

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

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Seattle, Washington 98174
August 7, 2017 -- August 17, 2017

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TABLE OF CONTENTS

OPENING STATEMENT	Page IV-7
WITNESSES:	
MONTGOMERY J. GAISER	Page IV-11
Examined by CDR Muller	Page IV-12, 36, 38
Examined by Mr. Gillette	Page IV-32
Examined by Mr. Karr	Page IV-33, 37
ERIN ANTHONY EVICH	Page IV-41
Examined by MR. Gillette	Page IV-42
Examined by CDR Muller	Page IV-53, 70
Examined by Mr. Karr	Page IV-66, 71
HARVEY CHRISTOFER ATKINSON	Page IV-73
Examined by CDR Muller	Page IV-74
Examined by Mr. Karr	Page IV-87
MST1 KATE L. BRINKLEY	Page IV-97
Examined by Mr. Gillette	Page IV-98, 106
Examined by Mr. Karr	Page IV-111
Examined by CDR Muller	Page IV-111
LT. ANDRES AYURE	Page IV-127
Examined by Mr. Gillette	Page IV-128
Examined by Mr. Karr	Page IV-145, 160
Examined by CDR Muller	Page IV-150
MST2 KRISTEN B. METZLER	Page IV-163
Examined by Mr. Gillette	Page IV 164

TABLE OF CONTENTS**EXHIBITS:**

Exhibit No. 17	Page IV-66
Exhibit No. 18	Page IV-66
Exhibit No. 27	Page IV-66
Exhibit No. 28	Page IV-66
Exhibit No. 29	Page IV-71
Exhibit No. 30	Page IV-87

1
2
3
4
5
6
7
8
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Start Time 0900

OPENING STATEMENT

CDR MULLER: Good morning this hearing will come to order. Today is August 10th, the time is 0900. We are continuing at the Coast Guard Thirteenth District, Seattle, Washington.

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

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

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

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

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

13 I have previously determined that the
14 following individual is a Parties-in-Interest to this
15 investigation. Mr. David Wilson represented by Ms.
16 Spivak of Holmes, Weddle & Barcott, LLC. This party
17 has direct interest in the investigation, and has
18 demonstrated the potential for contributing
19 significantly to completeness of the investigation or
20 otherwise enhancing the safety of life and property at
21 sea, through the participation as a Parties-in-
22 Interest.

23 All Parties-in-Interest have a statutory
24 right to employ counsel to represent them, to cross-

1 examine witnesses, and to have witnesses called on
2 their behalf.

3 I will examine all witness at this formal
4 hearing under oath or affirmation and witnesses will be
5 subject to federal laws and penalties governing false
6 official statements. Witnesses who are not Parties-in-
7 Interest may be advised by their counsel concerning
8 their rights, however, such counsel may not examine or
9 cross-examine other witnesses or otherwise participate.

10 These proceedings are open to the public, and
11 to the media. I ask for the cooperation of all persons
12 present to minimize any disruptive influence on the
13 proceedings in general, and on the witnesses in
14 particular. Please turn your cell phones and other
15 electronic devices off, or to silent or vibrate mode.
16 Please do not enter or depart the hearing room except
17 during periods of recess. Flash photography will be
18 permitted during this opening statement and during
19 recess periods.

20 The members of the press are, of course
21 welcome. An area has been set aside for your use
22 during the proceedings. The news media may question
23 witnesses concerning the testimony they have provided
24 here, but only after I have released them from these

1 proceedings. I ask that any such interviews be
2 conducted outside this room.

3 Since the date of the casualty the NTSB and
4 the Coast Guard have conducted substantial evidence
5 collection activities, and some of that previously
6 collected evidence will be considered during these
7 hearings. Should any person have or believe he or she
8 has any information not brought forward, but which
9 might be of direct significance, that person is urged
10 to bring that information to my attention by emailing
11 FVDestination@USCG.mil.

12 The Coast Guard relies on strong partnerships
13 to execute its missions, and the Marine Board of
14 Investigation is no exception. The National
15 Transportation Safety Board provided a representative
16 for this hearing, Mr. Michael Karr also seated to my
17 left. He is the Investigator-in-Charge of the NTSB
18 investigation. Mr. Karr, would you like to make a
19 brief statement?

20 MR. KARR: Good morning, I'm Michael Karr
21 Investigator-in-Charge for the NTSB investigation of
22 this accident. The NTSB has joined this hearing to
23 avoid duplicating the development of facts.
24 Nevertheless, I do wish to point out this does not
25 preclude the NTSB from developing additional

1 information separately from this proceeding, if that
2 becomes necessary.

3 At the conclusion of the hearing, the NTSB
4 will analyze the facts of this accident and determine
5 the probable cause independent of the Coast Guard. We
6 will issue a report of the NTSB's findings, and if
7 appropriate the NTSB will make recommendations to
8 correct any safety problems discovered in this
9 investigation, thank you.

10 CDR MULLER: Thank you. We will now call our
11 first witness of the day, Mr. Gaiser.

12 LCDR MENDOZA: Sir please stand and raise your
13 right hand.

14 **WITNESS**

15 **MONTGOMERY J. GAISER**

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

19 THE WITNESS: I do.

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

23 THE WITNESS: It is Montgomery, J. Gaiser. G-
24 A-I-S-E-R.

1 A. I have been in business; I have been doing
2 marine hydraulic repairs for roughly 28 years. I have
3 been, independently, Coastal Fluid Power for 10 years.

4 Q. Okay, so do you conduct the work yourself, the
5 actual mechanical work?

6 A. I do, as well as some of my employees.

7 Q. How many employees, if you don't mind?

8 A. Generally, I have one or two.

9 Q. Okay.

10 A. Full-time employees.

11 Q. Have you, over the last number of years, in
12 your capacity, your company or yourself had any
13 engagement or provided services to the fishing vessel
14 Destination owned by Mr. Wilson?

15 A. Yes, we have.

16 Q. Okay. So over, let's say the last four or
17 five years about how many times have you provided
18 services?

19 A. Generally, over the past 4 or 5 years,
20 whenever the boat is in town for a major shipyard
21 service we do some type of service work. I guess
22 probably 6 to 8 different occasions, I suppose, where we
23 have done different projects for them over the years.

24 Q. Okay. So as investigators, conducting
25 investigations on marine casualties, although we examine

1 a broad scope of topics, and criteria, to include
2 mechanical issues or repairs, and maintenance history.

3 So thank you for your participation here today.

4 So, I'd like to gather some more, specific,
5 information about the type of repairs that your company
6 conducted onboard the Destination. What we have in
7 front of you is a few things. An email exchange that I
8 had myself with a fellow employee of yours.

9 A. Yes.

10 Q. Monique.

11 A. Yes.

12 Q. And I put that there for you as a reference.
13 And then maybe we can use that as a guide for our
14 discussion.

15 A. Sure.

16 Q. In this information she provided, there is a
17 number of invoices that capture, if you will, a block of
18 time, so we will call that a project. Although a
19 project may take several days, perhaps months, but
20 essentially it's the same, not the same project, but it
21 is part of the same project.

22 A. Correct.

23 Q. Is that fair to say?

24 A. Yes.

25 Q. So I'll call, I'll refer to them as projects.

1 And broadly speaking, if you concur, I see invoices in
2 the period of the winter of 2012/13. Another project
3 period -- scrolling down just halfway, or just beyond
4 halfway, in June of 2015. And then a little further
5 down, spring, or June of 2016.

6 So that's three periods over the course of the
7 last four years, would you agree?

8 A. Yes.

9 Q. Okay. So let's talk about the services you
10 provided in the winter of 2013 there. Can you give us a
11 description? You can use this as a guide, or you can
12 just let us know what you are familiar with.

13 A. Ah yeah, we made some repairs to the general
14 deck equipment. Hydraulic repairs, as well as repairs
15 to the steering system, as far as installing stainless
16 steel tubing and instead of -- to replace worn out
17 hydraulic hoses and whatnot, and just general
18 maintenance.

19 Q. Okay. During this project period, can you
20 explain when and how you were approached by the vessel
21 owner, if at all? Or, in other word, how you came to be
22 involved in the project. And more specifically, what
23 was the -- any raised concerns, objectives, or specific
24 instructions provided by the vessel owner on that
25 project?

1 A. I had -- there would have been, you know, Jeff
2 the Captain, and Larry the Chief Engineer contacted me.
3 And you know, they got a list of things that they wanted
4 to have repaired on the boat. You know, they've got a
5 punch list of things that they see when they are out
6 there fishing that they need rectified when the boat
7 comes to port. And so, that's where our worklist is
8 generated from. And that's what these repairs were,
9 were done from.

10 Q. So, in your conversations, or communications I
11 would imagine by way of preparation for the upcoming
12 project, did they mention any specific concerns,
13 challenges, issues that they had with any components?

14 A. Ah other, back on invoice number for the
15 shipyard period between/in 2012 and 2013 that was just
16 general leaks, and services that we were repairing.

17 Q. Okay. I see listed there like 1 through 7,
18 some numbers there.

19 A. Um-hmm.

20 Q. I see steering pump, helm steering units,
21 steering control valve, high/low speed coil, high/low
22 speed cartridge, filter equipment, steering cylinder
23 repair. So what are those elements, and what is
24 involved in repairing those, or servicing those -- that
25 piece of equipment?

1 A. So, part of the process, in order to get --
2 it's a confined space -- and so, in order to get to a
3 lot of the hoses and connections, you have to remove a
4 lot of those parts. And so those parts were replaced
5 because we had to remove them, in order to get access to
6 make the repairs that we were making. And so they had
7 been in service for a long time.

8 And, you know the, Jeff, and Larry, and David
9 -- while they are out just replace and put news ones in.
10 There is no reason to put those old parts back in
11 service. So, those are all components that make up part
12 of the steering system that were replaced.

13 Q. Part of that process, or your procedures, and
14 your role, towards the end of project, I would imagine,
15 do you execute or conduct any system testing to confirm
16 proper installation?

17 A. Yes. It is -- the steering system is primed
18 with oil, get -- purged all, they purge all the air out
19 of the circuit. And set the pressures. Work with the
20 autopilot technician to ensure that the electronics are
21 working properly with the mechanical hydraulic system
22 for the steering. And prove the operating pressures,
23 and make sure that everything is in proper working order
24 before they go out on sea trials.

25 Q. I would imagine the crew, or the owner, if

1 they found an issue to the repair, let's say still
2 wasn't working correctly, or they were, you know, would
3 they address any -- come back to you and say, look,
4 after this test I'm still seeing x, y, z issues?

5 A. Yeah. We would test, you know, either Larry
6 or Jeff would be involved with the testing process. And
7 we would confirm everything in unison. And if there was
8 an issue, it would -- you know, we would track it down
9 and rectify it if there was one.

10 Q. Okay. Do you recall if any, were the tests
11 successful, or was there any comments back from the
12 crew?

13 A. Back as far as the 2012/2013, there were no
14 issues, everything was fine.

15 Q. Okay. So now, let's move to the next project,
16 which I see on this document was essentially the spring,
17 June of 2015. About halfway down on the page, starting
18 with invoice 1242, down to invoice 1379.

19 So can you describe, I'll quickly read it just
20 for the record. We are looking at invoices 1242 1292,
21 1321, 1334, and this is labor described, "Rebuild ships,
22 spare, steering cylinder, spare hydraulic parts shipped
23 to Alaska, deck hydraulic parts shipped to Alaska". Can
24 you further describe that project?

25 A. Yeah, I would -- let me just look at these

1 real quick to get my -- I want to make sure it is the
2 shipyard period that I am thinking of.

3 (Brief pause.)

4 A. It appears that most of this is just general
5 deck hydraulics, as far as crane service work, and a lot
6 of crane repairs. I'm trying to recall the shipyard.
7 We are in -- there was a lot of steelwork, when the hull
8 steelwork was replaced. I don't remember if that was
9 part of this time period or if it was a different one.

10 Q. I think, okay. I do see an entry in the labor
11 log; it should be a page after invoice 1393.

12 A. Do you have a page number? An exhibit and
13 page number on that one that I could? Thirteen --

14 (Brief pause.)

15 (LCDR Mendoza showing exhibit to Ms. Spivak,
16 attorney for party-in-interest.)

17 MS. SPIVAK: And just to clarify. So we are
18 going into shipyard of, summer 2016 now?

19 CDR MULLER: No.

20 THE WITNESS: No, no.

21 MS. SPIVAK: Oh, this is from --

22 CDR MULLER: That one should be still from
23 2015. I'm looking at the bottom of the page, the last
24 asterisk, it mentioned on the last -- no other side.
25 And the last asterisk there, the end of that sentence

1 says, "Filled the steering hydro tank", or something to
2 that effect.

3 MS. SPIVAK: The last asterisk here is
4 5/11/2016, the document that was presented to me.

5 CDR MULLER: Can I see that Pedro, I am sorry.

6 LCDR MENDOZA: Yes sir.

7 (Reviewing exhibit number 2.)

8 CDR MULLER: I think I gave you the wrong one
9 -- my apologies, I gave the wrong sheet to LCDR Mendoza.
10 So this is Exhibit No. 2, page thirty one. That last
11 sentence there.

12 MS. SPIVAK: All right, thank you.

13 BY CDR MULLER:

14 Q. There are plenty of invoices, and work orders.
15 So the last asterisk, there. It says something to the
16 effect of, "Filled the steering hydro tank" is that
17 right?

18 A. Correct.

19 Q. Okay.

20 A. Yup, so it is specific to steering. Most of
21 this shipyard was general deck equipment repairs, listed
22 on here. And then, specifically, for the steering there
23 was a crack on the hydraulic tank, they were -- and so,
24 we repaired the tank in place, and then refilled the
25 steering system.

1 And anytime you introduce air into the
2 circuit, you have to purge it, and prime it, and go
3 through the whole process of recertifying the steering.
4 Or ensuring that everything is working properly without
5 any air -- without air in the circuit. And so, by
6 filling the hydraulic tank and pressing back to the
7 fluid level, and then running it through its testing
8 process.

9 Q. Okay.

10 A. And so that was what this was.

11 Q. What is the purging process? Can you describe
12 that?

13 A. Yeah, you have to disconnect the hydraulic
14 lines in the stern, and lines are at the hydraulic
15 cylinders. And run the pump with the steering engaged
16 to circulate oil, continuously, through that line. So
17 the entrained air between the main valve and the
18 steering cylinder is returned back into the tank where
19 it will vent out. So there is no air in the steering
20 lines between the steering cylinder and the control
21 valve.

22 Q. Okay, thank you. And my apologies, I -- for
23 the record, early on in the start of these questions, I
24 referred to an email exchange that listed a number of
25 invoices and dates, that was page one to Exhibit 02.

1 And that is essentially what we are referring to this
2 morning.

3 A. Okay.

4 Q. Okay. Now if we can move to the project in
5 spring, or June of 2016. So this would be Exhibit 2,
6 page 1 towards the bottom.

7 (Brief pause.)

8 Q. So with those dates, do you see those dates
9 there, April, May it says, "Work performed at Marine
10 Fluid Systems", are we on the same -- on the very first
11 page, sir?

12 A. Yeah, I'm looking at the labor spreadsheets
13 for that, that timeline.

14 Q. Okay, excuse me.

15 A. Yes. Okay.

16 Q. So, can you describe the work that was done at
17 Marine Fluid Systems in the, essentially the spring of
18 2016?

19 A. So again, we did a lot of general deck
20 hydraulic repairs, as well as rebuilding the steering
21 system as far as, it was a complete tear down and
22 rebuild of the steering system. Fabricated a new
23 hydraulic tank and went through all the components.

24 Q. So again, leading up to that project, by way
25 of preparation, were you approached by the vessel

1 master, the crew, or Mr. Wilson to engage on that
2 project?

3 A. Ah yeah, it was, it would be David, Larry, and
4 Jeff. We pretty much would meet together as a group and
5 discuss what needed to be done.

6 Q. Did they indicate to you why they were
7 requesting such repairs? Was it to address any
8 particular known issue?

9 A. Yes this, in this particular instance, there
10 was a case where the steering had got stuck hard over,
11 for some reason, and they were able to turn on to the
12 auxiliary system and continue to steer the boat.

13 And then, so obviously that's a problem. So
14 we identify, we investi -- you know, tore apart the
15 system to find out a probable cause for why the control
16 valve would be stuck on.

17 Q. Did they indicate when that steering issue
18 arose? Was that, what time period, what season? Was
19 that the year before? Months before?

20 A. I think it, I don't recall the exact time. It
21 was during one of the crab seasons. Right towards, I
22 believe, the tail end of the crab season before the boat
23 came back for the spring shipyard.

24 Q. Okay. Did they mention that the occurrence
25 was a regular occurrence? Or was it a one-time event?

1 A. This was a one-time event that I'm aware of
2 that, through my conversations with Larry, the Chief
3 Engineer. That, you know, the rudder was stuck and, you
4 know, they -- of course they, like I said, they turned
5 to their auxiliary steering system. Turned that system
6 off, turned the auxiliary system on. And, you know, it
7 was proper steering.

8 Q. Okay. So, during the course of your
9 conversation to address this issue, did you provide any
10 recommendations of how to properly address that? In
11 other -- let me back up for a second. Did they
12 articulate what they believed was the cause of that
13 steering failure, or malfunction?

14 A. No, we -- they didn't really know what caused
15 it. We sat down amongst, you know, the three of us, and
16 we talked about the failure. And what it could have
17 possibly been. And we started taking components apart,
18 and inspecting them, systematically until we got to a
19 part that had a contaminate in it that we were able to
20 identify as the reason for that failure.

21 Q. Okay, so what part of the system did you pull
22 and you found some contaminate. And could you describe
23 "contaminate"?

24 A. Yeah, it is the electric, over hydraulic
25 control valve. It is a hydraulic spool valve that

1 electronically shifts the spool to steer the rudder port
2 or starboard. And in taking that valve component apart,
3 we found a small particulate of contaminate in there
4 that was causing the valve to stick. Which would have
5 caused that particular type of failure.

6 And so we, you know, once we identified that,
7 you know, we identified the only source for -- from
8 where that contaminate could come from was in the hard
9 line piping, between the lazarette and the control
10 valve. Because everything between those -- anything
11 else in the system has a filter to catch those
12 contaminates. There -- and so that's the only place for
13 that to have come from.

14 Q. Okay. So I'm trying to picture, in my mind
15 the type of contaminate. Is this a solid piece? Is it
16 like a muddy clay? It is like dirty oil?

17 A. It was a solid, very small solid particulate.
18 It, you know we, between the three of us, we figured it
19 was probably a piece of old sandblasting media that was
20 possibly in the pipe. But we, you couldn't confirm
21 that. That was just something that we ...

22 Q. Okay. So you mentioned filters in the system.

23 A. Yes.

24 Q. So, it sounds like you had your hydraulic
25 pumps forward in the engine room. That pumps hydraulic

1 fluid to the steering system through some hard pipes,
2 hard-piping systems?

3 A. Correct.

4 Q. And then it returns back to the pump, of
5 course, forward to the engine room again?

6 A. Yes.

7 Q. Generally speaking. Where would the filters
8 be located in that system? Is it on the pressure side,
9 or the return side?

10 A. So you have a, a filter inside the hydraulic
11 tank, that filters the oil before it comes into the
12 hydraulic pump. And then there is a high pressure
13 filter that comes out of the hydraulic pump. Or when
14 the oil leaves the hydraulic pump it passes through a
15 high pressure filter. So if there is a pump failure
16 none of those contaminants can get into the system.

17 And from there, it goes into the control
18 valve; it goes out to the cylinder. Back from the
19 cylinder to the control valve. And then that oil would
20 then go through a return filter which, before it dropped
21 into the tank. So there is three, a suction filter, a
22 high-pressure filter, and a return filter.

23 Q. Okay. So, what I have an image of is there is
24 a high-pressure filter, and then there's the steering
25 system. There's no other filter in between the high-

1 pressure and the steering system itself?

2 A. Correct.

3 Q. Other than the -- okay. At that time, did you
4 or, are you aware if the vessel owner/operators
5 inspected, or examined, had the ability to examine that
6 hard-piping between the engine room and the steering?

7 A. Prior to this? Or ..

8 Q. Well, during the process of that project?

9 A. Yes, during the process of that project, yes.
10 We didn't -- you get a -- you can't visually inspect the
11 inside of this pipe. But we did a, we pressure tested
12 it with hydraulic pressure. We air tested, just to
13 ensure that there were no leaks anywhere in the system.
14 And then we also flushed the system out with high
15 velocity oil, to flush any particulate, or any
16 contaminate, possible contaminate that was in there.

17 So, we put in a high velocity pump, looped the
18 lines into a filter, external filter that we -- and
19 flushed that for days on end. And inspected the filters
20 until -- and got more contaminates out of those lines
21 with that high velocity flushing. And we continued to
22 do that until there was no more contaminate in the
23 inspection filters.

24 Q. Okay. So you described a high velocity
25 flushing?

1 A. Yes.

2 Q. Over a number of days. How many days? How
3 many hours? And was it continuous?

4 A. Yeah, so it -- the system was, the steering
5 system takes about six gallons per minute, and I think
6 we put in about 40 gallons per minute of flushing oil.
7 And that ran for days. Once it was set up, Larry, the
8 Chief Engineer was in charge of keeping that circulating
9 when he was onboard the vessel. It generally ran for
10 days.

11 Q. One, two, three days?

12 A. It was probably, I'm sure it was -- it was a
13 week-long process, every day, you know, when he was down
14 at the boat, he would fire it up, flush it, and then
15 even over the weekend the oil, until the oil got good
16 and hot, and lots, and just continuously flushed it, and
17 changed filters.

18 Q. Okay. So, I'm hearing days. But about a
19 week?

20 A. About a week, yeah, it was about a week.

21 Q. But not more than a week?

22 A. It was probably about a week.

23 Q. About a week?

24 A. Yeah.

25 Q. Okay. I also heard that you -- after this

1 high velocity flushing, you reexamined the filters?

2 A. Yeah. So every day, or every other day, I
3 think it was every day in the beginning, and then as the
4 filters became cleaner, it was about every other day.
5 We would change the filters, open them up, visually
6 inspect for any contaminants in the media. And until
7 there was nothing but clean filters. And even after we
8 achieved clean filters, they continued to flush for
9 another couple of days after that just, as good measure.

10 Q. Okay. I'm trying to picture a filter.

11 A. Um-hmm.

12 Q. And is it the kind of filter that you can just
13 clean manually and just replace?

14 A. I was a --

15 Q. Or put back in? Or do you replace it with an
16 entirely new filter?

17 A. You replace it with an entirely new filter.
18 It's a spin on hydraulic return filter.

19 Q. Okay. So it sounds like you went through a
20 number of filters.

21 A. Yes, yes.

22 Q. So one or two per day?

23 A. No, one filter per day for a 24 hour period.

24 And then towards the end -- so over seven days, you
25 know, we probably went through 3, 4, 5 filters, I'm not

1 sure of the exact count. Larry had them on the boat,
2 you know, so we just put them in and used them.

3 Q. Okay. Did you or are you aware of the vessel
4 owner ever testing the hydraulic fluid? Well, after it
5 was reassembled, I would imagine you take -- you drain
6 and remove the high velocity filtering fluid, and then
7 you replace it with your actual hydraulic fluid, is that
8 right?

9 A. Correct.

10 Q. Okay. Did any -- did you or the vessel
11 operator have that hydraulic fluid tested? Sent to a
12 lab, for example?

13 A. No there was no testing. The oil visually is,
14 looked very clean. It wasn't very old to begin with.
15 As far as there was no entrained contaminates within the
16 oil. It was just the one particulate that was
17 identified. And all the oil was completely replaced,
18 lines flushed, purged, throughout the whole circuit,
19 with all new, clean hydraulic oil.

20 Q. Okay. Is it industry practice, for fishing
21 vessels to have their hydraulic oil tested?

22 A. No, we don't generally do that.

23 Q. Just but, I understand you flushed, did you
24 replace any of the solenoids, or the steering?

25 A. After -- at this point we replaced pretty much

1 every component as far as the solenoids, the control
2 valves. I don't believe -- the hydraulic pumps were in
3 good condition.

4 But anything that had to do with the controls
5 were replaced, as far as with, you know, David, Jeff,
6 and Larry, and myself, you know, none of that equipment
7 was going to go back into service, because you -- even
8 though we didn't find any contaminate in any other
9 components that we inspected, we did not want there to
10 be a problem with -- if there was any wear from a piece
11 of contaminate that was in there, that we couldn't see.
12 So we just replaced everything outright with new parts.

13 Q. Okay. And did you test the system? And what
14 were the results of the test?

15 A. Yes, we did test the system. And everything
16 worked excellent. We set the pressures again. Worked
17 with the -- on sea trials with the electronics
18 technician to make sure the autopilot and was
19 interfacing properly with the actual mechanical system
20 in the engine room. And everything tested fine.

21 Q. Did you either provide, or are you aware if
22 there, if the vessel was -- had a store of these filters
23 for the system? A supply of them so they can change the
24 filters out while in operation in the future?

25 A. Yes, they have, or they had spare filters

1 onboard for the steering system. And the chief
2 engineer, I know that he was, he changed filters quite
3 often. I don't know his exact routine. But I know that
4 he had a lot of spare filters for that system.

5 Q. Okay, thank you. That concludes my, the
6 questions that I had. Now, I ask the Board Members if
7 they have any questions. Mr. Gillette?

8 **EXAMINATION**

9 BY MR. GILLETTE:

10 Q. Good morning, Mr. Gaiser.

11 A. Good morning.

12 Q. My name is James Gillette with the United
13 States Coast Guard. Where did you believe debris came
14 from?

15 A. That it was in the piping between the
16 lazarette and the engine room.

17 Q. Was there any discussion about replacing that
18 piping?

19 A. There wasn't. The integrity of the pipe was
20 fine as far as the wall thickness of the pipe, and the
21 pressure. It just needed to be properly cleaned.

22 Q. How many times since 2015 did you guys
23 actually flush the hydraulics on the steering system?

24 A. We have never flushed the steering system.
25 That's generally something that is done on a new, you

1 know, at installation. And then, of course, if you find
2 a particular problem you need to do it again.

3 Q. Okay. Thank you Mr. Gaiser.

4 A. Thank you.

5 Q. That's all my questions.

6 CDR MULLER: Thank you Mr. Gillette. NTSB,
7 Mr. Karr, do you have any questions?

8 **EXAMINATION**

9 BY MR. KARR:

10 Q. This is Michael Karr of the NTSB. Can you
11 describe what the crew told you about how they handled
12 that steering casualty you mentioned, where the Rudder
13 went hard open?

14 A. Yeah, the Rudder had gone hard over, and there
15 are -- up in the wheelhouse -- they have an auxiliary
16 steering system. So you've got a primary one that they
17 generally run on. And it's just a -- once you identify
18 that the rudder is nonresponsive to the jog, to the
19 manual jog lever. The captain just flipped the switch
20 and go to the number two auxiliary steering unit. And
21 the steering would come back on. And that would be,
22 that would it.

23 Q. And would they have continued to operate under
24 that auxiliary steering unit?

25 A. Yes, they would. And they have, again, spare

1 parts onboard. So they have the ability to replace any
2 part within the steering system on the primary steering
3 unit while they are running on the auxiliary. And
4 then, but I think they were coming to port pretty soon.
5 And I'm not sure if they made those repairs on, at that
6 time, or if they just ran on the auxiliary until they
7 came back.

8 Q. Do you recall how many, how many days it was,
9 from the time that they had the casualty, that steering
10 casualty until they came in to get the repairs?

11 A. I do not.

12 Q. And after those repairs, or after -- when was
13 the last time you did work on the vessel?

14 A. It would have been the spring of 2016. Or,
15 yeah, I believe 2016 was the last time --

16 Q. Since that time, did you have any phone
17 conversations with -- or any kind of conversations with
18 Mr. Wilson, or Larry, or with Jeff?

19 A. Yes, yes. I was in constant contact with
20 them, they -- we were all good friends and whenever I
21 talked to Larry, you know, we'd, hey how's the steering
22 going, how's this going, and everything was, was great
23 as far as the functionality of all that. They were,
24 that's obviously a big concern.

25 Q. So Larry, Larry's reports -- did Larry have

1 any negative reports about anything onboard the vessel?

2 A. No, no.

3 Q. All right how about, and did you speak with
4 Jeff between that time?

5 A. I did, yes. He -- yeah, they would call me
6 whether they were out fishing, or on a sat phone. If
7 they were in need of any spare parts? If they blew a
8 seal, or a cylinder on a piece of machinery on deck,
9 then I would ship those parts up to them, so they, they
10 would call me quite a bit for just maintenance items.

11 Q. Any contacts with Mr. Wilson in that time?

12 A. Yes. Yeah, I'd see David quite a bit.

13 Q. And what were those conversations, with regard
14 to the Destination?

15 A. The boat's fishing well, they're catching
16 fish, catching crab, things were going great. That's
17 generally how that went.

18 Q. All right. And were there any repairs
19 scheduled with you after the Destination was returning
20 from the crab season?

21 A. There was nothing, on record, that we would
22 have done. The boat generally comes into town, and
23 then they would assess what they wanted done, and
24 contact me after the boat would return. So it wasn't
25 really preplanned.

1 Q. All right. Thank you. I have no more
2 questions.

3 CDR MULLER: Ms. Spivak, do you have any
4 questions?

5 MS. SPIVAK: No questions.

6 CDR MULLER: I have a follow-up question.

7 **EXAMINATION**

8 BY CDR MULLER:

9 Q. I apologize if I missed it. We are trying to
10 capture, in your preparation, when you were hired,
11 asked to conduct the steering repairs.

12 A. Um-hmm.

13 Q. Service in 2016, the spring of 2016, it was
14 mentioned to you that they had a steering failure in
15 the past, and they wanted to address that issue.

16 A. Yes.

17 Q. Okay. And I asked, do you recall how, when
18 that steering issue occurred. And I'm trying to zone
19 in on that. I mean, are we talking the fall of the
20 year before? Try to use reference points, what kind of
21 crabbing season? Are we talking king crab, Opie's, are
22 we talking the start of football season, or maybe the
23 Superbowl already took place. I'm trying to make a
24 reference.

25 A. I don't recall exactly, but it, I believe it

1 was probably during the Opelio season, towards the end
2 of the fishery. Which is late winter -- before -- the
3 spring before the boat comes down for the last
4 shipyard.

5 Q. Okay.

6 A. I believe. But I, I don't recall when that
7 actually happened.

8 CDR MULLER: All right, thank you. Mr.
9 Gillette any further questions?

10 MR. GILLETTE: I'm done.

11 CDR MULLER: Okay. Mr. Karr? At least
12 regarding my question there.

13 **EXAMINATION**

14 BY MR. KARR:

15 Q. In your conversations with Larry, Jeff, or Mr.
16 Wilson, were you aware of any scheduled dry-docking or
17 dockside maintenance when they returned from this most
18 recent Opelio season?

19 A. No.

20 Q. All right, thanks.

21 CDR MULLER: Thank you Mr. Karr. Ms. Spivak?

22 MS. SPIVAK: Nothing.

23 CDR MULLER: Okay. We are going to recess for a
24 ten minute break. We will be back in ten minutes.

25 Thank you. So, I am asking you to still be present for

1 testimony. We are taking a break for ten minutes.

2 THE WITNESS: Right.

3 CDR MULLER: And we'll catch up with you in ten
4 minutes.

5 THE WITNESS: Great.

6 (Whereupon a ten minute recess was taken.)

7 CDR MULLER: Good morning. The hearing will
8 now come to order. Mr. Gaiser, we just have a few more
9 follow-up questions. I just want to remind you, you
10 are still under oath.

11 THE WITNESS: Yes.

12 **EXAMINATION**

13 BY CDR MULLER:

14 Q. Just to clarify, I understand that -- or we
15 heard that you conducted your steering repairs in the,
16 in June of 2016 based on the owner's request. And as
17 well as after explaining that there was a steering
18 malfunction that occurred recently, during the last few
19 months.

20 A. Yes.

21 Q. Okay. Did the crew, the vessel owner, or
22 anybody else inform you if there was a steering
23 incident, or multiple incidences that preceded? That
24 took place even before that last occurrence?

25 A. I don't recall. That was -- a lot of the work

1 that was done prior to that, was just a preventative
2 maintenance stuff. I'm not aware of any specific
3 failures prior to that shipyard, or that, the most
4 recent repairs.

5 Q. Okay. So you have a steering hydraulic
6 solenoid, correct.

7 A. Correct.

8 Q. So, it's got two sides, the fluid goes in one
9 side, pushes a piston, if you will. And then it
10 releases out the other side, is that right?

11 A. Yes. The hydraulic cylinder?

12 Q. Right.

13 A. (Inaudible few words), yes.

14 Q. The contamination that you discovered, was it
15 on any part side of that system? And would that
16 contamination, where it's discovered, put the rudder,
17 or the steering in any particular direction?

18 A. I don't recall the direction. I would have
19 stuck the valve on in one direction, yes. I don't
20 recall the direction, whether it was port or starboard.

21 Q. Okay. Finally in, in working onboard the
22 vessel, several times over the years, several projects,
23 and particularly most recently, and the last project in
24 2016. Can you give us a general assessment of the
25 condition of the engine room, and the vessel as a

1 whole?

2 A. The vessel is meticulously maintained. The
3 engine room was clean, everything -- highly functional.
4 There was a lot of pride in the way that that engine
5 room was maintained by the vessel, by the crew. So
6 everything was in great working order. It was a great
7 boat.

8 Q. Okay. Is there anything else that you would
9 like to add for consideration for the Board? And
10 perhaps something that we did not address. Something
11 that we should consider, or otherwise?

12 A. Not that I'm aware of, no.

13 CDR MULLER: Okay, thank you. That concludes
14 my questions. Other Board Members? Mr. Gillette?

15 MR. GILLETTE: I have no more questions.

16 CDR MULLER: Thank you. Mr. Karr?

17 MR. KARR: None.

18 CDR MULLER: Ms. Spivak?

19 MS. SPIVAK: None.

20 CDR MULLER: Okay. Thank you Mr. Gaiser.

21 That concludes our witness questions for you. You are
22 now released as a witness at this Marine Board of
23 Investigation. Thank you for your testimony and
24 cooperation. If I later determine that this board
25 needs additional information, we will be in contact

1 with you. I you have questions regarding this
2 investigation, please contact Lieutenant Commander
3 Pedro Mendoza. Thank you.

4 THE WITNESS: Thank you.

5 CDR MULLER: Okay. The Board would like to
6 call its next witness, Mr. Evich.

7 LCDR MENDOZA: Please raise your right hand.

8 **WITNESS**

9 **ERIN ANTHONY EVICH**

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

13 THE WITNESS: I do.

14 LCDR MENDOZA: Please be seated. Please state
15 your full name and spell your last name for the record.

16 THE WITNESS: Erin Anthony Evich, E-V-I-C-H.

17 LCDR MENDOZA: Would you please state your
18 current employment, and position title?

19 THE WITNESS: President and owner of Waypoint
20 Marine Surveyors, based out of Edmonds, Washington.

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

23 THE WITNESS: Yes, I do. I have a certificate
24 designation from my association as Master Marine
25 Surveyor.

1 LCDR MENDOZA: Thank you, sir.

2 CDR MULLER: Good morning, Mr. Evich.

3 THE WITNESS: Good morning, sir.

4 CDR MULLER: Welcome.

5 THE WITNESS: Thank you.

6 CDR MULLER: Mr. Gillette?

7 **EXAMINATION**

8 BY MR. GILLETTE:

9 Q. Good morning Mr. Evich, my name is James
10 Gillette with the United States Coast Guard.

11 A. Good morning, sir.

12 Q. If at any time you don't understand the
13 question that is asked, just request that the question
14 be readdressed, or rephrased.

15 A. Okay.

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

20 A. Yeah.

21 Q. Mr. Evich, can you share with me how long you
22 have been a marine surveyor, and describe what it is
23 that a marine surveyor does?

24 A. I have been a certified marine surveyor now
25 since 2014. Prior to that, I did two years as an

1 intern. And prior to that I was in the insurance
2 industry under marine insurance.

3 Q. Are you a member of a surveyor association?
4 And if so, can you talk to us about that?

5 A. Yes, I am. I am a member of the U.S. Survey
6 Association.

7 Q. What does that provide for you?

8 A. That provides me educational support, and
9 basically some lobbyist type support, and generally
10 comradery.

11 Q. Can you talk to us about the different surveys
12 that you provide at Waypoint Marine?

13 A. Yes. I do condition evaluation surveys,
14 which, overall condition of the vessel, and evaluation
15 approach for our market and insurance valuations. I do
16 damage surveys for either insurance underwriters, and/or
17 vessel owners. I also do simplified measurements.

18 Q. How long have you been providing services to
19 the fishing vessel Destination? And can you tell me
20 about what type of surveys you have performed?

21 A. I have performed damage surveys. I was the
22 interim surveyor in 2012, for the ice damage. And also
23 I have done condition evaluation surveys in 2016.

24 Q. And I would like to show Exhibit 154, page 2.
25 This is a cover of a page of Evaluation and Survey of

1 Condition Report issues July 18, 2016, for the
2 inspection dated June 7, 2016. By Mr. Erin Evich. I
3 believe it is in the folder in front of you, if you need
4 to look at it there. Can you explain to me, who hired
5 you to perform this survey, and what is its purpose?

6 A. I was contracted by David Wilson to do a
7 condition and valuation survey for his insurance pool.

8 Q. How often are evaluation surveys required?
9 And is there any negative outcome for the vessel if the
10 surveys are not performed?

11 A. The pool that he is involved with is anywhere
12 from 3 to 5 years on the condition evaluation survey,
13 depending on operations. And I'm sorry, the second part
14 of the question?

15 Q. Yeah. Is there any negative outcome if he, if
16 the vessel does not get that survey?

17 A. If there is I am not aware of that part. I
18 only give recommendations.

19 Q. Okay. What, exactly, you said he belongs to a
20 pool, can you explain that?

21 A. It's an insurance pool, where members will put
22 their money together, and then a manager will secure the
23 insurance outside for the group, itself.

24 Q. Was this survey performed dockside or
25 underway?

1 A. It was dockside.

2 Q. How long does it take to complete an
3 evaluation survey?

4 A. On a vessel this size, between 3 and 4 hours.

5 Q. Can you walk us through the steps taken to
6 complete the survey? And did anybody assist you?

7 A. Well, at this time there were, there were
8 several boats. The owner had another boat that was
9 already on the rails. This boat was dockside. I had
10 another vessel from the pool; it was a different
11 ownership, in, also the yard at that time. And I had
12 another vessel across the channel in a different
13 moorage.

14 So there were a lot of people everywhere. I
15 do remember Larry being there. I remember Jeff briefly.
16 Again, when I say they are there, they could be on the
17 boat, they could be on the dock, they could be up in the
18 shipyard office. It's a big place, and you know, I
19 don't try to keep tabs on them.

20 Q. How was the machinery tested onboard?

21 A. Machinery is tested by running, like pumping
22 systems we would run. Normally I would do the
23 operational side at sea trials, after the yardwork is
24 all done. Then I would finalize my report on that.

25 Q. Did you do that while you were there?

1 A. Sea trials were completed at the end of this.
2 I was on another boat at the time. But I did witness
3 the vessel go out, do sea trials. And then, when the
4 vessel came back to the Seattle pier, a different place,
5 I talked to the owner, and he said everything was fine,
6 everything went as planned.

7 Q. What, specifically, would you have checked on
8 their sea trials?

9 A. Well, they run the main, they run the
10 auxiliaries. Sometimes they tank down to run the pumps,
11 depending on what maintenance items were done at the
12 time, it would be depending on what we really adhere to
13 during the sea trial.

14 Q. Once again, why didn't you go on the sea
15 trial?

16 A. I had other commitments. It's a timing thing.
17 I had other scheduled meetings with other boats. Sea
18 trials around here, sometimes, again, with the vessels
19 this size, we have bridges that we have to go under, we
20 have time constraints. In order to do the sea trial, it
21 would have taken me several hours out of my schedule.

22 Q. Okay. Can you talk to me about what the
23 process is after you complete survey?

24 A I then finalize my notes, and write a complete
25 report.

1 Q. While performing the survey, were there any
2 deficiencies that were corrected prior to you writing
3 the report? And if so, can you elaborate on that?

4 A. The only thing that I was aware of at the
5 time, was there were still some equipment that needed to
6 be installed on the vessel like the pot-launcher. There
7 was also some decking that needed to be finalized, and
8 re -- put back together, because it was removed for
9 other items and inspections. So those were pretty much
10 my recommendations. Because I knew those would already
11 be done prior to sea trials, and they were.

12 Q. When you reported onboard, did anybody report
13 any problems that they were having onboard?

14 A. No, they did not.

15 Q. Okay. I would now like to show Exhibit No.
16 137, page 2. This is a United States Coast Guard
17 Commercial Fishing Vessel Safety Exam signed by Mr.
18 Evich on June 6, 2016.

19 A. That is correct.

20 Q. That is also in front of you in that folder.
21 Can you tell us how you were requested to perform this
22 exam?

23 A. I was asked by Mr. Wilson if I was able to do
24 a dockside inspection. I had been in contact with my
25 association as to a third party examiner, and how we

1 could better serve the industry, and help our clients if
2 we could utilize the safety dockside exams as part of
3 our reports.

4 I know other surveyors in the area are doing
5 it. So, I instructed my client that I would do that for
6 him, and went ahead and got set up with the proper tools
7 to do the job.

8 Q. Can you talk to us about how many of these
9 exams you have completed?

10 A. I have completed four of those to date.

11 Q. Okay. Have you ever done this exam before for
12 the Destination?

13 A. No, I have not.

14 Q. The other three that you did, were they crab
15 boats?

16 A. Yes, one of them was. One of them was a 58
17 foot limited Persinger.

18 Q. What allows you to conduct a Coast Guard exam?

19 A. Can you please rephrase the question?

20 Q. Yes. The Exhibit, itself, reads that it is a
21 US Coast Guard commercial fishing vessel safety exam.
22 Generally done by Coast Guard commercial fishing
23 examiners. So I would see you as a third party doing a
24 Coast Guard exam. So what allows you to conduct that
25 exam? Could you talk about that?

1 A. My understanding is there is not enough Coast
2 Guard personnel in order to adhere to the program that
3 was set up. I know that Coast Guard auxiliary does a
4 lot of inspections and promoting the program.

5 My Association, again, I asked my Association
6 if this is something that they were involved with the
7 Coast Guard in. They said they had been working with
8 the Coast Guard, and that the Association members were
9 approved to do dockside inspections as long as we
10 adhered to a handbook.

11 Q. Can you repeat what you just said again?

12 A. I said, I adhered to a handbook. So, the
13 Coast Guard -- I was given, I was given an avenue in
14 order to get Coast Guard documentation, in order -- so
15 basically I got the handbook on how to become a third
16 party inspector.

17 Q. Where did you get that handbook?

18 A. Off the Coast Guard website.

19 Q. Which website it that?

20 A. I don't remember at the time, but I did bring
21 it.

22 Q. Okay, what is it that you are showing me right
23 now?

24 A. I am showing you -- would you like to see it?

25 Q. Yeah. But can you tell me what it is, first,

1 before you --

2 A. It is the Vessel Safety Checklist Manual.

3 Q. Yes. We will send someone down there to
4 retrieve it. Mr. Evich do you need that back? Or are
5 you providing --

6 A. That is my only copy. Yes.

7 Q. All right.

8 A. And I also used the Coast Guard handbook which
9 I know you guys are familiar with.

10 Q. All right. Do you mind if we keep this up
11 here while we --

12 A. Absolutely.

13 Q. Do you have anything written, any type of --
14 anything on paper that says you can do a Coast Guard
15 exam? Or did it just come from your Association saying
16 that you are able to do the exam?

17 A. Correct, it came from my Association.

18 Q. Okay. Does Wayport Marine charge the
19 Destination for completing this examination? And if so,
20 could you elaborate?

21 A. Not for this dockside safety exam, I don't
22 charge.

23 Q. Is there any reasoning behind that?

24 A. Because the Coast Guard doesn't charge, I
25 can't, I cannot compete with the Coast Guard. So

1 therefore, I don't charge.

2 Q. Okay. Did you do the evaluation survey and
3 the Coast Guard exam at the same time?

4 A. No, I did not. I did the condition evaluation
5 survey first. I set aside a separate day to do dockside
6 inspections.

7 Q. How long did it take you to do the Coast Guard
8 examination?

9 A. About two hours.

10 Q. Okay. Can you talk to me about what the
11 process is, after you complete the Coast Guard Exam?

12 A. I'm sorry, rephrase that.

13 Q. Yes. Could you talk to, could you talk to me
14 about what the process is after you complete the Coast
15 Guard exam? Basically, how do you complete your survey,
16 like administratively? What is it that you do with the
17 paperwork, or the examination when you are done? Do you
18 provide anything for Mr. Wilson? Do you send the Coast
19 Guard form anywhere? Can you just --

20 A. Yes.

21 Q. Talk to that.

22 A. I complete the dockside inspection. If there
23 are no discrepancies, I complete the form. Now,
24 unfortunately I don't have duplicate copies like the
25 Coast Guard and auxiliary do. So I have to complete an

1 owner's form and an examiner's form, so I complete two
2 separate forms, with basically the same information.

3 Once that's done, I notify my Association with
4 a copy of the log, and my examiner's copy. The vessel
5 owner keeps his copy. And my understanding is my
6 Association then notifies the Coast Guard of that
7 information.

8 Q. Do you provide fishing details to the vessel?

9 A. Fishing? I didn't hear you, I'm sorry.

10 Q. Do you hand out decals to the (Inaudible
11 word)?

12 A. Yes I did.

13 Q. Can you talk about --

14 A. Yes, I do.

15 Q. Can you talk about that?

16 A. Well, the decals are based on the operations
17 of the vessel, and the areas, boundary line, in or out
18 of the boundary line, coastal or you know. So based on
19 what their operations are, and what they have completed
20 in the inspection, I then issue a decal. I will stamp
21 it, I will scrape off the -- an old decal and put a new
22 one on.

23 Q. Have you ever heard of Fish Safe West,
24 provided by the United States Coast Guard, District 13?
25 And if so, can you talk about that?

1 A. No, I have not.

2 Q. Okay. Can you talk to me about your overall
3 view of the Destination?

4 A. I used the Destination as a model for a lot of
5 my C&V surveys. The maintenance is impeccable on this
6 vessel, the ownership -- due diligence is outstanding,
7 the crew and operators of this vessel were highly in
8 tune with the operation and knew the boat like the back
9 of their hands. So I used that. I based most of my
10 C&V's on this style of operation.

11 Q. Thank you Mr. Evich.

12 A. Thank you.

13 Q. Commander I have completed all my questions.

14 **EXAMINATION**

15 BY CDR MULLER:

16 Q. Good morning.

17 A. Good morning.

18 Q. I have some follow-up questions. If we could
19 flip back a slide to the first Exhibit. Exhibit 154
20 page 2; it's the cover page of the Evaluation of Survey
21 of Condition Report issues July 18, 2016 for the
22 inspection dated June 7, 2016 by Mr. Evich.

23 So this is your cover page to your condition
24 survey, the non-Coast Guard decal survey.

25 A. No. This is my Condition Evaluation Survey.

1 Q. Right. But this is done for the purposes of
2 the third party Coast Guard survey.

3 A. Correct.

4 Q. Right. Okay. Did you take that picture on
5 the top of the page there at the time of your condition
6 survey?

7 A. Yes, sir. That was the date I did the
8 condition survey.

9 Q. Okay.

10 A. That was the date that I could get a broad
11 side picture away from the shipyard dock. So I used
12 that picture in my report.

13 Q. Right. Okay. So, looking at that picture do
14 you see any crab pots?

15 A. I do.

16 Q. So were crab pots present when you conducted
17 your survey?

18 A. When I conducted my dockside exam, yes.

19 Q. Okay. Can you describe basically the text,
20 the purpose, intent, or summarize that paragraph there
21 on that page?

22 A. Yeah. This basically states what I was
23 instructed to do. I also have the fact that I did it in
24 the water. That I did not look at the vessel's bottom
25 at that time. I do not comment on anything about

1 stability, as I am not certified to do so. And there is
2 just some legal disclaimers that I was advised to put
3 into my report.

4 Q. Okay turning back to the comment regarding,
5 the comment regarding stability.

6 A. Yes, sir.

7 Q. Can you read that sentence where you make that
8 comment?

9 A. I can.

10 (Brief pause.)

11 A. Okay, (reads), "The attending surveyors out of
12 the office do not express an opinion relative to the
13 stability of this vessel".

14 Q. Can you explain why you made that statement on
15 this document?

16 A. Because I'm not certified to formulate
17 stability formulations. I've never been trained to do
18 so. I, the only thing I know how to do is load a deck.
19 I don't, I've never, I know how to read a stability
20 report but I, I've never commented on stability as a
21 surveyor.

22 Q. Are you aware of stability information books,
23 requirements for commercial fishing vessels?

24 A. I am.

25 Q. Okay. In your capacity, have you been trained

1 to review those books, in the process of your surveys or
2 third party surveys?

3 A. I have reviewed that they have them, yes. I
4 don't review them for accuracy though.

5 Q. When you mean review them for accuracy, can
6 you further describe what you describe what you mean by
7 accurate?

8 A. Well I don't -- I can't comment on pot size,
9 pot load because I am not familiar with the
10 formulations, I didn't, I am not a -- I'm just a
11 surveyor, I am not an architect.

12 Q. Right. And --

13 A. Yeah. So that's above my abilities.

14 Q. To be fair, I would say, I'm not an architect
15 myself but I know good ones. And I know who to talk to.

16 A. Correct.

17 Q. So, I wouldn't do the math work myself.

18 A. That's right.

19 Q. But I am -- so that is what I was.

20 A. Yeah.

21 Q. So to make sure I'm tracking with you, when
22 you review a vessel's stability information book, you
23 don't -- you look at it for its general nature and
24 construct. That it is giving the information as
25 required for the vessel master. But not necessarily

1 reconfirming the naval architect's math work?

2 A. Correct.

3 Q. Okay. I'd like to shift a little bit more to
4 the third party Coast Guard exams. So essentially,
5 exams, vessel safety exams that you do on behalf of the
6 Coast Guard. Can you describe in a little bit more
7 detail how you became qualified and trained to execute
8 those third party exams as a member of your survey
9 organization?

10 A. I've taken an exam from my Association as far
11 as fishing vessels, and fishing vessel safety. I sat
12 in on a dockside inspection down in Portland, with one
13 of the Portland officers down there, prior to doing
14 any. Other than that, that's the only training that I
15 have.

16 Q. Does your company, U.S. Survey Association, so
17 they provide you with any specific instructions or
18 guidance?

19 A. Just links to the Coast Guard, to where to get
20 my documentation from.

21 Q. Are you aware of any Coast Guard publications,
22 policies, guidance documents that relate specifically to
23 fishing vessel industry third party examination
24 programs?

25 A. Just what I handed you, as far as the handbook

1 and my big eight book.

2 Q. Okay. Have you heard of Navigation and Vessel
3 Inspection Circular 1391, dated 7 October, 1991?

4 A. I believe I've heard of it, yeah. It might be
5 in with some of my reference materials.

6 Q. Okay. I can read the subject of that, what we
7 call NAVIC, Navigation and Vessel Inspection Circular,
8 fishing industry vessel third party examination and
9 procedures for designation of accepted organizations and
10 similarly qualified organizations. Are you familiar
11 with MOC Policy letter 0407, dates August 6, 2004?

12 A. I wouldn't know that unless I looked at it.

13 Q. Okay. I'll read the subject of that.

14 A. Okay.

15 Q. It is Fishing Industry Vessel Third Party
16 Examination Program.

17 A. Okay.

18 Q. If we can flip back to Exhibit No. 137, page
19 2. Page 2, is U.S. Coast Guard Communications Fishing
20 Vessel Safety Exam signed by yourself Mr. Evich.

21 A. Um-hmm.

22 Q. On June 6, 2016.

23 A. Correct.

24 Q. And you have that in front of you, correct?

25 A. I do.

1 Q. Okay, so this is page two of Exhibit # 137.
2 If you would, I would like to just walk through a few
3 elements on this page.

4 A. Okay.

5 Q. On the upper left, there is a year built.
6 What did you mark in that section?

7 A. 1981.

8 Q. And further to the right on that same line it
9 says, "Year converted".

10 A. 1993.

11 Q. Can you explain why you entered 1993 under
12 year converted?

13 A. That was the year she was lengthened.

14 Q. Lengthened?

15 A. That's my understanding, correct.

16 Q. Okay. Midway down, the section -- there is a
17 number of blank lines there. Can you describe what that
18 section is for? Essentially I'm looking at the section
19 where it says, "No deficiencies noted".

20 A. Okay. That section is designed to put in
21 discrepancies that are found.

22 Q. Okay.

23 A. Along with the -- a separate page on the back
24 if I needed to add anything further.

25 Q. Okay. So then on the bottom of the page, is

1 that your signature?

2 A. Yes, it is.

3 Q. And that appears, there is a number there, can
4 you describe that number next to your signature?

5 A. That is my Association number.

6 Q. The date issued?

7 A. 6-10-2016.

8 Q. Okay. Thank you LCDR Mendoza. So this is the
9 next page of that exhibit, it is page three. Do you
10 have that in front of you, sir?

11 A. I do.

12 Q. I'm looking at the lower section, entitled
13 "Lifesaving". If you could take a look at the block
14 that says, "Ring Life Buoy's", and in that block to the
15 right, there is a check box with the words, "Properly
16 maintained", correct?

17 A. Correct.

18 Q. Can you describe if there is a check in that
19 box? And then further explain why or why not?

20 A. I can't explain why I did not check it. They
21 were properly maintained.

22 Q. Next block down is entitled, "Survival craft",
23 correct?

24 A. Correct.

25 Q. On the bottom of that block I see another

1 check box labeled, "Float free". Can you explain if
2 there is a check in there or not?

3 A. There is not.

4 Q. Can you explain why you did not provide a
5 check mark there?

6 A. I cannot, it was a float free.

7 Q. It was a float free?

8 A. I was, yes.

9 Q. Okay. And while we are on that block, we
10 might as well mention for the record, next to that
11 check is "Hydrostatic release and date 2-2018",
12 correct?

13 A. Correct.

14 Q. Is that block checked?

15 A. Yes, it is.

16 Q. Okay. So just getting back to the life raft,
17 you recall if the life raft was properly installed with
18 the hydrostatic release and was capable of being
19 floated free?

20 A. Yes, it was.

21 Q. So there were no straps, or ropes, or any
22 other constraints attached to the equipment?

23 A. Well there's a -- yeah there is a painter line
24 attached. I did check the tension of the (inaudible
25 word) line, from the hydrostatic unit. I always check

1 that, because a lot of times I find them loose, they
2 might, might not cut in time. This one was tight; this
3 one was properly secured in its cradle, and did have
4 the proper banding.

5 Q. Okay. If we can turn to next page of the --
6 so this is page four of Exhibit No. 137. Towards the
7 bottom, under the section, "Bridge", the fourth item
8 from the bottom is labeled, "Instructions, drills, and
9 safety orientation". One of the check boxes there is
10 labeled. "Qualified drill conductor", is that correct?

11 A. Correct.

12 Q. Is that block checked?

13 A. Qualified drill constructor's name, correct.

14 Q. And what is the name on that?

15 A. Jeff Hathaway.

16 Q. If we could turn to the next page, please. On
17 this page, on the lower section, under miscellaneous.
18 There is a block there labeled "Vessel greater than or
19 equal to 79 feet, not required load lines", and
20 "Constructed or had a major conversion/alteration to
21 fishing vessel/processing equipment after 15, September
22 1991", is that correct?

23 A. That is correct.

24 Q. And then further it states, "If yes, use
25 Supplement 2, Subpart E, Coast Guard-5587(b)", is that

1 correct?

2 A. That is correct.

3 Q. Okay. Can you indicate on the column to the
4 right where it says, yes and no, which block you
5 checked?

6 A. I checked no.

7 Q. Can you describe why you checked no?

8 A. No, I can't.

9 Q. Okay. The column to the left, I see a
10 reference to a C.F.R. 46 C.F.R. 28.500 is that
11 correct?

12 A. That is correct

13 Q. Okay. If we could turn to the next page.
14 This is page 6 of 6. So this is the final page of this
15 exhibit. I just note that -- can you read what
16 supplement number is on the top, listed on top?

17 A. Supplement three.

18 Q. Is there a supplement two on this page?

19 A. I don't see it?

20 Q. I think what I am asking is did you fill out
21 Supplement 2?

22 A. If it isn't here, no, I did not, sir.

23 Q. Okay. Thank you. If you would, sir, I
24 noticed you brought with you the Fishing Vessel
25 Examiner Guide, I believe.

1 A. Correct.

2 Q. We call it the Red Book, because it is colored
3 red. For the record, can you read the title of that
4 book?

5 A. It says, U.S. Coast Guard 13th District,
6 Commercial Fishing Industry, Vessel Safety Reference
7 Guide, U.S. Coast Guard, Fishing Vessel Safety.

8 Q. Is it dated, by any chance?

9 A. It is dated, September, 2015.

10 Q. If you would, sir, are you familiar, and if
11 you could point it to us, is there a stability section?
12 Any guidance to verify stability for a fishing vessel in
13 that book?

14 A. I do not believe there is.

15 Q. Okay.

16 A. Oh, I'm sorry, there is. Chapter 16.

17 Q. Okay, Chapter 16? Do you mind flipping to
18 that, sir?

19 A. Okay.

20 Q. Can you read the title of that page? And if I
21 recall it should have an applicability statement. Would
22 you be kind enough to read it?

23 A. Yes. (Reads), "Stability, Stability
24 instructions, 46 C.F.R. 28.65 (b) (5) and 46 C.F.R.
25 28.500, stability for all vessels."

1 "Vessels may not have instability resulting
2 from overloading, improper loading or lack of freeboard.
3 Vessel's voyage may be terminated. A vessel with less
4 than six feet of freeboard at mid-ship may be operating
5 in an especially hazardous condition. Contact nearest
6 sector."

7 Q. Okay, thank you. Just wanted to enter that
8 there is a section in that book on the record.

9 A. Yes, you are right.

10 Q. Can we -- there was a reference to number 6 --
11 if you don't mind flipping back to that? Was there
12 reference to the number six, was that feet or inches?

13 A. That's six inches.

14 Q. Six inches, and that was in relationship
15 describing, was it freeboard?

16 A. Yes, it was less than six inches of freeboard?

17 Q. Thank you. Would you mind if we have a closer
18 look at that pamphlet you have there?

19 A. Yes, sir.

20 Q. We will return it.

21 A. Absolutely.

22 (LCDR Mendoza retrieves the handbook.)

23 CDR MULLER: Okay, at this time I would like
24 to have added to the record the following exhibits, for
25 the record: Exhibit No. 17 Vessel Safety Checklist

1 Manual, dated October 2014; Exhibit No. 18 Navigation
2 and Vessel Inspection Circular, NAVIC 1391 dates 07
3 October, 1991; Exhibit No. 27 MOC Policy Letter 0407,
4 dated August 6, 2004; Exhibit No. 28 Commercial Fishing
5 Industry Vessel Safety Reference Guide, U.S. Coast
6 Guard, commonly referred to as the red book. And that
7 is updated September 2015. I should also add that this
8 is U.S. Coast Guard 13th District.

9 (Exhibit Nos. 17, 18, 27 and 28
10 were admitted into the record.)

11 CDR MULLER: Thank you; please note that these
12 are the documents that we have been referring to during
13 our testimony.

14 THE WITNESS: Correct.

15 CDR MULLER: I have no further questions. Mr.
16 Karr, NTSB?

17 MR. KARR: Thank you.

18 **EXAMINATION**

19 BY MR. KARR:

20 Q. Thank you. Hi Mr. Evich. During the survey
21 of condition survey and during the Fishing Vessel
22 Examination Survey, did you have any conversations with
23 Mr. Wilson or any of the crew onboard the Destination?

24 A. Well, they were both done at different times.
25 The C&V, the condition evaluation I just had questions

1 at various times, and I would flag somebody down.
2 Again, most of crew, or the owner were all over the
3 place. So, it was a matter of finding them for the
4 condition evaluation. To answer questions. So I did
5 talk to several of them at various times.

6 Q. Do you recall if anyone commented on condition
7 of the vessel?

8 A. No.

9 Q. Getting back to that comment that you
10 discussed about you did not do an evaluation about,
11 that you did not do a stability evaluation during your
12 survey, the condition survey. Does the insurance
13 industry have a process to verify that the vessel
14 stability is satisfactory for them to insure?

15 A. If they do it is usually a separate, you know,
16 request. Normally they just want to know that there
17 are stability instructions posted on the vessel and
18 they are adhered to. Again, I asked, I always ask, and
19 I always look and see if they are posted. And I ask if
20 they adhere to those standards. And everybody says
21 they do, so...

22 Q. Okay. And can you tell me the guide you used
23 to conduct the survey of condition survey?

24 A. A guide? I have a field booklet that I use.
25 And that is a step by step that I use. I brought a

1 copy of one here.

2 Q. And what is that called?

3 A. This is my field booklet; I call it a field
4 survey booklet.

5 Q. Does it have an official name? And who issued
6 it?

7 A. Me, I created it. And this is what I use to,
8 when I go through my evaluation. I check off is it the
9 equipment, is it a condition, housekeeping, whatever it
10 is, goes down on here. Safety, I have a whole section
11 for safety and C.F.R.'s, and this is my checklist.

12 Q. Would you mind if we enter that into the
13 record?

14 A. Absolutely.

15 Q. I take that as it is okay?

16 A. It is okay, sir yes.

17 Q. Thank you. And is there an industry standard
18 for conducting that condition survey?

19 A. My Association, basically it is a conduct of
20 ethics, code of ethics is what we usually use. Each
21 surveyor is kind of left up to their own accord, on how
22 they want to conduct surveys, and what they, what they
23 are looking for.

24 In my training, I was trained under two
25 different surveyors, one with an engineering

1 background, one with an ex-Coast Guard background, with
2 safety. So I have kind of taken both of those aspects,
3 and put in to this field book that I use on a daily
4 basis.

5 Q. And where, after you -- when you submitted
6 your report, who do you submit that to? Who is the
7 final authority to say the vessel is good to go?

8 A. I submit the report to the person who has
9 contracted me. So in this case it would be Mr. Wilson.
10 I would submit the report to Mr. Wilson he then would
11 turn it into his insurance company. If the insurance
12 company had requested I do it, then I would submit it
13 straight to the insurance company. So it is based on
14 who hires me.

15 Q. Okay, thank you.

16 A. Thank you.

17 Q. Hold on one moment. Let me look at your book
18 and see if I have any more questions for you.

19 (Brief pause.)

20 Q. I do not have any more questions for you,
21 thanks.

22 A. Thank you, sir.

23 CDR MULLER: Ms. Spivak?

24 MS. SPIVAK: No, Questions.

25 CDR MULLER: Okay. I have another follow-up

1 question, excuse me.

2 **EXAMINATION**

3 BY CDR MULLER:

4 Q. You mentioned the survey Association that you
5 work for. Would that be considered an accepted
6 organization?

7 A. It is an accredited association, correct.

8 Q. Okay. And it was U.S. Surveyors Association?

9 A. Yes. Through Navtech Marine, which is the
10 schooling prior to the Association.

11 Q. I'm sorry sir, what is the relationship
12 between Navtech and...

13 A. Navtech is the schooling aspect of the
14 association. And once I completed my course training,
15 I then became a member of the Association.

16 Q. Okay. Is Navtech out of Fort Myers, Florida?

17 A. Correct, sir.

18 Q. Do you correspond, regarding your third party
19 exams with Navtech or USSA?

20 A. I believe it is the U.S. Survey Association.
21 But she may carry both hats, I'm not sure.

22 Q. Okay, I have no further questions. Let's do
23 another round. Mr. Gillette do you have any further
24 questions?

25 MR. GILLETTE: No follow-up questions.

1 CDR MULLER: Thank you. Mr. Karr?

2 MR. KARR: None.

3 CDR MULLER: Ms. Spivak?

4 MS. SPIVAK: None.

5 CDR MULLER: Thank you. I'd like to enter as
6 Exhibit No. 29, Waypoint Surveyors, C & V Field Survey
7 Book. Which was just previously discussed at this
8 testimony.

9 (Exhibit No. 29 was admitted
10 into evidence.)

11 CDR MULLER: Before we close, sir is there
12 anything, any topics, issues that you feel the board
13 should further consider, or was not otherwise captured
14 at this testimony this morning?

15 THE WITNESS: No, I think you covered
16 everything.

17 MR. KARR: One more question.

18 CDR MULLER: We have one more question.

19 THE WITNESS: Okay.

20 CDR MULLER: Mr. Karr?

21 **EXAMINATION**

22 BY MR. KARR:

23 Q. You have a copy of the book that you filled out
24 on the Destination?

25 A. No. Normally I don't keep those after I have

1 written the report, because those are my notes. So I
2 just, I get rid of those. My files can get too big if
3 I start keeping too much stuff. So my report,
4 basically reflects my notes on those logs.

5 Q. Thank you.

6 CDR MULLER: Ms. Spivak?

7 MS. SPIVAK: None.

8 CDR MULLER: Mr. Gillette, any questions?

9 MR. GILLETTE: No questions.

10 CDR MULLER: Okay. Mr. Evich you are now
11 released as a witness at this Marine Board
12 Investigation. Thank you for your testimony and your
13 cooperation. If I later determine that this Board
14 needs additional information from you I will contact
15 you through your counsel. If you have any questions
16 about this investigation, you may contact the Marine
17 Board recorder, Lieutenant Commander Pedro Mendoza.
18 Thank you.

19 THE WITNESS: Thank you.

20 (Witness excused.)

21 CDR MULLER: We will take a fifteen minute
22 recess.

23 (Whereupon a fifteen minute recess was taken.)

24 CDR MULLER: Good morning.

25 THE WITNESS: Good morning.

1 CDR MULLER: Good morning Mr. Atkinson.

2 THE WITNESS: Morning.

3 CDR MULLER: This is Commander Scott Muller I
4 am the Chair of the Marine Board. I'll be starting off
5 with some questions for you today.

6 THE WITNESS: Yes, sir.

7 **DIRECT EXAMINATION**

8 BY CDR MULLER:

9 Q. So, if you would, can you describe your
10 current office, position, the role and function that you
11 carry there in PACAREA.

12 A. Yes, sir. I am the Coordinator for Pacific
13 Areas commercial vessel safety functions, and program
14 over sight. Covering inspections, examinations of
15 domestic and foreign vessels. Also investigations in
16 fishing vessel safety, the fishing vessel safety
17 program.

18 Q. In the capacity of your job, what type of
19 experience and qualifications do you hold to support
20 your job?

21 A. As an active duty person, I was, I had the T
22 and K qualifications, machinery for deep drafts, deck
23 for deep draft, steam, barge, dry-dock quals, and I did,
24 I had all the foreign vessel qualifications.

25 Q. So you were active duty Coast Guard before

1 your civilian employment?

2 A. Yes, sir.

3 Q. If you would, could you inform us of your rate
4 or rank?

5 A. I was a machinery technician, did 26 years in,
6 machinery technician to Chief Warrant Officer. I
7 retired as CWO4, MSSC.

8 Q. Okay.

9 A. I did eight years of inspections work.

10 Q. Okay. As an active duty member did you
11 conduct any fishing vessel safety exams?

12 A. No sir, I am not, I do not do the fishing
13 vessel qualification.

14 Q. While we are on that. In your experience at
15 the Coast Guard offices, perhaps, MSO's, MSD's, Sectors
16 that you were assigned to, who typically conducted
17 commercial fishing vessel safety exams?

18 A. There is a commercial fishing vessel safety
19 examiner, full-time CG12. And he would also train some
20 of the enlisted, or some of the other inspectors. I did
21 take a course, a one-day course to go out and augment,
22 to help out with the exams. But I never was able to
23 complete the qualification. Typically it was auxiliary,
24 the actual CG12 examiner, and sometimes other inspectors
25 that would augment.

1 Q. Understood. So in your capacity as a CW04,
2 marine inspector, is it fair to say that at that time
3 your primary duties, was domestic and Port State
4 Control?

5 A. Yes, sir.

6 Q. All right. Okay, so moving towards your
7 capacity as a commercial fishing vessel coordinator in
8 PACAREA, can you describe in a little bit more detail
9 your role in that capacity? What kind of functions do
10 you perform in support of the role as a commercial
11 fishing vessel coordinator?

12 A. Yes, sir. I have been at this position, I
13 have -- I assumed the duties of this position in
14 February of 2016. The prior person, the job position
15 was eliminated in the end of -- well at that time,
16 February 2016. And I assumed the role of the fishing
17 vessel coordinator at that point.

18 I work with the districts, the PACAREA
19 Districts. Whenever a problem comes up, I work with --
20 I attend some of the functions, conferences. I work
21 with the districts, in between the districts and
22 headquarters whenever any issues come up.

23 I enter the MISLE information from the third
24 party examiners whenever they do the Fishing Vessel
25 Exam; I do the MISLE entry for quite a number of them.

1 Q. Okay. So as communications fishing vessel
2 coordinator, that function of you job, is that your
3 primary duty? Or do you do that component along with
4 other type of marine safety, prevention type program for
5 PACAREA?

6 In other words, on an average day, week, or
7 year, what percentage would fishing vessel program
8 management take?

9 A. I guess if you were to average it out, it
10 would probably be about thirty percent of the time. It
11 depends on what things are -- it's very dynamic, so it
12 depends on whether I'm -- what work has come up, what is
13 the current issues, versus, you know if there is a Port
14 State Control issue, if there is a detention or
15 something, that I would say probably 25 to 30% of the
16 time.

17 And is not, it was not a primary duty. I was
18 hired as the commercial fishing vessel coordinator -- I
19 mean, no the commercial vessel safety coordinator.

20 And then whenever the position was eliminated,
21 my supervisor asked me to take on, instead of just not
22 having anyone to do the commercial fishing vessel safety
23 coordination, I was asked to take the -- those duties
24 also.

25 Q. Understood. And for clarity the District

1 staff members that you work with, the District
2 commercial fishing vessel coordinator, will you say that
3 those individuals, working at the District, that would
4 be their primary duty, is that correct?

5 A. Yes, sir. Correct.

6 Q. Okay. So in your capacity, providing
7 management oversight function of the commercial fishing
8 vessel program in the PACAREEA, do you receive inspection
9 reports from the Coast Guard field offices?

10 Let me rephrase that. Do you conduct any kind
11 of review, assessment regarding the inspections or exams
12 conducted by Coast Guard members across your area?

13 A. I will occasionally go into MISLE. But not
14 really for Fishing Vessel Examinations. I do it for
15 other inspections, for domestic and sea trial
16 inspections and examinations. But the only involvement
17 I typically have with the fishing vessels are from the
18 third party exams.

19 Q. Okay, let's further explore third party exams.
20 What is your role, function, and responsibilities
21 regarding the third party exam program?

22 A. Yes, sir. I believe I understand your
23 question. So in accordance with MSC policy letter 0407.
24 It is up to the area to enter MISLE casework for exams.
25 It can be delegated down to the districts, but that's

1 not happened here.

2 So, I put the -- whenever I receive a third
3 party exam, I open up a MISLE activity, and enter the
4 exam report in MISLE.

5 Q. Okay. I believe you have one or two exhibits
6 in front of you?

7 A. I do, yes sir.

8 Q. If we can take a look at, let's start with
9 Exhibit 141, it should be a MISLE activity.

10 A. Yes, sir.

11 Q. And they -- I'll explain what MISLE is. It is
12 the Marine Information for Safety and Law Enforcement,
13 what is MISLE? Mr. Atkinson can you describe what MISLE
14 is? What is its function?

15 A. It's a database for, pretty much all things
16 related to maritime, vessels, mariners, investigations,
17 foreign vessel exams, domestic vessel inspections. Like
18 a very large database, that information is populated
19 into so that other Coast Guard, mostly is able -- units
20 can go in there and pull up the information regarding a
21 vessel or mariner.

22 Q. Okay. So looking at the Exhibit 141, is this
23 the MISLE activity that you produced to document a third
24 party exam?

25 A. Yes, it is.

1 Q. Can you describe when this exam took place,
2 who conducted it, and what type of exam it was?

3 A. This was a dockside third party exam. It was
4 conducted in June of 2016. The -- by Mr. Erin Evich, of
5 Waypoint Marine Surveyors, third party examiner with
6 USSA.

7 Q. Okay. Towards the bottom of the page, there
8 is a section called narrative.

9 A. Yes, sir.

10 Q. So, when a Coast Guard marine inspector, or
11 somebody in your capacity is doing data entry, what's
12 the purpose of the narrative section?

13 A. The narrative is to explain, in general terms,
14 what the inspection entails, and what, or what the
15 activity is about. And any sort of information you want
16 to pass on in general terms to other people who may be
17 interested in getting information about that activity.

18 Q. Okay. I see it's about six or so lines.
19 Would you mind reading the narrative entry that you
20 provided in that activity?

21 A. Certainly. (Reads) narrative is read as
22 follows, "Erin Evich of Waypoint Marine Surveyors,
23 Edmonds, Washington, completed a third party dockside
24 examination for USSA; decal #16-238751 was issued". The
25 notes, "The surveyor did not include his exam checklist,

1 this has been requested and will be entered upon
2 receipt. Only the exam particulars sheet was submitted
3 and has been added to the documents".

4 "On 2-15-2017 received CG5587 from third party
5 examiner Erin Evich. Entered into documents."

6 Q. Okay. So did you enter those documents into
7 the MISLE database?

8 A. Yes, sir.

9 Q. Okay. And if we turn to Exhibit 137.

10 A. Yes, sir.

11 Q. Is that represent -- is that the documents
12 that you entered into the MISLE database?

13 A. Yes, sir. Page one is the one that referenced
14 as being --

15 Q. Well maybe you could just read the title of
16 it.

17 A. Page one, "Exam particulars", yes page one is
18 what I reference as being just the exam particular, and
19 then the examiners checklist is the following pages,
20 which is the 5587.

21 Q. All right. So in your capacity, in accordance
22 with that policy letter that you mentioned, police
23 letter 0407.

24 A. Yes, sir.

25 Q. Which is our Exhibit 27. In executing that

1 policy letter -- or your roles and functions in your
2 capacity at the area there, in entering this information
3 into system, what other functions do you conduct when
4 you receive this information from a third party
5 examiner? How about -- I'll ask a specific question.

6 A. Thank you.

7 Q. Do you review for content, accuracy,
8 completeness, the submitted information provided by the
9 third party examiner? Particularly the checklist?

10 A. Sir, I would not say I review it for accuracy.
11 I may not be qualified or familiar with these vessels.
12 I do not -- I review them, if I find glaring problems I
13 will -- or maybe something where it is omitted, then I
14 will contact the examiner.

15 But primarily my, I enter the exam into MISLE
16 for reference by other units.

17 Q. Is there any policy or instructions or tasking
18 that you were provided to conduct such oversight?

19 A. The only information that I am familiar with
20 on this would be NAVIC 1391 and change one to that.
21 Also the policy letter that you have discussed before,
22 Exhibit No. 27. Those are the two items that I use as
23 reference.

24 Q. Hold on I need to look at my notes here.

25 A. Yes, sir.

1 Q. Do you happen to have that policy letter and
2 NAVIC in front of you?

3 A. Yes sir, I do.

4 Q. Okay. If we can take a look at MOC policy
5 letter 0407, which you happen to have in front of you,
6 correct?

7 A. Yes, sir.

8 Q. Which is our Exhibit 27. Can you take a look
9 at page 2, paragraph 3?

10 A. Yes, sir.

11 Q. Can you read for us the first sentence?

12 A. (Reads), "Coast Guard area, commercial fishing
13 vessel safety coordinator shall ensure documentation of
14 third party examination reports are properly entered
15 into the Coast Guard's Management Information System for
16 Marine Information for Safety and Law Enforcement,
17 MISLE".

18 Q. Okay. Take a look at paragraph four. If you
19 would, if you could, you take a moment to read paragraph
20 four. Not necessarily out loud. But if you can explain
21 to us a summary, or the gist of that paragraph. What is
22 the purpose, role, and function of it? When you are
23 ready.

24 A. Okay.

25 (Brief pause.)

1 A. It says the area commercial fishing vessel
2 safety coordinator will, "Maintain familiarity with
3 local and regional procedures, establish the effective
4 liaisons with all Coast Guard coordinators, examiners,
5 within their area of operation".

6 And, "The area commercial fishing vessel
7 safety coordinators will be cognizant of third party
8 exam conducting examinations within their areas and
9 audit reports, and feedback of fisherman and vessel
10 operators to ensure that third party surveyors maintain
11 high standards".

12 That statement says that the commercial
13 fishing vessel safety coordinator at the area level
14 should be doing more as far as conducting audits, and
15 audit reports and feedback from fisherman and vessels,
16 operated.

17 I believe that probably was done more prior to
18 the commercial fishing vessel safety coordinator billet
19 being eliminated from PACAREA. I have not been doing --
20 I have not, as part of my work been auditing the third
21 party exam. I did reach out whenever I received this
22 latest, Mr. Evich's report, I was unfamiliar with him,
23 so I reached out to D13 coordinator to verify that they
24 were familiar with this, with this surveyor, and that he
25 was employed and authorized to examine vessels on behalf

1 of USSA.

2 Q. Okay. How many -- in your capacity, let's say
3 that last year, how many third party reports have you
4 received?

5 A. In the last, let's see last year, probably, I
6 probably get about, I believe 60, 50 to 60 reports in a
7 year. Up to -- I did do a check, because this is, you
8 know, I received this report for the Destination, and I
9 believe it was July of 2016. I had received about ten,
10 well maybe 12 to 14 third party exams at that point.

11 Q. So, it sounds like you, since that time of
12 June or July of 2016, you received another 40 to 50?

13 A. Yes, sir. That's relatively accurate.

14 Q. Okay.

15 A. And that would be my best guess.

16 Q. And as I look at paragraph four, the opening
17 statement looks like there is some action on the part of
18 individuals newly accepted by their organization to
19 conduct third party exams, to immediately notify the
20 Coast Guard Area commercial fishing vessel safety
21 coordinator. Have you received any of those kind of
22 phone calls, introductions?

23 A. I have not. Like I said, whenever I receive
24 this from the -- I got three exams from Mr. Evich,
25 through his organization. And whenever -- and so I

1 didn't recognized his name as being one that I had
2 worked with before. So I reached out to commercial
3 fishing vessel safety coordinator up in D13 and asked if
4 he was familiar with him. At that point he was not. So
5 I did reach out to Mr. Evich and talked to him at that
6 time.

7 Q. In carrying out your functions in documenting
8 these third party exams into MISLE do you have access to
9 some document or database that indicates which third
10 party exam organizations have been approved to conduct
11 those exams?

12 A. There is a list that was published on, I
13 believe it was on the Coast Guard website, and I believe
14 it might have been the Fish Safe website that indicates
15 the, those similarly qualified organizations and
16 accepted organizations.

17 Q. Okay. Did you recall referring to that list
18 when you received the third party report for the
19 Destination, from Mr. Evich?

20 A. Mr. Evich was -- I received the email from Dr.
21 Virginia Harper of Navtech, USSA. And she, in the
22 email, stated that Mr. Erin Evich was their latest
23 qualified examiner to act on their behalf. So I was --
24 so, and I am familiar, I was already familiar that
25 Navtech was on that list.

1 So whenever Dr. Harper sent the email saying
2 that Mr. Evich was the latest, or was a qualified person
3 to act on their behalf, then I knew he was working for
4 Navtech.

5 Q. Thank you Mr. Atkinson. We will enter the
6 following Exhibit No. 30, Fish Safe West, a list of
7 qualified organizations.

8 (Exhibit No. 30 was admitted into
9 evidence.)

10 CDR MULLER: So that will be Exhibit No. 30
11 from Fish Safe West, the list of qualified
12 organizations. I have no further questions. Now I
13 would like to turn to the other Board Members to see if
14 they have any questions for you.

15 THE WITNESS: Okay.

16 CDR MULLER: Mr. Gillette?

17 MR. GILLETTE: Commander, I have no follow-up
18 questions.

19 CDR MULLER: Thank you. Mr. Karr NTSB?

20 **EXAMINATION**

21 BY MR. KARR:

22 Q. This is Michael Karr of the NTSB. Mr.
23 Atkinson did you have a chance to speak with the
24 previous fishing vessel safety coordinator before he or
25 she left?

1 A. I did briefly. We worked in the same office,
2 and I did briefly talk with him about the position.

3 Q. Did that person relay what he thought were the
4 most important tasks, or missions that you needed to
5 complete to carry out his role? And can you tell me
6 what those were?

7 A. We did not talk very much. There was not a
8 lot of communication about the position considering that
9 the position had been eliminated. May have had
10 something to do with that. I did talk with him about
11 third party exams, and he gave me some paperwork, gave
12 me some files that he had been holding on to. But no,
13 there was not discussion as to what were primary
14 important duties of this job.

15 Q. So how long did you two speak together?

16 A. Probably, on two occasions that I can remember
17 probably for about a half an hour one time, and maybe
18 about the same the second time, for about an hour the
19 next time. And then I also listened in on a commercial
20 fishing vessel safety coordinator's conference call with
21 headquarters and all the commercial fishing vessel
22 coordinators, and I think some of the examiners were on
23 that call also.

24 Q. How many of those calls have you listened to
25 since you've been acting as a part-time commercial

1 fishing vessel safety coordinator?

2 A. I would guess about, probably about six of
3 those. Yeah, probably about six of those. Usually they
4 happen about once every other month or give or take
5 depending on how much, what activities or what things
6 are going on.

7 Q. And what do -- and thinking back to the last
8 one you had, what specific items do they cover? And if
9 you can just give me an outline of was discussed.

10 A. They cover any policy changes, any issues
11 districts, you know, perhaps are having in their
12 particular district. There's been a NAVIC update,
13 that's been, that was submitted regarding the third
14 party examiners, an update to NAVIC 1391 and that's been
15 -- that was submitted about six months ago and that's
16 always a discussion asking what the progress is of that
17 NAVIC.

18 Q. Do you recall what 1391 discusses?

19 A. That is the third party examination NAVIC.

20 Q. And would you say that most of that last
21 conversation was based upon the Coast Guard's dockside
22 examination program? Or did you talk about any other
23 safety measures?

24 A. Sir, if you could please repeat the question,
25 I'm having a little bit of a hard time hearing you.

1 Q. During that phone conference, which was led by
2 Coast Guard headquarters with the other fishing vessel
3 safety coordinators, do you -- were there any other
4 subjects discussed that were not related to the Coast
5 Guard's vessel dockside exam programs?

6 A. What was discussed during that teleconference
7 that did not relate to the third party exam? Is that
8 what you are asking?

9 Q. Yes.

10 A. Yes, sir. The third party exam discussion was
11 really just limited to the, asking the status of the
12 NAVIC update. And the NAVIC update was, like a
13 replacement. It was being said that that was going to
14 have to end up being a change, like change to NAVIC 1391
15 because of the way that regulations are -- you know, we
16 are not allowed to implement new regulations or policy
17 right now. It was looking like it was going to be
18 better to submit it as a change versus a new NAVIC.

19 But yeah, there was lots of other
20 conversations. I can't really remember any specific
21 ones offhand. But the NAVIC, the new NAVIC was only a
22 small portion of the conference call.

23 Q. Between you and -- can you explain the chain
24 of command between you and the District -- the area
25 commander?

1 A. My supervisor is a lieutenant commander, then
2 it goes to a GS14. And then from the GS14 it goes to,
3 we call it high five with a captain, and then captain
4 would go on up to -- following the chain of command up
5 to the PACAREA commander.

6 Q. Of those people, which one gives you direction
7 with regard to the fishing vessel program on behalf of,
8 or if it does come from the PACAREA commander?

9 A. That would be the LCDR Billet, and
10 occasionally, I mean, more as discussion, it would come
11 from the GS14.

12 Q. And can you tell me within, since you have
13 been running the commercial fishing vessel safety
14 program, PACAREA what -- let me rephrase that question.
15 Can you describe the PACAREA commander's fishing vessel
16 safety emphasis since you've been employed as the
17 commercial fishing vessel safety coordinator?

18 A. Well I -- say that I don't know where the
19 decision came from to eliminate the position of the
20 PACAREA commercial fishing vessel safety coordinator.

21 Q. Well before you --

22 A. At the job -- but I believe that the emphasis,
23 there is probable not that much emphasis on commercial
24 fishing vessel safety since that position was deemed
25 unnecessary.

1 I can say that whenever I got into this job I
2 saw that there was an area where I believed that there
3 had not been enough motion, forward motion on which was
4 the ASCP Alternate Safety Compliance Program. I started
5 bringing that up through the chain of command, and
6 trying to get some action on that.

7 Similarly, I initiated trying to get the NAVIC
8 for the third party examination program pushed forward,
9 with revisions to that NAVIC because I believe that it
10 was, from what I had seen it was not, you know there was
11 not -- it didn't have enough information required from
12 the third party examiners. And I worked with other
13 districts and the (inaudible word) area, Atlantic Area
14 counterpart and headquarters to try to revise that
15 NAVIC.

16 I don't know if I've answered your question or
17 not, sorry.

18 Q. No, I got the information I needed from what
19 you provided. Do you have any specific goals in your --
20 do you have any specific fishing vessel goals in your
21 civilian performance plan?

22 A. It was, the Alternate Safety Compliance Plan
23 is referenced in there. And I'm not sure if the third
24 party examination NAVIC was referenced in there or not.
25 There's not a lot of reference to it in my Performance

1 Plan.

2 Q. Can you describe -- this is my last question
3 for you -- can you describe what you think is the most
4 important safety strategy that you can lead in D13
5 PACAREA? Or excuse me, in PACAREA?

6 A. Can you rephrase that just to make sure I have
7 a full understanding of your question?

8 Q. What do you think is PACAREA's, what do you
9 think is the most important safety strategy the Coast
10 Guard can implement to reduce the loss of fishing
11 vessels, and fishing vessel deaths?

12 A. I believe, if we could move ahead with a plan
13 similar to the Alternate Safety Compliance Plan, which
14 was worked on and developed in conjunction with
15 industry. And try and hit the right targets, the most
16 hazardous -- the vessels that are being -- have the
17 worst current, today, safety records. I think that if
18 we could hit those, or get those regulations out. I
19 believe that would be, probably the best thing.

20 And I believe that this third party exam
21 program is good. But I believe that the guidance that
22 is out there right now, referencing the current NAVIC,
23 and the policy letter, I believe that those, that it
24 needs to be strengthened. And that, and I believe that
25 since all of the -- the verbiage that went into the new

1 draft NAVIC for third party examiners, was vetted
2 through the districts, I believe that that will help
3 strengthen the program.

4 Q. To give me an idea of what you're thinking,
5 what's the, what's one of the issues that you want to
6 make sure gets corrected in the policy as far as you are
7 concerned?

8 A. Well currently the report, you know, like on
9 Exhibit 27, paragraph 2, it states, at the bottom of the
10 last line of the paragraph says, "Reports shall
11 include", and that A through G is really all that is
12 required.

13 So whenever I receive that, that Exhibit 137
14 which is page one of Mr. Evich's survey, that very
15 narrowly is all that is required for a surveyor to
16 submit.

17 And, you know, so it's kind of, at this point
18 it is kind of at the request of the person is entering
19 the information into MISLE to request from the
20 surveyor/examiner the rest of the checklist, the 5587 or
21 whatever form the examiner is using so that you can
22 submit something that people can actually use into
23 MISLE.

24 And other items that were added into what
25 hopefully will come out as a new NAVIC, or the change to

1 the current NAVIC would be that the examiner will --
2 tell/inform the local Coast Guard office that the
3 examination is going to be occurring in their area.

4 So that the local office, if they have
5 personnel available, can go out and attend the exam.
6 And, you know, they may have particular interest in a
7 specific vessel for some reason. Or they may just want
8 to go out for area familiarization. Getting comfortable
9 with the examiners in their area.

10 Another item is, it requires that these exam
11 with the fully completed 5587 or in-house form would be
12 included. I would require details of lifesaving and
13 other applicable equipment, inspections or servicing, to
14 be included in there, also including the expiration
15 dates of those items, like flares, or life rafts.

16 And one of the most important ones would be
17 requiring a list of deficiencies that were found during
18 the exam. And a notation as to whether -- which ones
19 were corrected during the exam, or during a follow-up
20 check.

21 MR. KARR: All right thank you. Commander, I
22 have no more questions.

23 CDR MULLER: Thank you Mr. Karr. Ms. Spivak?

24 MS. SPIVAK: No questions.

25 CDR MULLER: I have no further questions.

1 Before we let you go Mr. Atkinson, is there any
2 information that you would like to provide to the board
3 for our consideration related to this marine casualty?
4 Or other information that we might have missed during
5 the course of this testimony?

6 THE WITNESS: None that I can think of, sir.

7 CDR MULLER: Okay, Mr. Atkinson. You are now
8 released as a witness at this Marine Board
9 Investigation. Thank you for your testimony and your
10 cooperation.

11 THE WITNESS: Thank you.

12 CDR MULLER: Yes. If I later determine that
13 this board needs additional information from you I will
14 contact you. If you have any questions about this
15 investigation you may contact the Marine Board Recorder
16 LCDR Pedro Mendoza.

17 Thank you again for your time.

18 THE WITNESS: Thank you, goodbye.

19 CDR MULLER: Goodbye.

20 The time right now is 1210 we will take a
21 recess and return at 1315, thank you.

22 (Luncheon recess was then taken.)

23 CDR MULLER: Good afternoon.

24 THE WITNESS: Afternoon.

25 CDR MULLER: Okay. The hearing will now come

1 to order. We would like to call our next witness MST1
2 Kate Brinkley. LCDR Mendoza will now swear you in.

3 LCDR MENDOZA: Please stand and raise your
4 right hand.

5 **WITNESS**

6 **MTS1 KATE BRINKLEY**

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

10 THE WITNESS: I do.

11 LCDR MENDOZA: Please be seated. Please state
12 your full name and rank, and spell your last name for
13 the record.

14 THE WITNESS: My full name is Kate Louise
15 Brinkley, and that is B-R-I-N-K-L-E-Y. And the rank is
16 technician first class.

17 LCDR MENDOZA: Please state your duty
18 assignment location.

19 THE WITNESS: I am assigned to Sector
20 Honolulu, Waterways Division.

21 LCDR MENDOZA: Please identify your counsel?

22 THE WITNESS: I am not sure of the name.

23 LCDR MENDOZA: Do you have an attorney?

24 THE WITNESS: I do, but I don't remember the
25 name, I haven't spoken with him.

1 Q. Okay, very well. I'd like to start asking
2 questions. Petty Officer Brinkley, I would like to get
3 a Coast Guard fishing examiner's overview of the
4 commercial fishing examinations that you performed at
5 Sector Anchorage. As well as Fishing Vessel
6 Examinations performed by yourself onboard the
7 Destination.

8 But before we get into that, I would like to
9 get a little more background information from you. Can
10 you start by telling us how long you have been in the
11 Coast Guard? And the units that you have been
12 stationed?

13 A. I have been in the Coast Guard since August
14 5th, 2002, so coming up on fifteen years. I was
15 initially on the Coast Guard Cutter Chase, which is a
16 378 out of San Diego. I then -- to Air Station San
17 Diego and the airman program to go AETA. I went to AETA
18 School in Elizabeth City, North Carolina.

19 And then my first air station unit was Port
20 Angeles, Washington. From there I moved to Humboldt
21 Bay, California, Air Station Humboldt Bay. And then I
22 switched ranks, to Marine Science Technician in 2009. I
23 went to MMTA School in Yorktown, Virginia. And then I
24 went to Sector Charleston, South Carolina, Sector
25 Anchorage, Alaska, and now Sector Honolulu.

1 Q. Can you also tell me about the qualifications
2 you hold in relations to marine safety?

3 A. Sure. MMT quals, I have got port state
4 control examiner, foreign freight vessel examiner,
5 waterways management representative, container
6 inspector, explosives handling supervisor, commercial
7 fishing vessel examiner, life raft inspector, pollution
8 responder, and federal on-scene coordinator
9 representative.

10 Q. I would now like to speak about the commercial
11 fishing vessel examiner qualifications. Can you speak
12 about the time it took, in your experience, what you had
13 to do to receive that commercial fishing vessel
14 qualification.

15 A. Sure. There is a PQS Personal Qualification
16 Standard that everyone completing the commercial fishing
17 vessel examiner qualification has to complete. It,
18 basically, you know, is a description of what tasks you
19 need to complete. You need to show that you completed
20 those.

21 Two (inaudible word) already qualified, they
22 will initial next to it through that series. And of
23 course, on the job training. There is not a set number
24 of boats you need to actually examine. But once you can
25 complete the tasks on that PQS then you will sit an oral

1 board, in front of a number of qualified members. Yes.

2 Q. How long did it take you to get that
3 qualification?

4 A. I don't know the exact amount of time. I
5 started when I first arrived in Anchorage, in the summer
6 of 2013, and I -- I'm estimating now, but probably
7 approximately seven months or so, and again, that's an
8 estimate. I don't have my qualification date handy.

9 Q. Is there any part of -- any part in that
10 qualification process that specifies how to examine
11 fishing equipment? And more so, specifically crab pots.
12 And if so, can you talk about that, what that would
13 detail.

14 A. There is actually not, part of the PQS doesn't
15 specifically talk about how to inspect crab pots, no.

16 Q. Since the time you first received the
17 commercial fishing vessel examiner qual, can you tell me
18 how many exams you've performed? And how many of them
19 were aboard crab boats? I'm sure it would be an
20 estimation.

21 A. Sure. By the time I got my -- it is
22 definitely an estimation, but maybe thirty, maybe thirty
23 boats.

24 Q. How many of those would be crab boats?

25 A. Of those, I would say a handful of crab boats.

1 Mostly (inaudible word). The majority of boats that we
2 would do from the Sector were smaller vessels. So ah --

3 Q. Okay. I understand that you are now stationed
4 at Sector Honolulu.

5 A. Correct.

6 Q. But I would like to focus on your time spent
7 at Sector Anchorage. Can you tell me what position you
8 held at Sector Anchorage, and what were your primary
9 responsibilities?

10 A. Sure. The first two years, approximately,
11 that I was in Anchorage I was in the Port State Control
12 shop. So the role was primarily conducting foreign
13 vessel inspections, or examinations. In September of
14 2015 I switched to Incident Management. Which would be
15 the Pollution Response Shop.

16 So while working in Port State Control would
17 be the majority of the fishing vessels that we did.

18 Q. You did the commercial fishing vessel
19 examinations while working as Port State Control?

20 A. Correct.

21 Q. Okay. Alaska covers a large area. Can you
22 tell me about your area of responsibility for performing
23 fishing vessel exams?

24 A. Sure. The Sector Anchorage area of
25 responsibility, basically, the entire west coast of

1 Alaska, west of Prince William Sound. With the
2 exception of the areas covered by our MDS's, which would
3 be Homer, Kodiak, and Dutch Harbor.

4 Q. Can you talk about how the tracking process
5 works in reference to knowing what vessels need exams?

6 A. As far as vessels -- since it is a voluntary
7 program, vessels would usually reach out to our fishing
8 vessel coordinator in Anchorage, and request an exam if
9 they knew that they needed one.

10 We would also make annual trips out to certain
11 villages that usually had a higher number of vessels,
12 such as Sand Point, King Salmon, and then some of the
13 coastal villages, Martin Sound.

14 Q. How are you able to get -- how are you able to
15 logistically get to those remote locations where some of
16 those fishing vessels are located?

17 A. Sure. That was all funded by the Coast Guard
18 all that travel. We would fly, any exams that we had in
19 -- where, Seward, of course we could drive to. But
20 everything else would be air travel.

21 Q. Were there any difficulties in getting funding
22 to attend fishing exams? And if so, can you elaborate
23 on that?

24 A. I don't -- I can't really speak to funding too
25 much. Our fishing vessel coordinator is pretty good at

1 securing funds, if we knew that there was a vessel, or
2 multiple vessels that needed to be examined. Or
3 coordinating with the vessel's owner to get to a port
4 where they could get an exam.

5 Q. Have you ever had to postpone or cancel exams
6 due to weather or logistics? And if so, can you share
7 with me an example?

8 A. Sure we had a trip to Sand Point scheduled one
9 -- myself and one other Coast Guard gentlemen about to
10 travel out there for, I think a three or four day trip.
11 And just because of weather we weren't able to get to
12 Sand Point for two days. And then we were able to get
13 there on the third day, but given schedules we had to
14 cut that trip a little bit shorter. I guess that would
15 be an example.

16 Q. Can you elaborate on how you track
17 deficiencies and close cases after the exam is complete?

18 A. Sure. So while we conduct the exam, the
19 Fishing Vessel Exam Form that we fill out has a spot
20 that we would list any deficiencies. The vessel owner
21 or representative would get a copy of that, with contact
22 information on how to get back in touch with the Coast
23 Guard if they were to correct those deficiencies and
24 wanted a re-exam.

25 So we would issue that form. As far as

1 documentation on the Coast Guard side, we would put that
2 into our MISLE system as an open deficiency but without
3 a due date, because again, it is a voluntary exam.

4 If a vessel were to complete those
5 deficiencies, or I should say clear/correct a deficiency
6 within thirty days, then we could go back, review those
7 things, and then issue a decal. If it was more than
8 thirty days, we would go back and conduct an entire re-
9 exam.

10 Q. We provided you some exhibits; do you have
11 those in front of you?

12 A. I do not.

13 (Board speaking about exhibits.)

14 Q. Hold on a second Ms. Brinkley.

15 A. Sure.

16 CDR MULLER: MST1?

17 THE WITNESS: Yes.

18 CDR MULLER: Commander Muller here.

19 THE WITNESS: Yes, sir.

20 CDR MULLER: Did you receive those Exhibits
21 yet, via email?

22 THE WITNESS: I got one that is a Fishing
23 Vessel Exam Form. Is that the only one? I think that's
24 the only one I received.

25 MR. GILLETTE: Yes, that's --

1 CDR MULLER: Okay. Do you need a few minutes
2 to put that in front of you?

3 THE WITNESS: Yeah, if I can just run up and
4 print it out, it will take two minutes.

5 CDR MULLER: Okay, we will stand-by.

6 THE WITNESS: Okay, thanks.

7 CDR MULLER: We are going to take a five
8 minute break; we will reconvene in five minutes.

9 (Whereupon a five minute recess was taken.)

10 CDR MULLER: Okay, good afternoon again.

11 THE WITNESS: Okay.

12 CDR MULLER: Okay, MST1 Brinkley, Commander
13 Muller here. Were you able to get that information in
14 front of you now?

15 THE WITNESS: Yes, sir.

16 CDR MULLER: Okay, you set?

17 THE WITNESS: Yep.

18 CDR MULLER: All right, good. So Mr. Gillette.

19 **EXAMINATION**

20 BY MR. GILLETTE:

21 Q. Thank you Petty Officer Brinkley. Exhibit 10
22 is a United States Coast Guard Commercial Fishing Vessel
23 Safety Examination Report. This is a copy of the Coast
24 Guard form CG5587 United States Coast Guard Commercial
25 Fishing Vessel Safety Examination.

1 safety related deficiencies, then we would issue that
2 decal at that time.

3 Q. Can you share with me the discrepancies that
4 you listed? And also let us know if they were cleared?

5 A. Sure. So this exam has the deficiencies that
6 their STC Ship Station license was expired; the name was
7 missing from their ring life buoy, and that they didn't
8 have a current light lit co-pilot tide current tables,
9 and it also notes that their EPIRB hydrostatic release
10 would be expiring the next month.

11 Q. Do you remember if those deficiencies were
12 cleared?

13 A. I don't remember specifically. But
14 considering that a decal was issued, I would say that,
15 yes, the deficiencies were cleared.

16 Q. Okay. Did you give them a Commercial Fishing
17 Vessel Decal?

18 A. I did, yes.

19 Q. Okay. Are you familiar with the safety and
20 stability compliance check? Also referred to as SCC?
21 And if so can you elaborate on that?

22 A. I am familiar with it. We didn't do a lot of
23 those out of Sector Anchorage. The more -- the majority
24 of SCC were conducted in Dutch Harbor. And as that
25 wasn't really something that we did out of Anchorage.

1 People from Anchorage would travel out there as sort of
2 (inaudible word) under MSC Dutch Harbor.

3 And I did go out and conduct a few of those --
4 I can't recall the year it was, it was probably 2014.
5 But I'm not; I wouldn't be comfortable speaking on how
6 that process works. Having only (inaudible word) on a
7 couple of vessels.

8 Q. How many of those spot checks have you
9 completed?

10 A. It was only during that one trip, probably 7
11 or 8, under the supervision of someone in Dutch Harbor.

12 Q. Okay. When you were doing the ones in Dutch
13 Harbor do you remember counting crab pots and how many -
14 - how many were onboard? How to verify how many were
15 onboard?

16 A. I recall that that was primarily via a
17 conversation with the vessel owner and kind of counting
18 just from the dock, the number of rows and tiers of crab
19 pots. And then comparing that to what is in their
20 stability booklet.

21 Q. How did you ensure that the weight of the crab
22 pots were in accordance with the weight that was allowed
23 in the stability report?

24 A. I haven't done this personally, so -- but in
25 my training, the way that that would be done would be if

1 it came into question, maybe close, by actually weighing
2 pots, and measuring out pot size.

3 Q. Okay. Have you ever had training on vessel
4 stability? And if so, can you elaborate on what that
5 training detailed.

6 A. I have had training on vessel stability in the
7 form of video and PowerPoint Presentation at the Sector.
8 Given by our fishing vessel coordinator.

9 Q. Are you familiar with Fish Safe West? And if
10 so, can you elaborate on what it provides?

11 A. I'm sorry, could you repeat that question?

12 Q. Are you familiar with Fish Safe West? And if
13 so, can you elaborate on that?

14 A. Yeah. Fish Safe West is a website that we try
15 to advertise a lot to commercial fisherman. It provides
16 a lot of updates on regulations, as well as a really
17 good checklist about what a vessel is required, and if
18 an owner were to put in a vessel size, and fish type,
19 and vessel specifics, and it will tell them exactly what
20 safety equipment they need to have onboard.

21 That's sort of the extent of how much I have
22 used that website.

23 Q. Okay, thank you Petty Officer Brinkley.

24 Commander I have completed my questions for Petty
25 Officer Brinkley.

1 CDR MULLER: Okay. Thank you Mr. Gillette.
2 Mr. Karr, NTSB do you have any questions?

3 **EXAMINATION**

4 BY MR. KARR:

5 Q. This is Mike Karr of the NTSB. Petty Officer
6 Brinkley, while you were at Anchorage did you
7 participate in any other fishing vessel safety programs
8 other than dockside exams, or those stability checks?

9 A. I did not that I can think of.

10 Q. When you participated in the dockside exams
11 were there any other tasks that you carried out in
12 addition to just checking, in addition to checking all
13 the equipment?

14 A. I don't recall anything other than just doing,
15 you know, the checks that are listed on the exam form.

16 Q. All right, thank you.

17 CDR MULLER: Thank you Mr. Karr. Ms. Spivak?

18 MS. SPIVAK: No questions.

19 CDR MULLER: Okay. MTS1 I have a few follow-
20 up questions.

21 **EXAMINATION**

22 BY CDR MULLER:

23 Q. Can you explain to me how a mariner inspector,
24 vessel examiner utilizes this Commercial Vessel Safety
25 Examination Checklist? Essentially what we have here as

1 Exhibit No. 10?

2 A. Um-hmm.

3 Q. So how is that used, what is the purpose of
4 that, and how does one, an examiner, utilize it?

5 A. Okay. Well we use the same form, regardless
6 of the vessel type or size. And so the form, itself, is
7 split up into requirements for vessels based on their
8 size or where they are fishing, being inside or outside
9 the boundary line.

10 And so the first page, or I should say the
11 first two pages and a half are general items that we
12 look for on every vessel. And then following down the
13 middle of the third page, it starts greater than 100
14 gross tons can reference the supplements. And then for
15 vessels that are operating outside the boundary lines we
16 have more strict (inaudible word) requirements.

17 So we use this form, same form for every exam.
18 Just different applicability depending on the size of
19 the vessel and where it is fishing.

20 Q. Okay. Let me step back for a second. You
21 mentioned that you hold a commercial fishing vessel
22 qualification, examiner qualification, is that correct?

23 A. Yes, sir.

24 Q. So, if you recall, what was the process in
25 receiving that qual? I think I heard, it took -- over

1 the course of seven months, probably intertwined with
2 some other roles and responsibilities, and some, perhaps
3 even other training that you participated. But what is
4 the process in obtaining that qual? How does one get a
5 qual?

6 A. So, yes, seven months is a very rough
7 estimate. But basically everyone in prevention is
8 encouraged to work on fishing vessels, just because of
9 the large number of commercial fishing vessels that we
10 have in Alaska and the very limited number of people
11 that we have.

12 And so pretty much everyone in prevention gets
13 the qual packet, at least to work on. And that's the
14 PQS I was talking about earlier. And basically, you
15 know, whenever there is an opportunity we would travel
16 out to do an exam with someone that is already
17 qualified, and sort of on the job training under them.
18 Personal study, and getting the regulations and learning
19 what things are required.

20 And then completing that PQS. Like I said,
21 it's got the different sign-offs, that you need to go
22 through each (inaudible word) item with someone who is
23 qualified and get there, you know, their sign-off that
24 you know what you need to know about that task. And
25 then sitting for an oral board in front of a number of

1 qualified people.

2 Q. Okay. So in order to obtain the qual you have
3 to not only demonstrate proficiency in your knowledge
4 and judgment of the regulations, but you also have to
5 demonstrate some performance is that right?

6 A. Correct, yes.

7 Q. Okay. So looking at this checklist, if we can
8 go to page two of it, for example. On the left hand
9 column, looks like a number of CFR sites, is that
10 correct?

11 A. Yes.

12 Q. Okay. So what is the purpose of this
13 checklist providing those C.F.R. sites?

14 A. Ah --

15 Q. I'm --

16 A. Oh, sorry.

17 Q. What I'm trying to get at, and you know, I'm
18 not -- is this exam form here, is this used as a, more
19 of a tool and a checklist, a guide?

20 A. Definitely, yes. Yes, so the site listed on
21 the left hand side would be, so you could look for an
22 example the top one. What do they need as far as
23 registration documentation, markings go? And then it,
24 you can reference that site if you need to look up
25 specifics or -- that's the actual regulation that we are

1 enforcing the site listed on the left, 33 C.F.R. 173.

2 Q. Right so let me know if you agree with this
3 statement. So while in the middle of the column, the
4 middle of the page, it might have a topic heading such
5 as SEC, Ship Station License, claim arrestors, magnetic
6 compass, that's just a quick bullet heading, but
7 certainly there's a lot more discussion and a lot more
8 detail provided in the applicable reference to the left,
9 is that correct?

10 A. Correct, yes.

11 Q. Okay. All right, and if we could turn back to
12 page one, please. So this is the cover sheet to the
13 first page of the checklist of Exhibit No. 10, the
14 Fishing Vessel Safety Exam Form. If you can just walk
15 me through a few elements here. On the top left it
16 says, "Year built", correct?

17 A. Yes, 1981.

18 Q. Right. And then to the right it says, "Year
19 converted".

20 A. Um-hmm.

21 Q. What did you mark in that block there?

22 A. I wrote, "Not applicable".

23 Q. Okay. What does that mean, year converted?
24 Is that defined anywhere?

25 A. I would imagine that it is defined somewhere,

1 yes. But I don't know, off the top of my head where
2 that would be.

3 Q. What would your understanding be of what
4 that's speaking to?

5 A. My understanding would be if the vessel had
6 some sort of major, I'm trying to say conversion, but
7 major structural change. Maybe rearrangement of fish
8 holds or fuel tanks, or something that would affect the
9 stability of that vessel. Or -- yeah.

10 Q. Right.

11 A. That would be my take on that.

12 Q. Right. Can you explain why you put N/A in
13 that column?

14 A. I do not recall, this vessel particularly.
15 I'm having a hard time recalling this particular exam.
16 But that could have been from a conversation with the
17 owner or the vessel representative.

18 Q. Okay. As -- is there anything -- of course
19 referring to MISLE the Coast Guard database that we
20 capture our activities, correct?

21 A. Um-hmm.

22 Q. Is there anything listed in the vessel's file
23 that documents year converted, or similar type
24 information? Particularly for a fishing vessel?

25 A. I couldn't say if there is or not. I'm not

1 sure; I have never entered that information personally.

2 Q. Okay. When you prepare for an exam,
3 particularly a fishing vessel exam, or any exam. Let me
4 -- any exam, you are Port State Control qualified. You
5 are going to do an exam on a foreign vessel. I would
6 imagine -- quickly go through the process of what that
7 day would look like, by way of preparation.

8 A. Sure. Preparing for a Port State Control Exam
9 versus a fishing vessel exam. Aren't the same in a lot
10 of situations just because, like I was saying earlier,
11 when we do fishing vessel exams, a lot of time we are
12 out walking dock, at the pier and see who is interested
13 in an exam. We are not sitting at our desk looking
14 through the history of the vessel on MISLE.

15 And a lot of times on a fishing vessel exam,
16 we are really relying on input from the vessel
17 representative, and past fishing vessel exam forms that
18 they have onboard.

19 When you are doing a port state control exam,
20 we have the opportunity, we have three to four days'
21 notice to sit in the office, look through the vessel
22 prior deficiencies management and whatnot.

23 Q. Okay, thank you.

24 A. Sure.

25 Q. One second, I'm flipping through for my next

1 question.

2 A. Sure.

3 Q. If you could turn to page 2, Lifesaving. In
4 the block. Did you check off the check box for
5 hydrostatic release and date? Is that block checked?

6 A. Hydrostatic release expiration date?

7 Q. I'm looking at, I'm sorry, survival craft
8 block, it's the second block from the bottom.

9 A. Oh sure. Hydrostatic release date, um-hmm.

10 Q. Okay. So that block is checked?

11 A. Yep.

12 Q. And then the next block is? Can you read that
13 for me?

14 A. Float free.

15 Q. Is that block checked?

16 A. It is.

17 Q. The next one is what?

18 A. Proper storage.

19 Q. Is that block checked?

20 A. It is not.

21 Q. Okay. Let me roll back for a second. Float
22 free can you explain, or do you recall why you checked
23 that block?

24 A. I do not recall. But having not written of
25 that as a deficiency, then -- let me put it another way.

1 If their EPIRB hadn't been installed float free, that
2 would have been a deficiency.

3 Q. Okay. So you examined the life raft for its
4 general arrangement, and you observed that it was
5 capable of being float free, is that correct?

6 A. Right.

7 Q. Okay. What do you interpret the check box,
8 for, "Proper storage", what would that -- what is that
9 reminding an inspector to look for, or examiner?

10 A. That it is stored maybe in a way where if it
11 were to -- well, it's not uncommon during fishing vessel
12 exams to see a life that hasn't been tied down
13 correctly. Where, if the vessel did sink that it would
14 either not float free, or the painter wouldn't release
15 or something like that.

16 And so, as far as float free and proper
17 storage, those two things kind of go together in my
18 mind. But we just want to make sure that the life raft
19 is connected properly to the vessel with a weak link
20 with a hydrostatic release. And that if something does
21 happen, that would release from the vessel, pull the
22 painter as needed to inflate the raft.

23 Q. Okay, thank you. If we can turn now to page
24 four of Exhibit No. 10. So that's page three of three
25 of that inspection book.

1 A. Sure.

2 Q. I'm looking at the miscellaneous section. I'm
3 looking at, the fourth block from the bottom. 46 C.F.R.
4 28.500, that line there, do you see that?

5 A. Yes sir.

6 Q. So what does that block represent?

7 A. Let me just read it.

8 Q. You are welcome to read it if you like, or --
9 What is the topic of that block, might be another way to
10 ask.

11 A. Sure. That's just saying that if the vessel
12 has had a major conversion to (inaudible word) the
13 equipment after 15 September, 1991 then to reference
14 Supplement Two, Subpart B.

15 Q. Okay. So in your checklist to the right, what
16 do you mark in that block?

17 A. No.

18 Q. Okay. And that was based on what? Can you
19 explain, or do you recall why you checked no?

20 A. I don't recall specifics for this vessel --
21 but that would be either the vessel isn't greater than
22 or equal to 79 feet, or has not had a major conversion
23 after that date. And that could have been with a
24 conversation or you know, lack of any knowledge that
25 that had occurred.

1 Q. I apologize if this is a repeat question. But
2 do you recall if this exam you conducted on the
3 Destination in September of 2014 was this a scheduled
4 inspection? In other words, did the vessel owner, or
5 the vessel captain call your office, and you scheduled
6 it, and met him there? Or was this one of those dock
7 walk type exams?

8 A. I do not know specifically for this vessel.
9 We -- this was in Sand Point, and -- I think. Yeah,
10 this was in Sand Point, and those trips, since we do
11 have to fly out there, they are usually scheduled ahead
12 of time. And we will coordinate with the harbor master
13 there, and he'll develop a list of vessels that are
14 interested in getting an exam. So that we try
15 definitely to hit up those people on the dock while we
16 are walking around.

17 And a lot of times we will just get grabbed by
18 vessel owners, you know, in conversation or walking by.
19 And then they will have us come up and do an exam while
20 we are there. And occasionally we will get a vessel
21 that's on the list for the harbor master who is out
22 fishing the day we are there. Or is tied up otherwise,
23 and we don't get to do his vessel.

24 Q. It almost sounds like you have to be very
25 adaptive when you go on some of these trips, is that

1 right?

2 A. Yes, sir.

3 Q. You may not know what you are going to get in
4 terms of business or exams.

5 A. Yes, sir.

6 Q. I want to turn to the spot checks. And you
7 mentioned that you were once at Dutch Harbor and you
8 participated in a spot check evolution, is that right?

9 A. Yes, sir.

10 Q. Okay. Can you explain to me the process, what
11 does that look like? What I am trying to get at -- do
12 you and your shipmates arrive to a dock, a number of
13 piers, and then just start walking down the pier, and
14 then -- what happens next?

15 A. Yes, sir. That is pretty accurate. And I, I
16 can't really speak for Dutch Harbor, and I have only
17 been out there for a couple of days. But it is my
18 understanding that fisherman in Dutch Harbor have a good
19 relationship with the MSD. And they will sometimes
20 receive calls requesting an exam from an owner. Of
21 course, they will go out and do that.

22 When it comes to King crab season, we will
23 just, in October we will just go out, walk around, talk
24 to vessel crewmembers, see if they want an exam, see if
25 they have time for us to come onboard. And that's,

1 that's how the majority of our business gets drummed up,
2 I would say.

3 Q. Right. And when you say "exam", do you mean
4 spot check exam? Not the full decal, but just using the
5 spot check form?

6 A. Correct, yes sir.

7 Q. Okay. So what happens if somebody says, a
8 fishing vessel says, nope, not interested, thank you.

9 A. Then that's -- then we wouldn't go onboard
10 their vessel. It is a completely voluntary exam. And
11 the Coast Guard isn't forcing anyone to have, you know,
12 a safety exam.

13 Q. Was there ever a time where you and your
14 shipmates walking down the pier asking for these
15 voluntary exams might have observed a vessel that you
16 thought its loaded condition was suspect?

17 A. I have not.

18 Q. Okay. I know this is a hypothetical
19 situation, but given that type of scenario, if you did,
20 what do you think the practice, or the procedure, or
21 type of discussion you would have? What have you, your
22 training and your experience, what would it have guided
23 you to do?

24 A. Sure. I think that me personally, I would --
25 if I had significant concerns that a vessel or a crew

1 would be unsafe headed out. Then I would make a call
2 back to the office, and talk to the Prevention
3 Department, and tell them the scenario. See if they
4 want to maybe pursue some kind of Captain of the Port
5 Order, or something like that that could potentially
6 keep that vessel at the dock. But without, I mean, I
7 have never actually gone through that process. But
8 that's -- that would be my procedure.

9 Q. Okay.

10 CDR MULLER: Very well, thank you. I have no
11 further questions. Let me go around to make sure. Mr.
12 Gillette do you have any further questions?

13 MR. GILLETTE: No further questions.

14 CDR MULLER: Thank you. Mr. Karr, NTSB?

15 MR. KARR: None.

16 CDR MULLER: Ms. Spivak?

17 MS. SPIVAK: No questions.

18 CDR MULLER: Okay. MST1, this concludes our
19 questions for you this afternoon. Before we let you go,
20 is there anything that you would like to add or mention
21 to us? Relevant to this investigation, or anything that
22 we may need to consider. Or something we might have
23 missed in our testimony?

24 THE WITNESS: No sir, I don't think so.

25 CDR MULLER: All right. I want to -- this is

1 Commander Muller -- I want to specifically thank you. I
2 really appreciate your time and your composure on this
3 hearing; I'm quite appreciative of that. So thank you.

4 THE WITNESS: You are welcome.

5 CDR MULLER: You are now released as a witness
6 at this Marine Board Investigation. Thank you for your
7 testimony and cooperation. If I later determine that
8 this Board needs additional information from you I will
9 contact you through your counsel.

10 If you have any questions about this
11 investigation, you may contact the Marine Board
12 Recorder, Lieutenant Commander Pedro Mendoza. So that
13 is all.

14 THE WITNESS: Sure, thank you sir.

15 CDR MULLER: Thank you, good afternoon. Okay,
16 we are going to take a fifteen minute recess, thank you.

17 (Whereupon a fifteen minute recess was taken.)

18 CDR MULLER: Okay, good afternoon, again. The
19 hearing will come to order. We would like to call our
20 next witness Lieutenant Ayure. Lieutenant Ayure are you
21 there?

22 THE WITNESS: Yes, sir.

23 CDR MULLER: Good to speak with you again.

24 This is Commander Muller, Chair of the Marine Board.

25 Just, we are calling from Seattle, Washington and are

1 continuing our Marine Board of Investigation into the
2 sinking of the fishing vessel Destination.

3 In the room we have members of the Board,
4 myself, Mr. Jim Gillette, LDCR Mendoza as well from the
5 NTSB, Mr. Mike Karr. NTSB is conducting an independent
6 investigation.

7 We also have Ms. Spivak who is the
8 representative for the Party-in-Interest.

9 This is a public hearing and is being
10 recorded. Your counsel is LCDR Burby, and he is
11 present. Please let us know -- he is present in the
12 room here -- please let us know if you would like to
13 consult with him at any time.

14 THE WITNESS: Roger that, sir.

15 CDR MULLER: I understand you are in Portland
16 Oregon. Is that correct?

17 THE WITNESS: That is correct, Commander.

18 CDR MULLER: All right. And you are in a
19 place where you can answer our questions? Is that
20 correct?

21 THE WITNESS: Yes, sir.

22 CDR MULLER: Okay.

23 THE WITNESS: Yes.

24 CDR MULLER: So we will get started. LCDR
25 Mendoza will now swear you in.

1 counsel?

2 THE WITNESS: My counsel is LCDR John Burby.

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

5 THE WITNESS: I do not, sir.

6 LCDR MENDOZA: Thank you sir.

7 CDR MULLER: Okay Lieutenant, we are going to
8 start moving forward with the questions we have for you
9 this afternoon. I'm going to hand you over now to Mr.
10 Jim Gillett.

11 THE WITNESS: Roger that, sir.

12 **DIRECT EXAMINATION**

13 BY MR. GILLETTE:

14 Q. Good afternoon Mr. Ayure, can you hear me
15 clearly?

16 A. I hear a lot of movement.

17 Q. Can you hear me clearly now?

18 A. Yes, sir.

19 Q. Okay. Good afternoon, if at any time you
20 don't understand any questions that I ask just request
21 that the question to be readdressed or rephrased. If
22 at any time you need to take a recess, please ask.

23 Also remember to speak --

24 A. Roger that, sir.

25 Q. Also remember to speak up loud and clear to

1 assist our court reporter to transcribe the hearing.

2 With that said, I'd like to start asking questions.

3 A. Roger that, sir.

4 Q. I'd like to get an understanding of your
5 responsibilities when you were the supervisor at Marine
6 Safety Detachment Dutch Harbor. And more specifically
7 the unit's responsibility for the commercial fishing
8 industry. But before we get into that, I would like to
9 get a little more background information from you.

10 Can you start by telling me how long you have
11 been in the Coast Guard and what units you have been
12 stationed at?

13 A. Yes, sir. I have been in the Coast Guard a
14 little bit over seven years. And I have been stationed;
15 my first duty station was Coast Guard Cutter Aspen, San
16 Francisco, California. Then I was transferred to Sector
17 San Francisco, Inspections Division. Where I did Port
18 State Team Security and domestic inspections. And then
19 I was transferred, there I spent four years, and then I
20 was transferred to MSD Dutch Harbor, to be the
21 supervisor there.

22 Q. And when did you leave Dutch Harbor to go to
23 District 11?

24 A. I left Dutch Harbor on July 12, 2017.

25 Q. Can you tell me about the qualifications you

1 hold in marine safety?

2 A. Yes, sir. The qualifications that I hold:
3 life raft; Port State Control examiner, foreign freight
4 examiners, tank ship examiner, chemical tank ship
5 examiner, foreign passenger vessel examiner; D, K, or T-
6 Boat inspector; K-Boat inspector; containers; and
7 facility inspector.

8 Q. Do you have the commercial --

9 A. As well as fishing vessels, sorry.

10 Q. Okay. So, just so I am clear, you do have the
11 commercial fishing vessel examination qualification?

12 A. Yes, sir.

13 Q. Where did you get that?

14 A. I got it at Sector San Francisco.

15 Q. Can you tell me a little bit about the process
16 that you went through to get that qualification?

17 A. Yes, sir. We do have a civilian commercial
18 fishing vessel inspector in San Francisco. And he holds
19 unit training going through the qualifications. So I
20 went through that with Mr. Manny Ramirez. And then we -
21 - during the year that I was getting the qualification I
22 would go on inspections with him or other fishing vessel
23 qualified members to work on the qualification package.

24 And after I had completed the package then I
25 sat for a board for the qualification in front of Mr.

1 (inaudible name) and a couple other members. I can't
2 recall who.

3 Q. Can you tell me about how many fishing exams
4 you performed while in San Francisco?

5 A. I believe I performed -- I'm not exactly sure
6 how many -- but I would say, it is a range, if I were to
7 give a range; it would be between 20 and 30 exams.

8 Q. Okay, I'd like to now speak a little about
9 your responsibility of being the supervisor at Dutch
10 Harbor.

11 A. Okay.

12 Q. What type of inspections do you do at Dutch
13 Harbor?

14 A. I personally did commercial fishing vessel
15 inspections. I did Port State inspections for foreign
16 freight. There was a couple of locations where I did a
17 chemical tanker, a cruise ship out there. And then I
18 would go with the warrant to conduct barge inspections
19 and we'd get a couple T-boats.

20 Q. As a supervisor there, can you tell me,
21 roughly give me a percentage of how many fishing exams
22 are performed compared to other inspections.

23 A. I would say at least 60 to 70% of the exams
24 conducted by MSD Dutch Harbor are fishing vessel
25 inspections.

1 Q. Can you give me a rough --

2 A. So the majority.

3 Q. Okay, can you give me a rough estimate on how
4 many you've been on personally?

5 A. I have been -- during the year I completed
6 approximately forty-eight, I believe, was the final
7 number. Somewhere from the mid-forties to mid-fifties.

8 Q. About how many of those have been on crab
9 boats?

10 A. I believe I went on approximately twenty crab
11 boats.

12 Q. Okay, I'd like to shift that focus right, with
13 the working relations to the communications fishing
14 industry.

15 A. Okay.

16 Q. But more specifically, the Bering Sea crab
17 boats.

18 A. Okay.

19 Q. Can you talk about how your unit schedules
20 commercial fishing exams, and Safety and Stability
21 Compliance checks, also referred to as SEC, or better
22 known as spot checks?

23 A. Okay, so do you just want -- just talking
24 about SEC's right now, correct sir?

25 Q. Yes, go ahead. Well overall, just tell me how

1 do you schedule commercial fishing exams there, how are
2 they done?

3 A. Okay, so for just normal commercial fishing
4 vessel exams, you know, usually we receive a phone call
5 from the operator. The operator will let us know that
6 they need an exam. We ask some just basic information
7 like their official number, and what would they like the
8 exam for, how many people are onboard, and the gross
9 tonnage and the length of the vessel.

10 And then, usually we try to accommodate
11 industry as much as we could, even if it was on the
12 weekends, we would go out and do it. For the safety
13 exams it was a similar process. But we would ask where
14 they were located. Which is actually, we ask that for
15 normal exam. But for some of those safety exams they
16 would tell us that they are located in areas that we
17 physically cannot get to.

18 So depending on that answer, you know, we
19 would have to ask them how many pots they had onboard,
20 how many is their limit, and kind of go on their word.

21 But for the ones that were in Dutch Harbor, we
22 would get out to do all the safety and stability checks.
23 (Inaudible few words).

24 Q. Okay. You mentioned two things in that
25 conversation, you mentioned normal fishing exams and

1 then you mentioned safety exams. Once again, what is
2 normal fishing exams? And is a normal fishing exam, do
3 you do those on crab boats, as well?

4 A. For the commercial fishing vessel exams, we
5 just do it on fishing boats. Yeah. So the SEC, or the
6 then done (sounds like) on the crabbing vessels.

7 Q. Okay. So the Safety and Stability Compliance
8 Check, the spot checks those are the ones that you do on
9 the crab vessels, crab boats?

10 A. Yes.

11 Q. Okay.

12 A. Yes, sir.

13 Q. So, out of those spot checks, if you could
14 elaborate on how many do you think you performed over
15 your time at Dutch Harbor?

16 A. Well we have kind of like an ops surge in
17 October, prior to the king crab fishery opening. And
18 for that week we had an ops surge, and that was forty-
19 two vessels we did that week.

20 But overall, for the whole season we probably
21 accomplished somewhere in the vicinity of sixty, mid-
22 sixties.

23 Q. While performing a spot check, can you
24 elaborate on how do you count crab pots, and how you
25 verify how many can be onboard.

1 A. Yes, sir. So we go to the crab vessel, in
2 person. And then we actually to the best of our ability
3 count, one by one how many crab pots there are onboard
4 the ship. And we would do that prior to asking the
5 captain how many there were onboard. So we would count
6 the crab pots, we would ask the captain how many are on
7 board. And the numbers for the most part were -- there
8 were several time that they were right on point. But
9 there were several times that they were off by one or
10 two.

11 And then we would look at their stability
12 vessel (sic) to see how many they could actually carry
13 in accordance with their stability book.

14 Q. Do you guys weigh crab pots?

15 A. To make sure they were under that, under that
16 number.

17 Q. Do you guys weigh crab pots?

18 A. Do we weigh them?

19 Q. Yes.

20 A. No sir, they are 700 to 800 pounds.

21 Q. How did you come up with that number?

22 A. With the number of how much -- or how much
23 they weigh?

24 Q. Yes.

25 A. They had that based on their stability

1 booklet; it was based on the size of their crab pot, and
2 the weight of it.

3 Q. So the number that you gave me, the 700 to
4 800, are you saying that you got that inside the
5 stability book?

6 A. Yeah, we saw some that weighed 725, some that
7 weighed 750. And I believe there was even one that
8 weighed 800. Most of them, I believe were 750. They
9 were all very similar. But that was all -- the size of
10 the crab pot, and the weight on which the stability was
11 based, which is what the fisherman were using, was in
12 the stability booklet.

13 Q. Did the stability booklet that you guys see
14 most often, I guess, do they have the sizes listed as
15 well?

16 A. Yes, sir.

17 Q. Is there any consideration regarding how many
18 pots that could be loaded in summer, or winter, or
19 icing? And if so can you elaborate on that?

20 A. Yes, sir. So the stability booklet for the
21 crab vessels that we (inaudible word) the stability
22 booklets, states in which conditions they can load
23 certain crab pots. It goes, I don't know -- I never saw
24 it go into a summer, like a season distinction. But it
25 went into a distinction of icing conditions versus non-

1 icing conditions.

2 And then it also, went into distinctions
3 depending on which ones of their ballast tanks were full
4 or empty or the cargo holds, if they were full or empty,
5 this is how much you can carry, based on which one was
6 full or empty.

7 Q. Was there any discussion inside the stability
8 reports about icing?

9 A. Yes, sir.

10 Q. Can you elaborate a little on that?

11 A. So the -- from what I remember, sir, it
12 basically said in icing conditions you are restricted to
13 carrying less pots in accordance with the stability.
14 So, I don't know how, I mean, I'm sure -- I don't know
15 how you make that distinction, the icing distinction.

16 Obviously it is based on weather reports, and
17 the -- an approved mariner, I would say would know
18 whether his icing, or his pots would ice. Also he could
19 probably see it if he was out there.

20 Q. When you were looking at stability books, how
21 much assistance was given to you by the vessel
22 operators?

23 A. For their stability books?

24 Q. Yes.

25 A. Most of them had it, you know, right up there

1 on their bridge, very easy to locate. And they, most of
2 them knew exactly what page for their stability, and
3 their pots. A lot of them actually had laminated and
4 posted on the bridge walls, on the bulkheads, sir.

5 Q. Out of all the stability books that you've
6 seen, was there similarities in them? Or did you see a
7 lot of differences in those books?

8 A. They were all very similar, sir.

9 Q. Have you ever seen any that did not list the
10 actual weight of the crab pot?

11 A. No sir. I think a couple of them did have
12 weights for 2 or 3 different sizes of crab pots. But I
13 never saw one that didn't have the weight of the crab
14 pot, personally.

15 Q. I know you said you don't weigh the crab pots.
16 But have you ever witnessed the weighing of the crab
17 pots?

18 A. No, sir.

19 Q. Are you aware of how much weight the shots of
20 line, and the buoys inside the pots weigh? And if so
21 could you elaborate on that?

22 A. I do not, sir.

23 Q. Do you know if the shots of line and buoys,
24 are they also calculated into the weight of the crab
25 pots, when you are checking your stability books?

1 A. I do not, sir.

2 Q. Have you ever had training on vessel
3 stability? And if so, can you elaborate on what
4 training, what the training detailed?

5 A. I didn't have training on vessel stability
6 when I was at Sector San Francisco. We were required
7 to go to witness an incline stability test being done on
8 our vessels that were there. So every once in a while
9 the opportunity would come up, and they would take us
10 out there to witness the incline experiment. Kind of
11 see how it works with a naval architect.

12 And then there is the simple (inaudible word)
13 stability tests, that we do conduct on certain T-Boats
14 which I have conducted on a T-Boat myself with an
15 experienced warrant officer down there in Sector San
16 Francisco.

17 Q. Does your unit rely on Sector Anchorage to
18 assist in completing commercial fishing exams? And if
19 so, can you elaborate on that?

20 A. Yes sir, we did. For that surge ops week in
21 October, we did have a group of four members come from
22 Sector Anchorage to help us with the work load that we
23 had that week.

24 Q. Do crab boat operators, they call your office
25 prior to departing on their fishing seasons to ask for

1 inspections or exams of their loading of pots, and
2 vessel stabilities. And if so, can you speak about
3 these phone calls? And do you guys track them?

4 A. As per ADF&G regulations, they are required to
5 call us twenty-four hours in advance of their departure.
6 So we do get calls from the mariners when they departed.
7 Most of them at the opening of the season would ask for
8 an exam, so we would schedule them.

9 Some of them, as I had mentioned, were out of
10 range from Dutch Harbor, so we had no way of getting to
11 these locations. So we would just ask the mariner how
12 many pots they were carrying, what their weight was, and
13 just ensure that it was under what their stability
14 booklet said. According to them.

15 Q. You said, ADF&G, what does that stand for?

16 A. Yes, sir. Alaska Department of Fish and Game.

17 Q. Okay. You also said that they call you
18 twenty-four hours before fishing season. There are many
19 crab fishing seasons, from my understanding. Can you --

20 A. Yes, sir, sorry.

21 Q. -- elaborate a little on that?

22 A. It would be twenty-four hours before their
23 departure.

24 Q. Their departure per each season? Or is it
25 just during one season?

1 A. So they, some of them called for each of the
2 crabbing seasons. But most of them, I think, had an
3 understanding that it was just for the first time that
4 they depart. So, it would be for the opening of the
5 king crab season.

6 Q. Do you guys track who calls you?

7 A. We did not. We track the vessels that we had
8 scheduled for inspections. But that was it, sir.

9 Q. So, just so I am understanding, only the
10 vessels that request your guys' appearance as opposed to
11 just those that call and say, hey I have this many crab
12 pots, and I'm under my stability.

13 A. Right, yes sir.

14 Q. What would you say your percentage is of phone
15 calls that come in that you do not go out on, compared
16 to those that you do?

17 A. Just for the SEC's sir?

18 Q. Yes.

19 A. I would say we had 15% of people that we
20 couldn't reach 15 to 20 that were in other islands.

21 Q. Just to get a clear understanding, when an
22 operator calls you prior to a fishing season what
23 exactly is it that they tell you again?

24 A. The name of the vessel, the gross tonnage,
25 length. We ask if they are going for the crab season,

1 we ask how many pots do you have onboard, what their
2 sizes were, and what the stability booklet said, the
3 maximum that they could carry.

4 Q. Have you ever had anybody tell you that they
5 were over the maximum?

6 A. Over the maximum? No, sir. Most of the
7 fisherman that we dealt with were fairly below the
8 maximum number.

9 Q. Did the Alaska Department of Fish and Game,
10 did they ever interact with you about the calls you were
11 receiving in accordance with their requirements?

12 A. We actually -- me and the warrant officer went
13 upstairs to talk to them about something completely
14 different. And then we actually talked to them -- this
15 was past the crab season -- well after king crab season,
16 and probable in March when we were up there. And we
17 were talking to them about the twenty-four hour
18 notification, and we were asking them if they knew where
19 that came from. And they were like, yes, it comes from
20 our rules. And then they showed us their regulations.
21 And we saw there their twenty-four hour notification
22 was.

23 But they expressed to us, that that was put in
24 the regulations because of an agreement between the
25 Coast Guard and the Department of Fish and Game many

1 years back. And that they, themselves, don't hold the
2 mariner responsible for the twenty-four hours, but it is
3 in their rules. So the mariners do call.

4 Q. When did you get to Dutch Harbor?

5 A. Can you repeat that, sir?

6 Q. Yes. When did you get permanently stationed
7 at Dutch Harbor, what month?

8 A. July, the middle of July.

9 Q. And the conversation you were talking about
10 was when?

11 A. In March of 2017.

12 Q. Did you know prior to March of 2017 that
13 Alaska Department of Fish & Game actually had that
14 requirement?

15 A. I did not, sir.

16 Q. How did you come about finding out -- I know
17 you went up there to talk to them. But something must
18 have sparked conversation with you to want to go
19 upstairs talk to them. So how did that come about?

20 A. Yes, sir. Me and the warrant, it was during I
21 think early March, we were getting, we still got a
22 couple phone calls of people saying, you know, good
23 afternoon I'm in King Cove, I'm leaving for crabbing, I
24 have (inaudible word) pots onboard.

25 So we ask them all the questions. But we, we

1 realized that we didn't know why they were calling, me
2 and the warrant, we didn't know why they were calling
3 prior to. And we were searching through Coast Guard
4 regulations to see if there was a Coast Guard
5 requirement. And we didn't find it so we went upstairs.

6 And that's when we got there, we had the
7 conversation we had, we asked them, hey do you guys
8 happen to know why the fishermen, or the crabbers called
9 us twenty-four hours before? And then they showed us
10 the regulation.

11 Q. Even though you didn't know that there was a
12 requirement, it sounds like you were still doing spot
13 checks, and still writing down when they called you.
14 What, why was that? Can you explain a little detail --
15 were you informed by the past supervisor that you were
16 going to be getting calls every fishing season? Or did
17 you just kind of show up at Dutch Harbor and next thing
18 you know the phones were ringing from boat operators
19 telling you they were getting under way?

20 A. Well, we were told by the previous crew that
21 in October we have a (inaudible few word) safety checks
22 with the crabbing fleet. So, from their calling for
23 their safety checks, we already had been pre-warned
24 about that.

25 But we didn't know specifically about the

1 twenty-four hour notification. We knew they had to let
2 us know they wanted us to come out to do a safety check,
3 safety and stability check.

4 Q. Do you know if the crab boats, when they
5 called you to let you know about the twenty-four hour
6 notice, are you aware if they spoke with Alaska
7 Department of Fish & Game prior or after they called
8 you?

9 A. I believe that the Department of Fish and Game
10 would go out to see them prior to them leaving, and they
11 would remind them to call us prior to leaving, as per
12 the regulations.

13 Q. Okay, thank you Lieutenant Ayure. Please stay
14 on the line; we are going to have other people ask
15 questions. Commander I am done with this round of
16 questioning.

17 CDR MULLER: Thank you, Mr. Gillette. Mr.
18 Karr do you have any questions for NTSB?

19 **EXAMINATION**

20 BY MR. KARR:

21 Q. This is Michael Karr I do have some questions.
22 Lieutenant did all of your peers at Sector San Francisco
23 obtain the fishing vessel qualification?

24 A. I'm sorry sir. I can't hear you.

25 Q. Did most of your peers obtain the fishing

1 vessel qualification at Sector San Francisco?

2 A. Sir was the --

3 Q. I'm talking about your fellow --

4 A. -- question, did I receive my commercial
5 fishing exam qualification at Sector San Francisco?

6 Q. Were you one of a few marine inspectors that
7 obtained it? Or did most of your fellow marine
8 inspectors have that qualification?

9 A. Oh, sorry sir. Yeah, I was one of the few.
10 Not a lot of apprentice marine inspectors get that
11 qualification. A lot of the journeyman inspectors do
12 there.

13 Q. And of the 20 or 30 inspections that you did
14 at San Francisco of fishing vessels, how many of those
15 did you do on your own, literally, where you were the
16 only person that went aboard the vessel?

17 A. Around five, sir.

18 Q. The other twenty-five were you the lead
19 examiner?

20 A. I'm sorry sir, I can't understand you.

21 Q. Of the remaining inspections that you did,
22 were you the lead inspector?

23 A. Oh the five, I was the lead inspector for the
24 commercial fishing vessel one. And then the rest of the
25 inspections I was an apprentice.

1 Q. Of the five that you mentioned -- the question
2 I asked was if you were the sole person that went
3 onboard the vessel to conduct the --

4 A. No sir.

5 Q. And you were?

6 A. I was with a trainee.

7 Q. All right. When you were at Dutch Harbor who
8 was your operational supervisor?

9 A. Do you mean my supervisor?

10 Q. Correct.

11 A. Commander Cintron (phonetic) at Sector
12 Anchorage.

13 Q. So that was the person that would give you
14 your mission specific tasks to complete?

15 A. Yes, sir.

16 Q. Other than -- so I am going to ask you about
17 the Fishing Vessel Safety Program at Dutch Harbor.

18 A. Yes, sir.

19 Q. Did you undertake any other activities to
20 support the Fishing Vessel Safety Mission other than
21 dockside exams and the compliance and stability -- or
22 the safety and stability compliance checks?

23 A. Ah --

24 Q. And if you did, can you describe them to me?

25 A. I don't believe we did any outreach outside of

1 the exams. So, the answer is no. No sir.

2 Q. Can you describe, during your tour there at
3 Dutch Harbor, can you describe any specific direction
4 from your supervisor, or the district, or headquarters
5 with regard to carrying out the missions of the Fishing
6 Vessel Safety Program?

7 A. Yeah so we did get best practices, and we did
8 pass those out during our inspections. And those came
9 from Mr. Scott Wilwert at District. So after those came
10 out we were passing them out throughout every one of our
11 inspections.

12 Q. What was that that you received, I didn't
13 understand?

14 A. Excuse me sir, can you say again?

15 CDR MULLER: I think the question is, can you
16 elaborate, or repeat what you said about best practices,
17 or passes, or something like that. What was passed to
18 you?

19 BY MR. KARR:

20 A. Well we had -- I can't remember the official
21 title, but it was some best practices, for the fishing
22 vessel industry. I wish, obviously I wish I had them in
23 front of me. But they came to us from District, and
24 then we were handing those best practices to the
25 fisherman.

1 Q. And how did you hand them to the fishermen?
2 Tell me how you actually accomplished that task.

3 A. We would take them with us during -- we had a
4 huge hamper full of them, and we would hand it to each
5 fisherman that we went on an inspection.

6 Q. All right, thanks.

7 A. Or an exam.

8 Q. All right, thanks. This question is about the
9 National Weather Service Heavy Freezing Spray Warnings.
10 Are you familiar; were you familiar with the heavy
11 freezing spray warnings while you were in Dutch Harbor?

12 A. We did get weather warnings through our
13 Sector. But I was not in that distribution for the
14 freezing spray warnings.

15 Q. Was there any, do you know of any National
16 Weather Service processes associated with those heavy
17 freezing spray warnings?

18 A. I do not, sir.

19 Q. Do you know of any written work instruction,
20 or D17 instructions, or Sector instruction regarding
21 your role in carrying out that safety and stability
22 compliance check?

23 A. I know I talked to Mr. Scott Wilwert about an
24 instruction. But there was nothing, except for the
25 sheets of paper that we had for carrying out the

1 stability checks, or the safety and stability checks.

2 Because when I was talking to Mr. Wilwert
3 about is, we were talking about how this was an
4 agreement between the crabbers and the Coast Guard that
5 we were going to do these. But how it is under no law
6 for them to actually have to do this.

7 So that's what kind of we were talking about
8 together. And he was going to do some research on any
9 district policy for it.

10 Q. Thank you, Lieutenant.

11 A. Yes, sir.

12 Q. I have no more questions.

13 CDR MULLER: Okay, Lieutenant let's see, Ms.
14 Spivak do you have any questions?

15 MS. SPIVAK: I don't have any questions.

16 CDR MULLER: Okay. I have a few. Although I
17 think most of the topics have been covered quite well.

18 **EXAMINATION**

19 BY CDR MULLER:

20 Q. I you would, where would a marine inspector or
21 Coast Guard Fishing Vessel Examiner find information
22 regarding the fishing vessel stability book? It is
23 posted or maintained anywhere?

24 A. About the crabber's stability book?

25 Q. Correct.

1 A. You are referring to, sir?

2 Q. Right.

3 A. Like instructions on how to look through it?

4 Q. No. Are you aware of MISLE? Would that be a
5 part of the vessel's MISLE file?

6 A. Yes, sir.

7 Q. When you have seen those, is it the entire
8 book, or just representative pages?

9 A. You know sir; I cannot give you a definite
10 answer on that --

11 Q. Is that something your staff would --

12 A. I have seen them in there.

13 Q. Um-hmm.

14 A. But I don't know that it is full or partial.

15 Q. Understood. I would imagine, is that
16 something you would have your MST's in your office
17 research for you?

18 A. Yes, sir. So when we went out, we would look
19 at their stability book, and then we would, in the part
20 of the safety compliance check was to make sure we had,
21 you know, the person that did it, and the year that it
22 was done. So we could go back and make sure that they
23 have the latest one in MISLE.

24 Q. Okay. Next question. In your exposure,
25 conversations with crabbers while in Dutch Harbor,

1 particularly doing your exams and your spot checks,
2 generally speaking did the topic of pot weight ever come
3 up?

4 A. Yes, sir. Every time.

5 Q. Can you give me an overview of what the
6 conversation would entail?

7 A. Yes, sir. So when we would go through and
8 count, after we would count we would go into the
9 wheelhouse, and we would always ask the operator how
10 much his pots weighed to ensure that that's the weight,
11 the pot size in the stability book.

12 Q. Understood. I guess I'm speaking a little bit
13 more broadly.

14 A. Oh ah --

15 Q. In terms of, did you get a sense at all
16 talking with the vessel captains that pot weights have
17 changed over the years?

18 A. No sir.

19 Q. Okay. Okay, regarding Alaska Department of
20 Fish & Game, ADF&G, they have a requirement that
21 requires, or a State regulation that requires fishing
22 vessels, crabbers to call in upon every time they depart
23 port with crab pots, is that correct? And I realize we
24 don't have this reg in front of us.

25 And I also want to say we are going to be

1 calling and having ADF&G testify later on, next week so
2 we will present those as exhibits, and explore that
3 specific reg in further detail. So that's not my
4 objective right now.

5 But from your understanding, did that State
6 reg imply or require any kind of action on the Coast
7 Guard's part?

8 A. From my understanding, no sir. I -- when I
9 found out about that and the history of it. It seemed
10 like it was a collaboration between ADF&G, the Coast
11 Guard, and the crabbers that in order for us to do the
12 safety and stability checks on the crabbers. And
13 because of the length of time that it takes us to change
14 regulation, that we would have ADF&G have -- or put in
15 that regulation the twenty-four hour call. So that way
16 they would call us, and we could conduct those
17 inspections. Does that make sense?

18 Q. It does. But at the same token the spot
19 checks are voluntary.

20 A. Yes sir, exactly.

21 Q. And by extension, there is no obligation on
22 you as a supervisor of the MSD to compel your staff to
23 conduct one of those inspections.

24 A. Yes, sir.

25 Q. Given your current work load, or priorities at

1 that time.

2 A. Yes, sir.

3 Q. Right. Okay. But I would imagine if,
4 certainly if able would you agree that your staff would
5 entertain a request to conduct an exam?

6 A. Absolutely, we turned down no requests.
7 Because that is the goal of the Coast Guard to help make
8 the fishery more safe. So that was our goal. We --
9 during the whole year we did not turn down any request
10 for a safety exam, as long as we could get to it.

11 Q. I need something; I want to get something
12 straight in my mind. Regarding these phone calls, the
13 ADF&G phone calls from the crabbers indicating that they
14 were going to depart port with crab pots on at various
15 times throughout the season.

16 You mentioned it was not until March that -- I
17 got the impression with your testimony, and I want you
18 to correct me if I am wrong -- I got the impression that
19 it wasn't until March 2017 that you started receiving
20 those phone calls, at least with greater frequency, and
21 it was at that time that you happened to walk upstairs
22 to the ADF&G office and learn more about that program.

23 So, when you said March, did you mean March of
24 2017?

25 A. Yes sir. So, what happened was, we knew the

1 crabbing season was coming, we knew from the past round
2 that we had to do the safety and stability checks on
3 these guys. So when October came we were prepared. We
4 talked to Anchorage, they were going to send people, we
5 were prepared. We were prepared for a flood of calls;
6 we knew it was going to happen. So it wasn't anything
7 that we were questioning at that point. Why were they
8 calling, we weren't questioning that, we knew it was
9 going to happen.

10 So when we get, fast forward a little bit
11 towards March, and then we are still getting calls.
12 Even calls from people that we already did the safety
13 and stability check. And we would ask them, you know,
14 did you already receive your safety and stability check,
15 and they said yes. And then we would ask, you know,
16 like during that time we would ask so why did you call?
17 And they would say, you know we -- several of them said,
18 you know, we have always had to call twenty-four hours
19 before we leave.

20 They didn't specifically reference the
21 regulation. So me and the warrant kind of started
22 looking for actual hard regulation from the Coast
23 Guard's perspective, and we couldn't find it.

24 So then we went to ADF&G and asked them about
25 it, and that's where we found that. So it wasn't that

1 we weren't getting the calls. It was just that our
2 mindset was, this is our mission, this is what needs to
3 get done so we are going to receive calls from these
4 crabbers.

5 Q. Okay. Correct me if I am wrong, it sounds to
6 me that the ADF&G requirement, you and your staff really
7 became more aware of that requirement, not until March,
8 is that correct? Because it sounds like before that you
9 were thinking that it was something, it was that they
10 were calling for your Coast Guard voluntary safety spot
11 check exam?

12 A. Yes sir, exactly.

13 Q. Is that -- okay. And to confirm, they are two
14 separate and different programs. Both very encouraging,
15 certainly a good practice, but two separate programs.
16 The spot check is entirely a Coast Guard initiative.

17 A. Correct, and the --

18 Q. And the --

19 A. -- twenty-four hour --

20 Q. Is a State requirement.

21 A. It's a State requirement, yes sir.

22 Q. Okay. However, in entertaining those phone
23 calls, the State requirement, you can execute your Coast
24 Guard spot check initiative.

25 A. Exactly.

1 Q. Okay.

2 A. Yes, sir.

3 Q. One moment, please.

4 (Brief pause.)

5 Q. Do you recall when this requirement
6 established by the State, the twenty-four hour notice?

7 A. I do not, sir. And they could not tell me, or
8 ADF&G could not tell me either. Upon further research
9 we didn't get an exact date, but they were talking
10 about, you know, Mr. Chris Whitley's era he was the
11 first MSD supervisor up there in Dutch Harbor, and that
12 he kind of had worked out the deal between ADF&G and the
13 crabbers and the safety exams.

14 But with that --

15 Q. Okay -- um-hmm.

16 A. I do not know when it happened, and I'm not
17 sure that did happen during or after Mr. Chris Whitley
18 was there.

19 Q. Right. That was going to be my next question.
20 Do you have a sense to any extent that the State
21 followed up with that requirement?

22 A. No sir.

23 Q. In other words, if they entered into their
24 regs, did they from time to time audit, or examine, or
25 take the pulse of their program of that, the intent of

1 that requirement. Did you get a sense of that in any
2 way?

3 A. No sir.

4 Q. All right. Can you explain, you arrived at
5 Dutch Harbor as a supervisor what time of year?

6 A. 19 July, 2016.

7 Q. And it is a one year tour, correct?

8 A. Yes, sir.

9 Q. And it's a one year tour for your crew,
10 stationed there, is that right?

11 A. Yes, yes sir.

12 Q. Is it also right that you all essentially
13 arrive the same time period, and transfer, depart at the
14 same time period, is that right?

15 A. Ah yes, within, you know, transfer months. So
16 between June, and the end of July everybody arrives, and
17 this time between June and the end of July everybody
18 departs.

19 Q. Right. Is there any kind of, how I can couch
20 as pipeline training? Is there any kind of check in
21 with the Sector? Any kind of indoc, if you will, as you
22 or your crew is arriving?

23 A. We do get two days at Sector, and we meet
24 certain key people. And I believe the E6 and below get
25 one day over there. But there was no sort of indoc

1 program for us. The best indoc that we did have was
2 when I had my pass down with the previous supervisor.

3 And then as people are leaving and going,
4 there are still members from the previous crew that are
5 there, and are kind of teaching the new members how
6 operations kind of happen in Dutch Harbor.

7 Q. You mentioned you met with, at the Sector some
8 key members. Would that include anybody from the
9 Commercial Fishing Vessel Compliance program there?
10 Maybe the fishing vessel examiner? Do you catch up
11 with?

12 A. Yes, sir.

13 Q. I'm sorry, say that again?

14 A. Mr. Hazlet.

15 Q. Do you meet with Mr. Hazlet?

16 A. Yes, sir.

17 Q. What does Mr. Hazlet provide or speak to you
18 about, if anything?

19 A. He kind of told me about the crabbing season,
20 how that kind of comes up, and that he organizes for
21 people to go out there and help out. And then he
22 basically said, if you have any questions about a
23 fishing vessel you can give me a call.

24 CDR MULLER: Okay. That concludes my
25 questions. Let me check in with the other Board

1 Members. Mr. Gillette?

2 MR. GILLETTE: No follow-up questions,
3 Commander.

4 CDR MULLER: Mr. Karr?

5 MR. KARR: One follow-up.

6 **EXAMINATION**

7 BY MR. KARR:

8 Q. One follow-up question with regard to the type
9 of exams you did before March of 2017.

10 A. Yes, sir.

11 Q. When someone called for a Safety and Stability
12 Compliance Check, did you do a Safety and Stability
13 Compliance Check, or a dockside exam?

14 A. We did a -- an SEC, sir. Unless they needed
15 the full dockside.

16 Q. All right, so prior to March of 2017, you
17 weren't aware of the Safety and Stability Compliance
18 exams. And --

19 A. We were aware of that --

20 Q. -- and used that form during those
21 examinations?

22 A. Yes, sir. We were aware of those exams when
23 we came in because they -- we do have the forms for
24 them, so the last crew had taught us how you -- not so
25 much onboard at the crabbing vessel. But just going

1 through the form, it's like hey, when you go onboard one
2 of these vessels, this is what you are going to look
3 for. And you are going to make sure the form is filled
4 out, and check out all the items on the form.

5 Q. All right, thank you.

6 A. So it wasn't March. It was more of, you know,
7 July, August timeframe when we were aware of that.

8 MR. KARR: All right, thank you Lieutenant.

9 THE WITNESS: Yes, sir.

10 CDR MULLER: Okay, Ms. Spivak?

11 MS. SPIVAK: No questions.

12 CDR MULLER: Okay, thank you. Well that
13 should conclude our questions for you, Lieutenant.

14 THE WITNESS: Roger that, sir.

15 CDR MULLER: Before I log off with you, is
16 there any other aspects, issues, observations that you
17 think the Marine Board should consider, or any other
18 issues that we did not specifically address during this
19 testimony?

20 THE WITNESS: No sir.

21 CDR MULLER: Very well, Lieutenant you are now
22 released as a witness to this Marine Board of
23 Investigation, thank you for your testimony and
24 cooperation. If I later determine that this Board needs
25 additional information from you, I will contact you. If

1 you have any questions about this investigation you may
2 contact the Marine Board Recorder, LCDR Pedro Mendoza.
3 Thank you again. Nothing further.

4 THE WITNESS: Thank you, sir.

5 CDR MULLER: Okay, we are going to take a
6 fifteen minute recess, thank you.

7 (Whereupon a fifteen minute recess was taken.)

8 CDR MULLER: Good afternoon again. The
9 hearing will come to order. Next witness is MST2
10 Metzler. LCDR Mendoza if you could administer the oath.
11 Hold on, before we do the oath -- excuse me -- Petty
12 Officer Metzler, I just want to give you a quick
13 overview and brief so you have some awareness of what's
14 on the other end of the line here, because we have you
15 on speakerphone, of course.

16 THE WITNESS: Okay.

17 CDR MULLER: We are calling from Seattle,
18 Washington, and we are conducting a Marine Board of
19 Investigation into the sinking of the fishing vessel
20 Destination. In the room we have members of the Board,
21 LCDR Mendoza, our recorder, Mr. Jim Gillette
22 investigating member, and myself as chair. The NTSB,
23 Mr. Mike Karr is also present, they are conducting their
24 own independent investigation.

25 We also have a representative here for the

1 Party-in-Interest. This is a public hearing, and it is
2 being recorded. Your counsel, LCDR Burby is present in
3 the back of the room, so please let us know if you would
4 like to consult with him at any time during your
5 testimony.

6 THE WITNESS: Roger.

7 CDR MULLER: I understand you are in Myrtle
8 Beach, Florida.

9 THE WITNESS: Myrtle Beach, South Carolina,
10 Commander.

11 CDR MULLER: Okay. Are you in a place where
12 you can answer our questions?

13 THE WITNESS: Yes, sir.

14 CDR MULLER: Okay. So LCDR Mendoza if you
15 could administer the oath, please?

16 LCDR MENDOZA: Please stand and raise your
17 right hand.

18 **WITNESS**

19 **MST2 KRISTEN METZLER**

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

23 THE WITNESS: I swear.

24 LCDR MENDOZA: Please be seated. State your
25 full name and rank, and spell your last name for the

1 record.

2 THE WITNESS: My name is Kristin B. Metzler,
3 M-E-T-Z-L-E-R. My rank E5.

4 LCDR MENDOZA: Please state your duty
5 assignment and location?

6 THE WITNESS: I am currently stationed at
7 Detached Duty Office Myrtle Beach, in South Carolina.

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

10 THE WITNESS: No, sir.

11 LCDR MENDOZA: Thank you.

12 CDR MULLER: Okay, we will now hand you over
13 to Mr. Jim Gillette who will lead the questions.

14 **EXAMINATION**

15 BY MR. GILLETTE:

16 Q. Good afternoon.

17 A. Good afternoon, sir.

18 Q. Petty Officer, do you hear me clearly?

19 A. Good afternoon, sir.

20 Q. Good afternoon Petty Officer Metzler, do you
21 hear me clearly?

22 A. Yes. Do you hear me clearly, sir?

23 Q. I do hear you clearly.

24 A. Okay.

25 Q. My name is James Gillette, with the United

1 States Coast Guard. If at any time you don't understand
2 a question that is asked, just request that the question
3 to be readdressed, or rephrased. If at any time you
4 need to take a recess please ask. And also, remember to
5 speak up loud and clear to assist the court reporter to
6 transcribe the hearing.

7 With that said, I would like to start the
8 questions. Petty Officer Metzler, I would like to get
9 an understanding of your time as a commercial fishing
10 vessel examiner while stationed at MSD Dutch Harbor. As
11 well as the phone call you received from the Destination
12 on the 9th of February, 2017.

13 But before we get into that, I would like to
14 get a little more background information from you. Can
15 you start by telling me how long you have been in the
16 Coast Guard, and what units have you been stationed at?

17 A. I have been in Coast Guard for almost eight
18 years. My first duty station was on the Coast Guard
19 Cutter Mako as a non-rank. From there I went to MSTA
20 School. Afterwards I was stationed at U.S. Coast Guard
21 Sector Boston for three and a half years. From there I
22 went to Dutch Harbor. And I left Dutch Harbor at the
23 end of June and now I'm in Myrtle Beach.

24 Q. Can you tell me how many qualifications you
25 hold in relation to marine safety?

1 A. I hold five qualifications, they are:
2 pollution responder, facility inspector, waterways
3 management representative, container inspector and
4 commercial fishing vessel examiner.

5 Q. Where did you get your commercial fishing
6 vessel examiner qualification at?

7 A. At MSC Dutch Harbor.

8 Q. Do you remember when you got it, what month?

9 A. I believe I became officially qualified in
10 October of 2016.

11 Q. And when did you get to Dutch Harbor?

12 A. I got to Dutch Harbor on June 30th, of 2016.

13 Q. Are you familiar with the Safety and Stability
14 Compliance Check, also referred to as SEC, or a spot
15 check? And if so, can you elaborate on that?

16 A. Yes sir, I am familiar with that. That was a
17 process that we did, specifically with the commercial
18 crab fishing boats. Mainly it was before they went out
19 for King crab season. The majority of our spot checks
20 took place in October, right before the beginning
21 of the first crab season.

22 We would go out, check the overall lifesaving
23 gear on the boat. We would count the pots before we
24 went onboard, well before we talked to the operator.
25 Count the posts, more than one of us would count them,

1 then we would compare numbers to make sure that we were
2 coming to an agreement of what we were able to see, what
3 we counted.

4 And then we would go to the pilothouse talk to
5 operator/owner. Compare what we came up with to what he
6 told us they had onboard, and also compare it to the
7 stability book, to ensure that they didn't have more
8 than they were allowed to have onboard.

9 Q. About how many of those spot checks have you
10 completed.

11 A. I would have to say probably 20 to 30.

12 Q. When you compared the pot size and weight to
13 the stability book, was there any differences. Let me
14 rephrase that. Out of the 20 to 30 spot check that you
15 completed, were the stability books always the same, or
16 were they different?

17 A. From vessel to vessel?

18 Q. Yes.

19 A. They were usually very similar. They would
20 generally outline the tanks onboard the vessel, the tank
21 capacities, how many pots they were allowed to carry, in
22 icing, and non-icing conditions. Most of them were very
23 similar. There was one or two that were just written
24 differently. But they were all very similar and had
25 basically the same information in them.

1 Q. Did you ever weigh the pots, or witness the
2 weighing of the pots?

3 A. No sir.

4 Q. How did you know the weights of the pot then,
5 when comparing it to the stability book?

6 A. We would ask the captains and the crew how
7 much the pots weighed, and what size they were. Just
8 through knowledge that you had come to learn, and what
9 you would hear from different people that have been
10 doing the job, and the local industry, we had a general
11 idea of how much the pots weighed, for a certain size,
12 per size.

13 Q. Can you tell me what that general idea was?

14 A. I don't know exactly, I don't remember. I
15 want to say that the smaller pots, we -- I would say, I
16 think they were closer to like 650 to 800 pounds. And
17 the bigger pots were usually like 750 to 900 if I'm
18 remembering correctly.

19 Q. What is a smaller pot, and what is a bigger
20 pot, size-wise?

21 A. I believe that the bigger ones, I want to say
22 they were 8 x 8 feet. And the smaller ones were 6.5 to
23 7 feet.

24 Q. Have you ever had any training on vessel
25 stability? And if so, can you elaborate on what that

1 training detailed.

2 A. I have not had specific training on vessel
3 stability other than when I was obtaining my
4 qualification, and when we first started doing the pot
5 checks, the warrant officer, he took time to explain to
6 me what the books meant, how to read them. And there is
7 a lot in the books that is above my understanding
8 because I am not a naval architect.

9 However, he explained what was necessary for
10 me to know to be able to compare what we were doing with
11 the counting to what was in the books.

12 Q. Was there a difference on how many pots could
13 be onboard depending on winter, or summer, or icing
14 conditions? And if so, can you elaborate about that?

15 A. They, from what I remember there wasn't,
16 necessarily winter versus summer. It was mostly icing
17 versus non-icing conditions. And that would be
18 dependent on the weather, the sea temperature, the wind,
19 the air temperature. In January we would consider that,
20 I would consider that icing. That's January, it's the
21 middle of the winter, it's cold and windy.

22 But in October when we were there it was still
23 warmer and we just kept, we would look at the forecast,
24 and you know, is it icing, is it non-icing, then we
25 would make that determination ourselves and with the

1 vessels.

2 Q. Okay. I would like to shift the focus now, to
3 February 9th, 2017. Did you receive a phone call and
4 message from the Destination? And if so, can you
5 elaborate in detail about how many messages were left,
6 or any conversation that you had with the vessel?

7 A. I was on duty that week. And that meant that
8 I had, I carry the response twenty-four hour phones for
9 the office. And that morning, I received a phone call I
10 believe it was from the master of the vessel, and he was
11 informing us, informing our office, that he, you know,
12 he was calling about his twenty-four hour departure
13 notification.

14 So I asked him, as we had been advised to, if
15 he would like a compliance check. And he told me he
16 didn't need one, if it wasn't a requirement, then he
17 didn't want one.

18 I asked him if he had had one in October, if
19 they went fishing in October and he had one then. And
20 he said they had an inspection in October. I then asked
21 him, well are you carrying more or less pots than you
22 had in October? He said they had less. I let him know
23 that it was not a requirement to come down and do any
24 sort of inspection or exam at that point, but if he
25 wanted us to we'd be more than willing to.

1 And again, he said, if it is not required, he
2 didn't need it. And that was, that was basically the
3 end of our conversation.

4 Q. If he had said he had more, what would that
5 have done?

6 A. If he said he had more, then I would have
7 asked him more in depth questions about how many pots
8 was he allowed to carry on board according to his
9 stability book. How many did he have onboard? And it
10 is, basically going off the honor of the captain, or the
11 honor of the person you are talking to at that point,
12 whether or not they have told us what was really going
13 on.

14 Q. Was there any reason given, from the
15 conversation you had with Captain Hathaway that led you
16 to not believe the Destination already had a spot check?
17 And if so, can you elaborate?

18 A. No I, not at all. I believed that, he told me
19 he had one, I believed he did. I wouldn't know
20 otherwise. At that point I wasn't at work I was in my
21 apartment.

22 Q. Did you have any means to check if the vessel
23 had already had a spot check? And if so --

24 A. In my apartment I did not. In the office,
25 back at work, we can go into MISLE, we look through our

1 file, we had a spreadsheet where we kept track of all
2 the vessels that called and requested the spot check.

3 And some of them that just did the twenty-four
4 hour notification. And then you can, we could also
5 access the MISLE database and look at the history and
6 see if they had had one or not.

7 Q. Does the Marine Safety Detachment Dutch Harbor
8 track phone calls and or requests from Bering Sea crab
9 boat operators when they call prior to departure? And
10 if so, can you talk to me about how that is done?

11 A. Every boat that calls and specifically wants
12 us to physically come down and perform a spot check, we
13 tracked every single one of those. I know that I
14 personally was tracking the phone calls I took for the
15 twenty-four hour notification. But I can't speak to if
16 everybody in the office was tracking that.

17 Q. Where was it located that you tracked it?

18 A. Can you repeat that, sir?

19 Q. Where did you do the tracking?

20 A. It's, we had a spreadsheet, an Excel
21 spreadsheet that was accessible for everyone. And at
22 the time it was very hectic during the -- this was
23 mainly in the first week of -- prior to crab season,
24 King crab in October.

25 And it was very hectic and we didn't have a

1 lot of, I didn't have, necessarily a lot of time to log
2 onto the computer every time I answered the phone. So I
3 had a note pad that I was keeping track of this
4 information on.

5 Q. Did you get any other phone calls after
6 October 2016 and before 09 February, 2017 with the
7 Destination?

8 A. With the Destination? I -- not me,
9 personally, that I recall. No sir.

10 Q. Okay thank you Petty Officer Metzler. Please
11 stay on the phone; we have other people that will ask
12 questions. Commander, I'm done with my questions for
13 Petty Officer Metzler.

14 CDR MULLER: Thank you. Mr. Karr, NTSB, do
15 you have any questions?

16 MR. KARR: I have none.

17 CDR MULLER: Ms. Spivak?

18 MS. SPIVAK: No questions.

19 CDR MULLER: Okay. I have no further
20 questions. So with that, Petty Officer Metzler, before
21 we close with your testimony today, is there anything
22 else that you would like to add. Anything that the
23 Board should consider related to this marine casualty,
24 or anything that we may have missed regarding your
25 testimony?

1 THE WITNESS: No Commander.

2 CDR MULLER: Okay, very well, thank you. You
3 are now released as a witness at this Marine Board of
4 Investigation, thank you for your testimony and
5 cooperation. If I later determine that this board needs
6 additional information from you, I will contact you. If
7 you have any questions about this investigation, you may
8 contact the Marine Board Recorder, Lieutenant Commander
9 Pedro Mendoza. Thank you again, and that is all.

10 THE WITNESS: Thank you, Commander.

11 CDR MULLER: So that concludes our witness
12 testimony for today. We will recess until tomorrow
13 morning and resume at nine o'clock, thank you.

14 (Off the record at 1605.)

15

16

CERTIFICATION


This certificate is valid only for a transcript accompanied by my original required signature on this page.

I hereby certify that the proceedings in the matter of Marine Board Investigation of the F/V Destination, heard in the United States Coast Guard Thirteenth District, Seattle Washington, Thursday August 10, 2017, were recorded by means of audiotape.

I further certify that, to the best of my knowledge and belief, page numbers one to one hundred seventy-four constitute a complete and accurate transcript of the proceedings as transcribed by me.

I further certify that I am neither a relative to nor an employee of any attorney or party herein, and that I have no interest in the outcome of this case.

In witness whereof, I have affixed my signature this 1st day of September, 2017.


Sally S. Gessner, Court Reporter