

1 United States Coast Guard  
2 Marine Board of Investigation  
3 Formal Hearing  
4 Fishing Vessel Destination

5  
6 Henry M. Jackson Federal Building  
7 U.S. Coast Guard Thirteenth District  
8 915 Second Avenue  
9 Seattle, Washington 98174  
10 August 7, 2017 - August 17, 2017

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12 REPORTER'S OFFICIAL TRANSCRIPT OF PROCEEDINGS  
13 (VOLUME II of IX)

14  
15 DATE TAKEN: Tuesday, August 8, 2017  
16 TIME: 9:01 a.m. - 4:18 p.m.

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21  
22 REPORTED BY:  
23 Jeannie A. Milio, RPR  
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## 1 P R O C E E D I N G S

## 2 O P E N I N G S T A T E M E N T

3 CDR MULLER: Good morning. This hearing  
4 will come to order.

5 Today is August 8th, 2017 and the time is  
6 9:01. We are continuing the Coast Guard's -- excuse  
7 me, we are continuing at the U.S. Coast Guard  
8 Thirteenth District, Seattle, Washington.

9 I am Commander Scott Muller of the United  
10 States Coast Guard, Chief of the Inspections and  
11 Investigations Branch, Fifth Coast Guard District,  
12 Portsmouth, Virginia. I am the chairman of the Coast  
13 Guard Marine Board of Investigation and the presiding  
14 officer over these proceedings.

15 The Commandant of the Coast Guard has  
16 convened this board under the authority of Title 46  
17 United States Code §6301 and Title 46 Code of Federal  
18 Regulations Part 4 to investigate the circumstances  
19 surrounding the sinking of the Fishing Vessel  
20 Destination with the loss of six lives on  
21 February 11th, 2017 approximately 3 nautical miles  
22 north of St. George Island, Alaska.

23 The investigation will determine as closely  
24 as possible the factors that contributed to the  
25 incident in order to develop recommendations aimed at

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

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

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

24           I have previously determined that the  
25 following individual is a Party-In-Interest to this

1 investigation. Mr. David Wilson represented by Mrs.  
2 Spivak of Holmes, Weddle & Barcott, LLC. This party  
3 has a direct interest in the investigation and has  
4 demonstrated the potential for contributing  
5 significantly to the completeness of the investigation  
6 or otherwise enhancing the safety of the life and  
7 property at sea through participation as  
8 Party-In-Interest. All parties in interest have a  
9 statutory right to employ counsel to represent them,  
10 to cross-examine witnesses and to have witnesses  
11 called on their behalf.

12 I will examine all witnesses at this Formal  
13 Hearing under oath or affirmation and witnesses will  
14 be subject to federal laws and penalties governing  
15 false official statements. Witnesses who are not  
16 parties in interest may be advised by their counsel  
17 concerning their rights; however, such counsel may not  
18 examine or cross-examine other witnesses or otherwise  
19 participate.

20 These proceedings are open to the public and  
21 to the media. I ask for the cooperation of all  
22 persons present to minimize any disruptive influence  
23 on the proceedings in general and on the witnesses in  
24 particular. Please turn your cellphones and other  
25 electronic devices off or to silent or vibrate mode.

1 Please do not enter or depart the hearing room except  
2 during periods of recess.

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

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

21           The Coast Guard relies on strong  
22 partnerships to execute its missions, and this Marine  
23 Board of Investigation is no exception. The National  
24 Transportation Safety Board provided a representative  
25 for this hearing, Mr. Michael Karr, also seated to my



1 left as the Investigator-In-Charge of the NTSB  
2 investigation.

3 Mr. Karr, would you like to make a brief  
4 statement?

5 MR. KARR: Good morning. I am Michael Karr,  
6 Investigator-In-Charge for the National Transportation  
7 Safety Board for the investigation of this accident.

8 The NTSB has joined this hearing to avoid  
9 duplicating the development of facts; nevertheless, I  
10 do wish to point out that this does not preclude the  
11 NTSB from developing additional information separately  
12 from this proceeding if that becomes necessary. At  
13 the conclusion of this hearing, the NTSB will analyze  
14 the facts of this accident, and determine the probable  
15 cause independent of the Coast Guard.

16 We will issue a report of the NTSB findings  
17 and if appropriate, the NTSB will issue  
18 recommendations to correct safety problems discovered  
19 during this information.

20 Thank you.

21 CDR MULLER: Thank you, Mr. Karr. Just a  
22 quick note. Many of you who are with us today were  
23 also present yesterday so if much of this opening  
24 statement sounds familiar, it is. The reason why we  
25 have a daily opening statement is to allow any new

1 participants at the hearing or any participants  
2 listening to the hearing while being live-streamed for  
3 the first time, they can hear and understand some of  
4 the rules and the conduct and the procedures that we  
5 are following. And in particular for any of the new  
6 witnesses that we are calling, so they can understand  
7 the background in which this public hearing is  
8 established. So, thank you for bearing with us as we  
9 move through this opening statement.

10           So I think we're ready to proceed. We will  
11 now call our first witness of the day, Mr. Jon  
12 Bruneau. He will be joining us telephonically.

13           (Contacting witness via telephone.)

14           CDR MULLER: Yes, hi, good morning.

15           This is Commander Scott Muller. I'm the  
16 Chair of the Marine Board Investigation for the  
17 fishing vessel Destination.

18           UNKNOWN MALE: Hi, sir. I will put you on  
19 speaker and let you get going.

20           CDR MULLER: Okay. Yes. We are looking for  
21 Mr. Bruneau.

22           UNKNOWN MALE: Okay. Can you hear us okay?

23           CDR MULLER: Yes. We can hear you quite  
24 well. Thank you.

25           UNKNOWN MALE: Okay. I'm going to step out

1 of the office and let him be in private here.

2 CDR MULLER: Okay. Thank you, sir.

3 THE WITNESS: Good morning. Jon Bruneau  
4 here.

5 CDR MULLER: Yes, hi, good morning,  
6 Mr. Bruneau. This Commander Scott Muller, Chair of  
7 the Marine Board of Investigation for the fishing  
8 vessel Destination. It's a pleasure to speak with you  
9 again. We met late last, back in March.

10 THE WITNESS: Yes, good morning.

11 CDR MULLER: Good morning. So, I just want  
12 to give you a quick introduction. We have you on  
13 speaker phone. At present is myself and the other  
14 Board Members, including Mr. Jim Gillette. We also  
15 have NTSB representative here, National Transportation  
16 Safety Board, Mr. Michael Karr. Also present are some  
17 participants here with us in the auditorium, and we  
18 also have some media here as well.

19 THE WITNESS: Okay.

20 CDR MULLER: Oh, and we also have our  
21 Party-In-Interest, which is the vessel owner, Mr. Dave  
22 Wilson. We have Ms. Spivak, his representative with  
23 us as well.

24 THE WITNESS: I understand.

25 CDR MULLER: Mr. Wilson himself is not

1 present, but he is represented by Mrs. Spivak.

2 THE WITNESS: Okay.

3 CDR MULLER: Okay. With that, I would like  
4 to turn to Lieutenant Commander Mendoza our recorder  
5 and he will have you sworn in?

6 THE WITNESS: Okay.

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

9 JON BRUNEAU,

10 A witness produced on call of the Coast  
11 Guard, having first been duly sworn, was examined and  
12 testified as follows:

13 LCDR MENDOZA: Please be seated.

14 CDR MULLER: Okay. Mr. Bruneau?

15 THE WITNESS: Yes.

16 CDR MULLER: Mr. Gillette will now present  
17 you with a number of questions.

18 So, Mr. Gillette.

19 MR. GILLETTE: Thank you, Commander.

20 DIRECT EXAMINATION

21 BY MR. GILLETTE

22 Q. Good morning, Mr. Bruneau. My name is James  
23 Gillette with the United States Coast Guard can you  
24 hear me?

25 A. I can hear you good. Good morning.

1 Q. Good morning. If at any time you don't  
2 understand a question that is asked, just request that  
3 the question to be repeated or rephrased. If at any  
4 time you need to take a recess, please ask. Also,  
5 remember to speak up loud and clear into the phone to  
6 assist the court reporter to transcribe the hearing.

7 With that --

8 A. Okay. Can you hear me well?

9 Q. I do hear you well.

10 A. Okay.

11 Q. With that said, I'd like to start asking  
12 questions.

13 A. Okay.

14 Q. Mr. Bruneau, I would like to get a past crew  
15 member's overview of the Destination about your time  
16 spent onboard, but before we get into that, I would  
17 like to get a little more background information from  
18 you. Can you give me a brief history of how long you  
19 have been working in the fishing industry and what  
20 titles on boats have you held?

21 A. Okay. Been in the industry about 40 years,  
22 1977. And started as a crew member, worked as  
23 engineer. I captained my first boat when I was 21  
24 years old, brand new boat out of Seattle. I've held  
25 multiple captain jobs, multiple engineer jobs,

1 multiple crew member jobs for the past 40 years.

2 I don't know if you want me to go into  
3 detail on all of the boats, but you can ask me.

4 Q. No, that would be fine.

5 I do understand that you are a captain of  
6 another commercial fishing vessel owned by Mr. Wilson.  
7 Can you tell me a little about that boat and when you  
8 started working for Mr. Wilson?

9 A. Sure. That would be fishing vessel Keta. I  
10 started working on there in 2005 as a crew member  
11 because I needed a job. The vessel I was working on  
12 and captaining got sold in a buyback, and so I needed  
13 a job to start all over. I wasn't even an engineer,  
14 just a crew member on there for a couple of years. I  
15 became an engineer and then a couple of years later, I  
16 believe in '07, I started captaining the Keta.

17 Q. Can you spell that vessel?

18 A. Sure. K-E-T-A.

19 Q. Thank you. Can you speak about how  
20 Mr. Wilson is with operations while underway and  
21 during maintenance and dry-dock periods?

22 A. I'm not sure what you want me to say.

23 Q. What is his involvement?

24 A. You just want an opinion on it or specifics  
25 or --

1 Q. No. I'd like to know how involved  
2 Mr. Wilson is with the operations while you are  
3 underway and during maintenance and dry-dock  
4 operations?

5 A. Well, with the Keta his brother was the  
6 manager of it. So I was dealing with his brother most  
7 of the time on the Keta. David did have his inputs on  
8 it quite a bit. He'd stop down and visit, see what  
9 was going on and what they were doing. But his  
10 brother was in charge of the Keta most of the time.

11 Q. Is he still in charge of the Keta?

12 A. Negative. I believe that was turned over to  
13 David to be manager of the Keta last year.

14 Q. Since Mr. Wilson has taken over that job  
15 title, what's his involvement since then?

16 A. Since that's been taken over, it's been a  
17 complete restoration, complete going over thoroughly.  
18 It's been a pleasure to work with David on it. And  
19 anything we could think of and fix, we were fixing  
20 what needed to be fixed, and going through the boat,  
21 and making sure everything was right on it, on the  
22 Keta. In the shipyard it was a pleasure working with  
23 him. He was there every day overseeing stuff, making  
24 sure things were done and how they were done and done  
25 right.

1 Q. Over the time that you have worked for  
2 Mr. Wilson has he ever provided you with training  
3 opportunities to attend third-party training courses  
4 or online courses and if so, can you talk a little  
5 about -- in detail what those were?

6 A. I haven't gone through any training courses  
7 with this company. I've been through a few training  
8 courses already before, that was never spoken about,  
9 okay.

10 Q. Have you ever had any formal or informal  
11 training on vessel stability, and if so, can you  
12 elaborate on that?

13 A. No formal training on vessel stability.

14 Q. Have you ever felt pressured in getting  
15 underway whether to fulfill fishing quotas or delivery  
16 timelines and if so can you elaborate on that?

17 A. It's fishing, you do feel the pressure, but  
18 never by the owners. It's always been by the  
19 canneries to make your dates for -- delivery dates,  
20 and you always got a little anxiety to catch things  
21 and you don't know if you're gonna catch things, it's  
22 fishing.

23 Q. Can you tell me about how you came to work  
24 onboard the Destination, and what position did you  
25 hold onboard?



1           A.    I got onboard the Destination because I  
2 basically pleaded with David Wilson to get a job  
3 because the boat I ran was being worked on in the  
4 Seattle shipyard, and I hadn't missed a king crab  
5 season for a long, long, long, long time so I asked  
6 him for a job on his other boat and he gave it to me.

7           Q.    Did you only work aboard --

8           A.    I held it as a crew member.

9           Q.    Did you only work aboard the Destination for  
10 the 2016 king crab season and can you give us specific  
11 dates on when you started and finished your contract?

12          A.    Specific dates, no. The exact dates I don't  
13 know.

14          Q.    Was it only for the 2016 king crab season?

15          A.    That was all it was for, yes.

16          Q.    Have you ever worked with Captain Hathaway  
17 before and can you explain your work relations with  
18 him?

19          A.    I've worked along side of him. We've  
20 assisted each other on numerous occasions. It was a  
21 pleasure working with him. He was very organized.  
22 And he was my go-to guy for understanding some  
23 situations, and it was a pleasure working with him.

24          Q.    Have you ever worked with any of the crew  
25 members before and can you talk to me about your work

1 relations with them?

2 A. Two of the lost crew members were actually  
3 crew members for me on the Keta. Darrik Seibold and  
4 Larry O'Grady had both worked with me for multiple  
5 times on the Keta. They were top of the line and a  
6 pleasure to work with.

7 Q. While on the Destination, did you stand on  
8 watch rotation while onboard, and if so, can you  
9 describe what that detailed?

10 A. Did stand a lot -- multiple watches, and  
11 every hour we did a walk through of the engine room.  
12 It'd take about 2, 3 minutes to walk through and check  
13 everything in the engine room.

14 Q. What were you checking for in the engine  
15 room?

16 A. Pardon me?

17 Q. Did you have any specific taskings or  
18 anything you were particularly looking for in the  
19 engine room?

20 A. Just you always made sure everything was  
21 running, not leaking, no out of the ordinary  
22 situations, just general make sure everything was  
23 going good.

24 Q. Did you ever have to leave the bridge  
25 unattended to fulfill those watch responsibilities,

1 and if so, can you speak to us how long you left the  
2 bridge unattended?

3 A. Like I said, It would take minutes to do a  
4 walk through, you'd probably leave the bridge for five  
5 minutes, yes.

6 Q. Was the boat on autopilot when you left the  
7 bridge?

8 A. Boat was on autopilot when we left the  
9 bridge, yes.

10 Q. Did the Captain have a normal routine on the  
11 helm and if not, can you tell me when he was up there?

12 A. He would stop up and make sure everything  
13 was -- he'd just stop up and make sure everything was  
14 going fine. Always had a schedule to watch, everybody  
15 had their hours written down, and did their jobs.

16 Q. Was the Captain part of the watch rotation?

17 A. If he wanted to be. That was his choice.

18 Q. Was he on the watch rotation during the king  
19 crab season?

20 A. Once in a while, yes.

21 Q. How long did your watch routines last?

22 A. It varied from one hour to two hours,  
23 depending on how far we were traveling.

24 Q. Can you explain to me the weather conditions  
25 you experienced during king crab season?

1           A.     Pretty mild weather, no storms, so probably  
2 nothing over 40.

3           Q.     When you say over 40, what are you referring  
4 to?

5           A.     Over 40, 40 miles per hour, 40 knots wind.  
6 Nothing over that.

7           Q.     You refer to that as normal. Is that  
8 normal?

9           A.     Pretty much, yeah.

10          Q.     Did you experience any heavy spray ice  
11 during your time onboard and if so, can you talk about  
12 that?

13          A.     Zero ice.

14          Q.     Mr. Bruneau, I would like to address life  
15 saving equipment and training provided to the crew  
16 onboard the Destination. We provided evidence to you.  
17 Do you have that in front of you?

18          A.     Yes, I do.

19          Q.     Okay. I would like to go to Exhibit 155,  
20 page 32. That is a fishing vessel safety meeting with  
21 signed signatures dated October 10, 2016. Do you have  
22 this exhibit in front of you?

23          A.     Yes.

24          Q.     Could you tell me where did this safety  
25 meeting occur?

1           A.     It occurred in multiple places, the  
2 wheelhouse and the galley.

3           Q.     What did you do at the safety meeting?

4           A.     Discussed a lot of different possibilities  
5 of what could happen, what to do, and got input from  
6 everybody on just anything that could happen, and what  
7 to do.

8           Q.     Were any drills performed at this meeting  
9 and if so, can you elaborate on what they were?

10          A.     Honestly, I don't remember.

11          Q.     I'd like to ask a question about the Keta.

12          A.     Okay.

13          Q.     Are you required to complete the same safety  
14 meetings aboard the Keta?

15          A.     Yes.

16          Q.     Are you required to notify anybody after the  
17 safety meeting is completed?

18          A.     I do a signed paper, just exactly like this  
19 and send it in to the company office.

20          Q.     How often do you complete these safety  
21 meetings?

22          A.     We do it once before the season just to make  
23 sure everything is where you want it, how you want it  
24 and working the way you want it.

25          Q.     Thank you.

1           A.     That's what we do on the Keta anyway. We do  
2 it probably every other month. We just go through  
3 things, talk about them, and see if anything else  
4 needs to be done.

5           Q.     The safety meeting that you did onboard the  
6 Destination, was it very similar to what you do on the  
7 Keta?

8           A.     Actually on the Destination we got in a  
9 little more in depth on it and what to do. We talked  
10 about, I remember talking about fire a lot more in  
11 depth on what to do in case of fire. That was kind of  
12 a concern.

13          Q.     Who led those safety meetings aboard the  
14 Destination?

15          A.     Jeff did.

16          Q.     Thank you, Mr. Bruneau. I would like to get  
17 back to your time onboard the Destination.

18          A.     Okay.

19          Q.     Can you tell us if you were assigned an  
20 immersion suit and did you try it on while you were  
21 onboard?

22          A.     I don't remember -- I didn't try on the  
23 immersion suit, but I was shown where they were. We  
24 talked about where they were.

25          Q.     Can you tell me how many immersion suits

1 were onboard and where they were located?

2 A. I believe in the wheelhouse, and I couldn't  
3 tell you the number of suits aboard, I don't remember.  
4 There was one for everybody though.

5 Q. Can you tell me where on the Destination was  
6 the Emergency Position Indicating Radio Beacon, also  
7 referred to as the EPIRB, located?

8 A. I can't remember exact position. I know  
9 whereabouts, but I can't remember exact position where  
10 it was.

11 Q. Were you familiar if the EPIRB could be  
12 taken out of its holder easily without using the  
13 hydrostatic release?

14 A. Roger. Yes. I know how to operate EPIRBs.

15 Q. My question was more direct towards the  
16 EPIRB itself on the Destination. Do you know if that  
17 particular EPIRB can be taken out of its holder and  
18 used without the hydrostatic release?

19 A. Yes. It was a McMurdo EPIRB and yep, you  
20 can pull them out of there real easy and manually  
21 activate them.

22 Q. Thank you. Can you tell me where the life  
23 raft was located during your time onboard?

24 A. I believe on top of the wheelhouse, port  
25 side.

1 Q. Was there anything stored or tied up in the  
2 close proximity of the life raft, and if so, can you  
3 elaborate on that?

4 A. Not that I recall. It was free and clear  
5 and nothing around it that I remember.

6 Q. Okay. Mr. Bruneau, I would now like to  
7 shift the focus on to engineering.

8 A. Okay.

9 Q. While you were onboard the Destination, did  
10 you perform any maintenance or repairs on any  
11 engineering equipment, and if so, can you talk about  
12 that?

13 A. I assisted on helping the engineer change  
14 oil on the main, I assisted on repairing a  
15 refrigeration unit. We had a slight leak in it, and  
16 had to fix that. I assisted on helping repair the  
17 crane. We had a leak on that, had to get another part  
18 and replace it.

19 Q. You mentioned a refrigeration --

20 A. Go ahead.

21 Q. No. Go ahead.

22 A. Oh, that's about all I can remember for  
23 maintenance on there that was -- we never had no big  
24 problems, all little stuff.

25 Q. You mentioned refrigeration leak. Was that



1 the bait refrigerator or another refrigerator?

2 A. Yes, the bait freezer. The bait freezer.

3 Q. Were you aware of any steering issues that  
4 the Destination may have been having or heard from  
5 Captain Hathaway or the crew about any problem that  
6 they may have had in the past, and if so, can you  
7 speak about that?

8 A. The only little problem we had was we had a  
9 leaking stuffing box that would -- we had to tighten  
10 it up every time we got to port.

11 Q. Can you describe the leak?

12 A. I kind of assisted in it. It was a sizeable  
13 leak, but not too bad. It was leaking more than a  
14 usual stuffing box would leak.

15 Q. Can you give me a description in drips per  
16 minute or was it like turning on the faucet?

17 A. Like turning on a faucet at a very, very  
18 slow trickle. So it wasn't dripping, but it was  
19 coming in a little bit.

20 Q. How much water buildup was in the bilge?

21 A. That I couldn't give you an estimate. When  
22 I looked at it, it didn't -- every time I was down  
23 there to look at it, it didn't need to be pumped until  
24 the engineer was on watch or else I would have had the  
25 engineer pump it when I went down there to check

1 things out. That was one of the routines he always  
2 looked at. And so it could wait until the engineer  
3 got on watch to be pumped, so estimate I couldn't even  
4 give you how many gallons estimate.

5 Q. How often did you have to go down and look  
6 at the stuffing box?

7 A. Just every time in port.

8 Q. Did you look at the stuffing box while  
9 underway?

10 A. Never did, no.

11 Q. Did anybody else look at the stuffing box  
12 underway?

13 A. As far as I know, no.

14 Q. When you were on watch, did you have to do  
15 any maintenance to shaft bearings?

16 A. That was left up to the engineer, shaft  
17 bearings are on schedule to be greased every six  
18 hours.

19 Q. Can you give me a little more detail of how  
20 that was completed?

21 A. Usually the engineer was on watch on a  
22 rotation, and when there was 12:00 and 6:00 every time  
23 the bearings got greased, so usually he was on  
24 rotation at those times. And if he wasn't, he made it  
25 happen anyway.

1 Q. Was the engineer the only one that ever  
2 greased that shaft bearing?

3 A. I believe not. Everybody was trained to do  
4 it, and so I think in previous times whoever was on  
5 watch on 6:00 and 12:00 did it, but when I was on the  
6 boat, engineer was always on those rotations that he  
7 did it. But everybody else knew where they were and  
8 could do it if they had to. And that was the  
9 situation that happened when I was on the boat,  
10 engineer always did it.

11 Q. Okay. Thank you. Did you see any exhaust  
12 leaks on the engines expansion joint also known as the  
13 wrinkle belly, and if so, can you describe that?

14 A. I didn't see any exhaust leak on the wrinkle  
15 belly, but on the flange that held it together there  
16 was a slight leak.

17 Q. Can you describe the leak?

18 A. It looked like a warped flange, and I  
19 believe they got it fixed after I got off the boat and  
20 double gasketed it to make it work right.

21 Q. Was there any conversation with anybody on  
22 the crew of how long that was happening prior to you  
23 getting on the boat?

24 A. We had talked about it. I can't recall. I  
25 think it just started happening right before I got on

1 the boat to the best of my knowledge.

2 Q. While you were onboard, did you see any  
3 problem with the holding tank pumps not working or  
4 cavitating, and if so, can you tell me about that?

5 A. I seen zero problems with the pumps. I  
6 don't know about them cavitating.

7 Q. Did you see any problems with the piping  
8 associated with the pumps?

9 A. Zero problem with the piping.

10 Q. Were you aware of or notice any other  
11 engineering or any other problem that I might not have  
12 specifically mentioned, and if so, can you talk about  
13 that?

14 A. I don't know of any other problems on there.  
15 This is a well-maintained vessel. I can't think of  
16 any other problems that there was on that boat.

17 Q. Thank you, Mr. Bruneau. I would now like to  
18 ask a few questions about fishing operations on the  
19 Destination. I would like to first start with the  
20 pots that were onboard. Were you onboard for the  
21 loading of the crab pots?

22 A. Yes, I was.

23 Q. Can you tell me which location did you load  
24 the crab pots and how many did you load?

25 A. I was helping tie pots down and we loaded

1 200 pots.

2 Q. Which location did you receive those pots  
3 at?

4 A. We were in Sand Point, Alaska.

5 Q. Can you elaborate why you loaded 200 pots?

6 A. That was his load that he called his load.  
7 And I can remember him talking to Kai Hamik and he  
8 said it loud enough for everybody to hear too. He  
9 goes I want my 200 pots and everybody kind of smiled.  
10 And they knew that was his routine to have 200 pots.  
11 And I've known him for years and that's what he went  
12 with all of the time, 200 pots. That was what he --  
13 that was his stack.

14 Q. Are you speaking about Captain Hathaway?

15 A. I'm speaking about Captain Hathaway, yes.

16 Yes.

17 Q. Did you and the crew leave a tunnel in the  
18 middle while loading the pots, and if so, why?

19 A. Yes. There was a tunnel right through the  
20 middle of the pots all the way to the stern and in  
21 case there was ever any problems with the aft tank and  
22 he wanted to be able to get into the lazarette for  
23 steering problems, probably, you know, there can be  
24 multiple things, but it was just a safety issue to  
25 have that pathway back there so he can access

1 everything from steering lines to steering pumps, to  
2 hydraulics, stuffing box. It's just an access line.  
3 Safety.

4 Q. I'm now going to show Exhibit 127. It is a  
5 photo of the fishing vessel Destination on the  
6 Kloosterboer peer taken by Mr. Gjermund Eikrem on  
7 February 9th, 2017. Do you have this exhibit in front  
8 of you?

9 A. Yes.

10 Q. You were not onboard the Destination when  
11 this picture was taken in February of 2017, but can  
12 you tell me if this looks similar to what you loaded  
13 in October of 2016?

14 A. Looks exactly like his stack. That's what  
15 the stack looks like. You're five high all the way  
16 forward. That's what 200 pots looked like on the  
17 boat.

18 Q. When looking at the picture, there's some  
19 stuff above the pots on the fifth tier, do you know  
20 what those are?

21 A. I don't know what's under the blue tarp.  
22 And I don't know what's in the blue tote. Alls I can  
23 guess is it's -- the way it's covered it's probably  
24 some hanging bait, possibly cod fish. And the  
25 aluminum metal piece is a part of the table ramp that

1 goes out the side of the boat.

2 Q. Can you tell me how many shots and buoys  
3 were in each pot during your voyage in October?

4 A. I didn't understand the question. Try it  
5 again.

6 Q. I'd like to know how many lines were inside  
7 the buoy in the buoys -- excuse me, how many lines and  
8 buoys were inside the crab pots during your voyage?

9 A. When I was on the boat we had two shots and  
10 three buoys, and typical operation for where he was  
11 going for the winter fishery he would have three shots  
12 and three buoys in pots.

13 Q. How much did each pot you loaded on the  
14 Destination weigh and can you tell me how you came up  
15 with that number?

16 A. It's just approximate, probably 750 pounds  
17 apiece, that's usually what I go by, 7 by 7 pots with  
18 the line.

19 Q. Over the years have you seen an increase in  
20 crab pot size and weight, and if so, can you elaborate  
21 about that?

22 A. Every boat's different. There is no maximum  
23 size you can have that I know of. Both David's boats  
24 use 7 by 7's, Destination's were 34 inches wide.  
25 Keta's are 32 inches wide just so they fit the Keta.

1 Best I can do on the pots.

2 Q. Have you ever had any conversation with  
3 Mr. Wilson about size and weight of crab pots and if  
4 so, can you talk about that?

5 A. I don't remember having a conversation. I  
6 remember talking about it the one time, I couldn't  
7 elaborate on it, but we talked about it one time, just  
8 pots.

9 Q. Mr. Bruneau, I would now like to slightly  
10 shift the conversation to bait.

11 A. Okay.

12 Q. During your October trip, can you tell me in  
13 pounds roughly how much bait was stored onboard the  
14 Destination and where was it stowed?

15 A. The bait freezer was full, starboard side of  
16 the deck. We'd fill that up, and then we'd roughly  
17 take, I think it was two pallets on deck, another  
18 couple thousand pounds of bait on deck because it  
19 wouldn't fit in the freezer.

20 Q. Was any bait ever stowed in hold tanks or on  
21 top of crab pots?

22 A. Not when I was on the boat, no.

23 Q. Do you have an estimate on how many pounds  
24 that was that you brought on board the Destination?

25 A. Probably right around 10 to 12,000. I



1 couldn't tell you, I couldn't tell you exact number of  
2 pounds, 10 to 12,000 is just a rough estimate.

3 Q. On the Keta, can you explain to me the  
4 process of purchasing bait?

5 A. Well, when I do it, I talk to the plant see  
6 what kind of bait they have. I like to mix my bait,  
7 and I make sure where I'm going I usually purchase the  
8 bait in King Cove and I make sure they have the bait  
9 there and if they didn't, I would try to get some in  
10 Sand Point. But most of the time we got bait in King  
11 Cove. And I made sure they had enough bait. And we  
12 would purchase 9 to 10,000 pounds for each trip.

13 Q. Can you repeat how much that was?

14 A. Nine to ten thousand pounds.

15 Q. Does Mr. Wilson have any involvement in the  
16 bait purchases?

17 A. Not that I know of. I think it was left up  
18 to his captains. Well, I shouldn't say that. In  
19 years past I believe he has because they bought  
20 container bands full of bait that they could use. So  
21 yeah. With Jeff I think he was involved in every  
22 operation. They talked quite a bit, almost every day.

23 Q. How do you know that Jeff and Mr. Wilson  
24 talked every day?

25 A. I would be around once in a while when they

1 were talking and Jeff would let me know they were  
2 talking. When I was running the Keta they were  
3 talking, Jeff would go, "oh, gotta go, landlord's  
4 calling." And yep. David was really involved in the  
5 Destination. What was going on all of the time.

6 Q. Can you tell me how many hold tanks were  
7 onboard the Destination?

8 A. Three fish holds.

9 Q. For your October trip, can you tell me which  
10 hold tanks were pressed, and how did you know that  
11 they were?

12 A. Forward, the front two tanks were pressed  
13 and flooded, and we'd used them, water coming out of  
14 them, make sure pumps are turning on.

15 Q. Can you tell me where the overboard  
16 discharge for each hold tank are?

17 A. I honestly couldn't tell you where they were  
18 located on the tank. Coming outside of the boat, but  
19 I couldn't tell you where they were located on the  
20 tank if they were on the aft or side of the bulkhead,  
21 I couldn't tell you. I don't remember.

22 Q. The hatch covers on the deck, above each  
23 hold, were any of them open or partially open while  
24 transiting, and if so, can you elaborate why?

25 A. When I was on the boat, I had a hatch cover

1 open on the aft tank. Could I elaborate why? No.  
2 The engineer said, Jeff wants it that way, and that  
3 was the way it was. Why, I don't know.

4 Q. Did you ever personally go down in that  
5 third tank?

6 A. I did when we got to port multiple times.

7 Q. Why is that?

8 A. Just to assist the engineer, keep him  
9 company down there, hand him wrenches.

10 Q. What was he doing down in that third hold  
11 tank?

12 A. Opening up the hatch to shaft alley to  
13 tighten the stuffing box.

14 Q. Can you describe to me what that hatch  
15 looked like?

16 A. I believe it's just an oval hatch and had to  
17 open it with a key and that's the best of my  
18 knowledge.

19 Q. Okay. Thank you. Mr. Bruneau, I am now  
20 going to show Exhibit 10, page 1. This is a U.S.  
21 Coast Guard Fishing Vessel Examination Form signed by  
22 Jon Bruneau on 16 September, 2014.

23 Mr. Bruneau, do you recognize this form?

24 A. I do.

25 Q. Is this your signature?

1 A. Yes.

2 Q. This is a U.S. Coast Guard Commercial  
3 Fishing Vessel Safety Exam signed by United States  
4 Coast Guard Petty Officer Kate Brinkley and yourself  
5 on 16 September 2014.

6 Can you elaborate about this inspection and  
7 what it detailed?

8 A. Well, it's pretty self-explanatory on the  
9 paperwork what all we went through. Jeff had called  
10 me up and had to get it examined, and asked if I would  
11 walk the officer through the boat. Said, of course.  
12 And we walked through, and found everything, and went  
13 through everything that they needed to see. And I was  
14 just doing Jeff a favor at the time because he wasn't  
15 in town, wasn't going to be in town for a while.

16 Q. Were there any discrepancies listed on that  
17 form?

18 A. I believe there was one little one. A life  
19 ring wasn't -- there was one little thing, I just got  
20 this form today, I haven't seen it in a couple of  
21 years. Life ring wasn't -- vessel name on it or  
22 something?

23 Q. Can you say that out loud again?

24 A. It says on here, name missing from a life  
25 ring buoy and the EPIRB hydrostatic release was going

1 to expire, but you guys have this in front of you.

2 But do I recall it? Not until I read it.

3 Q. Do you know if those items were -- did they  
4 -- let me rephrase that.

5 A. Say again.

6 Q. When the Coast Guard petty officer left the  
7 vessel, did they leave a Coast Guard decal?

8 A. Yes. And there was another examiner aboard.  
9 I don't remember his name. I have it written down in  
10 my book. But there was another examiner onboard  
11 besides this officer.

12 Q. Thank you, Mr. Bruneau. I realize that I  
13 asked you a lot of questions, but I would like to ask  
14 you if there's something that I may have missed that  
15 you would like to include for this public hearing?

16 A. Say again.

17 Q. I realize that I have asked you a lot of  
18 questions, but I would like to ask you if there is  
19 something I may have missed that you would like to  
20 include for this public hearing?

21 A. I don't think you've missed anything. I've  
22 got a lot of questions and everybody's got a lot of  
23 questions. And I just hope we can figure out what,  
24 why, of course, very sad tragedy, very sad. I can't  
25 believe it happened yet. Not to this Captain, crew or

1 this vessel. I'll answer anything you can possibly  
2 come up with.

3 MR. GILLETTE: Mr. Bruneau, please stay on  
4 the phone for further follow-up questions.

5 Commander, I have completed all of my  
6 questions.

7 CDR MULLER: Thank you, Mr. Bruneau. This  
8 is Commander Muller again. The Board is going to take  
9 a quick five-minute break. We're going to break to  
10 the brief room. Mr. Bruneau, I'm just going to ask  
11 that you still remain on the line. We will be back  
12 with you shortly.

13 THE WITNESS: Okay.

14 (Brief recess was taken.)

15 CDR MULLER: Good morning, everyone.

16 Mr. Bruneau, are you still there?

17 THE WITNESS: I'm still here.

18 CDR MULLER: Okay. Good. Thank you for  
19 allowing us to a take a five-minute huddle. We'll get  
20 started again, but before I do so, just for the record  
21 we want to make sure we capture the spelling of your  
22 full name, first and last.

23 THE WITNESS: Okay.

24 CDR MULLER: If you can spell your first and  
25 last name.

1 THE WITNESS: J-O-N B-R-U-N-E-A-U.

2 CDR MULLER: Okay. Also for the record, do  
3 you hold any Coast Guard licenses or credentials?

4 THE WITNESS: No.

5 CDR MULLER: Okay. Thank you.

6 Okay. I understand Mr. Gillette has  
7 completed his round of questions so now I will turn to  
8 NTSB.

9 Mr. Karr, do you have any questions?

10 MR. KARR: I do.

11 And Mr. Bruneau, I'm going to follow up on  
12 some of the questions that Mr. Gillette asked.

13 DIRECT EXAMINATION

14 BY MR. KARR

15 Q. First of all, could you tell me about that  
16 king crab voyage you took. When did you board the  
17 vessel, and where did it sail to, and when did you  
18 finally get off?

19 A. The king crab trip I got on at Sand Point,  
20 loaded gear, went up fishing, went up to St. Paul,  
21 Alaska to unload our first trip, and came back down  
22 pulled our gear and went and unloaded in Akutan,  
23 dropped some crab pots off there so we could unload  
24 and left them there and came back to Sand Point.

25 Q. And when you first left Sand Point, where

1 did you first transit to?

2 A. I don't remember if we went to King Cove and  
3 loaded bait there or not, I don't believe so. I think  
4 we first transited out to the Bering Sea and went king  
5 crab fishing.

6 Q. And approximately what area would that have  
7 been?

8 A. Oh, right around 163 degree line north of,  
9 let's see, east of Cape Sarichef.

10 Q. So about how many miles from a land  
11 reference is that? I don't have a chart in front of  
12 me?

13 A. From land we were probably 30 miles out.

14 Q. All right. Thanks. You mentioned that --  
15 you mentioned when you were working on the Keta that  
16 David Wilson's brother was the manager. Can you  
17 describe that? Is that an official title or is that  
18 just the way you referred to the ownership?

19 A. Actually, it's probably official title  
20 between the two of them. Then David took over the  
21 manager of the Keta.

22 Q. And can you describe what the manager -- can  
23 you describe in detail what you saw as the manager's  
24 role, and I guess -- well, you know what, tell me how  
25 you interacted with the manager as far as the manager



1 doing his job?

2 A. Well, how I interacted with his brother, we  
3 just talked about the boat, and what's going on with  
4 the boat, what needed to be done on the boat, and how  
5 things were going on the boat all of the time.

6 Q. Can you describe how involved he was in the  
7 operations of the boat? You know, how you actually  
8 carried out your job with regard to the crew members  
9 and catching fish?

10 A. His brother wasn't that involved. He pretty  
11 much trusted me and left it up to me. He would ask me  
12 questions and stuff, but he pretty much left most of  
13 the decisions up to me on how I wanted to do things.

14 Q. In your contract who paid for the fuel,  
15 food, and bait. This is when you were working on the  
16 Keta.

17 A. Okay. The fuel and bait I believe came off  
18 the top. And we paid for a daily food rate which was,  
19 I believe, \$30 or \$35 a day. I don't recollect right  
20 now. When I say fuel and bait came off the top of the  
21 gross and then it was split up I believe.

22 Q. When you were working with the manager, can  
23 you describe any concern or discussions you had about  
24 spending money on fuel and bait? What I'm looking at  
25 is was there any concern on the part of management to

1 keep costs down?

2 A. Never.

3 Q. Thanks. Does the Keta carry a stability  
4 letter?

5 A. Yes.

6 Q. Can you tell me as the Captain how you use  
7 that stability letter?

8 A. It's been on the boat multiple years, and  
9 seen the boat over the years loaded with more pots  
10 than I ever carried on it. It's just a basic  
11 overview, the stability letter. I had actually taken  
12 the stability letter over to Jeff on the Destination  
13 one time and talked with him because I believed I had  
14 too much fuel aboard that was left aboard from the  
15 summertime for what I wanted to do and carry pots.  
16 And we talked about it. And just an understanding on  
17 how things should be.

18 Q. As an example, as you're getting ready to  
19 get underway and load pots, could you tell me how you  
20 may have used the stability letter or referred to it  
21 before getting underway?

22 A. Didn't have to refer to it all of the time.  
23 Basically understood it, what I could do and couldn't  
24 do with the vessel.

25 Q. Can you get specific and tell me what -- can

1 you be specific and tell me exactly what you looked at  
2 aboard your vessel to make sure it complied with the  
3 letter?

4 A. Specifically number of pots I could carry  
5 and how much fuel I could carry aboard and what tanks  
6 I could pump down or not pump down.

7 Q. All right. Thank you. I'd like to -- you  
8 mentioned the watches that you stood underway. When  
9 you were on the Destination and you sailed to the  
10 fishing grounds, can you describe the watches that  
11 took place from Sand Point up until you started  
12 fishing?

13 A. Describe them? You're traveling, you're  
14 keeping the boat on course and just making sure  
15 everything's running right.

16 Q. Well, let me ask specific questions.

17 A. Okay.

18 Q. How long did each person spend on watch at  
19 the wheel during that portion of the voyage?

20 A. I believe it was -- honestly, I believe it  
21 was two hours, but it could have just been an hour.

22 Q. And did you --

23 A. I don't remember.

24 Q. And did you serve in one of those rotations?

25 A. I believe so.

1 Q. Can you recall which one?

2 A. I don't. I don't remember which watch. I  
3 made the trip so many times I don't remember where I  
4 was.

5 Q. Can you remember if Captain Hathaway served  
6 in one of those watches?

7 A. I don't. I don't remember.

8 Q. When you are making a transit like that,  
9 what is the rest of the crew doing?

10 A. It varies. Depends if it's nighttime they  
11 are resting, sleeping, watching movies, general  
12 maintenance, fixing things, getting things ready,  
13 could be a number of things.

14 Q. And on that voyage can you remember what  
15 things they might have been fixing?

16 A. Well, when I say fixing, it's anywhere from  
17 splicing lines, I can't recall anything that stands  
18 out. We were pretty much ready to go when we left as  
19 far as I can remember. We weren't rigging anything  
20 underway that I can remember, but no specifics. No.

21 Q. During that voyage do you recall if the  
22 vessel was ever on automatic pilot with no one in the  
23 wheelhouse so everyone could sleep?

24 A. I don't believe so. I don't believe so.

25 Q. On that voyage on the Destination do you

1 recall if the Captain ever took control of the wheel  
2 if the vessel was not fishing?

3 A. Yeah, he did. He would take a watch,  
4 usually early morning once in a while, best of my  
5 knowledge.

6 Q. Can you describe early morning?

7 A. Probably around 7:00, 8:00 in the morning  
8 just having coffee.

9 Q. Can you describe how Captain Hathaway led  
10 that safety meeting that you attended onboard the  
11 Destination?

12 A. Just going through the boat and where  
13 everything is, and how everything was supposed to be  
14 operated, and everything checked over, everything  
15 looked at, and everything talked about.

16 Q. Can you describe his intensity with how he  
17 led that meeting?

18 A. His intensity was always commanding, just  
19 talking through everything so everything was  
20 understood.

21 Q. Can you describe how much passion he had in  
22 handling that safety meeting that day?

23 A. More passion than a normal person would  
24 have. Very, very concerned. It wasn't a passive  
25 meeting. It was a safety meeting that was treated as

1 such, and it was good to see. It was something I  
2 learned from him.

3 Q. And could you be specific about what you  
4 learned from him?

5 A. On how passionate you should be on it.  
6 Instead of just talking about it, just really talking  
7 about it and being concerned with it. He was  
8 concerned about it, and he let people know he was  
9 concerned about it. Instead of just going through it  
10 and talking about it, he made it known that he was  
11 concerned about it, so everybody was concerned.

12 Q. During that meeting, do you recall if there  
13 was much dialogue between Captain Hathaway and the  
14 rest of the crew?

15 A. Everybody -- after he said everything he  
16 wanted to say, everybody kind of added their little  
17 bits and pieces too on what they thought, what they  
18 think, and it was a full participation.

19 Q. Thank you. With regard to the leaking  
20 stuffing box, do you recall how they removed the water  
21 that was in the bilge from that leak?

22 A. With the bilge pump, I believe.

23 Q. And was that a bilge pump in the engine  
24 room?

25 A. Yes, it was.

1 Q. And was the leak -- was the water from the  
2 leak limited to the third hold?

3 A. It was the water from the leak would leak  
4 forward into the engine room through the shaft alley.

5 Q. Can you describe your assessment of the  
6 problem with the leaking stuffing box?

7 A. It was being dealt with. My assessment was  
8 that it would have to be pulled out and redone when  
9 they got time to do it at the end of the season or  
10 before the next season, which I believe they did.

11 Q. When you were on the Destination, did you  
12 ever use the tunnel under the crab pots?

13 A. Yes, all of the time.

14 Q. Can you tell me what you did when you used  
15 the tunnel? Specifically, can you recall tasks that  
16 you undertook?

17 A. What I specifically did, I was stern line  
18 man. So I would walk through the tunnel to tie up the  
19 boat when we reached a dock, and pull lines out of the  
20 lazarette and it was there for anybody to use.

21 Q. Could you stand up in the tunnel?

22 A. Yes.

23 Q. And the hatch for the third hold, where  
24 would that have been stored?

25 A. That was right by the third hold. It was

1 stored on deck right by the third hold.

2 Q. During that trip, where on deck was that  
3 extra bait stored?

4 A. Down on deck outside the galley door and by  
5 the bait chopper. I believe, thinking about it, I  
6 believe we put one pallet up top, too, by the big  
7 table, by the crab sorting table. We put one pallet  
8 of bait up there, too, thinking about it.

9 Q. When you were onboard the Destination, can  
10 you describe the conversations you and Captain  
11 Hathaway had about working for Mr. Wilson? And I'm  
12 referencing back to the comment that you made that you  
13 said that Captain Hathaway said that the landlord was  
14 calling.

15 A. Conversation to the best of my knowledge  
16 with Jeff and David were how things were being -- how  
17 things were going all of the time.

18 Q. Well, can you be specific about what things  
19 you were talking about with Captain Hathaway?

20 A. Not specific. Just recollection.  
21 Weather-wise, and yes, I couldn't be specific, no.

22 Q. Well, tell me about the weather  
23 conversation.

24 A. Just what's coming at us, what's going on,  
25 how's it going.



1 Q. How was Mr. Wilson involved in that  
2 conversation about the weather?

3 A. He can see what -- if he chooses to, see  
4 what's coming at us and how things were going.

5 Q. Did he always call him the landlord?

6 A. That was just a -- that was a term that he  
7 used. There was other, other -- but that was kind of  
8 the running joke. Okay.

9 Q. Well, it's a running joke, but was it a term  
10 he used frequently?

11 A. Once in a while, yeah, once in a while.

12 Q. Well, what were the other terms. If you can  
13 say them publically, what were the other terms he used  
14 to call him?

15 A. There was no derogatory terms. Once in  
16 while he'd say, Mr. Wilson's calling and he'd say,  
17 hey, the landlord's calling or talking to David or  
18 multiple terms.

19 Q. Did he ever call him boss?

20 A. No. That's just a term I usually use.

21 Q. Based on the conversations you had with  
22 Captain Hathaway and even knowing him other than on  
23 that voyage, who directed, controlled the operation of  
24 the vessel at sea?

25 A. Jeff. He was in command.

1 Q. Is there anything Jeff would have sought  
2 approval of before undertaking?

3 A. I don't understand the specific question.  
4 Approval, Jeff knew what needed to be done. David  
5 knew what Jeff was doing all of the time.

6 Q. Can you describe the interaction the crew  
7 had with Jeff on that voyage that you were onboard?

8 A. Such as?

9 Q. Such as was Jeff open to conversing with the  
10 crew members?

11 A. Always. He would kind of let us know what  
12 was going on when he knew where we were going and what  
13 we needed to take there.

14 Q. Did Jeff -- did the crew eat meals together?

15 A. Yes.

16 Q. And was Jeff there?

17 A. Yes.

18 Q. And what type of conversations would you  
19 guys talk about at dinner or any meal?

20 A. Million and one. All sorts of  
21 conversations. Of course anything that needed to be  
22 done. But most of the time that was already done. So  
23 it was enjoying conversations. What we're gonna do  
24 after the season. Who's doing what. It varied all of  
25 the time.

1 Q. And onboard the Destination were there  
2 assigned rooms for sleeping?

3 A. I believe everybody had their bunks numbered  
4 and stationed. Yes.

5 Q. Do you recall who had what bunk numbers on  
6 that voyage?

7 A. No. I could tell you where everybody slept,  
8 but their numbers on the bunks, no.

9 Q. Go ahead. Quickly tell me where everybody  
10 slept.

11 A. Port side, Kai Hamik and Glen Jones.  
12 Starboard side state room Ray Vincler, Darrik Seibold  
13 and myself.

14 MR. KARR: Give me one more second.

15 Thank you, Mr. Bruneau.

16 Commander, I don't have any questions at  
17 this time.

18 CDR MULLER: Thank you, Mr. Karr.

19 Ms. Spivak, do you have any questions?

20 MS. SPIVAK: Yes, a few questions, please.

21 CDR MULLER: Okay.

22 MS. SPIVAK: What's the best way to --

23 CDR MULLER: If you can maybe join us here  
24 at the table.

25 DIRECT EXAMINATION

1 BY MS. SPIVAK

2 Q. Good morning, Jon.

3 A. Good morning.

4 Q. Can you hear me okay?

5 A. I hear you fine.

6 Q. Okay. This is Svetlana.

7 Were you present at every single  
8 conversation that David had with Jeff on the phone?

9 A. Not even close. No.

10 Q. How many conversations have you personally  
11 observed them taking -- them having?

12 A. Hundreds.

13 Q. So --

14 A. Over the years.

15 Q. Over the years, okay. How about on the trip  
16 of 2016?

17 A. I couldn't recall. Multiples.

18 Q. Okay. Were you observing personally them  
19 having conversations every single day?

20 A. No.

21 Q. Okay. What was the drug and alcohol policy  
22 on the Keta?

23 A. Zero.

24 Q. Can you elaborate on that, please?

25 A. No drinking. No drugs. Zero.

1 Q. Okay. How about Destination?

2 A. Same story. Zero.

3 MS. SPIVAK: Okay. Thank you. That's all  
4 the questions I have.

5 THE WITNESS: Okay.

6 CDR MULLER: Thank you, Ms. Spivak.

7 Jon, this is Commander Muller.

8 THE WITNESS: Good morning.

9 CDR MULLER: Good morning.

10 I have a few follow-up questions myself.

11 THE WITNESS: Okay.

12 DIRECT EXAMINATION

13 BY CDR MULLER

14 Q. Earlier on in the testimony you mentioned in  
15 regards to pressures that vessel captains experience,  
16 and I believe one of the ones that you listed was  
17 delivery dates to meet processor deadlines.

18 A. Okay.

19 Q. Is that correct?

20 Okay. Do you concur. Is that something you  
21 mentioned?

22 A. I do concur. That's one of mine. One of  
23 mine, yes. And just to let you know, with Jeff,  
24 because I -- you know, I talked with Jeff about them,  
25 and he probably wasn't as concerned as I was because

1 he was more like, get business done, I will get there  
2 when I get there. Jeff, Jeff didn't let anybody push  
3 him around. That wasn't -- he -- didn't happen.

4 Q. Okay. So my question here is for you as the  
5 vessel Captain for the Keta.

6 A. Okay.

7 Q. So in your perspective as a Captain, what  
8 are the consequences, ramifications, if you were to  
9 deliver your catch late to the processing plant either  
10 a few days, a week, from what their projected  
11 scheduling date for that vessel or for -- even for  
12 their scheduled closing for the season, can you expand  
13 on that?

14 A. You kind of touched the question right there  
15 and answered it. It is what it is. That's all you  
16 can do. You're late, you're late. And alls it costs  
17 you is time and costs them time and so you've got a  
18 lot of aggravated people.

19 Q. Does the processor -- does the market value  
20 of the catch change if you're late?

21 A. It has happened in the past, yes, with king  
22 crab especially, but to the best of my knowledge it's  
23 only certain specific times, and I think it's just  
24 with the king crab.

25 Q. Okay. Thank you.

1           I just want to check, earlier you mentioned  
2 the immersion suits.

3           A.    Yes.

4           Q.    I believe you said they were located on the  
5 bridge; is that correct?

6           A.    I believe so, yes.

7           Q.    Can you describe in a little bit more detail  
8 where on the bridge the immersion suits were stored?  
9 Were they stored in a cabinet? Were they stored in  
10 their bags just on a shelf or so?

11          A.    I believe stored in the cabinet. I couldn't  
12 tell you exactly which cabinet. They were pulled out,  
13 gone through, batteries checked, lights checked and I  
14 can't remember which crew member was doing it.

15          Q.    Okay. Back to you as the Master on the  
16 Keta, does the Keta have a stability book?

17          A.    Yes.

18          Q.    Do you know what date the stability book was  
19 issued?

20          A.    Offhand, no, not exact date.

21          Q.    Do you recall if your stability book lists  
22 specifically the weight of the pots used to determine  
23 the stability?

24          A.    It's got an estimation, yes.

25          Q.    What was that -- what is that amount in the

1 stability book?

2 A. For each pot?

3 Q. Well, does the stability book list the  
4 weights for the pots used to determine stability? The  
5 stability books that I have seen express it in terms  
6 similar to the assumed weight per pot is X, Y, Z.

7 A. Yes, it does have that.

8 Q. Do you recall how much the pot weight is  
9 listed as?

10 A. Honestly, no, not on the Keta, no. And I  
11 have looked at the one on the Destination, it's been  
12 years but I don't remember that one either.

13 Q. Okay. And how much do the pots weigh  
14 onboard the Keta?

15 A. I estimate about 750 pounds.

16 Q. And is that with the shots and buoys?

17 A. Yes.

18 CDR MULLER: I have no further questions.

19 Mr. Gillette, do you have any further  
20 questions?

21 MR. GILLETTE: I have no further questions,  
22 Commander.

23 CDR MULLER: Thank you, Mr. Karr.

24 MR. KARR: This is Mike Karr, the NTSB.

25



## 1 DIRECT EXAMINATION (continued)

2 BY MR. KARR

3 Q. Mr. Bruneau, you mentioned that in talking  
4 with Captain Hathaway, you got an understanding of  
5 situations. Can you tell me --

6 A. Yes.

7 Q. -- what sort of things you learned from  
8 Captain Hathaway when you were discussing those  
9 situations?

10 A. A lot of experience, what to do on  
11 situations, how to fish situations. He was my go-to  
12 guy.

13 Q. Did you learn anything about stability?

14 A. Talked stability over with him, not  
15 concerning the Destination, but concerning the Keta at  
16 one time.

17 Q. Yeah, and when I'm -- and in this question,  
18 it's a general question. So it's not just about the  
19 Destination or the Keta. It's just general knowledge  
20 as a mariner.

21 A. Yeah, general knowledge, talked about it,  
22 but specifically with the Keta because I had more fuel  
23 aboard than I wanted to, and that was estimated at the  
24 time that I was taking over the boat. And so I wanted  
25 to go over things with him just, and make sure I was

1 thinking right, reading things right.

2 Q. How about weather forecasts?

3 A. Wow. Talked about weather that was coming,  
4 what it was doing. While I was running the Keta and  
5 he was running the Destination, we dealt with a lot of  
6 different situations.

7 Q. When you were operating the Keta, did you  
8 operate in the Bering Sea during the winter months?

9 A. Yes. Right along side up by -- same area,  
10 same general area, yep. Yes.

11 Q. And back to the conversations and things you  
12 learned from Jeff, how about icing issues?

13 A. Well, I can remember one specific situation  
14 I couldn't tell you what year it was, but we were --  
15 not heavy freezing spray, but freezing spray, icing.  
16 Ice pack was coming down, and everybody's trying to  
17 move their gear away from it. And I was talking to  
18 Jeff, and asking what he was doing. He said I'm  
19 putting on 200 pots and running fair wind and getting  
20 out of here.

21 And I was doing the same thing, putting on  
22 my 150 pots on -- I probably had 135 pots at the  
23 time -- and I was running to get out of the ice and  
24 away from the ice. Had a lot of conversations like  
25 that and what to do.

1 Q. Have you, yourself, been in an icing  
2 situation where you feared for the safety of the  
3 vessel and yourself?

4 A. Never feared for the safety of the vessel.  
5 Been in serious, heavy freezing spray, freezing icing  
6 conditions, had vessels iced hard, seen a lot of ice  
7 on vessels that I'd run and engineered on. Yeah, seen  
8 a lot of icing conditions.

9 Q. Have you ever sheltered behind the terrain  
10 of an island to help keep freezing spray down on your  
11 vessel?

12 A. Multiple times.

13 Q. Could you describe how that has helped you?

14 A. Helped me to wait out the weather; helped me  
15 to wait for things to warm up slightly so I could run.  
16 Doing the best we can.

17 Q. How does that specifically reduce the amount  
18 of ice accumulation?

19 A. You didn't build up any more ice -- well,  
20 not to speak of, while you were anchored up, under  
21 shelter.

22 Q. As a boat captain, can you tell me how you  
23 get your weather information?

24 A. Multiple, anywhere from talking to the other  
25 captains, to single side band, to telephone, multiple.

1 Q. Do you wish there were other ways of  
2 receiving weather information?

3 A. Don't really need them. Have up-to-date  
4 weather any time you want.

5 Q. And how do you receive the warnings or  
6 weather information about freezing spray?

7 A. The weather service lets it be known,  
8 vessels that are in the area transiting that you can  
9 talk to let it be known, vessels that are already  
10 there you can talk to, let it be known, multiple ways.

11 Q. What is the overall length of the Keta?

12 A. I believe 98.

13 Q. How much time do you think you need to  
14 adequately prepare for freezing spray conditions?

15 A. It depends on the conditions, if you're  
16 talking a day or two or if you're talking a week, if  
17 you're talking hundred miles or 200 miles, you gotta  
18 be a lot of specific --

19 Q. What is your decision point on whether or  
20 not to shelter behind terrain in freezing spray  
21 conditions?

22 A. That's a judgment call on a lot of different  
23 conditions.

24 Q. What are some of the factors involved in  
25 that decision?

1 A. Pardon me?

2 Q. What are some of the factors that you would  
3 consider in making that decision?

4 A. What the weather is doing, what is coming at  
5 you, what other vessels are seeing. In my particular  
6 instances in how traveling has been, how much ice  
7 you're putting on the boat, all a judgment call.

8 Q. Can you recall the last time -- can you  
9 recall how long ago was the last time that you sought  
10 shelter behind terrain?

11 A. Probably -- I don't remember the year. I  
12 would have to look, but multiple times went and  
13 anchored up behind an island, ran up to ice edges,  
14 multiple times.

15 Q. Are you aware of any guidance the Coast  
16 Guard or anyone else has provided on dealing with  
17 freezing spray conditions?

18 A. I couldn't hear the question very good. Try  
19 it again.

20 Q. Are you aware of any guidance the Coast  
21 Guard has provided regarding freezing spray conditions  
22 and forecasts?

23 A. Not that the Coast Guard's provided them.  
24 Stability books on our boats, it kind of gives us a  
25 general idea what tonnage your boat could take for

1 freezing spray. And everybody's judgment calls on how  
2 much ice they can take and handle and get rid of, a  
3 lot of experience involved in icing.

4 Q. On the Keta how much ice do you think you  
5 could take?

6 A. Could I take? Or you're talking probably  
7 worse case scenario probably 30 tons.

8 Q. My last question is: Are there any  
9 challenges with the sea current conditions around  
10 St. George Island?

11 A. I have not had any problems in that area. I  
12 anchored up behind St. George multiple times myself  
13 hiding from ice, hiding from weather, hiding from  
14 icing conditions, but I have never experienced current  
15 condition problems -- well, I should not say that,  
16 yes, I have. We had a sister ship who lost a man  
17 overboard fishing outside of St. George.

18 I was engineer on the fishing vessel  
19 Norseman II at the time and we washed our deck and  
20 everybody on it with a rogue wave down below St.  
21 George. And it was the one time in my life I went to  
22 talk to the captain. I said we're gonna get somebody  
23 hurt. And we quit. And we were heading to town and  
24 his brother was running the sister ship and they lost  
25 a guy over the side probably three hours later.

1 Q. Can you think of any other weather/wind  
2 conditions like that that made navigating near  
3 St. George Island a challenge?

4 A. It's, yeah, it's a question that's hard to  
5 answer.

6 Q. What makes it hard to answer?

7 A. Well, it varies on a lot of conditions, a  
8 lot of wind, it's mother nature trying to predict it,  
9 everybody's seen bad conditions. Some people worse  
10 than others, of course. It happens.

11 MR. KARR: Thank you, Mr. Bruneau.

12 CDR MULLER: Any further questions,  
13 Mr. Karr?

14 MR. KARR: None.

15 CDR MULLER: Okay. Thank you.

16 Ms. Spivak?

17 MS. SPIVAK: None.

18 CDR MULLER: Okay. Jim, do you have any  
19 further questions?

20 MR. GILLETTE: No questions.

21 CDR MULLER: Okay. I have no further  
22 questions. So thank you, Mr. Bruneau. This concludes  
23 our questions for you today. We thank you for your  
24 participation, and I'm also appreciative that you took  
25 the time because you're currently operating now as a

1 fisherman up in the Bering Sea and you took the time  
2 to pull in, so I thank you for calling in today.

3 THE WITNESS: Okay. Are you done with me?

4 CDR MULLER: That's right. I just have a  
5 statement to read to you, and then we will --

6 THE WITNESS: Okay.

7 CDR MULLER: You are now released as a  
8 witness at this Marine Board Investigation. Thank you  
9 for your testimony and cooperation. If I later  
10 determine that this Board needs additional information  
11 from you, I will contact you through your counsel or  
12 you directly. If you have any questions about this  
13 investigation, you may contact the Marine Board  
14 Recorder Lieutenant Commander Pedro Mendoza.

15 So you are now released.

16 THE WITNESS: Okay. Thank you. Yeah,  
17 anything I can help with ever.

18 CDR MULLER: Okay. Thank you. We're  
19 hanging up now.

20 THE WITNESS: Okay.

21 CDR MULLER: Bye bye.

22 THE WITNESS: Bye now.

23 (pause.)

24 CDR MULLER: Excuse us. We were actually  
25 just talking about our upcoming schedule and trying to



1 make room for lunch. So we are going to take a  
2 15-minute recess. And then we will have our next  
3 witness, Mr. Dylan Hatfield. And then we will have  
4 questions and then around noon we will break for lunch  
5 and then come back at 13:00.

6 So 15-minute recess. Thank you.

7 (Whereupon, a brief recess was taken.)

8 CDR MULLER: Good morning, again. This  
9 hearing will come to order. We would like to call our  
10 next witness, Mr. Dylan Hatfield.

11 LCDR MENDOZA: Please raise your right hand.

12 DYLAN HATFIELD,

13 A witness produced on call of the Coast  
14 Guard, having first been duly sworn, was examined and  
15 testified as follows:

16 LCDR MENDOZA: Please be seated.

17 Sir, please state your full name and spell  
18 your last name for the record.

19 THE WITNESS: Hello. Can you hear me?

20 I'm not sure which one to talk into here.

21 Is this working?

22 Dylan Andrew Hatfield, H-A-T-F-I-E-L-D.

23 LCDR MENDOZA: Please state your current  
24 employment and position title.

25 THE WITNESS: I'm self-employed. I'm a

1 commercial fisherman. I work on the F/V Jodi Marie in  
2 the summertime, and the F/V Kari Marie during the  
3 winter and fall.

4 LCDR MENDOZA: Sir, do you hold any  
5 professional licenses or certificates.

6 THE WITNESS: No. I have a first aid/safety  
7 card. That's about it.

8 LCDR MENDOZA: Thank you much, sir.

9 CDR MULLER: Okay. Mr. Hatfield, pleasure  
10 to meet you. I know we've spoken a few times in the  
11 last few months and we appreciate the assistance that  
12 you provided myself and the Board by way of  
13 preparation. So it's good to meet you in person.

14 THE WITNESS: Likewise.

15 CDR MULLER: So I'll turn it now to  
16 Mr. Gillette and he will lead the questions.

17 DIRECT EXAMINATION

18 BY MR. GILLETTE:

19 Q. Good morning, Mr. Hatfield.

20 A. Good morning.

21 Q. My name is James Gillette with the United  
22 States Coast Guard. If at any time you don't  
23 understand a question that is asked, just request that  
24 the question to be re-addressed or rephrased.

25 If at any time you need to take a recess,

1 please ask. Also remember to speak up loud and clear  
2 into the microphone to assist the court reporter to  
3 transcribe the hearing. With that said, I would like  
4 to start asking questions.

5           Mr. Hatfield, I would like to get a past  
6 crew member's overview of the Destination about your  
7 time spent onboard as well as the last time you  
8 visited the Destination. But before we get into that,  
9 I would like to get a little more background  
10 information from you. Can you start by telling us  
11 when you started working commercially as a fisherman,  
12 and when you first started working onboard the  
13 Destination.

14           A. I started my career as a commercial  
15 fisherman during the summers at age 13. And I went  
16 full-time after I graduated high school. I was 19 and  
17 that's fishing year round.

18           I first got a job on the Destination in the  
19 fall of '08 fishing cod. And I got off the boat in  
20 the fall of 2014, I believe, after king crab season.

21           Q. Over the time you have worked on the  
22 Destination, have you ever been provided with training  
23 opportunities to attend third-party training courses  
24 or online courses and if so, can you talk a little in  
25 detail about what those are?

1           A.     Yeah, I mean I had the opportunity, but I  
2 mean, I don't ever remember David or anybody like that  
3 offering, anything like that. It was something that  
4 you'd have to take on with your own liberty there.

5           Q.     Have you ever had any formal or informal  
6 training on vessel stability, and if so, can you  
7 elaborate on that?

8           A.     Negative.

9           Q.     Have you ever completed any safety meetings  
10 while onboard, and if so, can you tell us what that  
11 detailed?

12          A.     Lots of them. Usually we did one before  
13 every season. And they usually took place in the  
14 galley. You know, Jeff usually would lead them. We  
15 tried to do different scenarios, you know -- well,  
16 first of all, let me backtrack here. Usually the  
17 safety meetings you go through the station bill, and  
18 where every crew member is supposed to be during  
19 different scenarios. And you kind of touch base on  
20 that.

21                   And then we would do different scenarios,  
22 whether it was flooding in the engine room, flooding  
23 in the lazarette, man overboard, fires. We would try  
24 to do a different drill on every drill, every time we  
25 performed a drill. And they were fairly, I would say

1 they were very thorough actually?

2           Jeff was extremely professional, and he took  
3 his safety very seriously. Yeah. Need any more?

4           I mean, yeah, we did lots of safety  
5 meetings. I mean, pulled the survival suits out,  
6 checked the batteries, checked the zippers, made sure  
7 everything was up to date, up to code, checked the  
8 EPIRB, life raft, you know, life-saving equipment,  
9 life sling, you know, I -- a lot of times guys brought  
10 their own survival suits and we'd keep that on the  
11 deck level and you know, maybe, for instance I kept  
12 mine in my bunk and we'd call that a chucker [sic].  
13 So if there was a man overboard situation we had a  
14 survival suit on call for a swimmer, for somebody to  
15 go into the water.

16           We had life slings that were strategically  
17 placed on the back deck for man overboard scenarios.

18           Yeah, you know, we -- it was pretty thorough  
19 every time. You know, we all took the safety very  
20 seriously.

21           Q.    What was your specific job on the watch  
22 quarter station bill?

23           A.    It depends. You know, because I was on  
24 there for a few years, so as I moved up in the chain  
25 my duties became, you know, would change. For

1 instance, you know, when I first started off I'm kind  
2 of the bottom guy on the totem pole, so most of the  
3 time you assist or you're the relay between whatever  
4 catastrophic scenario or flooding or fire, a relay  
5 from the scene to the wheelhouse, or you're on scene  
6 to assist most of the time.

7 Q. Who led all of those drills?

8 A. Most of the time it was Jeff or Larry. And  
9 then, you know, it really depended on the group. You  
10 know, later on in my career we had a little more  
11 stable group of guys that stuck it out, you know, year  
12 after year. So, you know, I can recall doing a safety  
13 drill myself, kind of leading it with Jeff  
14 supervising, but yeah, for the most part it was Jeff.

15 Q. You mentioned guys brought their own life  
16 suits on, were those any different from the immersion  
17 suits that were provided by the Destination?

18 A. No. I mean, they were maybe a different  
19 brand, but they were the same style immersion suits.

20 Q. Did you guys procure those yourself?

21 A. Yes.

22 Q. During your time onboard, can you talk to me  
23 about how much Mr. Wilson was involved with the  
24 operations underway as well as maintenance or dry-dock  
25 periods?

1           A.    He was very hands on.  You know, if it -- if  
2 he wasn't jet-setting around or at his cabin or on his  
3 jet ski or whatever, he was most likely calling Jeff  
4 every day, checking the weather reports, watching us  
5 on AIS.

6                    The shipyard side of things, I wasn't  
7 involved a whole lot with the shipyards, but as far as  
8 I know he was extremely involved.

9           Q.    As far as involvement, was he personally on  
10 the ship or was all of the communications from afar?

11          A.    During fishing operation?

12          Q.    Yes.

13          A.    He would be on the TAG phone, the satellite  
14 phone, cellphone, et cetera.

15          Q.    How about when you were on pier side in  
16 Alaska.

17          A.    Then he would most likely be talking to Jeff  
18 on his cellphone.

19          Q.    Did you ever have any communications with  
20 him?  Did he ever reach out to the crew and talk to  
21 them often?

22          A.    Well, I don't think it was on purpose, but  
23 if, let's say, it was your watch and he happened to  
24 call the TAG phone, you answered, usually had a brief  
25 conversation with him.  I can recall several

1 conversations regarding weather, and the direction we  
2 were traveling?

3 I remember he called and I was talking to  
4 him, and he goes, weather's on your port side, isn't  
5 it, on the stern. And I remember turning around and  
6 looking, oh, well, yeah, actually it is. He was  
7 fairly on the ball. I would say he was very on the  
8 ball, actually, with the weather and keeping tabs on  
9 his empire.

10 Q. Have you ever worked with Captain Hathaway  
11 before? Can you explain your work relations with him?

12 A. Before employment on the Destination?

13 Q. Let me rephrase that: Can you tell me about  
14 your working relations with Captain Hathaway?

15 A. My working relationship with Jeff Hathaway.

16 You know, Jeff was dad. You know, kind of  
17 we joked about it, he told you when to eat, when to go  
18 to bed, when you could use the bathroom, you know, and  
19 his word was law. You know, he kind of had a tough  
20 love. You know, he cared deeply about his crew and  
21 the safety of his crew. And yeah, I have the absolute  
22 most respect for him.

23 Q. Have you ever had -- have you ever worked  
24 with any of the crew members before and can you talk  
25 to me about your relations with them?



1 A. The crew members lost?

2 Q. Yes. On the Destination.

3 A. I personally worked with every single man on  
4 there and Darrik Seibold, my brother, took my place  
5 when I got off the boat in 2014. I helped Kai Hamik  
6 get the job in 2011, I believe.

7 I met Ray in 2009, I believe in Akutan while  
8 he was working for Wes. I've known him for almost ten  
9 years. Yeah, we were a pretty tightknit crew.

10 You know, those were guys I talked to if not  
11 a weekly, a monthly basis. You know, it was the type  
12 of guys that would anticipate what you were going to  
13 do on deck, and could feel and read what needed to be  
14 done before it got done, really, you know, yeah, we  
15 all watched each other's backs.

16 Q. During your time working on the Destination,  
17 did you ever sense that the captain had ever felt  
18 pressure on getting underway to fulfill fishing quotas  
19 or delivery times, and if so, can you elaborate on  
20 that?

21 A. Absolutely. I would love to. The  
22 pressures, I can recall 2012, for instance, that was  
23 one of the worst ice years in a hundred years up in  
24 the Bering Sea. And I remember it was a nightmare.  
25 Stacking, removing gear, and running from the ice a

1 lot.

2           Yeah, the pressures, man, oh. I remember  
3 after that season next shipyard we did a substantial  
4 amount of damage to the boat in the ice that year,  
5 roughly a million dollar shipyard bill.

6           That's probably not an exact number, but a  
7 rough idea. And I remember Jeff talking to us about  
8 how the insurance company was pressuring David to  
9 terminate Jeff because of the extensive damage to the  
10 hull and Jeff talking about how during the season he  
11 was getting pressured from the boat owner and the  
12 markets and the quota owners to produce.

13           And I can remember another time being late  
14 for a delivery date and going on probably one of the  
15 longest stints of nonsleep I've gone in my entire life  
16 to make sure that we make our delivery date. That  
17 was, I felt like that was always pretty important.  
18 And I mean the pressures, I mean, I'm not a captain,  
19 but, you know, Jeff talked to us. He wasn't shy about  
20 what was going on and what was going through his head.  
21 You know, but, yeah, the pressure to produce in a  
22 timely fashion especially if you have a shipyard date  
23 in the spring or the summer. The pressure to catch  
24 the quota in a timely manner, and the pressures to  
25 make your delivery dates.

1 Q. When you say produce, what exactly are you  
2 talking about? Produce what?

3 A. To catch your quota in a timely manner, to  
4 keep the expenses down.

5 Q. You talked a little about, you said you  
6 worked a long working period, can you talk a little  
7 about that too?

8 A. Twenty-four hours wasn't uncommon, 36, 48  
9 hours straight wasn't uncommon especially if there  
10 were delivery dates that had to be met depending on  
11 the scenarios, you know, it just really all depended  
12 on how the season got off to a start, you know, if we  
13 were running behind schedule. Usually that first trip  
14 was hell.

15 Q. What first trip?

16 A. The first trip of the season, the first  
17 delivery for the season and then after that, the  
18 schedule kind of, you know, got spaced out.

19 Q. What did you do to handle fatigue from being  
20 up that many hours?

21 A. Coffee and cigarettes, I don't know. Sucked  
22 it up.

23 Q. While transiting to the fishing grounds,  
24 what was your normal work hours?

25 A. While transiting, are you talking about --

1 you must be talking about watches.

2 Q. Let's say when you leave a port and you're  
3 transiting to a fishing ground before you start  
4 fishing, can you explain, you know, what your workload  
5 is on that transit?

6 A. Yeah. Usually you try to get everything  
7 done and as prepared as possible before you left port,  
8 but, you know, there's always little odds and ends,  
9 and usually it pertained towards the gear or towards  
10 the fishery that you're partaking in versus mechanical  
11 stuff, you know, fixing whatever. You know, you might  
12 have a 24 hour run. So maybe some guys sit around the  
13 table and splice lines or make spare trailers or et  
14 cetera, you know, common stuff like that, but besides  
15 that, that was your catch up on sleep time.

16 Q. When you say 24 hour run, is that the  
17 distance from a port to the fishing ground?

18 A. Yeah, you know, it's -- yeah, pretty much, I  
19 mean, give or take. It's usually around a day,  
20 depending on the season and depending on the port that  
21 you left.

22 Q. How often -- I guess the lack of sleep while  
23 working while you're fishing, how often does this  
24 happen? Does this happen every fishing season or is  
25 it really direct, like you said, by if you're making

1 your catch early or not making a catch?

2 A. Yeah, that's exactly, you nailed it there.

3 And it depends on the season, you know, cod is usually  
4 a pretty tough grind, it's more of a derby style  
5 fishery still. And you know boat owners are looking  
6 for catch history.

7 Q. Can you explain what catch history means?

8 A. That is, so like rationalization was based  
9 off of catch history, you had qualifying years. So if  
10 let's say the gray cod fishery ever goes IFQ or  
11 rationalized depending on your catch history during  
12 the qualifying years will determine the amount of  
13 quota that you will receive.

14 Q. Do you think that because of the thought of  
15 cod fishing might turn into the same as crab  
16 rationalization, that might be changing the mindset on  
17 how many hours you need to fish for cod?

18 A. Yes. It's a numbers game. You know, you  
19 can pretty much pencil out your expenses, how much  
20 fuel you burn a day, how much bait you burn a day, and  
21 how much cod fishing you need to catch to make it so  
22 you're in the green, so you're not going backwards.  
23 Does that answer your question?

24 Q. Are you referring on that side, I take it  
25 cod you make more money fishing crab than cod?

1 A. Oh, absolutely.

2 Q. Is that what I'm hearing?

3 A. Absolutely.

4 Q. Okay. So to make more money, you're going  
5 to have to work more hours to catch those lows?

6 A. Yeah, to make it worthwhile, yeah, or you're  
7 just out there wasting time.

8 Q. Is there a reason why you specifically go  
9 cod fishing as opposed to going into another crab  
10 season? Like, for example, opilio at that timeframe.

11 A. Catch history? That's pretty much it, catch  
12 history is what you're looking for. I mean, when the  
13 prices were up, you know, yeah, we made some money,  
14 but as far as compared to crab, you're not making  
15 nearly the money, but you are getting paid for what  
16 you catch.

17 There is no lease rates. There is none of  
18 that. It's what you catch is what you get paid for.

19 Q. So who is making the decision to go cod  
20 fishing as opposed to starting opilio season a little  
21 earlier?

22 A. Say that again.

23 Q. Who is making the decision on the vessel to  
24 go cod fishing as opposed to fishing another crab at  
25 that season?

1           A.    I would imagine it would be Jeff and David.  
2   The way the quotas have been going, our quotas have  
3   been getting cut, and reduced so to make up for  
4   potentially lost income, you might try to fish cod to  
5   make up for your lost quota on the crab.  But I would  
6   say that those decisions were left up to Jeff and  
7   David and I know the boat partaked [sic] in at least  
8   one cod fishery a year.

9           Q.    Have you or other crew members ever brought  
10  up concerns that you might -- you would rather be  
11  fishing for crab than cod?

12          A.    Oh, absolutely.  Who wouldn't be?  Who  
13  wouldn't?  Forty-five cents versus \$2 or \$10 a pound,  
14  that's kind of a no-brainer.

15          Q.    But they continue to cod fish, so what was  
16  the final --

17          A.    To get catch history.

18          Q.    Okay.  All right.  I'd like to talk a little  
19  about your watch rotations, so when you were on the  
20  Destination did you stand a watch rotation, and if so,  
21  could you describe that detail?

22          A.    Many watch rotations.  Usually it was an  
23  hour to two hours.  Jeff usually had a piece of paper  
24  up there by the helm with everybody's names listed and  
25  the time, and how long your watch was.  And then on

1 6:00 and 12:00 you greased and, you know, like Jon  
2 Bruneau was saying while his time on the boat the  
3 engineer mostly did it. Jon Bruneau's time on the  
4 boat was fairly brief. I can recall a number of times  
5 where I personally greased the cutless bearings on the  
6 shaft. It wasn't that big of a deal. It was a couple  
7 of pumps from the grease gun, not very complicated.

8           Every hour you went down to the engine room,  
9 and you did your engine room walk through. And most  
10 of the time you're looking to make sure the crab pumps  
11 are still turning, make sure the bilge isn't too full  
12 or it's going to trip the high water alarm. You make  
13 sure the day tanks, the level of the fuel in the day  
14 tank is at an adequate level.

15           You make sure the centrifuge, which filters  
16 the impurities out of the fuel that goes to the  
17 engines, make sure that's turning; make sure there's  
18 no oil leaks or fluid leaks in the main or any  
19 auxiliaries that might be running, smoke, anything out  
20 of the ordinary.

21           Q.    How long did that usually take?

22           A.    A couple minutes. You know, and that, you  
23 know, sometimes you did that maybe before you woke the  
24 guy up or maybe you woke the guy up and go, hey, I'm  
25 going to go down to the engine room and check



1 everything out and then you come up and maybe you made  
2 a sandwich or maybe used the bathroom or, you know,  
3 whatever, that was your brief little window to go take  
4 care of your little personal things.

5 Q. When you left the bridge unattended, was the  
6 helm in autopilot?

7 A. Yes.

8 Q. While you were onboard the Destination, did  
9 you ever have any problems with the steering system,  
10 and if so, can you elaborate?

11 A. I can remember -- I'm not exactly sure on  
12 the dates -- I remember we were having a problem with  
13 the steering solenoid sticking, sticking hard to, I  
14 believe, the starboard most of the time.

15 And I can remember Jeff talking about the  
16 steering, and having issues. I can remember he did  
17 something, I think we re-did the packing and the  
18 rudder one year. Yeah, there was some issues with the  
19 steering. I remember Jeff complaining. I remember  
20 times hauling gear and the steering getting stuck in  
21 one direction or another.

22 You know, I mean that's about all as far as  
23 I can recall at the moment.

24 Q. Did you ever have any steering problems  
25 yourself while you were steering the vessel?

1 A. Not personally, no.

2 Q. Did you ever have to make repairs or perform  
3 maintenance or anything while you were underway  
4 because of the steering casualty?

5 A. Absolutely.

6 Q. How many times?

7 A. How many times? I can only remember a few  
8 times right off the top of my head.

9 You know, but there were seasons that I  
10 missed that I, you know, I wasn't on there for every  
11 season. You know that was a tough boat to work on.  
12 But, yeah, I can only recall a few times where we  
13 actually had to go down there and mess with the  
14 steering and that particular instance I remember it  
15 had to do with the solenoid sticking.

16 Q. Were any corrections ever made to keep that  
17 from happening again?

18 A. I believe so. I wasn't very hand's on with  
19 the shipyard. Usually I was partaking in a salmon  
20 fishery up in Alaska during that time and we weren't  
21 required to partake in shipyard. That was Jeff and  
22 David and the engineer Larry or Glen.

23 Q. When you were onboard, did you ever have any  
24 problem with the autopilot system, and if so, could  
25 you talk about that?

1           A.    A few times, yeah, where they'll just kind  
2 of go haywire and I don't know if it's something  
3 between the GPS and the head unit on the autopilot or  
4 what exactly it was.  But there was a few times where  
5 I was on watch where you had to reset the autopilot,  
6 you know, turn it off and turn it back on for it to  
7 get back on course because it might have veered off to  
8 one direction or another.  But I can only recall a few  
9 times having to do that.

10          Q.    This might go a little back with the  
11 steering, when you guys did have these problems, what  
12 was the reaction to the vessel?  What did the steering  
13 system make the vessel do?

14          A.    Turn.

15          Q.    A little more descriptive.  Like --

16          A.    It usually went hard over to one side or  
17 another, and if I recall it was mostly the starboard.  
18 And then I do recall when we were hauling gear that  
19 one time I believe it was unresponsive.

20          Q.    Can you describe unresponsive?

21          A.    It wouldn't go either direction.  That would  
22 be port or starboard.

23          Q.    If you were requesting to go port, it  
24 wouldn't move port.  If you were requesting to go  
25 starboard, it wouldn't move starboard?

1 A. Correct.

2 Q. What did you do to correct that?

3 A. I believe we went down to the engine room  
4 with a screw driver and stuck it into the solenoid to  
5 dislodge it.

6 Q. What did you dislodge?

7 A. The solenoid which is magnetic which allows  
8 fluid to pass.

9 Q. After you dislodged it, did it work after  
10 that?

11 A. For the most part. It was still finicky. I  
12 mean, it wasn't perfect by any means.

13 Q. When you guys had these steering problems  
14 and autopilot problems, how were they reported back to  
15 Mr. Wilson?

16 A. Those were usually conversations that took  
17 place between Jeff and David. I'm not exactly sure  
18 about those conversations. I wasn't present most of  
19 the time. We were usually actively fishing when those  
20 conversations would take place.

21 Q. Were you aware of or did you ever notice any  
22 other engineering or any other problem that I might  
23 not have specifically mentioned, and if so, can you  
24 talk about that?

25 A. Well, I was kind of waiting for you to bring

1 up the February 9th. I don't want to skip ahead of  
2 whatever kind of questioning you guys have.

3 Q. I will ask that after lunch.

4 A. Okay. Besides that, you know, just regular  
5 routine stuff, bushings, hydraulic hoses, you know,  
6 changing pumps, motors, you know, routine boat  
7 maintenance.

8 Q. Okay.

9 A. Besides the damage that was done to the boat  
10 in 2012.

11 Q. And what damage was that again?

12 A. We spent 30 days drifting in the ice pack  
13 waiting for the ice to recede. During one of the  
14 nights while we were asleep and drifting in the ice,  
15 we drifted towards the edge of the ice flow, and  
16 during that time the hull received extensive damage  
17 from ice flows.

18 So let me explain. So when you're in the  
19 middle of an ice flow, if there's pockets, we call  
20 them mud puddles or a puddle and its basically open  
21 water, and you can go in there and if you're far  
22 enough inside of the ice pack, the weight of the ice  
23 will knock the ground swell down. So that it's  
24 basically flat calm. It's eerie flat calm. It's like  
25 being tied up to the dock. But once you venture

1 towards the edge of those flows, the ground swell  
2 starts to pick up. And during that night, we were on  
3 the edge of a flow and the stern was caved in roughly  
4 about 2 feet. The bow, the plating on the bow was  
5 basically smashed in, so that you could actually, I'd  
6 see the ribs of the boat.

7           Yeah, and we all slept through that. Crazy,  
8 but, yeah, does that answer.

9           Q.    Yes. The repairs to that were the ones you  
10 were talking about when they fixed the bulbous bow.  
11 Is that the same repairs?

12          A.    Okay, so yeah, they re-did the stern. I  
13 actually have pictures of that, and so they cut out  
14 the stern and replaced the plating and I believe they  
15 added bracing in the stern and then they replated  
16 40 feet of steel on either side of the bow and I  
17 believe they added in more bracing as well. And  
18 during that time is when David decided to add on a  
19 bulbous bow during that shipyard and that was in  
20 Ballard, Washington.

21          Q.    Did you go to the shipyard for that?

22          A.    Yes.

23               MR. GILLETTE:  Commander, I think this would  
24 be a good breaking point in my interview.

25               CDR MULLER:  Thank you, Mr. Gillette.  Let's

1 just reconfirm if there's any follow-up questions  
2 before we break.

3 Any follow-up questions from NTSB?

4 MR. KARR: I will hold my questions until  
5 after lunch.

6 CDR MULLER: Okay.

7 Ms. Spivak?

8 MS. SPIVAK: Same here.

9 CDR MULLER: I have one follow-up question.

10 DIRECT EXAMINATION

11 BY CDR MULLER

12 Q. Perhaps I missed it, but was there a  
13 reason -- it sounds like yourself and other crew  
14 members would bring their own survival suits onboard.  
15 Is that what I understood?

16 A. Not everybody. I brought one because I'm  
17 6'5", 260lbs. I want to make sure I can fit into a  
18 survival suit, so I bring my own.

19 Q. Okay. Would you say that's industry wide  
20 common practice across vessels where crew members  
21 bring their own perhaps to make sure they had one that  
22 would fit?

23 A. If you're a big guy I would recommend it,  
24 yeah, why not.

25 Q. Okay.

1           A.    I mean, it's better safe than sorry. I mean  
2 you never know. I don't know. It's not super common,  
3 but there's definitely a few guys sprinkled through  
4 the fleets that bring their own.

5           Q.    My apologies. I think I have more than one  
6 question.

7           A.    I'm here for you guys, so.

8           Q.    Can you remind me, what is a TAG phone?

9           A.    It's a satellite communication phone. I'm  
10 not exactly sure what TAG stands for. But it can be  
11 used in two -- there's two different settings on that.  
12 One is almost like a radio, where you can key the mic  
13 and talk and then there's actually like a hand held  
14 that's more like a phone or like what you'd be used to  
15 as a land line that anybody can call. And then  
16 there's, yeah, that's it. I don't know how else to  
17 describe it.

18          Q.    Real quick. The difference between crabbing  
19 and cod fishing, can you generally just describe the  
20 difference. And I think mainly -- I think with cod  
21 fishing, do you not have the pots soaking for less  
22 time, like within 24 hours and it's a much higher  
23 paced evolution?

24          A.    Yeah. It's shorter soak time, cod fishing.  
25 Cod tend to deteriorate fast even in refrigerated sea



1 water, so the markets want you to deliver within three  
2 days from the time you put the first cod onboard to  
3 the time you deliver. So you have basically a  
4 three-day window to haul as much gear as possible.

5 Q. Okay. I think when cod -- when you bring  
6 the cod up on deck in the pots and you unload the pots  
7 on the deck, and you put it on the sorting tables,  
8 doesn't the crew do something with the cod? Do they  
9 cut the bladder or something to that effect?

10 A. Yeah, depending on your market, you either  
11 cut the throat or you stick them in the gills, the  
12 gill plate, and you bleed 'em basically.

13 Q. Right. Okay. So then the cod is not --  
14 when you place them into the fish hold, they are not  
15 staying alive essentially. They are being -- you're  
16 chilling them essentially like a live well?

17 A. Yes, correct, yeah. It would be like the  
18 same thing if you were packing salmon. They go into,  
19 you know, 32-degree chilled refrigerated sea water.

20 CDR MULLER: Okay. Thank you. I have  
21 nothing further.

22 Jim, do you have anything further?

23 MR. GILLETTE: No, not right now.

24 CDR MULLER: Okay. Mr. Karr?

25 MR. KARR: Not right now.

1 CDR MULLER: Ms. Spivak?

2 MS. SPIVAK: Not right now.

3 CDR MULLER: Okay. Well, we're coming up on  
4 12:00 noon. So at this time we're going to take a  
5 recess and reconvene at 13:00/1:00.

6 (Whereupon, a luncheon recess was taken.)

7 CDR MULLER: Okay. Good afternoon.

8 The hearing will come to order.

9 We will continue with our current witness  
10 Mr. Dylan Hatfield. Mr. Hatfield, I just want to  
11 remind you you are still under oath.

12 THE WITNESS: Absolutely.

13 CDR MULLER: Mr. Gillette.

14 MR. GILLETTE: Thank you, Commander.

15 DIRECT EXAMINATION (continuing)

16 BY MR. GILLETTE

17 Q. Good afternoon, Mr. Hatfield.

18 A. Good afternoon.

19 Q. I would now like to ask you a few questions  
20 about fishing operations on the Destination during  
21 your time onboard working with Captain Hathaway.

22 A. Ask away.

23 Q. I would like to first start with crab pots  
24 that were onboard. Can you tell me how many pots were  
25 carried onboard during opilio season and reason behind

1 carrying that amount?

2 A. We usually carried 200 pots, and the reason  
3 behind that, I think that was a comfortable load that  
4 Jeff was comfortable with. The boat was only rated  
5 for, I believe, it was 249 pots with, I believe, two  
6 tanks pressed.

7 So 200 pots is a manageable number and it's  
8 enough gear to allow an adequate soak time. And  
9 that's time between hauls, so and I do believe that  
10 the pot limit is 250, I could be wrong, but so, yeah,  
11 I guess that's the reason why he took 200 pots.

12 Q. Did the Destination carry 200 pots for all  
13 fishing seasons?

14 A. Yes. For the most part. You know, there's  
15 always variables and situations that call for perhaps  
16 less gear, such as the season of 2012, when we were  
17 fishing in ice. We only fished, I believe, it was 130  
18 pots and that was so that we could stack the gear on  
19 the boat in a timely manner and basically high tail it  
20 out of the area before the ice moved in and basically,  
21 you know, so we don't lose our gear.

22 Q. Did the crew leave a tunnel while loading  
23 the pots, and if so, can you explain why or why not?

24 A. We had a tunnel, whenever we had a full  
25 stack on, which would be 200 pots or how ever many

1 pots we took for the season. Most of the time when we  
2 were traveling from port to the grounds or from the  
3 grounds back to port, we always had a tunnel. And the  
4 reason behind that was it was a safety matter. And  
5 that was so that you could access tank 3, the  
6 lazarette and the steering room at all times during  
7 travel.

8 Do you want me to dive in some more about  
9 why?

10 Q. Sure.

11 A. Safety is -- well, safety was the main  
12 reason. And in case of flooding in the steering room  
13 or lazarette, you want to be able to access those  
14 hatches. Tank 3, we usually left the hatch off.  
15 Actually, we always left the hatch off and I believe  
16 Pat could probably help you with this one, but I  
17 believe that the tanks were not vented. Which means  
18 if you were to take a suction off the bottom of the  
19 tank, and there was nowhere to suck air from, it would  
20 create a vacuum, which is not good. Especially when  
21 you considered the amount of horsepower that's behind  
22 the circulation, motors or pumps.

23 And like Jon Bruneau said, most of the time  
24 we stowed that hatch, you know, in close proximity to  
25 tank 3, and, you know, you might have chucked it

1 in-between a bar and a pot and a web or tied it up to  
2 the pot or so on. And like Jon Bruneau said, you  
3 know, your first tier is standing up, so you got 7  
4 foot above you. And then you got roughly 34 inches  
5 across in the tunnel. And that tunnel lined up from  
6 the stern to the forward with all of the hatches  
7 that's the steering room, the lazarette, tank 3, tank  
8 2, and tank 1, all lined up.

9           But since tank 2 and 1 and 2 were pressed  
10 with the overboard plates off, there was no need to  
11 leave the hatches, the smaller circular Baier  
12 hatches -- a Baier hatch is a brand or a company that  
13 makes hatches, manufacturer -- so aft of the launcher,  
14 the tunnel has a starboard, I guess, if you're facing  
15 the bow it would be a starboard kind of dog leg or a  
16 corner that you had to go around. And then you had an  
17 area by the launcher, enough space to basically work  
18 or to be able to set the load, you know, adequately in  
19 a timely fashion. You wanted to make sure you had  
20 enough room to do that.

21           Q. Did you mentioned some covers inside the  
22 number 1 and 2 tank being open?

23           A. Yes, in the hatch coaming. And the hatch  
24 coaming is from the deck, that would be the steel deck  
25 to the top of the false deck and that was -- so that

1 would be like from the top of the tank to the level of  
2 the false tank is the hatch coaming. And there was  
3 overboard plates, which basically is a plate that you  
4 took off so that when you circulated water through the  
5 tank it had somewhere for the water to go if you had  
6 all of the hatches on.

7 Q. Were those plates taken off from the inside  
8 of the hold or underneath the --

9 A. You'd have to physically remove the hatch,  
10 the large hatch, and manually take the plates off.  
11 There's usually four bolts or six bolts or whatever,  
12 and the procedure or the routine that we had was  
13 before crab season you take tank 1 and 2 overboard  
14 plates off, so that you can circulate water through  
15 that. And then you leave the overboard plate on tank  
16 3. And then after you filled tank 1 and 2 you take  
17 off a large hatch off of tank 3, removed the overboard  
18 plates, put the hatch back on and then proceed to fill  
19 the tank with crab.

20 Q. Where did those discharges go from the hold  
21 tanks?

22 A. I do believe that tank 1 and 2 were  
23 channeled off to the port side about mid ship through  
24 a trash chute, if you may, which, you know, we had a  
25 sorting table that bolted down to, I believe, tank 1

1 and 2 that lined up with a launcher and then we had a  
2 chute that would go from the table to where the  
3 overboard plates -- or where the, I guess the  
4 overboard or the water ran off the port side there.  
5 Is that kind of confusing? Does that makes sense?

6 Q. Yes.

7 A. It's hard to explain without visuals, you  
8 know what I mean. If you can see it, it's pretty  
9 understandable you know what I mean.

10 Q. In hold 3, inside there, as you said that's  
11 the access to the stuffing box and shaft alley; is  
12 that correct?

13 A. Correct.

14 Q. Can you tell me a little about that hatch?

15 A. That hatch is a circular or oval Baier  
16 hatch. It has a seal on it. It has dogs on it and it  
17 requires a key to open, and it's water tight for the  
18 most part.

19 Q. Where is the key usually placed?

20 A. In the center of the hatch there is a kind  
21 of a -- it's almost -- I guess it would be like a big  
22 bolt with a nut on the bottom that when you spin it,  
23 it tightens that nut up, which tightens a dog that  
24 goes to the -- I guess you'd call it the hatch ring,  
25 which sucks the hatch down into the bottom of the tank

1 or to the hatch ring for whatever.

2 Q. It seems like it's been mentioned that the  
3 crew goes down to check the stuffing box while you're  
4 underway. Is that hatch open when you're underway so  
5 that you could kind of visualize it from on top of the  
6 main deck?

7 A. No.

8 Q. Okay. I'd like to now show Exhibit 127.  
9 This is a photo of the fishing vessel Destination on  
10 the Kloosterboer pier taken by Mr. Gjermund Eikrem on  
11 February 9th, 2017. This photo was taken while at  
12 Kloosterboer pier at Dutch Harbor before departure on  
13 Friday the 9th, 2017. Does this photo resemble what  
14 the pot stack generally looked like when you were  
15 onboard departing the pier to fish, and if not, could  
16 you elaborate what's different?

17 A. Yeah, that looks like a standard stack for  
18 the boat.

19 Q. Can you identify the items on top of the  
20 crab pots?

21 A. It looks like a blue tote on the starboard  
22 side. And then the middle, that looks like some sort  
23 of a flume or a chute. And then I'm not sure what  
24 that is. It looks like a tarp and I can see a chain  
25 bag for the stack chains. Yeah, that's about all I



1 see.

2 Q. Do you have any idea what might be inside  
3 the tote?

4 A. Cod fish. That's my guess. Hanging bait.

5 Q. Have you ever loaded those totes up there  
6 like that before?

7 A. I do recall in the past putting hanging bait  
8 up on top of the stack, but very seldomly do I  
9 remember doing that. Most of the time we had enough  
10 room down on deck or behind the state room, which is  
11 located behind the wheelhouse, it was where probably  
12 I'd say 75 to 90 percent of the time you'd put the  
13 bait.

14 Q. How often do you think, during the time you  
15 were onboard, that you had to put the totes on top of  
16 those pots?

17 A. A handful of times, maybe four or five at  
18 the most, not very often. It really all depends, you  
19 know, I think most of the time Jeff would talk to a  
20 friend of his who was actively participating in the  
21 fishery that we were gearing up for. And he would  
22 usually ask him how the cod fishing was for bait, bait  
23 fishing and if it was subpar, then we would take an  
24 excessive -- or not excessive, let me rephrase that,  
25 more hanging bait than usual just to make up for the

1 lack of cod fish on the fishing grounds.

2 Q. Do you know who specifically Captain  
3 Hathaway was speaking to in what you just said there?  
4 You said something along the line that he would speak  
5 to someone that would recommend that, hey, he brings  
6 his own cod. Who would that be?

7 A. It could be any number of people, Jon  
8 Bruneau, I mean, Dan on the Constellation, Mike  
9 Mathison, anybody that he talked to while he was  
10 actively fishing.

11 Q. Can you tell me how many shots and buoys  
12 were in each pot during your voyages while fishing for  
13 opilio?

14 A. We always took three shots, three 33s and  
15 then had you a cork, which I believe was on four  
16 fathom trailer line. And then you had a trailer buoy,  
17 which was an LD2, I believe, or LD4, and that was on  
18 four fathom trailer. And then you had a diver bag and  
19 the diver bag had a diver strap, that was two, to two  
20 and a half fathoms that tied onto the buoy line. So  
21 that was pretty much a standard setup for the  
22 Destination.

23 Q. Was there a different amount of shots and  
24 buoys placed inside the crab pots during the different  
25 fishing seasons?

1           A.     Correct.  During opilios you'd usually take  
2 three shots and that would give you the capability of  
3 fishing in shallow or deeper without having to spend a  
4 lot of time adding or taking off shots.

5                     For king crab and cod you usually fished two  
6 shots because they're not in deep water.  So that's  
7 pretty much the standard.  You knew in the fall two  
8 shots.  Winter three shots.

9           Q.     Can you tell me how much each pot on the  
10 Destination weighed and also can you elaborate how you  
11 came up with that number?

12           A.     I would say anywhere from 700 to a thousand  
13 pounds give or take.  And where I came up with that  
14 number, I would say I think that's pretty much an  
15 industry standard, depending on the size of the pots.  
16 But for a 7 by, I think that's pretty standard  
17 depending on how thick or how much weight you have for  
18 weight bars which are the bars on the bottom of the  
19 pot to make sure the pot lands right side up and hits  
20 the bottom.

21                     I'm pretty confident that's a pretty good  
22 idea, you know, give or take 300 pounds.

23           Q.     Have you ever seen the pots weighed?

24           A.     No.  No.

25           Q.     Have you ever had any conversation about the

1 weight of the pots with Captain Hathaway or  
2 Mr. Wilson?

3 A. Not the weight of an individual pot, you  
4 know. You know, like Mr. Wilson explained yesterday,  
5 depending on the age of the pot, you know, there's --  
6 you haul a pot a hundred thousand times in its life,  
7 it's going to be lighter than a pot that he just  
8 bought, and that's just general wear and tear of the  
9 gear. But conversations about individual pots with  
10 Jeff, or weight, I do not recall, and I do not recall  
11 any with Mr. Wilson.

12 Q. Are you familiar with the Destination's  
13 stability book?

14 A. Yes.

15 Q. Have you ever had any discussions with  
16 Captain Hathaway or Mr. Wilson about the stability  
17 book, and if so, can you elaborate?

18 A. I don't recall having a conversation with  
19 Jeff about the stability report. I mean, just  
20 besides, you know, nothing in depth, you know, just  
21 general boats rated for 249 pots with X amount of  
22 tanks and how ever many inches of ice, two to 6 inches  
23 of ice. I did have a conversation with Mr. Wilson  
24 that took place in Shoreline after Mr. Wilson had a  
25 memorial service for the crew, and that was after. I

1 can't remember exactly who was all in that group, but  
2 Mr. Wilson was upset that a gentleman from Kodiak was  
3 claiming that the boat was carrying too many pots and  
4 Mr. Wilson went into detail about the stability  
5 report. And actually, I went into detail about the  
6 stability report before.

7 He always kind of played this game where he  
8 likes to come off like he's not very intelligent, and  
9 we used to call 'em David's pop quizzes. You know,  
10 come up and pop quiz hot shot, you know, what does  
11 this do, and he already knew the answer, but he was  
12 testing you to see if you knew the answer. And I  
13 remember during that conversation Mr. Wilson knowing  
14 extensive details about the stability report.

15 Q. What would those extensive details be?

16 A. The max amount of pots that the boat was  
17 capable of carrying, which was 249 pots with I believe  
18 two tanks pressed or might have been one tank pressed  
19 with two to six inches of ice. And Mr. Wilson  
20 confirmed that that day. And like I said, he was  
21 upset that this gentleman from Kodiak was claiming the  
22 boat was carrying too many pots.

23 Q. With your reference to ice, where did you  
24 get the two to six inches of ice from?

25 A. Rephrase that again.

1           Q.    You mentioned two to six inches of ice, I  
2 want to know where did you come up with that number  
3 from?

4           A.    The stability report.

5           Q.    Did the Captain ever discuss the weather  
6 forecasts and/or current conditions with you or other  
7 members of the crew and if so could you elaborate  
8 about that?

9           A.    Absolutely.  You know, especially before we  
10 left for a season with a stack or a haystack on, as we  
11 called it.  You know, if the weather was going to come  
12 up, you know, he would tell us, you know, hey, heads  
13 up, weather's going to be nasty.  Make sure  
14 everything's double checked, all of the hatches are  
15 battened down.  And he might have us add chains to the  
16 stack.  You know, just general stuff like that, make  
17 sure that the boat is ready for, you know, weather.  
18 Weather conditions.

19          Q.    What's a haystack?

20          A.    That would be a full stack which is 200  
21 pots, a haystack, a big stack.

22          Q.    Can you repeat that?

23          A.    A big stack, a large stack, like the one in  
24 the picture.

25          Q.    Have you ever experienced heavy spraying ice

1 onboard the Destination, and if so, what measures were  
2 taken to reduce the ice accumulation?

3 A. Many times I have experienced heavy freezing  
4 conditions on the boat. Depending on the severity of  
5 the icing conditions, we would take preventative  
6 measures by going out and beating ice with ice  
7 breaking tools.

8 During my time on the boat we never had to  
9 actually set gear, or suitcase pots or do any crazy  
10 emergency things like that, but this is mostly, you  
11 know, chip some ice, stay on top of it so that it  
12 doesn't get out of hand and become a major task.

13 Q. What does suitcase pots mean?

14 A. That means setting the pots without taking  
15 the buoys or the buoy line out of them, which you  
16 usually did in a hurry, like an emergency.

17 Q. Have you ever had to do that before?

18 A. Negative.

19 Q. Were you trained to do that?

20 A. I'm pretty sure, I'm pretty confident I can  
21 figure it out. I mean, there's no formal training. I  
22 mean, get the pots in the water before we sink. I  
23 mean, that's pretty self-explanatory.

24 Q. I was just referring to the -- that you had  
25 a name suitcase, suitcase pots, so that's kind of what

1 I'm getting at with that.

2 A. Yeah, you know, I've seen it before where a  
3 guy running the crane might have accidentally wired up  
4 and sucked the pot into the basket, breaking the  
5 strap, and dumping the pot overboard and that's called  
6 suitcasing. It's a pretty standard term up there.

7 Q. Thank you, Mr. Hatfield.

8 I would now like to shift focus to when you  
9 visited the Destination on February 9th, 2017.

10 I'd like to start by knowing how did you  
11 know the Destination was pulling into Dutch Harbor?

12 A. We had just finished up our opilio season on  
13 the boat that I currently work on. We do not partake  
14 in the cod fishery. So we went straight into opilios  
15 and I was in Dutch Harbor and had been in contact with  
16 Jeff through the TAG phones throughout the season  
17 looking for more work because I knew that we were  
18 going to be done with our season in a short amount of  
19 time.

20 I knew the Destination was in port, well,  
21 for one reason I checked the AIS on a regular basis  
22 because I knew that they were supposed to be coming to  
23 Dutch Harbor to pick up bait and an exhaust gasket.  
24 When they arrived, Kai Hamik sent me a text message  
25 saying that they had arrived in Dutch Harbor.



1           A few hours later, me and another individual  
2 off the Kari Marie named Ryan Westendorf, who was also  
3 an ex-crew member of the Destination, took a UniSea  
4 truck from UniSea to the Trident dock in Dutch Harbor.  
5 That was probably -- it was after dark. I'm not  
6 really sure on the time. It must have been between  
7 6:00 and 7:00.

8           All of the guys were down in the boat except  
9 for Jeff. I believe Jeff and possibly Glen or Larry  
10 were getting the gasket. Kai, Darrik, Ray were on the  
11 boat on the back deck and in the galley. After Jeff  
12 came back with the gasket, Glen, Kai -- Glen and Kai  
13 went down to the engine room to install the new gasket  
14 in the wrinkle belly.

15           Me and Jeff and my brother and Ray and Ryan  
16 sat in the galley talking. And then shortly after  
17 that me and Ryan and Larry went down to the engine  
18 room, and hung out with Kai and Glen, and kind of  
19 checked everything out and just regular chitchat.

20           And then shortly after that I gave everybody  
21 a ride to the Norwegian Rat Saloon where Jeff bought  
22 us dinner. And then immediately following dinner,  
23 Jeff and the crew departed. I believe it was around  
24 11:00 they headed back to the boat. And that was the  
25 last time I seen them. But let me backup just a

1 minute there.

2           After I had dropped everybody off at the  
3 Norwegian Rat Saloon, Glen came up to me and said that  
4 he needed to go back to the boat. And I asked him  
5 why. And he proceeded to tell me about how the  
6 stuffing box was not working correctly. And he said  
7 that it was an issue that he had to -- he was dealing  
8 with basically the whole season where he would have to  
9 pump the bilge out every couple of hours. He told me  
10 that it became a big enough deal that Jeff made phone  
11 calls to David, which usually means it's kind of a big  
12 deal if there's phone calls made to Seattle.

13           And then the guys -- I can't remember if it  
14 was Kai and my brother, but they told me that during  
15 the cod season -- during one of the offloads they were  
16 offloading cod through a Transvac pump -- I'm not sure  
17 if you're familiar with those -- it's just a pump that  
18 you use to suck fish out of the fish hold into a,  
19 let's say, another fish hold, from a catcher boat to  
20 let's say a tender.

21           And one of the guys, I believe it was Larry,  
22 was running the crane and accidentally hooked the pump  
23 onto the chimneys. And the chimney is something that  
24 you put in place when you're either actively fishing  
25 in, let's say, a cod fishery or if you're packing for

1 tendering you have a perforated pipe that runs from  
2 the sun screen up to the top of the hold, so that if  
3 fish lay on the sun screen, you're still able to pump  
4 the water out of the hold. And the pump got hooked on  
5 that, and ripped the chimney and the sun screen up and  
6 then they sucked cod fish into the plumbing. And Glen  
7 and a few of the other guys were up for about 40 hours  
8 is what he told me, tearing apart plumbing and fishing  
9 cod fish out of the plumbing and putting it back  
10 together before departing back for the fishing  
11 grounds.

12 Q. What pier were they moored out of?

13 A. What's that?

14 Q. What pier were they moored out of in Dutch  
15 Harbor? Were they at Kloosterboer?

16 A. When I saw them?

17 Q. Yes.

18 A. Trident.

19 Q. When you saw them, how were their attitudes?  
20 Did they show that they were tired? Did they share  
21 anything about the season, about cod season or the  
22 upcoming opilio season? Can you share that with us?

23 A. The boys were pretty beat down. It was a  
24 pretty grueling cod season. They were running 24 hour  
25 shifts with Larry as the relief Captain. I believe

1 they were doing four or six hour rotations, sleep  
2 turns. They were pretty haggard. I worked with those  
3 guys a long time, and yeah, they were pretty beat  
4 down.

5 Q. Was there any talk about heading out for  
6 opilio season?

7 A. Sure. I mean, yeah. I think they were  
8 ready to get it over with. I'm not sure exactly what  
9 else to describe to you about that. I had a few  
10 conversations with Jeff about fishing and about the  
11 area that we had just finished fishing, and what kind  
12 of numbers we were on, and some other whatever other  
13 rumors I had heard throughout the season about various  
14 fishing grounds for opilios, but that's pretty much  
15 about it.

16 Q. Was there any conversation about weather?

17 A. Not that I recall. You know, it was mostly  
18 kind of catching up with your buddies. You know what  
19 I mean?

20 Q. When you came onboard the Destination, can  
21 you tell me about what you saw on deck or, you know,  
22 just basically a visual, if you can, just what you  
23 remember, what you saw.

24 A. I saw the stack like you've seen in the  
25 picture that you had up earlier. I seen that the

1 table was in a cradle behind Jeff's state room on the  
2 port side. There was bait in the table.

3           There was bait in the two totes by the door.  
4 There was bait in the bait chopper. There was pallets  
5 of bait on deck. And I believe that there was at  
6 least three pallets on deck, if I remember. And it  
7 basically just looked like any other season that they  
8 were gearing up for. Nothing out of the ordinary.  
9 Nothing that triggered any red flags with me. And I  
10 pride myself in my abilities and my knowledge of the  
11 boat and the fishery, and nothing looked out of the  
12 ordinary to me.

13           Q. Was the bait tied down that was on deck?

14           A. Correct.

15           Q. Did you see any bait on top of the pots?

16           A. You know, I do not recall. It was  
17 nighttime. And no, it was -- I was excited to see my  
18 brother and my friends, you know. Like I said, there  
19 was nothing that raised any red flags in my mind.

20           Q. Did you see anything in the vicinity of the  
21 life raft?

22           A. Just that bait in the table, you know,  
23 that's probably 10, 15 feet away. It's in the same  
24 vicinity as the freestanding mast. I wouldn't say it  
25 was any closer than that. So no, I wouldn't say there

1 was anything around the life raft.

2 Q. How much bait was that or what type of bait?

3 A. I believe it was sardines, herring and  
4 squid, but like I said, it's not like I physically  
5 opened up a box or I can't read Chinese or Japanese,  
6 so I don't know exactly what kind of bait it was.

7 Q. What are your normal procedures when you  
8 were on the Destination as far as stocking the bait,  
9 as far as like what's your process when bait is  
10 delivered to the Destination?

11 A. Depending on the situation, you usually try  
12 to load it in a timely fashion. Like for instance,  
13 you know, I do believe that when they were at the cold  
14 storage there, that they slung the bait up and put it  
15 on top of the stack and then moved to the Trident dock  
16 to move it into basically where it was going to be,  
17 you know. Slung up pallets, you put them on deck, you  
18 load the freezer until it's full, you fill up the  
19 totes until they're full and then you tie the pallets  
20 to the port side rail, you know securing them?

21 You might put bait in the sorting table.  
22 That's in the cradle behind the state room on the port  
23 side. You find creative ways to stash bait.

24 Q. Was there any conversation about the bait?

25 A. Briefly. You know, we had a little talk

1 about the lack of sardines and the price of bait, and  
2 how they had -- and Jeff mentioned that they were  
3 taking a bunch of extra bait to leave in St. Paul to  
4 put in the freezer there. And I do not recall if it  
5 was bait specifically for the Destination or if they  
6 were delivering bait to Trident for, let's say, other  
7 boats.

8 Q. Did the Destination deliver bait to other  
9 boats or to Trident before?

10 A. I believe so. My memory is a little bit  
11 hazy on that one. But I wouldn't put it past us. You  
12 know, it seemed like there was a number of times that  
13 we were doing shuffling pots or doing whatever for  
14 Trident or some other boat that was in the co-op or  
15 whatever. You know, you kind of -- you try to be a  
16 team player, you know what I mean. If a guy goes,  
17 hey, can you move 50 pots from point A to point B for  
18 me? Oh, yeah, sure. Trident goes, hey, you know, can  
19 you bring a couple of pallets of hey, or whatever,  
20 vice versa. You know, like I said, I do not recall  
21 right now, but I wouldn't put it past them.

22 Q. Was there any conversation about the actual  
23 amount of weight of the bait?

24 A. Not that I recall, but just from experience  
25 I would say that they probably had ten to 15,000

1 pounds of bait onboard. Easy.

2 Q. Can you explain again why you came up with  
3 that number?

4 A. A pallet is usually about a ton, 2,000  
5 pounds depending on how high they stack it. So you  
6 get three pallets, 6,000 pounds, you got two totes  
7 full, that's at least another pallet. There's eight,  
8 maybe a little more, say nine. I do believe the  
9 freezer held five to 8,000 pounds, so you know, that's  
10 roughly.

11 Q. You mentioned the totes, where were the  
12 totes located?

13 A. The totes were located behind the cabin on  
14 the deck level. There were two totes in-between the  
15 door which was kind of offset to the starboard side  
16 and there were two totes between the door and the bait  
17 chopper that was located on the port side.

18 Q. Did you actually see those physically filled  
19 with bait?

20 A. Yes.

21 Q. You have done cod season followed by opilio  
22 season on the Destination?

23 A. Correct.

24 Q. Have you ever kept bait onboard after cod  
25 season and then went right into opilio season?



1           A.     Usually you had to rig the gear over.  So if  
2 it was more bait than you could hold in the freezer,  
3 most of the time you took it to Trident or whoever,  
4 and had them put it in their freezer until you  
5 departed for the fishing season.  Does that answer --

6           Q.     You never carried the bait onboard the  
7 Destination when you changed pots or made the  
8 corrections inside the pots to change them from cod to  
9 opilio and then back out?  Have you ever done that?

10          A.     No.  You don't do that because the bait  
11 thaws out and you lose all the blood, you lose all the  
12 oil, you lose all the good stuff out of the bait from  
13 the time you finish your cod season, to the time you  
14 start your opilio season.  That could be a week.  It  
15 could be ten days.  Whatever you can't hold in your  
16 freezer, you take it to somebody else's freezer, which  
17 was usually Trident.

18          Q.     Trident is located where?

19          A.     Sand Point, Akutan and St. Paul.

20          Q.     Have you loaded bait in all of those  
21 locations?

22          A.     Correct.  And Dutch Harbor and King Cove and  
23 on the fishing grounds.

24          Q.     Say that again.

25          A.     And on the fishing grounds.

1 Q. Can you explain that?

2 A. High seas bait transfers. When a boat --  
3 one boat brings bait out for another boat, and then  
4 they fill a pot up with bait, they throw the buoys  
5 over the side. You come up behind them. They launch  
6 the pot in the water. You pick up the buoys, put it  
7 in the block, haul the pot up, put it on deck, dump  
8 the bait out, throw it in the freezer, and do it again  
9 until you've loaded all of the bait.

10 Q. How often does that happen?

11 A. It's not very common. I mean, if fishing's  
12 slow and then you don't want to cut your trip short  
13 that might be an option for a guy. But I've probably  
14 done it two or three times in my career of almost ten  
15 years.

16 MR. GILLETTE: Thank you, Mr. Hatfield.

17 Commander, those are all of the questions I  
18 have.

19 CDR MULLER: Thank you.

20 Mr. Karr, do you have any questions?

21 MR. KARR: Thank you.

22 This is Mike Karr of the NTSB. I do have  
23 questions. Give me a second to get to them in my  
24 notebook.

25 THE WITNESS: Bring it on.

## 1 DIRECT EXAMINATION

2 BY MR. KARR

3 Q. First question I will ask is: Can you tell  
4 me a little bit about each member of the crew? Were  
5 there any folks in the crew that had served as  
6 captains of fishing vessels?

7 A. Larry O'Grady captained the Destination  
8 during the tender season in the summertime and that's  
9 the only one I can think of right off the top of my  
10 head. I think Ray Vincler has his own thing he does  
11 in the summer. I'm not exactly sure on the details  
12 with that. And if he fishes a little bit of halibut  
13 or something out of Akutan there.

14 Q. Do you know if anyone else aspired to be a  
15 captain of a fishing vessel?

16 A. Oh, sure. That's always the long-term goal.  
17 The life expectancy of a crew member on deck is not  
18 very long as far as a working life expectancy, not  
19 living life expectancy.

20 Q. Understood. Specifically though with regard  
21 to your knowledge of the guys, and the crew, did you  
22 know anyone that was seriously, you know, pursuing  
23 that as a goal?

24 A. My brother and Kai I would say for sure.  
25 Ray, I'm not sure about Ray. I mean, Ray was my

1 friend but we weren't -- I wasn't as close to Ray as I  
2 was to the other guys. I've known Ray for a number of  
3 years, but I had only worked with him for a few months  
4 there in the fall of 2014. Yeah, I would say Kai and  
5 Darrik.

6 Q. And then if I can get an idea of their  
7 experience, and I will ask you this question if you  
8 can go 5, 10, 15, 20 years of them working in the  
9 industry, as fisherman onboard boats. So for Glen  
10 Jones, do you know?

11 A. I would say probably 15 years or more.  
12 Larry O'Grady I'd probably say close to 30. My  
13 brother I would probably say ten to fifteen. Kai  
14 Hamik I'd say ten to fifteen. Ray Vincler, I'd  
15 probably say 15 to 20.

16 And then Jeff Hathaway 40 years, 50 years.  
17 Quite a while.

18 Q. Do you recall exactly where the survival  
19 suits were stored in the pilot house?

20 A. I do believe that they were under the dash  
21 in the wheelhouse. In the dash, like a dash in your  
22 car, was on the forward facing part of the wheelhouse.  
23 And there was, like, cabinet doors sort of say, and I  
24 do believe that they were located under there.

25 And that was probably either on the port

1 side or roughly in the center of the boat or the  
2 center of the wheelhouse. And those were labeled as  
3 well. It had labels on the doors. One said survival  
4 suits. The other one said flare kit. And I think  
5 that was about it for the safety equipment up there,  
6 that I recall.

7 Q. There's a term I've heard used called  
8 grinding, referring to efforts out in the fishing  
9 grounds. Can you tell me what that means when you use  
10 it to talk about how tough it is to fish?

11 A. The grind is a hard season, basically. It's  
12 a lot of hours, hauling a lot of gear. You know, it  
13 could be bad weather. You know, oh, man, that season  
14 was a grind, you know.

15 But mostly pertained to hours and, you know,  
16 weather, and things along that nature.

17 Q. I'm going to use enclosure one, page 8, for  
18 a future question. So if you could bring that up on  
19 the screen, that would be good.

20 MS. MILLER: Exhibit 1?

21 MR. KARR: Exhibit 1.

22 BY MR. KARR

23 Q. But before I ask you questions about that,  
24 can you tell me what motivated you to get your safety  
25 and first aid training courses that you took?

1           A.     In 2014 I ran a 58 foot Seiner for David's  
2 brother, Buddy Bernstein, with myself, my brother,  
3 Darrik Seibold, and two other individuals, Kodi Bell  
4 and Joel Little, and I do believe that I was required  
5 to have first aid and CPR training before partaking in  
6 the fishery and that was for salmon fishing.

7           Q.     You talk about a 2012 trip where you sailed  
8 with only 130 pots. Was that unusual to sail with  
9 that many pots?

10          A.     Yeah. I do believe we started the season  
11 with 200, and, you know, that season was pretty  
12 grueling. There was a number of times when the ice  
13 flow, you know, it covered the fishing grounds or  
14 moved south. And so there was a lot of stacking and  
15 moving gear or stacking and running back to port.

16                 So to kind of streamline it and make it an  
17 easier process, Jeff decided to leave 70 pots or 65  
18 or, you know, roughly, I do believe it was in Akutan.  
19 Just to make it a little easier on us and to make it  
20 so we could get out of there in a timely manner.

21          Q.     Can you tell me about any crew discussions  
22 after Jeff made that decision to reduce the pots to  
23 130?

24          A.     Crew discussions?

25          Q.     Talk amongst yourselves.

1           A.    Yeah.  No.  Sure.

2                   Well, we were stoked.  I mean, we were  
3 happy.  We didn't have to stack two hundred pots every  
4 five days.  Instead we were only stacking 130 pots  
5 every five days which was easier.

6           Q.    That decision to go from 200 to 130, would  
7 that reduce the amount of crabs that you would  
8 actually catch?

9           A.    Sure.  I mean, that's kind of a hard  
10 question to answer.

11          Q.    Well, you know what, let me -- I think I  
12 know the answer, but let me confirm this with you.  
13 But since you were on a quota system, it would just  
14 take you longer to catch the crabs you would need?

15          A.    Exactly.

16          Q.    Thank you.

17                   How did you become familiar with the  
18 Destination stability report?

19          A.    I do believe it was posted in the wheelhouse  
20 and just from being out there and talking with Jeff,  
21 and, you know, asking him questions and, you know,  
22 being interested in the operation.  You know,  
23 knowledge is power.

24          Q.    Can you tell me why your vessel did not  
25 participate in the cod fishery before doing the opilio

1 crab?

2 A. The boat that I work on currently does not  
3 have chillers in the engine room. So during the  
4 tender season they have deck units that bolt onto the  
5 deck, which kind of makes it inconvenient for cod  
6 fishing, and not really feasible. And I just don't  
7 think John really wants to fish cod. Doesn't need to.

8 Q. When you were -- when you met with the  
9 Destination's crew at Trident and then went out to the  
10 restaurant for pizza, did anyone complain about aches  
11 and pains?

12 A. Sure. Yeah. Everybody was pretty beat up.  
13 I had called Jeff several times during our opilio  
14 season, during my watch, and that was usually from the  
15 fishing grounds to St. Paul to make a delivery. I  
16 called Jeff, and I do believe that they were rigging  
17 gear in Sand Point at the time between cod and  
18 opilios. And I recall Jeff telling me that -- well, I  
19 asked him if he knew of any jobs or if they had any  
20 spots available because I knew that they just finished  
21 a pretty grueling cod season, and, you know, shit  
22 happens. Guys fall apart.

23 And he told me that I could take my  
24 brother's place. And I kind of -- I just brushed it  
25 off. I thought he was being a smart ass. And I came



1 to find out that my brother's hip had been bothering  
2 him. And he had actually been looking for  
3 replacements. But I believe that the time off that  
4 they got in-between the seasons was enough for him to  
5 feel comfortable with continuing on to opilios.

6 I know that Kai and Glen were pretty run  
7 down and beat up. I know Larry was -- they were all  
8 pretty beat down from what I remember. I remember  
9 sitting there in Dutch Harbor at the Norwegian Rat  
10 there and I was all giddy and excited and it was just  
11 a table full of long faces. Yeah.

12 Q. While you were at the table, did anyone nod  
13 off?

14 A. No. Nope.

15 Q. Did anyone look like they were going to nod  
16 off?

17 A. No. They hadn't actively fished in four or  
18 five days, which is usually enough time for a guy to  
19 reboot, recharge his battery.

20 Q. In looking at them did you think their  
21 batteries were recharged. I will let you answer that  
22 two ways. What I just asked and did they say anything  
23 to lead you to believe that they recovered after the  
24 cod season?

25 A. I mean, think that they were -- I mean, they

1 were ready, I guess. I'm not really sure how to  
2 answer that question.

3           You know, I do remember them saying that  
4 they were behind schedule, and they were late, and  
5 that they had to get going. But I don't recall  
6 anybody saying that they would like extra time off or  
7 anything like that.

8           Q. Did anyone say, oh, I had a great night  
9 sleep or boy, I slept for ten hours?

10          A. No. Negative.

11          Q. Did they say they slept less?

12          A. During the cod season, yes.

13          Q. But did they say anything about how much  
14 sleep they were able to take from the time they  
15 finished taking cod, going to Sand Point, loading your  
16 bait, and then getting to Dutch Harbor?

17          A. No. They didn't bring that up. But, I  
18 mean, just from working on the boat in years past, you  
19 know, depending on what kind of late night activities  
20 you particular in after the workday was done, kind of  
21 determined how much sleep you got. So I would say  
22 that they were as ready as could be for the season. I  
23 mean, nobody wants to stay up there any longer than  
24 they have to and be away from their loved ones?

25                You know, you want to get up there and catch

1 your crab, catch your fish in a timely fashion, and  
2 get home.

3 Q. You explained a lot about the suitcase pots.  
4 How did you learn about that if you've never  
5 participated in that exercise of dropping pots  
6 overboard?

7 A. I have heard stories in the past of boats in  
8 situations that required them to suitcase pots. I did  
9 witness a guy I was working with on the Destination,  
10 like I said, wire up on the crane suck a pot into the  
11 basket, and that pot hit the port aft rail and then  
12 bounced into the water with the buoys and shots inside  
13 and it was a suitcase. I don't know. Does that kind  
14 of answer you?

15 Q. Yes.

16 And now can we show that slide?

17 This was from the Exhibit 1 that we showed  
18 on first day of the hearing. And the first question I  
19 will ask is: When you were talking to Jeff while you  
20 were in Dutch Harbor, did he mention anything about  
21 what their final destination was?

22 A. Yeah. He told me that they were going to  
23 drop off some bait in St. Paul. And then he said that  
24 they were headed to Magoo, which is an area on the  
25 chart that looks like Mr. Magoo or what Jeff called

1 the double FU. So that's, I do believe that is north  
2 of St. Paul or by Zinchuck Canyon.

3 Q. And when you talk about getting -- taking  
4 the bait to St. Paul was there any sense of urgency to  
5 get that bait to St. Paul?

6 A. Yes.

7 Q. And do you know -- can you tell me about  
8 that? Can you describe what he said about the --

9 A. They were behind schedule for their delivery  
10 date. They got a late start. So Jeff or whoever must  
11 have contacted Trident, I would assume during the cod  
12 season, to arrange for a delivery date. And then for  
13 reasons that weren't foreseen, it took longer from the  
14 end of the cod season until they were able to pick up  
15 bait, which I'm assuming was why they were behind  
16 schedule is because they had to go to King Cove and  
17 then to Dutch Harbor. So there was a sense of  
18 urgency, I would say, yes.

19 Q. Did Captain Hathaway express to you what  
20 that felt -- what that sense of urgency felt to him?

21 A. Well, Jeff was kind of nonchalant about it.  
22 You know. Ah, you know, we're behind schedule. We're  
23 getting a late start. I have to get up there and get  
24 this going and make our delivery date. Just that kind  
25 of, you know. I mean, he had been up there doing it

1 so long I don't think, I mean, it took a lot to kind  
2 of ruffle his feathers.

3 Q. All right. Well, looking at the slide,  
4 Exhibit 1, page 8, we've got two portions of the tract  
5 line circled where the vessel deviated from its tract  
6 line to St. Paul. And let me bring it up. One  
7 moment.

8 A. I guess I should say, the only time I ever  
9 seen Jeff really ruffled were usually after phone  
10 calls to Seattle, between him and Mr. Wilson or him  
11 and Mrs. Hathaway.

12 Are you trying to point out the two yellow  
13 circles?

14 Q. So this is the AIS. This is a picture of  
15 AIS data for the Destination. And what I'd like you  
16 to comment on is in any of your previous voyages on  
17 the Destination or any vessel, can you give me insight  
18 into why this exhibit shows that at jog one from  
19 1330 -- for 20 minutes -- from 1330 until 1350 in the  
20 afternoon on the 10th of February, they changed  
21 course. And then jog two, from 2210 to 2250, 40  
22 minutes, it again jogged, took a change in course off  
23 the track line?

24 A. What's the question now, sir?

25 Q. Well, based on past experiences in making

1 this trek from Dutch Harbor to the Pribilofs, have you  
2 ever experienced a vessel making course jogs?

3 A. It's fairly uncommon. The only thing I  
4 could really think of given the duration of time that  
5 they had spent jogging, I would say either there was  
6 something going on with the steering, perhaps a guy  
7 went and secured something on deck, tightened the  
8 chain down, but I don't believe that that would be  
9 enough time to, let's say, remove ice off of the boat  
10 or along those lines. I would say that it's not  
11 normal. I would say. You know, usually when you have  
12 a course set, you know, you don't touch the throttle.  
13 It stays. You just make time. You know, you travel.

14 Those irregularities do raise some red flags  
15 with me. I would say. You know, I'd be -- I'd really  
16 like to know what happened or why they had to jog  
17 there. But yeah, I would say that's not normal.

18 Q. Have you ever experienced anything like that  
19 yourself during one of your trips?

20 A. Having to go and tighten chains up or  
21 something along those lines, yes.

22 Q. I'd like you to describe how you stand the  
23 wheel watch if you were making the voyage from Dutch  
24 Harbor to the Pribilofs. And what I'm looking at is  
25 what would be your watch routine?

1           A.    I would wake up, I would probably go relieve  
2 myself.

3           Q.    Well, let's start with you get up on the  
4 bridge and for the hour, hour and a half or two  
5 hours --

6           A.    You sit there and Jeff always kept the watch  
7 alarm on, anywhere from 5 to 15 minutes. You kept an  
8 eye on the gauges, which would be the engine oil, you  
9 know, reduction gear oil pressure, engine oil  
10 pressure, coolant temperature, et cetera. You keep an  
11 eye out on your radar, keep an eye on the pathometer  
12 and just sit back and let the boat drive itself. I'm  
13 not really sure how else to go into it. And then do  
14 your regular watch duties which were greasing at 6:00  
15 and 12:00 and checking the engine room every hour.  
16 And that was pretty much a standard watch. Sit there  
17 and let autopilot drive.

18          Q.    When you did -- when you stood wheel  
19 watches, at any time did you ever go back and look at  
20 the haystack?

21          A.    Oh, yeah, yeah, you kept an eye out. I mean  
22 especially when you got into some kind of weather and  
23 especially when you first get into weather, you know,  
24 you're keeping an eye out. For me if, you know, I was  
25 involved with putting the pots on or tieing the pots

1 down, I was always curious to make sure that I had a  
2 tight stack which means that the stack is not shifting  
3 or moving around excessively in the weather.

4           Keep an eye on the chains. Yeah, you just  
5 kind of keep an eye out for everything in general, and  
6 that's kind of good -- that's good seamanship in  
7 general. I mean, you're always keeping an eye out for  
8 everything, you know. It's always in the back of your  
9 mind that if something happens, you're dead. You're a  
10 goner. So it's, yeah, head on a swivel at all times.

11           Q.    Have you ever been on the vessel, including  
12 the Destination in making this voyage to St. George  
13 and experienced icing or shall I say freezing spray?

14           A.    Yes. Yes, I have.

15           The last few years the boat I fish on we  
16 fish in that area, so I'm pretty familiar with that  
17 neck of the woods. Is that what you're looking for?

18           Q.    Yes, it is. And going back to the previous  
19 question, did you stand the wheel watch during that  
20 time?

21           A.    Which time would that be? During icing  
22 conditions?

23           Q.    Yes, during the freezing spray.

24           A.    Absolutely. Yes.

25           Q.    And can you describe how you check, what you



1 look for on the crab pots.

2 A. Depending on the direction of the wind and  
3 the direction of travel, you would go to the windward  
4 side and let say, the weather is on your port bow.  
5 You would walk over to the port side and most of the  
6 time you had some sort of lighting and you just take a  
7 peek from the bow to the stern. And if you see an  
8 excessive amount of ice building up on the port side,  
9 there was, you know, if it was excessive it was  
10 usually time to wake somebody up and deal with it or,  
11 you know, just let somebody know. And when I refer to  
12 that, that would be Jeff or Larry or, you know, or  
13 maybe the next guy who got up on a watch, you go, hey,  
14 we're kind of building a lot of ice on that one side  
15 maybe you should keep an eye out, you know. All  
16 right. I'm going to bed. Good luck.

17 But, you know, it's along those lines.  
18 Yeah, you'd keep an eye out, especially with the pots,  
19 you know. And when you're -- if you're going into it,  
20 you're building ice on the bow and it's right in front  
21 of you so it's pretty easy to keep an eye on that.  
22 But you walk around and check out the stack to see  
23 what was going on. And then occasionally on watch you  
24 would maybe take a walk back to the third tank and see  
25 how much water was in the third tank. I forgot to

1 bring that up earlier. But yeah, that was also  
2 something that we did was during your watch maybe  
3 after you check the engine room, it wasn't common, but  
4 every now and then you would go and walk back to the  
5 third tank and take a peek and see the water level in  
6 there.

7 Q. And when you say you looked into the third  
8 tank, you would -- was the hatch off when you walked  
9 up to it?

10 A. Correct.

11 Q. And the third tank had high water alarms.  
12 But as a general rule of thumb, you tried not to let  
13 those high water alarms go off. It's kind of a rude  
14 wake up. That goes for the bilge, and the tank three  
15 for the most part.

16 And there was also high and low water alarms  
17 in the day tank for fuel. We tried not to let those  
18 go off, et cetera.

19 MR. KARR: Mr. Mendoza, can we bring up the  
20 picture of the yellow line?

21 CDR MULLER: Okay. We are going to recess  
22 for 15 minutes.

23 (Whereupon, a brief recess was taken.)

24 CDR MULLER: Good afternoon, again. The  
25 hearing will come to order.

1           Okay. So we are continuing our questions  
2 for Mr. Dylan Hatfield. NTSB was just asking a number  
3 of questions. So Mr. Karr, NTSB, do you have any  
4 further questions?

5           MR. KARR: Commander, I do not have any  
6 further questions.

7           CDR MULLER: Thank you. Ms. Spivak, do you  
8 have any questions?

9           MS. SPIVAK: No questions.

10          CDR MULLER: Dylan, I have a few questions.

11          DIRECT EXAMINATION (continuing)

12 BY CDR MULLER

13          Q. Earlier in your testimony, I think it was --  
14 if I can try to place it in the conversation,  
15 something where I believe you were involved in a  
16 conversation or listening in to a conversation I think  
17 with Mr. Wilson present and Mr. Wilson was expressing  
18 some of his familiarity or information on the  
19 stability book. Do you recall that part of your  
20 testimony?

21          A. Yes.

22          Q. Okay. And I believe there was a reference  
23 made that the stability book allowed so many inches of  
24 ice.

25          A. Correct.

1 Q. Okay. And I think it was 2 to 6 inches.

2 A. I believe so. I'm not 100 percent on that,  
3 but that's what I recall.

4 Q. So I have it straight for the record, of  
5 course, and in my mind, is that information, is that  
6 what you heard from Mr. Wilson or is that information  
7 that you yourself have obtained through observations  
8 in the stability book?

9 A. That is information that I obtained through  
10 observations and during that conversation with  
11 Mr. Wilson, and I do not remember who else was  
12 present. I had rattled off some figures regarding the  
13 stability report and Mr. Wilson agreed or yeah, agreed  
14 with what I said. And I don't recall if he added to  
15 that, but he was definitely familiar with the  
16 stability report.

17 Q. Okay. So the assessment from your view and  
18 from what we heard from Mr. Wilson was the vessel  
19 stability book calculated or allowed for more than  
20 2 inches. Is that a fair statement?

21 A. I believe so.

22 Q. Okay. And, of course, I know I'm asking  
23 these questions without the stability book in front of  
24 us. But it's something to just capture about  
25 awareness.

1           A.     Yes, he was upset with the comments that an  
2 individual from Kodiak had been making about  
3 overloading the boat. And with the individual from  
4 Kodiak, which I do believe is a boat owner, and I do  
5 believe his boat is the Storm Bird, if I remember, I  
6 do not recall the individual's name. But Mr. Wilson  
7 expressed that he was upset with these accusations  
8 that the Destination was overloaded with pots.

9           Q.     Okay. Thank you.

10                  Quick question on the suitcase. So that's  
11 when a crab pot is removed off of the vessel. Does  
12 that essentially mean that you jettison the crab pot  
13 and then because the buoys are not deployed that means  
14 you really can't recover the crab pot?

15           A.     Correct.

16           Q.     Okay. Earlier your testimony, if you recall  
17 looking at the picture from Kloosterboer as the vessel  
18 was moored at Kloosterboer and you looking on top of  
19 the crab pots, and you mentioned one of the things you  
20 saw was a chain bag.

21           A.     Yes. That was -- there was a yellow bag  
22 which is a buoy setup that usually has a hole in it  
23 and then you cut a hole in it and that's where you  
24 store the chains. And it makes it easier to lift the  
25 chains from deck level up to the top of the stack so

1 that you can chain the stack down.

2 Q. I see. And so that chain bag was empty in  
3 that picture?

4 A. I believe so. I couldn't exactly tell from  
5 the picture how many chains were on the stack. But if  
6 you brought that picture up I could tell you how Jeff  
7 liked the stack to be chained. I don't know if that  
8 helps you with anything.

9 Q. I think that would. So, if it helps you to  
10 go up to the screen, I have a pointer here. You've  
11 got a pointer there.

12 A. I'm just going to walk up there.

13 You chain the back row and then the row in  
14 front of that. And then if the weather was coming up  
15 you would do the back three. You didn't chain the row  
16 that had the crane. You chain the front row in front  
17 of that. And then the two rows on the forward side.  
18 So it would be: Chain, chain -- chain, chain, skip,  
19 chain, skip, chain, skip, chain, chain. I believe.

20 Q. Okay. Thank you.

21 A. And that varied on weather. You know,  
22 depending on weather, you might add extra chains in  
23 the aft in the forward section of the stack.

24 Q. Okay. Just a few more questions.

25 Do you recall how many chains are onboard

1 and where they are located? And if you can describe  
2 these chains. I would imagine they're, you know,  
3 dozens of feet long.

4 A. Between 60 and 90 feet, and I do believe  
5 that there was roughly ten, to twelve chains. And  
6 there's a number of places that we stored them.  
7 Depending on the situation, the lazarette or up  
8 forward behind the house, there was a void on the port  
9 side that occasionally we'd store chains in. Or yeah,  
10 pretty much along those lines.

11 Q. So Dylan, I happen to recall remembering  
12 reading a newspaper article shortly, a week or two  
13 after the event. It quoted you, in a way it featured  
14 you and your connection with Darrik, your brother.  
15 And in that article I recall you mentioned to the  
16 reporter and what the reporter wrote down in the  
17 article was, "Yeah, I heard my brother was onboard the  
18 Destination. They just pulled into town, to Dutch  
19 Harbor. I was very glad to see him. Grabbed a case  
20 of beer. So me and my shipmate, we went down to visit  
21 them at their dock."

22 So can you confirm if you did bring any kind  
23 of alcohol onboard.

24 A. I brought an 18-pack of Rainier beer down to  
25 the Destination at the Trident dock in Dutch Harbor.

1 Q. Was that 18 pack, any portion of it consumed  
2 while you were on onboard?

3 A. Yes.

4 Q. Can you give us an estimate of how much of  
5 it was consumed and between how many individuals.

6 A. Between the whole crew, I mean, I don't know  
7 we probably each had maybe two beers. That was about  
8 it.

9 Q. And when you say the whole crew. It was  
10 you, and your shipmate from your boat?

11 A. Correct.

12 Q. And then how many people on the Destination?

13 A. Five, excluding Jeff. Jeff did not consume  
14 alcohol before departing port.

15 Q. So that's about two beers per person. Were  
16 there any leftover beers?

17 A. I believe so. I don't think we drank the  
18 whole 18. I think it was in the back of the truck.  
19 And I couldn't tell you how many were leftover, but,  
20 you know, we just went down. I brought a case of beer  
21 down to have a beer with my friends, and you know,  
22 talk about the upcoming season.

23 Q. Okay. And you kept the remainder as that  
24 number was. It was certainly less than the whole  
25 case, but, you know, still some leftover?



1 A. Correct.

2 Q. Okay. And then you went to the Norwegian  
3 Rat?

4 A. Correct.

5 Q. Was any alcohol consumed while having dinner  
6 there?

7 A. Very little. I was, like I said, I was  
8 excited and I was trying to get the guys to have shots  
9 with me, but nobody -- I do believe that there was  
10 alcohol consumed, but the amount I couldn't be clear  
11 on. I wouldn't say it was more than one drink or one  
12 beer. And I don't recall Jeff consuming any alcohol  
13 during that time.

14 Q. Okay. Thank you. Finalizing up here, in  
15 your testimony I wanted to clarify something, it had  
16 something to do you mentioned something about -- let  
17 me backup for a second.

18 At any time working on the Destination in  
19 the past, have you experienced with the crew or Jeff,  
20 where you loaded bait on top of the crab pots?

21 A. And kept the bait up there while traveling?

22 Q. Correct.

23 A. The only time that I can recall that I  
24 believe we had a pallet box or a particle box of cod  
25 fish, you know, maybe a thousand pounds that we kept

1 up there. And then after we cleared the front part of  
2 the deck we moved the bait from the stack, to the deck  
3 level. But it was -- I don't remember it being more  
4 than a pallet. In the instance that I'm referring to,  
5 it was hanging bait which was cod fish.

6 Q. Earlier in your testimony I believe you  
7 alluded to some type of -- while at Kloosterboer the  
8 Destination loaded bait on top of crab pots, but then  
9 it was later moved down. Can you expand on that and  
10 how you came about that information?

11 A. Well, from the pictures that I seen in the  
12 video, they -- and from what I gathered from the  
13 Board -- that the time they spent at the cold storage  
14 was roughly 20, 30 minutes. And they had the bait on  
15 top. Which really 20, 30 minutes isn't enough time to  
16 deal with it.

17 So you can almost see there's a freighter in  
18 front of them just on the other side of that is a fuel  
19 dock, I believe. And then not far from there, maybe a  
20 quarter of a mile is a Trident dock. So I believe  
21 that, you know, they -- well, I'm almost positive  
22 that, you know, they were in a hurry. They slung the  
23 bait up. And they put it on the stack. They ran to  
24 the Trident dock, tied it up and then stored the bait.

25 Q. And where would they have stored it?

1           A.     In the table behind Jeff's state room on the  
2 port side or on the deck level between the stack and  
3 the back of the main cabin.

4           Q.     So when you went onboard the Destination  
5 that evening, do you recall how you came onboard and  
6 if you passed any pallets of bait on the main deck?

7           A.     I came on the port side on the -- if you can  
8 kind of see there on the starboard side there's a door  
9 that comes out of the wheelhouse there.

10                    There you go. And then there's that kind of  
11 deck level. No above that. Right there. There's a  
12 level right there. And that was level with the dock.  
13 So I came from the port side and then I had to kind of  
14 kind of weasel my way through between the bait that  
15 was stacked in the table that's not visible in this  
16 picture. It's on the port side. And the mast.

17                    And then there's a set of stairs that line  
18 up with the mast, that goes to the deck level. And  
19 then the deck was stored from about the middle of the  
20 ship there or center, towards the port side. Does  
21 that kind of --

22           Q.     Okay. So, when you stepped onboard, did you  
23 step on the main deck or onto the upper deck, which is  
24 essentially the wheelhouse deck.

25           A.     The upper deck.

1 Q. Was there any bait stored on that upper  
2 deck?

3 A. Correct.

4 Q. There was?

5 A. Yes.

6 Q. How many pallets of bait? What did it look  
7 like?

8 A. I would say a pallet. It looked like -- I  
9 do believe it was broke down and just placed in the  
10 table if I remember and stacked up, but yeah, I'm  
11 pretty sure.

12 Q. Would it have been in bags?

13 A. Yeah, it would be in cardboard boxes,  
14 probably wrapped in particular with plastic bands  
15 around it.

16 CDR MULLER: Okay. I have no further  
17 questions.

18 Let me just check to see with the Board if  
19 they have any further questions.

20 Mr. Gillette?

21 MR. GILLETTE: No more further questions,  
22 Commander.

23 CDR MULLER: Thank you. NTSB?

24 MR. KARR: None.

25 CDR MULLER: Ms. Spivak?

1 MS. SPIVAK: None.

2 CDR MULLER: Okay. Dylan, this concludes  
3 our questions for you. Before I close, is there any  
4 other information or did we miss any aspect that you  
5 feel like we should address?

6 THE WITNESS: Going back to the pressures of  
7 the industry, and, you know, the delivery dates and  
8 then with your market and the pressure that you get  
9 from that, and the pressure you get from the quota  
10 holders who are, you know, sitting safe at home  
11 disconnected as far away as they can be from the  
12 actual fishing operation. You know, there's  
13 definitely been a disconnect between ownership, and  
14 the guys working on the boat, the crew, and that's  
15 something that is very concerning to me as a  
16 commercial fisherman.

17 And I feel like rationalization has a lot to  
18 do with that. And, you know, and it's not exactly the  
19 right setting for me to go too much into detail about  
20 that, but I feel like those are your biggest pressures  
21 in the industry is quota holders, boat owners and  
22 market delivery dates. And I think that the race for  
23 fish needs to come to an end. You know, the younger  
24 generation of fisherman coming up, we don't have the  
25 same mindset as the older guys. I don't want to go

1 out there when the weather is nasty. When we are  
2 fishing IFQ, you know, and you've got the shot caller,  
3 these landlords who sit on the beach and it's not  
4 right. Something's gotta change as far as that aspect  
5 in the industry.

6           You know, I would say that that is probably  
7 one of the biggest downfalls is that they, you know,  
8 they eliminated, what, 200 boats and then which  
9 coincided with a lot of Coast Guard regulations that  
10 went into effect from 1988 to 2015, and they've kind  
11 of done this smoke and mirrors where oh, it's safe.  
12 Everything is safer. Well, why are we working 40-hour  
13 days? What's the race? Why are we racing for fish  
14 still? I don't understand.

15           And it's troubling. After February 11th,  
16 this has put such a bad taste in my mouth that I'm  
17 upset. I'm deeply hurt. You know, while these guys  
18 sit at home safe in their house in front of the  
19 heater, in front of the stove while we're out there,  
20 you know, breaking our backs, beating ice and going  
21 out in 40, 50, 60 knot winds for what? For what?

22           So that the guy on the beach can get a check  
23 a couple of weeks sooner? You know. It's really  
24 disheartening. And if I was a boat owner or a quota  
25 holder, I think I would take a good hard look in the

1 mirror and, you know, do some serious soul searching  
2 because those are supposed to be your boys, the crew.  
3 And there is a very obvious disconnect. And that's  
4 all I would like to say. Thank you.

5 CDR MULLER: Thank you.

6 So Mr. Hatfield you are now released as a  
7 witness to this Marine Board Investigation. Thank you  
8 for your testimony and cooperation. If I later  
9 determine that this Board needs additional information  
10 from you, I will contact you through your counsel or  
11 directly to you.

12 If you have any questions about this  
13 investigation, you may contact the Marine Board  
14 Recorder, Lieutenant Commander Pedro Mendoza.

15 Thank you.

16 THE WITNESS: Thank you.

17 CDR MULLER: So we're going to take another  
18 recess. The time is close to 3:00.

19 I understand some people are anxious to move  
20 their vehicles. So we're thinking this might be a  
21 good time to do that. So we're gonna take a 20-minute  
22 recess. But if I count the number of people in the  
23 room, if there's still a majority of people out of the  
24 room, I'll be willing to extend that to make sure  
25 people can move their vehicles.

1           Okay. With that, 20-minute recess.

2           (Whereupon, a brief recess was taken.)

3           CDR MULLER: Good afternoon, again. Looks  
4 like we have everybody. Everybody has made it back,  
5 so we're going to get started.

6           The hearing will come to order. We will now  
7 call our next witness, Mr. Pat Gaffney. If you can  
8 come to the witness table, please.

9           LCDR MENDOZA: Please stand and raise your  
10 right hand.

11                   PATRICK CHARLES GAFFNEY,

12           A witness produced on call of the Coast  
13 Guard, having first been duly sworn, was examined and  
14 testified as follows:

15           LCDR MENDOZA: Please be seated.

16           Sir, please state your full name and spell  
17 your last name for the record.

18           THE WITNESS: Patrick Charles Gaffney,  
19 G-A-F-F-N-E-Y.

20           LCDR MENDOZA: Please state your current  
21 employment and position title.

22           THE WITNESS: Self-employed. I'm current  
23 skipper of a fishing vessel down here in Washington  
24 state.

25           LCDR MENDOZA: Sir, do you hold any



1 professional licenses or certificates?

2 THE WITNESS: I hold a one hundred ton  
3 masters near coastal and a two hundred ton mates near  
4 coastal.

5 LCDR MENDOZA: Thank you, sir.

6 CDR MULLER: Good afternoon, again,  
7 Mr. Gaffney. Please feel free to slide that over so  
8 you can place it in front of you if you would like.

9 So, likewise, pleasure to meet you in  
10 person. I know we spoke once or twice over the last  
11 number of months, and with Jim and myself on this  
12 matter, and just fishing, crabbing operations in  
13 general, so I appreciate that.

14 So Mr. Gillette will begin with some of the  
15 questions for you.

16 MR. GILLETTE: Thank you, Commander.

17 DIRECT EXAMINATION

18 BY MR. GILLETTE:

19 Q. Good afternoon, Mr. Gaffney. My name is  
20 James Gillette with the United States Coast Guard. If  
21 at any time you don't understand a question that is  
22 asked, just request that the question be re-addressed  
23 or rephrased. If at any time you need to take a  
24 recess or a break, just ask. Also remember to speak  
25 up loud and clear into the microphone to assist the

1 court reporter to transcribe the hearing. With that  
2 said, I would like to start asking questions.

3 Mr. Gaffney, I would like to get a crew  
4 member's overview of the Destination about your time  
5 spent onboard, but before we get into that, I'd like  
6 to get a little more background information from you.  
7 Can you start by telling us when you started working  
8 commercially as a fisherman and when you first started  
9 working aboard the Destination?

10 A. I started working commercial fishing when I  
11 was approximately 12 years old in Washington state and  
12 I have done it ever since, and I started my employment  
13 endeavor with the Destination in 2013 until 2016.

14 Q. What month in 2016?

15 A. At the end of opilio season in May 2016 and  
16 I partook in the 2016 shipyard.

17 Q. Over the time that you've worked aboard the  
18 Destination, have you ever been provided with a  
19 training opportunity to attend third-party training  
20 courses or online courses, and if so, can you talk a  
21 little in detail about what those were?

22 A. Mr. Wilson and Mr. Hathaway kind of lit the  
23 fire in me to go get my license in preparation for  
24 operating the Destination after Mr. Hathaway's  
25 retirement, but no, I was not offered any third-party

1 training.

2 Q. Have you ever had any formal or informal  
3 training on the vessel stability, and if so, can you  
4 elaborate on that?

5 A. Not on the vessel in particular, no.

6 Q. When you say, not on the vessel in  
7 particular, what do you mean by that?

8 A. Well, I have a license and I've taken  
9 stability classes and I've graduated and have a  
10 certificate in stability, but I have no professional  
11 training of the boat's stability in general.

12 Q. Where did you get those certificates from?

13 A. Crawford Nautical School in Ballard,  
14 Washington.

15 Q. Did the other fishing boats that you  
16 operated with, was that part of their -- was that part  
17 of their -- to get the job there, did have you to have  
18 a stability --

19 A. No, sir.

20 Q. Have you ever completed safety meetings  
21 onboard the Destination, and if so, can you tell us  
22 what that would detail?

23 A. Yes. We had drills once a month. It might  
24 have been a little less or a little more, but once a  
25 month like clockwork as soon as we were in port, we

1 would do drills like Mr. Hatfield said, concerning  
2 various situations, flooding, man overboard, just a  
3 general overview in educating ourselves and refreshing  
4 ourselves of any type of emergency situation we might  
5 run into at sea.

6 Q. Did you ever have any training out to sea?

7 A. We would do some man overboard drills and  
8 whatnot, some mockup drills out on the water, you  
9 know, just like throwing a buoy in the water and  
10 pretending that's a person and going through the steps  
11 of what we need to do to carry out those drills.

12 Q. During your time onboard, can you talk to us  
13 about how much Mr. Wilson was involved in underway  
14 operations?

15 A. Other than talking to the operators whether  
16 it be Mr. Hathaway or whoever was running the boat, in  
17 the summertime, I have no knowledge of him being  
18 involved with it other than when it was at port in  
19 Seattle during shipyard duties.

20 Q. During your time working on the Destination,  
21 did you ever feel that the Captain felt he was  
22 pressured on getting underway to fulfill fishing  
23 quotas or delivery timelines, and if so, can you  
24 elaborate about that?

25 A. Yes, absolutely. Like Mr. Hatfield was

1 saying, there's many, many different ways that  
2 pressures are being put upon the operator of the  
3 vessel to carry out their duties and basically their  
4 duty ultimately is to catch their quota and whether  
5 that would be from, like, canneries or the owners or  
6 anything. There's always a time schedule and you're  
7 always crunching the numbers to meet that time  
8 schedule. And there may not be any ramifications, to  
9 say, but you are under the gun to do your job in a  
10 timely manner.

11 Q. How was your working relations with the  
12 Captain and the crew?

13 A. Very, very tight. We were very, very close.  
14 It came to a point where we could work with each other  
15 not say a word for hours on end and we could  
16 anticipate what each other would do.

17 We essentially got into each other's heads.  
18 We were a solid unit after a certain amount of time.

19 Q. You mentioned that you were kind of being  
20 trained to replace Captain Hathaway when he retired,  
21 can you elaborate on that?

22 A. Well, that was just kind of, it's nothing  
23 professionally, it was just kind of an idea that we  
24 had. I showed interest to run the boat and to bring  
25 myself higher up the ladder and that meant I

1 engineered the boat for a short period of time. I  
2 just, I showed a lot of interest. And I showed the  
3 owner of the boat and Mr. Hathaway that I wanted to  
4 take that responsibility when the time had come.

5 Q. Can you explain your watch rotation while  
6 you were underway?

7 A. Watch rotation typically on outside waters  
8 was a one-man watch 60 to 90 minutes. Watch alarm was  
9 set ten to fifteen minutes on outside waters, under  
10 five minutes on inside waters. You would get woken up  
11 if you were sleeping or you would get alerted by the  
12 last man on watch. You would go up, do your watch. A  
13 watch means a lot of things. You're always  
14 constantly -- you're on a lookout, you're looking for  
15 other vessels coming by. You're watching what's on  
16 the back deck. You're watching the weather, you're  
17 listening to the radio, you're watching the radar.  
18 You're constantly being observant to your surroundings  
19 and making adjustments if you would have to and if the  
20 need be, if there was a certain situation that you did  
21 not know how to do yourself, you were instructed to  
22 alert the captain of the situation so he could assess  
23 the problem.

24 And during that watch, there would be an  
25 engine room check every hour and usually we would try

1 to do it where you would get relieved and then you  
2 would go do your engine room watch. But sometimes  
3 that wasn't the case, so you'd have to leave the helm  
4 for a few minutes to go walk downstairs and check  
5 everything out. But along with that, there was also  
6 cameras in the wheelhouse that you could watch the  
7 engine room constantly 24/7 a day at the helm.

8 Q. You mentioned watch alarm, can you tell me  
9 what that is?

10 A. The watch alarm is a, essentially, a timer  
11 and it's set with a key. And the master of the  
12 vessel, Jeff, would set the watch alarm and he would  
13 take the keys so no one could tamper with that. And  
14 it was set behind you over 10 feet away so if you were  
15 in the helm, at the helm, you would have to physically  
16 get up, walk over to the alarm to turn it off. So it  
17 prevented anyone from falling asleep on their watch.

18 Q. Can you explain an average workday on the  
19 Destination while underway?

20 A. An average workday while going out to the  
21 fishing grounds would be a lot of cleaning, a lot of  
22 inside things. As engineer, I'd be constantly down in  
23 the engine room just being observant, doing a lot of  
24 cleaning, you know, checking oils, checking gauges.  
25 If there were any projects, it would be nothing major,

1 nothing more than a single man could do by himself.  
2 It was mostly time for rest, rest and to clean the  
3 boat up, and just kind of get ready for your next  
4 trip.

5 Q. While underway, how many hours did you work  
6 in a 24-hour period?

7 A. During fishing activities?

8 Q. Let's start with before fishing activities.  
9 Let say the transit.

10 A. During transit you probably wouldn't work  
11 more than a couple of hours in a day.

12 Q. Okay. Let's continue on to fishing.

13 A. A normal schedule we would like for crab  
14 fishing activities, we'd like to do 20 on, 4 off.  
15 Work for 20 hours and then shut down for four to six  
16 hours. The longer I worked on the boat, the longer  
17 shutdown time we had. It was four hours and then six  
18 hours, and that's -- don't quote me -- that's on a  
19 normal schedule when things are just -- you're just  
20 going through the motions, doing your job.

21 Of course, when you have weather situations  
22 or deadlines to meet, you have to adjust those things.  
23 So you would work more hours or if fishing was really  
24 good, you'd end up working less hours. It just kind  
25 of depended on the situation at the time.



1 Q. That 20 hours on and 4 hours off, any breaks  
2 and rests in that 20 hours?

3 A. Yeah. There would be times during the day  
4 when you're running to new area and stuff where you'd  
5 have time off in-between and you'd be getting ready  
6 for your next string of pots or you'd have lunch or  
7 have dinner, do whatever. So yes, there is some  
8 breaks in-between normally.

9 Q. How often were you able to get eight hours  
10 of sleep a night while fishing?

11 A. Never.

12 Q. Thank you, Mr. Gaffney. I would now like to  
13 slightly shift over to engineering questions. During  
14 your time onboard, can you talk to us about how much  
15 Mr. Wilson was involved with the maintenance and  
16 repairs as well as interaction during dry dock.

17 A. Well, as manager of the Destination he was  
18 fully involved. He was there every single day of all  
19 shipyard activities where as Captain Hathaway was not.  
20 That was kind of the crew's time to take their time  
21 after working for months on end up in Alaska.

22 So Mr. Wilson would kind of take the reigns  
23 and manage the whole operations. So I would say he  
24 was very involved in it.

25 Q. When was the last time the Destination went

1 to a dry dock?

2 A. Dry dock would be 2015. The boat was in  
3 shipyard 2015 and '16, but the last time the boat was  
4 hauled out to my knowledge is 2015.

5 Q. Do you know when it was scheduled to go to  
6 dry dock again?

7 A. This year.

8 Q. While onboard the Destination, did you ever  
9 have any problems with the steering system, and if so,  
10 can you elaborate?

11 A. Yes, of my knowledge, I can remember four  
12 incidents where the steering malfunctioned and  
13 essentially locked the rudder hard over. One  
14 particular time it happened, we were leaving Dutch  
15 Harbor transiting to the fishing grounds, and we could  
16 not unlock it, so we ended up replacing one of the  
17 solenoids on the steering system in order to get the  
18 steering to work again. And every time this happened  
19 there was no pots on the boat.

20 Q. While you were onboard the Destination, did  
21 you ever have any problems with the autopilot, and if  
22 so, can you elaborate about that?

23 A. The autopilot would lose signal from the  
24 GPS, so therefore it wouldn't deviate course, but you  
25 wouldn't be able to stay on the course that you set it

1 for.

2           So naturally with the current and wind and  
3 weather you would start to deviate from your intended  
4 course. In order to fix that problem, you'd have to  
5 manually turn the autopilot off and turn it back on  
6 which it took about ten seconds to do to get it to  
7 operate correctly.

8           Q.    During your dry docks in 2015 or shipyard in  
9 2016, was the steering system worked on and what was  
10 done?

11          A.    2016, the intention was to fully rebuild the  
12 steering system. They did most of the work they  
13 rebuilt the whole thing other than one item and that  
14 was the old pipes running from the engine room back to  
15 the rudder. Those were never replaced. Everything  
16 else was rebuilt on the steering system, though.

17          Q.    Is there a reason why those pipes were not  
18 replaced?

19          A.    It's my assumption that they're kind of a --  
20 in order to replace those pipes there would be some  
21 major steel work that would be involved and cutting  
22 out the side of the boat to access them. They're kind  
23 of in the middle of the boat, if you will, and you  
24 can't access them from just normal work. It would be  
25 major, major, major work to do those.

1           Q.    While you were onboard, did you ever witness  
2 any issues with the vessel's stuffing box, and if so,  
3 can you elaborate about that?

4           A.    I never have.

5           Q.    Did you ever have to check on the vessel  
6 stuffing box like when you were underway?

7           A.    Never underway.  It would always be in port  
8 that would be kind of our routine, we'd go through  
9 check our alarms.  It was actually mandated that we  
10 check our alarms once a month that being for the  
11 rudder room, the lazarette, everything on the boat,  
12 every high water, low water alarm was checked once a  
13 month.

14                    We would check the stuffing box in town,  
15 inspect it, tighten it if need be and lubricate any  
16 parts if need be, and then put the cover back on and  
17 off we go.

18           Q.    I heard in previous testimony, there was a  
19 high water alarm in hold three?

20           A.    Yes.

21           Q.    Was there high water alarms in hold one or  
22 two?

23           A.    I can't remember to tell you the truth.  I  
24 don't think there is because those tanks are usually  
25 always pressed.  And tank three is the only tank that

1 would drastically effect the stability of the vessel.

2 Q. Can you elaborate why that is?

3 A. Because the stability book states that with  
4 200 pots on the boat, you are not allowed to have that  
5 third tank pressed.

6 Q. In tanks one or two, is there hatches that  
7 go below into shaft alley?

8 A. I don't believe so, but I can't answer that  
9 for sure.

10 Q. Were you aware the Destination was scheduled  
11 to go back to the yard in Seattle after opilio season;  
12 do you know what repairs were going to be worked on?

13 A. Which year?

14 Q. 2017.

15 A. I do not, no.

16 Q. In reference to engineering problems, how  
17 receptive was Captain Hathaway and Mr. Wilson to  
18 listening to yours or other crew members on issues and  
19 can you give me an example of one?

20 A. Well, both of them listened. I would say  
21 out of the two, Captain Hathaway was more receptive to  
22 my opinion, but ultimately it's up to the owner of the  
23 vessel to what needs to be done to their boat.

24 Q. Were you aware of or noticed any other  
25 engineering or any other problem that I might not have

1 specifically mentioned, and if so, can you talk about  
2 that?

3 A. Nothing other than regular preventative  
4 maintenance on any other boat, like any other normal  
5 boat.

6 Q. I would now like to ask a few questions  
7 about the fishing operations on the Destination during  
8 your time onboard working with Captain Hathaway. Can  
9 you explain to us the procedures needed to switch out  
10 the equipment inside crab pots between cod season and  
11 opilio season?

12 A. It's quite simple. You add a shot of line,  
13 and instead of -- and you put different -- oh, how do  
14 I -- during cod season we have these things called  
15 triggers, essentially they're just fingers that lay in  
16 the pot, the fish swim in, but it allows them to not  
17 swim out.

18 You need those for cod. And in order to  
19 switch over to crab, you have to take those out and  
20 put what you call hoods in. And the hoods just  
21 make -- they direct the crab into the pot and they  
22 can't -- they direct the crab so they can't crawl back  
23 out of the pot. So it's a quite simple process.

24 Q. Who onboard normally switches out that and  
25 how long does it take?

1           A.     All of the crew does it and it takes -- you  
2 could do it in a 24-hour cycle, but we usually did  
3 it -- I mean, it kind of all depends -- but I would  
4 say three days is as average number you could use.

5           Q.     How many pots did you normally do?

6           A.     Two hundred.

7           Q.     Did Captain Hathaway like a specific amount  
8 of crab pots onboard, and if so, can you tell us what  
9 that amount would be?

10          A.     Well, he was a total numbers guy and 200 was  
11 his number. He enjoyed 200. We had 190 pots fishing  
12 for crab and 10 of those were bait pots fishing for  
13 cod.

14          Q.     Did he carry that amount during all fishing  
15 seasons, and if so, are you aware why that might be?

16          A.     That amount of pots and those size of pots  
17 fitted the boat well. It created maximum efficiency  
18 while being able to be in a timely manner in case you  
19 need to get the pots and move somewhere else.

20          Q.     When loading the crab pots, did the crew  
21 leave a tunnel in the middle and can you tell us why?

22          A.     We left a tunnel solely for safety  
23 reasonings and that's so you could access every part  
24 of the boat no matter what.

25          Q.     I'd now like to show Exhibit 127. This is a

1 photo of fishing vessel Destination down at  
2 Kloosterboer pier taken by Mr. Gjermund Eikrem on  
3 February 9th, 2017. This photo was taken while at  
4 Kloosterboer pier in Dutch Harbor before departure on  
5 February 9th, 2017.

6 Does this photo resemble what the pot stack  
7 generally looks like when you're onboard departing the  
8 pier to fish?

9 A. Everything but the stuff on top, yes.

10 Q. Can you elaborate about that stuff on top?

11 A. That's just placed there in transit I think  
12 that photo was captured just in the midst of the guys  
13 working. I don't think you can use it for anything  
14 more than that.

15 Q. Where would that stuff come from?

16 A. That stuff, that tote was probably in the  
17 cold storage, like Mr. Hatfield stated. If we were in  
18 town for more than a certain amount of time, we'd  
19 offload our bait that was visibly on deck into their  
20 cold storage so it wouldn't spoil. To the left of the  
21 blue tote is our crab chute for the discard crab. To  
22 the left of that is a tarp covering something, I would  
23 assume either food or maybe a little bit more bait or  
24 something along that lines, and it looks like the guy  
25 driving the forklift is bringing more bait over.



1 Q. Can you tell me how many shots and buoys  
2 were in each pot during your voyage while fishing for  
3 opilio?

4 A. Opilio season we have three shots of line in  
5 every pot including the cod pots. Two buoys. One  
6 cork in each pot.

7 Q. Can you tell me about the size and weight of  
8 each pot on the Destination?

9 A. Every pot in that picture right now is a 7  
10 by 7 pot and they range between 700 and 800 pounds,  
11 depending on the age of the pot.

12 Q. Please explain that.

13 A. Explain what?

14 Q. The age of the pot.

15 A. Well, some of those pots are nearly 40 years  
16 old and over the course of time they begin to wear  
17 away. So a brand new pot is going to weigh  
18 significantly less than a pot that's 40 years old.

19 Q. Have you ever had any conversation about the  
20 weight of the pots with Captain Hathaway or  
21 Mr. Wilson, and if so, can you elaborate?

22 A. With Jeff out of curiosity when I was first  
23 starting out, I asked him how much a pot weighed. He  
24 gave me the answer. Same answer I just gave you. And  
25 that's about all I've asked of that matter.

1 Q. Can you tell me about how many holds would  
2 have normally been pressed while transiting to the  
3 fishing grounds?

4 A. Number one and two tank.

5 Q. Did Captain Hathaway always press number one  
6 and two tank while transiting, and if so, why?

7 A. It creates ballast. It creates a smoother  
8 ride. When you have that much gear on the boat, it  
9 lowers your center of gravity and it just makes for a  
10 more stable ride when you're transiting to the  
11 grounds.

12 Q. Exhibit 7, page 8, is the section of the  
13 fishing vessel Destination's Trip and Stability  
14 Report.

15 Are you familiar with the Destination's  
16 Stability Report at this table, and if so, can you  
17 show which row would be used during opilio season?  
18 You do have the exhibit in front of you.

19 A. Number three is the closest one that would  
20 match. The second one down would also be a match, but  
21 that only specifies for the second tank to be pressed.  
22 So there's kind of a blend that needs to happen  
23 between the two. But I think either one of those  
24 would be the most fitting for the current conditions  
25 for what the boat was under.

1 Q. Looking at the table, with the tanks hold  
2 one and two pressed, which one would that be?

3 A. With tanks one and -- there's only one that  
4 offered tanks one and two pressed.

5 Q. What row would that be?

6 A. Number four.

7 Q. Do you want to look at the table in the book  
8 again?

9 A. The fourth row down.

10 Q. Okay. Does that say condition three?

11 A. Yep.

12 Q. Can you read that line for me?

13 A. Condition three, holds tanked one and two  
14 dry hold 11,000 at 100 percent winter fuel, pots  
15 allowed in summertime conditions, 249 pots at five  
16 tiers, pots allowed during wintertime conditions 224  
17 at five tiers.

18 Q. All right. Mr. Gaffney, I would now like to  
19 slightly shift the conversation to bait.

20 A. Uh-huh.

21 Q. During your trips onboard during opilio  
22 season, can you tell me, in pounds, roughly how much  
23 bait was stored on the Destination and where was it  
24 stowed?

25 A. For an average opilio trip we'd take

1 approximately 10,000 pounds of box bait, 6,000 of that  
2 approximately would be in the freezer and then the  
3 rest would be on deck on the port side, palletized and  
4 strapped down and secured.

5 Q. Was bait ever stowed in any hold tanks?

6 What's the answer?

7 A. No.

8 Q. During your time on the Destination, was  
9 bait ever stowed on top of pots while transiting, and  
10 if so, can you elaborate?

11 A. Not during transit to the grounds.

12 Q. During your time onboard the Destination,  
13 did you ever see bait stowed in the close proximity of  
14 the life raft?

15 A. What's considered close?

16 Q. Next to it.

17 A. The bait on deck is within 20 feet of it.

18 Q. On the same level, right next to it?

19 A. There's no bait on the same level as the  
20 life raft. All bait would be below the life raft.

21 Q. I want to talk a little about the hold tanks  
22 now. I'm going to show you Exhibit 64. This is an  
23 undated photograph of a fishing vessel hold tanks  
24 submitted by Mr. Patrick Gaffney.

25 Mr. Gaffney, can you explain to us what

1 exactly we are looking at in this picture in reference  
2 to the holds?

3 A. You're looking at number one and two tanks  
4 how they're close together, but what I think you're  
5 leading to is the overflows on the port side of the  
6 boat. All those are for is when you're circulating  
7 your tank, keeping it pressed and you have to do that  
8 in order to keep the crab alive. Well, instead of  
9 having the water and crab spill out of the main hatch  
10 or out of the hatch you put the crab in, you have  
11 these overflows that are screened where the water can  
12 escape, but the crab cannot. And those drain. Those  
13 are channeled under the deck. Those two tanks, in  
14 particular, out to the side of the boat on the port  
15 side.

16 Q. Just aft of that in the picture I see a  
17 hatch. What hatch is that for?

18 A. The hatch with the cover on it?

19 Q. Yes.

20 A. That's the third tank. And there's crab in  
21 that tank in that photo. That photo was taken on  
22 February 5th, 2016, I believe.

23 Q. What did you say was inside there?

24 A. It's full of crab right there in that  
25 picture.

1 Q. Where's the discharge located on that?

2 A. It's on the port side. It's very similar  
3 to -- it looks exactly the same as those two right  
4 there. It's just not visible because the main hatch  
5 cover is on top of it. And there's no channel for  
6 that overflow. It just free floats under the deck  
7 onto the false deck and exits through the scuppers on  
8 either side.

9 Q. The hatch covers on deck on each hold, are  
10 any of those open or partially open while transiting,  
11 and if so, can you --

12 A. No, they never are. They're always, before  
13 we leave town for a trip, they're always bolted down.  
14 They are gasketed, so they can be watertight if need  
15 be or they are all of the time. But during transit,  
16 no they are never unsecured, if you will.

17 Q. Is the hold three hatch ever open so people  
18 can check in there for water?

19 A. Which hatch are you talking about, the  
20 inspection hatch?

21 Q. Yes.

22 A. Yes, it is.

23 Q. Do you refer to that as a Baier hatch?

24 A. Yes.

25 Q. Can you show me with a pointer in front of

1 you where the Baier hatch is?

2 A. There's a few of them. Which one do you  
3 want me to show you?

4 Q. For hold three.

5 A. That one right there. That's a different  
6 style of Baier hatch than the ones in the -- for the  
7 shaft alley or lazarette. So there may need to be  
8 clarification because people have been talking about  
9 that, but there's differences between --

10 Q. Can you clarify?

11 A. The one right there, like Dylan was saying,  
12 takes a keyway where you physically dog it down  
13 tighter than that one. That's a watertight hatch.  
14 Even though that's gasketed, it's not keyed down with  
15 a wrench. So it's -- water could possibly leak  
16 through there. That one it's nearly impossible.

17 Q. The one just aft of the hold three.

18 A. That one?

19 Q. Yeah. Where does that lead you in to?

20 A. That takes you to the lazarette, and that's  
21 the same style hatch that's for the inspection plate  
22 for the shaft alley in the stuffing box.

23 Q. Is there another hatch aft of the lazarette?

24 A. Yep. There's that one back there.

25 Q. Where does that go to?

1           A.     That goes to the rudder room.

2           Q.     If I was to go down into the lazarette, can  
3 I get into the rudder room from there?

4           A.     Yeah, there is a hatch, it's dogged and  
5 whenever you're transiting it's always dogged. It's  
6 more or less of a door than anything with six dogs on  
7 it with a gasket that whenever you're at sea it must  
8 be dogged down to separate the two rooms.

9           Q.     Okay. Thank you, Mr. Gaffney. I'm going to  
10 slightly shift the focus to weather.

11                     Did the Captain ever discuss the weather  
12 forecast or current conditions with you or other crew  
13 members, and if so, you can elaborate about that?

14           A.     He was never shy to tell you about the  
15 weather if you asked him or at least not for me. I  
16 mean, if it was expected to get really nasty, he would  
17 let you know ahead of time so you had ample  
18 opportunity to make sure the deck was secure. So  
19 there was no -- there was nothing hidden from the  
20 crew.

21           Q.     Have you ever encountered heavy spraying ice  
22 while underway, and if so, could you describe it to us  
23 and what did you do to combat it?

24           A.     If it got to a point, an unacceptable level,  
25 and what I mean by unacceptable level it's up to the



1 master to determine that. It's all judgment. And if  
2 we were on watch and we experienced some unusual heavy  
3 freezing spray and it got to a point where it was  
4 concerning, it was our duty, and it stated that on our  
5 watch bill in the wheelhouse, to alert the master of  
6 the issue.

7 Q. You said the master determines that level,  
8 it's written on a --

9 A. It's written on a watch bill. If the man  
10 standing watch feels like -- this is all judgment.  
11 This is all speculation to the individual on watch --  
12 if they feel uncomfortable with the situation or  
13 there's present danger existing, it's their duty to  
14 alert the master of the vessel.

15 Q. So it doesn't mention a specific amount,  
16 it's just a judgment call?

17 A. Yes.

18 Q. All right. Mr. Gaffney, I'm now going to  
19 show you some photographs of items off of the fishing  
20 vessel Destination that were recovered by a good  
21 Samaritan fishing vessel Silver Spray on February 11,  
22 2017.

23 After I show you these photographs I will  
24 then show you another photograph of the fishing vessel  
25 Destination taken from the cargo deck facing forward.

1 At that time can you identify where these item would  
2 be found onboard. The first one is Exhibit 230. This  
3 is a photograph of one of the fishing vessel  
4 Destination's life rings.

5 The next one is Exhibit 227. This is a  
6 photograph of the fishing vessel Destination's  
7 Emergency Position Indicating Radio Beacon, EPIRB and  
8 yellow line.

9 This photo is Exhibit 231. It is a  
10 photograph of fishing vessel Destination buoys.

11 Exhibit 63 is an undated photograph of  
12 fishing vessel Destination cargo area submitted by  
13 Mr. Patrick Gaffney.

14 If you could, could you get the pointer and  
15 if you could start by identifying where the life ring  
16 that I showed in that picture would be located.

17 A. That particular life ring was located either  
18 in a void there or behind our deck box over here.  
19 That was not one of these life rings that you see.

20 Q. Why would it not be one of those two?

21 A. Because it's not tethered to the rail.  
22 Since the weather -- we have -- we tie these things to  
23 the rail with a piece of biodegradable twine, so they  
24 can't get thrown overboard during heavy weather.

25 Biodegradable twine for any normal man can

1 break quite easily. So it doesn't restrict one of  
2 these crew members from grabbing this.

3 Q. Can you show us where the EPIRB and the line  
4 would be?

5 A. The EPIRB is right there. You can faintly  
6 see it. There's a white cover that matches the hull  
7 of the boat. It's located right there approximately  
8 10 feet from the starboard side wheelhouse door.

9 What was your other question?

10 Q. Where would the yellow line be?

11 A. The yellow line is one inch pulley bridle  
12 line that there's a deck box right there behind our  
13 hydraulic station. It's stowed inside of there. And  
14 those are just spare parts from when we're actively  
15 fishing to repair the pots and whatnot.

16 Q. Can you describe what deck and what side of  
17 the vessel that is? This is just to help the  
18 transcript.

19 A. Starboard side. Main deck. Flush against  
20 the back bulkhead.

21 Q. The Destination, the buoys, where were they  
22 located?

23 A. Those were located on the stern, those are  
24 nothing more than crash bags or bumper buoys, if you  
25 will. They were probably tied to a pot by accident

1 and when the pots exited the boat, it broke free.

2 MR. GILLETTE: Thank you, Mr. Gaffney.

3 Commander, I have completed my questions for  
4 Mr. Patrick Gaffney.

5 CDR MULLER: Okay. Thank you, Mr. Gillette.

6 NTSB, Mr. Karr.

7 MR. KARR: This is Michael Karr.

8 DIRECT EXAMINATION

9 BY MR. KARR

10 Q. Mr. Gaffney, can you tell me how the life  
11 raft was secured?

12 And you can use this picture to help us  
13 understand that.

14 A. Well, I believe it's mandated by the Coast  
15 Guard that there's a hydrostatic release or some sort  
16 of automatic release. So if the boat sinks and after  
17 a certain pressure, the life raft automatically  
18 releases. So with that particular life raft, there  
19 was a bridle strap. I don't know what you would call  
20 it. A one-inch nylon strap that went over the life  
21 raft that sat in a cradle and there was a clevis or a  
22 quick release and a hydrostatic release attached to  
23 it. So you could either manually deploy the life raft  
24 or it would automatically deploy itself upon capsizing  
25 of the vessel.

1 Q. Do you recall ever looking at the life raft?

2 A. Yes.

3 Q. Can you describe the cradle it was in?

4 A. The cradle was just two aluminum prongs that  
5 the life raft rests in to keep it above the deck  
6 slightly so it doesn't lay in water or anything of  
7 that sort and it gives something for those harnesses  
8 to secure to.

9 Q. From your time onboard the Destination, can  
10 you recall any difficulties the crew had with keeping  
11 a life raft in its cradle?

12 A. No.

13 MR. KARR: Commander, I have no more  
14 questions.

15 CDR MULLER: Thank you, Mr. Karr.  
16 Ms. Spivak.

17 MS. SPIVAK: No questions.

18 CDR MULLER: Okay. I have one or two  
19 questions of my own.

20 DIRECT EXAMINATION

21 BY CDR MULLER

22 Q. Regarding the steering system, the hydro  
23 lines and piping. You mentioned earlier there was  
24 some piping going from the engine room pumps down the  
25 shaft alley --

1           A.     They don't go through the shaft alley. I  
2 never said that. They go through the sides of the  
3 boat through the fuel tanks.

4           Q.     Through the fuel tanks. Got it.

5                     Is there any kind of filtering system for  
6 the hydro-system for the steering?

7           A.     There are two oil filters that are attached  
8 to the return side of the system. So it's the  
9 non-pressurized side. There's too much pressure in  
10 the system to have fuel filters on that side or it  
11 would blow the filters out. So you'd put them on the  
12 return side. There's two of them. So they had --  
13 there was ample filtration for that system.

14          Q.     Do you recall if those filter systems were  
15 replaced or renewed during the last 2016 --

16          A.     They were.

17          Q.     -- period?

18          A.     Yes, they were.

19          Q.     Is that something that the crew can observe  
20 and maybe replace while underway?

21          A.     Well, yes, you can replace them  
22 unfortunately, there is no way in checking the filters  
23 to see how -- what their capacity is, if they're dirty  
24 or not. They're kind of like any other normal oil  
25 filter, you kind of go off of a certain time and

1 usually in my experience with other boats it's every  
2 few years. It's not really as big of a problem as  
3 with oil filters, you know, engine oil or anything  
4 like that. It's kind of every couple of years,  
5 bi-annually type of thing.

6 Q. Are you familiar perhaps with other vessels  
7 throughout the fleet experiencing engine failures such  
8 as you described earlier?

9 A. Engine failures?

10 Q. I'm sorry. Steering failures.

11 A. No.

12 Q. When the steering failed, you mentioned when  
13 you were onboard there was a steering failure. Can  
14 you describe exactly what the failure was and more  
15 specifically how the boat reacted in terms -- I take  
16 it you were underway. I don't know what kind of speed  
17 you were making. So what kind of effect did it have  
18 on the vessel's transit?

19 A. In the times that I have had it personally  
20 happen to myself, and from the information I gained  
21 from one of the other crew members that were on the  
22 boat when it happened to them -- during my time on the  
23 vessel this is -- you're at cruising speed, you're  
24 going anywhere between 7 and 9 knots depending on the  
25 weather and tide. Everything is as normal, and then

1 all of a sudden, you make a hard turn. And the  
2 only -- the jog stick's locked up, autopilot's locked  
3 up. The only thing you can do to alleviate the  
4 problem at the time is to pull the boat out of gear to  
5 cut the power to the engine and then to assess the  
6 problem of the steering.

7 Q. Okay. So when the steering goes hard over,  
8 would the vessel heel over hard as well and would  
9 there be significant reduction in speed?

10 A. Well, as with any vessel it would reduce the  
11 speed when you stop going in a straight line. It  
12 would -- say it took a 60-degree starboard turn, it'd  
13 probably lose a knot or two and it would -- I would  
14 say you would have a 15-degree roll.

15 Q. Okay. And is that similar to that steering  
16 failure, that kind of condition?

17 A. This is all without pots on the boat.

18 Q. Right. Thank you.

19 Quickly with those access manhole covers on  
20 top of the hatches, the Baier covers I think is the  
21 brand, there's a few versions out there, but generally  
22 there's one version of the handle.

23 A. Uh-huh.

24 Q. And another version with like a bolt or a  
25 socket. Number three hatch, was that -- that had a



1 handle?

2 A. On the top side, yes.

3 Q. Right. Okay. And then down into the shaft  
4 alley.

5 A. To access the shaft alley, it had a bolt  
6 locking dog style, yes.

7 Q. Okay. And that bolt was that stored in any  
8 kind of bracket or just laid on deck?

9 A. No, it's integrated with the hatch itself.  
10 It's all one unit and there's multiple pieces that are  
11 connected to this hatch, if you will, and that bolt,  
12 it's just a threaded lug and it goes down. You put  
13 the hatch on and as you tighten it, the dogs expand  
14 under the ring and then it creates pressure and it  
15 creates a seal.

16 Q. Okay. But the wrench that you need to  
17 activate that lug, is that -- where was that typically  
18 stored then?

19 A. We had four of those on the boat. We had  
20 one outside in that deck that wooden box I was trying  
21 to describe and then the other ones were inside in our  
22 lock -- one of our lockers.

23 Q. And was one located in number three bolt?

24 A. No.

25 Q. For the stuffing box access?

1           A.    No.  No, you'd have to grab it from where we  
2 kept it.  Boats are -- got to keep things organized.

3           Q.    Yeah.  Lieutenant Commander Mendoza, do you  
4 have that exhibit?  This is Exhibit 199, page 27.  
5 This is a drawing of the fishing vessel Destination's  
6 original drawings as constructed in 1981 as the  
7 Compass Rose.  So these are the vessel's original  
8 plans?

9           A.    Are these in here?

10          Q.    They are not.  I apologize.  This drawing  
11 here, lower right, is a schematic of the overflow  
12 coming from the hatch.

13          A.    Of the Compass Rose.

14          Q.    Of the Compass Rose.

15          A.    It's not valid to use, though.

16          Q.    Correct.  So I'm using this now as a  
17 reference because -- and you're welcome to walk up if  
18 it's -- but what I see here is you have three hatches.  
19 That would be number one.

20          A.    Roger.

21          Q.    So number one, number two, and number three  
22 on the Compass Rose.  But what I see is three separate  
23 and independent --

24          A.    Overflows.

25          Q.    -- overflow.

1 A. Yes.

2 Q. So one per hatch?

3 A. Yes.

4 Q. So would this arrangement, do you recall, be  
5 the same that was on the Destination?

6 A. No.

7 Q. What's different?

8 A. What's different is, you can see the  
9 overflows ultimately exiting the vessel at different  
10 areas. The new figuring of the boat, tanks one and  
11 two, the water exited out of the boat into one  
12 consolidated area. And I have that photo, one is  
13 those photos I provided for you can show you that.

14 Q. Is that one of the photos you gave us?

15 A. I brought today.

16 Q. Oh, brought today. So we haven't yet had a  
17 chance to look at that.

18 A. I don't know.

19 Q. I see.

20 CDR MULLER: Thank you. I have no further  
21 questions. Thank you, Pat.

22 Mr. Gillette, do you have any further  
23 questions?

24 MR. GILLETTE: No further questions.

25 CDR MULLER: Mr. Karr?

1 MR. KARR: No further questions.

2 CDR MULLER: Ms. Spivak?

3 MS. SPIVAK: No questions.

4 CDR MULLER: Okay. So Mr. Gaffney, again,  
5 thank you for your participation and time today, your  
6 contributions to this Board. No further questions,  
7 but before I close are there any other elements or  
8 areas that we may have missed during this testimony or  
9 anything beneficial for the Board to consider?

10 THE WITNESS: I would highly look into the  
11 work that was done on the steering system. And I  
12 would highly look into whoever installed the new  
13 stuffing box. The work they did to it, the amount of  
14 time they did to it, and make sure it was installed  
15 correctly. Because the crew or the master or the  
16 owner did not do it. The shipyard installed it. And  
17 there was an outfit hired out to redo the steering  
18 system and no crew member or the master of the boat at  
19 the time had any involvement in it.

20 That's all I have to say.

21 CDR MULLER: Thank you. So Mr. Gaffney, you  
22 are now released as a witness at this Marine Board  
23 Investigation. Thank you for your testimony and  
24 cooperation. If I later determine that this Board  
25 needs additional information from you, I will contact

1 you. If you have any questions about this  
2 investigation, you may contact the Marine Board  
3 Recorder, Lieutenant Commander Pedro Mendoza. Thank  
4 you again.

5 Okay. So we will recess for the day, and  
6 reconvene tomorrow at 9:00. Thank you.

7 (Whereupon, the hearing adjourned for the  
8 evening at 4:18 p.m.)

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## 1 REPORTER'S CERTIFICATE

2 I, Jeannie A. Milio, Registered Professional  
3 Reporter, an Official Court Reporter for the United  
4 States Coast Guard, do hereby certify that I  
5 stenographically recorded the proceedings in United  
6 States Coast Guard's Marine Board of Investigation  
7 Formal Hearing RE: fishing vessel Destination, held on  
8 August 8, 2017, at 9:00 a.m. (PT) at Henry M. Jackson  
9 Federal Building, U.S. Coast Guard Thirteenth  
10 District, 915 Second Avenue, Seattle, Washington  
11 before the U.S.C.G. Marine Board of Investigation.

12 I further certify that the page numbers II-1  
13 through II-182 constitute an official transcript of  
14 the proceedings as transcribed by me from my  
15 stenographic notes to the within typewritten matter in  
16 a complete and accurate manner.

17 In witness whereof, I have affixed my signature  
18 this 26th day of September, 2017.

19  
20  
21  
22  \_\_\_\_\_  
23 Jeannie A. Milio, RPR  
24 Official Court Reporter  
25