

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

\* \* \* \* \*

Investigation of: \*

FIRE ONBOARD *SPIRIT OF NORFOLK* \*  
NEAR NORFOLK NAVAL STATION, \*  
VIRGINIA ON JUNE 7, 2022 \*

Accident No.: DCA22FM022

\* \* \* \* \*

Interview of: CAPT SAMPSON STEVENS, Commander  
United States Coast Guard

Virginia Beach, Virginia

APPEARANCES:

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Chief of Analysis and Compliance Division  
United States Coast Guard

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Bay Diesel

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City Cruises

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I N T E R V I E W

1  
2 CDR WADDINGTON: Good morning, everyone. This hearing is now  
3 in session. I ask those in attendance to please silence cell  
4 phones at this time and please exit the hearing room to make or  
5 receive phone calls. For those interested, my opening statement  
6 from the first day of this hearing is posted on the livestream and  
7 Coast Guard External Affairs website, which provides an expanded  
8 explanation of this hearing for the benefit of the public.

9 My name is Commander Randy Waddington, United States Coast  
10 Guard Chief of the Analysis and Compliance Division located in  
11 Washington, D.C. I am the lead investigating officer for this  
12 District 5 formal investigation and the presiding officer over  
13 these proceedings.

14 The Fifth District Commander has convened this investigation  
15 under the authority of Title 46 United States Code, Section 6301  
16 and Title 46 Code of Federal Regulations Part 4. Our purpose is  
17 to investigate the circumstances surrounding the fire and  
18 subsequent total constructive loss of the small passenger vessel  
19 *Spirit of Norfolk* on June 7, 2022, while transiting the Elizabeth  
20 River near the Norfolk Navy base in Norfolk, Virginia.

21 The investigation will determine as closely as possible the  
22 circumstances and factors that contributed to the incident so that  
23 proper recommendations for the prevention of similar casualties  
24 may occur. The National Transportation Safety Board is also  
25 participating in this hearing. Mr. Michael Karr is the

1 investigator in charge of the NTSB *Spirit of Norfolk*  
2 investigation, and he is here with us today. Mr. Karr will now  
3 say a few words behalf of the NTSB.

4 MR. KARR: Good morning. I'm Michael Karr, investigator in  
5 charge for the National Transportation Safety Board for the  
6 investigation of this casualty. The NTSB has joined this hearing  
7 to avoid duplicating the development of facts. Nevertheless, I do  
8 wish to point out that this does not preclude the NTSB from  
9 developing additional information separately from this proceeding  
10 if that becomes necessary. At the conclusion of this hearing, the  
11 NTSB will analyze the facts of this casualty and determine the  
12 probable cause independent of the Coast Guard. We'll issue a  
13 report of the NTSB findings and if appropriate, the NTSB will  
14 issue recommendations to correct safety problems discovered during  
15 this investigation.

16 CDR WADDINGTON: Thank you, Mr. Karr. At this time, I call  
17 Captain Samson Stevens, sector commander at the time of this  
18 incident. Lieutenant [REDACTED] will administer your oath, and he  
19 will ask you some preliminary questions. Thank you.

20 LT. [REDACTED] Captain Stevens, please stand and raise your  
21 right hand. A false statement given to an agency of the United  
22 States is punishable by fine and or imprisonment under 18 U.S.C.  
23 1001, and may also subject you to discipline under the Uniform  
24 Code of Military Justice. Knowing this, do you solemnly swear  
25 that the testimony you are about to give will be the truth, the

1 whole truth, and nothing but the truth, so help you God?

2 CAPT STEVENS: I do, so help me God.

3 LT. [REDACTED] Please be seated. Captain, please state your  
4 full name and spell your last name.

5 CAPT STEVENS: Samson Cook (ph.) Stevens. S-T-E-V-E-N-S.

6 LT. [REDACTED] Please identify counsel or representative as  
7 present and have them stay and spell their last name as well as  
8 your firm or company relationship.

9 LT [REDACTED]: Lieutenant [REDACTED], [REDACTED]. Coast  
10 Guard Legal Counsel.

11 INTERVIEW OF SAMPSON STEVENS

12 BY LT [REDACTED]

13 Q. Please tell us what is your current employment and position.

14 A. Currently employed by the U.S. Coast Guard. I'm the Chief of  
15 Intelligence for U.S. Coast Guard Atlantic Area in Portsmouth,  
16 Virginia.

17 Q. What are your general responsibilities in that job?

18 A. I'm responsible for providing strategic warning and  
19 indications to the Atlantic Area Commander for the Atlantic Area  
20 Hemisphere Problem Set across the counter drug, counter drug,  
21 counter terrorism, cyber, counter violent extremist organization,  
22 malign foreign influence portfolio. With that, we oversee about  
23 330 individuals across 26 sectors, 5 districts and 13 air  
24 stations, and manage the Tactical Cryptology Afloat program for  
25 signals intelligence for our WMSLs, which are our national

1 security cutters. And finally, provide training, policy, staff  
2 train and equip guidance to the field under Admiral Kevin Lunday's  
3 guidance.

4 Q. Can you briefly tell us your relevant work history?

5 A. Graduated in 1995 from the U.S. Coast Guard Academy and spent  
6 two years aboard a buoy tender doing Tech Watch officer in  
7 Honolulu, Hawaii. Spent two years at the National Drug  
8 Intelligence Center in Johnstown, Pennsylvania. Spent two years  
9 at University of Michigan for a graduate degree in naval  
10 architecture, marine engineering, and kinesiology. Spent four  
11 years at U.S. Coast Guard headquarters and the Office of Design  
12 and Engineering Standards, followed by another two years at  
13 headquarters in the Office of Regulatory Development.

14 Three years at Sector Delaware Bay in Philadelphia,  
15 Pennsylvania, doing contingency response and emergency management.  
16 One year at Naval War College in Newport, Rhode Island, attending  
17 a master's in National Security and Strategic Studies. Two years  
18 at U.S. Fleet Forces Command as a liaison officer to then Admiral  
19 Gortney, the Fleet Forces Command commander. Three years at the  
20 Maritime Intelligence Fusion Center Pacific in Alameda,  
21 California, as the executive officer. Two years serving as  
22 Admiral Zukunft's special assistant. Two years as the deputy  
23 sector commander at Sector Virginia. Two years as the commander  
24 of Sector Virginia and present.

25 Q. Do you hold any professional licenses or certificates related

1 to your position?

2 A. No.

3 Q. Thank you. Mr. [REDACTED] will now have follow up questions for  
4 you.

5 BY MR. [REDACTED]

6 Q. Good morning, pardon me. Good morning, Captain.

7 A. Good morning, sir.

8 Q. My name is [REDACTED] [REDACTED] United States Coast Guard. All of  
9 my questions will relate directly to the events leading up to and  
10 including June 7, 2022, unless I specifically indicate another  
11 date. Thank you for being here. If you need breaks, let us know.  
12 There is an exhibit binder on your table there, and we will  
13 display the exhibits on these large screens. Lieutenant [REDACTED]  
14 will zoom in as appropriate. You can also follow along in your  
15 binder. We've also provided the exhibits to you in advance so  
16 that you could review them. The Coast Guard uses an  
17 extraordinarily large -- so, they were provided to council so that  
18 they could be provided to you and I'm speaking to the exhibits,  
19 but they are also in this documents in front of you.

20 The Coast Guard uses an extraordinarily large number of  
21 acronyms, and if you can try to steer clear -- if you slip and I  
22 may slip, I'll do my best to recover and describe what that  
23 acronym is. We're going to break your testimony into two main  
24 parts. The first will focus on the duties of the officer in  
25 charge of marine inspection and sector commander in general. And



1 the second part, we'll talk about your recollection of events once  
2 you were notified of the fire aboard the *Spirit of Norfolk* and the  
3 unfolding activities that you were involved with related to the  
4 fire, firefighting, salvage, and other considerations for the  
5 *Spirit of Norfolk*.

6       So, I know that the sector was in leadership transition.  
7 Ultimately, Captain Stockwell is now the sector commander. Can  
8 you give me -- if you don't know precisely the date that the  
9 change of command took place and the duties were transferred from  
10 you, from you to Captain Stockwell as a sector commander?

11 A. June 15th, 2022.

12 Q. Prior to that date, was Captain Stockwell delegated in  
13 writing as a alternate officer in charge of Marine inspection?

14 A. Those delegations come as part of the deputy sector commander  
15 role, as part of the Sector Organization manual and as part of the  
16 Construct for Sector Command. So, designations in writing are  
17 attached to the orders for assignment.

18 Q. Thank you. So, if you would expand for the public on your  
19 marine safety background. You had mentioned that you had attended  
20 graduate school for naval architecture, marine engineering, and  
21 kinesiology, which is the study of how people move and interact  
22 with things. Could you expand on your -- anything related to  
23 marine safety in your background?

24 A. In Philadelphia from 2007 to 2010 I was the chief of what's  
25 now called the Emergency Management and Force Readiness

1 Department, formerly known as the Contingency Planning and Force  
2 Readiness. That hierarchy and that taxonomy has changed to be  
3 Emergency Management as the chief -- as the starting deputy chief,  
4 followed by the chief of that office transition occurring in 2008.  
5 I was responsible for the portfolio contingency plans across our  
6 area Maritime Security Committee, our Area Contingency Planning  
7 and Area Committee for the Security and Environmental Stewardship  
8 Portfolios, respectively, as well as developing the concept and  
9 operational plans for mass rescue, hazardous material response,  
10 pollution response, and any of the other environmental or natural  
11 disaster contingencies that would affect shore forces operational  
12 command.

13 That was done by, with, and through port partners across the  
14 tri-state region of New Jersey, Philadelphia, and Delaware, as the  
15 Delaware River obviously has a variety of stakeholders in that  
16 region. Following that, my marine safety experience began again  
17 in 2018 as the deputy sector commander. Again, that spanned  
18 between 2010 upon my detachment from Sector Delaware Bay, it  
19 occurred with a War College Fleet Forces Command, MIFC PAC, and  
20 executive assistant at headquarters office. So, very limited  
21 marine safety roles other than tangential experience to senior  
22 leader engagements at that time.

23 As the deputy sector commander, all candidates for that  
24 program undergo a two-week indoctrination and perspective  
25 commanding officer course at Yorktown, Training Center Yorktown.

1 At the time it was all in-person. COVID has subsequently created  
2 a hybrid learning environment for that. That was a two-week  
3 immersive program at Training Center Yorktown with likeminded  
4 professionals, colleagues who are all assigned to similar roles,  
5 whether deputies or sector commanders. And that training program  
6 was really the scaffolding and architecture to ramp you up to be  
7 one of those two positions.

8       Following that time, I -- the four years, two as deputy and  
9 two as sector commander, really exposed me to the full spectrum of  
10 security, stewardship, prosperity and safety functions at the  
11 sector, ranging from fires to oil spill response, to mass rescue,  
12 to pollution, search and rescue, terrorist threats, bomb  
13 explosives, etcetera, etcetera. So, from a marine safety  
14 perspective, really, it was the four years at Sector Hampton  
15 Roads, subsequently Sector Virginia, that provided me that marine  
16 safety experience.

17 Q. Do you hold any marine inspection qualifications or -- for  
18 example, like machinery hull (ph.), anything like that or any  
19 designations as a marine inspector, either advanced journeyman,  
20 master, marine inspector or any kind of qualifications such as  
21 that?

22 A. I do not.

23 Q. So, you did mention this, this accident had a number of  
24 components to it where an incident command, unified command and so  
25 forth were stood up to support the response efforts. Can you talk

1 about your incident command qualification? And once again, that's  
2 another alphabet soup of abbreviations. So, the training you've  
3 attended to manage an incident such as the *Spirit of Norfolk*, can  
4 you elaborate as to courses that are mandated for you as a senior  
5 leader? And you don't have to give the number, but you know --  
6 like ICS 400 or something like that. But just talk about that,  
7 that kind of training in detail, if you would.

8 A. Absolutely, sir. Prior to and during my time at Sector  
9 Delaware Bay, that was a ramp up to becoming a planning officer.  
10 And that ladder included the full suite of Incident Command system  
11 100 through 800 courses mandated really by the Coast Guard as part  
12 of the national response framework. It really laid the bare bones  
13 elements. Again, that was 100 through 800 series, which was  
14 really the understanding of the framework, how ICS works and the  
15 general terminology.

16 Specialized training while at Delaware Bay included  
17 individual Situation Unit leader, resource leader, and  
18 Demobilization Unit leader courses, ICS, Incident Command System,  
19 346, 347, and 348. That was in Culpeper, Virginia during that  
20 2007 to 2010 timeframe. Also, while there I obtained operations  
21 section chief. I can -- is that better? How about that? I  
22 obtained the Operations Section Chief and Planning Section Chief  
23 qualifications by attending ICS, Incident Command System, 430 and  
24 440. And in my role as contingency planner, I was a planning  
25 section chief.

1           Those qualifications really didn't come into play once again  
2 until arriving at Sector Hampton Roads in the spring/summer of  
3 2018. And at that time, I pursued the ICS advanced courses called  
4 Critical Incident Communications, and -- I can't remember it's,  
5 it's Critical Incident Communications and advanced ICS again at  
6 Training Center Yorktown. It's really kind of a capstone piece  
7 that involves event and incident management.

8           And concluding my deputy tour I earned my Incident Command  
9 type three qualification as a result of all of the on-scene  
10 efforts as incident commander, a deputy incident commander  
11 associated with significant search and rescue cases, several  
12 hurricane and port closures that we went through and that IC type  
13 three qualification remains the peak of that experience and  
14 qualifications. And let me just pause for a minute to see if I'm  
15 missing anything. Training. And I would just emphasize again, I  
16 studied under the former captain of the port Captain Kevin M.  
17 Carroll during 2018 to 2020. He was in fact an extremely  
18 proficient prevention officer holding a number of different quals.

19           So, really the model for Sector Virginia has been, for the  
20 past 14 captains of the port, a fleet up model. One of the unique  
21 elements of Sector Hampton Roads -- and not something that's  
22 necessarily written into code during Coast Guard assignment  
23 processes, but at Sector Hampton Roads, we've had a longstanding  
24 tradition of fleet ups by which the deputy understudies,  
25 apprentices and learns from the outgoing sector commander for a

1 two-year period before coming into that role. And I would say  
2 it's hard to quantify through a course number or a training  
3 qualification program the two years of apprenticeship that one  
4 undergoes as a deputy, but that's a model really that exists.  
5 Every one of those incidents side by side latched up with the  
6 incident commander as a deputy to manage again that full spectrum  
7 of contingency response. Does that, does that help?

8 Q. Yes, sir. The -- following the fire on the small passenger  
9 vessel Conception, where 34 persons perished, the Coast Guard set  
10 up a risk-based inspection modeling program and established  
11 various tiers for different vessels. So, as the officer in charge  
12 of marine inspection for Sector Virginia, I'm going to ask you how  
13 they address the tier one classification with regard to a set of  
14 topics. So, how did Sector Virginia handle annual inspections  
15 from your perspective, as officer in charge marine inspection?  
16 And by that I mean, what was the oversight on tier one vessels  
17 while you were the officer in charge?

18 A. Absolutely. So, you're well aware -- well, if not, I --  
19 that's an assumption. So, sorry for that. Sectors were born out  
20 of Legacy Marine Safety offices and groups -- marine safety  
21 officers, officer in charge, marine inspections and groups, the  
22 captain of the Port Authorities. When those merged in the mid to  
23 early 2000s, that role was consolidated under the sector commander  
24 concept. And the reason I tell you that is my leadership  
25 philosophy and architecture was to apply the MSO authorities as

1 the OCMI which I am the leader to the Prevention Department head  
2 and the chief of inspections and the response portfolio to the  
3 chief of response really for all of the federal on scene  
4 coordinator, Federal Maritime Security coordinator authorities.

5 The reason I tell you that is, as officer in charge of marine  
6 inspections, I relied heavily on Commander, then, Dean Horton and  
7 then subsequently Commander Matt Doris (ph.), and his staff, Chief  
8 of Inspections, Mr. Pete Zhorsky (ph.), a retired Coast Guard  
9 officer, Class of 1982, to advise me on the inspection regime and  
10 provide me with an -- I would say monthly briefings of the  
11 implementation of that scheme and allow them the empowered  
12 authority to run with that inspection regime. Report by exception  
13 was how I would operate.

14 So, if there were significant issues that needed to be  
15 brought to my attention for the implementation of that scheme,  
16 many different ramp up briefs during the phase in of that to  
17 address the numbers of tier one vessels, the inspection regime  
18 that covered the requirement for an AMI, apprentice marine  
19 inspector, or a journeyman marine inspector to attend and provide  
20 the requisite inspection. I would not be able to tell you here  
21 what those numbers are. I can certainly work to get you that.  
22 I'm presuming that those numbers are probably furnished by some of  
23 those professionals during the hearings.

24 Q. So, turning to enhanced inspections, how was that handled  
25 within the organization at Sector Virginia, while you were the

1 officer in charge of marine inspection or marine inspection?

2 A. My understanding, sir, was the implementation of the  
3 framework codified by Coast Guard headquarters policy was  
4 implemented through our inspection team. Again, we can get you  
5 that framework with regard to what the prerequisite requirements  
6 for a journeyman accompaniment, the timeframe and the periodicity  
7 of the inspections. I don't have that right now at my fingertips.

8 Q. Okay. One of the things that we're involved with  
9 investigating is the reporting of a marine casualty on May 15th,  
10 where the *Spirit of Norfolk* suffered an engine malfunction. After  
11 that, there was a series of interactions with the United States  
12 Coast Guard, which ultimately, towards the end of May, led to the  
13 clearing of a deficiency which was written regarding the  
14 mechanical breakdown of the engine, and this was cleared and so  
15 forth. Does Sector Virginia in the inspection program have any  
16 additional procedures or policies in place regarding of, you know,  
17 if a vessel is a tier one vessel like the *Spirit of Norfolk*?

18 A. The policies that were exercised, I do remember that  
19 occurrence as you recall the dates in history. I received a call  
20 that there was smoke at the time, what was perceived as smoke  
21 emerging from the engine room and I think later discovered to be  
22 steam from some hydraulic fluid or mechanical issues there. That  
23 required -- and I signed a captain of the port order for an  
24 understanding of the cause and correct actions from the *Spirit of*  
25 *Norfolk*, and following the resolution of those deficiencies was



1 released for further operation.

2       The subsequent activity, I'm not fully aware of in terms of  
3 -- I believe at the time, and I'm again going back to that May  
4 timeframe, it was a busy spring with a host of incidents that we  
5 had. I want to reemphasize the leadership and training model by  
6 which Coast Guard sectors exist, in which Commander Matt Meskun is  
7 my designated authority, with signature authority for officer in  
8 charge of marine inspections. And so, by exception where there  
9 are significant casualties are issues that affected the safety of  
10 the waterway or people's safety of life at sea issues, those would  
11 obviously be reported up. And I had absolute 100 percent trust  
12 in, in his abilities to do that.

13       So, from the perspective of the initial report, a captain of  
14 the port order directed and implemented cause and correct resolved  
15 and follow on actions. Those inspection regimes were conducted in  
16 accordance with the tier one requirements following the Conception  
17 tragedy.

18 Q.   So, the policy which we'll talk about -- Lieutenant [REDACTED]  
19 please bring up the Coast Guard Exhibit 702 which is the risk-  
20 based work instruction dated June 14, 2021. Page two at the top,  
21 there's the -- part of the first paragraph. I'll read it to you,  
22 sir.

23 A.   Okay.

24 Q.   This tier assignment does not necessarily reflect the owner-  
25 operator's performance or condition of the vessel, but instead

1 reflects the potential outcomes based on an analysis of both the  
2 vessel -- specific vessel and vessels with similar activity.  
3 Didn't the inspection shop keep that in mind to your knowledge,  
4 when they were conducting an oversight of tier one vessels, such  
5 as the *Spirit of Norfolk*?

6 A. Not -- I'm not sure I understand your question. So, if I  
7 could, let me just understand what the paragraph says. The tier  
8 assignment doesn't reflect the owner-operator's performance. It  
9 reflects the outcomes based on an analysis of a specific vessel.  
10 Yeah. Could you rephrase your question for me, sir?

11 Q. Yes. In other words, the *Spirit of Norfolk* didn't have,  
12 like, a history of accidents or propulsion casualties or anything  
13 like that. They were assigned the Tier one based on an algorithm  
14 based on a set of inputs that program put. So, when you dealt  
15 with the Spirit -- you know, the *Spirit of Norfolk*, did you just  
16 carry out the inspection regimes that are contained in the work  
17 instruction? In other words, you didn't have any other reason for  
18 enhanced oversight of the *Spirit of Norfolk*, to the best of your  
19 knowledge, is that correct?

20 A. To the last part of your question, no, I did not have any  
21 other reason to suspect escalation of inspections regime. And for  
22 a pattern of life during my four years, correct. The *Spirit of*  
23 *Norfolk* was a historically reliable operator that was actually  
24 used in a number of other DOD training events, as well as Coast  
25 Guard Special Forces training events. These involve some of our

1 special use teams. And so, again, the *Spirit of Norfolk* was seen  
2 as a reliable operator. And again, no previous history did  
3 warrant additional scrutiny.

4 Q. Once the tier system was set up, would you have discretion as  
5 officer in charge or marine inspection to make a recommendation to  
6 the program that administers the tier one inspection regime? If  
7 the company -- and I'm going to give you a hypothetical, said  
8 we're installing a smoke -- a fire suppression system or a fire  
9 detection system, is it permissible or is it, is it possible that  
10 you could make a recommendation to the program to ask them to  
11 adjust the risk modeling based on the vessel may have less risk  
12 now that they've installed those type of systems?

13 A. That's my understanding, sir. I do look at our regulatory  
14 scheme as being based on honoring the mariner and understanding  
15 what provisions cannot be prescriptively applied through a  
16 headquarters administered policy. Which is why we have the field  
17 operations and the chief of inspections to interpret those and  
18 then provide up chain, up chain meaning advisory to headquarters  
19 on refinements or improvements to the policy. That's my  
20 understanding, yes.

21 Q. So, if you'd go down to paragraph 2 and zoom in, Lieutenant,  
22 on the same exhibit, which is 072, at the end of that -- at the  
23 end of that paragraph, it says the designated officer in charge  
24 marine inspection shall be briefed on the annual inspection  
25 results on each tier one vessel. Were you briefed on the results

1 of the annual inspection on 10th of May 2022?

2 A. The brief didn't occur until I asked a question during the  
3 incident. As I -- and we can get into the dates of June 7th,  
4 whether it was briefed to me via an email, whether it was an  
5 audible or whether it was part of a morning staff brief. And if  
6 you'd like, I can go into the number of different data ingest  
7 points that I had. Whether that occurred or not, I cannot recall.  
8 But I do recall at the time of transit during the June 7th events,  
9 asking my chief of inspections and my chief of prevention to  
10 refresh my memory of what its status was. Yes.

11 Q. And then at the end of the paragraph, it says initial and  
12 reissuance of -- it's COIs, which is Certificate of Inspections  
13 issued to tier one vessels under sub part D of reference Alpha and  
14 Bravo, shall be signed by the designated officer in charge of  
15 marine inspection. Would that be you or would that be someone  
16 else by delegation?

17 A. That would be by delegation the chief of Prevention. Unless  
18 there were exigent or factors that would escalate it to me. It  
19 might be a failure of that initial certificate of -- certificate  
20 of inspection. It might be an anomaly or something that was  
21 aberrant, irregular, or unusual in the administration of the  
22 inspection regime.

23 Q. So, in a moment, I'll ask Lieutenant [REDACTED] to pull up Coast  
24 Guard Exhibit 075, page 1 at the bottom. You'll see a graph, and  
25 I'll describe it. We gather statistics on small passenger

1 vessels, and the statistics are driven by the, what we call MISLE,  
2 which is a safety database where marine safety programs input  
3 information to make decisions. So, this graph shows the red  
4 segment that a significant number of small passenger vessels are  
5 not equipped with fire detection or fire suppression systems. Is  
6 this of concern to you as an officer in charge of marine  
7 inspection, that these vessels, small passenger vessels, do not  
8 have those systems?

9 A. Obviously, my perspective is as a result of all the things  
10 that have transpired since both the *Conception* and the *Spirit of*  
11 *Norfolk*. So, I answer with all of that fact present, recognizing  
12 that fixed firefighting systems and firefighting prevention  
13 measures are pretty critical to a first response. I would say  
14 yes, it is concerning to me, especially after witnessing an  
15 instance where those systems did not exist.

16 Q. So, we have, we have talked in here in the hearing  
17 significantly about the grandfathering, I will say, but it's more  
18 accurately described as an exemption from the regulations which  
19 allowed the *Spirit of Norfolk* not to have to have those two  
20 systems, fixed fire suppression and fire detection systems. But  
21 there is another issue which governs the fitting of certain  
22 equipment.

23 We've described the *Spirit of Norfolk* and Coast Guard Exhibit  
24 001 on page 5 as 1152 international tons. This speaks to you as a  
25 naval architect and a marine engineer. So, the vessel is 1152

1 international gross tons, but it's 99 regulatory tons. So, the  
2 public may not understand that tonnage has nothing to do with,  
3 like, weighing a vessel. So, as a naval architect, could you  
4 explain what tonnage is as it relates to a vessel in very simple  
5 terms?

6 A. No. I, and I -- the only reason I chuckle, I'm not a  
7 licensed naval architect. I'm not a professional engineer. And  
8 the last time I actually used naval architecture or marine  
9 engineering truly was around era of 2002 and 2003. I have not  
10 practiced for 20 years at this point. And so, I could probably  
11 get you an answer if you'd like. But right now, I'm not  
12 comfortable giving you that, no.

13 Q. Would it be fair to say that it is the internal cubic volume  
14 of a vessel which results in a measurement of tonnage?

15 A. I would have to consult with an expert.

16 Q. Lieutenant, if you could please bring up Coast Guard 002 TAC  
17 1, which is the certificate of inspection for the *Spirit of*  
18 *Norfolk*. And at the bottom of page two, we see the life-saving  
19 equipment in the requirements for the *Spirit of Norfolk*. The  
20 vessel was not required to be fitted with life rafts, life floats,  
21 or buoyant apparatus. Would that be correct, sir?

22 A. Yeah, stand by, sir. Can you articulate the three categories  
23 that you said again?

24 Q. Yes. Inflatable rafts, life floats, which are the same thing  
25 as buoyant apparatus.

1 A. That's correct.

2 Q. And then the vessel is class -- limited to lakes, to the  
3 Chesapeake Bay, Delaware Bay, and their tributaries and it goes  
4 on, not more than one mile from land.

5 A. Correct.

6 Q. So, the COI also has a caveat in the route permitted section  
7 that says -- and it's this the second entry down, I can read it.  
8 When no passengers are carried and not more than 20 crew members  
9 are aboard, the vessel is permitted to transit beyond 1 mile from  
10 land. In other words, it doesn't have passengers aboard, they may  
11 be going to the shipyard or some other circumstances. Would that  
12 be correct?

13 A. That's correct. I read the same.

14 Q. So, they could go out into the middle of the Chesapeake Bay  
15 enroute to a shipyard or something like that, theoretically, and  
16 not be required to add life rafts or anything like that. Is that  
17 correct?

18 A. Yes.

19 Q. So, the -- you can take that down, sir. So, the *Spirit of*  
20 *Norfolk* suffered a mechanical breakdown of the port main engine.  
21 And the reason I brought up previously the 99 gross ton regulatory  
22 standard, are you aware if the vessel was at a higher regulatory  
23 gross tons, if they would be required to carry a licensed  
24 engineer?

25 A. I, I -- in this setting, I can't answer it. I don't know,

1 no. I'm happy to do some research, though.

2 Q. Do you know when the review of the inspection activity -- so,  
3 the annual inspection took place on the 10th of May. Do you have  
4 an approximate idea when the review was completed? I mean, was it  
5 two weeks later, three weeks later?

6 A. So, the review -- so if the inspection was completed and the  
7 certificate was completed in the middle of May, I'm not following  
8 what you mean in terms of the review.

9 Q. The tier one inspection regime requires the officer in charge  
10 of marine inspection to review the inspection activity. So, I'm  
11 asking if -- do you know when that was completed?

12 A. I do not.

13 Q. I'd like to shift your attention now, sir, to the event that  
14 was the June 7th event where the fire took place. And we know  
15 that you were in Yorktown that day on official business for the  
16 Coast Guard. And I, I'd like you to take a moment to gather  
17 yourself. In as complete detail as possible, share with us your  
18 recollection of the events that transpired just for June 7th and  
19 in as complete a detail as possible, so I don't have to ask you a  
20 question. So, just take a moment, sit there for a second, gather  
21 your thoughts and tell your story of June 7th, please, captain.

22 A. I reviewed, obviously, the transcript of my summertime  
23 interview as well. So, it's helpful and there's nothing in there  
24 that departs or is inaccurate. Obviously, that transcript shows  
25 that I was on the road and working from memory, so consulting with



1 that helped to, again, refresh my memory of an event that happened  
2 about eight months ago. And quite frankly, the way our Coast  
3 Guard works is -- I would just put this in your head -- is  
4 anything that has not been relevant to my current duties has  
5 certainly been put into a working memory, if not into the hard  
6 drive which is over there on the desk. So, events begin to fade  
7 as I professionally execute my current duties.

8 June 7th, I'm going to really start around the incident of  
9 the fire that morning. Events started, I'll just say for  
10 framework, as a fairly typical day, that was Tuesday. I had a  
11 engagement with the chief petty officers of the sector region.  
12 One of the last events that I had with them, part of a mentoring  
13 and leadership event.

14 And following that, Commander Erica Elfguinn and I -- she's  
15 the chief of response, otherwise known as the Response Department  
16 Head. We traveled via a government vehicle to training center,  
17 Yorktown, and that was at the request of the course director, Mr.  
18 Bret Major (ph.) for the Critical Incident Communications course -  
19 - in which I spoke earlier, is one of the key training pipeline  
20 courses that we did. And we had been asked to present a case  
21 study on an E-2D Hawkeye crash, U.S. Navy plane crash, up in  
22 Chincoteague that had happened about six weeks earlier.

23 We were preparing to present an after-lunch scenario or  
24 vignette and was finishing up my last bite, and I got a call from  
25 Captain Stockwell. She said, this is not a drill. *Spirit of*

1 Norfolk is on fire. An urgent marine information broadcast has  
2 been dispatched by the command center. We're collecting details.  
3 Right now, all I know is that I'm headed to the -- I'm headed to  
4 the location where I can get better eyes on, which is in the  
5 vicinity of Naval Station Norfolk. And at that point, I said,  
6 Jen, Captain Stockwell, you have it. On scene command in the  
7 sector command deputy sector commander construct, as well as the  
8 incident command and the deputy incident commander construct  
9 requires for a completely fungible line of authority between the  
10 deputy and the incident commander. And at that point with two  
11 years under her belt and her professional qualifications, I had  
12 absolutely 100 percent trust that Captain Stockwell would be in  
13 charge as I made my way posthaste to the vicinity of the incident.  
14 I hung up the phone and told the course directors that we would be  
15 leaving and not being able to commit to our obligation.

16       Approximately, Training Center Yorktown to the Norfolk region  
17 is about a 45-minute drive. So, at that point we initiated travel  
18 back toward the Tidewater region. At that point I didn't know  
19 where we were going to go. So, multiple calls with Captain  
20 Stockwell and the team, with Commander Erica Elfguinn, and as we  
21 tried it to divide and conquer and understand what key objectives  
22 we needed. Primary, primary, primary and primary was safety of  
23 life and evacuation of 108 passengers, crew, and children at that  
24 time. And it was a very foggy -- and what I mean by that, it was  
25 an ambiguous situation in terms of who was doing what. Heavily,

1 heavily, heavily relying on on-scene response from McAllister  
2 towing, Victory Rover and Naval Station Norfolk, but all that  
3 emerged sort of as we were driving.

4       A decision was made between Captain Stockwell and myself that  
5 there were two primary equities that needed to be covered  
6 immediately. And as we had certainty that all passengers had been  
7 evacuated from the *Spirit of Norfolk* and in the initial, initial  
8 turn of events, were they headed to Naval Station Norfolk or were  
9 they disembarked and headed to Waterside Park for disembarkation?  
10 Once that was clarified, I told Captain Stockwell, I need to go to  
11 Waterside Park to represent captain of the port, answers to any  
12 public affairs professionals to ascertain the veracity of the  
13 accountability, which was still -- I wanted to have that ten times  
14 checked over. One, two, three, four -- I wanted ten times  
15 accountability checks. And I wanted to see and be on scene for  
16 any health, injury, or casualty assistance that might have  
17 happened. And get an eye, eyes on for the disembarkation of the  
18 passengers.

19       At that point, I knew that I was preparing with the Norfolk  
20 City manager. My line of effort was primarily focused on where is  
21 Victory Rover, where are the passengers? What media will be on  
22 scene? Working with District 5 Public Affairs to ensure that I  
23 had support from public affairs professionals and a dotted line  
24 emerged where Captain Stockwell was in charge of the event. I  
25 arrived at Waterside Park with Mr. Jim Reddick, who's the Norfolk

1 Emergency manager, and we arrived, actually, after all the  
2 passengers had disembarked and they, through anecdotal evidence  
3 from the public affairs professionals who were there, said that  
4 everyone walked off just fine. There were no tears, there were no  
5 smoke inhalation, and everyone walked off fine. And it was at  
6 that point that I was able to triple, quadruple, ten times check  
7 the accountability through a number of different calls. So, that  
8 was a huge pause and reflection of a peace and gratitude that 108,  
9 2, obviously, who remained on board to facilitate the transfer of  
10 the vessel to Naval Station Pier 3. 106 had made it off safely,  
11 and that could have been one of the port's worst nightmares,  
12 frankly, had we had children or other folks who perished during  
13 that.

14 I provided some brief remarks to, I don't remember the news  
15 outlet, ascertaining the cooperative and collaborative  
16 relationship of first response and a port as large and multi-  
17 jurisdictional as Hampton Roads. I spoke to the gratitude for the  
18 coalition of willing that included Victory Rover, Moran towing,  
19 McAllister, and Naval Station Norfolk in covering down on a very  
20 complex incident during a very uncertain stage to make sure people  
21 were evacuated safely. And at that time, we wrapped up and I  
22 departed the scene enroute Naval Station Norfolk. This was  
23 probably about, want to say, let's see 1:00, 15:30, 16:00-ish.  
24 About a 20-minute drive to Naval Station Norfolk.

25 We arrived again, Commander Erica Elfguinn and myself, and

1 were able to see as we drove up the plumes of smoke emerging from  
2 the vessel secured and affixed starboard side too, to Pier four  
3 Naval Station Norfolk. And just a significant amount of ladder  
4 trucks, towing, fire -- water being monitored on to the vessel,  
5 smoke, etcetera. As we arrived, Captain Stockwell and I had been  
6 conversing to say, let's have a Coast Guard only discussion just  
7 as so I can understand what's going on.

8         And Captain Stockwell had kind of beat me to the punch as I  
9 arrived, and I could tell there was some, I would call it tension  
10 and emotion. And as she reflected on what had just happened, a  
11 near miss of a firefighter who had breached a, a door,  
12 subsequently getting knocked over by water and having a reflash  
13 and a period of uncertainty in which that firefighter was alive or  
14 dead and her having to direct efforts with a very formative,  
15 unified command to say, I'm exercising my authority and conferring  
16 with you not to put any additional people on board following a  
17 near miss. I said, I understand Captain Stockwell, and have again  
18 100 percent trust in the decisions, I would have done the same.  
19 At that point it was uncertain what the condition of the vessel  
20 was, its stability or the safety of ingress.

21         It was shortly thereafter, I'd say, after trying and  
22 attempting to frame the complexity of the incident in which you  
23 had Norfolk Fire jurisdiction only covering down on firefighting  
24 equities for the City of Norfolk. However, carve out Naval  
25 Station Norfolk within the fence line as jurisdictionally

1 responsible for its own naval station. So, you had Commander Navy  
2 Region Mid-Atlantic Fire on scene, and you had Moran towing  
3 flowing fire monitor water to the exterior of the hull. And at  
4 that time, we were simply trying to assess what both the  
5 firefighting tactics would look like while maintaining life and  
6 safety. And I could see that there was disagreement from the  
7 salver (ph.). I would have to get that individual's name, I  
8 believe I have it on some of my -- I might have it right here,  
9 this -- again, this is my (indiscernible) book.

10 So, while I'm looking at this, the disagreement was on  
11 whether or not water -- whether or not firefighting efforts in the  
12 skin of the vessel should commence and continue to try to put the  
13 fire out or whether or not exterior firefighting only until it was  
14 otherwise safe to do so. I was in lockstep and fully supportive  
15 of Captain Stockwell's initial decision, and so I directed a  
16 command huddle in Port Authority Communications Vehicle 1. It's a  
17 mobile incident command post that was positioned there from the  
18 Maritime Incident Response Team.

19 And I asked to have the two fire chiefs from Norfolk and from  
20 Commander Navy Region at Mid-Atlantic, Captain Stockwell, Mr.  
21 Burket from the Maritime Incident Response Team, Captain David  
22 Dees from Naval Station Norfolk and his XO, Captain Janet Days and  
23 -- what is his name? The Unified Command -- gosh, I can see him  
24 right now. It was Mr. Scott Smith's representative --  
25 representing DonJon Smit, who was on scene, and I'm, I'm sure some

1 of the witnesses had provided that individual and he was on scene.

2 And I made a point to declaring that in my captain of the  
3 port and federal on scene coordinator authorities, that a unified  
4 command for future decisions needed to be vetted through this  
5 team, each representing their jurisdictions and authority for  
6 resources and portfolios of firefighting. And I said at this  
7 point in time, my direction, and I would like to have a  
8 conversation, is that we will not put anyone else inside the skin  
9 of the ship until it's otherwise deemed safe. And at that time  
10 based on stability concerns, marine firefighting is not like land  
11 (indiscernible) firefighting, as I'm sure you've heard from  
12 witness testimony. You can't put all the water on it that you  
13 want, to douse the fire. Obviously, if you do, there's no place  
14 for the water to go and the boat sinks.

15 So, if I can back up, just one, pause there. On the way to  
16 Naval Station Norfolk, I had a consultation with Captain David  
17 Dees, who had been exceptionally gracious and leader oriented and  
18 first response oriented to welcome the *Spirit of Norfolk* to Pier  
19 four in a highly ambiguous circumstance regarding the evacuation  
20 of passengers. That was not necessarily required, and he assumed  
21 huge risk in accepting the *Spirit of Norfolk* to Pier four, which  
22 is one of his Naval Station Norfolk Naval Vessel Piers to  
23 potentially cause property damage to potentially have the vessel  
24 sink at the pier, limiting the draft of the pier and future use  
25 and having really, quite frankly, a highly uncertain future path

1 of trajectory of how the outcome would pass.

2       On the way up, though, I, in consultation with my team,  
3 realized that with the incident, firefight and provide safety of  
4 life to the *Spirit of Norfolk*, the event was much bigger and that  
5 if you were to look at options to remove the vessel, pull it off  
6 the pier and see if there was an alternate location, would create  
7 substantially more risk to the port. Now you have an inability  
8 for landside firefighters to provide any support. You don't know  
9 the stability of the vessel, and the prospects of the vessel  
10 sinking anywhere in the Naval Station Norfolk turning basin or in  
11 Norfolk main reach, which is the primary shipping channel from the  
12 heart of the port through Port of Virginia and Norfolk  
13 international terminals, would have been a restriction that would  
14 have created some significant incident management.

15       So, I told Captain Dees, by the authorities that I have as  
16 captain of the port, I'm issuing a decision memo, which is  
17 basically an articulation of a decision that I made as the captain  
18 of the port with those authorities, that directs the vessel to  
19 stay there. And I told them, I said, it's probably not an optimal  
20 situation for you, but I wanted to give you the courtesy. They  
21 said, here's the decisions that I have and here's the explanation  
22 why. You said, I understand. So, that was leading into arriving  
23 on scene, all things remaining what I previously said.

24       That unified command meeting, again, going back into to port  
25 area communications vehicle number one, was intended to say



1 leaving this door, we need to unify in terms of our transparent,  
2 unified objectives. The safety of life is the number one, two,  
3 three most important priority. So, entering the skin of the ship  
4 and providing firefighting from within, without an understanding  
5 of what is going on in there, is not to be done. And at this  
6 point, from a stability perspective, no more firefighting water to  
7 be flowed inside the skin of the ship because she had squatted  
8 significantly on her port quarter with water practically at the  
9 free board of the main deck. And we were not confident that she  
10 wouldn't go down at the pier creating, like I said, a greater  
11 incident than the event was in its small stage.

12 Everyone agreed that that was to be had. Everyone agreed  
13 that was about, again, 16:00, 17:00-ish. And then we vectored  
14 toward -- I -- sometimes I get a hard time for the military lingo.  
15 We aimed for a 20:00, 8:00 p.m., unified command meeting that  
16 would crystallize not just the people who were face to face, the  
17 two fire chiefs, the naval station, the Coast Guard, and the  
18 responsible party represented by -- I can't remember his name --  
19 Mr. Edgar -- was that his name? What's his name? Is that Mr.  
20 Edgar? Yes. To say we need to bring in truly the stakeholders  
21 who are part of the Unified Command, which include Virginia  
22 Department of Environmental Quality, Virginia Department of  
23 Environmental Management, because any unified command usually has  
24 a federal, state, and a responsible party person. We added a  
25 fourth, Naval Station Norfolk, because it was their pier.

1           That unified command call at 20:00 was the first call in  
2 which we started to work through the objectives that would align  
3 what would happen overnight and how we would start to line up  
4 those key priorities for additional life safety, environmental  
5 mitigation for whatever contents were on board in the form of  
6 contaminated firefighting water, and whatever the contents of the  
7 diesel were, as -- and then finally start to track toward  
8 dewatering and a salvage plan to understand what its actual  
9 stability calculations were.

10           A lot of activity generated toward the US Coast Guard Marine  
11 Safety Center in Headquarters Salvage Emergency Response Team.  
12 It's a specialized force that provides stability calculations.  
13 We, at the evening of June 7th, were not in possession of those,  
14 and nor was the salver, to my understanding, which is why the  
15 conservative decision was made not to flow any additional  
16 firefighting water inside the skin of the ship. All firefighting  
17 activities was contained to cooling water at the exterior, and  
18 there was an attempt at one point to get foam inside an engine  
19 vent, foam obviously being significantly less dense and being a  
20 much greater extinguisher to fire. But as we move through that  
21 evening, the fire continued to burn fairly heavily through about  
22 19:00, 20:00, 21:00, at which point it significantly abated and  
23 there was a general consensus that setting a fire watch and  
24 continuing to have an overnight presence via a night orders, if  
25 you will, through a Coast Guard presence. Chief Warrant Officer

1 [REDACTED] (ph.) arrived on scene, and relieved me at  
2 approximately 23:00. And I returned home and composed an email  
3 update to Admiral Shannon Gilreath, my boss -- which is probably  
4 part of the exhibits as well -- detailing the current events at  
5 that time. Again, as sector commander supporting Captain  
6 Stockwell, who had been deputy incident commander to manage that  
7 incident, we had coalesced everything that had happened for a  
8 report out to Admiral Gilreath by 20:00 that evening. I'm sorry,  
9 by midnight that evening. There any -- do you mind if I consult  
10 that sitrep that I have? See if there's anything else, or should  
11 I stop and see if you have additional questions?

12 Q. The, the -- for the Situation Report that you're referring  
13 to, details the events on 7, June. Yes, you can go ahead, sir.  
14 Take a look at it.

15 (Background conversation.)

16 A. It's, it's uploaded everything. It's a public email, it's  
17 releasable. Let's see, (indiscernible). I also, that evening,  
18 placed a captain of the port order on the vessel requiring a  
19 salvage and pollution remediation plan to be reviewed by the team  
20 at that time. That's -- I don't want to say a, a formality, but  
21 it was a policy and captain of the Port Authority to ensure  
22 compliance with the vessel shall not move. Because the decision  
23 memo that was stated to Captain Dees was more, here is what I have  
24 decided in relation to the incident. The captain of the port  
25 order required the salvage and pollution remediation efforts and

1 again articulated in here. We established -- I think -- I don't  
2 want to repeat myself, I'm just reviewing the notes here to see if  
3 there's anything I missed.

4 You likely heard, and I saw on the schedule, Mr. Bill Burket,  
5 the Director of the Port of Virginia Maritime Incident Response  
6 Team. He is a Virginia Beach veteran and firefighter and has been  
7 a -- really part of a robust training curriculum that over the  
8 past 30 years has probably seen the implementation of over 50  
9 firefighting, command firefighting, search and rescue, and public  
10 safety, and dive courses. He was on scene as well, as well as his  
11 deputy, Mr. Tracey Freeman, as part of the MIRT -- I'll use the  
12 MIRT from here on out, Maritime Incident Response Team --  
13 providing both the command post as well as firefighting experience  
14 and advisory. Is it, okay, (indiscernible) fire mobilization  
15 placement continued -- yeah, those, those -- I think I'll stop  
16 there and I'm open to take questions if there's either pieces or  
17 things here that need clarifying.

18 BY MR. [REDACTED]

19 Q. So, what time, sir, did you -- [REDACTED] [REDACTED] Coast Guard.  
20 So, what time did you depart the scene, sir?

21 A. About 23:00 or 23:30. The email time stamp on this note to  
22 Admiral Gilreath is June 8th at 12:10 a.m.

23 Q. And -- so, then it would be -- it'd be fair to say that, that  
24 the afternoon of June 7th was chaotic. In addition to the fire  
25 and response efforts, the loaded bulk carrier Spar Lyra was

1 approaching, or either adjacent, to the response team when it lost  
2 its propulsion, steering, and electrical power. At what time were  
3 you -- pardon me, at what time were you notified of that event?

4 A. It was in the middle of that chaos. I remember there was  
5 daylight and I remember affecting absolute triage as Commander  
6 Meskun, at that point, was telling me about a incident that had  
7 happened. And my first question is, what's its current status and  
8 risk to the port?

9 After that, obviously, the, what happened question, came in,  
10 but was not for resolution at that current time. The what had  
11 happened was of interest and future investigation, primarily being  
12 that that vessel had had an engine casualty that I understand had  
13 not been reported by the bridge and was actually by, I want to  
14 say, a pilot that came in circuitously, such that we were advised  
15 that we practically had a near miss in which that vessel was  
16 nearly on a northbourne transit with a loss of propulsion that  
17 could have T-boned the *Spirit of Norfolk* or one of the piers in  
18 that general vicinity.

19 Again, I was not there to witness either the incident, the  
20 initial notification, or any of the first response. It was a post  
21 event, hey, sir, this happened and I -- like I said, where is it?  
22 She's at anchor. There's a captain of the port order on it,  
23 verbally administered to say you shall not move until we have a  
24 cause and correct for understanding what happened. And then I  
25 knew that that would be pinned over here and the to do actions to

1 resolve in terms of all of the OCMI and captain of the port  
2 issues, because primary objective was the *Spirit of Norfolk* at  
3 that time.

4 Q. So, you mentioned the Marine Incident Response Team Port of  
5 Virginia, Mr. Burket. Mr. Burket provides a series of courses,  
6 search and rescue course -- it's not really a course, it's a  
7 symposium -- firefighting training for marine firefighting  
8 operations, and a command cadre course. During your tenure at  
9 Sector Virginia, had you attended the command cadre course?

10 A. I attended two of them. It was newly instantiated in I want  
11 to say the spring of 2021. It was a new effort and I attended  
12 both of those, both for remarks as well as attending. And I would  
13 offer, sir, that they are courses. So, do you obtain a -- do you  
14 obtain a certificate and a professional license? No, but is the  
15 curriculum extraordinarily robust in a number of different  
16 training lines of effort and segments, especially at the annual  
17 Todd Dooley SAR Forum in its 16th year, going into it's, into its  
18 17th year, probably this February.

19 And that five-day course is both a matter of hands on and  
20 classroom exercises that spans everything from radar and  
21 navigation, to side scan sonar, to hands on practical exercises  
22 about maneuvering, towing, search and rescue, plotting, flare  
23 sighting. And concludes with the mass rescue exercise every year,  
24 which is usually set up through port partners using a barge and  
25 some sort of tabletop scenario in which you truly have over 35

1 federal, state, and local agencies and their boats on Thursday and  
2 Friday fan out from Hampton Harbor. And I've been on the boats,  
3 all four exercises, running the exercise, trying to locate debris,  
4 trying to locate lifejackets or other signs of, of life, as well  
5 as extinguishing a fire or accessing things all simulated by a  
6 deck barge.

7       So, it's a -- it's about as course as course gets absent the,  
8 here's the professional certification. And folks travel from all  
9 around to attend both the marine firefighting course, annual  
10 Robert E. Rumen's course. I believe it's in its 31st year. The  
11 Todd Dooley SAR Forum, it's in its 16th year. Firefighting course  
12 in the spring, SAR course in the winter, February. The Maritime  
13 Firefighting Command course is really intended to highlight the  
14 unified command of the marine firefighting and -- all those things  
15 that I just talked about, why can't a firefighter just take  
16 command and be an incident command and douse the fire? Because  
17 there's a lot more in a marine firefighting scenario that involves  
18 (indiscernible) transportation system U.S. Navy Equities, and  
19 here's how that works.

20       And then also the fourth thing that happens in the fall is an  
21 annual public safety and dive course that brings all of the folks  
22 who usually -- and we use divers, I believe, Croft and Marine, and  
23 there's a variety of other salvors in the local area that will  
24 contribute to examination of whether there're underwater anomalies  
25 in the port, whether there're verifications of whole integrity,

1 factors like the *Spirit of Norfolk*. I believe that one was  
2 contracted, though, directly by, by City Cruises, though. Felt  
3 like I went on a tangent there, Bill Burket is an incredible  
4 leader and patriot for the Port of Hampton Roads.

5 Q. So, as, as you were taking the initial report of the fire and  
6 you were making your way from Yorktown back to the Port of Norfolk  
7 area, what did Captain Stockwell tell you about the functioning of  
8 the incident response from the perspective of how the command post  
9 was managing the event?

10 A. We didn't discuss that, and I would offer complex maritime  
11 first response and emergency management. And, I, I'm, I'm not  
12 trying to sound as if I'm the expert on it, but from the four  
13 years that I witnessed, it is significantly complex. And whether  
14 it's the 45 response boat medium coxswain who is responding to a  
15 person in the water case in off of Chincoteague, my authority --  
16 while that member works for me under my authority as search and  
17 rescue mission coordinator, is not to be on the radio saying, hey,  
18 boatswain mate, First Class Smith, I think I need you to go north,  
19 not south. I think you need to be doing a creeping line search  
20 instead of an expanding square search, because the trained  
21 initiative model that works within the first response community  
22 must rely on the trained initiative and the on scene presence of  
23 that incident command.

24 So, I knew that I was 45 minutes away, and that Captain  
25 Stockwell was in the eye of the storm, that asking those elements



1 of questions while everyone was doing everything that they could  
2 to make sure people were evacuated, safe, removed, and we had no  
3 safety of life, make sure firefighters were not being either  
4 burned, having smoke inhalation, or otherwise perish, was the duty  
5 or responsibility of Norfolk Fire Sonorma (ph.) Commander, Navy  
6 Region Mid-Atlantic under the advisory of MIRT, under Captain  
7 Stockwell's authority, which really has the 51 percent vote. I use  
8 that really as -- it's, it's not a technical term, but it is  
9 instantiated as part of the unified command. And that's what she  
10 needed to exercise as she in that very first crystallized command  
11 post incident where that person almost perished and there was a  
12 hot -- there was a reflash, said we're not putting anyone else on  
13 the boat.

14 And I know there was some friction with Mr. Edgar about, I, I  
15 think we should and I think we can, I believe, which is why she  
16 had to exercise, I'm the captain of the port, from a safety of  
17 life perspective, the answer is no. And I am directing as the  
18 deputy incident commander and the deputy sector commander these  
19 actions, because there is not one life that is worth being lost  
20 for the *Spirit of Norfolk*.

21 So, I'm sorry, the -- just to answer your question. I  
22 realize I might not have answered it. During our calls, we were  
23 passing traffic that was of utmost priority for her to do her job.  
24 Captain Stockwell managed the incident; I am going to manage  
25 waterside. There are three peoples worth of work that must be

1 done by two people. So, let's each of us do 150 percent of it and  
2 I'm not going to be directive. I have absolute confidence in you  
3 based on working with you for the past two years. And that's  
4 frankly, the model of the deputy incident commander and the deputy  
5 commander of sector.

6 Q. So, do -- could you, from your opinion, tell us when you  
7 thought the unified command was actually stood up on June 7th?

8 A. It would have been the, the first informal meeting billed as  
9 a unified command meeting. And I can show you again, email notes  
10 that have the Microsoft team scheduling was at 8:00 p.m., 20:00 in  
11 the mobile command post on June 7th. The first formal direction  
12 of, we need to be together and we need to understand what's at  
13 risk and we need to understand who's authorities are what, was  
14 immediately preceding that by about an hour and a half or so. And  
15 that was that first meeting where I had arrived on scene, sensed  
16 some frustration and potential emotion and, like, this was a near  
17 miss. This was close.

18 I mean, I have seen people -- Mr. Burket is a weathered  
19 firefighter and to -- this is something human about understanding  
20 all of the experiences that someone has had and seeing a person  
21 who is clearly touched by, wow, that was close. That was close.  
22 Seeing that reflected to me, that we got 108 people off the  
23 vessel, 106. Let's not have a firefighter, a first responder, a  
24 de-watering effort, a salver lose their life because we're going  
25 too fast. Folks were going back to port area communications

1 vehicle, and we need to have a huddle. And this is where I had to  
2 exercise, again, not in an egotistical way, but in a very  
3 directive way, this event requires us to be consolidated in  
4 lockstep. And if there's disagreement, we'll hear what that is.  
5 But I have an overrule vote if it's something that's at the risk  
6 of priority number one, two, and three, safety of life. So, I  
7 would say that was about -- that event was at about 18:00.

8 Q. So, I'm going to ask a final question. And Commander, I'm  
9 going to suggest a break, if we can take one. Did the Coast Guard  
10 on June 7th direct firefighting operations?

11 A. It directed the cessation of risky onboard firefighting  
12 operations. So, this is a complexity here. I'm not a  
13 firefighter. Captain Stockwell's not a firefighter. None of my  
14 team are firefighters unless they happen to be volunteers, but  
15 we're charged through the Hampton Roads Marine Firefighting Plan,  
16 through captain of the Port Authorities, through Search and Rescue  
17 Mission Quarter Authorities (ph.), to be overseeing a firefighting  
18 efforts because a firefighting effort on the water or in the port  
19 is not an event in isolation, whether it's at a port terminal that  
20 might have hazmat, whether it's at a naval shipping area, whether  
21 it's a vessel that's about to sink, that we might have an option  
22 with tugs to remove.

23 There are things that we can direct that are above the  
24 firefighting efforts. We relied on Naval Station Norfolk,  
25 Commander Navy Region, Mid-Atlantic Fire Chief -- I don't remember

1 that person's name and I wasn't at that initial incident -- and  
2 naval -- correction, Norfolk Fire to be the first responders and  
3 the incident commanders who were directing firefighting efforts.  
4 So, I'm not trying to equivocate we -- the Coast Guard would step  
5 in, and that's with the 37 sector commanders who span from Guam to  
6 Alaska to San Diego, Gulf Coast, inland rivers, East Coast, all  
7 the way up to Maine, are responsible for doing is ensuring the  
8 safety, stewardship, security, and prosperity of the port.

9       And in the execution of firefighting duties under a  
10 collaborative first response effort, there may come a time when  
11 the captain of the port needs to exercise directive authority.  
12 The fire chief wants to do something at the pier, and they  
13 recognize that that's going to sink the boat at the pier and be a  
14 greater national security risk because that's a strategic out load  
15 port and potentially in the next two weeks, there is a strategic  
16 out load in support of overseas operations and contingencies. The  
17 captain of the port may say, no, we are going to keep it here, and  
18 that's my action. Obviously, it sets the captains of the port up  
19 for a huge amount of risk and shouldering, but that's what the  
20 U.S. government has imparted them with since 1915 and the creation  
21 of those duties.

22 Q.   So, again, can you, as a captain of the port, overrule  
23 decisions at the unified command in the interest of safety of  
24 marine operations?

25 A.   Yes.

1 Q. Thank you, sir. That's all I have for now.

2 CDR WADDINGTON: The time is 9:09. We will reconvene at  
3 9:20. Thank you.

4 (Off the record at 9:09 a.m.)

5 (On the record at 9:20 a.m.)

6 CDR WADDINGTON: The time is 9:20. The hearing is now in  
7 session. Mr. ██████████ please continue.

8 MR. ██████████ Thank you, Commander.

9 BY MR. ██████████

10 Q. In the timeframe leading up to the June 7th event, had you  
11 been aboard the *Spirit of Norfolk* in any capacity -- passenger, a  
12 guest, anything like that?

13 A. Yes, sir. Both.

14 Q. And how many, how many times, approximately?

15 A. Less than ten. More than five.

16 Q. And did you have the opportunity to walk around the vessel  
17 main deck interior spaces, just as a passenger?

18 A. Yes. As well as a professional setting. Main deck. Not  
19 into the engine spaces, but everything above the main deck. Yes.

20 Q. And Lieutenant ██████████ could you pull up a Coast Guard  
21 Exhibit 055, Page 1, which is some images that were gathered on  
22 the 6th of June. You'll see them on the screen, sir. I'm not  
23 going to -- wait a minute. Pardon me, sir. 047, TAC 1.

24 Apologize, Captain. You will see an image taken on the 6th of  
25 June of the aft main deck area. And if you go down to the next

1 page, sir, and zoom in the left image.

2 This picture was taken on June 6th, 2022, as part of a  
3 valuation survey, and I put the red circle on there to identify a  
4 placard that is purported to say emergency escape hatch. Based on  
5 your experience on moving around the vessel, looking at that  
6 image, can you identify the precise location of the emergency  
7 escape hatch?

8 A. No, I'm not -- so, you want me to look at the left center  
9 (indiscernible) picture?

10 Q. No, just the image that's zoomed in up here, sir. So, I'm  
11 just saying, looking at that image, can you see -- physically see  
12 the emergency escape hatch?

13 A. No, I cannot.

14 Q. Thank you. So, as you understand it, sitting here today, do  
15 you understand that the firefighters crossed a horizontal fire  
16 apparatus ladder, entered the vessel, and went to look for the  
17 emergency escape hatch?

18 A. I am not aware of the tactical activities that the  
19 firefighters conducted leading up to the near miss and reflash.  
20 No.

21 Q. And as of today, you don't know what transpired that day?  
22 And I'll characterize it simply as fire team went aboard. They  
23 tried to locate the emergency escape hatch. They went down into  
24 the engine room or the galley, opened a watertight door, and were  
25 engulfed by backdraft of flame and floodwater from the engine

1 room.

2 A. That's my understanding of what happened, in addition to the  
3 resulting deluge of water creating what was a significant reaction  
4 in the vessels -- I told you naval architecture. She pivoted to  
5 the starboard and then came back to the port, suggesting that  
6 there is a great deal of water that had been released creating a  
7 stability issue. Those are the details that I'm aware of.

8 Q. So, if you'll pull up, Lieutenant, now, Coast Guard Exhibit  
9 55, Page 1, and zoom in as much as you can. And everything is  
10 marked on this screen. This is a computer model called the Rhino  
11 Model, developed by the Coast Guard's Marine Safety Center based  
12 on vessel characteristics.

13 So, the yellow arrow is the sequence of firefighters boarding  
14 the vessel, moving through the vessel. I just want you to focus  
15 on the small round circle described as the emergency escape hatch  
16 that we asked about a moment ago. The firefighters then went down  
17 the yellow arrows into the engine room, had to turn aft and then  
18 open a watertight door. Is that how you understand the sequence  
19 of events that occurred --

20 A. Please. Sorry, sir.

21 Q. I'm sorry. At this time, do you understand that?

22 A. This is the first I've seen this. This makes sense. But I  
23 had zero understanding of exactly the compartmentation and the  
24 path of the firefighters up until seeing this today, now.

25 Q. Please scroll down to the next image at the bottom. This is

1 a depiction of the engineering space aboard the *Spirit of Norfolk*.

2 And my question is --

3 UNIDENTIFIED SPEAKER: I'm going to object. I think it's it  
4 is asked and answered, and it calls for speculation. I think I  
5 think the captain has been very clear what his role and -- what  
6 his role was and what his role wasn't.

7 CDR WADDINGTON: Objection noted for the record. Rephrase,  
8 please, Mr. [REDACTED]

9 MR. [REDACTED] I will, certainly. Thank you.

10 Q. Captain, you've had advanced degrees in naval architecture,  
11 and I'm going to ask, based on training that you've received as a  
12 naval architect. If firefighting water as depicted -- and this is  
13 an estimation -- filled the engine room, and the watertight door  
14 was closed. When the watertight door was opened outward, based on  
15 your training and background as a marine engineer, would the  
16 firefighting water cascade into the galley area based on what you  
17 see there?

18 A. It would appear so.

19 Q. Thank you, sir. You can take that down, Lieutenant. One  
20 more. Pull it back one more time. I'm sorry, sir. Pardon me,  
21 Captain. There is depicted -- we talked about it before -- once  
22 again, based on your -- slide down, sir. The small white hatch is  
23 the engine room hatch. Based on your training and background as a  
24 naval architect and marine engineer, if that hatch had been  
25 opened, would water have escaped the engine room and flooded the



1 vessel?

2 A. Is this model a practical workup of the estimated quantity of  
3 water in the engine room?

4 Q. Yes, it is, Captain.

5 A. I don't see where a pressure gradient would cause it to come  
6 out the escape hatch, no.

7 Q. Thank you, sir. So, at any time -- and we're going to talk  
8 about subsequent events -- at any time, was a naval architect  
9 representing the United States Coast Guard directed to attend on  
10 the pier at Navy Pier 4 to assist in the advice that was given to  
11 the unified command?

12 A. As stated, I'm -- a quote unquote naval architect was not  
13 directed as part of the unified command to be standing on the  
14 pier. In function, our journeyman marine inspectors work in the  
15 field of stability as part of the inspection regime. And as noted  
16 that afternoon, the Maritime Marine Safety Center -- correction,  
17 there are too many acronyms -- the Marine Safety Center Salvage  
18 Emergency Response Team had been contacted for an expedited  
19 stability review. And actually, that was one of the things that  
20 Admiral Gilreath had actually advocated to expedite as well.

21 So, on June 7th, no, a dedicated, professionally licensed  
22 naval architect, to my knowledge, was not on the pier or in  
23 service to the U.S. Coast Guard.

24 Q. So, I'd like you to now, you know, we've wrapped up June 7th  
25 from my question, and take a moment to gather yourself and explain

1 to us the -- your activities on June 8th, 2022. And limit those  
2 remarks and then we'll go through very briefly the rest of the  
3 evolution related to the *Spirit of Norfolk*. So, whenever you're  
4 ready, Captain, if you will, lay out your activities for June 8th.

5 A. Okay, I'm ready. Well, June 8th started with that last note  
6 to Admiral Gilreath. Date time stamped at 12:10 a.m. on June 8th,  
7 which was the last act that I completed in terms of the Situation  
8 Report, leaving the scene and the Coast Guard hands of a  
9 designated safety and designated Coast Guard representative, Chief  
10 Warrant Officer Winseker. Also coordinating with Captain  
11 Stockwell, as we both prepared to maintain our own resilience and  
12 decision making, as well as affect the other sector business that  
13 had to proceed. We discussed June 8th.

14 Sector Virginia is responsible for five small boat stations,  
15 three 87-foot patrol boats, three (indiscernible) navigation  
16 systems, and a sector field office. And the reason I tell you  
17 that is the Shore Forces Enterprise, that sector is about 550  
18 people, 630 auxiliarists. And the execution of all statutory  
19 missions under my purview at the time was really executed by  
20 stations, (indiscernible) navigation teams, and cutters.

21 So, on June 8th, one of our officers in charge in Hudgins,  
22 Virginia, had a change of command. A change of command is that  
23 transfer of authority by which all the vested powers of an officer  
24 in charge who runs a small boat station can continue to execute  
25 those operations really in the peak of summer. As we went into

1 June 8th, I was torn between maintaining my presence in the  
2 Norfolk region and supporting Captain Stockwell as sector  
3 commander, but also in maintaining the line of march toward an  
4 inevitable change of command, which would result in my being  
5 relieved as well, on June 15th.

6 And I talked with Jen, straight and frankly, and said, as we  
7 go into tomorrow, this evening's fire appears to have stabilized.  
8 Tomorrow's salvage and unified command meetings are trending  
9 toward the right path of objectives, pollution remediation  
10 response. At the time that I departed, the fire had abated  
11 significantly. This was June 7th, and so we made the decision to,  
12 unless otherwise directed, I will take the unified command call  
13 from my work location in Portsmouth on June 8th. If there's any  
14 pop ups or there's concerns, I will come posthaste, cancel the  
15 change of command at Hudgins. Otherwise I'll proceed and you'll  
16 be in charge as the deputy incident commander.

17 We also discussed very clearly that whether it was June 8th,  
18 June 9th, or June 10th, we needed to be deliberate in shifting  
19 Captain Stockwell from the deputy incident commander to the  
20 incident commander, which is part and parcel with all the  
21 authorities vested in her. Reason being is we were preparing for  
22 the 44th annual Harbor Fest that weekend, Friday, Saturday, and  
23 Sunday. This was the resurrection of the Harbor Fest that had  
24 been canceled for the past two years. So, a significant force  
25 presence in the Norfolk region to ensure we had boats, security,

1 lifesaving services available for Norfolk's flagship event. And I  
2 only tell you that for the context of the decision calculus, as we  
3 started to piece together what was going to happen Wednesday,  
4 Thursday, and Friday, event and risk management and command  
5 structure.

6 So, on the 8th, I reported to work. I was on a unified  
7 command call. At that point, the objectives for that day focused  
8 largely on the procurement of a dewatering barge. Captain Dees  
9 was looking at a temporary solution of frac tanks, recognizing  
10 that we were really in a limiting factor for firefighting and  
11 overhaul efforts because we had decided no further water on the  
12 skin of the ship. So, let's de-water and then also let's expedite  
13 these stability calculations so we know how much is too much.

14 From that point on, the objective is clearly stated. I  
15 proceeded to about an hour and a half drive to Hudgins, Virginia  
16 in Matthews County. And as I was crossing the Monitor-Merrimac  
17 Bridge due west of Naval Station Norfolk, I was driving but the  
18 master chief was accompany me, I could see at Naval Station  
19 Norfolk a significant plume of smoke, and presumed a significant  
20 reflash had happened. Called Captain Stockwell and she confirmed,  
21 absolutely. This is the reflash of all reflashes.

22 And at that point, we had absolutely doubled down on our  
23 command objectives. That was (indiscernible) reflash. On board  
24 firefighting was not to proceed, cooling water only, and not to  
25 submerge or sink the vessel. And at that point, I recognized that

1 with no water entering the skin of the ship or limited that most  
2 of the combustible materials, given what I had seen, would likely  
3 have been combusted in a short order of time. And there was  
4 nothing that I would be doing that Captain Stockwell and the  
5 firefighting team couldn't.

6 I proceeded for that afternoon to the station (indiscernible)  
7 change of command, effected a relief from one chief petty officer  
8 to another, maintaining the intact, and returned to the office at  
9 about 15:00, changed out of my dress uniform and then proceeded to  
10 Naval Station Norfolk. Of note, by the way back down, there was no  
11 plume of smoke from the Monitor-Merrimac. As I got over there,  
12 the scene had definitely revealed that most everything that was  
13 burnable had burned.

14 And that was -- the afternoon of the 8th focused largely on,  
15 by this time we're not really sure how, whether it was tertiary  
16 water entry just through the windows or mist, or if there was some  
17 other whole integrity issue. But the *Spirit of Norfolk* had  
18 substantially squatted further on her port stern, and de-watering  
19 had been started. Captain Dees had ordered in some frac tanks. I  
20 don't know what that stands for, but basically, they're tanks to  
21 hold polluted water and their capacity had filled faster than  
22 expected because the foam that was in the engine room created  
23 additional volume that wasn't necessarily prepared for.

24 There was also some frustration at that point in time that  
25 the speed of the tank barge that had been ordered for that day was

1 delayed. And that was our primary mechanism for de-watering the  
2 *Spirit of Norfolk* on June 8th that afternoon. We purposely were  
3 not de-watering into the harbor because part of my federal on-  
4 scene coordinator duties were also to remediate environmental  
5 damage that would include air monitoring, pollution response in  
6 the harbor, and ensuring that this incident didn't turn into an  
7 event which was more catastrophic for the port, i.e., polluted  
8 water enters the port as a result of firefighting and significant  
9 combustible or noxious fumes are causing damage to the public  
10 residents. So, all of those things were still being actively  
11 managed on the objectives front.

12 That afternoon, I remember telling Captain Stockwell to -- I  
13 want to say it was around dusk -- to go home and get some sleep  
14 because we were already starting to set up the operational period  
15 for what the next day would look like. Once again, with  
16 additional sector commander duties and responsibilities in  
17 conjunction with the last four days of my being in command. And  
18 I'll get to those. But in keeping with June 8th, that afternoon,  
19 we had additional unified command meetings. I believe there was a  
20 press release that day. Again, Captain Stockwell and I were, you  
21 know, two wheels turning independently with our own momentum,  
22 touching just enough to be able to establish that the risk  
23 management of the event was accurately being maintained for all of  
24 the unified command objectives.

25 Rolling into the evening of June 8th, the hull and the vessel

1 continued to squat in her port stern and creating some concern  
2 about the timeline of the arrival of both the barge for dewatering  
3 operations and the tanker men who would certify and manage the  
4 dewatering operations.

5       So, I'd say from the period of about 7:00 to 11:00 that  
6 evening, the -- there's a lot of activity on board. Not on board  
7 the vessel, but there had been some very deliberate hull entries.  
8 What I mean, skin of the ship to set up the dewatering pumps to  
9 manage the frac tanks. But that was under a very deliberate, you  
10 go, we're watching, here's our safety should the vessel roll, and  
11 we have an issue with safety of life, we have a means to evacuate  
12 you with a ladder and people who can pull you off. So, we were  
13 very clear about accessing the space with self-contained breathing  
14 apparatuses because we had not gas freed the space as well as the  
15 potential for stability in a role, and somebody to get hung up on  
16 gear and perish.

17       We had still, at that time, not had, in my recall, a bona  
18 fide accurate assessment of how much water was on board, what the  
19 draft markings were that would cause the vessel to sink. So, we  
20 maintained a conservative estimate of no additional water on  
21 board.

22       Part of the pollution remediation included protective -- an  
23 attempt at protective booming around the vessel so that when de-  
24 watering commenced, if there was a leak, that environmentally  
25 contaminated water would not enter the harbor would be contained.

1 Booming was not affected at any time up until effectively the fire  
2 had been out from a visual assessment, like I said, most of the  
3 combustibles had burned and it was clear there wasn't much left to  
4 burn.

5       And so, it was just, let's say, some tension that evening  
6 with the subcontractor responsible for placing boom around the  
7 vessel. And there were some efforts articulated to try to  
8 untether the vessel from the pier using the attending tugs, pull  
9 it off the pier so that boom could be wrapped around the vessel in  
10 preparation for the de-watering barge. And I non-concurred with  
11 that, and directed that action not to happen because it was not  
12 part of a unified command decision. And the plan presented did  
13 not provide me any sense of safety with regard to tension on the  
14 lines, moment inertias, and pulling forces that might otherwise  
15 cause the vessel to roll, etcetera. So, that directed action did  
16 not happen.

17       I left that evening around 10:00, this time relieved by a  
18 chief [REDACTED] -- Chief Warrant Officer [REDACTED], a marine safety  
19 professional with direct stipulations of once again, no  
20 firefighting, no -- the other element that had happened that  
21 evening, there was a desire by the subcontractor -- there was a  
22 slight smolder up and they had some air monitoring and gear on  
23 board that was part of the pumping action that they were concerned  
24 could be damaged. And they wanted to add firefighting water to  
25 the vessel to put out the spot of smoldering.



1           And again, as part of the unified command, asked how much  
2 water, how -- for how long and to what end? And I was not  
3 impressed with the calculation and the methodology by which this  
4 member provided me his recommendation. And among the firefighting  
5 team, we made the other decision to say, simply remove the  
6 equipment. I'll authorize you to do that if you're worried about  
7 its condition. And he moved off of that and at that point  
8 attempted to do the boom, which again, was denied.

9           As I left that evening, again, my orders to Chief Warrant  
10 Officer [REDACTED] were to strictly prohibit the addition of water,  
11 irrespective of fire or smolders given the highly concerning now  
12 squat and sink at the port quarter, port quarter, and to  
13 accelerate once the tank barge arrived on scene. The tanker men's  
14 hook anti-watering efforts. And I went home.

15           At 2:45, we're now in the 9th --

16 Q.   Hold there for a moment, Captain.

17 A.   Yep.

18 Q.   Pardon me, Lieutenant [REDACTED] could you pull up the Coast  
19 Guard Exhibit 085, which is an animation created? It's not in  
20 your book, sir. It'll be a simple animation created by the Marine  
21 Safety Center based on the available draft calculations reported  
22 from various sources. And you'll notice there will be a moment on  
23 -- at 3:00 in the morning on June 9th where the vessel takes a  
24 sudden immersion of the deck edge on the port side. So,  
25 Lieutenant, if you'll just run it. And Lieutenant, if you'll back

1 it up and pause at 03:00 a.m. on June 9th, where the black portion  
2 of the hull and deck are significantly immersed.

3 Captain, just for clarification, on June 8th, you mentioned a  
4 discussion about having Captain Stockwell -- and correct me if I'm  
5 wrong -- you mentioned Deputy Incident Commander. Could you talk  
6 a little bit more about that structure? Like who was the incident  
7 commander on June 8th representing the Coast Guard?

8 A. On June 8th. I was the incident commander. Captain  
9 Stockwell was the deputy. The --

10 Q. Could you pull up a little closer, sir?

11 A. Sorry. On June 8th, I was the incident commander, and  
12 Captain Stockwell was the deputy incident commander. And while on  
13 June 8th, I was attending to the Station Milford Haven, change of  
14 command. The fluidity and fungibility of those two roles is  
15 purposeful and deliberate, for that very reason, those are two  
16 synonymous roles. While I was maintaining authorities as the  
17 sector commander and authorities as the incident commander at that  
18 time, Captain Stockwell was placed to run the incident as the  
19 deputy.

20 So, the reason it's not called an executive officer and the  
21 reason it's called a deputy is because that's exactly in my  
22 absence that she carries all those authorities. I don't know if  
23 that answers your question.

24 Q. It does. So, prior to your arrival on scene on June 7th, who  
25 was the incident commander representing the Coast Guard? Was it

1 still you?

2 A. Yeah, we did not have a deliberate discussion at, all right,  
3 who is doing what? And many of the first response actions  
4 throughout the two years that we were together required, again,  
5 that fluidity of command. If you were there in your first by  
6 convention, because my title and by my orders was the sector  
7 commander, it was usually considered the incident commander and  
8 the deputy sector commander was the deputy. But there were some  
9 purposeful places where either I was not on duty and Captain  
10 Stockwell, as the deputy sector commander, was the incident  
11 commander.

12 As the June 7th unrolled and Captain Stockwell responded, and  
13 I responded down to Waterside Point, I recognized I'm the sector  
14 commander, I'm managing media and public information and event  
15 management with our people, and Captain Stockwell is the deputy  
16 sector and the deputy incident commander is managing firefighting  
17 response efforts slash event management for the marine  
18 transportation system and the naval station. I can continue to  
19 maybe -- so tell me if there's a place where you're looking for --

20 Q. No, that's fine, Captain. Thank you. You mentioned a moment  
21 inertia and the public is not going to understand that term. That  
22 is a term of art of a naval architect. Could you elaborate what  
23 you meant by a moment inertia?

24 A. Just very, very simply, I was simply concerned that as the  
25 *Spirit of Norfolk*, with starboard side on the pier, squat like

1 this, that if the south -- if the, if the subcontractor wanted to  
2 pull the vessel off the pier to wrap boom around it because it was  
3 against the fenders that they'd have to attach lines at the bow  
4 and the stern to pull, which would create, you know, if you had a  
5 superstructure here, a rolling feature. And that's -- was all I  
6 was concerned about.

7       There was no plan of how the tug would be moved with tractor  
8 tug power off the pier to effect boom placement. So, I took the  
9 risk-based decision to say I'd rather have environmental  
10 noncompliance, i.e., we're not environmentally sound for discharge  
11 actions yet to ensure that the vessel did not take a role given  
12 the significant changes that we saw in the animation.

13 Q.   In the animation we saw various changes in the trim and list  
14 of the vessel based on the amount of floodwater that came on to  
15 the vessel. As sector commander, at any point, do you believe the  
16 vessel was in danger of sudden and catastrophic capsizing?

17 A.   At 2:45 a.m. I was highly concerned and the pictures probably  
18 represent more of the visceral reaction of seeing the animation  
19 with standing water and, you know, channel water nearly up to the  
20 aft door on the stern of the *Spirit of Norfolk* squatted down and  
21 trimmed down into such a state that I really was -- I thought we  
22 were going to lose her. So it was -- if you'd like me to move  
23 into the 9th and my actions at that point, at 2:45, I can, I can  
24 proceed.

25 Q.   Not quite yet, sir. So, the regulatory tonnage, which we

1 discussed earlier, of 99 gross tons creates the design stability  
2 characteristics. If you go above 99 gross tons, you have to have  
3 enhanced stability characteristics to ensure greater stability  
4 safety. Would you know if that would be a correct statement?

5 A. No, I, I don't know if that's a correct statement. I'd have  
6 to get back to you on that.

7 Q. So, now I'd like you to shift into your recall of events for  
8 the 9th and just characterize those briefly, if you would, sir,  
9 without a lot of detail, unless we have follow up questions. And  
10 then if I have follow up questions, that's fine. But if not, I'd  
11 like you to just finish and tell the rest of the story, until the  
12 vessel was safely moored at the shipyard, you know, distant from  
13 Navy Pier 4. So, just go ahead and reflect on the 9th, please.

14 A. The 9th did start with a 02:45 a.m. phone call from Chief  
15 Warrant Officer [REDACTED], who presented me with pictures of the  
16 condition during the exhibit. It got me up a bit and fairly  
17 quickly as I recognized that my rudimentary assessment was that it  
18 was in danger without any additional action of going down because  
19 obviously the entry of the water had somehow increased. We don't  
20 know why. There was no firefighting water applied. And at the  
21 rate of how I had left it at 10:00 at night to 02:00, if nothing  
22 was done, it was going to go down.

23 So, I directed Chief Warrant Officer [REDACTED] as my authority on  
24 scene, once again on scene command. I didn't need to be there.  
25 Chief Warrant Officer [REDACTED] was my direct representative to

1 initiate de-watering efforts over the side of *Spirit of Norfolk*.  
2 I said, if the pump barge is not there, I will accept the  
3 environmental risk to save the ship from going down, as opposed to  
4 waiting for a barge to be there and have it go down. So, I was  
5 looking for expedited water removal out of the engine compartments  
6 in the lower and compartments.

7 At the same time, I used my work phone to send a text message  
8 to the unified command and alerting them to the decision that I'd  
9 unilaterally made, for courtesy, recognizing that it'd be very  
10 difficult. But I wanted them to know, here's the situation. A  
11 unified command is intended to have decision making that is  
12 brokered and thought about, but in times of extremis, this comes  
13 back to, all right, how am I going to have a vessel at the bottom  
14 of Naval Station Pier 4? And what would have been the long term  
15 salvage ramifications to that and the potential pollution  
16 incident? So, my quick decision, please conduct de-watering  
17 operations.

18 Little did I know, and I don't think I had the full scheme of  
19 maneuver at that time that I believe the dewatering barge had  
20 either arrived, the tanker man wasn't there. That was another  
21 concern. So, Chief Warrant Officer [REDACTED] was able to rig the lines  
22 for de-watering into the barge, maybe all of the necessary  
23 inspections to certify for a oily water transfer had not been  
24 done. Again, all risks at that point were de-water the vessel and  
25 I had notified -- Captain Stockwell had alerted me that she would

1 be in traveling at zero 05:30 to arrive on scene, as did Captain  
2 Dave Dees, the Naval station commander, and his XO.

3 That action by Chief Warrant Officer [REDACTED], in my opinion --  
4 we don't want to have opinions -- Chief warrant Officer's actions  
5 were noteworthy and important to the salvage of the vessel because  
6 Captain Stockwell, I would say at that point, June 9th in the  
7 morning, would be probably the most likely place in which I said  
8 Captain Stockwell, Thursday, June 9th, you have been leading this  
9 incident as deputy. I'm going to transition to acting as your  
10 deputy incident commander and you can remain on lead.

11 As I saw that the vessel per the animation de-watering  
12 efforts effective, I recognized that the fire was out, we were  
13 making positive progress with de-watering, pollution response had  
14 been remediated in a tank barge. And while they were long days  
15 ahead with regard to towing salvage plan and the actual towing  
16 maneuver and the overhaul, slowly confident that the in extremis  
17 nature of the incident was largely behind us. So, Captain  
18 Stockwell took lead there.

19 Thursday was additional sector commander duties. We were  
20 seeing some outbreaks and changes in policy to COVID. So, one of  
21 the things you do is a quarterly or periodicity all hands with the  
22 crew, and it would have been my last all hands addressing the crew  
23 as we were rolling into Harbor Fest weekend. It was also an  
24 opportunity to give them my operational intent for how Harbor Fest  
25 would be run, which was a large dispatch of resources throughout

1 the harbor, conducting safety operations, security operations,  
2 etcetera. So, really a span of control and the functions have to  
3 be divided.

4 That after -- I left Captain Stockwell in charge, after I had  
5 seen continued photos of the trim levels dramatically improving.  
6 I completed a retirement that afternoon. Again, duties as folks  
7 ask you to be and serve as witness to their 20, 25 years of  
8 service or to ask you to preside over their retirement. I did  
9 that for a chief petty officer, and that evening continued to  
10 participate in all unified command calls as Captain Stockwell led  
11 them.

12 So, that June 9th was definitely a change. I might provide  
13 some options or some input, but at that point, Captain Stockwell  
14 was running the incident, moving into the 9th, into the 10th, as  
15 recall would have it. That was definitely building out the 100  
16 percent assured validation of overhaul. No smoldering embers, no  
17 hazmat. We can access the hull. What does de-watering look like?  
18 What was the condition of the potential shaft seal that might have  
19 been the entry point for the water? How do we make sure  
20 everything is locked down for a potential tow with the aim point  
21 of either Sunday or Monday? That was Friday.

22 On Saturday, my duties took me to the inaugural events of  
23 Harbor Fest, which was a parade of sale, an incident command post  
24 set down off of Portsmouth Naval Hospital. Again, working with  
25 the first responders to be present with them, understand what



1 their objectives were. There were firefights -- not firefights --  
2 there were fireworks planned for that night. So, just taking a  
3 look at the operational lay down for that event.

4 Saturday afternoon, I did a -- also a final stop to the  
5 incident command post at Naval Station Norfolk. They on Saturday  
6 had been planning for a Sunday tow. There was, there was a little  
7 friction there with Mr. Smith just with regard to how public  
8 affairs would be broadcast for the actual tow evolution. And --  
9 because up to that point there was -- part of our job as federal,  
10 state, and local stewards and responsible party stewards is to  
11 tell the story. Public affairs had been very good and at that  
12 point there was just some concern that allowing full motion video  
13 and coverage of the tow was not desired by the responsible party.

14 I let, at that point, as the incident commander, Captain  
15 Stockwell, and Mr. Smith work that out. And as it resulted Sunday  
16 moving into Sunday, they affected very early morning successful  
17 tow and I believe the story was just portrayed that can be found  
18 on any media outlet. And that concluded. There was a revision to  
19 the captain of the port order as well, which was the vehicle by  
20 which the *Spirit of Norfolk* was towed.

21 So, the initial captain of the port order, said, thou shalt  
22 not go until these things are done. The revision to the captain  
23 of the port that was signed that said, you are allowed to proceed.  
24 They need to notify us of when you depart, when you're safely  
25 there, create the tow plan so that we can assure all of safety of

1 the port and the waterway, etcetera. And those, I presume, are as  
2 part of exhibits as well. I'll stop there.

3 Q. So, you had mentioned the time frame approximately sometime  
4 after 2:00 a.m. on the 9th of June. You mentioned that Coast  
5 Guard officer rigged lines. Did he actually physically rig  
6 equipment to over the top transfer to get entrained fire water out  
7 of the *Spirit of Norfolk*, or did he suggest or direct?

8 A. I don't know. I told Mr. [REDACTED] I need you to do what's  
9 required to remove water entrained in the hull to prevent her from  
10 sinking. And at that time, I believe there is the perfect  
11 confluence of events. I believe the barge had arrived or was  
12 thereabouts. I believe the other responsible party assistance and  
13 resources were there and prepared to do this because the tank  
14 barge had been prepared to be arrive arriving and he exercised --  
15 directed, this is what we're going to do and how we're going to do  
16 it, as the captain of the port's representative. But I would have  
17 to go back and ask specifically, what did you do, when, how, and  
18 where, with who?

19 Q. My final question before I see if Lieutenant Commander [REDACTED]  
20 has questions. So, the Coast Guard and the National  
21 Transportation Safety Board conduct these investigations to  
22 determine how the == these accidents can be prevented and how we  
23 can better respond to these type of events. Based on your  
24 involvement in this event, the fire on the *Spirit of Norfolk*, do  
25 you have any suggestions or recommendations to make to the

1 investigation how to either prevent the occurrence of this or how  
2 to improve the response operations?

3 A. One is to absolutely port-wide emphasize and promote the  
4 training regimes and the coalition of the willing efforts of the  
5 things that MIRT does, Maritime Incident Response Team. I believe  
6 the culture of first response in the port is borne out of multi-  
7 jurisdictional culture of first response that is, I'm proud to  
8 say, unlike many other regions, a lot of different municipalities,  
9 a lot of different townships, and an event like this in which, you  
10 know, Victory Cruises, McAllister, Moran, Naval Station Norfolk,  
11 Virginia Marine Resources Council, Commissioned Coast Guard, first  
12 responders, I just I don't think I can stress the significance of  
13 the combined first response effort that saved 106 people without  
14 nary a single singed hair or wet tear. It's substantial.

15 And that happened because people did the right thing at the  
16 right time. And it that doesn't happen by itself. It happens  
17 through port leadership and training, part one. Part two, I, you  
18 know, simply, Ms. [REDACTED] said I can answer this. It's not  
19 speculation. Fixed fire suppression and fire detection are the  
20 first indications and warnings to a threat. I would just say  
21 leave that as it may where those are regulatory and/or safety  
22 standards, whether they're in our homes or automobiles or any  
23 other mode of conveyance, they're going to be a value to  
24 preventing undetected or catastrophic out-of-containment fires.

25 Let me think if I have anything else in the recommendations.

1 Everything that the Coast Guard, as well as first responders do to  
2 understand what incident command system does also creates a  
3 culture of shared incident response and as difficult as it can be  
4 sometimes to maintain the training pressure or the fluency in  
5 incident command system, those are the things that cause  
6 firefighters and police officers and Coast Guard and emergency  
7 managers to speak a common language in incident response.

8 Everyone knows what an IC is. Everyone -- well, the idea is  
9 for folks to know what a unified command is. And that's borne out  
10 of the national response framework under FEMA's guidance. The  
11 recommendation stands that that's a critical element to success,  
12 because for the ability to corral and marshal -- and I don't say -  
13 - mean corral -- but bring the unified command members and say,  
14 you represent the Navy, you represent the responsible party, you  
15 represent Virginia, and I represent the Government of the federal  
16 government, here is where we're moving forward, and here's the  
17 planning architecture that we're going to define objectives and  
18 unify transparently in our decisions forward. The only reason  
19 that happens is because national response framework and ICS  
20 training happens. So, it's absolutely a must. And I mean, it's  
21 not a change recommendation. It's just a, those are important,  
22 critically important, and pivotal to emergency response. I think  
23 I'll stop there.

24 MR. [REDACTED] Commander, that's all I have.

25 CDR WADDINGTON: Lieutenant Commander [REDACTED] do you have any

1 questions of this witness?

2 LCDR [REDACTED] Yes, Commander.

3 BY LCDR [REDACTED]

4 Q. Captain Stevens, you had stated that there were interactions  
5 with the Salvage Emergency Response Team from the Coast Guard.  
6 Did they provide any calculations, input, or any other information  
7 to the on-scene responders or to the Coast Guard members?

8 A. I never saw it. And that was a product, as I laid through  
9 the timeline of where Captain Stockwell and I divided and  
10 conquered the duties. And I -- yeah, I don't want to speculate.  
11 I am positive that it ended up coming in. I don't know when or  
12 where, but those -- yeah, I'm going to stop there because  
13 otherwise it's speculation. I haven't seen it and I know it was  
14 requested.

15 Q. Just to clarify -- I'm going to clarify because it is still a  
16 little unclear. The over-the-top transfer of water on board the  
17 *Spirit of Norfolk*, was there any water pumped from the engine room  
18 on the *Spirit of Norfolk* into the waterway at any point in time?

19 A. I do not believe so. I can get you a firm answer. But part  
20 of our unified command meetings included Mr. John Gesy, who is the  
21 state on scene coordinator for Governor Youngkin. And that is a  
22 critical, essential element of information. We did not make an  
23 environment total sensitivity analysis report or consult that  
24 there had been any contaminated firefighting water over the side.

25 So, again, not being on scene to witness the transfer -- as I

1 said, Captain Stockwell arrived on scene. I didn't see anything.  
2 There was no reportable quantity of water that was certainly  
3 presented to the UC for resolution or public affairs notification.

4 Q. So, did you ever ask anyone if there had been water that was  
5 put in the waterway?

6 A. No.

7 Q. You mentioned several times in your statement earlier with  
8 Mr. [REDACTED] Mr. Ken Edgar from DonJon Smit. He said in his  
9 preliminary interview that he had a meeting at the command post  
10 with the fire departments, yourself, and Captain Stockwell,  
11 roughly around 18:55. Can you tell us about that meeting and  
12 describe that discussion, the first meeting with him?

13 A. Yes, that was the, that was the preliminary unified command  
14 meeting before the unified command meeting. But I would say at  
15 the time, Mr. Edgar was representing Mr. Scott Smith, the actual  
16 RP, who I believe was enroute, and 18:55, that was that 45-minute  
17 period before, so 18:00 to 18:45-ish, where I was developing,  
18 developing a site picture based on Captain Stockwell's input, Mr.  
19 Burket's input, based on what I was seeing, that there was tension  
20 regarding how the fire should be fought and under what conditions,  
21 using humans and using equipment.

22 And that was a direct output of Captain Stockwell and Mr.  
23 Burket's command decision to say, no further on-board firefighting  
24 out of risk to both stability, people being trapped in a hull --  
25 we haven't had calculations -- as well as reflash, hazardous

1 material, air contamination, and at the worst case, fire. So, I  
2 said, I think we all need to have an executive conversation  
3 represented by myself, myself and Captain Stockwell, Mr. Burket,  
4 as an adviser to two fire chiefs, Captain Dees as a Naval Station  
5 Norfolk commander and the representative of the RP, Mr. Edgar.

6 We walked back there and I said, we need to talk soon, we  
7 need to do this, because this is not going to work if we go into  
8 the evening having disparate ideas of how this is done. The  
9 unified command has to really talk about this. And as much as we  
10 need -- and look like there's stuff that's happening there, we  
11 need to go in the vehicle and hash it out. So, I laid out where  
12 my concern with safety was, supported Captain Stockwell in her  
13 decision, and I went one by one around each of the members and I  
14 said, can you support a unified command decision in which we do  
15 not enter, we do not provide any more fire monitor water inside  
16 the skin of the ship and no more on-board firefighting until we  
17 have otherwise safe conditions. And each of the representatives  
18 said yes.

19 So, there was no reason and no requirement to impose a 51  
20 percent captain of the port authority override. The unified  
21 command came to that decision unanimously through that  
22 conversation.

23 Q. So, no one from the RP, the responsible party, the company,  
24 or DonJon Smit, at any objections to that decision in the unified  
25 command meeting?

1 A. No.

2 Q. Did at any time after your arrival to Pier 4 --

3 A. If I -- so obviously, it's not like -- so not obvious.

4 Hello, folks, my name's Sam Stevens, I need to talk about this.

5 As a captain of the port, I'm concerned about these safety

6 factors. Here's my concern. Discussion, discussion, discussion.

7 Okay, here's where I'm really concerned about that, and I highly

8 recommend -- can you support not doing this? So, it's not like it

9 was just like, oh, sure, Captain Stevens, whatever you say. It

10 was a discussion about the merits and the demerits of both

11 approaches. But at the end of the day, I think I wrapped it up by

12 saying, is there anyone here who is willing to lose a life? You

13 are responders. Your contractors are Coast Guardsmen. Anyone?

14 Is there anyone where he's willing to lose a life with uncertainty

15 regarding the firefighting techniques and the stability of the

16 vessel. And I think that brought everyone to, no, so objectives

17 are unified and moving forward. So, it was a discussion in which

18 the final outcome was, as I said, agreement.

19 Q. Can you talk about some of those discussions from the

20 responsible party side or from DonJon Smit side?

21 A. I -- my memory is foggy there. And there were -- I think

22 Captain Stockwell had borne most of them. My understanding is

23 that there was a representation by Mr. Edgar that he had

24 significant experience in firefighting and that the decision to

25 cease fire on board was not the way he would have done it as the



1 RP's representative. And that's where Captain Stockwell did at  
2 that time say, we nearly just lost a member, weren't sure whether  
3 or not someone was coming back out alive. And now we don't know  
4 what the stability of the vessel is following the significant  
5 list, following whatever actions that happened on board. So,  
6 we're not doing that.

7 That was where, to Mr. Fawcett's question about sector  
8 command versus deputy, I still was in command and that's why as I  
9 arrived, the top cover for Captain Stockwell was to say, I  
10 absolutely trust you, Jen. We need to have a conversation because  
11 this is not a tenable solution moving into this evening.

12 Q. Did any time after your arrival to Pier 4, did Mr. Edgar or  
13 any other member from DonJon Smit show you any stability  
14 calculations or show calculations showing the vessel was stable  
15 and would not capsize?

16 A. No.

17 Q. After you arrived on scene, was there ever a plan to bring a  
18 third firefighting team on board the *Spirit of Norfolk* on June 7th  
19 by either DonJon Smit, Norfolk Fire Department, or Navy mid-  
20 Atlantic Fire Department?

21 A. I don't know. I am not aware of one. I was trying to  
22 discern which firefighters belong to the region, Naval Station,  
23 and Naval Norfolk Fire. That in and of itself, amidst the smoke,  
24 the haze, the fire trucks, and the commotion was difficult. I do  
25 not remember a decision proffered to bring a third separate entity

1 on board. No.

2 Q. And during that meeting or at any time on June 7th, were  
3 there any objections from any of the fire departments on scene  
4 when you said -- or Captain Stockwell said there will be no  
5 firefighters on board after the mayday?

6 A. No. There were no objections. Discussions did center on the  
7 likely -- most dangerous and most likely scenarios, being that a  
8 cessation of onboard firefighting, the most dangerous situation is  
9 that all combustibles could potentially be consumed. The most --  
10 and the remedial situation and the remedial actions, we're saying  
11 we're not concluding firefighting, were simply making risk-based  
12 approaches to how we can best manage two very important risks,  
13 safety of life and the safety of this property. Hence, very  
14 active dual streams, triple streams from the pier and Moran Towing  
15 flowing water to attempt cooling, as well as the efforts to flow  
16 firefighting foam into the engine compartment.

17 LCDR [REDACTED] All my questions, Commander.

18 CDR WADDINGTON: NTSB, do you have any questions of this  
19 witness?

20 MR. KARR: Thank you, Commander.

21 BY MR. KARR:

22 Q. I'm Mike Karr with the National Transportation Safety Board.  
23 Captain Stevens, I'd like to talk about -- I'd like to learn more  
24 about the incident command system and processes, not as they  
25 occurred on the afternoon of June 7th, but, with your knowledge as

1 a sector commander and your planning history, help educate me so I  
2 can understand how, how -- your expectation as to how things  
3 functioned or how things should function. So, I'll ask you some  
4 questions.

5 When the fire department first showed up at the pier ahead of  
6 the ship coming to the dock, who is, who is the incident  
7 commander? And I, and I don't want to get into the fact that  
8 there were two people wearing vests. So, it's just simple  
9 overall, how things should operate in an incident command.

10 A. The answer is there were two. It was a blended response.  
11 And the scene between those is probably really difficult to figure  
12 out because at the original dispatch -- and it kind of goes back  
13 to how was the fire notified -- VHF mayday call. I don't know if  
14 passengers on board indicated anything --

15 Q. Let me go back. Oh, excuse me. I'm sorry. You were talking  
16 about the mayday call. All right.

17 A. Yes, sir. I was simply just saying that within the confines  
18 of, within the confines of Norfolk City limits and the Norfolk  
19 Waterway, Norfolk Fire Department is the lead agency. And what  
20 makes this interesting event very similar to the San Diego fire in  
21 Bonhomme Richard, is that there is a fence line that's carved out  
22 in an entity that's Naval Station Norfolk that has its own fire  
23 department. And that's one of the very reasons why we have marine  
24 firefighting command and practical training is because the  
25 municipalities are a strength, but they're also a complication.

1           And so, Norfolk Fire responded as they would after hearing  
2 the initial call and has access to Norfolk Naval Station. Norfolk  
3 Naval Fire responded as well because it's their pier. And that  
4 was one of those very dicey moments. We did not know at the time  
5 that Captain Dees would welcome the vessel. We were evaluating  
6 other locations where we might ask the tow boat or the *Spirit of*  
7 *Norfolk* to transit herself if she was able.

8           So, all of those options on the table from the movement of  
9 the vessel into the pier, two firefighting companies doing what  
10 they know best, were going to fire -- were managed by both of  
11 those two fire chiefs. I was not on scene at that time. I  
12 obviously --

13 Q.    Captain, I'll stop -- what I'm looking at is how it -- how  
14 you would expect it to operate. I'm not -- I don't want to get  
15 into what actually happened, but just working through a somewhat  
16 similar scenario.

17 A.    Yeah.

18 Q.    So, what -- when an incident commander, a fire department  
19 incident commander and shows up ahead of the pier, who -- can you  
20 describe what that incident command is? Again, you're helping  
21 educate me who is not familiar with incident command versus  
22 unified command. But I just want to talk about the structure that  
23 was set up before the ship came to the pier.

24 A.    Yeah. And the reason I'm pausing, I'm just trying to  
25 articulate it and it's a -- it's complex. A -- the reason it's

1 complex is because the Coast Guard authorities -- so incident  
2 command, when you have two incident commanders, quickly become a  
3 unified command. So, the very first response, though, of a marine  
4 fire and I will just say in a perfect world, he would have had a  
5 fire chief who was directing firefighting efforts with all  
6 available resources built out with shoreside forces, waterside  
7 forces, foam. And I'm not going to go into that because I'm not a  
8 firefighter and I conceptually don't know what each of those  
9 things would be -- reporting to one fire chief.

10 Also at the pier would be the Coast Guard representative, who  
11 is the Coast Guard incident commander. So, the fire has their  
12 incident commander managing the fire. The Coast Guard has an  
13 incident commander who's managing the small boats, the stations,  
14 the marine waterway, and then those fused together over some time  
15 into the unified command. They bring the state in. So, I'll --  
16 I'm recognize that I'm talking and they're maybe not following, or  
17 I need to do a better job explaining. Help me to reframe my  
18 question.

19 Q. No, you answered my questions and specific -- go ahead, keep  
20 going. Well, no, I'll ask a question. So, Chief Warrant Officer  
21 [REDACTED] was the first Coast -- I'll say Chief Warrant Officer  
22 [REDACTED] Sector Commander Representative was one of the first --  
23 one of the early people from the Coast Guard that was on scene.  
24 So, what would his role be in, as you just describe it?

25 A. Sure.

1 Q. Not what he did, but what should it be?

2 A. We had a duty position called an incident management duty  
3 officer, otherwise known as a command liaison officer, because in  
4 that fog of battle and war and contingency without someone wearing  
5 blue, there, there is very -- it's very difficult to achieve  
6 communications by calling up the phone and giving a report back.  
7 So, Chief Warrant Officer [REDACTED] acted as the command  
8 representative forward to be able to provide feedback to  
9 everything else going on. So, he, as a command center chief, had  
10 what I would say, dispatch authority and trained initiative as an  
11 incident management officer, not the IC, but on scene, if there  
12 were people on the water, if there were folks who were unaccounted  
13 for, to take directed action directly with our command center as  
14 my directed representative to say, we need that launch Station  
15 Portsmouth, we need additional boats, I'm asking and I am  
16 recommending we launch a strike team, I'm recommending that this  
17 is a much more significant answer.

18 There's a potential terrorist incident with this. We need to  
19 get the FBI involved because there are reports on board that the  
20 fire could have been started by a bomb and some nefarious  
21 activity. Okay. So, as these reports come out, he is the forward  
22 operating representative to take information and provide it to us  
23 to bring that unified command together.

24 Q. Thank you. Now, any incident command in Sector Virginia for  
25 an incident like this, Mr. Burket, the senior executive director

1 or the senior director of the MIRT, Marine Incident Response Team,  
2 shows up on scene. How does -- what's his role in the incident  
3 command?

4 A. Bill is an adviser and a resource provider. So, any of the  
5 incidents that I worked in the four years while in Sector  
6 Virginia, interestingly, while the Coast Guard is the federal  
7 authority responsible for search and rescue and for many of the  
8 statutory missions, none of what we do happens without our port  
9 partners.

10 And so, Bill is a connective -- a connective ambassador to  
11 all the different -- Virginia Beach, Chesapeake, Portsmouth,  
12 Norfolk, Suffolk, Isle of Wight, Smithville, Newport News,  
13 etcetera. You get the point. And he is connected to all of the  
14 Marine firefighting teams, as well as all of the law enforcement  
15 Marine teams, so that if there is an event off of Hampton Flats,  
16 south of Hampton Roads in Hampton, Virginia, maybe city of Hampton  
17 Fire and police are on scene first and Bill is able to then ask --  
18 maybe this is a nasty dive incident and this is something where we  
19 need divers or side scan sonar. So, Newport News and the city of  
20 Virginia Beach will coalesce onto that event.

21 And the reason Bill knows about this event is because his  
22 primary connection point is lashed up with US Coast Guard sector  
23 as an interagency representative for the remaining forces at large  
24 across Fire and Maritime Response and Dive.

25 Q. What's his relationship to the incident commander?

1 A. Advisor.

2 Q. Is it official? I mean, is he part of the team?

3 A. Absolutely. I wouldn't have -- there is not an event that I  
4 didn't manage without either Mr. Burket or Mr. Freeman.

5 Q. All right. In this incident, in this incident, Captain  
6 Nadeau, the captain in the ship shows up on scene. So, what --  
7 what's the role of the captain of the ship in -- to the incident  
8 commander in an incident like this?

9 A. The captain of the ship is master of that vessel responsible  
10 for a safety -- safe operation and evacuation and knowledge of the  
11 configuration of the vessel. And if there are any significant or  
12 relevant factors to the firefighting efforts, stability efforts,  
13 and on scene awareness of his or her vessel. Beyond that is the  
14 first person, my understanding, as a representative of the  
15 responsible party, that captain is now acting absent the initial  
16 build out of the sea to the command and control the responsible  
17 party person, because the fire chiefs are there, as soon as that  
18 person is there, you are acting until you can get us the  
19 responsible party that represents you.

20 So, again, Navy, Coast Guard, State, responsible party. My  
21 assumption is the very early stages, Captain Nadeau would be the  
22 responsible party's representative.

23 Q. Yeah. Well, help me understand the difference between an  
24 incident command and a unified command. That's what I'm trying to  
25 find out, is what were the roles of Mr. Burket and then Captain



1 Nadeau. And then I'll stop there. What were their roles in the  
2 in the incident command? You know, especially for, you know, the  
3 flow of information and communications from the incident  
4 commander.

5 A. It has to do with the scale and size and magnitude of the  
6 incident where a unified command would be incorporated. And, you  
7 know, I hate to -- a less significant scaled search and rescue  
8 case involving, say, a, you know, a small recreational boat  
9 hitting a jetty in which the Coast Guard responded, was able to  
10 safely evacuate and provide assistance, would be a single incident  
11 commander. And that incident commander at that point would be the  
12 officer in charge or the boat coxswain who managed that. It was  
13 responded to and closed very quickly.

14 That same boat -- and I'm just trying to build out -- is  
15 larger. It's 100 feet. It's a passenger vessel hits the jetty  
16 and now you have an environmental spill of 500 gallons of diesel  
17 has now turned into a unified command because in the notifications  
18 of that incident, you now had environmental equity, you have a  
19 Coast Guard search and rescue and environmental equity, and now  
20 you have a responsible party equity, because now there are  
21 downstream effects that are not just contained to the simple  
22 resolution of a singular incident.

23 So, I guess in talking through this, it's the singularity of  
24 an incident versus the multifactorial nature of everything that  
25 happens that requires you to take an incident commander -- and a

1 lot of times that involves very much real time. All right. This  
2 is a fire. Incident commander, take charge. How much pollution  
3 is onboard? Okay. We notify the state. It's okay. And everyone  
4 who is versed in the scaled ICS structure understands that the  
5 trip wire from an incident to a unified command can be very quick  
6 and happens usually at the expression of significant other  
7 portfolios, environmental response, state requirements. In this  
8 case, the Navy station needed to have Navy representation. It was  
9 their pier.

10 I'll stop with my two-minute role. Did I answer your  
11 question, sir?

12 Q. And I will ask you another one. So, in this scenario, the  
13 deputy secretary commander -- deputy sector commander, shows up on  
14 scene to an incident such like this. And so, what's -- what is  
15 that role with the incident, with the incident command, as was  
16 similar to what we saw at the dock?

17 A. Yes, sir. Well, that's the -- I guess I would call it,  
18 that's the crystallization of the unified command. In other  
19 words, as the incident commander, managing fire is a solo game.  
20 Okay, fight the fire. Fight the fire. Fight the fire. The  
21 sector command representative, the deputy or the sector command  
22 comes in and now represents the federal representative, the US  
23 Coast Guard, the Risk Management Agency, managing the captain of  
24 the port.

25 And then, this is on my pier. The Navy person -- that's

1 probably not appropriate for a public hearing -- the Navy person  
2 comes in and now it's, okay, these are the equities that each of  
3 you is responsible for. Navy, you can provide us resources,  
4 budget, pollution remediation. You also have distinct equities  
5 and the outcomes of how the fire might be fought, what the risks  
6 to your port infrastructure are, etcetera. We want and we need  
7 you to be part of that. Coast Guard is obviously captain of the  
8 port Federal Maritime Security, (indiscernible) on-scene  
9 coordinator and on and on.

10       And then the responsible party is codified by the National  
11 Response Framework as the responsible party to remediate whether  
12 their pollution and firefighting efforts salvage response, because  
13 those aren't any of the federal or state equities jobs. It's  
14 brought together to ensure a solvent response across the entire  
15 unified command.

16 Q. All right. You, in answering that question, did you indicate  
17 that a unified command was established once the deputy sector  
18 commander arrived?

19 A. I think the first -- so I think what's hard about this is, in  
20 my experience, the deliberate articulation, whether it's on a  
21 radio net or whether it's a form -- and I'm not trying to be  
22 cavalier about this -- is that there is not a matter of record  
23 that says, all right, right now we're forming the unified command.  
24 The event is happening in every incident that I've have had and  
25 been on. As the event happens, there is this transition from the

1 authority and representatives of each person who (indiscernible)  
2 together.

3 Q. So, to answer your question, sir, when Captain Stockwell  
4 arrived on scene and there was Norfolk and the region,  
5 firefighters, Captain Stockwell and Captain Nadeau on board. The  
6 first huddle behind a fire truck, as she relayed to me that  
7 afternoon as I arrived, I just had to direct, no more  
8 firefighting, was the very first kernel of the stand up of the  
9 unified command. There was Coast Guard, there was Navy Fire,  
10 Norfolk Fire should have been or could have been one. And there  
11 was Navy on board and there was the responsible party in the form  
12 of, well, at this point, Mr. Edgar.

13 That was not a meeting. It was a quick action.  
14 Subsequently, I came in and was like, okay, here are some of the  
15 areas where there's friction and we need to establish a more  
16 formalized. So, let's notch this up one more level of  
17 specificity. Let's have the actual meeting, not as a reactive  
18 meeting, but as a proactive where are we going? And so, those  
19 three timestamps, I would say Captain Stockwell arriving. Now you  
20 have Coast Guard responsible party firefighters. The next level  
21 in the port area, a communications vehicle. And then finally, the  
22 20:00 phone call that included the state representative, Mr. John  
23 Gesy, from the state on-scene coordinator. So, it's an evolution.  
24 Q. Thank you. Let me ask you -- let me leave that topic and  
25 another question. There was a -- it took a while to get the barge

1 for the wastewater from the, from the (indiscernible) to the  
2 vessel. When it comes to oil spills in the area, were there are  
3 any other resources close by or, you know, how close are the  
4 resources, how many hours are they supposed to be to get there?  
5 You know, something like bladders or barges for being able to pump  
6 waste oil off a vessel.

7 A. Every vessel is required to have a vessel response plan that  
8 carries with it those timelines and response requirements for oil  
9 spill response organization, cleanup, and capacity.

10 Q. Well, do you know of any local resources that that are  
11 available? If you don't, that's fine.

12 A. Clean Harbors. I believe we have O'Briens down here.  
13 There's a number of them that we conduct a routine annual  
14 government unannounced and initiated exercise to maintain their  
15 capability to respond. And those are up and down the James River,  
16 the York River, but primarily centralized within their areas of  
17 greatest risk for pollution. But I can get you some of those  
18 providers.

19 At that time, our primary line of effort was to ask for and  
20 require the responsible party to provide that because it's not a  
21 government directed effort that would turn into a federalized  
22 response if there was concern that the responsible party was  
23 incapable of providing the necessary resources. And nothing at  
24 that point led us to believe that as we measured the risk of how  
25 much pollution we thought -- I believe was around 5,000 gallons of

1 diesel. Although the firefighting water had substantially flushed  
2 that out, but we had indications that this would be met, a viable  
3 option. It was the timeliness of it that was a friction point.

4 Q. Thank you, Captain Stevens.

5 CDR WADDINGTON: Bay Diesel, do you have any questions of  
6 this witness?

7 MR. ABELL: I do not, Commander.

8 CDR WADDINGTON: City Cruises? Do you have any questions of  
9 this witness?

10 MR. ABELL: I do, Commander.

11 CDR WADDINGTON: Thank you.

12 BY MR. DENLEY:

13 MR. DENLEY: Good morning, Captain. My name is Eric Denley,  
14 counsel for City Cruises. It's good to see you again. And I do  
15 appreciate the opportunity to ask you a couple of questions about  
16 this incident in furtherance of the, of the Coast Guard's  
17 investigation.

18 You just commented about the role of the captain of the  
19 *Spirit of Norfolk*, Captain Nadeau. And I believe you listed a few  
20 things, that his role was to evacuate the passengers and crew,  
21 establish accountability and advise responding firefighting  
22 officials on pertinent aspects of firefighting and how it related  
23 to his particular vessel. Are you aware -- I mean, based on your  
24 knowledge of this information, do you believe that the captain  
25 performed those duties in a manner that is reasonable and

1 successful in this situation?

2 A. The only reason I pause is because I had very little, if any,  
3 interaction with Captain Nadeau as he was there on scene. And I  
4 would simply -- I would just -- I would say that the outcomes that  
5 he facilitated represent -- to answer your question, yes. In  
6 terms of a successful evacuation, marshaling the resources that  
7 included the Victory Rover and McAlister to provide sort of the  
8 pushing forces and then the place of mind to understand who needed  
9 to remain on board. I won't speculate on what the conditions were  
10 like to say 106 people will be evacuated, the two of us will  
11 remain so that we can pilot and provide that first response  
12 option.

13 So, without having been there, the outcomes that I witnessed  
14 would bear witness to what he did as being appropriate. Yeah.

15 Q. And I believe you commented earlier in your testimony that,  
16 that in general, the evacuation portion of this incident was  
17 exceptionally successful.

18 A. Yes.

19 Q. And would you, would you -- do you believe that that's  
20 because of the partnerships that are formed within the port  
21 community with folks like the MIRT, with folks like the *Spirit of*  
22 *Norfolk*, and other responding agencies?

23 A. Absolutely.

24 Q. So, on June the 7th, at the time -- and again, I like to ask  
25 you this question -- at the time that -- the *Spirit of Norfolk* was

1 securely moored. So, at the point in time when the *Spirit of*  
2 *Norfolk* was securely moored at Naval Station Norfolk, and you had  
3 established passenger and crew accountability and the fire was  
4 contained in the engine room with responding firefighting agencies  
5 on scene, do you believe that this was -- I mean, isn't it true  
6 that this was not really a complex or a dynamic situation at that  
7 point in time? I mean, I understand that a lot of things changed,  
8 but at that point in time, from your perspective, was this a  
9 particularly dynamic or complex situation?

10 A. From my perspective, it was. And, you know, you said that  
11 from the time that it was moored, and the fire was contained in  
12 the engine room, I, I had no visibility or awareness that there  
13 was containment.

14 Q. Well, I guess, I guess you weren't there at that point in  
15 time.

16 A. Correct. Yeah.

17 Q. Okay. Isn't it true that at that point in time, again, the  
18 vessel securely moored at Naval Base Norfolk, you have  
19 accountability of passengers and crew, and the fire is contained  
20 in the engine room. Isn't it true that the US Navy was the lead  
21 agency and that all other agencies, state and federal, could have  
22 and should have been supporting the Navy at that point in time?

23 A. No.

24 Q. Okay. You indicated that -- you indicated that -- in your  
25 testimony and testimony here today that the Coast Guard has 51



1 percent, I guess, voting power or 51 percent of the ability to  
2 direct operations on a US Navy base?

3 A. Yeah, I use it as an informal -- it's -- I'll pair another --

4 Q. I mean, you asserted that --

5 A. (Indiscernible), yes.

6 Q. -- you asserted that the --

7 A. I did.

8 Q. -- Coast Guard was the incident commander on the Navy base  
9 when this incident was occurring.

10 A. No, I said the Coast Guard became part of the unified command  
11 with fire, Navy, and RP.

12 Q. I believe Captain Stockwell indicated that she was the  
13 incident commander.

14 A. For the Coast Guard.

15 Q. For the Coast Guard. So, there were other -- so there were  
16 other incident commanders?

17 A. Yeah. So, the unified command is made up of the incident  
18 commanders for each of the respective agencies.

19 Q. Okay. So, there were a number of incident commanders that  
20 were there on the day of -- on the day of the fire?

21 A. Yes.

22 Q. You had a number of the firefighting incident commanders.

23 A. Yes. Norfolk Fire and --

24 Q. And you had Coast Guard incident commanders?

25 A. One, it was Captain Stockwell.

1 Q. And you had Navy incident commanders?

2 A. Captain Dees.

3 Q. The --

4 A. And at that point, Mr. Edgar.

5 Q. And so, at the, at the -- and again, at that period of time  
6 when the fire is contained in the engine room, you have  
7 accountability of all the guests and all of the -- and all the  
8 crew, and the vessel securely moored outside of the navigable  
9 waterway, what was the Coast Guard equity at that point? It seems  
10 to me that the search and rescue mission was over. There was not  
11 a threat to the waterways within the port. And you had a fire  
12 that was physically located on a DoD facility that's used to moor  
13 US Naval combatants.

14 And so, again, I would, I would ask your question that, at  
15 that point in time, it's your assertion that the Coast Guard had  
16 had 51 percent of the call at that location.

17 A. I would only disagree that there was any indications that the  
18 fire was contained in the engine room. There was no manner of  
19 record that suggested that. So, from a event management  
20 perspective, the waterway security, the safety of the entire port,  
21 the outcomes of how the fire would be contained, that, that was  
22 never represented. So, I'm not tracking that. And the Coast  
23 Guard has oversight of all commercial --

24 Q. You (indiscernible) at that point in time?

25 A. That's correct.

1 Q. Okay.

2 A. The deputy commander provides me updates. So, and that's  
3 part of the communication as we're resolving the incident.

4 Q. Captain, are you familiar with the Federal Fire Prevention  
5 and Control Act of 1974?

6 A. No.

7 Q. You indicated that earlier in your career you were at Sector  
8 Delaware Bay.

9 A. Yes.

10 Q. And you were in the planning -- I believe the Contingency  
11 Planning Division. Did I get that correct?

12 A. It was formerly known as the -- at the time, throughout the  
13 duration, Contingency Planning and Force Readiness.

14 Q. Okay. And so, you would have been familiar with some of the  
15 contingency plans that Sector Delaware Bay has in place or had in  
16 place at that particular time?

17 A. Yes.

18 Q. Are you familiar with the sector Delaware Bay instruction  
19 that discusses marine firefighting.

20 A. At this point, no, I can't say that I am. I worked marine  
21 firefighting with the Tri-State Marine Firefighting Service, but I  
22 can't recall that plan.

23 Q. I'm going to go ahead and just read an excerpt from that  
24 plan. It says, it is not, it is not intended that the Coast Guard  
25 will circumvent the authority or ability of state, county, or

1 municipal governments to respond to marine fires within their  
2 jurisdiction as long as they are able to adequately respond with  
3 their own resources. While the Coast Guard has an interest in  
4 assuring port and environmental safety, this interest does not  
5 extend to preempting local responsibility and authority for  
6 shipboard and waterfront facility firefighting, as per the Federal  
7 Fire Prevention and Control Act.

8 Captain, isn't it true that the Coast Guard is not  
9 responsible for and is not the lead when it comes to firefighting  
10 in the marine environment as defined as a shipboard fire or a  
11 waterfront facility?

12 A. It is responsible for the unified command or the management  
13 of the port.

14 Q. It may be responsible for a unified command, whatever that  
15 is. I don't know that unified command is a statutory  
16 responsibility. But is it responsible for firefighting? And is  
17 that it's -- I guess, as articulated here, is marine firefighting  
18 within the Coast Guard's wheelhouse, as it were?

19 A. Everything in my training has been that it is. And I can get  
20 you some more details of how that works.

21 Q. So, I guess in -- at least in Sector Delaware Bay, if this  
22 incident had occurred, maybe there would have been a different  
23 outcome in terms of the Coast Guard's involvement with preempting  
24 local --

25 UNIDENTIFIED SPEAKER: Speculation.

1 CDR WADDINGTON: Speculation. I agree. Rephrase, please.

2 MR. DENLEY: That's fine.

3 BY MR. DENLEY:

4 Q. Captain, The Coast Guard asked you some questions about the  
5 period of time when there was an overtop -- over-the-top transfer.

6 A. Yes, sir.

7 Q. And the primary -- I believe you indicated that the primary  
8 reason for that over-the-top transfer was to de-water to the  
9 vessel so that it didn't sink and, you know, presumably cause  
10 additional problems. Was the, was the trim of the vessel, at that  
11 point in time, worse than when the fire was still, I guess on the  
12 first day -- on the first day of the incident. Was the, was the  
13 trim and the stability of the vessel worse on that day than it was  
14 on the initial date of the incident?

15 A. Yes.

16 Q. It was worse?

17 A. Yes.

18 Q. And you also indicated that the unified command, beginning on  
19 the 7th or, you know, beginning on the 8th and going out through  
20 the, through the subsequent days, it did at times allow  
21 individuals to go on board, whether they be private salvage  
22 operators or, you know, other individuals to go on board. And you  
23 and you indicated that you did that in a period of time that was -  
24 - you did that in situations that were targeted, in that you  
25 evaluated the risk and you allowed folks to go on board in

1 situations that were targeted. And you didn't let anybody go down  
2 below decks. And so, you were able to -- the unified command was  
3 able to evaluate risk and authorized those operations.

4       Were you aware that, that those were the same -- the very  
5 same factors that the responsible party's salver had recommended  
6 on the date of the incident on June the 7th?

7 A. I wasn't at that time.

8 Q. So, I'd like to go back to the incident. And just to, just  
9 to be clear, you've indicated that the evacuation portion of this  
10 event occurred in a way that was reasonable and successful. Isn't

11 it true that the -- at the point in time, again, when this vessel  
12 is moored securely and you indicated that it was not a complex  
13 situation, but at the time when the vessel is moored securely --

14 A. I didn't -- I did not indicated that it was a not a complex  
15 situation. I said it was.

16 Q. Okay. It was complex. Correct.

17 A. Yes.

18 Q. But at the point in time when the vessel was moored securely,  
19 the fire is contained, and all the passengers and crew were  
20 accounted for, I guess maybe -- what was complex about it at that

21 point. I mean, the unified command is, in my opinion, my  
22 understanding, designed for complex, dynamic situations where you  
23 need lots of different resources and lots of different responders

24 to respond. I mean, this was a fire in one place. And I guess  
25 what was complex about it at that point?

1 A. I disagree with you. As I arrived at 15:40 that afternoon,  
2 everything about it was complex. There was --

3 Q. I guess, before the mayday event. I agree with you. I do  
4 believe that -- I do believe that it became more complex. But,  
5 you know, up until the point in time when the fire departments  
6 opened up the quick acting watertight door and allowed the fire to  
7 breach containment on the vessel, again, that's the point in time  
8 that I'm, that I'm speaking to you about. What was complex about  
9 it at that particular point?

10 A. I would say there were no indications that the fire was  
11 contained to the engine room. And I know -- was I there, no, but  
12 I have seen the photos of flames escaping engine room vents as the  
13 Victory Rover was picking it up. So, there's no guarantee and  
14 there's no surety that the fire was contained to the engine room,  
15 especially as the heat was escaping through vents.

16 Q. Isn't it, isn't it true that what was complex was the  
17 Government's response to this incident? I mean, we've received  
18 testimony that -- and you've indicated that there were two  
19 firefighters -- two firefighting, at least two, maybe more  
20 firefighting responding units. Previously, during this hearing,  
21 we learned that those firefighting units operate on different,  
22 different communication channels. There were multiple incident  
23 commanders and there were multiple responding organizations and  
24 jurisdictions.

25 I mean, isn't it true that what was really complex in this

1 situation was the Government's response and not necessarily the  
2 incident? Again, before containment was breached? Because I  
3 agree that, you know, at that point in time, things did change.

4 A. I think the complexity of the event merited the complexity of  
5 the response.

6 Q. You discussed, I believe earlier in your testimony, you  
7 discussed the concept -- where -- of whether or not the conception  
8 was constructed to Subchapter K fire protection standards.

9 A. I don't know.

10 Q. And were you aware if the conception was limited to  
11 operations no more than one mile from shore?

12 A. No. I don't know.

13 Q. And then finally, and I do appreciate the opportunity to ask  
14 you these questions. It sounds like to me that there's a lot of  
15 training that occurs within the port community. If there was one  
16 place on this -- in this country where you would think a vessel  
17 that was securely moored or with a contained engine room fire  
18 could be put out, wouldn't you think it would have been Norfolk  
19 Naval Air Station? I mean, Norfolk Naval Station.

20 A. I'd have to speculate.

21 LT [REDACTED]: Commander, that would require him to speculate.  
22 I would ask you don't answer that question.

23 MR. DENLEY: Thank you. I have no further questions,  
24 Commander, thank you.

25 CDR WADDINGTON: Noted for the record. Mr. [REDACTED] do you



1 have any follow ups?

2 MR. [REDACTED] Yes, Commander.

3 BY MR. [REDACTED]

4 Q. Captain, I want to revisit the 51 percent decision. Based on  
5 my training, if a unified command or the formative phases of an  
6 incident command in a dynamic situation is functioning adequately,  
7 would the Coast Guard have to step in and exert its authority to  
8 exercise a 51 percent decision and override the decision being  
9 made?

10 A. The goal of the unified command is not to exercise that 51  
11 percent authority.

12 Q. So, it would only be made in cases of need by the Coast Guard  
13 to influence the outcome of the decision. Would that be a correct  
14 statement?

15 A. I think that's accurate. Yes.

16 Q. And then just a follow up. You mentioned Mr. Edgar was the  
17 responsible party on the dock representing City Cruises on June  
18 7th. Do you know if the captain of the accident -- of the vessel  
19 on the accident voyage identified himself as a representative, as  
20 a responsible party that day?

21 A. That's a gap, in my knowledge. No. I -- the interactions at  
22 the arrival of outset of the incident, the mooring, the  
23 disembarkation of Captain Nadeau, and Mr. Edgar's arrival, I --  
24 transpired before I arrived. Upon my arrival, Mr. Edgar presented  
25 himself as the representative for the RP.

1 Q. Okay, so at the time of your arrival, he stepped forward and  
2 said, I represent the responsible party. Is that correct?

3 A. Or he was noted -- identified as such by Captain Stockwell.  
4 I remember shaking hands and trying to understand who is  
5 representing *Spirit of Norfolk* at this point. And Mr. Edgar,  
6 DonJon Smit, etcetera. And following that, that was the reason he  
7 was identified for that second of informally unified command  
8 meetings and Port Authority communications Vehicle One.

9 Q. Thank you, sir.

10 CDR WADDINGTON: NTSB, do you have a follow up?

11 MR. KARR: Yeah.

12 BY MR. KARR:

13 Q. Yeah, Mike Karr with the NTSB. Captain Stevens, a follow up  
14 on that 51 percent. The way I understand it is basically what  
15 that means is you're the captain of the port. You've got your  
16 authorities and you may have to exercise your captain of port  
17 authority, during a unified, unified command event.

18 A. Yes, sir.

19 Q. All right, thanks.

20 CDR WADDINGTON: Mr. [REDACTED] do you have a follow up?

21 MR. [REDACTED] Yes, sir.

22 BY MR. [REDACTED]

23 Q. [REDACTED] [REDACTED] Just for clarity, is the, is the Coast Guard  
24 the only entity in this situation in the maritime realm that has  
25 sole authority to exert a 51 percent vote, so to speak?

1 A. The first thing that comes to mind would be a  
2 counterterrorism incident in which the FBI is the lead agency, and  
3 in that case, evidence preservation. And I, again, would  
4 hypothesize to say that say there was a vessel that had a marine  
5 fire that had something as complex as this that involved  
6 counterterrorism, FBI investigation. FBI would be the person and  
7 the federal authority to exercise the 51 percent, whether it was  
8 in final salvage actions, evidence preservation, and things of  
9 that nature.

10 So, there are definitely portfolios across (indiscernible)  
11 response, federal security, and national security in which that  
12 architecture holds.

13 Q. So, I -- would I be correct to say that in this event, the  
14 Coast Guard would be the sole entity that would be able to  
15 exercise the 51 percent authority?

16 A. Yes.

17 Q. Thank you, sir.

18 CDR WADDINGTON: Captain Stevens, we respectfully request a  
19 copy of the notes you used today for your testimony, hopefully, in  
20 the near future. You are now released as a witness at this formal  
21 hearing. Thank you for your testimony and your cooperation. If I  
22 later determine that this team needs additional information from  
23 you, I will contact you through your counsel. If you have any  
24 questions about this investigation, you may contact the  
25 investigation recorder, Lieutenant [REDACTED]

1 The time is 10:54. We will reconvene at 11:05. Thank you.  
2 (Whereupon, at 10:54 a.m., the interview was concluded.)  
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CERTIFICATE


This is to certify that the attached proceeding before the  
NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: FIRE ONBOARD *SPIRIT OF NORFOLK*  
NEAR NORFOLK NAVAL STATION, VIRGINIA  
ON JUNE 7, 2022  
Interview of Sampson Stevens

ACCIDENT NO.: DCA22FM022

PLACE: Virginia Beach, Virginia

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

  
Melissa Bousquette  
Transcriber