

UNITED STATES OF AMERICA

COAST GUARD

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Investigation of: *

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TUGBOAT *GEORGE M* COLLIDES WITH *

CONTAINERSHIP *MSC AQUARIUS* IN *

Accident No.: DCA22FM015

HOUSTON, TEXAS ON APRIL 14, 2022 *

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Interview of: FERNANDO PACHECO, Master, Tugboat *George M*
G&H Towing Company

Houston, Texas

Thursday,

April 14, 2022

APPEARANCES:

██████████, Investigator
Coast Guard

RUSSELL GIBSON, Senior Port Captain
G&H Towing Company

ZACHARY WYATTE, Attorney
Blank Rome LLP

I N D E X

ITEM

PAGE

Interview of Fernando Pacheco:

By LT [REDACTED]

4

I N T E R V I E W

(10:48 a.m.)

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2
3 LT [REDACTED]: All right. It is April 14, 2022. It is
4 approximately 10:48 a.m. This is Lieutenant [REDACTED], Coast
5 Guard Investigations. I'm on the *George M*, and we are at G&H
6 Spilman Terminal, Houston, Texas.

INTERVIEW OF FERNANDO PACHECO

BY LT [REDACTED]:

9 Q. Sir, can I get your name and position?

10 A. My name is Fernando Pacheco. I'm Master -- vessel at the
11 moment.

12 Q. And do I have your permission to record our conversation?

13 A. Yes.

14 Q. Okay. All right, sir, and just start off with how long have
15 you been a Master?16 A. I'm not a promoted Master within the company. I was just
17 riding Master.

18 Q. Okay. So what's your --

19 A. I usually run as a mate.

20 Q. Usually run as a mate. Okay. So you're running as a Master
21 on this voyage?22 A. Yes, on this voyage, I was running as a Master, and my mate
23 was (indiscernible).

24 Q. And how long have you been with this company?

25 A. I've been with G&H almost seven years. Be seven years in

1 June. I've been in the maritime industry for 22 years. I started
2 out here in 2000.

3 Q. Okay. All right. And were you, were you the wheelman during
4 the incident?

5 A. No, sir. I was in bed. My mate was the OICNW.

6 Q. Okay. All right. Can you, can you kind of run me through
7 what basically the chain of events is as you remember? I know you
8 were in bed, but just kind of walk me through what you
9 experienced.

10 A. We got, we got call. We got dispatched to go assist the *MSC*
11 *Aquarius*, going to Barbours Cut 2. He got to the vessel assist
12 location, and I guess when he talked to the pilot, he was told
13 that he was going to go through the stem of the ship. Again, I
14 was asleep at the time. So I heard -- I felt them hit. I feel --
15 in fact it was a collision. I felt them hit. Then I got up.
16 Immediately I was trying to put on my shoes and come out here and
17 see what was going on. And then he hit again. And then when I
18 came up here, he was alongside the ship facing aft. So the ship's
19 coming this way (indiscernible), and he was stuck on the ship, on
20 the -- on our portside -- on their portside, to portside, and the
21 anchor was right there aside portside of the boat.

22 By that time, I came, I assess the situation. I stepped
23 outside because I wanted to see where we were, and to see if I saw
24 the anchor. So I didn't want mess to be stuck on the anchor for
25 me to try to get the boat out, you know, bail out and start

1 ripping more stuff out. So I wanted to make sure where the anchor
2 was and how we were regarding the anchor. That we're not stick on
3 the anchor.

4 So after that we make -- we talked to the pilot. We made
5 communications with the pilot. So when they -- he needed to
6 reduce speed. By that time I had -- I took command of the vessel,
7 and once he, he slowed down just enough, I peeled off the ship and
8 took the boat into the safety zone. And then once everything was
9 said and done, I started calling dispatch and notifying the proper
10 authorities and so on.

11 Q. So you think you saw the, the anchor --

12 A. Yeah. The anchor was right there.

13 Q. Were they -- they must have walked the anchor down a little
14 bit?

15 A. No, no. That was, that was just where --

16 Q. That's just where it was at?

17 A. Yeah. (Indiscernible).

18 Q. So were you up on top of the bulbous bow then?

19 A. No.

20 Q. The (indiscernible) or?

21 A. Maybe, maybe we did get hit with the bulbous bow because like
22 I said, we got hit. So I guess he's doing the stem job. A stem
23 job is like bow to bow where you put up your line.

24 Q. Okay.

25 A. So he's running --

1 Q. So he's backing up the ships --

2 A. Yeah. He's running. The ship is coming at you, and he's
3 running stern-to-stern first, you know, looking at the ship bow-
4 to-bow. So the intent of that is to put out your line through the
5 bull nose, and assist them through the, you know, help them turn,
6 then get into push-pull position, and help him dock.

7 Q. Is that like a typical procedure to --

8 A. On container ships it is very typical. Now on tankers and
9 other vessels not so much. We usually get on the shoulders. But
10 on the, on the container ships pretty much it's given, but, yes,
11 we go either center lead or center forward which is through the
12 stem.

13 Q. Okay. And when you, when you set up that procedure, do you
14 make communications with the, with the vessel that you're working
15 with? Like, do they know that, they, this is --

16 A. Yes. Yes, we never make our own decisions with anything. We
17 always make communication with them. We always make contact, and
18 the pilot of the ship tells us where he wants us. Like we don't
19 pick or choose, or we don't tell them where we're going to put our
20 line. For the most part they tell us where they want us. Now,
21 after they tell us where they want us, if we deem that it is not
22 safe for our vessel to be there, then we suggest other
23 alternatives. But for the most part they tell us where they would
24 like to be.

25 Q. Okay. So you guys are set up to where you're leading the,

- 1 you're leading the container ship in reverse so --
- 2 A. Right.
- 3 Q. -- you're bow-to-bow.
- 4 A. Right.
- 5 Q. You're getting ready to put the line up through there.
- 6 A. Right.
- 7 Q. The bull nose up on there. So --
- 8 A. We have to match, match each other's speed. So as he's, as
- 9 he's coming towards me, I'm driving stern first, and we just kind
- 10 of match his speed and then when the line goes up.
- 11 Q. Okay.
- 12 A. After my line goes up, usually I pay out more line. So I
- 13 increase my speed to just kind of have some distance. And then
- 14 like I said, you know, whatever he's going to do, I can, I can
- 15 turn or, you know, go either port, starboard, turn him and push
- 16 him, and stuff like that.
- 17 Q. Got you. Okay. And then so how do you think, how do you --
- 18 how could it have been that, that you guys ended up -- because
- 19 from what I understood it's like somehow you guys ended up like
- 20 perpendicular to the, to the container ship, came up, and then
- 21 kicked off like that. Is that -- or do you know?
- 22 A. That's the speculation. But, again, I cannot say for sure
- 23 because I wasn't --
- 24 Q. Going to talk to the --
- 25 A. You have to talk to --

1 Q. Got you. So when you came up --

2 (Crosstalk)

3 A. When I came up, we were already alongside.

4 Q. Along -- okay.

5 A. (Indiscernible) here. But, yes, at some point he hit twice.
6 So I'm -- from -- I'm guessing he hit, and then he hit again, and
7 then he just got stuck.

8 Q. Got you. Okay.

9 A. But I'm not sure. I'm not sure if he like completely got T-
10 boned or not. I know he -- they hit our port drive. So -- port
11 drive. So I guess so at some point he did kind of hit us here.
12 And then I'm assuming we got hit, and then we just kind of rolled
13 in, and we got stuck.

14 Q. Okay.

15 A. Because the first time whenever he got hit it was a hard hit,
16 you know, like I said. It woke me up. And, you know, like next
17 thing like I'm going to go upstairs and see what's going on. As I
18 was getting ready to come up here, that's whenever the second hit
19 came. And whenever the second one the boat roll. So started
20 rolling. I could hear metal. So it started rolling. And then
21 I'm assuming as it was sliding, sliding down the ship, and then
22 once it kind of popped back up, and then it just got stuck.

23 Q. Okay.

24 A. So whenever I finally came up here, and I'm like what's going
25 on? We're stuck alongside the ship. I look, I see the anchor.

1 So I step outside. I'm looking around to see how much damage we
2 had, where we are in relation to the ship. And like I said
3 because at this point I know that I'm going to have to peel out so
4 I just want to make sure -- I don't want to -- I don't want to
5 make more damage to the vessel. So I just wanted to make sure
6 that the anchor wasn't stuck. That way if I peeled out or
7 anything like I didn't want to rip out the windows or anything or
8 the handrails or anything like that.

9 Q. So maybe -- I don't know if you can explain this to me. Like
10 I'm just -- imagine -- like usually like these, these larger ships
11 like that, I think that one was like 300 meters or something like
12 that.

13 A. Yeah. It was like 995 feet, I believe.

14 Q. Pretty good size.

15 A. Yeah.

16 Q. Anchors are pretty high up.

17 A. Yeah.

18 Q. Was it just like heavily loaded or what -- why --

19 A. Sometimes depending -- you depend on the draft. I believe
20 this one had 42 draft. So it was loaded.

21 Q. Yeah.

22 A. It was loaded.

23 Q. Okay.

24 A. But, you know, also depend on ourselves too, you know, we are
25 kind of like a bigger boat. So even if they're, they're not fully

1 loaded, you know, when we go, we usually can see the anchor, you
2 know.

3 Q. Okay.

4 A. Not --

5 (Crosstalk)

6 Q. So it's typical.

7 A. Very typical.

8 Q. Okay.

9 A. Not something like the anchor is always like way up.

10 Q. Yeah, yeah.

11 A. Very typical for us to see the anchor either out this window
12 or maybe those windows. We see the --

13 Q. The house is high enough that you kind of --

14 A. Yeah. Yes.

15 Q. Okay. Okay.

16 A. And it's also a good reference for us because we can tell if
17 we can get in there or not.

18 Q. Got you. Okay.

19 A. So that's not very uncommon.

20 Q. So for between you and the, and the mate, so you're, you're
21 technically in charge of the vessel, right?

22 A. Right.

23 Q. And then he was just -- while you were sleeping --

24 A. Yes.

25 UNIDENTIFIED SPEAKER: Excuse me. I've got to interrupt real

1 fast. Can I speak with you?

2 CAPTAIN PACHECO: Yes, sir.

3 UNIDENTIFIED SPEAKER: I just got a call -- the investigator
4 is taking the notes --

5 MR. PACHECO: He's recording the conversation.

6 UNIDENTIFIED SPEAKER: He's recording the conversation?

7 LT [REDACTED]: Do you want me to stop recording?

8 (Off the record.)

9 (On the record 12:24 p.m.)

10 LT [REDACTED]: All right, good afternoon. This is Lieutenant
11 [REDACTED], Coast Guard Investigations. We're onboard the
12 *George M.* We're located at G&H Spilman Terminal. It is April 14,
13 2022, and it is approximately 12:24 p.m.

14 BY LT [REDACTED]:

15 Q. Sir, if you would state your name and position.

16 A. My name is Fernando Pacheco. I'm running Master on the
17 *George M.*

18 LT [REDACTED]: All right. And so we're continuing our interview
19 that we had previously. Additionally in the room, if you would
20 please introduce yourself. Are you planning on staying in the
21 room?

22 MR. GIBSON: Yes. Russell Gibson, Senior Port Captain, G&H
23 Towing Company.

24 MR. WYATTE: And I'm Zachary Wyatte, counsel on behalf of
25 G&H.

1 LT [REDACTED]: All right. Thank you.

2 BY LT [REDACTED]:

3 Q. All right, sir, so where we left off is we were discussing
4 the procedures for bow-to-bow -- you talked about putting the
5 lines.

6 A. Doing the stem job.

7 Q. Doing the stem job.

8 A. Yes, sir.

9 Q. Okay. So and you said that that was like typical, the
10 typical procedures for the vessel that you guys were engaging
11 with, correct?

12 A. Yes, for container ships usually that's, that's the right,
13 common, typical movement that we do.

14 Q. All right. So I think where we left off we were talking
15 about how the -- so the mate was, was on the sticks, right?

16 A. Right.

17 Q. And you were down below?

18 A. Right. I was sleeping, and he was on watch at the moment
19 when the incident happened.

20 Q. Okay. So with regard to that are -- is he -- are you in the
21 process of training him or how's -- how does that work?

22 A. He has been on Z-drives for almost over a year and a half,
23 almost two years. As his peer, I have done with -- jobs with him
24 on other vessels. I have seen him perform those jobs. So he was
25 not just not familiar with this class vessel, but he has done

1 those jobs, and he has been qualified to run the sea trials.

2 Q. Okay. All right. And then typically so do you guys, do you
3 guys typically have like a, a training procedure that you will,
4 that you will use for each class of vessel, like, to get people
5 familiar with those vessels or, or how do you guys go about that?

6 A. Yeah. We usually get trained. You know, we have Z-drive
7 assessments being on the vessel.

8 Q. Okay. All right. And so, so the, the mate that was in
9 charge, he was -- let me ask you this. In accordance with your
10 procedures, and for that, was he authorized as far as you know to
11 operate the vessel on his own?

12 A. He knows how to drive the Z-drives. He knows how to, like I
13 say, he knows the maneuvers. He knows how to do the jobs. The
14 only difference on the vessel that he came from and this vessel
15 the only difference is a winch.

16 Q. Is the winch?

17 A. Yes. As far as like how you operate the vessel, how you
18 drive the vessel, everything's the same. Prior to the incident I
19 was up here with him. We did a sailing. We did an inbound, and
20 then he did a job by himself, and I saw nothing wrong with it. He
21 felt comfortable. We talked about it. I saw him drive backwards.
22 I saw him get push-pull. I saw him doing no touch. There was
23 nothing out of the ordinary. Because, again, he is qualified.
24 He's fully qualified on driving Z-drives.

25 Q. Okay.

1 A. And I have as up here like I said I have done jobs with him,
2 and I have witnessed that I have seen him do that. So I was --
3 even though I had not worked with him on the same boat, I know --
4 I knew his capabilities. I knew that he had done those and
5 performed well.

6 Q. So have you worked on them -- worked with him on this class
7 of vessel before?

8 A. No. This is my first time working with him together.

9 Q. Okay.

10 A. I had just worked, you know, like me on this boat, and him on
11 another boat doing a ship job, doing the same job. Also with that
12 being said, the masters that he worked prior I have worked with
13 them, and I know how they are. So they would not have signed him
14 up if they didn't think he was ready. So I was confident as far
15 as that as well.

16 Q. Okay. And as far as doing the stem job with regard to a
17 container vessel bringing them in, has he -- have you observed him
18 do that job before --

19 A. Yes, I --

20 Q. -- on the vessels?

21 A. Yes. Yes. Me being on this vessel or another vessel, him
22 being on another vessel I have seen him do those jobs.

23 Q. Okay.

24 A. I have seen him do push-pulls. I have seen him being over
25 the stern, which is kind of the same -- the opposite end of the

1 ship. I mean, I have seen him do all (indiscernible) jobs I have.

2 Q. Okay. And so between the other vessel that he was qualified
3 on and this one, he, he was not qualified on or he was qualified
4 on?

5 A. He's qualified on Z-drives. Like I said, the only --

6 Q. So Z-drives, but not this class of vessel?

7 A. The only difference is a winch.

8 Q. Is there, is there a difference in the --

9 A. This one has a little bit more horsepower, but as far as the,
10 the way you maneuver the boat, the way that you walk the boat, the
11 way you do a stem job, the way that you walk the boat it's all the
12 same.

13 Q. So it doesn't matter about the horsepower of the vessel?
14 It's going to respond the same?

15 A. Maybe the bigger vessel maybe a little bit slower because
16 it's obviously bigger. But technically the fundamental elements
17 of it they're technically the same.

18 Q. Okay.

19 A. It will be typically like me driving a 250 and me driving a
20 compact car. I can drive both vehicles just they're just
21 different. It's kind of same basic idea. So with that being
22 said, he can drive the boat. The only difference was the winch.
23 We had a sit together. We -- I went over with him over the winch.
24 And that's why I said I witnessed him do two jobs, and then a
25 third one by himself, and he seemed to like perform well.

1 Q. Okay. So for the, for the company itself, they give you the
2 guidance of how to, how to operate right? So like if you have
3 somebody -- a break-in or somebody that's coming onboard or
4 whatever, then the company has a certain set of guidelines to help
5 you to make that determination, or how do you know when a person
6 is ready to take over a vessel? Is it kind of, like, well, they
7 have a license, they're good to go?

8 A. No, no, no. There's procedures. There's assessments like
9 you say. Also like me being familiar with him doing jobs together
10 I have witnessed that. Also, I asked him questions. I knew what
11 boats he had worked with. I knew the masters that he had worked
12 with. And, again, I have worked with some of those masters. So I
13 was confident enough that he was fine doing the job and the
14 procedures.

15 Q. Okay.

16 A. Now, if he had come from like a conventional boat like a twin
17 screw I would have never had let him do this. Because, obviously,
18 that's a big difference. But he came from a Z-drive. So like I
19 said, the fundamentals and the job-wise is, is the same.

20 Q. Okay. Now do you think because you mentioned -- you talked
21 about how the, the horsepower on the vessels are different, and so
22 this one might be a little bit slower in its response --

23 A. Right.

24 Q. -- because of that horsepower difference.

25 A. Right. And that's --

1 Q. Do you think --

2 A. That's the only way I can describe it to you maybe on layman
3 terms just like driving a vehicle. You can drive a sports car,
4 you can drive a truck, you can drive a compact car, a mini-van,
5 you know, every single one has different horsepower, but
6 eventually the basic procedure of driving you can drive it. You
7 don't need a different license or any additional training because
8 you just know how to drive a vehicle.

9 Q. Okay.

10 A. It's kind of the same thing with a Z-drive.

11 Q. Okay.

12 A. The only element, like I said, might be, like I said, maybe
13 a little bit more horsepower or maybe like an extra button on the
14 winch or so on.

15 Q. Do we know what the difference in horsepower is between the
16 vessels --

17 A. 6800 -- the *Evelena*, the *Thor*, I believe, might be rated at
18 63.

19 Q. Okay. So and I guess my thought is like when you bring that
20 up about like a car like I think about when I'm driving a car, and
21 I need to pass somebody. If I'm in like a, a Prius or something
22 or I'm in a Corvette --

23 A. Right.

24 Q. -- like if I need to get around somebody, and I'm used to
25 driving a Corvette, and I hit it, and boom it takes off --

1 A. Yeah, right.

2 Q. -- I'm used to that, right? But if I'm alongside a car, and
3 I'm in a Pinto or something, and I try to floor it, and all of a
4 sudden I don't have that get up and go that I'm used to, that
5 could create a problem. So when you say it's like driving a car,
6 like, I, I can wrap my head around that. I guess where I'm just
7 trying to understand is like with regard to a vessel --

8 Q. But I think basically your question what I'm saying because
9 you keep saying if he's qualified, he is qualified because he
10 knows Z-drives. Now, again, like based on your example, maybe he
11 just made a judgment call or he, you know, just like you say
12 driving a Pinto and all that, well, you know that he had extra
13 power so you're more confident that you're going to overpass that
14 other vehicle so on. Or like I said maybe he just made a judgment
15 call. That I don't know because --

16 Q. Sure.

17 A. -- I was not there.

18 Q. Sure, sure. But you're experienced in driving this vessel as
19 well as the ones that he was on, right?

20 A. Yeah. I have driven both.

21 Q. So for you -- from your professional experience in driving
22 the vessels --

23 A. Yeah. For me, again, it's just like a personal thing for me.
24 the only difference to me is the winch because this winch is a
25 little bit heavier than the other one. Other than that, they

1 drive the same to me.

2 Q. Okay. All right.

3 A. Because the winch is a little bit heavier it takes a little
4 bit more movement to walk the vessel maybe to get it on push-pull
5 position. So stuff like that, and that's why you have to
6 anticipate, and take that in account. Other than that they drive
7 similar, they're the same.

8 Q. Sure. Okay. So last question I have for you, sir, is
9 because I feel like I want to make it little more clear.

10 A. Okay.

11 Q. So with regard to when a new person comes onboard a vessel,
12 as far as you understand the company policies --

13 A. Right.

14 Q. -- a person being authorized to run the vessel with nobody
15 else here because you're down below. Like you're asleep or
16 whatever.

17 A. Right.

18 Q. As long as they're qualified on a Z-drive vessel that as far
19 as the company goes it doesn't matter what platform, what --

20 A. It's up to the individuals, I guess, as well, you know, like
21 I said. Because I saw him. I was familiar with the guy. I saw
22 him perform certain jobs. I was comfortable with him. Not only
23 that, we talked to him. I made sure his comfort level was there.
24 He never spoke or said anything different. So -- we're on the
25 same page.

1 Q. I got you.

2 A. I think it was just a matter of maybe bad judgment or -- it
3 was not --

4 Q. Well --

5 A. -- because -- I mean, I don't know. I cannot say that. I
6 wasn't up there.

7 Q. I don't want to talk about -- well, I'm not asking you about
8 what you think he did right or wrong.

9 A. I don't know.

10 Q. That would be like a guess, right? I'm not asking you that.
11 What I'm asking is what, what's in your wheelhouse.

12 A. Right.

13 Q. So you as the Master --

14 A. I felt comfortable with him running with him. If I had not
15 felt comfortable, I probably would have called dispatch or I would
16 have called one of my port captains, said, you know, I don't feel
17 comfortable running with this guy, either like send me somebody
18 else, or I'm going to only run 12 hours or 24, whatever. But I
19 felt confident enough based on what I had witnessed and what I had
20 experienced with him in the past.

21 Q. Okay.

22 A. So that -- is up to the master's discretion when it comes to
23 that because it has happened to me as well where I have been sent
24 to other boars, and some masters they don't know me, and they
25 don't want to run 24. Where I have gone with other masters I have

1 worked with them previously. They know me. They're comfortable.
2 They're like I want to work with you. That's how I felt with this
3 guy.

4 Q. Is that kind of, is that kind of like how you're directed as
5 far as like by the company is if you as the master feel confident
6 in their abilities then --

7 A. No.

8 Q. -- they're good to go or --

9 A. No. Also their training, their training abilities. They had
10 to be trained. And also like I said this guy has over a year and
11 a half worth of experience. So that's a lot. He has been, he has
12 been around. Had he had been only a second or third watch, I
13 would have never ran with him, but he had experience.

14 Q. So does --

15 A. He had more experience on Z-drives than twin screws.

16 Q. So does it, does it matter that his, his qualification was on
17 a different vessel as far as the company is concerned with
18 allowing him to drive a different vessel? Because like you keep
19 telling me. I just want to understand what you're saying.

20 A. Okay.

21 Q. What you keep telling me is that like I observed him, and I
22 felt comfortable with him --

23 A. Right.

24 Q. -- so I was okay with him.

25 A. Right.

1 Q. But what I, what I'm really kind of getting at, is there like
2 a hard line objectively from the company that says this is the
3 standard, and if they meet that standard they're good to go? And
4 so far the only thing that I understand is that he's --

5 A. But he did meet that standard because on the other boats he
6 had performed those jobs.

7 Q. So does that --

8 A. He had done jobs, you know. He had done push-pull. He had
9 done stem jobs. He had performed all those jobs. Had he had told
10 me himself or I would have known that his Z-drive assessment was
11 not completing (verbatim) or he had never done a Stem job, I would
12 have never have allowed it.

13 Q. So is the company policy that if you're qualified on one
14 vessel you're qualified on all the vessels?

15 A. No. No, it's not.

16 Q. So when you say that he was trained on the other vessel, and
17 he had done all those different jobs, that he was good to go on
18 this vessel, that's where I'm seeing a disconnect. And you're
19 saying, well, I was comfortable from my position.

20 A. Right. And then being his first trip, like I said, I was
21 running with him. We were going to start working on his
22 assessment, and unfortunately this happened. So we haven't really
23 got a chance to start, but I was going to start working with him
24 on his assessment as well.

25 Q. So he hadn't, he hadn't started his assessment on this vessel

1 yet?

2 A. Just the basics, you know. But, again, when I keep saying
3 the basics, they're not really basic because, again, he's familiar
4 with all --

5 Q. I understand what you're telling me. I guess what I'm trying
6 to get to is just like is there a standards besides like you feel
7 like how you feel about it from your expertise or your experience
8 in observing this person, is there a standard of --

9 A. Yeah. There's training. We do seminars. We do online
10 training courses. Not only that, there's paperwork. There's
11 assessments that they keep up. There's a lot of stuff like that.
12 So, yes, there is a certain standard. There is a high standard.

13 Q. Like for example, like I'm in the pipeline, right, and I, and
14 I get my qualification, and, and I've been working on Z-drives,
15 and I've got my, like, my, my qualification standards or whatever
16 you guys call them, and it's initialed off, it's signed off, hey,
17 I meet all of these, these requirements on this vessel. In
18 accordance with the company am I now good to go 100 percent by
19 myself on --

20 A. That's --

21 Q. -- any other --

22 A. That's also up to the master who is doing the training.
23 Whenever the master feels comfortable that he's 100 percent ready
24 to be cut loose, then the master he calls the office, calls the
25 port captains, and so on.

1 Q. Okay.

2 A. It varies for an individual. A guy might be ready in three
3 months. Another guy might be ready in six months.

4 Q. So how is that, how is that indicated that they're ready? Is
5 there like something signed? Is there --

6 A. Yeah, there's signatures, there's letters, and there's
7 communications between masters and port captains.

8 Q. So did the -- did your mate have all of that signed and
9 communicated and all that for this vessel?

10 A. Again, it was his first watch coming on this vessel. He was,
11 again, on a different type of vessel that it was similar to this
12 one.

13 Q. Okay.

14 A. Where the only difference is the winch, a little bit of the
15 horsepower. But as far as the way you maneuver the boat is the
16 same. They do the same type of jobs.

17 Q. And is it, is it typical to leave, to leave somebody by
18 themselves when they haven't had all that stuff signed off
19 regardless --

20 A. Again, I talked to the guy. I saw -- I witnessed him. I
21 decided to run 24. So because I decided to run 24 hours with him,
22 yes, it is typical for him. Now, he did have standing orders at
23 any moment you have any doubts or anything that might bother you
24 that you don't feel comfortable, you beep my room. He never did.
25 But he did have standing orders, and I told him that.

1 Q. Fair enough. Okay. So it sounds like to me like there are,
2 there are objective standards that are signed off like a, you
3 know, qualification standards. You're good to go. He had those
4 on a different, different platform, different vessel. He came
5 here. He was working on -- that was kind of I guess this was his
6 first ride, I guess, right?

7 A. Right. We're going to start --

8 (Crosstalk)

9 Q. So he was --

10 A. -- working on -- and all that, and I was confident on his
11 ability.

12 Q. And you felt confident on his ability so you let him ride
13 with it, but you -- with the, with the, I guess, the --

14 A. And again --

15 Q. -- caveat that if he has any issues --

16 A. Right.

17 Q. -- the standing orders are that --

18 A. He had standing orders. Hey, you have any issues. And based
19 on that because, again, I was (indiscernible) here. I saw him do
20 it. And then I saw him do a sailing. I saw him do a job by
21 himself. So after that we, again, we talked about it. I said,
22 are you comfortable? I know the only difference the winch, but
23 are you comfortable? He said, yes, I'm comfortable. And that's
24 when I told him, okay, standing orders if there's any doubt at any
25 moment you don't feel comfortable, you beep me, you beep my room,

1 I will come up here. And that was the final say-so.

2 Q. Got you. Okay. And then the last thing I have, I just want
3 to make sure I'm clear on this. So you spoke a lot about how like
4 as the, as the Master, your experience in observing the mate as
5 far as like your comfort level with him operating the vessel plays
6 a big role on whether they're like hey you're good to go, and
7 working through this.

8 A. Yeah. I think every Master feels the same way because, I
9 mean, technically in a way he has your life in his hands because
10 you're down there sleeping.

11 Q. For sure.

12 A. And I -- had I not felt comfortable, he would have never been
13 behind the wheel.

14 Q. So which comes first then, the signing off of the, of the --
15 like his standards and everything or, or your, your comfort level
16 with him? Like in other words, is it, is the thing where he gets
17 all this stuff signed off --

18 A. I think it kind of intertwines for me personally. I think,
19 you know, it's kind of a little bit of both.

20 Q. What does the company say?

21 A. You keep referring to -- and I have already admitted to you,
22 yes, he was not -- he didn't have his assessment complete on this,
23 but I had witnessed what he was capable of.

24 Q. Okay.

25 A. He needs to go through training and everything, but he did go

1 through the training. Like I said, I don't know what else -- how
2 to explain it. The only difference is the winch. The way that
3 you operate the vessel is the same.

4 Q. Okay. All right.

5 A. So based on that, there was no doubt in my mind that he was
6 capable. Not only that, I saw him do several jobs. He performed
7 well. I have witnessed doing other jobs with him where I'm here,
8 he's -- I have seen do those jobs before, and he has done well.

9 Q. Is that kind of common? Like even if, if -- well, let me ask
10 you this. How many people have you trained in that same position?

11 A. I'm not a promoted Master. So whenever I get the opportunity
12 or whenever like we get a trainee, I'm always willing to help.

13 I've been, I've been with G&H seven years now, but I've been in
14 the maritime industry for 22. So that has to say something. I
15 started from the bottom. Then I started pushing barges. So I
16 think when it comes to like boats and like maritime experience, I
17 think I know a little bit about that, and know what I'm doing.

18 Q. Oh, sure.

19 A. So based on that, I don't mind training guys.

20 Q. But --

21 A. And I have trained several --

22 Q. Okay.

23 A. -- since I've been, since I've been, you know, before G&H,
24 since I've been here with G&H.

25 Q. How many would you say you trained with the G&H

1 A. Because I'm not a promoted Master, I cannot take full
2 responsibility. I have -- I'm more like eager to say I have
3 helped trained some guys. Because ultimately the master is the
4 one that trains.

5 Q. How many would you say you've observed being trained?

6 A. I mean just ballpark maybe eight.

7 Q. Okay.

8 A. Nine.

9 Q. Eight or nine people. And during their training process have
10 they been allowed to be on the watch by themselves prior to
11 their --

12 A. If I'm running --

13 Q. -- signed off?

14 A. If I'm running mate it's up to the master's discretion. I've
15 had masters where they're like you only ride with me. And then
16 some masters are like if the mate lets you drive or even the
17 mate's comfortable with you driving, then you can ride with the
18 mate as well. Because I feel confident. I believe that I am good
19 at what I do. I feel comfortable. I've been doing this for a
20 while. So for the most part I do help them, and I train them.

21 Q. Okay. So sometimes you'll see them before they're done with
22 their PQS or their qualification standards being allowed to ride
23 by themselves?

24 A. No. They never ride by themselves until they are completely
25 cut loose and, again, that's up to the master's discretion.

1 That's up to the Master whenever he talks to the port captains, so
2 on, and they discuss that. At no point hearing if he's not
3 qualified or anything he's not up here by himself. He's either
4 with a master or with a mate, with somebody fully licensed.

5 Q. Got you. Okay.

6 A. Never by themselves.

7 Q. Okay. All right. All right, sir, that's -- that concludes
8 our interview. Do you have any questions for me?

9 A. No, sir.

10 LT [REDACTED]: Okay.

11 (Whereupon, the interview was concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the

UNITED STATES COAST GUARD

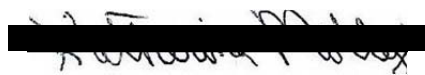
IN THE MATTER OF: TUGBOAT *GEORGE M* COLLIDES WITH
CONTAINERSHIP *MSC AQUARIUS* IN
HOUSTON, TEXAS ON APRIL 14, 2022
Interview of Fernando Pacheco

ACCIDENT NO.: DCA22FM015

PLACE: Houston, Texas

DATE: April 14, 2022

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.



Katherine Motley
Transcriber