

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

\* \* \* \* \*

Investigation of: \*

CAPSIZING & SINKING OF THE F/V \*

HOTSPUR NEAR NUNEZ ROCK, NUNEZ \* Accident No.: DCA22FM033

POINT, ALASKA ON AUGUST 2, 2022 \*

\* \* \* \* \*

Interview of: BENJAMIN GEORGE LIVINGSTON, Senior Deckhand  
*Hotspur*

via telephone

Wednesday,  
August 3, 2022

APPEARANCES:

[REDACTED] [REDACTED] [REDACTED]  
MSD Ketchikan Supervisor  
United States Coast Guard

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
MSD Ketchikan  
United States Coast Guard

[REDACTED] [REDACTED] [REDACTED]  
Sector Juneau SIO  
United States Coast Guard

LUKE WISNIEWSKI, Senior Marine Investigator  
National Transportation Safety Board

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I N T E R V I E W

## INTERVIEW OF BENJAMIN GEORGE LIVINGSTON

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█ ████ -- ████ ████ ████ here MSD Ketchikan.

BY █ ████

Q. And then full name is Benjamin Livingston; is that right?

A. Yeah, Benjamin George Livingston.

Q. Okay. Perfect. And you were the deckhand on the *Hotspur*?

A. Deckhand who was at wheel watch when --

Q. Perfect. So, Ben, just to run through. I know we talked about it yesterday some. One, I'm glad you guys got off the boat. Glad you made it here. Glad you got some shoes now.

A. Yeah, \$15.

Q. They don't look too bad for you. But if you don't mind, I appreciate you writing down a statement. We'll just run through a couple quick questions; just get a little bit more input on your experience with the vessel, and the time you've on the boat, and the -- well, what I'll do is let you kind of run through just -- I know you already wrote it down, but give you the opportunity to talk through what happened, what you remember happened.

A. So do you want me to give, like, context of what I knew about the vessel (indiscernible) on it?

Q. Yeah, please. And the only thing I'll say real quick before we start.

A. Yeah.

Q. So we've got two other individuals on the phone. If you guys

1 want to introduce yourselves real quick.

2 [REDACTED] [REDACTED] [REDACTED] [REDACTED] Senior Investigator,  
3 Coast Guard, Sector Juneau.

4 MR. WISNIEWSKI: Hi. Luke Wisniewski from the National  
5 Transportation Safety Board. Also a senior marine investigator  
6 that's looking into this accident. So you have two agencies that  
7 are looking into what caused this casualty and loss of vessel.  
8 Just for the ground rules as far as -- yes, we would like to  
9 record this interview, and we'd like to have your consent to do  
10 it, and you'll have the ability to look at this record of it once  
11 it's transcribed, which takes about a month to do. And if there's  
12 any corrections, we'll provide a correction, errata sheet so you  
13 can provide corrections to it.

14 That's all I have. Passing over.

15 MR. LIVINGSTON: I consent to --

16 [REDACTED] [REDACTED] Recording.

17 MR. LIVINGSTON: Recording, yeah.

18 MR. WISNIEWSKI: I appreciate it. Thank you.

19 BY [REDACTED] [REDACTED]

20 Q. We'll let you kick off, if you want to go through your  
21 history, your experience with the boat, and then kind of the  
22 incident itself. And, yeah, then we'll jump in afterwards if we  
23 have any questions.

24 A. I've been on the boat the season previous, well, the seine,  
25 the seining summer salmon season the year previous, the *Hotspur*.

1 I was the let man. We fished, I don't know, I think probably two  
2 months before we decided it wasn't worth it anymore because we  
3 weren't catching enough fish, and then we left.

4 There was one point where water got into one of the voids,  
5 and a void alarm went off, and I don't think we had a pump in that  
6 void to pump out the void, but we had a, a, you know, a sump pump  
7 that we could put down there, and we did put down there, and we  
8 pumped out said water.

9 That's the only time *Hotspur* ever had any water in it  
10 previously. So this time I think we had more water in the fish  
11 hold. Usually we only fill up to about -- high as we'll go, you  
12 know, second rung from the top. There's a ladder that goes down  
13 into the fish hold. We usually only get it up to the second rung  
14 from the top. We went a little bit higher than that this time.  
15 We had the whole net. We had the, we had the skiff kit. There  
16 was a lot of weight on the boat, but no, no more weight than I was  
17 used to or felt was odd. The boat never seemed like it was going  
18 to sink at all. That weight had been on the boat before in way  
19 worse weather, and nothing was, nothing went wrong, and nothing  
20 ever felt like it was going to go wrong

21 And my best guess, well, what I found was happening when it  
22 started happening was I, I figured that there must have been a way  
23 that water got into the port side void. But the alarm didn't go  
24 off until we were leaning very far. And so it was probably -- I  
25 don't know. Water must have gotten in somewhere else. I have no

1 clue.

2       And before, before we left, we were in dry-dock. We fixed a  
3 hole we poked in -- that went from the outside of the boat to the  
4 engine room. But when we started listing, and I started freaking  
5 out, I ran down to my captain who was in the engine room saying  
6 we're listing even worse. It's really bad. And I looked around  
7 the engine room, and he seemed completely calm because he was more  
8 oblivious to the situation. There was no water coming into the  
9 engine room. So it was not the hole that we had recently patched  
10 that was the problem.

11       And so the void alarm went off way later than I think it  
12 would have. I mean, we checked the -- before we left we made sure  
13 the lazarette, we made sure the voids were all sealed, we made  
14 sure there was no water in it, we made sure all the equipment in  
15 there was working. Everything was ship-shape, you know. And  
16 there isn't a lot of water that had poured over the deck just from  
17 waves on the way up. And there had always been a list because  
18 there was an uneven distribution of diesel. Few tanks on one side  
19 had more diesel than on the other, and we never -- I guess we  
20 didn't care enough to switch it. We never thought it would be a  
21 problem. I don't think the uneven amount of diesel on either side  
22 was ever a huge problem. And it wasn't like the -- there's this  
23 little gauge in the pilothouse or the wheelhouse that shows how  
24 bad the list was, and the list was maybe like two degrees, you  
25 know, maxed with just the diesel. So I didn't think much of it.

1           And so when we started listing hard, I looked at the gauge,  
2 and it was five degree, and I was, like, I thought it must have  
3 been the tide, you know, and 30 seconds later I realized we're  
4 actually going to -- we're taking on water, and we're taking it  
5 on, on the port side and fast, but no alarms are going off.

6           And then finally when the port side is reliably submerged in  
7 maybe half a foot of water is when the alarm goes off for the  
8 water in, I think, the void. And by that point everyone's  
9 freaking out, and we're like fuck it. We realized it was too  
10 late. We can't pump anything out. We need to abandon ship, SOS.  
11 And water, water had been pouring over the deck just because water  
12 comes over the deck with waves and -- but everything was sealed  
13 down, and the -- for days, days water had been pouring over the  
14 deck, and the list never got worse. Everything was the same.  
15 It's not like we -- the list slowly got worse over time it went  
16 from 2 degrees to the next day 3 to 4. No. It was always the  
17 same until, until Dave and I are up in the wheelhouse. He's like  
18 I think he's writing checks, and I'm watching the AIS, and we were  
19 like, oh, I guess this is listing a little bit more than I  
20 thought. And then that's when he goes down, and that's when I see  
21 it's 5 degrees instead of 2. And then it all happened from there.  
22 Capsizes, hop in the life raft, and then boat's gone. That's what  
23 happened.

24 Q.   I appreciate that. Appreciate -- couple quick questions.  
25 You said you were on the *Hotspur* last year as deckhand. Had you



1 fished before that?

2 A. Not before last year, no. But I did fish after, I did do the  
3 long-lining after -- so I've had -- I've done seining, and I've  
4 done long-lining. So I wouldn't say I'm a hyper-experienced  
5 fisherman in any way, but I've been on a boat before.

6 Q. This your second year?

7 A. Yeah, second year.

8 Q. Okay. Second year fishing. How quickly did the boat -- did  
9 you go from noticing you're at the 5-degree list and the captain  
10 going down to the engine room before you guys were in the life  
11 raft?

12 A. Life raft, there was maybe -- it took maybe two and a half  
13 minutes from noticing the 5-degree list maybe before water was  
14 coming into the galley. And so it was damn quick it was. I was  
15 worried when I went down into the engine room, and I was like,  
16 Dave, it's listing a lot harder than I thought it would. And then  
17 when I, when I came up out through the engine room it was listing  
18 way worse. It was just -- it kept -- it accelerated. It got  
19 really fast. And then we all climb up to the wheelhouse because  
20 it's higher, but at that point it's starting to lean a whole  
21 bunch. We think, oh, we need immersion suits, and we're like, is  
22 it -- don't feel like we have the time because it's just at that  
23 point the boat is almost on its side. So we just decided to run,  
24 do a mad dash for the, for the --

25 Q. Life raft.

- 1 A. -- life raft instead. And that was what we did. We all got  
2 in the life raft, and, yeah.
- 3 Q. You were on the bridge most of the time, right?
- 4 A. Yeah. I was --
- 5 Q. On the sticks, on the helm?
- 6 A. Yeah.
- 7 Q. Okay. About how far offshore do you think you guys were?
- 8 A. Not far. Maybe football field. Maybe two football fields.
- 9 Q. Okay.
- 10 A. Three football fields.
- 11 Q. Okay.
- 12 A. Not particularly far away, but not particularly close.
- 13 Q. Yeah.
- 14 A. And on the AIS system, and as far as I could see we weren't  
15 going over rocks. I never felt any rocks. I was -- we were  
16 going, we were going to approach a rocky point, and so I was  
17 taking care to make sure that we weren't going any -- over any  
18 shallow points.
- 19 Q. Sure.
- 20 A. So --
- 21 Q. Any debris in the water as you guys were going through there,  
22 logs, anything like that?
- 23 A. I mean, every so often coming up there's a log, but I don't  
24 think there's -- I don't remember there being any logs --
- 25 Q. Okay.

- 1 A. -- recently at that point. So, yeah.
- 2 Q. You said before you guys got underway you checked the void  
3 spaces and dogged them down.
- 4 A. Yeah.
- 5 Q. I think you said you checked the equipment in those spaces.  
6 Did you guys test the alarms in the voids in the --
- 7 A. I don't remember.
- 8 Q. Okay.
- 9 A. Everything in there was nice. No water. We had old boxes in  
10 there from -- I know that were years old that weren't even damp.  
11 They were dry, and they were sitting at the bottom of the void  
12 which is where any water would be. They were fine, and we made  
13 sure because we remembered the year previous that -- we don't  
14 often open the voids. It's kind of for just like if a piece of  
15 equipment breaks, you know, we grab a piece of equipment from down  
16 there, and replace it like a steel cable or something. And so  
17 they aren't often opened. And the year previous we had gotten  
18 some water in the void, and the alarm went off, and that's when we  
19 drained it out with the sump pump.
- 20 Q. Any idea where that water came in from?
- 21 A. Last year --
- 22 Q. Yeah.
- 23 A. -- it came in from -- because we didn't seal the void.
- 24 Q. Okay. Okay.
- 25 A. And that's why we made it, like, we don't want that to happen

1 again. And at that point we didn't have the skiff (indiscernible)  
2 or anything last year when we had water. There wasn't as much  
3 weight.

4 Q. Sure.

5 A. So locked the things down so -- an alarm didn't even go off  
6 until we were tilting. I don't know what happened. There was no  
7 water in the engine room. My next thought is maybe laz, but the  
8 laz was locked down. So I don't know. And then we had maybe,  
9 maybe water entered through the laz, and there was just more  
10 weight on the port side, which I think there was weight on the  
11 port side, well, it was because we had a slight list in that  
12 direction.

13 Q. Did you guys have a bilge pump in the lazarette?

14 A. Yeah.

15 Q. Did you ever notice it kick on?

16 A. I don't know. The lazarette was locked down. I don't know if  
17 there was water coming in.

18 Q. Sure.

19 A. I have absolutely, honestly, I have absolutely no clue what  
20 happened. Something taking on weight, and we definitely went to  
21 port.

22 [REDACTED] Okay. That's pretty much -- [REDACTED] you got  
23 anything?

24 [REDACTED] Yeah.

25 [REDACTED]

1 BY [REDACTED]

2 Q. So you said your (indiscernible) was at two when you started  
3 off. You said that was normal. Did you mean just for this trip  
4 or --

5 A. Oh, not --

6 Q. -- in the last year or two?

7 A. Oh, no, not in general. We didn't figure we had time to --  
8 we moved some diesel around because we wanted to look in some  
9 pipes and some hoses in the engine room getting ready, and the  
10 diesel was slightly uneven. That was not -- that's not protocol.  
11 It was not like we usually, oh, yeah --

12 Q. But it held that two for awhile that (indiscernible)  
13 progressive.

14 A. Yeah. (Indiscernible) progressive. It was just kind of two  
15 degrees.

16 Q. Yeah.

17 A. Just that's what it was.

18 Q. Okay.

19 A. I didn't think it was --

20 Q. And then last year when you had some water in the space from  
21 the (indiscernible) did that cause much of a list at that time do  
22 you remember?

23 A. Did that get -- have a list?

24 Q. Yeah. Last year you said that you --

25 (Crosstalk)

1 Q. -- water in there.

2 A. Yeah. But the -- but also we had the (indiscernible) on that  
3 side. So the deck was listing a little bit, and then we were  
4 like, okay, it's definitely listing more, and then the alarm goes  
5 off. So it's like okay there's water. So we can -- which is why  
6 I mentioned maybe water in the void because that was the only time  
7 I remember it listing more than usual to port side was when there  
8 was water. The void was locked down, and the water went out  
9 earlier last year than --

10 [REDACTED] any questions?

11 BY [REDACTED]

12 Q. So your total deckhand experience is it just two years, sir?

13 A. Yeah.

14 Q. Okay. Two years deckhand. And you, you said you did long-  
15 lining as well. Which vessel was that on, sir?

16 A. The *Mazzia* (ph.) Sitka.

17 Q. The *Mazzia* in Sitka. Okay. Do you live in Seattle? Are you  
18 from Alaska? Where are you from, sir?

19 A. I lived in Alaska. I have a driver's license -- or I did  
20 before today have an Alaska driver's license.

21 Q. Yes, sir.

22 A. And then I recently moved down to Seattle when I was maybe  
23 half-way through 18, 18 and a half maybe.

24 Q. Okay. How did you come to work for Captain Franklin?

25 A. I worked construction, and I didn't like it. So I started

1 going down to the docks, and I started asking people if they  
2 needed crew, and I met Franklin, one of Franklin's deckhands which  
3 is not -- who is not on the boat this year, who had been on the  
4 boat maybe five, for five years consecutively at that point. And  
5 he talked to me for a little bit. He was, like, oh, I figure I'll  
6 call Franklin, tell him about you, and then called Franklin, and  
7 we had like breakfast or something. I don't -- a 30-minute talk  
8 and -- like, 30 minutes to an hour talk, in the morning, and he's,  
9 like, okay, you seem good enough.

10 Q. All right. So far you like being a deckhand on these fishing  
11 vessels?

12 A. I think it's great. I think it's cool. Not deadliest catch,  
13 but I don't want it to be.

14 Q. Yeah.

15 A. Like it's magical. Like I'm doing something crazy, like, oh,  
16 wow, you're on a boat. It's very, it's a very, what, fantasized  
17 or what is it, romanticized profession even though it's  
18 (indiscernible) on a boat. So, yeah, I like it.

19 Q. I'm going to lead into a couple of questions kind of more  
20 management type, and this is kind of just to go around some of the  
21 software, hardware, and the kind of management that you get from  
22 the captain. So how has he been training you and training other  
23 deckhands? Is he good? How would you rate that?

24 A. I'd say pretty damn good. When -- he doesn't like us sitting  
25 around when -- when he only needs some of us for one job. He'll

1 have us tying knots. This is when we're getting the boat ready  
2 and all that. We have to be -- he'll show us computer system or  
3 something in the engine room, the purpose of the voids, what's in  
4 the voids, what's in the laz. I would definitely not say I'm a  
5 dictionary when it come to boating in any sort of way, but I was  
6 definitely not unfamiliar with the boat that I was on. And I  
7 don't think --

8 Q. Okay.

9 A. -- anyone on the boat was unfamiliar.

10 Q. The other three deckhands were they as experienced as you on  
11 the boat?

12 A. One of them had been on for four years, and the other two  
13 were greenhorns. We had two green --

14 Q. Greenhorns?

15 A. Yeah. But they had been -- they had been working on the  
16 boat, and taking the boat around Washington on certain trips to  
17 get certain, you know, like pieces for the net or parts for the  
18 boat. So they had been on the boat tying up, piloting the boat,  
19 working on the boat, working in the engine room, going in the laz.  
20 They --

21 Q. Okay.

22 A. -- go around the boat before we even started heading up to  
23 Alaska.

24 Q. Okay. I'm going to lead towards when you talked about water  
25 coming onto the deck, and you said that was pretty common water



1 would come onto the deck. How -- would it free-flow drain off or  
2 would it kind of stay there?

3 A. I mean, yeah, like a duck's back. It washes on with the  
4 waves, then it washes off. It never -- it was never, like,  
5 submerged. It wasn't -- it was only when the wave was big enough,  
6 and --

7 Q. Yeah.

8 A. -- when you're going seven or so knots the rhythm of the wave  
9 you kind of got wide on them, and then you'll have a bigger crash,  
10 and the more water.

11 (Audio goes off.)

12 UNIDENTIFIED SPEAKER: Pausing the video. I think lost  
13 connection. I'll try to reconnect to the conference bridge.

14 BY ■■■■■■■■■■

15 Q. When the water was coming out of the deck was it pouring off,  
16 pouring up, or was it draining off the scuppers or holes in the  
17 side?

18 A. Yeah. We, yeah -- holes in the side water was flowing off.

19 Q. Okay.

20 A. It wasn't -- the deck was angled so that the water would  
21 always flow off, and then always --

22 Q. And I know we've said that there was a lot of stuff on deck.  
23 There was nothing blocking that flow was there, sir?

24 A. No. There would not be anything that would -- there was no  
25 pooling. There was no, there was no, like, artificial wall that

1 would have kept an extra pocket of water on the deck. I went out  
2 on the deck multiple times throughout the trip, and there was  
3 nothing that -- there was no pool of water. There was -- no,  
4 there was nothing like that, no.

5 Q. Now that back deck, is that straight steel or is there, like,  
6 wood planks on the top?

7 A. The back deck's steel. It's all steel.

8 Q. All steel.

9 BY ■■■■■

10 Q. When you're on the back deck -- sorry. This is ■■■■■  
11 ■■■■■ When you're on the back deck are you standing on steel?

12 A. Yeah. Well, there's -- okay, so you, you come out of the  
13 galley onto the deck. That first little bit is wood planks.

14 Q. Okay.

15 A. And under those wood planks is --

16 Q. Okay.

17 A. -- and then after those wood planks you get to the back decks  
18 there's -- past the doghouse, yeah, if you were standing on the  
19 back deck it's all steel, and it's all sloped steel so the water  
20 comes --

21 Q. When you're looking down from the bridge, when you're -- look  
22 -- you can see the back deck at all, are you, are you able to see  
23 the steel or is it mostly the wood on top that you're -- does that  
24 make sense?

25 A. No. The wood, the wood isn't on top of the back deck. The

1 back -- there's no wood on top of the back deck. There's wood --

2 Q. Just a short section --

3 A. There's a short --

4 Q. -- just aft to the house?

5 A. Yeah, just --

6 Q. Okay.

7 A. -- after the house there's a little bit of wood, and then if  
8 we're talking like towards the stern a good 15, 20 feet of the --  
9 where the back deck, I guess, is steel. There's no wood. It's  
10 painted steel. It's blue, but it's steel. That's what it is.

11 BY [REDACTED]

12 Q. And [REDACTED] again. So you said you were, you were  
13 driving the vessel, boat. Do you remember about how fast you were  
14 going, and what the weather was like at that moment?

15 A. 6.1 knots was pretty much the speed we were reliably going at  
16 for pretty much the entirety of the trip up. We'd go slower or  
17 faster depending on the tide. We stayed around 12,500 rpm for the  
18 entirety of the way up. I'm sorry. Could you repeat, repeat the  
19 question? I forgot. Oh, the weather?

20 Q. Yes, sir.

21 A. The weather was -- it was picking up a little bit. The waves  
22 were getting a little bit bigger. Nothing that -- I had been in  
23 much worse weather on the *Hotspur* the year previous. So I -- if  
24 the weather was worse, I wouldn't want to go out on the deck  
25 necessarily as much, you know, I'd get soaked. I wouldn't have

1 been washed off, but I would have been covered in water just from  
2 spray. And the wind picked up a little bit, but still nothing,  
3 nothing crazy. Nothing that the boat hadn't weathered easily  
4 before. So I had no thought that what happened would have.

5 Q. Sir, [REDACTED] [REDACTED] again, I guess, was that the most  
6 inclement weather of the trip since the dry-docking? Could that  
7 have been like the, the roughest point? The rest of the trip was  
8 that calmer than when the incident started?

9 A. I don't think so. I think there was, there was, like, we --  
10 I had seen waves that big. Maybe that was the worst the wind had  
11 been. But the waves, and they (indiscernible) large waves. The  
12 waves had been that large previous on the trip, yeah.

13 Q. Okay. The area you were passing through -- you passed  
14 through Nunez Rocks.

15 A. Yeah.

16 Q. Did you guys encounter any hazards or are you very familiar  
17 with that area? How was the captain's familiarity with that area?

18 A. The captain was very familiar to the point where he was,  
19 like, oh, yeah, I know there's a rock up here that -- he hadn't  
20 looked at the AIS for a little bit because he had just woken up.  
21 But this is way, this is hours before we even got to Nunez Rock.  
22 He's, like, oh, yeah, there's a rock up here you have to look out  
23 for because sometimes it's submerged at high tide. But and it was  
24 high tide so we couldn't see it, but it showed up on the AIS or  
25 the maps program -- call it TIMEZERO, I think. And I made sure we

1 were way clear of it, and clear of the shore. And we were -- I  
2 was reading a good 30 fathoms from the bottom. So I figured I  
3 don't think we hit a rock or --

4 Q. Okay. That sounder showed a lot of good water underneath the  
5 whole time?

6 A. Yes.

7 Q. As far as like the maintenance and the upkeep, how is all the  
8 navigation on the bridge? Would you say everything was working  
9 properly?

10 A. Yeah, I'd say so. The autopilot reacted quickly. If you  
11 wanted to use the joy stick it reacted fine. TIMEZERO was never  
12 off. I never thought that it was maybe off by a half a mile or  
13 anything or by any amount. All the radios worked. We had a  
14 compass that works. Everything worked.

15 ■■■■■ Okay. I believe that's all I have for right  
16 now.

17 ■■■■■ Perfect. Thank you.

18 Luke, any questions?

19 MR. WISNIEWSKI: Yes. This is Luke Wisniewski with NTSB.

20 BY MR. WISNIEWSKI:

21 Q. I'd just like to go through just a couple here real quick for  
22 you. You indicated that the second rung of the ladder of the fish  
23 hold is what you normally filled the fish holds too, and this time  
24 --

25 A. Yeah.

1 Q. -- this time it was pressed. Can you estimate for me what  
2 difference that is, and where is this rung of the ladder? Is it  
3 toward the forward end, the aft end of the fish hold? Where is  
4 this ladder?

5 A. It's pretty much dead center fish hold. The ladder goes dead  
6 center down -- the lowest point of the fish hold. The second rung  
7 from the top is usually where we would fill it to. I think it was  
8 filled pretty much to the, the run above it, which is maybe an  
9 extra 8 to 10 inches of water in the fish hold, maybe a foot.

10 Q. Okay.

11 A. That's more than we usually have. We usually cut it off  
12 right at the second rung. So we had more water, which means more  
13 weight.

14 Q. Okay.

15 A. But, I mean, I didn't think we sat that much lower in the  
16 water either.

17 Q. And that's what I was going to say, is that -- corresponding  
18 to the freeboard, what would you estimate the freeboard of the  
19 vessel to be from basically the scuppers or your, you know, your  
20 main deck to the waterline?

21 A. It's about a foot.

22 Q. About a foot. Okay.

23 A. Yeah.

24 Q. And do you know the draft of the vessel?

25 A. I do not.

1 Q. Okay. So when you're staying clear of it do you know if you  
2 were to pass over rocks, like, does he tell -- does the captain  
3 indicate how deep of a draft or what he wants you to stay in, how  
4 many feet of water?

5 A. He certainly told me the drafts before. I do not remember.  
6 I don't remember off the top of my head. I know it's not as deep  
7 as 30 fathoms, but it's -- I do not know the draft. I'm sorry.

8 Q. Okay. And I'm just trying to understand. Like, if you're  
9 looking at the chart how do you make sure? So you just stay in 30  
10 feet of -- 30 fathoms of water or what's, like, what's your,  
11 what's your direction that the captain gives you. Are you  
12 steering by the way points on the charts?

13 A. Got a pre-plotted course he has -- he draws these lines in  
14 the, in the TIMEZERO in kind of the navigation map computer system  
15 which is the general direction that we -- the general path that we  
16 take unless we're -- we encounter another vessel -- go around. Of  
17 course, if that's the case, the TIMEZERO and the depth sounder  
18 tells us whether or not we're going shallow. We make sure not to  
19 blindly move off course. And the course is always at a reliably  
20 deep, safe course.

21 Q. Okay. Sounds good. Fair enough. You indicated the port  
22 alarm went off for the port void.

23 A. So --

24 (Crosstalk)

25 Q. Now was it an audio or a visual? What was the alarm?

1 A. Audio. You can't hear anything. Just goes off.

2 Q. Okay. But there's no visual alarm for the bilge alarm?

3 A. Oh, there is, but when the alarm went off this is when I  
4 noticed the list was worse than I had previously stated, and I run  
5 down to the engine room. By the time I come up from the engine  
6 room I was, like, oh, shit, you know, it's even, even worse. And  
7 that's when the alarm starts going off, and that's when I run to  
8 high ground, oh, I mean, I yell everyone, oh, wake up, Charlie,  
9 you know, everyone get out. Everyone's -- freak out.

10 BY MR. [REDACTED]

11 Q. Excuse me. This is [REDACTED] So you don't really know which  
12 alarm it was though?

13 A. I can't say for sure.

14 Q. So it could have been any of the other spaces?

15 A. It could have been, but my guess was -- because we were  
16 leaning to the port. So I was --

17 Q. Could have been the laz?

18 A. Could have been the laz port, could have been the void port,  
19 could have been -- I don't think it was the engine one because  
20 there was (indiscernible).

21 Q. Are there other alarms that go to that alarm, oil pressure  
22 alarms, (indiscernible) alarms? Are the staff alarms strictly for  
23 bilge high water?

24 A. The alarm sounds, I don't know if we hear are pretty similar.  
25 I know for a fact there's different lights for, oh, this light is



1 going on right now.

2 Q. Okay.

3 A. I didn't look at the lights.

4 Q. But a common (indiscernible) alarm?

5 A. The common, yeah, it was the common one --

6 (Crosstalk)

7 A. -- it didn't say like port alarm, port alarm. It's just --  
8 that was -- I was like --

9 Q. Got you.

10 BY MR. WISNIEWSKI:

11 Q. All right. This is Luke Wisniewski again. Thank you for  
12 that clarification. When you went back up, when you heard this  
13 audible alarm, what did you indicate the gauge was reading? How  
14 many degrees were you listing to port?

15 A. So we were listing two degrees normally, which I didn't think  
16 much of. When my captain and I were up in the wheelhouse, and  
17 said, oh, we're listing, and captain went down to the engine room,  
18 then I kind of figured, wow, we really are listing. I look at the  
19 gauge. That's when it's five. And it only goes to, like, well,  
20 there's a big one, and there's a small one. But the, I think, the  
21 small one only goes to like eight degrees either side, and it was,  
22 it was like five making its way towards six, which was a lot more  
23 than it had been previous. And then I look out the back, and it  
24 looks a lot worse. That's the last time I checked the list --

25 UNIDENTIFIED SPEAKER: Monitor.

1 A. -- monitor, whatever it is, yeah.

2 BY MR. WISNIEWSKI:

3 Q. And with that list so other than leaning over to port, was  
4 the vessel rolling slow? Was the vessel tender -- do you know  
5 what those terms mean? Was it very slow to respond to the seas?

6 A. To the seas? I'm sorry.

7 Q. Yeah. So a rolling of a vessel they talk about a vessel  
8 could be tender meaning it rolls very slow, very sluggish. We're  
9 getting into like metrocenter heights and GM.

10 A. Slowly started to, like, respond less and less to the water.  
11 It kind of started -- yeah, I mean, like, just five minutes  
12 earlier we would rock, and then we slowly stopped rocking.

13 Q. Okay. And --

14 A. And by that point you can kind of feel -- I don't know --  
15 there's this feeling you look out on the back, you see the water,  
16 and the boat's not moving like it's usually supposed to  
17 (indiscernible) as you're sinking.

18 Q. All right.

19 A. All happened at once.

20 Q. And then the captain indicated that he turned into the list.  
21 So he turned like hard to port to correct --

22 A. Yeah.

23 Q. -- the list?

24 A. When I told him that there was -- that it's, oh, I got down  
25 in the engine room, oh, it's really bad. He runs up as he, you

1 know, he tries his best. But at that point he does try and do  
2 that. At that point I don't think it would have mattered, but,  
3 yeah, he runs up, and he tries to -- he turns towards it, and it  
4 -- but we sink anyway.

5 Q. All right. So he turns toward the port-hand side? Does he  
6 give acceleration to the engines or just turns into it?

7 A. I don't know. I'm freaking out. I'm staring out the back of  
8 the wheelhouse at that point at the deck. But I do know he runs  
9 up to the, to the stick, and he's going full port, and I mean, he  
10 probably accelerated. I don't know. I guess.

11 Q. No, I just, I don't want you to guess. I just want you to  
12 remember what you can recall.

13 A. Yeah. I know he turned into the list. I don't know if he  
14 accelerated.

15 Q. All right. And then the next thing with that as he's turning  
16 into the seas, when you, when you were driving the vessel when you  
17 were steering it, were you going into the waves? Because then you  
18 would -- would you be broadside to the waves at this time?

19 A. Yeah. Waves were hitting us broadside at that point. Yeah.  
20 We were, we were, like, oh, only 30 more minutes 'till we can take  
21 a right, and go on the inside so we don't have to deal with the --  
22 for outside waves. But, yeah, we were, we were hitting -- getting  
23 hit broadside by waves at that point.

24 Q. Okay. Do you remember like what course you were steering or  
25 you're heading at the time? Like you were --

- 1 A. We were heading north.
- 2 Q. North northwest?
- 3 A. Prince of Wales, like, the very bottom of Prince of Wales.
- 4 We were -- you're going to turn -- you're going to turn towards
- 5 these like group of small islands. One of the islands is called
- 6 Middle Island. We were going to turn towards there so we would be
- 7 sheltered. We were heading towards, you know what I mean? We
- 8 were heading that direction. We were hoping to head up towards
- 9 Sitka mostly on the inside, and we figured, oh, this -- when we
- 10 started out the weather was pretty decent, and we were going to,
- 11 like, sure to the port there's just ocean, but it will be short,
- 12 and we'll cut side right after.
- 13 Q. So the waves were coming from the south at the time? I just
- 14 want to make sure I clarify. So the waves were coming out of
- 15 what, the south, southwest?
- 16 A. West. Yeah, west, west would be my best guess, yeah.
- 17 Q. Okay.
- 18 A. Towards the shore, which is east.
- 19 Q. And what --
- 20 A. So, yeah.
- 21 Q. -- just clarify again the wave height would you estimate?
- 22 A. Towards when we were in the -- towards the end of us being in
- 23 the -- maybe four feet.
- 24 Q. All right.
- 25 A. Be my guess. That's what it was like when we got in the life

1 raft about four feet. Five-foot wave every so often. But that  
2 was 20, that was 20 minutes after the boat, you know, the weather  
3 was slowly getting worse. By that point (indiscernible) to start  
4 cutting towards the inside.

5 Q. In your estimation how quickly did the vessel capsize from  
6 the time you and the captain came out of the engine room to get  
7 into the life raft?

8 A. It was probably on its side in six minutes. It was probably  
9 completely upside down in eight. It was damn quick.

10 Q. Okay. So it completely capsized, and was up on -- the hull  
11 was exposed. Did it go bow down or stern down?

12 A. Neither. I think it was pretty even. It was just upside  
13 down. Was pretty -- I don't think the stern or the bow was any  
14 more submerged.

15 Q. All right. And then when you came up out of the engine room  
16 you indicated you were going to wake -- you told to wake up one of  
17 the other deckhands?

18 A. Yeah.

19 Q. So where were the other two, right, one -- there was --  
20 (Crosstalk)

21 Q. -- deckhands.

22 A. -- sitting in the galley, and they were eating, and sitting  
23 on their phones. And then I came down, and I said shit bad.  
24 That's basically what I said to them. They were kind of like, oh,  
25 that doesn't sound good. And then I come up, and I'm like -- I

1 don't remember if I was going up or going down when I told them to  
2 wake up the other guy. I just remember I was on the ladder when I  
3 said so. So it was pretty quick; 30 seconds.

4 Q. Okay. Yeah. I think that's all I really have. We're trying  
5 to understand what other, right, you have two spaces, the  
6 lazarette and this, this void space where water could be coming  
7 in, right? You indicated there was no water in the engine room?

8 A. There was no water in the engine room.

9 Q. Okay. And do you know the last time you were in the port  
10 void or lazarette on this trip?

11 A. Two days previous.

12 Q. And as you indicated they were both dry, right?

13 A. They were both dry, and they were both sealed.

14 Q. Okay. And you weren't involved with checking any of the  
15 bilge alarms?

16 A. I don't remember checking any bilge alarms, no.

17 Q. All right. Are you aware of anyone else checking the bilge  
18 alarms in either space, the port void or the lazarette?

19 A. Not that I remember, no.

20 MR. WISNIEWSKI: Okay. That's all I have. Thank you. Glad  
21 you guys got off safe, and really appreciate you doing this  
22 interview with us right after this casualty. So sorry to hear  
23 about the loss of your equipment and stuff.

24 MR. LIVINGSTON: Thank you.

25 MR. WISNIEWSKI: So good luck to you.

1 BY [REDACTED]

2 Q. So this is [REDACTED] So as far as (indiscernible) as any of this  
3 -- did you feel any steering getting worse or anything or --

4 A. We were going straight, and I wasn't adjusting because we  
5 were kind of on straightaway. I --

6 Q. Okay.

7 A. -- I didn't think to adjust, and I didn't think I had to  
8 because I was just --

9 Q. Yeah, I got it.

10 A. -- going straight.

11 Q. I was just trying to gather maybe if you had a rudder issue,  
12 and you didn't know about it.

13 A. No, no. And the course wasn't changing or nothing.

14 Q. So you had no reason to really adjust your --

15 A. Yeah. Was going straight until --

16 Q. Yeah.

17 A. -- it started --

18 Q. And then --

19 (Crosstalk)

20 [REDACTED] I don't think I have anything else.

21 [REDACTED] any follow-ups here?

22 [REDACTED] No follow-ups at this point. Thank you, sir.

23 [REDACTED] Again, thanks for chatting with us as you're  
24 going through everything. Appreciate all your help yesterday and  
25 today. And I'm sorry this happened to you guys, but I'm glad

1 everybody made it off.

2       Hopefully (indiscernible) will get you on a plane, and get  
3 you home here pretty quick. So --

4       MR. LIVINGSTON: I'd love that. I think one of you guys has  
5 to come with us.

6       ■       ■ I'm coming with you. We'll go over and do  
7 testing. So we're going to wrap up. That's all we have for this  
8 one.

9       Luke, if you guys have any -- if you want to touch base  
10 afterwards. I'm going to get these guys over for drug testing  
11 real quick. And then we can touch base after that or later on.

12       UNIDENTIFIED SPEAKER: All right. I'm going to stop the  
13 recording. Thank you.

14       (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 & SINKING OF THE  
                                  F/V *HOTSPUR* NEAR NUNEZ ROCK,  
                                  NUNEZ POINT, ALASKA  
                                  ON AUGUST 2, 2022  
                                  Interview of Benjamin George Livingston

ACCIDENT NO.:               DCA22FM033

PLACE:                       via telephone

DATE:                        August 3, 2022

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

  
\_\_\_\_\_  
Katherine Motley  
Transcriber