more than that.

8

9 COMMANDER KEVIN CARROLL: And that's below the waterline, what about above the
10 waterline?

11

12 LAURA GROVES: Above the waterline to planks were replaced, and does plank for each,
13 they were two different sizes but I believe one was 30 something feet one was 40
14 something feet and so that would be to links because you have the upper seam and the
15 upper seam of each of those planks, so thirty something times two and 40 something
16 times to plus the butt seams on the ends, so whatever those numbers add up to be, that
17 many feet.

18

19 COMMANDER KEVIN CARROLL: Okay. What about above the waterline at the stern?

20

21 LAURA GROVES: Above the waterline, I did not do any caulking back there.

22

1 COMMANDER KEVIN CARROLL: Okay, there was no caulking done above the waterline
2 near the transom?

3
4 LAURA GROVES: If it was done, then the yard did it.

5
6 COMMANDER KEVIN CARROLL: Okay.

7
8 LAURA GROVES: I did not do any caulking there.

9
10 COMMANDER KEVIN CARROLL: Were any repairs necessary back at the transom?

11
12 LAURA GROVES: Yes, I believe the trim had been damaged at some point during the
13 season, they pulled that off apparently they found rot there, I was not totally involved in
14 that project I went out there a few times to look, just for my knowledge to see what was
15 going on. I wasn't involved.

16
17 COMMANDER KEVIN CARROLL: Who from the vessel was involved in that project?

18
19 LAURA GROVES: Mark, Mark Warner, different from Mark Hilgendorff.

20
21 COMMANDER KEVIN CARROLL: Okay, was he in charge of that project?

22
23 LAURA GROVES: Know he was working with two of the yard men.

1
2 COMMANDER KEVIN CARROLL: Okay

3
4 LAURA GROVES: Two men other than Todd.

5
6 COMMANDER KEVIN CARROLL: Okay, so he was working with them, again does that
7 signify that you evaluated this project and think that this project is beyond the capabilities
8 of the crew so we are going to hand this over to the shipyard?

9
10 LAURA GROVES: I believe so, the planks in the stern were projects that I never had even
11 spoken to Robin about and the possibility of the crew doing, I think those were things he
12 anticipated (inaudible) those projects.

13
14 COMMANDER KEVIN CARROLL: Did Robin make that decision as captain of the vessel,
15 what was going to go to the crew and what was going to go to the shipyard?

16
17 LAURA GROVES: Yes.

18
19 COMMANDER KEVIN CARROLL: Let's talk about those two planks that you said were
20 recaulked above the waterline, what were the location of those planks?

21

1 LAURA GROVES: The one on the starboard side was the uppermost plank underneath
2 the mizzen channels, and the one on the port side was the uppermost plank underneath
3 the fore channels.
4

5 COMMANDER KEVIN CARROLL: How far aft was the starboard plank? That was
6 replaced?
7

8 LAURA GROVES: It didn't go, it went I want to say not all the way to the after part of the
9 mizzen channels, it went probably about halfway, and then it went up to the waist.
10

11 COMMANDER KEVIN CARROLL: Okay. But above the waterline?
12

13 LAURA GROVES: Above?
14

15 COMMANDER KEVIN CARROLL: It was above the waterline?
16

17 LAURA GROVES: Yes it was the uppermost plank below the channel which is right at the
18 deck level, the weather deck.
19

20 COMMANDER KEVIN CARROLL: In regards to the port plank, how far aft was that?
21

22 LAURA GROVES: It went from about midway in between the fore channels or midway of
23 the fore channels and then it reached back to the waste.

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COMMANDER KEVIN CARROLL: Okay, back to the waist. You have a binder in front of you, the binder has got lots of stuff and it, it has tabs specifically I want you to turn to the tab that has 66 on it, okay that his Coast Guard Exhibit 66, Lieut. Cmdr. Parham can you please get her a copy as well.

LAURA GROVES: Is it underneath 66,

COMMANDER KEVIN CARROLL: As we go through this if you have any questions about the exhibits just ask Lieut. Cmdr. Parham. Can you identify the document that you are looking at?

LAURA GROVES: Yes.

COMMANDER KEVIN CARROLL: What is it?

LAURA GROVES: Well it looks like some type of hull plan.

COMMANDER KEVIN CARROLL: Is it Bounty?

LAURA GROVES: It appears to be.

1 COMMANDER KEVIN CARROLL: In regard to the top portion of the deck, what I would
2 like you to do please is from the bow to the Stern on the port in the starboard side indicate
3 the location where you believe the port plank and starboard side plank were, there is a
4 pen right there.

5
6 LAURA GROVES: We talking about these planks that were replaced right?

7
8 COMMANDER KEVIN CARROLL: Yes exactly. If you could also indicate both notations
9 for the port and starboard side how far below the sheer straight those were?

10
11 LAURA GROVES: Okay.

12
13 COMMANDER KEVIN CARROLL: Okay?

14
15 LAURA GROVES: Yup.

16
17 COMMANDER KEVIN CARROLL: Now you caulked on those planks when they were
18 replaced?

19
20 LAURA GROVES: I did.

21
22 COMMANDER KEVIN CARROLL: Okay, did you see the planks that came off?
23

1 LAURA GROVES: Yet I believe, I feel like they tore them to pieces because they were
2 hard to get off.

3
4 COMMANDER KEVIN CARROLL: Okay, they were hard to get off?

5
6 LAURA GROVES: Yeah, they had a bucketful of those planks, they were not singular
7 pieces anymore.

8
9 COMMANDER KEVIN CARROLL: Why were the planks replaced?

10
11 LAURA GROVES: Throughout the season during my rig and hull inspections I do monthly
12 as the boatswain I found pockets of rot and a few planks, after I found the rot I informed
13 the Capt. And I guess he decided to replace them after that information was given to him.

14
15 COMMANDER KEVIN CARROLL: Okay, what were the conditions of the planks with the
16 forward face obviously being out, what was the condition of the planks inboard face? The
17 ones that would actually go on to the frames?

18
19 LAURA GROVES: I did not see that face, that face was torn apart, when they tour the
20 plank off?

21
22 COMMANDER KEVIN CARROLL: What were the conditions of the planks underneath?

23

1 LAURA GROVES: Of the frames, from what I saw they had some sections of rot in them.

2

3 COMMANDER KEVIN CARROLL: Is that on both the port and the starboard side?

4

5 LAURA GROVES: I believe so.

6

7 COMMANDER KEVIN CARROLL: Okay, did you discuss this with the shipyard at all?

8

9 LAURA GROVES: I did, they seemed concerned about it, they wanted to look into it a
10 little bit more. But I wasn't working on the project with them so I did not discuss it in depth.

11

12 COMMANDER KEVIN CARROLL: Did you discuss it with Capt. Walbridge?

13

14 LAURA GROVES: Briefly, I did see him discussing it with the yard and looking at it with
15 them. So I did not feel it necessary to tell him about this information, because he clearly
16 knew, he did have a discussion with Dan Cleveland and myself about the importance of
17 deck leaks and freshwater getting into the boat basically, how important finding those
18 leaks are and solving them.

19

20 COMMANDER KEVIN CARROLL: Okay do you know what was ultimately decided to do
21 in regards to the rot that was found on the frames?

22

1 LAURA GROVES: I don't believe they did anything to the frames, I think the planks were
2 put back on.

3

4 COMMANDER KEVIN CARROLL: Okay, so the planks were put back onto the frames
5 with rot on them?

6

7 LAURA GROVES: Yes.

8

9 COMMANDER KEVIN CARROLL: Okay, from your experience is that a good thing to do?

10

11 LAURA GROVES: No probably not, but depending on the severity of the rot the frames
12 structural integrity may or may not be there depending on how much rot there is on
13 anything really.

14

15 COMMANDER KEVIN CARROLL: And enough it was determined how much rot there
16 was?

17

18 LAURA GROVES: I do not.

19

20 COMMANDER KEVIN CARROLL: As boatswain did you do any inspection of the planks,
21 how wide were they?

22

23 LAURA GROVES: Like if the plank is this way you want to know how big it is this way?

1
2 COMMANDER KEVIN CARROLL: Yes.

3
4 LAURA GROVES: I want to say probably about 8 inches

5
6 COMMANDER KEVIN CARROLL: 8 inches, okay. Due to how thick is the plank?

7
8 LAURA GROVES: I believe they were 3 inches thick.

9
10 COMMANDER KEVIN CARROLL: 3 inches thick okay. So you are basically looking at an
11 8 inch window approximately 30 feet long along the hull on either side?

12
13 LAURA GROVES: Yes.

14
15 COMMANDER KEVIN CARROLL: How many frames could you see roughly?

16
17 LAURA GROVES: There is two frames and then about a foot in between each set, so I
18 don't know maybe 10 at the most.

19
20 COMMANDER KEVIN CARROLL: Okay, who made the ultimate decision to put the plank
21 back on without doing anything to the frames?

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23 LAURA GROVES: I don't know.

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COMMANDER KEVIN CARROLL: You don't know?

LAURA GROVES: I don't know.

COMMANDER KEVIN CARROLL: Okay, so the plank was simply just put back on?

LAURA GROVES: I was not part of that decision process, I didn't hear a conversation about it I just know that at some point the yard men were putting it back on.

COMMANDER KEVIN CARROLL: Okay and after the plank went back on to these frames both port and starboard side, you and Ms Hewitt would did the caulking?

LAURA GROVES: Yes.

COMMANDER KEVIN CARROLL: Okay, did you have any difficulties?

LAURA GROVES: Dan helped with that as well.

COMMANDER KEVIN CARROLL: Okay, Dan helped with that as well. Did you have any difficulties with the caulking?

LAURA GROVES: No.

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COMMANDER KEVIN CARROLL: Okay. You had no opportunity to review the work that was being done on the port hip?

LAURA GROVES: I went and look at it when they tore it off of the framing of the ornamental pieces crush them aside, when they really started getting into the project that took a look which was after the commerce station that I had with Capt. Robin about the importance of keeping the water out, freshwater, and he instructed Dan and I to go look at the port quarter, he seemed concerned so we went and had a look and understood his concern, and I did not look at it again until they had finished the repairs, in which case I just primed it with oil primer, the new wood, and put a paint job on it.

COMMANDER KEVIN CARROLL: Okay, would you say Capt. Walbridge was concerned about these areas of rot that were discovered on the port side starboard side and on the transom?

LAURA GROVES: Yes.

COMMANDER KEVIN CARROLL: And he expressed that concern to you?

LAURA GROVES: Yes.

1 COMMANDER KEVIN CARROLL: Okay, and in your experience how do you deal with rot
2 in a wooden hole vessel?

3
4 LAURA GROVES: Well ideally you would remove it, I have heard of chemical
5 combinations of whatever to spray on it applications and whatnot that can be used but to
6 my knowledge you are never really going to replace the structural integrity of rot and
7 lessee replace it with wood that isn't rotten.

8
9 COMMANDER KEVIN CARROLL: Okay, were you privy to any conversations that Capt.
10 Walbridge had regarding this condition with members of the shipyard?

11
12 LAURA GROVES: No.

13
14 COMMANDER KEVIN CARROLL: Did he express to you any concern about how the
15 condition of the wood was in relating to when it was put on?

16
17 LAURA GROVES: I am aware that it was recent relatively speaking, and one of the
18 reasons why he was concerned and probably a bit angry at the fact is because it was and
19 the 2005, 2006, 2007 area of time windows were replaced and they should be not rotting
20 already.

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22 COMMANDER KEVIN CARROLL: Do you know if he expressed his concern to anyone at
23 the shipyard?

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LAURA GROVES: No.

COMMANDER KEVIN CARROLL: Do you know a few expressed his concern with anyone inside of the Bounty organization?

LAURA GROVES: I don't know.

COMMANDER KEVIN CARROLL: You don't know okay. In regard to percentage again of the number of seams that had to be bumped. Obviously if you came across the seam in your evaluation and you thought the seam was properly called and everything was holding properly you would not touch it right?

LAURA GROVES: Right.

COMMANDER KEVIN CARROLL: Okay, if it needed to be bumped you would make that evaluation if they are going to reave it or were going to re-bump it, how many seams above the waterline had to be bumped?

LAURA GROVES: Above the waterline?

COMMANDER KEVIN CARROLL: Above.

1 LAURA GROVES: We did not work above the waterline.

2

3 COMMANDER KEVIN CARROLL: You did not do any work above the waterline?

4

5 LAURA GROVES: No.

6

7 COMMANDER KEVIN CARROLL: What about seams below the waterline?

8

9 LAURA GROVES: Below the waterline somewhere between, seams that needed to be
10 bumped?

11

12 COMMANDER KEVIN CARROLL: Yes, that needed to be bumped.

13

14 LAURA GROVES: May be 20 to 25%, mostly seams along the garboard straight and at
15 the turn of the bilge seemed to be the areas of problem.

16

17 COMMANDER KEVIN CARROLL: Okay, did you have any lead patches at the bottom of
18 the Bounty?

19

20 LAURA GROVES: We did, well when we got to the yard there were copper patches that
21 were installed by a diver when we are in the water and we know that a seam is open, we
22 send a diver down to patch it up, so I pull those off and re-caulk to those areas. When we

1 were finished I installed to lead patches with roofing cement and lead patches over the
2 areas along the garboard straight that I knew to be issues.

3

4 COMMANDER KEVIN CARROLL: How long of an area was the garboard straight?

5

6 LAURA GROVES: That were patched?

7

8 COMMANDER KEVIN CARROLL: Yes.

9

10 LAURA GROVES: I would say probably six or seven patches that were anywhere
11 between 2 and 3 feet long.

12

13 COMMANDER KEVIN CARROLL: Okay, what about other locations on the hull?

14

15 LAURA GROVES: I did not put any patches anywhere else.

16

17 COMMANDER KEVIN CARROLL: You didn't put any patches anywhere else okay. When
18 were these, the copper patches you said that were put on by divers when were they put
19 on?

20

21 LAURA GROVES: Throughout the last two years.

22

23 COMMANDER KEVIN CARROLL: Okay.

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LAURA GROVES: I don't know, to my knowledge there wasn't any caulking done and 2011 during the yard period. So any patches that were there from 2011 stayed there.

COMMANDER KEVIN CARROLL: Okay

LAURA GROVES: And were not recaulked until 2012.

COMMANDER KEVIN CARROLL: Okay understand. What was the tank room project?

LAURA GROVES: While they were basically switching the crew quarters and where we store the fuel tanks and water tanks, so swapped them.

COMMANDER KEVIN CARROLL: Okay. Who was involved with that project again?

LAURA GROVES: Adam Procrash, and Drew Sallapattic, and I think it sometimes Mark Warner, as well as some of the yard men helped out mainly with the brazing of the fuel tanks and water tanks.

COMMANDER KEVIN CARROLL: Were you involved with that project at all?

LAURA GROVES: Not significantly, as the boats land like to make myself aware of what is going on on the vessel, so I made my rounds multiple times a day on everybody's

1 projects, but I was not intimately involved with that project except every day at the end of
2 the day I had cleanup happen and hour before we were scheduled to stand down, and I
3 would send the entire crew into the bilges with shop vacuums and dust pans and brooms
4 and I would spend an hour cleaning up because there was a lot of construction debris
5 down there, sawdust and wood chips, so I spent an hour a day on that project specifically
6 cleaning up.

7
8 COMMANDER KEVIN CARROLL: Does Bounty have any ballasts on board?

9
10 LAURA GROVES: It does, there is the lead keel and then the lead bricks inside.

11
12 COMMANDER KEVIN CARROLL: The lead bricks, how are the lead breaks stored on the
13 vessel?

14
15 LAURA GROVES: They were in the bilge.

16
17 COMMANDER KEVIN CARROLL: The bilge, tell us roughly where they were.

18
19 LAURA GROVES: When we got to the yard they were where the tank room was when we
20 actually got into the yard not where it was when we left. It was there (inaudible) room, I
21 think between those two spots is mainly where it was, along with a little bit that was in the
22 laz. And then we moved it.

23

1 COMMANDER KEVIN CARROLL: Where was it moved?

2

3 LAURA GROVES: We took what was in the tank room, and we actually took everything
4 that was in the tank room and divided it, but everything that we could in the laz and the
5 rest we put into the engine room.

6

7 COMMANDER KEVIN CARROLL: Okay, why did you move the ballasts?

8

9 LAURA GROVES: Captain Robin Walbridge asked us to.

10

11 COMMANDER KEVIN CARROLL: Okay, do you know why?

12

13 LAURA GROVES: I think he wanted to trim the boat a few inches lower.

14

15 COMMANDER KEVIN CARROLL: Okay, just looking for when the vessel went back into
16 the water did it work, do you know?

17

18 LAURA GROVES: I don't know, I did not hear.

19

20 COMMANDER KEVIN CARROLL: In your opinion how did the yard period go? Overall, as
21 far as all the projects combined?

22

1 LAURA GROVES: It went well I was surprised that we finished without having to extend
2 our stay by multiple weeks, which is always a good sign in the yard.

3
4 COMMANDER KEVIN CARROLL: When did you arrive at the shipyard?

5
6 LAURA GROVES: Mid-September, maybe.

7
8 COMMANDER KEVIN CARROLL: When did you come off of the route?

9
10 LAURA GROVES: Mid-October

11
12 COMMANDER KEVIN CARROLL: When did you leave?

13
14 LAURA GROVES: 3 or 4 days after we went back in the water.

15
16 COMMANDER KEVIN CARROLL: Okay. During the time where you were sitting at the
17 pier, after you went back in the water, before you departed, as a boatswain, did you
18 evaluate the condition of the bilges.

19
20 LAURA GROVES: I did. When we splashed it was on a 15 minute rotation and after
21 about, probably two hours of that they changed it to about an hour or so in the next day it
22 was multiple times that day.

23

1 COMMANDER KEVIN CARROLL: How were they?

2

3 LAURA GROVES: Drier than I have ever seen them.

4

5 COMMANDER KEVIN CARROLL: Okay. Did anybody from the shipyard come onboard
6 and check out the condition of the bilges?

7

8 LAURA GROVES: Not to my knowledge.

9

10 COMMANDER KEVIN CARROLL: Did Bounty have a survey by a marine surveyor when
11 it was in the shipyard?

12

13 LAURA GROVES: I remember seeing David Wyman at the shipyard but I did it know, it
14 really wasn't information that I would be involved in.

15

16 COMMANDER KEVIN CARROLL: Okay. Anything else about the yard period that you
17 would like to tell us? Anything significant? Is there any work that either you or Capt.
18 Walbridge were not happy with?

19

20 LAURA GROVES: No, I don't think so.

21

22 COMMANDER KEVIN CARROLL: Okay, other than what we discussed before, you are
23 concerned about the areas of rot on the port side, starboard side and transom.

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LAURA GROVES: Right.

COMMANDER KEVIN CARROLL: All above the water line, though.

LAURA GROVES: Yeah.

COMMANDER KEVIN CARROLL: Okay. Now, in regards to, departure from Booth Bay, what was Bounty's next port of call?

LAURA GROVES: New London Connecticut.

COMMANDER KEVIN CARROLL: Okay. Tell me about the voyage from Booth Bay to New London.

LAURA GROVES: There was really no weather, we motored all the way there rather quickly. It was boring.

COMMANDER KEVIN CARROLL: It was boring. Okay. How were the condition of the bilges from the trip from Booth Bay to New London?

LAURA GROVES: I believe they were fairly dry.

1 COMMANDER KEVIN CARROLL: Okay. Any concerns after the yard period, were
2 there any concerns with the vessels machinery after going back into the water and then
3 the trip?

4
5 LAURA GROVES: Not to my knowledge. I am also not really involved in the machinery of
6 the vessel.

7
8 COMMANDER KEVIN CARROLL: Okay, But you had been a AB and a deckhand before,
9 correct?

10
11 LAURA GROVES: Right.

12
13 COMMANDER KEVIN CARROLL: Have you done boat checks on board Bounty?

14
15 LAURA GROVES: Yes.

16
17 COMMANDER KEVIN CARROLL: During both checks what happens?

18
19 LAURA GROVES: You check every compartment, you check the bilges and every
20 compartment, you check the main engines and the generators in the water makers, Ray
21 core filters.

22
23 COMMANDER KEVIN CARROLL: All right, so you have done at least that?

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LAURA GROVES: Yeah, I mean I have experience with the machinery on Bounty, but this past year I had little considering my position.

COMMANDER KEVIN CARROLL: Okay, so as boatswain you were more concerned with you know

LAURA GROVES: The rest of the boat.

COMMANDER KEVIN CARROLL: Gotcha. I understand. Did anyone voice any concerns to you, or did you overhear anyone voicing concerns in regards to the bilge dewatering system from New London, excuse me, from Booth Bay to New London?

LAURA GROVES: No.

COMMANDER KEVIN CARROLL: Okay, so arrival in New London after a boring trip. What did you do in New London?

LAURA GROVES: We had a few projects to finish up, we sent our spanker ga-, our spanker which is basically our wind rudder gas sail, the aft boat, we sent it out in Booth Bay to get re-stitched so we had to put that back on. Which I did outside of New London at night, which was really difficult. Then once we got to port it had to be laced on, I guess part of it the rails that pulled up that helped strike it had to be seized and a few finishing

1 touches on the hatch that goes down to the new crew quarters that had been finished. It
2 had to be painted and varnished and the new crew quarters were finished being painted.

3
4 COMMANDER KEVIN CARROLL: Where was that hatch? Was that the weather deck for
5 the tween deck?

6
7 LAURA GROVES: That was the tween deck right underneath the ladder coming down
8 from the new hatch, the one that we installed there.

9
10 COMMANDER KEVIN CARROLL: The new hatch, okay.

11
12 LAURA GROVES: Yeah, the forward hatch. That's kind of not really forward

13
14 COMMANDER KEVIN CARROLL: In your binder turn to 15 please, 15.

15
16 LAURA GROVES: That hatch.

17
18 COMMANDER KEVIN CARROLL: So you can identify the photograph?

19
20 LAURA GROVES: I can.

21
22 COMMANDER KEVIN CARROLL: Okay, what is that?

23

1 LAURA GROVES: That was our new forward companion way hatch.

2

3 COMMANDER KEVIN CARROLL: Okay, why was there a new forward companionway
4 put in?

5

6 LAURA GROVES: To my knowledge it had something to do with our tonnage and the
7 fact that our companionway had been modified at some point before I got on the boat and
8 we were at tonnage of 266 changing this configuration moved us to 413 which puts us in
9 a whole different realm of regulations. In order to keep our status as 266 tons, we
10 needed to reconfigure the vessel to what it was previously.

11

12 COMMANDER KEVIN CARROLL: Okay. Turned back one Exhibit to 14. That the old
13 one?

14

15 LAURA GROVES: That is the old one.

16

17 COMMANDER KEVIN CARROLL: So actually can you identify this photograph?

18

19 LAURA GROVES: I can.

20

21 COMMANDER KEVIN CARROLL: What is it?

22

1 LAURA GROVES: it is, those are the butterfly hatches and just forward of that is the
2 forward companionway.

3
4 COMMANDER KEVIN CARROLL: Okay, so that whole entrance to the forward
5 companionway was taken off and the butterfly hatches were removed and the new
6 structure to the tween deck was put in?

7
8 LAURA GROVES: Right.

9
10 COMMANDER KEVIN CARROLL: That was done in the shipyard?

11
12 LAURA GROVES: Yes.

13
14 COMMANDER KEVIN CARROLL: How did those projects go?

15
16 LAURA GROVES: Good. Actually these hatches were removed and Newberry port I
17 believe, I wasn't there I had to leave for a week. A temporary structure was placed on top
18 of that and a hatch, the companionway forward of there was removed and a hatch put
19 over that hole.

20
21 COMMANDER KEVIN CARROLL: Okay.

22

1 LAURA GROVES: So, but once we got to yard the temporary structure was removed and
2 the new hatch was put on.

3

4 COMMANDER KEVIN CARROLL: and the new hatch is an Exhibit 15?

5

6 LAURA GROVES: Yes.

7

8 COMMANDER KEVIN CARROLL: Okay, excellent. What else happened in New
9 London?

10

11 LAURA GROVES: I am not entirely sure, I went to Long Island for a doctors appointment.

12

13 COMMANDER KEVIN CARROLL: Okay, When did you leave to go to Long Island?

14

15 LAURA GROVES: The moment we got to the dock. I left a work list with John Svendsen
16 and Dan Cleveland and I took a train to take a ferry to go to Long Island.

17

18 COMMANDER KEVIN CARROLL: Okay. So when did you come back to Bounty?

19

20 LAURA GROVES: We spent the night in Long Island and took a train back the next day.

21

22 COMMANDER KEVIN CARROLL: Okay. Do you recall when that was?

23

1 LAURA GROVES: Probably, if we left on the 25th it was probably the 24th.

2

3 COMMANDER KEVIN CARROLL: Okay, What else did you do in New London?

4

5 LAURA GROVES: After we got all of our, basically we wanted the boat to be presentable
6 because we going to do a day sail for the Navy. So after we got everything squared away
7 finishing all of our projects that were still open from yard, like the crew quarters and just
8 getting last-minute paint touched up on different areas. We stood the crew down, or at
9 least we were trying to stand the crew down at least a few hours early that day because
10 we were going to have a long transit ahead of us. Whether we actually stood down early, I
11 don't remember.

12

13 COMMANDER KEVIN CARROLL: Okay and that was on the 24th?

14

15 LAURA GROVES: Yes.

16

17 COMMANDER KEVIN CARROLL: So on the 25th, that's when the day sail for the Navy
18 came?

19

20 LAURA GROVES: Yes.

21

22 COMMANDER KEVIN CARROLL: How did that go?

23

1 LAURA GROVES: I think it went well. We ate lunch and then took them for a sail then
2 came back to the dock.

3
4 COMMANDER KEVIN CARROLL: Then what did you do?

5
6 LAURA GROVES: We went to take a tour of the submarine.

7
8 COMMANDER KEVIN CARROLL: Okay, How did that go?

9
10 LAURA GROVES: Good.

11
12 COMMANDER KEVIN CARROLL: Good, great. What time to get back to Bounty?

13
14 LAURA GROVES: Probably around dinnertime, which is typically at five.

15
16 COMMANDER KEVIN CARROLL: At what point did you become aware of the storm
17 named hurricane Sandy?

18 LAURA GROVES: Probably on the 24th

19
20 COMMANDER KEVIN CARROLL: Okay. Now when you return back to Bounty that
21 evening to the sub tour, what was your next port of call?

22
23 LAURA GROVES: St. Petersburg Florida.

1

COMMANDER KEVIN CARROLL: St Pete, okay. What were you going to St Pete for?

3

4

LAURA GROVES: To do deck tours, the same thing we do almost everywhere we stop.

5

6

COMMANDER KEVIN CARROLL: Okay. Open to the public as an attraction vessel.

7

8

LAURA GROVES: Right.

9

10

COMMANDER KEVIN CARROLL: Okay, had you seen forecast for hurricane Sandy?

11

12

LAURA GROVES: I did.

13

14

COMMANDER KEVIN CARROLL: Okay. Did you believe that the forecasts were going to have you meeting on your way to St. Petersburg?

16

17

LAURA GROVES: it seems clear to me that we would encounter some kind of weather.

18

19

COMMANDER KEVIN CARROLL: Okay, some minor?

20

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LAURA GROVES: some kind.

22

23

COMMANDER KEVIN CARROLL: Some kind of weather.

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LAURA GROVES: Yes.

COMMANDER KEVIN CARROLL: Were you concerned about it?

LAURA GROVES: Yeah, probably a little bit. I prefer to sail with 20 knots than 50 or 60 or more.

COMMANDER KEVIN CARROLL: Okay. Did you express your concerns to anybody?

LAURA GROVES: I believe I had a conversation with Dan and John and Matt and I think we just discussed are different concerns about our comfort level as if there were any other options. I think we each decided that we would go with what the captain wanted.

COMMANDER KEVIN CARROLL: How did you know what the captain wanted at that point?

LAURA GROVES: because he was still talking about leaving

COMMANDER KEVIN CARROLL: did you approach the captain at all?

LAURA GROVES: I did not.

1 COMMANDER KEVIN CARROLL: You did not. Did anybody?

2

3 LAURA GROVES: I don't know.

4

5 COMMANDER KEVIN CARROLL: So, yourself as the boatswain, and, correctly if I'm
6 wrong, Dan Cleveland was a third mate

7

8 LAURA GROVES: Right.

9

10 COMMANDER KEVIN CARROLL: Matt Sanders was the second mate

11

12 LAURA GROVES: Right.

13

14 COMMANDER KEVIN CARROLL: John Svendsen was the chief mate.

15

16 LAURA GROVES: Yes.

17

18 COMMANDER KEVIN CARROLL: All four of you had some degree of concern?

19

20 LAURA GROVES: Yes.

21

22 COMMANDER KEVIN CARROLL: Do you think Capt. Walbridge addressed your
23 concerns at all?

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LAURA GROVES: well he addressed the entire crew with probably expecting us to be at least a little bit concerned.

COMMANDER KEVIN CARROLL: okay. How did I go?

LAURA GROVES: it was informative. He talked about weather patterns and his experience and heavy weather and what the forecast was and what he agreed that he thought it was going to do what was being forecast. He talked about his voyage plan basically, his plan of attack I guess for making it to St. Pete and to give us the option to leave if we wanted to.

COMMANDER KEVIN CARROLL: During your meeting with the chief mate, second mate, and third mate, was anybody within the group that was at that meeting a big detractor from Capt. Walbridge's plan? In other words, did they just not agree with this, think it was a bad idea?

LAURA GROVES: I don't think anybody had really strong opinions about it.

COMMANDER KEVIN CARROLL: Okay. What else happened during the meeting with Capt. Walbridge, the one he held for the crew?

1 LAURA GROVES: He offered for any of us to leave if we wanted to and so there wouldn't
2 be any hard feelings that's it.

3

4 COMMANDER KEVIN CARROLL: Did anybody on the crew express concerns to you?

5

6 LAURA GROVES: Not personally, no.

7

8 COMMANDER KEVIN CARROLL: Not personally. Did you overhear any of the crew
9 concerns?

10

11 LAURA GROVES: I honestly cannot remember anything specific. I wouldn't be surprised
12 if that were, if people were a little nervous. It may have just been a general feeling of
13 nervousness. I can't tell you of a specific instance of somebody just specifically

14

15 COMMANDER KEVIN CARROLL: Were you nervous?

16

17 LAURA GROVES: Well of course. I don't particularly like to sail and hurricanes.

18

19 COMMANDER KEVIN CARROLL: Okay. Have you ever sailed in a hurricane before?

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21 LAURA GROVES: I have not.

22

23 COMMANDER KEVIN CARROLL: Okay. So after the meeting, nobody left.

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LAURA GROVES: Well, two people left but not because of the hurricane. They had previously planned to leave.

COMMANDER KEVIN CARROLL: Okay, so they were planning to depart.

LAURA GROVES: Yes because of personal reasons.

COMMANDER KEVIN CARROLL: Who were those people?

LAURA GROVES: Morgan, I don't remember Morgan's last name right now.

COMMANDER KEVIN CARROLL: Okay.

LAURA GROVES: And Mark Hilgendorf

COMMANDER KEVIN CARROLL: Mark Hilgendorf. Did they leave before after the meeting?

LAURA GROVES: I think Mark left right before we cast our dock line, so he was probably there at the meeting but I can't say for sure. I think Morgan left earlier than that.

1 COMMANDER KEVIN CARROLL: Are you sure that both of them didn't make that choice,
2 they just didn't want to sail in it?

3
4 LAURA GROVES: They had been planning on leaving for a few weeks at that point.

5
6 COMMANDER KEVIN CARROLL: and you knew that because you had conversations
7 with them?

8
9 LAURA GROVES: Yes.

10
11 COMMANDER KEVIN CARROLL: Okay. So, what I would like you to do is, please, from
12 the time of departure please walk me through and tell me what happened to Bounty.

13
14 LAURA GROVES: Well, we left the dock and did some sea stowing, as much as what
15 was necessary for the ship to be safe and calm weather as we headed out. Then we
16 broke into watches, I believe the watches worked on sea stowing throughout the night
17 and as they had extra time to do so. In the morning, I am in charge of 4 parties for all of
18 the, was that Friday, our second day out? Was it a Thursday on the 25th?

19
20 COMMANDER KEVIN CARROLL: The date the vessel sank, we determined, is October
21 29. So if you work back from there.

22
23 LAURA GROVES: That would be a Monday, so 28th would be Sunday.

1
2 COMMANDER KEVIN CARROLL: Yes.

3
4 LAURA GROVES: 27, would be Saturday. 26 that would be Friday.

5
6 COMMANDER KEVIN CARROLL: Yes there you go.

7
8 LAURA GROVES: Alright so on Friday we focused on sea stowing as well as I brought
9 our royal yard down to deck and basically just latching everything down that could
10 possibly move. We had some would stowed in the overhead that we paid particular
11 attention to, to make sure that was stowed appropriately and wouldn't come out of the
12 overhead. We rigged up jack lines down below and on deck.

13
14 COMMANDER KEVIN CARROLL: Were you monitoring the forecast for the storm at all?

15
16 LAURA GROVES: Yes, not personally but the captain was and he was sharing that
17 information with us.

18
19 COMMANDER KEVIN CARROLL: Okay go ahead, continue.

20
21 LAURA GROVES: Friday night the weather was still pretty calm it was a nice day for
22 sailing. We were heading southeast, his plan was to go as far south and east as possible
23 in the case that hurricane Sandy wanted to turn and go into shore early Before south of

1 new England where it was projected to go. If we were in between the hurricane and shore
2 when it decided to go to shore it would run us into shore.

3
4 COMMANDER KEVIN CARROLL: Did you ever see any projections where hurricane
5 Sandy was predicted to go towards New England?

6
7 LAURA GROVES: The projection I saw before we left was kind of, it's got, I don't know
8 what they call it, but

9
10 COMMANDER KEVIN CARROLL: Cone?

11
12 LAURA GROVES: Cone, yeah. It's a cone projection and it was several days away so in
13 a encompassed anything from new England to probably Cape Hatteras or something.

14
15 COMMANDER KEVIN CARROLL: Okay, fair enough.

16
17 LAURA GROVES: So, yeah, we were headed southeast. The weather was nice, on
18 Saturday the weather started to deteriorate. I'd say in the morning the seas were probably
19 8 to 10 feet and by that night they had probably grown to 15 plus or so. The wind
20 corresponded to that going from 22 probably a gale.

21
22 COMMANDER KEVIN CARROLL: How much is a gale?
23

1 LAURA GROVES: 32 or so, low 30s to almost 40 or so.

2
3 COMMANDER KEVIN CARROLL: Okay.

4
5 LAURA GROVES: I think. I don't remember a whole lot about Saturday, I think we had
6 finished sea stowing everything so Robin decided that it would be a ship Sunday as the
7 weather got worse. Which meant that nobody was standing work party anymore so they
8 were able to get some more rest. I personally adjusted our Jack lines and checked on our
9 sailor strainers that we had hung up that we string up between the trows aft. Between
10 the main trows to the mizzen trows back aft and thats in case a wave might try to wash
11 you off the boat. Those nets would keep you on board. So I checked on that kind of
12 stuff, I attached secondary prevention basically secondary lines to our four staysail which
13 is our newest and smallest storm sail that we had recently completed and bent on the the
14 four stay. In that case in case a sheet were to go, there was a back up sheet in its place
15 anticipating using that sail as our primary sail. I made sure all of the lashings and
16 everything that was coming loose, I retightened them and stuff.

17
18 COMMANDER KEVIN CARROLL: Were all the projects from the yard period completed?

19
20 LAURA GROVES: Yes.

21
22 COMMANDER KEVIN CARROLL: And all of the clean ups were done.

23

1 LAURA GROVES: Yes, all of that was completed by New London.

2
3 COMMANDER KEVIN CARROLL: Alright.

4
5 LAURA GROVES: I believe I spent some time pumping bilges on Saturday. The
6 watches, they didn't have enough people to have a stand by person which gives you extra
7 people to do chores and clean the galley, clean the heads and stuff like that. So I was
8 helping out with the watches because I didn't have a work party to run. So I a lot of galley
9 cleaning and bilge pumping. At that point

10
11 COMMANDER KEVIN CARROLL: How worth the bilge pumps working?

12
13 LAURA GROVES: Well Robin was down there pumping, in the engine room pumping the
14 bilges and I offered to relieve him and the fact that the captain was down there pumping
15 bilges indicated that either we didn't have enough man power to have somebody down
16 there all the time, but we clearly needed somebody down there all the time. That indicated
17 to me that the bilges were probably higher than they should be.

18
19 COMMANDER KEVIN CARROLL: and that was on Saturday at what time?

20
21 LAURA GROVES: Probably Saturday evening or so?

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23 COMMANDER KEVIN CARROLL: Okay.

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LAURA GROVES: So I comes bilges for a couple of hours

COMMANDER KEVIN CARROLL: How would you do that, how would you pump bilges?

LAURA GROVES: You have each compartment has a Y valve you open up, turn a pump on near both of them you open up that compartment and you open up another Y valve that changes the suction of the pump from sea water to pumping it overboard and it changes that prime into the compartment that you open up. So it goes from the compartment over the side and to go from compartment to compartment until ideally, usually you do each compartment and if there is still water in them you do it again. That takes care of all of the water in the boat. In this case, it was just from one to another constantly.

COMMANDER KEVIN CARROLL: Work you having any problems with the bilge pumps?

LAURA GROVES: I noticed that the engine room, the engine room typically pumps out in about two minutes empty completely. It wasn't holding a prime very well, so it wasn't sucking constantly which can kind of be explained by the fact that we were rolling in the water. If the intake isn't underwater it's probably going to lose its prime. I've been in 25 foot seas in this boat several times and I have never had that kind of problem pumping out the engine room which is typically the easiest to pump out.

1 COMMANDER KEVIN CARROLL: Okay. So you have been in 25 foot seas on Bounty
2 before?

3
4 LAURA GROVES: Yes.

5
6 COMMANDER KEVIN CARROLL: When was that?

7
8 LAURA GROVES: A few times in 2011 we were probably in seas that big.

9
10 COMMANDER KEVIN CARROLL: Is not the worst you had seen on board Bounty?

11
12 LAURA GROVES: Mm,hm.

13
14 COMMANDER KEVIN CARROLL: In regards to that Saturday evening timeframe when
15 you relieved Robin Walbridge down in the engine room taking over pumping bilges, at
16 that point was that 25 foot seas? Was that the worst you have seen it?

17
18 LAURA GROVES: I don't think it was quite that they get, Sunday morning I think they
19 were probably as big as I have seen them.

20
21 COMMANDER KEVIN CARROLL: okay. When you were pumping bilges what system
22 are you using?

23

1 LAURA GROVES: The electric pump.

2

3 COMMANDER KEVIN CARROLL: Electric pumps, okay, are there any other systems on
4 board?

5

6 LAURA GROVES: The hydraulic pumps and the trash pump.

7

8 COMMANDER KEVIN CARROLL: Okay. Were the hydraulic pumps being used?

9

10 LAURA GROVES: I think they were. I don't personally know how to use them but I know I
11 think it was at some point Saturday, Robin requested that the hydraulic pump be started
12 and when whoever went to start it I noticed fittings were corroded. So those had to be
13 cleaned before it was able to get started.

14

15 COMMANDER KEVIN CARROLL: Who did you hear that from?

16 LAURA GROVES: I don't remember honestly. But I remember seeing the captain and
17 Drew Sallapattick and maybe somebody else down there cleaning them.

18

19 COMMANDER KEVIN CARROLL: That was on Saturday?

20

21 LAURA GROVES: Yes.

22

23 COMMANDER KEVIN CARROLL: Is that before you relieved him from pumping bilges?

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LAURA GROVES: I don't remember.

COMMANDER KEVIN CARROLL: Okay. In regard to, you talking about the fittings for the hydraulic pump, if this be fixed pump or a portable pump?

LAURA GROVES: it was a fixed pump.

COMMANDER KEVIN CARROLL: it was a fixed pump. Okay. So they were cleaning the fittings on a fixed pump.

LAURA GROVES: Right.

COMMANDER KEVIN CARROLL: Do you remember what color it was?

LAURA GROVES: It green.

COMMANDER KEVIN CARROLL: Okay, green.

LAURA GROVES: Other than that, I don't know anything about it.

COMMANDER KEVIN CARROLL: Okay, is there a portable hydraulic pump?

1 LAURA GROVES: Not that I know of. There is a gasoline portable pump.

2

3 COMMANDER KEVIN CARROLL: Okay, so there is a gasoline portable pump. Was that
4 pump being used on Saturday?

5

6 LAURA GROVES: No.

7

8 COMMANDER KEVIN CARROLL: Okay, where's that pump? Where is that pump stored
9 on Bounty?

10

11 LAURA GROVES: Starboard side after Moe's passenger cabin.

12

13 COMMANDER KEVIN CARROLL: okay. How often was that used?

14

15 LAURA GROVES: I had only seen it used when we were in Europe to show whoever
16 was inspecting that we had it and could use it.

17

18 COMMANDER KEVIN CARROLL: Did you know how to use it?

19

20 LAURA GROVES: No.

21

22 COMMANDER KEVIN CARROLL: Okay. So you took over for the captain, it wasn't quite
23 as bad as you had seen on Bounty yet. That was Saturday evening. You were pumping

1 each of the bilge compartments continuously, correct? So just going back and forth
2 across the manifold pumping pumping pumping. In the engine room where you were,
3 how much water was in the engine room at any given time?
4

5 LAURA GROVES: Not enough to come over the sole boards.
6

7 COMMANDER KEVIN CARROLL: Okay. Please go to CG 8, CG 8. Tab 8. I don't think
8 you are on the right one. There you go. Do you recognize that document?
9

10 LAURA GROVES: It looks like one of those cross-sections of the hull on the Bounty.
11

12 COMMANDER KEVIN CARROLL: Okay, yeah, I think you will see in the bottom right
13 corner it says midship section.
14

15 LAURA GROVES: I do see that.

16 COMMANDER KEVIN CARROLL: Okay, so, do you see sole boards in there and that
17 drawing.
18

19 LAURA GROVES: I think so.
20

21 COMMANDER KEVIN CARROLL: Lieut. Cmdr. Brandt, please, a copy for Ms. Groves.
22 Can you indicate where the sole boards part of the drawing? Obviously this is a mid-ship
23 section, is the engine room in the mid-ship section?

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LAURA GROVES: No, it is a little further aft.

COMMANDER KEVIN CARROLL: A little further aft. Alright, just estimate for me, from the bottom of the keel son to the top of the sole boards, what is the depth?

LAURA GROVES: In the engine room specifically?

COMMANDER KEVIN CARROLL: Yes, specifically.

LAURA GROVES: I would say, if I were standing, in the bilge next to the keelson the sole boards would probably come up to maybe my waist, maybe my hips or so. So however long my legs are, a couple feet.

COMMANDER KEVIN CARROLL: I don't know how tall you are,

LAURA GROVES: I am five foot four.

COMMANDER KEVIN CARROLL: Okay.

LAURA GROVES: About half of me.

COMMANDER KEVIN CARROLL: Okay. So you think about 2 1/2 feet, 3 feet

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LAURA GROVES: Yeah, sure. Something like that.

COMMANDER KEVIN CARROLL: So what you were saying is that water wasn't quite up to the sole boards, but was it at the sole boards?

LAURA GROVES: Well it is hard to say because we were rolling so much that the water would run up the ceiling planks on one side and up on the other side. So, whether, I mean, no I don't think it was above the sole boards.

COMMANDER KEVIN CARROLL: Had you seen that much water before on Bounty, during your time?

LAURA GROVES: Yeah.

COMMANDER KEVIN CARROLL: You had? When?

LAURA GROVES: On our way to England.

COMMANDER KEVIN CARROLL: On your way to England in

LAURA GROVES: 2011.

1 COMMANDER KEVIN CARROLL: Okay. Is that much water a concern?

2

3 LAURA GROVES: Yes.

4

5 COMMANDER KEVIN CARROLL: Is that above normal?

6

7 LG; Yes. In 2011 it turns out that the forward crew, the strainer was popping out of the
8 lowest point next to the Kelson and it was going out board so it was not properly keeping
9 a prime, it was coming out of the water, the strainer was.

10

11 COMMANDER KEVIN CARROLL: Okay. So that was affecting the capability of the whole
12 pumping system as far as the electric bilge pump?

13

14 LAURA GROVES: yeah, it was effecting the capability of that compartment to be pumped
15 out which Internet making the water high.

16

17 COMMANDER KEVIN CARROLL: Only in the compartment?

18

19 LAURA GROVES: Only in that compartment.

20

21 COMMANDER KEVIN CARROLL: Okay. That electric pump, the gasoline powered
22 pump, when did bounty get that pump?

23

1 LAURA GROVES: 2011

2

3 COMMANDER KEVIN CARROLL: Did they purchase that in Europe?

4

5 LAURA GROVES: I think so, but I could be wrong. I didn't personally buy it.

6

7 COMMANDER KEVIN CARROLL: Okay. Was it based on that incident?

8

9 LAURA GROVES: No

10

11 COMMANDER KEVIN CARROLL: Purchasing that pump, was it based on that incident?

12

13 LAURA GROVES: Now I believe it was something having to do with the inspections in
14 England, in Europe. I think they required it.

15

16 COMMANDER KEVIN CARROLL: Inspection by US Coast Guard or inspection by
17 another port control agency?

18

19 LAURA GROVES: whoever was inspecting us over there, I don't know.

20

21 COMMANDER KEVIN CARROLL: Okay. Let's go back to that time Saturday evening.
22 You've taken over, water is not quite to the sole boards. 2 1/2, 3 feet, half of Laura.
23 Taken from there.

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LAURA GROVES: I believe I went to bed shortly after that and didn't get up again until Sunday morning.

COMMANDER KEVIN CARROLL: Okay. To this point, Saturday night right before you went to bed, to when you woke up Sunday morning, at any point did anybody express any concerns to you concerning the deteriorating conditions?

LAURA GROVES: as in the crew members?

COMMANDER KEVIN CARROLL: Yes.

LAURA GROVES: I had a few say that it was kind of exciting. They hadn't been in any kind of weather.

COMMANDER KEVIN CARROLL: Okay.

LAURA GROVES: So I think a few of them were kind of big eyed.

COMMANDER KEVIN CARROLL: Did you have the opportunity on Saturday evening before you went to bed to view any of the other hold spaces and Bounty in regards to the condition of the bilges in the other compartments?

LAURA GROVES: I didn't personally look, no.

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COMMANDER KEVIN CARROLL: Did you hear any reports of anybody?

LAURA GROVES: No.

COMMANDER KEVIN CARROLL: Alright so you go to bed Saturday night you wake up Sunday morning. What time did you wake up?

LAURA GROVES: I usually get up at 7.

COMMANDER KEVIN CARROLL: 7. What were the conditions when you woke up?

LAURA GROVES: Probably 25 foot seas with 50 knots of wind.

COMMANDER KEVIN CARROLL: is this the worst that you had seen?

LAURA GROVES: Yeah, it was probably about there.

COMMANDER KEVIN CARROLL: Comparable?

LAURA GROVES: Yeah

COMMANDER KEVIN CARROLL: What did you do when you woke up?

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LAURA GROVES: I ate breakfast, went to a mate's meeting and then

COMMANDER KEVIN CARROLL: How did that mate's meeting go?

LAURA GROVES: I believe we talked about how previous day we had change course going from southeast to Southwest or more, mostly westerly and I think we started heading south. I think we looked at where we were, where the storm was, dated our blown up version of where the storm was and where we were and it was on display in the galley so everyone could see it

COMMANDER KEVIN CARROLL: The southwest course that was executed today before, where did that put you in relation to Hurricane Sandy.

LAURA GROVES: we were crossing the path, its projected path to get onto the other side of it.

COMMANDER KEVIN CARROLL: were you concerned?

LAURA GROVES: Well we were still really far away from it at that point that we were across his path. So, no, I was not concerned.

1 COMMANDER KEVIN CARROLL: So you are far away from it but you are in the worst
2 condition you had seen on Bounty?

3
4 LAURA GROVES: Yeah, we clearly weren't that far from it but we had coordinates for
5 the eye and where we were and I wasn't that concerned with the high running is over no.

6
7 COMMANDER KEVIN CARROLL: Did you see any storm projections, charts, any
8 information in regards to hurricane Sandy, showing you the size of the storm on bounty?

9
10 LAURA GROVES: I don't recall knowing that it was that large.

11
12 COMMANDER KEVIN CARROLL: Was it discussed at the mates meeting?

13
14 LAURA GROVES: I don't recall.

15
16 COMMANDER KEVIN CARROLL: Okay, What else was discussed at the mates
17 meeting.

18
19 LAURA GROVES: I honestly don't remember.

20
21 COMMANDER KEVIN CARROLL: Okay, with any concerns regarding the machinery,
22 problems with the machinery expressed the mates meeting?

23

1 LAURA GROVES: Its possible, I don't remember what was discussed at the mates
2 meeting.

3
4 COMMANDER KEVIN CARROLL: Who was there?

5
6 LAURA GROVES: John Svendsen, Matt Sanders, Daniel Cleveland, Chris Barksdale,
7 Robin Walbridge and myself.

8
9 COMMANDER KEVIN CARROLL: At this point on this day Sunday, what was the
10 condition of the crew at that time?

11
12 LAURA GROVES: the crew seemed fine.

13
14 COMMANDER KEVIN CARROLL: Was anybody injured?

15
16 LAURA GROVES: Not that I know of.

17
18 COMMANDER KEVIN CARROLL: Was anybody seasick?

19
20 LAURA GROVES: Chris had been, Chris Barksdale had been seasick off and on.

21
22 COMMANDER KEVIN CARROLL: Okay, and Chris is who?

23

1 LAURA GROVES: Who, what was that?

2

3 COMMANDER KEVIN CARROLL: What does he do on board?

4

5 LAURA GROVES: He is the engineer.

6

7 COMMANDER KEVIN CARROLL: He's the engineer, okay. Anything else happen after
8 the mate's meeting, what time did the mate;s meeting, the mate's meeting starts at when?

9

10 LAURA GROVES: eight o'clock.

11

12 COMMANDER KEVIN CARROLL: Okay. What time did it end?

13

14 LAURA GROVES: Probably around 845 when A watch takes the deck.

15

16 COMMANDER KEVIN CARROLL: Who has the A watch?

17

18 LAURA GROVES: John Svendsen

19

20 COMMANDER KEVIN CARROLL: Okay, What did you do?

21

1 LAURA GROVES: I helped out with A watch. I no longer had duties as a running work
2 party, so at that point we required two people on the helm so I took the helm with Mark
3 Warner for 4 hours from about 845, or 745, during the 8-12 watch.
4

5 COMMANDER KEVIN CARROLL: Four hours straight helm?
6

7 LAURA GROVES: Pretty much. John Svendsen would come up and relieve each one of
8 us periodically so we can have snack and get water and go to the bathroom.
9

10 COMMANDER KEVIN CARROLL: Why did you need 2 people on the helm?
11

12 LAURA GROVES: Because it was difficult to steer.
13

14 COMMANDER KEVIN CARROLL: Okay. Anything in Particular during that watch
15 standing on the help?
16

17 LAURA GROVES: No
18

19 COMMANDER KEVIN CARROLL: Anybody report during the watch that there was any
20 problem with the bilge dewatering system?
21

1 LAURA GROVES: I was on deck most of the time. I don't know what was going on down
2 to below. I know that Doug Fond and Claudine Christian were doing the boat checks and
3 the bilge pumping at that point.
4

5 COMMANDER KEVIN CARROLL: okay. Were they doing that continuously?
6

7 LAURA GROVES: I don't know.
8

9 COMMANDER KEVIN CARROLL: You said, the evening before that you took over for
10 the captain pumping bilges. Who would have been doing that during this watch?
11

12 LAURA GROVES: Which?
13

14 COMMANDER KEVIN CARROLL: The one where you were standing on the helm from 8
15 to 12.
16

17 LAURA GROVES: Either Doug Fond or Claudine Christian.
18

19 COMMANDER KEVIN CARROLL: Okay, so they would be actually down in the engine
20 room?
21

1 LAURA GROVES: Right. I think, as far as I knew they were trading off between pumping
2 bilges and doing boat checks, the two of them. But they were reporting to John Svendsen
3 not myself.

4
5 COMMANDER KEVIN CARROLL: Are you aware of anything that was passed to Mr.
6 Svendsen in regards to the condition of the bilges? Machinery?

7
8 LAURA GROVES: No.

9
10 COMMANDER KEVIN CARROLL: From 0800 to 1200, you stood watch, helped out with
11 Mark Warner on the helm. Claudine Christian, Doug Fond were alternating between boat
12 checks and dewatering the bilges.

13
14 LAURA GROVES: Correct.

15
16 COMMANDER KEVIN CARROLL: The watch ends, where do you go?

17
18 LAURA GROVES: to eat lunch.

19
20 COMMANDER KEVIN CARROLL: To eat lunch, okay. Then what happened?

21
22 LAURA GROVES: Then I think I took care of this large metal piece, not sure what it was,
23 it had something to do with the old tank room that was no longer going to be used. It was

1 coming loose in its lashing, that kind of sea way, it probably took about a half an hour to
2 deal with it properly. So that it wouldn't come unlashed and hurt somebody answered
3 there was some what that had fallen out of the overhead that was being dealt with as well
4 along with the mess tables. That mess tables are gimbaled and are help up with a piece
5 of line to the overhead and people for using those lines to hang on as they walked
6 through the tween deck and the tables, one of them had pulled out its hinges from the
7 ceiling planks. So we were dealing with that And then I think I went down below to my
8 rack to get some rest because I was going to stand the 8 to 12 again that night from 20 to
9 zero hundred.

10
11 COMMANDER KEVIN CARROLL: What time did you go down to your rack?

12
13 LAURA GROVES: probably about 1330

14 COMMANDER KEVIN CARROLL:7 1330. Ms. Groves, I am going to let you know most
15 of the people in the room are starting to find out when I get started asking questions
16 sometimes I lose track of time. If you need a break at any point let me know. That only
17 applies to you.

18
19 LAURA GROVES: Okay.

20
21 COMMANDER KEVIN CARROLL: continue.

22

1 LAURA GROVES: I went down to my rack, I wasn't there for very long when I got in all
2 hands call, all hands on deck at around 1400. The four course was ripped in half, so I
3 went aloft with a few of the other guys and we furled the four course and then
4

5 COMMANDER KEVIN CARROLL: What were the conditions at that point?
6

7 LAURA GROVES: Similar to what they were in the morning.
8

9 COMMANDER KEVIN CARROLL: 25 foot seas, 50 knots of wind?
10

11 LAURA GROVES: Yes. Probably gusting to higher.
12

13 COMMANDER KEVIN CARROLL: Gusting to higher? So you went up in the rig?
14

15 LAURA GROVES: Yes.
16

17 COMMANDER KEVIN CARROLL: What was that like?
18

19 LAURA GROVES: Windy.
20

21 COMMANDER KEVIN CARROLL: Thank you. Okay. So the four course ripped in half.
22 Was it furled? Okay. It came down with that incident and that was about 1400?
23

1 LAURA GROVES: Yes.

2 COMMANDER KEVIN CARROLL: What happened next?

3

4 LAURA GROVES: After that I went back down below to my rack to continue getting some
5 rest.

6

7 COMMANDER KEVIN CARROLL: What time was that?

8

9 LAURA GROVES: it probably took us about an hour 45 minutes to get the sail put away.
10 So it would be almost 1500.

11

12 COMMANDER KEVIN CARROLL: So 1500 back in the rack? What happened? Wait,
13 where were you berthed?

14

15 LAURA GROVES: In the laz

16

17 COMMANDER KEVIN CARROLL: In the lazarette?

18

19 LAURA GROVES: Yes.

20

21 COMMANDER KEVIN CARROLL: What was the condition of the lazarette at that point?

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23 LAURA GROVES: It was fine.

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COMMANDER KEVIN CARROLL: It was fine, dry?

LAURA GROVES: it was dry.

COMMANDER KEVIN CARROLL: Okay.

LAURA GROVES: at 1545, Dan was down in the laz too and he got a wake up call to go and watch and I stayed down there, but I knew he had just taken the deck and relieved Matt Sanders. Then at some point, shortly thereafter, around 1400. We took a wave from behind

COMMANDER KEVIN CARROLL: I'm sorry, you said 1400? You said 1400 there was an all hands because the four course ripped in half.

LAURA GROVES: I'm sorry. It was 1600.

COMMANDER KEVIN CARROLL: Thank you.

LAURA GROVES: When we take a wave from the stern and it smacks the counter, the underside of the stern, It can make a really loud noise. That happened and it startled me and I could also hear water coming in somewhere. I went up on deck and told Dan about it because he had the watch. He said we had just taken a wave from behind and a little bit of water had come through the great cabin windows and that's probably the water I

1 heard. I climbed back to the very after part of the laz where, it was basically storage and I
2 never saw any water back there, but I could hear water back there. I honestly couldn't tell
3 you if it was, where it came in.

4
5 COMMANDER KEVIN CARROLL: Ok, did you hear it on the port side of the lazarette or
6 the starboard side of the lazarette?

7
8 LAURA GROVES: It was at that counter, so at the Stern, not port or starboard side.

9
10 COMMANDER KEVIN CARROLL: It wasn't the corner post of either side the cause it
11 was right there, okay.

12
13 LAURA GROVES: After that I decided to give up on resting because it wasn't very restful
14 and go up on deck

15
16 COMMANDER KEVIN CARROLL: What time was that?

17
18 LAURA GROVES: 1600, 1630. I think the dinner at 1700, we had macaroni with peas. It
19 was good.

20
21 COMMANDER KEVIN CARROLL: What was the state of the crew at this point in regards
22 to the demeanor and confidence?

23

1 LAURA GROVES: Everybody was still good.

2
3 COMMANDER KEVIN CARROLL: still good.

4
5 LAURA GROVES: Yeah.

6
7 COMMANDER KEVIN CARROLL: Did anybody express any concerns, anybody looking
8 to be reassured?

9
10 LAURA GROVES: No.

11
12 COMMANDER KEVIN CARROLL: Okay. Did that Captain address the crew again at any
13 point?

14
15 LAURA GROVES: I don't remember if we had in all hands that day or not. I honestly
16 don't remember.

17
18 COMMANDER KEVIN CARROLL: So, 1630 ate dinner. Macaroni and peas.

19
20 LAURA GROVES: I think while we were eating dinner, someone came down and said
21 that the, at this point when Dan to the watch, Robin asked him to heave to, so at this
22 point we were hove to and no longer had a helmsman. We were basically stalled, drifting
23 with the sea.

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COMMANDER KEVIN CARROLL: Explain that. What is heave to, why wouldn't you need a helmsman?

LAURA GROVES: Well you turn the helm hard over towards the wind and latch it down and it helps keep the bough into a seaway just slightly so that you are now taking seas on your beam. You are still kind of riding the waves. I believe Robin wanted to put the water on the starboard side of the boat because that is where the hydraulic bilge pump was. On the starboard side of the keel. If we were leaning to one side the boat wouldn't be rolling as much as it was when we were running with the sea way she rolls a whole lot. But if you are hove to and you put the water, keep the boat listed to one side the water stays in one place.

COMMANDER KEVIN CARROLL: Okay. So 1630 sometime after that Robin has to hove to to put water on the starboard side, go from there.

LAURA GROVES: During dinner which is at 1700, he came down and said the four course was blowing out of its furl so a few people went up to deal with that. I was not one of them.

COMMANDER KEVIN CARROLL: Who did?

1 LAURA GROVES: I know Drew Sallapattick, I want to say Adam Procosh, probably Josh
2 Scornivachy, he was on Dan's watch with Drew. Anna was on his watch to, but I don't
3 think she went. She was probably pumping bilges. I don't know that for sure, but she
4 probably was.

5
6 COMMANDER KEVIN CARROLL: Okay. So the four course came out, were they ever
7 able to get it back in?

8
9 LAURA GROVES: No. The part that was coming out was all the way outboard and they
10 were unable to get everybody, it was too much for somebody to do by themselves but too
11 small of a space for everybody to get out there to put it together. So they ended up just
12 leaving it.

13
14 COMMANDER KEVIN CARROLL: Was the captain on deck at that time?

15
16 LAURA GROVES: He was around, on the tween deck, he didn't need to be on the
17 weather deck.

18
19 COMMANDER KEVIN CARROLL: How long did it take the work on the four course, it
20 was unsuccessful, but how long did it take?

21
22 LAURA GROVES: They were probably up there for 15, 20 minutes. I was going on deck
23 to maybe check on them or talk to Dan, because Dan was standing on deck with the life

1 ring, which was standard procedure when it's heavy weather and there is people aloft. So
2 I went on deck to say something to Dan and I noticed that the spanker gaff was broken.
3 So I went down below to tell Robin that the spanker gaff was broken
4

5 COMMANDER KEVIN CARROLL: . Where was Robin?
6

7 LAURA GROVES: it don't remember. At that point, I believe I went down below to the
8 laz to wake up John Svendsen who had been resting.
9

10 COMMANDER KEVIN CARROLL: in the laz?
11

12 LAURA GROVES: Right.
13

14 COMMANDER KEVIN CARROLL: Once you go wake up John Svendsen, to your
15 knowledge, what was the status of the propulsion system on Bounty? Was everything
16 working properly?

17 LAURA GROVES: I honestly don't know.
18

19 COMMANDER KEVIN CARROLL: Okay. What about the condition of the bilge pump,
20 those dewatering system?
21

22 LAURA GROVES: I don't think, I know that we hove to because Robin thought we were
23 losing our battle with the bilge water.

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COMMANDER KEVIN CARROLL: Okay. So that was around the time that he asked Dan and to hove to? All right, so he woke up Mr.Svendsen, what happened then?

LAURA GROVES: I filled him in on what was going on on deck, the four course and the spanker gaff. Possibly some information about the engine room, but I honestly don't remember. Again I am just not that involved in the engine room. There are several other people on board that their jobs were focused on that machinery and my focus was on the rest of the vessel. The rig was my responsibility.

COMMANDER KEVIN CARROLL: Other than Mr. Barksdale who was the engineer, who else on board

LAURA GROVES: Matt Sanders helped him a lot, especially in the yard period. John Jones was considered our wiper for most of the season.

COMMANDER KEVIN CARROLL: Okay. Continue please.

LAURA GROVES: After that we went on deck, whoever was really up and out which was most of the crew. We all went on deck to deal with the broken spar on the Stern. It took pretty much the whole crew to do it, I think at that point Matt had just registered, I think he said 90 knots on our hands held anemometer. I know that it was enough that nobody but the crew was standing anymore on deck, we were crawling. Except for Dan he went to

1 the rig. He went into the rig to deal with the spar. We were handling lines on deck the
2 rest of the crew was, but we needed somebody to go aloft to get a line around the spar so
3 we could control it. So he went aloft, not very far but a little bit.
4

5 COMMANDER KEVIN CARROLL: Was the captain out on deck for all of this?
6

7 LAURA GROVES: I don't think he was on deck.
8

9 COMMANDER KEVIN CARROLL: Okay, where was the captain during any of this? Do
10 you have any idea?
11

12 LAURA GROVES: No.
13

14 COMMANDER KEVIN CARROLL: Okay.
15

16 LAURA GROVES: I know that after the spanker gaff broke I made him aware of the
17 situation. So he knew we were up there dealing with the situation. Whether he was in the
18 nav shack watching us or I don't know where he was.
19

20 COMMANDER KEVIN CARROLL: when you informed him of the situation, where was
21 he?
22

1 LAURA GROVES: Somewhere in the Stern either in the great cabin for the office where
2 she is cabin, which were all the same area.

3
4 COMMANDER KEVIN CARROLL: Okay. So what time did the spanker gaff get under
5 control?

6
7 LAURA GROVES: I would guess probably around 1800 or 1830.

8
9 COMMANDER KEVIN CARROLL: So 1800 1830, the wind was measuring 90 knots on
10 the anemometer.

11
12 LAURA GROVES: According to the hand held anemometer, yes. That's what I heard.
13 Dan said that he tried to measure it again if it was broken

14
15 COMMANDER KEVIN CARROLL: What the seas?

16
17 LAURA GROVES: Probably, I would guess, 30 feet.

18
19 COMMANDER KEVIN CARROLL: Were you taking water on deck?

20
21 LAURA GROVES: No.

22

1 COMMANDER KEVIN CARROLL: How was the crew doing in this point? With anybody
2 injured?

3
4 LAURA GROVES: Not to my knowledge.

5
6 COMMANDER KEVIN CARROLL: Okay. Were people starting to get a little bit nervous?

7
8 LAURA GROVES: I know that I told John Svendsen after being on deck for the spanker
9 gaff that I was slightly out of my comfort zone.

10
11 COMMANDER KEVIN CARROLL: Okay, take me from there please.

12
13 LAURA GROVES: From that point on, the sunset and from that point until 400, I could
14 probably can't give you a timeline exactly. I can estimate but I think the next thing I did
15 was help Mark Warner shore up the great cabin windows.

16
17 COMMANDER KEVIN CARROLL: Why?

18
19 LAURA GROVES: We wanted to make sure that wasn't area somewhere that we could
20 get sea pouring in. We wanted to close them and batten them down. After that, I think I
21 started gathering or I had people checking bilge strainers making sure they weren't
22 clogged. Just basically rotating from compartment to compartment, pulling them out
23 checking them putting them again. I also had myself and a few other people in boatswain

1 stores getting tools, battery-powered drills, battery chargers, screws, stuff like that -
2 anything that might be useful. At first I was down there trying to secure 5 gallon buckets of
3 paint and stuff that was stowed on the sole boards. At some point while I was trying to
4 secure those things, above the sole boards, so that they wouldn't get sucked into the
5 bilge, the bilge water's seem to come high enough that the sole boards were starting to lift
6 up and it seemed to be giving dangerous to be down there. At that point I started grabbing
7 tools and loading bags, I grabbed a bunch of construction trash bags, I grab tools.

8
9 COMMANDER KEVIN CARROLL: The document you marked before, is the foreword
10 boatswain stores mark on that document would be Coast Guard Exhibit 66. There you go,
11 yes please.

12
13 LAURA GROVES: What about this? You want me to mark where the boatswain stores is?

14
15 COMMANDER KEVIN CARROLL: Yes, please. At that point you said the sole boards
16 were actually starting to float?

17
18 LAURA GROVES: Yes.

19
20 COMMANDER KEVIN CARROLL: So how much water estimate would it be from the sole
21 boards where the water level was to the Kelson?

22
23 LAURA GROVES: probably over 3 feet, 3 1/2 feet.

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COMMANDER KEVIN CARROLL: So, 3 1/2 feet of water in the bilges?

LAURA GROVES: Yeah, the bilge there is a bit deeper then say the engine room.

COMMANDER KEVIN CARROLL: Okay. Can I ask a question? What's the purpose of pulling the bilge strainers out?

LAURA GROVES: To make sure they are not clogged with anything.

COMMANDER KEVIN CARROLL: Okay. If somebody did that while they were actually trying to draw suction from the compartment could that possibly make the pumps lose prime?

LAURA GROVES: Yes, but they can usually regain a prime within 30 seconds.

COMMANDER KEVIN CARROLL: Were they doing that this time? Were there any reports of the pumps having trouble getting prime?

LAURA GROVES: All I know is my experience the night before.

COMMANDER KEVIN CARROLL: Saturday night?

1 LAURA GROVES: Right.

2

3 COMMANDER KEVIN CARROLL: Okay. Was anybody pulling the strainers out on
4 Saturday night?

5

6 LAURA GROVES: Yes, that's routine for us during boat checks to pull strainers out,
7 especially if we are going to be in any sort of weather.

8

9 COMMANDER KEVIN CARROLL: Okay. Under normal operating conditions, somebody
10 is pumping bilges in the engine room actually operating the machinery turning the valve
11 and someone is in the compartment lifting the strainers and clearing them?

12

13 LAURA GROVES: Typically not at the same time. In this instance we did not want to stop
14 pumping and so, yes, somebody may have lifted it out while back apartment was trying to
15 be pumped. That was probably better to check if it was clogged than to let it stay down
16 there clogged if it was. But to my knowledge no one found any clogs.

17

18 COMMANDER KEVIN CARROLL: but they kept continuing

19

20 LAURA GROVES: They kept checking.

21

1 COMMANDER KEVIN CARROLL: Okay. Continue from there please, when you are
2 down in boatswain storage grabbing tools, the sole boards were floating, you figured it
3 wasn't safe so you were trying to get all necessary equipment out.

4
5 LAURA GROVES: Right.

6
7 COMMANDER KEVIN CARROLL: Okay, so take me from there.

8
9 LAURA GROVES: We got everything up to the tween deck in the galley and we shut the
10 watertight door to boatswains. I believe I informed some of the officers that boatswain
11 stores and the forward crew area was no longer safe.

12
13 COMMANDER KEVIN CARROLL: Is the forward crew area, is that forward from
14 boatswains

15
16 LAURA GROVES: Yes and it is connected to boatswain stores.

17
18 COMMANDER KEVIN CARROLL: It's connected how?

19
20 LAURA GROVES: They share a common area, so when you go down the ladder from
21 the galley, the common area would have a basically a doorway to forward crew and want
22 to... There is the watertight door and there's the entrance door. They share a common
23 area.

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COMMANDER KEVIN CARROLL: Who did you report that to?

LAURA GROVES: I don't remember specifically but it was most likely John Svendsen and Daniel Cleveland.

COMMANDER KEVIN CARROLL: Okay, what time was that?

LAURA GROVES: It was dark outside. Probably before midnight.

COMMANDER KEVIN CARROLL: Okay. Did anybody help you do that?

LAURA GROVES: Yes.

COMMANDER KEVIN CARROLL: Who?

LAURA GROVES: Claudine Christian, John Jones, Anna Scruggs,

COMMANDER KEVIN CARROLL: So they were down there, the sole boards were floating. Did any of the team that helped you down in the forward boatswain stores, did they express any concerns or were they nervous? What was the demeanor of the group that you were with?

1 LAURA GROVES: That it was time to move on to something else that needed to be
2 done.

3
4 COMMANDER KEVIN CARROLL: So, still focused. Nobody was panicking?

5
6 LAURA GROVES: No.

7
8 COMMANDER KEVIN CARROLL: Move on from there, what happened next?

9
10 LAURA GROVES: I was talking to John Svendsen probably around midnight and he
11 instructed me to get the seasickness medicine out of the medicine cabinet and the heads
12 and insist that everybody, all the crew members, take seasickness medicine.

13
14 COMMANDER KEVIN CARROLL: Okay. Was anybody entered at this point, anybody
15 seasick?

16
17 LAURA GROVES: I think that at that point Adam Procosh had injured his back. Chris
18 Barksdale was probably seasick, he was definitely seasick. I gave him a seasickness pill
19 and he regurgitated it immediately. The only person that did not take a seasickness pill
20 was the captain.

21
22 COMMANDER KEVIN CARROLL: okay. How was the captain at this point, this is at
23 midnight or after midnight?

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LAURA GROVES: This is around midnight.

COMMANDER KEVIN CARROLL: Around midnight

LAURA GROVES: He seemed like he was in pain. He was having a little bit of difficulty walking but he could still get around. His classes were crooked and bent.

COMMANDER KEVIN CARROLL: Why?

LAURA GROVES: I don't know. I think it would be okay with a break now.

COMMANDER KEVIN CARROLL: Okay, that sounds at a good idea. Let's come back at 515. 515.

Alright, back on the record. Let the record reflect that all parties of interest and representatives returned. Ms. Groves, how are you?

LAURA GROVES: Okay.

COMMANDER KEVIN CARROLL: Let's recap where we were. Before midnight, you went to the forward boatswain storage, you got equipment. Mr. Svendsen asked you to give seasickness pills, you passed those out. Everyone took one except the captain. Go from there.

1
2 LAURA GROVES: After that, for the next two hours or so I had the crew, whoever wasn't
3 engaged in the engine room, locating and retrieving all of our safety gear that we would
4 want to take with us should we need to abandon ship. We got the emergence suits lined
5 up along the, next to the mizzen mast aft by the great cabin. We got all of the life jackets
6 out of the passenger cabins and I believe some of them were stowed mid-ships over the
7 arms chest. We got all of those into the great cabin. We got our emergency ditch kits
8 that are already prepared, that are always prepared for abandon ship situations. We
9 have two of those, we got those back there. We got personal dry bags, anybody who had
10 a personal dry bag collected those and got those back there. We put extra stuff in there
11 including extra flares that we had, everything out of the ships safe, passports, captain's
12 licenses, cash, documentation. We got out emergency bottled water and some canned
13 food items. I had people put all of the important documents and various people's cell
14 phones and flares into certain dry bags and had them attach life preservers.

15
16 COMMANDER KEVIN CARROLL: Who was helping you do that?

17
18 LAURA GROVES: John Jones, Claudine Christian, Jessica Black, our cook. Anna
19 Scrogg and I had them attach type 1 PFD's to all of the ditch kits and dry backs so that,
20 obviously, they would float. I had them putting packages of bottled water into construction
21 trash bags, tying them closed with twine and then attaching type 1 PFD's as well so they
22 would float. All of the remaining life jackets, except for enough for the crew, I had them
23 attached to each other so that they would be large areas of floating orange as a visual on

1 the sea. I had them organizing all of this for a while, it was a heap of stuff and I had them
2 organizing it into lines. This line was of water, this line is of emergency gear, this line is of
3 emergency jackets. Then, during that time the power was going off and then it would go
4 on. At one point I went down and got all of the extra batteries, specifically the size that go
5 in most headlamps and flashlights. We stowed those in the laz and I got a bunch of those
6 so that throughout the night if people's headlamps were dying they could put new
7 batteries in them. Then at some point, the captain called an all hands meeting in the nav
8 shack where we discussed, and Robins asked, what went wrong. He asked for some
9 brainstorming, at what point did we lose control. I don't know that anybody had many
10 ideas.

11
12 COMMANDER KEVIN CARROLL: Robin did that a lot with the crew.

13
14 LAURA GROVES: Right.

15
16 COMMANDER KEVIN CARROLL: Theorize and talk.

17
18 LAURA GROVES: Right, he wanted input from all of us and the only thing that was clear
19 is that there was an open seam in the engine room, above the water line, on the port side.
20 You could hear water coming in when we rolled is was like a pssh sound.

21
22 COMMANDER KEVIN CARROLL: Did you hear it?
23

1 LAURA GROVES: I did hear it. There was also an open seam where the mop closet is
2 by the head, star board side forward.

3
4 COMMANDER KEVIN CARROLL: I am sorry, what was that?

5
6 LAURA GROVES: There was another open seam by the mop closet, also above the
7 water line, star board side. Those were the two that I knew about specifically.

8
9 COMMANDER KEVIN CARROLL: Where were those in relation to the planks that had
10 been removed in the ship yard, were they anywhere near that?

11
12 LAURA GROVES: No.

13
14 COMMANDER KEVIN CARROLL: No?

15
16 LAURA GROVES: In fact, they were opposite of the one on the starboard side, the open
17 seam, was forward. The plank that was replaced was aft. The open seam on the port
18 side was aft and the plank that was removed was forward.

19
20 COMMANDER KEVIN CARROLL: Do me a favor. With the diagram that I gave you, the
21 CG 66, the one that you drew on. Can you locate those? Just put open seam where
22 water was coming in, something to draw attention to it.

23

1 LAURA GROVES: Okay.

2

3 COMMANDER KEVIN CARROLL: Okay, thank you. So, Robin held the meeting in the
4 nav shack. From what you said before, it was 1200, two hours about midnight, thats
5 when you started to work with your work crew getting the ditch kits together and the
6 PFD's and all of that. What time was the meeting in the nav shack?

7

8 LAURA GROVES: I want to say maybe around 0300.

9

10 COMMANDER KEVIN CARROLL: 0300, okay. At this point was it passed to the crew
11 that abandoning ship was a possibility?

12

13 LAURA GROVES: Yes.

14

15 COMMANDER KEVIN CARROLL: But you already knew that when you were getting the
16 ditch kits together from 12 to 2.

17

18 LAURA GROVES: I mean, that's why you would do that. Yes.

19

20 COMMANDER KEVIN CARROLL: Okay. How did the crew take the news?

21

22 LAURA GROVES: I think everybody was aware.

23

1 COMMANDER KEVIN CARROLL: Aware?

2 LAURA GROVES: Yes. I don't think anybody was surprised.

3

4 COMMANDER KEVIN CARROLL: Right, was anybody panicking?

5

6 LAURA GROVES: No panic.

7

8 COMMANDER KEVIN CARROLL: What was the plan?

9

10 LAURA GROVES: At that point, the plan was that our vessel was still safe enough to be
11 on board, so we didn't need to abandon ship then. That everybody who was not needed
12 to work with the trash pump should get some rest because should we abandon ship we
13 would need to be rested as much as possible.

14

15 COMMANDER KEVIN CARROLL: What was the trash pump?

16

17 LAURA GROVES: What was that?

18

19 COMMANDER KEVIN CARROLL: What was the trash pump?

20

21 LAURA GROVES: Where was it?

22

23 COMMANDER KEVIN CARROLL: What was the trash pump?

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LAURA GROVES: It's the gasoline powered emergency pump.

COMMANDER KEVIN CARROLL: Who was working with that?

LAURA GROVES: Chris Barksdale, I know Mark Warner had been working on that.

COMMANDER KEVIN CARROLL: Okay.

LAURA GROVES: I know at some point, one of the caps for the pumps was lost and I ended up finding it in a passenger cabin after I looked for about 20 minutes or so.

COMMANDER KEVIN CARROLL: One of the caps?

LAURA GROVES: Yeah, a plastic screw on cap to, I don't know, wherever the gas went in or something.

COMMANDER KEVIN CARROLL: Gasoline cap?

LAURA GROVES: I just knew they were missing a cap, so I was looking for it and I found it.

COMMANDER KEVIN CARROLL: Okay.

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LAURA GROVES: So I gave it back to them and they continued to work on that.

COMMANDER KEVIN CARROLL: Gotcha.

LAURA GROVES: After the meeting in the nav shack, I started helping the people working on the trash pump. So that was Dan Cleveland and Mark Warner. Chris Barksdale, Jessica Hewitt and I believe, Drew Sallapattick was also. Everybody else was resting.

COMMANDER KEVIN CARROLL: Dressed?

LAURA GROVES: Resting.

COMMANDER KEVIN CARROLL: Oh, resting. Was anybody in the crew wearing emergence suits at this time?

LAURA GROVES: No,

COMMANDER KEVIN CARROLL: Did the trash pump ever get working?

LAURA GROVES: I know that it had worked previously for about 30 seconds, but we could not get it to work. We had a hose going out the great cabin window. We took one

1 of the shoring boards off so we could open the window thinking that maybe it had to travel
2 too far vertically. So we tried to take it just aft where we could to get it out the window.
3 That didn't work, so the trash pump was moved on deck. It still didn't work and then we
4 started to have water coming into the tween deck forward. At this point the entire crew
5 and all of our emergency gear is aft, but once the water started to come onto the fore
6 deck, I don't remember if it was myself or someone else. Told Robin that the tween deck
7 was beginning to flood and he said that we should don our emergence suits and our life
8 jackets. So, the crew donned emergence suits. I was in the nav shack with the officers,
9 and I believe Robin was there too while the crew donned their emergence suits. I know
10 that John Svendsen, myself and Dan Cleveland all put our emergence suits on halfway.
11 John stayed in the nav shack, Dan and I went on deck to assist our crew onto the deck.
12 We helped everybody move aft and line up from the stern on the weather side, so the
13 higher side, which would be the port side. The last person on deck was Robin, he sat
14 next to me, next to the nav shack. John was in the nav shack speaking with the Coast
15 Guard on the radio. At that point, I put the rest of my emergence suit on and turned
16 around and Dan was working on a line to help us get into the, Robin was concerned that if
17 we jumped from the boat into the life raft, if we missed the life raft, you would be swept
18 away. So he wanted a line with a bullet around it, so you could put the bullet around you,
19 if you missed we could pull you back and you could try again. That's when I heard John
20 say that the fore deck had gone under water and then I turned around and helped Dan
21 put the rest of his suit on and that's when the boat went on (inaudible) and there was no
22 longer really a deck to stand on because she was mostly horizontal but coming back up to
23 a 45 degree angle and back down as the waves came and went.

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COMMANDER KEVIN CARROLL: When everybody came out on deck, did someone take a muster?

LAURA GROVES: We did do a headcount.

COMMANDER KEVIN CARROLL: Who did the headcount?

LAURA GROVES: Either Dan, Robin or John. Actually I believe we counted as people came out of the nav shack and that person would have been John, I think. Actually we all three may have been counting just to double check. John, Dan and myself.

COMMANDER KEVIN CARROLL: Okay. When it came time for everybody to come up, what was everybody's demeanor? How was everybody reacting?

LAURA GROVES: I think everybody was, a lot of people were kind of in a daze.

COMMANDER KEVIN CARROLL: Tired?

LAURA GROVES: Tired and, you know, kind of trying to understand what was actually going on and what was going to happen.

COMMANDER KEVIN CARROLL: Right.

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LAURA GROVES: And the guy who had, one crew member sounding a bit frantic.

COMMANDER KEVIN CARROLL: Do you know who that was?

LAURA GROVES: I would rather not say, I guess I have to, I just don't think it is polite, there's people in here who want to write books, and I,

COMMANDER KEVIN CARROLL: Okay, here, write it down.

LAURA GROVES: Okay.

COMMANDER KEVIN CARROLL: You understand I have to share this with (inaudible)

LAURA GROVES: That's fine, I just don't think it is appropriate for the media.

COMMANDER KEVIN CARROLL: Go ahead.

LAURA GROVES: At that point we were all thrown in the water.

COMMANDER KEVIN CARROLL: My lawyer is concerned I have to listen to him for a moment. Okay, we will do that after. Go ahead.

1 LAURA GROVES: We were thrown into the water, and we were thrown into the water and
2 that was the last time that I saw Robin or Claudine, was on deck, Claudine was sitting
3 next to the mizen fife rail, the forward expansion of the mizen fife rail, and Robin was just
4 forward of me, by the nav shack.

5
6 COMMANDER KEVIN CARROLL: Okay.

7
8 LAURA GROVES: After that we were thrown into the water, I think everybody panicked at
9 that point. You were struggling to keep your head above the water, I was knocked around
10 and hit by several parts of the rigging, the boat and

11
12 COMMANDER KEVIN CARROLL: Were you injured?

13
14 LAURA GROVES: Not severely no. At some point I was hit in the head by something, but
15 I don't know what it was.

16
17 COMMANDER KEVIN CARROLL: Was it dark?

18
19 LAURA GROVES: Yes it was dark.

20
21 COMMANDER KEVIN CARROLL: Okay.

22

1 LAURA GROVES: I think this is around 04:00. At some point I found Dan floating on a
2 grating, a wooden grating, I don't know how long after, I don't know at that time period
3 was. The rig was still intact completely and therefore coming down on all of us repeatedly,
4 and we were just trying our best to swim away from the boat in the rig. Dan and I then ran
5 into Jessica Hewitt, Drew Salapattic, Chris Barksdale, and Adam Procosh, and the six of
6 us were on the grating together just concentrating on swimming away from the rig. After
7 we cleared the rig we were trying to swim towards the life raft that had already inflated but
8 it was moving faster than we were. At some point a canister liferaft floated by and it had
9 not been deployed yet so we found its painter and struggled to inflate it with your
10 immersion suit hands you can't grab that line, so you have to do it, every sailors told not
11 to do and rapid around your hand before you can pull, I think it is 100 feet of line, takes a
12 really long time to do that, around that time we abandon the wooden grating that we were
13 holding onto an formed a human chain, what they teach you in your STCW, the ST class,
14 and we swam like that. Jess was connected to me and Drew was connected to her and I
15 was holding onto Dan who is pulling on the painter, I couldn't tell you were Chris or Adam
16 were at that point I know that they were still there with us but I don't know who they were,
17 they may have been pulling on the painter too. The lifer aft deployed and we went to get
18 in it I was the first one that tried and was unable to get in it, so I swam around just next to
19 the ladder and had to grab the little life string with my teeth because I could not grab it
20 with my hands, I stuck my arm through it, and I just laid there holding my breath every
21 time a wave came because they were just crashing, or breaking, and I have confidence in
22 my physical fitness and knew that if I could not get into the life raft that it was going to be
23 difficult if not impossible for the rest of the crew to do it. So I laid there for a while just

1 trying to gather some energy. Hoping that if I relax for a while that maybe that would help
2 one of us get in. While I was relaxing Dan and probably Chris and Jess managed to get
3 Drew in and then he helped to Dan get in then we got Adam in, and Jess in, and then I
4 went and then we got Chris in. Then we were in the life raft.

5
6 COMMANDER KEVIN CARROLL: What happened after that?

7
8 LAURA GROVES: I think we all took a few minutes to relax, then it was full of water so we
9 opened up the gear that they give you, which you can't get into with your suit on, so you
10 have to take part of it off to get into the suit, to get into the packet of gear that they give
11 you and there was not a bailer and it we looked several times. We got out the instructions,
12 I think that is what the BST class says to do first is to get the instructions.

13
14 COMMANDER KEVIN CARROLL: You had a BST class?

15
16 LAURA GROVES: Yes.

17
18 COMMANDER KEVIN CARROLL: What is that?

19
20 LAURA GROVES: Basic Safety Training.

21
22 COMMANDER KEVIN CARROLL: Okay, where was that?

23

1 LAURA GROVES: St. Petersburg Florida with Quality Maritime.

2
3 COMMANDER KEVIN CARROLL: Okay go ahead.

4
5 LAURA GROVES: At some point Dan started to bail with his water bottle I helped him for
6 a little while, Drew helped him for a little while, we were checking on Adam to make sure
7 he was okay because he was injured. At some point we all sang a few sea shanties
8 everybody was in good spirits,

9
10 COMMANDER KEVIN CARROLL: Considering.

11
12 LAURA GROVES: Right. Before we abandon ship right by the nav shack John asked if I
13 wanted to carry one of the EPIRBs, so I had an EPIRB with me tied to me. We were
14 watching the C-130 fly overhead, I doubt, I don't know why I assume it doesn't help but
15 we were sticking the EPIRB outside the window trying to pointed at the C-130 just
16 because, I don't know, it seemed like the right thing to do. At some point we tried to close
17 the, we kept on shippingWaves that were breaking such some point we tried to close the
18 entrances, but we couldn't figure out how, they were silly, they had these ties that did not
19 seem to do anything, we were several times we were hit by a wave that would smash
20 through the raft and collapse it and then it reopened. When we were trying to get into the
21 raft I knew from the BST class that there should be a boarding ramp at one of the
22 entrances that helps you get in. I was going to go around the other side and look for, but
23 the little bites of string that go around the side I noticed that would probably be about 20

1 of them are at the grab is my key finger with my anger up with teeth and I didn't think I
2 would have the strength to get to the side, so the side that we boarded we had a tiny
3 string ladder, the boarding ramp seemed to be stuck on the leeward side of the life raft
4 which was not possible to get to. After probably a couple of hours we saw the helicopter
5 and the rescue swimmer came and he got in, and as soon as he got in we got hit by a
6 wave in the raft collapsed and reopened and he said hi I am damn I heard you guys need
7 a ride but get out of here. So we sent Adam first then Jess, then the raft flipped over, I
8 think we all thought that we were going to drowned again but I guess the dome kind of
9 pops up and you have an air pocket so then we found I guess the blue entrance holes
10 that we don't down and swam out of and hung out onto the outside of the liferaft then I
11 went next, and then Chris, and then Drew, and then Dan.

12
13 COMMANDER KEVIN CARROLL: Okay. Do you want to take a quick break? What we
14 are going to do next, is this is Capt. Jones from the NTSB, National Transportation Safety
15 Board he will ask some questions, and then we'll have the gentleman behind you be able
16 to ask some questions. This is the name she wrote down, Nick, walk this past the parties
17 of interest and return it to me please.

18
19 LAURA GROVES: I don't need a break.

20
21 LIEUTENANT COMMANDER ANDREW BRANT: I think the parties of interest all saw the
22 exchange where he took a particular name from the witness and I think Cmdr. Carol is
23 prepared to publish that name to each of you having the right to participate in the

1 testimony, but it seems obvious that Cmdr. Carol is undertaken to keep that name
2 between the parties and not have it published, so,

3
4 JAKE SHISHA: We have no objection.

5
6 JOHN SVENDSEN: No objection.

7
8 LIEUTENANT COMMANDER ANDREW BRANT: Bounty Organization?

9
10 LEONARD LANGER: No objection.

11
12 LIEUTENANT COMMANDER ANDREW BRANT: Okay, so none of you will use the name
13 or attempt to elicit any testimony that will make that name clearer in the open
14 proceedings.

15
16 COMMANDER KEVIN CARROLL: Thank you Lieutenant Commander Brant. So again
17 this is Capt. Jones, I will let him introduce himself to you while they are getting ready, go
18 ahead.

19
20 COMMANDER ROB JONES: Hello Ms. Groves.

21
22 LAURA GROVES: Hey.

23

1 COMMANDER ROB JONES: Do you want to let him sit down?

2
3 COMMANDER KEVIN CARROLL: Yes sure.

4
5 COMMANDER ROB JONES: I just want to go through your background training. You
6 have been on the Bounty for three years?

7
8 LAURA GROVES: Yes.

9
10 COMMANDER ROB JONES: Okay, what kind of training, what kind of maritime training
11 and you have before you went to the Bounty?

12
13 LAURA GROVES: Before I went to the Bounty I had an informal captain's course at
14 Newfound Harbor Marine Institute that does research vessels, we drove boats there but
15 they are not required to have a captain's license on those boats taking passengers for
16 hire, and so before we were able to do our jobs there we went through six weeks, a
17 captain's course, a waterfront, lifeguard and rescue training, and basic science lessons.

18
19 COMMANDER ROB JONES: Okay, and when you first started working with the Bounty
20 had you already had that BST course?

21
22 LAURA GROVES: No.

23

1 COMMANDER ROB JONES: Okay, and when did you take that?

2

3 LAURA GROVES: I took the BST in the fall of 2010.

4

5 COMMANDER ROB JONES: Is that something that the company required, Bounty
6 Organization?

7

8 LAURA GROVES: Yes, we were going to be traveling in international waters the next
9 year, traveling to Europe and that was required for hire.

10

11 COMMANDER ROB JONES: Did the organization send all the crew that was going to be
12 traveling through this course, and did they pay for it?

13

14 LAURA GROVES: No.

15

16 COMMANDER ROB JONES: So you had to have it to sail on that voyage?

17

18 LAURA GROVES: Yes.

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20 COMMANDER ROB JONES: The, did everybody aboard the Bounty at the time of the
21 capsizing had that course?

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23 LAURA GROVES: No they did not.

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COMMANDER ROB JONES: So it was just the crew that went to Europe?

LAURA GROVES: I believe that Jessica Hewitt had also done basic safety training, along with the crew that had been on the year before, and I would think that Matt Sanders has also done basic safety training, and he did not go to Europe.

COMMANDER ROB JONES: Okay. This school that you talked about, quality maritime, did you pick that, or was it recommended to you?

LAURA GROVES: Some previous Bounty crew members had spoken highly of the school, yes.

COMMANDER ROB JONES: And how long is that BST course?

LAURA GROVES: Four days, five days maybe.

COMMANDER ROB JONES: And did they train you, what did they train you in?

LAURA GROVES: Survival craft, I guess life rafts basically, firefighting, and first aid, CPR.

COMMANDER ROB JONES: Do you feel that taking that course or a course like that helped you in the very dire circumstances you found yourself in?

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LAURA GROVES: I do.

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COMMANDER ROB JONES: Do you think that would benefit everybody that would be working aboard the Bounty?

5

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LAURA GROVES: Yes.

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COMMANDER ROB JONES: The you described a lot of, during the latter part of the voyage, towards the end, you described a lot of the stuff that you are doing, gathering up survival gear, where did you get that training, is that something that you plan for, train for onboard?

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LAURA GROVES: Yes, during abandon ship drills, one of our scenarios would be that we weren't sinking immediately, but we may be sinking over a 12 hour period and going over that scenario we talked about what safety gear we would get, what we would want to do with it, what kind of tools we might need for the problems that we would run into, stuff like that.

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COMMANDER ROB JONES: Do you feel that, while you are on board the Bounty, did you do frequent drills?

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LAURA GROVES: Yes.

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COMMANDER ROB JONES: Abandon ship, fire drills,

LAURA GROVES: Yes.

COMMANDER ROB JONES: Enough to ensure that everybody was trained appropriately?

LAURA GROVES: I think so yes.

COMMANDER ROB JONES: After the shipyard period and up to the capsizing, were any drills held with regard to abandon ship?

LAURA GROVES: Not abandon ship, I think we did a man overboard drill.

COMMANDER ROB JONES: Okay, and the drills with the immersion suits, the survival suits, how often did you do them, and how often did you don them.

LAURA GROVES: We did them at least once a month, throughout the season.

COMMANDER ROB JONES: All times of the year, even the summertime?

LAURA GROVES: Yes,

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COMMANDER ROB JONES: Where were they, individual cabins or one location?

LAURA GROVES: Well for most of the time I was on board, the immersion suits were kept in the forward companionway, but when that structure was moved and the other structure put in we, I guess, the temporary structure, they were also stored to their, but when we had the new permanent structure, the new forward companionway we built an extra deck box that was stowed and lashed on deck, that they are in.

COMMANDER ROB JONES: Do you know if the immersion suits were required to be on board the vessel?

LAURA GROVES: I do not.

COMMANDER ROB JONES: Do you know if the life rafts were required to be aboard the vessel?

LAURA GROVES: I do not.

COMMANDER ROB JONES: The packages of bottled water, where they packages or where they actually bottles of water?

LAURA GROVES: It was bottled water.

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COMMANDER ROB JONES: Okay, have you ever seen the packages, I just wanted about

LAURA GROVES: Yes.

COMMANDER ROB JONES: And the bottled water, did that go adrift after the (inaudible) or were you able to hang onto that?

LAURA GROVES: Nothing was hung onto.

COMMANDER ROB JONES: Okay. And this is going to a little bit of what you mentioned, the opened seam in the engine room and the open seam in the mop closet, do you know about what time you realized that they were, they were leaking?

LAURA GROVES: I want to say that we knew the engine room seam was open probably Saturday night.

COMMANDER ROB JONES: And he said that seasickness pills were given, was that Dramamine?

LAURA GROVES: I don't remember the brand.

1 COMMANDER ROB JONES: Okay, did they have an effect, that it help anybody?

2
3 LAURA GROVES: Well nobody got seasick.

4
5 COMMANDER ROB JONES: I guess they might have been, okay gs,

6
7 COMMANDER KEVIN CARROLL: Mr. Barksdale is sick though.

8
9 LAURA GROVES: He was already sick.

10
11 COMMANDER KEVIN CARROLL: Okay.

12
13 COMMANDER ROB JONES: That is all I have right now.

14
15 COMMANDER KEVIN CARROLL: Okay thank you, the gentleman behind you are parties
16 of interest will give them an opportunity to question you. Bounty Organization please.

17
18 LEONARD LANGER: No questions.

19
20 COMMANDER KEVIN CARROLL: Mr. Svendsen?

21
22 JOHN SVENDSEN: Good afternoon Laura.

23

1 LAURA GROVES: Hey John.

2

3 JOHN SVENDSEN: Can you describe some of the top side work that you did on the
4 exterior hull above the waterline to maintain this seams, throughout the season?

5

6 LAURA GROVES: Oh, yet typically in, I wouldn't say every port but most ports I would
7 make a point to ride around and are small boat and check out any seams that possibly
8 needed to be repaired, I would poke at them with my Marlon Spike make sure that they
9 were not gushing out water, making sure that none of them had expelled their contents,
10 their caulking and if that were the case I spent some time repairing those seams.

11

12 JOHN SVENDSEN: And that was the goal of a report when you are working in that area,
13 how many seams would you say you would work on per port?

14

15 LAURA GROVES: I usually just did one, I did never see multiple seams that needed lots
16 of work at the same time.

17

18 JOHN SVENDSEN: What characteristics would you describe or attribute to Robin
19 Walbridge?

20

21 LAURA GROVES: Knowledgeable, caring, analytical in thought, just a good teacher.
22 Allowed you to figure things out for yourself. Allowed even sometimes to make mistakes

1 as long as they weren't dangerous, and then make you figure out how to correct those
2 mistakes. And then teach what you learned about it to somebody else?

3
4 JOHN SVENDSEN: Can you also described that as a general review of the officers that
5 he worked with?

6
7 LAURA GROVES: Yes. Actually all of the officers that I have worked with on board
8 Bounty over the years I have had similar attitudes about learning, and about just working
9 as a team.

10
11 JOHN SVENDSEN: Can you describe the overall quality of the sailors in the crew you
12 worked with and supervised?

13
14 LAURA GROVES: Everybody else is also very much, just really enthusiastic about
15 working together, about being a family, about caring for each other, about caring for the
16 ship and making sure that our home and everybody inside of it was safe, and happy.

17
18 JOHN SVENDSEN: And in doing that would you say everyone was actively seeking out
19 knowledge and training continuing education?

20
21 LAURA GROVES: Yes, many of our sailors including myself leave each season to go
22 take Coast Guard classes, trying to aspire to the position above us, as well as spending
23 time in the nav shack learning navigation.

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JOHN SVENDSEN: So that would include formal and self-study?

LAURA GROVES: Yes.

JOHN SVENDSEN: Is there a time when there were meetings to encourage the crew to do that by officers?

LAURA GROVES: Yes we did talk about that, we made it very aware that we had a fairly extensive ship's library about traditional and modern forms of rigging, navigation, boat building, see voyaging in general.

JOHN SVENDSEN: Was there any encouragement for formal training?

LAURA GROVES: Yes we encouraged all of our deckhands to go get their able Seaman document, and we encouraged everybody to take the BST, we encouraged our able Seaman to get Captains licenses.

JOHN SVENDSEN: Thank you Laura.

COMMANDER KEVIN CARROLL: Thank you sir. Mr. Shisha?

1 JAKE SHISHA: Would your characterization when it wasn't operating as an attraction
2 vessel, the Bounty was operating basically as a sailing school?

3
4 LAURA GROVES: Did we operate as a sailing school?

5
6 JAKE SHISHA: For the people on board, we talk

7
8 UNKNOWN: Objection, I think that call to draw a conclusion, I'm not sure that she is able
9 to do that.

10
11 COMMANDER KEVIN CARROLL: I think she was on board and just discussed that they
12 did training and continuing education, I think it is a fair question.

13
14 UNKNOWN: Whether it was a school or not. I agree but,

15
16 UNKNOWN: I don't think her opinion would constitute a legal conclusion.

17
18 COMMANDER KEVIN CARROLL: Go ahead.

19
20 JAKE SHISHA: Did you understand my question?

21
22 LAURA GROVES: I would not personally consider us a sailing school, not in comparison
23 to other ships in the fleet that actually do take on students and teach formal lessons, but

1 as a place of learning, as a, I mean the ship was a school in itself, the atmosphere was a
2 school in itself, she helped a lot of, a lot of people become responsible Mariners.

3
4 JAKE SHISHA: And basically what I am saying is, when people go to work on the Bounty,
5 they are not going there for the pay,

6
7 LAURA GROVES: No.

8
9 JAKE SHISHA: They are going there to learn.

10
11 LAURA GROVES: Yes.

12
13 JAKE SHISHA: You had indicated that they had experimented with two types of caulking,
14 DAPP and NP1?

15
16 LAURA GROVES: Yes.

17
18 JAKE SHISHA: To your knowledge he said that the NP1 was I believe used in
19 construction?

20
21 LAURA GROVES: I believe my understanding was that it was used in retaining walls and
22 in basements or concrete structures that were leaking to seal up cracks.

23

1 JAKE SHISHA: Were you aware that there were Marine products specifically made for
2 both underwater seaming and above water seam for vessels?

3
4 LAURA GROVES: Yes.

5
6 JAKE SHISHA: Do you know why those products that were specifically made for marine
7 use were not used?

8
9 LAURA GROVES: I believe they are very expensive.

10
11 JAKE SHISHA: You have indicated that in the yard period no work was done on the
12 seams above the waterline?

13
14 LAURA GROVES: Not in the yard except for where the planks were replaced.

15
16 JAKE SHISHA: Was there a survey done of them, a survey, the condition of the seams
17 above the waterline?

18
19 LAURA GROVES: Not by myself, no.

20
21 JAKE SHISHA: Do you know of anyone else that did one?

22
23 LAURA GROVES: No.

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JAKE SHISHA: Or those seams primarily compounded with DAPP?

LAURA GROVES: Yes.

JAKE SHISHA: Would DAPP get hard?

LAURA GROVES: Yes.

JAKE SHISHA: Now, if DAPP gets heated or gets hot and does that cause it to get hard?

LAURA GROVES: I don't know what happens to it when it gets hot.

JAKE SHISHA: Was above the waterline, was that painted black?

LAURA GROVES: Below the whale board was painted black and above the whale board was painted green.

JAKE SHISHA: You said that when DAPP gets hard, if it gets, the purpose, when a vessel works is it preferable that the compound remain flexible?

LAURA GROVES: I would think so.

1 JAKE SHISHA: If it is hard, does it have more of a tendency to fall out?

2

3 LAURA GROVES: I don't know.

4

5 JAKE SHISHA: If it's flexible a can move as the wood is working, is that correct?

6

7 LAURA GROVES: Yes.

8

9 JAKE SHISHA: If it is hard it doesn't have that movement,

10

11 UNKNOWN: Objection, you are getting argumentative I think,

12

13 UNKNOWN: That sounded more like testimony to me.

14

15 COMMANDER KEVIN CARROLL: She already answered, she didn't know. She did say
16 she didn't know.

17

18 JAKE SHISHA: You are aware, I believe you gave a statement, that you are aware that
19 when the vessel was in seas and working, seams would come out, the vessel would take
20 on water.

21

22 LAURA GROVES: Well that did happen,

23

1 JAKE SHISHA: Excuse me?

2

3 LAURA GROVES: We did have some seams open in the engine room and the mop
4 closet.

5

6 JAKE SHISHA: If I may just. You had given a statement, I don't know which one, maybe
7 51 that when the Bounty's made out of lead and when this seams work,

8

9 LAURA GROVES: I don't believe I said that.

10

11 COMMANDER KEVIN CARROLL: Why don't you ask her to turn to the exhibit? Exhibit
12 51.

13

14 LAURA GROVES: Oh I guess I wrote that, I did not say that. Yeah, to my understanding
15 of when vessels, when they work meaning the boat is moving, it gets components are
16 moving, yes that seams can open up.

17

18 JAKE SHISHA: And also in addition to your understanding, did you experience that when
19 you are on the vessel, you have been in heavy weather on this vessel before?

20

21 LAURA GROVES: Yes.

22

23 JAKE SHISHA: And did you check the bilges when you are in heavy weather?

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LAURA GROVES: Yes I did.

JAKE SHISHA: Did you notice that more water would come in during heavy weather?

LAURA GROVES: Yes.

JAKE SHISHA: Now you had finished a yard period I believe in October 20th, and you had worked on the bottom but not above the waterline, before you left on October 25th were you anticipating heavy weather?

LAURA GROVES: Yes.

JAKE SHISHA: Where you anticipating that the vessel was going to be working?

LAURA GROVES: Yes

JAKE SHISHA: Did you have any concerns about seams opening or taking on water during this action?

LAURA GROVES: No.

JAKE SHISHA: Excuse me?

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LAURA GROVES: No.

JAKE SHISHA: And even though you had not checked or surveyed the seams above the waterline.

LAURA GROVES: I had just spent a month working on every seam below the waterline, and I checked regularly throughout the season the seams above the waterline. But checking them before I left was not something that I did, no.

JAKE SHISHA: In your opinion do you believe that if the Bounty had used approved marine type caulking's that she would be more watertight?

LAURA GROVES: I don't have any experience.

COMMANDER KEVIN CARROLL: Ask another question please.

JAKE SHISHA: As the boatswain did you ever review the bilge logs to kind of get an idea of how much water as the vessel was taking on?

LAURA GROVES: I'm not sure I would know how to in allies that information.

1 JAKE SHISHA: Was there ever any, strike that, the only thing that was scheduled I
2 believe on the 23rd, what was scheduled, where were you on the 24th?

3
4 LAURA GROVES: Traveling from,

5
6 JAKE SHISHA: I'm sorry that the bad question, where was the Bounty?

7
8 LAURA GROVES: The Bounty was in New London.

9
10 JAKE SHISHA: And when did it get there?

11
12 LAURA GROVES: The 23rd I think.

13
14 JAKE SHISHA: Was there anything that had to be done in New London, other than a tour
15 for the Navy question my

16
17 LAURA GROVES: I had a doctors appointment.

18
19 JAKE SHISHA: I know you did, I am talking about anything for the vessel?

20
21 LAURA GROVES: No.

22

1 JAKE SHISHA: Did you ever hear anybody have a discussion as to whether they could
2 leave early or perhaps cancel the tour, or postpone the tour until the next season and try
3 to get out earlier because of the storm, was that ever discussed to your knowledge?
4

5 LAURA GROVES: no.
6

7 JAKE SHISHA: Thank you
8

9 COMMANDER KEVIN CARROLL: Which tour Mr. Shisha?
10

11 JAKE SHISHA: Excuse me?
12

13 COMMANDER KEVIN CARROLL: Which tour?
14

15 JAKE SHISHA: I'm sorry, the tour that they were going to give the Navy,
16

17 COMMANDER KEVIN CARROLL: Okay, okay
18

19 JAKE SHISHA: Did anybody say hey, let's get out of here and we will cancel that, do you
20 know if that was ever discussed?
21

22 LAURA GROVES: No.
23

1 JAKE SHISHA: Thank you very much.

2
3 COMMANDER KEVIN CARROLL: Thank you. Lieut.? Capt. Jones? Okay, the pieces of
4 paper that you marked, the exhibits, we have to, if you could sign them please, and give
5 them to Lieut. Cmdr. Parham. Mr. Shisha, do you have any objections? Okay. I hear no
6 objections, add this to the record, is that marked copy of CG 8, CG 67, what is the next
7 exhibit?

8
9 LIEUTENANT COMMANDER NICHOLAS PARHAM: Entered into the record would be a
10 copy of CG 66 as notated as by Ms. Groves, that will be exhibit CG77, and then after that
11 the next exhibit will be a copy of CG eight is notated by Ms. Groves, that will be CG 70
12

13 COMMANDER KEVIN CARROLL: Those are submitted to the record. I have one more
14 question Ms. Groves. While you are at the shipyard you said you worked with yard
15 personnel correct? The caulking that he saw them do, with a pretty skilled in your
16 opinion?

17
18 LAURA GROVES: it looked like what I was doing, so
19

20 COMMANDER KEVIN CARROLL: Today make any comments to you and Ms. Hewitt,
21 and comment on the work that you did? Say it was good, say it was bad?, Hey maybe
22 you're not doing
23

1 LAURA GROVES: They never came down to look at our work.

2
3 COMMANDER KEVIN CARROLL: Okay, so there was no evaluation by the,

4
5 LAURA GROVES: There was no evaluation.

6
7 COMMANDER KEVIN CARROLL: Okay. I have no further questions I will release you at
8 this point and thank you very much for your testimony, your subject to recall which means
9 we can call you back if we want, we have to say this to every witness but it does not
10 mean that you have to stay in the area. Thank you very much for your testimony. Can we
11 go off the record, okay it is about 18:15 we're going to finish for the day and we are going
12 to come back on the record at 09:00 on Monday, have a good weekend thank you very
13 much everybody.

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16
17 COMMANDER KEVIN CARROLL: This hearing will come to order, the record will show
18 that this hearing was called to order at 09:00 on February 18th, 2013, and is being held at
19 the Renaissance Hotel in Portsmouth Virginia. Good morning ladies and gentlemen, I am
20 Commander Kevin Carroll, Chief of the Inspections Investigations Branch of the 5th Coast
21 Guard District. I have been directed to serve as Investigating Officer for this one person
22 formal investigation which was convened by the Commander of the 5th Coast Guard
23 District, Rear Admiral Steven H. Ratti. The investigation is convened under the authority

1 of 46 United States Code 6301, and 46 code of Federal Regulations Part 4, to investigate
2 the circumstances involving the sinking of the vessel Bounty, and subsequent presumed
3 death of the vessel's Master and the death of one crew member, which occurred on
4 October 29th, 2012 approximately 90 miles off the coast of Cape Hatteras, North
5 Carolina. I will conduct this investigation under the rules in 46 CFR Part 4. This
6 investigation is intended to determine the cause of the casualty, and the responsibility
7 therefore to the fullest extent possible, and to obtain information for the purpose of
8 preventing or reducing the effects of similar casualties in the future. This investigation is
9 also intended to determine whether there is any evidence that any incompetence,
10 misconduct, or willful violation of the law on the part of any licensed Officer, pilot, seaman,
11 employee, owner, or agent of such owner of any vessel involved, any Officer of the Coast
12 Guard, or the other Officer or employee of the United States, or any other person caused
13 or contributed to the cause of this casualty. Or whether there is any evidence that any act
14 was committed in violation of any provisions of the U.S. Code or the regulations issued
15 there under. I am also empowered to recognize any commendable actions by persons
16 involved and to make appropriate recommendations in this regard. The results of my
17 investigations are subject to the final review and approval of the Commandant of the
18 United States Coast Guard. All parties are reminded that this hearing will examine the
19 events leading to the sinking of the vessel Bounty, and subsequent presumed death of
20 the Master and the death of one crew member. For the purpose of this hearing, the
21 words vessel, or boat, will refer to the vessel Bounty unless otherwise noted. All
22 witnesses called to testify during this hearing will be examined under oath or affirmation.
23 When testifying, the witness is subject to the Federal Laws and penalties for perjury for

1 making false statements under 18 US Code 1001. Witnesses who are not parties of
2 interest will be excluded from the hearing room when not testifying. All parties who are of
3 interest have a statutory right to employ council to represent them, to cross examine
4 witnesses, and to have witnesses called on their behalf. Witnesses who are not parties of
5 interest may be advised by their council concerning their rights, however such council
6 may not examine or cross examine other witnesses or otherwise participate. A party of
7 interest is an individual or organization or other entity that under the existing evidence or
8 because of his or her position may have been responsible for or contributed to the
9 casualty. A party of interest may also be an individual, organization, or other entity having
10 a direct interest in the investigation and demonstrating the potential for contributing
11 significantly to the completeness of the investigation or otherwise enhancing the safety of
12 life and property at sea through participation as a party of interest. All parties and
13 interests and their representatives are present today that were present last Friday, save
14 Mr. Shisha for the Christian family, he is now, the Christian family is now represented by
15 Mr. Melusi, I will take your appearance now sir, please.

16
17 RALPH MELUSI: Yes, (inaudible) Commander. I am Ralph Melusi, I am here, I am
18 representing the Christian family.

19
20 COMMANDER KEVIN CARROLL: Thank you sir, Welcome.

21 These proceedings are open to the public and to the media. I would like to request the
22 cooperations of all persons present to minimize any disruptive influence on the
23 proceedings in general and on the witnesses in particular. Smoking will be prohibited.

1 The audience is asked to assure that your cell phones and any other electrical devices do
2 not disturb the proceedings. Please place all electronic devices in the silent or vibrate
3 mode at this time. I will pause while everyone checks their device please. You are each
4 also asked to refrain from departing or entering the room except during periods of recess.
5 Flash photography will be permitted during this opening statement and during recess
6 periods. Television cameras are allowed in the room. The cameras must remain
7 stationary and must not interfere with the hearing. The members of the press are, of
8 course, welcome and an area has been set aside for you to use during the proceedings.
9 Our public affairs officer for the Coast Guard 5th district is Lieutenant Mike Patterson.
10 Mike Patterson, please raise your hand. Thank you. If you have any questions please
11 speak with Lieutenant Patterson. The news media may question witnesses during the
12 testimony have given after I have released them. I ask that touch interviews be
13 conducted outside this room. We will be recessing for lunch at or around 11:30 until
14 about 1pm each day. The sources of information to which this investigation will inquire
15 are varied. The Coast Guard has made attempts to locate every available piece of
16 information pertinent to this casualty. This board will hear all such evidence. Should any
17 person have, or believe he or she has information not yet induced that they view of direct
18 significance, I urge that person communicate with recorder, Lieutenant Commander
19 Nicholas Parham. Nick, please raise your hand. At this time, I would like the people to
20 please rise and join me in a moment of silence out of respect for those individuals who
21 lost their lives as a result of this casualty. Thank you. This concludes my opening
22 statement. I would like to introduce the gentleman to my left, this is Captain Rob Jones of
23 the NTSB, he will now read his opening statement.

1
2 CAPTAIN ROB JONES: Good morning, I am Rob Jones, investigator in charge for the
3 National Transportation Safety Board for this investigation. The safety board is an
4 independent federal agency which, under the independent safety board act of 1974, is
5 required to determine the cause, or probable cause of this accident, to issue a report of
6 the facts, conditions and circumstances relating to it and may make recommendations for
7 measures to prevent similar accidents. The safety board has joined this hearing to
8 avoiding duplicating the development of facts. Never the less, I do wish point out that
9 this does not preclude the safety board in developing additional information separately
10 from this proceeding if that becomes necessary. At the conclusion of this hearing, the
11 safety board will finalize the facts of this accident and determine the probable cause
12 independently of the Coast Guard. At a future date, a separate report of the safety
13 board's findings will be issued which will include our official determination of the probable
14 cause of this accident. If appropriate, the safety board will issue recommendations to
15 correct safety problems discovered during this investigation. These recommendations
16 may be made in advance of this final report. Thank you.

17
18 COMMANDER KEVIN CARROLL: Thank you, Captain Jones. We will take a short
19 recess and then we will call the first Coast Guard witness after reconvening which will be
20 Matthew Sanders and we will come back at 0915. 0915. Thank you.

21
22 COMMANDER KEVIN CARROLL: Nick, let's go back on the record. All parties and
23 interests and their representatives from the last recess are present again. Please.

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LIEUTENANT COMMANDER NICHOLAS PARHAM: At this time the Coast Guard calls to testify Mr. Matthew Sanders. Stand right here by this table, Mr. Sanders, and I will swear you in. Please raise your right hand. A false statement given to an agency of the United States is punishable by fine and / or imprisonment under 18 USC 1001. Knowing this, you solemnly swear that the testimony you are about to give to be the truth, the whole truth, and nothing but the truth, so help you God.

MATTHEW SANDERS: I swear it to be the truth.

LIEUTENANT COMMANDER NICHOLAS PARHAM: Alright. Please sit down.

COMMANDER KEVIN CARROLL: Good morning sir.

MATTHEW SANDERS: Good morning.

COMMANDER KEVIN CARROLL: Can you please state your name and spell your last name, please?

MATTHEW SANDERS: Matthew Sanders. S-A-N-D-E-R-S.

COMMANDER KEVIN CARROLL: Thank you. What was your occupation on October 29, 2012.

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MATTHEW SANDERS: I was the 2nd mate aboard the Bounty.

COMMANDER KEVIN CARROLL: Okay. Do you hold a merchant mariner's credential?

MATTHEW SANDERS: Yes, I do.

COMMANDER KEVIN CARROLL: What credential do you hold?

MATTHEW SANDERS: Mate 200 ton, intercoastal ocean, near coastal

COMMANDER KEVIN CARROLL: What other endorsements do you have?

MATTHEW SANDERS: Tanker man, I think that's it right now.

COMMANDER KEVIN CARROLL: Okay. Can you give us a little bit of a background on your maritime expertise?

MATTHEW SANDERS: Graduate of Maine Maritime Academy, class of 2001. Worked in various segments of the industry from tug and barges, private yachts and tall ships.

COMMANDER KEVIN CARROLL: Okay. Specifically can you give us your tall ship experience?

1 MATTHEW SANDERS: Other than sailing on the boat and at school, at Maine Maritime, I
2 worked one summer as a deckhand on a schooner in Maine and the Bounty this past
3 year.

4
5 COMMANDER KEVIN CARROLL: What schooner in Maine?

6
7 MATTHEW SANDERS: The Margaret Todd.

8
9 COMMANDER KEVIN CARROLL: Okay. How long were you onboard the Todd?

10
11 MATTHEW SANDERS: One summer.

12
13 COMMANDER KEVIN CARROLL: Okay. In what capacity?

14
15 MATTHEW SANDERS: Deckhand.

16
17 COMMANDER KEVIN CARROLL: Okay. Now when did you join the vessel Bounty?

18
19 MATTHEW SANDERS: In March of 2012.

20
21 COMMANDER KEVIN CARROLL: March of 2012. As the 2nd mate?

22
23 MATTHEW SANDERS: Yes.

1 COMMANDER KEVIN CARROLL: Specifically, can you give us a little background on
2 your engineering background?

3
4 MATTHEW SANDERS: Well, at Maine Maritime Academy we had to take diesels classes,
5 so I had a couple of classes at school about diesel maintenance and repair.

6
7 COMMANDER KEVIN CARROLL: So you were a deck license at Maine Maritime
8 Academy?

9
10 MATTHEW SANDERS: Yes.

11
12 COMMANDER KEVIN CARROLL: So you joined the Bounty in March of 2012, where was
13 the vessel at that point?

14
15 MATTHEW SANDERS: In Puerto Rico.

16
17 COMMANDER KEVIN CARROLL: Was that the beginning of the season?

18
19 MATTHEW SANDERS: Yes.

20
21 COMMANDER KEVIN CARROLL: Okay. Who was the captain of the vessel at that
22 point?

23

1 MATTHEW SANDERS: Robin Walbridge.

2

3 COMMANDER KEVIN CARROLL: Okay. Did you know, during the season, any other
4 captain aboard the vessel other than Robin Walbridge?

5

6 MATTHEW SANDERS: No, I did not.

7

8 COMMANDER KEVIN CARROLL: Okay. What were your impressions of Bounty from
9 when you joined them in March of 2012?

10

11 MATTHEW SANDERS: In which way, what do you mean by "my impressions"?

12

13 COMMANDER KEVIN CARROLL: Professionally. As far as the command structure, the
14 watch structure, daily duties performed. What were your overall impressions?

15 MATTHEW SANDERS: I think it was run very professionally. Underway we stood a 3
16 watch cycle, everyone knew what their job was to do, and did it. We ran as a, very
17 professionally I would say as compared to other commercial boats that I have worked on
18 where you have a large crew like we did it takes a lot more organization than if you are
19 running with just 4 to 6 people.

20

21 COMMANDER KEVIN CARROLL: During the season, what was the peak number of crew
22 members that you had on board as far as numbers?

23

1 MATTHEW SANDERS: I'm gonna guess somewhere between 23 and 25 people at the
2 most.

3
4 COMMANDER KEVIN CARROLL: In regards to your position as 2nd mate, can you detail
5 what your duties were on board the vessel?
6

7 MATTHEW SANDERS: Yeah, sure. My job was, essentially as a navigator, I would do
8 that voyage plan, preparation for a trip. Make sure the charts were, proper charts and up
9 to date. Lay down a course to follow to give us an idea and while we were underway, you
10 know, run my watch and during the weekends when we had people on board, to do
11 accounting and take care of the daily tours.
12

13 COMMANDER KEVIN CARROLL: Okay, when you had people on board, can you
14 describe that please? What capacity?
15

16 MATTHEW SANDERS: People coming on board at the dock to tour the boat.
17

18 COMMANDER KEVIN CARROLL: Okay. As an attraction vessel?
19

20 MATTHEW SANDERS: Yes.
21

1 COMMANDER KEVIN CARROLL: Okay. In regards to your duties in preparing the
2 voyage plan. Did you have final authority on the course, speed, break points or did you
3 have to present that to someone for approval?
4

5 MATTHEW SANDERS: I mean the way it was laid out, it was always a short route. Most
6 efficient. So the course and time allowed and the adjustments we made underway
7 depending on how much time we had to go. It was a plan, a voyage plan.
8

9 COMMANDER KEVIN CARROLL: Right, prior to departure did that plan have to have
10 approval by anyone else?
11

12 MATTHEW SANDERS: I always shared it with Robin and the 1st mate. Yeah, they were
13 always aware of what the plan was.
14

15 COMMANDER KEVIN CARROLL: Okay, during your tenure on Bounty, did you have any
16 times where you presented a voyage plan that was not accepted?
17

18 MATTHEW SANDERS: I don't think so.
19

20 COMMANDER KEVIN CARROLL: Okay. What are your impressions of Captain
21 Walbridge?
22

1 MATTHEW SANDERS: I think he was a good captain, I , you know , he was someone I
2 could learn from and, you know, overall I had high regard for him.

3
4 COMMANDER KEVIN CARROLL: It's been in discussions in regards to statements that
5 he's made with chasing hurricanes. Did you ever hear him discuss or describe anything
6 in that regard?

7
8 MATTHEW SANDERS: I never heard anything about that until after the fact.

9
10 COMMANDER KEVIN CARROLL: Okay. Did you ever hear the phrase by anybody on
11 board, stating the Bounty "likes hurricanes"?

12
13 MATTHEW SANDERS: I did not. I did not.

14
15 COMMANDER KEVIN CARROLL: Okay. Which watch did you stand?

16
17 MATTHEW SANDERS: B watch.

18
19 COMMANDER KEVIN CARROLL: B watch. Who was on your team?

20
21 MATTHEW SANDERS: It would change throughout the season, but during the 29th it was
22 myself, John Jones, Jessica Hewitt and Adam Procosh.

23

1 COMMANDER KEVIN CARROLL: Were you present on board the vessel in Booth Bay
2 Harbor, Maine?

3
4 MATTHEW SANDERS: Yes, I was.

5
6 COMMANDER KEVIN CARROLL: When was the vessel in Booth Bay Harbor, Maine?

7
8 MATTHEW SANDERS: Mostly for the month of October, got there in late September.

9
10 COMMANDER KEVIN CARROLL: Okay and you were present the entire time?

11
12 MATTHEW SANDERS: Yes.

13
14 COMMANDER KEVIN CARROLL: What did you do on board the vessel while in Maine?

15
16 MATTHEW SANDERS: I re-plumbed the freshwater system with PVC and then plumb the
17 black iron for the fuel system. Also accounting.

18
19 COMMANDER KEVIN CARROLL: Also accounting.

20
21 MATTHEW SANDERS: Yeah.

22

1 COMMANDER KEVIN CARROLL: The re-plumbing for the freshwater system and the
2 fuel system, was that done to any plans?

3
4 MATTHEW SANDERS: I drew out some ideas first, you know, as far as the freshwater
5 filling system and manifold. We used some of the existing plumbing that was there and
6 tied back into it.

7
8 COMMANDER KEVIN CARROLL: Was it replaced in kind?

9 MATTHEW SANDERS: I don't know what that means.

10
11 COMMANDER KEVIN CARROLL: Meaning that, you said you replaced the freshwater
12 system with PVC. Meaning that was the length of pipe taken out, put the same amount of
13 pipe back in with newer material or different material. Or was it

14
15 MATTHEW SANDERS: It was a new freshwater, like the tanks were relocated, the
16 freshwater tanks so I had, from the fill to the tanks and leaving the tanks was new, and
17 then it connected in to the system from there.

18
19 COMMANDER KEVIN CARROLL: Okay, can you describe to us the whole project in
20 regards to the replacement of the tanks and the movement of tanks and the piping that
21 was done.

22

1 MATTHEW SANDERS: Sure. They started by, you know, opening up a hatch in the
2 tween deck, you know, making a space and removing the old tanks and removing a bulk
3 head and then putting more support on the sole, underneath the sole, where the new
4 tanks would be. Then did

5
6 COMMANDER KEVIN CARROLL: Let me ask you a question, sorry to interrupt you,
7 when you removed the old tanks, what were the condition of the old tanks?

8
9 MATTHEW SANDERS: They were, they were steel, I mean on the outside they showed a
10 little rust but I think they were probably in good shape they just weren't going to serve the
11 purpose what we were using them for.

12
13 COMMANDER KEVIN CARROLL: What was the condition of the vessel and structure
14 where the tanks were.

15
16 MATTHEW SANDERS: I mean, to my eyes, they just looked like the rest of the boat.

17
18 COMMANDER KEVIN CARROLL: Okay. What's your experience working with wooden
19 hull vessels, maintenance and repair? You mentioned one other schooner, was that a
20 wooden hull vessel?

21
22 MATTHEW SANDERS: A steel hull.
23

1 COMMANDER KEVIN CARROLL: That was steel?

2

3 MATTHEW SANDERS: Yeah.

4

5 COMMANDER KEVIN CARROLL: And what about the Maine Maritime?

6

7 MATTHEW SANDERS: I don't really have any shipwright skills.

8

9 COMMANDER KEVIN CARROLL: Okay, so this is your first vessel?

10

11 MATTHEW SANDERS: Yes.

12

13 COMMANDER KEVIN CARROLL: Okay. Continue with the description of the project.

14

15 MATTHEW SANDERS: Alright so the tank room was moved one space aft and the water
16 tanks were against the bulkhead that would be forward of the engine room. Once they
17 were in place we plumbed it with PVC coming from on deck for a water fill and they went
18 to a manifold that filled all of them at once and the manifold also fed the supply line and
19 the supply ran forward along the starboard side to the existing you know sinks and
20 plumbing, you know toilets and what not . There was four tanks and they were
21 connected through through the manifold both isolation wall (inaudible) at the tanks.

22

23 COMMANDER KEVIN CARROLL: There were 4 water tanks?

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MATTHEW SANDERS: Yes.

COMMANDER KEVIN CARROLL: What was the old water tanks that were taken out, what were they constructed of?

MATTHEW SANDERS: Steel

COMMANDER KEVIN CARROLL: Steel. And what were the new tanks?

MATTHEW SANDERS: A polycarbonate, plastic, something.

COMMANDER KEVIN CARROLL: Okay. Were those tanks baffled to your knowledge?

MATTHEW SANDERS: I don't know. I know they were like kind of cylindrical shapes connected by cylinders, 2 different cylinders each one.

COMMANDER KEVIN CARROLL: Okay.

MATTHEW SANDERS: I don't know if they had baffling inside of them

COMMANDER KEVIN CARROLL: What about the old tanks that were removed, those were plastic also or were they steel?

1 MATTHEW SANDERS: Those were steel.

2

3 COMMANDER KEVIN CARROLL: Those were steel. Were those baffled to your
4 knowledge?

5

6 MATTHEW SANDERS: I don't, one way or the other.

7

8 COMMANDER KEVIN CARROLL: Okay. Who was in charge of the yard period? In other
9 words, who assigned projects, who was in charge of the insuring projects were done to
10 specifications?

11

12 MATTHEW SANDERS: I would say Robin and the yard manager.

13

14 COMMANDER KEVIN CARROLL: Okay. Who was the yard manager?

15

16 MATTHEW SANDERS: I don't remember his name right now. I think it might have been
17 Todd, or, I don't remember his name honestly. I can picture his face though.

18

19 COMMANDER KEVIN CARROLL: Okay. In regards to the fuel tanks that were removed.
20 What were the old tanks as far as capacity and how many taken out?

21

22 MATTHEW SANDERS: The old fuel tanks? The fuel tanks were right around 900 gallons
23 each I believe and they were made of stainless steel.

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COMMANDER KEVIN CARROLL: And how many came out?

MATTHEW SANDERS: I think 2 were removed completely and 2 were reused.

COMMANDER KEVIN CARROLL: So there was total

MATTHEW SANDERS: No, one of the old water tanks I think were maybe used as fuel tanks and the old fuel tanks were just completely.

COMMANDER KEVIN CARROLL: So the old fuel tanks were

MATTHEW SANDERS: We had, I think they were mild steel and we had stainless steel tanks that replaced 2 of them and those were the water tanks.

COMMANDER KEVIN CARROLL: Okay. So the new ones. So let's go through it again, what was taken out as far as fuel tanks?

MATTHEW SANDERS: I think they were the fuels tanks actually.

COMMANDER KEVIN CARROLL: The fuels tanks were taken out?

MATTHEW SANDERS: Yeah.

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COMMANDER KEVIN CARROLL: And how many?

MATTHEW SANDERS: Four.

COMMANDER KEVIN CARROLL: Four. And those were 900 gallons?

MATTHEW SANDERS: Yes, sir.

COMMANDER KEVIN CARROLL: Were any of those reused?

MATTHEW SANDERS: I don't think so.

COMMANDER KEVIN CARROLL: Okay. The new tanks that went in, how many new tanks?

MATTHEW SANDERS: Two new tanks.

COMMANDER KEVIN CARROLL: Two new tanks.

MATTHEW SANDERS: Yeah.

COMMANDER KEVIN CARROLL: And what were the capacity of those tanks?

1 MATTHEW SANDERS: I believe they were also 900 gallons each.

2

3 COMMANDER KEVIN CARROLL: 900 gallons. And those were moved aft?

4

5 MATTHEW SANDERS: Yes.

6

7 COMMANDER KEVIN CARROLL: So, if you say you had 4 900 gallon fuel tanks before
8 then you went with 2 900 gallon tanks, so the fuel capacity was cut in half?

9

10 MATTHEW SANDERS: No. The water tanks, I misspoke, I didn't remember clearly, the
11 water tanks that were made of the ones that were replaced with the plastic water tanks
12 were stainless steel and those became fuel tanks.

13

14 COMMANDER KEVIN CARROLL: So those were not taken out?

15

16 MATTHEW SANDERS: Right the water tanks remained and they were made of stainless
17 steel, they were used as 2 of the total of 4 tanks that became 2 new fuels tanks and the 2
18 stainless steel water tanks became fuel tanks.

19

20 COMMANDER KEVIN CARROLL: Okay and you didn't have the chance to look at the
21 interior of the new fuel tanks that were previously water tanks, or did you?

22 MATTHEW SANDERS: You could, on the water tanks that became fuel tanks, you could
23 see through the weld marks that they would have been baffled on the inside.

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COMMANDER KEVIN CARROLL: Oh, you could see that?

MATTHEW SANDERS: You could see.

COMMANDER KEVIN CARROLL: What about the state of the interior of the tank? Was that looked into at all? Any rust any scale within those tanks?

MATTHEW SANDERS: I don't know. I don't know if anyone did or not.

COMMANDER KEVIN CARROLL: So you don't know if anybody was able to look inside? Okay. Two old water tanks became two new fuel tanks and then two completely new stainless steel tanks were put into the vessel.

MATTHEW SANDERS: As fuel tanks.

COMMANDER KEVIN CARROLL: Same fuel capacity, but all of them were moved aft.

MATTHEW SANDERS: yes.

COMMANDER KEVIN CARROLL: Okay, and the water tanks were also moved aft?

MATTHEW SANDERS: Yes.

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COMMANDER KEVIN CARROLL: In regards to the fuel vents, where did these fuel tanks vent to?

MATTHEW SANDERS: They vented to a common vent that was just forward of the navigation shack on the weather deck.

COMMANDER KEVIN CARROLL: Okay, did the vent change with the movement of the tanks?

MATTHEW SANDERS: That was outside on the weather deck? No that was tied back in to.

COMMANDER KEVIN CARROLL: So the vent piping that went to the tanks had to be extended, for lack of a better term?

MATTHEW SANDERS: Well with the fuel tanks moving aft we had new piping that joined together and led to that existing vent that went from the tank room up on deck.

COMMANDER KEVIN CARROLL: That vent specifically, do you know how far off the deck it was?

1 MATTHEW SANDERS: Not specifically, but my best estimate would be 6-8 inches off the
2 deck.

3
4 COMMANDER KEVIN CARROLL: What kind of a vent was it?

5
6 MATTHEW SANDERS: Thinking diameter wise it was probably about 3 inch mild steel,
7 black steel with a cap on it.

8
9 COMMANDER KEVIN CARROLL: Cap on it as a

10

11 MATTHEW SANDERS: U shape.

12

13 COMMANDER KEVIN CARROLL: Okay.

14

15 MATTHEW SANDERS: Keep weather from getting in

16

17 COMMANDER KEVIN CARROLL: Did it have a non-return valve inside the vent to your
18 knowledge?

19

20 MATTHEW SANDERS: I do not know.

21

22 COMMANDER KEVIN CARROLL: Did it have a flame screen?

23

1 MATTHEW SANDERS: I do not know.

2

3 COMMANDER KEVIN CARROLL: Okay. How did the project go, anything, any specific,
4 any problems for the project?

5

6 MATTHEW SANDERS: As far as tying the pipe all together, it went fairly well. We didn't
7 have any problems per se, you know, I know that the people that moved the tank, you
8 know that was an issue because they were really heavy and they had to work really hard
9 to get them moved but as far as plumbing the pipes it went fairly smoothly.

10

11 COMMANDER KEVIN CARROLL: Okay, who worked on the project?

12

13 MATTHEW SANDERS: Plumbing project? Myself and the engineer Chris Barksdale.

14

15 COMMANDER KEVIN CARROLL: Okay.

16

17 MATTHEW SANDERS: We'd have help when we needed it from other people if we
18 needed help with something

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20 COMMANDER KEVIN CARROLL: How were the different lengths of pipes brought
21 together?

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23 MATTHEW SANDERS: They were threaded and used unions where necessary.

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COMMANDER KEVIN CARROLL: So there was no braising done with the piping?

MATTHEW SANDERS: Bracing?

COMMANDER KEVIN CARROLL: Braising.

MATTHEW SANDERS: Oh no, no braising.

COMMANDER KEVIN CARROLL: Okay. Did you work on any other projects during the yard period other than the movement of fuel tanks and the water tanks and the piping?

MATTHEW SANDERS: Well I didn't really move the tanks at all, I just did the piping, the water line and the fuel, I replaced the macerator pump for the weight system and that was essentially all I did for the yard period for those projects.

COMMANDER KEVIN CARROLL: Did you ever hear any concerns by Captain Walbridge or were there any concerns expressed by the yard manager, you said, Todd, regarding the status of your specific project with the piping?

MATTHEW SANDERS: Concerns in which way, like

1 COMMANDER KEVIN CARROLL: That the work was not good quality that they were
2 worried about anything specific

3
4 MATTHEW SANDERS: No.

5
6 COMMANDER KEVIN CARROLL: Rob- Captain Walbridge was happy?

7
8 MATTHEW SANDERS: They liked the way it looked, they said it was well done.

9
10 COMMANDER KEVIN CARROLL: Okay. Did you overhear any conversations with
11 concerns with any projects on board the vessel by Captain Walbridge?

12
13 MATTHEW SANDERS: No I didn't.

14
15 COMMANDER KEVIN CARROLL: Did anybody express any concerns to you from the
16 crew regarding the state of the vessels hull?

17
18 MATTHEW SANDERS: No.

19
20 COMMANDER KEVIN CARROLL: Anything about the yard period come to your mind that
21 was unusual that you thought didn't go well?

22
23 MATTHEW SANDERS: I thought it went fairly well.

1
2 COMMANDER KEVIN CARROLL: Okay.

3
4 MATTHEW SANDERS: Nothing seemed unusual.

5
6 COMMANDER KEVIN CARROLL: Okay. In regards to other projects, what other projects
7 were going on that you were aware of?

8
9 MATTHEW SANDERS: The bottom was cleaned and recaulked as necessary, painted,
10 some planks above the water line were replaced right by the rail, you know the upper rail,
11 the tonnage hatch and the way we entered the boat was altered and the movement of the
12 tanks. You know we (inaudible) all that what we did.

13
14 COMMANDER KEVIN CARROLL: Okay. So the tonnage hatch on the weather deck was
15 moved? Or altered you said?

16
17 MATTHEW SANDERS: Yeah, the companion way to enter the boat was changed and the
18 hatch below deck had to be, yes it was on the weather deck had to change the way we
19 had to enter the boat from that section.

20
21 COMMANDER KEVIN CARROLL: Okay, so that was a new way of entering as opposed
22 to the way it was in the past.

23

1 MATTHEW SANDERS: It was more refined.

2

3 COMMANDER KEVIN CARROLL: Okay. When did the yard period end.

4

5 MATTHEW SANDERS: I'm thinking October 25, 26 is when we left.

6

7 COMMANDER KEVIN CARROLL: October 25 is when you left Booth Bay?

8

9 MATTHEW SANDERS: I think so, I don't remember honestly.

10

11 COMMANDER KEVIN CARROLL: In terms of the investigation, one of the things that we
12 have determined is that the vessel ultimately capsized and sank on October 29. So, if you
13 kind of work, using that as a point of reference, working your way back, we will be able to
14 discuss that. Were there any concerns voiced by any of the crew regarding the condition
15 of the vessel prior to departure from Booth Bay.

16

17 MATTHEW SANDERS: Not to my knowledge.

18

19 COMMANDER KEVIN CARROLL: Okay. And you did not, you were not involved with
20 any projects specifically on the hull? You mentioned caulking, replacement of planks, you
21 were not involved in that?

22

23 MATTHEW SANDERS: No, I wasn't.

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COMMANDER KEVIN CARROLL: Okay. Can you describe to us briefly from the departure in Booth Bay, what was your next port of call?

MATTHEW SANDERS: We sailed to New London, Connecticut.

COMMANDER KEVIN CARROLL: How did that

MATTHEW SANDERS: It was a good sail, you know we had got there in good time. Got there and we met the Navy crew of the submarine and went for a day sail with them and then they took us and we toured their submarine and got underway that late afternoon, early evening.

COMMANDER KEVIN CARROLL: On the trip from Booth Bay to New London did any of the crew express any concerns specifically with the bilge dewatering system?

MATTHEW SANDERS: It seemed like it was, you didn't have as much water to pump out as you had prior. And I went down into the bilges in the forward section and worked my way out and found the boat was dry and that's why it wasn't pumping out.

COMMANDER KEVIN CARROLL: Okay. Were you familiar with the bilge dewatering system during your time onboard Bounty?

1 MATTHEW SANDERS: Fairly.

2 COMMANDER KEVIN CARROLL: Can you describe to us, the system?

3

4 MATTHEW SANDERS: Well the pumps are in the engine room, they are electrically
5 driven. There's 2 of them, a port and starboard and they work off a manifold that has a
6 raw water intake for prime and they are self priming pumps. The bilge pipes run forward,
7 basically on the center line and they have T's in them where the pick ups lead down with
8 screen into the bilge. Each compartment has a pick up in it.

9

10 COMMANDER KEVIN CARROLL: There's a binder in front of you. Inside the binder
11 there's exhibits, they have tabs also, what I ask you is to turn to tab number 62 which is
12 Coast Guard exhibit 62. Specifically I would like to draw your attention to page number 3.
13 Page number 3 of that exhibit. Can you identify this document?

14

15 MATTHEW SANDERS: I've never seen it before.

16

17 COMMANDER KEVIN CARROLL: Okay. On the bottom right hand corner would you
18 please read what it says?

19

20 MATTHEW SANDERS: HMS Bounty salt water systems cooling fire bilges DA small PE
21 22202 sheet 202

22

1 COMMANDER KEVIN CARROLL: In regards to, the manifold system that's depicted in
2 the line drawing above, is this representative of how Bounty piping system ran?

3
4 MATTHEW SANDERS: I don't think it's to scale. I mean it didn't, from my understanding
5 and from what I have seen of the bilge it didn't seem to run so far to the starboard side,
6 they were more centrally located.

7
8 COMMANDER KEVIN CARROLL: Okay.

9
10 MATTHEW SANDERS: But I do think they did extend off, you know, to the starboard
11 slightly but not to the extreme.

12
13 COMMANDER KEVIN CARROLL: Okay, to the starboard slightly, but not to that extreme.
14 Now in regards to the piping, how were the pick ups designed? In regards to each specific
15 compartment, it looks, to me at least you had a pick up in the 4 feet tank space forward
16 berthing, mid berthing, half berthing, tank room, engine room and it looks like lasserat to
17 me.

18
19 MATTHEW SANDERS: Coming off of the solid hard pipe was a soft hose that screwed on
20 to the end of the bilge.

21
22 COMMANDER KEVIN CARROLL: Okay. Do you know what the diameter of the piping
23 was, that extended off the manifold?

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MATTHEW SANDERS: No, I could make a guess but I don't know exactly.

COMMANDER KEVIN CARROLL: Could you take a guess?

MATTHEW SANDERS: 3 inches maybe.

COMMANDER KEVIN CARROLL: The soft hose that came off of it, what length are those hoses typically?

MATTHEW SANDERS: The ones that I remember seeing the most, I would say 4 feet.

COMMANDER KEVIN CARROLL: And the strainers that were on them, what was the size of the strainer that would come off?

MATTHEW SANDERS: Oh, 6-8 inches tall maybe 4 inches in diameter.

COMMANDER KEVIN CARROLL: And you could move those strainers within the frame base? Or did they typically stay in one spot.

MATTHEW SANDERS: I think they would pretty much stay in one spot.

1 COMMANDER KEVIN CARROLL: Okay, alright. Now you said that there was 2
2 electrically driven pumps in the engine room. You said that they were self priming, but
3 there was a raw water ...what did you say before?
4

5 MATTHEW SANDERS: Raw water intake for the system.
6

7 COMMANDER KEVIN CARROLL: Were you given any training, when you came on board
8 Bounty, as to how to operate the system?
9

10 MATTHEW SANDERS: Yes.
11

12 COMMANDER KEVIN CARROLL: Who gave you that training?
13

14 MATTHEW SANDERS: It was someone that was working on the boat in Puerto Rico
15 named (inaudible)
16

17 COMMANDER KEVIN CARROLL: Okay. DO all crew members coming on board, do
18 they all receive training on how to operate this system?
19

20 MATTHEW SANDERS: Yes.
21

22 COMMANDER KEVIN CARROLL: Is there any sign off or performance qualification
23 standard or is it, you know, how is it done?

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MATTHEW SANDERS: It's done just in your orientation, how the boat works, then on watch, it is repeated until people feel comfortable doing it.

COMMANDER KEVIN CARROLL: So, would you say that the bilge dewatering system, regarding the electrically driven pumps, are they used extensively on board?

MATTHEW SANDERS: Used extensively? What do you mean by that?

COMMANDER KEVIN CARROLL: Are they used on a daily basis, weekly basis, monthly basis?

MATTHEW SANDERS: They are used every day for sure. Part of the watch rotation is to go down and to pump the bilges first to be sure they are always, you know, dry. Always dry as they can be.

COMMANDER KEVIN CARROLL: Who does that in the watch rotation?

MATTHEW SANDERS: The deckhands.

COMMANDER KEVIN CARROLL: Are they supposed to record anywhere how long or what compartments they pumped?

1 MATTHEW SANDERS: They record the compartments and how long each one pumped
2 for.

3
4 COMMANDER KEVIN CARROLL: Okay. Is that log reviewed at the end of a watch in
5 regards to kind of trying to determine a pattern like, did we pump more yesterday than
6 today. Is there any analysis applied to the times and the compartments that are pumped?
7

8 MATTHEW SANDERS: I don't know if it was structured that way, but I know that like
9 when people would do it, like when I would do it, I would look to make sure it was staying
10 consistent. I don't know if the engineer had a schedule where he would check to be sure
11 or anything like that. But I know that when I would go down and pump, I would always
12 look for any patterns, I think look for the times to be consistent.
13

14 COMMANDER KEVIN CARROLL: Any time during the season were there any concerns
15 regarding the electrically driven bilge pumps?
16

17 MATTHEW SANDERS: No, they always worked.
18

19 COMMANDER KEVIN CARROLL: They always worked. Were there any concerns
20 regarding to – hey we're pumping this compartment, you know, a lot more than we used
21 to. Were there any inconsistencies or throughout the season where there was pretty
22 consistent in regards to the amount, rate and times that we pump each compartment?
23

1 MATTHEW SANDERS: I think it was pretty consistent.

2

3 COMMANDER KEVIN CARROLL: How many times during a watch, would you say, that
4 the pumps were run?

5

6 MATTHEW SANDERS: If it was being done the way we laid out the watches, it was being
7 done every hour.

8

9 COMMANDER KEVIN CARROLL: It was done, so every hour they had to pump the
10 bilges? Okay. Is it part of the checks also for the deckhands to visually go down to each
11 compartment?

12

13 MATTHEW SANDERS: Yes.

14

15 COMMANDER KEVIN CARROLL: Okay. So they would check the compartments first and
16 then go pump, or

17

18 MATTHEW SANDERS: It was more flexible than that, they could do, say we were busy
19 doing something on deck and someone hadn't pumped then that may take a priority to go
20 pump for a certain, then do your visual inspection.

21

22 COMMANDER KEVIN CARROLL: What if you tried to pump a compartment that had no
23 water in it. What would happen to the system?

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MATTHEW SANDERS: It would just, the pump itself would have no prime and it would just, it wouldn't move any water. You could tell if it wasn't moving any water and you move on and do another one or

COMMANDER KEVIN CARROLL: Well, that's what I'm looking for, so if you tried to pump from one compartment and you wouldn't be moving any water the pump would likely lose its prime. If you switched to a different compartment, would you have to re-prime the pumps?

MATTHEW SANDERS: To be most efficient about it you would open the sea dock to prime it with seawater otherwise, yes, if you did not do that it would take a lot longer but the pump would eventually prime from whatever space you were open to.

COMMANDER KEVIN CARROLL: Okay. So from what you said before, from the trip from Booth Bay to New London it seemed like there was less water in the bilges then there had been before.

MATTHEW SANDERS: Yes.

COMMANDER KEVIN CARROLL: How did you make the transit from Booth Bay to New London? Which route did you take?

1 MATTHEW SANDERS: I would have to look at a chart to give you specifics, we sailed
2 through, what is it, through the Cape Cod Canal and then to through the race up to New
3 London.

4
5 COMMANDER KEVIN CARROLL: Okay. Do you recall anything in regards to weather
6 that was beyond normal during

7
8 MATTHEW SANDERS: No. It was good weather.

9
10 COMMANDER KEVIN CARROLL: Okay. You go to New London, you had the day sail
11 with the Navy and that went well.

12
13 MATTHEW SANDERS: Yes.

14
15 COMMANDER KEVIN CARROLL: Okay, and then you went on the tour of the submarine.
16 What point did you start developing the voyage plan for your next port of call?

17
18 MATTHEW SANDERS: It was done weeks in advance

19
20 COMMANDER KEVIN CARROLL: Weeks in advance. Okay. And what was your next
21 port of call from New London?

22 MATTHEW SANDERS: From New London, we were going to either stop in Key West and
23 then go to St. Pete or go from New London to St Pete.

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COMMANDER KEVIN CARROLL: What were you going to do at St. Pete?

MATTHEW SANDERS: There was a kind of Bounty re-welcoming party or something like that

COMMANDER KEVIN CARROLL: Okay

MATTHEW SANDERS: We were going to do dockside tours. You know I don't really know.

COMMANDER KEVIN CARROLL: At what point did you become aware of the storm named Hurricane Sandy?

MATTHEW SANDERS: I am sure I heard about it, you know, being its development, you know, before we got underway but I don't know any specific date I was first aware of it.

COMMANDER KEVIN CARROLL: When did you present your proposed voyage plan to the Captain?

MATTHEW SANDERS: It would have been sometime in Booth Bay.

COMMANDER KEVIN CARROLL: Sometime in Booth Bay. Okay. At any point, was your proposed voyage plan altered by Captain Walbridge?

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MATTHEW SANDERS: Yeah, we weren't going to sail down the coast, we were going to sail south east, you know, to get as much room, sea room as we could.

COMMANDER KEVIN CARROLL: Okay. Were there any discussions regarding the forecast for hurricane Sandy?

MATTHEW SANDERS: Nothing in great detail.

COMMANDER KEVIN CARROLL: Okay, so there's a forecasted hurricane and was it in your path, was it not in the path?

MATTHEW SANDERS: I think then at that time it was still by the Bahamas, in the Caribbean area, and it was projected to go north, turn to the west.

COMMANDER KEVIN CARROLL: Do you recall where it was going to turn to the west? Where it was forecasted?

MATTHEW SANDERS: In the New Jersey / New York area I believe it was forecasted for.

COMMANDER KEVIN CARROLL: Okay. Were there any discussions regarding the vessel's departure from New London and how the vessel might possibly interact with hurricane Sandy on October 25?

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MATTHEW SANDERS: Yeah, to sail, you know, south east to get as much sea room and to get as far south as hopefully, like the Hatteras area, so that when we met the storm so to speak, it was best to turn south west and follow the land that was raking to the west and have more sea room or to continue east. But if we went to the south west then we would have winds behind us.

COMMANDER KEVIN CARROLL: Were you concerned?

MATTHEW SANDERS: I mean I was a little concerned, but not, you know, I definitely thought that Robin made a decision and that I was going to do my best to follow through, you know.

COMMANDER KEVIN CARROLL: Okay. Were you a part of the conversation in regards to Robin's plan?

MATTHEW SANDERS: It was like a capstan meeting.

COMMANDER KEVIN CARROLL: Can you describe the capstan in meeting?

MATTHEW SANDERS: It would be all hands around the capstan of the boat, he kind of said what his plan was for sailing and gave everyone the opportunity to get off if they

1 chose and I chose not to, you know, we pretty much followed the plan as he stated it that
2 day.

3
4 COMMANDER KEVIN CARROLL: Were any other crew members concerned with the
5 proposed voyage plan and possible interaction with Hurricane Sandy?

6
7 MATTHEW SANDERS: I can't speak for them.

8
9 COMMANDER KEVIN CARROLL: So, no one expressed any concerns to you?

10
11 MATTHEW SANDERS: More like, wow, we're going to sail? Nothing to specific you know.

12
13 COMMANDER KEVIN CARROLL: Did any of your family members express any concerns
14 to you, in regards to your proposed transit?

15
16 MATTHEW SANDERS: I didn't really have much conversation with them, I emailed them
17 along the way to let them know that we were doing well, just to ease their concern if they
18 had any.

19
20 COMMANDER KEVIN CARROLL: Did you believe there were any other, as a graduate of
21 Maine Maritime, you know being on other vessels, did you believe there were other
22 options other than the intended track?

23

1 MATTHEW SANDERS: To not get underway? I mean there's always other options.

2

3 COMMANDER KEVIN CARROLL: Did you believe the, and again, conceding that, you
4 know, every time you put to sea there's risk involved, did you think there was great risk in
5 regards to the proposed track?

6

7 MATTHEW SANDERS: The way I made my decision to stay on board, was, I looked at
8 Robin's history and his experience and said to myself, well, if he, I'm going to stay
9 onboard because he has more experience than I do and maybe I can learn something
10 from this, you know.

11

12 COMMANDER KEVIN CARROLL: Okay. Have you ever been on board a vessel in a
13 hurricane before?

14

15 MATTHEW SANDERS: No.

16

17 COMMANDER KEVIN CARROLL: Ballpark, what's the worst conditions that you have
18 been in out underway on board any vessel? Prior to this.

19

20 MATTHEW SANDERS: Probably 18 foot seas with a good breeze blowing.

21

22 COMMANDER KEVIN CARROLL: Okay. From having sailed with the vessel since
23 March, and had exposure to the other crew, what would you say the experience level of

1 the crew was at that point? You know, was the crew across the board very experienced,
2 were there people on board that had no experience, what were your impressions?
3

4 MATTHEW SANDERS: I think a good portion of the crew was really experienced and
5 everyone else that was new to sailing had been with the boat for almost an entire season.
6 So they were familiar with the boat and how to operate it.
7

8 COMMANDER KEVIN CARROLL: Was there anything onboard, during the vessel
9 season, did you encounter conditions that would have prepared people on board for
10 sailing into a hurricane?
11

12 MATTHEW SANDERS: We had fairly good weather conditions throughout the season.
13

14 COMMANDER KEVIN CARROLL: Okay. The answer would be yes or no. Do you think
15 they were prepared?
16

17 MATTHEW SANDERS: Yes.
18

19 COMMANDER KEVIN CARROLL: I want to talk a little bit more about the bilge
20 dewatering system. When you said there were two electrical pumps, were there any
21 other pumps?
22

23 MATTHEW SANDERS: There was a hydraulically driven pump.

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COMMANDER KEVIN CARROLL: Okay, how many hydraulically driven pumps were there?

MATTHEW SANDERS: I think there was one portable, 2 total, 1 portable and 1 that was mounted in the engine room permanently.

COMMANDER KEVIN CARROLL: Okay. Did you work with those pumps at all?

MATTHEW SANDERS: One of the hydraulic pumps.

COMMANDER KEVIN CARROLL: Okay. How often had you worked with that pump?

MATTHEW SANDERS: That was the first time I really worked with it. When we turned it on to use it on the 28th.

COMMANDER KEVIN CARROLL: Did you ever see it operated any time during the season?

MATTHEW SANDERS: Not personally.

COMMANDER KEVIN CARROLL: Okay, were you ever aware if it was used during the season?

1 MATTHEW SANDERS: No, I don't know if it was or not.

2

3 COMMANDER KEVIN CARROLL: Which pump did you use?

4

5 MATTHEW SANDERS: It was the one that was permanently fixed in the engine room.

6

7 COMMANDER KEVIN CARROLL: So you used during what we will call, the event, the
8 hurricane Sandy, you used the fixed hydraulic pump?

9

10 MATTHEW SANDERS: Yep.

11

12 COMMANDER KEVIN CARROLL: I'm going to ask you to turn to an exhibit again please.
13 Go to tab 30, which would be Coast Guard exhibit 30. Yeah it should be a photograph,
14 are you at tap 30, sir?

15

16 MATTHEW SANDERS: I think so.

17

18 COMMANDER KEVIN CARROLL: Okay, there you go. Can you describe to me what you
19 see there please?

20

21 MATTHEW SANDERS: It's the bilge system.

22

1 COMMANDER KEVIN CARROLL: Okay, can you identify the 2 electric pumps in that
2 photo?

3
4 MATTHEW SANDERS: Yes

5
6 COMMANDER KEVIN CARROLL: Okay and where are they?

7
8 MATTHEW SANDERS: In the center of the photo.

9
10 COMMANDER KEVIN CARROLL: Okay, do you see the hydraulic pump that you used
11 depicted there.

12 MATTHEW SANDERS: it's in a shadow, but I think its right here to the port a little bit and
13 its on a hose that can be moved around.

14
15 COMMANDER KEVIN CARROLL: And its right by where the staircase terminates?

16
17 MATTHEW SANDERS: Yeah, I think that's it.

18
19 COMMANDER KEVIN CARROLL: What bulkhead in the engine room is that manifold
20 system on, is it the forward bulkhead or the aft bulkhead?

21
22 MATTHEW SANDERS: The forward bulkhead.

23

1 COMMANDER KEVIN CARROLL: Alright so the forward bulkhead. Let's go to a different
2 tab. Go to tab 43 please. Can you identify that photograph?

3
4 MATTHEW SANDERS: It's of the engine room again, of the bilge manifold system.

5
6 COMMANDER KEVIN CARROLL: Okay. Now can you identify the hydraulic pump that
7 you used, during the vessel's response to hurricane Sandy?

8
9 MATTHEW SANDERS: I would say it's the one with the hose coming right down here

10
11 COMMANDER KEVIN CARROLL: So it was that green pump, that I see depicted there?
12 Is that the pump?

13
14 MATTHEW SANDERS: I'm pretty sure yeah.

15
16 COMMANDER KEVIN CARROLL: Okay. You said there was another hydraulic pump,
17 where was the other hydraulic pump?

18
19 MATTHEW SANDERS: This is the one I always, this is the one that I know of.

20
21 COMMANDER KEVIN CARROLL: Okay. So that one was hard fixed into the manifold
22 system?

23

1 MATTHEW SANDERS: Right. You could move it in a sense, it wasn't portable but it
2 could be moved from that location because it had a hose on it.

3

4 COMMANDER KEVIN CARROLL: The pump could be moved?

5

6 MATTHEW SANDERS: Yes.

7

8 COMMANDER KEVIN CARROLL: Okay. Have you ever used, you mentioned the
9 portable pump, where was the portable hydraulic pump stored?

10

11 MATTHEW SANDERS: I think this is it.

12

13 COMMANDER KEVIN CARROLL: Okay. Now from what I see there, I see a pump that is
14 hard fixed into piping. It doesn't look like it could be moved. Is there another pump
15 possibly that you are thinking of?

16

17 MATTHEW SANDERS: The pump that I used was on a hose similar to this hydraulic lines
18 going to it, I was able to move it from one location to the next within the engine room as
19 far as which side of the keel is was on.

20

21 COMMANDER KEVIN CARROLL: Okay. Did you hook that pump up?

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23 MATTHEW SANDERS: No I did not.

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COMMANDER KEVIN CARROLL: Okay who hooked that pump up?

MATTHEW SANDERS: I don't know.

COMMANDER KEVIN CARROLL: Alright. If there was one that was portable and one that was fixed, what I am trying to get at is, from what I can see this looks to me to be fixed. If there was a portable pump, where was it, I mean where was it hooked up to? Was it hooked up to one of the main engines?

MATTHEW SANDERS: It was running off of PTO from the starboard engine.

COMMANDER KEVIN CARROLL: Okay, where was it in proximity to the starboard engine. You are saying it was there at that forward bulkhead.

MATTHEW SANDERS: When I got down, I started using it, it was in the bilge already being used and, you know, it could be moved around.

COMMANDER KEVIN CARROLL: Okay. Alright understood. Was there any other bilge dewatering capability onboard other than the electric pumps and the hydraulic pump?

MATTHEW SANDERS: There was a gas powered dewatering pump

1 COMMANDER KEVIN CARROLL: Have you ever used that pump before?

2
3 MATTHEW SANDERS: I have not.

4
5 COMMANDER KEVIN CARROLL: Okay. You mentioned before as part of the training
6 when people come on board that they were taught how to use the electrically driven bilge
7 pumps. Were they taught how to use the hydraulic bilge pumps?

8
9 MATTHEW SANDERS: I don't believe so.

10
11 COMMANDER KEVIN CARROLL: Were you taught how to use?

12
13 MATTHEW SANDERS: I would show them where the valve, where the switch to the
14 hydraulics were to turn it on and off.

15
16 COMMANDER KEVIN CARROLL: What about the gasoline powered pump? Was there
17 any training with that?

18
19 MATTHEW SANDERS: No. There wasn't

20
21 COMMANDER KEVIN CARROLL: Okay. Do you know why Captain Walbridge had the
22 capstan meeting with the crew prior to departure from New London? Is this something he
23 typically did?

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MATTHEW SANDERS: Yes.

COMMANDER KEVIN CARROLL: So he typically got the crew together to discuss the next voyage?

MATTHEW SANDERS: For getting underway, you know, we always had capstan meetings as part of our routine every day.

COMMANDER KEVIN CARROLL: Did he give, typically give people the opportunity to stay or go?

MATTHEW SANDERS: Not usually. I mean you always had the opportunity to stay or go

COMMANDER KEVIN CARROLL: But what I mean is, was there a point during these meetings to say you can leave the vessel now if you want to.

MATTHEW SANDERS: That was the only time that he said that.

COMMANDER KEVIN CARROLL: Do you know why he said that? Did he explain during the meeting why he was making that choice available?

1 MATTHEW SANDERS: Just to be clear that if nobody wanted to take the trip they didn't
2 have to because, you know, we were going to go sailing into a storm and, you know, he
3 wouldn't hold it against anyone if they decided not to partake. But he felt confident in the
4 boat and our ability to, you know, get to where we were going,

5
6 COMMANDER KEVIN CARROLL: Okay. So after the meeting did anyone choose to
7 leave?

8
9 MATTHEW SANDERS: No one did.

10
11 COMMANDER KEVIN CARROLL: Okay. Did anyone voice any concerns prior to
12 throwing off lines to you.

13
14 MATTHEW SANDERS: No.

15
16 COMMANDER KEVIN CARROLL: Okay. So, what I'd like to do, I'd like to take a short
17 break, short 5 minute break. We'll come back at 1005, 1007. We'll come back and
18 continue to ask questions. Thank you.

19
20 LIEUTENANT COMMANDER NICHOLAS PARHAM: Take a seat, we will be starting in
21 one moment.

22

1 COMMANDER KEVIN CARROLL: Alright Nick, let's go back on the record. All parties
2 and interests, actually we have to wait for Mr. Melusi. Lieutenant Jarbo, can you see if
3 Mr. Melusi is out there? Okay. Alright, back on the record, all parties and interests and
4 their representatives are present. In regards to the voyage planning what specifically did
5 you use to forecast the weather for the impending transit?
6

7 MATTHEW SANDERS: Robin usually looked at all the weather, I mostly just laid out a
8 course, you know on the charts and stuff like that. We would use, when we were shore
9 side, I had internet ability, we would use the NOWA information and then underway he
10 would receive weather faxes from the hand radio that was onboard.
11

12 COMMANDER KEVIN CARROLL: Okay, was there anything else that you had on board
13 in regards to forecasting a position of or any weather forecasts?
14

15 MATTHEW SANDERS: For weather forecasts?
16

17 COMMANDER KEVIN CARROLL: yeah.
18

19 MATTHEW SANDERS: We had the though the radio email system we could also get
20 grids on the computer for weather.
21

22 COMMANDER KEVIN CARROLL: Okay, was the storm being tracked on board the
23 vessel?

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MATTHEW SANDERS: Yes it was.

COMMANDER KEVIN CARROLL: Okay, how was it being tracked?

MATTHEW SANDERS: Through the information from the weather fax.

COMMANDER KEVIN CARROLL: Okay. Was it being charted?

MATTHEW SANDERS: For a while, yes.

COMMANDER KEVIN CARROLL: What do you mean, "for a while" ? When did you start tracking the storm?

MATTHEW SANDERS: When we got underway we, you know, made a took like a sailing chart and started plotting its position relative to our position.

COMMANDER KEVIN CARROLL: Was the forecast listed on that chart?

MATTHEW SANDERS: The time and date of its position.

1 COMMANDER KEVIN CARROLL: At the capstan meeting that Captain Walbridge held,
2 did he pass any information to the crew in regards to the expected strength , size or
3 forecasted track for Hurricane Sandy was going to be?
4

5 MATTHEW SANDERS: Not that I recall. I mean, I know that we talked about the
6 weather I don't know about the details. I know he talked about its, where is was
7 supposed to go and it was a large storm, but I don't remember the details.
8

9 COMMANDER KEVIN CARROLL: Do you think the crew was well informed?
10

11 MATTHEW SANDERS: I can't speak for anyone but myself.
12

13 COMMANDER KEVIN CARROLL: Did you feel well informed, in regards to
14

15 MATTHEW SANDERS: I felt, I looked at weather myself and I knew basically what was
16 predicting. So, I was informed as you could be with the synopsis.

17 COMMANDER KEVIN CARROLL: What was the demeanor of the crew upon departure?
18 Were they worried, were they excited, you know. What was morale on board?
19

20 MATTHEW SANDERS: I would say it was more of one of being, getting prepared.
21 Making sure everything was going to be stowed properly and one of preparedness best
22 described it.
23

1 COMMANDER KEVIN CARROLL: To your knowledge, as a man on board the vessel,
2 how well prepared was the vessel when it departed?

3
4 MATTHEW SANDERS: I would say things were well sea stowed, and we were going to
5 continue double checking and sea stowing more things.

6
7 COMMANDER KEVIN CARROLL: Were all projects from the yard completed?

8
9 MATTHEW SANDERS: I would say, yes, all of the projects from the yard were completed.

10
11 COMMANDER KEVIN CARROLL: To your knowledge, the movement of the tanks, the
12 piping was any of that information analyzed in regards to how it would affect the vessel's
13 stability?

14
15 MATTHEW SANDERS: I don't know.

16
17 COMMANDER KEVIN CARROLL: Okay so basically, what I want to do is turn it over to
18 you. From the point of departure in New London, basically go ahead and tell me what
19 happened to Bounty.

20
21 MATTHEW SANDERS: Okay. From our departure in New London, we were sailing south
22 east and we were sailing well, mostly under top sails if I remember correctly, the staysails.
23 The first Friday and the Saturday the weather was pretty fair, we were making good

1 speed. We were motor sailing. And then fast forward to Sunday its when the weather, our
2 closest point to the storm I guess. We had derigged one of the top masts off of the
3 mizzen to get center lower, when I went up on watch at noon on the 28th, the wind was
4 blowing really good. I was told that we were sailing on just the starboard engine and
5 generator because the port fuel tank had a broken site glass and the fuel was used in the
6 port engine and generator, the port engine had shut down. When I got

7 COMMANDER KEVIN CARROLL: What time did you take watch, I'm sorry.

8
9 MATTHEW SANDERS: At noon.

10
11 COMMANDER KEVIN CARROLL: So at noon on Sunday the 28th, is that correct?

12
13 MATTHEW SANDERS: Yes.

14
15 COMMANDER KEVIN CARROLL: At that point the vessel was without the port main
16 engine and the port generator.

17
18 MATTHEW SANDERS: Right, we were running on the starboard generator.

19
20 COMMANDER KEVIN CARROLL: Okay.

21
22 MATTHEW SANDERS: And so during my watch, you know, (inaudible) was very busy
23 and at the end of the watch near the watch change, Robin wanted the boat to be put onto

1 a port tack and so it was B watch and C watch, you know all hands basically from those 2
2 watches were bringing in the ports off the staysail and putting the boat on port tack to
3 keep the water on the starboard side that was in the bilges I thought it was the help with
4 the hydraulic bilge pumps pickup ability and basically heave to on a port tack and

5
6 COMMANDER KEVIN CARROLL: Who relieved you?

7
8 MATTHEW SANDERS: Dan Cleveland on C Watch.

9
10 COMMANDER KEVIN CARROLL: So, logically when you took the watch at 1200, who
11 had the watch prior to you?

12
13 MATTHEW SANDERS: John Svendsen was A watch.

14
15 COMMANDER KEVIN CARROLL: John Svendsen. And you are saying at the point at
16 1200, when you took the watch, the port main engine and port generator were already
17 down.

18
19 MATTHEW SANDERS: That's how I remember it right now, yeah.

20 COMMANDER KEVIN CARROLL: Okay. Let me ask you a question, so you said Robin
21 had you heave to on a port tack to put the water in a better position to be picked up by the
22 hydraulic, but you said you could move the hydraulic. So why would you do that? Why
23 not just move the pump to where the water was?

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MATTHEW SANDERS: I think, well the pump was on the starboard side of the keel.

COMMANDER KEVIN CARROLL: Okay, but it was a moveable pump, is that what you said?

MATTHEW SANDERS: Within a small, to my knowledge, it was only moveable within a limited range. You know to could go from one side of the keel to the next.

COMMANDER KEVIN CARROLL: Okay. How were the pick ups for the electric system doing?

MATTHEW SANDERS: The bilge pickups for the electric pumps?

COMMANDER KEVIN CARROLL: Mm, hmm.

MATTHEW SANDERS: To continue, when I came off of watch I went down to the engine room to see if I could help out at that time John and Robin were down there I believe working the manifolds pumping out and I started helping out so John could go do some other things or get some rest. Robin was down there with me for quite some time, we were priming with the salt water intake. When the boat will rock, the water would move away from the pick ups and they would suck in air and we open up the sock cock to get them primed faster to be moving water out of the boat as efficiently as possible.

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COMMANDER KEVIN CARROLL: So when you got off watch, that was at 1600 and you were relieved by Dan.

MATTHEW SANDERS: Yes.

COMMANDER KEVIN CARROLL: Okay. When you went down, John Svendsen and Robin Walbridge were in the engine room working with the pumps?

MATTHEW SANDERS: Yes.

COMMANDER KEVIN CARROLL: The hydraulic pump that you mentioned before, was it hooked up at that point?

MATTHEW SANDERS: Yes.

COMMANDER KEVIN CARROLL: Had you seen in hooked up prior to that point?

MATTHEW SANDERS: Not down the bilge like that, no.

COMMANDER KEVIN CARROLL: Okay. Where was the engineer?

MATTHEW SANDERS: I don't know.

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COMMANDER KEVIN CARROLL: During your watch from 1200 to 1600, was the engineer down in the engine room?

MATTHEW SANDERS: I don't know if he was or not.

COMMANDER KEVIN CARROLL: The deckhands and AB's who were doing boat checks, during your watch, did the report to you in regards to the condition of the bilges?

MATTHEW SANDERS: They reported that John and Robin were down there, yes, I don't think they were specifically talking about pumping out, they weren't talking about pumping out the bilges themselves because it was being done.

COMMANDER KEVIN CARROLL: But were they going, as per their boat checks, checking on the compartments?

MATTHEW SANDERS: I believe so, as far as I remember. We had a sail blow out at the beginning of the watch and it took all hands for the fore course and we frilled that. At the change of the watch we were taking in the four top sail, everyone was pretty busy.

COMMANDER KEVIN CARROLL: What time did the fore course blow out?

1 MATTHEW SANDERS: I don't remember exactly, I think it was half way through my
2 watch roughly

3
4 COMMANDER KEVIN CARROLL: During your time on Bounty, during your season, had
5 you seen sails blow out at that point?

6
7 MATTHEW SANDERS: No.

8
9 COMMANDER KEVIN CARROLL: That was the first time you had seen it?

10
11 MATTHEW SANDERS: yes.

12
13 COMMANDER KEVIN CARROLL: I want to take you back, so you took the watch at
14 1200 on Sunday. That's 1200 obviously in the afternoon. Your previous watch, so
15 mechanically everything was working okay?

16
17 MATTHEW SANDERS: To the best of my knowledge, yeah.

18
19 COMMANDER KEVIN CARROLL: Okay, so you still had the port engine and you still had
20 the starboard engine. Both generators were still working.

21
22 MATTHEW SANDERS: We only run one generator at a time but, yes.

23

1 COMMANDER KEVIN CARROLL: Okay.

2
3 MATTHEW SANDERS: There would have been both working.

4
5 COMMANDER KEVIN CARROLL: Was it typical just to run one generator?

6
7 MATTHEW SANDERS: Yes.

8
9 COMMANDER KEVIN CARROLL: Okay. Did you alternate days on which generators
10 were used, we use the port generator, use the starboard generator tomorrow? Or did you
11 consistently use one generator?

12
13 MATTHEW SANDERS: It was more consistent to use one, it wasn't on a schedule, you
14 know, odd or even days or every other day, or hours. It was, you know, mostly use the
15 one generator

16
17 COMMANDER KEVIN CARROLL: Okay, which generator was that?

18
19 MATTHEW SANDERS: The starboard generator.

20
21 COMMANDER KEVIN CARROLL: During your times on board other vessels, had you
22 seen that before? Where you would consistently, you have basically, duplicate systems,

1 redundant systems and you use predominately one and save the other as back up and
2 not use it?

3
4 MATTHEW SANDERS: Most of the boats I have been on only had one generator.

5
6 COMMANDER KEVIN CARROLL: Okay. Could either one of those generators operate
7 the electrically powered bilge pumps?

8
9 MATTHEW SANDERS: Yes.

10
11 COMMANDER KEVIN CARROLL: They could? During your previous watch, prior to you
12 taking in at 1200 Sunday, were there any concerns given to you by your watch team in
13 regards to the condition of the water in the bilges?

14
15 MATTHEW SANDERS: I don't recall anything standing out, no.

16
17 COMMANDER KEVIN CARROLL: Did you ever go down into the compartments prior to
18 taking that watch at 1200 on Sunday to see how much water was in the bilges, in any of
19 the compartments?

20
21 MATTHEW SANDERS: Not at the watch change.

22

1 COMMANDER KEVIN CARROLL: At all, let's start when you left New London on the
2 25th

3
4 MATTHEW SANDERS: Yes, our first day underway I said earlier that people were
5 concerned the bilges weren't working properly and I went from the 4 peak aft into the 3
6 different spaces, you know, before a crew the boson stores, into the bilge and saw that
7 there was no water and that's why they weren't picking up any water.

8
9 COMMANDER KEVIN CARROLL: Okay. So some personnel listed some concerns that
10 they had after leaving New London?

11
12 MATTHEW SANDERS: I might have been pumping out myself and just seeing how things
13 were, I was just looking at the system. You know seeing how things had changed or what
14 hadn't changed as far as water.

15
16 COMMANDER KEVIN CARROLL: So, during your check, I guess this is shortly after
17 departure from Connecticut.

18
19 MATTHEW SANDERS: First day or so, yeah.

20
21 COMMANDER KEVIN CARROLL: Let's say if it was the 26th. So you are saying that the
22 condition of the bilge was that they were basically dry to the point where you couldn't
23 draw suction?

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MATTHEW SANDERS: Yeah.

COMMANDER KEVIN CARROLL: When did you start to notice that Bounty was making water?

MATTHEW SANDERS: I would say Sunday.

COMMANDER KEVIN CARROLL: So on Sunday. That was the first time, the first time anyone voice any concern to you that the bilges were taking on water?

MATTHEW SANDERS: As far as a concern, if it was a concern, I would say yeah.

COMMANDER KEVIN CARROLL: Okay. So on 1200 on Sunday you had the watch, the fore course blew out at what time?

MATTHEW SANDERS: Somewhere in the middle to the first half of the watch.

COMMANDER KEVIN CARROLL: Middle to the first half. So, 1400? Does that sound about right? Or before?

MATTHEW SANDERS: It could have been like 1330, I don't remember the exact time actually.

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COMMANDER KEVIN CARROLL: At the time you took the watch, port main engine and port generator were already down.

MATTHEW SANDERS: To the best of my knowledge, yeah, the way I remember it.

COMMANDER KEVIN CARROLL: Now describe to me what you said before about the broken sight glass. What happened?

MATTHEW SANDERS: I don't know what happened. It was reported to me that the sight glass was broken and that the valve to it was turned off to stop it from leaking so that it looked like there was a consistent amount of fuel in it and the port engine ran out of fuel.

COMMANDER KEVIN CARROLL: Okay, can you turn to exhibit 47. I think it might be blurry, but do you see depicted in here, a sight glass. Can you identify this photo?

MATTHEW SANDERS: Yeah, I can tell where the sight glass would be along this thing here.

COMMANDER KEVIN CARROLL: Okay, can you tell which site glass this is for? The port or the starboard?

MATTHEW SANDERS: I'm going to guess that's the starboard side.

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COMMANDER KEVIN CARROLL: Okay. So there were two day tanks? One on the portside, one on the starboard side. What is the capacity of either tank?

MATTHEW SANDERS: I believe they were about 400 gallon each.

COMMANDER KEVIN CARROLL: 400 gallon each. Okay. Typically how often do the day tanks have to be filled?

MATTHEW SANDERS: They typically would be pressed daily.

COMMANDER KEVIN CARROLL: Pressed daily. By whom?

MATTHEW SANDERS: By the engineer.

COMMANDER KEVIN CARROLL: At about what time?

MATTHEW SANDERS: I don't know.

COMMANDER KEVIN CARROLL: Don't know. Is that procedure listed in any manual in any specification on board the vessel.

MATTHEW SANDERS: I don't know.

1 COMMANDER KEVIN CARROLL: Okay. How many gallons of fuel did Bounty use per
2 hour, do you know?

3
4 MATTHEW SANDERS: Not offhand, no.

5
6 COMMANDER KEVIN CARROLL: Now describe to me what happened to the sight glass,
7 please.

8
9 MATTHEW SANDERS: I don't know what happened to the sight glass, I just know that I
10 was told that it was broke and the valve was turned off to let the sight glass operate so it
11 remained at a constant level.

12
13 COMMANDER KEVIN CARROLL: Okay, the sight glass, correct me if I am wrong, there
14 is a valve at the bottom and then there is a valve at the top and the glass is actually truly
15 glass, it wasn't any sort of plastic or any other material.

16
17 MATTHEW SANDERS: I don't know what it was made out of.

18
19 COMMANDER KEVIN CARROLL: Okay. Did you see the sight glasses on board
20 Bounty? Alright did you see the broken one?

21 MATTHEW SANDERS: I never really looked too closely at it. Like when I went down
22 there after the fact there was other things to do.

23

1 COMMANDER KEVIN CARROLL: Okay. Understood, definitely. The question that I
2 have is if the sight glass was broken, when you went down there after your watch, which
3 ended at 1600, correct? Was there fuel all over the deck?
4

5 MATTHEW SANDERS: No.
6

7 COMMANDER KEVIN CARROLL: Okay.
8

9 MATTHEW SANDERS: No, not really.
10

11 COMMANDER KEVIN CARROLL: How much water was in the bilges when you went
12 down at 1600?
13

14 MATTHEW SANDERS: At 1600 it was below the sole board still.
15

16 COMMANDER KEVIN CARROLL: Okay, can you give me an estimate from the bottom of
17 the keel to the top of the sole boards, about how high that would be?
18

19 MATTHEW SANDERS: I'm going to guess about 4 feet.
20

21 COMMANDER KEVIN CARROLL: That's at 1600. Okay. Now, have you ever seen that
22 much water in the engine room bilges during your season on board Bounty?
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MATTHEW SANDERS: No.

COMMANDER KEVIN CARROLL: No. Okay. Were you alarmed?

MATTHEW SANDERS: Well, I was concerned for sure, that's why I went down there and helped pump and stayed down there for the next, remainder of the night.

COMMANDER KEVIN CARROLL: How often is the fuel level on the day tanks supposed to be checked?

MATTHEW SANDERS: On every hour, you know, part of the boat check.

COMMANDER KEVIN CARROLL: Okay. To your knowledge, did anybody discover the sight glass being broken?

MATTHEW SANDERS: I don't know who discovered it.

COMMANDER KEVIN CARROLL: Okay. Do you know why the engines, the main port engine and the port generator simply shut down?

MATTHEW SANDERS: I believe they ran out of fuel. I don't know for certain, but I believe they ran out of fuel.

1 COMMANDER KEVIN CARROLL: But if people were checking the fuel levels every hour,
2 how would that happen?

3
4 MATTHEW SANDERS: It was my impression that because the valve was closed, it was,
5 they just didn't notice a pattern when they were logging it in the book of inches not
6 changing.

7
8 COMMANDER KEVIN CARROLL: So what you are saying is when the valve was closed
9 at the bottom of the sight glass, it left some residual fuel in the glass?

10
11 MATTHEW SANDERS: I believe so, yes.

12
13 COMMANDER KEVIN CARROLL: Okay. And that what's people, there was there was a
14 log on the engine room that you had to record the fuel levels.

15
16 MATTHEW SANDERS: Mm,hm

17
18 COMMANDER KEVIN CARROLL: Okay. Is it a part of the watch for the mates on duty to
19 check when the last time when the day tanks were pressed up?

20
21 MATTHEW SANDERS: Not normally.

22

1 COMMANDER KEVIN CARROLL: That again would fall to the engineer, okay. Alright so,
2 you go down to the engine room about 1600, after your watch, you were relieved by Dan.
3 Hove to on a port tack, put a list to starboard on. Correct? And that was in order to get a
4 better pickup for the hydraulic bilge pump?

5
6 MATTHEW SANDERS: That's what I thought. From looking at that diagram showing the
7 bilges, right on the starboard side would make even more sense now after seeing that
8 drawing.

9
10 COMMANDER KEVIN CARROLL: Okay. Alright so what happened next?

11
12 MATTHEW SANDERS: For the next several hours I stayed down there just pumping the
13 bilges. Probably within my first half hour being down there, the hydraulics, it seemed like
14 the hydraulic pump being used just wasn't pumping any water so I pulled it up out of the
15 bilge and could see there was like debris around the screen and took it off, cleaned it all
16 up, and put it back into the water, turned it on and it started pumping again.

17
18 COMMANDER KEVIN CARROLL: Was that hydraulic pump only capable of drawing
19 suction from the engine room?

20
21 MATTHEW SANDERS: Yes, as it was set up. Yeah.

22

1 COMMANDER KEVIN CARROLL: When you picked it up, you could actually see the
2 suction? Was there any strainer on it?

3
4 MATTHEW SANDERS: No, that's why I picked it up. It had stopped pumping. It had
5 debris around it and there was some old line or some strands around the impeller. So I
6 took it all apart and cleaned it all up and put it back together and it worked so I put it back
7 in the bilge and it continued to pump.

8
9 COMMANDER KEVIN CARROLL: Okay. And you did not hook up this hydraulic pump,
10 correct?

11
12 MATTHEW SANDERS: No.

13
14 COMMANDER KEVIN CARROLL: Okay. So about 1630, you had to clear it, you had to
15 shut it down to do that?

16 MATTHEW SANDERS: The hydraulics.

17
18 COMMANDER KEVIN CARROLL: So you shut it down, alright. And what happened next?

19
20 MATTHEW SANDERS: Continued to use that hydraulic pump and the electrical pumps
21 when they would suck air, prime them as best I could with the sea water. Feel the water
22 flowing through them and pick them up, it was constant. You know, with the rocking, you
23 had to keep working the sea suction to keep the prime going as much as you could.

1 Probably 15-20 minutes after I first cleared the hydraulic pump, I checked it again and
2 there was more debris clogging it so I took it apart again and cleaned it. Got it working
3 and put it back in and then from that point forward, since it had happened twice, I pulled it
4 out of the water for about every 15 minutes or so for the next couple of hours making sure
5 that it was cleared, remain clear each time so then, you know, you know, as the hours
6 went by, you know, still opening and closing valves on the electric pumps while the
7 hydraulic pump was submersed and pumping.

8
9 COMMANDER KEVIN CARROLL: Okay. Every time you checked it, you had to shut it
10 down?

11
12 MATTHEW SANDERS: I would, it was just a valve.

13
14 COMMANDER KEVIN CARROLL: Okay, but you only had to pick it up and clear it of
15 debris twice?

16
17 MATTHEW SANDERS: Yes.

18
19 COMMANDER KEVIN CARROLL: Okay, and that's the hydraulic?

20
21 MATTHEW SANDERS: Yeah.

22
23 COMMANDER KEVIN CARROLL: What was about the size of the suction of that pump?

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MATTHEW SANDERS: It was kind of like a dome shaped screen, I would guess it was about 3 inches in diameter for its pickup.

COMMANDER KEVIN CARROLL: And where did it discharge to?

MATTHEW SANDERS: It discharged overboard.

COMMANDER KEVIN CARROLL: To the overboard? How long of length of a hose was it to the discharge?

MATTHEW SANDERS: Well it tied into the pipe bilge system, you know the hose might have been 5 or 6 feet long where you could pick it up and move from one side, that's what I did the first time. Moved it from one side to the next and was able to get down as low into the bilge as possible.

COMMANDER KEVIN CARROLL: How high did it have to push the water throughout the discharge hose to the pipe to the (inaudible) to the overboard to the sea valve?

MATTHEW SANDERS: I don't know, from the bottom of the bilge up to the manifold it was tied in and then overboard, so I don't know how many, 15 feet? I don't know for sure.

1 COMMANDER KEVIN CARROLL: Okay. Alright. So about 1630, you first had to clear
2 the hydraulic pump, correct? Alright. Then you had to clear it about 15-20 minutes later
3 so about 1700. So for one hour being down there you had to clear the hydraulic pump
4 twice.

5
6 MATTHEW SANDERS: Mm,hm.

7
8 COMMANDER KEVIN CARROLL: What was the level of water in the engine room at that
9 point?

10
11 MATTHEW SANDERS: It was still below the sole boards at that entire time.

12
13 COMMANDER KEVIN CARROLL: So, 1700 you felt that what you were doing, the
14 combination of the hydraulic pump in the engine room and the electric, well at least, your
15 only frame of reference was the engine room, that you were keeping up with the water at
16 that point?

17
18 MATTHEW SANDERS: Mm, hm.

19
20 COMMANDER KEVIN CARROLL: Okay. Alright, continue please.

21
22 MATTHEW SANDERS: You know, I don't, the amount of time that goes, went through,
23 you know, this evening, I don't remember, you know, this thing happened a half hour

1 after this part, or whatever, it's not very clear to me and just really in the moment. But
2 eventually, I just was down there pumping the bilges for a very long time and

3
4 COMMANDER KEVIN CARROLL: Can you describe to us, what was it like being down
5 there. I mean, honestly, from having been to sea before and it seemed like it would be in
6 rough weather. What was it like for you down in the engine room?

7
8 MATTHEW SANDERS: I mean, I don't know, what was it like, I was really focused on
9 what I was doing, you know. I don't really know how to describe what it was like when we
10 were rolling around on a bit. You know throughout, one the water did get to a level where
11 it was higher, you know. There was water splashing around, you know. When it got to,
12 you know, a really deep level of water there was sole boards floating around and
13 splashing around, you know. Things were breaking, this is all later on in the evening, but
14 you know, it was just and engine room. I was focused on the way the pumps were
15 working and their ability to move water.

16
17 COMMANDER KEVIN CARROLL: Okay. Where was the engineer?

18
19 MATTHEW SANDERS: From that, when I was down there that afternoon, you know Chris
20 came and went a few times. At one point the starboard engine was acting as if it had a
21 clogged fuel filter and he changed out the fuel filter twice on that engine. You know, the
22 first fuel filter.

23

1 COMMANDER KEVIN CARROLL: The main engine?

2

3 MATTHEW SANDERS: For the starboard generator.

4

5 COMMANDER KEVIN CARROLL: Okay. Now were you involved with that process, or
6 were you working with the bilges?

7

8 MATTHEW SANDERS: I was working with the pumps.

9

10 COMMANDER KEVIN CARROLL: Alright, okay, so I will stop interrupting, why don't you
11 take me through.

12

13 MATTHEW SANDERS: So, after that first hour or so, hour and a half, Robin went up on
14 out of the engine room and I just remained there pumping and had a good rhythm going,
15 was just keeping everything pumping to the best of my ability and I honestly don't know
16 how long that went on, it went on for a while. Then at some point within 4,5, or 6 hours
17 later the water was making its way up, you know, over the bilge, over the sole, you know,
18 and the I guess the, at some point the starboard generator went down and then we didn't
19 have the electric pumps working and the hydraulic pump was still working off the PTO on
20 the starboard engine. And at that point, you know, I obviously wasn't opening and closing
21 valves for the electric pumps because they were closed and submersed and the hydraulic
22 pump was submerged and had cleared every time I checked it earlier so it was still
23 pumping. So with the starboard generator going down, I think John Jones got some fuel

1 filters and John Svendsen handed me some fuel filters and wrenches and things and I
2 changed the fuel filter out on the engine of the starboard generator and it took some time,
3 you know, and the water coming up, you know, because we weren't dewatering and we
4 got the starboard generator going again and, you know, we were going to continue
5 pumping the bilges once the starboard generator was going again, the electric bilge
6 pumps would work, I went back to pumping the bilges.

7
8 COMMANDER KEVIN CARROLL: So Mr. Barksdale also had to switch a fuel filter,
9 correct?

10
11 MATTHEW SANDERS: Yep, they we the ones, you know, not directly attached to the
12 engine, but you know, from the fuel tanks going into the first filters and I switched the
13 ones that were on the engine itself on the generator.

14
15 COMMANDER KEVIN CARROLL: Let's go to CH 46, CG 46 please. Can you see the
16 fuel filters that you are describing that Mr. Barksdale changed here?

17
18 MATTHEW SANDERS: I don't think so because this looks like the portside.

19
20 COMMANDER KEVIN CARROLL: Okay. Alright, was it a mirror image, portside and
21 starboard side, in regards to...

22

1 MATTHEW SANDERS: They were similar, but yeah, actually yeah, I was a little turned
2 around at first on the picture. So basically it was the same set up.

3
4 COMMANDER KEVIN CARROLL: Okay. So there was a fuel filter assembly directly off
5 the day tank? Is that correct? Alright. Now that's the fuel filter that Mr. Barksdale
6 switched out?

7
8 MATTHEW SANDERS: Yep.

9
10 COMMANDER KEVIN CARROLL: How did you know that, did you see him doing it?

11
12 MATTHEW SANDERS: Yes.

13
14 COMMANDER KEVIN CARROLL: Okay. Now why did he have to switch that fuel filter
15 out?

16
17 MATTHEW SANDERS: I guess it wasn't flowing at its capacity and, you know, was
18 getting clogged.

19
20 COMMANDER KEVIN CARROLL: Any idea what time that was?

21
22 MATTHEW SANDERS: Excuse me?

23

1 COMMANDER KEVIN CARROLL: Any idea what time that was?

2

3 MATTHEW SANDERS: That was, you know, around the 1600 to 1730, you know when I
4 was in the very beginning stages of being down there pumping out the bilges.

5

6 COMMANDER KEVIN CARROLL: Okay. Did you have to shut down the generator at that
7 point to do that?

8

9 MATTHEW SANDERS: I don't recall honestly, I think there are two filters there and they
10 can be selected but I don't remember if you had to shut down or not.

11

12 COMMANDER KEVIN CARROLL: So there's duplicate fuel filters for the generators?

13 MATTHEW SANDERS: I think so, I am not certain though.

14

15 COMMANDER KEVIN CARROLL: Okay. And that was before you had to change the fuel
16 filter for what you said was actually the generator itself?

17

18 MATTHEW SANDERS: Yes.

19

20 COMMANDER KEVIN CARROLL: Okay. So that was, he switched them out about 1630.

21 17

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23 MATTHEW SANDERS: Between 1630 and 1700.

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COMMANDER KEVIN CARROLL: Not sure if it shut down. This would not effect the hydraulic pump off of the starboard main, correct?

MATTHEW SANDERS: No.

COMMANDER KEVIN CARROLL: Okay, now in regards to the fuel filter that you changed, could you to CG 65? I would like to direct your attention to page 3 please, page 3. What type of generators did you have on board?

MATTHEW SANDERS: I don't know who made the generator, it was a John Deere engine.

COMMANDER KEVIN CARROLL: Okay. Since you changed the fuel filters, do you see here the filter element that was replaced?

MATTHEW SANDERS: Similar style as to the white cans that have the collar that go on.

COMMANDER KEVIN CARROLL: Okay, so that would be B?

MATTHEW SANDERS: Yep.

1 COMMANDER KEVIN CARROLL: On page 3 of exhibit 65, okay please turn to page 5.
2 Is this also similar in respect

3
4 MATTHEW SANDERS: Yeah it's similar, I don't know if its exact or not, truthfully. But, you
5 know,

6
7 COMMANDER KEVIN CARROLL: And you said 4-6 hours after you were down there,
8 that would but you in the 2000. 2200 time frame that the generator actually went down.
9 So, when Mr. Barksdale changed the filter for the raycore of the day tank, we're not sure if
10 the generator actually went down. Why did he do that? Was there any fluctuation with the
11 generator?

12
13 MATTHEW SANDERS: It seemed like it wasn't getting enough, it wasn't creating enough
14 power. You know, it was similar, you know to the way diesel's are fuel starved.

15
16 COMMANDER KEVIN CARROLL: Okay. Were there any similar problems with the main
17 engine?

18
19 MATTHEW SANDERS: I don't think so.

20
21 COMMANDER KEVIN CARROLL: On the starboard side, okay. Alright so the main
22 engine of the starboard side was operating efficiently without fluctuation? It was just
23 specifically the generator?

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MATTHEW SANDERS: Yep.

COMMANDER KEVIN CARROLL: So after he switched the fuel filters out off of the raycores off of the day tank, were things operating better again?

MATTHEW SANDERS: Yep.

COMMANDER KEVIN CARROLL: So without fluctuation?

MATTHEW SANDERS: Yes.

COMMANDER KEVIN CARROLL: And they continued on without fluctuation until later that night 2000 – 2200?

MATTHEW SANDERS: I'm not sure of the time, but yeah, it did. The generator seemed to be running properly until it shut down.

COMMANDER KEVIN CARROLL: Okay. When the generator shut down, you are now without power correct?

Alright. And you are saying you switched the filter that was on the mover for the generator itself, the John Deere engine of the generator.

1 MATTHEW SANDERS: That is correct.

2

3 COMMANDER KEVIN CARROLL: Can you describe to me what process you used?

4

5 MATTHEW SANDERS: I crawled, you know, behind the engine, you know, and removed
6 the old fuel filter and John Svendsen handed me a new filter with fuel in it. It goes up in
7 the collar and turns it around secures it. It took me a while to get it seeded properly and
8 get it set up. You know, and it took a while to get the old one loose, you know, because it
9 was on there pretty good. I don't know exactly how much time went by but once it, once
10 the fuel filter was in place the generator started right back up.

11

12 COMMANDER KEVIN CARROLL: Did you bleed the fuel system?

13

14 MATTHEW SANDERS: On the starboard generator? No it fired right up.

15

16 COMMANDER KEVIN CARROLL: Okay so you did not bleed the system before you fired
17 up the generator?

18

19 MATTHEW SANDERS: Nope, it just started right up.

20

21 COMMANDER KEVIN CARROLL: Okay. Have you ever done that before?

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23 MATTHEW SANDERS: Bled out a fuel system?

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COMMANDER KEVIN CARROLL: Well, for this specific generator?

MATTHEW SANDERS: No.

COMMANDER KEVIN CARROLL: Okay. Have you ever done that on a similar

MATTHEW SANDERS: On other diesel engines, I have bled the fuel system.

COMMANDER KEVIN CARROLL: Okay, but you didn't bleed this system, why?

MATTHEW SANDERS: I don't recall exactly.

COMMANDER KEVIN CARROLL: Okay, where was the engineer during this time?

MATTHEW SANDERS: I don't know.

COMMANDER KEVIN CARROLL: You don't know. It just seems to be that this is something that the engineer, this would be his role, his responsibility. Did you question where is he?

MATTHEW SANDERS: Nope, I just did whatever I could do.

1 COMMANDER KEVIN CARROLL: Okay. Were you brought the correct filter?

2

3 MATTHEW SANDERS: To the best of my knowledge, yeah.

4

5 COMMANDER KEVIN CARROLL: Okay. How long did that process take you?

6

7 MATTHEW SANDERS: It's hard to say. My time line's a little off, but I would guess it took
8 me somewhere between 25 minutes and 40 minutes from start to finish.

9

10 COMMANDER KEVIN CARROLL: So during that time, you were without the electrically
11 driven bilge pumps, correct?

12

13 MATTHEW SANDERS: Correct.

14

15 COMMANDER KEVIN CARROLL: Alright. But during that time you did have the
16 hydraulically driven bilge pump, off of the starboard main.

17

18 MATTHEW SANDERS: Yes.

19

20 COMMANDER KEVIN CARROLL: And again, that suction was solely within the engine
21 room, or were you able to pump compartments?

22

23 MATTHEW SANDERS: It was, the hydraulic pump was running (inaudible)

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COMMANDER KEVIN CARROLL: Okay, 25 -40 minutes and we're talking about the 2000 to the 2200 time frame. And I completely understand where you ...

MATTHEW SANDERS: Yeah, I mean, its difficult for me to put a time stamp on things because, you know, I just was more concerned with what actions I was taking then what time it was.

COMMANDER KEVIN CARROLL: Okay, when you started the process prior to losing the generator, where was the water in the engine room?

MATTHEW SANDERS: It was above the sole boards now, maybe, if it was a static situation, maybe a foot or two feet above the sole boards.

COMMANDER KEVIN CARROLL: When you got the generator back, you said, 25 -40 minutes, where was the water then?

MATTHEW SANDERS: About the same, you know, I don't really recall because it was all moving water.

COMMANDER KEVIN CARROLL: In terms of utilizing the pumps, in regards to water coming in to Bounty, water pumping out of Bounty prior to losing the starboard generator?

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MATTHEW SANDERS: I think it was, either static, as far as we were just maintaining or we were losing very slowly.

COMMANDER KEVIN CARROLL: Okay.

MATTHEW SANDERS: I don't know.

COMMANDER KEVIN CARROLL: Okay. Where was the water coming from?

MATTHEW SANDERS: I don't know where it was coming in ... through the floor.

COMMANDER KEVIN CARROLL: When you were in the engine room, did you happen to see where any water was coming in?

MATTHEW SANDERS: No.

COMMANDER KEVIN CARROLL: Not at all?

MATTHEW SANDERS: It was at feet, I know that. It was moving up and down the ceiling and, I mean, to be perfectly honest, I was more focused on dewatering, fixing the engines, you know, and doing everything that I could to keep water moving out.

1 COMMANDER KEVIN CARROLL: Okay. Was anyone trying to get the port main engine
2 and port generator back?

3
4 MATTHEW SANDERS: Not while I was down there, I did eventually get the port
5 generator going later on.

6
7 COMMANDER KEVIN CARROLL: Okay. In regards to, height off the deck, how high are
8 the generators, if you're on an even keel, how high are the generators off the deck in the
9 engine room?

10
11 MATTHEW SANDERS: I would say about 3 feet.

12
13 COMMANDER KEVIN CARROLL: Okay.

14
15 MATTHEW SANDERS: Maybe a little more

16
17 COMMANDER KEVIN CARROLL: And you said when you went down there, you were
18 already hove to and a port tack which would give you a starboard list. Correct? So, how
19 close was the water to the main engines at around the 2000 2200 time frame?

20
21 MATTHEW SANDERS: Water was splashing around and when I was changing out the
22 filter on the starboard generator and I was getting wet with the water rolling up the ceiling
23 planks, you know

1 COMMANDER KEVIN CARROLL: at that point, when you lost the generator, you lost
2 lights?

3
4 MATTHEW SANDERS: Yes.

5
6 COMMANDER KEVIN CARROLL: So, its completely dark. You're in the engine room
7 changing out filters and, in terms of, going back and forth side to side, rough weather,
8 what was it like.

9
10 MATTHEW SANDERS: I was wedged in, I wasn't being tossed around. It was cramped
11 space, I mean, I can't describe what it was like because, you know, I was focused on the
12 actions I had to take. Changing a fuel filter, I remember being frustrated I couldn't get, it
13 was hard to unscrew and hard to get the seed properly. I just kept doing it until it was
14 done.

15
16 COMMANDER KEVIN CARROLL: Less than ideal working conditions then?

17
18 MATTHEW SANDERS: Yeah.

19
20 COMMANDER KEVIN CARROLL: Okay, so you get the generator back, start pumping
21 bilges again, with the dewatering system. The electric dewatering system. Take me from
22 there.

23

1 MATTHEW SANDERS: So I went back to running the ball valves on the bilge manifold,
2 you know, keeping them pumping as best I could.

3
4 COMMANDER KEVIN CARROLL: Okay, were you having trouble maintaining prime on
5 the pump?

6
7 MATTHEW SANDERS: With the water rolling up the ceiling planks, you know, from the
8 motion of the boat, you know, it seemed like they would uncover and recover. At a
9 certain point, I think that they were just underwater pumping consistently and once they
10 were pumping, they didn't lose prime unless they got uncovered and were able to suck
11 air.

12
13 COMMANDER KEVIN CARROLL: Okay. Was anybody reporting back to you in any
14 respect, like saying to you "hey we need you to pump the four pick, we need you to pump
15 the specific spot on the vessel" in regards to using the electric bilge pumps, or were you
16 simply kind of going off of intuition?

17 MATTHEW SANDERS: I wasn't being reported to which ones to pump, you know, I was
18 just kind of cycling through it.

19
20 COMMANDER KEVIN CARROLL: Okay, who was assisting you again?

21
22 MATTHEW SANDERS: Assisting with what?

23

1 COMMANDER KEVIN CARROLL: Down in the engine room?

2

3 MATTHEW SANDERS: Many people came and went at different times, you know,
4 probably earlier than the part I was talking about changing the fuel filter, people came
5 and, you know, helping clean, scoop out different debris like little wood chips and old line
6 out of the bilge as it was floating up to try and keep everything clean. Everyone was
7 working in different capacities on the boat, whether it was preparing safety equipment,
8 helping out, you know, wherever they could. Throughout my whole time in the engine
9 room, I know John Svendsen, Drew Sallapattick, Doug Faunt, John Jones, Adam
10 Procosh, Chris Barksdale, many people came and went in assisting and were also doing
11 other things that needed to be done.

12

13 COMMANDER KEVIN CARROLL: Did the captain come down at any point?

14

15 MATTHEW SANDERS: Yes he did, he was down there when I first came down and I
16 think he came down a few times to see where we were at at different points, you know, on
17 a few occasions I went up to talk to him or John and let them know different things that
18 were going on down there.

19

20 COMMANDER KEVIN CARROLL: Okay. Alright. So take me to the point where you got
21 the generator back, what happened next?

22

1 MATTHEW SANDERS: Well, the generator was running, so I went back to pumping the
2 electric bilges and I don't know how much time went by, oh wait, let me think here for a
3 second. I don't know how much time went by, but you know, eventually the water level
4 got to a certain, got high enough that it shorted out the generator and I went up and told
5 Robin, you know, look the generator is fried. The diesel was still running, and I said, I
6 asked him, I would like to shut it down, the diesel and he said, alright, you know, if its not
7 creating power, turn it off. So I cut the fuel to it and shut it down and so with the starboard
8 generator being completely fried, I then moved over to the port generator and tried to fix
9 it to get it going.

10
11 COMMANDER KEVIN CARROLL: Okay, what time did you lose the starboard generator?

12
13 MATTHEW SANDERS: I'm going to guess somewhere between 2000 and you know
14 maybe 19 -2100. I know I am giving you large swats of time, but

15
16 COMMANDER KEVIN CARROLL: Well see the first time that you said the starboard
17 generator went down, was about 4-6 hours after you went down there which was 1600.
18 So about 2000-2200, that's the first time the starboard generator went down and which
19 you had to change the fuel filters.

20
21 MATTHEW SANDERS: I don't, like I said, my time line as far as when, you know, which
22 hour things happened, you know, I just know chronologically what happened and the time
23 in between them. My estimate is not

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COMMANDER KEVIN CARROLL: Bottom line is, you lost the starboard generator?

MATTHEW SANDERS: Yeah.

COMMANDER KEVIN CARROLL: And then you tried working to get the port generator back?

MATTHEW SANDERS: Yes.

COMMANDER KEVIN CARROLL: Okay. How much water was in the engine room at the time you ultimately lost the starboard generator? Did you ever get the starboard generator back?

MATTHEW SANDERS: No, because the generation system itself shorted out.

COMMANDER KEVIN CARROLL: Okay, arcing, sparking, explosions?

MATTHEW SANDERS: Yes.

COMMANDER KEVIN CARROLL: Okay, how much water was in the engine room at that point?

MATTHEW SANDERS: I mean, I was working in thigh to waist deep water.

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COMMANDER KEVIN CARROLL: Okay, so you are in thigh to waist and the sole boards was

MATTHEW SANDERS: Like 4 or so, maybe 8 feet of water from the keel to, I don't know

COMMANDER KEVIN CARROLL: And again you are on a starboard list and you are working on the starboard generator

MATTHEW SANDERS: No the starboard generator is gone

COMMANDER KEVIN CARROLL: Right, but 8 feet of water then you went over to the portside.

MATTHEW SANDERS: Yes.

COMMANDER KEVIN CARROLL: What happened next?

MATTHEW SANDERS: Well it took some time but, I changed out the fuel filters on the port generator, bled the system and all the injectors and it still wouldn't work. This took a long time to do and, you know, with the conditions on one of the collars that secures the fuel filter was lost so I went and got parts off the starboard engine generators engine at certain points, you know, to use on the port generator.

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COMMANDER KEVIN CARROLL: Were they the same.

MATTHEW SANDERS: Close enough that it worked. I don't know if they were the exact same models, I think they are, but the collar fit perfectly, you know, to hold the fuel filter in place. So I bled out that system and it still didn't work and I went up and asked Robin, I was like I bled out the whole fuel system on the generator and it won't kick. He said to try eliminating the shut down kill switch out of the control panel. Take that out of the equation and see if that would work. So I did, I opened up the control panel, removed the kill switch, and you know and it fired right up on the first shot.

COMMANDER KEVIN CARROLL: What time did you get the generator back, roughly.
I'm going to keep asking you times

MATTHEW SANDERS: Yeah, I know

COMMANDER KEVIN CARROLL: It's perfectly acceptable to say you don't know

MATTHEW SANDERS: The port generator that was sometime into the evening, because we had been without electricity for a while and I believe it would correspond with some of the distress call because now we had electricity with the radio. Anywhere between 8 o'clock and 10 o'clock at night, I guess. So 20 to 22, maybe 23, I don't know.

1 COMMANDER KEVIN CARROLL: Rough estimate, how long between when you lost the
2 starboard generator did you get the port generator back? What I am looking for is how
3 long did you not have electric pumps.
4

5 MATTHEW SANDERS: Dewatering, right. It could have been anywhere from an hour to
6 two hours. I don't know exactly honestly.
7

8 COMMANDER KEVIN CARROLL: Okay. But you still had the hydraulic pump off the
9 starboard
10

11 MATTHEW SANDERS: Starboard engine was still going, pumping hydraulically.
12

13 COMMANDER KEVIN CARROLL: Okay
14

15 MATTHEW SANDERS: And then when we did get the port generator going, the transfer, I
16 went over to the fuel transfer pump and transferred as much fuel as I could into the port
17 day tank.
18

19 COMMANDER KEVIN CARROLL: Okay. How long did you have the port generator for?

20 MATTHEW SANDERS: It lasted anywhere from I'd guess between another 3 and 4
21 hours. You know maybe longer, I don't know.
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23 COMMANDER KEVIN CARROLL: So you gave Bounty back light

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MATTHEW SANDERS: All electricity was working.

COMMANDER KEVIN CARROLL: When did you have to leave the engine room?

MATTHEW SANDERS: After I transferred the fuel to the port day tank, the water was pretty high. Other equipment, you know, like the computer modules for the water makers and different things were all arcing and getting submerged and blowing up and that was all right where I was working. That was after the fuel was transferred, probably very close to the last time anyone was down there because of the water was very high and the space and there was all the sole, a lot of sole boards and things moving around, it was not very safe for people to be down there.

COMMANDER KEVIN CARROLL: This is just you down there?

MATTHEW SANDERS: Yes.

COMMANDER KEVIN CARROLL: How high was the water when you left?

MATTHEW SANDERS: It was probably somewhere between waist and chest deep, you know, if it was flat. It was starting to come up that ladder, you know, and stuff like that. At some point, you know, after we left, the ladder got torn off from the wave action in the engine room. So, you know, we couldn't go down there if we wanted to.

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COMMANDER KEVIN CARROLL: The free surface from the water going port to starboard side tore the water off?

MATTHEW SANDERS: Either that or the sole boards hitting it.

COMMANDER KEVIN CARROLL: So after you got the generator back, got lights back, you left the engine room, what did you do next?

MATTHEW SANDERS: I think I went and got a glass of water. After that, I know, Robin was on the computer on the radios and John was on the sat phone and I think I just rested for a little while and preparations were being made. All of the safety equipment had been taken and put into the great cabin and everyone was making preparations for abandoning ship or being rescued by the Coast Guard.

COMMANDER KEVIN CARROLL: Physically how were you at this point?

MATTHEW SANDERS: I was good. I had good energy, I wasn't injured. I mean, overall I was good.

COMMANDER KEVIN CARROLL: How was the crew?

1 MATTHEW SANDERS: Morale never seemed to be low at all. The entire experience,
2 everybody was focused on doing whatever had to be done to be safe and make it home.

3
4 COMMANDER KEVIN CARROLL: Okay, so when you came out of the engine room

5
6 MATTHEW SANDERS: Everybody was pretty much mustering close to the great cabin
7 area, they were still working on dewatering with the gasoline pump. There was still a lot of
8 that going on. We were moving the gasoline pump to different locations trying to see if
9 we could get better suction whatever its lift capacity was and leading the discharge hose.
10 That was a group of people working on that.

11
12 COMMANDER KEVIN CARROLL: Did you work on that?

13
14 MATTHEW SANDERS: Not really, no. I think by that time the Coast Guard's airplane
15 was overheard. I talked to them on the radio and different things, maybe a couple of
16 hours after I left the engine room

17
18 COMMANDER KEVIN CARROLL: Did you assist anybody in the crew?

19 MATTHEW SANDERS: When it came to getting on emergency and stuff like that

20
21 COMMANDER KEVIN CARROLL: Who did you assist?
22

1 MATTHEW SANDERS: Whoever was close to me. A few different people just making
2 sure they had their emersion suits on and everything was buttoned up properly and I just
3 tried to help everybody out as best I could.

4
5 COMMANDER KEVIN CARROLL: Okay. What happened next?

6
7 MATTHEW SANDERS: After we were all in our immersion suits, we, everyone went up
8 on deck. And most, I believe half and half were aft to the mizzen right on the stern and the
9 other half was by the nav shack on the port side. We had communication by this point
10 with the Coast Guard through the C130 and so there's a jump from when I came out of
11 the engine room to this period. Time went by. Mostly leading up to getting on deck was
12 getting all, every life jacket, every emersion suit, everything being prepared and safety
13 lines being rigged and places to clip in harnesses to go over your emersion suits and stuff
14 like that. When we got up on deck, we got up on deck and everyone was pretty much
15 port side, they were on the stern aft of the mizzen or right at the navigational shack.

16
17 COMMANDER KEVIN CARROLL: Was anybody injured?

18
19 MATTHEW SANDERS: Adam Procosh had fallen, I guess and hurt himself somehow.

20
21 COMMANDER KEVIN CARROLL: Okay, was anyone else injured?

22
23 MATTHEW SANDERS: Not to my knowledge.

1

COMMANDER KEVIN CARROLL: Okay. Was anybody panicking?

3

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MATTHEW SANDERS: No I wouldn't say so no. Everyone stayed calm.

5

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COMMANDER KEVIN CARROLL: Was anybody angry?

7

8

MATTHEW SANDERS: I don't I don't know what everybody's range of emotions were. I didn't see anyone angry lashing out or doing anything unusual.

9

10

11

COMMANDER KEVIN CARROLL: What were the conditions out on deck?

12

13

MATTHEW SANDERS: It was nighttime. I don't remember. It seemed like the wind had calmed down a bit from what it was earlier and the boat was riding the waves of the storm fairly well. It was never uncomfortable so to speak as far as the motion and I don't think there was any even rain that time, but I'm not sure. Just we were just on deck making preparations to launch the life rafts and get in them. a wave came and rolled the boat over onto its side where it recover.

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COMMANDER KEVIN CARROLL: Okay. Describe what happened next. Actually before that, were there any discussions about abandoning ship?

21

22

1 MATTHEW SANDERS: We were all up on deck to do that, we were going to be up on
2 deck mainly employ the life rafts and get on them as far as I understood.

3
4 COMMANDER KEVIN CARROLL: Was it discussed before going up on deck?

5
6 MATTHEW SANDERS: I think there was some kind of a meeting so to speak but I don't
7 remember the details. I might have been on the radio with the Coast Guard at the time. I
8 don't remember clearly

9
10 COMMANDER KEVIN CARROLL: So you are out on deck making preparations to
11 abandon ship, but you never got the opportunity?

12
13 MATTHEW SANDERS: Correct.

14
15 COMMANDER KEVIN CARROLL: Okay. What happened?

16
17 MATTHEW SANDERS: A wave came and rolled the boat over to its starboard side
18 enough where he couldn't recover. I know I saw a Robin hit the water within the confines
19 of the boat itself between the mizzen and the nav shack was washing back and forth
20 amongst debris I imagine some people that were closer to the Stern probably were
21 thrown into the water or jumped into the water. The people that were, my leg ended up
22 getting trapped in the yard arms. We had three new yard arms that were made and I got
23 my leg pinched in between them on like three separate occasions. So anyone that was

1 near me I told them to go around, I can't tell you if they heard me or not but everyone
2 made it past me. I finally cleared myself from it and made my way to the mizzen and the
3 water over the wheel and off the back of the boat being held down by debris and cables
4 and rigging and stuff along the way. Every time you got forward progress it would just
5 push you back into the boat and it was just trying to get clear trying not to get hit by
6 anything.

7
8 COMMANDER KEVIN CARROLL: When was the last time you saw Claudine Christian?

9
10 MATTHEW SANDERS: She was right next to me on deck and when my leg was pinched
11 she was saying "what do I do, what do I do?" and I said Claudine you just have to go for it
12 and make your way aft the clear the boat and then she she did, she made an attempt and
13 she went, the last I saw her she was at the mizzen mast on the fife rail. That was the last
14 time I saw her personally.

15
16 COMMANDER KEVIN CARROLL: When was the last time you saw a Robin Walbridge?

17
18 MATTHEW SANDERS: When the boat turned over, the way it was the yard arms or
19 latched at deck and so when the boat turned over where it was almost like we had
20 something to stand on without falling, but he was closer to the nav, was on the centerline
21 of the boat by the nav shack so when the boat turned he immediately fell into the water.
22 At that time the water was at, with the beam of the boat being roughly 30 feet, it was less

1 than halfway. Then I know when I got in the water, then the mizzen fife rail was in the
2 water and so I think I saw Robin wash back and forth a few times with the wave action.

3
4 COMMANDER KEVIN CARROLL: Okay. Were either Robin or Claudine to your
5 knowledge injured prior to going up on deck?

6
7 MATTHEW SANDERS: Not to my knowledge. No.

8
9 COMMANDER KEVIN CARROLL: Okay. So after you got into the water what happened?

10
11 MATTHEW SANDERS: Once I was in the water I made my way past the mizzen and got
12 over the steering wheel and got pushed back and forth the steering wheel a few times.
13 Got held under by the wire and rigging by the Stern finally got clear the stern and there
14 was a lot of people there just aft of the Stern in the water but there was still a lot of rigging
15 coming down in that area. The waves were pushing us towards the boat. I was holding
16 onto the canister a lifeboat canister and was yanking on something I thought was the
17 painter but it wasn't the painter it wasn't inflating. I got pushed back to the boat towards
18 the boat a few more times and I decided that I didn't want to be hit by the boat or debris
19 so I just paddled on my back away from the boat. I said to myself I have to be alone out
20 here with just the immersion suit I feel like I'm better off than than being trapped in debris
21 or whatever. So I just swam away from the boat until I was well clear and safe from any
22 debris.

23

1 COMMANDER KEVIN CARROLL: Okay. What happened next?

2

3 MATTHEW SANDERS: I watched the mast over a time period. Until they settled, it until
4 the boat settled into the water that night. It was a full moon so I can see pretty good.
5 Eventually I noticed an inflated life raft off in the distance and I figured I might as well
6 paddled toward it. So on my back with my feet forward I paddled so I could see the whole
7 time. I eventually got there and I couldn't hold myself on with the rope ladders because it
8 really shored it was like putting my knee and my face my foot was almost all the way to
9 my chest trying to haul myself up and I couldn't do it. So I just held onto one of the ropes
10 on the lifeboats and very soon after I got there Jessica Black and Doug Faunt were there
11 and held onto the same side of the lifeboat that I did. Several times I tried to get myself on
12 but I didn't have the strength to carry my weight up there with the water and having to
13 step my foot up so high, I just couldn't do it. I just was listening more than anything else.
14 As I was holding on trying to maintain my energy and listening and eventually I heard
15 what sounded like people. Turns out they were directly across from us on the other side
16 of the lifeboat. so I just kept listening and I could hear progress of them getting into the
17 boat and after a while I decided all right it seems like their noise is settling down a little bit
18 I will start calling out and I started calling out and they heard. Heard me and they came
19 and looked out that doorway because we were right by the doorway on either side the
20 three of us were there. They were still getting one more person and on their side, so
21 when they were done with that they had to help me get in and the other two people Doug
22 and Jessica get in the life raft from our side. Then from there we were in the life raft and
23 we spaced out evenly amongst the boat, weighted it out as best as we could. There were

1 seven of us, yes seven of us. We just kind of stayed calm and we knew that airplane was
2 up above and kind of just waited until sometime after daybreak around 830 9 o'clock in
3 the morning when the rest of the helicopters showed up.
4

5 COMMANDER KEVIN CARROLL: Okay. At this point I am going to allow Capt. Jones
6 (inaudible) Capt. Jones he's going to ask you questions is from the NTSB.
7

8 MATTHEW SANDERS: Okay.
9

10 CAPTAIN ROB JONES: Hello Mr. Sanders. Could you go back to your training, was
11 that four years at Maine Maritime?
12

13 MATTHEW SANDERS: Yes it was.
14

15 CAPTAIN ROB JONES: And what course is that?
16

17 MATTHEW SANDERS: It was small vessel operations.
18

19 CAPTAIN ROB JONES: What were some of the courses you took during that period?
20 Seamanship? Meteorology?
21

22 MATTHEW SANDERS: Yes. Seamanship, meteorology, navigation, diesels, business
23 classes, casualty analysis, we studied NTSB reports

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CAPTAIN ROB JONES: was it, where they helpful?

MATTHEW SANDERS: Very.

CAPTAIN ROB JONES: Were, what were they, what size vessels what type of vessels?

MATTHEW SANDERS: After a four-year program you came out with a 500 ton mate's license.

CAPTAIN ROB JONES: Did you study weather a lot?

MATTHEW SANDERS: We had a meteorology class.

CAPTAIN ROB JONES: Hurricanes?

MATTHEW SANDERS: We had hurricane avoidance

CAPTAIN ROB JONES: hurricane avoidance? What did that teach you?

MATTHEW SANDERS: I don't recall the entire scope of what it taught us but, it was more about reading the weather and it taught us that time the prediction error of the prediction of where the storm is going to go about a 500% error.

1
2 CAPTAIN ROB JONES: That's a big error.

3
4 MATTHEW SANDERS: Yeah.

5
6 CAPTAIN ROB JONES: It taught you that you side of the hurricane?

7
8 MATTHEW SANDERS: Yes.

9
10 CAPTAIN ROB JONES: How to avoid it by either, describe it a little bit you're still going
11 to sea. I just want to know what your knowledge of a hurricane is and you have a mate's
12 license you stand second mate on the bounty.

13
14 MATTHEW SANDERS: Right, so a hurricane spins counterclockwise and so you can get
15 to the south east side. the south east side is the good side I believe. The fairest whether
16 you can have.

17
18 CAPTAIN ROB JONES: Southeast?

19
20 MATTHEW SANDERS: Yes. I don't remember exactly where the sound is right now, I
21 don't remember.

22

1 CAPTAIN ROB JONES: If you've got to be anywhere in hurricane that's where you want
2 to be?

3
4 MATTHEW SANDERS: I don't remember right now what's the best part, I just don't
5 remember.

6
7 CAPTAIN ROB JONES: Okay. The training, not the training, the employment you had
8 after you graduated. He graduated in 2001? Describe some of the vessels you worked on
9 and their roots.

10
11 MATTHEW SANDERS: I work on a ship assist tug, docking ships, I ran parasail boats, I
12 worked on an ATB moving oil,

13
14 CAPTAIN ROB JONES: was that coast wise?

15
16 MATTHEW SANDERS: Coastwise yes on the East Coast From Maine through the Gulf
17 of Mexico. I ran private yachts and raced sailboats That was coastwise through the
18 East Coast also.

19
20 CAPTAIN ROB JONES: Okay so the ATB they would be almost along the same route
21 you would have taken if it was a straight line like the bounty from Maine down to the Gulf
22 of Mexico.

23

1 MATTHEW SANDERS: No. Different route.

2

3 CAPTAIN ROB JONES: stayed closer to shore?

4

5 MATTHEW SANDERS: When we were planning in advance to go to the Gulf of Mexico
6 with the bounty we were going to go east of the Bahamas so that we could have the
7 Bahama current to bring us back in towards the south Florida.

8

9 CAPTAIN ROB JONES: That was your voyage plan?

10

11 MATTHEW SANDERS: It was part of it.

12

13 CAPTAIN ROB JONES: Okay. You had mentioned Key West as part of that voyage plan
14 or that was a possible port. When was Key West dismissed From the voyage plan?

15

16 MATTHEW SANDERS: I can't say it was ever dismissed it just never happened.

17

18 CAPTAIN ROB JONES: Did the voyage plan include it?

19

20 MATTHEW SANDERS: I had routes to Key West yes.

21

22 CAPTAIN ROB JONES: and when to Capt. Walbridge say well were not going there?

23

1 MATTHEW SANDERS: we never got to that point.

2

3 CAPTAIN ROB JONES: When you and Capt. Walbridge discussed the voyage plan did
4 you give him ETA's to the next port from Saint P, or from New London to St. Petersburg
5 and approximate average speed that it would take to get there?

6

7 MATTHEW SANDERS: Yes.

8

9 CAPTAIN ROB JONES: Did you have some slack built into it or a cushion?

10

11 MATTHEW SANDERS: Yes.

12

13 CAPTAIN ROB JONES: And did you tell him when you have to leave to get there by a
14 certain time?

15

16 MATTHEW SANDERS: Yes.

17

18 CAPTAIN ROB JONES: What were those dates, how long of a voyage was it average
19 from New London to St. Petersburg?

20

21 MATTHEW SANDERS: I can't quote that. I write everything down so I can reference it in
22 the voyage plan.

23

1 CAPTAIN ROB JONES: Okay. Was there any discussion between you and him that you
2 needed to get there by a certain date? That you wanted to make certain speed or take a
3 certain course to get there?
4

5 MATTHEW SANDERS: No not really. All the voyage plans were done at 5 knots and we
6 averaged 7 knots underway and we always had, it usually allowed us time to be where we
7 needed to be.
8

9 CAPTAIN ROB JONES: Okay. So if you left New London on the 25th at 5 knots would
10 that get you to St. Petersburg by the time you need to be there?
11

12 MATTHEW SANDERS: I would assume, I don't have my information in front of me
13

14 CAPTAIN ROB JONES: okay that's fine.
15

16 MATTHEW SANDERS: I would assume so
17

18 CAPTAIN ROB JONES: was there any discussion to staying in New London and allowing
19 the hurricane to develop or the forecasts to develop a little bit more before you left?
20

21 MATTHEW SANDERS: It wasn't discussed with me.
22

23 CAPTAIN ROB JONES: Was there a rush to get out of New London? To get out to sea?

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MATTHEW SANDERS: I wouldn't say we were rushed but Robin, We wanted to get underway So we had as much time as possible to make as much time South and East as possible.

CAPTAIN ROB JONES: we've heard everybody, some testimony in the last couple days that the day in New London was pretty full, so to speak. You did the day sail, you get the ship ready for a day sail, so you did the day sail at the Navy and you went over, did you participate in both of those, the day sail and the trip to see the sub?

MATTHEW SANDERS: Yes.

CAPTAIN ROB JONES: Was there any thought to just, why not stay the night. Let everybody get some rest and depart the next morning and daylight?

MATTHEW SANDERS: I don't know if it was discussed honestly.

CAPTAIN ROB JONES: Do you think it should have been done?

MATTHEW SANDERS: Wait till morning to leave?

1 CAPTAIN ROB JONES: Sure. I mean you're an officer you can judge the crew and how
2 much everybody's working. Is that a good plan? To just go the next morning? Get
3 underway if you have time.

4
5 MATTHEW SANDERS: I think it was fine to get underway when we did as far as the crew
6 (inaudible) the watch cycle. I don't fully understand what you're asking

7 CAPTAIN ROB JONES: Okay. The trip after you left from New London, did you do any
8 drills before the onslaught of the hurricane before you got the worst of the weather?

9
10 MATTHEW SANDERS: From New London to Sunday? Did we do any drills?

11
12 CAPTAIN ROB JONES: On the way up, on the first part of voyage?

13
14 MATTHEW SANDERS: I don't recall doing any drills.

15
16 CAPTAIN ROB JONES: Because you had mentioned before to the commander's
17 questions that you were getting prepared. Did you break out the survival suits and give
18 everybody another try, I mean, you were heading into heavy weather. That was definitely
19 mentioned.

20
21 MATTHEW SANDERS: Well the survival suits were where they were always stowed with
22 easy access and
23

1 CAPTAIN ROB JONES: Is that a general compartment or individual cabins?

2

3 MATTHEW SANDERS: They are all still together right by the weather deck.

4

5 CAPTAIN ROB JONES: Okay.

6

7 MATTHEW SANDERS: Inside the boat.

8

9 CAPTAIN ROB JONES: Do you have one for every person?

10

11 MATTHEW SANDERS: More than one for every person.

12

13 CAPTAIN ROB JONES: How many extras do you have?

14

15 MATTHEW SANDERS: I don't know what the total count was but I guess we had over 30
16 of them.

17

18 CAPTAIN ROB JONES: okay. Do you know if they are required to be aboard?

19 MATTHEW SANDERS: I do not know if they are required to be aboard.

20

21 CAPTAIN ROB JONES: When you left the, and I am kind of jumping around here, when
22 you left when you had the discussion with Capt. the capstan discussion. Was there any

1 specifics given to the hurricane? What the ship was going to start to see? Or was it just
2 there's a hurricane there, the bounty does well in hurricanes and I'm confident.

3
4 MATTHEW SANDERS: I don't, I don't remember any specifics like we're going to see

5
6 CAPTAIN ROB JONES: 30 foot seas or 80 knot winds

7
8 MATTHEW SANDERS: no.

9
10 CAPTAIN ROB JONES: Once the crew started encountering that type of weather, was
11 this a surprise to anybody?

12
13 MATTHEW SANDERS: I don't think so. But I can't answer for what other people surprise
14 may not have been.

15
16 CAPTAIN ROB JONES: All right. You described to Commander Carroll a lot of the work
17 you are doing in the engine room and a lot of the, what I'm hearing you're doing a lot and
18 I don't hear anything about the engineer. Where was the engineer during this time?

19
20 MATTHEW SANDERS: I don't know.

21
22 CAPTAIN ROB JONES: Did you ask?

23

1 MATTHEW SANDERS: No I did not.

2

3 CAPTAIN ROB JONES: Why wouldn't you ask? I mean if I

4

5 MATTHEW SANDERS: why would I ask?

6 CAPTAIN ROB JONES: Exactly why wouldn't you ask?

7

8 MATTHEW SANDERS: Oh wouldn't I ask, I didn't understand the question.

9

10 CAPTAIN ROB JONES: Sorry. No problem.

11

12 MATTHEW SANDERS: I was focused on doing what I was able to do. I knew I could
13 pump the bilges and change your filters so I took care of it.

14

15 CAPTAIN ROB JONES: Did you need help?

16

17 MATTHEW SANDERS: I did get help from people handing me tools and parts.

18

19 CAPTAIN ROB JONES: but not the person who was on board to do the engine room
20 work?

21

22 MATTHEW SANDERS: I didn't, Chris wasn't down there with me when I was down there.

23

1 CAPTAIN ROB JONES: Are there any other compartments on that ship that would have
2 needed his tending with regards to engineering equipment?

3
4 MATTHEW SANDERS: The engine room contains most of the engineering equipment.

5
6 CAPTAIN ROB JONES: Okay. You've been on since Puerto Rico and that was in
7 March? And just give me the transits that you made from Puerto Rico You went where?

8
9 MATTHEW SANDERS: Puerto Rico to St. Augustine Florida

10
11 CAPTAIN ROB JONES: then?

12
13 MATTHEW SANDERS: St. Augustine to I guess Savannah Georgia?

14
15 CAPTAIN ROB JONES: Okay.

16 MATTHEW SANDERS: Savannah to North Carolina. Do you want me to remember
17 every single port that we made?

18
19 CAPTAIN ROB JONES: Well if it's that many, I didn't think there be that many actually.
20 Was there motoring and sailing the hallway?

21
22 MATTHEW SANDERS: Usually yes.

23

1 CAPTAIN ROB JONES: Any problems with the engine?

2
3 MATTHEW SANDERS: With the engine?

4
5 CAPTAIN ROB JONES: Right.

6
7 MATTHEW SANDERS: No.

8
9 CAPTAIN ROB JONES: Any problems with the bilges?

10
11 MATTHEW SANDERS: No.

12
13 CAPTAIN ROB JONES: The pumping system?

14
15 MATTHEW SANDERS: No.

16
17 CAPTAIN ROB JONES: there was another engineer aboard At that time?

18
19 MATTHEW SANDERS: Throughout most of the season yes.

20
21 CAPTAIN ROB JONES: okay when did they get off the vessel?

22
23 MATTHEW SANDERS: Excuse me?

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CAPTAIN ROB JONES: Went did they, he or she, get off the vessel?

MATTHEW SANDERS: it was before we went to the shipyard. I don't remember exactly which port it was.

CAPTAIN ROB JONES: Can you assess the abilities of the engineer that was on board during the capsizing.

MATTHEW SANDERS: No.

CAPTAIN ROB JONES: Was the engineer that was aboard before, did they have a license at all?

MATTHEW SANDERS: Not to my knowledge.

CAPTAIN ROB JONES: All right is an engineer required to have a license on board?

MATTHEW SANDERS: I don't know.

CAPTAIN ROB JONES: Do you think one should be?

MATTHEW SANDERS: It's, I don't know.

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CAPTAIN ROB JONES: You did a lot of work in the engine room. Is it a simple engine room or does it, do you need some talent to work down there and maintain it keep it running?

MATTHEW SANDERS: I don't feel like you know, that question is really broad. In engines and engine, there's a lot of systems, people have different skill sets. You know, I don't know. Every boat I've been on is very different.

CAPTAIN ROB JONES: Okay. Going back to the yard, it sounds like you are involved with moving the fuel tanks around?

MATTHEW SANDERS: No I wasn't.

CAPTAIN ROB JONES: You weren't at all?

MATTHEW SANDERS: No.

CAPTAIN ROB JONES: Well just because you are in the area, do you know what happened to the fuel that was on board the vessel when the fuel tanks got taken out?

MATTHEW SANDERS: I think we ran it down as low as possible, I don't know what happened to the fuel.

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CAPTAIN ROB JONES: Did you really fuel while you are in Booth Bay when the new tanks were put in?

MATTHEW SANDERS: Yes.

CAPTAIN ROB JONES: You know that for sure?

MATTHEW SANDERS: We took on fuel.

CAPTAIN ROB JONES: Okay.

MATTHEW SANDERS: I don't remember. I'm pretty sure it was at Booth Bay.

CAPTAIN ROB JONES: Alright. the water tanks that were transferred, now became fuel tanks is that correct did I get that right?

MATTHEW SANDERS: one, two tanks that were water tanks became fuel tanks.

CAPTAIN ROB JONES: All right before any fuel was put in where they insured that they were dry and there was no water in it?

MATTHEW SANDERS: I don't know.

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CAPTAIN ROB JONES: Okay. Did you ever, the Commander asked you about the height of the events for the exhausts for the engines, did you see?

MATTHEW SANDERS: No he didn't ask me that.

CAPTAIN ROB JONES: How high are they?

MATTHEW SANDERS: He asked me the height of vents for the fuel tanks.

CAPTAIN ROB JONES: Oh the fuel tanks, I'm sorry.

MATTHEW SANDERS: Yes.

CAPTAIN ROB JONES: Nice correction. Did you ever see any water around them during the storm or did water have a chance to get into those?

MATTHEW SANDERS: Into the vents?

CAPTAIN ROB JONES: Yeah.

MATTHEW SANDERS: On deck?

1 CAPTAIN ROB JONES: Yeah.

2
3 MATTHEW SANDERS: I would think so, no.

4
5 CAPTAIN ROB JONES: it just stuck me that they were just 6 to 8 inches high.

6
7 MATTHEW SANDERS: I think the bounty has 15 foot of free (inaudible)

8
9 CAPTAIN ROB JONES: Yeah, but in a hurricane there might be some water coming
10 over that's why was going there. Just bear with me for second. You said usually, the
11 Bounty was usually pumping once an hour.

12
13 MATTHEW SANDERS: It's part of our routine.

14
15 CAPTAIN ROB JONES: Is that normal?

16
17 MATTHEW SANDERS: On the Bounty it was part of the watch rotation and every hour
18 we checked the bilges and pumped them.

19
20 CAPTAIN ROB JONES: Okay. You had mentioned you had never been in a hurricane
21 before.

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23 MATTHEW SANDERS: No.

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CAPTAIN ROB JONES: The captain's talk before you left New London, that was enough for you to make the decision that you would stay aboard and proceed out there possibly into a hurricane?

MATTHEW SANDERS: I would say it had a lot more to do with close to for the entire season with him than what he had to say at a capstan meeting to make my decision.

CAPTAIN ROB JONES: But you had never experienced one before.

MATTHEW SANDERS: No I had not.

CAPTAIN ROB JONES: You had never experienced his capabilities and one before.

MATTHEW SANDERS: No I had not.

CAPTAIN ROB JONES: Did you even know if she had been in one before? Or was it just all talk, there was no prefer that.

MATTHEW SANDERS: I wasn't there with him I can't say.

CAPTAIN ROB JONES: When the fore course, and I getting that right, blew out, why not put up another one?

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MATTHEW SANDERS: There is only one fore course.

CAPTAIN ROB JONES: Alright. you are asked before where the water was coming from, you said you didn't know. Do you have an idea yet or a suspicion?

MATTHEW SANDERS: I would say it was just from the boat working, a wooden vessel works Seaway and water comes in.

CAPTAIN ROB JONES: Also, when did the ship tack to the southwest or change towards the southwest?

MATTHEW SANDERS: My best estimate would be that it was on the Sunday I believe during John Svendsen's watch.

CAPTAIN ROB JONES: that wasn't discussed at the time or was it? Between the captain and the mates.

MATTHEW SANDERS: I think that decision was made on watch between the captain and the mate that was on watch.

1 CAPTAIN ROB JONES: Okay. I will try and clear it up then. But no prior discussion. It
2 seems like the Capt. got a lot of the crew and officers involved in decision-making, there
3 was no predetermined, here's if things stay the same this is what we're going to do.
4

5 MATTHEW SANDERS: I think that even before we got underway the plan was to go
6 south east and get as much distance to the south east in searoom and then when we got
7 to the latitude of Hatteras area when we should have been meeting the storm being able
8 to make the decision if we could turn Southwest to have the wind behind the boat pushing
9 it sounds as the coast line moves to the West.

10 CAPTAIN ROB JONES: And going back to your hurricane avoidance courses that would
11 have you crossing the path of an oncoming hurricane
12

13 MATTHEW SANDERS: it would have us crossing the path of a hurricane
14

15 CAPTAIN ROB JONES: did that give you any pause or concern?
16

17 MATTHEW SANDERS: I don't know.
18

19 CAPTAIN ROB JONES: Alright. Could you have maintained that course to the southeast
20 and more, I think, South by East could you have even gone East and just kept running
21 from the hurricane?
22

1 MATTHEW SANDERS: I mean the boat was able to go to the East that's all we wanted
2 to do We could steer it in any direction.

3
4 CAPTAIN ROB JONES: Well you're up there on the watch for eight hours every day and
5 you're seeing how the ships riding, I'm just wondering if you're thinking that. Or are you
6 just waiting for an order and you do it for the next four hours?

7
8 MATTHEW SANDERS: I trusted in Robin's decision To sail and we did it.

9
10 CAPTAIN ROB JONES: Alright. And one must question Mr. Sanders. when you left the
11 engine room, you said you were waist deep in water just about almost chest? Were you
12 shocked?

13
14 MATTHEW SANDERS: Electrically?

15
16 CAPTAIN ROB JONES: Yes.

17
18 MATTHEW SANDERS: There was, I don't think I ever felt any current myself. You know,
19 electrical current you know the machines were popping at certain times and electrical
20 panels on things but I don't recall feeling any of it myself.

21
22 CAPTAIN ROB JONES: And sorry I misspoke, one more question. How long was
23 everyone in emersion suits before they went up on deck?

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MATTHEW SANDERS: Maybe 20 minutes to 40 minutes with the whole process of everyone getting them on, getting on top of deck.

CAPTAIN ROB JONES: Alright. thank you that's all I have right now.

COMMANDER KEVIN CARROLL: Two questions and then were to take a break, and hour break for lunch and then the gentleman behind you representing the parties and interests will have an opportunity to ask some questions. How many times where the engine fuel filters changed on the starboard generator engine?

MATTHEW SANDERS: that evening? Just the one time.

COMMANDER KEVIN CARROLL: Just the one time. at the raycore fuel filters for the generator on the starboard side were changed just one time?

MATTHEW SANDERS: The ray cores, the small ray core cans for the generators? Two times.

COMMANDER KEVIN CARROLL: Two times? and those were done by?

MATTHEW SANDERS: I believe it was Chris Barksdale both times.

1 COMMANDER KEVIN CARROLL: Okay. To your knowledge did Bounty use fuel
2 additives, boosters in their fuel?

3
4 MATTHEW SANDERS: not to my knowledge no.

5
6 COMMANDER KEVIN CARROLL: Okay. We're going to take a break. We will take a
7 break we are going to come back at 1245. 1245 will be back on the record. Thank you

8
9 LIEUTENANT COMMANDER NICHOLAS PARHAM: Just a reminder this witness has
10 not been released from testimony.

11
12 LIEUTENANT COMMANDER NICHOLAS PARHAM: Ladies and gentlemen please stay
13 in your seats we will be starting in the moment.

14
15 COMMANDER KEVIN CARROLL: Okay, Nick, let's back on the record.

16
17 LIEUTENANT COMMANDER NICHOLAS PARHAM: Mr. Sanders you are reminded that
18 the oath you took previously still binds.

19
20 MATTHEW SANDERS: okay

21
22 COMMANDER KEVIN CARROLL: All parties and interests and their representatives
23 who were present before the recess are present now. Okay. Now, Mr. Sanders, what

1 were going to do now, you've had questions from, you had questions from Capt. Jones
2 from the NTSB. You have the gentleman behind you which are parties and interests and
3 their representatives have that opportunity to ask you some questions. We will begin with
4 Mr. Melusi, Mr. Melusi please take the chair.

5
6 RALPH MELUSI: Thank you. Mr. Sanders at representing Claudine Christian's estate
7 and I have some questions for you. Have you discussed your testimony here today with
8 anyone prior to taking the stand?

9
10 MATTHEW SANDERS: No I haven't.

11
12 RALPH MELUSI: Have you discussed it with any attorneys?

13
14 MATTHEW SANDERS: No I have not.

15
16 RALPH MELUSI: Has anyone provided you any information with respect to the
17 substance of the testimony that has gone on before you?

18
19 MATTHEW SANDERS: Nope.

20
21 RALPH MELUSI: Do you have any social contacts with Mr. Hansen?

22
23 MATTHEW SANDERS: No I do not.

1
2 RALPH MELUSI: Or Capt. Walbridge?

3
4 MATTHEW SANDERS: no I do not.

5
6 RALPH MELUSI: When you graduated from Maine Maritime, he said that was a four-year
7 course of study?

8
9 MATTHEW SANDERS: Yes it was.

10
11 RALPH MELUSI: Among other subjects you studied meteorology, oceanography?

12
13 MATTHEW SANDERS: That's correct.

14
15 RALPH MELUSI: And weather forecasting.

16
17 MATTHEW SANDERS: Not to weather forecasting, how to read the forecast.

18
19 RALPH MELUSI: Okay. Hurricane avoidance was a subject that you studied?

20
21 MATTHEW SANDERS: It was part of the curriculum.

22

1 RALPH MELUSI: Do you recall the substance of what you studied when Capt. Walbridge
2 broke the news that the ship was going to be departing on short notice because of the
3 hurricane coming off the coast?

4
5 MATTHEW SANDERS: What did I recall?

6
7 RALPH MELUSI: The substance of what you had studied on that subject? Which
8 included hurricane avoidance.

9
10 MATTHEW SANDERS: No I don't recall everything that I learned in my educational
11 career.

12
13 RALPH MELUSI: Well, I'm focusing just on one important topic for the voyage you are
14 about to take. Hurricane avoidance.

15
16 MATTHEW SANDERS: I really don't follow what you're asking. Do I remember
17 everything I learned about hurricane avoidance?

18
19 RALPH MELUSI: Well, aren't there some basic rules that were taught to people studying
20 for professional deck licenses as to what to do to avoid a hurricane? Such as the rule of
21 34?

22
23 MATTHEW SANDERS: I don't know which rule that is.

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RALPH MELUSI: Did you ever study that? Rule of 1 2 3.

MATTHEW SANDERS: rule of 34, I'm not familiar with that.

RALPH MELUSI: 34 knots.

MATTHEW SANDERS: I'm not familiar with that.

RALPH MELUSI: 34 knots, referring to keeping a distance, a certain distance from the center of a hurricane when the maximum when are at about 34 knots. you don't recall that?

COMMANDER KEVIN CARROLL: I think he's already testified that he had not heard of that.

RALPH MELUSI: Okay. Rule of 1 2 3, which involves charting a radius around the eye of a hurricane

LEONARD LANGER: objection. He has already testified that he is not aware of that rule.

RALPH MELUSI: This is a different rule.

1 LEONARD LANGER: No, he said on both rules.

2

3 RALPH MELUSI: If I explained it to you maybe it will refresh your recollection.

4

5 COMMANDER KEVIN CARROLL: I don't think he's here to have you explain things to
6 him, he's here to answer questions. So let's ask a question.

7

8 RALPH MELUSI: What about crossing the T of a hurricane, did you ever remember
9 studying

10

11 MATTHEW SANDERS: I am not familiar with that terminology of crossing the T
12 hurricane.

13

14 RALPH MELUSI: Did you find it strange at all that Captain Walbridge had made a
15 decision on such short notice that the vessel was going to get underway?

16

17 LEONARD LANGER: Objection. there's no foundation for that.

18

19 COMMANDER KEVIN CARROLL: I don't know if he testified that it was short notice, he
20 said that the voyage plan was weeks before. Correct me if I'm wrong, the voyage plan
21 was weeks before and they made the decision from New London to St. Petersburg.

22

23 RALPH MELUSI: Yet the voyage plan was for October 25. To depart.

1

MATTHEW SANDERS: It has an open date and in and date it's an estimated time and estimated course.

4

RALPH MELUSI: The vessel actually departed a day sooner?

6

MATTHEW SANDERS: I don't know which are asking.

8

RALPH MELUSI: How much time was the crew given to make a decision whether to depart with the vessel or leave?

11

MATTHEW SANDERS: we were asked that afternoon if anybody wanted to leave, we could.

RALPH MELUSI: And the vessel got underway, how soon after that?

15

MATTHEW SANDERS: After the capstan we made preparations to be underway, and we got underway.

18

RALPH MELUSI: Estimate the time, 1, 2 hours?

20

MATTHEW SANDERS: Probably within two hours.

22

RALPH MELUSI: Weren't they scheduled to leave the following morning?

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MATTHEW SANDERS: I don't know of any schedule to leave on the following morning.

RALPH MELUSI: You said that the plan that the captain explained to you was to sail initially the South East to get out some distance off the coast to observe the hurricane?

MATTHEW SANDERS: The plan was to sail south east.

RALPH MELUSI: Do you recall being interviewed by Coast Guard officer before coming here today in which you said that the plan as described by Captain Walbridge was to sail due east?

MATTHEW SANDERS: No I do not.

RALPH MELUSI: Do you recall being interviewed by Cmdr. Carroll?

MATTHEW SANDERS: Yes I do.

RALPH MELUSI: On November 30?

MATTHEW SANDERS: I don't know which date it was but I remember speaking with Cmdr. Carroll.

1 RALPH MELUSI: was that a telephone conversation or in person?

2

3 MATTHEW SANDERS: I can hear what you said.

4

5 RALPH MELUSI: Was that a telephone interview or was it in person?

6

7 MATTHEW SANDERS: That was over the telephone.

8

9 RALPH MELUSI: Did you tell him in that interview that the plan was to get the room to
10 the east?

11

12 MATTHEW SANDERS: to the east of the continental United States.

13

14 RALPH MELUSI: But you didn't mention in that interview that it was to sail South East did
15 you?

16

17 MATTHEW SANDERS: I don't recall my exact words.

18

19 RALPH MELUSI: the reason for getting underway was because the vessel would be
20 safer out at sea than at port.

21

22 MATTHEW SANDERS: I never heard that statement being made.

23

1 RALPH MELUSI: Did the captain discuss the alternatives were?

2

3 MATTHEW SANDERS: I didn't, did decision was to get underway.

4

5 RALPH MELUSI: Well did you have any thoughts as to alternatives such as staying in
6 Port or sailing north?

7

8 MATTHEW SANDERS: I made the decision to follow Capt. Walbridge. My decision was
9 to either stay aboard or to leave and I chose to stay aboard.

10

11 RALPH MELUSI: Would you have followed any orders that he gave?

12

13 MATTHEW SANDERS: No, I would not.

14

15 RALPH MELUSI: You understood that he was going to sail, get underway because the
16 vessel would be safer at sea than staying in New London?

17

18 COMMANDER KEVIN CARROLL: I think he already said that he did not hear that.

19

20 RALPH MELUSI: Do you have any understanding as to why the captain decided to sail
21 the vessel out with an approaching storm? Do you know what his reason was?

22

23 MATTHEW SANDERS: I do not know how he came to the conclusions of his thoughts.

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RALPH MELUSI: But his bottom line, to have an understanding of why he wanted to do this?

MATTHEW SANDERS: I don't understand your question. If I understood what he was thinking? I can't answer what he was thinking.

RALPH MELUSI: What he wanted, he wanted to get, you knew there was a hurricane coming up the coast?

MATTHEW SANDERS: Yes I did.

RALPH MELUSI: Okay. And you knew the captain wanted to get underway on very short notice.

LEONARD LANGER: Objection. He's already testified that it wasn't on short notice.

RALPH MELUSI: Did you know why, what the captain hoped to accomplish by departing New London with an approaching hurricane?

MATTHEW SANDERS: I assumed the goal was to reach a destination. That's an assumption. The vessel gets underway is a goal, it wasn't just to go sailing it was to do something.

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RALPH MELUSI: Just to reach a point for no reason? Some point out at sea?

COMMANDER KEVIN CARROLL: Hold on for a second. Things are starting to get, in my opinion, a little bit argumentative. Now, Mr. Sanders from my questions and from Capt. Jones questions this morning, did detail that the captain's was to get on a southeasterly course on 25 October in the evening. He did not testify that he believed in the short notice. If you would like to ask him if he thought it was short notice, can definitely do that. He did detail that he wanted to get, Capt. detailed his plan was to get sea room down to the East so he can make a decision at a later date about what was to be done. I don't think any point we discussed any testimony in regards to what he thought that the captain thought the ship was safer at sea, that's a very valid question. But in regards to the captain was thinking I don't think he can do that. He did say that the captain did not detail what his thought pattern was. He said he told him what the plan was, didn't tell them how he came up with the plan.

RALPH MELUSI: Were you apprised as to the nature of the event they were to attend in St. Petersburg?

MATTHEW SANDERS: I know that there was some events, a donut the details of what the event entailed.

RALPH MELUSI: Did it involve some foundation? And also involve raising money for a foundation in which Bounty was to be used as the attraction to draw people?

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MATTHEW SANDERS: I don't know the details of the event.

RALPH MELUSI: Do you know anything about it?

MATTHEW SANDERS: Only that the town of St. Petersburg was having us there the old dock where the boat used to be at.

RALPH MELUSI: Did you understand whether it was an event which was more important to the Bounty organization than other ports of call that they had that going to?

MATTHEW SANDERS: I said that the extent of my knowledge of the event was that we were going to St. Petersburg for a welcoming back to St. Petersburg.

RALPH MELUSI: When the decision was made to turned the vessel southeast to southwest, that was a significant course change wasn't it?

MATTHEW SANDERS: I don't follow what you're asking that question.

RALPH MELUSI: Well, you're heading back now to towards the coast. Whereas before you are heading out which to the ocean on a south westerly course. Wouldn't you say that was a significant change?

1 MATTHEW SANDERS: It was a course change.

2

3 RALPH MELUSI: Yes so the plan at that point was to come back to the United States
4 and seek a port of refuge?

5

6 MATTHEW SANDERS: That's speculative, I don't know.

7

8 RALPH MELUSI: Aren't you the navigator? The person who would plan the voyages,
9 wouldn't that be something you would know?

10

11 MATTHEW SANDERS: I said earlier that our plan was to, when that change was made it
12 was to go south of the storm with this sea room provided as the coast moved to the West.

13

14 RALPH MELUSI: To a port? Safe port?

15

16 MATTHEW SANDERS: To get behind the storm with fair wins behind us.

17

18 RALPH MELUSI: But the point of fact, they didn't get behind the storm. They were
19 crossing over it ahead of it. Is that true?

20

21 MATTHEW SANDERS: I don't know at what point the storm was at in relation to us when
22 on the 29th when we got help from the Coast Guard.

23

1 RALPH MELUSI: I understood you to say that aboard the vessel the weather progress of
2 the storm was being charted, plotted on a regular basis.

3
4 MATTHEW SANDERS: up until a certain point when there wasn't time for that.

5
6 RALPH MELUSI: Okay what was the point at which there was no time to chart the
7 progress and track of hurricane Sandy?

8
9 MATTHEW SANDERS: I don't recall the exact point.

10
11 RALPH MELUSI: Well give me your best estimate.

12
13 MATTHEW SANDERS: I would say sometime in the early morning of Saturday.

14
15 RALPH MELUSI: And what were the conditions that prevented anyone on the vessel
16 from tracking hurricane Sandy's progress at that time?

17
18 MATTHEW SANDERS: I don't know.

19
20 RALPH MELUSI: Say that again.

21
22 MATTHEW SANDERS: We were receiving, are you asking what was stopping us from
23 tracking it?

1
2 RALPH MELUSI: That's what you said.

3
4 MATTHEW SANDERS: That's what you said. We were still receiving weather faxes and
5 getting reports from the gribbs where the storm was in relation to us which was also stated
6 earlier.

7
8 RALPH MELUSI: Well did there come a time when no one was able to track the progress
9 and position of the storm?

10
11 LEONARD LANGER: I'm going to object. It's argumentative As to what they were doing
12 the relevance (inaudible).

13
14 CAPTAIN ROB JONES: he's also not in a position to speculate what every member of
15 the crew was doing at that time. You could ask him what he was doing.

16
17 RALPH MELUSI: Well now that he agrees that there is a significant course change and
18 I'm trying to get

19
20 MATTHEW SANDERS: I said there was a course change

21
22 COMMANDER KEVIN CARROLL: he said there was a course change

23 .

1 RALPH MELUSI: He said it was significant.

2
3 MATTHEW SANDERS: No I did not. I specifically left that word out my sentence.

4
5 COMMANDER KEVIN CARROLL: Okay. That's going to be the last time that that
6 happens. Now he did specifically make the point that he believed there was a course
7 change, you said it was a significant course change. Now there is a way to ask perfectly
8 relevant questions without being argumentative and that's going to happen. now in
9 regards to whether there was a point where they stopped tracking the storm, that they
10 perfectly relevant, that's a good question. That assists the investigation, when that was
11 that definitely does too. Why would happen that was a good question he answered the
12 question but again can't answer the same question over and over again. So please

13
14 RALPH MELUSI: I don't know if he answered when they stopped tracking it or why.

15
16 COMMANDER KEVIN CARROLL: He said early morning on Saturday which I read
17 down, is that correct?

18 MATTHEW SANDERS: As long as we were getting weather faxes that were coming in. I
19 don't know when they stopped.

20
21 COMMANDER KEVIN CARROLL: So to answer Mr. Melusi's question the early morning
22 Saturday is your best estimate?
23

1 MATTHEW SANDERS: sometime on Saturday I know that we were in communication
2 with the Coast Guard in the late evening on Saturday through Sunday morning, or wait,
3 I'm confusing myself. It was Sunday morning going into Monday, correct?
4

5 COMMANDER KEVIN CARROLL: The vessel sank on Monday.
6

7 MATTHEW SANDERS: Right so we would have been receiving weather information
8 throughout Sunday and also after the fact I don't know but we had electricity through that
9 afternoon evening Sunday we would have been getting weather information. I would
10 assume.
11

12 COMMANDER KEVIN CARROLL: So are you saying that early morning Sunday is with
13 tracking stopped?
14

15 MATTHEW SANDERS: I don't, I don't know when it stopped. As far as when we stopped
16 receiving weather faxes.
17

18 COMMANDER KEVIN CARROLL: you can definitely answer the question honestly and
19 to the best of your ability, that the only thing that you can do. if you don't know
20

21 MATTHEW SANDERS: I don't know when we stopped receiving weather faxes.
22

23 COMMANDER KEVIN CARROLL: okay. I

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RALPH MELUSI: But the reason that the tracking of the storm stopped, was not due to loss of electric power because you always had one generator online continuously. Correct?

MATTHEW SANDERS: we did not have generators online continuously at all times.

RALPH MELUSI: Well Sunday. Sunday on your watch, when you are on the 12 - 4 it was reported to you the port generator and port main engine went down.

MATTHEW SANDERS: I do not know when or if weather faxes stopped coming in.

RALPH MELUSI: Then what did you mean when you said at some point they stopped tracking the progress of the storm?

MATTHEW SANDERS: I think I was confused by your questioning.

RALPH MELUSI: Okay. I'll ask it again. Did there ever come a time when the vessel was unable to track the progress of the storm?

MATTHEW SANDERS: I would imagine not having electricity it was unable to use electrical equipment that would provide the information. We did not track the hurricane, we interpreted information given to us from weather faxes.

1 RALPH MELUSI: And weather faxes came in as long as you had a generator online?

2

3 MATTHEW SANDERS: Excuse me?

4

5 RALPH MELUSI: Weather faxes were received as long as one of the electrical
6 generators was operating, correct?

7

8 MATTHEW SANDERS: someone has to operate a radio to receive those faxes.

9

10 RALPH MELUSI: But you had a radio officer, didn't you?

11

12 MATTHEW SANDERS: Equipment was on board to receive weather faxes.

13

14 RALPH MELUSI: And you had a radio officer Who would have been operating it in
15 receiving it correct?

16

17 MATTHEW SANDERS: I don't know if we had a radio officer but Robin received, was
18 the one that operated that machinery to get weather faxes.

19

20 RALPH MELUSI: Do you know what the basis of the decision was to change course from
21 Southeast to Southwest?

22

23 LEONARD LANGER: Objection. It's been asked and answered already. Twice.

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COMMANDER KEVIN CARROLL: He did say earlier that he did not know, he knew that the order was given it was not on his watch and he wasn't a part of the discussion.

RALPH MELUSI: We've had testimony that Capt. Walbridge was a very teaching sort of a master. He took every opportunity to use events, significant events, even on significant events to teach. Are you aware that?

MATTHEW SANDERS: I am not aware of any testimony here other than my own today.

RALPH MELUSI: Okay there based on your own relationship having worked in a professional capacity under his command, was he that type of a person?

MATTHEW SANDERS: I would agree.

RALPH MELUSI: Did he think the opportunity to use this course change, Southeast to Southwest, as a teaching event to explain why why the vessel was now going to be changing course?

MATTHEW SANDERS: I did not have the conversation.

RALPH MELUSI: But you did understand that once that change, that course change was made, the vessel was heading directly toward the hurricane?

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MATTHEW SANDERS: I understood the vessel was heading in a south easterly direction.

RALPH MELUSI: Then it went Southwest. At that point.

MATTHEW SANDERS: Then it was going Southwest.

RALPH MELUSI: Directly to the hurricane?

MATTHEW SANDERS: I do not know if it was going directly to the hurricane. I believe the hurricane was East of us. South to east of us.

RALPH MELUSI: As second officer at that point, you did not know the relationship between the vessels track Southwest and the hurricane?

MATTHEW SANDERS: I don't recall.

RALPH MELUSI: You don't recall?

MATTHEW SANDERS: I don't recall the exact location of everything at every moment.

1 RALPH MELUSI: Okay. Different subject. This bilge system that we have spent time
2 talking about before. You describe that from the manifold, would there be a line going for
3 and aft direction which would have suction in the various compartments?
4

5 MATTHEW SANDERS: as part of the bilge system yes.
6

7 RALPH MELUSI: Was one line which led from the manifold for an aft or whether two
8 lines?
9

10 MATTHEW SANDERS: I don't know exactly how many there were, there were multiple
11 lines.
12

13 RALPH MELUSI: But you know that there were suction strainers that came off the bilge
14 line.
15

16 MATTHEW SANDERS: there were hoses attached to the hard line, like I described
17 earlier, that had sea strainers.

18 RALPH MELUSI: so the hardline is the primary line and then off this hard line with the a
19 flexible line, maybe four or 5 feet at the end of which would be a suction strainer?
20

21 MATTHEW SANDERS: That's what I stated earlier.
22

23 RALPH MELUSI: Okay. This hardline what proximity was it to the keel?

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MATTHEW SANDERS: It was above at next to the keel.

RALPH MELUSI: So along the centerline of the ship?

MATTHEW SANDERS: close to the centerline.

RALPH MELUSI: And the flexible lines which led off it, what were they made of? Hose?

MATTHEW SANDERS: Some form of rigid hose.

RALPH MELUSI: did they lead to the starboard side? In all of the compartments or were some Portside?

MATTHEW SANDERS: I don't know.

RALPH MELUSI: I think you said that you had checked some of these strainers while the vessel was battling the seas and taking water into the bilges.

MATTHEW SANDERS: The best I can remember that they lead to the port side off of the pipe itself.

1 RALPH MELUSI: Okay. So the flexible part of this bilge line in each compartment they
2 lead to the port side?

3
4 MATTHEW SANDERS: I can't quote each compartment, I don't have that knowledge.

5
6 RALPH MELUSI: Well, your best recollection because I mean the ship is not here and I
7 don't know that we have it on the prints

8
9 MATTHEW SANDERS: my best recollection was that the lines come off of the, the hose
10 comes off and leads toward the port

11
12 RALPH MELUSI: leads where?

13
14 MATTHEW SANDERS: The ones that I can picture lead left of the line towards the port,
15 towards the centerline.

16
17 RALPH MELUSI: port of the centerline okay

18
19 MATTHEW SANDERS: no towards the centerline.

20
21 RALPH MELUSI: You had stated that they left it perpendicular off the hardline.

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23 MATTHEW SANDERS: They are T'ed off the hardline.

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RALPH MELUSI: well that's perpendicular to isn't it? Okay and you think that most of them were on the port side of the keel?

MATTHEW SANDERS: No. They were led to the portside by the center of the keel in the general area of the keel.

RALPH MELUSI: Can you describe the strainers?

MATTHEW SANDERS: They are metal cages, cylindrical in shape. 8 inches tall I think. I think I stated earlier and they are for straining out debris.

RALPH MELUSI: What's the cross-section of the opening on, it's not like a window screen that would be to fine.

MATTHEW SANDERS: I don't know what the cross-section is.

RALPH MELUSI: Did you ever clean one out?

MATTHEW SANDERS: No.

RALPH MELUSI: You described difficulties with the pumping bilges in regard to priming. You also mentions a relationship between the movement of the vessel rolling of the

1 vessel and water sloshing from one into the other. Could you explain what effects that
2 was having on keeping the pumps primed?

3
4 MATTHEW SANDERS: I believe I did that.

5
6 COMMANDER KEVIN CARROLL: Mr. Melusi, I'd asked Please we spent the morning I
7 and Captain Jones specifically asking questions. Now if the question has already been
8 asked and answered, we don't have, if we are going to have to rehash every question it's
9 going to take forever for this. If there is a difference question or if there is something that I
10 did not touch on, I'd ask you please to ask that.

11
12 RALPH MELUSI: Well alright. Was it air, was it a problem that air was getting into the
13 suction strainers?

14
15 MATTHEW SANDERS: Yes. When a pump loses its prime, it's normally due to it not
16 having fluid other than air in it.

17
18 RALPH MELUSI: Okay so as the vessel rolls water would go to one side, the strainer
19 would be exposed. No water, air gets pulled in to the section line. The pump is spinning
20 but it's not pumping. Correct?

21
22 MATTHEW SANDERS: yes as I stated earlier, you prime it with the seawater to narrow
23 the amount of time it takes for the pull water out of the compartment again

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RALPH MELUSI: so what part of the time while the vessel was rolling back and forth would you estimate that the pumps were not effectively pumping because they were losing prime?

MATTHEW SANDERS: I can't estimate that.

RALPH MELUSI: You also discussed that on a number of occasions you are cleaning out to debris from the strainer to the portable hydraulic pump. Do you recall?

MATTHEW SANDERS: Yes I stated that I cleated twice. More than once earlier.

RALPH MELUSI: That involved taking the casing, part of the casing parts with some tools to get out the impeller.

MATTHEW SANDERS: Yes it did.

RALPH MELUSI: On the occasions that you did that, the pump is obviously not operating for what 15, 20 minutes?

MATTHEW SANDERS: I think I took it apart and put it together and 15 minutes or less both times.

1 RALPH MELUSI: The type of debris that you found in there, is that something from the
2 shipyard?

3
4 MATTHEW SANDERS: No. It looked very old. Kind of like old wood and some old yard
5 from strands.

6
7 RALPH MELUSI: While you were down in the engine room after you got off watch, you
8 were on the 12 - 4 heroically battling the problems down there. did you have any
9 occasion to clean out any of the strainers on the main bilge system?

10
11 MATTHEW SANDERS: No I did not.

12
13 RALPH MELUSI: Was anyone doing that?

14
15 MATTHEW SANDERS: I do not know.

16
17 RALPH MELUSI: The hydraulic pump that you talked about earlier this morning. That
18 was the portable hydraulic pump, correct?

19
20 MATTHEW SANDERS: I believe it was.

21
22 RALPH MELUSI: Well you said you are able to lift it and raise it up onto the sole planks,
23 right?

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MATTHEW SANDERS: that would allow me to left it yes.

RALPH MELUSI: so it couldn't be the fix pump because the fix pump is connected by piping to the ballast at the bilge system.

MATTHEW SANDERS: okay.

RALPH MELUSI: So, that portable pump, hydraulic pump that you were using, why that only pumps from one compartment the engine room, correct?

MATTHEW SANDERS: to the best of my knowledge.

RALPH MELUSI: But you had another hydraulic pump, which is the fixed hydraulic pump which can pump from any of the compartments. Did you understand that?

MATTHEW SANDERS: No.

RALPH MELUSI: But when you first join the vessel someone explain to you the bilge system. Who was that?

MATTHEW SANDERS: I stated that also earlier. I stated that also earlier.

1 RALPH MELUSI: Well let me hear it again.

2 MATTHEW SANDERS: I was taught how to use the bilge system by Caleb Twonbley
3 (sp.)

4
5 RALPH MELUSI: Anyone else?

6
7 MATTHEW SANDERS: That was it.

8
9 RALPH MELUSI: Did he tell you that there is a difference between the two hydraulic
10 pumps? That one is limited only to pumping the engine room, that's the portable. The fix
11 pump, you can pump from any of the locations that the electric pumps can pump from.

12
13 MATTHEW SANDERS: I don't recall.

14
15 RALPH MELUSI: did anyone, was there any problem with the other hydraulic pump, the
16 fix pump that could pump from all of the compartments That prevented it from being
17 used?

18
19 MATTHEW SANDERS: I don't know.

20
21 RALPH MELUSI: Well with all of the difficulty and the need to get this water out, wouldn't
22 it have been a logical question? I mean for you as someone to say is there another pump
23 that we can use?

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LEONARD LANGER: I am going to object. This becomes argumentative. He has testified that he didn't know

COMMANDER KEVIN CARROLL: Ask a different question please.

RALPH MELUSI: Was there any, was that pump the other fixed hydraulic pump operable at the time the vessel left New London?

MATTHEW SANDERS: I don't know.

RALPH MELUSI: When the, can you estimate the amount of time that the electric pumps were not able to pump because of the loss of prime? Percentage wise.

MATTHEW SANDERS: nope. I can't do that percentage or time. I spoke earlier, I said that I gave my best estimates and they were the best answers I had for the amount of time they were down.

RALPH MELUSI: Well, do you think it was 50% of the time?

COMMANDER KEVIN CARROLL: He already said he can't estimate, he doesn't know. I am not going to go back and forth into the same question.

1 RALPH MELUSI: Okay. The captain you said, took a port tack so that the vessel, the
2 water in the bilges would shift over to the starboard side. Did you also testify because he
3 wanted to gain the use of the hydraulic pump?
4

5 MATTHEW SANDERS: The hydraulic pump was being used. I was under the impression
6 that we did that tack in order to get all the pumps, all the pickups for the pumps in the best
7 position of water over it in the best way possible.
8

9 RALPH MELUSI: Well didn't you save the strainers on the flexible piping coming off the
10 main bilge line were more to the port side of the vessel?
11

12 MATTHEW SANDERS: I said they are on the centerline.
13

14 RALPH MELUSI: Didn't you say they were
15

16 MATTHEW SANDERS: I said and I will say it one more time. I was trying to be as clear
17 as I could before that you asked, if it they were to the ports of the main pipeline, the soft
18 lines came off relative to the hard pipe to the port on the ones that I'm familiar with, which
19 led them to the center line of the vessel.
20

21 RALPH MELUSI: well if the water was shifted toward the one side of the vessel, how
22 would that benefit suction from these lines which are along the centerline?
23

1 MATTHEW SANDERS: Well we couldn't, we have to be on a port tack or a starboard
2 tack

3
4 RALPH MELUSI: but he intentionally kept it on one tack.

5
6 MATTHEW SANDERS: that is correct.

7
8 RALPH MELUSI: And it was to specifically do something with the pumps?

9
10 MATTHEW SANDERS: To the best of my knowledge, it was the best position for the
11 boat to be in for dewatering.

12
13 RALPH MELUSI: but the best position would be an even keel wouldn't it?

14
15 MATTHEW SANDERS: Like I said, we have to be on a port or starboard tack.

16
17 RALPH MELUSI: Well, then you could go from one to the other but to keep it on just one
18 side, the starboard side when the suction strainers are on the centerline, this that make
19 any sense?

20
21 COMMANDER KEVIN CARROLL: Mr. Melusi, Let me, the decision in which to hove to
22 on a port tack was discussed in earlier testimony that you were not here for, now Mr.
23 Sanders had already said he doesn't know why. He has made an assumption about why

1 but the reason as to why was to put the vessel into a more favorable position in regards to
2 the storm. That was discussed by another witness.

3
4 RALPH MELUSI: You testified it was reported to you that because of damage to a site
5 glass on a day tank, the starboard day tank, diesel oil was lost and it cause the port main
6 engine and port generator to shut down

7
8 MATTHEW SANDERS: No I did not testify to that.

9
10 RALPH MELUSI: Was it reported to you, that there was a sight glass and an oil tank had
11 broken?

12
13 MATTHEW SANDERS: Yes but it was on the port day tank, not the starboard day tank.

14
15 RALPH MELUSI: Okay. Port day tank. It was reported to you that it was broken. Did you
16 see it when you went down there?

17
18 MATTHEW SANDERS: I did not.

19
20 RALPH MELUSI: All the while that you are down there in the engine room you never
21 looked at it?

22

1 MATTHEW SANDERS: It wasn't my top priority to look at something that was already
2 broken and couldn't be fixed.

3
4 RALPH MELUSI: Have you ever seen that tank before?

5
6 MATTHEW SANDERS: Which tank?

7
8 RALPH MELUSI: The port day tank.

9
10 MATTHEW SANDERS: yes I had seen the port day tank before.

11
12 RALPH MELUSI: can you describe what the site class looked like?

13
14 MATTHEW SANDERS: It's in this picture right over here in this book.

15
16 RALPH MELUSI: Does it have a protected enclosure around it?

17
18 MATTHEW SANDERS: It has some kind of metal around it partway

19
20 RALPH MELUSI: do you know how it could have broken, the glass?

21
22 MATTHEW SANDERS: I do not.

23

1 RALPH MELUSI: Pardon?

2

3 MATTHEW SANDERS: I do not know how it broke.

4

5 RALPH MELUSI: That's not window glass, that type of glass is pretty thick isn't it?

6

7 MATTHEW SANDERS: I don't know how thick the glass is.

8

9 RALPH MELUSI: And your understanding is that once glass broke, however that
10 happened, whatever oil was in the tank drained out?

11

12 MATTHEW SANDERS: No.

13

14 RALPH MELUSI: What happened to the oil in the tank once the glass was broke?

15

16 MATTHEW SANDERS: it's my belief that the engines consumed the oil.

17

18 RALPH MELUSI: Well, Do you know how many gallons that tank holds?

19

20 MATTHEW SANDERS: I believe it holds 400, like I stated earlier.

21

22 RALPH MELUSI: 400 gallons okay. And where is the site glass located in terms of the

23

1 COMMANDER KEVIN CARROLL: Mr. Melusi, again, he stated very clearly to you before
2 400 gallons the tanks were pressed daily that a valve at the bottom of valve the top. The
3 valve at the bottom was closed it left residual fuel in there, from what he understands he
4 doesn't know how it was broken. He believes that the tank was sucked dry for use port
5 engine in the port generator. He also testified that there was no oil or diesel fuel on the
6 deck or on the sole boards. So he's answered these questions.

7
8 RALPH MELUSI: Well in order to have a level in that glass, it's giving you an accurate
9 reading you have to have, there's a valve on the top and the valve on the bottom that
10 have to be opened.

11
12 MATTHEW SANDERS: That's correct for it to work properly both valves have to be
13 opened.

14
15 RALPH MELUSI: and if you break the glass and the oil level is above the site glass, the
16 labels can come down until it reaches the level of the site glass isn't it?

17
18 MATTHEW SANDERS: I believe you are starting to say it will reach the level of the break
19 in the glass.

20
21 RALPH MELUSI: Yes. Okay. And the site glass, you are saying very little oil came out?

22
23 MATTHEW SANDERS: I don't know if any or how much oil came out of the site glass.

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RALPH MELUSI: Wasn't it reported to you by Claudine that she found a leak in the fuel oil tank before the vessel sailed?

MATTHEW SANDERS: I don't recall that.

RALPH MELUSI: Hadn't she reported that to you and other members of the crew, and she was so proud because she was such a tiny person that she was able to squeeze behind the tank to find the leak?

LEONARD LANGER: I am going to object, I am going to object.

COMMANDER KEVIN CARROLL: Just a second. So we haven't had a testimony to that, or we don't have any evidence. If you have it, I will hear it.

RALPH MELUSI: Well, I am asking him the substance of that conversation was brought to his attention by Claudine.

LEONARD LANGER: He already said he doesn't recall any such conversation.

COMMANDER KEVIN CARROLL: I agree, he already answered no. Now if you have documentation of this, I would be happy to take it into the record.

1 RALPH MELUSI: When you weren't attending to getting the starboard generator working,
2 and I understand you explained several times that it went down, to change filters and
3 other things. You are directing your attention to maintaining the prime and the ballast
4 system. So you are going back and forth from these things?

5
6 MATTHEW SANDERS: You are asking about the bilge system, I thought you said
7 ballast.

8
9 RALPH MELUSI: Bilge, the bilge.

10
11 MATTHEW SANDERS: Yes I was pumping out, with all my free time. I wasn't trying to fix
12 it if the pumps were working I was trying to pump out.

13
14 RALPH MELUSI: Okay and when you went down originally the captain was there and
15 John was there, the chief mate?

16
17 MATTHEW SANDERS: That's correct.

18
19 RALPH MELUSI: Okay at some point they left. Did they leave together?

20
21 MATTHEW SANDERS: no they left at separate times.
22

1 RALPH MELUSI: Okay and was there some point when you're alone down there? You
2 are down there almost a midnight.

3

4 MATTHEW SANDERS: Yeah was down there for quite a bit.

5

6 RALPH MELUSI: You went down there when you got off watching 1600.

7

8 MATTHEW SANDERS: That's correct.

9

10 RALPH MELUSI: So for eight hours you spent down on that engine room doing whatever
11 you could to keep things going?

12

13 MATTHEW SANDERS: That's right.

14

15 RALPH MELUSI: The engineer wasn't there?

16

17 MATTHEW SANDERS: I wasn't working with Chris directly.

18

19 RALPH MELUSI: Will you would've seen him if he was in the engine room wouldn't you?

20

21 MATTHEW SANDERS: like I said I wasn't working with Chris directly.

22

23 RALPH MELUSI: Well my question is was he in the engine room?

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MATTHEW SANDERS: he came and went from the engine room a few times but I don't know where he was when he wasn't there.

RALPH MELUSI: So you were not working together as a team?

MATTHEW SANDERS: I just said I was not working with Chris and the engine room.

RALPH MELUSI: Okay then you were not working, all right, anyone else come down to assist you?

MATTHEW SANDERS: I stated earlier I listed five or six different people that came and went throughout the day or evening assisting, yes.

RALPH MELUSI: But you were the primary person who spent the most time down there trying to get systems going?

MATTHEW SANDERS: from 1600 on that is correct.

RALPH MELUSI: When you were, your attempts to re-prime the pump's whenever they would loose it, that would involve opening up a sea cock to admit seawater back into the ship to get into the pump to get the line?

MATTHEW SANDERS: That is not correct.

1
2 RALPH MELUSI: How did you re-prime?

3
4 MATTHEW SANDERS: You open a sea cock and it is plumbed directly to the pipes to
5 the pump.

6
7 RALPH MELUSI: okay and sea water comes into the pumps?

8
9 MATTHEW SANDERS: into the pump.

10
11 RALPH MELUSI: And let's say at the live going all the way forward is air, you're going to
12 be filling that up with seawater until you can catch prime again?

13
14 MATTHEW SANDERS: No. It does not fill it up with seawater.

15
16 RALPH MELUSI: What is it fill it up with?

17
18 MATTHEW SANDERS: It just increases the vacuum strength by having a pump primed
19 with what water sucks the air through and eventually sucks water.

20
21 RALPH MELUSI: It's going to assist you in getting a vacuum on the line so that you can
22 suck water. Correct?

23

1 MATTHEW SANDERS: and to remove the air to get to the water.

2

3 RALPH MELUSI: All right. But you're bringing seawater and to that?

4

5 MATTHEW SANDERS: Through a through hole directly to the pump.

6

7 RALPH MELUSI: The last few, the time spent on the weather deck, the main deck, you
8 said that you had seen Claudine there. She came by, and your foot was caught and some
9 dear at that point?

10

11 COMMANDER KEVIN CARROLL: Mr. Melusi we are going to cover a new area. Ask a
12 question that we don't already have the answer to, please.

13

14 RALPH MELUSI: Thank you gentlemen. No further questions.

15

16 COMMANDER KEVIN CARROLL: Mr. Svendsen.

17

18 JOHN SVENDSEN: Good afternoon Matt.

19

20 MATTHEW SANDERS: How you doing, John.

21

22 JOHN SVENDSEN: Focusing. While you are on Bounty, I believe you stated you got on
23 board around March.

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MATTHEW SANDERS: Correct.

JOHN SVENDSEN: An estimate of how many Coast Guard inspections that you were witness to onboard?

MATTHEW SANDERS: on board the Bounty? They would have been at every port we went to.

JOHN SVENDSEN: So the Bounty was inspected at every port When we came in to open up for dockside tours is that?

MATTHEW SANDERS: That's correct.

JOHN SVENDSEN: Throughout the season you mention that there is a hatch that had been refined in the yard period, Why was the hatch refined? What was the purpose of that?

MATTHEW SANDERS: There was a change made to the hatch in order to change our tonnage to go to Nova Scotia and when we were in the yard period That was refined to make it a more form and fitting change (inaudible) from forward section of the boat.

1 JOHN SVENDSEN: Do you remember the boat being surveyed or inspected by anyone
2 from ABS or the Coast Guard in relationship to that?

3
4 MATTHEW SANDERS: we had ABS come when the initial change was made in, I want
5 to say in the (inaudible) area.

6
7 JOHN SVENDSEN: Okay and have you seen the stability liner in the Bounty?

8
9 MATTHEW SANDERS: Yes, in the nav shack.

10
11 JOHN SVENDSEN: Okay. with your awareness of all the inspections that place
12 throughout the season, the US Coast Guard and ABS and familiarity with the changes in
13 all that, were you aware of any CG835 deficiencies or recommendations that were made
14 based on that in regards to the stability liner at any point in time?

15
16 MATTHEW SANDERS: I am not aware of any recommendations or changes that were
17 given to anybody to change out really am not aware of it.

18
19 JOHN SVENDSEN: When you got on board the Bounty, was there a royal yard or sale
20 on the boat?

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22 MATTHEW SANDERS: A royal?
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JOHN SVENDSEN: Royal.

MATTHEW SANDERS: On the four and the main

JOHN SVENDSEN: Okay. When you were in the yard period, did you note any ballast that was being moved within the boat.

MATTHEW SANDERS: A ballast was moved aft.

JOHN SVENDSEN: And who was that under the direction of?

MATTHEW SANDERS: To the best of my knowledge it was under the direction of Robin.

JOHN SVENDSEN: At any other point in the time that you were on board did you see ballasts being moved or changed?

MATTHEW SANDERS: No.

JOHN SVENDSEN: It's been mentioned that you have a Maine Maritime Academy education and worked on tugs and yachts and you stated that the professionalism on the bounty was high. What separated the Bounty's professionalism and training from other vessels that you encountered?

1 MATTHEW SANDERS: We definitely tried to hold ourselves to a higher standard and we
2 did regular man overboard training. Did all the drills for fire simulated abandon ship
3 donning the emersion suits and we Records of everything. We had a sense of safety gear
4 and it was all done to the Coast Guard standards.

5
6 JOHN SVENDSEN: Did we have discussions about continuing to raise the standard of
7 that Bounty to the MCA US Coast Guard and US Coast Guard Eagle standards for
8 seamanship to exceed or meet the standards?

9
10 MATTHEW SANDERS: Yes we did.

11
12 JOHN SVENDSEN: Was that an active part of what we were focused on the ship. In
13 regards to training and safety and procedure and protocol.

14
15 MATTHEW SANDERS: It was pretty much the focus of our underway time.

16
17 JOHN SVENDSEN: Within the yard period, you worked directly with Chris Barksdale on
18 re-plumbing and work in the yard. Within that timeframe, can you describe to me his
19 professional attitude and abilities in regards to engineering?

20
21 MATTHEW SANDERS: We always tried to think it through first, make our plan and apply
22 it into a good job. We were working with PVC pipe and black steel and working with black

1 steel was new for me, but we learn to do it, they showed us how to do it and I think we did
2 a very good job of installing at all.

3
4 JOHN SVENDSEN: Within the ship you had mentioned that you weren't specific on
5 timestamps for every event that had happened. Having been there myself, I am familiar
6 with that experience. You stated on your watch that at one point the generator and the
7 port engine were not on when you got on watch. At another point you referred to
8 Commander Carroll's question about everything was operational when you took the
9 deck. is it possible that some of the timelines and some of the timestamps were blending
10 together?

11
12 MATTHEW SANDERS: I believe it's very possible.

13
14 COMMANDER KEVIN CARROLL: I don't believe he said that. The watch prior to him
15 taking the watch on 1200 on Sunday he said, correctly from wrong, that there was no port
16 generator there was no port main engine operational. The watch prior to that, he said all
17 systems were operational. Correct?

18
19 MATTHEW SANDERS: We weren't using the port generator, just the port engine
20 starboard engine starboard generator. They were the three motors that were being used
21 were operational 12 hours before my new Sunday watch and I believe that the port
22 engine was down when I took watch at noon on Sunday.

23

1 COMMANDER KEVIN CARROLL: Okay.

2

3 MATTHEW SANDERS: But it is possible for my timeline to be off, as I stated earlier.

4

5 JOHN SVENDSEN: Okay. Am I able to integrate my experience into this question?

6

7 COMMANDER KEVIN CARROLL: It's his testimony. If you want to ask a question that
8 specifically you can get his testimony from but it's his testimony.

9

10 JOHN SVENDSEN: Okay. You stated that the fore course was furled at I believe around
11 1300 1400 somewhere in that timeframe. To the best of my recollection while that
12 experience we were doing about 10 knots under both main engines when the sale splits.
13 Would you say that might have been an accurate assessment?

14

15 MATTHEW SANDERS: Mm,hm. That could be

16

17 COMMANDER KEVIN CARROLL: You're actually giving him testimony. He's already
18 provided what his recollection was, in regards to, it's pretty clear before that he said on
19 1200 Sunday when he to the watch that he did not believe the port main engine was
20 operational at that time. That 1330 to 1400 the fore course blew.

21

1 JOHN SVENDSEN: I guess I was, I guess I misunderstood. I heard him say that
2 everything was operational at that point and it wasn't operational. so I was tempting to
3 find clarification to see if it may or may not have been.

4 COMMANDER KEVIN CARROLL: Okay.

5
6 MATTHEW SANDERS: As far as I can remember, when I took the watch, the port engine
7 was down. Then sometime in the beginning of the watch the course, the fore course blew.

8
9 JOHN SVENDSEN: You stated that you saw John Svendsen and Robin Walbridge in the
10 engine room. There is to John's on board, could hit have been John Jones and Robin
11 Walbridge that you saw in there being that John Jones was a wiper?

12
13 MATTHEW SANDERS: I think John was down there, I think when I initially came down
14 you and Robin were both down there.

15
16 JOHN SVENDSEN: Okay. With the plans that we had for the Bounty, Can you discuss
17 your plans for future return dates for the Bounty after the 2012 season?

18
19 MATTHEW SANDERS: My plan was to return for this coming season, the 2013 season
20 and to continue with the season following that. I was planning on sticking around for a
21 while.

22

1 JOHN SVENDSEN: Okay. Was there discussions by myself to other members of the
2 crew about other intentions of returning to the Bounty?

3
4 MATTHEW SANDERS: Yes, there was.

5
6 JOHN SVENDSEN: Can you estimate approximately how many crew members were
7 excited, or planning to return to the Bounty in 2013?

8
9 MATTHEW SANDERS: I think out of the crew that we sailed with from New London
10 every single one of them was planning to return to the best of my knowledge.

11
12 JOHN SVENDSEN: Okay, thank you very much Matt.

13
14 MATTHEW SANDERS: thank you.

15
16 COMMANDER KEVIN CARROLL: Bounty Organization.

17
18 LEONARD LANGER: Good afternoon Mr. Sanders. My name is Len Langer, I represent
19 HMS Bounty organization. You indicated in response to Mr. Svendsen's question that
20 some ballasts was moved aft while the vessel was in the shipyard. Did you participate in
21 moving in the about ballast?

22
23 MATTHEW SANDERS: No, I did not.

1 LEONARD LANGER: Do you have an estimate of how much weight was moved aft and
2 into what compartment?

3
4 MATTHEW SANDERS: No, I don't.

5
6 LEONARD LANGER: In response to Commander Carroll's questions, you indicated that
7 as part of the boat check each watch what attempt to pump the bilges one time per hour.
8 Is that correct?

9
10 MATTHEW SANDERS: That's correct.

11
12 LEONARD LANGER: What would happen if there is no water in the bilge to pump?

13
14 MATTHEW SANDERS: I am not sure if I understand which are asking but if there was no
15 water, you could tell that the pump was it pumping anything.

16
17 LEONARD LANGER: Would that fact that there was nothing to pump be recorded in a
18 logbook in the pumping log book in the engine room?

19
20 MATTHEW SANDERS: In general, yeah. We would say like nothing there, N/A, were an
21 inoperable. something like that.

22

1 LEONARD LANGER: I am just trying to clarify when you say you are pumping once an
2 hour, is that because it was a routine that the vessel did or was that because it had to be
3 pumped due to the amount of water that was in the vessel?
4

5 MATTHEW SANDERS: it was part of the watch routine.
6

7 LEONARD LANGER: So regardless of how much water might have been in the vessel,
8 the crew would attempt to pump as part of its routine?
9

10 MATTHEW SANDERS: Correct.
11

12 LEONARD LANGER: You indicated that once the starboard generator was no longer
13 available you then moved over and were able to get the port generator started again.
14

15 MATTHEW SANDERS: That's correct.
16

17 LEONARD LANGER: to your knowledge, at any time from the time you enter the engine
18 room until you started to work on the port generator, was anybody else tried to start the
19 port generator?
20

21 MATTHEW SANDERS: I don't know for sure. I think earlier before I came down there
22 were some people that tried, but I don't know for sure.
23

1 LEONARD LANGER: And your recollection is that at no time when you are in the engine
2 room starting at the end of your watch until you started the port generator, it did not run
3 any time?
4

5 MATTHEW SANDERS: That is correct.
6

7 LEONARD LANGER: You described the process you went through to prime the bilge
8 pumps if they had air in them. What would happen if the valve to the sea cock, when you
9 were sucking seawater in order to prime the pump. What would happen if that valve was
10 not fully closed?
11

12 MATTHEW SANDERS: it would pump seawater out through the bilge pump and out the
13 overboard.
14

15 LEONARD LANGER: in your opinion, what effect would that have on the pumping rate of
16 the system within the vessel?
17

18 MATTHEW SANDERS: Will the pump can only have so much volume, so if it was getting
19 it from the sea cock it would be taking less from the bilge compartment and vice versa.
20

21 LEONARD LANGER: Okay. Is there a log in the engine room that logs when the various
22 day tanks, the two day tanks are filled?
23

1 MATTHEW SANDERS: I don't know for sure. There is an engineering log I don't know if
2 it includes the day tank pressing or not.

3
4 LEONARD LANGER: when you entered the engine room at 1600 that Sunday, did you
5 have an opportunity to check the level of the fuel in either of the day tanks?

6
7 MATTHEW SANDERS: I didn't check them. I just was pumping the bilges.

8
9 LEONARD LANGER: When you got support generator going again, I think you said you
10 then proceeded to pump fuel from the maintained into the port day tank.

11
12 MATTHEW SANDERS: Correct.

13
14 LEONARD LANGER: How long did you pump?

15
16 MATTHEW SANDERS: I think I got somewhere between 10 to 15 minutes of fuel
17 transferring in.

18
19 LEONARD LANGER: did you assess, the site glass was broken, do you have any
20 estimate of how many gallons you are able to pump in to the port day tank?

21
22 MATTHEW SANDERS: I don't know how much that equates to in time.

23

1 LEONARD LANGER: Do you know how many gallons per hour you are running on two
2 mains and one generator, how many gallons per hour the vessel uses?

3
4 MATTHEW SANDERS: Not off hand.

5
6 LEONARD LANGER: You indicated that Mr.Svendson brought you a new filter for the
7 starboard generator, was filled with fuel? Is that correct?

8
9 MATTHEW SANDERS: That is correct.

10
11 LEONARD LANGER: to your knowledge, was it the correct filter to use on the starboard
12 generator?

13
14 MATTHEW SANDERS: To the best of my knowledge, it went in place and it worked.

15
16 LEONARD LANGER: Do you know whether the starboard generator has more than one
17 fuel filter?

18
19 MATTHEW SANDERS: the starboard generator I believe, I believe the starboard had to
20 fuel filters on it but I am not positive right now.

21
22 LEONARD LANGER: do you know how many the port generator had?

23

1 MATTHEW SANDERS: I think it had one on the engine.

2

3 LEONARD LANGER: Did you ever have to change the filter on the port generator?

4

5 MATTHEW SANDERS: I did change it.

6

7 LEONARD LANGER: Did somebody bring you the filter to use?

8

9 MATTHEW SANDERS: if I ever correctly, Doug Faunt and I did that together. So we
10 had, well when the filters were brought they brought more than one.

11 COMMANDER KEVIN CARROLL: excuse me for a second, you changed the filter report
12 generator prior?

13

14 MATTHEW SANDERS: prior to it ever being turned on.

15

16 COMMANDER KEVIN CARROLL: No, I mean prior to October 28?

17

18 MATTHEW SANDERS: No just that day.

19

20 COMMANDER KEVIN CARROLL: That was, okay.

21

22 LEONARD LANGER: to the best of your knowledge, was that the correct filter to use on
23 the port generator?

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MATTHEW SANDERS: to the best of my knowledge, yeah, it went right in place.

LEONARD LANGER: To your knowledge, when you are in the engine room, was there ever a time when a correct to filter was inserted into a system whether it be a Ray core system or the engine. Where an attempt was made and they found it was the wrong filter?

MATTHEW SANDERS: I don't know.

LEONARD LANGER: To your knowledge you always had the correct filters?

MATTHEW SANDERS: Yes. To my knowledge I had the right filters. I mean it went to place.

LEONARD LANGER: It worked.

MATTHEW SANDERS: It worked.

LEONARD LANGER: To your knowledge was there any problem with the fuel on board during the transit from the shipyard to New London?

MATTHEW SANDERS: Not to my knowledge.

1 LEONARD LANGER: No other questions thank you.

2

3 COMMANDER KEVIN CARROLL: (Inaudible)

4

5 Unknown: I've just one question, when you guys left New London and to the time the
6 vessel went down, were you guys in contact with any other vessels out there? did you
7 have any discussions are we aware of any other vessels out there?

8

9 MATTHEW SANDERS: I personally wasn't in contact with any other vessels out there, I
10 don't know if any of the else was.

11

12 CAPTAIN ROB JONES: Mr. Sanders, the ballast that was moved was that into the
13 engine room and the lazarette? do you know?

14

15 MATTHEW SANDERS: To the best of my knowledge it was moved into the lazarette.

16

17 CAPTAIN ROB JONES: okay.

18

19 MATTHEW SANDERS: I don't know what space it came from. I just remember to move
20 it into the lazarette.

21

22 CAPTAIN ROB JONES: did you see how it was secured, if it was secured?

23

1 MATTHEW SANDERS: No I don't know.

2

3 CAPTAIN ROB JONES: Is that the same type of ballast in the engine room?

4

5 MATTHEW SANDERS: I'm not certain honestly.

6

7 CAPTAIN ROB JONES: Okay, when you mentioned the, when Mr.Svendson asked you
8 about the Royals? they were up on the fore and main at times when you sailed? as the
9 officer of the watch do you have the prerogative to fly whatever sails that are appropriate
10 while underway?

11

12 MATTHEW SANDERS: We only used at night, we had limitations at night time what we
13 sailed with and depending on how many people and crew were on board to handle sails
14 that will be changed out. Also it was based on that.

15

16 CAPTAIN ROB JONES: Okay. Have you flown with Royals during the day then?

17

18 MATTHEW SANDERS: Yes.

19

20 CAPTAIN ROB JONES: Okay on the stability letter in the sail, have you seen the sale
21 plan for the bounty?

22

23 MATTHEW SANDERS: I think so.

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CAPTAIN ROB JONES: Do you know whether royals are allowed to be flown on the Bounty, according to the sail plan?

MATTHEW SANDERS: I would have to look at it.

COMMANDER KEVIN CARROLL: Do you want him to?

CAPTAIN ROB JONES: Yeah, what number?

COMMANDER KEVIN CARROLL: CG 10, that's CG 10. you are looking specifically for the sail plan Capt. Jones?

JOHN SVENDSEN: It's 10 on 10.

CAPTAIN ROB JONES: you got there Mr. Sanders? have you seen that before?

MATTHEW SANDERS: I don't think I have seen this exact picture before no.

CAPTAIN ROB JONES: Well was there any standing orders for you from Capt. Walbridge not to fly the Royals?

MATTHEW SANDERS: They couldn't be used at night and

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CAPTAIN ROB JONES: but they could be used during the day?

MATTHEW SANDERS: I believe so, yeah.

CAPTAIN ROB JONES: Alright. According to what you know. According to your knowledge you are allowed to fly Royals the day? Okay. That's all I have thanks.

COMMANDER KEVIN CARROLL: I am sorry. I have a couple of follow-up questions and then we will be done. Specifically the Coast Guard inspections that Mr.Svendson mentioned before, what were they for?

MATTHEW SANDERS: They were for opening at dock for having people come aboard.

COMMANDER KEVIN CARROLL: So as a dock side attraction vessel?

MATTHEW SANDERS: Yep.

COMMANDER KEVIN CARROLL: Okay. To your knowledge, during those inspections was there any machinery run?

MATTHEW SANDERS: we do a fire monitor.

1 COMMANDER KEVIN CARROLL: Okay, so you run the fire pump?

2

3 MATTHEW SANDERS: Yep.

4

5 COMMANDER KEVIN CARROLL: Okay. In regards to standards and training for drills,
6 from departure at New London on the 25th, when was the last time that Bounty had had a
7 man overboard drill?

8

9 MATTHEW SANDERS: I think we did them between Boothbay and New London.

10

11 COMMANDER KEVIN CARROLL: What about an abandon ship drill?

12

13 MATTHEW SANDERS: Probably just before we came to booth bay.

14

15 COMMANDER KEVIN CARROLL: So if you came to Booth Bay back in September, that
16 means that you had not done one since September until October 29?

17

18 MATTHEW SANDERS: I don't remember when the last one we did was. I know we did, I
19 believe we did a man overboard drill en route in between Booth Bay and New London
20 And the abandon ship drills were more tabletop discussion type drills.

21

22 COMMANDER KEVIN CARROLL: do you recall how the man overboard drill went from
23 Booth Bay to New London?

1
2 MATTHEW SANDERS: not specifically.

3
4 COMMANDER KEVIN CARROLL: Okay. Did you have any crew members that were
5 new on board the vessel since Booth Bay?

6
7 MATTHEW SANDERS: we had to people that were new starting at Booth Bay.

8
9 COMMANDER KEVIN CARROLL: okay. Do you recall who they were?

10
11 MATTHEW SANDERS: Chris Barksdale the engineer and Jessica Black the cook.

12
13 COMMANDER KEVIN CARROLL: Okay so if the last abandon ship drill was done before
14 you arrived in Booth Bay is it safe to say that they never had an abandon ship drill?

15
16 MATTHEW SANDERS: if we didn't do one yeah.

17
18 COMMANDER KEVIN CARROLL: We have no further questions for you. I'm going to
19 release you but you are subject to recall. That doesn't mean you have to stay in the area
20 but we can recall you with necessary. Thank you for attending and thank you for your
21 testimony tonight. All right we will take a seven minute break and come back to 1400.
22 1400 Exactly Please. Christopher Barksdale is next.

23

1 COMMANDER KEVIN CARROLL: Okay Nick. Let's go back on the record. All parties
2 and interests and their representatives that were present at the last break our present
3 now.

4
5 LIEUTENANT COMMANDER NICHOLAS PARHAM: At this time the Coast Guard calls
6 to testify Mr. Chris Barksdale. Mr. Barksdale if you could please come and stand by this
7 table, I will swear you in. Raise your right hand please. A false statement given to it
8 agency of the United States is punishable by fine and / or imprisonment under 18 USC
9 1001. Knowing this, do you solemnly swear that the testimony you are about to give will
10 be the truth, the whole truth, and nothing but the
11 truth so help you God?

12
13 CHRISTOPHER BARKSDALE: I do.

14
15 LIEUTENANT COMMANDER NICHOLAS PARHAM: Thank you. Please be seated.

16
17 COMMANDER KEVIN CARROLL: Good afternoon, sir.

18
19 CHRISTOPHER BARKSDALE: Good afternoon, Commander.

20
21 COMMANDER KEVIN CARROLL: Can you please state your name and spell your last
22 name for the record?
23

1 CHRISTOPHER BARKSDALE: My name is Christopher Barksdale. B-A-R-K-S-D-A-L-E

2

3 COMMANDER KEVIN CARROLL: Thank you. What was your occupation on October
4 29, 2012?

5

6 CHRISTOPHER BARKSDALE: I was the engineer on the Bounty.

7

8 COMMANDER KEVIN CARROLL: Do you hold a merchant mariners credential?

9

10 CHRISTOPHER BARKSDALE: I do not.

11

12 COMMANDER KEVIN CARROLL: Okay. Do you hold any professional credentials
13 besides an engineer?

14

15 CHRISTOPHER BARKSDALE: No, sir.

16

17 COMMANDER KEVIN CARROLL: Do you hold any engineering degrees?

18

19 CHRISTOPHER BARKSDALE: No, sir.

20

21 COMMANDER KEVIN CARROLL: Okay. Can you detail for us please your background.

22 Your professional background.

23

1 CHRISTOPHER BARKSDALE: My professional background in relations to engineering?

2
3 COMMANDER KEVIN CARROLL: I would say total If you could. Your professional
4 background, what jobs have you held?

5
6 CHRISTOPHER BARKSDALE: My educational background is in horticulture. I have, in
7 respect to, maintaining engines I have probably 30 years of experience operating and
8 maintaining equipment. Various different types, everything from motors to backhoes to
9 tractors etc. etc. I have also spent three different rotations, which probably relates more to
10 this position on the Bounty, with the nature Conservancy on the Palmyra toll In the
11 Pacific. There I maintain the electrical generation equipment, water systems and the
12 boats.

13
14 COMMANDER KEVIN CARROLL: When you say watering systems, are you talking a
15 bout bilge dewatering systems or

16
17 CHRISTOPHER BARKSDALE: No, I am referring to drinking water.

18
19 COMMANDER KEVIN CARROLL: Drinking water, okay. What type of vessels did the
20 nature Conservancy have?

21
22 CHRISTOPHER BARKSDALE: Primarily we had skiffs a lagoon boat and a 24 foot dive
23 boat.

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COMMANDER KEVIN CARROLL: Now to get underway with the nature Conservancy on these vessels or were you shore side engineering support?

CHRISTOPHER BARKSDALE: Primarily shore side, sometimes I would go underway but it was, being the location and the size of the vessel we never went very far from shore.

COMMANDER KEVIN CARROLL: Okay. What other maritime experience do you have?

CHRISTOPHER BARKSDALE: That goes back until probably 12 years old. I worked in the Marina at Norfolk in Little Creek, through my teenage years helped rebuild the six-inch barge there. I have owned small craft myself. I can't remember not even from an early age not being on the water

.
COMMANDER KEVIN CARROLL: Okay. Do you have any other commercial vessel experience?

CHRISTOPHER BARKSDALE: No, sir.

COMMANDER KEVIN CARROLL: So how did you end up on Bounty?

1 CHRISTOPHER BARKSDALE: The first mate, John Svendsen, I worked with him on
2 Palmyra, so he was familiar with me. He called and asked if I could come up and help out
3 with engineering.
4

5 COMMANDER KEVIN CARROLL: Okay, When did he call you?
6

7 CHRISTOPHER BARKSDALE: Initially last spring, and he called me back in September,
8 I believe it was the beginning of September.
9

10 COMMANDER KEVIN CARROLL: So you join the vessel in September?
11

12 CHRISTOPHER BARKSDALE: Yes, sir.
13

14 COMMANDER KEVIN CARROLL: Where was the vessel when you joined it?
15

16 CHRISTOPHER BARKSDALE: Booth Bay Harbor, Maine.
17

18 COMMANDER KEVIN CARROLL: So it was in the shipyard?
19

20 CHRISTOPHER BARKSDALE: Yes, sir.
21

22 COMMANDER KEVIN CARROLL: Okay. When you join the vessel was up on the dry
23 dock?

1
2 CHRISTOPHER BARKSDALE: Yes, sir.

3
4 COMMANDER KEVIN CARROLL: Okay. What did you understand your position was
5 going to be?

6
7 CHRISTOPHER BARKSDALE: I knew before I got out there and talked with
8 Mr.Svensden that it was a drydock and they were installing new fuel and water tanks in it.
9 So my primary position when in dry dock with her was to help install and plumb the
10 systems.

11
12 COMMANDER KEVIN CARROLL: Okay. Was it intended that your employment on
13 Bounty was only going to be during the yard period?

14
15 CHRISTOPHER BARKSDALE: No, sir. I was going to sail with her until they put her up
16 for the winter season.

17
18 COMMANDER KEVIN CARROLL: Okay. To your knowledge when was the vessel
19 supposed to be put up for the winter season?

20
21 CHRISTOPHER BARKSDALE: around Thanksgiving.

22

1 COMMANDER KEVIN CARROLL: Around Thanksgiving? Okay. So when you arrived
2 at the vessel at September, you understand your position was to be engineer and you
3 are going to help out with the yard project. That is correct?
4

5 CHRISTOPHER BARKSDALE: Yes,
6

7 COMMANDER KEVIN CARROLL: And then you are going to be a float engineer going
8 from port to port with the vessel?
9

10 CHRISTOPHER BARKSDALE: Yes, sir.
11

12 COMMANDER KEVIN CARROLL: When you joined the vessel, what type of orientation
13 were you given.
14

15 CHRISTOPHER BARKSDALE: Probably within the first couple of hours I was given a
16 safety orientation on board almost immediately. I believe, if I remember correctly, Dan
17 Cleveland had assigned that to, I think he was an AB who was only on there for a couple
18 of days and I knew him as Pony, but I am not sure of his nickname. I am not sure of his
19 proper name.
20

21 COMMANDER KEVIN CARROLL: Was the name pony?
22

1 CHRISTOPHER BARKSDALE: Yes. Like I said that was his nickname, I'm not sure what
2 his real name was, that's what everybody called him. He was only there for a couple of
3 days before he left.

4
5 COMMANDER KEVIN CARROLL: What did your safety orientation entail?
6

7 CHRISTOPHER BARKSDALE: Well on the weather deck, he showed me where life
8 saving equipment was, the lifeboats, life jackets, fire equipment, fire fighting equipment.
9 He showed me the man overboard, there was a container they had on the back of the
10 vessel and it was very quickly, I understood that was always a concern of the Captain's.
11 So he showed me this container and basically how you would deploy it if there was a man
12 overboard. He went over showed me on the weather deck, the forward part of it, some of
13 the places that were more hazardous than others. He took me down below, we did a
14 walk through on the vessel. He showed me primarily down there where the first aid
15 materials were kept, the boxes for those and also where the fire fighting equipment was
16 kept down below decks.
17

18 COMMANDER KEVIN CARROLL: Okay. Were you given an emersion suit at that point?
19

20 CHRISTOPHER BARKSDALE: No, sir.
21

22 COMMANDER KEVIN CARROLL: Okay. Did you try an emersion suit on?
23

1 CHRISTOPHER BARKSDALE: No, sir.

2

3 COMMANDER KEVIN CARROLL: Okay. What about your orientation to the engine
4 room, as far as your duties. How were your duties, or expected duties, described to you?

5

6 CHRISTOPHER BARKSDALE: He did not describe, he was just giving me a safety
7 orientation at that point.

8

9 COMMANDER KEVIN CARROLL: Understood. So, did anyone ever describe to you your
10 duties as engineer?

11

12 CHRISTOPHER BARKSDALE: There was a job description with the engineer's duties on
13 it.

14

15 COMMANDER KEVIN CARROLL: Okay, where was that?

16

17 CHRISTOPHER BARKSDALE: There was several different copies of it I believe, but there
18 was one in the engine room itself.

19

20 COMMANDER KEVIN CARROLL: Okay, and what did those duties entail?

21

1 CHRISTOPHER BARKSDALE: The operation and maintenance of the engines, the
2 electrical systems, plumbing, water systems. I am not sure if the bilge system, I suspect it
3 was in there as well, I can't recall specifically.
4

5 COMMANDER KEVIN CARROLL: Okay. Was it in the crew manual for Bounty?

6 CHRISTOPHER BARKSDALE: It was a specific part of the crew manual designed
7 especially for the engineer.
8

9 COMMANDER KEVIN CARROLL: In front of you, there is a binder. The binder has tabs
10 and those are specific exhibits that we are using for the hearing. I would like you to turn
11 to tab 18, Coast Guard exhibit 18. The gentleman to my right over here is Lieutenant
12 Commander Parham. If you have any trouble finding an exhibit, he can assist you if you
13 need. It would be specifically on tab 18. Do you recognize this?
14

15 CHRISTOPHER BARKSDALE: I believe I have seen it, yes sir.
16

17 COMMANDER KEVIN CARROLL: Can you describe the document to me?
18

19 CHRISTOPHER BARKSDALE: It's the HMS Bounty crew manual, 3rd edition. December
20 2011.
21

22 COMMANDER KEVIN CARROLL: Was this, to your knowledge, was this current on
23 board the time that you were there on board Bounty?

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CHRISTOPHER BARKSDALE: I believe it, I'd have to look at the document itself, I don't remember seeing the picture on the front of it.

COMMANDER KEVIN CARROLL: Okay. If you could take a moment, review the document and tell me whether or not your engineering duties, that you saw in the engine room if they are actually contained in this manual.

CHRISTOPHER BARKSDALE: This does not appear to be the document that I was describing.

COMMANDER KEVIN CARROLL: Okay.

CHRISTOPHER BARKSDALE: This document was actually sent to me by way of email before I left to go to Maine.

COMMANDER KEVIN CARROLL: Okay. Do you still have that email?

CHRISTOPHER BARKSDALE: Pardon me?

COMMANDER KEVIN CARROLL: You said you had a document sent to you the email

CHRISTOPHER BARKSDALE: Yes, sir

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COMMANDER KEVIN CARROLL: That described your duties

CHRISTOPHER BARKSDALE: No it described, this is the document that was sent to me.

COMMANDER KEVIN CARROLL: This particular document here?

CHRISTOPHER BARKSDALE: Yes, sir.

COMMANDER KEVIN CARROLL: Were your duties as an engineer on board Bounty described to you within an email?

CHRISTOPHER BARKSDALE: No, sir.

COMMANDER KEVIN CARROLL: Okay. All right. So, again, going back did you have an orientation to the engine room given to you by the previous engineer who had been on board?

CHRISTOPHER BARKSDALE: No, sir. He was no longer on board.

COMMANDER KEVIN CARROLL: All right. Who helped you get familiar with the engine room?

1 CHRISTOPHER BARKSDALE: I believe it would have been the second mate, Matt
2 Sanders.

3
4 COMMANDER KEVIN CARROLL: Second mate? What was your overall impression of
5 the engine room?

6
7 CHRISTOPHER BARKSDALE: My first impression was I would have liked to spend a
8 week in there doing nothing but cleaning it. All the engines looked like they had quite a
9 few hours on them. There was some places where there was some leakage of fluids from
10 them. They just looked like they were old.

11
12 COMMANDER KEVIN CARROLL: Okay. Do you know how many hours the port engine
13 and on it?

14
15 CHRISTOPHER BARKSDALE: I do not.

16
17 COMMANDER KEVIN CARROLL: Okay. In regards to the starboard engine do you know
18 how many hours?

19
20 CHRISTOPHER BARKSDALE: No, sir.
21

1 COMMANDER KEVIN CARROLL: Okay. As far as specific maintenance, operational
2 work that was done on the engines, the main engines and also the generators. Was
3 there any type of log that was kept?
4

5 CHRISTOPHER BARKSDALE: There was some log but, and it was something I was
6 having a difficult time with because I was trying to ascertain, I have always been big into
7 preventative maintenance and I was trying to ascertain the last time and what frequency
8 the fluids were being changed in all four of these engines, both the generators in the
9 propulsion engines. I could not find any of these records and apparently there had been a
10 change in the computer system somewhere, fairly recent and that those had never gotten
11 downloaded into the current computer system. Like I said I just can't find the records.
12 There were some other logs in there and they were spotty I guess from the previous
13 engineer.
14

15 COMMANDER KEVIN CARROLL: So you said the general overall condition of the vessel
16 when it was in the yard, you believe that the generators and the engines is the engine
17 room in general just needed a cleaning.
18

19 CHRISTOPHER BARKSDALE: It needed cleaning and there was some other work that I
20 would've like to accomplish as well.

21 COMMANDER KEVIN CARROLL: Okay.
22

1 CHRISTOPHER BARKSDALE: But it looked like, I would've started with that to give me
2 a better idea of what needed to be done.

3
4 COMMANDER KEVIN CARROLL: Okay. But there was no specific preventative
5 maintenance schedule in regards to

6
7 CHRISTOPHER BARKSDALE: I can't help but feel that there was but I couldn't find the
8 records of it. So I did not really know when the last time the required maintenance is
9 done.

10
11 COMMANDER KEVIN CARROLL: Did you ask anybody?

12
13 CHRISTOPHER BARKSDALE: I did. I asked several people and I know I went through
14 this with the second mate, I think third mate and I think that I talked to Mr. Svendsen
15 about it as well because he was not there initially one I got there. We all search for them
16 and they kept telling me well we know they're here but we couldn't ever find them.

17
18 COMMANDER KEVIN CARROLL: Did you ask the captain?

19
20 CHRISTOPHER BARKSDALE: I don't know that I did.

21
22 COMMANDER KEVIN CARROLL: Okay. Who was the captain?
23

1 CHRISTOPHER BARKSDALE: Pardon me?

2

3 COMMANDER KEVIN CARROLL: Who was the captain?

4

5 CHRISTOPHER BARKSDALE: Robin Walbridge.

6

7 COMMANDER KEVIN CARROLL: Okay. Had you ever met Capt. Walbridge before
8 taking the position engineer on board the Bounty?

9

10 CHRISTOPHER BARKSDALE: Previous to that? No, sir.

11

12 COMMANDER KEVIN CARROLL: Okay. What was your impression of Captain
13 Walbridge?

14

15 CHRISTOPHER BARKSDALE: I had a good impression of him. He was very hands-on.
16 He was soft-spoken. There was a limited amount of time I knew him, I thought a great
17 deal of him. He obviously had a great deal of knowledge. He appeared to be very
18 mechanically inclined as well. Very innovative I think in a lot of different ways.

19

20 COMMANDER KEVIN CARROLL: Being mechanically inclined, did he give you any type
21 of set expectations in regards to his desires as master onboard Bounty in regards to how
22 the engine room was supposed to be run?

23

1 CHRISTOPHER BARKSDALE: I don't think anything very specific was touched, no sir.

2

3 COMMANDER KEVIN CARROLL: How do you know that he was mechanically inclined?

4

5 CHRISTOPHER BARKSDALE: Just because my conversations with him, and when I
6 would ask him about things. He was pretty spot on about them, what he wanted. He was,
7 like I say, very hands-on and it seemed as though, it was my impression, he wanted to
8 know what was going on with every aspect of the vessel.

9

10 COMMANDER KEVIN CARROLL: But you never asked whether or not he knew where
11 the preventative maintenance logs were?

12

13 CHRISTOPHER BARKSDALE: I don't believe I did. I know I asked several other people
14 about this and I search for them too. I may have, I just don't remember.

15

16 COMMANDER KEVIN CARROLL: But the bottom line is, you never found them.

17

18 CHRISTOPHER BARKSDALE: No, sir.

19

20 COMMANDER KEVIN CARROLL: So, did you start from scratch?

21

22 CHRISTOPHER BARKSDALE: I am going to say to that, no. But there were some logs
23 involved in the ship and there was daily logs that were in the engine room. Like I said, I

1 was going back trying to pull up what the, particularly with the preventative maintenance
2 on it. There was other logs involved in the maintenance.

3
4 COMMANDER KEVIN CARROLL: Tell me a little bit about the main engines. What type
5 of main engines they had, what horsepower.

6
7 CHRISTOPHER BARKSDALE: I'm going to say that I can't recall the horsepower. They
8 were John Deere fairly good size.

9
10 COMMANDER KEVIN CARROLL: Okay.

11
12 CHRISTOPHER BARKSDALE: The generators with the same. They were John Deere
13 diesel's as well.

14
15 COMMANDER KEVIN CARROLL: not sure of the KW for the generators?

16
17 CHRISTOPHER BARKSDALE: I can't recall.

18
19 COMMANDER KEVIN CARROLL: Okay. What else did you have down in the engine
20 room Besides the main engines and the generators?

21
22 CHRISTOPHER BARKSDALE: What else was in there? The bilge systems.

23

1 COMMANDER KEVIN CARROLL: Can you tell me a little bit about the bilge system?

2

3 CHRISTOPHER BARKSDALE: Four bilge pumps, two electric and two hydraulic. A fairly
4 good-sized manifold system that went to the different bays of the ship.

5

6 COMMANDER KEVIN CARROLL: Okay, It's safe to say and drydock you never saw
7 them operating in dry dock. Correct?

8

9 CHRISTOPHER BARKSDALE: No, sir.

10

11 COMMANDER KEVIN CARROLL: Was there any maintenance done to the bilge
12 dewatering system, specifically the electrical pumps while the vessel within drydock?

13

14 CHRISTOPHER BARKSDALE: No, sir.

15

16 COMMANDER KEVIN CARROLL: What about the bilge manifold system?

17

18 CHRISTOPHER BARKSDALE: No, sir.

19

20 COMMANDER KEVIN CARROLL: can you describe anything about the manifold
21 system?

22

1 CHRISTOPHER BARKSDALE: At various different levels, depending on you would prime
2 them, prime the system and depending on which parts you are trying to pull the water out
3 of, he would work your way through and do the different compartments. Pump the water
4 out to public overside, overboard.

5
6 COMMANDER KEVIN CARROLL: what was the first time you saw them operational?

7
8 CHRISTOPHER BARKSDALE: Once we got in the water, once we splashed.

9
10 COMMANDER KEVIN CARROLL: Okay. In regards to the hydraulic pumps that you
11 mentioned earlier, can you tell me a little bit about the hydraulic pumps?

12
13 CHRISTOPHER BARKSDALE: The hydraulic pumps were run off of a PTO off of the port
14 engine. There was two of them, one of them was mounted stationary about the center of
15 the manifold, I want to say 2 to 3 feet higher than the bilge of the ship and the other pump
16 was portable hydraulic pump. It appeared to be the same pump.

17 COMMANDER KEVIN CARROLL: Okay. Let's look at tab 43 please, 43. Do you
18 recognize that the photograph, sir?

19
20 CHRISTOPHER BARKSDALE: I certainly do.

21
22 COMMANDER KEVIN CARROLL: Wait for the other people to turn. Do you see the two
23 electric pumps in the photograph?

1
2 CHRISTOPHER BARKSDALE: Yes, sir.

3
4 COMMANDER KEVIN CARROLL: Okay. Now, where within there do you see, or do you
5 see in there the hydraulic pump?

6
7 CHRISTOPHER BARKSDALE: The, excuse me, stationary hydraulic pump is the green
8 object at the center line of the ship.

9
10 COMMANDER KEVIN CARROLL: Now that pump, specifically, that was actually hard
11 piped into the manifold system?

12
13 CHRISTOPHER BARKSDALE: I believe so. Yes, sir.

14
15 COMMANDER KEVIN CARROLL: Okay. Had you ever seen that pump operate?

16
17 CHRISTOPHER BARKSDALE: I never did. No, sir.

18
19 COMMANDER KEVIN CARROLL: Okay, so, obviously not in dry dock but to the point of
20 October 29, the sinking, you never saw that pump operate?

21

1 CHRISTOPHER BARKSDALE: No, sir. It was my understanding that you can only run
2 one of the hydraulic pumps at a time and that we had deployed the portable one at that
3 time and had it down lower down in the bilge than what this was.
4

5 COMMANDER KEVIN CARROLL: Okay. You stated before, correct me if I am wrong,
6 that this pump, the green pump in the photograph was hydraulically driven and it ran up a
7 PTO off the port engine?
8

9 CHRISTOPHER BARKSDALE: Was it port or starboard? I think so, yes, sir.
10

11 COMMANDER KEVIN CARROLL: You think its the port engine, okay? Now, the other
12 pump, is that pictured
13

14 CHRISTOPHER BARKSDALE: I am sorry, that would be the starboard engine. Not port,
15 I thought it was
16

17 COMMANDER KEVIN CARROLL: Okay, so, the hydraulic pump that is pictured here in
18 this photograph that ran off of the starboard engine?
19

20 CHRISTOPHER BARKSDALE: Yes, sir.
21

22 COMMANDER KEVIN CARROLL: Okay. Now is the other hydraulic bilge pump pictured
23 in this photograph here?

1
2 CHRISTOPHER BARKSDALE: No, sir.

3
4 COMMANDER KEVIN CARROLL: Where was it kept?

5
6 CHRISTOPHER BARKSDALE: It was stored, there were some storage compartments, if
7 I remember correctly, stored on the starboard side underneath. There were some storage
8 compartment underneath the generators set up probably about 3 feet higher than the
9 main engines. I believe that's where it was stored, if I remember correctly.

10
11 COMMANDER KEVIN CARROLL: Okay. What would it hook into, would it hook into this
12 manifold system here?

13
14 CHRISTOPHER BARKSDALE: I don't recall.

15
16 COMMANDER KEVIN CARROLL: Okay. But it was the same power take off the fixed
17 pump was out of?

18
19 CHRISTOPHER BARKSDALE: Yes, sir.

20 COMMANDER KEVIN CARROLL: Is that why you could only run one hydraulic pump?

21
22 CHRISTOPHER BARKSDALE: Yes, sir.

23

1 COMMANDER KEVIN CARROLL: Okay. Had you ever seen the other portable hydraulic
2 pump run?

3
4 CHRISTOPHER BARKSDALE: Before hand, no, sir.

5
6 COMMANDER KEVIN CARROLL: Okay. What about any time during your tenure on
7 Bounty?

8
9 CHRISTOPHER BARKSDALE: On the 29th, yes sir.

10
11 COMMANDER KEVIN CARROLL: Okay. We will talk more about that later. Bilge
12 dewatering capabilities, what else did you have on board Bounty other than the electrical
13 pumps in the hydraulic pumps?

14
15 CHRISTOPHER BARKSDALE: There was a portable water pump as well.

16
17 COMMANDER KEVIN CARROLL: Okay.

18
19 CHRISTOPHER BARKSDALE: Gas powered.

20
21 COMMANDER KEVIN CARROLL: Okay can you turn to tab 48, which would be Coast
22 Guard exhibit 48. Did you ever work, do you recognize this document?

23

1 CHRISTOPHER BARKSDALE: This is the first time I have seen it.

2

3 COMMANDER KEVIN CARROLL: Okay. The pump, this is a coast guard Exhibit 48,
4 gasoline water pump trash water pump (inaudible). Do you recognize that the pump
5 depicted within this manual is representative of the gasoline powered pump that you were
6 mentioning?

7

8 CHRISTOPHER BARKSDALE: I am not sure if it is the exact one or not but it looks pretty
9 close.

10

11 COMMANDER KEVIN CARROLL: Mr. Sanders, I'm sorry, if you are a witness you can't
12 be present in the room while another witness is giving testimony. I apologize. Thank you
13 very much. If you could turn the page it would actually be to page 3 of this document.
14 That schematic is that representative of the gasoline powered pump that you had on
15 board Bounty

16

17 CHRISTOPHER BARKSDALE: Yes, sir it is.

18

19 COMMANDER KEVIN CARROLL: Alright. Had you ever used this pump, did you use this
20 pump during your tenure on Bounty?

21

22 CHRISTOPHER BARKSDALE: Not totally until the night of the 29th.

23

1 COMMANDER KEVIN CARROLL: Okay. Did anyone ever show you, or give you any
2 training on how to use the electric bilge pumps?

3
4 CHRISTOPHER BARKSDALE: Yes, several different times. I believe Mr. Sanders did,
5 Mr. Svendsen did, with the electric ones, I did not run the pumps very often. Most of the
6 time that was done by the different by the different ship watches and that was part of their
7 duties as they would come through and monitor the bilges and come through and work
8 the system. So I did not run the bilges all that much.

9
10 COMMANDER KEVIN CARROLL: Okay. Were you ever given any training on how to
11 use the hydraulically driven bilge pumps, either the fixed for the portable?

12
13 CHRISTOPHER BARKSDALE: I was just shown how to turn it on.

14
15 COMMANDER KEVIN CARROLL: Okay. When was that?

16
17 CHRISTOPHER BARKSDALE: I can't recall the exact day.

18
19 COMMANDER KEVIN CARROLL: Okay. Was it before or after the arrival in New
20 London?

21
22 CHRISTOPHER BARKSDALE: I am not sure where after we splashed but somewhere
23 when we were in Booth Bay, i had gone over it.

1 COMMANDER KEVIN CARROLL: Were you ever shown, or given any training on how to
2 operate the gasoline powered pump?

3
4 CHRISTOPHER BARKSDALE: No, sir. Not this particular one.

5
6 COMMANDER KEVIN CARROLL: Okay. Can you describe to me when you talked about
7 the manifold system, now the piping that was run for and aft to the different
8 compartments. Did you ever have the opportunity to review that piping?

9
10 CHRISTOPHER BARKSDALE: To review it? It was in sight, so yes, and actually I
11 worked around it quite a bit because it was running down through the hole, when we were
12 working down in the tank room.

13
14 COMMANDER KEVIN CARROLL: Okay. That piping, where was it in relation to the
15 centerline of the vessel?

16
17 CHRISTOPHER BARKSDALE: It was pretty daggone close to the center line.

18
19 COMMANDER KEVIN CARROLL: Okay. On the port or the starboard side?

20
21 CHRISTOPHER BARKSDALE: I want to say it was on the starboard, but I am not
22 positive.

23

1 COMMANDER KEVIN CARROLL: Okay. Now, where did the different suctions for the
2 different compartments, how were they coming off of the main line?

3
4 CHRISTOPHER BARKSDALE: I am not sure I understand the question.

5
6 COMMANDER KEVIN CARROLL: The electric bilge pumps, they were capable of
7 drawing suction from the compartments forward and aft of the engine room is that
8 correct?

9
10 CHRISTOPHER BARKSDALE: Yes, sir.

11
12 COMMANDER KEVIN CARROLL: How were they able to draw bilge water from those
13 compartments?

14 CHRISTOPHER BARKSDALE: Through the piping system there was, I'm not sure if it
15 was brass or what the material was

16
17 COMMANDER KEVIN CARROLL: so the pipe would run forward and aft from the engine
18 room?

19
20 CHRISTOPHER BARKSDALE: Yes, sir.

21
22 COMMANDER KEVIN CARROLL: And it would go to specific compartments. Now, in the
23 compartments, were there any other lines running off of the main line?

1
2 CHRISTOPHER BARKSDALE: Yes, sir.

3
4 COMMANDER KEVIN CARROLL: Okay, Did you happen to see those?

5
6 CHRISTOPHER BARKSDALE: I saw some of them, yes sir.

7
8 COMMANDER KEVIN CARROLL: Okay, how were those constructed, were they
9 metallic?

10
11 CHRISTOPHER BARKSDALE: They appeared, what I saw they were hard plumbed.

12
13 COMMANDER KEVIN CARROLL: They were hard plumbed?

14
15 CHRISTOPHER BARKSDALE: Yes, sir.

16
17 COMMANDER KEVIN CARROLL: Okay so they were not flexible material?

18
19 CHRISTOPHER BARKSDALE: They may have had some flexible material in them, I am
20 not sure.

21
22 COMMANDER KEVIN CARROLL: Okay. Did they have strainers?

23

1 CHRISTOPHER BARKSDALE: From what I saw they do. Yes, sir.

2

3 COMMANDER KEVIN CARROLL: Can you describe the strainers for me please?

4

5 CHRISTOPHER BARKSDALE: Just a metal strainer on the end of a pipe.

6

7 COMMANDER KEVIN CARROLL: Okay.

8

9 CHRISTOPHER BARKSDALE: I hate to be so vague, but

10

11 COMMANDER KEVIN CARROLL: What were your assigned duties during the yard period
12 at Booth Bay?

13

14 CHRISTOPHER BARKSDALE: My duties were pretty specific in that we were trying to get
15 the work done the ship, so I spent pretty much the entire time in Booth Bay either running
16 new water lines or for any new fuel lines.

17

18 COMMANDER KEVIN CARROLL: Okay. The captain on board was Capt. Walbridge
19 during that time?

20

21 CHRISTOPHER BARKSDALE: That is correct.

22

23 COMMANDER KEVIN CARROLL: was he in charge of the yard period?

1
2 CHRISTOPHER BARKSDALE: Yes, sir.

3
4 COMMANDER KEVIN CARROLL: So he was handing out the assignments?

5
6 CHRISTOPHER BARKSDALE: Yes, sir.

7
8 COMMANDER KEVIN CARROLL: How did your specific project go?

9
10 CHRISTOPHER BARKSDALE: I thought it went fairly well. It had been a long time since I
11 cut, we did the piping for the fuel lines out of black iron. It had been a long long time since
12 I had cut thread, black iron pipe, so it took a while to get back in the hang of that. I
13 thought that once we got the hang of that that it went fairly well.

14
15 COMMANDER KEVIN CARROLL: Okay. So, What was wrong with the piping, why was
16 this project

17
18 CHRISTOPHER BARKSDALE: it's just because I hadn't done it in a while, it just takes a
19 while.

20
21 COMMANDER KEVIN CARROLL: My question is what was the reason for working on the
22 piping?

23

1 CHRISTOPHER BARKSDALE: because we installed the new water tanks and fuel tanks
2 and so the water lines went back to the engine room, they all had to be re-done and the
3 black iron pipe that had been in place for the tank for the fuel tanks we replaced, it was
4 old and in not real good shape. So we replaced all of it, plus the tank room had been
5 moved so

6
7 COMMANDER KEVIN CARROLL: Was the tank room moved forward or aft?

8
9 CHRISTOPHER BARKSDALE: It was moved aft.

10
11 COMMANDER KEVIN CARROLL: Okay. Now tell me a little bit about the replacement
12 for the fuel tanks. How many tanks did Bounty have?

13
14 CHRISTOPHER BARKSDALE: Four.

15
16 COMMANDER KEVIN CARROLL: Four? After, you said there were new tanks put on
17 board?

18
19 CHRISTOPHER BARKSDALE: I believe two of them were new fuel tanks, these were
20 constructed out of stainless steel. Two of them were new fuel tanks and two of them had
21 been previous the water tanks were converted to use for fuel tanks.
22

1 COMMANDER KEVIN CARROLL: Okay. Did you ever have an opportunity to internally
2 expect the two existing water tanks that were being converted into fuel tanks?

3
4 CHRISTOPHER BARKSDALE: No, sir.

5
6 COMMANDER KEVIN CARROLL: Okay. Do you know if they had baffles?

7
8 CHRISTOPHER BARKSDALE: I assume that they did, I do not know.

9
10 COMMANDER KEVIN CARROLL: Okay. Is that assumption based on any observation of
11 the tank externally or

12
13 CHRISTOPHER BARKSDALE: No, sir it's just my assumption because I can't imagine
14 putting a water or a fuel tank on a ship without it having baffles in it.

15
16 COMMANDER KEVIN CARROLL: The water tanks that were put on board, what were
17 they constructed out of?

18
19 CHRISTOPHER BARKSDALE: They were plastic.

20
21 COMMANDER KEVIN CARROLL: Could you see an internally for those?

22
23 CHRISTOPHER BARKSDALE: You could.

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COMMANDER KEVIN CARROLL: Did does have baffles?

CHRISTOPHER BARKSDALE: Yes, sir there was a baffling system inside there.

COMMANDER KEVIN CARROLL: What was the size of those tanks?

CHRISTOPHER BARKSDALE: I think that they were 500 gallons apiece if I remember correctly.

COMMANDER KEVIN CARROLL: So it was two water tanks, two new plastic water tanks?

CHRISTOPHER BARKSDALE: Four

COMMANDER KEVIN CARROLL: Four new plastic water tanks?

CHRISTOPHER BARKSDALE: Yes, sir

COMMANDER KEVIN CARROLL: 500. What was the capacity of the fuel tanks?

CHRISTOPHER BARKSDALE: I want to say they were close to 500 gallons apiece, but I may be mistaken about that.

1 COMMANDER KEVIN CARROLL: Okay.

2

3 CHRISTOPHER BARKSDALE: They were either 500 or 1000, I can't recall.

4

5 COMMANDER KEVIN CARROLL: How many fuel tanks with there total?

6

7 CHRISTOPHER BARKSDALE: Excuse me. Four.

8

9 COMMANDER KEVIN CARROLL: Four. So it would be that two new stainless steel
10 ones and then the two existing tanks that were previously water tanks?

11

12 CHRISTOPHER BARKSDALE: That is correct.

13

14 COMMANDER KEVIN CARROLL: What happened to the old fuel that was in the old
15 tanks?

16

17 CHRISTOPHER BARKSDALE: I wasn't there when it was taken out, but it was my
18 understanding that the fuel that had been remaining in the old fuel tanks was put in the
19 day tanks in the engine room.

20

21 COMMANDER KEVIN CARROLL: What was the capacity of the day tanks?

22

1 CHRISTOPHER BARKSDALE: Well, I filled them up enough. I can't recall off the top of
2 my head. I think they were 250 a piece, but I'm not sure.

3
4 COMMANDER KEVIN CARROLL: Possibly 250. Was it a part of your duty to fill those
5 tanks?

6
7 CHRISTOPHER BARKSDALE: Yes, sir.

8
9 COMMANDER KEVIN CARROLL: How did you do that?

10
11 CHRISTOPHER BARKSDALE: We did that through electrical pumps in a pipe system.

12
13 COMMANDER KEVIN CARROLL: How often did you have to fill the day tanks?

14
15 CHRISTOPHER BARKSDALE: Every day.

16
17 COMMANDER KEVIN CARROLL: Every day?

18
19 CHRISTOPHER BARKSDALE: Yes, sir.

20
21 COMMANDER KEVIN CARROLL: Was that a part of your assigned duties that you
22 mentioned before?

23

1 CHRISTOPHER BARKSDALE: Yes sir.

2

3 COMMANDER KEVIN CARROLL: Was it specified what time of that day that you needed
4 to do that?

5

6 CHRISTOPHER BARKSDALE: It depended on how my schedule was going and I tried to
7 keep a pretty good, pretty good observation on how much fuel was left in the tanks. I
8 generally tried to do it in the morning though.

9

10 COMMANDER KEVIN CARROLL: On a daily basis, how much fuel would Bounty
11 consume?

12

13 CHRISTOPHER BARKSDALE: I can't recall.

14

15 COMMANDER KEVIN CARROLL: Okay. Did you check the level on the day tanks prior
16 to pressing them up?

17

18 CHRISTOPHER BARKSDALE: Yes sir.

19

20 COMMANDER KEVIN CARROLL: When you had the opportunity to do that, did you see
21 what range fuel tanks were in in regards to what level they were at.

22 CHRISTOPHER BARKSDALE: Yes sir.

23

1 COMMANDER KEVIN CARROLL: Where were you roughly?

2

3 CHRISTOPHER BARKSDALE: I mean it depended on what was working and how hard it
4 was being worked as far as what the fuel consumption of these motors would be. If we
5 were sitting at dock and just the generators were running or if we were underway and
6 were running the engines hard it would consume a lot more fuel.

7

8 COMMANDER KEVIN CARROLL: Okay. How would you check the fuel in the day
9 tanks?

10

11 CHRISTOPHER BARKSDALE: There were sight glasses on either side of the (inaudible)

12

13 COMMANDER KEVIN CARROLL: Okay. So, the day tanks, were they identical on the
14 port and starboard side?

15

16 CHRISTOPHER BARKSDALE: I believe so, yes sir.

17

18 COMMANDER KEVIN CARROLL: How old were the day tanks to your knowledge?

19

20 CHRISTOPHER BARKSDALE: I have no idea.

21

22 COMMANDER KEVIN CARROLL: Okay. The sight glasses on the day tanks, can you
23 describe them to me please?

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CHRISTOPHER BARKSDALE: The day tanks?

COMMANDER KEVIN CARROLL: Yes.

CHRISTOPHER BARKSDALE: They sat up forward of the generators and they had a sight glass on the front of them on either side. They were just pretty basic tanks.

COMMANDER KEVIN CARROLL: Okay, can you describe the sight glasses to me please.

CHRISTOPHER BARKSDALE: The sight glass ran from the bottom of the tank to the top, constructed out of glass with a valve, a shut off valve on both the top and the bottom.

COMMANDER KEVIN CARROLL: Okay. Now, if you shut off the valve on the bottom, that would mean that fuel was in the day tank would not be able to get through to the sight glass. Is that correct?

CHRISTOPHER BARKSDALE: Yes sir.

COMMANDER KEVIN CARROLL: Is there any protective device around the sight glass?

1 CHRISTOPHER BARKSDALE: There was a piece of protection and I believe it was made
2 out of wood that was on the front of it.

3
4 COMMANDER KEVIN CARROLL: Okay. Lets turn to tab 47, tab 47 if you could please.
5 Can you identify this photograph?

6
7 CHRISTOPHER BARKSDALE: Yes sir.

8
9 COMMANDER KEVIN CARROLL: What is it please?

10
11 CHRISTOPHER BARKSDALE: That is the gauge and the sight glass is kind of high and
12 you really can't see it. You can see the valve on the top

13
14 COMMANDER KEVIN CARROLL: Right

15
16 CHRISTOPHER BARKSDALE: This would have been on the starboard side.

17
18 COMMANDER KEVIN CARROLL: How do you know this is the one on the starboard
19 side?

20
21 CHRISTOPHER BARKSDALE: Because of the rack that is beside it, you can see
22 RayCore fuel treatment and that was on the starboard side.

23

1 COMMANDER KEVIN CARROLL: Okay. Thank you. Let's go back to the Booth Bay
2 project, did you have an opportunity to work on the hull at all?

3
4 CHRISTOPHER BARKSDALE: No sir.

5
6 COMMANDER KEVIN CARROLL: Did you have an opportunity to work on any other
7 projects besides the plumbing for the piping?

8
9 CHRISTOPHER BARKSDALE: No sir.

10
11 COMMANDER KEVIN CARROLL: So you did not move any of the tanks, you did not
12 move any of the fuel tanks

13
14 CHRISTOPHER BARKSDALE: I did not move the fuel tanks around, no sir.

15
16 COMMANDER KEVIN CARROLL: Who moved the tanks?

17
18 CHRISTOPHER BARKSDALE: Some of the deck hands and AB's.

19
20 COMMANDER KEVIN CARROLL: When you were on the vessel in Booth Bay, did you
21 ever hear any concerns expressed by the Captain or anyone in the crew or with the
22 shipyard in regards to the condition of the hull?

23

1 CHRISTOPHER BARKSDALE: No sir.

2
3 COMMANDER KEVIN CARROLL: Okay, did you hear any concerns expressed with any
4 other systems on board Bounty? Any of the other projects that were going on onboard?

5
6 CHRISTOPHER BARKSDALE: You know, nothing but general conversation on how
7 things were going, the progress.

8
9 COMMANDER KEVIN CARROLL: But your project was completed prior to the vessel
10 sailing from Booth Bay?

11
12 CHRISTOPHER BARKSDALE: Yes sir.

13
14 COMMANDER KEVIN CARROLL: Okay, when was that?

15
16 CHRISTOPHER BARKSDALE: When was that?

17
18 COMMANDER KEVIN CARROLL: When did you leave Booth Bay?

19
20 CHRISTOPHER BARKSDALE: I am not sure the specific date, I am sorry, I am terrible on
21 timelines.

22

1 COMMANDER KEVIN CARROLL: It's okay. If October 29th was the date of the sinking,
2 approximately how far back was it that you departed from Booth Bay, would you estimate.

3
4 CHRISTOPHER BARKSDALE: A week and a half?

5
6 COMMANDER KEVIN CARROLL: A week and a half. So after the vessel got back into
7 the water prior to departure, were you able to exercise any of the systems on board
8 Bounty?

9
10 CHRISTOPHER BARKSDALE: We cranked up the mains and the generators to make
11 sure they were operating properly.

12
13 COMMANDER KEVIN CARROLL: How were the main engines cooled? Cooling water?
14 Was it a keel cooler, was it internal

15
16 CHRISTOPHER BARKSDALE: Keel cooled?

17
18 COMMANDER KEVIN CARROLL: Pardon?

19
20 CHRISTOPHER BARKSDALE: I'm sorry.

21
22 COMMANDER KEVIN CARROLL: Did it have a keel cooler?

23

1 CHRISTOPHER BARKSDALE: Yes.

2
3 COMMANDER KEVIN CARROLL: It did?

4 CHRISTOPHER BARKSDALE: The mains did.

5
6 COMMANDER KEVIN CARROLL: Okay. Did you have an opportunity to inspect that
7 system when the vessel was in dry dock?

8
9 CHRISTOPHER BARKSDALE: No sir.

10
11 COMMANDER KEVIN CARROLL: So, what was your comfort level as the new engineer
12 for Bounty? And just it seems like you had limited maritime commercial experience on the
13 water in regards to a vessel this size, is that correct?

14
15 CHRISTOPHER BARKSDALE: That's correct.

16
17 COMMANDER KEVIN CARROLL: What was your comfort level leaving Booth Bay?

18
19 CHRISTOPHER BARKSDALE: I felt fairly good.

20
21 COMMANDER KEVIN CARROLL: You felt comfortable? So you felt well orientated and
22 trained in the position that you were about to embark on?

23

1 CHRISTOPHER BARKSDALE: I'd say yes.

2

3 COMMANDER KEVIN CARROLL: Okay. Tell me a little bit about the trip from Booth Bay
4 to your next port of call. What was your next port of call?

5

6 CHRISTOPHER BARKSDALE: New London Connecticut. We left Booth Bay and
7 heading out and the mechanical system seemed to be working fairly well. It was a
8 relatively uneventful trip, it did get, the seas run 6-8 and I hate to admit it, but I hadn't
9 been on a ship in a while so I got a little queasy. I think it was of those things I realized
10 and the captain realized as well, because I told him I wasn't feeling real great. But I just
11 knew that I would get used to it, just might take a little bit of time.

12

13 COMMANDER KEVIN CARROLL: So seas from Booth Bay to New London were about a
14 maximum 6-8

15 CHRISTOPHER BARKSDALE: Yeah, somewhere in that range.

16

17 COMMANDER KEVIN CARROLL: Did Captain Walbridge express any concerns or did he
18 give you any criticisms on your job as engineer or your role as engineer on board, your
19 performance on the trip from Booth Bay to New London?

20

21 CHRISTOPHER BARKSDALE: No sir.

22

1 COMMANDER KEVIN CARROLL: Did he give you any increased expectations on what
2 he wanted of you in regards to his role as captain? Reporting things to him and what not?

3
4 CHRISTOPHER BARKSDALE: No sir.

5
6 COMMANDER KEVIN CARROLL: Okay. How did Captain Walbridge manage the use of
7 the generators on board?

8
9 CHRISTOPHER BARKSDALE: What he expressed to me was that he wanted to run the
10 port generator more than the starboard. Which was a little bit different than what I was
11 used to, the way I had always done it in the past was you run one generator for a certain
12 amount of time, maybe a week, then you shut it down and run the other one for a week.
13 But he didn't, that's not what he wanted to do. He wanted to run primarily that port
14 generator.

15
16 COMMANDER KEVIN CARROLL: Do you want some water?

17
18 CHRISTOPHER BARKSDALE: Yes.

19
20 COMMANDER KEVIN CARROLL: Okay. Did he give you any specificity on how he
21 wanted them run?

22
23 CHRISTOPHER BARKSDALE: Other than that, no

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COMMANDER KEVIN CARROLL: So as far as duration, you said he wanted you to run the port more than the starboard generator. What did that mean?

CHRISTOPHER BARKSDALE: What that meant was that I would shut down the port on a semi- regular basis just to check the fluids in it. But the rest of the time, most of the time that generator would be left running. The port one.

COMMANDER KEVIN CARROLL: So, to clarify, and I understand it can be confusing. He wanted you to run the port generator more than the starboard. Okay that's true. So did you have any mechanical issues on the way from Booth Bay to New London?

CHRISTOPHER BARKSDALE: No sir.

COMMANDER KEVIN CARROLL: Okay. Did you hear anyone expressing any concerns with the operation of the bilge dewatering system?

CHRISTOPHER BARKSDALE: I did.

COMMANDER KEVIN CARROLL: Okay, could you let me know what those are?

CHRISTOPHER BARKSDALE: I believe it was Drew, I will butcher his last name if I try and say it, he was one of the deckhands or AB's, I am not sure which. Drew had come

1 up and expressed concern to me that he didn't think that the, and I think it was in between
2 Booth Bay and New London if it wasn't it was right after we left New London. He didn't
3 think the bilges were working as well as they should be. I had not really had the much
4 experience with that system, so I didn't know how to gauge it. I relayed his concerns on
5 to the Captain, Captain Walbridge. Captain Walbridge came down to the engine room
6 and ran the bilges and he seemed, my impression was, that he seemed to think they were
7 alright.

8
9 COMMANDER KEVIN CARROLL: Other than that did anyone else express any concern
10 regarding the operation of the bilges?

11
12 CHRISTOPHER BARKSDALE: Not that I heard, not that I recall.

13
14 COMMANDER KEVIN CARROLL: There was just that one time?

15
16 CHRISTOPHER BARKSDALE: Yes sir.

17
18 COMMANDER KEVIN CARROLL: Okay. Anything else significant happen on the way
19 from Booth Bay to New London?

20
21 CHRISTOPHER BARKSDALE: No sir.

22
23 COMMANDER KEVIN CARROLL: What were you doing in New London?

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CHRISTOPHER BARKSDALE: We came to New London and did a day sail, excuse me, with the submariners I believe it was the Mississippi.

COMMANDER KEVIN CARROLL: Okay, how did that go?

CHRISTOPHER BARKSDALE: I thought it went well, they had a good time.

COMMANDER KEVIN CARROLL: Okay. What did you do that evening?

CHRISTOPHER BARKSDALE: I had personal business to take care of, most of everybody else when and did a tour of the Mississippi, which I am sorry I missed.

COMMANDER KEVIN CARROLL: When you left on your personal business, what was your understanding of the time of departure of Bounty would be?

CHRISTOPHER BARKSDALE: Pretty much when everybody got back from doing the tour.

COMMANDER KEVIN CARROLL: At what point were you aware that Bounty's departure was going to be that day in New London after the day sail?

1 CHRISTOPHER BARKSDALE: I'm not real sure on that specific, it seems like that that
2 was, I was under the impression that's when we were going to leave the whole time.

3
4 COMMANDER KEVIN CARROLL: At what point did you become aware of the storm
5 known as Hurricane Sandy?

6 CHRISTOPHER BARKSDALE: Right before we departed.

7
8 COMMANDER KEVIN CARROLL: Right before you departed?

9
10 CHRISTOPHER BARKSDALE: Yes sir.

11
12 COMMANDER KEVIN CARROLL: So you weren't monitoring the storm?

13
14 CHRISTOPHER BARKSDALE: No sir.

15
16 COMMANDER KEVIN CARROLL: Can you let me know how you became aware?

17
18 CHRISTOPHER BARKSDALE: The captain, we had a meeting at the capstan and he
19 called all of us, we were all there on deck and he started off that he said he would
20 understand if somebody wanted to get off the ship he would understand. He wouldn't
21 hold it against them, wouldn't think poorly of them for it. At that point it time, I didn't know
22 what he was talking about. Then he went on to say that I understand quite a few of you all

1 are getting texts and emails about the storm that is coming. That was the first that I heard
2 of it.

3
4 COMMANDER KEVIN CARROLL: Did he explain to you what the forecast strength, size
5 or path was for the storm.

6
7 CHRISTOPHER BARKSDALE: I think there was some discussion on not necessarily the
8 size, but that was part of the, he discussed, explained to us what his strategy was as far
9 as weighing wanting to get offshore east south east to see what path it was going to take.
10 Either come up and head inland or a lot of times it will come up and head out to sea.

11
12 COMMANDER KEVIN CARROLL: Were you concerned?

13
14 CHRISTOPHER BARKSDALE: Certainly.

15
16 COMMANDER KEVIN CARROLL: Okay. Did you express your concerns to the master or
17 anyone else onboard?

18
19 CHRISTOPHER BARKSDALE: No.

20 COMMANDER KEVIN CARROLL: You say that the captain gave everybody the
21 opportunity to leave?

22
23 CHRISTOPHER BARKSDALE: That is correct.

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COMMANDER KEVIN CARROLL: Did you consider leaving?

CHRISTOPHER BARKSDALE: Briefly.

COMMANDER KEVIN CARROLL: Why did you choose to stay?

CHRISTOPHER BARKSDALE: I felt as though he had a pretty good plan of attack for it and also in my brief amount of time with the rest of the crew, I thought they were very able and capable seamen.

COMMANDER KEVIN CARROLL: Did anybody on board express any concerns to you or did you hear anybody expressing their concerns about the storm and going out into it?

CHRISTOPHER BARKSDALE: I mean, we talked about it, not a great deal, no sir.

COMMANDER KEVIN CARROLL: Okay. No one chose to leave.

CHRISTOPHER BARKSDALE: No sir.

COMMANDER KEVIN CARROLL: When did you first see the forecast for the storm, when was that first made available to you?

1 CHRISTOPHER BARKSDALE: I am not sure when that was. I am assuming it was that
2 evening, but I am not positive about that.

3

4 COMMANDER KEVIN CARROLL: Okay, but was it done at the capstan meeting?

5

6 CHRISTOPHER BARKSDALE: No sir, not that I recall.

7

8 COMMANDER KEVIN CARROLL: Did Captain Walbridge hold the capstan meeting
9 before leaving Booth Bay?

10 CHRISTOPHER BARKSDALE: He certainly did, yes sir.

11

12 COMMANDER KEVIN CARROLL: Did he give everybody the opportunity to stay or
13 leave?

14

15 CHRISTOPHER BARKSDALE: I never heard him say that, no sir. I mean what I had
16 always read and always heard was that you could get off that ship anytime you wanted to.

17

18 COMMANDER KEVIN CARROLL: To your knowledge, from what Captain Walbridge
19 presented at the capstan meeting is that he was aware of hurricane Sandy.

20

21 CHRISTOPHER BARKSDALE: Yes sir.

22

1 COMMANDER KEVIN CARROLL: Okay, what I want to do is I want to turn it over to you
2 now. Basically from that point, I want you to basically tell the story in regards to your
3 impression of what happened to Bounty.
4

5 CHRISTOPHER BARKSDALE: Well when we left New London, it was that evening, since
6 we knew the storm was coming everybody immediately started making preparations to go
7 above and beyond making things sea steady but to make sure everything was going to be
8 tired down and to be ready for the storm. The first couple of days out was actually pretty
9 good weather sailing. We were making pretty good time, we were under sail and also
10 had both mains going, I don't know how many RPM we were turning out but we had them
11 running pretty strong.
12

13 COMMANDER KEVIN CARROLL: What was your fuel consumption roughly
14

15 CHRISTOPHER BARKSDALE: I can't recall sir. I am sure that we were going through
16 some, but I can't recall exactly how much it was. The first couple of days were pretty
17 uneventful and I am not, once again, my time frames were pretty bad. I do know that after
18 a couple of days out, we started getting into some weather and it started getting pretty
19 rough.
20

21 COMMANDER KEVIN CARROLL: How were you feeling?
22

1 CHRISTOPHER BARKSDALE: Not too good. I started getting queasy again. Which was
2 kind of interesting because it was, I said I was seasick, I was feeling the effects of it but I
3 never was vomiting. But it was very difficult physically in the engine room, not feeling that
4 well and it was better than 100 degrees in there at that point in time. So it made it kind of
5 difficult to achieve my task, I was trying to work on things. Things started getting pretty
6 bumpy and I am not sure who, but somebody had noticed, and part of the duties of the
7 watches they would come down and do observations on the engines just to check things
8 to make sure they weren't leaking excessive amount of fluids, etcetera. One of them
9 noticed that the port generator was moving a lot. Apparently the nuts had backed off the
10 bolts and engine mounts. So, what they had done is they had shut that generator down
11 and reported it. They just that generator down and started the starboard generator which
12 required me getting down there, I was able to secure the engine back to the motor
13 mounts again.

14
15 COMMANDER KEVIN CARROLL: Who reported the generator as moving?
16

17 CHRISTOPHER BARKSDALE: I think it was Drew, if I am not mistaken. I could be
18 mistaken about that.
19

20 COMMANDER KEVIN CARROLL: And what date was that, and I am sorry, I am going to
21 keep asking you days and times.
22

1 CHRISTOPHER BARKSDALE: I understand and I am trying, it seems like that was a, if
2 we left New London on a Sunday, this was probably Wednesday when this was reported.

3

4 COMMANDER KEVIN CARROLL: If you left New London on what day?

5

6 CHRISTOPHER BARKSDALE: Did we leave on a Sunday?

7

8 COMMANDER KEVIN CARROLL: The time of the sinking was October 29th, that was a
9 Monday.

10

11 CHRISTOPHER BARKSDALE: So it wouldn't have been Sunday, would it? It seemed
12 like we were probably two days out of New London.

13

14 COMMANDER KEVIN CARROLL: Okay, so if you left on the 25th, that would put you

15 CHRISTOPHER BARKSDALE: The 27th.

16

17 COMMANDER KEVIN CARROLL: Okay. So that was on the 27th, the port generator was
18 moving. Then you secured the mounts for the generator?

19

20 CHRISTOPHER BARKSDALE: Yes, sir.

21

22 COMMANDER KEVIN CARROLL: Any idea what caused that?

23

1 CHRISTOPHER BARKSDALE: I think it was just time and vibration.

2

3 COMMANDER KEVIN CARROLL: Okay, what I am getting at is, were you experiencing
4 rough seas in regards to proximity to hurricane sandy at that point?

5

6 CHRISTOPHER BARKSDALE: It was starting to get a little rough, but no here nearly as
7 rough as what it got.

8

9 COMMANDER KEVIN CARROLL: Okay. So,

10

11 CHRISTOPHER BARKSDALE: Commander, I think it was probably just time and
12 vibration.

13

14 COMMANDER KEVIN CARROLL: Okay. Who started the starboard generator?

15

16 CHRISTOPHER BARKSDALE: I believe it was probably Drew or whoever was on watch
17 at that point in time, I believe that's who reported it to me so I assume it was him. So he
18 started that and let the other generator cool down so I could re-secure.

19

20 COMMANDER KEVIN CARROLL: To your knowledge, when you start either the port or
21 starboard generator is there an alarm that goes off, a low oil pressure alarm that initially
22 goes off?

23

1 CHRISTOPHER BARKSDALE: No, sir.

2
3 COMMANDER KEVIN CARROLL: So when it starts, In your experience, when you start
4 the generators, do they start right up?

5
6 CHRISTOPHER BARKSDALE: Yes, sir.

7
8 COMMANDER KEVIN CARROLL: So Saturday port generator moving, shut down, start
9 the starboard generator, time and vibration, go ahead.

10
11 CHRISTOPHER BARKSDALE: At that point in time, everything was still besides that
12 minor glitch. The only other problems I was having was that I had gotten the wrong fuel
13 filters for the generators. I had done an inventory of the filters and replacement items
14 before we left Booth Bay and it came to my attention that the generators, the ray core, we
15 had 2 microns instead of 20 micron filters for them. I had requested some 20s and so the
16 captain had ordered them, they were supposed to be dropped off in New London. Once
17 we got in New London, they were 20s, but they were not ones for the generators, they
18 were the tall ray cores that would fit the mains. So, what this was causing me to do
19 because I was trying to be pretty vigilant about it, was trying to keep the, make sure the
20 filters were clean enough so the fuel would go through them. So, knowing that the tank,
21 the fuel from the old fuel tanks had been put in the day tanks, I was pretty confident that
22 there was probably some contaminants in there. Which is the reason they took the old
23 fuel tanks out. So I was trying to be pretty vigilant about it, so we sailed with the 2

1 microns, but what I was trying to do every day and a half or so was to shut the generators
2 down, swap over to the other one and then swap out that filter.

3
4 COMMANDER KEVIN CARROLL: So you were going back and forth with the same filters
5 to, so in other words you would take the filter out of the ray core fuel filter for the port
6 generator and you would move it over to the starboard generator?

7
8 CHRISTOPHER BARKSDALE: No sir. What I was doing, is I would shut down the port
9 and crank up the starboard and while the starboard was running I would replace the filter
10 in the port.

11
12 COMMANDER KEVIN CARROLL: Okay, actually, let's clarify something first. Turn to CG
13 46 if you could please, CG 46. Do you recognize, can you identify this photograph
14 please?

15
16 CHRISTOPHER BARKSDALE: Yes sir, this is part of the filtering system for the portside.

17 COMMANDER KEVIN CARROLL: Okay, now, in regards to the fuel filters that you
18 ordered. Is the particular filter arrangement visible there?

19
20 CHRISTOPHER BARKSDALE: Yes sir.

21
22 COMMANDER KEVIN CARROLL: Okay, which one is it?
23

1 CHRISTOPHER BARKSDALE: Well, see on the left hand side of this photograph you will
2 see a white canister.

3
4 COMMANDER KEVIN CARROLL: Correct.

5
6 CHRISTOPHER BARKSDALE: That would be the filter system for the generators. The
7 taller filtering system you see behind them, the ones for the, the ones that look brownish
8 or tan

9
10 COMMANDER KEVIN CARROLL: Right.

11
12 CHRISTOPHER BARKSDALE: Those would have been the filters for the mains and the
13 white filters you see down below are the filtering system for the water makers.

14
15 COMMANDER KEVIN CARROLL: Okay, now, which filters did you end up ordering in
16 Booth Bay?

17
18 CHRISTOPHER BARKSDALE: The ones for the smaller on the left, the white ones.

19
20 COMMANDER KEVIN CARROLL: Okay, are those the ones that you got?

21
22 CHRISTOPHER BARKSDALE: No, the ones I got would fit the taller canisters.

23

1 COMMANDER KEVIN CARROLL: Okay, so what I am looking for is you had a problem
2 with having the correct fuel filters on board, or not that the right fuel filters. Which fuel
3 filter assembly were you lacking?
4

5 CHRISTOPHER BARKSDALE: The smaller one, the one that's white, the one that goes
6 to the generators.
7

8 COMMANDER KEVIN CARROLL: Okay. Is that the same arrangement on either side,
9 there's a port day tank and there's a starboard day tank, both.
10

11 CHRISTOPHER BARKSDALE: That's correct.
12

13 COMMANDER KEVIN CARROLL: Okay. The filter arrangement on there, the ray core
14 fuel filter, you didn't have enough of those filters on board?
15

16 CHRISTOPHER BARKSDALE: We had plenty of them, but they were 2 micron instead of
17 20 micron.
18

19 COMMANDER KEVIN CARROLL: Okay, explain the difference between 2 micron and 20
20 micron.
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22 CHRISTOPHER BARKSDALE: 2 micron is just a much smaller, smaller area and it would
23 just clog quicker, clog faster.

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COMMANDER KEVIN CARROLL: Okay. So 20 micron would let more particulates or more things through?

CHRISTOPHER BARKSDALE: That's correct.

COMMANDER KEVIN CARROLL: Why would you want to use 20 micron rather than 2 micron?

CHRISTOPHER BARKSDALE: Just so the fuel would flow through them easier and better.

COMMANDER KEVIN CARROLL: Okay. So how often from the time you left New London and were going to Booth Bay, how often did you find yourself changing the fuel filters for that particular ray core arrangement?

CHRISTOPHER BARKSDALE: Probably every day and a half to two days.

COMMANDER KEVIN CARROLL: Every day and a half to two days.

CHRISTOPHER BARKSDALE: And that was probably overkill on my part.

1 COMMANDER KEVIN CARROLL: Can you describe to be the process that you would
2 use when you would change the ray core fuel filter?

3
4 CHRISTOPHER BARKSDALE: Certainly, you would shut off the intake and the exit
5 valves of the fuel lines. You unscrew the top of it, you pull the filter out, drop another filter
6 in. You open up the lines and bleed the system so you had a little fuel coming out and
7 screw the top down on it.

8
9 COMMANDER KEVIN CARROLL: Okay. Were you finding any sediment within the bowl
10 of the fuel filter.

11
12 CHRISTOPHER BARKSDALE: There was a little bit in the bottom, there would be a little
13 bit of sediment, maybe a little bit of water, so you drain that out too.

14
15 COMMANDER KEVIN CARROLL: How much were you getting, and what I am looking for
16 is an increase

17
18 CHRISTOPHER BARKSDALE: Not an excessive amount.

19
20 COMMANDER KEVIN CARROLL: Okay. Were you getting any fluctuation within the
21 generator at all during that time from Booth Bay to New London?

22
23 CHRISTOPHER BARKSDALE: No sir. Not that I noticed.

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COMMANDER KEVIN CARROLL: So, why change out the fuel filters that often?

CHRISTOPHER BARKSDALE: I didn't want them to become clogged and shut the generator down at a particularly inconvenient time.

COMMANDER KEVIN CARROLL: How often does the manufacturer recommend that you change those fuel filters.

CHRISTOPHER BARKSDALE: I don't know. I think it would depend on the application. I mean, I have worked in systems before and I think particularly when I was out in the Pacific where we had a lot of contaminated fuel. On some of the smaller skiffs we had to do it darn near every day.

COMMANDER KEVIN CARROLL: Did Bounty use any fuel additives?

CHRISTOPHER BARKSDALE: There was some there, yes sir.

COMMANDER KEVIN CARROLL: What was used?

CHRISTOPHER BARKSDALE: I personally didn't never used any, but there was some sea foam, I think is one of them that was and ray core makes one. There's 3 or 4 types.

COMMANDER KEVIN CARROLL: Like microbiacides anything that would actually

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CHRISTOPHER BARKSDALE: I never, I don't believe I ever saw any there, no sir.

COMMANDER KEVIN CARROLL: Okay, who would do that on board the vessel?

CHRISTOPHER BARKSDALE: If somebody was going to do it, it would have been me.

COMMANDER KEVIN CARROLL: Okay, when did the vessel first take on fuel when you were on board.

CHRISTOPHER BARKSDALE: Booth Bay.

COMMANDER KEVIN CARROLL: Was in Booth Bay, did you oversee that process?

CHRISTOPHER BARKSDALE: Yes sir.

COMMANDER KEVIN CARROLL: How much fuel was taken on board?

CHRISTOPHER BARKSDALE: We did take on, we didn't fill up or top off the tanks then. We didn't press the tanks because fuel was so expensive and I can't remember exactly how much it was. So what we did was we waited until we got to New London and then we pressed the tanks all the way where the fuel was considerably less expensive.

1 COMMANDER KEVIN CARROLL: So you took fuel in Booth Bay and also in New
2 London?

3
4 CHRISTOPHER BARKSDALE: Yes, sir.

5 COMMANDER KEVIN CARROLL: And you already stated that from New London to
6 Booth, from Booth Bay to New London, there was no issues in regards to the main engine
7 and its operation, no worries about fuel being contaminated?

8
9 CHRISTOPHER BARKSDALE: Not that I saw, no sir.

10
11 COMMANDER KEVIN CARROLL: So from departure to New London, let's use the 27th
12 where the generator was shaken on its balance was there any question in regards to fuel
13 contamination?

14
15 CHRISTOPHER BARKSDALE: No sir.

16
17 COMMANDER KEVIN CARROLL: When you were leaving New London and, is that when
18 you figured out you had the wrong filters on board?

19
20 CHRISTOPHER BARKSDALE: It was before we left, I mean I looked at them and said
21 that's the 20 micron but they're the wrong size now.

22

1 COMMANDER KEVIN CARROLL: Okay, so they were the wrong size filters, but they
2 would definitely fit within that filter arrangement? But no

3
4 CHRISTOPHER BARKSDALE: They were not fitted, they were the right micron but they
5 were the wrong size.

6
7 COMMANDER KEVIN CARROLL: Okay. How many did you have on board, the ray core
8 filters off the day tank for the generators?

9
10 CHRISTOPHER BARKSDALE: For the 2 microns, it was probably 3 dozen or more. I
11 can't recall the exact amount for the ones for the mains, but when they bought us another
12 case of them, we probably had 2 cases of those.

13
14 COMMANDER KEVIN CARROLL: So, in your mind, you had ample number of fuel filters
15 on board?

16
17 CHRISTOPHER BARKSDALE: Ample number, yes sir.

18
19 COMMANDER KEVIN CARROLL: Okay, just the wrong micron. But that just meant,
20 correct me if I am wrong, that you just had to change them out at a greater frequency.

21
22 CHRISTOPHER BARKSDALE: That is correct.

23

1 COMMANDER KEVIN CARROLL: What about the filter arrangements on the generators
2 themselves, on the engines for the generators. Did you switch those out at all?

3
4 CHRISTOPHER BARKSDALE: No sir.

5
6 COMMANDER KEVIN CARROLL: Do you know the last time those were changed?

7
8 CHRISTOPHER BARKSDALE: No sir.

9
10 COMMANDER KEVIN CARROLL: Okay. But those smaller fuel filters off of the day tank
11 for the generators you were switching out every day and a half two days?

12
13 CHRISTOPHER BARKSDALE: Yes, sir.

14
15 COMMANDER KEVIN CARROLL: What about the ray core fuel filters for the main
16 engines. How often were you switching those out?

17
18 CHRISTOPHER BARKSDALE: I don't know if I switched those out during that time.

19
20 COMMANDER KEVIN CARROLL: Okay, were you seeing any sediment in the bowl of the
21 fuel filter?

22

1 CHRISTOPHER BARKSDALE: Not excessive, no sir. I switched them out before we left
2 Booth Bay.

3
4 COMMANDER KEVIN CARROLL: Okay.

5
6 CHRISTOPHER BARKSDALE: So they had new fuel filters in them.

7
8 COMMANDER KEVIN CARROLL: What were the micron of those fuel filters you had on
9 board?

10 CHRISTOPHER BARKSDALE: 20. I believe.

11
12 COMMANDER KEVIN CARROLL: 20. Okay so let's go back to, generator was moving
13 on the mounts, Drew brought it to somebody's attention, the port engine was shut down,
14 the starboard was brought up, (inaudible) vibration, go from there. What happened?

15
16 CHRISTOPHER BARKSDALE: Things started getting a little more rough as time went on.
17 I guess things were getting rougher and I was getting a little more seasick and everything
18 until really until the morning of the 29th, even the fact I wasn't feeling well, the ship
19 seemed to be doing fairly well even in the rough, rough waters. I guess there isn't
20 anything that was really consequential going on at that time that I can recall. Until the
21 morning of the 29th and I am not sure because I really wasn't observing the regular crew
22 ships and how much they were having to pump the bilges, so I don't know what the
23 frequency is or whether it was normal or abnormal. My experience on that was limited

1 anyway. But I do know, on the morning, like I said this thing started to go south on the
2 morning of the 29th and I noticed in the engine room, like I said, we were hitting some
3 pretty good seas then 18-20 feet I don't know.

4
5 COMMANDER KEVIN CARROLL: Let me ask a question. On the morning of the 29th,
6 that's the day that the vessel capsized, are you talking about the previous morning?

7
8 CHRISTOPHER BARKSDALE: Excuse me, you are correct, the previous morning. It had
9 been the 28th. Thank you. So I know we were starting to get, I can drop back a day
10 before that, I guess that had been a Friday when we really started getting into weather
11 and that was injured my hand that day. I had gone up on deck trying to get some air and
12 took a little fly across the deck and injured my hand at that point in time.

13
14 COMMANDER KEVIN CARROLL: How badly?

15
16 CHRISTOPHER BARKSDALE: Well, they told me it was probably going to be another 6
17 months before I have good use of it so

18
19 COMMANDER KEVIN CARROLL: Did you break your hand?

20 CHRISTOPHER BARKSDALE: I did not. I had a contusion, so I don't know if its tendons
21 or ligaments, I can't really bend my little finger. At that point in time it was two fingers that
22 were bad, one of them has pretty well recouped, but the other one was bad.

23

1 COMMANDER KEVIN CARROLL: What day was that that you hurt your hand?

2

3 CHRISTOPHER BARKSDALE: That would have been on the 27th.

4

5 COMMANDER KEVIN CARROLL: Alright so if you departed New London on the 25th
6 which was a Thursday, Friday was the 26th, Saturday the 27th? And that was the same
7 day that the generator was shaking on its mounts?

8

9 CHRISTOPHER BARKSDALE: The generator, I think, must have been the day before
10 that. I am going to retract that statement if I may.

11

12 COMMANDER KEVIN CARROLL: Okay. So it was Friday?

13

14 CHRISTOPHER BARKSDALE: Yes sir.

15

16 COMMANDER KEVIN CARROLL: And you hurt your hand on Saturday?

17

18 CHRISTOPHER BARKSDALE: Yes sir.

19

20 COMMANDER KEVIN CARROLL: Okay.

21

22 CHRISTOPHER BARKSDALE: The morning that I said things started to go south, earlier
23 that morning I was down in the engine room trying to check on things and I was also

1 trying to move some fuel around and then I took a pretty bad spill across the engine room
2 and it was one of those things that if you didn't have hold of something you were going to
3 go flying down there. Initially when I went, I thought that I had broken my leg. I had
4 gashed my arm pretty bad too, once again that was fortunately just a bad contusion. So
5 at this point in time it was very very rough and it was hot down there so I was getting
6 dehydrated, I couldn't get in there for more than 10-15 minutes at a time. I had noticed
7 that we were starting to take on water right where the hull meets the weather deck. You
8 could see it coming down and because of my, I just didn't know what the reference was,
9 was this abnormal? I just didn't know, I know that I had gone up and reported it to the first
10 mate, Mr. Svendsen and he said that I should report it to the captain. He said that was
11 something that the captain was going to want to take a look at. So I did, Captain
12 Walbridge came down to the engine room, looked at it and really didn't make a comment
13 on it. To me it looked like we were taking on more water than we should have. As the
14 morning wore on, it became evident to me that we were taking on more water than we
15 were pumping out in the bilges.

16
17 COMMANDER KEVIN CARROLL: What side of the vessel did you see the water come
18 into on the weather deck? From the weather deck to the hull, you said that you saw water.
19 I'm sorry. Can you clarify, you said earlier that you saw water coming in.

20
21 CHRISTOPHER BARKSDALE: I saw water coming down on the inside of the hull. From
22 it looked like from where the weather deck, some of those plankings went through there.
23 To me it looked like a pretty substantial amount of water coming in. When I had gone up

1 there, I remember talking to John about this, Mr. Svendsen, and the third mate Mr.
2 Cleveland and Dan questioned me on it, he goes well it is water that's coming up,
3 because this is also happening, is we were rolling water would come up the side of the
4 boat and go back down. He said are you sure it's not water coming up and going back
5 down and I said no, this is water that's coming down, you know coming in. I know
6 throughout the day the people were pitching in, trying to help me out in the engine room.
7 I know Dan was down there, Matt was a big help. He was in there quite a bit trying to
8 help me out. The captain as well. I know that in some point in time, that the captain and
9 Matt had taken the pumps offline to try and make sure they were not jammed, not clogged
10 one some how or another. I gave the captain, he had the hydraulic pump and he
11 reassembled it.

12
13 COMMANDER KEVIN CARROLL: And this was all on Saturday or was this Sunday?

14
15 CHRISTOPHER BARKSDALE: Sunday.

16
17 COMMANDER KEVIN CARROLL: That Sunday, okay. So you helped the captain set up
18 the hydraulic pump?

19
20 CHRISTOPHER BARKSDALE: Actually Dan, I helped the Captain, it seemed, if I
21 remember correctly he and Matt had taken, were taking the pumps and checking them.
22 So they would disassemble them and make sure they weren't clogged and he was
23 reassembling them. Trying to work under these conditions was pretty daggone tough the

1 way things were moving about. So I gave him a hand, actually he was holding it and I
2 was putting the bolts back in it.

3

4 COMMANDER KEVIN CARROLL: Was it the electric pump or the hydraulic pump?

5

6 CHRISTOPHER BARKSDALE: He had the, if I remember, I may be mistaken, it seems
7 like he had the hydraulic pump.

8

9 COMMANDER KEVIN CARROLL: Who had the hydraulic pump?

10

11 CHRISTOPHER BARKSDALE: The captain.

12

13 COMMANDER KEVIN CARROLL: Okay.

14

15 CHRISTOPHER BARKSDALE: If I am not mistaken.

16

17 COMMANDER KEVIN CARROLL: What color is the pump, do you remember?

18

19 CHRISTOPHER BARKSDALE: Green.

20

21 COMMANDER KEVIN CARROLL: Green, okay. The portable hydraulic pump. What
22 color is that pump?

23

1 CHRISTOPHER BARKSDALE: Green.

2

3 COMMANDER KEVIN CARROLL: So they were both green pumps?

4

5 CHRISTOPHER BARKSDALE: Yes. If I remember correctly.

6

7 COMMANDER KEVIN CARROLL: Okay, so you saw water coming down. From what I
8 understand about Bounty, Bounty was planked with exterior planking. It had framing and
9 it also had planking on the exterior. How were you able to

10

11 CHRISTOPHER BARKSDALE: This was up above where the ceiling, there was actually
12 there was a section, if I remember correctly in the engine room that didn't have the ceiling
13 all the way up the side of it.

14

15 COMMANDER KEVIN CARROLL: Okay, how far up?

16

17 CHRISTOPHER BARKSDALE: It went all the way up to the weather deck if I remember
18 correctly.

19

20 COMMANDER KEVIN CARROLL: Okay, but the tween deck is in between, you have the
21 deck above the engine room is the tween deck and above that would be the weather
22 deck.

23

1 CHRISTOPHER BARKSDALE: It must have been what I was looking at would have been
2 the tween deck.

3
4 COMMANDER KEVIN CARROLL: Okay so were you in the engine room or on the tween
5 deck?

6
7 CHRISTOPHER BARKSDALE: I was in the engine room. I am trying to measure this

8
9 COMMANDER KEVIN CARROLL: that's fine take your time

10
11 CHRISTOPHER BARKSDALE: It must have been the tween deck, the picture right here
12 excuse me, exhibit 46. You can see the planking going up behind those filters. That's
13 where I was seeing the water come down.

14
15 COMMANDER KEVIN CARROLL: So you were seeing the water come down right down
16 from there?

17
18 CHRISTOPHER BARKSDALE: yes, sir. And I do not believe I am seeing the ceiling
19 planks on that.

20
21 COMMANDER KEVIN CARROLL: Okay.

22
23 CHRISTOPHER BARKSDALE: But that is the shop right there. That is exactly it.

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COMMANDER KEVIN CARROLL: And that would be on the port side of the vessel.

CHRISTOPHER BARKSDALE: Yes sir.

COMMANDER KEVIN CARROLL: So continue from there please.

CHRISTOPHER BARKSDALE: Trying to remember where I was.

COMMANDER KEVIN CARROLL: You were working with the hydraulic pump with Captain Walbridge.

CHRISTOPHER BARKSDALE: Right. As I said, various different people were helping me out and relieving me. I know that John Jones was a great deal of help. He was down trying to, he spent a lot of time down on his knees trying to make sure, to keep any trash from floating in around the portable hydraulic pump. We had tried to do a very vigilant job of getting the trash out of the hold just in case, inevitably you are going to get a few things floating around in there. Let's see it was a group effort trying to keep this going. As I stated, as time went on, it became obvious that we were taking on more water than we were pumping out.

COMMANDER KEVIN CARROLL: At what point on Sunday do you believe it became obvious?

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CHRISTOPHER BARKSDALE: I would say, late morning. When it really started to show.

COMMANDER KEVIN CARROLL: How was your physical condition with the seasickness that day?

CHRISTOPHER BARKSDALE: I was pretty beat up and not feeling real well and getting dehydrated so, about 10-15 minutes at a time was all I was able to do down there. I don't know somewhere, it was probably midmorning, that I had gone up to take a break and I was in the great cabin with the captain. He and I were the only ones in there I believe, and I saw him take a tremendous spill got thrown across the ship. It had bolted down tables through the great cabin and he caught one of those across his back and I don't know how he got up. If he took (inaudible) or what. I went over and got him and up and he said I'll be fine, I am going to be really sore he goes, but I'll be okay.

COMMANDER KEVIN CARROLL: That was midmorning?

CHRISTOPHER BARKSDALE: Yes sir. I know he was, he had to be in agony, I don't think that I could have gotten up from

COMMANDER KEVIN CARROLL: You had concerns obviously, from what you said before, about the water coming in.

1 CHRISTOPHER BARKSDALE: Yes sir.

2

3 COMMANDER KEVIN CARROLL: What did the captain feel, did he express any opinions
4 to you during that time?

5

6 CHRISTOPHER BARKSDALE: No sir, he did not.

7

8 COMMANDER KEVIN CARROLL: Did it seem it was business as usual with him before
9 he took the spill onto the table?

10

11 CHRISTOPHER BARKSDALE: Yes, he was pretty, the whole time, not just he but
12 everybody on the crew was calm and collected the whole time. Very professional about
13 what was going on. Everybody was still trying to do their job trying to make sure, we were
14 trying to work our way out of the jam that we were in.

15

16 COMMANDER KEVIN CARROLL: The morning when you felt like you were taking on
17 more water than you were putting off. What was the condition of the main engines at that
18 point, were they both running?

19

20 CHRISTOPHER BARKSDALE: I believe they were and I do know that things were
21 happening, things were going on, and I am not real sure because I wasn't paying
22 attention to the clock. So I am not real sure of the times. Somewhere along the lines
23 though I came back down and I switched off the port generator and cranked up the

1 starboard because I wanted to change the filter out in it. When I came back down,
2 somehow or somebody had broken the sight glass on the day tank and the day tank had
3 run dry. The main on the port side had stopped.
4

5 COMMANDER KEVIN CARROLL: What time was that roughly?
6

7 CHRISTOPHER BARKSDALE: I don't know.
8

9 COMMANDER KEVIN CARROLL: So did anybody know that you were running both
10 generators at that point?
11

12 CHRISTOPHER BARKSDALE: No, just one. I had shut the one down to let it cool down,
13 not only to change the filter, but I wanted to check the fluids in it. So the starboard was
14 running and when I came back in to the engine room after I had given it time to cool
15 down, the sight glass was broken and the day tank had run drive and so therefore that
16 main engine was not getting fuel and it had ceased to operate.
17

18 COMMANDER KEVIN CARROLL: Did the main engine stop running before or after you
19 went down?
20

21 CHRISTOPHER BARKSDALE: Before or after what?
22

1 COMMANDER KEVIN CARROLL: You said you went down to change the fuel filters,
2 correct?\

3
4 CHRISTOPHER BARKSDALE: Yes, sir.

5
6 COMMANDER KEVIN CARROLL: Did the main engine stop before or after you went
7 down in the engine room?

8
9 CHRISTOPHER BARKSDALE: It stopped before so it had ceased to operate before I got
10 down there.

11
12 COMMANDER KEVIN CARROLL: Did the mate on watch not know that they lost

13
14 CHRISTOPHER BARKSDALE: I don't know, I did not hear anything but it must have
15 stopped right when I went down in there or very soon afterwards. I don't know how to
16 answer that question, I didn't hear anything from anybody.

17
18 COMMANDER KEVIN CARROLL: Roughly, what time was it?

19
20 CHRISTOPHER BARKSDALE: I don't know.

21
22 COMMANDER KEVIN CARROLL: Was it before or after the captain was injured?
23

1 CHRISTOPHER BARKSDALE: After.

2

3 COMMANDER KEVIN CARROLL: It was after, so it was later that afternoon?

4

5 CHRISTOPHER BARKSDALE: It would have been, but exactly what time I am not sure.

6

7 COMMANDER KEVIN CARROLL: Okay, when had been the last time that you had
8 pressed up the day tanks?

9

10 CHRISTOPHER BARKSDALE: I had pressed them, I think it was that morning because
11 the other tank on the starboard side had, it was probably half to three quarters the way
12 full.

13

14 COMMANDER KEVIN CARROLL: So if you filled it that morning, what was the capacity
15 of those tanks again? The day tanks?

16

17 CHRISTOPHER BARKSDALE: I think they were 250 gallons, but I am not positive.

18

19 COMMANDER KEVIN CARROLL: 250 gallons and it was some time in the morning, you
20 said?

21

22 CHRISTOPHER BARKSDALE: I'm not positive Commander.

23

1 COMMANDER KEVIN CARROLL: You said that you gashed your arm on Sunday.

2

3 CHRISTOPHER BARKSDALE: That morning, yes sir.

4

5 COMMANDER KEVIN CARROLL: That morning. Is that when you were pressing up the
6 day tanks?

7

8 CHRISTOPHER BARKSDALE: I can't recall. I hate to be so vague, but I don't want to

9 COMMANDER KEVIN CARROLL: You were the one that discovered that the sight glass
10 was, in fact, broken.

11

12 CHRISTOPHER BARKSDALE: I don't know if somebody else saw it before me and didn't
13 report it. I don't know.

14

15 COMMANDER KEVIN CARROLL: That morning when you took a spill, was it in the
16 vicinity of the sight glass?

17

18 CHRISTOPHER BARKSDALE: I didn't hear you sir.

19

20 COMMANDER KEVIN CARROLL: You said that you took a spill that morning, on Sunday
21 morning and then you gashed your arm. Was it in the vicinity of the sight glass?

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23 CHRISTOPHER BARKSDALE: No sir.

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COMMANDER KEVIN CARROLL: Where was it?

CHRISTOPHER BARKSDALE: That was on the other side, the starboard side.

COMMANDER KEVIN CARROLL: Okay, so it was on the starboard side and it was the port sight glass that was broken.

CHRISTOPHER BARKSDALE: Yes sir.

COMMANDER KEVIN CARROLL: And, again, you are not 100% sure what time, if was after the captain was injured so it would have been in the afternoon that it shut down.

CHRISTOPHER BARKSDALE: Yes sir.

COMMANDER KEVIN CARROLL: And you pressed up the tank at some point in the morning.

CHRISTOPHER BARKSDALE: I'm not positive about that. I don't recall exactly when I pressed it.

COMMANDER KEVIN CARROLL: Okay. When you discovered the sight glass, tell us, what did it look like? What happened?

1 CHRISTOPHER BARKSDALE: It had broken, there was a section of it missing. It was
2 glass, so, it had just broken off.

3

4 COMMANDER KEVIN CARROLL: Okay, so from the bottom valve to the top valve you
5 had glass, correct?

6

7 CHRISTOPHER BARKSDALE: Correct.

8

9 COMMANDER KEVIN CARROLL: And was there a shield protecting it or

10

11 CHRISTOPHER BARKSDALE: There was a shield protecting it, yes sir. It also had a, it
12 had a gauge on the side of it, you know, markings on it, you could have seen it on the
13 exhibit we looked at, to tell you roughly how much fuel was in it.

14

15 COMMANDER KEVIN CARROLL: Was it broken to the bottom or to the top?

16

17 CHRISTOPHER BARKSDALE: Pretty much to the bottom if I remember correctly.

18

19 COMMANDER KEVIN CARROLL: So it was broken towards the bottom.

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21 CHRISTOPHER BARKSDALE: Yes, sir.

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23 COMMANDER KEVIN CARROLL: How did all of the fuel not leak out of it?

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CHRISTOPHER BARKSDALE: I think that all of the fuel did leak out of it.

COMMANDER KEVIN CARROLL: You think all of the fuel leaked out of the

CHRISTOPHER BARKSDALE: I am assuming that's the reason that port engine stopped, ceased operation

COMMANDER KEVIN CARROLL: Okay.

CHRISTOPHER BARKSDALE: Because the sight glass got broken the fuel is going to drop out. I know that when I went over there, what I ended up doing was, I shut off the valves on the top and the bottom of the sight glass. Then I went and put more fuel in the tank, I pressed more fuel in the tank, I didn't fill it all the way up. I was starting to get, trying to, get the injectors on the diesel back.

COMMANDER KEVIN CARROLL: So you closed the valves on the bottom and on the top.

CHRISTOPHER BARKSDALE: Yes sir.

COMMANDER KEVIN CARROLL: But at that point was there still fuel actively coming out of the

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CHRISTOPHER BARKSDALE: No sir.

COMMANDER KEVIN CARROLL: Okay. You said that it was very hot down in the engine room, correct? How was ventilation down there?

CHRISTOPHER BARKSDALE: Ventilation? There was a little bit, I think there was a fan, it made very little impact.

COMMANDER KEVIN CARROLL: Was there an overpowering, odor of diesel fumes?

CHRISTOPHER BARKSDALE: No sir, but there was so much water inside that vessel at that point in time coming and going that I don't think you wouldn't have noticed anyway. Between the bilge running constantly, there was constant water coming in, so I don't know that you would have noticed it.

COMMANDER KEVIN CARROLL: The diesel fuel when it hit the water, would do what? Float?

CHRISTOPHER BARKSDALE: There's a sheen on there but I didn't notice it.

COMMANDER KEVIN CARROLL: Next question, were the sole boards slippery?

1 CHRISTOPHER BARKSDALE: They were, I am sure some of the fuel from that did it, but
2 they were also slick from, I know that there was some spillage when I was swapping
3 these filters out. It takes very little diesel fuel to make one of those oil based paint sole
4 boards slick.

5 COMMANDER KEVIN CARROLL: Okay. And you are not sure how much fuel Bounty
6 consumes per hour, roughly?

7
8 CHRISTOPHER BARKSDALE: I am not, I am not.

9
10 COMMANDER KEVIN CARROLL: Okay.

11
12 CHRISTOPHER BARKSDALE: I had not had enough experience with the systems at that
13 point in time to really gauge and I think that, once again, that's going to be subject to how
14 many RPM's are running and what engines are running.

15
16 COMMANDER KEVIN CARROLL: Were the main engines redlined? I mean, from the
17 time of departure

18
19 CHRISTOPHER BARKSDALE: The captain was running them hard, but he wasn't
20 running them that hard.

21
22 COMMANDER KEVIN CARROLL: Okay, in regard to your departure from Booth Bay to
23 New London, compared to your departure from New London to your next destination, how

1 were they being run? Were they running harder than they were on the transit from Maine
2 to Connecticut?

3
4 CHRISTOPHER BARKSDALE: I am going to say, perhaps a little bit.

5
6 COMMANDER KEVIN CARROLL: Okay, in regards to, like you said, when you came
7 across the engine room, you were going down to change the fuel filters. You said that the
8 port main had stopped working, that's what drew your attention to the problem with the
9 sight glass.

10
11 CHRISTOPHER BARKSDALE: Yes sir.

12
13 COMMANDER KEVIN CARROLL: Is it possible, that somebody could have broken the
14 sight glass and not noticed that they did it, then walked away from it?

15
16 CHRISTOPHER BARKSDALE: I guess that's a possibility. It's a possibility that
17 something could have gone flying across the ship and hit it. We were in pretty violent
18 seas at that point in time.

19
20 COMMANDER KEVIN CARROLL: What would you estimate, what seas were you in?

21
22 CHRISTOPHER BARKSDALE: I want to say they were 18-20s.
23

1 COMMANDER KEVIN CARROLL: 18-20. How often is the fuel level on the day tank
2 supposed to be checked?

3
4 CHRISTOPHER BARKSDALE: It is checked regularly by the watch. I don't know how
5 many times a day that is, but it is checked on a regular basis.

6
7 COMMANDER KEVIN CARROLL: To your knowledge, did anybody bring this issue with
8 the fuel level in the port day tank to anyone's attention before you found it?

9
10 CHRISTOPHER BARKSDALE: No sir

11
12 COMMANDER KEVIN CARROLL: When you found this condition, who did you report it
13 to?

14
15 CHRISTOPHER BARKSDALE: Well I think it became, I know I reported it to, I was going
16 to say this, I feel relatively comfortable that I would have reported it to the captain and
17 whoever the officer on watch was and I would feel relatively comfortable at the statement
18 at that point in time people realized we were running without the port engine. I mean, I
19 can't help, I would think if you were at the helm in seas like that and you lost the port, that
20 you would have noticed it.

21
22 COMMANDER KEVIN CARROLL: What were the captain's orders?

23

1 CHRISTOPHER BARKSDALE: The orders were, we went down and we were trying to get
2 the injectors so we could get the engine cranked back up again. I had put more fuel in
3 the day tank, transferred more fuel from the main tanks to the day tanks. Of course we
4 didn't have a sight glass on it, so I couldn't see how much fuel I was putting in there, I
5 didn't want to overfill the tank. So I probably ran the transfer pump for about 20 minutes
6 just to make sure it had enough fuel in it.

7
8 COMMANDER KEVIN CARROLL: Okay. Who was working on the injectors for the main
9 engine?

10
11 CHRISTOPHER BARKSDALE: Matt was doing a lot of it and I was helping out. Matt was
12 helping me, I was helping Matt. It was a group effort. I think the captain came down and
13 worked on some with us as well.

14
15 COMMANDER KEVIN CARROLL: The captain was injured at this point, correct?

16
17 CHRISTOPHER BARKSDALE: That is correct.

18
19 COMMANDER KEVIN CARROLL: He was capable of being down in the engine room?

20
21 CHRISTOPHER BARKSDALE: I don't know how he did it, but he was trying to do what he
22 could.

23

1 COMMANDER KEVIN CARROLL: How long were you down, or able to be down in the
2 engine room?

3
4 CHRISTOPHER BARKSDALE: I would say not much more than 10-15 minutes at a time.
5 Besides being injured and seasick, it was so bloody hot in there that I would have to come
6 back up just to try and get some water in me just to re-hydrate.

7
8 COMMANDER KEVIN CARROLL: And this is late afternoon?

9
10 CHRISTOPHER BARKSDALE: Yes, sir. Late afternoon in to the evening.

11
12 COMMANDER KEVIN CARROLL: Okay. What happened next?

13
14 CHRISTOPHER BARKSDALE: It was just taking on more and more water and we still
15 had at least, we still had the capacity to pump with both the electric bilge and the
16 hydraulic bilge. So those, theoretically were still running. We started getting, and I am
17 going to say this is early evening, started getting surges in the starboard generator. I
18 know through the captain's orders it was shut off, everything that was electrical in the ship
19 that was not deemed vital. This generator was surging pretty heavily and I believe that
20 Matt had sent John Jones forward to get some inline filters that are actually in the
21 generator itself. So I think that Matt had sent John Jones to forward storage compartment
22 to go get and replace those filters. And they did that.

23

1 COMMANDER KEVIN CARROLL: Did you work with that switching?

2
3 CHRISTOPHER BARKSDALE: I did not, no.

4
5 COMMANDER KEVIN CARROLL: Okay. At any point did you change the filters directly
6 off of the day tank? The ray core filters directly off of the day tank?

7
8 CHRISTOPHER BARKSDALE: I changed those all the time, yes.

9
10 COMMANDER KEVIN CARROLL: On Sunday?

11
12 CHRISTOPHER BARKSDALE: Sunday, yeah, that was when I did it on the portside and
13 that's the reason that I shut it off and that's when the sight glass got broke. But on this
14 other one, yes the captain, before they changed that filter out, the captain had said
15 something, it fluctuated and he goes maybe you need to switch, swap the filter out. I
16 said, well I can do one of those, we just have to shut the whole thing off, I can do one in
17 under 2 minutes. So I did do that.

18
19 COMMANDER KEVIN CARROLL: Which filter? The filter on the actual engine itself or on
20 the fuel

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22 CHRISTOPHER BARKSDALE: The ray core filter from the day tank to the generator
23 itself.

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COMMANDER KEVIN CARROLL: You did do that.

CHRISTOPHER BARKSDALE: yes sir.

COMMANDER KEVIN CARROLL: Did you notice any sediment within the filter at that point?

CHRISTOPHER BARKSDALE: Not an exorbitant amount in this one.

COMMANDER KEVIN CARROLL: Did you notice any water?

CHRISTOPHER BARKSDALE: Not an exorbitant amount, no sir.

COMMANDER KEVIN CARROLL: Okay, what was your hypothesis of what was wrong with the generator?

CHRISTOPHER BARKSDALE: The way it was acting, I am going to say it was probably contaminated fuel. But that would have been my initial reaction just because of the way it was, you know, doing what it was doing. That would have been the first thing I would look for.

COMMANDER KEVIN CARROLL: How was the main, starboard main acting, was it fluctuating at all?

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CHRISTOPHER BARKSDALE: It seemed to be running fine.

COMMANDER KEVIN CARROLL: Wouldn't it be natural if you thought it was contaminated for the starboard to be working

CHRISTOPHER BARKSDALE: You would think

COMMANDER KEVIN CARROLL: It is a possibility that the filter arrangement wasn't bled properly and there was air in the line for the generators, possibly?

CHRISTOPHER BARKSDALE: I mean, anything is possible, but I don't think that is the case.

COMMANDER KEVIN CARROLL: Okay, you think it was contaminated fuel?

CHRISTOPHER BARKSDALE: That would have been my initial thought, but it could have been any number of things. I know that generator had been rebuilt by earlier or that past winter, that generator had been built by the captain and the previous engineer. I think that was what I was told. But it could have been any number of things.

COMMANDER KEVIN CARROLL: Was it showing any signs of fluctuation from Booth Bay to New London.

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CHRISTOPHER BARKSDALE: No sir, that is the first time I had seen that.

COMMANDER KEVIN CARROLL: And that was only on that day.

CHRISTOPHER BARKSDALE: Yes sir.

COMMANDER KEVIN CARROLL: You said that the vessel was rocking pretty good, it was rolling from port to starboard. Was it getting any low pressure alarms?

CHRISTOPHER BARKSDALE: No sir.

COMMANDER KEVIN CARROLL: No, none at all? The times that you would shut the generators town and change the fuel filters, would they start right back up?

CHRISTOPHER BARKSDALE: Yes sir.

COMMANDER KEVIN CARROLL: After the on engine generator fuel filter was replaced by, you said, by Matt and by John Jones

CHRISTOPHER BARKSDALE: Yes sir.

COMMANDER KEVIN CARROLL: How was it operating after that?

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CHRISTOPHER BARKSDALE: It was still fluctuating.

COMMANDER KEVIN CARROLL: It was still fluctuating, were the lights flickering?

CHRISTOPHER BARKSDALE: yes sir.

COMMANDER KEVIN CARROLL: Okay was there arcing and sparking down in the engine room?

CHRISTOPHER BARKSDALE: No sir.

COMMANDER KEVIN CARROLL: None.

CHRISTOPHER BARKSDALE: Not that I saw.

COMMANDER KEVIN CARROLL: Continue from there please.

CHRISTOPHER BARKSDALE: I know that the water was rising and eventually what happened was that starboard generator got washed out, got flooded out. I don't know how long the time frame was. Eventually water hit it and we were probably without electrical power even though the main kept running, we were without electrical power for a while. Exactly how long, I have no idea. Matt was able to get the starboard, I mean,

1 excuse me, the port generator started. He managed to get it bled, we never did get the
2 port main right back up again though.

3
4 COMMANDER KEVIN CARROLL: Where were you when Matt was getting the port
5 generator back?

6
7 CHRISTOPHER BARKSDALE: Where was I? I think I was up on deck.

8
9 COMMANDER KEVIN CARROLL: What were you doing?

10
11 CHRISTOPHER BARKSDALE: I was probably on tween deck.

12
13 COMMANDER KEVIN CARROLL: What were you doing on the tween deck?

14
15 CHRISTOPHER BARKSDALE: I was trying to take a break as I said, I was pretty ill at that
16 time and was trying to re-hydrate. So I would go up and try to cool down, try and drink
17 some water and catch my breath and then go back down and do what I could. I think we
18 were all kind of rotating in and out.

19
20 COMMANDER KEVIN CARROLL: Starboard generator gets washed out, Matt gets the
21 port generator back, take me from there.

22
23 CHRISTOPHER BARKSDALE: Water kept coming in, it just kept getting deeper.

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COMMANDER KEVIN CARROLL: When you were on the tween deck, did you have the opportunity to observe any places else where you believe the water was coming in?

CHRISTOPHER BARKSDALE: Nothing really sticks in my mind, no sir. Without a doubt water was coming in from somewhere, but exactly where I don't know.

COMMANDER KEVIN CARROLL: Was water coming on deck, in other words, on the weather deck and then coming down from any of the hatches on the weather deck.

CHRISTOPHER BARKSDALE: Not that I, it didn't seem like it was. Not that I really remember. Now we put the new house up on the front and it seemed like it was holding up pretty good, the nav shack and that seemed like it was holding up pretty well. I'm sure there was a normal amount coming in through there, but I don't think that's where our main problem was. Where they were I am not sure.

COMMANDER KEVIN CARROLL: Alright, so continue from there please.

CHRISTOPHER BARKSDALE: We were eventually went and water was coming in pretty good, we tried to get that portable water pump cranked up and running. We got the motor running fine, I was having a hell of a time trying to get that thing primed. I don't know why that is, I don't know if it was because of the head on it or trying to pump from a distance, but it really wasn't 10 feet maybe. I was just having a hard time, could get it to run a little

1 bit, but could never get that thing to operate the way that thing normally would have on a
2 pump like that.

3
4 COMMANDER KEVIN CARROLL: Where did you have the pump placed on the vessel?
5 The portable pump.

6
7 CHRISTOPHER BARKSDALE: The portable pump was initially placed at the doorway
8 doing down into the engine room and the hose going down into the engine room. The
9 exhaust line on that thing was running out, we ran it out through one of the windows on
10 the stern of the ship.

11
12 COMMANDER KEVIN CARROLL: Okay, the distance from the ladder from the deck, from
13 the tween deck, down to the engine room, how far did you have that hose?

14
15 CHRISTOPHER BARKSDALE: It was probably 10 feet.

16
17 COMMANDER KEVIN CARROLL: 10 feet, and how far of a distance were you trying to
18 push that water?

19
20 CHRISTOPHER BARKSDALE: I am going to say 30.

21
22 COMMANDER KEVIN CARROLL: 30 feet. Was it at an incline, or was it pretty horizontal?
23

1 CHRISTOPHER BARKSDALE: No it was some incline to it, yes sir.

2

3 COMMANDER KEVIN CARROLL: How much of an incline, an estimate?

4

5 CHRISTOPHER BARKSDALE: 5 feet.

6

7 COMMANDER KEVIN CARROLL: 10 feet drop, 30 feet

8

9 CHRISTOPHER BARKSDALE: 5 feet

10

11 COMMANDER KEVIN CARROLL: 5 feet incline.

12

13 CHRISTOPHER BARKSDALE: It seemed like it was a brand new pump or close to it, and
14 I have run plenty of water pumps over the years, I was just having a really difficult time
15 trying to get a prime on that thing.

16

17 COMMANDER KEVIN CARROLL: Gasoline powered?

18

19 CHRISTOPHER BARKSDALE: Yes sir.

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21 COMMANDER KEVIN CARROLL: Where was it stored to your knowledge?

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23 CHRISTOPHER BARKSDALE: Somewhere forward, I am not exactly sure where.

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COMMANDER KEVIN CARROLL: Do you know the last time it had been used?

CHRISTOPHER BARKSDALE: I have no idea.

COMMANDER KEVIN CARROLL: You had never used it?

CHRISTOPHER BARKSDALE: I never used it, I had never seen it before.

COMMANDER KEVIN CARROLL: Alright, continue from there.

CHRISTOPHER BARKSDALE: Water just kept coming and we kept trying to pump, we ended up taking that pump, the engine room got to the point where it was $\frac{3}{4}$ of the way full at that point in time. We lost all power and propulsion. Everything was, like I said it was $\frac{3}{4}$ the way full, things were floating to the surface. We took that portable pump and put it up on the main deck and I think that Mark Warner and Dan Cleveland and myself continued trying to get that thing running. We faired limited success. And at this point time we were trying (inaudible) on that pump. Probably another 12, 15 feet at least. It started to become pretty obvious that we were in a serious condition.

COMMANDER KEVIN CARROLL: At any point, did the captain address the crew to kind of let them know what the plan was? You knew kind of instinctively

1 CHRISTOPHER BARKSDALE: Not that I recall, no sir. I mean it was pretty daggone
2 obvious. I know that it had gotten to the point where we were instructed to go on the
3 tween deck. We started getting out the survival suits, the emersion suits, life vests. John
4 Jones and I started packing dry bags, excuse me, with drinking water anything food,
5 anything we thought we might need we started putting in dry bags. Started preparing for
6 the worst. I know at that point in time, I think the conversation was that we were going to
7 try to hang on until morning. We knew the Coast Guard had been contacted. I had seen
8 that Mr. Svendsen had deployed the, it was my understanding at that point in time we
9 were going to try to hang on until morning but at the same time prepare for the worst. So
10 it finally came to the time, orders were given to get into the emersion suits. We were
11 doing that, everybody helping everybody out, Everybody remained calm, professional.
12 Doing what needed to be done. Eventually, and it probably what saved everybody's lives.
13 We were ordered to the main deck. If we would have stayed on the tween deck, we
14 would all have drowned.

15
16 COMMANDER KEVIN CARROLL: Who gave that order?

17
18 CHRISTOPHER BARKSDALE: I'm not sure. I don't know if it was the captain or Mr.
19 Svendsen, I'm not sure how the chain of command went, I just know we all started going
20 up on the main deck. Like I said if we stayed on tween deck, when the ship heaved over
21 we would have all drowned. We all got up on the main deck and the ship was listing over
22 pretty heavily. We were all up on the side of the ship, kind of brace yourself in, and then
23 we were going to try to do a controlled descent into the life rafts. Before we had time to

1 do it, the ship heaved all the way over, probably 90 degrees. At that point in time, you
2 didn't have a choice, you were going in the water. I know that when I hit the water, you
3 look up and the mast through the wave action was being pulled up and being slammed
4 down back at you with all of the rigging involved. My thought was we need to get the hell
5 away from the ship, naturally. I know that I got hung up in the rigging probably 3 or 4
6 times before I was able to free myself and get far enough away from the ship. Everybody
7 tried to stick together, I managed to hook up with 5 other people and we had hold of the
8 piece of grating from the stern of the ship and it was Laura, Dan, Adam, myself and I think
9 Drew and Jessica as well, there were 6 of us total. Then Dan was saying, we need to get
10 one of the life rafts. Behold there is a canister floating by that hadn't deployed. I think
11 previous to this Dan had tied an extra 100 feet of line the life raft and I was able to grab
12 hold of it. It took a while, but finally we managed to get it over to us. The discussion was
13 don't deploy it right next to us, because its an explosive charge. We let it get a little
14 distance from us before I deployed it. I was able to deploy it and at that time, all of us
15 managed to get a hold of the life raft and start trying to get inside of it, which was a chore
16 in itself. The timeline, I have no idea how long I was in the water, how long it took us to
17 get in the life raft. I knew it was just an ordeal just to get everybody inside of that thing.
18 Once we got one or two people in it, it got considerably easier. That first one took
19 forever, to get that first person in there. When we first got in the life raft, we could make
20 visual contact with the other life raft but they very quickly drifted far enough away from us,
21 we couldn't see them. There was so much noise from the storm they couldn't have heard
22 us trying to hail them anyway. Throughout this whole time, even when we were on the
23 ship too, periodically you could hear that C130 going over top of us, which was a real

1 good feeling. Once we get in the life raft we went through the emergency provisions that
2 were on there, trying to determine what was on there. There was a fair amount of water
3 in there, which I think ended up actually helping us more than deterring us. There were 6
4 people in a 24 person life raft and I think that water helped to hold it down and keep it
5 from flipping over. Sometime after day break the helicopter arrived, the swimmer came
6 in, (inaudible) the story, he goes my name is Dan, I understand you need a ride. So we,
7 Adam who was with us was badly injured, crushed vertebrae, broken ribs, various other
8 things going on with him. So he took Adam out first, got him up, then one or two other
9 people and the life raft got flipped over, I am not sure how we got from underneath it, but
10 we did. One by one, Dan got us up in the helicopter, I think I was second to the last to get
11 in there. I got beat up pretty bad by the basket. No sooner that I get in it than of course a
12 big wave's going to hit me. So I took a pretty good knot on my head from that.

13
14 COMMANDER KEVIN CARROLL: Were you injured, you mentioned before that you hurt
15 your hand, the gash in your arm, Were you injured during the abandon ship?

16
17 CHRISTOPHER BARKSDALE: No sir

18
19 COMMANDER KEVIN CARROLL: (Inaudible) when the vessel capsized?

20
21 CHRISTOPHER BARKSDALE: No sir.
22

1 COMMANDER KEVIN CARROLL: Okay. When was the last time that you saw Captain
2 Walbridge?

3
4 CHRISTOPHER BARKSDALE: The last time I saw him was on tween decks when he was
5 going around trying to make sure everybody else was okay. He was more concerned
6 with everybody else than himself.

7
8 COMMANDER KEVIN CARROLL: So you did not see him on deck?

9
10 CHRISTOPHER BARKSDALE: I did not, no sir.

11
12 COMMANDER KEVIN CARROLL: You were wearing an emersion suit, correct?

13
14 CHRISTOPHER BARKSDALE: Pardon me?

15
16 COMMANDER KEVIN CARROLL: You were wearing an emersion suit?

17 CHRISTOPHER BARKSDALE: That's correct.

18
19 COMMANDER KEVIN CARROLL: Is this the first time you had ever worn an emersion
20 suit?

21
22 CHRISTOPHER BARKSDALE: Yes sir.

23

1 COMMANDER KEVIN CARROLL: When was the last time you saw Claudine Christian?

2

3 CHRISTOPHER BARKSDALE: I saw her on deck before the ship keeled over.

4

5 COMMANDER KEVIN CARROLL: Did you see her after the ship keeled over?

6

7 CHRISTOPHER BARKSDALE: No, sir.

8

9 COMMANDER KEVIN CARROLL: Did you want to take a break or did you want to ask a
10 question?

11

12 CAPTAIN ROB JONES: I just have a couple, if you want to go.

13

14 COMMANDER KEVIN CARROLL: Go ahead.

15

16 CAPTAIN ROB JONES: Let's start where we just were, Mr. Barksdale. You said that,
17 how did the life raft flip over? What caused that?

18

19 CHRISTOPHER BARKSDALE: Pardon me?

20

21 CAPTAIN ROB JONES: The life raft that you were in, after Adam was taken out, how did
22 it flip over?

23

1 CHRISTOPHER BARKSDALE: I thought initially it was from the backwash from the
2 helicopter, after watching the tapes of the helicopter and the rescue, the pilot or the co-
3 pilot called it out right before it hit us, there's a really big one talking about a wave and
4 that's what flipped is over.

5
6 CAPTAIN ROB JONES: Okay a wave?

7
8 CHRISTOPHER BARKSDALE: Yes sir.

9
10 CAPTAIN ROB JONES: Okay. Going back I am going to jump around, so bear with me.
11 Going back to the old fuel, when do you think you burned through that, do you have any
12 indication?

13
14 CHRISTOPHER BARKSDALE: I suspect we burned through all that before we got to New
15 London.

16
17 CAPTAIN ROB JONES: Okay so on the trip from Booth Bay to New London?

18
19 CHRISTOPHER BARKSDALE: I am going to say that, but whether you burn through all
20 the oil or not because you are continually adding new on top of it so,

21
22 CAPTAIN ROB JONES: Did you see in all the preventative maintenance you were doing
23 changing the strainers, did you see a difference in the clogging of the filters?

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CHRISTOPHER BARKSDALE: I think so, yes sir.

CAPTAIN ROB JONES: What was the end result?

CHRISTOPHER BARKSDALE: It seemed like it was getting cleaner and clearer.

CAPTAIN ROB JONES: That was up through and including New London?

CHRISTOPHER BARKSDALE: Yes sir.

CAPTAIN ROB JONES: How about departing New London?

CHRISTOPHER BARKSDALE: It seemed like by the time we got to New London it had cleared up quite a bit. When we were still in Booth Bay, I mean what was in those filters you could see was pretty nasty.

CAPTAIN ROB JONES: You said when you originally got on board and started running the generators, you felt that normal practice, your practice would have been to alternate starboard one day, port the other.

CHRISTOPHER BARKSDALE: Or a week.

1 CAPTAIN ROB JONES: Did you express that to the captain?

2

3 CHRISTOPHER BARKSDALE: Wait actually, he brought it up to me. He was like, this is
4 how you want to do it, I know most people like to alternate back and forth, his philosophy
5 was that we would run them, let me see if I can remember this correctly. He didn't want
6 to do, his thoughts were, he didn't want to get out in the middle of the Atlantic and it had 2
7 generators that half way worn out. So if one of them broke down, the other was liable to
8 break down too.

9

10 CAPTAIN ROB JONES: Is this the largest ship you have ever been on?

11

12 CHRISTOPHER BARKSDALE: Ever been on, or ever worked on?

13

14 CAPTAIN ROB JONES: Worked on and then been on.

15

16 CHRISTOPHER BARKSDALE: Yes.

17

18 CAPTAIN ROB JONES: How about been on?

19

20 CHRISTOPHER BARKSDALE: No I have been on cruise size ships.

21

22 CAPTAIN ROB JONES: Okay. When you, did you ever get seasick on a cruise ship?

23

1 CHRISTOPHER BARKSDALE: No sir, I have only been seasick one other time in my life.

2
3 CAPTAIN ROB JONES: When was that?

4
5 CHRISTOPHER BARKSDALE: I was about 7 years old.

6 CAPTAIN ROB JONES: On the trip down to Booth Bay, you said you got a little queasy in
7 6-8 foot seas

8
9 CHRISTOPHER BARKSDALE: Yes sir

10
11 CAPTAIN ROB JONES: How did you think you were going to fair in a hurricane?

12
13 CHRISTOPHER BARKSDALE: Well I didn't know I was going to be in a hurricane at that
14 point in time. I was surprised that I was queasy at all because I spent enough time
15 offshore fishing and other things. Also when I helped out in research in much bigger seas
16 than 6-8 footers, never had a bit of problem.

17
18 CAPTAIN ROB JONES: When you were in New London, you were leaving on the vessel
19 that you had previously gotten seasick on and you were informed you were going to go
20 out there and a hurricane was coming. How did you think you'd fair?

21
22 CHRISTOPHER BARKSDALE: I thought I'd do alright.

23

1 CAPTAIN ROB JONES: So the seasickness would go away or wouldn't come up.

2
3 CHRISTOPHER BARKSDALE: I had felt at that point in time that I was getting, had
4 gotten, was getting acclimated to it. I don't know if it makes any sense or not, but I can't
5 help but feel that it's the way that ship worked. It was something I wasn't used to.

6
7 CAPTAIN ROB JONES: Actually you, in your statement, you had mentioned something
8 about how the ship worked and you said it was pretty noisy when it started to get in the
9 heavy seas. Could you describe that?

10
11 CHRISTOPHER BARKSDALE: I had no idea that a wooden ship made that much noise
12 when it was working hard.

13
14 CAPTAIN ROB JONES: Did the noise increase as the trip went on?

15
16 CHRISTOPHER BARKSDALE: It was, it couldn't have increased any more, it was, to me,
17 I could, to try and sleep in those conditions. I could wedge myself in so I wasn't rolling
18 around but the noise was so great that I couldn't sleep and I even went and got hearing
19 protection out of the engine room to put on. It was still so daggone noisy, with the
20 (inaudible) working on that thing.

21
22 CAPTAIN ROB JONES: Could you describe when you were down in the engine room,
23 especially the later part of the 28th at 4 o'clock, late afternoon. How were you making,

1 how were you getting by, were you hanging on to everything every step you took? From
2 all of the overhead swinging?

3
4 CHRISTOPHER BARKSDALE: We didn't have anything, we tried to make sure
5 everything was battened down but if you didn't have hold of something, you were going
6 flying.

7
8 CAPTAIN ROB JONES: Hard to work if you weren't hanging on?

9
10 CHRISTOPHER BARKSDALE: You had to hang on to something and trying to hang on to
11 something and trying to use a wrench to save time and you got, that hands bad, it was
12 pretty interesting.

13
14 CAPTAIN ROB JONES: And again this is just, the plumb job that you did with the water
15 tanks and the fuel tanks back in Booth Bay.

16
17 CHRISTOPHER BARKSDALE: Yes sir.

18
19 CAPTAIN ROB JONES: How were they proved that they work, just by running them or did
20 someone come site them

21
22 CHRISTOPHER BARKSDALE: Just put them under pressure.

23

1 CAPTAIN ROB JONES: Did you have to flush them out for a while?

2

3 CHRISTOPHER BARKSDALE: With water, yes sir, a little bit. It was all new piping in new
4 tanks, but you want to run some water through them.

5

6 CAPTAIN ROB JONES: This employment that you were going to have with the Bounty,
7 was this going to end when the ship got to its winter berth, I think you called it, in
8 Galveston.

9 CHRISTOPHER BARKSDALE: Yes sir.

10

11 CAPTAIN ROB JONES: Were you ever going to seek employment with them again, or
12 was this a one time thing?

13

14 CHRISTOPHER BARKSDALE: I had wanted to do some more work on it, one of my
15 goals was trying to get some sea time.

16

17 CAPTAIN ROB JONES: Sea time to accomplish what?

18

19 CHRISTOPHER BARKSDALE: Licensing.

20

21 CAPTAIN ROB JONES: For the engineering department?

22

23 CHRISTOPHER BARKSDALE: I was kind of leaving that open.

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CAPTAIN ROB JONES: When the captain had that meeting before you left New London. You hadn't been on the ship very long, you are not 20 years old, I can make that, you're being told you are going out into a hurricane. Do you have more question about it then just, I trusted what he said. I am trying to put myself in that position actually.

CHRISTOPHER BARKSDALE: I guess its an honest question.

CAPTAIN ROB JONES: Do you have a business back home, or are you retired?

CHRISTOPHER BARKSDALE: I have a business, well, I am gainfully unemployed at the moment, but I guess there's a couple of things going through my mind. One of them is hopefully we have a pretty good plan of attack for this, the other one was that I kind of felt as though there was an obligation on my part on behalf of my other shipmates.

CAPTAIN ROB JONES: So in the month or more, you felt that much of a kinship to hang in there and stay there?

CHRISTOPHER BARKSDALE: Yes sir.

CAPTAIN ROB JONES: And you probably, the gentleman that got you, talked to you about the job, Mr. Svendsen, you knew him, trusted him? Mr. Svendsen, you knew John.

1 CHRISTOPHER BARKSDALE: Yes.

2

3 CAPTAIN ROB JONES: He talked to you about getting this job, did you trust his word?

4

5 CHRISTOPHER BARKSDALE: Yes sir.

6

7 CAPTAIN ROB JONES: Alright. After that once you sailed, that was it.

8

9 CHRISTOPHER BARKSDALE: That was it.

10

11 CAPTAIN ROB JONES: No more question about it?

12

13 CHRISTOPHER BARKSDALE: No sir.

14

15 CAPTAIN ROB JONES: Alright, thank you. That's all I have right now.

16

17 COMMANDER KEVIN CARROLL: Mr. Barksdale, do you need a break? You have been
18 answering questions for quite a time, do you want to take a short break?

19

20 CHRISTOPHER BARKSDALE: Yes sir.

21

22 COMMANDER KEVIN CARROLL: Okay, alright. Lets come back at say, a couple minutes
23 before 4, lets come back at 5 after, is that alright?

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LIEUTENANT COMMANDER NICHOLAS PARHAM: Mr. Barksdale, before we begin, (inaudible), the oath that you took previously is still binding, do you understand?

CHRISTOPHER BARKSDALE: Yes, sir.

COMMANDER KEVIN CARROLL: All parties and interests and their representatives are in attendance. Mr. Barksdale, what's going to happen how is that we are going to give the opportunity to the parties and interests present behind you to ask some questions. They will do so from that location. General reminder to all of the parties and interests, please if the question has been asked, please do not ask the same question again. We ended with the Bounty last time, we will start with the Bounty Organization.

LEONARD LANGER: Good afternoon. Mr. Barksdale, my name is Len Langer, I represent HMS Bounty Organization. Do you feel that at any time between Booth Bay Harbor and New London that the ray core filters inhibited the flow of fuel to either the generators or the mains?

CHRISTOPHER BARKSDALE: No sir, they didn't because I was keeping them switched out on a regular basis.

LEONARD LANGER: Did you ever participate during your time on the Bounty in switching out the in line generator filters, those on the generators themselves.

1
2 CHRISTOPHER BARKSDALE: No, sir.

3
4 LEONARD LANGER: In response to Commander Carroll's question, you said that you
5 thought that at some point there was contamination in the fuel. When did that occur?
6 When did you feel, or did you feel there was ever any contamination in the fuel that
7 effected the operation of the generators or the mains?

8
9 CHRISTOPHER BARKSDALE: I don't think that it ever effected them because we were
10 pretty vigilant on keeping the filters switched out.

11
12 LEONARD LANGER: Did you maintain logs on board the vessel as to when you topped
13 off the day tanks or filled the day tanks?

14
15 CHRISTOPHER BARKSDALE: Yes sir.

16
17 LEONARD LANGER: Where were those logs kept?

18
19 CHRISTOPHER BARKSDALE: The engine room.

20
21 LEONARD LANGER: Do you know whether any of those logs survived the loss of the
22 vessel?

23

1 CHRISTOPHER BARKSDALE: To my knowledge, they did not.

2

3 LEONARD LANGER: Do you know whether anybody else, other than yourself, made
4 entries into the logs?

5

6 CHRISTOPHER BARKSDALE: During the time that I was on board, that may have been
7 Jim Jones because he helped me out quite a bit in the engine room. A lot of times he
8 would help me out by pressing the day tanks, not a lot of times, just sometimes he did it.
9 If he had indeed done that, he would have logged it.

10

11 LEONARD LANGER: You said Mr. Jones helped you at times, top off the day tanks. Do
12 you know how many times he did that between New London and October 29th?

13

14 CHRISTOPHER BARKSDALE: No sir.

15

16 LEONARD LANGER: You would agree with me, would you not, diesel engines don't use
17 all the fuel that is pumped into the engine. Some of it is returned to the tank.

18

19 CHRISTOPHER BARKSDALE: I am sorry, I didn't understand your question.

20

21 LEONARD LANGER: Was there any fuel returned from the diesel engine to a tank as it is
22 brought in to the engine?

23

1 CHRISTOPHER BARKSDALE: No sir.

2

3 LEONARD LANGER: Its all burned in the engine?

4

5 CHRISTOPHER BARKSDALE: Yes sir.

6

7 LEONARD LANGER: You were not involved in any of the pumping of the bilges, even in
8 the engine room?

9 CHRISTOPHER BARKSDALE: A couple of times. But primarily that was done by the
10 watches.

11

12 LEONARD LANGER: Did you have occasion after the vessel left the yard to determine
13 how much water, if any, was coming into the bilges on a daily basis?

14

15 CHRISTOPHER BARKSDALE: I really did not know.

16

17 LEONARD LANGER: Do you know what a fuel polisher is?

18

19 CHRISTOPHER BARKSDALE: I do.

20

21 LEONARD LANGER: Could you explain to the panel, your understanding of a fuel
22 polisher?

23

1 CHRISTOPHER BARKSDALE: The polishing system is used and it is a system set up so
2 that you would, when the fuel was in the main tanks you would polish it. So you would
3 run the fuel through, it would come out and run through the polishing system, which is a
4 ray core system, and be pumped back into the tank.

5
6 LEONARD LANGER: Was a fuel polisher installed while the vessel was in the yard at
7 Booth Bay?

8
9 CHRISTOPHER BARKSDALE: I attempted to install one. There had not been one on
10 there previously. I installed one, but what I was given to use was an old ray core system
11 that leaked. So it really didn't get used.

12
13 LEONARD LANGER: So you had installed one, but you didn't use it because of the ray
14 core system? Is that correct?

15
16 CHRISTOPHER BARKSDALE: I did not install it because it was old, used ray core
17 filtering system and it leaked tremendously, so we just bypassed it. The plans were to
18 repair it, but we never did have time to do that.

19
20 LEONARD LANGER: I see. Do you have any estimate of the amount of fuel that might
21 have been spilled as a result of the broken sight glass?

22
23 CHRISTOPHER BARKSDALE: I am not sure.

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LEONARD LANGER: Were you involved at all in moving any ballast on the vessel while it was in Booth Bay?

CHRISTOPHER BARKSDALE: No sir.

LEONARD LANGER: I have no other questions.

COMMANDER KEVIN CARROLL: Thank you. Mr. Svendsen?

JOHN SVENDSEN: Good afternoon, Chris.

CHRISTOPHER BARKSDALE: Good afternoon, Mr. Svendsen.

JOHN SVENDSEN: When we worked on Palmyra together, can you describe some of the work you had previously done on John Deere generators?

CHRISTOPHER BARKSDALE: Some of the work involved replacing the oil coolers on one of them, of course there was always the preventative maintenance that got done on a regular basis. Which was all kept logged, done according to the manual's specifications of John Deere. Replaced radiators on them, belts, I am sure that there was some other, starters, fuel, there was probably an alternator that was replaced. It was, what I would consider, general maintenance than repair.

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JOHN SVENDSEN: Can you describe some of the sea states that you saw while working on Palmyra when you were underway, offshore?

CHRISTOPHER BARKSDALE: Some of it quite interesting, some of it 20-25 foot seas, blowing pretty hard.

JOHN SVENDSEN: Would you consider some of those conditions comparable to certain parts of what you experienced on the Bounty?

CHRISTOPHER BARKSDALE: Yes I would.

JOHN SVENDSEN: When you were in the engine room, were you familiar with the maintenance manuals that were on board for the generators and the engines and systems on board?

CHRISTOPHER BARKSDALE: I was familiar with them to the degree that I, they were the maintenance manuals and the repair manuals, both the mains and the generators, they were all there. I familiarized myself with them to a small degree, I just didn't have a whole lot of time to do that. But I did familiarize myself and make sure that they were there.

JOHN SVENDSEN: Do you recall you and I, after I had found out that you were unaware of some of the logs, looking at logs within the engine room and some of the logs within

1 the computer to give you reference to what had been done previously and what had been
2 used previously by engineers to operate.

3
4 CHRISTOPHER BARKSDALE: I saw what was available, yes.

5
6 JOHN SVENDSEN: You had described some of the filters that were used. Did you feel
7 that the filters that were used were adequate in keeping the engine, or the fuel clean?

8
9 CHRISTOPHER BARKSDALE: Yes.

10
11 JOHN SVENDSEN: Can you describe to me the impressions you had of working with the
12 deckhands and AB's and boatswain onboard the Bounty?

13
14 CHRISTOPHER BARKSDALE: I certainly can. I think that they were very well trained, I
15 think that they were highly professional in the way that they went about their business. I
16 was generally very very impressed with all of them. I think they were all able seamen.

17
18 JOHN SVENDSEN: Can you describe that same impression for the officers that worked
19 on board the Bounty?

20
21 CHRISTOPHER BARKSDALE: They were all exemplary to work with and to be around.
22 Some of the knowledge displayed by some of these people would, they astounded me.

23

1 JOHN SVENDSEN: While working with Robin on board and reporting to him directly, can
2 you describe how he prioritized and created tasks. You mentioned a little bit of it in the
3 yard, but can you describe how it worked underway, so you have a, the working
4 relationship with Robin.

5
6 CHRISTOPHER BARKSDALE: He was, it was interesting because it wasn't so much, I
7 don't mean this in a derogatory way, it wasn't so much as giving a direct order most of the
8 time. It was more of a suggestion, but you knew the suggestion was actually what he
9 wanted you to do.

10
11 JOHN SVENDSEN: So he assigned you the daily tasks and prioritized what was to be
12 fixed and worked on and approached?

13
14 CHRISTOPHER BARKSDALE: Right and I would ask him, what were your priorities on
15 this? And he would lay out what he wanted done. Usually the suggestions I referred to
16 earlier, was on how he wanted them performed more so than exactly what it was to be
17 performed.

18
19 JOHN SVENDSEN: Would you say that would fulfill your hours within a day and more
20 sometimes?

21
22 CHRISTOPHER BARKSDALE: Oh and more, and more.
23

1 JOHN SVENDSEN: If you were to describe his character, what would you say it is?
2

3 CHRISTOPHER BARKSDALE: I think he was very able at his job. I think that, a very
4 intelligent man, in the short amount of time I worked with him, he was really good to work
5 with. I appreciate his demeanor as somebody in the supervisory capacity.
6

7 JOHN SVENDSEN: Thank you very much, Chris.
8

9 COMMANDER KEVIN CARROLL: Mr. Melusi, please.
10

11 RALPH MELUSI: Gentleman, Mr. Barksdale. I am representing Claudine Christian and I
12 have a few questions for you. I think you testified that it was Sunday, late morning that
13 you, in the engine room and you saw water coming over into the engine room
14 compartment and you became concerned.
15

16 CHRISTOPHER BARKSDALE: It wasn't coming over, it was coming down on the inside
17 of the hull.
18

19 RALPH MELUSI: Okay. And you testified that you were under the impression that there
20 was more water coming in than was being pumped out.
21

22 CHRISTOPHER BARKSDALE: That became obvious after a while, yes sir.
23

1 RALPH MELUSI: How did it become obvious?

2

3 CHRISTOPHER BARKSDALE: Water is rising in the bilge, and you are pumping out.

4

5 RALPH MELUSI: You must have observed it over a period of time to make an
6 assessment of water level.

7

8 CHRISTOPHER BARKSDALE: That is correct.

9

10 RALPH MELUSI: So that was Sunday in the AM before noon that you came to this
11 conclusion?

12

13 CHRISTOPHER BARKSDALE: Yes sir.

14

15 RALPH MELUSI: Where had the level risen to?

16

17 CHRISTOPHER BARKSDALE: At what point in time?

18

19 RALPH MELUSI: Well when you first saw it coming in and you watched it or observed it
20 for a period of time and you came to the conclusion its coming in faster than you were
21 pumping it out. How long did that process take?

22

1 CHRISTOPHER BARKSDALE: I don't know the exact time frame. I could look down at
2 the bilge and it still wasn't at the point in time at a critical state but you could tell it was
3 rising. Not having spent that much time on that ship, and never been in weather like that
4 on that ship, I had no idea what the normal limit was. It's a wooden boat and they all leak
5 and I knew that. But exactly what its rate and what was normal for that ship, I didn't know.
6

7 RALPH MELUSI: So when you saw it, you took a look at the bilge pumps and said, let me
8 see what the bilge pumps are doing, what's running here. I assume you would have been
9 concerned about that as well to make sure that they are operating.
10

11 CHRISTOPHER BARKSDALE: You can tell when they are operating, you can see the
12 water going through them.
13

14 RALPH MELUSI: Okay, both electrics?
15

16 CHRISTOPHER BARKSDALE: Yes.
17

18 RALPH MELUSI: And either of the hydraulic pumps, at this particular point in time, either
19 of the hydraulic pumps
20

21 CHRISTOPHER BARKSDALE: I don't follow your line of questioning here
22

23 RALPH MELUSI: Well, there were two electric bilge pumps operating?

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CHRISTOPHER BARKSDALE: Yes.

RALPH MELUSI: Okay, but the ship had to more pumps, two more pumps which were hydraulically operated.

CHRISTOPHER BARKSDALE: That's correct.

RALPH MELUSI: So my question is were either of those hydraulic pumps on, pumping out water at the time you began to conclude, its coming in faster than we can pump.

CHRISTOPHER BARKSDALE: It was about that time, we deployed the hydraulic pump.

RALPH MELUSI: When you say "we", who?

CHRISTOPHER BARKSDALE: Dan Cleveland and myself, I believe, was who was there.

RALPH MELUSI: Was this before you reported the flooding to the captain or after? Because you said you told the chief mate, the chief mate said go to the captain.

CHRISTOPHER BARKSDALE: I'm not sure.

1 RALPH MELUSI: Okay. How did you decide which hydraulic pump you were going to
2 use?

3
4 CHRISTOPHER BARKSDALE: The hydraulic pump that we used, it was portable so you
5 could sit it all the way down into the bilge of the ship, on the very bottom of the ship. The
6 one that was mounted stationary was up about 2 ½ - 3 feet above there. We wanted to
7 get down as low as we could, so that's the reason we put that one in.

8
9 RALPH MELUSI: Well,

10
11 CHRISTOPHER BARKSDALE: The water was not up to the height of the stationary one
12 before we deployed the portable one.

13
14 RALPH MELUSI: So the suction line on the stationary bilge pump is how many inches or
15 feet about the lowest, lower level?

16
17 CHRISTOPHER BARKSDALE: I think what you are asking me is how high the thing is up
18 off the keel of the ship and it was roughly 2 ½ feet.

19
20 RALPH MELUSI: So the way that pump is fixed into the system, you have to have 2 ½
21 feet of water at least, probably more, before you can use that pump?
22

1 CHRISTOPHER BARKSDALE: That would be correct. Which is the reason we deployed,
2 we have 2 pumps, the reason we deployed the one we did.

3
4 RALPH MELUSI: Did you think it was strange that the pump was connected that way, so
5 you couldn't use it unless you had 2 ½ feet of water already in the ship?
6

7 LEONARD LANGER: Objection to the form of the questions.
8

9 CHRISTOPHER BARKSDALE: I don't know what the question was.
10

11 RALPH MELUSI: Well you can't use the pump until the water level is up a certain height
12

13 CHRISTOPHER BARKSDALE: And
14

15 RALPH MELUSI: So, did you think it was strange that the pump was not situated so that it
16 was lower? So that you could use it and use the two electric pumps.
17

18 CHRISTOPHER BARKSDALE: No it's the reason we had the portable one, so we could
19 put it down lower. I think that was more of the back up, the emergency one, just in case.
20

21 RALPH MELUSI: But the back up pump that you used, only pumped from one
22 compartment, the engine room.
23

1 CHRISTOPHER BARKSDALE: Yes.

2

3 RALPH MELUSI: Isn't that true?

4

5 CHRISTOPHER BARKSDALE: That's correct.

6

7 RALPH MELUSI: So, it was limited to the compartments that you could pump, whereas
8 the other one was fixed could pump all of the compartments, but you would have to wait
9 for the water to come up 2 ½ feet or a certain level before you could use it.

10

11 CHRISTOPHER BARKSDALE: I am not sure if that's correct or not.

12

13 RALPH MELUSI: Well, think about it.

14

15 CHRISTOPHER BARKSDALE: I never used that pump, so I don't know how to answer
16 that.

17

18 RALPH MELUSI: How did you know that the pump would even work?

19

20 CHRISTOPHER BARKSDALE: I didn't.

21

22 RALPH MELUSI: So you have no way of knowing even if it was operational?

23

1 CHRISTOPHER BARKSDALE: That's correct.

2

3 RALPH MELUSI: But at some point, the water did get up sufficiently high so that you
4 could use that pump.

5

6 CHRISTOPHER BARKSDALE: I think that I am mistaken, I misspoke on this, I don't think
7 that was fixed and stationary. The water would have had to risen that high. I believe I am
8 incorrect on that.

9

10 RALPH MELUSI: Okay. Where was the bottom of the pump located

11

12 CHRISTOPHER BARKSDALE: It would have been, and I think that it was, I never used
13 that pump but I believe it was pulling into the bilge system itself so it could have pulled out
14 from the different compartments at a lower level.

15

16 RALPH MELUSI: But the problem I have is, why wasn't that pump utilized if it would have
17 allowed pumping from all of the compartments as opposed to using the portable one that
18 was only limited to one part of the ship, the engine room?

19

20 CHRISTOPHER BARKSDALE: Even though it was only pumping out that compartment,
21 the water could get from other compartments in there, but the problem was we had water
22 in the engine room and we were trying to keep the power going.

23

1 RALPH MELUSI: Okay, but did anyone suggest, the captain or anyone else who was
2 more familiar with the system, lets use this one, the fixed one instead of the portable?

3
4 CHRISTOPHER BARKSDALE: No.

5
6 RALPH MELUSI: The discussion never came up?

7
8 CHRISTOPHER BARKSDALE: No.

9
10 RALPH MELUSI: Okay, but no one ever attempted to operate it?

11
12 CHRISTOPHER BARKSDALE: Not that I recall.

13
14 RALPH MELUSI: And to this day you don't know if it was operational at that time?

15
16 CHRISTOPHER BARKSDALE: I never turned it on, never used it, I don't know.

17
18 RALPH MELUSI: Now this trash pump, have you ever repaired a pump like that before?
19 It's a gasoline powered pump.

20
21 CHRISTOPHER BARKSDALE: Yes.

22
23 RALPH MELUSI: What was it a Briggs and Stratton engine on it?

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CHRISTOPHER BARKSDALE: I'm not sure, it's a European pump.

RALPH MELUSI: A European engine?

CHRISTOPHER BARKSDALE: It may have been a Briggs on it, I'm not sure.

RALPH MELUSI: So, were you able to get the engine running?

CHRISTOPHER BARKSDALE: Oh the engine ran fine.

RALPH MELUSI: The engine ran fine, its just that the water, it would not suck water and discharge it?

CHRISTOPHER BARKSDALE: I could not get it primed so it wouldn't discharge the way it should. I got it to run momentarily but I never could get it

RALPH MELUSI: What would you, if someone brought a pump like that to your shop, said look the engine runs, but I can't pump anything, what would you do?

CHRISTOPHER BARKSDALE: I'd take the thing, hook it up, see if I couldn't get it to prime to get it to work.

1 RALPH MELUSI: You would hook it up first. You would try it, but if it still wouldn't prime,
2 would you take the casing apart?

3
4 CHRISTOPHER BARKSDALE: The first thing I'd do is take the casing off and look at the
5 impellers on it.

6
7 RALPH MELUSI: So, could that have been done? Was there time, or did you have the
8 tools on the Bounty?

9
10 CHRISTOPHER BARKSDALE: I don't think you understand, sir, I was in the middle of a
11 hurricane on deck with 15-20 foot waves and winds blowing.

12
13 RALPH MELUSI: I understand that.

14
15 CHRISTOPHER BARKSDALE: I don't think that you understand

16
17 RALPH MELUSI: I just want to find out if there were tools

18
19 COMMANDER KEVIN CARROLL: Gentlemen.

20
21 RALPH MELUSI: Tools available to do that.

22

1 CHRISTOPHER BARKSDALE: At that point in time there weren't because the tools were
2 under 6 feet of water in the engine room.

3 RALPH MELUSI: Okay. But that would have been your next step if you had time and
4 you had tools, you would take apart the casing, see if the impeller was frozen or if
5 something was jammed in there or something.

6
7 CHRISTOPHER BARKSDALE: Sure.

8
9 RALPH MELUSI: And you worked on that how long on Sunday, hours? Trying to get it
10 running?

11
12 CHRISTOPHER BARKSDALE: I don't think it was that long. It may have been, but I don't
13 think it was that long. The timeline, I'm not sure.

14
15 RALPH MELUSI: Okay. You talked about the sounds that the vessel made, that you had
16 never heard anything like that, they were horrendously loud. Can you describe it, was it a
17 groaning or how would you describe it?

18
19 CHRISTOPHER BARKSDALE: It sounded like a couple of thousand pieces of wood
20 rubbing up against each other.

21
22 RALPH MELUSI: Did it sound like wood was twisting on the verge of snapping, breaking?
23

1 CHRISTOPHER BARKSDALE: No, it was different than that. It's a, I don't know how to
2 describe the pitch, one of the sounds that I found unusual was the paneling on the tween
3 decks for the cabins sounded like they had ball bearings in them of all things.

4
5 RALPH MELUSI: Did you notice, have any opportunity, perhaps looking at framing on the
6 vessel looking down a distance where there is a clear space where you could see
7 deformation or bending or twisting or something out of line as the vessel would strain
8 under heavy waves?

9
10 CHRISTOPHER BARKSDALE: I never saw that, no sir. Never observed that.

11
12 RALPH MELUSI: You know what slamming is? You've been on a vessel before.

13
14 CHRISTOPHER BARKSDALE: Explain it to me, please.

15 RALPH MELUSI: Pitching, the bough comes up out of the water.

16
17 CHRISTOPHER BARKSDALE: No, that was not the sound I heard.

18
19 RALPH MELUSI: You didn't?

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21 CHRISTOPHER BARKSDALE: No.

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23 RALPH MELUSI: Okay was the bough going under, do you know? Taking green water.

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CHRISTOPHER BARKSDALE: I don't know.

RALPH MELUSI: Could you hear waves crashing against the sides?

CHRISTOPHER BARKSDALE: Oh yeah.

RALPH MELUSI: And that would cause the vessel to shudder.

CHRISTOPHER BARKSDALE: Oh we were rolling back and forth.

RALPH MELUSI: When the ship heeled over, were you closer to the stern or somewhat mid-ship or where?

CHRISTOPHER BARKSDALE: I was closer to the stern.

RALPH MELUSI: Closer to the stern. And you said you saw Claudine?

CHRISTOPHER BARKSDALE: I did.

RALPH MELUSI: Where was she?

1 CHRISTOPHER BARKSDALE: She would have been more forward of me towards the
2 bough.

3
4 RALPH MELUSI: How far, how far forward?

5
6 CHRISTOPHER BARKSDALE: I don't know.

7
8 RALPH MELUSI: Was that the last time you saw her?

9
10 CHRISTOPHER BARKSDALE: Yes sir.

11
12 RALPH MELUSI: When you told the captain about your concerns Sunday, late morning,
13 that you thought the vessel was taking on more water than they were pumping. He came
14 down and looked at it.

15
16 CHRISTOPHER BARKSDALE: He did.

17
18 RALPH MELUSI: Did the chief mate come down and look at it?

19
20 CHRISTOPHER BARKSDALE: I don't know.

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22 RALPH MELUSI: The captain didn't express whatever thoughts he had about the severity
23 of the condition to you?

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CHRISTOPHER BARKSDALE: No sir.

RALPH MELUSI: He didn't?

CHRISTOPHER BARKSDALE: No sir.

RALPH MELUSI: He just looked at it.

CHRISTOPHER BARKSDALE: Yes.

RALPH MELUSI: Did he take a good look?

CHRISTOPHER BARKSDALE: Yes sir.

RALPH MELUSI: Did you get any sense that the officers, he was going to instruct officers to start doing checks above

LIEUTENANT MIKE PATTERSON: I think he testified that the captain didn't say anything to him at that time.

RALPH MELUSI: I said that's why my question was, did you get the sense?

1 LIEUTENANT MIKE PATTERSON: So you are asking him to speculate?

2

3 RALPH MELUSI: It's a feeling, its an impression that's all.

4

5 CHRISTOPHER BARKSDALE: Well it would be speculation, so I can't answer that.

6

7 RALPH MELUSI: But you are not aware that there was any attempt to start looking for
8 other areas where water

9

10 CHRISTOPHER BARKSDALE: Not to my knowledge.

11

12 RALPH MELUSI: Then you went up, you were in the great room with the captain at the
13 time he was injured, he went flying?

14

15 CHRISTOPHER BARKSDALE: That was earlier in the day.

16

17 RALPH MELUSI: That was earlier, before he came down and saw this?

18

19 CHRISTOPHER BARKSDALE: I'm not sure. I'm not sure if it was before or after.

20

21 RALPH MELUSI: Okay thank you very much.

22

23 COMMANDER KEVIN CARROLL: Lieutenant, do you have any questions?

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LIEUTENANT MIKE PATTERSON: I just got to get on the record, did you do any drills from the time you have been on?

CHRISTOPHER BARKSDALE: Yes sir. I know we did a MOB drill, man over board drill, and I think that it was not too soon after departing Booth Bay, if I remember correctly.

LIEUTENANT MIKE PATTERSON: Okay and that was the only drill that you

CHRISTOPHER BARKSDALE: That's the only one that I recall.

LIEUTENANT MIKE PATTERSON: Okay, that was it.

COMMANDER KEVIN CARROLL: So you never took place on an abandon ship drill? You'd never taken place in an abandon ship drill?

CHRISTOPHER BARKSDALE: No sir.

COMMANDER KEVIN CARROLL: Are you good? Mr. Barksdale, I have no further questions for you, you are released, you are subject to recall. That doesn't mean you have to stay in the area, but you are released. Thank you very much for your attendance today.

1 CHRISTOPHER BARKSDALE: Thank you.

2

3 COMMANDER KEVIN CARROLL: Nick, we are going to go right into the next witness if
4 he is available. Thank you.

5

6 LIEUTENANT COMMANDER NICHOLAS PARHAM: Ready.

7

8 COMMANDER KEVIN CARROLL: Ready.

9

10 LIEUTENANT COMMANDER NICHOLAS PARHAM: At this time, the Coast Guard calls
11 to testify Mr. Douglas Faunt. Mr. Faunt, please stand by this table here, raise your right
12 hand, I will swear you in. A false statement given to an agency of the United States is
13 punishable by fine and / or imprisonment under 18 USC 1001. Knowing this, do you
14 solemnly swear the testimony you are about to give will be the truth, the whole truth and
15 nothing but the truth, so help you God?

16

17 DOUGLAS FAUNT: I do so swear.

18

19 LIEUTENANT COMMANDER NICHOLAS PARHAM: Please be seated.

20

21 COMMANDER KEVIN CARROLL: Good afternoon, sir. Can you please state your name
22 and spell your last name?

23

1 DOUGLAS FAUNT: Douglas Foxtrot Alpha Uniform November Tango

2

3 COMMANDER KEVIN CARROLL: Okay, thank you. What was your occupation on
4 October 29th 2012?

5

6 DOUGLAS FAUNT: I was an able seaman on Bounty. I am a volunteer, not a paid
7 employee.

8

9 COMMANDER KEVIN CARROLL: Can you describe what that means?

10

11 DOUGLAS FAUNT: Which?

12

13 COMMANDER KEVIN CARROLL: Being a volunteer on Bounty.

14

15 DOUGLAS FAUNT: I wasn't paid.

16

17 COMMANDER KEVIN CARROLL: You weren't paid.

18

19 DOUGLAS FAUNT: As far as I was concerned, that was the difference between me and
20 the paid crew.

21

22 COMMANDER KEVIN CARROLL: Did you pay to be on board?

23

1 DOUGLAS FAUNT: No.

2

3 COMMANDER KEVIN CARROLL: So how were you allowed to stay on board? Did you
4 have to work?

5

6 DOUGLAS FAUNT: Of course, that was the point.

7

8 COMMANDER KEVIN CARROLL: Okay, then you tell me, what was the point of being on
9 board Bounty.

10

11 DOUGLAS FAUNT: It was a place where I could be part of a community, at this point I
12 had been with these people, most of them since May. It was something I enjoyed doing
13 to the point where I voluntarily went out and got credentials. I have an MMC as an able
14 seaman. So it was something I enjoyed doing in my retirement.

15

16 COMMANDER KEVIN CARROLL: Okay, what did you do before you retired?

17

18 DOUGLAS FAUNT: Computers and data communications.

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20 COMMANDER KEVIN CARROLL: Okay. And you have your merchant mariners
21 credential as an AB?

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23 DOUGLAS FAUNT: I do.

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COMMANDER KEVIN CARROLL: What other vessels had you served on?

DOUGLAS FAUNT: I had been a paying crew, as it were, on Europa and Endeavor and Shtandark recently.

COMMANDER KEVIN CARROLL: When were you on Europa?

DOUGLAS FAUNT: 2004

COMMANDER KEVIN CARROLL: And you were a paid employee on board Europa?

DOUGLAS FAUNT: No, I was paying.

COMMANDER KEVIN CARROLL: Oh you were paying.

DOUGLAS FAUNT: I was a paying crew. That's which crew, paying crew, you stand watches, you do work, but you also pay to be there.

COMMANDER KEVIN CARROLL: Okay, were you also in that capacity on Endeavor?

DOUGLAS FAUNT: Yes.

1 COMMANDER KEVIN CARROLL: So you paid to work on Endeavor?

2

3 DOUGLAS FAUNT: Yes.

4

5 COMMANDER KEVIN CARROLL: Would you like to come to my home?

6

7 DOUGLAS FAUNT: If your work is as interesting as it was on Endeavor and Europa and

8

9 COMMANDER KEVIN CARROLL: Not at all. So you joined Bounty in May of 2012?

10

11 DOUGLAS FAUNT: Yes.

12

13 COMMANDER KEVIN CARROLL: Had you been (inaudible) before?

14

15 DOUGLAS FAUNT: This was my 5th year. I had about, by the end of this season this
16 year I had about 340 sea time days on Bounty.

17

18 COMMANDER KEVIN CARROLL: How many season is that over?

19

20 DOUGLAS FAUNT: 5

21

22 COMMANDER KEVIN CARROLL: 5 different seasons. So you obviously enjoyed your
23 time on board the vessel.

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DOUGLAS FAUNT: I did.

COMMANDER KEVIN CARROLL: Describe to me what life is like on Bounty.

DOUGLAS FAUNT: When we were in port, we showed people off, we showed the boat off. We showed people around, it was an opportunity to interact with different people and be part of something that was possibly the most famous boat afloat. I have a long time interest in maritime history and maritime literature, so I could do a good job with showing off the boat in that particular way. When we were at sea, I stood watches, I had gotten to be, because of my able seaman credential, I was AB of the watch of A watch this last trip. I also was functionally the ship's electrician because I could do, I knew how to do it and enjoyed doing it.

COMMANDER KEVIN CARROLL: Your background as ships electrician, was that based on your

DOUGLAS FAUNT: Experience over years and working with Robin at first to find out what he wanted, at some point he just, you know, I met his standards and I just did what was required, what was necessary.

COMMANDER KEVIN CARROLL: Okay. Were you also the radio man onboard?

1 DOUGLAS FAUNT: In so far as necessary, yes. I know electronics, I know
2 communications, electronics, I learned a lot about navigational electronics and my initial
3 connection with the boat was through setting the amateur radio system on the boat, the
4 (inaudible), CB, Mail while we were at sea.

5
6 COMMANDER KEVIN CARROLL: So when you said the captain, who were you referring
7 to?

8
9 DOUGLAS FAUNT: Robin Walbridge.

10
11 COMMANDER KEVIN CARROLL: Okay. Was he, during your five seasons on Bounty,
12 was he always the captain?

13
14 DOUGLAS FAUNT: Yes.

15
16 COMMANDER KEVIN CARROLL: Did you ever have another captain other than
17

18 DOUGLAS FAUNT: No.

19
20 COMMANDER KEVIN CARROLL: What were your impressions of Captain Walbridge?
21

22 DOUGLAS FAUNT: I loved that man. Someone to be aspired to be like. He knew a great
23 deal, he thought logically, he thought rationally, he had reasons for what he did and he

1 was perfectly willing to explain them to you. He was willing to teach anything he knew, he
2 was willing to listen to what you had to say and sometimes he would accept that and
3 sometimes he would give his reasons and then we would go on with what he wanted to
4 do.

5
6 COMMANDER KEVIN CARROLL: Okay. You said he was logical and rational?

7
8 DOUGLAS FAUNT: Yes.

9
10 COMMANDER KEVIN CARROLL: There had been discussions in regards to Captain
11 Walbridge chasing hurricanes, in your experience

12
13 DOUGLAS FAUNT: I have seen the video, I have heard Dan's explanation and I am
14 inclined to believe that Dan's explanation of the phrasing is correct and that Robin was
15 having a good time with the person that was interviewing him.

16
17 COMMANDER KEVIN CARROLL: Had you ever been on board Bounty in a hurricane?

18
19 DOUGLAS FAUNT: No.

20
21 COMMANDER KEVIN CARROLL: Not in all of the 5 seasons that you had been on
22 board?

23

1 DOUGLAS FAUNT: No, I managed to avoid both previous hurricanes.

2

3 COMMANDER KEVIN CARROLL: You were on board the vessel, when the vessel went
4 to Europe in 2011?

5

6 DOUGLAS FAUNT: Yes.

7

8 COMMANDER KEVIN CARROLL: Were you onboard as a volunteer at that time too?

9 DOUGLAS FAUNT: Yes.

10

11 COMMANDER KEVIN CARROLL: Did you encounter heavy seas on the way?

12

13 DOUGLAS FAUNT: Yes. I think we hit 30 foot seas and maybe 30-40 knot winds, but it
14 was never bad. There was a hurricane way in the distance but we were feeling the seas
15 from that.

16

17 COMMANDER KEVIN CARROLL: How did the vessel perform during that time in the 30
18 foot seas?

19

20 DOUGLAS FAUNT: It seemed to be doing just fine.

21

22 COMMANDER KEVIN CARROLL: Did you make water during those times?

23

1 DOUGLAS FAUNT: Of course. She was a wooden boat and she would rock and we
2 would make water, we would take on water.

3
4 COMMANDER KEVIN CARROLL: In your capacity as an AB, did you perform boat
5 checks?

6
7 DOUGLAS FAUNT: I did.

8
9 COMMANDER KEVIN CARROLL: Okay, how often per watch did you find that you had to
10 use bilge systems, bilge dewatering systems?

11
12 DOUGLAS FAUNT: Depended on what the seas were like.

13
14 COMMANDER KEVIN CARROLL: What about at the pier?

15
16 DOUGLAS FAUNT: At the pier, 2-3 times a day, a couple of times we would pump and
17 sometimes those pumpings would be minimal even then.

18
19 COMMANDER KEVIN CARROLL: Okay. Had you ever seen the bilge system operated
20 continuously for a period of time?

21
22 DOUGLAS FAUNT: Yes.

23

1 COMMANDER KEVIN CARROLL: When was that?

2

3 DOUGLAS FAUNT: When we came back across the Atlantic, we believed we had sprung
4 some seams and we had some heavy weather. We were, the boat, we were rolling a lot,
5 the boat was racking and essentially we were running, we were pumping perhaps not
6 continuously but say 2 out of 4 hours.

7

8 COMMANDER KEVIN CARROLL: Where was your destination?

9

10 DOUGLAS FAUNT: San Juan, we went to the Virgin Islands. We went to the British Virgin
11 Islands and then going on to the American Virgin Islands.

12

13 COMMANDER KEVIN CARROLL: Was it intended to go

14

15 DOUGLAS FAUNT: Yes.

16

17 COMMANDER KEVIN CARROLL: to the Virgin Islands?

18

19 DOUGLAS FAUNT: We were getting a haul out in Charlotte Emily and we went to the
20 British Virgin Islands to show off the boat.

21

22 COMMANDER KEVIN CARROLL: And that was planned.

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DOUGLAS FAUNT: Yes.

COMMANDER KEVIN CARROLL: Okay

DOUGLAS FAUNT: At least at some point.

COMMANDER KEVIN CARROLL: What I am getting at, was your original destination Puerto Rico and you made an emergency stop

DOUGLAS FAUNT: No, it was all planned. We were going to go to Charlotte Emily and it turns out by a minor deviation we could go to the British Virgin Islands and show off the boat to a prospective investor / buyer / sponsor.

COMMANDER KEVIN CARROLL: And that was in 2011?

DOUGLAS FAUNT: Yes

COMMANDER KEVIN CARROLL: So you joined the vessel in May 2012. Correct?

DOUGLAS FAUNT: Yes.

COMMANDER KEVIN CARROLL: Were you on the vessel in September and October?

1 DOUGLAS FAUNT: I came back to the boat October 2, she was in the yard. I had gone
2 off to (inaudible) in India.

3
4 COMMANDER KEVIN CARROLL: When you returned to the vessel October 2, where
5 was it?

6
7 DOUGLAS FAUNT: In the yard in Booth Bay on the rails.

8
9 COMMANDER KEVIN CARROLL: Okay, on the rail. What did you do when you returned
10 back to the vessel?

11
12 DOUGLAS FAUNT: Found jobs to do, found things to get stuck into. Demolition had
13 been accomplished on the old aft crew and tank room by the time I got there the water
14 tanks had been installed and they were in the process of moving the new fuel tanks into
15 place. Which took a lot of heavy physical labor. There was always work that I could do,
16 repairing electrical stuff. We reconfigured the head area as a result of the change in
17 tonnage in Fair Haven, in that period of time. So there was some of that had been
18 changed since I had left on the boat I was doing lights and electrical work around that.

19
20 COMMANDER KEVIN CARROLL: How did the lights and electrical work go?

21
22 DOUGLAS FAUNT: Fine, it just took time.

23

1 COMMANDER KEVIN CARROLL: What other tasks did you have while you were in the
2 shipyard?

3
4 DOUGLAS FAUNT: There were times when I did general grunt work because the work
5 that I needed to do with the electrical system would interfere with work being done, but
6 there was always electrical work of some sort. Almost always, it needed to be done.

7
8 COMMANDER KEVIN CARROLL: What work did you need to do on the electrical
9 system?

10
11 DOUGLAS FAUNT: We obviously destroyed all of the lighting and outlets in aft crew and
12 the tank room and that needed to be replaced. I wanted the pumps to be repositioned and
13 rewired, the water pump, the fuel transfer pump had to be reconfigured. Things like that.

14
15 COMMANDER KEVIN CARROLL: Who did the reconfiguration on the pumps?

16
17 DOUGLAS FAUNT: The pumps were actually moved by Matt and Chris. Matt Sanders
18 and Chris

19
20 COMMANDER KEVIN CARROLL: Continue

21
22 DOUGLAS FAUNT: So when they got done physically placing stuff then I would go
23 through and wire things up, set things up. Sometimes I would do temporary stuff, we also

1 did things like work on the washer / dryer. One of our washers died and I worked on
2 repairing that. If there was anything electrical, I usually ended up doing it so it was
3 always little bits of work to do.
4

5 COMMANDER KEVIN CARROLL: Did you have an opportunity to work on the vessel's
6 hull at all?
7

8 DOUGLAS FAUNT: No.
9

10 COMMANDER KEVIN CARROLL: At any point did any of the crew express any concerns
11 regarding any rot and deterioration that was found on the hull?
12

13 DOUGLAS FAUNT: No.
14

15 COMMANDER KEVIN CARROLL: Were you privy to any conversations between the crew
16 and Captain Walbridge?
17

18 DOUGLAS FAUNT: About that, no.
19

20 COMMANDER KEVIN CARROLL: About that, no. So you heard nothing about that while
21 in the shipyard?
22

23 DOUGLAS FAUNT: I heard nothing.

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COMMANDER KEVIN CARROLL: Were there any concerns regarding any of the other projects that were going on onboard the vessel?

DOUGLAS FAUNT: No.

CFC: That was a slow no.

DOUGLAS FAUNT: I just had to think about some things, there were minor details when we changed the hatch configuration we took of the temporary ladder to the tween decks, the forward ladder the tween decks. It was not as nice a set up as it had been before.

COMMANDER KEVIN CARROLL: Nice as far as safety, aesthetics?

DOUGLAS FAUNT: Safety and aesthetics, there things such as in the old configuration you could latch the door of the dog house open and it was out of the weather and it was protected in a situation that didn't work. We had had a very nice, convenient place to stow our immersion suits, we had worked something out about that, which means they were basically in deck boxes on deck.

COMMANDER KEVIN CARROLL: So the emersion suits were stowed in deck boxes on deck?

1 DOUGLAS FAUNT: Yes.

2

3 COMMANDER KEVIN CARROLL: That's where they stayed for the entire transit?

4

5 DOUGLAS FAUNT: Yes. I mean, you say transit after Booth Bay?

6

7 COMMANDER KEVIN CARROLL: Yes.

8

9 DOUGLAS FAUNT: Until we got them out and put them and took the below decks.

10

11 COMMANDER KEVIN CARROLL: There is a binder in front of you that has tabs in it

12

13 DOUGLAS FAUNT: Yes

14

15 COMMANDER KEVIN CARROLL: Those tabs are specific exhibits. Can you turn to CG
16 14, please. CG 14, it will just be number 14 on the tab.

17

18 DOUGLAS FAUNT: CG 14

19

20 COMMANDER KEVIN CARROLL: It should be 14

21

22 DOUGLAS FAUNT: Yes

23

1 COMMANDER KEVIN CARROLL: That structure that you mentioned that was removed,
2 is that the structure?

3
4 DOUGLAS FAUNT: Yes

5
6 COMMANDER KEVIN CARROLL: Pictured in that photograph?

7
8 DOUGLAS FAUNT: Yes, actually both the butterfly hatch and that bell gas structure, they
9 were removed in Fair Haven.

10
11 COMMANDER KEVIN CARROLL: Why were they removed?

12
13 DOUGLAS FAUNT: Because that dog house was essentially covering what would have
14 been our tonnage hatch. With the tonnage you have 216 and it was too permanent a
15 structure to be allowed for that, so we had to take that off and put on a removable hatch in
16 that position so that we could qualify for the 216 ton.

17
18 COMMANDER KEVIN CARROLL: Turn the page to exhibit 15, tab 15. Is that the new
19 hatch that you are speaking of?

20
21 DOUGLAS FAUNT: Yes.

22
23 COMMANDER KEVIN CARROLL: So that was also placed on the vessel in Booth Bay?

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DOUGLAS FAUNT: Yes

COMMANDER KEVIN CARROLL: Alright. So that was really the only other concern.

DOUGLAS FAUNT: That's what comes to mind, that was an awkward situation. You will see there that if you have a door in that and have to latch it open, its going to be exposed to weather from forward. Its not going to be protected by other structures. There's no door shown on that I think.

COMMANDER KEVIN CARROLL: Okay. Did it ever become an issue during the storm?

DOUGLAS FAUNT: No, we secured it.

COMMANDER KEVIN CARROLL: Okay.

DOUGLAS FAUNT: Which meant that we had one way out from tween decks, in bad conditions.

COMMANDER KEVIN CARROLL: So no one was able to come out through that

DOUGLAS FAUNT: That's correct, it was secured.

1 COMMANDER KEVIN CARROLL: Okay. So anything else remarkable about the yard
2 period?

3 DOUGLAS FAUNT: No. I felt that we were pushing it. We were working really hard. We
4 were working 12 hours a day, 6 days a week. We had an awful lot of work to do, the
5 reconfiguration, I think the tanks reconfiguration took longer than expected so we had to
6 start building, basically the new aft crew, water tight bulk heads and basically new
7 berthing spaces.

8
9 COMMANDER KEVIN CARROLL: So you felt like you were pushing it, did you have to
10 get out of the yard? Was there another vessel coming in?

11
12 DOUGLAS FAUNT: We had the day in New London.

13
14 COMMANDER KEVIN CARROLL: The day in New London for what?

15
16 DOUGLAS FAUNT: For the day sail with the sailors from the submarine.

17
18 COMMANDER KEVIN CARROLL: Was that a paid trip?

19
20 DOUGLAS FAUNT: No.

21
22 COMMANDER KEVIN CARROLL: Why did you have to push it for a trip you weren't
23 getting paid for?

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DOUGLAS FAUNT: We, it had been, as I understand it, it had been arranged as a reciprocal trip that Hansen had with different sub base I think at Groton.

COMMANDER KEVIN CARROLL: Okay. This was not a trip that the vessel wanted to miss.

DOUGLAS FAUNT: I thought we were under, this was something that the owner suggested, the owner required or strongly suggested.

COMMANDER KEVIN CARROLL: How did you get that impression?

DOUGLAS FAUNT: Just the way we talked about it. We were doing this as a reciprocal something that they had done for

COMMANDER KEVIN CARROLL: Did you talk with him about this?

DOUGLAS FAUNT: No.

COMMANDER KEVIN CARROLL: Did you talk with Captain Walbridge about this?

1 DOUGLAS FAUNT: I think so, I often chatted with him for various reasons. I ended up
2 taking trips in the pick up truck to Home Depot which was some miles away and I would
3 go with him and we would talk on the way.
4

5 COMMANDER KEVIN CARROLL: Did he express any concerns that they were possibly
6 pushing it so you could get out early?
7

8 DOUGLAS FAUNT: No.
9

10 COMMANDER KEVIN CARROLL: He felt things were going on schedule?
11

12 DOUGLAS FAUNT: I think, I don't know whether things were on schedule, but he thought
13 we could meet that schedule.
14

15 COMMANDER KEVIN CARROLL: So when did the vessel depart?
16

17 DOUGLAS FAUNT: Depart from
18

19 COMMANDER KEVIN CARROLL: From Booth Bay, excuse me.
20

21 DOUGLAS FAUNT: From Booth Bay, I would have to look at my calendar to get a real
22 good feeling, I believe the 23rd about that. I think we splashed on the 20th or the 19th, we
23 stayed for a few days tied up alongside in Booth Bay while a lot of clean up was done.

1 Then we needed to be in New London, I believe we wanted to arrive on the Thursday
2 after that. I would have to look at the calendar to get the exact dates. The Thursday after
3 the 20th.
4

5 COMMANDER KEVIN CARROLL: That's good enough. Were all projects completed
6 when you departed Booth Bay?

7 DOUGLAS FAUNT: No.
8

9 COMMANDER KEVIN CARROLL: What wasn't completed?
10

11 DOUGLAS FAUNT: The berthing spaces were not completed.
12

13 COMMANDER KEVIN CARROLL: Okay, was there anything else?
14

15 DOUGLAS FAUNT: There was a lot of electrical work that I had to do. We had temporary
16 lights in the tank room and I believe, in fact, when we left there we didn't have lights in
17 places. I don't think I completed that job. I had managed to get some lighting in there and
18 I had managed to get the general alarm hooked up.
19

20 COMMANDER KEVIN CARROLL: There were no lights in all of the berthing spaces or
21 just some of the berthing spaces?
22

1 DOUGLAS FAUNT: There were lights in the public area of the berthing spaces, no lights
2 in the individual cabins until I finished, I finished that in transit.

3
4 COMMANDER KEVIN CARROLL: In route to

5
6 DOUGLAS FAUNT: In route to New London.

7
8 COMMANDER KEVIN CARROLL: Were all of those jobs you mentioned weren't
9 completed, were those completed in route to New London?

10
11 DOUGLAS FAUNT: Nope. The tank room lighting was still temporary when the boat
12 sank. I think I believe I managed to get lights in all of the berthing compartments by the
13 time we moved people into those which was just prior to the day sail in New London.

14
15 COMMANDER KEVIN CARROLL: Where were people sleeping before?

16
17 DOUGLAS FAUNT: Tween deck cabins.

18 COMMANDER KEVIN CARROLL: Tween deck cabins.

19
20 DOUGLAS FAUNT: Some people were sleeping in the great cabin.

21
22 COMMANDER KEVIN CARROLL: During the transit from Booth Bay to New London, as
23 an AB did you have the opportunity to do any boat checks at that time?

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DOUGLAS FAUNT: I think I must have, because we only had 3 deckhands including the AB during the watch and we tended to rotate on an hourly basis. I am pretty sure I did some boat checks.

COMMANDER KEVIN CARROLL: Did you have an opportunity to observe the condition of the bilges during the

DOUGLAS FAUNT: Yes, they looked quite tried. The boat had been trimmed down so that it was about 4-5 inches deeper in the stern than previous and I think, my feeling was we ended up with more water aft than before and so forward spaces would have been drier.

COMMANDER KEVIN CARROLL: How was the vessel trimmed 4-5 inches more aft, how was that achieved?

DOUGLAS FAUNT: I don't know. I wasn't involved in that. I know people were moving ballasts at some point and of course we moved all of the tanks, those heavy fluids further aft.

COMMANDER KEVIN CARROLL: Okay. General impression was the vessel handling better?

1 DOUGLAS FAUNT: Yes.

2

3 COMMANDER KEVIN CARROLL: So the movement of the ballasts, from your impression
4 at least, was a good thing?

5

6 DOUGLAS FAUNT: Yeah, I think, I thought, I was on the helm and I think it tracked a little
7 better. Robin was of the opinion it was tracking better.

8

9 COMMANDER KEVIN CARROLL: So it was designed?

10

11 DOUGLAS FAUNT: It was intentional.

12

13 COMMANDER KEVIN CARROLL: Who's decision was this?

14

15 DOUGLAS FAUNT: Robin Walbridge, as far as I know.

16

17 COMMANDER KEVIN CARROLL: Did you have an opportunity to use the bilge
18 dewatering system from

19

20 DOUGLAS FAUNT: Yes

21

22 COMMANDER KEVIN CARROLL: How did that work?

23

1 DOUGLAS FAUNT: I don't think it was working up to par.

2

3 COMMANDER KEVIN CARROLL: You don't think it was working up to par?

4

5 DOUGLAS FAUNT: Right. I have had a lot of experience with pumping bilges, I have got
6 an engineering background so I understood the system. I had also, obviously, been
7 pumping bilges on that boat for 4 years, 5 years. So I had a lot of experience with the
8 system and I don't think, I know it wasn't working up to par.

9

10 COMMANDER KEVIN CARROLL: Explain why you believe that.

11

12 DOUGLAS FAUNT: I could tell, I could see the amount of water that was in the engine
13 room. It took, it felt as it took longer to pump to get that water out. We also had trouble
14 getting prime even when we knew there was water in more forward compartments.

15

16 COMMANDER KEVIN CARROLL: Did you report your concerns to anybody?

17

18 DOUGLAS FAUNT: I did.

19

20 COMMANDER KEVIN CARROLL: To whom?

21

22 DOUGLAS FAUNT: To the officer on my watch, John Svendsen, and Captain Walbridge.

23

1 COMMANDER KEVIN CARROLL: Did they address your concerns at all?

2

3 DOUGLAS FAUNT: (inaudible)

4

5 COMMANDER KEVIN CARROLL: Pardon?

6

7 DOUGLAS FAUNT: I know Robin said at one point maybe we got something in the
8 pumps. I had just real trouble pumping and getting a prime I had to do a different
9 technique than usual to get a prime even from the strainer. Even from the direct seawater
10 strainer and I told Robin, he was down in the engine room with me, and I told him and he
11 thought maybe there was something in the impellers.

12

13 COMMANDER KEVIN CARROLL: When was this, was this

14

15 DOUGLAS FAUNT: This was the 8-12 watch on Sunday. 0800 12 noon Sunday.

16

17 COMMANDER KEVIN CARROLL: Was that the Sunday before the vessel capsized?

18

19 DOUGLAS FAUNT: That's right.

20

21 COMMANDER KEVIN CARROLL: Lets go back to your initial concerns that you
22 developed after the vessel left Booth Bay. From Booth Bay to Connecticut, you said you
23 had concerns regarding the system?

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DOUGLAS FAUNT: Yes. It didn't feel right. I think I have a pretty good sense of how mechanical things work and things like that work and it just didn't feel right.

COMMANDER KEVIN CARROLL: Is it perhaps, because you said the bilges were dry, is it perhaps because there wasn't any water to draw?

DOUGLAS FAUNT: We knew that that was the problem forward, I am talking about trying to drain, trying to pump the engine room. Yeah I mean part of that was, we can't pump the forward because there is no water to pump there. But we could tell that the engine room was not pumping well because we could see it and we knew we had water there.

COMMANDER KEVIN CARROLL: You said that because of the extra 4-5 inches of immersion at the stern you were getting water back aft.

DOUGLAS FAUNT: That was my theory.

COMMANDER KEVIN CARROLL: How would that be possible if you had water tight bulkheads?

DOUGLAS FAUNT: There were limber holes in the frames down in the bilges.

COMMANDER KEVIN CARROLL: They were not truly water tight?

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DOUGLAS FAUNT: No, they were designed to have water move aft in the boat.

COMMANDER KEVIN CARROLL: So, in your opinion from Booth Bay to New London, there was ample water in the engine room in order to pump. But you are saying the pumps were not working to

DOUGLAS FAUNT: My impression was that the pumps were not working properly.

COMMANDER KEVIN CARROLL: And you brought that to the attention of the chief mate and to also the captain?

DOUGLAS FAUNT: Yes.

COMMANDER KEVIN CARROLL: And how were your concerns addressed at that point?

DOUGLAS FAUNT: I think they were taken seriously, but I don't know how seriously.

COMMANDER KEVIN CARROLL: Did you share your concerns with any of the other crew members, deckhands, AB's?

1 DOUGLAS FAUNT: Certainly no with the AB's, sometimes I would, when we were doing
2 pass down between watches I would tell whoever it was coming up behind me how I
3 thought things were going.

4
5 COMMANDER KEVIN CARROLL: Did you address your concerns with the engineer?

6
7 DOUGLAS FAUNT: No. I knew Chris Barksdale had very little experience with that
8 system, I knew much more about that system than he did.

9
10 COMMANDER KEVIN CARROLL: You said you could not get it pumped using the normal
11 way, what was the normal way?

12
13 DOUGLAS FAUNT: Basically one pump running, turn the Y valve to pick up water directly
14 from the sea through the strainers and then switch it over to the particular, through the
15 manifold to the pick up into the full compartments.

16
17 COMMANDER KEVIN CARROLL: If it wasn't working the normal way, you said you tried
18 a different way

19
20 DOUGLAS FAUNT: What I discovered that worked for getting a prime was that if I ran
21 both pumps simultaneously, I could get a prime. I could then cut off one pump and it
22 would maintain that prime.

23

1 COMMANDER KEVIN CARROLL: Both pumps simultaneously, you are talking about the
2 two electric pumps?

3
4 DOUGLAS FAUNT: Yes.

5
6 COMMANDER KEVIN CARROLL: You were very familiar with the electric system?

7
8 DOUGLAS FAUNT: Yes.

9
10 COMMANDER KEVIN CARROLL: What other dewatering systems did you have on board
11 Bounty?

12
13 DOUGLAS FAUNT: We had 2 hydraulic bilge pumps and we had a trash pump that we
14 picked up in England at the beginning of 2011.

15
16 COMMANDER KEVIN CARROLL: How well versed were you with the operation of the
17 trash pump?

18
19 DOUGLAS FAUNT: I have seen it work once when we bought it and at that point we put it
20 in storage and left it alone. On explicit orders.

21
22 COMMANDER KEVIN CARROLL: Why? Who's orders?

23

1 DOUGLAS FAUNT: I think the idea was it wasn't a particularly good piece of equipment
2 and if we used it a lot we'd wear it out. Also it was gasoline which has significant
3 problems with fire, so we didn't want to try and handle that any more than necessary.
4

5 COMMANDER KEVIN CARROLL: How did the hydraulic pumps work, in your opinion?
6 You said there were two hydraulic pumps.
7

8 DOUGLAS FAUNT: Right. We didn't normally use them, I was told that they were a lower
9 capacity than the electric pumps and if the electric pumps were working that was the
10 appropriate way to pump the boat.
11

12 COMMANDER KEVIN CARROLL: Can I ask you please if you could move the
13 microphone a little bit closer to you. Thank you very much. Were they both fixed into the
14 manifold system, these hydraulic pumps?
15

16 DOUGLAS FAUNT: No. One was fixed to the manifold system as a backup to the electric
17 pumps and the other one was basically a direct pump. It had its own strainer on the
18 bottom of it and its own discharge too that went up to the overhead and in the engine
19 room and through the starboard side/
20

21 COMMANDER KEVIN CARROLL: How many times during your 5 seasons on Bounty
22 had you seen those pumps used?
23

1 DOUGLAS FAUNT: Twice.

2

3 COMMANDER KEVIN CARROLL: Twice. Did you ever perform any maintenance on
4 them at all?

5

6 DOUGLAS FAUNT: I didn't. I think that the engineer in 2011 worked on them. I never
7 saw any other maintenance being done on them.

8

9 COMMANDER KEVIN CARROLL: Was the electric bilge pumping system ever running to
10 your satisfaction? Before you arrived in New London?

11

12 DOUGLAS FAUNT: Not as I recall.

13

14 COMMANDER KEVIN CARROLL: In New London, you had to day sail with the Navy,
15 how did that go?

16

17 DOUGLAS FAUNT: Fine. It was fun. I got to tell the chief of the boat what to do. I was an
18 E5 when I was in the Navy, so

19

20 COMMANDER KEVIN CARROLL: So the day sail went well. At what point were you
21 aware that there was a storm named Sandy forecasted?

22

1 DOUGLAS FAUNT: I think Robin was, we were talking about the weather out there, we
2 posted some of the weather charts and discussion came up. I was never very aware of it
3 until, basically the first time I heard that it was a serious problem was when we had the
4 capstan just before departing New London.

5
6 COMMANDER KEVIN CARROLL: What was that?
7

8 DOUGLAS FAUNT: That was when Robin called us together and said I know some of
9 you have gotten messages, phone messages and text messages from your family and
10 friends concerning Sandy, the hurricane that's out here. If you feel that you wish to get off
11 the boat, you can do so and I will not hold it against you.
12

13 COMMANDER KEVIN CARROLL: What was the response from the crew?

14 DOUGLAS FAUNT: Everybody stayed on board.
15

16 COMMANDER KEVIN CARROLL: Everybody stayed on board. Did anybody express any
17 concerns to you?
18

19 DOUGLAS FAUNT: At that point?
20

21 COMMANDER KEVIN CARROLL: Before, during or after.
22

23 DOUGLAS FAUNT: Yes.

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COMMANDER KEVIN CARROLL: Who?

DOUGLAS FAUNT: After we had been at sea, when we were beginning to have troubles, Claudine came to me. I was the AB of her watch and she was in my watch and she trusted me and said, I'm seeing things that make me uncomfortable. I said, yes, we know about this. She said I am telling people about them and they're not, they're ignoring me. She thought it was because of her because she was a small woman. That they were ignoring her. I explained to her, comforted her and told her that I think it was because we were all aware of that and we were doing the best we could under the circumstances. She seemed to take comfort from that.

COMMANDER KEVIN CARROLL: When did she first come to you?

DOUGLAS FAUNT: I am going to guess it was Saturday or Sunday, I am not sure, at some point, I have no idea. I have no solid time frame and even sequence is fuzzy.

COMMANDER KEVIN CARROLL: If the vessel sank on October 29th which is a Monday, Sunday obviously was the day that a lot was going on.

DOUGLAS FAUNT: Yeah, we had the 8-12 watch and I hadn't slept well the night before. I spent the entire watch pumping because I knew the pump system and I could stand to be in the engine room for the entire watch.

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COMMANDER KEVIN CARROLL: Is this the 2000 – 2400 or the 8 in the morning to 12 noon?

DOUGLAS FAUNT: 0800 – 12

COMMANDER KEVIN CARROLL: 08 to 12 on Saturday or Sunday?

DOUGLAS FAUNT: Sunday.

COMMANDER KEVIN CARROLL: Okay, alright, lets go back to the capstan meeting, we'll get to there. No one at that point expressed any concerns during the meeting?

DOUGLAS FAUNT: I don't think so.

COMMANDER KEVIN CARROLL: You don't think so, but no one chose to leave.

DOUGLAS FAUNT: No one left.

COMMANDER KEVIN CARROLL: Did the captain present to the crew a forecast model of the storm or did he simply, how did he explain what you guys were going into?

1 DOUGLAS FAUNT: He basically said the storm was coming up particularly along the gulf
2 stream. The plan was to go east of the gulf stream in any case because fighting the gulf
3 stream current would have been a lose and we were going to go wide out, we were going
4 to get a lot of sea room. Hopefully we were going to go all the way out and around and
5 then cut back in and hopefully stop in to hopefully stop in Key West and otherwise just go
6 to St. Petersburg.

7
8 COMMANDER KEVIN CARROLL: The plan that he expressed to the crew at that capstan
9 meeting prior to departure was that he was going to cut out to the east and then go
10 behind the storm?

11
12 DOUGLAS FAUNT: Yes

13
14 COMMANDER KEVIN CARROLL: Now as far as you were concerned was that a good
15 track to take?

16 DOUGLAS FAUNT: It made sense to me.

17
18 COMMANDER KEVIN CARROLL: Made sense to you.

19
20 DOUGLAS FAUNT: I mean, I am not a weather forecaster, I haven't paid that much
21 attention to the storm systems. On a general scale it made sense to me.

22

1 COMMANDER KEVIN CARROLL: If he would have, at that capstan meeting stated to you
2 that the plan was to go out southeast, then change course to the southwest, would that
3 have changed your mind?

4
5 DOUGLAS FAUNT: I probably would have wondered about that, but I think I would have
6 taken his judgment as knowing the best thing to do.

7
8 COMMANDER KEVIN CARROLL: You said before that you believe that Captain
9 Walbridge was logical and rational.

10
11 DOUGLAS FAUNT: Yes

12
13 COMMANDER KEVIN CARROLL: To choose to leave New London on the 25th, with a
14 forecasted storm coming into the Atlantic, do you believe that is logical and rational?

15
16 DOUGLAS FAUNT: At the time it made sense.

17
18 COMMANDER KEVIN CARROLL: Why?

19
20 DOUGLAS FAUNT: Well because we wanted to get where we wanted to go. New
21 London was not, it didn't seem like a particularly good place to spend time and I obviously
22 didn't realize how bad the situation was going to become.

23

1 COMMANDER KEVIN CARROLL: Where were you going after New London?

2

3 DOUGLAS FAUNT: The destination was St Petersburg, Florida.

4

5 COMMANDER KEVIN CARROLL: What was supposed to occur in St. Petersburg?

6

7 DOUGLAS FAUNT: We were going to recap the time the Bounty had spent there as a
8 dockside attraction and dock was being demolished they were changing that, they were
9 removing that dock in St. Petersburg so we were going to go there for a sort of farewell to
10 that dock and to that situation. We were also going to connect with the Ashley DeRamus
11 Foundation.

12

13 COMMANDER KEVIN CARROLL: The visiting the pier, was that normal dockside
14 attraction for Bounty?

15

16 DOUGLAS FAUNT: This was a rather special one because she spent so much time in St.
17 Petersburg but yes, that was the sort of thing that we did.

18

19 COMMANDER KEVIN CARROLL: Okay. What is the Ashley DeRamus Foundation?

20

21 DOUGLAS FAUNT: Its got to do with, as far as I know just down syndrome people.

22

23 COMMANDER KEVIN CARROLL: Okay.

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DOUGLAS FAUNT: To help people with down syndrome.

COMMANDER KEVIN CARROLL: Was there an event planned in St. Petersburg for this foundation?

DOUGLAS FAUNT: I think so, but I had no solid information about that.

COMMANDER KEVIN CARROLL: How were you aware of the Ashley DeRamus Foundation and the connection with the Bounty then.

DOUGLAS FAUNT: We had Ashley DeRamus and her family on board first as photography people on the east coast tour and then as friends of the boat. The people who were in photography and were connected with Ashley also got to be very connected to the crew of Bounty.

COMMANDER KEVIN CARROLL: Okay, so was the foundation going to come on board for dockside tours, were they going to have a day sail like the navy had or

DOUGLAS FAUNT: I have no idea.

COMMANDER KEVIN CARROLL: You have no idea okay. What I am looking for, in your opinion, so to leave on October 25th, when were you due in St. Petersburg?

1 DOUGLAS FAUNT: Basically 2 weeks. We left on a Thursday and we were supposed to
2 get there 14 days later. 2 weeks later.

3
4 COMMANDER KEVIN CARROLL: Was it you who told me Captain Walbridge would not
5 leave port on a Friday?

6
7 DOUGLAS FAUNT: Quite possibly, its true.

8
9 COMMANDER KEVIN CARROLL: How do you know that its true?

10
11 DOUGLAS FAUNT: Because he didn't. I mean. It as one of those things, we would leave
12 port late on Thursday or we'd wait until Saturday morning.

13
14 COMMANDER KEVIN CARROLL: Was that a superstition?

15
16 DOUGLAS FAUNT: Yes.

17
18 COMMANDER KEVIN CARROLL: Okay.

19
20 DOUGLAS FAUNT: Many sailors have that superstition.

21

1 COMMANDER KEVIN CARROLL: What I am looking for is, to your knowledge, what
2 would have been the detriment to Bounty if you had to cancel the dockside tours in St
3 Petersburg?
4

5 DOUGLAS FAUNT: We'd have disappointed all the people in St. Petersburg. As far as I
6 know, there was no other negative to that.
7

8 COMMANDER KEVIN CARROLL: So the captain really wanted to push to make that
9 appointment?
10

11 DOUGLAS FAUNT: I think we all did, some of us did. Those of us who understood the
12 connection between Bounty and St Petersburg.

13 COMMANDER KEVIN CARROLL: Okay. You said before the captain mentioned during
14 his capstan meeting he knew that the crew had been receiving emails and phone calls
15 from family members. How did he know that?
16

17 DOUGLAS FAUNT: I presume people had said, I'm getting this information and had
18 asked him about the situation.
19

20 COMMANDER KEVIN CARROLL: Did you ask him, did you express any concerns to
21 him? Did you have any family members that
22

23 DOUGLAS FAUNT: No.

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COMMANDER KEVIN CARROLL: During your 5 years, seasons on board Bounty, had he ever addressed the crew like that before?

DOUGLAS FAUNT: No. But then I had never been in the position where there was that much weather out there.

COMMANDER KEVIN CARROLL: So you were on the A watch, is that correct?

DOUGLAS FAUNT: Yes,

COMMANDER KEVIN CARROLL: Who was the mate of your watch?

DOUGLAS FAUNT: John Svendsen.

COMMANDER KEVIN CARROLL: Who was the rest of your team?

DOUGLAS FAUNT: Claudine Christian and Mark Warner, on that particular, at that time. We had other people off and on.

COMMANDER KEVIN CARROLL: So you had 5 seasons on board Bounty, so you see yourself as a pretty experienced Bounty sailor.

DOUGLAS FAUNT: Yes.

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COMMANDER KEVIN CARROLL: What about the rest of your team?

DOUGLAS FAUNT: Claudine had been on for several months and Mark likewise several months. I think they were, they were pretty experienced. Mark was certainly experienced and was good at learning and knew a great deal, he was very good. Claudine was sometimes a little slower to catch on, but she wasn't focused on the boat quite as much.

COMMANDER KEVIN CARROLL: Okay, so from the point of departure. When did you depart New London?

DOUGLAS FAUNT: 5, 6 PM on Thursday.

COMMANDER KEVIN CARROLL: Did you still have the concerns about the electric bilge pumping system?

DOUGLAS FAUNT: Sure. I mean, they were, I wasn't thinking about it. I actually had just finished having to removed and reinstall new electric stoves so that was my immediate concern at that point.

COMMANDER KEVIN CARROLL: Where were the stoves delivered?

DOUGLAS FAUNT: That afternoon on the dock next to the boat.

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COMMANDER KEVIN CARROLL: On the 25th?

DOUGLAS FAUNT: If that's the Thursday, yes.

COMMANDER KEVIN CARROLL: So, on the same day that you did the navy day sail, did you do the tour of the submarine too?

DOUGLAS FAUNT: Yes.

COMMANDER KEVIN CARROLL: Then you also installed stoves?

DOUGLAS FAUNT: Yes.

COMMANDER KEVIN CARROLL: Then you went right into the watch schedule. What was the condition of the crew at that point?

DOUGLAS FAUNT: I think we were all tired. At some point I did say something to Robin about the fact that we were all tired and that we were short handed and he said we had done the same trip with 6 people before.

COMMANDER KEVIN CARROLL: Were you onboard when you did the trip with 6?

DOUGLAS FAUNT: No.

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COMMANDER KEVIN CARROLL: What the smallest compliment you had seen on board Bounty in regards to mates, AB's and deckhands?

DOUGLAS FAUNT: This is about the smallest crew I had seen on board.

COMMANDER KEVIN CARROLL: At that point you had not seen a forecast for the named storm Sandy?

DOUGLAS FAUNT: Not directly, I think I had seen weather faxes.

COMMANDER KEVIN CARROLL: When was the first time you did see a forecast for the storm?

DOUGLAS FAUNT: I don't recall.

COMMANDER KEVIN CARROLL: You don't know, okay. To your knowledge, you believe that Captain Walbridge was aware of your concerns with the electric bilge pumping system because you brought those concerns to him.

DOUGLAS FAUNT: Yes.

COMMANDER KEVIN CARROLL: Did he ever go down to the engine room with you?

1 DOUGLAS FAUNT: Oh yeah, he was there. That's when, in fact, at one point, I had him
2 in front, we were in front of it and I explained this and he looked at it and said he thought
3 that maybe there was a problem with something in the impellers and I pointed out that I
4 was seeing the same problem with both pumps. Which didn't mean, it couldn't be a
5 problem in the impellers.

6
7 COMMANDER KEVIN CARROLL: But you weren't concerned about it?

8
9 DOUGLAS FAUNT: Yes.

10
11 COMMANDER KEVIN CARROLL: From the departure in New London, no one chose to
12 leave, held the capstan meeting, headed off, you had the gasoline pump which was never
13 really used, which to your opinion were not used and the electric bilge pumps which were
14 suspect.

15
16 DOUGLAS FAUNT: Yes. But we also thought what we thought was a dry boat.

17
18 COMMANDER KEVIN CARROLL: A dry boat. But you were still making water in the
19 engine room.

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21 DOUGLAS FAUNT: Yeah, we often had water coming in around the shafts. So the engine
22 room would have more water than any other place in the boat. You could see the water
23 coming in.

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COMMANDER KEVIN CARROLL: Take me from there, what happened?

DOUGLAS FAUNT: From New London, we got underway. We cleaned up the boat, we were sea stowing. We were sea stowing a great deal. We were the weather was good, we were pushing, we were going as fast under engines as I've ever seen the boat. Don't know whether we were full out, but we were certainly moving along. We set out at first, we were just moving along fast and it was fun. As we moved out further into the water, further away from land it got a littler rougher but it wasn't bad. So we just kept going. I know I had a bad night Saturday night, the watch Sunday morning I felt fatigued when I started the watch and was very pleased at noon when we got off watch. We were told we were not going to have a work party, had a lot of work to do that I felt should be done, but I was just tired and I wanted to get some sleep, get some rest.

COMMANDER KEVIN CARROLL: And that was Sunday at noon.

DOUGLAS FAUNT: Sunday at noon.

COMMANDER KEVIN CARROLL: Your previous watch, the 8-12 watch you had before.

DOUGLAS FAUNT: It was 8 to midnight.

COMMANDER KEVIN CARROLL: On that watch, was everything working in regards to the two main engines?

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2 DOUGLAS FAUNT: Yes as far I know.

3
4 COMMANDER KEVIN CARROLL: What about the generators?

5
6 DOUGLAS FAUNT: They seemed to be fine. I don't know which generator we were
7 running on, but it seemed to be fine. I was sensitive to power, what the obvious electrical
8 system should output was

9
10 COMMANDER KEVIN CARROLL: How was the electrical bilge pumps operating from
11 that point from departure on the 25th to Saturday the 27th from the 2000 to 2400 watch?

12
13 DOUGLAS FAUNT: I still felt that it was a problem, but it seemed as if they were
14 adequate.

15
16 COMMANDER KEVIN CARROLL: Did anyone else share your concerns?

17
18 DOUGLAS FAUNT: I think that we all had this issue that we weren't pumping the engine
19 room very well.

20
21 COMMANDER KEVIN CARROLL: On Saturday?

22

1 DOUGLAS FAUNT: I believe so. At this point that whole time is a little fuzzy as far what
2 happened when.

3
4 COMMANDER KEVIN CARROLL: Do you recall having any conversations after departure
5 from New London with anybody regarding your concerns for the electric bilge pumps?

6 DOUGLAS FAUNT: No I had that conversation with Robin when I was down there
7 pumping and he came down and that's the only thing.

8
9 COMMANDER KEVIN CARROLL: So you had a bad night sleep from Saturday into
10 Sunday 08 – 1200 watch?

11
12 DOUGLAS FAUNT: Right, we got off watch at midnight and the boat was moving a lot
13 which was the cause of the bad sleeping.

14
15 COMMANDER KEVIN CARROLL: When you woke up that morning for your watch 08-
16 1200, what were the seas?

17
18 DOUGLAS FAUNT: I don't know. It was fairly rough but it didn't feel too bad. But I knew
19 that at that point we did put two people on the helm, Laura came to help us. She and
20 Mark basically spent the entire watch on the helm. I spent the entire watch pumping and
21 Claudine was doing checks and look out.
22

1 COMMANDER KEVIN CARROLL: at what point when you took that watch on Sunday 08-
2 1200, did Claudine come and express her concerns to you?

3
4 DOUGLAS FAUNT: It wasn't then, because I spent that entire time pumping. It was I
5 think later, I'm pretty sure it was later when we were both off watch.

6
7 COMMANDER KEVIN CARROLL: It was later on Sunday?

8
9 DOUGLAS FAUNT: Yeah, I think so.

10
11 COMMANDER KEVIN CARROLL: If you were down pumping the whole time 08-1200
12 watch, is that correct?

13
14 DOUGLAS FAUNT: Pretty much, yeah.

15
16 COMMANDER KEVIN CARROLL: What was Claudine doing?

17
18 DOUGLAS FAUNT: She was doing boat checks. She would come into the engine room
19 and do boat checks and then at least once, I had things running and I would go up on
20 deck just to see what it was like and get some air. It was very warm in the engine room, I
21 was actually in a t-shirt and shorts in the engine room.

22
23 COMMANDER KEVIN CARROLL: You were what?

1

DOUGLAS FAUNT: I was just dressed in t-shirt and shorts in the engine room. So I stuck my head out and saw her sitting on the aft grating smiling and having a good time. She was thoroughly enjoying whatever she was doing.

5

6

COMMANDER KEVIN CARROLL: During your time down in the engine room during the 08-1200 watch you were on, did you notice a smell of diesel at all?

8

9

DOUGLAS FAUNT: I am notoriously bad at smelling diesel because there was just enough of it around all of the time so I just didn't smell it. I didn't tend to smell it.

10

11

12

COMMANDER KEVIN CARROLL: Did you happen to see or notice that the sight glass was broken on one of the day tanks?

13

14

15

DOUGLAS FAUNT: No. If I had seen it, I would have done something about it and noticed it. I discovered it was broken by somebody telling me and later, when I was working on the generator I looked at it and saw it broke.

16

17

18

19

COMMANDER KEVIN CARROLL: What time did someone tell you the sight glass was broken?

20

21

22

DOUGLAS FAUNT: I don't know. I think perhaps after the port engine and generator quit. I believe John told me. I said what happened and he told me that the sight glass had

23

1 broken, the day tank had drained, so they had run out of fuel and I was aware of the
2 difficulties of starting a diesel that's been run out of fuel.

3
4 COMMANDER KEVIN CARROLL: What time did the port generator and port engine stop
5 working?

6
7 DOUGLAS FAUNT: I have no idea.

8
9 COMMANDER KEVIN CARROLL: No idea, okay. So 0800-1200 watch on Sunday you
10 were predominately in the engine room.

11
12 DOUGLAS FAUNT: Yes.

13
14 COMMANDER KEVIN CARROLL: 08 -1200, 100% of the time, how much of a percent
15 were you down there?

16
17 DOUGLAS FAUNT: Probably 85%. 90%.

18
19 COMMANDER KEVIN CARROLL: Were the electric bilge pumps working to your
20 expectations?

21
22 DOUGLAS FAUNT: No.

23

1 COMMANDER KEVIN CARROLL: No.

2

3 DOUGLAS FAUNT: That's when I was having trouble really priming them. That's when I
4 had to use, that's when I was turning both of them on to get a prime even from the well
5 water feed, then I could continue pumping when I got a prime in a compartment. I could
6 continue pumping with one, but I couldn't get a prime even from the well water feed.

7

8 COMMANDER KEVIN CARROLL: Where was the engineer at this point?

9

10 DOUGLAS FAUNT: I don't know exactly, but he was having a great deal of trouble with
11 seasickness. The engine room is not a comfortable place to be if you are not feeling well.

12

13 COMMANDER KEVIN CARROLL: Was anyone else down there with you, or were you
14 there by yourself?

15

16 DOUGLAS FAUNT: I think mostly I was down by myself except when someone would do
17 a boat check.

18

19 COMMANDER KEVIN CARROLL: Was the hydraulic pump hooked up at that point?

20

21 DOUGLAS FAUNT: Yes, I was using the portable hydraulic pump also.

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23 COMMANDER KEVIN CARROLL: Who hooked it up?

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DOUGLAS FAUNT: By the time I got there it was hooked up. I was under the impression it was hooked up all the time, just stowed on the

COMMANDER KEVIN CARROLL: When you got down there at 0800 it was already hooked up?

DOUGLAS FAUNT: Yes.

COMMANDER KEVIN CARROLL: And operating.

DOUGLAS FAUNT: I am not sure it was operating, but I was told to use it for the engine room. I said I think I know how to use it. Whoever it was, I don't remember who told me, I said I think I know how to use it, but give me a refresher on it. It was as I expected. This was the so called portable hydraulic pump, I say so called because we tried to reposition it from one side of the keelson to the other and the discharge hose had been trapped by other stuff on the bulkhead so we couldn't move it to the other side of the keelson.

COMMANDER KEVIN CARROLL: What side of the keelson was it on?

DOUGLAS FAUNT: Starboard side.

1 COMMANDER KEVIN CARROLL: Was course change made to get the water over where
2 it was on the starboard side?

3
4 DOUGLAS FAUNT: Well the tack change, yes I believe so.

5
6 COMMANDER KEVIN CARROLL: Did the captain discuss that with you at all?

7
8 DOUGLAS FAUNT: No

9
10 COMMANDER KEVIN CARROLL: You said we tried to move the pump, who tried to
11 move the pump?

12
13 DOUGLAS FAUNT: Robin and I and I would, I don't know who else was involved it could
14 have been any number of people. Either Matt Sanders or John Jones would be likely
15 suspect.

16
17 COMMANDER KEVIN CARROLL: So your watch ends at 1200, you've been down in the
18 engine room for 85% of the time and you didn't have a good night sleep before. How were
19 you feeling then?

20
21 DOUGLAS FAUNT: I was pretty whacked. I was pretty tired. I went and ate and then I
22 went to my cabin which was soaking wet.

23

1 COMMANDER KEVIN CARROLL: Where was your cabin?

2

3 DOUGLAS FAUNT: I had a tween deck cabin just aft of mid-ship on the portside.

4

5 COMMANDER KEVIN CARROLL: So, tween deck just aft of mid-ship on the portside.
6 Why was it soaking wet?

7

8 DOUGLAS FAUNT: The weather deck always leaked. I actually had put up plastic before
9 basically when we left Puerto Rico to keep the cabin dry but enough water had come in
10 between that and the motion of the boat. Water was overwhelming my plastic shielding.

11

12 COMMANDER KEVIN CARROLL: Were all the tween deck rooms that way, they all were
13 wet?

14

15 DOUGLAS FAUNT: I can't say all were, but most of them took in water. I certainly know
16 the ones on my side, there had always been evidence of leakage even in the captains
17 cabin, which we often tried to address.

18

19 COMMANDER KEVIN CARROLL: So you said the weather deck leaked, so water would
20 come on deck and it would actually find a way

21

22 DOUGLAS FAUNT: Correct.

23

1 COMMANDER KEVIN CARROLL: How?

2

3 DOUGLAS FAUNT: Gaps, leaks. The caulking on that deck, that was a two layer deck
4 and I think the barrier between the two decks had been penetrated, but there was always
5 there was often water in those cabins. They were known as wet cabins.

6

7 COMMANDER KEVIN CARROLL: That's under normal conditions.

8

9 DOUGLAS FAUNT: Rain, heavy rain would be bad.

10

11 COMMANDER KEVIN CARROLL: Sandy was not normal conditions.

12

13 DOUGLAS FAUNT: That is correct.

14

15 COMMANDER KEVIN CARROLL: Let me go back to the time before you left the engine
16 room. How much water was in the engine room when you left 1200 on Sunday.

17

18 DOUGLAS FAUNT: I believe it was to the top of the keelson.

19

20 COMMANDER KEVIN CARROLL: Top of the keelson, how much water was that roughly?

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22 DOUGLAS FAUNT: 2 ½ feet, more than a good arm's length because I had been down
23 there trying to get things out at times.

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COMMANDER KEVIN CARROLL: Is that normal for Bounty?

DOUGLAS FAUNT: No.

COMMANDER KEVIN CARROLL: What was normal?

DOUGLAS FAUNT: Below the bottom level, half that. In that particular place in the engine room, which was often the wettest place in the boat.

COMMANDER KEVIN CARROLL: Was there a high water level alarm in the engine room?

DOUGLAS FAUNT: Yes, it was on the keelson and at some point I was called upon to disconnect it because it was not making any sense because it was going off continuously.

COMMANDER KEVIN CARROLL: When were you called on to disconnect it?

DOUGLAS FAUNT: I don't recall. But the water in the engine room was consistently high enough so it was being actuated all of the time.

COMMANDER KEVIN CARROLL: Was this before you departed New London?

1 DOUGLAS FAUNT: No. I believe that it would have been Sunday afternoon.

2

3 COMMANDER KEVIN CARROLL: Where did that alarm sound?

4

5 DOUGLAS FAUNT: On the tween decks. I was hearing it continuously myself, but it
6 didn't bother me, so apparently it annoyed somebody so I disabled it.

7

8 COMMANDER KEVIN CARROLL: Had you ever heard the alarm before?

9

10 DOUGLAS FAUNT: No, except when we intentionally activated it.

11

12 COMMANDER KEVIN CARROLL: In all your 5 seasons on Bounty you had never heard
13 that alarm before?

14

15 DOUGLAS FAUNT: That's correct. That alarm was just installed in the beginning of 2011.
16 It was part of the inspection requirements for the Coast Guard Europe and the MCA.

17

18 COMMANDER KEVIN CARROLL: Its after 1200, you had something to eat, you went to
19 your room it was still wet, continue from there please.

20

21 DOUGLAS FAUNT: I was just going to lay down in my wet stuff, there was an all hands
22 call because the fore course had split somewhere in there. To be honest with you I don't

1 know whether I laid down to sleep or whether it happened immediately the time is a little
2 fuzzy. I may have laid down and dozed off. I don't remember.

3 COMMANDER KEVIN CARROLL: Did you respond to the all hands?
4

5 DOUGLAS FAUNT: I did.
6

7 COMMANDER KEVIN CARROLL: What happened with the fore course?
8

9 DOUGLAS FAUNT: Well by the time I got up on deck, basically the yard was populated
10 so I stayed up on deck and handled lines for furling. It was furled, they furled it.
11

12 COMMANDER KEVIN CARROLL: What happened after that?
13

14 DOUGLAS FAUNT: We set the fore staysail, the storm sail and then at that point it begins
15 to get a little ragged. I believe I tried to get some sleep, but anytime there was an
16 electrical issue, and we were taking a lot of salt water, same as in my cabin, we were
17 taking a lot of salt water. A lot of the boat systems were not proofed and there were times
18 that I would get called to address some sort of electrical issue people were having.
19 Sometimes it was just disconnect things or find the right breaker or switch and disable the
20 circuit.
21

22 COMMANDER KEVIN CARROLL: Were there any fire onboard?
23

1 DOUGLAS FAUNT: Not to my knowledge.

2

3 COMMANDER KEVIN CARROLL: Continue on please.

4

5 DOUGLAS FAUNT: Somewhere along the line, I don't know exactly when, I ended up
6 working in the engine room to try to get the port to, help work on getting the port
7 generator started. Don't know exactly when that was.

8

9 COMMANDER KEVIN CARROLL: Who were you working with?

10

11 DOUGLAS FAUNT: Matt, I know Matt was there, I think, I know Josh was there. Josh
12 Scornovacchi was in there. I don't remember who else. Chris may have been in and out, I
13 don't remember.

14

15 COMMANDER KEVIN CARROLL: Continue please.

16

17 DOUGLAS FAUNT: Just off and on, there were times when we were trying to
18 communicate and I would get involved with various bits of the communications systems.
19 We tried to, at some point, and I don't remember when, we tried the HF radio single band
20 radio with no luck. That had not been checked before we left. I am the only one with the
21 skills to check it and I was too busy with other stuff, we tried the (inaudible) at sea and it
22 didn't work.

23

1 COMMANDER KEVIN CARROLL: Didn't work either.

2

3 DOUGLAS FAUNT: Yeah it didn't work, it wouldn't sink with the satellites. We got the,
4 when we had a generator, we got the hand radio set up working. We tried voice calls on
5 that but nothing, with no luck. We were actually able to send email using that system.
6 That's what we used, that's what worked, we knew it worked and we sent emails. The
7 captain sent emails, I found email addresses and helped set the system up.

8

9 COMMANDER KEVIN CARROLL: Why didn't the (inaudible) sight band work?

10

11 DOUGLAS FAUNT: I don't know.

12

13 COMMANDER KEVIN CARROLL: And the MR SAT (inaudible)

14

15 DOUGLAS FAUNT: Don't know. I've got a theory.

16

17 COMMANDER KEVIN CARROLL: What's your theory?

18

19 DOUGLAS FAUNT: The antenna system for the old sat phone had been removed in the
20 yard and I think it may, MR SAT was near by and the cabling might have gotten damaged
21 in the process of removing the SAT phone. That's a theory. That's where the problem had
22 been before, so that's sort of likely.

23

1 COMMANDER KEVIN CARROLL: So you got the HF email going, what happened then?

2

3 DOUGLAS FAUNT: I don't recall. At some point, I tried to get a little more rest. As I said
4 every now and then I was called up for some electrical issues and I would go take care of
5 that. There was sometimes sea stowing to be done. Sea stowing is a continuous
6 process, on the course to stay to the seas and tried to get some of that taken care of and
7 I don't know, I don't remember. At that point it all gets very episodic.

8

9 COMMANDER KEVIN CARROLL: Did you ever stand another watch?

10

11 DOUGLAS FAUNT: No.

12

13 COMMANDER KEVIN CARROLL: Did you ever go down to the bilges to check on the
14 condition of the strainers in the different compartments?

15

16 DOUGLAS FAUNT: Yeah. I think I did at one point. I went down into the tank room to
17 see if I could work on that one cause I knew what that one was. I knew that one and I
18 knew where it was. It was easy to get to.

19

20 COMMANDER KEVIN CARROLL: What was the condition of it?

21

22 DOUGLAS FAUNT: It seemed to be fine.

23

1 COMMANDER KEVIN CARROLL: It seemed to be fine. Okay.

2

3 DOUGLAS FAUNT: That one was actually one that was closest to the engine room and
4 that one should have been the easiest to get a prime on. And in the past it had been. It
5 was aft crew at that point, but it was the easiest to get a prime on.

6

7 COMMANDER KEVIN CARROLL: Was it performing up to standards?

8

9 DOUGLAS FAUNT: I didn't think so.

10

11 COMMANDER KEVIN CARROLL: No, okay. Continue from there please.

12

13 DOUGLAS FAUNT: At some point we started discussing abandoning ship. I know I got
14 together a gallon of water and I donned my survival suit. I changed clothes, I took off the
15 basically the t-shirt and shorts I had been running around in and put some warmer clothes
16 on. Looked around my cabin and decided what I could pick up and take out and not. I
17 took my ID and my teddy bear and put on my survival suit, got a harness on. Matt
18 Sanders helped me get a harness on. The idea was to put a normal climbing harness on
19 over our exposure suit so we would be able to clip in on deck or if we were in the water
20 clip in to each other as a group. We tried that, my normal harness wouldn't fit over the
21 gumby suit so I got a boat harness and I went up on deck. I think was one of the first few
22 on deck. I was up there with Adam and Jess and Drew and we were aft near the helm.

23

1 COMMANDER KEVIN CARROLL: You said it was discussed that you were going to
2 abandon ship. How did that get brought up?

3
4 DOUGLAS FAUNT: I don't remember exactly. I do remember being in the nav shack at
5 some point when Robin said we've only got one exit from the tween decks so as many
6 people as possible should be put on the weather deck so that we wouldn't have anyone
7 trapped below decks.

8
9 COMMANDER KEVIN CARROLL: The decision to put on immersion suits, was that
10 ordered by the captain?

11
12 DOUGLAS FAUNT: I think so, I don't remember exactly who I got it from. I might have
13 gotten it from any one of the officers or from directly from the captain or even from the
14 boatswain.

15
16 COMMANDER KEVIN CARROLL: So you were one of the first ones on deck?

17
18 DOUGLAS FAUNT: I think so.

19
20 COMMANDER KEVIN CARROLL: Was a muster taken?

21
22 DOUGLAS FAUNT: Not to my knowledge.
23

1 COMMANDER KEVIN CARROLL: What happened next?

2 DOUGLAS FAUNT: I think I dozed off on deck in the middle of a hurricane in a survival
3 suit.

4
5 COMMANDER KEVIN CARROLL: Was that out of boredom or exhaustion?

6
7 DOUGLAS FAUNT: I think exhaustion, at this point I had been awake for pretty close to
8 24 hours. Of course, any time we moved around the boat it took a lot of energy. I didn't
9 manage to get my jug of water attached to me on deck. I got it on deck but I lost it almost
10 immediately. I think I dozed off. Somebody said, she's going under, I looked up, I saw the
11 lead rail underwater. That's normally 14 feet above water and it was maybe 10 feet from
12 me. By the time I got standing up the wheel, the drum of the wheel was under water and I
13 kicked off from it. Swam clear, swam, got pushed under water a couple of times but I was
14 going to get tangled in the rigging. I didn't manage to do that, I was lucky enough not to.
15 Looked up at one point and saw a spar above my head, the broken gaff I think.
16 Continued swimming, ran across a life ring that seemed to be attached to the boat and I
17 was concerned about that. So I abandoned that with some trepidation because I was
18 afraid it was attached to the boat and the boat might plunge into the water and take it
19 under. Same thing with a life raft. I came upon a life raft and could not get it open, felt
20 that the other end of the line was attached to something. I was afraid it was the boat as it
21 should have been and couldn't get it open. Decided that was probably not the best place
22 to be as the boat did go under water suddenly. At some point, somehow, I managed to
23 find an inflated raft. I thought it was inverted because I couldn't see the canopy but at that

1 point it was, okay, I got a life raft, I can hang on to it. I held on to it, I think that's how I
2 dislocated my should because holding onto it was difficult. I totally separated the
3 shoulder, not dislocated it. At some point, Jessica Black appeared next to me as far as I
4 can tell. I also realized that there were other people around and I moved around towards
5 the boarding area of the raft. I was afraid I was on the opposite side of the raft from the
6 boarding platform and would be an issue if they tried to ride it. It turns out, apparently it
7 was righted already, just couldn't see the canopy from where I was in the water. There
8 were people inside, they got Jessica in and they got me in.

9
10 COMMANDER KEVIN CARROLL: When was the last time that you saw Robin
11 Walbridge?

12
13 DOUGLAS FAUNT: Probably on my way to the weather deck. He was probably in the
14 nav shack, probably. I don't remember exactly, but that is what I would have expected
15 him to be there.

16
17 COMMANDER KEVIN CARROLL: When the last time you saw Claudine Christian?

18
19 DOUGLAS FAUNT: I believe when I was passing through she was in one of the cabins,
20 she was in the cabin aft of me putting on a exposure suit. Because of the movement of
21 the boat, I couldn't, it was difficult to put on the exposure suit below decks so I ended up
22 in the cabin aft of mine which had 2 (inaudible) and the floor space between them was in
23 the right position so that I could actually use that to don the exposure suit.

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COMMANDER KEVIN CARROLL: From that time that you saw here, what point did she express concerns to you

DOUGLAS FAUNT: That was, I believe that was after we came off watch and probably after the fore course blew out and before, I think it must have been earlier, I don't know exactly, I think it must have been before that, because I think things were under more control at that point.

COMMANDER KEVIN CARROLL: Okay.

DOUGLAS FAUNT: I don't know exactly.

COMMANDER KEVIN CARROLL: Understood. Yeah, Mr. Faunt, lets take a break. Lets come back at 6 o'clock.

LIEUTENANT COMMANDER NICHOLAS PARHAM: Mr. Faunt, I just wanted to remind you that the oath you took previously is still binding, do you understand?

DOUGLAS FAUNT: I understand.

1 COMMANDER KEVIN CARROLL: Mr. Faunt, this is Captain Rob Jones from the NTSB,
2 he's going to ask you some questions and then the gentlemen behind me will have the
3 opportunity to ask some questions.

4 DOUGLAS FAUNT: I understand.

5
6 CAPTAIN ROB JONES: Mr. Faunt thanks for being here

7
8 DOUGLAS FAUNT: Yes sir.

9
10 CAPTAIN ROB JONES: I just want to start off with how many yard. Have you been in with
11 the Bounty?

12
13 DOUGLAS FAUNT: If you count Fairhaven, two. If you don't count Fairhaven one.

14
15 CAPTAIN ROB JONES: Okay has decay or rot ever been found on the vessel and
16 brought to your attention?

17
18 DOUGLAS FAUNT: No.

19
20 CAPTAIN ROB JONES: No?

21
22 DOUGLAS FAUNT: Not that is been brought to my attention, not to my knowledge.

23

1 CAPTAIN ROB JONES: The, you had mentioned the, that a lot of work was going on,
2 things are being pushed, the vessel was pushing to get to New London?

3
4 DOUGLAS FAUNT: Yes we were finishing the berthing spaces, I ended up in fact
5 finishing installation of the lighting in the berthing spaces on tacky paint.

6
7 CAPTAIN ROB JONES: With all the stuff that you mentioned, the burning spaces the
8 electrical, the electric stoves, was all of that completed before you got into the brunt of the
9 storm? Or was some of it still unfinished?

10
11 DOUGLAS FAUNT: It was much unfinished, all I've done with the lights in the berthing
12 spaces and the stoves have been completed we needed those to cook.

13
14 CAPTAIN ROB JONES: This dose had been completed?

15
16 DOUGLAS FAUNT: Yes.

17
18 CAPTAIN ROB JONES: There was other unfinished work?

19
20 DOUGLAS FAUNT: Yes.

21
22 CAPTAIN ROB JONES: And you mentioned that the INMARSAT was not working, the
23 side band, was now working?

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DOUGLAS FAUNT: No. The HF sideband, the Marine sideband, the only evidence that it was not working was that we did not get a response, the INMARSAT we did not sync with the satellites system.

CAPTAIN ROB JONES: Okay, and all this, the INMARSAT the single side band the work that you were talking about that had not been done yet, all this was still in that situation when you encountered hurricane Sandy?

DOUGLAS FAUNT: We discovered the INMARSAT and the HFSFB not usable in the hurricane because of a hurricane, we would not have used it normally.

CAPTAIN ROB JONES: Okay, but I thought you said that it was not working before the hurricane?

DOUGLAS FAUNT: No I did not know that.

CAPTAIN ROB JONES: Okay, so it might have been because of hurricane?

DOUGLAS FAUNT: It might have been because of the hurricane, but I had not checked it before hand.

CAPTAIN ROB JONES: Okay.

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DOUGLAS FAUNT: Could have, would have, should have,.

CAPTAIN ROB JONES: He said one thing about the gas pump, that it was basically, that portable pump,

DOUGLAS FAUNT: The trash pump, yes

CAPTAIN ROB JONES: It was just kept away in pristine condition?

DOUGLAS FAUNT: Yes.

CAPTAIN ROB JONES: Approaching a hurricane, wouldn't that be a good time to break it out and make sure it works before you might have to use it?

DOUGLAS FAUNT: Could be. On the other hand, handling gasoline to make it run in that situation if we didn't have to was probably hazard is also.

CAPTAIN ROB JONES: When was it going to be used then, what was it on board for if not to be used as a last resort?

DOUGLAS FAUNT: Use it and a last resort, but doing it if we did not have to would have been to me, it would have been an issue too.

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CAPTAIN ROB JONES: Okay. In your statement that you gave earlier on, a few months ago after the capsizing, you said the vessel is making a lot of noise this time, was it in the same type of sea state when you notice that much greater noise being generated by the ship?

DOUGLAS FAUNT: I don't think I said it was much greater noise, it was always making a great deal of noise.

CAPTAIN ROB JONES: Okay, I thought if you had pointed that out it might have been different than what you had experienced.

DOUGLAS FAUNT: No, the boat was always noisy when it was moving and in the Seaway, very noisy.

CAPTAIN ROB JONES: I think you also express some concerns with leaving New London with 16, that was not a lot. The captain had given you a reason that they had done it was six?

DOUGLAS FAUNT: Yes. I don't know the reason, but that was his answer.

1 CAPTAIN ROB JONES: By my count and you can certainly disagree or offer your opinion,
2 10 of the 16 Bounty crew members had only been aboard for months, maybe from March
3 or May, maybe some a couple of days. Would you say that is about accurate?
4

5 DOUGLAS FAUNT: I'm sorry, I am counting in my head.
6

7 CAPTAIN ROB JONES: I'm not looking for 100% accuracy, I'm just
8

9 DOUGLAS FAUNT: Yes, months, since May. May or June, May.
10

11 CAPTAIN ROB JONES: 16 being a low opinion that you had originally, with only six being
12 experienced over years with the Bounty and the other 10 being new in the first season
13 and going into a hurricane,
14

15 DOUGLAS FAUNT: But many of those people I experience on other ships.
16

17 CAPTAIN ROB JONES: Even though this was the first time Bounty?
18

19 DOUGLAS FAUNT: Yes.
20

21 CAPTAIN ROB JONES: And you knew that they had experience on other ships?
22

1 DOUGLAS FAUNT: Yes, we had, say Adam, who was in AB, he had been on lots of other
2 boats, Matt who is an experienced mariner, this was their first season, Jessica was
3 actually, she had an AB ticket. (inaudible) was a captain of a boat, she had her captains
4 license.

5
6 CAPTAIN ROB JONES: So were you comfortable with the numbers you had going out to
7 see with a hurricane approaching?

8
9 DOUGLAS FAUNT: I was comfortable with the skills, the skill level of the people that we
10 had on board, I would have liked to have about three more deckhands, that would have
11 been a little bit more comfortable.

12
13 CAPTAIN ROB JONES: When you got your AB ticket to have to take any safety courses
14 for that?

15
16 DOUGLAS FAUNT: Safety courses, I did basic safety training as everyone does and I did
17 the lack boatman course.

18
19 CAPTAIN ROB JONES: And that entailed survival suits, donning them?

20
21 DOUGLAS FAUNT: Basic safety training includes putting on an immersion suit, swimming
22 in it, writing and boarding a life raft.

23

1 CAPTAIN ROB JONES: Do you know if everybody aboard the vessel had basic safety
2 training?

3
4 DOUGLAS FAUNT: I am almost, I am certain that not everyone did, but probably most
5 people had had it.

6
7 CAPTAIN ROB JONES: Do feel the Bounty did enough drills, abandon ship drill's, and
8 man overboard drills to satisfy the requirements necessary to remain proficient?

9
10 DOUGLAS FAUNT: I think so yes.

11
12 CAPTAIN ROB JONES: We talked that the captain gave the capstain talk before leaving
13 New London, you said nobody expressed, that nobody left

14
15 DOUGLAS FAUNT: No one left.

16
17 CAPTAIN ROB JONES: No one scoffed up about anything, did anybody still have
18 different feelings but just did not express them they didn't verbalize them, and talk about
19 them later?

20
21 DOUGLAS FAUNT: I'm not a mind reader, I don't know.

22
23 CAPTAIN ROB JONES: Okay. That is all I have right now, thank you

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DOUGLAS FAUNT: Thank you.

COMMANDER KEVIN CARROLL: Mr. Svendsen you can go first.

JOHN SVENDSEN: Good evening Doug.

DOUGLAS FAUNT: Hi John.

JOHN SVENDSEN: My first question is was there ever a point on the Bounty that'll work in all projects were done?

DOUGLAS FAUNT: No, never. I was hoping that I would be able to spend some time during the winter maintenance period catching up to things that I really wanted to do. I had a work list that was as long as my arm of things that needed to be done, or that I wanted to be done to make the boat better.

JOHN SVENDSEN: So would you say that the Bounty was effectively set up and you are working to improve it at all times?

DOUGLAS FAUNT: Of course. That was my goal in life to make the perfect boat.

1 JOHN SVENDSEN: You described a little bit about your radio knowledge, can you list
2 your certificates that you hold for the FCC?

3
4 DOUGLAS FAUNT: I have an amateur extra license, and I have been in amateur radio
5 operator for more than 25 years, I also have a GMDSS operator maintainer license with a
6 Ship Radar endorsement.

7
8 JOHN SVENDSEN: Is that a common endorsement to hold or is that something?

9
10 DOUGLAS FAUNT: Apparently they are fairly rare.

11
12 JOHN SVENDSEN: Fairly rare?

13
14 DOUGLAS FAUNT: My number is 709.

15
16 JOHN SVENDSEN: Can you describe your knowledge of Robin's ability to operate the
17 radio, the equipment on board, as well as his licensing?

18
19 DOUGLAS FAUNT: Robin was familiar with doing the ordinary things with the system,
20 there were times when I had to go explain something to him, or I was in fact trying to, he
21 was interested in it so I often had teaching moments with Robin about radio and electrical
22 phenomenon.
23

1 JOHN SVENDSEN: Would you say that he was effective at communicating using the
2 equipment on board?

3
4 DOUGLAS FAUNT: Yes, helping you how to use the equipment that we had on board.

5
6 JOHN SVENDSEN: You mentioned that you spent most of the 8 to 12 watch in the bilge
7 system, can you describe your passion for keeping the ship dry?

8
9 DOUGLAS FAUNT: I thought it was very important thing to do, it made the boat ride
10 better, it was safer, Robin was very interested in having the boat dry because I am, got an
11 engineering background, I understood the system, I understood how it worked and
12 because I had a lot of experience with it I was actually pretty good with it, and I knew it
13 stem to stern, I knew the whole system from hands-on operation to the theory of how it
14 was working.

15
16 JOHN SVENDSEN: Was it safe to say that when you brought up your concerns to Robin
17 he was down to address and work with you to make sure that it would be effectively

18
19 DOUGLAS FAUNT: We talked about trying to, what it would take to repair the situation,
20 whether any of that got implemented I don't know. We were in a highly stressful time with
21 a lot of things to do.
22

1 JOHN SVENDSEN: It was stated that you spend 85% of your time in the engine room on
2 that last watch, on the 8 to 12

3
4 DOUGLAS FAUNT: Yes.

5
6 JOHN SVENDSEN: In your observation in that time was everything operational as far as
7 the generators the main engine, all of the systems that were around you?

8
9 DOUGLAS FAUNT: Yes, everything seemed to be working properly. I noticed no
10 problems with the generators or either one of the main's at that time and I spent enough
11 time in the engine room to be sensitive to the sounds of the engine room.

12
13 COMMANDER KEVIN CARROLL: But you stated that the build system was not working
14 to your standards.

15
16 DOUGLAS FAUNT: It was not working to my standards, but there was, that I knew about,
17 but everything else seemed to be okay. The generator sounded, the generator power
18 seemed to be okay, and the mains sounded okay.

19
20 COMMANDER KEVIN CARROLL: Okay.

21
22 JOHN SVENDSEN: Can you describe to me your connection that you have with the
23 Bounty crew?

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2

DOUGLAS FAUNT: They are my family, they are closer than my family. I feel very strongly that in particularly the group of survivors, but everyone else on board the boat, I have been at one of the weddings of people that I knew on board, I am planning to go to another, they stay at my house I go visit them, we are very well connected.

6

7

JOHN SVENDSEN: Would you say that with that relationship everyone would go out of their way to do everything they could to keep each other safe, and as any good of a position as possible?

10

11

DOUGLAS FAUNT: I absolutely think that anybody on that boat would risk their lives for anyone else on that boat.

13

14

JOHN SVENDSEN: What was your relationship with the officers on board?

15

16

DOUGLAS FAUNT: It was quite good, I spent a lot of time with both you on board with both you and then, and I've come to respect Matt a great deal. And of course Robin was my mentor and somebody that I thought very highly of and expected to learn a lot more from.

20

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JOHN SVENDSEN: Thank you for your time.

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COMMANDER KEVIN CARROLL: Mr. Melusi.

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RALPH MELUSI: Good evening.

DOUGLAS FAUNT: Good evening. You represent?

RALPH MELUSI: I was just about to tell you that. I am representing Claudine Christian. You said you have sort of a technical engineering background, can you be specific as to what that is?

DOUGLAS FAUNT: I did some, some amount of a college degree in engineering, I turned into computer science, but I am a hands-on person, I do electronics, I understand a great deal of physics, and other engineering things, and I am also a practical mechanic and a lot of ways, I know how to do black iron plumbing for example.

RALPH MELUSI: The hydraulic pumps which we have had a lot of discussion on one is fixed, one is portable, I am trying to get a better understanding as to why they were not normally used on this vessel?

DOUGLAS FAUNT: There was concern for ware that they were not as rugged as the electrical pumps, and there were issues with maintaining them, trying to keep them in reserve, for the case of emergency. That is why they were there, they were emergency pumps.

1 RALPH MELUSI: But if you're going to have them for an emergency, you have to have
2 them where they are maintained properly and they are ready to be operated by people
3 who know how to operate them, correct?
4

5 DOUGLAS FAUNT: Yes.
6

7 RALPH MELUSI: But with all of your background and the pride that you spoke about
8 knowing how to operate all of the systems in the engine room, the pump bilge system,
9 when it came time for you to put the portable hydraulic pump on you said that someone
10 had to refresh you on how to do it?
11

12 DOUGLAS FAUNT: I just wanted to make sure that I had remembered things adequately,
13 I did not normally test them, I think they were tested normally by the engineer, but I knew
14 how to operate them, it's just that I wanted in that stressful situation I wanted a little bit of
15 refresh to verify that I had it right.
16

17 RALPH MELUSI: So with all of your background you are reluctant to go ahead and
18 engage this pump until someone basically walks you through it?
19

20 DOUGLAS FAUNT: I would have cheerfully engaged, operated them with what I knew if it
21 had been an issue, there was someone there who knew how they work.
22

1 RALPH MELUSI: They were a bit more complicated to run than the electric pumps
2 correct?

3
4 DOUGLAS FAUNT: Yes it took two switches instead of a switch and a valve, instead of a
5 switch.

6
7 RALPH MELUSI: Well you had a clutch mechanism didn't you, I mean they operated,

8
9 DOUGLAS FAUNT: That was the switch, that was the clutch, it connected the hydraulic
10 pump to the starboard main engine.

11
12 RALPH MELUSI: And it can only operate one at a time?

13
14 DOUGLAS FAUNT: One pump at a time, there is only the fluid capacity from that pump
15 for one, from that hydraulic pump to operate one hydraulic motor which drove one of the
16 pumps.

17
18 RALPH MELUSI: There are hydraulic hoses which would have to be connected to the
19 power takeoff?

20
21 DOUGLAS FAUNT: No, it was all fixed hosing, it was all fixed in place.

22
23 RALPH MELUSI: Have you ever seen the fixed hydraulic pump being operated?

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DOUGLAS FAUNT: I have seen the being operated yes.

RALPH MELUSI: When? The last time?

DOUGLAS FAUNT: Probably a year ago, or two years, may be a year and a half ago at this point.

RALPH MELUSI: Why wasn't the fixed hydraulic pump used at any time during this voyage?

DOUGLAS FAUNT: I believe it was tested but it was not in common usage.

RALPH MELUSI: I know but you are in a situation where you needed all the pumping power and options and availability that you had, and that pumps out there, why?

DOUGLAS FAUNT: In this particular situation the electric pumps as well as the hydraulic pumps were all connected to the same pumping manifold, the same pickup manifold so if we had been trying to run the electric pumps and the hydraulic pumps, we would've got no more capacity because of pickup capacity, they used the same pickup system, the fixed hydraulic pump use the same pickup system as the electric pumps.

1 RALPH MELUSI: So because they were tied into the same main, the same piping main
2 you are saying that operating all three pumps at the same time the two electrics and the
3 fixed hydraulic would not have added or increased the pumping capacity overboard?
4

5 DOUGLAS FAUNT: No it would not have increased the pumping capacity.
6

7 RALPH MELUSI: Did anybody ever conducted test on that?
8

9 DOUGLAS FAUNT: We actually do testing with the two hydraulic pumps which had a
10 larger capacity than the hydraulic pump in the, it was arguable but we came to the
11 conclusion that it was a wash at best and perhaps actually detracted from the efficiency of
12 the system, because the two pumps fought each other.
13

14 RALPH MELUSI: The portability of the other pump, that had a distance that you could
15 position it in the engine room..
16

17 DOUGLAS FAUNT: I'm sorry, that was a question?
18

19 RALPH MELUSI: The portable pump.
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21 DOUGLAS FAUNT: What about the portable pump?
22

23 RALPH MELUSI: Which side of the engine room was that on?

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DOUGLAS FAUNT: It was on the starboard side if I recall correctly.

RALPH MELUSI: You had mentioned something about part of the hosting being caught or snagged on something that limited its placement and other locations?

DOUGLAS FAUNT: It had a 3 inch discharge hose, and that hose have basically because of other stuff that had been built, fastened on top of it, we couldn't pick it up, we couldn't move it to the other side of the keelson.

RALPH MELUSI: That discharge hose went from the discharge part of the pump up to the overhead and overboard?

DOUGLAS FAUNT: Yes.

RALPH MELUSI: And if it was not encumbered with some other equipment, or an item of equipment that was sitting on that hose what would have been able, where could you have placed it in the engine room, what radius?

DOUGLAS FAUNT: We could have easily placed on the other side of the keelson which would have been the only other place that made sense on it.

1 RALPH MELUSI: How long do you think that condition existed which prevented the
2 movement of the hose throughout the engine room?

3
4 DOUGLAS FAUNT: A guess, I would guess, we probably trapped it somewhere in the
5 summer of 2011.

6
7 RALPH MELUSI: By installation of some new equipment?

8
9 DOUGLAS FAUNT: Or by fastening other things on top of it, or next to.

10
11 RALPH MELUSI: Did somebody go down to try and scope it out and see what would have
12 to be done to free it up?

13
14 DOUGLAS FAUNT: I tried to look at it, and we basically came to the conclusion that it
15 would require a great deal of work to move it, several of us we tried, but there was things
16 were just obstructing its movement.

17
18 RALPH MELUSI: What was the reason the captain decided to tack the ship, so she would
19 be on her starboard side, so you could use that pump?

20
21 DOUGLAS FAUNT: I believe so but I don't know, he did not consult me about that he
22 didn't tell me that was why he was doing it.

23

1 RALPH MELUSI: The trash pump you said you had explicit orders not to use it, you were
2 told it was not good, and who was it that told you that?

3
4 DOUGLAS FAUNT: I think when we bought it it was bought as cheaply as possible to
5 meet the NCA or Coast Guard requirements when we were in Europe, and we did not
6 believe it was really anything except a façade, something so we could meet regulations,
7 those particular regulations.

8
9 RALPH MELUSI: Some regulatory agency, not US required

10
11 DOUGLAS FAUNT: I don't recall, we were being inspected by both the US Coast Guard
12 in Europe and the NCA, the British equivalent and one or both said we needed this
13 auxiliary pumping situation, facility.

14
15 RALPH MELUSI: But they didn't specify that it had to be gasoline pump today, they just
16 wanted a portable backup pump?

17
18 DOUGLAS FAUNT: Yes.

19
20 RALPH MELUSI: I assume Capt. Walbridge approved it?

21
22 DOUGLAS FAUNT: Yes we were unfortunately in a situation that we didn't think our
23 budget would go for a good quality decent pump so we got this what we could get cheap.

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RALPH MELUSI: Statutory restraints led to the purchase of a piece of equipment that you felt was substandard and not suitable?

DOUGLAS FAUNT: Yes, yes, by my opinion yes.

RALPH MELUSI: But the fact that it was gasoline I assume that Capt. Walbridge was not concerned about that, you had expressed some concern about operating a gasoline engine.

DOUGLAS FAUNT: He was concerned about that, that's why we didn't use it.

RALPH MELUSI: But he authorized the purchase?

DOUGLAS FAUNT: Yes.

RALPH MELUSI: With respect to the degradation and pumping capacity when the ship left Boothbay shipyard which you noticed, and you discussed with Capt. Walbridge, did it ever occur to you to take apart the pump end of the electric pumps and to see what was inside?

DOUGLAS FAUNT: I thought about it yes. That was actually not my job, I reported it at the time when I decided it was actual fact not just a feeling I had, and that you know I felt

1 very strongly that this was the case, and I reported it, we actually thought that it was a
2 good chance debris being collected by strainers rather than issues with the pumps
3 themselves.

4
5 RALPH MELUSI: And the comfort would've been the work done in the shipyard?

6
7 DOUGLAS FAUNT: Yes, basically.

8
9 RALPH MELUSI: The mesh, the mesh on the sections of the various compartments, what
10 is the cross-section of the openings, I'm trying to get a idea of the type of material that
11 could pass through that mesh and get into the pumps?

12
13 DOUGLAS FAUNT: I don't know.

14
15 RALPH MELUSI: Did you ever have the opportunity to get down and trying clear one out
16 or to inspect it?

17
18 DOUGLAS FAUNT: Oh yes, I just don't recall, I don't have a clear picture of them in my
19 head, why did clean them I was not paying a lot of attention except for getting them clean.

20
21 Could it have been as big as an inch square?

22

1 COMMANDER KEVIN CARROLL: Is already testified that he doesn't know, that he
2 doesn't recall.

3
4 RALPH MELUSI: This is important information, we have to find out why the pumps were
5 working.

6
7 COMMANDER KEVIN CARROLL: How could we make him know that?

8
9 RALPH MELUSI: Because they are gone, the ship is gone how are we going to find out
10 with the size was?

11
12 COMMANDER KEVIN CARROLL: If he doesn't know that there were not going to ask him
13 10 times.

14
15 RALPH MELUSI: The rain she could give us it can't be larger than this are smaller than
16 that, and we would know what kind of debris could pass into the system, we could know
17 that. He has a technical background.

18
19 COMMANDER KEVIN CARROLL: He said he doesn't know, he answered the question
20 already.

21
22 RALPH MELUSI: I don't know why you don't want to go into this.

23

1 COMMANDER KEVIN CARROLL: Pardon? Sir, hold on, pardon?

2

3 RALPH MELUSI: I don't know why you don't want the witness to give an answer to this
4 type of question.

5

6 COMMANDER KEVIN CARROLL: He answered, he said he doesn't know. What else
7 would you like him to do?

8

9 RALPH MELUSI: Well if I prodded a little bit more with his technical background perhaps
10 you could give us a range of the size of the opening.

11

12 COMMANDER KEVIN CARROLL: Do you know Mr. Faunt?

13

14 DOUGLAS FAUNT: I would be willing to make a statement on that, I don't think it was
15 larger than half an inch, and it was certainly larger than an eighth inch.

16

17 COMMANDER KEVIN CARROLL: So between an eighth inch and a half inch.

18

19 DOUGLAS FAUNT: Somewhere in there.

20

21 COMMANDER KEVIN CARROLL: Okay.

22

1 RALPH MELUSI: Thank you. In any event the suspicion is that debris passed through the
2 strainers and got into the pumps, now what would be involved if the captain said let's take
3 apart the pump in the water in these electric pumps and clean them out? What type of
4 job?

5
6 DOUGLAS FAUNT: I've never seen it done but they are designed to be maintainable,
7 they were right out in the open I suspect it would be a couple of hours under reasonable
8 conditions.

9
10 RALPH MELUSI: The captain was a hands-on individual, he had rebuilt the starboard
11 generator.

12
13 DOUGLAS FAUNT: With the help of an engineer yes.

14
15 RALPH MELUSI: The technique that you used to try and maintain prime, you talked about
16 operating to pump simultaneously than shutting one off, did you pass that information
17 want anybody else?

18
19 DOUGLAS FAUNT: Yes.

20
21 RALPH MELUSI: To who?
22

1 DOUGLAS FAUNT: I passed it onto the mate of my watch to be passed on to the mate of
2 the following watch, and I passed it on to whoever, I think John Jones I could be wrong
3 was probably going to be pumping on the following watch.
4

5 RALPH MELUSI: The capacity of these electric bilge pumps, 150 gallons a minute, did
6 that ever strike you as being kind of small for a vessel?
7

8 DOUGLAS FAUNT: No.
9

10 RALPH MELUSI: Have you seen the type of sump pumps to put in your home which have
11 a greater GP than these do?
12

13 DOUGLAS FAUNT: The one in my house does not, and I have seen equivalent size
14 pumps and other wooden vessels of similar size. In particular Rose and Endeavor.
15

16 RALPH MELUSI: Are you aware that you can buy a 2 hp pump from Lowe's that puts out,
17

18 UNKNOWN: You asked him if it struck him as strange and the answer was no, you asked
19 him another question for comparison sake and he answered that in a way that would
20 justify no answer.
21

1 RALPH MELUSI: You mentioned something about the captain's superstitions which are
2 apparently resulted in a resolve to always saline Thursday, and if he couldn't say on a
3 Thursday

4
5 DOUGLAS FAUNT: Say that again?

6
7 RALPH MELUSI: What would be the next available day?

8
9 DOUGLAS FAUNT: Saturday.

10
11 RALPH MELUSI: Saturday, did he have any other superstitions that affected his decisions
12 and operating the vessel?

13
14 DOUGLAS FAUNT: Not to my knowledge, we honored some of the customs and
15 superstitions of the sea and that our pots were all hung properly, and he in fact wanted,
16 he told us that he liked to have everybody's head facing, sleeping aft I think, I ignored that
17 one.

18
19 RALPH MELUSI: I'm talking about substantive decisions, that affect the operations, not
20 hanging pots.

21
22 DOUGLAS FAUNT: No, to my knowledge no.

23

1 RALPH MELUSI: What would be the sailing time normally to go from New London down
2 to St. Petersburg? Without storm conditions.

3
4 DOUGLAS FAUNT: Okay this is, this is information secondhand of course, I was told it
5 was 1400 miles, and we had 14 days to do it in which men we had to average 14, 100
6 nautical miles a day, we typically did voyage planning based on 5 kn which is about 125
7 nautical miles a day, so a normal conditions we were comfortable.

8
9 RALPH MELUSI: To do it within 14 days?

10
11 DOUGLAS FAUNT: Yes.

12
13 RALPH MELUSI: What do you think the quickest could have been? 10?

14
15 DOUGLAS FAUNT: Easily 10, easily 10 especially if we picked up some good winds
16 somewhere along the line.

17
18 RALPH MELUSI: But the captain could have waited and left Friday, except for the
19 superstition to see what was happening with the storm.

20
21 DOUGLAS FAUNT: I think the idea was we were going to, you never know what's can
22 happen so it's get started as soon as you can, I believe this myself.

23

1 RALPH MELUSI: But he would've known more about the track of the storm if he had
2 waited another day.

3
4 DOUGLAS FAUNT: Perhaps, I don't know he did not ask me.

5
6 RALPH MELUSI: You mentioned water coming in through a shaft alley, can you explain
7 that, was that seawater used for lubricating the shaft?

8
9 DOUGLAS FAUNT: No, it was a leakage, it's just leakage. You have a shaft that is
10 turning, that is going to the hull, there are ways of making them leakless but they are
11 sophisticated, so normally you just accept some leakage around the shaft.

12
13 RALPH MELUSI: Okay, there is some sort of a gland there to pass through the hull
14 without water coming in

15
16 DOUGLAS FAUNT: Yes.

17
18 RALPH MELUSI: Some way to tighten that up, adjusting the packing, turning some bolts?

19
20 DOUGLAS FAUNT: Yes, and I think we did at some point, we had done at various times.

21
22 RALPH MELUSI: Any way to estimate the rate of seawater coming in?

23

1 DOUGLAS FAUNT: Just visual, as far as I know just visually, and we looked at it and said
2 others were coming in at a certain rate which was part of some boat checks if not all. We
3 looked for a massive change.
4

5 RALPH MELUSI: You had mentioned that Claudine had I guess confided in you that she
6 was, people were ignoring some of her concerns, and you attempted to put her mind at
7 rest?
8

9 DOUGLAS FAUNT: Yes.
10

11 RALPH MELUSI: What were her concerns and to whom was she presenting them that
12 were being ignored?
13

14 DOUGLAS FAUNT: She did not tell me to him she presented them to, she was concerned
15 that some of the mechanical system in the boat were not reliable and we were having
16 trouble with them, and that she had talked to somebody and had felt as though she had
17 been dismissed. I explained to her, I asked her to tell me what her concerns were, she
18 explain them to me, and I was able to tell her from my knowledge that we were aware of
19 those and general and were attempting to work on them in spite of the fact that she had
20 not felt she had gotten a good hearing.
21

22 RALPH MELUSI: At the moment that you are putting on your, struggling to put on your
23 survival suit, and you said her room is adjacent to yours,

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DOUGLAS FAUNT: She was using the cabin next to mine just for the same reason I was using mine, it was a constrained space but it was had open space and a direction that was facilitating putting on the suit.

RALPH MELUSI: You saw her donning her suit?

DOUGLAS FAUNT: Yes,

RALPH MELUSI: She had one that was suitable for her size?

DOUGLAS FAUNT: Yes.

RALPH MELUSI: I assume you saw her at some point when she had it on?

DOUGLAS FAUNT: No, because when I saw her putting it on I was on my way to the deck, and I did not see her after I was on the deck.

RALPH MELUSI: Do you know what items, personal items that she would have stowed in that survival suit?

DOUGLAS FAUNT: I have no idea.

1 RALPH MELUSI: No more questions, thank you.

2

3 COMMANDER KEVIN CARROLL: Bounty Organization.

4

5 LEONARD LANGER: Good evening Sir, I represent the Bounty Organization. Very few
6 questions. You stated that you expressed your concerns to Robin about the bilge and the
7 ability to expel water?

8

9 DOUGLAS FAUNT: Yes.

10

11 LEONARD LANGER: Do you know if he ever did anything about that?

12

13 DOUGLAS FAUNT: We certainly attempted to make sure that the strainers were clear
14 and these were not causing the problem.

15

16 LEONARD LANGER: How about anything with the bilge proper, do know if he worked on
17 those at all?

18

19 DOUGLAS FAUNT: The bilge pumps you mean?

20

21 LEONARD LANGER: Yes.

22

1 DOUGLAS FAUNT: I don't know that he worked on the pumps, I don't know that he didn't,
2 but I don't know that he did and I suspect that he did not.

3
4 LEONARD LANGER: What about Mr. Barksdale?

5
6 DOUGLAS FAUNT: I don't know.

7
8 LEONARD LANGER: Was there a point in time when the bilges were able to keep up with
9 the water that was coming on the ship, after you left New London?

10
11 DOUGLAS FAUNT: You mean the bilge pumps, yes.

12
13 LEONARD LANGER: How long were they able to keep up with the water?

14
15 DOUGLAS FAUNT: The first couple of days.

16
17 LEONARD LANGER: When tier knowledge did they start losing the battle so to speak?

18
19 DOUGLAS FAUNT: Losing the battle, I don't know, Saturday morning. Maybe Saturday
20 afternoon, Saturday evening I don't recall.

21
22 LEONARD LANGER: And just one further question, the trash pump that you are talking
23 about,

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DOUGLAS FAUNT: Yes?

LEONARD LANGER: It did meet Coast Guard requirements and the foreign requirements is that correct?

DOUGLAS FAUNT: The NCA yes.

LEONARD LANGER: Thank you

DOUGLAS FAUNT: As far as I know.

LEONARD LANGER: Thank you.

COMMANDER KEVIN CARROLL: A couple follow-ups Mr. Faunt. The statement that you gave to the Coast Guard back on November 8, I will just read it and then I will ask you, your thoughts okay. It states that everyone, you state that everyone knew the vessel was not in good condition and not ready for travel, but there was pressure to make New London to show the ship to the Navy crew, what do you mean by good condition?

DOUGLAS FAUNT: Did I say that?

1 COMMANDER KEVIN CARROLL: That is the statement that was taken by the Coast
2 Guard.

3
4 DOUGLAS FAUNT: I don't recall making that statement.

5
6 COMMANDER KEVIN CARROLL: Okay, and one final question. Prior to the capsizing, it
7 was relayed to us by previous testimony that the captain had talked to the crew before
8 everyone went out on deck and one of the questions he said was, what went wrong, do
9 you remember him saying that?

10
11 DOUGLAS FAUNT: I was not there.

12
13 COMMANDER KEVIN CARROLL: Okay, you have been on the Bounty since 2008, from
14 your testimony today you have a lot of knowledge of the Bounty,

15
16 DOUGLAS FAUNT: Yes sir.

17
18 COMMANDER KEVIN CARROLL: Obviously a lot of love for the Bounty, what do you
19 think went wrong?

20
21 DOUGLAS FAUNT: A lot of little things, a lot of things that we didn't pay attention to that
22 we should have paid attention to, for instance glass in the site tubes was probably a bad
23 idea, they were protected but they were vulnerable, they were theoretically protected but

1 they were vulnerable, I didn't think that through, I didn't realize it was an issue, the ware in
2 the four course, I didn't obviously could have paid more attention to maintenance on the,
3 could possibly have made a difference, things such as, we keep talking about hydraulic
4 pumps and the fact that we couldn't use them that we didn't use them, whatever reason
5 we were actually talking about putting another hydraulic pump on the other main so that
6 we would have the capacity to run both of them at once, and backups on both of them, so
7 we had(inaudible) capacity, things like that.

8
9 COMMANDER KEVIN CARROLL: Would you say all these little things add up?

10
11 DOUGLAS FAUNT: Yes all these little things added up, I can't speak to the caulking
12 issue, I don't know,

13
14 COMMANDER KEVIN CARROLL: All these things, aren't they stressed even more during
15 a hurricane?

16
17 DOUGLAS FAUNT: Yes.

18
19 COMMANDER KEVIN CARROLL: Okay. No further questions, thank you. Mr. Faunt I
20 have no more further questions I appreciate your testimony you are dismissed and you
21 are subject to recall, that does not mean that you have to stay in the area, thank you very
22 much for your time. We are going to adjourn for the evening, reconvening tomorrow
23 morning at 09:00, with a party of interest meeting at 08:30 as usual.

1
2 (Telephone message to the hotel)

3
4 LIEUTENANT COMMANDER NICHOLAS PARHAM: Please take your seats, we will be
5 starting in 2 minutes.

6
7 COMMANDER KEVIN CARROLL: This hearing will come to order. The record will show
8 that this hearing was called to order at 0900 on February 19, 2013 and is being held at
9 the Renaissance Hotel in Portsmouth, Virginia. Good morning ladies and gentleman, I
10 am Commander Kevin Carroll, Chief of the Inspections and Investigations branch of the
11 5th Coast Guard District. I have been directed to serve as investigating officer for this
12 one person formal investigation which was convened by the Commander of the 5th Coast
13 Guard district Rear Admiral Stephen H. Ratti. This investigation is convened under the
14 authority of the 46 US Code 6301 and 46 Code of Federal Regulations Part 4 to
15 investigate the circumstances in the sinking of the vessel, Bounty, and subsequent
16 presumed death of the vessel's master and the death of one crew member which
17 occurred October 29, 2012 approximately 90 miles off the coast of Cape Hatteras, North
18 Carolina. I will conduct this investigation under the rules of 46 CFR part 4. This
19 investigation is intended to determine the cause of the casualty and the responsibility
20 therefore to the fullest extent possible and to obtain information for the purpose of
21 preventing or reducing the effects of similar casualties in the future. This investigation is
22 also intended to determine whether there is any evidence to any incompetence,
23 misconduct or willful violation of the law on the part of any licensed officer, pilot, seaman,

1 owner, or agent of such owner of any vessel involved. Any officer of the Coast Guard or
2 any employee of the United States or any person caused or contributing to the cause of
3 this casualty. Or whether there is any evidence that any act was committed in violation of
4 the provisions of the US code or the regulations issued thereunder. I am also empowered
5 to recognize and commendable actions by persons involved and to make appropriate
6 recommendations in this regard. The results of my investigation are subject to final
7 review and approval by the Commandant of the United States Coast Guard. All parties
8 are reminded that this hearing will examine the events leading to the sinking of the vessel
9 Bounty and subsequent presumed death of the master and the death of one crew
10 member. For the purpose of this hearing the words vessel or boat will refer to the Bounty
11 unless otherwise noted. All witnesses called to testify during this hearing will be
12 examined under oath or affirmation. When testifying, the witness is subject to the Federal
13 Laws and penalties for perjury for making false statements under 18 United States Code
14 1001. Witnesses who are not parties in interest will be excluded from the hearing room
15 when not testifying. All parties in interests have a statutory right to employ council to
16 represent them, to cross examine witnesses, and to have witnesses called on their behalf.
17 Witnesses who are not parties in interest may be advised by their council concerning their
18 rights, however such council may not examine or cross examine other witnesses or
19 otherwise participate. A party in interest is an individual or organization or other entity
20 that under the existing evidence or because of his or her position may have been
21 responsible for or contributed to the casualty. A party in interest may also be an
22 individual, organization, or other entity having a direct interest in the investigation and
23 demonstrating the potential for contributing significantly to the completeness of the

1 investigation or otherwise enhancing the safety of life or property at sea through
2 participation as a party in interest. All the parties in interest that were present yesterday,
3 are also present today. These proceedings are open to the public and the media. I would
4 like to request the cooperation of all persons present to minimize any disruptive influence
5 on the proceedings in general, and on the witnesses in particular. Smoking will be
6 prohibited. The audience is asked to ensure that your cell phones and other electrical
7 devices do not disturb the proceedings, I'll pause for a moment while you check them
8 now. You are each also asked to refrain from departing or entering a room except during
9 periods of recess. Flash photography will be permitted during the opening statement and
10 during recess periods. Television cameras are allowed in the room and must remain
11 stationary and not interfere with the hearing. The members of the press are of course
12 welcome, an area has been set aside for your use during the proceedings. Once again,
13 in regards to the Coast Guard, Coast Guard spokesperson is Lieutenant Michael
14 Patterson. He's raising his hand right now, if you have any issues, you'd like to speak to
15 him, thank you Michael. The news media may questions witnessed concerning the
16 testimony that they have given after I have released them. I ask that such interviews be
17 conducted outside of the room. We will be recessing for lunch each day at or around
18 about 1130 until 1pm each day. The sources of information in to which this investigation
19 will enquire are varied. The Coast Guard has made attempts to locate every available
20 piece of information pertinent to the casualty. This board will hear all such evidence.
21 Should any person have, or believe he or she has, information not yet induced that may
22 be of some direct significance I urge that person to communicate with the recorder,
23 Lieutenant Commander Nicholas Parham. Lieutenant Commander Parham raise your

1 hand. Thank you. At this moment I would like everybody to please rise and join me in a
2 moment of silence out of respect of those persons who lost their life as a result of this
3 casualty. Thank you. The gentleman to my left is Captain Rob Jones, of the NTSB.
4 Captain Jones will read his own opening statement.

5
6 CAPTAIN ROB JONES: Good morning. I am Rob Jones, investigator in charge for the
7 National Transportation Safety Board for this investigation. The safety board is an
8 independent federal agency which, under the independent safety board act of 1974, is
9 required to determine the cause or probable cause of this accident. To issue a report of
10 the facts, conditions and circumstances related to it and may make recommendations for
11 measures to prevent similar accidents. The safety board has joined this hearing to avoid
12 duplicating the development of facts. Never the less, I do wish to point out that this does
13 not preclude the safety board from developing additional information separately from this
14 proceeding if that does become necessary. At the conclusion of this hearing, the safety
15 board will finalize the facts of this accident and determine the probable cause
16 independently of the Coast Guard. At a future date, a separate report of the safety
17 board's findings will be issued which will include our official determination of the probable
18 cause of this accident. If appropriate, the safety board will issue recommendations to
19 correct safety problems discovered during this investigation. These recommendations
20 may be made in advance of this report. Thank you.

21
22 COMMANDER KEVIN CARROLL: We will take a short recess we will reconvene at 09:15,
23 when the Coast Guard will call its first witness which is...

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LIEUTENANT COMMANDER NICHOLAS PARHAM: Mr. Scornavacchi

COMMANDER KEVIN CARROLL: Josh Scornavacchi, thank you, 09:15 please

LIEUTENANT COMMANDER NICHOLAS PARHAM: Everyone please take your seat, we will be starting in 1 minute.

LIEUTENANT COMMANDER NICHOLAS PARHAM: Raise your right hand. A false statement given to an agency of the United States is punishable by a fine and / or imprisonment under 18 USC 1001. Knowing this do you solemnly swear that the testimony you are about to give is the truth the whole truth and nothing but the truth so help you God?

JOSHUA SCORNAVACCHI: I do

LIEUTENANT COMMANDER NICHOLAS PARHAM: Please be seated

LIEUTENANT MALORE: Good morning Mr. Scornavacchi, can you state your name and spell your last name for the record please?

JOSHUA SCORNAVACCHI: Joshua Michael Scornavacchi, S-c-o-r-n-a-v-a-c-c-h-i

1 LIEUTENANT MALORE: Can you go into your experience with vessels, or experience
2 overall entailing with sailing or interacting with vessels overall?

3

4 JOSHUA SCORNAVACCHI: I was an apprentice for five months on the Clearwater and
5 then I got on the Bounty.

6

7 LIEUTENANT MALORE: How long had he been with the Bounty?

8

9 JOSHUA SCORNAVACCHI: Eight months.

10

11 LIEUTENANT MALORE: So is this your first season with the Bounty, or?

12

13 JOSHUA SCORNAVACCHI: Yes.

14

15 LIEUTENANT MALORE: First season, and when did you get on?

16

17 JOSHUA SCORNAVACCHI: I got on in April, or the very end of March.

18

19 LIEUTENANT MALORE: Okay were you at the Bounty when it was in Boothbay
20 shipyard?

21

22 JOSHUA SCORNAVACCHI: Yes.

23

1 LIEUTENANT MALORE: And what was your task?

2

3 JOSHUA SCORNAVACCHI: I was working on moving the tanks from the tank room into
4 the new aft crew quarters, or the other way around, building the new aft crew quarters
5 after we tour the other one out.

6

7 LIEUTENANT MALORE: Did you do any work on the outside of the vessel or was it all
8 inside?

9

10 JOSHUA SCORNAVACCHI: It little bit, initially. I did a scraping a little bit of painting, not
11 much, just a minimal.

12

13 LIEUTENANT MALORE: Have you ever been a diver for the Bounty?

14

15 JOSHUA SCORNAVACCHI: Yes.

16

17 LIEUTENANT MALORE: Can you explain that or elaborate on that please?

18

19 JOSHUA SCORNAVACCHI: I patched a few holes while we were fixing this seems before
20 we got to yard period.

21

22 LIEUTENANT MALORE: Before you got to the yard period, when was that?

23

1 JOSHUA SCORNAVACCHI: I think when we were in Nova Scotia and maybe one at the
2 place in Maine, I'm not really sure.

3
4 LIEUTENANT MALORE: Okay, so you have no on the Bounty a couple times before you
5 got to Booth Bay?

6
7 JOSHUA SCORNAVACCHI: Yes.

8
9 LIEUTENANT MALORE: Did you dive on it at Boothbay?

10
11 JOSHUA SCORNAVACCHI: No it was out of the water.

12
13 LIEUTENANT MALORE: I mean later, when they put it back in the water?

14
15 JOSHUA SCORNAVACCHI: No.

16
17 LIEUTENANT MALORE: Okay.

18
19 JOSHUA SCORNAVACCHI: And then I also cut lobster pots and stuff off of the props.

20
21 LIEUTENANT MALORE: Okay, are you a certified diver, heavy done that in your?

22
23 JOSHUA SCORNAVACCHI: Yes, I'm a master diver.

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LIEUTENANT MALORE: Are you trained on inspecting hulls of vessels and things like that or is that something new to you?

JOSHUA SCORNAVACCHI: No, that was new.

LIEUTENANT MALORE: That was new to you okay. Has anybody from the Bounty Organization hired you to dive?

JOSHUA SCORNAVACCHI: I was hired as a deck hand.

LIEUTENANT MALORE: As a deckhand, but did they hire you on the side capacity of diving, like every time you dove where you paid or anything like that?

JOSHUA SCORNAVACCHI: No.

LIEUTENANT MALORE: Did Mr. Wyman ever hire you to die for him as a surveyor?

JOSHUA SCORNAVACCHI: No.

LIEUTENANT MALORE: Okay. Were you aware of any rot or any outside issues with the vessel while it was in Boothbay?

1 JOSHUA SCORNAVACCHI: No, not outside I was inside most of the time.

2

3 LIEUTENANT MALORE: Was there any other problems that you saw in the shipyard or
4 anything that you can speak of?

5

6 JOSHUA SCORNAVACCHI: We ripped out a lot of rot on the inside.

7

8 LIEUTENANT MALORE: Rot inside the vessel?

9

10 JOSHUA SCORNAVACCHI: Just underneath the floorboards and stuff, we took all of that
11 out and replaced it.

12

13 LIEUTENANT MALORE: Can you estimate how much? Just a guess or a percentage?

14

15 JOSHUA SCORNAVACCHI: I don't know what she would compare it to.

16

17 LIEUTENANT MALORE: The entire size of the vessel. Or can you do it by compartment
18 was there certain compartments that you did?

19

20 JOSHUA SCORNAVACCHI: We were just in the crew quarters, so and the old tank room,
21 just like the beams that go across the sole board, some of those had some rot in them,
22 just in those two areas that's where we were going. So maybe like 2% or less.

23

1 LIEUTENANT MALORE: Was that replaced by the crew members or the shipyard?

2

3 JOSHUA SCORNAVACCHI: Both.

4

5 LIEUTENANT MALORE: Both, okay. And I'm guessing that you sailed with the vessel
6 from Boothbay to New London?

7

8 JOSHUA SCORNAVACCHI: Yes.

9

10 LIEUTENANT MALORE: Can you explain that trip or, what happened?

11

12 JOSHUA SCORNAVACCHI: The trip was kind of funny because we went, we got a little
13 storm and more than half of us got seasick,

14

15 LIEUTENANT MALORE: From Boothbay to New London?

16

17 JOSHUA SCORNAVACCHI: Yes from Boothbay to New London,

18

19 LIEUTENANT MALORE: I'm sorry, did you say that there was a storm?

20

21 JOSHUA SCORNAVACCHI: A little one.

22

23 LIEUTENANT MALORE: A little one, okay.

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JOSHUA SCORNAVACCHI: It was like nothing but a lot of us were getting seasick.

LIEUTENANT MALORE: Huh, okay. Can you say what the winds and waves height were?

JOSHUA SCORNAVACCHI: It wasn't that noticeable so I don't think we really paid attention to what that was. But not much. But I think it was just because we were not sailing that whole month.

LIEUTENANT MALORE: Did you notice any problems on the vessel, or what was your?

JOSHUA SCORNAVACCHI: I actually thought that the bilges were drier than before we were at Boothbay, actually. I noticed that they, I wasn't sure if they were pumping out, so we didn't have a lot of water in the bilge at that time, so I just thought that's why the bilges were not pumping the water out because it wasn't much in the, it wasn't until later where they had more water and it didn't seem like it was pumping it out.

Was the bilge is working from Boothbay to New London?

JOSHUA SCORNAVACCHI: It was hard for me to tell because I didn't have much water in the bilge at that point.

1 LIEUTENANT MALORE: Okay so you really couldn't identify. I'm sorry, let me get back,
2 you had mentioned about inspecting the hull just a minute ago, and finding some
3 problems in the hull previously to getting to Boothbay, how many problems did you find, it
4 was it quite a bit?

5
6 JOSHUA SCORNAVACCHI: They were just little holes in the seams, that's pretty normal.
7

8 LIEUTENANT MALORE: Did you repair them, or were they repaired?
9

10 JOSHUA SCORNAVACCHI: You go in the bilge and you find where there was a little
11 water coming in and then you dive and find where that was on the outside, I tried two
12 different methods, one was I guess more old school, you took a little piece of line, cut it
13 and use a hammer and chisel and hammered it into the seam, then you had a piece of
14 copper that you cut any put tar on it and you put that on and then you punch holes in the
15 copper and then hammered in the tacks. The one on the other side I still hammered the
16 piece of rope in but more modern sealant, it is like a putty, I don't remember what it is
17 called but it was kind of like Clay, you put that on and hardens in the water, and they both
18 worked.
19

20 LIEUTENANT MALORE: They both worked, okay. Were you taught how to do this or
21 were you just kind of inventing it on your own?
22

1 JOSHUA SCORNAVACCHI: The boatswain would explain it to me on the surface what to
2 do.

3
4 LIEUTENANT MALORE: And when you did dive did you have any safety personnel there
5 with you or anything like that?

6
7 JOSHUA SCORNAVACCHI: I was the only one diving but there was somebody standing
8 on the surface.

9
10 LIEUTENANT MALORE: So moving from Boothbay to New London you did not notice
11 anything, was all the worked on in Boothbay completed, or were you guys still working on
12 stuff on the way?

13
14 JOSHUA SCORNAVACCHI: We were always working on stuff constantly the whole
15 season. We were still painting the crew quarters, working on a lot of stuff inside.

16
17 LIEUTENANT MALORE: On the trip?

18
19 JOSHUA SCORNAVACCHI: Yes.

20
21 LIEUTENANT MALORE: Was there a rush to get out of Boothbay, and leave before that
22 stuff was completed?

23

1 JOSHUA SCORNAVACCHI: The things that we are working on, the things that I was
2 working on (inaudible) weren't really necessary for sailing, they were just interior things
3 like paint and the inside of the aft crew quarters. Things like that. It was kind of funny
4 because we are all seasick.

5
6 LIEUTENANT MALORE: When were you first aware of hurricane Sandy?
7

8 JOSHUA SCORNAVACCHI: When we, in the morning, right after we did the submarine
9 tour, we took them sailing and it took assigned tour of the submarine, and then my mom
10 called me and said that there was the storm that people are calling the super storm,
11 things like that and then after that we had that muster with the captain told us about it.
12

13 LIEUTENANT MALORE: Okay, so you heard about it the day of the meeting?
14

15 JOSHUA SCORNAVACCHI: It was probably about an hour before the muster.
16

17 LIEUTENANT MALORE: Okay, when you are visiting the Navy ship, did anybody mention
18 anything to you about the storm?
19

20 JOSHUA SCORNAVACCHI: Joking around about it a little bit. They were.
21

22 LIEUTENANT MALORE: They were okay.
23

1 JOSHUA SCORNAVACCHI: Yeah, like I said I think they said like hey got a beat that
2 storm out of here,

3
4 LIEUTENANT MALORE: Okay, so they knew that you guys are planning on leaving?

5
6 JOSHUA SCORNAVACCHI: Yes.

7
8 LIEUTENANT MALORE: Were you aware of other people on the crew being nervous
9 about the storm?

10
11 JOSHUA SCORNAVACCHI: Not literally, maybe on some people's faces. Nobody really
12 talked about it.

13
14 LIEUTENANT MALORE: During the meeting can you describe what was said?

15
16 JOSHUA SCORNAVACCHI: It was something to the effect of if a comment there is a
17 storm coming, I think he said if you want to get off the ship do it now because there is a
18 storm coming, and then he talked about how we would probably be fine because it is
19 safer at sea than a port, I did talk to a few people about how it had been through bigger
20 storms in the past. Dan was talking to me about some storms he had been through, I
21 talked to John in the past about some large storms that the ship had been through, larger
22 season really heavy winds where the forward mast snapped and the yards broke and
23 things like that, all these sails ripped and the ship was fine. And the storm was a lower

1 classification hurricane than that so I feel like that was assuring that we would be fine
2 because the seas are lower and the winds are lower.

3
4 LIEUTENANT MALORE: John who?

5
6 JOSHUA SCORNAVACCHI: Oh, Svendsen.

7
8 LIEUTENANT MALORE: Okay so John Svendsen was the one who said that?

9
10 JOSHUA SCORNAVACCHI: Yes.

11
12 LIEUTENANT MALORE: What were your thoughts after the meeting?

13
14 JOSHUA SCORNAVACCHI: I actually felt fine with it, I wasn't concerned about it, but I
15 did send some text messages to everybody that I was close with to have them pray just in
16 case.

17
18 LIEUTENANT MALORE: I'm sorry, ring?

19
20 JOSHUA SCORNAVACCHI: To pray.

21
22 LIEUTENANT MALORE: Okay to pray, just in case.

23

1 JOSHUA SCORNAVACCHI: Because I would lose reception pretty much right away, and
2 my mom may be promise not to die, bothered me later.

3
4 LIEUTENANT MALORE: Right. Did anybody else for his concerns at that time after the
5 meeting about leaving?

6
7 JOSHUA SCORNAVACCHI: Not literally.

8
9 LIEUTENANT MALORE: Nothing verbal at that time either. Okay so just go from New
10 London now heading out kind of tell me what happened.

11
12 JOSHUA SCORNAVACCHI: It was very late in the day when we left, it was Thursday so
13 the sunset pretty soon after we left. That was really normal, at that point there were no
14 signs of an impending storm coming, so I went to my watch, woke up for the next watch
15 and I remember the captain had a muster and it was interesting the topic he was talking
16 about how 200 years ago how do you think sailors would have known that there was a
17 storm coming, and there were all these ideas floating around, Chris said I don't think they
18 would've known, and he seemed to agree with that that they probably wouldn't have
19 known, because we had GPS and communication we knew that there was a storm
20 coming. And then we put some wreath in sails in case we had to set them, the topsail in
21 case we had to set it, we put a wreath in it.

22
23 LIEUTENANT MALORE: Let me stop you for a second, what watch where you?

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23

JOSHUA SCORNAVACCHI: C.

LIEUTENANT MALORE: C watch?

JOSHUA SCORNAVACCHI: Dan Cleveland was my mate.

LIEUTENANT MALORE: Dan Cleveland, do you know who else was on with you at that time?

JOSHUA SCORNAVACCHI: Anna.

LIEUTENANT MALORE: Anna?

JOSHUA SCORNAVACCHI: Anna Sprag.

LIEUTENANT MALORE: Anybody else?

JOSHUA SCORNAVACCHI: Most of my watch had left at Boothbay, so I think somebody from another watch came over, I didn't work with them at much, it was only those two days and then after that the watch just kind of split up because we were all kind of working together after that. I think Drew may have been put on my watch.

1 LIEUTENANT MALORE: Okay the C watch, what time was that the remember?

2

3 JOSHUA SCORNAVACCHI: I think we were on the 12 to 4 at that point.

4

5 LIEUTENANT MALORE: Okay.

6

7 JOSHUA SCORNAVACCHI: Or the 8 to 12, maybe the 8 to 12.

8

9 LIEUTENANT MALORE: Now just before you left New London, were you monitoring the
10 storm any?

11

12 JOSHUA SCORNAVACCHI: Personally?

13

14 LIEUTENANT MALORE: Yes.

15

16 JOSHUA SCORNAVACCHI: No.

17

18 LIEUTENANT MALORE: Like with charts was somebody giving you an update or
19 anything like that?

20

21 JOSHUA SCORNAVACCHI: Not really.

22

1 LIEUTENANT MALORE: Now during the voyage when you are leaving New London and
2 heading out, were you guys getting updates or?

3
4 JOSHUA SCORNAVACCHI: Yes the captain was giving updates and I imagine the mates
5 were, (inaudible).

6
7 LIEUTENANT MALORE: If you could speak up just a little bit I would appreciate it.

8
9 JOSHUA SCORNAVACCHI: Okay. I said the captain was giving updates and weather
10 reports and monitoring it with the mates.

11
12 LIEUTENANT MALORE: What do you think about Capt. Walbridge?

13
14 JOSHUA SCORNAVACCHI: I think he was a good guy, I think he had a lot of experience,
15 he sailed in a lot of storms in the past he said, apparently he said (inaudible) and get
16 people off the oil rigs that were trapped in hurricanes so he had a lot of experience with
17 that sort of thing. He did not usually talk a lot but we seemed to know what he was doing.

18
19 LIEUTENANT MALORE: Okay, I'm sorry to interrupt you, you can continue on now about
20 Drew.

21
22 JOSHUA SCORNAVACCHI: After the sails I went to the Royal yard and took the whole
23 yard down, and true was standing, surgery was on my watch, he was standing on

1 (inaudible) looking up and I was on the yard itself, I had to undo everything, I took the
2 whole yard everything attached to it down and send it to the deck, just so free head heavy
3 winds that the sail would not come out. It would not blow the ship or anything like that.
4

5 LIEUTENANT MALORE: Okay.
6

7 JOSHUA SCORNAVACCHI: Basically we started preparing for the storm, getting
8 everything storm ready, we set jack lines on the way back on the tween decks.
9

10 LIEUTENANT MALORE: You said jack lines?
11

12 JOSHUA SCORNAVACCHI: Jack, yeah.
13

14 LIEUTENANT MALORE: Can you describe what those are?
15

16 JOSHUA SCORNAVACCHI: It's just a line that is connected fore to aft from the front of
17 the ship to the back of the ship and you can hold onto it so that you don't fall as the ship
18 is rolling or gets lifted to that one side, something to clip onto or hold onto. I liked the ones
19 in the tween decks they were really tight, the ones on the weather decks were really
20 loose.
21

22 LIEUTENANT MALORE: So you did Jack lines on the tween deck also?
23

1 JOSHUA SCORNAVACCHI: Yes, those ones are incredibly useful, we use those all the
2 time (inaudible) and we were rolling everywhere, it was really good to have those to hold
3 onto.

4
5 LIEUTENANT MALORE: Did you say that they were on both sides of the ship, on the
6 tween deck and the main deck?

7
8 JOSHUA SCORNAVACCHI: Yes.

9
10 LIEUTENANT MALORE: Who's idea was it to do that?

11
12 JOSHUA SCORNAVACCHI: I think it was the Capt.'s.

13
14 LIEUTENANT MALORE: The captains, okay, what date was that, do you remember?

15
16 JOSHUA SCORNAVACCHI: I believe it was Friday,

17
18 LIEUTENANT MALORE: Friday?

19
20 JOSHUA SCORNAVACCHI: And into Saturday. I think we started it on Friday and
21 finished on Saturday, I think we finished the jack lines on Friday but we are also setting
22 up (inaudible). Which were nets and we did those in the aft section of the weather deck

1 from about the mainmast to a little bit after the mizzen mast, so whoever was at the helm
2 if they were to fall they could get caught in the net.

3
4 LIEUTENANT MALORE: Okay and was that the captain's idea also?

5
6 JOSHUA SCORNAVACCHI: I believe so.

7
8 LIEUTENANT MALORE: Did you, were you aware of the sail plan at that point, which way
9 you were going?

10
11 JOSHUA SCORNAVACCHI: That was explained at the beginning yes. We had that at the
12 muster, he said we had about three days to go a little over 300 miles and he wanted to
13 get south of Cape Hatteras so we don't run aground, but he wanted to say Southeast and
14 not commit to either direction, he didn't want to commit to go along the coast or east out
15 to see because he wanted the storm to come in, so he was trying to wait, I know later on
16 eventually he was under the impression that the storm was headed east out to sea, and
17 we would try to cut down along the coast hoping that the winds would kind of push us
18 down.

19
20 LIEUTENANT MALORE: What would give the indication that the storm was going to go
21 east?

22

1 JOSHUA SCORNAVACCHI: I don't know personally, I remember getting told, the storm
2 was headed east.

3
4 LIEUTENANT MALORE: Who told you that?

5
6 JOSHUA SCORNAVACCHI: I don't remember.

7
8 LIEUTENANT MALORE: You don't remember, okay. C laid the jack lines down on the
9 deck, you can continue on from that point.

10
11 JOSHUA SCORNAVACCHI: We set up the jack lines, and we set up, we set one up for
12 the cook because later on she would need it, it was pretty ridiculous in the galley,
13 (inaudible) she made some gourmet meals that we never had before I thought that was
14 amazing, later she made macaroni and cheese and hotdogs and that's all she could make
15 for the rest the time.

16
17 LIEUTENANT MALORE: And when you said that is all she could cook for the rest of the
18 time why was that?

19
20 JOSHUA SCORNAVACCHI: It was because the ship was rolling too much, should blow
21 pot oil and fly off the ceiling replaying of the bulkhead, it was crazy.

22

1 LIEUTENANT MALORE: When you said you did a Jack line for the cook was that a Jack
2 line in the galley?

3
4 JOSHUA SCORNAVACCHI: Yeah was going port to ships instead of fore to aft.

5
6 LIEUTENANT MALORE: I'm sorry let me just jump back in little bit, have you had any
7 training on the Bounty as far as drills?

8
9 JOSHUA SCORNAVACCHI: Yes I would say we had a spree significant amount of
10 training, the very first was there the first thing that we did was go over the fire drills the
11 man overboard drills and the abandoned ship, two types of abandoned ship that Robin
12 said we could encounter, either the ship was going to sink in three minutes or the ship
13 was going to sink in hours or days, and it was more likely that it would be hours or days
14 so we trained for, this three minute one was more like the man overboard, but are most
15 common drill was man overboard because that seemed to be the most likely scenario.

16
17 LIEUTENANT MALORE: Okay, so now get back to where you are at. He set up the jack
18 lines for the cook can you continue on from that point?

19
20 JOSHUA SCORNAVACCHI: We were just getting everything storm ready that they,
21 making sure everything was sea stowed (inaudible) twine, and tied everything down with
22 the twine so that when the ship does roll everything is not gonna fly and hit people or her
23 people or come loose and get lost. We make sure everybody's racks were sea stowed,

1 so everybody's close all go flying everywhere, go into the bilge clean up the pipe trains,
2 make sure that you didn't have close on the soles and things like that (inaudible) I sea
3 stowed my fish, I had a fish. I think that was most of what we did that day, all the normal
4 things that we would do, I think there is a little panic going around so,

5
6 LIEUTENANT MALORE: People were panicking at that time?

7
8 JOSHUA SCORNAVACCHI: A little bit.

9
10 LIEUTENANT MALORE: Was this on Friday or Saturday?

11
12 JOSHUA SCORNAVACCHI: Friday.

13
14 LIEUTENANT MALORE: Friday okay, so you had just left New London.

15
16 JOSHUA SCORNAVACCHI: This is the next day, and then we continued that on
17 Saturday, the weather had increased a little on Saturday.

18
19 LIEUTENANT MALORE: And when you say people were panicking, can you give me
20 some ideas or?

21
22 JOSHUA SCORNAVACCHI: No, painting.

23

1 LIEUTENANT MALORE: Oh painting.

2
3 JOSHUA SCORNAVACCHI: Not panicking.

4
5 LIEUTENANT MALORE: Oh I misunderstood what you said.

6
7 JOSHUA SCORNAVACCHI: Nobody was panicking.

8
9 LIEUTENANT MALORE: You are painting at that time?

10
11 JOSHUA SCORNAVACCHI: Yes.

12
13 LIEUTENANT MALORE: I guess the question is was anybody panicking at that time?

14
15 JOSHUA SCORNAVACCHI: Not to my knowledge.

16
17 LIEUTENANT MALORE: Okay.

18
19 JOSHUA SCORNAVACCHI: The rest of what we did was what we normally did, the peer
20 watches, you probably know what the watchlist consisted of, the helm for an hour usually,
21 forward Lookout, but check, standby, and so we would have two of those, Saturday we
22 continued with what we were working on, finishing sea stowing everything, and getting

1 everything sure we had all of our emergency gear. I know we put all of the life jackets in
2 one of the cabins, or a lot of them. Which would have to take out pretty soon after that.

3
4 LIEUTENANT MALORE: You said on your watches you would go to the helm did that
5 include doing checks in the engine room?

6
7 JOSHUA SCORNAVACCHI: Yes, that was the boat check.

8
9 LIEUTENANT MALORE: Okay, that was the boat check.

10
11 JOSHUA SCORNAVACCHI: We would pump the bilges almost every hour.

12
13 LIEUTENANT MALORE: Every hour?

14
15 JOSHUA SCORNAVACCHI: Yeah, well I've pumped it every time I had a boat check.

16
17 LIEUTENANT MALORE: How do you think the vessel was pumping at that time?

18
19 JOSHUA SCORNAVACCHI: We started to get more water in it, it was always difficult to
20 keep it primed for some reason. It was not a significant amount of water yet but I still
21 thought it was difficult to keep it primed, like it would only pump for 20 seconds, or less,
22 30 seconds, the engine room would usually pump out try.

23

1 LIEUTENANT MALORE: Are you saying that and your experience the engine room would
2 normally pump out dry but right now it wasn't?

3
4 JOSHUA SCORNAVACCHI: The engine room still did, was still pumping out but some of
5 the, the forward compartments typically aren't priming any of it so I wasn't too concerned
6 about it yet, it didn't have a lot of water yet.

7
8 LIEUTENANT MALORE: So in the past, not even just on this trip, but in the past doing the
9 other compartments was sometimes hard?

10
11 JOSHUA SCORNAVACCHI: Sometimes, I just think they don't usually have as much
12 water anyway. Because the water goes kind of mid ships.

13
14 LIEUTENANT MALORE: Can you explain to me what pumps you are using to do that?

15
16 JOSHUA SCORNAVACCHI: Yeah I mean the electric bilge pumps.

17
18 LIEUTENANT MALORE: The electric bilge pumps?

19
20 JOSHUA SCORNAVACCHI: Yes so you had different compartments.

21
22 LIEUTENANT MALORE: Were you taught how to use those?

23

1 JOSHUA SCORNAVACCHI: Yes.

2

3 LIEUTENANT MALORE: Who taught you how to use the electric pumps?

4

5 JOSHUA SCORNAVACCHI: I think the first time it was Trevor the engineer,

6

7 LIEUTENANT MALORE: Trevor?

8

9 JOSHUA SCORNAVACCHI: He was the engineer,

10

11 LIEUTENANT MALORE: Do you know his full name?

12

13 JOSHUA SCORNAVACCHI: (inaudible) And they would show you how to do it again.

14

15 LIEUTENANT MALORE: So at that time you had no concerns on how it was pumping,
16 other than it was just a little slow?

17

18 JOSHUA SCORNAVACCHI: A little difficult to keep it primed.

19

20 LIEUTENANT MALORE: Did you convey those concerns to anybody at that time?

21

22 JOSHUA SCORNAVACCHI: I told Dan.

23

1 LIEUTENANT MALORE: Dan?

2

3 JOSHUA SCORNAVACCHI: Dan Cleveland, but it wasn't too concerning yet.

4

5 LIEUTENANT MALORE: Okay, do you know if Dan

6

7 JOSHUA SCORNAVACCHI: The water had not gotten to a point that you know that was
8 uncommon.

9

10 LIEUTENANT MALORE: And when you say the water, wasn't that much, how much was

11

12 JOSHUA SCORNAVACCHI: There was an above the spot (inaudible) or anything like
13 that.

14

15 LIEUTENANT MALORE: Okay, did you know at that point where it was coming in at?

16

17 JOSHUA SCORNAVACCHI: I don't think it was coming in yet.

18

19 LIEUTENANT MALORE: Okay

20

21 JOSHUA SCORNAVACCHI: It wasn't coming in, but it wasn't looking good, not until it
22 started rolling more

23

1 LIEUTENANT MALORE: Okay if you could continue on Saturday.

2

3 JOSHUA SCORNAVACCHI: Saturday the wind picked up a little bit and we had a little bit
4 higher seas probably may be eight-foot towards later on in the day, eight or 10. So it was
5 more like a little storm that we had hit out in Puerto Rico, the same like that. We had our
6 four course, we set that, we might have set that on Friday, or we had the four staysail
7 and set on Friday and then I think we might have said the four course on Saturday. At one
8 point we had both of them set, and then I know we took the four staysail in eventually
9 and the only sail we had set was the four course. So it was the four staysail that we set
10 first and in the four course, so we had both set, and later on we took in the four staysail.

11

12 LIEUTENANT MALORE: Okay, what is the reason for setting the four course?

13

14 JOSHUA SCORNAVACCHI: I think to my understanding the four course helps to lift the
15 bow of the ship up out of the water, it is one of the only sails that lifts the front, a lot of the
16 other ones push it down.

17

18 LIEUTENANT MALORE: Okay, so it's not for speed, it's more for lift?

19

20 JOSHUA SCORNAVACCHI: For lift, and it does add a little speed.

21

22 LIEUTENANT MALORE: Oh it does okay.

23

1 JOSHUA SCORNAVACCHI: Those are kind of our storm sails that's what I was, that's my
2 understanding.

3
4 LIEUTENANT MALORE: Was there any discussions on deck at this time on Saturday
5 about the upcoming storm or what we're going to do or did the captain of any meetings
6 with you guys?

7
8 JOSHUA SCORNAVACCHI: We always had musters.

9
10 LIEUTENANT MALORE: When you say always how often is that?

11
12 JOSHUA SCORNAVACCHI: We would have our watch would have a capstain for a
13 muster before and after every watch, the whole ship would have one I think around noon
14 every day with the captain, where everybody was involved.

15
16 LIEUTENANT MALORE: Okay, and at those times was anything asked about the storm?

17
18 JOSHUA SCORNAVACCHI: We would talk about it, but at that point it was like a normal
19 storm, on Saturday we were in the storm but it didn't seem like more than a thunderstorm,
20 or a rainstorm.

21

1 LIEUTENANT MALORE: Okay. Now when the vessel made the turn from Southwest, or
2 Southeast to Southwest were you aware of that was there a meeting about that or any
3 discussions?

4
5 JOSHUA SCORNAVACCHI: I don't remember how I found out, it might have been
6 mentioned at the muster or Dan might have said it I am not sure, but yeah I was aware
7 that we had decided to go more along the coast then out to sea because they felt that the
8 storm was going to go east.

9
10 LIEUTENANT MALORE: Because they thought the storm was going to go east?

11
12 JOSHUA SCORNAVACCHI: Yes.

13
14 LIEUTENANT MALORE: So to your knowledge that was a good decision?

15
16 JOSHUA SCORNAVACCHI: It sounded like it.

17
18 LIEUTENANT MALORE: Okay. Continue on.

19
20 JOSHUA SCORNAVACCHI: So Saturday was not very eventful, it was like a storm and
21 then, Sunday as one you started to notice things where it may be a little bit off, like early
22 in the morning, so I had my watch and while actually when I woke up that morning I
23 noticed that the sole boards (inaudible) and that water, I think on Saturday water had

1 come down the ceiling planking a few times, but it wasn't that bad. And that was only in a
2 few compartments and then on Sunday you could see it come down in the aft crew
3 quarters,

4
5 LIEUTENANT MALORE: Can you explain that for me?

6
7 JOSHUA SCORNAVACCHI: I kind of thought that it was, because we were almost at
8 starboard, I thought that it was the (inaudible) bilge coming up the ceiling planking and
9 coming back down.

10
11 LIEUTENANT MALORE: Okay at that time that is what you thought?

12
13 JOSHUA SCORNAVACCHI: But I guess there could have been a little bit of both,
14 because that was definitely happening (inaudible) from the bilge because it is all
15 connected and runs back down, there may have been a little bit of water coming in
16 through the ceiling planking I don't know if you know about that yet.

17
18 LIEUTENANT MALORE: Okay, so you said that was Saturday? And the water was
19 getting a little bit higher, or you noticed it was getting a little higher?

20
21 JOSHUA SCORNAVACCHI: That was later on Saturday, Sunday is when I noticed it in
22 the aft crew quarters is where it would come up, in the planking, Sunday morning when I
23 woke up, and I noticed that some of my stuff that was on the outboard or the aft was wet

1 so it had meant that the water had come from the ceiling planking and landed on my rack.
2 But I was not sleeping on that one for some reason and a little bit of water was dripping
3 from the overhead, so it must have splashed up on that. Some of my stuff was wet but I
4 just thought I would deal with it later. Because I had to go for the watch, I did look under
5 the sole board before I went up there, and the water was higher than it was the day
6 before in the bilge .
7

8 LIEUTENANT MALORE: Okay, did that pose a concern to you?
9

10 JOSHUA SCORNAVACCHI: A little bit, but I had seen it before, I thought that was typical
11 (inaudible) higher seas in that kind of boat.
12

13 LIEUTENANT MALORE: Is that the highest you have ever seen it, or?
14

15 JOSHUA SCORNAVACCHI: Probably
16

17 LIEUTENANT MALORE: Okay.
18

19 JOSHUA SCORNAVACCHI: And then I went up to the watch and on my watch I noticed
20 the port engine main had stopped working, it probably stopped working before my watch,
21 or the watch before. But I just noticed a done, oh yeah and also the site tube was broken,
22

23 LIEUTENANT MALORE: I'm sorry can you estimate on what time that was again?

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JOSHUA SCORNAVACCHI: I think it was probably around eight, 08:00.

LIEUTENANT MALORE: 08:00, okay. Is that the end of your watch?

JOSHUA SCORNAVACCHI: No, I think I was on the 8 to 12, earlier at first I said 12 to 4, but then I said 8 to 12 is what I think it was.

LIEUTENANT MALORE: Okay, I just wanted to make sure so you were 8 to 12, you had just gotten on watch at 08 on Sunday morning and the site glass was already busted, and the engine stopped?

JOSHUA SCORNAVACCHI: Yes.

LIEUTENANT MALORE: Did you notice any fumes in the?

JOSHUA SCORNAVACCHI: I did not notice any fumes, no, I think they may have switched I think we're on our own generator and they switched on, that would've all happened before my watch so I'm not sure how that played out.

LIEUTENANT MALORE: Were you aware of how that occurred?

JOSHUA SCORNAVACCHI: No.

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LIEUTENANT MALORE: Did anyone say anything?

JOSHUA SCORNAVACCHI: No.

LIEUTENANT MALORE: If you could turn to Exhibit 71 please. Can you look at that and see the different watches up above, it has you on C watch from 4 to 8, but you said he switched?

JOSHUA SCORNAVACCHI: It might have been 4 to 8, it's kind of hard to know right now.

COMMANDER KEVIN CARROLL: Who was in charge of your watch?

JOSHUA SCORNAVACCHI: Dan.

COMMANDER KEVIN CARROLL: Dan had, who else was on your watch?

JOSHUA SCORNAVACCHI: Anne and Drew, Drew was on a different watch before but he got put on our watch because we lost most of the people on our watch with the yard period.

COMMANDER KEVIN CARROLL: What watch officer was relieving Mr. Cleveland?

1 JOSHUA SCORNAVACCHI: That would be, oh, Matt, Matt Sanders.

2

3 COMMANDER KEVIN CARROLL: Matt Sanders would have been relieving your watch?

4

5 JOSHUA SCORNAVACCHI: Yes.

6

7 COMMANDER KEVIN CARROLL: You know that or do you think that?

8

9 LIEUTENANT MALORE: Are you looking down at it, you are the 4 to 8, so, if you are not
10 sure then that is okay.

11

12 JOSHUA SCORNAVACCHI: I don't know.

13

14 LIEUTENANT MALORE: You're not sure, are you sure that in the morning that's when he
15 noticed, where you just up,

16

17 JOSHUA SCORNAVACCHI: No I was on watch,

18

19 LIEUTENANT MALORE: So it was in the morning when you notice those things?

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21 JOSHUA SCORNAVACCHI: Yes.

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23 LIEUTENANT MALORE: Did you convey that to anybody, those concerns?

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JOSHUA SCORNAVACCHI: Dan.

LIEUTENANT MALORE: I'm sorry?

JOSHUA SCORNAVACCHI: Dan Cleveland.

LIEUTENANT MALORE: Dan Cleveland, okay, and you know if he conveyed those concerns to anybody else?

JOSHUA SCORNAVACCHI: I think you said that they were already aware.

LIEUTENANT MALORE: Okay, so if you can continue on from there.

JOSHUA SCORNAVACCHI: After the watch had ended the captain was going to allow us to skip our work party (and audible) and try and rest because a lot of us really had not been sleeping much, and so we went below to try and take a nap and shortly after we went down there was an all hands on deck because the four course was blown out

LIEUTENANT MALORE: Do you know what time that was? Roughly?

JOSHUA SCORNAVACCHI: Is my watch was 4 to 8 then it was probably like 8:20. If my watch was 4 to 8, and that's what that said.

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LIEUTENANT MALORE: If you don't remember your watch time that's fine, you just

JOSHUA SCORNAVACCHI: It was right after my watch

LIEUTENANT MALORE: When you notice that?

JOSHUA SCORNAVACCHI: When the all hands,

LIEUTENANT MALORE: Okay

JOSHUA SCORNAVACCHI: We all went up on deck and like I said the four course had blown out, and we went aloft and furled it, then I came back down and got after that, I know they were working on hydraulic pumps in the engine room

LIEUTENANT MALORE: When you say they, who is they?

JOSHUA SCORNAVACCHI: I think Chris, and Matt was helping

LIEUTENANT MALORE: Chris?

JOSHUA SCORNAVACCHI: Chris Barksdale,

1 LIEUTENANT MALORE: I'm sorry, if you say a name can you say the full name?

2

3 JOSHUA SCORNAVACCHI: Chris Barksdale and Matt Sanders and Robin Walbridge.

4

5 LIEUTENANT MALORE: Okay, so they were all down there?

6

7 JOSHUA SCORNAVACCHI: I believe so.

8

9 LIEUTENANT MALORE: Okay continue.

10

11 JOSHUA SCORNAVACCHI: They were trying to get the hydraulic pumps to work
12 because the water was rising at that point.

13

14 LIEUTENANT MALORE: When you say the hydraulic pumps do you know which one?

15

16 JOSHUA SCORNAVACCHI: There was a green one, a portable one, and there is another
17 one that was hooked up I think.

18

19 LIEUTENANT MALORE: Do you know which one they were trying to use?

20

21 JOSHUA SCORNAVACCHI: I think they tried to use the one that was hooked up first and
22 I don't think they were able to do it, and they hooked up the portable one and that was

1 working a little. The electric pumps were not getting a prime so that was an accurate
2 assumption when I said that.

3

4 LIEUTENANT MALORE: What was the sea state at that time? When this was occurring?

5

6 JOSHUA SCORNAVACCHI: Sunday morning was pretty rough,

7

8 LIEUTENANT MALORE: It was?

9

10 JOSHUA SCORNAVACCHI: Yes. It was pretty hard to walk on deck at all, like when you
11 would roll you would have to hold onto something our slide across the deck.

12

13 LIEUTENANT MALORE: Is that the biggest waves you've been with in Bounty?

14

15 JOSHUA SCORNAVACCHI: Yes. The wind was pretty high to.

16

17 LIEUTENANT MALORE: Was people nervous at that time or were people having
18 discussions?

19

20 JOSHUA SCORNAVACCHI: I was not nervous I'm not sure if other people were nervous.

21

22 LIEUTENANT MALORE: Okay, so you were not aware.

23

1 JOSHUA SCORNAVACCHI: I know it was really difficult to furl the course because of all
2 the land. The sail would hit you in the face and the line would hit her arms it was not easy,
3 more difficult than any of the other sails we had furled that season. And then I went below
4 and started helping to get stuff out of the bilge so that it would not clog, like I was pulling
5 up debris in that kind of stuff.

6
7 LIEUTENANT MALORE: What kind of debris was in the bilge?

8
9 JOSHUA SCORNAVACCHI: There seemed to be a lot of wood chips, like later on when
10 the water rose it would take stuff off of shelves and put that in the water, but initially it
11 seemed to be a lot of wood chips and things like that dirt.

12
13 LIEUTENANT MALORE: And when you say a lot, was it visually a lot of wood chips
14 everywhere?

15
16 JOSHUA SCORNAVACCHI: Now, primarily it was wood chips.

17
18 LIEUTENANT MALORE: Okay.

19
20 JOSHUA SCORNAVACCHI: The primary debris initially was wood chips.

21
22 LIEUTENANT MALORE: And then you guys are checking, and he said that they were
23 clogging the pump?

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JOSHUA SCORNAVACCHI: That was the assumption that they were getting clogged.

LIEUTENANT MALORE: Did you do any other checks to verify that or were you aware?

JOSHUA SCORNAVACCHI: I looked at the strainer once and tried to open it and there, I took out whatever woodchips were on it, it didn't seem to be that clogged. I was doing that for a while and in the four course blew out again on the port side and three of us went, four of us went up there to try and furl that section and Dan was on deck, and at that point the wind increased dramatically, probably 40 kn or 50 kn of wind, their rain hurt a lot, I don't know if it was rain but it felt like hail.

LIEUTENANT MALORE: The rain felt like hail?

JOSHUA SCORNAVACCHI: Yes, it hurt a lot to go out there and try and furl those sails, you could look into it because it would hit you in the eyes, we are trying to furl it but, we tried for a while we would pull it and then it would yank you like it was going to throw you off the yard,

LIEUTENANT MALORE: Who went up with you?

JOSHUA SCORNAVACCHI: Mark,

1 LIEUTENANT MALORE: Mark?

2

3 JOSHUA SCORNAVACCHI: Oh,

4

5 LIEUTENANT MALORE: You can look at page 71 if that helps.

6

7 JOSHUA SCORNAVACCHI: Drew Salapatek and I think John D Jones.

8

9 LIEUTENANT MALORE: You said it took a while, how long did it take?

10

11 JOSHUA SCORNAVACCHI: How long did it take, we never got it furled, we tried for like

12 maybe 10 minutes, we couldn't get it, it was getting really dangerous actually up there.

13 When we were just climbing up the shrouds it was a wicked climb you didn't even have to

14 hold on, you kind of just got pasted against the shrouds because of the wind. So standing

15 up there was pretty precarious so Dan said to come down, we could not really hear him

16 that well but, it looked like he was saying come down on the deck. (inaudible) Little

17 section was ripped up. As we were laying low we saw Dan running aft and we looked and

18 the spinnaker gaff had broken,

19

20 LIEUTENANT MALORE: The spinker gaff had broken?

21

22 JOSHUA SCORNAVACCHI: Yes. As we were laying back on the back, so when we got to

23 the deck we immediately went aft to work on that. I was holding onto a vein on the

1 starboard side trying to pull a section down, because a section of the gaff had sail
2 attached to them and it was like kites and getting whipped around, so it wasn't very safe, I
3 was trying to get it down, and it actually picked me up in the air. And Adam Procosh
4 grabbed on behind me and it started to lift him up as well, and then I think three or four
5 other people jumped on and we were able to pull it down, and tied off to the deck.

6
7 LIEUTENANT MALORE: So you guys are all doing that at the same time? Not one
8 separately doing it, you weren't taking turns trying to pull it down?

9
10 JOSHUA SCORNAVACCHI: Now everybody was on it, it was like six people on it.

11
12 LIEUTENANT MALORE: Okay.

13
14 JOSHUA SCORNAVACCHI: Then Dan Cleveland and Mark was at that point on the
15 helm, and Dan Cleveland went up after we got that done, onto the shrouds on the
16 starboard side and was trying to lasso another section of the gaff and tied to the shrouds
17 so it would stop flailing around. He managed to do that. Then we went below again, the
18 water in the engine room at that point was probably to my shins, above the sole boards,
19 so the bilge alarm had obviously gone off a while ago.

20
21 LIEUTENANT MALORE: Did the bilge alarm stay on the whole time?
22

1 JOSHUA SCORNAVACCHI: I forget, I don't remember. So I began starting to get trying to
2 get stuff out, at this point they were like pieces of absorbent mat all kinds of stuff just
3 floating around.

4
5 LIEUTENANT MALORE: Now from the time that you saw it previous, to the time you now
6 had it up to your shins, how much water, and how much time, what was the time range to
7 get that much water?

8
9 JOSHUA SCORNAVACCHI: Probably like an hour, and probably like 6 inches,

10
11 LIEUTENANT MALORE: 6 inches in an hour?

12
13 JOSHUA SCORNAVACCHI: Maybe. The water was coming in the ceiling planking pretty
14 noticeably.

15
16 LIEUTENANT MALORE: Now when you say that it was coming through?

17
18 JOSHUA SCORNAVACCHI: Every time that we would roll it looked like the water was
19 coming down the starboard side of the ceiling.

20
21 LIEUTENANT MALORE: The starboard ceiling?

22

1 JOSHUA SCORNAVACCHI: Yes. The (inaudible) would dip occasionally, but the
2 starboard side would dip underwater as we rolled and so the water was just getting
3 pushed in above the waterline it was coming down.
4

5 LIEUTENANT MALORE: To your knowledge do you think the water was coming over the
6 top of the deck and then going down, or was it?
7

8 JOSHUA SCORNAVACCHI: I don't think every time, I know the farther that we would get
9 the more water would come in. Like when we would roll a lot a lot of water seemed to
10 move in.
11

12 LIEUTENANT MALORE: Okay, and you said that was on the starboard side?
13

14 JOSHUA SCORNAVACCHI: Yes, because the portside was (inaudible) so we would stick
15 to the starboard side. And then so I was down there again and Adam Procosh was down
16 there trying to help with it, Robin Walbridge, Chris Barksdale, Matt Sanders they were all
17 working on the generator, the starboard, I think the port generator was off at that point,
18 the starboard generator was cutting on and off, and it would cut off and lose power and
19 they would get it started again, and Doug Funt came down and helped as well, it was
20 pretty crowded.
21

22 LIEUTENANT MALORE: At that point did you lose lighting?
23

1 JOSHUA SCORNAVACCHI: Yes, the starboard generator would cut off and then they
2 would get it started again and returned back on, so it is hard to run the electric bilge
3 pumps without electricity.

4
5 LIEUTENANT MALORE: Did you notice any sparking?

6
7 JOSHUA SCORNAVACCHI: I did not.

8
9 LIEUTENANT MALORE: You did not.

10
11 JOSHUA SCORNAVACCHI: I had heard that there were some fires but I did not witness
12 any of them, because a lot of time I was on deck (inaudible) or something like that and I
13 was not,

14
15 LIEUTENANT MALORE: And you said fires?

16
17 JOSHUA SCORNAVACCHI: I had heard that there were fires but I don't know if there
18 were but I had never witnessed any.

19
20 LIEUTENANT MALORE: Okay, okay.

21
22 JOSHUA SCORNAVACCHI: Adam Procosh was beside me and he was helping to strain
23 stuff out of there, and he went up to the tween decks and I did not see him again for a

1 long time, I did not know what happened, that there was another call, at the small boat
2 had broken loose and was tossed up against the shrouds by the foremast.

3
4 LIEUTENANT MALORE: I'm sorry, can you explain that a little bit?

5
6 JOSHUA SCORNAVACCHI: The rubber boat, it is kind of like a zodiac,

7
8 LIEUTENANT MALORE: Okay, where is it located?

9
10 JOSHUA SCORNAVACCHI: It was forward of the main companionway, by the storm
11 hatch. So Dan Cleveland, Drew Salapatek, and I went back on to the deck but before we
12 did, we had to have a little plan because every time you when on deck it was significantly
13 worse than it was the last time,

14
15 LIEUTENANT MALORE: I'm sorry, I'm going to stop you right there, when you said that
16 the zodiac broke,

17
18 JOSHUA SCORNAVACCHI: Not the boat didn't break, the line holding it down must have
19 snapped or came loose and the wind because the boat was blown up against the
20 shrouds.

21
22 LIEUTENANT MALORE: Okay, so nothing broke and hit the boat or knocked it off, just
23 the line snapped?

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JOSHUA SCORNAVACCHI: Yes.

LIEUTENANT MALORE: Once it came loose it went all over the deck or?

JOSHUA SCORNAVACCHI: The wind just had it pasted against, the wind was intense,

LIEUTENANT MALORE: So the wind had it this pushed against where it was at.

JOSHUA SCORNAVACCHI: Just probably not good for the shrouds, or the boat.

LIEUTENANT MALORE: Okay, okay, so continue from here.

JOSHUA SCORNAVACCHI: So Drew Salapatek, Dan Cleveland, and I were in the nav shack, and we got Anna Spagg, so it was my whole watch and Anna was going to wait in the nav check and just to make sure that we all got back, and if somebody did not come back she was going to run in tell that there was a man overboard,

LIEUTENANT MALORE: And when you say get back, where were you guys going?

JOSHUA SCORNAVACCHI: Up on the weather deck to try and secure the rubber boat.

LIEUTENANT MALORE: Okay.

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JOSHUA SCORNAVACCHI: We decided earlier when the gaffe broke I put a line on one of the pins on the pin rail and left it out there on the port side, so Drew Salapatek and Dan Cleveland were going to run along the starboard side, and I was going to go over on the port side, grab that line, (inaudible) tie it near the companionway, then I was going to come over to the other side and we were going to pull it down, and that's what we did. Every time the ship rolled you had to be holding onto something because if you weren't you would fall so we would move than we would wait then we would grab something, then we would move than we would wait then we would grab something, until it kind of rolled back up, and anyone like this and then you would wait are then you do it.

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LIEUTENANT MALORE: Roughly what time was this?

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JOSHUA SCORNAVACCHI: So earlier if we backtrack as Dan was last laying that last part of the gaffe it was getting dark, so the sunset as he was doing that. I filmed that but I lost all the footage, it would have been very useful for something like this.

15

16

17

18

LIEUTENANT MALORE: So it was getting dark then, so at this time it is dark?

19

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JOSHUA SCORNAVACCHI: Yes.

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22

LIEUTENANT MALORE: Okay. At that point were you aware, was anybody verbally saying anything or concerns are was the captain giving orders?

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JOSHUA SCORNAVACCHI: There were probably definitely concerns but nobody was panicked or seemed, everybody was just really calm, it was weird, it was kind of surreal. But it seemed like everybody was just doing what they needed to do. But then we went back into the tween's, I still haven't seen Adam, I saw him laying on a mattress, I thought he was just tired but then I found out that he had fallen and broken some ribs and fractured vertebrae, we didn't know that until, we assume that he could've broken his neck are as back so they didn't want to move him so they just had an laying on a mattress on the port side.

LIEUTENANT MALORE: You did not see him fall or you didn't now where?

JOSHUA SCORNAVACCHI: No, I just had not seen him in a while, I had wondered what happened to him, but he was really hurt, he did not move again until Claudine helped him move to the starboard side when the water breached the tween decks later on. After that the water and the engine room was really high,

LIEUTENANT MALORE: How high at this point?

JOSHUA SCORNAVACCHI: Too high to go in there.

LIEUTENANT MALORE: Too high to go in there,

1 JOSHUA SCORNAVACCHI: Yeah.

2

3 LIEUTENANT MALORE: How high would that be? Was it waist deep or?

4

5 JOSHUA SCORNAVACCHI: No, probably like 5 feet, the captain had already made calls
6 out before we went up for the rubber boat.

7

8 LIEUTENANT MALORE: Okay.

9

10 JOSHUA SCORNAVACCHI: He was trying to get a hold of the owner and I think the
11 captain of the Eagle.

12

13 LIEUTENANT MALORE: Okay, so the captain was trying to call the captain of the Eagle?

14

15 JOSHUA SCORNAVACCHI: Yes, I think so.

16

17 LIEUTENANT MALORE: Okay.

18

19 JOSHUA SCORNAVACCHI:(inaudible) location and,

20

21 LIEUTENANT MALORE: Okay, so when you saw that the water was too high to go down
22 in there, was anybody still in there working?

23

1 JOSHUA SCORNAVACCHI: No. You couldn't, somebody said it was charged and you
2 could get electrocuted, I don't know if it was true. But I know that there was nobody in
3 there, and it was pretty high, and even though it wasn't that high when it was up to your
4 knees, It was pretty dangerous to be in their because of the sole boards because as it
5 rolled, it would slam from side to side so it could pin your leg.

6
7 LIEUTENANT MALORE: From the time,

8
9 COMMANDER KEVIN CARROLL: We are going to break for a minute.

10
11 LIEUTENANT MALORE: I'm sorry, let's take a break until 10:20, then we will come back.

12
13 LIEUTENANT COMMANDER NICHOLAS PARHAM: Okay we are back on the record Mr.
14 Scornavacchi the oath that you took previously is still binding, do understand?

15
16 JOSHUA SCORNAVACCHI: Yes.

17
18 LIEUTENANT COMMANDER NICHOLAS PARHAM: Thank you

19
20 LIEUTENANT MALORE: Okay, so when we left you were you had previously said that the
21 water was up to your shins and you went out onto the deck, when you get back now it is
22 too high to get in?

23

1 JOSHUA SCORNAVACCHI: Yes I don't know how long that was,

2

3 LIEUTENANT MALORE: You don't know how long of a period that was?

4

5 JOSHUA SCORNAVACCHI: No at one point I think before I went out to the rubber boat, I
6 also had to go into the boatswain's locker and gather tools, electric tools and things like
7 that, or whatever I thought we might need, hammers and try to bring them up. I went into
8 down below to try and grab a few flashlights for people, give them to John, and then,

9

10 LIEUTENANT MALORE: John Svendsen?

11

12 JOSHUA SCORNAVACCHI: Yes John Svendsen, and then some batteries for people's
13 flashlights, a lot of them were dying,

14

15 LIEUTENANT MALORE: And you said tools and hammers and stuff, what were you
16 preparing for?

17

18 JOSHUA SCORNAVACCHI: I was just trying to, half of it was trying to save some power
19 tools but I didn't have many power tools are described some things that I thought we
20 might need, I grabbed hammers saws nails, screws things like that, duct tape

21

22 LIEUTENANT MALORE: Were you in an immersion suit yet?

23

1 JOSHUA SCORNAVACCHI: No, this is before the water had gotten extremely high, at
2 this point up to my ankles. Before when you said who would be relieving you, it would
3 have been A watch, I was thinking about it
4

5 LIEUTENANT MALORE: A watch would have been relieving you?
6

7 JOSHUA SCORNAVACCHI: Not B watch, so it would have been John Svendsen.
8

9 LIEUTENANT MALORE: John Svendsen okay, So can you continue from that point, you
10 are looking down the engine room, you saw too much water in there to go down,
11

12 JOSHUA SCORNAVACCHI: We secured the ladder so it was not bouncing around, they
13 got out the trash pump by then I guess it was Robin Walbridge, Chris Barksdale, and I
14 think Matt Sanders were still doing that,
15

16 LIEUTENANT MALORE: When you say helping with that where were they helping with
17 that at? Where was that located?
18

19 JOSHUA SCORNAVACCHI: I don't know where they stood but they were with the trash
20 pump were trying to figure out, they hooked it up into the engine room hoses at and then
21 were running hoses aft and out the windows of the great cabin and trying to pump water
22 out.
23

1 LIEUTENANT MALORE: How long of a distance was that?

2
3 JOSHUA SCORNAVACCHI: Pretty far, may be like 30 feet.

4
5 LIEUTENANT MALORE: 30 feet okay.

6
7 JOSHUA SCORNAVACCHI: I was eventually, the water was in the lower deck it was
8 probably like 6 feet or so and I was dropping down into the lazaret with a 5 gallon bucket
9 and trying to fill it with water and then bringing it up to try and prime the trash pump, and
10 we tried a lot of different things with that, we filled the hose with water, all sorts of things
11 eventually we took the trash pump up to the weather deck and tried to pump it out straight
12 out from there and more direct line and less distance, it worked for a few seconds and
13 then I cut out I don't know I wasn't working, I don't know much about pumps. Meanwhile
14 the majority of us were gathering immersion suit supplies to prepare just in case we had
15 to abandon ship so we had all of the lifejackets out, there is a ton of lifejackets, we had,
16 we were putting all of the immersion suits aft pretty much gathering everything towards
17 the great cabin and in the great cabin, had some ditch kits that had EPIRBs in them some
18 food rations, water, different things that you might need to survive if you are caught by
19 yourself overboard. And all sorts of things like that, we tied trash bags full of water bottles
20 to the lifejackets, food in trash bags to lifejackets, tied some dive masks, a lot of things
21 and was getting everything ready so that if it happened we could take it all on deck and
22 utilize it. I know at one, earlier than that when the P1 30 came they said the closest boat
23 was eight hours away and they said they may get one that was six hours away. I know

1 they were going to initially try to pump the boat out, and say the boat and the crew, but
2 that never happened. We had all the emergency supplies that we could get, all sorts of
3 things, and then after that there were a few people that were trying to take naps, and
4 Mark, I keep forgetting his last name for some reason I normally know it, but Mark and
5 Matt Sanders and Chris Barksdale and I were were working on, and Laura we were all
6 working on the,

7
8 LIEUTENANT MALORE: Was it Mark Warner?

9
10 JOSHUA SCORNAVACCHI: Yeah Mark Warner, we were all working on the trash pump
11 for probably another hour, and then the water breached the tween deck, it had come up a
12 little bit before that, like forward towards the heads and stuff, then it started to breach and
13 (inaudible) and Claudine moved Adam over to the port side so he would not get wet.
14 Once the water came up Capt. Walbridge gave the order to don our immersion suits so
15 we all put on suits, and we were putting on our lifejackets, climbing harnesses on the
16 outside of the suit, it was fairly difficult to put on the lifejackets with the suit and the
17 climbing harnesses, once he had the suit on because of the fingers and the general
18 bulkiness of it, my suit was massive on me

19
20 LIEUTENANT MALORE: Oh it was?

21
22 JOSHUA SCORNAVACCHI: Yes.
23

1 LIEUTENANT MALORE: Had you been fitted with one before?

2
3 JOSHUA SCORNAVACCHI: There was a smaller one but, I gave Laura of the smaller
4 one that I had she was smaller than me.

5
6 LIEUTENANT MALORE: But were you assigned one prior to this, or did it just

7
8 JOSHUA SCORNAVACCHI: There were some smaller ones a few extra large ones but
9 most of them were just normal size which was fairly large and I got one of those,

10
11 LIEUTENANT MALORE: Have you ever tried one on before?

12
13 JOSHUA SCORNAVACCHI: There wasn't your name on it are assigned a specific one,
14 yet we had tried them on, I got the suit on fairly easily, but then to tighten the straps with
15 the harnesses was really difficult but luckily Mark Warner had a pliers multi tool and was
16 able to tighten everybody's straps, and lifejackets. Then we started to finally line all the
17 emergency equipment up on the weather deck and make ourselves up onto the weather
18 deck when I got there John Svendsen was on the radio and would check everybody's
19 suits in life jackets to make sure they were on tight, and I noticed he did not have his fully
20 on yet because he was busy checking everybody else's, and then I saw Dan and Laura, I
21 think Laura was by the capstain, and Dan was by the capstain bit. And they were trying
22 to direct people it was very difficult to hear anything over the went and Dan was, they
23 directed me to go aft toward the mizzen pipe rail and other people were going more mid-

1 ships and the people that were mid-ships were, they had all the emergency supplies and
2 they were just tying them on an big bundles, everybody aft was laying on the deck, you
3 had to have your feet propped up against something because if they weren't you would
4 just slide, I had, I had not seen Robin that whole time from going from the tween deck up
5 so I don't know where he was, and then Claudine was, beside me on the weather deck, I
6 noted that she looked at me and smiled and then she kind of crouched down she had this
7 real determined look and she went over to where the other people were at working on the
8 supplies,

9
10 LIEUTENANT MALORE: Midship's?

11
12 JOSHUA SCORNAVACCHI: Midships, because she was not beside me anymore, and
13 then I close my eyes for a second and I know we were just about to go aft to try and look
14 for the life rafts and just when we were about to do that the ship when under, I looked up,
15 close my eyes, and the ship started to go over, and then when it did most of the people,
16 like everybody that was ever here, there are people hanging on lines, I think someone
17 was hanging on a rail and then they let go and fell into the water, some people just slid
18 right in the water, I was standing on the fife rail because I had my feet on a when the ship
19 was on its side so I could just stand there and then I worked my way down a little bit I
20 wasn't sure what, I saw someone in the water I don't know who it was so I jumped into the
21 water, in retrospect I should have went farther aft, but I jumped in

22
23 LIEUTENANT MALORE: So you are in the water now,

1
2 JOSHUA SCORNAVACCHI: Yes, do you want me to, okay. As it was moving down it
3 was sucking everything in and if you look behind me could see everything and the water
4 was getting sucked under the ship, so I was trying to grab things they just kept getting
5 ripped out of my hand, I got sucked underwater there I started barrel rolling and
6 swimming and I was able to get out of that, but prior to going in the water I had clipped
7 the ditch kit to me that had things that I thought I needed to survive to my climbing
8 harness and the rigging caught that in some line dropped and drug me out of the water
9 and I was stuck underwater for a pretty long time, I remember the first time I was pulled
10 under when I came up I was immediately caught in the rigging, and then I started to lose
11 muscle control and I was pushing on it for a while and I couldn't push on it anymore and
12 then I just kept on taking on water and I got really upset because I promised my mom and
13 my little brother that I wouldn't die, and I just felt like something said that it wasn't time yet
14 and the bag broke and I was able to get to the surface, so when I got to the surface and
15 you look out you just see, behind you is a ship that is trying to suck you in and you see
16 the yard, the masts with all the yards attached to it, over 10 miles of line that you can get
17 caught in and it's all kind of black silhouetted, and the moon, it looks really chaotic and
18 you don't know where anybody is. Immediately when I got up I was like I don't know if
19 anybody is alive, all the emergency supplies and we are tied together were lost because
20 they were tied to the ship with which straight into the water, but I saw them and so I swam
21 to them and I was trying to climb up onto it, every time a wave would hit it would knock
22 me off but I would get back on and in the cook, Jess was kind of near, prior to going to the
23 water she would always ask what to do and when I last saw her she came over and

1 asked me immediately what she should do and so I was trying to get her some lifejackets
2 to hold onto and then she disappeared and I don't know where she went, 08 a wave hit,
3 the mast came down because the ship would roll up and then it would come back down,
4 and the mast came down and hit and we got launched up in the air because all of the
5 supplies burst apart they were all bundled up and the mast broke that line so he got
6 tossed up in the air and I lost track of her. Was trying to swim again and got another line
7 around my leg, it drove me under I got that off and then I got over to the mizzen mast and
8 there are just all these things in the water that I was trying to get away from so I actually
9 climbed onto the mast that was in the water, it was broken at that time, and I was trying to
10 work my way out to get away from the ship but then it started to pull up again stars getting
11 lifted up in the air, which I didn't know really happened to those getting really difficult to
12 hold on I was not at a point where I could grab anything, I would have just fallen back
13 onto the deck and I heard somebody yell to jump, it was a male voice but nobody said
14 jump so I don't say that, so I jumped and I did not land on any of the debris that was
15 anywhere like I thought I was going to and I could see a life raft in the distance but it was
16 in the white capsule so I swam really hard and talk to get to it, I do not think anyone had
17 survived, I do not see anybody and I undid the shackles, and I was on doing this line and
18 then John Jones appeared and he was trying to work on the ripcord to pull that out, and
19 Jess the cook popped up again and we were holding onto this capsule but then a big
20 wave hit and rolled us a few times, and then she was gone again I had no idea where she
21 went, it was the oddest deploying liferaft, as we were trying to get it deployed an already
22 opened one floated right bias so we pushed the unopened one back towards where we
23 thought there might be people and worked her way to the one that was already open, we

1 got there and Mark Warner and Anna Spragg were trying to get into it and it took us, the
2 four of us John Jones, and I it took us an extremely long time to get anybody into the
3 liferaft.

4
5 LIEUTENANT MALORE: The last time before you went into the water, when was the last
6 time that you saw Claudine Christian?

7
8 JOSHUA SCORNAVACCHI: When she went over to where the emergency supplies
9 where.

10
11 LIEUTENANT MALORE: Midship?

12
13 JOSHUA SCORNAVACCHI: Yes.

14
15 LIEUTENANT MALORE: What about Capt. Walbridge?

16
17 JOSHUA SCORNAVACCHI: I don't know, like, I kind of lost track of him. I know he laid
18 down for a little bit, I know he had gotten hurt, I did not see him get hurt, but after he got
19 hurt he was moving a little bit slower seemed really to be tired and then he came out, but I
20 don't know where he was.

21
22 LIEUTENANT MALORE: Were you injured?

23

1 JOSHUA SCORNAVACCHI: I swallowed a lot of stuff, so I had stomach problems for a
2 few weeks.

3
4 LIEUTENANT MALORE: Okay, Capt. Jones from the NTSB is going to ask you a few
5 questions.

6
7 CAPTAIN ROB JONES: Mr. Scornavacchi, how do you pronounce that?

8
9 JOSHUA SCORNAVACCHI: Scornavacchi but you can just say Scornavacchi.

10
11 CAPTAIN ROB JONES: Okay, thanks. Just to clarify what the lieutenant said, where
12 were you on the deck when you last saw Claudine Christian?

13
14 JOSHUA SCORNAVACCHI: I was on the mizzen pipe rail, she was mid ships, like
15 emergency supplies are here the (inaudible) and the companionway was here and the
16 capstain was here, and she was behind as emergency supplies with a bunch of other
17 people, I think Matt Sanders was there Jess Hewitt was there, no Jess wasn't there

18
19 CAPTAIN ROB JONES: Sorry sir just for the record, you are describing with your hands
20 but nobody can see that, specifically as you can, where you were, where Claudine was in
21 relation to you and then you mentioned she had a determined look she crouched down
22 and then, so where she was, where you were and what she did.

23

1 JOSHUA SCORNAVACCHI: So I was laying on the deck by the Fife rail, she was beside
2 me on the ship and she looked at me and then she ran over mid-ships behind all of the
3 emergency supplies switches were located outboard of the doghouse, wait, that was the
4 nav shack,

5
6 CAPTAIN ROB JONES: The nav shack, and did you see her after that?

7
8 JOSHUA SCORNAVACCHI: No, I close my eyes and looked up and then we went over.

9
10 CAPTAIN ROB JONES: Okay thanks. When you first got on board were you given a
11 safety orientation?

12
13 JOSHUA SCORNAVACCHI: The first day.

14
15 CAPTAIN ROB JONES: Did that include sizing a survival suit for you?

16
17 JOSHUA SCORNAVACCHI: Yes.

18
19 CAPTAIN ROB JONES: What size were you?

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21 JOSHUA SCORNAVACCHI: A small probably but, in that situation I wanted to make sure

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23 CAPTAIN ROB JONES: Let's move away from (inaudible)

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JOSHUA SCORNAVACCHI: A small.

CAPTAIN ROB JONES: Okay, so you were given a small, were you given that orientation by another crew member?

JOSHUA SCORNAVACCHI: Yes.

CAPTAIN ROB JONES: Who was that, if you remember?

JOSHUA SCORNAVACCHI: Dan Cleveland.

CAPTAIN ROB JONES: Okay, did you try on?

JOSHUA SCORNAVACCHI: Yes, it was timed to actually.

CAPTAIN ROB JONES: Excuse me?

JOSHUA SCORNAVACCHI: It was timed.

CAPTAIN ROB JONES: It was timed okay, and you past the timing and the fit was correct, did that stay with you now aboard the deck on your cabin?

1 JOSHUA SCORNAVACCHI: No they are all located in one central area.

2

3 CAPTAIN ROB JONES: So the next time you do a survival drill where do you do with
4 those suits, what do you do with what were you instructed to do?

5

6 JOSHUA SCORNAVACCHI: What do you do when you put on the suit?

7

8 CAPTAIN ROB JONES: If you were going to have a another survival suit drill, would you
9 go and pick out the suit assigned to you as a by number, or you just go get a small?

10

11 JOSHUA SCORNAVACCHI: It's not assigned to you so you just go get a small, there
12 were orange bags which were the general size, the red bags were the small, and the
13 green bags were the really large ones.

14

15 CAPTAIN ROB JONES: Again going back to orientation, what is the person that is
16 instructing you telling you from here on out when you have a drill you pick up what?

17

18 JOSHUA SCORNAVACCHI: I could pick up a small, but I usually picked up the orange
19 medium one because there wasn't quite as many smalls.

20

21 CAPTAIN ROB JONES: Wouldn't that fly in the face of your orientation of being assigned
22 one, being fitted for one?

23

1 JOSHUA SCORNAVACCHI: No, there was a lot of medium once, way more medium
2 ones than crew, there was only a few small ones so

3

4 CAPTAIN ROB JONES: Let's fast-forward, how many times have you actually tried one
5 on since you came on board in March to the eventual capsizing, how many times did you
6 do drills were you tried those on or put them back on?

7

8 JOSHUA SCORNAVACCHI: How many times that I personally put on an immersion suit,
9 probably 4.

10

11 CAPTAIN ROB JONES: Four in six months or something?

12

13 JOSHUA SCORNAVACCHI: Probably.

14

15 CAPTAIN ROB JONES: Now is this a drill that the whole crew does out on deck?

16

17 JOSHUA SCORNAVACCHI: No not usually.

18

19 CAPTAIN ROB JONES: What drill do you,

20

21 JOSHUA SCORNAVACCHI: Well that depends, for the drill everybody would, but for the
22 safety training that it would be just you.

23

1 CAPTAIN ROB JONES: Okay, the orientation.

2

3 JOSHUA SCORNAVACCHI: I did a fee safety orientations when we get a volunteer or
4 something and when I did would do that with them I would put it on again.

5

6 CAPTAIN ROB JONES: What size did you have the night of the capsizing?

7

8 JOSHUA SCORNAVACCHI: Medium. Because I gave my small to one of the girls that
9 was smaller than me. It was either Laura or Claudine.

10

11 CAPTAIN ROB JONES: You said it was massive on you?

12

13 JOSHUA SCORNAVACCHI: It was pretty big, it feels a lot bigger when you're in the
14 water.

15

16 CAPTAIN ROB JONES: Because the water fills it up on the inside?

17

18 JOSHUA SCORNAVACCHI: Yes, and the beats that I was wearing when I got sucked
19 under the ship, they immediately got pulled off of my feet, so they were pulled into the
20 bottom of the seat which made it harder to swim and to climb.

21

22 CAPTAIN ROB JONES: So was there any instructions from the officers on board that
23 when you get sized for this you stay with that one?

1

JOSHUA SCORNAVACCHI: I don't know if it's a strict thing to stay without one.

3

4

CAPTAIN ROB JONES: Okay, also you mentioned a couple people were having trouble tightening them?

6

7

JOSHUA SCORNAVACCHI: Tightening the climbing harnesses.

8

9

CAPTAIN ROB JONES: Right, so you used the multitool could help tighten them?

10

11

JOSHUA SCORNAVACCHI: Yes or another person but it was easier with the multitool.

12

John was able to

13

14

CAPTAIN ROB JONES: With that part of the suit the multitool?

15

16

JOSHUA SCORNAVACCHI: No that was part of John's rig belt, I know John was able to tighten a few peoples by hand.

18

19

CAPTAIN ROB JONES: You also said that you put on life jackets over the survival suit?

20

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JOSHUA SCORNAVACCHI: Correct most people not everybody.

22

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CAPTAIN ROB JONES: Is that part of the training?

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JOSHUA SCORNAVACCHI: Yes.

CAPTAIN ROB JONES: What type of lifejacket was it?

JOSHUA SCORNAVACCHI: One of the ones once, I'm not sure what class that is.

CAPTAIN ROB JONES: Did that fit over the survival suit and around your neck, and were you able to secure it?

JOSHUA SCORNAVACCHI: It was cumbersome to do so on your own but if you had some help from somebody else it was easier, it felt tight but it wasn't really a concern, the comfort wasn't really.

CAPTAIN ROB JONES: Did you have any procedures or placards that showed a figure or a person and a survival suit with a life jacket over the survival suit?

JOSHUA SCORNAVACCHI: I didn't study any figures like that at all I don't recall.

CAPTAIN ROB JONES: Back to you, you are a certified diver, I think you said master diver?

JOSHUA SCORNAVACCHI: Yes.

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CAPTAIN ROB JONES: What's the difference?

JOSHUA SCORNAVACCHI: That's just the recreational, that is the highest recreational, and after that you go to a dive master that instructor

CAPTAIN ROB JONES: At dive master do you just get more credited time in the water or is there actually extra courses that you have to take?

JOSHUA SCORNAVACCHI: There is extra courses that you have to take and you need more time.

CAPTAIN ROB JONES: The diving that you did for the Bounty, when you saw these places in the hull that you had to repair, what were the procedures that went on while you are diving?

JOSHUA SCORNAVACCHI: Somebody on the surface would hold the supplies and they were handed to me and I would go down and apply them.

CAPTAIN ROB JONES: And this was tank diving, this wasn't air hose?

JOSHUA SCORNAVACCHI: Tank diving.

1 CAPTAIN ROB JONES: All your own equipment?

2
3 JOSHUA SCORNAVACCHI: I used the ship's tank, and the ships BC and regulators and I
4 use my own wetsuit fins and mask.

5
6 CAPTAIN ROB JONES: The ship have any procedures for diving for individual operations
7 that you are given while you worked for the ship?

8
9 JOSHUA SCORNAVACCHI: What do you mean?

10
11 CAPTAIN ROB JONES: Well did they say one person tends the diver, two people, log in
12 at a certain time, was the alpha flag raised for diving in the water?

13
14 JOSHUA SCORNAVACCHI: Yes we had a flag and there was always at least one
15 person.

16
17 CAPTAIN ROB JONES: What was the written procedures?

18
19 JOSHUA SCORNAVACCHI: I don't know if there was written procedures.

20
21 CAPTAIN ROB JONES: When you train to be a master diver is that part of the training,
22 any kind of procedures when you're diving around commercial or need another person?

23

1 JOSHUA SCORNAVACCHI: The master diver was recreational, the highest recreational
2 diving, not a commercial diver.

3

4 CAPTAIN ROB JONES: Okay, the repairs that you made to the hull were they
5 underwater, at the time?

6

7 JOSHUA SCORNAVACCHI: Yes.

8

9 CAPTAIN ROB JONES: How did you assure that the repair was successful?

10

11 JOSHUA SCORNAVACCHI: You would go in the bilge and look where that water was
12 coming in and then it didn't come in anymore.

13

14 CAPTAIN ROB JONES: They are all successful?

15

16 JOSHUA SCORNAVACCHI: Yes.

17

18 CAPTAIN ROB JONES: Okay thanks.

19

20 JOSHUA SCORNAVACCHI: That was prior to the yard period. After the yard period I did
21 not dive anymore, and so everything that I had put in underwater was taken out and
22 refitted with new stuff at yard period.

23

1 CAPTAIN ROB JONES: Okay. You mentioned that in previous work on vessels
2 (inaudible)

3

4 JOSHUA SCORNAVACCHI: Yes.

5

6 CAPTAIN ROB JONES: Was the first time on the Bounty was that the first time you are
7 out in the open ocean?

8

9 JOSHUA SCORNAVACCHI: Yes.

10

11 CAPTAIN ROB JONES: Did you feel safe?

12

13 JOSHUA SCORNAVACCHI: Yes I did.

14

15 CAPTAIN ROB JONES: Just tell me why?

16

17 JOSHUA SCORNAVACCHI: I felt confident in the ability of the crew and the officers. I
18 don't know.

19

20 CAPTAIN ROB JONES: Was it the drills that they did?

21

22 JOSHUA SCORNAVACCHI: Yes, the drills, there is a lot of training involved, constantly
23 learning, there was never a day where you weren't learning something.

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CAPTAIN ROB JONES: Okay. You said that you got mustered in New London before you set sail, had you been informed that this was a super storm by who?

JOSHUA SCORNAVACCHI: By my mom.

CAPTAIN ROB JONES: By your mom, that was good advice by your mom. Did Capt. Walbridge mention anything like that at the meeting?

JOSHUA SCORNAVACCHI: Mention what people were calling it?

CAPTAIN ROB JONES: That was being called by the weather service that it was more than just a hurricane, it was a superstar, it actually had a nickname Frankenstorm.

JOSHUA SCORNAVACCHI: I don't know if you called that are not I'm not positive.

CAPTAIN ROB JONES: But were you aware that it was being called that before, did you raise your hand and tell anybody that this thing has a name already?

JOSHUA SCORNAVACCHI: I think I mentioned something that my mom has said.

CAPTAIN ROB JONES: To?

1 JOSHUA SCORNAVACCHI: I don't remember. And I think that was after the muster.

2

3 CAPTAIN ROB JONES: After?

4

5 JOSHUA SCORNAVACCHI: Yes, oh I know, I had asked about, she had also said that
6 there was a nor'easter that was supposed to meet with the hurricane and make it worse.

7

8 CAPTAIN ROB JONES: That's a lot of weather.

9

10 JOSHUA SCORNAVACCHI: Yes, and she mentioned that it could split or something and
11 become to hurricanes, it didn't obviously I didn't think that that would happen.

12

13 CAPTAIN ROB JONES: But mom was just looking out for you right?

14

15 JOSHUA SCORNAVACCHI: Yes

16

17 CAPTAIN ROB JONES: When you are talking to Capt. Walbridge or when he was talking
18 to you he said the vessel has been through storms before, how could he judge what you
19 were going into I mean it was a sunny day in New London right, you also said the weather
20 that you had seen was about 25 foot seas, was that the extent of the weather you'd seen?

21

22 JOSHUA SCORNAVACCHI: Oh that was in 25 foot seas.

23

1 CAPTAIN ROB JONES: What were they?

2

3 JOSHUA SCORNAVACCHI: I said they were 5 to 8, probably five.

4

5 CAPTAIN ROB JONES: But Capt. Walbridge's explanation of the storm and what the ship
6 had been through and his stability gave you enough confidence that it was okay to go?

7

8 JOSHUA SCORNAVACCHI: Yes. He said how could he assess what kind of storm it was
9 going to be in advance, I guess he was just going off how they had categorized it as a
10 class I hurricane.

11

12 CAPTAIN ROB JONES: When talking to your mom was at a normal, daily call when
13 you're going off to work, you know your mom is making you promise not to die?

14

15 JOSHUA SCORNAVACCHI: She had a bad dream about that.

16

17 CAPTAIN ROB JONES: But it was a sunny day in New London Connecticut, you'd never
18 been through a hurricane before and a captain that is telling you he knows what's to do
19 and that give you enough confidence to not leave.

20

21 JOSHUA SCORNAVACCHI: Yes.

22

1 CAPTAIN ROB JONES: He said on Sunday when the waves were 25 foot, you were not
2 nervous?

3
4 JOSHUA SCORNAVACCHI: Not yet.

5
6 CAPTAIN ROB JONES: You also mentioned that, I'm not sure what type of rigging you
7 were in or holding onto, but you got lifted off the deck?

8
9 JOSHUA SCORNAVACCHI: Yes.

10
11 CAPTAIN ROB JONES: Were you nervous then?

12
13 JOSHUA SCORNAVACCHI: Not yet.

14
15 CAPTAIN ROB JONES: Not yet, you got listed off the deck in the hurricane holding onto a
16 sail, or rigging what were you holding onto?

17
18 JOSHUA SCORNAVACCHI: The vein, it's like a line or a cable.

19
20 CAPTAIN ROB JONES: When did you start getting nervous?

21
22 JOSHUA SCORNAVACCHI: I started getting nervous when the captain had already
23 called and we were in the great cabin and it was dark as we lost power, just using a

1 headlamp and trying to get together everything we think we needed to survive, and not
2 knowing what was going to happen. So probably, maybe like an hour and a half or two
3 hours before we went up on to the weather deck.
4

5 CAPTAIN ROB JONES: Were you in survival suits at that time?
6

7 JOSHUA SCORNAVACCHI: No.
8

9 CAPTAIN ROB JONES: About how long before you went up on deck were you in survival
10 suits?
11

12 JOSHUA SCORNAVACCHI: Half an hour or 20 minutes.
13

14 CAPTAIN ROB JONES: Was everybody that you could see in survival suits correctly, do
15 they have them donned?
16

17 JOSHUA SCORNAVACCHI: It seems like they all had them on right.
18

19 CAPTAIN ROB JONES: Was the crew helping each other out?
20

21 JOSHUA SCORNAVACCHI: Yes the crew is helping each other out a lot.
22

23 CAPTAIN ROB JONES: Where the officers checking the AVs and the deckhands?

1

JOSHUA SCORNAVACCHI: Yes like I said John was in the navigation shack which is how we all exited and he would check everybody before they went up.

4

5

CAPTAIN ROB JONES: Was anybody having trouble?

6

7

JOSHUA SCORNAVACCHI: Yes, Adam had hurt himself pretty badly.

8

9

CAPTAIN ROB JONES: He had hurt himself getting into the survival suit?

10

11

JOSHUA SCORNAVACCHI: He had hurt himself prior to that so getting into it was difficult and so people had to help him get in, and help the cook get in.

13

14

CAPTAIN ROB JONES: Do you know if everybody was in them correctly prior to going out on deck?

15

16

17

JOSHUA SCORNAVACCHI: They looked like it.

18

19

CAPTAIN ROB JONES: Was this a time when you are down there the captain that you had heard testimony to this before, the captain asked what went wrong, or what did we do wrong? I am paraphrasing something to that effect.

21

22

23

JOSHUA SCORNAVACCHI: I never heard him say that, did he say that to the crew or?

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CAPTAIN ROB JONES: Well I don't know, if you didn't hear it that's fine.

CAPTAIN ROB JONES: Okay thank you I appreciate it.

COMMANDER KEVIN CARROLL: Mr. Melusi?

RALPH MELUSI: Joshua I just have a few questions for you I represent Claudine Christian. You said that the crew were on the tween deck for about an hour or an hour and a half before the order was given to go up to the weather deck?

JOSHUA SCORNAVACCHI: We were on the tween deck for a lot longer than an hour to an hour and a half, but I think I had said I had gotten a little nervous at about an hour to an hour and a half before going out onto the weather deck. The crew had been on the tween decks for a large portion of that night.

RALPH MELUSI: Were you wearing a wrist watch?

JOSHUA SCORNAVACCHI: Yes.

RALPH MELUSI: Did you note the time that the crew started, the order was given to the crew to put on the survival gear?

1 JOSHUA SCORNAVACCHI: Unfortunately I did not look at my watch.

2

3 RALPH MELUSI: At any time from that point on did you ever check the time?

4

5 JOSHUA SCORNAVACCHI: I wasn't thinking about it.

6

7 RALPH MELUSI: I understand, do you think it was closer to midnight or closer to 9:00
8 PM?

9

10 JOSHUA SCORNAVACCHI: When we went up onto the weather deck?

11

12 RALPH MELUSI: No, when you started to put on the survival gear.

13

14 JOSHUA SCORNAVACCHI: Probably around 10 PM or 11 PM, but I have no idea.

15

16 RALPH MELUSI: When you put on your gear, were you in your state room or some other
17 location on the tween deck?

18

19 JOSHUA SCORNAVACCHI: No we were all kind of in the same area aft of the navigation
20 shack, and some people were in the great cabin putting on immersion suits at the same
21 time.

22

1 RALPH MELUSI: And where the emergency lights on by flashlights that people were
2 doing this?

3
4 JOSHUA SCORNAVACCHI: I don't remember, I had my light on, actually I gave my light
5 away, so I had a really dim light that was dying and it would cut off and then I know at
6 some time it was just dark, I think the emergency lights were on a few times but I think
7 eventually they were off I'm not sure, it just might have been other people's lights, it was
8 weird. It was kind of surreal so it is kind of hard to know.

9
10 RALPH MELUSI: During this hour, hour and a half that the crew were there putting on the
11 gear did the captain never come out and say anything to anyone?

12
13 JOSHUA SCORNAVACCHI: He never said anything to me.

14
15 RALPH MELUSI: Did you see him at all during this time period?

16
17 JOSHUA SCORNAVACCHI: Yes I saw him in the nav shack talking I think to John, and I
18 know he went to his cabin and he was looking at a picture of his wife, and he was, I'm not
19 really sure, I wasn't really keeping track of him. I was more focused on the people that
20 were right around me while all of us were getting our stuff on.

21
22 RALPH MELUSI: Did anybody seem to be in charge of what was to be done during that
23 timeframe?

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JOSHUA SCORNAVACCHI: Yes he had ordered, I had seen the captain when he gave the order to put on the suits, and when he gave the order to go out onto the weather deck, and passed everything up, and the mates were like I said, John was in the nav shack directing the people up, and Dan and Laura were on the weather deck directing where you would go when you got up there, and there were people that were taking and directing traffic.

RALPH MELUSI: I assume people were checking to make sure that the suits in the lifejackets were on correctly?

JOSHUA SCORNAVACCHI: Yes.

RALPH MELUSI: Did you notice how Claudine how hers fitted?

JOSHUA SCORNAVACCHI: I think she was with around where Adam was at, and

RALPH MELUSI: With who?

JOSHUA SCORNAVACCHI: Around in the great cabin so I could not see her from where I was at.

1 RALPH MELUSI: Did you ever had the chance to see her before you went up on deck?
2 And make a note as to how hers fit?

3
4 JOSHUA SCORNAVACCHI: I did not get to see her suit until we were up on deck and
5 then I saw it and it was on right, because she was right beside me and then she moved.
6 The last time that I had seen her before we were on deck was, I ripped a guitar out of the
7 lazz and I wanted to see if she would play us a song, I wanted to hear her play one more
8 song, but she didn't get to play it, we did not have time.

9
10 RALPH MELUSI: Was that something that she had done from time to time?

11
12 JOSHUA SCORNAVACCHI: Yes.

13
14 RALPH MELUSI: You mentioned something about different sizes in the survival suits and
15 you have one that was a little bigger,

16
17 JOSHUA SCORNAVACCHI: Hers was a small, I know hers was a small because we
18 made sure she got a small. Everybody knew that she needed a small.

19
20 RALPH MELUSI: Okay. Now the order was given to go up on deck, was there any other
21 plans that were given in addition to that, or just to get up there and take a safe position?

22
23 JOSHUA SCORNAVACCHI: It was kind of just to get up there.

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RALPH MELUSI: And to see what was going to be done next?

JOSHUA SCORNAVACCHI: Yes, I think that the overall understanding was that we were going to get emergency supplies together and then deploy the life rafts, but I don't know if that was a, I don't think there was like set up agenda, this is what we're doing, this is the step this is the next up, you didn't really know what was going to happen once you got up there. It could change.

RALPH MELUSI: Okay, so that plan had not been discussed or worked out before you went up on deck to see what was going to be done from that point.

JOSHUA SCORNAVACCHI: That was the general plan for that sort of situation, like our drills would involve going out there gathering our supplies together and applying the life rafts and things like that.

RALPH MELUSI: And the supplies would be put amidships?

JOSHUA SCORNAVACCHI: We had them mid ships at that time.

RALPH MELUSI: Is that how they were drills on

1 JOSHUA SCORNAVACCHI: We usually would gather around the capstain and then
2 move towards the life rafts. But when we went to move towards the liferaft the ship when
3 under.

4
5 RALPH MELUSI: Why did the crew split up, some aft, some mid-ships?
6

7 JOSHUA SCORNAVACCHI: Because the ship was up on its side pretty far and only, so
8 you had to have your feet propped up against something or you would fall, you would
9 slide, or you had to be holding onto something really good, it was easier to have your feet
10 propped up. So only so many people could fit on the fife rail only so many people can fit
11 on the great cabin companionway and other people were on the nav shack.
12

13 RALPH MELUSI: Okay, and who was directing the flow of traffic?
14

15 JOSHUA SCORNAVACCHI: It seems like Dan and Laura.
16

17 RALPH MELUSI: Dan and Laura?
18

19 JOSHUA SCORNAVACCHI: Dan Cleveland, and Laura.
20

21 RALPH MELUSI: Now do you know why Claudine left you aft and decided to go forward?
22

1 JOSHUA SCORNAVACCHI: I imagine that she was curious, she was a pretty curious
2 person, she just wanted to know what was going on, she was kind of like our spy she
3 would go around in see what everybody was doing and tell everybody what everybody
4 else was doing, so I imagine that she wanted to go over there and see what step in the
5 process they were at, where they were at and what was going to happen next
6

7 RALPH MELUSI: I know he has identified the location of the crewmembers, do you think
8 it would be possible with somebody on the panel asked them to just make a mark where
9 they were on the plan of the vessel?
10

11 COMMANDER KEVIN CARROLL: Sure, CG 6, copy of CG 6. Mr. Scornavacchi this is a
12 copy of CG 6, can you identify that document?
13

14 JOSHUA SCORNAVACCHI: Yes
15

16 COMMANDER KEVIN CARROLL: Do you have a pen in front of you? Okay, what I would
17 like you to do please is to note where you were on the vessel, and what?
18

19 RALPH MELUSI: Whatever he recalls is to the crew members, just the locations of where
20 they were, he could put an X or something
21

22 COMMANDER KEVIN CARROLL: All of their locations from where he last saw people?
23

1 RALPH MELUSI: Those that were midship where they were, and those that were aft

2

3 JOSHUA SCORNAVACCHI: I don't know where everybody was, I only know are some
4 people were.

5

6 COMMANDER KEVIN CARROLL: Once you do the people that you did know where they
7 were.

8

9 JOSHUA SCORNAVACCHI: Okay, can I draw in the fife rail and the mizzen mast?

10

11 COMMANDER KEVIN CARROLL: Sure if it is not depicted.

12

13 JOSHUA SCORNAVACCHI: This is (inaudible)

14

15 COMMANDER KEVIN CARROLL: At the end of your testimony we will have you sign it
16 and then we will enter it in as an exhibit.

17

18 JOSHUA SCORNAVACCHI: Okay.

19

20 LIEUTENANT MALORE: Did you need to view it right now, or question mark

21

22 RALPH MELUSI: Whenever it is convenient

23

1 LIEUTENANT MALORE: Okay, we will enter it at the end, did you have any more
2 questions?

3

4 RALPH MELUSI: I would like to take a quick glance at it.

5

6 LIEUTENANT MALORE: Okay sure

7

8 COMMANDER KEVIN CARROLL: May I see it please? Continue please.

9

10 RALPH MELUSI: Josh I would like to just go back a little bit in time and ask you some
11 questions about this ships bilge system, you had answered some questions before. On
12 Saturday you stated that you went down below and you notice that you are having
13 difficulty keeping the prime on the electric pumps, I think you said every 20 to 30 seconds
14 the pumps were on you would start to lose prime, what do you call that?

15

16 JOSHUA SCORNAVACCHI: Yes.

17

18 RALPH MELUSI: At that time you were using both electric pumps?

19

20 JOSHUA SCORNAVACCHI: Yes.

21

22 RALPH MELUSI: And you went down into the engine room because it was part of your
23 boat check?

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JOSHUA SCORNAVACCHI: Boat check, yes.

RALPH MELUSI: When you did a boat check how much time would you normally spend in the engine room?

JOSHUA SCORNAVACCHI: I would spend about a half an hour and a, the boat check is in our. The project is an hour and I would probably spend about half of it in the engine room.

RALPH MELUSI: Okay, what do you do to try and compensate for the instances and times that the pumps were not pumping because they had lost prime?

JOSHUA SCORNAVACCHI: I tried to pump the multiple times or to reestablish a prime in it. I checked the strainers to see if they were clogged and they were not

RALPH MELUSI: Which strainers did you check?

JOSHUA SCORNAVACCHI: The one for the boatswain's locker and a forward crew,

RALPH MELUSI: How would you, you would walk into those compartments at and would you lift the soleplate?

1 JOSHUA SCORNAVACCHI: You could lift the soleplate and then you would have to
2 actually go into the bilge and get the hose and pull it out.

3
4 RALPH MELUSI: And see if there is any debris on it?

5
6 JOSHUA SCORNAVACCHI: Yes. They were not very clogged. They did not seem to be
7 called at all actually.

8
9 RALPH MELUSI: You have been trained on how to pump the bilges and how to turn on
10 the electric pumps?

11
12 JOSHUA SCORNAVACCHI: Yes.

13
14 RALPH MELUSI: Were you ever trained on how to turn on either of the two hydraulic
15 pumps?

16
17 JOSHUA SCORNAVACCHI: I was not.

18
19 RALPH MELUSI: Did anybody ever say to you why these pumps were there or whether
20 they are to be used?

21

1 JOSHUA SCORNAVACCHI: They said that during my orientation they point out both of
2 the pumps and say that they are hydraulic pumps and they are a backup for if the electric
3 pumps were not working.
4

5 RALPH MELUSI: On Sunday you entered the, you are down in the engine room on a
6 another occasion and you saw Matt, Matt Cleveland, and Chris Barksdale and the captain
7 working,
8

9 JOSHUA SCORNAVACCHI: Matt Sanders.
10

11 RALPH MELUSI: Working on the fixed hydraulic pump?
12

13 JOSHUA SCORNAVACCHI: When was this?
14

15 RALPH MELUSI: Sunday.
16

17 JOSHUA SCORNAVACCHI: I think they were still working on the hydraulic pumps on
18 Sunday.
19

20 RALPH MELUSI: But you said it was the fixed pump?
21

22 JOSHUA SCORNAVACCHI: That one wasn't quite working right and they were also
23 working on the portable one, and they got that one to turn on.

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RALPH MELUSI: Yes, I am interested in the fixed one, did they try to work on that to get that started?

JOSHUA SCORNAVACCHI: Yes, I don't know if it ever started though I did not do very much with those at all.

RALPH MELUSI: Okay but you do know where the fixed hydraulic pump is located?

JOSHUA SCORNAVACCHI: Yes, right beside the.

RALPH MELUSI: And you saw them actually working on it?

JOSHUA SCORNAVACCHI: I think so yeah.

RALPH MELUSI: Okay.

JOSHUA SCORNAVACCHI: But they tried with the portable one more because they had gotten one on.

RALPH MELUSI: Was it on this occasion that you were trying to clear some of the strainers of wood chips?

1 JOSHUA SCORNAVACCHI: I was getting wood chips out of the bilge, still, but if you are
2 look at the strainers they were not covered in wood chips, they did not have debris on
3 them, but there is wood chips in the water that was in the bilge. I was getting that so it
4 wouldn't get to the strainers.

5
6 RALPH MELUSI: That strainer was in the engine room?

7
8 JOSHUA SCORNAVACCHI: Yes.

9
10 RALPH MELUSI: And that would've been the strainer to the electric pumps?

11
12 JOSHUA SCORNAVACCHI: Yes.

13
14 RALPH MELUSI: In the portable hydraulic?

15
16 JOSHUA SCORNAVACCHI: The what?

17
18 RALPH MELUSI: The portable hydraulic pump.

19
20 JOSHUA SCORNAVACCHI: I did not do anything with the portable hydraulic pump, I was
21 the one for the electric.

22
23 RALPH MELUSI: Did you have an idea,

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JOSHUA SCORNAVACCHI: But clearing the debris out of there would've helped both.

RALPH MELUSI: When you think there's wood chips came from?

JOSHUA SCORNAVACCHI: From the wood. It's a wood boat.

RALPH MELUSI: Did you check any of the strainers in any of the other compartments while you're down trying to help?

JOSHUA SCORNAVACCHI: On Sunday?

RALPH MELUSI: Yes.

JOSHUA SCORNAVACCHI: No. Because the engine room seemed to be the most important because it was our not only means of pumping water out, besides the trash pump, was to have the generators working and the bilge hydraulic pumps working, so seem to be important to keep that area.

RALPH MELUSI: Do you remember, I'm changing topics, do you remember the first time that you saw that the site glass was broken on the day tank on the, the oil day tank.

JOSHUA SCORNAVACCHI: Sunday morning.

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RALPH MELUSI: Do you recall what what you are on?

JOSHUA SCORNAVACCHI: I was C watch.

RALPH MELUSI: You were making a boat check?

JOSHUA SCORNAVACCHI: Yes.

RALPH MELUSI: So about what time do you think you would have been in the interim and saw that, that it was broken?

JOSHUA SCORNAVACCHI: If I was the first boat check that they so if it was, if I was on the 4 to 8 it would have been around for, between four and five in the morning.

RALPH MELUSI: Between four and five in the morning?

JOSHUA SCORNAVACCHI: Yes.

RALPH MELUSI: Did you smell and a oil diesel oil in the engine room?

JOSHUA SCORNAVACCHI: I did not.

1 RALPH MELUSI: Did you mention that the site glass was broken to anybody?

2

3 JOSHUA SCORNAVACCHI: Yes.

4

5 RALPH MELUSI: To who?

6

7 JOSHUA SCORNAVACCHI: To Dan.

8

9 RALPH MELUSI: Dan who? Dan Cleveland?

10

11 JOSHUA SCORNAVACCHI: Yes,

12

13 RALPH MELUSI: Do you know if he, what he did about it?

14

15 JOSHUA SCORNAVACCHI: I think that he had already known about it. They had already
16 knew that the engine had stopped working when I told him that it was not working.

17

18 RALPH MELUSI: Okay thank you, thank you very much.

19

20 COMMANDER KEVIN CARROLL: Mr. Svendsen?

21

22 JOHN SVENDSEN: Good morning Josh.

23

1 JOSHUA SCORNAVACCHI: Good morning.

2
3 JOHN SVENDSEN: You mentioned that a sail was blown out a second time and you went
4 to furl it with four people, could you estimate how much square footage of sail was
5 exposed to the weather before it shredded?

6
7 JOSHUA SCORNAVACCHI: Between two gasket coils so got about this line.

8
9 JOHN SVENDSEN: Can you estimate. What is that about six or 5 feet?

10
11 COMMANDER KEVIN CARROLL: We can see that

12
13 JOSHUA SCORNAVACCHI: About 5 feet.

14
15 COMMANDER KEVIN CARROLL: Okay thank you

16
17 JOHN SVENDSEN: And 5 feet was the length can you estimate vertically, and if it was
18 the complete area if it was cambered or tapered?

19
20 JOSHUA SCORNAVACCHI: Yes it was just the lower level so it wasn't the whole area,
21 was not blown out it was about 2 1/2 or 3 feet high, probably about 3 feet high, and the
22 bevel was probably about 3 feet in depth, like out.

23

1 JOHN SVENDSEN: Can you estimate how long it was before it shredded, there was no
2 under capturing air?

3
4 JOSHUA SCORNAVACCHI: As soon as we let go of it and went to move away from it it
5 started to shred.

6
7 JOHN SVENDSEN: Are you aware of an area on an immersion suit or on its bag where it
8 states the size range of how to fit an immersion suit?

9
10 JOSHUA SCORNAVACCHI: On the bag?

11
12 JOHN SVENDSEN: On the bag or the immersion suit.

13
14 JOSHUA SCORNAVACCHI: I knew it more by the color.

15
16 JOHN SVENDSEN: Okay was it expressed to you or did you know if you fit into the small
17 range?

18
19 JOSHUA SCORNAVACCHI: I fit into a small range yes, I also had my climbing harness
20 on because I kept going up onto the weather deck and I did not want to try and get into a
21 side from giving it away I do not want to get into the small with my climbing harness on
22 and my rig belt, so I just put a larger one on, over top of it I put the ship harness on.

23

1 JOHN SVENDSEN: Are you aware of the size range and if you fit into the size range of a
2 medium immersion suit with the orange bag?

3
4 JOSHUA SCORNAVACCHI: I'm not sure if that would be the right size or not, I know I
5 had put both on before and when they were dry and you are not in horrible conditions
6 they both seemed okay, but I think when I filled with water there was different, so I'm not,
7 I was probably too small for that one.

8
9 JOHN SVENDSEN: But you're not sure based on the size printed on the immersion suit.

10
11 JOSHUA SCORNAVACCHI: Correct.

12
13 JOHN SVENDSEN: Can you describe to me some of the training modules and
14 experience you have with them for your master diver?

15
16 JOSHUA SCORNAVACCHI: We did a lot, we did some stress and rescue things where
17 you would have to find somebody's bubbles from the service go down, find them, inflate
18 their BC if they were conscious then take them up at the rate, at a rate that would not
19 have them have a decompression, so stop them and take them to the surface if there
20 were unconscious than just take them up, swimming them on the surface of the water
21 with all the gear on in both conscious and unconscious situations when they were
22 consciously did the scenario where they don't try to drown you, and come after you and
23 things like that, there is my diving, deep water diving wreck diving, underwater navigation.

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JOHN SVENDSEN: Did the training assist you and prepare you for diving alongside the Bounty are working at the bottom of the Bounty?

JOSHUA SCORNAVACCHI: Night and limited visibility was very helpful, it was all helpful.

JOHN SVENDSEN: During Sunday you're on the 04:00 to 08:00 watch and then you're on watch, did you survey watch again after that?

JOSHUA SCORNAVACCHI: No, after that everybody started to, things started happening, we had that work party which did not happen because you said to take a rest, and then from that point on I did not serve on a watch it was just that, I think at one point Dan said we were on another people could go rest, but that didn't happen everybody just kept working the whole time from that point on I'm pretty sure, everybody was just working.

JOHN SVENDSEN: Is it possible that you stood the 16: 00 to 20:00 watch?

JOSHUA SCORNAVACCHI: 1600 to 2000, I don't know, it's possible I know like I said Dan said that we were on and other people could rest, so we were on watch like we were doing our thing and I know I was in the bilge a lot, doing a lot of bilge checks, it wasn't like quite a normal watch, like when we would normally do it we just rotate every hour, it was like.

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JOHN SVENDSEN: And I understand that there is a lot going on and timelines were confusing, is it possible that the site glass was broken at the beginning of the 1600 watch as opposed to the 0400 watch?

JOSHUA SCORNAVACCHI: It's possible. I know it was at the beginning of my watch.

COMMANDER KEVIN CARROLL: Which one was it? Was it says 0400 to 0800 or the 1600 to 2000?

JOSHUA SCORNAVACCHI: I'm not sure.

COMMANDER KEVIN CARROLL: You're not sure, okay.

JOSHUA SCORNAVACCHI: I just knows at the beginning of my was on Sunday.

JOHN SVENDSEN: Do you know if it was morning or afternoon or night?

JOSHUA SCORNAVACCHI: I had not really been sleeping that much, for those days, and even when you are sleeping you wake up a few times and it is still the same day so the time was really, I'm not really sure about the time.

JOHN SVENDSEN: Can you describe the professional environment on for the Bounty?

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JOSHUA SCORNAVACCHI: What do you mean by the professional, like?

JOHN SVENDSEN: How did it compare to the Clearwater in the form of professional training and aptitude?

JOSHUA SCORNAVACCHI: Okay, so on the Bounty you had there was a lot of sail training, like I said everybody was learning, the volunteers were learning how to be deckhands of the deckhands were learning to be AV's and AV's to officers and the officers to captains. There is always a hierarchy, the boatswain had a lot of responsibility to do all the maintenance and set the sails, the officers were in charge of their watches and everything that went on during that watch, if there is anything wrong he reported to the officer at the exchange, or when you would switch watches the officer of your watch would talk to the mate of the other watch and relay any information that was being passed along and in addition to that whoever was the relieving you whoever was there always passing on the information, so if you're on forward Lookout and somebody's going to relieve you whether they are on your watch or not you tell them everything that you know, the same with the boat check, the boat check you tell them everything that you know.

COMMANDER KEVIN CARROLL: So you are saying the prior watch deckhands that were doing both checks would report see you vital things that were going on?

JOSHUA SCORNAVACCHI: Right.

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COMMANDER KEVIN CARROLL: Was it reported to you by anybody doing checks that the site glass was broken and the porch main engine was not working, or did you discover that on your own?

JOSHUA SCORNAVACCHI: I discovered that on my own and I didn't know about it.

COMMANDER KEVIN CARROLL: I think his question was how did the bounty compared to the Clearwater?

JOSHUA SCORNAVACCHI: How did the Bounty compared to the Clearwater? The Bounty was more about sailing in general and sail training whereas the Clearwater was an environmental boat where you would take out schools, field trips and teach them about the water and teach them about the animals that live there. There were some political things they did, they did a lot of that, works with them communities and small areas. The Bounty was more (inaudible) trained. They did a lot for the advancement of knowledge about tall ship sailing and getting awareness that these ships exist and things like that. The Bounty would have deck tours where they would have little, I guess you could call them parties, I don't remember what they called them where people would come and reserve the boats and an organization would have the boat that night. The Clearwater would be more like day sails and things like that. Is that what you are asking?

1 JOSH SVENDSEN: I was asking to compare the professional environment or standards
2 and aptitudes of the people aboard.

3
4 JOSHUA SCORNAVACCHI: I don't know if I understand the question right.

5
6 JOSH SVENDSEN: Well, let me rephrase that, when you say that you had, comparing
7 Capt. Robin Walbridge to the captain of the Clearwater, would you say that their
8 professional standard was the same or there was a difference?

9
10 JOSHUA SCORNAVACCHI: There was probably a difference. I think Capt. Robin was,
11 Nick was more laid-back because we were in a river where as Robin was a lot more
12 concerned about drills and safety, we didn't have that many drills on the Clearwater. On
13 the Bounty we did and he was really concerned about man overboard, he was really
14 concerned about everybody learning as much as they could and responding quickly and
15 effective and sufficient manner. Like for instance Dan was always telling us to worked at
16 a faster pace so that when an emergency would arise we would already be used to
17 working at a faster pace. Like doubletime, he would always say doubletime when
18 everything was calm so that if something happens we were used to working double time.
19 It doesn't affect us mentally like we are still able to function, we don't panic and freeze up.
20 There was a lot of that and a lot of always trying to keep things sea stowed even when we
21 were not in the seaway or always clipping and even though you are and really calm
22 weather. Just so that later on you do that automatically. That actually paid off a lot, like I

1 said nobody was panicking at all and nobody was, there was nobody sitting in the corner
2 crying or what you would expect. Nobody yelling or screaming.

3
4 JOSH SVENDSEN: Okay. With that you, it would be fair to say that it made events that
5 happened leading up to the abandoning of the Bounty

6
7 JOSHUA SCORNAVACCHI: Easier to handle.

8
9 JOSH SVENDSEN: Based on all the training and knowledge that was exchanged in the
10 drills, would you say that it provided you trust in Robin's decision-making?

11
12 JOSHUA SCORNAVACCHI: Yeah, it did.

13
14 JOSH SVENDSEN: When it came to working with decisions you mentioned the
15 hierarchy and a chain of command. Who would you say had made the ultimate decision
16 on the Bounty?

17
18 JOSHUA SCORNAVACCHI: Robin.

19
20 JOSH SVENDSEN: Robin?

21
22 JOSHUA SCORNAVACCHI: Walbridge. The captain.
23

1 JOSH SVENDSEN: Thank you very much Josh.

2
3 LIEUTENANT MALORE: Bounty organization.

4
5 LEONARD LANGER: Thank you. Good morning Mr. Scornavacchi.

6
7 JOSHUA SCORNAVACCHI: Good morning.

8
9 LEONARD LANGER: My name is Len Langer, I represent the HMS Bounty organization.
10 I want to take you back briefly to the yard visits. Were you involved in transferring any fuel
11 from the old tanks to the new tanks?

12
13 JOSHUA SCORNAVACCHI: No.

14
15 LEONARD LANGER: Do you know who did that?

16
17 JOSHUA SCORNAVACCHI: I believe Chris Barksdale and Matt Sanders and I am not
18 sure who else was involved.

19
20 LEONARD LANGER: During the time you left New London do you recall any comments
21 by Mr. Barksdale or any of the other people working the engine room, while you are there,
22 that the fuel had been contaminated it anyway?

23

1 JOSHUA SCORNAVACCHI: I didn't. No. I didn't hear anybody say that. I know when we
2 were, like if myself or Mark Warner or Adam Procosh were in there working to move the
3 tanks. So if we move them we would try to make sure that the debris wouldn't go into the
4 intakes and into the holes. If we had to grind something we would cover it up so that the
5 metal dust wouldn't go in there.

6
7 LEONARD LANGER: So you made attempts to make sure that all openings were
8 covered in the move.

9
10 JOSHUA SCORNAVACCHI: Yeah. We tried to as much as we could.

11
12 LEONARD LANGER: How long was the vessel in the water at Boothbay before you left to
13 go to New London?

14
15 JOSHUA SCORNAVACCHI: Not very long a few days, maybe two, I'm not positive but
16 not too long.

17
18 LEONARD LANGER: So a few days?

19
20 JOSHUA SCORNAVACCHI: Yes.

21
22 LEONARD LANGER: How long did it take you to get from Boothbay to New London?
23

1 JOSHUA SCORNAVACCHI: I think it was like four days, but I'm not positive.

2

3 LEONARD LANGER: You described the process to put some patches on the outside of
4 the hull, to your knowledge were all those areas repaired while the vessel was in
5 drydock?

6

7 JOSHUA SCORNAVACCHI: Yes they took out everything that I put in and replaced it with
8 the same thing that they were doing with the rest of the planking.

9

10 LEONARD LANGER: Did you have any concerns regarding the condition of the hull when
11 you left the shipyard?

12

13 JOSHUA SCORNAVACCHI: No but I haven't worked on the hull very much in the
14 shipyard.

15

16 LEONARD LANGER: Did you participate at all and moving any of the ballast on board the
17 vessel?

18

19 JOSHUA SCORNAVACCHI: Yes.

20

21 LEONARD LANGER: Can you describe what you did?

22

1 JOSHUA SCORNAVACCHI: We moved a lot a lead out of the bilge into like we moved it
2 out of the tank room and the old aft crew quarters area and put it in the engine room.

3

4 LEONARD LANGER: Do you have an estimate of how many pounds of lead you moved?

5

6 JOSHUA SCORNAVACCHI: A lot, I don't know how much, I don't know how much the
7 bars way we moved a lot of bars (inaudible).

8

9 LEONARD LANGER: Could you give me the dimensions of a bar?

10

11 JOSHUA SCORNAVACCHI: There was a few different kinds, there were some that
12 looked like a gold bar, how you would depict a gold bar in a cartoon, I don't know. It was
13 about a foot long may be and 4 inches wide maybe 3 inches high, and is or that kind, and
14 then there was another one may be about an inch wide, a foot-long, and 5 inches tall, and
15 then there were a few just random pieces of lead in all different shapes.

16

17 LEONARD LANGER: Did you conduct any, or did the vessel conducted a drills between
18 Boothbay and New London?

19

20 JOSHUA SCORNAVACCHI: I don't remember, I think we did a man overboard drill, but
21 I'm not sure, I think we did a man overboard drill.

22

23 LEONARD LANGER: Do remember the Capt. making any comments regarding the drill?

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JOSHUA SCORNAVACCHI: I think he said that, yet we did do a man overboard drill because he said that we did pretty good, it was not like as timely as before because we did them often, but having a month off we still did pretty well.

LEONARD LANGER: Did you believe he was pleased with the drill?

JOSHUA SCORNAVACCHI: He seemed seemed so, yes.

LEONARD LANGER: When you are in the engine room during the course of Sunday you said you are cleaning out some wood chips from the water, is that correct?

JOSHUA SCORNAVACCHI: Yes.

LEONARD LANGER: Could you tell were they new chips or old chips that had happened to been in the bilges from before?

JOSHUA SCORNAVACCHI: I don't know about the engine room, but we vacuumed out the tank room and the old aft crew quarters really well, and we were trying to vacuum out the engine room but there could have been chips under the engines themselves where we could not get to, and some of the areas that still had ballast that were never moved, they looked old.

1 LEONARD LANGER: The crew made an attempt to clean the compartments in the bilges
2 after the yard visit?

3
4 JOSHUA SCORNAVACCHI: Yes.. But some of them looked old so that's why I said they
5 may have been under the engines themselves.

6
7 LEONARD LANGER: In response to Mr. (inaudible) question you said you thought that
8 Mr. Sanders in Mr. Barksdale were working on the fixed hydraulic pump, do you have a
9 specific recollection of them working on the fixed hydraulic pump?

10
11 JOSHUA SCORNAVACCHI: I mean I was in and out of the engine room and I saw people
12 working on the pumps,

13
14 LEONARD LANGER: To your knowledge on Sunday when you were in and out of the
15 engine room was the portable hydraulic pump working?

16
17 JOSHUA SCORNAVACCHI: They said they had got it started I do not know if you
18 continue to work or not.

19
20 LEONARD LANGER: You are not involved in the operation of that pump?

21
22 JOSHUA SCORNAVACCHI: No, I was not involved in the hydraulic pumps at all.

23

1 LEONARD LANGER: Were you planning on returning to the Bounty for the 2013 season,
2 at the time the vessel was lost?

3
4 JOSHUA SCORNAVACCHI: Yes I was considering doing that, and I really wanted to the
5 transatlantic crossing to Europe in two years, and if they were going to do the Northwest
6 passage I wanted to do that to.

7
8 LEONARD LANGER: Thank you have no other questions.

9
10 LIEUTENANT MALORE: We are going to hand you exhibit C, Coast Guard 66. If you
11 could mark on their going back to Boothbay he talked about the rot on the internal of the
12 engine room, and the hull, you know the size of the rot?

13
14 JOSHUA SCORNAVACCHI: That was on the boards that were directly under the sole
15 boards that were in the tank room.

16
17 LIEUTENANT MALORE: So it was underneath and the tank room?

18
19 JOSHUA SCORNAVACCHI: Yes. And in the old aft crew quarters.

20
21 LIEUTENANT MALORE: The old aft crew quarters?

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23 JOSHUA SCORNAVACCHI: Yes.

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LIEUTENANT MALORE: Okay, can you mark on their where that was at?

JOSHUA SCORNAVACCHI: Both of them?

LIEUTENANT MALORE: Yes.

COMMANDER KEVIN CARROLL: And did you, what was the size of the rot? Do you remember how many boards or what the size is to your estimation?

JOSHUA SCORNAVACCHI: Those boards were not part of the hull,

LIEUTENANT MALORE: Okay.

JOSHUA SCORNAVACCHI: All he did was hold up some sole boards and so when we replace them we didn't do it in the same way we just put really long 2x6's

LIEUTENANT MALORE: 2x6's?

JOSHUA SCORNAVACCHI: I think so

LIEUTENANT MALORE: So were those sections cut out or were they just boards that you just removed?

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JOSHUA SCORNAVACCHI: On Bounty we just removed them, pry them out with a crowbar, but they were not any part of anything to do with the structural integrity of the hull anything like that. They were there just to hold up the (inaudible).

LIEUTENANT MALORE: Okay, okay I think you said you and the crew did the work?

JOSHUA SCORNAVACCHI: Yes.

LIEUTENANT MALORE: Do you know how long that took? To do that to remove those?

JOSHUA SCORNAVACCHI: To remove that, we did that while doing other things. To just remove those are probably only took like a day, two days. A day or two.

LIEUTENANT MALORE: Okay

JOSHUA SCORNAVACCHI: So it was basically just a floor frame.

LIEUTENANT MALORE: It was just the floor frames?

JOSHUA SCORNAVACCHI: Yes. And then a little bit in the bulkhead that connects what was the old tank room to the boatswain's locker, there was some rot in their, and we ripped out the majority of that bulkhead, to replace with a new bulkhead.

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LIEUTENANT MALORE: And you put new bulkhead in.

JOSHUA SCORNAVACCHI: We ended up ripping almost all of it out.

LIEUTENANT MALORE: All of that, that bulkhead?

JOSHUA SCORNAVACCHI: And then we put a new one on, do you want me to mark that?

LIEUTENANT MALORE: Yeah, ask them going to hand you, do we have CG 8.

COMMANDER KEVIN CARROLL: Mr Scornavacchi It sounds like you are describing the beams that support the sole boards which were directly above the deep floors, if you could turn to CG 8 please, very good.

LIEUTENANT COMMANDER NICHOLAS PARHAM: Go ahead and finish marking on that.

LIEUTENANT MALORE: If you don't see it on their way to draw it and label it. And if I understood you correctly there was no cutting out, it was just removal of an entire board in the put back of the board?

1 JOSHUA SCORNAVACCHI: We had to cut a little bit because it was hard to pry out.

2

3 LIEUTENANT MALORE: Okay.

4

5 JOSHUA SCORNAVACCHI: So.

6

7 LIEUTENANT MALORE: Okay so when you cut it out, how big of a section do you cut
8 out?

9

10 JOSHUA SCORNAVACCHI:(inaudible)

11

12 LIEUTENANT MALORE: Sure.

13

14 JOSHUA SCORNAVACCHI: So we would go in this, right here, lift that if it was rotted,
15 these beams here, we removed them with all of these beams here and replace them

16

17 LIEUTENANT MALORE: They were attached to the hull in anyway?

18

19 JOSHUA SCORNAVACCHI: They were, bolted into it, but we could pry them off and use
20 an impact hammer to get the bolts out.

21

22 UNKNOWN: Was the boards below that rotted? Once you removed the bolts?

23

1 JOSHUA SCORNAVACCHI: most of them were (inaudible) I dont think so.

2

3 LIEUTENANT MALORE: Did anybody else come out to inspected to see if the boards
4 underneath were rotted at all?

5

6 JOSHUA SCORNAVACCHI: I'm not sure, I know people looked at it.

7

8 LIEUTENANT MALORE: Who was in charge of doing a project?

9

10 JOSHUA SCORNAVACCHI: Mark Warner (inaudible) provided instruction on that.

11

12 UNKNOWN: I just have a few follow-up questions. When you received that call from your
13 mother and she described the hurricane as the superstorm of the century, do you recall
14 saying that?

15

16 JOSHUA SCORNAVACCHI: Yes.

17

18 UNKNOWN: When the captain was describing this hurricane did he give it a name, or
19 give it any description as to its size or strength?

20

21 JOSHUA SCORNAVACCHI: I don't remember if he gave it a name because it was really
22 soon after I talked to my mom and she gave it a name, and I don't know if he did as well.

23

1 UNKNOWN: You said that the chief mate told you that the storm was less strength, less
2 winds than other storms that he had been in?

3
4 JOSHUA SCORNAVACCHI: No, he had told me that he had been in a storm that was
5 pretty severe with a waves that sounded a lot higher than what we were in, I heard of a
6 storm where a way went over the (inaudible) which I believe is like 55 feet out of the
7 water.

8
9 UNKNOWN: So you assume that what was coming was going to be less.

10
11 JOSHUA SCORNAVACCHI: Yes.

12
13 UNKNOWN: Now when the vessel got underway on Friday and Saturday, I assume you
14 and the rest of the crew were interested in progress reports as to where the storm was
15 and how it was tracking?

16
17 JOSHUA SCORNAVACCHI: A little bit, yes.

18
19 UNKNOWN: So what information was given to you about the progress of the storm, let's
20 say Friday?

21
22 JOSHUA SCORNAVACCHI: On Friday it was still pretty far south. I did not always know
23 where the storm was at.

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UNKNOWN: Was the crew getting any information on the progress of the storm?

JOSHUA SCORNAVACCHI: We were getting a general synopsis of what was going it was not in depth.

UNKNOWN: Who was giving the synopsis?

JOSHUA SCORNAVACCHI: I think Capt. Walbridge was.

UNKNOWN: When he called the crew together in the great room and said this is what is happening?

JOSHUA SCORNAVACCHI: Not in the great cabin, it was generally at the muster at noon, at the capstain.

UNKNOWN: What do you recall from the first time that he gave a progress report, and what he said?

JOSHUA SCORNAVACCHI: The first time he said that the storm had not picked like a direction to go in, he did not know if is going to head out Eastern or come back to the coast, so we would try to remain kind of neutral and not, not decide to go either direction will commit to one direction until he thought the storm had committed to a direction.

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UNKNOWN: And you remember when that was that he gave that report?

JOSHUA SCORNAVACCHI: That was like the first time he said that what we're going to do, he said kind of go Southeast period

UNKNOWN: That was in New London?

JOSHUA SCORNAVACCHI: Yes.

UNKNOWN: I'm thinking about the first day out at sea or the second day out at sea, what type of progress reports you are getting?

JOSHUA SCORNAVACCHI: Well like I said they were not that in depth, it was more of the same thing where we did not quite know what the storm was going to do yet, and then eventually so that storm was going to, seemed like he was heading out to sea so we were going to along the coast I believe.

UNKNOWN: You're going to go along the coast, is that when they changed course?

JOSHUA SCORNAVACCHI: We were already heading south, but yes I think so.

1 UNKNOWN: And at that point when there was this course change to get closer to the
2 coast, the captains understanding at least as far as you know is at the storm was heading
3 out to see?
4

5 JOSHUA SCORNAVACCHI: Yes, that is what I thought.
6

7 UNKNOWN: Just one last question, when you are with Claudine and she was sitting next
8 to you, did she have a life jacket over her survival suit?
9

10 JOSHUA SCORNAVACCHI: Yes.
11

12 UNKNOWN: And it was secured?
13

14 JOSHUA SCORNAVACCHI: Yes.
15

16 UNKNOWN: Thank you
17

18 LIEUTENANT COMMANDER NICHOLAS PARHAM: At this point can you sign the
19 exhibits that you marked on.
20

21 COMMANDER KEVIN CARROLL: Lieutenant Parham after they are marked they will be
22 entered into the record as the next Coast Guard exhibits in order period
23

1 LIEUTENANT COMMANDER NICHOLAS PARHAM: Yes sir.

2

3 COMMANDER KEVIN CARROLL: I have a couple more questions then we are going to
4 release you and then we are going to get some lunch. Was a usual before you headed
5 out when you are on Bounty to send text messages out to friends and family asking them
6 to pray for you?

7

8 JOSHUA SCORNAVACCHI: No, I just did that because my mom called me.

9

10 COMMANDER KEVIN CARROLL: You do that because your mom called you?

11

12 JOSHUA SCORNAVACCHI: Yes.

13

14 COMMANDER KEVIN CARROLL: Was your mom upset? When you got back I'm sure
15 she was happy.

16

17 JOSHUA SCORNAVACCHI: Yes, she was probably upset.

18

19 COMMANDER KEVIN CARROLL: Did she say anything to you?

20

21 JOSHUA SCORNAVACCHI: She was really worried, thought that I was dead.

22

1 COMMANDER KEVIN CARROLL: If Capt. Walbridge at that meeting in New London prior
2 to departure would of detailed for you the plan is to head out east, Southeast to the storm
3 and then to cut Southwest directly in the path of the storm would you have stayed?
4

5 JOSHUA SCORNAVACCHI: Probably.
6

7 COMMANDER KEVIN CARROLL: Probably?
8

9 JOSHUA SCORNAVACCHI: Yes, I don't know why, I probably would have stayed.
10

11 COMMANDER KEVIN CARROLL: Why?
12

13 JOSHUA SCORNAVACCHI: I really liked being there, I like sailing with the people that I
14 was sailing with and I like being on the boat, I would have felt like they would have known
15 how to handle it. I did not know that he was cutting directly across into the path of the
16 storm, I would have maybe questioned that.
17

18 COMMANDER KEVIN CARROLL: So if you would've known that would that have given
19 you?
20

21 JOSHUA SCORNAVACCHI: I probably would have questioned that, I would've stayed on
22 the boat though.
23

1 COMMANDER KEVIN CARROLL: Out of loyalty for the crew?

2

3 JOSHUA SCORNAVACCHI: Yes.

4

5 COMMANDER KEVIN CARROLL: Okay

6

7 LIEUTENANT MALORE: I would like to thank you for your testimony today, and remind
8 you that you are still subject to recall later if we need to, but you do not have to stay here.

9

10 JOSHUA SCORNAVACCHI: Okay

11

12 LIEUTENANT MALORE: Thank you.

13

14 COMMANDER KEVIN CARROLL: We are going to come back from lunch at 13:15, Coast
15 Guard, we are going to talk about the schedule at this point. (inaudible) 13:15.

16

17 LIEUTENANT COMMANDER NICHOLAS PARHAM: We are now back on the record.

18

19 COMMANDER KEVIN CARROLL: (inaudible) gentlemen. All parties and interests and
20 their representatives are in attendance that were here before last recess. We are going
21 to have a change to the schedule for today and tomorrow. For today we will have
22 telephonic testimony next from Adam Procosh, then we will have Jessica Hewitt, Drew
23 Salapatek and Mark Warner will be rescheduled to a later date not this week. For

1 tomorrow, John Jones is scheduled to deliver telephonic testimony, he will also be
2 rescheduled for a later date not this week. I will inform the parties and interests when
3 those are rescheduled. Nick, call the next witness.
4

5 LIEUTENANT COMMANDER NICHOLAS PARHAM: The next witness to testify will be
6 Mr. Adam Prokosh. Investigator Boldt, are you on the line?
7

8 ADAM PROKOSH: (inaudible) this is Adam Prokosh, here.
9

10 LIEUTENANT COMMANDER NICHOLAS PARHAM: Stand by and let me turn the other,
11 okay. Mr. Procksh, are you there?
12

13 ADAM PROKOSH: Yes, this is Procosh
14

15 LIEUTENANT COMMANDER NICHOLAS PARHAM: Investigator Boldt, is she there?
16

17 ADAM PROKOSH: Yes she sitting in front of me.
18

19 LIEUTENANT COMMANDER NICHOLAS PARHAM: Okay, can we have her on the line
20 for a minute?
21

22 ADAM PROKOSH: Yes.
23

1 LIEUTENANT COMMANDER NICHOLAS PARHAM: Hello Investigator Boldt, I am Lieut.
2 Commander Parham, with the Bounty hearing, we are on the record at this time. If you
3 could please just identify who you are and identify the person that is there identified as
4 Mr.Prokosh.

5
6 INVESTIGATOR JODEE BOLDT: Okay. My name is Jodee, J-O-D-E-E, Boldt B as in
7 boy-O-L-D-T. I am an investigator with the Stearns County Sheriff's office in St. Paul
8 Minnesota. With me is Adam John Prokosh P-R-O-K-O-S-H. Date of birth 5/1/1985.

9
10 LIEUTENANT COMMANDER NICHOLAS PARHAM: Thank you very much and that has
11 been verified through photo identification?

12
13 INVESTIGATOR JODEE BOLDT: Correct.

14
15 LIEUTENANT COMMANDER NICHOLAS PARHAM: Okay. Thank you Investigator
16 Boldt, if you could please put Mr. Prokosh on the line and we will take his testimony from
17 there.

18 INVESTIGATOR JODEE BOLDT: Okay here you go.

19
20 ADAM PROKOSH: This is Adam.

21
22 LIEUTENANT MALORE: Mr. Prokosh?
23

1 LIEUTENANT COMMANDER NICHOLAS PARHAM: I need to swear him in.

2
3 COMMANDER KEVIN CARROLL: Okay.

4
5 LIEUTENANT COMMANDER NICHOLAS PARHAM: Mr. Prokosh?

6
7 ADAM PROKOSH: Yes.

8
9 LIEUTENANT COMMANDER NICHOLAS PARHAM: This is Lieut. Cmdr. Parham again.
10 I just need you to stand and raise your right hand and I will swear you in.

11
12 ADAM PROKOSH: Standing, right hand.

13
14 LIEUTENANT COMMANDER NICHOLAS PARHAM: Okay. A false statement given to
15 an agency of the United States is punishable by fine and / or imprisonment under 18
16 USC 1001. Knowing this, do you solemnly swear the testimony you are about to give will
17 be the truth, the whole truth, and nothing but the truth so help you God?

18
19 ADAM PROKOSH: Yes I do.

20
21 LIEUTENANT COMMANDER NICHOLAS PARHAM: Okay, thank you and please speak
22 up and we will get started at this point.

23

1 ADAM PROKOSH: Okay.

2

3 LIEUTENANT COMMANDER NICHOLAS PARHAM: Thank you.

4

5 LIEUTENANT MALORE: Mr. Prokosh, this is Lieut. Malore and I am going to ask you a
6 few questions and then we will go to other people to ask you questions after that so bear
7 with us. Real quick, what exhibit numbers do you have with you?

8

9 ADAM PROKOSH: I have 5 files, CG 6, CG 7, CG 8, CG32, CG54.

10

11 LIEUTENANT MALORE: Alright. Just to get started, can you tell us your experience?

12

13 ADAM PROKOSH: Yes, I sailed with the Bounty for eight months, I got on in San Juan
14 Puerto Rico until the sinking. Before that I had been on traditional tall ships for the last
15 five years. I have a 100 ton inland masters captain's license and an able Seaman.
16 (inaudible) basically it was traditional sailboats both on the East and West Coast.

17

18 LIEUTENANT MALORE: What was your job on the Bounty?

19

20 ADAM PROKOSH: Able Seaman.

21

22 LIEUTENANT MALORE: And your experience on Bounty, what was the training that you
23 had or drills or anything like that?

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ADAM PROKOSH: our training consisted of, you got on board and in the first couple of days and a new person is going to get a safety orientation both on deck and (inaudible) The orientation on deck is going to be finding all the fire extinguishers and talking about what we do in different scenarios, emergency scenarios. While underway typically about every week or two weeks we will do a man overboard drill. We would occasionally talk about a fire or talk about abandon ship and muster with the whole crew, talk about things like that. We drill through scenarios very often because Captain Walbridge believed that the thing that scared him most was (inaudible) a man overboard that's when we can focus on our drill for.

LIEUTENANT MALORE: Okay and who was the captain on board Bounty?

ADAM PROKOSH: Robin Walbridge.

LIEUTENANT MALORE: Okay and what did you think of him?

ADAM PROKOSH: I thought it was pretty amazing to work with him. I knew he was on his way out eventually for retirement and so this was my first season on Bounty and I heard good things on his reputation that I was glad to have the opportunity to work with him.

LIEUTENANT MALORE: Were you in the ship yard in Booth Bay?

1 ADAM PROKOSH: Yes I was.

2

3 LIEUTENANT MALORE: What did you do there?

4

5 ADAM PROKOSH: I was down in the tank room moving water and fuel tanks aft and then
6 doing the construction for the new crew quarters.

7

8 LIEUTENANT MALORE: You did all internal work or did you do external work also?

9

10 ADAM PROKOSH: There was maybe two hours in that entire yard where I did something
11 else, (inaudible) that was two hours entire yard period I spent the vast majority of it in
12 about moving the tanks.

13

14 LIEUTENANT MALORE: Can you elaborate a little bit on your experience with the work
15 on there, did you notice anything, any problems?

16

17 ADAM PROKOSH: No, kind of how it went was I would meet with Robin once a day if not
18 in the morning then also morning and afternoon and update him on the progress and get
19 his advice on how to go about things. From there on out we did our best and stripping any
20 unnecessary woodwork from the previous crew quarters and then the deck was pretty
21 clear we needed to get everything from one tight spot to another tight spot. He would
22 come along and have different pick points (inaudible) it was slow work but every day
23 (inaudible) we would just worked long hours getting the tanks moved. There was nothing

1 that I noticed, neither me or none of the guys I was working with had anything to do with
2 the securing of the tanks or the plumbing of the tanks. That was done by different
3 people.

4
5 LIEUTENANT MALORE: Do you know who those were or did you see it?

6
7 ADAM PROKOSH: Yeah, the securing of the tanks was done by a crew at the shipyard.
8 So that wasn't Bounty crew, that was Booth Bay Harbor ship yard guys. The plumbing of
9 it, was our engineer Chris and our second mate, Matt.

10
11 LIEUTENANT MALORE: Matt, can you say the last name?

12
13 ADAM PROKOSH: Yeah, Matt Sanders.

14
15 LIEUTENANT MALORE: Okay, thank you. Did you, were you aware of any rot on the
16 vessel at any time?

17
18 ADAM PROKOSH: Rot in the vessel? We did find some rot in my department there, we
19 found some rot on the bulkhead between the former tank room and the boatswain
20 storages (inaudible) we tore out half the bulkhead and rebuilt a new water tight bulkhead.
21 So, yeah, we found rot and reported it, then I fixed it.

22

1 LIEUTENANT MALORE: You say you fixed it, to work was done by you or the yard
2 people?

3
4 ADAM PROKOSH: The work was done by Bounty crew.

5
6 LIEUTENANT MALORE: Okay. Anything else?

7
8 ADAM PROKOSH: No, thats all the rot. We, because I wasn't involved in the repairs that
9 were being done on the hull during yard. I don't know what was safe and what wasn't
10 safe, you could see that there was some exterior planks that she could see noticeable
11 rots but it is my belief that those things were addressed in yard. Since I wasn't working
12 on the outside of the hull, I wasn't sure if it was fixed or not fixed.

13
14 LIEUTENANT MALORE: Okay, and you said there were some noticeable things prior to
15 getting to the yard?

16
17 ADAM PROKOSH: Yes sir.

18
19 LIEUTENANT MALORE: Where were those at, and what were they?

20
21 ADAM PROKOSH: As far as rot goes, the mizzen panels on the starboard side, there
22 was a plank that had significant rot in it, but, like I said, I believe that was taken care of in
23 yard because I thought that they were re-planking parts in that section.

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LIEUTENANT MALORE: Were you in the Booth Bay when they headed out from Booth Bay to New London, were you part of that trip?

ADAM PROKOSH: Yes sir.

LIEUTENANT MALORE: Can you explain on that a little bit?

ADAM PROKOSH: Yeah on that trip we were, I guess you call it shaking down the boat. Keeping a close eye on things that got water coming in. From Booth Bay to New London, I remember pretty much business as usual. There was one thing that concerned me on that trip and that was the bilge pumps were losing the prime more frequently than earlier that season. I had been on the boat for 8 months at that point, so I kind of know that the bilge pumps behaved pretty predictably. I felt like the bilge pumps were, I had (inaudible) change. I was really concerned about that, I would start running the pump right down to where the pickup was because they were clear there wasn't any debris in the filters are anything and I didn't find any debris in the filters. I wasn't sure what was happening with those pumps.

LIEUTENANT MALORE: You are talking about the trip from Booth Bay to New London, you found that?

ADAM PROKOSH: Yes.

1 LIEUTENANT MALORE: Okay before arriving to Booth Bay, with the bilge system still
2 having the same problems did you see that that?

3
4 ADAM PROKOSH: Before I arrived in Booth Bay the bilge system didn't have any
5 problem at all, from the time I got on the boat in Puerto Rico to Booth Bay the bilge
6 system ran predictably, exactly the same. Once we got back into the water after the yard
7 period, they would lose their prime and I would have to close try to close the valve for
8 pressure again and then try to bring the pump back to sucking water out again.

9
10 LIEUTENANT MALORE: Okay. And what was your thoughts about the condition of the
11 vessel when it left the yard? Overall condition.

12
13 ADAM PROKOSH: Overall condition? I was very happy with it, I mean I don't know
14 much about how long it takes the wood to swell once it has been dried for a bit but maybe
15 we could have had it soak up in the water a little bit more. Since we had the boat out of
16 the water it was no surprise (inaudible) rot below the water line. We had been able to
17 work on the hull and see what was happening. That gave me a lot of confidence in the
18 boat in any sort of weather, any transit up ahead of us.

19
20 LIEUTENANT MALORE: Okay, what did you think about the cleanliness leaving Booth
21 Bay? Or was all the work done?
22

1 ADAM PROKOSH: Yeah, most of, I'd say all of the critical work was done. We still had a
2 few minor projects in the crew living spaces which was being pushed back to the future.
3 We had all the walls up and had our bunks built, so I was happy about that. Just the little
4 things we wanted shelving and things to put your coats, your shoes and little details. We
5 had a list of things to do, but those are just details. All the work that we had set out to do,
6 to my knowledge was done.

7
8 LIEUTENANT MALORE: When did you, when were you aware of the storm? When did
9 you first hear about it?

10
11 ADAM PROKOSH: I first heard about it from Robin the day we were taking off from New
12 London. (Inaudible) My friends and family back here seems pretty surprised they saw it
13 on the news a lot before then. But because I don't get newspaper or TV or radio and like
14 that, I was not aware that there was a storm until I heard about it from Robin. It may be
15 naïve or whatever, or uninformed, but

16
17 LIEUTENANT MALORE: Was that before the trips with the Navy and the outings or
18 after?

19
20 ADAM PROKOSH: After.

21
22 LIEUTENANT MALORE: After, okay. Was that during the meeting?
23

1 ADAM PROKOSH: Yeah, we get together before leaving (inaudible) and that's what I
2 heard from Robin (inaudible) it was time to take the boat away from land where it would
3 be a lot safer out there and I had in the back of my mind I kind of knew there was going to
4 be some rough weather ahead, that kind of year is one where one might expect rough
5 weather on the Atlantic. I mentally prepared for any sort of weather coming, I had
6 definitely never heard of hurricane Sandy or that there was a storm out there.

7
8 LIEUTENANT MALORE: Did you have any conversations with the crew with concerns
9 about the weather? Individually than the meeting?

10
11 ADAM PROKOSH: No, if anybody had concerns they kept to themselves, they didn't talk
12 to me about it. I had a completely different feeling that was, most of us had had a fair
13 amount of experience on Bounty and other boats. We had very mild weather for months
14 and months and months so it was really exciting to think there was a storm, kind of like if
15 you were a sports team and that would be game day. You have been training for months
16 for some sort of test and you (inaudible) thing now is your opportunity to meet that
17 challenge. I was personally excited when I heard that there was a storm current that we
18 were going out into.

19
20 LIEUTENANT MALORE: So I am guessing you didn't think about leaving?

21
22 ADAM PROKOSH: No. Of course not.
23

1 LIEUTENANT MALORE: Did you do any checks of weather or systems prior to leaving?

2

3 ADAM PROKOSH: I didn't but that's because I trusted that to the officers in charge, they
4 kept us updated fairly regularly on how the storms developing, after we went into it
5 anyway. They talked about plans and how to beat the hurricane. In the galley was
6 posted a map of the Eastern Seaboard and the position of a hurricane and the position of
7 Bounty that was updated regularly so we can see where the boat was in where the storm
8 was.

9

10 LIEUTENANT MALORE: So you didn't look at any system, any systems or any weather
11 checks?

12

13 ADAM PROKOSH: I seriously did not.

14

15 LIEUTENANT MALORE: Do you have CG 32 in front of you?

16

17 ADAM PROKOSH: Yes sir I do.

18

19 LIEUTENANT MALORE: Can you take a look at the second page please?

20

21 ADAM PROKOSH: Yes sir.

22

23 LIEUTENANT MALORE: Let me know when you're there.

1 ADAM PROKOSH: Okay I'm on the second page.

2

3 LIEUTENANT MALORE: You see down there middle paragraph in your name.

4

5 ADAM PROKOSH: Yes I do.

6

7 LIEUTENANT MALORE: Do you remember telling me during an interview that you
8 noticed on the AIS system and there were no other vessels at sea during that storm and
9 that was a concern with you and some of the crew?

10

11 ADAM PROKOSH: Yes I do remember that.

12

13 LIEUTENANT MALORE: Okay so you did check a system before leaving?

14

15 ADAM PROKOSH: Before leaving? No I didn't remember being underway and in the nav
16 shack we have our AIS list

17

18 LIEUTENANT MALORE: Okay, so that's when you checked it?

19

20 ADAM PROKOSH: Yeah and it wasn't any concern for the storm I just happened to
21 remember looking at the AIS and it is usually full of ships. I check it from time to time to
22 see if there are any other boats I recognize out there and I noticed it was pretty lonely out
23 there.

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LIEUTENANT MALORE: So that's when you are concerned that there were no other vessels out there?

ADAM PROKOSH: Yeah, was a slight concern but a concern yes.

LIEUTENANT MALORE: Okay, so now leaving New London and heading out to sea. Can you kind of describe what happened?

ADAM PROKOSH: Yeah, (inaudible) our whole priority and work priority with any available hand was getting hurricane ready (inaudible) lots of sea stowage. The goal was to tie down everything that could potentially cause injury for sure any sort of (inaudible) or something. We would go over the whole boat make sure that things are tied down and I would go over it again and again and would find more things that could be secured. I also had to work on deck and that included a lot of sea stowing on various sails the kind of stowage you would do on the normal day-to-day wouldn't count in that kind of extreme weather. Anything as thick as a handkerchief could get caught by the wind and get pulled up in the sail so we made it our mission to secure every sail and get storm ready. (Inaudible) on the side of the boat so that if they got washed to them we would go all the way overboard. I (inaudible) line fore and aft in case you needed to go up to the bough for any reason in the bad weather. And so, we were making all the preparations, before we had to be in bad weather.

1 LIEUTENANT MALORE: Okay, were you aware of the sail plan? What direction you guys
2 we going to go?

3
4 ADAM PROKOSH: Yes we would get updates just about every day. We did have a
5 general plan but also it was very fluid because you don't know, when tracking a hurricane
6 because if it took a sudden veer inland or veer out into the ocean, the plan needed
7 change. (inaudible) we certainly had a game plan how to beat the storm, what side of the
8 eye of the storm, keeping as much room, for land as possible (inaudible) situation

9
10 LIEUTENANT MALORE: Okay so when you first left New London, I guess I'm not
11 catching that, are you saying that you're going Southeast, Southwest?

12
13 ADAM PROKOSH: (inaudible) southeast direction From New London, we wanted to get
14 south, head out in a Southeast direction as we got closer to the storm become more
15 southerly (inaudible)

16
17 LIEUTENANT MALORE: Do you know when that change to Southwest occurred?

18
19 ADAM PROKOSH: Unfortunately I tell you I did, I was keeping a journal for the first time
20 in my life keeping track (inaudible) date are lost for my memory.

21
22 LIEUTENANT MALORE: Did you know why? Why the change? In direction.

23

1 ADAM PROKOSH: Why we change direction, first I was to get a little see room, the
2 priority change to (inaudible)

3
4 LIEUTENANT MALORE: Okay, so if you could go on from after you left New London and
5 heading out to sea can you continue on from there?

6
7 ADAM PROKOSH: Sure, beside getting the boat sea stowed which was our biggest
8 priority. The waves picked up before any strong winds, I figured it would be residual
9 weather from a storm further out, the seas were 6 to 9 foot, the weather had built to be a
10 pretty extreme went, I would be on watch to be a pretty bad wind, I'll go down and come
11 back up and get knocked forward (inaudible) it got worse by the hour, it was after my
12 watch and I was laying in my bunk trying to get a little sleep (inaudible) that I had called
13 up on deck for an all hands thing (inaudible) had torn the sail was out, match down the
14 helm because, I don't know whose decision, it was John or Robbins, is just too dangerous
15 to have crew up on deck when things are breaking and coming loose, there's not a whole
16 lot for us to do out there anyway, lashing down below

17
18 LIEUTENANT MALORE: Do you know a day and approximate time that happened, things
19 started to break?

20
21 ADAM PROKOSH: I can give you an approximation because, (inaudible) morning of the
22 29th, like the afternoon of the 28th.

23

1 LIEUTENANT MALORE: The afternoon of the 28th is when that started happening, and
2 that is when you're saying the seas got worse by the hour?

3
4 ADAM PROKOSH: Yes.

5
6 LIEUTENANT MALORE: what watch did you have?

7
8 ADAM PROKOSH: I was on C watch so that put me, the 12 to 4 was my navigational
9 watch.

10
11 LIEUTENANT MALORE: Who was on the watch with you

12
13 ADAM PROKOSH: The mate was Matt Sanders, Jessica Hewitt, John B Jones.

14
15 LIEUTENANT MALORE: I'm going to jump back real quick for a really quick question,
16 leaving Boothbay and going to New London, you said that the build system was not
17 working as you had normally seen it operate, did you pastor's concerns on to anybody?

18
19 ADAM PROKOSH: Yes I did.

20
21 LIEUTENANT MALORE: who did you tell?

22

1 ADAM PROKOSH: I told the officer my watch Matt Sanders, he was the officer my watch
2 (inaudible) also you would help me out in the engineering part (inaudible) he might have
3 knowledge to it, (inaudible) Mark Warner had also noticed (Howell) I saw a Robin and
4 Matt looking over the chart and the nav room I interrupted their conversation to make sure
5 that they both reheard my concern, that way I knew I had the captain there and the mate.
6 And Robin said I will think about that. There was the last I heard from anybody about the
7 bilge pump.

8
9 LIEUTENANT MALORE: So when you guys were in New London, how long were you in
10 new London?

11
12 ADAM PROKOSH: We were in New London two nights.

13
14 LIEUTENANT MALORE: at that time were you aware of the system being checked or
15 looked at or tested a

16
17 ADAM PROKOSH: I am not aware of anybody doing anything about it.

18
19 LIEUTENANT MALORE: Let's go back to where you are at on the waves picking up in the
20 storm, and the sails started to break apart, can you continue from there.

21
22 ADAM PROKOSH: One of the officers I can't tell where the order came from, we were
23 going to stay off of the weather deck, I had not been aware apparently at that point there

1 were issues, our engines or generator system there is light blinking, there is definitely
2 something going on my experiences on the deck not in the engine room (inaudible) my
3 came down below and saw there was nothing else for me to do on deck as far as sailing
4 goes I did check into the engine room to see if there is anything I can do to help, Robin
5 Walbridge was done there and met Sanders, Matt said with the water being so high in the
6 engine room because it was almost as hot as the bulkhead, 2 foot higher than I'd ever
7 seen them before in the sloshing around in wave action (inaudible) flanking and ceiling
8 planking there is nothing I can do to help what they were doing, I could start scooping
9 debris out of the strainer so they could get the pumps running again we could keep a
10 clear

11
12 LIEUTENANT MALORE: Do you know what time that was approximately?

13
14 ADAM PROKOSH: I just come down below the deck so had to be the afternoon of the
15 28th.

16
17 LIEUTENANT MALORE: Okay continue please.

18
19 ADAM PROKOSH: I had a trash bag that I was scooping debris, little bits of wood and
20 debris grabbing it and throwing it in the bag, it wasn't very effective, I could get a
21 spaghetti colander from the galley and do a better job, I asked the cook and content and
22 then went back to the engine room and started skipping, there is a lot of water, the boat
23 would roll and then the water would slosh back and forth we're just being washed around,

1 Josh Scornavacchi came down and asked the same thing if he could help, one more
2 person is all we could fit in the engine room with all the work going on, I said you could
3 do it I'm doing, keeping the strainers clear, I went for another colander, I ended up on the
4 tween deck (inaudible) in the boat several and I took a fall just aft of the main mast and I
5 had just smashed a pretty good cabin bulkhead, I was injured from that point forward,
6 (inaudible) of the time on Bounty on my back in a tremendous amount of pain.

7
8 LIEUTENANT MALORE: What type of injuries did you sustain?

9
10 ADAM PROKOSH: I had a compression fracture in a vertebrae in my back, three broken
11 ribs, a separated shoulder and a head trauma.

12
13 LIEUTENANT MALORE: And at that point where did you go?

14
15 ADAM PROKOSH: I laid on my back there, the cook was with me to grab another
16 colander, (inaudible) I'm sure he had a lot on his plate he took a look at me quickly see if I
17 was paralyzed are not, when he saw that I was hurting you so (inaudible) the situation
18 was much worse than I thought it was, I was still on deck (inaudible) to get the electricity
19 back on the bilge pumps done I was looking for a little bit of an update from Laura Groves
20 about how the fight was going to get the generators going (inaudible)

21
22 LIEUTENANT MALORE: And you said you're getting updates, where were you located at
23 that time, I am guessing at that point you were not working anymore?

1

2 ADAM PROKOSH: No I was well injured I was lying on my back just aft of the main mast
3 starboard side laying on the deck, the four

4

5 LIEUTENANT MALORE: Okay I heard you say that I just did not know if you are in a
6 certain compartment.

7

8 ADAM PROKOSH: I was playing against the bulkhead (inaudible)

9

10 LIEUTENANT MALORE: So you were getting updates from Laura at that point?

11

12 ADAM PROKOSH: Yes, Laura and Claudine also Laura was helping out the effort to get
13 emergency supplies together for the abandoned ship but clotting was helping out getting
14 lifejackets together stones that were not going to be utilized were being tied together,
15 Claudine (inaudible) she spent a lot of time make sure I was comfortable saying how
16 much pain going around about seeing how people were doing if there is anyway she can
17 help them and she would come back and talk to me about how it is going.

18

19 LIEUTENANT MALORE: What happened after that?

20

21 ADAM PROKOSH: The lowest deck, to crew sleeping quarters the forward crew
22 (inaudible) Claudine was worried about what was going to happen, (inaudible) I got the
23 word from someone that it was time to get into survival suits so I crawled to the great

1 cabin (inaudible) from the nav shack companionway got survival suit and also where the
2 ships harnesses were kept I got my own ships harness but that was in my sleeping
3 quarters and I cannot get down there even if I was healthy at that point because of all the
4 water, (inaudible) the ships harness so I put one of those onto

5
6 LIEUTENANT MALORE: Heard you say crawly couple of times, so you are not able to
7 walk at this point?

8
9 ADAM PROKOSH: If I was not injured I would be able to walk, but carefully because the
10 boat is lifting pretty hard to starboard and there's a lot of wave action so the boat was
11 difficult to walk around and for anybody, considering my back was really hurt, and I didn't
12 know exactly how hurt it was I just knew it was intense pain (inaudible) I felt that it was a
13 very specific injured part of my back that could not take very much weight so I did not
14 even attempt it to stand up, I got my survival suit on (inaudible) had to wade through the
15 water to get up to the deck.

16
17 LIEUTENANT MALORE: Did you don your immersion suit by yourself or did somebody
18 help you?

19
20 ADAM PROKOSH: I donned it by myself, I was laying on my back I kicked my legs into
21 the feet part and then swung my arms in and then zip it up (inaudible) from my back.

22
23 LIEUTENANT MALORE: So it was passed to you, was it the right size or was it big?

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ADAM PROKOSH: It was the correct one, a majority of our suit for the regular size we do have the small size and the jumbo size, a lot of them as they are coming back they were just passing out the regular size 1 unless somebody shouted they need a specific size, (inaudible) so I was getting the regular size suit.

LIEUTENANT MALORE: Okay so can you go from there?

ADAM PROKOSH: I did put on the harness but with the Gumby suit fingers I was not able to tighten it down and Mark Warner was actually there I asked him to give me a hand with this harness he said he would be right with me and he did what he needed to do and he came back and actually remembered to come back and check in with me any help me out to get my harness tighten down also grabbed a life jacket (inaudible) I had grabbed a life jacket and awaited the boat and had taken it but I saw another one go by and I snagged ahold that (inaudible) and John was there in the entrance way between the weather deck and the nav shack companionway (inaudible) heard him Adam Prokosh coming on deck the deck was at a 45° angle the deck was slippery with the wave motion would wash up on the deck little bit, (inaudible) where the life rafts were (inaudible) I believe I saw Jessica Black there to but the boat was leaning so far over my back was hurting so bad, I laid there next to the helm, I looked around to see who else was on deck (inaudible)

LIEUTENANT MALORE: Do you know what time this was or approximately what time this was?

1
2 ADAM PROKOSH: The sun was down, I didn't have a watch and I was not looking at the
3 time at that point it was in the evening because it was dark out.
4

5 LIEUTENANT MALORE: So can you continue from that point.
6

7 ADAM PROKOSH: Sure. I was not up there very long before the boat had fully capsized
8 on her side, so was sitting at a 90° angle on deck, slid right into the water that was
9 coming up, the film was nearly underwater in my gut I knew the boat was not coming up
10 after this I basically fell down onto the helm and then from there just jumped aft of the
11 shroud that looked like a clear place to jump I did not want to get tangled in a rigging so
12 that was like the best option from there I was on the water, the boat was moving in the
13 water a lot faster than I was I felt like a fishing bobber the boat rose back up a bit and
14 came back down, I had the Stern grading next to the helm had come loose we spent so
15 much time cease towing the boat (inaudible) a wooden stern grading, I was getting really
16 motivated to not be near Bounty, probably 1 million things can kill me on this boat I was
17 swimming hard away from the boat (inaudible) it was so far away but to have my name
18 on it because it tagged me jump underwater came back up and held onto that life jacket. I
19 was highly motivated to swim away from the boat I was in thing about (inaudible) didn't
20 want to be drowned by the boat that I have found Drew and Jess and Dan and Laura in
21 the water too, so then we linked up, the waves made it hard for people to hold on to each
22 other every time you would get hit by a wave and then separated and fallen apart I fell
23 back to my BST training program on the people's feet and put them in your armpits, so we

1 linked up in a big chain it was a little easier to hold onto each other like that we were
2 assigned a liferaft that was still connected to the boat at that time by the painter we pulled
3 the tether line through (inaudible) with the liferaft eventually we got inside we tried
4 pushing through (inaudible) and liferaft moving with their wave action made it difficult. At
5 this point my injury was starting to catch up with me again the adrenaline and water in
6 swimming made me forget about it for a little bit but I tried to help Drew into the liferaft
7 and it wasn't doing him any good, I was not very effective at that so I swam over to the
8 side liferaft and clipped into it with my climbing harness and I was pretty content with not
9 getting in the liferaft it took so long and so hard to get Drew and their then maybe with my
10 injury probably hours find this clipped into liferaft (inaudible) search and rescue, so Laura
11 and then we picked up Chris Barksdale on the way and he made it in (inaudible).

12
13 LIEUTENANT MALORE: Do you remember the last time that he saw Claudine Christian
14 onboard?

15
16 ADAM PROKOSH: She was helping me to crawl, she wanted to help me physically by
17 grabbing me, I told her it was best not to do it like that, she help me when I was injured to
18 get from the below side starboard side to Port Said just before was time to don our
19 survival suits

20
21 LIEUTENANT MALORE: Once he got onto the weather deck you do not see her anymore

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23 ADAM PROKOSH: No I did not.

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LIEUTENANT MALORE: What about Capt. Walbridge?

ADAM PROKOSH: I'm not sure, I think I saw him holding onto the nav shack but I don't know on the port side it was raining real hard, everyone was in survival suits, it is hard to identify people, he can only see who it was by the face opening on their suit. I cannot be 100% sure that I saw.

LIEUTENANT MALORE: Okay thank you, I'm going to pass it over to the NTSB Capt. Jones is going to ask you a few questions.

CAPTAIN ROB JONES: Good afternoon Mr. Prokosh can you hear me okay?

ADAM PROKOSH: Yes I can

CAPTAIN ROB JONES: I'm going to change direction a little bit here the other traditional vessels he talked about, the other tall ships, what were they?

ADAM PROKOSH: The Grady Washington, Hawiaan Cheifton , Topana, Amistad, (inaudible), (inaudible),(inaudible), (inaudible),(inaudible), (inaudible), (inaudible)

CAPTAIN ROB JONES: Good memory.

1 ADAM PROKOSH: Yes, I was trying to count them on my fingers here

2

3 CAPTAIN ROB JONES: And these were all in the last five years you said ?

4

5 ADAM PROKOSH: Yes sir.

6

7 CAPTAIN ROB JONES: Are some of those inspected vessels as opposed to on inspected
8 vessels?

9

10 ADAM PROKOSH: Yes, I believe every one of them

11

12 CAPTAIN ROB JONES: Can you tell me a bit of the difference between inspected vessel
13 and an uninspected tall ship?

14

15 ADAM PROKOSH: With their certificate of inspection outlines, exactly where you guys
16 can go how many people you can take, what sails you can use what equipment needs to
17 be had what crew needs to be had, without a certificate of inspection you don't have to
18 follow any of the rules, the ship guidelines to the captain would not have to do exactly
19 what a Coast Guard inspector says.

20

21 CAPTAIN ROB JONES: Did you state that all the other vessels were inspected?

22

23 ADAM PROKOSH: Yes sir.

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CAPTAIN ROB JONES: Did you see a difference with the Bounty being uninspected?

ADAM PROKOSH: Yes, the Bounty could not particularly take passengers, and it looked like they were making a move to try and make the Bounty run like it was inspected vessel (inaudible) in an uninspected vessel they wouldn't necessarily need any able Seaman, (inaudible) not a necessity, trying to operate as if it was an inspected vessel that I got hired as a AB, it's not required because they are not inspected and it gives them the opportunity to have been AB (inaudible) rating from the Coast Guard because maybe from their experience on other boats in general they could be treated as an AB where if you had a COI to adhere to you can't really fudge on those rules you need to have the A.B. With an A.B. License

CAPTAIN ROB JONES: Okay when you're on those other vessels how did you hear about the Bounty?

ADAM PROKOSH: I answered an ad at the on the (inaudible) of the American Sail Training Association website.

CAPTAIN ROB JONES: And you heard about the Bounty while you are working on the other vessels?

1 ADAM PROKOSH: Yes it's a very small community of people who work on these boats,
2 you can ask a boat crew about any boat and there is a good chance that they have
3 worked on that boat or they know somebody who has worked on that boat. (Inaudible)

4
5 CAPTAIN ROB JONES: So what did you hear about the Bounty prior to getting to the
6 Bounty within the tall ship community, amongst the others sailors, the scuttlebutt if you
7 will?

8
9 ADAM PROKOSH: I heard terrible things about Bounty, one of the jokes I heard was,
10 everyone on Bounty always has a different story when they almost died on the funny thing
11 is it is never the same story, must happen a lot. A real terrible reputation, but however I
12 had been talking to the crew who I worked on with Winterhaven and I heard a completely
13 different different discussion from those guys, they do not say like rumor or hearsay,
14 when I talked to the people that were actually on the Bounty they (inaudible) and used it
15 as an example of what other boats should do, and I can't change the reputation around,
16 and they would always be like yeah another reputation in the rumors that she heard but if
17 you'd worked on Bounty last five years, has a long-standing reputation the boat has been
18 in the water for 52 years, most of those years, (inaudible) deathtrap, and so you know that
19 sort of made its reputation decade after decade, the Bounty is known for not being about
20 that you want to work on for your own safety and for somebody that takes her job
21 seriously professionally that is what she is known to be, just a bad book tour, but a lot of
22 those rumors were out of date because I had worked on a lot of different boats and I was

1 excited to be a part of the new Bounty or they are very professional and they take their
2 job seriously and everyone makes a conscious effort with safety in mind

3
4 CAPTAIN ROB JONES: Up to the, if we, if the capsizing did not happen what were you
5 planning, what was your plans at the Bounty after, once you have been on board were
6 you planning on returning?

7
8 ADAM PROKOSH:(Inaudible) I like the program and I liked working with John I liked
9 working with Robin and Dan and Laura I had made some friends and would come back to
10 a second season on Bounty, I found another job opportunity when I was working in
11 Boothbay, and so change my plans and started working at Boothbay

12
13 CAPTAIN ROB JONES: How are the safety drills on the Bounty how do they compare
14 with the other vessels that you had worked on before?

15
16 ADAM PROKOSH: They were very different.

17
18 CAPTAIN ROB JONES: In what way?

19
20 ADAM PROKOSH: Robin did not believe in having a station drill, that outlined your
21 responsibilities, and so he left it up to the watches on how to, A watch action, they launch
22 the boat and recover man over boards, B watch boat you are responsible for it Bounty
23 needs, sail handling, what Bounty needs in that situation, and that helped you no matter

1 what the emergency was, that was unique and I've never seen it on any other boat had
2 been on, it was very against the norm but it was very effective. I've got a hunch on other
3 boats, if there is a drill coming up, and I still in indigo looked down at the station bill and
4 be like oh yeah that's my responsibility that can number four is taken out of the picture
5 and we all need to move up one of the responsibilities, like a lot of memorization, and my
6 number one or two and a fire it doesn't make any sense, this it was loose and it made it
7 easier, in an emergency you go to your watch and I would go to Matt or go to me and we
8 would say get A B and C done instead of, if I had my watch check-in (inaudible) and boat
9 handler three, I can't keep track of my people and so, I enjoyed Robbins style of drills

10
11 CAPTAIN ROB JONES: I appreciate your answers and maybe not so much detail more of
12 a general idea would be great.

13
14 ADAM PROKOSH: Okay

15
16 CAPTAIN ROB JONES: If you need to elaborate feel free to do so. The BST training that
17 you were talking about that's basic safety training?

18
19 ADAM PROKOSH: Correct.

20
21 CAPTAIN ROB JONES: When did you have that last?

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23 ADAM PROKOSH: I had that in October 2011.

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CAPTAIN ROB JONES: Is that recurring do you have to take it again at some time?

ADAM PROKOSH: Yes, take it every five years.

CAPTAIN ROB JONES: Did that help you during this incident?

ADAM PROKOSH: It did. Yes.

CAPTAIN ROB JONES: Do not fall crew members on the Bounty had that training before?

ADAM PROKOSH: I am positive that they all did not.

CAPTAIN ROB JONES: You mentioned that you worked with the AIS you left New London, and if I'm paraphrasing or you want to comment on it go ahead, he said that there were no other vessels in the area you are going to?

ADAM PROKOSH: Is very very difficult to make a whole report out of it (inaudible) an AIS system will typically have five, 10, 15 ships and it, in its area, the Bounty was the only one on their, so he must be all alone out here.

CAPTAIN ROB JONES: What did that mean to you?

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ADAM PROKOSH: It meant all the other ships must have stayed home.

CAPTAIN ROB JONES: Why, why do you think they wanted to stay home?

ADAM PROKOSH: Yes, that's the impression I got, I also did not know the magnitude of the storm, it's a good a long time to sink in, that I was in danger, (inaudible) every other ship must have stayed home, that was a little bit alarming to me.

CAPTAIN ROB JONES: Do you know what the (inaudible) of the AIS?

ADAM PROKOSH: Probably (inaudible) of the evening of the 27th, that is a big gap really.

CAPTAIN ROB JONES: Did you bring that anybody's attention, it seems like a big concern, did you talk to any of the officers or Capt. Walbridge about that?

ADAM PROKOSH: No I kept it to myself I figured everybody was, it was not worth reporting to me, I would've reported anything that had to do with the (inaudible) or the shape of our ship, every time ago for a boat check I come back and say anything that I found it all, that I did not think it had a lot to do with our ships I did not report anything on that.

1 CAPTAIN ROB JONES: You mentioned before that in talking to the lieutenant you said,
2 the hurricane could have veered one way or the other, could it have veered right at you?

3
4 ADAM PROKOSH: Certainly, hurricanes follow, to my knowledge hurricanes follow
5 predictable paths but they also are known to be unpredictable as well. Anything could
6 happen I'm not a meteorologists, but that's possibility.

7
8 CAPTAIN ROB JONES: Did you think that Bounty could run away from a hurricane?

9
10 ADAM PROKOSH: No, it doesn't work like that, it's making 6 to 7 kn versus a hurricane,
11 at 100 miles an hour you can't really outrun a hurricane in your path.

12
13 CAPTAIN ROB JONES: You are right, the traditional vessels that we talked about before
14 have you ever been in a hurricane with them for a storm was comparable rough weather?

15
16 ADAM PROKOSH: No I have been on dock line through the hurricane before,

17
18 CAPTAIN ROB JONES: I'm sorry.

19
20 ADAM PROKOSH: Dock line, and hurricane Irene I was in Boston with the liberty clipper
21 we were tied off to the dock so you're tending dock lines the whole time I've never been
22 underway in hurricane that was my first

23

1 CAPTAIN ROB JONES: Okay, one last question you had mentioned that the whole time
2 you're on the weather was pretty mild you did training you are getting ready and
3 practicing and you felt that this was going to be exciting, was this exciting enough for
4 you?

5
6 ADAM PROKOSH: Yeah you got it. It was my first hurricane being underway, and
7 hopefully my last, I'm still not shy of boats or weather..

8
9 CAPTAIN ROB JONES: Okay thank you

10
11 LIEUTENANT MALORE: You are going to be talking to some other people now, Mr.
12 Svendsen.

13
14 UNKNOWN: The rest of the parties of interest can come up here and ask the questions.

15
16 JOHN SVENDSEN: Good afternoon Adam.

17
18 ADAM PROKOSH: Hey.

19
20 JOHN SVENDSEN: You mentioned previous tall ship that you had been on, can you tell
21 me a little bit if there are any of those that had wooden hull type?

22

1 ADAM PROKOSH: Yes sir (inaudible) are wooden hull boats (inaudible) are other tall
2 ships built in the traditional style or fashion and others that are actual (inaudible) a dozen
3 or so boats that I worked on two of them were steel hull.

4
5 JOHN SVENDSEN: Can you describe a little bit about the differences you experience
6 between Bounty and the other wooden hull boats while you're underway as far as bilge
7 pumping, frequency or procedure?

8
9 ADAM PROKOSH: Yes, some boats, especially smaller boats, Amistad for example
10 (inaudible) style pump say at this pump by hand that is very time-consuming when your
11 boat is full of water and may take an hour or more to pump it out, Bounty's pumps once
12 you got them primed were really effective they pumped out quickly. I've worked on
13 different background pump boats, the Bounty's the first boat that I recall working on, let's
14 not shirk him I was going to say electric motors for the bilge pump which kicked on but I
15 worked on this before, although both have something different that's part of the deckhand
16 is learning how the system operates in so learning Bounty wasn't any different than
17 learning any of those boats.

18
19 JOHN SVENDSEN: Would you say was handled in a manner that was striving to be
20 professional?

21
22 ADAM PROKOSH: Yes sir, the bilge pump log, I did like that because some boats leave
23 the bilge pumping strictly to the engineer, (audible) having the bilge pump log that we

1 write down how much water, how much time it took to pump each compartment and have
2 it sitting on the table for any deckhand to see and review that made things, I thought that
3 was very efficient, very transparent, any officer can come down to take a quick view, they
4 lock the entire season and they can see how it seemed things changed I thought I was
5 very effective. Something I would've liked to see him Bounty is a redundant system, I
6 would have liked to have the hydraulic pump as well (inaudible) it concern me back in
7 Puerto Rico that we did not have a giant background pump that can be operated by hand,
8 like with Amistad, they could man that pump constantly (inaudible) pump using a hand
9 pump a very large hand pump (inaudible) but the bilge pump that we had was more
10 effective than any hand pump out there, we should've trusted those, but those systems
11 tend to fail.

12
13 JOHN SVENDSEN: You said that when you're on the Amistad there is a plank that was
14 drawn, can you describe how much water was coming in and how you dealt with that?

15
16 ADAM PROKOSH: It was in towards Norfolk Virginia in the Chesapeake when a plank
17 had thrown underneath and filled our bilge with water, since it was a storm there was a
18 compression of the bow, (inaudible) to bring out the large diaphragm pump (inaudible)
19 with a 5 foot pole that you could swing back and forth to let the water out, we had one
20 sailor down in the bilge with the hose in the water and another to pumping and one at the
21 emergency hatch of the boat because it's about tipped under the water which it did a
22 number of times we needed to throw up the hose and go down into the hatch cover to not
23 have water come from the deck back down into the bilge in their pumping furiously, but

1 that only happened a couple times for the most part they would pump like madmen and
2 keep the water stable there is about 2 feet of water in the bilge will keep the water where
3 was at and they were able to pump out as much water as was coming in the ship.
4

5 JOHN SVENDSEN: On the Bounty did you see any evidence of a similar sprung plank or
6 anything related to that?
7

8 ADAM PROKOSH: I don't know if we sprung a plank or not not that I could see but having
9 the water be higher than it had been all season was concerning I had thought but I'm no
10 expert it was probably the planks working (inaudible) I had figured that with so many
11 waves pounding and so much up-and-down there was a good chance that all the seams
12 between all the planks to be bringing in water a little bit on every plank, what I attributed
13 the high water to, but I tell you that the high water did look a lot like the bilge at Amistad,
14 with high water but I can't say where it came from, I don't know.
15

16 JOHN SVENDSEN: You had been on shore before on the Bounty and other boats can
17 you tell me if there is ever a time that you notice that no other vessels were on the AIS at
18 any time.
19

20 ADAM PROKOSH: Yes, it is not completely uncommon. It would be if I was in a major
21 ship channel but I don't know the range, with your offshore it can often be quite lonely up
22 there without anybody, and site or within radiocommunication area of range.
23

1 JOHN SVENDSEN: So if you had seen this previously why did it alarm you, what was
2 different about this experience with Sandy as opposed to your previous experiences?
3

4 ADAM PROKOSH: It was really no different, (inaudible) not alarming at all, he may be
5 having some doubts in the back of your head whether or not you should be out here are
6 not, you get a bad feeling, very mildly alarming like I said earlier, (inaudible) on the AIS, I
7 had seen it 100 times, it just contributes to the bad feeling being out and a storm
8 (inaudible) could we have avoided this by being on shore, not that I had any doubts about
9 Robin's decision I think I was an exciting prospect going out in the storm on Bounty, I was
10 happy to be there. It's okay to have doubts in the back of your mind.
11

12 JOHN SVENDSEN: So you're saying it's more of a trigger not necessarily a cause?
13

14 ADAM PROKOSH: Right.
15

16 JOHN SVENDSEN: You mentioned that the Bounty was constantly preparing to be at sea
17 to sea stow and to train throughout the season, do you feel that that assisted you while
18 you were underway?
19

20 ADAM PROKOSH: Absolutely every book that I've been on has had a different attitude
21 the way about, just like (inaudible) the Bounty was one that used to (inaudible) ocean
22 crossings and things, (inaudible) and inland harbor sails, going out for two hours and then
23 coming back to the dock tie up and go to bed for the night, seamanship can go out the

1 window on boats that are not constantly preparing for voyages. Now Bounty on the other
2 end of the extreme where they do ocean crossings and go out in bad weather, they train
3 their sailors to keep the boat in a state of readiness and prepare for a knockdown, I can't
4 say how many times Dan Cleveland would see something that was less than satisfactory
5 seamanship wise (inaudible) 15° knockdown and so I think that we practice that all
6 season as well as comfortable going out into the storm because now we get to drive
7 home that point to sailors that had never been offshore before.

8
9 JOHN SVENDSEN: You would say that it would benefit everybody else around you on
10 the crew as well?

11
12 ADAM PROKOSH: Absolutely, anybody should be able to go to any boat now and deal
13 with, and do things regarding seamanship and that fashion, they can pick up bad habits
14 along the way on the boats they go on (inaudible) don't put something on a flat surface
15 because of the boat rolls you know is that thing, they could get caught easily go
16 overboard

17
18 COMMANDER KEVIN CARROLL: I would like to, this is Cmdr. Carol Sir are you saying
19 that you believe that this experience with Bounty and hurricane Sandy was beneficial to
20 the crew?

21
22 ADAM PROKOSH: Yes absolutely anybody that is going to go to another ship is going to
23 benefit from lessons learned in this hurricane.

1
2 COMMANDER KEVIN CARROLL: Okay.

3
4 JOHN SVENDSEN: You mentioned the reputation of the Bounty in previous years and
5 then recently it had transformed that reputation with the people that had sailed on her, did
6 you see evidence of that with your experience on board where there was a constant effort
7 to improve the reputation and professionalism?

8
9 ADAM PROKOSH: Yes there is evidence of that and the type of sailors that Bounty was
10 attracting. (inaudible) Shipmates from other boats and they came on board because
11 Bounty is not a bad place to be despite what the reputation has been, (inaudible) since
12 the people say, everybody talks about everybody's opinion a lot of people think talk from
13 their own experience of Bounty, they heard bad things about it, does not go away easily,
14 and just from the people that have sailed on the boat recently in my experience while I
15 was there, John you took your job very seriously, Robin had innovative ideas, Dan and
16 Laura (inaudible) appreciate the teaching platform that is Bounty.

17
18 JOHN SVENDSEN: You and I have had some training and feedback opportunities
19 throughout the season can you describe, not the content of what was trained but the
20 generalization of your impression of that feedback as to his professionalism?

21
22 ADAM PROKOSH: Not sure I understand the question.

23

1 JOHN SVENDSEN: There is always training moments on board by people pointing things
2 out can you describe the general feedback that you are given to be a better sailor and a
3 better person?
4

5 ADAM PROKOSH: (inaudible) Seen in very different scenarios all throughout the group
6 with me specifically (inaudible) a meeting with you specifically and others on the crew
7 providing a place where I can grow to be a better sailor and a better person it was
8 something that was clear to me from the very first conversation I had with you on the
9 interview to get this job. (inaudible) It was communicated that what we are trying to build
10 here on Bounty is a family like structure of support and of giving people the opportunity to
11 take (inaudible) to take it to the next job or, Robin used to say future captains of America,
12 he always thought that we should be trained for our next job up, deckhands to AB's, AB to
13 mate, mate to captain, so he was very transparent, it was great but in my experience I
14 had many captains tell the mates what they want, Robin kept a very good discussion and
15 with the direction of the boat and so that I saw that for everybody involved in for me
16 personally I felt like (inaudible) and not go do my own thing because Bounty is the place
17 for me to grow as a person and professionally.
18

19 JOHN SVENDSEN: You mentioned the station bill earlier, was that posted anywhere on
20 the ship? To your knowledge?
21

22 ADAM PROKOSH: In the nav shack I remember there was a what to do states of
23 emergency in paragraph form, I do believe there was, not that I didn't miss it somehow, I

1 do not see a traditional, the deckhand one, deckhand two, deckhand three, deckhand four,
2 fire, MOB, abandon ship document that you would see on most boats.

3
4 JOHN SVENDSEN: So the station bill that you did see was nontraditional, what did you
5 find that was effective about it, he said it was effective can he get some specifics about?

6
7 ADAM PROKOSH: It was effective because (inaudible) when it comes to emergency
8 drilling, there's a high level of confusion about where people are supposed to be and also
9 (inaudible) you want to keep track of a your people here watchers you can't juggle
10 everybody on the boat and where they all are at once especially not on a big boat, Bounty
11 being what I consider a big boat and a large crew having each watch stick together and
12 have a goal, like the task being laid out by mate, yeah I feel like it was, it is harder to
13 explain to a new person and to let them drill that type of system, if they are done drills on
14 other boats and felt the confusion of it and then drills on Bounty where it works with less
15 confusion and less room for error (inaudible).

16
17 JOHN SVENDSEN: Do feel that is something that can be applied towards other vessels
18 to improve the structure of their drills and their manning?

19
20 ADAM PROKOSH: (inaudible) Capt. Of my own ship and my own crew and that is
21 something that I would take from the Bounty experience and I would use it on my boat.

22
23 JOHN SVENDSEN: Thank you Adam.

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COMMANDER KEVIN CARROLL: Bounty Organization.

LEONARD LANGER: Good afternoon Mr. Prokosh my name is Leonard Langer I represent the Bounty Organization. You indicated that after the vessel had left the space you felt that the pumping system had difficulty holding a prime?

ADAM PROKOSH: That's true.

LEONARD LANGER: Were you aware of any work that was done on the bilge pumping system in the shipyard?

ADAM PROKOSH: I'm not aware of that, it is my knowledge that there is no work done on the bilge pump.

LEONARD LANGER: You indicated that the vessel Detailed logs of the bilge pumping done on the vessel,

ADAM PROKOSH: Yes.

LEONARD LANGER: Did you ever check those logs to try and determine if there is a pattern of any of the changes you felt were going on?

1 ADAM PROKOSH: I did yes.

2

3 LEONARD LANGER: What did you conclude?

4

5 ADAM PROKOSH: I concluded that it was taking nearly twice as long to pump out the
6 boat previous to all season.

7

8 LEONARD LANGER: Did you come to a conclusion as to why that occurred.

9

10 ADAM PROKOSH: I do not I had a hunch that because of all the work being done in the
11 yard the strainers are probably clogged I checked the boatswain's in the forward crew
12 strainers and I cannot see that they were clogged.

13

14 LEONARD LANGER: Did you ever check the strainers in the other compartments to see if
15 they were clogged?

16

17 ADAM PROKOSH: I also checked the sea strainer in the engine room multiple times.

18

19 LEONARD LANGER: I think you said earlier that you found that it was not blocked, is that
20 correct?

21

22 ADAM PROKOSH: Yes it was not clogged is. The las thing I got was you saying they
23 were not clogged and I said that is correct I did not find a clog in the strainers.

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LEONARD LANGER: Given that fact did you reach some other conclusion as to what might be affecting the bilge system?

ADAM PROKOSH: I do not reach any other conclusion except that I wanted to make sure that the chain of command knew that I thought there was a problem. I had no experience in bilge pumps but I do now when they have been working eight months one way and then not working the total other way I know that there is a problem and other than that, other than the clog that I thought maybe (inaudible) our Capt. And our mate.

LEONARD LANGER: Did you think that the fact that you are having trouble getting a prime could be the result of being insufficient water in the compartments to prime the pump's?

ADAM PROKOSH: That came to mind as well but when I open the bilge (inaudible) the pickup was clearly underwater

LEONARD LANGER: Did you discuss this with anyone other than Mr. Warner?

ADAM PROKOSH: I brought it to both Robin and Matt Sanders.

LEONARD LANGER: Other than just telling them did you have any other discussion? Thereafter?

1
2 ADAM PROKOSH: Briefly it was much later in our voyage, I think it was the 26th, Matt
3 Sanders being the mate of my watch I told him one more time that we were having
4 problems with the bilge and he reminded me that Robin was thinking about it, but he I
5 expected him to know, when the weather got bad, John Jones had thought we would do
6 one hour on, one hour off on the bilge pumping him and I were most familiar with the bilge
7 pumping system (inaudible) and it was that opposed to a normal watch rotation, where we
8 have just a (inaudible) boat check John Jones and I (inaudible) we could do that.
9

10 LEONARD LANGER: Did you feel that the boat was taking on more water during the trip
11 from Boothbay to New London? Than she had before the yard visit?
12

13 ADAM PROKOSH: no I did not notice any more water than the usual.
14

15 LEONARD LANGER: You said he originally planned on staying on Bounty for the 2013
16 season but you had an offer at Boothbay that you ultimately took, is that correct?
17

18 ADAM PROKOSH: Correct.
19

20 LEONARD LANGER: What sort of offer was it, was it on another vessel?
21

22 ADAM PROKOSH: Now it was working for (inaudible) resort, it was a resort there at the
23 Sunday, as a sailing instructor, 19 foot boat.

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LEONARD LANGER: So you thought that was a better opportunity for you?

ADAM PROKOSH: (inaudible) The guy that runs the resort also has a small boatbuilding shop, it had been on my priority list to start learning how to build my own wood boat, and I hope to spend time when I'm not working at the boat shop building boat projects.

LEONARD LANGER: Did your decision have anything to do with the conditions on the Bounty?

ADAM PROKOSH: Not at all, it just had to do it, I want to build boats and it is a job where I can come home every day.

LEONARD LANGER: Thank you very much I have no further questions.

COMMANDER KEVIN CARROLL: Mr. Melusi.

UNKNOWN: We have one more party of interest Mr. Prokosh and there might be some follow-ups.

RALPH MELUSI: Mr. Prokosh can I call you Adam as I ask you questions?

ADAM PROKOSH: Yes I can hear you.

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RALPH MELUSI: Adam my name is Ralph Melusi and I represent Claudine Christian.
How old are you?

ADAM PROKOSH: 27.

RALPH MELUSI: In listening to your excitements and going aboard Bounty when this hurricane issue came up the sound to be the type of person that was to take a risk, is that true?

ADAM PROKOSH: Taking a risk, that's pretty general,

RALPH MELUSI: You are looking forward to this, are you a surfer, do you like motorcycles?

ADAM PROKOSH: I do surf, and I have been known to ride motorcycles.

RALPH MELUSI: Were you doing that up to the time that you joined the Bounty?

ADAM PROKOSH: Yes, different boats that I have worked on, sometimes we carry around a few surfboards with us, I would not say it was a risk taker but being out in poor weather with big wave conditions can be pretty exciting.

1 RALPH MELUSI: How high of the surf, how high are the ways that you enjoy surfing?

2

3 ADAM PROKOSH: Not very big ones, I surf a long board.

4

5 RALPH MELUSI: When you decided to go on this voyage after the captain explained
6 there's a hurricane coming did you assume that the vital systems on the vessel were
7 properly maintained and that they were going to be in working condition for whatever
8 problems and issues came up?

9

10 ADAM PROKOSH: I have faith that a lot of qualified people on board (inaudible) if there is
11 a problem that they could take care of it.

12

13 RALPH MELUSI: That was my question, you are assuming that the people on board had
14 conducted a proper maintenance program so that all of the bilge pumps were available to
15 be used, he made that assumption?

16

17 ADAM PROKOSH: Yes that is a fairly safe assumption, we are all literally in the same
18 boat so it wouldn't make any sense to not have confidence in the projects and other
19 people's projects in the same boat.

20

21 RALPH MELUSI: Okay, so you did not do an independent inspection of the bilge systems
22 you relied on the integrity of these people and the captain primarily to ensure that the
23 equipment was maintained properly so that it could be used when needed correct.

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ADAM PROKOSH: Correct.

RALPH MELUSI: And I also assume that you made the assumption that the caulking and the seams on the vessel would hold up so that they would not be springing and take on water, did you make that assumption too?

ADAM PROKOSH: Yes that would be a very big assumption, the amount of eyes on that project.

RALPH MELUSI: Did you also assume that doing caulking repairs they would be using approved marine equipment, not substances bought from Home Depot which is not approved for a vessel?

ADAM PROKOSH: That is not a safe assumption. I've seen worse things go on another boats.

RALPH MELUSI: But you assume that the planking and this seems would hold up so that water would not be coming on at a rate that the pumps could not handle?

ADAM PROKOSH: I would assume that (inaudible)

1 RALPH MELUSI: And did you assume that if you brought something of importance to the
2 captain's attention such as the fact that two ballast pumps were not working properly, they
3 were not maintaining their prime that he would take that seriously before taking the vessel
4 into a hurricane?

5
6 ADAM PROKOSH:(inaudible)I don't know what he was thinking about, because when he
7 said he was thinking about it (inaudible) he must take that seriously.

8
9 RALPH MELUSI: That was before you left New London correct?

10
11 ADAM PROKOSH: Correct.

12
13 RALPH MELUSI: So you are on the deck and he was explaining Bounty's safer at sea,
14 did you assume that he will resolve that issue as to why the pumps were not working?

15
16 ADAM PROKOSH: No I did not make that assumption. I assume that would be addressed
17 underway.

18
19 RALPH MELUSI: Underway in the hurricane?

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21 ADAM PROKOSH: Yes, I knew the hurricane was a few days out.

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23 RALPH MELUSI: Did you know how many pumps the vessel had to pump seawater out?

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ADAM PROKOSH: I did.

RALPH MELUSI: How many?

ADAM PROKOSH: Two electric bilge pumps (inaudible) alternate them daily, one on (inaudible) and we also have an exhilarating hydraulic pump that we can move into different compartments.

RALPH MELUSI: In fact there were two backup hydraulic pumps, did you know that?

ADAM PROKOSH: Yes I think there was one fixed in place in the engine room and one that could be taken about the boat (inaudible).

RALPH MELUSI: Would you have assumed that those pumps would be operated on a regular basis,

ADAM PROKOSH: And there is also our gasoline powered trash pump.

RALPH MELUSI: So there is five altogether. But in coming to your decision that this is going to be an exciting trip, you're assuming that those two backup hydraulic pumps had been operated on a regular basis so that if called upon and needed to pump out water they would start right up, we made that assumption didn't you?

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ADAM PROKOSH: Yes, I don't know all what engineers do the entire time, the maintenance that they are doing is preventative maintenance and also testing and servicing emergency systems.

RALPH MELUSI: Well if the facts are otherwise the hydraulic pumps had rarely if ever been used and no one knew while the vessel is in New London if they would work and that point in time would at would that have given you pause?

LEONARD LANGER: Objection it is argumentative and misstates the prior testimony

UNKNOWN: It is argumentative and does misstate prior testimony.

RALPH MELUSI: This witness has stated that this was going to be an exciting adventure and I am probing on the basis of his decision that he made was he being rational, because it did not consider vital systems.

UNKNOWN:I think you have made your point.

RALPH MELUSI: When you went to the captain on the second occasion and reported the bilge pumps were still having prime problems and he told you he was thinking about it, did you think that was in accordance, a professional mariner who is obligated to ensure the

1 safety of the vessel and the crew, that that was consistent, that response, I will think
2 about it, continuing to think about it?

3
4 ADAM PROKOSH: The thing about Capt. Robin is I believe that he was thinking about it,
5 because it wasn't a situation that I felt blown off, (inaudible) don't worry about it kind of
6 thing, I think he was thinking about it he is a very good chess player, brings things into
7 alignment.

8
9 RALPH MELUSI: But what point is he going to come to a decision as what to do with the
10 pumps when you're heading into a hurricane?

11
12 LEONARD LANGER: Objection still argumentative and calls for speculation.

13
14 RALPH MELUSI: in regards to removing debris from the engine room that you are using a
15 colander scooping it out, did anyone make any attempt to see if the debris was clogging
16 the other suction pickups and the other compartments?

17
18 ADAM PROKOSH: I believe no, at that point they were making a strong effort to try and
19 get power back and get the bilges going, at that point the only compartment that really
20 mattered was the engine room because you need to keep it dry if we ever had hoped to
21 keep the generators running.

22
23 RALPH MELUSI: Did you see any work being done on either of the two hydraulic pumps?

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ADAM PROKOSH: I can't say, I don't know (inaudible) what was happening above my head there I cannot say for sure.

RALPH MELUSI: Bear with me for a few moments. Were you making hourly, not hourly, on Sunday had you made any checks in the engine room on any of your watches?

ADAM PROKOSH: Remind me again.

RALPH MELUSI: On Sunday, this would've been the last day

ADAM PROKOSH: In that case no, on my watch I was strictly (inaudible)

RALPH MELUSI: Give any recollection on the occasion that you're in the engine room of seeing a broken site class on one of the fuel oil day tanks?

ADAM PROKOSH: I heard that it was broken, at that point my focus was quite narrow. When I was in the engine room I was trying to time bilge suction with wave action and taking a look at the pressure in the pipes in the bilge system and holding onto the pipe (inaudible) at that point I was so focused at trying to get water out of the boat that I did not take the time to look at the fuel tank.

RALPH MELUSI: Was there a discharge gauge on the piping manifold?

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ADAM PROKOSH: For the bilge?

RALPH MELUSI: Yes.

ADAM PROKOSH: The discharge gauge is actually itself not on the manifold.

RALPH MELUSI: For each pump?

ADAM PROKOSH: Each pump.

RALPH MELUSI: Can you tell me when the vessel is going from Boothbay to New London what was the variation of the discharge pressure on the electric pump, and also telling with the suction pressure was?

ADAM PROKOSH: I believe the, it's just a discharge gauge, just a single gauge (inaudible) opened it a little above zero and you could see the vibration and the needle it should not have a lot of pressure connected to the boat, it should just hum just above zero

RALPH MELUSI: But the discharge itself is about 10 or 12 feet above the pump, right?

ADAM PROKOSH: 10 to 12 feet, no it is not that high but I know what you are getting at.

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RALPH MELUSI: Could you see where it actually pierces the hull.

ADAM PROKOSH: Yes.

RALPH MELUSI: It's in the engine room not above the next level?

ADAM PROKOSH: No it is in the engine room you can see the hard pipe coming up at a right angle out to the through hole.

RALPH MELUSI: So that would be below the waterline?

ADAM PROKOSH: Yes, no, I don't know I don't know the waterline measurement.

RALPH MELUSI: In the gauge would read from zero to what 20, 25 psi?

ADAM PROKOSH: I can't remember (inaudible).

RALPH MELUSI: When it was running steady what,, the discharge pressure would be 2 to 3 PSI?

ADAM PROKOSH:(inaudible) between zero and one.

1 RALPH MELUSI: Between zero and one PSI? Is that your best recollection?

2

3 ADAM PROKOSH: Yes.

4

5 RALPH MELUSI: Now let's fast forward to Sunday you are having more serious problems
6 with the pump now and losing prime, what is happening on the pressure gauges?

7

8 ADAM PROKOSH: I could get it to prime at first and it would sit there and home between
9 zero and one and you could feel in the pipe itself that water was moving through be a flick
10 flick in the pipe (inaudible) and then he would go to the pipe and there was nothing
11 running through it, closed off, the the was building pressure again (inaudible) take it back
12 over to raw water I could feel water going to the pipes again and if I switch it back over to
13 the bilge it'll pick up for a few minutes before there's little tick tick tick and in the water will
14 move anymore.

15

16 RALPH MELUSI: With the rolling of the ship have anything causing the pump to lose
17 prime?

18

19 ADAM PROKOSH: It did, it did not on the way from New London and from Tuesday to
20 New London and from New London to the first day out because it was very flat,
21 (inaudible) that I was alarming felt that was the bilge pump system, without even changing
22 wave action they were acting differently but then as we got into the rougher weather
23 (inaudible) the water like the slosh from one side of the boat (inaudible) on the starboard

1 side or the pickup in the engine room was on the port side and it will run dry if there is no
2 water in their and leaves the prime that added a whole another level of difficulty in getting
3 the water off the boat.

4
5 RALPH MELUSI: And that would be air that was getting in on the suction side?
6

7 ADAM PROKOSH: Yes.
8

9 RALPH MELUSI: In thinking back if you're down there for 15 minutes working with the
10 electric pumps and dealing with loss of drying and the steps you're taking to regain prime
11 out of the 15 minutes what percentage in terms of minutes would effectively with the
12 pumps effectively be pumping?
13

14 ADAM PROKOSH: Are we talking about in the hurricane?
15

16 RALPH MELUSI: Yes In the hurricane.
17

18 ADAM PROKOSH: I could get the pumps going for four minutes out of every 15.
19

20 RALPH MELUSI: They would run 4 out of the 15?
21

22 ADAM PROKOSH: Much more time was spent (inaudible) in getting the pumps to switch
23 over to the bilge water in the engine room, Then we would lose prime in the next wave in

1 and go back to cross over again I was fighting for second tier and seconds there every
2 minute.

3
4 RALPH MELUSI: And what about the portable hydraulic pump that I understand was
5 being used, was that also experiencing the same problems?

6
7 ADAM PROKOSH: Since I had never operated that pump before I did not know much
8 about it but I could hear it was running, and I could see where the pickup was in the bilge,
9 now I have to assume it was running dry from time to time because of the wave action the
10 water would not hold still but especially since I don't know anything about the hydraulic
11 system to even be able to operate it.

12
13 RALPH MELUSI: To the extent of the portable hydraulic pump was losing prime and was
14 not pumping you just let it do its own thing because you are trained on how to use it and
15 you aren't concerned with the bilge pumps, I mean the electric pumps?

16
17 (inaudible)

18
19 ADAM PROKOSH: Back-and-forth between the nav shack in the engine room to check on
20 that system, and so he

21
22 RALPH MELUSI: It's okay the answer is no. Almost finished here.
23

1 LIEUTENANT MALORE: Mr. Prokosh if you hear us start talking you need to stop
2 because we have an objection.

3
4 ADAM PROKOSH: I do not hear anybody.

5
6 RALPH MELUSI: Adam thank you very much I wish you well with your recovery.

7
8 LIEUTENANT MALORE: Adam there is going to be a few more questions, Capt. Jones
9 from the NTSB has some follow-ups.

10
11 CAPTAIN ROB JONES: Just a few follow-ups. Did you feel that the vessel was rushed
12 getting out of the shipyard out of New London for that day sail?

13
14 ADAM PROKOSH: Yes but I say that very mildly because when you ship has a schedule
15 you always feel rushed.

16
17 CAPTAIN ROB JONES: Do you feel that the vessel was rushed out of New London to get
18 to St. Petersburg?

19
20 ADAM PROKOSH: Yes I do feel that we are rushed, getting the boat packed up on the
21 double.

22

1 CAPTAIN ROB JONES: I have heard testimony from a couple people already and from
2 you that Capt. Walbridge promotes an open discussion, do you agree with that?

3
4 ADAM PROKOSH: Yes, that is very true.

5
6 CAPTAIN ROB JONES: His style of leadership? Going back to the conversation, the
7 captains talk in New London after a full day in New London, a day sail with the Navy, and
8 the trip over to the Mississippi, did you make that trip to the Mississippi by the way?

9
10 ADAM PROKOSH: The Mississippi?

11
12 CAPTAIN ROB JONES: The Navy submarine?

13
14 ADAM PROKOSH: Oh yes, I thought you meant the river.

15
16 CAPTAIN ROB JONES: When did you get back from that?

17
18 ADAM PROKOSH: I was in the second group there is two groups that want to summary
19 as soon as I got back it was time to pull the sand away and get underway, we had a
20 meeting first, a muster first, it was fairly brief and then we got underway like immediately.

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22 CAPTAIN ROB JONES: When you said the muster and the briefing first the captain talked
23 about notifying you about the hurricane?

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ADAM PROKOSH: Yes that was at talk.

CAPTAIN ROB JONES: Was this an open discussion?

ADAM PROKOSH: I had the feeling that whenever the captain is speaking we have a open discussion.

CAPTAIN ROB JONES: Did he ask if anybody else had any ideas or did he just tell you what he was going to do and you had an option to either stay or to go, no harm, no foul?

ADAM PROKOSH: he did not open it up for discussion, no.He said what the plan was for the boat, (inaudible) no harm or no repercussion (inaudible) got underway.

CAPTAIN ROB JONES: Thanks Mr. Prokosh, one final you mentioned before to Cmdr. Carol and he had reiterated back to you that this experience was beneficial, do you mean that in a learning lessons way or a lessons learned?

ADAM PROKOSH: I meant that the experience on Bounty (inaudible) learn from it in the future, (inaudible) I do think that other boats will be safer because of the tragedy, I just hope something comes out of the tragedy in a positive way.

LIEUTENANT MALORE: Okay Adam, you have a question from Cmdr. Carol.

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COMMANDER KEVIN CARROLL: You aspire to be a captain one day correct?

ADAM PROKOSH: Correct.

COMMANDER KEVIN CARROLL: What would you have done differently? Knowing what you know now, what would you have done differently? If you wear the captain of the Bounty, what would you have done differently?

ADAM PROKOSH: I would say that if it was my boat and I was captain of the Bounty I would've made arrangements to pull into one of the large ports, Boston, up the Hudson River, or Boothbay did not have the strongest dock, or make arrangements to dock, bring out all of the lines out of the line locker and tie down (inaudible) with the boat tied to the dock. But that is if I was the captain of the Bounty.

COMMANDER KEVIN CARROLL: Did you have those feelings that that was possibly the best possibility for that vessel, when the captain was laying out his plan to take the vessel to see towards the hurricane?

ADAM PROKOSH: Yes but I'm very hesitant because I was very interested (inaudible) in a 27-year-old that is aspiring to be a great captain someday has a lot to learn from somebody that has been on board the Bounty for 17 years. That would be why the vision

1 was something different than Robbins that I was more than willing to go and not to
2 question.

3
4 COMMANDER KEVIN CARROLL: Understood Mr. Prokosh

5
6 LIEUTENANT MALORE: Mr Melusi would like to ask 1 more question.

7
8 RALPH MELUSI: During the shipyard were you involved with moving led back into the
9 lazaret?

10
11 ADAM PROKOSH: Yes I was.

12
13 RALPH MELUSI: Can you tell me how that lead was stored and how it was secure?

14
15 ADAM PROKOSH: (inaudible) which may be moved a quarter of the lead on board
16 stacked into the engine room, (inaudible) it was not secured by any bands, it was not
17 secured it was stacked loosely.

18
19 RALPH MELUSI: Describe the stack.

20
21 ADAM PROKOSH: It was fact, the part that I was working on my stuff them back is deep
22 in the hole is my arms could reach made a little pile, and then I started stacking it into
23 rows 3 to 6 feet.

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RALPH MELUSI: Did anybody tell you or suggest that the ballasts should be secured so that when the vessel was rolling it would not be pounding against the sides?

ADAM PROKOSH: Nobody had suggested that.

RALPH MELUSI: Who us was involved with putting the ballast back there?

ADAM PROKOSH: (inaudible) She was very with us very shortly and Josh Scornavacchi.

RALPH MELUSI: Who ordered the ballast, the lead ballast be placed back there?

ADAM PROKOSH: I am not sure but I would venture to guess that was Laura our boatswain probably having some conversations with Robin.

RALPH MELUSI: So the captain was aware that the ballast was unsecured?

ADAM PROKOSH: I cannot say for sure because I did not talk to Rob and myself. Judging by how things usually go on board we got those orders from Laura (inaudible) where she gets her orders from.

LIEUTENANT MALORE: Okay Mr. Prokosh, I would just like to remind you they were subject to recall, thank you for your testimony today.

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ADAM PROKOSH: You are welcome

COMMANDER KEVIN CARROLL: 10 minutes Nic.

LIEUTENANT COMMANDER NICHOLAS PARHAM: We are back on the record at 15:27
at this time the Coast Guard calls to testify Jessica Hewitt.

COMMANDER KEVIN CARROLL: All parties of interest and the representatives are
present.

LIEUTENANT COMMANDER NICHOLAS PARHAM: Stand right here. Raise your right
hand. A false statement given to an agency of the United States is punishable by a fine
and / or imprisonment under 18 USC 1001. Knowing this do you solemnly swear that
the testimony you are about to give is the truth the whole truth and nothing but the truth
so help you God?

LIEUTENANT MALORE: Okay Jessica can you please give us your full name and spell
your last name?

JESSICA HEWITT: Jessica Leigh Hewitt, H-e-w-i-t-t.

LIEUTENANT MALORE: Can you tell us your experience?

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JESSICA HEWITT: Yes, in general?

LIEUTENANT MALORE: Yes related to vessels?

JESSICA HEWITT: I graduated Maine Maritime in 2009 and every summer I did co-ops which are required I think 62 days on a vessel and a report on it, I was on the (inaudible), the next summer I worked on the Arctic schooner Bowdin as a trainee, we went up to Greenland and went to back to school and finished my senior year, I worked as a third mate for Ocean class foundation and then I moved up to second mate after that. And then this summer I captained a motorboat, a 47 foot Duffy a supply boat back and forth to an island 60 miles off the coast. So not too far

LIEUTENANT MALORE: Okay, (inaudible) license question mark

JESSICA HEWITT: Yes I have 100 foot ton captains license inland.

LIEUTENANT MALORE: What role were you planning on the Bounty?

JESSICA HEWITT: Deck hand.

LIEUTENANT MALORE: How long have you been on Bounty?

1 JESSICA HEWITT: I got on board around August 28, up to Eastport Maine, on the way
2 down to the coast to yard until October 29.

3

4 LIEUTENANT MALORE: Okay, so just for a couple months

5

6 JESSICA HEWITT: Just like two months.

7

8 LIEUTENANT MALORE: You were with Bounty in Boothbay shipyard right?

9

10 JESSICA HEWITT: Yes.

11

12 LIEUTENANT MALORE: What did you do there?

13

14 JESSICA HEWITT: I helped Laura with some of the hull work and stuff like the caulking,
15 helping then flip over spars and that was it.

16

17 LIEUTENANT MALORE: When you do the caulking on board where were those locations
18 at?

19

20 JESSICA HEWITT: Laura had when the boat was hauled out she had picked out spots
21 are obvious seams that were weeping, then we went through I helped hold the caulking
22 iron and she went through kind of seeing, I guess just sing the extent of how bad the
23 spots were and stuff like that, I can't tell you exactly where they were they were spots this

1 big and or here or there but there were a lot of seems amidships on either side we had
2 bumped in a bunch and they did not even need a lot of oakum or anything, if they needed
3 it that's what I did.
4

5 LIEUTENANT MALORE: When you said Laura, that is Laura Groves?
6

7 JESSICA HEWITT: Laura Groves, yes.
8

9 LIEUTENANT MALORE: Was she in charge of the caulking?
10

11 JESSICA HEWITT: She was in charge of what I did, but she was talking to Dan and the
12 captain's issue with assignee projects and spots where she felt comfortable with me
13 working on it if I had any questions she was always right next to me.
14

15 LIEUTENANT MALORE: Let's just jump the train, what is your training experience on
16 Bounty?
17

18 JESSICA HEWITT: Training experience?
19

20 LIEUTENANT MALORE: Like drills?
21

22 JESSICA HEWITT: Oh drills, like what drills we did?
23

1 LIEUTENANT MALORE: Yes. While you were there that you witnessed.

2

3 JESSICA HEWITT: I did not have any except for just a run through like where things were
4 and stuff and then we did a man overboard drill as we were leaving New London
5 Connecticut. We did a man overboard drill, we did not launch the boat, just alongside,
6 halfway.

7

8 LIEUTENANT MALORE: So what did you think about the training compared to other
9 vessels you have been on?

10

11 JESSICA HEWITT: Not, usually I am working on boats where we deal with students and
12 so we drill pretty hard even if the students are only on board for a week we make sure
13 they know where the flares are even if there is not their assigned job we always have a
14 station bill and so I was lost on Bounty, like what's my role, so they were like you are
15 watch this this, I like okay so I was getting used to a different way of doing things.

16

17 LIEUTENANT MALORE: Was it confusing to you?

18

19 JESSICA HEWITT: For me it was because I'm used to using a set thing, this is what I do.
20 So just challenged in that way.

21

22 LIEUTENANT MALORE: So I came to doing drills you were not sure what you are to do?

23

1 JESSICA HEWITT: On I would find my watch officer and he would direct me, then I knew
2 what I was doing.

3
4 LIEUTENANT MALORE: So then you got the direction?

5
6 JESSICA HEWITT: I believe I asked why they operated that way, and they said it was for
7 more dynamic situations, you do not know who is going to be where so they felt it would
8 flow smoother if people just filled in where they needed to be.

9
10 LIEUTENANT MALORE: So something happened to your watch officer would you know
11 what to do then?

12
13 JESSICA HEWITT: Yeah, I would go to the captain, is who I would go to.

14
15 LIEUTENANT MALORE: Okay. So what do you think about the work that was done in
16 Boothbay?

17
18 JESSICA HEWITT: There is a lot of it in a short amount of time I remember being very
19 tired we would muster, they talk about different projects so we just got delegated it was
20 not like any time was wasted in the yard day, you are a worker and you put your right to
21 work, long day's usually go to bed and do it all over again. I was really proud of all the
22 work that we had done especially the people working moving the tanks.

23

1 LIEUTENANT MALORE: Was there a rush to get the work done?

2

3 JESSICA HEWITT: It did not feel like it, not at all, everyone was just working at the best
4 pace but nobody was like, no.

5

6 LIEUTENANT MALORE: Were you aware of any rot on the vessel or any other defects or
7 problems at the time?

8

9 JESSICA HEWITT: I would notice what other people would notice, but I was, I'm not an
10 expert I'm not going to, I don't have an eye for it so I just trusted the people I work with.
11 I'm willing to follow a certain order of things, I was just a deck hand so

12

13 LIEUTENANT MALORE: But he said others had identified areas of?

14

15 JESSICA HEWITT: Yes definitely, I know (inaudible) would come over and look at spots
16 that Laura would find in that discussion was above me I do not hear any of it.

17

18 LIEUTENANT MALORE: You were not part of those discussions, did you know where
19 they were at?

20

21 JESSICA HEWITT: Yes there are some spots under the bow, there is a big patch lead
22 patch they put over it, that was weeping quite a bit even after being hauled out for some
23 weeks, Laura just like she was looking at a piece of the roofing iron and moved it and it

1 was like another waterfall of water out of the boat and we went back we were constantly
2 removing water from our bilge especially after it would rain, we would have to start it all
3 over again before we could talk seems because we could, so we could call them and they
4 were dry.

5
6 LIEUTENANT MALORE: Okay, can you clarify that a little bit, the vessels out of the water
7 and you fix the repair and he said you're still getting flooding or?

8
9 JESSICA HEWITT: All I remember, it is so vague but we get water out and then the next
10 thing I know people are at that same project again, I was never involved so I don't know
11 why, or what was causing it. I was just so it rained but

12
13 COMMANDER KEVIN CARROLL: If it rained how did water get down into the bilges?

14
15 JESSICA HEWITT: We've removed a big patch section so we had covered it with
16 plywood we had extensive rain for a week or more adjusting to rain every day, it was a lot
17 of water but it was enough for the shop vac. I was on that project I was on the outside of
18 the boat.

19
20 LIEUTENANT MALORE: And you did not do any work internally?
21

1 JESSICA HEWITT: No, one day I raked in the bilge, cleaning clumps of stuff out, and
2 then with Claudine her and I vacuumed out a lot of the debris and sawdust, but we could
3 not get into the ceiling planks.

4
5 LIEUTENANT MALORE: Tell me about leaving Boothbay and going to New London, tell
6 me about your experiences on that trip.

7
8 JESSICA HEWITT: It was a pretty good one, we left my watch alarm is still set for 510 so
9 that is when I woke up we are off the dock by 545 and underway they rolled into our work
10 party, when you're not on watch between the hours of eight and 1600 you are working
11 and so my work party we just started painting the new crew quarters so they would be
12 ready for us to move into in New London. That's what we did.

13
14 LIEUTENANT MALORE: What condition do you think the vessel was in at that time?

15
16 JESSICA HEWITT: Pretty good, I had not been on the boat for a long time so I really
17 didn't, I just heard people say stuff like oh she is not making as much water, we are not
18 having to pump the bilges as much so I don't have a reference I felt comfortable it is a big
19 boat and it takes a lot to move.

20
21 LIEUTENANT MALORE: When you got to New London was it during the voyage or when
22 you got to New London was the first that you heard of hurricane Sandy?

23

1 JESSICA HEWITT: I did not know about it until my mom sent me a text message
2 sometime during that day during the sail,

3
4 LIEUTENANT MALORE: In between?

5
6 JESSICA HEWITT: I think it was around lunchtime I went to lunch and I checked my
7 phone and it said something about, are you guys going to still go out even though there is
8 a hurricane, I do not think anything of it because my mom is a mom she is a worryer sol
9 didnt think anything of it. It was a lot of work to take a square rigger out for a day sale, we
10 did a lot of furling.

11
12 LIEUTENANT MALORE: I'm sorry, the sale, was that the sale with the Navy?

13
14 JESSICA HEWITT: No the actual sale with the Navy crew, it was a lot of work to set and
15 strike the sails and so I was pretty tired,

16
17 LIEUTENANT MALORE: I wasn't sure if you're talking about the sale with the Navy or the
18 sale to New London, which one was it?

19
20 JESSICA HEWITT: The day sale I guess you'd call it that we did with them.

21
22 LIEUTENANT MALORE: You are already in New London's?
23

1 JESSICA HEWITT: Yes I was around lunchtime I saw a text and then we went on the
2 submarine tour, and I was excited but at the same time like no man this is going to be a
3 lot of work because we're going to get underway after this, so from a selfish standpoint I
4 would have rather stayed at the boat.

5
6 LIEUTENANT MALORE: Okay.

7
8 JESSICA HEWITT: Then we got to the boat I was in the first group of people to get back
9 so he immediately started putting all the gear that we had put on the peer back onto the
10 vessel and then around that time the rest of everyone showed up and I fell into that than
11 Robin mustered us around the capstain and he was very slow and he thinks about what
12 he says before he says it, and I remember when he talks everyone listens, we're all there
13 everyone fell into silence, he still was call us to future captains of America he phrased the
14 question like what would you want to know about a hurricane, I was not one to speak up
15 or anything I just want to listen to what other people had to say and then it was just the
16 size of the hurricane the predicted course all this other stuff and he asked where a ship
17 was safer, he was alluding to that phrase about a shipping safer at sea, then he, it is all
18 vague from there, I dont like speculating, the next thing he said was if you want to leave
19 you can, he was very fair about it, I remember feeling very comfortable with how he was
20 phrasing it as he made sure that, he even said no one here will think less of you if you go,
21 and he gave people an out and that was, I remember feeling, it must not be that bad. We
22 went out and when we were going out I usually I don't say goodbyes to people or
23 anything I don't say okay we are leaving, I just do it, I go away and I come back but this

1 time I want to say something to the people, and the responses I got back, were like good
2 luck out there were praying for you and I remember thinking it was very over the top, I
3 remember sending a message to Drew's dad because he's a big fan of the vessel
4

5 LIEUTENANT MALORE: Drew?
6

7 JESSICA HEWITT: Drew Salapatek. To Jim Salapatek saying what we had also talked
8 about in the muster, that we were going to go east and check away from the storm as
9 much as possible because it was predicted to go inland and that's what I texted to Jim,
10 that was our plan and he said Yep it is predicted to go inland units that I'm praying for you
11 guys I say this, heavy there so. I do not see a weather chart of it until I think that night
12 Claudine showing it to me, she was trying to learn as much as she could, she was asking
13 questions asking Matt Sanders a lot of questions about what are we doing, tell me what's
14 going on, teach me stuff she would come back to me and fill me in on what she would
15 learn, she said this thing is huge and gave me a little map and said this is usually a
16 hurricane and this is Florida, and she said it's like the made a big hand and she said show
17 me again so she brought the piece of paper and I was like well I made a joke like my god
18 I have to go out to England to avoid this, because it was bigger than I thought.
19

20 LIEUTENANT MALORE: What time was that?
21

22 JESSICA HEWITT: That was around midnight, Thursday.
23

1 LIEUTENANT MALORE: You had already left?

2

3 JESSICA HEWITT: Yes we left.

4

5 LIEUTENANT MALORE: So coming back a little bit before you had the meeting with the
6 captain did anybody else tell you other than your mother did you hear anybody talking
7 aboard the boat,

8

9 JESSICA HEWITT: No we were so busy only got to New London we went out and we got
10 snacks and stuff for the trip then we came and greeted desk of new cook and went to bed
11 we weren't around a TV even a Navy guys did not mention it.

12

13 LIEUTENANT MALORE: When you had the meeting with the captain, had he asked for
14 any of your opinions or just that we are leaving.

15

16 JESSICA HEWITT: It was like here is the plan and if you want to go you can, and it was
17 very convenient, if you're going to leave this was a perfect spot because there is a train
18 station right there, everyone was like pretty solid so we made lines.

19

20 LIEUTENANT MALORE: So let's go from leaving New London, you left, then had that talk
21 discussion with Claudine about the concerns, so at that time were you concerned?

22

1 JESSICA HEWITT: Looking back on it now, that should have let off some red flags, I
2 really trusted who I worked for, I hope one day to be more experienced, I know I will never
3 be equal maybe but he has been a lot he has a lot of experience in it, way more than I do
4 with navigating rainstorms so it was of oblivious innocence I would call it. Usually I sale of
5 cabins that will stay an extra night just to avoid it, but that is also because we are sailing
6 with students, so.

7
8 LIEUTENANT MALORE: Going back to the training, you thought everybody was trained
9 sufficiently?

10
11 JESSICA HEWITT: Yes I had heard stories of how how Bounty would head south, her
12 yards would be extended to a certain point and Boothbay Harbor gets pretty cold and so a
13 lot of people oftentimes would leave or they would just get people to come on last-minute
14 almost and then head south and so I felt really comfortable having people who had been
15 there multiple seasons I felt comfortable with them.

16
17 LIEUTENANT MALORE: If you don't mind please turn to CG 32.

18
19 JESSICA HEWITT: there is a lot of tabs.

20
21 LIEUTENANT MALORE: Second paragraph down, these are notes from discussions
22 between you and I. Do you remember saying anything about the training and the safety
23 training not being very good or little instruction compared to other vessels.

1
2 JESSICA HEWITT: can you say that again

3
4 LIEUTENANT MALORE: Can you read it just there

5
6 JESSICA HEWITT: That is fine, when I worked on for other companies usually if we are
7 doing a big trip we would take the boat out and put her through her paces anyway before
8 a long trip we would go out not too far and just anchor and then spend the first night at
9 anchor and make it through call stations and we go through the basics and then there's a
10 big safety talk that the chief mate does about drills all the stuff where the equipment is in
11 there is a station bill that each person goes through, what that watch does, they did not
12 have that.

13
14 LIEUTENANT MALORE: So right before you left, you said that in New London you just
15 had a day sale and trip with the Navy, and then you left, did you feel that the crew was
16 rested, that you were rested?

17
18 JESSICA HEWITT: I was very tired, I understand why, I can't put myself in Robbins had,
19 we're trying to make Trax East to get away from the hurricane, so

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21 LIEUTENANT MALORE: So that is what you thought?

22
23 JESSICA HEWITT: That he wanted to get more distance out.

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LIEUTENANT MALORE: Did you feel like things were secured well in the vessel, that the cleaning and putting away of stuff was done.

JESSICA HEWITT: The cleaning was good, personally when I'm on a boat we like to see Stowe pretty rigorously before hand you usually send somebody out to see Stowe while somebody else's another job, there's someone making rounds on the boat with a roll of Saints twine lashing things down, usually the chief mate will go through and check it, it is more incentive to make sure you got everything even the toilet paper and the heads are stowed, which usually they got forgotten I know when we were getting underway it was just put everything on the boat and get out of there. I know some things did not have homes yet

LIEUTENANT MALORE: Was that things that you added in New London or was that stuff also not put away when you left Boothbay?

JESSICA HEWITT: It was stuff like the gangway, we put it between the mast and the fife rail, things like that if you get into heavy seas you want to lash those down, they are not gonna go anywhere but to be loud against the mast. The bigger stuff lashed down as people were taking lines that sort of stuff

LIEUTENANT MALORE: You left New London and you are headed out continue from there.

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JESSICA HEWITT: We are heading out?

LIEUTENANT MALORE: Yeah you're heading out that they you just left.

JESSICA HEWITT: That was Thursday the watch was nothing special it was midnight through four

LIEUTENANT MALORE: Which watch was that?

JESSICA HEWITT: That was with Matt Sanders. And Adam Prokosh. And John Jones and myself.

LIEUTENANT MALORE: What time was that watch?

JESSICA HEWITT: We started at midnight. So I got to go to bed for a little bit then woke up at 11:15, then went through that watch without a problem I didn't specifically, you probably want to know about the bilges, it is just the way the rotation worked out I never had to pump them personally, they were always at a okay level down on Friday I woke up for breakfast and I started work party and Laura said we would take down the royal yard I had never done that before so was going to be a lot of work and it was, it was so much work that we did it until after my watch was stood down to go eat lunch, we spent so much time setting up and making sure things had taglines things were proper, the next

1 watch took over that project in my watch didn't go back, that would put us at 1600, sit
2 down, so that would be Friday night, that is when things started to get rougher

3
4 LIEUTENANT MALORE: Friday night?

5
6 JESSICA HEWITT: Yes Friday night, I know because this is something I was thinking
7 about on the airplane just going through the process and the order of things and I will
8 never be as fresh as the day that I talk to you guys after the rescue I headed down to
9 what sales were struck when and that's going to be way more accurate than anything
10 here but I can give it a shot. That Friday we took the Royal down Saturday for my work
11 party I wasn't feeling good really tired and out of it. I don't get seasick where I'm vomiting
12 but I get headaches I was pleased when Laura said my task is putting up safety lines at
13 mid-ships. We ran Jack lines at chest height so you could grab onto them when things
14 got rough. And then we went through the cabins, the guest cabins in between decks and
15 we were making sure things were stowed in their sometimes they can be forgotten. I
16 really want to go to bed but just the black made a very good curry so I stayed up

17
18 LIEUTENANT MALORE: This is all on Saturday?

19
20 JESSICA HEWITT: This is Saturday after my watch I don't remember what happened
21 during that watch then I woke up for the watch at midnight and we were standing around
22 the capstain and Matt Sanders my watch officer was telling us that it was really serious,
23 someone had to stay down in the engine room and pump the bilges

1

LIEUTENANT MALORE: Was that the first time that you knew about the problems?

3

4

JESSICA HEWITT: It was the first time it was made aware to me, I thought I would have to go down there, or get stuck in the helm it's not so bad but it is in the elements, I guess maybe it was raining at that time but then I got assigned to doing the boat checks going through compartments checking the bilges were pumping when checking in with the person stationed in the engine room, relaying things back and forth.

9

10

LIEUTENANT MALORE: What do you see in the engine room?

11

12

JESSICA HEWITT: This was on midnight Saturday right so I relieved, I forgot if it was Adam or John, John Jones to go to the bathroom or something, I couldn't get the starboard bilge pump to prime it lost its prime so I tried with things and stuff I couldn't get it switched (inaudible) and I got it again and lost it than the person I was there before came back and took over and they told me to let Matt know so I let my watch officer now, he went down and looked at it, got it going again, I just continued with my boat checks checking levels and things.

19

20

LIEUTENANT MALORE: At the time he said that happened was there water in the bilge?

21

22

JESSICA HEWITT: Yes there was water in the bilge, where we were sleeping, I think it was when I went to bed and at that point, there was around 4 AM when we got, you'd get

23

1 attacked by the bilge water it would come up the ceiling plank and then dump on you and
2 your stuff, so I moved over to another bunk to get out of that, this is where it gets fuzzy
3 where it all just happens all at once so it's really hard for dates I just remember to my
4 watch, I remember at one point having to leave my bunk area for sleeping and start
5 sleeping in the great cabin because I was tired of getting what. Saturday morning,
6 Saturday night we also went aloft and furled, I forget what sale, your coming earlier and
7 staying later to watch or to help with things, Sunday morning I remember it was pretty
8 rocky, the rockiest it had been in the boat I just remember not being able to eat my cereal,
9 my work party was canceled for the day the chief mate said, he gave us the good news it
10 was just too rough, you guys go get rest, something happened and I did not get to take a
11 longer nap but I can't remember what it was. I woke up it was lunchtime in time for my
12 watch I was at the helm with Adam, before that I went through a boat check, Claudine
13 was the one that did the boat checks before me they were A watch so she gave me the
14 update I had gone from running the bilge pumps all the time, and the hydraulic pump
15 sometimes to all-time, that's what she had said.

16
17 LIEUTENANT MALORE: Did you go to the engine room at this point?

18
19 JESSICA HEWITT: I went through I noticed that we were running low on fuel and the day
20 tank the gauge was reading 2 inches, I was just going through things checking and
21 logging and I noticed it was low, I went up and took the rest of the gauges and told Matt
22 we are running low he was in the nav shack doing his stuff, at this point I felt he was
23 irritated with me because he was doing a lot of engineering projects, he told me to go tell

1 the engineer that he was just being like oh it's his job sort of thing, I went and I told Chris I
2 don't know what he was working on, he was working on something I said we are running
3 low on fuel and the port day tank is reading 2 inches, he said oh yeah someone must
4 have broken it and not told me, it stands out in my mind because was irritated because
5 it's not like Claudine broke it and ran off and didn't tell anybody and I when told Matt that
6 Chris knows about it and he said it is actually broken, I remember going down the next
7 hour and checking it and seeing that it was broken

8
9 LIEUTENANT MALORE: What time was that?

10
11 JESSICA HEWITT: It was like 130 my log for my 1 o'clock go check and I even wrote it
12 under comments and concerns.

13
14 LIEUTENANT MALORE: You do not know how it was broken?

15
16 JESSICA HEWITT: No I look back to check what Claudine had logged it as the last hour
17 and she just logged that it was low.

18
19 LIEUTENANT MALORE: So she had logged in before you?

20
21 JESSICA HEWITT: She logged as being low but probably didn't see it was broken either

22
23 LIEUTENANT MALORE: Do you know what time she logged it that it was low?

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JESSICA HEWITT: Either 11 o'clock boat check or was for the 10 o'clock, but every boat check is every hour.

COMMANDER KEVIN CARROLL: Did the fuel level from when you saw it at 1300 or 1330 did it go down?

JESSICA HEWITT: It stayed at the same level. That's why I wrote it under comments so no one would think

COMMANDER KEVIN CARROLL: What other comments did you write?

JESSICA HEWITT: I can remember I know I want something else, oh, see stowing one of the pots in the galley. It just kept coming loose.

LIEUTENANT MALORE: We breezed by it, but what are your thoughts on what was going on in the engine room? With the bilge pumping?

JESSICA HEWITT: I wasn't really concerned, I was just a busy bee checking things, somebody in my watch Adam or somebody checking and running those systems.

LIEUTENANT MALORE: Were you ever trained on using those systems?

1 JESSICA HEWITT: Yes I was. They were really finicky and I was not good at it.

2

3 LIEUTENANT MALORE: Do remember saying to me during our interview, that it seemed
4 obvious that nobody knew how to operate the bilge on the vessel?

5

6 JESSICA HEWITT: I think you're talking about one time when I asked Chris before the
7 person came down to relieve me again. After their break he had been down there working
8 on something, I asked his opinion, he turned a valve that was not part of the system, and I
9 was just going to wait for Matt.

10

11 LIEUTENANT MALORE: And you said Chris?

12

13 JESSICA HEWITT: Barksdale.

14

15 LIEUTENANT MALORE: Okay and that was during the voyage?

16

17 JESSICA HEWITT: That was during the voyage,

18

19 LIEUTENANT MALORE: So you were insinuating not everybody, just somebody.

20

21 JESSICA HEWITT: Yes.

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23 LIEUTENANT MALORE: Can you elaborate on that?

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JESSICA HEWITT: Everybody else had been on the boat a lot longer so they were a lot more comfortable with operating those, usually I am used to hand pump systems.

LIEUTENANT MALORE: Can you elaborate more on when you witnessed the turning of the valves and stuff by the engineer?

JESSICA HEWITT: I'm trying to think of when that person came back, it must of been, I can remember on Sunday if that was my 12 to 4

LIEUTENANT MALORE: Okay but what, can you explain more what you witnessed?

JESSICA HEWITT: He was just really tired and busy with his own project he came over to try fiddling with it and he said I can't get it and I said I will let me know.

LIEUTENANT MALORE: But it seemed like it wasn't, he wasn't turning things right?

JESSICA HEWITT: No

LIEUTENANT MALORE: From what you have been told?

JESSICA HEWITT: He was not too focused, he was busy with other stuff.

1 LIEUTENANT MALORE: Okay, we'll go back to now you are in the bilge room, saw the
2 site glass go from there.

3
4 JESSICA HEWITT: I went on deck and was rotating through helping on the helm, I don't
5 remember why, I was on the home with Adam Prokosh and we were there talking about,
6 making jokes, it was not fun out there, we both saw it at the same time he yelled it, the
7 four course was ripping down the middle seam and he said something about (inaudible)
8 its the line that goes on the bottom and it held long enough for people to come up on deck
9 and help, furl it, it was pretty windy out, I remember seeing Claudine on deck, Robin had
10 come up and taken the helm, Adam went up to furl, Robin said he wanted the best man
11 to go up and furl, and I was really proud of Laura Groves going up with them.

12
13 LIEUTENANT MALORE: Okay.

14
15 JESSICA HEWITT: I made a joke about Claudine,

16
17 LIEUTENANT MALORE: Take your time, there are some tissues there if you need.

18
19 JESSICA HEWITT: I made a joke, what about Claudine, (inaudible) he said actually she
20 is doing very well, and he made a comment about the Bounty, I have heard this from
21 other captains I've sailed with, like on westward and said if I was always ever in a
22 (inaudible) I would want to be on Bowden or westward and they were obviously two boats
23 that I'd sailed on and I was sailing with one of them and we were crossing the Labrador

1 Sea and we were in too low systems that combined it was crappy for a week, and he said
2 it's like she is playing in it, and it felt like that the crew is tired but the boat was fine so
3 when Robin said it I was like our four course just blew out I was just like the boat is fine
4 but the sale is gone, and I remember him saying that, he could not see too well because
5 he had glasses on and it must've been raining because he kept saying he couldn't see he
6 said I'm just holding on, I can't remember what it was but we're trying to keep it on the
7 quarter to make it easier it feels like a blur from their I remember sitting down, getting
8 thrown around, I woke up to Robin slamming into a table with his back

9
10 LIEUTENANT MALORE: You saw that?

11
12 JESSICA HEWITT: I woke up to Chris saying are you okay and the noise of it and Robin
13 saying I'm going to be okay but I'm going to hurt, I got up and I was using a towel as a
14 pillow, it was soaking wet because water was coming up through the windows once in a
15 while and I felt really foolish (inaudible)

16
17 LIEUTENANT MALORE: The remember what time that was?

18
19 JESSICA HEWITT: I went to bed afternoon, so Sunday sometime after I stood down from
20 watch. Between 12 and whenever we lost power because then I woke up to the chief
21 mate coming in and having a conversation with Robin saying I think we should make that
22 phone call

23

1 LIEUTENANT MALORE: Where did this occur at?

2

3 JESSICA HEWITT: The great cabin, Robin still had not moved, I open my eyes and
4 realize that we did not have, the generator has stopped and I thought I have to find Drew
5 so I headed down to the generator room to the engine room, I said hey this is what I
6 heard and he said I know I'm trying to help Matt get it started. I said if the ship goes down
7 don't lose me, he said I won't. (inaudible) Adam He fell, said where are you hurt and he
8 said his back, I don't remember what else I said what is going on? I just woke up and
9 everybody is running around he went through a list of things I forget now but it was a long
10 list, I thought he was just joking and he said no really, I went and looked out and the
11 spinker gaff had broken, I don't remember what else he said but that was enough I went
12 down to the engine room to see if I could help there were at that point the water was not
13 high

14

15 LIEUTENANT MALORE: Where was it at?

16

17 JESSICA HEWITT: It was probably about just below the sole boards and it was

18

19 LIEUTENANT MALORE: Just below the sole boards?

20

21 JESSICA HEWITT: Yes I think that is what I remember, then I went

22

1 LIEUTENANT MALORE: This discussion between Mr. Svendsen and the captain
2 occurred before you went down there?

3
4 JESSICA HEWITT: Yes.

5
6 LIEUTENANT MALORE: Can you describe that discussion and what you heard?

7
8 JESSICA HEWITT: In the great cabin?

9
10 LIEUTENANT MALORE: Yes.

11
12 JESSICA HEWITT: It was Robin saying I think, I can't remember what he said, I just
13 remember John saying I think we should make this call now and Robin saying I guess
14 okay, I left before they finished

15
16 LIEUTENANT MALORE: Okay.

17
18 JESSICA HEWITT: Then I don't remember what I did after that or what time it was when I
19 went back down to the engine room, Matt was down there there was debris floating so I
20 guess a lot of time had passed, so I was helping take those things down, out of their
21 taking things that were floating and slamming everything to everything else and getting it
22 out of there, Mark was helping with the trash pump at that point which was right outside
23 that entrance to the engine room so he was helping take the pieces out, I don't know

1 where they were putting them but I was yelling at Jess what is taking me so long,
2 because you're standing there holding something waiting for them to take it from you, I
3 didn't realize they were putting them in nice neat stacks in a secure place I was like really
4 proud, ship is going down and they are being really professional and levelheaded, I don't
5 remember what else happened the order of everything I try not to talk about it.

6
7 LIEUTENANT MALORE: It's okay, just continue from that point.

8
9 JESSICA HEWITT: I remember they could not get the trash pump, the portable
10 emergency pump going so I was holding the intake hose down I was sitting on the ladder
11 to the engine room just keeping it down, it was such a long hose like the coil, so I was
12 keeping it down things were slamming into the ladder, I said to mat this thing is moving
13 and he got the generator going and there are a lot of cheers, I don't remember how long
14 we had it for, at that point I had changed positions and I was on deck trying to keep the
15 outtake hose from being twisted, we had it going overboard, then I went, then they tried
16 bringing it out of the great cabin windows, I don't remember exactly who I think it was
17 Josh Scornavacchi and Mark Warner still assisting Chris with that and I went down
18 (inaudible) at this point the whole portside cabin's were getting destroyed things would
19 come loose and act as wrecking balls, the bulkheads were coming down, I tried to grab
20 things that I thought were important to people, and then I checked on Adam and asked
21 what he needed, he said there is a bunch of money under my mattress grab my Coast
22 Guard license because that's going to be a bitch to replace, apparently it's not if you lose
23 it in a casualty, they are really nice about it they get it to you in four days, I grabbed his

1 pea coat he was just wearing a T-shirt and I felt like he needed it at that point the water is
2 probably up to mid thigh it was at a point that I did not feel safe going down there, I saw
3 Claudine looking down at the hatch, she said she really wanted something from down
4 there and I look down there and I thought no way than I thought I'll just climb it, so I sat
5 down in the latter and waited, I'm getting off subject I'm sorry.

6
7 LIEUTENANT MALORE: It's okay. Do you remember a dispute between the captain and
8 Dan Cleveland?

9
10 JESSICA HEWITT: I remember there was a discussion about donning immersion suits
11 down below, and

12
13 LIEUTENANT MALORE: Why?

14
15 JESSICA HEWITT: You are told to never put an immersion suit on down below
16 (inaudible) at least it did with my classes so when it was time for them to be discussing
17 that Dan brought that up and John was justifying it and I also know sometimes when stuff
18 goes wrong there are no rules you have to work with what works at the time it was really
19 rough on deck I remember being like okay

20
21 LIEUTENANT MALORE: Let's go back to that little bit. You said John, was that something
22 said to John or something said to the captain?

23

1 JESSICA HEWITT: I cannot remember now,

2

3 LIEUTENANT MALORE: Do you want to turn to CG 32, just turn to page 2, the second
4 page, CG 32, you are on CG 32, right there, go to the second page

5

6 JESSICA HEWITT: Thank you

7

8 LIEUTENANT MALORE: About midway down the first paragraph do you see the
9 sentence that starts with problems period during,

10

11 JESSICA HEWITT: It's in the second paragraph?

12

13 LIEUTENANT MALORE: No the first, halfway down the first paragraph the word
14 problems? It is nine sentences down, nine lines, see that? Could you read that? Read it
15 to yourself. Can you elaborate on that now.

16

17 JESSICA HEWITT: That was when the people that were in the C-130 they give you
18 instructions and advice they wanted everybody in life jackets and I remember Matt going
19 around telling people get a life jacket get a life jacket and the captain stopping him and
20 them having a discussion about how he did not want us to put them on yet because he
21 still wanted us to be able to work and he did not want people to panic

22

23 LIEUTENANT MALORE: Was that said to everybody?

1
2 JESSICA HEWITT: That was a private conversation, Matt told us to grab in immersion
3 suit and have been near us, Dan and I went and Drew Salapatek was near and brought
4 immersion suits from on deck Robin had, he likes the immersion suits to be as close to on
5 deck as possible so they are accessible in an emergency so Dan and Drew were bringing
6 immersion suits down below so we can keep them with us and a pile, we were told to take
7 a break and rest and rotate through the trash pump I did not feel like it I tried and could
8 not the only thing that was going through my head I felt like I had never slept before but it
9 was not going to happen and I went to go help with the trash pump to see what I could do
10 to keep busy, they had the motor going at this point that outtake was going outboard the
11 vessel at this point the water was high enough the intake could reach, which was a noted
12 point at the time I have experience working with those types of pumps so I asked for a
13 bucket of water, Claudine got a bucket of water and I thought it was weird how it widths
14 not coming from outside the vessel, there is a little valve to take off and unscrew and pour
15 water into to help prime it so I put my palm over the outtake we had taken the hose out at
16 this point so I applied my Palm for the suction she went and it was a great feeling I
17 remember Dan saying something an exclamation of excitement but then that little valve
18 piece, I put it in my pocket so we would not lose it overboard and Chris asked me where
19 that was and I said it was in my pocket, I think he thought it went somewhere, he really
20 wanted it on and I have my hand over that section and I was asking for a rag so we could
21 put something in there, but he really wanted it on so we turned it off so he could put a
22 back and I could not get it started again, and I remember in my head going through, I was
23 also very tired and it was really bizarre like in a haze, it is easy to sit there and talk about

1 this is what you do when something goes wrong, but when you're in it it's really hard so I
2 took a moment, why did it stop, out of fuel at this point it was primed in the motor was not
3 running so I should check the fuel, we had a little bit of fuel left just a little bit so we put
4 more and and we pulled it seemed like forever it still would not go it would not bleed out
5 so the next step is the injector piece, but we could not do it because it was in between two
6 parts so I said I need a socket wrench, oh the engine room is underwater so that was it
7 and I remember John Svendsen was there in the nav room communicating with the Coast
8 Guard plane he asked what the status was on that and I told him what I knew and then I
9 went back down below and waited with people, we were told to put immersion suits on
10

11 LIEUTENANT MALORE: Who told you guys to put the suits on?
12

13 JESSICA HEWITT: I can't remember. The people around me, I put mine on I am very
14 comfortable in it I spent a lot of time in them, even just horsing around in the water, I was
15 telling people around me make sure that step is really tight you can walk better, keep
16 your foot from slipping out from under you and how the valves work to operate the pillow
17 to inflate that, there is a little pin that sometimes falls out if you twisted the wrong way it
18 will come apart so I mentioned that to someone and Claudine asked me what the little
19 bags were for, their little plastic bags you can use to put around your foot, and she
20 thought that was funny
21

22 LIEUTENANT MALORE: Do you know if she had been shown how to put an immersion
23 suit on?

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JESSICA HEWITT: I know she had been because I remember she had shown me a funny photo once of her in one, she had definitely put one on before. I made a joke about remembering what number bag you had so you can remember to put it in the right spot, just as a joke. I did not feel comfortable being in my immersion suit down below I went up with the first group of people up and I went with Adam, it doesn't matter who

LIEUTENANT MALORE: No, I need to know.

JESSICA HEWITT: It was Doug Faunt, Adam Prokosh, and Drew Salapatek and we went right to the life rafts and I remember being like this is where you go, so that's where I headed people seemed to bottleneck and ended up along the high side I remember seeing Robin sitting on the spars that we had laying across the deck, not across, for and aft and I remembered thinking about (inaudible) and thinking those were not waterproof, then I fell asleep, I was exhausted

LIEUTENANT MALORE: Where did you fall asleep at?

JESSICA HEWITT: I was by the helm there is a storm grading and my feet were up against their, I had John Jones next to me to he was also in that group so it was him myself, Doug, Adam, Andrew, and then it was Jessica Black then I don't know from there. I remember Laura calling out something about an ETA that the Coast Guard said would be there in three hours, it would be three hours, that's when I fell asleep and woke up to

1 Drew saying just we have to go it is going, I opened my eyes and the water was coming
2 up, (inaudible) John Jones, hey we have to get out of here they jump then, I did not know
3 if it was better, you hear about this stuff, is it better to stay on the boat longer or is it time
4 to get out of here, I remember thinking that and saying I don't know what the answer is
5 and then I looked up and it was like when a small boat capsizes (inaudible) go to the
6 center board and write it, that's what it looked like because it was just straight the other
7 way, we had climbing harnesses on the outside of our suits which we were told to do in
8 case we were in the water and we needed to attach to each other, never doing that again
9

10 LIEUTENANT MALORE: Why's that?
11

12 JESSICA HEWITT: I got pulled down
13

14 LIEUTENANT MALORE: Because of the harness?
15

16 JESSICA HEWITT: (inaudible)
17

18 COMMANDER KEVIN CARROLL: Take a minute if you need to break ask okay.
19

20 LIEUTENANT MALORE: Take a drink water if you need it
21

22 COMMANDER KEVIN CARROLL: It's 25 cents
23

1 JESSICA HEWITT: Thank you, I think it was a stay, I don't know from what side, exactly
2 what it may have been a broken rig or spar I don't remember but it felt like a giant wave, I
3 kept thinking I can't fight this brought me up to the surface and I did not know until in the
4 liferaft that Drew had slipped it off of his waist, I did not know it the whole time I had my
5 harness still lanyard to his harness and so that is probably why I kept getting stuck on
6 things I was trailing all this junk.

7
8 LIEUTENANT MALORE: Let me understand this, you had a harness, who said to don the
9 harnesses?

10
11 JESSICA HEWITT: Robin suggested them in case we need to clip into each other in the
12 water

13
14 LIEUTENANT MALORE: So it was Robin?

15
16 JESSICA HEWITT: yes

17
18 LIEUTENANT MALORE: Did you have things clipped onto yourself?

19
20 JESSICA HEWITT: I did, I had on my ditch kit full of my wallet in glasses and contacts

21
22 LIEUTENANT MALORE: Did other people have other stuff clipped onto them to?

23

1 JESSICA HEWITT: Yes, some crew members had ditched their stuff when the boat when,
2 they do not want it on them

3
4 LIEUTENANT MALORE: And you said you won't do that ever again?

5
6 JESSICA HEWITT: No, when we were in the water I told Laura Groves to put her feet up
7 we were on a storm grating and I had already been tossed away from another group of
8 people, Mark Inanna so I did not want to have that experience again I told Laura to put
9 her feet up and I learned that in school, different ways to group up with people, I went with
10 this they called the centerpiece in your link to with the feet and we can move we were
11 trying to make it to a liferaft that we could see, we can see the light on the top, Dan was
12 solid and feeling really comfortable that I was with him, he his voice was very common
13 and we're trying to make it to the liferaft then Drew came I don't know from where and I
14 told him to grab my legs and we got Chris Barksdale and Adam Prokosh and we came
15 across a canister that had not deployed, I remember Dan asking if it was attached to the
16 boat we did not know, we pulled it and it inflated and it took forever to get in.

17
18 LIEUTENANT MALORE: Going back to the deck right before the vessel went over, when
19 you woke up, was people screaming or was there a commotion how was the crew?

20
21 JESSICA HEWITT: Everyone was really calm, I cannot remember anything that was said
22 it wasn't like, I remember not even feeling afraid and it's not because I'm oblivious or
23 foolish I felt very I don't know, I did not feel afraid I felt safe in my immersion suit and I

1 was next to life rafts, I remember even on the outside of the vessel in the water when I
2 was alone if I could keep breathing I would be fine.

3
4 LIEUTENANT MALORE: You described his time period as a haze, could it be that you
5 didn't have time really to think because everything was happening so fast?

6
7 JESSICA HEWITT: Probably so tired, it's not like I was having last thoughts about my
8 family or friends it was just how did I get here?

9
10 LIEUTENANT MALORE: Do you remember the last time he saw Claudine Christian?

11
12 JESSICA HEWITT: The last I remember is when she asked about the bags in the
13 immersion suit and then the last time I remember seeing her was when she was on deck,
14 I only remember seeing her next to Jess.

15
16 LIEUTENANT MALORE: Where was that located on the vessel?

17
18 JESSICA HEWITT: It was near the mid-ships by the capstain in the fife rail for the mizzen
19 mast.

20
21 LIEUTENANT MALORE: And that was the last time you remember?

22
23 JESSICA HEWITT: Yes.

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LIEUTENANT MALORE: And what about the captain?

JESSICA HEWITT: I remember seeing him next to the nav shack, that's when I was thinking about his hearing aids.

LIEUTENANT MALORE: Capt. Jones from the NTSB is going to ask you if you questions.

JESSICA HEWITT: Hello.

CAPTAIN ROB JONES: If you could refer to that statement that you made, I think it was at the start of the next page?

JESSICA HEWITT: On 32?

CAPTAIN ROB JONES: Yes, it starts out with, safety rules on Bounty

JESSICA HEWITT: I'm on page 32, oh Exhibit 32. It is page 1?

CAPTAIN ROB JONES: Yes on page 1, starts with the safety rules on the Bounty.

1 JESSICA HEWITT: Yes, that is when we did the man overboard drill leaving New London
2 Connecticut, that was kind of just, it was in a full one, we do not launch the boat and go
3 after a target, I am used to a more I have a job so I go there, I felt like just being lost
4

5 CAPTAIN ROB JONES:(inaudible)
6

7 JESSICA HEWITT: I believe so yes in yard, we were in yard.
8

9 CAPTAIN ROB JONES: Because you got on in the yard?
10

11 JESSICA HEWITT: Yes like two weeks before yard
12

13 CAPTAIN ROB JONES: What you mentioned before about the harnesses
14

15 JESSICA HEWITT: Yes.
16

17 CAPTAIN ROB JONES: Have you ever in your maritime experience donned a harness
18 with their survival suit?
19

20 JESSICA HEWITT: No.I never have but it's easy to just, at the time I could see that being
21 a good option, I would not personally do it again because I got stuck on things, let's say
22 before the rig was smashing into us I would say that that was a good call, but it's all
23 situational.

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CAPTAIN ROB JONES: How soon before was that discussed or had you heard that suggestion made, about putting the harness on over the survival suit?

JESSICA HEWITT: It must've been, I can't remember exactly now it was around the time that people were told to grab their immersion suit and head to the great cabin and gather there is a group.

CAPTAIN ROB JONES: Do you know if anybody around he was saying this is a good idea or this is?

JESSICA HEWITT: I didn't notice anything, I had not done a drill like that before with them. I just remember not being able to find my harness, that's when Anna had grabbed for me I had put it on a section that could come awash.

CAPTAIN ROB JONES: So the harnesses are in one place in the survival suits her and another?

JESSICA HEWITT: You're supposed to keep it with you,

CAPTAIN ROB JONES: The harness or?

JESSICA HEWITT: The climbing harness is your personal harness while you're on

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CAPTAIN ROB JONES: Anytime you're on deck you're wearing the climbing harness?

JESSICA HEWITT: Yes. I know some people had their personal climbing harnesses that they were wearing at the time and they put their immersion suit over it and then another harness

CAPTAIN ROB JONES: How heavy is one of the harnesses?

JESSICA HEWITT: They are light, they are meant for climbing so

CAPTAIN ROB JONES: They are not going to affect the buoyancy of the survival suit?

JESSICA HEWITT: I doubt it highly. If anything it holds it tighter to you and can remember feeling comfortable with.

CAPTAIN ROB JONES: Until the experience that you had with it and your maritime background he thought it was possibly a good idea and a dire circumstance?

JESSICA HEWITT: Yes and those wins in those seas, I would rather be clipped to somebody than just holding their hand.

1 COMMANDER KEVIN CARROLL: Can I ask your question real quick, were you clipped
2 in when you evacuated the tween deck to the weather deck?

3
4 JESSICA HEWITT: Yes there was a Jack line running across the deck.

5
6 COMMANDER KEVIN CARROLL: If someone would have fell overboard at that time
7 during the evacuation what hope would you have had of getting to them?

8
9 JESSICA HEWITT: I don't remember if someone had made a call, but I remember
10 nobody around me was clipped in when it went, when we are coming out some people
11 had as they were making their way across the deck, I don't remember I was asleep.

12
13 COMMANDER KEVIN CARROLL: Sorry Capt. Jones

14
15 CAPTAIN ROB JONES: you said you fell asleep upon deck in the survival suit, how much
16 sleep do you think you had gotten in the last two or three days?

17
18 JESSICA HEWITT: I am terrible at judging things in our and time, I was just tired.

19
20 CAPTAIN ROB JONES: How much sleep do you normally get when everything is okay?

21
22 JESSICA HEWITT: We have eight hours off so

23

1 CAPTAIN ROB JONES: How much do you sleep?

2
3 JESSICA HEWITT: Probably seven or eight hours, it depends on what is going on, I know
4 I would not skip dinner because I get more tired if I skip a meal.

5
6 CAPTAIN ROB JONES: For the day or two before the actual capsizing (inaudible)

7
8 JESSICA HEWITT: I was definitely able to catch naps when you get to a point where you
9 get into the groove of things, sometimes you can just sleep for two hours and you feel like
10 you can conquer the world.

11
12 CAPTAIN ROB JONES: How about the rest of the crew, could you judge, did you have
13 any idea of how much people were sleeping or was of the same kind of

14
15 JESSICA HEWITT: Everybody was working really hard I can't tell you other people sleep
16 patterns, when you would lay down the boat was very dynamic sleeping situation.

17
18 CAPTAIN ROB JONES: He said previously around the Bounty?

19
20 JESSICA HEWITT: The Bowdoin, 2009 and 2010 in the summer.

21
22 CAPTAIN ROB JONES: As crew?

23

1 JESSICA HEWITT: As training.

2

3 CAPTAIN ROB JONES: How long were you on therefore?

4

5 JESSICA HEWITT: It was a three month voyage to the Arctic, and then three months
6 around Newfoundland.

7

8 CAPTAIN ROB JONES: Can you compare the two vessels, (inaudible)

9

10 JESSICA HEWITT: The boat is only 80 feet in the Bounty is a lot longer than that and she
11 is a square rigor where boat is just a a schooner.

12

13 CAPTAIN ROB JONES: About in general operation with safety drills, orientation done on
14 the Bowden compared to the Bounty?

15

16 JESSICA HEWITT: I know that they drilled we were an Academy vessel so it was part of
17 why we were going to school so we did a number of drills also with the extended trip
18 going to the Arctic it is cold cold water, across the lavender sees never good.

19

20 CAPTAIN ROB JONES: What kind of bilge pumps run on the Bowden?

21

22 JESSICA HEWITT: I can't remember it's been so long.

23

1 CAPTAIN ROB JONES: One last question, when you went up to the great cabin to seek
2 out the engineer Chris Barksdale, when it was running low on fuel, many total men, he
3 said he was irritated or you are irritated with him (inaudible)?
4

5 JESSICA HEWITT: Just on a personal crew member kind of well (inaudible) she also
6 wasn't the only one down now with a clear mind, of course she was not the only one
7 down there.
8

9 CAPTAIN ROB JONES: Were the engines running at the time?
10

11 JESSICA HEWITT: Yes.
12

13 CAPTAIN ROB JONES: But they were running low on fuel?
14

15 JESSICA HEWITT: Out of the day tank, I don't know, I'm not an engineer so I don't know
16 what level you're at before hand, I did not go to that extent to my looking back at the boat
17 checks.
18

19 CAPTAIN ROB JONES: You told the engineer the vessel and what did he do?
20

21 JESSICA HEWITT: He said that it was not, that it was 2 inches level somebody had
22 broken it, or that I have broken.
23

1 CAPTAIN ROB JONES: Did he say that was okay?

2

3 JESSICA HEWITT: He did not say anything about it, he said he was working on.

4

5 CAPTAIN ROB JONES: Okay.

6

7 JESSICA HEWITT: I cannot remember the exact quote.

8

9 COMMANDER KEVIN CARROLL: Do you know what time the engine shutdown, was that
10 on your watch?

11

12 JESSICA HEWITT: I cannot remember, I can't really remember from when the four
13 course ripped to when I lay down and took a nap,

14

15 COMMANDER KEVIN CARROLL: The four course ripped at what time?

16

17 JESSICA HEWITT: I believe shortly after my boat check which was probably around two
18 or something.

19

20 COMMANDER KEVIN CARROLL: When you went down to the boat check the port
21 engine was running?

22

1 JESSICA HEWITT: I did not go down again after the four course ripped. Wait no I did I
2 remember going for the boat check and I heard, checking the level of something that they
3 were going to turn something off. And check level but I don't remember if I'm
4 remembering that clearly

5
6 COMMANDER KEVIN CARROLL: At 1300 when you did your boat check was the port
7 engine running?

8
9 JESSICA HEWITT: Yes, because I went to check that one

10
11 CAPTAIN ROB JONES: You remember the time that you want to talk to Mr. Barksdale
12 about?

13
14 JESSICA HEWITT: It was pretty much right after I noticed it in finished looking at the
15 coolant level and then I went up on deck, I didn't go up on deck I just went to the
16 companionway, I told the watch officer who told me to go find Chris, and then I did.

17
18 CAPTAIN ROB JONES: At about what time was that?

19
20 JESSICA HEWITT: My memory, now it's been three months I feel like it was before the
21 four course ripped and it was somewhere around, my watch was 12 before so it was
22 either, Chris would not have been other 4 AM.

23

1 CAPTAIN ROB JONES: That's all I have, thank you.

2

3 LIEUTENANT MALORE: The panel behind you is going to ask you some questions, do
4 you need a break?

5

6 JESSICA HEWITT: If you guys do, I'm fine.

7

8 LIEUTENANT MALORE: You are good?

9

10 JESSICA HEWITT: Yeah, I would rather get it over with.

11

12 LIEUTENANT MALORE: Bounty is first.

13

14 LEONARD LANGER: Hello, I represent Bounty Organization could you go over to CG 79,
15 it's at the back.

16

17 JESSICA HEWITT: Okay.

18

19 (inaudible)

20

21 LEONARD LANGER: Do you see that, do you see those names written on their?

22

23 JESSICA HEWITT: Yes.

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LEONARD LANGER: Just prior to the ship going 90° is this basically where the people were?

JESSICA HEWITT: Yes it is missing some people.

LEONARD LANGER: Who is it missing?

JESSICA HEWITT: Drew Salapatek, John Daniel Jones, Jessica Black, and I don't know exactly where everyone else was.

LEONARD LANGER: Do you know where they were, let's start with Jessica Black

LIEUTENANT COMMANDER NICHOLAS PARHAM: standby, we want to have her mark her own copy.

LEONARD LANGER: If you like.

COMMANDER KEVIN CARROLL: Yep.

LIEUTENANT COMMANDER NICHOLAS PARHAM: For the record the witnesses being handed a copy of CG 6

1 LEONARD LANGER: Did you put Jessica on it

2

3 JESSICA HEWITT: Yep.

4

5 LEONARD LANGER: And can you put where Drew was in Mr. Jones was?

6

7 JESSICA HEWITT: Who was the last person?

8

9 LEONARD LANGER: John Jones.

10

11 JESSICA HEWITT: Just put John Daniel Jones and Jessica Black?

12

13 LEONARD LANGER: Yes. Other than who you just put on that piece of paper and the
14 prior CG 79 do you know where anyone else was just prior to the ship going over?

15

16 JESSICA HEWITT: After I fell asleep people could have moved, I do remember seeing
17 Laura by the nav shack I remember Dan when the boat had gone over because his beard
18 was really long he stood out he was by the capstain.

19

20 LEONARD LANGER: What about Mr. Svendsen or Robert, did you see them?

21

22 JESSICA HEWITT: Not after I had fallen asleep.

23

1 LEONARD LANGER: Thank you, while you have it open could you please go to CHA I
2 think it is two sheets back

3
4 LIEUTENANT COMMANDER NICHOLAS PARHAM: Christian A

5
6 LEONARD LANGER: Christian A. Do you recognize that photo

7
8 JESSICA HEWITT: It is the first time I've seen it

9
10 LEONARD LANGER: Do you recognize what it is?

11
12 JESSICA HEWITT: Yes, it is applying DAPP, the seam compound.

13
14 LEONARD LANGER: Do you know who is in that picture?

15
16 JESSICA HEWITT: Morgan, Kate I don't know her last name she was there for two weeks
17 in the yard, I can't tell who one of them is because they are bending over, then there is
18 me and Laura, I mean Anna Spragg.

19
20 LEONARD LANGER: This is when you're doing the hull?

21
22 JESSICA HEWITT: Yes this is applying the DAPP compound seam compound.

23

1 LEONARD LANGER: What have you done up to this point? That is shown in this picture?

2

3 JESSICA HEWITT: We had done to scraping off of the Marine life that attaches itself and
4 sanding and checking the weeping spots and going through cotton spots and then, as we
5 went we there spot still that we had to get to her waiting to get to to dry out we had not
6 caught them yet.

7

8 LEONARD LANGER: Did you caulk all of the spots under the hull that you wanted to
9 before you left the yard?

10

11 JESSICA HEWITT: Yes I would say so., Laura seemed comfortable it was not my call but

12

13 LEONARD LANGER: All of the spots that she made, all the marks that she made

14

15 JESSICA HEWITT: Yes, yes

16

17 LEONARD LANGER: Had he done caulking prior to coming to the yard this time?

18

19 JESSICA HEWITT: Yes I had done some caulking but with the supervision of yard
20 workers it was more sort of like an apprentice thing I had done some in college in part of
21 the traditional vessel technology course and then in some yards with a yard in Gloucester
22 with a guy there who was you hired on as a professional Caulker so I've done some stuff
23 with him and I had talked to Laura about it, she did not let me just go at it, she was

1 definitely checking on my work some of it she was always there for it especially for places
2 that I wanted her to check out she would get the okay.

3
4 LEONARD LANGER: Did Laura know what she was doing?

5
6 JESSICA HEWITT: Yes she was good, and Dan was really good but they are also the
7 type of people that are very humble and they are not experts so they were not shy about
8 getting help.

9
10 LEONARD LANGER: I would like to take you back to, left the yard, and you first found out
11 that the site glass was broken, How was the sight glass broken?

12
13 JESSICA HEWITT: To me at the time it seemed like it was broken, I don't know just like a
14 piece of glass might be broken, but at the time I was not like I have to remember this it
15 was just area was broken so I could not say accurately.

16
17 LEONARD LANGER: So you saw it and knew it was broken, how did you know it was
18 broken?

19
20 JESSICA HEWITT: It was not whole.

21
22 LEONARD LANGER: It wasn't what?
23

1 JESSICA HEWITT: It was not a whole single piece it was broken.

2

3 LEONARD LANGER: So there is actually a piece missing out of it?

4

5 JESSICA HEWITT: As I remember it yes.

6

7 LEONARD LANGER: Was there fuel coming out at that time?

8

9 JESSICA HEWITT: No.

10

11 LEONARD LANGER: Why not?

12

13 JESSICA HEWITT: Because I am not an engineer but I know that there is a valve that
14 you can close to prevent that, but it was standing steady level at 2 inches.

15

16 LEONARD LANGER: So it was staying at the same level, do you think the valves were
17 turned off at that point?

18

19 JESSICA HEWITT: I would assume so since it was at a constant level.

20

21 LEONARD LANGER: How many valves were there, one or two?

22

1 JESSICA HEWITT: I can't remember what the top looked like, I would say there were two
2 valves, that would make sense.

3
4 LEONARD LANGER: But you did not check to see if both of those valves were closed?

5
6 JESSICA HEWITT: No. I had told who I needed to tell and I was continuing on with my
7 boat check.

8
9 LEONARD LANGER: Where were you when you saw the site glass being broken?

10
11 JESSICA HEWITT: I did not see it being broken, I saw it was low so I checked.

12
13 LEONARD LANGER: My apologies. When you thought broken, where were you standing,
14 where were you in the boat?

15
16 JESSICA HEWITT: There is a little step up to that area a little platform I was up on their.

17
18 LEONARD LANGER: Was that in the engine room?

19
20 JESSICA HEWITT: Yes in the engine room.

21
22 LEONARD LANGER: Did you smell any fuel at that time?

23

1 JESSICA HEWITT: I have a terrible sense of smell so I sometimes feel useless when I
2 sometimes smell smoke I was asked for a second opinion.

3

4 LEONARD LANGER: Do you have any recollection of smelling fuel?

5

6 JESSICA HEWITT: No

7

8 LEONARD LANGER: Did you feel sick?

9

10 JESSICA HEWITT: I had a constant headache in rough weather so yes.

11

12 LEONARD LANGER: Were you feeling seasick at that point?

13

14 JESSICA HEWITT: Definitely not bright eyed and bushy tailed I would call it seasick, yes.

15

16 LEONARD LANGER: Did being in the room make you feel worse?

17

18 JESSICA HEWITT: It was hot and uncomfortable, but I did not notice anything

19

20 LEONARD LANGER: Did you see any fuel on the ground?

21

22 JESSICA HEWITT: I did not look.

23

1 LEONARD LANGER: I think you said you first discussed the site glass with Mr.
2 Barksdale?

3
4 JESSICA HEWITT: Yes.

5
6 LEONARD LANGER: And you said he was not focused, what was he focused on?

7
8 JESSICA HEWITT: I can't remember he had something in his hands sitting there working
9 at the table on something but I don't remember what it was.

10
11 LEONARD LANGER: So he was working on something other than the site glass?

12
13 JESSICA HEWITT: I don't know what he was working on.

14
15 COMMANDER KEVIN CARROLL: Where was he?

16
17 JESSICA HEWITT: Sitting on the port side facing aft.

18
19 LEONARD LANGER: Thank you

20
21 COMMANDER KEVIN CARROLL: Mr. Melusi

22

1 RALPH MELUSI: Good afternoon Jessica I represent Claudine. Have you had survival
2 training wearing the suits?

3
4 JESSICA HEWITT: Yes.

5
6 RALPH MELUSI: Where did you have that training?

7
8 JESSICA HEWITT: Maine Maritime Academy was part of a course called ocean survival.

9
10 RALPH MELUSI: How long was the course?

11
12 JESSICA HEWITT: A semester.

13
14 RALPH MELUSI: In terms of days or weeks.

15
16 JESSICA HEWITT: It was probably about 3 1/2 months

17
18 RALPH MELUSI: Three and half months of training?

19
20 JESSICA HEWITT: Of this course.

21
22 RALPH MELUSI: This involved getting in a swimming pool wearing the gear?

23

1 JESSICA HEWITT: It is part of the winter course but it was 3 1/2 months, yes it was
2 practicing with different things sometimes you are just throw you a bucket and have to
3 make a bucket last a certain amount of time.
4

5 RALPH MELUSI: I'm sorry I did not get that?
6

7 JESSICA HEWITT: We would throw different things that maybe would come become
8 debris and you have to make them float like you got these are pants that you are wearing
9 your clothes, even tie the legs in a knot in a fight your waste, you can put air into it and
10 you can use that, different things like that we did.
11

12 RALPH MELUSI: And you would do these exercises in a swimming pool?
13

14 JESSICA HEWITT: In a pool yes.
15

16 RALPH MELUSI: And you would wear it in these suits, they call them Gumby suits?
17

18 JESSICA HEWITT: Yes the survival suits.
19

20 RALPH MELUSI: And that course lasted about three months?
21

22 JESSICA HEWITT: I would say so yes.
23

1 RALPH MELUSI: Have you had the course and once or more than once?

2
3 JESSICA HEWITT: Once. You only needed at once.

4
5 RALPH MELUSI: Did some or all of the information and training that you received there
6 seem to be a help and a benefit to you in this occasion?

7
8 JESSICA HEWITT: It definitely made me feel very comfortable I know what I used from
9 that class was having a position the formation of person to person down to their legs.

10
11 RALPH MELUSI: Who among the crew on this voyage did not have the benefit of that
12 survival training?

13
14 JESSICA HEWITT: Everyone in my group that I was with, I did not know Chris Barksdale
15 that well but I know for sure that Adam Prokosh had I think done a course, Drew had
16 done his, Dan and Laura both had that training.

17
18 RALPH MELUSI: What about Claudine?

19
20 JESSICA HEWITT: I don't think so.

21
22 RALPH MELUSI: She could have been the only one that did not have that type of
23 training? On this voyage?

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JESSICA HEWITT: Like what type, she had definitely put one on before going to the drills

RALPH MELUSI: It is quite different from being in a swimming pool and going through training exercises that you trained on

UNKNOWN:Objection what is your question?

RALPH MELUSI:She had put a suit on?

JESSICA HEWITT: I was not there for the entire season so I do not know what her training was.

RALPH MELUSI: Okay do you think that she had not had that type of survival training?

JESSICA HEWITT: This was her first time working on a vessel. I think I don't know.

RALPH MELUSI: You have a statement there in front of you, I don't know the number but it is an interview dated October 29.

(Inaudible)

JESSICA HEWITT: Page what?

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RALPH MELUSI: On the second page of the statement about six lines from the last word you said Claudine Christian was not familiar in the weather, so she was by herself and clipped in.

JESSICA HEWITT: What did I say? I'm terrible at this. It is page 2 of this?

RALPH MELUSI: It is seven lines up.

JESSICA HEWITT: Okay

COMMANDER KEVIN CARROLL: the top paragraph.

RALPH MELUSI: Can you just read the sentence?

COMMANDER KEVIN CARROLL: You're not asking her to read it aloud are you?

RALPH MELUSI: Well now I just want her to refresh yourself, read it to yourself.

JESSICA HEWITT: It is hard to remember that (inaudible) so I don't know where that statement is coming from. I wish I could remember.

1 RALPH MELUSI: Do you believe it was accurate when you give the information? It's
2 important to know what happened to her.

3
4 JESSICA HEWITT: I fell asleep so she could have unclipped (inaudible) I don't even like
5 talking to the crew about when I saw her last, so I can't even go off of that.

6
7 RALPH MELUSI: Do you want to take five minutes break?

8
9 JESSICA HEWITT: No, I'm okay. I want to get this done.

10
11 RALPH MELUSI: Does reading the statement help you recall whether or not she was
12 clipped in a Jack line?

13
14 JESSICA HEWITT: I think the only time that I can remember that she is clipped into the
15 jack line was when she was standing talking to me on deck earlier that day, but that was
16 on the port side. (inaudible) The only thing I can remember accurately was John Daniel
17 Jones coming onto deck he was always very good about being secure, but I cannot
18 remember now.

19
20 RALPH MELUSI: Could you tell me some of the techniques for things you had used in the
21 water that you have learned while you're at the survival school that helped you cope with
22 these tremendous situations you are in.

23

1 JESSICA HEWITT: Just feeling comfortable there was in a situation where I felt like I had
2 to use anything special, I had my suit on and I felt really comfortable in my suit.

3
4 RALPH MELUSI: You mentioned doing something with your knees that you had learned
5 at the school.

6
7 JESSICA HEWITT: With my knees?

8
9 RALPH MELUSI: Yes.

10
11 JESSICA HEWITT: Oh, having someone hold onto my legs?

12
13 RALPH MELUSI: How did you learn that what was the technique.

14
15 JESSICA HEWITT: My instructor gone over different formations they can make in the
16 water and one of them is it looks like a big starfish with you are hooked in with your arms
17 to everybody's legs are facing outside but I just want with that one in my head I don't
18 know what it's actually called like a centipede.

19
20 RALPH MELUSI: Do you think having been in the suit in the water was of great
21 assistance to you and comfort on this occasion?

22

1 JESSICA HEWITT: For me personally was because I knew I just had to I just got away
2 from the boat I would be okay.

3
4 RALPH MELUSI: If you just remain motionless without moving your arms or legs what
5 position with the suit maintain your body?

6
7 JESSICA HEWITT: I'm trying to remember, you float fairly well I would say your feet are
8 up your arms are up your head is up.

9
10 RALPH MELUSI: So you're laying on your back?

11
12 JESSICA HEWITT: Yes on your back.

13
14 RALPH MELUSI: What would happen if you rolled over?

15
16 JESSICA HEWITT: I could roll over and so uncomfortably I know I did because I saw
17 John Svendsen get hit by a spar and I didn't want to see anymore so I turned over. And
18 then I flipped over easily again.

19
20 RALPH MELUSI: If you want to roll over on your stomach the suit would allow you to do
21 that?

22
23 JESSICA HEWITT: It would Yes.

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RALPH MELUSI: Would it bring you back to a position where you are on your back?

JESSICA HEWITT: It was not designed to do that, no, but people were wearing the type of lifejacket that is I think the phrases self righting, but I don't know who exactly.

RALPH MELUSI: So if you had a suit with a life jacket on you would be self righting your head above the water.

JESSICA HEWITT: I would assume so.

RALPH MELUSI: So if you are dazed or semi-unconscious that combination of survival suit and lifejacket your head should be above the water?

JESSICA HEWITT: I was not wearing a life jacket.

RALPH MELUSI: Why were you not wearing a life jacket?

JESSICA HEWITT: I remember I brought it up on deck but I just tossed it aside, and John Daniel Jones had taken it, I did not feel like I needed it.

RALPH MELUSI: Because of your training at the survival school?

1 JESSICA HEWITT: Personally I did not want to be encumbered. Some people were
2 hindered by their lifejacket, some people were able, felt comfortable when they were in
3 the water away from the vessel because it could keep their head up higher out of the
4 water.

5
6 RALPH MELUSI: But if you go back to the point when you're on the tween deck, and
7 everybody's going to go up on the weather deck weren't the officers and the captain
8 looking to see that everybody had life jackets on?

9
10 JESSICA HEWITT: They were checking your suits and all zipped up and had your head
11 on.

12
13 RALPH MELUSI: Checking the suit that's fine, what kind of direction is being given by the
14 captain or any of the officers with respect to lifejackets on everybody?

15
16 JESSICA HEWITT: It's not a requirement, that's the wrong word, I've never trained with
17 an immersion suit and a life jacket before.

18
19 RALPH MELUSI: I appreciate that I'm just trying to find out if there were orders or
20 direction.

21
22 JESSICA HEWITT: I can't remember if it was an order or just a suggestion.
23

1 RALPH MELUSI: Who gave the order to go up on the weather deck?

2

3 JESSICA HEWITT: I don't remember I just remember John Daniel Jones going up Doug
4 and I followed Adam.

5

6 RALPH MELUSI: Do you recall how it came about that somewhat midship and

7

8 JESSICA HEWITT: I don't, I figured people just kept bottlenecking, I want to keep this to
9 what I know in my story and that's all I know.

10

11 RALPH MELUSI: Did it seem like anybody was actually directing the movement?

12

13 JESSICA HEWITT: I just remember specifically Dan saying okay go and stay low.

14

15 RALPH MELUSI: Eventually everyone was up and on the vessel,

16

17 JESSICA HEWITT: We did a count offlf that is what you're asking, just like Jessica Black
18 was relayed the message by someone, by the nav shack who do we have and so I
19 relayed that.

20

21 RALPH MELUSI: What do you recall about Capt. Walbridge is role in this going up on
22 deck taking positions?

23

1 JESSICA HEWITT: I was really busy so I was not in the brain, the nav check area. I
2 wasn't around that area I was running around doing other things. I would overhear things
3 here and there but not.

4
5 RALPH MELUSI: Do you recall him giving any orders?

6
7 JESSICA HEWITT: I can't even tell you, I think I've told you all that I remember,

8
9 RALPH MELUSI: You did see him though at some point?

10
11 JESSICA HEWITT: Yes he was around. He was in the nav shack a lot, but that is not
12 where I was.

13
14 RALPH MELUSI: He saw him up on deck also?

15
16 JESSICA HEWITT: When we're coming on deck, yes I did.

17
18 RALPH MELUSI: We saw him on the deck?

19
20 JESSICA HEWITT: Yes that's what I made the comment here about his hearing aids.

21
22 RALPH MELUSI: Where did you see him?

23

1 JESSICA HEWITT: He was by the nav shack by the sparse.

2

3 RALPH MELUSI: Was he fitted in his survival suit?

4

5 JESSICA HEWITT: Yes he was.

6

7 RALPH MELUSI: Lifejacket?

8

9 JESSICA HEWITT: I cannot tell you, I just remember seeing his face.

10

11 RALPH MELUSI: Any said Claudine was next to Drew?

12

13 JESSICA HEWITT: No, the group of people I was with was John Daniel Jones, myself
14 Doug Faunt, Adam Prokosh, Drew Salapatek, and beyond that I just remember Jessica
15 Black being there and vaguely Claudine, that is just because she has a certain head bob.

16

17 RALPH MELUSI: She was with the group?

18

19 JESSICA HEWITT: Yes she was with the group on deck.

20

21 RALPH MELUSI: And when the vessel went over 90°, you do not see her enter the water
22 with you?

23

1 JESSICA HEWITT: No, and I could not tell you who was who.

2

3 RALPH MELUSI: Change the subject, take a minute take some water. Referring to your
4 same statement there a couple of other things in their that I want to get a clearer picture
5 on.

6

7 LIEUTENANT MALORE: can we make this clear that this is not her statement , this is
8 something that Lieut. Moore took down and this is a summary of that.

9

10 RALPH MELUSI: Yes.

11

12 (Inaudible)

13

14 RALPH MELUSI: This is a summary of an interview between yourself and Lieut. Charles
15 Malore and he called, he talked to you by telephone or was this in person

16

17 JESSICA HEWITT: This was in person and this was that day.

18

19 RALPH MELUSI: This was at the air station, Elizabeth city?

20

21 JESSICA HEWITT: Yes.

22

23 RALPH MELUSI: Cmdr. Carol was present?

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JESSICA HEWITT: I believe so.

RALPH MELUSI: And Lieut. Charles Malore.

JESSICA HEWITT: There were two other people in the room besides the one interviewing me.

RALPH MELUSI: And of course he recognized Cmdr. Carol. They were in a room and interviewing you and making notes?

JESSICA HEWITT: Yes they were taking notes and I don't know if it was being recorded or not.

RALPH MELUSI: Have you had a chance to read it before today?

JESSICA HEWITT: No

RALPH MELUSI: If I point out some parts I'm going to ask you to read it to yourself and then I'm gonna ask if it refreshes your recollection because we want to make sure that what she said was accurately recorded so.

1 UNKNOWN: that is not the purpose for refreshing recollection. It is not a test to see if it
2 was accurately recorded if you want to ask her a question and if she gives you an answer
3 and indicates that she doesn't recall that he can ask her to review her prior statement to
4 see if it refreshes her recollection, she certainly has said that she does not recall certain
5 things.

6
7 RALPH MELUSI: I appreciate that procedure which is followed in a similar court of law,
8 here where rules of hearsay and evidence are not being strictly applied I was assuming
9 we could do it in a more leisurely fashion.

10
11 UNKNOWN:I'm not clear on what it is that you are doing and certainly the rules of
12 evidence don't apply I'm just trying to get

13
14 RALPH MELUSI: You're quoting me a procedure that is used under the state rules of
15 evidence, is that what you want to conduct these proceedings on because they haven't
16 been up to the present time.

17
18 UNKNOWN:Know they certainly have not but if you're going to ask the witness questions
19 then ask her questions, if her prior statement as recorded by Lieut. Is already in our
20 record so if you want to challenge her with her prior statements that could be done, if you
21 want to refresh your recollection that works as well.

22

1 RALPH MELUSI: Are you concerned about the admissibility of the testimony that's not a
2 subject for this hearing because hearsay and everything else so let me just ask her
3 questions and not tie us up with legal technicalities because that's not really a proper
4 place in this type of hearing

5
6 COMMANDER KEVIN CARROLL: Sir, ask her a question please.

7
8 RALPH MELUSI: Do you recall stating to the members of this panel during that interview
9 that there was a major lack of communication, organization among the crew and resorted
10 to rumor reporting?

11
12 JESSICA HEWITT: What was your last sentence?

13
14 RALPH MELUSI: There was a lack of communication and organization among the crew
15 on what to do and then there is a quote rumor reporting I am assuming they recording a
16 phrase that you gave,

17
18 JESSICA HEWITT: What were we trying to do?

19
20 RALPH MELUSI: Well in general. Was rumor reporting and lack of organization and lack
21 of communication the norm on this voyage?
22

1 JESSICA HEWITT: No usually there is a chain of command and it goes down the and so
2 the only thing I had noticed the people who are higher up were really busy and so as task
3 became, there is less and less to do it was just like hang out and rest and they were so
4 busy with what they were doing, it was a lot of what you heard.

5
6 RALPH MELUSI: So when you were not getting information directly from the master,
7 there was rumors among the crew is at how the information was disseminated?

8
9 JESSICA HEWITT: Is the sort of stuff for people were asking like should I take my
10 emergent suit out should I leave it in his bag, those are people who were not used to
11 working on a vessel and I remember having to say this is what were told and this is what
12 we're going to do and they kept asking more silent to Matt Sanders and I actually we
13 should do, he said no leave the suits in the bag but it was not like a chaos everyone was
14 doing what they could.

15
16 RALPH MELUSI: Do you recall stating that nobody seemed to be knowledgeable about
17 the life rafts?

18
19 JESSICA HEWITT: Yes I read that sentence and it said no one seemed, it's because it
20 was so rough out it was really hard to get into the liferaft. Oh immersion suit?

21

1 RALPH MELUSI: I said nobody seemed to be knowledgeable about the life rafts any of
2 the crew seemed confused on how to don the immersion suits, does that refresh your
3 recollection?

4
5 JESSICA HEWITT: When you run through and abandon ship drill you put your suit on but
6 a lot of the times you are not actively in it or inflating the bag, but I have been on the boat
7 for very long until she sank.

8
9 UNKNOWN: I'm sorry his question was the recall making the statement?

10
11 JESSICA HEWITT: I did but the reading it is very clear that they are taking notes and
12 so I'm sure my references,

13
14 RALPH MELUSI: Did you have an impression on the vessel that nobody seemed to be
15 knowledgeable about the life rafts?

16
17 JESSICA HEWITT: Unless you actually practice getting and two on in a pool you don't
18 ever get that experience unless it is actually happening also you have to keep in mind I
19 was following orders and I don't know what discussions are happening with my officers
20 about plans of the liferaft threat this time I had not talked to any of them so I don't know if
21 we were waiting because they were doing other things or making plan on how to launch
22 the life rafts, so you to keep that in mind this, may none of the bigger picture.

23

1 RALPH MELUSI: I appreciate that. I know you've been asked several times about the
2 broken site glass, I just want to go back to it on the day tank. Could you describe the
3 break in the glass itself? Was it a fracture or a piece missing,
4

5 JESSICA HEWITT: It was like when a glass gets broken it looked like a crack and a piece
6 missing, but that's what I remember and I don't know how that memories changed over
7 time and I remember saying why can I noticed that before, I remember having that
8 feeling.
9

10 RALPH MELUSI: Was it your opinion that if the oil or fuel was up to the point of that
11 fracture that it would spill out?
12

13 JESSICA HEWITT: If the fuel was at the level of the break they would have gone out.
14

15 RALPH MELUSI: So that would mean one or more pieces of glass were missing from the
16 tube?
17

18 JESSICA HEWITT: Yes again that is what I remember sitting.
19

20 RALPH MELUSI: It's a long piece of glass,
21

22 JESSICA HEWITT: Maybe a foot and some inches
23

1 RALPH MELUSI: It's over a foot?

2

3 JESSICA HEWITT: It's long.

4

5 RALPH MELUSI: Do you know if the valve at the bottom of the tube was closed or open?

6

7 JESSICA HEWITT: Personally I don't but I know the level was not changing I can't say if
8 the crack extended to the point and that's why I don't.

9

10 RALPH MELUSI: The level is changing?

11

12 JESSICA HEWITT: I did not record a change in the log.

13

14 RALPH MELUSI: At some point you are lying down in the great room I table trying to get
15 some sleep is at the point when you overheard a conversation between the chief mate
16 and the captain about a telephone call?

17

18 JESSICA HEWITT: Yes.

19

20 RALPH MELUSI: Were you lying still on your back is if you're sleeping?

21

1 JESSICA HEWITT: I was trying to sleep, I had woken up because (inaudible) and I got up
2 and pushed it back in place and it happened again Robin told me to bring it over to him
3 and I put it down and I fell asleep then I woke up to John coming in and that conversation.

4
5 RALPH MELUSI: This is on Sunday?

6
7 JESSICA HEWITT: This was on Sunday around dinner time because I was hungry.

8
9 RALPH MELUSI: Dinnertime meaning what?

10
11 JESSICA HEWITT: Around 1600, I just remember feeling hungry.

12
13 RALPH MELUSI: And this is after the captain had injured himself flying into a table. So it
14 is about 1700 on Sunday and tell me as best as you can the exact words that you recall
15 the chief mate said to him.

16
17 JESSICA HEWITT: He said, hey I think we should think about making that phone call or a
18 phone call.

19
20 RALPH MELUSI: What did the captain reply?

21
22 JESSICA HEWITT: I can't tell you exactly I don't remember, I remember John saying
23 some other stuff like really recommending it, I don't know what he said exactly at that

1 point I realized we do not have power and I knew what that meant and that was that we
2 were not able to pump our bilges.

3
4 RALPH MELUSI: Who do you think you meant as to who was going to be called?

5
6 JESSICA HEWITT: That we needed help I didn't know he was going to call her be able to
7 call, I was not thinking about that.

8
9 RALPH MELUSI: Did you assume that a call for help to the Coast Guard had been made
10 earlier?

11
12 JESSICA HEWITT: No, not before I went to bed no.

13
14 RALPH MELUSI: Do you think it should have been made sooner?

15
16 JESSICA HEWITT: We had not lost power then.

17
18 RALPH MELUSI: You got up from the table and pulled some other people but yet heard
19 overheard.

20
21 JESSICA HEWITT: I found a ship made of mine and said you know what I heard he said I
22 know I need to get back down into the engine room and help Matt down there, and then I
23 went and I saw talked to Adam.

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RALPH MELUSI: Were you involved at all in pumping the bilges on Saturday or Sunday?

JESSICA HEWITT: Now I was busy with the boat check.

RALPH MELUSI: But you saw others working on the bilge pumps?

JESSICA HEWITT: Yes in my watch it was Adam and John Daniel Jones and I also know I was not therefore so I.

RALPH MELUSI: You knew enough about the system that you knew that there were four pumps down there too were electric and two were hydraulic?

JESSICA HEWITT: Yes.

RALPH MELUSI: Any knew the difference between the fixed hydraulic pump and the portable hydraulic pump?

JESSICA HEWITT: I know people in my watch were trained how to run the hydraulic pump.

RALPH MELUSI: Which one?

1 JESSICA HEWITT: I couldn't tell you, I don't know I just remember hearing the
2 discussion, hey Robin is going to teach you how to use this.

3

4 RALPH MELUSI: Did you see any way be doing repairs on one of the hydraulic pumps?

5

6 JESSICA HEWITT: I don't know any of that.

7

8 RALPH MELUSI: Do you have any knowledge as to what extent the hydraulic pump was
9 actually being used?

10

11 JESSICA HEWITT: I didn't know anything other than we were using it.

12

13 RALPH MELUSI: Apparently they did quite amount of work on the trash pump, on the gas
14 powered pump trying to get that started?

15

16 JESSICA HEWITT: I can't say how long they worked on it it was towards the end of
17 everything.

18

19 RALPH MELUSI: But from your description, priming at looking for a wrench I get the
20 impression that you have had some experience on those pumps?

21

1 JESSICA HEWITT: This past summer we used one to pump 3 gallons of water out that
2 we would bring back and forth to Portsmouth also with ocean classroom foundation their
3 boats have the same type of pump and so we I was a safety officer
4

5 RALPH MELUSI: Who is working with you trying to get it started?
6

7 JESSICA HEWITT: Chris Barksdale, Mark and Dan at the time when I went on deck.
8

9 RALPH MELUSI: Chris Barksdale?
10

11 JESSICA HEWITT: Yes Chris Barksdale.
12

13 RALPH MELUSI: You seem to be in control as to what to do next to get it primed.
14

15 JESSICA HEWITT: I think because they were working on for so long they were up for any
16 suggestion.
17

18 RALPH MELUSI: Was there any sense at the pump had not been properly stored with a
19 stabilizer for the gas?
20

21 JESSICA HEWITT: It looked really nice it looked like it was definitely in the best condition,
22 better than any trash pump I had used before.
23

1 RALPH MELUSI: What was new I just had never been used.

2
3 JESSICA HEWITT: That's all I know.

4
5 RALPH MELUSI: Did anybody know if the gasoline had not been drained out of it while I
6 was stored

7
8 JESSICA HEWITT: I don't know if it had fuel in it I know there was a canister fuel and we
9 needed it and we put more in so I don't know how it was stored, I don't.

10
11 RALPH MELUSI: When you started to work on it was the fuel tank full?

12
13 JESSICA HEWITT: I didn't know till afterwards when the motor would shut off it had I
14 remember the phrase of time was a spit of fuel left.

15
16 RALPH MELUSI: Were you able to get the engine running?

17
18 JESSICA HEWITT: Not after that, no.

19
20 RALPH MELUSI: At some point you did?

21
22 JESSICA HEWITT: Yes the motor did run we were having trouble with getting it primed.

23

1 RALPH MELUSI: But you are able to prime it and the engine started?

2

3 JESSICA HEWITT: The motor was running and we got to run at one point

4

5 RALPH MELUSI: I'm talking about just the gasoline engine not the pump.

6

7 JESSICA HEWITT: Yes.

8

9 RALPH MELUSI: You are able to get the engine started?

10

11 JESSICA HEWITT: Yes.

12

13 RALPH MELUSI: With difficulty without difficulty?

14

15 JESSICA HEWITT: Without difficulty has a little gauge for faster rabbit

16

17 RALPH MELUSI: With the choke on it?

18

19 JESSICA HEWITT: Yes.

20

21 RALPH MELUSI: And the engine was running?

22

23 JESSICA HEWITT: Yes it was running.

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RALPH MELUSI: Did you have a spark plug?

JESSICA HEWITT: You had an injector I can't say where was, but it was a gasoline powered one.

RALPH MELUSI: So the motor at one but the problem is the pump and the pump will not take suction and discharge

JESSICA HEWITT: I do not look at it more than checking the fuel and trying to bleed it out but at that point the ones I've worked with before would pump 100 gallons a minute so.

RALPH MELUSI: Since you been home have you had the opportunity to look at the actual track of hurricane Sandy coming up the coast?

JESSICA HEWITT: (inaudible)

RALPH MELUSI: You don't want to look at it?

JESSICA HEWITT: No.

RALPH MELUSI: I'm not suggesting you should. Of course there was discussion we talked about in New London before the vessel left, do you think that Capt. Walbridge gave

1 a sufficient and adequate informative discussion as to the size scope and shape of this
2 hurricane that would allow you and other crewmembers to make an intelligent informed
3 decision as to whether to stay or leave?
4

5 JESSICA HEWITT: I know that I've had classes before on hurricane avoidance and in
6 what he had said what the plan was I felt very comfortable with that plan.
7

8 RALPH MELUSI: But the plan was where the vessel is going to go, I was talking more
9 about the size shape description projected track scope
10

11 JESSICA HEWITT: I think asserting hurricane is enough.
12

13 RALPH MELUSI: What if you had that type of information?
14

15 JESSICA HEWITT: I've never been in a hurricane so I was only going off of what I know
16 what I feel comfortable with and that was it was projected to go inland and we are going
17 east, so that's what I feel comfortable with.
18

19 RALPH MELUSI: You had been on the submarine and then you're coming back, when
20 this capstain discussion occurred that was a complete surprise to you?
21

22 JESSICA HEWITT: We usually muster before we do anything and so he lay down the
23 plan, I know two people were leaving anyway, but everyone on their we were ready.

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RALPH MELUSI: We weren't prepared to depart Thursday right?

JESSICA HEWITT: It doesn't take that long to get ready, just take the lights off

RALPH MELUSI: No my question was the decision, the decision that the vessel is going to leave Thursday was something that he had not anticipated, you are expecting the vessel to leave Friday wasn't it?

JESSICA HEWITT: He said we might leave earlier, might stay later but it was up in the air, that's how it is, they like this phrase, it's written in water

RALPH MELUSI: When did he say that?

JESSICA HEWITT: I can't remember.

RALPH MELUSI: Earlier in the day?

JESSICA HEWITT: I know my mom gets frustrated with me because sometimes I will say mom I don't know when my leave then, we might leave then, she's like how do you not know Mike is just how it works, we have to be flexible.

1 RALPH MELUSI: Was Claudine with you, throughout that day, did she spend any time at
2 the submarine?

3
4 JESSICA HEWITT: Yes, she was not in the group with me when I went but I had hung out
5 with her that day.

6
7 RALPH MELUSI: Did you know that her parents were coming on Friday to pick her up
8 because she was getting off?

9
10 JESSICA HEWITT: I like to not get in people's personal business but I know that she had
11 some family members that were not doing so good and she wanted to be with them, but
12 she also wanted to see this through and I remember asking her, are you going to stay or
13 go and she said I'm going to stay, I want to see this through, and I don't get into personal
14 stuff.

15
16 RALPH MELUSI: Okay you don't know whether or not her parents in fact were coming on
17 Friday to pick her up?

18
19 JESSICA HEWITT: No I don't

20
21 RALPH MELUSI: Thank you Jessica.

22
23 JESSICA HEWITT: You are welcome.

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COMMANDER KEVIN CARROLL: Mr. Svendsen.

JOHN SVENDSEN: Good afternoon Jessica.

JESSICA HEWITT: Hello

JOHN SVENDSEN: You talked about being on the boat and then going to Greenland?

JESSICA HEWITT: Yes.

JOHN SVENDSEN: And you said that there was too emerging systems coming together and he had some rough weather? Was that on that same trip?

JESSICA HEWITT: Yes, that was just some low pressure systems. But the last that I think it was rough weather for about a week

JOHN SVENDSEN: Can you describe the sea state and the conditions that you are in the wind and the waves?

JESSICA HEWITT: I can't remember exactly what the wind was, maybe 30 feet maybe 25 feet and it was raining and it really hurt. That's all I remember.

1 JOHN SVENDSEN: can you compare it to your experience and Bounty as far as
2 temperature and sea state conditions and how that provided you all that information?
3

4 JESSICA HEWITT: Yes, I'm not sure we were crossing the Labrador Sea the water was
5 really cold, she was a lot lower to the water so you're getting a lot of wash and stuff
6 across the deck, Bounty just moves a lot different, Bowden is more snappy jerky I guess,
7 but that is, so I felt when, I've just felt comfortable on both.
8

9 JOHN SVENDSEN: When you are on deck on Bounty were waves washing over the deck
10 like they do on the Bowden or?
11

12 JESSICA HEWITT: No, I don't remember that now.
13

14 JOHN SVENDSEN: When you are going to go check you said both engines were running
15 on your first boat check around 1200 to 1400 in that timeframe, we have referred a lot to
16 the CG 32 page 2 mind three, that's that same statement online three of page 2 if you're
17 starting at the very top
18

19 JESSICA HEWITT: Yes, CG 32 page 2
20

21 JOHN SVENDSEN: Page 3.
22

23 JESSICA HEWITT: Page 3

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JOHN SVENDSEN: I'm sorry page 2.3. There is a line in there, there's a 1500 1700 bracket, It is commonplace on the Bounty when doing a boat check to write down the RPMs in the logbook, do you remember writing down the RPMs and what they were at that time?

JESSICA HEWITT: This was Sunday the time 1700 does not make sense now because that is when my watch would have ended 1600, I was 12 to 4 but I remember that watch ending and someone mentioning turning something off that they're going to try and that we're going to hove to. And then I went to bed.

JOHN SVENDSEN: Do you remember logging the rpm's?

JESSICA HEWITT: I do.

JOHN SVENDSEN: Do remember what the RPM was on each engine?

JESSICA HEWITT: 1750, I'm trying to remember what I was logging but that seems right if it was on. That's what I remember.

JOHN SVENDSEN: In the same CG 32 on page 1 you described your knowledge of people having a lack of knowledge with lifeboats, and it seemed to me that it was in the water getting into the liferaft?

1

JESSICA HEWITT: Yes. I know we were having a hard time just figuring out where handholds were and you know until you are on the inside where they were.

4

5

JOHN SVENDSEN: Can you describe to me when people were putting on their immersion suits how effective was everybody getting dressed with a fully dressed work people assisting each other was their knowledge being used to don the immersion suits effectively.

9

10

JESSICA HEWITT: Yes.

11

12

JOHN SVENDSEN: Standard policy on the bounties for the mate and the A.B. To do training during watch and underway, can you describe some of the training that you received from your AB be in your mate under way in familiarizing yourself with the Bounty the safety equipment the drills station bills things of that nature?

16

17

JESSICA HEWITT: I was so needed about are still figuring out everything I remember with Matt talking about where things were like life rings going over fire extinguishers were and which ones were aware, having a conversation about the CO2 system stuff like that and where we were keeping immersion suits and lifejackets and what cabins those ran, we are definitely gone over that.

22

23

JOHN SVENDSEN: Was there a checklist that you remember?

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JESSICA HEWITT: Yes.

JOHN SVENDSEN: One day, one week, one month.

JESSICA HEWITT: Yes those were posted on the galley on the door.

JOHN SVENDSEN: Were those referred to and were you knowledgeable on how to access that information and study for continued education?

JESSICA HEWITT: Yes and it was my goal to be on the boat to continue it so I wanted to work through that checklist.

JOHN SVENDSEN: So you have access to the training information and knowledge?

JESSICA HEWITT: Yes.

JOHN SVENDSEN: And it was exchanged regularly?

JESSICA HEWITT: Yes.

1 JOHN SVENDSEN: During work party mentioned you worked with Laura was also
2 custom to do training during a work party as you had applicable things that came up to
3 advance people's knowledge to describe how effective that was.
4

5 JESSICA HEWITT: It is one of the reasons that brought me to the Bounty was I wanted to
6 learn and I had met these people before last winter and I really liked the sense of
7 community and how people were always taught to better themselves and I know
8 sometimes on vessels knowledge can be hoarded because it makes your position not so
9 solid but everyone, I was evening learning how to to calculate sunset and I had Robin
10 come in and said what are you working on and helped me it was late at night and it took
11 longer than it should have and I was a little rusty but that's what attracted me to the boat.
12

13 JOHN SVENDSEN: So is proactive training?
14

15 JESSICA HEWITT: Yes.
16

17 JOHN SVENDSEN: Robin would typically have a capstain every day sometimes multiple
18 times throughout the day and call information out, being I wasn't on board can you
19 describe some of the safety points he had on in capstains, he would've referenced man
20 overboard abandon ship fire drills it may have not been formal long to drills but would
21 have been daily learning and daily exchange of information, there is drilled in the nurse
22 training so my not a been a formal drill in advance of training or anything he discussed?
23

1 JESSICA HEWITT: I know every capstain was almost like a story time where you tell of
2 an experience or something to learn from I can't remember specifically I wish I could just
3 because it would be nice to remember something. But I can't remember an exact point.
4

5 JOHN SVENDSEN: Did you find it effective at teaching you these things?
6

7 JESSICA HEWITT: Yes he knew a lot he always had I can't remember an exact example
8 but there have been a few times I learned a different way of doing something and that's
9 why loved working on different boats you get different ways of doing things.
10

11 JOHN SVENDSEN: There been some talk about exhaustion sleep and rest and things of
12 that nature can you describe for me a typical length of time per day that would be
13 dedicated to work on the Bounty underway?
14

15 JESSICA HEWITT: It depended on what watch you had, I had the 12 to 4 so I would be
16 on watch 12 to 4, I would go to sleep let's say it's 4 AM and I would wake up at, 715 and
17 eat breakfast and then at 8 o'clock we would have work party and then I would eat lunch
18 and then work and then I would go to sleep after dinner and I forget if it was at 1630 or 17
19 00 but I never missed a meal and then I would go to sleep until midnight.
20

21 JOHN SVENDSEN: So if you said it was eight hours of work 12 hours of work 16 hours of
22 work how would you classify it?
23

1 JESSICA HEWITT: I am terrible engaging time, maybe seven hours of sleep, eight hours
2 of sleep,

3
4 JOHN SVENDSEN: I was talking about work.

5
6 JESSICA HEWITT: Oh work, 8 on 8 off right, I'm terrible at this.

7
8 JOHN SVENDSEN: That's okay. When you are in the yard were you working an eight
9 hour day a 12 hour day a 10 hour day?

10
11 JESSICA HEWITT: In the yard and could've been over a month ago I think it was very
12 early in the morning maybe 625 wake-up site mean it was early I know we were working
13 an hour before, we had an hour before setting the American flag at eight I think I can't
14 remember, but I remember it was always a forgetful thing because you are busy working
15 to remember putting the flag up, and we would end at 1600 something or 1500, it was
16 before dinner.

17
18 JOHN SVENDSEN: When you are in New London was there ample time for everybody to
19 have the evening off for a full nights sleep.

20
21 JESSICA HEWITT: Yes.

22

1 JOHN SVENDSEN: Do you remember what time everybody turned to her woke up on the
2 day of the Naval day sail

3
4 JESSICA HEWITT: It felt like a slow bell because of the comparison to yard but I believe
5 it was just turn to at eight and then it was really slow that they I remember we were eating
6 lunch before we got off the dock so I don't know what time they showed up your eating
7 subs and hanging out drinking soda taking it easy on and Robin was like we are going
8 and I was like okay but we had spent that time previously cleaning things getting things
9 ready and taking gaskets off of the sales.

10
11 JOHN SVENDSEN: Once he got underway was everybody all hands throughout the next
12 day or they broken in to watch?

13
14 JESSICA HEWITT: When we got off the dock it was everybody felt the watches and I
15 believe I can't remember if I was sit down or if I'm on watch.

16
17 JOHN SVENDSEN: So you get it a full nights sleep, had less than a 12 hour day of work
18 and standard timeframe for work?

19
20 JESSICA HEWITT: Yes.

21
22 JOHN SVENDSEN: As we got under way you had some conversations about sea stowing
23 the boat things not having a home, was there ever a point where the boat was sea stowed

1 in such a manner or things were recklessly falling and tumbling about at any point in
2 time?

3
4 JESSICA HEWITT: No I think just to clarify is things can be sea stowed and latched down
5 and I you like to use the phrase, you just shake it really hard and tested but things were
6 not flying at you but.

7
8 JOHN SVENDSEN: So things were appropriately sea stowed for the weather condition
9 throughout the voyage?

10
11 JESSICA HEWITT: Yes.

12
13 JOHN SVENDSEN: Can you describe for me the overall character of the officers that you
14 had while you are underway and their professionalism and how they operated on the
15 boat?

16
17 JESSICA HEWITT: Everything was very professional, I know my mom sometimes has
18 thinks sailing is just sunshine and rainbows and everybody's walking around with bare
19 feet, everyone was very yes professional nobody was goofing off, you are on watch.

20
21 JOHN SVENDSEN: And how would that compare with other professional education you
22 had and other experience on boats?

23

1 JESSICA HEWITT: It was solid it was up there, just not knowing Dan is a watch officer
2 before he would just someone I would see here and I I was really impressed and he was
3 really good at relaying information to his watch.
4

5 JOHN SVENDSEN: How would you describe the overall environment on the Bounty?
6

7 JESSICA HEWITT: A teaching tool, that would be the environment, everyone was there
8 to learn.
9

10 JOHN SVENDSEN: Thank you very much.
11

12 JESSICA HEWITT: Thanks.
13

14 COMMANDER KEVIN CARROLL: During the meeting with The Walbridge at New
15 London at the capstains meeting when he explained to the crew the plan was to go to the
16 East, and then he said the plan was to go Southwest directly in front of the path of the
17 storm would that have changed your mind?
18

19 JESSICA HEWITT: I would have immediately thought of Phantom that scenario as the
20 one that I remember being the teaching tool, it does not sound like a good idea.
21

22 COMMANDER KEVIN CARROLL: Would it have changed your mind?
23

1 JESSICA HEWITT: I can't tell you now, now I wish I wasn't there. I know when we found
2 out why we changed course I asked my watch officer and he said something about it
3 going out to see following the jet stream, but I remember a conversation that I had had
4 before where it was predicted to go inland and so those two scenarios at that point I don't
5 know if it was Saturday or not went through my head, we were we were taking on water
6 and stuff and I don't know what his thoughts were, this is me speculating that we are
7 trying to get closer to land or something I don't know.

8
9 COMMANDER KEVIN CARROLL: To your knowledge was the date of the course change
10 to Southwest?

11
12 JESSICA HEWITT: That was part of my boat checks, maybe Saturday.

13
14 COMMANDER KEVIN CARROLL: Do you think the conditions of the bilges and the bilge
15 pumping system was enough that may have influenced the decision to make the course
16 change?

17
18 JESSICA HEWITT: I don't know. I just know that we are constantly having to pump, or it
19 would get away from you and you would have to turn the hydraulic pump on and then it
20 was more of an annoyance of this is a really wet boat.

21

1 COMMANDER KEVIN CARROLL: In your experience on Bounty and you started in
2 August but all September and most of October you are in yard, during your brief
3 underway periods on Bounty, was Bounty a wet boat?
4

5 JESSICA HEWITT: Yes.
6

7 COMMANDER KEVIN CARROLL: It was?
8

9 JESSICA HEWITT: Yes.
10

11 COMMANDER KEVIN CARROLL: So she made water a lot, I guess I'd say before you
12 went to yard and doing boat checks how many times did you have to operate the build
13 system during your watch?
14

15 JESSICA HEWITT: You mean like someone would pump it and then it would be in our
16 and in the next person would pump.
17

18 COMMANDER KEVIN CARROLL: So when you left on Thursday and were doing boat
19 checks was that consistent?
20

21 JESSICA HEWITT: I believe so yes.
22

23 COMMANDER KEVIN CARROLL: When did it become inconsistent?

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JESSICA HEWITT: When it started getting rough, Friday night, my Friday night watch

COMMANDER KEVIN CARROLL: Friday night a started getting rougher?

JESSICA HEWITT: Yes, I don't remember, and at two different times they had to go to the deck with my watch and Matt had said somebody needs to be down there all the time and that a change to Sony's to be down there all the time and run the hydraulic pump constantly.

COMMANDER KEVIN CARROLL: One last question, the gasoline powered trash pump that you are using had you ever seen that pump before during your time aboard Bounty until that day?

JESSICA HEWITT: No.

COMMANDER KEVIN CARROLL: Okay no more questions.

RALPH MELUSI: Jessica I does have one question that I have been thinking about and I don't really know the answer to this, this captain was intimately familiar with this vessel had been aboard many years, makes a decision to go to sea with a group of young people into harms way, the vessel proves to be totally unsuitable for the weather

1 conditions that they encounter, the pumping is not working, water is coming on an
2 excessive rate

3
4 COMMANDER KEVIN CARROLL: Sir ask a question.

5
6 RALPH MELUSI: I'm getting there.

7
8 COMMANDER KEVIN CARROLL: Ask a question.

9
10 RALPH MELUSI: Generators are failing the

11
12 UNKNOWN: He is testifying

13
14 UNKNOWN: He is arguing

15
16 RALPH MELUSI: I am not arguing

17
18 UNKNOWN: You are arguing

19
20 RALPH MELUSI: I'm not arguing with anybody.

21
22 COMMANDER KEVIN CARROLL: Ask a question.

23

1 RALPH MELUSI: The vessel sinks he loses his life Claudine loses hers and here in this
2 proceeding crew member after crew member heaped praises on him, why is that?

3
4 COMMANDER KEVIN CARROLL: Need to ask her?

5
6 RALPH MELUSI: I am asking her.

7
8 COMMANDER KEVIN CARROLL: are you asking her, or you asking her to testify why
9 other people think highly of Capt. Walbridge?

10
11 RALPH MELUSI: Why do you and I'm saying that others that are testifying give praises
12 on him as well, was he that charismatic that people cannot criticize him who knew him?

13
14 JESSICA HEWITT: What's your question? Just what I think of him?

15
16 RALPH MELUSI: No criticism of him from the crew in spite of a horrendous

17
18 COMMANDER KEVIN CARROLL: Jessica you do not have to answer the question you
19 are done, thank you very much. Thank you Ms. Hewitt you are dismissed but you are
20 subject to recall thank you very much for your testimony.

21
22 JESSICA HEWITT: Thank you Commander Carroll

23

1 COMMANDER KEVIN CARROLL: Back on the record tomorrow morning at 0900.

2
3 COMMANDER KEVIN CARROLL: This hearing will come to order, the record will show
4 that this hearing was called to order at 09:00 on February 20th, 2013, and is being held at
5 the Renaissance Hotel in Portsmouth Virginia. Good morning ladies and gentlemen, I am
6 Commander Kevin Carroll, Chief of the Inspections Investigations and Branch of the 5th
7 Coast Guard District. I have been directed to serve as Investigating Officer for this one
8 person formal investigation which was convened by the Commander of the 5th Coast
9 Guard District, Rear Admiral Steven H. Ratti. The investigation is convened under the
10 authority of 46 United States Code 6301, and 46 code of Federal Regulations Part 4, to
11 investigate the circumstances involving the sinking of the vessel Bounty, and subsequent
12 presumed death of the vessel's Master and the death of one crew member, which
13 occurred on October 29th, 2012 approximately 90 miles off the coast of Cape Hatteras,
14 North Carolina. I will conduct this investigation under the rules in 46 CFR Part 4. This
15 investigation is intended to determine the cause of the casualty, and the responsibility
16 therefore to the fullest extent possible, and to obtain information for the purpose of
17 preventing or reducing the effects of similar casualties in the future. This investigation is
18 also intended to determine whether there is any evidence that any incompetence,
19 misconduct, or willful violation of the law on the part of any licensed Officer, pilot, seaman,
20 employee, owner, or agent of such owner of any vessel involved, any Officer of the Coast
21 Guard, or the other Officer or employee of the United States, or any other person caused
22 or contributed to the cause of this casualty. Or whether there is any evidence that any act
23 was committed in violation of any provisions of the U.S. Code or the regulations issued

1 there under. I am also empowered to recognize any commendable actions by persons
2 involved and to make appropriate recommendations in this regard. The results of my
3 investigations are subject to the final review and approval of the Commandant of the
4 United States Coast Guard. All parties are reminded that this hearing will examine the
5 events leading to the sinking of the vessel Bounty, and subsequent presumed death of
6 the Master and the death of one crew member. For the purpose of this hearing, the
7 words vessel, or boat, will refer to the vessel Bounty unless otherwise noted. All
8 witnesses called to testify during this hearing will be examined under oath or affirmation.
9 When testifying, the witness is subject to the Federal Laws and penalties for perjury for
10 making false statements under 18 US Code 1001. Witnesses who are not parties of
11 interest will be excluded from the hearing room when not testifying. All parties who are of
12 interest have a statutory right to employ council to represent them, to cross examine
13 witnesses, and to have witnesses called on their behalf. Witnesses who are not parties of
14 interest may be advised by their council concerning their rights, however such council
15 may not examine or cross examine other witnesses or otherwise participate. A party of
16 interest is an individual or organization or other entity that under the existing evidence or
17 because of his or her position may have been responsible for or contributed to the
18 casualty. A party of interest may also be an individual, organization, or other entity having
19 a direct interest in the investigation and demonstrating the potential for contributing
20 significantly to the completeness of the investigation or otherwise enhancing the safety of
21 life and property at sea through participation as a party of interest. All parties and
22 interests and their representatives that were present yesterday are present today. These
23 proceedings are open to the public and the media. I would like to request the cooperation

1 of all persons present to minimize any disruptive influence on the proceedings in general,
2 and on the witnesses in particular. Smoking will be prohibited. The audience is asked to
3 ensure that your cell phones and other electrical devices do not disturb the proceedings,
4 I'll pause for a moment while everyone places their phone in the off or vibrate silent
5 function. You are each also asked to refrain from departing or entering a room except
6 during periods of recess. Flash photography will be permitted during the opening
7 statement and during recess periods only. There are two television cameras in the room,
8 and only two. Cameras must remain stationary and not interfere with the hearing. The
9 members of the press are of course welcome, an area has been set aside for your use
10 during the proceedings. The public affairs officer for the 5th district today is Petty Officer
11 Miller, Petty Officer Miller. Lieutenant Patterson will be back this afternoon. If you have
12 any questions please ask him. The news media may question the witnesses considering
13 their testimony that they have given after I release them. I ask that such interviews be
14 conducted outside of this room. We will be recessing for lunch at or around 1130 to about
15 1 pm each day. The sources of information into which this investigation will require are
16 varied. The Coast Guard has made attempts to locate every available piece of
17 information pertinent to this casualty. This board will hear all such evidence. Should any
18 person have, or believe he or she has information not yet induced that may be of direct
19 significance I urge that person to communicate with the recorder Lieutenant Commander
20 Nicholas Parham, Nick please raise your hand thank you, see him if you would like to add
21 something to the record. At this time I'd like everybody to please rise and join me in a
22 moment of silence for those persons who lost their lives as a result of this casualty.

1 Thank you. This concludes my opening statement. I would like to introduce Captain Rob
2 Jones of the NTSB who will read his opening statement.

3
4 CAPTAIN ROB JONES: Thank you Commander. Good morning. I am Rob Jones,
5 investigator in charge for the National Transportation Safety Board for this investigation.
6 The safety board is an independent federal agency which, under the independent safety
7 board act of 1974, is required to determine the cause or probable cause of this accident.
8 To issue a report of the facts, conditions and circumstances related to it and may make
9 recommendations for measures to prevent similar accidents. The safety board has joined
10 this hearing to avoid duplicating the development of facts. Never the less, I do wish to
11 point out that this does not preclude the safety board from developing additional
12 information separately from this proceeding if that becomes necessary. At the conclusion
13 of this hearing, the safety board will finalize the facts of this accident and determine the
14 probable cause independently of the Coast Guard. At a future date, a separate report of
15 the safety board's findings will be issued which will include our official determination of the
16 probable cause of this accident. If appropriate, the safety board will issue
17 recommendations to correct safety problems discovered during this investigation. These
18 recommendations may be made in advance of this report. Thank you.

19
20 COMMANDER KEVIN CARROLL: Thank you Captain Jones. We will take a short recess
21 before we begin. Go ahead.

22

1 LIEUTENANT COMMANDER NICHOLAS PARHAM: Before we get started, at the end of
2 yesterdays testimony from Ms. Hewitt she notated a copy of CG6. Copies of those
3 notations have been made and I recommend at this time Commander that we enter it into
4 record as CG82. Copies will be provided to the parties and interests.

5
6 COMMANDER KEVIN CARROLL: Please enter them into the record and provide the
7 copies to the parties and interests. Thank you. At this time we will take a short recess.
8 We will reconvene ay 915, where the Coast Guard will call witness Anna Sprague?

9
10 LIEUTENANT COMMANDER NICHOLAS PARHAM: Yes sir.

11
12 COMMANDER KEVIN CARROLL: Thank you.

13
14 COMMANDER KEVIN CARROLL: One minute warning please.

15
16 LIEUTENANT COMMANDER NICHOLAS PARHAM: Ladies and gentlemen if you would
17 please take your seats, we will be starting in 1 minute. Coast Guard is back on the record
18 at 0915 all parties and interests or their designated representatives who were present at
19 the opening are present now. Coast Guard at this time calls to testify Miss Anna
20 Sprague. Come right up here ma'am. You can just stand right there by the chair and I will
21 swear you in.

22
23 ANNA SPRAGUE: Okay.

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LIEUTENANT COMMANDER NICHOLAS PARHAM: Please raise your right hand. A false statement given to an agency of the United States is punishable by fine and / or imprisonment under 18 USC 1001. Knowing this do you solemnly swear that the testimony you are about to give will be the truth, the whole truth and nothing but the truth, so help you God?

ANNA SPRAGUE: Yes.

LIEUTENANT COMMANDER NICHOLAS PARHAM: Please be seated.

LIEUTENANT MALORE: Good morning

ANNA SPRAGUE: Good morning

LIEUTENANT MALORE: Can you

COMMANDER KEVIN CARROLL: You can get some water if you want.

ANNA SPRAGUE: Thank you.

LIEUTENANT MALORE: For the record, could you please state your full name and spell your last name?

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ANNA SPRAGUE: It's Anna Sprague, S-P-R-A-G-U-E

LIEUTENANT MALORE: Okay, thank you. Can you talk about your experience with vessels?

ANNA SPRAGUE: In terms of tall ships? Bounty was my first tall ship. I have had a lot of small boat experience.

LIEUTENANT MALORE: Go ahead and explain that.

ANNA SPRAGUE: From a young age, I sailed with my dad and then every couple of years we would get a catamaran or spa 35 foot boat and we've been in BBI of Chesapeake, so I have had that experience. In college I joined my college sailing team and thats how I got really interested in sailing. Then last summer I went on the tall ship Bounty and became a deck hand on there.

LIEUTENANT MALORE: So you said last summer?

ANNA SPRAGUE: Yes starting in early May.

LIEUTENANT MALORE: Early May. Do you hold any licenses?

1 ANNA SPRAGUE: No.

2 LIEUTENANT MALORE: What was your job on the Bounty?

3

4 ANNA SPRAGUE: Just deck hand, so I would do a navigation watch which, I don't know,
5 four hours two times a day. Hour on helm, hour on forward lookout, hour on boat checks
6 and then hour on standby. Just depending on standby he could do various things.

7

8 LIEUTENANT MALORE: Can you describe the training or drills you have done since you
9 have been on Bounty?

10

11 ANNA SPRAGUE: We did, when I first got there, the first day we threw a safety
12 orientation, like putting on Gumbo suits or those immersion suits and just showing where
13 fire extinguishers are and all that safety stuff. Obviously training me through navigation
14 watch stuff and maintenance. Then we did a bunch of man over board drills, we do some
15 fire drills and abandon ship drills, I got training on.

16

17 LIEUTENANT MALORE: What was your, were you in Booth Bay Harbor?

18

19 ANNA SPRAGUE: Yes sir.

20

21 LIEUTENANT MALORE: What was your job there?

22

1 ANNA SPRAGUE: Various things. Anything from scraping the hull, when I first got out,
2 painting, like using the (inaudible) iron to see which seams needed caulking, so I just did
3 the iron and the mallet, usually as a two person team. Just to see what seams were not, I
4 don't know what the word is, loose, like good.

5
6 LIEUTENANT MALORE: Was that your first time doing that?

7
8 ANNA SPRAGUE: Yes.

9
10 LIEUTENANT MALORE: Was somebody supervising you or, who were you working with?

11
12 ANNA SPRAGUE: Yeah, Laura was there when we first started to make sure we were
13 doing it right and was there for most of it to check up on us and came back just to see
14 what we had done and go over it.

15
16 LIEUTENANT MALORE: While you were there, did you notice any problems with the
17 vessel or any spots of concern?

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19 ANNA SPRAGUE: In terms of the hull?

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21 LIEUTENANT MALORE: Anywhere. Internally, externally.

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23 ANNA SPRAGUE: Not to my...

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LIEUTENANT MALORE: Were there any discussions of rot?

ANNA SPRAGUE: I remember, yeah, the captain would talk about rot here in certain places, but he always did it. In a huge wooden vessel there is always going to be a certain amount of rot, but never like, I don't know, beyond that much with me.

LIEUTENANT MALORE: So you weren't privy to any discussions or anything between the captain and the yard or any of the yard's concerns or anything like that?

ANNA SPRAGUE: No.

LIEUTENANT MALORE: Were you on Bounty when it left the yard to head to New London?

ANNA SPRAGUE: Yes sir.

LIEUTENANT MALORE: What did you think of the condition of the vessel at that time?

ANNA SPRAGUE: I thought she was good compared to what she was before. When I see her before she definitely looked pretty, but I thought it was fine. I remember struggling with the bilge pumps a little bit

1 LIEUTENANT MALORE: During that voyage?

2

3 ANNA SPRAGUE: Yeah, just I couldn't, I am trying to remember if it was during the
4 voyage or not. I don't think actually during the voyage, that voyage which I didn't
5 personally have any trouble.

6 LIEUTENANT MALORE: Okay. Was everything as far as task that were supposed to be
7 done or had been planned to be done in Booth Bay, were those completed or were you
8 guys still completing projects right and left? Was there a rush to get out of there?

9

10 ANNA SPRAGUE: The only project that I think we were trying to still complete was, we
11 had re-done basically aft crew so we had to, I think they were kind of finishing building
12 those up. Like putting the bunks in and painting them.

13

14 LIEUTENANT MALORE: Okay. What about the cleanliness of the vessel during that
15 voyage, were you guy still doing clean ups? Stowing things away?

16

17 ANNA SPRAGUE: I think yes. Sea stowing. For the most part we, before we left dock we
18 try to sea stow everything. Throughout the voyage, I mean that's part of our check all the
19 time is to(inaudible) stuff that is not sea stowed. That was constant, sea stow stuff
20 constantly because people use things and it's necessary to keep checking.

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22 LIEUTENANT MALORE: Can you talk about once you arrived in New London what
23 happened there?

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ANNA SPRAGUE: We ride to New London and we had a day sail with the Marines, the submariners. So they got on board and we gave them an orientation, run down what was going down and went through and went out it was a beautiful day. Everything was great. It went really smoothly, the submariners were a lot of fun, we like to climb everything and we came back to dock and that went smoothly from what I remember and they were nice enough to give us a tour of their submarine. Which was pretty cool. Then we came back and that was

LIEUTENANT MALORE: When was the first time you heard about the hurricane Sandy?

ANNA SPRAGUE: I think some people just through talking were like “ yeah there’s a hurricane out there somewhere” and I called my dad telling him about the submarine and he mentioned it. He was like “ just so you know there’s a hurricane out there” and I was like okay by now and I’m pretty sure the captain already knows. And he was just like okay and that was pretty much

LIEUTENANT MALORE: Was that before the visit to the submarine or after or during? Do you remember?

ANNA SPRAGUE: I am trying to remember. I think it was after.

1 LIEUTENANT MALORE: Was other people talking did you hear anything else from others
2 on the crew?

3
4 ANNA SPRAGUE: I remember people just mentioning it. We weren't sure, we hadn't had
5 a muster with the captain yet. So they were like we might lead tonight we might leave
6 tomorrow morning, were not sure what we're going to do exactly. I wasn't.

7
8 LIEUTENANT MALORE: So you said, you might leave today in my live tomorrow.
9 Meaning you might Thursday or you might leave Friday?

10 ANNA SPRAGUE: Yeah we hadn't had a muster talking about it it was just like a rumors
11 going around. I knew it was a possibility that we might leave that night which wasn't
12 uncommon. You always prepare to leave unexpectedly.

13
14 LIEUTENANT MALORE: So were you part of the meeting contact before you left with the
15 Captain?

16
17 ANNA SPRAGUE: Excuse me?

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19 LIEUTENANT MALORE: The meeting on the deck, were you part of that? The discussion
20 about the storm?

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22 ANNA SPRAGUE: The muster?

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LIEUTENANT MALORE: Can you explain that and what was said?

ANNA SPRAGUE: The captain called us together and said, as most of y'all have probably heard, there's a hurricane that's already been nicknamed, Frankenstorm.

LIEUTENANT MALORE: So she said that?

ANNA SPRAGUE: Yes I remember him saying that specifically. He can't have gave a layout, she gave his history with storms a little bit and then he laid out what he wanted to do and then he said, given this I understand if you don't want to come. I won't think any less if you want to get off the boat.

LIEUTENANT MALORE: So if you guys got off the boat, would that be something you had to pay for yourself to leave? Or did they offer?

ANNA SPRAGUE: Yeah, you would have to pay for yourself. But that was, I mean, you had to pay your way there and pay away off. Whenever I would have left I would have to pay.

LIEUTENANT MALORE: So that was just understood?

ANNA SPRAGUE: Yeah.

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LIEUTENANT MALORE: So when the captain mentioned, and that's Capt. Walbridge. When he mentioned about the Frankenstorm, did he mention about the size or what they expected, how big it was good to be? Or did he just make that statement?

ANNA SPRAGUE: I think the statement kind of made it understood that it was a pretty big storm. For me it was understood, he went over the possible tracks it could go on and what his theory of what it might do.

LIEUTENANT MALORE: What did he say?

ANNA SPRAGUE: He said that he would either follow the Gulf stream and just go out and dissipate or it would go up and obviously go inland anywhere between North Carolina and New England.

LIEUTENANT MALORE: So what was his plan?

ANNA SPRAGUE: I am trying to remember. I think it was, he wanted to go south east to see what the hurricane was going to do and then make his decision on whether to keep going east and get around if it was going to cut inland or if he thought it was going to go out to go into the shore side of it. What's it called again the, board side or what

1 LIEUTENANT MALORE: He was just trying to go to the West Coast, he is trying to come
2 back to the coast

3
4 ANNA SPRAGUE: Yes.

5
6 LIEUTENANT MALORE: Was there any discussion of other options?

7
8 ANNA SPRAGUE: Not that I remember.

9
10 LIEUTENANT MALORE: Did anybody on the cruise a anything back to the captain or
11 voice concerns?

12
13 ANNA SPRAGUE: Not that I remember. There might have been questions but I don't
14 remember any specific concerns.

15
16 LIEUTENANT MALORE: Were you concerned or what did you think?

17
18 ANNA SPRAGUE: No, I, everyone else, a lot more people on there were more
19 experienced and I just knew that the Dan Cleveland said that he'd been through
20 hurricanes with him and I knew they had been through rough weather before so I was
21 pretty confident in them.

22

1 LIEUTENANT MALORE: Alright, so can you describe what happened leaving New
2 London? And then continue on from there.

3
4 ANNA SPRAGUE: So we left it was a really nice day I remember. I think pretty much right
5 away we started preparing for the storm and making sure everything was super sea
6 stowed. Just checking everything. Putting up sailor catchers on the side of the boat, it was
7 nets that we put up so you won't fall overboard. Putting up Jack stave lines, subject lines I
8 believe they're called so you can hook into while you are walking along the deck.
9 Anything like that. We talked about it constantly, okay what does the weather look like
10 today. Why do you think it looks like this? You talking about it.

11
12 LIEUTENANT MALORE: What were your prior voyages with bounty before this time
13 period? You said you had been on the boat a couple of times.

14
15 ANNA SPRAGUE: I had I had been on for about six months.

16
17 LIEUTENANT MALORE: About six months. During that time did you ever put Jack's lines
18 on the deck?

19
20 ANNA SPRAGUE: No I hadn't.

21
22 LIEUTENANT MALORE: Okay, so this was the first time?
23

1 ANNA SPRAGUE: Yes sir.

2

3 LIEUTENANT MALORE: So continue on from that point.

4

5 ANNA SPRAGUE: Slowly the waves got bigger and they just kind of continued doing
6 everything, we went over a lot about what's the storm hits staying low to the deck and
7 about safety. We put lines up in the tween deck so you wouldn't go across the tween
8 deck and had something to hold onto. I guess the waves just got bigger and I just went
9 through my general duties. We moved into our new space

10

11 LIEUTENANT MALORE: So you guys were having discussions about the storm and what
12 you are going to do as far as, you said lay on the deck or can you explain that?

13

14 ANNA SPRAGUE: Yeah, just like when you're walking on the weather deck just staying
15 low when you are walking across just so you are low to the ground and not knocked over.

16

17 LIEUTENANT MALORE: Who was providing a training?

18

19 ANNA SPRAGUE: That mate on my watch mainly, Dan Cleveland for me, personally. But
20 we all would have discussions about it, I mean everyone.

21

22 LIEUTENANT MALORE: How many discussions to do you have about the storm prior to it
23 hitting? Can you remember?

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2 ANNA SPRAGUE: Like official? Musters?

3
4 LIEUTENANT MALORE: Yeah, I mean just two or three a day, I mean how many?

5
6 ANNA SPRAGUE: We had our muster every day with the whole crew and so we would
7 discuss things like that during then. Then in terms of my watch before and after every
8 watch we had a muster. So it would, Josh Scornavacchi, Dan Cleveland, and Drew
9 Salapatek. Then Dan what kind of re go over everything.

10
11 LIEUTENANT MALORE: Okay. Do you remember what watch you are part of?

12
13 ANNA SPRAGUE: I was a part of C watch.

14
15 LIEUTENANT MALORE: And what time was that from?

16
17 ANNA SPRAGUE: I believe it was from 4 to 8

18
19 LIEUTENANT MALORE: 4 to 8. Okay. Now you said you have decent musters on deck
20 with the captain each day?

21
22 ANNA SPRAGUE: Yes sir.

23

1 LIEUTENANT MALORE: Do you remember anything that he said or any preparations are
2 safety issues? And the key points that you could remember?

3
4 ANNA SPRAGUE: Him particularly? He mainly talked about the weather but that was, a
5 lot of times John would go over holding on he would go over, he would say the weather
6 and each mate officer spoke at the watches so they each said something different and
7 they each had a different point so I don't remember Captain Not that he didn't say
8 anything specific but that is because John and Dan would go over that stuff.

9
10 LIEUTENANT MALORE: So to your knowledge, leaving New London, was the goal to get
11 away from the storm or were you guys expecting to be near the storm?

12
13 ANNA SPRAGUE: We knew we might because of the size we would probably be and that
14 a little bit, but that goal was to not be in the long. I believe.

15
16 LIEUTENANT MALORE: So you said Friday the waves were picking up, the seas.

17
18 ANNA SPRAGUE: Probably not, I guess Friday, I mean it slowly started picking up the
19 whole time. I don't remember Friday, I don't remember the seas being too big. I can't
20 remember the time that much, that well.

21
22 LIEUTENANT MALORE: If you can continue from that point.
23

1 ANNA SPRAGUE: Okay. I guess nothing sticks out to me as far as just going over safety
2 and doing my regular routine. I guess it was, what day was Saturday the 27th?

3
4 LIEUTENANT MALORE: You guys left on

5
6 ANNA SPRAGUE: the 20 I can't remember

7
8 LIEUTENANT MALORE: I think it was a Thursday, when you left

9
10 COMMANDER KEVIN CARROLL: The vessel sank on the 29th, which was a Monday.

11
12 ANNA SPRAGUE: Okay, so Saturday I think the waves definitely started getting bigger.
13 We would always, they would take the speed of the wind but would always let us now. So
14 I know the wind started picking up and then everything was fine 4 to 8 watch and then I
15 went to bed. Everything was okay. That morning, that night it was, I remember it was
16 definitely maybe that was when we started having more trouble with the bilges? I think
17 everything was still fine for the most part, but it required a little bit more attention. I think it
18 was a little harder because we had three people doing, usually they would kind of be on
19 the bilges. I guess it was later all the time, but you would be doing but check that bilges,
20 then boat check then bilges. But I think on that watch I was mostly on helm because Dan
21 needed Drew for something, so I was on there a little longer.

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23 LIEUTENANT MALORE: Were you aware of what was going on in the engine room?

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ANNA SPRAGUE: Know because I wasn't really down there during that watch. I was on helm for quite a while I believe. Which was fine by me, I really liked it.

LIEUTENANT MALORE: Continuing from there, what was your experience?

ANNA SPRAGUE: After the 4 to 8 watch, I would have gone to bed. I will I woke up for lunch and we were supposed to have, I was excited when I found out that we were not going to work party because he wanted us to rest. I think I had eaten lunch and then the fore course blew out

LIEUTENANT MALORE: And what time?

ANNA SPRAGUE: That would have been between around lunch so between 12 and 1.

LIEUTENANT MALORE: 12 and 1, on what day?

ANNA SPRAGUE: On Sunday.

LIEUTENANT MALORE: Sunday. Okay.

ANNA SPRAGUE: It was all hands, we had to go, call all hands. I went up to deck. I didn't personally go aloft, but I remember they were just like, grab a life ring and watch to

1 make sure, just for safety. Making sure no one falls in the water and if they did at least
2 have a life ring.

3

4 LIEUTENANT MALORE: What were the conditions then?

5

6 ANNA SPRAGUE: It was definitely very, I think we were in the hurricane by then. It was
7 obvious, the waves were probably 20 feet, wind probably 40 at least knots.

8

9 LIEUTENANT MALORE: Now at that time, was you still headed on the south east
10 direction or do you remember changing directions?

11

12

13 ANNA SPRAGUE: I can't remember when it was changed, but I do know, I think at that
14 time we had been going south west.

15

16 LIEUTENANT MALORE: So you didn't know when the change occurred, but you knew
17 that now you were heading in a different direction.

18

19 ANNA SPRAGUE: Yes sir.

20

21 LIEUTENANT MALORE: How did you know that?

22

1 ANNA SPRAGUE: I remember I think being on helm and it was a different direction
2 coming back. I am pretty sure, actually it was mentioned at muster. Usually Dan would go
3 over, he would tell us we were heading each time so we had an idea, he was like we were
4 going in a Southwest direction now. This is what we are doing.

5
6 LIEUTENANT MALORE: When he said, now you are heading to a south west direction,
7 did he say why?

8
9 ANNA SPRAGUE: Yes, I believe he did. He said that the captain believed the hurricane
10 was going more out

11
12 LIEUTENANT MALORE: Going out to sea?

13
14 ANNA SPRAGUE: Or the way it was, he believed we had enough room to cut more inland
15 and get the favorable winds. So that's why we cut south west.

16
17 LIEUTENANT MALORE: Okay, was that a concern, now cutting back?

18
19 ANNA SPRAGUE: No.

20
21 LIEUTENANT MALORE: Okay. Why was that?

22

1 ANNA SPRAGUE: For me I would rather have the favorable winds then get stuck on the
2 other side so I was okay with that. For me it was more of a good thing.

3
4 LIEUTENANT MALORE: But now you are hitting storm weather?

5
6 ANNA SPRAGUE: Yes.

7
8 LIEUTENANT MALORE: Did you feel like you are getting to better whether or
9

10 ANNA SPRAGUE: I knew we were going to be in a battle with it for a while but I was
11 appreciating the bad weather, you know taking it for a learning experience. Definitely
12 looking forward to being able to sleep in my bunk again without rolling out.

13
14 LIEUTENANT MALORE: Were you guys tired at this time?

15
16 ANNA SPRAGUE: On Sunday, I personally don't think I was, at the beginning I wasn't.
17 On my 4 to 8 watch I was okay and then I had that sleep before lunch so I personally
18 wasn't tired at that point. But definitely towards the night I was starting to get exhausted.

19
20 LIEUTENANT MALORE: Okay so if you can continue from where the sail blew out.

21
22 ANNA SPRAGUE: The sail blew out and by the time that finished I had maybe an hour of
23 rest. Then my watch to go over but I think we had heave to by then. My job was just to go

1 down to all the compartments and look at the strainers and just checking on each strainer
2 in each compartment. But looking at them, trying to clear them out. Wait no, I think that
3 was earlier I think I can remember when that was.
4

5 LIEUTENANT MALORE: Before the sail blew out?
6

7 ANNA SPRAGUE: yes. During that time when I had first got on watch I went down to the
8 engine room. I was doing a boat check first so engine room. But when I was down there
9 Matt Sanders was down there, the captain was down there and Chris Barksdale, like all
10 down there. So I was just helping them hand tools, helping them do whatever they could.
11

12 LIEUTENANT MALORE: Is that the first time that you had seen the engine room?
13

14 ANNA SPRAGUE: No.
15

16 LIEUTENANT MALORE: No I mean at that time on that voyage?
17

18 ANNA SPRAGUE: Oh, no. Yeah, I have been down there.
19

20 LIEUTENANT MALORE: So you had been down there a couple times before that?
21

22 ANNA SPRAGUE: Yes sir.
23

1 LIEUTENANT MALORE: What did you see when you were down there each time?

2

3 ANNA SPRAGUE: The normal things. It looked okay to me. I mean, of course I did boat
4 checks.

5

6 LIEUTENANT MALORE: Did you notice an amount of water?

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8 ANNA SPRAGUE: What do you mean an amount of water, oh on the bilges?

9

10 LIEUTENANT MALORE: Yeah.

11

12 ANNA SPRAGUE: Yeah that was part of your boat check was to check the amount of
13 water in the bilges, so I always took note of that. I didn't, I didn't really, I may have done
14 one boat check in the very beginning on my 4 to 8 watch in the morning?

15

16 LIEUTENANT MALORE: Okay.

17

18 ANNA SPRAGUE: Everything looked fine from what I can remember. When I went down
19 there the first time in the evening, by the time I got down there the water was definitely
20 more of a concern. The bilge alarm was going off. We were working on trying to get the
21 hydraulic pump, I was helping Matt Sanders with that. Just handing him the right wrench,
22 just trying to help him clear it out to get it working.

1 LIEUTENANT MALORE: Which hydraulic pump was that? Was that a fixed one
2 connected to piping, or was that a

3

4 ANNA SPRAGUE: I think it was connected, we had to connect it but I think it was
5 connected to all of it.

6

7 LIEUTENANT MALORE: Okay.

8

9 ANNA SPRAGUE: So I was helping him do that anyway I could and eventually John G
10 Jones came down and a lot of people. And he had worked in the engine room a lot more
11 than I had so he kind of took over where I was and I went up to how do other things From
12 there.

13

14 LIEUTENANT MALORE: What was the water level at that time?

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16 ANNA SPRAGUE: It was probably a little bit above the high water alarm. But it wasn't
17 coming up to the

18

19 LIEUTENANT MALORE: Was it to the sole boards?

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21 ANNA SPRAGUE: No, not at that point.

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23 LIEUTENANT MALORE: Had you seen the water in that space higher before or

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ANNA SPRAGUE: I had seen it that high before, so I wasn't too worried at that point. Because they were getting the hydraulic system to help.

LIEUTENANT MALORE: Did you have any concerns because of so many people down there working on it?

ANNA SPRAGUE: I had concerns of little bit about the engines, because Sanders and I were working, not Sanders and I were working on the pump but Robin and, Capt. Robin Walbridge and Chris bark scale were working on the engines. I wasn't sure what they are doing there but

LIEUTENANT MALORE: Did you notice anything wrong with the site glass?

ANNA SPRAGUE: Yes. I think when I first went through and did the boat check during our muster 4 to 8 Dan had told us, the way you did it was when you relieve the former boat check person they tell you everything that they saw that was already wrong. So I think Dan mentioned that and when I was relieving the former boat check person, they told me the site glass was broken. I think they said that Chris fixed it but it had broken again. I went out there and talked about it with Chris.

LIEUTENANT MALORE: They said Chris fixed it and then it broke again?

1 ANNA SPRAGUE: I don't know, maybe they just thought that he had fixed it. I don't
2 know.

3
4 LIEUTENANT MALORE: You said earlier that you looked at the strainers?

5
6 ANNA SPRAGUE: Yes.

7
8 LIEUTENANT MALORE: Can you tell me which compartments you checked and what
9 you saw?

10
11 ANNA SPRAGUE: I did the one in both fins, there's two different compartments there, but
12 one strainer. I went down there. That one looked okay then I got to the aft crew, that took
13 me a while because it was stuck somewhere, I couldn't get it out. I had to have someone
14 come and help me get it out. It took us a while. When I looked at it, it looked fine to me.
15 There wasn't too much stuff in it. Then we opened up the cap and there really wasn't
16 anything clogging it up that I could see.

17
18 LIEUTENANT MALORE: Was there water in any other space at that time or was it just in
19 the bilge?

20
21 ANNA SPRAGUE: In that compartment? It was just in the bilges.

22

1 LIEUTENANT MALORE: Just in the bilge? Okay. So, going back to when the sail broke,
2 could you go on from there?

3
4 ANNA SPRAGUE: Okay the sail broke sometime then the gaffer broke, I don't exactly
5 remember when. I think it was during or after my watch that happened.

6
7 LIEUTENANT MALORE: Okay.

8
9 ANNA SPRAGUE: So at one point we were all called to deck and we had to, I was
10 grabbing online and helping them pull it in to keep it from hopping around and breaking
11 anything else. That took some time. Eventually I noticed the water was getting, I went
12 down to ask crew eventually and all of my stuff was wet. I was like alright cool so I just
13 stopped worrying about that, it was already ruined.

14
15 LIEUTENANT MALORE: He said the stuff in there was wet?

16
17 ANNA SPRAGUE: All my stuff, I kind of went down there to put it on a higher bunk
18 because I had it on the lower bunk and it was starting to rise. Because the water would
19 swish and go up to the ceiling planking and come down, so it already had all of my stuff is
20 soaked so I just didn't worry about it.

21
22 LIEUTENANT MALORE: Did you see when the water was coming in did you hear it?

23

1 ANNA SPRAGUE: No. I mean I had been down in the bilges is a lot at that point and I
2 couldn't personally see anywhere in the bilges it was coming in. I definitely became a
3 bilge rat at one point.
4

5 COMMANDER KEVIN CARROLL: We conducted the interview with you on November 30
6 and you made a statement to me that you believed the water was entering through the
7 hull through the seams above the water line specifically in the lazarette. Do you
8 remember making that statement?

9 ANNA SPRAGUE: I think I said that John told us, that's where and I remember Laura
10 coming up and saying there was water pouring into there but I didn't personally see it.
11

12 COMMANDER KEVIN CARROLL: John who?
13

14 ANNA SPRAGUE: Svendsen.
15

16 COMMANDER KEVIN CARROLL: Specifically this any particular area the hull where
17 water was coming in or spirit coming in at any specific part of the hull?
18

19 ANNA SPRAGUE: No sir.
20

21 COMMANDER KEVIN CARROLL: Thank you.
22

1 LIEUTENANT MALORE: Okay, so if you can continue from that point. You were down in
2 your room and everything was wet

3
4 ANNA SPRAGUE: Right, so I saw that it was wet and I didn't worry about that. But at that
5 point, I think, they were worried about the water still rising. So I asked Laura, I went down
6 to the boatswain and started helping them gather tools and supplies that they need to
7 bring up to the tween decks so that important stuff we would have. I just started gathering
8 everything we could. The water kept rising and after that, there's a certain point where it
9 started getting dangerous to go down to aft crew. So, I went down and grabbed some
10 stuff and some of my bunk mates stuff because they had saves some stuff but my stuff
11 was gone. So I grabbed their stuff to bring it up and at then at that point I started getting
12 a little worried I guess.

13
14 LIEUTENANT MALORE: So you had concern at that point?

15
16 ANNA SPRAGUE: A little bit. It was definitely the highest I had ever seen it, the sole
17 boards were starting to come up

18
19 LIEUTENANT MALORE: So they were starting... Okay.

20
21 ANNA SPRAGUE: It was really dangerous at one point.

22
23 LIEUTENANT MALORE: And the weather was still bad?

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ANNA SPRAGUE: Yes.

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LIEUTENANT MALORE: Had anybody said anything at that point, or did you hear

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ANNA SPRAGUE: I started hearing more concerns from people

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LIEUTENANT MALORE: What were people saying?

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ANNA SPRAGUE: I think we were just worried. A lot of us had never seen the water that high, but it was, I still was just concentrating on doing my jobs. I wasn't too concerned at that point for the ship.

11

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LIEUTENANT MALORE: Was anybody asking how much longer we were going to be in the storm or what our estimation is?

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ANNA SPRAGUE: I don't remember any specific questions. I think it might have been in the back of my head but I was just concentrated and working. At one point they got out all of the lifejackets and we started, we just need to start to prepare for a possible abandon ship. I think at that point we weren't, we were still pretty hopeful that we wouldn't have to but we started tightening for it anyways.

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LIEUTENANT MALORE: Do you know what time that was approximately?

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ANNA SPRAGUE: Maybe 8 o'clock, so 2000, I don't know 8 o'clock.

LIEUTENANT MALORE: On Sunday?

ANNA SPRAGUE: Yes. Then so I just started, that was my main job from then on out, getting life jackets together. Getting all important stuff and gear. Patching water bottles, things to life jackets so they would float. Getting all supplies ready and organizing everything and laying it out. Eventually we had a couple musters that night. We would talk about what was happening

LIEUTENANT MALORE: Musters with the captain or

ANNA SPRAGUE: With everyone.

LIEUTENANT MALORE: Do you remember what was said?

ANNA SPRAGUE: I remember that at one point the water was pretty high, I remember telling Dan. I was told to check the water levels in the compartments and it was pretty high and aft crew you could clearly see it and I was getting really concerned. I remember there was one point that Capt. Walbridge. I think it was when we knew we were probably going to have to abandon in a couple of hours. The plan was to keep working on the gas pump that we had brought out. Some people rests and some people, at that point work on

1 it, take shifts so some people could get rest. I don't think I ended up happening. Some
2 people kind of rested, I think I was one of the only ones and I rested for 30 minutes and
3 then got up. The people working the gas pump seem to have it pretty well so I went back
4 to just getting everything prepared.

5
6 LIEUTENANT MALORE: You said Capt. Walbridge talked about using that pump and
7 was, at that time, was he stating we were going to abandon ship or was he saying

8
9 ANNA SPRAGUE: He said that it was a real possibility that we are probably going to
10 have to abandoned ship. I heard them talk to the Coast Guard at that point

11
12 LIEUTENANT MALORE: Did you hear that conversation or you just knew

13
14 ANNA SPRAGUE: We do they were talking to Coast Guard, I was right near the nav
15 shack. I knew that was going on, so we kept working on the pumps and he gave a water
16 level (inaudible). He said once the water gets up to this amount, we are going to get in our
17 immersion suits and go up on deck.

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19 LIEUTENANT MALORE: Do you remember what level that was?

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21 ANNA SPRAGUE: He said once it gets up to the tween decks.

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23 LIEUTENANT MALORE: The tween decks?

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ANNA SPRAGUE: So, eventually the water got up to that level. Captain Walbridge called for the abandon ship and we all started getting in our immersion suits. It was kind of a fire line, we had most supplies in the crate cabin so we fire lined it so people could grab the suit that they wanted. We fire lined the life jackets to go with the suits. Gave everyone, made sure everyone had a harness, made sure everyone had a water bottle. so I think, I never, I mean, Dan and John were mostly in charge making sure everyone, they were kind of giving the orders of all that. From there I was helping people put on their immersion suits.

LIEUTENANT MALORE: Do you remember who you were helping?

ANNA SPRAGUE: I remember helping Adam Prokosh because he had hurt his back. I helped Josh get on his life jacket. I helped Jessica Black put on hers and helping her put on a harness because I don't think she had ever put on a harness before.

LIEUTENANT MALORE: She had never put on a harness before?

ANNA SPRAGUE: At least not on the boat. So helping her put on her harness,

LIEUTENANT MALORE: Had she ever put on an immersion suit before?

1 ANNA SPRAGUE: I believe so, she had. She said she told me previously that she had
2 done basic safety training before.

3
4 LIEUTENANT MALORE: Okay, but not with Bounty, or with Bounty? Since she had been
5 on Bounty she had?

6
7 ANNA SPRAGUE: I don't know if she had gone to safety orientation.

8
9 LIEUTENANT MALORE: Okay.

10
11 ANNA SPRAGUE: I think she did, but I am not, I didn't do it for her. Then Mark had the
12 pliers that he had on his tool belt so me and him were helping tighten everyone's harness.
13 I think we sent everyone up, I think Jessica Black was the last person I remember
14 helping. She went up on decks and I was about to go up and then I saw Captain
15 Walbridge, I was right next to his cabin. I saw him start to put on his immersion suit and
16 everyone else had theirs on. He was, he asked me to help him put on his immersion suit.

17
18 LIEUTENANT MALORE: The captain then asked you to help him put his on?

19
20 ANNA SPRAGUE: Because his back was hurt, so he couldn't stand up and put it on. He
21 was sitting down, so I helped him. He couldn't life both his legs, so I couldn't get him. And
22 Mark came over and he helped me stand him up and he helped, me and Mark helped put
23 his immersion suit on.

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LIEUTENANT MALORE: It's okay, take your time. I think in a previous statement, you had mentioned something about it being chaotic at that time, was that your impression at that time? Or was it

ANNA SPRAGUE: I think everyone was starting to get a little more like wow, we are actually abandoning ship. I don't remember that it was, I just, I guess it was a little chaotic, but it was orderly still. I think there is this raw adrenalin going around. So we helped him and we were about to go on deck and they called for the rest of the life jackets to be put up. At that point the tween deck water levels was probably up to my shins.

LIEUTENANT MALORE: At this time, you said that captain was injured and you guys were helping put on his immersion suit. Was Mr. Svendsen more in charge at that point? Did he take control or was it the captain still?

ANNA SPRAGUE: John Svendsen was in the nav shack talking to the Coast Guard,

LIEUTENANT MALORE: Okay.

ANNA SPRAGUE: I think because, maybe the captain's injury, I mean I don't know.

LIEUTENANT MALORE: It wasn't discussed with the crew didn't

1 ANNA SPRAGUE: Yeah, I mean a lot of times John would be, or Dan for me, would be
2 kind of the voice. I know they talked a lot to Captain Walbridge, so just because they
3 physically were in charge doesn't mean Captain Walbridge wasn't still in charge. We
4 helped him up and we were about to go up and we had to pull the life jackets in and I
5 could tell Mark was very exhausted and so I basically was like get up on deck.

6
7 LIEUTENANT MALORE: So everybody wanted to get up on deck?

8
9 ANNA SPRAGUE: We were like the last two down there and Mark was just working his
10 butt off and wouldn't stop so I made him stop and get up on deck. So we went up, went
11 around, we sat on the windward side, I believe that was the port side of the boat, the
12 yards Dan had built were in front of me so I was using that, my feet were against the
13 yards. It was me, then Mark, then I believe, Matt, we were kind of all on the yards.

14
15 LIEUTENANT MALORE: You said you were on the port side, windward side. Was you
16 midships?

17
18 ANNA SPRAGUE: Yeah, I was about at the capstan aft of the nav shaft.

19
20 LIEUTENANT MALORE: Okay.

21
22 ANNA SPRAGUE: I remember at one point, I think, I saw, it was actually kind of really
23 cool move, Claudine kind of came across and sat kind of with us, she was right next to

1 Matt. Then the Captain then was I think on the other side of the yards that were lashed
2 on deck in front of me and John Svendsen was in the nav shack. Then Dan came up he
3 was still preparing the lines to abandon ship, he was right next to me and that's when the
4 boat rolled. When the boat rolled I was up on the yards so I kind of, I remember I stopped
5 for a second, but I managed to stand up on the yards and then I remember helping Dan
6 into his, he had the immersion suit down to his waist so he could use his hands. So I
7 helped him set that up and then I looked up and saw the canon lash above my head and I
8 thought that was a really good lashing. I really think cool for that, whoever lashed that
9 Canon did a really good job. Then I guess I had to jump in the water and try to get away
10 from the ship.

11
12 LIEUTENANT MALORE: Do you remember anybody strapped into the jack line at that
13 time?

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15 ANNA SPRAGUE: no.

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17 LIEUTENANT MALORE: Or was nobody?

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19 ANNA SPRAGUE: Not that I saw.

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21 LIEUTENANT MALORE: Okay, not that you saw.
22

1 ANNA SPRAGUE:I jumped in the water and there was a lot of water. I just remember
2 lines are everywhere and the yards because I was forward of the mizzen masts. I
3 remember trying to get aft, somehow I got under a yard that was across the water or
4 maybe I don't know what it was. Eventually I got aft and I found Mark and we were just,
5 we knew we had to swim away from the boat. We started swimming away from the boat
6 and found today life raft canister. I remember John was there, he was just hanging onto it,
7 it hadn't deployed. I remember asking if it was going to deploy and he was like, it should,
8 but then the master started coming up so it pulled John away and that was kind of a scary
9 sight. I saw him literally like he was straddling the yard and I saw him fall and I don't know
10 what happened to them after that. We just started swimming away from the boat because
11 we were like we just got to get away. But as we were swimming away, the life raft
12 deployed, so we swim back to it, grabbed onto it. The boat started coming back down but
13 the mast actually broke onto the liferaft which was, I was afraid it was going to pop it. But
14 they are pretty sturdy things I guess.

15
16 COMMANDER KEVIN CARROLL: The raft or the canister?

17
18 ANNA SPRAGUE: Excuse me?

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20 COMMANDER KEVIN CARROLL: Was it the canister

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22 ANNA SPRAGUE: Know it was deployed.
23

1 COMMANDER KEVIN CARROLL: So it hit on the inflated raft and broke?
2

3 ANNA SPRAGUE: Mm,hm the raft was okay. So we just grabbed onto it and started
4 swimming it away and then after swimming away we found the entrance and as we
5 started thinking about getting and I saw John G Jones and Josh Scornavacchi and we
6 help them swim towards it. We started trying to get in. We all tried twice, it was really hard
7 because there wasn't, there was something you could grab right here and there was a
8 little ladder but it was floating, you couldn't really put your legs into it. The next thing you
9 could grab onto was on the other side inside the raft there was nothing in between. So
10 you couldn't get up. Finally I just had to physically put my foot into the ladder and I was
11 able to hoist myself up and they were pushing me in. The problem with that though was
12 that my foot got stuck and that little ladder on the other side. So somehow they were
13 pushing and pulling me and grabbing the ladder and got my foot unstuck. I don't know
14 how it would've gotten unstuck without that. From there I was able to help, because I was
15 inside the raft I was able to, I had, like he couldn't find it especially because of the
16 immersion suit gloves it's hard to grab anything so I had to wrap his hand around the
17 thing to grab, the handle outside and try to pull himself up because I couldn't pull him him.
18 From there we were able to use the harnesses to help get everyone in because you
19 couldn't grab any where else. Mark would then use his harness to attach it to their
20 harness so he could use his body weight to pull back and pull them in. Then when he
21 could grab the sides and help pull them in. That's how we got everyone and eventually.
22 On the other side of the raft we were helping get Josh or John in, Matt and Jessica

1 Hewitt, or Jessica Black and Doug Faunt were on the other side of the raft, there were
2 two entrances. So we helped get all of them in.

3
4 LIEUTENANT MALORE: Do you know how long it took from the time you got to the raft to
5 get in, the first person?

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7 ANNA SPRAGUE: Probably, I don't know, it took a long time. I felt like each person to 10
8 minutes, at least.

9
10 LIEUTENANT MALORE: How long did it take to get the first person in?

11
12 ANNA SPRAGUE: For us? I don't, my concept of time really went away. I know we each
13 tried probably three times separately. So however long each of those tries took. Maybe
14 20 minutes, I don't know.

15
16 LIEUTENANT MALORE: I think you already explained it, but the last time you saw the
17 captain and the last time you saw Claudine Christian, when was that?

18
19 ANNA SPRAGUE: The last time I saw the captain was, he was right in front of me when
20 the ship rolled, I think I saw him slip into the water from there. I mean there were yards
21 behind him but he had a broken back, he really couldn't move much. I saw Claudine
22 Christian when she went in the water, saw her on the mizzen mast fife rail. I kind of
23 jumped towards the direction but waves came and I didn't see any of them after that.

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LIEUTENANT MALORE: Okay. Capt. Jones from the NTSB is going to ask you a few questions.

CAPTAIN ROB JONES: Ready?

ANNA SPRAGUE: Yes sir.

CAPTAIN ROB JONES: Ms. Sprague, you said previously your experience with boats was small boat experience in the Chesapeake Bay?

ANNA SPRAGUE: Yes. That was probably a 30 foot boat.

CAPTAIN ROB JONES: Was that a private boat?

ANNA SPRAGUE: We just chartered it. My family for about a week.

CAPTAIN ROB JONES: How long have you been sailing? Actively sailing?

ANNA SPRAGUE: Okay. So, for small boats, including?

CAPTAIN ROB JONES: Yeah, since you were 12 or younger.

1 ANNA SPRAGUE: When I was younger, only during the summers with my dad
2 periodically. By the time of my freshman year in college, I was sailing constantly. Going
3 to regattas and racing.

4
5 CAPTAIN ROB JONES: How big were the vessels?

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7 ANNA SPRAGUE: Like 13 feet. 2 sails.

8
9 CAPTAIN ROB JONES: And your college sailing team?

10
11 ANNA SPRAGUE: Auburn University.

12
13 CAPTAIN ROB JONES: Okay and how long have you been doing that?

14 ANNA SPRAGUE: Since my freshman year, so this would be my 3rd year.

15
16 CAPTAIN ROB JONES: You guys have a winning team?

17
18 ANNA SPRAGUE: We're building up to that. It's a club team, so we coach ourselves and
19 the seniors kind of coach the

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21 CAPTAIN ROB JONES: Do any off shore sailing with that?

22
23 ANNA SPRAGUE: No.

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CAPTAIN ROB JONES: Do you do any other offshore sailing prior to the Bounty?

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ANNA SPRAGUE: Other than with my family, no.

5

6

CAPTAIN ROB JONES: How did you first hear about the Bounty?

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ANNA SPRAGUE: I am from Savannah, Georgia and they had a tall ships festival there.

9

So, I went to the festival and I saw these boats and was determined that I was going to

10

get on one of these boats. I walked on the Bounty and asked "How can I be you" and they

11

told me that I could volunteer. So I went around and they found the first mate for me

12

which was John Svendsen, I talked to him for a little bit and he basically said "if you want

13

to volunteer, we leave Monday morning" so I talked about it with my parents and they

14

were okay with it after my mom interviewed John Svendsen.

15

16

CAPTAIN ROB JONES: Was it a tough interview?

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18

ANNA SPRAGUE: I believe so, knowing my mom. She was just looking out for me. I am

19

sure John Svendsen held his own. So I volunteered for the first couple of months and

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then I decided to take the semester off from school and sail. So, I did and they hired me

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as crew.

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CAPTAIN ROB JONES: When they hired you as crew, was that August?

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ANNA SPRAGUE: I believe so, yes.

CAPTAIN ROB JONES: You just said you sailed for a few months, did you sail as a volunteer before that with the Bounty?

ANNA SPRAGUE: Yes sir.

CAPTAIN ROB JONES: So your first time on the Bounty wasn't really August then, it was before that?

ANNA SPRAGUE: Yes.

CAPTAIN ROB JONES: When was that?

ANNA SPRAGUE: In May. I think I got on officially May 7.

CAPTAIN ROB JONES: Were there other tall ships there like the Bounty in Savannah?

ANNA SPRAGUE: Yes.

CAPTAIN ROB JONES: What drew you to the Bounty?

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ANNA SPRAGUE: It was a 3 masted square rigger, so it was pretty. I don't know, I think it was the first boat that I walked on and asked and I got lucky that they were, could take on volunteer crew. So, I don't know, I was definitely just attracted to the boat.

CAPTAIN ROB JONES: Was Captain Walbridge captain at the time?

ANNA SPRAGUE: Yes sir.

CAPTAIN ROB JONES: Did your mom meet him?

ANNA SPRAGUE: No, I do not believe so. Well, she did eventually. My parents both came and volunteered on the boat. My mom for a week and my dad for two weeks, so they did meet everyone.

CAPTAIN ROB JONES: When did they volunteer to do that?

ANNA SPRAGUE: In Nova Scotia? It was in late July, early August.

CAPTAIN ROB JONES: Do you remember their impressions of the vessel?

ANNA SPRAGUE: They were very impressed. I was living my dad's dream, so he was very excited.

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CAPTAIN ROB JONES: Now before that period, you had been off shore with the Bounty, sailing in the open ocean?

ANNA SPRAGUE: Yes sir.

CAPTAIN ROB JONES: How did you feel about that?

ANNA SPRAGUE: I felt fine, I was comfortable with it. I was learning a lot.

CAPTAIN ROB JONES: Describe the drills you would do once a week or how often you would do them and what they were.

ANNA SPRAGUE: The man overboard we do constantly

CAPTAIN ROB JONES: How do you do it?

ANNA SPRAGUE: Each watch had a specific task, my watch, C watch, we got communication. So one person that was on the radio, one would go aloft with binoculars and then everyone else would be in charge of just identifying the person that was overboard. We had to hold our hand out like this and if we saw him keep an eye on him the whole time. Each of the other watches had different tasks. I believe A watch was in charge of action. Putting the boat, the small boat in the water, I forgot what the other

1 watch was in charge of. But it was like that so you knew every task within what your
2 watch had to do.

3
4 CAPTAIN ROB JONES: So were you under sail at the time, or under motor?

5
6 ANNA SPRAGUE: Yes, we would do this while we were sailing or motoring. Like it would
7 happen if someone fell overboard at that point. The boat probably wouldn't be stopped.

8
9 CAPTAIN ROB JONES: Did you actually through something over and get it?

10
11 ANNA SPRAGUE: Yes, they would throw something and then you'd have to go get it.

12
13 CAPTAIN ROB JONES: Did you put the boat over?

14
15 ANNA SPRAGUE: Yes, we put the small boat over.

16
17 CAPTAIN ROB JONES: Did you try it without putting the boat over? Just drop the sails,
18 turn the boat around or anything like that?

19
20 ANNA SPRAGUE: I don't remember specifically doing that, no.

21

1 CAPTAIN ROB JONES: You mentioned the talk before leaving New London where Capt.
2 Walbridge told you about storm and you said he mentioned it by it's nickname
3 Frankenstorm?
4

5 ANNA SPRAGUE: Yes sir.
6

7 CAPTAIN ROB JONES: Yes you remember, or yes he did?
8

9 ANNA SPRAGUE: Yes he did.
10

11 CAPTAIN ROB JONES: Your dad called you?
12

13 ANNA SPRAGUE: I called my dad.
14

15 CAPTAIN ROB JONES: You told him that you are going out into the ocean on Bounty?
16

17 ANNA SPRAGUE: Yes sir.
18

19 CAPTAIN ROB JONES: What did he say?
20

21 ANNA SPRAGUE: He said just be careful, have a good time.
22

23 CAPTAIN ROB JONES: Did he ask about what the captain's plans were?

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ANNA SPRAGUE: He might have, I did not know at that point what they were.

CAPTAIN ROB JONES: What was your dad's reaction when you got home?

ANNA SPRAGUE: He was happy to see me.

CAPTAIN ROB JONES: Did he voice any concern of what you went through and how you got into that position?

ANNA SPRAGUE: He just asked if I was all right, but no they did not ask specific questions at that point.

CAPTAIN ROB JONES: Did you question the captain's judgment?

ANNA SPRAGUE: No sir.

CAPTAIN ROB JONES: You are describing that when Capt. Walbridge told you the plan, and correct me if I'm misstating what you said, but as you departed you are going to get out there, and if the storm went one way you would go the other, is that pretty fair? If the storm went out to sea you would go towards land, if the storm went towards land, you would go out to sea?

1 ANNA SPRAGUE: Yes sir, I believe that's,

2

3 CAPTAIN ROB JONES: Have you seen what the track of the storm did?

4

5 ANNA SPRAGUE: Yes.

6

7 CAPTAIN ROB JONES: The storm went towards land.

8

9 ANNA SPRAGUE: Yes.

10

11 CAPTAIN ROB JONES: You went towards land, albeit at different times, but that is a little
12 opposite of the way that you told us Capt. Walbridge explained his actions were going to
13 be, to keep you in the vessel safely out of the storm's danger area or whatever, was there
14 a miscommunication, a misunderstanding, was the plan changed anytime that you know
15 of?

16

17 ANNA SPRAGUE: I don't know sir.

18

19 CAPTAIN ROB JONES: You did mention that keeping the watch, you are on the 4 to 8?

20

21 ANNA SPRAGUE: Yes sir.

22

23 CAPTAIN ROB JONES: That things were a little harder, was that the tasks of the watch?

1
2 ANNA SPRAGUE: What do you mean?

3
4 CAPTAIN ROB JONES: Someone was at the helm, someone was watching the lookout,
5 someone was doing the, what do you call it?

6
7 ANNA SPRAGUE: Boat check.

8
9 CAPTAIN ROB JONES: Boat check, you said it was a little hard because we had 3
10 people, would it have been easier with more people?

11
12 ANNA SPRAGUE: I mean yes.

13
14 CAPTAIN ROB JONES: The people that were on your watch were being tasked to the
15 limit, could you say that? To the extent that they could perform in a situation that you say
16 was deteriorating?

17
18 ANNA SPRAGUE: I suppose so, what do you mean by that question?

19
20 CAPTAIN ROB JONES: I was just trying to understand what you are saying, it was a little
21 hard because we only had three people.

22
23 ANNA SPRAGUE: I mean yes, you can always use another hand on a boat like that,

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CAPTAIN ROB JONES: Especially in bad weather?

ANNA SPRAGUE: I suppose so.

CAPTAIN ROB JONES: You said when you are on the helm, you liked that job best on the watch?

ANNA SPRAGUE: That was nice because I was up on deck, and so,

CAPTAIN ROB JONES: What were you steering, compass courses by degrees?

ANNA SPRAGUE: Compass course, like Northeast South.

CAPTAIN ROB JONES: Okay not like 155?

ANNA SPRAGUE: Exactly yes.

CAPTAIN ROB JONES: What were you mostly steering, what was the ship trying to make? Southwest, South, South by West?

ANNA SPRAGUE: I think when I was on it, it was Southeast, that was the morning, maybe, I can remember if it was Southeast or Southwest at that point.

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CAPTAIN ROB JONES: This was before let's say before you turned to the southwest, we are going back to like Saturday, you are steering, what were you given by the officer of the watch to steer?

ANNA SPRAGUE: Southeast I believe

CAPTAIN ROB JONES: Is that mainly it for the previous watches you had, because you were on every 8 hours right?

ANNA SPRAGUE: Yes.

CAPTAIN ROB JONES: Was the compass course always Southeast?

ANNA SPRAGUE: I cannot remember.

CAPTAIN ROB JONES: Is this the first time that you have ever been in a hurricane?

ANNA SPRAGUE: Yes sir.

CAPTAIN ROB JONES: You mentioned that everybody was just going about their tasks and trying to do what they could for the vessel, Saturday night, was this exciting, it was

1 dark, the wind is blowing, and you have never been in a hurricane before, where people
2 just going about their business, you describe it to me, and an adjective.

3
4 ANNA SPRAGUE: It was an experience. I wasn't nervous at that point, yes I was kind of
5 excited to see some weather, because I actually learned something about sailing and
6 rougher,

7
8 CAPTAIN ROB JONES: As things started, as we move on in time through this
9 experience, how more nervous, more concerned?

10
11 ANNA SPRAGUE: I don't know if I have any real specific feelings, I was just
12 concentrating on my tasks and did not think about it, I knew I had to do and I did it. I'm
13 sure at a certain point I got a little nervous or,

14
15 CAPTAIN ROB JONES: Were you ever terrified?

16
17 ANNA SPRAGUE: I don't remember being terrified.

18
19 CAPTAIN ROB JONES: You just reacted to the situation?

20
21 ANNA SPRAGUE: Yeah, there wasn't really time to be terrified. I mean each situation
22 was like okay, I have a situation, how do I get out of it.

23

1 CAPTAIN ROB JONES: The time with the liferaft, have you ever had liferaft training
2 before?

3
4 ANNA SPRAGUE: No sir.

5
6 CAPTAIN ROB JONES: Did you ever except for on the Bounty that described already,
7 have you ever had training with survival suits?

8
9 ANNA SPRAGUE: Except for the Bounty?

10
11 CAPTAIN ROB JONES: Right.

12
13 ANNA SPRAGUE: No, not outside the Bounty.

14
15 CAPTAIN ROB JONES: That's all I have right now.

16
17 COMMANDER KEVIN CARROLL: Mr. Melusi.

18
19 RALPH MELUSI: Good morning Anna, I am representing Claudine Christian, I just have a
20 few questions for you. During the time that the vessel was in the shipyard, do you
21 remember if you did any work in the removal of lead ballast back to the lazaret?

22

1 ANNA SPRAGUE: Yes sir, me and Morgan Dietress, something like that, we got a really
2 good workout removing, essentially we just moved it from its former place at mid-ships
3 that was underneath the former water tanks, I believe, and lifting them up to the tween
4 decks and putting them there, so later they were moved somewhere else.

5
6 RALPH MELUSI: Back to the lazaret?

7
8 ANNA SPRAGUE: I believe so.

9
10 RALPH MELUSI: So beside, that was a heavy job wasn't it?

11
12 ANNA SPRAGUE: Yes, I suppose so.

13
14 RALPH MELUSI: The sizes and weights of the individual pieces?

15
16 ANNA SPRAGUE: had a good workout.

17
18 RALPH MELUSI: Do you have a recollection as to the sizes and weights?

19
20 ANNA SPRAGUE: They were probably maybe 8 inches long, maybe 3 inches thick, a lot
21 of pounds.

22
23 RALPH MELUSI: Who worked with you on that?

1
2 ANNA SPRAGUE: Morgan Dietress did.

3
4 RALPH MELUSI: Did other crew members also work on it at different times?

5
6 ANNA SPRAGUE: I believe at a different point, we had kind of finished taking out the rest
7 of lead from there and then when we put it back, I think the pretty much hold the whole
8 crew worked on that.

9
10 RALPH MELUSI: Did you ever see it when it was completed, how it was stored back in
11 that lazaret?

12
13 ANNA SPRAGUE: Know I was not specifically down there in the engine room or lazaret, I
14 was more up top during that buyer line.

15
16 RALPH MELUSI: Do you know if any attempts are made to secure the ballast, prevented
17 from moving, falling?

18
19 ANNA SPRAGUE: I don't know sir.

20
21 RALPH MELUSI: On Saturday, when the vessel was of course out at sea, you are on the
22 4 to 8 lots in the morning, and then in the afternoon it would be 1600 to 2000?

23

1 ANNA SPRAGUE: Yes sir.

2

3 RALPH MELUSI: During those watches were you also making checks in the engine room,
4 boat checks?

5

6 ANNA SPRAGUE: I think in their morning I remember yes doing them.

7

8 RALPH MELUSI: You do, do you recall any, In making the boat check did you make any
9 indication that the pumps were not working as normal as they did in the past?

10

11 ANNA SPRAGUE: I remember when relieving the boat check person they reminded me
12 that it was hard to prime, I think it was Adam Prokosh going over it with me, just saying
13 they were really hard to prime so just remind me that I had to constantly prime them and I
14 did, so they were harder than usual.

15

16 RALPH MELUSI: Was this on Saturday?

17

18 ANNA SPRAGUE: Yes.

19

20 RALPH MELUSI: Do you know what if it was the morning watch over the evening wants?

21

22 ANNA SPRAGUE: I can remember.

23

1 RALPH MELUSI: When was the next time that you recall that the pumps were not
2 working properly? Sunday?

3
4 ANNA SPRAGUE: I believe so. I was not down in the engine room is much, but I knew
5 the pumps weren't working as well as they should be.

6
7 RALPH MELUSI: At some point on Sunday you were down in the engine room?

8
9 ANNA SPRAGUE: I was down there for a while but I was working with a hydraulic pump,
10 or helping out with that. Not as much with the,

11
12 RALPH MELUSI: You said that the Capt. And Matt Sanders, and Chris Barksdale were
13 working on the hydraulic pump?

14
15 ANNA SPRAGUE: Mainly I believe Matt Sanders when I was down there, and then Capt.
16 Walbridge and Chris Barksdale were working on the engine.

17
18 RALPH MELUSI: So we should do a photograph of the pumps and the piping manifold,
19 do you think that you would be able to point out the specific pump they were working on?

20
21 ANNA SPRAGUE: Yes.

22

1 RALPH MELUSI: Can we show the witness 34, and 43? Night you're looking at which
2 one, 34?

3
4 ANNA SPRAGUE: Yes.

5
6 RALPH MELUSI: Do you see the pump that the captain and these gentlemen were
7 working on?

8
9 ANNA SPRAGUE: They were working when I was down there on the engine.

10
11 RALPH MELUSI: Pardon?

12
13 ANNA SPRAGUE: They were working on the engine, not the pump.

14
15 RALPH MELUSI: Okay, but I thought he said earlier that

16
17 ANNA SPRAGUE: Matt Sanders was working on the hydraulic pump.

18
19 RALPH MELUSI: Okay. Can you point out the pump that he was working on?

20
21 ANNA SPRAGUE: I don't think I see it.

22

1 RALPH MELUSI: Did you look in the other exhibit? 43? See if that refreshes your
2 recollection.

3
4 ANNA SPRAGUE: I can't remember.

5
6 RALPH MELUSI: Have you ever turned the bilge pumps on when,
7

8 ANNA SPRAGUE: Yes electric,
9

10 RALPH MELUSI: do you see the electric pumps in those drawings, and photographs?
11

12 ANNA SPRAGUE: Yes.
13

14 RALPH MELUSI: But you can't identify the pump in those photographs?
15

16 ANNA SPRAGUE: I am not sure if its the green one or not. I remember that when we had
17 it, it was, like, detached from that wall so I remember mostly seeing in when I was trying
18 to clear the stuff out. So I can't remember if it's the same or not because I am looking at it
19 from a different perspective.
20

21 RALPH MELUSI: Did you know that there were two hydraulic pumps? One was portable
22 and one was secured to the piping manifold.
23

1 ANNA SPRAGUE: I think at one point I was told that, but

2

3 RALPH MELUSI: Okay. But you knew how to turn the electric pumps on to pump bilges?

4

5 ANNA SPRAGUE: Yes

6

7 RALPH MELUSI: Were you ever told to check any discharge pressures when the pumps
8 were on to see if the readings were normal?

9

10 ANNA SPRAGUE: The pressure? Yeah we were, watched the pressure was right there
11 and we had to watch it

12

13 RALPH MELUSI: There was a gauge there?

14

15 ANNA SPRAGUE: There was a pressure gauge there, yes sir.

16

17 RALPH MELUSI: Do you remember what the range was when the pump was on?

18

19 ANNA SPRAGUE: I know we would try to keep it around ten?

20

21 RALPH MELUSI: Ten, the number 10?

22

23 ANNA SPRAGUE: I can't remember exactly.

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RALPH MELUSI: Okay.

ANNA SPRAGUE: But I think so.

RALPH MELUSI: Do you know what the number 10 meant?

ANNA SPRAGUE: I mean that would be the pressure.

RALPH MELUSI: Okay.

ANNA SPRAGUE: Wouldn't it be?

RALPH MELUSI: Were you ever given any instructions as to what to do if it was reading, say 5? Or 2?

ANNA SPRAGUE: You would need to prime it more.

RALPH MELUSI: To try to get it back up to 10?

ANNA SPRAGUE: Yes sir.

1 RALPH MELUSI: Now, did you spend some time cleaning out strainers on Saturday? Or
2 Sunday?

3
4 ANNA SPRAGUE: Yes sir

5
6 RALPH MELUSI: Do you remember which day? The first time that you were asked to
7 clean strainers?

8
9 ANNA SPRAGUE: I mean, it would have been Saturday.

10
11 RALPH MELUSI: Saturday?

12
13 ANNA SPRAGUE: I believe I would have been cleaning strainers

14
15 RALPH MELUSI: Was that something that you took upon yourself, or did somebody ask
16 you to do that?

17
18 ANNA SPRAGUE: I believe that was something that, yeah, Dan told us we needed to do.

19
20 RALPH MELUSI: Okay.

21
22 ANNA SPRAGUE: Throughout.

23

1 RALPH MELUSI: So, tell us which strainers that you cleaned and what you recall in doing
2 that.

3
4 ANNA SPRAGUE: I cleaned that ones in the boatswains, I think someone else got,
5 because we kind of split up, I think Josh was doing some of the compartments and then,
6 John Jones and me did the ones in the boatswains and the one and then I did the one, aft
7 crew. Then I think he did the one in the engine room and laz

8
9 RALPH MELUSI: So, cleaning out the one in the boatswains space, you would walk to
10 that particular area lift up the sole board

11
12
13 ANNA SPRAGUE: You would have to crawl, yeah we got it up and you would have to get
14 down there a little bit and pull it out.

15
16 RALPH MELUSI: Would you have to reach down or step down below the sole board?

17
18 ANNA SPRAGUE: I think I stepped down, yeah.

19
20 RALPH MELUSI: You did?

21
22 ANNA SPRAGUE: Yes, sir.

23

1 RALPH MELUSI: You would step down, what, two or three feet?

2

3 ANNA SPRAGUE: Maybe, if that.

4

5 RALPH MELUSI: Then put your hand on the flexible piping towards where the strainer is
6 and then life it up?

7

8 ANNA SPRAGUE: Yes sir. It was usually a little bit into the way I had it, there was this
9 section that was over and we had a, I forgot what it was called, kind of a strain that we
10 had right, we had nails in that would protect so if anything big got down there it wouldn't
11 clog it up. So it was inside that. So, I had to pull those up and then the strainer out and
12 then there was a capsule over the strainer that I would undo and check.

13

14 RALPH MELUSI: Can you describe some of the debris or material that you were
15 removing from the strainers?

16

17 ANNA SPRAGUE: Wood chips, but not that many, that was about it.

18

19 RALPH MELUSI: How about the other locations?

20

21 ANNA SPRAGUE: In aft crew I didn't find anything in the strainer, it was pretty clean as
22 far as I could tell.

23

1 RALPH MELUSI: When do you recall the first time someone mentioned to you that this
2 sight glass of the fuel tank had been broken?

3
4 ANNA SPRAGUE: It was when, the start of my watch I believe I had boat check first and
5 whoever I was relieving, I remember specifically then who ever I was relieving told me
6 about it. But they had already told Chris.

7
8 RALPH MELUSI: Was the the 4-8 or the 16-20?

9
10 ANNA SPRAGUE: I believe that was the 16-20.

11
12 RALPH MELUSI: What day?

13 ANNA SPRAGUE: On Sunday

14
15 RALPH MELUSI: You describe the point in time when everyone was putting on their
16 survival suits and getting prepared and making sure that everyone had them on properly.
17 Did you happen to see how Christine, Claudine's suit was on and whether it was proper
18 and secured?

19
20 ANNA SPRAGUE: I didn't specifically look at hers or help her with hers. But I do
21 remember seeing her with it on and I believe she did have a small on and I believe it fit
22 her.

23

1 RALPH MELUSI: Okay. You were asked some questions about the locations of the crew
2 members once they went out to the weather deck. If we showed you a profile view of the
3 vessel, do you think you could locate with the pen where you are? I am talking before the
4 vessel went over and have the people around you?

5
6 ANNA SPRAGUE: Yes sir.

7
8 RALPH MELUSI: (Inaudible) with this. How about a clean copy of

9
10 LIEUTENANT COMMANDER NICHOLAS PARHAM: CG6?

11
12 RALPH MELUSI: I think 79

13
14 LIEUTENANT COMMANDER NICHOLAS PARHAM: The same one we've been working

15
16 RALPH MELUSI: Yeah

17
18 LIEUTENANT COMMANDER NICHOLAS PARHAM: Or do you want the one that, 79 was
19 the one that was marked by another witness

20
21 RALPH MELUSI: I would rather have a clean copy

22

1 LIEUTENANT COMMANDER NICHOLAS PARHAM: That's fine, that's, a clean copy is
2 CG6

3
4 RALPH MELUSI: I appreciate that.

5
6 ANNA SPRAGUE: Thank you.

7
8 RALPH MELUSI: you are looking at a side view of the vessel, Anna?

9
10 ANNA SPRAGUE: Yes sir.

11
12 RALPH MELUSI: Right? And if you could just put an arrow to where you were and then
13 near that arrow put your initials. Put the rest of the persons you recall were in that area.

14
15 ANNA SPRAGUE: Okay, I just put their initials.

16
17 RALPH MELUSI: Could you read out the names of the people and what the location is?

18
19 ANNA SPRAGUE: Dan Cleveland was kind of right, I was kind of on the port side kind of
20 right in front of the nav shack. Dan Cleveland was on my left side, Mark Warner was on
21 my right and Matt Sanders and Claudine Christian (inaudible) Captain Walbridge was
22 right in front of me on the other side of the yards.

23

1 RALPH MELUSI: Now all the other people were aft?
2

3 ANNA SPRAGUE: Yeah, I don't know exactly where they
4

5 RALPH MELUSI: That's fine. We will move this in as an additional exhibit. Does the
6 witness need to initial it?
7

8 LIEUTENANT MALORE: Yes, can she initial it please.
9

10 (Inaudible over talking)
11

12 RALPH MELUSI: Do you have all of the people that you recall?
13

14 ANNA SPRAGUE: Yes sir.
15

16 COMMANDER KEVIN CARROLL: Please provide to Lieutenant Commander Parham.
17

18 LIEUTENANT COMMANDER NICHOLAS PARHAM: Show it to the parties and interests
19 first?
20

21 COMMANDER KEVIN CARROLL: Please do, and mark it as the next exhibit in line.
22

23 LIEUTENANT COMMANDER NICHOLAS PARHAM: Yes sir.

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COMMANDER KEVIN CARROLL: And enter it into the record.

JS: Should she have signed it or initialed it?

COMMANDER KEVIN CARROLL: It should be signed.

LIEUTENANT COMMANDER NICHOLAS PARHAM: Thank you.

Did you need to see this?

RALPH MELUSI: Please. You have CC for Claudine Christian

ANNA SPRAGUE: Yes sir

RALPH MELUSI: And then underneath that, I can't read the initials directly under it.

ANNA SPRAGUE: There's a C and then

RALPH MELUSI: Who is directly adjacent to

ANNA SPRAGUE: It was Matt Sanders, well I think I, I will just cross that out. She wasn't quite that far, I don't think she was right in front of the capstan. I think she was closer. I just didn't have enough room with all the initials.

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RALPH MELUSI: Okay, can you correct it so that we can read it?

ANNA SPRAGUE: Yeah, I'll just

LIEUTENANT MALORE: There's an overhead view as well

RALPH MELUSI: Let's try that, I think that might be better.

ANNA SPRAGUE: Sorry.

RALPH MELUSI: You have tiny handwriting. We are going to show you a plan view of the vessel that way you can indicate who is on the court, midship or starboard side in this area.

COMMANDER KEVIN CARROLL: What exhibit is it?

LIEUTENANT COMMANDER NICHOLAS PARHAM: CG 66, there's an overhead view.

RALPH MELUSI: Show that to the witness. Would this plan view make it easier for you to identify where the people were? When you make their initials, just make it so we can read it.

1 ANNA SPRAGUE: Okay.

2

3 LIEUTENANT COMMANDER NICHOLAS PARHAM: For the record, the witness has
4 been handed a copy of CG 66

5

6 RALPH MELUSI: And just put an arrow to where each person was.

7

8 LIEUTENANT COMMANDER NICHOLAS PARHAM: Thank you.

9

10 RALPH MELUSI: So, everyone is on the portside with the exception of

11

12 ANNA SPRAGUE: Captain Walbridge

13

14 RALPH MELUSI: Oh, Captain Walbridge.

15

16 ANNA SPRAGUE: I'm sorry.

17

18 RALPH MELUSI: Everyone is on the port side. What side did the vessel keel over to,
19 when everyone went into the water?

20

21 ANNA SPRAGUE: It went to the starboard. Captain Walbridge was on the port side, he
22 wishes more midship.

23

1 RALPH MELUSI: So the vessel heeled into the water on the opposite side that everyone
2 was positioned.

3
4 ANNA SPRAGUE: Yes sir.

5
6 COMMANDER KEVIN CARROLL: Lieut. Cmdr. Parham, please show that to the rest of
7 the parties in interest before we continue the questioning.

8 Miss Sprague did you sign that?

9
10 ANNA SPRAGUE: No, I didn't.

11
12 LIEUTENANT COMMANDER NICHOLAS PARHAM: I will have her do it

13
14 COMMANDER KEVIN CARROLL: Have her sign it, then enter it at the next exhibit on the
15 list.

16
17 LIEUTENANT COMMANDER NICHOLAS PARHAM: Yes sir. Thank you.

18
19 ANNA SPRAGUE: You're welcome.

20
21 RALPH MELUSI: Anna, when the boat heeled over did everyone into the water at about
22 the same time?

23

1 ANNA SPRAGUE: I don't think so because I think a lot of people were bracing
2 themselves against something, so when the boat heeled over some of the people went in
3 the water earlier. For me I was actually standing up in the yard so I jumped into the water.
4

5 RALPH MELUSI: Okay. But you saw Christine, Claudine enter the water?
6

7 ANNA SPRAGUE: I didn't see her enter. I remember seeing, I think it was her, on the fife
8 rail of the mizzen mast.
9

10 RALPH MELUSI: On the pipe rail?
11

12 ANNA SPRAGUE: Fife, fife rail
13

14 RALPH MELUSI: Fife rail. That was the last time you saw her?
15

16 ANNA SPRAGUE: Yes.
17

18 RALPH MELUSI: You never saw her in the water?
19

20 ANNA SPRAGUE: Never saw her in the water.
21

22 RALPH MELUSI: I wonder if we could just have the exhibit back, I want to see her last
23 location that she saw her.

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ANNA SPRAGUE: I don't think it was the last location that I saw her, I was putting her where she was before the boat, right before the boat heeled over.

RALPH MELUSI: Is that her position that you marked here where she was last before the boat heeled?

ANNA SPRAGUE: Yes.

RALPH MELUSI: Okay, if you could, I am going to show you the same exhibit where you saw her after the boat heeled.

ANNA SPRAGUE: Okay.

RALPH MELUSI: Alright so, where you have CC, that will be CC1 and then CC2

ANNA SPRAGUE: Yes sir.

LIEUTENANT COMMANDER NICHOLAS PARHAM: Okay so you want her to mark her CC66 that she notated previously with a new mark?

RALPH MELUSI: Yes, put a 1 next to Claudine, the initials CC and she will put a CC with a 2 as the last position that she saw her.

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LIEUTENANT MALORE: You want to create a new exhibit for that.

LEONARD LANGER: I have a red pen if you want to put the second one in red ink

RALPH MELUSI: I'd rather use the same exhibit, just by marking 1 and 2 for the two locations.

COMMANDER KEVIN CARROLL: Yes, go ahead

ANNA SPRAGUE: I need the red pen, thanks.

RALPH MELUSI: So the first CC that you have, put a 1

ANNA SPRAGUE: I think I might have messed this up. Hang on. I definitely messed this up, I put it on the wrong side.

COMMANDER KEVIN CARROLL: Would you like to do it again?

ANNA SPRAGUE: Sorry.

COMMANDER KEVIN CARROLL: It's ok.

LIEUTENANT COMMANDER NICHOLAS PARHAM: It's your first time.

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COMMANDER KEVIN CARROLL: Take the copy from her. Miss Sprague, at this point, with Mr. Mellusi's request, please indicate the position you believe that she was the last time you saw her.

ANNA SPRAGUE: Yes sir.

COMMANDER KEVIN CARROLL: The two. No, just destroy that.

ANNA SPRAGUE: No wait, I forgot.

RALPH MELUSI: Okay, so its clear in your mind that everyone was on the port side of the vessel.

ANNA SPRAGUE: Yes.

COMMANDER KEVIN CARROLL: Please show it to the parties and interests and bring it to me.

RALPH MELUSI: When the vessel heeled over, it heeled over on which side?

ANNA SPRAGUE: It heeled on the star board side.

1 RALPH MELUSI: Star board side, okay. Opposite where everyone basically was.

2

3 ANNA SPRAGUE: Yes sir

4

5 RALPH MELUSI: Anna, had you had any survival training or had been to any survival
6 training schools before joining the Bounty?

7

8 ANNA SPRAGUE: I mean I did outward bound once.

9

10 RALPH MELUSI: Pardon me?

11

12 ANNA SPRAGUE: I did outward bound once.

13

14 RALPH MELUSI: I don't understand that.

15

16 ANNA SPRAGUE: It's a program for high school and middle school. I went on a canoe.
17 No sir.

18

19 RALPH MELUSI: I mean was there anything in the nature of getting in swimming pool and
20 seeing how one of these survival suits worked when you are in the water to get familiar
21 with it?

22

23 ANNA SPRAGUE: No sir.

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RALPH MELUSI: Were you wearing a life jacket over the survival suit?

ANNA SPRAGUE: I was, yes.

RALPH MELUSI: Did it keep you afloat?

ANNA SPRAGUE: I think it helped keep my head, it helped me when I was above water, helped my head stay up.

RALPH MELUSI: It kept your head up even without moving your arms and legs?

ANNA SPRAGUE: Yes.

RALPH MELUSI: Okay. I have no further questions.

COMMANDER KEVIN CARROLL: You requested a break?

UNKNOWN: If you could, just quickly.

COMMANDER KEVIN CARROLL: Okay, we will take a 5 minute break, lets come back at 10 to.

LIEUTENANT COMMANDER NICHOLAS PARHAM: Yes sir.

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UNKNOWN: thank you.

LIEUTENANT COMMANDER NICHOLAS PARHAM: Ladies and gentlemen if you'll please take your seats will get started in one minute. Coast Guard will now get back on the record at this time 10:53 all parties of interest and their representatives that were here previously are in attendance, prior to getting started with today's line of questioning I just want to clarify the exhibits as notated by Rs. Sprague earlie. Mr Melusi CG 6 was the first copy that she may notations on, do you want to submit that as an exhibit still?

RALPH MELUSI: No I do not.

LIEUTENANT COMMANDER NICHOLAS PARHAM: So the first one submitted, CG six, okay, and she did the second version of CG 66 the corrected one with the red ink in different positions, is that what we are submitting is the next exhibit in order?

RALPH MELUSI: Yes.

LIEUTENANT COMMANDER NICHOLAS PARHAM: Okay.

COMMANDER KEVIN CARROLL: Mark it as the next exhibit in order.

LIEUTENANT COMMANDER NICHOLAS PARHAM: Okay, thank you. Mr. Svendsen.

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JS: Good morning Anna.

ANNA SPRAGUE: Good morning.

JS: You described being on watch and dealing with the storm, can you describe what positions, how effective the positions were on boat check forward look out while you are underway?

ANNA SPRAGUE: do you mean, how effective, importance?

JS: How effective were you able with those three positions, deckhands and AB's able to effectively run a watch?

ANNA SPRAGUE: I believe we were very effective, it was very organized, everything needs to be reported back to the mate, you rotates he won't get bored and also someone else might catch something that someone else would miss.

JS: So would you say it was an effective use of manpower and it was managed well?

ANNA SPRAGUE: Yes sir.

1 JS: Can you describe the conduct of the officers and the crew as the conditions were
2 building leading to the abandoned ship?

3
4 ANNA SPRAGUE: I thought their conduct was very well done, I thought the officers kept
5 the crew very calm, lead us very well throughout the whole abandoned ship process, it
6 was orderly we knew what we had to do, if I did not know what to do I was definitely able
7 to find something else to do, or say give me something to do important, I thought it was
8 very well done the whole time.

9
10 JS: Can you describe for me your understanding of the chain of command on the Bounty
11 and if it was followed to the abandon ship?

12
13 ANNA SPRAGUE: Obviously at the top was Capt. Walbridge, then you as first mate,
14 second mate, third mate, boatswain, engineer would be an officer too, (inaudible) was
15 sometimes his own, in terms of not necessarily being over deckhands unless in the
16 engine room, in terms of abandoning ship I do believe it was followed, Capt. Walbridge
17 gave the call and then you and Dan and Matt took over in terms of making sure it was
18 organized, I was on watch so, in terms of responsible for everyone but looking out for the
19 deckhands on their individual watches.

20
21 JS: There was mention of ongoing training in traditional sailing there is a lot of experiential
22 training that goes beyond drills, can you explain the value of how that assisted you in a
23 man overboard situation, and abandon ship, and a fire drill?

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ANNA SPRAGUE: Do you mean the training that we didn't terms of just those things, or like?

JS: The on watch training that you did outside of the drills, did they assist you in that?

ANNA SPRAGUE: We had a training, like a week training that tested you on these things after week, and after a month these are the things you should know and a focus on training you on and and there is a three month, most of us had been on board for three months. So in terms of when we are going through all the things during the storm, we are all pretty well-versed on what we needed to do and how to do them, how to work effectively. During the abandoned ship in the drills, I guess during the one month, and weeklong, they had certain, how to use radios, this is what you do different jobs throughout the abandoned ship on watch. I believe that definitely did help us when we finally had to do it because we all practiced and have been tested by our mates on the certain things.

JS: So there is a specific checklist and you're familiar with it and went through that within the training?

ANNA SPRAGUE: Yes sir.

1 JS: Would you say there was also mentoring on board, and you can you describe the
2 mentoring you received?

3
4 ANNA SPRAGUE: Definitely. The thing that was kind of (inaudible) we are always learning
5 someone else's job so that if someone else cannot do their job someone could step in
6 and do it for them. There is always the goal to have many people that could do many
7 jobs. I was always wearing, the first one I got on board as a deckhand, and then after I
8 learned that, learning more stuff and AB's were like mates. Learning how to do more
9 navigation, I know the mates were learning even more things, more people were learning
10 about the engines and the engine room, some deckhands focused more on that, so we
11 were always, it was always the goal of learning more and building up to the next level.
12 Capt. Walbridge was always like future captains of America, if you wanted to you could
13 build up to that.

14
15 JS: So you described learning other roles, is there a specific list of people that were
16 assigned to additional learning and was that rotated throughout the season? As far as a
17 wiper, flag person?

18
19 ANNA SPRAGUE: Yes, we each had our goal, I was the medical officer and they did
20 change that up. We had two wipers that was sometimes changed up a little bit, each
21 person had a specific role that they specifically learned and occasionally I noticed it was
22 switched around.

23

1 JS: There has been talk of the ballast and it being moved around, that you had talked
2 about earlier, when you would do your boat checks when you looked up patches did you
3 see any indication leading up to the storm or during the storm of any ballast that have
4 moved or had relocated from the positions that you had moved them midship?

5
6 ANNA SPRAGUE: No, they all seem to stay where they were.

7
8 JS: Can you describe how they were positioned within frames and timbers when you put
9 them in?

10
11 ANNA SPRAGUE: There were I think when we put in one layer would be facing fore to aft
12 and the next layer would be thort ships, and so they were stacked on like that I believe, I
13 did not actually stack them in, so I just I guess saw the final what it looked like.

14
15 JS: And you said you were not aware that it was strapped down, that it looks secured
16 within the frame?

17
18 ANNA SPRAGUE: It looks secure to me, they were pretty tight in there from what I could
19 see.

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21 JS: Thank you very much Anna.

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23 LIEUTENANT MALORE: Bounty Organization?

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LEONARD LANGER: Hello Ms. Sprague, I represent the Bounty Organization. I believe you said you had gone to Auburn University at this time?

ANNA SPRAGUE: Yes sir.

LEONARD LANGER: You are in your third year?

ANNA SPRAGUE: Yes sir.

LEONARD LANGER: Do you have a major?

ANNA SPRAGUE: Journalism.

LEONARD LANGER: How long have you been a journalism major?

ANNA SPRAGUE: I just switched it.

LEONARD LANGER: What type of courses did you take leading up to that?

ANNA SPRAGUE: Excuse me, what kind of, I took your basic freshman, sophomore year courses, science courses, English courses, I don't know, economics.

1 LEONARD LANGER: You did an interview sometime after the casualty, with Seventeen
2 Magazine?

3
4 ANNA SPRAGUE: Yes.

5
6 LEONARD LANGER: The only reason I'm asking is, how soon after was it?

7
8 ANNA SPRAGUE: That was in December, late December.

9
10 LEONARD LANGER: Okay so it was about,

11
12 ANNA SPRAGUE: Two months.

13
14 LEONARD LANGER: Two months later, okay. Do you remember saying in that article in
15 the interview that it took approximately one hour to get into the liferaft?

16
17 ANNA SPRAGUE: Yes sir.

18
19 LEONARD LANGER: Does that sound correct now that you sit here?

20
21 ANNA SPRAGUE: Yes.

22

1 LEONARD LANGER: I think you had stated that it took you about 20 minutes before? I'm
2 just trying to find out which one?

3
4 ANNA SPRAGUE: I think it was initially, for me to get in, after that the whole process took
5 an hour. For everyone to get in.

6
7 LEONARD LANGER: When you stated in the article one hour, you're talking about all of
8 the people that got into your raft?

9
10 ANNA SPRAGUE: Yes.

11
12 LEONARD LANGER: You said you pulled people up by the harness correct?

13
14 ANNA SPRAGUE: Yes we use the harnesses that we had to help us get in.

15
16 LEONARD LANGER: If those harnesses were not on, how would you pull the people up
17 into the raft? Or could you have?

18
19 ANNA SPRAGUE: I don't know that we could have, it would have been very hard without
20 them.

21
22 LEONARD LANGER: Could you have pull them in by the life preserver's?

23

1 ANNA SPRAGUE: It was very hard because we did not have the grip, and there was
2 nothing to grab on, I could try to get underneath, I could try to get underneath their arms
3 or legs but that was very hard to do. Because he had to get down in there and be halfway
4 off of the raft to do that.

5
6 LEONARD LANGER: So when you used the harnesses, how did you actually do that, slip
7 your hand into the harness?

8
9 ANNA SPRAGUE: Actually attached, they had the lanyard on them, the carabiner, Mark
10 would attach his to the other person while we were holding onto them and then he was
11 able to use his body weight to pull back and that would help pull them in, I will be able to
12 grab, super hands under and grab them and pull them the rest of the way up. So there
13 would be three or four people piling on.

14
15 LEONARD LANGER: And those people were attached to each other basically by the line?

16
17 ANNA SPRAGUE: Just two people usually, Mark Warner and the person trying to get in.

18
19 LEONARD LANGER: I see. While you are in the water trying to get into the raft were you
20 attached by the harnesses at all?

21
22 ANNA SPRAGUE: No.
23

1 LEONARD LANGER: Had you discussed that before?

2

3 ANNA SPRAGUE: I believe it was discussed that if we abandon ship if you get attached
4 to a line so that we would not lose where the, so if we went over and the wave came and
5 stuff we would not lose with life raft was.

6

7 LEONARD LANGER: So prior to being able to hook up the wave came and knocked you
8 over?

9

10 ANNA SPRAGUE: Exactly.

11

12 LEONARD LANGER: When the boat first went approximately 90° over were you knocked
13 into the water at that time?

14

15 ANNA SPRAGUE: No, I was on the yards so I was able to stand up on those.

16

17 LEONARD LANGER: Of the people that you listed on that exhibit for us how many of
18 those people were knocked into the water?

19

20 ANNA SPRAGUE: I don't know, Dan was next to me by the time I turned around they
21 were pretty much gone so I don't know if they jumped to her what.

22

23 LEONARD LANGER: So you were the last one up there?

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ANNA SPRAGUE: I believe Dan was behind me so, I don't know when he went into the water.

LEONARD LANGER: Did you say that one of the interviews with the Coast Guard that you heard a woman or a girl yell help me I am caught?

ANNA SPRAGUE: Yeah, I was pretty far away from the boat at that time by the liferaft and I heard someone, I do not know who was, but I deftly heard a woman's voice saying help me, it seemed like she was still in the middle of it all, but it seemed like at that point everyone was really far away.

COMMANDER KEVIN CARROLL: Excuse me for one second, Cmdr. McGee can you go to the next room place? Thank you. Continue please.

ANNA SPRAGUE: Okay. I remember I was in my liferaft, and I remember yelling for someone to go help but we were really far away and there was no way that we could ever get there. Then I guess after that a wave came and more people came, I remember being in the life raft and thinking about it at that point, that is all I remember of it.

LEONARD LANGER: I apologize, but I want to break this down a little bit slower. You said it took approximately an hour for everyone to get into the raft correct?

1 ANNA SPRAGUE: Yes sir.

2

3 LEONARD LANGER: Is the timeframe that you are talking about now after that time
4 frame?

5

6 ANNA SPRAGUE: Yes.

7

8 LEONARD LANGER: That person you think was in the water for approximately one hour?

9

10 ANNA SPRAGUE: I don't know what happened to them.

11

12 LEONARD LANGER: But you heard them an hour after?

13

14 ANNA SPRAGUE: Now this was before, I was with the liferaft before I got into it.

15

16 LEONARD LANGER: You had not got into it yet?

17

18 ANNA SPRAGUE: Yes, it was

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20 LEONARD LANGER: And that is when you heard the person?

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22 ANNA SPRAGUE: Mark and I were holding on, I can't exactly remember when, but I was
23 still in the water.

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LEONARD LANGER: So this was before you got into the raft?

ANNA SPRAGUE: Yes sir.

LEONARD LANGER: How much time had expired from the time you are on the boat until you heard that woman or girl call that out?

ANNA SPRAGUE: I honestly have no idea.

LEONARD LANGER: Did you speak to any of the women afterwards and see if it was any of them?

ANNA SPRAGUE: We kind of talked about it but everyone was caught up at one point or another and yelling for help so I don't know specifically.

LEONARD LANGER: You said that you spoke to your mother and your father prior to going out of New London is that correct?

ANNA SPRAGUE: Yes.

LEONARD LANGER: I believe, and correct me if I'm wrong, you stated that you were living your father's dream?

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ANNA SPRAGUE: Yes.

LEONARD LANGER: What do you mean by that?

ANNA SPRAGUE: He was just really always into tall ships, he built them when he was younger and I think he just thought that it was really cool that I was going out and doing, when he came aboard for two weeks he absolutely loved it, I think if he knew he could have done it when he was younger he would have.

LEONARD LANGER: Now did you just say that your father built tall ships?

ANNA SPRAGUE: The little small model replicas.

LEONARD LANGER: Okay. Did he have any sailing background?

ANNA SPRAGUE: Just small boats any chartered out 30 foot boats give or take a couple feet occasionally.

LEONARD LANGER: And how about your mother?

ANNA SPRAGUE: No not as much.

1 LEONARD LANGER: The discussion that you had with them, there wasn't any,

2

3 UNKNOWN: just hold on one moment (inaudible)

4

5 LEONARD LANGER: Sure.

6

7 UNKNOWN: Sorry for the interruption.

8

9 COMMANDER KEVIN CARROLL: Let's move onto an area that we haven't covered, is
10 there another question?

11

12 LEONARD LANGER: Yes sir. I just want to clarify, when did you first get on the boat?

13

14 ANNA SPRAGUE: I believe the exact date was May 7.

15

16 LEONARD LANGER: Was it dockside when you got on?

17

18 ANNA SPRAGUE: I believe yes.

19

20 LEONARD LANGER: How long was it dockside before you actually deployed?

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22 ANNA SPRAGUE: It had come into savanna for the weekend, so maybe three days. I am
23 not sure exactly.

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LEONARD LANGER: So that is when you got on the boat?

ANNA SPRAGUE: Yes sir.

LEONARD LANGER: I just want to ask you one more quote that is in that article, I had never sailed in such severe weather before, but I actually felt excited and I was confident in the emergency procedures we had been practicing, if things got bad I knew how to make a rescue and get into a raft,

ANNA SPRAGUE: That was not an exact quote but,

LEONARD LANGER: Would you like to change that?

ANNA SPRAGUE: I mean they definitely paraphrased but I mean I guess they got the, what do you want to ask about it?

LEONARD LANGER: Well is it true?

ANNA SPRAGUE: Yes, I was trained, in terms of the rescue, I had never been in a liferaft I don't know exactly what the question is.

LEONARD LANGER: The question is, is that true, that's all?

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ANNA SPRAGUE: Yes, I believe so.

LEONARD LANGER: Thank you.

LIEUTENANT MALORE: I have a quick question, You talked about the harnesses, when you guys were on deck did you have any items or did anybody else, or were you using that with stuff attached to your harnesses?

ANNA SPRAGUE: I believe we had water bottles attached with the release carabiners, the cheap ones.

LIEUTENANT MALORE: Were you wearing one of those also?

ANNA SPRAGUE: Yes but it came off sometime in the water because I got into the liferaft it was not on me.

LIEUTENANT MALORE: When you got into the liferaft did anybody else have those items attached?

ANNA SPRAGUE: I think one person had their water bottle.

LIEUTENANT MALORE: Okay thank you. Capt. Jones?

1
2 CAPTAIN ROB JONES: No questions.

3
4 COMMANDER KEVIN CARROLL: One last question, you (inaudible) father up in a letter?

5
6 ANNA SPRAGUE: Yes sir.

7
8 COMMANDER KEVIN CARROLL: What was the content of that letter?

9
10 ANNA SPRAGUE: I didn't read it I believe, he told me he said just about getting into the
11 life rafts and how hard that was.

12
13 COMMANDER KEVIN CARROLL: That he was concerned that it was too difficult and you
14 did not have the training?

15
16 ANNA SPRAGUE: I don't know if he said about the training or not, I don't know.

17
18 COMMANDER KEVIN CARROLL: Did he express any of those concerns to you?

19
20 ANNA SPRAGUE: Just how difficult it was to get into the liferaft.

21
22 COMMANDER KEVIN CARROLL: Okay. Was this your father's dream, when you signed
23 on for Bounty?

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ANNA SPRAGUE: I was not aware of it at that time. I mean I knew he was into tall ships but, I mean I knew he was in sailing but?

COMMANDER KEVIN CARROLL: The ultimate result of the voyage?

ANNA SPRAGUE: What you mean was this his dream, me getting in a shipwreck? No of course not.

COMMANDER KEVIN CARROLL: Okay. Thank you for your testimony, you are released and subject to recall. Next witness.

LIEUTENANT COMMANDER NICHOLAS PARHAM: Ladies and gentlemen please take your seats. At this time the Coast Guard calls to testify Miss Jessica Black. Miss Black please come up to this table please. Then right here, raise your right hand. A false statement given to an agency of the United States is punishable by fine and / or imprisonment under 18 USC 1001. Knowing this do you solemnly swear that the testimony you are about to give will be the truth, the whole truth and nothing but the truth, so help you God?

JESSICA BLACK: I do.

LIEUTENANT COMMANDER NICHOLAS PARHAM: Please be seated.

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LIEUTENANT MALORE: Hello Ms. Black can you please state your full name and spell your last name please?

JESSICA BLACK: Jessica Megan Black, B-l-a-c-k.

LIEUTENANT MALORE: You got on the Bounty in New London correct?

JESSICA BLACK: That is correct.

LIEUTENANT MALORE: How did you come about getting to New London?

JESSICA BLACK: I flew.

LIEUTENANT MALORE: I'm sorry, let me restate the question. How did you come about getting hired to be there?

JESSICA BLACK: John Svendsen contacted me, I was in Fort Lauderdale and he called me and asked me if I would be interested in working on the Bounty.

LIEUTENANT MALORE: Was there an application that you had put in or she just knew you from the past?

1 JESSICA BLACK: I have worked on yachts for a couple years as a young chef, and in
2 Fort Lauderdale there is a clothing store called Smallwoods and everyone would have
3 binders, like one would say chef on the side and it would have resumes and it any can
4 just look through and find people who are qualified to work and he found me there and
5 then contacted me.

6
7 LIEUTENANT MALORE: What is your experience with vessels?

8
9 JESSICA BLACK: I have worked on yachts for two years, just motor yachts probably in
10 excess of a dozen yachts.

11
12 LIEUTENANT MALORE: Were you the cook on all of those?

13
14 JESSICA BLACK: Always. I did a little bit of deckhand work in stewardessing as well.
15 Primarily cooking.

16
17 LIEUTENANT MALORE: Start in New London, when did you arrive, what day did you
18 arrive in New London?

19
20 JESSICA BLACK: I arrived in new London on Wednesday, 24 October.

21
22 LIEUTENANT MALORE: Was that the day you guys went on the trip's question Mark
23

1 JESSICA BLACK: No, the 25th was the day sail.

2

3 LIEUTENANT MALORE: Okay the next day. You participated in those?

4

5 JESSICA BLACK: Yes.

6

7 LIEUTENANT MALORE: Can you explain what happened?

8

9 JESSICA BLACK: On the 25th?

10

11 LIEUTENANT MALORE: Yes.

12

13 JESSICA BLACK: On the 25th the previous cook Morgan was still there and so it was
14 really good having a handover from someone else so she went through the whole day
15 with me, we cooked meals together, she let me know everybody's dietary preferences,
16 the Capt. Informed me at 1030 Tracy Simonin and would be coming and we would be
17 going to the grocery store to do some provisioning. We did that, came back, the Navy
18 came for the day sail at about 12 o'clock, we were going to leave for the day sail, we got
19 back from the grocery store at about 1145. We got back, the new stoves, we had new
20 stoves put in that day as well, those arrived, we went through the day sail left the dock
21 about 12. Morgan and I were deep cleaning the galley because we had remove the old
22 stoves and we're scrubbing behind the stove on the backboard just cleaning the galley.
23 We had lunch brought up so we did not have to actually cook lunch that day, we had 50

1 sub mariners aboard and the office had catered it and brought in subs and things. Then
2 we went for the day sail it was really smooth, you couldn't even tell we were moving for
3 about a half an hour it was like are we moving, and it was very calm. We went for the day
4 sail and it took about three hours maybe and came back.

5
6 LIEUTENANT MALORE: And then you came back and you went with the, to the Navy
7 vessel?

8
9 JESSICA BLACK: Yes. We got to see the Mississippi which is a new submarine, I believe
10 it was a 2012, we got to go aboard which was really cool because I knew it was not
11 something that most people got to do so that was really neat because Morgan had helped
12 me prep dinner I was able to go as well. We came back from that after about an hour

13
14 COMMANDER KEVIN CARROLL: Let the record reflect that Mr. Melusi has left the room.
15 Go ahead please, sorry.

16
17 JESSICA BLACK: That's okay. We came back from that, when we got back to the Bounty
18 from going to the Mississippi Morgan then departed as she planned on doing previously
19 she had personal reasons that she was leaving. We got back and then we had muster
20 shortly after that.

21
22 LIEUTENANT MALORE: Did you receive any training during this time?
23

1 JESSICA BLACK: Oh yeah, we had not talked about what happened on the 24th when I
2 arrived. I had taken a train and then a plane, I had taken a plane from Florida to Hartford
3 Connecticut then I took a train from Hartford to New London. I arrived late in the evening
4 on the 24th. When I got there John Svendsen met me as well as a couple of deckhands
5 met me, the Bounty was docked actually right next to the train station so I was able to just
6 walk off of the train, people help me with my luggage, then I started speaking with John,
7 he actually ask me he said I don't want to overwhelm you but he started giving me a tour
8 and I said no I'm actually not tired and gave me a tour of the entire vessel we talked about
9 a lot of things, because I said I was not tired and was able to do that on the 24th.

10
11 LIEUTENANT MALORE: Did you do a man overboard drill?

12
13 JESSICA BLACK: No.

14
15 LIEUTENANT MALORE: Abandon ship drill?

16
17 JESSICA BLACK: We did not do drills but I just had a walk-through, showed me where
18 the fire extinguishers were and stuff like that.

19
20 LIEUTENANT MALORE: Were you given any tasks as far as on emergencies what to do?

21
22 JESSICA BLACK: Not that I recall.

23

1 LIEUTENANT MALORE: When was the first time that you heard about hurricane Sandy?

2
3 JESSICA BLACK: I think the first time I heard it called hurricane Sandy was during muster
4 before we left the dock. I had actually heard that there was weather coming and I may
5 have heard, I'm not sure if I heard that it was a hurricane or not my father had let me
6 know that there was weather coming and he may have used the term hurricane, but I
7 know he did not use the name of the hurricane.

8
9 LIEUTENANT MALORE: Do you remember what was said at that muster?

10
11 JESSICA BLACK: I remember, I definitely remember clearly that Robin said, Captain
12 Robin Walbridge said that the, that people may have been getting phone calls from their
13 families that they may have been concerned that there was weather coming, and I
14 actually specifically remember him saying that if anybody wanted to leave that he would
15 never hold that against anyone and give us the opportunity to leave then. And I knew that
16 he meant it, I felt it really was an option and it would not be held against us.

17
18 LIEUTENANT MALORE: Did anybody at that time question that decision to leave, or
19 mention anything about their concerns?

20
21 JESSICA BLACK: No, that not that I can recall.

22
23 LIEUTENANT MALORE: Were you concerned?

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JESSICA BLACK: I was aware, I was not concerned enough that I wanted to leave. At that time I had just gotten there and I do not think that it was serious enough that we or the boat would be in danger. I was concerned that there would be significant whether that people might get seasick, that was something that I thought people might, I knew it was going to be rough weather and people might get sick that was my only thought then.

COMMANDER KEVIN CARROLL: One second

LIEUTENANT COMMANDER NICHOLAS PARHAM: At this time 1129 Mr. Melusi has returned to the room.

COMMANDER KEVIN CARROLL: Go ahead please.

LIEUTENANT MALORE: Now starting with leaving the London can you describe what occurred from that point?

JESSICA BLACK: Sure. We left New London on the 25th, it was still light out, I think it was shortly after 5 o'clock, so 1700, after that, we left it was bright, sunny, calm. We normally would be serving dinner at that time but Capt. Robin said that we needed to get underway first so we were going to hold off on dinner for a little while. We were serving chili which Morgan had prepared, so it would be no problem, it was something that could be left unattended and it would be fine. I helped move items around on deck there was

1 some staging, that the boat used during festivals, there were tables and things that I
2 helped move around on deck.

3

4 LIEUTENANT MALORE: You said that you did not prepare a meal than, was there a rush
5 to get underway?

6

7 JESSICA BLACK: There was no rush but I think that we wanted to get off of the dock as
8 soon as possible while it was still light out, I had prepare dinner it was the chili that was
9 simmering on the stove so is warm and one of those things that whenever people were
10 ready to eat it could be served at any time.

11

12 LIEUTENANT MALORE: When you arrived on the 24th, that Wednesday were you aware
13 of a day that you are planning on leaving?

14

15 JESSICA BLACK: I know for sure that the day sail was going to happen on the 25th and I
16 think I knew that, I'm not positive but I think I knew we were going to be leaving on the
17 25th, I knew the day sail was happening then and I can't recall if it was discussed before.

18

19 LIEUTENANT MALORE: Do you know what plan, the sail plan, if that was discussed
20 before leaving?

21

22 JESSICA BLACK: I knew that we were, I think that I heard that we would be sailing east
23 around, that we were going to be sailing east a little bit further out to sea. I think I did

1 know that, because I knew that we weren't going to have, because of that we wouldn't
2 have cell phone reception for very long because we would be too far from the shore. So
3 that was something that I was aware of that we would only have cell phone reception for a
4 limited time.

5
6 LIEUTENANT MALORE: So continue from where we left off.

7
8 JESSICA BLACK: We were basically sea stowing I was helping with items on deck. After
9 we finished sea stowing we did have dinner, everybody ate dinner, the rest of the night
10 was fairly uneventful I guess, I don't think there was anything else I noted, it was pretty
11 smooth, pretty smooth sailing at that point.

12
13 LIEUTENANT MALORE: Anything Saturday?

14
15 JESSICA BLACK: Okay, Saturday I got up at about five, which is typical, because I have
16 to get up pretty early to get breakfast ready for everybody, I slept during, people had
17 different siege schedules but I slept that night and we get up early in the morning, and I
18 could go to sleep after dinner. You'd like me to tell you the event on Saturday, or?

19
20 LIEUTENANT MALORE: Well I mean just anything that pertains to, was the weather bad
21 or?
22

1 JESSICA BLACK: No it was not bad, it was starting to, it was completely calm on Friday,
2 we were starting to get a little bit of weather but not a lot, not terrible. It got progressively
3 you know increasing, the weather was increasing.
4

5 LIEUTENANT MALORE: Was there any discussions or anything said by any officers that
6 stands out?
7

8 JESSICA BLACK: We had muster at 1245, I know that during muster I remember I
9 because everything was so new to me I was very interested in the way that muster
10 happened, and the way that Capt. Robin spoke and I noticed that it was clearly, that is
11 almost like a classroom, that he instead of just telling things he would ask things clearly
12 he knew the answers but he would ask people, what would you do in the situation, and
13 there is nothing that I had enough knowledge to respond to but I would listen to all the
14 different crewmembers talk about different ways that they might respond two different
15 situations specifically he was talking about the weather and how you might sail.
16

17 LIEUTENANT MALORE: So it was sailing questions about the situation, did it entail the
18 storm or what kind of questions did he pose?
19

20 JESSICA BLACK: Because I'm coming from a background of working on motor yachts,
21 sailing in general and specifically tall ships is new to me so it was mostly over my head,
22 but I don't remember the specific questions I just remember the way it was presented and
23 that different people would answer and I don't remember the specifics.

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LIEUTENANT MALORE: Anything else on Saturday?

JESSICA BLACK: Let's see on Saturday, nothing that is standing out right now.

LIEUTENANT MALORE: Okay, going into Sunday, start there.

JESSICA BLACK: On Sunday, let's see, Sunday would have been the last full day that we were on the Bounty I know that we, I got up a little bit later because, one thing that Capt. Robin had mentioned was that I should prepare as many meals ahead as I could because the weather was going to get rough and he did not know how I would react or if it would be easy for me to cook in those circumstances. I had done that earlier the first couple of days in addition to the meals is preparing for those days I tried to cook as much ahead as I could. I was actually able to sleep in a little bit on Sunday, it was almost 6 when I got up on Sunday 5:45 probably. 5:45 AM, 5:00, almost 6:00. I remember I had made a baked French toast I had already made it so was able to just put the hotel pan in the oven and it was very simple because I had done the work ahead of time. At some point before lunch there was we had just put the new ovens and we had new glass top ovens that had a switch on the top for the oven light, I remember that it must have been after I prepared breakfast because the oven was no longer on but I noticed smoke coming out of the top of the oven which was a concern and it smelled like burning plastic, Capt. Robin actually happen to be in the galley at that time as well is another crew member, I said, I mentioned that there is smoke here in the oven is not on, I was concerned that I remember that

1 Robin calmly walked over to the fuse box and turned the fuse off, then we discussed after
2 he did that what had happened. And what the smoke was.

3
4 LIEUTENANT MALORE: Can you explain what happened?

5
6 JESSICA BLACK: There was, because the galley is not watertight there is a box fan
7 overhead an above the boards, the box fan functions like a hood vent would to draw
8 smoke out of the galley in case while you are cooking, so water would drip down just a
9 little bit and because we were in rougher weather, more water, perhaps freshwater, just
10 because it was raining was dripping down and because, it was a new stove so it was
11 nothing anybody had encountered before, they are just put in the day we left New
12 London, the switch on top was sort of open and water could trip down in and get into the
13 electrical part of the stove and just making it wet and that had caused the smoke.

14
15 LIEUTENANT MALORE: Okay.

16
17 JESSICA BLACK: We tried it out and Capt. Robin recommended that when I was not
18 using the stove I should put a large trash bag over them to keep the water out, I know that
19 Doug Faunt at some point had suggested that I just put a piece of electrical tape over it it
20 was just a little switch it wasn't anything that was needed for the function of the stove so
21 actually did both of those things, but the tape and the garbage bag over.

22
23 LIEUTENANT MALORE: Okay.

1
2 JESSICA BLACK: The next time you turn the stove on that same problem did not happen
3 obvious he had taken the garbage bag off but I never took the electrical tape.
4

5 LIEUTENANT MALORE: Can you continue?
6

7 JESSICA BLACK: We did not have muster that day, and I had asked Capt. Robin
8 because I muster I would normally find out what was going on, it was at 1245, 1200,
9 12:45 pm so 12:00, daily but this day we were not going to have muster because Robin
10 said that people needed more sleep so he wanted to give people a break so we would not
11 have muster that day, but we had lunch that I remember after that the weather was
12 starting to get, definitely starting to get rougher. I was thinking about, my main focus is on
13 preparing meals and how can I prepare meals during this weather and I knew other things
14 that were going on but they were not the focus of my job it was just to make sure to get
15 the meals out and how I could do that successfully. I had prepare dinner ahead of time, I
16 had made, I don't know if it's relevant what I made, but I had made macaroni and cheese,
17 I also served hot dogs and peas because I knew these items would be easy for me to
18 prepare and for people to eat because you cannot really eat off of a plate at this point the
19 weather was getting rough, it had to be something that could serve in a bowl that people
20 could easily will be fine if the items you know you're eating them together, the hotdogs of
21 the macaroni and cheese. I was preparing those items, I had a upside down bread loaf
22 pan in the oven so the hotel plan would not slide back and forth because obviously the
23 boat is rocking from side to side and if there was not something to wedge in between the

1 pan there was a spill everywhere and make a mess. In the afternoon, primarily my focus
2 was preparing dinner. I needed a vegetable to go dinner so I got frozen peas.

3
4 LIEUTENANT MALORE: Were there any other fire incidences or anything else?

5
6 JESSICA BLACK: A little bit later, yes. I would not say fire, but potentially electrical
7 issues.

8
9 LIEUTENANT MALORE: Can you explain this please?

10
11 JESSICA BLACK: I put the peas in the microwave because it was easier, I cannot use the
12 stove top because it was glass and it was too rough to cook on top of the stove. I think it
13 was about between 1500 and 1600, I put the peas in the microwave I remember I had to,
14 we were already starting to be at an angle, I think it ended up being 45°, at this point it
15 was maybe 20 to 30° but still we were rocking, and I remember that was an issue
16 because of the way the microwave set it was on the port side and we were starting to list
17 towards starboard and the problem was that if anybody had opened the microwave the
18 peas would have gone flying across the tween's because the microwave was just outside
19 of the galley on the tween decks. I remember having to warn several crew members not
20 to open the microwave, or the peas will fall out, and I remember I had to slammed the
21 microwave more than usual to get it to work, and somebody said it is an old microwave
22 just slam it, and then when I did that I turned the microwave on at that time that was just
23 before 1600, this is when the incident happened there were sparks that shot out of the

1 microwave and there was smoke which I thought at first was coming from the microwave
2 but it actually turned out I believe it was above their microwave there was an extension
3 cord and I think that the smoke was coming out of that. Immediately after that happened, I
4 would say 30 seconds, an arc of lightning, it was not fire, it was an arc of light I could see
5 in the galley and there was an extension cord that hung down above the stove from the
6 box fan, that it happened like 30 seconds after so it had appeared that perhaps these
7 were connected, I know that Mark Warner was near at that time and I believe he had
8 verbal communication with Doug Faunt, although I did not Mark did, and Mark turn to the
9 breakers off, and we discussed the incident with Doug because it had appeared that all of
10 these things happened in such close time that it was a little concerning.

11
12 LIEUTENANT MALORE: Was that the cause, the water?

13
14 JESSICA BLACK: And we discussed it and that's what Doug had said, that it was
15 probably due to all the water that was a sort of seeping around and that it was probably
16 just a coincidence that both of those things happened and such close sequence, and that
17 it was okay we just turn the breakers off, and potentially prevented any fire from
18 happening.

19
20 LIEUTENANT MALORE: Anything else on Sunday?

21
22 JESSICA BLACK: On Sunday?
23

1 LIEUTENANT MALORE: Or after this incident?
2

3 JESSICA BLACK: Lots of things happened. Lots of things happened, I don't know which
4 ones you want to know about, there are so many things. Normally everyone would come
5 in for meals, we had three watches and everyone would come in for three shifts for
6 dinner, but most people had not come in for dinner, half the crew had come in by the time
7 they normally would and someone let me know because there was a lot going on that
8 maybe people would not be coming in for dinner, or would be coming in later. I guess this
9 is the time, I mean I was aware, oh a sail had, before dinner, a sail had ripped, one of the
10 main sails, like I said I'm not a sailor so I don't know what that meant, I knew it was
11 serious, I'm sorry, this was before dinner. Maybe between 1400 and 1500 on Sunday the
12 sail ripped.
13

14 LIEUTENANT MALORE: And you said you knew it was serious, how did you know that?
15

16 JESSICA BLACK: Well I don't know how serious it was, but I knew that a lot of
17 crewmembers had to go aloft, and maybe crewmembers that did not always go aloft, just
18 because I heard people say that. People were attempting to fix that, I actually had gone
19 up on deck and was watching because it was before I really started preparing dinner, I
20 was, obviously I did not go aloft, I watch and there were a couple of crew members that
21 had not gone aloft including Doug, I think Doug was actually at the helm at that point,
22 because I walked back next to him comment that was as far as I dared to walk out on
23 deck because it was getting rough and it was slippery. I had an iPhone and I was

1 videotaping a lot of things on the boat and I asked, do you think that people would mind if
2 I videotape them going along and he said no I think it would they think it would be great.
3 So I videotape this and I remember that for me it looked pretty intense, the way that the
4 ship was going from starboard to port the mast looked like it was almost touching the
5 water, it wasn't quite but it was pretty, it was getting pretty rough out there, people just
6 seemed like they were not scared that they were just doing what needed to be done. By
7 the way my phone got destroyed and I do not have the video unfortunately, I don't have
8 the video because my phone got destroyed. I don't know like I said I knew it was
9 something that people said had to be fixed, then we had dinner some people had dinner a
10 lot of people did not, at that point I was aware that people had not eaten so I started
11 walking around midship's like where some people, a lot of people were in the engine
12 room, this was after dinner so maybe 1600, no beyond that, 1700 or 1800 I started
13 walking around.

14
15 LIEUTENANT MALORE: Did you go into the engine room?

16
17 JESSICA BLACK: I never went into the engine room but I was at the top of the steps to
18 the engine room a lot.

19
20 LIEUTENANT MALORE: Could you see what was going on in there?

21
22 JESSICA BLACK: Eventually water started coming in. I did not know what was going on
23 in there but some people had been down there for a long time, my focus was making sure

1 that people were eating and hydrated, I had bottles of water which I had taken from the
2 galley and was handing out bottles of water, especially the guys in the engine room, I
3 know that Matt Sanders was down there for a long time I knew he was done and because
4 I had not seen him and people had mentioned he was down there, I think John Svendsen
5 might have mentioned to me that Matt needed water, so I gave him several bottles of
6 water.

7
8 LIEUTENANT MALORE: Were you concerned about what you saw down there?
9

10 JESSICA BLACK: I knew that people were working really hard, and I knew that it was a
11 concern but, it seemed like everyone was working really hard to fix things, there were
12 definitely things going on but people were working so hard that they were trying to save
13 the ship, I do not think at that point that we were going to abandon ship. Or at least not
14 right then, we were definitely working very hard to save the ship. Everyone was. I knew
15 they were doing things that I did not know and did not understand, what I could do is be
16 support staff and make sure that they were hydrated and fed. At some point I started
17 handing out snacks because some people were not eating and could not come to the
18 galley could not take a break so I thought okay, started handing those out, apples,
19 oranges goldfish crackers.
20

21 LIEUTENANT MALORE: Were there any other instances, that you can recall during that
22 day?
23

1 JESSICA BLACK: Yes so let's see. The timeline at that point, I started helping Chris
2 Barksdale was at the top of the steps to the engine room, I spend more than an hour to
3 two hours there he was trying to get the trash pump working, which it helps because the
4 other bilge pumps when outworking, I knew that he was seasick, but he was working on
5 this, at that point was just Chris, maybe other people worked on it during the night but at
6 that point, this was later a couple hours later the boat was probably a close to a 45° angle
7 at this point, it was difficult for one person and I think Chris had injured his hand to sell
8 that was another reason it was difficult, it was difficult for one person to work on the trash
9 pumps, I asked if he wanted me to help him and he said he did, so I just physically
10 keeping the trash pump in place so it didn't slide down towards the starboard side of the
11 boat, it was gasoline powered, very delicate if it flipped over, we were having a hard time
12 to get it to work anyway, and if it flipped over it would make the problem more difficult. I
13 held it in place for him any continue to work on that for well over an hour. Kept making
14 efforts, we did get it to work at one point. But only for a few seconds. At first we had the
15 line going up, the hose, there is a hose attached, one is going down to the engine room
16 and the other was going up on deck, at one point after I started working on it other
17 people, I wasn't working on it I was just holding it, then someone ran the hose out through
18 the windows in the great cabin, maybe because then it would not have to fight gravity so
19 that would be easier so go straight out, that was the thought process that happened later
20 on. For me I was just helping with whatever needed to be help with. The power had gone
21 off and on a few times, probably around midnight I went into the great cabin and Laura
22 Groves was there and I asked her if I can help with anything because they are getting

1 survival equipment together, she said I could, I helped get the life jackets together with
2 garbage bags which had a case of water in them in case we need to abandon ship .

3
4 LIEUTENANT MALORE: At that time were you concerned about having to abandon ship,
5 I need a earlier you said you did not think it was bad, at that point was everybody?

6
7 JESSICA BLACK: I think after midnight was the time when everybody, we knew that it
8 was probably going to happen, but we did not know when it was going to happen and we
9 thought we would be able to make it until daylight. We were definitely going to need Coast
10 Guard assistance, at some point we had asked the Coast Guard to bring and pumps to
11 help us and I'm not sure when it change from that not being an option anymore to we
12 were going to need to abandon ship. But in case we needed to we were getting
13 everything ready well ahead of time.

14
15 LIEUTENANT MALORE: So you helped her put safety kids suits all that stuff? Continue
16 from there.

17
18 JESSICA BLACK: We had a muster, a little meeting in the nav shack at that point, Capt.
19 Robin was there I think everyone was present at that meeting, I think it was after midnight
20 so that would put us into Monday, after zero hundred hours we discussed what might
21 happen, we discussed the bilge pumps and if we had to abandon ship, I think other
22 people, not myself but other people after that were continuing to work on the trash pump,
23 I feel like that was continued to be worked on until almost until we abandon ship, so that

1 was something that was happening. Earlier maybe earlier in the evening on Sunday
2 Adam Prokosh was following me and he had fallen and injured himself, I was there when
3 that happened. I think I was the only one that was there actually. I got people afterwards
4 but it was Adam following me, I did not know if you want to know about that.

5
6 LIEUTENANT MALORE: Did he fall because of, did he slip or, how did that happen?
7

8 JESSICA BLACK: He was following me, he needed a colander, like a pasta strainer to
9 help with the debris from the bilge, this is actually the second colander that he borrowed
10 from me, from the galley because we had quite a few, we were walking through the
11 tween's on between decks and I was at the point where I just grabbed a hold of the Jack
12 line because there were walls that you can support yourself before that, I had just told
13 grabbed a hold of the Jack line the safety line that we had put out, he was one step
14 behind me, we were talking and at that moment I think a big wave had come and hit us
15 pretty hard, I was holding onto the line so I did not fall but he was not, he went from the
16 port side to the starboard all the way across the tween's which is an excess of 10 feet,
17 maybe 15 feet, he hit his head on the arms and chest, unfortunately I watched it happen
18 he hit his head on the arms chest and then he went all the way across to the starboard
19 side of the tween decks and hit his head in his back on the starboard side of the of the
20 tween decks. At that point I was obviously very concerned I went and got John Svendsen
21 because I thought that he might have a concussion and didn't want him to fall asleep,
22 other crew members came around we got a cushion from the Galley so wanted to get that

1 cushion there just flying off anyway, we laid him on that so we had something comfortable
2 to land.

3
4 LIEUTENANT MALORE: When did you start to put the immersion suits on?

5
6 JESSICA BLACK: That would have been after we had our last meeting, maybe 300. We
7 didn't start putting those on so we had our last group discussion, I think it was between
8 230 and 300 on Monday morning. The Capt. Robin said if anybody could get any rests,
9 that people should get rest if they could, I had not gone to sleep at that point, a fearlessly
10 down we were near Adam in the tween's which flows on the starboard side, I was in there
11 more than 15 minutes I had not fallen asleep but I was laying there, then the water started
12 coming in through the tween's, then me move to add him to the, to one of the officers
13 cabins on the port side because I was the higher and dryer part of the ship when we
14 moved him over there I know that Claudine helped with that and I think she was physically
15 assisting Adam I was part of the group of people that were walking over there, and she
16 put Adam in one of the bunks, but myself and the other bunk in that cabin and Josh
17 Scornavacchi was on the floor between us. He told us to lay down, he said not to worry
18 that we should try and get a little rest, and would be there Matt I met he would let us now
19 when it was time to abandon ship so not to worry that she would come and get us. I know
20 that was less than 20 minutes I did not fall asleep, I was laying there and it was dry, drier
21 than the starboard side and then less than 20 minutes later Claudine came back and I
22 don't know where she was I don't know if she laid down but she came and got us, she
23 was looking after us in said it was time to go, it was time to start putting on our immersion

1 suits so was time to abandon ship, the call had been made at that point, so it was
2 probably before 400, may be about,

3
4 LIEUTENANT MALORE: Have you ever put on an immersion suit before?

5
6 JESSICA BLACK: Yes I had taken STC W I had to take basic safety training an STCW
7 course, I had done that in January 2011. So I was familiar with how that worked.

8
9 LIEUTENANT MALORE: So you guys all donned your immersion suits at that point? And
10 at that point did you start exiting onto the deck?

11
12 JESSICA BLACK: Immediately after we got our immersion suits on, Adam, myself, and
13 Mark Warner were all getting our immersion suits on Mark Adam and myself, we had to
14 put harnesses on, and I had never worn a harness before so I definitely needed help.
15 Mark helped me he had a little pair of, he had a Leatherman all-purpose tool, and he
16 helped me into my harness then we got up on deck immediately after we got our suits,
17 that process took less than 10 minutes, we got up on deck, there was no real sense of
18 rush to get up on deck, I knew that as soon as you got them on you should start heading
19 towards deck so that if something happened we felt like we are going to be out there for a
20 while but if something happened you do not want to be caught in between you wanted to
21 be on deck.

22
23 LIEUTENANT MALORE: Where did you go when you got on deck?

1
2 JESSICA BLACK: I walked up through the nav shack , John Svendsen was in the nav
3 shack at that time, I had my lifejacket in my hand, we had had a discussion earlier if we
4 should where our, if we had our immersion suits on, there was talk if we should put our
5 PFD's on over that, I remember I had a conversation with Doug Faunt earlier during
6 dinner if we should put our PFD's, if we ship our lifejackets on over our immersion suits
7 because that was not something that I had ever done before. Doug said it's 6 1/2 dozen
8 another, it was not standard practice but some people felt that it would keep you more
9 afloat so had my light jacket in my hand, had not put it on yet I cannot club it because of
10 the fingers on the Gumby suit. John Svendsen, I don't remember if he had his immersion
11 suit on but it definitely was not on his hands he had free hands and was on the radio the
12 whole time he said don't worry Jessica you are going to be okay and then he helped
13 clipped my lifejacket and then I walked back on deck. I was number six we did count off
14 so many times so I know exactly what number I was, I was number six, I was the sixth
15 person on deck, there are five people aft of me I was standing with my feet on the fife rail
16 the aft fife rail there is to obviously on a side we were on the port side, that's where I was.

17
18 LIEUTENANT MALORE: Anything else that you recall before going into the water?

19
20 JESSICA BLACK: Just that we had to crawl across the deck, when we came up the
21 officer said just crawl on your hands and knees, we got on deck and it was probably only
22 for about 15 minutes.
23

1 LIEUTENANT MALORE: And then the boat rolled and you went into the water? How long
2 did you ever find a liferaft?

3
4 JESSICA BLACK: Much later, yes, not done, but later in the water.

5
6 LIEUTENANT MALORE: When you are in the water can you kind of describe finding the
7 life raft how that came about ?

8
9 JESSICA BLACK: Lots of things happen before then, I was in the water for a long time, I
10 had probably been in the water for about 20 to 30 minutes, do I know when I found the
11 liferaft or?

12
13 LIEUTENANT MALORE: If there's something that you recall or something that somebody
14 said that is relevant?

15
16 JESSICA BLACK: Lots of things happened before then, we were trying to grab onto
17 debris, we were grabbing onto debris. There were several instances where I saw other
18 people in the water, was holding onto different things for different periods of time. When I
19 first found the liferaft it was still in the canister, Josh Scornavacchi and John Jones were
20 both holding onto the canister I remember asking them what to do they said we are not
21 sure, I remember I started pulling the painter at that point because I remembered that
22 from my STCW I did not have any idea of how long the painter was the line coming out of
23 the liferaft, but I knew that it had to be pulled because it was not deployed, I had probably

1 been in the water maybe 10 minutes at that point, and I started pulling on the line, when I
2 did so it let go of the line around the canister and I was pulling on the line hoping to
3 deploy it, I don't really remember how long the line was or how long it should be, the
4 painter, in doing so I let go of the liferaft because like I said I was attempting to deploy it
5 and I just drifted away, swam around for a while always trying to go out and aft of the ship
6 because I was conscious of where the mast was and did not want to be hit by that or be
7 pulled back into the ship. Probably about 20 minutes after that just in an attempt to keep
8 swimming out and aft from the ship I remember thinking, okay I am clear of the ship now
9 but where's the liferaft and where is everyone else because I had not seen anyone else
10 for a long time, at that point there was a huge wave and I remember, it seems improbably
11 huge, probably the biggest wave I had seen out there and I was looking down, all of a
12 sudden I was looking down and I could see the liferaft it seemed improbable now how far
13 away it was, it seems very far away but close enough so I could see it but not see any
14 people, I saw the liferaft, I had my lifejacket still on at this point but it had come off of my
15 waist so it was sort of to the side of me it was irritating me and I tried to I thought it was
16 going to be a hazard I just tried to get it off but I could not, it turned out it was actually an
17 asset, it help me so I was able to surf down on top of this wave sort of just put my arms
18 out and headed for the life rafts I had to be precise I knew if I went a foot or two one way I
19 would go to far past it and probably not be able to make it back. I got there and got to the
20 liferaft and Doug Faunt was there.

21
22 LIEUTENANT MALORE: Did it take you a long time to get into the liferaft?
23

1 JESSICA BLACK: Yes. A really long time. At first it was just myself and Doug as far as we
2 knew, we knew that under the best of circumstances it would've been difficult for us to get
3 in, in this situation there is no way that either of us could've gotten in, so I don't think we
4 even, we knew we could not get inside the liferaft.

5
6 LIEUTENANT MALORE: So you waited a while until others got there?
7

8 JESSICA BLACK: They may have already been there we just did not know that they were
9 there, for about 20 minutes Doug and I were the only ones that we saw after about 20
10 minutes Matt Sanders, we realized Matt Sanders, and I don't know if he had been there
11 the whole time, or we hadn't seen him, he was about a quarter of the way around the
12 liferaft, we saw him I tried to speak to him maybe he could not hear me and I realized
13 because you cannot see anybody's face, because of his body shape is bigger than most
14 people so I realized that it was Matt I said is that Matt he said hi Jess and I was relieved
15 that he was there because he was going to be able to help us get into the liferaft, I knew if
16 we had any chance of getting an he would be able to get in and help us.
17

18 LIEUTENANT MALORE: Did you eventually get in?
19

20 JESSICA BLACK: Yes, at that point when I started talking to Matt he started talking
21 louder he was by the door of the liferaft, Doug and I were as a side, then people inside
22 started talking and they open the door and there were four people inside and they were

1 very excited to see us, we were very excited to see them, they helped Matt in then they
2 helped me in and Doug.

3
4 LIEUTENANT MALORE: When you are on board right before you went over, do you
5 remember the last time that you saw Claudine Christian and the captain? And where were
6 they?

7
8 JESSICA BLACK: I saw Claudine, Capt. Robin I had not seen since we were in the tween
9 decks as you're getting our immersion suits on I never saw him on deck. Claudine I saw a
10 right before we went into the water because I was on the aft Fife rail post and she was on
11 the forward fife rail post, there were two people in between us when we were doing the
12 count offs repeatedly, I was number six she was number nine, as we were counting off
13 people on deck I saw her and I was looking at her, she had her headlamp on so I
14 definitely remember talking to her and just doing the count offs and seeing her there, that
15 was before the wave came and before we went into the water, I was really tired too so I
16 think I drifted off to sleep just for a few seconds at a time so I did not necessarily see her
17 immediately before we went into the water but I'd seen her multiple times in the 15
18 minutes that we were on deck.

19
20 LIEUTENANT MALORE: Okay thank you, Capt. Jones from the NTSB is going to ask you
21 a few questions.
22

1 CAPTAIN ROB JONES: Hi Ms. Black, the motor yachts that you worked on how big did
2 you say they were?

3
4 JESSICA BLACK: The smallest was 75 feet, 150 was the largest, and I worked on a
5 research vessel which was 220 feet.

6
7 CAPTAIN ROB JONES: And I was all in the last two years? Before Bounty?

8
9 JESSICA BLACK: Since January 2011.

10
11 CAPTAIN ROB JONES: Where did you receive your training for cooking?

12
13 JESSICA BLACK: New England culinary Institute which is in Burlington Vermont.

14
15 CAPTAIN ROB JONES: Did you need to get any type of Marine certification to work on
16 these yachts?

17
18 JESSICA BLACK: I had my STC W, but it was not in conjunction with my culinary degree.

19
20 CAPTAIN ROB JONES: Were you out in the ocean with some of these yachts?

21
22 JESSICA BLACK: Yes.

23

1 CAPTAIN ROB JONES: Where would you normally run?

2
3 JESSICA BLACK: We went to the Bahamas all the time and I have been to the Caribbean
4 a few times further south than the Caribbean.

5
6 CAPTAIN ROB JONES: You mentioned Mr. Svendsen had called you about the hiring on
7 the Bounty?

8
9 JESSICA BLACK: Yes.

10
11 CAPTAIN ROB JONES: And this was a cold call, you do not know him before?

12
13 JESSICA BLACK: Yes that is correct.

14
15 CAPTAIN ROB JONES: How soon after he called you did you arrive on the Bounty?

16
17 JESSICA BLACK: He called me on 16 October, he told me I could join in the yard, but it
18 wasn't enough time I would have to leave the next day, I arrived on the 24th which was
19 my decision to join in New London rather than in Boothbay.

20
21 CAPTAIN ROB JONES: Did you know anything about the Bounty before he took the job?

22
23 JESSICA BLACK: I looked on the website, I knew from online, just what I found out then.

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CAPTAIN ROB JONES: A little bit different than the motor yachts you are describing before?

JESSICA BLACK: Yes. It was different which was part of the appeal, that's why wanted to do it it seemed interesting.

CAPTAIN ROB JONES: When you got on board you said there was a cook there, you took over her position, and she left because of personal reasons?

JESSICA BLACK: Yes. Yes it was something with her family.

CAPTAIN ROB JONES: When you were working with her boat provisioning, getting ready to go come what to say about the boat?

JESSICA BLACK: She let me know that the crew was great, the boat was great, everybody was really fun and pleasant to work with, very positive.

CAPTAIN ROB JONES: Was she going to come back to the boat?

JESSICA BLACK: I think maybe she was perhaps the next season.

1 CAPTAIN ROB JONES: For you was the something that you're trying it out, might come
2 back, just a one-time thing?

3
4 JESSICA BLACK: Yes we discussed that when John called to hire me, if this was
5 permanent or freelance, I was going to at least be able until Galveston which was a
6 month, and I might, yes, it was undecided I might want to stay longer, it was definitely a
7 possibility.

8
9 CAPTAIN ROB JONES: The vessels that you had worked before, how many crew were
10 you cooking for? At the most?

11
12 JESSICA BLACK: The high end of the spectrum, on the Atlantis 2, that was for 45 people,

13
14 CAPTAIN ROB JONES: So 16 on the Bounty was not something that you could not
15 handle?

16
17 JESSICA BLACK: Now it was not, and I had a catering background so I've cooked for
18 hundreds.

19
20 When you got on board on the 24th did you receive a safety orientation?

21
22 JESSICA BLACK: We did a walk-through on the boat,

23

1 CAPTAIN ROB JONES: Who did you do that with?

2
3 JESSICA BLACK: John Svendsen.

4
5 CAPTAIN ROB JONES: Did he have a checklist that he was going through as he went to
6 certain stations, did you look at things or try things on?

7
8 JESSICA BLACK: I don't recall that he had a checklist but we definitely looked at all
9 different parts of the boat, he told me lots of things and was happy to answer any
10 questions.

11
12 CAPTAIN ROB JONES: Did he tell you what your duties would be?

13
14 JESSICA BLACK: Yes.

15
16 CAPTAIN ROB JONES: During a safety drill or anything?

17
18 JESSICA BLACK: During a drill, I do not recall that.

19
20 CAPTAIN ROB JONES: Did you try on a survival suit at that point?

21
22 JESSICA BLACK: No.

23

1 CAPTAIN ROB JONES: Did he ask you about if you knew about survival suits?

2
3 JESSICA BLACK: I know that he knew that I had my ST CW, and I don't remember if we
4 discussed it then, but he was aware that I had my ST CW, part of that is wearing a
5 survival suit.

6
7 CAPTAIN ROB JONES: Between leaving New London and the capsizing did you receive
8 any type of training, safety training, or were you given a survival suit to use? Prior to the
9 weather getting to bad? Do you know what size you are? Ahead of time before you put
10 one on?

11
12 JESSICA BLACK: No, we had not discussed that.

13
14 CAPTAIN ROB JONES: So at the capsizing you just picked one up and put it on?

15
16 JESSICA BLACK: Yeah, I think most people just were the regular size suit, and in the ST
17 CW I don't believe that we had more than once I sit, we only had the regular size.

18
19 CAPTAIN ROB JONES: Okay, while we were talking about that, you had mentioned
20 about the lifejackets going on top of the survival suits, you were a little wary of that at first
21 watch, you had not had that type of training? Or haven't used a life jacket on top of a
22 survival suit before?

23

1 JESSICA BLACK: I haven't, and I knew that it, I do not think it was actually mandatory it
2 was just recommended that we do that `it was actually helpful for me that I did that.

3
4 CAPTAIN ROB JONES:(in audible)?

5
6 JESSICA BLACK: Yes, because some chose not to and I think it was better that I did put
7 it on .

8
9 CAPTAIN ROB JONES: You said right at the end of your testimony with the Lieut. They
10 thought it was hazardous but then it helped?

11
12 JESSICA BLACK: What was hazardous to me because it came off halfway I was
13 concerned that it might be a hazard and it probably could have been had it been caught
14 up for me it kept my head above water, And kept me from taking in water so that was
15 helpful.

16
17 CAPTAIN ROB JONES: Was it still on when you got into the liferaft?

18
19 JESSICA BLACK: Yes.

20
21 CAPTAIN ROB JONES: Didn't injure you getting into the liferaft?

22
23 JESSICA BLACK: I don't think that it was an issue.

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CAPTAIN ROB JONES: The capstain talk at new London before you left to go to see and the captain told about the hurricane, or approaching hurricane have you ever been in hurricanes before with the motor yachts you are working?

JESSICA BLACK: No.

CAPTAIN ROB JONES: You said you worked with the crew a lot were you ever on those motor yachts NU left port before you and to get away from a hurricane ?

JESSICA BLACK: I don't recall that situation.

CAPTAIN ROB JONES: So you don't know Mr. Svendsen except for when he calls you, you fly out to New London and you are on board for a day on a ship that you had never been on before, the Bounty, you researched it online and next thing you know you're heading out to sea in a hurricane?

JESSICA BLACK: Yes.

CAPTAIN ROB JONES: And you stay. Can you explain anything ?

1 JESSICA BLACK: I had just gotten there, I knew I could leave if I wanted to, but I just
2 arrived the day before, I felt confident that I knew the captain had been on board for many
3 years

4
5 CAPTAIN ROB JONES: But you did not know him I was just trying to understand what
6 may you so confident that he was okay to go?

7
8 JESSICA BLACK: I guess I've never been in a situation before, even though they were
9 motor yachts that I'd been on, many different vessels, I never have been in a situation
10 that I felt was unsafe and I never felt that any would put me in any situation that would be
11 unsafe, and I felt that especially because Capt. Robin's many years of experience that
12 everybody seem very confident in the decision, the crew seemed confident, and I did not
13 think it would be a dangerous situation.

14
15 CAPTAIN ROB JONES: Any thought that if you left they would not have a cook, and
16 every ship needs a good cook?

17
18 JESSICA BLACK: All that was kind of part of a learning professional courtesy I mean to
19 arrive and then immediately leave for the job I'd been hired for, that is part of it but.

20
21 CAPTAIN ROB JONES: The ovens that you're talking about, they had just been installed?

22
23 JESSICA BLACK: On the 25th.

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CAPTAIN ROB JONES: With a marine grade ovens?

JESSICA BLACK: I don't think so.

CAPTAIN ROB JONES: Just look like something out of Sears or Lowe's.

JESSICA BLACK: Yes I think that they were regular home ovens?

CAPTAIN ROB JONES: There have a rail on top to keep cans from sliding over and a heavy sea?

JESSICA BLACK: We had a wooden piece that from the other stoves that we can put in Morgan before she left help me, we put them, we put that back in place over them.

CAPTAIN ROB JONES: That would help when the ship started rolling?

JESSICA BLACK: Theoretically.

CAPTAIN ROB JONES: The pasta strainers that you talked about did anybody mention, it was Adam right?

JESSICA BLACK: Yes.

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CAPTAIN ROB JONES: Did he mention what he was using them for? That's unusual engine room equipment, pasta strainers?

JESSICA BLACK: While I don't know anything about the engine rooms, I had lots of colander so, it was because of the debris in the bilge that they were using it for some reason there was a lot of debris and he was using the scoop, to strain it. That is what he told me.

CAPTAIN ROB JONES: You said that there was a meeting with everybody in the nav shack towards the end of the time, to the The never say, was this the Capt. getting everybody together, did he ever say what went wrong, do you remember hearing anything like that?

JESSICA BLACK: No, not in my presence, I don't recall that.

CAPTAIN ROB JONES: When did you take BST last?

JESSICA BLACK: January 2011, my is STCW class.

CAPTAIN ROB JONES: And how often do you take that?

1 JESSICA BLACK: I don't know how often needs to be taken. I have only taken once
2 January 2011.

3
4 CAPTAIN ROB JONES: Did that training help you?

5
6 JESSICA BLACK: That's a good question, maybe I did not realize it at the time, but I think
7 obviously the more training that you have the more comfortable you are, the fact that I'd
8 been in an immersion suit before probably, and righted a liferaft even a pool probably did
9 make you more comfortable, yes.

10
11 CAPTAIN ROB JONES: So you had righted a life raft in the poll question mark

12
13 JESSICA BLACK: Yes that's part of the as STCW.

14
15 CAPTAIN ROB JONES: Can you compare your training with trying to do it in the open
16 ocean?

17
18 JESSICA BLACK: Like I said it probably helped somewhat, it is a lot more difficult, the
19 liferaft was already righted, we did not have to right it,

20
21 CAPTAIN ROB JONES: You are just entering the liferaft at sea?

22

1 JESSICA BLACK: Without other people helping me I would not have been able to do it in
2 those kinds of seeds.

3

4 CAPTAIN ROB JONES: That is all I have right now thank you.

5

6 LIEUTENANT MALORE: Mr. Svendsen

7

8 JS: Good afternoon Jessica

9

10 JESSICA BLACK: Hello John.

11

12 JS: When I was having a conversation with you I stated that he Cook is chief in charge of
13 morale onboard, do you recall the conversation ?

14

15 JESSICA BLACK: Yes.

16

17 JS: It was mentioned earlier the food is very important for the crew, as a result can you
18 describe the mood of the crew and how they responded when you were delivering them
19 food, what their reactions were?

20

21 JESSICA BLACK: Everyone was extremely grateful, extremely kind, probably more
22 grateful than any crew I'd ever worked with on a yacht. People seemed really happy that I

1 was there and cooking for them and very happy with everything I was cooking, it was a
2 very pleasant environment to work in.

3
4 JS: Can you also describe in addition to the mood their focus on work or their
5 professionalism that you observed?

6
7 JESSICA BLACK: The whole crew, yes, everyone seemed to be working extremely hard
8 all the time, and seem to be, the morale was great people were working hard and happy to
9 be doing it, nobody was complaining about having to work hard, which is something that I
10 have seen on other vessels.

11
12 JS: Can you describe the differences and professionalism that you saw on yachts in
13 research vessels versus the Bounty?

14
15 JESSICA BLACK: The biggest difference was that on the Bounty there is so much more
16 communication on a yacht it seems like the captain is the person in charge he makes a
17 decision everyone else follows the orders there is no discussion that I had ever seen. On
18 Bounty, Capt. Warner Robins, we had a muster every day which almost felt like a class
19 and it was sort of everyone was allowed to give their opinions which I think helped people
20 think a lot more critically and be a lot more aware than on yachts, and also fostered a
21 really good morale because people felt that their voice was heard.

22

1 JS: Did you feel like the previous training an experience of the crew the Bounty, like a
2 Coast Guard licensing and things of that nature was helpful and them being professional
3 during this event?
4

5 UNKNOWN: Mr. Svendsen I think her testimony was that she arrived on the day before
6 leaving so I'm not sure that she has a basis of foundation to offer opinions on the training
7 of the crew.
8

9 JS: I was trying to compare the difference between her yachting experience and the crew
10 and what she experienced working on the Bounty during the event.
11

12 UNKNOWN: That was the prior question and she gave an answer to that and then you
13 asked her to comment on the cruise training, Bounty's crew's training, and I don't think
14 she would have the foundation (inaudible)
15

16 JESSICA BLACK: I could answer
17

18 UNKNOWN: (inaudible) ask and give opinion on another question, please ask another
19 question.
20

21 JS: Did you observe the Bounty crew utilizing professional techniques onboard the
22 Bounty?
23

1 JESSICA BLACK: Yes definitely, I think it is hard for people to understand because I was
2 on board for such a short amount of time but because of the camaraderie of everybody
3 aboard and because of training that obviously must've happened before I was there
4 everyone was extremely comfortable an extremely calm an assisted others including
5 myself, especially that last night, obviously there is questions and things that I did not
6 know, everyone seems aware of what to do and very willing to help me.

7
8 JS: There is mention of the orientation that I gave you to the first night, and you stated I
9 asked if you are tired, I just wanted to make sure that your safe to get from your rack in
10 that there is any information I can provide to you there will be beneficial, do you
11 remember that?

12
13 JESSICA BLACK: Yes.

14
15 JS: And you remember at the end of that I said that there would be a formal safety and
16 aloft training that we would get you up in the rig and provided additional training in the
17 next day?

18
19 JESSICA BLACK: Yes that does sound familiar.

20
21 JS: Do you recall who I would have referred you to as the safety officer?

22
23 JESSICA BLACK: I cannot recall right now I'm sorry.

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JS: Did you recall me saying that in any event when there is a general alarm, if it happened happened throughout the evening we had the capstain?

JESSICA BLACK: Actually not that you do say the capstain, yes I do remember that.

JS: And that was our general muster location for all events and meetings in emergencies?

JESSICA BLACK: Yes.

JS: Can you describe your, this is post event, can you describe your interest in the tall ship fleet ?

JESSICA BLACK: Post this event, I am very interested in working on a tall ship and hoping to work on a tall ship this season definitely.

JS: Have you participated in any tall ship activities in the recent past?

JESSICA BLACK: Yes I went to the annual tall ship conference last week.

JS: Did you feel that that provided helpful information that would help prevent incidences from happening in the future and provide additional training that was useful?

1 JESSICA BLACK: Yes there was so much information, almost overwhelming, but there
2 was so much information given then that was very interesting, very informative and could
3 help future sailors.
4

5 JS: Would you say that the event that we experienced ended 100% on the day that we
6 were rescued?
7

8 JESSICA BLACK: I guess that depends on how you define that event, I would say no.
9

10 JS: Could you describe to me the value of the survivors staying on watch supporting each
11 other educating each other and the training and counseling and things that were referred to
12 as being helpful to this event?
13

14 JESSICA BLACK: It is definitely hugely helpful to still feel like you are part of a community
15 part of a family even when you are no longer on the Bounty, you definitely feel, have a lot
16 of moral support and feel connected like you have people to turn to who understand what
17 you have been through is extremely helpful.
18

19 JS: Would you describe the resources that were made available to you and also the
20 continuity or timelines of when you are being communicated with throughout the first
21 month or two?
22

1 COMMANDER KEVIN CARROLL: John, how is this relevant to the casualty or preventing
2 a casualty?

3
4 JS: I believe it is very important to address the post events and to aid and preventing
5 them from happening in the future.

6
7 COMMANDER KEVIN CARROLL: The post casualty support network the crew had, I
8 think it is important, but again for the purpose of the investigation please stick to the
9 incident and descriptions of what happened onboard the vessel.

10
11 JS: Okay, that is all I have Jessica thank you.

12
13 LEONARD LANGER: Good afternoon Ms Black, my name is Leonard Langer and I
14 represent the Bounty Organization.

15
16 JESSICA BLACK: Good afternoon.

17
18 LEONARD LANGER: I just have a few questions for you. Did you see Capt. Walbridge on
19 Sunday afternoon?

20
21 JESSICA BLACK: Yes I saw him on Sunday afternoon.

22

1 LEONARD LANGER: Was she working throughout the day on Sunday when you saw
2 him?

3
4 JESSICA BLACK: When I saw him yes he was.

5
6 LEONARD LANGER: When you went up on deck, you are on the Fife rail, could you see
7 Claudine Christian to people down from you?

8
9 JESSICA BLACK: Yes.

10
11 LEONARD LANGER: Did she have her survival suit fully on at that time?

12
13 JESSICA BLACK: Yes.

14
15 LEONARD LANGER: Did she have a life jacket on at the time?

16
17 JESSICA BLACK: I don't remember.

18
19 LEONARD LANGER: During the process of the crew donning their survival suits on the
20 tween deck did you find that to be a (inaudible) process?

21
22 JESSICA BLACK: Us putting on our survival suits?

23

1 LEONARD LANGER: During the process of the crew putting on their survival suits?

2

3 JESSICA BLACK: Yes it was orderly, everyone assisted, yes.

4

5 LEONARD LANGER: Were the mates and AB's providing direction or assistance as you
6 felt was necessary?

7

8 JESSICA BLACK: Oh yes, there is definitely help provided to those who needed it.

9

10 LEONARD LANGER: You indicated that you did more than one or two counts where you
11 are a number six and miss Christian was number nine, can you explain why you are doing
12 those?

13

14 JESSICA BLACK: That's a good question, I guess maybe I was not certain, it was not
15 explain to me why we were doing it but it seemed obvious to me that they were trying, the
16 officers are trying to account for everyone and make sure that everyone was on deck was
17 my assumption.

18

19 LEONARD LANGER: To your knowledge was the crew entirely accounted for on deck
20 prior to the Size?

21

1 JESSICA BLACK: I don't have that information because I could not hear anyone further
2 forward than Claudine because it was very loud from our immersion suits and the wind
3 so I only know from myself to Claudine.
4

5 LEONARD LANGER: You said Ms. Christian was two down from you, who were the two
6 people between you?
7

8 JESSICA BLACK: Right next to me was Chris Barksdale and between Claudine and Chris
9 was Josh Scornavacchi.
10

11 LEONARD LANGER: Did you receive any injuries either on the boat or getting off the
12 boat?
13

14 JESSICA BLACK: No.
15

16 LEONARD LANGER: Thank you I have no further questions
17

18 COMMANDER KEVIN CARROLL: Mr. Melusi.
19

20 RALPH MELUSI: Jessica I am representing Claudine Christian and I have a few
21 questions for you. I take it upon joining the vessel on the Thursday in New London there
22 was the first time that you had had the occasion to meet her?
23

1 JESSICA BLACK: Yes.

2

3 RALPH MELUSI: Did you talk to her much from the time that she came aboard until the
4 time that the vessel went over?

5

6 JESSICA BLACK: Yes I had many conversations with her.

7

8 RALPH MELUSI: Did she ever talked to about some of the work that she did and making
9 her rounds and standing her watch?

10

11 JESSICA BLACK: Yes most definitely shared with me, yes, we talked about a lot of things
12 she, because I was new to tall ships she was sharing with me a lot of the terms for the
13 sails and have things on board work, she was clearly proud of the knowledge that she
14 possessed and was happy to share that with me.

15

16 RALPH MELUSI: Do remember any statements that she may have made about any
17 abnormalities in the engine room or on leaks or things that she had found?

18

19 JESSICA BLACK: No.Nothing I do not recall

20

21 RALPH MELUSI: Do you know she participated in any of the work involving the pumping
22 of the bilges?

23

1 JESSICA BLACK: I'm not sure about bilge pumping,

2

3 RALPH MELUSI: What about cleaning strainers for the bilge system?

4

5 JESSICA BLACK: I do not have any conversations with Claudine about that, no.

6

7 RALPH MELUSI: When things started to get rough with say on Sunday, do you know
8 what activity she was involved with?

9

10 JESSICA BLACK: She actually had many conversations with me on Sunday, she came
11 into the galley a lot, she was probably the person I talked to the most she came into the
12 galley a lot and informed me of what was going on, she was find out what was going on
13 and she would let me know ahead of time.

14

15 RALPH MELUSI: What was some of the information that she was keeping you up to
16 updated on ?

17

18 JESSICA BLACK: She let me know that at one point we had been tacking towards Port
19 side and then we're going to be tacking toward starboard which she let me know that that
20 meant the boat had been leaning towards port and now would be leaning towards
21 starboard and that was important information for me because I needed to brace myself in
22 the galley to continue cooking the noise will come and she knew that so I would move

1 from one side of the galley to the other, so be aware that that was going to happen and I
2 would not fall, that was one thing she told me.

3
4 RALPH MELUSI: Anything else that you recall?

5
6 JESSICA BLACK: What else did she tell me, she told me when the boat was going to be
7 heaved to, she explained to me what that meant, and why that was happening. That was
8 another conversation that I recall.

9
10 RALPH MELUSI: She played a part in helping to remove Adam back to one of the spaces
11 for the offices after he was injured?

12
13 JESSICA BLACK: Yes that was hours after he was injured, but when we were, when the
14 water started coming into the tween decks on the starboard side, me and Claudine,
15 actually yes she helped move Adam to the, gave him support to lean on so he could walk
16 to the port side.

17
18 RALPH MELUSI: You spoke a little bit about helping the engineer trying to get the trash
19 pump working, do recall that, where were you and the engineer when that was going on?

20
21 JESSICA BLACK: We were at the, on the tween decks but we were right at the top of the
22 steps to the engine room.

23

1 RALPH MELUSI: You are holding it because the vessel was rolling and I was assisting
2 him with his work, do you recall any comments that he made about what appear to be
3 wrong with the pump? As he was working was he talking out loud?
4

5 JESSICA BLACK: I don't know if he, I don't remember if he said what might be wrong with
6 it, and I would not have been able to help them anyway but I just know that we tried
7 repeatedly, he tried repeatedly to keep fixing it I was just physically holding it in offering
8 moral support to encouragement to keep working on a.
9

10 RALPH MELUSI: Did that pump have a pull cord on it like a lawnmower to start it, was it
11 an electric start, where he could press a button and the motor would turn until it started
12 out?
13

14 JESSICA BLACK: I think it was a pull cord.
15

16 RALPH MELUSI: the type of what pull cord that you see on lawnmowers and small yard
17 devices where you pull the cord and the engine will take off, is that we think it was?
18

19 JESSICA BLACK: I think so.
20

21 RALPH MELUSI: Did you ever tried time when he actually got the engine, the gasoline
22 engine running which would make a loud noise?
23

1 JESSICA BLACK: Yes, once that I am aware of.

2

3 RALPH MELUSI: When it ran, how long did it actually run?

4

5 JESSICA BLACK: There was a short amount of time and maybe a couple of minutes.

6

7 RALPH MELUSI: So from what you are looking at it was never really able to get the
8 engine itself running except for a few seconds at a time?

9

10 JESSICA BLACK: It was definitely a difficult process but I think we felt like it was the best
11 chance that we had so we're going to work with what we had?

12

13 RALPH MELUSI: Was that labor intensive his pulling and pulling and pulling that cord,
14 trying to start the engine?

15

16 JESSICA BLACK: Yes, yes.

17

18 RALPH MELUSI: And he kept trying to do it and it would not start?

19

20 JESSICA BLACK: Yes there is other things that he was working on like I don't really know
21 what he is working on it, it just wasn't physically continuously that but he was,

22

23 RALPH MELUSI: And this was late Sunday night?

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JESSICA BLACK: Yes.

RALPH MELUSI: At some point did he just give up and say we just can't do this anymore it is not going to work?

JESSICA BLACK: I don't recall never giving up and saying that but I do remember that when Laura brought, Laura Groves brought the seasickness medicine around instructed everybody to take two, Chris Barksdale second he did take them and I remember that he got sick at that point and he physically threw up and I remember he was leaning against the wall after that just for a few minutes and he and I said hey Do you want to try to get in and he said yes let's try it again, and he came back and we attempted to work on it some more.

RALPH MELUSI: I take it you do not get seasick?

JESSICA BLACK: Well I did not get seasick, and I hope, yes I do not get sea sick.

RALPH MELUSI: something about the grade of the stoves in the galley as to whether or not they were marine grade or household type fixtures the recall that?

JESSICA BLACK: Yes.

1 RALPH MELUSI: How do you know the difference?

2

3 JESSICA BLACK: They appeared to be regular household stoves,

4

5 RALPH MELUSI: Remember the names on them?

6

7 JESSICA BLACK: I cannot recall the names on them.

8

9 RALPH MELUSI: You had one stove?

10

11 JESSICA BLACK: Two stoves.

12

13 RALPH MELUSI: And how many top burners?

14

15 JESSICA BLACK: I believe that there were eight burners, I think there were papers on top
16 altogether.

17

18 RALPH MELUSI: They were two stoves side-by-side?

19

20 JESSICA BLACK: That is something I should definitely know and probably did know, it is
21 just stressful right now so it is hard to remember at this time, I believe that there were two
22 stoves yes.

23

1 RALPH MELUSI: And an oven of course any fun?

2

3 JESSICA BLACK: Yes.

4

5 RALPH MELUSI: What other equipment was in the galley area? Besides the microwave
6 and the stereos?

7

8 JESSICA BLACK: There were two refrigerators, there were four chest freezers,
9 microwaves, sink.

10

11 RALPH MELUSI: You mentioned smoke coming from an electrical extension cord, what
12 was the purpose of that electrical extension cord?

13

14 JESSICA BLACK: The one above the microwave?

15

16 RALPH MELUSI: Yes.

17

18 JESSICA BLACK: Or the one above the stoves?

19

20 RALPH MELUSI: Well if there is more than one we'll get into that but the one I was
21 smoking sparking?

22

1 JESSICA BLACK: Above the stove that's where the ark lightning was, above the stoves,
2 I'm not certain but I think it was actually attached to the box fan which functioned as a
3 hood vent.

4
5 RALPH MELUSI: So do you think that that extension cord was the power source for that
6 fan?

7
8 JESSICA BLACK: Yes that is what I think.

9
10 RALPH MELUSI: Was this the kind of extension cord you could buy in a hardware store?

11
12 JESSICA BLACK: That is what it looks like, I don't know, but it looked like a normal
13 extension cord to me it was Brown.

14
15 RALPH MELUSI: How is it, was it secured, Scotch taped to a wall or something

16
17 JESSICA BLACK: There might have been some duct tape but it was hanging.

18
19 RALPH MELUSI: About how long was the cord?

20
21 JESSICA BLACK: I don't know exactly how long the entire cord was the part that I could
22 visibly see was a couple of feet.

23

1 RALPH MELUSI: Okay and of course the other end of it would at this go into some sort of
2 socket, is he could get the power do you know where that was plugged into?

3
4 JESSICA BLACK: I am not sure. We just turn the breaker off when the incident happened
5 and then did not need to turn it back on after so I'm not certain.

6
7 RALPH MELUSI: Was it scotch tape along the bulkhead? Or just hanging loose?

8
9 JESSICA BLACK: There is definitely part of it hanging loose I don't know if there is any
10 scotch tape, I don't know if there is any scotch tape involved.

11
12 RALPH MELUSI: Were there any other extension cords of this type, the type it you can
13 buy in the hardware store used in the galley?

14
15 JESSICA BLACK: I think that there were a few extension cords around yes.

16
17 RALPH MELUSI: Others?

18
19 JESSICA BLACK: Yes.

20
21 RALPH MELUSI: The remember where they were plugged into, or what they were
22 operating?

23

1 JESSICA BLACK: There was one above the microwave.

2

3 RALPH MELUSI: Where?

4

5 JESSICA BLACK: Above the microwave.

6

7 RALPH MELUSI: Do you know how long I was?

8

9 JESSICA BLACK: It was two together, may be one was brown and one was white I don't
10 know how long the total cord was I could see a couple of feet.

11

12 RALPH MELUSI: There was two, one was brown and one was white?

13

14 JESSICA BLACK: Yes by the microwave

15

16 RALPH MELUSI: You already talked about the one going to this vent fan and there was
17 two more by the microwave?

18

19 JESSICA BLACK: The microwave is not in the galley it is right outside of the galley.

20

21 RALPH MELUSI: So we have about three of these extension cords better just running
22 along the bulkheads two different items to different fixtures?

23

1 JESSICA BLACK: Yes.

2

3 RALPH MELUSI: In this switch, he talked about an off and on switch had then I was
4 smoking at one point?

5

6 JESSICA BLACK: Of the oven light switch that is on top of the oven.

7

8 RALPH MELUSI: That's what it operated the light of the oven?

9

10 JESSICA BLACK: Yes.

11

12 RALPH MELUSI: Is that type of a switch that you would have in your home, up-and-down
13 switch?

14

15 JESSICA BLACK: Yes, it was horizontal so sideways, but yes

16

17 RALPH MELUSI: Was there a cover? A cover plate over the switch?

18

19 JESSICA BLACK: It was exactly like you would see in your home it had a , Whatever
20 would come from the manufacturer with it might have plastic it was an open wires was
21 just the same as you have and your home come just like you'd see on any normal home
22 stovetop.

23

1 RALPH MELUSI: Were there any receptacles that did not have covers on it?

2

3 JESSICA BLACK: I guess I don't know what you mean by cover, if you're asking if there
4 should've been another cover on it, I don't really know, had a standard equipment that
5 would've come from the manufacture, you do not have additional equipment.

6

7 RALPH MELUSI: Did you notice anything else in the equipment in the galley that was
8 different, other than what you've told us from the type of the yachts you been on?

9

10 JESSICA BLACK: Is not as fancy as a yacht, everything is usually stainless steel, very
11 expensive.

12

13 RALPH MELUSI: When it came time to go up on the weather deck you said that clotting
14 came back and told you it was time to go up and then you said people were assigned
15 numbers? You were number six she was number nine?

16

17 JESSICA BLACK: Sort of that is like a that's like a clump of information on enough it's
18 exactly, those statements are true but it was all stuff that happened at different times.

19

20 RALPH MELUSI: But you did say you were number six and Claudine was number nine?

21

22 JESSICA BLACK: I mean we were not assigned those numbers we were just counting off
23 and that was the number that we were.

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RALPH MELUSI: I understand okay. And you described your position relative to where she was and the minutes before the boat went over and I went over on which side port or starboard?

JESSICA BLACK: Starboard.

RALPH MELUSI: If we showed you a sketch of the main deck of the vessel will you mark the location that you were around where Claudine was do you think you could do that?

JESSICA BLACK: Absolutely.

RALPH MELUSI: Can witness have a blank?

LIEUTENANT COMMANDER NICHOLAS PARHAM: Yes the same one that we used for the earlier witness?

RALPH MELUSI: Yes.

COMMANDER KEVIN CARROLL: CG 66.

JESSICA BLACK: Okay.

1 RALPH MELUSI: So before you get started you recognize that as being a birds eye view
2 of the main deck of the Bounty?

3
4 JESSICA BLACK: It appears to be.

5
6 RALPH MELUSI: Okay and you know enough about shipped orientations to know which
7 is port left and which is right start, and of course the bow and the stern

8
9 JESSICA BLACK: Yes I do.

10
11 RALPH MELUSI: You had mentioned a fife rail, are there more than one? You are there
12 more than one?

13
14 JESSICA BLACK: I was on the fife rail post aft, and Claudine was on the forward fife rail
15 post. There are 4 fife rail posts.

16
17 RALPH MELUSI: With a narrow point to your location and then put your initials and then
18 do the same where Claudine was and this is of course the last time that you saw her
19 position for the vessel heeled.

20
21 JESSICA BLACK: Yes.

22
23 RALPH MELUSI: Thank you.

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JESSICA BLACK: Just put my initials and her initials?

RALPH MELUSI: Yes, so we know which person.

LIEUTENANT COMMANDER NICHOLAS PARHAM: Is that all you want?

RALPH MELUSI: I would like to see it first. If I asked you to identify other people who were in that area would you do that as well?

JESSICA BLACK: Yes. Which other people?

RALPH MELUSI: Whoever you remember.

JESSICA BLACK: You want third initials as well?

RALPH MELUSI: So we can identify them, each person.

JESSICA BLACK: CB for Chris Barksdale, JS for Josh Scornavacchi, and that is actually all I know for sure just the four of us.

RALPH MELUSI: Said before I look at it just tell us, you have identified for people yourself Claudine and who else?

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JESSICA BLACK: Josh Scornavacchi and Chris Barksdale.

RALPH MELUSI: Is so four of you are in a location you do not recall anyone else?

JESSICA BLACK: Not with certainty.

LIEUTENANT COMMANDER NICHOLAS PARHAM: did you want to look at it?

RALPH MELUSI: Know the witness can initial the

COMMANDER KEVIN CARROLL: Sign it. Show it to the parties of interest and please
market us the next exhibit in line if there is no objection.

RALPH MELUSI: Do you know approximately how many of the crew were wearing
personal flotation devices over the Gumby suits and how many were not?

JESSICA BLACK: I don't know.

RALPH MELUSI: But there was some sort of discussion that it was six one half dozen the
other?

1 JESSICA BLACK: That was a private conversation between myself and Doug Faunt that
2 night during dinner, I had asked him his opinion because it is something I was unfamiliar
3 with.

4
5 RALPH MELUSI: What were you taught when you are in survival school?

6
7 JESSICA BLACK: We just use the survival suit we did not use the lifejacket over it.

8
9 RALPH MELUSI: You were assured that a survival suit properly fitted and donned would
10 be sufficient to keep you afloat?

11
12 JESSICA BLACK: I don't know, I don't think I was assured of that, we never discussed it
13 am thinking now probably just depends on the situation, we were in extremely rough
14 seas.

15
16 RALPH MELUSI: Where did you have your survival training?

17
18 JESSICA BLACK: IYT I think they change the name is in Fort Lauderdale Florida it was
19 international yacht training.

20
21 RALPH MELUSI: And when was that?

22
23 JESSICA BLACK: January 2011.

1

RALPH MELUSI: How many days was the training?

2

3

JESSICA BLACK: It was a week.

4

5

RALPH MELUSI: One full week?

6

7

JESSICA BLACK: I'm sorry was five days.

8

9

RALPH MELUSI: Some of it was classroom time someone was actual hands-on experience in the swimming pool? About how much time was spent in the pool?

10

11

12

JESSICA BLACK: We covered a lot of things the swimming portion and the pool was must then, it was one day, less than one day in the pool.

13

14

15

RALPH MELUSI: Did that involve getting into a liferaft?

16

17

JESSICA BLACK: Yes it did.

18

19

RALPH MELUSI: They had a liferaft in the pool?

20

21

JESSICA BLACK: Mine it was actually, it just to be accurate it was in an outdoor pond, so in Fort Lauderdale was a man-made outdoor pond, I guess technically is not a pool. Yes

22

23

1 we had to individually while wearing the immersion suit right a liferaft so slept over and he
2 had to lean on one side and write it is part of it

3
4 RALPH MELUSI: How did you enter the pond? Walk in?

5
6 JESSICA BLACK: We jumped and off the dock.

7
8 RALPH MELUSI: You jump then off the dock in one exercise was there is a liferaft that's
9 upside down you would go there turned it over

10
11 JESSICA BLACK: Yes.

12
13 RALPH MELUSI: Are there exercises that involve climbing in?

14
15 JESSICA BLACK: Yes.

16
17 RALPH MELUSI: And you feel it that helped you on this unfortunate voyage?

18
19 JESSICA BLACK: Yes even though I did not have to perform the, I did not have to right
20 the liferaft I think probably the more comfortable you are with these scenarios the more
21 comfortable you to be in the end.

22

1 RALPH MELUSI: So you had a certain amount of confidence when you entered the
2 water?

3
4 JESSICA BLACK: Yes.

5
6 RALPH MELUSI: Of the people around you did you enter the water first? Do you have
7 any recollection of the sequence?

8
9 JESSICA BLACK: I definitely don't know who entered the water when, I think that was
10 probably simultaneous, I had less than five seconds.

11
12 RALPH MELUSI: Was a voluntary jump or were you propelled?

13
14 JESSICA BLACK: It's a good question, I think that might be different for different people
15 and the reason I say that is because I realize I had about two seconds when the boat
16 started waiting over someone yelled she's going and so that let me know that just wasn't
17 not just a normal way this is when we were actually going to capsize, I do remember
18 because I was holding on to the railing above my head and I had my feet on the fife rail
19 post, I remember personally I consciously let go because I thought I can't hold on any
20 longer and I want to be in control when I'm going in the water versus being forced if the
21 boat was going to flip over all away, I made the conscious decision to let go.

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23 RALPH MELUSI: She flipped which side, starboard?

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JESSICA BLACK: Yes we were sliding from the port side to the starboard.

RALPH MELUSI: Do you think that the rest of the people around you splashed in the same immediate area? When you win individual lookup and saw other suits?

JESSICA BLACK: I definitely do not see anybody else than, I was trapped under the sailor strainer, and so when I let go it was literally about 90° was basically straight down I had about two seconds about enough time to be conscious of what was happening and to steer my body and if I wasn't steering there is lots of things that I could potentially hit on the deck when I came up I was under the sailor strainer and I wasn't aware of anything except for the sailor strainer over my.

RALPH MELUSI: Can you describe that object?

JESSICA BLACK: The sailor strainer is a net essentially to made out of rope that is essentially probably 6 feet high and I was put on the port on the starboard side, while I was on the Bounty and I was aware that it was something that was not a normal piece of safety equipment was put up because of the rough seas because of the hurricane that's why we had it.

RALPH MELUSI: What was it made out of?

1 JESSICA BLACK: Rope. Line. I don't know if it was nylon I don't know what the line itself
2 was made out of.

3
4 RALPH MELUSI: You came up under it?

5
6 JESSICA BLACK: Yes.

7
8 RALPH MELUSI: And then what did you do?

9
10 JESSICA BLACK: I realized that I could not breathe and I knew that, that to be able to
11 brief, somehow was able to dive down which is difficult because although the buoyancy
12 that you're wearing, but I was able to dive down and free myself from it.

13
14 RALPH MELUSI: What were the lighting conditions?

15
16 JESSICA BLACK: Poor. Was cloudy there were no stars and I did not have a flashlight, I
17 could see what was in front of me.

18
19 RALPH MELUSI: This is about what time in the morning?

20
21 JESSICA BLACK: About 3:30 AM.

22
23 RALPH MELUSI: The sun is not coming up yet.

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JESSICA BLACK: No no was definitely not.

RALPH MELUSI: The source of the lighting was the stars?

JESSICA BLACK: There were no stars it was cloudy but even on a cloudy night there is still some light is not pitch black, just natural light.

RALPH MELUSI: So you are on the starboard side of the vessel aft, starboard aft side of the vessel, and you proceed from there at some point a large wave lifts you up and you see a liferaft?

JESSICA BLACK: Much later yes.

RALPH MELUSI: About how much later?

JESSICA BLACK: I was probably in the water for at least a half an hour.

RALPH MELUSI: Up to that point until that wave pick you up and he saw that liferaft, did you see any other crewmembers around you?

JESSICA BLACK: Yes.

1 RALPH MELUSI: How many?

2

3 JESSICA BLACK: I saw different people at different times.

4

5 RALPH MELUSI: But you could not make out the faces?

6

7 JESSICA BLACK: Sometimes. Sometimes I had conversations with them we were
8 holding on to different pieces, yes.

9

10 RALPH MELUSI: So how close were they to you?

11

12 JESSICA BLACK: A lot happened in that half an hour, the closest, when I could, mostly
13 when you saw them in the water you could not identify them by their faces, I saw, when I
14 could see people I guess they were less than 5 feet from me. And I could see their faces.

15

16 RALPH MELUSI: How many people around you made it to the liferaft?

17

18 JESSICA BLACK: There were seven of us total. And I believe everyone else was there
19 when I got there. There were four inside, too outside, and then myself. So three of us
20 outside.

21

22 RALPH MELUSI: Just to change the subject and go back to your initial decision to make
23 this voyage, I understand your background you are a cook, see don't do any checks of

1 the engines, or vital systems of a ship before you decide to go on a voyage do you, other
2 than the galley?

3

4 JESSICA BLACK: Yes I do check the galley thoroughly, and that is something I'm aware
5 of, but not the engine room.

6

7 RALPH MELUSI: In terms of your decision to undergo a voyage I assume that you are
8 assuming that the captain and those people involved with the vessel are maintaining it
9 and a proper condition so that it is suitable to meet expected storms and sea conditions?

10

11 JESSICA BLACK: Yes.

12

13 RALPH MELUSI: And you implicitly put your trust in them to do that?

14

15 JESSICA BLACK: Yes.

16

17 RALPH MELUSI: And if he became aware of a situation were a captain did not maintain
18 the vessel, I assume that you would not go to take a voyage with them?

19

20 JESSICA BLACK: Yes.

21

22 RALPH MELUSI: And you also assume that the captain is knowledgeable about weather
23 conditions, hurricane avoidance?

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JESSICA BLACK: Yes.

RALPH MELUSI: And you're also assuming that the captain has proper equipment on board to maintain updated information with respect to hurricanes and storms affecting the safety of the vessel?

JESSICA BLACK: Yes.

RALPH MELUSI: And you would also assume that the captain would have the knowledge to weigh all the risks of going on a voyage and safe alternatives?

JESSICA BLACK: I'm sorry, what I assume that that is true?

RALPH MELUSI: That the captain before deciding to go to sea that it is appropriate that he would weigh alternative measures, perhaps stay in port or not go to sea, that he would take all of these into consideration before making a decision?

JESSICA BLACK: You are you asking?

RALPH MELUSI: Do you assume that the captain would assess the risk, assesses options before taking a vessel to sea and a storm?

1 JESSICA BLACK: Yes. I would assume that those be assessed.

2

3 RALPH MELUSI: And in this case even though you had never met Capt. Walbridge you
4 assumed that he was the person who would do all of these things, make all of these
5 preparations, do all of these checks so that if the vessel was in a storm the pumping
6 system would be able to maintain seawater coming in, the backup systems would

7

8 UNKNOWN: I am going to object, this is cumulative testimony.

9

10 UNKNOWN: Argumentative.

11

12 COMMANDER KEVIN CARROLL: She has made the point that she implicitly trusts

13

14 RALPH MELUSI: Okay I have no more questions thank you very much.

15

16 CAPTAIN ROB JONES: Ms. Black testified before they were in the water the survival suit
17 on your pulling on the painter for the liferaft, (inaudible) why did you stop?

18

19 JESSICA BLACK: Why did I stop?

20

21 CAPTAIN ROB JONES: That's what you testified.

22

1 JESSICA BLACK: I stopped, I had drifted away from the liferaft and I actually stopped
2 because I was drifting back towards Bounty and I was afraid that I was going to get pulled
3 back in and so I had to let go at that point.
4

5 CAPTAIN ROB JONES: Just one other question, you mentioned and we had heard this
6 before for the last few days, every muster was a class, and everyone was able to give an
7 opinion,
8

9 JESSICA BLACK: Yes.
10

11 CAPTAIN ROB JONES: The muster that you had in New London before you left was
12 anybody able to give an opinion about going out to the hurricane?
13

14 JESSICA BLACK: It's a good question, I don't remember anybody objecting.
15

16 CAPTAIN ROB JONES: Did the captain urge anybody if they have a second opinion I
17 want to hear it?
18

19 JESSICA BLACK: I don't remember that specifically, he definitely gave us the option to
20 leave, but I don't remember if he asked for other opinions.
21

22 CAPTAIN ROB JONES: Okay thank you very much.
23

1 COMMANDER KEVIN CARROLL: Thank you for your attendance you are released but
2 you are subject to recall, thank you very much. We need to come back ladies and
3 gentlemen at 1400, at 1400 we have a plan to call, sorry for the short lunch but 1400
4 please.

5
6 LIEUTENANT COMMANDER NICHOLAS PARHAM: We are getting back on the record
7 at 1359 all parties of interest in the representatives that were present earlier are present
8 now. At this time the Coast Guard has a telephonic testimony from Capt. Dan Moreland.

9
10 LIEUTENANT COMMANDER NICHOLAS PARHAM: Hello Capt. Moreland

11
12 CAPTAIN DANIEL MORELAND: Hello.

13
14 LIEUTENANT COMMANDER NICHOLAS PARHAM: Let me just turn the volume up.
15 Capt. Moreland?

16
17 CAPTAIN DANIEL MORELAND: Yes this is Capt. Moreland speaking

18
19 LIEUTENANT COMMANDER NICHOLAS PARHAM: You are here with the Coast Guard
20 Bounty formal hearing, this is Lieut. Cmdr. Parham, I just needed to have you sworn in
21 real quick and we will go forward with questioning and her testimony, okay?

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23 CAPTAIN DANIEL MORELAND: Okay.

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LIEUTENANT COMMANDER NICHOLAS PARHAM: If you could please stand and raise her right hand.

CAPTAIN DANIEL MORELAND: Right hand is raised.

LIEUTENANT COMMANDER NICHOLAS PARHAM: A false statement given to an agency of the United States is punishable by fine and / or imprisonment under 18 USC 1001. Knowing this do you solemnly swear that the testimony you are about to give will be the truth, the whole truth and nothing but the truth, so help you God?

CAPTAIN DANIEL MORELAND: Yes I do so swear.

LIEUTENANT COMMANDER NICHOLAS PARHAM: Okay we are going to get started now, thank you.

COMMANDER KEVIN CARROLL: Good afternoon Capt. Moreland, or good morning in your case can you please state your name and spell your last name?

CAPTAIN DANIEL MORELAND: My name is Daniel D Moreland M-o-r-e-l-a-n-d.

COMMANDER KEVIN CARROLL: What is your current occupation sir?

1 CAPTAIN DANIEL MORELAND: My occupation as master mariner, my current position is
2 master of the 284 gross ton sail training ship Picton Castle.

3
4 COMMANDER KEVIN CARROLL: What is your present location? Where are you right
5 now?

6
7 CAPTAIN DANIEL MORELAND: The ship is currently in (inaudible) Tahiti and I'm
8 alongside the dock.

9
10 COMMANDER KEVIN CARROLL: Can you please give us some background in regards
11 to your maritime experience?

12
13 CAPTAIN DANIEL MORELAND: This is my 20th year (inaudible) sailing ships wooden
14 ships primarily up until Picton Castle, mostly wooden sailing ships. Started out in as a
15 young kid in the school yard in Connecticut (inaudible) working as a deckhand on sailing
16 ships in the west Indies (inaudible) 80 foot, 100 foot 100 ton type wooden sailing ships
17 sailing to the Caribbean (inaudible) most of these vessels are built in the 30s (inaudible)
18 wooden cargo ship (inaudible)'s to a square rigger (inaudible) the master of that ship
19 (inaudible) Phoenix, a 1921 Danish ship built similar to the Romance, I was in that until
20 1978 and I was a (inaudible) Denmark merchant Marine officers for their (inaudible) and I
21 was a seaman petty officer, quartermaster, and then boatswain and that was for four
22 years, after that I worked on some tugboats in Long Island sound my first wooden ship
23 restoration was a 50 foot (inaudible) from 1983 to 1990 I was the restoration designer

1 director for the 120 ton 1894 (inaudible) to a certified subchapter R vessel (inaudible)
2 operations and shipyard periods and that takes us up to Picton Castle. I'm not sure of
3 how much more you want.
4

5 COMMANDER KEVIN CARROLL: How long have you been serving as master for the
6 Picton Castle?
7

8 CAPTAIN DANIEL MORELAND: That (inaudible) operations from 1986, or 96-97 and for
9 about two years prior to that (inaudible) 1993 in Denmark (inaudible).
10

11 COMMANDER KEVIN CARROLL: Capt. What is the vessel used for, what is the vessel's
12 mission?
13

14 CAPTAIN DANIEL MORELAND:(inaudible) Primarily a sail training ship, (inaudible) sail
15 training, developing seamanship skills, experience and deep-sea excursions (inaudible)
16 particularly in the Tradewinds supplies (inaudible) but she serves as a training ship.
17

18 COMMANDER KEVIN CARROLL: Capt. Where was the Picton Castle located in October
19 2012?
20

21 CAPTAIN DANIEL MORELAND: We were in Lunenburg Nova Scotia.
22

1 COMMANDER KEVIN CARROLL: Okay can you describe did you initiate any voyage in
2 October 2012?

3
4 CAPTAIN DANIEL MORELAND: Yes we were due to sail from Lunenburg (inaudible)
5 1900 miles (inaudible) due south of Nova Scotia. We were scheduled to head out with a
6 sailing date of October 15, regarding the hurricane season (inaudible) but I felt normally
7 we don't put sail until November 1 (inaudible) heavy weather forecasts, (inaudible)
8 Various Internet weather forecasting models we postponed sailing, on the 19th the mate
9 and I (inaudible) hotspot in the Caribbean, not particularly threatening at the time but it
10 could turn into something. So we certainly (inaudible) to head south at that time.

11
12 COMMANDER KEVIN CARROLL: So your date of departure from Nova Scotia was the
13 19th?

14
15 CAPTAIN DANIEL MORELAND: Will him 19th we saw that there was this hotspot, it was
16 just (inaudible) in the Caribbean which we did not know what it was going to do
17 (inaudible) sort of a long-range forecast, (inaudible) to the dock, we saw a lot of weather
18 forecasts the crew was anxious to go, but this was the hotspot that became Sandy.

19
20 COMMANDER KEVIN CARROLL: In regards to voyage planning on board Picton Castle
21 can you please describe that process?

22

1 CAPTAIN DANIEL MORELAND: Sure the weather websites we are looking at a bunch of
2 them, US Navy weather site, the NOAA Atlantic region, is one that we looked at every
3 day, NOAA as started to predict a big storm at some point, I think it was Saturday or
4 Sunday, by Monday, October 21 (inaudible) warnings were being posted, by Tuesday,
5 October 22 we had a muster I told the crew that we are not sailing anywhere anytime
6 soon, and the mate and crews should start preparing for heavy weather at the dock in
7 Lunenburg. (inaudible) Hit the town hard, directly (inaudible) we had another doctor we
8 could go to that was particularly well protected if we needed to which was just about a
9 quarter-mile away. (inaudible) The system was very broad and it seemed to cover most
10 of the North Atlantic.

11
12 COMMANDER KEVIN CARROLL: Do you recall the date that you made that
13 determination?

14
15 CAPTAIN DANIEL MORELAND: Yes that was Monday night, Tuesday morning October
16 22 I said we're not going anywhere for a while. I thought it would be about a week or so
17 until he actually left.

18
19 COMMANDER KEVIN CARROLL: Do you believe a ship is safer at sea then in port in
20 regards to dealing with a hurricane?

21
22 CAPTAIN DANIEL MORELAND: No I do not.
23

1 COMMANDER KEVIN CARROLL: Okay. Can you describe for me the basis for that
2 belief?

3
4 CAPTAIN DANIEL MORELAND: While hurricanes are very extreme weather situation, the
5 ships (inaudible) ever seen a hurricane, (inaudible) top of the hill in the Valley is where it's
6 safer, I think it's a bit of a term that comes from 200 years ago (inaudible) more ports and
7 ships anchored, a ship and the crew could not possibly be safer at sea must the harbor is
8 incredibly bad.

9
10 COMMANDER KEVIN CARROLL: I'm going to switch gears for a minute, you listed when
11 you are going through your career experiences it sounds like you have quite a bit of time
12 and experience working with wooden hull vessels, is that true?

13
14 CAPTAIN DANIEL MORELAND: Yes almost entirely with wooden hull vessels, my steel
15 ships time started in Denmark, but most of my time is an wooden ships yes.

16
17 COMMANDER KEVIN CARROLL: The Picton Castle Is not wood though correct?

18
19 CAPTAIN DANIEL MORELAND: No she is a riveted steel ship.

20
21 COMMANDER KEVIN CARROLL: Understood. The times that you have served as
22 master on board wooden hull vessels would you include those, would it be accurate to
23 say you are on some heavy timber wood vessels?

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CAPTAIN DANIEL MORELAND:(inaudible)Wooden vessels yes.

COMMANDER KEVIN CARROLL: Could you please describe to us your experience?

CAPTAIN DANIEL MORELAND:(inaudible)Conventionally framed wooden vessels,
(inaudible).

COMMANDER KEVIN CARROLL: Can you tell us your experiences with caulking on
these heavy timbered wood vessels?

CAPTAIN DANIEL MORELAND: Yes, (inaudible) Nova Scotia and building 250 foot
wooden schooners (inaudible) he spend a lot of time caulking, so yes I have quite a bit
experience and caulking (inaudible) managed to keep that very dry, the topside caulking
was very good there, Niagara (inaudible) caught the entire deck of the Denmark
(inaudible) working on these cargo scooters and they don't have the option of sinking,
(inaudible) keeping them dry and keeping their cargo dry (inaudible), I'm not saying they
are in bad shape but they certainly weren't brand-new, so yes I've caulked quite a bit.

COMMANDER KEVIN CARROLL: How often would you say a properly built and
maintained wooden vessel would have to be caulked, and then re-caulked?

1 CAPTAIN DANIEL MORELAND: That is a little hard to say because there are a lot of
2 variables. A good caulking on a solid ship could last 10 to 15 years could even last longer,
3 and they start moving around in the planks, (inaudible) would start sticking out farther
4 becomes increasingly hard keeping a wooden ship tight, it's all about keeping the fabric of
5 the vessels still and in one place, frames have to be solid to keep the plane from moving
6 (inaudible) and the caulking helps keep it hardened not moving around.

7
8 COMMANDER KEVIN CARROLL: Would you consider caulking a specialized skill?

9
10 CAPTAIN DANIEL MORELAND: Caulking is a trade, is not rocket science, it's not brain
11 surgery, but it certainly is a skill it can be learned and can be trained but it is a hard skill,
12 caulking a wooden vessel is a hard, difficult, demanding job (inaudible).

13
14 COMMANDER KEVIN CARROLL: If a vessel had, we were just talking before frames, if
15 the planking was loose on the frames would a sound caulking job in the shipyard would
16 not become readily apparent until a vessel is in a heavy seaway.

17
18 CAPTAIN DANIEL MORELAND: Due to the connection I did not quite catch that the
19 question.

20
21 COMMANDER KEVIN CARROLL: If he had a wooden hull vessel which did have some
22 issues, structural soundness issues in regards to planks not being soundly fastened to the
23 frame for whatever reason is it possible that when the vessel went back into the water you

1 thought was apparently a sound caulking job with that not really be revealed until the
2 vessel was in a heavy seaway?

3
4 CAPTAIN DANIEL MORELAND: If the vessel is, and this is not actually a hypothetical,
5 you can fairly hard pick she wasn't in superb condition pick could start spitting caulking
6 out at sea, that is very common to happen.

7
8 COMMANDER KEVIN CARROLL: In your experience with a wooden hull vessels were
9 any of those training vessels?

10
11 CAPTAIN DANIEL MORELAND:(inaudible) Yes she was a training ship (inaudible)

12
13 COMMANDER KEVIN CARROLL: Okay, (inaudible) is a wooden hull vessel correct?

14
15 CAPTAIN DANIEL MORELAND: Yes.

16
17 COMMANDER KEVIN CARROLL: Did the sail training crew today participate in caulking
18 the hull?

19
20 CAPTAIN DANIEL MORELAND: If they were good caulkers and I had some good
21 caulkers with us (inaudible) so yes we would make caulking a training exercise sure and
22 would be overseen by actual caulkers.

23

1 COMMANDER KEVIN CARROLL: You said before Ernestina was a subchapter R
2 vessel, can you please explain that?

3
4 CAPTAIN DANIEL MORELAND:(inaudible)From 1982, she was sailed she was 120 ton
5 schooner (inaudible) arrived in 1982 and I took over the final restoration (inaudible) she
6 was going to be an educational vessel (inaudible) our goal and plan at the time was to be
7 fully operational we were going to finish her up and then should be inspected and certified
8 as subchapter R.

9
10 COMMANDER KEVIN CARROLL: Are you aware of the certification for dockside
11 attraction vessels?

12
13 CAPTAIN DANIEL MORELAND: Yes we've had as many times on (inaudible).

14
15 COMMANDER KEVIN CARROLL: What is the difference of the level inspection between
16 a subchapter R inspection and a dockside attraction vessel inspection?

17
18 CAPTAIN DANIEL MORELAND: The difference is huge, a COI for a dockside attraction is
19 basically, the ship is tied up in the Coast Guard comes on board, if they can walk on a
20 walkoff safely (inaudible) it's a minimal very minimal once over really, making sure if
21 somebody walks on a walks author not going to fall off the deck and someone is not
22 asleep at the gangway, it's a very minimal level of inspection, subchapter R is exhaustive
23 and comprehensive pretty much everything (inaudible) stability, the month-long, like a

1 year-long process. Ssc Certification takes about two hours to get a COI for an attraction
2 vessel.

3
4 COMMANDER KEVIN CARROLL: What I wanted to ask specifically, did Ernestine have
5 to undergo a plan review process?

6
7 CAPTAIN DANIEL MORELAND: Yes we had to have the architects (inaudible) review
8 plan process, she was one of the first that lead subchapter R (inaudible) yes it was a
9 typical Coast Guard inspection process that involved.

10
11 COMMANDER KEVIN CARROLL: In regards to your tenure aboard Picton Castle why did
12 you pick the Picton Castle in regards to where you wanted to be a mariner question mark

13
14 CAPTAIN DANIEL MORELAND: What we wanted to do at the time was to establish a
15 deep-sea square sail training ship. And I wanted something on the scale (inaudible). So
16 Picton Castle was (inaudible) one of the ship on that scale (inaudible) and duo wanted it
17 nicely and safely of course (inaudible) when you look at the steel hull, (inaudible) safe
18 training ship. (inaudible) I looked at about 40 vessels, I will personally had about 12, they
19 were a couple of old sailing ships around but they were pretty far gone, and Picton Castle
20 was the cream of the crop the hull condition, the machinery (inaudible) I think it is
21 important we were setting out with a mission and we found a ship to match it, instead of
22 having a ship in making a mission around her.

23

1 COMMANDER KEVIN CARROLL: What flag is Picton Castle?

2
3 CAPTAIN DANIEL MORELAND:(inaudible)

4
5 COMMANDER KEVIN CARROLL: Are they regulated, is the Picton Castle regulated?

6
7 CAPTAIN DANIEL MORELAND: Yes (inaudible) same way you have in America.

8
9 COMMANDER KEVIN CARROLL: What flag is Picton Castle sir?

10
11 CAPTAIN DANIEL MORELAND: Cooke Island Flag.

12
13 COMMANDER KEVIN CARROLL: Cook Island Flag,

14
15 CAPTAIN DANIEL MORELAND:(inaudible)

16
17 LIEUTENANT COMMANDER NICHOLAS PARHAM: Capt. Morland are you on a
18 speakerphone, are you speaking to us through the receiver, this is Lieut. Cmdr. Parham?

19
20 CAPTAIN DANIEL MORELAND: This is a speakerphone.

21

1 LIEUTENANT COMMANDER NICHOLAS PARHAM: Okay, if you could try and stay as
2 close as possible, when you move back and forth you go in and out, so she could try and
3 stay close close as possible to the microphone you're speaking.
4

5 CAPTAIN DANIEL MORELAND: Okay very good.
6

7 LIEUTENANT COMMANDER NICHOLAS PARHAM: Thank you.
8

9 COMMANDER KEVIN CARROLL: Does Picton Castle have an international load line
10 certificate?
11

12 CAPTAIN DANIEL MORELAND: Yes she does and many other certificates.
13

14 COMMANDER KEVIN CARROLL: Okay what other certificates though she hold?
15

16 CAPTAIN DANIEL MORELAND: She has a certificate of registry and stability information,
17 (inaudible), load line, radio equipment certificate, radio license, minimum safety (inaudible)
18 certificate, vessel safety certificate, survey reports, life raft inspections, systems
19 inspection certificate, I could go on.
20

21 COMMANDER KEVIN CARROLL: What's the minimum, what is the length of Picton
22 Castle?
23

1 CAPTAIN DANIEL MORELAND: A hundred (inaudible) to waterline

2

3 COMMANDER KEVIN CARROLL: Okay and a gross tonnage please.

4

5 CAPTAIN DANIEL MORELAND: 284 the net would be accurate that is not measured
6 down that's actually the gross tonnage.

7

8 COMMANDER KEVIN CARROLL: Okay, what is your minimum safe manning in regards
9 to master, officers, deckhands, and crew?

10

11 CAPTAIN DANIEL MORELAND: We are required, now this is, we are required to have a
12 master, a licensed master, a license first mate, a licensed second mate, and certified
13 eight seamen, for the certificates that you mentioned earlier tonnage and so forth.

14

15 COMMANDER KEVIN CARROLL: Do you have any licensed engineers on board Picton
16 Castle?

17

18 CAPTAIN DANIEL MORELAND: No we are not required to (inaudible) we have engineers
19 but they are not required to be licensed. We do require all of our crew to have BST
20 certificates though however.

21

22 COMMANDER KEVIN CARROLL: So all of the crew have what type of certificates Sir?

23

1 CAPTAIN DANIEL MORELAND: BST would be basic safety training certificates, all
2 professional crew regardless of their position including cook are required to have
3 (inaudible) basic safety training.
4

5 COMMANDER KEVIN CARROLL: Okay, are you familiar with the vessel Bounty?
6

7 CAPTAIN DANIEL MORELAND: I'm very familiar with her, I have never done a survey on
8 her but I'm yes I'm very familiar with.
9

10 COMMANDER KEVIN CARROLL: Do you know Capt. Robin Walbridge?
11

12 CAPTAIN DANIEL MORELAND: Robin was a friend of mine who we were (inaudible) yes.
13

14 COMMANDER KEVIN CARROLL: When did you first become aware that Bounty was
15 offshore during hurricane Sandy?
16

17 CAPTAIN DANIEL MORELAND: I think it was that Friday or Saturday, the Friday or
18 Saturday before she was lost (inaudible) pointed out in my office (inaudible) brought it to
19 my attention and that's when I first knew Bounty was underway.
20

21 COMMANDER KEVIN CARROLL: What was your reaction?
22

23 CAPTAIN DANIEL MORELAND: I was very surprised, I was even shocked.

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COMMANDER KEVIN CARROLL: In regards to ultimately what happened to Bounty do you have any thoughts to the sinking?

CAPTAIN DANIEL MORELAND: Well I can't imagine for the life of me any reason for heading out under those forecasts and warnings, (inaudible) I just can't imagine it, (inaudible) if I had any idea he was going to head out in this I would have called and yelled at them even what is he doing (inaudible) I can't believe that you're heading out in here, I couldn't believe it and I still can't believe it.

COMMANDER KEVIN CARROLL: Okay. How long have you known Capt. Walbridge?

CAPTAIN DANIEL MORELAND: Like I said (inaudible) I don't know probably 10 or 15 years something like that. (inaudible) Walbridge is a gentlemen, we would get together form time to time

COMMANDER KEVIN CARROLL: Have you ever had the opportunity to be on board Bounty with him or observe Bounty throughout the years that you were friends with him?

CAPTAIN DANIEL MORELAND: I have been on board Bounty many times during the time Capt. Walbridge was in command up into last summer (inaudible).

1 COMMANDER KEVIN CARROLL: Last summer what was your opinion of the vessel and
2 the crew?

3
4 CAPTAIN DANIEL MORELAND: I can't give a professional analysis of the crew but I can
5 give you impressions and the crew seemed certainly on their game (inaudible) they
6 presented well, generally had a good ship at the tall ship events (inaudible) the ship was
7 clean, neat and tidy (inaudible) and the crew were exemplary.

8
9 COMMANDER KEVIN CARROLL: Thank you, I have one last question and then I'm
10 going to give the opportunity to Capt. Rob Jones of the NTSB to ask questions if that is
11 alright and then we have three parties of interest that I will introduce to you that would like
12 to ask you some questions, but basically the purpose for this investigation in all sincerity,
13 my goal is to determine the cause of this incident and prevent it from happening again, is
14 there anything that you with your knowledge of the case and experience that you would
15 like to offer up that would be invaluable to this investigation?

16
17 CAPTAIN DANIEL MORELAND: I have a couple things to keep in mind, one I think it
18 would be a mistake to attribute this to the overall state or the type of vessel that Bounty
19 was, the Bounty type is an extremely seaworthy type, ships like this sailed in the 17 and
20 1800s routinely around Cape Horn (inaudible) of course the original Bounty, so this type
21 of vessel (inaudible) is a very very seaworthy type (inaudible). I would also add that in
22 Lunenburg I was not a witness to her construction, but by all accounts and all evidence
23 the museum in the photographs of construction, this is an extremely well built the also

1 when she was launched 50 years ago. (inaudible) It would be a mistake to attribute the
2 loss to that it is an old-fashioned ship, that's not the case and is not sure. What else can I
3 add. (inaudible) Many vessels today that are not inspected all of the wind jammers at one
4 point were uninspected (inaudible), (inaudible) the schooner Yankee, (inaudible)
5 Romance, (inaudible) so the fact that they got a certification is not a determining factor,
6 (inaudible) on a vessel for sure (inaudible). I think another thing is skill level of the crew
7 the training and like the BST, emergency training as all good very good it's much
8 improved over not having it but those are all training modules for things that go on in
9 seamanship skills and how to do things and how to do them right are skills that prevent
10 things from going wrong and these unregulated vessels that I just mentioned were all
11 operated by people who knew what they were doing and had high high skill sets
12 (inaudible). I could go on in that way but I will wait for questions.

13
14 COMMANDER KEVIN CARROLL: Okay, what I would like to do now is let Capt. Jones
15 from the NTSB will now ask you some questions and I will then introduce the other parties
16 of interest.

17
18 CAPTAIN ROB JONES: Good morning Capt. Moreland.

19
20 CAPTAIN DANIEL MORELAND: Hang on a second.

21
22 COMMANDER KEVIN CARROLL: Did he drop off?
23

1 LIEUTENANT COMMANDER NICHOLAS PARHAM: I will dial him back.

2

3 COMMANDER KEVIN CARROLL: Ladies and gentlemen please standby for a moment.

4

5 LIEUTENANT COMMANDER NICHOLAS PARHAM: Captain Moreland

6

7 CAPTAIN DANIEL MORELAND: Yes I am back.

8

9 LIEUTENANT COMMANDER NICHOLAS PARHAM: we had one person step out, let's
10 wait just a moment for their return.

11 CAPTAIN DANIEL MORELAND: Okay.

12

13 COMMANDER KEVIN CARROLL: Okay Capt. Moreland this is Cmdr. Carroll we are back
14 and Capt. Jones will now ask you some questions, okay question mark

15

16 CAPTAIN DANIEL MORELAND: Yup very good.

17

18 COMMANDER KEVIN CARROLL: Thank you.

19

20 CAPTAIN ROB JONES: Hi Capt., your maritime training, you have a master of sail, is that
21 also and unlimited masters license?

22

1 CAPTAIN DANIEL MORELAND: I hold a US Coast Guard license master sea motor and
2 sail (inaudible) gross tons (inaudible) issued in 1982.

3
4 CAPTAIN ROB JONES: Did you have to go to maritime school?

5
6 CAPTAIN DANIEL MORELAND: No came up through the (inaudible).

7
8 CAPTAIN ROB JONES: What would you say in the tall ship community, what was the
9 reputation of the Bounty?

10
11 CAPTAIN DANIEL MORELAND: I get your question but I'm not sure with the tall ship
12 community is being referred to, what I called my toss it community includes my European
13 sail training ships serve the tall ship community are first to smaller wooden American
14 vessels, it's not really my world is much. I would say that what is the reputation, it has
15 been an outlier, (inaudible) was getting improved (inaudible) something of an outlier is
16 probably the best answer.

17
18 CAPTAIN ROB JONES: But you were impressed with the crew and the vessel the last
19 time you saw it?

20
21 CAPTAIN DANIEL MORELAND:(inaudible)The crew was in summer time in calm waters
22 New England and they were doing a presentation, the ship was clean and tidy, the ship
23 was better than I had ever seen her, from the perspective of tall ship events (inaudible).

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CAPTAIN ROB JONES: Are you a member of TSA?

CAPTAIN DANIEL MORELAND: Yes we are.

CAPTAIN ROB JONES: What's the abbreviation?

CAPTAIN DANIEL MORELAND: Tall ships America, I'm also a member of the American sail training Association, I'm also a member of sail training international and a few other organizations.

CAPTAIN ROB JONES: And when I referred to the community before, that's the community I was talking about. So

CAPTAIN DANIEL MORELAND: I can't speak to that, (inaudible) like the Pride of Baltimore (inaudible) I'm not familiar with.

CAPTAIN ROB JONES: Under what regulations do you sail?

CAPTAIN DANIEL MORELAND: We sail under Maritime Cooke Islands which is the the regulators for ships like this.

CAPTAIN ROB JONES: Is Picton Castle a historic vessel, or classed that way?

1

CAPTAIN DANIEL MORELAND: Well wouldn't say so, she is sort of a modern day square rig, looks a little bit more historic but along the lines of the Eagle and Denmark (inaudible) apparently has historical aspects but she is not a replica or anything like that.

5

6

CAPTAIN ROB JONES: What I was looking for Capt. was is there a dynamic between trying to keep a vessel historic and upgraded to certain standards, and I was wondering if you came across that in either the vessels that you have captained or worked with?

9

10

CAPTAIN DANIEL MORELAND: So if I can rephrase is there a conflict between keeping historic and upgrading to modern standards, in my opinion, in my experience my opinion, no there is almost no conflict. The Morrisey was In 1894 vessel the original one and we found no conflict and keeping her historic originality it was very effective, the vessel was designed for heavy conditions as well as adding modern wiring safety rescue equipment (inaudible) the ship itself is a latter-day square rig (inaudible), we use the American (inaudible) regulations as guidelines originally when we did the refit, it would help later on getting certified (inaudible) but they are really separate issues when outfitting the ship for safety in addition to her rigging and sail the stability and rigging that has a relationship with regulations most of the modern day safety can be added to the ship itself so I do not see a conflict, no.

21

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CAPTAIN ROB JONES: Okay and just for clarification you mentioned before that the Picton Castle did not require a licensed engineer, but do you have one?

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CAPTAIN DANIEL MORELAND:(inaudible)Does not require a licensed engineer.

CAPTAIN ROB JONES: But do you carry one?

CAPTAIN DANIEL MORELAND: We carry an engineer, we carry a good engineer,

CAPTAIN ROB JONES: Okay, sorry I was talking over you, my bad.I just wanted to make sure that you did carry one.

CAPTAIN DANIEL MORELAND: We do carry an engineer but we don't always carry one with a merchant Marine license as an engineer.

CAPTAIN ROB JONES: Okay thank you. Do you do survival suit drills, abandon ship drill's?

CAPTAIN DANIEL MORELAND: Yes of course.

CAPTAIN ROB JONES: And can you just describe the survival suit drills that you do?

CAPTAIN DANIEL MORELAND: While survival suit drills we got these (inaudible) suits and they are very simple as part of our abandon ship drill particularly when we were in northern waters with it get them on and test everything inspected the effects obviously we

1 are doing it on a nice day were not doing it with the ship on the side but all hands have to
2 put them on different techniques you can use (inaudible) and everybody has to be
3 comfortable with them. Along with PFD's and life rafts (inaudible) I mean if you are
4 abandoning ship is probably a pretty rough day, prior to the commencement of a long
5 voyage we have a transport, and Lunenburg we have inspectors come down that teach at
6 the maritime college and we hire them with a pool and they come with a liferaft (inaudible)
7 the crew gets into the exposure shoots and the PFD separately and launch their liferaft in
8 the pool and have to get into it. Granted they are not in the middle of the ocean but it's
9 how we start off a long voyage, including the cook, how to put on the survival suit
10 instructors, certified instructor at the pool nearby as part of our initial safety training.

11
12 CAPTAIN ROB JONES: And during that instruction do they ever use lifejackets over the
13 top of survival suits?

14
15 CAPTAIN DANIEL MORELAND: We haven't done that over the survival suits they are
16 pretty buoyant things, they are not the old suits, we haven't done that now, we have not
17 done lifejackets over the survival suits. We've done it separately but not on top. The
18 survival suits are fairly recent vintage.

19
20 CAPTAIN ROB JONES: What is your opinion on that, have you ever heard of that being
21 done before?

22

1 CAPTAIN DANIEL MORELAND: Have I heard of lifejackets over the survival suits before
2 was that the question?

3
4 CAPTAIN ROB JONES: Yes.

5
6 CAPTAIN DANIEL MORELAND: No actually no I have not. I haven't thought of that.

7
8 CAPTAIN ROB JONES: On a tall ship I guess a part of the everyday equipment for the
9 sailors on board is a boat harness, am I using the term correctly?

10
11 CAPTAIN DANIEL MORELAND: Can you repeat the term?

12
13 CAPTAIN ROB JONES: A boat harness? Something to aid the sailor and climbing up to
14 the rigging?

15
16 CAPTAIN DANIEL MORELAND: Oh a harness, yes we just call them harnesses. We use
17 harnesses.

18
19 CAPTAIN ROB JONES: Have you ever seen an advantage or disadvantage to those
20 being used over the top of a survival suit and an abandon ship situation?

21
22 CAPTAIN DANIEL MORELAND: No it would be pretty hard to put them on over a survival
23 suit, I suppose he could. No I have not.

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CAPTAIN ROB JONES: Okay, just for my own clarification I'm going to ask you the same question that Cmdr. Carol did, and I think it was in the context of this accident and what you might have seen on on the email with regard to quote the ship is safer at sea and you answered no it is not, would you say that is subjective, I mean the Navy does go to see right, the Navy has gone to see before and hurricanes, so would you say that is different for each situation?

CAPTAIN DANIEL MORELAND: Will they are really different the Navy has a completely different agenda (inaudible), the Navy in port cannot deploy if there is an attack, they have a level of training, these are high endurance vessels they've got a hold completely different agenda they actually go in the way of danger, that is their job, they are supposed to go out there hot loaded so would make perfect sense for the Navy to evacuate in light of a hurricane, in fact they have to do it but is very risky even for them. Our agenda is the exact opposite, our primary agendas to keep our people safe and it's a bit of a rhetorical, as a ship safer at sea, A car is safer in the parking lot, it's much more dangerous for a car on the highway, it is much safer in the parking lot but is not doing much good in the parking lot, You would stay there forever. Is it safer to keep the ship, there is risk of being at sea on a good day but to be in a hurricane there's no safety in a hurricane.

CAPTAIN ROB JONES: Okay, have you been able to review the track of both the Bounty and hurricane Sandy as they approached each other?

1 CAPTAIN DANIEL MORELAND: I have looked at the track, (inaudible) headed south
2 (inaudible) Sandy was pretty much taking up the entire North Atlantic, the track is almost
3 meaningless being in the North Atlantic was a bad idea.
4

5 CAPTAIN ROB JONES: Okay, if you cannot answer this fine but I was just looking for a
6 little bit more specific, as the Bounty headed south and then took a track to the southwest,
7 was there any other options available instead of crossing in front of the hurricane?
8

9 CAPTAIN DANIEL MORELAND: I cannot answer that for certainty without all of that in
10 front of me to give them some more consideration, I can't imagine leaving New London
11 unless it was to go to Bedford, I can't answer that with certainty.
12

13 CAPTAIN ROB JONES: Okay I understand thank you. That is all I have right now. Thank
14 you.
15

16 COMMANDER KEVIN CARROLL: Capt. Moreland, at this time we have three parties of
17 interest, Claudine Christian has a representative, the Bounty Organization has a
18 representative, and also the chief mate from Bounty John Svendsen is here and they are
19 going to have the opportunity to ask you questions. Out of respect for your time though
20 and I will remind our parties there we are not going to cover questions that have already
21 been asked before. At this point I'm going to invite the Bounty Organization to ask you
22 some questions.
23

1 CAPTAIN DANIEL MORELAND: Okay.

2

3 LEONARD LANGER: Good afternoon Capt. Moreland my name is Leonard Langer and I
4 represent the Bounty Organization, can you hear me all right?

5

6 CAPTAIN DANIEL MORELAND: Yeah I can hear you very good.

7

8 LEONARD LANGER: In your experience does a wooden vessel make more water in a
9 heavy sea way?

10

11 CAPTAIN DANIEL MORELAND: Can you repeat the question?

12

13 LEONARD LANGER: In your experience does a wooden vessel such as Bounty make
14 more water in a heavy sea way?

15

16 CAPTAIN DANIEL MORELAND: It would be common for a heavy wooden vessel to make
17 somewhat more water in a heavy seaway, yes.

18

19 LEONARD LANGER: So you would expect a vessel such as Bounty to experience more
20 water in her bilges in heavy weather than in light weather?

21

22 CAPTAIN DANIEL MORELAND: Yes that would be so.

23

1 LEONARD LANGER: On your vessel is every crew assigned a specific survival suit when
2 they are on board?

3
4 CAPTAIN DANIEL MORELAND: Yes they are.

5
6 LEONARD LANGER: Do you see any downside of wearing a PFD over a survival suit?

7
8 CAPTAIN DANIEL MORELAND: Yes there is some downside, survival suits are for one
9 very buoyant, they are PFDs in and of themselves, you put a PFD over it it's adding quite
10 a bit of bulk which might not necessarily be a bad idea entirely but it is not something that
11 I would immediately assign, quite frankly it is not something that I have thought of.

12
13 LEONARD LANGER: Do you see any downside to wearing a harness over a PFD?

14
15 CAPTAIN DANIEL MORELAND: A harness over a PFD would be very difficult, due to the
16 bulk of the PFD, the harness my go underneath the PFD but not over.

17
18 LEONARD LANGER: Have you ever considered wearing a harness to allow various
19 crewmembers in the water to either connect to themselves or to assist another crewman
20 into a liferaft?

21
22 CAPTAIN DANIEL MORELAND: It would not be bad at all to be able to tether people
23 together, the better to get them in the liferaft, you're talking about a pretty extreme end of

1 the road situation here, better to have an orderly evacuation of the ship, better to get them
2 to liferaft when you're
3 (inaudible) around in the liferaft is already gone you'd be coming up with whatever you
4 could and would be good Tethers to keep people together, so that is probably the most
5 extreme situation you can imagine describing however.

6
7 LEONARD LANGER: You indicated that you have known Capt. Walbridge for a number
8 of years, would you consider him to be an experienced mariner?

9
10 CAPTAIN DANIEL MORELAND: Of course he is an experienced mariner, he has many
11 years of doing this, so you can't deny the experience of someone who has benefited as
12 much as he has. So yes he is a manner of significant experience.

13
14 LEONARD LANGER: Would you consider him to be a knowledgeable mariner?

15
16 CAPTAIN DANIEL MORELAND: That is a question that I cannot really answer, certainly
17 have seen him handle the Bounty under power and at different events, that is sort of a
18 more professional technical question that I cannot really answer accurately without
19 actually examining him on that level, but he certainly handled the ship under power and
20 around the docks at tall ship events very well.

21
22 LEONARD LANGER: Were you aware of the number of times he had taken Bounty
23 foreign?

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CAPTAIN DANIEL MORELAND: Several times, I don't know the exact number.

LEONARD LANGER: Did you speak with Capt. Walbridge, strike that, when was the last time you spoke with Capt. Walbridge?

CAPTAIN DANIEL MORELAND: The last time would've been, (inaudible) July (inaudible).

LEONARD LANGER: So you do not know what he was thinking when he made the decision to depart New London on October 25?

CAPTAIN DANIEL MORELAND: I do not know what he was thinking, I cannot imagine what he was thinking, I can't begin to imagine what he was thinking.

LEONARD LANGER: I just have one more question, no other questions, thank you.

COMMANDER KEVIN CARROLL: Captain Moreland, I am now going to invite Mr. Melusi to ask you some questions, he is the representative for Claudine Christian.

RALPH MELUSI: Good afternoon Capt. Can you hear me?

CAPTAIN DANIEL MORELAND: Yes. I can hear you fine thank you.

1 RALPH MELUSI: What time is it where you are?

2

3 CAPTAIN DANIEL MORELAND: 10 o'clock in the morning,

4

5 RALPH MELUSI: I'm sorry what time?

6

7 CAPTAIN DANIEL MORELAND: 10 AM.

8

9 Brown: Okay so not keeping you from getting to sleep, I am the representative for
10 Claudine Christian and I have some questions here. To begin with are you familiar with
11 the port in New London?

12

13 I am familiar with the port in New London yes.

14

15 In your opinion would it have been a safe location to ride out the hurricane Sandy?

16

17 In all likelihood yes, if it would've gotten worse probably could arrange something,
18 (inaudible) but I would expect you'd be able to arrange berthing, if it's a direct hit the no
19 place can be, but New London would probably be okay.

20

21 If you as a captain had concerns with New London what other options would be
22 available?

23

1 I'm losing you a little bit.

2

3 If you as a captain aboard a sailing vessel such as round, were in New London and
4 hurricane Sandy were approaching what options would be available?

5

6 Certainly the best one is New Bedford are (inaudible) and then you can get up the bridge
7 in New Bedford they build a hurricane date are installed a hurricane dike is a superb
8 (inaudible) built on the northeast coast so New London would have been (inaudible)very
9 common in protection and other places.

10

11 And you are in Nova Scotia?

12

13 Yes sir in Lunenburg Nova Scotia.

14

15 How far is that up from New London?

16

17 That is about 250 miles sort of east northeast of the London.

18

19 So that would have been an option also?

20

21 It would depend on one direction if you have a strong headland it would probably not be
22 much of an option.

23

1 How many hurricanes have you written out while remaining in a port in your professional
2 career as a master?

3
4 Ridden out hurricanes?

5
6 Or stayed in port with an approaching hurricane?

7
8 I have been in Port for a hurricane may be three or four, I've been in a hurricane once or
9 twice. This is the first time that I considered you know the timing departure and hurricane
10 and I started just decided to stay in for the hurricane it was a very easy decision to make.
11 But I probably been up port 2 to 4 times but we weren't necessarily planning to go out
12 anyway.

13
14 Did you ever come to learn of the circumstances in which Bounty departed New London?
15 In which the crew was given about 2 to 3 hours notice that they were gonna go to sea?

16
17 I had read that yes.

18
19 What is your opinion in respect to professionalism of a master who would make a
20 decision to go to out into the Atlantic under these conditions with only such short notice to
21 the crew members?
22

1 I'm not sure that's the short notice is a bigger issue, I presume I was well aware that they
2 were scheduled to head south, correct me if I'm wrong but I don't think it was unknown
3 that they are planning to go to Florida, I said this before and as much as I hate to say it I
4 still cannot believe that that choice was made to head out from New London with the
5 weather warnings that had existed at the time.

6
7 You said you found that mind-boggling, shocking?

8
9 I would have say that yes.

10
11 Now for whatever reasons they were driving Capt. Walbridge to undertake this voyage out
12 into the Atlantic, would you assume that he would have damn well made sure that all the
13 vital systems and pumps, main engines and generators were working flawlessly?

14
15 Will the captain's job, any In job is to make sure that the ship is in good working order
16 prior to departure. That is pretty standard stuff so, yes.

17
18 And that would be a normal conditions, normal voyages correct Captain?

19
20 That would be correct, yes..

21
22 The master is ultimately responsible for the seaworthiness of the vessel, and the lives of
23 the crew members aboard?

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That's your job.

And that job includes ensuring the vital systems, vital equipment, such as main engines, generators, bilges, bilge pumps, backup bilge pumps are working properly?

While some organizations have more's elaborate safety management systems, and have ways to cross check this but in the final analysis of it is the captain's responsibility to ensure that the ship is in good order and all equipment is in working order. (inaudible) Organization to assist in this, safety management systems in like but the answer would have to be yes.

Assuming that in this case the facts show that Captain Walbridge was aware that the primary bilge pumps which are two electric pumps were deficient in not pumping and had priming problems, what would you say about his decision to go out into the Atlantic in that situation?

I would say would be unconscionable on a good day.

And if I told you that the bilge system aboard the Bounty had to backup hydraulic pumps and that these pumps had not been used in a long period of time and nobody knew when the vessel was in New London they would even work, if he went to see knowing that condition

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UNKNOWN: I object, that mischaracterizes the testimony

UNKNOWN: It's a hypothetical question.

RALPH MELUSI: It's not a hypothetical want to talk specifically about the Bounty, it represents facts that are true.

(inaudible)

COMMANDER KEVIN CARROLL: We will address the objection, it is a fair question Mr. Moreland can you please answer the question?

CAPTAIN DANIEL MORELAND: (inaudible) If you're in the middle of a situation I pump fails that is one thing, but in the harbor you want all your equipment in your backup equipment working before you sail, for the simple reason that it could fail for reasons unknown later, you don't start out with your backups failed, so I say with dismay yes (inaudible)

RALPH MELUSI: Not to add to your dismay but what if I told you it had one more pump, a gasoline driven trash pump and it had never been used, when it was purchased and crew members were told not to use it because it was a piece of crap or junk

1 COMMANDER KEVIN CARROLL: Capt. Moreland I'm going to put you on mute for
2 second. You need to dial it back okay, with a piece of crap, I don't think that was an
3 accident, go ahead Captain Moreland.
4

5 RALPH MELUSI: If I told you that they had a backup gasoline driven trash pump,
6

7 CAPTAIN DANIEL MORELAND: I'm sorry can you repeat, I didn't get that.
8

9 RALPH MELUSI: Than if I added to the equation the fact that there was a an additional
10 backup pump a gasoline driven portable pump that had not been operated or tested and
11 had not been used before this voyage into the Atlantic, how would you characterize, his
12 decision to undertake this voyage.
13

14 CAPTAIN DANIEL MORELAND: Well, we have such a pump on board, it is our
15 emergency last resort, and we use it at every fire drill and we tested every two weeks.
16 And of course it works good. All of the machinery actually works better if you work it, so
17 it's not bright to not check your gear.
18

19 RALPH MELUSI: How often do year do you routinely check back up pumps?
20

21 CAPTAIN DANIEL MORELAND: All of our pumps are run once a month, the trash pump
22 is run every two or three weeks.
23

1 RALPH MELUSI: To just to talk a little bit on a subject that you previously testified to
2 about caulking, you said earlier in your career you are a professional Caulker?

3
4 CAPTAIN DANIEL MORELAND: I was not a professional Caulker, I had done a great
5 deal of caulking, I became a professional quality Caulker I would rather shoot myself than
6 be a professional Caulker.

7
8 RALPH MELUSI: That was my next question, does it take a certain amount of upper body
9 strength to be proficient in caulking?

10
11 CAPTAIN DANIEL MORELAND: For a vessel of Bounty scale or (inaudible) scale the
12 answer is yes, as a big heavy job for quarterbacks and full backs, it's a brutal thing that'll
13 make your ears ring in your arms ache and your shoulders hurt, it is a hard physical job.

14
15 RALPH MELUSI: Are there any particular places in locations along the hull which are
16 even more difficult and require even more strength in order to caulk?

17
18 CAPTAIN DANIEL MORELAND: While the bottom is harder, caulking is a big job, the
19 bottom is harder because you're swinging her hammer up, in the instance of the Bounty
20 you should be using a beetle which is a very heavy swinging mallet like you swing, like a
21 sledgehammer, and would make a very strong man very tired by the end of the day.

22
23 RALPH MELUSI: The mallet that would be used, is it a metal sledgehammer or is it a

1
2 CAPTAIN DANIEL MORELAND: There are different caulking mallets, you can use a
3 sledgehammer but a be very hard to do that, and a smaller one a wooden mallet
4 (inaudible) five or six mallets and there's a thing called the beetle was associated great
5 big wooden mallet, you swing it two-handed and probably weighs 18 pounds maybe 20
6 pounds. (inaudible) You can actually steel mallets and hammers if you want but they're
7 going to be harder to use (inaudible).

8
9 RALPH MELUSI: Could you talk a little bit about the type of materials that are used to
10 seal the caulking material, which I take it as cotton or oakum?

11
12 CAPTAIN DANIEL MORELAND: There's a lot of different ways, different classes of
13 vessels, small craft (inaudible) are different techniques, for caulking but for something of
14 Bounty scale she is heavily planked and heavily frames properly built originally spoke on
15 which is a twisted tarry fiber substance and you fill it up with the scene there's a lot more
16 to it than what I can describe it's a pretty long process but basically at the end of the
17 battalion are getting close to the end your mallet is making a ringing sound on the
18 outcome then he followed up with the beetle and there's different substances you can use
19 one that is very common to use on vessels of her scale is Portland cement which is very
20 hard and fills the scene it is very strong and very durable. But for that the seam must be a
21 certain depth to hold, for smaller seems you'd use something else but something hard, it's
22 pretty important to be hard (inaudible).

23

1 RALPH MELUSI: Are these products are your describing suitable for use in caulking
2 vessels.

3
4 CAPTAIN DANIEL MORELAND: Oh yes for sure,

5
6 RALPH MELUSI: Would you ever consider, have you ever heard of DAB?

7
8 CAPTAIN DANIEL MORELAND: I've heard of it I've used it actually,

9
10 RALPH MELUSI: Is that a suitable material?

11
12 CAPTAIN DANIEL MORELAND: Not for the bottom.

13
14 RALPH MELUSI: Np1?

15
16 CAPTAIN DANIEL MORELAND:(inaudible)

17
18 RALPH MELUSI: If a vessel was at sea, let's say in any condition and sea water was
19 coming in and it was now rising to the level where the bilge alarms, the bilge alarms kept
20 sounding continuously and continue to rise up to the levels of the sole boards at the top of
21 the keel and he realized that your pumps were not able to pump the seawater out
22 sufficiently to reduce that level, can you give an opinion as to what options a master might
23 do in terms of either calling the Coast Guard immediately or waiting?

1

CAPTAIN DANIEL MORELAND: There was a loss of communication, can you hear me?

3

4

RALPH MELUSI: Yes, it did you catch any of the question?

5

6

CAPTAIN DANIEL MORELAND: I believe I was at the bilge was rising and cannot be reduced and the question was what are the options?

7

8

9

RALPH MELUSI: On the question is basically I'm trying to get an opinion of what might be an appropriate time for a master on a vessel such as the Bounty or another tall ship of that size to call the Coast Guard for assistance when it is faced with the situation where seawater is coming in at a rate faster than his pumps can pump out?

10

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14

CAPTAIN DANIEL MORELAND: If you have determined that your pumps cannot keep up with the rate of the water that keeps coming that's just a matter of (inaudible) and it sinks unless there's some alternative, (inaudible) question of calling the Coast Guard you'd want to do that pretty early on in the day (inaudible) and let them know but the conditions aren't that bad I the Coast Guard would be very helpful, when conditions aren't that bad they might be able to drop you pump's, or other things, a Mayday is all pretty, that's hard on everybody including the Coast Guard, but early on is a pretty simple math, the water is coming in faster than you can get it out and he got no way to get it out (inaudible) the next the time if conditions are not horrendous to get the Coast Guard involved that they are

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1 going to do any rescue or helping rescue, you've got quite a few options if conditions
2 aren't that bad, if conditions are horrific they really don't have any options.

3
4 RALPH MELUSI: What are the risks of, if a captain wanted to take a vessel out to see
5 and take a position in the Atlantic to assess the course in track of a hurricane such as
6 Sandy, as opposed to staying in Port, what are the risks of waiting out in the Atlantic to
7 see what the hurricane is going to do, in this case the hurricane is the size of Sandy?

8
9 CAPTAIN DANIEL MORELAND: A ship of Bounty's scale, as she is 100% fine,
10 (inaudible) but again I can't believe how it makes sense to leave port to go out into a
11 hurricane, there is no metric that I can come up with to answer the question.

12
13 RALPH MELUSI: And when you are saying that you're assuming even assuming all of the
14 pumps all of the vital equipment, main engines and generators are working flawlessly, it is
15 inconceivable that any professional master would take the vessel to see?

16
17 CAPTAIN DANIEL MORELAND: I wouldn't.

18
19 RALPH MELUSI: No more questions.

20
21 COMMANDER KEVIN CARROLL: Capt. Moreland I'm not going to allow John Svendsen
22 who is chief mate on Bounty to ask you some questions.

23

1 CAPTAIN DANIEL MORELAND: Okay.

2

3 COMMANDER KEVIN CARROLL: Is approaching the speakerphone now Sir.

4

5 JS: Hello Capt. Moreland

6

7 CAPTAIN DANIEL MORELAND: Hey John.

8

9 JS: I believe the weather is a little bit better where you are than where we are.

10

11 CAPTAIN DANIEL MORELAND: (inaudible)

12

13 JS: This summer we had a chance to get to know a little bit about each other and work
14 closely especially when we were in Newport Rhode Island (inaudible) that you mentioned
15 earlier?

16

17 CAPTAIN DANIEL MORELAND: Yes that is correct.

18

19 JS: Can you describe to me some of the knowledge that you have of relevant skills as far
20 as maintaining and restoring ships? If you have any?

21

22 CAPTAIN DANIEL MORELAND: The truth is I don't really, I'm not trying to avoid the
23 question, (inaudible) was we met at master conferences, we met a tall ship events but

1 that was pretty much the extent of it, (inaudible) I certainly admired how confirmed he had
2 brought the Bounty from where she had been which was pretty rough in years past so I
3 saw the ship getting better, but I can't attest to his direct skill sets. (inaudible)
4

5 JS: So there is evidence that that ship had been improved?
6

7 CAPTAIN DANIEL MORELAND: Absolutely the ship has been improved very
8 successfully.
9

10 JS: Had Robin consulted with you and asked advice on any parts of improving the ship?
11

12 CAPTAIN DANIEL MORELAND: No he had not done that, we had discussed things
13 (inaudible) and India talk about things that he had done but not discussing things before
14 the fact.
15

16 JS: Do you remember having a conversation with him about possible different hatches he
17 can put on the vessel?
18

19 CAPTAIN DANIEL MORELAND:(inaudible)
20

21 JS: Do you have recollection of having a conversation with Capt. Walbridge about
22 different hatch systems that can be put on the boat?
23

1 CAPTAIN DANIEL MORELAND: I do remember a conversation I'd had to be reminded of
2 the details of that (inaudible) over that yes. I remember (inaudible) let's put it that way.

3
4 JS: We went over to, Capt. Robin and myself we went over to see you about, what he
5 was calling making a hurricane hatch for the Bounty on the main hatch, and we're looking
6 for ideas and some different hatches went through some books with you?

7
8 CAPTAIN DANIEL MORELAND: Yes yes yes yes, now I remember, we did, we made
9 some sketches, yes we did I remember that conversation.

10
11 JS: Can you describe to me if you have been under way in and a hurricane before?

12
13 CAPTAIN DANIEL MORELAND: What?

14
15 JS: If you have been underway and a hurricane before?

16
17 CAPTAIN DANIEL MORELAND: Yes I have.

18
19 JS: Can you describe some of the experiences you had in keeping the ship and the crew
20 safe, and what your position was?

21
22 CAPTAIN DANIEL MORELAND: I was the boatswain met Denmark there is a hurricane, a
23 July hurricane we were in 100 kn winds we had plenty of sea room (inaudible) coming

1 across the decks, the decks are very dangerous, we didn't have scratched lines we had
2 doors watertight bulkheads and in heavy weather that is how you get from one end of the
3 ship to the other (inaudible) no hands on deck, the decks were virtually awash, we are
4 running with the hurricane somewhere south of Iceland.

5
6 JS: But if you take that knowledge and all extended knowledge that you have gained
7 since then as a captain what would you define as your role in heavy weather and an
8 abandoned ship situation?

9
10 CAPTAIN DANIEL MORELAND: John can you repeat the jist of the question is coming
11 across little fuzzy?

12
13 JS: What would you describe your role as a captain in a heavy weather situation or an
14 abandoned ship situation?

15
16 CAPTAIN DANIEL MORELAND: In heavy weather keep your ship together in a managed
17 ship your job is to lead, your first priority is a crew of the ship's job is to keep the crew
18 safe and the crew spends time keeping this ship safe, because that keeps them safe, at
19 that point of an abandoned ship your letting go of the ship now your job is the crew.

20
21 JS: Have you been involved with worrying casualties with any individuals or a great
22 casualty or a whole casualty?

23

1 CAPTAIN DANIEL MORELAND: Years ago I was on two ships that got (inaudible)

2

3 JS: Just with that can you describe the professional approach to how you handle a
4 situation like that?

5

6 CAPTAIN DANIEL MORELAND: John can you be a little bit more specific I think I may
7 have missed some in the transmission?

8

9 JS: Can you describe your role in being professional during a casualty?

10

11 CAPTAIN DANIEL MORELAND: Do your job unless you get (inaudible) in somebody's
12 got a takeover as long as you are in a position to lead that is your job manage things and
13 do the best you can, (inaudible) you're really not the captain until everyone is on shore
14 and considered safe.

15

16 JS: Have you ever been on a vessel, I think there's on a question earlier, about flawless
17 equipment, from my experience equipment always from when it is new starts to degrade
18 and has a life expectancy, so unless it is brand-new and functioning at that moment is not
19 followed since in a state of the degrade, can you describe what level of a system like in a
20 percentage of where you have gone to sea and not all systems were at 100%?

21

22 CAPTAIN DANIEL MORELAND: Can you repeat the question your voices coming across
23 pretty fuzzy I can't really understand?

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JS: Can you describe to me when getting underway and looking at systems, 100% being brand-new and fully functional, as ships and equipment ages sometimes it is not operating at 100%, can you describe for me situations where you have gone underway where everything hasn't completely been 100%?

CAPTAIN DANIEL MORELAND: With Picton Castle and other ships the equipment has to be working without problems, one of our best to generators is 1944 Lister and just runs and runs and runs and runs, it's a beautiful piece of machinery, so is not brand-new as ancient, we turn around, we were on a voyage 6 miles out and my radar blipped out we turned around and came back in, because while it was backed up it wasn't working properly so, in my opinion your gear is number one.

JS: And that is the captain's decision to come back to port?

CAPTAIN DANIEL MORELAND: Well that's the job. Community get into the middle of the ocean in your number two radar blips out and your thousand miles out, however when you're 6 miles and you turn around to get it working.

JS: There is a hypothetical question asked to you earlier about some bilge pumps, my experience on the ship was different from what he was describing, can you speak to is that something that is sounds like Robin would do or not?

1 CAPTAIN DANIEL MORELAND: I lost you John, are you there?

2

3 JS: I said you are given a hypothetical question or several of them about bilge pumps and
4 their state, my experience was different than that kiddie speak to there is something that
5 sounds like Robin would do?

6

7 UNKNOWN: I object to that question.

8

9 COMMANDER KEVIN CARROLL: If you want to present the question In regards to what
10 you believe the actual conditions were and then ask him that, but you're asking him to
11 speculate on whether Robin would do that.

12

13 JS: On my experience in the Bounty it was standard procedure to test our hydraulic
14 pumps once per month to make sure that they were running as part of the engineers
15 checklist, does that sound like it is something that would be appropriate?

16

17 CAPTAIN DANIEL MORELAND: Yes to be checked once a month certainly.

18

19 JS: Does it also makes sense that you would check to make sure that your bilge pumps
20 can create a prime and pump bilges out effectively in a space before you get underway?

21

22 CAPTAIN DANIEL MORELAND: Of course.

23

1 JS: Dan it was a pleasure speaking with you, thank you.

2

3 COMMANDER KEVIN CARROLL: Capt. Moreland we are going to allow, do you have
4 any questions,, I have one last question for you and I really appreciate you taking time out
5 of your day in Tahiti of all things for our talk to us, is there a safety management system
6 aboard Picton Castle?

7

8 CAPTAIN DANIEL MORELAND: Yes there is.

9

10 COMMANDER KEVIN CARROLL: Okay, where is the overall responsibility for the safety
11 management system on board the vessel, where does that go back to, who is ultimately
12 responsible?

13

14 CAPTAIN DANIEL MORELAND: The captain is always ultimately responsible, the safety
15 management system I'm sure you know is developed to broaden the parameters and
16 develop checklists to ensure that the stuff is getting done and particularly in the
17 commercial world pressure on time, and I was in the commercial world for sure to make
18 sure that companies took time, to make sure that their captains are doing instead of
19 rushing and reporting to the quartermaster, the That is always ultimately responsible for
20 safety management and its purpose to share that load and make it more effective

21

22 COMMANDER KEVIN CARROLL: Share that load with whom?

23

1 CAPTAIN DANIEL MORELAND: Say again?

2

3 COMMANDER KEVIN CARROLL: Share that load with whom?

4

5 CAPTAIN DANIEL MORELAND: Certainly it would probably be the office, and the officers
6 on board.

7

8 COMMANDER KEVIN CARROLL: Do you have an office that you report back to as the
9 master of Picton Castle?

10

11 CAPTAIN DANIEL MORELAND: I lost some of the words there.

12

13 COMMANDER KEVIN CARROLL: Do you have an office that you report back to in
14 regards to your capacity as master of the Picton Castle?

15

16 CAPTAIN DANIEL MORELAND: We do have an office the administration is operated
17 from the ship, we have rotating crew office and mates (inaudible)

18

19 COMMANDER KEVIN CARROLL: Does your go, no go decisions as a relates to voyage
20 plans, does that involve management at all?

21

1 CAPTAIN DANIEL MORELAND: The mates are involved in that because my mates are
2 very well-qualified and experienced, my mate is from Maine Maritime Academy, and a
3 graduate thereof and I value their perspective, so we studied altogether.
4

5 COMMANDER KEVIN CARROLL: Okay, Capt. Morland I appreciate your time, I'm going
6 to release it and I very much appreciate your testimony today have a good day sir your
7 subject to recall if we would like to call you again thank you
8

9 CAPTAIN DANIEL MORELAND: Thank you
10

11 COMMANDER KEVIN CARROLL: Right now it's 1525 would say 1535, thank you
12

13 COMMANDER KEVIN CARROLL: Nic here back on the record all parties of interest and
14 the representatives that were present last our present again.
15

16 LIEUTENANT COMMANDER NICHOLAS PARHAM: Capt. Miles can you hear us?
17

18 CAPTAIN JAN MILES: Yes I can.
19

20 LIEUTENANT COMMANDER NICHOLAS PARHAM: This is Lieut. Cmdr. Parham we
21 have you on conference line at the Bounty formal investigation, can you hear us okay?
22

23 CAPTAIN JAN MILES: Yes I can hear you.

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LIEUTENANT COMMANDER NICHOLAS PARHAM: Okay, at this time I'm going to swear you in if you can please stand and raise your right hand.

CAPTAIN JAN MILES: Right hand raised.

LIEUTENANT COMMANDER NICHOLAS PARHAM: A false statement given to an agency of the United States is punishable by fine and / or imprisonment under 18 USC 1001. Knowing this do you solemnly swear that the testimony you are about to give will be the truth, the whole truth and nothing but the truth, so help you God?

CAPTAIN JAN MILES: I do.

LIEUTENANT COMMANDER NICHOLAS PARHAM: Okay thank you we will continue at this time.

COMMANDER KEVIN CARROLL: Capt. Miles, good afternoon this is Cmdr. Carroll how are you?

CAPTAIN JAN MILES: I am well thank you.

COMMANDER KEVIN CARROLL: Thank you for attending on the telephone we appreciate it, can you please state your name and spell your last name?

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CAPTAIN JAN MILES: Jan Cameron Miles last name is spelled M-i-l-e-s

COMMANDER KEVIN CARROLL: What is your current occupation sir?

CAPTAIN JAN MILES: I am one of two partner captains for Pride of Baltimore Incorporated in Baltimore Maryland.

COMMANDER KEVIN CARROLL: What is a partner Capt. sir?

CAPTAIN JAN MILES: A partner captain is we have a captain program running the one ship. With two full-time employees managing the ship and taking turns being her master.

COMMANDER KEVIN CARROLL: Understood Sir. What merchant mariner credential do you hold?

CAPTAIN JAN MILES: I hold the (inaudible) open ocean master for 500 gross tons with addendum's a radar observer a CCW including (inaudible) security officer as well as (inaudible).

COMMANDER KEVIN CARROLL: Can you please describe to us the Pride of Baltimore 2?

1 CAPTAIN JAN MILES: She is a schooner (inaudible) of a period representing peak of the
2 Chesapeake Bay Schooner more specifically called the Baltimore schooner in the era of
3 the 1812 war.
4

5 COMMANDER KEVIN CARROLL: What is her length?
6

7 CAPTAIN JAN MILES: A sparred length of 157, her hull length is about 100.
8

9 COMMANDER KEVIN CARROLL: What is the gross tonnage of the vessel sir?
10

11 CAPTAIN JAN MILES: 97 GRT
12

13 COMMANDER KEVIN CARROLL: How long have you been master or partner Capt. of
14 the Pride of Baltimore 2?
15

16 CAPTAIN JAN MILES:(inaudible)Was first commissioned in October 1988.
17

18 COMMANDER KEVIN CARROLL: What is the vessel's mission, will how is the vessel
19 operated?
20

21 CAPTAIN JAN MILES: Her mission is to tell the story of unique American watercraft of the
22 Chesapeake Bay and to tell of the contribution of those vessels and the American 1812
23 war, (inaudible) British is failed attempt to invade Baltimore harbor, even the creation of

1 our national anthem the Star-Spangled Banner, and we do this through (inaudible) as an
2 example introduction to the Baltimore schooner type vessel by her Maritime historical
3 naval architecture (inaudible) she is operated and managed by a not-for-profit company,
4 Pride of Baltimore Incorporated (inaudible) to the direct use of the vessel as well as other
5 initiatives such as onboard and outreach educational programs in Maryland, participation
6 in tall ship festivals around the continent in North America and Europe also providing
7 direct hands-on experience to sail aboard the vessel (inaudible).

8
9 COMMANDER KEVIN CARROLL: Does the vessel's crew consist of paid crew or is it a
10 mixture of paid crew and volunteers?

11
12 CAPTAIN JAN MILES: It has a paid crew with the addition of those who pay for the
13 opportunity to sail on board.

14
15 COMMANDER KEVIN CARROLL: So people pay to come on board and actually be a
16 part of the crew and stand watches and work?

17
18 CAPTAIN JAN MILES: While there are two kinds of, well three times, there are
19 charterable for pure passenger carrying, we are licensed under subchapter T of
20 passenger caring so it is possible for a group of people to come aboard either for a sail or
21 for private sail. When we make voyages from one port to the next we have capacity for six
22 additional individuals who can pay for the privilege of working alongside the paid crew for

1 a total of 12 on board including the master, and so we have an additional space for six
2 who wish to be a part of the ship.

3
4 COMMANDER KEVIN CARROLL: He said that the vessel is certificated under
5 subchapter T, can you please explain that?

6
7 CAPTAIN JAN MILES: She is made of wood, so American regulations don't permit for
8 wooden vessels to be passenger vessels larger than 100 tons (inaudible) so among other
9 requirements she is licensed under subchapter T which permits for wooden construction
10 passenger vessels.

11
12 COMMANDER KEVIN CARROLL: So you can carry passengers for hire?

13
14 CAPTAIN JAN MILES: Yes she is acceptable for caring up to 42 persons underway, for a
15 less than 12 hour operation and subtract out of that number the number of crew that we
16 have on board and so we can carry 30 persons for a less than 12 hour operation. For
17 those trips that are longer than 12 hours, we do the accommodation volume which is 12
18 crew plus the six that can come along with us.

19
20 COMMANDER KEVIN CARROLL: So for voyages greater than 12 hours what is your
21 minimum crew?
22

1 It can change under certain circumstances but what we function under it is a minimum of
2 10, we operate with 12 the COI says to licenses and eight deckhands and we choose to
3 operate with 12 and we have accommodations for six additional persons.
4

5 COMMANDER KEVIN CARROLL: Does the vessel ever leave the Chesapeake Bay?
6

7 CAPTAIN JAN MILES: Quite frequently yes.
8

9 COMMANDER KEVIN CARROLL: Visit vessel ever do any ocean voyages, like going to
10 Europe?
11

12 CAPTAIN JAN MILES: The Pride of Baltimore 2 has gone as far east as a Russia, in the
13 northern part of Europe, in Italy in the southern part of Europe and as far west as East
14 Asia through the Panama Canal.
15

16 COMMANDER KEVIN CARROLL: Can you describe the scope of your Coast Guard
17 inspections please?
18

19 CAPTAIN JAN MILES: The safety inspection is done annually and is an examination of
20 the vessels safety equipment record-keeping for maintenance record-keeping for
21 operation and quite often involves getting under way to demonstrate crew proficiencies,
22 the other part is the fallout and drydock hose down process. That involves looking at
23 machinery and underwater conditions of the hull among other things.

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COMMANDER KEVIN CARROLL: How often are you required to have your hull examined as an inspected small passenger vessel?

CAPTAIN JAN MILES: Every two years, we choose to do it every year though.

COMMANDER KEVIN CARROLL: Are you ever required to draw fasteners for inspection, to present them to the Coast Guard?

CAPTAIN JAN MILES: Yes every five years.

COMMANDER KEVIN CARROLL: What is Pride of Baltimore planked with?

CAPTAIN JAN MILES: She is planked in Maryland white oak below the waterline and a mixture of fir and pine above the waterline.

COMMANDER KEVIN CARROLL: What is she framed with?

CAPTAIN JAN MILES: She's framed in a wide variety of tropical hardwoods. The differences in the hardwoods variant specific gravity but the heaviest specific gravity is down in the keel and at the stem post and the Stern post in the frame fudduxes come into (inaudible) and then they decrease in specific gravity but it is all tropical hardwood.

1 COMMANDER KEVIN CARROLL: Does Pride the Baltimore 2 have a load line
2 certificate?

3
4 CAPTAIN JAN MILES: Yes she does.

5
6 COMMANDER KEVIN CARROLL: Can you please describe to me the necessary
7 qualifications that you have for the paid crew on board, in terms of experience licensure
8 and safety training?

9
10 CAPTAIN JAN MILES: The vessel is required to have two licenses on board for 24 hour
11 operation one license on board for less than 12 hour operation, the deck and numbers are
12 less than a 12 hour operation have to have five deckhands no particular certification,
13 when we are on more than 12 hour operations it is to licenses and eight deckhands no
14 particular certification for the deckhands, make it policy for hiring from within the sail
15 training community or industry spread across the country, these are folks that are very
16 dedicated and a previous understanding (inaudible) types of vessels and style of
17 operation, and they all desire (inaudible) to learn as we go, while we accept the
18 applications from that population and entrain them specifically into the ship. They come
19 with usually experience of at least one season quite often 2 to 3 seasons of experience
20 on other vessels, that could be coastal waters and open waters as well could be
21 unprotected waters.

22

1 COMMANDER KEVIN CARROLL: What type of machinery do you have on board Pride of
2 Baltimore 2 for propulsion?

3
4 CAPTAIN JAN MILES: She is a twin screw vessel she has to four-cylinder turbocharged
5 Caterpillar engines of about 160 hp each running 3 to 1 reduction gear going to a 36 inch
6 propeller, (inaudible) what more do you want to know?

7
8 COMMANDER KEVIN CARROLL: What type of bilge system do you have on board?

9
10 CAPTAIN JAN MILES: We have a power takeoff system off the boat engine running the
11 (inaudible) impeller pumps and they are connected to a manifold system each
12 compartment can be pumped out by either engine are either system and also from a
13 firefighting point of view (inaudible) provide supply.

14
15 COMMANDER KEVIN CARROLL: Do you have a backup system for the bilge dewatering
16 system on board?

17
18 CAPTAIN JAN MILES: There are two backup systems, there is one that is an installed
19 system that the four central compartments being accommodations area, the engine room
20 (inaudible) has installed a hand pump a diaphragm hand pump system and we use that to
21 monitor the condition of the bilge, (inaudible) stationary or in light sailing conditions,
22 along with visual checks should also record whatever it is that might be drawn out to the
23 hand pump system, selectively turned as a secondary system for pumping water out

1 should there be any there, and then we have a diesel fuel driven trash pump that we can
2 always use.

3
4 COMMANDER KEVIN CARROLL: What is the gallons per minute rate for the hand
5 pumping system?

6
7 CAPTAIN JAN MILES: It's pretty low, maybe a half gallon a minute maybe a gallon.

8
9 COMMANDER KEVIN CARROLL: Okay, in regard to the testing for the bilge pumping
10 systems both the primary and the backup diesel system, how often are those tested?

11
12 CAPTAIN JAN MILES: The trash pump is tested monthly if not more frequently, the
13 engine systems are run more often than that because they are used in washing the deck
14 down (inaudible).

15
16 COMMANDER KEVIN CARROLL: Is the Pride of Baltimore 2 a traditionally planked
17 vessel, is it plank on frame?

18
19 CAPTAIN JAN MILES:(inaudible)With planks attached to that with a full ceiling inside.

20
21 COMMANDER KEVIN CARROLL: So the planks on the exterior of the hull are caulked at
22 the seams and at the butts?

23

1 CAPTAIN JAN MILES: That is correct.

2
3 COMMANDER KEVIN CARROLL: What experience do you have in regards to caulking a
4 wood hull vessel? Carvel planked?

5
6 CAPTAIN JAN MILES: I have been in the oversight role for a number of vessels most of
7 my experience has been wooden vessels with the old Pride of Baltimore we organized to
8 have the deck recaulked and went down to the yards in Caribbean and had a number of
9 (inaudible) and caulkers who were also part of the building team on the first vessel
10 (inaudible) through them and we hire those of experience to do our maintenance caulking
11 on the Pride of Baltimore sometimes crewmembers who are previously experienced in
12 caulking (inaudible) have also been sailors so and a number of builders are Caulker's so
13 we will sometimes find a Caulker within our crew but will hire from outside.

14
15 COMMANDER KEVIN CARROLL: You said you have sailed on oversized vessels
16 before?

17
18 CAPTAIN JAN MILES: I'm sorry the question again?

19
20 COMMANDER KEVIN CARROLL: You have sailed on large wood hull vessels before?

21
22 CAPTAIN JAN MILES: That depends on what you call large, I would say coastal 100 tons
23 yes (inaudible)

1
2 COMMANDER KEVIN CARROLL: What other experience do you have on wooden hull
3 vessels?
4

5 CAPTAIN JAN MILES: I have been a licensed mate aboard the Bill of Rights and the
6 (inaudible) Unicorn which is no longer in service and they were all wooden vessels, as a
7 master all of the vessels I have worked on except for one prior to coming aboard Pride of
8 Baltimore 2 our wooden vessels, the Clearwater, the Heart of (inaudible), (inaudible), the
9 Californian on the West Coast and the first Pride of Baltimore.
10

11 COMMANDER KEVIN CARROLL: In your experience, let's go back to Pride of Baltimore
12 2 you have been with the vessel since new?
13

14 CAPTAIN JAN MILES: Yes since new.
15

16 COMMANDER KEVIN CARROLL: In your experience how long was it before she
17 required her first re-caulking?
18

19 CAPTAIN JAN MILES: She never required her first re-caulking I introduced in five years
20 she had already been around the eastern part of North America over to Europe and back
21 again in the first five years (inaudible) so I produced a proactive, preventative
22 maintenance caulking since the vessel is built in Greenwood (inaudible) slight reduction in
23 the dimension of the wood so I wanted to stay in front of it. I had one of the builder

1 Caulker's come to the ship on the first go around (inaudible) with the bilge was in the
2 middle of the vessel he went about selecting areas and did long lines say 3 to 4 feet on
3 boards over 50-60 feet long. We did this three years running and he came back to me
4 and said it was sort of unnecessary and he wasn't seeing any reason for doing it, so we
5 did not do that but we concentrated in other areas where we were finding shrinkage
6 occurring, there were some areas near the waterline just above the waterline where in the
7 flair of the bow and the flare of the Stern there is a reflective concentration of light off the
8 water which creates a heat circumstance and that same degree of heat doesn't occur
9 very high and certainly does not occur under the waterline so we were having them do
10 some concentrated caulking work there in those areas to tend to the shrinkage that was
11 going on there.

12
13 COMMANDER KEVIN CARROLL: And that is above the waterline correct?

14
15 CAPTAIN JAN MILES: Correct

16
17 COMMANDER KEVIN CARROLL: And was at the Douglas fir planking or a mixture of
18 Douglas fir planking?

19
20 CAPTAIN JAN MILES: Because of the way planking goes with the hull to curve, so that
21 the planking that is essentially under the water can come up out of the water at the ends
22 of the vessels some of it can be between white oak planking as well as some fir planking.
23

1 COMMANDER KEVIN CARROLL: Would you consider caulking a specialized skill?
2

3 CAPTAIN JAN MILES: Yes, it is a fairly simple thing to learn, but it does take experience
4 to develop the skill that is required to understand the niceties of caulking, it is a physical
5 process, it needs to have a diligence about it, and a very acute sense of detail and follow-
6 up, they can also be a bit ingenuous to the Caulker if they don't have a proper
7 understanding of the applying of the power needed to get the proper tightness, so it takes
8 experience, it is not very difficult understand but it does take discipline and that only
9 comes with experience.
10

11 COMMANDER KEVIN CARROLL: The materials that you would use for caulking, what
12 would you use? What do you use on the Pride of Baltimore 2?
13

14 CAPTAIN JAN MILES: We are doing maintenance caulking so we are pretty much almost
15 only using oakum, but occasionally we have found in areas where we have a bigger
16 concern we'll take out all of the original caulking and get to a dry being situation and the
17 planking and then we'll start again with some cotton and then go to the oakum, and them
18 only have everything caulked properly and hard and tight then follow-up with seam
19 compound.
20

21 COMMANDER KEVIN CARROLL: What type of seam compound do you use on Pride of
22 Baltimore 2?
23

1 CAPTAIN JAN MILES: We are having a change we used to use (inaudible) underwater
2 seam compound, but we are finding a greater satisfaction using a product called
3 (inaudible) which is a wax, different wax is blended together. We found wax wasn't firming
4 up, drying is not the right word, it wasn't setting up fast enough for our needs and the
5 amount of time that we wanted to be out of the water, you are in a race when you have a
6 boat out of the water that has been green built, you do not want it out any longer than it
7 has to be because when you're out of the water the boat would be drying out and there's
8 going to be a time of swelling back up when I gets in the water, and then your dimensions
9 may not come back to the original dimensions because the wood may be curing over time
10 and goes through cycles drying out and swelling up, if the boat was built out of pure dry
11 wood like the schooner (inaudible) when they hit the water after they've been built,
12 they've hit the water in a drier state and then he might ever be and what happens is the
13 wood will pick up the water in an subsequence dry docking it will shrink some butter will
14 never shrink back to a lesser dimension than they had been when it was originally built
15 and caulked up. When you have a green built boat yet to be sensitive to the issue
16 (inaudible) underwater and stays underwater most of the time and out of water for very
17 very short periods you might not get much shrinkage, and this is what we experienced in
18 the early years of pride, I was dry docked in its (inaudible)

19
20 LIEUTENANT COMMANDER NICHOLAS PARHAM: Stand by captain

21
22 COMMANDER KEVIN CARROLL: Did someone join this conference call?
23

1 UNKNOWN: Yes this is (inaudible) with Richard Bailey with me.

2

3 LIEUTENANT COMMANDER NICHOLAS PARHAM: Okay, Chief, we don't need you yet,
4 we will call you at the recess when it is time for Captain Bailey to come on.

5

6 UNKNOWN: Sure thing, thank you.

7

8 COMMANDER KEVIN CARROLL: Thank you chief.

9

10 LIEUTENANT COMMANDER NICHOLAS PARHAM: Captain are you still there?

11

12 CAPTAIN JAN MILES: I'm on.

13

14 COMMANDER KEVIN CARROLL: Go ahead Captain Miles. You were talking in regards
15 to caulking.

16

17 CAPTAIN JAN MILES: (inaudible) Based on our dry docking location, we are looking for
18 a floating dry dock where the vessel really never got very far from the water was
19 surrounded by steel walls and cool time of year, the spring and we never had a shrinking
20 swelling plank, but in the past seminary years hauling out in Portsmouth Virginia and the
21 facility there is a large parking lot like situation (inaudible) away from the water and some
22 altitude above the water something like 25 feet (inaudible) the vessel was getting dried
23 out (inaudible) pretty aggressive maintenance caulking to address that. And that's what I

1 mean by a green build and shrinkage. A dry wood built boat would most likely not have
2 that experience.

3
4 COMMANDER KEVIN CARROLL: In regards to green wood you are referring to the age
5 of the wood when it was cut correct?

6
7 CAPTAIN JAN MILES: Yes that is correct.

8
9 COMMANDER KEVIN CARROLL: Regards, with caulking on the vessel is it safe to say
10 that you have over the years experimented with different products to see what works and
11 what does not?

12
13 CAPTAIN JAN MILES: Only in the sense of manufacturing (inaudible) meant for a
14 purpose, (inaudible) underwater seam compound I've heard of others but (inaudible) in
15 the slipped seam has been very successful.

16
17 COMMANDER KEVIN CARROLL: Are you of the wear of the product DAPP?

18
19 CAPTAIN JAN MILES: Yes I am.

20
21 COMMANDER KEVIN CARROLL: Have you ever used DAPP on seams on the hull?

22
23 CAPTAIN JAN MILES: I would not consider it at all.

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COMMANDER KEVIN CARROLL: Okay, what about an NP1? A product called NP1?

CAPTAIN JAN MILES: Not exactly (inaudible) is it a rubber?

COMMANDER KEVIN CARROLL: It is a silicone rubber-based product.

CAPTAIN JAN MILES: I would not likely find that to be attractive at all. Rubber compound (inaudible) wooden vessel application underwater on the hull just does not work on the caulking, let me back up a second Wood dimensions when it is used in a plank and much more square, there is a difference in how much shrinkage you get in than in the normal process of the wood changing dimensions such as square plank would shrink much differently than a non square plank. So if you are going to have a plank that is 5 inches wide and No less than 3 inches thick the amount of movement across this 5 inches is going to be much greater than if you had as a plank that was 2 inches square, rubber does not succeed in remaining bonded in an underwater situation cannot stretch as much as this dimension changes (inaudible) underwater adhesions so you want something that has (inaudible) stickiness without having its own dimensional memory, rubber will adhere to a dimensional memory and want to go back to that come so I would say no I have not heard of traditional planking including any rubber compounds used in caulking.

COMMANDER KEVIN CARROLL: Sir are you familiar with the vessel Bounty?

1 CAPTAIN JAN MILES: I am.

2

3 COMMANDER KEVIN CARROLL: Did you know that Bounty's master, Robin Walbridge?

4

5 CAPTAIN JAN MILES: I do.

6

7 COMMANDER KEVIN CARROLL: Can you give us your impression of Capt. Walbridge?

8

9 CAPTAIN JAN MILES: We, because of being in the business as long as we each have
10 we run into each other under different circumstances, a number of tall ship or vessel
11 gatherings that is what he was commanding in the vessel avows commanding her in the
12 same thing we would meet that way and over the years have had discussions and phone
13 calls every once in a while revenue will give me a call and asked me a question
14 (inaudible) in Europe other than that we are just colleagues.

15

16 COMMANDER KEVIN CARROLL: Are you familiar with what happened to Bounty on
17 October 29, 2012, and hurricane Sandy?

18

19 CAPTAIN JAN MILES: Yes.

20

21 COMMANDER KEVIN CARROLL: When did you first become aware that the Bounty was
22 offshore during hurricane Sandy?

23

1 CAPTAIN JAN MILES: It was Saturday, right before the tragedy I guess. I had learned
2 about it from my partner Capt. And the first mate who was on board, and they had learned
3 about it from my understanding, they were ensuring the Chesapeake Bay area and within
4 the cell phone range of Internet and they herded through social media (inaudible) tipped
5 off later sometime on Saturday that's how we first discovered it.
6

7 COMMANDER KEVIN CARROLL: What was your reaction when you found out where
8 they were?
9

10 CAPTAIN JAN MILES: Well I drew a blank, I couldn't understand, I basically drew a
11 blank.
12

13 COMMANDER KEVIN CARROLL: What didn't you understand, can you elaborate on
14 that?
15

16 CAPTAIN JAN MILES: Oh sure, it was in fact the largest storm forecasted, will be a thing
17 to do that I wouldn't do, and I was rather stunned at the idea that he was out there, I was
18 left with questions I had no answers.
19

20 COMMANDER KEVIN CARROLL: Are you aware of what Bounty's last port of call was?
21

22 CAPTAIN JAN MILES: Yes in New London.
23

1 COMMANDER KEVIN CARROLL: What other options would have been available to
2 Bounty from New London given the forecasted path and strength and scope of hurricane
3 Sandy, in your professional opinion?
4

5 CAPTAIN JAN MILES: I think she could have avoided going to see altogether. Either
6 state importer found another port that offered the security that she may have not felt
7 available in New London. Not too far away is the fishing Port of New Bedford, with storm
8 surge barriers. She didn't have to go, I don't know what would have caused her to go.
9

10 COMMANDER KEVIN CARROLL: In your opinion do you believe a ship is safer at sea
11 than in port in regards to hurricane?
12

13 CAPTAIN JAN MILES: If you take into context what the boat is, there might be a yes to
14 that as an answer, but in the case of Bounty I don't believe so.
15

16 COMMANDER KEVIN CARROLL: What vessel do you think would be safer at sea then at
17 Port?
18

19 CAPTAIN JAN MILES: Possibly some of these large, very large fast commercial vessels,
20 I am personally aware of two passenger ships that the part of New York on the weekend
21 of (inaudible) and I'm aware that the Navy fleet leaves Norfolk move some of their vessels
22 out of the area, but they did not just go to see and stop, they went to see and then
23 escaped the whole reach as best they could, of the storm system, so there capable of 18

1 to 20 kn as most passenger ships are and certainly the Navy ought to be (inaudible) and
2 handle the 20 foot seas (inaudible) and after 24 hours there can be 480 miles away with
3 increasing distance and get lighter and lighter see conditions, conceivably those types of
4 vessels might need to get away from a dock because of damage in the dock because of
5 windage (inaudible) and an aircraft carrier must be a monster to dock with all that
6 windage they've got power in speed and they can get out of the area.
7

8 COMMANDER KEVIN CARROLL: In regard to Pride of Baltimore 2, this Pride of
9 Baltimore 2 have a hurricane plan?
10

11 CAPTAIN JAN MILES: Not many written form, as the due diligence of the Masters and we
12 avoid as best we can hurricanes we have been in different ports for hurricanes we've
13 avoided going to see in hurricanes I can remember making changes back from Europe on
14 a schedule and gay going to Puerto Rico a couple different times (inaudible) and made
15 the decision not to depart which through the schedule off by another week until he got all
16 cleared out. I do recall being in (inaudible) Canada when hurricanes were threatening
17 (inaudible) and going to seek shelter but it was any place that had shelter does that
18 answer the question?
19

20 COMMANDER KEVIN CARROLL: That answers the question I am going to give you a
21 hypothetical, were you the master onboard Pride of Baltimore to during the time hurricane
22 Sandy was entering the Atlantic?
23

1 CAPTAIN JAN MILES: No, my partner captain was (inaudible) and he and I had regular
2 communication about the status of the vessel was over on the Eastern shore in a town
3 called Chestertown and the question was to leave this stuff the captain (inaudible) had
4 discussed with (inaudible) expect to get back from Baltimore, Saturday evening... Know
5 my like a for the vessel proceed back to Baltimore (inaudible)

6
7 COMMANDER KEVIN CARROLL: The forecasted track for the actual landfall for
8 hurricane Sandy was in New Jersey, let's put that hypothetically Let's put that south in
9 say the landfall is going to take the storm directly over Baltimore after obviously hitting the
10 East Coast, at what point would you have possibly made that decision to leave port?

11
12 CAPTAIN JAN MILES: I wouldn't have. (inaudible)We have sort of an interesting ironing
13 with 25 years of (inaudible) Sandy was the only time we have been home for a hurricane,
14 we had sort of a novel circumstance but also having a lot of practice at having her
15 secured for the winter is because we stay home in the winter we had some hurricane
16 strength wind in the wintertime so we have a few more options at hand, in Baltimore
17 because it is the hometown of the vessel, so we were pondering various choices, but
18 there is virtually no interest, no desire, the only plan was to get the vessel secured.

19
20 COMMANDER KEVIN CARROLL: Capt. Miles what is my sincere goals for this
21 investigation is to be able to determine the cause, provide lessons learned to not just a
22 tall ship industry, but to all industries as far as lessons learned, with what you know as a
23 professional with many years as master of a vessel in regards to what you know about

1 this case what you think would be valuable for this investigation board to know, or to
2 apply the lessons learned?

3
4 CAPTAIN JAN MILES: I think that the power of a storm is being brought back to the top,
5 he should have confidence in weather forecasting and it's getting better all the time, it was
6 certainly excellent in regards to Sandy, a large sea state and a high wind is something
7 that to be (inaudible) on a regular basis going towards it doesn't make any sense to me,
8 all of my efforts have been to expose the vessel to the least amount of impact whenever
9 possible, whether you're on a long ocean voyage she might not have the ability to be fast
10 enough to avoid whether, or he might be overcome by whether it's still a process reducing
11 the exposure. I hope one aspect is the lesson of no matter how well a ship might be you
12 still run the risk of getting into an unexpected problem in the large sea state, high winds,
13 (inaudible) crew injury all of these things is not needed when the mission of the vessel is
14 not a critical mission, there is a whole lot of examples of commercial decisions that were
15 made to skip port and discontinue commercial operations up-and-down East Coast
16 because a sandy, (inaudible) there is no recreational plan with a plan to be out there at
17 that time (inaudible) that could be a one good take away (inaudible) most of the time the
18 ship is going to be floating at a relatively narrow small angle to heel is easy to do in the
19 seas are pretty moderate, if you look at history we go back a couple hundred years, and
20 whether reporting in such, he had to do it all year round, you would work in the Atlantic in
21 the wintertime and you need to be prepared for that. Today we have on the small
22 recreational side or educational learning side we have programs that are focused on fair
23 weather period. We just don't have the same kind of degree of experience and

1 understanding of the power of the sea, that does mean that the vessel is not prepared, it's
2 a very conscientious industry and we are looking to achieve a minimum and there is a
3 great deal safety consciousness within the inspector world and uninspected world as well,
4 but we don't have the depth of experience of heavy weather management and
5 experience, we have some people it's distinctly exhaustive experience but even then
6 were focused towards the Fairweather times and the Fairweather portions of the globe. I
7 think that looking at a storm in saying we can handle that, that is something to be
8 evaluated.

9
10 COMMANDER KEVIN CARROLL: Capt. Miles what I'm going to do now is turn it over to
11 Capt. Rob Jones he is from the National Transportation Safety Board he will ask some
12 questions, we will also have questions with three parties of interest to our participating in
13 this casualty investigation.

14
15 CAPTAIN JAN MILES: That's okay thank you.

16
17 COMMANDER KEVIN CARROLL: Okay Capt. Jones go ahead.

18
19 CAPTAIN ROB JONES: Good afternoon Capt. Miles.

20
21 CAPTAIN JAN MILES: Good afternoon.

22

1 CAPTAIN ROB JONES: (inaudible) Take advantage of your wood working knowledge
2 before you said a green wood built boat will always be one, is that correct?

3
4 CAPTAIN JAN MILES: No I did not mean to say that, it will always be a challenge, it will
5 eventually cure, the Greenwood will eventually stop being green in the sense that it does
6 cure, but there is going to be a delay in certain areas of the ship, underwater planking that
7 was green to start with is going to take an exceedingly long time to completely cure. But
8 green wood that is above the waterline is going to cure to a finished dimension,
9 somewhat sooner.

10
11 CAPTAIN ROB JONES: I'm not sure how familiar you are with Bounty as far as the hull,
12 but in a yard. But in a yard period where it is hauled out for 30 days, and then back into
13 the water, what is the normal time period of when you would want to start working or
14 stressing that hull?

15
16 CAPTAIN JAN MILES: I think a week as possible but there's going to be an impact on
17 whether the water is cold or warm, the warmer the water the less amount of time it takes
18 for the wood to absorb water and recover its previous dimension, that was prior to the dry
19 docking, colder water takes longer, stressing the vessel in a relatively short amount of
20 time could cause some problems could cause some issues.

21
22 CAPTAIN ROB JONES: Let's assume the water in Boothbay Maine in October is cool, or
23 cold, and Bounty has been out for 30 days and we had testimony from a survey or that

1 said once he got back in it wouldn't really matter because the hull saturated, is that, how
2 do you feel about that statement?

3
4 CAPTAIN JAN MILES: I can't argue with that much it experience in the construction, I
5 don't have experience in the construction, just my early years in wooden yachts,
6 (inaudible) the question of soaking up was came to the conversations over time, it's true
7 that there would be a difference between a plank of wood that is 3 inches thick and
8 thicker versus something that's only an inch thick, I think there has to be, unless there's
9 been a study somewhere that actually can identify rate of (inaudible) there's no question
10 there'd be some kind of dewatering of the wood and a drying out going on. So how long
11 would it take to go back (inaudible) gone on at all or to say that it would come back
12 instantly I would wonder about.

13
14 CAPTAIN ROB JONES: One thing you mentioned about caulking was it takes power, can
15 you define what you mean by power?

16
17 CAPTAIN JAN MILES: Realize you're putting in a series of (inaudible) materials so
18 (inaudible) and there's a way of twisting folding it in a uniform way to create a new bond
19 with it not tightly wound up bulk then you push that in and your mallet and put them
20 possibly two layers of cotton and you might be putting in three layers of oakum may not
21 pushing them in, you may feel like you're pushing them in, you're actually going to be
22 applying the force, the noise you get back from a full packed down cotton, will be the
23 same kind of noise you might get if you had the wood directly. So if you're not getting that

1 kind of ringing or noise coming out of (inaudible) caulking and with the mallet and the iron,
2 then you're not hitting a very hard and in need to get in hit pretty hard

3
4 CAPTAIN ROB JONES: Who does the caulking aboard your vessel?

5
6 CAPTAIN JAN MILES: I'm sorry I did not catch that?

7
8 CAPTAIN ROB JONES: Who from your vessel when it's in the drydock and you are doing
9 caulking who does that?

10
11 CAPTAIN JAN MILES: I mentioned earlier that there was a previous question about that
12 we either have the skills within the crew or higher skills from somewhere else.

13
14 CAPTAIN ROB JONES: Does it take someone that is 150 pounds, 180 pounds,
15 somebody that is muscled up, what is it take to, or can anybody do it and it is just the right
16 technique?

17
18 CAPTAIN JAN MILES: I have watched qualified caulkers that were 5 foot four and 100
19 pounds and I watch qualified caulkers that were 6 foot 200 pounds, I think it's not about
20 the personal strength it's about the swinging of the mallet it's about the angle of the iron
21 observing, what about packing it in and then getting to that sound point, there are other
22 ways of job of addressing some of this you can use (inaudible) and a beetle which is sort
23 of a larger mallet and work with two people, one person uses the iron and holds the iron

1 while keeping their hands out of the way and someone else can use the beetle to hit in,
2 and create an environment to get done what you need to be getting done without over
3 exhausting yourself and it is not dependent on being all of the strength coming out of the
4 body.

5
6 CAPTAIN ROB JONES: And one more question, his Pride of Baltimore 2 hauled out right
7 now?

8
9 CAPTAIN JAN MILES: No she's in the water up in Baltimore.

10
11 CAPTAIN ROB JONES: Okay thank you.

12
13 CAPTAIN JAN MILES: Sure.

14
15 COMMANDER KEVIN CARROLL: Who in first last time? Captain Miles what I am going
16 to do now is allow the parties of interest the opportunity to interview, Mr. Melusi
17 represents the Christian family is going to ask you some questions.

18
19 CAPTAIN JAN MILES: Okay.

20
21 RALPH MELUSI: Good day Capt. Can you hear my voice?

22
23 CAPTAIN JAN MILES: Yes I can, good day.

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RALPH MELUSI: Capt. Sometime after the Bounty was lost did you take the occasion to put your professional thoughts on paper by writing a letter dated December 1 addressed to dear Robin.

CAPTAIN JAN MILES: I did.

RALPH MELUSI: What was your purpose in doing that?

CAPTAIN JAN MILES: There was a lot of static in the air, I had personal experience of a tragic loss, the first Pride of Baltimore was lost at sea with a sudden weather event and was not visible to anticipate, (inaudible) and there was a Coast Guard and NTSB hearing back in 1986 in Baltimore to do their due diligence and there was a great deal of gossip and discussion, newspapers, (inaudible) all up and down the East Coast, but there are big differences back then than there is today, the ability to maintain (inaudible) and have it extend worldwide and be persistent and undying is a interesting education, the modern world the Internet's World Wide Web, and social media and there is a great deal of misinformation that was being handed out, (inaudible) the crescent of what was the thinking in the final and I decided that there was a crude way of creating a baseline to help in the discussion to get away from the static and that was totally inaccurate, if I don't know if I achieved that in the end or not but that was what motivated me.

1 RALPH MELUSI: You wrote this letter which is five pages and in a you express some
2 very critical severely critical opinions of Capt. Walbridge's conduct, is that correct?

3
4 CAPTAIN JAN MILES:(inaudible)That was expressed openly didn't make any sense and
5 the persistence of the preceding was (inaudible) that it didn't make any sense I was not
6 speaking before the tragedy I was speaking after the tragedy (inaudible) and it doesn't
7 make any sense.

8
9 RALPH MELUSI: I understand that, before you put pen to paper, before you articulated
10 your opinion did you spend serious time to study the track line of the Bounty in the track
11 line of hurricane Sandy?

12
13 CAPTAIN JAN MILES: Indeed, indeed yes, there is a lot of public data out there that you
14 can go to and look at, various buoy reports (inaudible) open water areas and quite a bit of
15 information from the National Weather Service that describe the Sandy forecast
16 (inaudible) and a lot of information which I can go back to an question myself is to what
17 the thought he might had and possibly played out there's quite a bit of information.

18
19 RALPH MELUSI: I take it you took sufficient time to review all of the relevant data in order
20 to provide a firm foundation for the opinions that you articulated in your letter, is that true?

21
22 CAPTAIN JAN MILES: Yes I did.
23

1 RALPH MELUSI: I just want to read a few parts and ask if you are of the same opinion,
2 that you were when you wrote the letter. On page 1 you say in part why did you throw all
3 caution away by navigating for a close pass to hurricane Sandy? I was so surprised to
4 discover that Bounty was at sea near Cape Hatteras and close to hurricane Sandy on
5 Sunday night October 28, the decision of yours was reckless in the extreme. That was
6 your opinion then is it your opinion today?
7

8 CAPTAIN JAN MILES: Yes.
9

10 RALPH MELUSI: And then you go on to say the outcome of your action being the only
11 captain in the long crop of experience American maritime licensed sailing vessel masters
12 actually willing to voyage anywhere near a hurricane, are you still of that opinion?
13

14 CAPTAIN JAN MILES: Yes.
15

16 RALPH MELUSI: And then human into an analysis of the track line and track of Sandy in
17 you state you told everyone that you were going east, around Sandy, but you do not even
18 try to do so your track line indicates unequivocally a trail all but directly towards Sandy,
19 when I heard East around was the strategy I immediately wondered about it, I am not the
20 only one to know that Bounty is not highly powered with her engines, you yourself publicly
21 recorded as saying Bounty is underpowered, what is the basis of that statement or
22 opinion that Bounty's underpowered Capt.?
23

1 CAPTAIN JAN MILES: First of all the comments is From coming from Capt. Walbridge,
2 the reality is and I think I described that to some degree and what I wrote there, a motor
3 vessel without a sailing rig is a fixed amount of windage that could be different than the
4 same size vessel with a sailing rig so the definition of when it's under power is somewhat
5 subjective but the reason to know (inaudible) complicated rigs sticking up 100 feet or so
6 up in the air (inaudible) would be a lot of windage and if the boat is comfortable at a
7 cruising RPM of say 6 kn or seven knots there is no question of (inaudible) wind of any
8 particular strength is going to slow that down (inaudible) your cruising RPM of between
9 six and 8 kn what's the difference between (inaudible) at 8 kn you got no wind or little bit
10 of one behind use in it six not you got (inaudible) 10 kn will slow down the seven
11 (inaud715 kn will slow down the 6, so to go faster you need to bump up the horsepower
12 on the engine, or the empty RPM on the engines, so not knowing Bounty that well I
13 cannot imagine that there would be no real means to push the envelope which is violent
14 to some of the Billy recorders out that way and found out there was at least a 48 hour
15 window that ma be a boat could sustain 5 kn and gone east around. (inaudible)

16
17 RALPH MELUSI: And then you go on to say, and even more distressing puzzle is brought
18 forth by Bounty's study movement directly at Sandy after you had abandoned your
19 original notion of going east around on October 26 forecasting confirmed an even higher
20 confidence hurricane Sandy would turn left after some more time going north, but Bounty
21 continued straight southward and then you asked why did you not turn for New York
22 harbor. Now in your professional opinion was that an option that the Capt. Walbridge
23 could have or should have attempted at that point?

1
2 CAPTAIN JAN MILES: Oh yeah sure, when you make that point it was off, I'm not certain
3 what point it is clear (inaudible) they would need to be taken early, when our first heard
4 about the Bounty he was already down in the latitude of the Chesapeake Bay and was
5 pretty much at the end of any options to take shelter but within the fact (inaudible) it would
6 have been my thought that the evaluation was going on and and we are getting updated
7 an updated weather reports (inaudible) and there was quite a few interesting possible
8 options, could of turned around and gone back could've gone into the New York harbor
9 area up the Hudson River down to the Delaware Bay (inaudible) except for maybe going
10 back up to (inaudible). Or the Chesapeake Bay would be aided by the weather pattern.

11
12 RALPH MELUSI: When you are making these calculations and options into New York or
13 Delaware were you assuming that Bounty her machinery and vital systems were
14 operating normally, she was not taking on excessive amounts of water.

15
16 CAPTAIN JAN MILES: I was only directing towards one thing and that was the strategy.

17
18 RALPH MELUSI: Right.

19
20 CAPTAIN JAN MILES: And if you look at my letter I use a five knot rate of advance under
21 normal cruising. I have no particular knowledge of her status (inaudible) and machinery,
22 (inaudible) so I was in no position to even ponder the possibility of her other things that
23 have come out in this hearing but in terms of the general strategy I think in my position I

1 would change my strategy a whole bunch of times an uncountable number of times, so I
2 was only looking at it from that perspective, and maybe the original idea was half-baked
3 now I am out here I need to evaluate, (inaudible)
4

5 RALPH MELUSI: And then you go on to say on another page, Robin for all the
6 experience that you have it was a reckless poor judgment to do anything but find a heavy
7 weather berth for your ship rather than instead intentionally navigate directly towards a
8 sandy with no thought given to deviate if the original plan of yours was not panning out. Is
9 that still your opinion today?
10

11 CAPTAIN JAN MILES: Yes.
12

13 RALPH MELUSI: In your last closing sentence, the last closing paragraph you say, well
14 my recklessly cavalier friend I cannot say I told you so but I sure can say I am surprised,
15 the stunt is so amateur to be off the scale, is that still your opinion today?
16

17 CAPTAIN JAN MILES: Yes.
18

19 RALPH MELUSI: Thank you.
20

21 COMMANDER KEVIN CARROLL: Capt. Miles, I'm now going to allow the Bounty
22 Organization to ask questions.
23

1 LEONARD LANGER: Sir I only have a couple questions, do you feel that fir is a suitable
2 materi this is John Svendsen for above the waterline on a ship?

3
4 CAPTAIN JAN MILES: It has certainly been successful (inaudible) is 25 years old, there is
5 other examples such as the (inaudible) end the Bill of Rights, of course when vessels get
6 older depending on how they are cared for, whether or not it is an ideal wood would be for
7 someone with more experience than me.

8
9 LEONARD LANGER: To your knowledge is there any type of special maintenance that
10 needs to be done on fir above the water line?

11
12 CAPTAIN JAN MILES: No not in the normal sense that, (inaudible) but there is another
13 factor in that is (inaudible) tendency for that localized area to be damaged (inaudible) and
14 become a problem spot for rot so (inaudible) or if it is localized and it's a matter of
15 replacing some beams or or planking and then put the engraving piece on properly in that
16 area does not become a problem area again.

17
18 LEONARD LANGER: Thank you sir.

19
20 COMMANDER KEVIN CARROLL: Captain Miles we are going to let chief mate John
21 Svendsen ask you some questions.

22
23 JS: hello Capt. Miles this is John Svendsen

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CAPTAIN JAN MILES: Hello.

JS: You mentioned that you have a manning requirement of 12 people and you sail with 12 do you feel it that is a safe amount of crew to be able to man the ship effectively?

CAPTAIN JAN MILES: We actually have a manning requirement of 10, but we choose to man with 12, and yes it has proven to be very effective. In terms of the requirements for managing the ship.

JS: Do operate with a three watch system?

CAPTAIN JAN MILES: Yes.

JS: Do you carry an engineer on board?

CAPTAIN JAN MILES:(inaudible)

JS: Does that require to have licensing?

CAPTAIN JAN MILES: No it does not.

1 JS: Do you recall having a conversation with me in Greenport New York about the
2 Bounty?

3
4 CAPTAIN JAN MILES: I remember that we met there and we may have had one or more
5 conversations, I don't specifically remember the conversations.

6
7 JS: Do remember having a conversation with me when I asked you about some of the
8 things that you had experienced on Pride of Baltimore one and rebuilding the reputation
9 and improving the training on board the ship?

10
11 CAPTAIN JAN MILES: Nothing is coming to mind, I'm not questioning your memory, I just
12 don't have the recollection myself.

13
14 JS: I was asking advice on how you had maintained your ship and how you had brought
15 the ship to a better higher standard and you had referred me to someone, does this ring a
16 bell at all?

17
18 CAPTAIN JAN MILES: Do you remember the name of who I referred you to?

19
20 JS: You referred me to Capt. Dan Moreland.

21
22 CAPTAIN JAN MILES: Yes okay, I would refer you to someone such as him with his
23 exceedingly (inaudible)

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JS: I won't ask any more questions if you don't have any specific memories on that. Are you familiar with any requirements for certain occasion or specific approved training for someone who is doing caulking?

CAPTAIN JAN MILES: To my knowledge there is none, it is like skilled carpentry and a number of other areas to my knowledge there is not, but the community of boat construction is a pretty small community and it is fairly easy to get a line on someone who has a lot of time and it had a lot of experience in a and have oversight effective, I don't have to be a Caulker to know what I'm not seeing very good caulking.

JS: Are you familiar with Boothbay shipyard and their skills?

CAPTAIN JAN MILES: Not in any detail, no. I'm familiar with the yard but not details.

JS: Have you heard that they do good work, poor work, medium skilled work?

CAPTAIN JAN MILES: I don't recall one way or the other, I don't have a particular thought about it, word of gossip but I don't know anything for certain.

JS: Are you familiar with Robin Walbridge's skills in rebuilding the Bounty, his woodworking skills or his caulking skills?

1 CAPTAIN JAN MILES: Not really detailed. He had been with about a long time and has
2 been a singular cheerleader for preserving the vessel but I don't have any specific
3 knowledge of his skill sets.
4

5 JS: In your experience of being near the Bounty or on board, have you been on board the
6 Bounty?
7

8 CAPTAIN JAN MILES: Spreadout over maybe six or seven years, maybe a half a dozen
9 times.
10

11 JS: What was your evaluation of the ship?
12

13 CAPTAIN JAN MILES: I do not spend a lot of time (inaudible) and sometimes I had been
14 being shown what changes have been made and sometimes it was purely social
15 (inaudible) and I know that she was somewhat stripped down for the first European
16 campaign coming out of the yard and going up to Nova Scotia and Europe and she did
17 not have very much rigged up, it was interesting study in that decision process, but I do
18 not spend any time discussing it with anyone just observed what was going on.
19

20 JS: And in your last visit on the Bounty would you say that she was well-maintained or
21 needed maintenance?
22

1 CAPTAIN JAN MILES: It would be impossible to say, over time there has been
2 improvement in her presentation there is no question about that and when I got shown
3 around based on (inaudible) work that had been done there is been no question that that
4 evidence is there but I do not make a point of questioning what I was being told are going
5 around any in particular effort to question what I was being told, I do not go around
6 evaluating whether she was one way or the other quite frankly was not of interest to me to
7 go in that direction, I took it on face value and Robin was a very special individual so I just
8 looked at that way.

9
10 JS: Thank you very much for your time.

11
12 CAPTAIN ROB JONES: The Miles Rob Jones with the NTSB just one follow-up question,
13 the plot of Bounty the last two days before the capsizing are you familiar with that, with its
14 location?

15
16 CAPTAIN JAN MILES: I'm sorry am having a little trouble hearing you can you say that
17 again?

18
19 CAPTAIN ROB JONES: The last plots of the Bounty and its location in its last two days
20 before the capsizing a relatively familiar with that, do you remember it?

21
22 CAPTAIN JAN MILES: Yes she was down along the latitude of the Chesapeake Bay and
23 shifted course to the southwest

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CAPTAIN ROB JONES: At that point do you think it was experiencing the effects of the Gulf Stream?

CAPTAIN JAN MILES: Oh huh, maybe not at the latitude of the Chesapeake Bay, she was what 150 miles offshore, (inaudible) I did not actually examine that, but it is a possibility that, I did not even look for that, I was more taken by the fact that when she made a course change which would've been (inaudible), these things are spinning counterclockwise and are moving in a direction so you would want (inaudible) semicircle side which is towards the West assuming that the travelers towards the north and I had been getting some email announcements (inaudible) there was showing a depiction of Sandy and showing the when strength was all the way around Sandy and there was a surprise to me the southwest corner of Sandy was the highest wind zone area almost no quarter (inaudible) and I ponder that and realize that maybe it was due to the cold front relationship coming across as Sandy was coming north (inaudible) talking about the possibility that maybe Sandy going into colder water would not actually reduce but possibly sustain (inaudible) and I learned quite a bit later from one of the professionals at the National Weather Service (inaudible) instead of tropical and (inaudible) in a certain tragic irony to (inaudible) and following traditional practice, it wasn't necessarily going to be beneficial (inaudible).

1 CAPTAIN ROB JONES: Very well. Because you're not sure I'll just ask you if you would,
2 would you just answer what the possible effects would be on a wooden hull vessel sailing
3 with East or North East winds behind it into the Gulf Stream?
4

5 CAPTAIN JAN MILES: (inaudible)And you got the stream running north (inaudible) would
6 compressing get shorter not trying to be silly but (inaudible) I've been in the Gulf Stream
7 and (inaudible) try to avoid that body of water with contrary winds.
8

9 CAPTAIN ROB JONES: Thank you very much Capt. Miles.
10

11 COMMANDER KEVIN CARROLL: Capt. Miles this is Cmdr. Carol I want to thank you for
12 your attendance and your participation with these proceedings I'm going to bid you good
13 day sir thank you very much. 1700, back on the record.
14

15 COMMANDER KEVIN CARROLL: Let's get back on the record all parties of interest and
16 the representatives are present.
17

18 LIEUTENANT COMMANDER NICHOLAS PARHAM:At this time the Coast Guard is
19 calling to discuss (inaudible) Mr. Svendsen Capt. Richard Bailey who is with us via
20 telephone, Capt. Bailey can you hear us okay?
21

22 CAPTAIN RICHARD BAILEY: I can.
23

1 LIEUTENANT COMMANDER NICHOLAS PARHAM: We're going to have you stand and
2 raise your right hands I can swear you in.

3
4 CAPTAIN RICHARD BAILEY: Roger that.

5
6 LIEUTENANT COMMANDER NICHOLAS PARHAM: A false statement given to an
7 agency of the United States is punishable by fine and / or imprisonment under 18 USC
8 1001. Knowing this do you solemnly swear that the testimony you are about to give will
9 be the truth, the whole truth and nothing but the truth, so help you God?

10
11 CAPTAIN RICHARD BAILEY: Yes I do.

12
13 LIEUTENANT COMMANDER NICHOLAS PARHAM: Okay, we will start at this time.

14
15 COMMANDER KEVIN CARROLL: Sir good afternoon this is Cmdr. Carol how are you?

16
17 CAPTAIN RICHARD BAILEY: I'm very good thank you.

18
19 COMMANDER KEVIN CARROLL: Can you please state your name and spell your last
20 name please?

21
22 CAPTAIN RICHARD BAILEY: Richard Bailey B-a-i-l-e-y
23

1 COMMANDER KEVIN CARROLL: Can you please describe your maritime expertise Sir?

2
3 CAPTAIN RICHARD BAILEY: At the moment I'm a board member and designated
4 captain for the construction of two subchapter R sailing school vessels (inaudible) for
5 many years I was captain of a vessel that was built in the same yard as Bounty and sort
6 of resembled it, that vessel was called HMS Rose, or simply Rose it was popularly seen
7 in Master and Cmdr. For several decades I operated out of a inspected subchapter R
8 school vessel. Now when I am not working on my new ship construction project
9 (inaudible) in Philadelphia. I did that last summer and spent a fair amount of time in
10 company of Bounty and Picton Castle and other vessels.

11
12 COMMANDER KEVIN CARROLL: Very good, hope what merchant mariner credential do
13 you hold?

14
15 CAPTAIN RICHARD BAILEY: A master seed mechanical auxiliary sail to 1600 gross
16 tons.

17
18 COMMANDER KEVIN CARROLL: Do you have any other commercial maritime
19 experience?

20
21 CAPTAIN RICHARD BAILEY: I've done some small fairies small passenger cruise ship
22 type things in my younger days, I've sailed a number of wooden schooners and other
23 sailing school vessels, (inaudible) in the early 90s briefly with a contract (inaudible)

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COMMANDER KEVIN CARROLL: Excellent. Okay I want to ask you a few questions in regards to your knowledge, you said before that you had worked with subchapter R vessels is that correct?

CAPTAIN RICHARD BAILEY: My ship Rose was the first (inaudible) with subchapter R vessels is up to 100 gross tons then goes from 100 to 500 and as far as I know my ship was the only one to be approached to (inaudible) as a sailing school vessel.

COMMANDER KEVIN CARROLL: What was the gross tonnage of Rose?

CAPTAIN RICHARD BAILEY: It was nearly 500 tons, as with most vessels we were always trying to think of ways to find tonnage deductions for it but it remained pretty close to 500 gross tons.

COMMANDER KEVIN CARROLL: And it was built in Lunenburg Nova Scotia?

CAPTAIN RICHARD BAILEY: Yes she was built in Lunenburg 10 years after Bounty was she was launched in 1970.

COMMANDER KEVIN CARROLL: Okay. Was she built specifically to constructed standards or did she achieve certification at another date?

1 CAPTAIN RICHARD BAILEY: She achieves certification (inaudible) sailing school vessels
2 until 1986, (inaudible) and I was hired by the new owners (inaudible)

3
4 LIEUTENANT COMMANDER NICHOLAS PARHAM: Capt. Bailey please stand by for just
5 one moment, is the chief from the station still there with you?

6
7 CAPTAIN RICHARD BAILEY: No he stepped out.

8
9 LIEUTENANT COMMANDER NICHOLAS PARHAM: You are starting to cut in and out it
10 would be better if we could take you off speakerphone and heavy just on a receiver

11
12 CAPTAIN RICHARD BAILEY: (inaudible) I am going to have to find someone.

13
14 LIEUTENANT COMMANDER NICHOLAS PARHAM: Okay, do you have a cell phone with
15 you?

16
17 CAPTAIN RICHARD BAILEY: I am going to have to call you back on a cell phone.

18
19 LIEUTENANT COMMANDER NICHOLAS PARHAM: Ok, we will be standing by on this
20 line.

21
22 COMMANDER KEVIN CARROLL: I apologize ladies and gentlemen. We will take 5
23 minutes pleas, 5 minutes, I apologize for the interruption.

1
2 COMMANDER KEVIN CARROLL: Can you describe to me the process that Rose had to
3 go through to achieve certification?
4

5 CAPTAIN RICHARD BAILEY:(inaudible)Many years in the process there was a
6 tremendous amount of plan review, there is immense amount of analyzing the existing
7 hull before we added anything new, once we had established baseline for what the ship
8 was made of we had to make plans for subdivisions (inaudible) machinery which we did
9 not have it was a (inaudible) powered vessel we needed generators and wiring, plumbing
10 tanks, we needed everything it was pretty bare-bones only started (inaudible) and we had
11 to reinvent (inaudible) every frame and pretty much the entire Stern the decks were done
12 in Douglas fir (inaudible) and needed additional (inaudible) does the biggest part of it
13 whenever Naval architects was the same (inaudible)
14

15 COMMANDER KEVIN CARROLL: This should certification for Rose did that happen all at
16 once or do that actually happen in pieces over the years?
17

18 CAPTAIN RICHARD BAILEY: It took about five or so, my at that time boss said to me
19 when we finally got the certificate congratulations on winning the seven-year war, it wasn't
20 quite seven years but it took near seven years at least a full six years (inaudible), I was a
21 non-profit organization and we were spending money as fast as we could one of the
22 challenges was funding (inaudible) and we couldn't afford \$90,000 for new bulkheads but
23 we could hire people to do it ourselves so we did.

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COMMANDER KEVIN CARROLL: What else did you do yourself as far as the employees of the organization, what else do you do yourself did you do woodworking when you're on board the vessel?

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CAPTAIN RICHARD BAILEY: Oh yeah (inaudible)

7

8

COMMANDER KEVIN CARROLL: I'm sorry sir you're breaking up, we can't really hear you.

9

10

11

CAPTAIN RICHARD BAILEY:(inaudible)And if it was rotted we would leave it there so we could replicate it using the same material in the same manner so as good having even though the ship was in hard shape it was good to have always there to copy.

12

13

14

COMMANDER KEVIN CARROLL: You kind of broke up a little bit there I didn't hear the first part of what you are saying, what other projects would you work or do with the crew?

15

16

17

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CAPTAIN RICHARD BAILEY: I realize that caulking is a big part of the conversation we did tons of caulking, I believe that I was probably (inaudible) aboard Rose for two years and it was probably at a board Rose that he learned about this product NP1 that everyone speaks of and apparently it is not well known but it came to us through a fellow (inaudible) whose family pioneered container ships (inaudible) and he had found this NP1 product from the skyscraper industry in New York, it is a compound used for sitting wood, steel,

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23

1 iron and glass (inaudible) it was particularly good for deck caulking because they had
2 immense stretch and when you put it in a seam (inaudible) and it could stretch that much
3 so I thought this would be very useful in deck caulking but I do not use it in any other
4 application.

5
6 COMMANDER KEVIN CARROLL: Since we're talking about caulking, did you ever use
7 DAPP in regards to?

8
9 CAPTAIN RICHARD BAILEY: I did not use DAPP but I really believe it is close (inaudible)
10 Marine seam compound and I believe that DAPP is (inaudible) oil based so it doesn't
11 seem so egregious to me that someone would use DAPP I just did not use it myself.

12
13 COMMANDER KEVIN CARROLL: Okay. So you are familiar with inspected vessels
14 under subchapter R and you are also familiar with attraction vessels correct?

15
16 CAPTAIN RICHARD BAILEY: Yes.

17
18 COMMANDER KEVIN CARROLL: In regards to the inspection and you would receive by
19 the Coast Guard, what is the difference in scope of an inspection that you would receive
20 as an attraction vessel versus a subchapter R vessel?

21
22 CAPTAIN RICHARD BAILEY: In attraction vessel inspection it is to see if passengers and
23 visitors around the deck, the certainty that they can get off in the event of a fire,

1 (inaudible) a big part of attraction vessel inspections showing that you have interacted
2 with the local fire department in the event of a fire delivered to them a set of plans for the
3 vessel (inaudible) typically at the end of the gangway so that firemen can look at and
4 understand the layout of the ship, but other than that the vessel only needs to safely go
5 up and down on tides, it doesn't need to have, (inaudible) so they are not really inspecting
6 for anything beyond that. It is very rudimentary for the attraction vessel.
7

8 COMMANDER KEVIN CARROLL: In regards to the planner of your process you describe
9 before you have to undergo plan review to be certificated as an attraction vessel?
10

11 CAPTAIN RICHARD BAILEY:(inaudible)A generation plan for if there is a fire, it doesn't
12 need to have plan review (inaudible)
13

14 COMMANDER KEVIN CARROLL: Sir we are having trouble hearing you are you moving
15 around are you one location, did we lose you Capt. Bailey.I apologize ladies and
16 gentlemen I know it's late, must take five minutes and I mean five minutes this time, Nick
17 if he could please get them set off the record.
18

19 COMMANDER KEVIN CARROLL: All parties of interest and the representatives are
20 present, Capt. Bailey I appreciate your patience, I apologize for the inconvenience.
21

22 CAPTAIN RICHARD BAILEY: No problem.
23

1 COMMANDER KEVIN CARROLL: We're talking in regard to we discussed NP1 and the
2 use of DAPP and caulking and we are starting to move on from there we are talking about
3 the difference between subchapter R and attraction vessels, were you operating an
4 attraction vessel this past summer?

5
6 CAPTAIN RICHARD BAILEY: Yes.

7
8 COMMANDER KEVIN CARROLL: What is the name of that attraction vessel?

9
10 CAPTAIN RICHARD BAILEY: Gazela Primeiro.

11
12 COMMANDER KEVIN CARROLL: Can you please describe the Gazela Primerio to us?

13
14 CAPTAIN RICHARD BAILEY: She is three masted, she has square sails, she is
15 extraordinarily historic she was built in 1901, she fished the grand Banks from (inaudible)
16 two Nova Scotia until 1969, (inaudible) rocksalt at the end of the season and failed home,
17 then 40 years ago she was bought by a Philadelphia philanthropist until today she has
18 been operated by a nonprofit that maintains her (inaudible) and voyages in the
19 summertime. She has very rigorous sailing orders (inaudible) she is not allowed to go
20 more than 50 miles offshore, she is not allowed to get underway with 35 kn of wind, she is
21 now of the sale (inaudible). She is very conservatively operated.

22
23 COMMANDER KEVIN CARROLL: She is a wooden hull vessel correct?

1
2 CAPTAIN RICHARD BAILEY: She is, yes.

3
4 COMMANDER KEVIN CARROLL: Comparing her to, back to the Rose, that is to wooden
5 hull vessels that you operated did you find that those vessels, for lack of better term made
6 water underway, had water in the bilges?

7
8 CAPTAIN RICHARD BAILEY: Particularly in the case of Rose because like Bounty, Rose
9 was very round in shape and like Bounty she had steel masts, and it can be extraordinary
10 (inaudible) steel mast is not very forgiving (inaudible) 22 inch diameter, half-inch wall
11 steel pipes and they really can torque a wooden hull, a wooden hull is really, (inaudible)
12 hundreds and hundreds of pieces of wooden bits of steel put together in it is inevitable
13 when you torque them and they are going to leak, there is no way, be on the quality of
14 caulking or anything else, it is just physics, they leak.

15
16 COMMANDER KEVIN CARROLL: Did you find that vessels would make more water and
17 a heavy Seaway?

18
19 CAPTAIN RICHARD BAILEY: Yes.

20
21 COMMANDER KEVIN CARROLL: In regards to Gazela what type of installed bilge
22 dewatering system did she have?

23

1 CAPTAIN RICHARD BAILEY: She has electric pumps and they work pretty well, she also
2 has an emergency pump on deck that was rebuilt (inaudible) summer, it was run a lot
3 before we got underway, this year she sailed from Norfolk to Nova Scotia and Nova
4 Scotia was a pretty ambitious trek for her (inaudible) she had immense pumping
5 capabilities.

6
7 COMMANDER KEVIN CARROLL: Okay so you had three different types of systems on
8 board?

9
10 CAPTAIN RICHARD BAILEY: Yes.

11
12 COMMANDER KEVIN CARROLL: Were you ever in a situation with Gazela where you
13 had the power bilge pump system, the primary system running continuously?

14
15 CAPTAIN RICHARD BAILEY: Never.

16
17 COMMANDER KEVIN CARROLL: Would that give you cause for alarm?

18
19 CAPTAIN RICHARD BAILEY: Yes I would say it would be cause for alarm.

20
21 COMMANDER KEVIN CARROLL: The sailing restrictions placed on Gazela where did
22 they come from, did they come from you as the vessels master?

23

1 CAPTAIN RICHARD BAILEY: They came from the Board of Directors which has a
2 number of maritime professionals, it's not entirely maritime professionals but it has a
3 number of maritime professionals on it, and it comes from the long experience,
4 (inaudible) common now he runs a fleet of (inaudible) so it is a good amount of
5 experience in the organization.
6

7 COMMANDER KEVIN CARROLL: Did Rose have a similar type structure which set a
8 safety standards and operating conditions for the vessel?
9

10 CAPTAIN RICHARD BAILEY: Now, Rose is a little different, it was a nonprofit foundation
11 and it was largely one family that supported the ship and made it happen (inaudible) and
12 she had to call her in SeaTac experience as well.
13

14 COMMANDER KEVIN CARROLL: Going back to Gazela, does Gazela have a volunteer
15 crew?
16

17 CAPTAIN RICHARD BAILEY: Yes it does, entirely volunteer, the organization is called
18 the Philadelphia ship preservation Guild and is an entirely volunteer organization, people,
19 work on the ship all year round and then they take time this summer to say on. We hire
20 professional (inaudible) and a professional captain but everyone else is a volunteer.
21

22 COMMANDER KEVIN CARROLL: Do you have a license engineer on board Gazela?
23

1 CAPTAIN RICHARD BAILEY: She does not.

2

3 COMMANDER KEVIN CARROLL: What is the horsepower of her main engines?

4

5 CAPTAIN RICHARD BAILEY: 500 maybe.

6

7 COMMANDER KEVIN CARROLL: Did Rose have a licensed engineer on board?

8

9 CAPTAIN RICHARD BAILEY: Yes, Rose had a licensed engineer (inaudible) finding a
10 licensed engineer can be expensive though entire kids fresh out of Maritime Academy
11 and sometimes it will be good and sometimes it would be less than good, it was Robin
12 Walbridge who pioneered my (inaudible) technique will call them and they would come in
13 for an interview and he would say do you have a car, do you work on your car, if we could
14 have a kid that not only had a license and had some enthusiasm for working on his own
15 car, then we have a hands-on guy who could deal with the simple details changing and
16 monitoring pumps, so that's how we segued into getting a good licensed engineer
17 because it was more than a ship could afford.

18

19 COMMANDER KEVIN CARROLL: You mentioned Robin Walbridge, how long have you
20 known, or did you know Robin Walbridge?

21

22 CAPTAIN RICHARD BAILEY: I hired him in 1993 he worked for me for two years, he was
23 sent to me by fellow named Joe (inaudible) Joe Into schooners down in Miami one of

1 which was a T boat and the other was an uninspected vessel but in addition to doing
2 passengers Joe did (inaudible) and he had hired Robin and Robin had worked for him for
3 a while in that capacity, Joe told me he said this is really an excellent guy, (inaudible) I
4 was delighted when he came he was one of our best crew finds in years, he had strong
5 engineering skills, but he did not know about feeling he was very enthusiastic to learn he
6 did off deck research (inaudible) for two years.

7
8 COMMANDER KEVIN CARROLL: When he first started working on board rose what was
9 said to assignment, what was his capacity?

10
11 CAPTAIN RICHARD BAILEY: When he first came to us we really needed a master and
12 two mates (inaudible) minimum 500 ton ocean liner, I needed four AB's and a licensed
13 engineer. The first year (inaudible) AB the second year he was second mate.

14
15 COMMANDER KEVIN CARROLL: Okay, as second mate did his duties on board include
16 voyage planning?

17
18 CAPTAIN RICHARD BAILEY: I can't say specifically, he probably was in charge of charts
19 and things like that, I can't really remember I'm sure he participated (inaudible) in 93 and
20 94 so I guess he was helping with that

21
22 COMMANDER KEVIN CARROLL: Based on your evaluation of his abilities, how did you
23 evaluate his ability to assess risk and make decisions based upon those assessments?

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CAPTAIN RICHARD BAILEY: He seemed like a very safe and sober guy I do not remember him doing anything reckless.

COMMANDER KEVIN CARROLL: Is there any other time, and I will say before October 2012 and that you witnessed or heard of him doing something reckless?

CAPTAIN RICHARD BAILEY: No I can't say that I did. I saw the Bounty's trip to Europe was adventurous (inaudible)

COMMANDER KEVIN CARROLL: Did you stay in touch with Capt. Walbridge after he left Rose?

CAPTAIN RICHARD BAILEY: We met and talked from time to time, I would say this summer we overlapped from Norfolk (inaudible) but we did Nova Scotia together, I saw a lot of him in Nova Scotia, and at the end of the summer I arranged docketts for him (inaudible) which is near where I live and I took my daughter down to see along with one of her friends, their 12 and I was the last time I saw.

COMMANDER KEVIN CARROLL: What was your impression of Bounty when you saw Bounty to with your daughter?

1 CAPTAIN RICHARD BAILEY: Earlier this summer so made as impressions (inaudible) I
2 remember having a conversation with Capt. Moreland (inaudible) and in that conversation
3 we with Captain Moreland we had agreed that Bounty have never looked better. I think
4 there was a level of professionalism that was coming right along, I also saw them offshore
5 sailing, I saw them doing so maneuvers that were wonderfully, I'm not going to say
6 sophisticated, heaving to and squaring a ship, when you watch this happen with a certain
7 smoothness of operation you know that the people there know what they are doing and I
8 thought it was clear that they did.

9
10 COMMANDER KEVIN CARROLL: Did you get to interact with any of the crew while you
11 were on board Bounty?

12
13 CAPTAIN RICHARD BAILEY: I did and I will confess that in August when (inaudible) this
14 is my ship was done which could be several years away there was several Bounty
15 crewmembers that I would've liked to steal away from Robin, but it's not really criminal
16 crew (inaudible) when they move from ship to ship careers aren't made by only being on
17 one vessel (inaudible)

18
19 COMMANDER KEVIN CARROLL: Do you recall any of them?

20
21 CAPTAIN RICHARD BAILEY: I do but, I would've liked to take Dan Cleveland away I
22 thought he was very capable and I know he was not, he was not as ambitious as Robin
23 thought he should be, Dan would be happy to serve as boatswain and it was only

1 through encouragement and being pushed to move up to third mate, so Dan was one in
2 particular that I had my eye on.

3
4 COMMANDER KEVIN CARROLL: Would you have taken Robin has one of your officers?

5
6 CAPTAIN RICHARD BAILEY:(inaudible)Who was 20 years earlier and he was capable he
7 was very capable, he seemed composed to me this whole casualty, I am just as
8 astonished as anyone that this decision was made to go but, we wouldn't have done it
9 (inaudible) I'll put it that way

10
11 COMMANDER KEVIN CARROLL: Will let's talk about it, when did you first become aware
12 that Bounty was offshore during hurricane Sandy?

13
14 CAPTAIN RICHARD BAILEY: I really lost track after that late August weekend, I really
15 lost track I had been commuting back and forth from Cape Cod to Newport working on my
16 project so I do not become aware of Bounty's problem until I fired up my computer and
17 saw the warning in my daughter's godmother (inaudible) send me an email saying are
18 you following this bouncy thing and I thought what's that about, so that's was my first
19 (inaudible)

20
21 COMMANDER KEVIN CARROLL: What was your reaction, When you heard what had
22 happened?

23

1 CAPTAIN RICHARD BAILEY: It was heartbreaking, it was absolutely heartbreaking I
2 didn't understand it, I thought that there must be some explanation, I would not willingly
3 go out in this bad weather, but I had situations where there have been extenuating
4 circumstances where I took (inaudible) so wondered if something like that was the
5 explanation but I've heard no testimony to suggest that. I was in shock.
6

7 COMMANDER KEVIN CARROLL: You talked about being forced to go out in bad
8 weather, if for example on Gazela or Rose you had suspicions that your bilge dewatering
9 system was not operating optimally would you take that risk and had out?
10

11 CAPTAIN RICHARD BAILEY: I would prefer not to certainly not.
12

13 COMMANDER KEVIN CARROLL: Having the experience that you do, are you familiar
14 with New London Connecticut?
15

16 CAPTAIN RICHARD BAILEY: Yes.
17

18 COMMANDER KEVIN CARROLL: So it's October 25, what options, what other options do
19 you think Capt. Walbridge had available to him?
20

21 CAPTAIN RICHARD BAILEY: I don't know (inaudible) but I wonder how (inaudible) New
22 London did in the 1938 hurricane that's a big physical hurricane Ike came up on the East
23 Coast, I don't know how New London did then, but other than that (inaudible) up the river

1 something bad were happen, I think geographically to go down the sound, I once had
2 Rose a hurricane, (inaudible) Bridgeport in Cedar Creek (inaudible) tied her up to
3 concrete apron and that was probably 7 miles away from their, I think New Bedford is
4 probably not more than 100 miles away from their I'm sure that there were lots of places
5 you could (inaudible) I'm not sure that why that was not an option.

6
7 COMMANDER KEVIN CARROLL: Do you think in seeing, have you had an opportunity to
8 see Bounty's course east southeast and then Southwest in relation to the actual track of
9 hurricane Sandy, have you had the opportunity to review that?

10
11 CAPTAIN RICHARD BAILEY: I felt resistant to look at that too hard but initially I had said
12 (inaudible) he seemed like he had a plan, the idea of going way east seemed may be a
13 survivable plan but I don't understand the plan and the part about cutting right in front of
14 it, I'm not sure what the idea was there.

15
16 COMMANDER KEVIN CARROLL: Did his operational Bounty in October 2012, with that
17 out of character with your experience that you had with him on Rose?

18
19 CAPTAIN RICHARD BAILEY: It was not something that I would have anticipated, I still
20 search for an explanation, I don't know what, (inaudible) nothing bad has happened to us
21 and nothing bad will happen to us I don't think, it was something like that, I can't explain, it
22 does seem out of character.

23

1 COMMANDER KEVIN CARROLL: What I would like to do now is that we have several
2 other parties here with the investigation, Capt. Jones is from the NTSB and he is going to
3 ask you some questions if that is okay.
4

5 CAPTAIN ROB JONES: Good afternoon I asked for a break from Cmdr. Carol ran out so
6 if you could go to the parties of interest?
7

8 COMMANDER KEVIN CARROLL: Okay, so what I'd like to do Capt. Bailey is actually
9 turn the questioning over to the parties of interest, the first party of interest would be chief
10 mate John Svendsen.
11

12 JS: Hello Richard.
13

14 CAPTAIN ROB JONES: Hello John.
15

16 JS: There has been discussion about Robin and Bounty and your experience with her
17 crew, what would you say stood out to you as safe operating practice as you watch them
18 operate this year?
19

20 CAPTAIN RICHARD BAILEY: As I said I remember (inaudible) and I standing on the
21 dock, Bounty's looking great such an improvement over decades past, it seemed like it
22 was on a nice road to (inaudible).
23

1 JS: And would you say that there was a direct result of the management of the ship by
2 Robin Walbridge?

3
4 CAPTAIN RICHARD BAILEY: I'm sure was Robin and I was (inaudible) making good
5 choices, he is making bringing in good people and they are establishing their practices
6 and it seemed like he was coming together.

7
8 JS: When you were operating the Rose and the Gazela what were the crew numbers that
9 you sailed with?

10
11 CAPTAIN RICHARD BAILEY: The Rose manning requirements was 11 or 12, I like to
12 have 18 if I could professional crew, and then the COI was for 49 overnight so I could
13 have 18 crew and 31 training students (inaudible) over a period of time certainly more
14 useful than a passenger,

15
16 JS: Would you say that it was safe to operate Rose at 12, paid crew?

17
18 CAPTAIN RICHARD BAILEY: 12 was pretty (inaudible) but it would be hard to go deep-
19 sea with 12, 18, (inaudible) 40 souls and 20 were paid crew,

20
21 JS: What you think about the number of 16 paid crew?

22
23 CAPTAIN RICHARD BAILEY: I think it would be lean but manageable I could work.

1
2 JS: You mentioned that Bounty had steel masts, in my experience the mizzen mast was
3 feel in the end the fore in the main were Douglas fir.

4
5 CAPTAIN RICHARD BAILEY: While you would know that better than I would, I thought
6 she had steel.

7
8 JS: She did have a steel lower mizzen,

9
10 CAPTAIN RICHARD BAILEY:(inaudible) it's that white paint I thought they were steel..

11
12 JS: Understandable. You worked with Robin and he talked about his engineering his
13 seamanship, was he involved in any maintenance or restoring or building of the ship or
14 caulking?

15
16 CAPTAIN RICHARD BAILEY: The most radically new he was involved with was a 1996 or
17 94 are coming up the St. Lawrence 20 miles down river of (inaudible) a piston shot
18 through the outside of one of the engines, and essentially are down to one engine
19 (inaudible) we managed to get the ship into Québec (inaudible) when we got there we
20 were (inaudible) the pressure was on and I don't remember how he managed to find a
21 new block for the engine but he found it it was delivered and Robin (inaudible) moved the
22 old one (inaudible) and all that happened within 48 hours (inaudible) in Toronto, that
23 always stuck out to me as a measure of, what I would have the call engineering genius. The

1 guy was his brilliant with machinery. I think he also worked some shipyard periods but I
2 can't remember too much about that. I have to assume that he would be involved with
3 caulking the bottom, there was always something that a (inaudible).

4
5 JS: Are you aware of what his involvement was with In rebuilding the Bounty?

6
7 CAPTAIN RICHARD BAILEY: Again I remember visiting in January (inaudible) Bounty
8 had a hog in the keel and he read someplace how to block (inaudible) and once it was
9 hauled out and once the ship was partly disassembled and put the sand in the boxes and
10 had the keel settle down in the boat to be rebuilt on the even keel. I think he did at 2007 in
11 Boothbay shipyard I was only there for a brief visit and was impressed that he has figured
12 that out so I think he was deeply involved, he came to know that should pretty well.

13
14 JS: Did Robin come to later in life with conversations (inaudible) did he ask you for advice
15 or communicate ideas that he had about rebuilding the ship for any (inaudible)?

16
17 CAPTAIN RICHARD BAILEY: We talk from time to time several times a year in recent
18 years I sought him out to talk about diesel electric power because we explored upon it on
19 the few ships but we ended up not doing it (inaudible) but we would talk about various
20 aspects of shipboard maintenance, (inaudible) I'd be hard-pressed to remember specific
21 conversations.

22

1 JS: Did he communicated with you at all about voyage planning or weather information or
2 information on your experience (inaudible) across ocean?

3
4 CAPTAIN RICHARD BAILEY: He probably talk to me before the shipment to Europe and
5 1996 actually fall I remember some of the conversations but (inaudible)

6
7 JS: And when you are working on the Bounty doing those deliveries did you have any
8 interaction with Robin at that point and his interaction with the Bounty?

9
10 CAPTAIN RICHARD BAILEY: I did the most ambitious trip that we did one winter was
11 from Fall River to St. Pete I don't remember why but for some reason we were directed to
12 stop and leave the ship then (inaudible) North Carolina, it had something to do with the
13 holidays, (inaudible) but based on that trip were (inaudible) only got to Wilmington did
14 them no worse asked if I can find someone to take care the ship signs of getting Robin
15 down there (inaudible) is a dramatic story if he had someone tell her with the ship just
16 appeared in (inaudible) posture is tied up on the Riverside and somehow Robin managed
17 to is a very dramatic story, (inaudible) got to ship back alongside (inaudible) but I think
18 there was an introduction to the previous Bounty ownership and wasn't too long after that
19 he had (inaudible).

20
21 JS: What do you feel he made the Bounty and to?
22

1 CAPTAIN RICHARD BAILEY: Well Seeley as a going concern, as the construction phase
2 where it could be an inspected sound schooling vessel, specific regulations for existing
3 vessels, and I did not know that Bounty was not served with a nonprofit (inaudible) she
4 was certainly an unofficial school and away and lots of young people went through her
5 (inaudible) for larger opportunities.
6

7 JS: You stated to me in a conversation that you thought you had information and
8 experience was unique to vessels like Bounty and I could add to the value of this hearing
9 investigation, the Bounty in October, can you clarify in this hearing what you felt you
10 would be able to add that would help safety of life at sea, safety of property at sea?
11

12 CAPTAIN RICHARD BAILEY: That is a big question, I'd be happy to contribute anything
13 that I can I think that wooden ships are unique, we have a lot of hundred ton wood
14 schooners not a lot but dozens but there are very few big wooden ships (inaudible) only
15 comes to mind the Constitution of course comes to mind (inaudible) they have their own
16 vulnerabilities, sometimes I wonder if (inaudible) I really wanted a steel ship am glad I
17 could get one before my career ended, (inaudible) wooden ships I just wonder if they
18 make sense to keep, (inaudible) there was a ship that brought Lafayette to America and it
19 was something that has been a long time in history, I'm not sure John, (inaudible).
20

21 JS: Thank you very much Richard.
22

1 COMMANDER KEVIN CARROLL: Capt. This is Cmdr. Carol what I'm going to do now is
2 turn the questioning over to the representative of the Christian family Mr. Melusi.

3
4 RALPH MELUSI: Capt. Can you hear my voice?

5
6 CAPTAIN RICHARD BAILEY: Yes I can.

7
8 RALPH MELUSI: Where are you testifying from?

9
10 CAPTAIN RICHARD BAILEY: I am at (inaudible) Coast Guard station in beautiful Rhode
11 Island.

12
13 RALPH MELUSI: Okay so we are all in the same time zone. You stated under questioning
14 from Cmdr. Carol that when you found out that Bounty left port on the 25th and headed
15 out into the Atlantic you were as astonished as anyone that they proceeded to sea?

16
17 CAPTAIN RICHARD BAILEY: I hope that there would be some forthcoming explanations,
18 I think what I said to at least one media person he seemed to have a plan, he seem to
19 have very good plan to go east and then around the storm maybe it was gonna work
20 maybe it was amended plan

21
22 RALPH MELUSI: But the reality was the size of the storm was so large that he was never
23 going to be able to go around, to go east around it, is that true?

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CAPTAIN RICHARD BAILEY: That appears to be the truth in retrospect, yes

RALPH MELUSI: That type of prediction and forecasting is readily available to a professional mariner before undertaking an proceeding into the Atlantic

CAPTAIN RICHARD BAILEY: I don't disagree with your statement.

RALPH MELUSI: So the plan doesn't make sense, correct?

CAPTAIN RICHARD BAILEY: Apparently not.

RALPH MELUSI: It is kind of a reckless plan isn't it?

CAPTAIN RICHARD BAILEY: It has been called that I try to avoid calling or using language like that,

RALPH MELUSI: we might avoid it but do not necessarily disagreeing with my use of the term that it was reckless?

CAPTAIN RICHARD BAILEY: In retrospect it would appear that it was.

1 RALPH MELUSI: But the Robin that you described before October 25 appears to be a
2 rational deliberate person who thought out situations and sensibly found solutions isn't
3 that true?
4

5 CAPTAIN RICHARD BAILEY: That was my impression yes.
6

7 RALPH MELUSI: So something here occurred which compelled or pressured him to do
8 something which was totally irrational
9

10 UNKNOWN: Objection
11

12 UNKNOWN:I'm not sure that this witness can speculate, if you have an asked the
13 question it's hard to see which direction you're intending
14

15 RALPH MELUSI: Robin you knew before?
16

17 COMMANDER KEVIN CARROLL: He's already done that with me.
18

19 RALPH MELUSI: Do you think that there were external forces that compelled him to go to
20 sea
21

22 UNKNOWN: Objection
23

1 CAPTAIN RICHARD BAILEY: I don't know if there was external forces (inaudible)

2

3 RALPH MELUSI: Did you know that the Bounty was scheduled to be in St. Petersburg for
4 a very important event?

5

6 COMMANDER KEVIN CARROLL: How can he determine that this is a very important
7 event?

8

9 RALPH MELUSI: I'm asking if he knew.

10

11 COMMANDER KEVIN CARROLL: Will ask him if he knew that he was visiting St.
12 Petersburg, how is his personnel what event it was for, and then there was going to be an
13 important event.

14

15 RALPH MELUSI: Did you at the Bounty was scheduled to be in St. Petersburg?

16

17 CAPTAIN RICHARD BAILEY: I do not know anything about that.

18

19 RALPH MELUSI: You talk to other people in the tall ship community other professional
20 masters I'm sure everyone is been discussing the fate of the Bounty?

21

1 CAPTAIN RICHARD BAILEY: (inaudible)Not really in the social media (inaudible) I'm
2 pretty focused trying to build my new ship I hear chatter (inaudible) tall ships America I
3 sense some interaction but I don't seek out (inaudible) situations in
4

5 RALPH MELUSI: Capt. I think you very much.
6

7 COMMANDER KEVIN CARROLL: Thank you Mr. Melusi. Bounty organization has no
8 questions, Capt. Jones from the NTSB would like to ask a few questions.
9

10 CAPTAIN ROB JONES: Hello Capt. Bailey. You keep mentioning a new build, what foot
11 is the new build that you are working on?
12

13 CAPTAIN RICHARD BAILEY:(inaudible)It's being built over at the (inaudible) Naval Air
14 Station (inaudible) they build a lot of tankers (inaudible).
15

16 CAPTAIN ROB JONES: And wears a vessel going to operate
17

18 CAPTAIN RICHARD BAILEY:(inaudible)
19

20 CAPTAIN ROB JONES: I wanted to just explore the differences between the Rose and
21 the Bounty if there are any, you said that they were built in the same yard?
22

1 CAPTAIN RICHARD BAILEY: Bounty was a replica of a Collier a type of ship it ship that
2 hauled coal Capt. Cook was familiar with colliers and because I didn't have all the
3 (inaudible) of a warship that there is a leak in the hull topside that was Bounty and then
4 rose was a replica of a frigate (inaudible) hull leaks in heavy weather Rose was a little
5 loftier rig a little bit longer and just a little bit bigger but it was similarly constructed had
6 twin engines when we rebuilt our (inaudible) we put in steel bulkheads tensioned up the
7 hull added more wire and generally finish the interior to make it and inspected vessel.

8
9 CAPTAIN ROB JONES: And roses 10 years younger than Bounty?

10
11 CAPTAIN RICHARD BAILEY: Yes.

12
13 CAPTAIN ROB JONES: What is the Rose doing now?

14
15 CAPTAIN RICHARD BAILEY: She is a dockside attraction in San Diego, she was bought
16 by (inaudible) to make the movie Master and Cmdr. And when the film was over they
17 turned over to the San Diego Maritime Museum (inaudible), she lost her COI immediately
18 upon going into the private sector shoes no longer a nonprofit and there were some pretty
19 egregious modifications for the film, there are some big holes cut in the deck (inaudible)
20 and a number of other things (inaudible) she could probably be a sailing school vessel
21 again if somebody wanted to (inaudible)

22
23 CAPTAIN ROB JONES: Were you around for some of her later haul out?

1

CAPTAIN RICHARD BAILEY: I did every haul out of rows from 1975 until 2002.

3

4

CAPTAIN ROB JONES: You mentioned a halt to the Bounty's keel was as seen in the Rose also?

6

7

CAPTAIN RICHARD BAILEY: Oh yes, only inspected rose it was dramatically worse, we carried a 14 inch hog for approximately 15 years and then when she went to make the film someone decided to (inaudible) and use a half inch pipe in the difference in weight (inaudible) increase the hog from 14 inches to 22 inches I haven't seen her none more than 10 years so I believe she continues to have about 14 inch hog.

12

13

CAPTAIN ROB JONES: And what is that measurement a hog indicative of?

14

15

CAPTAIN RICHARD BAILEY:(inaudible)The parts of the boat that had the least buoyancy and of caring the most weight, the anchor the anchor chain are in the bow (inaudible) he had visually designed her to carry two engines (inaudible) so the engine (inaudible) needed ballast after the Stern bulkhead so they put (inaudible) concrete in the V shaped section of the Stern (inaudible) she was hogged in 1975 the first time hauled it out it launched in 1970 (inaudible) and it has stayed pretty much the same until the time of the filming.

22

1 CAPTAIN ROB JONES: To the state to your knowledge is still the original keel on the
2 rose

3
4 CAPTAIN RICHARD BAILEY: It is the original keel, it is Douglas fir (inaudible) shoe on
5 the bottom and it's still probably in pretty good shape (inaudible).

6
7 CAPTAIN ROB JONES: You mentioned before and answers questions for Mr. Svendsen
8 going to see with 16 on the Bounty was lean but manageable?

9
10 CAPTAIN RICHARD BAILEY: Yes I think so.

11
12 CAPTAIN ROB JONES: Would you say the same thing for going into a hurricane?

13
14 CAPTAIN RICHARD BAILEY: Well I think a hurricane grinds people down pretty fast, I
15 can't say (inaudible) would be wrong I'm trying to follow the (inaudible) haven't really
16 heard that there'd been twice as many people things would have worked any better.

17
18 CAPTAIN ROB JONES: I have one last question you mentioned you wanted to steal
19 some of the crew off of the Bounty, and you don't have to answer this if you don't want to,
20 is one of those persons in this room?

21
22 CAPTAIN RICHARD BAILEY: Could be.

23

1 CAPTAIN ROB JONES: Thank you very much.

2
3 COMMANDER KEVIN CARROLL: Capt. Bailey I would like to thank you for your
4 participation in assisting us with this investigation where are going to say goodbye you
5 are dismissed and you are subject to recall thank you sir.

6
7 COMMANDER KEVIN CARROLL: Nick is there anything?

8
9 LIEUTENANT COMMANDER NICHOLAS PARHAM: No we clarified the record from
10 earlier

11
12 COMMANDER KEVIN CARROLL: Reconvene tomorrow morning at zero 900,0900, party
13 of interest meeting at zero 830.

14
15 COMMANDER KEVIN CARROLL: This hearing will come to order. The record will show that
16 this hearing was called to order at 0900 on February 21, 2013 and is being held at the
17 Renaissance Hotel in Portsmouth, Virginia. Good morning ladies and gentleman, I am
18 Commander Kevin Carroll, Chief of the Inspections and Investigations branch of the 5th Coast
19 Guard District. I have been directed to serve as investigating officer for this one person formal
20 investigation which was convened by the Commander of the 5th Coast Guard district Rear
21 Admiral Stephen H. Ratti. This investigation is convened under the authority of the 46 US Code
22 6301 and 46 Code of Federal Regulations Part 4 to investigate the circumstances in the sinking
23 of the vessel, Bounty, and subsequent presumed death of the vessel's master and the death of

1 one crew member which occurred October 29, 2012 approximately 90 miles off the coast of
2 Cape Hatteras, North Carolina. I will conduct this investigation under the rules of 46 CFR part 4.
3 This investigation is intended to determine the cause of the casualty and the responsibility
4 therefore to the fullest extent possible and to obtain information for the purpose of preventing or
5 reducing the effects of similar casualties in the future. This investigation is also intended to
6 determine whether there is any evidence to any incompetence, misconduct or willful violation of
7 the law on the part of any licensed officer, pilot, seaman, owner, or agent of such owner of any
8 vessel involved. Any officer of the Coast Guard or any employee of the United States or any
9 person caused or contributing to the cause of this casualty. Or whether there is any evidence
10 that any act was committed in violation of the provisions of the US code or the regulations issued
11 thereunder. I am also empowered to recognize and commendable actions by persons involved
12 and to make appropriate recommendations in this regard. The results of my investigation are
13 subject to final review and approval by the Commandant of the United States Coast Guard. All
14 parties are reminded that this hearing will examine the events leading to the sinking of the vessel
15 Bounty and subsequent presumed death of the master and the death of one crew member. For
16 the purpose of this hearing the words vessel or boat will refer to the Bounty unless otherwise
17 noted. All witnesses called to testify during this hearing will be examined under oath or
18 affirmation. When testifying, the witness is subject to the Federal Laws and penalties for perjury
19 for making false statements under 18 United States Code 1001. Witnesses who are not parties
20 in interest will be excluded from the hearing room when not testifying. All parties in interests
21 have a statutory right to employ council to represent them, to cross examine witnesses, and to
22 have witnesses called on their behalf. Witnesses who are not parties in interest may be advised
23 by their council concerning their rights, however such council may not examine or cross examine

1 other witnesses or otherwise participate. A party in interest is an individual or organization or
2 other entity that under the existing evidence or because of his or her position may have been
3 responsible for or contributed to the casualty. A party in interest may also be an individual,
4 organization, or other entity having a direct interest in the investigation and demonstrating the
5 potential for contributing significantly to the completeness of the investigation or otherwise
6 enhancing the safety of life or property at sea through participation as a party in interest. All the
7 parties in interest that were present yesterday, are also present today. These proceedings are
8 open to the public and the media. I would like to request the cooperation of all persons present
9 to minimize any disruptive influence on the proceedings in general, and on the witnesses in
10 particular. Smoking will be prohibited. The audience is asked to ensure that your cell phones
11 and other electrical devices do not disturb the proceedings, I'll pause for a moment while you
12 check them now. You are each also asked to refrain from departing or entering a room except
13 during periods of recess. Flash photography will be permitted during the opening statement and
14 during recess periods. Television cameras are allowed in the room and must remain stationary
15 and not interfere with the hearing. The members of the press are of course welcome, an area
16 has been set aside for your use during the proceedings. Once again, in regards to the Coast
17 Guard, Coast Guard spokesperson is Lieutenant Michael Patterson. He's raising his hand right
18 now, if you have any issues, you'd like to speak to him, thank you Michael. The news media may
19 questions witnessed concerning the testimony that they have given after I have released them. I
20 ask that such interviews be conducted outside of the room. We will be recessing for lunch each
21 day at or around about 1130 until 1pm each day. The sources of information in to which this
22 investigation will enquire are varied. The Coast Guard has made attempts to locate every
23 available piece of information pertinent to the casualty. This board will hear all such evidence.

1 Should any person have, or believe he or she has, information not yet induced that may be of
2 some direct significance I urge that person to communicate with the recorder, Lieutenant
3 Commander Nicholas Parham. Lieutenant Commander Parham raise your hand. Thank you. At
4 this moment I would like everybody to please rise and join me in a moment of silence out of
5 respect of those persons who lost their life as a result of this casualty. Thank you. The
6 gentleman to my left is Captain Rob Jones, of the NTSB. Captain Jones will read is own
7 opening statement.

8
9 CAPTAIN ROB JONES: Good morning. I am Rob Jones, investigator in charge for the National
10 Transportation Safety Board for this investigation. The safety board is an independent federal
11 agency which, under the independent safety board act of 1974, is required to determine the
12 cause or probable cause of this accident. To issue a report of the facts, conditions and
13 circumstances related to it and may make recommendations for measures to prevent similar
14 accidents. The safety board has joined this hearing to avoid duplicating the development of
15 facts. Never the less, I do wish to point out that this does not preclude the safety board from
16 developing additional information separately from this proceeding if that does become
17 necessary. At the conclusion of this hearing, the safety board will finalize the facts of this
18 accident and determine the probable cause independently of the Coast Guard. At a future date,
19 a separate report of the safety board's findings will be issued which will include our official
20 determination of the probable cause of this accident. If appropriate, the safety board will issue
21 recommendations to correct safety problems discovered during this investigation. These
22 recommendations may be made in advance of this report. Thank you.

23

1 COMMANDER KEVIN CARROLL: Thank you Capt. Jones, Lieut. Cmdr. Parham is go directly to
2 the first witness.

3
4 LIEUTENANT COMMANDER NICHOLAS PARHAM: Yes sir at this time the Coast Guard calls
5 by telephonic testimony Mr. Drew Salapatek. MSC Chicago are you on the line? Is Mr.
6 Salapatek there with you?

7
8 MS. DOWNING: You guys are breaking up a little bit.

9
10 LIEUTENANT COMMANDER NICHOLAS PARHAM: Is Mr. Salapatek there with you?

11
12 MS. DOWNING: We are hardly able to hear you guys right now.

13
14 LIEUTENANT COMMANDER NICHOLAS PARHAM: Okay, you just need to call in from a
15 regular land line then,

16
17 MS. DOWNING: We can hear you now.

18
19 LIEUTENANT COMMANDER NICHOLAS PARHAM: Okay. Is Mr. Salapatek there with you?

20
21 MS. DOWNING: Yes he is.
22

1 LIEUTENANT COMMANDER NICHOLAS PARHAM: Ms. Downing, can you identify Mr.
2 Salapatek for us?

3
4 MS. DOWNING: Yes I have identified him.

5
6 LIEUTENANT COMMANDER NICHOLAS PARHAM: Okay, you have identified him via photo
7 identification?

8
9 MS. DOWNING: Yes, I saw his driver's license.

10
11 LIEUTENANT COMMANDER NICHOLAS PARHAM: Okay, thank you. Mr. Salapatek we are
12 going to swear you in.

13
14 DREW SALAPATEK: Okay

15
16 LIEUTENANT COMMANDER NICHOLAS PARHAM: Raise your right hand. A false statement
17 given to an agency of the United States is punishable by a fine and / or imprisonment under 18
18 USC 1001. Knowing this do you solemnly swear that the testimony you are about to give is the
19 truth the whole truth and nothing but the truth so help you God?

20
21 DREW SALAPATEK: Yes I do swear.

22
23 LIEUTENANT COMMANDER NICHOLAS PARHAM: Okay thank you. We will begin.

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LIEUTENANT CHARLES MALORE: Okay, this is Lieut. Miller we are going to start with some questions and we'll have a panel that will ask you some questions after me. First can you state your full name and spell your last name please?

DREW SALAPATEK: My name is Drew Benjamin Salapatek, my last name is S-a-l-a-p-a-t-e-k.

LIEUTENANT CHARLES MALORE: Okay, real quickly what exhibits do you have with you, and if you could just give me the numbers?

DREW SALAPATEK: I have CG 6, CG 7, CG 8, (inaudible) and CG 32.

LIEUTENANT CHARLES MALORE: Okay thank you. So how long have you been on Bounty?

DREW SALAPATEK: I sailed on the Bounty this season, the majority of the 2012 season, and the 2011 season.

LIEUTENANT CHARLES MALORE: What job did you have, what position do you hold on the vessel?

DREW SALAPATEK: I work as a mechanic

LIEUTENANT CHARLES MALORE: Do you hold any licenses, or

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DREW SALAPATEK: No I do not hold any licenses.

LIEUTENANT CHARLES MALORE: Were you present during the time when Bounty was in Boothbay shipyard during the dry dock?

DREW SALAPATEK: I was present there for the first week of going to Booth Bay, I had left shortly after the beginning of October, and then returned to the boat in New London.

LIEUTENANT CHARLES MALORE: Okay so approximately how many days were you there?

DREW SALAPATEK: About a week.

LIEUTENANT CHARLES MALORE: And what was your job when you are there?

DREW SALAPATEK: It was right after we had pulled the boat out of the water and were deconstructing some of the holds for the tank room, and removing the tanks.

LIEUTENANT CHARLES MALORE: During that time they were there, did you notice any problems with the vessel?

DREW SALAPATEK: No I didn't notice any problems with the vessel. Spend a few days deconstructing an area that was going to happen at a later point.

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LIEUTENANT CHARLES MALORE: Okay did you notice any rotting areas are any other areas of concern?

DREW SALAPATEK: No I wouldn't say I spend time really considering rotten areas of the boat.

LIEUTENANT CHARLES MALORE: Who has been the captain the whole time you have been with the Bounty?

DREW SALAPATEK: Robin Walbridge has been captain.

LIEUTENANT CHARLES MALORE: Okay and what are your thoughts about him.

DREW SALAPATEK: My thoughts about Robin is a pretty quiet spoken person, kind of been introverted thinking person, took his time speaking wasn't very mild or an outrageous person he kind of moved slowly.

LIEUTENANT CHARLES MALORE: Okay what kind of training have you had since you have been on Bounty?

DREW SALAPATEK: Training on the boat of the Bounty?

LIEUTENANT CHARLES MALORE: Well training or drills?

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DREW SALAPATEK: Training will be done on board, we would do man overboard drills, fire drills, and ship drills testing the immersion suits, locating safety equipment, we spent a lot of time on the boat talking hypothetically about different emergency situations that might have been on the boat, and what would be our plan of attack.

LIEUTENANT CHARLES MALORE: Okay, and how often did you conduct those drills?

DREW SALAPATEK: Pretty often I would say we would have a man overboard drill, and fire drill probably every month. We would test the emergency (inaudible) trying them on making sure the that the zippers were properly aligned give an inspection of the equipment.

LIEUTENANT CHARLES MALORE: Do you know what size immersion you were assigned?

DREW SALAPATEK: Yes I would just wear a regular sized Immersion suit.

LIEUTENANT CHARLES MALORE: You said you were not there for the entire drydock, you met up with the vessel in New London, is that correct?

DREW SALAPATEK: Yes in New London.

LIEUTENANT CHARLES MALORE: When did you meet up with the vessel do remember what day that was?

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2 DREW SALAPATEK: Yes it was on Wednesday evening I had taken the train to New London
3 and arrived on Wednesday.

4

5 LIEUTENANT CHARLES MALORE: Okay. Can you start from that time frame and kind of go
6 from what happened at that point once you arrived on the 24th?

7

8 DREW SALAPATEK:(inaudible)On Thursday we woke up there was a plan to take crew
9 members of the USS Mississippi the submarine, started prepping the boat and making sure
10 things were part away and in order to go out with the crew. We did that the first part of the day,
11 they started to arrive in early afternoon, and we left New London to go out for the day sail with
12 the crew. Which was just a kind of enjoying each other's company, show them the boat and took
13 people aloft into the rigs which everybody really enjoyed we shared stories and just gathered
14 together then return to the same location in New London, the summary and crew invited us to
15 come to the Mississippi so the crew loaded into some vans that they had provided for us and we
16 went over to the submarine base and basically took a tour of the Mississippi.

17

18 LIEUTENANT CHARLES MALORE: When you are on the Mississippi that you have any
19 conversations or hear any conversations about hurricane Sandy?

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21 DREW SALAPATEK: No Not while we were on the submarine

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23 LIEUTENANT CHARLES MALORE: When did you first find out about hurricane Sandy?

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DREW SALAPATEK: The first I found out about hurricane Sandy (inaudible) on the Bounty (inaudible)

LIEUTENANT CHARLES MALORE: I was going to ask if you could explain that meeting.

DREW SALAPATEK: Yeah the meeting, after we had come back there were a couple crews of people, we did not all right back at the boat at the same time, we kind of got ourselves situated, once everybody arrived back, we all met with the captain and discussed what what was coming ahead, what would be in store, if we are headed into difficult situations we would always meet before, talk about getting off the dock, the sail to come, we spent a lot of time talking about (inaudible) the weather to come, I don't even really know if we used the word hurricane Sandy at that time, I think we talked about it being a weather system that we would potentially be creating contact with, it would be a rough ride, Robin engaged everyone on the ship and asked if they were comfortable being on the boat and a rough transit that was ahead ,(inaudible) not participate everyone would be held to, shortly after that meeting we just made preparations to get underway.

LIEUTENANT CHARLES MALORE: During a meeting or any time after did you have any concerns?

DREW SALAPATEK: I wasn't concerned as much, probably days later and afterwards, once we realize what hurricane Sandy became to be, it would be concerning. At the time I knew at the

1 time we would probably be expecting some rougher weather in the trip south in general. So no I
2 was not too alarmed at that moment.

3
4 LIEUTENANT CHARLES MALORE: When you guys had that meeting, did you afterwards check
5 any weather reports or read any articles or look at any systems yourself?

6
7 DREW SALAPATEK: I did, probably not moments afterwards, probably after we had gotten
8 underway, we have weather faxes on the boat that we looked at. This would be a part of
9 monitoring our position and the weather.

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11 LIEUTENANT CHARLES MALORE: Did you have any concerns at that point once you look at
12 the reports?

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14 DREW SALAPATEK: I knew it was going to be a big weather system, I think after probably
15 having looked a few times we were able to monitor and see that it was a pretty large weather
16 system that was going to be unavoidable, I wouldn't call it alarm but wanted to be prepared, as
17 prepared as possible and I knew it wasn't going to be an easy sail.

18
19 LIEUTENANT CHARLES MALORE: And you just said it was unavoidable can you explain that
20 please

21
22 DREW SALAPATEK: A level in the amount of an in and I will will and and I and I will is is is why
23 noted in the I think just in the size of the size that hurricane Sandy became, from leaving in New

1 London it would be a weather system or storm that we would have to deal with and then kind of
2 be something that would be rough weather that we would be involved with for a long time. And I
3 don't know if I'm just referencing when we got in the boat or knowing after what hurricane Sandy
4 became.

5
6 LIEUTENANT CHARLES MALORE: Do you know what the sail plan was leaving New London?
7

8 DREW SALAPATEK: The sail plan was (inaudible) those kind of things?
9

10 LIEUTENANT CHARLES MALORE: yes.
11

12 DREW SALAPATEK: Just that we are going to be heading away from the shore, I know that
13 there had been discussions of whether east or southeast, I didn't really know specifically like a
14 heading that we were going to maintain, the idea was to sail offshore.
15

16 LIEUTENANT CHARLES MALORE: Okay.
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18 DREW SALAPATEK: To the East.
19

20 LIEUTENANT CHARLES MALORE: Was the, we going to head East to avoid that storm or when
21 you left the dock you know, to be in the storm?
22

1 DREW SALAPATEK: No in other words at the end of the storm, we left the dock I knew that we
2 are going to head East to give ourselves enough offshore and have enough seas to take care of
3 anything that might happen on the boat, hove to or, or just give us enough room to make a
4 decision, about any concern about going to shore

5
6 LIEUTENANT CHARLES MALORE: Was there any, what time, or did you come to any
7 conclusion during the time that you left the London and you are checking the weather reports,
8 was there a time that you can to say that we are not going to get out of the storm, that we are
9 not going to get around it or avoid it?

10
11 DREW SALAPATEK: After leaving New London the weather did not let up at all, I think the
12 weather kept increasing, it perpetuated, kind of the weather situation and that we were also
13 getting closer to the hurricane, so at one point it would be a point where it wasn't going to pass

14
15 LIEUTENANT CHARLES MALORE: I meant was there any time that you came to conclusion
16 that we are not going to be able to avoid the storm? At what time did you come to the conclusion
17 if you did?

18
19 DREW SALAPATEK: Probably somewhere in the middle of the sail I think, that seeing that we
20 are heading east and we are going to start heading around Cape Hatteras, or heading more
21 West and the storm was on the coast, probably a decision to go in any direction wasn't going to
22 take us out of coming closer to the hurricane.

23

1 LIEUTENANT CHARLES MALORE: Now leaving New London you had not taken a previous sail
2 from Boothbay to New London so once you got on board in New London and left did you notice
3 any problems with the systems?
4

5 DREW SALAPATEK: I would say yes I did, the morning when we were, before we headed West
6 when we were preparing the boat for the crew to come for the day sail, it is pretty normal that we
7 do a deck wash in the morning on the boat, and we were going to do a deck wash and I noticed
8 that the pumps were not charging the hose for a sufficient stream it was lacking power, so that is
9 the first concept that, or concern that I had
10

11 LIEUTENANT CHARLES MALORE: And you said pumps, which pumps would you use to
12 conduct that?
13

14 DREW SALAPATEK: The electric pumps on board.
15

16 LIEUTENANT CHARLES MALORE: Okay.
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18 DREW SALAPATEK: It is the same pumps that we would use for the bilges, who just use
19 seawater to run through the pump to the firehose on back.
20

21 LIEUTENANT CHARLES MALORE: Okay, that you pass that to any of the officers or mention
22 that anybody else?
23

1 DREW SALAPATEK: (inaudible) I know everyone around me was pretty aware, the other people
2 that were involved in on deck, and kind of tidying up the deck it didn't seem like he was to news
3 to anyone around me.
4

5 LIEUTENANT CHARLES MALORE: Did that pose any concerns with you heading out with a
6 weather system coming in knowing that the pumps were not working up to par.
7

8 DREW SALAPATEK: It was a concern of mine, in the past on the boat I had seen pumps act
9 similar, similarly to that, it might just be a moment where the pump will not charge the hose on
10 back, but maybe later that day or the next day without any to my knowledge anybody fidgeting
11 with the system, it would pressurize the pump.
12

13 LIEUTENANT CHARLES MALORE: Was the Bounty normally this poor with systems not up to
14 par or not working to the best capabilities?
15

16 DREW SALAPATEK: No I don't think so.
17

18 LIEUTENANT CHARLES MALORE: Okay. If you just kind of talk us through what happened
19 from the time that you left New London through the voyage?
20

21 DREW SALAPATEK: Sure. So he left New London in the evening after coming back from the
22 Mississippi. I really don't remember any details, since this was evening I think maybe we were
23 motor sailing. It was a normal day in the Bounty people were doing work party making

1 preparations for, making sure the boat was sea stowed, we decided to take the Royals down,
2 other than that on either Friday or Saturday the puts some additional gaskets onto the sails to
3 kind of better stow the sails to render went from blowing the sails ticket tied up on the masts. I
4 was here as soon as we left New London we were heading southeast the general feel was to
5 make the boat as prepared as possible.

6
7 LIEUTENANT CHARLES MALORE: So in a time that you were sailing up Friday did you still
8 notice the problems with the pumps?

9
10 DREW SALAPATEK: No we didn't, I thought about that too, thinking about doing the deck wash
11 on the boat on Thursday morning, I was on the 4 to 8 watch and using the mornings between
12 four and eight we would do a deck wash, during that watch I don't remember there being any
13 issues with the pump at that time. I think that would have stuck out in my mind as we were
14 preparing for a heavy weather situation and then the pump is still not charging the hose on deck.
15 But that was really only the concern of mine but I don't remember really thinking about that after
16 the deck wash after we did on Thursday before leaving.

17
18 LIEUTENANT CHARLES MALORE: And you mentioned being in the 4 to 8 watch do you
19 remember who was on that watch with you?

20
21 DREW SALAPATEK: The 4 to 8 watch is C Watch, Daniel Cleveland the officer of the watch and
22 there was also Anna Sprag, and Josh (inaudible).

23

1 LIEUTENANT CHARLES MALORE: Okay you can continue on.

2

3 DREW SALAPATEK: So Friday seemed like a pretty normal day on the boat, Saturday, probably
4 Saturday there was still sailing and still we look at the water, just to give you a general feel of the
5 boat, I know at that point there was water in the bilges, I don't know if it was cause for alarm but
6 that the water was reaching a higher than the normal level on the Bounty, sometimes there be
7 water in the bilge is but you could still, (inaudible) higher level than normal and not completely
8 trying out, we weren't seeing the bilge is empty.

9

10 LIEUTENANT CHARLES MALORE: And that was on Saturday?

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12 DREW SALAPATEK: I think on Saturday it became a little bit more continuously running the
13 bilges, not so much a concern as much as a task that needed to happen more.

14

15 LIEUTENANT CHARLES MALORE: Do you remember how high the water was in the bilge, at
16 that time?

17

18 DREW SALAPATEK: I would say was probably around (inaudible)room you could see the
19 planking, the keelson, it was probably around the keelson.

20

21 LIEUTENANT CHARLES MALORE: Okay, but you said you are aware that it seemed like it was
22 just not in them as much as normal

23

1 DREW SALAPATEK: Yeah it seems like before we needed to usually go around and check the
2 different bilges on a boat check or and be able to go run the pumps and stay clear of the water
3 out of the bilges, the boat is like made for the water but we were able to remove water that was
4 in the bilges. It seemed like they are, wasn't really going to process is much, the water was not
5 continually raging, but it wasn't continually empty.

6
7 LIEUTENANT CHARLES MALORE: Do you remember where the water was coming in at that
8 time?

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10 DREW SALAPATEK: No I would say that (inaudible) probably Bounty being tied to a dock, it
11 creates slowly water in the bilge.

12
13 LIEUTENANT CHARLES MALORE: Okay (inaudible) from Saturday?

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15 DREW SALAPATEK: I remember Saturday, the weather was building a little bit more I think
16 we're still going to regular watch rotations still a team on back, we had a lookout and probably
17 just people coming on deck to look at waves and look at weather, still kind of enjoying
18 themselves I guess I would say on the boat. It was probably Sunday that it picked up, in my
19 head it was a day more filled with coming down in the water and about and trying to keep the
20 boat from sinking, (inaudible) stay with the boat.

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22 LIEUTENANT CHARLES MALORE: On Saturday though, was there any time that the bilge
23 system wasn't working or the crew was working on the bilge system more, did you have that?

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DREW SALAPATEK: I think that pumping was going on pretty regularly on the boat. I remember (inaudible) on Saturday it was my last, maybe two watches the weather had picked up to a point where it was a little bit hard to see at the helm so I spent a lot of time on the helm (inaudible) my watch take a little bit more time working in the bilges and doing boat checks, spent a lot more time on deck.

LIEUTENANT CHARLES MALORE: Okay do you remember when you guys changed course?

DREW SALAPATEK: I don't remember the moment that we decided to change course. You know I had said I spent a lot of time at the helm, I can visualize being on the helm ,(inaudible) was in the now moment of different variables wind, waves, moving the boat around, I can always kind of picture the waves being on the port side of the vessel, but I don't remember the course change moment.

LIEUTENANT CHARLES MALORE: Do you recall the moment when you first became aware that you guys had changed course?

DREW SALAPATEK: No I don't.

LIEUTENANT CHARLES MALORE: Okay. So if you could describe what happened on Sunday?

1 DREW SALAPATEK: On Sunday I think it was in the evening we kind of decided that it would be
2 kind of more importance to focus on getting the water out of the bilges rather than really trying to
3 make any movement anywhere else. It was during that watch that we decided to go hove to on
4 the boat, kind of focus our energies and that being the main concern would be the water on the
5 boat.

6
7 LIEUTENANT CHARLES MALORE: Okay, was the captain or any of the other officers giving
8 directions during this time?

9
10 DREW SALAPATEK: I worked with in my watch, I imagine that probably Dan having more
11 conversations with Robin, John, or Matt. Sunday was just a lot of moving around the boat and
12 staying involved with what team would be the most necessary, or more important thing, I
13 remember kind of moving about in that manner, then there necessarily being a chain of
14 command, a moment by moment kind of attack.

15
16 LIEUTENANT CHARLES MALORE: And what things did you work on on Sunday?

17
18 DREW SALAPATEK: On Sunday I, I worked on, as we weren't really on watch anymore but still
19 kind of maintaining a look out on the deck, I remember I was spending some time in the
20 navigational shack with Dan, there are other people doing things down below. Wanted to keep a
21 lookout, just a situation of being on the deck of the boat, making sure that there was not anything
22 breaking in the rigging or just kind of getting a general state of things on deck (inaudible) on
23 Sunday spent time being an official lookout.

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LIEUTENANT CHARLES MALORE: Okay, so you did not go down in the engine room or any of that time period?

DREW SALAPATEK: yes I went down to the engine room from time to time I kind of just came below and was given a hand to other things the engine room kind of had some water in it we took some of the soul boards and things that were going into the water, to keep potential things from floating around in the bilges. (inaudible) spend some time with Matt in the engine room working on the port generator, I think that was probably the last moment of being in the engine room for the period.

LIEUTENANT CHARLES MALORE: And that was Matt Sanders?

DREW SALAPATEK: Yeah, Matt Sanders.

LIEUTENANT CHARLES MALORE: And you said you were working on the port generator, was the starboard generator still working?

DREW SALAPATEK: At the time I was referring to, was the last moments before the engine room flooded so pretty much the starboard side of the boat, the boat did lower like that, most of all that was underwater.

1 LIEUTENANT CHARLES MALORE: Were you concerned about the height of the water in the
2 bilge initially.

3
4 DREW SALAPATEK: Yes I was concerned with the height of the water at that moment in time
5 yes I was kind of thinking that the Bounty was going to sink at that moment.

6
7 LIEUTENANT CHARLES MALORE: And what time was that?

8
9 DREW SALAPATEK: That was really late, that was may be a few hours, and hour and a half
10 before we were in immersion suits, before we were on deck of the boat.

11
12 LIEUTENANT CHARLES MALORE: Okay continue on from that point.

13
14 DREW SALAPATEK: From that moment?

15
16 LIEUTENANT CHARLES MALORE: Yes from the time that he saw the water in the bilge above
17 the sole board and you are helping Matt at the port engine, continue on from there.

18
19 DREW SALAPATEK: Yes sure, at that moment I was hoping Matt in the engine room he was
20 working behind the port generator so I was getting some tools for him for him to just stay up
21 there and I could move around and collect the different things that he needed, and we were in
22 there until the tools were underwater the port generator was working for a moment, and we had
23 gotten the electrical bilge pumps back running at that moment, but it was really only for a

1 moment until the actual pumps were underwater and then at that point pretty much the whole
2 entire engine room was underwater.

3
4 LIEUTENANT CHARLES MALORE: Did you notice at that point where the water was coming in?

5
6 DREW SALAPATEK: At that point where the water was coming in, I think there was water
7 seeping in through a lot of the planking in the hull, there wasn't any damaged area and the
8 engine room with water flooding in, but you can see some seeping between the planks.

9
10 LIEUTENANT CHARLES MALORE: Okay so you actually saw it coming in?

11
12 DREW SALAPATEK: I don't know if I saw it at that moment or being in the engine room,
13 probably at that moment most of all the visual places were underwater.

14
15 LIEUTENANT CHARLES MALORE: Do you have a reference that you could tell us how fast you
16 are gaining water at that point?

17
18 DREW SALAPATEK: I would say that probably like most of the time on Sunday the water, it was
19 at a rising rate, it is hard to tell, I don't know what the frequency that it was coming in on the
20 engine room, or on the compartments but every time I did go back to dewater, levels were
21 raising.

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23 LIEUTENANT CHARLES MALORE: Was that in a short period of time?

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DREW SALAPATEK: Yes, I would say it was, it's really hard to say if it was rising a foot per hour or a time schedule like that, (inaudible) not really looking at a watch or thinking of things in those terms.

LIEUTENANT CHARLES MALORE: Did you hear about the, did you know about the (inaudible)?

DREW SALAPATEK: yes sir I did hear about the (inaudible) that was kind of after the fact that.

LIEUTENANT CHARLES MALORE: Did you see it, or did you just hear about it?

DREW SALAPATEK: Well in the engine room I did not see the (inaudible) but I knew about it after the fact it was in a serious moment where anyone had discovered it or it had come to light.

LIEUTENANT CHARLES MALORE: When you are down there did you smell any fuel?

DREW SALAPATEK: No I did not smell any fuel. I don't think that there was a lot of fuel that had left from the site glass or anything like that.

LIEUTENANT CHARLES MALORE: You said you are down there with Matt Sanders was there anyone else down there with you?

1 DREW SALAPATEK: At that time no there was not, a little bit earlier in the evening there was
2 people that were helping remove things from the engine room, and other people working. At
3 different times I had been in the engine room with Robin at one point, I don't know if that was on
4 Sunday, it was probably a little bit earlier, I know a lot of people were spending time in the
5 engine room from time to time to just lending a hand are actually troubleshooting the systems.
6

7 LIEUTENANT CHARLES MALORE: During the time of I guess the end of Saturday and into
8 Sunday did you have any crew meetings or discussions?
9

10 DREW SALAPATEK: Not that I recall like a meeting about the emergency going on, I believe
11 that on Friday we had a general captain, like a one that we would usually have in the afternoon,
12 Saturday I cannot remember if we had a captain meeting or not, but no I don't remember they're
13 really being a meeting up until almost the decision to put on a immersion suits and be on deck.
14

15 LIEUTENANT CHARLES MALORE: Okay so going back to Sunday when you are in the engine
16 room helping, what happened after that?
17

18 DREW SALAPATEK: After that, I mean I will probably lose the timeline, that was pretty late
19 probably earlier we had a sail blowout on deck, a four course blew out, some of us were furling
20 the sail and putting out a way,
21

22 LIEUTENANT CHARLES MALORE: You said earlier?
23

1 DREW SALAPATEK: Yes I would guess that that was before I was in the engine room with Matt.
2 I'm just recalling, not 100% maybe they are out of timeline,

3
4 LIEUTENANT CHARLES MALORE: Know that is okay, if you have a time though or you can
5 give an estimate than pleased to.

6
7 DREW SALAPATEK: I don't know, I feel like probably from the evening of Sunday was, I just
8 have a visual of a lot at different moments that happened but really I just don't know the
9 sequence that they happened is, at this point.

10
11 LIEUTENANT CHARLES MALORE: Okay.

12
13 DREW SALAPATEK: I could just tell the story. With the four course blowing out, that was earlier,
14 later on after we had gone aloft and furled the four course part of the sail had blown out from its
15 gaffing, (inaudible) trying to save that sail which we weren't able to do, (inaudible) kind of just lay
16 low, at the same moment in time (inaudible) a situation that a lot of us were dealing with.

17
18 LIEUTENANT CHARLES MALORE: What were the conditions when you are doing that?

19
20 DREW SALAPATEK: The conditions were pretty extreme at that point you had to orchestrate
21 your movement, nobody was standing up, you're crawling around making sure that you had a
22 footing of bracing sea you wouldn't fly off the deck, I had spent some time on the deck kind of
23 just dealing with a few situations, at that time it was just a general feel of you might just want to

1 stay clear of the deck, wait for a role and crawl to the next secure place before moving again. It
2 was not a very safe place to be.

3
4 LIEUTENANT CHARLES MALORE: And you said you had, who went out with you?

5
6 DREW SALAPATEK: Went up to deal with the sail?

7
8 LIEUTENANT CHARLES MALORE: Yes.

9
10 DREW SALAPATEK: I went up and Mark Warner was with me and I believe Josh (inaudible)
11 and John Jones were there also.

12
13 LIEUTENANT CHARLES MALORE: Continue.

14
15 DREW SALAPATEK: At some point the decision was made to bring the immersion suits below
16 to the tween decks, myself and Dan Cleveland went on deck and opened the forward gangway
17 doors and retrieved the immersion suits from the deck offices and brought them below. We did
18 not put them on at that moment in time, we brought them further aft on the boat to kind of our
19 staging area, like preservers immersion suits, food, supplies, water, and a kind of general
20 meeting place, the highest place on the tween decks that was not flooded.

21
22 LIEUTENANT CHARLES MALORE: Okay, was there any discussions or conversations going on
23 at that time what the captain, crew, or Capt. And somebody else?

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DREW SALAPATEK: No I would say that from my point of view everyone was kind of involved (inaudible) working towards getting the water off the boat and making preparations for the potential of an abandoning ship. Yes so not aware of any specific names.

LIEUTENANT CHARLES MALORE: Can you continue from that point, once you got the immersion suits?

DREW SALAPATEK: At one point the small boat on deck kind of flipped over so mean myself, Dan Cleveland, Josh went on deck to try and to secure the boat back down, back down onto the deck, just dealing with the immersion suit situation and trying to keep the boat in order and flush as much water off the boat as we could. I think at one point the water just kept rising, the tween decks were filling up, and at one point the decision was made to put immersion suits on, it was a hard decision I guess but it was an obvious decision we were running out of places to be on the ship on the tween deck.

LIEUTENANT CHARLES MALORE: Do you know whom made the order to put on immersion suits?

DREW SALAPATEK: I could only guess that it was Robin, but I was not standing next to him, it was a just a kind of general feel of us kind of all being together and working together on the boat, (inaudible).

1 LIEUTENANT CHARLES MALORE: Okay. Did you, where did you don your immersion suit at?

2

3 DREW SALAPATEK: It was basically at the stairwell for the navigation shack, I was at the
4 bottom of the stairwell, I put on my immersion suit and then shortly after we went on deck, one of
5 the first people kind of closer to the navigation shack that was suited up trying to make my way
6 on deck (inaudible) some of the kits that they had assembled and extra water and things like that
7 moving goes back towards the life rafts, just kind of doing a lot of that.

8

9 LIEUTENANT CHARLES MALORE: Did you help anyone else put on their immersion suit?

10

11 DREW SALAPATEK: There were people around me, I think we just checked in with each other
12 to make sure that nobody was having any issues putting on their immersion suits. I don't
13 remember specifically helping anyone, we were just making sure everybody was just safe and
14 secure.

15

16 LIEUTENANT CHARLES MALORE: You said everybody was putting kits together, what were
17 they doing with the kits, where were they putting them?

18

19 DREW SALAPATEK: Earlier as we are making preparations a lot of people were getting bottled
20 water and taking extra life preserver's and any survival equipment that we had and all of that
21 was going on in the great cabin. (inaudible)

22

1 LIEUTENANT CHARLES MALORE: Was anybody attaching the kits to their immersion suits or
2 were they attaching them to the vessel, or?

3
4 DREW SALAPATEK: No I don't think anybody attached kits like that to themselves but a lot of
5 people myself included had put together kind of their own personal effects that they wanted to
6 take with them. I had a small dry bag that I kind of just put some personal things in it, that I had
7 attached to myself.

8
9 LIEUTENANT CHARLES MALORE: You can continue from that point, you said you went on
10 deck in your immersion suit, you are one of the first ones on deck.

11
12 DREW SALAPATEK: Yeah, then everybody else slowly came on deck. At that point, just a few
13 minutes later I think the entire crew was on deck and just, situated on the high side of the boat,
14 on the port side, and it was only a few minutes later that the boat rolled over on its side and we
15 were in the water.

16
17 LIEUTENANT CHARLES MALORE: Okay, and do you know where you are at in terms of the
18 vessel and the water, where location on board of the boat?

19
20 DREW SALAPATEK: Yeah I was, just that, there was a stern grading on the helm there is some
21 grading that makes up for that Tiller can of like right there with a stern grading, next to that, for
22 and aft there is a cabin top, the great cabin, when the boat went sideways I was standing on top
23 of that hatch.

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LIEUTENANT CHARLES MALORE: Okay, do you remember the last time that you saw Claudine Christian?

DREW SALAPATEK: The last time that I saw Claudine was in the tween decks, very peaceful very excited, she was getting into her immersion suit kind of next to me some, and the other crew looked at each other, make sure that our immersion suits were on, then I went on deck, and that is the last time I remember seeing her.

LIEUTENANT CHARLES MALORE: Okay, how about Capt. Walbridge?

DREW SALAPATEK: The last time I saw a Robin was actually going up onto the weather deck, I believe he was in the navigation check, that is the last time I saw him.

LIEUTENANT CHARLES MALORE: Okay, and you said you are wearing immersion suits were you wearing anything else?

DREW SALAPATEK: I had my immersion suit, (inaudible) like ships harnesses that people would use for climbing aloft, we had those on, a lanyard with a carabiner that is pretty standard that is attached to the climbing harnesses (inaudible) if we were in the water we would be able to hold onto each other easier, I had a life preserver also with me, that I had put on.

1 LIEUTENANT CHARLES MALORE: Can you briefly describe the layers of how the gear was
2 that you were wearing? What you are wearing, what came next and what the outer layer was?

3
4 DREW SALAPATEK: Yes, my survival equipment, I had my immersion suit on, the climbing
5 harness, it is basically a rock climbing harness, it has straps that go around your thighs and a
6 waist strap and there's a center point like below your belly button and connects the side straps,
7 and your waist straps together, that's where the carabiner went off from, we had those on over
8 the immersion suits, our (inaudible) was you know just kind of the, I don't remember the type, it
9 was just a larger rectangular PFD that goes over your head and a strap that goes around your
10 back,

11
12 LIEUTENANT CHARLES MALORE: Okay, so your PFD was not over your arms?

13
14 DREW SALAPATEK: Yes, I mean they don't come in contact with each other at all, the PFD was
15 around my chest, and my harnesses around my waist and my thighs.

16
17 LIEUTENANT CHARLES MALORE: Okay, so can you describe what happens once you are in
18 the water?

19
20 DREW SALAPATEK: Once we got into the water, the first concern was to get away from the
21 Bounty, I'm sure you guys had listen to everybody's testimony, and heard about the difficulties of
22 dealing with the rig and the lines, and basically trying to free themselves from the boat, that was
23 my initial concern, whirring about the best chance of survival, so after I got away from the boat I

1 was by myself, still trying to some way and being washed aft towards the boat, at that point I was
2 looking at the Bounty and seeing the rig in the water, beyond that I spent a little bit of time in the
3 water by myself and eventually saw some other crew members in the water and made my way
4 towards them. It was Jessica Hewitt, Laura Groves, and Dan Cleveland were together at that
5 moment hanging onto the same piece of Stern grating that I was talking about sitting on earlier
6 on the boat. Then shortly afterwards Adam Procosh and Chris Barksdale came up to us also.
7 The group of us were hanging onto that grating in the water. A few moments sometime went by
8 and we're still pretty close to the Bounty, at some point there was we saw the other liferaft, I had
9 been able to see this liferaft the entire time, at one point it was right next to the Bounty and it has
10 slowly come our way, we were kind of making our way to that liferaft but it had started to go
11 away from us faster than we could catch up to it. Luckily shortly after that the other liferaft in the
12 canister was in our vicinity and we got that towards us and was able to manually inflate that
13 liferaft with a feeder. After the raft had inflated it was definitely working its way away from us
14 pretty quickly, and we were just able to hold onto the liferaft next, (inaudible) we got together in a
15 chain and swam together after the liferaft and caught up with the liferaft. The group of us were
16 on the interior of the liferaft for a while, created an negotiation trying to get into the liferaft, all
17 took turns for a while, attempting to get into the liferaft at that point, at one point we decided just
18 to take a break and just regain ourselves since we were expelling so much energy, we could
19 take a larger go at it after taking a break. We set around the liferaft for probably a while.

20
21 LIEUTENANT CHARLES MALORE: Do you have an approximate time that you guys were trying
22 to get in?
23

1 DREW SALAPATEK: Half an hour.

2
3 LIEUTENANT CHARLES MALORE: Okay.

4
5 DREW SALAPATEK: Then we kind of work together, I was able to get into the liferaft, it was
6 very very difficult may be the fifth time I was able to get up to my belly into the liferaft, the weight
7 of the water contained in the immersion suit all raced to my legs so I wasn't really able to lift my
8 legs up to get into the liferaft, I just had to squirm on my belly to keep inching that way forward,
9 the other crew members were still in the water trying to push my legs up as much as possible to
10 help me get in.

11
12 LIEUTENANT CHARLES MALORE: Was wearing the life vest, did that make it harder getting
13 into the liferaft?

14
15 DREW SALAPATEK: No, the life vest didn't, at some point the life vest was just kind of moving
16 around, probably because of me moving and swimming, probably being underwater from waves,
17 just from the extremists of the weather, at one point I just kind of carried the life vest with me as
18 a floatation device,

19
20 LIEUTENANT CHARLES MALORE: So you took it off?

21
22 DREW SALAPATEK: I wouldn't set took it off, it just kind of came off,

23

1 LIEUTENANT CHARLES MALORE: Oh so it just kind of came off and you held

2

3 DREW SALAPATEK: It wasn't securely fastened in front of me, I was just kind of moving around,
4 to get one point getting into the liferaft adjust had it my arm slung through it, just holding onto it.

5

6 LIEUTENANT CHARLES MALORE: At any time when you're getting up to the others, before you
7 got to the liferaft were you using the harness at any time?

8

9 DREW SALAPATEK: Was I using the harness at any time?

10

11 LIEUTENANT CHARLES MALORE: Yes.

12

13 DREW SALAPATEK: Yeah earlier before getting onto the liferaft I was on deck next to Jessica
14 and we were clipped into each other before we got into the water, and only got into the water it
15 was more difficult to maneuver away from the boat as a unit, it was pretty important to be as
16 mobile as we could, I had mentioned earlier that I had a dry bag with me, that was clipped to me,
17 as soon as the boat rolled over and we were getting into the water I unzipped that as quickly as
18 possible, I just wasn't concerned with the dry bag at that moment.

19

20 LIEUTENANT CHARLES MALORE: Let me just get this straight, So you were on deck clipped in
21 with Jessica Hewitt before you headed into the water?

22

1 DREW SALAPATEK: Yes, right when we were going to be in the water, I think we were just kind
2 of concerned with losing people and trying to stay together, everybody had been really close to
3 each other, situated on the deck together but, as people were getting into the water they were
4 going away from us quickly.

5
6 LIEUTENANT CHARLES MALORE: Was other people clipped and to each other?

7
8 DREW SALAPATEK: No this wasn't, I mean, I didn't know what anybody else is talking about, at
9 that moment in time I don't think that anybody else was.

10

11 LIEUTENANT CHARLES MALORE: Okay, but once you hit the water you guys unclipped from
12 each other?

13

14 DREW SALAPATEK: (inaudible) Too much of an emergency situation to be able to fumble with
15 the carabiner and the immersion sued when you're kind of drowning, (inaudible) just flipping the
16 entire harness off of me.

17

18 LIEUTENANT CHARLES MALORE: Okay, Capt. Jones from the NTSB is going to ask you a few
19 questions.

20

21 DREW SALAPATEK: Okay.

22

23 CAPTAIN ROB JONES: Good morning Mr. Salapatek

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DREW SALAPATEK: Good morning

CAPTAIN ROB JONES: I just want to stay with the train of thought that we are at right now. You were clipped into Jessica Hewitt, did you stay clipped into her when the vessel rolled and capsized and you ended up in the water?

DREW SALAPATEK: I'm going to say that that, those would not be separate moments in time we were clipped into each other as the boat rolled over, other people on the boat may have been (inaudible) as soon as the boat rolled over they were instantly in the water, or that they were just kind of grabbing onto something, where I was situated was the cabin top was far as on the boat that when the boat had rolled over, I was able to stand on a flat surface so I was kind of standing there as the boat sunk into the water, I probably had an extra couple of seconds of being a little bit more calm and not reactionary than other people on the boat.

CAPTAIN ROB JONES: Let me try and paint a picture for you and see if this what you may or may not remember. Jessica Hewitt gave us pretty emotional testimony that while she was clipped in with the harness to another crew member the vessel or parts of the vessel dragged her down because of how she was clipped in, now you told us a couple of minutes ago when you were previously clipped then to Jessica Hewitt, does this remind you of anything?

DREW SALAPATEK: Were you saying that the testimony was different?

1 CAPTAIN ROB JONES: I am relating what Jessica said to us and I am trying, you can tell us
2 what you remember but I was just wondering if that helped you maybe remember anything since
3 the proximity of the two incidences are so close?
4

5 DREW SALAPATEK: The proximity of the two incidences, I don't really, you you may need to
6 ask the question again.
7

8 CAPTAIN ROB JONES: Okay sure. Do you remember being clipped into Jessica Hewitt and
9 being pulled under the water after the vessel capsized?
10

11 DREW SALAPATEK: Yes I do remember that, it's a very vivid memory.
12

13 CAPTAIN ROB JONES: Now how did you, what did you do after that how did you free yourself
14 from that situation?
15

16 DREW SALAPATEK: I think that in that moment in time I can't account specifically anything,
17 there wasn't a clear visual of a specific line, this part of the boat, or anything like that that was
18 making it difficult or pulling me underwater, instances of trying to survive in the moment,
19

20 CAPTAIN ROB JONES: Absolutely, I understand
21

22 DREW SALAPATEK: we were pretty snagged up and it was difficult to be able to swim away
23 from the boat, I would imagine speculating just being on (inaudible) at a short distance with it, to

1 people trying to swim the opposite way, regardless of who knows what part of the boat may have
2 been making it more difficult to get away, all that is speculation, it's all just kind of afterthoughts,
3 yeah, I took the harness off of myself as fast as I could.
4

5 CAPTAIN ROB JONES: Okay, what did you do, just let it sink away?
6

7 DREW SALAPATEK: Let it sink away? I got the harness off of me and didn't drown, I don't
8 really,
9

10 CAPTAIN ROB JONES: Well did, Mr. Salapatek, you took the harness off of you, did you hang
11 onto it or did you just let it go?
12

13 DREW SALAPATEK: I didn't hang onto the harness, (inaudible) harnesses were lanyarded
14 together, I took the harness off of me (inaudible) Jessica.
15

16 CAPTAIN ROB JONES: Okay.
17

18 DREW SALAPATEK: We were in the liferaft in both of our harnesses were in the liferaft.
19

20 CAPTAIN ROB JONES: When Jessica got into the liferaft she was wearing, and the one that
21 you had clicked on to her.
22

23 DREW SALAPATEK: Yes.

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CAPTAIN ROB JONES: Okay, when you left the vessel you said as you are down below putting on your survival suits, he said he had seen Claudine Christian putting hers on, and you both were looking at each other, seeing that they were on correctly, did she have a harness on at that time?

DREW SALAPATEK: I don't know she had her harness on yet or not, I know she was wearing her immersion suit I really don't remember what specifically looking and making sure the harness was secure.

CAPTAIN ROB JONES: Not so much that it was secure,

DREW SALAPATEK: I remember that it was on her.

CAPTAIN ROB JONES: Okay I just wanted to be sure you're clear on it.

DREW SALAPATEK: Gotcha.

CAPTAIN ROB JONES: Okay thank you. How about the captain? Same question, when you saw him in the Nav shack as you are passing through, he had a survival suit on?

DREW SALAPATEK: Yeah Robin had a survival suit on, not sipped up with a hood on, or his arms in but he had his feet inside of it and just kind of zipped up to his stomach.

1
2 CAPTAIN ROB JONES: How about a harness?

3
4 DREW SALAPATEK: I don't remember Robin having a harness on, not from officially seeing it at
5 that time, I know from other people's conversations that I had with other crew members that
6 Robin was wearing a harness. But I don't have any of my own testimony that he was.

7
8 CAPTAIN ROB JONES: That's fine thank you. I just want to change direction a little bit Mr.
9 Salapatek, do you possess any merchant Marine documents?

10
11 DREW SALAPATEK: No I don't have any merchant Marine credentials, I have taken (inaudible),
12 basic safety training, during the time that I had left the Bounty after it arrived in Boothbay I left
13 and took a couple of classes forgetting my AV and also 100 ton (inaudible) class but I at that
14 time on the Bounty and as of this date I don't have a fully accredited.

15
16 CAPTAIN ROB JONES: Where did you take those classes? And that was during the Bounty's
17 shipyard period in Boothbay question mark

18
19 DREW SALAPATEK: Yes that was.

20
21 CAPTAIN ROB JONES: Where did you take those classes?

22
23 DREW SALAPATEK: I took them in Fort Lauderdale at a smaller maritime training facility there.

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CAPTAIN ROB JONES: And was that the first time that you took a BST or a ST CW course?

DREW SALAPATEK: No I had taken BST in 2011, at the beginning of the year 2011.

CAPTAIN ROB JONES: Okay, how long have you been sailing?

DREW SALAPATEK: I sailed the last two years on the Bounty, prior to that on a couple different schooners or traditional boats around Florida and the Caribbean, probably the last four years or so.

CAPTAIN ROB JONES: Is it all scooters or wood tall ships, any commercial vessels like tugboats or anything like that?

DREW SALAPATEK: No I didn't do anything like that.

CAPTAIN ROB JONES: Okay. Let's go back to when you returned to New London, you got on board the 24th?

DREW SALAPATEK: Yeah, the day before we left which yes, the 24th.

CAPTAIN ROB JONES: Okay, what was your general impression of the vessel, you knew it was going out in a day or two was that a lot of stuff going on?

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DREW SALAPATEK: Yes there have been some physical alterations of the boat, the crew quarters in the tank room being moved,

CAPTAIN ROB JONES: Why do you remember that?

DREW SALAPATEK: Well before I left I had pretty much disassembled the tank, the tank room, but I mean the crew quarters were changed to a different stairwell, I was kind of excited getting back to the boat to see the difference is that where there.

CAPTAIN ROB JONES: Okay.

DREW SALAPATEK: To see basically what everybody had done for a month.

CAPTAIN ROB JONES: And the why was the meeting call before you left New London to go out to sea?

DREW SALAPATEK: I think that we would have meetings no matter what, just as a general practice of getting underway, just a meeting extra to it was about the situation that was approaching, and Robin giving the crew an option of not feeling obligated to sail the boat.

CAPTAIN ROB JONES: Did that occur just an hour or two, you tell me, 2 to 3 hours before you actually set sail?

1
2 DREW SALAPATEK: It might have been, we set sail, I bet she knew it was probably half an
3 hour, it was short meeting after the meeting, everybody was gathered on deck of the boat after
4 that meeting, I think people just went right into getting ready to take the boat off the dock, get the
5 dock lines, pulling up the gangway things like that.

6
7 CAPTAIN ROB JONES: Did Capt. Walbridge ever mention that the hurricane that was out there
8 was called Frankenstorm?

9
10 DREW SALAPATEK: No he never said Frankenstorm.

11
12 CAPTAIN ROB JONES: Okay, was a half-hour enough time for you to think about you are
13 heading out into and make a decision to stay with the boat?

14
15 DREW SALAPATEK: For myself yeah it wasn't (inaudible) to stay or to go, I had just arrived
16 back to the boat, they was my intentions for a while to come back, I kind of expected that there
17 would be a little bit more weather than earlier in the season, if you're just making a short sail
18 ,(inaudible) or something like that, I can't say for sure there was enough time for other crew
19 members to contemplate if they would stay or if they would go. I wouldn't say that it was such a
20 liked the meeting had that strong of an emphasis, or maybe to anybody in general to the severity
21 of what was to come.
22

1 CAPTAIN ROB JONES: So do you think if you had a night to sleep on it and talk it over with the
2 crew, the next morning would anything have changed, do you think there would have been any
3 different outcome?
4

5 DREW SALAPATEK: Not from any of the information from me, I don't think so. Maybe if people,
6 my general feeling is, I don't know (conference call interruption)
7

8 CAPTAIN ROB JONES: Are you there Mr. Salapatek we had a moment of interruption there.
9

10 DREW SALAPATEK: okay.
11

12 CAPTAIN ROB JONES: Sorry about that, okay I think you answered the question, I don't want to
13 press you on that and have you speculate for the other crew.
14

15 COMMANDER KEVIN CARROLL: Sir this is Commander Carroll, If you had the opportunity to
16 review some information from the national hurricane Center or the weather Channel in regards
17 to the specific size and scope and strength of hurricane Sandy do you think that would have
18 given you pause for concern and perhaps influenced her decision to stay or go?
19

20 DREW SALAPATEK: I think so, I think I would have if there would have been more time prior to,
21 and more information I probably would have participated more in a thorough conversation with
22 Robin or with the officers or with the crew.
23

1 COMMANDER KEVIN CARROLL: Was any of the information that I described provided at the
2 meeting, weather charts forecasts, size, scope, of the storm?

3
4 DREW SALAPATEK: I believe it was just a verbal conversation I don't believe to have looked at
5 any weather faxes or physical things it was a sort of a conversation.

6
7 CAPTAIN ROB JONES: Mr. Salapatek This is Rob Jones again with the NTSB, just a couple
8 more sir. When you said you were a regular size immersion suit, are they small medium and
9 large, or extra-large?

10
11 DREW SALAPATEK: Yes, as far as I know, at least what was available on the Bounty was three
12 different sizes, a size smaller, and I size larger, the majority of them being kind of a standard
13 size.

14
15 CAPTAIN ROB JONES: What was your standard size than?

16
17 DREW SALAPATEK: I mean a had a regular, if you want call it a medium that I was small
18 medium and large.

19
20 CAPTAIN ROB JONES: Okay I just wanted to know how they were labeled?

21
22 DREW SALAPATEK: They were all labeled, they were all in orange bags, but of larger size was
23 a green tag, and the smaller size was a red tag.

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CAPTAIN ROB JONES: So was there only two sizes?

DREW SALAPATEK: Three, the regular were in size were in orange.

CAPTAIN ROB JONES: And that was the middle size?

DREW SALAPATEK: Yeah.

CAPTAIN ROB JONES: Okay, I think we got there. Prior to the vessel capsizing, prior to going out on the deck did Capt. Walbridge have a meeting with the crew, did he ask were did you hear him say what went wrong?

DREW SALAPATEK: I do remember him while he was in the stairwell at the nav shack kind of address everyone he didn't say what went wrong he spoke about keeping in communication with the Coast Guard, going on deck, kind of the plan of being on deck seeing what time the Coast Guard would be able to interact, kind of a conversation more of the shape of things to come more than what had gone wrong.

CAPTAIN ROB JONES: Okay and going back to the, he had the conversation in New London, and the vessel proceeds to sea, from what you told us you are going out on an easterly course away from the storm, is that correct?

1 DREW SALAPATEK: Yes.

2

3 CAPTAIN ROB JONES: Okay.

4

5 DREW SALAPATEK: Away from shore.

6

7 CAPTAIN ROB JONES: Okay, way from shore. Where you trying to avoid the storm, for what
8 you felt, to your knowledge?

9

10 DREW SALAPATEK: My knowledge was I thought the plan was to go easterly offshore, that the
11 weather system was still in the tropics and we would contemplate, see what our options were at
12 that point, giving them time.

13

14 CAPTAIN ROB JONES: Is the weather started getting worse and he found yourself in the
15 situation you were in, did you ask out of this happen, I thought we were heading east, what were
16 your thoughts when the weather started continuing to deteriorate?

17

18 DREW SALAPATEK: My thoughts on the weather (inaudible) there is probably a bit of time in
19 between it being a weather deteriorating to ask a just trying to have the boat not sink. For it
20 actually contemplating sailing the boat to a rescue the boat. But yeah I think there is definitely
21 people on the boat that it didn't seem such a great idea to be offshore and the weather pattern,
22 (inaudible) bad weather.

23

1 CAPTAIN ROB JONES: Okay I just want to go specific to a timeframe that you mentioned
2 before, on the 27th, and that was the Saturday and I think it was your morning watch on the 4 to
3 8, you said the water in the bilges were reaching a level that was a little higher than normal, is
4 that correct, do I have that right?

5
6 DREW SALAPATEK: Yeah I was, I would say it maintained a high level which would be not
7 normal. Usually you get some water in the bilges but still have the ability to get that water out of
8 the boat.

9
10 CAPTAIN ROB JONES: How was the sea state at that time, and the wind?

11
12 DREW SALAPATEK: I would say there was, it wasn't as severe as it got to be on the Sunday, it
13 was pretty big seas and pretty breaking weather, I would say that people were still just coming
14 on the deck of the boat to see the weather and kind of enjoy sailing the boat.

15
16 CAPTAIN ROB JONES: Can you give me an estimation of the big seas?

17
18 DREW SALAPATEK: I would guess maybe 15 foot waves,

19
20 CAPTAIN ROB JONES: And can you give me the speed in the direction of the wind at that time?

21
22 DREW SALAPATEK: I believe that the wind was coming from our port quarter, the winds maybe
23 25 kn, 30 kn.

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CAPTAIN ROB JONES: And the winds on the port quarter, what is the ships heading at this time? Approximately.

DREW SALAPATEK: You know I don't really remember the ships heading, like given the moment, the boat changing directions.

CAPTAIN ROB JONES: That is not what I'm asking, let me put it this way, were you at the helm at all during this watch from 4 to 8?

DREW SALAPATEK: Yeah I would imagine I was.

CAPTAIN ROB JONES: What compass course were you sailing?

DREW SALAPATEK: Yeah that's what I was referring to, I don't remember the compass heading. You know I think a longer explanation is would be at some point it just got quite a bit to handle the helm and weather that probably my more concern was keeping the wind direction and us coming from a specific place and say a wave knocking the boat in a certain direction or how you are heading into a wave, I guess spent a lot more time looking at the elements around me than really trying to focus on a specific compass direction.

CAPTAIN ROB JONES: Okay, is that how you steer the vessel, educate me, the officer of the watch was Dan Cleveland?

1
2 DREW SALAPATEK: Yes Dan Cleveland.

3
4 CAPTAIN ROB JONES: Okay and how does he instruct you to steer when you're in these
5 conditions, and what were you trying to, how are you trying to steer?

6
7 DREW SALAPATEK: I don't been necessarily would have instructed me, this is all situational
8 this particular situation of the weather at hand, you're heading in a general direction but it's not
9 like you can just zone and on the specific quarter or point, the boat is definitely swaying in
10 between a large range of headings but you are still trying to maintain a direction, I figured you
11 would do a lot more in an immediate situational things like the waves arriving at you at that
12 moment and not reading your heading afterwards.

13
14 CAPTAIN ROB JONES: Okay, thank you for the explanation Mr. Salapatek, I am going to try
15 one more time, what course are you trying to make good on this vessel at that point in time, I'm
16 not holding you to 1 degree, one way or the other,

17
18 DREW SALAPATEK: I would say that we were, I mean I got the details that we were headed
19 east and were probably heading southeast, the question is your asking a very specific moment
20 (inaudible) what our heading was, I would say we were going southeast, I don't know if that has
21 been after the course change, after the course changer heading more westerly.

22

1 CAPTAIN ROB JONES: Okay thank you may be trying to get me more detail for
2 misunderstanding, but with the wind at 25 kn on your port quarter and 15 foot seas I was just
3 trying to get a general direction of the heading of the ship, and I'm not going to try to belabor
4 that any further. One last question was this the first time that you are ever in a hurricane?

5
6 DREW SALAPATEK: Yes it was.

7
8 CAPTAIN ROB JONES: Do you ever want to be in one again?

9
10 DREW SALAPATEK: No I would not go out of my way to be in a hurricane again.

11
12 CAPTAIN ROB JONES: Okay thanks for your answers.

13
14 DREW SALAPATEK: Thank you.

15
16 COMMANDER KEVIN CARROLL: I'm going to ask, this is Cmdr. Carol I have a question to ask
17 and then we are going to take a 10 minute break and give people an opportunity and yourself to
18 use the restroom or get a drink if you like, during your basic safety training at any point during
19 that instruction did they ever incorporate the use of a climbing harness or a PFD with using an
20 immersion suit?

21
22 DREW SALAPATEK: No.

23

1 COMMANDER KEVIN CARROLL: At any point during your training that you said that you had on
2 board Bounty, did they ever incorporate the use of a PFD or a harness in your use of your
3 immersion suit?
4

5 DREW SALAPATEK: That I was not part of training on the Bounty.
6

7 COMMANDER KEVIN CARROLL: Okay so this what seems to be a spontaneously creative act,
8 using the harness and the PFD, where did this come from?
9

10 DREW SALAPATEK: I'm going to guess that the ultimate decision was Robin Walbridge's.
11

12 COMMANDER KEVIN CARROLL: Who told you to do it?
13

14 DREW SALAPATEK: I don't remember what specific person on the boat, I remember it was just
15 a conversation I was being had by people around me as we are putting on the immersion suits
16 and the harnesses at that time.
17

18 COMMANDER KEVIN CARROLL: Okay sir, we are going to take a 10 minute break we'll come
19 back at 10 minutes to 11 and then having questions given to you by the parties of stress.
20

21 DREW SALAPATEK: Okay.
22

1 COMMANDER KEVIN CARROLL: Okay we are going to put you on mute but we would still be
2 able to hear you.

3
4 DREW SALAPATEK: Okay.

5
6 COMMANDER KEVIN CARROLL: 10 minutes please.

7
8 LIEUTENANT COMMANDER NICHOLAS PARHAM: at this time the Coast Guard is back on the
9 record at 10:50 all parties of interest, all parties of interest in their designated representatives are
10 present, Mr Salapatek can you hear me?

11
12 DREW SALAPATEK: I can hear you

13
14 LIEUTENANT COMMANDER NICHOLAS PARHAM: Okay you're just reminded that the both
15 you to previously is still binding, do you understand?

16
17 DREW SALAPATEK: I understand.

18
19 LIEUTENANT COMMANDER NICHOLAS PARHAM: Okay thank you we are going to continue
20 at this point.

21
22 LIEUTENANT CHARLES MALORE: Mr. Salapatek, Mr. Svendsen is going to ask you questions
23 now.

1
2 JOHN SVENDSEN: Good morning Drew.

3
4 DREW SALAPATEK: Good morning John.

5
6 JOHN SVENDSEN: Can you speak to me of previous sea conditions you have experienced on
7 the Bounty?

8
9 DREW SALAPATEK: During the 2011 season on the Bounty we had probably the most scope of
10 different sea conditions being indifferent squalls or higher went and waves scenarios.

11
12 JOHN SVENDSEN: Can you be specific as height of wave and wind speed conditions?

13
14 DREW SALAPATEK: I think that we were probably, I remember a few times being either in the
15 north or the Baltic Sea running into some squalls, being 20 foot seas, and super high winds
16 probably 30 to 40 kn winds.

17
18 JOHN SVENDSEN: Can you compare the state of the water at the bilge at that point to what you
19 experienced leading up to 29 October?

20
21 DREW SALAPATEK: Yeah, and those weather conditions with the builders were like?

22
23 JOHN SVENDSEN: Yes sir.

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DREW SALAPATEK: I'm going to say that the builders were very similar, kind of in my earlier testimony I was, saying a gauge that I usually uses that he'll send you can usually see the water rise up to the level of the keelson, which is not uncommon to find on the Bounty, it was similar in those weather conditions in the storms that we were an.

JOHN SVENDSEN: Had you at any point heard the high water alarm go off on the Bounty?

DREW SALAPATEK: I have not the high water line go off, I think I did hear a come off once, but that was when the boat on the dock (inaudible) does not pay attention to the bilge so much.

JOHN SVENDSEN: Could that have been during a testing experience as well? Or for a Coast Guard inspection or for (inaudible)

DREW SALAPATEK: Oh yes, you mean hearing the alarm outside of that. I can't really recall no.

JOHN SVENDSEN: While doing boat checks and looking throughout the boat had you had any point time ever notice any shift in ballast on the boat?

DREW SALAPATEK: Do you mean like ballast coming loose or not being stowed properly?

JOHN SVENDSEN: Correct.

1 DREW SALAPATEK: No I had never seen that.

2

3 JOHN SVENDSEN: Can you speak to the fact that he said on Friday it seemed like we're
4 underway out of New London that the pumps operated normally, or were fully functional for the
5 deck wash.

6

7 DREW SALAPATEK: Yeah, I believe they were, that was a concern before we had left and is
8 part of my watch we were doing deck washes in the morning and I don't really remember
9 thinking about it so much after that.

10

11 JOHN SVENDSEN: Do you remember the mate of your watch Dan in Cleveland or the captain
12 Robin Walbridge working on the electric pumps or dressing the concerns?

13

14 DREW SALAPATEK: I can recall a specific moment, or an action that I know was taken.

15

16 JOHN SVENDSEN: Did you at any point in time see testing of hydraulic pumps or electronic
17 pumps for a weekly or monthly test?

18

19 DREW SALAPATEK: Testing, like the Mina time pass on the boat I had witnessed testing of
20 pumps?

21

22 JOHN SVENDSEN: Yeah.

23

1 DREW SALAPATEK: I would say I don't know if I witnessed any testing, I feel like we used
2 electric pumps with regularity and hydraulic pumps I hadn't really known the testing times for it.

3

4 JOHN SVENDSEN: To know who would be responsible for the testing of those on the monthly
5 checklist?

6

7 DREW SALAPATEK: I believe it is the engineer.

8

9 JOHN SVENDSEN: Can you speak to any training or checklist underway that prepared you for
10 the eventual abandoning ship?

11

12 DREW SALAPATEK: The stream that we did of the betas ship drills man overboard drills fire
13 drills I would say helped contribute to that, I would say just as a general way that the Bounty
14 sailing vessel operates, it's the crew working together to spitting and projects, it is sort of the
15 debt kind of fellowship and camaraderie that comes with that I think was a also an integral part
16 of us working towards her safety.

17

18 JOHN SVENDSEN: Were there any a heavy weather preparations or training that was
19 presented during the 2011 or 2012 season in preparation for the eventuality of encountering
20 heavy weather?

21

22 DREW SALAPATEK: Yeah I think that, I mean we are always looking to the weather potentials
23 ahead of us and trying to read prepared as we could. We would often talk about just scenarios of

1 weather situations discuss, just being prepared and how we would react to any emergencies like
2 that. Sea stowing (inaudible) at all times, not just for heavy weather situations but the many
3 steps ahead of that on the boat. Always be sea stowed. Nothing that is all I can think of right
4 now.

5
6 JOHN SVENDSEN: Were you aware that of any conversations between the Bounty and a US
7 Coast Guard C-130 that was flying in the area?

8
9 DREW SALAPATEK: Yes I know that there was conversations with the Coast Guard prior to us
10 officially being able to see them. I remember being on the deck of the boat while we first made
11 initial contact with with the C-130.

12
13 JOHN SVENDSEN: Do you remember approximately what time that was?

14
15 DREW SALAPATEK: That was Sunday evening, you have occurred a few hours back as far as
16 us being in immersion suits and being on deck (inaudible) official communications

17
18 JOHN SVENDSEN: Do remember about any conversations about delivering pumps or rescue
19 units being deployed in discussion BTA's of those experiences were smart

20
21 DREW SALAPATEK: I do remember there be a conversation of phones that would possibly be
22 able to be brought to the boat that was definitely pretty early in a new of that the Coast Guard

1 was, while I was on the deck of the boat and emergencies or was aware that the Coast Guard
2 helicopters would be getting to us as soon as possible, weather permitting or a specific time
3

4 JOHN SVENDSEN: He said that the helicopters were being put in flight weather permitting
5 based on their availability within the flight window?
6

7 DREW SALAPATEK: Yes that was the knowledge that I believe I had when I got, when I was on
8 the deck of the boat, be on the weather deck for as long as possible, the Coast Guard at that
9 point was not coming to bring as pumps but more to (inaudible.)
10

11 JOHN SVENDSEN: do you believe that that was proactively done to give us the best chance of
12 safely abandoning ship?
13

14 DREW SALAPATEK: Yes I do, I think that I felt that when a kind of became an emergency
15 situation and we're losing the potential to get water out of the boat (inaudible)
16

17 JOHN SVENDSEN: Do you recall any specific actions from the officers or the crew during this
18 event that contributed to the abandoning ship operating as safely as possible within the
19 parameters of what we have available to us?
20

21 DREW SALAPATEK: Can you repeat the question.
22

1 JOHN SVENDSEN: Do you believe that there was any actions by the officers or crew of the ship
2 that assisted in the abandoned ship being as safe as possible?

3
4 DREW SALAPATEK: Yes definitely I think we were making preparations quite a while before
5 abandoning ship. I think before it was in my mind a reality that we might be abandoning ship,
6 kind of we were going through taking precautionary measures of getting our survival equipment
7 together and having everything readily available, and being as prepared as possible. It was our
8 initial stance that we took early on.

9
10 JOHN SVENDSEN: Would you say that Robin Walbridge was the one directing all the activity
11 through the officers?

12
13 DREW SALAPATEK: I would say so yes. Yeah I know that Robin was around and
14 communicating, and having conversations with everyone on the boat.

15
16 JOHN SVENDSEN: What was your perspective on the chain of command and how it was
17 applied in your two years being him board the Bounty?

18
19 DREW SALAPATEK: My perspective of the chain of command, I think Robin being the captain
20 was kind of the general overseer and having the vision long-term of things happening on the
21 boat, from there in terms of actually relaying or initiating of his plans the officers work activating
22 those plans down to smaller kind of everyday tasks that they were having us order down at the
23 level of the deckhands. Kind of situational things.

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JOHN SVENDSEN: Thank you very much for your time

DREW SALAPATEK: Okay thank you.

LIEUTENANT CHARLES MALORE: Bounty Organization?

FRANK EMERZINO: My name is Frank Emerzino and I represent Bounty Organization.

COMMANDER KEVIN CARROLL: Do you want a chair sir?

FRANK EMERZINO: That would be wonderful. Good morning

DREW SALAPATEK: Good morning.

FRANK EMERZINO: when you first ran a crew, were you a paid crew?

DREW SALAPATEK: Yes I was.

FRANK EMERZINO: Were you paid well through the 2011 season?

DREW SALAPATEK: Yes I was.

1 FRANK EMERZINO: And through the off-season?

2

3 DREW SALAPATEK: Yes.

4

5 FRANK EMERZINO: The data you arrived was Wednesday night, is that correct?

6

7 DREW SALAPATEK: The day right to New London was Wednesday night.

8

9 FRANK EMERZINO: And you got full sleep that night?

10

11 DREW SALAPATEK: Yeah I arrived at maybe seven or 8 o'clock in the evening (inaudible)

12

13 FRANK EMERZINO: And use of the next morning you washed the deck and the bilge wasn't
14 quite, or the pipe strength wasn't quite what it used to be? Who did you report it to?

15

16 DREW SALAPATEK: (inaudible) that there is a group of us that were kind of tidying up the deck,
17 and it was not there very but it was important to them because they felt that they were all
18 present, I had brought it up with Chris Barksdale, (inaudible)

19

20 FRANK EMERZINO: And is your employee the watch command?

21

1 DREW SALAPATEK: I didnt refer to my watch commander at the timelt was more of a all hand
2 situation it was an a sea watch team on the deck, but the entire crew was trying to get the boat
3 ready so there was (inaudible)

4
5 FRANK EMERZINO: What was your watch commander in that preparation?

6
7 DREW SALAPATEK: No I don't think so.

8
9 FRANK EMERZINO: Were any in the of the mates in that group of people #

10

11 DREW SALAPATEK: They could've been if it was first thing in the morning to, they could have
12 been having a meeting at that time also, I was really in hand of the, you know between the
13 officers and Robin.

14

15 FRANK EMERZINO: At any other time did you have a concern about bilges?

16

17 DREW SALAPATEK: Yeah after that my concern for the bilge was, we had been taking on water
18 and not seeing the water leaving the boat.

19

20 FRANK EMERZINO: And when was that?

21

22 DREW SALAPATEK: I would say that was Saturday.

23

1 FRANK EMERZINO: Did you report that to anyone at that time?

2

3 DREW SALAPATEK: I would venture to say that in the conversations I would have with Dan who
4 was the officer on my watch.

5

6 FRANK EMERZINO: Do you have any recollection of having that conversation?

7

8 DREW SALAPATEK: Not a specific conversation, it would be pretty in-line with something I
9 would say, you know trying to have communications as much as possible with him, any
10 concerns I have of the boat.

11

12 FRANK EMERZINO: I want to bring you back to when you were back on deck just before the
13 abandoned ship, do you have exhibit CG six with you there?

14

15 DREW SALAPATEK: Yes, CG 6 it is like a giant view of the Bounty it has all of the different
16 compartments.

17

18 FRANK EMERZINO: I'm actually referring to see CG 2, if he doesn't have it (inaudible) can you
19 tell us where you were immediately before going into the water, on that depiction?

20

21 DREW SALAPATEK: Sure, I was aft of the mizzen mast, there is a side profile of the helm and
22 in a cabin top after that I was in that area, between the helm and that In top.

23

1 FRANK EMERZINO: Okay, who is immediately next to you, on either side?

2

3 DREW SALAPATEK: To my right was Jessica Hewitt, to the right of her was John Jones,

4

5 FRANK EMERZINO: Was there anybody to your other side?

6

7 DREW SALAPATEK: To my other side was Adam Procosh and just below Adam at mid-ships
8 was Doug Font.

9

10 FRANK EMERZINO: Do you know where Jessica Black was?

11

12 DREW SALAPATEK: Yeah Jessica Black was further forward than me, she was a little bit further
13 I think kind of situated by Adam.

14

15 FRANK EMERZINO: Now when you came up on deck were you counting off?

16

17 DREW SALAPATEK: I don't remember counting off as I got on the deck, I remember being after
18 on deck, they're trying to be a count off, myself was located pretty far aft, it was really difficult to
19 hear what was going on, I kind of lost that communication.

20

21 FRANK EMERZINO: Did you count off and get a number of sign to you at that point?

22

1 DREW SALAPATEK: I don't remember a specific number, I remember the concept of counting
2 off, of it being relayed back, they were trying to count off but I wouldn't say there was anything
3 from I could hear, I couldn't hear the beginning or the end of the a count off.
4

5 FRANK EMERZINO: Going back to when you are on the tween decks and putting on your
6 immersion suits, do you recall whether or not when you put on the harness if there were any
7 adjustments made to that?
8

9 DREW SALAPATEK: Any adjustments made to my harness?
10

11 FRANK EMERZINO: Yes.
12

13 DREW SALAPATEK: I was wearing a harness that it was my personal harness that I owned, no
14 it's just a pretty simple, straightforward, just tighten it up until it's comfortable.
15

16 FRANK EMERZINO: And you said you tightened it up around your thighs, and around your waist
17 is that correct?
18

19 DREW SALAPATEK: Yes.
20

21 FRANK EMERZINO: Are there latches to do that?
22

1 DREW SALAPATEK: I think that there is a few different styles of latches, but yes most of them
2 are, if you are able to pull them, but they won't give any slack back, like a self locking clip.

3
4 FRANK EMERZINO: I think you stated that when you went into the water you got out of the
5 harness, at that time that you have the immersion suit on?

6
7 DREW SALAPATEK: I had the immersion suit on and the harness over the immersion suit.

8
9 FRANK EMERZINO: And where your hands in the immersion suit?

10
11 DREW SALAPATEK: Yes.

12
13 FRANK EMERZINO: How did you get your harness off with your hands in the immersion suit?

14
15 DREW SALAPATEK: Do you mean in order to be able to access the latches?

16
17 FRANK EMERZINO: Anything I mean I don't you would have

18
19 DREW SALAPATEK: Really it was like physically pushing the immersion suit down around my
20 waist and thighs, I did not have the climbing harness, I don't really think you could make it so
21 tight that you couldn't get off of you.

22
23 FRANK EMERZINO: So you kind of just stepped out of it?

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DREW SALAPATEK: No I was in the water, I just use my arms, I was in the water so I was kind of able to curl myself up and push off from myself and some out of it.

FRANK EMERZINO: I think you said you were at some point attached to Jessica Hewitt is that correct?

DREW SALAPATEK: Yes.

FRANK EMERZINO: Did she swim away from the boat with you?

DREW SALAPATEK: No, I lost a visual of Jessica Hewitt kind of at that time.

FRANK EMERZINO: Now you said you actually found something to float on, something that was floating that you could hold onto is that correct?

DREW SALAPATEK: Sometime after that I was looking for other crew members in the water and swam towards a couple crew members that I could see their immersion suits and they were holding onto a grating.

FRANK EMERZINO: You don't have the actual raft that was deployed?

DREW SALAPATEK: How the raft was deployed?

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FRANK EMERZINO: Yes.

DREW SALAPATEK: Yes the rafts that we have, we had to pull it painter out ourselves to activate the (inaudible).

FRANK EMERZINO: And do you know who did that?

DREW SALAPATEK: It was not myself, I believe Chris Barksdale was the one on the line, I think there was multiple people trying, it is a pretty long line so it wasn't just an instant yanking on the painter.

FRANK EMERZINO: Thank you

DREW SALAPATEK: Thank you.

COMMANDER KEVIN CARROLL: Mr. Melusi

RALPH MELUSI: Drew can you hear my voice? I'm Ralph Melusi and I am representing Claudine Christian.

DREW SALAPATEK: Yeah, I can hear you good.

1 RALPH MELUSI: How are you today?

2

3 DREW SALAPATEK: I'm doing pretty good.

4

5 RALPH MELUSI: How old are you?

6

7 DREW SALAPATEK: 29.

8

9 RALPH MELUSI: Could you tell me a little bit about your educational background?

10

11 DREW SALAPATEK: In terms of sailing or just in general?

12

13 RALPH MELUSI: Not maritime, just in general.

14

15 DREW SALAPATEK: None maritime, I went to liberal arts college here in Chicago, Depaul
16 University, after that I worked for quite a while as a carpenter in Chicago, a couple other things,
17 is about four years ago when I got involved in sailing.

18

19 RALPH MELUSI: Did you complete the liberal arts program, did you get a degree?

20

21 DREW SALAPATEK: No I stopped going to school there, was there for about two years.

22

23 RALPH MELUSI: So you spent two seasons almost 9 months each on Bounty?

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DREW SALAPATEK: Yes, last year I was there from the beginning to the end of the season, this season I came aboard a little bit into the season, it was June.

RALPH MELUSI: And on 25 October you spoke about washing down the decks in preparation for the day sail, do you recall that?

DREW SALAPATEK: Yes.

RALPH MELUSI: Was that something that was done with frequency on the Bounty?

DREW SALAPATEK: Yeah usually we wash the deck down every morning.

RALPH MELUSI: And how many people would be involved in that?

DREW SALAPATEK: You could have three, four, five people.

RALPH MELUSI: On this occasion it was you, Adam, Josh, who else?

DREW SALAPATEK: I don't know for sure if Adam and Josh were part of it, and it wasn't really a wash specific thing, it was a wash specific thing underway, but on Thursday we were on the dock so was an all hands situation.

1 RALPH MELUSI: All hands were on there for this particular wash down?
2

3 DREW SALAPATEK: Not for this particular wash down, it was in all he and situation getting the
4 boat ready for the day sail. Underway at that hour it would've been a specific watch on deck, but
5 everybody woke up at the same time.
6

7 RALPH MELUSI: Who was assisting you on this particular day?
8

9 DREW SALAPATEK: I believe Mark Warner was, Claudine would've been there also. That's all I
10 remember for sure because the deck wash is a normal occurrence it's nothing spectacular.
11

12 RALPH MELUSI: You had one, or more than one hose?
13

14 DREW SALAPATEK: There are two hoses to reach the forward most area, aft most area of the
15 boat we would have two hoses.
16

17 RALPH MELUSI: What is the procedure, to someone go down into the engine room, tell me how
18 they go about selecting what pump is to be turned on, opening the valves and then coming back
19 up, just go through that.
20

21 DREW SALAPATEK: The hoses are neatly stowed on deck, just laid out, it runs off the same
22 electrical pumps for the bilge, but we are just pumping in seawater through a clear whole, but it

1 is very similar it is a series of up valves that get the water and give it direction, so we are taking
2 and routing seawater up to the deck itself.

3
4 RALPH MELUSI: And then overboard? Into the hoses, and in the hoses go through scoffers and
5 in the water goes overboard?

6
7 DREW SALAPATEK: Yeah just goes off the side of the deck.

8
9 RALPH MELUSI: Do you normally only use one or both electric pumps in tandem?

10
11 DREW SALAPATEK: Usually use just one.

12
13 RALPH MELUSI: And the somebody decide which pump is to be used?

14
15 DREW SALAPATEK: We usually try and rotate the pumps daily, written on the actual cylinders
16 of the pump are days for one alternating days.

17
18 RALPH MELUSI: And you ever rotate with the hydraulic pumps?

19
20 DREW SALAPATEK: With the hydraulic pumps no, they are not really used regularly as our
21 primary dewatering pumps are.

22

1 RALPH MELUSI: So is it correct to say that for all the times that you have been on the Bounty,
2 all of the deck washing that you have been doing, you have never used either of the hydraulic
3 pumps?

4

5 DREW SALAPATEK: No we had never used a hydraulic pumps for getting water for a deck
6 wash.

7

8 RALPH MELUSI: Now when you turn on the electric pumps is there a gauge there to tell you the
9 discharge pressure?

10

11 DREW SALAPATEK: Yes there is a PSI gauge.

12

13 RALPH MELUSI: Okay, I'm sure you looked at it hundreds of times, how does it read from zero
14 to what?

15

16 DREW SALAPATEK: I believe there reads from 0 to 40.

17

18 RALPH MELUSI: 40 psi?

19

20 DREW SALAPATEK: Yes.

21

22 RALPH MELUSI: What would be the normal discharge pressure?

23

1 DREW SALAPATEK: The normal discharge pressure for a deck wash?

2

3 RALPH MELUSI: Yes it that wash.

4

5 DREW SALAPATEK: Maybe in the 20s, of PSI.

6

7 RALPH MELUSI: And what would be a normal discharge pressure for pumping bilges,
8 dewatering the compartments?

9

10 DREW SALAPATEK: I would say

11

12 (DIAL TONE)

13

14 COMMANDER KEVIN CARROLL: Sorry Mr. Malusi, did they drop off the line? We did
15 something on the conference bridge. Mr. Salapatek? Okay, call him back. Mr. Salapatek are you
16 back on the line?

17

18 DREW SALAPATEK: Yes I'm back on the line.

19

20 COMMANDER KEVIN CARROLL: Okay sorry for the interruption Mr. Malusi is going to continue
21 with his questions in just a moment.

22

23 DREW SALAPATEK: Okay.

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RALPH MELUSI: You were about to tell us what a normal discharge pressure is when you are pumping bilges from various compartments.

DREW SALAPATEK: Yeah, the normal discharge pressure would probably be a little bit lower than that, you could kind of an alternate pressure depending on if he had the valves open all the way or partially closed.

RALPH MELUSI: Well if you wanted to pump bilges out, effectively and quickly, you would want them open all the way wouldn't you?

DREW SALAPATEK: Effectively and quickly, there might be some details to that in terms of pressurizing the pump and priming for it.

RALPH MELUSI: Normally when you are pumping bilges you open the valve all the way to get the water discharging as quickly as possible isn't that true?

DREW SALAPATEK: Yet you would want to move the most amount of water, yet you would want to have it open.

RALPH MELUSI: Song trying to get a benchmark here when you operate the pump in that fashion when you have the pump fully open normally what is the discharge pressure for pumping bilges?

1

2 DREW SALAPATEK: Normally I would want the set the needle at being a little over (inaudible)
3 you would want to make sure that there is pressure there to look at the gauge and know that
4 there is water going through.

5

6 RALPH MELUSI: Do you have a number in mind as to what the normal discharge pressure was?

7

8 DREW SALAPATEK: Not very much maybe 5 psi, a little bit more than that.

9

10 RALPH MELUSI: That's your recollection for normally pumping bilges? Five psi or a little bit
11 above?

12

13 DREW SALAPATEK: Yeah depending on usually you'd want to charge, prime, get a little
14 seawater in there and slowly open the pumps, open all of valves up, to have the largest Thruway
15 that you could, usually would try not have that needle just be at zero so you can maintain if you
16 would drop the primary pressure.

17

18 RALPH MELUSI: Also was at zero it wouldn't be pumping is that correct?

19

20 DREW SALAPATEK: If it was at zero would not be pumping,

21

22 RALPH MELUSI: We are talking about the discharge out of the pumps, it's got a pump it up to
23 the overboard discharge so you need a great amount of pressure to do that?

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DREW SALAPATEK: Yes definitely.

RALPH MELUSI: On this particular occasion when you are doing the wash down you notice that the discharge pressure coming out of the hose, or hoses that you are using was not the same strength as on prior occasions, true?

DREW SALAPATEK: Yeah I would say usually a few wanted to pump from seawater and route all the water directly into the hose, kind of over pressurize those, so usually I would open the valves and route a little bit of the water just going overboard so it wasn't fully pressurized through the boat.

RALPH MELUSI: What was then that was different on this occasion as you described before when you said that the pumps were not putting out the same type of pressure you would normally have seen.

DREW SALAPATEK: To (inaudible) direct all the water to the hose would be over pressurizing it. But with all the water flowing around the hose it was still under pressure.

RALPH MELUSI: I'm not understanding your testimony, you said that there was something different on this particular day, on the deck wash, something was not the usual, something was not the usual normal operation of the pumps, what was that?

1 DREW SALAPATEK: I did not understand question. Maybe I can explain it better. On a normal
2 situation with doing it that wash if you would open all of the valves and let it to you water fully to
3 the hose it would have too much pressure, usually we would relieve a little bit of the pressure by
4 routing some of the water over the side of the boat just the general discharge of it, but there was
5 not enough pressure even with all of the valves routed completely to the hose to pressurize it.
6 It's usually not on full, like full capacity you could charge the hose...(dial tone, call dropped.)
7

8 COMMANDER KEVIN CARROLL: Sorry Mr. Malusi.
9

10 LIEUTENANT COMMANDER NICHOLAS PARHAM: Should we take a short recess, it is their
11 IT, we are working with...
12

13 COMMANDER KEVIN CARROLL: Let's try and get him back on the line, if that doesn't happen
14 we will take a short recess.
15

16 LIEUTENANT COMMANDER NICHOLAS PARHAM: Hello Mr. Salapatek, are you there?
17

18 DREW SALAPATEK: I'm here.
19

20 LIEUTENANT COMMANDER NICHOLAS PARHAM: Ok sorry, not sure what is going on, we
21 have some problems dropping off, if it happens again we may take a recess but we will try and
22 keep you on.
23

1 DREW SALAPATEK: Okay

2

3 LIEUTENANT COMMANDER NICHOLAS PARHAM: Okay we are going to continue with Mr.
4 Malusi.

5

6 RALPH MELUSI: I think you are saying what happens with the full capacity of the pump, you
7 had fully charge the hose on prior occasions, is that the gist of what you are saying?

8

9 DREW SALAPATEK: Yes yes.

10

11 RALPH MELUSI: But on this occasion without using the full capacity of the hose you are not
12 able to fully charge, not using the full capacity of the pump on this occasion you could not fully
13 charge the hose?

14

15 DREW SALAPATEK: Yes, using the full capacity of the pump it could not charge the hose.

16

17 RALPH MELUSI: If you put it on a scale of 1 to 10 on prior occasions when the pump is
18 operating normally if that is a 10, what was it on this particular day?

19

20 DREW SALAPATEK: Okay on the system if you had a full capacity is at 10, I would say would
21 actually only normally need to use 7, and rerouting the hypothetical three, on this day using all
22 full of the capacity it was not adequately, able to adequately pressurize.

23

1 RALPH MELUSI: So as something less than seven?

2

3 DREW SALAPATEK: I would say that, on a scale you are suggesting, it was a four or a five.

4

5 RALPH MELUSI: Do you know which pump that was?

6

7 DREW SALAPATEK: I believe that we tried to use both pumps, after we were not able to
8 pressurize the hose, we would have used the other pump.

9

10 RALPH MELUSI: And do you have a recollection that that was done on this occasion, the other
11 pump was switched over?

12

13 DREW SALAPATEK: Yes I do.

14

15 RALPH MELUSI: That was the same affect the diminished capacity?

16

17 DREW SALAPATEK: It was the same thing.

18

19 RALPH MELUSI: Did you think that there might be some significant systems that might need to
20 be looked at by the engineer?

21

22 DREW SALAPATEK: Yes I did.

23

1 RALPH MELUSI: Okay, so what did you do about it, who did you talk to?

2

3 DREW SALAPATEK: I'm pretty sure that I had mentioned it to Chris Barksdale the engineer. I
4 don't remember formally bringing it up specifically like to officer or directing it to Robin. When we
5 were doing the deck wash and the hose was not properly charging it did not seem to be news to
6 anybody around me, I think like it seemed had been experiencing that prior to me going up and
7 being present at this one specific to wash.

8

9 RALPH MELUSI: Officers included?

10

11 DREW SALAPATEK: No I would not say the officers included, I would say the two or three
12 deckhands that may be were around me for the deck wash.

13

14 RALPH MELUSI: Later that day when there was a meeting and Capt. Walbridge was discussing
15 this early departure, did it occur to you perhaps or anyone else to mention the condition of the
16 pumps?

17

18 DREW SALAPATEK: Did it occur to me at that time, not as much, I didn't bring it up at that
19 meeting, no.

20

21 RALPH MELUSI: You had given some descriptions earlier today, descriptions to the amount of
22 flooding coming into the bilges, into the engine room, other compartments on Friday and

1 Saturday, I kind of got the impression your assessment of it was that it was not too different from
2 being normal on Friday and Saturday?

3
4 DREW SALAPATEK: I would say that the level of the water was not exceeded other levels that I
5 had seen on the boat.

6
7 RALPH MELUSI: So Friday and Saturday your testimony is that you're not concerned about the
8 levels and nobody else was?

9
10 DREW SALAPATEK: No I would say that the Friday level was not higher than I had seen it
11 before, I think on Saturday I said earlier I started to be concerned because that level was not
12 decreasing at all. I would not say that it was at an alarming rate increasing, the water was not
13 going down at all.

14
15 RALPH MELUSI: Do you remember giving an interview to Cmdr. Carol and Lieut. Miller on or
16 about October 29?

17
18 DREW SALAPATEK: I remember getting an interview at the Coast Guard station and Elizabeth
19 city.

20
21 RALPH MELUSI: Do you know who else was in the room?

22

1 DREW SALAPATEK: At that moment in time had lost my contacts so I did not really have any
2 facial recognition of anybody that I met and I'll is a city.

3
4 RALPH MELUSI: But you knew you that you are in a room and there were officers present in
5 their questioning you about your recollection.

6
7 DREW SALAPATEK: I know (inaudible) the Coast Guard person that I had set with, I remember
8 they asked if I could write a testimony, but not having my contacts and I cannot have the ability
9 to write.

10
11 RALPH MELUSI: How did they proceed to interview you?

12
13 DREW SALAPATEK: Through conversations.

14
15 RALPH MELUSI: And were they taking notes as you were answering questions?

16
17 DREW SALAPATEK: Yes they were collecting notes.

18
19 RALPH MELUSI: Do you recall telling you to the Coast Guard officers who asked you questions
20 that on Friday and Saturday there were major concerns with the bilge and worries of flooding.

21
22 DREW SALAPATEK: That there were major concerns with the bilge and flooding?

23

1 RALPH MELUSI: And worries of flooding.

2

3 DREW SALAPATEK: Yes I haven't looked at any of those notes since they were made on the
4 29th, I would say probably now my testimony was I wasn't having a, is a major turnoff on Friday.

5

6 RALPH MELUSI: Would you at least agree with me that your recollection of the events and the
7 sequence of the events would have been more accurate back on October 29 then four months
8 later today.

9

10 DREW SALAPATEK: Yes, I think there is a lot of details that I remembered at that time, it is also
11 definitely a lot more stressful and emotional situation on the 29th.

12

13 RALPH MELUSI: Correct, but your recollection would have been much more accurate than
14 today,

15

16 UNKNOWN: Objection

17

18 RALPH MELUSI: Would you agree with me?

19

20 COMMANDER KEVIN CARROLL: Said he objected, and here it he answered.

21

22 RALPH MELUSI: Okay. Do you recall at any time on Saturday, strike that, on Saturday I believe
23 you said you are in the engine room on number of occasions helping out?

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DREW SALAPATEK: Yes I had been in the engine room helping out, probably just in general, (inaudible) and to a boat check.

RALPH MELUSI: Do you have any recollection of seeing the captain working down there?

DREW SALAPATEK: Yes I did, I was, I was in the engine room, I don't know it wasn't time I was wearing a watch or a time that it wasn't, Robin was, wanted to hook up the hydraulic, the portable hydraulic pump (inaudible)

RALPH MELUSI: You were aware that there were two hydraulic pumps?

DREW SALAPATEK: Yes.

RALPH MELUSI: Okay, and you know where the fixed hydraulic pump was?

DREW SALAPATEK: Yes it was on the bulkhead below the lower, the electric pumps and a little bit to your left, if you're looking at them.

RALPH MELUSI: At any time did you ever see a fixed hydraulic pump being utilized during the, Saturday, Sunday, or Friday at any time?

1 DREW SALAPATEK: I don't remember the fixed hydraulic pump being utilized, I remember the
2 portable hydraulic pump being utilized.

3
4 RALPH MELUSI: Do you know why that was?

5
6 DREW SALAPATEK: No, when water came into the engine room Robin was trying to get the fix
7 hydraulic pump connected and assembled so I gave him a hand with that, I don't know prior to
8 that what the fixed I don't pump, it was the portable that I was familiar with

9
10 RALPH MELUSI: Did you see somebody trying to fix or operator or setup the fixed pump?

11
12 DREW SALAPATEK: No I did not.

13
14 RALPH MELUSI: Pumping of bilges became a critical issue as this thing progressed, would you
15 not agree?

16
17 DREW SALAPATEK: Most definitely.

18
19 RALPH MELUSI: Was there any discussion or talks about why the fixed hydraulic pump was
20 never used?

21
22 DREW SALAPATEK: Not any conversation that I was aware of or overheard.

23

1 RALPH MELUSI: Did that thought occurred to you

2

3 DREW SALAPATEK: Now, well I guess the pump wouldn't be utilized maybe I thought that
4 would've occurred to me, Robin was helping me set up the hydraulic pump, the portable one
5 was that you could visually see the pump sucking water and in action in the engine room, where
6 the electric pump in the hydraulic pump are running at different areas of the boat I just assumed
7 that Robin wanted to visually see that the hydraulic pump system was working.

8

9 RALPH MELUSI: Because you know I'm thinking they were desperately trying to get the trash
10 pump working and they could not, but you have no recollection of someone trying to go back and
11 put a fixed pump on it?

12

13 DREW SALAPATEK: No I don't, I'm not certain if after we had set the portable hydraulic pump
14 up at that moment, that that was the point that stayed, it may have been.

15

16 RALPH MELUSI: The number of people who sustained personal injuries before the vessel
17 keeled over, recall them?

18

19 DREW SALAPATEK: Adam Prokosh was the first person to ever be injured and Robin
20 Walbridge I remember, after Robin I believe this was on Sunday.

21

22 RALPH MELUSI: And who else, do you recall the engineer getting injured?

23

1 DREW SALAPATEK: Now I picture that Chris Barksdale was injured but, I lost them somewhere
2 but that that time on the boat,

3
4 RALPH MELUSI: Did Adam seem to have a sustained series of injuries?

5
6 DREW SALAPATEK: Yes Adam did, he was lying down on stomach and they had been pulling
7 the boat for quite a while and that's fine most of the time.

8
9 RALPH MELUSI: Did the ship, did the Bounty have a medical officer?

10
11 DREW SALAPATEK: No, I do believe there is a specific medical officer, maybe someone who is
12 a little bit more familiar or had a little more assistance and training I do remember being on this
13 season of 2012 there is a specific person in charge.

14
15 RALPH MELUSI: Were medical issues ever discussed before the vessel went from port to port,
16 what if somebody became sick or ill, somebody or something needed medical attention how
17 would that be provided?

18
19 UNKNOWN: Objection, I don't know where it is going in regard to this casualty.

20
21 LM:I think it's relevant if they had that discussion and made plans for those eventualities

22
23 UNKNOWN: if he had this discussion, the witness?

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LM: He's being asked if he knows, if the issue is relevant here I know,

COMMANDER KEVIN CARROLL: Just remember as a crewmember onboard if he was ever informed if you sustain an injury reported to this person, do this, that's relevant, continue.

RALPH MELUSI: Please continue with the answer.

DREW SALAPATEK: Okay, can you repeat it.

RALPH MELUSI: On any of the other voyages that you made on the Bounty during coastwise or poke port to port was there ever the discussion or anything given to you in the event of an injury this is how we are going to handle it, we reported to this particular person, or we have some sort of medical supplies on board.

DREW SALAPATEK: Yes I guess you I know that they were inventoried we also had discussions on the boat like, like when a situational something were to happen, we had taken the backboard out and taken turns putting somebody on a backboard I don't think it was though as a necessarily formal position, I was thought John Svendsen is someone who's pretty knowledgeable in those situations.

1 RALPH MELUSI: Adam suffered the serious injuries was there any discussions, or perhaps the
2 Coast Guard should be called or some medical advice, perhaps he should be taken off the
3 vessel, was there any concern?
4

5 DREW SALAPATEK: When Adam was injured I think there was a general concern the boats
6 safety then at that time and then communications with the Coast Guard were going on.
7

8 RALPH MELUSI: Do you believe it was going on at that time
9

10 DREW SALAPATEK: Yes as far as I can remember, yes.
11

12 RALPH MELUSI: When do you think the first call was made to the Coast Guard for help.
13

14 DREW SALAPATEK: If I had to guess maybe Sunday
15

16 UNKNOWN: If he is guessing I dont know how much further you can go
17

18 COMMANDER KEVIN CARROLL: The only thing that I would say is Mr. Svendsen asked some
19 specific questions about him recalling conversations with the Coast Guard source control
20

21 RALPH MELUSI: So do you think the call to the Coast Guard for assistance should have been
22 made sooner than it actually was?
23

1 UNKNOWN: Is asking for an opinion for somebody who is certainly not an expert.

2

3 DREW SALAPATEK: I don't know when the actual call was made,

4

5 RALPH MELUSI: But you did have your (inaudible) did you not?

6

7 DREW SALAPATEK: So if I guess I was guessing that would be the call would be made this
8 evening, think it should've made been made earlier than that, is that the question?

9

10 RALPH MELUSI: That's the question.

11

12 DREW SALAPATEK: No not necessarily.

13

14 RALPH MELUSI: Do you recall telling the Coast Guard officers who interviewed you that the
15 vessel, that they should have notified the Coast Guard most sooner once they realized they
16 didn't save the builds fast enough before facing additional increment weather.

17

18 DREW SALAPATEK: That's what my testimony on the 29th is referencing.

19

20 RALPH MELUSI: Well that is what is recorded as what you told me.

21

1 DREW SALAPATEK: Oh, I mean I guess we are kind of getting into a lot of hypothetical
2 guessing, knowing now the outcome of what happened, in time to see (inaudible) probably any
3 moment that could have altered the outcome I would be supportive of.
4

5 RALPH MELUSI: And just one last question, was the decision that you and Jessica Hewitt
6 together was a personal decision that the two of you made
7

8 DREW SALAPATEK: Yes.
9

10 RALPH MELUSI: It wasn't an order or direction that was given by Capt. Walbridge or any of the
11 other officers
12

13 DREW SALAPATEK: No no that wasn't, (inaudible) have conversations about a climbing
14 harness or life preservers, I wouldn't use (inaudible) there suggestions are things that people
15 thought might have helped ensure the safety of their little bit better.
16

17 RALPH MELUSI: Thank you very much
18

19 DREW SALAPATEK: Okay thank you
20

21 LIEUTENANT CHARLES MALORE: We have Capt. Jones from the NTSB to you to ask you a
22 few questions
23

1 COMMANDER KEVIN CARROLL: He has no questions. I have no further questions

2

3 LIEUTENANT COMMANDER NICHOLAS PARHAM: Mr. Salapatek, We are done now with your
4 testimony, thank you very much, and I just want to remind you that you are subject to recall.

5

6 COMMANDER KEVIN CARROLL: It is now 10 to 12pm, we will come back at 13:15, at 13:15 we
7 will come back on the record, Mr Svendsen you will be up at that point. Thank you.

8

9 COMMANDER KEVIN CARROLL: All right Nick, let's go back on the record.

10

11 LIEUTENANT COMMANDER KEVIN CARROLL: Yes sir.

12

13 COMMANDER KEVIN CARROLL: Let the record reflect its 1316 On 21 February I am going to
14 call chief mate John Svendsen to the stand. I would like to explain what we are doing, Capt.
15 Jones was unable to be here on the first day of the hearing when chief mate John Svendsen
16 gave testimony. He will have the opportunity to ask direct questions at which point the parties
17 and interests will have chances to ask questions limited to redirect and then we will have our
18 next witness will be Cmdr. Mitchell, the SAR mission coordinator for the Bounty case.

19

20 LIEUTENANT COMMANDER KEVIN CARROLL: Mr. Svendsen, please come forward. I will
21 swear you in one more time.

22

23 JOHN SVENDSEN: Yes sir.

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LIEUTENANT COMMANDER KEVIN CARROLL: Raise your right hand. A false statement given to an agency of the United States is punishable by fine and / or imprisonment under 18 USC 1001. Knowing this do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth so help you God?

JOHN SVENDSEN: I do.

LIEUTENANT COMMANDER KEVIN CARROLL: Please be seated.

COMMANDER KEVIN CARROLL: Capt. Jones, please.

CAPTAIN ROB JONES: Good afternoon Mr. Svendsen.

JOHN SVENDSEN: good afternoon.

CAPTAIN ROB JONES: I appreciate the opportunity to talk to you, I hope we don't go over too much stuff that has already been covered but there are a few things that I would just like to cover with you.

JOHN SVENDSEN: Yes sir.

CAPTAIN ROB JONES: When did you leave the Bounty prior to the Booth Bay shipyard?

1
2 JOHN SVENDSEN: I left in Eastport Maine.

3
4 CAPTAIN ROB JONES: Okay and was that just a vacation or time off?

5
6 JOHN SVENDSEN: I had been developing a relationship with the sailors on the Eagle, in
7 particular Michael Tudor the XO. He provided me an opportunity to come and sail on their
8 OCS cruise. We had talked about the fact that I was writing a mates manual which was
9 incorporating on all the OIC and W from the Coast Guard information MCA and I was very
10 interested in looking at their OW training, the officer on watch. So he brought me onboard for
11 that.

12
13 CAPTAIN ROB JONES: When you returned back to the Bounty just before departure from the
14 shipyard in Booth Bay

15
16 JOHN SVENDSEN: That is correct.

17
18 CAPTAIN ROB JONES: Was there another chief mate that took your place during the yard
19 period?

20
21 JOHN SVENDSEN: I believe that Capt. Walbridge was placing himself and Laura Groves in
22 charge of the details of managing the ship.

23

1 CAPTAIN ROB JONES: Okay, so when you came back did you confer with them as to all of the
2 work that had gone on in your absence?

3

4 JOHN SVENDSEN: I was given a brief tour of the ship and the work that had gone on and was
5 referred to the work done by Chris Barksdale, Matt Sanders in the tank room.

6

7 CAPTAIN ROB JONES: Was there any of the crew you are meeting for the first time that were
8 on Bounty at this time and departed Booth Bay with you?

9

10 JOHN SVENDSEN: Know I believe I had worked with everyone before. Also on my vacation I
11 went to MPT to do some training.

12

13 CAPTAIN ROB JONES: What kind of training is that?

14

15 JOHN SVENDSEN: I was doing the OIC and W training for the third mate unlimited and I
16 completed the last three previous courses with the GMT SS. Crisis management and crowd
17 management.

18

19 CAPTAIN ROB JONES: You took crowd management?

20

21 JOHN SVENDSEN: I did.

22

23 CAPTAIN ROB JONES: And crisis?

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JOHN SVENDSEN: I did.

CAPTAIN ROB JONES: Have you taken bridge team management?

JOHN SVENDSEN: I have.

CAPTAIN ROB JONES: You have, what did you think of that?

JOHN SVENDSEN: I thought it was a very valuable training and something that is to be aspired to be put applied in every situation on board.

CAPTAIN ROB JONES: Could you describe a little bit of that to me and what it entails, what it strives to do?

JOHN SVENDSEN: Bridge resource management is looking at all of the equipment and manpower available for making effective decisions on the bridge.

CAPTAIN ROB JONES: Does it promote the, would you say, promote the conversation or at least, for lack of a better word, conversations between officers and crew with regards to the operation of the vessel.

JOHN SVENDSEN: Yes.

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CAPTAIN ROB JONES: When you left Booth Booth, did you have any safety drills departing Booth Bay?

JOHN SVENDSEN: Can you repeat that question?

CAPTAIN ROB JONES: Did you have any safety drills depart once the vessel sailed from Booth Bay after the yard period.

JOHN SVENDSEN: I believe we did a man overboard drill.

CAPTAIN ROB JONES: Do you know if there were any drills conducted while the vessel was in the yard period?

JOHN SVENDSEN: I am not aware of any drills.

CAPTAIN ROB JONES: There was about 30 days at the yard?

JOHN SVENDSEN: I believe so.

CAPTAIN ROB JONES: Was there any safety drills departing New London?

JOHN SVENDSEN: I believe we did a brief man overboard drill, doing a walk-through.

1 CAPTAIN ROB JONES: So not actually deploying its, a dummy so to speak, just talked about
2 it?

3
4 JOHN SVENDSEN: Correct. Oh yeah, lowering the boat halfway to the water and then back up
5 again.

6
7 CAPTAIN ROB JONES: You left New London and you were approaching a hurricane, that's
8 kind a given, it has been talked about a lot here. Why not do more of a drill scenario with what
9 was coming, what you knew you were going out to see to face. Life rafts, survival suits, the
10 trash pumps all of that kind of stuff.

11
12 JOHN SVENDSEN: I had talked to Robin Walbridge about potential contingency plans, other
13 options and what I expected we could be doing. His response was that he wanted to focus on
14 making the ship ready for the storm and getting the crew as much rest as possible.

15
16 CAPTAIN ROB JONES: Wouldn't doing those drills make the crew ready for the storm?

17
18 JOHN SVENDSEN: I would believe so.

19
20 CAPTAIN ROB JONES: To your knowledge, did everyone know how to don survival suit when
21 you left New London?

22

1 JOHN SVENDSEN: I was, I had given the sheets to Jessica Black to do a safety orientation
2 aloft training to Dan Cleveland and it was my understanding that he had completed the training.

3 CAPTAIN ROB JONES: How is that to your understanding?
4

5 JOHN SVENDSEN: I believe I had asked him about it and he said he had delegated it to
6 someone else.
7

8 CAPTAIN ROB JONES: We asked Mr. Cleveland about that same thing, I kind of think we
9 found that wasn't completed.
10

11 JOHN SVENDSEN: That has been discovered here, yes.
12

13 CAPTAIN ROB JONES: Do you know when the life rafts and survival suits were put on board
14 the Bounty? I mean, you have been with the Bounty since 2008 right?
15

16 JOHN SVENDSEN: They were on previous to me, to my employment.
17

18 CAPTAIN ROB JONES: Do you know if they are required to be on board?
19

20 JOHN SVENDSEN: According to the COI, no. But we have for a dockside exhibit.
21

22 CAPTAIN ROB JONES: Do you know why they were put on board?
23

1 JOHN SVENDSEN: They were put on because of Robins philosophy of wanting to protect the
2 crew and keep the vessel as safe as possible and keep the crew is safe as possible.

3
4 CAPTAIN ROB JONES: Would you say they were beneficial to the situation you find yourself
5 in?

6
7 JOHN SVENDSEN: Yes. I would say the life rafts and the immersion suits were very beneficial
8 to the crew, not so much for me for the liferaft.

9
10 CAPTAIN ROB JONES: Going back to Booth Bay, and you have been gone for 30 days and
11 come back a little more, maybe a little more. The ships gone through a ship yard period, you are
12 getting ready to get underway in what, two days? From when you come back?

13 JOHN SVENDSEN: Approximately.

14
15 CAPTAIN ROB JONES: Is the ship ready to get underway?

16
17 JOHN SVENDSEN: The ship had all systems operational, we were doing some finishing
18 touches on the construction that was done in the crew spacing.

19
20 CAPTAIN ROB JONES: Did you do an inspection about the vessel, because we all know after a
21 yard period there is a lot of stuff going on. There is a lot of buttoning up. There is either stuff left
22 over from the yard, the actual yard workers, did you take a good look around before that ship got
23 under way and to your satisfaction that it was ready?

1 JOHN SVENDSEN: I felt very fortunate to have David Wyman walk through the boat with me,
2 Robin Walbridge for part of that as well to look at all of the different compartments and the
3 readiness for the ship going to sea. At the conclusion of that walk through, David Wyman told
4 me that he thought the boat was in the best shape he had ever seen it in. He had known the
5 boat for much longer than I had so I was satisfied with his knowledge and my viewing of it.
6

7 CAPTAIN ROB JONES: Okay, but David Wyman is not going to sea with you though.
8

9 JOHN SVENDSEN: That is correct.
10

11 CAPTAIN ROB JONES: We have heard a lot of testimony and you have been right there.
12 Hearing a lot of debris floating around as the water level rose in the ship. Do you know where all
13 that came from? Do you know what that could be a cause of?
14

15 JOHN SVENDSEN: When I was in the engine room and spaces where I happened to be in, the
16 debris appeared to be older in nature and not new construction or new wood chips or saw dust.
17 It appeared to be from previous work done on the boat.
18

19 CAPTAIN ROB JONES: Where is it coming from? Its appearing because the water level is rising
20 on the ship in some compartments. So, do you know where it is coming from? Your answer
21 please.
22

1 JOHN SVENDSEN: My experience of the ship was that when it got to the point where the boat
2 was rolling and we were having a difficult time getting a prime with the boat and the water
3 started rising. That as the boat would roll, the water would go all the way along the ceiling
4 planking and then back into the ship through, I guess gaps in the ceiling planking or ventilation
5 spaces in the ceiling planking. My suspicion is that it was coming from that area at the top of the
6 ceiling planking between the hull.

7
8 CAPTAIN ROB JONES: When you describe the water going up the side and up into the ceiling
9 planking, is that water now getting into the tween decks? Or no.

10 JOHN SVENDSEN: I'm not aware.

11
12 CAPTAIN ROB JONES: Were you made aware of the lead ballast that was moved during the
13 ship yard period?

14
15 JOHN SVENDSEN: Later, I was. Not immediately .

16
17 CAPTAIN ROB JONES: So on departure in New London you didn't know

18
19 JOHN SVENDSEN: I was, I would say that it was as we were leaving New London that I became
20 aware of it, right before we left New London. I believe Mark Warner was sent to weigh one of
21 the bricks, one of the lead bricks, so he may have information on how much is actually weighs.

22

1 CAPTAIN ROB JONES: That was going to be my next question, but we will wait to hear from
2 him. Do you know how it was stowed and secured.

3

4 JOHN SVENDSEN: It appeared to be set between the frames and put in place nearest the keel.

5

6 CAPTAIN ROB JONES: So it wasn't tied down in any way?

7

8 JOHN SVENDSEN: I did not observe any strapping, no. Or tie downs.

9

10 CAPTAIN ROB JONES: Was this normal, no matter where the lead ballast was on the vessel.

11

12 JOHN SVENDSEN: It appeared to be.

13

14 CAPTAIN ROB JONES: Am I using the correct term, was it a lead ballast?

15

16 JOHN SVENDSEN: I believe It was lead ballast.

17

18 CAPTAIN ROB JONES: Some use railroad ties, just want to be sure. At any time on the Bounty
19 have you seen that ballast move?

20

21 JOHN SVENDSEN: I have never witness the ballast move.

22

1 CAPTAIN ROB JONES: Did you see it move all during this, actually before the capsizing and
2 during the worst state of the hurricane.

3
4 JOHN SVENDSEN: I have never seen the ballast move.

5
6 CAPTAIN ROB JONES: Did you know why it was moved, once you heard about it.

7
8 JOHN SVENDSEN: There was a discussion on board as to shifting weight aft on the vessel to
9 put the rudder more in the water to have better handling.

10
11 CAPTAIN ROB JONES: But when you got back on board, the captain hadn't discussed it with
12 you until you found out later. During your walk through even as I understand from what you just
13 told me.

14
15 JOHN SVENDSEN: I don't recall having a conversation directly with him about the ballast, I may
16 have but I remember him sending Mark off to weigh it and that was the first discussion where I
17 became very aware of it.

18
19 CAPTAIN ROB JONES: When was that exactly, what day?

20
21 JOHN SVENDSEN: I would say that would be the 25th.

22
23 CAPTAIN ROB JONES: From leaving New London?

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JOHN SVENDSEN: I believe so.

CAPTAIN ROB JONES: You didn't know about the ballast from the trip Booth Bay to New London, right?

JOHN SVENDSEN: I may have been aware of the fact that there were some ballasts that had been taken out within the construction, but I wasn't aware of the intention of why they were moving it.

CAPTAIN ROB JONES: So without knowing that, could you sense a difference in the ride of the vessel at all? Could you tell, you've handled it for quite a while.

JOHN SVENDSEN: I'll say that there is such variability between each helmsman that it is difficult to know, but it handled well. I don't know if I noticed an improvement.

CAPTAIN ROB JONES: Lets go back to something, we have covered a lot. You feel that the vessel was rushed out of New London?

JOHN SVENDSEN: There was discussion of us leaving after the day sail or in the morning and it was my impression that Robin intention was as long as we had day light and everything was running smoothly that we would leave on Thursday. It did not feel rushed.

1 CAPTAIN ROB JONES: With the, you are the chief mate of this crew and you had been working
2 all day and taking tours, could you go to Robin and say, maybe it would be better if we let them
3 turn in or stand down and go in the morning?
4

5 JOHN SVENDSEN: We, throughout the 3 years that I was working on board, would occasionally
6 leave on an afternoon departure. It was not common, but it was something that Robin would
7 plan on and make sure people broke into watch as soon as possible to get the maximum rest so
8 no one worked over the 12 hours.
9

10 CAPTAIN ROB JONES: Okay, coming out of New London, you still have a little bit of navigating
11 to do. The vessel and the watch officers. Its Long Island Sound, you got to go past Fishers
12 Island, don't quote me, you are not out in open sea so the watch has to remain pretty alert.

13 JOHN SVENDSEN: Yes.
14

15 CAPTAIN ROB JONES: And its been a full day. I always like day light sailing, wondering why
16 not wait until morning.
17

18 JOHN SVENDSEN: That was Robin's choice and I believe that was his intention.
19

20 CAPTAIN ROB JONES: Now it was brought up before, and it was the first I have heard of it, but
21 superstitious about leaving on a Friday. Were you aware of that?
22

1 JOHN SVENDSEN: I have heard discussion about it. I have never made a choice based on
2 that.

3
4 CAPTAIN ROB JONES: Not you, yourself, Captain Walbridge.

5
6 JOHN SVENDSEN: I have heard him talk about it, but it would be very rare that we would leave
7 on a Friday. We were mainly getting in on a Wednesday or Thursday and leaving on a Monday
8 or Tuesday, so it would be very rare that we would leave in that time frame, so it didn't come up
9 much.

10
11 CAPTAIN ROB JONES: In all that time you have been on board the Bounty, have you ever
12 departed on a Friday, if you can recall.

13
14 JOHN SVENDSEN: I have no recollection of that.

15
16 CAPTAIN ROB JONES: I asked Mr. Salapatek before, the conversation that the captain had with
17 everybody prior to departure from New London. What do you think would have happened if the
18 crew had another night to think about the hurricane and whether to depart the vessel or not? If
19 they could have given that choice a little more time to think, other than what Mr. Salapatek said
20 was maybe 30 minutes.

21

1 JOHN SVENDSEN: I believe that anyone who educates themselves will come to conclude more
2 intelligently based on the intelligence that they have gathered. My suspicions is if someone is
3 given time to research something, it would change the outcome.
4

5 CAPTAIN ROB JONES: What about yourself, if you had more time to think about it?
6

7 JOHN SVENDSEN: For me, I was aware that the hurricane was there and I had made my
8 concerns to Robin known privately on a discussion and I expressed options for staying or
9 looking for another port to shelter in. I talked about the option of sailing to Bermuda to use that
10 for safe refuge and his feeling was it was time to get underway. I asked him how strongly he felt,
11 he said very strongly its time for us to go. I said I believe that the crew should be informed and
12 he held a capstan meeting in regards to the meeting to be discussed.
13

14 CAPTAIN ROB JONES: The capstan meeting, that was informative, but not to be discussed.
15

16 JOHN SVENDSEN: Robin's capstan's are always a discussion. I don't, I believe he opened up
17 would anybody like to leave and does anyone have any question, any pause. And he said,
18 okay, if we are going to get underway (inaudible) stock lines and make preparations to get
19 underway.
20

21 CAPTAIN ROB JONES: Does anybody think this is a good idea, did that question ever come up,
22 did Robin offer that?
23

1 JOHN SVENDSEN: I don't see

2

3 CAPTAIN ROB JONES: Does he have any other ideas?

4

5 JOHN SVENDSEN: I don't specifically remember that question being brought up or anyone
6 asking for other ideas.

7

8 CAPTAIN ROB JONES: You had mentioned you had taken bridge resource management,
9 bridge team management, it is a team concept. We all know there's a captain, was there any
10 effort on your part or the other officers to talk to Robin a little bit more forcefully and would he be
11 receptive to that? If you showed your concerns.

12

13 JOHN SVENDSEN: I was very assertive in my conversation and he was not receptive to any of
14 the other options.

15

16 CAPTAIN ROB JONES: That seems to contradict a little bit of the testimony that you elicited or
17 garnished from, maybe elicit is a bad word, that you received from the witnesses of your crew
18 when you talked to them about all the teaching that goes on and all the open discussion and all
19 the suggestive ideas. That happened on a daily basis. Here the one time we are talking about a
20 question, he is not open to any other ideas.

21

1 JOHN SVENDSEN: My experience of Robin Walbridge was that he was very firm in his belief
2 and he would, if he made a decision, he would ask questions to gather information and I would
3 say 90+% of the time he would run with his initial decision.
4

5 CAPTAIN ROB JONES: You said you had concerns when you talked to Robin, what if you had
6 gotten off? Do you think he still would sail? What if you said that's it, I'm gone.
7

8 JOHN SVENDSEN: I believe he would have sailed.
9

10 CAPTAIN ROB JONES: What if the second mate would have got off?
11

12 JOHN SVENDSEN: I believe he would have sailed.
13

14 CAPTAIN ROB JONES: Third mate?
15

16 JOHN SVENDSEN: I don't know at what state, I know that I wouldn't have sailed without any of
17 the mates.

18 CAPTAIN ROB JONES: Well, we just lost the 3 top officers and he's still going to go.
19

20 JOHN SVENDSEN: I was referring to them individually, not collectively.
21

22 CAPTAIN ROB JONES: Well let's backtrack a little bit, I was wondering if the captain was still
23 going to sail, in your opinion, if you didn't go and the second mate didn't go?

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JOHN SVENDSEN: Collectively?

CAPTAIN ROB JONES: Yeah.

JOHN SVENDSEN: I am not, I know I wouldn't leave without any of my officers.

CAPTAIN ROB JONES: What's, and I am sure you have had a background in hurricane avoidance and training,

JOHN SVENDSEN: I've had a meteorology course.

CAPTAIN ROB JONES: What do you know about hurricanes? You are heading south towards a hurricane that is heading north. What are you preparing for? What do you think you could or will or might do?

JOHN SVENDSEN: I have never sailed into a hurricane, so my practical knowledge is very limited. This is my first experience sailing towards a hurricane. Based on my knowledge, I would do my best to avoid situations of heavy weather or hurricanes. For me, the choice for Robin to sail into the hurricane was something based on his experience and for me, I would have chosen to stay well clear or secured to a dock.

1 CAPTAIN ROB JONES: The video that was shown early on to the parties and interests of
2 Captain Walbridge and I apologize if I have said Robin a few times, I mean no disrespect.

3
4 JOHN SVENDSEN: I understand.

5
6 CAPTAIN ROB JONES: It seems like we were starting to have a conversation and it slipped
7 away. The one where he is quoted as saying "we chase hurricanes" but even more descriptive,
8 that you get it up as close to the eye as you can. Did you see that part of the video?

9
10 JOHN SVENDSEN: I saw it here at this hotel for the first time.

11
12 CAPTAIN ROB JONES: You never saw that before?

13
14 JOHN SVENDSEN: No, I had not.

15
16 CAPTAIN ROB JONES: Had you ever heard that before?

17
18 JOHN SVENDSEN: I had heard that the term "chasing hurricanes" it was described to me by a
19 former crew member that was on board during one of the hurricanes, I don't believe it was Robin
20 that described it to me, it was a former crew member that stated that when there was a hurricane
21 that they liked to stay on the safest side of it to manage the difference between hove to and
22 staying out of the eye, kind of similar to what Dan was describing earlier in testimony.

23

1 CAPTAIN ROB JONES: When we did talk to Mr. Cleveland, he mentioned when we got a little
2 more involved with the hurricane that the Bounty was coming up from the south as the Bounty
3 was going away. That was never going to happen in this scenario. You were heading at the
4 hurricane from the north and couple that with getting as close to the eye as you can. There's no
5 safe side close to the eye. I mean there is in books, left side and right side, semi dangerous
6 side and safe and navigable side, but you cant get there without going through a pretty bad
7 portion of the hurricane. Would you say that is correct?

8
9 JOHN SVENDSEN: I believe that is what the books say.

10
11 CAPTAIN ROB JONES: What was your understanding that Robin was trying to do?

12
13 JOHN SVENDSEN: I believe we were going to sail south by east to get as much southerly as we
14 could and a little bit of east to stay off shore and then he was going to evaluate the storm,
15 whether it was going to fizzle out, follow the gulf stream into land.

16
17 CAPTAIN ROB JONES: Were you following the predictions?

18
19 JOHN SVENDSEN: We were following the predictions.

20
21 CAPTAIN ROB JONES: Before we get a little further down into the hurricane, and I apologize
22 because I will be jumping around too, in regards to other testimony. You brought up a lot of the
23 safety environment you were trying to maintain the Bounty in. Lets talk about the sail plan, not

1 the voyage sail plan, the plan of what sails should or should not be on the Bounty. What I saw
2 was royals should not be carried aloft on the Bounty. Is that your understanding?

3
4 JOHN SVENDSEN: I did read that in the stability letter, yes.

5
6 CAPTAIN ROB JONES: Did you know of that letter before they were hoisted on board the
7 vessel?

8
9 JOHN SVENDSEN: I believe the royals had been hoisted on the vessels before.

10
11 CAPTAIN ROB JONES: Did you ever talk to the captain, we've got a letter that says we
12 shouldn't be doing this, why did you do it?

13
14 JOHN SVENDSEN: I did have a conversation with him and he stated to me that his belief was
15 the letter was for carrying passengers outside the line to demarcation, how that applied to the
16 vessel.

17
18 CAPTAIN ROB JONES: Did he ever seek the regulatory body to have the letter rescinded
19 because it didn't fit what he felt the ship was operating under?

20
21 JOHN SVENDSEN: I am not knowledgeable of that.
22

1 CAPTAIN ROB JONES: Going back a little bit to, with regards to this hurricane and the weather,
2 do you know of anybody, from my count and I have said it before, it looks like a new crew to me.
3 Not a lot of the 16 people that are there have been there for years except for yourself, maybe 4
4 or 5 others. I would say about a third of the crew was there over years. That's a kind of a, not to
5 say green, I don't want to diminish their experience, but green going into a hurricane by any
6 stroke of imagination. The only 2 I know from testimony is Mr. Cleveland and the captain,
7 everybody else I don't think has been through a hurricane.

8
9 JOHN SVENDSEN: I believe that is true.

10
11 CAPTAIN ROB JONES: To your knowledge, with your time with the Bounty, has anybody left the
12 ship or refused to sail with the Bounty because of either where it was going or the weather that
13 was forecasted or encountered or just disagreements with the captain?

14
15 JOHN SVENDSEN: I believe there has been people in the past that have left the Bounty for
16 disagreements with the captain or the philosophy of the Bounty.

17
18 CAPTAIN ROB JONES: Do you know what circumstances that was?

19
20 JOHN SVENDSEN: I've heard rumors, nothing I can really substantiate beyond just
21 disagreement with Robin's philosophy.

22

1 CAPTAIN ROB JONES: The bilge pumps, we heard testimony from Adam Prokosh that they
2 weren't holding the prime the right way, or he was concerned. He brought it to the captains
3 attention and the quote he said was "I'll think about that". Was anything to your knowledge done
4 about those bilges pumps from the time of the notification prior to sailing into Sandy?

5
6 JOHN SVENDSEN: I knew that Robin went down and investigated the bilge pumps, looked at
7 the system and told me that he felt it was operating fully functionally.

8
9 CAPTAIN ROB JONES: Did you see it by any chance, were they running to your satisfaction?

10

11 JOHN SVENDSEN: I only recall pumping the bilges one time on, I believe it was Friday I want to
12 say, or early Saturday and it appeared to be fully functional to me as well.

13

14 CAPTAIN ROB JONES: During the day sail in New London, were you a part of that?

15

16 JOHN SVENDSEN: Yes.

17

18 CAPTAIN ROB JONES: Was Ms. Simonin on board?

19

20 JOHN SVENDSEN: I believe she was.

21

22 CAPTAIN ROB JONES: Was the owner Mr. Hansen on board?

23

1 JOHN SVENDSEN: No sir.

2

3 CAPTAIN ROB JONES: Did you have any knowledge from talking to Captain Walbridge, did Mr.
4 Hansen know the vessel was sailing out that night?

5

6 JOHN SVENDSEN: I am not aware of that conversation.

7

8 CAPTAIN ROB JONES: How about Ms. Simonin?

9

10 JOHN SVENDSEN: I believe she was aware that we were sailing out.

11 CAPTAIN ROB JONES: With a hurricane out there? Did she know about the hurricane?

12

13 JOHN SVENDSEN: I wasn't in the room during the conversation.

14

15 CAPTAIN ROB JONES: You have seen the pictures and we have heard testimony from the ship
16 yard workers and other members of the crew. The decay and the rot that was found during the
17 shipyard period, when were you aware of that?

18

19 JOHN SVENDSEN: Here in this room.

20

21 CAPTAIN ROB JONES: That's the first

22

1 JOHN SVENDSEN: Actually on my birthday, sorry. When Kevin Carroll called me on my birthday
2 to notify me of it.

3
4 CAPTAIN ROB JONES: To notify you of what?

5
6 JOHN SVENDSEN: That he was, Kevin Carroll called me on December 27th and said he had a
7 conversation with Todd the yard worker and he provided photos and pieces of wood and
8 samples. That was the first I heard of it.

9
10 CAPTAIN ROB JONES: As a party in interest.

11
12 JOHN SVENDSEN: Correct, I was notified as a party of interest.

13
14 CAPTAIN ROB JONES: Up until the capsizing no word of it from the crew?

15
16 JOHN SVENDSEN: No.

17
18 CAPTAIN ROB JONES: No word, at all?

19
20 JOHN SVENDSEN: No sir.

21
22 CAPTAIN ROB JONES: You've seen the pictures, what do you think of the decay and rot that
23 was found? And in those places?

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JOHN SVENDSEN: I believe, yeah, its rot and decay.

CAPTAIN ROB JONES: Do you think you should have heard of that prior to being notified by Commander Carroll that it was found in the yard period?

JOHN SVENDSEN: Yes.

CAPTAIN ROB JONES: Do you know why no one in the crew would have told you about that, let alone the captain?

JOHN SVENDSEN: I don't know. I briefly had a conversation on the way south during the hurricane and he said he had a discussion that he wanted to have about something that was discovered in the yard. It was nothing significant, but for future captain's of America knowledge.

CAPTAIN ROB JONES: From what you have seen, what's your estimation of the pictures you have seen and the samples you have seen of the rot and cause for concern.

JOHN SVENDSEN: I would ideally like to see no rot in a vessel, it does concern me. I have no technical knowledge to base any decision on, just the obvious decisions we would all make.

CAPTAIN ROB JONES: Did you know Todd Kosakowski from the yard before his testimony here.

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JOHN SVENDSEN: I met him in 2010.

CAPTAIN ROB JONES: Do you trust his word or his testimony?

JOHN SVENDSEN: Todd seems to be an outstanding professional.

CAPTAIN ROB JONES: Lets go back to, you're underway from New London, heading for hurricane Sandy. On the 26th, can you describe the day to me?

JOHN SVENDSEN: 26th?

CAPTAIN ROB JONES: The morning after departing New London.

JOHN SVENDSEN: Friday. The day started off we were motor sailing south by east I believe. The day seemed pleasant.

CAPTAIN ROB JONES: When you said motor sailing, how many sails do you have up?

JOHN SVENDSEN: My guess would be 4 or 5.

CAPTAIN ROB JONES: Are they the big ones on the bottom?

JOHN SVENDSEN: The staysails and the fore and aft sails.

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CAPTAIN ROB JONES: I am learning here too, a lot about sailing.

JOHN SVENDSEN: Me too.

CAPTAIN ROB JONES: What course were you generally making at that time?

JOHN SVENDSEN: South by east. Same.

CAPTAIN ROB JONES: What is that about 10 degrees off of due south?

JOHN SVENDSEN: 11 ¼, but yeah.

CAPTAIN ROB JONES: So 168 and that was the general direction from departure basically Long Island Sound, Block Island sound out to sea.

JOHN SVENDSEN: Correct.

CAPTAIN ROB JONES: We have heard a lot of the crew and it seems like there is a disconnect because a lot of them say, well we were going east going around it and some say we were going down to see what it was going to do, we've heard differing testimony, so I am just trying to clear up how some of the crew with this very conversive vessel got one idea and some got another idea. I am trying to wrap my head around that since we started and I don't know where it is coming from.

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JOHN SVENDSEN: I will say that everyone has been through a very large trauma and a great loss and as a result of that, I am sure it has affected everyone's memories and reflections.

CAPTAIN ROB JONES: So the weather, just generally, I don't want to spend too much time day by hour by hour. Generally the weather on the 26th, describe it to me.

JOHN SVENDSEN: The wind was building, it started off being light. The seas were building. By the end of the 26th we were probably 15 knots.

CAPTAIN ROB JONES: What direction?

JOHN SVENDSEN: Possibly NE, I don't have a distinct remembrance of it

CAPTAIN ROB JONES: Which way is the seas coming?

JOHN SVENDSEN: Similar direction.

CAPTAIN ROB JONES: Swell?

JOHN SVENDSEN: Similar.

1 CAPTAIN ROB JONES: So you transit still south by east through the 26th, now the morning, you
2 are on the 8-12?

3

4 JOHN SVENDSEN: Yes sir.

5

6 CAPTAIN ROB JONES: The morning of the 27th, what's the weather?

7

8 JOHN SVENDSEN: It's building, I would say 15-20 and from a similar direction

9

10 CAPTAIN ROB JONES: From the NE?

11

12 JOHN SVENDSEN: I believe so.

13

14 CAPTAIN ROB JONES: What tack are you?

15

16 JOHN SVENDSEN: If the wind was from the NE, it would have been a port tack.

17

18 CAPTAIN ROB JONES: On the 8-12, anything change?

19

20 JOHN SVENDSEN: Around that time is when made the decision to cut across the winds would
21 have been building into the 20 knot range, Robin made the decision to change around that time
22 frame.

23

1 CAPTAIN ROB JONES: Was that discussed, or was that a decision?
2

3 JOHN SVENDSEN: It was decision. I had a discussion with them about the possibility of going
4 out towards Bermuda, because that is something that I had experienced before in rough
5 weather. We had stopped in Bermuda on the way south and I thought that was the most viable
6 option at that point.

7 CAPTAIN ROB JONES: How much speed could you make to the east, if you decided to go that
8 way?
9

10 JOHN SVENDSEN: 7 knots.
11

12 CAPTAIN ROB JONES: How much speed were you making before you turned to the SW?
13

14 JOHN SVENDSEN: I believe it was similar, similar range.
15

16 CAPTAIN ROB JONES: So you could sail 7 knots against that easterly wind towards Bermuda?
17

18 JOHN SVENDSEN: It would have been tight, but I think we could have been making 5-7 knots in
19 that range.
20

21 CAPTAIN ROB JONES: Do you know what time that 8-12, exactly when you changed to the
22 SW?
23

1 JOHN SVENDSEN: I don't have specific memory of the hour or the time.

2

3 CAPTAIN ROB JONES: Somewhere in the 8-12 the morning of the 27th?

4

5 JOHN SVENDSEN: Around that time, I don't have a specific memory of it.

6

7 CAPTAIN ROB JONES: Were you up at the wheel?

8

9 JOHN SVENDSEN: No.

10

11 CAPTAIN ROB JONES: Who was? Your watch?

12

13 JOHN SVENDSEN: One of the deckhands on the watch.

14

15 CAPTAIN ROB JONES: So Robin, sorry Captain Walbridge came up from the nav shack and
16 said bring her over.

17 JOHN SVENDSEN: He would have told me and I would have told them

18

19 CAPTAIN ROB JONES: Do you log it?

20

21 JOHN SVENDSEN: Yes.

22

1 CAPTAIN ROB JONES: Can you remember what you logged, sometimes it stirs up if you had to
2 write something down.

3
4 JOHN SVENDSEN: My guess would have been and its totally a guess, but the 11 o'clock hour,
5 that's the number I am seeing, but I don't have

6
7 CAPTAIN ROB JONES: So closer to noon, closer to noon than 8. Okay we got a little bit closer.
8 How about did you have to call hands out to change sails from going south by east to south
9 west?

10
11 JOHN SVENDSEN: It depends, I don't recall if we did it at the change of watch or not.
12 Sometimes we are able to brace around and it seems to be we would have scheduled it around
13 the change of watch so we could have 2 watches brace around it, possibly.

14
15 CAPTAIN ROB JONES: Okay. How was the vessel riding when you were still on the south by
16 east course? And handling?

17
18 JOHN SVENDSEN: It seemed to be riding and handling through the swells well.

19
20 CAPTAIN ROB JONES: How about when you went over to the southwest?

21
22 JOHN SVENDSEN: I believe we picked up speed.

23

1 CAPTAIN ROB JONES: Filled out the sails more, I guess?

2

3 JOHN SVENDSEN: I believe we set the fore course somewhere in that time frame as well.

4 CAPTAIN ROB JONES: Any evidence of the gulf stream at this point?

5

6 JOHN SVENDSEN: At that point, no?

7

8 CAPTAIN ROB JONES: Do you know when you could feel an interaction with the gulf stream?

9 What you saw?

10

11 JOHN SVENDSEN: The next day, Saturday I believe we started experiencing steeper waves.

12

13 CAPTAIN ROB JONES: Do you have a temperature gauge on the engines for the water intake?

14

15 JOHN SVENDSEN: We have no sea water temperatures?

16

17 CAPTAIN ROB JONES: How was the vessel riding when you felt like you were starting to

18 interact with the gulf stream?

19

20 JOHN SVENDSEN: The Bounty is a very comfortable ship in my experience. She rolls a lot, so it

21 takes a lot of adjustment that way. She has a typically easy movement, different than a power

22 boat if people are used to up and down motion of the bough. Its more of a side to side motion.

23

1 CAPTAIN ROB JONES: Have you ever been in any rougher weather with the Bounty than what
2 you experienced in this storm?

3

4 JOHN SVENDSEN: Yes sir. I have.

5

6 CAPTAIN ROB JONES: What was that, what kind of storm?

7

8 JOHN SVENDSEN: We left Booth Bay Maine around the end of November first of December
9 time frame in 2011 and sailed south. There were 2 nor'easters that kind of compiled on top of
10 each other. During that storm we had seas that were larger and winds that were comparable.

11 CAPTAIN ROB JONES: What about with that kind of weather and that kind of sea, was the
12 water(inaudible) into the vessel about the same?

13

14 JOHN SVENDSEN: Until Sunday yes. The water that was coming into the boat, became harder
15 to move based on the movement of side to side swell. So it was harder to get the bilge to pick
16 up.

17

18 CAPTAIN ROB JONES: Before I had seen the testimony and I think I saw paper from your first
19 day of testimony, you asked the captain to abandon ship twice?

20

21 JOHN SVENDSEN: Yes.

22

23 CAPTAIN ROB JONES: Do you know when that was? I know I jumped ahead here.

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JOHN SVENDSEN: I remember looking at the clock somewhere around 0300 earlier I was a little busy on the radio trying to find ETAs on when they would have helicopters cleared for take off and attempting to find a CPA and looking to see if they sent any vessels to assist at that point to get an idea of what we were looking at timeline wise. It all blended together at that point. It was 325 – 345 range would be my guess.

CAPTAIN ROB JONES: I shouldn't have done that, jumping around like that. Lets go back, talking about the water in the hull. Was there any indication that hull was less water tight than normal this time?

JOHN SVENDSEN: The only evidence I saw, I woke up to Laura Groves, the boatswain, testimony and the list of things that list of things that she had listed and I walked through the boat and did a brief assessment the only water I could see entering the vessel on the tween decks was near the main mast and the mizzen mast, but I have already logged that.

CAPTAIN ROB JONES: You say you woke up to her saying that, what time and date?

JOHN SVENDSEN: IT would have been in the afternoon 1600ish? 16-1700.

CAPTAIN ROB JONES: The 27th?

JOHN SVENDSEN: It would have been the last day, so the 29th? The last full day of the ship.

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CAPTAIN ROB JONES: I think the 28th. Did you see any noticeable or sudden event where the flooding increased dramatically?

JOHN SVENDSEN: I did not. It was consistently rising after that wave. At the point I woke up the water was still below the sole boards and still rushing up and down the ceiling planking so I have no way to estimate how much water was in the boat. But the sole boards were still in tact and the high water alarm was not going off at that point. Once the water started rising it seemed consistent up until the tween decks.

CAPTAIN ROB JONES: Mr. Wyman in his interview stated, overboard drains didn't work. Didn't let water our or in. Are you aware of this and do you know what drains he is talking about?

JOHN SVENDSEN: I have heard mention of it and I believe I have seen the structure, but I am not sure how it operates. I have never seen them function.

CAPTAIN ROB JONES: Okay. When you took of for the training you were doing in the Booth Bay shipyard, when Captain Walbridge leaves, does anybody take over for him? Is there a relief captain?

JOHN SVENDSEN: When he leaves in the winter, they typically hire a winter master or manager to come in and take care of the boat while it is attached to the dock.

1 CAPTAIN ROB JONES: Do you know if this is Captain Walbridge's only source of employment,
2 captain of the Bounty?

3
4 JOHN SVENDSEN: I believe it is his only employment. He invests in real estate from
5 conversations, I know that is another potential source of income, but I don't know if it is or isn't.

6
7 CAPTAIN ROB JONES: If we can look past the capsizing, would you have aspired to be the
8 captain of the Bounty?

9
10 JOHN SVENDSEN: Robin and I had many conversations about me relieving him and taking
11 over. There was discussion of me coming in the spring and taking the boat for a day sail out of
12 Galveston to get a sense of command on the vessel. He told me I would be crazy to and crazy
13 not to. That was his advice to me. I still hadn't 100% made up my mind. I had just gotten my
14 1600 ton masters license recently and had been offered jobs, oddly enough, that were paying
15 significantly more than the tall ships industry pays. So I was going to spend some time
16 evaluating that this winter.

17
18 CAPTAIN ROB JONES: My next question was do you plan on sailing again, but I think you have
19 answered that.

20
21 JOHN SVENDSEN: Yes, I am.

22
23 CAPTAIN ROB JONES: Have you sought employment with other tall ships since the tragedy?

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JOHN SVENDSEN: I personally have not sought employment, I have had many job offers.

CAPTAIN ROB JONES: If the Bounty organization was to build another ship or buy a ship, would you work for them?

JOHN SVENDSEN: I would have to evaluate the ship and the plan and the structure and the system and the position.

CAPTAIN ROB JONES: Through this whole process, you emphasize through your questioning of the Bounty crew, the safety, the mentoring environment, the teaching that would go on on a day to day basis. Yet when we look at this one incident, we have a couple lapses. We have 2 crew members who never tried on survival suits, how do you speak to that discrepancy?

JOHN SVENDSEN: Its heartbreaking. My goal is always to educate myself to the fullest extent and have the people around me be as educated as possible and to surround myself with great people. For there to have been something that stood in the way of that is unfortunate.

CAPTAIN ROB JONES: Can you speak to why the capstan talk in New London was so different than everything that you have tried to portray here today with regard to those discussions?

JOHN SVENDSEN: People have described Robin Walbridge in a lot of different ways. The emphasis on a couple of testimonies of him playing chess with 4 or 5 players at a time, he was

1 always multiple steps ahead of everyone. It seemed to me that he was determined to make that
2 decision and stand by it. He had fleeting moments where he would be very determined and
3 show that. He was the captain, its his decision that was the way it was going to be.
4

5 CAPTAIN ROB JONES: The decision to wear life jackets over survival suits and using
6 harnesses, where does that come from?
7

8 JOHN SVENDSEN: In basic safely training they teach you to add everything from pants and
9 debris to add floatation to yourself. There had been many discussions about being in the water
10 for any period of time in different capstan meetings and my presumption, and I am not in Robin's
11 head and I don't know why he suggested it, was based on his knowledge he gathered through
12 that. In regards to the harness, I know that him and I had spent some time looking though
13 different catalogs of safely equipment for purchasing when we got to Galveston. Every year we
14 liked to make safety purchases with our refund, we would typically spend everything down to
15 \$1000 – 2000 on safety equipment for the crew. It was his mission to do that. One of the things
16 he noted on survival suits some of them have lanyards and carabineers built in to them and he
17 thought that was a good idea. Ours did not have that.
18

19 CAPTAIN ROB JONES: In all of your safety training with survival suits, has any course shown
20 you that was the way to enter the water.
21

1 JOHN SVENDSEN: No, I had never received that specific training. I had been exposed to
2 discussions about sometimes you have to be creative and make due with what you have around
3 you.

4
5 CAPTAIN ROB JONES: Did you ever tell the instructors, hey this is something we do on our
6 ship. Did you get any feedback from it?

7
8 JOHN SVENDSEN: This is the first I have experienced any of these suggestions. I went back
9 to my original BST school and thanked them for the information provided and how that helped
10 save my life and others.

11
12 CAPTAIN ROB JONES: You said before, you were seeking other employment, the money was
13 better. I don't think you would get rich working on the Bounty. Is that fair to say?

14
15 JOHN SVENDSEN: Its fair to say, I was not getting rich on the Bounty. I was not seeking other
16 employment, I was tutoring students at the school and some of them were in positions to hire or
17 influence hiring and they offered me jobs. I was not actively seeking out jobs, I was being
18 offered jobs.

19
20 CAPTAIN ROB JONES: Did you love doing this?

21
22 JOHN SVENDSEN: I love being on or under the water. It is my passion.
23

1 CAPTAIN ROB JONES: One of the shipyard workers said the ship was in great ship, Captain
2 Walbridge said it was the best crew he ever had. One other person said millions of dollars was
3 spent getting the Bounty and lots of testimony that the Bounty has been increasing all the time.
4 Why risk it? Why leave New London that day, do you have any answers?
5

6 JOHN SVENDSEN: I can't speak for Captain Walbridge. I know that I made suggestions for
7 other alternatives. With my experience and my limited knowledge, if I was in his position I would
8 have chosen differently.
9

10 CAPTAIN ROB JONES: Reflecting on everything that happened, what have you learned and
11 what would you do differently?
12

13 JOHN SVENDSEN: Sitting in this room I have learned a tremendous amount from all of the
14 questions and answers. To me, when I listed to Dan Moreland's approach for voyage planning
15 long trips and preparing for the hurricane. Those were things that sat really strong for me. All of
16 the preparations he did dockside to prepare for the hurricane, he mentioned as far as planning
17 for long voyages, having an instructor come down to the boat, those all seemed very logical and
18 valuable training opportunities and my emphasis is always to provide that information and I
19 consider myself to be relatively new to tall ship industry having only been around it for 4 plus
20 years. I am always seeking out mentors who can teach me and lead me through that so it has
21 inspired me to build a relationship with someone who is going to provide me with the strongest
22 foundation possible to continue learning and growing.
23

1 CAPTAIN ROB JONES: Before we finish out, I would like to say, I really appreciate your
2 answers and I appreciate what you have tried to do here as a party of interest. It has been a
3 noble effort on your part and I hope you have learned something and I hope we will too. Thank
4 you,

5
6 JOHN SVENDSEN: That was my mission as well. Thank you for that.

7
8 COMMANDER KEVIN CARROLL: Okay, Bounty organization.

9
10 LEONARD LANGER: No questions.

11
12 COMMANDER KEVIN CARROLL: Mr. Melusi.

13
14 RALPH MELUSI: Mr. Svendsen, about what time did you come about the Bounty in New London
15 on the 25th?

16
17 JOHN SVENDSEN: I believe I testified earlier that it was around dinner time.

18
19 RALPH MELUSI: 1800?

20
21 JOHN SVENDSEN: Give or take.

22

1 RALPH MELUSI: When was it, what time was it that Captain Walbridge told you about his
2 decision to go to sea?

3

4 JOHN SVENDSEN: I believe he had discussed the possibility throughout that day and when we
5 got back to the ship he said he preferred to get under way. I pulled him aside and had the
6 conversation with him.

7

8 RALPH MELUSI: Where did that conversation take place?

9

10 JOHN SVENDSEN: It happened on the dock right next to the boat on the other side of the pier.

11

12 RALPH MELUSI: Nobody else was in listening distance?

13

14 JOHN SVENDSEN: No sir.

15

16 RALPH MELUSI: You said you were very assertive in stating your concerns. Tell me exactly
17 what you said to him.

18

19 JOHN SVENDSEN: I said there is a hurricane and it appears to be a very large system, it is of
20 historic proportion and I think we should evaluate other options as far as staying here, finding
21 another berth, going to Bermuda, finding some place where we could take safe refuge.

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23 RALPH MELUSI: What was his response to you?

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JOHN SVENDSEN: He believed that the seas were not larger than 30 feet and the winds were going to be a category 1 hurricane scale and the Bounty had survived conditions like that regularly within his tour as a captain and he felt very comfortable with those conditions and the safety of the ship and that the ship was in the best condition he had ever seen it in.

RALPH MELUSI: Did you take a stronger position after you heard his response?

JOHN SVENDSEN: I asked him for clarification and if there were any other options and he said he believed this was the best option.

RALPH MELUSI: How soon after that was the capstan meeting with the crew?

JOHN SVENDSEN: Within 10 minutes.

RALPH MELUSI: During that exchange with the captain he told you his plan was to go south by east?

JOHN SVENDSEN: That is correct.

RALPH MELUSI: On the compass that is approximately what? Close to due south?

JOHN SVENDSEN: I believe we discussed it was around 168.

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RALPH MELUSI: We've had a fair amount of testimony from other crew members who listening to the captains explanation understood that the vessel was heading due east. Out due east to a safe position there and to wait to see how the storm was going to progress. Were you there when the captain explained his plans?

JOHN SVENDSEN: I was.

RALPH MELUSI: Did he say that?

JOHN SVENDSEN: My recollection was he was going to head south with a little bit of east.

RALPH MELUSI: Well, that's what he told you. When you were talking privately.

LEONARD LANGER: Objection.

RALPH MELUSI: My question is what did he say to his crew?

JOHN SVENDSEN: I just answered that question.

RALPH MELUSI: Which is what?

1 JOHN SVENDSEN: South with a little bit of east so that he could work his way as far south as
2 he could with getting a little bit of east.

3

4 RALPH MELUSI: Then he explained to them what he thought the storm was going to do and
5 why they shouldn't be concerned.

6

7 JOHN SVENDSEN: I never said that they shouldn't be concerned.

8

9 RALPH MELUSI: No, Captain Robin. Did Captain Walbridge then explain to the crew his
10 understanding of this storm, where it was going to go and why it should not be a serious matter
11 of concern and words of that substance.

12

13 JOHN SVENDSEN: I don't believe I ever heard him say it shouldn't be a serious matter of
14 concern.

15

16 RALPH MELUSI: Did he use the words that you used when you were taking a very assertive
17 position as to why the vessel should not go to sea?

18

19 JOHN SVENDSEN: I believe he had a different opinion than I did.

20

21 RALPH MELUSI: He finished his explanation, did you stand up and say you have a different
22 opinion? I would like you to hear my thoughts on it, we have other options?

23

1 JOHN SVENDSEN: I did not.

2

3 RALPH MELUSI: Why?

4

5 JOHN SVENDSEN: The respect for chain of command.

6

7 RALPH MELUSI: Respect for the chain of command? You spoke about a walk through with Mr.
8 Wyman and Captain Walbridge before the vessel left Booth Bay ship yard. You said you were
9 very confident in what that showed, what that revealed. Is that true?

10

11 JOHN SVENDSEN: I felt very comfortable with Mr. Wyman's assessment.

12

13 RALPH MELUSI: Was that an eyeball only type of walk through?

14

15 JOHN SVENDSEN: Clarify your question.

16

17 RALPH MELUSI: Were any items of equipment started, operated, tested to see if they were
18 operational.

19

20 JOHN SVENDSEN: I believe he said he was doing his initial walk through and survey and that
21 he was going to finish that in his testimony earlier.

22

1 RALPH MELUSI: I thought that you just said this is a walk through with the 3 of you and you felt
2 confident in his comments as the 3 of you are walking through the vessel. Is that how it
3 happened?

4
5 JOHN SVENDSEN: I am not sure what you are getting at.

6
7 RALPH MELUSI: I am going back to your testimony. You said that you felt confident in this walk
8 through inspection that involved Mr. Wyman, yourself and Captain Walbridge.

9
10 JOHN SVENDSEN: I did have confidence in Mr. Wyman.

11
12 RALPH MELUSI: But did you do a walk through with him?

13
14 JOHN SVENDSEN: I did.

15
16 RALPH MELUSI: And with the captain?

17
18 JOHN SVENDSEN: He was there for portions of it.

19
20 RALPH MELUSI: Alright, with respect to that walk through, did you operate any of the equipment
21 in the engine room?

22
23 JOHN SVENDSEN: I don't recall if we did or we didn't. I don't believe we did though.

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RALPH MELUSI: Do you know if you went into the engine room with the captain or Mr. Wyman?

JOHN SVENDSEN: I believe I was in the engine room with Mr. Wyman, yes.

RALPH MELUSI: Did you operate any equipment, any pumps?

JOHN SVENDSEN: He appeared to be looking mainly at the structure and the framing.

RALPH MELUSI: No pumps were turned on or operated?

JOHN SVENDSEN: Not to my recollection no.

RALPH MELUSI: The 2 hydraulic pumps on this vessel, its true that they haven't been used in years prior to this voyage.

JOHN SVENDSEN: That is not true.

RALPH MELUSI: When was the last time either one of them was used prior to this voyage?

JOHN SVENDSEN: We have them on a monthly checklist.

RALPH MELUSI: What does that mean?

1 JOHN SVENDSEN: That means that the 3rd mate and the engineer would exercise them and
2 make sure they work properly.

3

4 RALPH MELUSI: Do you know that the pumps were actually operated on a monthly basis?

5

6 JOHN SVENDSEN: I have seen them operated throughout the summer yes.

7

8 RALPH MELUSI: You know Mr. Foster's qualifications and experience with the engine room
9 equipment?

10

11 JOHN SVENDSEN: I don't know Mr. Foster.

12

13 RALPH MELUSI: Foster, F-A-U-S-T, Faust? He is the electrician.

14

15 JOHN SVENDSEN: I don't know Mr. Faust.

16

17 COMMANDER KEVIN CARROLL: I believe you mean Mr. Faunt.

18

19 RALPH MELUSI: Faunt, Faunt, Are you familiar with him?

20

21 JOHN SVENDSEN: I know Doug Faunt, yes.

22

23 RALPH MELUSI: What was his experience on the vessel?

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JOHN SVENDSEN: I believe he stated to you that he was working on the vessel for 5 years.

RALPH MELUSI: 5 years, did you hear his testimony before he attempted to operate the portable hydraulic pump, he had to ask somebody for a refresher course?

JOHN SVENDSEN: That was a portion of his testimony.

RALPH MELUSI: As the vessel was getting underway from New London, did anyone do a test of either of the hydraulic pumps were fully operational?

JOHN SVENDSEN: I am not aware.

RALPH MELUSI: There's been testimony that there was 2 maybe more reports to Captain Walbridge that the two electric bilges pumps were having operating problems, not getting proper prime, not producing the proper discharge temperature. Did any of that come to your attention before departing New London.

JOHN SVENDSEN: I don't recall any temperature testimony.

RALPH MELUSI: Any information come to your attention with respect to the operating readiness of the electric bilge pumps.

1 JOHN SVENDSEN: Like I said previously, I exercised the pump either Friday or Saturday and
2 seemed to be functional for me. I believe that I also testified that Robin Walbridge looked at
3 them and he told me that they were also functional.
4

5 RALPH MELUSI: I don't have any further questions.
6

7 COMMANDER KEVIN CARROLL: Thank you, Mr. Melusi. Captain Jones?
8

9 CAPTAIN ROB JONES: Nothing right now.
10

11 COMMANDER KEVIN CARROLL: The question I am struggling with is why? I mean honestly
12 and I hear what you are saying and I hear what the crew is saying. From the time I met you guys
13 in Elizabeth City, such a good group and the loyalty they displayed here. It wasn't easy what
14 they did to stand up in a situation like this, they showed a lot of courage. With the man that you
15 say always put the crew's safety as top priority. Its not just the leaving port, its leaving port on
16 that course and they still stood here and praised him. I don't know Robin, but why? Why would
17 he make this choice? With this crew?
18

19 JOHN SVENDSEN: I struggle with that myself.
20

21 COMMANDER KEVIN CARROLL: I do want to ask you about from Maine to Bermuda. You said
22 that 2011 when you were leaving yard from Maine, what happened from that?
23

1 JOHN SVENDSEN: We had snow and ice on the deck. It was late in the season, we had sailed,
2 I believe it was 11 or 12 of us, a smaller crew. Robin expressed to me that he sailed with 6
3 people, which was testified earlier, we went offshore we had one nor'easter come through 20
4 foot seas, 40 knot winds and then a second one came over, built on that, a third one came over
5 and then the second one stalled out and they merged together. I believe there were a couple of
6 ships were lost in that storm, people were evacuated, we hove to and rode out the storm for a
7 couple of days hove to. We broke our fore mast, royal mast I went up and lashed that and we
8 had a shaft on the bilge pump that was broken so the impeller wasn't working, we went into
9 Bermuda after the storm subsided, still fairly rough conditions. Went to Bermuda and ordered a
10 rebuild kit for the bilge pump, rebuilt the bilge pump and then left with a couple other boats when
11 the weather lightened and we all went down to the Caribbean. The waves were significantly
12 larger I would say if these were 30 waves according to the buoys, I would say we were in 40-50
13 foot waves.

14
15 COMMANDER KEVIN CARROLL: Was this a forecasted nor'easter as well?

16
17 JOHN SVENDSEN: I believe that we knew there were systems coming and they were building,
18 but we were trying to get out before the storms were coming.

19
20 COMMANDER KEVIN CARROLL: Where were you before? Where were you when you said you
21 wanted to get out before the storms were coming?

22
23 JOHN SVENDSEN: We were in Booth Bay.

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COMMANDER KEVIN CARROLL: Is Booth Bay a good place to be if there is a storm coming through?

JOHN SVENDSEN: There is one dock that we probably could have gone to.

COMMANDER KEVIN CARROLL: It just seems to me that's showing a pattern, this concept of it, a ship is safer at sea. I have to admit, when I read in my opening about trying to find information. I tried, I talked to anybody and everybody, I came from the Maritime Academy and I have been in the Coast Guard for 18 years. I tried to find one person who will come to me and say that at ship is safer at sea, I can't do it. You I believe, testified that you don't believe that either. Is that correct?

JOHN SVENDSEN: I do not believe that a ship is safer at sea other than references to the larger faster vessels that were made earlier.

COMMANDER KEVIN CARROLL: Okay, John, again, as a party of interest, I really think you did a commendable job. Being here, understanding the circumstances, but again, when it comes down to the case, the story of what happened to the Bounty is going to educate a lot of people.

JOHN SVENDSEN: That is my hope.

1 COMMANDER KEVIN CARROLL: I appreciate you assisting in it. It still leaves us a lot in
2 wanting to know why.

3
4 JOHN SVENDSEN: I agree.

5
6 COMMANDER KEVIN CARROLL: We dismiss you and I appreciate it. We have one more
7 witness, but let's take a 10 minute break. Thank you John.

8
9 JOHN SVENDSEN: Thank you.

10
11 COMMANDER KEVIN CARROLL: Let's go back on the record. All parties and interests and
12 representatives are present.

13
14 LIEUTENANT COMMANDER KEVIN CARROLL: At this time the Coast Guard calls to testify
15 Commander Mitchell. Commander Mitchell, will you raise your right hand. A false statement
16 given to an agency of the United States is punishable by fine and / or imprisonment under 18
17 USC 1001. Knowing this do you solemnly swear that your testimony will be the truth, the whole
18 truth and nothing but the truth, so help you God?

19
20 COMMANDER JAMES MITCHELL: I do.

21 LIEUTENANT COMMANDER KEVIN CARROLL: Thank you, please be seated.

22
23 COMMANDER KEVIN CARROLL: Good afternoon, Commander.

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COMMANDER JAMES MITCHELL: Afternoon.

COMMANDER KEVIN CARROLL: I would like to take appearance

LIEUTENANT LIZ ALIVERA: Yes, Good afternoon, I am Lieutenant Liz Alivera I am here as agency council. I work at legal Coast Guard, 5th district.

COMMANDER KEVIN CARROLL: Thank you. Commander please state your name for the record and spell your last name.

COMMANDER JAMES MITCHELL: Sure. My name is Commander James William Mitchell. M-I-T-C-H-E-L-L.

COMMANDER KEVIN CARROLL: Where are you currently stationed?

COMMANDER JAMES MITCHELL: I am stationed at sector North Carolina in Wilmington, NC. My current position is response department head.

COMMANDER KEVIN CARROLL: Did you hold that position on October 29, 2012?

COMMANDER JAMES MITCHELL: I'm sorry, say again.

1 COMMANDER KEVIN CARROLL: Did you hold that position on October 29, 2012?

2
3 COMMANDER JAMES MITCHELL: Yes, sir I did.

4
5 COMMANDER KEVIN CARROLL: Could you give us a brief description of your professional
6 background and qualifications.

7
8 COMMANDER JAMES MITCHELL: Sure, I entered the Coast Guard in October 1992. I went to
9 officer candidate school and was commissioned in February 1993 at which time I was then
10 assigned to 7th Coast Guard district in the office of boating. I've been in various positions of
11 leadership as well as operations ashore management since that time. Most recently was
12 assigned to sector NC in July 2010.

13
14 COMMANDER KEVIN CARROLL: In your role as response department head, can you describe
15 to me what your duties are?

16
17 COMMANDER JAMES MITCHELL: Response department head is one of the 4 department
18 heads under the sector construct. The easiest way to describe what the sector department head
19 is, they are the police chief, the fire chief, the hazmat coordinator and emergency manager for
20 the sector commander. What that means is that I have some various requirements as well as
21 authorities and jurisdictions provided to me under the guise of the sector commander in
22 particular star mission coordinator. SAR mission coordinator is a position that insures for the
23 appropriate management and oversight of all search / rescue units and well as planning and

1 coordination of search and rescue efforts within the area of responsibility for the sector
2 commander.

3
4 COMMANDER KEVIN CARROLL: In a role of SAR mission coordinator, does that include,
5 obviously the location for where all search and rescue assets are located?

6
7 COMMANDER JAMES MITCHELL: Yes, that is correct. In particular what the SAR mission
8 coordinator does for the sector construct is we are responsible for all navigable waterways,
9 concurrent jurisdiction waterways, the state as well as those high seas out to 200 nautical miles.

10
11 COMMANDER KEVIN CARROLL: In regards to the time frame we discussed before, 28 October
12 2012. Were there any special precautions being taken for Coast Guard search and rescue
13 assets for sector NC?

14
15 COMMANDER JAMES MITCHELL: The evening of 28 October, the sector was keeping a very
16 close eye on the weather and the patterns offshore. We knew that Hurricane Sandy was coming
17 close aboard being close to the land mass, therefore we made sure all of our stations as well as
18 those units subject to authority and jurisdiction from sector leadership were aware not only of
19 heavy weather that would be throughout the AOR for the duration of the storm as well as being
20 sure they were able to respond in time.

21
22 COMMANDER KEVIN CARROLL: Are air assets part of sector NC's construct?
23

1 COMMANDER JAMES MITCHELL: No. Actually, the air station and, in particular, the air assets
2 that are located at air station Elizabeth City are district resources. The way that works for us is
3 that we, if there is need for an aviation resource, we then brief the 5th district command center.
4 We tell them our need, why we need to have that air craft and they will coordinate with Air
5 Station Elizabeth City with a rotary wing or fixed wing asset to perform the mission.

6
7 COMMANDER KEVIN CARROLL: To your knowledge, on the evening of 28 October did the Air
8 Station Elizabeth City have any precautions for their air assets in response to hurricane sandy?

9
10 COMMANDER JAMES MITCHELL: Yes, because the hurricane was in such track as it moved
11 through the sector NC and looking at winds as well as established heavy weather plans, Air
12 Station Elizabeth City moves fixed wing aircraft to Raleigh NC as well as rotary wing to the north,
13 to the west, or to the south depending on the effect of the storm so that they can provide
14 resources in good weather so that they can then launch into heavy weather.

15
16 COMMANDER KEVIN CARROLL: There is a binder in front of you, turn to tab 23. Coast Guard
17 exhibit 23. Commander Mitchell, Coast Guard exhibit 23, can you please identify that document?

18
19 COMMANDER JAMES MITCHELL: Yes, Commander Carroll, exhibit 23 is an activity log from
20 missile, also known as a 201 this is a historical real time rendering of actions that occurred not
21 only for SAR planning but also for case management. Its how we capture what we do on a day
22 to day basis when dealing with search and rescue.

23 COMMANDER KEVIN CARROLL: Does this 201 deal with a specific case in particular?

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COMMANDER JAMES MITCHELL: Yes it does. In particular, there in the subject line, it identifies that this 201 is in regards to a vessel taking on water 9 nautical miles SE Cape Hatteras, identified as HMS Bounty and its position is identified in the subject line.

COMMANDER KEVIN CARROLL: Were you the SAR mission coordinator for this particular case?

COMMANDER JAMES MITCHELL: Yes, I was.

COMMANDER KEVIN CARROLL: I am going to ask you questions specific to the SAR case and we will go back and forth and refer to the SAR to the 201. I will ask you questions specific to it, but if I ask a question and you don't quite recall, you can find it in the 201.

COMMANDER JAMES MITCHELL: Sure.

COMMANDER KEVIN CARROLL: Lets go back to the evening 28, October. What was the first notification that the Coast Guard had in regards to the vessel Bounty?

COMMANDER JAMES MITCHELL: The first notification I was at home, got a call from the command center from the command duty officer Chief Johnson, he called me up to let me know that he had been in contact as indicated here in 201, that Tracy Simonin had contacted the command center to let them know the Bounty was taking on water, an indeterminate time, how

1 much water they were taking on board, but it was as much of a concern to her that she wanted
2 to notify the Coast Guard the vessel was indeed taking on water. Chief Johnson asked to what
3 extent, was there distress, was this a mechanical issue, trying to determine a little more
4 information on really the particulars. The who, the what, the when, the where and the how. Once
5 he got the information from Ms. Simonin, he felt that we needed to get some more information,
6 specifically from the Bounty itself. As good practice, as best practice, whenever there is a
7 vessel that is taking on water, a potential casualty or is in a position that they may be a casualty
8 of the sea, we want to get good communication with them on whether or not they can actually
9 function, whether or not it is a mechanical issue or in effect distress. Chief Johnson wanted to
10 give me a call to go over some actions that he wanted to do. He wanted to contact the vessel
11 directly, find out what the rate of water coming on board was, if there was flooding, if this was
12 associated specifically with the storm, anything that was going on that would give us a greater
13 picture of really the situation that was facing the folks on the Bounty. During my conversation I
14 asked him if there was any way that we could get in touch with Bounty, he said that they were far
15 offshore so we couldn't use VHF radio so he wanted to try to get HF. That didn't work, but he did
16 say that Ms. Simonin was able to use satellite email in order to get in touch. I directed Chief at
17 that time to go ahead, establish communication with the Bounty to determine was their situation
18 was.

19
20 COMMANDER KEVIN CARROLL: What time was the Coast Guard notified by Tracy Simonin
21 about Bounty's condition?
22

1 COMMANDER JAMES MITCHELL: I am going to have to refer to the 201 here, I received a call
2 around 9 o'clock thereabouts and I know Chief Johnson called me immediately after speaking to
3 her. So probably 8:30 local.

4
5 COMMANDER KEVIN CARROLL: In regards to reading the 201, specifically, all times are in
6 zulu time. Could you please explain what zulu time is?

7
8 COMMANDER JAMES MITCHELL: Zulu time is a very specific timeframe used for us, its based
9 off of Greenwich mean time. The reason we use zulu time is that it gives us a standard bench
10 mark. Right now, I believe at this time we were in +5 or +6 so you would add 6 hours on to that.

11
12 COMMANDER KEVIN CARROLL: I am going to refer you to page 1. Page 1 of 22, for Coast
13 Guard exhibit 23. 2E 290048zulu October 2012. Its says GAR ORM score is 16 of 32. Can
14 you please explain to us what GAR ORM is?

15
16 COMMANDER JAMES MITCHELL: Sure. GAR stands for green amber red. It is a tool that
17 helps us assess operational risk management. That's what the ORM stands for. Operational risk
18 management is a way of approaching, doing our business in a very measured manner. What
19 the Coast Guard does with search and rescue is inherently risky. We do search and rescue
20 when people are in extremes. When the mariner is in need of assistance, that in and of itself
21 shows that there is risk. There is potential risk to the mariner, there's risk to the vessel, there's
22 risk to the rescuer and there is also risk to the rescuers vessel or aircraft depending on what
23 resource gets out there. To manage that risk, to identify the hazards that each of the rescuers

1 will face we use a system of risk management by using a specific tool know as the green amber
2 red tool that tells us what the severity of that risk is. Its also important to understand that
3 although it is green amber red, not to look at that tool as a stoplight, a traffic light. Green is
4 okay, amber we should be worried, red don't go. Exactly the opposite. It identifies areas of
5 lower risk, of medium risk and of high risk. On the backside of identifying risk is, then applying
6 the gain. That's really the tie in of risk management is that knowing what the threat is to the
7 vessel, the rescuer and the mariner as well as what the gain is. So as you indicated we have 16
8 of 32, 32 goes the highest of all risks. We felt that after looking at it, a vessel taking on water
9 from Ms. Simonin's information a professional crew, professional vessel, that looking at
10 prevailing weather conditions, its pretty sporty out there. They are in the middle of a very large
11 storm, a hurricane, so not ideal conditions, but a professional crew so we felt that risk was
12 medium risk. So if we could get out there, we could determine what the rate of flooding was, we
13 felt that we could assist them and maybe at that particular time didn't need to actually go out and
14 perform a rescue.

15
16 COMMANDER KEVIN CARROLL: How was it communicated to the Coast Guard that Bounty
17 did indeed have a professional crew on board?

18
19 COMMANDER JAMES MITCHELL: We thought that because the vessel was an attraction
20 vessel and that they had folks that had a lot of understanding of how the vessel working because
21 they lived aboard and worked aboard rather than having a crew of folks that just rented the
22 vessel. There was a (inaudible) of education of knowing how the vessel worked. That was our
23 determination.

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COMMANDER KEVIN CARROLL: I want to go back to the time in paragraph 2, actually take in paragraph A it says 29 45 00 zulu, from what I understood about that time you said before its +5 or +6, could it be +4 in regards to daylight savings time?

COMMANDER JAMES MITCHELL: Yes, I'm sorry. It was +4.

COMMANDER KEVIN CARROLL: So the initial notification the sector command center received call from Tracy Simonin reporting HMS Bounty with 15-16 people on board 90 miles SE Cape Hatteras. The next line talks about SAR check sheet is complete. How is that done?

COMMANDER JAMES MITCHELL: Each of our watch scanners and in particular our operation unit controller which are our search and rescue controllers, they have tabbed check sheets that take information at their fingertips and computer console, what's the name of the vessel, what type of vessel, what's the emergency. Its an initial understanding of giving us a real quick broad brush what the situation is before we can act.

COMMANDER KEVIN CARROLL: For the initial notification SAR check sheet is filled out, GARM is complete, what actions did the Coast Guard take in regards to the notification from Ms. Simonin?

COMMANDER JAMES MITCHELL: Well what we had done then is we started to move toward resolving any of the issues that we had and one of the issues we had was actually getting in

1 touch with the Bounty to see what the rate of taking on water was. Were they taking on water
2 from the storm, from damage and if so, how would we react to that?

3
4 COMMANDER KEVIN CARROLL: Back to the 201 page 2, there are searches for blue forces in
5 the vicinity of Bounty what does that mean?

6
7 COMMANDER JAMES MITCHELL: Blue forces is a technical term on the watch, to indicate US
8 Navy resources or other Coast Guard resources that are available to us that way we could reach
9 out to them via radio telephone send them directly to where the Bounty is and go ahead and
10 determine whether or not we could use them as an assistance vessel rather than watch from
11 shore.

12
13 COMMANDER KEVIN CARROLL: Were there any blue forces or US Navy assets available to
14 assist?

15
16 COMMANDER JAMES MITCHELL: No, there were not. We checked the command center,
17 asked the 5th district command center to contact fleet forces command to see if there were any
18 vessels in the area. The closest one was 260 nautical miles away doing storm avoidance.
19 Because of the size of the storm, how large sandy was, everybody got out of the way.

20
21 COMMANDER KEVIN CARROLL: What is amber?
22

1 COMMANDER JAMES MITCHELL: Amber is a system that commercial merchant ships can join
2 to assist in open ocean or long distance assistance of other vessels. Amber is a program that
3 allows those ships to then be tasked by the Coast Guard in times of need or other rescue
4 coordination centers throughout the world in times of need to help out stricken mariners.

5
6 COMMANDER KEVIN CARROLL: In regards to amber call outs, I can see here on line Q, 29 0
7 12, notes here 126 zulu October 12 (inaudible) call outs from vessel Torin Rosetta from amber
8 PIC. So call outs were made from another vessel to try to assist?

9
10 COMMANDER JAMES MITCHELL: Yes, the Torin Rosetta (inaudible) from the 201 were either
11 on the surface pick or they were potentially available because of their intended path where they
12 were doing storm avoidance so the 5th district command center went ahead and made call outs
13 and there was no report.

14
15 COMMANDER KEVIN CARROLL: No report. Basically to sum it up from this from Blue Forces,
16 Naval and other vessels there was no other vessel able to identify in the area to assist Bounty.

17 COMMANDER JAMES MITCHELL: No other resources that were available to help out the
18 Bounty.

19
20 COMMANDER KEVIN CARROLL: The initial call that we received from Ms. Simonin, would that
21 be what you would consider a mayday? Were they saying the vessel needs assistance now, or
22 was it simply alerting you to their condition and they may need assistance?

23

1 COMMANDER JAMES MITCHELL: That was an alert telling us what is going on with their
2 conditions. Chief Johnson and myself after looking at the position that was reported to us by Ms.
3 Simonin the projected path of the storm as well as the other professional mariners, other
4 maritime traffic that had been avoiding that area, it was our opinion that perhaps that Bounty did
5 not know the situation they were getting themselves in to.

6
7 COMMANDER KEVIN CARROLL: Go back to page 1, we have the time for the initial
8 notification. I want to keep a timeline here. On paragraph 2, line A 29 00 45, this would be 2145
9 zulu, so that would be the first notification. That's when we first got involved. From that time
10 when was the first time that we launched a coast guard asset, and what was that?

11
12 COMMANDER JAMES MITCHELL: That would have been a C130 from Raleigh when
13 conditions were appropriate that they could actually get off of the ground and actually operate in
14 the area. What Chief Johnson and myself, more importantly myself and SAR mission
15 coordinator, I wanted to establish effective arrival communications. We were having spotty
16 communications using hand radio email, we had a suspect SAT phone number and there was
17 no other way to get in touch with the Bounty. I did not feel comfortable as the SAR mission
18 coordinator to determine what was going on without having an appropriate communications
19 directly with the ship. Although we were getting reports that we were able to have some email, it
20 was unreliable. Without reliable communications there was no good understanding whether to
21 determine if the Bounty was either in distress or not. Therefore I pressed hard to the 5th district
22 to get a C130 up so that we could at least have an aircraft in between the shore line and the
23 Bounty that would be able to facilitate VHF communications directly with the boat. I had a

1 conversation with the 5th district SAR coordinator as well as the air station commanding officer.
2 The Air station commanding officer indicated that looking at weather conditions, reported
3 weather conditions, from weather radar, that as well as knowing we had communications with
4 the Bounty, that maybe we need to do a little more, maybe lay and wait until the weather gets
5 better before the C130 gets on scene. I still felt no, we need to get a C130 out there as soon as
6 possible. 5th district SAR coordinator concurred, we got a C130 up. The C130 headed towards
7 the position that was indicated to us via email on their last known position. We had also was to
8 ask the Bounty whether or not they had an emergency position indicating radio beacon. They
9 had 2 on board, we asked them to at least light one off so we could have a position for the
10 aircraft, that way would could send the aircraft somewhat closer in between the land and their
11 position in the storm to facilitate communications.

12
13 COMMANDER KEVIN CARROLL: What time did the C130 launch?

14
15 COMMANDER JAMES MITCHELL: They started to prepare to launch 115 zulu, so roughly
16 about an hour and forty five to two hours after our initial call.

17
18 COMMANDER KEVIN CARROLL: SO it would be 28 October local time it would be about 2215?

19
20 COMMANDER JAMES MITCHELL: Yes.

21

1 COMMANDER KEVIN CARROLL: In regards to what you talked about with GAR ORM and the
2 operational limits, how close were those operation limits in regards to launching C130 with the
3 on scene weather conditions?
4

5 COMMANDER JAMES MITCHELL: On scene weather was really nasty. They were outside
6 limits for operation of the aircraft overhead. What the aircraft commander had to do was he had
7 to take his aircraft as close to those limits as possible. Our initial planning was to take off from
8 Raleigh to go in a south easterly direction and to actually come in behind the storm as the storm
9 was moving north we could maintain the aircraft at the edge of their weather limits and
10 operational limits while at the same time being able to fly them at a pattern where we could
11 facilitate communications.
12

13 COMMANDER KEVIN CARROLL: On scene weather had the C130 at the highest end of the risk
14 assessment for that operational
15

16 COMMANDER JAMES MITCHELL: That is correct.
17

18 COMMANDER KEVIN CARROLL: We launch.
19

20 COMMANDER JAMES MITCHELL: Yes.
21

22 COMMANDER KEVIN CARROLL: Why wasn't a helicopter launched?
23

1 COMMANDER JAMES MITCHELL: There was no way that a helicopter have operated in the
2 conditions that were occurring at the initial time frame that we learned of this case. Winds were
3 too high, it was not safe. It was not the right resource.
4

5 COMMANDER KEVIN CARROLL: I want to draw your attention to page 3. You made a
6 reference to some spotty emails that kind of gave you pause in regards to the kind of
7 communication you were getting which is why we launched a C130 to serve as a piggy back for
8 communications. About the center of the page, the original message is, and its from
9 KD408Z@(inaudible).org and its to rhansen@(inaudible).com and tsimonin@tallshipbounty.org.
10 Its latitude and longitude 34degrees09north411west Tracy, we are taking on water. We will
11 probably need assistance in the morning. SAT phone is not working very good. We have
12 activated the, I believe it is EPIRB, we are not in danger tonight, but if conditions don't improve
13 on the boat, we will be tomorrow. The generator will only run for a short time. I just found out the
14 filters you got were the wrong filters. Let me know when you have contacted the US Coast
15 Guard so we can shut the EPIRB off. The boat is doing great, we can't dewater. Did that give
16 you reason to think that communications could be a little bit mixed up?
17

18 COMMANDER JAMES MITCHELL: Yes. In particular the boat is doing great, but we can't
19 dewater. That in my mind, from my experience having a mariner in a position that they can't
20 dewater their vessel and still being in heavy seas and still taking on water over bough or in a
21 heavy storm. If there's no way to dewater, its not a safe place to be.
22

1 COMMANDER KEVIN CARROLL: That was 1015 that email was sent, that's roughly about the
2 same time that we launched the C130.

3
4 COMMANDER JAMES MITCHELL: Launched the C130, yes.

5
6 COMMANDER KEVIN CARROLL: With the dewatering issue, what about bringing the pumps.
7

8 COMMANDER JAMES MITCHELL: That's something that the watch and I had talked about. If
9 we were able to get overhead and we able to determine whether the vessel was in a stable
10 manner and if it was able to track through the wind, if it was actually able to be in a safe posture,
11 would it be possible for us to send out pumps. No. Actually after talking to the air crews and the
12 airstation to identify what pumps were available, we would not have been able to affect much
13 change in the weather that was, that the Bounty was sailing in. The pumps that were available
14 to us, that we could take with us on the C130 as well as the helicopter, when weather broke,
15 roughly about 30-35 pounds 130-135 gallons per minute, the way that we would deliver from the
16 C130 is to drop that pump out of the back of the ramp with an arresting parachute and a trail
17 line. What you are doing is taking a pump and a can and you are throwing a rock out towards
18 someone. Its difficult to do in calm weather conditions, we were well out of parameters for the
19 air crew to do that, not only with the prevailing conditions that they were dealing with what they
20 had to fly through in stormy weather we would not have been able to deliver the pumps in
21 precision manner, to give them any type of viability. The other way of delivery pumps would
22 have been via rotary wing, and hoisting those pumps down. At the time the weather conditions

1 were such that we couldn't get a rotary wing aircraft overhead. So it really would not have been
2 a viable means of assisting the Bounty.

3
4 COMMANDER KEVIN CARROLL: The C130 went out to serve as communication bridge to get
5 a better assessment. Once that communication bridge was created, take me from there, what
6 happened?

7
8 COMMANDER JAMES MITCHELL: What happened was after getting in contact with Bounty,
9 they let us know that they were taking a lot of green water which is open ocean swells that were
10 coming over the bough rolling straight down the main deck so that was very difficult. They were
11 getting about 2 feet of water an hour that was continually getting into the vessel. The vessel
12 seemed to be slowing. That was one of the issues that they talked about continuing to get water
13 2 feet an hour, not really keeping up with it. We did understand from talking to them directly that
14 they were starting to get concerned about the ability of the Bounty to continue going on. We
15 asked them what their intentions were.

16
17 COMMANDER KEVIN CARROLL: Do you want some water?

18
19 COMMANDER JAMES MITCHELL: Yes I would, thanks. We asked the Bounty was their
20 intentions were on our first set of communications. They indicated, if possible, with the amount of
21 time they would continue doing what they could with 2 feet of water an hour. Staying on board
22 they still felt pretty confident that they could last until first light and rather than having to abandon
23 ship in the middle of the night they could get assistance from a service asset or at that time an

1 aviation asset. Initial radio calls from them indicated that they could last until the morning. We
2 then asked them if that didn't work, what were their intentions. Their intentions were to abandon
3 ship in an orderly fashion, they would prepare by getting everybody into their survival suits and
4 push life rafts off and enter those life rafts if the stability of the vessel is such that they would be
5 forced to leave the vessel. After talking to them, they felt that would be after daylight.

6
7 COMMANDER KEVIN CARROLL: Daylight was the time that was specifically chosen based on
8 the communication that was occurring between the sector command center and the vessel.

9
10 COMMANDER JAMES MITCHELL: That was our initial plan was to daylight was a great
11 stopping point and a great planning goal for us because the winds and weather would have
12 been such that we would have not only fixed wing, but rotary wing assets available to us. We
13 would be able to bring surface assets, start getting them ready so that they could tail up behind
14 the storm, the speed of the storm would be such that at day break the weather would be much
15 better over the location. If we had to do any type of assistance whether it be towing or even
16 being able to get people out we would actually be able to visually see them abandoning if we
17 had to. So we thought it was a good goal for the captain and for the Bounty so that we could
18 affect a rescue.

19
20 COMMANDER KEVIN CARROLL: Again, risk based decision making.

21
22 COMMANDER JAMES MITCHELL: Yes.
23

1 COMMANDER KEVIN CARROLL: Assessing the on scene conditions, making decisions about
2 what would be safest and when we would have available assets.

3
4 COMMANDER JAMES MITCHELL: That would reduce the risk enough as well as maintain the
5 highest amount of gain that we could marshal, the greatest amount of forces to get folks back on
6 the beach.

7
8 COMMANDER KEVIN CARROLL: Okay. An orderly abandon ship never happened did it?

9
10 COMMANDER JAMES MITCHELL: No, it did not.

11
12 COMMANDER KEVIN CARROLL: What happened?

13
14 COMMANDER JAMES MITCHELL: About 405 in the morning, 405 415 in the morning the C130
15 that was overhead that was doing a survey saw that the Bounty was knocked down which meant
16 that a large swell had pushed her over on her side at which point all of the crew that was
17 assembled on the main deck were, they ended up getting pushed off by the sea. Because they
18 were preparing and were ready to abandon, the gear that they needed so their life rafts were
19 actually able to get off the ship as well. Then once those got actuated, the crew members were
20 able to get into those rafts.

21 COMMANDER KEVIN CARROLL: Did Bounty relay a call that the vessel was capsizing?

22
23 COMMANDER JAMES MITCHELL: No.

1

2 COMMANDER KEVIN CARROLL: Please turn to page 15 of 22 in the same exhibit. Line CZ,
3 Charlie Zulu 29 08 26 zulu October 12. HMS Bounty reports CG2004 they are abandoning ship
4 at this time. Sector North Carolina requested immediately launch of planned assets from air
5 station Elizabeth City to D5 command center. Does that make you possibly change your mind?
6 It sounds to me that Bounty did make the call.

7

8 COMMANDER JAMES MITCHELL: There was communication between the C130 and the ship.
9 I didn't receive the initial call, I was not privy to that radio transmission, but the information that I
10 was given, the ship got knocked down a craft was overhead. We've got folks in the water. At
11 this time I was far more concerned with getting people than how we were notified.

12

13 COMMANDER KEVIN CARROLL: Understood. That bridge because of the limitations of
14 equipment (inaudible) communications between the C130 and Bounty, that's where the call was
15 made.

16

17 COMMANDER JAMES MITCHELL: That is correct.

18

19 COMMANDER KEVIN CARROLL: Okay, so take us from there. The Bounty capsizes, we have
20 people in the water, what do we do?

21

22 COMMANDER JAMES MITCHELL: All bets are off, we've got to go, we've got folks in the water.
23 This is no longer a situation where we wait until morning, we have to act. This changes our

1 profile and our gain profile that the highest gain, which is to preserve life, exists immediately. At
2 which time the C130 that was overhead could identify where those survivors were and that
3 meant even though it was at and beyond the limits of operating parameters for the helicopter,
4 the helicopters are going to go. We will get them there. We will launch them, we will get them
5 away from Elizabeth City if they have to fly south and the east rather than in a southeasterly
6 direction so we can get an aircraft overhead, we will do that. That was my direction to watch,
7 that was my direction to 5h district command center was that now we have people in the water,
8 we need to go right now.

9
10 COMMANDER KEVIN CARROLL: So the helos were in the red

11
12 COMMANDER JAMES MITCHELL: The helos were launched, they were well within the red.
13 They were at the highest level of risk assessment. They were at the highest level of risk, the
14 highest level of gain. The first helicopter took off from Elizabeth City and flew as fast as they
15 could in the most direct manner to the last known location of the Bounty that was provided to
16 them from the C130.

17
18 COMMANDER KEVIN CARROLL: Is that why they weren't launched sooner? The plan was to
19 wait for sunrise.

20
21 COMMANDER JAMES MITCHELL: That is correct.

22

1 COMMANDER KEVIN CARROLL: So 0826 ZULU 0426 local, Bounty capsizes and that when
2 we launch.

3
4 COMMANDER JAMES MITCHELL: That is correct.

5
6 COMMANDER KEVIN CARROLL: How many helos were launched and how did it take them to
7 get on scene?

8
9 COMMANDER JAMES MITCHELL: 2 helicopters were launched, first helicopter took about 45-
10 50 minutes to get from Elizabeth City to get on scene. They had a great tailwind that was
11 pushing them that helped them out to get on scene faster. They were able to use the prevailing
12 weather conditions to get there as soon as they could. When the first helicopter was launched
13 the aircraft commander at Elizabeth City and their duty officer brought in a second crew, a
14 second crew was coming in anyway for that first light planning proposal of getting them in the
15 morning. There was a delay of about 30 minutes or so before that second crew was able to get
16 off deck and make their way towards the last know position of Bounty.

17
18 COMMANDER KEVIN CARROLL: Can you please explain the search that took place?

19
20 COMMANDER JAMES MITCHELL: Yes. What we did was because we had directed the Bounty
21 to light of their EPIRB we had a great last known, we had a great starting point. What he had
22 done and what we had directed the aircraft to do was once they were on the scene to go ahead
23 and perform a precision vector search and what that does is that provides us a good – picture a

1 circle, picture a pie and the center point of that pie is that EPIRB its where the Bounty was and
2 what we do is we direct the aircraft to fly on a rotational axis making slices of pies to make sure
3 we could find people. We had a high probability and a good visual from the C130 where the
4 Bounty was. We had a good estimation on where we thought that any of their life rafts would be
5 using an initial vector sea air search would allow us to get the greatest possible picture of what
6 was going on as well as probability of picking up survivors. After that what else that provided for
7 us, is that it gave us good understanding, a visual understanding of what was happening on the
8 surface of the ocean. If we saw that it was confused or what not we could leverage some tools
9 we had in our tool kit and get a marker beacon which was thrown out of the helicopter by the air
10 crew which helps us track specific current right at the incident location and that helps us prepare
11 follow on searches that we knew we were going to have with the amount of debris that was
12 indicated by the C130 since the Bounty had been knocked over.

13
14 COMMANDER KEVIN CARROLL: How far away from the Bounty were people recovered?
15 Actually scratch that for a second. What was the on scene weather?

16
17 COMMANDER JAMES MITCHELL: They were in the middle of a hurricane. It's the easiest way
18 that I can talk about it 60 knot winds, gusts up to 90, seas 20 feet, intermittent rain showers. Its
19 very very confused, very very difficult search conditions for the aircraft to perform in. Not only
20 were they being buffeted by heavy winds and gusts, those same conditions that are at altitude
21 are effecting the surface of the ocean as well.

22
23 COMMANDER KEVIN CARROLL: How far away from the Bounty were people recovered?

1 COMMANDER JAMES MITCHELL: Initial indication, I don't have a good frame of reference.
2 No more than 2-3 miles within that 2-3 mile zone. I would have to refer to the 201 to see if that
3 data was captured.
4

5 COMMANDER KEVIN CARROLL: How many people were recovered?
6

7 COMMANDER JAMES MITCHELL: There were 14 crew members that were recovered
8 immediately. On the way to the last known position, the first helicopter that came overhead saw
9 a strobe light on the surface. They went to investigate that happened to be one crew member. A
10 swimmer was lowered down and brought the crew member back into the aircraft at which time
11 there was clearance in the weather and they could see the remaining, the 2 life rafts that had
12 been actuated. They picked one of the life rafts hoping that there were survivors inside. They
13 lowered the swimmer down and low and behold the first raft they went to had 5-7 personnel
14 inside and the second raft had the remaining.
15

16 COMMANDER KEVIN CARROLL: Direct your attention to page 18 of 22. It would be line GW 29
17 October 20 0 38 ZULU October 2012. CG US 6043 recovered one female in position 33 52.725
18 north 07 346.65 west currently in route to air station Elizabeth City currently no vitals. Request
19 (inaudible) conducting CPR ETA 1 hour. Can you describe to me what happened?
20

21 COMMANDER JAMES MITCHELL: What happened was we continued to give search patterns
22 to the air craft overhead not only C130s but also rotary wing aircraft the HA60. During the 4th
23 search pattern we had provided that was following the drift of debris tonnage and extra survival

1 suits that had been swept off deck. We felt that with an expanded area of searching, we would
2 continue to find crew. At that time, that particular search the aircraft was looking at some debris
3 that was consistent with other debris that was going on. The flight mechanic indicated that he
4 saw something out of one particular survival suit that did not look like any of the other survival
5 suits. They got into a hover, deployed the swimmer and low and behold, female crew member
6 was identified. Immediately brought her up until the aircraft, immediately started CPR to get her
7 in route back to Albemarle hospital in Elizabeth City. The swimmer on the flight felt that they
8 wanted to give the greatest opportunity and the greatest chance to that crew member to get her
9 back to the beach, which is what they did.

10
11 COMMANDER KEVIN CARROLL: I'd like you to refer to line HH, from there does that indicate
12 how far away from the vessels position where she was recovered?

13
14 COMMANDER JAMES MITCHELL: 8.2 nautical miles from the initial position that the vessel
15 sank at a bearing of 125 true and that is consistent with the path of where all of the debris was
16 going. Considering the unseen conditions, the wave height and the gusts of wind, that's really
17 not that far with the amount of time from when the vessel was knocked down and actually when
18 we were able to recover her.

19
20 COMMANDER KEVIN CARROLL: Its on page 18 of 22, line HH its 29 21 25 zulu October 12
21 PAW was recovered 8.2 nautical miles SE from position vessel sank of 125 degrees true. Did
22 we continue the search?
23

1 COMMANDER JAMES MITCHELL: Yes we did.

2

3 COMMANDER KEVIN CARROLL: Who are we searching for?

4

5 COMMANDER JAMES MITCHELL: Searching for the last crew member at that time, since we
6 had gotten the majority of the crew back to Elizabeth City we knew we were looking for the
7 captain. Captain Walbridge. We continued to search we felt that looking along that axis as well
8 as the direction of drift, if he was on the surface or if he was floating we were going to find him.

9

10 COMMANDER KEVIN CARROLL: How long did we search?

11

12 COMMANDER JAMES MITCHELL: We searched for another 2 ½ days.

13

14 COMMANDER KEVIN CARROLL: Is that the standard amount of time that we continue to
15 search?

16

17 COMMANDER JAMES MITCHELL: Yes we search until the survivability model that we use that
18 indicates water temperature as well as looking at how long it would take, the survivability time of
19 someone is a survival suit as well as to put in the will to survive that gave us a good time frame.

20 We wanted to exhaust as much time as we could to try and find Captain Walbridge.

21

1 COMMANDER KEVIN CARROLL: I would like to refer you to page 21 of 22. Same exhibit. Line
2 JQ Julia Quebec 02 22 30 zulu November 2012 D5 grants axis on case cancels UMIB. What
3 does that mean?
4

5 COMMANDER JAMES MITCHELL: What that means is that the 5th district commander
6 suspended the case for actively searching pending any further information that would indicate
7 that we would be able to find the missing crew member. Cancellation of the UMIB which stands
8 for urgent marine information broadcast what that did for us is that cancels or ceased providing a
9 broadcast to all mariners indicating that we were actively searching in a specific area for a
10 specific person.
11

12 COMMANDER KEVIN CARROLL: What I would like to do now is give you a little bit of a break, I
13 think I need a break too. When we come back Captain Jones from the NTSB is going to ask
14 some questions and then the gentlemen behind you are going to continue to do that as well. If
15 we could come back at quarter till please, quarter till. Thank you.
16

17 COMMANDER KEVIN CARROLL: Nick, let's go back on the record.
18

19 LIEUTENANT COMMANDER NICHOLAS PARHAM: Yes, sir. Cmdr. Mitchell you are reminded
20 that the oath he swore to previously is still binding.
21

22 COMMANDER JAMES MITCHELL: Yes.
23

1 COMMANDER KEVIN CARROLL: All parties and interests and representatives are present.
2 Cmdr. Mitchell at this point I'm going to get the opportunity to Capt. Jones from the NTSB to ask
3 you some questions.

4
5 CAPTAIN ROB JONES: Good afternoon Cmdr. Mitchell.

6
7 COMMANDER JAMES MITCHELL: Good afternoon Captain.

8
9 CAPTAIN ROB JONES: One of the first, on the second page (inaudible) at the bottom of the top
10 paragraph he said there were 22 persons on board.

11
12 COMMANDER JAMES MITCHELL: Yes.

13
14 CAPTAIN ROB JONES: How did you confirm the numbers that you are looking for when you
15 actually got on scene or were you looking for 22 persons?

16
17 COMMANDER JAMES MITCHELL: Actually by the time that we had gotten resources overhead
18 we had gotten ahold of the manifest from Ms. Simonin that indicated there were 16 personnel on
19 board.

20
21 CAPTAIN ROB JONES: Okay and if I heard you correctly before, the first person rescued was
22 in a survival suit by themselves?

23

1 COMMANDER JAMES MITCHELL: Yes that is correct.

2

3 CAPTAIN ROB JONES: That was just a single hoist?

4

5 COMMANDER JAMES MITCHELL: Yes.

6

7 CAPTAIN ROB JONES: How many EPIRBs actually went off during this, because I know they
8 carried a couple and you ask them to light them up.

9

10 COMMANDER JAMES MITCHELL: There were two total.

11

12 CAPTAIN ROB JONES: Two?

13

14 COMMANDER JAMES MITCHELL: Yes. Yes sir.

15

16 CAPTAIN ROB JONES: This is just for my own clarification, the CG 2005, what's that?

17

18 COMMANDER JAMES MITCHELL: the C-130.

19

20 CAPTAIN ROB JONES: I had seen it before and it just said C-130s so

21

22 COMMANDER JAMES MITCHELL: Yes.

23

1 CAPTAIN ROB JONES: In the 60s were, the Jayhawk helicopter?

2

3 COMMANDER JAMES MITCHELL: That is correct, yes.

4

5 CAPTAIN ROB JONES: That Amber for the Torin Rosetta on 220 2Q.

6

7 COMMANDER JAMES MITCHELL: Yes.

8

9 CAPTAIN ROB JONES: Was the call made in they just didn't respond?

10

11 COMMANDER JAMES MITCHELL: Yes. What was indicated to me, a call out went to the Torin
12 Rosetta on VHF and HF, and there was no response.

13

14 CAPTAIN ROB JONES: Was that on 16 VHF?

15

16 COMMANDER JAMES MITCHELL: Yes, I believe so.

17

18 CAPTAIN ROB JONES: Usually all ships monitor 16.

19

20 COMMANDER JAMES MITCHELL: Monitor VHF 16, channel 16, yes.

21

22 CAPTAIN ROB JONES: How did you know it was 35 miles, 35 nautical miles away, am I
23 reading that right? Yeah, the Torin was 35 nautical miles from the position.

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COMMANDER JAMES MITCHELL: From there, and that would have been

CAPTAIN ROB JONES: (Inaudible) AIS?

COMMANDER JAMES MITCHELL: Yes, AIS would have garnered that position.

CAPTAIN ROB JONES: How long did you try calling them?

COMMANDER JAMES MITCHELL: My command center did not take care of the portion. That was handled by the fifth District command center, I would have to refer to their logs.

CAPTAIN ROB JONES: Okay. The helicopters, what's their flying time, how long can they stay up in the air?

COMMANDER JAMES MITCHELL: If they are able to put on external tanks, three and half hours.

CAPTAIN ROB JONES: It was 45 minutes out from Elizabeth city to the site?

COMMANDER JAMES MITCHELL: Yes sir.

CAPTAIN ROB JONES: That was with tailwind?

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COMMANDER JAMES MITCHELL: With tail wind, yes sir.

CAPTAIN ROB JONES: How long did it take to go back?

COMMANDER JAMES MITCHELL: About an hour and 10, an hour and 15 minutes.

CAPTAIN ROB JONES: So an extra 25 minutes or so back?

COMMANDER JAMES MITCHELL: Yes sir.

CAPTAIN ROB JONES: You said when they did get on the scene, they were beyond the limit of their operating capability?

COMMANDER JAMES MITCHELL: No sir. They were close to being beyond their limit when it off from Elizabeth city, but it did not get much better once they got on scene. They were within limits but they were in the red as far as for risk assessment.

CAPTAIN ROB JONES: But once the vessel went down, you said, that's it take off.

COMMANDER JAMES MITCHELL: Yes, that is correct.

CAPTAIN ROB JONES: What is the highest they can fly in, the worst, what's the absolute limit where it is too unsafe to even get the helicopter in there?

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COMMANDER JAMES MITCHELL: I would have to refer to the operations tech manual for the HA60J.

CAPTAIN ROB JONES: If you can't answer the question, that is fine. It was on the web, the Facebook site. There was something about the first notification was rescinded, the first distress call was rescinded are you aware of that?

COMMANDER KEVIN CARROLL: UMIB?

CAPTAIN ROB JONES: Yeah, I just didn't see it here

COMMANDER JAMES MITCHELL: In our logs and within our case management we did not resent the urgent Marine information broadcast until the conclusion of the case.

CAPTAIN ROB JONES: With that first EPIRB, you ask them to turn that on?

COMMANDER JAMES MITCHELL: Yes.

CAPTAIN ROB JONES: For location?

COMMANDER JAMES MITCHELL: Yes.

1 CAPTAIN ROB JONES: Was not considered an SOS at that time or were you just

2
3 COMMANDER JAMES MITCHELL: No. That was not considered a SOS because we directed
4 the member or the owner of that particular emergency beacon to turn on the Beacon to get a
5 reliable known position. We knew that by activating that particular EPIRB we would not only be
6 able to get the identification number for the weekend but we would also have a reliable last
7 known position rather than relying on the estimated positions that were given to us via satellite
8 email.

9
10 CAPTAIN ROB JONES: Do you have, and it might be here but it is easier for you to find it and
11 read it, do you have the times from the first helicopter had got on scene and to when the first
12 personnel was recovered from the life raft?

13
14 COMMANDER JAMES MITCHELL: Please let me refer to the 201.

15
16 CAPTAIN ROB JONES: Sure.

17
18 COMMANDER JAMES MITCHELL: If I am reading this correctly it would be on page 16 DX,
19 Delta x-ray was the first hoist, the second hoist was three minutes later.

20
21 CAPTAIN ROB JONES: Okay. The CG 2003 that another C-130 also?

22
23 COMMANDER JAMES MITCHELL: Yes sir. That is correct?

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CAPTAIN ROB JONES: So how many air assets were actually launched for this rescue at the time. The initial time

COMMANDER JAMES MITCHELL: At the initial time, we had to C-130s and 16s, so four aircraft.

CAPTAIN ROB JONES: Do you know how long the vessel stayed, and I don't want to use the term afloat, visible at the surface?

COMMANDER JAMES MITCHELL: The last time it was reported visible was at nightfall on the 29th. So right at twilight was the last time that the Bounty was seen, at least visible.

CAPTAIN ROB JONES: So almost from capsizing at 426 to nightfall, a little over 12 hours?

COMMANDER JAMES MITCHELL: Yes sir, a little over 12 hours. We had a really good known, last known position so had it been a float the next day, we knew exactly where it would be.

CAPTAIN ROB JONES: Okay, that's all I have right now.

COMMANDER KEVIN CARROLL: Thank you. Mr. Melusi?

RALPH MELUSI: No questions

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COMMANDER KEVIN CARROLL: Bounty organization?

LEONARD LANGER: No questions, thank you.

COMMANDER KEVIN CARROLL: Mr. Svendsen?

JOHN SVENDSEN: Good afternoon Cmdr. James. First thank you very much for being a part of the rescue. Do you feel that the search and rescue communications gave ample time for the assets to come out and communicate the VHF to assess the situation?

COMMANDER JAMES MITCHELL: Communications with difficult from the get-go. The entirety of not having reliable communications from the beginning was a bother, it was a pit in my stomach as well as the watches stomach that it was very difficult to actually get communications with you directly until such time that we had the C-130 overhead.

JOHN SVENDSEN: You gave testimony that the weather was on the maximum operating. Did that impact your decisions to send assets?

COMMANDER JAMES MITCHELL: No. There were people that needed to be helped. We felt that we would find a way. So even though weather was horrible on scene, we were going to try. We were going to do everything that we could to get resources as close to the Bounty as possible so that we could recover and bring them home safe.

1 JOHN SVENDSEN: Thank you very much for that effort.

2

3 COMMANDER KEVIN CARROLL: Capt. Jones, do you have any questions? Cmdr. Mitchell I
4 have nothing, did you have something Mr. Melusi?

5

6 RALPH MELUSI: Commander, what type of communications, had he received them what have
7 committed the Coast Guard to do a more effective and efficient search and rescue?

8

9 COMMANDER JAMES MITCHELL: Had we at least been able to establish high-frequency
10 communication via radio to answer the call outs that we had initiated at the sector from the
11 beginning. Any time that we have could have gotten radio communication between the ship and
12 the shore what have been most helpful.

13

14 RALPH MELUSI: Would it have allowed for an earlier launch of aircraft?

15

16 COMMANDER JAMES MITCHELL: I don't think so. The function of launching the aircraft had
17 primarily to do with the operating parameters of the storm and the winds that were present as well
18 as the sea state. Although our desire to get there as fast as possible was definitely what we
19 wanted to do, it would have been rash to put people into a known position where they would
20 have become in need of rescue as well.

21

22 RALPH MELUSI: What about a call made 24 hours earlier?

23

1 COMMANDER JAMES MITCHELL: Indicating what, sir?

2

3 RALPH MELUSI: That we were taking on water, we don't know how long we will be afloat, we
4 need help.

5

6 COMMANDER JAMES MITCHELL: 24 hours earlier I would have to look at where the position of
7 the storm was with the prevailing weather conditions prior to that. It would be a function of going
8 back and actually taking a look at the on scene conditions 24 hours prior to in order to answer
9 that correctly.

10

11 RALPH MELUSI: Thank you.

12

13 COMMANDER KEVIN CARROLL: Cmdr. Mitchell I have no further questions for you. Thank you
14 for your attendance and your testimony today you are released. Thank you very much.

15

16 COMMANDER JAMES MITCHELL: Thank you.

17

18 COMMANDER KEVIN CARROLL: Ladies and gentlemen at this time we are going to deliver our
19 closing statement. I would first like to thank Capt. Jones for being here and give him the
20 opportunity to address. Capt. Jones would you like to say a few words?

21

22 CAPTAIN ROB JONES: I would like to offer my appreciation for everybody's participation here in
23 my condolences to those who have lost. I just appreciated being a part of this board, thank you.

1
2 COMMANDER KEVIN CARROLL: Thank you Captain Jones. Ladies and gentlemen this
3 concludes the Coast Guard's public hearing into the circumstances involving the sinking
4 of the vessel Bounty and the subsequent deaths of the vessels master and one crew
5 member. Please understand this hearing is part of the broader ongoing investigation.
6 Ultimately, as I have stated each morning, the purpose of this investigation is to
7 determine the cause and factors contributing to the casualty to the fullest extent possible.
8 To prevent future casualties from happening in the future. This hearing was not
9 prosecutorial, it was not for the purpose of making a judgment or assigning punishment.
10 Should the final reviewed investigation finds misconduct or negligence contributing to this
11 incident the evidence uncovered by this investigation may be referenced and subsequent
12 actions taken by the Coast Guard or its partner agencies. The information compiled or
13 referenced during this hearing will not be released as final until the investigation is
14 complete and reviewed and approved by the Commandant of the United States Coast
15 Guard. The 5th Coast Guard district public affairs office will remain the primary point of
16 contact for information regarding these proceedings. However the Coast Guard will not
17 provide any official analysis of these proceedings prior to the investigation being
18 complete. I very much appreciate the patience of the public and the media in helping us to
19 ensure the integrity of decorum with these proceedings. I want to thank the people called
20 to testify for their time and patience and to thank our parties and interests for their
21 cooperation. Specifically Capt. Jones, it's been a pleasure working with you on this and
22 we will continue to work together on this investigation until it reaches its conclusion. To
23 my team up here, Lieutenant. Chuck Malore, to Lieutenant. Commander. Graham, to

1 Lieutenant. Commander. Parham (inaudible) over there, Lieutenant. Barell and Troy Luna
2 over there and Lieutenant Patterson and his entire staff. I just want to thank them for their
3 assistance. I remember when I was assigned to this case I knew I wanted to do a good
4 job out of respect for the people who lost loved ones for this case and more importantly to
5 help other families from not going through this again and the investigation will continue.
6 The report will be released and hopefully that's what we will achieve. This concludes this
7 hearing thank you very much.

8
9 COMMANDER KEVIN CARROLL: A meeting that can't start until you get there, that's a meeting
10 worth going to. Okay we're back on that record, sorry about that Mr. Jones. Just to recap, your
11 personal experience regarding your maritime experience was just recreational on family boats.
12 You initially met up with the vessel in St. Augustine for 2 days, you joined the Bounty 17 May
13 2012 as a paid deckhand. You did that to learn about tall ships. You believe the organization
14 was good, Robin Walbridge was the vessel's master. You did have safety training when you first
15 arrived on board that was given to you by Dan Cleveland, I want to go from there. So, during
16 this training, you were shown how to properly don an emersion suit, is that correct?

17
18 JOHN JONES: Yes, sir.

19
20 COMMANDER KEVIN CARROLL: So from that time, how often did Bounty conduct drills?
21 Safety drills?

22

1 JOHN JONES: Safety drills, I want to say at least once a week. You know it just varied from
2 what drill it was going to be, a fire drill, an abandon ship drill, a man over board drill, (inaudible)

3
4 COMMANDER KEVIN CARROLL: How many times do you recollect that you had done an
5 abandon ship drill while on board Bounty?

6
7 JOHN JONES: About 3 – 4 times.

8
9 COMMANDER KEVIN CARROLL: 3 to 4? So from 17 May until, let me take you to the time
10 when Bounty was in the ship yard in Booth Bay Maine. Were you on board the vessel during
11 that time?

12
13 JOHN JONES: Yes sir.

14
15 COMMANDER KEVIN CARROLL: Okay. When did the vessel arrive in Booth Bay?

16
17 JOHN JONES: In the middle of September sometime.

18
19 COMMANDER KEVIN CARROLL: Okay. And you were on board for the entire yard period?

20
21 JOHN JONES: Yes sir.

22

1 COMMANDER KEVIN CARROLL: What were your roles and responsibilities during this yard
2 period.

3
4 JOHN JONES: During the yard period I did various things just as many of the crew members
5 did. I was involved with a lot of the caulking of the seams on the hull below the water line,
6 painting, helped Mr. Cleveland with some of the (inaudible). Freeing up controls for the engine
7 manifold. A little bit of engineering work. Did some work with the (inaudible) pump systems and
8 the plumbing. Taking apart the old plumbing to the engine room fuel system. A little bit of
9 woodwork on the soles on the insides between decks. That's about all I can think of at the
10 moment.

11
12 COMMANDER KEVIN CARROLL: Okay, what is your engineering background?

13
14 JOHN JONES: I have never held a job as an engineer before, so oil changes and things like that
15 on a small boat. Outboard maintenance, I guess that would be the extent.

16
17 COMMANDER KEVIN CARROLL: Your engineering experience is mostly personal?

18
19 JOHN JONES: Yes sir.

20
21 COMMANDER KEVIN CARROLL: Okay. Did you ever work with an engineering system like the
22 one they had on Bounty in regards to propulsion or generators?
23

1 JOHN JONES: No sir.

2

3 COMMANDER KEVIN CARROLL: Okay. In your relative responsibility as a deck hand, did you
4 have opportunities to use the bilge dewatering system?

5

6 JOHN JONES: Yes.

7

8 COMMANDER KEVIN CARROLL: Okay, in what capacity?

9

10 JOHN JONES: In what capacity? If you were dockside and you were the person that was on
11 duty that day and it was me, I would pump out the boat as needed being the deckhand on duty.
12 Also while underway, you would check the bilges for water and all your watches, your standing
13 watch they want you doing a boat check and you would pump out the boat.

14

15 COMMANDER KEVIN CARROLL: Okay. What type of training did you have in regards to the
16 bilge dewatering system on Bounty?

17

18 JOHN JONES: I mean, basically I was trained by my AB, you know. He taught me how to do it,
19 how to get all primed up and being trained in watch training when I first started.

20

21 COMMANDER KEVIN CARROLL: Okay, who was your AB?

22

23 JOHN JONES: Adam Prokosh.

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COMMANDER KEVIN CARROLL: What watch did you stand?

JOHN JONES: B watch.

COMMANDER KEVIN CARROLL: Who was the officer of your watch?

JOHN JONES: Matt Sanders.

COMMANDER KEVIN CARROLL: During that time from May to arriving at Booth Bay, you used the bilge dewatering system several times, correct?

JOHN JONES: Yes sir. I would say more than several.

COMMANDER KEVIN CARROLL: Were those pumps electric?

JOHN JONES: Yes, I believe so.

COMMANDER KEVIN CARROLL: Did you have the opportunity to use any other dewatering system on board Bounty other than the electric system?

JOHN JONES: No sir, I did not.

1 COMMANDER KEVIN CARROLL: Were you aware that they had a hydraulic system on board?

2

3 JOHN JONES: I was aware of it, I had never been shown to use it. I understand the engineers
4 assistance had asked the previous engineer about it and he was going to show me later on,
5 which never came.

6

7 COMMANDER KEVIN CARROLL: So you were additionally assigned as the engineer's
8 assistant?

9

10 JOHN JONES: Yes sir.

11

12 COMMANDER KEVIN CARROLL: What responsibilities did you have as the engineers
13 assistant?

14

15 JOHN JONES: Just helping the engineer, doing maintenance work, sometimes work party
16 underway, maybe oil changing or cleaning or piping or something in the engine room.

17

18 COMMANDER KEVIN CARROLL: Did you have opportunity to work with the generators?

19

20 JOHN JONES: A little bit.

21

22 COMMANDER KEVIN CARROLL: You had opportunity to work with the main engines?

23

1 JOHN JONES: Yes sir.

2

3 COMMANDER KEVIN CARROLL: But never with the hydraulic system onboard for bilge
4 dewatering?

5

6 JOHN JONES: No sir.

7

8 COMMANDER KEVIN CARROLL: Okay. Let's go back to the boat checks you were discussing.
9 So, Adam Prokosh provided you training on how to use the electric pumps to dewater the bilges.
10 At the pier, when you were pierside, how often during your watches did you have to use the
11 electric system to dewater the bilges?

12

13 JOHN JONES: Required by the boat, I would say, twice a day. But we would have to as far the
14 water level being where it had to be pumped out I would say once on twice a day.

15

16 COMMANDER KEVIN CARROLL: So you said the boat required you to pump it twice a day.
17 Where was that requirement?

18

19 JOHN JONES: Excuse me?

20

21 COMMANDER KEVIN CARROLL: You had mentioned that the boat required you to do it twice a
22 day, was that some sort of instruction or policy on board the vessel?

23

1 JOHN JONES: Yes sir, I believe that's what the policy was. That or close to that.

2

3 COMMANDER KEVIN CARROLL: Where was that written?

4

5 JOHN JONES: I believe that's how it was listed in the instruction guides that were hung up in the
6 galley and in the head.

7

8 COMMANDER KEVIN CARROLL: Okay. Did you have any type of crew manual or other
9 instruction list that detailed what your responsibilities were on board?

10

11 JOHN JONES: Yes sir. The crew manual was given to be at the beginning of the season when I
12 started.

13

14 COMMANDER KEVIN CARROLL: Okay and that detailed your responsibilities as a deckhand?

15

16 JOHN JONES: Yes

17

18 COMMANDER KEVIN CARROLL: Did it detail your responsibilities as engineers assistant?

19

20 JOHN JONES: No.

21

1 COMMANDER KEVIN CARROLL: Okay was there any other guide that you were given on
2 board that details your responsibilities as engineer's assistant?

3
4 JOHN JONES: No.

5
6 COMMANDER KEVIN CARROLL: So you said while the vessel was at the pier, once or twice
7 you would have to dewater the bilges. What about when the vessel was underway and you
8 were standing watch?

9
10 JOHN JONES: I believe that we would try and pump it out at least once every four hours. Just
11 to keep it completely emptied.

12
13 COMMANDER KEVIN CARROLL: Prior to using the electric pumps to dewater the bilges, did
14 you do a check on the spaces that you were dewatering?

15
16 JOHN JONES: Yes.

17
18 COMMANDER KEVIN CARROLL: How did you do that?

19
20 JOHN JONES: Walk around all through the boat through the various compartments with if
21 flashlight if needed. Shine your light down in the bilges, make sure. Find out where the water
22 level is and make sure they are clean from filth, make sure there's no fuel and anything like that.

23

1 COMMANDER KEVIN CARROLL: Okay, so from the time you joined the vessel in May to arrival
2 to the shipyard. During your responsibilities, your boat checks as deckhand, did you ever have
3 opportunity when you used the bilge dewatering system where you felt it wasn't working
4 properly?

5
6 JOHN JONES: No sir.

7
8 COMMANDER KEVIN CARROLL: Okay, so from your training and estimation from using the
9 system you were always able to get an effective prime and be able to dewater the compartments
10 prior to the shipyard.

11
12 JOHN JONES: Yes sir.

13
14 COMMANDER KEVIN CARROLL: While in the shipyard you said that you had caulked seams
15 below the water line?

16
17 JOHN JONES: Yes sir.

18
19 COMMANDER KEVIN CARROLL: Did you caulk any seams above the water line?

20
21 JOHN JONES: No sir.

22
23 COMMANDER KEVIN CARROLL: Was that a yes?

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JOHN JONES: That was a no.

COMMANDER KEVIN CARROLL: Caulking seams below the water line, did you have any training prior to joining Bounty on how to do caulking?

JOHN JONES: No sir.

COMMANDER KEVIN CARROLL: Alright. Did you receive any training in the shipyard on how to do caulking?

JOHN JONES: Yes

COMMANDER KEVIN CARROLL: Who provided that training?

JOHN JONES: Laura

COMMANDER KEVIN CARROLL: Laura Groves?

JOHN JONES: Yes sir.

COMMANDER KEVIN CARROLL: Did anyone else give you any instruction while you were there?

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JOHN JONES: (inaudible)

COMMANDER KEVIN CARROLL: Okay, what type of instruction were you given? I would say, a better question is, give me a description on how you perform caulking on the hull.

JOHN JONES: I guess you would take your (inaudible) iron and put it in the seam. After that, give it a couple hard taps with the mallet, if its still loose. If it sinks in, so you would hit it a little bit more until you pound it all the way in as far as it need to go and paint over that. If it goes in deep and it's a bad seam then it gets cotton and oakum and painted over, it gets re-caulked. But otherwise if it just goes in a little bit in the seam and its really not that bad then we would just go (inaudible) over that and re-caulk.

COMMANDER KEVIN CARROLL: Okay, how many seams did you actually have to remove the caulking and re-caulk it?

JOHN JONES: How many seams?

COMMANDER KEVIN CARROLL: Estimation, of all the caulking that you did.

JOHN JONES: I can give you an estimation, I would say that I did 1/3 of the starboard side below the water line.

1 COMMANDER KEVIN CARROLL: 1/3 of the vessel below the water line on the starboard side,
2 you removed all the caulking and replaced the caulking?

3
4 JOHN JONES: (inaudible) I didn't remove it, I don't think.

5
6 COMMANDER KEVIN CARROLL: So you described two things to me. You said one, you would
7 test the caulking to see if it was sound. If it was sound, you would put it in as far as you could
8 and paint over it and then you would use a seam compound. Is that correct

9
10 JOHN JONES: Yes sir.

11
12 COMMANDER KEVIN CARROLL: If the caulking was bad, you would have to remove the
13 caulking and replace it. Is that true?

14
15 JOHN JONES: I guess I sort of agree with that. If the seam was bad, if you were (inaudible) out
16 with your mallet and iron it would pretty much just fall out.

17
18 COMMANDER KEVIN CARROLL: It would fall out? On to the dry dock or actually pushed
19 through the seam to the interior of the vessel?

20
21 JOHN JONES: Some would fall onto the dry dock but much of it would get pushed into the
22 interior of the vessel I believe.

23

1 COMMANDER KEVIN CARROLL: Okay. Going back to the description before about the
2 amount of caulking that you did. You take the starboard side of the vessel below the water line,
3 lets figure that's about 100%. So you are saying you said you did 33% of the seams below the
4 water line on the starboard side forward?

5
6 JOHN JONES: That's about accurate?

7
8 COMMANDER KEVIN CARROLL: Did you just test those seams and see how they were or did
9 you actually perform caulking on all of those seams?

10
11 JOHN JONES: I believe that I re-caulked about 33% of the starboard side.

12
13 COMMANDER KEVIN CARROLL: With cotton and oakum?

14
15 JOHN JONES: No, I was the caulking guy. I never did any of the cotton and oakum work
16 myself.

17
18 COMMANDER KEVIN CARROLL: Okay. So what did you do to those seams? Describe it as
19 best as you can.

20
21 JOHN JONES: Jessica Hewitt or whoever with Laura was doing the oakum and cotton trying to
22 get it filled in and painted. When the paint would be dry, I would come back and fill the seams
23 with the sealing compound.

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COMMANDER KEVIN CARROLL: Okay so, what type of sealing compound did you use?

JOHN JONES: It was called NP 1

COMMANDER KEVIN CARROLL: Did you use anything other than NP1?

JOHN JONES: On the starboard side it was nothing but NP1, on the portside we used dap

COMMANDER KEVIN CARROLL: Did you do any work on the portside?

JOHN JONES: Yeah, a little bit. A little bit of hausing, hausing and dapping. Not a whole lot though.

COMMANDER KEVIN CARROLL: When you say hausing, can you describe that for me because I was a little bit confused. When you say hausing, is that just simply applying seam compound?

JOHN JONES: Meaning that I took the iron to the seam and the mallet and worked it in there, it was probably a bad seam.

COMMANDER KEVIN CARROLL: Okay. Was there seam compound present prior to you using the iron?

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JOHN JONES: It would either get pounded into the interior or it would fall out. I don't think I really discarded it out.

COMMANDER KEVIN CARROLL: Okay. So in other words, for a seam that you would test, you would tap it in and if it went in a little bit you would determine it was a good seam. You would then put more seam compound on top of it.

JOHN JONES: Yes

COMMANDER KEVIN CARROLL: Okay, alright and you are saying 33% below the water line on the starboard side?

JOHN JONES: Yes sir.

COMMANDER KEVIN CARROLL: Okay. You said you also worked on the (inaudible) and you also said you did some work on the sole boards on the tween deck. Can you please describe that?

JOHN JONES: (inaudible) with a little bit of epoxy to get the boards together to make the (inaudible) I helped Dan cut a lot of the excess wood from around the 15 blocks of (inaudible) that he was using. What I was talking about as far as the sole boards, Robin has quickly taught me how to make Dutchmen filling a couple of the sole holes where the fuel tanks were.

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COMMANDER KEVIN CARROLL: So you were talking about working on supports and bracing for the fuel tanks? Are you talking about the deck beams? The beams that were actually made up the floor and support the sole boards?

JOHN JONES: Neither one. I was talking about the

COMMANDER KEVIN CARROLL: What diagram are you looking at?

JOHN JONES: AT 68, CG 8

COMMANDER KEVIN CARROLL: CG8?

JOHN JONES: Yes. Looking at right above the deck beams on the tween deck, those deck boards. They used to be a fill hole in the tween decks to where you would fill diesel fuel to the tanks aft, the holes were left empty. So we cut the boards to fit it and cut it out a nice mold, cut out board and I would stuff it, pound the board into there and glue it down.

COMMANDER KEVIN CARROLL: Okay, understood. Alright understood. Thank you for that. If you could tell me, what exhibits do you have with you?

JOHN JONES: CG 8, CG 7 and CG 6. I've got CG 58.

1 COMMANDER KEVIN CARROLL: Okay. In regards to your work on the hull. At any point during
2 your time working on the hull doing the caulking, did you notice any rot present within the
3 planking or the framing of the vessel Bounty?
4

5 JOHN JONES: No, I never did notice any rot in the planking of the exterior of the boat.
6

7 COMMANDER KEVIN CARROLL: Did anybody from the shipyard, the Booth Bay Harbor
8 shipyard report to you at any point that there was rot within the planking in the framing on board
9 Bounty?
10

11 JOHN JONES: No sir.
12

13 COMMANDER KEVIN CARROLL: Did anybody from the crew mention that there was rot
14 present within the caulk, the planking and the framing?
15

16 JOHN JONES: No.
17

18 COMMANDER KEVIN CARROLL: Okay. Is there anything else about the yard period that
19 stands out in your mind?
20

21 JOHN JONES: Not really no sir
22

23 COMMANDER KEVIN CARROLL: Who was in charge of the yard period for the vessel?

1
2 JOHN JONES: Robin Walbridge. The captain.

3
4 COMMANDER KEVIN CARROLL: Okay. At what point did the vessel leave Booth Bay Harbor
5 ship yard?

6
7 JOHN JONES: Let's see, September October... I want to say it was around, we left early in the
8 morning around 730, maybe 6 in the morning. Somewhere around the 21st or the 22nd of
9 October I believe.

10
11 COMMANDER KEVIN CARROLL: Okay. When did the vessel go back in the water prior to that
12 departure?

13
14 JOHN JONES: I believe it was Thursday the 18th or Friday the 19th.

15
16 COMMANDER KEVIN CARROLL: Okay.

17
18 JOHN JONES: It was October.

19
20 COMMANDER KEVIN CARROLL: During that time when the vessel went back into the water,
21 prior to departure, did you stand watch at deckhand?

22
23 JOHN JONES: Can you say that again sir?

1

2 COMMANDER KEVIN CARROLL: Prior to the vessel's departure, but after the vessel went back
3 into the water on the 18th or 19th, you said it departed on the 21st or 22nd. Did you stand watch
4 as a deckhand during that time?

5

6 JOHN JONES: Yes.

7

8 COMMANDER KEVIN CARROLL: Okay, during your boat checks. What did you find the
9 condition of the bilges to be? How were they?

10

11 JOHN JONES: They were much lower than they had ever been prior in the season. It seemed
12 like they weren't taking on much water at all.

13

14 COMMANDER KEVIN CARROLL: Did you have an opportunity to use the bilge dewatering
15 system, the electric bilge dewatering system during that time?

16

17 JOHN JONES: I don't believe I did.

18

19 COMMANDER KEVIN CARROLL: Okay. During that time did any of the crew members or any
20 people on your watch, your AB, did they report any problems with the electric bilge pumping
21 system?

22

23 JOHN JONES: No sir, not to my knowledge, no.

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COMMANDER KEVIN CARROLL: Okay.

JOHN JONES: What I am talking about right here is during that weekend while we were still in the dock, in Booth Bay, correct?

COMMANDER KEVIN CARROLL: Correct. Alright, so lets say after departure, after you departed and lets kind of stay along this tack. Did you have any problems upon departure from Booth Bay after Booth Bay, where did you go?

JOHN JONES: We went to New London Connecticut.

COMMANDER KEVIN CARROLL: Okay. During that time, after you departed did you have any problems with the bilge dewatering system?

JOHN JONES: No sir, I don't believe so.

COMMANDER KEVIN CARROLL: Alright. Did any crew members or anyone on board report any problems with the bilge dewatering system?

JOHN JONES: Not that I am aware of, no.

1 COMMANDER KEVIN CARROLL: Okay. How did that voyage go from Booth Bay to New
2 London?

3
4 JOHN JONES: That voyage went excellent for myself.

5
6 COMMANDER KEVIN CARROLL: Okay. When you arrived in New London, what did the vessel
7 do?

8
9 JOHN JONES: Dock for 2-3 days. We finished up the maintenance work of rebuilding the crew
10 quarters of the (inaudible) room. On the last day we took the Navy submariners out for a day
11 sail.

12
13 COMMANDER KEVIN CARROLL: So, after you left the yard, prior to the arrival to New London,
14 you were still working on projects from the ship yard during that time?

15
16 JOHN JONES: Yes sir.

17
18 COMMANDER KEVIN CARROLL: Okay. How were the clean ups? How were the condition of
19 the bilges in regards to debris or saw dust or anything else?

20
21 JOHN JONES: You know, as far as the eye can see it was good and cleaned up. But once you
22 get, that answers that question.

23

1 COMMANDER KEVIN CARROLL: Okay, we will come back to that. One other question about
2 the yard period. Did you have the opportunity to move any lead ballast that was on board the
3 Bounty?

4
5 JOHN JONES: Yes sir.

6
7 COMMANDER KEVIN CARROLL: Okay. How much ballast did you move, and where did you
8 move it to?

9
10 JOHN JONES: I wish I could say exactly how much, but

11
12 COMMANDER KEVIN CARROLL: For the ballast that you moved, where did you move it from
13 and where did you move it to?

14
15 JOHN JONES: I moved it from about midship to aft portion of the vessel to, from the (inaudible)
16 in the bilges to the lazarette which is the aft side of the boat.

17
18 COMMANDER KEVIN CARROLL: Okay. So from midships, what compartment midships did you
19 take the ballast out of?

20
21 JOHN JONES: The old tank room which would have been the new crew (inaudible) and the
22 deck. That's it.

23

1 COMMANDER KEVIN CARROLL: And you moved that ballast to the lazarette?

2

3 JOHN JONES: Yes sir.

4

5 COMMANDER KEVIN CARROLL: Can you describe the ballast that you moved?

6

7 JOHN JONES: I think it was about 15-20 pound blocks of lead. Some were long rectangular
8 shaped, others were flat pieces.

9

10 COMMANDER KEVIN CARROLL: Can you make an estimate of how many you moved?

11

12 JOHN JONES: Between 150 -300 I am not quite sure.

13

14 COMMANDER KEVIN CARROLL: You, yourself, moved 150- 300 of those?

15

16 JOHN JONES: No, the whole team did.

17

18 COMMANDER KEVIN CARROLL: Who on the team?

19

20 JOHN JONES: Let's see, I was there, Mark, Adam, Morgan, that's all I can think of right now.

21

22 COMMANDER KEVIN CARROLL: So was that project all done in one day.

23

1 JOHN JONES: I don't think we started at the end of a day and finished it up the next day.

2

3 COMMANDER KEVIN CARROLL: Approximately how long were you guys working on this
4 project together?

5

6 JOHN JONES: I would say it took a few hours, maybe 2-3 hours total.

7

8 COMMANDER KEVIN CARROLL: 2-3 hours total?

9

10 JOHN JONES: Yes

11

12 COMMANDER KEVIN CARROLL: Was any other ballast moved during the yard period?

13

14 JOHN JONES: No sir other than the one main one.

15

16 COMMANDER KEVIN CARROLL: Okay. Who directed the move of that ballast?

17

18 JOHN JONES: I would say (inaudible) we just got it done, the fire line system.

19

20 COMMANDER KEVIN CARROLL: Do you know why it was being done?

21

22 JOHN JONES: Because Robin believed it would be better for the boat if we brought the bough
23 up another 4 inches.

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COMMANDER KEVIN CARROLL: Okay. Do you know if that was achieved?

JOHN JONES: I think so.

COMMANDER KEVIN CARROLL: Did you take any measurements, or were you privy to anyone take any new measurements? Did you hear the captain, hey, we did a good job?

JOHN JONES: No, I am not sure as far as that.

COMMANDER KEVIN CARROLL: What was the condition of the hull underneath where you moved the ballast? When you took it out of the tank room which was the new crew quarters, what was the condition of the hull underneath?

JOHN JONES: I would say it would be solid

COMMANDER KEVIN CARROLL: Okay and you placed it in the lazarette basically in the same position down in the bilges?

JOHN JONES: Yes sir.

COMMANDER KEVIN CARROLL: In between the frames?

1 JOHN JONES: Yes.

2

3 COMMANDER KEVIN CARROLL: Was it secured I any other way?

4

5 JOHN JONES: It was a very tight fit to get in there to begin with. Yes. Small bilge holes that
6 were completely full.

7

8 COMMANDER KEVIN CARROLL: Okay. In regards to, lets go back to New London. So you did
9 some dockside tours during the time in New London? Is that correct?

10

11 JOHN JONES: No sir.

12

13 COMMANDER KEVIN CARROLL: No?

14

15 JOHN JONES: No.

16 COMMANDER KEVIN CARROLL: But you did have the Navy day sail? How did that go?

17

18 JOHN JONES: That went very well actually.

19

20 COMMANDER KEVIN CARROLL: Alright. After the Navy day sail, what did you do?

21

22 JOHN JONES: I got in the Navy van and they took us over to the Navy station there and we got
23 to look at one of the submarines.

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COMMANDER KEVIN CARROLL: How was that?

JOHN JONES: A good time.

COMMANDER KEVIN CARROLL: Okay. At what point did you become aware that there was a storm coming to the Atlantic named hurricane Sandy?

JOHN JONES: That morning before we ever took the guys out for a sail I became aware of the storm.

COMMANDER KEVIN CARROLL: How did you become aware?

JOHN JONES: Everyone was just talking about it, I believe, it might have been Laura that told me about the storm.

COMMANDER KEVIN CARROLL: Okay. Do you know what your next intended port of call was after New London?

JOHN JONES: There had been rumors that we might have stopped in Key West, but ultimately, that was just for a day or a couple of days if we had the time, but we would be heading to St Petersburg.

1 COMMANDER KEVIN CARROLL: You said everybody was talking about the storm. Were you
2 talking about your crew or are you talking about the Navy day sailors?

3
4 JOHN JONES: I think the crew basically.

5
6 COMMANDER KEVIN CARROLL: Was anyone concerned about the storm?

7
8 JOHN JONES: Of the crew, I can't really say for them. Myself, I wasn't worried about it. I just
9 figured that it would just be something that I would remember because it wouldn't be a normal
10 ride.

11
12 COMMANDER KEVIN CARROLL: Had you ever sailed in a hurricane before?

13
14 JOHN JONES: Never a hurricane, tropical storm like conditions, yes.

15
16 COMMANDER KEVIN CARROLL: When did you sail in a tropical storm?

17
18 JOHN JONES: 2007, in between Key West and Cuba. Got caught in between 2 systems.

19
20 COMMANDER KEVIN CARROLL: On what type of vessel?

21
22 JOHN JONES: A (inaudible)40 ft sail boat.

23

1 COMMANDER KEVIN CARROLL: And that was recreational, that wasn't commercial, correct?

2

3 JOHN JONES: Yes sir.

4

5 COMMANDER KEVIN CARROLL: Okay, so after you returned to the tour of the submarine and
6 got back to Bounty, did you have an understanding that the vessel was leaving that night?

7

8 JOHN JONES: Yes.

9

10 COMMANDER KEVIN CARROLL: When were you informed that the vessel was leaving that
11 night?

12

13 JOHN JONES: I believe the whole day we were all informed and knew that we would be leaving
14 later after the sail and the visit to the submarine.

15

16 COMMANDER KEVIN CARROLL: What time did you get back to Bounty after the sub tour?

17

18 JOHN JONES: I'd like to say it was around 430 – 5, somewhere in that area.

19

20 COMMANDER KEVIN CARROLL: Did you express any concerns to the crew members about
21 sailing into the storm?

22

23 JOHN JONES: No sir.

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COMMANDER KEVIN CARROLL: Did any of the crew members express concern to you about sailing into the storm?

JOHN JONES: No, I don't believe so.

COMMANDER KEVIN CARROLL: Okay. Did the captain hold a meeting to describe what the vessels plans were.

JOHN JONES: Yes after we got back to the boat from the submarine. He discussed a little bit what his intentions were.

COMMANDER KEVIN CARROLL: Alright, who was involved in that conversation?

JOHN JONES: The whole crew.

COMMANDER KEVIN CARROLL: The whole crew. Where was that held? That discussion.

JOHN JONES: It was held by the capstan, but the mizzen mast.

COMMANDER KEVIN CARROLL: What was discussed?

1 JOHN JONES: The fact that he wanted to leave, he gave a little bit of background about himself
2 and hurricanes and the option for any of us to leave, he wouldn't think badly if we chose not to
3 go.

4
5 COMMANDER KEVIN CARROLL: He said he wanted to leave, did he say why?
6

7 JOHN JONES: No sir.
8

9 COMMANDER KEVIN CARROLL: Right. He described that he had experience with hurricanes,
10 is that correct?
11

12 JOHN JONES: Yes.
13

14 COMMANDER KEVIN CARROLL: Do you recall what he said?
15

16 JOHN JONES: he said that he used to do relief, hurricane relief in the past in the gulf of Mexico
17 reliving people from oil rigs and things like that. He would go out in a hurricane and pick people
18 up.
19

20 COMMANDER KEVIN CARROLL: Okay. Did he describe what the vessel's plans were as far as
21 course, a voyage plan?
22

1 JOHN JONES: As far as I can remember it was to head south east until he decided which was
2 the storm was going to go and hopefully beat it to Hatteras and North Carolina to where we
3 could duck in.

4
5 COMMANDER KEVIN CARROLL: So the plan was to head south east and beat the storm why?
6

7 JOHN JONES: Excuse me?
8

9 COMMANDER KEVIN CARROLL: You said that the plan was to head south east to beat the
10 storm
11

12 JOHN JONES: Yeah, so that we could get to Cape Hatteras area before the storm did, that way
13 we could head back in west towards the shore is what I believe the intentions were.
14

15 COMMANDER KEVIN CARROLL: Did he explain that his intentions were to cut in front of the
16 storm or go behind the storm at that point?
17

18 JOHN JONES: I am not sure. I would think to cut in front.

19 COMMANDER KEVIN CARROLL: Okay and that didn't concern you?
20

21 JOHN JONES: (inaudible)
22

23 COMMANDER KEVIN CARROLL: I'm sorry sir, I couldn't hear you.

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JOHN JONES: I think (inaudible) to head back west again, but I believe I would have wanted to head back west before the storm had gotten to where we were.

COMMANDER KEVIN CARROLL: Okay, did you see or did you have the opportunity to review any of the forecasted track for hurricane sandy?

JOHN JONES: No.

COMMANDER KEVIN CARROLL: Was it explained to you in the meeting what the expected strength or scope or size of the storm is going to be?

JOHN JONES: No sir. I don't believe so.

COMMANDER KEVIN CARROLL: You said that during the meeting he gave the opportunity for anybody to leave if they wanted to.

JOHN JONES: Yes.

COMMANDER KEVIN CARROLL: Did anybody choose to leave?

JOHN JONES: No sir.

1 COMMANDER KEVIN CARROLL: Did anybody express any concerns during the meeting about
2 the storm?

3
4 JOHN JONES: No.

5
6 COMMANDER KEVIN CARROLL: So during your time from May until this point, had captain
7 Walbridge ever held a meeting with the crew and given them the opportunity to say look we're
8 heading to this point, you don't have to go if you don't want to.

9
10 JOHN JONES: No, he had never done that before.

11
12 COMMANDER KEVIN CARROLL: Okay. From the time of that meeting, and you said you
13 returned back to the vessel about 1630, 1700, how far how long after did he hold that meeting?

14
15 JOHN JONES: I would say as soon as everyone was on board.

16
17 COMMANDER KEVIN CARROLL: So it was soon after.

18
19 JOHN JONES: Yes.

20 COMMANDER KEVIN CARROLL: How soon after this meeting was held did the vessel depart?

21
22 JOHN JONES: I guess when the decision was made unanimously that everyone was going to
23 stay then at that point we all got ready to go and got going.

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COMMANDER KEVIN CARROLL: What time did you depart?

JOHN JONES: I think we departed about an hour, and hour and a half after we got back to the ship.

COMMANDER KEVIN CARROLL: So about 1800, 1830?

JOHN JONES: I would say that's close.

COMMANDER KEVIN CARROLL: Were you on watch upon departure?

JOHN JONES: No sir,

COMMANDER KEVIN CARROLL: And you were the B watch, is that correct?

JOHN JONES: Yes sir.

COMMANDER KEVIN CARROLL: What time is that watch?

JOHN JONES: I believe that was 12 – 4

1 COMMANDER KEVIN CARROLL: Okay, 12-4. What preparations did you make upon departure
2 in regards to that trip? Were you doing any work when you left the dock?

3

4 JOHN JONES: Yes. We were securing all of our (Inaudible) we were lashing all of that stuff
5 down. Moving the rowing boat from one side to the other, pulling the small boat on board,
6 getting everything secured on deck.

7

8 COMMANDER KEVIN CARROLL: Prior to departure from New London did anybody express
9 and concerns to you in regards to the operability of the bilge dewatering system?

10

11 JOHN JONES: No sir.

12

13 COMMANDER KEVIN CARROLL: Did you have any concerns?

14

15 JOHN JONES: No, not at that time.

16

17 COMMANDER KEVIN CARROLL: So from this time to departure, do you know what date that
18 was?

19

20 JOHN JONES: The day of departure?

21

22 COMMANDER KEVIN CARROLL: The day of departure.

23

1 JOHN JONES: It would have been the 25th of October.

2

3 COMMANDER KEVIN CARROLL: Alright. So from that evening departure about 1800-1830
4 when you departed, I want you to kind of tell me your story of what happened at that time of
5 departure until ultimately the vessel sank if you could please.

6

7 JOHN JONES: I guess whenever we left the dock, we were off watch but we kept working until
8 everything was stowed away, sea stowed and tied down on deck. Then my watch took a little bit
9 of a break that we were going to sleep. We came back up for the 12-4 watch, did a lot of good
10 (inaudible) just normal routine, just some preparations for heavy weather. Making sure
11 (inaudible) Friday and Saturday making preparations we took down the royal yard and put up
12 the (inaudible) and put up some strainers and netting along the side of the boat to catch anyone
13 if they would have been washed over. Just basically preparing for bad weather in mostly good
14 weather that we had on Friday and Saturday. So just doing normal watches and maintenance
15 work and things like that.

16

17 COMMANDER KEVIN CARROLL: So, on Friday departure it was normal sailing.

18

19 JOHN JONES: Yes sir.

20

21 COMMANDER KEVIN CARROLL: During that ride there were no problems at all, during your
22 time on that Friday, did you notice any problems with the bilge dewatering system during your
23 watches as a deckhand?

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JOHN JONES: No sir.

COMMANDER KEVIN CARROLL: Did anybody express any concerns that you were aware of that the dewatering system may not be working?

JOHN JONES: No.

COMMANDER KEVIN CARROLL: What were the conditions of the bilges during your boat checks?

JOHN JONES: The conditions of the bilges? Friday and Saturday they were just normal. They pumped water, maybe 2-3 times a day. I would say Saturday afternoon is when it started to become difficult to maintain pumping out that bilges because that's when the weather kind of picked up and the water was on one side or the other, keeping the water on one side to pump out the boat. In the afternoon Saturday I think Doug Faunt came up and passed on from A watch to B watch and he stated at that time he was pumping the bilges and would have to use the port and starboard together to get it to hold a prime. Both port and starboard electric bilge pumps, he was saying that they would have to be run together.

COMMANDER KEVIN CARROLL: In the past, when you had used electric bilge pumps to dewater the vessel did you frequently use both pumps, or did you use one?

1 JOHN JONES: Just one.

2

3 COMMANDER KEVIN CARROLL: Just one. How would you know that you were actually
4 pumping? Did you have a pressure gauge or something?

5

6 JOHN JONES: There is a pressure gauge. It would never read actual pressure but the needle
7 would wiggle around it would actually move, you could also feel the hose right there by the
8 valve, you would feel the water flowing through it.

9

10 COMMANDER KEVIN CARROLL: Was that true for both of the electric pumps?

11

12 JOHN JONES: Yes sir.

13

14 COMMANDER KEVIN CARROLL: The gauge would not really read any particular pressure?

15

16 JOHN JONES: Yes, that is correct.

17

18 COMMANDER KEVIN CARROLL: Is that how you were taught?

19

20 JOHN JONES: Yeah, just as long as the needle was moving, that pretty much mean there was
21 pressure.

22

1 COMMANDER KEVIN CARROLL: And you also put your hand on the hose, the discharge hose
2 is that correct?

3

4 JOHN JONES: Yes.

5

6 COMMANDER KEVIN CARROLL: so things got difficult on Saturday, it was passed to you from
7 A watch by Doug Faunt that he believed the system wasn't working that well Saturday afternoon
8 is that correct?

9

10 JOHN JONES: Yes.

11

12 COMMANDER KEVIN CARROLL: That's Saturday afternoon at about 1600 or 1200?

13

14 JOHN JONES: I want to say at this point maybe about 1200, I am not quite sure.

15

16 COMMANDER KEVIN CARROLL: Well the watch relief would have been replaced at that time,
17 is that correct?

18

19 JOHN JONES: Yes.

20

21 COMMANDER KEVIN CARROLL: So if Doug Faunt was on the previous watch and he was on
22 the 8-12, He would have passed it to the oncoming watch, that would have been you at 12-4.
23 Correct?

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JOHN JONES: Yes sir.

COMMANDER KEVIN CARROLL: Alright. Okay, so noon. You are sure it wasn't the evening watch, the midnight to four on Sunday, correct?

JOHN JONES: Yeah I am sure.

COMMANDER KEVIN CARROLL: So during your watch on the 12-4 Saturday, did you have the opportunity to dewater the bilges during that watch.

JOHN JONES: Yes, we worked with it for a little while, running both pumps and seeing if, trying to keep it at a steady level being relatively low. Towards the end of my watch I was down in the engine room pumping bilges and the captain came down and we tried to start up the hydraulic bilge pump system, the one that was already set up run was not working. So we got another one off the ship to get it set up and ready to go. Some of the connections were seized up so before my watch ended I worked on it for a while tapping the connections with a hammer and spraying some stuff on the connections to get it loosened up in preparation to Hook it up and I did that for a little while throughout the end of my watch and kind of stayed on and carried over in to c watch and worked on it a little bit and then was relieved. Do you want me to keep going?

1 COMMANDER KEVIN CARROLL: Lets go back and talk. So towards the end of your watch the
2 captain came down to the engine room. So you were down there actively trying to pump the
3 bilges with the electric system?

4
5 JOHN JONES: Yes.

6
7 COMMANDER KEVIN CARROLL: Did the captain tell you why he was trying to get the hydraulic
8 pump working?

9
10 JOHN JONES: I think it was understood for both him and I. We were sitting there with the
11 electric system trying to get the best result and he told me to pull that out of the ship and he was
12 pretty much like we need to move on and try to find another way.

13
14 COMMANDER KEVIN CARROLL: From your understanding the captain was not happy with how
15 the electric system was performing at that point, correct?

16
17 JOHN JONES: Yes sir.

18
19 COMMANDER KEVIN CARROLL: Did you agree with that assessment, did you believe the
20 electric system wasn't working properly at that point?

21
22 JOHN JONES: Yes sir

23

1 COMMANDER KEVIN CARROLL: And this is about 1600 on Saturday?

2

3 JOHN JONES: That's correct.

4

5 COMMANDER KEVIN CARROLL: In regards to the fixed pump, you said the captain tried to get
6 the fixed pump operating. Have you ever used the fixed pump before?

7

8 JOHN JONES: Never have, no.

9

10 COMMANDER KEVIN CARROLL: Have you ever seen it being worked by anybody?

11

12 JOHN JONES: No sir.

13

14 COMMANDER KEVIN CARROLL: And you were the engineering assistant correct?

15

16 JOHN JONES: Yes

17

18 COMMANDER KEVIN CARROLL: So that pump never once worked, is that correct, starting to
19 the time prior to the departure from New London to the sinking. The fixed pump that was in the
20 engine room never got working,

21

22 JOHN JONES: (Inaudible) the fixed hydraulic pump never ran

23

1 COMMANDER KEVIN CARROLL: Lets talk about the portable pump, where was the portable
2 pump stowed?

3
4 JOHN JONES: The spare, the portable hydraulic pump?

5
6 COMMANDER KEVIN CARROLL: Correct.

7
8 JOHN JONES: It was stowed on a shelf on the portside, underneath the portside day tank.

9
10 COMMANDER KEVIN CARROLL: Okay, under the port day tank. Had you ever used that pump
11 before?

12
13 JOHN JONES: No sir.

14
15 COMMANDER KEVIN CARROLL: How did you go about hooking that up? You said that the
16 connections were seized?

17
18 JOHN JONES: Yes sir.

19
20 COMMANDER KEVIN CARROLL: How was that pump hooked up?

21 JOHN JONES: Whenever I got off watch finally I was unseizing the connections, when I came
22 back that night, it was already hooked up. I'm not quite sure how it was hooked up. It was

1 (inaudible) the bilge with the long hose that came off and it went to the starboard side and was
2 pumped overboard from there.

3
4 COMMANDER KEVIN CARROLL: Let me ask you a question, you said the discharge there was
5 a flexible hose that was run to the starboard side?

6
7 JOHN JONES: Yes sir.

8
9 COMMANDER KEVIN CARROLL: Did that go to the bilge manifold or did that go to a completely
10 different through hole?

11
12 JOHN JONES: Completely different through hole.

13
14 COMMANDER KEVIN CARROLL: What was the size of the hose that came off the discharge
15 from the pump?

16
17 JOHN JONES: I want to say 3 ½ inches.

18
19 COMMANDER KEVIN CARROLL: How was it secured to the through hole?

20
21 JOHN JONES: It looked like it was secured by the fastening clamp that would go around the size
22 of the hose that you pull out and push down.

23

1 COMMANDER KEVIN CARROLL: Okay so like a compression clamp, is that correct?

2

3 JOHN JONES: Yeah

4

5 COMMANDER KEVIN CARROLL: You have to squeeze on it, you would have to put the hose
6 onto the through hole and then you have to clamp it, is that correct?

7

8 JOHN JONES: That's what I believe, yeah, that's what I recall?

9

10 COMMANDER KEVIN CARROLL: Did you do that?

11

12 JOHN JONES: No, it was already set up whenever I came back for the 12-4 watch in the middle
13 of the night.

14

15 COMMANDER KEVIN CARROLL: During your time down there you were working specifically on
16 hoses that would connect up to the engine that would hydraulically drive the pump, is that
17 correct?

18

19 JOHN JONES: Yes.

20

21 COMMANDER KEVIN CARROLL: Where did those hook up?

22

23 JOHN JONES: The hydraulic hoses?

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COMMANDER KEVIN CARROLL: Correct where did they hook up and what engine did they hook up to?

JOHN JONES: I'm not quite sure I wasn't there to hook those up.

COMMANDER KEVIN CARROLL: Okay. When you went down and you saw the pump was actually hooked up and it was operating correct?

JOHN JONES: Yes.

COMMANDER KEVIN CARROLL: Do you know what engine it was hooked up to?

JOHN JONES: I do not.

COMMANDER KEVIN CARROLL: Where was it located when you came back for that midnight watch?

JOHN JONES: On the starboard side of the bilges in the engine room.

COMMANDER KEVIN CARROLL: Is it possible that it was hooked up to the port engine?

JOHN JONES: I have no idea sir. I can't make a statement on that.

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COMMANDER KEVIN CARROLL: When you pulled out the pump, lets talk about the suction side? Was there a strainer device to prevent things from going into the pump itself?

JOHN JONES: Yes there was a little bit of a guard on the bottom section

COMMANDER KEVIN CARROLL: You said the connections were seized, do you know why, can you explain what was wrong with it?

JOHN JONES: No other than the fact that it had been sitting for a long time. I am not sure why there was corrosion on the connections,

COMMANDER KEVIN CARROLL: But you did see it hooked up and you did see it operating later when you took the 12-4 watch?

JOHN JONES: Yes.

COMMANDER KEVIN CARROLL: Lets talk about when you concluded that watch at 1600 on Saturday, you were down in the engine room, the captain came down, he was working with you on the electric system. He thought and you thought it wasn't working up to par is that correct? He made the decision to try to use the fixed pump, but he could not get it to work, is that correct?

JOHN JONES: I would say yes.

1 COMMANDER KEVIN CARROLL: So he directly you to take out the portable hydraulic pump
2 and get that hooked up. You worked on the connections because they has seized, but you never
3 actually got it hooked up during this time.
4

5 JOHN JONES: No, not during the time where I was working on getting it hooked up, I never got
6 it hooked up.
7

8 COMMANDER KEVIN CARROLL: Where was the engineer during this time?
9

10 JOHN JONES: The engineer? He was probably in the great cabin, I am not quite sure.
11

12 COMMANDER KEVIN CARROLL: So at no point were you down their during your afternoon
13 watch the 12-1600 watch, the engineer was not down in the engine room when you were there.
14

15 JOHN JONES: No sir, not that I, no.
16

17 COMMANDER KEVIN CARROLL: During that watch did you have any problems with propulsion
18 or the port or starboard main?
19

20 JOHN JONES: No.
21

22 COMMANDER KEVIN CARROLL: Any problems with the generators?
23

1 JOHN JONES: No.

2

3 COMMANDER KEVIN CARROLL: After you finished your watch, you continued to work while C
4 watch was on watch. How long did you work down in the engine room?

5

6 JOHN JONES: I think about 45 minutes maybe. Maybe 30 minutes.

7

8 CC: So after that 30-45 minutes, what did you do after that.

9

10 JOHN JONES: I think I tried to lay down and get a little bit of rest before the next watch

11

12 COMMANDER KEVIN CARROLL: How were you physically?

13

14 JOHN JONES: Physically I was pretty much alright, maybe a little bit tired.

15

16 COMMANDER KEVIN CARROLL: Were you feeling the effects of seasickness?

17

18 JOHN JONES: No sir.

19

20 COMMANDER KEVIN CARROLL: what was the sea state when you went off watch 1600 on
21 Saturday, do you recall?

22

23 JOHN JONES: I'd like to say, I wouldn't like to say, but I believe it was 20-30 feet.

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COMMANDER KEVIN CARROLL: 20-30 feet in regards to wave height? Had you ever been in seas like that before?

JOHN JONES: Close, but not that bad

COMMANDER KEVIN CARROLL: During that watch, 1200-1600 watch on Saturday, did you have the opportunity to take the helm?

JOHN JONES: I cant remember taking the helm during that watch?

COMMANDER KEVIN CARROLL: Do you know what your course was during that watch?

JOHN JONES: I do not.

COMMANDER KEVIN CARROLL: Up to that point had you had the opportunity to review any forecasted tracks or see what the position of hurricane sandy was?

JOHN JONES: No sir.

COMMANDER KEVIN CARROLL: That was never made available to you at any time up until this point?

1 JOHN JONES: No sir.

2

3 COMMANDER KEVIN CARROLL: That wasn't communicated to you by Matt Sanders who was
4 your watch officer?

5

6 JOHN JONES: No.

7

8 COMMANDER KEVIN CARROLL: Did you hear any discussions from the crew up to this point in
9 regards to the condition of the vessel or the vessel's proximity to the storm.

10

11 JOHN JONES: No sir.

12

13 COMMANDER KEVIN CARROLL: So just to sum up, you were in 20-30 foot seas, there were
14 potential problems with the electric bilge pumps but no one was discussing this?

15

16 JOHN JONES: I guess the state of the bilge pumps was definitely discussed, from one person to
17 another.

18

19 COMMANDER KEVIN CARROLL: At that point did you think that you were headed towards the
20 storm?

21

22 JOHN JONES: I believe so.

23

1 COMMANDER KEVIN CARROLL: But you were not concerned?

2 JOHN JONES: No sir.

3

4 COMMANDER KEVIN CARROLL: Okay, alright. Stick with Saturday after you came off watch
5 after 1600, you said you went to get some rest. What else did you do that you recall?

6

7 JOHN JONES: I just went and tried to lay down and get some rest for a little while and eat
8 dinner.

9

10 COMMANDER KEVIN CARROLL: Okay. Did anything happen up until the time you took watch
11 at midnight.

12

13 JOHN JONES: During that time they got the hydraulic pump hooked up and used it for a while
14 and got it going and set up and pumped the bilges out a few times. Other than that, that was it.

15

16 COMMANDER KEVIN CARROLL: Do you know who got it hooked up?

17

18 JOHN JONES: No. I am not sure.

19

20 COMMANDER KEVIN CARROLL: In regards to doing your checks with the Saturday afternoon
21 watch and the midnight watch on Sunday, were you having problems with any debris in the
22 bilges?

23

1 JOHN JONES: I am sorry, Commander Carroll, is there any way we could take a 5 minute
2 break? I've got to use the men's room.

3

4 COMMANDER KEVIN CARROLL: Sure take a 5 minute break everybody. It is now 1010, lets go
5 back at 1015.

6

7 COMMANDER KEVIN CARROLL: Alright Mr. Jones, this is Commander Carroll. Are all the
8 parties and interests still on the line?

9

10 JOHN SVENDSEN: John Svendsen is here.

11

12 LEONARD LANGER: Len Langer is here.

13

14 (Inaudible) is here.

15

16 COMMANDER KEVIN CARROLL: Mr. Shisha?

17

18 (Inaudible)

19

20 COMMANDER KEVIN CARROLL: Lieutenant Malore are you there?

21

22 LIEUTENANT MALORE: I am here sir.

23

1 COMMANDER KEVIN CARROLL: Lieutenant Commander Parham?

2 LIEUTENANT COMMANDER NICHOLAS PARHAM: Yes sir.

3

4 COMMANDER KEVIN CARROLL: Okay we will wait one minute for Mr. Shisha.

5

6 Unknown: Is anybody else getting a little feedback with their reception? If you guys, if you are
7 not talking at the time, if you put your phone on mute or your speakerphone on mute that helps
8 overcome the feedback because sometimes you get the speaker broadcast coming back
9 through. Just a little tip that might help you.

10

11 COMMANDER KEVIN CARROLL: Mr. Shisha are you back on the line sir? Alright Mr. Jones,
12 we are going to continue with the interview. My last question before the break was during your
13 boat checks on Saturday afternoon from the 12-4 and Sunday from 12-4, you said the gusts
14 were up to 30 foot seas. What were the conditions of the bilges? Not in regards to bilge water,
15 in regards to debris.

16

17 JOHN JONES: I think Saturday was the day I realized that the debris was in the water, I was
18 working on the electric pumps and trying to get them going so it seemed like they kept, all the
19 strainers kept getting clogged with debris so I would catch (inaudible) and it would stop and I
20 would reach down into the bilge, grab debris off of the strainers. This is Saturday afternoon, I
21 did that quite a few times once I got off watch they got the spare hydraulic pump set up. I think I
22 had some problems on the midnight 12-4 watch with the hydraulic that had just been set up. I

1 was having trouble operating it myself even that it wasn't doing as well as it had been the watch
2 before mine.

3
4 COMMANDER KEVIN CARROLL: During that 12-4 watch when you were in the engine room,
5 how much of the watch from midnight to 4 were you in the engine room?

6
7 JOHN JONES: I was in the engine room for 2 hours of that watch.

8
9 COMMANDER KEVIN CARROLL: During those 2 hours was anyone else with you?

10
11 JOHN JONES: Matt Sanders, my mate on that watch, he would come down and check on me
12 and make sure I was still working on it and the progress (inaudible). On watch we had myself,
13 Adam Prokosh and Matt Sanders, he was the mate, and Jessica Hewitt. Jessica wasn't feeling
14 well, she was pretty much on permanent boat check during that 4 hour watch midnight to 4
15 Sunday morning. So I spent 2 hours in the engine room pumping bilges and then 2 hours at the
16 helm.

17
18 COMMANDER KEVIN CARROLL: Right 2 hours at helm. I want to go back, you said were
19 having a problem with your electric bilge pumps you were not getting a prime, you would have to
20 clean out the strainers. How were you able to do that in the forward compartments if you were
21 down in the engine room?

22
23 JOHN JONES: I was doing that to the engine room itself, the strainers in that room.

1 COMMANDER KEVIN CARROLL: Okay, during the boat checks that were being done, in the
2 forward compartments where bilge suction was being taken. Was anyone else clearing strainers
3 in those compartments?
4

5 JOHN JONES: Not at that time no.
6

7 COMMANDER KEVIN CARROLL: During that midnight to 4 watch, what was the problem with
8 the hydraulic pump to your knowledge?
9

10 JOHN JONES: I have no idea what was wrong with it at that point.
11

12 COMMANDER KEVIN CARROLL: Was it working?
13

14 JOHN JONES: When I first got down there, yes it was.
15

16 COMMANDER KEVIN CARROLL: Okay but at some point during that time, it stopped working or
17 wasn't working as well?
18

19 JOHN JONES: Yes, I believe that it stopped working as well while I was down there in the first
20 hour.
21

22 COMMANDER KEVIN CARROLL: During that midnight to 4 watch, were the port and starboard
23 engines operational?

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JOHN JONES: Yes,

COMMANDER KEVIN CARROLL: What about the generators?

JOHN JONES: Yes sir

COMMANDER KEVIN CARROLL: During your 2 hours down there was it your estimation of how well the pumps were working?

JOHN JONES: The electric bilge pumps that night?

COMMANDER KEVIN CARROLL: Yes.

JOHN JONES: Wow, I would say, they were working not very well at all.

COMMANDER KEVIN CARROLL: If you were pretty much down in the engine room for 2 hours and you had 2 hours at the helm, it seems like that's where the majority of your watch was spent. What was the level of the water in the engine room during that time?

JOHN JONES: I would say from keelson, a foot above the keelson, if that.

1 COMMANDER KEVIN CARROLL: How far above the sole boards would that be? Estimate.

2
3 JOHN JONES: I would say a foot below the sole boards, maybe 2 feet below the sole boards.

4
5 COMMANDER KEVIN CARROLL: Have you ever seen that much water in the bilges during your
6 time?

7
8 JOHN JONES: No, I don't believe so.

9
10 COMMANDER KEVIN CARROLL: You said that your watch officer Matt Sanders came down a
11 couple of times, did anyone else come down to the engine room during that time?

12
13 JOHN JONES: During the time that I was in there myself, I don't recall. I was having trouble
14 trying to get it to work, later on when I wasn't manning the bilge pumps I guess they started
15 having success again because they made it with keeping the water low below the sole boards
16 until Sunday afternoon.

17
18 COMMANDER KEVIN CARROLL: When you were on the helm on the midnight to 4 watch, what
19 course were you steering?

20
21 JOHN JONES: I should know this, but I can't really recall that.

22

1 COMMANDER KEVIN CARROLL: Did you have an opportunity to see what the vessels position
2 was or where the vessel's position was relative to the storm hurricane Sandy?

3
4 JOHN JONES: No sir.

5
6 COMMANDER KEVIN CARROLL: Were there any course changes during that watch when you
7 were on the helm?

8
9 JOHN JONES: No.

10
11 COMMANDER KEVIN CARROLL: When you were down in the engine room for that midnight to
12 4, were there any problems that you were aware of with either the port day tank or the starboard
13 day tank?

14
15 JOHN JONES: No sir I did not. Not from that point.

16
17 COMMANDER KEVIN CARROLL: So when that watch ended at 0400 on Sunday morning, what
18 did you do?

19
20 JOHN JONES: What did I do? I passed on the helm to someone on C watch, they were having a
21 bit of a time, a bit of trouble getting the helm steadied up to maintain in the course that we were
22 on. It was really rough, so (inaudible) the helm was at. I think I stayed on watch for another 15

1 minutes after we had passed on because I was having a hard time passing on the helm. I
2 probably had a snack and went down to get some sleep after that watch.

3
4 COMMANDER KEVIN CARROLL: Did you pass on to the oncoming watch the difficulties you
5 were having with the electric pumps and the hydraulic pumps for bilge dewatering?

6
7 JOHN JONES: Yes sir.

8
9 COMMANDER KEVIN CARROLL: Who did you pass that to?

10
11 JOHN JONES: I think that would have been Dan Cleveland, the mate on watch, yeah. I told Dan
12 and my mate what was going on.

13
14 COMMANDER KEVIN CARROLL: What did they say to you?

15
16 JOHN JONES: They said that they would work on it as good as they could, try to get some rest.

17
18 COMMANDER KEVIN CARROLL: Did you have any interaction with Captain Walbridge during
19 that midnight to 4 watch?

20
21 JOHN JONES: Not that I can think of at the moment.

22
23 COMMANDER KEVIN CARROLL: Okay, so during that midnight to 4 watch where was he?

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JOHN JONES: He may have been asleep, I am not sure at this time.

COMMANDER KEVIN CARROLL: After watch, you stayed on for about 15 minutes, you ate a snack and you tried to sleep. Just take me from there, what happened?

JOHN JONES: I don't really think I got much sleep at all, probably laid there in my bunk for a couple of hours and got up a few hours later the next morning.

COMMANDER KEVIN CARROLL: What was the condition of our bunk, was it wet?

JOHN JONES: No, I think my bunk was dry at that point.

COMMANDER KEVIN CARROLL: Where did you sleep?

JOHN JONES: I slept top in board port side aft.

COMMANDER KEVIN CARROLL: In the new crew quarters?

JOHN JONES: Yes sir, in the new crew quarters.

COMMANDER KEVIN CARROLL: Alright, so after you got up, about what time did you get up?

1 JOHN JONES: I think I got up around 8 o'clock, I can't be quite sure.

2

3 COMMANDER KEVIN CARROLL: Was there a muster?

4

5 JOHN JONES: Excuse me?

6

7 COMMANDER KEVIN CARROLL: Was there a muster?

8

9 JOHN JONES: I mean there was a like a little mini muster. The couple of watchers that weren't
10 on watch at that time, John was going over what conditions that we were looking at for the day.
11 (inaudible) it was decided that we weren't going to have any certain type of maintenance, per se.
12 It was kind of going to be like a day off that way if anything occurred we would be able to have
13 people there handling it.

14 You know, saving our energy for when it was needed.

15

16 COMMANDER KEVIN CARROLL: You said John, are you talking about Mr. Svendsen?

17

18 JOHN JONES: Yes sir.

19

20 COMMANDER KEVIN CARROLL: What was passed in regards to the conditions you were
21 expecting that day?

22

1 JOHN JONES: He had said that that day we were looking at around 80 mile an hour winds,
2 possibly 30 foot seas. I believe the seas were not as high as they were Saturday evening. I
3 think Sunday, the seas kind of began to (inaudible) a little as the day came later.
4

5 COMMANDER KEVIN CARROLL: What about the winds? Were the winds diminishing from
6 Saturday to Sunday?
7

8 JOHN JONES: I would say the wind were at its highest Sunday afternoon between 2-4ish and
9 from there is started to slow down a little bit.
10

11 COMMANDER KEVIN CARROLL: So after that meeting it was passed what the expected
12 conditions were going to be, you said there was no work party?
13

14 JOHN JONES: That is correct.
15

16 COMMANDER KEVIN CARROLL: What did you do after that?
17

18 JOHN JONES: Just kind of hung around the boat for a few hours, make sure everything was sea
19 stowed. Just rest up for my next watch from 12-4.
20

21 COMMANDER KEVIN CARROLL: Did you work in the engine room at any point during that day
22 before your watch?
23

1 JOHN JONES: No.

2

3 COMMANDER KEVIN CARROLL: You just kind of rested and sea stowed stuff.

4

5 JOHN JONES: Yep.

6

7 COMMANDER KEVIN CARROLL: I ask the question again. Was anybody, in regards to your
8 fellow crew members, was anybody concerned in regards to the conditions you were having or
9 the operating of the bilge dewatering system?

10

11 JOHN JONES: I am sure everybody was concerned about the water situation because the whole
12 crew had had a turn one by one of trying to deal with it themselves. I am sure that was the
13 concern on everyone's mind that we kept trying to work with.

14

15 COMMANDER KEVIN CARROLL: Up until you took the watch, did anything occur that comes to
16 mind as significant?

17

18 JOHN JONES: No, not really.

19

20 COMMANDER KEVIN CARROLL: When you took your watch at noon, did the oncoming watch
21 pass anything to you?

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23 JOHN JONES: Not that I recall at the moment.

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COMMANDER KEVIN CARROLL: Was the bilge system working again?

JOHN JONES: Yeah the bilge system was working so so with the hydraulic system. Yeah it was kind of iffy but we were still getting water out here and there.

COMMANDER KEVIN CARROLL: Was the thought that there was more water coming in than going out, or were you keeping up with the water?

JOHN JONES: I would say around 4 o'clock towards the end of my 12-4 watch, that's when we realized we were really starting to lose the battle, I would say. I spent a little bit of time in the engine room during that watch and then came up to relieve the Captain from the helm. He was helping Jessica Hewitt with the helm, she was still (inaudible) the helm. I told him I had been pumping out bilges, but I didn't think it was going so well.

COMMANDER KEVIN CARROLL: During that 12 – 1600 watch on Sunday, you were down in the engine room for a portion of it.

JOHN JONES: Yes sir.

COMMANDER KEVIN CARROLL: Was there any problems in regard to the port main engine or the starboard main engine?

1 JOHN JONES: I don't believe there were any problems with the engines at that time.

2 COMMANDER KEVIN CARROLL: So both were operational?

3

4 JOHN JONES: Yes.

5

6 COMMANDER KEVIN CARROLL: Okay. You mentioned before the water during that midnight
7 to 4 watch, was about from the keelson it was about a foot above the keelson. During the time
8 from the 12-1600 watch on Sunday, what was the level of the water?

9

10 JOHN JONES: I would say it was about the same, back up to the same point towards the end of
11 my watch.

12

13 COMMANDER KEVIN CARROLL: So it was back to about a foot above the keelson?

14

15 JOHN JONES: Yes sir. It was a little bit underneath the sole boards. When the boat would roll, it
16 would go up the side of the ceiling and it would slap back down on the sole boards, but if the
17 boat was sitting level I would say it would be underneath.

18

19 COMMANDER KEVIN CARROLL: So, it was the same level from when you ended your midnight
20 – 04 watch to when you ended you 12-1600 watch?

21

22 JOHN JONES: I believe so.

23

1 COMMANDER KEVIN CARROLL: Then why did you believe the water was gaining at the end of
2 your watch, you just stated?

3
4 JOHN JONES: I tried everything I could and wasn't making any progress. It seemed like it was
5 beginning to be more water than it was when I started.

6
7 COMMANDER KEVIN CARROLL: Okay. How was the electric system working at the end of that
8 watch?

9
10 JOHN JONES: I don't think the electric system was really working at the end of that watch.

11
12 COMMANDER KEVIN CARROLL: What about the hydraulic pumps?

13
14 JOHN JONES: It was just the hydraulic pump and by that time I feel like, at the end of the watch,
15 (inaudible) we had to take the guard off of the hydraulic pump and take debris and maybe some
16 string out of the hydraulic pump to get it going again. But I didn't do that myself, I think Matt did
17 that.

18
19 COMMANDER KEVIN CARROLL: In regards to the other compartments, were there any other
20 crew members clearing strainers in the forward compartments?

21
22 JOHN JONES: Yes sir.

23

1 COMMANDER KEVIN CARROLL: What did they report?

2

3 JOHN JONES: (inaudible) I left at that point and at this point I am around 1830 right now and my
4 watch is off. Everybody, its like an all hands on deck situation because nobody is going to sleep
5 in this. Water is rising. I was one of the ones that was going around checking all of the
6 compartments after I left and there was nothing blocking the grating or the actual hoses in the
7 different compartments.

8

9 COMMANDER KEVIN CARROLL: So in the forward compartments, not in the engine room, you
10 are saying when you checked those strainers, those strainers were fine.

11

12 JOHN JONES: Yeah. The strainers were fine. I believe that at this point the debris had probably
13 been sucked into the bilge system itself as far as the electric pumps went and was blocking it
14 from the very start where it was pulling up.

15

16 COMMANDER KEVIN CARROLL: At any point on Sunday afternoon did you become aware that
17 the port main engine, port generator ceased working.

18

19 JOHN JONES: I can't really recall the sequence of events on that but yes, at some point we did
20 have engine failure.

21

22 COMMANDER KEVIN CARROLL: Do you know why?

23

1 JOHN JONES: I believe it was because of the water that was running up the ceiling and back
2 down the sole boards, probably splashing the engines a bit.

3
4 COMMANDER KEVIN CARROLL: At any point did you become aware that the site glass for the
5 port day tank was broken?

6
7 JOHN JONES: I became aware of that later on into the evening once it was told to me that it
8 happened.

9
10 COMMANDER KEVIN CARROLL: Who told you that?

11
12 JOHN JONES: I think Matt. He told me that somebody had broken it and had not done anything
13 about it.

14
15 COMMANDER KEVIN CARROLL: What else did he say, what did he tell you had happened?

16
17 JOHN JONES: He just said that he was down there working on everything and I'd go down there
18 and check every now and then after leaving checking the strainers and what not, I would go
19 down there and check to see if there was anything I could help with for as long as I could stand
20 to be down there. I was called to the back of the starboard generator, check on some fuel filters
21 back there. Try to strain the water out of them.

22

1 COMMANDER KEVIN CARROLL: Can you describe that, you are talking, this is after your 1600
2 watch was relieved?

3 JOHN JONES: Yes sir.
4

5 COMMANDER KEVIN CARROLL: What were you doing with the generator and the fuel filters?
6

7 JOHN JONES: I was getting new fuel filters for the rest of everybody that was down there
8 working, trying to help them change them out. I wasn't having a very easy time doing it myself.
9

10 COMMANDER KEVIN CARROLL: When you said fuel filters, what filters are you talking about?
11 Are you talking about the ray cores off of the day tank?
12

13 JOHN JONES: No the actual filter attached to the engine itself.
14

15 COMMANDER KEVIN CARROLL: For which generator?
16

17 JOHN JONES: The starboard generator.
18

19 COMMANDER KEVIN CARROLL: Not the port one?
20

21 JOHN JONES: (inaudible) filters for the port generator.
22

23 COMMANDER KEVIN CARROLL: Were they different?

1

JOHN JONES: Yeah. They were different, we didn't have any (inaudible)

3

4

COMMANDER KEVIN CARROLL: Is that why the port generator shut down?

5

6

JOHN JONES: I believe so.

7

8

COMMANDER KEVIN CARROLL: Or was it the loss of fuel from the day tank?

9

10

JOHN JONES: I am really not sure.

11

12

COMMANDER KEVIN CARROLL: You had no filters for the port generator?

13

14

JOHN JONES: No.

15

16

COMMANDER KEVIN CARROLL: Did you have them for the starboard generator?

17

18

JOHN JONES: Yes sir.

19

20

COMMANDER KEVIN CARROLL: What generator, you said you were working with the fuel

21

filters trying to strain water out of them?

22

23

JOHN JONES: Yes.

1

COMMANDER KEVIN CARROLL: Can you describe what happened? What you did?

3

4

JOHN JONES: Just kind of loosened the filter itself (inaudible) with the little manual pump that's attached to the engine there. I don't know if that helped anything or not.

6

7

COMMANDER KEVIN CARROLL: Was there water in the filter?

8

9

JOHN JONES: Not that I could tell.

10

11

COMMANDER KEVIN CARROLL: And the starboard generator was working at this point, correct?

12

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14

JOHN JONES: That's when the starboard generator was not working. That when I was checking the filters.

15

16

17

COMMANDER KEVIN CARROLL: So the starboard generator was not working at that point.

18

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JOHN JONES: Yes sir.

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COMMANDER KEVIN CARROLL: Do you know why?

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JOHN JONES: I don't know why.

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COMMANDER KEVIN CARROLL: At this time when you were down in the engine room working with the port generator, what you are saying is the starboard generator was not working as well?

JOHN JONES: I was working on the starboard generator. That is what was not working at the time.

COMMANDER KEVIN CARROLL: Okay, understood. But did you have filters for the starboard generator?

JOHN JONES: Yes.

COMMANDER KEVIN CARROLL: You did. Was anyone working on the port generator?

JOHN JONES: Yes, Matt and Drew I think were working on the port generator.

COMMANDER KEVIN CARROLL: Was the port engine working at that time?

JOHN JONES: I believe so.

COMMANDER KEVIN CARROLL: Where was the engineer during this time?

1 JOHN JONES: During this time the engineer was coming down there back and forth trying to
2 help out. But he was seasick pretty bad. He was coming down

3

4 COMMANDER KEVIN CARROLL: Can you give me a time period for all of this happening?

5

6 JOHN JONES: All of this is happening between 630 – 10 at night.

7

8 COMMANDER KEVIN CARROLL: So there were no filters for the port generator. The port
9 generator was down, you think the port main was working. The starboard generator was not
10 working, you were working on that.

11

12 JOHN JONES: Okay. First I believe the port generator was working at well as the port main
13 engine working. I believe the starboard generator and the starboard main engine were not
14 working at first.

15

16 COMMANDER KEVIN CARROLL: Okay and they shut down why?

17

18 JOHN JONES: I don't know maybe there was water within the fuel systems or I can't be sure
19 why.

20

21 COMMANDER KEVIN CARROLL: The hydraulic pump was still working at that point right?

22

23 JOHN JONES: I don't think it was really working that good.

1

2 COMMANDER KEVIN CARROLL: Were the electric bilge pumps working from 1830 to 2200 on
3 Sunday night?

4

5 JOHN JONES: No sir.

6

7 COMMANDER KEVIN CARROLL: At that point you had no bilge dewatering capabilities is that
8 correct?

9

10 JOHN JONES: That's pretty much how it was going.

11

12 COMMANDER KEVIN CARROLL: Anything about that 1830 to 2200 time frame you want to tell
13 me about?

14

15 JOHN JONES: Nothing that I can think of I don't believe. I can say, during that time period there
16 was a group of people working in the engine room trying to get the engines working, trying to get
17 the bilge pumps working. There was a group of people checking a section of the bilges, checking
18 the strainers, making sure that wasn't part of the problem. I know at one time there were also
19 people bringing out immersion suits, getting the tween decks ready. Its hard to really recall the
20 sequence of events that everybody was going from one job to the other.

21

22 COMMANDER KEVIN CARROLL: After 2200, during the time from 1830 -2200 was the captain
23 ever down in the engine room?

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JOHN JONES: Yes.

COMMANDER KEVIN CARROLL: He was? What did he do?

JOHN JONES: He assisted with advice on what we should be doing what needed to be checked and all sort of stuff like that.

COMMANDER KEVIN CARROLL: How was he physically at that time?

JOHN JONES: He seemed to be alright to me, I have never even realized he had hurt his back until 1030 -11 that night when I was passing him on the tweens and he made a noise like a bad cry and I put my hand on his shoulder and said are you okay, he said I just hurt my back. I didn't know if he was having a heart attack or what but he did mention that his back was hurting pretty badly.

COMMANDER KEVIN CARROLL: After 2200, did you stay down in the engine room at all after that or did you come back up?

JOHN JONES: I think I came back up

COMMANDER KEVIN CARROLL: What happened from there?

1 JOHN JONES: From there (inaudible) preparing ditch kits and ditch bags and flares and
2 waterproof bags. That's about it.

3

4 COMMANDER KEVIN CARROLL: Who was directing that?

5

6 JOHN JONES: Laura and Dan.

7

8 COMMANDER KEVIN CARROLL: Was anyone else injured to your knowledge?

9

10 JOHN JONES: Adam, somewhere around 8-10 or so Adam fell across the tween decks and hurt
11 his ribs, back or whatever. He had an injury.

12

13 COMMANDER KEVIN CARROLL: What were the weather conditions at this time, after 2200?

14

15 JOHN JONES: (inaudible)It was still windy and rough out. I can't be exact on what the wind was
16 or what the sea state was but I would say on average it was about 20 feet seas or so.

17

18 COMMANDER KEVIN CARROLL: When you left the room at 2200, what was working and what
19 wasn't in regards to generators, main engines and bilge systems?

20

21 JOHN JONES: Its really hard to recall at this point in time, I feel like there was one motor that we
22 ended up getting to work for quite a bit of time while there was still a lot of water in the engine
23 room. Its what helped us get out emergency emails and calls out.

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COMMANDER KEVIN CARROLL: What was the water level when you left the engine room?

JOHN JONES: The water was probably about 1 -2 feet above the sole beams. I believe that's the way it was, I am not so sure. At one point all of the sole boards came up and I couldn't go down there anymore.

COMMANDER KEVIN CARROLL: What happened from there? You were getting ditch kits together, you were working with Laura and Dan. What happened?

JOHN JONES: I was working trying to get the flares and bags and all the immersion suits into the great cabin where everyone can put them on when the time came. Other people were taking out all of the equipment for the trash pump. It was probably about 2-3 feet above, a little bit above the sole in the engine room, whenever they tried to hook up the trash pump and could never get a prime on that. They tried for 2-3 hours while the water level was rising through in the engine room. Trying to get the trash pump running (inaudible) they never had any luck with that.

COMMANDER KEVIN CARROLL: Where were they trying to do that? Where did they have the pump actually staged?

JOHN JONES: The pump was actually staged on the tween decks right outside the doorway to the engine room.

1 COMMANDER KEVIN CARROLL: Who was doing that?

2

3 JOHN JONES: The engineer Chris and I think Matt might have been helping with it, Jessica
4 Black, the cook was helping with it as much as she could. I think Mark might have been helping
5 and I think Drew might have been helping for a while. A lot of people were helping out, trying to
6 do what they could to get it working, but it would never hold a prime.

7

8 COMMANDER KEVIN CARROLL: Did the captain ever hold any meetings during this time to tell
9 people what to expect?

10

11 JOHN JONES: Yes sir, At some point in time there was a meeting held in the nav shack
12 (inaudible) where everybody was notified what was really going on (inaudible) they talked to the
13 Coast Guard and what not and it would be around 8 hours before Coast Guard could get to us.

14

15 COMMANDER KEVIN CARROLL: Who spoke at the meeting?

16

17 JOHN JONES: I think John Svendsen and the captain.

18

19 COMMANDER KEVIN CARROLL: At that point, did he let you know that the possibility of
20 abandoning ship was a reality?

21

22 JOHN JONES: Yes definitely. At that point the captain was saying the boat had around 8 hours
23 of life above the water. He was saying the situation was coming really close so something like at

1 this point in time he needed to set up the EPIRB to notify them that we were going to go ahead
2 and call for a rescue, being that the timing is going to be too close to save the vessel 8 hours
3 away.

4
5 COMMANDER KEVIN CARROLL: What time did this meeting take place?

6
7 JOHN JONES: Between 10 and midnight.

8
9 COMMANDER KEVIN CARROLL: Sometime after you left the engine room and midnight?

10
11 JOHN JONES: Yes sir.

12
13 COMMANDER KEVIN CARROLL: Did the captain ever ask at what point did it go wrong?

14
15 JOHN JONES: Did he ask everybody where did this go wrong?

16
17 COMMANDER KEVIN CARROLL: Yes.

18
19 JOHN JONES: No he did not ask that at the meeting. Everybody was constantly reporting
20 everything that was happening to him. He was right there working as crew with the rest of the
21 crew being that he knew more about the ship than anyone else.

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23 COMMANDER KEVIN CARROLL: Did anybody express any concerns was anybody scared?

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JOHN JONES: No. Nobody really expressed any concerns or panic. I mean, sure everybody was scared and what not. Nobody lost their cool, I would say. Everybody did what they were told they should do, what was expected as far as the survival plan would go.

COMMANDER KEVIN CARROLL: What happened after the meeting?

JOHN JONES: We (inaudible) for a few hours to get the trash pumps to work. We were still trying to fight the water off to get the boat to hold up as long as it can. Preparations for abandoning ship, all that stuff.

COMMANDER KEVIN CARROLL: Okay continue. At what point did you put on your immersion suit?

JOHN JONES: After the water had reached inside the tween decks, I put on my immersion suit.

COMMANDER KEVIN CARROLL: Who directed that?

JOHN JONES: From what I heard it was the captains decision that we work on this as long as we can, but once the water reaches this high you don't need to be down here anymore. It could get dangerous.

1 COMMANDER KEVIN CARROLL: When you put your immersion suit on, did you also put on a
2 lifejacket?

3

4 JOHN JONES: Yes I did.

5

6 COMMANDER KEVIN CARROLL: Who directed that?

7

8 JOHN JONES: I cant be sure. I think Laura was the one that told me to get all the lifejackets in
9 order, I just figured Robin told her that's the way he wanted it done.

10

11 COMMANDER KEVIN CARROLL: Had you ever had any basic safety training?

12

13 JOHN JONES: No sir.

14

15 COMMANDER KEVIN CARROLL: In regards to, the crew was all in the tween decks getting
16 prepared at this point, correct?

17

18 JOHN JONES: Yes sir.

19

20 COMMANDER KEVIN CARROLL: Was anyone else wearing a life jacket with their immersion
21 suit?

22

1 JOHN JONES: I would think that everybody would have been, but I am not so sure. (inaudible) I
2 was on the weather deck, just concentrating on the backs of my eyes and resting and praying.

3
4 COMMANDER KEVIN CARROLL: Who made the call to leave the tween decks for the weather
5 deck?

6
7 JOHN JONES: I believe Robin made the call to go up on the weather deck once the water
8 reached the tween deck.

9
10 COMMANDER KEVIN CARROLL: At what time, do you know?

11
12 JOHN JONES: I don't know as far as time goes. I could tell you it happened when we were in
13 the water.

14
15 COMMANDER KEVIN CARROLL: How much time did you spend on the weather deck prior to
16 the vessel capsizing?

17
18 JOHN JONES: Like I said I wasn't looking at my watch the whole time, I was up there trying to
19 rest and prepare for the things to come. I would like to say I was up there for about an hour and
20 a half, somewhere in that area.

21
22 COMMANDER KEVIN CARROLL: When you went up to the weather deck, where were you?

23 JOHN JONES: When you went up to the weather deck, I was

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COMMANDER KEVIN CARROLL: Are you looking at an exhibit?

JOHN JONES: I'm looking at CG6 right now.

COMMANDER KEVIN CARROLL: CG6 okay.

JOHN JONES: I came behind the mizzen mast and behind the helm and I was on the portside of the cabin top that goes above the great cabin.

COMMANDER KEVIN CARROLL: Is that the entrance to the nav shack?

JOHN JONES: No sir. That's the entrance to the great cabin. You will see a ladder on the aft side of the cabin

COMMANDER KEVIN CARROLL: Understood. Do you have a pen?

JOHN JONES: I can find one maybe

COMMANDER KEVIN CARROLL: Is somebody there from the sector with you?

JOHN JONES: Yes, he is looking. Okay I have a pen.

1 COMMANDER KEVIN CARROLL: Can you mark on that exhibit CG6 where you were located,
2 put like an x and a little description where you were and your name.

3

4 JOHN JONES: Okay.

5

6 COMMANDER KEVIN CARROLL: Who was near you on the vessel when you were on the
7 stern?

8

9 JOHN JONES: It was Jessica Hewitt was right to my left then it was Drew to her left and right in
10 front of Jessica Hewitt was Doug Faunt. He was right there sitting next to the helm. Those are
11 the 3 people right there in my general area, I was the person furthest most to the aft portion of
12 the ship.

13

14 COMMANDER KEVIN CARROLL: Can you mark their location please?

15

16 JOHN JONES: Yes sir.

17

18 COMMANDER KEVIN CARROLL: Are you aware of where any other crew members were?

19

20 JOHN JONES: Yeah I could see that everybody was lined up along the portside going from the
21 nav shack back towards the mizzen mast and the helm. One by one everyone was lined up.

22

1 COMMANDER KEVIN CARROLL: Can you mark the location of any other of the crew members
2 on that exhibit please?

3

4 JOHN JONES: Okay.

5

6 COMMANDER KEVIN CARROLL: Just for ones that you were aware of.

7

8 JOHN JONES: Okay.

9

10 COMMANDER KEVIN CARROLL: Who did you mark down?

11

12 JOHN JONES: I just got a series of marks that I am looking because that's what I saw. I saw a
13 whole line of people, we counted out starting from me (1)then everyone counted until we got to
14 the great cabin, I mean the nav shack. I can see everybody between there in a line. As far as I
15 can see though the people, were Doug, Jess and Drew as far as I could focus.

16

17 COMMANDER KEVIN CARROLL: Unless you are sure who they were, I don't want you to mark
18 it down that bit of information. That's fine that you did see other crew members. Was Claudine
19 Christian one of those crew members that you saw on deck?

20

21 JOHN JONES: No sir.

22

23 COMMANDER KEVIN CARROLL: What was the last time you saw Claudine Christian?

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JOHN JONES: The last time was down below when everyone was putting on their immersion suits.

COMMANDER KEVIN CARROLL: Did she have her immersion suit on?

JOHN JONES: I didn't see her down there with one on.

COMMANDER KEVIN CARROLL: You did not see her when you went from the tween deck to the weather deck?

JOHN JONES: No sir.

COMMANDER KEVIN CARROLL: Did you see Captain Walbridge up on deck?

JOHN JONES: No sir.

COMMANDER KEVIN CARROLL: Did you see him on the tween decks before you evacuated to the weather decks?

JOHN JONES: Yes I did. I saw him, he was right there at the entrance to the great cabin, was right next to that. He was going through things getting some stuff out. I don't know quite what he was doing, getting prepared to leave the ship.

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COMMANDER KEVIN CARROLL: Did he have his immersion suit on?

JOHN JONES: No not at that point.

COMMANDER KEVIN CARROLL: So you were up on deck, to your knowledge, was the entire crew there?

JOHN JONES: Yes, to my knowledge the entire crew was there. There may have been a couple of people, I mean I am not really sure. There might have somebody like Robin or John that still standing with the (inaudible) of the nav shack doing phone calls or something like that. But as far as I know everybody was within that line of people.

COMMANDER KEVIN CARROLL: From there what happened?

JOHN JONES: From there, there came a point of time after sitting for an hour and a half or however long it was that the point kind of went over on its side. To the starboard side leaning with its mast parallel to the water. At this point when the boat started to go I was kind of half asleep half awake and Jessica Hewitt looked over, tapped me on the shoulder, and said hey wake up the boat's going over. At that point I woke up as fast as I could and jumped to the boat just stood up on its side. I was standing there on the side of the cabin of the great cabin (inaudible) I was left with something to stand on while it was 90 degrees on its side. There was a (inaudible) there I was able to take a step out while holding a line and have a clear jump from

1 there into the water. Once I got into the water I just swam around and ended up close enough to
2 the boat where I wasn't hitting anything (inaudible) and wait for more people to emerge.

3
4 COMMANDER KEVIN CARROLL: What happened then?

5
6 JOHN JONES: What happened then? I think there was someone, I think it might have been Matt
7 which came swimming by me doing the back stroke. I am not sure how long I was in the water I
8 heard people making noises and jumping off the boat and what not. Once I started to see
9 people, I think Matt was swimming by, he wanted to get as far away as he could. The life raft
10 that came swimming by me, actually it was floating up behind me still attached to some of the
11 stern grating and it was about to go over the back of me and I turned around and realized there
12 was a life raft over my feet, I hung on to it instead of getting run over by it. At that point I think
13 Josh Scornavacchi had swam up and was holding on to it also and Jessica Black had swam up
14 and she was also holding on. At this point the 3 of us are trying to figure out how to make the
15 hydrostatic release go off. So Jessica gets a hold of the right side and starts pulling and she lets
16 go of the actual life raft herself and starts to drift off while she is pulling and loses the pull line.
17 At that point we saw another already inflated life raft float by it so we decided to abandon the
18 deployment of the one that hadn't and swim to the closest one that was. So at the point it was
19 Josh Scornavacchi, (inaudible) we swam up to the inflated life raft. At that point Mark Warner
20 and Anna Sprague were already holding onto the ladder of the life raft and from there, I think
21 Mark tried to climb in while we helped him and he couldn't get in and then Anna tried, we were
22 able to assist her by pushing her into the life raft while she pulled herself in. From there she
23 pulled from the topside pulling Mark in and then after Mark, then Josh Scornavacchi was helped

1 in and I was last the fourth one to be pulled in. Once the four of us were in there we started
2 hearing voices on the other side of the life raft so we opened up the little zippers and saw that
3 there was Matt Sanders was there along with Doug and Jessica Black. We all in the group
4 helped pull in Matt and Doug and then Jessica Black. That was everyone that ended up showing
5 up to that life raft which was a total of 7 people. I think I looked at my watch(inaudible)
6 immersion suit off while I found the life raft that way I was able to get a grip on people and help
7 them get in better. I was able to see what time it was and it was around 5 o'clock in the morning I
8 believe whenever the last people were getting into the life raft. From there I guess we were in
9 the life raft for about 45 to an hour and a half, I can't really judge the time because I put my
10 immersion suit on to try and stay warm. A little bit after daylight the Coast Guard helicopters
11 came started rescuing people, when I first started hearing helicopters I opened the zipper to look
12 out and pretty much stayed stationed by the life raft and told everybody in the life raft what was
13 going on where the helicopter was, where the swimmer was and got Doug off first, then Jessica
14 Black, then I believe Anna, then Mark. They all went to the first helicopter, I think that was the
15 one that John was picked up in when he was floating on his own. Then that helicopter left, I
16 realized they had left and waited a little bit longer and another one came along and got Josh
17 Scornavacchi and myself and Matt Sanders that was everybody out.

18
19 COMMANDER KEVIN CARROLL: Okay. At this point, what I am going to do Mr. Jones, I am
20 going to allow Captain Jones from the NTSB unless Captain Jones do you want to take a break
21 or answer your questions?

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23 CAPTAIN ROB JONES: I can keep going as long as everybody is okay.

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COMMANDER KEVIN CARROLL: Nothing being said, go ahead Captain Jones, thank you.

CAPTAIN ROB JONES: Mr. Jones just a couple of follow up questions, back when you started caulking in the shipyard, Laura Groves, the boatswain had instructed you how to go about doing that.

JOHN JONES: Yes sir.

CAPTAIN ROB JONES: Was there like a training or trial period for you? Did you caulk some seams and someone looked at them and said "its not good enough, its got to be pulled out and try again" or was everything you did from the start was that approved?

JOHN JONES: Yeah, she was right there from the start with me teaching me how to do it. She gave me the run through and do what she had told me and said I did a great job and I was able to do it good and faster than most other people that were working doing the NP1.

CAPTAIN ROB JONES: So its all clear, basically how you were shown to do it, none of the work that you did was ever taken out and here do it again or try it again. You did all right from that start correctly?

JOHN JONES: That is correct sir.

1 CAPTAIN ROB JONES: Okay. Did anybody higher up the chain of command on the Bounty look
2 at the work other than the boatswain, Laura Groves? Did Captain Walbridge or anybody from the
3 shipyard check out the work that you were doing?
4

5 JOHN JONES: Yeah, Captain Walbridge looked at it quite a few times, I believe Dan Cleveland
6 looked at it. One of the guys from the shipyard, I can't remember his name, I think it was Todd.
7 He was down there doing a couple of different seam and I know that he saw the work that had
8 been done over there.
9

10 CAPTAIN ROB JONES: Did you see any, for the lack of a better term, expertise in it got better
11 as time went along. The more you did it, the better feel for it you got.
12

13 JOHN JONES: Yes definitely. It really didn't take very long at all so the first couple tries and I
14 think I was (inaudible) at applying the seaming compound.
15

16 CAPTAIN ROB JONES: From the end of the time that you were doing the work down there and
17 going back, reflecting on what you did at the start. Would say it wasn't much difference to how
18 good you got at it? You didn't feel the need to go back over the work you started doing?
19

20 JOHN JONES: No, definitely not. I may have made it look a little bit prettier on that side but
21 nothing that needed to be gone back over.
22

1 CAPTAIN ROB JONES: You said you were working for the boatswain, Laura Groves at this
2 time?

3
4 JOHN JONES: Yes sir.

5
6 CAPTAIN ROB JONES: Would she be doing work around other parts of the hull while you were
7 doing your taskings with the hull?

8
9 JOHN JONES: Yes, she would always be somewhere near by filling up the seams doing the
10 oakum and cotton work, painting

11
12 CAPTAIN ROB JONES: Was that before, with regards to decay and rot around the vessel, we
13 have testimony from other crew members that they did see some work on this. Laura Groves,
14 the boatswain, never brought this to your attention or told you she was working on this? You
15 never heard of any other rot before?

16
17 JOHN JONES: Not rot in the wood or hull, no. Just certain seams were leaky at least I gather
18 that's what the problem was

19
20 CAPTAIN ROB JONES: But you didn't see any heavy planks that were pulled in decayed areas
21 even while you were down there working on the hull and the vessel is out of the water for 30
22 days? You never heard about it?

23

1 JOHN JONES: No, I don't recall hearing of any planks down where we were working that were
2 replaced. There were some planks up topside close to the cat rail and then (inaudible) that
3 were replaced. But that was no where near the area where I was working.
4

5 CAPTAIN ROB JONES: Yeah, and I didn't mean specific to the area that you were working in
6 that you would have saw, just did you hear of other areas. You know you are down there in the
7 hull, its one hundred and something feet of hull, so its not that big of an area and you are
8 working with the same people every day and no mention of decay or rot in other parts of the
9 vessel even being talked about or discussed.
10

11 JOHN JONES: Yeah, pretty much. I don't recall hearing anybody talk about what was going on.
12

13 CAPTAIN ROB JONES: From what I understand, this is basically a ship where you learn how to
14 do caulking and I think that's one of the reasons at the start of this interview why you wanted to
15 be around the history of sailing and the woodwork that goes on around it. Wouldn't that be a
16 good teaching moment how the decay or rot on the vessel, which is a natural thing, how it is
17 fixed or replaced or repaired or tended to.
18

19 JOHN JONES: Yes.
20

21 CAPTAIN ROB JONES: I am sorry I didn't catch your answer, I may have talked over you.
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23 JOHN JONES: Yes I do agree with that.

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CAPTAIN ROB JONES: But again, none of that was brought to your attention as a learning experience?

JOHN JONES: No sir.

CAPTAIN ROB JONES: Okay. You said you heard about hurricane Sandy the morning of the day sail with the Navy and then the subsequent tour of the navy vessel and when you got back to the Bounty, you had a meeting. Captain Walbridge spoke and we have heard that called a capstan meeting.

JOHN JONES: Or a muster.

CAPTAIN ROB JONES: Okay, and you weren't worried about the hurricane?

JOHN JONES: No, I don't think I really was worried about it. I just felt like it was going to be rough weather, we were on a big boat and it would fine is the way I was looking at it. Nobody else expressed any worry that spread to the rest of the crew.

CAPTAIN ROB JONES: When Captain Walbridge gave the crew the offer to stay or go without any bad feelings, did anybody look around, did people look at each other or shrug their shoulders. Was there any interaction with the crew even if it wasn't expressed verbally?

1 JOHN JONES: I know I looked around definitely to see what other people's expression were and
2 from what I gathered, everybody was serious and nobody looked frightened.

3
4 CAPTAIN ROB JONES: When you were all on deck, Mr. Jones and your standing in front of the
5 captain and he is giving you this offer and no one takes it up on it and you are getting ready to
6 sail. What about when you went down below and you were talking to other crew members off to
7 the side. Was there any question about it, did anyone say to each other "what do you think"? I
8 mean, you are not in the captain's view at this point to discuss it any further.

9
10 JOHN JONES: Definitely not. There were never any other discussions about the situation, what
11 we were getting into or what may happen. The closest thing that I know of that came close to
12 being discussed about the hurricane or what may happen is I asked Claudine hey can I use your
13 cell phone to call home just so I can talk to them before I go. I called my dad and said we are
14 leaving the dock right now probably around 630 at night I am going to head out (inaudible) be
15 careful I know the captain is good and experienced. My dad tells me its pretty dangerous to head
16 out at the moment and I was like alright see you soon, love ya and that was it.

17
18 CAPTAIN ROB JONES: So those words from your dad, you didn't take them any further, just
19 took them as concern from your father.

20
21 JOHN JONES: Yes, pretty much.
22

1 CAPTAIN ROB JONES: Again after that phone call did you talk with any of the crew members
2 any more?

3
4 JOHN JONES: No, never.

5
6 CAPTAIN ROB JONES: Lets go back to that meeting, you said Captain Walbridge had
7 discussed the plan and his experienced and you mentioned he did hurricane relief. Could you
8 describe to me what that meant?

9
10 JOHN JONES: From what he stated to everyone is that he would go offshore and pick up people
11 from oil rigs and bring them back to shore once the hurricane had it.

12
13 CAPTAIN ROB JONES: That was to get them out of the path of a hurricane?

14
15 JOHN JONES: Yes sir.

16
17 CAPTAIN ROB JONES: So he was describing to you that he worked to get people out of the
18 way of a hurricane, but he is holding a meeting with you telling you were heading into a
19 hurricane. Any thoughts on that?

20
21 JOHN JONES: No. Sort of contradictory you mean?

22

1 CAPTAIN ROB JONES: You said you were (inaudible) around the 1600 watch on Saturday. I
2 know we jumped around a lot. If you could put yourself back in that timeframe. Matt Sanders
3 was coming down who was your watch officer, is that correct?
4

5 JOHN JONES: Yes sir.
6

7 CAPTAIN ROB JONES: How was your relationship with Matt Sanders?
8

9 JOHN JONES: We got along really well actually.
10

11 CAPTAIN ROB JONES: You trust his knowledge and expertise as far as you know it?
12

13 JOHN JONES: Yes definitely.
14

15 CAPTAIN ROB JONES: When he comes down there when you were both working in the engine
16 room and now its 1600 on Saturday afternoon and the wind is picking up and 30 foot seas. Did
17 he ask you anything like what do you think, are we doing the right thing? Did any of that
18 discussion come up with him?
19

20 JOHN JONES: It may have been a few times I may have asked him what was it going to be like
21 and he answered my questions to the best of his knowledge letting me know whether or not he
22 knew
23

1 CAPTAIN ROB JONES: What were his answers to you? How did he (inaudible) your concern?

2

3 JOHN JONES: I can't remember his answers to me, I can't remember the questions that I asked
4 him. All I can say is he was always answering my questions to the best of his knowledge. That's
5 pretty much what I have got for you on that.

6

7 CAPTAIN ROB JONES: Could you, and you don't have to get too specific, but in the last two
8 days prior to the capsizing. Just go back 48 hours from the capsizing, which was 0430 give or
9 take that morning on the 29th. Just estimate how much sleep you felt you got with everything
10 that was going on in those 48 hours.

11

12 JOHN JONES: Probably about a total of 6 hours I would say. Throughout that transit there was a
13 really was no sleep.

14

15 CAPTAIN ROB JONES: So again, and I just want to make sure I heard you right about 6 hours
16 in 2 days.

17

18 JOHN JONES: Yes. That's about right.

19

20 CAPTAIN ROB JONES: Could you estimate if that was kind of consistent to the rest of the crew
21 the way you described everybody pitching in and doing everything. If you can't don't worry
22 about it.

23

1 JOHN JONES: I can't estimate everybody's time.

2

3 CAPTAIN ROB JONES: You had mentioned at one time that the captain came down to the
4 engine room, I guess this was into Sunday now when a lot was going on and you didn't even
5 realize he had hurt himself, but you did put your hand on his back and say how are you doing. At
6 this point did the captain say anything about why the ship was in this state? And why the water
7 was coming in and why were things going wrong?

8

9 JOHN JONES: Everything that you just said just sounds like nothing that I said so far. So, I can't
10 answer that question.

11

12 CAPTAIN ROB JONES: Alright well, did the captain say anything when you were down there
13 fighting this battle trying to keep engines going, did he offer you any clues as to why you were in
14 the state you were in at that point?

15

16 JOHN JONES: I guess I don't know.

17

18 CAPTAIN ROB JONES: Okay, Mr. Jones, if you've got an answer great, I don't want you to
19 make one up, that's all I'm asking. If we could go back, I think you've got this exhibit in front of
20 you which is your statement. Coast Guard 58.

21

22 JOHN JONES: I have that in front of me.

23

1 CAPTAIN ROB JONES: You stated in your statement that there was all this debris and it was
2 from the yard period.

3
4 JOHN JONES: Yes sir.

5
6 CAPTAIN ROB JONES: Do you see that part?

7
8 JOHN JONES: Yes. I know what you mean.

9
10 CAPTAIN ROB JONES: Can you describe to me if that's just debris from work that the crew had
11 done during the yard period or is it specifically equipment or debris from the yard workers during
12 the yard period, could you just be more specific?

13
14 JOHN JONES: Its hard to say with that because we had water tight bulkheads on the boat, so
15 we did change out the crew quarters and moved them forward while moving the fuel tanks aft. I
16 mean that would have left some debris but how the debris would have gotten to the engine room
17 and was clogging up the hoses and strainers that's beyond me. So the debris that was the
18 engine room must have been from the water running up and down the ceiling and catching
19 anything and everything that might have been around. That may have been what it was, just the
20 water running in waves from the ceiling, I don't know.

21
22 CAPTAIN ROB JONES: So just to make it a little more clear. Would you say it was debris left
23 from the work when in the yard or debris left from the yard workers (inaudible)

1

JOHN JONES: Like I said, that's a mystery, I cant say.

3

4

CAPTAIN ROB JONES: Describe the debris to me then.

5

6

JOHN JONES: The debris I am finding in the engine room clogging the strainer is like little bits of string, pieces of wood, pieces of old wood. It doesn't look like anything from the constructions itself, you just look at this stuff and think where does this come from, why is it in the strainer? I don't know.

10

11

CAPTAIN ROB JONES: You were part of the work that was going on in the yard with regards to the tanks and crew quarters then in New London too?

13

14

JOHN JONES: No, not really. I assisted very little with any of that down below while in yard.

15

16

CAPTAIN ROB JONES: In your observation when you left the yard, was the engine room and the areas where the tanks were moved around all cleaned and ready to go to sea?

18

19

JOHN JONES: Yes sir.

20

21

CAPTAIN ROB JONES: So nothing was obvious that either leaving the yard that was laying around (inaudible) or debris or from New London. Was that the(inaudible)

22

1 JOHN JONES: Everything was cleaned up numerous times, we had been down there cleaning
2 up. Not me. But people that were down there cleaning up with the shop vac, brooms and what
3 not to clean up all the sections of the bilges before we departed.
4

5 CAPTAIN ROB JONES: Okay and one last question Mr. Jones, when you came on board and
6 did the your safety orientation, you actually tried on the survival suit?
7

8 JOHN JONES: During week 1 orientation, I had already put on a survival suit so I didn't during
9 the week 1 basic training because it had already been shown to me and explained what it was
10 and how it was done.
11

12 CAPTAIN ROB JONES: I don't think I understood, at any time, when you reported aboard the
13 Bounty, did you try on a survival suit?
14

15 JOHN JONES: Yes, at some point in time, during the very beginning of my working on the
16 Bounty was an abandon ship drill. Within the first week of me working there.
17

18 CAPTAIN ROB JONES: Okay. After that time, had you ever done another drill where you broke
19 them out and tried them on again before the boat capsizing.
20

21 JOHN JONES: Yes. 2 -3 more times after that point.
22

23 CAPTAIN ROB JONES: That you actually tried the survival suit on

1
2 JOHN JONES: Yes, we tried it every time.

3
4 CAPTAIN ROB JONES: Alright. (inaudible) a lot going on and okay that's all I have right now,
5 Thank you.

6
7 COMMANDER KEVIN CARROLL: Okay, Mr. Jones, this is Commander Carroll, I am not going
8 to give the opportunity to the Bounty Organization to ask you some questions so Mr. Langer or
9 Mr. Ambrosino please go ahead.

10
11 FRANK AMBROSINO: Thank you this is Frank Ambrosino, tell me how old you are Mr. Jones.

12
13 JOHN JONES: 29 years old.

14
15 FRANK AMBROSINO: Tell me what your educational background was.

16
17 JOHN JONES: I graduated high school, spent a few years or a few semesters in college, that's
18 basically it.

19
20 FRANK AMBROSINO: Was that a general arts school or a maritime school?

21
22 JOHN JONES: General arts school.

1 FRANK AMBROSINO: I just want to clarify something and I believe you said that you
2 volunteered while the Bounty was dockside, is that correct?

3

4 JOHN JONES: Yes sir.

5

6 FRANK AMBROSINO: Did you immediately become a paid crew when you went out on the
7 boat?

8

9 JOHN JONES: Yeah, upon my re-arrival on the boat I became a crew member.

10

11 FRANK AMBROSINO: Okay and you were paid the whole time you were on the crew?

12

13 JOHN JONES: Yes.

14

15 FRANK AMBROSINO: Captain Jones is asking you about the debris, I just want to ask you a
16 couple more questions about that if you could recall. When you say that there were small pieces
17 are we talking like toothpick size, what type of dimensions are we talking about on the wooden
18 debris that you picked out of the net?

19

20 JOHN JONES: Very small stuff.

21

22 FRANK AMBROSINO: Was the wood old, or was it newer wood?

23

1 JOHN JONES: It was old.

2

3 FRANK AMBROSINO: When you were going into the other cabins to check and see, or the
4 compartments, excuse me to check and see about the condition of the strainers. What were
5 you finding there?

6

7 JOHN JONES: All clear.

8

9 FRANK AMBROSINO: At any point in time did you find clothing or other types of debris other
10 than wood.

11

12 JOHN JONES: Yes, didn't I say in the engine room I was pulling bits of string and little bits of
13 cloth off the strainer.

14

15 FRANK AMBROSINO: Do you know where the string came from?

16

17 JOHN JONES: I have no idea.

18

19 FRANK AMBROSINO: You are not talking about the hemp that the ship would need, this was
20 string as opposed to that?

21

22 JOHN JONES: Yeah, this was like (inaudible) its really thin rope used for (inaudible)

23

1 FRANK AMBROSINO: And when you pulled this debris off of the strainers, was it blocked off or
2 was there still water able to suck through?

3

4 JOHN JONES: There was still water that was able to suck through, but not enough to keep it
5 primed.

6

7 FRANK AMBROSINO: Okay so it was substantially clogged at that point?

8

9 JOHN JONES: Yes sir.

10

11 COMMANDER KEVIN CARROLL: Which strainer are you talking about, the electric system or
12 the hydraulic system, Mr. Jones?

13

14 JOHN JONES: The electric system within the engine room.

15

16 COMMANDER KEVIN CARROLL: Okay, thank you.

17

18 FRANK AMBROSINO: At any time when you were down in the engine room, did you smell any
19 fuel?

20

21 JOHN JONES: No, I never did.

22

23 FRANK AMBROSINO: Did you see any fuel on the sole boards or anywhere on the floor?

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JOHN JONES: No sir. Never saw any fuel or smelled anything funny that day.

FRANK AMBROSINO: You were told that the site glass was broken?

JOHN JONES: Yes, I was.

FRANK AMBROSINO: Were you told by who it was broken?

JOHN JONES: Are you asking me who told me it was broken?

FRANK AMBROSINO: Yes.

JOHN JONES: Or who did it?

FRANK AMBROSINO: First who told you it was broken, and then if they told you, did they tell you who broke it?

JOHN JONES: Matt Sanders told me it was broken and that whoever broke it, decided they weren't going to tell anyone.

FRANK AMBROSINO: Do you know when they first found out that the site glass was broken?

1 JOHN JONES: Sunday afternoon at some point in time, I believe around 4 o'clock, 330.

2 FRANK AMBROSINO: To your knowledge, do they know who broke the site glass?

3

4 JOHN JONES: No sir.

5

6 FRANK AMBROSINO: Is that a yes?

7

8 JOHN JONES: That's a no.

9

10 FRANK AMBROSINO: That was a no, okay. Just checking my notes, I will be with you in a
11 second. Do you know who did the clean up in the yard?

12

13 JOHN JONES: What do you mean as far as clean up?

14

15 FRANK AMBROSINO: Captain Jones asked you about the clean up in the yard and the debris
16 that was in the yard, do you know who did the clean up? Was it crew members, was it members
17 of the yard, or a combination of both?

18

19 JOHN JONES: Well, what do you mean when you say clean up of the yard?

20

21 FRANK AMBROSINO: In the yard I meant. I am talking about in the boat, who cleaned up the
22 debris that was in their from the moving of the tanks and in the engine room.

23

1 JOHN JONES: I want to say, Morgan and Mark Hilgenburg.

2

3 FRANK AMBROSINO: Were those the two people who left the boat and didn't make the sail out
4 of New London?

5

6 JOHN JONES: Yeah.

7

8 FRANK AMBROSINO: Okay. So the two people that had left are the ones that did the clean up?

9

10 JOHN JONES: Yes. I believe so at least.

11

12 FRANK AMBROSINO: Was there anyone else that you know that did the clean up?

13

14 JOHN JONES: Not that I know of.

15

16 FRANK AMBROSINO: I believe you stated in one of your statements that you heard a scream
17 when the boat went 90 degrees over, do you recall that?

18

19 JOHN JONES: I sure do.

20

21 FRANK AMBROSINO: Was it someone near you, do you know who it was?

22

1 JOHN JONES: It sounded like it came halfway through the line of people. I have no idea who it
2 was, I know it was a girl's voice.

3 FRANK AMBROSINO: Okay. I thank you. That's all that I have.
4

5 JOHN JONES: Okay.
6

7 COMMANDER KEVIN CARROLL: Okay, Mr. Shisha? Are you on the line?
8

9 JAKE SHISHA: Yes.
10

11 COMMANDER KEVIN CARROLL: Go ahead if you have some questions.
12

13 JAKE SHISHA: Yes, Mr. Jones, when you were on board the vessel, at any time did you see
14 Miss Christian try on a survival suit?
15

16 JOHN JONES: No sir, I don't think I did.
17

18 JAKE SHISHA: During the drills with the survival suit, had anyone been in the water with the
19 survival suit that you saw?
20

21 JOHN JONES: No, not while I was on board. We would try them on on deck.
22

1 JAKE SHISHA: What instructions did you receive as to whether you should wear a life vest or
2 not wear a life vest when you had a survival suit on? Did you receive any instructions?
3

4 JOHN JONES: I don't recall any instructions during abandon ship drills about a life vest. We
5 were told everybody carry a life vest with you whenever abandon the ship, we never really came
6 down to doing it. I personally took my life jacket off almost immediately after jumping in the
7 water because it was just an obstruction and I was already floating with the immersion suit.
8

9 JAKE SHISHA: Did you ever receive any instructions on how you were supposed to ambulate
10 when you had one of these suits on both off the water and once you were in the water?
11

12 JOHN JONES: Can you explain the definition of ambulate for me?
13

14 JAKE SHISHA: In other words, were you told how you were supposed to walk with it on deck or
15 were you told once you are in the water you should swim, you shouldn't swim, you should be on
16 your back, on your side. Did you receive any of those sorts of instructions?
17

18 JOHN JONES: No sir.
19

20 JAKE SHISHA: At the shipyard, I understand the construction of the vessel. There are planks on
21 the inside, or the outside of the frame, in the water and there are also planks on top of the frame.
22 Is that correct?
23

1 JOHN JONES: Say that again sir.

2

3 JAKE SHISHA: In other words, its double planked. This vessel, there's planks on the exterior in
4 the water and there are planks on the interior. When you were placing the lead weights in the
5 lazarette. Where were they placed? Were they placed on the planks between the frames?

6

7 JOHN JONES: Yeah they were placed, looking at this diagram, looking like they would be
8 placed on top of the inner ceiling

9

10 JAKE SHISHA: Were any of them on the planks that were on the outside?

11

12 JOHN JONES: No sir, I don't think.

13

14 LIEUTENANT COMMANDER NICHOLAS PARHAM: Wait a minute, Mr. Shisha. Mr. Jones
15 which diagram are you looking at, can you just refer to the exhibit number please?

16

17 JOHN JONES: CG # 8

18

19 LIEUTENANT COMMANDER NICHOLAS PARHAM: CP8, thank you.

20

21 JAKE SHISHA: They were all placed on the planks that were the ceiling planks?

22

23 JOHN JONES: Yes sir.

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JAKE SHISHA: Those were all the weights between frames, or did they go higher than the frames?

JOHN JONES: They were all in between frames I would think.

JAKE SHISHA: Was there anything securing them inside the frame?

JOHN JONES: The fact that they completely filled that section surrounding the frame, that would provide them with no where to move to.

JAKE SHISHA: Got ya. When you had left, at any time from when you were in the shipyard, do you recall, Christine, or Miss Christian, finding a fuel leak during one of her rounds?

JOHN JONES: I don't recall this, when was this supposed to be, what are you asking?

JAKE SHISHA: Excuse me?

JOHN JONES: I was asking when are you stating that this happened?

JAKE SHISHA: It happened after the vessel left the shipyard. During a watch, she found that there was a fuel leak.

1 JOHN JONES: No, I don't remember her making this

2

3 JAKE SHISHA: When you went to, testified before you had never seen or smelled any fuel in the
4 engine room.

5

6 JOHN JONES: No sir.

7

8 JAKE SHISHA: When you have a site glass, you can see the level of the fuel in the site glass is
9 that right?

10

11 JOHN JONES: Yes

12

13 JAKE SHISHA: If the site glass gets broken, would fuel spill out?

14

15 JOHN JONES: That's what I'm not sure of, I don't know how that would work. I would think as
16 long as the valve is closed off from the bottom, which I think whoever broke it closed the valve
17 off. I don't know, I don't think that it would have leaked out. I don't believe so.

18

19 JAKE SHISHA: At any time, you were having issues with the pump where the water level was
20 higher than normal. Was there any discussion by the captain or anyone else that maybe we
21 should inform the Coast Guard of our situation.

22

1 JOHN JONES: There may have been. But to my knowledge I am not sure when it first
2 happened or what.

3
4 JAKE SHISHA: You were not aware of any. Was the any discussion of requesting pumps from
5 the Coast Guard that you were made privy to?

6
7 JOHN JONES: Yes sir. Yes there was discussion about that. That's what we were hoping for as
8 our first option was to try to contact Coast Guard and ask for more pumps.

9
10 JAKE SHISHA: When were you aware of the first discussions about asking for pumps were?

11
12 JOHN JONES: I am not quite sure of the timing.

13
14 JAKE SHISHA: Excuse me?

15
16 JOHN JONES: I don't recall the time sir.

17
18 JAKE SHISHA: Do you recall the date? What day it was?

19
20 JOHN JONES: Yeah it was Sunday afternoon. Probably around 630, 7, 8 o'clock. I think it was
21 whenever we realized that we needed to get in touch with the Coast Guard.

22

1 JAKE SHISHA: You said you were in the engine room, had you seen Miss Christian come down
2 during any of her watches to the engine room to check bilges or pump bilges?

3

4 JOHN JONES: No, I didn't see that. I was never on watch with Miss Christian.

5

6 JAKE SHISHA: When do you recall what the last time you saw Miss Christian?

7

8 JOHN JONES: Walking around through the tween decks, waiting on the water to come into the
9 tween. She was in there.

10

11 JAKE SHISHA: When she was in the tween deck when you saw her, did she have her survival
12 suit on?

13

14 JOHN JONES: No sir. It was before we put on our survival suit.

15

16 JAKE SHISHA: And that's the last time you recall seeing her?

17

18 JOHN JONES: That's right.

19

20 JAKE SHISHA: After that at some point, you said you were up on the tween deck, is that
21 correct? I'm sorry you went up on the weather deck?

22

23 JOHN JONES: yes.

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JAKE SHISHA: When you were on the weather deck, you had a, people counted off.

JOHN JONES: Yes.

JAKE SHISHA: Do you remember what the count was, do you remember how many people were up there?

JOHN JONES: Everyone was accounted for, there was 16

JAKE SHISHA: Everybody was accounted for?

JOHN JONES: Yes.

JAKE SHISHA: Would that mean that Christine, Miss Christian, was on the weather deck?

JOHN JONES: Yes.

JAKE SHISHA: Do you have any idea whether she was towards the nav shack or if she was further aft? Where she would have been?

JOHN JONES: I think she was more towards the nav shack.

1 JAKE SHISHA: Do you have any idea who she was near?

2

3 JOHN JONES: (inaudible) Drew was close by, Matt Sanders,

4

5 JAKE SHISHA: Okay. I have no other questions.

6

7 COMMANDER KEVIN CARROLL: Alright Mr. Svenden, go ahead sir.

8

9 JOHN SVENDSEN: Thank you, Good morning John.

10

11 JOHN JONES: Good morning how are you doing?

12

13 JOHN SVENDSEN: Up bright and early this morning. I guess I am going to go to the experience
14 you had while you were being trained. Its been talked that you had safety training and training
15 on caulk and other things. Can you describe the quality of the training?

16

17 JOHN JONES: The quality, I was trained how to do everything the right way. I would say the
18 quality would be excellent. They would always check up on my work and see how I was doing
19 (inaudible) with the safety training. They would always go back over things and check and
20 make sure I knew what was going on.

21

1 JOHN SVENDSEN: Okay. Excellent. When you signed your contract, do you remember the
2 wording that you were able to go at any time, if you were able to leave at any time, if there was
3 any warning you had to give before leaving the vessel.
4

5 JOHN JONES: I remember that. Specifically it stated that at any time you felt that you did not
6 want to be there, you should leave and that the company and the higher ups, which would be
7 the captain or whoever, if they felt that you shouldn't be there, that at any point in time you could
8 be asked to leave.
9

10 JOHN SVENDSEN: Okay and do you think that everyone was aware of that as well.
11

12 JOHN JONES: Yes, I believe so.
13

14 JOHN SVENDSEN: You mentioned in your testimony that you don't remember any mention of
15 the storm and that they had (inaudible) to the ship. Do you recall a chart, a pilot chart, being
16 placed in the galley with the ships locations and the storms location on it at any point in time?
17

18 JOHN JONES: I don't remember that.

19 JOHN SVENDSEN: Okay. Do you remember seeing any weather faxes on the chart table in the
20 nav shack at any point in time or discussion of doing weather observations at what intervals?
21

22 JOHN JONES: No, during this transit I really had a not a lot of time to look around the nav shack
23 so I am really not quite sure.

1
2 JOHN SVENDSEN: You stated that you were able to find the filters for the port generator, do
3 you remember if myself or anyone else was able to find them and install them at a later point of
4 time after you were involved in that project?

5
6 JOHN JONES: I don't think that anyone was able to find them, they may have just used the
7 different filters from the starboard side. Even though it wasn't the same number.

8
9 JOHN SVENDSEN: Do you remember the port engines starting up and running after they had
10 stopped running later on in that day?

11
12 JOHN JONES: Yes.

13
14 JOHN SVENDSEN: So does it make sense that at some point someone found filters that fit that
15 engine?

16
17 COMMANDER KEVIN CARROLL: Are we talking about the generator or the main engine?

18
19 JOHN SVENDSEN: The port generator.

20
21 COMMANDER KEVIN CARROLL: Okay answer the question please, Mr. Jones, if you can.

22

1 JOHN JONES: I don't really know what (inaudible) I am not sure. Somebody got it running, I
2 know that.

3
4 JOHN SVENDSEN: Okay. Excellent. Did at any time did you see a ballast shift on the Bounty
5 on Sunday?

6
7 JOHN JONES: No

8
9 JOHN SVENDSEN: Okay. Do you have any final observations of the ship or the crew that you
10 would like to share with Commander Carroll?

11
12 JOHN JONES: I don't believe so.

13
14 JOHN SVENDSEN: Okay. Thank you very much for your time, John.

15
16 JOHN JONES: No problem, thank you.

17
18 COMMANDER KEVIN CARROLL: Captain Jones do you have any questions, sir.

19 CAPTAIN ROB JONES: No, not at this time. No follow up.

20
21 COMMANDER KEVIN CARROLL: Lieutenant Malore, do you have further questions?

22
23 LIEUTENANT MALORE: No, Commander.

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COMMANDER KEVIN CARROLL: Okay. Mr. Jones I have a couple of questions for you and then we will be complete and I thank you for your patience this morning. The question I have is after you left Booth Bay Harbor ship yard to New London and then when you left New London to the time of the sinking, what drills, if any were conducted during that time?

JOHN JONES: There was a man overboard conducted in between arriving in New London and leaving Booth Bay Harbor.

COMMANDER KEVIN CARROLL: How was that done and how did it go?

JOHN JONES: It was done by throwing over a piece of equipment, I can't remember exactly what we used, everybody trying to keep an eye on that piece of wood. It kind of ended up getting a little bit of distance between the boat and itself. We got the life, the small boat overboard, it didn't really go as well as previous man overboard drills had gone since it had been a long time since we had been in the water.

COMMANDER KEVIN CARROLL: Okay. So the abandon ship drill was not done after departing from Booth Bay?

JOHN JONES: No sir.

1 COMMANDER KEVIN CARROLL: When was the last time an abandon ship drill had been
2 done?

3
4 JOHN JONES: I can't recall that.

5
6 COMMANDER KEVIN CARROLL: Okay, just two other things. At any point during your watches
7 or during your time on deck that Sunday, did any sails rip or did you have any problems with any
8 of the other rigging?

9
10 JOHN JONES: Yeah, in the early afternoon during the watch from 12-4 I think the main course
11 had ripped and I was in the engine room working with the bilges and came up to relieve the helm
12 whenever they were up trying to (inaudible) the fore course (inaudible) Later on that evening
13 the gaff (inaudible) started breaking also.

14
15 COMMANDER KEVIN CARROLL: Last, kind of final question, you talked about the water was
16 definitely coming into the bilges and the bilge dewatering system was being run constantly
17 between the electric pumps and the hydraulic pumps. In your opinion, or to your knowledge,
18 where was the water coming from?

19
20 JOHN JONES: I could see water running in through the planks in the ceiling side of the engine
21 room, that's the main one that I had noticed. Like a trickling waterfall coming down right there
22 above the waterline.

23

1 COMMANDER KEVIN CARROLL: Okay. It was a stead trickle?

2

3 JOHN JONES: Yes

4

5 COMMANDER KEVIN CARROLL: Would it ever increase when the vessel would heel to that
6 side?

7

8 JOHN JONES: Yes it seemed like it

9

10 COMMANDER KEVIN CARROLL: Do you believe that was above or below the water line?

11

12 JOHN JONES: Above.

13

14 COMMANDER KEVIN CARROLL: But you couldn't see the portion where the water was coming
15 in, you could just see it coming through the ceiling?

16

17 JOHN JONES: That's right.

18

19 COMMANDER KEVIN CARROLL: I believe that's all the questions we have for you Mr. Jones, I
20 appreciate your time today and I ask Chief Reynolds (inaudible) are you still there?

21

22 CHIEF REYNOLDS: Yes sir.

23

1 COMMANDER KEVIN CARROLL: I need you to please take those exhibits that you have
2 provided to Mr. Jones, specifically the one that had been marked. I need for you, if you could
3 please, scan that and sent that to Lieutenant Commander Parham at the NCOE and that needs
4 to be marked and identified as another exhibit which will most likely be CG85, is that correct?

5
6 LIEUTENANT COMMANDER NICHOLAS PARHAM: I will have to check the log, but that sounds
7 right, Commander.

8
9 COMMANDER KEVIN CARROLL: And I ask if please, Mr. Jones. If you could please sign that
10 exhibit that you marked up.

11
12 JOHN JONES: Yes sir.

13
14 LIEUTENANT COMMANDER NICHOLAS PARHAM: Commander, real quick. Before we release
15 the parties and interests if we could keep everybody on just to talk about tomorrow.

16
17 COMMANDER KEVIN CARROLL: Okay, very good. Alright Mr. Jones, if you have marked that
18 exhibit and signed it, I want to thank you for your time and testimony today.

19
20 JOHN JONES: Yes sir

21
22 COMMANDER KEVIN CARROLL: Thank you
23

1 JOHN JONES: It is not a problem

2

3 COMMANDER KEVIN CARROLL: Okay, Nick, do you have something for the parties and
4 interests?

5

6 LIEUTENANT COMMANDER NICHOLAS PARHAM: Yes. I wanted to check in with everybody.
7 Mr. Warner called and left me a message while we were doing an interview just checking to see
8 if we were still on schedule. I guess there some pretty good snow storms on the east coast right
9 now, does anybody foresee any problems with getting on for tomorrow mornings conference
10 call?

11

12 COMMANDER KEVIN CARROLL: No, I will be bringing my stuff home with me if I have to.

13

14 LIEUTENANT COMMANDER NICHOLAS PARHAM: Okay. Everybody good from the parties
15 and interests as well?

16

17 FRANK AMBROSINO: Commander Parham, this is Frank Androsino, I am not going to be online
18 tomorrow. I have court and I won't be able to do it. Mr. Langer will be online.

19

20 LIEUTENANT COMMANDER NICHOLAS PARHAM: Okay. Just as long as we have everybody
21 represented. If something comes up, just feel free to reach out to me and let me know. I will let
22 commander Carroll know. Mr. Warner didn't say he would have a problem he just wanted to

1 check in and make sure it was still on. I just wanted to check in, I didn't know what the weather
2 what it was going to be like I just wanted to check in while we had everybody together.

3
4 COMMANDER KEVIN CARROLL: A couple of other issues for the parties and interests. We
5 conducted one of our interviews today, obviously Mr. Jones. We have Mark Warner, another
6 pending interview we have is with Dr. Dragus and I am hopefully setting it up for sometime next
7 week. There has been a request by the attorneys for the Christian family. They have provided
8 a written statement from a prior crew member and the request has been made that we take an
9 interview with this gentleman. I am reviewing that request and I am reviewing that statement at
10 this time. I will provide a decision at a later date. Also, for your knowledge, in regards to the
11 requirement in regards to making these proceedings open to the public, this has been recorded.
12 The recording is going to be made available to the press that here and this building and we will
13 have the press available to sit and listen to the recording of this and that it is all. They will be
14 able to make notes just as they were during the public hearing not be provided a transcript or a
15 recording of it. Are there any questions at all from anybody in regard to the parties and interests?

16
17 JOHN SVENDSEN: Nope.

18
19 JAKE SHISHA: No.

20
21 FRANK AMBROSINO: No.

22
23 COMMANDER KEVIN CARROLL: Captain Jones, do you have any issues or questions sir?

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CAPTAIN ROB JONES: No, I will be here tomorrow as long as the winter storm (inaudible) doesn't bring too much havoc. The power has been going on and off the whole time we were doing this interview.

COMMANDER KEVIN CARROLL: The storm has a name?

CAPTAIN ROB JONES: Yeah all winter storms have a name now.

COMMANDER KEVIN CARROLL: Okay, alright gentleman thank you very much for your time.

COMMANDER KEVIN CARROLL: Okay Good Morning. This is Commander Carroll from the 5th district. The date is March 7, 0900 we are on a conference call for the purpose of conducting an interview with Mark Warner, deckhand on board the vessel Bounty on October 29th, 2012. Present here in the room is myself, Commander Carroll, Petty Officer Boyd, who will be taking the recording and also Alex Tate from our public affairs office. I would like to go around the room

COMMANDER KEVIN CARROLL: Starting with the NTSB

CAPTAIN ROB JONES: Rob Jones investigator in charge for the NTSB.

COMMANDER KEVIN CARROLL: Okay, Bounty Organization

LEONARD LANGER: Leonard Langer.

1 COMMANDER KEVIN CARROLL: Christian Family

2
3 JAKE SHISHA: Jake Shisha

4
5 COMMANDER KEVIN CARROLL: Chief mate from the Bounty

6
7 JOHN SVENDSEN: John Svendsen

8
9 COMMANDER KEVIN CARROLL: Sector Boston

10
11 MARK WARNER: Mark Warner

12
13 CHIEF WARRANT OFFICER JOHN ENGLISH: Chief warrant Ofc. John English

14
15 COMMANDER KEVIN CARROLL: Mr. English can you tell us how you identified Mr. Warner
16 please?

17
18 CHIEF WARRANT OFFICER JOHN ENGLISH: I am holding in my hand a valid Massachusetts
19 driver's license expires 03-04-2015 in the picture on the valid drivers licenses the individual
20 sitting in front of me.

21
22 COMMANDER KEVIN CARROLL: I appreciated thank you very much.

23
24 CHIEF WARRANT OFFICER JOHN ENGLISH: You are welcome sir.

25
26 COMMANDER KEVIN CARROLL: Mr. Warner, Lieut. Malore is going to administer an oath and
27 then we're going to start questions okay?

28
29 MARK WARNER: Okay.

30
31 LIEUTENANT MALORE: Mr. Warner if you could please rise and raise your right hand.

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MARK WARNER: Okay.

LIEUTENANT MALORE: A false statement given to an agency of the United States is punishable by fine and / or imprisonment under 18 USC 1001. Knowing this do you solemnly swear that the testimony you are about to give will be the truth, the whole truth and nothing but the truth, so help you God?

MARK WARNER: Yes I do.

LIEUTENANT MALORE: Okay thank you.

COMMANDER KEVIN CARROLL: Thank you Lieut., good morning Mr. Warner how are you sir?

MARK WARNER: I'm doing alright good morning.

COMMANDER KEVIN CARROLL: I like to ask if you could please state your name and spell your last name please?

MARK WARNER: This is Mark Warner last name as W-a-r-n-e-r

COMMANDER KEVIN CARROLL: Thank you.Can you give us a brief description of your maritime background and expertise and any credentials that you hold.

MARK WARNER: My background is I've been on tall ships my first one was back in 2002, Bounty's my fourth tall ship I worked up in Boston on harbor cruise boats as well, credentials I have (inaudible) and in process of receiving my AB as well.

COMMANDER KEVIN CARROLL: Which tall ships have you served on?

1 MARK WARNER: Lady Washington, Alway, that was out of New Zealand, Liberty Clipper out of
2 Boston, Bounty, and more recently Liberty Star.

3
4 COMMANDER KEVIN CARROLL: And what capacities did you serve in those vessels maximum
5 as far as chain of command.

6
7 MARK WARNER: Deckhand

8
9 COMMANDER KEVIN CARROLL: Deckhand okay, were any of those vessels with wooden hull
10 vessels?

11
12 MARK WARNER: Lady Washington is a wooden hull vessel, the Liberty Star is also, none of the
13 other ones are, they are steel hull

14
15 COMMANDER KEVIN CARROLL: What background you have if any on repairing and
16 maintaining wooden hull vessels?

17
18 MARK WARNER: I've done a little bit of work obviously on Lady Washington, but not much to
19 speak of as far as the others, just Bounty, any work that I've done on board.

20
21 COMMANDER KEVIN CARROLL: captivity shoreside carpentry expertise

22
23 MARK WARNER: I've been doing shoreside construction for a while, since high school, since
24 1995.

25
26 COMMANDER KEVIN CARROLL: specifically Bounty when was the first time you joined the
27 vessel bouncy?

28
29 MARK WARNER: The first time I joined was in May, I believe it was May 11, or the 12th

30
31 COMMANDER KEVIN CARROLL: At what capacity?

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MARK WARNER: As a deckhand.

COMMANDER KEVIN CARROLL: Really voluntary paid employee?

MARK WARNER: I was a paid employee.

COMMANDER KEVIN CARROLL: From the very beginning you're a paid employee?

MARK WARNER: Yes sir.

COMMANDER KEVIN CARROLL: Did you stand watches on board Bounty?

MARK WARNER: I did.

COMMANDER KEVIN CARROLL: What watched as you stand?

MARK WARNER: I was on A watch.

COMMANDER KEVIN CARROLL: Who was your watch officer?

MARK WARNER: John Svendsen.

COMMANDER KEVIN CARROLL: Who else was on your team?

MARK WARNER: I can't vary throughout the season, in October was Doug Faunt and Claudine Christian, John and myself.

COMMANDER KEVIN CARROLL: Who was the AB for that watch?

MARK WARNER: Doug was.

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COMMANDER KEVIN CARROLL: So having had tall ship experience prior to sailing onboard Bounty, what was your initial impressions of Bounty in regards to organization and training?

MARK WARNER: There's a really good program especially under, I'm sure John saw a lot of this, for my first conversation with John is an organization that I wanted to be a part of, as far as development and as far as improvement continuously and, just thought it was a good group of people.

COMMANDER KEVIN CARROLL: Were you given any type of training upon reporting aboard as a deckhand on Bounty?

MARK WARNER: Yes, it's where the vessel, a safety tour, donning Gumby suits, and then aloft training, which is pretty standard even though I'd been on tall ships before, each ship will make you go through their own training for going aloft which is a good thing. I think just general learning on the job as well. I can't think of anything else right now.

COMMANDER KEVIN CARROLL: Who provided your safety training while on board, your initial safety training?

MARK WARNER: I know Dan Cleveland did my safety orientation, I think John (inaudible) did my aloft training.

COMMANDER KEVIN CARROLL: Okay and you have had similar training on past tall ships?

MARK WARNER: Excuse me?

COMMANDER KEVIN CARROLL: You have had similar training on past tall ships?

MARK WARNER: Yes sir.

1 COMMANDER KEVIN CARROLL: And how did that compared well with the previous training
2 that you have received?

3
4 MARK WARNER: Yes it did.

5
6 COMMANDER KEVIN CARROLL: Okay, in regards to your duties is that they can't, you stood
7 watch and you said that was the A watch, what time was that?

8
9 MARK WARNER: On October 29?

10
11 COMMANDER KEVIN CARROLL: Then states specific with the departure from New London.

12
13 MARK WARNER: That watch was 8 to 12 watch.

14
15 COMMANDER KEVIN CARROLL: 8 to 12, okay was there any guidance to your given in
16 regards to your expected duties As deckhands, standing on watch aboard Bounty, what I'm
17 looking for is if there was training and was there other documentary guidance that you had on
18 board?

19
20 MARK WARNER: We did have a first, coming on board the vessel, there's a few different
21 checklists, they had, which is actually since you're asking I don't think that I've seen that I'm
22 other boats, or maybe I have seen it on another boat, as far as a primary judge joining the
23 vessel, I think there is a day to check list a rolling checklist a one month, and a three month
24 come as far as a program of development of skills and training that is what they are
25 implementing and had us go through.

26
27 COMMANDER KEVIN CARROLL: As a deckhand on Bounty, what did your duties entail when
28 you are standing watch?

29

1 MARK WARNER: We had forward lookouts we had, we had helm duty, we had both check
2 duty, we had standby which was maintenance and chores and standby just by the navigation
3 and training in that regard which was a very valuable time.
4

5 COMMANDER KEVIN CARROLL: Okay was any written expectations about what your visit do
6 as a Bow Lookout, a forward lookout?
7

8 MARK WARNER: I do not remember specifically but it was probably the training manual, and
9 before I came on board I had a training manual and was looking it over, it was pretty in depth, it
10 probably mentioned something about forward lookup but I don't remember specifically.
11

12 COMMANDER KEVIN CARROLL: What about boat checks?
13

14 MARK WARNER: Boat checks I do remember it went into pretty good detail on what you do for a
15 boat check.
16

17 COMMANDER KEVIN CARROLL: Okay what did you have to do for both checks?
18

19 MARK WARNER: For both checks need to check out the bilges to see to check water levels,
20 pump those of necessary check to make sure everything is sea stowed check fire extinguishers,
21 make sure they are in place, man overboard gear, small boat, and life rafts are in good shape
22 nothing is loose everything is (inaudible) going to fill up with water, do a weather deck check,
23 check up in the rig make sure nothing has broken loose, check the lines over the side, take
24 readings on any mechanical devices that are running, for example engines or generators, check
25 water, fresh water levels fuel levels, we would check Blackwater, graywater levels, check that
26 system in the (inaudible) on the doctor to check more lines (inaudible) anything that you would
27 do in a standard boat check, I know I might be missing something but I think that covers it.
28

29 COMMANDER KEVIN CARROLL: I think that is pretty comprehensive thank you, in regards to
30 pumping bilges what types of specific training were you given on board Bounty?
31

1 MARK WARNER: We had someone show me how to do it, basically run through it, I want to say
2 Johnny did that training as well.

3
4 COMMANDER KEVIN CARROLL: Johnny who?

5
6 MARK WARNER: Johnny Slanga

7
8 COMMANDER KEVIN CARROLL: What is the last name?

9
10 MARK WARNER: S-l-a-n-g-a

11
12 COMMANDER KEVIN CARROLL: Okay.

13
14 MARK WARNER: And he was not on board on October 29.

15
16 COMMANDER KEVIN CARROLL: Is he an engineer?

17
18 MARK WARNER: No he was, I don't remember if he was an AB at any point, but he was
19 definitely an experience member of the crew a solid mariner I thought that he was well-trained to
20 handle that training.

21
22 COMMANDER KEVIN CARROLL: How would you pump bilges on Bounty?

23
24 MARK WARNER: Make sure that the (inaudible) is open, open up the valves clear the discharge
25 over the side, start pumping, usually start with one of the bilge pumps, and we would rotate back
26 and forth to give even where on both bilge pumps, and make sure that the valves for each
27 different compartment were shut, and you just start by pumping seawater through the through
28 hole up through the pump and overboard, and one set system is charged up pretty well you at
29 ease and whichever compartment you would prefer to start pumping with. As you are easing
30 over, weaning off the seawater, and weaning over to whatever bilge water you are trying to
31 pump out. Once you can kind of tell by the sound of the pump when the compartment is clear,

1 when there's a rubber hose that you can actually feel or see moving as an indication that
2 compartment would be dry. Switch back over to see water in switch to next compartment and
3 continue pumping until you have pumped all compartments.
4

5 COMMANDER KEVIN CARROLL: Was there a pressure gauge on these pumps that she talked
6 about?
7

8 MARK WARNER: Yes there was.
9

10 COMMANDER KEVIN CARROLL: Would you use a pressure gauge as an indication of the
11 proper pressure that you should be pumping at?
12

13 MARK WARNER: Yes thanks for reminding me, you would set a valve just after the pump to a
14 certain level, that would basically change the level of output on the gauge so that would be an
15 indication when the compartment was dry as well.
16

17 COMMANDER KEVIN CARROLL: What did it normally read while it was pumping?
18

19 MARK WARNER: I don't really remember specifically but it was 2, maybe 20 psi, that is a guess.
20 It was a more visual thing for me to tell where it was on the gauge or where usually was.
21

22 COMMANDER KEVIN CARROLL: Okay, but you are not sure if it was two or 20?
23

24 MARK WARNER: It was not two, it was probably around 20 or 30 psi I think.
25

26 COMMANDER KEVIN CARROLL: Okay so these bilge pumps would pump at 20 to 30 psi?
27

28 MARK WARNER: I cannot confirm that for sure I don't, I guess my technical training in
29 engineering is not such that I could say that for sure, but that is my guess if I had to make a
30 guess.
31

1 COMMANDER KEVIN CARROLL: Okay so what you are saying is that you would use your ear
2 to hear the pump running in the condition that I was running, you would use your hand to feel
3 the hose to feel whether or not you are getting outflow through the pump and you visibly look at
4 the gauge to see if it was moving but you're not exactly sure what the level would be at for
5 normal operation?

6
7 MARK WARNER: Yes, it was more of a visual thing, it was at about 10 o'clock on the gauge if
8 that makes sense.

9
10 COMMANDER KEVIN CARROLL: Okay. Those pumps, how are they driven?

11
12 MARK WARNER: Electrically.

13
14 COMMANDER KEVIN CARROLL: Did Bounty have any other means of dewatering on the
15 vessel, other than those electrically driven pumps?

16
17 MARK WARNER: She had a hydraulic pump system run from one of the main engines. I think it
18 was only one of them I actually never used that system. And then she has a trash pump, a
19 gasoline powered trash pump that I used on October 29.

20
21 COMMANDER KEVIN CARROLL: Okay. Did you have any previous training on the gasoline
22 powered pump that you used on October 29?

23
24 MARK WARNER: No I did not.

25
26 COMMANDER KEVIN CARROLL: Okay. Have you ever seen it before that date?

27
28 MARK WARNER: I had run across it during boat checks, I never really investigated it as to what
29 it was.

30
31 COMMANDER KEVIN CARROLL: When you ran across it, where was it and how was it stowed?

1
2 MARK WARNER: If I remember correctly it was in, near the forward crew space near the
3 boatswain's locker, and was under some shelving, latch so it would not be liable to move
4 around, and I cannot say for sure if that was it but I think it was.
5

6 COMMANDER KEVIN CARROLL: Was it in a container?
7

8 MARK WARNER: I don't think so, if it is what I'm thinking of that I don't think so.
9

10 COMMANDER KEVIN CARROLL: Go back to the hydraulic system, during your indoctrination
11 and training on board to be a deckhand were you given any training whatsoever in regard to the
12 hydraulic system?
13

14 MARK WARNER: Other than to mention that it was there and take a look at it I don't think that
15 we fired it up to use it that I remember.
16

17 COMMANDER KEVIN CARROLL: Okay. When you looked at it, where once it?
18

19 MARK WARNER: In the engine room farther aft closer to the main engines.
20

21 COMMANDER KEVIN CARROLL: Wasn't hooked up, or was it fixed into the bilge manifold like
22 the electric pumps were?
23

24 MARK WARNER: I believe so, I believe it was an you would just valve over when you wanted to
25 use it.
26

27 COMMANDER KEVIN CARROLL: Okay, from what I recall from looking at schematics and
28 photographs for Bounty it looked to me like the main engines were towards the aft bulkhead and
29 the bilge manifold was near the forward bulkhead is that correct to your recollection?
30

31 MARK WARNER: Correct.

1
2 COMMANDER KEVIN CARROLL: With the pump be back near the engines, or would it be up
3 towards the manifold?
4

5 MARK WARNER: That's a good question, it would have to connect in some way, so like I said I
6 don't remember specifically.
7

8 COMMANDER KEVIN CARROLL: Okay. Understand. How often did you do drills on Bounty and
9 what type of drills did you do?
10

11 MARK WARNER: We did manage overboard drills frequently, maybe every other week, we did
12 abandon ship drill's a little bit less frequently, maybe once or twice a month probably, we did fire
13 drills with about the same frequency is the abandoned ship drills and I think that is it for drills.
14

15 COMMANDER KEVIN CARROLL: Okay. How many times during the abandoned ship drills did
16 you have the opportunity to don and immersion suit? You already said that you did an immersion
17 suit when you first came on board for your safety indoctrination correct?
18

19 MARK WARNER: That is correct.
20

21 COMMANDER KEVIN CARROLL: How many opportunities did you have after that?
22

23 MARK WARNER: I want to say maybe two times after that.
24

25 COMMANDER KEVIN CARROLL: Okay, ever in the water?
26

27 MARK WARNER: No never in the water.
28

29 COMMANDER KEVIN CARROLL: Okay so what I want to do is take you through time periods
30 and have viewed tell me anything that you believe is important for the investigation, so you
31 joined the vessel in May, you had safety indoctrination which included safety training, he also

1 had training on how to be a decade and and how to do boat checks and standard and forward
2 look out, then you also had training on how to go aloft. So after joining Bounty as a deckhand
3 from May I will take you forward until about the September timeframe is there anything unusual
4 or that you would like to point out?

5
6 MARK WARNER: Maybe just to reiterate about the training program,

7
8 COMMANDER KEVIN CARROLL: Okay, let me ask you a question in regard to the build
9 system, during your watches when you stood 8 to 12 watches how many opportunities did you
10 have to use the electric bilge pumps on your watches?

11
12 MARK WARNER: During the watch from New London or a general watch?

13
14 COMMANDER KEVIN CARROLL: I would say from May to September?

15
16 MARK WARNER: When I was standing watch I would be once or twice typically per four hour
17 period.

18
19 COMMANDER KEVIN CARROLL: This was after you did a physical observation of each of the
20 forward areas correct in the engine room?

21
22 MARK WARNER: That is correct yes, if it needed pumping you would go pump.

23
24 COMMANDER KEVIN CARROLL: Did you have to record the water level you would find in any
25 of the forward areas, or the engine room?

26
27 MARK WARNER: The only time that you would as if there were incredibly high and I don't think I
28 ever felt the need to do that.

29
30 COMMANDER KEVIN CARROLL: Okay. What was normal water that the Bounty would make
31 and let's say it's underway that May to December timeframe?

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MARK WARNER: How much bilge water we would need to pump out?

COMMANDER KEVIN CARROLL: Correct.

MARK WARNER: That is pretty hard to quantify for me I was, I can take for the whole vessel per hour I guess, if I could just take a wild guess at it, I don't know, maybe 5 gallons.

COMMANDER KEVIN CARROLL: Okay, let me ask you a better question during your time from May to October or May to September excuse me did you ever have any opportunity when you're using the electric bilge pumping system to dewater any of the compartments where you felt that the system was not operating correctly?

MARK WARNER: That's a good question, it was difficult to pump sometimes but that's not necessarily an indication that it was not working right, just an indication of how to get used to how to pump bilges, I know some other vessels as well just getting used to the bilge pump system can be more of an art form than anything. I don't remember specifically the bilge pumps not working, I remember the engineers doing maintenance on them, one pump would be off-line and one pump would be working and that kind of scenario.

COMMANDER KEVIN CARROLL: You were on board the Lady Washington as a deckhand and that is a wood vessel too correct?

MARK WARNER: That is correct.

COMMANDER KEVIN CARROLL: In terms of the times that you would need to operate the bilge pumping systems on Lady Washington compared to Bounty was it more frequency less frequency or was it equal?

1 MARK WARNER: As a deckhand on Lady Washington I don't think I ever had the opportunity to
2 pump bilges. That was left more to the engineers I pumped bilges on the Lady Clipper and the
3 boats here in Boston harbor cruise boats and that's probably it.
4

5 COMMANDER KEVIN CARROLL: Did you ever have to check compartments on Lady
6 Washington? As far as the level of water in the bilges?
7

8 MARK WARNER: It is hard to, I can try to remember.
9

10 COMMANDER KEVIN CARROLL: I guess the simple question that I'm looking for is you had
11 several months experience sailing under way on Bounty and you did observations of the level of
12 water in the bilges, in terms of comparing it to the Lady Washington did Bounty make more
13 water or less water or comparable water to the Lady Washington?
14

15 MARK WARNER: I am guessing probably more but as I said it was so long ago I honestly don't
16 remember.
17

18 COMMANDER KEVIN CARROLL: Okay. So from May to September you talked about that you
19 (inaudible) overall were impressed with the level of training that you received on Bounty, nothing
20 really stood out, in September 2012, where was the vessel Bounty primarily?
21

22 MARK WARNER: In the shipyard at Boothbay.
23

24 COMMANDER KEVIN CARROLL: Were you at the shipyard?
25

26 MARK WARNER: Yes I was.
27

28 COMMANDER KEVIN CARROLL: When did the vessel arrived at Boothbay?
29

30 MARK WARNER: About five weeks prior to our departure for New London so mid-September.
31

1 COMMANDER KEVIN CARROLL: Okay.

2
3 MARK WARNER: Does that make sense.

4
5 COMMANDER KEVIN CARROLL: Yes it does. What purpose was Bounty at the shipyard for?

6
7 MARK WARNER: We were there to re-caulk the hull, we had some painting on the hull, we
8 had some wooden planks to repair above the waterline, we had a section of carpentry to do on
9 the port quarter, we were getting rid of our existing fuel tanks, our existing diesel tanks and we
10 were switching our existing water tanks over to diesel tanks and getting some more new water
11 tanks, we also had a crew space to build, Dan was making some tops of yards, and just general
12 maintenance on top of that as well.

13
14 COMMANDER KEVIN CARROLL: Who is in charge of the yard period?

15
16 MARK WARNER: Robin Walbridge was.

17
18 COMMANDER KEVIN CARROLL: Who is Robin Walbridge?

19
20 MARK WARNER: He is the captain of Bounty.

21
22 COMMANDER KEVIN CARROLL: Was he the captain for your entire tenure on Bounty?

23
24 MARK WARNER: He was.

25
26 COMMANDER KEVIN CARROLL: Who just joined? This is Cmdr. Carol who just joined the
27 conference?

28
29 UNKNOWN: (inaudible) Filling in for Lieut. Cmdr. Parham.

30
31 COMMANDER KEVIN CARROLL: Okay thank you, we are in the middle of questioning.

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UNKNOWN: Sure.

COMMANDER KEVIN CARROLL: Thank you. Okay Mr. Warner, you said that Capt. Walbridge was the captain and he was in charge of the yard period and he was the captain for your time on board Bounty, what kind of tasks were you assigned while in the shipyard?

MARK WARNER: Robin have me work with the shipyard carpenters so I could learn from them they were incredible carpenters so it was a valuable thing, I worked with them for doing the hull planking above the waterline and I did only a small amount of carpentry on the port quarter, and then he had me working down in the new crew space, so previous to that we were moving tanks around, moving tanks from the old tank room to the new tank room, moving the mast on the vessel, also constructing a new crew space, and just small general carpentry projects around the boat, that was the main thing.

COMMANDER KEVIN CARROLL: I would like to concentrate with the time that you worked with the carpenters from the shipyard, who did you work with?

MARK WARNER: Jim and James I don't know their last names.

COMMANDER KEVIN CARROLL: It's okay, did you work with them pretty extensively?

MARK WARNER: They did most of the work I was pretty much learning I would do work here and there but, I worked with them for probably half of the yard period.

COMMANDER KEVIN CARROLL: And how long was the yard period?

MARK WARNER: Probably about five weeks.

1 COMMANDER KEVIN CARROLL: Okay. Let's concentrate on the planks that you mentioned,
2 you say that you worked with the carpenters from the shipyard to make repairs to planks, where
3 were these planks that were being repaired?
4

5 MARK WARNER: One on the port side directly under the forward channels, and then there is
6 one on the starboard side directly under the main channels.
7

8 COMMANDER KEVIN CARROLL: The starboard side underneath the main channel.
9

10 MARK WARNER: Yes.
11

12 COMMANDER KEVIN CARROLL: Which one did you work on first? The port or the starboard
13 side plank?
14

15 MARK WARNER: Port side.
16

17 COMMANDER KEVIN CARROLL: Port side, okay. From this sheer strake which would be the
18 strake that would be right at the turn of the deck how far below this sheer strake was that plank?
19

20 MARK WARNER: From the sheer strake which would be the strake at the turn of the deck, it was
21 a few feet I would say, 3 feet.
22

23 COMMANDER KEVIN CARROLL: Okay, about 3 feet down and that was starboard side
24 correct?
25

26 MARK WARNER: That was port side.
27

28 COMMANDER KEVIN CARROLL: Port Said, okay. So under the forward channels about 3 feet
29 below the deck?
30

31 MARK WARNER: 3 feet below the weather deck correct.

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COMMANDER KEVIN CARROLL: What was the length of the plank that was being repaired?

MARK WARNER: Probably about 18 feet.

COMMANDER KEVIN CARROLL: Okay, what was the reason for repair?

MARK WARNER: There was some rot in the plank.

COMMANDER KEVIN CARROLL: How is that discovered?

MARK WARNER: It must've been discovered by maybe Dan or Laura or Robin, I'm actually not sure it was discovered by someone other than myself, previous to the yard, and just from visual inspection of the vessel I would assume.

COMMANDER KEVIN CARROLL: You said Dan and Laura, Robin is Robin Walbridge, who is Dan and Laura?

MARK WARNER: Dan's Dan Cleveland and Laura is Laura Groves.

COMMANDER KEVIN CARROLL: Okay. So that plank was removed from the vessel?

MARK WARNER: Yes it was.

COMMANDER KEVIN CARROLL: About 18 feet, you said?

MARK WARNER: Correct.

COMMANDER KEVIN CARROLL: What was the thickness of that plank do you recall?

MARK WARNER: It was either three or 4 inches, pretty sure.

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COMMANDER KEVIN CARROLL: Okay. How wide?

MARK WARNER: 8 inches.

COMMANDER KEVIN CARROLL: Okay, when the plank was removed what was the condition of the plank?

MARK WARNER: There was rot in some places and some places were decent but there was rot in some of the sections of the plank.

COMMANDER KEVIN CARROLL: Okay did you have the opportunity to examine under the frames where the plank was removed?

MARK WARNER: What do you mean by under the frames?

COMMANDER KEVIN CARROLL: What I mean is under the plank, when you removed the plank did you have the opportunity to review the frames of the plank was attached to?

MARK WARNER: Yes.

COMMANDER KEVIN CARROLL: What were the condition of the frames?

MARK WARNER: There was rot some of the frames some of them were fine, it had rot in kind of between the plank attached to the frames, the outboard edge of the frame.

COMMANDER KEVIN CARROLL: You said you worked with the yard carpenters did you have the opportunity to discuss with them the condition of the vessel relative to where this plank was removed on the port side?

MARK WARNER: Yes.

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COMMANDER KEVIN CARROLL: What did that conversation consist of?

MARK WARNER: Nobody was happy about seeing rots in the frames, I want to say five years ago they had just done an extensive refit of that section of the vessel so they, it was not good to see rot in the frames that way.

COMMANDER KEVIN CARROLL: Okay, did anybody inform Capt. Walbridge?

MARK WARNER: Yes.

COMMANDER KEVIN CARROLL: Who informed him?

MARK WARNER: Probably Jim I would think.

COMMANDER KEVIN CARROLL: Okay. Were you present when he was reviewing the condition of the plank in the frames?

MARK WARNER: I'm just thinking, I know I was when we were at the port quarter, I probably was but I do not remember specifically.

COMMANDER KEVIN CARROLL: Okay did Capt. Walbridge make any comments to you specifically in regards to the rot that was discovered in the plank or the frames on the port side of the vessel?

MARK WARNER: No.

COMMANDER KEVIN CARROLL: So this condition was discovered by you and the shipwrights from the shipyard? Correct.

MARK WARNER: Correct.

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COMMANDER KEVIN CARROLL: Was anyone other than you present to observe the condition of the frames or the plank on the port side from the vessel?

MARK WARNER: Anyone else (inaudible) on the vessel?

COMMANDER KEVIN CARROLL: Yes.

MARK WARNER: Other than Robin of course,

COMMANDER KEVIN CARROLL: So Robin was aware of the condition?

MARK WARNER: Yes he was.

COMMANDER KEVIN CARROLL: And you are there when he saw it?

MARK WARNER: Give me a second to think about it and I can maybe tell you for sure.

COMMANDER KEVIN CARROLL: Please take a second.

MARK WARNER: I cannot remember, 99% I don't remember specifically him being there but he would have known about it for sure and I was most likely right there when he was there.

COMMANDER KEVIN CARROLL: Okay. Were there any conversations that you are privy to at the shipyard with Capt. Walbridge regarding the planks and the frames on the port side of the vessel?

MARK WARNER: Not so much on the plank, I do remember more being there for the conversations for the port quarter.

1 COMMANDER KEVIN CARROLL: Okay, so we will get to the port quarter in a minute. But stick
2 with this plank on the port side first.

3
4 MARK WARNER: Okay.

5
6 COMMANDER KEVIN CARROLL: Who is the boatswain for the vessel Bounty?

7
8 MARK WARNER: Laura Groves.

9
10 COMMANDER KEVIN CARROLL: Was Laura Groves made aware of the condition of the planks
11 and the frames?

12
13 MARK WARNER: Knowledge management I do remember her being there Period

14
15 COMMANDER KEVIN CARROLL: Okay, what was her reaction?

16
17 MARK WARNER: She was not happy about it.

18
19 COMMANDER KEVIN CARROLL: Okay. In regards to how this area was going to be treated,
20 were you privy to any of those conversations?

21
22 MARK WARNER: That I was not.

23
24 COMMANDER KEVIN CARROLL: Okay, but you were extensively with the carpenters from that
25 shipyard correct?

26
27 MARK WARNER: Yes for about a half of the shipyard.

28
29 COMMANDER KEVIN CARROLL: And during the time that you are there in the shipyard you did
30 live on board on Bounty correct?

31

1 MARK WARNER: Yes.

2

3 COMMANDER KEVIN CARROLL: And Laura Groves and Robin Walbridge were on board the
4 vessel during the shipyard period?

5

6 MARK WARNER: Yes sir.

7

8 COMMANDER KEVIN CARROLL: Being that you are working with the shipyard and being on
9 board the vessel did at any point in regards to the planks and the frame on the port side did you
10 have any conversations without of the shipyard group or the Bounty management in regard to
11 the chain of command on board the vessel and how that area was going to be treated?

12

13 MARK WARNER: Just with the shipyard.

14

15 COMMANDER KEVIN CARROLL: What did they say?

16

17 MARK WARNER: As far as, how it was going to be treated, no, but as far as we were really
18 surprised to see this rot here and nobody was happy about it being there. Those types of
19 conversations, as far as what would eventually be done about it, no I did not have conversations
20 about that.

21

22 COMMANDER KEVIN CARROLL: Do you know who Todd Kozakowski is?

23

24 MARK WARNER: Yes Todd is the yard manager, would be his title.

25

26 COMMANDER KEVIN CARROLL: Okay. Were you aware if Todd was aware of this condition, of
27 the planks?

28

29 MARK WARNER: Yes he was there as well.

30

1 COMMANDER KEVIN CARROLL: Were you privy to any conversations that he had? Regarding
2 the condition of the frames? With either the shipyard personnel, or Capt. Walbridge, or Laura
3 Gross?

4
5 MARK WARNER: Other than what previously said as far as it is too bad that is here, only after
6 five years of time, basically that's my recollection of the conversations.

7
8 COMMANDER KEVIN CARROLL: Okay, and you don't remember the captain expressing any
9 opinions or thoughts on in regards to the specific plank on the port side or the framing?

10
11 MARK WARNER: Basically the same conversation that I previously mentioned.

12
13 COMMANDER KEVIN CARROLL: Okay, Was it like a ah shucks or was it some anger, or some
14 surprise, or some concern that, I am looking for an adjective?

15
16 MARK WARNER: I think concern would be the right way to say it, from pretty much people on
17 the boat, people in the shipyard, in general.

18
19 COMMANDER KEVIN CARROLL: In regards to this plank and these frames how many frames
20 were he able to see, and I understand Bounty had double fudduck so they were rather wide, so
21 how many frames could you visually see on the port side?

22
23 MARK WARNER: You could see about 10.

24
25 COMMANDER KEVIN CARROLL: Out of those 10 frames how many of those had rot present
26 within them?

27
28 MARK WARNER: Probably half, maybe five of them.

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30 COMMANDER KEVIN CARROLL: Okay. So here's the question, you are working with the
31 shipwrights on this project, how is it treated? How was the repair made?

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MARK WARNER: The repair basically we dug out rot from at least one of them and wherever it was necessary to just take it out a little bit, there were a couple of kind of (inaudible) just little blocks put in, we did a surface prime of the frames to hopefully prevent any further rot from occurring on the solid frames.

COMMANDER KEVIN CARROLL: You said you dug out rot from the frames that did have rot? Is that correct?

MARK WARNER: In one frame anyway, the other ones, not necessarily as deep, the rot probably did not go as deep. I do remember specifically one of them having enough rot just in the surface of that frame that basically a (inaudible)

COMMANDER KEVIN CARROLL: So out of the five frames out of the 10 that you observed with rot, are you saying that some of the rot was actually left on the frames?

MARK WARNER: I wouldn't think so, I do remember it being deep enough in that one frame, and the other frames you're probably just able to scrape it off enough so that it did not need any kind of a filler piece put on to bring us back out to the level of the hull planking.

COMMANDER KEVIN CARROLL: So those areas that you removed, the route from on the frames, you said that you primed it? How was that area treated?

MARK WARNER: It was just surface primed with an oil-based primer basically on the section that would section of the frame that would touch the plank that we were going to install.

COMMANDER KEVIN CARROLL: You are working with the shipwrights, you are working with them so you could learn?

MARK WARNER: That is correct.

1 COMMANDER KEVIN CARROLL: Did these people, Jim and James, are these the guys that
2 actually said we are going to paint this oil-based primer on to these areas that had rot?

3
4 MARK WARNER: No that was Robbins idea.

5
6 COMMANDER KEVIN CARROLL: Okay. Did you do that or did the shipwrights do it?

7
8 MARK WARNER: I did that.

9
10 COMMANDER KEVIN CARROLL: You did that. Okay did the shipwrights make any comments
11 to you like hey that's a great idea or hey that's a real bad idea, or did they give you any type of
12 opinion on it?

13
14 MARK WARNER: The opinion was that it really did not need to be done.

15
16 COMMANDER KEVIN CARROLL: Pardon?

17
18 MARK WARNER: It did not need to be done.

19
20 COMMANDER KEVIN CARROLL: It did not need to be treated? Or painted?

21
22 MARK WARNER: It did not need to have that primer put on it.

23
24 COMMANDER KEVIN CARROLL: Okay, do they suggest perhaps something else be put on?

25
26 MARK WARNER: Not to me.

27
28 COMMANDER KEVIN CARROLL: Okay, so you are telling me that Robin told you to paint these
29 areas where the rot had been removed to paint it with an oil-based primer?

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31 MARK WARNER: Correct.

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COMMANDER KEVIN CARROLL: And the personnel from the shipyard, did they discuss that with you?

MARK WARNER: Only to say that it seemed kind of silly to do it.

COMMANDER KEVIN CARROLL: Okay, who said that?

MARK WARNER: I would say Jim and James.

COMMANDER KEVIN CARROLL: Jim and James. Okay did they tell you why they thought it was silly?

MARK WARNER: No.

COMMANDER KEVIN CARROLL: Did you get the impression from Jim and James that they thought the area was not being treated adequately?

MARK WARNER: Yes, I'm sure that they would have liked to, will not necessarily like to, I'm not sure what they would suggest but there would be something in addition to do that some point as well. That would be my impression of it. They did not discuss specifically what to do about it.

COMMANDER KEVIN CARROLL: Were you privy, so maybe you were not actually involved, not saying hey Mark Warner we need to do this, were you privy to any of the conversations that anybody from the shipyard had with Capt. Walbridge in regards to have these, this area specifically was supposed to be treated?

MARK WARNER: No I was not.

COMMANDER KEVIN CARROLL: Okay, did the Captain give you any idea or concerns as to how the area was being treated?

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MARK WARNER: On this plank no.

COMMANDER KEVIN CARROLL: Okay. Was there any exploratory work done in regards to the conditions of the frames above and below where this plane was being removed, in other words you found wrought in this 8 inch wide window that you could visually see underneath this plank in the port side, was any work done to explore the areas above and below it?

MARK WARNER: Other than what we could see no, to my knowledge there is not much of a way to get in and see the rot unless you pull the frame, I'm sorry unless you pull the plank off.

COMMANDER KEVIN CARROLL: Okay. Did anybody make that suggestion, that maybe we should pull planks off and explore?

MARK WARNER: No not to my knowledge.

COMMANDER KEVIN CARROLL: Okay so what you're telling me is that you removed the rot that you could visually see within the frames that had?

MARK WARNER: Correct.

COMMANDER KEVIN CARROLL: You then treated those areas either with Dutchman filler pieces that were screwed into place and then used an oil-based primer to treat the areas, and then the plank was replaced?

MARK WARNER: Yes sir.

COMMANDER KEVIN CARROLL: On top of it?

MARK WARNER: Yes.

1 COMMANDER KEVIN CARROLL: What type of material went back in?
2

3 MARK WARNER: White Oak.
4

5 COMMANDER KEVIN CARROLL: What was removed?
6

7 MARK WARNER: I think it was white oak as well.
8

9 COMMANDER KEVIN CARROLL: Okay.
10

11 MARK WARNER: Oh wait, it was Douglas fir, I'm sorry.
12

13 COMMANDER KEVIN CARROLL: Okay was there any discussions had between the shipyard,
14 the vessel that you are privy to in regards to the selection of the materials to be used?
15

16 MARK WARNER: No, other than, maybe I heard this from them, I don't know specifically how I
17 heard it, I heard that Oak is a more suitable choice than Douglas fir and more resistant to rot and
18 they had some oak at the shipyard that we could use for it as well.
19

20 COMMANDER KEVIN CARROLL: Okay. Anything else in regards to that port plank and those
21 frames, the repairs that were made that you want to bring to our attention?
22

23 MARK WARNER: No I think that is it.
24

25 COMMANDER KEVIN CARROLL: Who did the caulking on those planks, that were replaced?
26

27 MARK WARNER: To my knowledge I think it was Dan Cleveland and Laura Groves.
28

29 COMMANDER KEVIN CARROLL: Okay let's go to the starboard side of the vessel, you said the
30 starboard side under the main channel there was another plank?
31

1 MARK WARNER: Yes.

2

3 COMMANDER KEVIN CARROLL: Okay let's do the same thing as far as location, what is the
4 location of that?

5

6 MARK WARNER: Directly under the channels about 3 feet down from the main deck is well,
7 and the length of that plank was pretty similar to the one on the port side.

8

9 COMMANDER KEVIN CARROLL: From the bow how far aft is that? Under the main channel,
10 roughly?

11

12 MARK WARNER: Roughly 50 feet.

13

14 COMMANDER KEVIN CARROLL: Actually, for the other port plank how far aft was that?

15

16 MARK WARNER: From the stem is probably 25 feet.

17

18 COMMANDER KEVIN CARROLL: Okay so you are saying that the plank is roughly about the
19 same size that was underneath the main channel on the starboard side?

20

21 MARK WARNER: Yes it was about the same size, maybe it was a little bit longer.

22

23 COMMANDER KEVIN CARROLL: Okay, so 18 feet plus.

24

25 MARK WARNER: Yes.

26

27 COMMANDER KEVIN CARROLL: Same thickness?

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29 MARK WARNER: Yes

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31 COMMANDER KEVIN CARROLL: Same width?

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MARK WARNER: Same width.

COMMANDER KEVIN CARROLL: What was the condition of this particular plank?

MARK WARNER: The condition of the plank was similar to the port side.

COMMANDER KEVIN CARROLL: Okay so there was wrought within this plank?

MARK WARNER: Yes.

COMMANDER KEVIN CARROLL: What about the frames underneath?

MARK WARNER: Similar condition although I don't remember doing any of the Dutchman in the frames on the starboard side, (inaudible)

COMMANDER KEVIN CARROLL: Again how many frames could you see when the planks were removed?

MARK WARNER: Maybe 11 or 12.

COMMANDER KEVIN CARROLL: 11 or 12 frames out of those how many showed the presence of rot?

MARK WARNER: Not as many in the starboard side so maybe five.

COMMANDER KEVIN CARROLL: Okay, let me ask you a question on those particular planks on the port and starboard side under the main channel under the forward channel was there any outward indication of rot on the planks prior to removing it?

MARK WARNER: Yes there was.

1
2 COMMANDER KEVIN CARROLL: There was okay, so let's go back to the starboard side, the
3 rot was not as bad on the frames, correct?
4

5 MARK WARNER: It was fairly similar, for my recollection I don't think that the starboard side
6 was as bad.
7

8 COMMANDER KEVIN CARROLL: Same types of questions that we asked before on the port
9 side, So this is the second place on the vessel where you have a plank that had to be replaced
10 upon examination found that the plank had rot and there was also presence of rot on the frames
11 underneath, was this brought to the attention of the captain or the boatswain?
12

13 MARK WARNER: Yes it was.
14

15 COMMANDER KEVIN CARROLL: Okay, was there any conversations that you are privy to
16 between the shipyard personnel and the captain regarding the condition on the side?
17

18 MARK WARNER: Same answer basically, I don't remember particularly Robin being there, I'm
19 sure that he knew about it, I'm sure that Laura Groves knew about it as well, Todd, Jim and
20 James and myself specifically I don't remember how it was going to be treated, but the same
21 reaction as far as concern that rot was present after only five or so years of the frames being
22 there.
23

24 COMMANDER KEVIN CARROLL: Okay, so same answers as before you weren't privy to any
25 conversations about the best way to treat this, did the shipyard personnel give you any theories
26 about why the plank in the frames would be in this condition after only five or six years?
27

28 MARK WARNER: They did, some of the theories had to do with the dark green hull paint, and
29 being done in warmer waters, also it was Douglas fir which was more susceptible to rot,
30 although it should not have rotted, other Douglas fir members were not rotted as that, also these
31 two planks were directly under the channels so there was less opportunity to dry from sunlight,

1 and the planks being higher up towards the deck, and a deck leaks that are coming in from the
2 deck would hit this high up area first and especially under the channels would not have the
3 opportunity to dry as much as elsewhere on the vessel which is from the opinion of the shipyard
4 and I guess myself as well why we would see rot under the channels and is to locations and so
5 high up on the vessel.

6
7 COMMANDER KEVIN CARROLL: Who from the shipyard give you their opinion?

8
9 MARK WARNER: Jim and James.

10
11 COMMANDER KEVIN CARROLL: Jim and James, okay was anyone else that give you their
12 opinion?

13
14 MARK WARNER: I'm sure there was some other opinions out there but that's where I
15 remember listening to and agreeing with what was at conversation.

16
17 COMMANDER KEVIN CARROLL: Chief warrant officer English, are you still there?

18
19 CHIEF WARRANT OFFICER JOHN ENGLISH: I am sir.

20
21 COMMANDER KEVIN CARROLL: Can you please provide Mr. Warner with a copy of exhibit CG
22 41, CG 41.

23
24 CHIEF WARRANT OFFICER JOHN ENGLISH: CG 41 Sir?

25
26 COMMANDER KEVIN CARROLL: Yes it should be a series of photos

27
28 CHIEF WARRANT OFFICER JOHN ENGLISH: yes sir, he has them serve.

29

1 COMMANDER KEVIN CARROLL: Okay, Mr. Waren I want you to just look through the first 10
2 photographs and tell me if this these photographs appear to be the condition that you are stating
3 that you observed onboard Bounty in regards to the planking and the framing?
4

5 MARK WARNER: I am looking at them now.
6

7 COMMANDER KEVIN CARROLL: Okay. On the time that you worked on the hull with the
8

9 MARK WARNER: Yes those look to be the condition of the frames.
10

11 COMMANDER KEVIN CARROLL: During a time when you were there was anybody
12 photographing the hull specifically in the condition areas that we just talked about, the starboard
13 side of the port side plank in the frames?
14

15 MARK WARNER: Apparently because these look like the pictures, my guess is that it would be
16 probably Todd.
17

18 COMMANDER KEVIN CARROLL: Okay. So sticking with where we are right now, what he think
19 the time period was when you first started working on the port side plank and the repair was
20 made to where you shifted over to the starboard side and started working on the starboard side,
21 how much time had occurred in between those two points?
22

23 MARK WARNER: So we started until we moved over to the starboard side, it was maybe a
24 week, the shipyard works four-day weeks so it may be took us three or so days on the port side,
25 I remember the first day that we worked at the shipyard we did a bunch of staging on the port
26 side.
27

28 COMMANDER KEVIN CARROLL: Okay and regards to the repair that was made on the
29 starboard side plank in the frames underneath, how is that repair made?
30

1 MARK WARNER: Same, similar way to the port side, the route was taken out and then I was
2 treated with the same oil base primer, then the plank was replaced
3

4 COMMANDER KEVIN CARROLL: I want you to describe how the rot was removed, what did
5 you use what tools, what process or procedure?
6

7 MARK WARNER: Scraped out most likely with the claw of the hammer.
8

9 COMMANDER KEVIN CARROLL: Okay and did you go to where was his good wood or did you
10 go beyond that?
11

12 MARK WARNER: Just go to the good wood.
13

14 COMMANDER KEVIN CARROLL: Okay, so sticking with the starboard side you said that there
15 is maybe five out of 11 or 12 frames that you could see that had the presence of rot and it, what
16 do you think the greatest percentage of rot was that you took out of a particular frame, if the
17 frame is a whole, is 100%, and he had to scrape out some of it, what was the greatest amount
18 that she had to take out in regards to rot in the percentage?
19

20 MARK WARNER: Probably around 5%, maybe four or 5%.
21

22 COMMANDER KEVIN CARROLL: Same question on the port side, what was the greatest
23 percentage you had to take out of any particular frame?
24

25 MARK WARNER: The frame that we did the Dutchman on was greater maybe 10% on that one.
26

27 COMMANDER KEVIN CARROLL: Okay. So the port side plank was taken off, he removed as
28 much rot as you could, right where you remove the just great doubt it took 4 to 5% did you put
29 Dutchman on those are just leave those as they were?
30

31 MARK WARNER: To my recollection we did not use Dutchman on the starboard side.

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COMMANDER KEVIN CARROLL: Okay, but you painted it with an oil-based primer?

MARK WARNER: Correct.

COMMANDER KEVIN CARROLL: And then a new plank was put over, a white oak plank was put back on those frames

MARK WARNER: That is correct

COMMANDER KEVIN CARROLL: On both sides?

MARK WARNER: That is correct

COMMANDER KEVIN CARROLL: How are they fastened?

MARK WARNER: They were fastened using spikes and surges basically giant nails, once they were fastened in we used (inaudible) extending all the way to the interior of the vessel.

COMMANDER KEVIN CARROLL: What were the spikes made of, they were metallic correct?

MARK WARNER: Yes.

COMMANDER KEVIN CARROLL: But really made of, what material?

MARK WARNER: I would think steel.

COMMANDER KEVIN CARROLL: You're not sure?

MARK WARNER: I do not know for sure.

1 COMMANDER KEVIN CARROLL: Okay so we do the port side, the starboard-side, where did
2 you go next?

3
4 MARK WARNER: At the starboard side we went to the port quarter.
5

6 COMMANDER KEVIN CARROLL: Okay tell us about the port quarter, and in that packet of
7 pictures it's very hard to see I apologize but in the bottom corner they are numbered, very small
8 letters and I want you to go to photograph number 24.
9

10 MARK WARNER: Okay number 24, okay I've got 24.
11

12 COMMANDER KEVIN CARROLL: What do you see comment can you identify the photograph
13 for me please?
14

15 MARK WARNER: This is the port quarter of Bounty we have our staging that we set up aft of
16 the vessel we have removed the damaged part of the trim pieces and on the that is on the after
17 side of the vessel on the port side of the vessel you can see that some of the planks have been
18 removed in certain areas of higher and down below there is a trim piece that runs the full length
19 from the whale board up to the yellow trim piece of higher there is another yellow trim piece I
20 would go there as well.
21

22 COMMANDER KEVIN CARROLL: Okay what was the reason for doing a repair in this area?
23

24 MARK WARNER: That was contact with the dock to that section of the vessel.
25

26 COMMANDER KEVIN CARROLL: Okay when did that occur?
27

28 MARK WARNER: It had occurred before I got on board and another instance was in Eastport
29 Maine.
30

31 COMMANDER KEVIN CARROLL: What happened in Eastport?

1
2 MARK WARNER: Eastport we were moving docks basically, we were docked and we had to get
3 underway to a different dock I think so another vessel could come in and work their program, the
4 original dock was a difficult docking situation and we ended up contacting the dock with that
5 section of the vessel.
6

7 COMMANDER KEVIN CARROLL: Okay so what was discovered when he started the repair in
8 this area?
9

10 MARK WARNER: It was found to be more rot in that area as well, rot to the frames and some
11 rot to this trim pieces and also the plank that you see higher there, rot was found in them as well.
12

13 COMMANDER KEVIN CARROLL: Okay, same questions as before, this was discovered by you
14 and the shipyard, how is this communicated to the vessels master and the boatswain?
15

16 MARK WARNER: This time I remember specifically because we had to call Robin out a couple
17 times and get (inaudible) staging so, it was shown to Robin and I do remember specifically on
18 this one the shipyard was back-and-forth debating and eventually I think they were of the opinion
19 that they can just tear off that whole section, because (inaudible) in those planks of higher they
20 could replace that whole section fairly quickly and they were not pushing too hard for it but I
21 could see that's what they were thinking to replant that area because of that rot in the
22 conversation with Robin was basically okay we don't have time for this in this yard period but
23 next year we're going to stop back and do that entire section.
24

25 COMMANDER KEVIN CARROLL: Robin directed the shipyard not to replace the planks?
26

27 MARK WARNER: Not to replace all of the planks, just to replace that small section that they
28 could see a up high in that picture.
29

1 COMMANDER KEVIN CARROLL: That small section that you are talking about, it looks like
2 somebody tacked on a small piece of wood at an angle up to that point is that where they were
3 replaced up to?
4

5 MARK WARNER: That is correct.
6

7 COMMANDER KEVIN CARROLL: I want to direct yourAttention to the picture, and the picture I
8 see that frame and it looks to me to have numerous checks with the grain or cracks and checks
9 with the grain against the grain was it discussed what to do at that frame?
10

11 MARK WARNER: I'm sorry it could you repeat that please, the last part of the question?
12

13 COMMANDER KEVIN CARROLL: Was there any discussion of what to do with that frame?
14

15 MARK WARNER: I think we discussed how it could conceivably be replaced, but that would
16 entail a massive reconstruction or massive rehab period And from what else additionally what I
17 remember is that there is so much wood those frames are pretty solid moving forward from that
18 point on the extreme corner of the vessel moving forward along the port side, there is so much
19 wood in so many frames in their that it wasn't as much of a concern.
20

21 COMMANDER KEVIN CARROLL: So the personnel from the shipyard in your opinion were not
22 concerned with the condition of that frame in that area on the starboard side?
23

24 MARK WARNER: I would say that the appearance of the rot in that section was a concern but
25 from my impression it was not, they did not recommend tearing it all out in redoing it.
26

27 COMMANDER KEVIN CARROLL: What do they recommend?
28

29 MARK WARNER: Probably dig out the rot and it would be fine, just take the rod out and
30 replace, replank yes there is more rot found that may be reconsider and deal with it at that point

1 but as far as the condition of that frame in the extreme corner and the repairs and we're going to
2 do they would not recommend I don't think doing anything other than we did.

3
4 COMMANDER KEVIN CARROLL: Do you think, or know? Did they actually have conversations
5 that you could remember and tell me that I had a conversation with this person and they said
6 they don't recommend replacing that frame?

7
8 MARK WARNER: No I cannot say that specifically.

9
10 COMMANDER KEVIN CARROLL: Okay did you have any conversations with anybody from the
11 shipyard regarding how to treat that area on the port quarter?

12
13 MARK WARNER: Other than what I said before, coming back and re-planking that area, that
14 was a conversation.

15
16 COMMANDER KEVIN CARROLL: Was there rot dug out?

17
18 MARK WARNER: Yes.

19
20 COMMANDER KEVIN CARROLL: How much of a percentage of that frame was removed?

21
22 MARK WARNER: A similar percentage maybe 5%

23
24 COMMANDER KEVIN CARROLL: What were the length of the planks that were replaced in that
25 area?

26
27 MARK WARNER: The length of the replacement was 3 to 4 feet not that much, about 4 feet.

28
29 COMMANDER KEVIN CARROLL: How many frames did that go across?
30

1 MARK WARNER: Looks like for from the picture here. Oh I'm sorry how many frames, many
2 frames just stacked up on top of each other, three frames make up the corner, going forward
3 your first run of your consistent framing the section of the planks that we replaced here touched
4 on at the upper level of the vessel touched on the first frame in a consistent framing.
5

6 COMMANDER KEVIN CARROLL: Okay so to recap we have three specific areas on the vessel
7 where rot was discovered with the planks in the frames on the port side of the forward channels,
8 on the starboard side of the main channel, and on the port quarter, and you are saying that
9 obviously the shipyard was aware of all these areas and Capt. Walbridge and the boatswain
10 Laura Groves was aware of all these areas?
11

12 MARK WARNER: Correct.
13

14 COMMANDER KEVIN CARROLL: In the first instance with the Portside being discovered on the
15 forward channels there was concerned in regards to how recent the planking has been put on?
16

17 MARK WARNER: Correct.
18

19 COMMANDER KEVIN CARROLL: On the third instance back on the port quarter was at the
20 same exact reaction or was it an increasing level of concern?
21

22 MARK WARNER: I'm just thinking for a second. Probably increasing level of concern but less
23 surprise I guess as you see it happening for the third time. As I said the plans to take care of it in
24 the next season.
25

26 COMMANDER KEVIN CARROLL: So in all three areas was there any exploratory work were
27 any other planks were removed to see how far this condition had reached?
28

29 MARK WARNER: No.
30

1 COMMANDER KEVIN CARROLL: Do you believe that you had confidence that you had
2 removed all the rotten areas already believe that is possible that there could have been rot
3 underneath the adjoining planks?
4

5 MARK WARNER: There could have been rot underneath the joining planks.
6

7 COMMANDER KEVIN CARROLL: Did you have any conversations with the shipyard personnel
8 that they believe that this should have been treated differently?
9

10 MARK WARNER: No specific conversations.
11

12 COMMANDER KEVIN CARROLL: While working with them?
13

14 MARK WARNER: While working with them?
15

16 COMMANDER KEVIN CARROLL: Yes.
17

18 MARK WARNER: On the poor quarterly talk about replacing the planking as I said, basically
19 nothing other than what I've already said.
20

21 COMMANDER KEVIN CARROLL: Of the, so with the cumulative knowledge that you had about
22 all three of these areas we privy to any conversations on the Bounty with Capt. Walbridge of the
23 boatswain in regards to the condition of the hull?
24

25 MARK WARNER: No I was not.
26

27 COMMANDER KEVIN CARROLL: Were you concerned with the condition of the hull?
28

29 MARK WARNER: I was concerned that it happened within five years of the time or whatever the
30 time, that was my concern.
31

1 COMMANDER KEVIN CARROLL: Were there any other areas on the vessel that you could see
2 outwardly had the same type of indications of the plank failing like on the port in the starboard
3 side for example you said outwardly you could see that there was a problem and that's why they
4 were removed could you see any other similar areas on the hull?
5

6 MARK WARNER: The other area was on the starboard side under the mizen channels, there
7 was one plank over there there was a section that was discussed to be replaced as well,
8 probably similar circumstances with being up under the channels and because we did more work
9 and was expected on the port quarter it was decided to leave that plank for the following year as
10 well and for my own concern I was not concerned about leaving it as it was.
11

12 COMMANDER KEVIN CARROLL: Starboard side under the mizzen channel, is at the same
13 length down from the deck?
14

15 MARK WARNER: This one was a little bit lower, I don't remember specifically but it was either
16 one or maybe two planks lower than the other ones probably one plank lower.
17

18 COMMANDER KEVIN CARROLL: So if the other ones were 3 feet below the deck this one
19 would be about 4 to 5 feet below the deck?
20

21 MARK WARNER: I would say about 4 feet.
22

23 COMMANDER KEVIN CARROLL: Would that been near the engine room?
24

25 MARK WARNER: That's a good question, that would be right near the engine room area.
26

27 COMMANDER KEVIN CARROLL: Okay, so that area was chosen to be left to be dealt with the
28 next yard period. Who made that decision?
29

30 MARK WARNER: I believe Robin did.
31

1 COMMANDER KEVIN CARROLL: How do you know that?
2

3 MARK WARNER: Hearing from the shipyard guys. They basically said okay we are going to
4 leave this plank here, this plank on the starboard side on the mizen channels we are going to
5 leave that because we had done more than expected on the port quarter.
6

7 COMMANDER KEVIN CARROLL: Okay, but let me ask you a question, what do they say to you
8 and who said it? Is that exactly what they said to you, the shipyard said that, or
9

10 MARK WARNER: From my recollection I was asking okay what is next also in building our
11 staging we kind of had to plan ahead so my question would have been, okay what are we going
12 next, are we going to do this this other plank under the mizen channels and Jim or James or
13 both would have said no Robin, probably Jim because he was more in charge what is said to
14 know Robin wants to leave that, we've gotten into the this port quarter here so we are not going
15 to have time for that.
16

17 COMMANDER KEVIN CARROLL: Okay. So what you're saying is that area on the starboard
18 side onto the mizen channel, Capt. Walbridge had knowledge of that area of concern and chose
19 not to address it at that time?
20

21 MARK WARNER: That is correct.
22

23 COMMANDER KEVIN CARROLL: Was anyone else on board the vessel aware of that area?
24

25 MARK WARNER: The boatswain was an outing that I don't know.
26

27 COMMANDER KEVIN CARROLL: Okay, so during this time period that you worked on the port
28 side, starboard side, and then on the port quarter what was the whole time. That was happening
29 roughly length of time?
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31 MARK WARNER: Roughly 2 1/2 to 3 weeks.

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COMMANDER KEVIN CARROLL: 2 1/2 to 3 weeks. So in the evening sitting on the vessel each night after working on these areas and the cumulative knowledge that you had rot in three specific areas on board the vessel and now apparently impossible for there did you have any conversations in the evening time with the boatswain of the captain regarding the condition of the hull?

MARK WARNER: Now with those two specifically, maybe with Laura, but not with Robin. The conversation was I remember talking about this with Dan Cleveland as well and so is probably Laura and Dan, why is there this amount of rot, why is it rotting at this point, in the same causes that I spoke of before.

COMMANDER KEVIN CARROLL: So ultimately the repair back on the port quarter, we will go back there for a second the rot was removed to the extent that you could see it on the frame correct,

MARK WARNER: Correct.

COMMANDER KEVIN CARROLL: It was painted with an oil-based primer, is that correct?

MARK WARNER: It is correct.

COMMANDER KEVIN CARROLL: Again I was at the direction of Robin?

MARK WARNER: Correct.

COMMANDER KEVIN CARROLL: And in the planks were replaced about four small sections of planking?

MARK WARNER: That is right.

1 COMMANDER KEVIN CARROLL: And the length of those were what?

2
3 MARK WARNER: Between three and 4 feet, they were definitely smaller than that actually, the
4 bottom one am looking at it is maybe 2 feet, the top one just about similar, so between two and 3
5 feet.

6
7 COMMANDER KEVIN CARROLL: Out of all the areas that you did see the rot, the port side
8 starboard side and the poor quarter is it fair to say that the plank was rotting from the inside of
9 the vessel to out?

10
11 MARK WARNER: I do think that's where most of the rot was occurring is between the plank in
12 the frames on the two planes that we replaced our visibility of rot would've been more on the
13 surface in the plank so up under the channel where does not get as much sunlight may be there
14 is a little surface rot going on there as well.

15
16 COMMANDER KEVIN CARROLL: Okay. So going back to the port quarter you said that Todd
17 Kozakowski was the yard foreman correct?

18
19 MARK WARNER: Yes.

20
21 COMMANDER KEVIN CARROLL: Are you privy to any conversations that he had with his
22 shipyard personnel in regards to the condition of the hull?

23
24 MARK WARNER: Other than talking about, I think he was there only discussed, yet he was
25 there to rip off all the planks in that section and redo that section, but it as I said Robin had
26 decided to do it, he was going to do it the following season, hence I probably would've been
27 present for those conversations?

28
29 COMMANDER KEVIN CARROLL: Were you present for those conversations, did Todd have a
30 conversation with Robin?

31

1 MARK WARNER: Yes.

2

3 COMMANDER KEVIN CARROLL: Okay, were you there?

4

5 MARK WARNER: Yes.

6

7 COMMANDER KEVIN CARROLL: How those conversations go, what was said?

8

9 MARK WARNER: Basically what I just said, the shipyard said we could take off all the planking
10 and Robin said we did not have time we could do it the following year.

11

12 COMMANDER KEVIN CARROLL: It was a time issue?

13

14 MARK WARNER: Probably a money issue as well but time was definitely involved and as far as
15 concern for, at that time and money were the issues.

16

17 COMMANDER KEVIN CARROLL: Okay, the conversations that you are privy to between Todd
18 Kozakowski and Capt. Walbridge, where those professional conversations, was there any anger
19 or of sadness in regards to the condition of the vessel?

20

21 MARK WARNER: No

22

23 COMMANDER KEVIN CARROLL: But what you are saying is that the shipyard presented a
24 possible solution to the captain and he chose a different one and then it was just agreed-upon
25 that that's what was going to be done?

26

27 MARK WARNER: Correct.

28

29 COMMANDER KEVIN CARROLL: All right. So that you were telling me was about 2 1/2 - 3
30 weeks during the shipyard period.

31

1 MARK WARNER: In addition to that, it wasn't 100%, the shipyard wasn't saying 100% we need
2 to do this and Robin said no. It was more like, this is an option, we can probably bang it out
3 pretty quickly and Robin's feeling was, as anything if you have ever worked on the yard or on
4 any kind of project like this, as soon as you open up a new project, you may not be getting out of
5 the shipyard for another month. That's kind of how that conversation went.

6
7 COMMANDER KEVIN CARROLL: Okay. So that 2 1/2 to 3 weeks, you were working on the
8 exterior of the hull in the areas that we mentioned. What else did you do during the yard period?

9
10 MARK WARNER: I moved some tanks around from the old tank room to the new tank room, we
11 were moving them aft on the vessel. We were removing the old diesel tanks and moving our old
12 water tanks aft to become the new fuel tanks. I was involved in that project kind of on a limited
13 basis. After the tanks were moved, I was involved with building a new crew quarters,
14 constructing the soul and then putting up partitions and bunks for the crew quarters. That pretty
15 much took me through the end of the yard period.

16
17 COMMANDER KEVIN CARROLL: Okay. Was the movement of the tanks completed prior to
18 leaving the yard?

19
20 MARK WARNER: yes it was.

21
22 COMMANDER KEVIN CARROLL: What about the construction of the crew quarters?

23
24 MARK WARNER: That was as well.

25
26 COMMANDER KEVIN CARROLL: That was completed.

27
28 MARK WARNER: Yes sir.

29
30 COMMANDER KEVIN CARROLL: Were you involved with the movement of any ballast on
31 board the vessel?

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MARK WARNER: No I wasn't, but I was aware that it has happened.

COMMANDER KEVIN CARROLL: Okay. Do you happen to know how much ballast and where?

MARK WARNER: I don't, but I do know that it was moved aft. I know that in the lazarette bilge, that bilge was filled with ballasts.

COMMANDER KEVIN CARROLL: Did you see it?

MARK WARNER: I did when I did subsequent boat checks. Looking at the sole board, you could see it right there.

COMMANDER KEVIN CARROLL: Okay. How was it placed within the bilges?

MARK WARNER: It was wedged in between the framing and the planking down in that area.

COMMANDER KEVIN CARROLL: Was it above the frames or below the frames? Meaning was its stacked above the height of the frames?

MARK WARNER: As far as inboard and outboard?

COMMANDER KEVIN CARROLL: No, I mean if it's laid down in the bilges frames was it stacked up to the level to the top of the frames. Meaning where you would step in between bays, the framing

MARK WARNER: Oh, from the exterior hull planking up into the frame. I don't know, I'm assuming that I couldn't see that obviously.

COMMANDER KEVIN CARROLL: So you said the construction of the crew quarters took you to the end of the yard period, is that correct?

1 MARK WARNER: That is correct.

2

3 COMMANDER KEVIN CARROLL: When did the yard period end?

4

5 MARK WARNER: It was around October 20 approximately.

6

7 COMMANDER KEVIN CARROLL: Okay. You saw the vessel go back into the water?

8

9 MARK WARNER: Yes.

10

11 COMMANDER KEVIN CARROLL: Did you stand watches while the vessel was at the dock?

12

13 MARK WARNER: We would have one person on duty each day.

14

15 COMMANDER KEVIN CARROLL: okay. In your opinion, what was the condition of the bilges
16 after the boat went back into the water?

17

18 MARK WARNER: They were drier than before.

19

20 COMMANDER KEVIN CARROLL: Where they?

21

22 MARK WARNER: Yes they were dry.

23

24 COMMANDER KEVIN CARROLL: Prior to the shipyard period, Sitting at the pier, how much
25 water would Bounty make sitting at the pier? A lot a little?

26

27 MARK WARNER: Medium to a lot.

28

29 COMMANDER KEVIN CARROLL: Okay, how much would you have to pump bilges prior to the
30 yard period while the vessel was at the pier?

31

1 MARK WARNER: At the period you would pump it daily.

2
3 COMMANDER KEVIN CARROLL: Daily?

4
5 MARK WARNER: Yes.

6
7 COMMANDER KEVIN CARROLL: You said before underway this was about one or two times
8 per four hour period, would you say for the 24 hour period was once at the pier?

9
10 MARK WARNER: Once or twice, maybe twice a day.

11
12 COMMANDER KEVIN CARROLL: So about half of what it would be when you are underway?

13
14 MARK WARNER: That's a good estimate. You try to keep the bilges just dry underway as well.
15 I wouldn't say that she made twice as much water under way as opposed to at the dock, it's just
16 that we were constantly doing both checks one or two boat checks in hour. It was constant boat
17 checks and people pumping bilges because you had people available at all times as opposed to
18 on the dock, the person on duty is not quite as important to make sure the bilges are dry staying
19 dockside. The person on duty would be engaged with other activities throughout the day and
20 they would make sure to pump bilges at least once a day.

21
22 COMMANDER KEVIN CARROLL: Okay. So what was the plan after the vessel had left
23 Boothbay?

24
25 MARK WARNER: The plan was to head back to New London. We had a day sail with the Naval
26 Mariners from the sub Mississippi. After that we were to get underway over to St. Petersburg
27 Florida, possibly stopping in Key West and eventually trending to Galveston Texas for the winter.

28
29 COMMANDER KEVIN CARROLL: Okay. Before you talked about a repair that was not made to
30 the vessel that was identified under the starboard mizzen channel. You said it was probably time

1 or money, to your knowledge. Was this day sail with the Navy one of the things that was
2 precluding that from being done in regards to time?

3
4 MARK WARNER: I would say that would take priority over something that was deemed
5 necessary to do. If we could keep our schedule, that would be great.

6
7 COMMANDER KEVIN CARROLL: So the voyage from Booth Bay to New London, you were
8 standing watch at that time?

9
10 MARK WARNER: Correct.

11
12 COMMANDER KEVIN CARROLL: That was A watch, correct?

13
14 MARK WARNER: That's right.

15
16 COMMANDER KEVIN CARROLL: 8-12?

17
18 MARK WARNER: 8-12. That I don't remember specifically, we may have donned watches in
19 New London, I don't remember.

20
21 COMMANDER KEVIN CARROLL: But you did stand watch?

22
23 MARK WARNER: I did.

24
25 COMMANDER KEVIN CARROLL: Did you do boat checks at that time?

26
27 MARK WARNER: I did.

28
29 COMMANDER KEVIN CARROLL: At any time during your boat checks did you check the level
30 of water in the bilges, Did you have any concerns regarding the amount of water in the bilges?

31

1 MARK WARNER: No, I noticed the boat was really dry and I was thinking they did a good job
2 with the hull because the boat was so dry.

3
4 COMMANDER KEVIN CARROLL: Did you ever have to pump bilges on the trip from Booth Bay
5 to New London?

6
7 MARK WARNER: No I didn't

8
9 COMMANDER KEVIN CARROLL: Okay. Did anybody on board the vessel the crew or the
10 officers express a concern with the operation of the electric bilge system from Boothbay to
11 London?

12
13 MARK WARNER: No, not to my knowledge.

14
15 COMMANDER KEVIN CARROLL: So the trip from Boothbay to New London was uneventful is
16 that correct?

17
18 MARK WARNER: Correct.

19
20 COMMANDER KEVIN CARROLL: All right, so after the arrival in New London, how long were
21 you in New London?

22
23 MARK WARNER: We got into New London, we were there about just over 24 hours.

24
25 COMMANDER KEVIN CARROLL: Okay.

26
27 MARK WARNER: We got there the afternoon of Tuesday, I believe it was, and we got underway
28 Wednesday evening. Or that Thursday. I guess we got underway Thursday.

29
30 COMMANDER KEVIN CARROLL: but you still arrived on Tuesday, to your knowledge?
31

1 MARK WARNER: I am sorry, we arrived the day before, so we arrived it would be Wednesday
2 afternoon.

3
4 COMMANDER KEVIN CARROLL: While you are in New London at the pier, did you ever have
5 an opportunity where you express concern that you had regarding the operation of the electric
6 bilge pumping system.

7
8 MARK WARNER: I did on Wednesday.

9
10 COMMANDER KEVIN CARROLL: On Wednesday? What was your concern?

11
12 MARK WARNER: Couldn't get the bilge pumps to operate personally.

13
14 COMMANDER KEVIN CARROLL: Get them to operate at all?

15
16 MARK WARNER: I mean, they would operate but they would not catch a prime And
17 successfully pump out bilges.

18
19 COMMANDER KEVIN CARROLL: So you needed to pump out the bilges while at the pier in
20 New London?

21
22 MARK WARNER: I did, but it (inaudible) is part of my duties I was going to try to see if I could.

23
24 COMMANDER KEVIN CARROLL: But the water in the bilges was high enough that you felt you
25 needed to pump?

26
27 MARK WARNER: I wouldn't say I necessarily needed to but I felt that I should always give it a
28 shot. I felt that I could pump it.

29
30 COMMANDER KEVIN CARROLL: Okay. You felt that you could pump it why?

31

1 MARK WARNER: because the level was over the intake and the intake hose is basically in the
2 bilges.

3
4 COMMANDER KEVIN CARROLL: Okay. Said you followed the procedure that you are taught
5 and you try to pump bilges but you could not get the pumps to prime?

6
7 MARK WARNER: Correct.

8
9 COMMANDER KEVIN CARROLL: Who did you report that to?

10
11 MARK WARNER: Originally I called John Svendsen and left a message which he told me later
12 that he hadn't received when I asked him about it. I sent a text, I think it was a text to Matt, the
13 second mate Matt Sanders. A little bit later on after waiting for a response from Matt and John, I
14 happen to see Robin who was on the vessel and told Robin. Robin was able to come down and
15 get the bilge pumps to work.

16
17 COMMANDER KEVIN CARROLL: All right, so he was able to get the pumps to get a prime?

18
19 MARK WARNER: Yes

20
21 COMMANDER KEVIN CARROLL: Did he tell you what you are doing wrong or if you are doing
22 something wrong?

23
24 MARK WARNER: No I asked and he suggested maybe something was in the outflow or some
25 kind of blockage but he got it to pump out so he basically said it seems like you are doing it right.
26 He didn't have an answer of why it had happened.

27
28 COMMANDER KEVIN CARROLL: Okay, let me go back to the trip from Boothbay to London.
29 You said you are doing boat checks, going down and checking the space. What where the
30 condition of the spaces in regards to the cleanliness. Were there still cleanups being done from
31 the yard period?

1
2 MARK WARNER: The cleanups were done in the yard period and I remember specifically in the
3 crew quarters anyway once we had completed our construction I went down and corralled
4 through the bilges to make sure everything was clean. Make sure everything was constructed to
5 my satisfaction. Everybody all right? To make sure everything was constructed to my
6 satisfaction. I remember thinking they did a good job of cleaning out that particular section of
7 bilges anyway.

8
9 COMMANDER KEVIN CARROLL: Okay. So there were no projects being completed and no
10 cleanups being done from the yard period from Boothbay to New London?

11
12 MARK WARNER: As far as projects I am sure there were projects going on. Specifically, I don't
13 know what. Chris would have a better idea of that.

14
15 COMMANDER KEVIN CARROLL: Did any of your fellow crew members express any concern to
16 you, the same concerns that you had in regards to the operation of the electric bilge pumping
17 system?

18
19 MARK WARNER: No, not at all.

20
21 COMMANDER KEVIN CARROLL: Okay, so day that you had the concerns and the captain got
22 the system to work that was on the Wednesday when you arrived?

23
24 MARK WARNER: Yes that was the evening of that day, correct.

25
26 COMMANDER KEVIN CARROLL: So the next day was Thursday and that was the day of the
27 Navy day sail?

28
29 MARK WARNER: Yes

30
31 COMMANDER KEVIN CARROLL: How did that go?

1
2 MARK WARNER: That went great. The Navy enjoyed themselves and everybody got a lot out of
3 it.

4
5 COMMANDER KEVIN CARROLL: Was very need to pump bilges on that day?

6
7 MARK WARNER: Not that I know of. It would have been pretty dry I was on duty and I don't
8 remember checking bilges is necessary that day.

9
10 COMMANDER KEVIN CARROLL: okay. You don't remember checking bilges, do you
11 remember anyone else expressing a concern with the operation of the electric bilge pumping
12 system?

13
14 MARK WARNER: No I don't.

15
16 COMMANDER KEVIN CARROLL: Okay. After the Navy day sail, what did you do?

17
18 MARK WARNER: After the day sail we put the ship back into shape and we went over to tour
19 the Mississippi. We came back to that Bounty and had dinner at that point. Afterwards, Robin
20 gathered everybody and told us about hurricane sandy. Gave everybody who wished, the
21 opportunity to leave the vessel and we went over a general plan and Robin kind of outlined the
22 situation for us and we got underway at that point. On boat checks after we got underway, I do
23 remember the bilges were dry.

24
25 COMMANDER KEVIN CARROLL: Okay, boat check after getting underway, they were dry?

26
27 MARK WARNER: Yes

28
29 COMMANDER KEVIN CARROLL: All right you got back to the vessel. Let me ask you a
30 question, at what point did you become a aware that there was a storm coming into the Atlantic
31 called hurricane Sandy?

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MARK WARNER: That was when Robin told us at that time.

COMMANDER KEVIN CARROLL: So no one in your family had contacted you prior to that and said are you aware of this?

MARK WARNER: My mom had sent me a text, she said watch out for Sandy. My phone was off I'm sure but when I turned it on she had sent me that text and at that point I knew what she was talking about.

COMMANDER KEVIN CARROLL: And that was after the meaning you had with Robin?

MARK WARNER: Correct.

COMMANDER KEVIN CARROLL: Do you know why Capt. Walbridge had that meeting?

MARK WARNER: Because, I don't think we were going to get underway, no we were going to get underway that night, I think. To inform the crew, to give people a chance to leave the vessel if they so wised. To have a muster like that is a fairly normal thing. We would have had a muster at that time anyway regardless of what Robin was saying.

COMMANDER KEVIN CARROLL: So, prior to departure from the port before going to another port he would get the crew together and give everyone the opportunity to leave if they wanted?

MARK WARNER: No, he wouldn't necessarily bring that up but just as far as having a hurricane that we would be encountering in some way, he felt it necessary to give people a chance to exit the vessel if they wanted to.

COMMANDER KEVIN CARROLL: Did anybody express any concerns to you during the day of the Navy day sail? Or make any comments to you regarding hurricane?

1 MARK WARNER: No.

2

3 COMMANDER KEVIN CARROLL: During the meeting, you have the chance, was anybody
4 looking around concerned. Were you concerned?

5

6 MARK WARNER: I wasn't, the greatest concern I had was for my family. I didn't want them to
7 worry. I never considered leaving the vessel. I am sure there was more concern for the hurricane
8 then there would be for a normal day of sailing, that's for sure. I'm sure that for myself and
9 anyone on the crew.

10

11 COMMANDER KEVIN CARROLL: You said you are concerned for your family, your mother
12 sent you a text after you have that meeting. Did you contact your parents?

13

14 MARK WARNER: I did, I called them on the way out.

15

16 COMMANDER KEVIN CARROLL: What did that conversation consist of?

17

18 MARK WARNER: I told them that we were headed out and I told them that I had a lot of
19 confidence and Robin and I have a lot of confidence in our crew and are vessel. They knew that
20 Robin had been through hurricanes before and I knew that Bounty had been through some
21 pretty harsh weather before as well.

22

23 COMMANDER KEVIN CARROLL: How did you know that?

24

25 MARK WARNER: How did I know that?

26

27 COMMANDER KEVIN CARROLL: Yes.

28

29 MARK WARNER: Just from conversations past crew.

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31 COMMANDER KEVIN CARROLL: Who?

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MARK WARNER: John Svendsen, Dan Cleveland, Laura Groves

COMMANDER KEVIN CARROLL: Did they speak at this meeting?

MARK WARNER: I don't think so. I don't think anyone spoke except for Robin but I can't say 100% sure on that.

COMMANDER KEVIN CARROLL: One second Mr. Warner. Who just joined?

CAPTAIN ROB JONES: Rob Jones getting back in, government equipment dumped me off.

COMMANDER KEVIN CARROLL: Thanks Mr. Jones. Mr. Warner, to go back to this so you had prior conversations with John Svendsen, Dan Cleveland, Laura Groves in regards to bounty being in rough weather before. Correct?

MARK WARNER: Correct

COMMANDER KEVIN CARROLL: How far before this?

MARK WARNER: Probably talked to John throughout most of the season we were on the same watch so we had opportunities to speak with him. It was just in general throughout the whole season.

COMMANDER KEVIN CARROLL: Did your parents ask you why it was necessary that the vessel was going to sail near a hurricane?

MARK WARNER: I don't think they necessarily asked that. I may have tried to explain to them a little bit

COMMANDER KEVIN CARROLL: Can you explain it to me?

1
2 MARK WARNER: basically what Robin said was you didn't believe in the vessel (inaudible)
3 basically my thinking was if you leave the vessel on the pier you are taking a chance on whether
4 the hurricane is going to come basically destroy your vessel. You are taking risks as far as
5 people manning the vessel, even if it is shore side as well. Obviously it would be necessary to
6 get underway, there is obviously argument either way. The argument against this obviously
7 you're out in the hurricane. The argument for as presented by Robin, was that he had been
8 through hurricanes in the past and that Bounty had been through some rough weather as well in
9 the past. Personally I had been through rough weather, not as bad as hurricane Sandy ended up
10 being, but on (inaudible) in 2002 I had been in a pretty good storm. I knew what it was like to be
11 out in rough weather at sea and Robin didn't say, basically we could run the boat inland and just
12 cross your fingers but to me and to, I think, the majority of the crew it didn't seem like the most
13 responsible thing to do. The other option would be to board the vessel and try to find a safe
14 place to tie up, as safe as possible. Not being at a dock that we necessarily knew into the vessel
15 and stay with her and just kind of cross your fingers and hope the hurricane didn't hit you.

16
17 COMMANDER KEVIN CARROLL: so that is what you felt?

18
19 MARK WARNER: That's what I kind of thought over since Bounty went down. The explanation I
20 just gave is kind of what I thought ever since this all happened.

21
22 COMMANDER KEVIN CARROLL: I understand that hindsight would be difficult to ignore, but I
23 am trying to get a pretty good idea of what occurred in the decision-making process specifically
24 on October 25 during that meeting. So let me, if I could, sum up what I understand so far. You
25 tell me if I'm wrong or right. So the captain held a meeting, you are not sure why but he did hold
26 a meeting and that was normal prior to getting underway to hold a meeting. But this meeting
27 actually came with a disclaimer saying you could either go or stay because we are going
28 towards a hurricane.

29
30 MARK WARNER: Right.

31

1 COMMANDER KEVIN CARROLL: Now, let me ask you a question, during this meeting was
2 there anything presented in regards to, okay this is the forecasted track of the storm. This is the
3 forecasted strengths, this is the forecasted size of the storm.
4

5 MARK WARNER: Yes, Robyn told us there was a big storm forecasted track, well he didn't go
6 into forecasted track necessarily, he went into his experience with hurricanes in the past and
7 observing their track knowing that they would usually sort of follow the gulf stream. He outlined
8 the different options, one is that it could follow the gulf stream up and cut inland or it could just
9 basically stay out to sea. Those of the two options that he laid out. His plan that he laid out was
10 to heads down basically south towards the storm until the storm made a move and then we
11 would avoid the storm by either having West and staying on the navigable part of the storm or
12 head east if the storm headed inland we would head east down to sea more.
13

14 COMMANDER KEVIN CARROLL: Did he ever expressed to you his plan could possibly be
15 heading to the southeast and then cutting in front of the storms?
16

17 MARK WARNER: he didn't say that specifically no.
18

19 COMMANDER KEVIN CARROLL: If he told you that was his plan would that have given you
20 greater concern and possibly influenced you to leave the vessel?
21

22 MARK WARNER: Not at that time, no.
23

24 COMMANDER KEVIN CARROLL: So based on the comments that Robin made at this meeting,
25 now having experience with this weather on bounty and comments that you have from the
26 previous crew members, he felt confident that this was a good idea?
27

28 MARK WARNER: I did
29

30 COMMANDER KEVIN CARROLL: Did your parents give you any idea of what the forecasted
31 track of the storm was when you've talked with them?

1
2 MARK WARNER: They just told me it was a big storm, they didn't say anything about the
3 forecasted track.

4
5 COMMANDER KEVIN CARROLL: They knew you were going the right?
6

7 MARK WARNER: They did.
8

9 COMMANDER KEVIN CARROLL: Were they concerned about you?

10 MARK WARNER: I'm sure they were concerned. I don't think they were overly concerned as far
11 as saying, they did not say don't go. But I am sure they had some concerns. I am sure that they
12 felt confident as well. Everybody knew Robin and his experience.
13

14 COMMANDER KEVIN CARROLL: Did they know Robin?
15

16 MARK WARNER: My dad had sailed on the vessel so she knew Robin personally. My mom
17 had also come and visit and I want to say that they had been introduced. She didn't know him
18 well, my dad knew him from that three days on board.
19

20 COMMANDER KEVIN CARROLL: When did he spend those three days on board?
21

22 MARK WARNER: he spent those three days on board from (inaudible) Maine down to
23 Bridgeport Connecticut. I am hard pressured to say right now when that was
24

25 COMMANDER KEVIN CARROLL: Was it 2012?
26

27 MARK WARNER: 2012, yes definitely.
28

29 COMMANDER KEVIN CARROLL: Okay, Was he paid crew too?
30

1 MARK WARNER: No, he came on board as a volunteer basically just to sail with me and see
2 what I was up to.

3
4 COMMANDER KEVIN CARROLL: Okay. So his depth of experience with Robin Walbridge was
5 those three days that he was on board/
6

7 MARK WARNER: Correct as I said he had visited as well and then introduced, but they hadn't
8 really interacted other than that.
9

10 COMMANDER KEVIN CARROLL: Okay. So, from the time that this meeting was held to when
11 you threw off lines and departed. How long of a time period was that?
12

13 MARK WARNER: Not much time. I would say half an hour.
14

15 COMMANDER KEVIN CARROLL: about half an hour? Okay, during that time did any of the
16 crew express any of their concerns to you. Wow I can't believe we are doing this, wow this is
17 cool, I can't believe we are going to sail near hurricane?
18

19 MARK WARNER: Nothing like that. Concern as I said, wow this is different than a normal sail
20 going into a hurricane, well not into a hurricane that out where there is a hurricane. But nothing
21 like we should be doing this.
22

23 COMMANDER KEVIN CARROLL: You said watch on Claudine Christians watch correct?
24

25 MARK WARNER: That's right
26

27 COMMANDER KEVIN CARROLL: Question, on the trip from Boothbay to New London, was
28 there ever an opportunity where you worked with her as she brought to your attention that she
29 found a fuel leak down in the new tank room?
30

31 MARK WARNER: That's possible, I don't remember specifically.

1
2 COMMANDER KEVIN CARROLL: What was think about that for a minute Mark, did that
3 happen?

4
5 MARK WARNER: Okay. I would say it probably did happen, I know that she definitely had that
6 conversation with me. She had a few conversations with me like that. But yet, she probably did
7 at that point.

8
9 COMMANDER KEVIN CARROLL: Probably or did? Well I think it's kind of specific, it's not like
10 did you see what they were wearing, was there any conversation about her finding a fuel leak?

11
12 MARK WARNER: Okay. I am going to say yes. As I said I don't specifically remember timing
13 wise, but I am going to say yes.

14
15 COMMANDER KEVIN CARROLL: Okay. What were the details of the conversation? What
16 was the extent of the conversation?

17
18 MARK WARNER: Claudine was fired up and excited, I mean she wasn't happy about finding a
19 fuel leak, she is not happy about the fact that there is a leak, she is happy about the fact that she
20 found it. She She knew what to do, she informed John or maybe she informed, if Chris
21 Barksdale was around she would have informed the engineer. Basically she knew what to do,
22 she was doing good work and boat checks were kind of her thing. She enjoyed checking out the
23 vessel and making sure everything was going alright with Bounty.

24
25 COMMANDER KEVIN CARROLL: In regards to the fuel, what happened? What did she find,
26 what did she do?

27
28 MARK WARNER: Eventually the word would have gotten to Chris Barksdale and I believe Chris
29 tightened at the fitting or whatever, I don't remember specifically. He would've tightened up
30 whatever fitting it was to fix it.

31

1 COMMANDER KEVIN CARROLL: Okay, so that's all you can remember about that?

2

3 MARK WARNER: That is, like I said, it wasn't the first time we found a fuel leak or that Claudine
4 had found a fuel leak and it had been fixed so specifically on that trip, I mean I don't remember
5 specifically that process.

6

7 COMMANDER KEVIN CARROLL: Okay.

8

9 MARK WARNER: And if I have to say yes or no, I'm going to say yes.

10

11 COMMANDER KEVIN CARROLL: But there were other times?

12

13 MARK WARNER: Yes.

14

15 COMMANDER KEVIN CARROLL: Do you happen to recall when those were?

16

17 MARK WARNER: When or where did you say?

18

19 COMMANDER KEVIN CARROLL: When or where?

20

21 MARK WARNER: When or where. I remember in the starboard Ray core there was a leak at
22 one point, that that was just a fitting that needed to be tightened up well. When that was? It was
23 before Booth Bay, it was in the later part of the season.

24

25 COMMANDER KEVIN CARROLL: Okay. Alright, So let's go from the point of departure from the
26 time the meeting was held you said it was roughly a half hour from the time the captain said, this
27 is the plan us as were going, this is what we're going to experience and you can leave or stay it's
28 your choice. You say it was about a half an hour, is that right?

29

30 MARK WARNER: Yes.

31

1 COMMANDER KEVIN CARROLL: What what were you standing as far as time period, was it 8-
2 12?

3
4 MARK WARNER: Yes it was 8-12.

5
6 COMMANDER KEVIN CARROLL: Okay. Were you on watch upon departure?

7
8 MARK WARNER: It was all hands for departure and then A watch was sent down to get some
9 rest before we had to come back for the 8 to 12.

10
11 COMMANDER KEVIN CARROLL: Said during the 8 to 12 you were with Claudine, right?

12 MARK WARNER: Yes

13
14 COMMANDER KEVIN CARROLL: Did she express any concerns to you or excitement about
15 going towards the storm?

16
17 MARK WARNER: I am sure she was her him bubbly itself and being really fired up and excited
18 and concerned all at the same time. I don't remember her saying anything that would cause me
19 to be overly concerned or to think anything other than Claudine being Claudine.

20
21 COMMANDER KEVIN CARROLL: Okay, you said you had conversations with your parents. Do
22 you know if she had conversations with her parents?

23
24 MARK WARNER: I am sure she did via text or call. She had conversations with them quite a bit
25 so she definitely would've talked to them, yes.

26
27 COMMANDER KEVIN CARROLL: But you are not sure of the content of the conversations?

28
29 MARK WARNER: That's correct.

30

1 COMMANDER KEVIN CARROLL: Let's go from this point where you're on bounty you are
2 departing and its October 25, Correct.

3
4 MARK WARNER: if I run the date back, the 29th and Sunday,

5
6 COMMANDER KEVIN CARROLL: The 29th was a Monday Mr. Warner

7
8 MARK WARNER: It makes sense to be the 25th

9
10 COMMANDER KEVIN CARROLL: So what we are going to do now, we are going to take about
11 a seven minute break. We are going to come back at 1105 and give you an opportunity to
12 stretch your legs these the head if you have to, when we come back I basically want you to take
13 me through from that point of departure to obviously the sinking. I basically want you to give me
14 a description of what occurred and what you observed and what happened. Okay?

15
16 MARK WARNER: All right, that sounds good

17
18 COMMANDER KEVIN CARROLL: Lets take a break, 1105 we come back

19
20 CHIEF WARRANT OFFICER ENGLISH: Do we hang up and call back in?

21
22 COMMANDER KEVIN CARROLL: No, who is that?

23
24 CHIEF WARRANT OFFICER ENGLISH: Its CWO English Sir

25
26 COMMANDER KEVIN CARROLL: No if you could stay on the line I would appreciate it.

27
28 CHIEF WARRANT OFFICER ENGLISH: Not a problem commander, will do

29
30 COMMANDER KEVIN CARROLL: Thank you,

31

1 COMMANDER KEVIN CARROLL: NTSB, Captain Jones are you present? Captain Jones are
2 you present?

3
4 CAPTAIN ROB JONES: Yes, I am.

5
6 COMMANDER KEVIN CARROLL: Lieutenant Malore, are you present?

7
8 LIEUTENANT MALORE: Yes sir.

9
10 COMMANDER KEVIN CARROLL: NCOE?

11
12 LIEUTENANT COMMANDER NICHOLAS PARHAM: Hey Commander I am on.

13
14 COMMANDER KEVIN CARROLL: Okay. Bounty Organization?

15
16 LEONARD LANGER: Present.

17
18 COMMANDER KEVIN CARROLL: Christian Family?

19
20 JAKE SHISHA: Present.

21
22 COMMANDER KEVIN CARROLL: Mr. Svendsen?

23
24 JOHN SVENDSEN: Present.

25
26 COMMANDER KEVIN CARROLL: Chief Warrant Officer English, are you still there sir?

27
28 CHIEF WARRANT OFFICER ENGLISH: We are.

29
30 COMMANDER KEVIN CARROLL: Thank you. Mr. Warner, from where we were last time. We
31 are going to take from the departure from New London.

1
2 MARK WARNER: So we departed New London Thursday evening got underway, headed
3 southeast. Full ahead both on the main engines and at that point I went (inaudible) the head
4 rigs had to full up the head sails Claudine was there with me as well. Did watches on the 8-12
5 watch. As I said I remember the bilges were dry at that point that Thursday. Friday is a little, I
6 don't remember too many details about Friday, it was fairly uneventful. We were making
7 preparations for the hurricane, I remember I pumped the bilges on Friday, everything seemed to
8 be fine with the pumps. There was, the bilges weren't that high on Friday still headed south east.
9

10 COMMANDER KEVIN CARROLL: Still headed southeast on Friday?
11

12 MARK WARNER: Yes.
13

14 COMMANDER KEVIN CARROLL: Had you seen the forecast or track for the storm at that point?
15

16 MARK WARNER: I had not.
17

18 COMMANDER KEVIN CARROLL: It wasn't posted anywhere on the vessel?
19

20 MARK WARNER: No.
21

22 COMMANDER KEVIN CARROLL: Okay, so Bounty's position and the position of the hurricane
23 was not forecasted or posted on the vessel?
24

25 MARK WARNER: Not that I saw.
26

27 COMMANDER KEVIN CARROLL: Continue please.
28

29 MARK WARNER: (inaudible) vessel on Friday. On Saturday we continue with our preparations
30 Saturday we sent down the royal yard and secured it on deck to get ready for the hurricane. We
31 were working on getting netting set up to prevent man overboard.

1 COMMANDER KEVIN CARROLL: What were you steering Saturday as far as course?

2
3 MARK WARNER: Saturday at some point we started heading southwest I believe, I do
4 remember Saturday night that we were basically headed southwest and that we were
5 approaching Cape Hatteras, due to pass by fairly soon after 8-12 watch.

6
7 COMMANDER KEVIN CARROLL: On Saturday had you seen the forecasted position of the
8 storm at all?

9
10 MARK WARNER: The entire time I basically never saw the position of the storm?

11
12 COMMANDER KEVIN CARROLL: Can I ask a question?

13
14 MARK WARNER: Excuse me?

15
16 COMMANDER KEVIN CARROLL: I have to ask a question.

17
18 MARK WARNER: Okay.

19
20 COMMANDER KEVIN CARROLL: You were not interested in what the position of the hurricane
21 was?

22
23 MARK WARNER: I wouldn't say that I wasn't interested. It seemed more, I guess I wasn't taking
24 an active role in finding out my own information what the track of the hurricane was.

25
26 COMMANDER KEVIN CARROLL: Okay. Did Bounty have a means of tracking weather on
27 board? Did they have weather faxes?

28
29 MARK WARNER: Weather fax, weather via internet, basically we would get it via internet. I am
30 not sure how this works, I think it was short wave radio but we could receive it out at sea when
31 we had the connection and I believe that is where we got most of our information from.

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COMMANDER KEVIN CARROLL: Okay. But you never had the opportunity to see it and you didn't seek out that opportunity?

MARK WARNER: Unfortunately no.

COMMANDER KEVIN CARROLL: In regards to the course change, the course change was made to southwest, were you on watch during that course change?

MARK WARNER: No

COMMANDER KEVIN CARROLL: That did not happen on your watch? But it happened prior to your evening watch that night 200-2400

MARK WARNER: That's right. Should I continue on?

COMMANDER KEVIN CARROLL: Yes please.

MARK WARNER: Saturday night we were heading southwest and I remember being on the helm. Seas were building 20 feet or so, conditions building and I didn't do, that watch I hadn't done anything with boat check or bilges, I was on the helm for most of that watch. Sunday morning 8-12 watch I was on the helm again, still heading southwest at a certain point, I want to say half way through that watch we came about 3 points what I understood from John was Robin wanted to, the wind was backing at that point. Robin wanted to duck in closer to land to be more in the (inaudible) of that land, less impact from waves and weather. I was on the helm with Laura and John, we were trying to rotate in and out. At one point I had to lay aloft and furl some (inaudible) and secure some sails and the seas at that point probably about 25 feet and the conditions still building. We were sailing under the fore course and I remember it just being an incredible sail at that point. After the 8-12, we were not going to have work party that day due to the conditions, so I was headed down to get some rest. I was called back on deck, the fore course had blown out at the center line.

1
2 COMMANDER KEVIN CARROLL: What time?

3
4 MARK WARNER: We had to lay aloft and furl that.

5
6 COMMANDER KEVIN CARROLL: What time?

7
8 MARK WARNER: Probably about 1400. We furled the fore course, went back below to get some
9 rest. I do remember sleeping through dinner just to try to get some rest and being called up
10 probably around 1800, called up to, part of the fore course had blown out of its furl. So I was
11 aloft with Drew Salapatek, Josh Scornavacchi and John Jones.

12
13 COMMANDER KEVIN CARROLL: What were the conditions at that time?

14
15 MARK WARNER: The conditions were, I would say 30 foot seas and very strong winds. I didn't
16 check an anemometer, but I would say they were at least 60 knots probably. We were unable to
17 secure the part of the sail that had blown out and decided to (inaudible) back down to deck. At
18 that point, the gaff for the spanker had broken. So we wrestled that down to deck and secured it
19 on deck. We were hove to on a port tack at that point and we, actually when we were striking the
20 spanker gaff we had tried to fall of to run down wind a little bit to make it easier to reign in. We
21 were unable to come right and fall off. We were basically under one engine at that point.

22
23 COMMANDER KEVIN CARROLL: What time did the spanker have to be secured?

24
25 MARK WARNER: Right around 1800 or 1830.

26
27 COMMANDER KEVIN CARROLL: Okay, let me go back to you couldn't fall off due to having
28 one engine. When did you first become aware that you only had one engine?

29

1 MARK WARNER: It was at that time, like I said I had been down below decks not on watch
2 trying to rest. I don't remember how I knew, maybe John was on the throttle and I saw him using
3 only one throttle. That may have been it.
4

5 COMMANDER KEVIN CARROLL: So 1830, secured the spanker gaff, you were hove to on a
6 port tack, go ahead
7

8 MARK WARNER: I spent a little time below decks, changed clothes and at that point we were
9 hove to and Robin called me over and instructed me to brace up the windows on the transom
10 and a couple of windows in the stern with 2 x 4's so the seas wouldn't have any way to come in
11 through the stern of the vessel/
12

13 COMMANDER KEVIN CARROLL: Were they coming in?
14

15 MARK WARNER: No, they weren't. It was a precautionary measure so if a big wave were to hit
16 us right. We definitely didn't want to take on sea water in that way.
17

18 COMMANDER KEVIN CARROLL: Okay.
19

20 MARK WARNER: I secured those, Laura Groves helped me. It was during that period that we
21 lost generator power. I remember losing the lights in my headlamp and at that time Adam
22 Prokosh was thrown inside the vessel and hurt himself. Then we had people taking care of him.
23

24 COMMANDER KEVIN CARROLL: What time was that? As near as you can tell, give me times.
25

26 MARK WARNER: Okay. Around this session it will be hard to do times, I will give you my best
27 estimate.
28

29 COMMANDER KEVIN CARROLL: Okay.
30

31 MARK WARNER: It might have been 1930 at that point. So then checking in with Robin and
John, I think, yeah, John told me to ask Robin what he wanted done next. Robin talked about

1 checking bilge in take strainers just to make sure nothing was blocked. The crew had already
2 done that, they were doing that so Robin said the only other thing to do is get some rest because
3 we are going to need fresh legs. I was asking if I could stay on because I was on watch at the
4 point for the 8-12. Then after that,

5
6 COMMANDER KEVIN CARROLL: That's about 2000 right?

7
8 MARK WARNER: Yeah it would have been 2030 in there somewhere.

9
10 COMMANDER KEVIN CARROLL: Did you still not have power at that point?

11
12 MARK WARNER: Power came back on and then went off again. It is kind of difficult to
13 remember when. Let me think about what I was doing next, that might help me think about when
14 the power came back on.

15
16 COMMANDER KEVIN CARROLL: Okay.

17
18 MARK WARNER: The power did come back on around 2100 somewhere around there. Around
19 that point, I was called with Drew to go up on deck and get gasoline for the trash pump and also
20 the fire hose for discharge. At that point, we started with the trash pump. I was down in the
21 engine room basically directing the intake hose down into the water to be able to pump it out.
22 The trash pump was not being effective it wasn't running the pump, I'm not sure why.

23
24 COMMANDER KEVIN CARROLL: What was the level of water in the engine room at that point?

25
26 MARK WARNER: It was, we were heeled over to the starboard side so it had, it was above the
27 sole on the starboard side but not on the portside because of the width of the vessel.

28
29 COMMANDER KEVIN CARROLL: Who was down in the engine room?
30

1 MARK WARNER: Matt Sanders was down there, John was down there on and off, I think Chris
2 was down there a little bit, but he was mainly working with the trash pump, Chris Barksdale.

3
4 COMMANDER KEVIN CARROLL: Okay.

5
6 MARK WARNER: And myself. We kept trying with the trash pump, I believe at that point I
7 realized that I would want to open up the windows for some ventilation for running a trash
8 gasoline powered engine in a close space. I made sure to check with Dan Cleveland, got the
9 okay to ventilate if I thought it was necessary. As it would (inaudible) the trash pump, I would
10 open up a window to ventilate the area. Then in between attempts with the trash pump I would
11 close it and wedge my 2x4 brace into place. Around there, I would say 2200, I had a pretty
12 significant adrenaline crash, so I was out of it for a little while. I had to take a break, get some
13 food and take a rest for a little bit. Dan Cleveland, after that was over, had me go to grab another
14 hose for the trash pump to possibly see if we could get the trash pump up on deck to try to pump
15 that way. That idea didn't work, the hose didn't fit, we were just trying to do a different idea. At
16 that point we were trying everything we could with the trash pump. I was working with Chris
17 Barksdale for the most part, Jessica Black came out and helped a little bit. Mostly Chris and
18 myself and we were speaking with Dan Cleveland (inaudible) We tried a few different methods
19 to get the trash pump to work, the engine would turn but it wouldn't catch a prime, it would suck
20 or pump out any water. We had originally set it up to run out on deck with the outflow hose
21 through the transom windows to fight less gravity. Tried different methods of priming the pump
22 by there was a priming reservoir to fill with water each time we would start up the pump. We tried
23 lowering the pump while we would run down to the lower level of the water in the engine room
24 which at that point was up over the sole and bring it back up that didn't work. We tried filling the
25 output hose with water to prime it as well. None of efforts were successful and around, I want to
26 say 2300, we had a muster in the nav shack with the entire crew. At that point, the Coast Guard
27 C130 were overhead so we actually had communication from the via VHF. They were aware of
28 our situation, they were on scene. Robin laid out a possible abandon ship plan, he was
29 confident that (inaudible) our chances of making it were pretty good. He did say I feel good
30 about our chances, I don't feel so good about the boat. We received information from the Coast

1 Guard that they could launch helicopters 0600, weather permitting. So we had an idea that it
2 wouldn't be too long in the water.

3
4 COMMANDER KEVIN CARROLL: Did anybody express any concern during that meeting? Not
5 the captain, I am talking about the crew. Did anybody ask any questions?

6
7 MARK WARNER: I am sure we asked questions. I am hard pressed to pick one specifically. I
8 don't remember other than what Robin said, he did ask me to give him an indication of what
9 level the water was in the engine room. I went down and checked it was 4 ½ - 5 feet below the
10 sole of the tweens, I do remember that detail from the meeting.

11
12 COMMANDER KEVIN CARROLL: And that was at 2300?

13
14 MARK WARNER: At approximately.

15
16 COMMANDER KEVIN CARROLL: So it was 4 ½ feet below the soles of the tweens?

17
18 MARK WARNER: Yes. Would you like to try to remember for more details from the meeting, or
19 should I continue on?

20
21 COMMANDER KEVIN CARROLL: I would take a minute and see if you can remember anything
22 specifically from the meeting, and if you can't continue on please.

23
24 MARK WARNER: We talked about having harnesses on and we talked about getting the life raft
25 launched from the midships and getting them tied together and we would be able to clip in to the
26 (inaudible) on the way to the raft so we could all stay together. Timing wise how long we could
27 stay in the water was discussed. Robin said to continue with the trash pumps and anything that
28 we could do to try and save the vessel to buy some time.

29
30 COMMANDER KEVIN CARROLL: Immersion suits were discussed during this meeting, correct?
31

1 MARK WARNER: Yes.

2

3 COMMANDER KEVIN CARROLL: Was it discussed about wearing a life jacket over the
4 immersion suit?

5

6 MARK WARNER: I believe that was, from my recollection, communicated to us from the C130
7 that they wanted to see people in life jackets. Although I don't remember hearing them say that,
8 I heard someone else on board say that.

9

10 COMMANDER KEVIN CARROLL: That they wanted people wearing life jackets over the
11 immersion suits?

12

13 MARK WARNER: At least that's what I heard from another crew member.

14

15 COMMANDER KEVIN CARROLL: Which crew member?

16

17 MARK WARNER: I don't know.

18

19 COMMANDER KEVIN CARROLL: Continue from there.

20

21 MARK WARNER: Then I continued with Chris Barksdale and Josh Scornavacchi working with
22 the trash pumps. Still with no success although pretty soon thereafter, Dan came down with
23 instructions from Robin to see if we could try to get the trash pump up on deck and take the
24 engine room door off to enable that to happen. So we smashed the engine room door off and
25 we were able to bring the pump on deck, run the hose down into the engine room because the
26 water was at a higher level at that point.

27

28 COMMANDER KEVIN CARROLL: What is the level of that water?

29 MARK WARNER: It was fairly soon after the muster so it was 4 ½ feet below the sole.

30

31 COMMANDER KEVIN CARROLL: Did you have power at that point?

1
2 MARK WARNER: No, we did not. We were running the trash pump on the main deck with no
3 outflow hose just to decrease the resistance as much as possible. Still no success. Jess Hewitt
4 came up maybe half an hour into that and asked if she could take a shot at it. She suggested
5 pouring water into the priming reservoir with the pump running and we tried that, it actually
6 caught a prime, but also backwatered out of the priming reservoir and out of the outflow manifold
7 basically, soaked the spark plug and at that point we had to refuel the pump anyway. At the
8 point, we could not get the pump to start again. So basically at that point, I started getting ready
9 to abandon ship, changing clothes, getting some gear together. I had about 5 minutes before
10 Robin told us to get our immersion suit on. We started getting immersion suits on and harnesses
11 as well. I got mine on and I helped a few people get theirs on and we passed abandon ship gear
12 up to the weather deck and at that point I was very tired. I just rested from there until I heard
13 people say it was time to go. So, resting on the weather deck with the gumby suit on, was told it
14 was time to go. Start laying aft with everyone as the boat comes up, the deck was almost at a 90
15 degree angle to water. Starboard side, starboard rail being buried in the water. Heading aft
16 over towards the life raft, it became increasingly harder to stay aboard the vessel without going
17 in the water because the deck was at a 90 degree angle so everyone, one at a time, was
18 dropping into the water and pretty much had to swim aft. As the ship rolled back and forth
19 dodging rigging, laying aft to where the life rafts are. Came upon a life raft and John Svendsen
20 was there, Anna Sprague was with me. We were holding onto the life raft, it was un-deployed at
21 that time. A wave knocked us apart. We tried to swim away from the vessel just because of the
22 danger of the rigging being in and out of the water and pushing us under so we were trying to
23 swim away from that. We saw the life raft deploy, but was still fairly close to the ship. Even still
24 we swam back towards it just to grab hold of the life raft. I was there with Anna Sprague
25 holding the life raft and we tried to swim it away from the vessel. Because of the danger of the
26 rigging, one of the mizzen top sail yard almost hit us, so we decided to swim away again
27 realizing that the raft was still attached to the ship. I saw the raft get hit by that mizzen top sail
28 yard and it broke the yard arm which was fairly lucky which splintered into the yard arm and
29 came back down and hit the raft again without damaging it which was incredibly lucky. Soon
30 thereafter, the weak link of the (inaudible) must have broken and the raft broke free and we
31 were able swim to it and at the point John Jones and Josh Scornavacchi joined us and we

1 began to try to enter the raft. That model of raft was very difficult to enter, especially being as
2 tired as we were.

3
4 COMMANDER KEVIN CARROLL: Do you know what model it was?
5

6 MARK WARNER: I don't, just from talking to people after, hind sight realizing it was not the new
7 model that I think has a better means of getting in. Although on the other side of the raft there
8 was an inflatable step that I wasn't aware of until we were already in the raft. So I don't know
9 what model it was.
10

11 COMMANDER KEVIN CARROLL: Okay.
12

13 MARK WARNER: Took about an hour to get into the raft. Those 3 other people that I mention
14 and myself, we helped Matt Sanders and Jess Black and Doug Faunt in the raft so that there
15 were 7 of us total in the raft. That whole procedure took about an hour. Once we were in, we
16 distributed around the perimeter of the raft to distribute the weight for stability. We tried to listen
17 out to see if anyone was around, any other crew if we could see anybody. I did see the other raft
18 and it was deployed, I did see the light lit on top of that raft, but I couldn't see anybody in there or
19 near it. I didn't see anybody else around us and we zipped up the canopy on the raft just to take
20 on less water. We went through the gear we had on the raft, checked out start to make sure it
21 was going, we were looking for a handheld VHF which was not on the raft, but we did have an
22 EPIRB that I think Matt Sanders brought with him. I basically just tried to relax and take it easy
23 until it started to get light. Soon thereafter the C130 was flying overhead periodically pretty
24 much the whole time and sooner after sunrise, the coast guard helicopter came into sight and
25 the rescue swimmer came over and started taking people one by one over to the basket. Doug
26 was first, Jessica Black was next and Anna then me, which left Matt Sanders, Josh
27 Scornavacchi and John Jones in the raft. My helicopter had to come back to shore to refuel and
28 those 3 other guys were rescued by the second helicopter.
29

30 COMMANDER KEVIN CARROLL: Okay. I have a couple of questions, are you done with your
31 recount?

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MARK WARNER: yes, I am.

COMMANDER KEVIN CARROLL: When you were on deck, were you wearing your immersion suit with a life jacket?

MARK WARNER: Yes after putting it on, I had my immersion suit with a life jacket on.

COMMANDER KEVIN CARROLL: Okay, CWO English, do you have a copy of exhibit CG6 with you, CG6?

CHIEF WARRANT OFFICER ENGLISH: Yes, Commander, we do.

COMMANDER KEVIN CARROLL: Mr. Warner, can you identify that for me please?

MARK WARNER: Yes it looks like a cross section of Bounty.

COMMANDER KEVIN CARROLL: Okay. Specifically its an inboard profile.

MARK WARNER: In board profile, yes.

COMMANDER KEVIN CARROLL: Where were you on the vessel and I would like you to do Mr. English or if you have a pen, I want you to indicate prior to the vessel capsizing, I want you to indicate where you were on the vessel.

MARK WARNER: When I was on deck, you mean?

COMMANDER KEVIN CARROLL: Correct. Just put your initials and an X

MARK WARNER: Done.

1 COMMANDER KEVIN CARROLL: Where was that?

2

3 MARK WARNER: Between the capstan and the dog house for the nav shack basically on the
4 port side.

5

6 COMMANDER KEVIN CARROLL: Who was near you?

7

8 MARK WARNER: Matt Sanders and Anna Sprague, Dan Cleveland and Laura Groves, I believe
9 were farther forward on the vessel and that's really all I am aware of. As I said, I was exhausted
10 at that point.

11

12 COMMANDER KEVIN CARROLL: Can you mark their location?

13

14 MARK WARNER: Okay, should I put their initials too

15

16 COMMANDER KEVIN CARROLL: Please and if that's the only ones you are aware of, that's
17 fine. But I would like to ask, when was the last time you saw Claudine Christian?

18

19 MARK WARNER: The last time I saw her was on the tween decks when we were mustering and
20 getting immersion suits on.

21

22 COMMANDER KEVIN CARROLL: Please mark on that exhibit and then I will ask you some
23 more questions regarding that.

24

25 MARK WARNER: Okay. I didn't put Dan and Laura on there, are you saying when the vessel
26 actually capsized?

27

28 COMMANDER KEVIN CARROLL: No, I am saying prior to the vessel capsizing. You said you
29 were up on deck and you were tired and you all kind of went up on deck. From the tweens you
30 went up on the weather deck, correct? Did you guys count off or take role call?

31

1 MARK WARNER: I don't recall if they did when I was up there, I was basically just passed out
2 almost. As far as when we first go up on deck, I know of Anna and Matt for sure as I wrote down
3 on this sheet.

4
5 COMMANDER KEVIN CARROLL: So there was a sheet?

6
7 MARK WARNER: No, the inboard profile of Bounty here.

8
9 COMMANDER KEVIN CARROLL: Okay understood. Did you walk up on your own or were you
10 carried, you said that you were exhausted.

11
12 MARK WARNER: I walked up there.

13
14 COMMANDER KEVIN CARROLL: So the last time you saw Claudine was on the tween decks,
15 is that correct? And that's how long before you evacuated to the weather deck?

16
17 MARK WARNER: I would say 45 minutes

18
19 COMMANDER KEVIN CARROLL: 45 minutes, was she wearing her immersion suit?

20
21 MARK WARNER: Yes

22
23 COMMANDER KEVIN CARROLL: Did you or anyone else assist her with putting on the
24 immersion suit?

25
26 MARK WARNER: I didn't and I am not sure about anyone else.

27
28 COMMANDER KEVIN CARROLL: Was she wearing a life jacket like you were?

29
30 MARK WARNER: I'm not sure.

31

1 COMMANDER KEVIN CARROLL: What was the last time you saw Captain Walbridge?

2
3 MARK WARNER: I think she was wearing it because everybody was. The last time I saw
4 Captain Walbridge was just before I, basically after I had my immersion suit on, I helped a
5 couple of other people and Anna Sprague and I were helping Robin on with his immersion suit,
6 so lets say very soon. I am trying to give you a time here, just before I came up to the weather
7 deck basically.

8
9 COMMANDER KEVIN CARROLL: Why were you helping the captain on with his immersion
10 suit?

11
12 MARK WARNER: Because his back was hurt.

13
14 COMMANDER KEVIN CARROLL: Did you see him get injured?

15
16 MARK WARNER: No I didn't. John told me that he had taken a fall during one of the rolls of the
17 vessel and taken a fall in the great cabin. I could tell he was in pain, I didn't actually see how he
18 hurt his back.

19
20 COMMANDER KEVIN CARROLL: Who else did you help with their immersion suit?

21
22 MARK WARNER: Adam Prokosh already had his suit on, I just helped him tighten up his
23 climbing harness. I helped Jess Black mainly with finding her a harness and getting it on. I think
24 we helped each other do the final zip up of the hood. I was helping Anna Sprague with her
25 harness and pretty much the entire suit with Robin, Anna and I were helping Robin.

26
27 COMMANDER KEVIN CARROLL: So you were wearing your climbing harness as well?

28
29 MARK WARNER: Yes

30

1 COMMANDER KEVIN CARROLL: So you were wearing an immersion suit, climbing harness,
2 and then life jackets?

3
4 MARK WARNER: Eventually life jacket, yes. At that point I did not have a life jacket on.
5

6 COMMANDER KEVIN CARROLL: But to your knowledge, everybody was similarly outfitted?
7

8 MARK WARNER: To my knowledge, yes.
9

10 COMMANDER KEVIN CARROLL: Okay. One last question and then I am going to turn the
11 questioning over to Captain Jones from the NTSB. You said before, earlier in the day that you
12 went to sleep.
13

14 MARK WARNER: It was kind of a rest getting ready for my 8-12 watch.
15

16 COMMANDER KEVIN CARROLL: Okay, where were you sleeping?
17

18 MARK WARNER: Sleeping in the crew quarters in my rack which is starboard side after cabin.
19

20 COMMANDER KEVIN CARROLL: Was it wet?
21

22 MARK WARNER: Not the aft cabins. Within the crew quarters, the cabins on the starboard side
23 were more aft than the ones in front of it.
24

25 COMMANDER KEVIN CARROLL: Was your rack wet, was your room wet?
26

27 MARK WARNER: It had during the more pronounced rolls of the vessel, some of the bilge water
28 would run up the hull planking and shoot out through the ceiling planking
29

30 COMMANDER KEVIN CARROLL: So it was.

31 MARK WARNER: Yes it was

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COMMANDER KEVIN CARROLL: Was at normal for bounty?

MARK WARNER: For bounty, from my experience no, but I had heard from other people and heavy weather, yes.

COMMANDER KEVIN CARROLL: Who did you hear that from?

MARK WARNER: Dan Cleveland

COMMANDER KEVIN CARROLL: So you are on board, obviously Saturday and Sunday, it sounds like most of the time you were actually up one day on the helm, but I have to ask, in terms of the amount of water that was in the bilges, to your knowledge where was the water entering the hull?

MARK WARNER: To my knowledge, in hindsight, do you want hindsight what I knew at the time?

COMMANDER KEVIN CARROLL: Hindsight, what you thought of the time, Let's go with both.

MARK WARNER: Okay. To my knowledge, I think there is a working of the hull that is in rougher seas, the ship will work more, weathering this seems more liable to take on water. We may have (inaudible) the seams above the waterline which is kind of my thought because none of those were worked on in the yard. That's a possibility. That would be it.

COMMANDER KEVIN CARROLL: There were seams above the waterline in the two areas on the starboard side in the port side where the planks were replaced, correct?

MARK WARNER: Could you repeat the question please?

1 COMMANDER KEVIN CARROLL: In the shipyard, you said earlier that there was no seams
2 above the waterline that were re-caulked at the shipyard, correct?

3
4 MARK WARNER: Except for the planks that we had to replace.

5
6 COMMANDER KEVIN CARROLL: Okay. To your knowledge, was there any water coming in
7 through those planks that had been replaced?

8
9 MARK WARNER: No, that was highly unlikely given the height of them above the waterline and
10 that they were just done.

11
12 COMMANDER KEVIN CARROLL: Okay. Did you actually have the opportunity to witness any
13 water coming into the hull?

14
15 MARK WARNER: No I did not.

16
17 COMMANDER KEVIN CARROLL: Was it coming in over the deck?

18
19 MARK WARNER: Down flooding from the deck, no.

20
21 COMMANDER KEVIN CARROLL: Okay.

22
23 MARK WARNER: (inaudible) It was basically very minimal but we had a freak wave on
24 Saturday, yes Saturday 8 to 12 watch we took a wave at midships that came in and basically a
25 small amount of water came in and got Claudine and John and Doug wet when I was on the
26 helm.

27
28 COMMANDER KEVIN CARROLL: Okay. In regards to the watches that you are standing on
29 Saturday and Sunday, at any time was reported to you that the electric bilge pumping system
30 was not working? Or not working properly?

31

1 MARK WARNER: No.

2

3 COMMANDER KEVIN CARROLL: Never?

4

5 MARK WARNER: It was never reported to me.

6

7 COMMANDER KEVIN CARROLL: Did you have any conversations with any of the, I did the
8 oncoming watch or the off going watch at any point on Saturday or Sunday talking about the
9 conditions of the bilge pumping system?

10

11 MARK WARNER: I know we talked about conversations that we had were, we should be
12 running, we should be pumping bilges constantly. I knew people were down there pumping
13 bilges constantly. To my knowledge, the pumps were working fine although harder because of
14 the roll of the vessel to keep a prime.

15

16 COMMANDER KEVIN CARROLL: Did you pump bilges on Saturday or Sunday? With the
17 electric bilge pumping system?

18

19 MARK WARNER: No I did not.

20

21 COMMANDER KEVIN CARROLL: But at no point during your tenure on bounty had you had to
22 break out the gasoline powered trash pump, correct?

23

24 MARK WARNER: Other than at the end, that is correct.

25

26 COMMANDER KEVIN CARROLL: Alright. So, okay. I would like Capt. Jones to ask you some
27 questions now, okay?

28

29 MARK WARNER: Okay.

30 COMMANDER KEVIN CARROLL: Capt. Jones, go ahead sir.

31

1 CAPTAIN ROB JONES: Good morning Mr. Warner, just a few follow-up questions. Let's go
2 back to you just talked about how tired you were in the sleep, or the lack thereof. I am just trying
3 to get a number on things. In the 48 hours prior to the capsizing, about how much sleep can you
4 estimate you got it about that time and that sleep not just laying in your bunk resting.
5

6 MARK WARNER: Actual sleep in the previous 48 hours. It would be Saturday and Sunday, I
7 would say 12 hours.
8

9 CAPTAIN ROB JONES: Thank you. Another thing that I found interesting that you said, when
10 you had a concern about the bilge pump and you left a message or a text for John or Matt, were
11 you texting that two people aboard the vessel, was that how you communicated?
12

13 MARK WARNER: At that point John and Matt were off the vessel, Robin was covering for them
14 or covering for John. But John and I were, he was the made on duty that day I was the deckhand
15 on duty that day so my first point of contact was John. So I called him up to talk to him because
16 he was my first point of contact. I believe that Matt was with him or knew where he was so I had
17 to check with Matt as well.
18

19 CAPTAIN ROB JONES: When you saw him face-to-face did you, I know you said you talked to
20 Capt. Walbridge but did you follow up with them at all when you saw the face-to-face?
21

22 MARK WARNER: I followed up with Matt and talked about it a little bit. John I haven't talked to
23 about it until I had asked him at some point, when was it, probably Friday I would say Friday
24 when we were underway I said something about you get my message and he said no I never got
25 it.
26

27 CAPTAIN ROB JONES: But just to follow through with that, if I'm not mistaken you feel the issue
28 had been rectified because you spoke about it with Capt. Walbridge and he got the pump going?
29

30 MARK WARNER: That is correct.
31

1 CAPTAIN ROB JONES: Did you witness him get it going?

2

3 MARK WARNER: I did yes.

4

5 CAPTAIN ROB JONES: When was the next time that pump became an issue, if it did?

6

7 MARK WARNER: From personal experience, I didn't have an issue with it from there on
8 forward. I would think that it was Sunday that it became an issue.

9

10 CAPTAIN ROB JONES: Okay. That was the first and only time you have had a problem with
11 that pump and Capt. Walbridge fixed it.

12

13 MARK WARNER: yes I would say that was the first time I had had that kind of problem yes

14

15 CAPTAIN ROB JONES: You also said, I think your description was, in your opinion the bounty
16 made a lot of water.

17

18 MARK WARNER: More than I had been used to, but I was also used to sailing on steel hull
19 vessels and as I've said I don't necessarily remember how much water she made (inaudible) in
20 my experience, yes, Bounty made more water until the shipyard point and that it was really dry
21 until we were in heavy weather, heavy seas.

22

23 CAPTAIN ROB JONES: When you first starting seeing the water come back after you said it was
24 dry, what did you start thinking?

25

26 MARK WARNER: Just that it hadn't been pumped out in a a while, also that we were in heavy
27 or weather and that would be more of an opportunity to take on some water.

28

29 CAPTAIN ROB JONES: So do you think it being dry after the shipyard period, now that you are
30 experiencing back in the water and exposed to seas it was back to his old self? Did you expect
31 to see the normal amount of water the vessel made prior to the shipyard?

1
2 MARK WARNER: No I didn't expect that, that wasn't my experience. My experience in similar
3 seas to what we had had all season, basically all season it was fairly calm and we made a
4 medium to high amount of water. After the shipyard before the seas got rough it was fairly calm,
5 we were in tough seas but it wasn't crazy. At that point, we were making a drastic amount less
6 water at that point. Until we got into heavier seas where we either blew out seems for the ship
7 worked so much whatever the cause was that we were taking on more water.

8
9 CAPTAIN ROB JONES: Could you feel the ship working?

10
11 MARK WARNER: Yes you could feel it working and hear it working.

12
13 CAPTAIN ROB JONES: Were you hearing more creaking than you heard before?

14
15 MARK WARNER: I'm sure was yes, being in heavier seas.

16
17 CAPTAIN ROB JONES: Messing and remember for a similar type of sees that you've
18 experienced was the creaking louder this time or the same as before?

19
20 MARK WARNER: In similar seas, the same.

21
22 CAPTAIN ROB JONES: Going back to the, let me just get just for clarification, you are on the A
23 watch with Mr. Svendsen as the chief mate, and Doug Faunt is the other AB on your watch and
24 miss Christian right?

25
26 MARK WARNER: That is correct.

27
28 CAPTAIN ROB JONES: During a normal watch, who was out there staring at the helm?

29
30 MARK WARNER: Normally we would rotate that duty.

31

1 CAPTAIN ROB JONES: Even Claudine?

2

3 MARK WARNER: Yes.

4

5 CAPTAIN ROB JONES: You said you were not on watch or don't remember, or at least you
6 were not steering when the ship went from the southeast tack to the southwest tack, is that
7 correct?

8

9 MARK WARNER: That is correct.

10

11 CAPTAIN ROB JONES: So it was either Doug Faunt or Claudine when that course change was
12 made, if it was made on your watch?

13

14 MARK WARNER: If it was made on my watch yes. For my recollection I thought it was made
15 prior to my Nightwatch on Saturday.

16

17 CAPTAIN ROB JONES: Okay. Going back to the captain's description of how you were going to
18 go to see and avoid the storm, you gave a very clear description of what his plan was as you
19 understood it and I just want to recount if the hurricane went out to see you were going to go
20 inland if the hurricane went inland you were going to go out to see or stay out to see them go
21 around my correct

22

23 MARK WARNER: That is correct.

24

25 CAPTAIN ROB JONES: What are your thoughts now that you know that the hurricane was
26 predicted to go in land, did go in land and you went inside of the hurricane? Why do you think
27 that occurred?

28

29 MARK WARNER: My thoughts now why that occurred are the the timing of it, I think we made
30 our course adjustment to head Southwest and were headed that direction from what I
31 understand the hurricane made a pretty drastic westerly turn and we were past the eye of the

1 storm, or the storm's track I believe, once we hove to, once we blew up a four course and
2 eventually had to leave to that is my understanding of it. As of now. Basically we thought it was
3 going to stay out to see what I say we Robin basically, as a guess I obviously don't know what
4 he thought but you are assuming well I think so that's what I think.

5
6 CAPTAIN ROB JONES: When you gave a lot of descriptions to Cmdr. Carol about all the work
7 that you had done on the vessel while it was in Boothbay, and you had a quite a lot of
8 knowledge of the work done on the wood in the planking and rot and the decay along with the
9 pictures of the remedies to deal with that rot and get the vessel button backup, what were you
10 thinking about those remedies and the rot and decay that you knew were there and the fact that
11 you are going out into a hurricane?

12
13 MARK WARNER: I honestly was not worried about it that could be either inexperience on my
14 part or that it was not as big of an issue, so basically I was not, the percentage of rot on the
15 frame the quality of work that had been done to button it up did not cause me to be concerned
16 about it.

17
18 CAPTAIN ROB JONES: Okay, what about now?

19
20 MARK WARNER: With my level of experience now I sit would say that there was any more
21 movement of the ship caused by rot, the work that was done I have no concern with as far as the
22 seams, I think maybe the rot caused the ship to work a little bit more, I think that's a possibility. In
23 the larger sees it might be the seams that were not worked on that had blown out, and that is my
24 guess as to where the water was coming from, the ship working in heavy seas and probably
25 blew a couple of seems above the waterline, but that is the opinion that I have.

26
27 CAPTAIN ROB JONES: The meeting that you described at 2300 on Sunday night when you
28 were mustered everybody was giving their survival suits on and did the captain Walbridge
29 express any feelings or even apologize for giving the crew and the shipments of the situation,
30 what was he saying to you?

31

1 MARK WARNER: Here's being a strong leader that Robin always was, basically business and
2 confidence, here's what we're going to do here's how we can do it just getting it done,
3

4 CAPTAIN ROB JONES: When this meeting was taking place was all the crew there?
5

6 MARK WARNER: Yes.
7

8 CAPTAIN ROB JONES: Was the boatswain Laura Groves there?
9

10 MARK WARNER: Yes, to my knowledge yes.
11

12 CAPTAIN ROB JONES: Do you remember the captain asking the crew how did we lose this
13 battle, how did we get into the situation?
14

15 MARK WARNER: No.
16

17 CAPTAIN ROB JONES: Where did we go wrong, anything like that
18

19 MARK WARNER: No
20

21 CAPTAIN ROB JONES: Were you within earshot of everything you said? Did you hear me?
22

23 MARK WARNER: I was just thinking, the only time I think I left to go do something was watching
24 from the level of the bilges, and I don't think there is a conversation when I was gone. I was the
25 lowest one on the ladder, I think what you're getting at is that the conversation go on and that I
26 hear it, I don't remember hearing the conversation and it was a little bit hard to hear, but they got
27 caught most of it.
28

29 CAPTAIN ROB JONES: One thing you had mentioned about your watch partner Claudine
30 finding that fuel leak, when was that, I might have missed the time he told me?
31

1 MARK WARNER: I do not quite remember, Cmdr. Carol had asked me to give a definitive
2 answer so my definitive answer was that it happened, from Boothbay down to New
3 London. Honestly I don't specifically remember.

4
5 CAPTAIN ROB JONES: That should bring it up at the next watch? That it was still leaking or that
6 it was tended to?

7
8 MARK WARNER: That situation happened and it was probably in New London, between
9 Boothbay and New London, as I said there was the only time that it happened (inaudible) or that
10 Claudine had talked about fuel leaks, so we had to deal with a situation like that

11
12 CAPTAIN ROB JONES: Let's be specific, I know you said it and I appreciate and I understand if
13 you can't be specific any service but other times, once just be specific to Boothbay and from my
14 notes he said you're pretty sure where it would have got to Chris Barksdale so it had to be on
15 from Boothbay to New London we are talking about now right not before.

16
17 MARK WARNER: That makes sense

18
19 CAPTAIN ROB JONES: Let's stick to that, so she talked to you about it, you feel word is gotten
20 back to probably gotten back to Chris Barksdale, did Claudine ever bring it up again in her
21 rounds or did you ever hear anything of it, if there was this still a fuel leak, after she brought it to
22 your attention the first time?

23
24 MARK WARNER: That's possible, as I said I'm not 100%, can take a guess, she discovered a
25 fuel leak, is not the only time that it has happened, it is brought to the engineers attention, it is
26 either dealt with immediately or it is dealt with soon, maybe on her next run she sees it again,
27 she talked about leaks quite a bit, I honestly don't know, she talked about leaks quite a bit.

28
29 CAPTAIN ROB JONES: Are you saying that when the ship left New London there was a fuel
30 leak?

31

1 MARK WARNER: Yes, a significant fuel leak, no. A drip fuel leak I'm sure there was, we had
2 installed, that brings back some memories more clearly within the tank room we had installed all
3 new plumbing and yes there were definitely fuel leaks in there as the system was charged I
4 know Chris and Matt were working on tightening up, so that does make sense that she would
5 have definitely seen that on her boat check, brought it up and that it would not have been fully
6 repaired, I'm sure all of the leaks had not been repaired by the time she did her next check, so
7 she would have reported leaks yet again.

8
9 CAPTAIN ROB JONES: So is it possible that going back either her beau checks or your boat
10 checks or these fittings because they were new lines, did they have to be tendered to hourly or a
11 couple times per day as the ship was starting to work as the lines were working for the first time,
12 if this is a new run for these piping lines and the ship is working for the first time since they have
13 been installed, can I assume the runs for this piping lines are longer than they were previously?

14
15 MARK WARNER: No they were actually shorter because we had moved the tank room aft so it
16 is closer to the engine room, the runs were shorter but they did need tending to maybe a couple
17 times a day, as the engineering projects were, as to what they were other than piping I'm not
18 sure but I know they were working on a few things as well

19
20 CAPTAIN ROB JONES: Say Saturday night, would you recall that is being when the weather
21 started picking up to start and get into a storm?

22
23 MARK WARNER: Yes, Saturday night we were into 20 foot waves previous to that the seas had
24 been

25
26 CAPTAIN ROB JONES: During your boat checks or Claudine's boat checks did you continue to
27 alert Chris and Matt that there were still fuel leaks?

28
29 MARK WARNER: Once we tell them we know it's on the list were not going to keep telling, but if
30 it goes on for a while then we will bring it up again

31

1 CAPTAIN ROB JONES: Can you describe the week so you're talking about is are these just
2 drips are the pour?
3

4 MARK WARNER: Just a drip here and there
5

6 CAPTAIN ROB JONES: Would it increase with the next time that you went down for a boat
7 check or eight hours later were back on watch
8

9 MARK WARNER: They would not increase, if there is a leak that we are watching and waiting
10 for it to get fixed if it had ever increased then yes we would point that out or take action to
11 remedy it, we are talking about small drips that they are trying to catch before they go into the
12 bilge and bring to the engineering department and get it taken care of.
13

14 CAPTAIN ROB JONES: What you have described to me sounds like just a normal operation but
15 Claudine's first time that she brought it to your attention was this a drip she was not about or a
16 leak? A fuel leak like in a line, a hole that has been punctured and spewing fuel into the bilge?
17

18 MARK WARNER: No I do not remember that, I remember leaks, I think I would remember a
19 spewing like you are talking about.
20

21 CAPTAIN ROB JONES: Okay that is all I have right now.
22

23 COMMANDER KEVIN CARROLL: At this point I'm going to list Mr. Svendsen has some
24 questions, Mr. Svendsen go ahead.
25

26 JOHN SVENDSEN: Morning Mark, can you hear me ?
27

28 MARK WARNER: Yes good morning.
29

30 JOHN SVENDSEN: I have a couple questions about your work in the yard, did you describe the
31 level of experience that you have as a carpenter?

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MARK WARNER: My experience as a carpenter is (inaudible) I've dealt with framing finish carpentry repairs basically any type of residential construction from basically rehabbing homes.

JOHN SVENDSEN: Do you have any experience with rot or evaluating whether something is structurally sound when you are doing repairs and doing construction?

MARK WARNER: Yes I do, definitely.

JOHN SVENDSEN: When you are making observations of the ship would you say that was structurally sound?

MARK WARNER: Yes I would, I wasn't concerned with the stability of the frame.

JOHN SVENDSEN: Were you a part of watching the planks being placed back on the hull and fastened?

MARK WARNER: Yes I was.

JOHN SVENDSEN: At any point time we concerned that any of the fasteners were not meeting solid material within the frame and doing their job fastening the planks to the hull?

MARK WARNER: There were a very small number of the spikes, the steel spikes that did not really grab as well as, (inaudible) basically impossible to get out you need like a 5 foot bar to pull out the spikes that have been driven in to the frames on the planks are we removed those spikes held very well, there is a small number of spikes that did not hold as well and all the (inaudible) we put through I felt comfortable.

JOHN SVENDSEN: Can you describe to me, was on the previous planks that were being removed or the place or being installed?

1 MARK WARNER: Definitely on the points that were being removed on the planks that were
2 installed maybe three or four that weren't hitting a solid of wood as the rest of them.

3
4 JOHN SVENDSEN: Was there any action taken to sure up the spikes to move nine placement a
5 different location?

6
7 MARK WARNER: On the moving and putting the trunnel in, the trunnel are going to hold it, the
8 spikes from my understanding from the shipyard, the spikes to hold it mainly to get it in place for
9 the trunnel to do their work. I'm trying to think we put any additional spikes and spots.

10
11 JOHN SVENDSEN: Do remember putting any additional ones in?

12
13 MARK WARNER: Let me think about it for a second. I think we did in a couple spots, not a ton
14 maybe one or two.

15
16 JOHN SVENDSEN: Okay and about how many trunnels per plank did you put in?

17
18 MARK WARNER: We used to trunnel's per frame so probably about 20 on the port side and 24
19 on the starboard side.

20
21 JOHN SVENDSEN: And how about spikes?

22
23 MARK WARNER: Two per frame, (inaudible)

24
25 JOHN SVENDSEN: Did the yard workers Jim and James and Todd seemed satisfied with the
26 structural integrity of the repairs?

27
28 MARK WARNER: Yes.

29
30 JOHN SVENDSEN: You had mentioned that you are working with the bilge pumps and you do
31 not remember the exact pressure that was being applied, he said it was approximately 20 psi if

1 you remember correctly, was there a vow that she could change the pressure from maximum
2 pressure to minimum pressure and you remember what that range was?

3
4 MARK WARNER: There was a valve in the range is probably from zero to maybe 90 psi.

5
6 JOHN SVENDSEN: The only difference in changing that back pressure is the amount of
7 pressure being put out of the pump to help prime, would that be a your understanding her was a
8 use for something different?

9
10 MARK WARNER: Could you repeat the question

11
12 JOHN SVENDSEN: Were you using a valve on that discharge pipe to change the pressure, was
13 that to increase back pressure to help the prime (inaudible)?

14
15 MARK WARNER: I use that to get a prime, I believe the pump output had a certain PSI net that
16 was used more for like you said for back pressure, that's my understanding of why that would
17 work is to catch a prime.

18
19 JOHN SVENDSEN: Okay. But we're talking about the bilge, while you are looking at the
20 compartments they were working at in the tank room weather is a new tinkering with the old tank
21 room or the crew spaces or any other space you are and why you're on your boat check the
22 remember saying baffles in the bilges to keep the water within the centerline of the ship?

23
24 MARK WARNER: Yes I do one on port side one starboard side

25
26 JOHN SVENDSEN: Can you describe what they look like and what they look like throughout the
27 voyage?

28
29 MARK WARNER: Yes they are white rectangular plastic pieces that are slid down into slots on
30 either side of the keels and I know for sure that they were in place at least in the crew space

1 going left the boat yard because I was crawling through their, I did not notice anyone missing at
2 any point after the boatyard so I would say that they were all in place.

3
4 JOHN SVENDSEN: Were you ever a part of installing or repairing any of those baffles?

5
6 MARK WARNER: I think I was, let me think about that for a second. The experience I have with
7 that is if I had to remove them for some reason to get down, I know specifically we cleaned in the
8 port so we would move the baffles to be able clean and and I was put a couple of them back I
9 think Claudine and Jessica Hewitt put most of them back but I did a couple of them I think. As far
10 as repair not that I recall but just making sure that they were all there, yes.

11
12 JOHN SVENDSEN: Do you know if they were in place when you got on board are installed while
13 you are on board?

14
15 MARK WARNER: I think they were in place I got on board.

16
17 JOHN SVENDSEN: Do you know who initially stalled them and when?

18
19 MARK WARNER: No I don't.

20
21 JOHN SVENDSEN: You mentioned also in regards to the boat there is lead ballast that was
22 moved aft, were you at any time during the visit to New London asked to go away one of those
23 ingots?

24
25 MARK WARNER: Yes I was.

26
27 JOHN SVENDSEN: The recall what the weight of that ingot was and what was the shape?

28
29 MARK WARNER: It's a rectangle and as far as the specific weight I don't remember. But I did
30 have to go weigh it.

31

1 JOHN SVENDSEN: Would you say 10 pounds, 20 pounds, 30 pounds, 40 pounds, 50 pounds,
2 60 pounds sound familiar?

3
4 MARK WARNER: If I had to guess I would say was over 10 pounds definitely not more than 20.
5

6 JOHN SVENDSEN: Okay.
7

8 COMMANDER KEVIN CARROLL: This is Cmdr. Carol, Mr. Warner were you told why to go do
9 that?
10

11 MARK WARNER: Yes Robin said that he wanted to get a calculation for, if this is what one ingot
12 weighed then he could use that for ballast calculations
13

14 COMMANDER KEVIN CARROLL: Did you get that information back to him?
15

16 MARK WARNER: Yes.
17

18 COMMANDER KEVIN CARROLL: Was there anyone else present when you gave it to him?
19

20 MARK WARNER: When I gave him the weight of the ingot?
21

22 COMMANDER KEVIN CARROLL: Yes.
23

24 MARK WARNER: Yes.
25

26 COMMANDER KEVIN CARROLL: Who?
27

28 MARK WARNER: I want to say John Svendsen was there, there is a lot of people around I think
29 I remember John being there.
30

31 COMMANDER KEVIN CARROLL: John Svendsen do you remember what the weight of it was?

1
2 JOHN SVENDSEN: To the best of my recollection I want to say it was in the range that he was
3 talking about, somewhere around 18 pounds to 22 pounds somewhere in that range would be
4 my guess. I don't remember the specific number I was hoping that Mark would have.
5

6 COMMANDER KEVIN CARROLL: Did Capt. Walbridge have an idea of how much weight was
7 moved and where? What was he applying that to?
8

9 MARK WARNER: I'm sorry Cmdr. Carroll cites a question or
10

11 COMMANDER KEVIN CARROLL: I'm talking to Mr. Svendsen now
12

13 JOHN SVENDSEN: I believe he was wanting to calculate what the ballast was that was moved
14 at that point.
15

16 COMMANDER KEVIN CARROLL: Okay.
17

18 JOHN SVENDSEN: I was not involved in the calculations or the numbers or any specific details,
19 I just remember being brought up in conversation at that time in New London.
20

21 COMMANDER KEVIN CARROLL: Do you know who he was supplying this information to her
22 was this just for him?
23

24 JOHN SVENDSEN: Typically Robin would do calculations, he would ask for consultation with
25 David Wyman or how, I can remember Hal's last name another architect that he had worked
26 with, I do not know if you talk to anyone before we left.
27

28 COMMANDER KEVIN CARROLL: Okay, do you know if he was providing this information back
29 to the company?
30

31 JOHN SVENDSEN: I'm not privy to what he did with the information.

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COMMANDER KEVIN CARROLL: Okay, continued Mr. Svendsen.

JOHN SVENDSEN: There was some talk about training as far as being a forward look out and what your duties were as far as that kind of thing goes, do you recall being on the Bounty and undertaking (inaudible) courses

MARK WARNER: Yes.

JOHN SVENDSEN: Can you describe how the training went and what was involved with it?

MARK WARNER: The assessments that were carried out were (inaudible) invited carry those assessments out on the wheel, we had some simulator time up in Nova Scotia to deal that have access to a Gyro compass, we did assessments as far as standing watch and forward Lookout how to report (inaudible) and direction, port system, how to recognize and point out (inaudible) signals as well. Steering on a range that was another one.

JOHN SVENDSEN: Were you asked to judge distances as well?

MARK WARNER: Yes.

JOHN SVENDSEN: Was is that I day and at night?

MARK WARNER: Yes.

JOHN SVENDSEN: Where you also given other commands shifting your helm, and things of that nature?

MARK WARNER: yes.Shift your helm,, steady as she goes,

1 JOHN SVENDSEN: Okay. Was this just something that the Bounty made up or was it an actual
2 US Coast Guard form that was used for the training?

3
4 MARK WARNER: It was an actual US Coast Guard form.

5
6 JOHN SVENDSEN: Are you aware (inaudible) by the US Coast Guard on board the Bounty?

7
8 MARK WARNER: There was.

9
10 JOHN SVENDSEN: Did you ever use that in the process of learning the rules of the road and
11 how to stand a good lookout?

12
13 MARK WARNER: Yes we did.

14
15 JOHN SVENDSEN: Was there any discussion on watch in training and options that were used
16 from the book in any point in time?

17
18 MARK WARNER: Was there any discussion about using the book for additional training is that
19 what the question was?

20
21 JOHN SVENDSEN: Yes additional training or discussion on watch?

22
23 MARK WARNER: Yes, yes definitely.

24
25 JOHN SVENDSEN: I'm going to go back in time now, commend Carol was asking you about the
26 plank in the mizzen on the starboard side I believe I was not replaced?

27
28 MARK WARNER: Correct.

29
30 JOHN SVENDSEN: He asked if that was in the engine room, being that I was not there with you
31 or looking at that plank, I am going to give you a couple points of reference and see if we can

1 nail down exactly where a temporary repair was made or that rot was discovered. The capstain
2 being the after most part of the engine room, the vent for the exhaust trunk that was after part of
3 the engine up against the after part of the bulkhead, being the capstain on deck relating down to
4 the after bulkhead, the after part of the capstain being the after part of the bulk head and the
5 mizzen mast being extending down into the tween decks after the laz hatch, between the three
6 bunks and the laz, the supports mansion for the mounting of the mizzen mast connecting it to
7 the keel would you say that the observed temporary repair that you witnessed being in alignment
8 with the capstain, the mizen mast, or for or aft of the mizen mast?
9

10 COMMANDER KEVIN CARROLL: This is a good point, you can use exhibit CG 6 if you want to
11 mark generally the area that you believed it was Mr. Warner, but I would like to point out that
12 there was no discussion of any temporary repair.
13

14 JOHN SVENDSEN: I guess I was referencing previous testimony.
15

16 COMMANDER KEVIN CARROLL: What testimony?
17

18 JOHN SVENDSEN: I think it was Laura Groves where she said that there was plywood on one
19 of the planks.
20

21 COMMANDER KEVIN CARROLL: I don't think so, but as far as referencing where this was I
22 would use exhibit CG six as a suggestion that is a good idea.
23

24 MARK WARNER: My answer that question previously I can only say that the mizzen was over
25 the (inaudible) so yes that does make sense and absolutely looking at the diagram, so that plank
26 would have been closer to the lazaret, it would be fairly close the bulkhead, I would believe it
27 would be the lazzaret compartment, that is so far above the waterline.
28

29 COMMANDER KEVIN CARROLL: Mark location and initial that exhibit if you could.
30

31 MARK WARNER: Okay. Okay it is marked.

1
2 JOHN SVENDSEN: Thank you Mark. Earlier there was reference to the training on board the
3 Bounty and it sounded like you had something additional to say about that and did not get a
4 chance to come back to it was there anything that you want to add about the training that is
5 provided on the Bounty?
6

7 MARK WARNER: My opinion of the training on Bounty was very high, as I said I was happy with
8 the program from the first time that we spoke, I know that in my experience it rated very highly
9 even not even comparing it to other boats (inaudible) interactions with, I guess regarding the
10 training, training was always going on, it was continuous, always training for the next about, as a
11 deckhand I was doing some navigational training, training to be an AB, AB were training to be
12 mates, mates were training to be captain, so (inaudible) for learning in such an asset to have
13 that kind of platform and people on board that are willing to do that type of training and take time
14 out to actually train the crew and train the people that had a genuine interest.
15

16 JOHN SVENDSEN: And having been on a variety of vessels how would you describe the
17 professional environment and the quality of the officer crew on board the Bounty?
18

19 MARK WARNER: They were exceptional.
20

21 JOHN SVENDSEN: Okay Mark thank you very much for your time this morning.
22

23 COMMANDER KEVIN CARROLL: Mr. Shisha please go ahead
24

25 JAKE SHISHA: Thank you. Good afternoon Mr. Warner, in respect to the training how many
26 times have you seen Ms. Christian donning an immersion suit in a drill?
27

28 MARK WARNER: In a drill, I would say twice.
29

1 JAKE SHISHA: What in those drills, what training did you receive as to how you are supposed to
2 use that suit, do flow do you swim, i.e. Get in and out of the vessel, what type of training did you
3 receive?
4

5 MARK WARNER: The trainings that the suit is buoyant, should be zipped up to limit the water
6 that is coming in there is a flap across the face as well, the inflatable pillow that is behind your
7 head is discussed and how to inflate that with the tube.
8

9 JAKE SHISHA: Did you receive any training on whether you should attempt to swim or float on
10 your back or anything like that?
11

12 MARK WARNER: Floating on your back is your preferred method but when you have to get
13 somewhere you have to get somewhere.
14

15 JAKE SHISHA: But you did not receive any training on that, you never went into the water did
16 you?
17

18 MARK WARNER: We never went into the water that is correct.
19

20 JAKE SHISHA: Did you ever have any training in respect to opening up the life rafts or boarding
21 the life rafts?
22

23 MARK WARNER: No training with how to, the training would be a discussion of how to launch
24 the life rafts, we had never actually deployed them from their plastic container. But the
25 discussion was how do you abandon ship so muster at your stations, launch try to board from
26 the vessel of possible, stand the vessels long as possible dont leave too early, keep the rafts
27 close to the other, that kind of thing.
28

29 JAKE SHISHA: You were on watch, you would be with Claudine, was that most of the time you
30 work there you are on the same watches her?
31

1 MARK WARNER: That is correct.

2

3 JAKE SHISHA: Do you know whether she had any previous heavy weather experience?

4

5 MARK WARNER: I don't know for certain but I would doubt it.

6

7 JAKE SHISHA: Did you have, when you are on watch, it is pretty common to shoot the breeze to
8 talk about the issues facing the vessel, is that right?

9

10 MARK WARNER: Yes definitely.

11

12 JAKE SHISHA: You said that before you left there was a meeting with the captain and you
13 discussed the options that were available to the vessel whether to leave or not to leave?

14

15 MARK WARNER: No, we did not discuss, well it was discussed, yes but Robin pretty much laid
16 out his plan was and yet we were given we were able to ask questions, I would say yes it was
17 discussed.

18

19 JAKE SHISHA: One of the options was going out in the storm were staying at the berth where
20 you were, did anybody, the officers or anybody talk about the option of heading in a direction
21 away from the storm? Heading north for example?

22

23 MARK WARNER: Heading north I do not think was discussed.

24

25 JAKE SHISHA: When you went on watch you said that you had seen the baffles in the bilges,
26 can you describe these baffles how high they were?

27

28 MARK WARNER: Yes a baffle us probably a foot high by 18 inches wide, three-quarter inch
29 plastic in on the interior of the hull planking.

30

31 JAKE SHISHA: Were they throughout the bilge or just in specific locations?

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MARK WARNER: They were throughout the bilges.

JAKE SHISHA: Did you know the ones that you saw, did they appear to be relatively new or they were there for a while, can you tell if they were there more than two years are not?

MARK WARNER: There is no really way for me to know how long they had been there, as far as her condition, they were in good condition, as you know plastic is pretty durable stuff so, they were in good condition and I would think that they were fairly new but I'm not sure when they were installed.

JAKE SHISHA: When you were on watch did you ever have any discussion (inaudible)?

MARK WARNER: We talked about Robin and his experience being in hurricanes, the fact that Bounty has been through some heavy weather in the past, the fact that John had been aboard when Bounty had gone through some heavy weather in the past as well.

JAKE SHISHA: Did Mr. Svendsen ever express any opinion or concern that he had a different opinion then Capt. Walbridge?

MARK WARNER: No I don't think John, John did not express that to me.

JAKE SHISHA: Did John ever expressed that he had other discussions regarding (inaudible) aside from that one meaning prior to the departure?

MARK WARNER: Can you clarify the question, I did not quite understand it.

JAKE SHISHA: Did chief mate Svendsen never tell you or indicate to you that he had discussions with Capt. Walbridge regarding the decision to sell or not outside of the one group meeting that was held a half hour before you departed?

1 MARK WARNER: He did not make that known to me, I don't.

2

3 JAKE SHISHA: When you talk about the amount of water that is pumped out, is there a logbook
4 that is maintained with respect to pumping bilges?

5

6 MARK WARNER: Yes there is a pump log kept in the engine room. It had to do with time that the
7 pump was running. And actually pumping the water.

8

9 JAKE SHISHA: Would there be a correlation between the amount of time you are pumping the
10 water and the amount of water that is being pumped out?

11

12 MARK WARNER: Absolutely.

13

14 JAKE SHISHA: Would that be something that you'd be able to determine how much the vessel
15 was taking on water by reviewing those logbooks?

16

17 MARK WARNER: That is right.

18

19 JAKE SHISHA: Do you know if anybody ever review those logbooks?

20

21 MARK WARNER: Yes every boat check basically the logbooks were reviewed as far as is this
22 information different than previous recordings, if there is a big difference that we need to find out
23 why.

24

25 JAKE SHISHA: Did anybody ever review it basically not just from watch to watch but from a
26 period of time but to get an idea if there is been a wave of change with the respect of the amount
27 of water the vessels taking on over the months?

28

29 MARK WARNER: I would think so, I do not do it personally but I would guess yes but I don't
30 know for sure.

31

1 JAKE SHISHA: Was, there were other green seamen on this voyage, is that correct ?

2

3 MARK WARNER: What do you mean? There are a number of people that, yes yes there were.

4

5 JAKE SHISHA: Was there any special training or sessions to give them heavy weather training?

6

7 MARK WARNER: Yes discussions on how to stay on board especially man overboard was a
8 concern, using Jack lines, rigging Jack lines below deck, holding on so you don't go flying
9 around the vessel, constant training as far as these things,

10

11 JAKE SHISHA: My question is basically do you remember any specific training that was given
12 once they left New London basically to Claudine and the other green seamen look when the
13 weather gets to a certain level you use a jack line, one hand for yourself one hand for the ship,
14 this is the way should lift this is the way, you shouldn't lift was there any special, do you recall
15 any specific meetings or trainings regarding that? During the period I'm talking about

16

17 MARK WARNER:(inaudible)From the shipyard, or from New London?

18

19 JAKE SHISHA: From New London, once you knew you were going to hit heavy weather,

20

21 MARK WARNER: Let me think about it. I know for sure we received training from our watch
22 leaders, I don't think we had any kind of soul crew, we had capstain every day so was probably
23 discussed during that period I know for sure that Claudine and myself and Doug and John
24 discussed,

25

26 JAKE SHISHA: During watch, again Claudine was talkative and excited about what she was
27 doing, is that correct?

28

29 MARK WARNER: That is correct.

30

1 JAKE SHISHA: Did Claudine when you are on watch together, on Saturday did she ever go
2 down and check the bilges?

3
4 MARK WARNER: On Saturday, yes.

5
6 JAKE SHISHA: Did she make any reports to you regarding, or did she make a report to the
7 watch officer which would be Mr. Svendsen regarding the bilges?

8
9 MARK WARNER: Yes on Saturday she would have said yes the bilges are high. At that point
10 however we were basically running the bilge pumps for the most part, I don't know if it was
11 totally consistent at all times continuous but we are pumping bilge is a lot, so yes she would
12 have seen high bilges and reported it.

13
14 JAKE SHISHA: Would it be fair to say that probably Saturday would be the first time that Ms.
15 Christian was in heavy weather?

16
17 MARK WARNER: In heavy weather on Saturday, yes, just thinking, I think so.

18
19 JAKE SHISHA: Did she make any comments to you on how she was handling it physically
20 getting around or seasickness (inaudible)?

21
22 MARK WARNER: She was talking and talking about getting around and holding onto things, she
23 went up on deck and clipped up on deck with a big smile on her face.

24
25 JAKE SHISHA: After he got off watch at 1200, the Christine also get off watch at 1200 with you?

26
27 MARK WARNER: Claudine?

28
29 JAKE SHISHA: Yes.

30
31 MARK WARNER: Yes she was off watch as well.

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When you are called out at 1400 was she also called out?

MARK WARNER: I believe it was all hands, at that point, and she was on deck, but she did not go aloft with us.

JAKE SHISHA: I believe that there was again another call out at 1600, was Mrs. Christian called out at that time also,

MARK WARNER: If you are referring to if you're talking about when the gaff broken the four course broke, she was to my remembrance was not on deck, so I do not know specifically, I don't think she was on deck.

JAKE SHISHA:(inaudible)It would be 2000 some of the evening, you would be on watch was Miss Christian on watch to?

MARK WARNER: You are talking about Sunday night now right?

JAKE SHISHA: Yes.

MARK WARNER: At that point it was all hands, so she was in the tween's.

JAKE SHISHA: You said when you are on watch, was watch held on the nav deck or in the navigation station is that where you held your watch?

MARK WARNER: When we stand watch under normal conditions we are on the helm, one person in the nav shack and up on deck as well, one person doing forward look out one person doing bilge checks, on a standard watch, as far as Sunday night goes, the conditions were different, we were in underway well we were underway but we were hosed to so nobody was up on deck, everyone was in the tween's.

1 JAKE SHISHA: Did Christine have any watch responsibilities? Checking on deck making rounds
2 around the vessel making sure things were secured, that's what I'm saying, was she on watch in
3 that respect?
4

5 MARK WARNER: No, at that point she was not doing rounds, she was taking care of Adam
6 Prokosh who was injured compared
7

8 JAKE SHISHA: She said she was taking care of Adam, at some point did you come to
9 assistance in standby Adam?
10

11 MARK WARNER: I helped Adam very briefly I think, the one time I do know that I help them was
12 right before we went on back, I helped him get his climbing harness on.
13

14 JAKE SHISHA: He had seen was about 45 minutes before everybody went on deck, right before
15 you went on deck you saw Adam, does this regret refresh your recollection, was Christie near
16 him and still helping him?, Miss Christian I'm sorry.
17

18 MARK WARNER: Was she still helping adamant that point, I don't think so, she was up on deck
19 already, Adam was one of the last,
20

21 JAKE SHISHA: At any point did you see Miss Christian up on deck?
22

23 MARK WARNER: No, as I said before I was exhausted when I came up on deck, she was not
24 down below decks, but I came up on deck and lay down.
25

26 JAKE SHISHA: Do you know whether somebody had did a muster call or a roll call heard this
27 general discussion that they knew where everybody was?
28

29 MARK WARNER: I knew personally that nobody was down on the tween's just because I was
30 one of the last ones up, as far as what was going on on deck while I was working down below I
31 don't know.

1
2 JAKE SHISHA: Do you have any idea where Ms. Christian would have been on deck, towards
3 the forward end or further back aft?
4

5 UNKNOWN:I'm going to object command or the witness has already indicated that he did not
6 see her on deck and did not know where she was located.
7

8 COMMANDER KEVIN CARROLL: we actually already had him indicate and mark on a
9 diagram exhibit exactly where he was and where he knew other people were so by that he has
10 already answered the question, so I would ask another question please.
11

12 JAKE SHISHA: Last question, do you recall after this incident that you are in interviewed by
13 Cmdr. Carol?
14

15 MARK WARNER: I was interviewed by believe Commander Malore, down and Elizabeth city,
16 and I remember Cmdr. Carol spoke to us as a group, or are you talking about on the phone?
17

18 JAKE SHISHA: I had saw his notes and I want to know if it was a mistake or refreshes your
19 recollection, an indication he had saw the captain slip into the water,
20

21 MARK WARNER: Yes.
22

23 JAKE SHISHA: You did see the Capt. slip into the water?
24

25 MARK WARNER: Out of the corner of my eye, I'm about 90% sure that it was him, it was more
26 of a not wanting to go in yet but he could really help it kind of thing.
27

28 JAKE SHISHA: Where would he have been standing?
29

30 MARK WARNER: He was close to the nav shack.
31

1 JAKE SHISHA: Did you recall seeing anybody else near that location?

2

3 MARK WARNER: Yes, well at that time when we were all going in, is that the question?

4

5 JAKE SHISHA: Yes.

6

7 MARK WARNER: I was there, Matt Sanders, Anna Sprague, and at that point farther forward on
8 the vessel I know that Dan Cleveland and Lorie Groves were there

9

10 JAKE SHISHA: One last question, the last time you saw Ms. Christian did she appear to be in
11 good physical shape and good mental shape?

12

13 MARK WARNER: Yes she did.

14

15 JAKE SHISHA: Thank you I have no further questions.

16

17 COMMANDER KEVIN CARROLL: Bounty organization

18

19 LEONARD LANGER: good afternoon Mr. Warner my name is Leonard Langer I represent the
20 HMS Bounty Organization, I just have a number of questions, with regard to the fuel leaks that
21 you discussed with Capt. Jones and Cmdr. Carol were those in the tank room

22

23 MARK WARNER: Yes, at certain points throughout the season I was aware of fuel leaks in the
24 tank room more specifically after the yard in the tank room and over the course of the season
25 there were drips in the engine room as well.

26

27 LEONARD LANGER: To your knowledge after leaving the shipyard where the leaks that Ms.
28 Christian was mentioning to you leak in the tank room?

29

30 MARK WARNER: I believe so, I've forget who it was that include my memory and on that, I do
31 remember those leaks and I'm sure Claudine would have seen them yes.

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LEONARD LANGER: And they were in the tank room?

MARK WARNER: Yes.

LEONARD LANGER: Would these be part of the new plumbing that had been installed during the shipyard.?

MARK WARNER: That is correct.

LEONARD LANGER: To the best of your knowledge were those leaks addressed by either Barksdale or Mr. Sanders?

MARK WARNER:(inaudible)

LEONARD LANGER: Were you in the engine room at all on either Saturday or Sunday?

MARK WARNER: I was definitely was in there on Sunday, Saturday morning., Saturday night if at all I was on helm.

LEONARD LANGER: During the time that you are in the engine room on Sunday did you smell any diesel fuel?

MARK WARNER: At that point, I am sure I did the water was pretty high at that point

LEONARD LANGER: Did you see any diesel fuel floating in the water?

MARK WARNER: It would've been really hard to tell, there was a lot of debris floating around, I'm sure there was if there is water that high in the engine room there is diesel in the water.

1 LEONARD LANGER: Where you were aware that at some point a sight glass had broken in the
2 engine room?

3
4 MARK WARNER: Cmdr. Carol during my interview brought that up and that is the first I heard of
5 it.

6
7 LEONARD LANGER: While you are on board the vessel nobody told you that the site glass had
8 broken?

9
10 MARK WARNER: Not that I remember no.

11
12 LEONARD LANGER: With regard to the repairs that were made to the planking in the shipyard,
13 and the discussions you had with the captain, did he ever indicate to you that he was dissatisfied
14 with the condition of the hull when the vessel left the yard?

15
16 MARK WARNER: No.

17
18 LEONARD LANGER: Did he ever raise a question with you as to the structural integrity of the
19 vessel when it left the yard?

20
21 MARK WARNER: No.

22
23 LEONARD LANGER: Mr. Svendsen asked you a question about weighing the pieces of lead
24 ballast, do you have any idea of how many pieces of ballast were moved?

25
26 MARK WARNER: I have no knowledge of that at all.

27
28 LEONARD LANGER: Do you have any idea as to the total weight of ballast moved?

29
30 MARK WARNER: No I do not.

31

1 LEONARD LANGER: I think you indicated earlier in response to commander Carol's question,
2 when the vessel transited from the shipyard to New London of the bilges were generally dry?
3

4 MARK WARNER: Correct.
5

6 LEONARD LANGER: And when the vessel left New London, was at the same condition, the
7 bilges were dry?
8

9 That is correct.
10

11 LEONARD LANGER: I think you indicated that it was Friday that Capt. Walbridge had resolved
12 whatever the problems with the pumps were, the electric pumps?
13

14 MARK WARNER: No that was Wednesday evening.
15

16 LEONARD LANGER: When the vessel left New London on Thursday to the best of your
17 knowledge with electric pumps working correctly?
18

19 MARK WARNER: Yes they were.
20

21 LEONARD LANGER: Were you aware of any time after the vessel left New London that the
22 electric pumps were not working properly?
23

24 MARK WARNER: As I said before I think when we are pumping bilges consistently which,
25 definitely Sunday, but may be Saturday I think that I heard from Doug that it was he was having
26 a problem keeping it prime due to the role of the vessel,
27

28 LEONARD LANGER: So that was Saturday evening?
29

30 MARK WARNER: Probably Saturday during the day.
31

1 LEONARD LANGER:(inaudible)

2

3 MARK WARNER: Wait, let me try and be specific about this. Hold on 1 second. I think in the
4 morning watch on Saturday the comment was brought up that it was more difficult to pump
5 bilges because of the roll of the vessel and the water moving around it is not just sitting in one
6 place, it is moving and harder to track down

7

8 LEONARD LANGER: To your knowledge was all of the machinery, main engines and the other
9 machinery on the vessel working properly when you left New London.

10

11 MARK WARNER: Yes, to my knowledge.

12

13 LEONARD LANGER: I am jumping around here a little bit, the muster that you described in the
14 nav shack that the captain held either late Sunday evening or early Monday morning, did you
15 feel he provided important information to the crew about the conditions they were facing at the
16 time?

17

18 MARK WARNER: He outlined how to abandon ship if that became necessary, he outlined
19 measures to take as far as the trash pump to give ourselves as much of a chance as possible.
20 He talked about timing as far as rate of the water rise, he gave specific instructions on how to, I
21 mean, we all knew how to don immersion suits, but what to be wearing and harnesses and life
22 jackets. In a word, yes.

23

24 LEONARD LANGER: Had you had any training on how to don survival suits or basic safety
25 training before joining the Bounty?

26

27 MARK WARNER: I had donned immersion suits before, I had not taken basic safety training as
28 of that point. I actually just finished those courses recently.

29

30 LEONARD LANGER: When you first joined the vessel in May 2012, did you receive a crew
31 manual?

1
2 MARK WARNER: I actually had it before hand

3
4 LEONARD LANGER: Did the manual lay out the duties of deckhands on board the Bounty?

5
6 MARK WARNER: Yes.

7
8 LEONARD LANGER: I am just looking through my notes. You indicated that dealing with the
9 repairs to the port and starboard planking that you thought they were well above the water line.

10
11 MARK WARNER: That is correct.

12
13 LEONARD LANGER: One of the issues that the yard crew discussed with you as far as a source
14 of the conditions that may have caused the deterioration of the plank was freshwater coming
15 down from the deck level

16
17 MARK WARNER: Yes, freshwater, salt water as well, although not as damaging as fresh water.

18
19 LEONARD LANGER: With regard to the ballast that was placed in the lazerette, did you see any
20 of that ballast move after the vessel left New London?

21
22 MARK WARNER: No I did not.

23
24 LEONARD LANGER: Do you believe it was secure in the location it had been placed?

25
26 MARK WARNER: Yes.

27
28 COMMANDER KEVIN CARROLL: Did you go down in the lazerette?

29
30 MARK WARNER: I was in the lazerette on boat checks and lifted up the access panel and I
31 could see down I could see the top

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COMMANDER KEVIN CARROLL: After leaving New London, did you put eyes on that ballast?

MARK WARNER: After leaving New London, yes I did

COMMANDER KEVIN CARROLL: When?

MARK WARNER: Thursday we left, Thursday night, Friday both watch Friday, Saturday morning and that's probably it. Nothing after Saturday morning.

COMMANDER KEVIN CARROLL: Okay thanks.

MARK WARNER: Just to add, there's really no way you can move around in there, there's no where it could go.

LEONARD LANGER: Thank you. Commander Carroll asked you about the difference in the muster on the 25th in New London where the captain raised the issue if anybody wanted to leave, there would be no hard feelings. Was it your understanding that a crew member could leave any time they wanted to?

MARK WARNER: Yes. You mean in general throughout the season?

LEONARD LANGER: Yes

MARK WARNER: Absolutely.

LEONARD LANGER: The captain was really reiterating the normal procedure or condition on the Bounty that if a crew member wanted to leave before a voyage, they could.

MARK WARNER: Yes and given the circumstances, I think it was an appropriate thing to do.

1 LEONARD LANGER: When you last saw Miss Christian, on the tween deck was she in her
2 survival suit on at that time?

3
4 MARK WARNER: It was.

5
6 LEONARD LANGER: To your knowledge was it completely on and properly put on,

7
8 MARK WARNER: It would have been yeah, I didn't check it but yes.

9
10 LEONARD LANGER: I have no other questions, thank you.

11
12 MARK WARNER: Thank you

13
14 COMMANDER KEVIN CARROLL: Captain Jones? Captain Jones are you still there sir?

15
16 CAPTAIN ROB JONES: Sorry, had it on mute. I am back. Mr. Warner, were you watch partners
17 with Mr. Svendsen leaving Booth Bay?

18
19 MARK WARNER: I am trying to remember when John came back on, in Booth Bay

20
21 CAPTAIN ROB JONES: (inaudible) he did.

22
23 MARK WARNER: Then yes

24
25 CAPTAIN ROB JONES: That was the same watch at the time of the hurricane, you, Mr. Faunt,
26 Miss Christian and Mr. Svendsen as the watch officer?

27
28 MARK WARNER: That is correct.

29
30 CAPTAIN ROB JONES: Now you were describing all the duties and work that was being done in
31 the shipyard with regards to the work about the vessel. Its been brought out that you are always

1 learning, everything's a teaching moment. Did you talk to others, even Claudine about the decay
2 you uncovered and how you repaired it? Was that a discussion over meals and what you were
3 doing today?
4

5 MARK WARNER: In the shipyard, I would have discussed a little bit about what I was doing with
6 other people, but not underway. I am sure I told people what I was doing sitting there at lunch.
7

8 CAPTAIN ROB JONES: I didn't ask about underway, but while you brought it up, lets go there.
9 Did you ever talk to your watch officer, Mr., Svendsen, who you discuss things with, about the rot
10 that you saw in the shipyard and how you went about fixing it and the plan for fixing it next time
11 you were in the yard?
12

13 MARK WARNER: That's a good question, not off the top of my head, but let me think about it.
14

15 CAPTAIN ROB JONES: I mean ship yard workers are saying the repair might be silly in you're
16 estimation of remembering what they were talking about in the week or so getting underway and
17 sailing prior to the hurricane. Did that ever come up in the 16 hours a day you spent with the
18 chief mate on the watch with him?
19

20 MARK WARNER: Let me clarify that silly comment. That was with the primer that we used, that
21 it basically didn't really need to be there.
22

23 CAPTAIN ROB JONES: Alright. Even stuff like that, it's a small crew, you talk to each other. It's
24 your ship, you are living on it, its your home. Here the officer, the chief mate, probably the
25 officer with the 2nd most experience on board than the captain. Tell me what you talk about 16
26 hours a day when you are on watch with him.
27

28 MARK WARNER: Okay,
29

30 CAPTAIN ROB JONES: Specifically to the decay or rot that you found and the fixes that you put
31 in in the Booth Bay shipyard, whether that came up in conversation with your watch officer.

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JOHN SVENDSEN: Mr. Jones, Commander Carroll (inaudible) this is John Svendsen am I able to talk?

COMMANDER KEVIN CARROLL: John, not right now he is asking a question, let Mr. Warner answer it?

MARK WARNER: Okay, so the question is did I talk to John about the repairs being made and the rot in the frame. Off the top of my head, I don't remember doing that, but I can sit here and think about it for a second if you would like

CAPTAIN ROB JONES: If I second or two takes jogging the memory, go ahead

MARK WARNER: Okay. I am sure we talked about it at some point, I would have mentioned what we had done and I was never, the rot in the frames never concerned me as something to make a big point of. I don't think we had much of a conversation about it, I am sure I talked to John about the shipwrights in the yard, about that I had learned, repairs that we had done

CAPTAIN ROB JONES: Just in conversation, you are going over what had been done in the last month, did you talk to him about moving the ballast to the after section of the vessel.

MARK WARNER: I wouldn't think so, I didn't really do any of that.

CAPTAIN ROB JONES: But you waited?

MARK WARNER: I waited, what do you mean?

CAPTAIN ROB JONES: I thought you weighed the ballast.

MARK WARNER: Yes, I weighed it. I thought you said waited. Yes, I did, I weighed one piece of ballast.

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CAPTAIN ROB JONES: Alright, that's all I have Commander Carroll.

COMMANDER KEVIN CARROLL: Lieutenant Malore you have any questions to ask sir?

LIEUTENANT MALORE: No, Commander.

COMMANDER KEVIN CARROLL: Alright, Mr. Warner, I just want to get the point one more time, could you turn to exhibit 41 and specifically page 24 the photograph of the fore quarter.

MARK WARNER: Okay, we have it.

COMMANDER KEVIN CARROLL: So, you have worked shore side carpentry, correct?

MARK WARNER: That is correct

COMMANDER KEVIN CARROLL: This is the first time you have dealt with any type of shipwright in the marine environment, is that correct?

MARK WARNER: I did some of the deck replacement on the Liberty Clipper.

COMMANDER KEVIN CARROLL: Okay, so in regards to that frame that you are looking at in picture 24. Those lines that are running longitudinally through the frame. Basically within the frame itself. Does that indicate structural soundness?

MARK WARNER: To be honest, the picture is really not clear

COMMANDER KEVIN CARROLL: Turn the page, right now it would be 22, go to page 22

MARK WARNER: We have it

1 COMMANDER KEVIN CARROLL: What do you see, can you identify the picture?
2

3 MARK WARNER: It's a picture of the four quarter from aft to forward looking at some exposed
4 frames, the end of some trunnels that have been cut off. That's the one you are talking about
5 right?
6

7 COMMANDER KEVIN CARROLL: Correct. Now those lines running vertically through the
8 frame, is that the way the frame is supposed to be. Does that indicate structural soundness?
9

10 MARK WARNER: I see the dark check line on the left there, no.
11

12 COMMANDER KEVIN CARROLL: So what we talking about before, in regards to this frame was
13 not replaced, correct?
14

15 MARK WARNER: That's correct.
16

17 COMMANDER KEVIN CARROLL: The short section of planks were put back on that frame
18

19 MARK WARNER: That frame and others (inaudible) there's just so much wood there, even if
20 one frame is not the greatest it is not as much of a concern as if a frame is standing alone.
21

22 COMMANDER KEVIN CARROLL: So this is the section where the side planking adjoins the
23 transom, correct?
24

25 MARK WARNER: That is correct
26

27 COMMANDER KEVIN CARROLL: Is that a critical area, to your knowledge?
28

29 MARK WARNER: Excuse me? Yes.
30

1 COMMANDER KEVIN CARROLL: In regards to the rot that we discussed before, portside
2 starboard side and on the port quarter. Just confirm for me one more time, was it ever explored
3 the areas above and below these areas where rot was found. Was it ever explored to how far
4 this went?

5
6 MARK WARNER: As far as taking other planks off to look at that, it was not.

7
8 COMMANDER KEVIN CARROLL: It was never done on the exterior or the interior?

9
10 MARK WARNER: On the interior, there's no way to really see if from the interior either so we
11 would have had to take planks and we did not take planks off.

12
13 COMMANDER KEVIN CARROLL: So it is safe to say it is not known how extensive this problem
14 was.

15
16 MARK WARNER: Yeah that's correct, that is the case with rot in any example and my
17 experience is that you don't know what you are looking at until you open up the project to see it.

18
19 COMMANDER KEVIN CARROLL: So in your experience, was this treated correctly?

20
21 MARK WARNER: In the most ideal way, you would rebuild the entire ship or you would take off
22 large sections and redo it. As far as in the actual world, I think this was treated correctly yes.

23
24 COMMANDER KEVIN CARROLL: Hold on Mr. Warner, you talk about the actual world and
25 ideally, we are talking about a vessel that carries people on board and specifically in this case a
26 vessel that took people on board in very close proximity to a hurricane. Now, going back to your
27 statement before, there is a way of treating it ideally but you say that that's not realistic?

28
29 MARK WARNER: As far as

30
31 COMMANDER KEVIN CARROLL: As far as maintaining a safe operating platform for a crew.

1
2 MARK WARNER: I guess what I am saying is that there are other factors to take into account as
3 with anything.

4
5 COMMANDER KEVIN CARROLL: Such as?

6
7 MARK WARNER: Such as time and money are concerned, such as availability of materials,
8 such as availability of the yard, schedule

9
10 COMMANDER KEVIN CARROLL: Did the yard have a lack of availability to your knowledge?

11
12 MARK WARNER: I wouldn't think so.

13
14 COMMANDER KEVIN CARROLL: So that yard was available so that's not it

15
16 MARK WARNER: I don't know, but I wouldn't think so.

17
18 COMMANDER KEVIN CARROLL: Okay, lets close with one question, you said that you had
19 recently taken safety training. Is that correct?

20
21 MARK WARNER: That is correct.

22
23 COMMANDER KEVIN CARROLL: In regards to the experience you had on Bounty and what
24 you learned in basic safety training, what would you have done differently?

25
26 MARK WARNER: Good question. I would have, I think I mentioned it on my interview on the
27 phone, I would have held dewatering drills and I think that could be a major improvement for any
28 vessel that doesn't do that. Again, in an ideal world, I would love to see basically drills for all
29 different situations. Sorry I am getting off topic.

30

1 COMMANDER KEVIN CARROLL: Its not off topic if it helps this from happening again, so feel
2 free. Free forum, GO.

3
4 MARK WARNER: So drills that are fairly realistic, I know one of my professors mentioned this in
5 basic safety training, he would be on a radio which obviously we don't have on Bounty,
6 (inaudible) he knew they would be on a drill and pretend to be trapped somewhere. They would
7 have to find him and take him out of the space and then maybe fight a fire at the same time.
8 Realistic drills, having more or as many crew as possible and using emergency and safety
9 equipment. I would have specifically liked to know how to use a trash pump so that Chris
10 Barksdale had knowledge of that.

11
12 COMMANDER KEVIN CARROLL: I don't think he did. I am not being argumentative, I think its
13 fairly obvious that he didn't

14 MARK WARNER: Okay. What else would I have done differently? I think another good one is
15 to used expired or nearly expired safety equipment for training. All of this stuff is done in basic
16 safety training.

17
18 COMMANDER KEVIN CARROLL: Do you think having basic safety training prior to the incident
19 on Bounty would have helped you?

20
21 MARK WARNER: It would have helped me, but not a ton.

22
23 COMMANDER KEVIN CARROLL: IN regards to just the last question, the aspect of using life
24 jackets on top of immersion suits or using rigging belts with immersion suits, was that discussed
25 at all during basic safety training?

26
27 MARK WARNER: No.

28
29 COMMANDER KEVIN CARROLL: Did you bring it up, did you bring some of your experience to
30 the table, did you run that by some of your instructors?

31

1 MARK WARNER: I didn't bring those two things up specifically but I spoke up as far as my
2 experience getting into the life raft, experience in the life raft anything I thought I could add to the
3 class, I certainly did but those two point I did not.
4

5 COMMANDER KEVIN CARROLL: Okay. Thank you very much Mr. Warner. Chief Warrant
6 Officer English, are you still there?
7

8 CHIEF WARRANT OFFICER ENGLISH: Yes sir
9

10 COMMANDER KEVIN CARROLL: I appreciate your time and hope you were able to have lunch,
11 I need you to do one thing for me. Those exhibits, I need you to collect those back from Mr.
12 Warner but the one that he marked, Mr. Warner could you please sign that. I need you to put
13 your signature on that and give it back to Mr. English. Mr. English if you could send that to
14 Lieutenant Commander Parham from the investigations NCOE that is going to be become our
15 next exhibit.
16

17 CHIEF WARRANT OFFICER ENGLISH: It will be done, Commander.
18

19 COMMANDER KEVIN CARROLL: Thank you I very much appreciate it.
20

21 CHIEF WARRANT OFFICER ENGLISH: Any time sir.
22

23 COMMANDER KEVIN CARROLL: At this time, Mr. Warner, thank you for your testimony. You
24 have been on the phone for quite a bit and you have been released with subject to recall.
25

26 MARK WARNER: Okay.
27

28 JOHN SVENDSEN: Commander Carroll, this is John Svendsen

29 COMMANDER KEVIN CARROLL: Go ahead John.
30

31 JOHN SVENDSEN: Can I have my interjection noted now?

1
2 COMMANDER KEVIN CARROLL: Go ahead.

3
4 JOHN SVENDSEN: Rob Jones had stated that we were on watch together for 16 hours per day

5
6 COMMANDER KEVIN CARROLL: Okay.

7
8 JOHN SVENDSEN: I believe we were on watch together for 8 hours per day.

9
10 COMMANDER KEVIN CARROLL: Okay, understood, that's a good point.

11
12 CAPTAIN ROB JONES: (inaudible) John, thanks.

13
14 JOHN SVENDSEN: I just wanted to make sure that was correct, I didn't mean to interrupt and
15 disrupt the flow of the question I apologize.

16
17 CAPTAIN ROB JONES: No, not a problem.

18
19 COMMANDER KEVIN CARROLL: Alright in regards to, Mr. Warner thank you very much, as far
20 as parties and interests are concerned, we have the one request from the Christian attorneys to
21 interview Mr. Seguin, I have an objection from the Bounty attorney about interviewing Mr.
22 Seguin. I am reviewing the request and the objection, I will let you know my decision when I
23 come with it. Either today or tomorrow in that regard. I will be in contact with you in regards to
24 future interviews. Does anybody have any questions?

25
26 JAKE SHISHA: A while back I had made a request for a copy of a interview with the surveyor
27 Wyman. I was told it was going to get back to me. Apparently there may have been some
28 inconsistency with his testimony and a statement, or a memo of statement that he gave earlier
29 we were wondering if there has been a decision or if we could get that?

30

1 COMMANDER KEVIN CARROLL: In regards to the previous testimony that he has delivered,
2 what I would say right now between the previous interview Mr. Wyman did between evidence I
3 have collected and between the testimony that he deliver at the hearing under oath that's a
4 specific issue that I am dealing with right now and that is active and I will let you know at a later
5 date.

6
7 JAKE SHISHA: Thank you.

8
9 COMMANDER KEVIN CARROLL: Any other questions?

10
11 CAPTAIN ROB JONES: No sir.

12
13 JOHN SVENDSEN: No sir.

14
15 COMMANDER KEVIN CARROLL: Alright, thank you gentleman have a good day.

16
17 JOHN SVENDSEN: Thank you, you too.

18