

United States Coast Guard  
Marine Board Investigation  
Commercial Fishing Vessel Destination Casualty  
FORMAL HEARING

Henry M. Jackson Federal Building

915 Second Avenue

Seattle, Washington 98174

August 7, 2017 -- August 17, 2017

REPORTER'S OFFICIAL TRANSCRIPT OF PROCEEDINGS

VOLUME VI of IX

DATE TAKEN: Monday, August 14, 2017

TIME: 0900-1556

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

UNITED STATES COAST GUARD  
MARINE BOARD OF INVESTIGATION PANEL MEMBERS

COMMANDER SCOTT W. MULLER, CHAIRMAN  
Fifth Coast Guard District  
Inspections and Investigations Branch (dpi)  
431 Crawford Street  
Portsmouth, Virginia 23704

MR. JAMES J. GILLETTE, MARINE BOARD MEMBER  
Investigations NCOE  
1615 Poydras Street, STE 1030  
New Orleans, LA 70112

LCDR PEDRO L. MENDOZA, MARINE BOARD RECORDER  
COMDT, CG-INV-1  
2703 Martin Luther King Jr. Avenue, SE  
Stop 7501  
Washington, DC 20593-7501

TECHNICAL ADVISORS:

COMMANDER TAMARA S. WALLEN, MARINE BOARD LEGAL ADVISOR  
Coast Guard Island  
Building 51-6  
Alameda, CA 94501-5100

MR. SCOTT J. GIARD  
Rescue Coordination Center District 13 Command Center  
Henry M. Jackson Building  
915 2<sup>nd</sup> Avenue  
Seattle, WA 98174

LCDR Randy L. Preston  
Investigations NCOE  
161 5 Poydras Street, Ste 1030  
New Orleans, LA 70112-1254

YN1 Caitlin K. Calvert  
Seventeenth Coast Guard District  
Legal Office  
P.O. Box 25517  
Juneau, AK 99801-5517

NATIONAL TRANSPORTATION SAFETY BOARD  
MARINE BOARD INVESTIGATION PANEL MEMBERS

MR. MICHAEL KARR,  
INVESTIGATOR-IN-CHARGE  
Office of Marine Safety  
490 L'Enfant Plaza East, SW  
Washington, DC 20594-2000

MR. PAUL SUFFREN  
SENIOR METEOROLOGIST  
490 L'Enfant Plaza East, SW  
Washington, DC 20594-2000

APPEARANCES ON BEHALF OF PARTIES IN INTEREST

ON BEHALF OF OWNER DAVID L. WILSON

Svetlana P. Spivak, Esquire  
Law Offices of Holmes, Weddle & Barcott  
999 Third Avenue, Suite 2600  
Seattle, WA 98104

Daniel P. Barcott, Esquire  
Law Offices of Holmes, Weddle & Barcott  
999 Third Avenue, Suite 2600  
Seattle, WA 98104

**TABLE OF CONTENTS**

<b>OPENING STATEMENT</b>	<b>PAGE</b>
Commander Scott Muller	VI-6
<b>WITNESS:</b>	
DOUGLAS SHELFORD	VI-10
Captain F/V Aleutian Lady with Shelford Fisheries	
Examined by Mr. Gillette	VI-12
Examined by CDR Muller	VI-30
Examined by Mr. Karr	VI-34;66
Examined by Mr. Suffern	VI-54
BILLY CORNETT	VI-72
Captain F/V Clipper Surprise, Clipper Seafoods	
Examined by Mr. Gillette	VI-73
Examined by CDR Muller	VI-81
Examined by Mr. Karr	VI-85;96
Examined by Mr. Suffern	VI-86
DEHAR JORGE	VI-99
Captain F/V Polar Sea	
Examined by Mr. Gillette	VI-101
Examined by CDR Muller	VI-120;140
Examined by Mr. Karr	VI-124;138
Examined by Mr. Suffern	VI-133
CHARLES GROESBECK	VI-144
Caption F/V Bering Rose	
Examined by Mr. Gillette	VI-145
Examined by Mr. Karr	VI-155
Examined by Mr. Suffern	VI-156
WILLIAM PROUT	VI-163
Captain F/V Silver Spray	
Examined by Mr. Gillette	VI-164
Examined by CDR Muller	VI-18-;200
Examined by Mr. Karr	VI-185;201
Examined by Mr. Suffern	VI-194

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**P R O C E E D I N G S**

Start Time 0900

**OPENING STATEMENT**

CDR MULLER: Good morning, this hearing will come to order. Today is August 14th, 2017, the time is 0900. We are continuing at the Coast Guard Thirteenth District, Seattle, Washington.

I am Commander Scott Muller of the United States Coast Guard, Chief of the Inspections and Investigations Branch, Fifth Coast Guard District, Portsmouth, Virginia. I am the Chairman of the Coast Guard Marine Board of Investigation and the presiding Officer over these proceedings.

The Commandant of the Coast Guard has convened this board under the authority of Title 46, United States Code, Section 6301 and the Title 46, Code of Federal Regulations, Part 4, to investigate the circumstances surrounding the sinking of the F/V Destination, with the loss of six lives on February 11, 2017, approximately three nautical miles north of St. George Island, Alaska.

The investigation will determine as closely as possible the factors that contributed to the incident in order to develop recommendations aimed at preventing similar casualties. Whether there is evidence that any

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

8           This Marine Board has planned for at least one  
9 hearing session. The purpose of this hearing is to  
10 collect factual information. The Marine Board will use  
11 the factual information when developing its report of  
12 findings, conclusions, and recommendations.

13           This session will focus on the vessel's  
14 construction, stability, and maintenance history. The  
15 vessel's regulatory compliance and safety examinations,  
16 crewmember duties and qualifications, pre-accident  
17 events, operations and voyage track; environmental  
18 factors including forecasted and prevailing weather and  
19 sea state. The Coast Guard search and rescue  
20 operations, industry and regulatory safety programs,  
21 survey imagery of the sunken vessel.

22           I have previously determined that the  
23 following individual is a Party-in-Interest to this  
24 investigation. Mr. David Wilson represented by Ms.  
25 Spivak of Holmes, Weddle, and Barcott LLC. This party

1 has a direct interest in the investigation, and has  
2 demonstrated the potential to contributing  
3 significantly to complete the investigation, or  
4 otherwise enhancing the safety of life and property at  
5 sea through participation as Party-in-Interest.

6 All parties-in-interest have a statutory right  
7 to employ counsel to represent them, to cross-examine  
8 witnesses, and to have witnesses called on their  
9 behalf.

10 I will examine all witnesses at this formal  
11 hearing under oath or affirmation, and witnesses will  
12 be subject to federal laws and penalties governing  
13 false official statements.

14 Witnesses who are not parties-in-interest may  
15 be advised by their counsel concerning their rights.  
16 However, such counsel may not examine or cross-examine  
17 other witnesses or otherwise participate.

18 These proceedings are open to the public and  
19 to the media. I ask for the co-operation of all  
20 persons present to minimize any disruptive influence on  
21 the proceedings in general, and on the witnesses in  
22 particular. Please turn your cell phones or other  
23 electronic devices off, or to silent or vibrate mode.  
24 Please do not enter or depart the hearing room except  
25 during periods of recess.



1           Flash photography will be permitted during  
2 this opening statement and during recess periods. The  
3 members of the press are, of course welcome, and an  
4 area has been set aside for your use during the  
5 proceedings. The news media may question witnesses  
6 concerning the testimony they have provided here, but  
7 only after I have released them from these proceedings.  
8 I ask that such interviews be conducted outside this  
9 room.

10           Since the date of the casualty the NTSB and  
11 the Coast Guard have conducted substantial evidence  
12 collection activities. And some of that previously  
13 collected evidence will be considered during these  
14 hearings. Should any person have or believe he or she  
15 has information not brought forward, but which might be  
16 of direct significance, that person is urged to bring  
17 that information to my attention by emailing,  
18 [FVDestination@uscg.mil](mailto:FVDestination@uscg.mil).

19           The Coast Guard relies on strong partnerships  
20 to execute its missions, and this Marine Board of  
21 Investigation is no exception. The National  
22 Transportation Safety Board provided a representative  
23 for this hearing, Mr. Michael Karr. He is the  
24 Investigator-in-Charge of the NTSB investigation. Mr.  
25 Karr would you like to make a brief statement?

1 MR. KARR: Good morning I am Michael Karr  
2 Investigator-in-Charge for the National Transportation  
3 Safety Board investigation of this accident. The NTSB  
4 has joined this hearing to avoid duplicating the  
5 development of facts. Nevertheless, I wish to point  
6 out that this does not preclude the NTSB from  
7 developing additional information separately from this  
8 proceeding if that becomes necessary.

9 At the conclusion of the hearing, the NTSB  
10 will analyze the facts of this accident, and determine  
11 the probable cause independent of the Coast Guard. We  
12 will issue a report of the NTSB findings, and if  
13 appropriate the NTSB will issue recommendations to  
14 correct safety problems discovered during this  
15 investigation.

16 And to my right is Mr. Paul Suffern. He is a  
17 meteorologist with the National Transportation Safety  
18 Board. He will be participating in today's hearing.

19 CDR MULLER: Thank you. We will now hear  
20 testimony from Mr. Shelford. Mr. Shelford, please come  
21 forward to the witness table, and LDCR Mendoza will  
22 administer your oath, and ask you some preliminary  
23 questions.

24 LDCR MENDOZA: Please raise your right hand.

25 **WITNESS**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**MR. DOUGLAS SHELFORD**

A witness produced on call of the Coast Guard was duly sworn according to the law, was examined and testified as follows:

THE WITNESS: Yes.

LCDR MENDOZA: Please be seated. Sir, please state your full name and spell your last name, for the record.

THE WITNESS: Yeah, my name is Douglas Shelford, S-H-E-L-F-O-R-D

LCDR MENDOZA: Would you please state your currently employment and position title.

THE WITNESS: I am the Captain of the fishing vessel Aleutian Lady with Shelford Fisheries.

LCDR MENDOZA: Do you hold any professional licenses or certificates?

THE WITNESS: Numerous certificates for safety, medical.

LCDR MENDOZA: Thank you, sir.

CDR MULLER: Good morning again Mr. Shelford.

THE WITNESS: Good morning.

CDR MULLER: Pleased to meet you again on behalf of our team. We had the pleasure of meeting you in Dutch Harbor in early April. Had a chance to tour your crab vessel, the Aleutian Lady. And I have to

1 really say, it was very helpful, and established a good  
2 foundation for the team going forward with the  
3 investigation. And I also appreciate your presence and  
4 contributions today.

5 With that, I would like to hand over to Mr.  
6 Jim Gillette who will be leading the questions for you.

7 **EXAMINATION**

8 BY MR. GILLETTE:

9 Q. Good morning Mr. Shelford, my name is James  
10 Gillette with the United States Coast Guard. If at any  
11 time you don't understand a question that is asked, just  
12 request that the question be re-addressed, or re-  
13 phrased.

14 If at any time you need to take a recess,  
15 please ask. Also remember to speak up loud and clear to  
16 assist our court reporter to transcribe the hearing.

17 With that said, I would like to start asking  
18 questions. Mr. Shelford can you share with us how long  
19 you have been a commercial fisherman? And how long you  
20 have been the captain on board the Aleutian Lady?

21 A. I have been a full-time fisherman for about  
22 thirty-five years. But my dad also started me when I  
23 was thirteen, where I would spend a month of each summer  
24 until eighteen on the crab deck. So closer to forty  
25 years.

1 Q. And how long have you been the captain on  
2 board the Aleutian Lady?

3 A. First time I ran the Aleutian Lady was in  
4 1990, twenty-seven years.

5 Q. You also mentioned that you had some  
6 certificates. Can you go a little more in detail what  
7 those certificates are?

8 A. Yeah, I hold a drill instructor certificate,  
9 advanced first aide certificate, I am OSHA certified to  
10 the level of training, OSHA.

11 Q. What is the drill instructor?

12 A. Drill instructor is an educational course that  
13 most captains do take. And what it does is it educates  
14 us in how to properly conduct safety drills, how to  
15 inform our crew, how to include our crew in the drills.  
16 It is just an educational course, you know.

17 Q. Where did you take that course at?

18 A. MPBOA, I believe.

19 Q. Can you say that one more time?

20 A. Oh shoot. I honestly forget the name of the  
21 company.

22 Q. Okay.

23 A. Yeah, and/or how the acronym works.

24 Q. Okay.

25 A. Yeah.

1 Q. I'm going to show Exhibit 241, page four.  
2 This is Alaska Department Fish and Game co-operate  
3 Registration. I guess the first question would be what  
4 exactly does a co-op mean? And can you explain to us  
5 exactly what this exhibit represents?

6 A. This exhibit is required by Alaska Department  
7 of Fish & Game for any two or more vessels to be able to  
8 fish each other's gear legally without having our own  
9 Fish and Game numbers on our gear.

10 Q. Okay. Mr. Shelford, I'd like to get your  
11 professional view as a captain aboard a Bering Sea crab  
12 boat, concerns to crab rationalization, and how a  
13 Northern and Southern Quota Share affects your  
14 operations. Can you speak about that?

15 A. Well, that's a pretty broad question. I guess  
16 that it -- are you referring to how they work? How  
17 northern shares are --

18 Q. Yes. If you could explain, kind of how the  
19 Northern and Southern Shares work for you as far as  
20 completing your operations of offloading crabs.

21 A. Yeah, okay. As far as the difference between  
22 Northern and Southern to us fisherman, is at the  
23 beginning of the season we are allocated a certain  
24 amount of crab to be caught. Of that, there is -- a  
25 certain amount is assigned to Northern A, meaning it

1 needs to be delivered to St. Paul Island, specifically.  
2 And/or South A, that is either paired with any one of  
3 the handful of markets that are in Dutch Harbor, or  
4 Akutan, or Kinko.

5 As far as how we fish them, is we will  
6 generally begin a season, and we are specifically  
7 talking about snow crab, opilio here.

8 Q. Okay.

9 A. When we begin a season we will always start by  
10 fishing our Northern A first to get them to the island  
11 as quickly as possible. After that we will go and fish  
12 our South A, and take it to whatever market they were  
13 paired with.

14 Q. Is there a reason why you fish the Northern  
15 Share first, as opposed to the Southern Share?

16 A. Well, Trident Seafoods processes, I believe,  
17 all of the Northern A Shares, for all the markets. And  
18 they are the sole facility to actually process them.  
19 They try to target a certain timeframe to open and close  
20 the island, for ice reasons. For, I guess, well I'm not  
21 entirely sure why there is a certain timeframe we are  
22 given. But they like to get the island opened and  
23 closed as soon as possible.

24 Q. Can you tell me if you have ever had any  
25 problems or concerns about offloading deliveries? And

1 it you miss dates, or if you miss delivery dates, how  
2 does that affect your operation?

3 A. Well, I have missed dates before. Trident  
4 Seafoods, or more pointedly, Ray Nomura is the fleet  
5 manager there. He does a good job of shuffling us  
6 around. Bringing in one boat, you know, shuffling us  
7 around to help coordinate how the crab comes in. If I  
8 need a couple extra days, I can contact him in advance,  
9 and he tries to move boats around to accommodate the  
10 fleet.

11 Q. Is there any negative effects on your  
12 operations if you don't show up on time?

13 A. There can be.

14 Q. Can you share with us what those might be?

15 A. Well, there is times when we will have to  
16 leave the grounds before we have what we need to catch.  
17 For that reason alone. It falls on the captain's  
18 discretion to decide whether he ends a trip early to get  
19 to that offload date on time if he is unable to change  
20 his date.

21 The ramifications of that are that we end up  
22 having to go out for another trip. So rather than  
23 being able to bring that total amount of crab in with  
24 one trip, now economically we have to support the  
25 expenses, and time for a second delivery.



1 Q. How far in advance are offload delivery dates  
2 scheduled? And can you share with us who sets up those  
3 times?

4 A. Well for the Northern A, it would be Ray at  
5 Trident. And this year here was a -- he changed it up a  
6 little bit, but I thought it worked pretty well. He  
7 went to a three-day notification. So we weren't pre-  
8 setting -- at the beginning of a trip, normally we will  
9 call ahead and go, hey ten days from now I want to come  
10 to the island and offload.

11 This year here, it was three days before you  
12 believe you'll be in to offload, call me. Which gave  
13 him the three-day period to try to schedule us in. And  
14 from that point we would just work with him and he would  
15 work with the other boats to shift that group within  
16 that smaller timeframe to make it work for everybody.

17 Q. Is that set up with you being the captain or  
18 is it set up with an owner, or some sort of co-op with  
19 Ray? Or is it just you, directly as a captain that  
20 makes those time arrangements?

21 A. Well, as far as myself goes, I handle all the  
22 -- my own offload scheduling. I prefer not to go  
23 through the office. It seems to mess things up a little  
24 bit.

25 Q. Okay, I would like to slightly shift the focus

1 to weather in the Bering Sea, and how it affects the  
2 Aleutian Lady's operations. Does the Aleutian Lady have  
3 a written or verbal policy about heavy weather? And if  
4 so, can you elaborate about that?

5 A. Could you explain that a little further?

6 Q. Yeah, do you guys have, on the Aleutian Lady;  
7 do you have any written or verbal policy on how you guys  
8 combat heavy weather up in the Bering Sea?

9 A. Would that be specifically written for myself,  
10 or for the crew?

11 Q. For the crew, written by you.

12 A. On watch?

13 Q. Yeah, as far as some sort of policy that may  
14 be out for the crew to have an understanding of hey,  
15 these -- when we have heavy weather, this is what we are  
16 going to do. I'm just trying to figure out if it is  
17 something that is just said, hey, by the captain, hey we  
18 have weather that is coming in, and this is how we are  
19 going to affect it.

20 Or is it something that is already posted in  
21 advance, that kind of tells the crew, hey listen if we  
22 ever get this type of weather while we are out, this is  
23 what we are going to prepare for. Do you follow me on  
24 that?

25 A. Yeah. We do have a safety manual for the boat

1 that more specifically talks about, you know, conduct,  
2 and how we handle the equipment, who's running it, who  
3 can and can't run it. It is more based on that.

4 As far as weather conditions go, and how we address  
5 them, that's a day to day decision-making process. It  
6 is generally the captain's discretion how he informs the  
7 crew. How he handles that weather, whether it be icing,  
8 or just foul weather in general, or staffing situations  
9 where we are putting a lot of pots on board. It is a  
10 day to day decision-making process; it's generally the  
11 captain's responsibility.

12 Q. Can you speak about the measures you take to  
13 reduce the effects of icing caused from sea spray?

14 A. Well, to minimize sea spray freezing  
15 for the boat, if it is severe, we will either jog with  
16 the weather, move slowly in the seas. And when -- at  
17 times that is not adequate. Where -- during those times  
18 you will either shut down and drift to minimize the  
19 amount of spray coming over the rail. And you can turn  
20 downwind, and jog downwind, where it pretty much  
21 alleviates all ice-making. We have lots of different  
22 de-icing tools on board the vessel that we will use to  
23 de-ice the boat as we go.

24 Q. Can you share with us what some of those are?

25 A. I think the most used tool at our disposal is

1 large Teflon mallets, they have a cylinder shaped head,  
2 it is about nine, ten inches long, five inches in  
3 diameter on the end of a four foot handle. And it is  
4 very effective in de-icing. We also use rock bars.  
5 Which is, essentially a one inch round, six foot tall  
6 piece of round bar steel flattened at one end.  
7 Crowbars, shovels, are the go to.

8 Q. Have you ever had to set pots because of ice  
9 build-up? And if so, can you elaborate about that?

10 A. Several times, many times. And not in recent  
11 years. I guess I have one, I guess, prominent story.

12 Q. I'd love to hear it.

13 A. Okay. This was several years ago before the  
14 IFQ came into effect. We all, it was when the fleet was  
15 very large. We would -- we all left at the same day  
16 back then, to get underway to the grounds for the  
17 opener.

18 We had north/northeast, forty, forty-five  
19 knots that day. The whole fleet had all their gear on  
20 board as did I. By the time we got up west of St.  
21 George up onto the shallow shelf, I was immediately  
22 setting at least the first tier off the top of my stack.  
23 Which I was stacked four high at that time.

24 So I shed, or set off my whole top layer to  
25 get rid of heavy ice that had built on those pots. At

1 that point, within four hours of setting the third tier  
2 off, another couple hours, I was setting the second tier  
3 off. By the time I got to the grounds to start the  
4 season, I only had seventy pots left on board for the  
5 season. And I'll make a note that also there were --  
6 one of the mariner boats was not able to set gear off  
7 that day and he didn't make it.

8 Q. Do you ever consider in advance, like a  
9 forecasted weather, if you see it in advance, that you  
10 are going to be in a heavy spray to load less pots on  
11 deck prior to leaving?

12 A. Absolutely.

13 Q. Okay. All right Mr. Shelford, I'd like to get  
14 your professional view of what it is like to transit  
15 near St. George and St. Paul Island. Can you elaborate  
16 on the challenges? And if the islands are used for  
17 protection?

18 A. The islands are used for protection. On a  
19 northeast, St. George is good protection. As is St.  
20 Paul. Westerlies neither island are very good. But  
21 they suffice, will knock the sea height down, is about  
22 all they are good for. Are we referring to just wind  
23 and sea? Or current -- or --

24 Q. Yeah, wind and seas. Is there any  
25 difficulties sailing around the Pribilofs as opposed to

1 anywhere else out there in the Bering Sea?

2 A. Well, it is generally shallow all the way  
3 around the islands there, so that the current tends to  
4 move faster when in shallow water. I think it is a good  
5 place to be cautious around in foul weather.

6 Q. Once again, I would like to slightly shift  
7 focus to vessel stability. Have you seen the size and  
8 weight of crab pots change over the years? And if so,  
9 can you talk about that a little bit?

10 A. Are you talking about the aging of the pot?

11 Q. No, not the aging of the pot. Just the actual  
12 size and the weight. You've been fishing for a long  
13 time, have you see like when you purchase new pots, have  
14 you been purchasing heavier weights than what you used  
15 to, and sizes?

16 A. Well, most of the fleet uses a standard size,  
17 7 x 7. And they were all generally very close in size  
18 and weight, as far as the bar sizes go. The pots lose  
19 weight with age. That's kind of -- as a matter of fact  
20 they stop fishing when they get too old. The just get  
21 too light and they start moving around on the bottom.

22 As far as the differential between how they  
23 were made thirty years ago until now, there is very  
24 little difference, if any.

25 Q. Do you know what the current size, or what is

1 the current size and weight of crab pots you are  
2 currently using?

3 A. Approximately 750 pounds. Which, most of my  
4 gear is older. So there is definitely some weight  
5 reduction there.

6 Q. How much does the gear that you put inside the  
7 crab pots, such as the shots and the buoys weigh? Do  
8 you know that?

9 A. I don't know specifically. I have never  
10 weighed shots of line, or buoys.

11 Q. Do you combine the crab pot weights and the  
12 crab pot gear weight together when redoing your  
13 stability book? And if so, can you elaborate about  
14 that?

15 A. When you are doing your stability book, the --  
16 whoever did your stability report is using buoys and  
17 lines as part of their equation in the weight of the  
18 pot.

19 Q. Does loading bait factor into your stability  
20 assessment? If so, can you elaborate?

21 A. For myself? Or are you referring to --

22 Q. For yourself, for the Aleutian Lady. Do you  
23 consider -- does loading bait come into your assessments  
24 when you are doing stability?

25 A. For myself no. The vessel I run is quite a

1 bit larger, and wider than your average crab boat. And  
2 it is usually a very stable vessel. Bait load has very  
3 little effect on her.

4 Q. Do you call the Coast Guard prior to each  
5 fishing season? And if so can you elaborate why you  
6 call them, and what they assist you with? If they do  
7 assist you with anything?

8 A. Are you referring to the spot check that --

9 Q. Sure.

10 A. -- that they ask you to do? I've done it  
11 several times, but not every time. And essentially what  
12 they are doing is they are: reviewing our safety  
13 equipment; whether we are crossing the threshold of the  
14 amount of gear we should have on board; making sure the  
15 bilge alarms are working; just verifying the boat is  
16 seaworthy and in compliance with safety.

17 Q. Okay. Now if you would, could you tell us a  
18 little about your working and personal relationship with  
19 Captain Hathaway?

20 A. Jeff and I have been friends and fishing  
21 partners for a lot of years. Yeah.

22 Q. All right. The Destination fished for cod ten  
23 days in 2016.

24 A. I'm sorry, say that again.

25 Q. Yes, sir. The Destination fished for cod for



1 ten days in 2016 and 27 days in 2017, are you aware of  
2 why the Destination fished for cod for an extra  
3 seventeen days in 2017? And if so, can you elaborate  
4 about that?

5 A. I am unaware of why he fished longer this  
6 year.

7 Q. Okay. Mr. Shelford I would now like to shift  
8 the focus to the Destination and their voyage between 9  
9 February until 11 February 2017.

10 Can you tell us where the Aleutian Lady was  
11 located between the 9<sup>th</sup> of February through the 11<sup>th</sup> of  
12 February? And can you elaborate on the weather and the  
13 seas that you were experiencing?

14 A. We had a stretch of good weather, but it was  
15 cold. We were having 25 knots of wind, jump up to 30,  
16 back down, but it was cold. I believe our temperatures  
17 were right around the mid-20's through most of that  
18 time. I feel like the 8<sup>th</sup>, 9<sup>th</sup>.

19 Then the 10<sup>th</sup>, it was blowing northeast 35,  
20 the temperature dropped down 24 degrees, 23 degrees,  
21 where I was at. Like I said, the weather over that  
22 period leading up to that. It would pick up to 35  
23 knots, drop back down to 20, 25. It would just kind of  
24 come and go. It never really built a very big sea  
25 height, even though it was a steady northeast.

1 Q. During that timeframe did you guys experience  
2 any icing caused by the sea spray?

3 A. Yes.

4 Q. Can you elaborate a little about what you guys  
5 experienced? And what you guys did to combat it?

6 A. I did not have to break ice for the first  
7 three days of that weather, even though we were building  
8 ice. I was primarily in the same location not moving  
9 real fast, or spending a lot of time moving quickly into  
10 the weather. So I did not build very much ice.

11 But the sea state was just not that bad. We  
12 just weren't throwing that much ice, or throwing that  
13 much spray to build ice.

14 I believe we did stop and break ice on the  
15 10<sup>th</sup>. Yeah, I think the day before the incident -- that  
16 day it was -- there, I had stopped and the whole crew  
17 had them out breaking ice.

18 Q. In reference to the Pribilofs, where were you  
19 actually operating at during that timeframe?

20 A. I was just below the 57<sup>th</sup> parallel, and  
21 approximately 50 miles straight west of St., just  
22 west/northwest of St. George.

23 Q. Did Captain Hathaway ever share any  
24 engineering issues that he may have been experiencing on  
25 the Destination? And if so, could you speak about

1 what those problems were?

2 A. There were very few. As far as the  
3 Destination goes, there were very few. I can recall  
4 twice in the past where he had some steering issues. He  
5 broke a propeller shaft once, and I think that's about  
6 it, other than that -- I wish I had as few problems as  
7 he had.

8 Q. Were any of those conversations that you had,  
9 were any of those from 2016, or 2017?

10 A. No.

11 Q. Did you have any conversations with Captain  
12 Hathaway on or between the 9<sup>th</sup> of February and the 11<sup>th</sup>  
13 of February 2017? And can you speak about everything  
14 that you can remember about those conversations?

15 A. Well, that conversation could get pretty  
16 colorful. Yeah. Boy, yeah. Our conversations were  
17 mostly about our forming a game plan.

18 You know, like I said, fish together, I was  
19 sharing with him what I was seeing in my gear, what I  
20 thought the crab was doing. He was aware that fleet-  
21 wide we were having a lot of sand flea issues. So he  
22 was going to make sure he brought out a lot of that  
23 extra squid to help combat the sand flea.

24 None of us were really happy about the lack of  
25 bait, or the fact that we had to bring out a lot of

1 extra bait, because they were -- at least we were told  
2 there was not enough at the island. Ray felt that  
3 Trident would run out before the fleet was done. I,  
4 like Jeff, brought out a lot of extra bait.

5 Q. Do you know how much bait that the Destination  
6 had on board?

7 A. I don't.

8 Q. Do you know what he planned to doing with the  
9 extra bait? As far as, was it going to stay on board?  
10 Was he going to place it somewhere when he went fishing?  
11 Do you know what his plans were with the bait?

12 A. He took his second trip worth of bait on board  
13 to bring to St. Paul Island for storage. I, my bait  
14 freezer is big. So I had the equivalent of two trips of  
15 bait on board as well. But I, I had I think four  
16 pallets of bait on deck when I left town, Dutch Harbor.

17 Q. Do you know where he got the extra bait?

18 A. I don't.

19 Q. Do you know as far as pounds how much would  
20 the first set be?

21 A. For --

22 Q. We are trying to estimate, you know, how much  
23 bait wait on board, poundage wise. Do you know how much  
24 he was using -- you said he has, he brought enough for  
25 the second part of fishing. Did we know how much the

1 first part would have been as far as how many pounds he  
2 would have had the first part then?

3 A. You mean the first trip?

4 Q. The first trip, yes.

5 A. He would have used? I can't specifically say  
6 what his bait plans are. I use a factor of 8 to 9  
7 pounds of bait per pot for -- and I figure out how many  
8 pots I believe I am going to haul for a trip, and I use  
9 that to calculate.

10 Q. On February 11<sup>th</sup>, 2017, can you talk about how  
11 you were notified that the Destination was missing? And  
12 can you elaborate if you contributed into such process?

13 A. When I heard about it I was fifty miles away,  
14 so I was of no help to Jeff and the guys.

15 (Pause, witness gathering himself.)

16 CDR MULLER: Hey Jim -- Mr. Gillette, let's  
17 take a break. We are going to recess for fifteen  
18 minutes.

19 (At 1239 a fifteen minute recess was taken.)

20 CDR MULLER: Good morning again, the hearing  
21 will come to order. We are continuing on with Mr.  
22 Shelford. After our recess, it is common for the Board  
23 to just remind the witness that they are still under  
24 oath. So Mr. Gillette do you have any further  
25 questions?

1 MR. GILLETTE: Thank you Mr. Shelford.

2 Commander, I do not have any more questions

3 CDR MULLER: Thank you. I have a few follow-  
4 on questions.

5 **EXAMINATION**

6 BY CDR MULLER:

7 Q. And some of this is, again, to develop my  
8 appreciation and understanding of crabbing operations in  
9 the Bering Sea. I believe you mentioned -- let me ask  
10 it this way, just does your vessel have a stability  
11 information book?

12 A. Yes.

13 Q. Has it been updated from time to time over the  
14 years? Are you aware?

15 A. Yes.

16 Q. On what occasions did you or the vessel owner  
17 decide to update the stability book?

18 A. My vessel is permitted to do more than just  
19 one fishery. We are also a catcher processor for cod;  
20 we have long line catcher processor in the past, cod pot  
21 process in the past, still do. While we were long  
22 lining we were a part of the ACSUS/Axus (sounds like)  
23 program since its onset. For about a decade, I think we  
24 were close to it. We were part of the ACSA Program.  
25 The ACSA Program required us to update our stability

1 booklet, as well as fall under the guidelines set for us  
2 within the ACSA Program.

3 Q. So is your vessel still under the ACSA  
4 Program? Or would that only be the case if you were  
5 longline?

6 A. If we went back into longline, we would have  
7 to get back into full compliance, which wouldn't be very  
8 hard.

9 Q. Okay. I believe, and we confirmed this with  
10 other witnesses, you know, during the week, so are you  
11 familiar with ACSA when it comes to stability, I believe  
12 there is a five year review. Does that sound about  
13 right?

14 A. Yes. It follows a lot of the same standards  
15 as ABS.

16 Q. Okay. And I also appreciate or understand you  
17 don't have your stability book in front of you. So I'm  
18 just broadly speaking, again, just to get an  
19 appreciation of how, in this case, how vessel captains  
20 utilize stability information books. The ones that we  
21 have seen so far on crabbers include what could be  
22 termed in different ways across different books. But  
23 essentially addresses icing conditions.

24 I have seen one stability book where there  
25 would be a winter column. I've seen another stability

1 book where it had pot loads under icing conditions. So  
2 I would imagine, does your stability book have a similar  
3 provision that limits the number of pots during icing  
4 conditions? And my question really is, how do you apply  
5 that? When icing conditions are actually present?  
6 About to be present? Is it an annual thing? So how do  
7 you apply icing conditions with, in accordance with your  
8 stability book?

9 A. Well I have not run a boat that had a  
10 provision that said winter condition. It is either  
11 icing or non-icing is all I have ever seen. And icing  
12 conditions are exactly that. If you were going to put  
13 gear on board your vessel in icing conditions you follow  
14 a table that specifies what you can or cannot carry.  
15 Your load configuration changes.

16 There are tables that will specify how much  
17 fuel you may have on board with what fish holds are  
18 full, which corresponds how many pots you can -- you are  
19 allowed to put on board the boat under those icing  
20 conditions. In non-icing conditions it has a like  
21 table, but it is, it just allows more pots.

22 Q. Okay, thank you.

23 A. Um-hmm.

24 Q. Earlier we saw an exhibit; you also have that  
25 exhibit in front of you. This is the exhibit that we



1 looked at earlier.

2 A. Okay.

3 Q. Exhibit 241, page four. So this is the Alaska  
4 Department of Fish & Game, which indicates that your  
5 vessel has -- rather, in this case the Destination has -  
6 - shares pots with the Aleutian Lady, correct?

7 A. Yes.

8 Q. Okay. So how often does that kind of scenario  
9 play out during a typical season? Where you pick up  
10 pots for, you know, somebody listed on that kind of  
11 certificate?

12 A. This is a provision the Alaska Department of  
13 Fish & Game specifically put into effect, so that groups  
14 of boats could share gear if it became necessary. At  
15 the end of the season, if you are capped out on quota,  
16 you have reached your poundage limit, and you still have  
17 gear baited with crab in it. You know, for instance, in  
18 this case, if Jeff at the end of his season, he still  
19 had a hundred pots in the water, baited. I could  
20 legally go and haul them and retain the crab. That is  
21 generally why we do that.

22 At the beginning of every season since this  
23 rule came into effect, Jeff, and I, and Dan on the  
24 Constellation have always had each other in our own co-  
25 ops, in case that situation came up.

1 Q. Is it a, frequency wise, per season, how often  
2 does it take place? Is it a rare occurrence?

3 A. I -- no, oh very rare.

4 Q. Okay.

5 A. I think the last time, I think the last time I  
6 hauled one of Jeff's pots was a King crab season 4 or 5  
7 years ago, even though we always do one of these.

8 Q. Okay.

9 CDR MULLER: I have no further questions.

10 Now National Transportation Safety Board, Mr. Suffern do  
11 you have any questions? Oh, Mr. Karr, NTSB?

12 **EXAMINATION**

13 BY MR. KARR:

14 Q. This is Michael Karr of the NTSB. Yes, I do  
15 have some questions. Mr. Shelford, could you describe  
16 the voyage of the -- of your vessel when you left Dutch  
17 Harbor until you returned to port. Just a brief  
18 overview of when you left Dutch, where you went, and  
19 when you returned.

20 A. I won't have specific dates.

21 Q. No. That's good; I'm not looking for specific  
22 dates. I'm looking for a general recollection of what  
23 your vessel did. If you could tell me when you left,  
24 that would be good.

25 A. I don't have the specific date of when I

1 departed town to start the season.

2 Q. Would you have that available in a log book?

3 A. Absolutely.

4 Q. Okay, great. Do you remember approximately  
5 when? Was it early February, late part of January?

6 A. That would have been the beginning of  
7 February.

8 Q. And, I know you don't have the exact date.  
9 But about how long were you on the opilio voyage?

10 A. When this incident happened, I was only 5 or 6  
11 days into my season starting.

12 Q. And about how much longer after that did you,  
13 you know, continue to catch your quota?

14 A. The duration of my season?

15 Q. Yes.

16 A. Approximately two months.

17 Q. And how many pots did you have on board when  
18 you left to begin the opilio season?

19 A. Two hundred and thirty.

20 Q. And how many stacks were there?

21 A. I was stacked three-high all the way, and  
22 maybe fifteen pots or so on tier four.

23 Q. And were those closer to the bow of the  
24 vessel, or at the stern?

25 A. I usually stack them mid-ship.

1 Q. And what was the crew size?

2 A. Six.

3 Q. Do you recall what your quota was? The amount  
4 of your quota?

5 A. Approximately 450,000 pounds or so.

6 Q. Was that quota all yours, or did some belong  
7 to another vessel?

8 A. We fish multiple permits.

9 Q. And what does that mean?

10 A. The ah, when I say permits, quota owners.  
11 Whether they are retired fisherman that own quota. We  
12 also catch crab for a group of individuals that own  
13 quota. Well I guess it is a very complicated story  
14 there. But we fish several permits that -- from  
15 previous boat owners.

16 Q. Do you recall what your individual permit was,  
17 for your vessel?

18 A. The allocation?

19 Q. Yes.

20 A. Of the quota? I don't.

21 Q. Do you recall, if, you know -- can you tell me  
22 if you knew if Jeff, Captain Hathaway was catching other  
23 folk's quotas?

24 A. I don't know.

25 Q. Did you continue in opilio season after the

1 Trident plant closed?

2 A. Yes.

3 Q. Can you tell me, are there separate quotas for  
4 -- so you met your quota for the North Plant, and then  
5 you still had quota for the South Plant?

6 A. Yes. I completed my North A Shares within a  
7 few days of the plant closing, it was very close to the  
8 end.

9 Q. Do you know if Captain Hathaway also was going  
10 to work with the South Plant?

11 A. The South Plant?

12 Q. Or the South, I forgot the term, but there is  
13 a north and south.

14 A. He had South and North quota.

15 Q. Captain Hathaway had South and North quota?

16 A. Um-hmm.

17 Q. How many times did you unload crab at the  
18 North -- at the Trident facility, just during this  
19 opilio season?

20 A. Once.

21 Q. And you maximized, you met your quota with  
22 that one delivery?

23 A. Yes.

24 Q. 450,000 pounds?

25 A. No. I believe I brought in 220,000 or so.

1 Q. And the remaining, and any other portion of  
2 your quota was going to go towards the other plant?

3 A. Yes. The rest was South A, B Shares, and C.

4 Q. Can you describe the unloading process at the  
5 Trident Plant from the time you dock until you leave?  
6 Give me a general idea of the time, the activity that  
7 goes on, what the crew does during that time period.

8 A. Well, the normal procedure to offload at St.  
9 Paul Harbor is to --

10 Q. Well, can you tell me what -- can you recall  
11 what you did during this last voyage, during this last  
12 opilio season?

13 A. You are going to have to elaborate a little  
14 more on that question.

15 Q. Well, when you -- what -- I'd like to hear  
16 about the process. And what I'd like to do is I'd like  
17 to hear you recollect how you actually carried it out  
18 during this last season in February.

19 A. I enter the harbor, I tie up to the dock, pump  
20 down our tanks. The offload crew step on board, offload  
21 the crab. When the -- when we are done offloading, we  
22 clean the tanks, do our paperwork at the office of the  
23 Trident. Re-flood our tanks, and clear the harbor, and  
24 head back out to sea.

25 Q. And about how long does that take?

1           A.    Trident is very fast.  They are the single  
2 fastest offload plant in Alaska.  I was probably in and  
3 out of there in eighteen hours.

4           Q.    When you arrived at the Trident to unload, did  
5 you arrive at the time you were scheduled to arrive, or  
6 were there any delays?

7           A.    No, I showed up right on time.  I believe I  
8 went pretty much right under chute, as we call it, the  
9 offload position.

10          Q.    After you pulled up your last pot and sailed  
11 to Trident, did you have to wait at all at sea before  
12 you went right into the chute?  I mean, did you catch  
13 your -- did you catch your quota of crab ahead of when  
14 you scheduled time at plant?

15          A.    I was fortunate enough to be able to get on  
16 good enough fishing to get my quota done.  It was a very  
17 close call to -- before they were going to close the  
18 plant.  I did encounter foul weather when we were  
19 heading in to the island that might have delayed me a  
20 few hours.

21          Q.    And did you -- was there any sea ice going  
22 into the plant?

23          A.    There might have been some just glazing in the  
24 harbor at the time, but I don't recall.

25          Q.    Can you recall if you had to adjust -- make --

1 do you recall if you had to adjust your speed to make  
2 sure you didn't do any ice damage to your hull?

3 A. At that -- I have certainly entered that  
4 harbor through a lot of pack ice. I have been stuck in  
5 ice. I have put dents in hulls trying to get into that  
6 harbor. I have overheated my main engines trying to get  
7 into that harbor. I recall a time I have spent three  
8 days stuck in ice. I think you can probably hear these  
9 tales from most captains.

10 Q. Do you recall if there were any forecasts for  
11 sea ice?

12 A. Not that day, no. Actually, it was pretty  
13 uneventful other than; I believe we had a southerly wind  
14 getting into the harbor. So there was surf getting into  
15 the breakwater there that day. And it was due to come -  
16 - to come back up south/southwest at thirty-five or so.  
17 Which I was in a hurry to get back out of the harbor  
18 because you can get trapped in that harbor. And that  
19 can be pretty exciting.

20 Q. When you left Dutch Harbor for the Pribilofs  
21 did you experience any sea ice along the way? Or, not  
22 sea ice, but heavy freezing spray?

23 A. Departing St. Paul?

24 Q. Pardon?

25 A. Departing St. Paul you said?



1 Q. No, when you began your voyage, when you  
2 operated from Dutch Harbor to head to the Pribilofs?

3 A. No. Actually up until just a few days before  
4 this incident there had been a pretty mild winter. Just  
5 slight glazing, only.

6 Q. All right. Well I'd like to ask you about any  
7 prior voyages, over your years as captain when you did  
8 leave Dutch Harbor and sail for the islands. Did you  
9 ever sail when you had sea ice?

10 A. Of course.

11 Q. I'd like to ask you some questions about the  
12 wheelwatches that would have been stood, particularly at  
13 night. So do you, as a captain, would you as a captain  
14 ever stand wheelwatches when you are traveling from  
15 Dutch Harbor to the Pribilof Islands?

16 A. Of course.

17 Q. And how long would that -- now you say, of  
18 course, you would get in there for the voyage, would the  
19 rest of crew just (inaudible word) north? You would be  
20 a regular part of the wheelwatch?

21 A. Always.

22 Q. Rotation?

23 A. Always.

24 Q. Always? And would all your crewmembers  
25 participate in that wheelwatch rotation?

1           A.    It depends on my crew at the time.  But no,  
2 generally not.

3           Q.    Generally four?  Five?

4           A.    Generally 3 to 4.  I sit most of the watches.

5           Q.    And when you are standing the wheelwatch  
6 transiting from Dutch Harbor up to the islands, how long  
7 is that watch for each person?

8           A.    I will generally place the upper share crews  
9 on watch; position the chief engineer mid-watch between  
10 myself, so that he can do his engine room checks.  Then  
11 I do an engine room check as well when he's laying down.  
12 My upper share, or most qualified watches, I will put  
13 the less experienced crew on watch with them so that  
14 those crewmembers can educate the younger guys.

15          Q.    That term you used, was it upper share?

16          A.    Upper share means a, you know, a guy that is  
17 just well experienced, a competent watch.

18          Q.    At night, how long are those wheelwatches?

19          A.    I never extend a watch more than two hours.

20          Q.    Do they usually change on the hour?  When  
21 would a new person come on watch?  Would that --

22          A.    No, I will do a -- I rarely will do a one hour  
23 watch for anybody.  That seems to be less productive.  
24 The only time I do that is when I know the crew is quite  
25 tired, toward the end of a trip.  And in those

1 instances, it will be one hour. And I will team up the  
2 crew, where I have two guys on watch at any one time.

3 Q. All right. And when that two-hour watch  
4 switches, is it on the -- on an hour, like ten o'clock  
5 or twelve o'clock?

6 A. Oh I see. Not necessarily.

7 Q. What would -- why won't -- when might it  
8 change?

9 A. Well it may be on the hour or on the half  
10 hour.

11 Q. And how many people would be -- at night,  
12 during one of those two-hour periods, how many people  
13 would be up on watch?

14 A. Well again, that depends on the situation.  
15 Every sit can be different. I will generally not spend  
16 any more than 6 to 8 hours out of the wheelhouse. In  
17 icing conditions, bad weather, I'm usually up every  
18 three hours just to look things over. Less serious  
19 conditions every six hours. It is kind of more  
20 dependent on the situation, the sea state.

21 Q. All right. Now again, everything I'm asking  
22 you is based on a previous voyage from Dutch Harbor --

23 A. Yes.

24 Q. -- to the islands. So, if you are not up  
25 there, and the engineer is not up there, there is going

1 to be one person that is not asleep?

2 A. Yeah, at least one competent watch at all  
3 times.

4 Q. All right.

5 A. With a watch alarm on ten minutes.

6 Q. And then during -- what's -- can you describe  
7 the tasks that the wheelwatch will do? And when I say  
8 that, you know, the first task they'll do is they will  
9 be, they will steer the boat. But are there any other  
10 tasks that they would undertake during that watch  
11 period?

12 A. Yeah. We do hourly engine room checks, all  
13 watchstanders will, are required to go down to the  
14 engine room, do a walk through, check the engine room.  
15 All of my competent watches are aware of the rolling  
16 period of the vessel, and are instructed to keep an eye,  
17 and time that rolling period, to ensure that we are not  
18 losing stability. If we have a stack of gear on board,  
19 they walk out each corner of the wheelhouse look down  
20 the side, make sure the stack is remaining tight, and  
21 secure.

22 Q. Can you tell me more about that roll standard?  
23 The roll instructions you've given the crew?

24 A. Rolling period?

25 Q. Right.

1           A.    Well the rolling period of a vessel is pretty  
2 much a static number.  Every boat has its own.  And when  
3 a boats is in its, pretty much in any sea state it will  
4 maintain that certain rolling period.  As you gain  
5 weight or lose stability that rolling period will  
6 lengthen, which is a good indicator of a potential  
7 problem arising.

8           Q.    Can you tell me how you expected your crew at  
9 night when they are on the wheelwatch, by themselves, to  
10 keep an eye on ice accumulations?

11          A.    Well as I just stated, part of their watch, on  
12 the hour is to step out each corner of the wheelhouse,  
13 look -- when gear is on board.  And peer down the side  
14 of the stack.  To maintain a watch on the fore or  
15 (inaudible word), and watching the scuppers, the drain  
16 boards on the deck and the bow, to make sure they are  
17 not icing over and holding water and do engine room  
18 checks.

19          Q.    What are the freeing ports like on your  
20 vessel?  The -- or scuppers, the ones, you know, back on  
21 the deck that allow the water to leave the fishing deck?  
22 Are they on a hinge that opens up as the water flows  
23 through and then they close?

24          A.    Well that would be a scupper.  And no we do  
25 not; we have freeing ports on my vessel.  We don't have

1 any scupper freeing ports.

2 Q. Well can you describe those freeing ports to  
3 me?

4 A. Yeah. There are just, essentially a cut  
5 opening in the rail between the weather deck and the  
6 bulwarks itself, that allows any water that comes on the  
7 deck or onto the bow, to freely run off.

8 Q. So can you -- can you describe how ice  
9 accumulation blocks that?

10 A. Well when it is -- if it is cold enough, a  
11 certain amount of water will continue to stick. And the  
12 freeing ports will slowly close in. When they start  
13 closing in, they stop allowing a lot of the water to run  
14 off. When it is really cold they can close off  
15 completely. When it is not so cold, the amount of water  
16 that is standing there, tends to melt through itself.  
17 It is a pretty easy task to keep them free of ice.

18 When they start getting closed up, we just  
19 slow the boat down. Jog into the weather. A couple of  
20 crew will throw some rain gear on and go out there with  
21 some hammers, and crowbars, and just open them up. It  
22 doesn't take more than 15 to 20 minutes.

23 Q. Does ice accumulate on the -- and in the area  
24 of the freeing ports, does ice accumulate on the outside  
25 of the hull that could block the freeing ports?

1 A. Yes.

2 Q. And also on the inside?

3 A. Yes.

4 Q. At night on your vessel, has this occurred  
5 where the wheelwatch, on his own, would jog the vessel,  
6 and then go and knock the ice out of the freeing ports?

7 A. No.

8 Q. What would a crewmember do if he saw --

9 A. He would -- he is instructed to wake me.

10 Q. All right. What are some of the other  
11 instructions you have given to your crew with regard to  
12 icing?

13 A. I --

14 Q. Is there a certain level of ice that you want  
15 to be -- let me ask you this. When does the crew wake  
16 you up when it is icing?

17 A. I don't like more than three inches of ice  
18 covering the fore bulwarks. And if ice starts  
19 accumulating above the second tier on the gear, then I -  
20 - I will shorten up the interval that I'm sleeping.

21 Q. So when you get called, can you tell me  
22 specifically, give me specific examples of when you have  
23 been called. I.e. the scenario. The person on watch  
24 says captain we've got more than three inches on the  
25 forward board. Has that occurred?

1 A. Yeah, I can --

2 Q. Okay. And have you ever --

3 A. -- yeah, which time?

4 Q. -- at other times, other times has the watch  
5 said, captain we've got five inches on the second? You  
6 know, we've got five inches on the stacks?

7 A. I've always caught it myself due to the --  
8 like I said it -- as the weather conditions become more  
9 critical, my interval of sleeping becomes less. I will  
10 take less watches then, but be required to be woken up  
11 every two hours, every three hours, every four hours  
12 depending on the accumulation.

13 Q. Are there any slang terms for icing  
14 accumulation on a ship or on crab pots?

15 A. Not that I know of.

16 Q. What do you call it when the crab pots get  
17 iced up?

18 A. What you just said, iced up.

19 Q. When you were telling us earlier about  
20 dropping pots, and you ended up fishing with only  
21 seventy. Did you ever recover those missing pots?

22 A. Yes.

23 Q. Tell me how sand fleas affect the bait.

24 A. Sand fleas are problematic in the Bering Sea,  
25 particularly in areas where there is patchy hard bottom



1 with mud bottom. The last couple years they have been  
2 getting worse. There are times in the Bering Sea where  
3 you have a hard time setting pots anywhere without your  
4 bait being gone within an hour. Where they will not  
5 fish, you won't catch any crab.

6 Q. And what's a sand flea?

7 A. A sand flea is a -- they look like a very  
8 small shrimp, about a quarter inch to a half inch long.  
9 They get to one inch after they've eaten your bait. And  
10 they are ferocious. They can take ten pounds of  
11 herring, and squid, your sardines, and your bait set-up,  
12 down to nothing but white bones in an hour or two, three  
13 maybe at the most. Codfish down to white bones in no  
14 time at all.

15 Q. And I thought I heard you say that squid is a  
16 little better.

17 A. Squid is more resilient, it takes a little  
18 longer bait-life we call it on the bottom when there are  
19 sand fleas around. You get a little more fishing time  
20 out of them.

21 Q. When you were talking to Captain Hathaway when  
22 he was on his way up, did he say where he had stored the  
23 bait that he had purchased?

24 A. No.

25 Q. And when you were talking to Jeff, did he

1 express to you how many trips he expected to make to  
2 meet his quota?

3 A. Not specifically.

4 Q. And did he give you any description of how  
5 long his time out there would be? To meet his quota?

6 A. Well, in our discussion we were talking about  
7 the plan of me catching some of his North A. Because,  
8 according to Trident's shut down, drop dead date -- well  
9 I rephrase that, there is not a drop dead date. But we  
10 are very much encouraged to have all of our North A done  
11 by that date.

12 I had a certain amount of crab on board  
13 already, and my fishing was going pretty good. I had  
14 contacted my office, who helps manage in the co-op as a  
15 whole, or as our contact into the co-op about me  
16 catching Jeff's, some of Jeff's North A, since we did  
17 not believe, Jeff didn't believe he had time left to  
18 catch it. Because of that date.

19 I believed that I could catch all of my North  
20 A, most of his, and bring it to the island before the  
21 date. Where Jeff would have, you know, had to go out  
22 and catch 80, 90,000 pounds and bring it in to the  
23 island too. Which would have been very difficult for  
24 him to do, you know, in that period of time. But at  
25 least it got it down to somewhat manageable amount of

1 time for him. That was part of our discussion that  
2 night.

3 Q. Did Captain Hathaway explain why he didn't  
4 think he had enough time to unload all his quota at  
5 North A?

6 A. Well, the obvious reasons are is because we  
7 are sent emails that say when the island is going to  
8 close. And that tells us we have got to get going.

9 Q. Well, what I'm looking for is, you know the  
10 plant's going to close so you -- I would imagine you  
11 plan to catch your quota in time to get there before the  
12 plant closed. So did anything change from -- did he  
13 explain anything about planning they have had?

14 A. Well, that was us discussing a plan to help  
15 get that North A of his caught in time. I believe the  
16 co-op manager might, may have been shopping around to  
17 try to find other people to maybe catch some as well.  
18 And when we do that, there is a direct transfer.

19 For instance, if I caught some of his North A,  
20 then I would then catch some of his South A, for him, we  
21 would just do the change, a direct swap.

22 Q. Did Captain Hathaway make any -- share  
23 anything else with you about the voyage up from Dutch  
24 Harbor, the past cod season, his crew?

25 A. We talked about his cod season, sounded like

1 fishing was pretty good. I think that he wasn't real  
2 happy about having to bring the next trip of bait up to  
3 the island. He obviously couldn't keep it on board, it  
4 would melt or ruin by the time it got used. You know,  
5 he was having to do what he had to do to get the job  
6 done.

7 Q. How did having that extra bait affect his  
8 plans?

9 A. Well without it he would have not been able to  
10 complete his second trip if Trident ran out. He would  
11 have, at the end of his first trip would have had to run  
12 all the way back to Dutch Harbor, or Akutan, or Peter  
13 Pan in King Cover, purchase more bait. And run all the  
14 way back out to the grounds to start his second trip.  
15 Instead of offloading trip one, loading bait, and  
16 running right back out to the grounds to get fishing.

17 Q. Well, it sounds like it is a good thing that  
18 he had the bait on board, so he didn't have to run back  
19 to Dutch.

20 A. For the -- same reason why I brought my trip  
21 two bait out myself as well. I just had the room to  
22 keep it.

23 Q. But was he complaining about having to bring  
24 the extra bait?

25 A. Yes.

1 Q. And why would he complain about that? I --  
2 yeah --

3 A. Well yeah, he is already under the gun to get  
4 his North A caught. And now he was burning another, yet  
5 another day just to bring bait to the island. It would  
6 have been nice to know that the island had adequate bait  
7 for us. This is not something that is one year  
8 specific. This is ongoing. This is more, multiple  
9 years, the standard, so to speak.

10 Q. And it is related to the time of the -- it's  
11 related to the end, coming up to the end of the plant's  
12 operation. So they are reducing their inventory of  
13 bait. So otherwise during the rest of the season they  
14 are going to have plenty of bait?

15 A. I am unaware of what they keep in inventory  
16 there. For several years, I always receive an email  
17 that generally tells me to bring lots of bait.

18 Q. Can you describe how -- can you describe how  
19 you came to tell me -- with the delay of one day, tell  
20 me how he would be delayed from his, from getting to the  
21 fishing grounds by having to deliver the bait.

22 A. Well it is -- had he not brought his second  
23 trip of bait, had to bring it with him to the island,  
24 offload it in St. Paul, run back out to the grounds, set  
25 his gear. His course line would have been Dutch Harbor

1 to the grounds, and not to St. Paul.

2 Q. And where was he -- where was Captain Hathaway  
3 going to first start to fish?

4 A. At the forty and the forty, is where he was  
5 going to start, right above me about twenty miles.

6 Q. And what was that referred to as?

7 A. It's a longitude/latitude. And it is -- he  
8 wanted to start just north of me a little bit.

9 Q. All right. Thank you Mr. Shelford.

10 MR. KARR: I am through with my questions.

11 CDR MULLER: Okay. Thank you Mr. Karr. Mr.  
12 Suffern, NTSB do you have any questions?

13 MR. SUFFERN: Yes Commander Muller, I have  
14 questions.

15 **EXAMINATION**

16 BY MR. SUFFERN:

17 Q. Mr. Shelford thank you for your time this  
18 morning. I'm going to turn my attention a little bit  
19 more towards the weather conditions that you described  
20 on the 8<sup>th</sup>, 9<sup>th</sup>, 10<sup>th</sup>, and 11<sup>th</sup>. And kind of following  
21 up on what Mr. Gillette was -- his line of questioning  
22 there. And what you saw on your vessel there.

23 Could you describe -- I know that you said in  
24 reference to his questions on the 8<sup>th</sup> and the 9<sup>th</sup>, you  
25 were not picking up that much ice. But on the 10<sup>th</sup>, you

1 said that you had to spend some time breaking ice there.  
2 Do you recall the ice accrual rate? Was there freezing  
3 spray about a half an inch an hour? Quarter of an inch  
4 an hour on the 10<sup>th</sup>? On the 11<sup>th</sup>? Do you remember any  
5 rates around those dates of ice?

6 A. I can't specifically say the actual rate. I  
7 had about three day accumulation on the boat when I  
8 chose to stop and break ice, which was on the 10<sup>th</sup>.

9 Q. And about how much ice was on your vessel at  
10 that time when you decided to break?

11 A. Three to five inches.

12 Q. Okay. And you were saying the winds were from  
13 the northeast about 20 to 25, but gusting to 35?

14 A. It seems like toward the evening it would come  
15 up and blow at a good steady 35. We had a real  
16 prominent flood current, you know, to the  
17 north/northwest, actually.

18 That would stand the waves up, so it was kind  
19 of a nasty chop, as we call it. And, but that, the  
20 weather seemed to be more squally. Where it would be  
21 blowing 35, maybe even 40 at times, and then drop back  
22 down to 20/25 for quite a while.

23 The morning that it happened, I had just  
24 gotten up, it was after the boat actually had sank. And  
25 it was, but when I woke up it was actually unlimited

1 visibility. I might have had twenty knots of wind, and  
2 other than a residual swell there was really no sea that  
3 had come down that night.

4 Q. And do you recall the swell and sea wave  
5 height? About how high that was at your location?

6 A. Well, you know, I had probably about a 6 to 8  
7 foot ground swell, a long drawn out ground swell.

8 Q. Okay. Was there any communication between  
9 yourself and other vessels around the 10<sup>th</sup> and the 11th,  
10 as far as how much ice they were picking up?

11 A. No. After the fact I heard stories of guys  
12 that were saying it was, you know that they had built  
13 quite a bit of ice, and they were having to break ice,  
14 and I was a little bit puzzled by that. I just didn't  
15 witness that type of -- usually when it is in the 23/24,  
16 I think there were times during the day it would get up  
17 to like 25 and that is only three or four degrees under  
18 salt water freezing temp.

19 When I had run into -- a lot of it would even  
20 melt off from the, you know, heavier water coming over  
21 the bow. I just didn't, didn't -- maybe it was where I  
22 was further away from the ice pack or something. But I  
23 did not really ever see it get lower than 22 degrees.

24 Q. And during earlier testimony, you mentioned a  
25 specific event where you had to shed pots due to icing



1 you were seeing. How was the freezing spray around this  
2 particular incident on a scale of 1 to 10, 10 being the  
3 worst freezing spray you have ever, event you have ever  
4 had. And then one being, you know, nothing at all.  
5 Where in that scale was this particular ice that you  
6 were seeing on the 10<sup>th</sup> and the 11<sup>th</sup>?

7 A. I -- like I said I had three days'  
8 accumulation before I even thought about breaking ice.  
9 And I did, just for the ease of breaking it. If it gets  
10 about past 3 to 4 inches thick, it becomes a lot harder  
11 to break.

12 Q. Okay.

13 A. When it is 1 to 2 inches thick it is kind of a  
14 pain to break, it takes a lot more time. But it seems  
15 like there is a -- around that three inch, where one  
16 solid hit with a hammer shatters it. It comes off in  
17 nice big pieces; you can cut your time of breaking ice  
18 down substantially, if you just kind of let it get to  
19 that one level.

20 Q. Okay, so from a scale of 1 to 10 was it --

21 A. Oh, I didn't really give it much thought.

22 Q. Okay.

23 A. I, you know, I just didn't. I wasn't too  
24 concerned about the ice at that point.

25 Q. Okay.

1           A.    The weather just was not that bad.

2           Q.    Okay.  Has sheltering behind terrain, or an  
3 island ever been useful for you in freezing spray  
4 conditions?

5           A.    Absolutely.

6           Q.    And if so, could you describe an event where  
7 it's helped out?

8           A.    Well, a number of years ago I was fishing  
9 about seventy-five miles west/southwest of St. George.  
10 And during that time the weather forecasts were less  
11 than accurate -- and no offense.

12          Q.    None taken.

13          A.    Okay.  And instead of it blowing forty, it was  
14 more like fifty maybe plus.  And the temps dropped down  
15 to you know, five degrees.  We were no longer fishing we  
16 were just staying afloat, pretty much just breaking ice.  
17 It got to the point where we really couldn't keep up.  
18 It was blowing out of the, kind of north/northwest; it  
19 was more northerly if I remember right.

20                I just, I -- I finally just sent the guys in,  
21 cleaned it up as best we could and pinned the throttle  
22 to the wood as we speak.  As fast as we could, just put  
23 it in a ditch and ran for St. George.  We got behind the  
24 island, by the time I was there the ice was way thicker  
25 than I ever liked it to be.

1           Q.    About how close to the island do you need to  
2 be, or to St. Paul or St. George to be sheltered behind  
3 the island? Do you need to be within half mile,  
4 nautical mile, or a mile?

5           A.    Well, you know, St. George is -- it depends on  
6 the wind direction, you know, your positioning on the  
7 island, how much lee you can pick up and how far away.  
8 I mean, if you are coming from westward, a northerly is  
9 not much help until you get up, you know within a couple  
10 miles of the island. Or actually behind it.

11                    If you are coming from south, you know, from  
12 Dutch Harbor, northeast you are going to be picking up a  
13 lee of a southeast thirty-five, and within four miles  
14 you will start experiencing a lee.

15           Q.    Okay. Could you please describe how you  
16 gather your weather information?

17           A.    I have my office email me once to twice a day,  
18 depending on the, the coming weather. And that's why I  
19 receive it via email on the boat. I print it out, and  
20 keep it with me. I have a five day forecast updated  
21 daily to twice a day.

22           Q.    And whose weather forecast, or do you know  
23 whose weather forecast you are getting?

24           A.    National Weather Forecast, Anchorage, I  
25 believe.

1 Q. Okay. Do you wish, outside of email, do you  
2 wish there were other ways that you could receive  
3 weather information? Or do you feel like that email is  
4 good enough for you?

5 A. It would be great if somebody would allocate  
6 some more money to you guys, so we can get some better  
7 radio equipment out there to the Cold Bay, Kodiak --  
8 Kodiak's mic's been on the fritz for about five years.  
9 We rarely even hear them because he clips in and out.

10 Q. Okay.

11 A. But they are so underfunded now it is just  
12 hard to get anything out of them. I don't even bother  
13 listening anymore, honestly.

14 Q. So you are speaking specifically about the  
15 NOAA weather radios and picking those up?

16 A. Yeah. Yeah they are just, yeah they are, you  
17 know, they just need some money thrown at them or  
18 something. I don't know why they can't afford to give  
19 the guy a mic but it would be nice. Maybe they have  
20 now, I literally, it's been a year since I even bothered  
21 listening to him because they'd just be clipping in and  
22 out.

23 Q. So there's no point when you are sailing  
24 around Kodiak that you can really pick it up at all?

25 A. Well, you might be referring to the VHF

1 automatic transmission they have there, that's great.  
2 But outside of twenty miles, fifteen miles of land you  
3 don't pick that up.

4 Q. Okay. Do you keep any type of weather logs as  
5 far as the weather that you encounter as you are  
6 fishing?

7 A. Yeah, my wheelhouse log is filled out daily,  
8 and in that, I will always include what the weather is  
9 at the time.

10 Q. So, is that something that you do hourly, or  
11 every six hours, every twelve hours or what you remember  
12 from the day as far as the weather encountered?

13 A. No. I'll enter the weather in my log once a  
14 day.

15 Q. Okay. Do you, when you encounter weather  
16 conditions, do you report to other ships, is that  
17 something you keep just within your ship, or you share  
18 that back with the home office or anything like that?

19 A. I will often share my weather emails with my  
20 partner boats.

21 Q. Would you be willing to share your weather  
22 information, if there was an easy way to do it, to the  
23 National Weather Service, or other folks as far as, you  
24 know, we picked up this much ice on this day, or we are  
25 seeing stronger winds than you are forecasting. Would

1 you be willing to share your information to help make  
2 the weather forecasts better or ...

3 A. I think if there was just a -- I think a lot  
4 of the problems are with the crab fleet, more  
5 specifically the crab fleet that is. Is that most crab  
6 boats I've been on don't have the best barometers, they  
7 are -- when was the last time they were calibrated?  
8 What kind of accuracy are we giving you? I think that  
9 has always been my concern with sharing data is  
10 accuracy.

11 I know that you guys have a lot of tug boats  
12 out there that share their daily information with you,  
13 and they are a little more educated when it comes to  
14 these things. I would certainly not have a problem  
15 sharing my weather that I'm experiencing, via email.  
16 Yeah. I guess if there was a provision for it I wouldn't  
17 have a problem.

18 Q. Okay. Do you feel like you receive enough  
19 warning when there are freezing spray conditions  
20 forecast, going to come up on the grounds do you feel  
21 like you get enough heads up as far as the weather  
22 forecast?

23 A. Yes.

24 Q. And so you receive those warnings via email as  
25 well when you get the latest text forecast?

1           A.    Yes.

2           Q.    How much time do you need to adequately  
3 prepare for freezing spray conditions on your boat?

4           A.    It's more about -- it's not more about  
5 preparing, because we are always prepared for icing  
6 conditions in the winter months. It is more about  
7 planning our trip. For during and into the trip,  
8 nearing the end of the season we know we have gear to  
9 bring in.

10                    We -- that enters my plot to figure out how  
11 I'm going to finish this trip, start this trip, what I'm  
12 going to do with the gear, whether I separate, you know,  
13 there's times when I will -- five days of bad weather  
14 come and I'll get my gear very close together in icing  
15 conditions, even if it hurts my fishing, for the sake of  
16 not moving around too much and building a lot of ice.  
17 Getting more gear hauled, you know what I'm saying?

18                    They are -- the weather forecast, whether it  
19 is icing or not is vital to my planning of a trip,  
20 ending a trip, starting a trip.

21           Q.    Is there a decision point that you have,  
22 personally, where you decide whether, or when it is time  
23 to shelter behind an island either for wind conditions  
24 or for freezing spray conditions?

25           A.    Yes, there are definitely times when I'll seek

1 shelter. It is very rare. But yes, there's times.

2 Q. So, and that decision point is at fifty knots  
3 from a certain direction? Is that three inches of ice?  
4 Or is it just dependent on how much gear you have on  
5 board?

6 A. Well, it is more about wind velocity. You  
7 know it is about the sea state that that wind is going  
8 to produce. All us guys out there that have been out  
9 there for a long time know that you watch a really deep  
10 southwester, right. If it is going to blow forty-five  
11 knots out of the southwest and that wind direction is  
12 steady all the way out to the chain. You know that it's  
13 not going to be a twelve foot sea, or fourteen foot sea,  
14 it's going to be twenty-five foot seas, even though the  
15 wind velocity is not that much.

16 But then, you might have a sixty-five knotter  
17 coming through that's just a front, and it's not that  
18 deep, and you just put your nose into it and wait for it  
19 to pass. You know what I'm saying? It is more about  
20 the sea state, how deep that wind is, how far out is it  
21 coming from to tell you just how bad that weather is  
22 going to get. So it is not so much the velocity of  
23 wind.

24 Q. Okay. Earlier, you spoke briefly on the  
25 current conditions around St. George and dealing with



1 those. Is there a particular sea state, and wind set up  
2 that is difficult, or dealing with the current  
3 conditions around St. George Island as far as, you know,  
4 if the wind is from the southwest it is harder to  
5 navigate around St. George, but if the wind is from the  
6 northwest it is easier?

7 A. No. There is no wind direction around any of  
8 the islands that are easy. You know, when you get, any  
9 time you get up close to land mass the waves close up,  
10 they shorten up, move faster, the current runs faster,  
11 when it is going up against it, it makes a very nasty  
12 chop. So, I'm always cautious when I'm nearing land in  
13 any type of inclement weather.

14 Q. All right.

15 MR. SUFFERN: Commander Muller that is all the  
16 questions I have, thank you.

17 CDR MULLER: Thank you Mr. Suffern. Ms.  
18 Spivak do you have any questions?

19 MS. SPIVAK: No questions, thank you Captain  
20 Shelford.

21 CDR MULLER: Mr. Gillette?

22 MR. GILLETTE: I have no follow-up questions,  
23 sir.

24 CDR MULLER: All right. Mr. Shelford, this  
25 this concludes the questions that we have for you --

1 MR. KARR: Scott, I have a follow-up.

2 CDR MULLER: Okay. Excuse me. NTSB, Mr.

3 Karr?

4 **EXAMINATION**

5 BY MR. KARR:

6 Q. Mr. Shelford, can you tell me how ice  
7 accumulates inside the crab pot stack?

8 A. Well a crab pot isn't a solid surface, right?  
9 It is 4" mesh. So a certain amount of that water spray  
10 will not just adhere to the bars or the web, it will  
11 penetrate the stack and freeze inside of it.

12 However, it does not take long for them to  
13 become a solid surface, where the water does not go  
14 inside anymore.

15 Q. How far down the stack have you seen the water  
16 freeze?

17 A. You mean up the stack?

18 Q. Well let me -- does the lowest stack ever  
19 accumulate ice?

20 A. It's the, that's usually where most of the ice  
21 is accumulated. As the stack gets higher, less ice is  
22 accumulated. The wind tends to pick spray up. And the  
23 higher the wind velocity it kind of tends to keep it  
24 down.

25 If you are bucking straight in to wind, of

1 course, then it is throwing it up quite a bit. But  
2 either way, the higher the stack usually the less ice is  
3 carried.

4 Q. All right.

5 A. Most of your ice weight is between the second  
6 tier and lower.

7 Q. In conversations that you've had over the  
8 years with Captain Hathaway has he ever shared with you  
9 what he expected of his nighttime wheelwatch? What  
10 tasks he expected them to do?

11 A. No.

12 Q. And with regard to your last trip, your last  
13 trip on board your vessel, how many -- what kind of days  
14 did your crew work? Were they eight hour days, twelve  
15 hour days, sixteen hour days, mixed, sixteen hour days?  
16 I'm trying to get an idea how tired they might have  
17 been?

18 A. I'll generally fish eighteen hour days, and  
19 shut down for six hours. Usually seven hours with a  
20 rotating clock, giving them a half hour to gear down,  
21 half hour to gear up, six hours in the rack.

22 Q. And then that would be one person on the wheel  
23 during that time?

24 A. Yes.

25 Q. Did that person ever fall asleep?

1 A. He would be in trouble if he did.

2 Q. But, on this recent trip, did anyone fall  
3 asleep while they stood their two-hour watch after  
4 working eighteen hours?

5 A. I use a watch alarm that is always on while  
6 the crew is on watch, set at a 10 or 12 minute interval.  
7 If a crewmember did fall asleep there would be an alarm  
8 sounded in, within 10 or 12 minutes. It requires the  
9 deckhand to press a reset button on that device every 10  
10 to 12 minutes or it will go off. I would add that that  
11 is a pretty standard procedure through the whole fleet.

12 Q. All right. Thank you. One last question.  
13 With regard to weather, did you know that there is a  
14 process out there that allows you to look at the heavy  
15 freezing rain forecast, the wind, the temperature, the  
16 seawater temperature, and predict the amount of ice that  
17 would accumulate on your vessel?

18 A. Yeah, yeah gotta love those equations that  
19 don't necessarily always work out.

20 Q. I was going to -- next question is do you use  
21 that?

22 A. No.

23 Q. Have you used that in the past?

24 A. No, there are so many variables to it. And  
25 you know, honestly, I mean they teach you all these

1 things in sea school and wad them up on the piece of  
2 paper you wrote them down on and throw them out the  
3 window. I think your, I think experience will trump, in  
4 the Bering Sea, I think there are standards out there,  
5 that it may be in different demographics. The Bering  
6 Sea is kind of a place all its own.

7 I do put a lot of faith in that. However, the  
8 fleet, in general, particularly over the last fifteen  
9 years is much, much more educated with stability,  
10 safety.

11 I can't even begin to tell you how far we have  
12 come since I was a deckhand, a long time ago, when it  
13 comes to all the above.

14 Q. All right. Thank you, Captain.

15 A. Um-hmm.

16 CDR MULLER: Any further questions Mr. Karr?

17 MR. KARR: No further questions.

18 CDR MULLER: Mr. Suffern?

19 MR. SUFFERN: No further questions.

20 CDR MULLER: Ms. Spivak?

21 MS. SPIVAK: No, thank you.

22 CDR MULLER: Mr. Gillette?

23 MR. GILLETTE: None.

24 CDR MULLER: I have no further questions. So  
25 that concludes our questions for you Mr. Shelford.

1 Before we close, are there any aspects, information that  
2 you would like to share with the Board for our  
3 consideration related to our investigation of this  
4 marine casualty?

5 THE WITNESS: Nothing that I haven't already  
6 voiced.

7 CDR MULLER: Okay. Thank you.

8 THE WITNESS: Thank you, guys.

9 CDR MULLER: So with that, I have to read a  
10 quick statement. You are now released as a witness at  
11 this Marine Board of Investigation. Thank you for your  
12 testimony and co-operation. If I later determine that  
13 this Board needs additional information from you, I will  
14 contact you.

15 If you have any questions about this  
16 investigation, you may contact the Marine Board  
17 Recorder, LCDR Mendoza. Thank you again for your time.

18 THE WITNESS: All right. And thank you guys  
19 for taking this time, and gathering this information.  
20 Hopefully good will come of it. Good day.

21 MR. KARR: Thank you.

22 CDR MULLER: Thank you. We will take a five  
23 minute recess.

24 (Whereupon a five minute recess was taken.)

25 CDR MULLER: Good morning, this hearing will

1 come to order. We will now hear testimony from Mr.  
2 Cornett. Mr. Cornett are you on the line?

3 THE WITNESS: Yes, sir.

4 CDR MULLER: Okay, good morning.

5 THE WITNESS: Good morning.

6 CDR MULLER: Let me just read a quick  
7 statement to get you up to speed about the layout that  
8 we have here at the Board. We are calling from Seattle,  
9 Washington. We are conducting a Mariner Board of  
10 Investigation into the sinking of the fishing vessel  
11 Destination.

12 In the room we have members of the Board,  
13 Lieutenant Commander Mendoza, Mr. Jim Gillette and  
14 myself, Commander Muller as Chair. The NTSB, Mr. Mike  
15 Karr and Mr. Paul Suffern, they are conducting an  
16 independent investigation. We also have a  
17 representative from the Party-in-Interest.

18 THE WITNESS: All right.

19 CDR MULLER: So during your testimony today,  
20 you may receive questions from the Board Members, the  
21 NTSB or the Party-in-Interest. This public hearing is  
22 being recorded.

23 Okay, and I understand that you are underway  
24 communicating with us via satellite telephone, is that  
25 correct?

1 THE WITNESS: Yeah, that is correct.

2 CDR MULLER: Okay. Are you in a place you can  
3 answer our questions?

4 THE WITNESS: Sure.

5 CDR MULLER: Okay. With we'll get started.  
6 LDCR Mendoza will issue the oath.

7 LCDR MENDOZA: Sir, please stand and raise  
8 your right hand.

9 **WITNESS**

10 **MR. BILL CORNETT**

11 A witness produced on call of the Coast Guard  
12 was duly sworn according to the law, was examined and  
13 testified as follows:

14 THE WITNESS: I do.

15 LCDR MENDOZA: Sir, could you please state  
16 your full name and spell your last name for the record.

17 THE WITNESS: My name is Billy Joe Cornett,  
18 that is C-O-R-N-E-T-T.

19 LCDR MENDOZA: Would you state your current  
20 employment and position title sir?

21 THE WITNESS: I am currently employed with  
22 Clipper Seafoods out of Seattle, Washington as the  
23 captain of a 130' longline fishing vessel, the Clipper  
24 Surprise.

25 LCDR MENDOZA: Do you hold any professional



1 licenses or certificates?

2 THE WITNESS: What's that?

3 LCDR MENDOZA: Do you hold any professional  
4 licenses or certificates?

5 THE WITNESS: No.

6 LCDR MENDOZA: Thank you, sir.

7 CDR MULLER: Mr. Cornett, Mr. Gillette will  
8 now start with your questions. Mr. Gillette?

9 THE WITNESS: Okay.

10 **EXAMINATION**

11 BY MR. GILLETTE:

12 Q. Good morning Mr. Cornett, my name is James  
13 Gillette with the United States Coast Guard, can you  
14 hear me over the phone?

15 A. Yeah, I can hear you fine.

16 Q. Okay, great. If at any time you don't  
17 understand a question that is asked, just request that  
18 the question be readdressed or rephrased.

19 If at any time you need to take a recess  
20 please ask. Also remember, to speak up loud and clear  
21 to assist the court reporter to transcribe the hearing.  
22 With that said, I would like to start asking questions.

23 A. That's fine. Can you hear me?

24 Q. I do hear you, Mr. Cornett.

25 A. Okay.

1 Q. Mr. Cornett, can you share with us how long  
2 you have been a commercial fisherman and how long you  
3 have been the Captain on board the Clipper Surprise?

4 A. I have been fishing since 1987 in the Bering  
5 Clipper in the Gulf of Alaska. And I've been in the  
6 employment of Clipper Seafoods since 1988. And I have  
7 been captain of this boat for ten years.

8 Q. Can you tell us a little about the Clipper  
9 Surprise? What type of boat it is, what's the length  
10 and so forth?

11 A. The Clipper Surprise is a 130 x 30. It is a  
12 converted offshore supply vessel that was converted by  
13 Clipper Seafoods in 1987. The boat was built in 1979 at  
14 Eastern Shipbuilding in Panama City, Florida.

15 Q. On the Clipper Surprise, what is your fishing  
16 operation? What do you guys fish for out there?

17 A. Right now we are fishing for Turbot. We are  
18 185 miles west of St. Matthew Island on the edge  
19 fishing. For Turbot we are a longline vessel.

20 Q. I would like to hear from you about the  
21 weather that you experience out on the Bering Sea.  
22 Could you start by telling us if the Clipper Surprise  
23 has any written or verbal policies about heavy weather?  
24 And if so, can you elaborate about that?

25 A. We have our stability instructions on heavy

1 weather and icing on board the vessel. And during heavy  
2 weather employees are to secure all the hatches, which  
3 is a normal procedure for heavy weather and the icing.  
4 The ice loads for what we are rated is all labeled on  
5 our, in our stability addendum.

6 Q. Can you speak about how icing from sea spray  
7 affects the Clipper Surprise, and what measures do you  
8 take on board to reduce the effects?

9 A. The Clipper Surprise is fairly well insulated  
10 from icing. It's got a smooth structure, there's not a  
11 whole lot of, not a lot of extended steel or lattice  
12 work to attract ice. It can hold a fairly large ice  
13 load if it has to. I've seen icing on this boat in  
14 excess of a foot over the years, when I wasn't operating  
15 it. But traditionally we don't allow icing on this  
16 boat to accumulate more than 4 or 5 inches before we get  
17 out and break it off.

18 Q. Can you talk to us about what you have  
19 available on the Clipper Surprise to monitor weather as  
20 well as what you do to use forecast weather?

21 A. We have the internet here. So I get my  
22 weather from the National Weather Service. So there is  
23 also UHF radio, and there's numerous weather sites on  
24 the internet that we have access to from the satellite.

25 Q. Mr. Cornett, I would like to get your

1 professional view of what it is like to transit near St.  
2 George and St. Paul Island. Can you elaborate on the  
3 challenges and also if the islands are used for  
4 protection. Can you elaborate a little about that?

5 A. Yeah. If you have a big Nor'easter or a lot  
6 of northerly, if it's winter time, you can go up and run  
7 up into Zapadni Bay and jog around and wait for the  
8 weather to clear. Which is what we did, actually, on  
9 the trip previous to the Destination's loss. We spent a  
10 day and a half jogging in front of the island and  
11 staying out of the weather to prevent us from heavy  
12 icing and big seas.

13 Q. All right. I would now like to shift the  
14 focus to the late hours of February 10<sup>th</sup>, and the early  
15 morning hours of February 11<sup>th</sup>. Can you start by  
16 telling us where you were located, and what was the  
17 reasoning for you being where you were at?

18 A. February 10<sup>th</sup>, we were located just west of  
19 St. George Island, approximately ten miles. At the  
20 closest we were six miles from the beach. And at the  
21 furthest we were about fifteen miles from the beach. And  
22 we were there fishing pacific cod that trip, and the  
23 weather was coming up.

24 They were forecasting for -- I, you know,  
25 here, I've got it on my phone -- heavy freezing spray

1 warnings, small craft advisories. It was northeast 25,  
2 northeast 20, northeast 30, north 30.

3           So we were just fishing in the shelter of the  
4 lee of that island, and was -- we were doing okay, the  
5 seas weren't too bad in there, and we were fairly well  
6 protected from the brunt of the weather. Although, we  
7 were still making ice, we weren't steaming (sounds like)  
8 in it, but it was just accumulating on the boat, it was  
9 cold.

10           Q. How much ice did you guys accumulate on board?

11           A. We had approximately four inches, maybe a  
12 little bit more on the boat (inaudible word).

13           Q. I didn't hear you very well. Could you repeat  
14 that again?

15           A. We had approximately four, four inches of ice.

16           Q. Okay, thank you.

17           A. Did you get that?

18           Q. I did, thank you. Did you receive weather  
19 updates, and if so, can you elaborate who from, and were  
20 they accurate from what you were actually experiencing?

21           A. You'll have to repeat that, you are breaking  
22 up.

23           Q. Did you receive weather updates at that time,  
24 and if so, who did you get those from? And also, were  
25 they accurate from what you were actually experiencing?

1           A.    Oh, okay.  The weather we got from the  
2 National Weather Service that was my weather forecast.  
3 That was, the one I got was on the 10<sup>th</sup>, and that was  
4 forecasting from the night of the 10<sup>th</sup> up through  
5 Wednesday of the previous -- or through the week.  And  
6 we usually find the weather to be a little low on their  
7 forecasts.  You can usually add five knots, to their  
8 weather forecast without any problem at all.  If it says  
9 thirty-five, you are going to see forty.  So, as far as  
10 a heavy freezing spray that -- it was that time of year,  
11 it was blowing from the north/northeast for so long, it  
12 was cold.

13           Q.    You said that sometimes you could give an  
14 extra five.  At that time did you actually experience an  
15 extra five?

16           A.    Oh yeah, yeah, it was blowing pretty good.  We  
17 were getting thirties, gusts of thirty-five.

18           Q.    Did you have any radio contact with the  
19 Destination?

20           A.    Did I contact the Destination?

21           Q.    Yeah, did you have any radio contact with the  
22 Destination?

23           A.    No sir, I did not have any radio contact with  
24 them.  The only contact we saw them with was on the  
25 radar, and to the AIS.

1 Q. Can you elaborate a little about that, what  
2 you saw on the radar, the AIS? And if you can, tell me  
3 what timeframe that was that you noticed that?

4 A. We saw them early in the morning, I don't  
5 know, it would probably be six in the morning, thinking  
6 back about it. And over the course of the night they  
7 were transiting on the west side of St. George Island,  
8 they were hugging the beach real tight, within a mile.  
9 That is pretty close being next to the beach. And we  
10 just figured they were just staying out of the weather,  
11 or trying to stay out of the weather. And prevent any  
12 further ice, I would imagine.

13 We watched them transit across the west side  
14 of the island. And then they went off the end of Gulloy  
15 Point, and we lost AIS contact with them at that point.  
16 And we didn't think anything of it at the time, because  
17 it is not unusual, AIS is transmitted through a VHF  
18 link, line of sight. And once they get 10, 15 miles  
19 away, we have no more contact with them. And then the  
20 target would disappear. That's considered normal for  
21 us. So we had no reason to suspect anything otherwise.

22 Q. So when you say, normal, that occurs often in  
23 your opinion? That you lose AIS around that area?

24 A. Yeah. They were probably, they were that far  
25 away, so it is common for -- if it is a really big boat

1 you can have AIS contact thirty miles away. But a  
2 small boat like the Destination, ten miles, fifteen  
3 miles, that's entirely normal to lose contact with them  
4 at that range.

5 Q. All right. On the 11<sup>th</sup> of February 2017, can  
6 you talk about how you were notified that the  
7 Destination was missing? And if so, can you elaborate  
8 if you contributed to any of the search process?

9 A. Our first notification that the Destination  
10 was possibly missing, was when the Coast Guard started  
11 calling for them, because they must have gotten an EPIRB  
12 signal, and they were calling for them repeatedly.

13 And then there was a C130 that came over. And  
14 they were calling for them. And then shortly  
15 thereafter, a couple of Coast Guard helicopters showed  
16 up, and they were flying over the area looking for them.  
17 And that was our first notification that the boat had  
18 been lost. There was no mayday, no chatter on the  
19 radio, it was quiet. And then Coast Guard started  
20 looking for them.

21 And then a helicopter dropped a drift buoy up  
22 around where the EPIRB was at. And they flew all around  
23 and never contacted us once. And being as we were  
24 probably the only boat on that side of the island at the  
25 time. I would imagine we would have seen or heard



1 something if they had, if the Destination had actually  
2 said anything. But there was no -- there was nothing  
3 from the radio.

4 Q. Okay. Thank you Mr. Cornett. Please stay on  
5 line. We have other people that are going to ask  
6 follow-up questions.

7 MR. GILLETTE: Commander those are all my  
8 questions for Mr. Cornett.

9 CDR MULLER: Thank you Mr. Gillette. Mr.  
10 Cornett this is Commander Muller.

11 THE WITNESS: Morning.

12 CDR MULLER: Good morning. I have one or two  
13 follow-up questions.

14 THE WITNESS: Okay.

15 **EXAMINATION**

16 BY CDR MULLER:

17 Q. So after you received the notification from  
18 the Coast Guard, when they began their call outs, what  
19 was the nature of those calls from the Coast Guard?

20 A. They were merely calling, they were calling  
21 for the boat, and they just kept repeatedly calling the  
22 Destination. And that was our first indication that  
23 there was something wrong.

24 And then there were some other boats that were  
25 (inaudible word) to the Coast Guard, said that they

1 hadn't heard anyone. And they were being called by the  
2 Coast Guard by one of the helicopters that was looking  
3 for them, or the C130, I don't remember which one it  
4 was. It was still dark, then. So there was just some  
5 radio chatter back and forth between them and the Coast  
6 Guard. And between Anchorage and the helicopter or the  
7 C130, but there was -- nobody contacted us.

8 Q. Did you hear any calls from the Coast Guard  
9 requesting or asking any available mariners in the  
10 vicinity to search that area and assist?

11 A. Nope, I didn't hear any calls asking for  
12 assistance other than to keep a sharp eye, and keep a  
13 look out for anything. Notify the Coast Guard if you  
14 saw anything that was all we got. And we were, if the  
15 boat was adrift, or somebody was in the water, we would  
16 have seen them, because the wind was blowing right to  
17 us.

18 So we looked for all the next day -- all that  
19 night, all the next day as we hauled back and forth  
20 across part of the island. Well, if there was going to  
21 be anybody here we are going to see them, because we are  
22 right in line with the, where the boat was reportedly  
23 missing at. And the way the weather was blowing it  
24 would have blown them right to us.

25 And the search buoy that the helicopter

1 dropped, actually ended up wrapped up around our  
2 flagpole, on the end of one of our sats. So, we were  
3 right in the path of anything that came out of there.

4 Q. Do you recall the date and time you discovered  
5 the drift buoy on your flagpole?

6 A. Let me go back here and look. It was the day  
7 after they dropped it. We didn't actually (inaudible  
8 word) until then. Let me look and see if I can see  
9 where it is at here -- okay. It looks like February  
10 12<sup>th</sup> is when we would have, the 12<sup>th</sup> or the 13<sup>th</sup> is when  
11 we were -- set their string on the 12<sup>th</sup>. And it was  
12 wrapped up around the end of our flagpole.

13 The Morgenthau came along the bottom of the  
14 island. They came steaming around the bottom of the  
15 island the next day looking for the boat. And they must  
16 have been tracking signal from the buoy, because they  
17 came across, south, overtop of our gear, and then they  
18 made a turn to the southwest and headed right to the end  
19 of our set.

20 And I didn't really think nothing of it -- I  
21 didn't call them, they never called me. And then they  
22 got down, right to the end of our set, and then they  
23 turned back to the northeast and started doing a search  
24 grid looking for the boat. The looked all day long. We  
25 watched them on radar track them all day long. They

1 didn't see anything.

2           But they ran over our flag pole when they came  
3 by and cut that, they cut the flagpole off. And when we  
4 went up to haul that set that night the flagpole was  
5 missing and we had -- we chased it down and found the  
6 drift buoy attached to it that's how we came upon that.

7           Q. Did you recover the drift buoy? And if so,  
8 what did you do with it?

9           A. We kept it on board. We recovered it and kept  
10 it on board.

11          Q. Did you inform the Coast Guard that you  
12 recovered it?

13          A. No.

14          Q. Did you return it to the Coast Guard?

15          A. No, I didn't.

16          Q. Do you still have it?

17          A. It was ruined. It was full of sea water and  
18 ruined. It was just a pile of rust inside. Those drift  
19 buoys are just a couple pieces of Styrofoam that are  
20 glued together, wires sticking out of them. The sea  
21 water goes right inside of them, they don't last very  
22 long.

23                 I think they are a throw away item for the  
24 Coast Guard. They put them in water and never look at  
25 them, once they get their, whatever data they are

1 looking for, they -- I seriously doubt they ever recover  
2 them. It was just, that thing wound up around our gear.

3 Q. Did you happen to take a picture of it?

4 A. I don't think, I don't have anything here on  
5 the boat. I don't think so.

6 Q. Okay.

7 A. I don't think --

8 Q. Do you still have it? Or did you just throw  
9 it out and --

10 A. I --

11 Q. -- what did you do with it?

12 A. I think it may still be at my dad's house. I  
13 took it down to have him take a look at it. And he may  
14 still have the thing. But ah --

15 Q. Okay.

16 A. Like I said, when we cracked it open it was  
17 just a rusted circuit board inside of it.

18 Q. Okay.

19 CDR. MULLER: I have no further questions.

20 Now to NTSB, Mr. Karr?

21 **EXAMINATION**

22 BY MR. KARR:

23 Q. Hi Captain, this is Mike Karr of the NTSB.

24 And Captain, can you describe the nighttime wheelwatch  
25 on board your vessel during icing conditions when there

1 is only one person on the bridge. And I'd like you to  
2 describe the tasks that that person would undertake.

3 A. Well the (inaudible word) driving the boat at  
4 night, and we are just hauling gear, so he -- his job is  
5 just to maintain watch of the boat overnight to make  
6 sure that the gear is hauled properly, fish are brought  
7 on board. And ensure the safety of the crewmembers who  
8 are working on there. And if there is a problem, he is  
9 to get me up. And then I would deal with the problem at  
10 that point.

11 Q. Is there any time when there would be no crew  
12 up, and it would only be the wheelwatch?

13 A. No. No, we are a twenty-four hour operation,  
14 so we are running, we run twenty-four hours a day.

15 Q. All right.

16 A. There's always, there is always people up, we  
17 are always working.

18 Q. All right, thanks Captain.

19 MR. KARR: I don't have any more questions.

20 CDR MULLER: Thank you Mr. Karr. Mr. Suffern?

21 **EXAMINATION**

22 BY MR. SUFFERN:

23 Q. Morning Mr. Cornett. Thank you for your time  
24 this morning. I am a meteorologist with the NTSB. And  
25 so I'm going to ask you a few weather related questions

1 as far as how you experience things. Around the 10<sup>th</sup>  
2 and the 11<sup>th</sup>, do you recall how quickly the ice was  
3 accruing on your vessel? Was it a half inch an hour,  
4 was it an inch an hour? Do you recall?

5 A. Oh, it would be less than a half an inch an  
6 hour. We are not moving very fast. We are only moving  
7 about a knot through the water. A knot and a half in  
8 the water, so unless we are pounding back into it, the  
9 ice accrues at less than a half an inch an hour. And it  
10 is, it's real minor. It just kind of slowly builds; we  
11 get out and knock it off.

12 Q. Could you describe the sea conditions  
13 surrounding the 10<sup>th</sup> and the 11<sup>th</sup>? You said you had a  
14 northeast wind. Do you recall how high the swell and  
15 the wave heights were at your location?

16 A. Let's see, on the 10<sup>th</sup> and the 11<sup>th</sup>, 10, 12  
17 feet, probably.

18 Q. Were the sea height, and then swell heights,  
19 were they less if you were closer to St. George? You  
20 said you traveled between fifteen miles and six miles,  
21 at six miles away were you -- were the wave heights  
22 less? Or was it all about the same?

23 A. Oh, wave heights were significantly less as  
24 you get closer to the island. The further away you get  
25 the bigger the sea. (Inaudible few words), part of the

1 (inaudible few words). No, you get up close to the  
2 island it lays down pretty good. Like I said, that  
3 previous trip we spent a day and a half jogging in  
4 Zapadni Bay because the weather was so bad. There was a  
5 couple other boats in there hiding out from the weather.  
6 They were much closer to the beach than we were, but we  
7 couldn't get in that tide. So we just jogged back and  
8 forth in front. But yeah, the sea and swell heights  
9 were significantly reduced closer to land.

10 Q. How close do you have to be to the island to  
11 experience less seas?

12 A. Oh, five miles, five miles the seas will drop.  
13 Because, like I said, the closer you get the ah, it's  
14 much less there. The night they were transiting out,  
15 I'd say they were probably a mile, or closer to the  
16 beach. They ran tight. So, they were definitely trying  
17 to stay out of the weather.

18 Q. Was there any communication between your  
19 vessel and any other vessels as far as what the other  
20 vessels were experiencing as far as freezing spray?

21 A. No. No, we didn't talk to anybody. We just  
22 watched boats transited by us. I was wondering why some  
23 of them were running in that weather, because I wouldn't  
24 have been running anywhere, it was too much ice to be  
25 running.



1           Q.    How was this freezing spray event for you, on  
2 a scale of 1 to 10, 10 being the worst event you have  
3 experienced, and one being nothing at all, how was the  
4 freezing spray on this particular event?

5           A.    Oh, I'd say probably a three. I've seen some  
6 pretty bad icing. This didn't even come close to that.  
7 I mean, we weren't going anywhere, we were just sitting  
8 there, you know, basically transiting back and forth  
9 across from the island, at a knot, or a knot and a half,  
10 so we are not taking any ice.

11                    Had we been seeing it at 6, 7 knots blasting  
12 into that weather, yeah we would have -- it would have  
13 been a significant event. We would have had to have  
14 stopped and knocked the ice off the boat because you  
15 would have been (inaudible word), steaming into that  
16 weather.

17                    I mean we had come out of St., or Dutch Harbor  
18 before, steaming north, years ago, we had a captain  
19 steaming us north into a northeast forty and we made  
20 significant amounts of ice, enough to cause the boat to  
21 list over to the starboard pretty good. But I got up,  
22 and -- yeah, you'll make a lot of ice steaming into the  
23 weather, compared to just sitting there jogging back and  
24 forth.

25           Q.    Ah --

1           A.    So for us it wasn't, it wasn't a significant  
2 ice even, but we were, we weren't traveling either.  So  
3 we were pretty much stationary.

4           Q.    Thank you.  Earlier, during a question with  
5 Mr. Gillette you said you received your weather  
6 information via the National Weather Service, could you  
7 describe how you received that?  Did you check their  
8 website?  Do you get an email with that information?  DO  
9 you get a text message?

10          A.    No, I check their website.  And I check it,  
11 usually when I'm getting weather I'll check it 2 or 3  
12 times a day if it is updated.  And I check it, and I  
13 record it on my phone.  I record it here, I've got it on  
14 the 10<sup>th</sup>, and then I recorded it again on the 13<sup>th</sup>.

15                   And yeah, we knew the weather was coming.  And  
16 so yeah, I was checking it pretty close, because we were  
17 (inaudible word) the gear to accommodate the weather.  
18 And so yeah, we check their website all the time.  In  
19 fact, I have been checking it today twice, because we  
20 have weather coming here.  So yeah, we are always  
21 checking that.

22          Q.    Do you wish there were any other ways that you  
23 could receive that weather information?

24          A.    Yeah, that would be nice if we could have  
25 received it a little quicker.  I mean, it's good that we

1 can get it this way because, you know, we used to get it  
2 over the radio. That was so hit and miss. But it's --  
3 you always want more information faster, but that  
4 requires a faster internet, we are lucky to have, we are  
5 lucky to have a stable satellite platform right now that  
6 is even allowing us to have this conversation, because  
7 ten years ago this wouldn't even have been possible.

8 Q. Do you keep any weather logs of the type of  
9 information, or type of weather that you encountered on  
10 your ship, like a daily log of the weather? Or do you  
11 record it every six hours or anything like that?

12 A. I keep those weather forecasts, I keep -- I  
13 try to keep those logs on my phone, so that's my weather  
14 log, so I try to (inaudible word). That way I store it  
15 there, so I can look back, like for something like this.  
16 I can look back at the weather and say, well on the  
17 10<sup>th</sup>; this is what it was doing.

18 So, that forecast was through the week. It  
19 was (inaudible word) Monday through Wednesday was north  
20 thirty. And then it went to north forty. Yeah, I try  
21 to (inaudible word), it's convenient.

22 Q. So when you encounter weather conditions do  
23 you ever report the weather to any other ships that  
24 weather information? Do you ever share, you know, what  
25 you are experiencing? Hey, this is different than what

1 the forecast is, it's worse, or it is better or anything  
2 like that?

3 A. Sure, I do when, with our other vessels. I  
4 mean, we have sister vessels, corporate (inaudible  
5 word), and we talk all the time and I see what the  
6 weather is, because he's -- right now he is sixty miles  
7 north of me, and -- the way this weather (inaudible few  
8 words), I can go out to (inaudible few words), compare  
9 with other boat's, and notice that it is not doing what  
10 it says it's going to do. Or keep checking another  
11 weather resource. And his weather resource says, he's  
12 supposed to be doing, you know, one thing, and we are  
13 (inaudible word) it's doing something completely the  
14 opposite of that.

15 But, as far as other vessels out there, I  
16 mean, unless there is some reason we have to make  
17 contact with them, like they are fishing, and we are  
18 fishing or -- we are fishing where they are fishing, or  
19 they are transiting too close to us, or something like  
20 that. We would have no contact with them.

21 Q. So you, you keep that weather information  
22 between you and your sister ship. Would you ever be  
23 willing to share that weather information that you  
24 encounter with the National Weather Service?

25 A. Yeah, if there was a better way to do it. I

1 mean, it's not like I can call the National Weather  
2 Service and say hey, the weather up here is really bad.  
3 You guys are off by ten knots. It's just not that easy.

4 Q. So if there was a way to do it conveniently,  
5 you would be willing to do that.

6 A. Oh sure. Give me some more bandwidth on my  
7 (inaudible word), would be possible to do that. But, we  
8 start the bandwidth, I mean, you know, (inaudible few  
9 words) that kind of information back and forth.

10 Q. And how do you receive weather and weather  
11 warnings about freezing spray information? Do you  
12 receive that from the National Weather Service?

13 A. Yes, sir.

14 Q. Do you feel like you receive enough time to be  
15 able to do something, you know, it is -- are the  
16 freezing spray warnings available in time for you to  
17 take action?

18 A. Oh yeah, I mean we knew, we knew this freezing  
19 spray was coming days in advance. And we said, well we  
20 are going to have to turn the gear, because it's going  
21 to blow northeast, or stuff blows north as we were, or  
22 no, it's going to blow northeast. We need to set up to  
23 haul that way. And we, we turned our gear, we turned  
24 three sets to the northeast so we could accommodate that  
25 weather, and we ended up getting hung out by -- after

1 the Coast Guard ran over our (inaudible word), we had to  
2 haul that backwards. With the starboard side of the  
3 boat to the wind. Subjecting the crews to the weather  
4 for about six hours.

5           So yeah, we knew it was coming. But, you  
6 know, sometimes there's not a lot you can do about it.  
7 It takes so long to get gear on board. But, sometimes  
8 longer than you would like, that's for sure. But yeah,  
9 we knew it was coming, so it's not like anybody didn't  
10 know.

11           Q. Is there a decision point that you have as the  
12 captain to decide whether to shelter behind an island or  
13 not in freezing spray conditions?

14           A. Oh sure. When I start seeing the weather come  
15 up around forty knots, we get heavy freezing spray, and  
16 if we are close enough to get behind an island to hide,  
17 then that's the decision I'll make usually.

18           But, like right now, if I had heavy weather,  
19 there's no place to go a 180 miles from any kind of  
20 land. So, you know, it would just be, you turn the  
21 boat up into the wind, or turn the boat down wind, and  
22 just run with it, or jog up into it to prevent any -- we  
23 wouldn't want to be seen around that stuff.

24           Q. As a captain, do you see any challenging  
25 current conditions when you are steaming around St.

1 George Island at all? Do the -- is there a particular  
2 wind direction that's worse, or a current condition  
3 that's worse when you are steaming around St. George?

4 A. St. George is really bad on the southwest.  
5 And southwest is about the worst weather we see. Those  
6 are the (inaudible few words), because there's nothing  
7 out there to stop them, and they get really big. We've  
8 got, we've got some southwest coming, and we get some  
9 westerly sixteen foot seas here for two days.

10 So, yeah, the westerly/southwest is better,  
11 exposed to that west side of the island. And that  
12 happens to be where we were fishing, and where the  
13 Destination was transiting through was on the west side.  
14 But that's a northeast, northerly. So they had some  
15 protection there. I don't know whether they had stopped  
16 to knock the ice off, I would have.

17 Q. Thank you Mr. Cornett, that's all the  
18 questions I have right now.

19 MR. SUFFERN: Commander Muller?

20 CDR MULLER: Thank you Mr. Suffern. Ms.  
21 Spivak?

22 MS. SPIVAK: No questions.

23 CDR MULLER: Okay, Mr. Gillette?

24 MR. GILLETTE: No follow-up questions.

25 CDR MULLER: Mr. Karr?

1 MR. KARR: One follow-up question.

2 **EXAMINATION**

3 BY MR. KARR:

4 Q. Can you define the hit or miss with regard to  
5 the radio weather forecasts?

6 A. Well, you know, they announce the weather all  
7 the time, and you get far enough away and you can barely  
8 hear it. And sometimes the weather conditions are so  
9 bad you couldn't hear it at all on the radio. And with  
10 the advent of the internet, satellite communications it  
11 is pretty much made the radio version of the weather  
12 obsolete, I don't think anybody uses that anymore.

13 I know I don't, because it is, it is too slow,  
14 a real long way from Kodiak. So, unless the weather is  
15 just right, you can hear it sometimes you can barely  
16 hear the weather at all, in fact, when that was all we  
17 had, I can remember being out in Dutch Harbor and not  
18 being able to hear the weather, because it was just too  
19 bad, we weren't getting a signal from the radio.

20 Q. Do you have the radio on in your wheelhouse  
21 now, listening to the --

22 A. I have two of them out there.

23 Q. Tuned to the weather broadcast?

24 A. Yes, 4125.

25 Q. That you don't --



1           A.    -- that's VHF. I have VHF, I have the weather  
2 channel on VHS from St. Paul that I can't hear up here,  
3 we are too far away.

4           Q.    All right. Thank you Captain.

5           MR. KARR: No more questions.

6           CDR MULLER: Okay, Mr. Cornett, can you hear  
7 me, this is Commander Muller?

8           THE WITNESS: Yeah, get you fine.

9           CDR MULLER: Okay, that concludes our  
10 questions that we have for you. Before I wrap up with  
11 you, is there any elements or issues related to this  
12 investigation that you think the Board should consider  
13 that was not otherwise captured with these questions?

14          THE WITNESS: No, not really. I mean, you  
15 guys found the boat, didn't you?

16          CDR MULLER: I'm sorry, can you repeat that?

17          THE WITNESS: You guys found the boat, didn't  
18 you?

19          CDR MULLER: Yes, we found the boat via NOAA's  
20 survey, as well as Coast Guard survey operations.

21          THE WITNESS: It was found, it was right off  
22 the end of St. George, wasn't it?

23          CDR MULLER: Yes.

24          THE WITNESS: Yeah, yeah, right where we,  
25 right where we lost it at, is the spot right where they,

1 they came around that corner, with that wind, and it was  
2 over with for them. So, I figured that's, you know,  
3 with the heavy icing we were looking at it and saying,  
4 well they never stopped to knock that ice off when they  
5 steamed out of Dutch. And they came around the corner  
6 and that was it, I'm sure. It was probably laying on  
7 its side (inaudible word) stack (inaudible word). So ...

8 CDR MULLER: Right. We will get to that type  
9 of testimony towards the end, later on in the week.

10 THE WITNESS: Okay. I'll still be here.

11 CDR MULLER: Okay sir, well good luck with  
12 your fishing. I just need to read a statement --

13 THE WITNESS: Okay --

14 CDR MULLER: -- I need to read a statement and  
15 then I will release you as a witness, okay? Mr.  
16 Cornett?

17 THE WITNESS: Okay. Yes.

18 CDR MULLER: You are now released as a witness  
19 at this Marine Board of Investigation. Thank you for  
20 your testimony and co-operation.

21 THE WITNESS: Okay.

22 CDR MULLER: If I later determined that this  
23 Board needs additional information from you, I'll  
24 contact you.

25 THE WITNESS: Okay.

1 CDR MULLER: If you have any questions about  
2 this investigation please contact us. Thank you.

3 THE WITNESS: Okay, thank you.

4 CDR MULLER: All right.

5 THE WITNESS: Bye.

6 CDR MULLER: Okay, we are going to continue to  
7 press on before lunch. We have one more witness for  
8 this morning. So we are going to recess for five  
9 minutes.

10 (Whereupon a five minute recess was taken.)

11 CDR MULLER: Okay, good morning again. This  
12 hearing will come to order. We will now hear testimony  
13 from Mr. Jorge. Mr. Jorge are you on the line?

14 THE WITNESS: Yes, I am.

15 CDR MULLER: Yes hi, good morning, this is  
16 Commander Scott Muller.

17 THE WITNESS: Good morning.

18 CDR MULLER: LCDR Mendoza will now administer  
19 your oath, and ask you some preliminary questions.

20 THE WITNESS: Okay.

21 LCDR MENDOZA: Please stand and raise your  
22 right hand.

23 **WITNESS**

24 **MR. DEHAR JORGE, CAPTAIN F/V POLAR SEA**

25 A witness produced on call of the Coast Guard

1 was duly sworn according to the law, was examined and  
2 testified as follows:

3 THE WITNESS: I do.

4 LCDR MENDOZA: Sir, please state your full  
5 name and spell your last name.

6 THE WITNESS: Mr. Dehar Jorge, J-O-R-G-E.

7 LCDR MENDOZA: Would you state your current  
8 employment and position title?

9 THE WITNESS: I am employed by the company  
10 (Inaudible company name) LLC. I am the Captain of the  
11 fishing vessel Polar Sea.

12 LCDR MENDOZA: Do you hold any professional  
13 licenses or certificates?

14 THE WITNESS: Yes, I do, a one hundred ton.

15 LCDR MENDOZA: Thank you, sir.

16 CDR MULLER: Mr. Jorge, this is Commander  
17 Muller again.

18 THE WITNESS: Yes.

19 CDR MULLER: Before we get started I just want  
20 to read out a brief statement so you have an  
21 understanding of the presence that we have here, in this  
22 room.

23 THE WITNESS: Okay.

24 CDR MULLER: We are calling from Seattle,  
25 Washington. And we are conducting a Marine Board of

1 Investigation, into the sinking of the fishing vessel  
2 Destination. In the room we have members of the Board,  
3 LCDR Mendoza, Mr. Jim Gillette, and myself as the chair.

4 The NTSB is also present, Mr. Mike Karr, and  
5 Mr. Paul Suffren. Also present is a representative from  
6 the Party-in-Interest, the vessel's owner  
7 representative, attorney. This is a public hearing;  
8 therefore we have a number of persons in the room  
9 present with us including family and friends of the  
10 fishing vessel Destination.

11 As a public hearing, this is also being  
12 recorded. I understand you are underway at this time,  
13 is that correct?

14 THE WITNESS: Yes, I am.

15 CDR MULLER: Are you in a place where you can  
16 answer our questions?

17 THE WITNESS: Yes, I am.

18 CDR MULLER: Thank you. Mr. Gillette?

19 **EXAMINATION**

20 BY MR. GILLETTE:

21 Q. Good morning Mr. Jorge.

22 A. Good morning.

23 Q. My name is James Gillette with the United  
24 States Coast Guard. Can you hear me clearly over the  
25 phone?

1           A.    Yes, I can.

2           Q.    Okay.  I hear you clearly, as well.  If at any  
3 time you don't understand a question that is asked, just  
4 request that the question be readdressed or rephrased.

5                    If at any time you need to take a recess  
6 please ask.  And also remember to speak up loud and  
7 clear to assist our court reporter to transcribe the  
8 hearing.  With that said, I would like to start asking  
9 questions.

10                   Mr. Jorge can you share with us how long you  
11 have been a commercial fisherman?  And how long you have  
12 been the captain on board the fishing vessel Polar Sea?

13           A.    Yes.  Again, I am a commercial fisherman for  
14 about twenty-four years.  I've been the captain on the  
15 Polar Sea about four years now.

16           Q.    Can you describe a little about the Polar Sea,  
17 what's its length?

18           A.    It is a 105 with 32 and a half width.  And  
19 house forward boat.  And built by (inaudible name).

20           Q.    Okay.  I would like to get your professional  
21 view as a captain aboard a Bering Sea crab boat, with  
22 concerns to Crab Rationalization, and how a Northern and  
23 Southern Quota Shares affects your operation.  Can you  
24 speak about that?

25           A.    Yes, now, thank God for the way things are

1 right now. And we have time to catch our quota, and so  
2 that helps us quite a bit. And then working quotas, you  
3 know, we are part of a co-op, so you know, we divide it  
4 and we deal with the (inaudible word) up north. And  
5 then the (inaudible few word), we deliver down south.  
6 So, it is just pretty much the way things are, you know.  
7 And it is, you know, it is not (inaudible word), it is  
8 just, you know, the Bering Sea, normally we are fishing  
9 around the island up north.

10           So we can deliver both ways, but it is, you  
11 know, it is definitely convenient sometimes to deliver  
12 up north, and sometimes it is better to deliver in the  
13 south. So, it is just up to the ways the Quota is  
14 divided. We have (inaudible few words).

15           Q. Can you tell us if you have ever had any  
16 problems or concerns about offloading deliveries? And  
17 if you miss delivery dates, how does that affect your  
18 operations?

19           A. No, I mean, delivery dates, you know, there  
20 are delivery dates, it is hard to pinpoint the time and  
21 date, and everything changes and varies so much, you  
22 know, in terms of delivery. You know we ah, you know,  
23 it's, it is just not a day, in the -- you know, it is  
24 normal, and I'll be a day late, or a day earlier, you  
25 know, it is -- that is just the way that crab fishing

1 is.

2 Q. How far in advance are offload delivery dates  
3 scheduled? And can you share with us who sets up those  
4 times?

5 A. Normally we deal straight with the cannery,  
6 our captain, us running the boat, you know, we talk to  
7 them, and then provide them what we think, we predict  
8 when the boat will be full, or we want to come in. And  
9 so we decide that, when we want to be in.

10 And then we coordinate it with the co-op, with  
11 the manager of the co-op. And they let us know where, I  
12 mean, we have to deliver it, or we got Quota still open  
13 up North, or we gotta go south. But pretty much the way  
14 I run is, we -- I do speak with the cannery.

15 Q. Okay, thank you. I would now like to slightly  
16 shift the focus to weather in the Bering Sea, and how it  
17 affects the Polar Sea's operation. Does the Polar Sea  
18 have a written or verbal policy about heavy weather?  
19 And if so, can you elaborate about that?

20 A. Yeah, I mean we have the ability, of course,  
21 like every other vessel does, you know. But the weather  
22 on the Bering Sea, is just the (inaudible few words),  
23 it's pretty much a (inaudible word), boat, you know, it  
24 is cold in the winter, you know, it is change, you know,  
25 and we just got to deal with (inaudible word).



1           You know, we got to wait, you know, got a  
2 weather report and communicate with people, talk to  
3 people. And we got our emails, you know, we receive  
4 emails. But, yeah, in the wintertime, you know, it is  
5 cold. And then it can be warm too, you know, it varies.

6           Q.    Can you speak about the measures you take on  
7 board the Polar Sea to reduce the effects of icing  
8 caused by sea spray?

9           A.    My policy, you know, on the wintertime, is  
10 slow and (inaudible word). So, the slower you go, the  
11 less ice you make and the faster you go the more ice you  
12 make. So slow and fast, and we just, you know, we try  
13 to keep the ice off boat as much as possible, you know.  
14 And we keep a good eye on it, and you know, and that's  
15 the way it is. And it is hard to explain, and we just,  
16 you just see it, and then you just look at it, you know,  
17 it is slow and (inaudible word).

18          Q.    Have you ever had to set pots because of ice  
19 buildup? And if so, can you elaborate about that?

20          A.    No, I never did myself. I mean, not that I  
21 recall. I should think, no, normally not. And you  
22 know, yeah if we have to, of course, then we always do.  
23 And ah, yeah, if we have to, we have to, you know. But,  
24 myself, I don't recall, I don't think I recall making  
25 that -- because I --

1           Q.    Okay, Mr. Jorge.  I would now like to get your  
2 professional view of what it is like to transit near St.  
3 George and St. Paul Island.  Can you elaborate on the  
4 challenges?

5           A.    Yes, you know, it is just a, you know,  
6 sometimes you get (Inaudible word) in there, you know,  
7 it is -- you just, you have to pay attention, it's a lot  
8 of traffic, you know, it can be pretty traffic there.  
9 You know, and so you just, yeah, you have got to just  
10 pay attention.  You know, and when you travel through  
11 there -- and yeah, I don't, it's pretty much, yeah; you  
12 gotta pay attention, that's pretty much how it is there.

13          Q.    What do you have to pay attention to?

14          A.    To the tides, and I make sure you don't have  
15 another vessel, you know, and stay clear of everything.  
16 And but it can get hard.  It depends on, you know, how  
17 change (inaudible few words), normally, you get  
18 (inaudible few words).

19                   And but there and then you go, normally we go  
20 to deliver in St. Paul, and getting in there can be  
21 tricky sometimes, you know, you got to be, call, you got  
22 to notify people that we are coming in and going out.

23          Q.    Are the islands there ever used for protection  
24 from weather?

25          A.    Yes.

1 Q. Can you elaborate a little about that?

2 A. Yeah, when we get weather and we fish around  
3 there, you know, we go to the island and hide and anchor  
4 and wait for weather to calm down.

5 Q. All right, once again, I would like to  
6 slightly shift the focus to vessel stability. Can you  
7 talk to us about if you have seen the weight of crab  
8 pots, the weight and size of crab pots change over the  
9 years?

10 A. No, I don't see the change on it. I mean, we  
11 have our own pots, and we deal with our own gear, so we  
12 know what we have. And, but I don't see that, you know,  
13 the only way it changes, you know, if you put an extra  
14 shot on, if you go with three shots, or if you go deep  
15 or go two shots, and go shallow. That's the only way it  
16 changes the weight of the gear. Just how many shots you  
17 have on the pots.

18 Q. What is the current size and weight of the  
19 crab pots that you use on board the Polar Sea?

20 A. It is about 650 pounds or 700 pounds. We have  
21 6.5 x 7.

22 Q. How much gear do you normally put inside the  
23 crab pot? And what are the weights of the gear that you  
24 put inside?

25 A. I'd say somewhere around a 100 pounds, a 120

1 pounds, it depends on how many shots we put inside the  
2 pot.

3 Q. Do you combine the crab pot weight and the pot  
4 gear weight together when reviewing your stability book?

5 A. We pretty much know what they weigh. So we  
6 just go by the stability report, what we have. And  
7 that's how we -- that's the way I run here, you know,  
8 just see what -- how many pots, and then we (inaudible  
9 word) the weather condition, and then I (inaudible word)  
10 from there.

11 Q. Does the weight of the pots in your stability  
12 book match the actual weight of crab pots that you have  
13 on board, and if not, can you elaborate how you make  
14 adjustments to comply with the stability book?

15 A. The stability book done by, it was done by the  
16 weight of the pots we have. And those pots being the  
17 weight, I think they are the ones that (inaudible word)  
18 the boat. So we buy the boats with those, with the same  
19 pots, and we buy more pots, and it is the same size, 6.5  
20 x 7.

21 Q. Does the actual weight of those pots actually  
22 match your stability book?

23 A. Yes, it does.

24 Q. Okay. Does loading bait factor into your  
25 stability assessment? And if so, can you elaborate?

1           A.    Yes, you know, we compensate, you know. We  
2 have our -- we look at the stability report, and we see  
3 how much fuel we have, and yeah, we just, the bait, of  
4 course, any weight on the boat is going to change your  
5 stability on the boat. And we just go by what it says  
6 on the book. And then we -- and that's how we do it.

7           Q.    Do you call the Coast Guard prior to each  
8 fishing season? And if so, can you elaborate why you  
9 call them and what they assist you with?

10          A.    I call before, prior to leaving the dock, we  
11 call for King crab. And for them to take a look at the  
12 boat, and pots on the boat. They have done that before.  
13 And the other way we call the Coast Guard for the Coast  
14 Guard sticker. And we have done that in Dutch Harbor  
15 and then we done one this year in Seattle.

16          Q.    I would now like to shift our focus on the  
17 Destination, and their voyage of 09 February until 11  
18 February, 2017. Can you talk to us where the fishing  
19 vessel Polar Sea was located between the 9<sup>th</sup> through the  
20 11<sup>th</sup> of February?

21          A.    We were east of the islands; I don't know  
22 approximately how many miles. But yeah, we were east of  
23 the island fishing, and then on the 10<sup>th</sup>, we depart  
24 where we were fishing and head towards the island.

25          Q.    I lost what you just said there, Mr. Jorge.

1 Can you repeat that?

2 A. We were east of the island fishing. And  
3 between the 9<sup>th</sup> and the 11<sup>th</sup>, and then after we  
4 (inaudible few words), I think it was the 10<sup>th</sup>; we took  
5 off, from whatever we were fishing on the grounds, and  
6 heading towards St. Paul.

7 Q. When you say -- did you say west of the island  
8 or east of the island?

9 A. East. East of the island.

10 Q. Do you know, approximately how far away from  
11 the island you were?

12 A. Let me take a look here. I'm going to be  
13 approximately here --

14 (Brief pause.)

15 A. -- about 85 miles, 81 miles.

16 Q. Okay. Can you elaborate a little about the  
17 weather and the seas that you were experiencing in that  
18 timeframe?

19 A. You know, on the 9<sup>th</sup>, if I recall correctly,  
20 it was not as bad. There was -- I had a cold day on the  
21 Bering Sea, it was kind of -- it was getting cold. And  
22 we were chipping ice at night time. And I believe on  
23 the 10<sup>th</sup>, the weather started picking up again. And --  
24 I would say probably it was about thirty-five miles an  
25 hour and sea conditions maybe fifteen footers, around

1 that, if I recall correctly.

2 Q. Did you receive weather updates? And if so,  
3 can you elaborate who they were from? And also, were  
4 they accurate with what you are actually experiencing?

5 A. Yes. I receive numerous weather reports every  
6 day. We communicate with the other boats, and I receive  
7 the emails, with the weather through my computer on  
8 board. And we also communicate with the other partners  
9 that we fish together, that I fish together.

10 And then we always evaluate weather conditions.  
11 And the wave report with the cannery. And you know, the  
12 cannery always advices us, and let us know that, like  
13 how we think it is going. And so, we have several  
14 communications and warnings. And on different sources.

15 Q. Was the weather reports you were getting, were  
16 they accurate with what you were actually experiencing?

17 A. Yes, pretty much, you know. It varies a  
18 little bit, sometimes. But, pretty much it is right on  
19 it.

20 Q. All right, Mr. Jorge in front of you -- do you  
21 have Exhibits 107 through 120?

22 A. What I am looking up here. Yes, I do.

23 Q. Okay. Exhibit 107 through 120 are photos  
24 provided by the fishing vessel Polar Sea with ice on  
25 board. What I'd like to do is have you speak about

1 them. When they were taken, and where they were taken,  
2 and why did you take these photos. So I'd like, kind of  
3 like a description from you, about those.

4           And I'd like to start with photo Number 107,  
5 and it is a little bit (inaudible word) I know we are  
6 over the phone. So I'm going to kind of go picture by  
7 picture. I'll just call out the number, and then if you  
8 could just tell us what it is that we are actually  
9 looking at if you can. So I'd like to start with Number  
10 107, do you have that picture 107?

11           A. Yes, I sure do.

12           Q. Could you tell us when and where that picture  
13 was taken and why these photos were taken?

14           A. That was on the 11<sup>th</sup> that was St. Paul dock.  
15 And we were start chipping ice off the boat.

16           Q. Just to make sure we are looking at the right  
17 picture, what do you see in front of you?

18           A. Just the name Polar Sea, and the wheelhouse,  
19 with some ice taken off from the side of it, on the  
20 wheelhouse on there, kind of forward on the starboard  
21 side.

22           Q. Okay. I'd like to go to Photo 108, Exhibit  
23 No. 108. Can you describe this photo?

24           A. Yeah. That's us approaching, getting inside  
25 the harbor with it had a little of ice on the water.



1 And we tried to navigate through there slowly, until  
2 getting to the dock.

3 Q. We are going to go to Exhibit No. 109. Can  
4 you tell us what this photo is?

5 A. That is from the bow of the boat, they had a  
6 little bit of ice there.

7 Q. Do you know roughly what time that photo was  
8 taken?

9 A. You know, I thought it was in the early  
10 morning -- I believe, that's the time, it took us a  
11 while to -- we were getting the ice off the cleats so we  
12 can tie off the boat.

13 Q. Early morning on what date?

14 A. On the 11<sup>th</sup>.

15 Q. Okay, I'd like to now show Exhibit No. 110.  
16 Can you explain what this photo is?

17 A. Well I'm getting to 111, 110 -- this is  
18 approaching St. Paul, but I don't believe that was the  
19 same date, because it looks like that is daylight.

20 Q. Okay. I'd like to go to Exhibit No. 111. Can  
21 you explain what this photo is?

22 A. That is us getting in, on the dock and  
23 approaching the dock. And that was the edge of the ice  
24 there before we approached the dock on the 11<sup>th</sup>.

25 Q. What dock is that that we are looking at?

1 A. That's at St. Paul Island

2 Q. Is that the Trident Seafoods dock?

3 A. Yes, that's right.

4 Q. Okay. I'd like to see Exhibit No. 112. Can  
5 you describe this, please, 112?

6 A. Yes, I got it, 112 that was getting through,  
7 breaking the ice approaching the dock.

8 Q. Do you have a timeframe of when that was  
9 taken?

10 A. I believe it is also the 11<sup>th</sup>.

11 Q. You believe what, sir?

12 A. The 11<sup>th</sup>.

13 Q. Okay. Exhibit No. 113, can you tell us what  
14 this picture is?

15 A. I'm sorry -- one at a time here, 113, one  
16 second --

17 Q. Are you able to --

18 A. Exhibit No. 113, I believe that's the one with  
19 ice on the house.

20 Q. Can you look at Exhibit No. 113 again?

21 A. Yeah, hold on a second. I'm trying to scroll  
22 down here, 115.

23 Q. Exhibit No. 113.

24 A. Yeah, Exhibit No. 113, that's the guys  
25 breaking ice at the bow on the 11<sup>th</sup>.

1 Q. Okay. Can we see Exhibit 114; can you tell us  
2 what this photo is? Mr. Jorge?

3 A. Yes. I'm just trying to scroll down, because  
4 they are not in order.

5 Q. Okay. Exhibit No. 114.

6 A. Exhibit No. 114. Exhibit No. 113, that's the  
7 guys breaking ice on the bow.

8 Q. Okay. What about Exhibit No. 114, are we  
9 talking about the same --

10 A. Exhibit No. 114, I keep going back to the  
11 Exhibit No. 113. Exhibit No. 114?

12 Q. Yes.

13 A. That was prior to that, the last one that was  
14 the morning of the 10<sup>th</sup>, we were breaking ice.

15 Q. Okay. Now we are going to go to Exhibit No.  
16 115, can you tell us what this photo is?

17 A. I keep going back to the same picture, Exhibit  
18 No. 118, I have 116, 119, I wish it was in order.

19 Q. Yes, it is Exhibit No. 115.

20 A. Yeah, I keep going back to the same ones here,  
21 and I wish it was in order, because I cannot open it,  
22 that one. Exhibit No. 116, 119, 120 --

23 Q. Okay, why don't you --

24 A. I'm trying to get back to the Exhibit No. 115.  
25 Okay, I've got Exhibit No. 115, that's the wheelhouse of

1 the boat on the 10<sup>th</sup>, not the 11<sup>th</sup>.

2 Q. Okay. What is Exhibit No. 116, are you able  
3 to open that one?

4 A. Okay, Exhibit No. 115 I got, 120, 118, 116?

5 Q. Exhibit No. 116.

6 A. Yes. That's the anchor of the boat together  
7 with the wheelhouse, we are icing up on the 10<sup>th</sup>.

8 Q. Okay. How about Exhibit No. 117, are you able  
9 to open that one up?

10 A. Yes. That is also the wheelhouse with the  
11 anchor on the side.

12 Q. Okay. Exhibit No. 118?

13 A. Yes, that's the anchor on the bow of the boat.

14 Q. Okay. Exhibit No. 119

15 A. Also the anchor and the (inaudible word), and  
16 the bow.

17 Q. And Exhibit No. 120.

18 A. It is the same thing, the anchor and the  
19 wheelhouse.

20 Q. Thank you for your patience, going through all  
21 those photos.

22 A. It was hard to see the numbers with all the  
23 ice, and the background here on the phone.

24 Q. Can you tell us, roughly how thick that ice in  
25 those photos that we are looking at?

1           A.    On the house, I'd say approximately three  
2 inches thick.

3           Q.    How about the ice towards the front of the  
4 bow?

5           A.    That was about (inaudible few words), because  
6 the anchor wench, you know, it is, I'd say probably can  
7 be in some spots it can be 5, 6 inches thick. You know,  
8 it is very hard to say for sure.

9           Q.    How long did it take for all that ice to  
10 accumulate?

11          A.    It depends how fast you are going, weather  
12 conditions, and yeah it varies, so many -- yeah, it  
13 varies. You know, it can be pretty quick if you are  
14 going really fast. It can go slow. If you are going  
15 slow, it doesn't build as much. To take that ice off,  
16 we were in St. Paul, and it took about a day, pretty  
17 much.

18          Q.    Sorry, Mr. Jorge, I wasn't able to hear you  
19 clearly. How long did it take that ice to accumulate  
20 that thickness?

21          A.    It varies, you know. On our boat, that took  
22 us a day and a half to get that much ice on, on that  
23 part, the anchor there, that much, to two days, probably  
24 a day and a half or two. But I don't recall for sure, I  
25 understand, it was a while ago. And to take that ice

1 off took us a whole day when we were on the dock just  
2 chipping ice.

3 Q. Did you have to make any decisions concerning  
4 crew safety or safety of the vessel during this  
5 timeframe? And if so, could you elaborate?

6 A. Yes, I do. And you know, you have to see the,  
7 you know, the conditions that they were, how cold it is,  
8 and you know, give them enough time to warm up inside  
9 the vessel, and to have a cup of coffee. And be sure  
10 that I keep ice off the boat. You know, and that's  
11 pretty much the way we do it.

12 Q. How many times during that day and a half did  
13 you have to stop your crabbing operations to take care  
14 of ice?

15 A. If I recall correct, about four times.

16 Q. Roughly how long did it take each time to help  
17 combat that ice before you started back up?

18 A. Approximately, I would say about five hours  
19 each time.

20 Q. I thought I heard you say also that you pulled  
21 back into St. Paul with ice. Did I hear that correctly?

22 A. That is correct.

23 Q. Were you scheduled to go to St. Paul? Or did  
24 you go to St. Paul for any particular reason?

25 A. We go to St. Paul; we were going to pick up

1 some parts for the boat. And the ice, also. So we were  
2 trying to, you know, take some time off, and relax, and  
3 get this ice off the boat, because it was getting --  
4 there was just so much, and we were getting rid of the  
5 ice, and the weather was picking up so we decided to go  
6 in to get this ice off.

7 Q. On February the 11<sup>th</sup>, 2017 can you talk to us  
8 about how you were notified that the Destination was  
9 missing? And can you elaborate if you contributed to  
10 the search process?

11 A. Yes, I was between the islands, and I'm not  
12 sure exactly how far we were -- I received a call from  
13 the Coast Guard to try to contact the fishing vessel  
14 Destination. And I made a call, a few calls on Channel  
15 16, trying to contact. And we cannot, we could not help  
16 with the search because we definitely were in very heavy  
17 ice, and the weather conditions. And then we -- and  
18 that's the only reason we did not go, for our own  
19 safety.

20 And trying to take, you know -- but we  
21 provided everything we could, and we thought therefore  
22 there was, I don't recall which one it was. And heading  
23 in that direction, he had no ice on board. But he was  
24 coming from the island. And then, I cannot tell for  
25 sure, but if he is coming from the island it probably

1 was no ice on board.

2 Q. Did icing assist you in your decision-making  
3 to go to St. Paul as opposed to going to the area, the  
4 last known area of the Destination? Did you go to St.  
5 Paul due to icing? As opposed to go to the last known  
6 area of the Destination?

7 A. Yes, that's correct. I go to St. Paul because  
8 of my ice condition on the vessel.

9 Q. All right. Thank you Mr. Jorge.

10 MR. GILLETTE: Commander, I have completed my  
11 questions for Mr. Jorge. Mr. Jorge, please stay on the  
12 line. We have other members who are going to ask  
13 questions.

14 THE WITNESS: Okay.

15 CDR MULLER: Thank you Mr. Gillette. Mr.  
16 Jorge, this is Commander Muller.

17 THE WITNESS: Good morning.

18 CDR MULLER: Yeah, good morning. I have a few  
19 follow-up questions.

20 **EXAMINATION**

21 BY CDR MULLER:

22 Q. So when I, when we ask for -- when you hear  
23 somebody say how much does your pot weigh, what do you  
24 say? How many pounds?

25 A. I say about 700 pounds.



1 Q. When you say 700 pounds is that -- do you mean  
2 just for the pot, itself? Just the steelwork and the  
3 webbing?

4 A. Yes, with the shots on, and the buoy, pretty  
5 much, I can say it is about 700 pounds.

6 Q. So 700 pounds and that includes the shots and  
7 buoys?

8 A. Yes, that's correct. And that is  
9 approximately.

10 Q. And what was the size of those pots again?

11 A. 6.5 x 7.

12 Q. And I believe you mentioned that depending on  
13 how many shots, but about 120 pounds of gear, of shots  
14 and buoys right?

15 A. Yes. That's pretty much close enough, yes.

16 Q. So that means your pot would weigh less than  
17 600 pounds to be 700 pounds, right? Total?

18 A. Yes. Our pot is normally, I mean, it is a  
19 little less than that normally, the pot, that everybody  
20 uses. And normally a lot of people are using (inaudible  
21 word). But, so our pot is a little lighter than other  
22 pots because of type of (inaudible word), being a 6.5.

23 Q. Do you have your stability book in front of  
24 you by any chance? If not, no worries.

25 A. I don't.

1 Q. Okay. Do you just happen to recall what your  
2 stability book mentions?

3 A. What's that?

4 Q. What does your stability book mention  
5 regarding pot weight?

6 A. Oh, we got a number of things in there, you  
7 know, how much fuel on board, how much bait on board,  
8 and you got two different books, the one for ice  
9 conditions, the one for regular conditions. And then  
10 with the front tank full --

11 Q. Right.

12 A. Two tanks down, or one tank down.  
13 So it is, I mean, it is a lot of things.

14 Q. Okay. Do you recall if your stability book --  
15 again, I understand you don't have it in front of you --  
16 but do you recall if it mentioned, specifically, how  
17 much the pots weigh? And does it also mention if that  
18 weight includes the line and buoys?

19 A. I don't, yeah, I don't recall that. But I  
20 can, yeah, it probably does in there. But, that was  
21 done that way, but I don't have it in front of me where  
22 --

23 Q. Understood, understood. Okay. Earlier when  
24 you were discussing what steps you take, or can take to  
25 help reduce the accumulation of icing, you mentioned

1 slow and fast. Basically, you slow down to prevent ice  
2 build-up. Can you define what slow is?

3 A. Slow is, it is pretty much idle, you know.

4 (Inaudible few words), is less spray as possible. Every  
5 spray that comes over the bow, is ice accumulation that  
6 you are taking on the vessel. And of course, then the  
7 faster you go the more ice you are going to get.

8 Q. Thank you, again, with -- for the patience,  
9 reviewing those pictures with us. Do you normally take  
10 pictures when your vessel accumulates ice?

11 A. I like to, yeah I like to. To review it, and  
12 to take a look at it, and you know, it is always good  
13 information for myself. And you know, it is always, I,  
14 I like to do it because you keep looking at it, and then  
15 you see it, how fast it goes, and how it can happen. So  
16 yeah, normally I do.

17 Q. So with this, these icy conditions, where  
18 would it stack up compared to previous icing conditions  
19 you experienced on board on a scale of 1 to 10? You  
20 know, 1 being a very light event, and 10 being the most,  
21 more extreme event?

22 A. So on that date, what do I think on a scale of  
23 1 to 10, what I --

24 Q. Yeah, was this a significant event, average  
25 event, typical event?



1 myself. I'll now hand the phone over to the NTSB, Mr.  
2 Karr?

3 **EXAMINATION**

4 BY MR. KARR:

5 Q. Hi Mr. Jorge, this is Michael Karr of the  
6 NTSB. Can you tell me when you began fishing this  
7 year's opilio season?

8 A. When did I start it?

9 Q. Yes.

10 A. I think it was February 2<sup>nd</sup>, if I recall  
11 correctly.

12 Q. And how -- what was your quota?

13 A. About 640 or 630, I don't know exactly the  
14 amount, but it was over 600.

15 Q. And where -- was that for North A?

16 A. Can you repeat the question?

17 Q. Was that quota all for North A? Or was some  
18 of that for South A?

19 A. You know, I don't do the paperwork. This is  
20 out in the co-op, and they determine, you know, the  
21 number of boats that we are fishing together as a  
22 partner in the co-op. And they accumulate sometimes, if  
23 we have to (inaudible few words). We make contact with  
24 the cannery, and so via email and sometimes on the  
25 radio. But yeah, we always have North Quota and South

1 Quota. But sometimes don't deliver North, sometimes we  
2 deliver our South and the other boats deliver the North  
3 Quota, so...

4 Q. Well on your last trip in February, did you  
5 also deliver some crab to the South?

6 A. Oh, I deliver most of ours to the South. Most  
7 of it to the South.

8 Q. Okay, thanks.

9 A. I say about eighty percent of it, I mean,  
10 roughly.

11 Q. And how long, how long did it -- how many  
12 trips did you make to the plant in St. Paul to unload  
13 crab --

14 A. One trip, I think one trip if I recall  
15 correctly, it was just one.

16 Q. Did you unload any crab on that trip into St.  
17 Paul when you went to knock off the ice?

18 A. Yes, I did.

19 Q. Was that the one trip?

20 A. Yeah that was the only one, yeah, that's  
21 correct.

22 Q. So you had met your North A Quota?

23 A. I don't know if I did. I don't know exactly  
24 how much Quota we have up north. But the co-op  
25 calculates how much we have, and the owners know what we

1 have. But, I don't know how much Quota we have up  
2 north. I know it is (inaudible few words). And some of  
3 the other boats take in North Quota.

4 Q. So, who gave you instructions to head south  
5 after you unloaded your North Quota?

6 A. Probably the owners.

7 Q. And can you tell me what was your  
8 understanding with regards to who was going to catch the  
9 rest of your North Quota?

10 A. No. I, you know, I, you know, it's a co-op.  
11 You know, it is the owner's option, and then it is the  
12 co-op managers, and they are the ones that stipulate  
13 where the Quotas go. The only thing we do is just run  
14 the boats and catch the crab. And any time -- where we  
15 go with the crab, we just received emails and phone  
16 calls, and that's how that goes.

17 (Brief pause.)

18 A. I had a year that, I think it was 2 or 3 years  
19 ago, I delivered zero crab up north. All my crab goes  
20 south.

21 Q. How many pots, during the opilio season how  
22 many pots and how many stacks did you have on board your  
23 boat when you left Dutch Harbor?

24 A. We had about four high, and about 187, I don't  
25 recall exactly the amount, the number. But yeah, you

1 know, I think about 187.

2 Q. All right. And what, and how many crew  
3 including yourself were on board?

4 A. Six including myself.

5 Q. And I'm curious to learn how you operated, how  
6 you, as the captain expected the vessel to be operated  
7 at night when the vessel was sailing at night. Not, you  
8 know, let's say, going from Dutch Harbor up to the  
9 Pribilofs, or going from one location to another and  
10 while the rest of the crew was sleeping, and there was  
11 one person in the wheelhouse. Can you tell me the tasks  
12 of that person?

13 A. Yes. Normally I drive ninety-five percent of  
14 the time; I'm up in the wheelhouse. And my stateroom is  
15 located three steps down behind the house. And with the  
16 wheelhouse -- wheelwatchers, and boats are two miles  
17 they gotta get me up. Or anything happens. Or anything  
18 that not seems right, they gotta get me up, and we have  
19 communications.

20 And normally I have my phone up, every two and  
21 a half hours, I get a call on my phone that, just alert,  
22 just come up and take a look around. But that's how we  
23 -- that's the way I operate.

24 Q. What if there is a forecast of freezing spray?  
25 What direction do you give the crew with regard to



1 monitoring the ice accumulations?

2 A. I get up a lot if we have icing conditions if  
3 we have pots on board. So we just go slow, and then if  
4 they see that we are making a lot of ice. But normally  
5 I get up. I get up quite a bit, you know, if we are  
6 (inaudible few words) if we know the weather is going to  
7 get cold enough, so we normally -- yeah, we just  
8 monitor, and you know, and it is just (inaudible few  
9 words).

10 Q. Well, if there is a forecast of heavy freezing  
11 spray -- well let me say this, if you are actually in  
12 freezing spray, do you automatically reduce your speed?  
13 Or do you proceed at normal speed?

14 A. Oh no, I definitely reduce my speed. And ah,  
15 you know, yeah, yeah, I reduce my speed.

16 Q. How do you judge the amount to reduce your  
17 speed?

18 A. I go as slow as possible. I probably will --  
19 in the south, you know, it is (inaudible word) to take,  
20 you know, and the wind direction, and the direction you  
21 go in, you know it can, yeah, that all depends on the  
22 direction you are going and how cold it is.

23 Q. What instructions -- what would the wheelwatch  
24 person do -- how does the wheelwatch person evaluate the  
25 ice accumulation on the crab pot stack?

1           A.    All the guys that have been here, you know,  
2    been with me for quite a while.  And normally they just,  
3    they call me if they see ice coming up, and we see ice  
4    started on the pots.  We have not have that happen to us  
5    in quite a while.  And we don't have the pots on board -  
6    - when the freezing spray was coming up.  And so we  
7    don't have that this year.

8           Q.    In general, can you describe how someone on  
9    the bridge would view ice accumulation on pots stacked  
10   four high?

11          A.    They probably just keep an eye on it.  But  
12   normally, I am up here, and I will evaluate that.

13          Q.    Well, when you look at it, how do you look at  
14   -- I mean, you are underway, there is freezing spray  
15   coming up on the bridge, or outside.  So how do you,  
16   under those conditions, check out the ice accumulation  
17   on the crab pots?

18          A.    Yeah, I mean, just, you just do.  You know,  
19   normally if we see enough ice building up, we want to  
20   get rid of some pots and we put them on the water.  If  
21   it is that bad.  And you know, it is just, you know.  
22   You look at it, and you start building ice.  And if you  
23   think that one stack being dangerous, or if we just have  
24   two pots off.

25          Q.    All right.

1           A.    And instead maybe two layers off.  You know,  
2 that's ah, you know, it is so many variables, and it is  
3 hard to dictate.  But, you know, you know.  And I think  
4 there is, yeah, you know.

5           Q.    Well Captain, I'm interested in exactly what  
6 they do to see.  For example, do they look out the rear  
7 window?

8           A.    Oh yeah, absolutely, we look out the back  
9 window, we have a door that is from top to bottom, and  
10 we got four windows on the back of wheelhouse.  And so  
11 there is plenty of view on the back of the -- the boat.  
12 You can see clear the whole stack on the back of the  
13 boat.  So you can tell if you are building ice.

14          Q.    All right.  And would you ever go out -- does  
15 anyone ever go outside in the freezing spray to look at,  
16 from the bridge?

17          A.    Ah we just open the door and we can see it  
18 pretty clear.  And you know, of course we can go out if  
19 it comes to that point.

20          Q.    And my last question is regarding this -- the  
21 pictures you showed us.

22          A.    Um-hmm.

23          Q.    I've got two questions.  Did your freeing  
24 ports close up because of the ice?

25          A.    (Inaudible few words), ports because of ice.

1 Q. I'm talking about holes in bulwark on the  
2 fishing deck that allows the water to run off.

3 A. Yes, you obviously do that. We got a -- on  
4 this vessel, we've got heaters on the buoys on the side  
5 of the boat. And we keep those heaters on in the  
6 wintertime. And we always have the breakers on out  
7 there.

8 What it does -- (inaudible word) ice on here  
9 to the buoys on the side of the boat, and that's what it  
10 does. It slides, the goal here is to just keep the ice  
11 off the boat, and make sure that (inaudible word) is  
12 clear but there was runoff.

13 Q. And when you went to look at the life raft,  
14 how much ice was on the hydrostatic release?

15 A. Ah, I cannot recall for sure. But there was a  
16 thin layer of ice, not a thick layer of ice, but I think  
17 a layer of ice on the life raft behind, directly behind  
18 the wheelhouse. That is a little bit more protected.

19 And I know we caught too much on the third  
20 release. And on -- above the house, there was a little  
21 bit more ice on it, a little bit more than a thin layer.  
22 And then it was -- that ices up, you know, the whole  
23 thing was iced up. But it was, you just, but that was  
24 easy just to chip that off, and get the ice off of it.

25 Q. Okay, thank you, Mr. Jorge, I have no more

1 questions.

2 A. Okay, thank you.

3 **EXAMINATION**

4 BY MR. SUFFERN:

5 Q. Good morning Mr. Jorge. My name is Paul  
6 Suffern, I am a meteorologist with the NTSB and I have a  
7 few questions, follow-up questions.

8 A. Okay.

9 Q. The pictures that you showed were all from ice  
10 that had accrued on the 10<sup>th</sup>. Do you know how fast the  
11 ice was accruing? Was it accruing at about a half an  
12 inch an hour, an inch an hour, a quarter of an inch an  
13 hour, or was it variable?

14 A. It was variable, you know, it is hard, really  
15 hard to say. When you are hauling pots, you just  
16 (inaudible few words). And then you are in transit to  
17 the next string. And then of course you -- I mean,  
18 depending on how the ice conditions, what direction you  
19 go in. Then you change, if you get the wind off the  
20 stack, you go a little faster. And of course you don't  
21 build ice on the house if you go forward, into it, on  
22 one direction, you want to make ice, or you go slower.

23 But it is hard to dictate, exactly, you know,  
24 how thick you build in a half an hour, in an hour. We  
25 know it was there. It is hard to dictate, or pinpoint

1 exactly how fast it builds.

2 Q. Could you describe the sea conditions that you  
3 experienced on the 10<sup>th</sup> there, as far as swell and wave  
4 height combined?

5 A. It was about, wind at about 35, 35 to 40. And  
6 I would say about a 15 foot sea.

7 Q. Was there any communication between your  
8 vessel and other vessels as far as freezing spray that  
9 other vessels were seeing?

10 A. Yes, I was communicating with a few other  
11 vessels. I mean, just the people you work with,  
12 normally. And we just talk about the ice conditions.

13 Q. Do you recall how much ice they were seeing?

14 A. They were getting a little bit, like the way  
15 we did, you know. We were chipping ice, it was hard to  
16 communications with them, because we are, we keep losing  
17 communications because of that, yeah, was breaking up.

18 Q. Do you ever shelter behind an island for  
19 freezing spray conditions?

20 A. Yes, we do.

21 Q. Could you describe an event where you had to  
22 do that?

23 A. Yes, we have been in St. George before because  
24 of, yeah, we are down in St. George and we are down in  
25 St. Paul. And this year, when we were in St. Paul, I

1 talked to the cannery to see if they would let us stay  
2 there for extra-long time, extra time for -- we stayed  
3 there as long as we could before other vessels comes in  
4 to offload.

5 Q. Can you please describe how you receive your  
6 weather information? I believe you told Mr. Gillette  
7 earlier, you receive emails. Do you receive it any  
8 other way?

9 A. Yes, we receive it through emails. We have a  
10 sat phone, a dispatch phone, we talked to another  
11 vessel, and then we get phone calls from cannery  
12 sometimes. And then, if the weather is increased we do  
13 it that way. You know, there are several ways we are  
14 receiving weather. Especially when it gets bad. So we  
15 get it more.

16 Q. Who do you receive the emails from?

17 A. From the office, they are sent every morning,  
18 and every afternoon most of the time, from the office,  
19 from the company.

20 Q. Do you recall what forecasts you are getting?  
21 Is it a National Weather Service forecast?

22 A. Yeah, they come from (inaudible few words), I  
23 think that is NOAA, they come from NOAA.

24 Q. Do you wish there were any other ways that you  
25 could receive weather information?

1           A.    Yes.  I mean, you know, yes.  I mean I -- you  
2 know, it has always been pretty close, when NOAA puts it  
3 out, you know.  And sometimes they send us email, you  
4 know ask what are we seeing at the present time.  And  
5 then we try and respond to them.  And but yeah, the more  
6 you know, the better it is, you know, the more  
7 communications we have the more sources we have, the  
8 better it is.

9           Q.    Do you keep any weather logs of the weather  
10 that you encounter daily?

11          A.    No, I don't.  It's on the computer.

12          Q.    Do you receive and weather information about  
13 freezing spray warnings, heavy freezing spray warnings?

14          A.    They all come with the forecast, if it does,  
15 it is that condition.

16          Q.    Do you feel like you receive enough time for  
17 planning or sheltering when you receive those warnings?

18          A.    If we need to yes, we definitely go to  
19 shelter.

20          Q.    Is there a decision point that you have as the  
21 captain to go shelter behind an island due to freezing  
22 spray?  Does it have to -- the ice have to accumulate to  
23 such an amount?  Does the wind have to be -- what are --  
24 do you have a decision point?

25          A.    Yes, absolutely, we have to make a decision



1 point.

2 Q. So what is your decision point as when you are  
3 captaining the Polar Sea?

4 A. If we have -- yeah, I mean, it's our decision.  
5 If you have pots on board, or if it is a really heavy  
6 freezing spray and you are not keeping up with the ice.  
7 And it is a several, you know, you have several  
8 different things.

9 I mean, you just -- we just know when you need  
10 it. You know, if your crew is getting pretty tired, and  
11 it is really cold, and then you need to give them a  
12 break. And then it is taking longer to get the ice off  
13 the boat. And so it is, yeah, it is a lot of variables  
14 on that too.

15 Q. So it sounded like from your earlier testimony  
16 that you went to St. Paul because of ice on the 10<sup>th</sup>  
17 there. What decision point did you make there, that you  
18 had to go to St. Paul?

19 A. It was getting pretty cold, and then, and we  
20 were getting very -- they are all getting tired by that  
21 point. And so, it was a good time to go in and deal  
22 with the ice, and they have a good night sleep, at the  
23 dock. Or if I can get a little bit of rest, it was a,  
24 yeah, so that was one of the decisions.

25 Q. All right.

1 MR. SUFFERN: That's all the questions I have  
2 for right now, Commander Muller.

3 CDR MULLER: Okay, thank you Mr. Suffern. Ms.  
4 Spivak?

5 MS. SPIVAK: No questions.

6 CDR MULLER: Okay. Mr. Gillette?

7 MR. GILLETTE: None.

8 CDR MULLER: Mr. Karr?

9 **EXAMINATION**

10 BY MR. KARR:

11 Q. Captain Jorge.

12 A. Yes.

13 Q. On your bridge, what system do you use so that  
14 the watchstanders do not fall asleep?

15 (Radio issues on witness side.)

16 A. I'm sorry, I have the radio here. Could you  
17 repeat the question?

18 Q. What system do you have on the bridge so that  
19 the watchstanders do not fall asleep at night?

20 A. We have a wheelwatch alarm, and it goes from  
21 two minutes all the way up to two hours.

22 Q. And can you tell me how that works?

23 A. That works when I put -- it doesn't work, the  
24 autopilot doesn't work if the wheelwatch alarm is going.  
25 The steering doesn't work if the alarm on the vessel is

1 not on, the panel for all the alarms on board. So  
2 that's all tied together.

3 Q. So if -- so help me understand that. So if  
4 the automatic pilot is on, is the wheelwatch alarm on?

5 A. Yes, absolutely. If the wheelwatch alarm is  
6 not on the autopilot doesn't work.

7 Q. So if someone is steering the vessel manually,  
8 how do they stay awake using that alarm?

9 A. Stay awake or the alarm comes on -- the alarm  
10 never goes off, even if you are steering manually the  
11 alarm is on.

12 Q. Oh okay, all right. And how did -- when you  
13 had all that ice on the 10<sup>th</sup>, how did your vessel behave  
14 at sea?

15 A. You know, it is, we do not have any pots on  
16 board, and it was -- you know, it came to a point that  
17 it became heavy. And then we just take the ice off.

18 Q. So after you left with no pots on board, so  
19 after you left St. Paul, and emptied your holds, then  
20 you went back and picked up your pots?

21 A. No, I did not.

22 Q. Is that part of the co-op process?

23 A. No, the co-op does not dictate where we are  
24 fishing. It is just; we have the (inaudible word) pots  
25 around, (inaudible few words) in the area. And you

1 know, maybe they will come out one way, or come out  
2 another direction, you know it is crab fishing.

3 Q. So help me understand your process for  
4 fishing. I'll ask this question. So after you left St.  
5 Paul where did you go?

6 A. Go back to my gear.

7 Q. Oh, okay. All right. Thanks, I have no more  
8 questions.

9 CDR MULLER: Now I just thought of one  
10 question.

11 MR. KARR: I have another one too.

12 CDR MULLER: Okay. You go first.

13 BY MR. KARR:

14 Q. You said you could set your alarm for two  
15 minutes to two hours.

16 A. Yes.

17 Q. From what you know, do all the industry alarms  
18 work that way?

19 A. As far as I know. I know my vessels that I  
20 work here, you know, that's the way it is set up. And  
21 other vessel that I run, I've run a few other boats and  
22 they all work the same.

23 Q. On your vessel, on the Polar Sea, how long is  
24 yours set for?

25 A. Normally I set it between 10 to 15 minutes.

1 Q. All right, thank you Captain.

2 A. No problem.

3 CDR MULLER: Mr. Jorge this is Commander  
4 Muller again.

5 THE WITNESS: Yes.

6 **EXAMINATION**

7 BY CDR MULLER:

8 Q. For clarity, when you were transiting on the  
9 10<sup>th</sup> and 11<sup>th</sup> of February towards St. Paul, did you have  
10 pots on board?

11 A. No, I did not.

12 Q. Okay thank you, I have no further questions.

13 CDR MULLER: Ms. Spivak?

14 MS. SPIVAK: No questions.

15 CDR MULLER: Mr. Gillette?

16 MR. GILLETTE: No questions.

17 CDR MULLER: Mr. Karr?

18 MR. KARR: No.

19 CDR MULLER: Mr. Suffern?

20 MR. SUFFERN: No questions.

21 CDR MULLER: Okay. Mr. Jorge that concludes  
22 the questions that we specifically have for you. At  
23 this time is there any information that you feel the  
24 Board should consider that we otherwise did not ask?

25 THE WITNESS: No, I don't.

1           CDR MULLER: Okay Mr. Jorge, I am going to  
2 release you, I just need to read a quick statement,  
3 okay?

4           THE WITNESS: Okay.

5           CDR MULLER: You are now released as a witness  
6 at this Marine Board of Investigation. Thank you for  
7 your testimony and co-operation. If I later determine  
8 that this Board needs additional information from you,  
9 we will contact you.

10           If you have questions about this investigation  
11 you can contact the Marine Board Recorder, LCDR Mendoza.  
12 Thank you again for your time.

13           THE WITNESS: Not a problem at all. And just  
14 so I make sure you guys know, we understand the  
15 contract. (Inaudible few words), arranging a time today  
16 when we can be here, and have phone service. But they  
17 did not contact me. If I don't answer because I am out  
18 of cell range, but leave a message and I'll get back to  
19 you guys as soon as I can.

20           CDR MULLER: Thank you.

21           THE WITNESS: Not a problem.

22           CDR MULLER: Okay. Thank you for bearing with  
23 us, pushing through lunch time. I have a little bit  
24 after one o'clock. So we will take a recess one hour,  
25 reconvene at two o'clock. And then we have two other

1 witnesses for this afternoon, thank you.

2 (At 1:04 a luncheon recess was taken.)

3 CDR MULLER: Good afternoon, the hearing will  
4 come to order. We would like to call the next witness,  
5 Mr. Groesbeck. Mr. Groesbeck are you there?

6 THE WITNESS: Yes, I am present.

7 CDR MULLER: Hi. Good afternoon. This is  
8 Commander Scott Muller, I and the chair of the Marine  
9 Board.

10 THE WITNESS: How are you doing?

11 CDR MULLER: Good.

12 THE WITNESS: Fine.

13 CDR MULLER: I am going to just read a quick  
14 statement here so you get some awareness of who is in  
15 the room at this time.

16 THE WITNESS: Okay.

17 CDR MULLER: Because your testimony, of  
18 course, is, we have you on speakerphone. So we are  
19 calling from Seattle, Washington. We are conducting a  
20 Marine Board of Investigation into the sinking of the  
21 fishing vessel Destination.

22 In the room we have members of the Marine  
23 Board, LCDR Mendoza, Mr. Jim Gillette, and myself as the  
24 chair. The NTSB is present with Mr. Mike Karr and Mr.  
25 Paul Suffern. They will be conducting an independent

1 investigation. The owner's representative as the Party-  
2 in-Interest is also here.

3 This is a public hearing, and as such we have  
4 members, a number of persons in the room present,  
5 including family and friends of the fishing vessel  
6 Destination. This public hearing is being recorded.

7 I understand that you are calling from Mount  
8 Vernon, Washington, is that correct?

9 THE WITNESS: Yes, it is.

10 CDR MULLER: So are you in a place where we  
11 can -- where you can answer our questions?

12 THE WITNESS: Yes, I am.

13 CDR MULLER: Okay, thank you. LDCR Mendoza if  
14 you would, issue the oath.

15 LCDR MENDOZA: Sir, could you please stand and  
16 raise your right hand.

17 THE WITNESS: Okay.

18 **WITNESS**

19 **MR. CHARLES GROESBECK/CAPTAIN BERING ROSE**

20 A witness produced on call of the Coast Guard  
21 was duly sworn according to the law, was examined and  
22 testified as follows:

23 THE WITNESS: Yes, I do.

24 LCDR MENDOZA: Please be seated. Sir, could  
25 you please state your full name and spell your last name



1 for the record.

2 THE WITNESS: Yes, Charles Groesbeck, G-R-O-E-  
3 S-B-E-C-K.

4 LCDR MENDOZA: Could you state your current  
5 employment and position title.

6 THE WITNESS: Say that again, please?

7 LCDR MENDOZA: Would you state your current  
8 employment and position title?

9 THE WITNESS: I am the Captain of the Bering  
10 Rose.

11 LCDR MENDOZA: Do you hold any professional  
12 licenses or certificates?

13 THE WITNESS: Yes, fifteen hundred ton  
14 uninspected, two hundred ton inspected Coast Guard  
15 license. I've had it about twenty-five years.

16 LCDR MENDOZA: Thank you, sir.

17 THE WITNESS: I have been running the Bering  
18 Rose for the last twenty-nine years.

19 CDR MULLER: Okay. Mr. Groesbeck, I am going  
20 to turn you now to Mr. Jim Gillette who will be leading  
21 off with the questions for you.

22 THE WITNESS: Okay, thank you.

23 **EXAMINATION**

24 BY MR. GILLETTE:

25 Q. Good afternoon Mr. Groesbeck, my name is James

1 Gillette with the United States Coast Guard. Can you  
2 hear me clearly on the other end of the phone?

3 A. Yes sir, I can.

4 Q. Okay, Mr. Groesbeck I hear you clearly as  
5 well. If at any time you don't understand a question  
6 that is asked, just request that the question be  
7 readdressed or rephrased.

8 If at any time you need to take a recess  
9 please ask. Also remember, to speak up loud and clear  
10 to assist the court reporter to transcribe the hearing.  
11 With that said, I would like to start asking questions.

12 A. All right, go ahead.

13 Q. I heard in your opening comments that you have  
14 been a fisherman for a long time, and that you have also  
15 been on the, the captain on board the Bering Rose for, I  
16 believe I heard twenty-nine, is that correct?

17 A. That is correct.

18 Q. Prior to the Bering Rose, before that how long  
19 have you been fishing commercially?

20 A. I have been fishing since I was seventeen  
21 years old. Since 1972 I am sixty-two right now.

22 Q. Can you tell us a little about the Bering  
23 Rose, and speak briefly about your fishing operations.

24 A. We are a shore based Pollack trawler, so we go  
25 out and catch Pollack. And chill it in refrigerated sea

1 water. And then deliver to plants in Dutch Harbor where  
2 they offload them in about 12 to 18 hours. Then we go  
3 back out again. For the winter season and the fall --  
4 the winter season and the summer season.

5 Q. I would like to slightly shift some of the  
6 focus to weather in the Bering Seas and how it affects  
7 the Bering Rose operations. Does the Bering Rose have a  
8 written or verbal policy about heavy weather? And if  
9 so, can you elaborate about that?

10 A. Well we have a stability report that, you  
11 know, tells us, you know, how much -- you know, if we  
12 came in with a deck load, you know, how much we can  
13 bring in with certain icing conditions. So that has  
14 icing on there and how much fish we can bring in above  
15 the tanks, which we typically don't do.

16 Q. Can you speak --

17 A. It shows all the different conditions, of you  
18 know, how much fuel and water you have on board and all  
19 that, it's a fairly lengthy booklet.

20 Q. Can you speak about the measures you take to  
21 reduce the effects of icing caused from sea spray?

22 A. We slow down, go slower or don't leave the  
23 dock.

24 Q. I would also like to get your professional  
25 view of what it's like to transit near St. George and

1 St. Paul Island. Can you elaborate on any challenges  
2 that those islands cause?

3 A. Well coming around St. George Island where the  
4 last signal of the Destination was is a notorious place  
5 because of the tides and current that are coming around  
6 at that northwest corner. We have iced up a lot in the  
7 past, over the years, Zapadni Bay, and on up, with the  
8 winds pretty much out of the same direction, out of the  
9 northeast, like that night. And we took pretty, you  
10 know, full (inaudible word), around that corner to see  
11 if the weather has come down. You know, it is a pretty  
12 nasty spot right there.

13 Q. Is it worse at any time of the year?

14 A. Well winter time, obviously. You know, it is  
15 typically colder up on the islands than it is down in  
16 Dutch Harbor too.

17 Q. Do you ever use the islands for protection?

18 A. Yeah, Zapadni Bay, right there, right --  
19 that's on the west side of St. George, the bay called  
20 Zapadni Bay, and we often anchor up there.

21 Q. Can you talk to me about where the Bering Rose  
22 was located between the 9<sup>th</sup> of February through the 11<sup>th</sup>  
23 of February?

24 A. So the 9<sup>th</sup> -- just tell me which day it was  
25 that the Destination sank? Which morning did the EPIRB

1 go off? Did it go off on the 9<sup>th</sup> or did it go off on  
2 the 10<sup>th</sup>?

3 Q. It went off on the 11<sup>th</sup>.

4 A. It went off on the 11<sup>th</sup>. Okay, so it would  
5 have been the 9<sup>th</sup>, I believe we left Dutch Harbor and  
6 went up to St. George to go fishing. And we fished the  
7 evening of the 10<sup>th</sup>, or the afternoon of the 10<sup>th</sup>, and  
8 caught some fish, but it was too small, the fish. The  
9 fish was small so we decided at that point on the  
10 evening of the 10<sup>th</sup> to go around to the east side of St.  
11 George that night, and just jogged over there slowly to  
12 see if we could see some fish signs on the other side,  
13 sometimes they are bigger over there.

14 We got over there in the early morning hours  
15 and didn't see anything. And so, then we came back  
16 across the top of the island, the north side of St.  
17 George. And we were basically about 8 to 10 miles away  
18 from the EPIRB position when you guys started announcing  
19 on 4A, and Channel 16. So we were coming back across.  
20 And then we started searching all day after that.

21 Q. Can you elaborate about the weather and the  
22 seas that you were experiencing at that time?

23 A. It was out of the northeast, 35, 40, heavy  
24 freezing spray, that's where that picture came from that  
25 my crewmember took. He just took it when he was going

1 on watch around the south side of the island. But we  
2 just were jogging around, (inaudible word) and trying  
3 not to make a lot of ice. And what else?

4 Q. Were you experiencing ice accumulation on the  
5 deck? And if so, could you speak about that?

6 A. Yeah, yeah, because all the spray that, you  
7 know, any time you have spray there, you know, it  
8 sticks. So, it was, you know, it was up on the top  
9 (inaudible word). I believe we stopped halfway through  
10 the night and jogged, you know, (inaudible few words),  
11 radar spring, our lower radar. And well actually, the  
12 GPS signals that go out.

13 So you start, they start beeping in  
14 wheelhouse, you know, get a good signal. But we go out  
15 there, you know, scrape, gently scrape (inaudible few  
16 words). And then speed up again. We did that once, I  
17 believe, that evening when we are going around the south  
18 side.

19 Q. Did you receive weather updates? And if so,  
20 can you elaborate who from?

21 A. Say that question again, please?

22 Q. Did you receive weather updates? And if so,  
23 can you elaborate who you were receiving them from?

24 A. We get NOAA weather updates, you know, that  
25 come across on the -- well on an internet connection.

1 And we, you know they get updated I think at four in the  
2 afternoon, and at four in the morning, twice a day.

3 Q. Were they accurate from what you were actually  
4 experiencing?

5 A. They are accurate, yeah, to a degree, yeah.

6 Q. Were they accurate on the 11<sup>th</sup>?

7 A. I can't remember what it said, actually, but  
8 you know, I'm sure, it is thirty-five, I mean, you know,  
9 if it is anything over forty knots, we tend not to leave  
10 in heavy icing conditions, we tend to stay put. So ...

11 Q. All right. I'm about to show Exhibit No. 121.  
12 This is a photo of ice on board the Bering Rose provided  
13 by the Bering Rose. You just said you had this photo in  
14 front of you. Can you describe who took this photo, and  
15 what is it that we are looking at?

16 A. We are in the wheelhouse. Like I said, my  
17 crewmember took it. He was on watch and the ice -- it  
18 just shows the ice build-up. So if you turn around and  
19 look aft, look towards the stern, it's the -- actually  
20 it is the captain's statement, it is the deck -- the  
21 roof you are looking at, and then the rails that go  
22 around it, and then the mast, you see the mast there, I  
23 believe. And it is just, you know, showing a lot of --  
24 this, you know, I believe it is snowing, and spray, and  
25 ice build-up on the way over there.

1           That was probably all done that night because  
2 we usually, you know, when we are towing stuff like  
3 that, (inaudible few words) when we were fishing that  
4 afternoon, a lot of the ice was knocked off the boat.  
5 So that ice was just built up that evening.

6           Q.    Was there any specific reason why he took that  
7 photo? Does he always take photos of the icing outside,  
8 or was there any reason specifically to take it that  
9 night?

10          A.    I don't know, he, you know, everybody's got  
11 their iPhones, and they like taking pictures. I have  
12 no, no idea why he took it that night. Maybe he thought  
13 it was kind of an arty photo, I don't know. But maybe  
14 he wanted to show his wife, or something when he got  
15 into town, I have no idea.

16          Q.    What night was that photo taken? Was it taken  
17 on the 10<sup>th</sup> of February?

18          A.    That's what he claims.

19          Q.    Okay.

20          A.    That's what he claims.

21          Q.    Did you have or hear any communications from  
22 the Destination? And if so, can you talk about that?

23          A.    I didn't have any communications. The  
24 communication I saw was that area, target on my globe,  
25 my computer screen.



1 Q. Can you talk about that AIS target, what you  
2 saw?

3 A. I just saw the sat line coming up. And then I  
4 saw a last position on it, that was approximately one  
5 hour, you know, it ended about one hour before the, we  
6 heard about it on the EPIRB. It wasn't a steady target,  
7 because I was on the other side of the island, so I  
8 didn't have a full, you know, signal the whole time.  
9 But it was just marks where (inaudible few words), I  
10 just kept it on the screen. I think the gentleman that  
11 interviewed -- captain (inaudible name), has the  
12 pictures that I have it, or they came in the wheelhouse  
13 and there were some pictures on the computer of the AIS  
14 target. And you guys have it --

15 Q. On the 11<sup>th</sup> of February, 2017, can you talk  
16 about how you were notified that the Destination was  
17 missing? And also, can you elaborate if you contributed  
18 to the search process?

19 A. You are asking me how I was notified on the  
20 11<sup>th</sup>.

21 Q. That's correct.

22 A. I heard it on channel 16, initially. And then  
23 in 4A, about 4125 on the single side band. And I ended  
24 up -- so I believe, the other boat that was up there was  
25 talking on channel 16 the crabber -- I can't remember

1 his name right now. He was talking to the Coast Guard  
2 on 4125 trying to get a position, an updated position  
3 for the Destination.

4 Q. Did you contribute to any of the search  
5 process? And if so, can you elaborate about that?

6 A. Did I contribute what now?

7 Q. Into the search process?

8 A. Yeah, we searched all day. So, from seven in  
9 the morning until well after dark. Initially it was  
10 just that initial area of the EPIRB signal. It was, you  
11 know, there was two different readings that were coming  
12 out for the EPIRB, and we were trying to figure out  
13 which one it was.

14 And then we, you know, we saw the buoys, and  
15 things like that, and then, you know, at that point, I  
16 felt it was good that we trying to find a raft, you  
17 know. Because couldn't see anything, and didn't see  
18 anything else. And with the way the wind was blowing my  
19 (inaudible word) was, the raft was going to get blown,  
20 you know, blown down in the wind to the southwest.

21 So we searched down to the southwest trying to  
22 find the life raft before they started, the C130's  
23 started doing their search pattern. And basically did  
24 that all day long. And then came up to the immediate  
25 area there, in the evening and we searched some more.

1 Q. You said you saw some buoys; did you pick up  
2 any other gear?

3 A. The buoy no, we didn't pick up the buoy.

4 Q. What other gear did you see?

5 A. We said we -- well we heard about it on the  
6 radio. And then we, I thing saw a bait jar, one bait  
7 jar that was just floating, and then an oil slick later  
8 on the morning, some oil on the water.

9 Q. Okay, thank you Mr. Groesbeck.

10 A. What's that now?

11 Q. Thank you Mr. Groesbeck.

12 A. Oh, okay.

13 MR. GILLETTE: Commander I have completed all  
14 my questions. Mr. Groesbeck, if you could stay on the  
15 line we have other people that are going to ask you  
16 questions. Thank you.

17 THE WITNESS: All right, okay.

18 CDR MULLER: Okay. Thank you Mr. Gillette. I  
19 have no further questions. NTSB, Mr. Karr?

20 **EXAMINATION**

21 BY MR. KARR:

22 Q. Captain what's the length of your vessel?

23 A. (No audible answer.)

24 CDR MULLER: Mr. Groesbeck?

25 THE WITNESS: Yes.

1 CDR MULLER: Okay, one moment.

2 BY MR. KARR:

3 Q. Captain this is Michael Karr of the NTSB.

4 Captain what's the length of your vessel?

5 A. 125 feet.

6 Q. And can you describe the system that you have  
7 in your wheelhouse that keeps your wheelwatch awake?

8 A. A watch alarm.

9 Q. Can you describe --

10 A. -- every twenty minutes.

11 Q. Can you -- is that watch alarm able to be  
12 adjusted to different time lengths?

13 A. Oh yeah, yeah.

14 Q. Do you know --

15 A. But it is not tied into the security system.

16 Q. Pardon me?

17 A. It is not tied into the autopilot; it is an  
18 independent watch alarm that's off to the side.

19 Q. And do you ever -- are you fishing 24/7, or do  
20 you ever transit between different locations?

21 A. (Inaudible few words), typically we just fish  
22 until the boat is full, and then come back into town.  
23 But, you know, if the fish are too small or something,  
24 then we will change areas.

25 Q. All right thanks.

1 MR. KARR: Commander, I have no more  
2 questions. I'll pass the microphone to Paul Suffern.

3 **EXAMINATION**

4 BY MR. SUFFERN:

5 Q. Thank you. Good afternoon Mr. Groesbeck, my  
6 name is Paul Suffern; I am a meteorologist with the  
7 NTSB. And so I am going to follow-up on a couple more  
8 weather questions.

9 A. Okay.

10 Q. On the evening of the 10<sup>th</sup>, when you were  
11 going around the south side of St. George, could you  
12 describe and on to the morning of the 11<sup>th</sup>, could you  
13 describe the -- how fast the ice was accreting on your  
14 vessel? Was it a half inch an hour, a quarter inch an  
15 hour, an inch, or did it, was it variable?

16 A. There were variables to a degree, because we  
17 were at the lee of the island, you know. When we were  
18 coming around the south side the wind was out of the  
19 northeast.

20 But once we got around, and then started  
21 bucking up into it, you know obviously we started making  
22 quite a bit more. And I didn't see fish right away in  
23 this one area that I wanted. And I decided at that  
24 point that, you know, we -- I'd -- we started to go back  
25 to the other side to take the smaller fish and bring it

1 to town.

2           So, but that was a -- you know, it was bucking  
3 up into it, it was a considerable amount, you know, I  
4 don't think it was quite an inch an hour, but it was  
5 over a quarter of an inch.

6           Q.    When you were east of St. George, what were  
7 the sea conditions like when you were there? Both the  
8 swell and the wave height combined?

9           A.    Well, I mean, it had been blowing for a while,  
10 but it, you know, it wasn't really steep, nasty swell.  
11 But I would say, you know, it was fifteen, fifteen  
12 footers. And there was, you know, some spray that was  
13 coming off. And I wasn't out there the whole time,  
14 either, I would come up in the wheelhouse, and tell the  
15 crew where to go, you know. And then once we got it  
16 around -- we didn't buck up into it for very long. We  
17 turned and put it on our stern.

18          Q.    Okay, thank you. Was there any communications  
19 between your vessel and any other vessels as far as what  
20 other vessels were seeing with freezing spray  
21 conditions?

22          A.    No, I don't think for me. I talked to the  
23 crabber that was up there after we started searching,  
24 but I don't think that really came up.

25          Q.    How was the freezing spray on 10<sup>th</sup> and the

1 11<sup>th</sup>, how was this event like any other freezing spray  
2 events that you've had from a scale of 1 to 10, you  
3 know, how bad was the ice that you were seeing?

4 A. Seven.

5 Q. Could you -- I know, you described a little  
6 bit earlier in your testimony about the -- how you got  
7 some weather information. Could you describe that more  
8 fully? Do you receive emails? Do you receive it any  
9 other way or anything like that?

10 A. Well, I mean, as for -- some, our coordinators  
11 in Dutch Harbor typically just get it across via email  
12 from the NOAA site.

13 Q. And you receive it how many times a day?

14 A. It gets updated twice a day, I believe.

15 Q. Are there any other ways of receiving weather  
16 information that you would like to have?

17 A. That I would like to have? Well I listen to  
18 the side band and stuff like that. But, and then, you  
19 know Channel 16. But every -- yeah, I mean, I'd love to  
20 have graphics and all that, but we are not -- maybe  
21 that's the ship (inaudible few words). That's always  
22 nice to have.

23 Q. Okay. Do you keep any logs of the weather  
24 that you encounter there, on board? Do you take daily,  
25 weather logs or every 24, or every 12 hours, or every 6

1 hours, or anything?

2 A. No, in fact we, no. You know, if it is  
3 blowing 35 or 40, I'll make a note of it when I'm  
4 fishing, but typically not, no.

5 Q. Do you feel like you receive adequate warning  
6 with freezing spray forecasts that you are getting?

7 A. Yeah I do, I do. You know, what we are  
8 getting into, yes.

9 Q. Do you have a decision point as the captain  
10 when to shelter behind an island, you know, if you get  
11 this much ice, or if the wind is this strong, or seas?

12 A. Yeah, I mean, you know obviously, you know, it  
13 takes hours and hours to knock it off the boat. So you  
14 don't -- you might as well just go slow, and not build  
15 it up much. You know, when we come out of town we go  
16 really slow.

17 But, you know, we are not a crabber either, we  
18 don't have a lot of -- big stack of pots behind us  
19 either, so it is a lot easier for us to get out there  
20 and shed the ice.

21 Q. Earlier you spoke of the current conditions  
22 and the sea state conditions there around the northwest  
23 side of St. George Island. Is there any particular wind  
24 direction that's worse when you are transiting that part  
25 of St. George to deal with that current?



1           A.     Out of the northeast, just like it was that  
2 day. That would be the worst. Or if it came out of the  
3 southwest, you don't usually see that too much in the  
4 wintertime. Whenever the winds area against the tide is  
5 the worst.

6           MR. SUFFERN: All right, thank you. That's  
7 all the questions I have for right now Commander Muller.

8           THE WITNESS: Okay.

9           CDR MULLER: Thank you Mr. Suffern. Ms.  
10 Spivak?

11          MS. SPIVAK: I will come up there.

12          CDR MULLER: Okay.

13          MS. SPIVAK: Seems to be easier. Good  
14 afternoon Captain, can you hear me?

15          THE WITNESS: Yes, I hear you fine.

16          MS. SPIVAK: Okay. My name is Svetlana Spivak  
17 and I represent the vessel owners of the Destination. I  
18 don't have any questions for you, but wanted to thank  
19 you for your efforts to locate the vessel, and the crew  
20 of the vessel. Thank you.

21          THE WITNESS: Thank you. Sorry, we couldn't  
22 have been more help.

23          CDR MULLER: Thank you Ms. Spivak. Okay, Mr.  
24 Gillette do you have any further questions?

25          MR. GILLETTE: No further questions.

1           CDR MULLER:    Mr. Groesbeck, can you hear me?  
2 This is Commander Muller?

3           THE WITNESS:  Yeah.  Not as well as I can hear  
4 the others, but yeah, I can hear you.

5           CDR MULLER:  Okay.  So this concludes the  
6 questions that we have for you this afternoon.

7           THE WITNESS:  Okay.

8           CDR MULLER:  Before I release you is there any  
9 elements or issues you think the Marine Board should  
10 consider that perhaps was not otherwise addressed here,  
11 with these questions?

12          THE WITNESS:  No.

13          CDR MULLER:  Okay thank you.  So I'm going to  
14 read a statement to release you from testimony.  But I'm  
15 going to ask that you still stay on the line.

16          THE WITNESS:  Okay, for how long?

17          CDR MULLER:  Just for a few minutes --

18          THE WITNESS:  Oh, okay.

19          CDR MULLER:  Because the family members here  
20 in the room would like to speak to you off the record as  
21 well.

22          THE WITNESS:  Sure.

23          CDR MULLER:  By way of thanks.  So, and then  
24 after I read the statement we are going to take a  
25 fifteen-minute recess.  So Mr. Groesbeck, you are now

1 released as a witness at this Marine Board of  
2 Investigation. Thank you for your testimony and co-  
3 operation.

4 If I later determine that this Board needs  
5 additional information from you, I will contact you. If  
6 you have any questions about the investigation please  
7 contact LCDR Mendoza. Thank you.

8 THE WITNESS: Sure.

9 CDR MULLER: And again, if you could just  
10 please stay on the line.

11 THE WITNESS: Roger.

12 (Off the record while families talk to witness.)

13 CDR MULLER: Good afternoon, this hearing will  
14 now come to order. We will now hear testimony from Mr.  
15 Prout. Mr. Prout if you would please come forward to  
16 the witness table and LDCR Mendoza will administer your  
17 oath and ask you some preliminary questions.

18 LCDR MENDOZA: Please raise your right hand.

19 **WITNESS**

20 **MR. WILLIAM PROUT/CAPTAIN SILVER SPRAY**

21 A witness produced on call of the Coast Guard  
22 was duly sworn according to the law, was examined and  
23 testified as follows:

24 THE WITNESS: Yes, I do.

25 LCDR MENDOZA: Please be seated. Sir, please

1 state your full name and spell your last name for the  
2 record.

3 THE WITNESS: Yes, my name is William Prout;  
4 spell the last name P-R-O-U-T.

5 LCDR MENDOZA: Could you state your current  
6 employment and position title.

7 THE WITNESS: My current employment I am part  
8 owner and operator of the 116 foot vessel Silver Spray  
9 that is owned by Silver Spray Seafoods, LLC.

10 LCDR MENDOZA: Do you hold any professional  
11 licenses or certificates?

12 THE WITNESS: No.

13 LCDR MENDOZA: Thank you sir.

14 CDR MULLER: Okay, Mr. Prout, again welcome.

15 Thank you for your presence and participation today.

16 We haven't personally met, but I feel like we have  
17 because I have seen a few of the YouTube videos that you  
18 posted over the last few months.

19 THE WITNESS: Okay. Yes.

20 CDR MULLER: And during our preliminary  
21 investigation, we actually found those helpful.

22 THE WITNESS: I'm glad.

23 CDR MULLER: And on behalf of the Coast Guard,  
24 we thank you for your efforts on the morning of the  
25 event. We are a missing teammate.

1           Yes.  So if we could just stand by for a  
2 minute or two.

3           (Brief pause.)

4           CDR MULLER:  My apologies Mr. Karr, we started  
5 without you.  But we just got rolling here.  So Mr.  
6 Prout again, thank you.  And thank you for your efforts  
7 on the morning of the 11<sup>th</sup>.

8           THE WITNESS:  Yeah.  I am very pleased to be  
9 here.

10          CDR MULLER:  Okay.  So I am going to hand you  
11 now to Mr. Gillette who will begin with some questions.

12                                   **EXAMINATION**

13 BY MR. GILLETTE:

14          Q.  Good afternoon Mr. Prout, my name is James  
15 Gillette of the United States Coast Guard.  If at any  
16 time you don't understand a question that is asked, just  
17 request that the question be readdressed or rephrased.

18                   If at any time you need to take a recess  
19 please ask.  Also remember to speak up loud and clear to  
20 assist the court reporter to transcribe the hearing.  
21 With that said, I would like to start asking questions.

22          A.  Okay.

23          Q.  Mr. Prout can you share with us how long you  
24 have been a commercial fisherman and how long have you  
25 been the captain on board the Silver Spray?

1           A.    I started fishing in 1975 and in 1978 I  
2 started running my first crab boats, and continued  
3 running boats, different boats throughout those years.  
4 And actually started running the Silver Spray  
5 approximately ten years ago.

6           Q.    I would like to get your professional view as  
7 a captain aboard a Bering Sea crab boat with concerns to  
8 Crab Rationalization and how a Northern and Southern  
9 Quota Share affect your operation, can you speak about  
10 that?

11          A.    With rationalization we have a lot of  
12 flexibility where we can deliver our crab at times. You  
13 know, sometimes we are going to be delivering strictly  
14 all of our crab up north. Sometimes we will have loads  
15 to bring to the south. And we have a co-op system that  
16 kind of lets us move our crab around a little bit. So  
17 it just makes things quite a bit easier for deliveries  
18 at times. Sometimes we might get stuck with one last  
19 northern delivery, or stuck with one last southern  
20 delivery that makes it a little bit harder to travel  
21 those areas. But generally it gives us a lot of  
22 flexibility, our offloading times, dates when we work  
23 with the system.

24          Q.    Can you tell us if you have ever had problems  
25 or concerns about offloading deliveries, and if you miss

1 your delivery date, how does it affect your operation?

2 A. I've had problems before, one year in  
3 particular I -- it might have been 2006, we were trying  
4 to make it to a delivery port into St. Paul and we got  
5 stuck in the ice for about eighteen hours getting into  
6 the harbor. And that was one of the concerns that we  
7 have, transiting through ice to get into the delivery  
8 ports. And what was the second part you were asking me  
9 on that?

10 Q. How does that affect your operations?

11 A. Yeah. Just not being able to get to a port,  
12 and maybe having that designated time to deliver there.  
13 And as far as maybe not making a delivery date, there is  
14 usually flexibility to deliver another date. And  
15 sometimes you might think that's the only date that you  
16 can deliver, but there's always flexibility in the  
17 system, I believe.

18 Q. How far in advance are offload delivery dates  
19 scheduled, and can you share with us who sets up those  
20 times?

21 A. We deal with the fleet manager mainly out of  
22 St. Paul. And then if we are going to deliver to south,  
23 which we deliver a lot to Trident Seafoods in Akutan, we  
24 would coordinate with the fleet manager in Akutan. So,  
25 how far in advance? It varies. It can vary from three

1 days, to five days, to one day. If there is an opening  
2 and you want to go in and deliver, you can go in on a  
3 twenty-four hour notice. So there is usually some  
4 flexibility, usually.

5 Q. Are you told in advance about St. Paul? Like  
6 what time they were going to shut down their factories  
7 this year for opilio season?

8 A. This year, maybe just in a general  
9 conversation with somebody. But it really didn't affect  
10 us because we start our fishing operation about January  
11 15<sup>th</sup>, and we planned on being done right about February  
12 15<sup>th</sup>.

13 Q. Okay. I would like to slightly shift the  
14 focus to weather in the Bering Seas, and how it affects  
15 the Silver Spray operations. Does the Silver Spray have  
16 a written or verbal policy about heavy weather, and if  
17 so could you elaborate about that?

18 A. No. We have no written operating procedure  
19 for heavy weather, that's all at the captain and  
20 myself's discretion there. We always err on the side  
21 of caution. Weather, icing, especially with  
22 rationalization we do not need to go out in things that  
23 we see that are not in the favorable step for our crew  
24 or the vessel now.

25 Q. Can you speak about the measures you take to



1 reduce the effects of icing caused from sea spray?

2           A.    You want to always pay attention to the air  
3 temperature, the water temperature, the wind. We will  
4 go as far as wrapping a plastic wrap on the parts of our  
5 apparatus, say our hand rails, our anchor winches, our  
6 cranes, our -- some of our booms, we will have a plastic  
7 wrap that kind of sheds water off to keep freezing from  
8 there. And generally just, you know, constantly paying  
9 attention to the elements, slowing the vessel down and  
10 seeking shelter if it persists to a manner that you  
11 can't control anymore.

12           Q.    Do you do those same measures to protect the  
13 life raft?

14           A.    No we do not wrap the life raft. The life  
15 raft is right outside one of our doors, it is visible  
16 constantly.

17           Q.    I'd like to get your professional view of what  
18 it is like to transit near St. George and St. Paul  
19 Island, can you elaborate on any of the challenges that  
20 the Pribolofs cause you?

21           A.    Sometimes transiting there can be like a good  
22 relief, because you have shelter from maybe some ongoing  
23 weather. You know, you can always go to one lee side,  
24 or anchor up. Which we've anchored up at the island a  
25 number of times over the years because of weather, or

1 icing, or just stopping there for a bad forecast.

2 But a lot of times, you can go on one side,  
3 there is a lot of current, and the current going up  
4 against the wind can cause the seas to kind of choppy  
5 and closer together, and reduce the speed of the vessel  
6 at the same time.

7 Q. Once again, I would like to slightly shift the  
8 focus to the vessel stability. Can you talk to us about  
9 if you have seen the weight of crab pots change over the  
10 years? The weight and size?

11 A. I can't think where they've changed. The crab  
12 pots can actually get smaller in time as electrolysis  
13 eats the steel away. But what percentage that is? It  
14 is probably a minimal amount. We will weigh our crab  
15 pots sometimes just out of curiosity to see what they  
16 weigh. But I have a, myself, we have a wide range of  
17 different diameter steel. Some pots might weigh 675  
18 pounds, then we might have some that weigh up to 750  
19 pounds. So there is a variance in our own pots because  
20 of the time we bought them, or who bought from, and the  
21 structure of them.

22 Q. On one transit do you carry the different  
23 sized pots on the same transit?

24 A. Yeah. They are all the same size 7 foot x 7  
25 foot x 34 inches in depth. But, like I said, the steel

1 diameter, themselves, might vary the weight a little  
2 bit.

3 Q. How about the weight of the shots of lines,  
4 and buoys that are inside? Do you know how much those  
5 weigh?

6 A. Those weigh approximately forty pounds per  
7 shot.

8 Q. How many shots do you guys generally carry,  
9 let's say during opilio season?

10 A. All of our pots are all standardized with  
11 about a hundred pounds of line would be in them.

12 Q. Do you combine the crab pot weight and the pot  
13 gear weight together when reviewing your stability book?

14 A. Yes, we do.

15 Q. Does the weight of pots in your stability book  
16 match the actual weight of crab pots? And if not, can  
17 you elaborate how you make the adjustments to comply  
18 with the stability book?

19 A. There is some variance from the weight in my  
20 stability book to what our pots actually weigh. And how  
21 I adjust this -- our stability on my boat, itself, and  
22 all stability books are somewhat different. They are  
23 somewhat very detailed, and you really have to know what  
24 you are looking at. Unless you just want to look at  
25 straight numbers, carrying "X" amount of pots in this

1 condition.

2           My boat, itself, is rated for 210 crab pots;  
3 we never put that many pots on there. Especially with  
4 rationalization. Pre-rationalization we used to carry  
5 that amount. But now with the rationalization, we put a  
6 load of about 155 to 160 pots, so it is reduced by about  
7 twenty-five percent, I believe. Just because we do not  
8 need to carry in a safety factor.

9           Q. Why do you consider rationalization helping  
10 out your safety factor? Why did it help you reduce your  
11 crab pot load?

12           A. We do not need -- we have a Quota System, and  
13 we have "X" amount of pounds to catch, and we can take  
14 ten days to catch that, three weeks to catch that. And  
15 there's less crab pots on the ground. And I believe  
16 that my own style of fishing, we are more efficient  
17 fishing with less numbers of crab pots.

18           Prior to rationalization you were more  
19 efficient with a greater number of crab pots. So it is  
20 just the dynamics of the fishery, how it is changed, in  
21 my opinion.

22           Q. Does loading bait factor into your stability  
23 assessment? And if so, can you elaborate?

24           A. In my Stability Report it has criteria for the  
25 amount of pounds of bait. And I believe mine says ten

1 thousand pounds. But again, post rationalization, we do  
2 not even -- don't carry as much bait as we used to,  
3 because we just don't need to carry as much. We make  
4 shorter trips, in my own style of fishing, trying to do  
5 things efficiently. So we do not, say, load up on bait  
6 prior to a fishing trip.

7 Q. On the Silver Spray, how much, how much are  
8 the crab pots allowed to weigh? Or what does your  
9 stability book say that a crab pot --

10 A. Our crab pots, in the Stability Report says  
11 760 pounds.

12 Q. Okay. And that does include the --

13 A. Lines and buoys.

14 Q. -- lines and buoys?

15 A. Yes.

16 Q. And does it say that on the Stability Report?

17 A. It says that right in the Stability Report,  
18 yes.

19 Q. Okay. Do you call the Coast Guard prior to  
20 each fishing season? And if so, can you elaborate why  
21 you call them, and what they assist you with?

22 A. Yeah. Prior to leaving port with your full  
23 complement of pots is, I think is we are required to do  
24 that. So sometimes I leave the port of Kodiak, where I  
25 reside, we will call them up, and they will sometimes

1 come down and give you just a dockside examination.  
2 Other times we might be in the port of Akutan. We will  
3 call them up and they just log it in. Or I have seen  
4 when we call up in Dutch Harbor they will come down and  
5 have a visit on the boat. Maybe look over your  
6 stability report, and your pots.

7 Q. Who requires you to call them?

8 A. I believe that is under the National Marine  
9 Fisheries, with our regulation, our checklist. I don't  
10 know if that is an actual requirement, but it is on my  
11 checklist, and that's what we do.

12 Q. Okay. Mr. Prout, I would now like to shift  
13 our focus on the Destination and their voyage on the 9<sup>th</sup>  
14 of February until the 11<sup>th</sup> of February. Can you talk to  
15 where the Silver Spray was located between the 9<sup>th</sup> of  
16 February through the 11<sup>th</sup> of February?

17 A. Yes. I'll even go a few days before that. We  
18 had -- we were just finishing up about a five day  
19 fishing trip, and we were transiting to St. Paul Island  
20 on the 9<sup>th</sup> of February. I believe we arrived in St.  
21 Paul around six p.m. on the 9<sup>th</sup> for a scheduled offload  
22 of our crab five a.m. on the 10<sup>th</sup>.

23 The 9<sup>th</sup>, I believe we had some, you know, nice  
24 weather probably twenty-eight degrees or something like  
25 that. So, you know, we'd had a good stretch of good

1 weather right before that. Now, I know the forecast was  
2 saying it was going to get colder. So, we went in to  
3 St. Paul, offloaded our crab starting the morning of the  
4 10<sup>th</sup>, and got done later afternoon. Did some little  
5 maintenance work on the boat. And we were -- this was  
6 going to be our last trip, we just had to go back out  
7 pick our crab pots up, catch a small amount of crab to  
8 bring to the south delivery port.

9           So looking at the weather, and our timeframe,  
10 I decided to just anchor up until morning time. Just  
11 because I don't really care to travel later at night,  
12 your ice build-up is going to be more during late hours  
13 than it is daylight hours from my experience.

14           So at five a.m. on the 11<sup>th</sup>, we were anchored  
15 up out in front of the Port of St. Paul. Pulled our  
16 anchor and started proceeding to the southeast to  
17 retrieve the last bit of our crab pots. We had about  
18 65, 70 miles to travel. And I was up with my son,  
19 drinking our coffee and kind of rolling around a little  
20 bit. Because it was cold, it was twelve degrees that  
21 morning. At approximately 6:15, between 6:15 and 6:30 I  
22 heard the Coast Guard calling on the marine VHF radio  
23 for the Destination, saying that an EPIRB had gone off.

24           And at that point I was like, oh well, knowing  
25 that vessel and part of the crew on there, and the type

1 of outstanding boat it was, I didn't think much of that.  
2 Because I've seen EPIRB's go off before, especially  
3 during icing conditions when boats have de-iced, and  
4 knocked into their EPIRB inadvertently.

5           So shortly after 6:30, I think the Coast Guard  
6 had called me up to -- on the VHF, to see if I could  
7 give a hail to the Destination on the VHF. Which I did,  
8 and I tried several more times with no response. At  
9 that time, I'm kind of thinking, well, you don't know  
10 what procedures people have in their wheelhouse. Do  
11 they turn their radio off for some reason? Does  
12 somebody have headphones on listening to music or -- you  
13 don't know. And I still don't think that I was thinking  
14 at that time that there was any type of emergency.

15           Comes around seven a.m. I'm thinking,  
16 measuring out, I go, that's about twenty some miles away  
17 from my location, position. I'll have to change course,  
18 and we better go down there anyways and look, even  
19 though the Coast Guard did not request me to go down  
20 there. I changed course to go down there.

21           And as we were traveling, it's going to take,  
22 maybe about two and a half hours to get to that  
23 position. We kept calling, with no response. As we got  
24 closer, it was still dark. So around 8:45 in the  
25 morning I was turning, we have big bright sodium lights



1 for fishing at nighttime. I turned those on and off  
2 several times, just to see if I could see any type of a  
3 signal in the darkness.

4 And I didn't see anything. And then about  
5 9:30 a.m. got to that location started seeing few items  
6 in that morning, 9:30, 9:35 we got to that location  
7 where we started seeing a few, a few items in the water.

8 Q. Can you share with us what items you saw and  
9 recovered?

10 A. Yeah. The first item that we came upon was  
11 just a floating buoy, just a regular buoy. And knowing  
12 the Destination, and knowing its Fish and Game Number,  
13 I saw that that was not the Destination's buoys. So I'm  
14 still kind of saying, let's -- that has nothing to do  
15 with this boat, that's just a lost buoy. But generally  
16 you don't see a lot of lost buoys out in the Bering Sea.  
17 You would think you do, beachcombing you will, but not  
18 floating around.

19 So, and then we started looking a little bit  
20 more, and we found another buoy. And I think we  
21 retrieved one of them and it still did not have any  
22 identifying marks from the Destination. And I think  
23 probably by about ten a.m. the Coast Guard C130 arrived  
24 on scene. And they directed us to some other debris  
25 that we retrieved.

1 Q. And what other debris did you retrieve on the  
2 Silver Spray?

3 A. We retrieved, they led us to the EPIRB. We  
4 retrieved the EPIRB. And we retrieved the life ring.  
5 And there was some other stuff that we tried to  
6 retrieve. There was a big wooden working deck platform  
7 that we tried to retrieve, but it was just -- we  
8 couldn't get it out of the water. So, and that was  
9 basically what we retrieved off the -- for the debris.

10 Q. You said a few minutes ago that it was an  
11 outstanding -- "Outstanding boat it was" --

12 A. Yeah.

13 Q. Were you familiar with the Destination?

14 A. I can't say that I have ever been on the  
15 Destination, but I just know the -- the reputation of  
16 it. You can kind of tell by looking at a man's fishing  
17 gear, how things are taken care of. Everything was all  
18 orderly and meticulous in sequence and taking --  
19 numbering was perfect and the buoys set for all the same  
20 length. And knowing the captain on there, he just, you  
21 know, he just ran a good, good, good ship. And the boat  
22 was, you know, if you saw it, it sticks out as a good  
23 looking boat.

24 It's like having somebody's car, that's a bad  
25 car, or that's a good car, you know, the people have it

1 washed, they, you know, the oils are changed. And it  
2 just, it was a well-maintained vessel from the sights  
3 that I have seen of it.

4 Q. Where have you seen it before?

5 A. I'm familiar with that boat for -- there is  
6 not that many boats out there fishing. So we pretty  
7 much know a lot about every boat. We've seen it in  
8 Dutch Harbor, we've seen it in Akutan, seen it in Sand  
9 Point, so all along the port for a number of years.

10 Q. All right. Thank you Mr. Prout. When you  
11 were in port in St. Paul, did you have any -- or leading  
12 up to going to the port in St. Paul, did you have any  
13 ice accumulation on your vessel? And did you do  
14 anything on, at the port in St. Paul to remedy any of it  
15 while you were there?

16 A. No. As I stated, prior to coming into St.  
17 Paul, that whole week was really nice weather for the  
18 Bering Sea. Fifteen knots of wind, temperatures, you  
19 know, low thirties, you are not going to get any ice, no  
20 spray or anything. So by the time we had gotten to St.  
21 Paul we didn't have any ice on our boat because we were  
22 just -- just that weather window that was very nice.  
23 So...

24 Q. And one more time, where were you fishing at  
25 during that time?



1 new pots for fifteen years probably. But I bought a  
2 surplus of used pots. And those used pots we will  
3 continually upgrade those. You know, maybe 15 to 20  
4 pots per year. We own about four hundred crab pots.

5           So about five percent of my pots I will pull  
6 out of our piles, maybe do some re-welding, add some  
7 more steel to them from some of the bars that have  
8 gotten deteriorated, put new web on them. So crab pots,  
9 there is a life-expectancy, so maybe fifteen years would  
10 be a good lifetime for a crab pot.

11           Q. So you mentioned, do you -- with those pots,  
12 when you repair them, do you do it yourself, or do you  
13 send them to a particular --

14           A. We used to repair them all ourselves, but  
15 these days there are some good services. And we bring  
16 them to a place that actually repairs posts for us,  
17 adding to steel and putting new web on them.

18           Q. Okay.

19           A. Right in Kodiak, we do that.

20           Q. So you mentioned earlier that occasionally or  
21 from time to time you weigh your crab pots, I think you  
22 mentioned out of curiosity or something to that effect.

23           A. Yes.

24           Q. So, can you -- that process, is it -- what  
25 does that involve? Is it difficult to do, or is it only

1 because you happen to have a scale nearby?

2 A. We have ownership of a couple hanging scales,  
3 so it is very simple to put the hanging scale on there,  
4 just out of our own curiosity, like I said. Sometimes  
5 we have crab pots that fish better. And well, why does  
6 this pot fish better? Is it the weight in it or you  
7 know, maybe the age of it? So just basically out of our  
8 own curiosity I'll weigh a pot just to see what they  
9 weigh.

10 And to show your crewmembers to, you know, you  
11 want to inform crewmembers what these pots weigh for,  
12 you know safety reasons. That's why people get injured  
13 from the pots; they are a big heavy piece of steel. So  
14 just kind of a nice practice to look at every now and  
15 then. We don't do it on a regular basis, but we have  
16 done it in the past a few times.

17 Q. Okay. So this scale that you said you happen  
18 to -- you own a few of them.

19 A. Yeah.

20 Q. Is that something you keep on board?

21 A. At times we do have the scale on board. We,  
22 actually right now my vessel has the scales on board it  
23 right now as we are employed in the summertime, during  
24 salmon processing. So the same scales, it is just a --  
25 we keep them on board the boat because it is, we have

1 some good secure areas to keep sensitive equipment like  
2 that on board.

3 Q. I just want to turn to the EPIRB a little bit.  
4 So on the morning of the 11<sup>th</sup>, you arrived on scene you  
5 mentioned you communicated with the Coast Guard C130 and  
6 they directed you to search a certain location, is that  
7 correct?

8 A. Yes.

9 Q. Did they direct you to where the EPIRB was  
10 eventually?

11 A. I can't recall, I believe that was the helo  
12 that directed us to the EPIRB, yes.

13 Q. So you recovered the EPIRB. A little bit is  
14 influenced, or I've seen a YouTube video, where you had  
15 the crew film the recovery of it.

16 A. Yeah.

17 Q. And there's a moment there where somebody on  
18 your crew was communicating, I believe with the Coast  
19 Guard helo, or Coast Guard aircraft, I can't tell which  
20 one. But, were you given instructions by the Coast  
21 Guard to do anything with that EPIRB, and what was it?

22 A. I don't recall any, no, I don't recall  
23 anything. We retrieved it, had it on board, and we did  
24 turn it over to Coast Guard personnel when we got to  
25 Kodiak. But I don't recall how that was, transpired for

1 communicating with somebody.

2 Q. Okay. Were you asked to turn it off or  
3 anything?

4 A. No. We turned it off on our own. We turned  
5 it off on our own, told them that it had been  
6 extinguished. Just because --

7 Q. Okay. You did that on board?

8 A. Yes, we did.

9 Q. All right.

10 A. Um-hmm.

11 Q. What, do you remember what that process  
12 involved?

13 A. It is just, just the EPIRB; I believe there is  
14 just a switch to turn it off with there. I can't recall  
15 exactly what -- one of the other crewmembers did it. I  
16 believe my son did.

17 Q. Okay.

18 A. So, I don't know the process that he did for  
19 turning that off.

20 Q. I believe you have to press a button that  
21 says, "Press".

22 A. Yeah.

23 Q. And then slide a switch to the left and then  
24 back to the right, does that sound about right?

25 A. That sounds about right, yes.



1 Q. Okay. And you recall there is a light that  
2 flashes, not having in front of me -- it flashes for  
3 some time period, like every forty seconds, or something  
4 --

5 A. Um-hmm.

6 Q. -- when it is transmitting.

7 A. Yeah.

8 Q. And did you happen to see the light transmit,  
9 do you recall?

10 A. My focus wasn't on the EPIRB at that time, so  
11 I don't recall that.

12 Q. Okay. I have no further questions, thank you.

13 A. You are welcome.

14 CDR MULLER: NTSB, Mr. KARR?

15 **EXAMINATION**

16 BY MR. KARR:

17 Q. Good afternoon, Captain.

18 A. Good afternoon.

19 Q. You have been here, listening to some of the  
20 earlier testimony so you know that I'm going to ask for  
21 some information about your voyage. And then also your  
22 watch routine.

23 A. Yes.

24 Q. So what's the length of your vessel?

25 A. The Silver Spray is 116 foot overall length.

1 Q. Right. And how many stacks did you have your  
2 pots in?

3 A. Excuse me?

4 Q. Your pot stack was how high?

5 A. During that day we had zero pots on board that  
6 morning. We were still engaged in fishing so no pots.

7 Q. All right. How about when you started --

8 A. When we started, we have a main deck level  
9 sitting on edge. And then on top of that we will have  
10 three flat tiers, with maybe sometimes a fourth tier up  
11 on top of that. So generally three or four tiers.

12 Q. And your crew size?

13 A. Total crew on board is usually six, sometimes  
14 seven.

15 Q. What was your quota for the North A?

16 A. I can't divide that up right here. I can tell  
17 you the overall Quota was approximately 350,000 pounds.  
18 During the season we trade back and forth with A Shares,  
19 B Shares, Captain Shares, North and South, so I assume  
20 probably at the start of season we probably had about  
21 250,000 pounds of Northern A Shares.

22 Q. And how many times did you land a catch at the  
23 Trident facility?

24 A. I would have to say three times.

25 Q. I've heard other captains say they've

1 completed their quota in one load. Can you tell me why  
2 your vessel took three loads?

3 A. With rationalization, I just fish a little  
4 different style. You know, if the weather is bad we do  
5 not have to be out there. I will go in to the port to  
6 offload instead of trying to fill the boat up with the  
7 capacity of 230,000 pounds. We might go in with 100,000  
8 pounds; just because there is a good weather window,  
9 there might be an unloading date. And I just believe  
10 that we are somewhat more efficient doing it that way.  
11 We might not be more efficient, but that is just kind of  
12 a, my style of fishing.

13 Q. And what do you -- during those days that you  
14 are not fishing, what does the vessel do?

15 A. We are always doing something. But generally,  
16 if we went in to unload, it might be because of weather.  
17 And we will offload our product and it's on a boat,  
18 there is usually something to do with some maintenance,  
19 or wait for the weather to come down. And then proceed  
20 back out to the fishing grounds.

21 Q. Would you say -- so what I hear you say is  
22 that you would actually be close to port, or anchored  
23 close to shore waiting for the weather to get better  
24 before you went out?

25 A. That is correct, yes.

1 Q. Did you experience any sea ice when you were  
2 delivering your product any of those three times?

3 A. We did have some sea ice conditions; I don't  
4 remember the exact dates. You know, in January, or part  
5 of February. But we did have a little bit of icing this  
6 winter. And the day we left St. Paul, there was icing  
7 conditions, obviously the morning of the 11<sup>th</sup>. But we  
8 didn't have any severe icing during our fishing season  
9 this year.

10 Q. Now I'd like to talk to you about how you, you  
11 know, how you ship, or how you give direction to your  
12 crew for tasks at night when they are the sole person in  
13 the wheelhouse directing the vessel.

14 A. Yeah.

15 Q. So could you describe that for me?

16 A. Yeah, we have watches at varying times,  
17 depending on how much work we've done. If we had a  
18 longer day the watches might be shortened up into  
19 smaller segments. If we are transiting and have not had  
20 to do much for say the prior twenty-four hours, our  
21 standard watches are usually about two hours. And I  
22 have course lines drawn in on our electronic charts the  
23 crew watches, and stays on course to given points, and  
24 changes course at different points.

25 We have engine room watches, to check engine

1 room and plumbing system there that we do every two  
2 hours. We have greasing that goes on every six hours on  
3 the boat. We have video cameras in the engine room  
4 there that are monitored, and we have watch alarms that  
5 are on twenty-four hours a day. Basically I guess that  
6 would be the type of, our watch system there.

7 Q. All right.

8 A. We have a note pad written right down there,  
9 that all crew looks at prior to their watch. If there  
10 is any special instructions, checking for this or that,  
11 or you know, and icing conditions too. You always want  
12 to have that noted, that we watch for any heavier icing  
13 conditions. And being the captain of a boat for a  
14 number of years, I've learned to sleep with pretty light  
15 eyes. That means, any type of a noise that you hear,  
16 you have to get up and check and my crew does the same  
17 thing.

18 Q. On a night of freezing spray, how do the --  
19 how does that wheelman keep an eye on the stack behind  
20 him?

21 A. You are constantly looking at the stack, and  
22 just seeing if ice is accumulating. But if you have a  
23 big load of pots on the boat, say your main deck. If  
24 you just have a main deck of crab pots, you can see  
25 everything pretty good. But as soon as you start

1 stacking pots flat on top of that main deck, those main  
2 deck pots are kind of harder to see.

3           So you just have to pay close attention, you  
4 know, to given points ice is maybe accumulated on, maybe  
5 on your rails. But it is still very hard sometimes to  
6 tell if you are in bad icing how much ice is on that  
7 lower deck of pots.

8           Q.    And then on your vessel how do the guys, how  
9 does the crew look? Do they look through windows?

10          A.    On my boat we have 360 degree visibility in  
11 the wheelhouse. So you can turn right around and see  
12 your back deck. The design of my boat is a little bit  
13 different than some boats. So we, we don't have very  
14 many blind spots.

15          Q.    Would your wheel people ever go outside onto  
16 the Bridgeway?

17          A.    No. Well I'm not going to say no. You might  
18 go out there. But yeah --

19          Q.    And when --

20          A.    -- but when it is cold out in the wintertime I  
21 don't like guys going outside if they don't have to, so  
22 yes.

23          Q.    All right, and then just, another thing I'd  
24 like to ask you about is for those short watches at  
25 night, what do the crew normally wear when they come up

1 from having slept for a couple hours to serve an hour or  
2 two watch and then go back to bed? What are they  
3 wearing sweatpants, t-shirt?

4 A. Sweatpants is a good general, general thing  
5 and sometimes they are cold too, you know, getting out  
6 of bed, even though the boats are nice and warm, just  
7 sweatpants, sweatshirt, yeah, that would be a good  
8 standard apparel.

9 Q. With regard to the co-op and the quota system,  
10 if you have someone else -- you said your quota was  
11 350,000 pounds.

12 A. Yes.

13 Q. Let's assume that that was for the North.

14 A. Okay.

15 Q. Let's say you had someone else deliver 150,000  
16 pounds, who receives money for that? I mean, does the  
17 crew of your vessel receive any money for the 150,000  
18 pounds that someone else delivered?

19 A. What we -- what we do when -- if somebody else  
20 was delivering my 150,000 we will do a one for one swap  
21 with the Southern Shares, with Southern Shares. We  
22 rarely release crab out to somebody else without  
23 something in return. So we will, if we trade crab it is  
24 usually a one for one swap, North for South.

25 Q. Have you done that before?

1 A. Yes, yes.

2 Q. If --

3 A. Yeah, I will -- every season we do some sort  
4 of trade with our crab, whether it is Red King crab,  
5 bairdi crab, or snow crab, there is always some sort of  
6 flexibility in the system that we do trade, whether it  
7 is A Shares, B Shares, or C Shares, it is somewhat of a  
8 complicated system, but it is still very simple. Yeah.

9 Q. Well, could you describe how you accomplish it  
10 on the fly out in the Bering Sea?

11 A. We have a co-op manager, and I will just make  
12 a call to her and say we want to trade crab with vessel  
13 b, and I will trade my Northern for his, my Northern A  
14 Shares for maybe his B Shares. And she will just  
15 contact the other Quota Share owner of the vessel, or  
16 who maybe owns the Quota, or is leasing that Quota. And  
17 it is just kind of a verbal contract between two people.  
18 We just trade it.

19 Q. Is there any negative connotation associated  
20 with doing that?

21 A. There can be, and there, you know, it can be  
22 beneficial to both parties too, at the same time.  
23 Sometimes there might be a little bit of difference in a  
24 landing tax in one port to another. Well, you just kind  
25 of -- that goes -- throw that into the wash. You might



1 have to burn a little more fuel to deliver to one port  
2 or another. Well, sometimes, there are a lot of  
3 unforeseen things that could happen fishing, and you  
4 know, you might be going north and trade for South, and  
5 when you go to the south you buy more supplies down  
6 there. So things generally work out beneficial for both  
7 parties.

8 Q. This past opilio season, was there any  
9 disadvantage to switching, and then you being the person  
10 that had to deliver to the south?

11 A. I can't answer that -- it's kind of a, kind of  
12 a black light, you really don't know until after the  
13 fact. So --

14 Q. As --

15 A. Yeah, we still have to go out and catch the  
16 crab. And after you catch the crab, well delivering is  
17 kind of, that's the good part, you are delivering your  
18 product, you've caught your product so you'd have to  
19 deliver it up in one point to another point, it's just  
20 kind of a -- to me it doesn't make any difference  
21 sometimes. But, it can.

22 So every situation is different. You don't  
23 know if the weather is going to be bad, or maybe you had  
24 a breakdown during that time. So it just, generally you  
25 just try to go with the flow. Catch our product and

1 deliver it, what we think is the most efficient way.  
2 Sometimes it is not the most efficient way, but it  
3 always works out. So ...

4 Q. All right, thanks for that answer.

5 A. Yeah, okay.

6 Q. During your opilio season trip, were you able  
7 to fish the entire thirty days you were there with the  
8 bait that you brought?

9 A. No, no. We don't overload our boat with pots  
10 anymore because we have pots stationed in different  
11 parts of our fishing area. We store pots in St. Paul  
12 Island, we store pots in Akutan, we store pots in King  
13 Cove. Just strategically place pots so we don't have to  
14 overload.

15 And same thing with our bait. We do not need  
16 to bring a large amount of bait. For a couple reasons I  
17 don't like to use old bait, I'm particular what we use.  
18 So I like to have my freezer empty at the end of the  
19 season. This was a shorter season and when we started,  
20 where we purchase our bait from had ample supply of bait  
21 for the season for us.

22 Q. So once you were in the Bering Sea, near St.  
23 Paul, where did you obtain bait when you needed it?

24 A. When we go in and unload our crab, we will  
25 replenish our bait supply for the amount of days; I

1 think needed, plus some extra. So we might buy 5,000 to  
2 7,000 pounds for a trip.

3 Q. And who did you buy that bait from?

4 A. We usually get that through Trident Seafoods.

5 Q. All right. And I will hand the phone to Paul  
6 Suffren.

7 A. Okay.

8 **EXAMINATION**

9 BY MR. SUFFERN:

10 Q. Good afternoon Mr. Prout.

11 A. Good afternoon.

12 Q. A few more weather related questions here, to  
13 follow-up on, and just get your perspective from the  
14 Silver Spray as Captain there. When you left the harbor  
15 there, in St. Paul, can you describe the weather  
16 conditions as you were heading southward there, that you  
17 encountered?

18 A. Yeah.

19 Q. After getting out of the shelter?

20 A. Yeah. When we left St. Paul, I believe the  
21 weather was about twelve degrees. I listen to the NOAA  
22 weather quite frequently, and the marine weather radio.  
23 And they had their hourly updates of air temperature in  
24 St. Paul, St. George, Dutch Harbor air temperature. I  
25 believe it said it was twelve degrees that morning.

1           And when we left, we were on kind of a  
2 southeast course. And it was blowing between 25 and 30  
3 knots of wind out of the northeast. And you know,  
4 that's enough wind for -- they called it probably heavy  
5 freezing spray there that morning. Even though we  
6 didn't transit long in that direction, we didn't  
7 accumulate much but you can still call it heavy freezing  
8 spray.

9           Q.    Could you please describe how you get your  
10 weather information?

11          A.    I get the weather email updates twice a day,  
12 and I get it from different locations, the general area  
13 that we fish in, and I'll look at outlying areas. I'll  
14 look at air temperature in Dutch Harbor, St. Paul. You  
15 know, I like looking at the weather so we get weather  
16 from a lot of different parts of the State here in  
17 Alaska. And then we will also listen to VHF weather  
18 when we are in range.

19          Q.    So, and who sends those emails to you twice a  
20 day?

21          A.    I have to request those. It is through my --  
22 one server we use.

23          Q.    On the, around the 10<sup>th</sup> and the 11<sup>th</sup> were you  
24 talking to any other vessels as far as the freezing  
25 spray conditions that they were seeing before you left

1 port?

2 A. I don't recall speaking with anybody. But, I  
3 probably did, but I don't recall who it was. We are in  
4 communications with other people that we fish close by,  
5 that have gear in the same proximity.

6 There is a vessel, the Trailblazer, we  
7 converse probably on a daily basis when we are out in  
8 the fishing grounds, and we kind of work together with  
9 him. But I don't recall if we talked about weather,  
10 icing, or what it was.

11 Q. Okay. Outside of the email and VHF radio are  
12 there any other ways that you would like to receive  
13 weather information?

14 A. I've been fishing for quite a few years, so  
15 years ago our single side band radio was our sole use  
16 way of getting weather in the morning. We still listen  
17 to that every now and then. But that's pretty  
18 infrequent, and the times vary, and it is hard to  
19 pinpoint when they actually broadcast there, it seems  
20 like, these days.

21 Q. So they are, do you feel like the ways you get  
22 weather information is good for you?

23 A. With our email system, yes.

24 Q. Do you feel like you receive adequate enough  
25 amount of warning for freezing spray conditions?

1           A.    Yes.

2           Q.    And about how much time do you need to prepare  
3 for freezing spray if that's in the forecast there as  
4 far as changing things, or going to shelter, or anything  
5 like that, or does it depend?

6           A.    We can have freezing spray and work through  
7 it. You know, it's basically our air temperature that  
8 we look at there. If freezing spray gets on the boat,  
9 we can always de-ice the boat. It is a heavy job to do,  
10 you know, using hammers and shovels to clean the boat  
11 off. But you can kind of always work through.

12                    But if you have gear on the boat and you are  
13 transiting, then that's just a different situation  
14 there. Then you have to kind of maybe seek shelter, or  
15 transit during a different timeframe, or just use your  
16 best judgment.

17           Q.    Is there a decision point that you have as  
18 captain that, or times that you are going to go shelter  
19 as far as specific wind direction and amount of ice on  
20 the boat?

21           A.    Yeah there is, yeah. Usually, with the number  
22 of years of experience I have had. If you get heavy  
23 freezing spray you are not going to go put a load of  
24 pots on, on my vessel anyways. And so, we will just  
25 kind of wait for the -- weather is always going to

1 change, it's always going to be different, we know that.

2           So you might have to wait a day, you might  
3 have to wait two days; you might even have to wait three  
4 days. But the weather will change and then you can go  
5 out there, and maybe it is safer, and more efficiently  
6 load your gear on.

7           But I don't know if everybody does that.  
8 People have different boats, different areas that they  
9 might be traveling in and a lot of different scenarios  
10 kind of come out with icing conditions. But you always  
11 want to proceed on the side of caution.

12           Q. Are there any challenges with the current  
13 conditions, as you have experienced them around St.  
14 George Island when you traverse there?

15           A. I haven't seen where I would consider, you  
16 know, a life threatening situation when we go around St.  
17 Paul or St. George. But you can always see that there  
18 is a little difference in the sea conditions with the  
19 current. It can be, worse conditions, or it actually  
20 can be nicer conditions around there. Like I say, you  
21 just -- you don't know because the tide and current  
22 table are not very accurate around those two stations.

23           Q. Okay thank you.

24           MR. SUFFERN: Commander Muller, that's all my  
25 questions.

1 CDR MULLER: Thank you.

2 (Brief pause.)

3 CDR MULLER: Ms. Spivak, do you have any

4 questions?

5 MS. SPIVAK: I don't have any questions. But I

6 would like to thank Captain Prout for his efforts, and

7 his crew's efforts to locate the vessel and its crew.

8 Thank you.

9 THE WITNESS: You are very more than welcome.

10 CDR MULLER: I'll go ahead and ask.

11 **EXAMINATION**

12 BY CDR MULLER:

13 Q. Did we ask you about bridge watch alarms? Do  
14 you have them installed?

15 A. Yes, we do. Yeah, I have my watch alarm, and  
16 I have that on 24/7 these days.

17 Q. And do you have some kind of setting range?

18 A. Our range, it can be anywhere from nine hours  
19 to one minute. And I generally leave it right at  
20 fifteen minutes. And that is not interfaced with  
21 anything else. It is just push-button activated, that  
22 you have to push every fifteen minutes. We can go as  
23 low as ten minutes sometimes, depending on where we are  
24 going. But fifteen minutes, is our good rule of thumb.

25 Q. And do you use it? Do you have it on board



1 and --

2 A. Do I use it? I said, that is on 24-7 when we  
3 are transiting, yes.

4 Q. Right. Okay.

5 CDR MULLER: Mr. Karr?

6 **EXAMINATION**

7 BY MR. KARR:

8 Q. And Captain, that current at the top of St.  
9 George, it's a tidal current, so it can go from east to  
10 west, or from west to east?

11 A. I can't tell you, you know it is -- exactly  
12 the direction it goes. If we are on the southern tip of  
13 St. Paul Island, that one generally runs, you know,  
14 maybe a 100 degrees, 280. So, roughly around there, you  
15 know, east to west there. And then on the tip of St.  
16 George is a little bit different. So I, I can't tell  
17 you exactly the direction that that is running. Because  
18 I'm sure it varies at times, you get wind driven  
19 currents, and things will change.

20 So it is -- we don't have a good accurate  
21 current predictor in that area from -- if you look at  
22 the NOAA charts that we use, tide and current charts, it  
23 has nothing for St. George. So it is somewhat  
24 unpredictable.

25 Q. All right, thank you.

1           CDR MULLER: Okay, thank you Mr. Karr. We are  
2 going to take a fifteen minutes recess. So if you could  
3 still -- we still have a few more questions for you,  
4 thank you.

5           THE WITNESS: Sure. Okay.

6           (Whereupon a brief recess was taken.)

7           CDR MULLER: Okay, good afternoon again. The  
8 hearing will come to order. Thank you for that recess,  
9 we took a fifteen minute huddle. It's always a good  
10 thing to do, to consult with each other and compare  
11 notes, making sure that we captured, met our objective  
12 for the day. After that huddle, we have no further  
13 questions.

14          MS. Spivak do you have any questions?

15          MS. SPIVAK: No questions, thank you.

16          CDR MULLER: Okay, so before I release you, I  
17 just, we typically ask all our witnesses if there is  
18 any component, or aspect, or issue that you would like  
19 the Board to consider. Or elements that we otherwise  
20 did not address.

21          THE WITNESS: Yeah, there is one thing I'm  
22 kind of -- I'd like to look at a little bit. When  
23 this, the EPIRB initially went off, you know, I don't  
24 have the exact time, I'm sure somebody has the exact  
25 time when that first came out.

1           And who gets notified with that, how that  
2 whole chain goes through. The EPIRB's gone off, the  
3 VMS has been extinguished, and there is no AIS signal,  
4 seems to me that all those three factors should have  
5 been employed, you know, immediately, you knew that  
6 there was an emergency. It wasn't like maybe something  
7 has gone off. Maybe that EPIRB has gone off, from  
8 somebody hitting it with ice, which my initial thoughts  
9 were.

10           But with those three things going off at the  
11 same time, within a short five minute timeframe, I  
12 believe I should have been notified of that, being a  
13 vessel in the area, to proceed there immediately. And  
14 I wasn't -- I wasn't even requested to turn and go down  
15 there. And I kind of, I question that to this day.  
16 Why I was not told to go down there. I did that on my  
17 own.

18           You know they are offering for assistance, and  
19 all that. But with all that information that the Coast  
20 Guard had, presumably -- I don't know what you guys  
21 look at -- they should have requested me to proceed  
22 there immediately. That's one of my concerns.

23           CDR MULLER: Okay, I will try to address that  
24 to the best as I can.

25           THE WITNESS: Okay.

1           CDR MULLER: I am not the SAR subject matter  
2 expert. That being said, we -- last Friday we did have  
3 our SAR subject experts testify. And we learned a  
4 little bit more.

5           THE WITNESS: Okay.

6           CDR MULLER: What I understood, and I'm not  
7 conducting analysis here, and it is just all rote  
8 memory on my part. But I think they articulated -- and  
9 some of this is just the process, many things take  
10 place in the Command Center when the Coast Guard  
11 receives some type of distress call.

12          THE WITNESS: Um-hmm.

13          CDR MULLER: And there are some mechanisms in  
14 place to verify the information. And then as they  
15 start to inform and start to deploy assets.

16                 One of those processes is a radio call to the  
17 area, the fleet essentially. And I think they call it  
18 an Urgent Marine Broadcast.

19          THE WITNESS: Um-hmm.

20          CDR MULLER: And it is something to the effect  
21 of advertising to all the mariners of a situation of a  
22 certain nature taking place at a certain location. And  
23 then it is usually followed up with some kind of  
24 request for action. All vessels in the vicinity please  
25 proceed to that area, and contact the Coast Guard with

1 information, or something to that effect.

2 So, I don't think it is necessarily -- well,  
3 so that is so when a mariner hears that they contact  
4 the Coast Guard. So did you hear a call like that?

5 THE WITNESS: I don't recall exactly hearing  
6 their Urgent Marine Request coming out there. We might  
7 not have had our side band on right at that time. But  
8 when they do that, they are just requesting vessels to  
9 keep a sharp lookout, assist if possible.

10 CDR MULLER: Um-hmm.

11 THE WITNESS: And you know that could, that is  
12 a pretty wide range. You assist if you are two hundred  
13 miles away; you assist if you are fifty miles away.  
14 But, I just think in this instance, would it have made  
15 a difference? I would have really liked to have been  
16 there sooner, and that just, that's my own feeling.

17 CDR MULLER: Okay.

18 THE WITNESS: Yeah, um-hmm.

19 CDR MULLER: Yes, and we do pass notes to each  
20 other.

21 THE WITNESS: Yeah.

22 CDR MULLER: And I got a note here. So the  
23 other thing, I think what you are getting at too, is  
24 because the Coast Guard utilized AIS as a tool to get  
25 an idea of those vessels that have it on, that are

1 broadcasting, that seem to be in the vicinity, and  
2 start engaging in direct comms with those vessels?

3 THE WITNESS: Yes.

4 CDR MULLER: And so that is your, is that your  
5 suggestion? Is that knowing that if the Coast Guard  
6 would have noticed the AIS, that you would have been  
7 one of the few, or many vessels in a location, they  
8 would start communicating with those vessels. And in  
9 your case, your vessel?

10 THE WITNESS: They did contact me. I don't  
11 know how they knew that I was in the area. Was it from  
12 my VMS, or was it from my AIS, when I was transmitting  
13 that?

14 CDR MULLER: Well okay.

15 THE WITNESS: But yeah, my concern again, was  
16 how much information do they have? And do they use  
17 every piece of information when these three signals  
18 that a vessel gives out were extinguished within a  
19 matter of minutes after the vessel had its accident.

20 And I -- all I knew about was an EPIRB. And  
21 if I would have known that there was more, we maybe  
22 would have changed course ten minutes sooner, fifteen  
23 minutes sooner, I don't know. But I just -- time is of  
24 the essence, sometimes in an emergency, and it is just  
25 a concern of mine.

1 CDR MULLER: Okay. Well received.

2 THE WITNESS: Okay.

3 CDR MULLER: Anything further, sir?

4 THE WITNESS: None.

5 CDR MULLER: Okay. Again, I want to thank you  
6 on behalf of the Board, and the Coast Guard search and  
7 rescue efforts for your efforts and participation as a  
8 Good Samaritan in responding to the fishing vessel  
9 Destination distress call.

10 THE WITNESS: Yes, and I thank you for having  
11 me here.

12 CDR MULLER: Thank you.

13 THE WITNESS: Okay.

14 CDR MULLER: So sir, I just have to read a  
15 quick statement for the record. You are now released  
16 as a witness at this Marine Board of Investigation.  
17 Thank you for your testimony and cooperation. If I  
18 later determine that this Board needs additional  
19 information from you I will contact you.

20 If you have any questions about this  
21 investigation you may contact the Marine Board Recorder  
22 LCDR Pedro Mendoza. And again, thank you for your kind  
23 service.

24 THE WITNESS: Okay, you are welcome.

1                   CDR MULLER: This completes our witness  
2 testimony for today. We will recess until tomorrow  
3 morning and reconvene at nine o'clock, thank you.

4                   **(The proceeding then concluded.)**

5



**CERTIFICATION**

This certificate is valid only for a transcript accompanied by my original required signature on this page.

I hereby certify that the proceedings in the matter of Marine Board Investigation of the F/V Destination, heard in the United States Coast Guard Thirteenth District, Seattle Washington, Monday August 14, 2017, were recorded by means of audiotape.

I further certify that, to the best of my knowledge and belief, page numbers one to two hundred eight constitute a complete and accurate transcript of the proceedings as transcribed by me.

I further certify that I am neither a relative to nor an employee of any attorney or party herein, and that I have no interest in the outcome of this case.

In witness whereof, I have affixed my signature this 25th day of September, 2017.

Sally S. Gessner

Sally S. Gessner, Court Reporter