

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

SINKING OF TOWING VESSEL *JACQUELINE* * Accident No.: DCA23FM044
A NEAR NORTH MYRTLE BEACH, SOUTH *
CAROLINA ON AUGUST 8, 2023 *

* * * * *

Interview of: CLIFFORD DAVID MCGALLAGHER, Captain
Jacqueline A

Station Georgetown,
South Carolina

Wednesday,
August 9, 2023

APPEARANCES:

LT [REDACTED], Senior Investigating Officer
United States Coast Guard

CWO [REDACTED], Investigating Officer
United States Coast Guard

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I N T E R V I E W

(7:00 p.m.)

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2
3 CWO [REDACTED]: -- with Lieutenant [REDACTED] at Station
4 Georgetown in South Carolina with the Captain of the *Jacqueline A*,
5 David McGallagher with the incident that involved the sinking of
6 the *Jacqueline A* on August 8 --

7 LT [REDACTED]: 7th.

8 CWO [REDACTED]: -- August 7th, 2023 at around 1900.

9 LT [REDACTED]: Sorry, it was August 8th.

10 CWO [REDACTED]: It was August 8th at around 1900.

11 Okay, are you going to --

INTERVIEW OF CLIFFORD DAVID MCGALLAGHER

12
13 BY LT [REDACTED]:

14 Q. All right, Captain, can you just introduce yourself
15 as -- obviously, you were the captain on board the *Jacqueline A*.
16 Can you also just talk about what your duties and responsibilities
17 were while you were on this boat and why you were the captain on
18 this boat?

19 A. I was captain of the vessel and the crew and the safety and
20 everything on there. Anything that they need, I'm always telling
21 them to come to me and don't -- you know, that's just like if they
22 don't know something, come to me. I mean, they always come to me.
23 I want -- if he gets -- if the other captain was to get in a
24 tight -- you know, if he ain't never been somewhere, he came come
25 wake me up. I always encourage him to come get me and if we can

1 help it out -- figure it out together. I mean, I take care,
2 maintain, and clean and maintain the vessel, make sure it's in
3 seaworthy condition.

4 Q. Okay, and how long had you been employed on this vessel?

5 A. This Sunday is the 30th?

6 Q. So, August --

7 A. Yeah, well, if you back it up to probably Saturday night -- I
8 was on board of it Saturday night at the dock. We was there -- we
9 got on board of it, let's say, 12:00 noon -- that would be
10 Saturday, 12:00 noon. That would've been on the 7th, right, at
11 sea.

12 Q. On Saturday?

13 A. Saturday, on 08-06.

14 Q. Saturday was the 5th?

15 A. Yeah, okay, on the 5th.

16 BY CWO [REDACTED]:

17 Q. And you got underway on Sunday?

18 A. Yeah, got away on Sunday, at 6:30. I was at the wheel, and
19 brought it through, and brought it up to Norfolk in Virginia. But
20 I brought it up there to the mouth -- until we got to the mouth of
21 the channel and then my -- the relief took over.

22 BY LT [REDACTED]:

23 Q. And you got underway from which port -- which city?

24 A. Williams, Virginia. And he took over at his regular time.

25 Q. Who is he?

1 A. Olly Seaman (ph.)

2 Q. Oh, okay, and can you go into how much prior experience you
3 had had on this vessel and just your overall experience as a
4 mariner and as a captain?

5 A. I've been on vessels all my life. I started when I was 12
6 years old on a shrimp boat with my uncle in Mobile Bay in Alabama.
7 I worked with him in the summertime and holidays. Then from
8 there, I started working shrimp boats full time at 19 years old
9 and before I turned 20, I was running shrimp boats -- 55-foot
10 shrimp boat unlicensed -- I mean, you're not required to have a
11 license on a shrimp boat. But I was running it for a friend of
12 mine. A friend I used to work with -- that's who I used to work
13 with in the summertime on the *Blue Horizon*.

14 Then from there, he -- I left and went to another guy
15 shrimping and I was working with him and also I ran the vessel,
16 the *Clawburn* (ph.), it was a 90-foot steel hole shrimp boat. Then
17 from there, I left and went with John E. Graham and Sons out of La
18 Batre, Alabama and I worked for them for 21-and-a-half years. I
19 was captain, then I was a training captain -- what they call a
20 junior training captain, then they had a senior training captain.
21 Then from there, I went to be a port captain for five-and-a-half
22 years down in Intracoastal City, Louisiana. I was actually a port
23 captain and --

24 Q. On tugboats?

25 A. Uh huh, all boats.

1 Q. Oh, okay.

2 A. All boat -- we're talking all boats, utility vessels and that
3 was in the oil field down there. Then I worked there and then I
4 went to work on a crew boat in Pascagoula, Mississippi. It was
5 called a Ship Five and I worked that running to the super tankers
6 for ship running offshore out of Pascagoula out there off of
7 Chandeleur and on an island out there where they'd anchor up. The
8 super tankers would come in. But anyway, they was big. They
9 couldn't come in; the other ship would go along side. Well, we
10 always take storage to them or personnel back and forth to the
11 dock. We ran in and out. It was 90-foot and I worked there
12 on -- hang on, I guess seven years -- seven-and-a-half years.
13 Then I upgraded my license to master of towing. I started
14 training on vessels that -- and with the same company, Mid-Stream
15 Fuel Service and that crew boat was Mid-Stream Fuel Service, too,
16 that I was working on. But I started training over there with
17 them and it was --

18 Q. And then what year was that that you started working on the
19 towing vessels?

20 A. On towing vessels, man, I couldn't -- I really couldn't tell
21 you.

22 Q. Approximately?

23 A. It's been too far back. I've probably got it at home
24 somewhere wrote down. But I don't -- you know, on my resume or
25 something.

1 Q. Okay.

2 A. But I don't know right off hand.

3 CWO [REDACTED]: Like in the 70's, 80's, 90's?

4 BY LT [REDACTED]:

5 Q. 80's, 90's?

6 A. 80's -- let's see, would be in the -- probably in the 90's.

7 I was in there in the 90's and then I worked with Fuel Flat (ph.)
8 when I really got in the -- got the job on the tow boat
9 (indiscernible) it was on (indiscernible) out of Pascagoula and we
10 pushed a fuel flat around -- a small one -- a hundred-and-45-foot
11 fuel flat with one barge.

12 Q. Okay.

13 A. And I pushed that around. Then they wound up -- I stayed
14 doing that for probably another six or seven years and then they
15 wound up doing away with the job. They took the boat out of water
16 and sold it and then we got laid off -- I got laid off. Then I
17 went to work offshore -- I got a job working offshore for Sea
18 Horse Marine and I was working a hundred -- what was it, a
19 hundred-and-65-foot work boat. I was running the small -- it was
20 a small one, a hundred-and-60 to a hundred-and-65 and it was the
21 *Captain Rudy* (ph.), I run it -- I ran it for five years and then
22 time got slow and the guy couldn't pay both crews and not have a
23 job with a boat. So, he let the Alabama crew go, which is all the
24 Alabama crew on one and the Louisiana crew on the other.

25 So, he kept the Louisiana people because that way he could

1 let them go home at night, they wasn't paying them -- because the
2 boat wasn't making enough money. So, he let us go; we got laid
3 off and I was in between jobs, I think, probably for eight months,
4 a year, and then I went back as a trip pilot with Martin Marine.
5 I went to work for them and then after about nine months -- eight
6 or nine months, they hired me on the tow boat and then I got laid
7 off again. Yeah, I mean, I got laid off and I think it was in '95
8 -- I believe I got -- I believe it was; I'm not for sure.

9 Anyway, I was 63 years old then and my wife had a heart
10 problem -- it had something to do with her heart. So, I decided
11 to retire and then I just done -- before this, I just done this
12 every now and then if somebody want me to deliver a boat or
13 something, you know, pick a boat up, take it to another place.
14 So, I started doing that. I kind of missed the boats, I was
15 always raised on boats, always, you know, there working on boats.
16 Anyways, so that's what I was doing. I'm really retired, but I
17 was just filling in now and then. Trip pilot is what they called
18 it -- trip pilot up until now.

19 Q. Okay, have you ever worked for this guy before -- the owner?

20 A. No.

21 Q. No?

22 A. No.

23 Q. How did you get, like, hooked up with him?

24 A. Because Jeff Kellam (ph.), the one I -- two years ago, I
25 delivered a boat for him, it was one of the old

1 John E. Graham -- I don't know if you all are familiar with the
2 John E. Graham and Sons' oil boats. Anyway, they had bought one,
3 that's the guy with the oyster plates up there. He took the oil
4 boat and made it into a plant boat for oyster shells
5 (indiscernible) for oystering and stuff, for beds -- oyster beds.

6 Anyway, my nephew -- I was off at the time, retired, and my
7 nephew called me and asked if I'd mind making the trip with him
8 and to deliver it from La Batre, Alabama to Virginia and I told
9 him I would. So, I went with him doing that and that's when Jeff
10 called me and this -- when he got this one, he wanted to know if I
11 would be interested in bringing this one for him -- this boat to
12 replenish it up there. So, I told him yeah, I'd do it. So,
13 that's why I come up here.

14 But he told me -- he was the one who referred this other
15 guy -- this Ward guy -- John Ward (ph.). He said that they had a
16 boat there that they wanted to get it back down to Louisiana to
17 the shipyard -- or take it down there -- take it back to New
18 Orleans for him. I told him yeah, I probably would, but it would
19 be -- if my crew was with me -- you know if everybody -- the whole
20 crew went together. So, everybody agreed upon it. That's when we
21 made the transfer from the *Replenisher* to the *Jacqueline A*.

22 Q. Okay, so you worked with these guys before?

23 A. The *Jacqueline A*?

24 BY CWO ██████:

25 Q. The crew?

1 BY LT [REDACTED]:

2 Q. Uh huh, the crew?

3 A. The crew, one of them, Roger, my cousin. Now, Olly, he's
4 just this trip.

5 Q. Okay.

6 A. He ran the *Replenisher*. But him and his daddy, they
7 were -- they deliver boats all the time. They deliver seafood
8 boats like scallop draggers and stuff like that. They bring them
9 where they build them in the bayou and him and his daddy bring
10 them up to Boston and all up that way. He's got
11 experience -- he's got a good bit of experience.

12 Q. It sounds like you have experience on tugboats in addition to
13 other boats, but you've worked on tugboats?

14 A. I have, yeah.

15 Q. Yeah, okay.

16 A. Yeah.

17 Q. And safe to say, like, tugboats of this, like, similar size?

18 A. Yeah, basically, it was a little smaller, this one here. The
19 other ones -- when I worked for -- with Martin, it was push boat,
20 it wasn't a bottle nose like this one. This one here is the same,
21 it was bottle nose -- this is a bottle nose. It's made for near
22 coastal. In other words, this can work offshore or inland, either
23 way with this one. But the other ones I worked was mainly push
24 boats.

25 Q. All right, so why don't you go back to Saturday afternoon,

1 you all get on the boat and just talk about when you got underway
2 and just take us through the timeline of where you all went and
3 what was going on the first couple days leading up to last night.

4 A. Well, we kept talking about -- the main thing we kept talking
5 about was the weather. The weather was breezy and I told them I
6 wasn't -- and we wanted to -- I wanted to -- when I told them I
7 wasn't going to do it, that we was going to bring the boat to the
8 inside until I got comfortable, you know, with the boat. We
9 didn't have no breakdown. The boat had been sitting at the dock
10 on shore power for quite a while. It had been sitting in there
11 and -- because they was there the last time I delivered the other
12 boat -- the *Hopeful Harvest*. When I delivered it, it was in
13 there.

14 But I told them we was going to go so far with it, like go up
15 to Cape Fear and then if the weather permits, we'll go out, you
16 know, leave from there, and we would cut down to Saint Lucy -- I
17 think it is Saint Lucy -- and then we were going to cut back in at
18 Saint Lucy and then go up to Lake Okeechobee to Fort Meyers. I
19 felt it would've been better than going through that way, probably
20 the same time too and I just -- you know, I'm used to bigger
21 boats. I'm used to -- as far as offshore boats, I'm used to 90-
22 foot or bigger -- you know, bigger boats and I just -- would feel
23 more comfortable if we went through the inside and then we get
24 back in the gulf and follow the coastline all the way around. I
25 was going to stay the coastline.

1 Q. So, why'd you all decide to come out at Cape Fear and to
2 offshore?

3 A. The weather was calming down.

4 Q. Okay.

5 A. The weather was real bad, it was blowing, like, 30 knots and
6 just at 35 when we left Sunday -- when we left.

7 Q. Uh huh.

8 A. So, we didn't -- I told them we wasn't going outside. I
9 wasn't going to go out there.

10 Q. Yeah.

11 A. I just wanted to go inside and get used to the boat, get the
12 feel of the boat.

13 Q. Yeah, so, like, what's the advantage to running offshore
14 instead of just going to ICW the whole way?

15 A. Time.

16 Q. It's just faster?

17 A. Time wise.

18 Q. Okay, what speed were you running, I guess, in the ICW and
19 then after you came out?

20 A. We ran anywhere from (indiscernible) seven knots inland.
21 Most of the time, it was low because we had to slow down for so
22 much stuff and then shallow -- we had shallow water and we had to
23 slow down. Offshore, you know, we kept it at eight -- you know,
24 running seven-and-a-half to eight offshore, constantly running
25 once we came out of there.

1 Q. Okay, so about seven knots when you were in the ICW and then
2 about seven-and-a-half to eight knots when you were outside the
3 ICW?

4 A. Yeah, you know, with time, you're lower than seven inland.
5 Inland, you -- when we had to start passing those horns and them
6 boats and all that stuff, we were down to four-and-a-half to five
7 we were running for miles from the time we had to go through that.
8 Then we would pick it back up again, you know, because you're
9 responsible for your wake, so we didn't want to tear nobody's
10 stuff up. But we could make better time offshore back out there.

11 Q. Okay, so if you can go back, kind of recount how things
12 happened. So, when you were in the ICW, the weather was not so
13 great? You were having high wind gusts on Sunday?

14 A. Yeah.

15 Q. And then when did you come outside the ICW?

16 A. And then -- get my days right -- the day it happened, we'd
17 come out of Cape Fear, that would've been Tuesday?

18 CWO [REDACTED]: Yesterday, Tuesday.

19 LT [REDACTED]: Yesterday.

20 CAPT MCGALLAGHER: Tuesday -- we came out Tuesday -- we came
21 out of there. I don't know about -- we came out of there probably
22 about 3:00 -- somewhere around 3:00 -- 1500. I had it all on the
23 boat, but -- I was writing all that down, keeping up with all that
24 stuff.

25 LT [REDACTED]: Okay.

1 CAPT MCGALLAGHER: But we -- you know, when we came out then
2 and the weather was supposed to start dropping out. The boat's
3 going to -- dropping out -- one good thing was the wind was going
4 to be out of the southwest and it was going to switch to the west.
5 So, if it switched to the west and we was up on the beach, you
6 know, it would've been nice weather, calm weather running along
7 the beach and we could've made some good time going down -- going
8 to Saint Lucy. Then we wouldn't have had to fight all the boats
9 and, you know, watching out for everybody out there. Well, you
10 had to watch what was going on. But, I mean, it wasn't near as
11 bad working offshore, you know, you watch what you're doing, but
12 you ain't speeding up, slowing down, knocking out a gear, waiting
13 on bridges. Sometimes going -- different things are locked and
14 stuff like that.

15 BY LT ████████:

16 Q. Okay, so what happened -- you know, after you passed Cape
17 Fear, you get offshore, what happened after that?

18 A. Well, I changed over, I got on watch at 5:00 -- 1700 and then
19 I was just running along and I just -- I noticed that the vessel
20 was kind of leaning because when we was taking seas, it was from
21 this direction and we was running not into them, but at an angle.
22 We were doing this, you know, rolling back and forth
23 (indiscernible). Then I noticed that the vessel was leaning, just
24 listing over a little bit.

25 Q. Listing to port?

1 A. That gave me -- yeah, to the port.

2 Q. Okay.

3 A. It was way over, listing to the port. So, I got out of the
4 wheelhouse chair and I walked over to the side and that's when I'd
5 seen the water on the back deck and I knew. Then I was hollering
6 for the crew, you know, it was going -- you know, taking on water
7 or something. I ran into the engine room and when I ran into the
8 engine room, I mean, we was on autopilot and I was just easing
9 along. I didn't pull them back. When I got to the engine room,
10 there was water sloshing around and --

11 BY CWO [REDACTED]:

12 Q. How much -- like, how much water?

13 A. How much was it? When it list, it was over -- it was
14 probably half way up the clutch on the engine -- on the portside.
15 Now, the other side -- it was all dry on the other side -- on the
16 starboard side. It was just in that corner -- up there in that
17 corner of the engine room.

18 Q. Okay.

19 A. And I didn't see it because I told him to go -- you know,
20 start the pumps and then they went down and they -- well,
21 supposedly, what they told me is they started to pump -- both
22 pumps and all had it pumping. But it just -- but they told me
23 that it was water. I didn't see it, but there was a pipe coming
24 from the back bulkhead -- coming through the bulkhead on the back,
25 over there by the clutches, and it come out and water was pulling

1 out of them, coming into the -- that's where the water was coming
2 in. It was two of them coming in from the back and it was pulling
3 -- that's where the water was coming into the engine room. So,
4 that had to be from the last rip. It was rusty water -- I could
5 see it was rusty water back there.

6 It just -- from then on, it just escalated. It just
7 got -- it went fast. It went quick. I mean, I told them to get
8 the life jackets on, make sure we had all our life jackets on and
9 they was trying to pump. I told them to get up to the wheelhouse,
10 you know, get up there because it was going down by the stern. It
11 was going fast. See, when it -- I just can't believe how fast it
12 was coming in, you know? But once it got that weight in there, I
13 reckon it was just pouring in there. I don't know what the pipe
14 is they're talking about. They said it had wires running to it or
15 something going through it. But he said it -- they said it
16 was a five-inch pipe. I don't know, I didn't see it. They'll
17 describe it to you all.

18 LT [REDACTED]: Okay.

19 CAPT MCGALLAGHER: Because they was actually the ones went
20 into the engine room. I went back to the wheelhouse. I went back
21 and started calling mayday. I called -- trying to call the Coast
22 Guard and then some lady come in and I was saying mayday, mayday,
23 we're sinking, you know, we're taking on water and this lady come
24 back on and asked me if I was in distress. I said yes, ma'am, I
25 said yeah, I'm maydaying it, I'm taking water. And how many

1 people is on board and I told her three and then right after that,
2 I thought of telling her my coordinates, my latitude and
3 longitude, and then after that, she comes -- I finished giving her
4 -- how many people? She must not have heard me the first time and
5 I said three people on board with life jackets on and then after
6 that, the radio went down.

7 CWO [REDACTED]: (Indiscernible).

8 CAPT MCGALLAGHER: Yeah, that's when the -- that was the end
9 of the conversation through the radio and -- but I had turned
10 before that. When I left the engine room and went to the
11 wheelhouse, the first thing I did was turn because I still had the
12 engines in gear and I turned it for shore. I turned it towards
13 the shore and then one engine sounded like it shut down -- the
14 port one and I hooked up the starboard one, just taking it as far
15 as I could and she just kept coming over.

16 I was worried about if we had to bail out or rolled over, you
17 know, stayed with the boat, we would've come over to the top and
18 the wheel was still turning. So, I just went in there and knocked
19 it out of gear. I just took it out -- took the autopilot and all
20 that off and all we did was wait. That's all we could do. It
21 overtook that engine in no time. It was shut down and I didn't
22 even shut it down. I was trying to get out of the wheelhouse
23 because we was listing up so high, you know, I just -- it was hard
24 to climb out of there and I didn't want to get caught in the
25 engine room -- I mean in the wheelhouse when it went down. We

1 just all went up front, had our life jackets on, had two life
2 rings up there with us to stay together if we had to get in the
3 water.

4 BY CWO [REDACTED]:

5 Q. Did you notice -- prior to you realizing that the vessel was
6 not (indiscernible) correctly or stability -- you were listing to
7 port, prior to that, did you notice anything with the steering?
8 Was the rudders acting weird?

9 A. No.

10 Q. Everything was --

11 A. Everything was good. Everything seemed good.

12 Q. Would you have not -- so, you said you had it on autopilot,
13 right?

14 A. Right.

15 Q. Would you -- so, you weren't getting manual feedback in your
16 had? Like you're not turning the --

17 A. I wasn't turning the wheel, the pilot was, yeah.

18 Q. Okay, so you --

19 A. It was probably the pilot.

20 Q. You probably wouldn't have noticed anything if the rudders
21 were acting --

22 A. No.

23 Q. Steering was -- you wouldn't have really --

24 A. No, not in the seat because we -- you know, we was, like, a
25 quarter seat and then the pilot was working already trying to, you

1 know, keep it straight and, you know, keep the course -- keep on
2 the course.

3 BY LT [REDACTED]:

4 Q. At what point did you put it on autopilot?

5 A. Oh, it'd been on autopilot since we left -- we came out of
6 the channel.

7 Q. Okay, so when you need to make a course change, you just --

8 A. Oh, I just dialed it.

9 Q. Dialed?

10 A. Just a dial -- just turn the dial and we just followed the
11 coastline out. I tried to stay in about 30 foot of water -- 27,
12 30 foot. I just stayed right off the coast.

13 Q. Do you recall what course you were on when, you know, you
14 started seeing the vessel was listing and you went down below?

15 A. I was probably running southwest -- west, southwest.
16 Probably west, southwest because the wind was supposed to be out
17 of the southwest and we was kind of coordinating it with the bow.

18 Q. So, you were heading west, southwest and the seas were off of
19 your port bow?

20 A. Uh huh.

21 Q. What course were you on prior to that course? Like the last
22 time you had turned --

23 A. Well, when I turned out on autopilot, we turned out of a ship
24 channel, we was probably west -- headed west. Mostly -- almost
25 west, southwest.

1 Q. Okay, and then you made a turn a little bit to port to pass
2 Cape -- to get out of Cape Fear?

3 A. Yeah, a little bit before -- yeah, we was trying to skirt the
4 coast coming around.

5 Q. Okay, and when you ordered that turn on autopilot, did
6 it -- I guess that time and the times previous, did it respond
7 normally or was it a slow response or anything?

8 A. It responded perfect. I mean, you can't feel it that way.

9 Q. Right.

10 A. We just click in, you know, like, three clicks and we don't
11 turn that much at a time, we just do it gradually, a little at a
12 time, trying to come around. That's all we was doing.

13 Q. You're just plugging in the new course that you want, right?
14 Or are you plugging in the --

15 A. No, I was just doing it with the pilot and I'm watching the
16 GPS the whole time. I'm watching on the GPS coming around and the
17 radar was going.

18 CWO [REDACTED]: He said a dial (indiscernible). They're
19 changing the course with -- so, sometimes you have a joystick, and
20 this one, there's kind of a dial on there that you can make course
21 changes with the --

22 LT [REDACTED]: So, he's ordering a course, not a rudder
23 command, right?

24 CAPT MCGALLAGHER: I'm not ordering it, nothing, I'm doing
25 it.

1 CWO [REDACTED]: Yeah, same -- so he turned that --

2 BY LT [REDACTED]:

3 Q. But what are you shifting? What are you actually doing when
4 you're moving your hand? Are you making a rudder change or a
5 course change?

6 A. I'm actually changing -- a course change.

7 Q. Okay, and then the autopilot determines how much rudder to
8 apply?

9 A. Automatically -- when I dial it and click it, it
10 automatically starts turning whichever port -- starboard?

11 Q. Yeah.

12 A. Whichever way because when I got to Little River, I had
13 to -- we was getting too far in, we got a little bit closer in
14 than I liked and I made a course change back to southwest and
15 brought it back around to get around the sea buoy up there at the
16 Little River Inlet. We got passed it and I straightened her back
17 up, lined up parallel with the beach and about 27 foot of water.

18 Q. Okay, and you said earlier that you were using, like, a chart
19 system on your phone -- like a phone app?

20 A. Yes, ma'am.

21 Q. Okay, did you have, like, a track line plugged in there or
22 were you just visualizing where you wanted to go?

23 A. I'm visualizing my course.

24 Q. And it has a GPS on it that's, like, showing where the boat
25 is on the chart?

- 1 A. Yes, latitude and longitude, yeah.
- 2 Q. Do you remember what the, like, app was called that you used?
- 3 A. The what?
- 4 Q. Do you remember what the program was on your phone?
- 5 A. NOAA Charts.
- 6 Q. NOAA Charts?
- 7 A. Yeah, NOAA Charts. Yeah, and I was just trying to -- I was
8 on the other -- but we didn't want to get too far off. I mean,
9 you know, the way Florida is shaped, you know, I could've come out
10 of the Cape and cut straight across to it, but I didn't want to
11 get out there in that deep water. I wanted to just stay in that
12 shallow water. I just -- it's calmer and we can get a signal in
13 case we had to make a phone call to somebody or something, you
14 know, if something bad happened. So, we wanted to stay close
15 where it was safe. I felt safer that way -- a lot safer.
- 16 Q. Okay, so you said you noticed the vessel was rolling heavily
17 and listing to port a little bit?
- 18 A. Uh huh.
- 19 Q. About how many minutes was that before -- like, what was the
20 time stamp between when you first realized that and when you all
21 were, like, rescued off the boat?
- 22 A. Probably 40 minutes.
- 23 Q. Okay.
- 24 A. It went -- if it was that long. They were -- their river was
25 probably -- they was -- one of them told me eight miles, one told

1 me 14 miles. So, I don't know which exactly. But it was at least
2 30 minutes before they got there. So -- but we was waiting there
3 a long time. I mean, that water was just -- the way we had it, we
4 couldn't even get in the boat -- back in the boat. I mean, I
5 wanted to go back in the boat and get my wallet and some of my
6 stuff and put it in a bag. But I just wouldn't chance it. It was
7 so hard to get out -- to climb out, you know, to get out of that
8 thing. It was coming down.

9 It got to one point where in that shallow water, it was
10 bumping -- the bottom of the vessel was bumping bottoms.
11 So -- and the vessel's 60 foot and that was at an angle in the
12 water, so we know we was pretty shallow -- I know I was pretty
13 shallow. The guy on the rescue boat said we was a mile off of the
14 beach. I don't know how much you all will come up with. But I
15 don't even know the coordinates now. I mean, I didn't --
16 everything was happening -- we just didn't want to be caught in
17 that vessel.

18 Q. Yeah, that's fine.

19 A. You know?

20 Q. All right, so I just want to make sure we have the timeline
21 correct and we're clear on, like, what you saw and what you did
22 during that short time span? So, you were in the pilot house, the
23 seas were off of your port bow and you're noticing that the vessel
24 is, like, rolling, like, slowly, I guess?

25 A. No, I'd see it -- I was looking out the window.

1 Q. Just heavily?

2 A. Yeah, I mean, we was tossing back in forth in that sea -- in
3 that coordinate. I mean, she's only 60 foot and when -- I just
4 happened to notice out the window that the horizon line -- you
5 know, we was, like, starting to list and that's when it alarmed
6 me. You know, I said well -- you know, so that's when I got up
7 and looked out the port door. I opened the door -- the port door
8 and I could see the water on the back deck. But we had all the
9 doors -- all the hatches and all the doors were locked down, all
10 shut down. We shut all the doors on the lower deck, all that
11 was -- on the (indiscernible) there.

12 The engine room door, it had a port and starboard door and it
13 had a rear door for the engine room, all that was shut. We had
14 all those shut. We had the galley shut too -- the galley doors
15 was shut and then I think one of them came up and left the door
16 open after they come out because it was -- the door was open to
17 the rear and you couldn't even hardly -- he couldn't hardly get
18 the door to pull back around. It was -- she was sitting down like
19 that. So, they came up onto the wheelhouse because I, you know,
20 told them to come on, get up here, you know?

21 Q. Uh huh.

22 A. We didn't know how long before it went down, you know, we
23 wanted to be up on top when it did.

24 Q. Okay, so you wouldn't say it was, like, rolling unusually?
25 Like rolling in a slow or unstable way? It was just rolling

1 normally in the seas as you would expect?

2 A. Yeah, because the bow was up and the bow was out. It was
3 throwing the bow, you know?

4 Q. Okay, but then you just noticed that it was listing to the
5 port deck?

6 A. Yes, I noticed it was listing.

7 Q. Okay, at that point in time, approximately how much of a list
8 would you say? I'm assuming you don't have, like, a --

9 A. I didn't have no degree.

10 Q. Like meter or anything up there?

11 A. No, I don't know degrees. At that time, probably listing,
12 maybe, 15 degrees, maybe, you know.

13 Q. Like five to -- okay, so then you turned around and you saw
14 water coming over the aft deck?

15 A. No, I opened the port door and looked down the port door out
16 of the wheelhouse. I looked down that side and that's -- water
17 was up to the back of the house on the back deck. It was water
18 already up to that.

19 Q. Okay, so the whole stern and the main deck of the vessel up
20 to the wheelhouse was already under water at that point?

21 A. No, it was just the back -- behind the house. Just right
22 there behind the -- where the engine rooms start, there's the back
23 of the house. The water was up to the back of the house on the
24 lower deck.

25 Q. Okay.

1 A. That was the lower deck and then after I went -- after I'd
2 seen that, then I went down because I had already pulled them
3 back. I had already come back and slowed them down and I went to
4 the engine room and when I went to the engine room to check the
5 engine room -- because I was going to go down myself and -- once
6 it was island, if it was just rudder room, I was going to start
7 the pump. But when I'd seen the water taking on in the engine
8 room, then I went back and told them -- you know, I told
9 them -- which I told them before that, but I went back and said
10 man, you all get in there and start the pumps up, I'm going to
11 call the Coast Guard that we're taking on water.

12 Q. So, I'm assuming it didn't have automatic bilge pumps?

13 A. No, not automatic.

14 Q. Okay.

15 A. No.

16 Q. Were there any bilge alarms that you know of?

17 A. Yeah, there was supposed to have been bilge alarms, but I'm
18 not sure that had alarms back there where the water was. The
19 water was -- the engine -- closer to the main engines -- the water
20 wasn't to the main engines yet.

21 Q. Okay.

22 A. It was over to the clutch -- on the port clutch.

23 Q. Okay, so it was in, like, the aft port corner near the
24 engine?

25 A. Yeah, the aft port corner and it was sloshing around, you

1 know, with the sea conditions.

2 Q. Okay.

3 A. The way the seas was doing.

4 Q. So, like, a few inches of water or a couple feet? Like at
5 that time, how much water was in the engine room?

6 A. Above the deck plates, you would say, is that what you're
7 asking? I would say above the deck plates, probably a foot-and-a-
8 half, maybe 15 inches above the --

9 BY CWO [REDACTED]:

10 Q. Above the deck plates?

11 A. Above the deck plates and that one corner -- back in that
12 corner, it was -- with it listed like that and the back down, it
13 all was on that portside. That's why I was worried about the
14 boat, you know, rolling. That's what I was worried about, the
15 boat rolling and -- but once it went down so far, it took bottom.
16 When it took bottom, then it kind of -- then it started
17 equalizing -- the water started equalizing and we stayed straight
18 and just kept on taking on water. The whole time, it just kept
19 coming down.

20 BY LT [REDACTED]:

21 Q. Okay, so basically, it looked like the port quarter of the
22 vessel was going down first?

23 A. Right.

24 Q. And then once the bottom hull actually rested on the bottom
25 of the ocean, then the water kind of evened out on the port and

1 starboard?

2 A. Yeah, it -- when -- yeah, it kind of evened out and we
3 even --

4 Q. And then the bow slowly came down?

5 A. Yeah, it just -- the bow kept coming down.

6 BY CWO [REDACTED]:

7 Q. So, prior to, like, you -- prior to you noticing that there
8 was -- like, prior to you noticing that there was -- the boat was
9 listing to port, were you taking sea spray over the boards?

10 A. No, because it was steady coming down. It was steady. We
11 were -- prior to that, we was taking them -- busting over -- the
12 sea was busting over the sides. But the wind was starting to die
13 out.

14 Q. Okay.

15 A. And it really wasn't busting over.

16 Q. Okay, so what -- so, when you left out of Cape Fear River and
17 you made your turn south --

18 A. Right, we was taking spray.

19 Q. For how long?

20 A. He was at the wheel; you'd have to ask him.

21 Q. Okay.

22 A. He was at the wheel at that time.

23 Q. But if you -- I mean, are we talking, like, hours, are we
24 talking minutes? Just --

25 A. If we changed at 5:00, it had to be -- I don't know, probably

1 an hour.

2 Q. Hour?

3 A. At least an hour.

4 Q. Are there hatches back there that go into the lazarette?

5 A. Yes.

6 Q. Were those hatches secured?

7 A. Yes.

8 Q. Were there -- I'm just trying to figure -- were there --

9 A. When I looked back there, that was one of the things that I
10 looked for when I looked out the door. When I come out the side
11 of the door looking, trying to hang on, I looked and the hatch was
12 on that side.

13 Q. What was the condition of those hatches? Were they rusted
14 out, were they in good shape?

15 A. They were in pretty good shape.

16 Q. Okay.

17 A. Yeah.

18 Q. I'm just trying to figure out, like, at that time, when you
19 were taking -- you know, when you were taking sea spray over
20 the -- so, the sea state would've been hitting you off of your
21 portside, right?

22 A. Right.

23 Q. And then it would've been coming over the portside forwards,
24 washing onto the stern of the vessel, over the lazarette?

25 A. Right.

1 Q. Is there one or two hatches or scuttles?

2 A. There's two.

3 Q. Two?

4 A. One on the port, one on the starboard.

5 Q. Okay, and is it possible that, you know, during the time that
6 you were taking sea spray over that, that that water could've been
7 going to those hatches?

8 A. I can't answer that. But I'm just saying yes, it's a good
9 possibility.

10 Q. But it's a possibility during that time with the sea spray,
11 there was enough water coming over the deck that it could've went
12 down in there and filled up that void?

13 A. Oh, yeah, there was water coming off the -- yeah, she didn't
14 have a lot of freeboard anyway.

15 Q. Okay.

16 A. We didn't have a lot of freeboard and tires on the side would
17 help kick it up every time the sea would hit the tires, it was
18 straight up on the -- you know, over to the deck anyway.

19 Q. Okay.

20 A. Yeah.

21 BY LT [REDACTED]:

22 Q. How high would you say the seas were offshore when you were
23 on watch?

24 A. Oh, when we first started -- oh, when I was on watch?

25 Q. Yeah, like, right after --

1 A. Probably two-and-a-half to three foot.

2 Q. Okay.

3 A. And then when we first come out, it was about probably four
4 foot. It was four foot when we first come out. But we was going
5 to try to get up underneath of that -- you know, underneath the
6 mainland over there in that corner. We was trying to come out and
7 skirt it and it kept saying that the wind was going to shift to
8 the west. We was counting on the wind shifting on the west and
9 it'd be calm sailing then, you know, it would've been nice.

10 Q. So, when you were coming out of the ICW, the seas were, like,
11 four feet and then --

12 A. It went down to about two-and-a-half to three foot.

13 Q. Right before the incident it was, like, two or three foot?

14 A. Yeah, (indiscernible).

15 Q. But it was -- the water was coming over the boards? Is that
16 what you were just telling him?

17 A. No, the spray was. We had them big tires -- got them big
18 airplane tires over -- on it and every time the sea hits them,
19 they -- it would dump water on that portside.

20 Q. Okay, before you come on watch, do you do, like, a round or
21 inspection of the boat? Like do you go in the engine rooms or any
22 other spaces?

23 A. No, I didn't because we had Roger, he did -- he was doing all
24 that. Normally, I did, but normally, if I'm the inland -- if I
25 was in there where it's calmer, I would go down and check

1 everything out, you know? I'd go down in there. But I didn't see
2 no alarm, everything's been going good and Roger -- when I got up
3 to relieve Olly, Olly said that Roger had been down prior, before
4 I got up, and checked the engine room and it was okay. The engine
5 room was okay. that's what he told me.

6 BY CWO [REDACTED]:

7 Q. But to your knowledge, there wasn't any bilge alarms in the
8 lazarette space where the steering gear motors would be?

9 A. No.

10 Q. Okay, other than somebody physically going down there and
11 opening the hatch and looking in there, there would've been no way
12 to know if water would've been getting in that hatch?

13 A. Right.

14 Q. That's --

15 A. But I wouldn't want to open it in that kind of sea either,
16 you know?

17 Q. Yeah.

18 A. You know, I wouldn't want to start no water going in there
19 anyway.

20 BY LT [REDACTED]:

21 Q. Is that the only access in there is those two hatches?

22 A. That two hatches go into the --

23 Q. From the back?

24 A. Exactly, the rutter room -- part of the rutter room.

25 Q. Okay.

1 A. The rutter shaft goes down in the lazarette -- into the
2 lazarette.

3 Q. When was the last time, like, you had been in there? Like,
4 did you go in there at all?

5 A. I had never been in there.

6 Q. Okay.

7 A. I had never been in there.

8 Q. When was -- just so I can get the timeline right, when was
9 the last time you were in the engine room prior to the incident?

10 A. I went in there after my watch, I went and stood on the
11 inside. I went in when I got off watch when he took over.

12 Q. When you got off your 11:00 watch morning?

13 A. No, 5:00.

14 Q. When you got off -- but you got off watch around 11:00 that
15 day?

16 A. No, wait a minute -- no, I'm -- yeah, I'm getting my times
17 mixed up.

18 Q. You're fine.

19 A. Yes, you're right -- you was right, around 11:00. After
20 11:00 because I went up there and I had to check my sugar, you
21 know, my thing, and I walked back there and looked in the engine
22 room and it was -- everything was good.

23 Q. Okay.

24 A. It was all dry.

25 Q. You didn't see any water, all dry?

1 A. No, nothing.

2 Q. Okay, and you're not aware if there's any bilge alarms in the
3 engine room?

4 A. There was engine alarms in the engine room, but I believe
5 they're farther up in front of the engine. I believe they're up
6 in the front part of the engine.

7 Q. Okay, do you know where the --

8 A. You know, trying to remember all this and I'm on two
9 different boats.

10 Q. Yeah.

11 A. I know the *Hopeful Harvest* had them too and they had them up
12 toward the engine -- up toward the front of the engine.

13 Q. Do you know where the bilge pumps were located?

14 A. Yeah, the rear and the back and then they had one on each
15 side. They had -- they said they had them mounted on each side of
16 what they call the sump pump -- I think they're sump pumps -- two-
17 inch sump pumps, yeah.

18 BY CWO [REDACTED]:

19 Q. Did you ever have any indication that the pumps were working?
20 Were you able to, like, say all right, water -- we're pumping
21 water out?

22 A. Oh, no, we never did that. We never did. They turned them
23 on and it was just steady coming up. It was just steady coming
24 in, you know, and I'm telling them get your life jackets, you
25 know, make sure you get your -- hollering at them make sure they

1 get their life jackets and get up there. Then Roger didn't even
2 have his and I had to -- I said get your life jacket on and he had
3 to go back down in the galley and grab his life jacket. It took
4 him forever to get back up because it was so hard to climb back
5 up. I mean, it was just happening so fast. It just -- I mean, it
6 was just unreal it was just happening.

7 Once it started and by the time I'd seen it, it was just
8 steady coming in. I said it was just pouring in through that pipe
9 -- those pipes out there just like a big gusher coming out of them
10 pipes. I thought it should've had -- you have watertight doors;
11 you'd have a watertight bulkhead. Why would a pipe be through to
12 the lazarette. Back there is supposed to be a sealed compartment
13 back there. Why would it be coming into the engine room -- the
14 water? I mean, if it would've not had them pipes, it would've
15 filled up and the boat would still have been floating and we
16 would've been pumping the lazarette -- putting pumps on it, you
17 know? Then we would've been turned around or something going in.
18 It was just steady coming in, it was -- there was no controlling
19 it and you couldn't do nothing with the water down there sloshing
20 around and stuff back on the -- especially on the portside.

21 BY LT [REDACTED]:

22 Q. And you said you don't know for sure if there were pumps or
23 alarms in the lazarette?

24 A. No, I don't believe it is. If there was any, it would've
25 went off -- they would've went off. Nobody heard -- we didn't

1 hear nothing. There is no alarms in the lazarette. They're in
2 the engine room part.

3 Q. Why were you all bringing this boat down to New Orleans? It
4 was going from the --

5 A. It was going to the shipyard.

6 Q. Going to the shipyard?

7 A. Yeah.

8 Q. Did he say, like, what work was getting done on it?

9 A. Oh, he said all kinds of things was going to get done. He
10 was going to cut off the back -- the back back there on the stern
11 of the vessel and all the boards and all that was going to be
12 replaced on that. Then the cat rail needed replacing all the way
13 up -- all the way towards the bow. They needed to be replaced and
14 he was going to lower the windows down. The windows, you can't
15 hardly -- you couldn't see looking out the window from the
16 wheelhouse down to the front of the boat. He wanted the whole
17 -- get the windows lowered down over the dash and windows and
18 everything. That's what he told us that he was going to do.

19 BY CWO [REDACTED]:

20 Q. Did you walk around the boat before you all got underway?

21 A. Oh, yeah.

22 Q. Did you -- was there any, like, holes or penetrations in the
23 decks?

24 A. No, there wasn't none in the decks.

25 Q. None that you physically --

1 A. No.

2 Q. Okay.

3 A. Rust, but not no holes.

4 Q. No daylight anywhere going into any voids or compartments?

5 A. No.

6 BY LT [REDACTED]:

7 Q. But you all didn't go into the lazarette you said, right?

8 A. I didn't, no. I didn't go into the lazarette, no.

9 Q. So, what other spaces did you --

10 A. He was -- the engine room -- we had the engine room. The
11 rest of it was closed off and all the tanks was closed off.
12 There's the -- you've got your fuel tanks, then you've got your
13 forward -- your forepeak and all that, that's closed off with a
14 hatch and everything on the front. I mean, that's what held her
15 up so long up in the front was that forepeak with the air pocket
16 in there -- up in there. Other than that, the boat -- he told me
17 the boat was running. They'd run the boat, they'd done a few jobs
18 with the boat, they went all around and it was some plot
19 lines -- you know, tracking lines where they went different
20 places.

21 CWO [REDACTED]: How recent was that?

22 LT [REDACTED]: Recently?

23 CAPT MCGALLAGHER: All I'd seen was the track lines now. I
24 can't say when.

25 CWO [REDACTED]: Okay.

1 CAPT MCGALLAGHER: But I know --

2 BY LT [REDACTED]:

3 Q. Did he say they'd been operating it recently?

4 A. He did one. He was running -- John did -- John's the older
5 man.

6 Q. Okay.

7 A. John Ward.

8 Q. They were, like, towing or they were pushing stuff recently?

9 A. He just told me he'd done a job, that's all I can tell you.
10 He went and done a job with the boat, shipping barges somewhere.
11 I don't know if he took a boat. I doubt if he took -- from there,
12 he probably went by boat over to -- into Norfolk working for Green
13 (ph.). I don't know if you all know anything about -- somebody
14 he's working for, their name is Green, they did a lot of grain
15 barges and stuff -- shipping grain barges and stuff. But yeah,
16 that's all I can tell you. There wasn't no logbooks on the boat.
17 There wasn't none of that, so I couldn't -- because I was
18 looking --

19 Q. Did you see any other documentation on the boat or did you
20 look over any, like, certificates or documents that the boat has?

21 A. I kind of looked at the -- I wanted to know the tonnage on
22 there and he had it in a drawer and I picked it up and looked at
23 the tonnage of it and then an address -- I wanted to see if he had
24 the address on there. Other than that, the name of the boat and
25 that's about all I looked at.

1 Q. Okay.

2 A. But we was, like, you know, I reckon you call it, like,
3 barefoot charter what we've been doing. Really, I mean, we were
4 just taking it from one port to another port to get
5 repaired -- you know, get repairs done on it. We wasn't going to
6 do no pushing no barges or nothing like that with it.

7 Q. Okay, do you know if the boat had a -- like, a Coast Guard
8 inspection, like a certificate of inspection, or a safety exam, or
9 anything like that?

10 A. No, not really. I didn't -- that was the certificate, the
11 DO, I looked at it. But I didn't go through the -- no dates on
12 there -- see no dates on there or nothing.

13 Q. What was the certificate?

14 A. Certificate of inspection. Or
15 no -- documentation -- certificate of documentation.

16 Q. Certificate of documentation, okay.

17 A. It had tonnage on it.

18 LT [REDACTED]: Okay.

19 BY CWO [REDACTED]:

20 Q. Was that valid? Do you remember which --

21 A. That's what I said, I didn't even look at the --

22 Q. Okay.

23 A. I didn't notice the date. I just wanted to see the name, and
24 the tonnage, and stuff and, you know, the boat looked -- it just
25 had some rust on it, but surface rust and he said that's what he

1 was going to cut off. He had to cut off that stuff. Other than
2 that, I didn't -- you know, no, I didn't (indiscernible) no tanks
3 and all that stuff. I didn't do none of that.

4 BY LT [REDACTED]:

5 Q. Okay, but everything that you looked through looked good?

6 A. It looked good. I mean, the inside -- you wouldn't believe
7 the inside. The inside was immaculate. The engine room was
8 immaculate. I'm talking about -- I mean painted and fine, no rust
9 or nothing nowhere. I mean, it was -- it looked great inside.
10 All up it had the walkway around up above the engines and all
11 that. All that was done. Man, they had just put Murphy switches
12 on all the day tanks for the water, for the engines, and they put
13 all new Murphy switches -- they'd done a lot of work to it, a lot
14 of work down in the engine room. Down in all -- everything was
15 painted, man, that impressed me, really, that did. But the
16 outside didn't. But anyway, I was taking his word that, you know,
17 it was good -- everything was good and stuff.

18 LT [REDACTED]: Well, let me make sure I have the timeline
19 correct before we finish up.

20 BY CWO [REDACTED]:

21 Q. I got -- so, when you got on -- you'd been deal with
22 Mr. Ward. The younger Mr. Ward or the father?

23 A. Jay (ph.) is young.

24 Q. That's the one you've been dealing with?

25 A. No, when I first got there, John was there, he met me there

1 and showed me the boat, all about the boat.

2 Q. Okay.

3 A. He showed me where the fuel lines was and he told me where
4 the bilge suction would pump, pump was in the back.

5 Q. Okay, did they -- did he give you any instructions, like,
6 say, hey, keep the boat on the inside or did he --

7 A. No, he kind of wanted me to go outside.

8 Q. Okay.

9 A. He wanted me to go out. He said if I was running, I'd
10 go -- I'd shoot out here, out of Chesapeake Bay.

11 Q. Okay.

12 A. And then that's when me and Olly said well, that wind is
13 kicking up pretty good, you know, and you've got the Outer
14 Banks -- you've got to go all the way down them Outer Banks and
15 I've heard some back stories about the Outer Banks out there. So,
16 I said no, we're going to skirt the inside -- we're going to do
17 the inside until at least Cape Fear.

18 Q. Yeah.

19 A. You know, we'll go in somewhere around -- first, we was going
20 to go out -- what was the other one -- I can't remember the one
21 before that. I can't remember the name of it.

22 Q. Well, the inlet's above it to the north?

23 A. Morehead City, that's where it's at.

24 Q. Morehead City?

25 A. Morehead, and one of us -- he said fine with me, I can go out

1 in Morehead too or if you all don't go out here and wait, I can go
2 out in Morehead. I said well, you still got to go around again.
3 Once you leave Morehead, you still got to go around Cape Fear to
4 get around it.

5 Q. Yeah, did he ever mention anything about the boat had a load
6 line on it or if it was certificated to go -- like, to be operated
7 in the ocean?

8 A. No, see we was just -- I mean, we was just -- it's a light
9 boat -- just a light boat -- delivered a boat, that's all we was
10 going to do.

11 Q. Okay.

12 A. Just delivering it.

13 Q. And you don't know if it had a load line or if it was --

14 A. No, you couldn't see it if it did.

15 Q. Okay.

16 A. Yeah, it wouldn't have even had no draft marks on it. I
17 didn't see no draft mark on it.

18 BY LT [REDACTED]:

19 Q. And when you all kind of took a walk around the boat,
20 inspected that(indiscernible) and stuff, that was on Saturday?

21 A. Yes.

22 Q. And then you got underway --

23 A. Sunday morning.

24 Q. You said about 0800 on Sunday?

25 A. 6:30.

1 Q. 6:30?

2 A. It was 6:30 Sunday morning.

3 Q. You brought that other boat in at 0800 the day before?

4 A. Right.

5 Q. Yeah, that's what I was thinking of. Okay, so going back to
6 the series of events that happened. You saw the boat was listing,
7 you went down to the engine room, saw the water in the aft
8 portside -- port corner of the engine room. You -- the other two
9 guys came down and they saw it too?

10 A. Yeah.

11 Q. Okay, and then you told them to --

12 A. Well, see when I opened the door for outside, now I'd seen
13 the water up on the (indiscernible). I hollered at them right
14 then and then I went down and they followed me.

15 Q. Okay.

16 A. They pretty much followed me down there to the engine room.
17 They started -- and I went back to do my call -- my distress call
18 and then they started --

19 Q. But before you came back up, you told them to put on their
20 life jackets?

21 A. Yeah, get your pump, get your life jackets, turn on -- get
22 your pumps going, yeah.

23 Q. And turn the pumps?

24 A. Try to get the pumps going and make sure you get your life
25 jackets on.

1 Q. Okay, where do you -- where do they turn on the pumps from?

2 A. Down there.

3 Q. Down there?

4 A. Down there.

5 Q. Okay, so then you went back up to the pilothouse, you called
6 mayday over channel 16 to the Coast Guard?

7 A. Uh huh.

8 Q. And then I'm assuming you put on a life jacket too somewhere?

9 A. Oh, I had it on before. I had it on as soon as I got to the
10 wheelhouse.

11 Q. Oh, okay.

12 A. As soon as I got there. I had one handy right there all the
13 time.

14 Q. Okay, so you went back up to the wheelhouse, put on a life
15 jacket, called mayday.

16 A. Then I done my call, yeah.

17 Q. And then at what point did you turn the vessel to starboard?

18 A. Right after I got the woman to -- got the notice out and then
19 I'd seen the radio go down.

20 Q. Okay.

21 A. As soon as the radio went, I wasn't -- I was trying to talk
22 in it and there wasn't nothing going on. I looked and it was
23 gone, it was off.

24 Q. Yeah, do you know why that was, why the radio died?

25 A. No, loss of batteries, I reckon. Lost the batteries in the

1 engine room. I thought it should've -- supposed to have an
2 auxiliary battery up front, top, is what I was thinking. I would
3 think in boats -- small boats I've run, they always had -- up in
4 the wheelhouse, an auxiliary battery for one radio on one
5 (indiscernible). We had two of them up there.

6 Q. Sounds like you got that mayday call off right in time then?

7 A. Yeah, then that's when I made the turn, though. Right after
8 that, I'd seen the battery -- I mean, it was gone and I made the
9 turn and speeded it up trying to -- trying that one engine, trying
10 to get on up in there.

11 Q. You tried to speed up?

12 A. Yeah, I speeded up.

13 Q. What speed were you all -- or how much did you throttle it
14 up?

15 A. I didn't look; it was just that one engine. We -- the
16 starboard, we wasn't even running. The boat would roll probably
17 1650, 17 hundred. We was only running -- the engine out there, we
18 was only running 14 -- I was running it 1450.

19 Q. Okay.

20 A. That's what -- 14 hundred and 50 RPM. We didn't want all the
21 banging and banging and then it sounded like it had a vibration on
22 the starboard side. We was running them at 15 hundred on the
23 inside and we went down to 1450. But it felt like some kind of
24 vibration. So, I just backed it off to 1450.

25 BY CWO [REDACTED]:

1 Q. When did you notice that -- when did you notice the
2 vibration?

3 A. Probably when I took over. He said something about -- Olly
4 said something about the vibration -- yeah, a little bit of
5 vibration going, you know, on that side, you noticed it lately at
6 15 hundred? He said I've been running them down. He was running
7 them lower than I did. He was running them about 13 hundred, 13
8 and a quarter and I bumped it up -- when I got out there, I bumped
9 it back to 1450 and got my course and was going, watching was I
10 was doing, watching my phone, and watching the GPS, and the radar,
11 and all. That's all.

12 BY LT [REDACTED]:

13 Q. Okay, so about how high did you bump it up to when you turned
14 to starboard?

15 A. I don't -- 1450 was the max. Oh, you're talking about when I
16 started in?

17 Q. Uh huh.

18 A. Oh, I didn't even look. I just panicked and I just got down
19 on it.

20 Q. Just -- yeah.

21 A. I was just trying to get closer into the bank, that's what I
22 wanted to do.

23 Q. Yeah.

24 A. Closer to the beach.

25 Q. But you said that was only on the starboard engine?

1 A. Starboard engine.

2 BY CWO [REDACTED]:

3 Q. The port was gone at that time?

4 A. The port had been gone at that time.

5 Q. Yeah, it shut down.

6 A. By that time, I'd done got back up there and done my mayday
7 call and then decided I'm going to turn it. That's how bad she
8 was listed and going on that portside and I gunned it. I just
9 took off with it, headed toward the bank and then I'd seen it was
10 getting worse. It -- the listing was bad and I said man, it's
11 going to go over -- the boat's going to go over, and so that's
12 when I knocked it out of gear and then we was all up there then.
13 By that time, all of us were up there with life jackets on.

14 BY LT [REDACTED]:

15 Q. How much of a list did the vessel have at that point when you
16 knocked the vessel out of -- when you knocked the engine out of
17 gear?

18 A. Probably -- I don't know, I'm not familiar with that, 20 to
19 25 degrees she was listed. She was listed over quite a bit like
20 this and she was coming up and that's why we thought she was going
21 to keep on going. But when she hit bottom -- when that tail end
22 hit bottom, that's when she started straightening back up. I
23 reckon I got in shallow enough and that helped some. I got in
24 some. They said we wasn't but a mile, I don't know what would've
25 happened.

1 CWO [REDACTED]: When that happened?

2 CAPT MCGALLAGHER: Yeah, I looked at it.

3 LT [REDACTED]: Two-and-a-half miles.

4 CAPT MCGALLAGHER: How long -- how far?

5 LT [REDACTED]: About two-and-a-half miles.

6 CAPT MCGALLAGHER: Yeah, I didn't get in that far because it
7 was just -- everything was happening so fast and it was
8 just -- she started listing back and I said if we got to walk over
9 this hull over to the ballast if she flips over, I sure don't want
10 that engine flipping back there and one of us get in that wheel
11 back there.

12 BY LT [REDACTED]:

13 Q. So, at that point, you took it out of gear?

14 A. So, that's the point that I knocked it out of gear. Yeah,
15 and we all got outside then. We just sat there and waited, hoping
16 that my call got out.

17 Q. But you didn't shut down the engine, right?

18 A. He shut it down on -- Ward shut them down.

19 Q. Okay, so you took it out of gear and then --

20 A. We shut down.

21 Q. Then at some point, shortly later, it set --

22 A. It was very short, yeah.

23 Q. Okay, right after it shut down? And at what point did the
24 port engine shut down?

25 A. Oh, it was one of the first ones.

1 Q. Like in that whole series of events where you're calling
2 mayday and talking to the crew, do you know approximately when in
3 there it shut down?

4 A. Probably about the time I got back upstairs. It wasn't long.
5 It would've been about the time I got back up there and started on
6 the radio, I heard it go down. It couldn't have been three
7 minutes -- two to three minutes.

8 Q. Okay.

9 A. That's how fast it was coming in.

10 Q. So, it was around the same time the radio died or was it
11 before?

12 A. About the same.

13 Q. Okay, did you see any other alarms or lights or anything on
14 the bridge? Do you recall, like, what was --

15 A. I was trying to stay on it.

16 Q. Do you recall -- before that, like, what was up there? Like,
17 what kind of alarms or lights were up there at, like, the
18 operating station?

19 A. We had -- on one side of the vessel, they've got one alarm
20 system over on the one side over there and I -- he said it was for
21 the generators. It was to do with the sounds for the
22 generators -- running generators, water pressure, all the
23 starboard, that's what it was for. The engine had their own
24 instrument cluster on the engine part of that.

25 Now, for the bilge room, I can't tell you where or if there

1 was one up there or not. It didn't go off. It wasn't ringing up
2 there -- it wasn't ringing when we got -- opened the engine room
3 doors to look in there. There wasn't no alarm going off. It
4 should've been (mimics alarm noise), you know, it should've been
5 going off, really, which Roger, the hand -- the deckhand, the
6 cook, he was right there by the engine room door. He would've
7 heard that if it would've been, you know, something loud going off
8 with the bilge, you know, and it wasn't. We didn't hear nothing
9 going off -- I didn't hear nothing. I didn't go back down in
10 there, I didn't go -- once I left, I was in the wheelhouse the
11 whole time.

12 Q. Yeah, when you came back up, did you, like, secure the engine
13 room behind you, was there, like, a hatch or anything?

14 A. They was there -- they was right there -- one of them was
15 right there. When I went through the door, they was right there.

16 Q. Okay.

17 A. So, I can't say. I don't -- I can't say what -- once I left,
18 that -- they was in control of that and then once they started the
19 pumps up, I think they came back in. I can't vouch for that, I
20 don't know. I was up there trying to do my thing, I mean,
21 calling. I wanted to get the word out quick, I mean, because it
22 was going quick.

23 BY CWO [REDACTED]:

24 Q. Was there an EPIRB on board?

25 A. I don't think so. I didn't see an EPIRB.

- 1 Q. Life raft?
- 2 A. Life raft.
- 3 Q. Was it in service?
- 4 A. He said they just put it on there to make this trip. That's
- 5 what he said.
- 6 Q. Did the --
- 7 A. But it didn't deploy.
- 8 Q. It didn't?
- 9 A. It came unstrapped where he had it strapped down and it was
- 10 floating out there in the Atlantic. But it never did deploy.
- 11 Q. Did you look at the life raft before you all left?
- 12 A. I just looked at it, but I didn't look at that --
- 13 Q. Did you look at -- I mean, do you remember seeing, like, a
- 14 hydrostatic release?
- 15 A. Yes, sir, it was there.
- 16 Q. There was one of those there?
- 17 A. Yes, it was one there. The hydrostatic release was there.
- 18 BY LT [REDACTED]:
- 19 Q. But you didn't see an EPIRB?
- 20 A. No EPIRB.
- 21 BY CWO [REDACTED]:
- 22 Q. But you said the life raft floated free from the bracket it
- 23 was in. Did the life raft not inflate?
- 24 A. Right, it did not.
- 25 Q. Just the case was floating around?

1 A. The whole case was floating.

2 Q. All right, so if the boat would've sank in deep water, you
3 wouldn't have had anything to get into?

4 A. All we had was out life jackets and life ring that we had.

5 Q. Okay.

6 A. When it went down because I had instructed them to stay
7 together.

8 Q. The life ring, did it have a light attached to it?

9 A. No.

10 Q. Was there a light on board at all? Do you know what I'm
11 talking about, the orange marker?

12 A. Water light -- I call them water lights.

13 Q. Yeah, was there one of those on board?

14 A. No.

15 BY LT [REDACTED]:

16 Q. How many life rings were there?

17 A. Three of them total.

18 LT [REDACTED]: No lights on them?

19 BY CWO [REDACTED]:

20 Q. What about a satellite phone -- was there a satellite phone
21 on board?

22 A. No.

23 Q. Okay, so the mayday call -- if your mayday call -- if you had
24 not gotten that mayday call out at the time that you did -- did
25 you have your cell phone -- you had your cell phone on the bridge?

1 A. I had it in the bridge, yeah.

2 Q. So, that would've been your only means?

3 A. If I wouldn't have gotten the radio out, I was going to go
4 for the phone and call 911 and get -- then got -- I would've had
5 my phone in my hand. But I was so much concerned about them -- I
6 was worried about them, the crew -- you know, my crew. I wanted
7 them out of there and then I went off and left my phone on the
8 dash. I didn't even -- I had a zip lock back there and it was
9 just, like -- I don't know, just so much going on and the boat was
10 sinking. Then Olly went back in there to get my phone and he went
11 to unplug it from the plugger -- the thing -- the charger and he
12 dropped it and it went and fell down into the galley with water.
13 It went down in there. But I didn't have the phone up there to
14 bring. But I was just concerned about everybody getting up on the
15 front of the boat.

16 BY LT [REDACTED]:

17 Q. So, you all went up on the bow?

18 A. Yeah.

19 Q. And then the rescue team came and were you all able to just
20 transfer from one boat to another or did you all have to get into
21 the water?

22 A. No, we had to get in the water.

23 Q. All of you?

24 A. They wanted us to get in the water. They -- we had to go
25 down the front steps and then get in the water and swam over to

1 him and then he got us and took us to the boat one at a time.
2 They took one at a time. By the time they got to me, there was
3 water over the winches in the front, all the way to the deck and
4 completely under. He sure enough wasn't coming to me then, so he
5 said he didn't want the boat just to go down and suck all of us on
6 the water, you know?

7 Q. Did you all see the boat go down? Like completely submerge?

8 A. I didn't. I'd seen -- the last time before I'd seen it
9 before he took off, I'd still seen a little bit of the house
10 sticking out. That was the crows -- what they call the crow's
11 nest. It had the regular wheelhouse and it had the crow's nest up
12 top -- another wheelhouse up on top of that and that's the part
13 I'm talking about.

14 LT [REDACTED]: Anything else?

15 CWO [REDACTED]: Is there anything else that you've got that --

16 BY LT [REDACTED]:

17 Q. Why do you think this happened? I mean, considering all
18 things and looking back, I mean, in your opinion, what do you
19 think happened?

20 A. Well, I'm thinking we somehow -- we knocked -- either the
21 hull got knocked into the lazarette or a crack, a seam, or
22 something cracked in the hull and -- that's my opinion. But then
23 once it got in there, then it -- when it started filling up,
24 especially on the portside, it started coming in that pipe and
25 started filling the engine room up. That's what stopped it. When

1 that water come through that pipe -- and they said it was two of
2 them, which I didn't see two of them, I'd just seen that water
3 coming in on that one side -- on that portside and I took off and
4 went to the wheelhouse. So, they could tell you more, they went
5 down there to get the pumps going.

6 Q. And you said, like, when you all were underway and you were
7 getting some sea spray over the side of the boat onto, like, the
8 aft deck, where would that water go? Are there, like,
9 (indiscernible)?

10 A. It just (indiscernible) and then go out the back -- goes out
11 the side.

12 Q. In hindsight, if you could go back and do anything different,
13 is there anything you would do differently?

14 A. Not really. I think I'd done it safely for the -- you know,
15 coming out, when we was fine -- I mean, everything was good.

16 BY CWO [REDACTED]:

17 Q. Do you think the conditions of the sea state going outside
18 versus staying inside would've changed anything? Like, if you had
19 stayed in the ICW versus going to the ocean, do you think that
20 would've had any positive effects or negative effects?

21 A. That's a hypothetical question there. I mean --

22 Q. I know, I'm just saying, would it --

23 A. I mean, at four foot -- that boat should be able to take
24 four-foot seas. I mean -- and we wasn't even running wide open.
25 We wasn't running, he had it pulled back almost at 11 hundred.

1 When he come out, he said I pulled them back. I heard it when he
2 pulled them back, I was just laying in the bed. I mean, I'm right
3 below him, all he had to do was holler my name and I was right
4 there.

5 Q. Right.

6 A. I mean, I'm down in the bunk room and the wheelhouse is up
7 here and we're kind of down a little bit. I was just laying there
8 because it was getting kind of rough and he was at the wheel. It
9 was his turn to be at the wheel, I didn't want to take it away
10 from him, but he slowed it down. He did everything he should've
11 done and the sea -- we'd already talked in private prior and I
12 said now, you know when you get out there and it's going to be a
13 little bit of sea heading into it that you can pull it back? Oh,
14 yeah, he said, I know. I said -- he said well, I'll be pulling
15 them back while you've got a head at sea, so that's what he'd
16 done. He pulled them way back to 11 hundred. I mean, we wasn't
17 hitting them that hard.

18 Q. And what was the sea state in the ICW? I know you said the
19 winds were higher?

20 A. In the sea -- in the ICW?

21 Q. Yeah, like, were there any waves?

22 A. In the ICW, probably about a half a foot in there in that one
23 wide area where we was at coming at the -- you know, the Fear
24 River.

25 Q. That's where it was the worst?

1 A. Yeah, it was -- Fear River was about a half a foot. It was
2 still blowing pretty good, you know, probably 20 -- 15 to 20. But
3 when you -- the weather kept saying it was going to come down
4 because the small craft advisory was going to be lifted -- I had a
5 bulletin come up on my phone when I was doing -- watching the
6 chart when we was going out.

7 Q. Okay.

8 A. And they come up and said it was going to be some
9 (indiscernible) and was going to drop out the small craft
10 advisory. So, I said well, that's good, I know the storm is going
11 to come on down, you know, and then after dark, it was supposed to
12 have got way down -- you know, come way on down.

13 Q. Okay.

14 A. Everything was planned. I mean, as far as to go out -- the
15 next out that we would've got to -- probably we could've went out
16 up -- I'd have felt safe -- would've been all the way down in
17 Charlotte I think was when the next would be. I believe it would
18 be -- I mean, not Charlotte, Charleston, South Carolina. I said
19 that's a pretty good ways, if we go out of here and lets take our
20 time, so that's what we did, we took our time. I mean, it wasn't
21 nothing, no big rush or nothing, you know? We wouldn't hammer
22 down or nothing, you know, on the throttle or anything. We was
23 trying to take care of the guy's boat, we didn't want a whole
24 bunch of vibration and all that stuff.

25 Q. Were you all due in New Orleans on, like, a certain day?

- 1 A. No, I mean, we wasn't.
- 2 Q. You weren't?
- 3 A. Just when we got there.
- 4 Q. Okay, how long was the trip supposed to take?
- 5 A. Two weeks.
- 6 Q. Oh, okay.
- 7 A. Two -- it took us two weeks through the inside for the other
8 one and that was from the bayou La Batre. We took the 14 days and
9 when we got there Saturday morning, it was 14 days and that's what
10 we figured it was going to take from there.
- 11 Q. The last thing I got is the vibrations. Could -- is
12 it -- based on your experience in the past, could you
13 differentiate between -- was it vibration coming from the wheel,
14 vibration coming from the rutter?
- 15 A. I think it was coming from the wheel.
- 16 Q. From the wheel?
- 17 A. Yeah.
- 18 Q. Okay.
- 19 A. Yeah, I'm thinking it was from the wheel because as soon as
20 we pull back, we get it down to 1430 -- 50 and I got it down to
21 1440 or 1450 and it was --
- 22 Q. Levelled out?
- 23 A. It was levelled out.
- 24 Q. Okay.
- 25 A. It was smooth again. I think that's why I run it at a lower

1 RPM and a little bit lower than I run the port. I run it exactly
2 at 1450.

3 Q. And the vibration, when -- I don't know if she did it or not,
4 but, like, the vibration -- you wouldn't notice the vibration
5 getting worse or less at that RPM when it was doing it based on
6 the course change? So, it's not like --

7 A. I didn't try a course change or nothing. I just -- was just
8 straight away -- I was on the pilot holding it, you know, and he
9 had it, like, 1175, I believe it was and I just bumped it up. I
10 said well we're out here now, we don't -- the seas are starting to
11 come down a little bit and I said I want to increase a little bit
12 because we would -- at that time, we was making, like, six,
13 eight -- and I said well, I wanted to be able to get seven-and-
14 half out of there at least, you know, at 1450.

15 Q. Yeah, Mr. Ward said they pulled the boat not too long ago and
16 did a bottom inspection on it. Do you know if they pulled the
17 rutters and shafts?

18 A. No, sir, I don't know nothing.

19 Q. Okay. All right, I'll ask him.

20 A. They know all of that. I don't know nothing about all of
21 that. I mean, it could've been a rutter vibration.

22 Q. That's what we're trying to figure out.

23 A. Yeah, it could've been that wheel washed off and that rutter
24 was vibrating or doing that under there.

25 Q. That would (indiscernible).

1 A. It could have. I mean, you know, or it could've cracked
2 inside the tube and then that side could've been in the stern
3 compartment too. I mean, it's closed up just a -- we don't know.
4 But see, when it's closed up, well, we still have a vent pipe,
5 even if it did have them pipes going to the engine room, it
6 would've still had a vent pipe going to that compartment. But
7 that's a whole point that I didn't like. When I'd seen that one,
8 that water -- we was talking about it and they said it was just
9 flooding and I said man, we wouldn't have sunk if we didn't have
10 them pipes coming from the rutter room. We would've -- all we'd
11 had to have done was pump it out, just turn the pumps on and get
12 the pumps going and then get up close to land, then call somebody
13 to come, you know, in case we did get in trouble.

14 Q. Progressive flooding is never a good thing.

15 A. But how can it -- that boat have that with that open pipe in
16 there like that? Was it an inspected vessel?

17 Q. Are you asking me?

18 A. I'm asking you.

19 BY LT [REDACTED]:

20 Q. You said you didn't see a certificate of inspection?

21 A. No, I didn't. Oh that's what you're going -- that's your
22 answer?

23 CWO [REDACTED]: Yeah.

24 CAPT MCGALLAGHER: Man, I thought it was an inspected vessel
25 because of the watertight doors and, you know, all that stuff.

1 LT [REDACTED]: Yeah, well, there will be some more things that
2 we'll figure out. But we're very happy that you are here.

3 CAPT MCGALLAGHER: Yeah.

4 LT [REDACTED]: You lived to tell the story. It sounds like you
5 took quick action and you got on the radio and passed the right
6 information just in time -- just in the nick of time because they
7 used that and they got the rescue team out there just based on the
8 position that you gave.

9 CAPT MCGALLAGHER: Yeah, at the time, you don't think about
10 yourself. I thought about my crew.

11 CWO [REDACTED]: Well, you did the right thing.

12 LT [REDACTED]: Yeah.

13 CWO [REDACTED]: There's no doubt about it, your -- one, your
14 training, your experience, your -- you know, all that stuff paid
15 off and you did it long enough and when you needed it, it paid
16 off.

17 LT [REDACTED]: You shifted them to the right mindset.

18 CWO [REDACTED]: Yeah, had you not -- had you let them go back in
19 and get a phone or a life jacket or something like that, you never
20 know what could've happened.

21 CAPT MCGALLAGHER: No, it wouldn't -- no, she could've went
22 over and that'd been inside the boat and it would've -- water
23 would've sucked them in further when that water goes in.

24 CWO [REDACTED]: Yeah, and had you went out -- if you'd have went
25 out in the deeper water, you know, that would've been the time

1 that the bottom went to the -- you know, that the boat hit the
2 bottom, you might've not been afforded those extra seconds.

3 CAPT MCGALLAGHER: That's right.

4 CWO [REDACTED]: You would've been in a hundred foot of water,
5 so, I mean, there's --

6 CAPT MCGALLAGHER: It was ready upfront. I mean, I had to
7 keep them ready, keep talking to them.

8 CWO [REDACTED]: Yeah.

9 CAPT MCGALLAGHER: Don't worry about that.

10 CWO [REDACTED]: No, you're good.

11 LT [REDACTED]: I think we're good. I can cut off the
12 recording.

13 CWO [REDACTED]: All right.

14 LT [REDACTED]: We'll end the interview here. It is 1434.
15 (Whereupon, at 2:34 p.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: SINKING OF TOWING VESSEL *JACQUELINE A*
NEAR NORTH MYRTLE BEACH, SOUTH
CAROLINA ON AUGUST 8, 2023
Interview of Captain Clifford
David McGallagher

ACCIDENT NO.: DCA23FM044

PLACE: Station Georgetown, South Carolina

DATE: August 9, 2023

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.



Carolyn Hanna
Transcriber