

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

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CAPSIZING AND SUBSEQUENT SINKING OF *

COMMERCIAL FISHING VESSEL *MISTY BLUE* *

Accident No.: DCA18FM005

DECEMBER 4, 2017 *

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Interview of: COLBY McMULLEN

U.S. Coast Guard
Marine Safety Detachment
New Bedford, Massachusetts

Wednesday,
December 6, 2017

APPEARANCES:

LARRY BOWLING, Senior Marine Investigator
National Transportation Safety Board

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I N T E R V I E W

1
2 MR. BOWLING: All right. The microphone is live here. This
3 is Larry Bowling with the National Transportation Safety Board.
4 It's December the 6th. I am at the Marine Safety Detachment --
5 the Coast Guard Marine Safety Detachment, New Bedford. We're
6 going to be interviewing a witness from the *Misty Blue* fishing
7 vessel casualty. The individual's name is Colby McMullen.

8 We have been through a few things off the record. We've
9 already talked about how the interview will transpire and
10 questions and so forth. So at this point, I think to facilitate
11 things, we'll start with those participating in the interview from
12 Sector.

13 [REDACTED] So from Sector Southeastern New England,

14 [REDACTED] r.

15 [REDACTED] from MSD New Bedford.

16 [REDACTED].

17 MR. BOWLING: And we have representatives from the Reeves and
18 McEwing here and you're a party in interest to the Coast Guard's
19 investigation. The individual that will be asking questions for
20 the witness, if anyone, will be --

21 MR. McEWING: Brian McEwing, M-c-E-w-i-n-g.

22 MR. BOWLING: Thank you. And Mr. Letulle?

23 MR. LETULLE: Letulle.

24 MR. BOWLING: Letulle.

25 MR. LETULLE: Yes.

1 MR. BOWLING: All right. And that's L-e-t-u-l-l-e?

2 MR. LETULLE: Correct.

3 MR. BOWLING: All right. Thank you.

4 And for the witness, Colby, can you spell your last name for
5 me?

6 MR. McMULLEN: McMullen, M-c-M-u-l-l-e-n.

7 MR. BOWLING: All right. And before we get started, just
8 again, this is a safety investigation, marine casualty
9 investigation. We're going to ask you direct questions.

10 MR. McMULLEN: Okay.

11 MR. BOWLING: We won't have you speculate. It's not a test.

12 MR. McMULLEN: Yeah.

13 MR. BOWLING: If you don't know an answer, it's okay; you
14 don't know an answer. Just say I don't know. If you need a break
15 at any time, let us know. We realize you need to get to the
16 hospital so we'll try and get you out of here.

17 MR. McMULLEN: All right.

18 MR. BOWLING: I'm going to start it off and then I'll turn
19 the floor over to the Coast Guard.

20 INTERVIEW OF COLBY MCMULLEN

21 BY MR. BOWLING:

22 Q. So tell me about your background. How did you get your
23 maritime background?

24 A. You know, my family's been in the industry for a long time.
25 You know, I grew up looking up to the guys that went out there,

1 you know, to make a living for their families and everything. And
2 ever since I was a little kid, you know, coming down to the dock
3 to see my father, see my grandfather, I always thought it was so
4 cool that my grandfather drives this big boat and, you know, they
5 do this hard work that not everybody can do, you know. So that's
6 how I always wanted to get into it, you know, as a kid, and I got
7 my opportunity as I got older to, you know, get into the industry
8 and start making my own career.

9 Q. Okay. And do you have any formal maritime training? Say
10 formal, like a maritime academy?

11 A. No.

12 Q. Okay. The -- as far as medical conditions, other than what
13 may have come from the accident --

14 A. Yeah.

15 Q. -- did you have anything preceding that?

16 A. No.

17 Q. All right. And your vision and your hearing?

18 A. Everything's perfect.

19 Q. Okay. Tell me about -- when did you join the vessel?

20 A. Just a few days -- the day before we left, actually, I found
21 out I got the job. Because I had been working with the captain
22 all summer in Atlantic City clamming, you know, with him and the
23 other guy who unfortunately lost his life, Johnny.

24 Q. Okay.

25 A. It was us three. We were just the crew. It was just a

1 three-man crew, and all summer we were working down in Atlantic
2 City. So once, you know, we quit that job, we weren't making
3 enough money. I, you know, came back to Massachusetts and I got a
4 job lobstering and, you know, I stayed in contact with Johnny
5 because he became a really good friend of mine, you know. And I
6 found our Eric got another boat and, you know, Johnny was a mate
7 on the boat and everything, and Johnny, you know, got me the job.

8 Q. Okay. And did you know Eric prior to the accident?

9 A. Yeah. Yeah, I was working with Eric all summer in Atlantic
10 City.

11 Q. Okay. So Eric and John?

12 A. Yeah, it was me, Eric and Johnny.

13 Q. I got you.

14 A. Yeah.

15 Q. What boat was that?

16 A. The *Goody Hallet*. It was originally based out of New
17 Bedford, but the guy sold it to some dude in New Jersey. We made
18 three trips out of New Bedford and then the guy, I guess he was in
19 a bunch of debt, so he sold the boat to some company out of
20 Atlantic City, New Jersey. So we all went down there. The boat
21 went in the shipyard. We were working on the boat for a couple
22 months and then we were fishing out of Atlantic City.

23 Q. Okay. That history -- right now I want to move to the --
24 from now -- I might go back and explore that more in depth, but --
25 so how did you apply for the position with --

1 A. Eric?

2 Q. -- or on the -- yeah.

3 A. Well, I had called Eric and asked him if he needed anybody
4 and he said, you know, he'll get in contact with me if he did, and
5 I guess there was another guy on the boat that just couldn't hack
6 it. He wasn't, you know what I mean, wasn't a good guy on the
7 boat. He wasn't a hard worker or whatever the case may be, you
8 know. I'm not 100 percent sure with that.

9 Q. Okay.

10 A. But when he got fired, you know, I got the call from Eric to
11 come on down.

12 Q. And when was that call?

13 A. Friday.

14 Q. Okay.

15 A. December 1st.

16 Q. All right. I'm going to turn the floor over to you and let
17 you roll. I want you to start me out, you got the call from Eric.

18 A. Okay.

19 Q. Said he'd hired you --

20 A. Yeah.

21 Q. -- right, or you're -- come on, you're going out with us.

22 A. Yeah.

23 Q. Start me out with there and walk me through the chain of
24 events up until the time you ended up on that Coast Guard cutter.

25 A. Okay. So Eric had called me Friday and told me that we would

1 be leaving tomorrow, and be down at the boat for 8:30 because
2 there was some work that needed to be done on the boat. So I
3 said, all right; I'll be there. You know, I hung up with Eric. I
4 spent some time with my family. I got a ride down there to
5 Linberg's where the boat was docked.

6 We were on the boat. The guys that work in the shipyard were
7 working on the boat. You know, they had a light to put up and
8 they were doing something with the dredge for the dogs so the
9 dredge would open correctly. And so we pretty -- we weren't
10 really doing much. We helped them with the light, you know, got
11 the light all hooked up, and then we left that night.

12 Q. Okay.

13 A. And so, you know, everything was normal. We got food, you
14 know. We were just all bullshitting with the guys, you know,
15 shooting the shit, talking, you know, and we're talking about our
16 kids and everything, you know, because Mikey Roberts was, you
17 know, telling me about his kids and everything and, you know, just
18 normal stuff. And everything was going fine and we were all up,
19 talking and everything. And then Eric handed the boat over to
20 Johnny so Johnny could steam it to the grounds. Eric went to bed.
21 I stood up with Johnny for a little bit. Mike had already gone to
22 bed. Me and Johnny, we just -- just talking about, you know, life
23 and everything, and then I went to bed.

24 I got woken up as we got to the grounds, and started getting
25 everything ready. Cut the hose off of the dredge, get the hose in

1 the water, you know, blow the hose -- I mean, sink the hose and
2 get the dredge in the water and start fishing. So we started
3 fishing. Me and Mikey, we're out on deck, you know. Eric was
4 making some tows. They weren't really good. There was a lot of
5 rocks. We moved. Started catching. Me and Mikey were out there
6 for quite a few hours. We started fishing at 8:30 in the morning
7 approximately. By 9:00 at night, I told Mikey that he could go
8 lay down and take a break, and he said okay. We normally do 3
9 hours. I said if that's what you want to do, that's fine with me.

10 So Mikey went in, laid down for 3 hours. I was out there
11 working. A little after 3 hours, I went in there. I woke Mikey
12 up, told him have a coffee, get a cigarette, you know, take your
13 time, I'll be out there working. So I was out there working or
14 whatever, and then Mikey came on out. I ran it out the hopper
15 with him, you know, the rest of the stuff we had. Then I went
16 inside, you know, smoked a cigarette, got out of my clothes and
17 everything, and went to bed.

18 About 12:30, you know, 3 hours later, Mikey came in, woke me
19 up, got up, had a coffee, had a cigarette, talking with the guys,
20 talking about the trip, you know. I went back out there. Mikey
21 went and laid back down. You know, I'm out there running, just --
22 we're just filling cages. We're getting the boat filled, you
23 know. We're making a trip out of this. Three hours later, I woke
24 Mikey up. Mikey came out on deck and then we stood out -- me and
25 him stood out on deck for the rest of the trip, trying to get, you

1 know what I mean, trying to get the boat filled.

2 So, you know, we were out there. It started getting dark or
3 whatever, the tide was ripping, ripping really hard. We had that
4 super moon. So we started -- the catch started dropping off so
5 the captain, you know, moved to a different spot. You know, me
6 and Mikey are still out there working. He made six, seven tows in
7 the new spot and me and Mikey had just finished running the hopper
8 out until there was nothing left in there. And Eric had just
9 finished hauling back. He dumped all the clams and everything in
10 the hopper, put the dredge back down, and as he was making his
11 turn, I had just finished my cigarette and I noticed we were
12 listing port side.

13 And Eric -- right as I thought that, Eric came out and he
14 goes, hey, why are we listing? I said, Cap, I was just about to
15 come and get you because I had just noticed it because, you know,
16 we had been up for quite a long time. I was kind of zoning out
17 smoking a cigarette, but I had noticed that we were listing. And
18 then he said, guys, open that fish hold, because we -- it was
19 covered with boards, you know, plywood boards. So we opened it up
20 and we noticed it was filled with water to the top, over the
21 clams.

22 So Eric ran back down into the engine room because he was
23 trying to get the Pacer pump started so we could pump water into
24 the other tank to try to level us out, you know, and the boat
25 started listing a little bit harder. And the scuppers are real

1 low on that boat, so the scuppers were touching the water, you
2 know, and then they got submerged so that the boat couldn't clear
3 any water. It was just holding water on the portside rail.

4 And Eric -- I'm sitting there watching the pump because Eric
5 told me, you know, yell down to me when you see this pump start
6 pumping out. So I'm standing there. I'm waiting, but I'm
7 noticing, you know, more and more water and then we started taking
8 waves over the rail of the boat port side, and it was coming up --
9 it was getting to the galley door. And Mikey had started lifting
10 the portside outrigger, too, to try to help, you know, with the
11 balance and everything.

12 But the water started -- it happened so fast, the water
13 started coming up to the galley door and then it started -- I
14 could see it splashing in a little bit. And I said, Mikey, we got
15 to get in this boat -- or we got to shut this door and get our
16 suits on. And the captain was yelling, guys, get your suits on.
17 We got to get the fuck off this boat. Because he was just in the
18 engine room. He just -- he had just popped out saying, you know
19 what I mean, get your fucking suits on, we got to get out of this
20 boat.

21 So I ran because I had been -- when I was smoking a cigarette
22 earlier in the trip, I had dropped my lighter. This was my first
23 trip on the boat. When I picked my lighter up, I noticed there
24 was a survival suit underneath the galley table. So that's where
25 I ran. You know, I was just in pajamas, two T-shirts and my

1 hoodie. That's what I work in with my fish boots. I kicked my
2 fish boots off as fast as I could. I ripped my hat off. I
3 grabbed that survival suit. I took it out. I sat down on the
4 galley table. I put that thing on in maybe 20 seconds, you know,
5 and I noticed that the door -- the galley door was leaking a
6 little bit of water. And Eric's yelling, get your survival suits
7 on. Get the fuck out of the boat. We got to get the fuck out of
8 the boat.

9 And we started listing more and more and more, and then quite
10 a bit more water was starting to come through the galley door. I
11 ran up into the wheelhouse. It's only three steps up from the
12 galley because there's -- where the haul-back station was, it was
13 blocking -- the chair was blocking the starboard-side door. So I
14 ripped the chair out. It was one of those tuna chairs that like
15 insert into the ground. I ripped that chair out, and on the
16 galley table -- I threw it on the side that I had been sitting on
17 because Mikey Roberts was sitting on the other side trying to get
18 his suit on. So I threw the chair on the other side.

19 Eric's still screaming, get out of the fucking boat, get out
20 of the fucking boat. A decent amount of water is coming through
21 the galley, a lot more than before, and we were listing harder and
22 harder and harder, and I just -- I ran out the boat, right up the
23 stairs, back up the stairs, out starboard side. Eric came out
24 right behind me and he was like, help me get my suit on; help me
25 get my fucking suit on, because he didn't have his arm in all the

1 way. So I was trying to help him, you know, get his arm into his
2 suit, and we weren't even out there for a minute when the boat
3 took a hard roll port side and smashed, smashed down port side.

4 And I was holding onto the rail. I almost fell back through
5 the starboard door I just came out of. And I seen the lights pop,
6 and that's when I pushed off the boat. I landed in the water.
7 I'm back paddling. I'm watching the boat. I'm only like 15, 20
8 feet away, and it went from being on the port side, the bow went
9 straight up and then it went straight down like a rock. Didn't
10 bob there for 10 seconds, nothing. It went straight up, straight
11 down.

12 And I started yelling. Eric started yelling after a little
13 bit because I guess he got dragged down. And the life raft
14 deployed like 20 feet away from me. It was all like tangled up
15 and shit but it was still floating, you know. So I grabbed onto
16 the life raft. I swam over there. I grabbed onto it. And it was
17 still tethered to the boat though, so it was pulling me but I knew
18 that there's a release that will cut the line or whatever. So
19 that happened.

20 And then I started -- we were yelling -- me and Eric were
21 yelling back and forth, yelling for the other guys. And then me
22 and Eric met up with each other. I got him on the raft and then I
23 hopped on the raft and, you know, they called the *Enterprise*
24 because the *Enterprise* was only like a mile and a half away from
25 us. They were steaming full bore towards us.

1 So I seen them coming for us, and we just -- I had a glow
2 stick on my suit that I cracked. Eric had a little like strobe
3 light, and we were just sitting there waiting for them to come get
4 us. So when they pulled up, they threw us a rope. I was paddling
5 towards it. I grabbed it. They pulled us to the side of the
6 boat. They pulled me on. They pulled Eric on. And the Coast
7 Guard cutter was already on the way, and then we stripped down,
8 you know. I wasn't really wet. Just my top half was wet. So I
9 took off my sweatshirt and my two shirts that were on underneath
10 that, but my pajamas were completely dry. And got some clothes
11 from them guys, got a coffee and some cigarettes. Eric stripped
12 down, like completely naked because he was freezing, you know, and
13 then we were just sitting on there talking to the guys about what
14 happened.

15 And then the Coast Guard cutter sent the Zodiac. It was
16 probably only a half an hour we were on the *Enterprise*
17 approximately. The Coast Guard cutter rendezvoused with the
18 *Enterprise*, sent the Zodiac over to us. They came aboard and told
19 us that they're going to be taking us to the cutter.

20 Q. Okay.

21 A. So we got -- you know, they gave us some foul weather gear.
22 We got on the Zodiac, and they brought us onto the cutter.

23 Q. Okay. Thank you.

24 A. Yep.

25 Q. Let me stay -- I want to stay in the casualty area, but then

1 I want to get back into some -- when you first reported on the
2 ship. But when's the last time you recall seeing John?

3 A. Right as I ran out of the door.

4 Q. Out of --

5 A. Out the starboard-side door.

6 Q. Starboard-side door, which I understand goes to the
7 wheelhouse?

8 A. Well, that starboard-side door is in the wheelhouse.

9 Q. In the wheelhouse. Okay. And where did you see him?

10 A. He was in the galley trying to get his suit on or whatever.
11 Because when I seen him, he didn't have a suit on yet.

12 Q. Okay. And the same question with regard to Mike.

13 A. Mikey was sitting down at the galley table trying to get his
14 suit on.

15 Q. Okay. All right.

16 A. Those guys went down inside the boat.

17 Q. All right. And you used the term -- you said they called the
18 *Enterprise*. Who were you referring to?

19 A. Johnny was on, because Eric was trying to figure out
20 everything with the pumps. Johnny's the mate. Johnny was the one
21 talking to the *Enterprise*.

22 Q. Was he on a handheld or --

23 A. Yeah. Yeah, the radio.

24 Q. Okay. Yeah, yeah, yeah. All right. From that timeline,
25 step back a little bit to the point when you noticed the list.

1 A. Yeah. Well, from the time I noticed the list till the time I
2 was in the water, couldn't have been 15 minutes.

3 Q. So it happened --

4 A. It happened that fast.

5 Q. All right. So at the first part of that 15-minute span --

6 A. Yeah.

7 Q. -- where you first saw --

8 A. That we were listing?

9 Q. -- it was a little -- you noticed the list.

10 A. Yeah.

11 Q. Where were the rest of the crew? Tell me where Eric was.

12 A. Mikey was out on deck with me because we were working on the
13 deck. Johnny was sleeping.

14 Q. Okay.

15 A. And Eric was running the boat.

16 Q. All right. And what did Eric do after you -- he came out and
17 was asking about the list?

18 A. He went to go get the Pacer pump started so we could pump
19 water into the other tank to try to balance the boat out.

20 Q. Okay. And prior to that, so before you noticed this --

21 A. Yeah.

22 Q. -- was there any irregular noises or unusual noises?

23 A. No.

24 Q. What about the fishing gear? Were there any snags or hang-
25 ups --

1 A. No.

2 Q. -- on the clam dredge?

3 A. Not on the dredge. No, nothing. We didn't get hung up or
4 nothing.

5 Q. All right. When you reported aboard --

6 A. Yeah.

7 Q. -- tell me about the process when you walked aboard. Did you
8 get any -- did you get a safety brief?

9 A. No. I just signed paperwork about me joining the company.

10 Q. And when you say signed paperwork, what kind of paperwork was
11 it?

12 A. Just, you know, information about taxes, my name, my number,
13 my address, emergency contact, just basic stuff like that.

14 Q. Okay. What about, did Mike or John walk you around the boat?

15 A. Yeah. Oh, yeah. Yeah.

16 Q. All right. Did they show you where lifejackets were?

17 A. No. But that's -- you know, they didn't show me where any of
18 the survival suits were or anything. You should really do that on
19 your own merit or ask, like hey, where are the survival suits?
20 You just don't think that something bad's going to happen to you,
21 you know.

22 Q. Yeah. Do you know from a standpoint, if I use the term
23 watertight bulkhead or watertight?

24 A. Yeah, of course.

25 Q. Do you know how the vessel was constructed? And I have some

1 paper if you can draw it. But, I mean, do you know where the
2 watertight bulkheads were to your knowledge?

3 A. Yeah, there was one in the forepeak.

4 Q. Okay.

5 A. All right. And then there was one to the shaft alley, and
6 then there was one for the pump room. So that -- where the pump
7 engine was and the pump.

8 Q. And how do you know those were watertight bulkheads?

9 A. I was told they were watertight.

10 Q. And who told you that? Do you know?

11 A. I'm sure Eric told me. It's kind of common knowledge that
12 those are supposed to be watertight.

13 Q. Okay.

14 A. You know, they're bulkheads, so you would assume, you know.
15 So it's more of an assumption, I guess.

16 Q. Tell me -- lay me out the boat from the top of the
17 wheelhouse.

18 A. Yeah. So from the top of the wheelhouse, you know, you've
19 got the little wheelhouse. You've got a door on starboard, a door
20 on port. You walk down two or three steps, you're in the galley.
21 Right to the left is the bathroom, you know. The galley table is
22 right off to your right. And then you've got one bunkroom, you
23 know, past the bathroom a little bit. You've got the frig right
24 there. On the right -- on the port side, you got your stove and
25 your sink and everything, And then you keep walking towards the

1 back of the boat, there's the other bunkroom. And then right on
2 the floor, that's where you get into the engine room and
3 everything. It lifts up.

4 Q. Okay.

5 A. Okay. And then the galley door is right there. And it's one
6 of them metal doors that's supposed to be watertight, whatever,
7 because I seen the gasket around it, you know, and you lock it in.

8 And then you walk out that, you're right on deck. You know,
9 there's a little roof hanging over you. And then you've got the
10 fish hold on one side, fish hold on the other side. You've got
11 the little belt, you know, right here, and you got the shaking
12 table and then you got the big A-frame with the hopper in it and
13 everything. The dredges, you know, attach from the main wire
14 through that and then you got your towline that you tow off of.
15 That's also attached to the dredge. And then you got the
16 lazarette in the back starboard -- I mean, stern on the starboard
17 side.

18 Q. Okay. You indicated that you saw some water coming in that
19 door.

20 A. The galley door.

21 Q. The galley door.

22 A. Yeah. Correct.

23 Q. Where do you see --

24 A. At first, it was just a little bit, and as we started listing
25 harder and harder, it was starting to come in heavier and heavier

1 to where it was like --

2 Q. Generally speaking, where was that in the doorframe?

3 A. On the bottom right-hand corner.

4 Q. Bottom right-hand corner from your perspective.

5 A. Yeah, from my perspective.

6 Q. Okay. The fish holds --

7 A. Yeah.

8 Q. -- port and starboard, how are those laid out? Is there a
9 centerline bulkhead that's watertight or is there -- is it common?
10 Is it just a bulkhead to keep the bins from shifting? How's that
11 hold laid out?

12 A. It's an open fish hold and you put the cages inside there,
13 you know. And the fish hold was only 6 inches off the ground,
14 though. Every other boat I've ever been on, working on or just
15 coming on to my buddies working on it, all the fish holds are at
16 least 2½ feet high off the deck. You know, this one was only 6
17 inches.

18 Q. Okay.

19 A. And -- but they're floodable tanks, too. So I know there's
20 no high water alarms in there or anything, and it's just -- you
21 know, you have plywood a cover.

22 Q. Speaking of that, were -- did you hear any conversations
23 between Captain Eric and -- or John related to energizing pumps to
24 put water into the clam holds?

25 A. No, we didn't talk about flooding the holds.

1 Q. Okay.

2 A. No. They told me that they had to pump them out last trip
3 coming in because they were starting to fill up with water, you
4 know, because it was a little shitty out and they had to pump them
5 out.

6 Q. Okay. When was that conversation?

7 A. That was, you know, when we were steaming out, because I was
8 like, hey, Eric, I was like, this fish hold is really low. He's
9 like, yeah. He goes, once we start making some money, I'm going
10 to have them change that. He goes, that's the only thing I don't
11 really like on this boat is how I've never seen a fish hold this
12 low to the deck before. I was like, yeah, I noticed the same
13 thing. I'm like -- I remember joking with Johnny saying that, you
14 know what I mean, that might even be a little bigger than his man
15 parts down there, you know, because it was so tiny.

16 Q. We won't explore that one on the record. So tell me, back to
17 this conversation, when did -- what was the extent of what you
18 recall hearing from -- in relation to pumping out the holds when
19 they were coming back in from the last trip?

20 A. Just that the holds are so low that water gets in them.

21 Q. Okay.

22 A. And that they had to pump them out.

23 Q. Okay.

24 A. That's all.

25 Q. All right. All right, bear with me. I've got just a -- I

1 think a few more, and I'm going to turn it over to the Coast
2 Guard.

3 A. Yeah.

4 MR. BOWLING: Actually I'll relinquish the floor to
5 [REDACTED] You're first?

6 [REDACTED] I think Ms. [REDACTED] is going first.

7 MR. BOWLING: All right. IIC.

8 BY [REDACTED]

9 Q. All right. Colby, which fish hold was it that started
10 flooding first?

11 A. Port side.

12 Q. Port side.

13 A. Yeah.

14 Q. And just to clarify, is -- on the port side are they all one
15 tank or --

16 A. Yes.

17 Q. -- there is a separation?

18 A. No, they're all one -- it's all one fish hold with all the
19 cages inside, eight cages on each side of the boat.

20 Q. Eight cages on each side.

21 A. Sixteen cages, yeah.

22 Q. And how many cages were on the boat total?

23 A. We had just -- the 15th cage was almost full.

24 Q. Okay.

25 A. So we had one open cage on port side, because I had started

1 filling it and Eric came out and he said, no; he said, fill the
2 other two on starboard first. So I moved the chute. I filled up
3 one and we were almost done with the other one, and then literally
4 we needed probably two more tows to fill that one and then we were
5 going to move over to the last cage that was on port side. But
6 when I -- when I started filling that portside cage, the water was
7 underneath the cage, you know. It wasn't a lot of water in there
8 at all.

9 Q. Was the cover on the starboard fish hold at that time, the
10 wood cover you were talking about?

11 A. Yeah, there's multiple pieces of plywood that they use,
12 around four of them. And when you're picking through, because you
13 pick out all the rocks and everything as they come up -- down the
14 shaking table on the conveyor belt, you pick out all the garbage
15 and you let the clams go right into the hold -- into the cages.
16 So when you get throwing rocks, you know what I mean, you're
17 constantly going like this, tossing rocks, all kinds of other
18 shit. You have to have that fish hold covered because the deck
19 gets, you know what I mean, covered with rocks and stuff.

20 Q. Right.

21 A. Because we would always be clearing the deck, clearing the
22 rocks off, clearing all the garbage out and everything. We're
23 constantly doing that. That's what you have to do on every boat.

24 Q. Was any portion of the portside tank covered with the
25 plywood?

1 A. Yeah, all of it. The whole port side was covered with
2 plywood because we were working on the starboard side.

3 Q. Okay. And you noticed that the port side was getting
4 flooded?

5 A. Well, no. I noticed, once he finished hauling back or
6 whatever and he went to go make his turn --

7 Q. Okay.

8 A. -- I just had finished my cigarette and I thought to myself,
9 we're listing port side a little bit. Why are we listing? And
10 then Eric came out not even 10 seconds after I thought that, and
11 he said, hey, we're listing. I said I know, Cap; I was about to
12 come tell you that. And he goes, why are we listing? He goes,
13 Mikey, guys, move those -- move the plywood covers. And we moved
14 them and they was full of water.

15 Q. The --

16 A. Port side.

17 Q. -- port side was full of water?

18 A. Yeah. Fish hold was full of water.

19 Q. What was the plan after you made the turn?

20 A. We were going to set the dredge back in and tow.

21 Q. Which fish hold would you be filling?

22 A. Starboard still because we were finishing that last cage on
23 the starboard side, and then we only had one cage to go. That
24 maybe had a quarter cage in it, because I was working on it
25 previously before Eric came out and told me to finish the two on

1 starboard side.

2 Q. The one remaining cage was on which side?

3 A. Port side.

4 Q. How do you determine when you're going to fill the cages?

5 A. Because you want to balance it out. You want to hop back and
6 forth so you don't put too much weight on one side.

7 Q. Is it just a matter of back and forth or is it a matter of
8 front and back of where the cages are?

9 A. No, it's back and forth, you know, because you don't want to
10 fill up eight cages on one side before you go and start working on
11 the other side or you're going to be listing like a son of a
12 bitch, you know.

13 Q. I see.

14 A. So you do two cages on one side, two cages on the other side.
15 Two cages on one side, two cages on the other side. That's how we
16 were doing it.

17 Q. Is there any consideration into -- is it always two cages on
18 the forward part, two cages on the forward part --

19 A. Well, if you --

20 Q. -- or do you fill back and forward?

21 A. If you fill the two forward cages, you got to fill the two
22 forward cages on this side.

23 Q. Okay. So you reciprocate.

24 A. So whatever two ones you fill, you mirror that on the other
25 side.

1 Q. Okay.

2 A. So you wouldn't fill the two back cages and then fill the two
3 front cages on this side.

4 Q. Understood.

5 A. So we filled the middle first, you know, did the two in the
6 middle, two in the middle; two in the middle, two in the middle,
7 you know, and then we did the front ones and then we worked on the
8 back ones.

9 Q. Okay. Are you aware if there's any high level alarms in the
10 lazarette or engine room?

11 A. Yeah, there should be. Every boat should have one in every
12 compartment.

13 Q. Did you see any pumps in the engine room or the lazarette?

14 A. Yeah, I recall seeing pumps.

15 Q. How about like an alarm panel? Did you notice -- like on the
16 bridge or somewhere?

17 A. Yeah, yeah, of course. All the boats have high water alarms
18 and everything, sensors that go off if -- you know.

19 Q. Did you ever hear any of the alarms go off?

20 A. No, the compartment -- Eric was down in the engine room, and
21 before that -- because every two tows, we had to go down to where
22 the pump engine was and the pump because it was -- we had to bleed
23 the Racor because the pump engine kept dying out. So every two
24 tows, so about every 35 minutes, we had to go down there, shut the
25 pump engine off, bleed the Racors, shut it, and then start the

1 engine back up, and there was no water down there at all.

2 Q. That was in the lazarette?

3 A. In the pump engine room. So I'm pretty sure that --

4 Q. Yeah, the back. The last --

5 A. Yeah, that's the -- the very back, the lazarette, yeah.

6 Q. The very back of it. What does that mean bleed the Racor?

7 How do you do that?

8 A. Well, you just got to open it and let it fill back up with

9 fuel and then you shut it.

10 Q. Okay. What is the Pacer pump?

11 A. The Pacer pump, it's a pump that pumps water, you know, and

12 -- because we were going to use that to fill up the other -- the

13 starboard-side fish hold to try and balance us out.

14 Q. Is that pump -- is the pump located in the engine room?

15 A. I'm not 100 percent sure.

16 Q. But it has -- like the water from the pump can be directed to

17 either fish hold?

18 A. Well, there's a hose that you can stick in, you know what I

19 mean, wherever it needs to go.

20 Q. Where is -- the hose comes up on deck?

21 A. Yeah, the hose goes out on deck.

22 Q. Okay.

23 A. I had the hose -- you know, once he went down in the engine

24 room he was trying to get the Pacer pump started, and I had the

25 hose, you know, over near the starboard-side tank, and he said,

1 yell to me when you see this pumping out. And he came back and
2 forth three or four times, you know, poking his head up out of the
3 engine room: Is it pumping yet? No, Cap, it ain't going yet.
4 Running back, trying to get it started and everything like that.
5 But at the point -- at that point it probably wouldn't even have
6 mattered because it was only an inch and a quarter, you know what
7 I mean. It wouldn't have filled up that tank fast enough to save
8 the boat.

9 But Eric was trying to do everything he could to try to save
10 that boat, save that trip and save everybody's life, you know. He
11 -- once he realized that the boat was lost, he was yelling at
12 everybody, get the fuck out, get your suits on, get the fuck out.
13 Eric was doing everything he could. You know, those guys got --
14 might have got caught up just trying to focus on getting their
15 suits on before they went out, but I -- you know, I practiced
16 getting into suits many a times and I'm a skinny guy. I got in my
17 suit in like 30 seconds.

18 And once I seen that water starting to pour through that
19 galley door, I listened to Eric; I got out. You know, I got out
20 starboard side and he came out right behind me. And not even a
21 minute later, the boat went down and rolled hard port side. And I
22 seen the lights pop. I almost fell back through the door I came
23 out of. And that's when I pushed off the boat and I watched it go
24 straight up and straight down.

25 Q. When you were in the pilothouse at any point, did you notice

1 if, on the alarm panel, the alarms were silent?

2 A. No. But no alarms went off at all.

3 Q. Okay.

4 A. Until the very last moment, when we rolled hard, I heard an
5 errrr, errr (makes sound) and then I see the lights pop and that's
6 when I pushed off.

7 Q. Okay. What is the role of the captain and the mate? Are
8 they just driving?

9 A. Well, they're in charge -- the captain's in charge of the
10 boat. And the mate -- you know, when the captain goes down to
11 sleep, whatever, then it's the mate's job to run the boat.

12 Q. Do they help with the clamming part of it on the back deck?

13 A. Johnny, the mate, would come out on deck every once in a
14 while and help run it out. But he doesn't have to, but he would.

15 Q. So if I understand correctly, that the captain and mate are
16 kind of alternating running the boat, driving the boat, and you
17 and Mike were alternating working the deck?

18 A. Eric was running the boat the whole time. Johnny was --
19 steamed us out there and he was going to steam us back in, and
20 then Johnny was the one that would bleed the RACORS the whole trip
21 until he went to bed and then I started doing it. But me and
22 Mikey were pretty much working out there the whole time. We gave
23 each other 2 or 3 hour breaks throughout the whole trip when we
24 were fishing out there for 30 some hours.

25 [REDACTED] Okay. I don't have any other questions.

1 MR. BOWLING: [REDACTED]

2 BY [REDACTED]

3 Q. The sea state, was it -- how would you describe it?

4 A. What do you mean the sea state of the boat? Like how --

5 Q. Like the waves, the wind?

6 A. Oh, the waves. I mean, it wasn't -- the tide was ripping
7 really, really hard. You know, we had that super moon and over
8 there off the shoals, the tide rips notoriously hard over there.
9 But it wasn't nice out -- you know, the beginning of the trip was
10 really nice, but at that time it wasn't beautiful out but it
11 wasn't like, oh, my God, it's shitty out, it's horrible out. It
12 was a little rough but nothing crazy.

13 Q. You didn't notice water coming over the side rails?

14 A. No, it wasn't coming over the side rails at first, until I --
15 once I noticed that list, that we were listing, and the scuppers
16 were touching the water and the scuppers were under water hole
17 couldn't clear any water. So that whole portside rail along the
18 whole boat wasn't clearing any water. And then there was waves
19 just big enough that they started coming over the rail, and the
20 boat was holding more and more water on the rail -- you know, the
21 rail was like almost completely under water and that's when the
22 water started coming into the galley.

23 That's when me and Mikey went inside the galley. I shut and
24 locked tight the door and Eric come running out the engine room
25 screaming, you know what I mean, we got to get the fuck out of

1 here; get your suits on; get the fuck out of here, you know.
2 That's when I ran and put my suit on and everything. Mikey was
3 trying to put his suit on. John was still on the radio while I
4 was putting my suit on. I heard Eric yelling, fuck the radio, we
5 got to get the fuck off this boat right now; get your suit on and
6 get the fuck off this boat.

7 That's when I ran up there. I grabbed the chair. I ripped
8 the chair out of the way, threw it down on that side of the galley
9 table. And went back up there and opened the door and went out,
10 and Eric came out behind me and he was like, help me get my
11 fucking suit on. And I was trying to help him get his suit on and
12 he's still yelling to the guys, fuck it, get the fuck out of the
13 boat, get the fuck out of the boat.

14 And, you know, like I said, we weren't even out there for a
15 minute before it rolled. It was gentle. It was gradual, you
16 know, and then all of a sudden it slammed down on port side. I
17 seen the outrigger -- you know what I mean, you heard the
18 outrigger fly and smash the water. I seen the lights pop and
19 everything. That's when I pushed off and it went bow up and then
20 straight down.

21 Q. When you were steaming out and you were just kind of talking
22 and they mentioned they had to pump the fish holds out the last
23 trip --

24 A. Yeah.

25 Q. -- did they mention anything else, any other concerns with

1 the vessel?

2 A. No, just that the fish hold was really low, and I agreed with
3 them. I said I had never seen a fish hold this low before in my
4 life. Every single boat -- if you go out there and you look at
5 all the clam boats, you'll see that fish hold is at least 2½ feet
6 off the deck, you know, built up, not 6 inches, if that.

7 [REDACTED] Okay.

8 MR. BOWLING: Colby, bear with us. Brian McEwing, with
9 Reeves and McEwing, questions for the witness?

10 MR. McEWING: I don't have any.

11 BY MR. BOWLING:

12 Q. Just a few for me, and we'll see if there's anything else,
13 then we'll close down.

14 A. Yeah.

15 Q. When you say you saw the lights go off --

16 A. Yeah.

17 Q. -- you're talking about 120 volt AC lights?

18 A. I'm talking all the lights popped --

19 Q. From the ship generator?

20 A. It popped and I seen sparks.

21 Q. Okay. Did you hear the generator running as well?

22 A. No. I was outside. I mean, the generator had to still be
23 running because there was electricity going. Everything was still
24 powered up.

25 Q. Yeah, I agree. I agree. What about when the stern went down

1 and the bow --

2 A. Yeah.

3 Q. -- was there any -- did you see any discharge of smoke from
4 the surface of the water?

5 A. No.

6 Q. It was dark?

7 A. It was dark, yes.

8 Q. This Racor that you were bleeding off --

9 A. Yeah.

10 Q. -- the air out of, what's your understanding of or do you
11 know if there was any work performed on that system --

12 A. Yes.

13 Q. -- before you all got underway?

14 A. They were working on that pump engine. These guys did six or
15 seven trips, something like that, and it broke down every time and
16 they fixed a bunch of stuff on that pump engine.

17 Q. Okay.

18 A. So I'm not exactly 100 percent sure what they fixed, you
19 know, but they -- Eric was saying the only thing that is left to
20 fix is the fuel pump. The fuel pump is probably so weak from it
21 struggling so much to try -- it was trying to get fuel to it,
22 that's why we had to bleed the Racors out.

23 MR. BOWLING: Okay. I have nothing further. Hold on, Colby.
24 Coast Guard?

25 [REDACTED] I just have one more question.

1

2

BY

3

Q. Just to help with the timeline --

4

A. Yeah.

5

Q. -- around what time was it that you maybe saw the water
6 coming into the fish hold?

7

A. Right around -- before 6:30.

8

Q. Okay. And then you estimated how much time before you
9 entered the water?

10

A. Not even 15 minutes.

11

Q. And then estimation of how much time before you were picked
12 up by the *Enterprise*?

13

A. About 25 minutes.

14

Q. Thank you.

15

I don't have any other questions.

16

MR. BOWLING: Thank you.

17

Mr. Ewing? McEwing. Sorry.

18

MR. MCEWING: No questions.

19

BY MR. BOWLING:

20

Q. Okay. Colby, we've spent probably 45 minutes or so asking
21 you questions. Have we failed to ask you anything we need to get
22 on the record, anything you'd like to put on the record?

23

A. Just that Eric did everything he could to try to save that
24 boat and save our lives, and if it wasn't for Eric, I would
25 probably be dead, too.

1 Q. Okay. Duly noted. Thank you.

2 A. Yeah.

3 MR. BOWLING: At this point, we'll terminate the interview.

4 (Whereupon, 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: CAPSIZING AND SUBSEQUENT SINKING OF
 COMMERCIAL FISHING VESSEL *MISTY BLUE*
 DECEMBER 4, 2017
 Interview of Colby McMullen

ACCIDENT NO.: DCA18FM005

PLACE: New Bedford, Massachusetts

DATE: December 6, 2017

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.


K 1
Transcriber