

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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COMMERCIAL FISHING VESSEL
CHRISTOPHER'S JOY CAPSIZING AND
SINKING IN THE GULF OF MEXICO
NEAR SOUTHWEST PASS, LOUISIANA
ON SEPTEMBER 23, 2014

Docket No.: DCA-14-LM-020

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Interview of: LEE LADNIER
Master, *Christopher's Joy*

U.S. Coast Guard Facilities
Sector Jacksonville, Florida

Friday,
October 24, 2014

The above-captioned matter convened, pursuant to notice.

BEFORE: LARRY D. BOWLING
Senior Marine Accident Investigator

APPEARANCES:

LARRY D. BOWLING, Senior Marine Accident Investigator
National Transportation Safety Board

CWO [REDACTED] Investigator
Marine Safety Unit (MSU)
Morgan City, Louisiana
U.S. Coast Guard

[REDACTED] Commercial Vessel Examiner
U.S. Coast Guard

[REDACTED] Field Insurance Investigator
IC-Maritime

<u>ITEM</u>	<u>I N D E X</u>	<u>PAGE</u>
Interview of Lee Ladnier:		
By CWO [REDACTED]		5
By Mr. [REDACTED]		34
By Mr. Bowling		64
By Mr. [REDACTED]		81
By CWO [REDACTED]		97
By Mr. [REDACTED]		99
By Mr. Bowling		110
By Mr. [REDACTED]		112

LEGEND:

(ph.) = phonetic spelling

I N T E R V I E W

(11:09 a.m.)

1
2
3 MR. BOWLING: All right, we're recording digitally,
4 gentleman. This is Larry Bowling with the Office of Marine Safety
5 out of Washington, D.C., National Transportation Safety Board. I
6 am at the offices of Sector Jacksonville with the fishing vessel
7 examiner over here, Mr. [REDACTED] It is Friday, October 24th,
8 around 11:09, and we're going to be interviewing Captain Lee
9 Ladnier from the fishing vessel *Christopher's Joy*. And the
10 Captain and other investigators will be over in Mobile.

11 And from that location who is going to present for the
12 interview?

13 CWO [REDACTED] Chief Warrant Officer [REDACTED] out of MSU
14 Morgan City here in Mobile.

15 MR. [REDACTED] [REDACTED] with IC-Maritime on behalf
16 of the hull and machinery underwriters for *Christopher's Joy*.

17 MR. LADNIER: Lee Ladnier, the ex-captain of the fishing
18 vessel *Christopher's Joy*.

19 MR. BOWLING: Okay. And, Captain Ladnier, this is Larry
20 Bowling. We talked offline here that you aware we're going to be
21 recording this interview digitally and at some time down the road
22 I can get you a copy of the printed version or you can have a copy
23 of the audio file as well; if you want that, we can get that to
24 you either way. Are you aware we're digitally recording and
25 you're okay with that?

1 MR. LADNIER: Yes, sir.

2 MR. BOWLING: Okay, and we're also -- we're just going
3 to call you by your first name there to make things easier. And
4 I'm going to facilitate the interview and I think, with that said,
5 if at any time any of the people ask you a question, Captain, and
6 you don't know the answer -- or, Lee, you don't the answer, it's
7 okay not to know the answer. And if you're unsure of any of the
8 questions, just let us know and we'll rephrase them. And I think
9 with that said, we'll lead off with Chief Warrant Officer [REDACTED]

10 [REDACTED]

11 INTERVIEW OF LEE LADNIER

12 BY CWO [REDACTED]

13 Q. Yes, this is [REDACTED] with the Coast Guard out of Marine
14 Safety Unit, Morgan City. Lee, if you can -- we'll get this
15 kicked off. If you can kind of just paint us a picture of the
16 daily events on that particular day, and then if we need to go
17 back further, we can go back further, but particularly that day
18 from the time you guys got up until the time you were picked up
19 from the *Miss Anna*?

20 A. All right. We had dropped anchor in behind South Pass,
21 I guess for a little wind protection, sea protection, to have --
22 be comfortable. We wasn't working very far from right there, so
23 we stopped right there with a few other boats.

24 I woke up, I guess, about 10-something and walked on
25 back in there and turned the coffee pot on, get me some coffee.

1 And one of my guys, Damon, he woke up. I asked him how long had
2 they been in bed. He told me they laid down about 4:30 this
3 morning; 4, 4:30. So I figured, you know, 6 hours or so, that's
4 good enough there. We're catching a few shrimp, I want to try to
5 work as much as I can.

6 So I get everybody up there and we ease off shore and we
7 set out. We dragging towards the west there, in between south
8 pass and southwest pass, in about 220 feet of water or 35 to 37½
9 fathoms on my meter, but by my chart about 220 feet. And we set
10 out, I guess, at about 12:00 -- 11:55 I think I remember writing
11 on my log, and we set out dragging west. And we ate some hot dogs
12 and french fries and Mr. Peters set up the wheelhouse for me, and
13 Damon and Nick was sitting down in the galley. You know, they was
14 cleaning up and jibber-jabbering, watching a movie or whatnot.

15 So I had about 6 miles to go right through there. So
16 about 2 hours and 20 minutes here, it was time for me to turn
17 around or, you know, do whatnot. We made a little test trawl
18 through there. We had like three shrimp per minute for the time
19 the little small trawl was on the bottom. That's pretty good as
20 far as what we had been doing in the past couple days right there,
21 you know.

22 So I gave her a little bit of a turn and put her into a
23 turn. I even speeded up a little, you know. You know, when I got
24 to turning, I speeded her up a little, and she was kind of leaning
25 over pretty hard into the tide. And, you know, we had been doing

1 the same thing right there in that area, the same exact thing, for
2 2 days and we was just starting out third day of it. And I was
3 like leaning, I was like man the tide's running really hard,
4 pretty hard out here down in between here. And he's like --
5 Mr. Peters answered me, yeah, yeah, you know.

6 So we get on with our turn there, and I even slacked her
7 back off the turn, and you know as far as the turn angle, I
8 slacked her back. It was on about 2 degrees, I guess, you know,
9 somewhere like that. It was not even really in a turn, but the
10 tide was running so hard that it leaned the boat over. And it was
11 pulling on the rigs, and when it broke the chain had broke that
12 holds the outrigger down from flying up. That chain broke,
13 something broke in that thing, and it flew up in the rigging. And
14 I throwed it all out of gear, like all stop, and I throwed her out
15 of gear.

16 And Mr. Peters runs to the back door there, and I was
17 saying undog the winches. And when he goes there and I sat in the
18 house a couple seconds or so, and the back door's open and I'm
19 hollering, "What's going on? What's going on?" And I heard he
20 can't get to the winch.

21 So I get to the back door and I see why they can't get
22 to the winch. We already laid over so hard there, the winch is
23 probably at about a 65-degree angle above his head, 70-degree
24 angle, and water was already halfway up the deck. When they
25 opened the door, water come right on in the door. And I said,

1 man, I told him -- I told them all to get outside, and I run into
2 the wheelhouse. I grabbed the radio and I told Bud on channel 103
3 there that if he don't hear me from me in the next few minutes,
4 start running this way because I'm probably going to turn over,
5 and that's as much as I got.

6 And I said to drop the radio because I could feel the
7 boat heaving, pulling down further. I guess that rig or the
8 outrigger that flew up, to me, you know, being common sense
9 thinking of it, that rig had to be fetching up tight to that cable
10 because the other one was already tight in that turn. And when
11 that rig caught up tight to that cable, it just pulled that boat
12 till it made it past that pivot point of no return, where instead
13 of just easing that way, it started flying that way when it made
14 that roll.

15 And I got one more look back there and I said get
16 outside. And when he opened the door, water came in the door and
17 he eased it back shut. But I could feel the boat as it rolled.
18 And then, within a few seconds, the boat flipped and everything
19 was upside down. But I did manage to open my door right there on
20 that side at some point when I was back up in there. I don't
21 remember exactly at which point I opened that door, but I knew if
22 it turned, I wanted a way out so I opened the door.

23 That's why I was telling him to get out. You don't want
24 to be inside of a boat when it's like that because I know the
25 pressure is going to lock you in. You'll never be able to get

1 out. I don't think I can hold my breath and swim that far
2 anyways.

3 And the boat had flipped, and I had came out from under
4 the boat and I looked and I seen Mr. Peters and Nick. They was
5 right there where they was at pretty much but on the opposite side
6 of the boat because it turned. And I kept asking where was Damon,
7 and they -- I couldn't hear their answer or nothing. The engine
8 was still running or -- I don't know, it was just freaky. And I
9 asked them a few times where was Damon, and I couldn't get up on
10 the boat from that way because, you know, the steel -- the zinc
11 pads was way up there still. And it washed me around to the other
12 side, and the tide was running so hard around the boat right there
13 it just pushed you right on around the bow. So I didn't swim dead
14 at the bow. I swam sideways there and got in behind the hull and
15 it kind of pushed me right back against the boat.

16 Mr. Peters come around, and Nick. And Nick wasn't able
17 to swim strong enough towards the boat. Mr. Peters came up on the
18 bow of the boat, and I come up on the stern there where I could
19 reach out in the water and grab a zinc pad. I couldn't grab one.
20 I guess the boat had sunk down a little more by the time he was
21 there. But it wasn't maybe a minute or two after me that they
22 come around. And I watched Nick go away about 30 or 40 yards,
23 hollering, "Help me, Cap. Help me, Cap." And I was like you got
24 to quit swimming and just relax man. I said somebody gets us or
25 sees you or whatever, we can come get you, but don't keep

1 swimming. But it was already too late, he done run himself out.
2 He reached for me a couple times and went -- bobbed his had under
3 a couple times. And it was probably 40, 50 yards by that time and
4 we never seen his head again. But I seen his arm and his head one
5 last time, you know, just reach out, but I didn't ever hear no
6 voice that time.

7 And then we was on the boat and it was like a minute or
8 so later or so, or a second, somebody was beating on the bottom of
9 the boat from the inside, and it was Damon. Where he didn't go
10 out the back door -- the boat flipped upside down and had a hatch
11 right there at that back door that went down into the engine room.
12 And that hatch must have came off and that's where all the
13 pressure was going to go was somewhere like that, and it pushed
14 him up into the engine room.

15 We kept saying you go down there, and he said -- say
16 he's going down there trying to open the door, but he couldn't
17 open it. You know, like I told him, you got to put your feet on
18 the wall and push and stuff, you know, and -- I mean, it's
19 horrible screams and this and that. Talked with him for about 45
20 minutes, so then I guess he finally runned out of air somewhat
21 there, and -- he must have passed out with diesel fuel or fumes or
22 something there. He wanted to leave or something, but he runned
23 out of air or something there. I heard a couple big like helps
24 and that was it for him talking with anybody else.

25 We sat on the bottom of the boat a little while, I

1 guess. I know it was like 3:50 or 3:45 whenever they had picked
2 us up, the fishing -- I mean the oil boat or the supply boat,
3 *Miss Anna*. And they had called with the Coast Guard and all that
4 and told them everything that was happening: one inside the boat,
5 and two. But pretty much by the time the Coast Guard gets there I
6 already know that, you know, that they're perished and all. But
7 the Coast Guard goes up, taps on the boat and asked me about the
8 bulkhead and stuff like that. And I'm dazed and confused. I was
9 explaining where the bulkhead is and still, you know, they didn't
10 get no response, I guess. I don't think it was safe to go inside
11 of that boat at that point anyway.

12 And we just sat right there on that boat there. Those
13 guys was real nice to us and all, you know, asking if we wanted
14 anything to eat, give us a cigarette, even -- they even gave me
15 some clothes. When I was in the wheelhouse there and the boat
16 turned over, the windows blew out. I got a hold onto that chair
17 and it was sucking so hard I had my arms around that pipe, and it
18 sucked my shorts, my underwear, and my crocs and my ankle socks
19 off of my body. And, you know, it took about 15 to 20 seconds to
20 slack up with that suction there. I got out the door, you know,
21 but -- those guys that picked us they was real nice to us and all.
22 And I guess I got to the Coast Guard station about 1:00 the next
23 day. You know, they -- I would have much rather them have kept
24 doing their search and all, search and rescue for the rest of the
25 day. We was fine and all at that time. So they continued with

1 their search and rescue. We stayed there, we got to the Coast
2 Guard station about 12:00 the next day. And that's it from mine,
3 I guess, unless you need any other specific questions.

4 Q. Yeah, this is [REDACTED] with the Coast Guard, MSU, Morgan
5 City. Lee, can you describe how long have you been in the
6 shrimping industry? How long --

7 A. I was born and raised in it.

8 Q. Okay.

9 A. Since I've been a little boy there. I mean, my dad was
10 a captain and all of my family is shrimp boat captains, you know,
11 and I became captain when I was 22. I worked for [REDACTED]
12 over here. I worked for him for about 7, 8, 9 years, you know,
13 off and on. And I've worked for a few other individuals. And so,
14 I got a pretty good -- I'd say I got a good 10 years of my life on
15 the water.

16 Q. Okay.

17 A. For me. Since I've been 18, I've got 10 years of it.

18 Q. Okay. And then when you worked for [REDACTED], did
19 you ever have any incidents when you were working for him?

20 A. I never had a man smash his pinky finger on my shrimp
21 boat.

22 Q. Okay. All right. And then, on this -- on the
23 *Christopher's Joy*, was the crew, were they familiar with the
24 lifesaving --

25 A. Everybody knew exactly where the life jackets was right

1 by the back door, but we had -- I mean, we -- they see things
2 happen all the time, and I guess they just don't grab a life
3 jacket. Like I didn't think to grab a life jacket. I didn't
4 really think the boat was going to flip that fast, and it just
5 flipped that fast and, you know, there wasn't no time to think of
6 getting a life jacket. Unless you would have grabbed it walking
7 out the back door -- when you out the back door there, you was
8 holding onto stuff or the boat. You know, you walked right into
9 the water pretty much.

10 Q. Okay. And you mentioned something about one of your
11 crew had looked up at the winch; it was at 67-degree angle.

12 A. Yeah.

13 Q. With the winch, had it been ripped out of the deck?

14 A. No, it was on the boat. The boat was laid over that
15 hard.

16 Q. Oh, okay.

17 A. Like looking like up like that at it.

18 Q. Okay.

19 A. You'd have to have a ladder to climb to it. You know,
20 you couldn't crawl on a steel deck to it.

21 CWO ██████ Larry, this is ██████ Just to point it
22 out that Lee lifted his arm at about a 60 to 70-degree angle on
23 that.

24 MR. BOWLING: Okay, thank you.

25 BY CWO ██████

1 Q. So when you took the roll -- and you mentioned this
2 chain. Did you see the chain break?

3 A. No, sir.

4 Q. Okay. So what makes you believe that this -- that the
5 chain broke?

6 A. I really don't know that the chain broke, but I know it
7 was connected from the outrigger to the cap rail of the boat. And
8 it had two big shackles connecting it, (indiscernible) and the big
9 nice chain in the middle of it. I know, I put the chain on it
10 myself.

11 Q. Okay. Now on that particular outrigger, when you took
12 the roll, did you witness the outrigger in the up position?

13 A. I seen the outrigger in the up position. I don't know
14 exactly what failed, but in order for that outrigger to do that,
15 that chain has to be undone.

16 Q. Okay. Now going back over the safety gear. Did you and
17 your crews, did you ever do any kind of training with safety gear,
18 like an EPIRB training or survival gear training or life raft
19 training or any of that?

20 A. No, sir. I've never had any.

21 Q. Okay.

22 A. Swimming off the boat and racing there, that was our
23 training. And talking to them, like don't panic when things
24 happen and stuff. But, no, I mean, as far as fire on the boat, I
25 mean, we talk about it. I would say if there's a fire, according

1 to what kind of fire it is, you know, like if it's going to be
2 diesel fuel down in that engine room and it's on fire, don't try
3 to put that out, abandon ship. Or the woodwork's on fire, spray
4 the fire extinguisher hoses at it.

5 Q. Okay.

6 A. You know, electrical stuff around it, you know, you need
7 to spray the fire extinguisher, don't spray no water. Yeah, we
8 talked about stuff like that.

9 Q. Okay.

10 A. But we never went and actually had to pop a life raft,
11 you know, and jump off or even pretend to pop it, but --

12 Q. Yeah, in your --

13 A. No stuff like that.

14 Q. In your opinion what was the condition of the lifesaving
15 gear?

16 A. The lifesaving gear on the boat was up to 100 percent.

17 Q. Okay.

18 A. I guess on the life jacket, but what about that raft? I
19 don't know exactly how that raft -- that raft costs a lot of money
20 on top of the house of that boat. And when it rolled, I mean, we
21 never really had anything beside the boat pop out, but --

22 Q. Did you ever hear anything that could have possibly --
23 it could have possibly deployed? Did you ever hear any noises,
24 smell anything, see anything?

25 A. When the -- the boat turned upside down about 2:20 that

1 afternoon, and from 2:20 to dark we never saw any sign of a life
2 raft, no white pop powdery smoke. I know it'll make air bubbles
3 somehow. If it popped underwater, it's still got CO2 and it's
4 going to go up, the cap from the well or something, but we never
5 seen nothing like that.

6 Q. Yeah.

7 A. For that life raft. But I know it was there and it was
8 up to date. It was correct. But I don't know how it's supposed
9 to deploy, whether I deploy it or water pressure will deploy it.
10 I don't know that much.

11 Q. Okay. What about the EPIRB? Have you ever tested that
12 EPIRB?

13 A. I never tested it, but it did come out from under the
14 boat within about -- let's see -- in about 4 hours, 4½ hours, the
15 oil boat *Miss Anna* retrieved the EPIRB.

16 Q. Okay.

17 A. I had already turned it upside and seen it flash, you
18 know, with it on the test, and seen the light flash and had it in
19 its spot. The EPIRB was correct and it was in a nice location.
20 But actually, I can say nothing floated from around the boat that
21 should have. I had an ice chest and stuff like that sitting right
22 on the back deck; it never floated, so -- but I can't say anything
23 for, you know, why it took so long for the EPIRB. Maybe it got
24 hunged up under the boat, you know, like everything else did. But
25 the EPIRB did come out and it did work.

1 Q. Okay.

2 A. But it was -- it was 4 hours later before we even seen
3 it flash.

4 Q. So when you -- when the *Miss Anna* crew recovered the
5 EPIRB, was it flashing then?

6 A. It flashed all night, you know, or most of the night
7 there, and I looked at it and seen how to turn it off and I turned
8 it off.

9 Q. Okay. What about the condition of the vessel? In
10 particular, you know, you yelled for the crew to get out. Did you
11 have time to sound an alarm or anything of that nature?

12 A. I didn't sound the alarm because everybody was right
13 there. You know, like I say, we just got through eating hot dogs,
14 french fries, you know.

15 Q. Okay.

16 A. We all went outside there. It was slick, beautiful. It
17 had been rough for the past couple days, but -- you know, a little
18 rough, not -- we don't call 20 knots rough. Thirty knots we would
19 say might be a little rough.

20 Q. Okay.

21 A. But 20 knots there, that's not nothing unusual at all to
22 work that, so --

23 Q. So you said you woke up and you asked you David what
24 time that they had went to bed and he mentioned 4:30. Were you
25 guys currently on anchor at that time?

1 A. We was -- we would get up at like 6:00 in the morning or
2 so, right before daylight, what I was doing. And we was dragging
3 north and south in like a 180 feet of water on the east side of
4 South Pass, north and south right there in that depth. Well, we
5 was going to come out of northeast there like 25 and gust that
6 night, so I drove up and down until about 10:00 that night. And
7 then I just run around south pass up in that little thing there
8 and dropped my anchor to get out of the wind. And I told them, I
9 said when I wake up there and all, I said, we'll -- you know, you
10 all just eat you up something, go to bed. When I wake up there,
11 I'll wake you all up later there and we'll look at it and see what
12 we think about it.

13 Q. Right.

14 A. See how the weather's looking and all, you know. So I
15 went in shore, because they had been on the deck from like 10:00
16 in the morning. The first drag we picked up and dumped out
17 shrimp, and they got back there, (indiscernible) and everything,
18 and they started heading shrimp. Well, soon as they would get
19 through heading the shrimp, put them in the freezer, pull them out
20 of the tank, put them hold -- you know, put them in the brine
21 tank, get them out and put them in the hold, get them something to
22 drink, they was back on the winch. We was picking back up,
23 dumping out another deck load of shrimps there.

24 Q. Okay.

25 A. And we was having a glorious time on that. You know, it

1 was like don't worry about it, Cap, just dump them back here; we
2 ain't got no problems heading big nice shrimp. You know, I don't
3 guess anybody does, they making money like that. You know, it was
4 all happy. So they stayed on the deck from 10:00 that morning
5 until like, I'll say, 10:00 that night. But we had picked up
6 about 8:30 and the waves was splashing, it was raining, you know,
7 spray, and I just told them leave that stuff back there till I get
8 in behind here. When I dropped anchor and all there, they
9 probably had them a little clear shot, won't be as rough on spray
10 or nothing, like rain, be rainy. But we got up in there. It took
11 us about an hour, he put -- runned up in there, and I dropped
12 anchor. So I guess around 9:30, 10:00 -- probably 10:00, they
13 just went back there and started picking and, you know, they had
14 some stuff to do and -- so they laid down about 4 that morning.
15 That's the reason. They had been doing the same thing for 2 days
16 right before that. This was going to be the start of our third
17 right there in that area.

18 Q. Okay. And so you were saying about 6 hours of sleep is
19 what they got?

20 A. Yeah, they lay down for about 6 hours. I told them -- I
21 woke them up there and we sat out and they was obligated to go to
22 bed or eat some dinner, whatever they wanted to do, you know.

23 Q. Right. Now, when you're shrimping, when you're actually
24 in fishing, are you the only one that's at the helm or do you have
25 a relief?

1 A. Yeah, I have a relief. Mr. Peters was my relief pretty
2 much. But in designated areas, you know, away from where we were
3 at. You know, we have a lot of traffic right there surrounding
4 the passes with your tugs and, you know, stuff like that, and
5 ships and whatever. You know, you have more traffic in the pass
6 than a shrimp boat. But if I got into a general area, I would let
7 Nick or, running loose, I would let Damon drive.

8 Q. Okay.

9 A. But everybody was familiar with pretty much how to drive
10 and operate the boat, you know, for a small perspective.

11 Q. Yeah. How long have you been on the *Christopher's Joy*?

12 A. I've been on the *Christopher's Joy* probably since May,
13 the middle of May, June, and April. Let's see, April -- I know I
14 made April. Probably at the end of February -- end of March,
15 beginning of April.

16 Q. Okay.

17 A. Yeah, the end of March, beginning of April, I probably
18 got the boat.

19 Q. Okay. And had you sailed with Nick and Damon and
20 Mr. Peters before this trip?

21 A. I sailed with Mr. Peters all the time during my life,
22 but on this vessel, this is the first time he had been on this
23 vessel with me. But Nick and Damon had worked the vessel before I
24 had, before, scalloping and stuff, and probably made a trip or so
25 on it shrimping before I had even got the boat. And when I got

1 the boat, Damon was the first one to work with me. We had went to
2 Texas. He was on there probably a couple months, little over a
3 couple months, probably at sea a couple months working or with me
4 on the boat. This was Nick's first trip with me on the boat, and
5 Carl Peters' first trip on the boat. He has been with me a lot of
6 my -- he has probably been with me more than any of my other
7 deckhands I've ever had.

8 Q. Okay. On that particular day, how was your crew? I
9 mean, you said they --

10 A. They has excited. I mean, we getting them, cap; yeah,
11 we're going to show we can catch us a 100,000 in a month. You
12 know they was just a having a great day. I'm like, you all
13 hungry? I'm like, you know, do what you all want to do there,
14 I'll make a sandwich. Well, how about some hot dogs, Lee? Eat us
15 some hotdogs and french fries for lunch time. You know, they was
16 all excited and everything. Even put his freezer suit on and went
17 down in the fish hold there and stacked the shrimp up, you know.

18 Q. Who did that?

19 A. Damon.

20 Q. Damon? Okay.

21 A. Yeah.

22 Q. Now since you'd mentioned stacking shrimp, is there a
23 common practice on how you stack the shrimp on that vessel
24 particularly?

25 A. Yes, there is. You put like one drag or say you just go

1 split it between each side of the boat. You try to put the same
2 amount in this bin that you do this bin. And then it would --
3 maybe it would be like -- like when we do 40, 50, 60, the sizes,
4 the lots of different sizes, we make -- try to save the smallest
5 size we catching the most of there, we'll kind of split two bins.
6 And then if we're catching like big shrimp, like some throw-outs,
7 it won't be many, a basket a night or something like that. We
8 might throw them out and then put them somewhere separate. But as
9 far as the way it goes, you're just supposed to stack it evenly
10 among each side of the boat. Especially what we was doing; we was
11 heading our shrimp.

12 So he should have one drag over here and one drag over
13 here, and one drag port and one drag starboard. And then maybe if
14 you're getting more in your starboard than your port, you might
15 put two over here. You know, try to keep it balanced, you know.
16 Because I swap fuel valves and different things on the way they
17 stack the shrimp and the balance of the boat, you know, as far as
18 burning just so much fuel. I mean, you try not to let it lean
19 really at all. So it was mostly burn and return on the same side
20 12 hours, unless, you know, you feel a little difference, you
21 might change in an hour or 2 or so, 4 maybe 3 hours longer one day
22 than another.

23 CWO ██████ Okay, this is ██████ with the Coast Guard,
24 MSU, Morgan City. Larry, when he was talking about stacking the
25 bins, he motioned with his left and right arm to indicate that

1 they separate them out along to the port and starboard, not along
2 the centerline.

3 MR. BOWLING: Okay, thank you.

4 BY CWO [REDACTED]

5 Q. Lee, all those bins, can you describe what those are?
6 Are those boxes or --

7 A. No, we was putting them in sacks there. It would look
8 like a bag of trash.

9 Q. Okay.

10 A. Kind of -- they would just be frozen in the little --
11 you know, they'd stay in place pretty much there, wouldn't really
12 fall out of place. You just start to the back and you stack them
13 about neck high and then work your way to the center.

14 Q. Is there anything that secures those bags down?

15 A. Yeah. Once you get started your bottom row there,
16 you'll put bin boards in them, but we never really secure them
17 down. We never had no reason to.

18 Q. Okay.

19 A. Never, you know.

20 Q. That particular day, about how much shrimp did you have
21 on board?

22 A. Oh, let's see, I probably had about -- probably close to
23 50 -- a little over -- I was just ready to say 50 boxes or 52
24 boxes. That's 100 pounds to a box, so that would be 5,000 pounds.

25 Q. Okay.

1 A. So that would be 5,000 pounds of shrimp down in our
2 hold.

3 Q. All right. And just a rough estimate, do you know what
4 the carrying capacity is of the vessel?

5 A. Oh, it'd probably be about 5-, 6-, 700 boxes.

6 Q. Okay. All right.

7 A. Yeah.

8 Q. All right, and you mentioned, going back to the weather,
9 you mentioned that things had laid down?

10 A. Yeah, the weather had been like blowing out of northeast
11 a couple days, and east. You know, when it would go from east to
12 northeast, it would give it a little break. And we had two of
13 those things right there, whatever -- low or whatever it is,
14 coming through the area right there during that time. I think it
15 was like the 23rd. Probably listen to, again, weather or whatever
16 for that day. You could see it in here. But, you know, we taking
17 it with eye out there. I listen to it and I look at it with my
18 eye. The weather as far as waves and storms and stuff like that,
19 that day was not bad. It was actually a beautiful day. The
20 weather was slacking down. It was probably around 12 knots, 10
21 knots, 10 to 12, and the tide was running hard though. That's
22 what --

23 Q. Okay.

24 A. The tide was running hard. It was running -- I don't
25 really know, but I think it was, to my knowledge of being a

1 captain, it was running harder between the passes than it was on
2 that east side of South Pass. We hadn't moved very far, about 15
3 miles. And that was -- moving that far was to get out of the
4 weather so we wouldn't be hitting -- you know, running head into
5 sea when we drag like when we're dragging north and south over
6 there. Between the passes, we can drag east and west.

7 Q. Okay. All right. Now, was there anything -- that
8 particular day, was there anything unusual with the vessel? The
9 way it was riding, the way it was --

10 A. No, sir.

11 Q. -- the propulsion, the steering, the fishing, anything
12 unusual?

13 A. No, sir. I mean, besides -- the only thing unusual
14 would be is going dragging with it, you know, it was kind of like
15 we couldn't hardly drop our small test trawl. And I said why -- I
16 asked them why couldn't they get it down. They said because it
17 won't spread. I said once you get it down past below certain
18 depth there, I said you can -- it'll open up and spread. I said,
19 you just got to get it from up top, you know, you got to get down
20 real slow. So I went back there and I dropped it down for them.
21 You know, that was the only thing unusual there. They couldn't
22 get the trawl net down, and I had to walk back there and show them
23 how to slack it down real slow and --

24 Q. Okay.

25 A. Like that. Because Carl there, he was, I don't know,

1 messing around with something, and Damon and Nick there, they was
2 trying to drop it. You know, they didn't know exactly -- they
3 wasn't first, first class men, but they have been on boats a lot
4 of their life.

5 Q. Okay. Now how deep were you fishing? How deep were
6 nets? When you were making that final drag prior to the vessel
7 capsizing, how deep were you there?

8 A. I was probably at about 37½ right there, because --

9 Q. Okay. And how far -- and typically how far back are the
10 nets from the vessel?

11 A. Well, I had 700 feet of cable to the towing block. So
12 50, 60 feet. So I had 640 feet of cable to the trawl doors from
13 the top of the water. So however that angle would make, that's
14 how far they would be.

15 Q. Okay. Now when you -- when you're out fishing and you
16 make these turns, is it a common thing that an outrigger -- one of
17 the outriggers, whether you're turning port or turning starboard,
18 do the outriggers ever go down in the water or are they always
19 above the water?

20 A. They're always above the water, but when you're turning
21 around those passes there and that tides hitting you directly into
22 your side, you list to it like that. But that ain't nothing
23 uncommon for, you know --

24 Q. Okay. All right.

25 CWO [REDACTED] All right. Hey, Larry this is [REDACTED] I

1 think I'm kind of at a pause point right now. Lee had something
2 real quick.

3 MR. LADNIER: I would say the outriggers as they're
4 positioned, giving the boat stability, and the heaviness of the
5 outriggers was a problem with the boat. If you all are looking to
6 find the problem, I know what the problem was. We -- I see boats
7 all the time, you know, work in 30 knots, and they don't even stop
8 and they'll have their tie-down chains swing loose, don't even
9 have them on their boat. The outriggers was at a different type
10 angle.

11 CWO [REDACTED] Okay.

12 MR. LADNIER: So most outriggers stay straight -- well,
13 straight out would be zero, you know.

14 CWO [REDACTED] Okay.

15 MR. LADNIER: And then straight up is 90.

16 CWO COLLINS: Right.

17 MR. LADNIER: And most outriggers is probably at from --
18 maybe some people might put them at a zero, but most of them is at
19 about a 15-degree angle. These was probably at about 25.

20 BY CWO [REDACTED]

21 Q. Can you explain why they were at that 25-degree angle?

22 A. Oh, all I could gather was the man had just pulled off
23 from the outrigger and the scout (ph.) that went from the
24 outrigger -- from the winch out to the outrigger on a block --
25 this is the cable now -- and then it comes back to the boat at the

1 stern, the outriggers being in the middle of the boat, and then it
2 comes back to the stern to a block and it goes on a dredge on each
3 side. So I guess having the outriggers up at a little higher
4 angle doing that -- because you're pulling from a different block
5 and your pulls always down, you know, from high up down there,
6 pulling down, and I guess that's why the boat was probably, it was
7 probably left like that, and --

8 Q. So were you able to -- were you able to lower the
9 outriggers any further down?

10 A. No, they was -- had cables, stay wires there, stay wired
11 off. It had two in the front, real long, all the way out to the
12 tip. It had one from a little bit further down the boat out to
13 the middle, and then it had one from the middle to the top of the
14 mast, and then I think it had two from the top of the mast to the
15 tip, and then one from the tip to the back of our boom. So
16 pulling from the block downward, you know, that would be where it
17 wouldn't fly up. When I was turning around leaning, that was
18 making that cable stick way up, because the outriggers being at
19 that angle made that boat lean even harder. And when that chain
20 broke, the outriggers flew up into the cradle up there, and when
21 that cable's stretched tight to that rig and -- it turned us. It
22 just turned us.

23 We should have already turned, but I think the rig on
24 the other outrigger kept us from turning. Because, I mean, it
25 felt like we was rocking on the point of turning and stopping, and

1 turning over and stopping. I mean, it was that far, I mean. It
2 scared me.

3 Q. Okay. On these outriggers, when you left the pier to go
4 fishing, when you left, where you leaving from?

5 A. I left from Bayou La Batre.

6 Q. So when you left Bayou La Batre, were the outriggers in
7 the ready fishing position?

8 A. No, we raise them up and lower them down with, you know,
9 a winch, a little small hydraulic winch with a cable with like a
10 block and tackle, a couple blocks.

11 Q. Did you ever have any concerns --

12 A. Yeah, I had a lot of concern with the outrigger. A lot
13 of people came to me and said, man, them outriggers are high, you
14 know. It wasn't really of a thought of, you know, them ever
15 flying up in the rigging because as heavy as they are. But I
16 guess now I know they can.

17 Q. Okay. Did you ever raise these issues up to the owner?

18 A. Yeah, I raised the issue to the owner and I did so, you
19 know, with my cousin [REDACTED] (ph.) sitting right there and he
20 heard. And me talking with the man about a discussion there
21 because he has a shipyard -- he has like a raised man basket, you
22 know, a cherry picker and stuff. And so we was talking about and
23 then we was supposed to get around to doing it, but he had spent a
24 lot of time with his money and time on the engine and the clutch.
25 Prior to this month, we sit at the dock and worked on the boat and

1 he -- and then he finally, when he had got it fixed there, and got
2 our freezers going and everything going there, you know, the man,
3 he just didn't have any more money and all and was going out to
4 make a trip. And when we was coming back in, we was probably
5 doing more of them, but we didn't get to more of them.

6 Q. Okay.

7 A. It was discussed but we just never made it to doing
8 that.

9 Q. When you say it was discussed, who was it discussed
10 with?

11 A. Me and Mr. Samuel Christopher had discussed it. I told
12 him there. And he was like, no, I've been working them outriggers
13 for years over there on the east coast, that tide runs hard over
14 there. Well, it runs hard around the Mississippi River too. I
15 don't know how it runs over there off of Mayport. I mean, I know
16 it runs pretty good because I've been at the dock, you know, the
17 tide out the river would turn the propeller on the boat. And then
18 you'd go get groceries and you'd get off at the bulwarks and when
19 you come back with your groceries you go to put them on top of the
20 house, and the house, the wheelhouse, will be like 8 foot off
21 deck. So it does drop 8 feet. And you're like, man, you know. I
22 know it runs pretty good over there.

23 But he never -- said he never had a problem with them
24 working rough weather and all, shrimp boat with outriggers and --
25 what he told me. And I explained to him, I said, I don't know

1 there. I said I think we'll get around them passes there, we
2 ain't never worked no rough weather.

3 Q. Okay.

4 A. You know, and so that's what I was scared of was the
5 rough weather. I wasn't really scared of the tides making me a
6 slow turn, you know. I never thought it would break. I figured
7 maybe a sea, turning in that stuff might break it, make it -- you
8 know, break it and fold it up or fly up or something like that,
9 but it wasn't no weather that day so I wasn't scared. I had been
10 doing the same thing for 2 days just like that.

11 Q. When was the last time you adjusted those outriggers?
12 Prior to you capsizing.

13 A. When we pull out from the bayou, say from port, and
14 leave to go fishing, we lower them things down and they stay down,
15 and we put the tie-down chain to them, and that's where they stay.
16 When we're out, we don't pick them back up until we end our trip
17 or something happens and we have to go in for something.

18 Q. Okay. Who lowers those outriggers? Is that you
19 personally or was it the crew?

20 A. The crew lowers them. But I personally lowered them
21 this trip, because Carl's first trip and it was all hydraulics,
22 and he was my first mate, so I went back there. That would be the
23 first time he had even seen or even touched the controls for like
24 the outriggers. And I was letting him know that one side would be
25 faster than the other. And it was only that, he was just letting

1 them down. I mean, one hydraulic I guess had a different speed or
2 something, something was up with it, because you would always
3 lower them down evenly and you would have to hold the one handle.
4 You know, I think it was like maybe the flow somewhat -- one side
5 would just go a little faster, and we would try to keep them even.
6 And I was showing him that and stuff and I lowered them on down.

7 When they both went on down and all the cables were
8 stretched tight, I told him, I said put the tie-down chains. He
9 said, I already know, Captain, you know. He put the tie-down
10 chains on, and when he got through I asked him, I said, did you
11 tighten them up with the crescent wrench? He said, yeah, I
12 tightened them up. I said, all right, you know. So then I go
13 back there and felt, went on and shook them and everything. And
14 he even took them and turned them a twist in it, so -- because it
15 had a little slack, so it would be tight. You know, how you just
16 take a chain and just turn it one time around in a circle and just
17 shackle it back up, you know.

18 Q. Right.

19 A. So, I mean, that wasn't nothing unordinary either, you
20 know. But the angle of that and the -- it made the boat -- the
21 angle of the outriggers made the boat lean in that tide at a
22 different degree because the outriggers was so high. But the
23 outriggers on that boat was actually pretty heavy for that boat.
24 If you laid one outrigger down at the dock, it laid over, say,
25 further, just the build, where the angle would be further than any

1 other regular boat around there because the outriggers was
2 heavier.

3 I think the boat was probably originally built with a
4 45-foot outrigger to the towing block. This one was 50. They was
5 solidly -- I don't know what size steel inside, but they was a
6 solid outrigger. I don't think it would be more than the 1/8-inch
7 steel that covered them, but on the inside -- I've seen them, but
8 I don't know particularly how this one was, but I know they were
9 heavy. To me they seemed a little too heavy for the boat, for the
10 stability of a boat. And then that on top of the boat was really
11 light with fuel; it didn't have nothing in it for the buoyancy to
12 be under water long. You know, it didn't have nothing.

13 And then you take what we did have and -- no more than
14 what we did have and lean it on its side, I mean, it's like
15 putting that weight on the side. You know, the fuel's going to go
16 wherever -- however you roll a boat, the fuel will follow it. It
17 wasn't like nothing under -- like in our bottom tanks where
18 everything stayed to the bottom of the boat. If you turn the boat
19 upside down, the fuel will be on the deck. Like the bottom of the
20 tank would be the deck. So you turn it back over, the bottom of
21 the boat would be what holds the fuel, you know. And then you
22 turn the boat back over, the deck would be what holds the fuel.
23 So the fuel goes from the bottom of the boat to the deck and, you
24 know, change whichever way you turned it. It was no inner bottom
25 tanks that held it to the bottom, say, like a sailboat, you know,

1 difference there to me.

2 CWO [REDACTED] Okay. Larry, this is [REDACTED] with the Coast
3 Guard, MSU, Morgan City. I'm kind of at a point where I'm going
4 to just take a pause. If you've got a few questions, you and Mr.
5 [REDACTED] go ahead.

6 MR. BOWLING: We do. Actually, I'll go after Mr. [REDACTED]
7 He's going to handle the fishing gear rigging and that kind of
8 stuff. Then I had some follow-ups with who's who on the boat and
9 some interactions there, and then -- so we'll go -- we'll turn it
10 over to -- at this point we'll turn the floor over to Mr. [REDACTED]
11 [REDACTED] the fishing vessel examiner at Sector Jacksonville.

12 BY MR. [REDACTED]

13 Q. Hi, Lee.

14 A. How you doing, sir?

15 Q. I'm fine, thank you. Thanks for coming in today and
16 participating in the interview. As Mr. Bowling mentioned, I'm the
17 commercial fishing vessel examiner here in Jacksonville, Sector
18 Jacksonville, and I was kind of curious about really kind of three
19 areas, and then I wanted to just follow up on another couple
20 questions if you don't mind.

21 The three areas I wanted to talk about was the
22 environmental conditions, so, you know, the conditions in which
23 the boat was operating. The second will be about the vessel's
24 rigging, the fishing rigging. And then I want talk about and ask
25 you about your drags.

1 So, first off -- and I know a couple of these questions
2 are going to be redundant, you already asked [sic] them, but for
3 myself I just wanted to make sure that I was clear.

4 So, Lee, when you were underway right before the
5 accident on that trip, what was the sea state, what were the sea
6 conditions? Can you estimate approximately the height of the sea
7 state?

8 A. It was probably maybe 2 to 3 getting out into open area.
9 And where we was at, they was swells of probably maybe 1 to 2. We
10 was between the passes. The weather was coming out of the
11 northeast, so direct -- any weather that was left over from it
12 wasn't directly hitting us; it was just a swell. And they was
13 coming from the east and they was probably 1 or 2 that day. It
14 wasn't bad at all.

15 Q. Okay, so the sea state was -- and you say 1 to 2, you
16 mean feet, I suspect?

17 A. Yes, sir.

18 Q. Okay. And then the swells were 2 to 3. And you said as
19 it passed. So was there --

20 A. No, no, no. Over like, say, on the east side over there
21 where we was working at, the weather was coming out of the
22 northeast, so I moved between the passes. Over there it was
23 probably 2 to 3.

24 Q. Okay, I'm sorry. I meant when you were underway and
25 fishing just right before the accident, what was the sea state at

1 that condition?

2 A. We stopped -- they was probably 2 to 3 before we went
3 and stopped. And then we went in between them and they was fixing
4 to be more than that so that's why we stopped. So when we went in
5 between them, then we pulled and we started fishing, they was at 1
6 to 2.

7 Q. Gotcha. Okay, thank you. And so was there a storm
8 front that was coming through?

9 A. Yes, sir. There was a low, a high or somewhat there,
10 and a cold front right there. So actually it came out like,
11 blowed like 20 knots one night and for a couple nights there. And
12 we stopped for those couple nights. I think it got like 5-foot
13 seas. And then, let's see, then it slowed down and then we worked
14 2 days, and then it was supposed to blow again from the east back
15 to the northeast for 15 to 20 knots. The last time it blew it was
16 15 to 20 and gusts. So this time it was just 15 to 20. So we
17 stopped. It blew the rest -- you know, it blew that night and the
18 middle of the day the next day there when we went set out there,
19 it was done blowing, the rain was gone, and the sky was clear.
20 Wasn't no clouds really in the sky. Just straight clear sky.

21 Q. Okay, great. And the current, you mentioned a few
22 minutes ago about the current. How was the current setting the
23 boat? Which way was the current running?

24 A. The current was running to the west. We was going with
25 the current. The current was hitting us in the stern.

1 Q. Okay. So the current was going west and you -- so you
2 were transiting with the current. So in other words, you were
3 being pushed through the water a little bit?

4 A. Yes, sir. We was riding it with -- on our stern.

5 Q. Okay. And again, this is little bit redundant, but
6 right before the accident, you know, that drag that you were
7 engaged in, what was the water depth to the best of your memory?

8 A. 180 feet.

9 Q. Okay. And the speed of the vessel, how fast was the
10 vessel transiting? Do you remember what the speed of the boat
11 was?

12 A. While we was dragging that day?

13 Q. Yes, sir.

14 A. We was dragging that day at about 3.3 knots going with
15 it.

16 Q. Okay. So that was the speed of the vessel plus the
17 current that was pushing you was about 3.3 knots?

18 A. Yeah. We was moving our trawls along the bottom of the
19 ocean floor, I would say, at 3.3 knots.

20 Q. Okay. And what was the wind speed? Could you estimate
21 the wind speed?

22 A. Might've been about 10 knots.

23 Q. Okay. And you said that was -- and I don't want to put
24 words in your mouth, but you said that was coming out of the
25 northeast to north?

1 A. Northeast, kind of east, maybe northeast -- probably,
2 yeah, more northeast.

3 Q. Okay. All right.

4 A. East-northeast probably.

5 Q. All right. Well, that clears up the weather conditions
6 quite a bit for me, so I appreciate that.

7 Now, you know, regarding your plans. So when you got
8 off the anchor and you went back out and you were going to start
9 to fish, did you have a plan in your mind of where you wanted to
10 do your drags?

11 A. Yeah, I drug right where I've always dragged right
12 there, just between, let's say -- I would call it between a couple
13 pot lines. You can drag over them, but everybody goes through
14 that area at about 40, 42 fathoms. Because, I mean, it's a
15 computer and when you get stuff added in your computer, everybody
16 gets it and it's like a Highway 90 piece of bottom or, say,
17 Interstate 10 or something there. Everybody and anybody has got
18 to dragging that goes through 40 to 42 fathoms, but nobody hardly
19 ever moves up into to like 35 to 37, 37½ maybe, and that's where,
20 you know, I drag. I have all the hangs for that. I've been
21 working there all my life.

22 Q. Okay.

23 A. Was taught, you know, by my father how to work there.

24 Q. Yes, sir. And that was one of my questions also. Is
25 your experience as a captain of a shrimp boat working in that

1 specific area, how long have you been a captain of a shrimp boat
2 dragging in that area?

3 A. I probably had 10 years' experience in that area right
4 there. I would go out with my dad in the summertime, you know.
5 But as far as a captain of a vessel there, I probably have 10
6 years' experience as a captain and probably 4 years prior to that.
7 Since I been 18 -- I was only a deckhand for 4 years after school,
8 and got my first boat. But I worked with other people and my
9 father in that area, you know, worked as a deckhand.

10 Q. Yeah. And on this boat, I think you mentioned that,
11 Lee, you had been on the *Christopher's Joy* since March of 2014 to
12 we'll say October 2014. So 7 months, is that about a good
13 estimate, 7 to 8 months on board the *Christopher's Joy*?

14 A. Six to 7 months.

15 Q. Okay. And that entire time were you the captain of the
16 vessel?

17 A. Yes, sir, I was.

18 Q. Okay. And how many times did you bring the
19 *Christopher's Joy* into this same area that you're talking here on
20 the Southwest Pass and actually drag?

21 A. This was our second time on this vessel being in that
22 area.

23 Q. Okay. And you said you had 10 years of experience in
24 that area, do you know where all the snags are?

25 A. Yes, sir, I have all of them.

1 Q. Yeah, and what do you consider a snag?

2 A. A pipeline that's notched below the water there. So
3 most times there we could get our nets just ripped on them. You
4 got some sunken boats and barges and some -- maybe them ships or
5 something might shove a big container over or somewhat there where
6 he might, you know, catch it. Or it might be, you know, just
7 anything, a rock pile. But in that area there, I mean, the only
8 thing that's in that area, a couple of pipelines, and up in shore
9 of 35 fathoms, there's some ships anchored, you might hit a ball
10 hole up in there. But other than that, I didn't really have
11 nothing major. Maybe a sunk buoy, I think. Anchor buoy.

12 Q. Okay. Now during this trip that you'd been down here,
13 how long have you been running this trip right here?

14 A. We had been on this trip for about 10, 11 days.

15 Q. Okay.

16 A. Probably starting our 11th day on this trip.

17 Q. Okay. So in 11 days of dragging, did you get snagged at
18 any time?

19 A. No, sir. We hadn't made a hole in the net, you know.
20 We hadn't hung on anything to even make a hole. But we had picked
21 up in a tickler, tickler chain be loose and we never feel it. Had
22 tickler chains come loose, and these chains is, say -- they drag
23 right over top of the bottom, if they ain't digging in the mud
24 about an inch or 2 right in front of our trawl. So I've had two
25 of those broken in that time frame, you know, when we was in that

1 area this last time, but nothing ever snagged. And one of the
2 times I would think maybe a shackle just wore out and just come
3 undone or somewhat, but I did feel a little bump and then we
4 picked up -- we have a small safety shackle on it so it don't
5 stretch our chain, it'll break our small shackle. And that's what
6 had happened at that time, you know, but that was going over a
7 pipeline.

8 Q. And that was during the 11 days?

9 A. Yeah, that was within the past 24 hours.

10 Q. Okay. Okay, and since you mentioned the tickler chains,
11 those aren't -- those are for the fishing aspect of it, right?
12 That's something that excites the mud and gets the shrimp excited
13 and then they get up out of the mud and into the net?

14 A. You're correct.

15 Q. Yeah, it doesn't have anything to do with the actual
16 mechanics of the equipment, right?

17 A. No. But when you're explore something right along the
18 bottom, this was the hardest thing that we pulled. That's what's
19 going to catch anything first. Unless a door hits it. You know,
20 one of our doors may hit it.

21 Q. Okay, okay.

22 A. Our trawl doors.

23 Q. Okay, so 24 hours beforehand you got snagged on
24 something. Could you tell what it was?

25 A. No, uh-uh. The boat's got so much power, say, like

1 there when we're pulling, that something like -- you know, it
2 would be like tying an outrigger to a piece of chain but putting
3 one of them small shackles in it. However much it takes to break
4 that there, I mean, it wouldn't -- it wouldn't take very much at
5 all. You would probably barely notice it in a F-150 hooked to the
6 bumper there just -- you could feel it, you know.

7 Q. Okay, so you had to replace a shackle?

8 A. Yeah, we replaced a shackle.

9 Q. Okay. And how did the boat react when it snagged? Did
10 the boat, you know, list to port or starboard, or did you --

11 A. Nobody else even knew that we had broke a tickler. But
12 me sitting there in the wheelhouse and me knowing how the boat
13 felt and all, I just -- whenever it -- when it broke, it was like
14 a little bump.

15 Q. Okay.

16 A. Like when you feel it, which -- I got my feet on the
17 dash. I don't know how to explain it. I got my feet on the dash
18 and I'm just looking at my computer and my pilot and stuff like
19 that, and the rudder indicator letting me know this and that and
20 all, and it just bumped. And then when it broke, the boat was
21 riding a little bit different because that net would actually
22 quite trawling. It would like -- it would be ballooned out, and
23 then when the tickler broke there, the net would kind of lose
24 pressure for some reason and the other side of the boat would gain
25 that pressure. But it wouldn't be enough to put a list in it.

1 You wouldn't even notice it if you wouldn't be me, the captain.

2 Q. Okay. No, I understand. That's a great explanation.

3 So it sounds like you really have a feel for the boat?

4 A. Yes, sir, I -- I mean, I -- well, I do. I mean, I can
5 feel anything on the boat. Especially when they had redone the
6 alignment of the engine and we pulled the clutch out and replaced
7 parts on the clutch, and the man was calling me -- the owner of
8 the vessel would call me every other day, how's the boat doing,
9 how's it driving, you know, how's it pulling now?

10 Q. Okay.

11 A. So, you know, I explained it to him there the boat feels
12 really good, you know, it feels stronger than what it felt as far
13 as pulling propulsion.

14 Q. All right. Well, let me ask you this then. So prior to
15 you becoming aware that the outrigger was not operating as usual,
16 did you feel anything unusual about the boat? Did you feel a door
17 get caught or any type of snag whatsoever before you became aware
18 of the outrigger?

19 A. Yeah, I have -- not this trip, but I had already hung
20 the boat one time on something pretty heavy there to where we
21 pulled the whole outrigger down and the block down into the water.

22 Q. Yeah. No Lee, what I'm -- the point in time that I'm
23 asking you about is after you got underway from anchorage to the
24 time the vessel capsized -- you know, prior to 24 hours beforehand
25 you said you snagged up. So while underway on this drag right

1 before the accident, and the outrigger -- you became aware of the
2 outrigger coming out of, you know, it's normal condition, did the
3 net, did the door, did the boat experience any snag whatsoever on
4 the bottom?

5 A. I never felt anything and I know it didn't snag on
6 anything, because after the boat had rolled, the boat would still
7 go with the tide and the only that would be propulsion pulling it,
8 would be the tide. So if it would have been hung on anything, the
9 boat would have never left positions.

10 Q. Okay.

11 A. So it wasn't hung on anything.

12 Q. No, that's great.

13 A. It wasn't hung. I still had 7, 8 more miles in that
14 direction to actually drag. But I just -- that one little streak
15 right there is where I work. You know, that's where most of the
16 times the shrimp would be. That would be called a lick or a
17 hotspot or -- you know, most times that's where the shrimp
18 accumulate.

19 Q. Okay. And you've gone into my next question there. On
20 this leg, you said how much longer until you were planning to
21 turn?

22 A. I set out and had about 6, 6½ miles from what I drag,
23 but I could have kept dragging another 7, 8, 9 miles before --
24 right there to the mouth of the river. Because they got two
25 pipelines that go from -- that were as deep as we dragged to as

1 shallow as we dragged, and the only place to pass while you're
2 pulling trawls is actually inside like 20 fathoms, and we wouldn't
3 have -- we would have had to pick our trawls up when we got there.
4 But other than that, I would've never had to pick my trawls up. I
5 could've drug right on through.

6 Q. Okay, so was it your intention then prior to this
7 situation, this emergency situation of the rigger coming up, was
8 it your intentions to continue on for another 6 miles?

9 A. No, no, I was -- I dropped my test trawl, and the lick
10 that we was about a 6½ mile lick. And when we dropped our test
11 trawl on it, we was marking a fairly good amount of shrimp, you
12 know. So I was going to stay and work right on top of that school
13 of shrimp right on that area until -- you know, they was so tired
14 and I was so tired, and we was planning on eating and I went back
15 up in there and stopped it till the next day at nighttime. Most
16 times right after dark, a little while, an hour or so, and an hour
17 or so, you know, before daylight there, the shrimp just kind of
18 lay down right there around the river.

19 Q. Okay. So it sounds like then you were more or less just
20 trying to find shrimp, you weren't necessarily running any pattern
21 or anything like that?

22 A. No, I knew there -- I mean, if I pulled my test trawl
23 and there were shrimp there, I was going to work there.

24 Q. Okay.

25 A. If I pulled my test trawl and there wasn't no shrimp

1 there, I would've kept going. There was boats up ahead of me and
2 they picked up and kept going. But like I said, they dragged at
3 42, 40. And there was two boats that was in the same depth going
4 the other direction. And was in -- I set out in between them in
5 like 35, 37½. They was in 40, 42. You know, you got them boats
6 dragging on a little bitty lick like that there and the four of
7 them bigger than I am, I knew there wouldn't be no shrimp there.

8 Q. Okay. All right. So as you're doing your test net, do
9 you -- prior to again the outrigger coming up and causing this
10 emergency, do you remember what course you on as far as looking up
11 at your magnetic compass?

12 A. A little to the south from going west. So west would
13 be, what, 270?

14 Q. Yes, sir.

15 A. So we was probably going at about a 254, 250.

16 Q. Okay.

17 A. About 250, somewhat like that.

18 Q. All right. Was there any digital charting that you guys
19 were using on the *Christopher's Joy* as far as where your drags
20 were?

21 A. Yeah, we have a computer on the boat there. It'll make
22 a GPS dot appear on a chart, just like you're looking at a chart
23 there. And I can click and change charts all day long.

24 Q. Okay.

25 A. Whatever, from a blowed up chart to a 1500 mile scale.

1 I can go from .01 to 10,000 miles and it would make any scale and
2 range, and if it had a chart for that range, it would put me on
3 it.

4 Q. Okay.

5 A. It would even blow the chart up or shrink it for me.

6 Q. Okay. So okay, moving on then to the next couple
7 questions. So you said you had 750 feet of cable out?

8 A. To my towing block, yes, sir. The tip of my outrigger
9 was 750 feet of cable.

10 Q. Okay. And then from the doors back to the end of the
11 net, what was that distance?

12 A. Let's see, that was probably about 80 feet, 100.

13 Q. Okay.

14 A. Eighty to 100. It was just as big as us, and I think we
15 was about 85 foot. If you put our doors to the bow, our tailback
16 straps would probably be at the back of the boat.

17 Q. Okay.

18 A. Close to it.

19 Q. Okay. Now let me ask you about -- okay, so again you're
20 time on board, about 6 to 7 months, you said. Tell me about the
21 rigging. The forward stays, how many forward stays did you have
22 for the rigging, the outriggers?

23 A. Two from the very bow of the boat to the very tip of the
24 outrigger of about 1 inch coated cable with crimps there -- with
25 an eye on each end with a crimp that has three or four links of

1 chain to where you can adjust maybe a foot or two. And on the top
2 -- well, see, we had the two on the front, and then you had one
3 from about the roundness of the bow of the boat, the roll of the
4 bow of the boat, you had one there, from there to the middle, and
5 then all it really did was strengthen up the try net on that side.
6 The other side there, it really didn't have it tight. You didn't
7 need it. It had stays from -- two from the very top of the mast
8 to the very tip, and one from the middle of the outrigger to the
9 mast. And it had one from the tip of the outrigger to the back of
10 the boat to the boom up in the rigging in the boom, and you had a
11 trolley cable, what we call a tracking rig. It's a cable hooked
12 to the tip of the outrigger and it runs about, say, the middle of
13 the mast in the middle of the boom -- in between the mast and the
14 boom, right there in the middle. And all it does is, say, when
15 you want to pull the rig in to the side of the boat and adjust
16 something or check your tickler chains and fix them. Like when we
17 broke one, we had trolleyed the rigs right in the doors, like,
18 right to the side of the boat right where they would set in the
19 racks, and check the chains like that there. You know, the stay
20 wires and all that conditions was fairly good. I mean, I would
21 say it was pretty good condition.

22 Q. Okay, do you -- and that's the next part of that
23 question is, do you know when they were replaced and in what
24 condition were they? Were they poor condition, fair condition, or
25 good condition?

1 A. It had two on the top and two on the front and one on
2 the back. And the one on the back it was in really good
3 condition. One of the ones on that side had been pinched in a
4 cradle and it was like the plastic coating was torn off and that
5 would give access to rust.

6 Q. Okay. And just for clarification, you said that side.
7 So are you talking about the starboard side?

8 A. Yes, sir, that'd be the starboard side that flew up. It
9 had one top stay cable that had a scar in the plastic, but I had
10 never seen exactly what it had looked like because it had another
11 cable. We had two cables. The only cables we pretty much really
12 pull a whole lot of pressure from is the front ones.

13 Q. Yeah, okay. Now moving along through the gear, the
14 lockdown stays. Those are the ones you said Mr. -- was it Peters?
15 Did Mr. Peters set the lockdowns?

16 A. Yes, sir. He locked them down just how I told him.

17 Q. Okay, now please forgive me. I don't know you or much
18 about this case, but who's Mr. Peters? What's his name?

19 A. Carl Peters there. He was -- he's my -- he would be my
20 first mate and he'd be second in charge.

21 Q. Okay, Charles Peters?

22 A. Carl.

23 Q. Oh, Carl Peters. Okay. Okay, so the lockdowns, and
24 just for clarification, so is this a chain that locks the
25 outriggers down in place so they don't come up unexpectedly?

1 A. Yes, sir.

2 Q. Okay. And you told Carl to lock both port and starboard
3 outriggers down?

4 A. Yes, sir.

5 Q. And did he?

6 A. Yes, sir.

7 Q. Did you confirm that they were both locked down, port
8 and starboard outriggers?

9 A. Yes, sir. I walked over there and felt each shackle and
10 made sure that he had tightened them by a crescent wrench and not
11 just by hand.

12 Q. Okay, so they were tightened down with a shackle and
13 chain?

14 A. Yes, sir.

15 Q. Okay. So they had no turn buckles installed on them
16 whatsoever?

17 A. No, sir.

18 Q. Okay. Now you mentioned just a minute ago, too,
19 something about the chain. He had to twist the chain to tighten
20 it?

21 A. Yeah. See, the chain was actually a little long, and
22 then when you shackle it up there, it would vibrate with slight
23 vibration of the boat, you know.

24 Q. Yes, sir.

25 A. The chain would just vibrate and it would make a little

1 racket or so, you know, laying down and trying to sleep, you could
2 actually hear it right there. And so I would put -- I told him, I
3 said, just twist a little bit there, like one time there, as long
4 you can get the shackle in it. But one twist there you can get
5 the shackle in it and it won't rattle like that.

6 All the twist would do is instead of the shackle hold --
7 staying at a straight up and down angle, it would just put it in a
8 little slight turn so it would have a slight amount of pressure to
9 it, instead of just dangling loose and vibrating. But the side
10 that he had put the twist in was the port side. The starboard
11 side he just shackled it straight up; it was fine.

12 Q. Okay, and the starboard side is the one where you're
13 reporting had actually came up?

14 A. Yes, sir. The starboard side is the one that came up.

15 Q. Okay, now -- regarding the tie-down for the starboard
16 side outrigger, did the chain or the shackle break?

17 A. I did not have enough time to see. All I could see was
18 the slack stay wires in the cable, and I already knew what had
19 happened. I don't know what had broke, but in saying like -- I
20 know you want to know how -- if I probably know how to make it
21 better, and that would be the answer to the question.

22 Q. Well, before we go there and ask you your recommendation
23 on how we can prevent this in the future. So are you sitting in
24 the captain's chair looking forward in the bow area, and you said
25 you saw the stays go slack?

1 A. Yeah, the two from the bow to the tip of the outrigger.

2 Q. Yeah.

3 A. When that outrigger flew up, you know, when it raised --
4 we raised them up into the cradles there, they have slack in them.
5 So, you know, it -- seeing -- I knew the outriggers didn't break
6 and fold in, and I knew it had flew up in the cradle because the
7 way, the position of those two front stays was; they was going up
8 and not down into the water.

9 Q. Yeah, sir, I understand. So was that your first
10 indication that there was something wrong with the starboard
11 outrigger is when you saw those two forward stays slack?

12 A. Yes, sir. When we was pulling, and we was a very, very
13 slightness of a turn, because the tide was turning, had us leaned.
14 And when it had broke, it broke like half of the other outrigger
15 down in the water. And I just threw it out of gear, straight out
16 of gear. Then I slowed the boat down.

17 Q. Okay. Now before we get to that, because it's really
18 important to go back to this outrigger and when you got notice of
19 it. So when you saw those two stays slack, you're saying that
20 that was your first indication that the outrigger had actually
21 come up out of the water. Do you remember what time that was,
22 Lee?

23 A. Yeah, it was probably about 2:30 or so there.

24 Q. Okay. So 2:30 is when you first noticed slack in those
25 forward two stays there in the captain's chair?

1 A. Yes, sir.

2 Q. Okay. Now while you were doing that, Lee, so while you
3 were sitting in the captain's chair you saw the lines go slack,
4 what were you doing? Were you maneuvering the vessel to port,
5 starboard, or were you going in a straight line? And also, did
6 you adjust the speed of the vessel at any time during that period?

7 A. Yes, sir. We was going at about, say, 250, 255 there,
8 and I put us in a turn and we slightly turned -- in about 10, 15
9 minutes we slightly turned and got going about -- oh, let's say,
10 about 175 right before 180, and then we was leaning pretty hard
11 with the tide hitting us directly on the side. So I slowed my
12 turn down, but I had speeded my boat up to about, I don't know, 50
13 more rpms than what we was normally doing when we was going with
14 it, because I was coming back around into it and I didn't want to
15 go -- be turned around into it and then when I get headed up I'll
16 be so slow my rigs was bog. So I gave it a little more power
17 here, but I slacked up on my turn because we was already leaning.

18 Q. Okay. So you were -- now help me put this together
19 then. So as you're moving at -- oops, I lost the heading -- 250,
20 I think you said -- now, are you starting your turn and speeding
21 up prior to the stays slacking?

22 A. No, sir. Once the stays went slack, it was all stop.
23 It was --

24 Q. Okay.

25 A. -- sound the alarm, go outside, go to your station. And

1 Mr. Peters left to go to the winch there. I told him to undog the
2 winches. He couldn't get to the winch to do undog them.

3 Q. Okay, well, let's not go there yet. We'll get to that
4 point. I still just want to understand the heading. So when you
5 were in the turn then, is that what you're saying, going from
6 2- --

7 A. No, when I was into the turn, I was already into the
8 turn about 10 minutes before I ever speeded up or even slacked up
9 on my turn.

10 Q. Okay. And during that turn, when did those stays go
11 slack?

12 A. About in the middle of the turn.

13 Q. Okay. No, that's perfect. That really gives me a
14 visual idea of what you were experiencing, so thanks for that.

15 Now -- I'm looking at my notes here. You provided a lot
16 of really good information.

17 MR. BOWLING: This is -- Lee and the team there in
18 Mobile, this is Larry Bowling. What I would suggest is let
19 Mr. [REDACTED] finish up his round of questions and then if everybody
20 wants to, we can take a 15-minute break. We've been doing this an
21 hour 15 minutes. And that way if Lee -- I don't know if you smoke
22 or not, you can smoke a butt there or get something to drink and
23 we can regroup and fire back up, if everybody's okay with that.

24 MR. LADNIER: I'm ready to finish this.

25 MR. BOWLING: Okay. Well, we can do that too.

1 Everybody okay with that?

2 MR. LADNIER: Take 5 for a restroom break whenever
3 you're ready.

4 MR. BOWLING: All right, well we can do that. Let's
5 Mr. █████ finish his line of questions. We'll take 5 minutes and
6 then we'll fire back up.

7 MR. LADNIER: If you all want to use the bathroom or you
8 all smoke or something, but us guys here is fine.

9 BY MR. █████

10 Q. Okay. Well, this is █████ so -- Mr. █████ I'll
11 continue on then. So, and these are just a couple of the follow-
12 up questions that I was looking. And I stopped you right there
13 for a minute, Lee, when you went to all stop. Who's Bud? You
14 said you called Bud.

15 A. We was working on 103 on a VHF, and Bud Sessions is runs
16 the *Debra Lee*. It's a fishing vessel out of Bayou La Batre. I
17 fished around him for the past 2 days right there and his partner
18 boats there; he's got two other partner boats. They all work in
19 that area. And I was talking with them and, you know, being on
20 communication with them, because we was passing one another and
21 stuff, and we was all working on channel 103, VHF. So I just told
22 him there if he didn't hear no more from me to come that way. And
23 before I could really get any more information out of my mouth
24 there, I felt the boat and it started to roll past that pivot
25 point there. It kept pulling down and down and down, you know,

1 with the tide. And when it got to that pivot point there, I just
2 let go of the mic there. I was looking to call and grab and hold
3 onto something because I knew it was turning then. But that's all
4 I got was, if you don't hear from me no more, come this way here
5 and we're going to probably need some help. But I wasn't expect
6 the boat to turn that -- quite that fast, but it did.

7 Q. All right. So Bud was the master of the *Debra Lee*?

8 A. Yes, sir.

9 Q. Okay, and is the *Debra Lee* blue colored hull with blue
10 outriggers?

11 A. Yes, sir.

12 Q. A white superstructure?

13 A. Yes, sir. It's got -- well, I think the boat used to
14 have blue outriggers, but they changed it. It's all white now.
15 They just got it off the ship yard here. It's not all blue
16 outriggers anymore, but the other two boat have -- the smaller
17 boats have the blue outriggers and blue rigging still.

18 Q. Have you seen the picture of the *Christopher's Joy* that
19 is capsized with the stern of the vessel out of the water and a
20 commercial fishing vessel in the background with a blue hull?

21 A. Yes, sir, that's probably the boat you seen. Yes, sir.

22 Q. And is that the *Debra Lee*?

23 MR. [REDACTED] I've got the (indiscernible) here. This
24 is [REDACTED] with IC-Maritime. I've got that picture pulled
25 up here.

1 MR. BOWLING: Yeah, and if -- this is Larry Bowling. If
2 we can at this point in time -- I was going to go this way, and
3 I'd like Mr. [REDACTED] to finish up the line of questions. If we can
4 ask the witness to look at that picture and identify that, we'll
5 call that Exhibit 1 for this interview. Identify the vessel
6 that's in the background and I guess -- Mr. [REDACTED] if you'll have
7 the witness go through the -- where he's at, where he thinks he's
8 at this time in the picture and the positions on the rudder that
9 we can see there.

10 So, Mr. -- or, [REDACTED], do you have that picture available
11 for Lee?

12 MR. [REDACTED] Yes, sir. He's got it in front of him.

13 MR. BOWLING: Okay, Mr. [REDACTED]

14 BY MR. [REDACTED]

15 Q. And I was just trying to attempt to identify who or what
16 other commercial fishing vessel was in that image that you have
17 there?

18 A. That is the *Debra Lee*.

19 Q. Okay, all right. Thank you, Captain Lee. Okay, so to
20 kind of wrap this up a little bit, I wanted to ask you -- because,
21 again, I am the commercial fishing vessel examiner here, I wanted
22 to ask you and kind of follow up on the drills, and the
23 relationship between you, Lee; Mr. Peters, Damion [sic], and Nick.

24 My notes, I wrote down -- how long has Mr. Peters been
25 on board the *Christopher's Joy*?

1 A. This was his first trip being on board the *Christopher's*
2 *Joy*.

3 Q. Okay, and Damion?

4 A. This was probably -- with me, this was probably Damion's
5 third trip. He had been on the boat prior to that with his uncle,
6 Mr. Samuel Christopher.

7 Q. Yes, sir. But on this boat with you as the master,
8 Damion, you said, three times?

9 A. Yeah, about 2 months; three times we had been at sea.

10 Q. Okay, and Nick, what his with you on this boat?

11 A. This was his first trip with me on this boat.

12 Q. Okay. And -- so you had never fished with Nick before?

13 A. No, sir, I never fished with him.

14 Q. Okay. How long had you been underway on this specific
15 trip -- I'm sorry, I think you answered that before.

16 A. About 10 or 11 days.

17 Q. Okay. And just to follow-up on the warrant officer's
18 question there, when was the last time you all, all four of you --
19 Mr. Peters, yourself, Damion and Nick -- participated in a man
20 overboard drill, an abandon the vessel drill, a fire drill, donned
21 life jackets or any of those things? When was the last time you
22 all four participated in a drill?

23 A. We had never really participated in a drill.

24 Q. Okay. And you specifically, when was the last time you,
25 and it doesn't have to necessarily be on the *Christopher's Joy*,

1 but in your experience over time, when was the last time you
2 participated in an emergency drill?

3 A. I never participated in a drill for about -- let's see,
4 I don't remember if we had to do anything at David Robichaux's,
5 the cat fleet company. I don't ever really remember having an
6 actual drill or being made to do a drill. You know, that was up
7 to you.

8 Q. Okay. And did you ever conduct any type of safety
9 orientation for Mr. Peters, for Mr. Damion or Mr. Nick at any time
10 when they got on board the vessel?

11 A. No, sir. I just say, you look right there and you see
12 where it says life jackets and it's got like 15 life jackets,
13 brand new, nice life jackets right by the back door, and it says
14 life jackets on it. And, I mean, all I have to say is there's the
15 life jackets and that's as far as my safety instructions went.

16 Q. Okay.

17 A. They know.

18 Q. Yep. And just two final questions. Did the vessel have
19 a general alarm system on board it?

20 A. Yes, sir.

21 Q. And did you activate it?

22 A. No, sir.

23 Q. And how did the crew members know that there was an
24 emergency befalling?

25 A. The boat was leaning at a pretty good angle. I'd say

1 that was emergency enough.

2 Q. Okay. And so did you tell any one of the crew members
3 that there's an emergency, that you need to abandon vessel?

4 A. I told everyone to get outside. I didn't want anybody
5 inside the boat but me. And I said that quite a few times,
6 everybody outside, you all get outside.

7 Q. All right. And did all three of them answer you or at
8 least acknowledge to you that, you know, they received the
9 information that there was an emergency to get outside?

10 A. Two of them went outside at the first speaking of
11 everybody get outside. And Damon was standing in the back
12 doorway, opened the door. And as the wave was coming, hit up
13 against the boat a little bit, the boat rocking in the sea and
14 all, and the wave would come through into the back door, and he
15 would pull the door closed right when the wave was fixing to come
16 in. He was pulling the door closed and holding it open and
17 looking again. And I told him right before the boat turned to get
18 outside, don't be in here -- you don't want to be in here when it
19 turns over.

20 Q. Okay.

21 A. Still sat at that back door. And as soon as that time,
22 the boat flipped. I think I had just let the mic down with the
23 *Debra Lee* and I said get outside now, and the boat was -- you
24 know, I could feel it at that point, like I said, the point of no
25 return, when you know it's passed, passed it. And he didn't go

1 out that back door. He was scared or something. I don't know.
2 He was a better swimmer than Nick. He was probably just as good
3 as a swimmer as me or Mr. Peters.

4 Q. Okay.

5 A. I swam with him. I know he could swim pretty good. But
6 he was scared; he wouldn't go out the back door.

7 Q. Okay. So did you order the other ones out on the deck
8 then to do something with the winch? You said something like
9 undog the winch. What does that mean?

10 A. Our cables, you know, to the winch. And dogging a winch
11 would be making where the winch, the cables don't slack out or in.
12 You would be like a dog in a door. Like you open a door and you
13 close a door on a boat and you smash that handle down, or you turn
14 the door, big old handle on the door and it dogs it. Or, say,
15 like your knob, your little latch there when you push the door
16 shut it clicks in and sticks. You know, it pops back and sticks
17 in that notch.

18 Q. Yeah.

19 A. It dogs the door; the door won't move no more. A dog,
20 that's the same particular thing there. It's just a piece of
21 steel that sticks up into the winch somehow and dogs it where the
22 winches do not move until you undog them.

23 Q. Yeah. So what was your expectation? What did you want
24 them to do? When you said go undog the winches, what did you --
25 why did you want them to do that and what would have them been the

1 benefit of them undogging the winch?

2 A. We wouldn't have had something under the water pulling
3 on us like that there, you know. If that cable at the top would
4 -- if we could have got slack on it and the slack on the cable,
5 you know, both drew -- if we could have got slack, slacked the
6 cable out and turned our rigs loose, we would have maybe, maybe
7 had enough time to adjust for what happened.

8 My plan, when I seen what had happened, was to undog the
9 winches and to take the tie-down chain off of the other side and
10 pick that outrigger up. And I was trying to pick -- I wanted to
11 pick some cable up on the other side, because I knew when we
12 picked that outrigger up, that when we got to a certain point the
13 other outrigger was just going to fall. It'd be free fall. There
14 was no way for me to get all that slack out of the cable, you
15 know, the block and tackle. It went from the boom to the
16 outrigger to the boom to the outrigger to the boom and then to the
17 winch. So it had a bunch of, you know, pieces -- I don't know how
18 to explain it, you know, the block and tackle. All that had slack
19 in it. And that winch, I could have never gotten all that slack
20 to come out. I knew that. And I was thinking undog them and I
21 can get enough to where I felt comfortable we can start just free
22 drifting and I could get back there and undo that tie-down chain
23 on the other side. My plan was to pick that outrigger up until
24 the other outrigger had failed. And maybe it would have broke the
25 outrigger, I really don't -- I don't know, but I would have saved

1 the boat. I wouldn't have lost two men's lives if I could have
2 got the winches undogged.

3 Q. So just to kind of summarize that then. Releasing the
4 dogs on the winch, was it your hope then that you would release
5 strain off of the outriggers?

6 A. Yes, sir. It was that --

7 Q. And put slack into your drag?

8 A. Put slack from my doors, the heavy doors on the bottom,
9 to me there, to where the boat would maybe turn the opposite or go
10 into the tide or a different way than it -- the tide was pulling
11 the boat down as it was going. The tide was what was pulling the
12 boat down more and more and more, turning it more and more and
13 more. So if I could get the cables undogged, it would have quit
14 turning and I could have tried to do something. Or, I mean, it
15 wouldn't have just flipped like that.

16 MR. [REDACTED] Captain Lee, thank you very much for the
17 patience that you've shown with me. I just tried, wanted to get a
18 really good picture so I can set it in my mind for the
19 questioning. So thank you very much for your time. And I'll turn
20 it over here to Mr. Larry Bowling with the NTSB.

21 MR. BOWLING: All right. Gentlemen, I'm good to keep
22 going. I don't know what -- what's the consensus over there?

23 MR. LADNIER: (indiscernible) I'll be right back. Just
24 2 or 3 minutes, if you don't mind.

25 MR. BOWLING: Well, all right, let's take a -- let's do

1 a 5-minute break and we'll -- I'll tell you what, we're going to
2 go make a head call then, do 5 minutes, and then, [REDACTED] if you
3 want, just dial us back at this number.

4 CWO [REDACTED] Sounds good, Larry.

5 MR. BOWLING: All right, thank you.

6 (Off the record.)

7 (On the record.)

8 MR. BOWLING: Okay, we are back on the digital recorder
9 gentlemen, and I'll go ahead pick the floor up at this point, and
10 I only have a few questions, I think.

11 BY MR. BOWLING:

12 Q. Lee, just to get an idea -- I don't even have your date
13 of birth or your age range, so I don't know how to tell how much
14 experience you have. What's your date of birth and your age at
15 present?

16 A. My date of birth is [REDACTED]. I'm 36 years old. I will
17 be 37 this year.

18 Q. Okay, '77, all right. I just needed that mainly to know
19 how much experience you got on the water. Now as far as any
20 formal maritime training, have you ever had any formal training?

21 A. No, sir.

22 Q. Do you currently hold a merchant mariner's license of
23 any type or a merchant mariner's document?

24 A. No. I got the Alabama where you can drive, what you
25 call, a Jet Ski or a boat where you know the signals and you got

1 to know the buoys and what a gas can is, and all that stuff. I
2 went to my driver's license commissions and took the test and
3 passed that.

4 Q. Okay, well, that counts. What was that? Is that
5 basically a recreational boating safety test or something?

6 A. Yes, sir. And when I was in high school, my high school
7 had a marine tech class. We would do the same thing. Coast Guard
8 put us on a boat. We would actually do the rules of the road,
9 lights, shapes; we would do charting, navigation, and stuff there.
10 I know how to do all of that.

11 Q. Okay. Well, what about radar? Can you set --

12 A. We did radar in school. I mean, just -- I know when a
13 vessel's coming there. I can look at it and I can even do it on a
14 test for you even today. CPA of the vessel and how fast he's
15 going, you give me two plots of the radar and I can -- and the
16 mile scale, and I could tell you. All those, I know the formulas
17 of speed and distance and time and the course and, you know, True
18 Virgins Make Dull Companions.

19 Q. Right, right.

20 A. I know all that about navigation. I was taught that in
21 school.

22 Q. Okay. And --

23 A. High school.

24 Q. Okay, now, that counts. So after -- do you have
25 certificates of completion from those courses?

1 A. No, sir.

2 Q. Okay, but they're recorded somewhere?

3 A. They're recorded somewhere of me being in the school
4 system there. I think I've got about maybe 3 or maybe 4 -- I know
5 have 3 completed years for sure of marine tech in my school.

6 Q. Okay. Now back to policy, tell me about your
7 interaction and -- tell me the policy on the vessel from regard to
8 drug and alcohol. What was the vessel's acceptance policy there?

9 A. No drugs, no alcohol aboard the vessel.

10 Q. Okay. And on this particular trip were there any drugs
11 or alcohol on the boat that you were aware of?

12 A. No, sir.

13 Q. Now was that a policy you set or a policy that
14 Mr. Christopher, the boat owner, set?

15 A. Mr. Christopher had his policy of it, and I have my
16 policy of it too. No drinking on the boat until everybody's job
17 is done. That's like when we come into the dock. And no drinking
18 on the boat when we're at sea, you know. You got three men and a
19 case of beer, there's ain't no telling what might happen.

20 Q. Okay. And was that similar to Mr. Christopher, or were
21 there differences between your policy and his policy?

22 A. We had the same policy. And at the dock there, it was
23 my option that you could even come aboard the vessel with a beer
24 in your hands. And I didn't mind it as long as everybody's job
25 was finished, because like I say, this -- those guys that was on

1 the boat was from Jacksonville. So after they would finish with
2 the trip and we unloaded our shrimp, you know, I would always have
3 one of those guys would still be on the boat for a day or two
4 before he went home on the bus or if his uncle come down to, you
5 know, whatever. But I had total control and full responsibility
6 of the boat whenever Mr. Christopher wasn't around.

7 Q. Okay. Now what about if the boat's at anchor and not in
8 a -- you know, if you're out waiting for work or something to that
9 effect or you're going to change positions for your drags, was
10 alcohol use allowed on the boat at that point?

11 A. No, sir.

12 Q. No?

13 A. From when I ride through, if he was drinking and came to
14 the boat, when we got ready to leave, if you had a beer in your
15 hand, you had to throw the beer away and then get on the boat, and
16 then go out.

17 Q. Okay.

18 A. But he -- you could leave the dock. I would bring a
19 crew member leaving the dock, because I could put them to bed, you
20 know, tell him -- you know, let him go to bed and all. But they
21 knew my policy and I never had any trouble with anybody drinking
22 and stuff like that on the boat.

23 Q. Okay. Now I'm trying to keep up with people and names.
24 Now Kurt Koeppen (ph.) is who to you, and how's he related to the
25 boat?

1 A. Kurt Koeppen, I believe is Samuel Christopher, the owner
2 of the boat's stepson. I think he actually does the book records
3 of the boat or for the boat, and does errands and whatnot over the
4 line for Mr. Sam, maybe like his secretary or accountant of the
5 boat or something.

6 Q. Okay. Now, and after the accident there were some
7 postings on one of the social media sites of some other -- one of
8 the other shrimp boat captains that said he'd had some radio
9 contact with the *Christopher's Joy*. Do you know anything about
10 that? I think the guy's name was Andy Williams or Andrew
11 Williams?

12 A. Andrew Williams?

13 Q. Was he possibly a captain on the *Debra Lee* instead of
14 Bud, or a crew member on the *Debra Lee*; do you know?

15 A. I had after -- let's see. After it happened and I was
16 on the *Miss Anna*, a couple of the fishing boats here that I worked
17 with came right there close to us there. Mr. Bud had given us a
18 couple packs of cigarettes and he gave the guys on the oil boat
19 there like 10 pounds of shrimp. And then my other friend there --
20 Gary Bear (ph.) is his name. We called him Boo.

21 Q. Yeah.

22 A. I don't know, maybe his captain -- I don't know his
23 captain's name, but he was on the boat called the *Maranatha*. It
24 would be Wendell Howerin's boat. And I can't recall a Williams,
25 but I do know that name, there, Billy -- it might be Billy

1 Mooreover (ph.), and then he call himself Williams. I ain't for
2 sure. But before, prior to that, we hadn't talked on the radio to
3 anybody except for Bud, when -- from the time that I dropped my
4 anchor. And when I woke up, the only person I talked to was Bud
5 and he said -- he asked me where was I going, and I said I'm going
6 right down here to set out. He said let me know what you get on
7 the try and then I'll see what I'm going to do. Well, I told him
8 what I had on my try, on my test trawl, and he said there he was
9 doing something with his -- like changing his generator oil or
10 something in his engine room and he was coming to set out and work
11 with me.

12 Q. Okay. And again, if you don't know, if you don't have
13 an answer or don't know the answer, it's okay not to know the
14 answer. It was on a social media site and I couldn't find it
15 anymore, so I didn't know if it was just somebody saying something
16 or if there was any validity to it, but --

17 A. Yeah.

18 Q. So in the days, the 3 or 4 days preceding the accident,
19 so you'd have been maybe day 5 of the trip, day 6, somewhere in
20 there, possibly day 7, but did you have any radio questions with
21 any other shrimp vessels about equipment problems of any type that
22 you recall?

23 A. No, sir. I didn't have any problems with equipment
24 type. You know, the only thing I talked about on the radio with
25 any of the guys is I wanted to drag close by somebody so I could

1 see how my brand new nets -- I had just got brand new nets and I
2 wanted to see how they worked against these other guys' nets.
3 Because they had local built nets from Alabama and my owner of my
4 boat got me some different style nets from Florida. And I just
5 talked with a few of them and say I'm going to hang tight beside
6 you. We would drag 4 hours and we'd pick up, and I would see how
7 many he had versus how many I had, and stuff like that. But, you
8 know, anything else, I don't know what to say.

9 Q. Okay. Now again, as we've been here doing the interview
10 for a little bit so I'm going to walk you back. One of the
11 responses I think you gave to Chief Warrant Officer [REDACTED] there, we
12 were talking about the life raft and the EPIRB, and I don't
13 remember how you got there, but you said something about you saw
14 it flashing and then you had turned it off. Can you recall that?
15 When did you first get your hands actually physically on the
16 EPIRB?

17 A. It was probably about, I guess, 8:00, right after
18 sunset, 20, 30 minutes. We had seen the light, so it was dark.
19 So I don't know exactly what time it got dark, but it was about 30
20 minutes, 20 minutes after the sun had set, because it was still a
21 little light in the sky just a very, very, very little bit.

22 Q. Right.

23 A. And, you know, we had seen it.

24 Q. Okay.

25 A. They had scooped it up with a scoop net there off of the

1 back of the oil boat. And I believe it was probably after the
2 vessel went down or something.

3 Q. All right. So you were already on the *Miss Ann* [sic] at
4 that point?

5 A. Sir?

6 Q. You were already on the *Miss Ann* at that point?

7 A. Yes, sir. When we touched the EPIRB or even seen it, it
8 was hours after the vessel had capsized.

9 Q. Okay. All right. Now I'm a little confused about how
10 this storage system works. When you put these boxes of shrimp
11 below in the ice hold, you slide them -- you push them into areas
12 on the port and starboard side of the vessel and then use bin
13 boards to secure those boxes?

14 A. No. It would be like the middle of the boat would be
15 like -- it would have a shaft alleyway, and then it would have
16 where you could pull the hatches up. And we would put a rug down
17 so the temperature of the water through the shaft and all --
18 because it's a big freezer.

19 Q. Okay.

20 A. It's a freezer, and it's got gratings like every 5 feet
21 apart stacked down through it. It might be, say, 8 foot deep, you
22 know, the room that we have. It would probably be about 40 foot
23 long, 8 foot deep and whatever the width of the boat is. It would
24 probably be about a foot difference than that because it has
25 probably 6 inches of foam on each side of the boat.

1 Q. Okay.

2 A. We would taking -- it would be about like the shape of a
3 sack of potatoes, you know, the same thing. We use the same sack,
4 a potato sack or onion sack, but a big one. It holds
5 approximately 70 pounds of shrimp. And I was putting about 60
6 pounds of shrimp in them and stacking them, because was catching
7 shrimp, you know, heading them; we was taking the heads off, and
8 anytime you break those shrimp, they less price. So we was
9 handling our product with extreme care and they was stacking them,
10 you know, with ease, not just slinging them around. But it would
11 stacked on port and starboard equally, pretty much, because we was
12 catching tails and I -- like I would just tell them, when they
13 drop it down don't leave it in the middle on the alleyway because
14 that's where the heat's going to come from is from the middle.

15 Q. Right.

16 A. So you leave them down there and keep throwing shrimp
17 and have a mountain of shrimp stacking up, the ones on the
18 bottom's going to fall out. So each and every drag they would
19 drop the shrimp down there. They would throw them from one side
20 to the other. Whatever side they were supposed to go in, we would
21 throw -- we was getting, you know, six to nine baskets. And then
22 after maybe a day or two, you know, you might be putting 20 sacks
23 on one side because of the way your drags was and then say, well,
24 we're getting more over here than over here. Then you'd go ahead
25 and put two drags on the other side; try to keep it balanced

1 equally.

2 Q. I got you. Now kind of stepping up in time, when the
3 vessel had already -- you had already ran into issues, the boom
4 had already raised and the vessel was heeling over to port. Do
5 you know if any of that cargo shifted? Did you hear anything with
6 the shrimp boxes?

7 A. I didn't hear anything, but I have done it before and
8 I'm pretty sure, yeah, the cargo had shifted. I mean, I didn't
9 get to see it, but I've been in that condition before to where
10 I've been hung. And I've had one rig out of the water jacked up
11 and the other rig be in like 120 feet of water to the bottom and
12 it's hung on something really heavy and I had pulled -- you know,
13 pull it down to where the towing block touches the water.

14 Q. Okay.

15 A. So, you know, I know from that experience that our
16 shrimp fell over because I pulled the boat over that hard and they
17 would fall out. Because once you start, we don't never bin them
18 off really until we get a full bin.

19 Q. Okay. And how -- in this earlier situation, was this on
20 the *Christopher's Joy* or on another shrimp boat?

21 A. The *Christopher's Joy*.

22 Q. How did it react when those bins or when those boxes of
23 shrimp shifted in the earlier event?

24 A. We even had more shrimp on board at that time. It
25 didn't affect anything.

1 Q. Okay. All right.

2 A. You know, like, say, I was already pulled over and the
3 shrimp fall out the bins and then I'll lean over a little further
4 because the shrimp fell out, no. I mean, you know, they don't
5 change it too much. I imagine if you probably had a lot on one
6 side and on the other side, it would probably change it, but --
7 no, it would only go -- if you had a full boat and it did that, it
8 wouldn't go but to the middle because the other side would already
9 be full.

10 Q. Okay.

11 A. So it wouldn't actually just fall from one side of the
12 boat all the way to other like that unless it was like half --
13 like only just a piece of starting it. And like we was, we
14 probably only had like, say, 100 sacks, 80 to 100 sacks. So, say,
15 40 to 50 sacks on each side directly across from one another on
16 the same bin on the port as the same bin on the starboard, it
17 probably would fall in like it would, but it didn't never change
18 us because it wasn't that much of an amount.

19 Q. Okay. Now in the hours preceding the accident was the
20 freeboard on the vessel consistent? Did you notice -- in other
21 words, what I'm getting at were there other areas, or potential
22 areas for downflooding that would have been going on before you
23 had the incident with the boom? Was the --

24 A. No, sir. I have alarms and they work.

25 Q. Okay.

1 A. Going back on the boat while we was at the dock, and we
2 tested all alarms like that. And if I would have had any water or
3 anything from the lazarette, the steering box place to the fish
4 hold where we kept our product and to the engine room, the last
5 place water, you know, could get was, you know, those three
6 places. And none of my alarms was off and none of -- you know,
7 was anything else, and I don't know, water anywhere else. No,
8 there couldn't have been, because we didn't have no alarms.

9 Q. Okay. Now I'm getting -- I've got a few final questions
10 and I'll turn it over to Jeff. Oh, the term -- I don't know
11 fishing gear very well, so bear with me. But a bird and
12 stabilizer, from what I understand, are the same thing, correct?

13 A. You are correct.

14 Q. Well, now the vessel was outfitted with these. Where
15 were they when you were doing the drag right before the accident?

16 A. They was hanging off the tips of the outriggers.

17 Q. Hanging off the tips of the outriggers. And how -- when
18 you say hanging off, were they in the water or were they above the
19 water?

20 A. It was above the water. We didn't have them, say, set
21 in the water. We didn't have them down. It wasn't rough seas.

22 Q. Okay.

23 A. We didn't have to have them.

24 Q. When do you normally set those -- when do you normally
25 put them in the water?

1 A. When it gets about a 5-foot sea or bigger.

2 Q. Okay. And where would -- is this something you learned
3 from experience or is it taught? How do you know when to deploy
4 those?

5 A. Deploying them in the area that I was in, you know, we
6 normally do whenever it gets rough. But most times, well, you
7 know, the deep boats so big here, most boats hardly ever pull
8 them. The bigger boats now days, they never hardly even drop them
9 in the water.

10 Q. Okay. And with regard to your trawls, the distance
11 behind the *Christopher's Joy*, were the port and starboard drags
12 even or was one further back than the other one? How did you have
13 that rigged up?

14 A. Each marker cable was 750 feet to the tip of the
15 outrigger and my towing block.

16 Q. Okay.

17 A. I had marks on my main cable that let me know that.

18 Q. Okay. And so they were consistently from a standpoint
19 of distance from the stern of the *Christopher's Joy* to the end of
20 the net?

21 A. Yeah, each side was a perfect distance.

22 Q. All right. Do you ever deploy them where one's shorter
23 than the other, and if so, why do you do it that way or why are
24 nests deployed that way?

25 A. No, we never deploy them that way, because we have a

1 line between them where it's like our catch line. We have a way
2 to throw the hook off the boat to catch the line that goes from
3 the tail bag to the trawl door.

4 Q. Right.

5 A. It's a rope that goes from, say, the inside trawl door,
6 meaning, you know, the door closest to the side of the boat. You
7 would have an inside door on both sides of the boat. But if you
8 put the doors together, you know, it's only on the inside. This
9 door, you know, the inside door close to boat, and on the opposite
10 side of the boat the door closest to the inside of the boat. And
11 those have a rope tied to them that trail back and go longer than
12 the tail bag and hook back up to it. Then you have a rope that's
13 in the middle that pulls those two ropes across towards the stern
14 and there's a small rope in between it. It's called a sugar line.
15 We just throw a grappling hook right out there and catch it, and
16 then we pull rope on board and that's how we wind the end of our
17 bag again is by that rope.

18 Q. Okay.

19 A. So you wouldn't set unequal cable because you'll pop
20 that line.

21 Q. I got you, I got you. Back to the two individuals that
22 lost their life, Damon and Nick, I'm trying to put together the
23 relationships on the boat. Now, were you related to either the
24 surviving deckhand or the two deceased deckhands in any form or
25 fashion?

1 A. No, sir. I wasn't related to any of them.

2 Q. Okay. And then the two that were deceased, Nick and
3 Damon, are related to the vessel owner, Mr. Samuel Christopher?

4 A. Yes, sir. I believe that would be his nephews. Damon
5 being his mother and Mr. Sam's brother and sisters, and Nick's
6 father being Mr. Sam's brother.

7 Q. All right. I think I'm through my confusion. Let me
8 see here. I've got some notes.

9 Now on the night of the incident or when you guys got
10 ashore, you gave statements to the Coast Guard, I'm looking, you
11 were using the term Jo-Jo. Who's that? Who's Jo-Jo?

12 A. That's Junior, Joe. Call him Joe, Smoking Joe, because
13 he picks so fast and it was a little nickname. You know, like
14 Damon there, we called Damon Blackbeard because he had a black
15 beard.

16 Q. All right.

17 A. Just a little nickname things.

18 Q. All right, so nicknames. Nick's nickname is what?

19 A. We didn't have one for him yet.

20 Q. All right. And Damon's was?

21 A. Blackbeard.

22 Q. And yours is?

23 A. Mine's Cap. You can't disrespect me.

24 Q. All right. Well, I understand that. And again,
25 hopefully the nicknames are to disrespect you there, but I heard

1 Lee-Lee. Is that you?

2 A. Yeah, that'd be my -- like my nickname for everybody.
3 When I grew up, my Dad's name's Lee, and everybody called me Lee-
4 Lee, so --

5 Q. All right, I got you. And then the statement you gave
6 the Coast Guard, Jo-Jo is Damon?

7 A. No, that would be Carl.

8 Q. Jo-Jo's Carl?

9 A. Yeah.

10 Q. All right.

11 A. Carl is Junior. Carl -- we called Carl Junior because
12 his Dad was Carl Peters, Sr. and he's Jr. And I called him all
13 kinds of things. First time he worked with me there, I called him
14 like his grandpa there. His grandpa's name is Doody, so I called
15 him Doody. And everybody's like, why's he call you Doody? He
16 says, because that's my grandpa. The first person I ever met in
17 his family was his grandpa.

18 Q. All right. Because I got -- then I got the other
19 statement the Coast Guard provided to me, because we have -- you
20 know, we have two investigations going on. And then I got the
21 deckhand's Joseph Peters, but that's Carl?

22 A. Yeah.

23 Q. All right. I think I've got the who's who on the boat.
24 All right, Mr. Bud is on the *Debra Lee*, so he's not on the boat,
25 correct?

1 A. Correct.

2 Q. All right. I think I got it all. Let me see. General
3 alarm; did you ever run the general alarm when the -- on the trip
4 that you went out on, the accident trip, did you guy's actually
5 know, you know it was working for a fact?

6 A. Yeah, we had -- prior to that trip, the trip before, we
7 had the insurance guy from New Orleans come down to the boat and I
8 walked him through it, and I turned the alarm on for him.

9 Q. Okay. I think with that, I'm pretty wrapped up with my
10 questions. I do want to -- do you have a number -- because we're
11 going to want to talk to the captain of the *Debra Lee* there, and
12 get his side of things. Do you know how we can get a hold of Bob
13 [sic] on there?

14 MR. [REDACTED] Bud Sessions.

15 MR. LADNIER: The captain of the *Debra Lee*?

16 BY MR. BOWLING:

17 Q. Yeah, I said Bob. I mean Bud, Bud Sessions?

18 A. Not right offhand, I don't know the number, but I could
19 have it for you, you give me a number to call you and let know or
20 let Mr. [REDACTED] know. I got an email. Any kind of --

21 Q. Yeah.

22 A. -- if I could help to do anything. I'm sure Mr. Bud
23 won't have no problem giving any kind of a statement you all want.

24 MR. BOWLING: [REDACTED] if you want to go ahead and get -- I
25 can give my email or -- Captain, I can give you -- are you capable

1 of writing a number down?

2 MR. LADNIER: Oh, yeah, I've got you covered.

3 MR. BOWLING: Well, no issue then. But use -- actually,
4 use [REDACTED] I'll give you my number. My number's 202-306-3003.
5 I say again, 202-306-3003. But [REDACTED] has lead on it, so coordinate
6 with him. But I will want to at least talk to Bud just to get his
7 -- you know, what he saw and what he knows to be fact. And I
8 think with that said, I'll turn the floor over to Jeff.

9 BY MR. [REDACTED]

10 Q. All right, this [REDACTED] [REDACTED] with IC-Maritime. We
11 don't have a whole lot, but I wanted to be sure that I understood.
12 You're talking about the stay wires and you say you've two from
13 the bow?

14 A. Yeah.

15 Q. And two from -- that go to the top of the rigging; is
16 that correct?

17 A. Correct.

18 Q. How do you adjust those? Are they a set length or can
19 you lengthen them? Tell me about that.

20 A. Yeah, you would have to undo them and put some chain in
21 them and then readjust them and all, because they've got to fit
22 correctly in line with the winch.

23 Q. So there --

24 A. But you can, you can -- I already asked him or he asked
25 me how much and all that; we done went that far. I told him it

1 needs to have 4 foot of chain put in each top stay. And at least
2 whenever you put 4 foot up here and drop from 4 foot to here, from
3 here to here, you're going to have to have 4 foot too. So he
4 asked me what I thought. And let's see, say like --

5 CWO [REDACTED] Lee, this is [REDACTED] with the Coast Guard.
6 Lee, when you say he, who are you --

7 MR. LADNIER: Mr. Samuel.

8 CWO [REDACTED] Okay.

9 MR. LADNIER: We had already discussed lowering these
10 outriggers prior to this. And say we would go -- say, like this
11 is where the stays would go from the bow to here. And then from
12 here, that would be the mast right here, we had -- they would go
13 from here, and then they would go from here to there. You would
14 have two here, you would have two right here, and one right here.

15 BY MR. [REDACTED]

16 Q. Okay. So you're saying that there are two from the bow.

17 A. Two here.

18 Q. And two from about a quarter way back.

19 A. It's one here.

20 Q. Oh, one about a quarter way back.

21 A. Then you have two here.

22 Q. Coming from the mast down?

23 A. And then you have one here.

24 Q. And one coming from the mast down --

25 A. And then you have one going to the back which would

1 have, say, the boat.

2 Q. Okay. So, now, all of these stay wires, once you're --

3 A. Coming right here and to the back, say -- sorry --

4 MR. BOWLING: Hey, [REDACTED], if I can interrupt real quick.
5 We'll need to have whatever the witness is referring to on the
6 record. So what are you guys looking at?

7 MR. [REDACTED] He's drawing a diagram. Captain Lee's
8 drawing a diagram of the vessel, and we'll take a snapshot of it
9 here with a cellphone camera or something so we'll have a copy of
10 it.

11 MR. BOWLING: And that'll be fine, but for the record
12 let's go ahead and we'll make -- we'll call that the Witness
13 Exhibit 2.

14 MR. [REDACTED] Okay.

15 MR. BOWLING: Or Witness Exhibit 1, because we're using
16 a photograph already as Exhibit 1.

17 MR. [REDACTED] Lee if you would --

18 MR. LADNIER: You can have a copy, you all.

19 MR. [REDACTED] Well, I was going to ask you, if you'll
20 sign and date that as well.

21 MR. LADNIER: I can redraw it on another piece of paper.

22 MR. BOWLING: There you go.

23 MR. [REDACTED] There you go, that'd be great.

24 BY MR. [REDACTED]

25 Q. Now once you get at sea, all of these stay wires, they

1 are a fixed length; is that correct?

2 A. That's correct.

3 Q. Can you adjust these at sea?

4 A. No, sir. You have to actually pick the outriggers up.

5 Q. Okay, okay.

6 A. And to get slack in them to be able unshackle them. In
7 order to unshackle them, you about got to have -- cut the
8 shackles, because they've probably been there so long that -- you
9 know, you probably have to heat the shackle up and get a big pipe
10 -- cheater pipe on these (indiscernible) bust them loose.

11 Because I do repair work. I've built these boats when I
12 was 16 years old. When I was in school we had co-op, and my co-op
13 there I went to the shipyard. So for 4 hours a day for my senior
14 year or my 11th grade year of high school, I didn't -- even that
15 summer my Dad said no, I'm learning a new thing, and I had to work
16 all summer for, say, \$7, \$8 an hour, when I could have went on the
17 boat with him when I was 16 and made me about \$4,000 that summer,
18 which I only made 4,000 for the whole 6 months I was at the
19 shipyard. But that wasn't -- the money wasn't the thing with my
20 father. It was me learning something. It was me learning about
21 steel. I understand, you know, now that I got older. And I know
22 all about these boats. I've built them, I've replaced parts on
23 them, and I can just about do anything in the world with a boat of
24 this size as far as any kind of fishing they got, maybe except go
25 to Alaska. And I'm sure -- I do know they got 80, 90 foot boats

1 up there in Alaska. But I wouldn't want to ride one of these
2 shrimp boats in them kind of seas I've seen on the TV.

3 Q. Yeah.

4 A. But as far as the shrimp boat built -- I've ran and
5 built. With the exception of the height of these outriggers on
6 this boat, the shrimp boat will make you cry in the wheelhouse as
7 far as rough seas. It will make you throw up in your lap. I've
8 seen us -- me have to put the feet on the dash, hold myself in the
9 chair and while we run or we drag through it. I've seen us drag
10 through stuff where the waves just crash over the boat, and drag
11 12 hours with the trawls down and just pick the nets up when it's
12 slacked down.

13 Q. Yeah.

14 A. So these boats will take way more than you will ever
15 take if it's got good equipment and it's correctly.

16 Q. Do you happen to know the lengths of any of those stay
17 wires?

18 A. I wouldn't know the length, but it would probably be
19 about -- when I draw this diagram, you could get you a piece of
20 paper -- just like you asked me how far back my rigs was, you
21 know, I can't tell you how far back they are; I could tell you how
22 much cable I had out.

23 Q. Right.

24 A. And you could draw one third down to the bottom, you
25 could figure that out yourself. But say that again, so I can make

1 sure I'm going to do this correctly. The --

2 Q. I was wondering if you knew the length of the stay
3 wires?

4 A. All right. Okay, say right here is where it connects to
5 the boat. It goes out right here, 50 foot. Okay?

6 Q. That's the length of the outrigger?

7 A. This is the length of the outrigger.

8 Q. Okay.

9 A. And say -- and then straight above here is where the
10 mast pole goes up. And then I don't know how high up it would be,
11 and then you could measure that distance from there.

12 Q. Right.

13 A. And then you'd have to measure your distance, you know.

14 Q. Okay, I was just wondering if you knew offhand.

15 A. You could get that from whoever built the boat.

16 Q. Yeah.

17 A. They would have a blueprint of it and --

18 Q. Absolutely.

19 A. -- they could tell you that right off. Because I don't
20 really exactly, exactly know. I could give you an estimate. They
21 was shorter than the outriggers. You know what I mean? I know
22 they was probably 40 feet. I can give you a close estimate about
23 like that.

24 Q. With the outriggers in the position that they were in --
25 and you say that they were at about 25 degrees?

1 A. Yeah, it was probably at that degree angle.

2 Q. Were you able to shrimp with them like that?

3 A. Yeah, we -- I had been shrimping with them like that
4 since April.

5 Q. Did you have to change anything about the way you were
6 shrimping?

7 A. No, not really a whole lot of change to it. Say unless
8 you -- I would say something maybe like this. With this boat and
9 when you would get into the tide and you would drag like -- say,
10 the tide would be side tide, like the tide hitting you in the side
11 and your bottom went a certain direction, it puts the tide to your
12 side. I wouldn't try to turn around and head into the tide. I
13 would try to turn around with it. It seemed that the boat went a
14 lot smoother when I turned around with the tide pushing me and
15 coming around. But this day it was hitting me directly in the
16 butt and it was kicking it pretty good.

17 Q. Okay.

18 A. But it was no sea, you know.

19 Q. Okay.

20 A. But no, really not -- it didn't matter to change the
21 difference. The only thing that we changed was the boat really
22 didn't have a whole lot of power so I'd have to give it more gas
23 and waste more fuel to turn around into it. That would be the
24 only thing.

25 Q. Okay.

1 A. I mean, if I had to do it, I would still do it, turn
2 that way, but I -- on this boat I really choose to turn with the
3 tide with it. It seemed like it didn't lean as much and it turned
4 better and I didn't have to speed up and waste my gas with it.

5 Q. Okay. When you guys set the nets out, are you out on
6 the deck every time the nets are set off or does the crew handle
7 that?

8 A. Since on this boat, this boat had a lot of hydraulics,
9 but setting out was the same. I probably missed out maybe once or
10 twice during this trip of them just setting out without me and
11 getting to their mark and stopping it and dogging the winch.

12 Q. Okay.

13 A. But this day I set out with Mr. Peters. Me and
14 Mr. Peters set out.

15 Q. That's what I thought you had said.

16 A. This particular drag, me and him had set out, because
17 they was even wondering how much -- they can't figure how much
18 cable we got to the block and then how much cable to put out on a
19 trawl net, so they always ask me. And I just -- by me just
20 looking at it, I can tell you right off my head, boom, you know.
21 Anywhere any mark is, I can see it and I'll tell you exactly how
22 much of trawl net cable to put out.

23 Q. Okay. How do you determine how far back to set the
24 nets?

25 A. We call it, say, three to one, or something like that.

1 So however many fathoms or feet of water we're in, we at least go
2 to, say, three to one or maybe four to one --

3 Q. Okay.

4 A. -- according to how soft or hard the bottom. Say we
5 getting a hard bottom, some people go and pull four or five to one
6 to the block. And then some people pull four to one to the water;
7 five to one to the block. And then, well, we work over here from,
8 say, Mobile Bar to the west, to Texas, all the way -- we actually
9 pull shorter cable than what we do from Panama City on around the
10 Keys. You know, we pull short cable over here and less -- more
11 cable over there.

12 Q. So do you pull short cable on hard bottom or soft
13 bottom?

14 A. Soft bottom.

15 Q. Okay. And you said you didn't make any repairs to the
16 outriggers while you guys were in port that 30 days before this
17 trip?

18 A. No, sir.

19 Q. And you had four nets out at the time?

20 A. Correct.

21 Q. If there had been any problem with the vessel before you
22 left port, say as the captain you had seen something that you
23 thought was a problem --

24 A. No, problems at all. I mean --

25 Q. Okay. But could you have chosen to stay in port until

1 that was corrected?

2 A. If I had a problem and I seen it, yes, sir, I could
3 have. It was my choice.

4 Q. Okay.

5 A. He asked me if I was leaving today or tomorrow, and he
6 was like -- he was like, I'm leaving today; when are you going
7 out? I said, well, I got everything on the boat. If you're
8 leaving, I'm done too here, I mean. We got our gloves. Yeah, we
9 got everything. And he's like, all right, well, if you got
10 everything, I can leave so that way I don't got to bring you back
11 to get anything. But if you don't leave out today, you let me
12 know; call me and let me know.

13 Q. Okay.

14 A. And I told him, yes, sir. So he even threw our ropes
15 off the dock to us. And he sat in his truck and watched us pull
16 away.

17 Q. So the positioning of the outriggers was not something
18 that prevented you from going fishing?

19 A. No. No, sir. When we were at the dock they were in the
20 up, straight up position.

21 Q. Right.

22 A. And they're, say -- say, they're dogged too. We get
23 them in the up position and we put the dogs in the winches. And,
24 you know, or stop the hydraulics, it pretty much dogs itself. It
25 won't free fall, fall out of the rigging, you know, so --

1 Then when we get outside of our sea buoy marker
2 (indiscernible), we lower them because you don't want to go out
3 there in a 5-foot sea with top heavy, you know.

4 Q. Right.

5 A. So we lower them. And as they -- as a boat this size
6 and all is in the ocean, they always lower them for buoyancy.

7 Q. Right.

8 A. And same way with the birds or the stabilizers on the
9 tips. When it gets so rough sometimes I've seen us drop one on
10 the side that's beating us, that's making us -- you know, rocking
11 us. We drop one of them actually works better sometimes than
12 dropping both of them.

13 Q. Okay.

14 A. So you go one way for so long, we have one down there.
15 Then we turn around there, and you know, you take -- put the other
16 one down. Because the boat -- the boat stays doing this, you
17 know, because the sea's hitting it, this one ain't going to help,
18 but keep it from coming back real slow. And this one would keep
19 it from rolling. So this would be our main one. We won't even
20 need this one because we want to stay dragging like this.

21 Q. Right.

22 A. So when the sea hits us, we roll up like that when it's
23 hitting us. So we just drop one. But since I've been on that
24 boat I've never had a -- seen weather to where I even thought I
25 wanted to drop them.

1 Q. Okay. Now I believe you also said that there was a
2 rudder position indicator?

3 A. Yes, sir.

4 Q. Tell me about that piece of equipment, how it operates
5 and what it does.

6 A. It was a circular piece of equipment. It had a needle.
7 It had red, it had a line straight right here and it went around,
8 and it had green. And on each one of these it had every 10
9 degrees, say, 10, 20, 30, 40, 50, 60, 70, 80, 90. But it only
10 went to 50. And I would turn the boat between 10 degrees to 5
11 degrees. At that position upside down, it's probably on about --
12 that way, it's about 10 degrees. But I had reduced before we
13 turned to about 3 degrees.

14 Q. Okay.

15 A. When we was turning -- when we got lined in to it, we
16 was leaning and I didn't want to turn it, you know, lean more and
17 make us lean. I was trying to pull it to just a little deeper
18 water where I felt comfortable on coming on around. But before I
19 could even do any of that, it went (makes sound).

20 Q. How steep do you reckon the boat was leaning before --

21 A. The boat was probably leaning -- say this was at a -- if
22 that was at a 25-degree angle, and it's probably already -- it
23 would be 10 foot off the water. We was probably leaning at about
24 a 30-degree angle. The deck was probably at about a 25 or a 30-
25 degree angle, maybe somewhat like that, I would say, the deck of

1 the boat would be.

2 Q. Okay. You got along well with the captain -- I mean,
3 with the owner?

4 A. Yes, sir. We got along pretty good.

5 Q. Okay. And just to go over, again just to make sure.
6 There were no illegal drugs on the vessel at all?

7 A. No, sir.

8 Q. Have you ever used illegal drugs on the vessel?

9 A. No, not on the vessel. I've used them before, but not
10 on the vessel, no, sir.

11 Q. What about on any other vessel?

12 A. No, sir. It's not permitted.

13 Q. What about your crewmen, have any of your crewmen ever
14 used illegal drugs on the vessel?

15 A. I've never seen them using drugs on the boat, but what
16 they do at the dock, I have no clue. I don't see them. I mean,
17 but at the boat, with all due respect, for your job -- if you want
18 your job, you know, you don't show up messed up. And, you know,
19 you just don't show up, sit there and drink beer and stuff.

20 Q. Right.

21 A. No, it does not happen. They don't -- that's frowned.

22 Q. Okay. Who is Corey Franklin?

23 A. Corey was the guy that was on the boat prior to the
24 trip. He had got off the boat.

25 Q. Okay.

1 A. And he was the other nephew, pretty much.

2 Q. All right.

3 A. He lived with Mr. Sam, and he was on there and stuff.

4 And Sam, you know, wanted some of his family to be on the boat too
5 because it's his boat. You know, he's like, will you work my
6 family? I said, as long as they work, I have no problem with
7 them.

8 Q. Okay.

9 A. But Corey's drinking got him sent home.

10 Q. All right.

11 A. I sent him home for that, if you want to know what
12 happened.

13 Q. Okay.

14 A. I even -- even while I was trying to work on the boat,
15 he sat there one day and he was drinking beer and he was sitting
16 in my vehicle. And I was doing some work on the boat and I was
17 like, you can get out of the car and come help me, boy. He said,
18 I ain't helping do nothing. And I said, all right, well, I'll
19 tell you what you're going do; you're going to get out of my
20 vehicle. If you ain't going to help me work on the boat, you can
21 get out of my car. Because he's sitting there with my 16-year-old
22 daughter and my wife, and he's sitting there -- I know what he's
23 doing, he's flirting with my daughter. So I told him, I said,
24 hey, you can just get out of my car. He said, I ain't doing
25 nothing. I said, well, you're either going to get out of the car

1 or I'm going to make you get out of it. And he said, you're going
2 to make me, and he started laughing. So I said, yeah. And
3 Melissa said, don't do it. And I said, what? I said, give me
4 your phone. She said, oh, here. So she thought I was going to
5 reach and grab him and snatch him out.

6 Q. Right.

7 A. So I just grabbed her phone and I dialed [REDACTED], Bayou
8 La Batre police department, and I said, will you please come
9 remove this man out of my vehicle? Well, he thought I was joking.
10 Well, when the police showed up, he got all scared and nervous and
11 then he want to run, come jump on the boat. I asked them to take
12 him, and they was like, well, what kind of charge can we take him
13 on? I said, I don't know, public intoxication or something. And
14 they was like, well, he's on private property, now he's on the
15 boat. I said, I'll tell you what, give him one chance to lay
16 down. I said, I'm going to tell you what's going to happen the
17 next time I come here. I'm going to throw him and his clothes off
18 the boat.

19 Well, he did lay down and go to sleep. When he woke up
20 that morning, I told Mr. Sam that I wanted to send him home. And
21 he's like he wanted to go home anyway. So I told him -- can I get
22 some money to get a bus ticket. He said go in there and get him
23 \$200 and send him home. So I went in the office, I got
24 \$200, I handed it to him. And my wife, even though he
25 disrespected and cursed and all kinds of stuff before the police

1 got there, my wife still brought him. She brought this guy every
2 time they've got to the dock to anywhere they wanted to go and to
3 the bus station, and we would go pick them up from the bus station
4 and put them on a boat.

5 Q. So Carl took his place on the vessel?

6 A. Carl took his place on the vessel.

7 MR. [REDACTED] I think that's all I've got.

8 CWO [REDACTED] This is [REDACTED] with the Coast Guard, MSU,
9 Morgan City. Larry, I've got a few follow-up questions and then
10 that's -- and then I'll let you finish it up, if you don't mind,
11 sir.

12 MR. BOWLING: Okay, yeah, and then I think Mr. [REDACTED] had
13 a couple just on the rigging there with this four net rig. I'm
14 pretty good to go. But before we let Lee head out, we need to get
15 together. I mean, I'm going to want -- from the NTSB's
16 investigation, I'm going to want to talk to the deckhand. I
17 assume he didn't show today; is that correct?

18 CWO [REDACTED] He did not.

19 MR. BOWLING: All right. And this other individual that
20 just got named. I'm having trouble tracking all these names
21 still. But Mr. Corey Franklin was not a player during the
22 accident; he was a previous deckhand, right?

23 CWO [REDACTED] Correct.

24 MR. BOWLING: All right, we may want to -- I would
25 recommend, sir, that we talk to him too. But with that said, go

1 ahead with your line of questions. We'll go over to [REDACTED] for
2 a few. I don't -- I think most of mine will be answered when [REDACTED]
3 goes through the rigging, and then we'll close it down.

4 CWO [REDACTED] Okay.

5 BY CWO [REDACTED]

6 Q. Lee, I just really only have two or three questions.
7 When you mentioned that you spoke with Mr. Samuel, the owner,
8 regarding the outriggers and specifically the angles that they're
9 at.

10 A. I'm listening, yeah.

11 Q. Okay.

12 A. At the angle they was at.

13 Q. When did you speak with him? Was it prior to the 30-day
14 shipyard?

15 A. The first trip I made on the boat there, when I lowered
16 the outriggers down, you know, I was like, man, they look a little
17 high. And then I went fishing there and then I got around a
18 couple of my friends and I fished that boat for 2 weeks. And I
19 had a man on there that was 50-something years old out of
20 Apalachicola, Florida, and he said, man, these outriggers is high.
21 And he worked with me, he said, you know -- he didn't say too much
22 besides the outriggers high. And when I got to the dock we told
23 Mr. Sam the outriggers is kind of high on this boat there. He
24 said, yeah, that's the way -- when the boat rows, whatnot there,
25 you got the rigs on the outriggers there and you got to go out

1 there on the outriggers and fix something, and he's old school,
2 you know. Now we've got these track and trolley cables where we
3 just pull it right to the side of the boat, you know. You pull it
4 right there. How come I want to send a man climbing on the end of
5 a tip of an outrigger to fix something out there on the doors?
6 Now, if there's a problem out there on the towing block or, say,
7 the stabilizer might have hung up, yeah, then I would send
8 somebody out there to see what was wrong and fix it. But other
9 than that, as far as going on the outrigger to fix rigs, we didn't
10 have to do it. So -- I mean, you know, I don't see the point of
11 why he would want to have them up so high.

12 Q. Right.

13 A. You know, I really don't know that.

14 Q. So going back on that question. Do you remember when
15 you asked the owners or you talked to the owners about the angle
16 of these outriggers? Was it prior to being in the shipyard or
17 after?

18 A. I talked to him while we was at the dock a few times and
19 all. And he asked me what about -- you know, he was like, we'll
20 get them outriggers there, you know, when you get in or whatnot --
21 working around in Florida right there, I was comfortable with it.
22 When we left to go work around where I work, around the passes
23 there, I was uncomfortable with it, and I had changed the tie-down
24 chains to where they was bigger chains. But it still -- I guess
25 it didn't matter, because when it broke, it broke, so --

1 Q. And once again, this is [REDACTED] with the Coast Guard
2 out of MSU, Morgan City. You know, Lee, I don't know if you're
3 familiar with this, but you know, federal regulation, when there's
4 an accident of this magnitude, you're directed as the mariner or
5 somebody directly involved in this to go get drug testing. When
6 was it that -- did anybody ever notify you from the company that
7 you needed to be drug tested, and when was that?

8 A. I wasn't never notified that I had have drug testing,
9 but I got to the Coast Guard station and I sat around and give
10 them a deposition for 3 or 4 hours. Then when I went home, you
11 know, I went to the doctor. And for workman's comp, the first
12 thing you do is take a piss, so --

13 Q. Okay.

14 A. Prior to the accident, say, one day, the next day, so it
15 was actually 2 days after the accident. That morning there I had
16 went to the doctor.

17 Q. Okay. All right.

18 A. And I did my drug test there.

19 CWO [REDACTED] Larry, Mr. [REDACTED] that's all I have for now.

20 MR. BOWLING: Okay. Mr. [REDACTED] final questions?

21 BY MR. [REDACTED]

22 Q. Hi, Lee, [REDACTED] again. Thank you for your patience.
23 I appreciate it.

24 Regarding the vessel, the *Christopher's Joy*, if you
25 don't mind, look back at what I think Mr. Bowling's calling

1 Exhibit 1. That's the picture, the image with the *Christopher's*
2 *Joy* stern turtled with the -- as you described, the *Debra Lee* in
3 the background.

4 A. Yes, sir.

5 Q. Okay. Now in comparison -- and this is based upon your
6 recollection and the outriggers. Looking at the picture of the
7 *Debra Lee* as far as the angle of their outriggers, was the
8 *Christopher's Joy's* outriggers at a higher, lower, or the same
9 angle as the *Debra Lee's*?

10 A. Higher.

11 Q. Okay.

12 A. Just was higher from the water.

13 Q. Okay. And likewise, looking at the same image and the
14 rudder of the *Christopher's Joy*, that angle -- can you estimate
15 what you believe the angle of the rudder is there on the
16 *Christopher's Joy* in that picture?

17 MR. [REDACTED] Give me just a second I got to get that
18 picture pulled back up.

19 MR. [REDACTED] Yes, sir.

20 MR. BOWLING: Hey, [REDACTED] while Jeff's doing that,
21 just a clarification. The two witness statements I have in the
22 NTSB package that was provided, I think that's by Sector New
23 Orleans, was from -- the one that the Captain just describe called
24 the witness, which looks like he signed on the 24th, and then a
25 second one from the deckhand that is Joseph Emanuel Peters. Am I

1 missing a statement?

2 CWO [REDACTED] No, that's the two I have.

3 MR. BOWLING: Okay. Then I'll have a few questions
4 after Mr. [REDACTED] gets done. I'm still having issues with names and
5 who's who.

6 CWO [REDACTED] Understand.

7 MR. [REDACTED] Okay, the picture's in front of Lee. The
8 picture's pulled up.

9 BY MR. [REDACTED]

10 Q. Okay, and I apologize, I thought that image, you had it
11 in front of you as I was talking. So the image that you have in
12 front of you now that you're looking at, the *Debra Lee*, the angle
13 of the outriggers, you say that the *Christopher's Joy's* outriggers
14 are at an angle higher than those?

15 A. Correct.

16 Q. Okay, all right. Now the second question, regarding the
17 angle of the rudder on the *Christopher's Joy* as it is capsized
18 there. Can you estimate what the angle of that rudder is?

19 A. It'd really be hard to estimate it, but it looks like
20 about 15 degrees, I guess.

21 Q. Okay. And in your conversation you had mentioned that
22 you had shifted it to about 3 degrees?

23 A. Oh, yes, sir. When I put it on about 3 degrees, I was
24 standing there holding the wheel and the throttle standing there,
25 and it was on about 3 to 5 degrees, give or take, on my indicator.

1 I was leaning looking at it at an angle. And when it flew up, I
2 had all stop, and I had sat there and I even went to the back door
3 one time and looked out the back door and I was wondering why they
4 wasn't getting the winches undogged. Well, when I opened the back
5 door, I could see why. They was hanging onto the door racks
6 there. They was about getting washed off the boat already as soon
7 as they went out the door. They was holding on. They was in
8 water. They couldn't get up to the winch. But I was holding on
9 to the wheel and turning -- you know, I didn't turn the wheel or
10 nothing, but grabbing holding on, reaching up, and when it slipped
11 that's where I was at. So I really don't know what happened with
12 all that. But before it flipped, yes, sir, it was at
13 approximately 3- to 5-degree angle. It wasn't turned that much.
14 All I ever turned the boat was 5 or 10 degrees to turn around
15 anyway.

16 Q. Five to 10 degrees, okay. And to control the rudder is
17 there a traditional ship's wheel or is another type of control
18 device, like a hand --

19 A. It has a pilot and I pushed an off bottom, like, manual
20 and then I turned the wheel to degrees on my rudder indicator.
21 And actually I really, you know, I just sat and feel. I could
22 feel the boats lean and I look at how the cables was coming out
23 from off the box. Say, if I'm turning to starboard, I don't want
24 to make my starboard outrigger's cable go straight out like the
25 outrigger. I want to try to keep it an angle because that's where

1 I'm turning. That'll be my inside rig and I'm making a circle,
2 that's going to be slowest moving rig, so I don't want to make it
3 go straight out, you know, because the other rig would be straight
4 in front of it, turning around. And I just tried to put in on
5 like 5 or 10.

6 When it's rough or something there, put it on like 5 and
7 make a slower turn. But when it's not rough, you can put it on 10
8 there and you can whip her on around, especially in shallow water.
9 But deep as we are -- deep as we were, no, sir, you couldn't turn
10 it over 10 degrees there. It would just -- it would mess your
11 drag up. Even if it was no tide or nothing there, you would
12 probably locked your rigs together when you straightened up,
13 because you would pull one rig in front of the other and then when
14 you straighten up, if you don't straighten up slowly, you know,
15 you'll catch the other rig with this rig. You know, when you
16 straighten up, they'll catch and lock together.

17 Q. Yes, sir. So is the steering on the *Christopher's Joy*
18 is that hydraulic?

19 A. Yes, sir.

20 Q. Okay, so it's not mechanical, like a chain?

21 A. No, sir.

22 Q. Okay, all right. And so getting to the rig, I -- you
23 said you had four nets out. So can you explain to us generally
24 what those net arrangements look like out there? So I believe you
25 have a main net, and you said you had a try net. So there's two

1 other nets in addition to that, that you were pulling prior to
2 capsizing?

3 A. Four rigs meaning four 50-foot trawls. You've got two
4 50-foot trawls, they're side by side. The middle of them has a
5 steel door, just like a -- it looks like a sled. And on the
6 outside of each net has a door that pulls apart, you know, like --
7 you know, the trawl door, it spreads the net. And on each side of
8 the boat you had the same exact thing, but on the starboard side
9 of the boat you had a small test trawl. And we would just drop it
10 down maybe 30 minutes, an hour, you know, according to what we
11 catching. Most times our first try we make about 30 minutes to
12 see what's in the area. And then we might pull an hour, you know,
13 according to how much trash it is. You don't want to put too much
14 in it there and be bowed up trying to pull it over the rails,
15 so -- we just make a few little tests with it and know where --
16 how the shrimp is on the bottom. And sometimes I'll leave it up
17 after I make the test, you know.

18 Q. Okay. So just making sure here I'm staying correct in
19 my terminology. The try net and the test net are the same?

20 A. Yes. The try net is the test net.

21 Q. Okay. And is it attached to the starboard outrigger?

22 A. It's attached to the starboard outrigger.

23 Q. Okay, how many other -- are there any other individual
24 nets attached to the starboard outrigger?

25 A. No, sir. You just have the two 50-foot trawls on the

1 main block to the tip of it.

2 Q. Okay, so two 50-foot trawls. Two individual nets that
3 are both attached to the port and the starboard outrigger?

4 A. Yes, sir.

5 Q. Okay, and are they out the same distance in length from
6 the stern of the vessel?

7 A. Yes, sir.

8 Q. Okay. So one, two -- the third is the try net. What's
9 the fourth net?

10 A. There is no fourth net. You got two -- you got four
11 rigs, meaning four 50-foot trawls. Two 50-foot trawls on the end
12 of each outrigger. Try net don't count on Coast Guard
13 classification most -- until we like -- when we get inside of a
14 certain distance, certain place, some areas you can't even have a
15 test trawl, you can pull two 25s. Or, say, some areas there you
16 can only have a certain sized test trawl. You know, you get in
17 areas where you've got two 25s, you can only have a 10-foot or 8-
18 foot try net, so --

19 Q. Okay. If -- and just for clarification so when we go
20 back and listen to this, if you could just do a simple diagram of
21 what that net arrangement looks like and how it's attached back
22 would be very helpful, Captain Lee.

23 A. Yes, sir.

24 Q. Okay, and the final question that I had. In our whole
25 conversation here it sounded like the starboard outrigger tie-down

1 chain somehow or another failed and broke which caused the
2 outrigger to go up. Is my memory correct? Is that how we're
3 looking at this?

4 A. Yes, sir.

5 Q. Okay, why? Why did that chain break? In your
6 estimation -- and this is that question that goes to of you were
7 there, you've lived through it, how can this be prevented in the
8 future? So if that was the initiating event, so to speak, in
9 causing the outrigger to fly up, how can we create something to
10 prevent that from happening? Do we need to have some type of
11 emergency release from the trawl that actually cuts those wires
12 and cables and lets go? Or is there something else that you would
13 recommend to us that we could put forward?

14 A. Yeah, I think that all outriggers need to be at a
15 certain angle according to the stability of the boat. Like I
16 said, these outriggers was heavier than the normal outrigger.
17 Seemed to be that anytime I ever leave one outrigger up in my
18 cradle and I lower one outrigger down at the shipyard, and the
19 lean of that boat -- that boat leaned a little more than any other
20 boat. Even that big one in that picture wouldn't lean as bad as
21 this smaller one.

22 It would be like, I think -- I ain't for sure now, but I
23 do think these outriggers didn't come with this boat when it was
24 truly built. Maybe it was. I ain't for sure. Because they
25 seemed heavier. They was pretty big. I don't think that boat

1 come with but a 45-foot outrigger. So this man must have bought
2 these outriggers and made them 50 foot and used the same 45-foot
3 stay wires is what I'm thinking. But I ain't for sure on that.

4 Q. Well, that's -- we appreciate that, thank you. And,
5 yeah, we'll find out. We do know that there is another sister
6 vessel like the *Christopher's Joy*, so we'll continue to look into
7 that. Our records indicate -- the Coast Guard's record indicate
8 that the vessel was built and delivered in 1996. So perhaps the
9 outriggers were changed at some point in time, but further
10 investigation, we can dig into that.

11 A. I know the boom was changed.

12 Q. Okay.

13 A. That boom was changed. It was redid for scalloping for
14 the way they pull the scallop trawls up. Be like extend the
15 boom's wideness so it would be more to the side of the boat,
16 because the boom actually would be in the middle of the boat and
17 they pulled straight up and down off the side. So they extended
18 the boom's -- width of the boom and pitched -- so they could pitch
19 straight up and down off of the sides. But that wouldn't really
20 have too much to do with flipping the boat beside maybe the
21 adjustment of that outrigger, the stay on the back, the back stay.
22 But like I say, you still would have to adjust it. The back stay
23 I know had a turn buckle in it, and -- it had a turnbuckle in the
24 back stay and the front stay to the middle of the outrigger. It
25 had a turnbuckle in that.

1 And the tie-down chain was like brand new. I think we
2 probably need to move where the tie-down chain hooks to the
3 outrigger. It don't need to go like straight up and down over the
4 cat rail. It needs to move out like the stay wires do. Say,
5 we're going to have a hold-down stay and everything's to the tip
6 of the outrigger, so you're going to put a hold-down stay 5 foot
7 from the pin of the outrigger? I mean, that wouldn't be strong
8 enough, to me, if that outrigger wanted to go anywhere. Moving it
9 out maybe 5 more feet and probably beefing it up with something
10 there, different than we had, would probably help on that.

11 But I think all shrimp boats should have a stability
12 test. I've seen them come from somewhere at a shipyard I worked
13 at, and they had a shrimp boat they reconverted into the scallop
14 boat, same as this one, but it was a longline boat too. And for
15 that boat, and it was smaller than mine, to go up there on the
16 northeast coast and work, a man had to do a stability test. And
17 that's what they would do, is lower down one of the outriggers,
18 and if that boat tilted too far, they had to do some kind of
19 stability to it, make it where it wouldn't lean as bad. And these
20 boats didn't have that. None of these boats do.

21 Q. Okay, and what about release of the winches, is there
22 anything that you think that -- because you had mentioned that you
23 had ordered the crew to undog the winch. Anything there that you
24 would recommend as far as releasing pressure off that drag?

25 A. I wouldn't even know where to begin. I imagine you

1 could fix it, I don't know it would cost, to where you could --
2 you'd have to actually be able to run the winches from inside. Or
3 either -- I don't know, hitting a button and snatching the dogs
4 out, you know, ain't really all that simple.

5 Q. One of the old timers here in Mayport actually told me
6 that because of some of the waters they run here they actually
7 keep a cutting wheel close by so if they need to cut that wire
8 they can, because of crosscurrents.

9 A. Yeah, we had a small -- or actually, I had a small --
10 whatever the yellow is, a yellow grinder, a very good grinder.

11 Q. DeWalt?

12 A. Yeah, DeWalt. Can't remember. I had it for a couple
13 years. And I had it on there, and we cut chains and shackles,
14 pieces that froze up and twisted the ears off, and it was right
15 there in the back door. I mean, even our bolt cutters was right
16 there in the back door. I had 1-inch main cable, pretty good
17 size. I don't see anybody on the boat cutting the rigs. And when
18 we went to that angle, I mean, the only way you could do it is if
19 you had something up in the wheelhouse to push a button to bust
20 the dogs loose.

21 Q. All right. And one last thing that I wanted to hear
22 from you and get your experience, because only you got to
23 experience it. What about the rescue, the *Miss Anna*, how did you
24 actually get on board the *Miss Anna*? Was there a platform that
25 they hung over the side and you were able to get on and climb up

1 on? How did that whole effort work?

2 A. They pulled an X number of distance from us there, and
3 we had jumped off the back of the vessel.

4 Q. And how did you get on the *Miss Anna*?

5 A. We swam over to them and grabbed the tires, and they
6 grabbed our hands and jerked us out of the water. They had moved
7 a little walkway gate, where you probably put a walkway off and on
8 to the boat at the dock. They had removed that and the guys just
9 reached down and grab us. They was pretty kind of low to the
10 water and the tires was touching the water, so the tires acted
11 just like a ladder.

12 Q. Okay.

13 A. Grabbed it and he pulled us right on the boat.

14 MR. ██████ Okay, great. Thank you very much, Lee. I
15 appreciate it. I'll turn it back over to Mr. Bowling with the
16 NTSB.

17 MR. BOWLING: I think I'm good to go. Mr. ██████
18 actually asked the two rigging questions that I had and covered
19 more in that area. So the only thing I need to do is I need to
20 get clarification on, again, the deckhand. I'm going to need to
21 interview him. I don't know what the Coast Guard's intent is with
22 your investigation, but --

23 BY MR. BOWLING:

24 Q. Captain, the nicknames you used for your deckhand, I'm
25 okay with Damon, I've got him down, and Nick. But in your

1 statement you're using Jo-Jo -- and I heard Mr. Peters, Carl, Jo-
2 Jo, and Junior. Is that all the same person?

3 A. Yes, sir.

4 Q. How do I get a hold of all of the above? I need to
5 interview him.

6 A. The last known number -- I hope I have it in my phone.
7 Okay. All right, this is the last known number. This is his
8 grandmother.

9 Q. All right.

10 A. It's going to be area code [REDACTED].

11 Q. [REDACTED].

12 A. [REDACTED].

13 Q. [REDACTED]

14 A. [REDACTED]

15 Q. [REDACTED]. When I call his grandmother, do I ask for Jo-Jo,
16 Carl, Mr. Peters?

17 A. You can ask for Mr. Peters, Junior --

18 Q. Junior.

19 A. -- Carl, Jo-Jo, anyone you want to there.

20 Q. All right.

21 MR. [REDACTED] What's her name?

22 BY MR. BOWLING:

23 Q. And her, do you know --

24 A. She refers to him as Junior. He's even got another
25 nickname, Junebug.

1 Q. Junebug. All right.

2 A. Somebody gives him -- each time they go on a vessel
3 somebody renames him. So I'm sorry about your names, but --

4 Q. No, that's fine. I'm an outsider, I'm confused. So
5 when I call his grandmother, do you know her first name by any
6 chance or last name?

7 A. All I know is Ma. I call her Ma-Ma, so --

8 Q. All right. So I'll tell her who I am and who I'm
9 looking for, hopefully she'll steer me there. So I copied 251-
10 605-8973?

11 A. Yeah, I think that was correct.

12 MR. BOWLING: All right. That's all I have, Mr. [REDACTED] I
13 will follow up with the deckhand when we can track him down,
14 because I'll need to talk to him.

15 CWO [REDACTED] Right.

16 MR. [REDACTED] Real quick, I have one more question.

17 BY MR. [REDACTED]

18 Q. This is [REDACTED] [REDACTED] with IC-Maritime on that. Why
19 did he sign the statement Joseph?

20 A. I have no idea. I ain't ever known him as Joseph or
21 anything like that.

22 Q. Who is Joseph Peters?

23 A. I guess one of his family members, I guess. I don't
24 know.

25 Q. Okay, that's all. Thank you.

1 A. I mean, I don't know what he wants to sign it as or
2 whatnot. I just know it's a lot of different nicknames. I have
3 no idea.

4 MR. BOWLING: All right. And that was some of my
5 confusion. I just -- I'm trying to keep up with all the nicknames
6 and now I've got another one. Do you --

7 MR. LADNIER: Because I thought the same thing, I'm
8 like --

9 MR. BOWLING: Junebug and that -- I haven't heard the
10 Junebug one yet, so that's --

11 MR. LADNIER: That's his real name, because all I ever
12 called him was Junior and Carl. And I knew his daddy was named
13 Carl. I don't know no middle names.

14 MR. BOWLING: All right. We'll call and get ahold of
15 Ma, I guess, and hopefully she won't hang up on me and I'll see if
16 I can get Junior, Carl, Junebug or, what, Jo-Jo. But that's all I
17 have, gentlemen.

18 Jeff, did you have any other final questions?

19 MR. ██████████ No, sir, I'm good. Thank you so much.

20 MR. BOWLING: All right. And normally we turn the floor
21 over to the witness, Lee, but Mr. ██████████ covered that. We normally
22 ask the witness to say what can we do to prevent the accident, and
23 you've done a good job covering that. But anything else you want
24 to get on record before we close the interview down?

25 MR. LADNIER: I hope you're all satisfied, and I hope we

1 can fix it there. I think all these shrimp boats, no matter what,
2 need to run a drill now that I've seen exactly what can happen and
3 how fast it can happen. Everybody needs to run a drill even if,
4 you know, the owner or the Coast Guard makes them do it. Or the
5 Coast Guard goes every time they check something, have the owner
6 or the captain, whatever, on the vessel and a little bit of
7 stability test on these boats. All these boats is different with
8 that.

9 MR. BOWLING: Right. Okay. Well, Captain, thank you
10 very much for coming in. Let me secure the recording. We'll
11 secure at this time. Bear with me, bear with me.

12 (Whereupon, the interview was concluded.)

13
14

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: COMMERCIAL FISHING VESSEL
CHRISTOPHER'S JOY CAPSIZING AND
SINKING IN THE GULF OF MEXICO
NEAR SOUTHWEST PASS, LOUISIANA
ON SEPTEMBER 23, 2014
Interview of Lee Ladnier

DOCKET NUMBER: DCA-14-LM-020

PLACE: Jacksonville, Florida

DATE: October 24, 2014

was held according to the record, and that this is the original,
complete, true and accurate transcript which has been transcribed
to the best of my skill and ability.

Keith J. Maurer
Transcriber