



NATIONAL TRANSPORTATION SAFETY BOARD

Office of Aviation Safety
Washington, D.C. 20594

Attachment 1 – Operations Group Interviews

OPERATIONAL FACTORS / HUMAN PERFORMANCE

ANC20MA010

ANC20MA010

Operations Group/Human Performance Group Interviews

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UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

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AIRBUS AS350 B2 HELICOPTER *

CRASH NEAR LIHUE, HAWAII * Accident No.: ANC20MA010

DECEMBER 26, 2019 *

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* * * * *

Interview of: DON ANDERA, Former Principal Operations Inspector
Federal Aviation Administration

Via telephone

Thursday,
May 14, 2020

APPEARANCES:

MITCHELL GALLO, Air Safety Investigator
National Transportation Safety Board

WILLIAM BRAMBLE, Human Performance Investigator
National Transportation Safety Board

BRICE BANNING, Air Safety Investigator
National Transportation Safety Board

PATRICK LUSCH, Investigator in Charge
Federal Aviation Administration

MARK TOMICICH, Representative
(On behalf of Mr. Andera)

I N D E X

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I N T E R V I E W

(1:00 p.m.)

1
2
3 MR. GALLO: This is an interview with Mr. Don Andera
4 pertaining to accident ANC20MA010. Mr. Andera, do we have your
5 permission to record this conversation?

6 MR. ANDERA: Yes.

7 MR. GALLO: Okay. And the representative that you want is
8 Mark Tomicich?

9 MR. ANDERA: Yes.

10 MR. GALLO: Okay.

INTERVIEW OF DON ANDERA

11
12 BY MR. GALLO:

13 Q. To start out with, can you kind of describe your aviation
14 related background and FAA assignments when you were at the FAA
15 there?

16 A. My aviation background started in the military and --
17 somebody just come on?

18 MR. BANNING: Yeah, I'm sorry.

19 MR. GALLO: Go ahead.

20 MR. ANDERA: Okay.

21 MR. BANNING: It's Brice Banning. Brice Banning, the IIC,
22 joined us, so go ahead and continue.

23 MR. ANDERA: Okay. Well, I was just explaining my aviation
24 background started with the military. I spent 27 years in the
25 Army, the whole time as an aviator flying helicopters. I flew

1 mostly Hueys and Black Hawks. Retired in '03 -- and I was an
2 instructor pilot also in the military and a standardization (ph.)
3 instructor pilot. And I retired in '03. And I flew commercially
4 with a cargo carrier for flying short-streak (ph.) 60s for about 5
5 years.

6 And then I took a job with the FAA in 2008 as an ops
7 inspector, and I was assigned various tour companies and utility
8 companies flying helicopters -- both helicopters and airplanes,
9 and I also got rated on gliders. So I was maintaining currency in
10 airplanes, the King Air and helicopters and gliders, for about the
11 last 5 years in the FAA. And I left the FAA in 2018 in March.

12 BY MR. GALLO:

13 Q. Okay. And I'll just kind of jump ahead here. And you were
14 the POI for Safari from --

15 A. Yeah, for a period of time, I was the POI for Safari. I
16 might've even had them two different periods that there was times
17 -- but yeah, we generally -- they generally often tried to assign
18 people for islands so that it was a little easier. You could go
19 to one island and see various operators on the same trip. But
20 yes, I was the POI for Safari for a period of time.

21 Q. All right. And, in your experience with surveilling air tour
22 out of Honolulu FSDO, what were the typical hazards that would be
23 encountered by air tour? That -- yeah, let me just leave it at
24 that.

25 A. I guess typical hazards for the air tours around Hawaii, one

1 of the hazards would be a lack of landing sites. The terrain in
2 Hawaii is probably quite unforgiving once you get away from the
3 limited level ground because it's quite mountainous, it can be
4 tree covered, the coastlines can be quite rocky, and then you've
5 got the ocean. So that's one of the hazards is having a lack of
6 good forced landing areas.

7 And I guess the other hazard would be you could have rapidly
8 changing weather conditions. So the weather patterns in Hawaii,
9 you have a lot of physical uplifting as the trade winds hit the
10 mountains, and so every day you're going to run into rain showers
11 possibly somewhere along the route. And that's going to be
12 changing so that it might be good on one island or one part of the
13 island where it's clear blue, and then as you're continuing the
14 tour, you could run into really nasty weather conditions.

15 Q. Okay. And --

16 A. And then also, with the lack of weather conditions, is a
17 limited amount of nav aids or IFR ability in front of the areas
18 and not -- very limited radar coverage in some of the areas, too.

19 Q. Okay. And in going to your surveillance of the various air
20 tour operators, I'm certain you conducted operational checks under
21 135 for --

22 A. Correct.

23 Q. In areas of instrument flight.

24 A. Yes.

25 Q. And kind of talk about what -- any strengths or weaknesses

1 that you saw among air tour pilots flying under a flight training
2 device when you're conducting your checks. I mean, did you think
3 it was, like, adequate or deficient?

4 A. Very few companies, if any, would have that many flight
5 training devices, but -- yeah, most companies would just do the
6 training in the aircraft. They didn't have much for flight
7 training devices when I was going there, unless they've increased
8 that ability lately.

9 Q. What about using a view-limiting device? I mean, were they
10 conducting --

11 A. Yeah, they had --

12 Q. -- a lot of training with that?

13 A. Yeah, they would have view-limiting devices, sure.
14 Generally, and I'm not just saying that air tour specifically, but
15 generally, helicopter pilots do not get a lot of instrument time.
16 Like airplane pilots inherently get more instrument time so
17 they're more comfortable flying instruments. Helicopter pilots
18 generally do not. Majority of their time is spent VFR, and
19 oftentimes the aircraft may not be equipped to go IFR.

20 Not just that it might not be technically legal to go IFR,
21 but some of the utility aircraft don't even have gyros in that, so
22 they would be incapable of doing any IFR work. So generally,
23 helicopter pilots are not as comfortable flying instruments, I
24 guess you could say that, but that is still part of their training
25 program, and they would train for it. I've tried to get people,

1 the operators coming back into the airfield, to try and, you know,
2 practice their instruments or see if they can do an instrument
3 approach to the airfield, but oftentimes air traffic control
4 doesn't want the helicopters mixing with the airplanes, so they
5 want to keep it on a separate traffic pattern. And so the
6 helicopter pilots who are operators and the utility guys have
7 limited opportunity to do the instrument training.

8 Q. All right. And so with that, was there any -- was there a
9 focus on weather avoidance within the operators' training program,
10 and did the FSDO or yourself ever do any outreach to the operators
11 to focus on weather avoidance so that they wouldn't get into that
12 situation?

13 A. Yeah, that was mostly the focus. And we wanted to make sure
14 that they had some -- do we have procedures? We tried to put some
15 procedures in place. I don't remember specifics anymore, but
16 about, you know, for departing, they can have departure weather,
17 if they had weather to depart. And they might be able to come
18 back in special VFR if the weather started turning bad, but they
19 could not depart on an air tour under special VFR conditions.

20 They could -- we tried to have -- there was an Air Tour
21 Common Procedures Manual that tried to place restrictions on
22 weather in certain parts of the island. Each island would have
23 its own map that had these different zones, and if the weather was
24 getting bad, they could -- they'd have to depart the zone. They
25 could come down a little bit in order to try and return home. But

1 it was all in an effort to try and mitigate the risk, to try and
2 have them stop the air tours when the weather started to get bad.

3 Q. Okay. And as a POI for Safari, you did conduct some of the
4 -- the 135 initial recurrent checks for the check airmen and
5 regular pilots?

6 A. Yes. I did do the check airmen and the chief pilot. Mostly,
7 for Safari, it was their assignment operation. Most of my checks
8 were with Paul Matero.

9 Q. Okay.

10 A. And observing him giving checks and giving him his annual
11 check ride, too. And we would do simulated, you know,
12 inadvertent. That was a follow-up part of any of my checks, to go
13 with simulated inadvertent IFR and then follow through with
14 whatever their company procedure would be to recover.

15 Q. Um-hmm. And going to Paul Matero, I mean, he passed his
16 checks -- I mean, you know, it's checked on his forms. But
17 putting that in context, you're only doing a simulation, so how
18 good is a simulation, whether in a simulator or under a flight
19 training device, to actually assess what would happen in actual
20 conditions? You know, I know that's all you have to work with.

21 A. Well, that's, that's all you have to work with, so you do the
22 best you can with what you're given. So yeah, you put them under
23 a view-limiting device and then see how they handle the aircraft
24 and respond to it. And that's about it. I do know that Paul was
25 adamant for his pilots because I recall back in -- I don't really

1 remember the year. It was somewhere around 2016, I think. My
2 year might be off by a little bit, but where he said -- Safari has
3 an aircraft at Hilo, and that aircraft was giving an air tour and
4 got caught where the airport sat under a cloud, and the weather
5 came down, and they were not able to return. And so the pilot
6 landed in a field next to a road, and they came out with a van and
7 took the passengers back by van to the airport, and then the pilot
8 had to wait for the weather to clear, and then he returned to the
9 airport.

10 And Paul contacted me to explain the situation, of what
11 happened, then he said he'd appreciate it if I contacted that
12 pilot to let him know that, you know, that that's an -- to give
13 him an "atta boy," basically, to congratulate him, that that's
14 what we want the pilots to do. So that was his philosophy for
15 that company was, you know, don't push the weather. If the
16 weather gets bad, you have to find a place to land; don't push it.
17 So I don't know how the weather caught him. I don't know. It's
18 just one of those momentary decisions, I guess.

19 Q. So the pilot, I guess -- I mean, you may have answered the
20 question, but the pilot never told you how he got into that
21 situation to begin with, whether he was pushing the weather or he
22 just got enveloped with it, is that correct?

23 A. It was a moving -- it was my understanding at the time, it
24 was a thunderstorm that's, you know, moving through the area, and
25 it just happened to park over the airfield when he was kind of

1 scheduled to return back, and he was not able to get in the
2 airport. So it's just one of those weather phenomena that's
3 constantly changing.

4 Q. Right.

5 A. And that's happened one time while I was POI.

6 Q. Okay. Have you ever experienced something like that if you
7 were -- when you were flying in Hawaii or Kauai or one of the
8 islands?

9 A. As far as the weather changed, yeah, you get -- you can -- I
10 didn't do a lot of helicopter flying around the islands other than
11 just with the FAA, but you do have constantly changing weather
12 conditions. Different parts of the island will have more weather
13 than other parts. The windward side of the hills will normally
14 have more weather than the leeward side or the downwind side of
15 the hills.

16 Q. Okay. Looking at visibility requirements, right now they're
17 about 3 statute miles. If you raised that to 5 statute miles,
18 would that preclude a lot of air tour flights then just because of
19 the nature of the weather there?

20 A. That -- it could. If you're out flying, the difference
21 between 3 miles and 5 miles for a helicopter, I don't know if that
22 would be a significant change or it might limit -- you'd have to
23 look at the weather data to see just how much that would be a
24 limiting factor for their launch criteria.

25 Q. I'm just trying to draw on your knowledge.

1 A. Each island might be different for that. Yeah.

2 Q. Okay. In your surveillance --

3 A. I'd have to --

4 Q. Go ahead. I'm sorry.

5 A. I was just going to say, before I can make a call, that I'd
6 have to look at the historical weather data to see what -- just
7 what's the percentage of days that might be less than 5 miles
8 versus less than 3 miles.

9 Q. Sure, okay.

10 A. And I don't know what that would end up being.

11 Q. Okay. In your surveillance of air tour operators, did you --
12 what were the most amount of violations, what area would they
13 occur in?

14 A. What kind of violation?

15 Q. What were the most -- well, in your surveillance, the -- what
16 were the majority of violations, what area were they in? Were
17 they preflight briefings, was it the weather, was it maintenance?
18 Something like that. So I'm just trying to assess how many
19 violations were there due to weather in relative terms.

20 A. I can't say how many violations due to weather. I don't -- I
21 can't determine that there were a lot of violations due to
22 weather. If the weather is bad, you're not going to have a
23 productive air tour, so -- generally, if the weather's
24 deteriorating, people are not going to go out watching, to go fly,
25 because the air tour's not going to be productive.

1 Q. Okay.

2 A. And other types of violations, I'm trying to think back what
3 types of violations there would be. We didn't have that many --
4 there were a few with other companies that were somewhat
5 maintenance related, if they launched when they shouldn't have due
6 to maintenance problems with the aircraft, but I can't -- as far
7 as Safari, I can't think of any violations on Safari specifically.

8 I don't know. I had a pretty good rapport with them, and
9 they would let me know if they had found any problems or any
10 issues and then, you know, let me know what kind of corrective
11 action they were going to take. But I can't think of anything
12 where they might've been doing anything in violation. I know
13 there was a period of time there was a training program issue, but
14 that got rectified.

15 Q. Okay. And I think you were with the FAA up to 2018, and if
16 so, were you still surveilling --

17 A. Correct.

18 Q. -- air tour at that time, up to that point?

19 A. Yes.

20 Q. Did you ever make use of -- some of these air tour operators
21 would have external video for their passengers. Did you ever
22 happen to review any of those videos because of maybe a complaint
23 or a concern of a pilot's flying?

24 A. There were some videos that we would observe. We did observe
25 some of the videos, but there were not that many complaints from

1 the air tours. I know there were some with near mid-air, I think
2 that was a Blue Hawaiian, but I don't remember the details of that
3 one, either. And then we were trying to track down some videos
4 for the jump, the parachute operation.

5 Generally, the air tour videos, we didn't have many
6 complaints as far as I can recollect, if aircraft were flying when
7 they shouldn't have been. We did try to track some at -- a lot of
8 noise complaints that we had, especially on the Big Island, and we
9 would run surveillance down there to see if we could observe the
10 flight patterns near the volcano and stuff like that. But that
11 was in generally decent weather conditions, because if the weather
12 was bad there, they wouldn't be flying.

13 But it was mostly, like, altitude restrictions and trying to
14 follow what altitude they're supposed to be at, and generally,
15 operators were all abiding by those limitations.

16 Q. And in your working with operators, were they pretty
17 receptive when you came in and -- to address safety issues, or was
18 there was pushback? And what was the basis of the pushback, if
19 any?

20 A. They worked well with me, and I normally didn't receive any
21 pushback from operators if we came up with something. There was
22 some -- usually some pushback if there were new requirements, and
23 they say, oh, we've been flying this way for 20 years; why do we
24 have to change now? But the requirements changed. So they would
25 come around, but generally I, for the most part, didn't receive

1 much pushback when changes needed to be made.

2 Q. Okay.

3 A. I can't say that all inspectors -- that it depends on the
4 approach they make towards the operators, I think, so --

5 Q. All right. And let's talk a little bit more about
6 surveillance -- how you went about conducting surveillance and
7 others. There was a ghost rider program; I don't know if it was
8 in effect at the time. There was also maybe parking at certain
9 points of, like, Kauai Island to spot air tour helicopters flying
10 over to make sure they're not getting in the weather. I mean,
11 maybe you've got complaints coming in. Can you kind of talk about
12 the tools you use to conduct your surveillance?

13 A. The ghost rider, that was before I started, I guess. We
14 didn't have any -- do any ghost riders on my tenure with the FAA.
15 We did do some surveillance where we'd go out to remote sites on
16 the island, and it would -- we would observe how they were flying
17 in some of the valleys. We didn't really -- the times I went out,
18 I didn't really observe anything that anybody was violating.

19 The other types of surveillance I was able to do is if I was
20 out with another operator, say if I was out with the utility
21 operator and giving a check ride, I would be out in the area, and
22 they wouldn't know I would be there because I was in this other
23 company's helicopter, and then I'd be observing what the other
24 companies were doing -- what the air tours were doing at the same
25 time I was giving a check ride.

1 So there were a few ways that we could conduct that type of
2 surveillance, and otherwise some companies would have flight
3 tracking so that we could tell where they were going and how high
4 they were at the time. We were doing some tracking on -- if there
5 was -- they were in radar on Oahu, but Kauai is kind of limited on
6 how much tracking we could do in that respect, and I don't know if
7 anybody had any flight tracking out of Kauai, either.

8 Q. Okay. One of the areas we're looking at to improve is, you
9 know, either inadvertent flight into IMC or, you know, intentional
10 flight into IMC. And with that, did you participate in or FSDO
11 ever work with the Hawaii Air Tour Association or the -- or HAI,
12 HAA or HAI?

13 A. We'd work with HAI. At times they would have meetings, we
14 would attend their meetings, and that, and that was -- yeah, for
15 all air tours, not just the helicopters, but that included the
16 fixed wing, too.

17 Q. Okay. And what do you think -- I mean, I'm going to ask your
18 opinion. What is the best way to prevent inadvertent flight into
19 IMC or -- and intentional flight into IMC?

20 A. The best way, in my opinion, I guess would be to have -- even
21 if you have strict weather guidelines, it's all going to boil down
22 to that pilot who's out there at the time and his ability to
23 monitor the changing situation and his ability to not feel any
24 pressure to terminate the flight and either return to base or land
25 if you can't return to base.

1 So it's -- I guess the best would be is an attitude, just --
2 and as far as somebody would have that attitude, I would consider
3 Paul Matero having that attitude, which is kind of ironic that
4 he's the one that got caught. But I guess it's basically the
5 climate in the company, the attitude of the pilots, and the
6 attitude of the director of ops and the owner of the company.

7 Q. Okay. I was going to ask this question to the previous
8 person we talked to, and again, this is air tour and flying Part
9 91 versus 135. Wouldn't it be less restrictive for me, from a --
10 as far as training and ops manuals and surveillance, to operate
11 under Part 91 versus 135 because I could do -- I think I could do
12 the same job under Part 91, but a lot of operators choose for --
13 they're flying under 135 but -- so I don't know if --

14 A. Right.

15 Q. So can I --

16 A. Yeah, they're -- they could do the job under 91. The 135
17 gives them a few more options if they do charters for -- and then
18 they have more of a structured training program. They could --
19 well, 90 -- Part 91 operator doesn't have to have as robust of a
20 training program even though a couple of the flights, like Oahu
21 and Kauai, could probably get by with 91-type operations. But
22 Maui and the Big Island, their distances would be too far; they'd
23 have to have 135.

24 Q. Yeah, okay. All right. In surveilling an operator, kind of
25 what are the variables you use to decide which operator you should

1 focus on? And we understand there's a work plan that you put in
2 place, so maybe if you could talk about the work plan and then
3 what kind of triggers hey, we should go look at this operator more
4 versus another operator. What kind of inputs are you using?

5 A. Well, a lot of it was -- the old way we did at first was with
6 SAP (ph.). It was kind of up to us to decide, you know, what
7 surveillance needed to be done or should be done for the
8 operators, but that -- it was kind of more event driven, I guess,
9 how much surveillance each one takes or their complexity of
10 operation.

11 But all that, it's going to kind of determine what's
12 happening in the company. Is there turmoil within the company or
13 have they been running pretty stable? They don't have a large
14 pilot turnover, don't have a large management turnover. And if
15 they are staying in their same size, they're not growing or
16 they're not shrinking, I guess all that would have effects on how
17 well they would operate.

18 Q. And without my -- with my lack of understanding, was -- is
19 financial health part of the risk metric to determine whether a
20 company should be surveilled more than another one?

21 A. We didn't have much visibility on the financial health of
22 each company other than maybe hearsay from the pilots or
23 mechanics, if they weren't able to get parts, you know, or
24 something like that, or they were lacking in training ability, but
25 we didn't have a lot of visibility on the financial stability of

1 each company.

2 MR. GALLO: Okay. All right, that's all the questions I have
3 for now. I'm going to turn it over to Bill Bramble from NTSB.

4 Bill?

5 MR. ANDERA: Okay.

6 MR. BRAMBLE: Thank you.

7 BY MR. BRAMBLE:

8 Q. Hi, Don. How are you?

9 A. I'm fine.

10 Q. I just wanted to confirm your time as POI for Safari, was
11 that 2014 to 2015 and 2015 to 2018?

12 A. Yeah, that sounds about right. Yeah.

13 Q. Okay. During your time as a POI for that company, did the
14 FSDO's approach to overseeing air tour operators in the state of
15 Hawaii change significantly?

16 A. Well, we went through the compliance philosophy, and we went
17 through the transitions of FAAST during that time. Both of those
18 would have somewhat of a change in how we would do surveillance.

19 Q. How did it impact your surveillance in general?

20 A. Well, compliance philosophy was good in that, once the
21 operators found out that we're not the black hat FAA that's out to
22 violate them every chance we could get, they would open up more,
23 and they'd be much more willing to talk to us about things. And
24 if there was a problem or issue they had, they would mostly
25 identify it to us, and then we could just fill out a counseling

1 statement, or they'd make out a -- you know, kind of a letter of
2 correction for what they found. And that information back and
3 forth was beneficial, and it just helped with the basic rapport
4 that we had with the operator.

5 So whenever -- when it started and I'd start with a company,
6 they -- you could tell if the operators were sizing you up as an
7 inspector. What kind of inspector are you going to be? Are you
8 going to be somebody that's always out to get them or somebody
9 that's going to work with them? I always chose that I was just
10 going to work with operators, and plenty fell in line quite well
11 with the compliance philosophy.

12 As far as that, that was a new animal that I was still
13 learning actually up until the point I left, trying to get a
14 handle on everything we had to do with that. And I can't say
15 that, that helped the surveillance that much. We would put our
16 focus into the entries into the computer, and I don't know if we
17 had as much actual legwork then to do observation.

18 And also, during that time, our inspector load kept -- and
19 inspectors kept leaving, and so we'd get more and more operators,
20 and we were (indiscernible). It was hard to do any additional
21 surveillance other than the minimum requirement. And I'm sure it
22 got worse after I left because the inspectors just leave. I don't
23 know. There's very few inspectors at the office there in
24 Honolulu.

25 Q. Okay.

1 A. Also, in that time frame towards the end, that was actually
2 in '17 -- probably in '17 when they started to -- before that
3 point we were doing -- we could do en route, and we would just be
4 hopping between the islands. So if it was relatively easy to get
5 on a Hawaiian flight, they were -- it was -- they were only 30
6 minutes apart at some of the islands, so it was relatively easy to
7 hop on a Hawaiian flight to get out to another island, be there as
8 long as you needed, and to hop on a flight to get back. Once we
9 had to start buying tickets, that would somewhat make it less
10 convenient, I guess, to go through that type of surveillance.

11 Q. Okay. In the years that you were a POI in Hawaii, was the
12 FSDO engaged in any -- take the initiatives or projects upon some
13 normal surveillance at improving the safety of the air tour
14 operators?

15 A. They were -- well, they had the Air Tour Common Procedures
16 Manual, and they were working at updating it, because the initial
17 one that came out, I mean, it was out for a while, and it needed
18 some adjustments and some corrections to it. That was kind of an
19 ongoing thing, and I'm not even sure where that ended up then
20 after I left.

21 Q. Who was leading that effort?

22 A. There were a number of people, because they would rotate
23 through. I don't know if any -- Curtis Whaley was kind of
24 assigned to lead at the time to get things corrected, and we had
25 various inspectors working on it. Gino Rezzonico, he was working

1 on it also, and then it kind of got handed off to the Helicopter
2 International Association, I guess, for them to work on it. And I
3 don't know where it ended up from there.

4 Q. Okay. What was the point of the revision, do you remember?

5 A. Make some of the corrections. Most of that revision was
6 trying to deal with some of the noise complaints. There were
7 noise complaints of helicopters flying over certain areas, and --
8 I don't know, you pick up tourists in Hilo, and you fly them to
9 the volcano, and there's only so many ways you can go to get
10 there. So if you happen to have a house in between them, you're
11 going to have constant helicopters flying over, and there's
12 just -- we're limited on what you could do with the noise
13 complaints.

14 Some other things, they had us -- there are sections in there
15 for weather also, and that's, again, where the -- there were some
16 procedures in there, if the weather started getting bad, what you
17 could do and what you should do. But basically, it was easy.
18 There was a loss criteria and then kind of a recovery criteria.

19 Q. Just so we have some benchmark data compared to other
20 periods, how often would you say you made it out to visit Safari
21 in a year?

22 A. Oh, gosh. Let's see. I probably stopped -- I probably
23 wouldn't be surprised if I would stop in there maybe once a month
24 during -- while I was POI, because if I was on Kauai, even if I
25 was seeing another operator, sometimes I'd just stop in to talk.

1 If I didn't stop in to talk, I was probably talking to Paul Matero
2 at least once a week if not more.

3 Q. By phone or something?

4 A. By phone or text, yeah, email. Email or phone was normally
5 what we would converse with.

6 Q. Okay. And did that change over time between 2014 and 2018?
7 Did you see them -- did you get to visit in person more?

8 A. I would say towards the end it was probably less and less,
9 because our workload was getting more and more as we were losing
10 inspectors. Because at the same time I was at Safari, I also had
11 operators on Guam and Saipan, I know, so I was making trips out
12 there like once a quarter. And then making trips to Dallas once a
13 quarter to do the currency flying so that -- it was a struggle to
14 try to keep juggling all the requirements.

15 Q. Why was it hard for the FSDO to retain POIs?

16 A. I don't know. People would find work elsewhere. They would
17 either -- some progression, there was always a pull to go upstairs
18 to the 121 side. If we had an inspector that came over from the
19 mainland, we could expect them to be with us maybe 2 years, and
20 they'll be looking for someplace back on the mainland to go. They
21 wouldn't want to stay in Hawaii. Those were struggles there.

22 And everybody has to deal with that, living in -- even
23 operators have a struggle getting pilots to stay on the islands,
24 because they come to Hawaii, and then they get sticker shock for
25 the prices, and then they don't want to hang around, and they

1 leave. So all the operators and the FSDO office all have to deal
2 with that kind of struggle of maintaining personnel.

3 The other aspect, and I don't know if it's a direct relation
4 or not, the management in the FSDO was not ops oriented. It was
5 either some other -- mostly maintenance and then a flight
6 attendant is the current manager, I think. So they couldn't
7 necessarily relate to operations issues, so we would have to work
8 with each other, you know, cross-level each other on information
9 to make sure we were doing things as we should.

10 But we didn't have an ops manager since -- yeah, front line
11 was Chico Cantu. He was the last ops manager and then the FSDO
12 manager. There was a -- I don't even know if they had one while I
13 was there.

14 Q. Okay. During the last year that you were POI there in
15 Hawaii, how did the FAA monitor air tour operator compliance with
16 minimum in-flight weather requirements?

17 A. Minimum in-flight weather requirements?

18 Q. Like --

19 A. We make sure that --

20 Q. -- monitoring (indiscernible).

21 A. I'm not sure what you're trying to ask. I mean, is there a
22 training program?

23 Q. In their actual operations, how did the FAA monitor that tour
24 operators on Kauai were complying with minimum weather
25 requirements?

1 A. Basically, that we -- it would be hard for us to even make
2 sure we monitored that. Because the weather conditions would
3 change quite often, and so without sitting at the airport 24/7, it
4 would be hard to monitor exactly if they were or were not. It
5 would just be by chance if we would happen to be there and the
6 weather was bad, but generally those days -- if the weather was
7 bad, I wouldn't want to go, because if I was there visiting, I was
8 probably giving a check ride or something somewhere on the island,
9 and so you're looking for a little better weather. I can't say
10 that we went there on the bad weather days to see if anybody was
11 flying.

12 MR. BRAMBLE: Okay. All right, that's it for me right now.
13 I'm going to go ahead and pass the baton to Brice. Thanks a lot,
14 Don.

15 MR. ANDERA: Sure, no problem.

16 MR. BANNING: Hi, Don. Thanks for visiting with us. I don't
17 have -- I really appreciate you taking the time. I don't have any
18 questions right now, so I'll hand it to Patrick. Is that what
19 you'd like to --

20 MR. GALLO: Yeah, Patrick Lusch from AVP-100, if -- questions
21 are all yours right now.

22 MR. LUSCH: Hi, Don. This is Patrick from AVP-100. I
23 conduct investigations here. I have no questions for you. I just
24 wanted to also offer my thanks for your time today in helping out
25 with the investigation.

1 MR. ANDERA: Okay, no problem. I'm willing to help, if I
2 can. I don't -- oh.

3 MR. GALLO: Mitchell Gallo here. I have a couple more
4 questions.

5 BY MR. GALLO:

6 Q. I know you're retired. Can you give us a reason why you're
7 retired?

8 A. I had enough, I guess. There's two reasons when you retire,
9 is when you have enough and when you've had enough, and I guess I
10 met both of those criteria. And I also could see that the
11 situation was just getting worse as far as the inspector load, and
12 I felt -- but I was, like, stretched pretty thin. I was getting
13 burned out bouncing between, you know, going to see operators in
14 Guam -- between going to Guam and going to Dallas every quarter,
15 that's four times in each -- opposite directions.

16 And then working a pretty heavy workload, it was just burning
17 me out. And I figured that I just had to get out of that
18 environment, otherwise I wasn't going to last, that my health was
19 going to be -- take a hit. So that's kind of what caused me to
20 retire when I did.

21 Q. Prior to being employed at the Honolulu FSDO, did you live on
22 the mainland? Or where were you living prior to coming to Hawaii?

23 A. I got stationed in Hawaii when I was still in the Army, and I
24 was stationed -- I got stationed there in '99, and I retired in
25 '03 in Hawaii. And I wanted to transition to airline and thought

1 that well, it would be my time to get fixed wing training. So I
2 got my fixed wing instructor certificate and then took a job with
3 a cargo company to build up the fixed wing time in a transport
4 category aircraft. And by then it was '08 time frame, and all the
5 airlines were in a downturn because of the economy. And the FAA
6 was hiring, so I decided to go that route.

7 Q. Okay.

8 A. And then I stuck out 10 years with the FAA, and that was
9 enough.

10 Q. And if you don't mind me asking, how old are you?

11 A. Right now, I'm 61. I retired when I was 59 -- or left the
12 FAA when I was 59.

13 Q. Okay, so you're 61 now. And are you living in the
14 mainland -- you don't have to tell me where, but mainland or
15 Hawaii right now?

16 A. No. I'm living in Hawaii still.

17 Q. Okay.

18 A. I'm currently on the mainland, but I'm just helping my family
19 out with spring planting.

20 Q. Okay, I see. When you were working with operators, did you
21 ever use the onboard videos to review flights with an operator if
22 you had a concern?

23 A. Yes, we'd do that occasionally, if they had a question of
24 where they were at, at the time. It was more -- I guess more to
25 do with noise complaints at the time than weather related, because

1 it seemed like a lot of calls we got, our focus was on noise and
2 not so much that they were flying in bad weather.

3 Q. Okay. And just trying to assess the kind of reception you
4 received. I mean, you kind of discussed it a little bit. When
5 you went to the operator, say, let's pull this video, who would
6 you discuss the video with? Would it just be the manager, or
7 would it be the manager and the pilot? What was the forum like?

8 A. Normally, I was usually with the director of ops or the chief
9 pilot is my point of contact. I didn't have that much direct
10 contact with other pilots within the operators. But normally, if
11 it was available, I didn't have any problems getting copies of the
12 videos, because for the most part, if there was an issue, the
13 operators wanted to get -- figure out -- they wanted to
14 investigate it, too, and figure out what happened.

15 Q. And with that, do you think the best way to effect a change
16 in safety is a cooperative approach or a punitive approach?

17 A. I think it's cooperative.

18 Q. Okay.

19 A. Personally, I think just to maintain a good rapport with them
20 and, you know, then if you've got to convince them to make some
21 changes, if you have a good rapport it's better than always being
22 in a struggle with them or fighting them. I don't know. It
23 seemed to work better with me to maintain a good rapport with the
24 operators. And I never wanted them to hesitate in calling me if
25 they had some issues.

1 Q. You mentioned workload, and I think you kind of described it,
2 but I know we work on 40-hour weeks, and then beyond that, you
3 get, I guess, comp time. I don't know if you were getting
4 overtime, but --

5 A. Yeah.

6 Q. But if you go back, what was, like, the total number of hours
7 per week you were working then if you had all these operators?

8 A. Oh, god. I would be building up a lot of comp time and a lot
9 of overtime, so I wouldn't be surprised if it was closer to, you
10 know, 50 hours a week or so. Part of that was all the travel time
11 we had traveling to Guam, traveling to Dallas.

12 And then, if you're going to Dallas, the flights started on
13 Tuesday, but leaving Hawaii, you'd have to leave Sunday night and
14 arrive there Monday morning and then -- to get time enough to
15 recoup so you could start flying on Tuesday. So we had a lot
16 of -- a lot of weekends were spent traveling, so that would build
17 up the comp time and overtime rapidly.

18 Q. I may be able to answer this, but I want to see if you know
19 it. I'm still trying to get the numbers. I'm not sure. But, I
20 mean, you're being assigned to look at air tour operations, so you
21 have to get some kind of history of air tour when you came on
22 board to the FAA. Is there any kind of in-brief that would tell
23 you, this year we have this accident rate, which is so many per
24 hundred thousand hours this year. Does anybody brief you on the
25 trend or the current status of air tour when you came aboard and

1 subsequent to that?

2 A. They talked about it, the history in air tours, trying to
3 bring the accident rate down. And they had brought it down from
4 the past years -- from, like, the '80s and '90s, so they brought
5 the accident rate down quite a bit. And so we -- yeah, we were --
6 I don't know if it was -- I guess it was considered formal
7 briefing or more informal briefing with management and the other
8 inspectors, and so -- how the office was operating at that moment
9 with surveillance, and why they were doing what they were doing.

10 Q. All right.

11 A. I don't know specific numbers in the accident rate and how it
12 came down, but I know it did come down from the earlier years.

13 Q. Okay. And going back to surveillance, just to want to
14 understand the working relationship. Prior to going to an
15 operator -- and this is when you first got on board to the FAA --
16 was there an open dialog with other inspectors? Did you talk to
17 them regarding history of certain operators and what they
18 experienced before you went out?

19 A. Yes, yeah. There was some handoff there, yes.

20 Q. Okay.

21 A. And if I was -- when I first started, if I wasn't familiar
22 with them, yeah, I would talk to prior -- the prior POIs if they
23 were available.

24 Q. So my understanding is that the POI creates the future work
25 plan for the year -- the fiscal year on surveillance, and you're

1 saying you had all this workload because of all these operators,
2 so was that workload induced because of the work plan you created
3 or because of you had so many assignments and each assignment --

4 A. There --

5 Q. Go ahead.

6 A. Well, there's so many assignments and then the work program,
7 certain things drove the work program, whether the old way you did
8 it or the new way, as to how much surveillance each operator
9 needed. And when you pile all those surveillances up for the
10 operator, and then you factor in what days or weeks you might be
11 gone for this training or that training, and then you try to fit
12 everything else in, and then you'd have to leave some time for the
13 unexpected, like accident investigation like that, it would take a
14 chunk of time out which you couldn't really plan for but you had
15 to sort of expect.

16 MR. GALLO: Okay. I know we discussed a lot of different
17 areas, and actually, I'm running out of questions. And I don't
18 know if anybody else has any questions. I know they didn't, but
19 I'll just go around the room. Does anybody else have any
20 questions?

21 MR. BRAMBLE: I don't have anything to add, Mitch.

22 MR. GALLO: All right.

23 MR. BRAMBLE: This is Bill Bramble.

24 MR. GALLO: Okay. And, Mr. Andera, so we'll close it out,
25 but all the areas we covered, is there anything that you want to

1 tell us that may help us in improving air tour safety? Or if you
2 have anything to add that we haven't covered, you know, you could
3 let us know now.

4 MR. ANDERA: I don't know how, how it could be improved,
5 because it seems a lot of it has to, has to happen at the pilot.
6 Where the rubber meets the road, I guess, how that pilot responds
7 to the changing weather conditions and what tools will help that,
8 whether that's changing that pilot's attitude or -- I can't tell
9 if it's increasing. Any type of equipment would help. I don't
10 know. That's a judgment call of the pilot at the moment he's
11 seeing the weather as to what he's going to do, and that's a hard
12 piece to try and control.

13 MR. GALLO: Okay. All right, I appreciate --

14 MR. ANDERA: I don't know if ADS -- if ADS-C helps the
15 monitoring of the air tour surveillance, that could be another
16 tool in the toolbox. I'm not sure how to utilize it for certain,
17 but it would just be another way to monitor.

18 MR. GALLO: Okay. Well, that concludes our interview. I
19 appreciate your time, and we are off the record.

20 (Whereupon, at 1:55 p.m., the interview concluded.)
21
22
23
24
25

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: AIRBUS AS350 B2 HELICOPTER
 CRASH NEAR LIHUE, HAWAII
 DECEMBER 26, 2019
 Interview of Don Andera

ACCIDENT NO.: ANC20MA010

PLACE: Via telephone

DATE: May 14, 2020

was held according to the record, and that this is the original,
complete, true and accurate transcript which has been compared to
the recording accomplished at the hearing.



Karen D. Martini
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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AIRBUS AS350 B2 HELICOPTER

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CRASH NEAR LIHUE, HAWAII

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Accident No.: ANC20MA010

DECEMBER 26, 2019

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INTERVIEW OF: TIFFANY CHITWOOD, Officer Manager
Federal Aviation Administration
Honolulu FSDO

Via telephone

Friday,
May 15, 2020

APPEARANCES:

MITCHELL GALLO, Air Safety Investigator
National Transportation Safety Board

WILLIAM BRAMBLE, Human Performance Investigator
National Transportation Safety Board

BRICE BANNING, Air Safety Investigator
National Transportation Safety Board

PATRICK LUSCH, Investigator in Charge
Federal Aviation Administration

MARK TOMICICH, Representative
(On behalf of Ms. Chitwood)

I N D E X

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I N T E R V I E W

(1:00 p.m.)

1
2
3 MR. GALLO: This is an interview with Tiffany Chitwood. This
4 is pertaining to accident investigation ANC20MA010. Ms. Chitwood,
5 to begin with, do we have your permission to record the
6 conversation?

7 MS. CHITWOOD: Yes, sir, you do.

8 MR. GALLO: Okay, and a representative of your choice is
9 Mark Tomicich, is that correct?

10 MS. CHITWOOD: Yes, sir.

11 MR. GALLO: All right.

INTERVIEW OF TIFFANY CHITWOOD

12
13 BY MR. GALLO:

14 Q. To start out, can you give us your aviation-related
15 background prior to being employed by the FAA?

16 A. Well, it takes us back 20 years ago, but I worked for a
17 number of air carrier airlines. I had various positions such as
18 flight attendant, ground agent, regulations agent. I was also
19 part of a couple of (indiscernible) director of in-flights for
20 Fairchild (ph.) and Domain (ph.), and that was basically the last
21 (indiscernible) prior to coming to the FAA in 2000.

22 Q. Okay. And those positions prior to coming to FAA, were those
23 on the regional carriers or majors?

24 A. Well, regional carriers, 121 operators. I also had
25 experience with a 135.

1 Q. Okay. And the 135 experience, what did you do there?

2 A. Under the 135 experience, I was -- and this is going back a
3 long time ago -- reservations for one airline and the other was an
4 initial certification.

5 Q. Okay.

6 A. And I was the director of in-flight.

7 Q. Okay. And then can you take us through your various -- I
8 mean, you started in, I think it was 2000 with the FAA. Can you
9 take us through the various positions you held up until now?

10 A. Oh, sure. I started with the FAA in October of 2000. I came
11 in as an aviation safety inspector. My background was cabin
12 safety. I was in the TWA certificate management office in
13 St. Louis. From there, I moved to the Kansas City FSDO as an ASI,
14 cabin safety again, assigned to the certificates in that office.
15 I was also a regional support person providing cabin safety
16 subject matter expertise across the region.

17 From there I went to join the ACE-290 group; it's a regional
18 safety analysis and evaluation branch. I was a regional
19 specialist. From there we actually morphed into another branch,
20 which is the technical branch, the ACE-250 branch, which evolved
21 again into the ACE-230 branch, which is general aviation technical
22 support. And I ended up on the air carrier side again as an
23 aviation safety inspector/regional specialist. From there, I
24 became the ACE-290 branch manager, which is the safety analysis
25 and evaluation branch.

1 From there, I went to become the Kansas City Flight Standards
2 District Office manager. I returned to the regional office as the
3 central region's assistant division manager/executive officer.
4 And then from there, in May of 2017, I left Kansas City and came
5 to Honolulu as the Honolulu FSDO's manager, and I've been here
6 since 2017.

7 Q. Okay, thank you. Going back to the position that you held
8 with the regional safety evaluation branch, aside from the title,
9 I don't know what they do. Is there any statistical evaluation
10 done in that branch and were you a part of it?

11 A. In a nutshell, what that branch does is monitor the health of
12 the region. So we primarily look at data to report to the
13 regional division level as to compliance nature of certain things
14 from the data. We would also do audits and evaluations out in the
15 field when requested or when a risk popped up that needed our
16 attention.

17 Q. Okay. In that branch, are you doing any mathematical
18 analysis on data that's coming in, you, yourself?

19 A. Personally, no.

20 Q. Okay. And can you refresh my memory, when did you join the
21 Honolulu FSDO as operations manager -- or office manager, I'm
22 sorry.

23 A. I believe I became on the payroll in late April of 2017, but
24 I was not physically in the office until May of 2017.

25 Q. Okay. And who was the previous office manager for Honolulu

1 FSDO?

2 A. The previous manager, I believe, was KC Yanamura.

3 Q. Okay. And I want to talk a little bit about what your duties
4 are -- your daily duties are as an office manager and if you could
5 describe those. Is it payroll, is it administrative actions?

6 A. It's hard to summarize, but let me give it a try.

7 Q. Okay.

8 A. My position as office manager, I have a management team that
9 reports to me. I am responsible for basically the strategic
10 vision of the office. I do roll over into the technical side. I
11 take care of two frontline managers. Currently, I also have an
12 assistant manager on board. And we are responsible for all of the
13 general aviation oversight within the Hawaiian Islands and Guam,
14 Saipan, and some of the Micronesian islands.

15 Q. Okay.

16 A. That's education, outreach, surveillance, oversight,
17 enforcement. In a basic nutshell.

18 Q. All right, and when you became the manager there in 2017, can
19 you talk about staffing levels, how they changed prior to 2017,
20 and then from 2017 onward with the numbers of POIs you have, the
21 number of frontline managers you have, and how many positions
22 today are open for POIs?

23 A. Okay, I heard several questions, and let me try to address
24 them each. First, prior to 2017, I can't really answer that
25 question because I was not part of the office. Coming on board in

1 2017, I honestly do not recall the exact staffing level, so I
2 can't really comment on that. Since 2017 until now, we have had
3 several changes in the office, people coming and going, especially
4 on my operations side of the house, principal operations
5 inspectors. Is that the question? Are you asking about principal
6 operations inspectors or office inspectors?

7 Q. Well, right now (indiscernible) simple line of questions.
8 Right now you have two POIs. My understanding, there's up to --
9 there should be a total of seven.

10 A. Actually -- hold on just a moment -- we have been going over
11 our complexity numbers, and offices' staffing levels are
12 determined mostly by complexity numbers. What complexity numbers
13 are is a set value that is assigned to certain operators. For my
14 office, currently I believe those are accurate, and our
15 appropriate level for the operations side would be six.

16 Q. Okay, and then -- but currently, you have two, right?

17 A. I have more than two on the ops side of the house, but I only
18 have two fully-trained principal operations inspectors.

19 Q. Okay. And when did the others come on board, then?

20 A. Oh, I do not have exact dates in front of me, but I believe
21 one came on board -- actually, I have two gentlemen who came on
22 board late in 2019, but I do not have the exact dates.

23 Q. Okay, so just refresh me -- refresh my memory. The total
24 POIs you have at this time are --

25 A. Total aviation safety inspectors of operations are four. I

1 only have two fully-trained principal operations inspectors.

2 Q. Okay. I want to go back a little bit on your background
3 again. Do you have any FAA certificates or pilot certificates or
4 ratings?

5 A. No, I am not a pilot.

6 Q. Okay. Going to your educational background, can you tell us
7 what that -- describe your educational background.

8 A. Sure. I am a high school graduate with some college
9 background.

10 Q. Okay. And I want to talk a little bit about the status of
11 the Hawaii Air Tour manual. I think it was authored -- or it was
12 issued in 1999, and it hasn't been revised yet. Is anybody
13 working on that right now?

14 A. I'm a little confused by the question. If you are speaking
15 -- are you asking me about the Hawaii Air Tour Common Procedures
16 Manual?

17 Q. Correct.

18 A. Okay, the Hawaii Air Tour Common Procedures Manual was
19 actually put out in 2008. It has not been revised since then. It
20 is in effect in its current state, and it is in the process of
21 being reworked.

22 Q. Okay. And can you tell me who's assigned on working on that
23 project?

24 A. That project is a very complex project, and currently I am
25 the lead POC on that. And I am working with our policy branch,

1 which is the AFS-250 branch; we have an air tour subject matter
2 expert up there who I'm working with.

3 Q. Okay. What air tour organizations do you work with commonly?
4 I've seen HAA, HAI. Any other industry groups? And can you tell
5 me what industry groups you're working with?

6 A. There are several industry groups out there. I don't
7 necessarily work directly with the group. We have had
8 involvement. We are aware that we have certain operators that are
9 members of the Hawaii Helicopter Association, which is an
10 affiliate to the Helicopter Association International. We are
11 aware that another operator has taken part in COPS (ph.), and I
12 cannot remember what the acronym is. But I believe that is, to
13 the best that I can recall, the ones that I'm familiar with.

14 Q. Okay. I think the one I'm looking at, I haven't contacted
15 them yet, is the Hawaii Helicopter Association. Do you routinely
16 talk to anybody in that association or, let's say, the president?

17 A. The Hawaii Helicopter Association has been very active. We
18 have had interactions with them on various levels. The president
19 of the organization just changed recently, and yes, we have had
20 interactions with them.

21 Q. Okay. And can you tell me who the president is of the HHA,
22 the Hawaii Helicopter Association?

23 A. Not right off --

24 Q. Okay.

25 A. Not right off of the top of my head. I would have to go back

1 and look.

2 Q. Do you get involved in any of the pre-surveillance briefings
3 or post-surveillance briefings by POIs surveilling their assigned
4 operators?

5 A. Normally, no.

6 Q. Okay. And who do they normally brief, then, when they --
7 prior to leaving and when they return?

8 A. The ASIs report to a frontline manager, so they would
9 normally go to their frontline manager.

10 Q. Okay. I think my understanding of the number of frontline
11 managers for operations used to be two, now it's down to one. I
12 think Darett Kanayama is the one frontline manager. Do you have
13 openings -- how many flight -- frontline managers should you have
14 in a FSDO?

15 A. I need to correct something that you said. Currently, we
16 have two spots for frontline managers, and since I have been in
17 the office since 2017, there have only been two positions for
18 frontline manager. Darett Kanayama is one of the frontline
19 managers; he's currently assigned to the airworthiness group.

20 Q. Okay. And is the other frontline manager position filled or
21 is it vacant?

22 A. It currently is held by a temporary promotion person in the
23 spot, and we have bids out to permanently fill the position, the
24 FOM (ph.) ops.

25 Q. Okay. And the person that's filling it temporarily, is he

1 from the Honolulu area or from another FSDO?

2 A. He is from the Honolulu FSDO.

3 MR. GALLO: Okay. That's all the questions I have. I'm
4 going to turn it over to Bill Bramble. Thank you.

5 MS. CHITWOOD: Thank you.

6 BY MR. BRAMBLE:

7 Q. Hi, Ms. Chitwood, how are you doing? I'm Bill Bramble from
8 NTSB's Washington office. I'm a human factors investigator.

9 A. Good morning.

10 Q. How would you characterize the workload of the inspectors,
11 let's say the principal operations inspectors at this FSDO over
12 there in Honolulu in 2019?

13 A. High.

14 Q. Okay. And can you elaborate on that, sort of what the
15 situation was like for them in terms of workload and staffing and
16 so forth?

17 A. I can give you to the best of my recollection. With only two
18 fully-trained principal operations inspectors, we have a
19 significant number of complexity points in our office. The
20 workload was extremely high, and we were -- we have been trying to
21 balance that and to raise our staffing levels to assist with that.

22 Q. And was that the situation when you arrived in 2017? Were
23 there only two?

24 A. No. And I cannot remember the exact number of principals
25 when I arrived in 2017.

1 Q. Okay. What were you guys doing to deal with that staffing
2 situation?

3 A. Could you clarify a little bit, what staffing situation?

4 Q. So, if you had two POIs but you have enough complexity points
5 for six, I was just wondering, were you in a hiring mode? Or what
6 was happening with respect to the number of POIs in your plans for
7 staffing?

8 A. For staffing, because of our complexity numbers, yes, we have
9 had open bids continuously recruiting for operations inspectors.
10 And at a certain point last year, knowing that the complexity was
11 -- actually, it started, I believe, at the end of 2018. Knowing
12 that we had too much complexity, I worked with our division to
13 transfer certain certificates out of our office temporarily to an
14 office that has resources that could appropriately manage those
15 until we could get our staffing levels back. I also have one of
16 the operations principals in a temporary 14, and that's a grade
17 level that will allow additional complexity to be applied to him,
18 to manage what we have.

19 Q. Okay. Is this a significant challenge for the office,
20 staffing-wise, or is it not a significant challenge for you?

21 A. Staffing is a significant challenge due to Hawaii being a
22 hard-to-fill location. Because we are disconnected from the
23 continental U.S. and because we have a high cost of living, it's
24 difficult to attract folks to our office.

25 Q. Okay, okay. So you said in 2018 something started. Was that

1 the reassessment of complexity points, or was that the open bids?

2 A. We continually monitor our complexity, and we have had
3 continual bids out there, so I'm not sure I understand the
4 question.

5 Q. You said, for staffing, we've had open bids continuously for
6 inspectors, and then that started at the end of 2018, but I
7 might've missed something.

8 A. At the end of 2018, we had recognized that we were unable to
9 completely manage all of the certificate points, and we came up
10 with a proposal that was vetted to our division to transfer a
11 certain number of points and certificates to another office that
12 had the resources to be able to appropriately oversee those
13 certificates until we got to a point where we could bring on
14 enough staffing and personnel to bring those points back in
15 management.

16 Q. Okay, so the end of 2018 was the beginning of that process to
17 transfer -- to assess and then transfer the certificates. I see.

18 A. Correct.

19 Q. Okay. And so you had open bids for hiring people prior to
20 that point?

21 A. I believe so, yes.

22 Q. Okay. What involvement do you have in the development of
23 individual operations inspector work plans?

24 A. I really don't have any involvement. I am aware of what's in
25 the system, but I don't do the development of the work plan.

1 Q. Okay. Who works with them on that?

2 A. If we are talking about the ops inspectors and we are talking
3 about the operators who are in our FFAST oversight database, it is
4 the principal inspector that's responsible for basing their
5 surveillance on risk, and then whatever plan they come up with in
6 that system would be submitted to their frontline manager for
7 proper resourcing and approval. We also have the --

8 Q. Okay.

9 A. We also have the NPG, which is our national program
10 guideline, and that is the surveillance requirement for everything
11 that is outside of our FFAST database, and that is normally
12 preprogrammed from a national level and comes to the office and is
13 assigned to the inspectors who are responsible for the
14 certificates.

15 Q. Okay. Okay, so primarily the frontline manager oversees that
16 within the office with the inspectors -- operations inspectors'
17 development of their own work plans in SAS would have input from
18 that?

19 A. (Indiscernible) input.

20 Q. Okay.

21 A. And let me back up, just to be clear, it's not only the
22 operations inspectors. All of the ASI specialties who have
23 operators that are in SAS, which would be the 135 and 145
24 operators, are responsible for developing their own work plans by
25 identifying risks and presenting a workflow plan to their

1 frontline managers to review and approve, assign resources to.

2 Q. Okay. Okay. All right. Were you briefed on oversight
3 activities involving Safari Helicopters in the year before the
4 accident?

5 A. Unless you have a specific time, I'm sure we've talked about
6 operators throughout the year, but I cannot give you any
7 specifics.

8 Q. Okay. Have any problems with that operator been brought to
9 your attention?

10 A. Aside from the accident in December of last year, no notable
11 issues, no.

12 Q. Okay. All right. Does the FSDO's oversight of Part 135 air
13 tour operators in Hawaii differ significantly from its approach to
14 overseeing other kinds of 135 operators? Is there something
15 unique about the way you oversee air tour versus other types of
16 operators?

17 A. If you're talking specifically 135, 135 has a common set of
18 regulations. However, if you are operating an air tour in the
19 state of Hawaii, Part 136 does apply, so there is a little bit
20 more to it. As far as our approach to oversight, we oversee
21 everybody the same.

22 Q. Okay. Has the approach to overseeing air tour operators in
23 Hawaii changed significantly in recent years?

24 A. The oversight? No.

25 Q. Okay. How is the relationship between the FSDO and air tour

1 operators in the state? Any particular successes or challenges?

2 A. No. We have worked well with the operators; we've had good
3 communication. There are a number of air tour operators in the
4 state. I can't say that we've had any truly negative issues with
5 them, no.

6 Q. Okay. What frequency and type of operations inspections
7 would typically occur over the course of a year for an air tour
8 operator of the size of Safari Helicopters?

9 A. I would be speculating to give you a response. It would be
10 based on the oversight profiles that the inspectors develop for
11 each one of the carriers and depending on risk.

12 Q. Okay. Do you have any kind of rule of thumb, like you kind
13 of would like to see inspectors touch base, like visit an operator
14 once a month or once a quarter or anything like that? Or is it
15 purely based on the SAS output?

16 A. There is no such need. We want to reach out to each operator
17 on a daily, weekly, or monthly basis. There are guidelines within
18 our work program, and again, it's based on the risk that's
19 determined by each inspector.

20 Q. Okay. Okay. What's the purpose of the update of the Air
21 Tour Common Procedures Manual?

22 A. The current HATCPM, the Hawaii Air Tour Common Procedures
23 Manual, came out in 2008, and it's currently outdated. It just
24 needs to be updated.

25 Q. Okay. Some of the folks we've interviewed suggested that

1 maybe the principal operations inspector for Safari was unable to
2 get travel funds or permission to do en route out to Kauai to
3 provide operation surveillance in the fall of 2019. Do you know
4 anything about that?

5 A. I have heard that.

6 Q. Do you know if that's -- is that accurate or is that not
7 accurate?

8 A. To my knowledge, we have not denied any travel requests in
9 our E2 travel system to the POI.

10 Q. Okay. Was there any guidance that came out that said that --
11 in the fall of 2019 that said that POIs could not jump seat or en
12 route on air carriers to get to the other island?

13 A. Not that I know of. Let me clarify that, though. In order
14 for an inspector in my office who is not assigned to a 121
15 operator to en route, they must have a work task that they can be
16 assigned to. The work tasks are really handed out through the
17 certificate management offices for the big operators.

18 So as an example, if an inspector wanted to travel to, I
19 don't know, Maui, and they were requesting to do an en route on an
20 airline, they would have to show, in the database, where the
21 airline is requesting that work to be done. Because we are not
22 responsible for the oversight of that operator, so they would have
23 to have a work task available to go do -- it's not just an
24 arbitrary jump on an airplane.

25 Q. I see.

1 A. If there is no work task available, then we would approve
2 official government travel.

3 Q. And that would involve a paid ticket in E2, is that right?

4 A. Correct.

5 Q. Okay. Did you have any difficulty obtaining sufficient
6 funding for the investigators to travel to perform surveillance in
7 the fall of 2019, or did you feel you had adequate funds?

8 A. I don't recall having any issue.

9 Q. Okay. How does the FAA's safety management system approach
10 influence this approach to overseeing Part 135 air tour operators?

11 A. That's a bit of a difficult question to answer. I can say
12 that our approach has changed and that is why we have SAS. SAS is
13 our safety assurance system and that is one of the tools of SMS
14 that helps us reach our consistent approach to safety oversight of
15 the operators.

16 Q. Okay. And the change to the philosophy is what you do or how
17 you approach surveillance?

18 A. Changed how?

19 Q. I don't know, that's why I'm asking. I'm just wondering if
20 it had changed there with approach surveillance.

21 A. Not necessarily. What has changed is the way that we
22 document things in the system, but it is all based on risk,
23 risk-based decision making. And we have a standard set of
24 questions which are within the database, but we also have the
25 flexibility that allows the principals to identify additional risk

1 increase (indiscernible) to look at things.

2 Q. Okay. All right. Do you think it has led to a more
3 collaborative relationship with operators or has the relationship
4 remained the same as before that, that transition to an SMS
5 approach at FAA?

6 A. In my opinion, I would say it has fostered a collaborative
7 relationship.

8 Q. Okay. In the year before the accident, what air tour risks
9 was the FSDO most focused on monitoring or addressing in the air
10 tour industry in Hawaii?

11 A. I'm trying to think of specifics, and I cannot think of it
12 off of the top of my head. I would have to go back and look.

13 Q. Okay. There was no -- but there was no hot issue that was
14 sort of an area of special emphasis or anything like that?

15 A. No.

16 Q. Okay.

17 A. Let me back up. There was no special emphasis as far as
18 surveillance, if that's what you're asking me.

19 Q. All right, surveillance. Yeah, surveillance or any
20 initiatives to hold meetings or anything of that sort to promote
21 safety in air tour, just sort of -- I'm just sort of trying to
22 figure out if there was anything going on programmatically with
23 air tour or any particular concern or focus area at the system
24 level.

25 A. The biggest involvement for us has been with the HATCPM and

1 trying to work the needed updates to it. The Hawaii air tour --
2 the air tours in Hawaii have been under, I guess, a microscope
3 with the community, the community is very aware of their presence
4 and noise is an issue, but it's very complex for us to be working
5 through things. And so we have had community meetings, we have
6 talked with the state as technical advisors, or not advisors, as
7 technical representatives to answer questions and then also
8 working through questions with the HATCPM.

9 Q. Okay. What is your impression of the types of air tour
10 accidents that have led to the most fatalities in Hawaii over the
11 last decade or two?

12 A. I'm not sure what you mean by what is my impression. Could
13 you clarify?

14 Q. Okay. What types of air tour accidents have led to the most
15 fatalities in Hawaii over the last decade or two?

16 A. Honestly, I can't speculate. I can only talk to some of the
17 things I've seen while I've been here.

18 Q. What have you seen since you've been there?

19 A. It has been related to rotorcraft accidents.

20 Q. Any commonality in the causal factors or the types of
21 accidents?

22 A. I would have to go back and look at forms.

23 Q. Okay. What inputs, if any, has the nature of past air tour
24 accidents in Hawaii and related NTSB recommendations had on the
25 FSDO's approach to overseeing air tour operators in the state?

1 A. Prior to my arrival and with the original development of the
2 HATCPM, I know there were some safety recommendations that were
3 taken into consideration when the HATCPM was written. One is the
4 -- an annual safety meeting that the operators are supposed to be
5 holding, that has affected it. I also believe that there are some
6 changes that came about with our NPG as far as oversight of some
7 of the air tour operators, as well.

8 Q. Okay. Do you know if those annual safety meetings are
9 continuing or did they -- did one occur in 2019?

10 A. I would have to go back and look at each one of the
11 operators. It's in the requirements for each operator.

12 Q. Oh, okay. Was there any kind of statewide safety meeting
13 among the tour operators in 2019 with the FAA participating or
14 anything like that?

15 A. The FAA did not hold anything in 2019 as far a safety-wide
16 meeting for air tours, no.

17 Q. Okay. And is that something that had happened in the past?

18 A. I can only speak from what I've heard because prior to 2017 I
19 wasn't here, but what I understand is that when the HATCPM was
20 first introduced, to kick off the safety meetings, I believe an
21 original one was held by the FAA for the group, but the
22 requirement is for the operators.

23 Q. Okay. All right, and on the HATCPM, we had heard some
24 information that maybe the FAA was considering sort of
25 transitioning responsibility for updating that or ownership of

1 that to HAI. Is that accurate?

2 A. The HATCPM has been in a state of looking at revisions since
3 prior to my arrival in the Honolulu FSDO and what has been
4 proposed is that the HHA would take ownership of a new replacement
5 HATCPM where they would develop all of the processes and
6 procedures and guidelines to become a part of the general
7 operations manual which would be submitted to the FSDO for
8 acceptance. To date, we have not received any.

9 Q. Okay. What's the status with that? Is the HATCPM going to
10 be transitioned to the HAA or it going to stay with FAA? Has
11 there been a decision on that?

12 A. The current HATCPM, which is in its original state dated
13 2008, is the current controlling document. There has been
14 discussion on, like I said, ongoing talks of a replacement coming
15 to us from industry; however, that has not happened, realizing
16 that this is a very complex issue and that we need to take some
17 action. The FSDO is currently looking at alternate options for a
18 replacement.

19 Q. Okay. So was the idea that industry was going to revise it
20 and then present it back to you guys and you were waiting for that
21 to happen or was FAA supposed to be doing something?

22 A. No, industry has stated that they were interested in taking
23 this on because these are truly safety procedures and that they
24 would like to possess them as a portion of their manual systems;
25 however, again, we have not seen anything presented to us from any

1 one of the operators.

2 Q. Okay. And what is the role -- I guess there was somebody in
3 (indiscernible) was AFS-240 named Monica. I'm blanking on her
4 last name, but supposedly there was a specialist in Washington
5 that was involved in working with you on that?

6 A. Correct, prior to my arrival and still with me now, we have a
7 subject matter expertise in air tours, which is in our AFS-250
8 branch, and that's Monica Buenrostro.

9 Q. Okay, Monica Buenrostro. And what's her role in the
10 revision?

11 A. She is assisting the FSDO as subject matter expertise with
12 regards to the route that we take and what's going on. She's our
13 (indiscernible) expert.

14 Q. Okay. But is she working on revisions or is she -- is that
15 supposed to come from industry?

16 A. The revision will come -- well, it's actually a replacement
17 the industry will submit to us. What they have proposed is
18 submitting a replacement document.

19 Q. Oh, I see, okay. So then what's her role, then, if she's not
20 developing it?

21 A. She is our air tour subject matter expert, so any computation
22 with regard to content on anything that's submitted or with regard
23 to our internal policy and procedures. She is also currently
24 working with us on the HATCPM that we currently own, that is the
25 current document, the 2008 version.

1 Q. Oh, okay. All right, when was the last time you had an
2 update from HAA on their progress on developing a replacement
3 document?

4 A. I can't tell you the last time, I don't remember.

5 Q. Okay. Did you ever have a conversation with them about this
6 or was there -- like, was this years ago or --

7 A. It has been ongoing for years prior to my arrival into the
8 Honolulu FSDO and since being in the FSDO, the HHA was newly
9 formed. After I arrived, we did have a discussion with the then
10 president, which was Nicole Vandelaar, and since then we have been
11 involved in different responses to congressional inquiries, but I
12 have not had a sit-down meeting with them to specifically discuss
13 the HATCPM, no.

14 Q. Okay. How do you spell Nicole's last name?

15 A. V-a-n-d-e-l-a-a-r. She no longer holds the president title
16 of HHA and I do not believe that her company is a member of the
17 HHA any longer.

18 Q. Oh, okay. What company does she work for?

19 A. Novictor Aviation.

20 MR. BRAMBLE: Oh, okay. All right. All right, I'm going to
21 pass the questioning on to Brice Banning, then, if Brice is on. I
22 know he picked up a new accident last night, so I'm not sure if
23 he's still with us on the phone, but that's all for me for this
24 round. Thanks a lot, I appreciate it.

25 MS. CHITWOOD: Thank you.

1 MR. BANNING: Yes, this is Brice and I just want to say thank
2 you very much for taking the time to visit with us. I don't have
3 any question.

4 MS. CHITWOOD: Okay, thank you.

5 MR. BANNING: Patrick.

6 MR. LUSCH: Hi, Tiffany, this is Patrick Lusch. I'm with
7 AVP-100, FAA headquarters, accident investigator. I was the FAA
8 IIC for this accident. So I have a few follow-up questions. It
9 may sound like we're -- I'm nitpicking on a few of your answers,
10 but it's just because I want to get some clarifying information on
11 here and make sure I have everything as the way I understand it.

12 BY MR. LUSCH:

13 Q. Prior to your arrival in the Honolulu FSDO, I understand that
14 there were some changes with the POI at Safari. Are you aware of
15 any of the circumstances that involved that particular change?

16 A. I don't know anything prior to my arrival on those changes,
17 no.

18 Q. Okay. And then you had mentioned earlier on regarding
19 requests for travel for oversight of Safari, that you did not
20 believe there were any need-to travel requests denied that
21 would've used government funding. Do you recall if there were any
22 verbal denials for en route travel? Or email denials?

23 A. I don't know. I would have to go back and look. I don't
24 recall.

25 Q. Okay. Is the process within the Honolulu FSDO, if an

1 inspector wants to en route somewhere, is there a process, they
2 have to submit a request, or do you guys use a SharePoint form or
3 something like that, or is it just verbally asking?

4 A. They need to request it. There used to be a SharePoint
5 request site for that, but normally they would go to their
6 frontline managers; those requests don't come to me.

7 Q. Okay. Okay, good. A little bit more detail I'm wondering if
8 we can go into on your comments a little bit earlier about, in
9 order for an inspector in your office to en route, that they're
10 required to have a work task.

11 I spent a few years in the East Michigan FSDO, and I don't
12 know if it's a regional difference or if it's an office-by-office
13 policy, but I'm wondering, is there a guidance or some type of a
14 document that you guys rely on for that type of a policy where
15 they cannot en route without a work task specific to that
16 particular carrier?

17 A. We rely back onto the en route orders where we are supposed
18 to have a work task to do an en route.

19 Q. So in the case of, like, a random en route, does your office
20 not perform any type of random surveillance?

21 A. We have no need to. We are not assigned oversight of any 121
22 carrier, so there would be no reason for us to be there. And the
23 reason that you're looking for a work task is to prohibit any
24 abuse of the system using it just for personal travel or, you
25 know, going from A to B.

1 Q. Okay. Let's see. I think that takes care of my question on
2 the en route travel, I mean, I'm just looking at my notes here
3 real quick, Tiffany. Oh, a few more questions. I know we beat
4 the HATCPM to death here, but a few more questions on this one.

5 Prior to your taking over the lead as -- and with your
6 subject matter expert in headquarters assisting you, do you know
7 who was in charge of or was working on that revision to HATCPM?

8 A. When I walked into the office there was no particular person
9 who had been assigned to it, so I immediately did some outreach
10 and talked to Monica. She has had interaction with various people
11 in the office throughout the years, since 2008, to comment or
12 provide some sort of insight, but there has not been a POC
13 assigned to that specific project that I am aware of.

14 Q. Okay. And with regards to Monica, what branch is she --
15 she's in Flight Standards, I assume?

16 A. She is part of Flight Standards in the AFS-250 branch.

17 Q. Okay. And you mentioned --

18 A. She is the --

19 Q. Sorry. I'm sorry, I didn't mean to cut you off, Tiffany.
20 What did you say?

21 A. No, no. She is the air tour subject matter expert.

22 Q. Okay. Do you know, does she have helicopter experience in
23 Hawaii?

24 A. I can't answer that. That would be a question for Monica.

25 Q. Okay, I was just curious if it had come up in any of your

1 working with her, yeah. Is there a specific roadblock or
2 difficulty in -- that you could explain -- or maybe there isn't;
3 I'm just wondering -- with regard to the stagnation or the delay
4 in actually getting movement on the HATCPM changes?

5 A. Well, no, not that I can think of. Let me think about this
6 for just a minute. Anything that would inhibit the delay of the
7 HATCPM changes. Want to say so because this is an extremely
8 complex and unique piece. We have not had the resources to be
9 able to commit to looking at everything. It does involve several
10 people with the development of the HATCPM and because the document
11 is currently a public document, there's a lot of energy behind it,
12 there's also a lot of group meetings looking at it because of the
13 community concerns with regards to air tour. I do believe that it
14 is making some progress towards making the needed revisions to it,
15 but it does take time.

16 Q. Okay. Is there any thought given to utilizing any of the
17 resources in your office as far as people that have extensive
18 Hawaii air tour operations and helicopter experience flying the
19 Hawaiian Islands as resources to aid you in working through that?

20 A. I do not have resources available to me that would be able to
21 commit to the HATCPM.

22 MR. LUSCH: Okay, I think that is all I have. So, Tiffany,
23 again, on behalf of AVP-100, thank you very much for your time
24 today, and I'm going to turn it back over to Mitch.

25 MS. CHITWOOD: Thank you.

1 MR. GALLO: Thank you, Patrick.

2 BY MR. GALLO:

3 Q. Thank you, Tiffany, for -- so far, all the time you spent
4 with us. I have a couple more questions. Going back to the
5 safety evaluation branch that you worked at, in there did you do
6 any evaluations pertaining to air tour operations?

7 A. Not that I can recall, no.

8 Q. Okay. What areas were you evaluating in areas -- let me
9 clarify maybe by what kind of operations were you evaluating in
10 the safety evaluation branch?

11 A. We were looking at the operators within the central region
12 which were 121 operators, cargo operators, some 135s, but all
13 various different types of operations.

14 Q. Okay. And that data that would ultimately come out of the
15 safety evaluation branch, was that integrated into the SAS system?

16 A. No.

17 Q. We asked you a couple of questions, for example, change in
18 POI before you came on board in 2017 and then I guess the work
19 that was being done on the Hawaii Air Tour Common Procedures
20 Manual. And you stated that you didn't know what was going on at
21 that time because that was before you became employed there in
22 2017. But when you came to FSDO in 2017, was there a transition
23 period between you and the previous office manager to discuss
24 issues like this, or did the previous manager just leave, and then
25 you showed up, and there was no exchange of ideas or in-briefing?

1 A. There was no handoff between the previous manager and myself
2 because she was already gone.

3 Q. Okay. Who is your supervisor?

4 A. I work for Angelina Mack (ph.). She is the division manager
5 for the ASP-400 Delta 1.

6 Q. Okay. And then you mentioned that you've deferred some of
7 the POI work to other offices. Can you name the other offices
8 that you've been requesting help from?

9 A. We have requested help on various items to offices throughout
10 the nation. If you're asking me specifically with regards to the
11 transfer of the certificates, is that what you're asking me?

12 Q. The transfer of the certificates, which offices, and which
13 offices you requested help from.

14 A. I can't give you a full list of all of the offices that we
15 discussed it and gained help from because there are various ones.
16 I would have to go back and look. The certificate transfers that
17 we have done temporarily until we can re-staff up, the bulk of
18 them have gone to Fargo, South Dakota.

19 Q. Okay. I know you can't name all the offices that you
20 requested help from. Can you name at least two of them?

21 A. Anchorage has given us help; South Carolina has given us
22 help. There's quite a few of them. Those are the two off of the
23 top of my head.

24 Q. Okay. In a fiscal year, your operating budget that you have,
25 are there funds allocated for inspectors for work-related travel?

1 A. Yes.

2 Q. All right. And that budget, are you evaluated on whether you
3 exceed that budget or you come under that budget in your
4 performance?

5 A. In my performance they do monitor how we manage our budget,
6 yes.

7 Q. And does that relate to your performance, then?

8 A. These are review items, but am I held accountable for my
9 budget? Yes.

10 Q. Okay. I just want to talk about, a little bit about training
11 that you received through the FAA. Have you ever attended the
12 Transportation Safety Institute?

13 A. Yes.

14 Q. And what courses did you take there, if you remember?

15 A. I don't remember. I would have to go back to my training
16 record.

17 Q. All right. Going, once again, back to the Hawaii Air Tour
18 Common Procedures Manual, you said that there were discussions and
19 in those discussions was there ever a target date mentioned when
20 this manual is planned to be issued?

21 A. No. And again, the Hawaii Air Tour Common Procedures Manual
22 is currently valid. It is the one from 2008. The discussions
23 have surrounded the potential replacement that would come from the
24 operators, and no, there has not been a submission date mentioned.

25 Q. Okay. And who hosts the discussions pertaining to the HAT

1 manual?

2 A. The HATCPM has come up in various different meetings. I have
3 not been to one that is specifically held by anyone for that, that
4 I can recall.

5 Q. Okay, but who is the organizing entity for those meetings?

6 A. I can't recall a meeting that I've been to that's just
7 specifically for the HATCPM.

8 Q. Okay, and these --

9 A. (Indiscernible) as far as the replacement HATCPM.

10 Q. Right, so pertaining to the replacement HATCPM, who is the
11 person that's organizing the discussions for that?

12 A. The group that is proposing to create and hold the
13 replacement HATCPM is the HHA.

14 Q. Okay, so HAA is sending out invites to all the stakeholders
15 to discuss that, the amendment to the HAT manual?

16 A. I don't know what HHA is doing, I'm not involved in that, I
17 have not received an invitation from them for that.

18 Q. Okay. I'm just trying to find out who is the responsible
19 party that's organizing the discussions, so whoever that is, is
20 sending out invitations to these meetings or discussions to talk
21 about it. So it could be HAA, HAI, it could be FAA, but you don't
22 know who that is, then, that's organizing these meetings?

23 A. There's two different documents and this is -- I'm getting a
24 little bit confused, so I want to just make sure I understand. We
25 have the current HATCPM, Hawaii Air Tour Common Procedures Manual,

1 which is the document that is currently enforced from 2008. The
2 document belongs to the Honolulu FSDO and we do have internal
3 meetings with myself and AFS-250 and other folks internal to the
4 FAA. The proposed replacement to the HATCPM is a proposal coming
5 to us from HHA and their meetings that they are holding to discuss
6 whatever's going on, on their end have not included us that I can
7 remember.

8 Q. Okay, all right. Perfect.

9 A. At least not that I can remember.

10 Q. All right, sorry for the confusion and yeah, I was referring
11 to the replacement in my questions. All right, thank you.

12 A. Sure. Sorry.

13 Q. So again, going to the replacement manual, was Gino Rezzonico
14 and Joseph Monfort, were they initially working on that
15 replacement?

16 A. When I came to the office in 2017 I was made aware that they
17 had participated early on with some of the meetings and work
18 groups of the initial HATCPM. As far as the replacement and the
19 work that I have done, they have not been involved.

20 Q. Okay. Going to surveillance, has the Honolulu FSDO -- well,
21 do you currently have a geographical surveillance unit working to
22 surveil the different operators?

23 A. We do not have a geographic unit, no.

24 Q. Have you requested such a unit to come in?

25 A. No, I have not.

1 Q. Okay. And you may have answered this question, but I have it
2 again. Can you discuss, since coming in to FSDO in 2017, what
3 Honolulu FSDO sponsored outreach for air tour has been done?

4 A. Sponsored outreach for air tour.

5 Q. Yeah. Are you hosting safety meetings with air tour
6 operations? I know there's a FAASTeam out there. Is FSDO doing
7 anything since 2017 for outreach or hosting safety seminars,
8 safety meetings, with the Hawaii air tour operators?

9 A. With regards to HATCPM, no.

10 MR. GALLO: Okay. That's all the questions I have. I'll
11 pass it back to Mr. Bill Bramble. Thank you.

12 MS. CHITWOOD: Thank you.

13 BY MR. BRAMBLE:

14 Q. Hello, again. So just following up to Mitch's question, you
15 said with regards to the HATCPM, no, but I think Mitch might've
16 meant more generally. Has the FSDO sponsored any outreach
17 activities with Hawaii air tour operators to promote safety, such
18 as safety meetings, seminars, policy and procedures meetings, that
19 sort of thing, since 2017? Not necessarily related to the HATCPM
20 but just sort of in general (indiscernible)?

21 A. Yes. Our FAASTeam program manager does hold safety meetings
22 that are open to the general aviation community, that includes our
23 air tour operators. We have worked on several different things
24 that have involved the air tour operators. We have a complaint
25 that we worked through that had to do with air traffic in Pearl

1 Harbor with regards to the air tours transitioning the airspace
2 over there. The FSDO was able to facilitate those meetings.
3 Aside from that, like I said, our FAAS team, that is their primary
4 objective is safety outreach and education.

5 Q. Okay. Okay. What do you think would be the most effective
6 strategy for reducing the risk of weather-related air tour
7 accidents in the state of Hawaii? Do you have any ideas in that
8 area?

9 A. Wow. That would take a little bit of research to make an
10 informed answer. I'm sure there are things that we can do, but it
11 would take me some time to really kind of pinpoint the needed
12 areas.

13 MR. BRAMBLE: Okay. All right. I think that's all I have.
14 Thanks a lot.

15 MS. CHITWOOD: Thank you.

16 MR. BANNING: This is Brice. I have nothing additional.
17 Thank you again.

18 Patrick?

19 MS. CHITWOOD: Sure.

20 MR. LUSCH: I have nothing additional, thank you.

21 MR. GALLO: Yeah, thank you. And, Ms. Chitwood, do you have
22 anything else you would like to add that we haven't covered or any
23 concerns you'd like to address?

24 MS. CHITWOOD: Not that I can think of at this time. Thank
25 you very much.

1 MR. GALLO: All right, I appreciate your time, and we are off
2 the record. Thank you.

3 (Whereupon, at 2:01 p.m., the interview concluded.)
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CERTIFICATE

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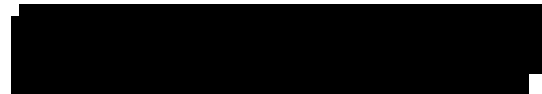
IN THE MATTER OF: AIRBUS AS350 B2 HELICOPTER
 CRASH NEAR LIHUE, HAWAII
 DECEMBER 26, 2019
 Interview of Tiffany Chitwood

ACCIDENT NO.: ANC20MA010

PLACE: Via telephone

DATE: May 15, 2020

was held according to the record, and that this is the original,
complete, true and accurate transcript which has been compared to
the recording accomplished at the hearing.



Karen D. Martini
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

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AIRBUS AS350 B2 HELICOPTER *

CRASH NEAR LIHUE, HAWAII * Accident No.: ANC20MA010

DECEMBER 26, 2019 *

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Interview of: BRUCE COULOMBE, Co-Owner and Pilot
Wings Over Kauai

Via Telephone

APPEARANCES:

MITCHELL GALLO, Senior Air Safety Investigator
National Transportation Safety Board

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Interview of Bruce Coulombe:

By Mr. Gallo

4

I N T E R V I E W

1
2 MR. GALLO: Okay, Paul, so I have your permission to record
3 the conversation then?

4 MR. COULOMBE: Yeah. But the name is Bruce, B-r-u-c-e.

5 MR. GALLO: Oh, I'm sorry. Bruce.

6 MR. COULOMBE: Yeah.

7 MR. GALLO: Okay. All right.

INTERVIEW OF BRUCE COULOMBE

8
9 BY MR. GALLO:

10 Q. Tell me what you encountered, what you saw, any
11 communications also with Paul, if you had any.

12 A. Right. So I didn't really have any communications with Paul
13 during the flight, but I was flying in the same kind of weather
14 that he was, maybe about 15 minutes behind him on the route around
15 the island, which, as you know, normally goes clockwise around the
16 island. So I was in either Wings 10 or Wings 11.

17 We're a commercial air tour operator out of Lihue, a fixed-
18 wing single-engine. And so when I heard the radio chatter
19 describing the weather on the Na Pali coastline, I believe I heard
20 one of the Blue Hawaii pilots, I think it was Blue 54, describe
21 the weather on the Na Pali as being very low. That's when I
22 decided, based on just the radio calls, to reverse my course
23 before I even got to the Waimea Canyon.

24 So I reversed. I went in the opposite, the counterclockwise
25 direction trying to get to the other side of the island. Most of

1 the island the weather was pretty decent. I'd say the entire
2 eastern half of the island was still clear and good VFR. So I
3 went around that way. I went on what we call the Hanalei Valley
4 over to the Anini Beach. That's on the north side of the island.

5 And at that point, I started to encounter some low patchy
6 ceiling. So it was still VFR flying, but I had to kind of
7 circumnavigate those little small areas of patchy clouds. And
8 while I was doing that, approaching Hanalei Bay, which is still on
9 the north side of the island, I started to hear some of the other
10 tour operators, a couple of fixed-wing and helicopters. They were
11 diverting around the area of bad weather on the Na Pali Coastline,
12 coming over kind of the top of the island, and then back down to
13 the north shore, kind of heading in the same direction I was.

14 And so it just was not too comfortable for me hearing all of
15 the traffic converging towards the area that we call Kee Beach,
16 that's spelled K-e-e, and that's sort of the area we like to get
17 to see the Na Pali Coastline. But when I heard the diverted
18 traffic approaching Kee, I just told my passengers that we're
19 going to head back to the airport at that point.

20 And they only got maybe half of the tour because we stayed on
21 that eastern side of the island. But I guess I can confirm that
22 several of the other aircraft that were in the vicinity of that
23 area of low weather were reversing course and trying to stay away
24 from it.

25 And, yeah, I've been flying with Paul for many, many years

1 here, and I've always known him to be one of the more
2 conscientious pilots. And he and I had many conversations about
3 how we could all as a pilot community operate more safely. So he
4 was -- it was very surprising for me to hear about the accident.
5 And I'm afraid I don't have much firsthand knowledge about his
6 flight conditions or the decisions that he made.

7 But I would support the idea of the pilots who fly here on
8 the island, maybe if we had some kind of an opportunity to get
9 together to discuss what we can learn from this, and how we can
10 maybe change the way we fly and the way we make our decisions, I
11 think that that would be one of the good legacies that Paul could
12 leave behind, is that he would make it to be a safer place for us
13 all to fly in the future.

14 Q. All right. And what time did you depart on your flight?

15 A. So I'm not sure of the -- do you have the time of Paul's
16 accident? It was about -- I would say, I had left about a half an
17 hour prior to his --

18 Q. Okay.

19 A. -- his flight.

20 Q. And you're flying fixed-wing?

21 A. Yes, sir. Yeah.

22 Q. And what altitude were you at?

23 A. So generally I fly at about 2,000 feet along the shoreline,
24 and then as I approach the Waimea Canyon, I'm climbing up to 4,500
25 to cross over the canyon. But on that particular flight, I

1 believe my altitude was more like about 3,000 feet.

2 Q. Okay. And then can you describe the weather?

3 A. So the weather was actually pretty decent VFR conditions on
4 the island on the east side of the Hanapepe Valley and even in the
5 Hanalei Valley. And the winds, as I recall, were fairly light.

6 Q. Okay.

7 A. I also recall that earlier in the day -- oh, that was my last
8 flight of the day, so I would have departed at around 4 p.m.

9 Yeah. And earlier in the day, I recall that the weather was
10 significantly better, but it deteriorated rapidly right around the
11 end of the day, which it often does when we have that kind of
12 light wind pattern. That's when we get a more of a convective
13 weather pattern where, as the day when the winds are light, the
14 island heats up, and then that hot air is rising and the moist air
15 from the ocean is kind of filling in around the land mass. So it
16 gets cloudier as the day progresses into the later afternoon hours
17 when it's a light wind day like it was.

18 Q. What were the cloud tops at, if any?

19 A. The tops, the ceilings?

20 Q. Yeah. The base and the tops. Do you recall?

21 A. Well, I wouldn't know the tops because I wasn't on top of the
22 clouds. But where I was the ceilings were, I would say, maybe
23 4,000 feet.

24 Q. Okay.

25 A. But they change within just a couple miles as you get towards

1 the Waimea Canyon then was getting lower and lower.

2 Q. All right. And what was your route of flight?

3 A. So my route was -- I took off from Lihue, and I went from
4 there to the southern coastline along the shoreline, and from
5 there I went to the south Kauai EOR, south Kauai EOR, the
6 navigational aid there. And from there to the Hanapepe Valley.
7 And that's where I reversed -- what we call reversed, where I did
8 a 180 degree turn back towards Lihue. And from there I went from
9 the -- what we call the Tunnel of Trees or the Tree Tunnel, up the
10 Hanalei Valley to Anini Beach, and then from there shoreline.
11 That's when I reversed again, and went back to the airport along
12 the shoreline.

13 So basically, I headed from the airport west until I got to
14 the bad weather, and then I diverted to go up the center of the
15 island traveling, flying from south to north until I got to the
16 northern coastline, and then I went back to the airport from
17 there.

18 Q. Okay. Great.

19 A. I know that's not much, that's not much help sometimes, but
20 every little piece, I guess, you can put it into the bigger
21 picture.

22 Q. Sure. Did you hear any pilot reports while you were up?

23 A. I just -- I heard that the Na Pali was gone. That the
24 weather was too low, and everybody was reversing. And then I
25 heard that some people were going -- climbing up over the -- what

1 we call the Alakai Swamp area, which was to go maybe climbing up
2 to, I think, 5,000 feet they were calling to get to the top of the
3 island, and then over to the north shore that way to avoid the
4 weather. So and then I heard some reports of people who were
5 doing that, coming up over the center of the island back to the
6 north shore.

7 Q. Okay.

8 A. Yeah.

9 Q. All right. Well, I appreciate you reaching out to us, and
10 the time you spent in talking to me.

11 A. Yeah. We're all terribly upset about the whole thing. We
12 appreciate the guys that -- the work that you are all are doing
13 trying to sort it out also, so that we can prevent it from
14 happening in the future.

15 Q. Okay. If you have anything else that comes up, feel free to
16 give me a call.

17 A. Yeah, I will. Okay, Mr. Gallo, thanks for your help.

18 Q. Sure. Thank you very much.

19 A. If you need any more information, just give me a call.

20 MR. GALLO: All right, thank you.

21 (Whereupon, the interview was concluded.)

22

23

24

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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD


IN THE MATTER OF: AIRBUS AS350 B2 HELICOPTER
 CRASH NEAR LIHUE, HAWAII
 DECEMBER 26, 2019
 Interview of Bruce Coulombe

ACCIDENT NO.: ANC20MA010

PLACE: Via Telephone

DATE:

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

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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AIRBUS AS350 B2 HELICOPTER
CRASH NEAR LIHUE, HAWAII
DECEMBER 26, 2019

Accident No.: ANC20MA010

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Interview of: BRUCE CUMMINGS, Aviation Safety Inspector
Federal Aviation Administration

Via telephone

Friday,
May 15, 2020

APPEARANCES:

MITCHELL GALLO, Air Safety Investigator
National Transportation Safety Board

WILLIAM BRAMBLE, Human Performance Investigator
National Transportation Safety Board

BRICE BANNING, Air Safety Investigator
National Transportation Safety Board

PATRICK LUSCH, Investigator in Charge
Federal Aviation Administration

MARK TOMICICH, Representative
(On behalf of Mr. Cummings)

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I N T E R V I E W

1
2 MR. CUMMINGS: And then I guess I, Bruce Cummings, authorize
3 the recording of this conversation. And I have Mark from the FAA
4 representing myself and my interest in this matter.

5 MR. GALLO: All right. Thank you, Inspector Cummings.

INTERVIEW OF BRUCE CUMMINGS

6
7 BY MR. GALLO:

8 Q. Can you start off with, can you describe your aviation
9 background before you became employed with the FAA? And then from
10 then on, talk about your positions within the FAA.

11 A. Yes. My aviation career started in 2004, private sector, no
12 military experience. Started up through the ranks of pilot
13 certificates. Eventually became a flight instructor. Did that
14 for a couple of years and then opened up my own 141 flight school
15 and Part 135 air carrier certificate operation for the
16 Intermountain West, based out of Salt Lake City, Utah. Did that
17 for a little over 7 years.

18 I sold that company and bought out all the helicopters,
19 assets, everything with it, and I still was the chief pilot and
20 director of operations for it at the time for a couple of years
21 after that during a transition. And then I did freelance work up
22 here in Alaska for various operators, on various machines, on
23 various either government contractors or private sector contracts,
24 that kind of thing.

25 I've maintained my CFI, my certified flight instructor,

1 certificate throughout the years. When I had my business, I also
2 conducted government contracts to train pilots, primarily Black
3 Hawk drivers into MD500, into other little birds, for other
4 interagencies of the government. So they would hire a flight
5 school, and they hired us a few times to do things like that.

6 I have also done in the past, and still currently do,
7 aviation consulting for Shell Oil. I handle a large part of their
8 overseas helicopter contracting work in various countries and
9 oversee those operations and give feedback, do accident
10 investigations for them internally. Nothing government or in FAA
11 capacity but just internal investigations and consulting work of
12 that nature.

13 I think that is a fairly broad stroke of my experience since
14 2004. I'm also fixed wing rated, multi-engine. And I still fly
15 multi-engine airplanes, but that's perhaps not relevant in this
16 case.

17 Q. Okay. And you're currently employed by the FAA as an
18 aviation safety inspector for operations at Anchorage FSDO?

19 A. That is correct. I'm a principal operations inspector for
20 the ALO3 FSDO office here in Anchorage, Alaska.

21 Q. Okay. Going back to your background, can you quantify your
22 flight times in the various helicopters you're qualified I guess
23 to flying and also to do checks in as a FAA inspector?

24 A. Okay. Well, I'm going to preface this -- these will be
25 estimated hours, nothing exact, and so I'm not prepared to answer

1 those specifics for those helicopters, but I can give estimates.
2 I have a Robinson series covering from R22, R44, R66, about 23 to
3 2,500 hours in those various machines, primarily in the R44.

4 And then the other majority of my helicopter experience is in
5 the Bell Series, Bell 206 JetRanger, Bell LongRanger L-1, L-3,
6 L-4, the Bell 407, the Bell 412, and that would probably be closer
7 to 1,000 hours in Bell products across those machines.

8 And then another about 300 hours -- 3- to 400 hours in MD500
9 series -- or the actual name of the aircraft is a Hughes 369, but
10 it's generally accepted as MD500. So that includes the C, D, E,
11 and F model. And I have about 60 hours in a NOTAR, that's a no
12 tail rotor MD500. That's a 520.

13 Odds and ends in Enstrom products, I would say less than 100
14 hours in Enstrom products even though I did own an Enstrom at one
15 point. And then about 50 hours in AStar in B-2s and B-3s.
16 They're not the height of my experience, but I've certainly done
17 training in them. And that's, of course, what the check aircraft
18 was for this particular event, and certainly comfortable in the
19 AStar.

20 Q. Okay. And I understand, and you can confirm this, but I
21 think you were called upon to go to Safari to provide a 135
22 checkride. Was that for Paul Matero, and I think there was
23 another person, Kyle Jacobson, who was termed assistant chief
24 pilot at that time?

25 A. That's correct. I was under the FCRT (ph.) program to help

1 the Honolulu Office to conduct these since no one could do it
2 there at the time.

3 Q. Okay. And what is the FCRT program? I'm not familiar with
4 that.

5 A. That's just a national resource that the FAA has. So
6 unfortunately I'm one of, I think, seven people that are qualified
7 in the agency that fly R44 helicopters, Robinson R44s. So, for
8 example, if someone in New York doesn't have anybody -- well, they
9 don't -- then the agency can -- it's not required, but can
10 volunteer my services as long as I can do it, to travel out there
11 to do that checkride, if that office doesn't have that resource.
12 And forgive me, I forget what FCRT stands for, but basically it's
13 just a nationalization of resources across the States.

14 Q. Okay. And how many times have you traveled to the Hawaii
15 FSDO region to provide checkrides, not just for Safari, but other
16 operators?

17 A. I think twice.

18 Q. And what time period was that over? And I'm assuming one of
19 them was for Safari obviously?

20 A. It was. I first went there May of 2019 to investigate an
21 accident, and I would have to check my records. I believe, yes,
22 there was a checkride involved for the accident operator. And
23 then I went back a second time in July, which is where I believe I
24 helped Safari and the other operators. There was quite a few.

25 Q. Okay.

1 A. But Safari was one of them in the July timeframe.

2 Q. All right. And I'd like to talk a little bit about your
3 workload because you're being called upon in the FCRT program.
4 How many operators, certificated and non-certificated operators,
5 and if you could break those out, are you assigned to up in
6 Anchorage at this time or going back during this period from May
7 to July 2019?

8 A. Well, if you can give me one second, I can give you a precise
9 number. Twenty-eight certificates, that is what I oversee at the
10 moment.

11 Q. And --

12 A. At the time, actually. Excuse me. At the time.

13 Q. Okay. The estimate's good, too. And how many of those are,
14 if you could categorize those, are air tour?

15 A. Let's see. Ten.

16 Q. Okay. And then, going back to your trip, I just want to get
17 an idea of how the initial request came to be and how you learned
18 of it? And then how you traveled over to the Hawaii area? Did
19 you stop at the Hawaii FSDO and get an in brief, or did you go
20 straight to Kauai? Kind of go over the history of that initial
21 request and how you made preparations to get out there and your
22 activities once you were out there.

23 A. Okay. The FCRT request came in through my frontline manager.
24 My frontline manager asked me if I had the time/capacity to go
25 down there and handle that. At the time, that was appropriate. I

1 deemed it appropriate to be able to do that. So my frontline
2 manager answered the FCRT request and agreed. I then had an in
3 brief telephonically with one Joe Monfort to get kind of a brief
4 on what Safari was as well as the other operator's scope of
5 practice and kind of their operations of what they do.

6 I traveled there commercially on a paid ticket to the
7 Honolulu office. I spent a couple of days at the Honolulu office
8 to get to know -- I should reverse back here. Let's make sure
9 we're very clear on this because there were two travel times.
10 There was the one in May and the one in July. So the initial
11 travel in May, I got very familiar with the HATCPM, the Hawaii Air
12 Tour Procedure Manual, as well as very specifically the operators
13 that I was dealing with in May and that accident investigation, so
14 that when my return flight occurred in July, I already had that
15 basis. And I just had to do an in brief with Mr. Monfort again
16 about Safari and the other operators I was there to do checkrides
17 for.

18 So to answer your question, yes, there was an in brief at the
19 Honolulu office. There was a plan of action developed with the
20 FSDO on expectations and what needed to be done, and then those
21 were executed the days following when I traveled to Kauai to
22 Safari and other operators over there.

23 Q. All right. And that request -- I just thought of another
24 question -- it was based on if you had time to do that. But how
25 much time do you spend actually traveling to surveil operators

1 that you're assigned to? I mean, if you could break it down per
2 week or per monthly basis?

3 A. That's hard to quantify, sir. That's hard to quantify. It
4 varies. I can't -- there's not an exact percentage like the
5 fiscal year 2019 versus fiscal year 2020 is looking very
6 different. Obviously there's different circumstances going on,
7 right?

8 Q. Right.

9 A. It's very different. I would have to look at my -- I'd have
10 to look at a whole bunch of stuff to be able to quantify that to
11 be honest.

12 Q. And I was looking more at 2019, and even if you could provide
13 an estimated range, for example, I would -- I'm not trying to put
14 words in your mouth, but I'm just trying to get a rough idea. I'm
15 not going to hold you to exact numbers, but would it be 1 to 10
16 times a month or less than that or more than that for that 2019
17 period?

18 A. Okay. So I want to be very clear on this question. You're
19 asking how many times I participate in the FCRT program per month
20 or how often I do checkrides per month?

21 Q. How often you would go to your operators that you're assigned
22 to, the some 28 certificates. So how often would you travel to do
23 surveillance or any other work at these operators that you're
24 assigned to?

25 A. Roughly about 5 days a month.

1 Q. Okay.

2 A. Because the certificates -- I'm not sure if you're familiar,
3 but there's a computer program that generates the required
4 inspections for my operators. Let's be very clear on this, not
5 Safari, not any FCRT stuff, my operators, I have a schedule that I
6 do. And that schedule varies based on the quarter, but I have to
7 do required inspections on certificates on certain information
8 approximately about five times a month. I actually go out and see
9 these folks.

10 Q. Okay. And that computer program is SAS?

11 A. SAS.

12 Q. Okay. All right. Thanks. I want to talk about the
13 checkrides that you provided to Paul Matero, who was the accident
14 pilot, and also Kyle Jacobson. Can you tell us what you did on
15 those checkrides? I'm assuming it's a standard Part 135
16 recurrent, but if you could?

17 A. Yeah.

18 Q. Was it recurrent? Was it for check airman, things of that
19 nature?

20 A. Yes. There was three checkrides actually done. Now it was a
21 293(a) and (b), and I'm going to have to actually -- I'm going to
22 have to research and make sure I'm answering this correctly. But
23 both individuals received a checkride. I cannot confirm if the
24 other individual received a 293. I don't recall at this time. I
25 do have a matter of record of it that I would have to verify if

1 that occurred. You have to forgive me. I do a lot of checkrides.

2 Q. Sure.

3 A. So I'm specifically focusing on Mr. Paul here, since that was
4 the item of question.

5 Q. Okay.

6 A. The checkride for -- what was the other individual, the
7 assistant chief?

8 Q. Kyle Jacobson. I think he's in his 20s, much younger.

9 A. Yep, yep. So the original plan was that Paul needed a 293
10 and 299 checkride, and that was done obviously in accordance with
11 293(a), (b) and 299, and under the FAA guidance of the 8900, table
12 3-71, of course, completed under my personal plan of action, which
13 is standard procedure.

14 There was nothing unusual about that day. There was nothing
15 that I did outside of what is normally done or what the guidance
16 says it is. We can eliminate that bias. And that was documented
17 on FAA Form 8410-3, which is a matter of public record.

18 And Paul did his checkride in the AStar, and what I can
19 recall right now without verifying is that the other gentleman,
20 Mr. Jacobs [sic], needed a preliminary check airman observation.
21 The observation would have to be approved by the POI, Mr. Joe
22 Monfort, but I was, at the time, authorized to at least do the
23 observation.

24 So just because the -- and the observation was done, but that
25 didn't mean that Mr. Jacobs was a check airman. His POI would

1 have to approve that based on my findings. That would be his
2 judgment, not mine. Both checkrides were satisfactory that day,
3 and that's about all I have to say about that specific question.

4 Q. And in dealing with Paul Matero, or even anybody in Safari,
5 how were you received over there?

6 A. I think quite well. I had no -- there really was no issue.
7 They seemed like a reasonable, you know, smaller outfit. I took a
8 look at some aircraft logs, their logs, all their recurrent
9 training. Everything from a broad stroke was certainly in order
10 with no initial findings at the time. The aircraft was fit. Both
11 gentlemen were fit to fly, and Mr. Paul did a satisfactory job.

12 Q. And you mention a personal plan of action. I don't know what
13 that is. Can you describe what it entails?

14 A. It's -- a plan of action is basically a checklist to make
15 sure I don't miss any required questions. The plan is actually a
16 list of questions I ask folks, and it covers everything from all
17 the different FAR parts to the 135, you know, specific questions.
18 I mean, it covers all the nine required items of 293(a). There
19 are nine different sections, so I have to go through the depth of
20 the recorded questions so that I can provide consistency. I'm not
21 just generating questions in my head.

22 Q. All right. Do --

23 A. That is a way to quantify -- and that is a way to quantify a
24 pass/fail.

25 Q. And during the checkride, where did you fly around? Did you

1 go to a practice area and/or did you fly a typical air tour route
2 that Safari would fly, more like an en route inspection or line
3 check?

4 A. Both.

5 Q. Okay.

6 A. Both were completed. Obviously you can't do specific
7 maneuvers on the tour route, so we go to a different airport, do
8 all the required 293(b) maneuvers. I also have a plan of action
9 for that, but when Hawaii does specifically require that
10 checkrides be conducted and observed with pilots actually
11 conducting a segment of the tour, and we did just that. We were,
12 I believe, around 20 minutes on a tour route in accordance with
13 the HATCPM that I had in my possession at the time.

14 Q. Okay. And I want to talk a little bit about the tour route
15 that you flew. Do you recall what that route was and the
16 altitudes that was flown at and also the weather?

17 A. I'm sorry, sir. I can't recall the specific segments of the
18 route. I'd have to look at the HATCPM to find that. But I do
19 remember the weather was a perfect day VFR, and I do remember Paul
20 exhibiting exceptional knowledge on specific weather patterns of
21 that particular route, stating, I believe, that we were going past
22 a hillside here and said it's very typical for -- to get mountain
23 wave roll clouds on the leeward side of this, which also creates a
24 typical weather -- you know, bad weather in the sector.

25 So he seemed very knowledgeable of the island. And this was

1 recurring. It wasn't just that one spot. I'm sorry I cannot
2 answer what specific route it was.

3 Q. But the route was most likely what's in the Hawaii Air Tour
4 Manual?

5 A. Oh, yes. Absolutely. Absolutely.

6 Q. And in the altitude -- go ahead, I'm sorry.

7 A. I'm just saying, that's required for the checkride, do an
8 actual route segment. So that was completed in accordance with
9 the HATCPM.

10 Q. So the -- now, let's talk about the altitude flown. Was the
11 altitude up to Paul Matero's choice to fly it, or did you tell him
12 what altitude to fly at?

13 A. The HATCPM altitudes are required altitudes as I recall. I
14 don't recall what the specific altitude is, but there are areas
15 that you have to be in a range of altitudes. And they were below
16 3,000 MSL, so there was no cruising altitude requirements, but it
17 was in accordance with HATCPM.

18 Q. Do you recall if he ever flew, for example, below 500 AGL?
19 That might have been obvious.

20 A. Yeah. No.

21 Q. Okay.

22 A. Not on the checkride.

23 Q. All right.

24 A. Short of takeoff and landing, of course.

25 Q. In giving checkrides, how much time can you dedicate to the

1 entire checkride? Is there a minimum or maximum, or do you
2 just --

3 A. There's not necessarily, but I'm required to do all the
4 checks of the 8410-3, so that largely depends on where we can do
5 that. For example, if an operator has a helicopter at an
6 uncontrolled airport and the ability to do a confined pinnacle
7 landing within, I'll say, a couple of miles of the airport, the
8 checkride would probably only be about a half an hour because it's
9 so close. But when you have to fly to a different airport or fly
10 into the mountains to do the stuff, it varies. There's not a
11 specific -- all my checkride lengths are different because of
12 those circumstances.

13 Q. Okay.

14 A. But all the maneuvers get checked.

15 Q. Going to Kyle Jacobson, who was -- I guess they were calling
16 him the assistant chief pilot, but that's not a formal designation
17 135, you mentioned something that, even though he passed his check
18 airman status -- correct me if I'm wrong -- but it needed approval
19 by the POI.

20 A. Correct.

21 Q. That was never approved. Do you know why it was never
22 approved?

23 A. I don't.

24 Q. Okay.

25 A. That's up to Joe Monfort. You'd have to ask him.

1 Q. Okay. Do you recall any instrument based maneuvers that you
2 performed during the checkride with Paul Matero and describe
3 those --

4 A. Yes.

5 Q. -- and how much time you spent?

6 A. Well, the required events in a day VFR helicopter are as
7 follows: They do a nose up unusual attitude, a nose down unusual
8 attitude to recovery, and then initiate some sort of a
9 navigational function to be able to make turns under what's called
10 a view limiting device, or Foggles as they're commonly known,
11 which forces the pilot to only to be able to see the instruments.
12 And also the caveat to that is that it depends on what the
13 aircraft is equipped with.

14 And, at this time, I don't recall if the aircraft had a
15 Garmin 430 or 530 in it, but at the very least what would have
16 been done is the unusual attitudes, like I suggested earlier, plus
17 various headings and altitude changes. So, for example, turn left
18 heading 3-3-0, climb and maintain 2,000, 1,500, so it demonstrates
19 the ability to turn the aircraft at a standard rate turn as well
20 as climbing. That's a relatively difficult maneuver if you're not
21 proficient with instruments, and that usually shows weakness and
22 mistakes, all of which Mr. Paul was able to do satisfactorily, and
23 that was noted on the 8410-3.

24 Q. All right.

25 A. The unusual attitudes and the double IMC event was captured

1 as well as the ground portion in 293(a), I believe number 9,
2 293(a)(9). So there's an oral side of it and a demonstration side
3 of it.

4 Q. I don't know if this is a standard maneuver, but we've heard
5 that this was being used, and I just want to draw upon your
6 experience. We've been told that if a flight or helicopter gets
7 into IMC conditions, they could hover next to a fixed reference
8 point, such as a tree or anything, and just hover there focusing
9 on this reference until the weather clears. Have you ever heard
10 of that technique for an inadvertent flight into IMC conditions?

11 A. No.

12 Q. Okay.

13 A. Is it possible? Yes. Typically you need at least one, but
14 you should have two reference points. You have two reference
15 points in space, and when I say in space, it's because you don't
16 have any other reference points. So, i.e., a whiteout, you know,
17 in blowing snow or whatnot, but a tree does have multiple
18 reference points just because of what a tree represents, not just
19 a small rock in a bank. So yes, it is possible to do that. Is
20 that -- yes, it is possible to do that.

21 Q. Going back to the instrument portion of the 135 checkrides,
22 do you still do the instrument portion if the helicopter is not
23 equipped with an attitude indicator?

24 A. Yes. It's difficult because you can do partial panel.
25 There's other secondary instruments that you can use, but yes,

1 every helicopter -- the only real change is if you don't have,
2 like, navigation -- GNS, GPS, or IOS capable instrument approach
3 stuff. You're not going to put in an approach because the
4 helicopter simply can't do it. But at some point, every
5 checkride, the pilot does have to exhibit some ability to fly
6 inadvertent --

7 Q. And so --

8 A. -- of an AI (indiscernible), yeah.

9 Q. So an operator, irregardless, if he provides you a helicopter
10 that doesn't have all the flight instruments installed, you still
11 do the same?

12 A. Can you repeat the question?

13 Q. Yes. If an operator provides a helicopter that doesn't have,
14 for example, an attitude indicator, you still do the same
15 instrument checks for your checkrides?

16 A. Well, yes, but it may be reduced, because if it doesn't have
17 certain instruments, then there's simply certain maneuvers that we
18 can't perform under instruments. So there's a varying degree of
19 what I can do, but yes, every operator has to exhibit.

20 Now if an operator -- if an aircraft -- if the operator has
21 three aircraft that doesn't have those instruments and one of them
22 does, then we'll do the checkride in the one that is the most
23 capable to do that.

24 Q. Okay.

25 A. If that makes sense.

1 Q. Yeah, that's fair enough. And you mentioned that you went to
2 do other checkrides on the island. Were those other air tour
3 operators I guess?

4 A. Yes.

5 Q. Do you remember which ones those were?

6 A. I don't, sir, I'm sorry.

7 Q. Can you --

8 A. If I needed to find that, I could.

9 Q. All right. That's fine.

10 A. I don't remember at this time.

11 Q. How about can you give an estimate of how many other
12 different operators you went to give checkrides for?

13 A. I believe, without checking, four.

14 Q. Okay. And how long were you there on Kauai? You may have
15 answered this, but if you'd answer that one.

16 A. I believe on that July stint, I believe it was close to 2
17 weeks.

18 Q. Okay. And on that July, 2 weeks, for the other operators,
19 were they -- did they all belong to Mr. Monfort, or did they
20 belong to Mr. Gino Rezzonico?

21 A. I'm not 100 percent sure, but I do believe that it was all
22 Mr. Monfort.

23 Q. Okay. Going back to your -- what's called your in brief with
24 Mr. Monfort, for Safari, did he have any concerns that he
25 discussed with you regarding Safari?

1 A. I don't believe so. He just discussed the size and scope,
2 what he wanted to see. I don't remember what those specifics
3 were. There were no, like, regulatory findings to double check
4 on, but there were some specifics, and I didn't take notes. I
5 knew it at the time, and I know I did what he had asked, but there
6 was no -- at the time, there was no regulatory concerns that
7 Mr. Monfort told me to be looking for.

8 Q. All right. I want to talk a little bit about the weather
9 there in Kauai. When you interfaced with the other operators who
10 you were giving checkrides for during the 2 weeks in July, did
11 they discuss with you anything about the weather there on that
12 island?

13 A. I'm sorry, sir. You have to be a little more specific on
14 that. I don't understand the question.

15 Q. When you were giving checkrides, like for example when
16 Mr. Paul Matero, he was discussing the weather that was unique to
17 the island, did the other pilots that you checked from the other
18 operators, did they talk about the weather on that island?

19 A. They just answered my questions about the weather. I'm
20 required to ask about certain weather patterns as well as local
21 weather patterns. I have -- it was all in my plan of action, but
22 I don't recall that the other operators divulged local weather
23 patterns as explicitly as Paul did.

24 Q. Okay. And do you remember when you were discussing the
25 weather, or checking about the unique weather patterns, was there

1 a common weather pattern that all these pilots of other operators
2 would talk about or answer your check questions?

3 A. Yeah. Well, the Na Pali Coast -- this is based on other
4 people's information -- you know, the Na Pali Coast can get
5 difficult at times. There's a place in the center of the island,
6 I mean, it rains, like, 96 inches of rain a year, something
7 catastrophic like that. So yeah, I mean, there is local knowledge
8 of weather and how fast it can change and some of the indicators
9 of it changing for sure, if that's what you're asking. I'm not
10 quite sure.

11 Q. Yeah. I'm trying to ascertain whether all the other
12 operators had a heightened sense of awareness of a unique weather
13 pattern that typically would come to the island. So is there
14 something common --

15 A. I'm of the opinion they do.

16 Q. Okay. In checking the other operators, do you remember which
17 helicopters -- or the makes and/or make and model of the other
18 helicopters you were providing checks in? Was it just the -- you
19 know, Safari has the Airbus. Were there other ones with the other
20 operators?

21 A. Yeah, there was an operator with a MD500 and an operator with
22 a R44.

23 Q. Okay. Do you recall if everybody passed the checkride?

24 A. Everybody passed the checkride, yes.

25 Q. Going back to the FCRT request, was that request made because

1 the Honolulu FSDO didn't have the personnel to perform the
2 checkrides or because they didn't have FSDO personnel qualified to
3 provide the checks?

4 A. Sir, I'm sorry, but you'd have to ask the Honolulu FSDO that.
5 That I'm not necessarily privy. I can make a speculation, but
6 that's all it would be.

7 MR. GALLO: All right. I think that's all the questions I
8 have for now. I'm going to pass it over to Mr. Bill Bramble.

9 MR. CUMMINGS: Very well.

10 MR. GALLO: Thank you.

11 MR. BRAMBLE: Hi, Bruce. This is Bill Bramble.

12 MR. CUMMINGS: Hello, Bill.

13 BY MR. BRAMBLE:

14 Q. So I was just wondering, because you mentioned you oversaw
15 some other air tour operators, where are those operators based?

16 A. You'll have to be more specific. Are you talking about my
17 specific operators that I'm employed to oversee or the FCRT
18 operators that I was there in Hawaii to oversee?

19 Q. The ones that you're assigned to oversee among the 28.

20 A. Those are all in Alaska.

21 Q. Okay. Are they in southeast or up by Denali or another
22 place?

23 A. They are all within the Anchorage AL03 District which ranges
24 from about Girdwood (ph.) to the Talkeetna and out to Bethel, kind
25 of the Central Alaska Region, nothing southeast. I guess I should

1 -- I don't know if this is relevant, but I do oversee Novictor
2 Aviation now that is in Hawaii, but I didn't oversee them at the
3 time of the accident. So I do have one operator that I oversee
4 outside of the Alaska Office now.

5 Q. Okay. Do you guys have a challenge with VFR and IMC tour
6 access in Alaska?

7 A. It's not as common, no. I mean, it's systemic everywhere in
8 the States. I think we can all agree that it's not as bad, and I
9 -- yeah, I could speculate on reasons, but I don't know if we're
10 here to do that.

11 Q. I'd be interested in your opinion. Why do you think it is
12 worse in Hawaii?

13 A. Okay. Simply based on my opinion, I believe it's just the
14 statistic number of exposure hours. Air tours are not the primary
15 flight operations that Alaska does as opposed to Hawaii, not to
16 mention -- again, we're getting a little bit off track, but not to
17 mention the fact that the types of operations conducted here in
18 Alaska have a lot more caveats of resistance.

19 And what I mean by that is a lot of it is not mission
20 essential, and there's options to not go, delay, defer, as opposed
21 to air tour operators where you have revenue based operations that
22 are made a month in advance, and it's really a hard decision to
23 turn a flight down when the weather's looking bad. The people are
24 only there for that day.

25 That's just strictly my opinion. Alaska's and Hawaii's are

1 not the same hours. We have different exposures up here, don't
2 get me wrong, but it's not the same. It's not comparing apples to
3 apples.

4 Q. Okay. What do you think would be the most effective strategy
5 for reducing the risk of weather related air tour accidents in
6 Hawaii?

7 A. That's a really, really hard answer -- or question to answer.
8 Simply because business and safety doesn't always mesh, if that
9 makes sense.

10 Q. Yeah.

11 A. I really don't have the answer. If I did, I'd probably make
12 it more publicly known, but I understand the stressors of small
13 operators and the fact that these assets cost money just to look
14 at them, not even regarding turning a blade. And the underlying
15 need to perform is an inherent risk which often leads to the Swiss
16 cheese model of, yes, you say you have the personal minimums, you
17 say you do this, that, and the other, but there's an overarching
18 pressure in the tour world. And that's just the reality of that
19 industry. Strictly opinion.

20 MR. BRAMBLE: Yeah, understood. All right. I think that's
21 all I have for right now, Bruce. Thanks a lot.

22 MR. CUMMINGS: Thank you.

23 MR. GALLO: And I don't know if Brice is listening or if he's
24 on. Brice, would you have any questions?

25 MR. BANNING: Yeah, I think I just have a couple of

1 questions, Bruce. First off, I just want to say thank you for
2 meeting with us. I sure appreciate it.

3 MR. CUMMINGS: No problem.

4 BY MR. BANNING:

5 Q. You mentioned that the accident pilot received a 135
6 checkride and then the assistant chief pilot received -- and
7 correct me if I'm wrong -- but a check airman observation. Is
8 that correct?

9 A. That's correct, yes.

10 Q. Was the assistant chief pilot check airman observation done
11 during Paul's checkride, or was that done on a different
12 checkride, or can you expand on that a little bit?

13 A. No problem. That is a valid question. I chose to do it as a
14 completely separate checkride, so that in the event that
15 Mr. Monfort disapproved his request to be check airman, the
16 observation that he gave for, again, Paul -- we had to do it that
17 way -- wouldn't be void. So I needed to make sure they both had a
18 valid 293/299. So we did that individually, but I chose to do it
19 separately in case what happened, happened or else one of the
20 checkrides wouldn't have been valid.

21 MR. BANNING: Yeah, I understand. I appreciate that, and
22 that's all I have. Thank you very much.

23 MR. CUMMINGS: Yeah.

24 MR. GALLO: Mr. Patrick Lusch, would you have any questions?

25 MR. LUSCH: I don't have any questions. Once again, Bruce,

1 thank you very much for your time today and helping out with the
2 investigation, and we appreciate it.

3 MR. CUMMINGS: Sure.

4 MR. GALLO: I have a couple of additional questions.

5 BY MR. GALLO:

6 Q. Mr. Cummings, when you went to Safari, was there any
7 discussion actually with Safari personnel or with Mr. Monfort that
8 Mr. Paul Matero was going to retire, and this was a -- there was a
9 succession plan in place where Mr. Kyle Jacobson was going to
10 eventually be the chief pilot?

11 A. That did come up, yes. That came up from Safari. It did not
12 come from Mr. Monfort.

13 Q. And did Mr. Paul Matero talk about retiring with you?

14 A. Yes.

15 Q. And --

16 A. He said that was the reason -- premise of why the other
17 gentleman, Mr. Jacobson, needed a observation checkride, to slowly
18 start assuming those duties and responsibilities as I recall.

19 Q. And did Mr. Paul Matero elaborate on reasons why he was
20 retiring?

21 A. No, he did not.

22 Q. Did either Mr. Matero or Mr. Kyle Jacobson provide you with
23 any concerns they had about Safari?

24 A. No, I'm not sure in what regards specifically, but -- I don't
25 know if you're talking about a financial stability of the company

1 or --

2 Q. Yeah, it could be a number of things. For example, they were
3 just complaining about management, they were complaining about
4 financial stability, complaining about work hours?

5 A. No, no. I don't, I don't recall none of that, no.

6 Q. Going back -- let's go back to, like, the May 29 -- well,
7 let's go back to 2019 to current. Is there a geographical
8 surveillance unit, GSU, that operates in the Anchorage area?

9 A. Is there a -- I'm sorry. Can you repeat that?

10 Q. Going to the Anchorage FSDO surveillance area, is there a
11 geographic surveillance unit that's in place there that surveils
12 the various operators besides from what you do?

13 A. Well, if you're talking about a geographic team, that would
14 be the aviation safety inspectors and POIs like myself that are
15 assigned here. There's not a separate team to do that. That's
16 what the inspectors do.

17 Q. Okay. Are you familiar with the ghost rider program?

18 A. I don't recall it at this time, no, but if you elaborate, it
19 may ring a bell.

20 Q. Where you maybe book flights on commercial operators to
21 covertly surveil their operation.

22 A. No, no, I'm not familiar with that.

23 Q. I think that's all the questions I have. And, Mr. Cummings,
24 I don't know if anybody else has any questions, but do you have
25 anything else you'd like to share with us that we haven't covered,

1 or do you have any other concerns that you'd like to address?

2 A. I really don't. I can close by saying that Paul had a very
3 successful -- and I know that he was a knowledgeable individual.
4 At the time, there was no doubt of passing at the end. It was a
5 surprise to me when I heard. I'll just say that.

6 Q. Actually, that raises one more question. Why are you
7 surprised?

8 A. Because of his performance.

9 Q. Okay.

10 A. His performance was very satisfactory.

11 Q. Aside from his performance, in your check, are you surprised
12 because he had approximately 15,000 hours of flight time?

13 A. No.

14 Q. Okay.

15 A. I don't -- yeah, I do look at everybody's flight time, but I
16 don't actually regard people with more flight time to be more
17 capable.

18 Q. Okay. And the reason I ask is because we had others that
19 they said, well, you know, I was surprised. He had 15,000 hours.

20 A. That's not why I was surprised.

21 MR. GALLO: Okay. All right. Well, we want to thank you for
22 your time, and we're going to go off the record then.

23 MR. BRAMBLE: Mitch, can you hear me?

24 MR. GALLO: Yeah.

25 MR. BRAMBLE: This is Bill. I just had one more question.

1 MR. GALLO: Okay.

2 MR. BRAMBLE: Actually two more questions.

3 BY MR. BRAMBLE:

4 Q. Just to follow up on that, Bruce. How would you describe his
5 performance in general during the checkride compared to other
6 pilots that you have --

7 A. Above average.

8 Q. Okay. Above average. And how did Mr. Jacobson's observation
9 checkride go? Did he succeed at that or not?

10 A. He did. He did.

11 Q. Okay.

12 A. He had a successful plan of action, a successful delivery,
13 and a successful assessment of both the ground and flight portion
14 that was demonstrated.

15 MR. BRAMBLE: Okay. All right. That's all I have. Thank
16 you again.

17 MR. GALLO: All right. I appreciate it.

18 All right. We're going to go off the record. And once
19 again, thank you, Mr. Cummings.

20 MR. CUMMINGS: Very well. Thank you, gentlemen.

21 (Whereupon, the interview was concluded.)

22

23

24

25

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: AIRBUS AS350 B2 HELICOPTER
 CRASH NEAR LIHUE, HAWAII
 DECEMBER 26, 2019
 Interview of Bruce Cummings

ACCIDENT NO.: ANC20MA010

PLACE: Via telephone

DATE: May 15, 2020

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.



Kathryn A. Mirfin
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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AIRBUS AS350 B2 HELICOPTER
CRASH NEAR LIHUE, HAWAII
DECEMBER 26, 2019

Accident No.: ANC20MA010

* * * * *

Interview of: ERIC HAMP, Director of Operations
Blue Hawaiian

Via telephone

APPEARANCES:

MITCHELL GALLO, Senior Air Safety Investigator
National Transportation Safety Board

WILLIAM BRAMBLE, Senior Human Performance
Investigator
National Transportation Safety Board

BRICE BANNING, Air Safety Inspector
National Transportation Safety Board

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I N T E R V I E W

1
2 MR. GALLO: All right. This is an interview with Eric Hamp
3 pertaining to Accident Number ANC20MA010.

4 And, Mr. Hamp, do we have permission to record the interview?

5 MR. HAMP: Yes, sir.

INTERVIEW OF ERIC HAMP

6
7 BY MR. GALLO:

8 Q. Can you describe your position with Blue Hawaiian and your --

9 A. I'm Director --

10 Q. I'm sorry.

11 A. I cut you off.

12 Q. Describe your position at Blue Hawaiian and your aviation
13 experience.

14 A. I'm currently Blue Hawaiian's Director of Operations. I
15 started in aviation in 2003. I went through the Army's Flight
16 School down at Fort Rucker. I flew Chinooks out of Fort Campbell,
17 Kentucky, 101st Airborne Division for 7 years. I did a tour in
18 Iraq and in Afghanistan.

19 And then, upon ETS'ing from the Army, I moved to Hawaii and
20 got a job flying tour aircraft here at Blue Hawaiian. That was in
21 2010, and I flew on the line for like 4½ years, and then I got
22 hired to be the Director of Safety here. So I was a tour pilot
23 still, but primarily my job was to implement the SMS program and
24 to get certified by the FAA and then by ISBALE (ph.). And so I
25 was in that position for 4 years, about 4½ years. Last April,

1 when Eric Lincoln retired, I took over as the Director of
2 Operations. And I'm still, you know, a licensed pilot, and I
3 still fly tours when we get busy or somebody needs a break.

4 Q. All right. And I'd like to talk a little bit about
5 interaction with the Honolulu FSDO, and also I guess you could
6 blend that in with the Hawaii Air Tour Common Procedures Manual
7 revision.

8 A. Okay.

9 Q. Over the course of time, have you seen a decrease in
10 frequency of surveillance from the Honolulu FSDO, you know, prior
11 to 2017 and then after 2017?

12 A. I think I would say for us, yes, but that can be misleading
13 because we, like for Blue Hawaiian and Hawaii Helicopters in
14 particular, we have a pretty constant interaction with Gino. Once
15 we started doing the SMS and, you know, I worked with him quite a
16 bit, and with the program office in Washington, D.C., with Gino.
17 I mean, Ed Valdez was our POI at the time.

18 They interacted with me pretty much on a constant basis
19 because we have to, like that's part of building the FAA's program
20 under the SMS voluntary program is you build it with your FSDO.
21 They work with you. They help you build it. They know what
22 you're doing. So we were interacting pretty constantly from the
23 time I started that until now really.

24 A lot of those have been phone calls. Once we started our
25 ASAP program, we were having, you know, the ERC meetings. Are you

1 guys familiar with the ASAP program? I just want to make sure
2 before I start dropping acronyms.

3 Q. Well, maybe you could describe it to us because that's
4 probably going to be the next question I had.

5 A. Yeah. So the ASAP program is the Aviation Safety Action
6 Program, and as far as I know, in the United States, it started
7 with the airlines. And basically it's a non-punitive reporting
8 program. And the idea was to get pilots -- at the start, it was
9 just pilots -- to talk about stuff that they do wrong rather than
10 try to hide it because they didn't want to get violated.

11 It was, hey, if you're willing to report this, we will not
12 violate you unless, you know, there's some criteria behind it, but
13 it's like unless there's falsification or intentional disregard
14 for safety is the big thing. As long as those things aren't
15 present, the report gets accepted, and then that pilot is
16 protected. They're not going to -- there's not going to be any
17 violation from the FAA for that program.

18 So once we got down the SMS road, it was like reporting is
19 such a big piece of it, getting people to be open with what
20 they're seeing and what they're doing, the problems they're
21 having, mistakes they're making. We wanted to get the ASAP
22 program in place because it just was another avenue to get our
23 pilots to talk about the stuff that I know is out there going on.
24 I'm a pilot, too. Like I know what we see. I know what happens,
25 and I know how it works.

1 So we got that in place, and we had to do that again with
2 Gino because he was very, very much involved and supportive of it,
3 and he has been since we put it in place, which was about 3 years
4 ago I think. And it's been a really good program. The amount of
5 stuff that the pilots have been willing to report and our
6 mechanics -- mechanics are a little bit -- they're a little bit
7 reluctant, and that's pretty typical in SMS programs to get
8 mechanics on board. But we've had some really good ERC meetings.
9 We've had some really great reports that have helped us clean up a
10 lot of issues and, you know.

11 So like I said, the FSDO was very, very involved with the
12 data. Otherwise, we couldn't have done it because we need them to
13 sign off on it. Like it's a program you do with them. So in that
14 sense, we have had pretty much constant interaction with Honolulu
15 FSDO since, you know, since I've been involved in the SMS, which
16 was about 2013 when I got into.

17 As far as like how much they're interacting with other
18 companies, I don't know. I do know that there's companies who
19 really don't like Gino, and so they've steered away from him.
20 They've asked for a different POI. And my honest opinion of that,
21 it's my opinion, is that because Gino really cares and he really
22 digs in, like he really -- like Mike said. When I first met him,
23 he was really hard on me when I first started working with him,
24 and as I got to know him better, I realized this guy really,
25 really cares about doing things safe and doing it right. And once

1 we kind of started to know each other better, we've had a really
2 good interaction as far as getting these programs in place and
3 making sure that our guys are following the regs.

4 So sometimes I do think that we see a little bit less
5 interaction, but I think that's because he knows our program so
6 well that he's a little bit less worried about us. I don't know
7 if that makes sense.

8 Q. Okay.

9 A. It's definitely not like him disregarding us by any means.
10 It's just he knows us well enough and knows our programs and how
11 we try to -- how we run our culture here. I think he's a little
12 bit less concerned about us breaking the rules, because if we do
13 it, it's an accident, and if we do find out -- and by accident, I
14 mean we don't do it intentionally, and so that's kind of how --
15 that's what I feel my interaction with the Honolulu FSDO has been
16 over the last 5 years.

17 Q. Okay. Going to the ASAP program, that's also -- it's not
18 required under any kind of regulation. Is that correct?

19 A. That is correct.

20 Q. All right. So it's voluntary just as much as SMS?

21 A. It's an excellent program. It has been an excellent addition
22 to our SMS program.

23 Q. In the ASAP program, and I understand not just you but other
24 air tour helicopter operators, they have external videos. Do you
25 ever make use of video reviews to track down concerns or reports?

1 A. Absolutely. We use -- well, we actually have a formalized
2 and written out video review program in the SOP, and I think I
3 sent -- I sent that to somebody early on in your investigation,
4 kind of the write up of it. And basically we use that -- pilots
5 all get a quarterly formal review based on the video pulled at
6 random.

7 And then, in addition to that, myself and the chief pilot
8 review -- I'd have to look exactly what the numbers are, but we
9 end up doing several hundred videos a year. We mix it up, and we
10 make sure that we're watching every pilot. And we have a
11 mentoring program for the new pilots which requires like -- their
12 videos are watched pretty regularly at the beginning of their
13 flying here.

14 And then we use it if there is an incident reported and we
15 have a video of it, we'll pull the video and look at it, and
16 sometimes it's helpful, sometimes it's not. And we also use it
17 when we get a complaint, you know, we'll pull the video and the
18 noise complaint and just see what it is and, you know, see if it
19 was legit, see if it was us. It's a lot easier to narrow that
20 kind of stuff down now because of the ADS-B, and we have the
21 HeliSafe on board, which is a data -- it's like metadata of all of
22 our aircraft.

23 Q. Do you think that the video review program you have is a
24 better tool for enhancing compliance versus FAA surveillance? I
25 mean, which one's a better threat?

1 A. I would say, yes, the video review program is better because
2 -- well, okay. The video review program, our pilots are all used
3 to it. It's been in place since I've been here. So at least 10
4 years. All right. And they're familiar with it. They know it's
5 expected, they know they're watched, and they know they get
6 reviews. So they also know, because we've taught them, we're
7 operating a SMS which the basis of it is a just culture.

8 So it's like -- and we tell them flat out, we are not
9 watching your videos to bust you. We are watching them to make
10 sure that things are safe and that you're complying with how we
11 want to fly, not only with regulations, but with our own SOPs and
12 the other things that we're part of, like the TOPS program. And
13 most guys get it.

14 And it's very rare, but the one thing about just culture I
15 think that a lot of people don't recognize is that they want to
16 hide behind it and say just culture, I'm supposed to be protected.
17 That means you're not going to ever bust me. No, one of the
18 things just culture talks about is that there is that kind of 1
19 percent, that 1 percent of pilots that's just what they call an
20 intentional rule violator. It's someone who just has a crappy
21 attitude, a problem with authority, and will not follow things.

22 So a just culture does two things that we train them on, is
23 it protects you, you know, when you just make a human error, but
24 it also protects you in that it eliminates that 1 percent who just
25 absolutely does not want to be a part of what we're trying to do.

1 And so the guys like that, who has a problem with the video review
2 program, are the guys that we ended up separating with because
3 they were breaking rules or disregarding and badmouthing our
4 system, which is not good.

5 So to answer the rest of your question, as far as FAA
6 enforcement goes, I think that the FAA enforcement is most
7 effective on the companies that are not implementing a just
8 culture. They're not implementing a SMS and actually implementing
9 one. Not just saying they're doing it and following it, actually
10 putting the programs in place and actually, you know, finding
11 risks and eliminating them.

12 So, for us, it's more effective. The video review program I
13 feel is more effective because we just don't need a lot of FAA
14 enforcement. For companies that aren't doing that, I think FAA
15 enforcement is -- it's good in the moment, but it doesn't actually
16 get to the root of the problem and fix it.

17 Q. Let's go back a little bit more to regulations. You could
18 conduct air tour under Part 91. Why choose to go 135? The 135
19 gives you an additional mileage from the departure airport that
20 you're operating from. So, you know, from a business standpoint,
21 isn't it better to just fly Part 91?

22 A. Well, I think you're kind of -- you're scratching the surface
23 into what I really think is the actual issue with tour flying in
24 Hawaii. If you really want me to go down that road, I'm more than
25 happy to. But I think that the actions that we've seen over the

1 years -- and I put together a spreadsheet when I first got into
2 the Director of Safety position where I went through all the
3 accidents I could find on your website, and then there is stuff I
4 found like in the news that I couldn't necessarily find on your
5 website, and so I just don't know if they predated it, but I
6 basically put together every accident I could find in Hawaii with
7 helicopters from 1990 until now, and I keep adding to it as they
8 go on. And I do that because it was like you're telling me I have
9 to identify all the risks to what we're doing, and I'm trying to
10 eliminate them.

11 So I did that and really the two trends in tour flying with
12 accidents with inadvertent IMC, which has not gone away and in my
13 opinion is not going to go away. I think it's only a matter of
14 time until the next one happens. And maintenance has been the
15 other issue, maintenance. And in almost all these cases, I firmly
16 believe you could tie it all back to money and business, and I
17 don't think that's a new thing for anybody to hear.

18 But when someone's turning out, and they want to do Part 91
19 tours, I get it, and it makes business sense because it is
20 cheaper, you're right. But it's really basic, and it doesn't
21 commit that company to the levels of safety that really need to be
22 in place to keep people safe and the like.

23 This environment here is so dynamic that like you can't even
24 really compare tours to anywhere else. You can't compare it to
25 tours in Vegas. You can't compare it to tours in New York. It's

1 so dynamic. And I firmly believe that the accidents that have
2 happened, almost all of them, have been -- you can tie it back to
3 money, and that's not all of them.

4 And again, that's not to say that we haven't had them, too,
5 because we have. And we do try to go and spend more money and do
6 135 and do SMS, and stuff still creeps up. And I believe a lot of
7 times it creeps up for us because we compete, and we do things
8 still that aren't illegal, but they're things that when I look at
9 them, they're kind of higher risk, and there's things that I
10 wished we didn't do, but we do them to be competitive.

11 And that's where even as the Director of Ops it's difficult
12 because it's difficult to make that argument with a CEO, and we're
13 owned by a private investment firm that wants to see numbers. We
14 don't have a private owner that's good with differing amounts of
15 money every year. We have a private investment firm that owns us,
16 and they want to see a margin that makes sense.

17 And so that's been a difficulty trying to navigate. And
18 they've never really pressured us, but like I said, there's things
19 that we do that, like I said, they're legal, but you can just see
20 the trends that we won't stop doing them because the other
21 companies do it.

22 Q. So you touched upon about different accidents and that, but
23 to date, we have been unable to get an accident rate pertaining to
24 Hawaii air tour operations. Nobody has the X times 10 to the 5th
25 number hours accident rate out there. I'm assuming you haven't

1 submitted those numbers to an industry group or FAA. Is that
2 correct?

3 A. You're saying I haven't been?

4 Q. Yeah. Have you been or haven't you? Because we've tried --
5 we're trying to get those numbers, but to date, we don't have
6 those numbers of the accident rate for Hawaii air tour operations.

7 A. It could be done. I haven't submitted anything like that
8 because the data's incomplete. I don't know -- I mean, I can look
9 at, you know, take off the landing reports for all the airports
10 that are here and kind of get a sense of how many hours
11 everybody's flying, but unless those companies are willing to tell
12 you how many hours they flew each year, it's difficult for me to
13 get that data from them.

14 And so I can tell you what we flew and the accidents we've
15 had in the last 10 years and what our rate is. But then that gets
16 even -- you know, it definitely could be done, but you'd have to
17 get cooperation from all the operators. And that's something
18 that's proven very, very difficult, especially in recent months,
19 is to get cooperation from the operators.

20 MR. GALLO: All right. I think that's all the questions I
21 have for now. I'll pass it over to Bill Bramble. Thank you.

22 MR. HAMP: Thanks.

23 BY MR. BRAMBLE:

24 Q. Hi, Eric. This is Bill.

25 A. Hey.

1 Q. So it sounds like you're a pretty big proponent of SMS, and
2 you guys have implemented a program. I was wondering if you could
3 give me some details on whether you feel that your SMS programs
4 reduce the risk of weather-related accidents at Blue Hawaiian and
5 why or why not?

6 A. Again, I don't have good data on that. And so I would say
7 that it has reduced the risk because we've been pretty supportive
8 of turn around, don't take off or cancel the flight, you know,
9 don't even go. And, you know, I obviously can't say 100 percent,
10 but I'm fairly certain if you were to interview all of our pilots,
11 that would be the answer. They would say, yep, if we need to turn
12 around, if we need to land, we're not given a hard time about it
13 at all. And they're not.

14 You know, we have had inadvertent IMC incidents since we
15 implemented SMS and, you know, we've dug into those incidents and
16 looked at where we think the holes are and, you know, we've filled
17 most of the holes that we've found.

18 For example, we had one a few years ago where it was just
19 like you looked at the flight, and you can see like decision point
20 after decision point after decision point where the pilot just
21 kept going and kept doing everything wrong. And when asked, why
22 did you do it? The answer simply was, well, I wanted to get back
23 because I wanted to go home. And ended up going into an
24 inadvertent IMC and did a good job of getting out of it. You
25 know, the instrumentation in the aircraft and the training that we

1 do certainly helped with that.

2 So it's kind of like, you know, it didn't result in an
3 accident because of other things that we have in place, but it
4 still happened. You still have people pushing that weather, and
5 that particular pilot, it was like the third or fourth incident,
6 and unfortunately when that pilot was let go, because it was like
7 again the third or fourth thing, that message was not like, oh,
8 look what they've done. They've really, you know, paid attention
9 and gave her plenty of chances. But it was, no, she got fired for
10 going inadvertent IMC, don't report anything anymore. And that's
11 a constant battle, and that's not quite what happened.

12 And, you know, we had one not that long ago that we
13 discovered months and months after it happened because we have a
14 HeliSafe program in our aircraft -- included in our aircraft,
15 which it's a flight data recorder. It records everything. We can
16 pull up any flight and look at the flight route and, you know, we
17 have triggers in there that would get triggered if somebody --
18 there are certain parameters that are in there, if you exceed
19 them, you find out and, you know, we can talk to them about it.
20 Hey, what happened here? And it's not meant to be punitive, but
21 we do look for trends.

22 You know, this other incident happened, and unfortunately we
23 didn't know about it, and we put some new parameters in when I got
24 into the Director of Operations spots. There were a couple of
25 parameters in there that we didn't like, myself and the chief

1 pilot and our flight training manager, and we changed them. We
2 changed them, and then we ran the data backwards to see if
3 anything came up. And there was this incident that came up, and
4 when we looked at it, it was harrowing. And when we went to the
5 pilot, we just said, look, right now, did you go inadvertent IMC
6 in February? You know, this was like 5 months later, and he was
7 like, yes.

8 And what we discovered was that he was following one of our
9 pilots on that island who just -- and the guy told him, don't
10 report. You got through it, don't report it. There's no reason
11 to tell anybody. And he was just an old school guy with that
12 mindset, and we let him go for that because, like we said, that is
13 completely against the culture that we're trying to cultivate
14 here. That guy, when we took him out and retrained him after
15 that, he learned nothing until he got that training. So it was
16 like that guy telling him not to report, yeah, it didn't stop the
17 incident from happening, but until we went out and retrained him,
18 he would have done the same thing again, you know.

19 So I just think that the biggest thing that we fight here is
20 that old school cultural mindset of get it done, just go. Hey,
21 you made it, cover it up, don't tell anybody. You know, we've
22 really tried to weed those guys out because we don't want that
23 type of pilot here at all.

24 And when we -- like I said, when we analyzed inadvertent IMC
25 here, as you can imagine, the biggest hole, of course, was

1 decision making. It was like why? This is the thing that we
2 can't quite fix. Like why would they go that way? Why didn't
3 they land? We told them a million times, land, turn around, do
4 not get in trouble for that, but keep going into it. We tell you
5 to report it. You're not going to get violated. Guys are still
6 saying, don't report.

7 There is an industry mindset that still exists that, you
8 know, it's hard to find where it comes from, but it is absolutely
9 insidious when it comes to implementing SMS. It's still out
10 there. And once you get into a SMS, if you don't catch it and it
11 gets in, it affects everything and everybody. Like I said, that's
12 why that guy's not here anymore. As we've said, we can't run the
13 program with that kind of mindset in it.

14 But, to get back directly to your question, as far as like
15 the types of things we've seen happen since then, it still
16 happens. I think we've seen less and less of it for sure, but I
17 think when you talk about kind of what happened with Safari or
18 with Kobe Bryant, what happened with the Novictor in Kailua, on
19 the Oahu side, there is still a we've got to make money, we've got
20 to get there, we've got to get this done mentality.

21 And I honestly don't believe that's going to go away until
22 it's regulated. Until the tourism industry in Hawaii is regulated
23 more -- and I know people complain about that, we get so many
24 regulations. We do, but it hasn't fixed anything. Like
25 inadvertent IMC crashes are still happening, and it's for the same

1 reasons.

2 And, you know, there's a handful of things that I personally
3 feel need to change and, yes, they will directly affect how much
4 money companies can make, but until that playing field gets level,
5 everybody's going to keep doing what they're doing to try and make
6 as much money as they can possibly make. And, you know, I don't
7 know what else to say about it. Another inadvertent IMC crash in
8 Hawaii is going to happen again. It will.

9 Q. How would you regulate it to make it a more level playing
10 field?

11 A. Well, one of the first things is -- and this is something
12 that we did, and again, I'm not saying we're prefect. I just got
13 done telling you guys, we are still having these inadvertent IMC
14 run-ins, even with all this stuff in place. Other companies are
15 having them. We're not -- I'm not trying to say that we've got
16 this whole thing figured out.

17 But one of the things we did that really tries to address it
18 is we went through and we implemented what we call a daily risk
19 assessment worksheet. It's a flight risk assessment, and again,
20 it's not perfect, but it's something the pilots do at the
21 beginning of every day. It takes in, kind of like Mike was
22 saying, it has a weather section, but the first section is kind of
23 funny. Like if you read it, you probably think it's inadequate
24 but, you know, it talks about the pilot and his experience, the
25 pilot, how they're feeling.

1 The left side of the -- I can show it to you if you want to
2 see it, but the left side of it deals with the crew resource
3 management document, the I'm safe deal, like the PAEP: pilot,
4 aircraft, environment and the external pressures. The whole left
5 side deals with that acronym and kind of addresses those types of
6 issues.

7 And the weather section, you know, weather -- certainly,
8 without getting into all of that, the daily risk assessment
9 worksheet is a big deal to me and to us. And I believe that if
10 they're used correctly and followed and supported by management,
11 they're really effective in having pilots kind of make decisions
12 prior to going out. And that's kind of what we look for. We
13 don't want them to get out there and hit it at all. We just want
14 them to not go.

15 And again, the difficult thing there is that if you don't go
16 and somebody else goes, you know, there's some external pressure
17 right there on the pilots. And then management's going, why are
18 they going and you're not going? And we're trying to explain it.
19 It's just a constant fight.

20 So the daily risk assessment worksheet is a thing that we did
21 which I think really, really helps. We are very, very, very
22 supportive of canceling flights, turning around, landing the
23 aircraft. And we've tried to really make a point of saying like,
24 if you push through it and make it, we don't think you're awesome.
25 We think you suck. We want you to land, the right thing to do.

1 The hero mentality is don't go, turn around, land the aircraft.
2 And, you know, like I said, we've really pushed that as much as we
3 can.

4 I think another factor is the fact you can fly all day, any
5 day and fly on tours. You can go up at 6 o'clock in the morning
6 but when the weather's crappy, I can take off at 4 or 5 in the
7 afternoon when the weather's crappy. You know, there's no limit
8 on how much we can take off and do, and I think that will be
9 helpful.

10 I think that, you know, you saw that with the Safari thing.
11 It was late in the day -- and I watched that video. I have no
12 idea why that guy chose to go that direction. And, in particular
13 that day, I think it got downplayed a little bit today, but it was
14 blowing 25, 30 knot Kona winds that day, and Mike Thatcher said
15 that was not unique. That was incorrect. That was a very, very,
16 very unique weather day, and it should have been caught on a risk
17 assessment.

18 And, you know, like I said, our assessment has a specific
19 bullet for it. Is the weather coming from a different direction
20 than normal? And I think that's one of the most hazardous
21 situations that comes up for tour flying is you're used to trade
22 winds 350 days a year, and that 1 day, you get Kona winds from the
23 south, and the weather all builds up different. And that's
24 exactly what happened that day, and you haven't risk assessed it
25 and you haven't prepared yourself for that. It's not even in your

1 mindset. You try to do the same thing you do every single day,
2 and that to me looks like what he did. He went right into, right
3 into where he would normally go on a day when the weather was
4 completely opposite.

5 So, you know, I think a risk assessment would help with that.
6 (Indiscernible) also helps with that. Limiting the amount of
7 flight time we can have in a day for tours I think would be
8 helpful. But this gets into the Air Tour Common Procedures
9 Manual, too, if you want to go down that road as well.

10 Q. Yeah, there are a couple of things -- say again.

11 A. I forgot to say it when you asked what would be helpful.
12 Like I think, and this was a huge argument between us and some of
13 the other operators here, that pilots, to fly tours in Hawaii,
14 should be instrument rated. They should be instrument rated, and
15 the aircraft should be capable of instrument recovery.

16 I don't mean the aircraft has to be certified, but it should
17 be capable of instrument recovery. And I don't know for sure if
18 everybody else's aircraft are, but that's another piece we filled
19 in, is equipment. Can you recover from an inadvertent IMC? And
20 is your pilot trained to do so? And those are not requirements to
21 fly tours in Hawaii. And I think they should be.

22 Q. So you think that should be part of the requirements?

23 A. Yes. I think -- I mean, you know, 135 has a requirement for
24 night instrumentation that is what TOPS employs. TOPS requires
25 their operators to have the equipment that meets that standard.

1 And basically flying with the night equipment requirements for --
2 the night instrumentation requirements for 135, it has the
3 equipment in there to recover from IMC. That's why it's written
4 that way in the TOPS standards.

5 And, you know, I just -- if you have somebody instrument
6 rated and doesn't have an aircraft that can even handle instrument
7 recovery, they start getting into weather, their reaction is going
8 to be to dive, to dive to the ground, to stay visual and not to
9 commit to the instruments. You know, obviously you want to avoid
10 it as much as we can, but if you just make a mistake and you end
11 up in it, which can happen here, you know --

12 Q. Yeah.

13 A. -- you have to be confident you can do it and your aircraft
14 can do it. And, you know, right now it's not a requirement. It's
15 not a requirement of Part 91 either.

16 Q. Are any of you guys flying in Blue right now?

17 A. We have EC-130s, B-4s and T-2, and then we have some AS-350
18 B-2s left. And, you know, I think that this is a big -- this is
19 really the tip of the iceberg if you really want to get into the
20 issues in Hawaii. I mean, there is a big divide between operators
21 -- actually, basically us and all the other operators. You know,
22 when you're ready to go to the Hawaii Air Tour Common Procedures
23 Manual, just let me know. I'll start talking about that to you.

24 Q. Okay. Real quick, before we do, how did you discover the
25 incident, the inadvertent IMC incident with the multiple

1 incidents? Was that a benefit of your ASAP program, or was
2 that --

3 A. The first incident that happened, you know -- and I wasn't in
4 the Director of Ops role yet -- I can't remember if it was just
5 our regular video review. I think it was either a video review or
6 another pilot came back and said, hey, you need to go look at this
7 video because -- it was one of our pilots came back and said, hey,
8 you need to look at this video because she just went into that
9 valley way, way lower than she should have.

10 So I can't remember if it was a video review or a pilot
11 report that prompted it, but then they pulled the video and looked
12 at it, and it was like, holy smokes, what were you doing? You
13 went into the valley completely illegal, completely against the
14 Hawaii Air Tour Common Procedures Manual, you know, just pushing
15 the weather into a valley for no reason whatsoever. And, you
16 know, so that was the first thing.

17 And then there was another incident after that, just
18 involving again low weather and being out, kind of pushing it.
19 And then the final thing was the actual time that the inadvertent
20 IMC took place. But it either came up in a pilot report or a
21 video review, but either way, it came in through one of our SMS
22 programs.

23 Q. It sounds like what one of the things SMS has done for your
24 company is it has given you much better visibility into the level
25 of risk because you're aware -- you're learning about incidents

1 that are happening that you may otherwise not know about. Is that
2 correct?

3 A. Yes, that is correct, absolutely. And the ASAP reporting
4 program has been a big part of that.

5 Q. Okay. And it sounds like you are gaining that awareness
6 through ASAP and through video review and through your fly safe
7 data -- or HeliSafe?

8 A. Yeah. Those are several -- I mean, we have the data from the
9 HeliSafe. We do have the ASAP program. We have video reviews.
10 We also have the regular reporting program, too. It's not part of
11 the ASAP. It's for anything that's not necessarily a violation.
12 You know, just anything (indiscernible). We have that. Then we
13 also conduct our own internal audit program, and then we have
14 audits also from TOPS and ISBALE (ph.), and so -- so we try to
15 draw it in from everywhere we can.

16 Q. And how long has that SMS program been in effect?

17 A. It was approved by the FAA, you know -- well, the FAA said
18 accepted. I don't recall the exact date here. I think it was
19 2015. It was either '15 or early '16. But it's been like 5
20 years.

21 Q. Okay. All right. And were you in charge of this the whole
22 time?

23 A. No. When I took over, it was just kind of in pieces. It
24 hadn't been solidified yet. When I took over, there was a
25 reporting program and there wasn't an internal audit program. The

1 internal audit program was developed so we could be a DoD carrier
2 and then -- so when I took over, there was -- yeah, there were a
3 couple of elements in place, but we didn't have a manual yet.

4 And so I took what was in place, did the gap analysis with
5 the FAA, and then initiated programs to fill all the gaps. And
6 then I have the certificate here, I have to look for that in a
7 second, but I'm pretty sure it was 2015 when the program office
8 from D.C. came out and certified it.

9 Q. Okay. And when did you start working on it?

10 A. 2015. It took me about 6 months to get it done.

11 Q. Oh, okay. That's when you started working on it. I see.
12 Okay.

13 A. I mean, and normally the program -- so the program takes
14 longer than that, like it's -- there's a lot of nuance to it.
15 Like when we started, it was called the pilot program, and then by
16 the time we finished it, it was the voluntary program. So by the
17 time we finished it, the voluntary program was basically the same
18 wording as Part 5, which all the 121 carriers have to use to make
19 a SMS.

20 So we followed the same program, and when the D.C. guys came
21 in and looked at it, they took into account that it started a
22 couple of years before that, like started working on it. So when
23 they came in and saw everything that we had and how it was
24 organized, they counted that 2½ to 3 years. That's how long it's
25 supposed to take, a couple of years, to do the whole thing.

1 Q. Um-hum.

2 A. So when I came in, there was a lot in place already. And so
3 I was able to accelerate -- not really accelerate, but I was able
4 to get it done in 6 months. So it still took, you know, 2½ to 3
5 years to finish the whole thing, but I was only involved for 6
6 months to shape it up.

7 Q. Okay. There was one other thing I was going to ask you about
8 on the helicopters. So, when you were saying, you know, you'd
9 like to see all the helicopters out there be capable of exiting
10 IMC if they get in it, do you mean just having the basic guidance
11 instrumentation, or do you mean having more like the stability
12 augmentation, or how's that going to benefit?

13 A. Well, at the very least, just the basic instrumentation to
14 recover from inadvertent IMC. I mean, I don't think it's
15 reasonable to ask everybody to have, you know, terrain avoidance
16 warning systems like we have or even a G500, but to say you should
17 have working instruments to be able to fly an ILF, I think that's
18 reasonable.

19 Q. Yeah. Okay. All right. So, yeah, let's talk about the
20 Hawaii Air Tour Common Procedures Manual and what you think needs
21 to happen and your awareness of what's going on in the revision
22 and so forth.

23 A. Do you guys want all the nuance?

24 Q. Well, there are two things that I want to get to, but I know
25 the other guys have particular interests, too, but I think that

1 the main things that we're interested in are what's -- why does it
2 need to be revised from your standpoint? What's taking so long?
3 And I understand there may be some conflicting perspectives among
4 the different operators out there how things should be done, so
5 what's the nature of that disagreement? So I guess those would be
6 the three areas.

7 A. Well, the first thing I would say is to say I don't think the
8 revision was ever necessary, maybe some small revisions. Like
9 Mike mentioned, the pictures of the landing areas, that was a
10 problem.

11 There's a couple of small things that are like -- as far as
12 like you have to do a 136 checkride, which is pretty simple, and
13 we used to do it on our 135 checkrides, but they didn't ride it.
14 So the grace month works the same as a 135 checkride. You know
15 where you have the grace month in the beginning -- no. Well, you
16 have a month in the beginning and then a month after. The Hawaii
17 Air Tour Common Procedures Manual didn't allow for that.

18 So there was little things like that, and then there were a
19 couple of spots where it said, you know, any time you're below
20 whatever, 1,000 feet, you must have a suitable landing area, which
21 in Hawaii is, you know -- I mean, that's a gray area, you know.
22 Like I know what suitable definition is, but there's so many spots
23 out here from the air you can say suitable, but -- so there was a
24 lot of little things like that.

25 As far as like the altitudes and the areas where you can fly

1 in, that was all fine. It was all fine and, you know, what
2 happened was -- and I don't know how familiar you guys are with
3 this, but here's kind of the history of this. What happened was,
4 there were a lot of operators who were wishing for a revision of
5 that, and kind of built behind that was a push to deregulate
6 completely, like get rid of Appendix A out of 136 and -- you know,
7 which specifically applied to Hawaii. The operators want to get
8 rid of it. They want to be totally deregulated again, back to 135
9 flying again, you know, 300 feet over congested areas period.
10 That's all. Which I don't think personally is adequate, but
11 again, that's my opinion.

12 So there was definitely some conversation about revising it.
13 What ended up happening was the FAA didn't realize in some
14 cases -- honestly did not realize that this manual belongs to
15 them. It was a FAA stamped manual, right. And when they realized
16 that, it freaked them out, because that manual has like forced
17 landing areas on it, the pictures saying this is where you will
18 go, and the FAA didn't want a manual with their stamp on it that
19 gave us basically forced landing areas, like you will land here.
20 They didn't feel that was appropriate. And we agreed.

21 But if you read the manual, it doesn't say you will land
22 here. It says you will have this option. Like you can have other
23 spots that are better, but you've got to keep these other spots as
24 an option. And it's a little bit of a problem for sure. So that
25 was one thing I agreed could have been revised.

1 And I think there was some haste to get it revised, and it
2 ended up in the hands of the Hawaii Helicopter Association. The
3 Hawaii Helicopter Association was an entity that was created here
4 to combat a lot of the noise complaints that were coming up,
5 particularly on the big island. And so that organization, you
6 know, we were a part of it. Our sister company, Hawaii
7 Helicopter, was a part of it. And, you know, a handful of other
8 operators of Hawaii were a part of that, but it was founded to
9 deal with noise, right. And it was supposed to be affiliated with
10 the HAI, which I believe it is now.

11 And so when this current procedures manual came into question
12 and a revision, it was handed to the operators to revise it. And
13 I had no part in that. I didn't see it. I was not brought into
14 those conversations in any way as the Director of Safety, which I
15 think was a problem, not because I'm awesome, but because when
16 you're running SMS, you have got to run the safety risk management
17 process any time you have a major change. And a major change to
18 the Hawaii Air Tour Common Procedures Manual should have had the
19 safety risk management process run on it, not just by us. There
20 are other operators in the state who will tell you flat out they
21 have a SMS but nobody ever did that.

22 What I think was there was an opportunity to create a
23 revision that basically took out all the rules, and if you ever
24 see that revision, when I finally saw it, like I went through it
25 with our chief pilot, we were just blown away. But I can't

1 believe this might pass. It basically took out almost all
2 restrictions.

3 Like one of the things that the Hawaii Air Tour Common
4 Procedures Manual has in it that I think is excellent -- and most
5 of us agree, if we want it, it's excellent -- is it does not allow
6 special VFR departures. And why is that? Well, you're on a tour.
7 Why would you be taking off in special VFR to go out on a tour?
8 And that's in there. They're not authorized. Well, they took
9 that out.

10 And they took out visibility requirements and made them like
11 almost nothing. And then they took out -- like all the sift (ph.)
12 areas had no guidance whatsoever, and it was just -- it was
13 really, really -- I think that revision is really bad personally.
14 And I think it will lead to abuse. I think it will lead to more
15 noise complaints. I think it will lead to more accidents.

16 And so what happened with it is -- what happened was, the
17 last steps for it was for the National Parks to get a chance to
18 look at it, and the FAA was setting that meeting up. And in the
19 midst of that, right before that happened, that's when the crash
20 in Kailaua took place where the aircraft crashed in the streets.

21 And when that happened, everybody backed off on approving
22 that manual because it was just -- you know, once the public knew
23 there -- they didn't even know there was a Hawaii Air Tour Common
24 Procedures Manual. Then they heard there was the revision, and
25 the public was like, well, you're revising it. We want to see it.

1 We want to make comments on it. It's a public document. And
2 nobody wanted the public to see it. And it's because it's
3 terrible. It takes out all -- really all restrictions on tour
4 flying. So that revision got delayed initially for that reason.

5 And then, you know, we did run a risk assessment on that
6 manual, and we presented it to the Hawaii Helicopter Association,
7 which we were part of. And we listed out I think 13 items that we
8 felt, you know, like this is not -- these items are too risky.

9 You need to change them. And none of this has been addressed.

10 All of this stuff is a problem in here. Here's something we think
11 you should add. We presented that to the Hawaii Helicopter
12 Association because we felt that should be done. There's a bunch
13 of companies in there that say they have SMS. There should have
14 been a risk management done on that, and there wasn't, and we did
15 it. And they kind of laughed us out of the room. You know, they
16 just basically -- they didn't take it seriously.

17 So we took those issues, and we had a meeting at HAI with the
18 FAA, and there were HHA members at the meeting, and we just
19 brought up -- we brought up all the issues that we found with the
20 manual. And so the FAA, I don't know what they're doing with it
21 now, but they have recognized that the revision that was put
22 forward had some problems, and it needed further -- it needed some
23 further discussion.

24 And so the difficult thing now, when HHA became a safety
25 organization -- like when it got away from just noise and it

1 became a safety organization, it became difficult for us to stay
2 in it because they were advocating for things we didn't believe.
3 So they were basically just saying things like aircraft should not
4 have to have instruments. Aircraft should not have to have
5 (indiscernible). Pilots should not have to be instrument rated.
6 Which were all things that we believe, that we've invested in, and
7 the HHA is an organization that's asking us basically just to be
8 quiet. Hey, we don't agree with you. You're a member of HHA.
9 You need to be quiet because we don't want to support those
10 things. We want to hide behind federal exemption and not go above
11 and beyond.

12 And at that point, it was like, we can't stay in an
13 organization that we're in disagreement with, with so many things,
14 especially if they just want us to be quiet. So we left the
15 Hawaii Helicopter Association, and the status of the manual now is
16 very much in question. I don't know where that revision's at, and
17 I don't know what the FAA's next move on it is going to be.

18 Q. Do you know if there's anybody at the FAA who is the point
19 person on that revision on the FAA's side?

20 A. It was -- I have to look her name up. It was a woman from
21 the Western Region. Her name is Monica -- I can't remember her
22 last name.

23 UNIDENTIFIED SPEAKER: Buenrostro.

24 MR. HAMP: Say it again.

25 UNIDENTIFIED SPEAKER: Buenrostro.

1 MR. HAMP: Yeah, that's it. That's it. And, you know, she's
2 been pretty good about it and, you know, when we talked to her at
3 HAI, like I said, that meeting wasn't just us. I mean, there were
4 HHA members in that meeting, too. It was just kind of an informal
5 meeting where we all sat down outside one of the conference rooms,
6 and we were bringing things up to her and her boss, who I believe
7 her name is Raquel Girvin, I think is her name.

8 We were bringing up to them, hey, did you know the manual
9 says this? Did you know the manual has this revision -- has this
10 in it? This revision took this out. In some cases, I think they
11 were surprised by some things that almost got through, and I think
12 we're pretty lucky they didn't, and hopefully they don't. Yeah,
13 the manual at this point -- like, I mean, quite honestly, we'd be
14 better off with the current manual without that revision.

15 BY MR. BRAMBLE:

16 Q. All right. Good. And was there -- I mean, was this
17 complicated by the -- I don't know, proposals to -- either state
18 or national proposals to restrict air tours due to noise
19 complaints, or was that not really part of this picture?

20 A. It was all kind of intermeshed, you know, and although the
21 Hawaii Air Tour Procedures is a safety manual, you know, the noise
22 -- you can't separate those two things on Hawaii. Like, you know,
23 the safety of our flight, you know, like how Mike Thatcher
24 mentioned it, like there's times when it's like -- not Mike, Greg
25 said it -- where it's like there's times you're working so hard to

1 control noise that you're not really dialed into what your company
2 wants to support. You may make the decision to push it closer to
3 weather than, you know, get a noise complaint. And, you know, so
4 I mean, it definitely played into it.

5 And a big reason that -- a big thing that played into it was,
6 of course, that the noise stuff came up, and that's what
7 precipitated the forming of Hawaii Helicopter Association, and
8 once that entity existed, it seemed like the right place to send
9 that manual for revision. I think that was a little bit ill
10 conceived just because it's like, you know, are you going to let
11 big corporations rewrite the tax codes? They're going to rewrite
12 them to their advantage. And that's kind of what happened I think
13 with the Hawaii Air Tour Procedures Manual. You gave a regulation
14 basically to the operators to write themselves, and there are
15 definitely things in there that have money in mind for sure.

16 MR. BRAMBLE: Yeah. Okay. All right. That's fascinating.
17 I'm going to pause for now and turn the questions over to Brice
18 Banning. Thanks a lot. I appreciate it.

19 MR. HAMP: Sure.

20 MR. BANNING: Hi, Eric. How are you?

21 MR. HAMP: I'm doing great. How are you?

22 MR. BANNING: I'm okay. I sure appreciate you taking the
23 time to visit with us.

24 MR. HAMP: Yeah.

25 MR. BANNING: You talked about your risk assessment. Would

1 you be willing to share a copy of that with us?

2 MR. HAMP: Absolutely.

3 MR. BANNING: Okay. I think -- I'm working that other case.
4 So I believe I have your email, Eric.

5 MR. HAMP: I can send it to you right now. Yeah, send me an
6 email and I'll send you a copy of it.

7 MR. BANNING: Okay.

8 MR. HAMP: I'll briefly explain, when I send it to you, too,
9 what we were doing as we built it and kind of how we built it.

10 MR. BANNING: Okay. Yeah.

11 MR. HAMP: It's not perfect. It probably needs a revision.
12 But we've been using it now for like 5 years.

13 MR. BANNING: No, I really appreciate the opportunity to look
14 at it. So that would be terrific. And I don't think I have any
15 additional questions, so I'm just going to hand it over to Mitch.

16 MR. GALLO: Thank you, Brice.

17 BY MR. GALLO:

18 Q. Eric, I have a couple more questions. Going to the Hawaii
19 Air Tour rule revision, it was our understanding that it was a
20 Honolulu FSDO product, but at some point, it got turned over to
21 Monica. Do you know who made that decision within the FAA?

22 A. I'm not sure, because like I said, I wasn't involved with it
23 at the beginning. What I understand happened was that -- I don't
24 know why it happened, and Gino may -- if you want to talk to Gino
25 about it, he probably has a better, obviously, understanding of it

1 because he was kind of forced out of the conversation. And I'm
2 not really sure why.

3 The rumors I've heard about it were that he -- you know, like
4 I said, a lot of operations don't really like him, and they'd
5 all -- you know, they don't want to be regulated. To them, the
6 FAA is the enemy, and I think that they kind of convinced -- it
7 sounded to me like they convinced Monica that Gino shouldn't be
8 involved in it. And I'm not sure how they did that or why they
9 did that but, you know, according to him, he hasn't been consulted
10 on it at all or very, very little. He was at the beginning, but
11 then he was kind of eliminated from the process for whatever
12 reason. I'm not sure why.

13 Q. How many conversations have you had with Tiffany Chitwood of
14 the Honolulu FSDO about any subject? Do you ever talk to her?

15 A. Once or twice. The last interactions with her were email and
16 on the phone, in a conference call here, directly related to the
17 Hawaii Air Tour Common Procedures Manual. Just kind of us raising
18 our concerns about it and just saying that it needs to be, you
19 know, it needs to be looked at. Anyway, that's what it's been.
20 And the email interchanges have probably been three or four,
21 conference calls on the phone, maybe one or two.

22 Q. And when did those occur approximately?

23 A. Let's see. When was HAI? That was in the end of January.
24 So I would probably say, you know, probably like somewhere between
25 like December and January, February -- yeah, like January,

1 February 2020, December of 2019, probably that 3-month stretch
2 right there.

3 Q. But prior to that --

4 A. And I -- go ahead.

5 Q. Prior to that 3 month stretch, what was the communications
6 like regarding that manual with the FAA Honolulu FSDO?

7 A. It wasn't that much other than, when I first saw the
8 revision, the proposed revision, I had just gotten the job as
9 Director of Operations, and I had just gotten involved with the
10 Hawaii Helicopter Association. And I got put on their board, and
11 that would have been probably March, April of 2019, so -- yeah,
12 yeah, March or April of 2019.

13 And so it was probably right about that time I saw the
14 revision, and we immediately kind of got involved. I'm like, my
15 gosh, this thing can't be -- this can't be happening. And we
16 called Gino, and Gino didn't have any knowledge of it at that
17 point because he kind of had been cut out of it and like really
18 just not involving him at all, and I'm not sure why, like I said.

19 And from that point there, like I said, we tried to address
20 HHA first with our concerns for it, and from there, then we kind
21 of brought up to the FAA. So, you know, it was probably -- we
22 probably first brought it to FAA -- I don't remember.

23 Q. All right.

24 A. I know we didn't go to the FAA right away because we thought
25 we had some time to work with it and maybe convince HHA into some

1 things, and they wouldn't, and they weren't willing. And so once
2 that kind of became apparent that we weren't going to make any
3 headway there, that was when we took it to -- I don't know who we
4 contacted. We contacted Martha and Tiffany, and that would have
5 been right around HAI time. Probably in January 2020, somewhere
6 in there.

7 Q. But prior to January 2020, how many conversations about any
8 subject did you have with Tiffany Chitwood?

9 A. I would say probably none. I mean, I did see her one time.
10 The first time I met her was at -- the Honolulu FSDO had been
11 putting on safety programs every year over at the Honolulu
12 Airport, and we went to that I think 3 years in a row, and I
13 believe it was the last year I was there, I met her.

14 Q. All right. And prior to 2017, how much interaction did you
15 have with KC Yanamura?

16 A. None. I don't even recognize the name.

17 Q. Okay.

18 A. In 2017, like I said, I was the Director of Safety, and my
19 FAA interactions were primarily with Gino and Ed Valdez, our POI.

20 Q. All right. And it sounds like you have a draft revision of
21 the Hawaii Air Tour Manual. Is that true?

22 A. I actually don't at this point because it's a HHA document.
23 They kind of own it. I mean, I can probably get one. I'm just
24 not sure how that would play out.

25 Q. Yeah.

1 A. You know, whether it's -- you know what I mean, whether it's
2 their property or not.

3 Q. Okay. So --

4 A. I don't know if they have any legal rights to it.

5 Q. All right.

6 A. I just don't know what --

7 Q. Okay.

8 A. -- how that would work. But I mean, you could definitely ask
9 them for it. I can contact HHA. I don't see how they could tell
10 you, you can't look at it --

11 Q. Okay.

12 A. -- without really looking suspicious.

13 Q. Okay. I think that's all the --

14 A. The FAA also has that revision.

15 MR. GALLO: I think that's all the questions I have at this
16 point. Bill, do you have anything?

17 MR. BRAMBLE: Yeah.

18 BY MR. BRAMBLE:

19 Q. So I was just wondering how Tiffany Chitwood and Monica
20 Buenrostro responded to your concerns when you brought concerns to
21 them in January of 2020 about the contents of the revisions?

22 A. I thought they were very receptive. I mean, they didn't give
23 us any specifics of what they would necessarily do, but I got the
24 impression there was sort of an appreciation that we had brought
25 it to their attention. I could be totally wrong, and like I said,

1 I don't know what the status of it is now. We're not in HHA
2 anymore, and I just -- the last thing I heard was that the manual
3 revision needed more work, and they had agreed to that level, that
4 it needed more revision, needed more work, and it was problematic.

5 I don't think there's really that much chance of it coming
6 out in the present form that it's in. I'd be very surprised by
7 that. I'd be pretty disappointed by that, too, but I'd be very
8 surprised.

9 Q. Okay. Did they give you any indication of what their plan
10 was going forward to revise it?

11 A. And I think for me, I feel like the FAA has actually been
12 pretty forthcoming about our concerns as far as listening to us.
13 I feel like a lot of the resistance has come from industry itself
14 to us and to Blue Hawaiian. I don't feel like the FAA has really
15 been a barrier at all when it comes to our concerns about the
16 revision. I really feel the resistance has been from the industry
17 itself, you know, and I'm not really sure why.

18 You'd have to look at the revision yourself and see if you
19 agree with anything I'm saying. Again, this is all our opinion.
20 You've got to put the two manuals kind of next to each other and
21 look at how different they are to kind of --

22 Q. Yeah. Okay. All right. Well --

23 A. There's also a kind of important thing I want to say is, I
24 didn't say it at the beginning but, you know, our concern with
25 this as Blue Hawaiian is we just really want tourism helicopter

1 flights to continue, and we want it to be safe. So it's not --
2 this is not about me really kind of going against other operators
3 as it is reporting what we believe would be the safest thing, you
4 know, and that does come into conflict for sure.

5 But it's not really about us versus other operators, us
6 versus anybody. It's about here's what we really think will keep
7 the industry going, keep us, you know, in good standing in the
8 community, and keep all of our passengers safe, which is the most
9 important thing. I mean, that's where we're coming at this --
10 like everything I'm coming at you with, all this information, is
11 from that standpoint. You know, we just -- we don't want the
12 industry to go away, but we do think it can operate safer.
13 There's a lot of gray areas that can be filled in.

14 Q. What do you think would be the most helpful thing that the
15 NTSB could do in terms of recommendations to improve
16 (indiscernible) and reduce risk?

17 A. You guys have made them, you know, like implementation of
18 SMS, like you guys made that recommendation. Risk assessments,
19 you guys have made that recommendation. I mean, a lot of the
20 stuff that I'm saying, you guys have already recommended, you
21 know.

22 MR. BRAMBLE: Okay. That's helpful. Anything else on that
23 topic before I hand it back to Mitch -- or actually Brice I guess.

24 MR. BANNING: Yeah. I just wanted to ask Eric real quick how
25 he felt about the weather cameras, if you think there would be

1 value to them in Hawaii?

2 MR. HAMP: I think -- yes, I do think there would be a value.
3 I think that part of the problem with them is that -- and I've
4 seen the ones in Alaska. I've never flown there, but I've seen
5 the system and how it works. You know, there's a couple of Alaska
6 operators that are TOPS members, and we share a lot of
7 information, and they talk about how it's really affected their
8 decision making, as in like the decision to either go or not go.

9 And I think that's where it's difficult in Hawaii because,
10 you know, on the Big Island in particular, if you're flying out
11 from like the Waikoloa side, and you have a weather camera that is
12 showing the -- like the north coast where they end up encountering
13 a lot of weather -- you know, what it looks like when you depart
14 from like Waikoloa in that weather camera and what it's going to
15 look like an hour later when you get there, it's almost never
16 going to be the same, you know.

17 And it's like -- it's difficult to even make a decision to go
18 or not go in that case because the guys who have flown there a
19 long time know -- like they look at it, they look at the wind,
20 they look at the weather pattern, and they go, you know what? In
21 an hour, it's not going to be there, you know. So they can look
22 at the weather at that departure time in that area, and it's not
23 good, but their route to get to that point is really good, and
24 they're pretty sure it's going to be gone by the time they get
25 there. It doesn't clear up all the issues.

1 Now, like I said, it certainly helps. And probably what we
2 would do is, you know, is have guys on flights like that. We've
3 already kind of talked about it, is like they stop in Hilo and
4 check the weather cameras before they continue on, you know, and
5 maybe delay or, you know, cancel. We've had people cancel in Hilo
6 before, and we send a bus to get the people, you know.

7 I definitely think it's going to be helpful for sure, and I
8 would love to get them, but I don't think it clears up every
9 single issue. I think on some islands where you get to the spot
10 with the cameras you're looking at, you're going to get a pretty
11 good idea of what's going to be there when you get there, but in
12 some spots, it's going to be tough to know that. But I think it's
13 another piece that raises our situational awareness and enhances
14 decision making for sure.

15 MR. BANNING: Okay. Thank you. I sure appreciate it.

16 That's all I had, Mitch.

17 Thank you again, Eric.

18 MR. HAMP: Sure.

19 MR. GALLO: I don't have any more questions.

20 Brice, are you done with your questions?

21 MR. BANNING: I'm done, yes. Thanks.

22 MR. GALLO: All right. Eric, anything else that you -- do
23 you have anything else you want to discuss?

24 MR. HAMP: No, no, I think that's it. I mean, I could talk
25 for hours about SMS if you want anytime.

1 MR. GALLO: All right. Well, we'll go off the record, and I
2 appreciate your time.

3 (Whereupon, the interview was concluded.)
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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

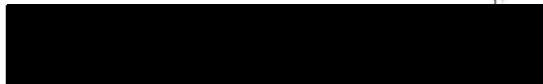
IN THE MATTER OF: AIRBUS AS350 B2 HELICOPTER
 CRASH NEAR LIHUE, HAWAII
 DECEMBER 26, 2019
 Interview of Eric Hamp

ACCIDENT NO.: ANC20MA010

PLACE: Via telephone

DATE:

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.



Kathryn A. Mirfin
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of: *

*

AIRBUS AS350 B2 HELICOPTER *

CRASH NEAR LIHUE, HAWAII * Accident No.: ANC20MA010

DECEMBER 26, 2019 *

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Interview of: BRIAN HEINZ

Pilot

APPEARANCES:

MITCHELL GALLO, Senior Air Safety Investigator
National Transportation Safety Board

PATRICK LUSCH, Air Safety Investigator
Federal Aviation Administration

PRESTON MYERS, President/Director of Operations
Safari Helicopters

MANNY FIGLIA, Director of Aviation Safety
Airbus Helicopters

CORY WRIGHT, Representative
(On behalf of Mr. Heinz)

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I N T E R V I E W

1
2 MR. GALLO: This is an interview with Brian Heinz in relation
3 to Accident Number ANC20MA010.

INTERVIEW OF BRIAN HEINZ

4
5 BY MR. GALLO:

6 Q. Mr. Heinz, do I have your permission to record this
7 conversation?

8 A. Yes, sir.

9 Q. Is Cory Wright the representative that you choose to have
10 with you today?

11 A. Yes, sir.

12 Q. To start out with, can you just give me your background and
13 experience in aviation?

14 A. This is my second career. I've been in aviation
15 approximately 7 years, 6, 7 years. I studied with Mauna Loa
16 Helicopters over on the Big Island; did their whole professional
17 pilot program all the way to CFII. And then I flew tours -- I
18 came to Kauai, I flew tours with Mauna Loa Helicopter Tours here
19 on Kauai for approximately a year. And then I was hired by Safari
20 Helicopters on Kauai.

21 Q. And when did you get hired with Safari Helicopters?

22 A. Approximately 2 years ago. So it was January of 2018.

23 Q. And can you describe your total flight experience?

24 A. Flight time?

25 Q. Flight time and make and model also.

1 A. Flight time. So I am maybe 20 hours shy of 1,000 hours in
2 the AS350, the B2. And the rest of my time would be in Robinson
3 Helicopters, R22, R44. And total time is approximately 2700
4 hours.

5 Q. And how much experience and time and calendar time in hours
6 have you accrued flying on this island?

7 A. So on Kauai I've been -- about 32 months flying on Kauai.

8 Q. All right. Any unique challenges to flying on this island?

9 A. Weather can be challenging, but other than that, no, sir.

10 Q. And going to weather, what's challenging about it?

11 A. Well, it can change. It can change very quickly. That's
12 winds that we get. We get windy days. Trade winds will blow.
13 Mountains, so we get mountain turbulence. And I would say not so
14 challenging; we know it's there and we either avoid it or we
15 wouldn't fly.

16 And then the weather systems. You've got the North Shore
17 where you get 70 inches of rain per year along the coastline; the
18 east side approximately 40 inches of rain per year; and the south
19 side, south and west approximately 20 inches of rain per year. So
20 the weather, the differences between the island -- and that can
21 change depending if the winds are out of the south, north, east or
22 west as well. So on a day-to-day actually tour-to-tour, hour-to-
23 hour, that weather can change.

24 Q. And going to the day of the accident, which was on the 26th,
25 can you describe those events when you first arrived, and then

1 what transpired afterwards?

2 A. From the beginning of the 26th?

3 Q. Yes. Because the day of the accident was on the 26th.

4 A. Yes, sir. And so the whole day or more in the afternoon?

5 Q. When you first came to work.

6 A. When I first came in. So I get there usually around quarter
7 to 7. Get the helicopter ready. Pretty normal day. No, it was
8 not normal day because the tent on the helicopter -- or the tent
9 on the helipads where we load passengers and whatnot had blown
10 away from the winds on Christmas Eve. Just destroyed the poles or
11 bent the poles up. Destroyed the canopy for that. Not a big
12 deal. We continued to fly. So we were still set up for flying.

13 Paul showed up. Both helicopters were on the helipad.
14 Sometimes we'll have one at the hangar; sometimes be both over
15 there. But both aircraft are on the helipads. Paul showed up
16 approximately, I don't know, quarter, quarter after 7 or so. Got
17 his helicopter ready. And so pretty normal, pretty normal start
18 of the day.

19 Q. Okay. And I don't understand fully the process of getting
20 assigned a trip. So if you'd go through that, how you and Paul
21 got assigned trips, and then how you plan the trips. If you could
22 go through that, please.

23 A. Okay. So it's a -- as far as the route, it's pretty standard
24 for all the companies. How Safari does it, they have a booking
25 office. They have the girls working in the office. They create

1 the schedule. They get the passengers, and they fill up the
2 helicopter five to six passengers. And then once that schedule is
3 made, that schedule is -- that first flight of the day is usually
4 completed the day before. And as we go through the day sometimes
5 they'll add more flights if it's not already full. In this case,
6 the flights were full. It's Christmas season. Busy. So busy
7 times, the schedule fills up quite easily.

8 As far as the trip, the trips go, they -- approximately 10
9 after 8 o'clock or 8:10, our drivers show up with the passengers
10 at the helipads for that first flight. And then we have the
11 helicopters running. We start up the helicopter, do a hover
12 check, and we load up the aircraft. We give them a safety brief
13 once they're in the aircraft, and then we get our clearance to
14 depart, and we start the tour.

15 Q. And on that day, how many planned trips did you have?

16 A. For me I had six.

17 Q. And do you know how many Paul had?

18 A. He had eight. And the reason I had six was because I had two
19 landings, which take extra time. So, and that's a full day.

20 Q. So for you -- so the six and the eight would be pretty much
21 the entire day?

22 A. Full day, yes, sir.

23 Q. And the full day would end about what time?

24 A. For me, it would end about -- I would get back to the
25 helipads, land around 5 o'clock typically. For Paul or if you're

1 doing eight flights, it would be more around 5:30.

2 Q. And on that day, how did you get weather?

3 A. So I check it at home first thing in the morning just to get
4 an overall view, the synopsis from the area forecast discussion
5 with NOAA or National Weather Service. It's too early to check
6 webcams at this time because it's all dark. But I have a process
7 I use at home and then also on my phone where I keep everything
8 that I need to check to get the best idea what the weather is out
9 there, on my phone. So I go through that, that morning.

10 Generally, it was looking pretty, pretty good. The day was
11 looking pretty good. They talked about maybe some rain and
12 whatnot, but the morning was quite nice.

13 And then as far as -- and then flight-by-flight, of course,
14 we get an update, a live update in our own minds of what's
15 happening with the weather.

16 Q. And what service do you use at home to get weather?

17 A. I use National Weather Service. I use their radars. I use
18 their area forecast discussion. I use the radar. I use the
19 satellite, the new GOES -- G-O-E-S -- satellites images, infrared.
20 They have the also GeoColor, which because it's about a year old
21 since they gave us access to that satellite. Every 6 minutes they
22 put an image on there, and it's usually no more than 20 minutes
23 away from what we can see on the island. Especially when it's
24 daytime we get the GeoColor. Of course, the infrared is 24/7.

25 Q. And how do you get updates to your original weather in

1 flight?

2 A. Okay. Okay, so we do -- Paul, if Paul is flying that day, he
3 will be at the office probably quite -- I'm not sure what time he
4 arrives there, but he gets there and he prints out a 1-800 Weather
5 Brief since they stopped DUATS approximately a year ago, I
6 believe, or more -- maybe a little bit more. We used to log into
7 DUATS, and send in our session, session number to Paul either by
8 text or do it on the company computer in the office. DUATS was
9 gone, so we switched to 1-800 Weather Brief. That was the next, I
10 believe, the FAA-approved system.

11 So he would do -- he would print that up, go through that,
12 and then we would always initial that.

13 Q. And after that initial print-up, and obviously you're flying
14 all day pretty much till 5 or --

15 A. Yes.

16 Q. -- 5:30, how are you getting updated weather when you're
17 doing these trips?

18 A. Well, we're out there, for one. We're out there. PIREPs
19 come in. If we're coming in, if we have concerns, we can often
20 shut down and wait a couple minutes. The next helicopter comes
21 in, you know, the guys, the people on the pads, all the pilots are
22 -- we try to help each other out pretty well, I believe, when it
23 comes to the weather. Plus the -- I mean, the biggest thing is us
24 being out there. A lot of times you can see if something is
25 starting to build or not.

1 Q. And doing a comparison between when you get forecasts,
2 comparing the forecast to actual --

3 A. Actual observation?

4 Q. -- observations that you see, how differing are they?

5 A. Very different. Yeah, I would say -- I mean, I read for the
6 general, the synopsis -- they do the synopsis, they do like a 3:40
7 a.m., a 3 to 4 o'clock area forecast discussion, and then around
8 10, 10:30 or something, they do an update. So every 6 --
9 approximately every 6 hours they'll do an update on the area
10 forecast discussion. If there's concerns or any thoughts what the
11 weather is doing, I'll read those updates while I'm fueling.

12 I look at the forecast discussion, the synopsis for fronts.
13 Is there any fronts coming? Do we have a low pressure up ahead?
14 Is there -- just the basic idea.

15 But the biggest ones will be -- that will give us the most
16 accurate up-to-date information is going to be the radar, which
17 only works so much because it doesn't cover the whole of the
18 island. It covers the south and a little bit -- a little bit of
19 the south, the westside and the east side. The north side it
20 doesn't cover unless you've got high clouds.

21 Q. Right.

22 A. And that's where I would go to. I would look at -- we've got
23 Barking Sands Military Base. They put out a METAR, an hourly
24 METAR. So I would look at them, and then I would also look at the
25 infrared and the GeoColor satellite images as I described earlier

1 from the GOES satellite, if I had concerns while I was fueling in
2 between flights.

3 Q. Okay. And going to pilot reports, are those pilot reports
4 solely within Safari or are you --

5 A. No. That's from everybody. That's all, all people.

6 Q. And is there a common frequency that people are using?

7 A. 127.05. It's the same one we use for making reporting
8 points.

9 Q. Okay. And what's the frequency of pilot reports? Because
10 you have other operators flying, so how often are you getting
11 updates?

12 A. It depends on what the weather is. If it's a clear day, it's
13 -- they're not happening. It's usually, hey, it's a nice day.
14 It's just, so nice to be flying today. But if the weather is
15 going bad, we -- people will start saying, hey, this is good, this
16 is open, or the valley looks good or whatnot, you know.

17 Or even the way -- I can tell some ways just by the reporting
18 points that people are making. Instead of Upper Mic, if I know
19 they're calling Lower Mic or Lower-Lower Mic, I know they're going
20 further south towards Kekaha to make their way around to the Na
21 Pali Coast. Okay. So we know the canyons, you know, I mean,
22 that's -- for me that's just a PIREP in itself just hearing where
23 they're reporting from. And if someone asks for a PIREP, yeah, it
24 happens quite often when it's necessary.

25 Q. So would you -- can you give an estimate on how many PIREPs

1 you would get within 5 minutes to get an idea of the frequency?

2 A. No. If someone asked, they put one out -- if they ask, you
3 know, some people will just say, hey, this is open or we're going
4 to the Green Tanks. Or if they reported, we know where they're
5 going to; Green Tanks instead of into Hanalei Valley.

6 So I -- maybe I'm not sure exactly what you're asking.

7 Q. Well, say, for example, the weather is changing contrary to
8 forecast, would you start seeing -- and this is granted on a
9 number of operations, a number of flights, but would you start
10 getting, like, five reports every 5 minutes from other pilots?

11 A. No.

12 Q. Not that much?

13 A. No. No. Because, I mean, you -- depending on the location.
14 So if someone is in the Waimea Canyon, you might be able to hear
15 that, hear -- if they gave a PIREP there, you'd be able to hear
16 that 15 to 20 minutes behind from the beginning of the tour,
17 possibly you might be able to hear that if you're high enough.
18 And then on the Na Pali Coast, you get up there, and then the
19 radio signal is lost. If you're in the Waimea Canyon, I don't
20 know what's going on, on the Na Pali Coast because just because
21 the cliffs. You know, we lose radio signals for that frequency
22 from the Canyon to the Na Pali.

23 Q. So that was my next question regarding radio communication
24 drop-outs because of terrain.

25 A. Yes.

1 Q. Can you kind of describe the areas where you don't have
2 communication back to Safari base or even other --

3 A. Yeah.

4 Q. -- other areas?

5 A. So from -- for me to Safari base, once we pass -- so we pass
6 Tree Tunnel. Are you guys familiar with the route or --

7 Q. No.

8 A. So we leave the airport at about 6, 6 to -- 6 to 8 minutes
9 out we report Tree Tunnel. That's one of the first -- that's the
10 first reporting point everybody calls. And then we go into
11 Hanapepe Valley. That's where Jurassic Falls is at. When we're
12 in Hanapepe Valley, that's -- if I don't call them before I've
13 reached there, if I don't call Safari base, which is the office,
14 it's not going to happen.

15 Q. Okay. And on the 26th, when was there a noticeable change in
16 the weather that was different from forecast, when did that occur?
17 And if you could describe what was going on.

18 A. I would say that actually the actual weather was better,
19 better than the forecast that day. Everybody flew every flight.
20 We did all flights. I was about 40 minutes ahead of Paul. So
21 around 4:30, I was up around the Na Pali Coast, and that's where I
22 saw this system starting to move in. I was able to do my tour as
23 normal up to the Na Pali Coast, and walk through -- I mean, I was
24 even telling the passenger how lucky we were, we just beat this
25 weather. And did that answer your question or --

1 Q. Yes.

2 A. Okay.

3 BY UNIDENTIFIED SPEAKER:

4 Q. I'm sorry. Just to clarify on that, and make sure I captured
5 it right, you said you were about 40 minutes ahead of Paul when
6 you noticed the -- where would he have been? Would he have been
7 at, like, Tree Tunnel or when you say --

8 A. So because I did a landing flight, right?

9 Q. Yeah.

10 A. So that takes about 30 minutes. I departed, I departed the
11 Olokele windssock about 4:06, is when I called into the office and
12 I said, I called in to -- by cell phone. So this is by cell phone
13 call, I called in and said I've departed. So, and 4:06 he was
14 probably just getting back to the airport, going to fuel. So he
15 probably -- I don't know what his departure time was. Probably
16 around 4:20 or so, I think something like that. 4:21. Okay,
17 yeah. So he was -- and that's -- if he departed then, yeah, 4:21.
18 So --

19 UNIDENTIFIED SPEAKER: Oh, I'm sorry. That was 4:30.

20 MR. HEINZ: 4:31. Okay. So he was about 10 minutes, 5 or 10
21 minutes.

22 UNIDENTIFIED SPEAKER: I just wanted to make sure I
23 understood when you -- 40 minutes ahead kind of in space there.
24 Okay.

25 MR. HEINZ: Yeah.

1 BY MR. GALLO:

2 Q. And going between your spacing of 40 minutes, from 40 minutes
3 to, let's say, the time of the accident, that gap, did you hear of
4 any other pilot reports of weather from other operators? And what
5 did those say?

6 A. I did. I heard one pilot from Island Helicopters. So at the
7 end of my flight, so about 10 minutes to being back to the
8 airport, I heard one of the pilots tell -- actually I believe to
9 Paul, that the Na Pali Coast was looking rough. But, again, here
10 this guy's, you know, he's still 40 minutes ahead of Paul too, and
11 so and the weather just changes so fast here. Yeah.

12 I mean, so if Paul was at Tree Tunnel, I believe he was told,
13 you know, the Na Pali Coast. And that happens often. You know,
14 people say, hey, yeah, it was kind of bad out there. He was at
15 Tree Tunnel, but he continued on towards the canyon, which is what
16 we would do often. We'd just modify the tour. If it looks real
17 bad, we don't go there.

18 Q. And can you describe anything unique in terms of weather
19 within the canyon? Does it allow for reduced visibility if there
20 is a system coming in, just because of the shape of the canyon
21 itself and the elevation at the bottom?

22 A. The Waimea Canyon or --

23 Q. Yeah, right by the Upper Mic area, Lower Mic, Upper Mic.

24 A. A lot of times, I mean -- well, a lot of times we get into
25 the canyon fine, right. And then it's after you get up at the

1 Upper Mic, from there on towards the Na Pali, you might be pushed
2 further south to go around or possibly even through Barking Sands
3 Military Base.

4 Q. And are there any landing areas there that would --

5 A. Sure. Yes, there are.

6 Q. And what are the names of those?

7 A. The names of those?

8 Q. Or is there a typical description? Are the areas --

9 A. Yeah. There's a road not far from the Upper Mic, and that
10 goes down one of those finger ridges. There's a -- it used to be
11 -- I understood it got burnt. There was a forest fire or
12 something that burned, and there's a road there. And, I mean,
13 there's a nice spot, like cross in the roads where you could land
14 if you needed to.

15 Q. Have you ever heard of any other operators or within Safari
16 that have performed a precautionary landing due to weather?

17 A. Other than Safari?

18 Q. Safari or even other operators.

19 A. Yes. Safari, I know. Julia, who used to work for Safari,
20 she -- I believe, she made a precautionary landing somewhere out
21 in -- I'm not sure; somewhere in the area over in -- yeah, in the
22 kind of area we're describing. She got pushed further south, I
23 think, and I remember talking to her briefly about it. I don't
24 know exactly where it was, but she set it down there.

25 Q. Okay. And did Paul, did he provide your training and your

1 135 check rides?

2 A. Yes, sir.

3 Q. And can you describe the training program within Safari?
4 What is that comprised of?

5 A. Okay. So after hire, we did approximately, it seemed like a
6 week of ground. We did a lot of ground. We went over the
7 aircraft. We went over the systems, went over the HAT CPM, the
8 Hawaii Air Tours, Common Procedures Manual. Safari, you know, we
9 talked about within that HAT CPM, we talked about procedures that
10 Safari might go.

11 He showed -- so in the flight tour, which I thought was
12 fantastic, and this was fantastic, Paul did something that I
13 hadn't done with previous companies or I don't know of any company
14 that's done this, we went -- in the training flight, we went along
15 the Na Pali Coast. We went low and we were very slow, very close
16 towards the ground. And he pointed, say, look, you can land here.
17 There's these terraces up in one of the valleys. Says it doesn't
18 look like you could land there in the air, but as you get down
19 closer to it, you can set this thing down here. And he showed me
20 a number of spots where we could do an emergency landing if we
21 needed to along the Na Pali Coast.

22 Q. And the ground training, was that -- what was the structure
23 that -- was that with Paul lecturing or were you going through
24 written materials reading on your own?

25 A. Both. Both.

1 Q. All right. And have you ever had a FAA inspector ride along
2 on one of your flights from the FSDO, Honolulu FSDO or any other
3 FSDO?

4 A. On one of my tours?

5 Q. Could be on your tour or just --

6 A. I did.

7 Q. -- supervising your training with Paul.

8 A. So on his last check -- airman check ride, they used me. He
9 -- we had an FAA inspector doing Paul's check ride as Paul gave me
10 a check ride. That was in -- I can't remember when that was.
11 July of 2018 possibly, or somewhere around there.

12 Q. And what was the weather like that day?

13 A. It was fine.

14 Q. Do you remember the inspector's name?

15 A. No, I don't.

16 Q. Okay. When you're performing a flight, how much
17 communication do you have with passengers?

18 A. Full communication, two-way.

19 Q. All right. Are you talking to them during the flight
20 describing geography --

21 A. Yes, sir.

22 Q. And how much of that are you doing?

23 A. It depends. Depends on the workload inside the cockpit.

24 Q. How much fuel do you take on for each flight?

25 A. Typically 45 percent. So, and that allows for plenty for the

1 hour tour. And we usually land with 25 percent, which is plenty
2 enough for at least 45 minutes up in the air as well.

3 Q. And is that fuel load pretty much standard with the passenger
4 weights that you see?

5 A. Yes.

6 Q. Okay. And how often do you need to get fuel every day?

7 A. Every flight. After every flight.

8 Q. And then you mentioned that that morning -- well, let me go
9 back. Where are the passengers driven to where you meet them at
10 the helicopter? So where is the helicopter taking off from?

11 A. Okay. From Lihue Airport at the helipad. So you've got the
12 runways. Runways, say, Runway 3-2-1, you have the helipad. The
13 helistrip is almost parallel to that, but across the street that
14 runs along the airport.

15 Q. And my understanding is Safari Helicopters was closed on
16 December 25th.

17 A. Yes, sir.

18 Q. And you began flying again on the 26th. When you met Paul in
19 the morning, if you'd go like what time you met him and how did he
20 appear to you?

21 A. I thought he was in -- he was in, he was in good spirits. He
22 actually -- I was -- I got there early, but I -- I got there
23 earlier, but I was still washing the windows, and he went and
24 started cleaning up the tarp that had blown from the Christmas Eve
25 winds because it was destroyed. He started taking down the tarp

1 and whatnot. So I thought -- and he come over. He talked to me
2 for a little bit. And, no, he was very pleasant.

3 Q. And what did he talk to you about?

4 A. We were talking about that tent because I had told him, yeah,
5 I sent a text or a picture to Grayson Murphy, the management of
6 Safari. Said, hey, just let you know this happened here.
7 Mentioned that. It was pretty brief conversation. I don't --
8 nothing out of the ordinary that I can recall.

9 Q. And did he talk to you about what he was going to do after
10 finishing the day's work?

11 A. No, sir.

12 Q. Were you scheduled to fly again on the 27th?

13 A. Yes, sir.

14 Q. And let me go back. What is your work schedule like? How is
15 that structured?

16 A. So typically by the week. We work 3 to 4 days a week, and
17 that's -- it can be up to eight flights per day. I work -- I'm
18 primary pilot. So we have -- we flew two helicopters. We have a
19 primary and secondary. So I was primary Thursday, Friday and
20 Saturday. Secondary, I would alternate every other Wednesday with
21 Kyle Jacobson, the other pilot, the new chief pilot at Safari.

22 Q. So you're working about 3 days a week then?

23 A. Yes, sir.

24 Q. And --

25 A. Yeah, 3, 3½, I would say.

1 Q. What would that equate to as far as work hours in a week?

2 A. So roughly I would show up, I would show up earlier than
3 required, but let's see, 7 to -- about 10 hours, yeah. About 10,
4 at least 10-hour days, maybe 10, 11-hour days. Around 40 hours
5 roughly.

6 Q. Are you working just as much as the other pilots or less or
7 more?

8 A. It's pretty -- I think it's pretty -- spaced pretty fair.
9 Paul, he worked, he flew secondary aircraft Monday, Tuesdays and
10 then Thursdays and Fridays. So he flew secondary aircraft, which
11 doesn't get as booked as much as the primary aircraft.

12 Q. And as far as your compensation, are you salaried or are you
13 paid by flights?

14 A. By flight hour. By flight hour, but -- another which is,
15 which is nice, I like about Safari is, we do get a daily rate. So
16 for weather cancellations, we still get -- they'll still pay us.
17 We won't go home. So it's not like we have to fly to get -- earn
18 money. If we -- if we're booked for that day or we have flights
19 on schedule and we don't fly for weather cancellations, they still
20 send money to my account for that day.

21 Q. When you and Paul were up flying on the day of the accident,
22 did you have any in-flight communication with him?

23 A. Just, he made one comment to me as I was taking off or I
24 landed or something. I know he just -- he made one comment over
25 company frequency. I think he just got on there quick, he said,

1 showoff. You know, I think my landings were nice or my pickup or
2 something, I don't know. He was -- he just said, oh, showoff, you
3 know. And I took that as a thank you, boss, you know. Other than
4 that, I just -- you know, maybe occasionally I'd hear him out
5 there making a reporting point call.

6 Q. And going over the different frequencies, what is the Safari
7 company frequency, and what is the one that's used by all the
8 operators to communicate?

9 A. Okay. So Safari's is 130.00, and then the common frequency
10 for the operators or the island frequency is 127.05.

11 Q. And how often did you fly with Paul?

12 A. Quite a bit. Well, like I said, so I would work Wednesday,
13 Thursdays and Friday. Well, he wouldn't fly Wednesdays. So
14 Thursday and Friday, at least 2 days a week, and sometimes
15 Saturdays. So he was also secondary occasionally in recent times
16 for the secondary aircraft on Saturdays.

17 Q. But how often would you fly with him together?

18 A. Just for training and check rides.

19 Q. And I'm going to leave this up to you to describe. Can you
20 describe his decision making?

21 A. Solid. You know, this is the -- when I was working for the
22 previous company, he pulled up -- he came up to the fence to me,
23 and he didn't have to do it, and I was thinking about, it looks
24 like it's nice out there. And he said -- he just told me, helped
25 me understand the Kauai sucker hole. He said, man, that's a

1 sucker hole. He said don't do it. And I was like, okay, well,
2 thanks; I appreciate that. Because I guess at that time I was a
3 somewhat -- you know, a couple months flying there, and I'd seen
4 the weather and I knew how to check the weather, but to hear that
5 from someone who's been flying around here for years, I'd say --
6 okay, I really appreciated that.

7 And in the aircraft as well, in training flights, I'd say
8 he's not -- I thought -- I was stoked to be flying with him. I
9 thought he had good handle -- you know, he handled the aircraft
10 well.

11 Q. Did he ever talk to you about if he had any illnesses?

12 A. If I had any or he?

13 Q. That Paul. Did Paul have any illnesses he described to you?

14 A. Just some pain in the knee recently. That was it. That's
15 all I know. But, no.

16 Q. And you mentioned you flew for another operator after
17 completing your training.

18 A. Yes, sir.

19 Q. How would you compare that operator to Safari? What are the
20 differences?

21 A. Better pay at Safari, nicer helicopter at Safari. Another
22 good thing that I like, that I really liked coming to Safari, and
23 I've heard about some other operators or probably all the other
24 operators, is that so Mauna Loa, Ben Foust (ph.), he would -- he'd
25 set it up so, look, we would do -- if the weather was

1 questionable, we could do a passenger's choice, where we call the
2 office girls or if the passengers are there already, we could say,
3 hey, look, we're just out there, the weather looks like it
4 deteriorated some, it's unpredictable. We would say, we can
5 probably show you the canyon. I would never guarantee anything on
6 just -- because just from one experience in doing these passenger
7 choice flights. But, anyways, we could tell them, look, we can do
8 -- I can guarantee you a safe flight, but we may not see
9 everything. And if one passenger does not want to go, we would
10 cancel the flight.

11 The beauty of that is that I'm not saying, okay, guys, I'm
12 not -- I don't have these passengers in the aircraft and expecting
13 to see the whole island, you know, the pictures that they've seen
14 of Kauai. It takes a tremendous -- or I feel like for me, a lot
15 of pressure off of me to show them the whole island and go places
16 where it just doesn't look, guys -- says, yeah, guys, it doesn't
17 look good here, so we're going to go ahead and -- I'm going to
18 turn around here and we'll modify it, we'll go look at some other
19 waterfalls in the back of Olokele Canyon or something.

20 Q. Okay.

21 A. Both of the companies would do that, but as far as Safari,
22 the pay and the aircraft much nicer.

23 Q. When was the last time you flew the accident helicopter?

24 A. Probably the week before, either the Friday or Saturday
25 before.

1 Q. And how did it function mechanically?

2 A. Fine. Had no issues. No issues. The mechanics are out
3 there at the end of the day daily. They daily the aircraft, and
4 they -- Paul comes or Fred, they always ask, hey, how is this
5 thing behaving? That's Paul's phrase, how is she behaving?

6 Q. Going back to your training with Paul, describe the training,
7 if you had any, about flight -- inadvertent flight into IMC
8 conditions.

9 A. Yeah. Definitely. We did inadvertent or flight with the
10 goggles, and then we -- he talked about routes or -- in the ground
11 as well. But we definitely did inadvertent flying with the
12 goggles on. He would -- he said I got -- we put the goggles on.
13 He'd give me the controls back, and he'd say, okay, fly this
14 heading, you know, fly the -- turn this and climb. I want to see
15 you climb, descend, do a turn, fly this heading, fly that heading.

16 MR. GALLO: That's all the questions I have for now. I'll
17 turn it over to Mr. Preston Myers.

18 MR. MYERS: Oh, okay. I'm Preston Myers, Director of
19 Operations for Safari.

20 BY MR. MYERS:

21 Q. Is there anything you are hot happy with, with Safari and
22 what we do?

23 A. No. I mean, I think there's little dramas or anything with
24 any job. I think that comes with the job. But, no, I've been
25 quite happy. I felt quite good with the aircraft, the mechanics.

1 Q. And who gives who the decision to fly?

2 A. The pilot, I do.

3 Q. Is that --

4 A. Absolutely I do.

5 Q. -- all the companies that way or just a few companies?

6 A. From what I can see, I think Safari would be the easiest.

7 I've heard one company where the manager, office manager might

8 make the decision or the owner might make the decision, and other

9 companies with more pilots, they try to keep it concerted.

10 They'll take it as a group effort. If one pilot doesn't want to

11 go and they're adamant about it, they'll cancel. But I think they

12 might have more pressure if they're the newest pilot on there from

13 the senior guys to fly just because they do it as a group setting.

14 So in Safari between -- oftentimes if I'm -- especially if

15 I'm flying by myself there's -- I've never felt pressure.

16 Q. And how do you feel about Safari's maintenance?

17 A. Very good. I think Paul Collins is -- and I've worked with

18 him in the hangar. And Fred probably is probably the most senior

19 mechanics on the island. Paul Collins, yeah, I -- superior, yeah.

20 Very happy with those guys.

21 Q. And do you think Safari skimps on maintenance at all?

22 A. No. No. I don't think Paul Collins would allow it.

23 Q. (Indiscernible) with the owner?

24 A. I don't hear -- I don't know. I don't think so, you know. I

25 know the safety record has been good for Safari, and I think

1 that's a -- you kind of like to wear that badge of honor. I know
2 Keith, Keith Robinson feels the same. He tells the passengers
3 every time we land there, he tells the passengers this is why I
4 allow this company to fly here because of their safety record's
5 been so well.

6 Q. Is there any negative at all you can think of about the
7 company?

8 A. I think maybe sometimes it seems like there's office dramas,
9 but I think -- I don't want to say. I was going to say women,
10 girls in the office, but I try to keep it respectful. I see -- I
11 hear dramas from there. And I think it's a growing operation as
12 well. Murphy is stepping in to take over. He's got new ideas,
13 and he's motivated for it. Maybe some --

14 MR. MYERS: I don't have any more questions.

15 MR. GALLO: All right. I'll defer the next series of
16 questions to --

17 MR. LUSCH: Patrick.

18 MR. GALLO: Patrick Lusch.

19 MR. LUSCH: Thank you.

20 BY MR. LUSCH:

21 Q. Brian, I just wanted to -- maybe you could go into just
22 slightly more detail. We've kind of gone through this question a
23 little bit, but I'll ask it a different way.

24 A. Okay.

25 Q. Could you describe Safari's expectations of a pilot when

1 you're out on a tour and you find yourself encountering bad
2 weather or you're already beyond -- say, you've gone through the
3 canyon, you're on that opposite side of the island now, and you've
4 got some weather that's moved in. What would your process be and
5 what's the expectations of the company for you with regard to that
6 flight?

7 A. I think -- kind of rather lean towards the expectations of
8 the company. And which I think my process would follow is that,
9 hey, if it's getting that bad, set it down, man. Put it down.
10 And he showed me. I mean, he's -- and he'll -- we've had these
11 conversations among other pilots on the helipads. And Paul would
12 wear that as a badge of honor. He'd say, look, I took you guys
13 there's so many spots on that Na Pali Coast where you could land;
14 put that thing down safely, wait it out or whatever. So I think
15 that's the expectations of the company. There's -- absolutely
16 number one is safety. I've never felt that they've strayed from
17 that.

18 And then, too, the quality of a tour. And that's another
19 reason why we give that passengers choice flight. There's times
20 where you might be able to do a safe tour but it might not be a
21 good tour; they're not really seeing a whole lot. And that's why
22 I liked -- you know, is a fantastic option for us to use that.
23 Keeps the people happy. Keeps pressure off the pilot. So they
24 expect a quality tour, a safe tour.

25 Q. Is there any pressures that you would feel as a pilot in

1 those deteriorating weather conditions that might sway the
2 decision of a pilot to say, well, I think I can get back versus
3 setting it down here, and now how do I get these passengers safely
4 back to Lihue? We're out in the bad weather and --

5 A. Sure. I think --

6 Q. -- we're on a rock somewhere or a --

7 A. Yeah, I --

8 Q. -- helipad, right.

9 A. I think the typical, the get there-itis, you know, the stuff
10 we've trained for, and to recognize all those external factors,
11 wanting to get there, back, and it's the last flight. Yeah. I
12 think, sure, that can be there. It's the last flight, let me
13 just, let me just do it.

14 But I don't know. I mean, that night as I was sitting there
15 with the father and son of the -- Aaron and Michael Gannon, I was
16 just -- I was feeling very optimistic that he had just set it down
17 somewhere. I was like, look, I mean, I -- in my gut saying, he's
18 just waiting it out. So I -- and that's what I did. I -- we got
19 back in the helicopter. They called me, said, he hasn't called,
20 he hasn't come back to the pads. I hurried back to the
21 helicopter, got back in, and took off directly towards the canyons
22 or on the south side because the north side wasn't looking so
23 good. And I was, like, man, he's just sitting it out somewhere,
24 because it was like a wall of fog down to the ground from where I
25 could see from the airport kind of cutting across all the way to

1 the Waimea Canyon.

2 So I just climbed up as high as I could get, and started
3 making calls, Safari 2, Safari 5. Just, I thought he was just
4 sitting out and waiting to hear from somebody. So, yeah, I was --
5 yeah. So I don't know if that really answered the question.

6 Q. No, it does.

7 A. But I was -- I thought -- I was -- I felt certain. I was
8 like, man, he's just waiting it out. And it was getting dark
9 though too. So --

10 Q. Right.

11 A. -- as the time went on, I was, like, god, he's just waiting
12 it out. He can't move. He got socked in. He set it down, and
13 that's where he's at. I mean, I just, I felt so good about it
14 because -- yeah, I just was.

15 Q. Does the helicopter that you flew that day, did that have
16 video recording capability?

17 A. Yes, sir.

18 Q. Okay. Do we -- I'll make a note to check on that. I don't
19 know. Does anyone know if we have that video?

20 UNIDENTIFIED SPEAKER: I thought we did give it --

21 MR. HEINZ: Yeah. I think Murphy did give it to --

22 MR. LUSCH: Okay.

23 MR. HEINZ: -- someone in NTSB or that's what I thought.

24 UNIDENTIFIED SPEAKER: That's what I thought.

25 BY MR. LUSCH:

1 Q. Okay.

2 A. That one's -- you got to just remember that that's like 40
3 minutes ahead of --

4 Q. Sure.

5 A. Yeah.

6 Q. But the reason I ask is that it gives us an idea of what a
7 typical route --

8 A. Okay. All right.

9 Q. What's the typical terrain clearances during these tours when
10 you're in and out of the various features on the island?

11 A. So we have the wayside areas, weather enhanced safety areas
12 where we go, and we use those along especially the area from the
13 Waimea Canyon, Upper Mic to the Na Pali Coast. You know the
14 clouds will build up there. So we will use those, and talking 500
15 feet AGL.

16 Q. And then I just have one last question. Regarding the CG and
17 weight and balance calculations on the helicopters, do you
18 typically find with a normal tour, and I don't know, maybe normal
19 is four people, maybe it's six people, on average let's just say.
20 Does that put your weight and your CG at kind of the upper limit
21 of the capabilities of this helicopter or is there still excess
22 power, excess --

23 A. I would say -- yeah. I would say sure. I don't feel like
24 I've ever been power limited in any situation out there.

25 Q. Okay.

1 A. We do have a chart on each CG, and it plots the takeoff and
2 the landing far as where that CG will be. I don't know what it
3 was on Paul's flight, but sometimes if we have -- typically it's
4 five to six passengers, sometimes four, occasionally less.

5 MR. LUSCH: Okay. I'll pass it on to Manny, and I might come
6 back with a couple of follow-ups afterwards.

7 MR. HEINZ: Okay.

8 BY MR. FIGLIA:

9 Q. Number of aircraft in the company?

10 UNIDENTIFIED SPEAKER: Currently, three.

11 MR. FIGLIA: Three. And are they what type of aircraft?

12 MR. GALLO: Excuse me. The questions are for him.

13 MR. HEINZ: Oh, okay. Sorry. Okay. Three. Well, we have
14 two -- well, we had two. We got one available now in Kauai and
15 one in Hilo, and one in Canada.

16 BY MR. FIGLIA:

17 Q. Okay. And what type aircraft?

18 A. Eurocopter AS350 B2 models.

19 Q. B2 models?

20 A. Yes, sir.

21 Q. You mentioned earlier about doing a hover check prior to
22 loading passengers on board, then coming back and shutting down?

23 A. No, sir. So at the beginning of the day we park the
24 helicopter diagonal on the helipads at the end of the day, and
25 then at the beginning, the first flight of the day, we start it

1 up, and just do a quick hover check. So we'll pick up. We'll
2 hover, just make sure everything is looking good. And then we set
3 it back down facing perpendicular to the row of helipads.

4 Q. And when you load passengers, do you shut down and load or
5 are you hot loading?

6 A. Hot loading.

7 Q. Hot loading.

8 A. Hot fueling, hot loading.

9 Q. You mentioned weather cams for obtaining weather. How many
10 are there, and where are they located?

11 A. Okay. So the ones most frequently used would be the one that
12 looks in on the North Shore into Hanalei. That looks directly
13 from north almost to the south. We used to have one looking from
14 Hanalei Bay Resort looking towards the Na Pali up to Kee Beach,
15 which was actually one of the better ones that we had, but that
16 one's actually been down for about a week. And then I use one on
17 the south side, Poipu; that's looking towards the west and kind of
18 -- it just gives us an idea of any systems that might be in the
19 south.

20 Q. Okay. And when do you review these cameras?

21 A. I look at them in the morning. So first flight of the day or
22 before first flight usually at home or -- unless it's dark out as
23 it's been, I'll check them at the helipads after I've done a pre-
24 flight just for more up-to-date information. You check them, you
25 know, you can check them -- like I said, 30 minutes is a huge

1 difference here. So --

2 Q. Is that how you incorporate weather checks during the daytime
3 as well?

4 A. Yeah, absolutely. I mean, if I land and I'm curious about
5 what the weather is doing, I'll check while I'm getting fuel.
6 I'll look at the radar, the satellite webcams, absolutely. And we
7 got -- there's all kinds of science to know what's going on out
8 there. If you see other guys shutting down or -- because like
9 Blue Hawaii, and they've got PIREPs coming in from people out
10 there just because they fly 5, 6, 7 aircraft. So if I see those
11 guys shutting down, I'll definitely start having a deeper look
12 into what's going on. But if -- because they've got more up-to-
13 date PIREPs from their -- on their company frequency.

14 Q. On the island what stations have METARs and TAFs?

15 A. So we've got Lihue Airport's got the METAR and the TAF, and
16 then Barking Sands Military Base has the METAR and a TAF.

17 Q. Are those the only two on --

18 A. Yes, sir.

19 Q. Okay. Do you have an assigned safety officer within the
20 company?

21 A. No, sir.

22 Q. All right. Do you have a safety management system, SMS?

23 A. No, sir.

24 Q. Prior to your flight, do you do a risk assessment based on
25 different factors, whether it's weather or --

1 A. Absolutely. I think that takes place, you know, I mean, the
2 FAA's (indiscernible) pilot, aircraft, environment, external
3 factors, that's risk assessment there. So absolutely that's done
4 for every flight, in between flights, fueling, and during flight.

5 Q. And do you keep a copy of current weight balance for --

6 A. Each -- yeah. Each flight, yes.

7 MR. FIGLIA: That's all I have.

8 BY MR. GALLO:

9 Q. I have a couple more questions going back to timeline. And
10 you may have answered this. What time did you show up for work?

11 A. About probably around 6:45.

12 Q. And did you see Paul show up at his -- and what time did he
13 show up at?

14 A. I want to say he -- he was there well early too, but I know
15 he comes from the office. As he goes in, he prints out the
16 weather brief that we keep paper copies of and -- I want to say
17 quarter after, quarter after 7.

18 Q. Was anybody else --

19 A. Approximately.

20 Q. Okay. Was there anybody else, any other employees at the
21 time when you showed up?

22 A. Well, so I show up at the helipads, and typically it's just
23 the pilots there. The drivers and office staff will be at the
24 office. Other companies, their pilots will be at the helipads as
25 well, pre-flighting, getting ready.

1 Q. Do you know the other employees that were at the office,
2 Safari office?

3 A. I know -- when he showed up or?

4 Q. When -- who were the other employees at the office that
5 morning?

6 A. So Jeff Desala (ph.), Jessie Santiago, those are two drivers.
7 They -- since we had double flights all day long, we had two
8 drivers -- oh, and Kalai (ph.). I don't know his last name. He's
9 another driver. And then the girls in the office, Katrina --
10 can't remember her name, and Crystal, they were working in the
11 office.

12 Q. Okay. And in going -- you mentioned you were about 40
13 minutes ahead of Paul's flight.

14 A. Yes, sir.

15 Q. Can you, as far as local times, what time did you land; what
16 time did you hear that the accident aircraft went missing, and
17 then --

18 A. Oh, yeah.

19 Q. -- what time did you take off? And then going through the
20 weather describing it more in detail.

21 A. Okay. Sure. So I landed -- 4:06 -- I landed approximately
22 quarter till 5, 20 to 5, quarter till 5. I shut down, met the
23 mechanics there. And then carried on to the office to drop off my
24 CGs, and give the girls the time. From there, I headed home. I
25 went home. I live in Wailua. It's about 15-minute drive from the

1 office. I got there. Soon as I walked into the door, I got a
2 call from Katrina, I believe, first, and she says we hadn't heard
3 -- we hadn't heard from Paul yet. So approximately 5, I don't
4 know, maybe 5, 5:15 or so -- no, maybe a little bit later than
5 that, 5:15, 5:20. I don't know the exact time. Sorry.

6 But I got a call from Katrina first. And then shortly after
7 that I got a call from Preston. I missed his call. I think I
8 called him right back. And he says, he said, we hadn't heard from
9 Paul. And I said, well, do you want me to come back? Or I told
10 Katrina, said if you guys need me to come back in, let me know.
11 And I received a call or I communicated with Preston. He said --
12 I said, you want me to come back to the helicopter? He said, yes,
13 please. So I went back down to the pads immediately.

14 I think I got there around, I don't know, 6-ish. Mechanic
15 had the helicopter untied. Did a quick pre-flight. Got in the
16 air. I -- like I said, so from there, I just tried to climb and
17 head towards the canyons. I knew I couldn't go north. There was
18 weather. It looked pretty nasty around the north. As I got over
19 Hanapepe Valley, I was still pretty high. I kept it high. I kept
20 it high. I wanted to -- because I was thinking he was set down
21 somewhere either on the Na Pali or up there past Upper Mic. So I
22 was, like, well, if I stay low he's not going to -- I'm not going
23 to get no radio signal. So I climbed. The Hanapepe, the Waimea
24 Canyon all was clear. It was clear as -- it wasn't dark, but the
25 sun had set.

1 Went all the way up to the west wall of the Waimea Canyon,
2 and it was -- you can see the clouds. It was just still down to
3 the ground, and it just kind of formed a line all the way up
4 towards, like, the north side of the island. There's no way I
5 -- I wanted to go up and see if I could get a little bit towards
6 the Na Pali Coast to see -- try to get a radio signal out to him,
7 say, hey, we just want to, you know, just want to know you're
8 okay; you sat down somewhere? In that time, it was like, it
9 wasn't going to happen. It was still calm winds, just like just a
10 nasty fog or just the clouds were down at the ground.

11 So turned around, and I believe I called Preston, and said,
12 look, we don't have it. He said, no, come on back. He told me to
13 come on back, so we came back. We were up in the air, I think it
14 was a .3, so less than probably around 15 minutes or less.

15 Q. And how high did you climb up to?

16 A. Probably around 4,500, 5,000 feet possibly.

17 Q. And was this a layer with -- can you describe the bases in
18 reference to the canyon and the tops?

19 A. Oh, yeah. Where it was at, it wasn't very tall, you know,
20 over -- so from the back of the canyon towards the Na Pali Coast,
21 it was from the ground to the deck. So, and it was, I don't know,
22 approximately 1,000 feet above the deck. And so it's all slanted,
23 you can see it. But as you went further north it kind of climbed
24 up a little bit, especially on the north side of the island. So
25 there's no way for me to -- because I wanted to go up a little bit

1 towards Na Pali, but I wasn't going to fly over the clouds
2 neither. It just didn't look like a good idea even just to get a
3 radio signal.

4 Q. And when you were up at that time when you climbed up, what
5 were the light conditions?

6 A. The sun had set. I think there were clouds. So I don't
7 remember seeing the ball. So there were clouds far off in the
8 distance ahead of the sun. And it was -- it wasn't dark yet.
9 When we came back to the pads, it was kind of dark. It was
10 twilight for sure in that 15-minute flight.

11 Q. Did you -- let me go back. Why didn't you want to fly over
12 the tops?

13 A. Because if I needed to set down, I had no idea where I could
14 have gone to set down. You couldn't see the floor. You couldn't
15 see the deck at all.

16 Q. Did you tune into the -- into 121.5?

17 A. 120, emergency frequency?

18 Q. Yes.

19 A. No, I did not. Oh, yeah, I believe I --

20 UNIDENTIFIED SPEAKER: It's monitored all the time. It's
21 always on monitor.

22 BY MR. GALLO:

23 Q. But the question is, did you tune into it? Did you have it
24 on your frequency in the radios?

25 A. I went through a couple frequencies because I also tried to

1 contact Barking Sands Military Base, their tower. So I think they
2 were shut down. So it must have been after 6 o'clock. Because I
3 remember thinking, okay, Barking, they've already shut down. It
4 was just, like, I want to say maybe 10 minutes. I was, like, oh,
5 they've already shut down. I couldn't get any signal from them.

6 But I don't think as far as the 121.5, I believe I put it --
7 I had it on, on the GPS because -- we have two radios. I've got
8 the Garmin 430, we've got two frequencies up there, and then I've
9 got the regular VHF radio. And I was on tower -- or island
10 frequency 127.05, and I was going back once I got high enough also
11 to Barking Sands; I went to 6.2. Then I had the company
12 frequency, and then the 121.5 on the GPS.

13 Q. So you had 121.5 --

14 A. Yes.

15 Q. -- selected? And you didn't hear anything?

16 A. No, sir.

17 Q. Were you in communication with any air traffic control when
18 you departed?

19 A. Yes, sir.

20 Q. And did they mention anything about hearing the signal from
21 121.5 or --

22 A. No.

23 Q. -- any other frequency?

24 A. No, sir. No. They asked if we needed any assistance, but
25 the -- when I took off, and when I returned.

1 MR. GALLO: That's all the questions I have.

2 MR. MYERS: I have one.

3 MR. GALLO: I'll defer to Mr. Preston Myers.

4 MR. MYERS: Yeah. Thank you.

5 BY MR. MYERS:

6 Q. Have you ever experienced a sucker hole?

7 A. A sucker hole? I've seen them, but it was -- I had my out.

8 I had an out. I've gone into some, and then but I was able to get
9 back out.

10 Q. Have you ever experienced a change of weather within 1 or 2
11 minutes?

12 A. Oh, yeah, absolutely.

13 Q. From like perfect, and it looks good, and 1 minute later it's
14 socked in?

15 A. Yeah. Yeah. And vice-versa, yeah, vice-versa.

16 Q. That's how it changes out in that environment?

17 A. Oh, absolutely, yeah.

18 Q. Weather cams on Na Pali and through Kokua (ph.) be beneficial
19 for us as pilots who fly around the island?

20 A. Oh, yeah, absolutely.

21 Q. Have you ever questioned why we don't have them?

22 A. Yeah. I've heard about --

23 Q. And what were the answers to those questions?

24 A. I've heard they've been talking about getting them up there
25 for the past 13 years. That's what I've heard.

1 Q. And still none?

2 A. Nothing, no.

3 Q. And there's still talk about putting them in?

4 A. Yeah.

5 MR. MYERS: Okay. That's fine with me.

6 MR. GALLO: Patrick, any questions?

7 MR. LUSCH: Yeah, I've got a couple more.

8 BY MR. LUSCH:

9 Q. First thing I wanted to ask is do you have that visual map
10 that we were looking at? Do you have the map of the island by
11 chance with you, that fold-out map?

12 A. No.

13 Q. Okay. Scratch my first question.

14 Brian, how many times would you say you've had to cancel a
15 flight due to weather, either --

16 A. Oh, this month? Man --

17 Q. Maybe just on average.

18 A. Oh. I don't know, 5, 6, 7 times; 7 times a month. Yeah.
19 It, you know, it really varies. I would say, yeah, it just
20 varies. I couldn't give you an accurate. We could calculate it,
21 but -- I could look it up, if you want it, but I couldn't give you
22 an accurate number now.

23 Q. Have you ever had to turn back from a tour because of
24 weather --

25 A. Yeah.

1 Q. -- in flight?

2 A. Yes.

3 Q. Have you ever had to defend your decision to do so with
4 anyone in the company?

5 A. No. I've had -- the only -- I've had to -- I remember just I
6 think a frustrating instance once where I called in. I was
7 leaving -- after I got into cell phone range after the Na Pali, I
8 called into the office, and said, look, the weather is bad, and
9 because I was on the phone and flying as I -- I'm not sure what
10 the girls heard me say or not, but I know Paul got on me after. I
11 got a call from Paul. He said, well, you need to give a more
12 accurate description. I said, I'm not sure what I said, but maybe
13 they wanted an exact, you know, an exact, well, the weather is
14 good here, the weather is bad here. And, like I said, I think for
15 me I would hesitate to give anything because I've seen the weather
16 change so quickly. I would -- I just wouldn't guarantee
17 anything. I'd say, look, I can show them a good tour, a safe
18 flight, but I don't know exactly what we're going to see. We'll
19 see some waterfalls, but I don't know where and what because the
20 weather is unpredictable at that time.

21 MR. LUSCH: Thank you.

22 MR. GALLO: Manny, do you have any questions?

23 MR. FIGLIA: No.

24 BY MR. GALLO:

25 Q. All right. I have three more questions.

1 A. Okay. Yes, sir.

2 Q. Going back I forgot to ask you what is your -- what are your
3 FAA certificates and ratings that you hold?

4 A. CFII, all rotorcraft. So commercial, commercial instrument,
5 instruct, flight instructor, flight instructor for instrument as
6 well.

7 Q. All helicopter?

8 A. Yes, sir.

9 Q. And on the 26th you flew November-702-Sierra-Alpha all day?

10 A. Yes, sir.

11 Q. And are there any months here that are worse for weather than
12 other months?

13 A. People ask that, and I don't think there's a good answer to
14 it. I think typically around maybe February, March, we get more
15 rain, but I -- in my experience between here, and I also lived on
16 the Big Island and flew there, it just seems like it's year round.
17 You get good days, and you get bad days.

18 MR. GALLO: All right, that's all the questions I have.

19 Anybody else have any questions here?

20 Do you have anything else to add that I've missed or you'd
21 like to convey to us?

22 MR. HEINZ: I don't know. It just seems so -- I mean, like I
23 said, I mean, this is just my own personal thoughts on the thing.
24 I mean, Paul is -- he could chew my ass for something. He could
25 take a bite out of my ass for times, you know, and probably well

1 deserved at that point, but I mean when that happened that night,
2 I was just certain he had set it down somewhere, and something --
3 you know, everything was going to be just fine. So just so out of
4 characteristic.

5 The Mauna Loa guys next door, and we'd see some companies
6 taking off in crap weather, and his thing was just a fucking tour,
7 you know, it's just a fucking tour. So him, for this to happen
8 it's just -- I wouldn't have thought it would have been him at
9 all, just personal opinion. I know the guy. He's a pretty good
10 guy. He was 4 months, 4 to 6 months from retirement, wanted to
11 spend it with his grandbaby. So, yeah, that's just -- I don't
12 know, it doesn't seem, doesn't seem right that it happened, but
13 for him being a pilot it just don't seem right.

14 MR. GALLO: All right. Well, Mr. Heinz, your time is
15 appreciated.

16 MR. HEINZ: All right.

17 MR. GALLO: If anything else, you could contact me. I'll
18 give you a business card and --

19 MR. HEINZ: Okay.

20 MR. GALLO: -- if you want to follow up with anything.

21 MR. HEINZ: All right.

22 MR. GALLO: Thank you.

23 (Whereupon, the interview was concluded.)

24

25

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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD


IN THE MATTER OF: AIRBUS AS350 B2 HELICOPTER
 CRASH NEAR LIHUE, HAWAII
 DECEMBER 26, 2019
 Interview of Brian Heinz

ACCIDENT NO.: ANC20MA010

PLACE:

DATE:

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

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of: *
*
AIRBUS AS350 B2 HELICOPTER *
CRASH NEAR LIHUE, HAWAII, *
ON DECEMBER 26, 2019 *
*

Accident No.: ANC20MA010

* * * * *

Interview of: CHRISTOPHER HOWARD
Former FAA Inspector

Via telephone

Thursday,
February 12, 2020

APPEARANCES:

MITCHELL GALLO, Senior Air Safety Investigator
National Transportation Safety Board

WILLIAM BRAMBLE, Senior Human Performance Investigator
National Transportation Safety Board

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I N T E R V I E W

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2 MR. GALLO: All right; this is an interview pertaining to
3 ANC20MA010, interview with Christopher Howard. Mr. Howard, do I
4 have your permission to record the conversation?

5 MR. HOWARD: Yes, you do.

6 MR. GALLO: All right.

INTERVIEW OF CHRISTOPHER HOWARD

8 BY MR. GALLO:

9 Q. To start out with, can you describe your aviation experience
10 and work experience?

11 A. Aviation experience, I spent 24 years as a Military aviator,
12 6 with the Army, and then 17 -- actually 7 with the Army and 17
13 with the Coast Guard. After that, I spent 3 years with the FAA as
14 a general aviations operations inspector, and just recently was
15 hired on with Customs and Border Patrol as a pilot.

16 Q. Okay. And can you quantify your flight experience and
17 aircraft category?

18 A. Sure thing. I have an airline transport certificate in
19 rotorcraft, approximately 6,500 hours on multi-engine helicopters.
20 I have my CFLI in rotorcraft. And I have my multi-engine and
21 single-engine commercial fixed-wing ratings.

22 Q. All right. And your --

23 A. And I've been flying approximately 25 years now.

24 Q. Okay. And your Military experience, that involved pilot
25 command on helicopters?

1 A. Yes, it was. Yeah, 24 years, and most of that pilot command.

2 Q. All right. And what kind of helicopters did you fly in the
3 Military?

4 A. I started out in the Army flying Apaches, attack helicopter,
5 where I was instructor pilot as well. And then, when I went to
6 Coast Guard, I flew all 17 years in the MH-65 Dolphin, which is a
7 multi-engine short- to medium-range helicopter. And I was an
8 instructor there as well.

9 Q. And then at some point, you came to the Federal Aviation
10 Administration as inspector. Was that at Honolulu FSDO?

11 A. Yes, it was.

12 Q. All right. And can you kind of give a description of your
13 duties there and your assignments, and approximate dates of those
14 duties and assignments?

15 A. Let's see. I was hired on in April of the -- about 3 years
16 ago, and out of the Honolulu office as an operation inspection for
17 general aviation, which entails looking at crash investigation
18 oversight, 135 companies, and just general complaints and
19 investigations for pilot mediations and so forth.

20 And after about a year and a half, I was designated as a POI
21 for approximately 18 helicopter operations out of -- spanning all
22 the islands on Hawaii.

23 Q. All right. And of the 18, how many were approximately air
24 tour?

25 A. Air tour, I would have to say the majority were air tour. I

1 don't -- I can't think of the numbers right off the top of my
2 head, but the majority of them were Air Force. Because most of
3 those companies, for example, Winward Aviation was just getting
4 into the air tour business.

5 I got them up, qualified for their 135 air tour. But -- and
6 there was maybe two or three other companies that were doing
7 multiple, not only air tour but lift and some agriculture work as
8 well.

9 Q. Okay. And you're a PIO assigned to Safari at one point; can
10 you provide the dates of that?

11 A. I don't know the approximate dates on that, but it was
12 approximately about a year. Because what happened -- we had a
13 shortage of operations inspectors, so what happened, I wasn't a
14 fixed-wing inspector, so I was helicopters only.

15 So the other inspectors in the office, Joe Monfort and Gino
16 Rezzonico and Kyle Bartlett, they were fixed-wing or dual-rated.
17 So we had enough fixed-wing operators that they had to handle
18 those, so I got the lion's share of the helicopters.

19 Q. And going to, again, to Safari, did you fly with the accident
20 pilot?

21 A. Yes, I did. Actually, I did his annual check ride at one
22 time.

23 Q. All right. And that was satisfactory, I take it?

24 A. Yes, he was a fantastic pilot; yeah, no issues whatsoever.

25 Q. All right. And as far as the operation itself, is one of

1 your responsibilities or assignments was to go through and review
2 the manuals?

3 A. It was. But at the time, with 18 companies and -- I was
4 constantly flying to other islands, because the majority of my
5 operators were either on Kawaii, Maui, or Big Island. So with all
6 my staff's items that I had to accomplish and the check rides, it
7 was -- manual review wasn't really a priority at the time, because
8 I had to handle the safety-sensitive issues.

9 But so we looked at, with management, we just had to decide
10 what was priority. And Safari, we had no issues with them
11 whatsoever, especially on the safety side of the house. As a
12 matter of fact, they were pretty proactive in kind of policing the
13 tour industry on Kauai, the tour helicopters.

14 So they were -- I got calls frequently from management
15 talking about other helicopter agencies and safety issues that
16 they had that they addressed.

17 Q. And were the tour operators -- because you -- it sounds like
18 you had quite a few operators to surveil. What was their
19 responsiveness to your suggestions or advice? Were they
20 proactive, were they defensive, or they just flat-out rejected you
21 on your suggestions or advice?

22 A. Well, at times -- of course, anytime there's change, and
23 especially if it impacted them financially, they were kind of --
24 the answers I usually got was -- the response I'd get was the fact
25 that I go off the 8900 for guidance. That's what I use. And they

1 would say, well, 8900 is only guidance only, that's not what the
2 regulation states.

3 So and then I would just have to kind of put it to them, it's
4 like, well, that's what I go off of. And my signature is on
5 anything that's coming across for your company. So once you
6 explain it to them that way, they were very proactive in getting
7 with the program.

8 Q. And what was your workload? It sounded like you had a lot of
9 operators to surveil. What was -- can you describe the workload
10 and how you would --

11 A. Normally --

12 Q. -- schedule everything.

13 A. Well, it was pretty intact. Yeah, because a lot of these
14 companies wanted to expand. They wanted to go into the SMS, which
15 Paradise Helicopters in particular was -- they wanted a lot of
16 stuff right now.

17 And things take time. And their manuals were -- or their
18 submission was not really up to speed. And I didn't have a lot of
19 experience, so I was kind of leaning on some of the senior
20 inspectors in the office. Gino Rezzonico was -- is probably the
21 guy that I leaned on the most.

22 And it was pretty intense, because I -- originally, I wasn't
23 supposed to get that many companies right off the bat as POI. I
24 was supposed to learn and then kind of move on. But like with
25 anything, if you don't have people, you just have to pick up the

1 load.

2 Q. Okay.

3 A. So what it came down to was prioritizing what needed
4 attention, especially in the realm of safety.

5 Q. Okay. And in trying to obtain resources, how did you get
6 those resources, and were you able to draw on other FSDO offices
7 from -- throughout the country to help you, or everything was kind
8 of centered on Honolulu FSDO?

9 A. Being a fairly new inspector, I wasn't -- I was just trying
10 to -- it was like drinking from a firehose; it was kind of coming
11 at me fast. And so I would talk with management.

12 And check rides specifically, we would try to get assistance,
13 especially for the Robinson products, the 22 and the 44, because I
14 didn't have -- I didn't meet the SFAR requirement for that. So we
15 didn't have anyone in the office that could give Robinson check
16 rides. So we did get a lot of support from other -- from the SFAR
17 program, came in and gave us check rides. And -- but as far as
18 the rest of it, we did not get a whole lot of support from
19 outside.

20 I know they were having issues hiring people in Hawaii
21 because of cost of living. And people moving there, a lot of
22 times, they won't pay for relocation for new employees. So that
23 was kind of a tough product. But yeah, we did the best we could.
24 And we didn't do anything outside the realm of safety. We
25 followed what we were supposed to do, and any issues that came up,

1 I thought management addressed them fairly quickly.

2 Q. And forgive me; I don't have too much experience as far as
3 training within FAA. But when you came on board there to begin
4 your employment, was somebody assigned to train you or supervise
5 your training?

6 A. Yes. Well, it kind of went to the other operations
7 inspectors. I was originally assigned, I think with Gino
8 Rezzonico, and then he -- it's whoever was in the office that
9 could -- because I had to have signoffs on certain things, before
10 I could actually perform the duty.

11 So if it's a crash investigation, I'd have to go to a crash
12 site with a qualified inspector from that realm. And there were
13 three, there were three levels of signoff, and I had to get up to
14 the third level signoff.

15 So whenever they went out in the field, I went with them. I
16 couldn't travel until I had my credentials off-island, so I
17 couldn't do jump seat cockpit inspections until I was qualified,
18 which was about a year and a half, I think, before I got that.

19 Q. Okay.

20 A. So I just kind of shadowed other inspections.

21 Q. And how much travel did you spend per week as a percentage of
22 your work time?

23 A. I was probably traveling at least 2 days a week.

24 Q. Three days a week?

25 A. Two to 3 days a week. Yeah, 2 --

1 Q. Okay.

2 A. Most of the time, it was 2.

3 Q. And as an inspector, were you assigned complexity points?

4 A. Yes, I was.

5 Q. And can you talk about how many points you had and what the
6 scale was?

7 A. I can't really remember the point structure, but I know 135
8 companies with -- that don't carry more than 10 passengers,
9 they're not worth a lot of points. That's the reason why I had 18
10 companies. It was the points for a unscheduled commuter. For
11 instance, it could carry 10 to 15 passengers, and if you had four
12 or five airplanes, then they had a huge amount of complexity
13 points.

14 So they could load me up pretty good and keep me within the
15 realm of GS-13. Because once it went over 2,500 points I think,
16 that was GS-14. And I know they had some issues in the office
17 with -- between Gino and Joe Monfort on that, because of the
18 complexity points and the pay scale. But I was kept in the range
19 of GS-13, which I think I had around, I want to say 1,600 to 1,800
20 points, but I'm not for sure on that.

21 Q. Was air tour considered relatively more complex in points
22 than other certificated operators?

23 A. No, actually it wasn't. It was not, no.

24 Q. It was considered less?

25 A. Yes, it was actually one of the lower end of complexity

1 points for -- in that whole system, as far as operators go,
2 because they didn't carry many passengers and their complexity as
3 far as doing -- they did one thing over and over and over and over
4 again.

5 Q. So --

6 A. There were companies that did lift work in hauling
7 long-lining stuff. You had some more points there too that were
8 added in. It was a little more complex.

9 Q. Were complexity points cumulative, in that if you had
10 operator A had 10 points and operator B had 10 points, that would
11 give you a total of 20 points then?

12 A. Yes, that is correct, yes.

13 Q. Okay. Because it sounds like you had a lot of --

14 A. And the FSDO can -- right. The FSDO can give you a list,
15 because every inspector is tracked by point totals, and it's
16 broken down by operator and how much each -- if they're doing
17 tour, how many points for that, and how many points they get for a
18 lift, and agriculture was the other one.

19 Q. And when you're at FSDO there, who are the other POIs
20 assigned to the other helicopter operators, if you recall?

21 A. Before I left, there were only, there were -- for operations
22 inspectors, there were only two others that was -- because Don
23 Andera (ph.) retired, Kyle Bartlet resigned, and it was just
24 myself, Joe Monfort, and Gino Rezzonico. I'm trying to think if
25 we had anyone else; I don't think so, no.

1 Q. All right. And were the departures from the FSDO or the
2 resignations due to the cost of living, or did they have a
3 cultural issue within the FSDO itself?

4 A. No. Kyle Bartlet left -- he's fairly young. He's in his
5 early 30s. And his wife is an airline pilot for Hawaiian, and he
6 had other opportunities career-wise to expand upon, which he left
7 for that reason. And I left for the same reason, a job that was
8 better suited for me. It wasn't anything to do with the FAA
9 itself.

10 Q. Okay. And going to the air tour operations in Hawaii, did
11 you receive any complaints from the public through the FAA hotline
12 regarding anything about air tour?

13 A. Oh, constantly, nonstop. They're all -- I had to explain to
14 them because the way they would -- they would go on Google or
15 whatever and look up, minimum altitude for aircraft, which it
16 would basically state the fixed-wing airplane requirements.

17 But as far as helicopters go, this is where the regulation is
18 very vague. It's see and avoid. They could fly whatever altitude
19 as long as, if they have an engine failure, they can land without
20 causing damage to persons or property. So basically, they could
21 fly wherever they wanted to in -- outside of controlled airspace.

22 So educating the public on that was always an adventure, and
23 they had many government meetings and -- local governments. And I
24 attended a few of those meetings and where -- especially on the
25 Big Island, on Kauai.

1 Q. Yeah.

2 A. It was -- yeah. They had lots of planes, but as far as
3 anything unsafe, anytime that we came across a tour operator that
4 was operating outside of parameters of the regulations, we would
5 usually start an investigation, because it warranted. And at that
6 point, investigations would take inordinate amount of time, as far
7 as trying to get something done.

8 And I had one operator tell me once, well, it's easier for me
9 to go to court because the money I make in the meantime before it
10 reaches court, if it ever does get to court, is far going to
11 outweigh the legal costs that they're going to incur. Because
12 most of the time, the fines that were levied were cut down to 10
13 percent or less. But that was only one or two operators that I
14 had to deal with, so --

15 Q. Well -- okay, so going back to that. How much time did you
16 need to spend on an enforcement action with air tour operators?
17 Was it a rarity, or did you -- were there things that you felt
18 were important enough to pursue and enforce some action, and how
19 many times did that occur with you?

20 A. Well, the bigger companies that had more helicopters on
21 multiple islands, of course, we usually get a few more complaints
22 based on just the sheer number of flights that they flew.

23 And then we were dealing with the National Parks too, that I
24 was keeping -- on the Big Island, I was keeping a watch over how
25 many times certain operators entered the park. And you're only

1 allowed to do so many flights based upon their -- what they were
2 given, because I guess passes (ph.) in the park are -- they won't
3 issue any more of those, so they're a finite number. And they can
4 only do so many before -- and we had a company, (indiscernible),
5 that would push the limits on that one.

6 But usually, when we addressed it, they were pretty quick to
7 correct. Most of the time, it was just a warning. One time, we
8 know they did beyond that. But cases that I worked on never went
9 to trial.

10 Q. All right. And did you enter -- how much did you make use of
11 the PTRS common section when you came back reviewing an operator
12 or --

13 A. No -- yeah, that was -- yeah, if it wasn't on PTRS it didn't
14 happen. So that was something I learned early on that we had to
15 document, document, document, because if not, it wouldn't stand up
16 if you went to court.

17 Q. All right. And going to Kauai itself, where the accident
18 occurred, anything unique in air tour in flying that? It could be
19 environment, company structure; anything unique there?

20 A. Yeah. Actually, Kauai had probably the most, as far as
21 environmental conditions or weather condition patterns, changed
22 rapidly, especially the North Shore, which is probably one of the
23 most popular spots. You got the Waimea Canyon and then Na Pali
24 Coast.

25 Having flown military-wise, I was stationed twice in Hawaii,

1 so I have about 10 years of flying experience on all the islands,
2 have done many search and rescue cases in those areas. They could
3 be brutal at times, because it could be VFR conditions and within
4 a half-hour, especially up in the mountain ranges, the Waimea -- I
5 mean, around the coast, you had some really nasty wind shears and
6 turbulence.

7 And that's something that most pilots that I flew with -- had
8 the opportunity to fly with were well aware of. And they had
9 measures that if they encountered the weather, what they were
10 supposed to do. So whether they follow that or not, that's
11 another issue. Helicopter pilots usually don't do well in
12 instrument conditions. They don't train enough, which is proved
13 in the recent Kobe Bryant accident.

14 Q. Okay. And going to the unique weather conditions, you said
15 they were rapidly changing. So as a helicopter pilot, is it
16 something you could see and avoid? Do you see the rapid change
17 coming towards you, or is there a chance that it's so rapid that
18 you would get trapped in it?

19 A. No. A lot of times, when you take off and you're doing a
20 tour route, it's fine in one area. And as you -- you kind of
21 depend upon what other tour pilots are telling you, because they
22 have a very good -- especially in Kauai, they share a lot of
23 information between operators. And because all the pilots pretty
24 much know each other, and they do a really good job at warning
25 others, because you're running tours nonstop, about what's out

1 there.

2 And I never ran into a company, with the exception of
3 Novivictor, that really pressured their pilots to fly. So if the
4 pilot said the weather wasn't good enough, that was -- there was
5 no issues with management at that point. So -- but every time I
6 checked one of their pilots -- and usually, I was checking your
7 check airman -- that was one of the scenarios that I was taught to
8 show too, is if we put them under the hood, you say, okay,
9 you're -- what are you going to do now? And you see -- most of
10 the time, they would turn offshore until they get out of the
11 water, contact approach, and then they would get a step down for
12 approach into VFR conditions.

13 Q. Any thoughts about how to prevent flight from VMC to IMC
14 conditions, and even inadvertent flight?

15 A. There's -- well, I know it was kind of hard for me to go from
16 a military perspective where the owners weren't paying flight
17 time. So trying to make money training usually takes a back seat,
18 because it's just like training for instruments, something that
19 is -- you have to keep current with.

20 But if you only run into it maybe once or twice a year, it's
21 really not financially viable for a company to keep their pilots
22 IFR-trained, because if that's the case, they go IFR, that's a
23 whole new process they have to go through, and then it increases
24 their training time. And also their check ride requirements go
25 from one a year to twice a year.

1 Q. Okay. And from your experience in Kauai and those former FAA
2 inspector -- and I don't have the numbers, but I'm going to base
3 this on your perception -- do you think the air tour accident
4 rate, not numbers but rate, is above average from other helicopter
5 operations?

6 A. In Kauai? No, I don't think so. No.

7 Q. Okay. And what was your relationship with --

8 A. My time --

9 Q. Go ahead; I'm sorry.

10 A. I'm sorry; go ahead.

11 Q. Oh, go ahead.

12 A. So I'm saying my time, the 3 years that I worked there, I
13 worked one accident in Kauai -- and I don't even know if I worked
14 one accident in Kauai. Most of them were on Oahu, which was the
15 largest number. And then on the Big Island, a couple there. But
16 Kauai, very low incidents for the amount of tours they ran.

17 Q. And going back to Safari, when you went to surveil Safari,
18 how would you assess their responsiveness, again, in dealing with
19 the accident pilot who was the chief pilot, and Preston Myers?
20 What was their responsiveness to your suggestions, comments,
21 concerns? Were they obstructionists, did they cooperate; what was
22 that like?

23 A. No, Preston -- I was kind of warned that Preston could be
24 difficult to handle, but I never had any issues. But I had to
25 explain to him why things had to happen and why they were, and

1 he -- which I didn't find a problem. I mean, he asked a lot of
2 questions, and he got very animated, but he never went to the
3 point where -- I mean, once you explain it to him, and he was fine
4 with it. But he wanted an explanation, which I can't really blame
5 him for.

6 So that put the onus on, I had to be prepared, like not just
7 kind of said, you got to do this. I had to be able to explain why
8 whatever procedure that he had to do differently happened. But as
9 far as dealing with a chief pilot, he was fantastic. He was a
10 little gruff at times, I guess, but he was very receptive. We had
11 a working relationship.

12 Q. Okay. And when you went -- when you initially got hired and
13 you started to surveil the air tour operators, were you accompanied
14 by another inspector?

15 A. Oh, yes, definitely. Yeah, I was -- until I was level-3
16 qualified for whatever it was that I was there for, I was
17 accompanying a qualified operations inspector.

18 Q. Okay, so prior to a level 3, before your level 3, who were
19 the inspectors that would accompany you?

20 A. That was either Gino Rezzonico, Joe Monfort, Kyle Bartlet, or
21 Don Andera.

22 Q. Okay.

23 A. And a few there -- some of the maintenance guys inspectors I
24 went with to some, but that was just more to get an overview of
25 what they were doing.

1 Q. All right. I think I have two more questions, and then I'll
2 pass it off to Mr. Bill Bramble. But can you give a synopsis of
3 positives and negatives of working at Honolulu FSDO?

4 A. Well, a positive was obviously, it was Hawaii, so that was
5 just fantastic. The pilots that I worked with and the companies,
6 for the most part were very professional and attempted to do the
7 right thing. I ran into a few that weren't so much, they were
8 more worried about taking money than following guidelines.

9 But some of the drawbacks were that they -- well, the
10 shortage of operators actually, and inspectors, which they're
11 still having issues from what I understand. It's hard to keep
12 people when -- I mean, because basically, it was very stressful to
13 know that I had 18 operators that I had -- or 16 to 18. I had
14 them ensure that I did the inspections properly, because I was
15 legally responsible if I sign my name and not -- and didn't do due
16 diligence or whatever I was supposed to do.

17 So that was very stressful at times. And when an accident
18 gets thrown into the mix, which happened -- even airplane
19 accidents I went to, that would take, well, as you guys know, an
20 inordinate amount of time with all the paperwork. And if there
21 was anything that was wrong and it had to go to court, that
22 process was very, very time consuming.

23 Q. And did salary play a factor in other inspectors leaving
24 there?

25 A. Kyle left because he could make more money and because he was

1 starting his own business. And then he was -- he also I think
2 hired a chief pilot for the Aero Med, one of the Medevac companies
3 right down the road there.

4 But no, I thought I got paid fairly well. Because when I was
5 looking at jobs, I mean, I could've been -- I had several offers
6 from air ambulance companies, and they didn't come close to what
7 the FAA was paying.

8 Q. Okay. And so then -- this is my last question. We may go
9 around again, but why did you leave?

10 A. Well, I got the job that I've always wanted. When I was
11 getting ready to retire from Coast Guard, I applied with Customs,
12 and they told me I was too old.

13 But 2 years into the FAA, I had to talk to a recruiter. And
14 he said that now, if you're former Military, they waive the
15 federal law enforcement retirement age. So it encouraged me to
16 apply, and I applied. And within 6 months, I was accepted.

17 Q. All right. Well, thank you. That's all the questions I had.
18 I'll pass it off to Mr. Bill Bramble.

19 A. Okay.

20 BY MR. BRAMBLE:

21 Q. Hi, Chris. This is Bill in Washington. So you mentioned
22 that you would often do the inadvertent IMC scenario under the
23 hood during check rides?

24 A. Yes.

25 Q. Did you do that with the accident pilot?

1 A. I believe so, yeah. Every check ride I did, that's part of
2 the check ride. The -- I can't remember that -- the 299 ride, I
3 think it was. No, that was a route check. I can't remember the
4 actual check on it.

5 But yeah, it's a quick one. You make them descend, climb,
6 and climbing turn, and ascending turn, and see if they would fly
7 offshore, or follow their procedures according to their SOP.

8 Q. Or follow the procedures in the SOP; is that what you said?

9 A. Yes, in your approved SOP, yes.

10 Q. Okay. Do you have any recollection, any specific
11 recollection, of how he performed that maneuver?

12 A. When I flew with the pilot, no, he was -- I had no issues
13 whatsoever. It was a great check ride from what I recall. But I
14 usually -- I'll remember the bad ones, so that's -- yeah. No, he
15 was a very professional pilot, very knowledgeable of the area.
16 He's been there a long time, and he took great pride in training
17 his other pilots.

18 Q. Okay. You mentioned that some of the calls you got to the
19 hotline involved unsafe things that led to investigations. What
20 kinds of things were those?

21 A. I don't think it was really unsafe. I think one in
22 particular, the charter, someone would charter a helicopter to go
23 out to do like aerial photography, and the empty seats in the back
24 of the helicopter they were selling for tour, which is a big
25 no-no. You can't mix those.

1 So what that allowed the operator to do was they didn't have
2 to abide by the Hawaii Common Tour Procedures Guide at altitude.
3 Because when you're on a charter, you can basically fly -- as long
4 as you're under the umbrella that if your engine quits, you don't
5 cause any threat to persons or property. So they can be whatever
6 else that they want, which kind of gave an unfair advantage over
7 other tour companies that had to stay at 1,500 feet over certain
8 spots, and they could go wherever they wanted to.

9 So that was -- and usually I got that from another operator,
10 because they usually treat themselves pretty good. So yes, the
11 one company in particular I had the most of my issues with. But
12 it was nothing that was unsafe, it was just more on negating the
13 system.

14 Q. All right. Sorry for the silences; just trying to keep up
15 with my notes. So my last exposure to the Hawaii air tour SFAR
16 was around 2004, 2005. I think on Kauai it defined minimum
17 altitudes on the routes, and it prescribed defined -- a defined
18 route. Is that basically the same today?

19 A. They've been trying to renew the Hawaii Common Tour
20 Procedures Guide now for quite some time, and it was kind of
21 handed off to the tour operators themselves because it wasn't an
22 FAA document. And because we had met the inspector, we go off of
23 what the regulations state.

24 And we don't regulate noise. That's one of the biggest
25 common misconceptions we have. People will call, they're being

1 noisy. And it's like, well, as long as they abide by their
2 approved operators' manual, then we don't really have an issue.
3 And noise is something the state regulates, not the FAA. I don't
4 know if that answered your question or not.

5 Q. Yeah, I'm not sure. Is the Common Tour Procedures Guide the
6 same as the SFAR --

7 A. So the SFAR as far as tours go? I don't think that described
8 altitude, the SFAR. You're talking about the -- I can't remember
9 what actual number it was, but that was basically requirements for
10 floats, and if you're flying off shore, you have to have on board,
11 things like that, and multi-engine helicopters. Or if you fly for
12 engine flights, you have to be within gliding distance of
13 shoreline unless you have floats and passengers have the FDEs and
14 et cetera. They didn't get into route procedures themselves.

15 Q. Okay. Did they prescribe minimum altitudes other than high
16 enough to make a safe landing without damage in case of engine
17 failure?

18 A. Not that I'm aware of, no. The Hawaii Common Tour Procedures
19 Guide did. It -- they had called routes that said, you're here,
20 if you're flying on this noise-sensitive area, you have to be at
21 this altitude if you're over X, Y, and Z. And they follow that
22 pretty good for the most part.

23 When they didn't, usually our operators would -- I'd get a
24 call. And so at that point, I'd call -- because it was -- it
25 wasn't management, from these companies' management down to the

1 pilots, hey, go out and give a better ride so we can get more
2 people. It's more pilot individual. So I would deal with using
3 the management, and the management would talk to the pilot; that
4 didn't work. That's when I would intervene.

5 And the one thing I could do, which -- without having it to
6 go to any kind of process outside the FSDO, is I could do a 44709
7 ride, which basically, I question someone's ability to hold
8 whatever certificate they have, and I could make them take a check
9 ride with me, or an oral evaluation, which I did on several
10 occasions. Usually, if there is an accident involved, I would
11 give the pilot a 44709 ride, just to basically, to cover our bases
12 saying, yes, pilot is a competent commercial pilot, and depending
13 upon what -- if they were doing lift work or whatever.

14 Q. I see. In that area between Waimea Canyon and the Na Pali
15 Coast, did you fly over that high plateau north/northwest of the
16 canyon, the minimum altitude with the unspecified basically, as
17 long as you could make a safe landing?

18 A. I would -- with the -- over Waimea Canyon, I don't think --
19 that wasn't a noise-sensitive area, so I don't think -- I would
20 have to look at -- take a look at the procedures manual myself.
21 So --

22 Q. Okay. But if there was a restriction, it would only be due
23 to noise?

24 A. Well, in certain areas like if you go into site-specific
25 areas, they have certain altitudes, like 1,500 feet typically, or

1 on like Sacred Falls on Oahu, it was 1,500 feet. And they
2 followed a slow in-and-out, and you had to announce going in and
3 leaving.

4 And now, one of the things -- when the weather dropped and
5 they couldn't hold the prescribed route structure, at that point,
6 they could -- they're under 135. But if they're declaring that
7 they cannot maintain 135 flight minimums, or flight minimums, they
8 could drop into 91 and just say, okay, the tour is over. They'd
9 have to announce the tour is over, and that just gave them leeway
10 to drop down in altitude to get back to home plate.

11 It wasn't a get out of jail free, where basically, they could
12 say, oh, there's a front moving in, we'll just go under it, and
13 then pass up, and now the tour's back on. So that's one thing
14 that I stressed quite frequently. And one company in particular
15 would call anytime they had that happen, and -- which I think that
16 was -- it wasn't Blue Hawaiian, it was -- I can't remember the
17 company that would call and notify me. I think it was Paradise
18 actually.

19 Q. Is there a 500-foot minimum for 135?

20 A. I am not sure. I would have to look that up. I'm working on
21 the public use now, so --

22 Q. Yeah. We can look it up. I'm just trying to --

23 A. For helicopters, I don't believe there is a 500-foot under
24 135. I don't think there is unless it's stated in -- you're
25 flying into any kind of area that wears the figure on the chart.

1 Q. Okay. We'll have to check. So you had oversight of 18 135
2 helicopter operators; were there others?

3 A. Well, 18 certificates. So I think I had a total of 14 to 16
4 companies, but some of them had multiple certificates. So I
5 misspoke; it was 18 certificates, which means 135, 133, or -- I
6 can't remember what agriculture falls under. But we only had two
7 companies that we did ags for anyway. So that was the number.

8 Q. Okay. And how many of those 18 were on Kauai?

9 A. Let's see. Probably five, five --

10 Q. I guess I should have said --

11 A. -- five --

12 Q. -- how many of the companies --

13 A. -- and a few of them had -- well, five companies, and three
14 of them had multiple certificates. So yeah, that was probably
15 eight or nine certificates.

16 Q. Okay. Did you feel you had adequate funding to visit and
17 inspect operators on Kauai?

18 A. Yeah. I never had an issue whatsoever. Anytime I went to
19 management and said, hey, I need to go over to Kauai to do X, Y,
20 and Z, I usually -- they encourage us to try to group it together,
21 so -- because I'd go and do a check ride, and that would take
22 maybe 3 hours, 3 or 4 hours.

23 And then I could go to another company. Especially if I was
24 doing inspections, like for SMS or (indiscernible) items. I could
25 go through those pretty quick, especially if I'd seen them already

1 before, I could just verify that the information was good, their
2 manuals, or everything was up to -- I could do multiple, but as
3 far as anytime I wanted to go somewhere, I had no issues with
4 management whatsoever. They were very positive on that.

5 They tried to, like I said, get me to combine companies,
6 but -- and sometimes when I did two check rides in one day, I
7 wouldn't do it. So I'd just say, sorry, I can only do the check
8 rides, and then I'll go back again the next day. So I traveled
9 quite frequently and never had anyone question if I wanted to do
10 something.

11 Q. How did you find Safari's manuals and pilot training
12 materials; do you have any specific recollection?

13 A. I don't. I know they -- anytime they found something that
14 was lacking and notified them that they had to make a change, they
15 would usually make a change within a reasonable amount of time.
16 Because I'd follow up, because they were asking for the follow-up
17 and bring in specs. But I don't recall specifically their
18 manuals, if they were bad.

19 Q. Did you ride along on any revenue tours?

20 A. I did not -- well, wait a minute. Did I -- I did with
21 several companies, but I don't know if Safari was one of them. I
22 don't think it was. The only time I flew with them was, like I
23 said, for check rides, observations. But I did it with other
24 companies. But the problem with riding along with them is it took
25 away from revenue-paying passengers, so I had to try to time it

1 where it wouldn't coincide with a busy schedule.

2 Q. Did you observe anything that gave you concerns during those
3 ride-alongs?

4 A. No. The only companies that I had concerns with is when we
5 were doing 299 route checks with Novictor when they were operating
6 under Part 91. There's a lot of -- oftentimes, they -- the owner
7 hired pilots that, in my opinion, had -- did not have enough
8 flight time or enough training and couldn't speak English to the
9 point which they couldn't understand anything you say. On several
10 occasions I ran into that issue, and we'd readjust it, made them
11 fly it.

12 Q. Okay.

13 A. With Novictor there were several actions they had.

14 Q. Did you ever receive any verbal or written safety concerns
15 from Safari pilots?

16 A. No. The only safety-related concern I got was from their
17 chief pilot, that he got a call from another company where one of
18 their pilots was flying -- well, actually, it was harassing
19 another one of his pilots, and so -- yeah, to the point where it
20 was like stalking. And yeah, that -- we just contact law
21 enforcement for that. That's not under my purveyance unless there
22 are safety concerns, and there was.

23 Q. You said that a pilot from another company was harassing one
24 of his pilots?

25 A. Yes.

1 Q. Okay.

2 A. And it's funny; the pilot from the other company was female,
3 so --

4 Q. Hmm.

5 A. Yeah.

6 Q. Okay. Was that our accident pilot that called you about
7 that?

8 A. Yes. He said he had a concern that one of his pilots brought
9 to his attention, and I said, well, okay, I'm going to need a
10 statement from this pilot saying when this other pilot was flying.
11 Because they were out flying (indiscernible), and he thought she
12 was getting a little too close to his aircraft. So I addressed
13 it, and it never happened again. And I believe she was -- she
14 left; she's no longer with the company.

15 Q. Okay. You addressed it by talking to her, or you just told
16 her --

17 A. No --

18 Q. -- okay?

19 A. I addressed it by talking to the owner of the helicopter
20 company, so -- and said, hey, I got a call and this concern,
21 either you need to address it or I will.

22 Q. Okay.

23 A. And he left shortly thereafter.

24 Q. I see. Were you ever told to go easy on Safari?

25 A. No. As a matter of fact, it was encouraged that anything I

1 found we need to address, because safety was a huge concern. I
2 mean, that was our primary job to make sure. And if I had any
3 issues whatsoever, I could address those with management, and they
4 were very receptive.

5 Q. Okay. Were there any -- I don't know if you guys still use
6 these terms -- but NACIPs or RACIPs or special inspections
7 accomplished at Safari while you were there?

8 A. Special inspections, not that I'm aware of. I was on a
9 schedule. We set -- each quarter, we set what had to be
10 management approved on which items we had to inspect on a
11 rotational basis. And I had a lot of extra time to do anything
12 outside of what the minimum -- the assigned items that I had to
13 do.

14 Q. Uh-huh. Yeah, understood. All right. Let's see. So years,
15 many years ago, the Honolulu FSDO had a geographical surveillance
16 unit for air tour operators. Did that still exist when you worked
17 there?

18 A. It did not. They still had the -- well, actually, Derek
19 Kaniama (ph.) was one of the frontline managers that was -- when I
20 first got there was assigned -- was supposed to be in charge of
21 that, but with the lack of resources as far as operational
22 inspectors go, we couldn't have just a unit for air tour. Because
23 there had to be oversight of all these companies, and we just had
24 to go with what we had for personnel.

25 Q. Yeah.

1 A. We couldn't just stick to that. But they used, they used to
2 go and do a lot of surveillance. But with the personnel we had,
3 we just couldn't -- I mean, that was one of the issues we had.
4 You can't go out and set up surveillance if you're doing
5 inspections every day.

6 Q. So another years-ago question. Years ago, the Honolulu FSDO
7 sometimes would bring inspectors in from the mainland to do
8 anonymous ride-alongs. Do they still --

9 A. I do not know about that. I know they used to do, from --
10 it's just what I heard -- they used to send pilots out just to go
11 and fly as a passenger to observe. But I was never -- that was
12 never on our -- it wasn't presented to me that way, no.

13 Q. Okay. So it didn't happen while you were there, to your
14 knowledge?

15 A. No. But -- no. And the problem with that -- if you bring
16 people from outside in, that would be better. But they all knew
17 who we were. All the tour companies knew the four inspectors, so
18 it wasn't a surprise. So --

19 Q. Yeah.

20 A. -- it had very little value for us to ride along.

21 Q. Okay. And they weren't bringing people in from Nevada or
22 something to do it?

23 A. No, definitely not.

24 Q. All right. Did any of the Hawaii air tour operators or their
25 pilots express special concerns to you about the risk of VFR and

1 IMC accidents?

2 A. The only companies that I know the pilots -- actually some
3 pilots had left was Novictor. Novictor, the rumor was, in talking
4 to some of their former pilots, the owner basically hired low-time
5 pilots and didn't pay them very well, and -- this is just hearsay,
6 that they would -- basically, she would make them fly.

7 Q. Sounds like a Valley High accident we worked on Kauai back in
8 2004.

9 A. Well, or about the one that happened over -- what, over by
10 Konielli (ph.), the Kailua accident 2 years ago.

11 Q. Um-hmm.

12 A. I believe that was inadvertent IMC, where it came apart in
13 the air and basically rained body parts and helicopter parts over
14 Kailua.

15 Q. Any particular risk factors you're aware of that might
16 heighten risk of this type of accident, aside from management
17 pressure at Novictor?

18 A. No. In the VFR helicopter world and in tours, it's --
19 inadvertent IMC is always the biggest safety concern because the
20 maintenance -- we didn't run into hardly any maintenance issues as
21 far they're not maintaining their helicopters appropriately. All
22 their pilots, for the most part, especially at Novictor because
23 they were operating on a different financial model, had -- all the
24 pilots were very well-trained with a lot of hours. And no, I
25 didn't see any problems.

1 Q. All right. Are you -- were you aware of any special training
2 or other strategies implemented by Hawaii air tour operators to
3 avoid VFR and IMC accidents, maybe things that they were duly
4 implementing or trying out?

5 A. Not trying out, but in their SOP, they always had inadvertent
6 IMC seekers as a requirement for their 135 certificate. They had
7 to address it. And they trained at a classroom, I believe, and in
8 their check rides it would be addressed: What are you going to do
9 if this happens? And first you table-top it, and then you go out,
10 put them under the hood, make them do some climbs, ascents, and
11 put them in a scenario-based situation.

12 Q. Okay. Were you aware of any type of video training or
13 anything like that, that sort of showed them what type of weather
14 patterns might be particularly hazardous in that area?

15 A. Yeah. Their local area orientation was -- every one of them
16 had pilot -- for new pilots, they had an orientation, and weather
17 was a big training discussion. I don't know about videos, but I
18 think some of them had them. But no, they -- that was one of the
19 major concerns if they trained because it was area-specific. And
20 that was one of the biggest concerns that there is.

21 Q. And how about the FAA? Were you aware of any efforts by the
22 FAA to reduce the risk of air tour VFR and IMC accidents in Hawaii
23 beyond sort of the normal surveillance activities?

24 A. Not that I'm aware of. I mean, basically, when we went and
25 when I checked myself, I checked the check airman or chief pilot.

1 What he showed me was basically what he was teaching his pilots.
2 So if there was an issue there, they'd address it with him and
3 check their -- and which I never ran into a problem anyway. So as
4 far as anything specific that the FAA were doing, not to my
5 knowledge, no.

6 They always have an FAA national. They're always talking
7 about inadvertent IMC, and we have a safety officer that was there
8 that would address annual and semiannual meetings, like tour
9 groups companies. Usually, they would get together and they would
10 have once a year a -- once or twice a year, they would sit down
11 and go over concerns that came up. And usually weather was one of
12 them too.

13 Q. Okay. Do you notice -- what are the biggest differences in
14 sort of the strategies used to combat the risk of that type of
15 accident in your experience, if you were to compare the Military
16 or the -- or Customs and Border Patrol with the types of
17 operations that the Hawaii air tour operators have?

18 A. Well, with the Military, probably 60 to 70 percent of my
19 flight time was all training. So we trained in weather, we were
20 qualified and current in flying IMC and learning steep approaches.

21 But in the tour world, those helicopters aren't outfitted for
22 instruments. It's an emergency procedure. They don't have the
23 time to train these pilots on it for -- just for the fact that
24 it's not -- it's cost-prohibitive to train and keep in current in
25 the IFR world and to register their helicopters to do so, because

1 that brings on more maintenance requirements. And to have those
2 things, their navigation equipment, just for possible use, maybe
3 once or twice -- because basically, if you're flying in the clouds
4 on a tour, it's not a tour anymore.

5 Q. Okay. If there was one change that they could make in terms
6 of technology or equipment in the helicopters to reduce this risk,
7 what would it be, if any?

8 A. Well, best case scenario, you'll have a dual-engine, fully
9 IFR-capable aircraft. That is not -- I mean, that -- for tours,
10 it's not cost -- you can't do that. I mean, because any pilot
11 will tell you -- for instance, like in the air ambulance world, I
12 mean, they fly single-pilot IFR, but they're multi-engine
13 helicopters with multi-axis autopilot, which has GPS, INS, and --
14 yeah. That's why I won't fly tours.

15 Q. That's why you won't fly tours; is that what you said?

16 A. That's why -- yeah, I won't fly tours, and I won't fly
17 single-engine helicopters anymore either. Just the fact that the
18 safety margin on -- that a dual-engine affords you is much
19 greater.

20 Q. All right. And the autopilot, the multi-axis autopilot, do
21 you consider that to be an essential safety feature for IFR
22 flight?

23 A. I do. It's not a regular requirement, but single-pilot is.
24 But for the dual-pilot, yeah, you don't need to have -- you just
25 have to have navigation equipment instruments that you can shoot a

1 regular instrument approach.

2 And -- but once again, if you put two pilots in an aircraft,
3 you're losing 200 pounds waiting for a passenger or 200 pounds
4 where you're picking someone up as an air ambulance or et cetera.
5 That's why I consider the most dangerous helicopter operation is
6 single-pilot air ambulance and IFR conditions.

7 Q. And why is that?

8 A. Just the fact you have one pilot, and with a helicopter -- an
9 airplane is inherently safer. You let go of the controls, and
10 it's usually straight (indiscernible). In a helicopter, you let
11 go of the controls, and the thing is going to roll upside down on
12 you.

13 So you get into a situation where you don't train
14 instruments. And in Military, we're afforded a -- like I said, 70
15 percent of my time was training, either training someone else or
16 we were working on our own, so we stayed very proficient. But
17 instrument flying is a skill that if you don't use it, you'll lose
18 it relatively quick, and it takes 3 seconds before you're upside
19 down and can't recover.

20 MR. BRAMBLE: All right. Thanks Chris; I appreciate it. I'm
21 going to go ahead and hand off to Brice.

22 MR. HOWARD: Okay.

23 MR. BANNING: Hi, Chris.

24 MR. HOWARD: Hey, how are you doing?

25 MR. BANNING: Good. Thanks for taking the time; I sure

1 appreciate it. I think I'm going to be pretty quick. I think I
2 only have one question for you.

3 You mentioned the Hawaii Tour Procedures Manual. When you
4 were with the FAA conducting surveillance, could you hold an air
5 tour operator to that manual, or because it was not an FAA
6 document, could you not hold them to that manual?

7 MR. HOWARD: I don't think I could hold them to that. Wow,
8 it's been -- I've kind of flushed off stuff, so --

9 MR. BANNING: And it's no problem.

10 MR. HOWARD: I'm not really sure on that. I mean, we held
11 people -- that was a state -- I think it was state-approved, so
12 therefore, we didn't really provide oversight. I know the FAA was
13 involved, and then the latest revision, it was handed over to
14 industry (indiscernible) because it was basically more noise-
15 sensitive complaints and stuff, because they were getting a fairly
16 large lobbying group behind them to try to limit air tours for
17 noise abatement.

18 MR. BANNING: Okay. Yeah, I appreciate it. And I think
19 that's all I had. Thanks again, Chris.

20 MR. HOWARD: Okay.

21 MR. GALLO: Chris, Mitchell. I just have a couple more
22 questions.

23 MR. HOWARD: Okay.

24 BY MR. GALLO:

25 Q. In your surveillance of the operators, do you know if any of

1 the operators were using, or if you were able to use, the external
2 video to review flights, to ascertain the conduct of the pilots?

3 A. I don't -- I mean, I know Novictor had -- which was fantastic
4 when they did the -- most of the helicopter companies will --
5 because they make some pretty good money on that, selling the
6 video. So it wasn't made available to -- I mean, the public just
7 can't call and say, hey, I want to see what happened on this
8 flight. But most of them had recording devices inside and out.

9 Q. Were the companies using those videos to check the conduct of
10 pilots in operations?

11 A. I'm not sure on that, no. The only thing that they were
12 using to check conduct was a lot of them had tracking devices that
13 could -- they could see where their aircraft -- more for awareness
14 of where their aircraft was at the times.

15 And usually, that would -- you could download it to when --
16 because one of the issues we had with Paradise is when they -- the
17 National Parks folks, the rangers, were saying that they were
18 flying into the park, I could go, and Calvin Dorn, the CEO and
19 owner, was very amenable to -- but I don't think -- if he said no,
20 I would have to get a court order, which I don't think I could, if
21 I wanted to look at those. But every time I asked, he didn't have
22 any problem with it.

23 Q. Okay. And when you were employed by the FAA, what was the
24 turnover rate for supervisors and managers in Honolulu FSDO?

25 A. Supervisors and managers? The head of the FSDO I think was

1 empty for the longest time until Tiffany came in. And as far as
2 frontline managers go, there was Curtis Wadely (ph.), who I don't
3 believe is employed anymore because they were trying to get rid of
4 him forever, and Derek Kaniama, who is still there I believe. So
5 turnover for management was -- FSDO was -- didn't happen.

6 MR. GALLO: Okay. All right. That's all the questions I
7 have. Bill or Brice, do you have any additional questions?

8 MR. BANNING: Yeah, just to follow up on what Mitch asked.

9 BY MR. BANNING:

10 Q. So I think what you were saying was, you didn't actually have
11 the opportunity to review those videos, as far as just sort of
12 checking out operational procedures. Do you think some of the
13 companies might have, but you're not sure?

14 A. Well, the one in particular, because the owner was trying to
15 put it onto the pilot, was the Novictor incident where he had an
16 oil -- engine oil light came on, and he entered on an autorotation
17 for some reason, and he did a horrible autorotation. And luckily,
18 he didn't kill anyone. He didn't hurt anyone actually. But he
19 gave me that video, just to show that, hey, it wasn't a mechanical
20 issue and the pilot screwed up.

21 But as far as other accidents that I was involved in, no
22 tour, they were all -- the majority of my accidents were either
23 133 lift, where the guy ran out of gas, or they were general
24 aviation guys, like (indiscernible) ran into the side of a
25 mountain, or the (indiscernible) guy got into bad weather flying

1 his personal helicopter to Molokai, smacked into the side of the
2 mountain. And there's no video recording on that, but I never had
3 to call for that. I don't know what the legal process would be if
4 they didn't want to, but --

5 Q. But I guess -- do you know if they were routinely reviewing
6 them to see what pilot --

7 A. I don't, I don't believe so. Unless there was a concern
8 brought up, there would be no need to. Because what happened,
9 they would come back to download -- as I understand, download the
10 video, put it onto a disk, and gave it -- give it to the
11 passengers. It wasn't used to -- I've heard talk of, but I never
12 witnessed it, of them putting recorders in the aircraft behind the
13 pilot seat to show the instrumentation and things like that. But
14 I never had any reason to ask for that. But I don't think
15 Safari -- I don't know if the recording capabilities worked.

16 MR. BANNING: Okay. Mitch, are you going to ask the standard
17 close-out questions --

18 MR. GALLO: I'll ask --

19 MR. BANNING: -- about suggestions and so forth?

20 MR. GALLO: I'll ask -- I was preparing to do that.

21 Mr. Howard, do you have --

22 MR. BANNING: Okay, I'll blank out then. Thanks so much,
23 Chris; I --

24 MR. GALLO: But --

25 MR. BANNING: -- appreciate your help.

1 MR. HOWARD: Okay. That's fine.

2 MR. GALLO: Do you have anything else that you want to
3 address with us that we haven't covered or any concerns that we
4 haven't addressed?

5 MR. HOWARD: I hope I was able to -- I wasn't sure on a lot
6 of things. It's been a while, so -- but no, I don't see any -- I
7 mean, the biggest issue I saw with the Honolulu FSDO is a lack of
8 inspections; and that's -- I mean, they couldn't hire them.

9 MR. GALLO: Okay. All right, well, that concludes the
10 interview. I appreciate your time. And if anything else, you can
11 always give me a call. All right? Thank you very much.

12 MR. HOWARD: All right.

13 MR. GALLO: Take care.

14 MR. HOWARD: All right. Have a good day.

15 MR. GALLO: You too. Bye.

16 (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: AIRBUS AS350 B2 HELICOPTER
 CRASH NEAR LIHUE, HAWAII,
 ON DECEMBER 26, 2019
 Interview of Christopher Howard

ACCIDENT NO.: ANC20MA010

PLACE: Via telephone

DATE: February 12, 2020

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.



Jeffrey Johnson
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of: *

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AIRBUS AS350 B2 HELICOPTER *

CRASH NEAR LIHUE, HAWAII * Accident No.: ANC20MA010

DECEMBER 26, 2019 *

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Interview of: KYLE JACOBSON

Pilot

APPEARANCES:

MITCHELL GALLO, Senior Air Safety Investigator
National Transportation Safety Board

PATRICK LUSCH, Air Safety Investigator
Federal Aviation Administration

PRESTON MYERS, President/Director of Operations
Safari Helicopters

MANNY FIGLIA, Director of Aviation Safety
Airbus Helicopters

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I N T E R V I E W

1
2 MR. GALLO: This is an interview with Kyle Jacobson, relating
3 to Accident Number ANC20MA010.

4 Mr. Jacobson, do I have your permission to record this
5 interview?

6 MR. JACOBSON: Yes, you do.

INTERVIEW OF KYLE JACOBSON

8 BY MR. GALLO:

9 Q. Let me just start off, can you describe your background in
10 the aviation and flight experience?

11 A. Sure. I'm Mauna Loa Helicopters professional pilot program
12 graduate. I was lucky enough to get hired on with them as a
13 flight instructor, which was the goal in the industry. I operated
14 as a flight instructor for them for at least 2 years until I got
15 to just over 1200 hours. Then I was sent over to Kauai to --
16 well, let me back up.

17 Just before that, I was included in their 135 program, basic
18 135 with five pilots when that was put into place over at Mauna
19 Loa. So I didn't get much flying in there, but I went through the
20 process of doing the check rides and stuff for that. We didn't
21 end up getting a lot of tours back at that point.

22 So then I was sent over to Kauai to do tours with Mauna Loa
23 Helicopters out of Lihue here. Did that for about a month.
24 Safari liked what they saw. So they hired me on as a tour pilot
25 and sent me back to Hilo on the Big Island of Hawaii and then I

1 did tours over there for 2 years I believe, became an IP within
2 the company which is instructor pilot, and then last year right at
3 this time, I came back over here to Kauai to continue flying with
4 Safari.

5 Q. Okay. And you may have answered this, but what was your
6 official start date with Safari?

7 A. I would have to look that up. I don't know exactly off the
8 top of my head right now. I can definitely get that for you
9 though.

10 Q. A year would suffice if you can provide that?

11 A. It would have been exactly almost 4 years ago now.

12 Q. Okay. And when was the last time you flew N985SA?

13 A. Again, I would have to look exactly just from my duty log
14 but, you know. I can look it up for you right now.

15 Q. Or can you like estimate weeks ago or --

16 A. Probably 1 week ago at most.

17 Q. And were there any mechanical issues that you had concerns
18 with, with that helicopter?

19 A. No.

20 Q. From the last time you flew N985SA to the date of the
21 accident, did you hear anybody else address any mechanical related
22 issues or concerns with you?

23 A. No.

24 Q. All right. Can you describe the challenges of doing air tour
25 around the Island here?

1 A. Can you be more specific? I mean --

2 Q. Okay. When you do preflight planning --

3 A. Um-hum.

4 Q. -- are there things you need to find on this Island, such as
5 terrain, location, weather?

6 A. It's steep terrain. Weather can be somewhat of a challenge.
7 You know, there is lack of facilities along the north shore of the
8 Na Pali. So kind of relying more on PIREPs for that kind of
9 thing. Yeah, I don't know how to better answer your question.

10 Q. So the lack of facilities, is that air traffic control,
11 communications, weather facilities?

12 A. So really all we have is here in Lihue, right, you know, with
13 the ATIS that we get and aside from the full area forecast that we
14 get from the weather that we get in the morning. I use Garmin
15 Pilot, you know, to get a better understanding of where specific
16 cells are and stuff, but that radar coverage is line of sight,
17 right. So it doesn't extend out in the areas where we're flying,
18 you know, cliff level on the Na Pali Coast. You're not going to
19 get that coverage over there basically. If it were a big
20 billowing thunderstorm, then it would show up because it would be
21 line of sight, but if it was just, you know, low clouds or
22 something like that, that's not going to necessarily show up.

23 Q. So you won't be able to see the low clouds because of the
24 terrain elevation difference from literally going north?

25 A. Yeah.

1 Q. And departing Lihue on an air tour, what is the altitude
2 you're flying AGL wise?

3 A. It would depend. Like there's specific sections according to
4 the HAT CPM but at least 1500 feet AGL. And then there's certain
5 site specific locations like Mauna Loa Puna Falls, for example,
6 where we're allowed to drop down to no less than 500 AGL, you
7 know, but along the route, according to the HAT CPM, there's
8 certain altitudes basically.

9 Q. Out of Lihue, how high would you have to climb to be able to
10 see any weather that's being hidden by terrain on the north side
11 of the island?

12 A. Like if you were just to ride -- still in Class Delta, for
13 example, we just took off. I mean you would have to climb to --
14 well, it wouldn't really matter how high you climb because, you
15 know, here's the Na Pali. It's a ridge line, right. So if you're
16 here in Lihue and the weather's sitting down here and not showing
17 up on radar, I mean you'd have to climb, I don't know --

18 Q. Above the terrain elevation?

19 A. Yeah. I mean not even above the terrain elevation because it
20 could still be sitting on the other side of the cliff, you know,
21 below the terrain.

22 Q. It's a slant line sight?

23 A. Yeah.

24 Q. When was the last time you received training from Paul?

25 A. That would be April 2018, no, yeah, 2018, and then I have

1 been giving ground training to new hire pilots and he has been
2 overseeing that. So it would be us three sitting in a room,
3 right. I'm giving the training, he's overseeing it, and
4 commenting if I, you know, did something wrong or something like
5 that or wanted more information added or, you know.

6 Q. Um-hum. On your air tour flights, do you turn the navigation
7 lights on?

8 A. Yeah. So -- yeah, we turn the nav lights on and the landing
9 light on.

10 Q. You have the anti collision light on?

11 A. Yes.

12 Q. Throughout the flight?

13 A. Yes.

14 Q. Can you describe your flight training and your check ride? I
15 went through that check ride, and I'm assuming that Paul provided
16 that to you?

17 A. Um-hum.

18 Q. Can you describe those two?

19 A. Again, like how do you mean? I mean it definitely was, you
20 know, like we have the training manual, the pilot training manual
21 and it was kind of like, okay. Here's how many hours we need for
22 each section, whether it was initial or recurrent, right, and he
23 kind of goes through those one by one. We've got the lesson plan.
24 We check off the boxes and do it that way. And then, you know,
25 same for flight training. We've got a list in our GOM, the

1 required maneuvers, basically commercial maneuvers, right, with
2 the addition of a few things.

3 Q. And in your flight training, do you perform flight training
4 with the view limiting device to simulate flight into IMC
5 conditions?

6 A. Yes.

7 Q. And how much time did you spend on that?

8 A. An exact amount of time, I don't know. Probably 5 to 10
9 minutes on the check ride, you know, just kind of as a
10 guesstimate, you know.

11 Q. And what kind of maneuvers did you do with the view limiting
12 device?

13 A. Right. So we practiced getting into, you know, inadvertent
14 IMC and putting -- and doing like unusual attitude stuff, you
15 know, putting on the glasses. He's got the controls. He does
16 weird things with the helicopter to get your inner ear stuff all
17 mixed up, and then back on the controls, get on the controls, look
18 at your gauges, make sure everything is righted, right, and so
19 doing that sort of stuff, and then we'd also practice stuff like
20 executing 180 degree turns when you get into IMC, you know.

21 Q. Did you practice and receive testing on IMC hover?

22 A. No, not purposely, no.

23 Q. Or with the view limiting device? Did you practice a hover
24 with a view limiting device?

25 A. No.

1 Q. Was it on his -- do you do that on a check ride at all?

2 A. No.

3 Q. Did you ever fly with a FAA inspector aboard?

4 A. Yes.

5 Q. And do you recall the last time when that was?

6 A. That would have been in June of 2019, and that was Mr. Bruce
7 Cummings from Alaska. Actually and then -- no, okay. Yeah, then
8 we were going to fly with Joe Monfred (ph.). We got in the
9 helicopter, got started up, and then there was a problem with the
10 helicopter so we couldn't compete the check ride that day. So,
11 yeah, that would have been in January of 2019.

12 Q. Okay. And that was -- and the FAA inspector showed up as
13 part of the 135 surveillance?

14 A. Yes, he was giving Paul his 135 check ride, and I rode along
15 just to kind of see it basically and then he gave me one as well.

16 Q. And did the inspector provide any feedback to you or Paul
17 after that?

18 A. He did. I can't remember exactly what it was at this time.
19 It wasn't anything that I considered to be a major change that
20 needed to take place or anything like that.

21 Q. But you passed?

22 A. I did, but with the stipulation that Bruce Cummings was not
23 our POI. So it has to go through Joe Monfred. So Joe Monfred saw
24 the check ride basically and said, look, Kyle, I don't know
25 exactly his reasoning, but he said I want to come and check for

1 myself, you know, because this is your first time, you know, first
2 time as a company 135 check airman.

3 Q. And on this map that you drew of the typical routes of
4 flight, can you just kind of go through what you're doing along
5 flight and the attitudes -- the altitudes and what's the typical
6 direction you're flying around the Island? Is it clockwise?

7 A. It's a clockwise direction in general, and that keeps us from
8 having conflict with other helicopters going the other way. All
9 the operators have pretty much agreed to do it that way, and if
10 you do have to do it the other way or have to turn around at some
11 point, the proper call on the radio is whatever landmark you're at
12 on the rivers, you know. So that way they know you're coming that
13 way rather than the expected way.

14 Q. Were there differences between flying N985SA and equipment
15 differences within the cockpit? Is there a difference between
16 985SA and 702SA?

17 A. Not to my knowledge, no. There's subtle differences like
18 that where some of the switches are for like the radio and stuff
19 like that, but I mean as far as like how it flew mechanically, no,
20 not that I could differentiate.

21 Q. And I believe 985SA had a Garmin 430 which 702SA didn't.

22 A. You know, I know I'm on the record here. I want to say don't
23 quote me on this, but I mean to my knowledge, I thought it did.

24 Q. And your navigation is you rely on the internal navigation or
25 are you visual?

1 A. We're visual. We're VMC, you know. If an accident -- yeah,
2 I mean if IMC conditions were to occur, you could use that as a
3 tool but the goal is not to get into IMC conditions.

4 Q. Have you ever had to turn back or perform a precautionary
5 landing due to weather? That's two questions.

6 A. I have had to turn back certainly, yes. Have I ever landed
7 at a remote location? Luckily I haven't had to, no.

8 Q. That's all the questions I have for now. I'll pass it over
9 to Mr. Preston Myers.

10 BY MR. MYERS:

11 Q. On the equipment on the different -- between the aircraft, I
12 believe that 2SA and 5SA both have Garmin 430s and the difference
13 the two, 2SA has high ILS capabilities and 5SA did not. Is that
14 correct?

15 A. To my knowledge, Preston, and it's hard to go back and check
16 with it not here, but I believe both of them, above it, with the
17 little placard there, limited to VFR only. Whether one worked and
18 one didn't, I don't know.

19 Q. No, I meant from an equipment point of view, do you recall
20 that 2SA has an ILS capability, even though it's VFR only, whereas
21 5SA did not have an ILS capability although ILS capabilities are
22 not germane in my opinion to the scenarios that we're talking
23 about. There's no facilities to work with. Am I correct on that?

24 A. I don't know.

25 MR. MYERS: I have no more questions.

1 MR. GALLO: I'll pass questions to Patrick Lusch.

2 BY MR. LUSCH:

3 Q. All right. Do you know how many pilots Safari has currently?

4 A. Yes. Let me make sure I get this right. Five that are
5 active.

6 Q. Including yourself?

7 A. Yes. Not including Paul.

8 Q. What's the average experience of Safari pilots?

9 A. To give you a perfect answer, I'd have to go back and look at
10 the records.

11 Q. I make it a more margin error question then. Would you say
12 that Safari pilots have extensive Hawaii flying experience or are
13 they fairly new?

14 A. Yeah, most of our pilots are Mauna Loa grads, you know. I
15 don't know if most if the right word there because -- well, it is
16 me, Bryan and Samantha are Mauna Loa instructor grads, you know,
17 CFIIIs, you know.

18 Q. Okay.

19 A. And that's all time in Hawaii. Dana's been here for I don't
20 know how long. Many, many years.

21 UNIDENTIFIED SPEAKER: (Indiscernible).

22 MR. JACOBSON: Yeah. He's the chief pilot for Niihau
23 Helicopters, and Alex has just got his ATP. If he doesn't -- I
24 know he passed the written exam because he sent me a picture of
25 it. So I don't know about the flight portion of it.

1 BY MR. LUSCH:

2 Q. Okay. Is there a high turnover of pilots at Safari would you
3 say?

4 A. I think as an industry in general, you know, there is a
5 somewhat high turnover in pilots but I mean I've been here for 4
6 years now, Bryan, about 2 at the break in the break and because he
7 had some -- yeah. Dana has been here, I don't know, for a long
8 time, right?

9 UNIDENTIFIED SPEAKER: Twenty years.

10 MR. JACOBSON: Yeah. So yeah, who's left recently? Brian
11 Treptile (ph.).

12 UNIDENTIFIED SPEAKER: Julia.

13 MR. JACOBSON: Julia.

14 UNIDENTIFIED SPEAKER: Julia went airlines.

15 MR. JACOBSON: Yeah, and this is like the last 5 years, so --
16 people move through.

17 BY MR. LUSCH:

18 Q. Sure. What's your expectation of pilots that would encounter
19 weather en route on a tour? Let's say they get as far as the
20 northern shore there, and there's now weather that's moved in
21 behind them. What's your expectation of what you think --

22 A. Well, first of all, avoid that situation to begin with.
23 Always leave an out. Always be able to turn around if you can't
24 get somewhere and go get caught up slow. If and when you do find
25 yourself in that situation, find a spot to land. It's as simple

1 as that. Don't worry about whose property it is or whatever.
2 Find a safe spot and put it down, you know.

3 Q. All right. Just a couple of more. Does Safari have any type
4 of voluntary safety reporting system such as an ASAP or other
5 confidential means for your pilots to report safety concerns?

6 A. I don't know. Can I defer to Preston on that?

7 Q. No, it's okay. I just want to stick with your answers.

8 A. Okay.

9 Q. My last question, in your time at Safari, Mitch had asked
10 about FAA inspectors. Have you ever seen FAA inspectors that came
11 to do surveillance that was not tied to some type of a required
12 check ride that they were giving?

13 A. I haven't personally, no.

14 MR. LUSCH: Okay. That's all I have for first round. I'll
15 pass it to Manny Figlia from Airbus.

16 BY MR. FIGLIA:

17 Q. Are you a check airman?

18 A. No, not officially, no. It hasn't been approved by Joe
19 Monfred. So I'm a company inspector pilot but not a check airman,
20 no.

21 Q. And his name is Joe?

22 A. Monfred.

23 Q. Is he a POI?

24 A. He's a POI.

25 Q. When you're taking a check ride and you said you were with

1 Joe and Paul one time?

2 A. Negative, I was with Bruce Cummings and Paul, and really I
3 was just there to observe. Paul was okay with me being on board.
4 I wasn't there for, you know, Bruce said Paul has to agree for you
5 to be here.

6 Q. When you do a tour, are there dual controls or single
7 controls?

8 A. Single controls.

9 Q. And when you're doing check rides and there are three people
10 on board, the POI, yourself and an additional person, are there
11 two sets of controls?

12 A. Yeah, there would be dual controls then, yeah.

13 MR. FIGLIA: That's all I have.

14 BY MR. GALLO:

15 Q. I have a couple of more questions. Can you go back and tell
16 me which certificate and ratings you have?

17 A. Yeah, so I'm a -- I'll just pull it up. Do you want me to
18 read them?

19 Q. Yes.

20 A. So I'm a flight instructor, rotorcraft helicopter, instrument
21 helicopter, flight instructor, helicopters and CFII as well.

22 Q. And you hold a commercial pilot's certificate?

23 A. Yeah, it's a precursor, yeah.

24 Q. With rotorcraft?

25 A. Yeah.

1 Q. How about instrument rating?

2 A. Instrument rating.

3 Q. And on your training and check rides, is one aircraft used
4 for training and check rides or do you use any combination?

5 A. We would use whichever one is secondary for the day on the
6 flight schedule, yeah.

7 Q. If you could talk a little bit about precautionary landings.
8 What's the availability of suitable landing areas in the canyon or
9 Lower and Upper Microwave and north of there?

10 A. Yeah, some areas it's limited and others, there is plenty of
11 spots to go to, you know. So it also would depend on I guess how
12 suitable you would consider a landing sight, you know.

13 Q. And then why were you training to become a 135 check airman?

14 A. The idea was that Paul was going to retire within 6 months
15 from now. So for the past year, rather than throw me into the
16 fire, right, Safari decided, okay, we're going to bring him over
17 here and slowly have him train to learn the job before it was just
18 thrown into my lap basically.

19 Q. Did Paul Matero ever discuss any illnesses that he may have
20 had?

21 A. Not like -- I mean like colds, I would get called in every
22 once in a while to fill in for him, stuff like that. He mentioned
23 that his knee hurt when he walked a little bit. So he got a MRI
24 for that recently. Yeah, but beyond that, nothing that I can
25 think of off the top of my head.

1 Q. And prior, and now your title is assistant?

2 A. It's an unofficial title, just within the company. It's kind
3 of like giving me the name assistant to the regional manager.
4 It's like to make me feel good but as far as like GOM says,
5 there's no position of assistant chief pilot.

6 Q. But before that, unofficial name of assistant chief pilot,
7 you were a regular line pilot?

8 A. I was a regular tour pilot, airline pilot, yeah.

9 Q. And which raises two more questions. What was your typical
10 work schedule like as a line pilot? How many days a week did you
11 work and how many hours did you work?

12 A. I mean we have all the records of that if you want to check
13 out for an official answer, but usually it was like over in Hilo 4
14 days on, 3 days off, if I remember correctly. And then coming
15 over here, 4 days on, 3 days off, 3 days on, 4 days off,
16 alternate. So similar, you know, about half and half, and
17 depending on how many flights were filled for the day, that's how
18 many we do. So if it were this time of the year, we're probably
19 close to or at all eight flights per day sort of. If it's a
20 slower time of the year, like the shoulder season, fall and
21 spring, it might be much less, you know. It just would depend.

22 Q. And what's your total time now approximately?

23 A. I think I'm -- it's been a while since I've totaled it, but I
24 think I'm somewhere around 5,000 hours.

25 Q. And how many hours approximately do you have in the Airbus

1 helicopter?

2 A. So around 3800. Again, these are pretty gross estimates. I
3 can get that for you for sure if you want to know the exact.

4 Q. No, that should suffice. Can you talk about how you -- what
5 you use for preflight planning? Where you get weather from?

6 A. Yeah. Sure. Let me see.

7 Q. And how you're dispatched?

8 A. Yeah. So I mean preflight planning, right, number one, I
9 would go to 1800wxbrief.com, right, and fill out the parameters
10 basically there and get that whole briefing. Then I would use
11 other sources like Garmin Pilot, right. Again, keep in mind this
12 may not be how everybody would do it with the company but this is
13 what I do personally. So I would be looking at these little
14 patches on the radar, right, for the specifics of where that is.
15 I've gotten pretty good over the years of being able to read that
16 basically and see the movements of it, and try to plan ahead
17 before I get there, right. Also I would be looking at webcams. I
18 gave you those, right. There's only three of them basically that
19 are useful to us, but one of them is down south here in Port
20 Allen, looking south, you know, like towards Canyon Way, along
21 that route, and then one up in Hanalei looking across the bay and
22 then one is a little bit tilted a little bit more so we can see
23 like Ke'e Beach on that very end of Na Pali. So that would be the
24 best information what it looks like on the Na Pali Coast without
25 the radar that we had mentioned.

1 Then I -- yeah. So if the -- on the initial radar or on the
2 initial report, I would maybe check windy to see maybe the flow,
3 just pilot apps, you know. I get as much information as I could
4 possibly gather. And then to verify that we've checked the
5 weather, either the first person to the office or the loaders that
6 have the people with them, would bring us the sheet and to get it
7 and give it to us. We're to look it over, you know, just to
8 basically verify that we've checked the weather for that day and
9 signing it or initialing it and, you know, handing it back to
10 them.

11 As far as dispatch goes, basically when we take off from the
12 airport, once we're to the harbor where we switch over frequencies
13 basically, in between that switch, we go to the company frequency
14 and we report into the flight follower at the office and tell them
15 what time we took off. Usually it's 1 or 2 minutes previous
16 basically. So then they write that time down, and then we
17 continue the flight. When we're 10 minutes out along our route,
18 we get back, you know, because again line of sight, you know, it's
19 limited. So when we get back around the other side, unless
20 something comes up, we would basically report that we're 10
21 minutes out. They know to expect us in 10 minutes at that point,
22 and then we land.

23 Q. And the weather printout, who prints that? Who's responsible
24 for printing that out?

25 A. The day of the crash, Paul Matero printed that out because he

1 was there at 7. I can verify that now because I asked Katrina,
2 the office girl that was on duty that day. If Paul weren't there
3 that day, it would be them, and then they would -- like the office
4 person would print that out and then send it with the loader to
5 the flight line.

6 Q. Would that be Katrina then?

7 A. Yes, probably or whoever else is at the front desk.

8 Q. And who are the people that staff the front desk?

9 A. So we've got Katrina, Crystal, Diane. Can you think of any
10 others?

11 MR. MYERS: Ariel.

12 MR. JACOBSON: Ariel, right, the new office manager.

13 BY MR. GALLO:

14 Q. And then you mentioned flight following and call back to the
15 flight follower at the office. Who is the flight follower?

16 A. That would be the person sitting in the office monitoring our
17 company frequency of 130.00, and they're responsible for taking
18 down the flight times on the flight manifest, basically on the
19 program.

20 Q. So would it be the same people that did the weather printout?

21 A. Yes, most likely. I mean there's two of them in there but,
22 yes, I mean.

23 Q. So if you're doing flight following, you're using the company
24 frequency for flight following?

25 A. Yes.

1 Q. So what frequency is that?

2 A. 130.00.

3 Q. Is there a limitation on range as far as that, using radio
4 communications?

5 A. Yes, there is. It's -- yeah, it would definitely be line of
6 sight, you know. So.

7 Q. So geographically, where would you lose that? What general
8 area?

9 A. You know, like an estimate. I know probably by the time we
10 get to the eco landing site, that would be lost. Here to here.
11 We could still definitely get it at Mauna Loa Puna I would think,
12 you know. We also have our cell phones, you know. So that's a
13 bigger range if something were to come up. That's a little bit
14 better than natural line of sight would be because there's, you
15 know, cell towers. We still would probably lose service on
16 sections of the Na Pali at a certain height, but once you come
17 around the corner here to Ke'e, I could reach them on my cell
18 phone much easier than I could reach them via the line of sight
19 radio indication, yeah.

20 Q. And during your air tour flights with passengers, do you talk
21 to the passengers?

22 A. Yes.

23 Q. What do you talk about?

24 A. Just, you know, I kind of got a little spiel basically for
25 certain areas, you know, interesting things about Hawaii, talk

1 about Hawaiian culture, what some of them would do. It's funny, I
2 say this eight times a day but it's hard to actually think of what
3 you actually say because, you know, it's so routine and you can be
4 saying it and thinking about something else, making other
5 decisions, you know. So.

6 Q. And do you issue pilot reps for weather?

7 A. Certainly. People ask ahead quite often, you know, what's
8 going on in the canyon? Is it doable? Should we turn around now?
9 Stuff like that.

10 Q. And what frequency is that on?

11 A. That would be 127.05 listed on the Hawaii sectional chart
12 here.

13 Q. And typically how many Safari helicopters are up
14 simultaneously flying?

15 A. Two at max, usually one unless we're at a busy time where
16 that secondary aircraft is getting filled.

17 MR. GALLO: That's all the questions I have. I'll turn it
18 over to Preston.

19 BY MR. MYERS:

20 Q. You don't recall the incident reportings that we have in the
21 company?

22 A. I guess maybe I didn't understand the question all the way.
23 I mean certainly --

24 Q. Do we have a program where if something goes wrong with the
25 flight line or if we have an issue or something that we have an

1 incident report, something we can log and track, if we have an
2 issue or problems that we can correct later if it becomes too
3 much?

4 A. Potentially Paul had something like that set up. I am not
5 aware of it if that's the case.

6 Q. Okay. I forgot what else I was going to talk about. I'm
7 fine.

8 MR. GALLO: Patrick.

9 MR. LUSCH: Yep.

10 BY MR. LUSCH:

11 Q. Just to clarify on the last question, my initial question on
12 the reporting process was strictly a means of if you knew that
13 there was a way that a pilot who had a safety concern could
14 communicate it to someone, some method within your company where
15 he could still remain anonymous? So if I felt if I had a concern
16 within the organization, and I went to the owner or the chief
17 pilot or the maintenance guy, I told him about it, they might walk
18 it off and it might not be taken seriously, but if I put it
19 through this confidential reporting system where they're not going
20 to know who it came from, it might get addressed. That was kind
21 of where I was going with the reporting question.

22 A. Right. As far as like an official document, not one that I'm
23 aware of but I, with full confidence, could say that if I had a
24 problem with some sort of operation within the company, I could
25 easily go to anyone I wanted above me and report it, and ask that

1 it be kept confidential and with full confidence, I could expect
2 that they would do that.

3 Q. Okay. I just have one last question. Is there -- you talked
4 about your preflight briefing process a minute ago.

5 A. Um-hum.

6 Q. Does Safari have a standardized procedure by which they
7 expect their pilots to obtain their preflight weather or is it
8 acceptable to say I do it this way and this guy does it this way,
9 and as long as you get the weather, we don't really care how you
10 get it, just get it?

11 A. We have to meet the National Weather Service standard, right.
12 So that's why the first thing that we start with basically is that
13 1800wxbrief, right, and that's the barebones minimum. As pilots
14 with the new technology that comes out all the time, with the new
15 apps that come up, to be better, myself, I can't speak for
16 everybody else, but I choose to do more.

17 Q. And I have a follow-on question about that. To your
18 knowledge, did Paul use any of those new products, iPad, apps,
19 things like that?

20 A. Paul certainly did not use an iPad to my knowledge. He did
21 use the college's website. He did use apps, earth.nullschool.net
22 I know. The only reason I know this is because he showed me some
23 of these things, you know.

24 Q. Okay.

25 A. But, yeah, weather.hawaii.edu is one that he used.

1 MR. LUSCH: Okay. I have no further questions.

2 BY MR. FIGLIA:

3 Q. I just have a couple more questions. How often does your POI
4 come by, do you observe your POI come by your operation?

5 A. Well, I've seen him once, and that was within the year that
6 I've been over here, you know. So Preston might be able to better
7 answer that because maybe I'm flying when he comes to the office.

8 Q. And with that, other than your check rides or 135 rides, do
9 you receive or any of the pilots in your organization receive any
10 specific safety training?

11 A. Can you repeat the question?

12 Q. Other than your check rides, does the company provide you any
13 safety training in the form of human factors, crew resource
14 management or system safety management?

15 A. Yeah, certainly. If you take a look at our training manual,
16 right, there's a paper in there basically that says what we do and
17 how many hours are required for doing that, each section, crew
18 resource management is on there. And then there's a form that we
19 fill out that says that we've accomplished that basically. So,
20 yes.

21 Q. Thank you.

22 A. Yep.

23 BY MR. GALLO:

24 Q. I have a couple more questions.

25 A. Oh, you guys.

1 Q. You went to school for flight training at Mauna --

2 A. Mauna Loa Helicopters.

3 Q. So what kind of training program is it? Is that a college or
4 flight school?

5 A. It's a 141 flight school, very good reputation in the
6 helicopter community.

7 Q. Do they just do with helicopters?

8 A. They are mostly all helicopters. There is -- when I was
9 there anyway, there was an airplane, too, but that was like
10 indefinite, low, low subsidiary to the main business which is
11 building professional helicopter pilots.

12 Q. So, and I'm assuming you started there with zero hours?

13 A. Yes, I was definitely a fish out of water, yeah.

14 Q. How long did it take you to obtain your commercial pilot's
15 certificate and flight instructor's certificate?

16 A. So all five certificates that were required took about a year
17 and a half, maybe a little bit less. I did work part-time during
18 the training.

19 Q. And how much money did you have to spend to get that
20 training?

21 A. About [REDACTED] I think exactly.

22 Q. And in that training, is there a course, I'm sure there's
23 certain courses. Let me rephrase that question. How are the
24 classes structured? Is it by subject or it's kind of --

25 A. It's one-on-one training with, you know, a flight instructor.

1 All the instructors that work there had been -- maybe not all, but
2 almost all had been graduated the program themselves, a
3 professional pilot program at CFII level and then the top seven a
4 year, so a percent would get hired on to be a flight instructor
5 for that company. So then you would get your instructor, one-on-
6 one training. If you weren't happy with your instructor, you
7 could switch. Usually it would start with -- depending, the
8 formal program would start with private pilot and you get that,
9 and then you work on your commercial and flight instructor at the
10 same time, and then do those check rides close to each other,
11 usually within a couple of weeks or a week, you know. And then go
12 on to work on your instrument and CFII.

13 Q. And during that training program you had, did they talk
14 anything about safety management systems?

15 A. I mean safety management systems, I'm not positive on, but
16 certainly like crew resource management, stuff like that,
17 definitely that's all covered in there.

18 Q. Did they discuss with you or cover NTSB accidents?

19 A. To my knowledge, yes. That is something that's required at
20 our training here at Safari as well.

21 Q. And to become a Part 135 instructor, correct me if I'm wrong,
22 or check airman, you need some previous experience. So what was
23 your experience based on to become a 135 instructor?

24 A. Yeah, again that's in the training manual but there's a
25 specific set of guidelines that went along with that. So, you

1 know, we followed them and, you know, it's like I can't think of
2 exactly what it was off the top of my head, but there's specific
3 things that we did according to that training manual and, you
4 know, signed them off and documented it. So I can get those
5 papers for you.

6 Q. Sure. And to become a 135 check airman.

7 A. Yes.

8 Q. Okay.

9 A. And there's one for instructor pilot and then there's one for
10 135 check airman as well, yeah.

11 MR. GALLO: That's all the questions I have. I'll pass it
12 off.

13 MR. MYERS: Can I make a comment rather than ask a question?

14 MR. GALLO: Only questions.

15 MR. MYERS: Huh?

16 MR. GALLO: Only questions.

17 MR. MYERS: Only questions.

18 BY MR. MYERS:

19 Q. How many POIs are you aware of in the state of Hawaii?

20 A. I know there's at least two, right, to my knowledge. I know
21 we have Joe Monfred and then I believe there's another guy.

22 Q. Are they short POIs and have been short POIs?

23 A. Well, yeah. I mean that's the whole reason that Bruce
24 Cummings came over here, right. I mean I don't know exactly what
25 the whole back story was there politically but it's, you know, I

1 don't know, Preston. You know better than I do, I mean.

2 Q. Well, I'm trying to bring it out as a question on the whole
3 thing, to answer someone else's question, I believe that people
4 are talking about is this correct, what I'm going to say, that
5 people talk about whether one of the issues they have in the state
6 of Hawaii is having POIs and retaining POIs in the state of Hawaii
7 for the benefit of the industry? Is that a correct statement?

8 A. You know, honestly, I'm going to leave that one to you. I
9 mean I haven't had a lot of experience with that.

10 Q. That's okay. I think the question has been answered.

11 MR. GALLO: Patrick, any questions?

12 MR. LUSCH: I'm done.

13 BY MR. GALLO:

14 Q. Okay. I have more questions. How are you -- do you work on
15 salary or paid by flight?

16 A. Paid a base pay per day, and then per each flight as well.

17 Q. Prior to being called an assistant check airman, the line
18 pilot.

19 A. Yes. And that has not been changed at this point. We have
20 discussed changing it, but I don't know the whole ramifications of
21 that. We're just trying to get through this first basically.

22 Q. Do customers give you tips?

23 A. Yes, they do.

24 Q. Frequent or infrequent?

25 A. It depends on the day, kind of like a chain reaction thing,

1 you know. We don't solicit tips for one. So if one person will
2 tip me, usually the rest of the group sees, oh, we should tip, and
3 they tip. Other times, you know, I'll go two, three, four flights
4 without receiving any tips at all.

5 Q. Okay. Well, that's all the questions I have. I appreciate
6 your time.

7 MR. MYERS: Can I --

8 MR. GALLO: I'm sorry. Preston has one more question.

9 BY MR. MYERS:

10 Q. What is Safari's policy on tips?

11 A. Absolutely do not -- I forget the word for it, but don't show
12 them off. Solicit. No putting them on your clipboard in the
13 helicopter, no tip jar.

14 Q. Is that contrary to other operators?

15 A. Yes, others do, yeah.

16 Q. Thank you.

17 MR. GALLO: Do you know of other operators putting a tip jar
18 in the helicopter?

19 MR. JACOBSON: I know of other pilots that would clip it to
20 their knee board or something like that, to show that the last
21 people tipped, and surprisingly, it works, but it's not Safari's
22 policy, yeah.

23 BY MR. MYERS:

24 Q. Do you have any idea of what your total paycheck was for last
25 year?

1 A. For this year, like how much I made?

2 Q. Year to date?

3 A. I mean I was on track to do about [REDACTED] which was a pretty
4 good year I thought, yeah.

5 Q. I believe according to what Murphy was saying that you
6 possibly could have made more than that. Are you aware of that?

7 A. (No audible response.)

8 BY MR. GALLO:

9 Q. Do you have anything that you want to add that we haven't
10 covered or do you have any concerns that you want to mention?

11 A. Not that I can think of guys. I'm happy to answer any more
12 questions you have that might come up over the next days though.

13 Q. All right. Thank you for your time.

14 A. Yeah.

15 (Whereupon, the interview was concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

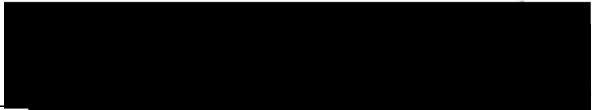
IN THE MATTER OF: AIRBUS AS350 B2 HELICOPTER
 CRASH NEAR LIHUE, HAWAII
 DECEMBER 26, 2019
 Interview of Kyle Jacobson

ACCIDENT NO.: ANC20MA010

PLACE:

DATE:

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.


Kathryn A. Mirfin
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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AIRBUS AS350 B2 HELICOPTER
CRASH NEAR LIHUE, HAWAII
DECEMBER 26, 2019

Accident No.: ANC20MA010

* * * * *

Interview of: GREG JAMES, Pilot
Blue Hawaiian

Via telephone

APPEARANCES:

MITCHELL GALLO, Senior Air Safety Investigator
National Transportation Safety Board

WILLIAM BRAMBLE, Senior Human Performance
Investigator
National Transportation Safety Board

BRICE BANNING, Air Safety Inspector
National Transportation Safety Board

ERIC HAMP
Representative for Greg James

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I N T E R V I E W

1
2 MR. GALLO: All right. This is an interview with Greg James
3 pertaining to Accident Number ANC20MA010.

4 And, Mr. James, do we have permission to record the
5 conversation?

6 MR. JAMES: Yes.

7 MR. GALLO: And the person of your choice to have represent
8 you during this interview is Eric Hamp. Is that correct?

9 MR. JAMES: Yeah.

10 MR. GALLO: Okay.

INTERVIEW OF GREG JAMES

11
12 BY MR. GALLO:

13 Q. Going to your flight, and I know we interviewed you
14 previously, but can you describe the weather on that day? Did you
15 have to alter your typical route of flight for the air tour
16 because of weather if you recall?

17 A. I would say yes.

18 Q. Okay. And so kind of go back and tell me, what makes you
19 feel comfortable as far as minimum visibilities and altitudes when
20 you're doing air tour?

21 A. Well, I want to be, of course, safe. Safety is number one.
22 Then I have noise considerations to the public down below,
23 something that I always try to deal with and the legality of the
24 flight, of course, is there. It's the same. So those three
25 things are what I'm looking at primarily. And then I look, can I

1 get home? You know, if I go out there, am I going to get stuck?
2 I don't want to get trapped somewhere. I don't want to have to
3 land if I don't have to. So is it a flowable path? Will I be
4 able to keep going to get out and not have to worry about coming
5 back or getting trapped?

6 Q. All right. And kind of refresh my memory. How long have you
7 been doing air tour in Kauai?

8 A. Oh, geez. A long time. I've been flying since 1998. I flew
9 on Kauai. I lived on Oahua and would commute to Kauai and fly,
10 lived in a house in Princeville for three and go back home in the
11 path. And then I've been living here since probably 2012
12 straight.

13 Q. Um-hum.

14 A. Eight years straight.

15 Q. So when you first started -- comparing when you first started
16 now and going to your comfort level in flying in weather
17 conditions, did your comfort level increase over time in flying in
18 weather conditions and comfort level -- let's say, you know,
19 comfort with certain margins? For example, you know, when you
20 first started, you were comfortable at 7 miles.

21 A. Yeah, of course.

22 Q. And was that gradual or was that, you know, I mean kind of --
23 can you kind of describe that with a little more detail about what
24 makes you comfortable in flying?

25 A. I would say that it was gradual with spike moments. For

1 example, you go out and you fly. And you're okay, this is what it
2 looks like one day. You get a little bit more comfortable with
3 what that looks like, and then you start to feel like, okay, I
4 have an idea of what's going on.

5 And then you see the veterans on the island, people that you
6 know are the guys that have been here for years, the guys who know
7 how to do it kind of a thing. So you follow them and you
8 discover, boy, they're doing some things that are a little funky.
9 And you get your, you get -- you're a little bit challenged
10 yourself there more than maybe you want to, and you learn, whoops,
11 that's maybe not the way I want to do it or what to look out for.

12 And then you, over time, start to say, what's the best way to
13 do this for me? And then you polish up your limitations, your
14 personal limitations to what you're doing. So, for me, it's been
15 both gradual and peaks and valleys is how I've polished up my
16 personal limitations.

17 Q. Okay. And are the limitations also based on the terrain
18 availability for a landing if you have to do a landing because
19 you've encountered some inadvertent weather? You know, my
20 understanding is there's --

21 A. For me --

22 Q. Go ahead.

23 A. Go ahead. I'll let you finish.

24 Q. Oh, my understanding is there's not too many landing areas
25 there along the air tour route once you cross the ridge by Upper

1 Mic. I mean, if you could talk about that.

2 A. Yeah, you know, you're relatively limited there. I mean, you
3 start to learn over the years where places are that there's
4 clearings that you could get into if you had to. In your mind,
5 you always hold those places.

6 Q. Um-hum.

7 A. And I've had incidents up there when I get an engine check
8 light, and I'm like, where do I have to go? So I've learned over
9 the years where I can go and where I can't go. Of course, I think
10 every day you fly, you kind of look around and if something
11 happened, where would I go here. But that is a limited area out
12 there, yes.

13 Q. Okay. Have you ever heard of, if you encounter what's called
14 bad weather or weather below minimums, to land somewhere and wait
15 for the weather to pass?

16 A. At Blue Hawaiian, they've been pretty adamant about that.
17 Our old chief pilot, Donald Evans, used to get mad if you didn't
18 answer land. So he would ask a question and say, what would you
19 do if the weather became absolutely terrible and you're flying low
20 and you find yourself in a terrible situation, what would you do?
21 And then you would say, well, you know -- and he'd say no. He
22 wanted you to immediately say you'd land and wait for it to pass.
23 Find a place to land and let it pass. So, for me, I felt that was
24 a big part of Blue's training program myself.

25 Q. Okay. And the other thing that we've heard also is there's a

1 technique if you encounter marginal weather and you're trapped in
2 it, they could hover next to a reference point and wait for the
3 weather to pass. Have you ever heard of a technique like that?

4 A. I have heard of that, yes. In Alaska, I learned that.

5 Q. And can you kind of describe that technique, what you learned
6 up in Alaska? And was it used often? Kind of give us some
7 background on that.

8 A. It's not a use. It's like an emergency technique to save
9 yourself, you know, if you run into some situation. Of course,
10 the avoidance is the number one thing, but what they would say
11 would be if you ran into some type of situation where you went
12 inadvertently IMC, if you can hold some type of terrain.

13 In Alaska, they teach a system of love your rock, and love
14 your rock means that you don't leave one known reference source
15 until you can confirm that you could get to another one if you're
16 stuck in an IMC situation with no landing. So imagine that you
17 have a tree and it's on the side of a hill. If you can hold that
18 tree, keep it right next to you or in sight positively guaranteed,
19 and then down slope, you can catch clear terrain, a place to go,
20 you could go move to that tree. But if there's any chance that
21 you would lose that, say if fog would move in or the visibility
22 was in or out, then you would hold until you were guaranteed you
23 could go.

24 And that would be a lifesaving technique in a negative
25 situation where you are really stuck. It was not a practice of

1 how to fly weather. It was a saving technique. And as I
2 mentioned, they referred to it as love your rock. Don't go from
3 one place to another unless you guarantee you can.

4 Q. And do you know where that --

5 A. But --

6 Q. Go ahead.

7 A. Do I know what --

8 Q. Do you know where that technique originated from? Is it from
9 some publication? Is it from the military? Do you know how that
10 came about?

11 A. I would say just as my opinion that that's a survival
12 technique that pilots have used. It's not published or anything
13 like that. I've never seen it anywhere in any books or anything,
14 but to be straight for you, so you guys can understand it, it has
15 saved my life once in the past before though.

16 Q. Okay.

17 A. So it works.

18 Q. All right.

19 A. It's not something that's a practice. It's just a good tool
20 to have in your background and understanding, but it's not a tool
21 you plan to use.

22 Q. So you've never seen it in rotorcraft flying handbook?

23 A. No.

24 Q. Have you seen it in -- and let's go back before Blue
25 Hawaiian. Have you seen it in any training program as part of a

1 135 program or Part 91? Has it ever been demonstrated to you?

2 A. I would say no. It's kind of weird because you don't really
3 -- it's not where you want to promote people to go, but at the
4 same right, you have like experienced pilots telling you things
5 that have saved them. It would be good to know, but you don't
6 want to teach it because then it's like you push the minimums that
7 can fly in. So I always felt like it was one of those tools that
8 was good to know. I told you it did save me once.

9 I had a friend. He was flying in Japan, and he shared with
10 me how it saved him once. He had flown out to show off a property
11 to a guy who owned a lot of hotels and resorts, and they went up
12 in the mountains and they went up one side, and when they -- it
13 was all sunny and nice, but when they got up on top of the
14 mountain, the clouds had moved in behind them, and now they were
15 stuck on top of the mountain. And the only visual terrain he got
16 as the conditions deteriorated was a tree on top of the ridge. So
17 that was the only thing he could see. So he just went and hovered
18 next to the tree for 20 minutes, and he was actually getting
19 really concerned about his fuel, and then all of a sudden, he had
20 an opening and was able to go from tree to tree down. And that
21 saved his life.

22 And it was nothing he did wrong. There was no -- he shared
23 the story as just an event that happened. It was totally -- he
24 got caught in weather, and he couldn't even see because it came in
25 behind the mountains when he was up there. And that was pre my

1 learning of love your rock theory in Alaska. So when I heard the
2 love your rock theory, I had already heard that. I heard
3 something about that. So I knew in my mind, but I never have seen
4 it in any books. I just heard from experienced pilots.

5 Q. All right. And I understand there's an air tour, common air
6 tour frequency used on Kauai and, you know, pilots provide other
7 information through that frequency. And, for example, let's say
8 weather is starting to deteriorate, and you get reports that maybe
9 a helicopter made it through. How does that affect your decision
10 making or judgment if you hear of a helicopter making it through a
11 certain direction? Does that give you a little more confidence in
12 the direction you're going, or how much do you take that
13 information and what do you do with it?

14 A. I think that's valuable information because you want to know
15 what, and it depends on who's saying it. I won't use names, but
16 there's certain pilots will say I made it through, and you're
17 like, well, I don't know who you are. So that's irrelevant to me
18 because it's not a condition I'd want to be in even though you
19 made it.

20 And then there's other pilots that say if they made it
21 through, you absolutely know that that's something that's legal,
22 it's good weather conditions, and it's probably going to stay that
23 way. So it depends on who's saying it. But I like to use as much
24 information as I can to make my decisions. So, for me personally,
25 that is a very relevant part of my planning.

1 Q. All right. Next question I think, as far as pressure that
2 you have on completing an air tour flight. For you personally, do
3 you think you have more pressure in completing a flight to satisfy
4 the customers in that you don't want to disappoint them, or do you
5 want to complete the flight to satisfy the company mission which
6 is a complete air tour flight? So you personally, I think
7 everybody's going to have a different opinion, but do you get a
8 greater sense of satisfaction from completing a flight because of
9 making the customers happy or is it a company thing?

10 A. I'm going to answer this first so that I'm clear. I have no
11 pressure of the guests or the company. I learned from a pilot way
12 back that I really respected, he said that it absolutely doesn't
13 matter anything. What matters is tomorrow you can still talk
14 about it.

15 Q. Okay.

16 A. So, for me, I don't put the company or the guests first. I
17 put, can I talk about it tomorrow first, or is it like, oh, we
18 could have talked to him had he survived.

19 Q. Yeah.

20 A. So, for me, I will land first before a guest (indiscernible)
21 or before a company. I always feel like if I land with the guest,
22 we can make it a cool experience in a story, and as a company,
23 we'll be happy that I didn't crash. So I don't care about the
24 guest or the company in my decision making. I want to be able to
25 say tomorrow this is what happened. Yeah, I had to land here

1 because I made a foolish mistake or because the weather just got
2 severe or whatever. That's my priority. Between the two, the
3 company or the guest, I guess for me, if I had to choose just
4 between those two, I'd probably go guest because I think if the
5 guest is happy, the company will be happy. But I don't use either
6 one of those myself.

7 Q. Okay. And going to weather planning -- well, let me go back.
8 How do you do your weather planning before you start the day's
9 work?

10 A. I personally look at multiple different radar sites. I want
11 to see big picture weather, and I want to see the local island
12 weather. So I look at the radars to see how fast the rain is
13 moving, what's showing on the radar. I make sure that the radar
14 is working, that I'm seeing it.

15 I also like to look at the satellite imagery. I want to see
16 what the big trends across the whole Pacific Region are. I always
17 look from Japan all the way across to Alaska and California. So I
18 want to see what the big picture is.

19 And then, of course, you look at all the NOTAMs and the
20 weather. I like to watch the wind. Anything above 30 knots tells
21 me I might have people tend to get sick. Anything less than 30
22 knots, I'm not too concerned if there's going to be any issues
23 with wind. And then I look at how fast the rain's moving. Will I
24 be able to go in front of it or behind it? Am I going to want to
25 wait or route it so that I can let it go by?

1 I try to assess visibility as the number one thing. The tour
2 can't -- if you can't see anything, there's no sense to go, and if
3 you can't see, you can't be legal. So I always try to adjust my
4 flight and my weather briefing particularly around the visibility
5 possibilities. What can I see and what will be my view of my way
6 around, behind the weather moving and things like that.

7 Q. All right. So you get this weather before you start the
8 day's work. How do you get updates? Because I'm assuming you're
9 in the cockpit flying all day, so you can't look at weather
10 cameras around the island, you can't look at the imagery. So how
11 are you updated on weather throughout the day?

12 A. Well, what we do is when we fly, of course, you have to have
13 personal experience and you've got other pilots. We, particularly
14 at Blue, have a pilot that flies a half an hour behind us. So we
15 have the hour and the half hour generally speaking doing that.

16 So if one pilot comes back, and they have any kind of an
17 inclination that there might be some other weather out there, we
18 can ask the pilot, you know, I can call them on the company
19 frequency and say, hey, how did it look when you went by? We can
20 call them on the radio and ask other pilots. I personally will
21 ask other pilots from other companies as well, and I'll share
22 weather information with other companies as well.

23 And then I have -- if, let's say I land unloading, refueling,
24 reloading, and there's a weather concern. I have my iPhone I can
25 pull up the radar and check to see what it's looking like, and

1 right there on the phone I can look at the webcams on the phone if
2 I have any concerns. Sometimes, this is not as much common, but
3 sometimes if it's really questionable, we'll shut down and have to
4 wait for other pilots to return and tell us what it looked like if
5 I can't get in radio contact with them. I'll tell the base, hey,
6 we're not sure what's going on here, so we might want to hold up
7 just a moment so we can get some information, or come in, go in
8 the office and check weather, call and check things. So we do, do
9 that when it's necessary.

10 Q. All right.

11 A. When we feel it's necessary. It may not be, but it may be.

12 Q. All right. And my understanding is you have synthetic vision
13 in the helicopters?

14 A. Yes. This particular day I was flying a newly updated
15 aircraft. I didn't remember this, but I had to go look in my
16 logbook since I was calling you today, and it was November QC. We
17 call it November 11QC. It was just updated. It was the first
18 EC130 we purchased from the factory. So it had been for a lot of
19 years. It's been updated now with a G500NTXI. And that has
20 synthetic terrain, and we have ADS-B that gives us traffic and
21 weather on that screen, too.

22 Q. And what's your opinionated experience on those systems,
23 using those systems?

24 A. I think they're awesome. I think the more tools you have,
25 the better. There's some little glitches in them, but you learn

1 what they are, and you learn how to use them. I really try to
2 rely heavily on looking outside, talking to pilots, imagining if
3 that whole system had failed, and then I use that as a backup
4 system, and I use it to confirm what I really see and what I hear
5 and, you know. I want to imagine that those systems are there but
6 they could fail.

7 Q. Right.

8 A. That I'm not 100 percent reliant on them.

9 Q. Do you think --

10 A. Sometimes, for example -- go ahead.

11 Q. Go ahead. You had some examples. I'm sorry.

12 A. Well, I think sometimes the timing is lapsed. Like the G500
13 is about 4 minutes, you know, delayed sometimes or there's some
14 flight delay, or the ADS-B will say traffic, and there's no
15 traffic. You know, if you're inside a valley, it may be bouncing
16 signals, or I don't know what's going on with that. So like I
17 said, I like to use it as backup information, not primary
18 information.

19 Q. All right. And in regards --

20 A. But that's me.

21 Q. Okay. And in regards to inadvertent flight into IMC
22 conditions, do you think those would be useful to recover and how
23 would they be useful?

24 A. Yeah, absolutely. They're pretty phenomenal. You know,
25 you're trusting it, and that's a little bit, you know, concerning,

1 but at the same right, when you fly visual, let's say it's
2 absolutely cavo (ph.), and you look at the terrain maps and you
3 zoom in and out and you fly and you say, man, that's pretty cool,
4 you know. So you learn to trust it, but like I said, I'm always
5 weary of getting that trusted on it because then you push your
6 limits more than maybe you want to. But I think it's an excellent
7 tool.

8 In fact, we do inadvertent IMC training. We go into a canyon
9 and they put you under the hood, and then they say, for whatever
10 reason, you just went IMC, what do you do? So in our case, we
11 have a plan, a strategy you use. You slow down and reverse your
12 course back out the way you came and follow the terrain and avoid
13 the red sections and, you know, climb, get away from the terrain,
14 and then you can do the rest of the procedures. But I think it's
15 really valuable.

16 I believe, you know, it's one of the reasons we go to Blue is
17 -- over the years is because it's paid extra money to get these
18 nice safety features. So that's a blessing.

19 Q. And you're using synthetic vision in the recovery for terrain
20 avoidance?

21 A. In the training, yeah, it's one of the options. You don't
22 have to use that, but it's a tool that's there. So we train to
23 use it if we had to.

24 Q. And are the helicopters equipped with an autopilot?

25 A. No.

1 Q. Okay. But you do have an attitude indicator, right?

2 A. Yes.

3 Q. Okay.

4 A. Well, the synthetic terrain one.

5 Q. Okay.

6 A. We have -- the G500 one is not a hard beam -- gauge.

7 Q. Okay. Yeah, but you have an attitude reference though.

8 A. Yes.

9 Q. All right. Going to the day of the Safari helicopter
10 accident in December 2019, can you go back to -- I mean, I
11 understand you were following Mike -- well, Mike Thatcher was the
12 lead, and then you switched because of weather. Can you go over
13 that again with us? What prompted you to make the switch?

14 A. Just to reiterate, he wasn't in the lead or I wasn't
15 following. That was just the order that we had flown. So he was
16 out there. I was out there, and he was in front of me on his
17 tour.

18 So he had crossed over Olokele Canyon heading into wildlife
19 side door area when I first saw him. I don't remember exactly
20 which point, but somewhere in there, he called me and he says,
21 it's a little bit marginal weather out there. I'm not quite sure
22 where we would normally go would be the Upper Mic, and he said
23 that was looking pretty nasty, and he wasn't quite sure what would
24 be the best route. And then by then, I could see the Upper Mic
25 and I have to say, it was one of the darkest views of the Upper

1 Mic I had seen ever. It was really dark up there.

2 And I said, yeah, okay. That's no problem. And on my
3 previous flight, I had paid attention to Wainiha thinking that we
4 might have to go Wainiha, and it was open. So I knew that the
5 likelihood that Wainiha would be a route that would be not really
6 a weather problem at all. And so I told Mike, well, slow up a
7 little bit at Wainiha, at Wainiha Valley, and then I'll pass you
8 through the middle of the canyon or near there, and then you can
9 pick me up and follow behind, and I'll lead you out, and we'll get
10 home.

11 So he did that, and I told him -- I remember looking towards
12 the Lower Mic there. I didn't really pay that much attention to
13 it, because in my mind, I was already seeing that Wainiha was
14 going to be the route I wanted to go. But I remember looking at
15 the Lower Mic area and it was -- it had a ceiling which I don't
16 recall now, was maybe 1,500 to 2,000 foot, maybe light, sunlight,
17 misty. It looked to me like if you went to the shore, you could
18 get around the island maybe, but -- so I said we could do that and
19 was just kind of talking, but in my mind, I was really going to go
20 Wainiha. And then we decided, no, we'll just go Wainiha, it looks
21 good.

22 So the clouds were probably about the Lower Mic to the
23 ground, but the Waimea Canyon itself was open. I'm guessing that
24 we had a high ceiling, maybe 55- to 6,000 feet in that area. The
25 clouds went all the way to the ground and northern rim of the

1 Waimea Canyon, all the way up to the back door from
2 (indiscernible) from the ground. You couldn't see over, but it
3 was a nice path to Wainiha heading east. So we climbed up, went
4 over east, and then the clouds were down to the ground on top of
5 Waimea -- Mount Ka'ala rather, and they were coming down at
6 varying different altitudes, but to Wainiha itself was open. So
7 we went in there and swung around the Ke'e and maybe ran about
8 1,000 feet or something like that, all the way down the Honopu.
9 We turned around there because of time, you know.

10 When we got to Na Pali Coast, we don't need to do the whole
11 entire thing. So we turned around at Honopu. I could see
12 sunlight around Nuloloki (ph.), maybe a 7-, 800 foot ceiling I
13 thought. I don't recall for sure, but about that. And I thought,
14 oh, maybe we could have gone around the shore, all the way around
15 there, but that was pretty low, and I was thinking I was glad we
16 went the way we went. We had good altitude, and we were able to
17 get it. So we turned around at Honopu and went back and were able
18 to make it home without any event.

19 Q. And you mentioned that the weather looked nasty because of
20 the darkness of the weather and was probably one of the darkest
21 ones you've seen.

22 A. Yeah, really dark.

23 Q. Was it moving in a certain direction, or was it just kind of
24 developing?

25 A. I mean, it was probably moving, but from our view, it just

1 looked like it was clinging to the ridges.

2 Q. And do you think it was moving rapidly or slowly or it was
3 just developing in place?

4 A. I would just say it was developing where it was. It was --
5 you know, it didn't look like it was moving. It just looked like
6 it was all clinging right to the ridge there. And it had been --
7 the weather was there the flight before, which was why I was
8 already considering going Wainiha.

9 Q. And why do you think Wainiha wasn't a problem that day for
10 weather?

11 A. You know, just the temperature and dew point and moisture
12 content in that area, it was just the way the wind was blowing and
13 the air was flowing and everything. It was at that spot.

14 MR. HAMP: It was Kona wind that day, pretty strong Kona
15 winds, which is not typical.

16 MR. GALLO: Okay. That's all the questions I have. I'll
17 pass it over to Bill Bramble.

18 Bill?

19 MR. BRAMBLE: Yeah.

20 BY MR. BRAMBLE:

21 Q. Hi, Greg. How's it going?

22 A. Hey, Bill, pretty well. Just for my understanding, Bill, who
23 are you? What do you do?

24 Q. I'm a human performance investigator with NTSB. I'm based in
25 Washington, D.C., and -- yeah, so I'm a specialist. I look at all

1 kind of things related to pilot decision making, psychology,
2 ergonomics, stuff like that.

3 A. I see.

4 Q. So I just wanted to ask a few things to follow on what Mitch
5 was asking you. Some of the things he's already asked. I'm going
6 to have to skip a couple of questions as I go along here. So if I
7 pause, that's what I'm doing.

8 A. That's fine. That's what you want so your records are
9 covered, too, even if we aren't talking about it.

10 Q. Okay. All right. We covered that, covered that. All right.
11 When you entered Waimea Canyon and you saw the clouds all the way
12 down to the ground on the north rim, and it looked the darkest you
13 had ever seen it, how did you decide what to do?

14 A. Well, if I can avoid the weather, you know, completely,
15 that's the way to go. So, to me, that was the least weather route
16 that got to Na Pali Coast, and I was kind of hoping that we could
17 do a whole tour. And we would have done that because the whole
18 east side was flyable and the west side of Waimea Canyon and
19 Jurassic Falls, Haunted (indiscernible) were all open. The only
20 thing left ahead to call it a completed tour I guess would have
21 been the Na Pali Coast. So if you can get it, you can get it. If
22 you can't, you can't. For me, this was the easiest route, the
23 cleanest weather route to get there to throw it in if we could get
24 it.

25 Q. Okay. And you did say that, that weather on the north rim

1 looked like the darkest you had seen, and that your colleague was
2 flying nearby and expressed some concerns about the conditions in
3 that area. Did you feel uncomfortable with what you saw up on the
4 north rim? Like would you have felt uncomfortable flying in that
5 direction?

6 A. I wouldn't have even tried it at all. The Upper Mic was just
7 not even something -- it wasn't even an option in my opinion.

8 Q. Okay.

9 A. The Lower Mic was an option, but I wasn't sure if you could
10 get around the west side of the island. It was like, that would
11 be -- I would go down, maybe all the way down to the shoreline if
12 I had to, to explore, to not even know that I could get around.
13 And Wainiha, I was pretty confident I could get around because I
14 had seen that on the flight. I had been looking at it the flight
15 before and said, hey, we might have to do that as an option.

16 So the Lower Mic west route was iffy. I didn't want to have
17 to waste time. It didn't look like I couldn't come back or
18 anything. It was just I didn't want to have to go explore for a
19 possible route. I felt Wainiha was pretty for sure, and from the
20 Lower Mic all the way to Wainiha around the north rim, nothing
21 looked possible there to me. But the Upper Mic in particular was
22 -- I didn't even think that was even a question you could try.
23 That just looked like nothing.

24 Q. Okay. All right.

25 A. I will say -- if you let me say one more thought. Many times

1 you can fly right up there and take a look, and then you could
2 actually see a possibility, but this did not look like that would
3 be the case to me. That he attempted to go over that does not
4 shock me. There may have been some opening, but it shocked me
5 that he would even look at it I guess is the way I think about it.
6 It didn't look like something I would even look at.

7 Q. It wouldn't shock you that --

8 A. That he'd go look.

9 Q. Go take a look. I see. Okay.

10 A. Yeah, because sometimes you go up there --

11 Q. But you would just like --

12 A. Sometimes you could go up there and take a look and it looked
13 this, no way. And he got up there and there was a huge corridor
14 that you just can't see at the right angle, but how big and how
15 dark that area was, I just didn't see there would be any light to
16 have any kind of a corridor there or anything. So I didn't even
17 think it was a possible option there.

18 But sometimes you get up there and you're like, oh, that was
19 a whole mile corridor going all the way down to the shoreline
20 through there. You could go (indiscernible). But this day, it
21 was pretty clear visibility. There was no clouds in Waimea. It
22 was clear. I mean, there was a high ceiling, but you could see
23 all the rims all around. It didn't even look like there was any
24 possibility at all. So that was my call.

25 Q. Okay. All right. How about along the Na Pali Coast -- or

1 along the north shore, I don't know if you technically made it to
2 the Na Pali Coast or not, but --

3 A. Yes, we did.

4 Q. Were the conditions that you encountered there, were they
5 concerning or did it feel fairly comfortable?

6 A. It was comfortable. They were not an ideal tour, like it
7 wasn't all super sunny. There was misty clouds. There was lower
8 ceilings than you'd want because of cliff, you know, at 3,000 feet
9 plus. You want these nice beautiful cliffs, but a lot of the tops
10 were covered in clouds. But like I said, I went down about 1,000
11 feet, flying along the coast. So it was legal. We got to go
12 along it. I was never concerned that I couldn't get back out or
13 was going to have any issues.

14 Q. And it was when you got to Honopu that you thought maybe it
15 looked like it opened up a little further to the west?

16 A. Well, I didn't think it opened up. What I thought was, if I
17 recall, I believe it was around -- I thought it was maybe a 700,
18 800 foot ceiling, and that was right at the farthest point I could
19 see, which is called Nu'alolo Kai. And it was a pretty straight,
20 level 7-, 800 feet, and I don't recall how far offshore it is. So
21 I thought, had I been coming around from the west, I might have
22 been able to go a little bit farther offshore maybe and come
23 around it and been able to get through. I was like, it might have
24 been doable to get around but I, I felt like I'm, you know, I'm
25 trying to keep the tour on time.

1 I was glad that we didn't try that because it was down to 700
2 foot there, which means you'd have to go fairly wide offshore and
3 -- to even have made it. So I was glad we took the route we went.
4 And the reason I turned around in Honopu was because that's one of
5 the big things you can say you saw the arch in Honopu, it was
6 like, they got to see that. So it didn't need to go further even
7 though Nu'alolo is a really cool valley, would you need it? We
8 got to tour, the light would have been on time if we turned around
9 and did. So that's what I did.

10 I could have gone to Nu'alolo and turned around there. The
11 ceiling was around the corner at Nu'alolo Kai. It still -- they
12 still had more than 1,000 feet probably at Nu'alolo. Around the
13 corner there at Nu'alolo Kai, it was -- I mean, it was probably
14 around the corner more at Nu'alolo, but I, in my mind, discerned
15 it around Nu'alolo Kai.

16 Q. Okay. Nu'alolo Kai looked about 700 or was it about 1,000
17 feet there do you think?

18 A. Well, like I said, I couldn't see, but it looked like a level
19 horizon with, you know, a light gray cloud layer above, and then
20 -- not a layer, but the ceiling was above that, above about 7-,
21 800 feet, and it had a soft yellow sunlight underneath which --
22 kind of misty rain maybe. So the sunlight was coming through, and
23 that's exactly the same way it looked over on the Lower Mic side.
24 So I thought, hey, maybe we could have gone all the way around the
25 shore was a possible -- it was possible to do that.

1 And like I said, because it was low, you probably would have
2 to go offshore. It didn't extend all the way out offshore though.
3 I thought maybe you could go around, but anyway, I didn't. You
4 know, and then once it goes around the corner, you don't know
5 exactly where it is. There's no rocks out there in the ocean, so
6 you can't really tell how far away it was, but at Nu'alolo Kai is
7 where I could kind of discern that line. At Nu'alolo though, on
8 the other side of the rock, the clouds were misty and maybe
9 higher. I don't know how high, 1,200, 1,300, but we were at
10 1,000. So that was -- I don't know.

11 Q. Okay.

12 A. It was -- I don't recall exactly what the -- maybe I didn't
13 want to go to Nu'alolo, so I didn't pay attention that much.

14 Q. How unusual were the weather conditions you saw between the
15 Na Pali Coast and Waimea Canyon?

16 A. It didn't seem unusual. I mean, it just -- the only thing
17 that stood out to me and still does was just how gray it was.
18 That was really gray for the Upper Mic. Typically it doesn't get
19 that dark gray up there. That stood out in my mind, I thought,
20 wow, that's dark. But Mike is my senior pilot, the one that I was
21 leading. And he flew with me in Alaska and he was kind of the
22 veteran there, too. So, for me, it felt like Mike saying that he
23 was uncomfortable caught my attention. Why would he think that's
24 uncomfortable? When I looked, I was like, wow, I see why. It
25 looks pretty nasty.

1 Q. Okay. All right. And just to confirm, did you receive radio
2 communications or catch any sights of the accident helicopter
3 during that flight?

4 A. I have heard about him making calls and stuff afterwards. I
5 don't believe -- to my recollection, I didn't even have knowledge
6 he was -- I knew he was going to be out there, but I didn't hear
7 him. That's my recollection. But now, you know, after
8 everybody's talked about what he said and all that, I'm like, did
9 I hear that? I don't believe I even -- I knew he was coming
10 because he was behind me, but I didn't hear him. I don't believe
11 I did.

12 Q. Okay.

13 A. I think there was a Sunshine behind me, and I believe there
14 was one in front of me. If I had to guess, I would say Jedreck,
15 which is Sunshine 18, was ahead of me, and Jon-Song (ph.),
16 Sunshine 12, was behind me. But don't quote me on that because I
17 really don't remember clearly, but I think that's what I recall.
18 I don't recall Jed on the radio so much as I just knew he had
19 taken off before me. I always try to pay attention who's before
20 me and after me so when I'm out there, I know who I'm looking for
21 even if I don't hear them. And I think John was behind me, but I
22 didn't -- I don't recall.

23 Q. Okay. All right. I'm going to take you back around some
24 questions Mitch asked you a little bit earlier. Have you observed
25 examples of risky decision making or unjustified levels in risk

1 tolerance or complacency among fellow helicopter air tour pilots
2 on the island? And I'm not asking you to name names. I'm just
3 wondering about the general practices. Do you feel like there are
4 some who are -- take more chances than you're comfortable with?
5 A. I mean, you know, I've been flying a long time, and I've seen
6 a lot of stuff like that. I think that that's not a simple
7 question. A lot of times where I see risk to where I feel like,
8 boy, that's really dangerous, is the new guys, particularly with
9 Mauna Loa. They don't know what they don't know, and that's high
10 risk to me when I see stuff. And we always -- at least I do, I
11 shouldn't talk for others, but I do have friends -- but we always
12 try to say, you might want to consider not doing stuff like that.
13 So it's not knowing what you don't know risks is the really big
14 ones.

15 Then they have the veteran guys who do things that are very
16 risky, but at the same right, they've been doing it for 20 years,
17 and it's not the same risk that you would see with a guy who
18 doesn't know. He knows what his risk is in what he's doing and
19 how he wants to deal with it.

20 There's a particular pilot that really -- he puts -- he makes
21 me feel uncomfortable with his risk levels, but when I talk to him
22 in depth about it, he has a plan and a strategy. I wouldn't want
23 that as my plan or strategy, yet he does it. Like he says, if
24 he's going IMC, he's -- you know, lie his instruments out and get
25 vectors and all that. And I'm like, that is a good backup plan,

1 but he used it as a means to be a little more risky and push his
2 minimum. And I'm like, why would you want to do that as a plan?
3 How about a (indiscernible) as your plan? But he's been flying
4 for a long time, and so he has that as his comfort level. And I
5 feel like I guess that's risky, but it's more calculative risk
6 than the guy who doesn't know the risk that he's doing are
7 dangerous, if that makes sense.

8 Q. Yeah. So one of the things that -- well, we've seen examples
9 of both in the past with accidents and some -- at least some of
10 them are Kauai. I worked the Bali Hai case back in 2004 --

11 A. Right.

12 Q. -- and I was on the island for a couple of months. And there
13 had been one 3 years earlier with another pilot that was pretty
14 new to the island. And they -- so that was an issue that had come
15 to our attention, that maybe new pilots don't know what they don't
16 know. And maybe they need more in-depth training on, you know,
17 what conditions are relatively benign and which ones might kill
18 them.

19 A. Right.

20 Q. And there are other cases where, in Alaska or Hawaii, where
21 we've seen very, very experienced pilots get into bad weather
22 conditions and continue flying and then have accidents. And so,
23 you know, the theory in some cases might be, maybe this applies
24 more to public use, that they become increasingly risk tolerant
25 over time as they gain experience like you say. And, you know,

1 there may be some reasons that they are more capable and that
2 their risk is lower than an inexperienced pilot, but maybe they
3 drift into riskier patterns over time and then eventually get
4 caught in a situation that they can't get out of.

5 And so one question I have always wondered is what do you do
6 about the latter scenario? How do you keep people within sort of
7 an acceptable risk range when they're very experienced? Do you
8 have any thoughts on that?

9 A. You know, I'll be honest with you. You know, I didn't expect
10 you guys to call me. So then when I got notified that I was going
11 to have to talk to you, I thought, okay, that's fine. But then I
12 started thinking about it, and when I looked at the pilot, Paul in
13 this case, I did not look at him as a high risk pilot, and for him
14 to have this situation happen makes me feel like maybe it could
15 happen to me.

16 And it's like, you know, some of the other guys take risks
17 and you'd be like, yeah, I could see how that would happen, but
18 you don't really -- I didn't really see that with him. I don't
19 know that that's true, but just watching him, it didn't seem like
20 he was going out to get in a situation. So when I look at it for
21 myself, I'm like, how am I going to prevent that from happening to
22 me? The only thing I can think of is you have to tell yourself
23 stuff happens, you know, and you have to remember that.

24 And I personally have tried to tell myself, it just happens.
25 You know, like I said earlier, just land somewhere. If it takes 2

1 days to get you, so what. If the tour is lost and you land on the
2 north side and you have to bus back, I've done that before many
3 times. They had to come -- I was on Oahu. They had to have a van
4 come from Honolulu to pick them up because I ran into weather.
5 Once they left and I took off, it was actually VFR, just down kind
6 of in the points. It was -- you know, you do it. So what. You
7 can talk about it tomorrow.

8 I don't know. For me, it's just a matter of the pilot has to
9 tell himself that stuff happens. You've got to know that it can.
10 And I guess, over time, you say, yeah, I've got away with it. It
11 won't happen. But it does happen.

12 Q. Very interesting points. It sounds like, from what you
13 observed of Paul Matero, your assessment of his weather-related
14 decision making, based on your observations of his flying on
15 Kauai, were that he did not have a highly risk tolerant mindset
16 when it came to making those kinds of weather-related decisions in
17 flying?

18 A. I'm trying to help you. I'll tell you my observations. I
19 don't know what he was thinking or what he does normally. I tell
20 you what I've seen with him. He did push weather more than what
21 would be your basic pilots or new pilots, things like that, but he
22 wasn't a high risk pusher in it. Back in the old days, kind of a
23 thing that people would do, he would do. So I can't say that he
24 was, you know, not flying in risk environments, but it didn't feel
25 like he was pushing, being risky, if that makes sense. You know

1 what I'm saying?

2 Q. Yes.

3 A. What I felt like is he was capable of getting through higher
4 tolerance areas without really getting himself dangerously into
5 them. I've seen him manage things that are, well, that was pretty
6 tight, and I've also seen him avoid things that were like, okay,
7 that's riskily tight, but he would just alter course. So there's
8 veteran pilots here who will just say, if I can make it, I'll go
9 and like that get through, and they go. But he would alter
10 course. He wasn't like, to me, going out and taking high risks.

11 Now, if you compare him to some other conservative pilots,
12 pilots who are very concerned making sure they're complying with
13 regulations, he would look a little more risky to them. But he
14 wasn't high risk if you get what I'm saying.

15 Q. Okay.

16 A. He was a veteran. I would just say he knew what he was doing
17 and he had his limitation. I was actually pretty surprised to
18 hear that he went up there. It didn't make sense to me.

19 Q. Okay. And earlier, when Mitch was asking you about your
20 experience flying, you said you had been flying since 1998. Was
21 that all in Hawaii?

22 A. I flew most of my flying career in Hawaii, and about a year
23 doing the Sunrise power line project in San Diego which is 2011, I
24 spent a year there, and I spent a season flying up in Alaska.
25 Most of my flying has been in Hawaii.

1 Q. Okay. How many hours would you say you have?

2 A. Maybe 11,000.

3 Q. Wow. And so, in terms of the number of years you've been
4 doing air tours in helicopters in Hawaii, how many years did you
5 get better?

6 A. Well, my whole career has been tours. I feel like I wanted
7 to be a tour pilot. So the only time I didn't do tours was when I
8 was flight instructing prior -- you know, getting all your
9 licenses, and then when I worked on the power line project.

10 Q. So maybe 20 years?

11 A. Yeah.

12 Q. Okay. That makes you pretty highly experienced in that area.

13 A. Extremely experienced. I (indiscernible) a few times.

14 Q. All right. Well, you're a good resource then. If there was
15 anything that we could do or recommend that would help you make
16 the safest weather-related decisions, what would that be? I'm
17 going to ask about other pilots next, but --

18 A. You what?

19 Q. I said I'm going to ask about other pilots next.

20 A. I guess -- what could I say? I think we have a pretty safe
21 system in terms of, you know, what we have out there. I find that
22 probably some of the things that could make things safer, I search
23 my mind is, you know, you have these noise abatement issues in
24 your routing and your weather. Sometimes trying to not create
25 noise issues puts you a little bit more in a compromised position

1 than you could have been.

2 I don't know what you could do about that, because I think
3 you have to be extremely noise aware, but in the same right, you
4 also have to be -- in order to have an industry operate, you have
5 to get through where it's the safest, and sometimes it's spots
6 where there's noise areas. And so that's a little bit of a -- you
7 know, someplace that -- I don't know what you could do. I've been
8 thinking about it for years, how could you make it work.

9 What we do at Blue is, you know, screw the noise, be safe.
10 But it's a thing like that, that is at the back of your mind when
11 you're in the cockpit flying. This is a little bit more
12 challenging with noise. That moment right there is going to be
13 something to be nice to have a solution for, but I don't know what
14 you could do about that.

15 Q. Yeah. And how about -- I mean, would your answer vary if I
16 asked you if there was anything we could do to help pilots who
17 were new to the island or the most experienced tour pilots, I
18 guess of which you're one? So your answer might be different for
19 that, but how would -- is there anything that we could recommend
20 or do that would help tour pilots who are new to the island make
21 safe weather-related decisions in flying?

22 A. Well, you know, I think that some of the things that I found
23 in my career was when you leave the flight school and you go fly,
24 you'll find that there's things that they didn't work on. For me,
25 a big one was wind. You know, when you fly an R-22 in flight

1 school and the winds get up to a certain speed, you just don't fly
2 anymore. You're grounded. But here we can fly in 40, 50, 60 knot
3 winds, and you can fly and you can fly safely. And you have to
4 learn how.

5 So I think that the training in wind environment and
6 weather-related environments at the initial pilot training levels,
7 it could be improved. It could be, but how do you -- you know,
8 you have to high winds train them in. You have to have the
9 weather situations to train in them. If you don't have them in
10 your place, how do you do them? But I felt like we have pilots
11 that come to our company, and they're like, it's 30 knot winds;
12 I'm not flying.

13 And I've been flying for 20 years in Hawaii, and you fly.
14 There's no reason you can't. You just have to learn how to fly
15 like, you know, the demarcation line. You have to plan your route
16 so you're avoiding turbulent areas, the tree effect through the
17 mountains. But they're uncomfortable, and that causes them to
18 take routes where weather visibility would be issues, where they
19 gone through clean air -- I mean, you know, turbulent air with no
20 visibility issues. So those would be nice somehow to address at
21 the training level.

22 Q. Okay. Those are good ideas. Anything else you want to
23 volunteer before I ask you about weather cameras?

24 A. I think in this event, and other events related to it,
25 another nice thing might be -- I always try to tell new pilots

1 coming in, don't trust anybody, not even me. Learn to trust your
2 calls, your comfort levels because, you know, you follow a guy who
3 everybody says, that's the guy, that's the guy, and his comfort
4 level and yours are totally different. So another thing to teach
5 is that, you know, you've got to make your own decisions, your own
6 calls, no matter what that comfort level is. Because you follow
7 one guy in and now his comfort level and skill level are way above
8 yours. You're now in a situation where you just don't have the
9 tools to deal with what they led you into. So something else to
10 think about there.

11 Q. Okay. And how about weather cameras? Do you think the
12 installation of weather cameras on Kauai would reduce
13 weather-related accidents?

14 A. I think weather cameras are awesome. Yeah, I don't know why,
15 me personally, we haven't just paid people to have them on their
16 houses, you know, give them 10 bucks a month to put a camera out
17 there, we could see what's going on. It would be nice. It would
18 probably deter flights the same and improve safety both, you know
19 what I mean. When you can't see what's out there, you go and try
20 it out. When you can see what's out there, you just don't go. I
21 think that the industry is both pro and con to them, and
22 personally, the more information you have the better.

23 Q. Okay. Any aircraft equipment you don't have that you think
24 would reduce weather-related accidents in that area?

25 A. I feel like one of the big issues in terms of aircraft

1 equipment is ADS-B. In weather conditions in particular, what I'm
2 finding is that some aircraft turn their transponders off, turn
3 their stuff off, and my guess is that they know they're not flying
4 quite legally, and so they're trying to not be seen. And I think
5 that that's not our equipment because we have the ability to see
6 the equipment and all of a sudden they're gone. And then when you
7 come back into the air space, there they are again.

8 So how do you enforce that? I don't know, but I think it
9 would be nice to have the ADS-B. You know, you don't have to have
10 it if you don't have it here in Kauai in certain situations, but
11 in the same way, it would be nice if everybody would have it and
12 had it on, because even if I can't see them, I know they're there.

13 Q. Okay. And the last thing for me is can you give us any
14 insight into what happened that time when you had to hover next to
15 the trees to survive?

16 A. Yes. Very similar to this day, the weather looked crappy up
17 at Upper Mic. However, there was an area there were you could see
18 terrain, and it looked like you might be able to get over. So I
19 was following another pilot who had been flying here for a long
20 time and actually was my student at one point. So I felt like he
21 -- I knew he was a very good stick in terms of flying skills, and
22 he was leading. He was in front, and he went up and I was down
23 low. So you can see the terrain up above on Upper Mic. So he
24 went over. So I said, I guess it's open if he can go. I went up
25 and I went over and it didn't look very nice. And I don't recall,

1 maybe three-quarters of a mile it went down the slope, but then it
2 was right down to the ground all around.

3 So I called him on the radio and he went up over. So there
4 was like a layer, a split layer, and so I thought, maybe there's
5 -- once you get up high enough, you can see terrain all the way
6 down. So I started to climb up to find him, and I called him on
7 the radio, and I asked him, were you able to get through? Where
8 did you go? And he didn't respond. So then as I climbed up to
9 look for him, he didn't respond. I didn't like what I saw. I
10 didn't see anywhere he could have gone because it was all clouds.
11 I didn't see any terrain. So I turned around to go back, and when
12 I turned around, everything was closing in behind me. And the
13 only thing I could see was down below me, maybe trees, you know, I
14 mean, that's all I had. I was like, oh, my gosh. I'm going to
15 get stuck, trapped IMC up here.

16 So I descended down, and then I remembered love your rock,
17 and then I just went to the nearest tree, and I said, I'll get to
18 the tree first, and I know I've got terrain, something to hold
19 onto, and then I'll look at what I've got when I get there. So I
20 just focused on the tree. I went back down, and it just kept
21 enveloping me, and all of a sudden it was enveloping me. And then
22 I just hovered to the tree, and then it kind of opened, didn't
23 open, kind of opened, didn't open, and I had visibility in the
24 distance, but I didn't have good enough to move anywhere.

25 So I stayed and I stayed, and then I moved from one tree to

1 one tree, and then I heard a pilot offshore, and I asked him what
2 the weather was like, and he said 1,500 foot ceiling, perfectly
3 clear, sunny offshore. That was probably -- you know, that was
4 halfway down the slope from me still. And I just kept on. I
5 looked at my fuel and I had 80 percent fuel. So I was like, I've
6 got a lot of fuel. I'll just wait. So I kind of waited and
7 moved, waited and moved, and eventually it opened up where I could
8 confidently see that I could make it from one spot to another, you
9 know, and I did that and I got off. And I thought, well, that
10 saved my life.

11 And my concern was my fuel. And if I didn't have fuel, then
12 that would have been a really uncomfortable situation even more
13 so, but I had a lot of fuel. So I knew I could wait and I knew
14 the weather changes pretty quick, and I would wait.

15 So where I felt really frustrated at myself was that I
16 followed this veteran pilot up, and then I felt like if he's going
17 to go, he'll make it. He knows what he's doing here. And then I
18 got myself trapped by him, and so, you know. And then everything
19 seemed okay. I had a big space, a big area. I mean, I wasn't
20 trying to go into funky weather. I wasn't, you know. It just
21 developed that way. And I was watching him in front of me instead
22 of watching behind me, and it came in quick when it did.

23 Q. Okay. Was that --

24 MR. GALLO: FYI, (indiscernible).

25 MR. JAMES: I'm sorry. I had two guys talking at once. So I

1 think Mike went through early.

2 MR. THATCHER: You said 10:00.

3 MR. JAMES: Mitch, how would you like to run this? Do you
4 want to drop off, or do you want to ask Mike to call back in 20
5 or --

6 MR. GALLO: Yeah. Mike, can you call back in about 20
7 minutes?

8 MR. JAMES: You're on mute if you're trying to talk.

9 MR. GALLO: Thanks. Mike, can you call back in about 20
10 minutes? We're running a little behind schedule here.

11 MR. THATCHER: Sure. Will do.

12 MR. GALLO: Sure. Thank you.

13 BY MR. BRAMBLE:

14 Q. All right. So where were we? So with that, just to confirm,
15 was that down in the same area where the accident occurred in this
16 case?

17 A. Yeah, it was right at the Upper Mic. From the Upper Mic, you
18 go down to Miloli'i it's called, and I think, if I recall -- you
19 know, it's been 15 years, 10 years, something like that, I don't
20 know -- but I believe I came around out around Miloli'i.

21 Q. Can you spell that?

22 A. M-i-l-o-l-i-i, Miloli'i.

23 Q. Okay. How many years ago was that you say?

24 A. I don't know. I mean, more than a decade. A long time ago.
25 One of my first learning experiences. Way back.

1 MR. BRAMBLE: Okay. That's really helpful, Greg. Thanks. I
2 appreciate all your insight and your candor and information you
3 shared with us. I'm going to hand it off to Brice Banning next.

4 MR. JAMES: Okay.

5 BY MR. BANNING:

6 Q. Hi, Greg. My name is Brice Banning. I'm the Investigator in
7 Charge for the Safari accident, and first off, I just want to
8 thank you for taking the time to visit with us. And I just have a
9 couple follow-up questions. I wanted to ask you how useful you
10 find the ADS-B weather information in flight weather decision
11 making?

12 A. I think, you know, I mentioned earlier, I try not to rely on
13 that. I try to rely on imagining that all of that stuff went out,
14 but for me, it's just supplemental. It's got a flight delay to
15 it, and I just imagine that it all goes out. So I use it as kind
16 of a backup information, supportive information for me.

17 Q. Okay. Yeah. No, I appreciate that. And out of curiosity,
18 up in Fairbanks, Alaska, that's where I reside, and who did you
19 fly for in Alaska, if you don't mind sharing?

20 A. I don't. Era.

21 MR. BANNING: Oh, okay. All right. Well, I think that, that
22 is all the questions I had. Once again, I sure appreciate you
23 taking the time.

24 MR. JAMES: We appreciate all you're doing. It would be nice
25 to know what happened. It's very sad, of course.

1 MR. BANNING: Yeah, yeah. I will turn it over to Mitch.

2 BY MR. GALLO:

3 Q. Hi, Greg. Mitch Gallo again. I just have a couple of more
4 questions --

5 A. Hey, Mitch.

6 Q. -- and we can bring this to a conclusion. You mentioned that
7 it was about a decade ago that you encountered some weather and
8 you executed a hover referencing -- was it love a rock, I believe
9 you called it?

10 A. Yeah.

11 Q. And you were flying for Blue Hawaiian at that time?

12 A. No.

13 Q. Somebody else. Okay. Can you describe how much connection
14 you've had with the FAA in Hawaii?

15 A. Well, I believe that FAA is our friends. I mean, the FAA in
16 particular are doing their job, but the NTSB, the FAA -- so, for
17 me, I've always tried to be very supportive. When I was a CFI, I
18 worked with them quite a bit doing all of our documentation and
19 things that we were doing. I've had other interactions with them
20 when we had a hard landing and had to deal with them there. I
21 went through -- they've ramp checked me at different times over
22 the years, and I feel like they've always -- I don't have -- I
23 feel like they're our friends. FAA's there to help our industry.
24 That's my opinion.

25 Q. Have you attended any FAA safety seminars sponsored by the

1 Honolulu FSDO?

2 A. I've been to some meetings with the FAA conducted in
3 Honolulu. I don't remember what exactly they were about now.
4 It's been a long time, but I would say yes.

5 Q. All right. And just if you recall, what was the amount of
6 interaction you had or frequency of interaction with the Honolulu
7 FSDO, safety seminars, talking to inspectors, site visits? Can
8 you categorize that?

9 A. I would say quite a bit because I would go down there, take
10 students down there, and I'd send people down there. I would go
11 down there, do my CFI renewals down there, taking them in there.
12 Ed Valdez would come to our flight school. Gino, I've dealt with
13 Gino quite a bit over the years. There's a lot of different
14 people I've been involved with over the years, yeah, quite a bit.

15 Q. Has that interaction on the part of FAA, not yourself,
16 reaching out, the FAA reaching out to you, has that decreased
17 since 2017?

18 A. Has it decreased?

19 Q. Yes.

20 A. I would say working at Blue, I've not seen the FAA as much.
21 I feel like Blue is much more on top of their program than most of
22 the companies that I ever worked for. Maybe Arrow was pretty good
23 as well, but the FAA, I feel like we put our Ps and Qs in order at
24 Blue that they can see what's going on. So when we deal with
25 them, it's very brief. We have audits from other companies that

1 come in that they can oversee, and I feel like this is not a
2 blessing of the fact that they're too busy or something like that.
3 I feel like we're just not deemed warranted as much interaction in
4 negative ways. So we don't see them as much as I have in the
5 past. I don't think it's a bad thing.

6 Q. Okay.

7 A. Like when I worked for (indiscernible), they used to ramp
8 check us all the time, checking on if we checked the condition of
9 the aircraft, CFA, how much.

10 MR. GALLO: All right. That's all the questions I have.
11 Anybody else have questions, Bill or Brice?

12 MR. BRAMBLE: No, I'm good.

13 MR. BANNING: I don't have any questions.

14 MR. GALLO: Mr. James, do you have anything else that you'd
15 like to cover with us that we haven't addressed? Do you have any
16 concerns you'd like to share with us before we end the interview?

17 MR. JAMES: No, I just hope I was able to help you put
18 together something. You know, I don't know exactly what happened.
19 It would be nice to know in the end what you guys come up with,
20 you know, human factors or maybe bird strike or who knows,
21 lightning strike or whatever happened, maybe maintenance failure
22 or IMC terrain. I'd kind of like to know what happened just for
23 my own safety in my own mind that I can do as a pilot that we can
24 share with our company and other pilots, but I just don't know. A
25 lot of times these things happen and you never hear what happened

1 afterwards. We have to research it to find out what was the end
2 result.

3 MR. GALLO: Okay.

4 MR. JAMES: But it would be nice to know exactly caused this
5 event for our safety.

6 MR. GALLO: All right. With that, I thank you for your time,
7 and we're going to go off the record here.

8 (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: AIRBUS AS350 B2 HELICOPTER
 CRASH NEAR LIHUE, HAWAII
 DECEMBER 26, 2019
 Interview of Greg James

ACCIDENT NO.: ANC20MA010

PLACE: Via telephone

DATE:

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.


Kathryn A. Mirfin
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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AIRBUS AS350 B2 HELICOPTER
CRASH NEAR LIHUE, HAWAII
DECEMBER 26, 2019

Accident No.: ANC20MA010

* * * * *

Interview of: DARETT KANAYAMA, Front Line Manager
Federal Aviation Administration

Via telephone

Friday,
May 15, 2020

APPEARANCES:

MITCHELL GALLO, Air Safety Investigator
National Transportation Safety Board

WILLIAM BRAMBLE, Human Performance Investigator
National Transportation Safety Board

BRICE BANNING, Air Safety Investigator
National Transportation Safety Board

PATRICK LUSCH, Investigator in Charge
Federal Aviation Administration

MARK TOMICICH, Representative
(On behalf of Mr. Kanayama)

I N D E X

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CERTIFICATE

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NATIONAL TRANSPORTATION SAFETY BOARD

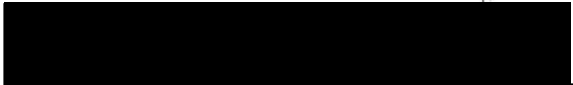
IN THE MATTER OF: AIRBUS AS350 B2 HELICOPTER
 CRASH NEAR LIHUE, HAWAII
 DECEMBER 26, 2019
 Interview of Daret Kanayama

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complete, true and accurate transcript which has been transcribed
to the best of my skill and ability.


Kathryn A. Mirfin
Transcriber

I N T E R V I E W

1
2 MR. GALLO: This is an interview with Daret Kanayama
3 pertaining to accident investigation ANC20MA010.

4 And, Mr. Kanayama, do I have permission to record this
5 conversation?

6 MR. KANAYAMA: Yes.

7 MR. GALLO: And is Mark Tomicich the representative that you
8 want to choose to have represent you today?

9 MR. KANAYAMA: Yes, I do.

INTERVIEW OF DARETT KANAYAMA

10
11 BY MR. GALLO:

12 Q. Okay. Can you begin with describing your aviation background
13 prior to FAA and then on the different jobs you held within FAA?

14 A. Prior to FAA, I spent 6 years in the United States Air Force.
15 I was a flying crew chief of a C-130 Squadron. Then, in 1984, I
16 started with Continental Airlines. I held a position as a
17 mechanic and in management and in aircraft scheduling as the
18 senior tech planner. I left Continental in 1995.

19 I joined the FAA in 1995. I was with the Seattle FSDO. I
20 was a PMI for various different air carriers. In 2001, I moved up
21 to the Regional Office as a specialist, and in 2006, I transferred
22 to the Honolulu FSDO as a principal maintenance inspector. And in
23 2009, I became a front line manager, and I'm currently a front
24 line manager in the Honolulu FSDO.

25 Q. Okay. I understand you were a crew chief and a maintenance

1 inspector. Do you have any helicopter maintenance experience?

2 A. No, no helicopter maintenance experience other than, you
3 know, the standard manufacturer's inspection programs, maintenance
4 programs, that apply to a fixed wing or a helicopter.

5 Q. And what certificate and ratings do you hold -- FAA
6 certificate and ratings?

7 A. I hold an airframe and power plant rating, and I hold a
8 private pilot certificate.

9 Q. And what ratings on a private pilot?

10 A. Just single-engine.

11 Q. Okay.

12 A. VFR.

13 Q. And going back when you first started at the Honolulu FSDO,
14 can you take us through the amount of staffing there was? For
15 example, how many front line managers there were through the
16 period from when you started until now and also POIs. And you can
17 give estimates. I know it's kind of over a couple of years, but
18 if you give us estimates as far as --

19 A. Okay. When I started off as a front line manager in 2009,
20 there were three of us. We had an airworthiness, operations, and
21 air tour, and one office manager. We had approximately -- it was
22 around 28 to 30 employees including our adjutant staff. As far as
23 the inspectors for ops and airworthiness, there's roughly around
24 six to seven employees per group.

25 Q. Okay. And then how did that change throughout the years?

1 You said that was 2009, and 10 years have elapsed since. And my
2 understanding is now you're the only frontline manager?

3 A. No, there's two of us.

4 Q. Oh, okay. And you are what area? Maintenance or ops?

5 A. I'm maintenance, airworthiness.

6 Q. Okay. All right. Is there a -- so you mentioned back in
7 2009, there was a maintenance, operations, and air tour frontline
8 manager, but now there's just maintenance and operations. Is that
9 correct?

10 A. That's correct.

11 Q. And when did the air tour frontline manager, when did that
12 position go away about?

13 A. I was in the position of the air tour frontline manager. So
14 at the time, we had one frontline manager retire and so because of
15 him retiring and the staffing load we had, it didn't justify
16 another frontline manager. So I took over the airworthiness unit.

17 Q. Okay. So with the air tour frontline manager going away, did
18 you assume the responsibilities of maintenance and air tour now?

19 A. It was just blended in with the ops and airworthiness. So
20 any of the air tour issues, if it was in operations, it was
21 assigned to an operations inspector. If it was an airworthiness
22 issue, as we determine it to be, then there was an airworthiness
23 inspector assigned.

24 Q. And so who's the current frontline manager for operations?

25 A. His name is Merritte Wilson.

1 Q. Okay. And throughout that period from 2009, do you recall
2 how many POIs are out there?

3 A. Gosh, I don't know. Let's see. From 2009, at least about
4 seven.

5 Q. Okay.

6 A. Seven POIs assigned to the Honolulu FSDO.

7 Q. And so the next question, I'm just going to have you
8 determine the ratio of POIs to how much activity there is in air
9 tour right now. So you had a reduction in POIs, but has there
10 been a reduction in the number of air tour operators and a
11 reduction in air tour operation hours? So has the POI trending
12 gone down but the air tour operations either been level or been
13 increasing or decreasing? So can you discuss that a little bit?

14 A. Yeah. As far as the inspectors, yes, we've lost some through
15 retirement and through transfers. As far as the air tours, it's
16 pretty much remained the same. As far as any type of reductions,
17 it all depends. It's very seasonal sometimes. With the
18 operators, as far as being manageable, currently we are managing
19 the workload with the staffing that we have.

20 Q. Okay. And are you right now supervising any ops inspectors?

21 A. No, not at this moment.

22 Q. Okay. Were you -- let's take it from January 1, 2010, and
23 previous to January 1, 2010. Were you supervising any operations
24 inspectors?

25 A. Yes, I have. I did supervise one ops inspector, and it was

1 because of not getting along with the operations frontline
2 manager. So the office manager decided to transfer that
3 individual to my unit.

4 Q. Oh, I see. Okay.

5 A. But generally speaking, it's separate. It's operations
6 inspectors with an ops frontline, airworthiness with a
7 frontline -- you know, airworthiness inspector with a frontline
8 manager -- airworthiness frontline manager.

9 Q. All right.

10 MR. TOMICICH: Mitch, this is Mark. I do just want to remind
11 everybody that personnel issues are privacy covered. We shouldn't
12 go into those. So we really haven't done that so to speak, but I
13 just want to remind everybody that we're not going to be talking
14 about personnel for other related issues.

15 MR. GALLO: Okay. Thank you.

16 MR. TOMICICH: Sure.

17 BY MR. GALLO:

18 Q. Mr. Kanayama, were you -- have you been involved in any
19 Honolulu FSDO sponsored safety seminars, meetings, with air tour
20 operators? So FSDO's hosting an air tour safety whatever you want
21 to call it. Did you participate in any of those?

22 A. At times I have, not regularly, but I have attended a couple
23 of the safety briefings that the operators did conduct.

24 Q. Okay. But is that an operator thing that -- were the
25 operators getting that together, or was it a FSDO sponsored -- was

1 it FSDO putting on that activity?

2 A. We did have a FSDO sponsored one, but as far as the
3 requirements for the air tour operators to conduct their own
4 safety briefing, it was done on their own.

5 Q. And you've attended some of those, right?

6 A. Yes, I've attended the -- and it's basically off hour where
7 it's a, you know, it's a sponsored FSDO operation safety meeting.
8 We haven't had one for a while now.

9 Q. And when was the last operator sponsored meeting that you
10 recall? And you can give an estimate.

11 A. I have no idea. Currently I'm not involved with the
12 operations inspectors. I'm not sure. They would actually know
13 which operators have conducted their safety briefings.

14 Q. All right. So wouldn't you attend because obviously these
15 operators have maintenance issues -- are doing maintenance on
16 their helicopters? So wouldn't they invite you also, you know,
17 because obviously maintenance is part of the whole thing?

18 A. You're correct, but they're generally for the operations
19 folks.

20 Q. I see.

21 A. If it did involve a maintenance issue, we would have been
22 made aware of it, but it's generally an operations safety
23 briefing.

24 Q. Do you recall the last time the Honolulu FSDO held a safety
25 meeting, a safety seminar or presentation for their air tour

1 operators?

2 A. I'm not sure.

3 Q. Do you recall anything like that happening before 2017?

4 A. Yes, it has.

5 Q. And how often was that held before 2017?

6 A. I believe that safety briefing is once a year.

7 Q. Okay. Have you had any or do you know of any maintenance
8 related issues with Safari helicopters prior to 2020?

9 A. No. As far as any safety risks, documentary type issues, no.

10 Q. Yes.

11 A. There's never been any.

12 Q. Okay. And let me go back again. You mentioned how many, how
13 many people are you supervising at this point?

14 A. Currently I'm supervising four airworthiness inspectors.

15 Q. Airworthy. And what's the workload like?

16 A. Very manageable. For the amount of operators we have
17 currently, right now, it's very manageable.

18 MR. GALLO: Okay. That's all the questions I have. I'll
19 pass it off to Bill Bramble.

20 BY MR. BRAMBLE:

21 Q. Hi, Darett. How's it going?

22 A. Very good. How are you?

23 Q. Good. Thanks. I have a few follow ups to Mitch's questions.
24 One second. Bear with me here. Did -- the once a year safety
25 briefings that you mentioned happened prior to 2017. Did that end

1 when the new FSDO manager took over?

2 A. No. It was the responsibility of the POI -- assigned POI to
3 oversee that. But as far as did the office manager halt that
4 briefing, no.

5 Q. Okay.

6 A. It was the responsibility of the POIs.

7 Q. Okay. So you were referring to the operators' in house,
8 annual meetings, not something organized by the FSDO.

9 A. Right. The FSDO would be the representative, but the POI
10 would be the responsible person.

11 Q. Okay. Were you the frontline manager for Joseph Monfort?

12 A. Yes, at one time.

13 Q. What was that period?

14 A. Let me see. It was around 2017 to 2018, somewhere around in
15 that time period.

16 Q. Okay.

17 A. I'm just guessing because he was going back and forth from
18 the operations to the airworthiness unit.

19 Q. Okay. Did you have any authority over approving
20 Mr. Monfort's travel to perform surveillance of Safari in the
21 second half of the calendar year 2019?

22 A. No, but I was aware of it.

23 Q. Okay. Did you deny him either verbally or some other way in
24 the system, deny him travel approval in any way in the second half
25 of 2019?

1 A. No.

2 Q. Okay. All right. As a frontline manager, when you were
3 overseeing -- did you oversee other ops inspectors or just
4 Mr. Monfort?

5 A. Just Mr. Monfort.

6 Q. Okay. But what kind of oversight did you provide over the
7 work plan that he developed for providing oversight?

8 A. Generally, the inspector is in charge of his own work
9 program. When it came to resources or approvals for travel, we
10 were made aware of it, and based on resources, we would approve it
11 and -- based on a justification as to why that (indiscernible)
12 needed resources, we would then approve it. But if it's something
13 that is, you know, good to do, good to know, you know, kind of a
14 boondoggle kind of thing, we would not approve it.

15 Q. Okay. And if an entry of RNA was put in the system
16 pertaining to a surveillance trip to another island, why would
17 that be in there?

18 A. Resources not available. Based on the documentation that the
19 inspector would identify, if it was a safety issue, whatever it
20 might be, yes, it would justify additional inspections. But if
21 there's nothing documented by the inspector, we would say no
22 resources available because there's nothing to justify, point out
23 to the operator just to visit. There's no reason for us to do
24 that other than if there's justification for the inspector to go
25 out and do additional inspections for identifying any type of

1 safety concerns he may have.

2 If it's not documented, we don't -- you know, we ask, can it
3 be done another day? You know, let's review it, let's look at it,
4 let's look at the risk. But we do an evaluation if the inspector
5 decides to do something based on his own -- you know, something
6 that he just wants to do kind of thing. So we always have to have
7 some type of justification for that particular travel.

8 Q. Okay. How often would you expect a POI to visit operators on
9 the Island of Kauai? If they have some 135 tour operators on
10 Kauai in their portfolio, how often would you expect them to show
11 up out there?

12 A. Probably maybe, based on our programs that we have, it's
13 called SAS, usually it's about 6 months -- once every 6 months,
14 depending on the criticality, to once a year. Or if it's a
15 critical item, it's every 3 months. So it's basically every --
16 once a quarter. But if the inspector goes out there and doesn't
17 find any safety issues, then he can plan to do it every 6 months,
18 once a year, depending on what kind of activity is going on and
19 what kind of activities are being reported to us.

20 Q. Okay. And when an inspector would return from one of those
21 trips -- I guess you only had the one, but -- I guess when Monfort
22 would return from one of those trips, would he brief you on what
23 he found?

24 MR. KANAYAMA: I know Mark mentioned about employee actions.
25 So I should go into that, Mark?

1 MR. TOMICICH: Well, Daret, the question is whether or not
2 the employee briefed you on his findings. I don't want you to go
3 into personnel related actions. That means any conduct,
4 discipline, those sorts of things which are private.

5 MR. KANAYAMA: Okay.

6 MR. TOMICICH: You know, the interaction you had with an
7 inspector on getting briefed or a report from his work activities
8 certainly is appropriate.

9 MR. KANAYAMA: Generally speaking, he would not disclose or
10 identify any issues he may have unless we were told by the
11 operator of what occurred.

12 BY MR. BRAMBLE:

13 Q. Okay. And I guess you didn't have any other inspector -- you
14 don't have any other experience than that as far as something to
15 compare it to then. What about with your PMIs? Do they
16 specifically brief you on their trip or --

17 A. Yeah. Oh, absolutely. I have a good relationship with our
18 PMIs. They generally notify me immediately if they have any
19 issues, if they've uncovered safety issues, if there's anything
20 that they need to spend the night, if they need to get overtime,
21 if they need additional help, they would always call. And so I
22 would help them coordinate any of those types of issues that they
23 may have.

24 Q. Okay.

25 A. Other than if it's not involving any safety issues, they

1 would not notify me and basically come back to the office and, you
2 know, we would have our general once a week meeting, and they
3 would discuss what occurred, and we'd go on from there.

4 Q. Okay. And are you sure you were FLM -- or frontline manager,
5 FLM, for Monfort in 2017/2018 and not 2019?

6 A. 2019, we had a -- I have to think back, and this is where
7 Mark mentioned about employee actions.

8 Q. Okay.

9 A. And there was one. So, yeah. This is more of an employee
10 thing that occurred, but at the time --

11 MR. TOMICICH: Wait, wait, wait. Let me stop you here. If
12 it's an employee conduct discipline issue, do not talk about it.

13 MR. KANAYAMA: Yes, yes.

14 MR. TOMICICH: The question was simply were you Mr. Monfort's
15 supervisor in 2019?

16 BY MR. BRAMBLE:

17 Q. Yeah, that's it. That's the question.

18 A. So that was basically last year. No, I was not.

19 Q. Okay. All right. Do you have any involvement --

20 A. I don't know how to answer this question. Mr. Monfort
21 transferred back and forth from the ops unit to the airworthiness
22 unit, and so that's what was occurring during that time last year.
23 And so towards the middle, or after about the second quarter,
24 somewhere in March of last year, he was assigned to the operations
25 unit.

1 Q. Okay. So that's when he was transitioned away from your
2 supervision under a different supervisor?

3 A. Yes. I can't recall but -- and like we (indiscernible) an
4 employee action that would be made, and I'm not going to discuss
5 it, but that's the reason why he moved back to the operations
6 unit.

7 Q. Okay.

8 A. I just wanted to clarify that.

9 MR. BRAMBLE: Okay. I'm going to pass for now and let the
10 next person have a chance. Thanks for your time. I appreciate
11 it.

12 MR. KANAYAMA: Anytime. You're welcome.

13 MR. GALLO: Brice, if you're on the line and available,
14 you're next.

15 MR. BANNING: Hi, Darett. Thanks for meeting with us.

16 MR. KANAYAMA: Oh, you're welcome.

17 MR. BANNING: I appreciate you taking the time. I don't have
18 any additional questions, so I will pass it off to Patrick. Thank
19 you.

20 MR. LUSCH: Hi, Darett. Good afternoon. My name is Patrick
21 Lusch. I'm an accident investigator with the FAA's headquarters
22 division in accident investigation, ABP-100. I have no further
23 questions, and I just wanted to thank you for your time and
24 cooperation with working with us on this investigation. I really
25 appreciate it.

1 MR. KANAYAMA: You're very welcome. Thank you.

2 MR. GALLO: Mitchell Gallo again. I have some additional
3 questions for you, Mr. Kanayama.

4 MR. KANAYAMA: Okay.

5 BY MR. GALLO:

6 Q. You discussed a little bit about how frequent an inspector
7 would go out to surveil an operator -- an air tour operator.
8 Would those -- are those maintenance inspectors or ops inspectors,
9 the numbers that you gave? You know, once every 6 months or every
10 -- whatever you discussed previously.

11 A. When it comes to the Part 91 operators, our work program
12 consists of how many times to conduct inspections. Since we were
13 having problems -- or not problems -- we had some issues with the
14 91 operators, we actually decided to do 100 percent surveillance
15 on the maintenance side on aircraft records and inspections.

16 Q. Okay. So --

17 A. According to the order, the order that talks about our work
18 programs, there was 10 percent of the surveillance that we were
19 required to conduct. Because of that, that's what we did, but we
20 chose, as an office, to do 100 percent.

21 Q. And that's on the maintenance side. Is that correct?

22 A. That's correct.

23 Q. Okay. And so that's for Part 91. What about for Part 135?
24 Is it more frequent then?

25 A. Yes, because of the work program I identified in SAS.

1 Q. Okay. So can you give an estimate for Part 91 maintenance
2 surveillance? How often would you want a maintenance inspector to
3 surveil an air tour operator?

4 A. Depending on the operator, of how they operate. Some,
5 they're very compliant. Others may have some issues based on some
6 incidents or accidents they may have had, so we do a little bit
7 more focus on them. We did have an operator here in Hawaii that
8 encountered some -- encountered an accident because the pilot had
9 a heart attack in flight. And so, based on that severity and that
10 type of accident and other issues that came up with that operator,
11 we decided to do more surveillance, and we actually pulled their
12 91 LOA from them. We revoked it. So they were operating a Part
13 135 which is a little bit more stringent than the 91 operation.

14 Q. Okay. And in your surveillance -- let's just stick to 135
15 operators -- air tour operators. When you do surveillance, do you
16 coordinate with the operations inspectors, and do both groups go
17 out and surveil at the same time, or are those separate
18 activities?

19 A. Usually it's separate activities, but based on the
20 inspectors, how they coordinate, they do it themselves. They will
21 coordinate with the ops side. The ops side will coordinate with
22 the maintenance guys. So it all depends on the inspector, who
23 they coordinate with. And basically they would then brief me as
24 far as what they're planning to do, but I don't go out and conduct
25 those type of activities with them.

1 Q. Sure. So you mentioned SAS, and I'm assuming that the PMIs
2 also use PTRS and maybe -- what other databases would they be
3 using to enter their report regarding surveillance?

4 A. It's all done through SAS.

5 Q. Okay. And so the answer, there are comments in SAS and --

6 A. Yes.

7 Q. -- is it customary for those comments to be edited by you or
8 any other supervisors or managers?

9 A. No.

10 Q. Do you know if that's ever been done?

11 A. Not that I know of. You know, I think we're in a management
12 position where we respect what the inspectors document, but if
13 there's no documentation by the inspector, I would tend to believe
14 that he did what he was supposed to do and document if there's any
15 safety issues with the operator. But if he did not document
16 anything in SAS, that's an indication that there has not been any
17 identified safety issues with that particular operator.

18 Q. Okay. And then I want to talk about budget. I mean, every
19 year the FSDO gets a budget -- calendar year budget, and do you
20 get evaluated on your performance by meeting the budget
21 specifically for travel or exceeding the budget? Is that part of
22 your performance, how you're evaluated?

23 A. No.

24 Q. Okay.

25 A. No. That's the first I've heard that.

1 Q. I have to ask. So --

2 A. Yeah, yeah, that's a legitimate question. It's not our -- my
3 performance is not based on budget or anything like that.

4 Q. Okay.

5 A. Yeah.

6 Q. And then the other -- the only other frontline manager there
7 is Merritte Wilson. Is that correct?

8 A. Yes.

9 Q. And can you give me an estimate of how long he's been there
10 at the FSDO?

11 A. He's been there about, I'd say close to 9 to 10 years.

12 Q. Okay. All right.

13 A. I remember him being hired back in -- I believe around in
14 2009, 2010.

15 Q. Okay.

16 A. That's an approximate. May I -- I want to go back to that
17 question about, you know, (indiscernible) or how we get
18 performances, like that.

19 Q. Okay.

20 MR. TOMICICH: Well, just a minute. When we get into
21 performance issues, OPM has declared that an area that is covered
22 by the Privacy Act. That was a question of whether it was driven
23 by budget, you know. I'm just trying to keep money -- because I
24 know it's not -- but, you know, we really shouldn't go into
25 performance or personnel issues. That's all covered under the

1 Privacy Act, and --

2 MR. GALLO: Okay.

3 MR. TOMICICH: -- and, you know, it's just proper. I'm
4 sorry.

5 MR. GALLO: All right.

6 MR. KANAYAMA: Yeah, I just wanted to make sure that was
7 clear.

8 MR. GALLO: Yeah, my concern was budget, and beyond that,
9 nothing else.

10 MR. KANAYAMA: Okay. You're talking about the office budget.

11 MR. TOMICICH: And, Daret, your answer was clear, so let's
12 go ahead and move on.

13 MR. KANAYAMA: Okay. Okay. Perfect. Thank you.

14 BY MR. GALLO:

15 Q. Have you had any dealings -- well, you probably have. Let me
16 rephrase it. What's your working relationship like with Safari
17 Helicopters? Are they approachable or defensive? What's your
18 experience? And what have you heard through other inspectors
19 about their experiences with Safari?

20 A. Well, from my experience as a frontline manager dealing with
21 Safari, I've dealt with the owner, Preston Myers. He's above
22 board, very professional. I've dealt with a couple of his pilots
23 just, you know, from the office standpoint. They appeared to be
24 very compliant, wanting to do the right thing, or if there's
25 anything that needs to be done, they go ahead and do it. But I

1 can say with any operator, if an inspector comes to them and makes
2 them do something that does not apply to their operation, they
3 will say something about it. So as far as Preston goes, the
4 operations at Safari, as far as I've been experienced and
5 knowledgeable about, has been always above board.

6 Q. Okay. All right. And this just leads to several more
7 questions. Did you know and did you talk to the accident pilot,
8 Mr. Paul Matero?

9 A. This is a few years back regarding their training program.

10 Q. And what did you discuss about the training program?

11 A. There were some revisions that needed to be made, and
12 Mr. Monfort worked with him to resolve any of those issues that
13 was identified. And they were able to agree with any of the
14 changes, and it was made.

15 Q. Okay. And then I don't know how much you would get involved
16 -- I think years ago there was a geographical surveillance unit,
17 and did you ever participate in those activities with the
18 geographical service unit?

19 A. As a geographic unit, we never really got involved with the
20 specific issues with the 135 operators. It would be more in line
21 with the operations unit, and operations inspector or supervisor,
22 Chico Cantu, who has retired since.

23 Q. And what was his name?

24 A. Chico Cantu.

25 Q. Do you know how to spell his last name?

1 A. C-a-n-t-u.

2 Q. Okay. And do you know if he's still on the island there?

3 A. You know, I have not heard from him for a while. It's been a
4 few years.

5 Q. And can you kind of give a rough estimate when you last heard
6 of the GSU, the geographical service unit, operating on Honolulu
7 or the islands there?

8 A. When we had that unit and it was dissolved back in -- oh,
9 gosh, maybe 5 to 6 years ago possibly.

10 Q. Okay.

11 A. We had a office manager who decided, based on the complexity,
12 there was no need to have the geographic unit, and so we just had
13 two units, airworthiness and operations.

14 Q. Okay. And who was that office manager?

15 A. Her name was KC Yanamura.

16 Q. Okay. And knowing nothing about how the geographical
17 service, you know, works -- or surveillance unit works, was it
18 comprised of local FSDO inspectors or inspectors from other FSDOs?

19 A. No, it was just local FSDO inspectors assigned to the geo
20 unit.

21 Q. I see. I think you mentioned this. That was disbanded
22 because of a reduction in complexity points, was your
23 understanding of the dissolution of the GSU?

24 A. Yeah, there was a number of things. Complexity, staffing,
25 you know, things like that.

1 MR. GALLO: All right. Well, that's all the questions I
2 have. Does anybody else have any questions?

3 MR. BRAMBLE: This is Bill. You might have asked this early
4 on, and I might not have caught it but, Darett, just to make sure
5 we have this point. Did you ever hear any safety concerns after
6 Safari Helicopters in 2019?

7 MR. KANAYAMA: No, never did.

8 MR. BRAMBLE: Okay. That's all I have. Thanks.

9 MR. GALLO: Brice, do you have any questions?

10 MR. BANNING: No. Thank you again, Darett. We appreciate
11 it.

12 MR. GALLO: Patrick?

13 MR. KANAYAMA: You're welcome. You're welcome.

14 MR. LUSCH: No questions from Patrick. Thank you.

15 BY MR. GALLO:

16 Q. All right. You know, actually I just thought of one more
17 question before we leave. On the maintenance end relating to
18 Safari -- well, let's expand it to any of the employees, but let's
19 start with the maintenance employee or employees that Safari had.
20 What was their turnover rate like for maintenance employees at
21 Safari?

22 A. Pretty stable, you know. You know, we have our usual
23 employees transferring. You know, we look at the complexities.
24 We do that annually, and we try to make it fair and equitable with
25 the inspectors that we have. And it's all based on complexity

1 point, so we try to manage that to be fair with everyone. And if
2 an inspector decides to transfer, you know, the complexity point
3 will be absorbed.

4 Q. Well, so what I meant was -- maybe I didn't make myself
5 clear. The Safari maintenance employees, not the FAA employees,
6 but was there a high turnover rate with Safari maintenance
7 personnel?

8 A. Not that I know of.

9 Q. Okay.

10 A. Not that I know of. If there was a high turnover with ops or
11 airworthiness, it would be documented.

12 Q. Okay.

13 A. And that's a requirement of the fine principles, to document
14 any type of safety issues or any -- that type of personnel
15 turnover rate with the operator, it would raise a red flag.

16 Q. Okay. All right. Well, that's all the questions and,
17 Mr. Kanayama, just to close things out, do you have anything else
18 that you'd like to talk about that we haven't covered or any
19 concerns that you'd like to share with us?

20 A. No, no, there's nothing that I can think of at the moment.

21 MR. GALLO: Okay. All right. I'm going to go off the
22 record, and thank you for your time.

23 (Whereupon, the interview was concluded.)

24

25

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: AIRBUS AS350 B2 HELICOPTER
 CRASH NEAR LIHUE, HAWAII
 DECEMBER 26, 2019
 Interview of Joseph Monfort

ACCIDENT NO.: ANC20MA010

PLACE: Via telephone

DATE: Thursday, May 14, 2020

was held according to the record, and that this is the original,
complete, true and accurate transcript which has been compared to
the recording accomplished at the hearing.



Karen D. Martini
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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AIRBUS AS350 B2 HELICOPTER
CRASH NEAR LIHUE, HAWAII
DECEMBER 26, 2019

Accident No.: ANC20MA010

* * * * *

Interview of: JOSEPH MONFORT, Principal Operations Inspector
Federal Aviation Administration

Via telephone

Thursday,
May 14, 2020

APPEARANCES:

MITCHELL GALLO, Air Safety Investigator
National Transportation Safety Board

WILLIAM BRAMBLE, Human Performance Investigator
National Transportation Safety Board

BRICE BANNING, Air Safety Investigator
National Transportation Safety Board

PATRICK LUSCH, Investigator in Charge
Federal Aviation Administration

PETER LOWEN, Representative
(On behalf of Mr. Monfort)

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I N T E R V I E W

(4:00 p.m.)

1
2
3 MR. GALLO: Okay, we're on the record here with Inspector
4 Joseph Monfort pertaining to accident investigation ANC20MA010.
5 Mr. Monfort, is Peter Lowen the representative that you choose to
6 have during this interview?

7 MR. MONFORT: Yes, sir, I do choose to have Peter Lowen as my
8 counsel.

9 MR. GALLO: Okay, thank you.

INTERVIEW OF JOSEPH MONFORT

10
11 BY MR. GALLO:

12 Q. Can you describe your aviation experience prior to coming to
13 the FAA? And then once -- and when you got hired at the FAA and
14 the positions you held since then.

15 A. My aviation experience started off in 1988 when I joined the
16 United States Army. I became an Army warrant officer in 1990. I
17 was a test pilot, maintenance test pilot examiner from 1993 to
18 2008. I served in multiple different units across the nation. I
19 have three combat tours, and I've served overseas four or five
20 times for an extensive period of time, normally in excess of a
21 year.

22 I came to the -- I got out of the service. I retired
23 honorably as a Chief Warrant Officer 4, and I flew Chinook
24 heavy-lift helicopters most of my career. In 2008, that summer I
25 started working for a 135 helicopter air ambulance, Evergreen

1 Helicopters, for approximately one year, and then in the following
2 year, in June of 2009, I hired off with the agency at the Honolulu
3 Flight Standards. I currently reside at the Honolulu Flight
4 Standards; I've been there continuously since 2009.

5 I have been in the principal operation of multiple 135 air
6 tours, operations, helicopters, airplanes. I have a lot of
7 oversight. I currently hold oversight of ten 135 certificates,
8 seven or eight 133 certificates, and a couple of 137 certificates,
9 one 141 pilot training school, which is the largest helicopter
10 training school here in the islands. And I've been, like I said,
11 in this position continuously since 2009. And that's about it;
12 that's where I'm at right now.

13 Q. Okay. And aside from the 131, 133, 137, 141, any
14 non-certificated operators in addition to that?

15 A. I don't know the number, but yes, I'm assigned to multiple 91
16 LOA holders that I don't have a certificate of oversight of. I've
17 just been assigned to them by my management. A lot of these
18 people have corporate jets to operate, but they don't -- they have
19 very limited FAA oversight.

20 Q. Okay. So with all those operators that you're currently
21 assigned to, what -- can you describe your workload during the
22 week in terms of hours, travel, time spent in the office doing
23 work plans, following up on complaints? Can you discuss that a
24 little bit?

25 A. Well, sir, right now, for the last few months, I've been

1 teleworking, so I've been catching up on a lot of the
2 administrative work here. Typically, what we have is we have our
3 work program -- we have FAAST that still determines our 135 work
4 program, and I typically do those in conjunction with normal
5 oversight of the company. When I do a check ride, I do the other
6 items associated with that deal.

7 I would probably say that, on average, I spend about 35 to 40
8 percent of my work on 135 certificates alone. The rest is divvied
9 up between, you know, counter duty, complaints, certified flight
10 instructor renewal, that kind of stuff. I have 153 different
11 assigned OTJ tasks from accident investigation to pilot
12 certification. Does that answer the question?

13 Q. Yeah. And so the next question is, because I don't know -- I
14 mean, I work with FAA inspectors on accident investigations, but I
15 still don't know all the jobs that you do and how you do them.
16 But with that summary, is that a lot?

17 A. It depends on how many people are in the office. If we have
18 a lot of people in the office, and they're only maintaining minor
19 certificates, it's not that bad. But once you start getting into,
20 like, commuter certificates, you know, international jet
21 operations, you know, multiple aircraft, multiple pilots, multiple
22 applicants, it gets much more busy. At times, you know, it's --
23 like during an accident investigation; obviously, the priority
24 goes to accident investigation. I've done more accident
25 investigations in the state of Hawaii in the last year than I have

1 in the previous 11 years, so the workload varies depending on, you
2 know, how many people, how many ops inspectors we have, you know,
3 what's going on at the time, that kind of stuff.

4 Q. Okay. And with those operators, I mean, how much are you
5 traveling per week for surveillance or outreach in those areas
6 such as that?

7 A. Well, my operators, typically I go out to them quarterly,
8 okay, I try to go out to a set of operators quarterly. That
9 doesn't mean I see every operator for -- you know, I see every
10 operator a minimum of one time a year where I'm onsite. A lot of
11 FAA business is done via the telephone and the internet, reviewing
12 manuals, that kind of stuff.

13 Q. So do you think. do you think with the time that you have,
14 are you being effective in doing your job?

15 A. That's kind of an open-ended question. I believe I'm meeting
16 the regulatory requirements to do my job, and my management is
17 aware, and they do the assignments of those jobs.

18 Q. Yeah, I mean --

19 A. I think I'm meeting that requirement.

20 Q. Yeah. So I guess for a better choice of words, I mean,
21 you're not falling behind or you're not -- is it just overwhelming
22 or it's not overwhelming? I mean, it's kind of, you know, how you
23 feel. There's no right answer on my end.

24 A. Okay. Well, right now, with 10 operators, I feel like it's
25 very easily met. I have some very decent operators at this point

1 in time that are not problematic. The more problematic or more
2 reluctant to follow guidance or regulatory issues is, depending on
3 the work, you know, creates the workload. Right now, I've got
4 some very compliant operators; I have about 10.

5 Q. Okay.

6 A. If you asked me a year ago during -- shoot, 2018 -- that
7 summer of 2018 to the beginning of 2019, I was a GS-14. I was
8 carrying 2,600 points; there was no way I could maintain that. A
9 lot of stuff fell off the plate. We had to, you know, we had to
10 put out the fires, the big fires that we had. But right now, with
11 COVID the last 2 months, there's not a lot of operations going on.
12 A lot of things that are being handled through Zoom technology
13 like we're doing right now. I consider it manageable right now.

14 Q. Okay. And I'm not discussing the time period with COVID
15 right now, but let's talk before COVID, that's kind of the time
16 frame I'm looking at. And in --

17 A. In the last year, let's just -- let's go from April 2019 to
18 today: I conducted four or five accident investigations. Those
19 take up a lot of time. You know, there's a lot of factors
20 involved with accident investigations, which are, thankfully, not
21 that -- they don't happen that often. At least they didn't. But
22 those take up a significant amount of time.

23 That's when you start getting -- you know, kind of having to
24 prioritize your work and figure out what can be done and what
25 can't be done, and then put it into a time complex of when you can

1 get to the next task and get them completed.

2 So, you know, there's only two ops inspectors in my office
3 right now. There's Gino Rezzonico, who holds 2,500 points; he's a
4 GS-14. I think his workload is significantly difficult to
5 maintain. I'm at about -- complexity points-wise, I'm at about
6 1,500, 1,600 points, and I think it's manageable. Okay, I've been
7 in aviation for 30 years, I've been an FAA inspector for 11, so my
8 ability to handle the workload compared to new hires is
9 significantly different. But right now, as of today, I think I'm
10 able to manage my current workload. If you add a bunch of work to
11 me or you have a bunch more accidents, then of course I would tell
12 you, at that point in time, it would be difficult to manage.

13 Q. Okay.

14 MR. LOWEN: I hate to interrupt. Joe, I think the question
15 was addressed to the last calendar year. Why don't you address
16 how things went before COVID, the last calendar year.

17 MR. MONFORT: Oh. Well, in April of 2019 I did two accident
18 investigations: one where a helicopter ran out of gas, and then
19 shortly thereafter, a Robinson R44 crashed and killed three
20 people. During the course of the investigation, multiple
21 violations were found on that operator, I mean, and a lot of it
22 was -- well, it was -- there were some issues with the management
23 of the Honolulu FSDO -- previous management with the certificate
24 holder, and that made it very difficult.

25 That workload was very, very high with Novictor Aviation.

1 They were reluctant to make changes, they were reluctant to fix
2 things and problems, and then it just -- that workload took up a
3 major part of my year dealing with Novictor Aviation, you know,
4 and then trying to do all my other duties around the island.

5 You know, right now I live on Oahu, so my operators are on
6 the Big Island of Hawaii and on the island of Kauai and then the
7 island here of Oahu. The Oahu ones are pretty -- are relatively
8 simple to get to; you just drive down the street. But getting to
9 the Big Island and Kauai requires travel via the airlines.

10 Q. So that's another question I asked regarding travel with some
11 of the other people we've talked to. I mean, how much, how much
12 time is spent on travel? And then your work week, I guess, is
13 based on 40 hours, like us, but are you putting in comp time or
14 overtime beyond that? And how much, how much do you spend a week
15 in hours working?

16 A. Well, I spend -- I do an 80-hour pay period every 2 weeks. I
17 do all 40 hours working. I mean, I can go back and look at my
18 time sheet to tell you what I did every single day for those, you
19 know, the last 12 months, or actually the last probably 11 years,
20 if you'd like.

21 But as far as travel goes, I'm an FAA inspector that's
22 qualified in four different types of aircraft. I maintain
23 currency in turbo prop; I maintain currency in single engine; I
24 maintain currency in twin engines, reciprocating and rotorcraft,
25 okay. Every quarter, every three months, I'm required to go to

1 AFW Dallas-Ft. Worth, Texas, to maintain aircraft currency. So I
2 travel offline for a week to 2-week period every 90 days. I spend
3 a significant amount of time in the mainland maintaining training
4 and maintaining FAA requirements, required training.

5 The other island training travel I do is typically day trips.
6 I'll go over there and do an observation, do a base inspection or
7 whatever I have to do with the operator, and then I typically come
8 back. I don't normally have to spend the night over there.

9 Q. So in your surveillance trips going to the other islands, and
10 you'll have to talk me through how that planning works, but say
11 you want to go surveil an operator. Have you been denied because
12 of funds, that we don't have the money for you to go to, to see
13 this operator, and has that ever happened?

14 A. Yes, it has. Yes, it has. In November of this last year,
15 right before the accident of Safari, I'd actually asked to go over
16 and do surveillance of Safari Helicopters and was denied the
17 monetary requirements through the E2 system to do that.

18 Q. All right. And I think this kind of goes to my next line of
19 questioning, is how you develop your work plans. I think you're
20 using SAS, so --

21 A. Affirmative.

22 Q. So how does SAS work? How does it work, and what are the
23 input variables that you are using to make up this plan to go
24 surveil one operator or other operators? I guess you'd use one
25 work plan per operator. I don't know.

1 A. What happens, when I get assigned an operator, okay, such as
2 Safari, I look at the previous inspector's inspections, and I
3 realize -- I try to figure out when I can do all the inspections
4 at one time with that operator, okay. I set up my work plan, and
5 I divvy up -- let's say I have 10 operators, and they have four or
6 five DCTs, data collection tools, requirements per operator. What
7 I do is I equally space them throughout the year so I only have,
8 you know, about 25 percent per quarter that I do. Does that make
9 sense?

10 Q. Yes.

11 A. Okay. So I will do Big Island Air at one point in time, then
12 I will do Island Helicopters at another time, Jack Harter
13 Helicopters another time. And what I do is I group all the DCTs
14 for that one operator at one time so that I can do a thorough
15 inspection. And then, with most of my operators, they're low to
16 medium safety risks, so they're not high; they're only required to
17 be observed once a year.

18 Q. Okay. And where does a low -- how is a low and medium safety
19 risk, how does that come about? What's the basis of those --

20 A. That is generated, that is generated in the SAS system by the
21 inputs of the originating inspector. Okay, so if the inspector
22 has a -- let's say a single pilot and command-type operator, you
23 know, an individual that owns a helicopter and has a 135
24 certificate, we enter all the specifics associated with that
25 company. The SAS focuses that information based on the input that

1 we do and out comes the required DCT. Now, that's just the
2 required stuff. If they make any changes throughout the year, say
3 they add an aircraft, change a pilot or whatever, then we do
4 custom DCTs, and we create those as they come to us.

5 Q. And in the SAS system, I mean, I assume it's not fixed; it
6 could be dynamic throughout the course of a year as the variables
7 could change. Would SAS then flag you -- put a flag up, say hey,
8 you need to look at this operator because some of these variables
9 have changed?

10 A. That's correct, sir. The SAS has two inputs, one from the
11 national means. If the national FAA decides to put a new
12 requirement based on the information we've uploaded, it could
13 create a DCT that way, from what I understand. And then there's
14 also the -- what we call our CHAT, which is our certificate holder
15 assessment tool. If we find that there's a few more things that
16 are happening, i.e., like a high turnover rate, maybe an accident,
17 whatever, we have the ability to modify the assessment and change
18 them from medium-low to high or to a more frequent review.

19 Q. And then, again, I'm not familiar with SAS, so -- but you use
20 it, and that's why I'm asking these questions. And you mentioned
21 something, there's national-level input. Is there statistical
22 information that goes in, for example, the accident rate of air
23 tour is two times -- well, two fail accidents per hundred thousand
24 hours. Is that information being inputted into SAS, do you know?

25 A. I'm sorry, I don't know who creates or how they create those

1 SAS inputs.

2 Q. Okay.

3 A. I'm just going based on the training that I've received over
4 the years. I don't know what their -- you know, that's way above
5 me. I believe that you'd have to make that question to AVP-800 or
6 ABS-800.

7 Q. Okay, great. And so let's go to Safari and SAS. Was SAS
8 generating any flags or change in risk level prior to the Safari
9 helicopter accident in Hawaii?

10 A. No, as far as I knew, they had just four or five items. To
11 my knowledge, over the last 11 years, they've never had an
12 accident at Safari Helicopters, to my knowledge.

13 Q. Right. But was --

14 A. There was no lead up to it.

15 Q. So SAS was not indicating anything that would prompt you to
16 add additional surveillance?

17 A. No, sir. They look just like all the other operators I have.

18 Q. Okay.

19 A. That I have oversight of. I'm sorry, I don't have any
20 operators; I have oversight of them.

21 Q. Okay. I have a question regarding Part 91 air tour versus
22 operation -- air tour operation conducted under 135, and it's kind
23 of an opinion. If I were an operator, I could choose Part 91
24 because I would have reduced surveillance, I wouldn't have the
25 mandatory training and whatnot. Why are operators going to 135?

1 I noticed a mileage distance requirement for air tours, but it
2 seems, from a business standpoint, there would be less
3 requirements for me to operate under Part 91, but yet you have
4 operators operating under 135. Can you talk about that a little
5 bit?

6 A. Yes, sir, I can. I have oversight of a Part 91 air tour
7 operator. They are on the same island, Mauna Loa Helicopters,
8 which is a DBA for Hawaii Pacific Aviation. They operate R44s.
9 The 91 LOA is they request an issuance, they get some operation
10 specifications just like a 135 company.

11 But you are correct, they don't have to meet a lot of the
12 requirements as a 135 regulated operator, i.e., they don't have to
13 have a training program, they don't have to have training program
14 manuals, general operations manuals, that kind of stuff. They
15 just have to have an anti-drug program, and if they do air tours
16 below 1,500 feet, they have to comply with Bravo 548, which is an
17 operation specification that tells them that they have to train to
18 air tour standards of the Hawaii Air Tour Common Procedures
19 Manual.

20 Q. Okay. And then, to be listed as a non-certificated operator
21 where you conduct 91 surveillance, I take it, is that voluntary?
22 I mean, do you go up to an operator and ask if you could surveil
23 them, or is there some requirement that you have to surveil a Part
24 91 operator?

25 A. A 91 LOA holder that has ops specs and everything, such as

1 Mauna Loa Helicopters, the one I have familiarity with, they have
2 the requirement if they operate below 1,500 feet. And, of course,
3 with Bravo 48, they have to be inspected for a route check, that
4 they understand how to do the air tour in accordance with the
5 Hawaii Air Tour Common Procedures Manual. If they choose to not
6 operate below 1,500 feet, then of course, you're correct; there is
7 very little to no operations inspector's oversight of that, of
8 that agency.

9 Q. Okay. So the 1,500 feet, like in this example, dictates
10 whether they have to receive FAA oversight or they don't receive
11 FAA oversight, is that correct? From my understanding.

12 A. That's correct. In accordance with Federal Aviation
13 Regulation 136, for air tours in the state of Hawaii, if you
14 operate below 1,500 feet, you have to have one of the ops specs.
15 For a 135 company, it's Bravo 48. If it's for a 91 LOA, it's
16 Bravo 548.

17 Q. Okay. And then that's another area you just brought up, the
18 Hawaii Air Tour Manual, and I understand it first came about in
19 about 1999. There haven't been any updates since. Do you know
20 anything about the work -- any work that's pending on the updates,
21 because I thought -- I heard, from talking to other people, that
22 it was being worked on but --

23 A. I'm very aware of that. That manual has been under review
24 since I've been in the office, since 2008. The group that's
25 leading that is a young lady named Monica Buenrostro, works at

1 FAA, I think AFS -- they changed so many things, I think it's
2 AFS-200. But her name is Monica Buenrostro. If you need me to
3 spell it for you, I can.

4 She's been working on it with the local community for years,
5 and the problem with that is that Hawaii Air Tours Common
6 Procedure Manual is a policy -- an FAA policy. We normally don't
7 regulate people with policy, but we have, and we've attached it to
8 an ops spec. So any violation of the Hawaii Air Tours Common
9 Procedure Manual, or any lack of complying with it, refers you
10 back to those two ops specs that I just mentioned to you.

11 Q. Okay. And the genesis of that manual, we've heard it was --
12 well, unlike an advisory circular where there's a preamble or
13 there's background for the rationale for its issuance, your
14 understanding is -- what was the reason why the Hawaii Air Tour
15 Manual was -- came about?

16 A. Again, you're kind of asking an opinion. I wasn't part of
17 the --

18 Q. Yeah.

19 A. -- creation of that manual.

20 Q. Okay.

21 A. That kind of came in before my tenure with the FAA.

22 Q. Okay.

23 A. Do you want my opinion?

24 Q. Sure.

25 A. I believe that was, from my limited understanding, it was

1 created from an SFAR for the air tour, and it was later finally
2 approved by the FAA to get rid of the SFAR requirements properly
3 in the state of Hawaii and then to have everybody solidified under
4 one program, one procedure -- procedural document and then
5 increase -- in an effort to increase safety. Because I understand
6 before, before the initiation of this document, the accident tour
7 rate in Hawaii was significantly higher. That's my limited
8 understanding of why that came about.

9 Q. Okay. In that manual -- and I want to talk about unique
10 weather on the islands there and also IFR training and checking.
11 But in that manual it says minimum visibility is 3 miles.

12 A. Correct.

13 Q. Is that a practical visibility considering the unique weather
14 that's coming in? Would 5 miles even be a practical weather
15 limitation considering the type of weather out there? Would the
16 operators still be able to function at 5 miles?

17 A. Well, Hawaii is a very unique area, okay? There are 13 known
18 climates on the earth; 11 of them exist in Hawaii alone, the
19 islands. The island of Kauai, per se, let's just give that as an
20 example. One side of the island is the driest place on the earth
21 and has less than a half inch of rain. On the opposite side of
22 the island, there is up to 400 inches of rain annually. So saying
23 that 3 miles doesn't work is difficult because, again, the weather
24 patterns move along with the trade winds here in Hawaii.

25 If you see that you can go one way and maintain that 3 miles

1 of visibility traveling at 90 knots, I believe that it's safe to
2 say that you can avoid 99 percent of the stuff out there,
3 especially if you're at 500 feet AGL with a thousand foot ceiling
4 and 3 miles of visibility, okay? That manual, the Hawaii Air Tour
5 Manual, if you've read the (indiscernible), you're supposed to
6 stay 300 feet off raw terrain when you go into these site-specific
7 areas. I mean, there are some safety precautions in there that
8 should seek 99 percent -- well, yeah, a hundred percent if you --
9 you know, safe from hitting anything if you follow the Hawaii Air
10 Tour Common Procedures Manual.

11 Q. Okay. And I have more questions.

12 A. Go ahead.

13 Q. Yeah. The --

14 A. The things I test annually as a POI and an ops inspector, I
15 test with every pilot I give a check ride to.

16 Q. Well, let's talk about that area, and then we could come back
17 about IFR training and IFR checking that you do. I understand
18 that your checks are done -- or all FAA inspector operational
19 checks are done in visual conditions, and you see it on the forms
20 on the 135 initial and recurrent checks. Do you think that the
21 time spent for instrument training, Part 135 air tour, is
22 sufficient? And the same thing with the checks, I mean, should
23 there be additional checks related to, you know, IFR flight? And
24 it's --

25 A. Again, you're kind of asking for an opinion. In the course

1 of the 135 293-A, the oral, you know, we do our oral evaluations
2 based off those items underneath the regulatory requirements. And
3 then we do the testing -- the knowledge/skill test in the 135
4 293-D, and it requires you to do unusual attitude recovery and an
5 IFR for the equipment installed in the aircraft.

6 Now, most helicopters in the world are not instrument
7 qualified; they are not an aircraft that has, you know, an
8 autopilot, has all the systems set up that meets the regulatory
9 requirements to be IFR certified. So when you ask me if they
10 should do more IFR training, I'm an Army aviator; I was trained
11 and I'm an instrument-rated airline transport pilot, helicopter
12 flying. I have significant IFR experience in helicopters. The
13 helicopters that are doing air tours, they're not required to be
14 IFR rated. It's not something that's even capable. Most
15 helicopters are not capable of sustained IFR flight with a single
16 pilot, non-auto piloted aircraft.

17 So should the training be more? I think it should be
18 training specific to the individual, like the individual meets the
19 standards of the unusual attitude recovery and the IFR let-down or
20 the -- an IFR-based approach based on what's equipped in the
21 aircraft, I think they meet the regulatory requirement and they're
22 safe. Now, if a guy needs more training, that's up to the
23 instructor/pilot and check airman that give him the observation.

24 Q. Okay. So --

25 MR. LOWEN: But, Joe, isn't the problem more inadvertent

1 flight into IMC?

2 MR. MONFORT: That's correct. Most people -- I don't think
3 most helicopter pilots, myself included, would never intentionally
4 enter IMC with a helicopter. Once it becomes inadvertent, it is
5 an actual, full, hands-on emergency, and it's very difficult in a
6 helicopter to do.

7 MR. GALLO: All right.

8 MR. LOWEN: So isn't avoidance, isn't avoidance something
9 where training should be perhaps emphasized?

10 MR. MONFORT: Avoidance is where it should be, yes. Yes,
11 definitely. No, there's no question about it. You should avoid
12 it like the plague.

13 BY MR. GALLO:

14 Q. So I have another follow-up question to that. Have you ever
15 heard or experienced during a maneuver -- let's say you get
16 trapped in IMC conditions, you're not instrument rated or you
17 don't have an instrument-rated helicopter -- hovering next to some
18 fixed object as a reference and waiting for the weather to clear?

19 A. You know, I have heard that, and when you're doing a 135
20 non-air tour, you can go down to half-mile visibility in a lot of
21 these places and just clear, clear your craft, okay. So you will
22 see that some of the -- you know, if you look at the regulatory
23 requirements, then yes, you could technically hover next to a tree
24 and wait for it to clear.

25 I personally would recommend you land. That's one of the

1 unique abilities of a helicopter. If you think that you have
2 encountered a weather situation where you can't see far enough to
3 fly to, then slow down and land. That's been, that's been my
4 training, you know, in the military for years.

5 But, you know, once you encounter inadvertent IMC, you know
6 -- I mean, you can see that the best choice of things to commit,
7 get into the clouds, move away from known terrain, and fly like --
8 in this case, you know, Safari had a plan. They have a program in
9 the back of their general operations manual what to do for that,
10 all the specifics. If you accidentally encounter IMC, you know,
11 level the wings, turn to avoid known obstacles, and then add power
12 to the climb, you know. It's difficult to do, but they should be
13 trained to that.

14 And that's what we evaluate as an inspector. We do unusual
15 attitude recoveries, you know, in case you all of a sudden get
16 mixed up. And we do IFR let-downs to make sure that, once they've
17 recovered from an unusual attitude, that they can safely get back
18 to where they need to be. That's part of our annual observation
19 in accordance with 135 293-B.

20 Q. All right. Going back to weather, I just remembered -- and I
21 don't know if you can answer this, because I don't know how often
22 you fly on the islands. But how accurate are the morning
23 forecasts versus what actually occurs later on? And let's use
24 Kauai for an example just to be more specific. Would you know?
25 Can you talk about that?

1 A. I don't fly a lot on Kauai but -- you know, except when I do
2 the check rides, and I've been -- but I am an active member in the
3 Civil Air Corps. I fly fixed wing and helicopters around the
4 island. Normally, you can see it coming, you know, unless you go
5 into a blind alley or something like that and it floods in behind
6 you.

7 As you come around the corner on the Na Pali coastline of the
8 big -- of Kauai, you can typically see the clouds there, you know,
9 where it's at and what it's doing. And unless something
10 drastically changes, I would say that the weather reports are
11 pretty accurate with base technology, with ADS-B coming in and
12 being able to receive weather information. I use an iPhone with
13 (indiscernible). I'm able to see the weather that's approximately
14 4 or 5 minutes old, but it's still pretty accurate.

15 Q. I guess some of the operators -- let's talk about safety
16 management system with the operators, and this may be a little bit
17 of opinion. Do you see the safety management system that -- and I
18 don't know if you have experience with this, but do you think SMS
19 systems that air tour operators have, do you think they're
20 effective in promoting safety?

21 A. That's really dependent on the operator, okay. I have been
22 trained in the SMS, I like the SMS, but the SMS only works with a
23 safety-based culture. If the operator is safety based and they
24 want to ensure safety, then yeah, the SMS is extremely effective.
25 If the operator's getting into SMS to get out of trouble or put it

1 on the shelf so they sell tickets to a customer, then I would say
2 no, it's not very effective. But if the SMS is followed with its
3 true intent with an operator that desires to do safe flying, then
4 yes, I think the SMS really works well.

5 Q. Okay. I'd like to discuss a little bit about surveillance,
6 how you conduct surveillance, what tools you would use. And some
7 of the things that were told to us was that, at one time, there
8 was a geographical surveillance unit that was in place but is no
9 longer, there's the ghost rider program, you also have the public
10 calling in with complaints. Can you talk about those, if you use
11 those tools and how you conduct your surveillance?

12 A. Well, back in -- when I joined the agency in 2009, there was
13 a geographical unit. We had a geographical, we had an air tour,
14 and we had an airworthiness. The geographical was just to go out
15 to the site and do, you know, site spot surveillance. They would
16 hike in to the site-specific areas, these waterfalls or whatever,
17 and they would just observe what was going on, and people knew
18 that we were out there.

19 But as people have moved on, and the geographical was closed
20 down, we don't have a lot of time out in the field just looking
21 for this stuff. I, personally, what I do is, when I do a check
22 ride with the individuals, I ask them to take me to site-specific
23 areas, you know, during the check ride. Not only am I observing
24 the pilot, I'm observing the other operators as they go into and
25 out of those areas. If I notice any discrepancies, I then discuss

1 it with those operators personally. Most of them are pretty
2 respondent when they know that the FAA is watching them.

3 Q. So, in your surveillance, have you had to address with any of
4 the operators flight into marginal conditions or IMC conditions?
5 And then the follow-up to that, where I'm going with it is, if so,
6 did the pilots or the operators tell you why they did it?

7 A. You know, to be honest with you, most of the guys that I had
8 is not they've been low, it's just they're getting close. Okay,
9 so I had a couple of conversations, hey, that was -- you're
10 getting pretty close, you know, in these areas. You need to be
11 careful; you need to, you know, reassess yourself. And most of
12 them have been very compliant with me.

13 A lot of them are based on perception. These guys are flying
14 18,000 hours on one island; that's 18,000 flights over their
15 career, okay. So a lot of them, you know, they recognize every
16 rock, tree, stump, everything as they're flying around. If any of
17 those operators are getting close, it's mainly because I just need
18 to reset their perspective. Hey, guys, you need to maintain 500
19 feet below clouds; you need to maintain a thousand feet, you know,
20 of ceiling; you need to have 3 miles of visibility. What did you
21 think?

22 Well, you know -- and a lot of them are going to say, based
23 on their perspective, they thought they had it, okay. And again,
24 I'm flying in an aircraft that's, you know, 2 miles away or
25 whatever, trying to give them my perspective of what I saw. And

1 so we just kind of agree that maybe they should increase their
2 visibility a little bit, increase their margins -- you know,
3 safety margins a little bit. And again, that requires people in
4 the field, you know. So like I told you, there's only two ops
5 inspectors in the entire state, and we have the largest
6 geographical expanse in the entire United States. We cover
7 Tinian, Guam, Saipan, all that kind of stuff, so we can't be
8 everywhere all the time.

9 Q. Yeah, and --

10 A. Question, sir?

11 Q. And so what I'm trying to discern here with these pilots that
12 go into marginal conditions, I mean, they -- I guess they didn't
13 tell you why they did it, but it sounds like -- this is another
14 opinion, your opinion, it sounds like they've accumulated so much
15 flight time that they're just -- they're getting comfortable.
16 There's a drift, so to speak, to like, you know, increase the
17 confidence in flying those kind of conditions.

18 A. That's purely my opinion.

19 Q. Okay.

20 A. I don't have empirical data to say that's what's happened.

21 Q. Yeah, because I was wondering, they may have -- you know, you
22 may have approached somebody and they say, well, yeah, I kind of
23 felt comfortable with doing that, or the weather overwhelmed me.
24 So I was trying to see if anybody gave you a reason why they did
25 it, so I guess they didn't.

1 A. I actually ask that question during my check ride. You know,
2 I said, hey, look, you're -- and I put them into scenarios when I
3 do a check ride, and I talk to them about this. You know, what if
4 you come around a corner, and the weather drops down to, let's
5 say, 500 (indiscernible); what do you do, you know? And if they
6 mention anything to me about, you know, going low or just go
7 underneath it, I reset them. I either fail them for an incorrect
8 answer -- because the Hawaii Air Tour Flight Common Procedure
9 Manual tells you that, if you have to divert or go left in the
10 weather, you don't resume the tour; the tour is over.

11 And in this case, Safari even says that, if they go below the
12 weather, they then focus completely on flying, and they return
13 home. Under Part 135, they no longer -- you know, they don't
14 resume their air tour as soon as the weather gets better.

15 Q. So how often, when you're doing these check rides and you
16 give that scenario, what would you do, would you go under or would
17 you turn back to base, qualitatively how often would they give the
18 wrong answer?

19 A. I've only had two people give that answer. And then, once
20 people realize that that's the answer that I'm looking for, they
21 never tell me they do that. So they realize they may be in
22 violation of regulation if they do that.

23 Q. So we talked a little bit about surveillance and maybe, I
24 guess, enforcement and the geographical surveillance unit. Have
25 you or do you know if the FSDO has been working with industry

1 groups or operators by inviting them in to the FSDO, having safety
2 seminars, is anything like that being conducted?

3 A. Well, when I first joined, we used to have what I called --
4 for lack of a better name, we had what we called a traveling road
5 show. When we had the three separate units, we, the ops/air tour
6 portion, would go between the islands and conduct an annual safety
7 meeting with all the operators. Due to funding and lack of
8 personnel, that has slowly been dropped, and we're expecting the
9 operators, in accordance with the Hawaii Air Tour Common
10 Procedures Manual, to conduct their own annual 136 air tour safety
11 meeting.

12 So are we doing that? Not right now. But I am actually,
13 since you mentioned this, I'm talking to my manager, and I'm
14 saying, hey, you know, based on this Zoom technology, maybe we can
15 reinstitute that, and maybe we can start with, you know, the ops
16 inspector, myself, getting 10 or 15 of our operators online and
17 doing -- conducting the annual safety. So that is something that
18 the management of Honolulu Flight Standards is looking at right
19 now.

20 Q. Okay. And how much, if any, interaction have you had or FSDO
21 has had with the Hawaii Air Tour Association, if they even exist.
22 I don't know how active they are, so that's why I'm asking you.

23 A. Well, HAI was working directly with Monica Buenrostro to
24 revamp the Hawaii Air Tour Common Procedures Manual. For some
25 reason unknown to me, I was working with them constantly, but the

1 management of my office, Honolulu FSDO, Ms. Chitwood has assumed
2 responsibility for that and is dealing directly with
3 Ms. Buenrostro. Me and Mr. Rezzonico are no longer part of those
4 meetings, as far as I know.

5 Q. Okay. Going back to safety meetings, did you think they were
6 effective?

7 A. You know, the more presence the FAA has out there, the more
8 realization they have that we're watching. Yes, I do believe they
9 were effective.

10 Q. In air tour operations, what is the predominant chatter out
11 there as far as needing to address hazards? Is it weather, is it
12 maintenance, is it -- is there anything out there that's commonly
13 talked about as far as the air tour hazard that everybody's trying
14 to address or be cognizant of?

15 A. You know, they're trying to change it and, you know,
16 (indiscernible). When we had the volcano going on the Big Island,
17 it was congested at the volcanic areas, okay. I would say the
18 majority of the issues are congestion at the site-specific areas,
19 you know, a lot of operators trying to operate in the -- in one
20 common environment to see that site. I would say that was
21 probably the highest risk.

22 But with good communication skills and a good plan, if they
23 follow the Hawaii Air Tour Common Procedure Manual, they talk
24 about entrance, exits, communication. As long as they follow
25 those policies and procedures, we're good to go. Unfortunately, I

1 haven't had the opportunity to go out to them in a while.

2 Q. And you mentioned the effectiveness of the Hawaii Air Tour
3 Manual, and it hasn't been revised since 1999. Do you have any
4 suggestions to improve that manual?

5 A. You know, I do have a lot of suggestions on it. One of the
6 main things is a lot of information has been superseded or is
7 incorrect, specifically when it comes to, like, naming areas. And
8 some of the site-specific areas, the safety areas, need to be
9 revamped and looked at a little bit better so we can give the
10 operators a little bit better choice of where to land and how to
11 do these things.

12 MR. BRAMBLE: Again, this is Bill Bramble. I believe you
13 said 1989?

14 MR. MONFORT: No.

15 MR. GALLO: 1999, I think. 1999.

16 MR. MONFORT: 1999. So we're looking at 21 years ago, you
17 know, so things change. Things get overgrown, things get cut
18 down. Yeah, so I believe there is a lot of room for revamping it,
19 but again, that's a question you need to address the AFS
20 individual, Ms. Monica Buenrostro, how she's addressing that.

21 BY MR. GALLO:

22 Q. Okay. In your conduct of surveillance -- and I'm using
23 surveillance as your activity going out there and interfacing with
24 everybody, not from a punitive approach, but do you ever -- have
25 you ever asked operators to see the external videos on certain

1 flights because, for whatever reason, you had suspicion of a
2 certain flight doing something unsafe?

3 A. You know, I haven't had anything like that in years. I
4 haven't done any complaints or pilot deviations. I know that,
5 that exists, and I know that some of the other inspectors may
6 have, but I don't have anything that I can recollect off the top
7 of my head right now. I mean, I can go back and look at some of
8 the pilot deviations that I've reviewed.

9 But normally, if we do have a pilot deviation, it shows that
10 the guy was flying low or a complaint that shows that he was in
11 weather. What we typically do is we get radar information, we get
12 weather data, and then in the process of, you know, communicating
13 the pilot deviation, we ask them what's going on here, where's the
14 -- what's this weather, what happened here, you know. And if we
15 do find a violation, unfortunately, and we feel it was intentional
16 and willful, then we follow the compliance guidance that the FAA
17 puts out for enforcement and compliance.

18 Q. Okay. There was a discussion about installing weather
19 cameras with entities we talked to. Do you think that would
20 provide a benefit, putting webcams around the island to see
21 weather coming in?

22 A. You know, that's one of the things that the Hawaii Air Tour
23 Common Procedures Manual, that never really materialized. Would
24 it help? Quite possibly, it could. I mean, if you're -- I'll
25 give you an example.

1 I used to do air tours; I worked for Blue Hawaiian before I
2 joined the Agency. If I could see, you know, 50 miles away on the
3 back side of Molokai what was going on at a site-specific
4 (indiscernible), I would definitely change my idea of where to go
5 and where not to go. You know, instead of giving myself only
6 about 3 to 5 miles notification, I'd get a 50-mile notification
7 or, you know, a 60-mile notification while I'm sitting in the
8 safety of my base operation.

9 So yes, I do believe that could increase but, I mean, there's
10 other abilities out there, you know, maybe increased radar systems
11 that have, you know, the ability to see clouds and rain, you know.
12 We have ADS-B; we have all that kind of stuff. It's just an
13 integration of technology as it comes about.

14 Q. Okay.

15 A. I think it was called Q-based weather, is what it was
16 referred to in the Hawaii Air Tour Common Procedures Manual.

17 Q. Since you're the POI for Safari, I take it you flew with the
18 accident pilot, Mr. Paul Matero and --

19 A. Actually, according to the records, I've never flown with
20 Mr. Matero.

21 Q. Oh, you never have? Okay. All right.

22 A. No, Mr. Matero's last check flight was conducted by a
23 national resource inspector --

24 Q. Okay.

25 A. -- who came in July of 2019.

1 Q. Okay.

2 A. His name was Mr. Bruce Cummings.

3 Q. How receptive were the air tour operators to you when you
4 came to them with safety related suggestions?

5 A. You know, most of my operators are very responsive to safety
6 related. I would say 99 percent of them are totally responsive to
7 fixing it, and they're actually aggressive fixing it. It's those
8 reluctant operators that have been approved by another inspector
9 at another time who didn't follow the guidance, and so they're
10 under the impression they don't have to fix those things.

11 And, you know, when an operator has, you know, a direct line
12 to a FSDO manager or a frontline manager, they circumvent the
13 safety notifications by the principal operations inspector, and it
14 makes it very, very difficult. But, you know, that's just the way
15 it is; it's the individual operators.

16 Q. Okay. I would take it, just like any other FSDO, there would
17 be complaints about operators coming in either through the 1-800
18 FAA hotline or directly by the public and maybe even passengers of
19 air tour. Can you categorize what was, like, what was the subject
20 of the majority of the complaints that would come in, if you know,
21 or that you had to address?

22 A. Most complaints that we receive concerning operators is noise
23 based, 99 percent of them that come in. And what happens is, is
24 that an individual is under a path of a helicopter, is inundated
25 with noise, and their perception of altitude might be a little

1 skewed. I would honestly say that 99 percent of all complaints
2 that I've had to inspect or investigate came down to noise.

3 When I run the radar track, the pilots were well within their
4 altitudes -- respective altitudes during the tour. I can't
5 remember the last time I found anybody that was actually violating
6 the Hawaii Air Tour Common Procedures Manual or regulations. You
7 know, most of them, like I said, are noise.

8 Q. Did you ever get any complaints by air tour passengers of,
9 for lack of a better term, scary flights? Reckless flying? If
10 you remember.

11 A. You know, I haven't had -- I can't remember. I know I've had
12 one or two, I don't have the specifics right off the top of my
13 head, but -- and I'm sorry, I don't have the specific information
14 right now, sir. I haven't had any in the last year or two, you
15 know, for that one. Not that I can recollect.

16 Q. Okay. All right. And then coming to -- going to your
17 post-surveillance activities, when you come back to FSDO, what
18 databases or database are you using to enter your findings? And
19 then, once you enter those findings, are they edited at all, or
20 are they just what you put down is what you put down?

21 A. I have noticed in the database that I did for an accident
22 aircraft back in April, November 808 Novictor fatal accident, I
23 noticed that I did the investigation, I inputted the input to
24 PTRS, and some of the management in Honolulu FSDO attempted to
25 doctor that information. But I disagreed with them and would not

1 put my signature to it.

2 Q. And then this goes -- and this is for my edification. Do you
3 always put comments in when you come back, or are there times that
4 you wouldn't put comments into PTRS or any other --

5 A. Okay. So the primary 135 surveillance is done through SAS,
6 okay, and if there is an item that shows up, then yes, there's --
7 you know, it doesn't meet the standard, and then it'll go down
8 according to the -- you know, what was found. And those will come
9 through investigations, and then the investigations will be done
10 in PTRS.

11 When I do documents in PTRS, it is -- my normal tactic is to
12 put information in PTRS explaining what's going on, what I did,
13 what I found, that kind of stuff. And I date them and try to
14 explain what I observed and what I've seen. That way if somebody
15 else comes behind me, they can pick it up where I left off.

16 Q. Okay. Are you also using SAS? How are you using that --

17 A. That was the primary means for a 135 surveillance.

18 Q. Okay.

19 A. But once we do the investigation and things like that, we
20 move it into the PTRS. We document those investigations through
21 the program tracking and reporting system.

22 Q. All right. When you return from conducting a surveillance,
23 aside from entering your comments in a database, is there a
24 standardized debrief with management of your findings?

25 A. Normally, no. If it's a negative -- if it's something that

1 comes up negative, then yes, we do a debrief if there's a negative
2 input. But if it's a -- if they meet the standards, and they're
3 fully compliant with the -- and the surveillance went well, we
4 just say everything went well, and that's the end of it, no
5 issues.

6 Q. And who do you debrief with if it's a negative?

7 A. I normally start off with my frontline manager. I explain to
8 him what I found, ask him what we would like to do, you know, how
9 to get them back into compliance, and we come up with a -- you
10 know, a team effort from the FSDO. Unfortunately, my previous
11 frontline manager was -- he changed his mind quite often, so we
12 would start off with one decision, and then he would deviate and
13 go into another decision.

14 Q. And did he tell you why he changed his mind?

15 A. A lot of times what he would say is, like, well, I really
16 don't see the safety concerns with this; I don't see the safety
17 issues. I base all my decisions based on regulatory and guidance;
18 I don't base it purely on just safety. Safety is, of course,
19 primary in that situation but, you know, just because you're, you
20 know, you're safe doesn't mean you're regulatory or guidance
21 compliant. Fortunately for me, most 99 -- like 99 percent of my
22 operators, I don't have that problem with.

23 Q. And you mentioned there are two operational inspectors for
24 the entire geographic area right now?

25 A. That's correct, there are only two qualified inspectors in

1 the Honolulu FSDO: myself and Gino Rezzonico.

2 Q. And previously, how many were -- used to be assigned?

3 A. I think we have the ability for it to have either seven or
4 nine inspectors in our office with the operations background.

5 MR. GALLO: All right, I'm going to take a little break here,
6 and I'm going to pass the questions off to Bill Bramble.

7 MR. MONFORT: Okay.

8 MR. BRAMBLE: Hi, Joe, this is Bill Bramble in Washington,
9 D.C. How are you doing?

10 MR. MONFORT: Hello. I'm doing fine, sir.

11 MR. BRAMBLE: Do you need a bathroom break or anything?

12 MR. MONFORT: Just about 2 minutes, if you wouldn't mind.

13 MR. GALLO: Okay.

14 MR. BRAMBLE: Yeah, no problem. Just get back to us when
15 you're done, or we'll just hold on.

16 MR. GALLO: All right. And I'm not going off the record, so
17 we're still recording.

18 MR. MONFORT: Okay, I will put my phone on mute.

19 (Pause.)

20 MR. MONFORT: Okay, I'm back. Mr. Bramble, I'm back.

21 MR. GALLO: Bill, you can continue with your questions.

22 MR. BRAMBLE: All right. Is your representative still there
23 on the line?

24 MR. LOWEN: I'm still here.

25 MR. BRAMBLE: You there?

1 MR. LOWEN: I'm here, can you hear me?

2 MR. BRAMBLE: Yeah, I can hear you. Just wanted to make sure
3 you were back, too.

4 MR. LOWEN: I'm here, thank you.

5 BY MR. BRAMBLE:

6 Q. Okay. Just a couple of things I made notes on when Mr. Gallo
7 was asking questions earlier. I think you said, when he was
8 asking you to break down the percentage of time you spend doing
9 different things, you said 35 to 40 percent of your work time was
10 spent on 145. I think you meant to say 135?

11 A. 135.

12 Q. All right. I just wanted to make sure I had the --

13 A. I don't have any (indiscernible) 145.

14 Q. Yeah, I figured that was the case. You mentioned Q-based
15 training. Can you tell me more about what that is?

16 A. Q-based weather. Q-based weather is what they call those
17 weather cameras they were proposing, the Hawaii Air Tour Common
18 Procedures Manual.

19 Q. Oh, I see. That's what they were calling the cameras.

20 A. That's correct.

21 Q. Okay.

22 A. They never materialized.

23 Q. All right. Okay. Has there ever been any talk of using
24 ADS-B data to do bootstrap surveillance of operations?

25 A. I'm not privy to anybody doing bootstrap surveillance from

1 ADS-B. I know how I -- I think I've been doing it inadvertently
2 through Core Flight, because I can see people coming around the
3 corner before I get to them, but that's about (indiscernible.)

4 Q. Okay. Is that something you think could be a useful tool for
5 overseeing air tour operators? In your opinion.

6 A. Oh, yes, very much so. I think ADS-B is a game changer, in
7 and out. I think that's -- as far as I know, the ADS-B, as far as
8 my personal flying and my evaluation -- because I always use, like
9 I said, an iPad or an iPhone with Core Flight, and I use an ADS-B
10 receiver called Sentry. It's a game changer. It's a lifesaver,
11 to be honest with you, as far as I'm concerned.

12 Q. And how about as a tool for monitoring operator compliance
13 with minimum altitude requirements and routes -- best site routes
14 and weather and that sort of thing?

15 A. I think it could be, but again, that would require continuous
16 monitoring of it and a lot more people, you know. So unless that
17 data is saved somewhere, you know, i.e. on a radar system or a
18 radar facility, control facility, it would be difficult. But I
19 believe technology is gaining to that point.

20 Q. You mentioned that some operators had different
21 responsiveness to suggestions and that also the culture and
22 attitudes of an operator impacted the effectiveness of SMS
23 programs. What was your sense from interacting with
24 Mr. Paul Matero of the -- and others about the attitude towards
25 safety and culture at Safari?

1 A. I had limited exposure with Mr. Matero when I assumed
2 responsibility -- oversight of the Safari certificate in April of
3 2019, but Mr. Matero seemed pretty positive with me, this
4 go-around. I didn't have any issues that stood out or anything
5 like that, and to be honest with you, I kind of found it amicable.

6 Q. Okay. But were you surprised to hear that he had been
7 involved in an accident?

8 A. Yes, frankly, I was. I didn't expect a 17,000-hour aviator
9 to crash. If I did, I would've been the first person over there
10 talking to him.

11 Q. All right, bigger picture. Has the FSDO's approach to
12 overseeing air tours in the state of Hawaii changed significantly
13 in recent years, and if so, how?

14 A. You know, since the management -- we've had significant
15 management change, significant personnel turnover the last few
16 years. In the last 3 years we've dropped from seven inspectors
17 down to two, so there just isn't a lot of time to go out to the
18 sites without a specific cause or reason to do surveillance.

19 Q. Okay. Any other factors affecting the overall push to
20 surveillance in terms of philosophy or anything else?

21 A. Well, due to the fact that there's no operations background
22 management in the Honolulu Flight Standards, I don't think they're
23 looking at it from a pilot's point of view; they're looking at it
24 from an airworthiness, as far as the frontline managers are
25 concerned. And as for the FSDO manager, she's a flight attendant;

1 they're not looking at it from an operational pilot point of view.

2 So when we go out and do these inspections, and we bring back
3 data, we're not getting complete support by the management,
4 because they don't understand the operational concerns that we've
5 brought to them. And unfortunately, a lot of these operators have
6 learned to -- in an effort to get out and share items, they can
7 contact these individuals, the frontline manager or the FSDO
8 manager, and voice their concerns and overturn the decisions of
9 the principal operations inspectors.

10 Q. I see. Okay.

11 A. But I think that's a big problem nationwide, though. The
12 people running the FAA are not -- don't have a lot of pilot
13 background or experience, FSDO managers that have never been a
14 pilot or ever flown on a helicopter. I don't think they have the
15 full skill set to be able to make certain decisions.

16 Q. Okay. Okay. So I think you said you would probably see an
17 operator once a quarter on Kauai, a 135 air tour operator. Is
18 that about what might have happened, say, last -- in 2019 for
19 Safari?

20 A. Well, again, I did not see Safari except in September. I
21 went over in September to do a check airman observation of
22 Kyle Jacobson, and that was the last time I saw Safari. Now, I
23 have since gone out and done check rides with Jack Harter
24 Helicopters, which is located there at the same airport.

25 So again, it's dependent -- you know, I don't -- I can't

1 spend -- let me rephrase that. If I have five items I have to
2 surveil with one operator plus do a check ride, that's an all-day
3 event. So I do one operator at that island most likely every
4 quarter or -- if not more frequent. It just depends on when the
5 operators' check rides are due and when the data collection tools
6 are required to be done, which I try to coordinate at the same
7 time.

8 Q. I see. So you could either do one of those items a quarter
9 or you could do all of them at one time?

10 A. I do them all at one time.

11 Q. Okay. You do --

12 A. I do -- what?

13 Q. You hit one operator and do all of them. And that's
14 (indiscernible).

15 A. I try to maximize my day, so when I go over there, and I'm
16 having a discussion with the chief pilot or the check airman, who
17 is normally who we observe as FAA inspectors, I go through the
18 whole management process. I look at pilot records, I look at the
19 base inspections, I try to do everything that used to be done
20 prior to SAS, and I include it in the SAS observation along with,
21 you know, manual review with the pilot.

22 As I'm doing his check ride, you know, I'm going through his
23 general operations manual, his training program, et cetera. I'm
24 doing onboard operations, I'm doing ground operations, I'm
25 watching how they're loading and offloading passengers and the

1 cargo.

2 Again, I follow all the DCT requirements of the SAS, and I
3 just -- and on most of them I sit down and ask the operator
4 directly, how are you complying with this issue or this question
5 right here. And I know, from previous history, if they've had
6 problems or not, and then I address some the situations that I
7 observed in those situations with that question, and I ask them
8 how they're doing. And then, if there's room for improvement, we
9 do on-the-spot correction.

10 MR. LOWEN: Hey, Joe, but going back to the question itself,
11 didn't you state earlier that your travel to go visit Safari had
12 been disapproved by management last year?

13 MR. MONFORT: Affirmative. Yes, sir. I tried twice in that
14 quarter, fiscal year 2020, prior to the accident. One to go by en
15 route, which is a jump seat on Hawaiian, and the other is to buy a
16 ticket on Hawaiian, and I was denied two times to go to that
17 operator.

18 BY MR. BRAMBLE:

19 Q. Okay. And how did that impact your surveillance plan?

20 A. Well, that's really a good question. There's two core
21 responsibilities in the FAA, right? You know, the one is to
22 establish policies, procedures, and guidelines and regulations.
23 And then the other thing is to come back -- the second part is to
24 ensure compliance with those regulations. In my case, as a POI, I
25 ensure not just compliance with the regulations, but also with

1 their GOM and their training program. By not being able to go out
2 there, I can't ensure that they were complying with the rules and
3 regulations for the Hawaii Air Tour Common Procedures Manual, the
4 GOM, their training program, et cetera, because I just didn't get
5 that opportunity.

6 You know, there are multiple things that should have
7 prevented this accident. You know, the guidelines for the
8 ceilings and visibilities in the Hawaii Air Tour Common Procedures
9 Manual, if they were maintained, I don't believe this accident
10 would have occurred. If they would've followed their GOM and did
11 their risk assessment value and evaluated the weather, maybe this
12 might not have occurred. You know, if they would've done their
13 inadvertent IMC procedures from their GOM and their training
14 program, maybe this -- we wouldn't be communicating this right
15 now.

16 But again, without being able to go out there and do my
17 oversight, my required oversight, I will never know. And that's
18 how it affected my surveillance of this operator, Safari
19 Helicopters.

20 Q. Would they penalize you if you didn't actually -- you weren't
21 able to go out there and do those items, would they say at the end
22 of the fiscal year, well, you didn't do all your required items
23 for this operator even though they denied you travel?

24 A. Well, management just puts in the resource is not available,
25 so they denied me the travel, they have to assume responsibility

1 for it. And I told them, I said, hey, look, I tried to go. I was
2 available and willing. How could I get in trouble for being
3 available and willing and -- when they denied me travel resources?
4 It's not like I can swim 50 miles to the island.

5 Q. Yeah. Yeah, so basically they would enter that in the
6 system, and then it wouldn't -- they wouldn't, at the end of the
7 year, say, where are your items?

8 A. No, they wouldn't.

9 Q. Okay. But it did affect -- you believe it affected your
10 ability to surveil this operator?

11 A. I know --

12 Q. It's self-evident.

13 A. Yeah, it would not -- without being able to go there, you
14 know, obviously I wasn't able to surveil that operator. I wasn't
15 able to do my preplanned surveillance for that year or that
16 quarter. Who knows, you know? I know that when they park a
17 police car on my street, everybody around the street slows down.
18 So, like, once an FAA inspector shows up, everybody seems to
19 recalibrate a little bit, you know. I'll never know what -- how
20 that might've changed the outcome.

21 Q. What percentage of your planned surveillance of Safari were
22 you able to accomplish last year?

23 A. Ten percent.

24 Q. Okay. There were five items in there?

25 A. Let's say -- I'm sorry, let's verify that. 20 percent, I was

1 able to do one, one of the five items, if I remember exactly.

2 Q. Okay. And what was that item?

3 A. I don't recall. Would you like me to look it up?

4 Q. Yeah, if -- you can get it to us after, if that's easier.

5 A. Hold on. Let me just pull up my computer. I have my -- I'm
6 teleworking, so I have my computer right here, I just got to pull
7 up FFAST real quick. It'll take about a minute or two, so stand
8 by.

9 MR. BRAMBLE: Uh-huh. Yeah, sure.

10 (Pause.)

11 MR. MONFORT: See, normally I would've, I would've been able
12 to complete the onboarding, the flight operations, you know, I
13 could've seen ground operations, I could've seen the operations
14 management. I know for a fact I wasn't able to do those four DCTs
15 with the associated 11 questions -- 9 to 11 questions each. Any
16 module (indiscernible)?

17 BY MR. BRAMBLE:

18 Q. So those four, again, were onboard and ground ops and --

19 A. Stand by. Stand by, I'll read them to you verbatim.

20 Q. Okay.

21 A. I'm just giving you them as I recall, but I don't want to
22 misquote something. Okay, the five annual items that are supposed
23 to be done with this operator are Label 2.0 flight operations,
24 Label 6.0 ground operations, Label 3.0 operations management,
25 Label 5.0 onboard operations, and Label 1.0 organizational

1 management.

2 MR. BRAMBLE: One sec.

3 MR. MONFORT: I was able to conduct -- oh, I'm sorry. The
4 first -- so there are five annual DCTs that are required to be
5 done for this operator for the ops -- the principal operations
6 requested.

7 BY MR. BRAMBLE:

8 Q. I got 2.0, 6.0, and 3.0, but I lost you at 5.0.

9 A. Okay. 5.0 is onboard operations, and 1.0 is organization
10 management.

11 Q. Okay. Sorry, go ahead.

12 A. The two that I completed in Quarter 4 Fiscal Year 2019 were
13 operations management and onboard operations. I wasn't able to
14 see flight operations, ground operations, or organizational
15 management.

16 Q. Okay. All right.

17 A. And organizational management would've required me to
18 directly interact with Mr. Matero had I been able to get back to
19 them.

20 Q. Okay.

21 A. Flight operations and ground operations would've been
22 observed during the check airman observation of Mr. Kyle Jacobson,
23 and I would've evaluated him or watched him evaluate his applicant
24 on unusual attitudes and IFR recovery. It would've been mandatory
25 that I observe those, which is a direct sampling of their training

1 program, how effective it is.

2 Q. Okay. Okay. And how many days -- well, could you have
3 accomplished those items in one day, or is that multiple days of
4 remaining items, do you think?

5 A. That's a one-day. The pre-coordination with the company,
6 telling them what I'm coming out to look at, they know how to
7 prepare; they get all the documents in one area. I do statistical
8 sampling or I do a complete, 100 percent sampling depending on how
9 large the company is.

10 Q. And what was the reason from your management given for
11 denying you to travel there?

12 A. You know, to be honest with you, you'd have to ask them. You
13 know, I put in my request for en route, and they said no. I put
14 in my request for monetary travel, and they said no.

15 Q. Okay. All right, moving on. How does the FAA's safety
16 management system approach influence the FSDO's approach to
17 overseeing Part 135 air tour operators like Safari? Has it
18 changed the way you go about doing oversight?

19 A. No, not really. No. You know, we treat all operators the
20 same way. Again, we do an annual assessment of each certificate,
21 and if we realize that they're more prone to accidents or more
22 prone to, you know, management turnover, then we adjust our CHAT,
23 which creates this big priority and can create additional DCTs to
24 those five that I just told you about. But again, for this
25 operator, we had no indication that there was a problem prior to

1 the accident.

2 Q. Okay. Okay. In the year before the accident, what air tour
3 risk for the system most focused on monitoring or directing in the
4 air tour industry, do you know?

5 A. That's such a big question. There's been no directed focus,
6 per se, from management, what to change or what to do differently.
7 I've been following the regulatory requirements in 135.293(a) and
8 (b), you know, along with the policies and procedures that we've
9 been given through the AVP-900 guidance. So, you know, I've been
10 focusing on brown-out, white-out, spotlight, you know, unusual
11 attitude recovery, you know, and IFR/IMC recovery.

12 Q. Okay.

13 A. I mean, that's not to say that I don't pay attention to all
14 the other requirements, but just -- but maybe a pet peeve of mine,
15 I don't know.

16 Q. Okay. What influence, if any, has the nature of past air
17 tour accidents in Hawaii and related NTSB recommendations had on
18 the FSDO's approach to overseeing air tour operators in the state?

19 A. I'm not privy to any of the NTSB recommendations, per se, by
20 memory, but me, as a pilot, you know, a 30-year aviator, there are
21 some things that I'm increasing my concerns with. I'm looking at,
22 you know, complacency, looking at those pilots that are doing
23 things complacently. I'm looking at that.

24 I'm looking at everything the guidance just says plus my own
25 personal experience over the last 35 years of flying -- no, excuse

1 me -- 30 years of flying and making sure that the aircraft -- that
2 the pilots are maintaining their aircraft, and they're doing
3 everything that they're required to by regulation. I can't really
4 say that we've changed anything, though, you know, per se, there's
5 no directive change.

6 Q. Yeah, not knowing -- you know, not being privy to sort of the
7 inner, inside workings of the FAA, I didn't know if maybe sort of
8 past accident findings have driven certain kinds of initiatives or
9 changes in guidance or whatnot. But it sounds like, at least in
10 the year before the accident, there was not any sort of directed
11 focus, as you said, on any particular issue. You know, you had a
12 wide array of things you were looking at and so forth.

13 A. Yeah. Yeah, I mean, like me, personally, the accident of,
14 you know, 808 Novictor on April 29th of last year really hit home
15 to me. There was a 500-hour aviator, a young pilot, not with a
16 lot of experience, flying a Robinson R44 with no attitude and no
17 heading indicator in marginal weather. Anything less than 5005 is
18 marginal.

19 I mean, I'm looking at this from a pilot's perspective. I
20 can't, I can't believe that this young man was put into a machine
21 so ill equipped. There's no regulatory requirement to say that it
22 has an attitude indicator or a heading indicator. You know, I had
23 to figure that out during the accident investigation. So I'm
24 looking at these aviators, and I'm trying to figure out, how did
25 they demonstrate unusual attitudes in an aircraft that doesn't

1 have an attitude indicator or a heading indicator?

2 And as far as Novictor Aviation is concerned, they listened
3 to me, and they all of a sudden put attitude and heading
4 indicators in. I don't know if the insurance company made them do
5 it or if they listened to me, but either way, they now have
6 attitude indicators and heading indicators in their aircraft,
7 which may give somebody a fighting chance when they go into IMC
8 conditions.

9 Again, there should be -- you know, as my representative
10 mentioned, you know, the best way to do this is to stay out of it,
11 you know, to pay attention to your surroundings just before you
12 (indiscernible) until, you know, you are -- until things change.
13 Go ahead, sorry.

14 Q. Oh, that's okay. I didn't say anything. Okay, you answered
15 that and that. So one of the questions on my list is, how does
16 the FAA monitor air tour pilot compliance with described routes
17 and minimum altitudes? And it sounds like you didn't have a lot
18 of latitude to do that, really, because besides some check rides,
19 you just didn't have the resources to be out in the field
20 monitoring that kind of thing. Is that basically true?

21 A. That's really true, but one of the big changes that has
22 occurred in the FAA in the last couple years was the push to have
23 agencies have check airmen -- to have these operators have their
24 own check airmen and less FAA observation, okay. So a lot of the
25 inspectors are now relegated to just observing the check airmen.

1 So I went from doing seven or eight observations in an air tour
2 company to doing one pilot observation, the check airman.

3 So the FAA has mandated that, you know, by regulation that
4 all companies will have sufficient check airmen and company
5 instructors which mandate basically saying that every company must
6 have a check airman. Well, unfortunately, by doing that, they're
7 taking the FAA observation and surveillance out of these
8 companies.

9 Q. Okay. And what's driving that -- what drove that change?

10 A. I believe it was interpretation of the regulation. The
11 regulation has been around for a long time, and what happened was,
12 is it just went to the -- you know, due to the fact that we have
13 limited manpower, the agency has pushed these operators into
14 complying with that regulation, and they all have check airmen
15 now. So the only pilot observation I do on a company, unless
16 they're single pilot operators, is just the check airman. We
17 don't do any other check rides.

18 Q. Okay. And so has the FAA explored any -- the development of
19 any new training for Hawaii air tour pilots on avoiding
20 inadvertent IMC in recent years, to your knowledge?

21 A. No, sir, I don't -- I can't answer that for the FAA. I don't
22 know.

23 Q. How about at the FSDO there? Has there been any local
24 initiatives by your group?

25 A. Again, there's only two of us. Yeah, it's me and Gino out

1 there. We're looking at it a little bit more carefully, you know,
2 as far as making sure we document and making sure the operator has
3 approved training programs that include IMC, you know, and making
4 sure they have flat light, white-out, brown-out programs. And
5 it's -- and we're going out of our way to observe that during our
6 check airmen observations.

7 But as far as is there any new policy or procedure of how to
8 do it and how to come up with it, again, I would refer you to my
9 management, Monica Buenrostro, when they're redoing the Hawaii Air
10 Tour Common Procedures Manual. I know they're working with HAI,
11 the helicopter whatever international, but I don't know -- I'm not
12 privy to any of the current information.

13 Q. Okay. Do you think that training -- pilot training using
14 realistic depictions of local weather in video or still photos
15 would improve safety by helping pilots learn to assess hazardous
16 conditions more accurately?

17 A. You know, being an Army helicopter pilot with all of my
18 extensive training, I was a special operator. I flew \$80 million
19 helicopters with simulators that had the ability to induce weather
20 while you were actually flying. Do I think that's a great tool?
21 Yes, undoubtedly, no question to it. It's the ability to, you
22 know, be on a set of controls while in a safe environment and get
23 introduced to weather.

24 I believe that's an excellent training, but I don't know if
25 it's realistic for everybody out there due to cost. You know,

1 that would be an \$80 million helicopter. We had the ability to do
2 that. I don't know if any other operator can do that.

3 Q. What about on-the-ground training like, you know, with just
4 weather conditions shown at particular (indiscernible) points or
5 higher elevation areas and providing specific -- create examples
6 to say sort of this is -- okay, this is marginal, turn around,
7 this is forward, to calibrate people on their decision making? I
8 mean, is that -- would that be a crucial avenue, or do you feel
9 like it's something other than the assessment of the conditions
10 that's key to preventing this?

11 A. You know, knowing all the variables that I know as an aviator
12 for 30 years, I think the picture -- an individual picture of a
13 certain area at a certain time of day might not be sufficient,
14 okay. I think it would require multiple pictures of an area, you
15 know, varying flight conditions, et cetera, et cetera, et cetera.
16 I don't know if that's feasible, but yeah, you know what, I'd be
17 willing to review it and look at it, you know. I can honestly say
18 I don't think it would hurt.

19 Q. Okay.

20 A. Simulators, though are the best, the best as far as I'm
21 concerned. But go ahead.

22 Q. Okay. What do you think about the idea of encouraging
23 operators to develop sort of heuristic visibility requirements for
24 specific locations that would state, for example, you know, don't
25 -- you cannot -- you should not proceed in this route -- along

1 this route if you cannot see Landmark Y from Position X?

2 A. Well, being that there's about 43 or more different points on
3 the island of Kauai alone, I think you'd have a hard time
4 memorizing all that, you know what I mean? I would say, you know,
5 if there's some way to figure out a way to determine visibility
6 and distance and view would probably be better, you know what I
7 mean?

8 But again, like you said, if I knew that Point X and Waialae
9 Valley (ph.) was, you know, at this condition, don't go in there,
10 I can see some value to that. But I'm just trying to think of,
11 you know, from my point of view as an inspector, how could I
12 enforce that, or how could I ensure that they're being trained to
13 that standard? It would be very difficult.

14 Q. Okay. And what about -- can you think of any strategies for
15 preventing sort of procedural drift where people drift into --
16 gradually drift into noncompliance with minimum weather
17 requirements due to increased risk tolerance and familiarity with
18 the area? What are the best -- what would be a good strategy for
19 preventing that from happening?

20 A. Boy, if I was king for a day.

21 Q. But I am forming my (indiscernible).

22 A. If I was king for a day and, I mean, I could institute some
23 technology, it would be a lot of this terrain relief. There's
24 different products out there, different technology, but they're
25 all -- they all have associated cost with them, you know. At what

1 point in time do we make these things iron tanks where they no
2 longer fly? So, I mean, like I said, if I could be king for a
3 day, it would be institute some kind of technology that gives you
4 terrain, terrain relief.

5 But I mean, I'm not saying that accidents are completely
6 preventable, you know what I mean? There's always a part of
7 compliance complacency or, you know, inadvertent to every
8 accident. I've done a significant amount of these; I've done 11
9 or 12 accidents over the last couple of years and -- plus my
10 military experience as a test pilot, and it amazes me how people
11 can look at a light and see different colors, you know what I
12 mean? Does that explain the perception of what the event is or
13 not? That's the question.

14 You know, I'm a big advocate of stick shifts. I like -- if
15 something's going wrong, I like to be told that, you know,
16 physically that something's going wrong. But again, the cost of
17 that is probably prohibitive for most operations.

18 Q. Yeah, but in terms of, you know, VFR -- inadvertent VFR and
19 IMC -- well, not necessarily inadvertent. In terms of VFR and IMC
20 in a VFR helicopter, you know, there's a couple of different ways
21 that could happen. One is unintentional and maybe mis-assessment
22 of the condition, and we kind of talked about that a little bit
23 with the possibility of training intervention.

24 And the other would be, you know, intentionally pushing the
25 limit, and maybe even knowing that you're not complying with the

1 minimum weather requirement. And that's more of a risk tolerance,
2 decision-making, decision compliance kind of scenario. And so,
3 you know, maybe training might help with the cognitive assessment
4 of the condition, but then what about the complacency piece of
5 that, the drift toward a smaller and smaller safety margin? What
6 are the best strategies for preventing that, do you think?

7 A. You know what, I would have to honestly say it's just try to
8 break the routine. In other words, like in my example, it was
9 just the FAA's presence -- momentary presence (indiscernible)
10 could break the routine. Showing up and having more inspectors in
11 the field, you know, doing their surveillance, that gets these
12 people on edge and recalibrates stuff.

13 Because you're talking about some of the five different
14 (indiscernible), you give them the guidance to say, look, this
15 rule doesn't apply to him. He crosses the street a thousand times
16 outside the crosswalk and he thinks he's okay, and then one time
17 he gets in the crosswalk, you know, or he goes across, he gets run
18 over, but the other thousand times he was okay, how do we break
19 that? The only thing I can say is change his routine somehow, you
20 know, interfere with it a little bit enough to recalibrate himself
21 so he doesn't get into that routine, that complacency with it.

22 Seeing that hey, that's the same rock I saw 15 times today,
23 and there's the same tree, and there's the same waterfall, and oh,
24 by the way, you know, there's a ship in the harbor that you all
25 flew in today, you know. This air tour has become very

1 repetitive. How to break that, how to get these people that are
2 becoming complacent, that's a great question for the human -- the
3 guy, the gentleman that does human factors. Is that you, Bill?

4 Q. Yeah, that's me.

5 A. Okay, so I see the question to where I understand where the
6 question's coming from, so I don't know, what do you think? What
7 do you think would be a great idea? I'd be more than happy to go
8 try it, observe it.

9 Q. Well, there are ideas in the literature and I have ideas, but
10 we -- in an investigation like this, we have to collect data from
11 you all to try and piece together evidence that might support one
12 idea or just -- or not support it -- augment. And so --

13 A. Sorry about that.

14 Q. Yeah. No, that's okay. So I'm just trying to collect data
15 that we could use to see whether or not some of these ideas are
16 aligned or not with folks in the field that have a lot of expert
17 knowledge like yourself.

18 A. So my training, as a military guy, when I go into one of
19 these boxed canyons, I've always been trained, you know, okay,
20 that's the heading I'm entering is three-six-zero and the exit
21 heading is one-eight-zero, I put that in the back of my mind.

22 I have seen an operator do this, this type of training --
23 that's Blue Hawaiian that did this -- and they used the technology
24 that they had which was the GPS with the color banding, and they
25 used that as a tool to exit the area. But again, this is an

1 emergency purpose. It wasn't, you know, an IFR state. This is an
2 emergency escape plan, you know, how to get in and out.

3 I thought that was a great idea, but not everybody has that
4 technology and has that GPS program to do that. Core Flight does
5 it very well. I'm a big fan of the Core Flight program. But I'm
6 not trying to sell the Core Flight program or whatever; I don't
7 have any shares in Core Flight or iPad or anything like that. But
8 it saved my life a couple of times.

9 Q. In terms of the terrain depiction?

10 A. Not just terrain depiction, the fact that I could see another
11 aircraft on the screen from ADS-B before I could visually see them
12 with my eyes.

13 Q. I see.

14 A. I was at EBC flying in Texas, which has a high traffic area.
15 I could see something was approaching my area, and I looked over
16 to the instructor and said, hey, let's drop 500 feet and just make
17 sure, because I can't see this guy. And no sooner than we got
18 down 500 feet, voomp, right over the top of me went a Piper
19 airplane. Based on the angle that we were converging, there was
20 no way for him to see me or me to see him, you know. So, yeah,
21 I'm a big proponent of technology, you know. Especially when it
22 screams at you that somebody's coming near you.

23 Q. Let me throw another idea at you which is, what would you
24 think of the idea of a vector-based sort of control, VFR traffic
25 control system where there was some third party that was saying,

1 you know what, Na Pali coast is closed right now; no one can go in
2 there, but you can go away or something like -- some kind of
3 overarching VFR control flight system?

4 A. You know, I don't have an opinion on that. I mean, I just --
5 that's a lot of people and a lot of personnel to get involved, so
6 I don't really have an opinion. I'd have to see it before I'd say
7 anything.

8 Q. Okay. All right. So those are some interesting things to
9 get your thoughts on. Are there any other -- so let me just ask
10 you, what do you think would be the most effective strategy for
11 reducing the risk of weather-related air tour accidents in the
12 state of Hawaii?

13 A. I would push ADS-B in and out. For everybody, not just the
14 people that go into these controlled airports. I would push it
15 for everybody.

16 Q. Okay. For reducing weather-related accidents?

17 A. I think, well, you know, the ADS-Bs that have the
18 receivers -- I'm sorry. I don't mean to show my ignorance. But,
19 you know, again, I use the iPad and the ADS-B input, and the
20 information that I get from Core Flight actually transfers
21 that -- some of that weather data from those control
22 (indiscernible). Being able to see that is really -- it makes --
23 you know, increases my situational awareness, which might be going
24 around to the back side of that mountain before I get to it.

25 MR. BRAMBLE: I see. Okay. Well, that's really helpful.

1 Mr. Monfort, I really appreciate your time and your candor, and
2 thank you for your service. And I'm going to hand it over to
3 Brice.

4 MR. BANNING: Hi, Joe, how are you?

5 MR. MONFORT: All right, sir. How are you?

6 MR. BANNING: I'm okay. Thank you for taking the time to
7 visit with us. I know we've been going quite a while here. I've
8 just got a few follow-up questions.

9 MR. MONFORT: Okay.

10 BY MR. BANNING:

11 Q. Number one, in your opinion, how would you define the Hawaii
12 air tour culture as a whole? Is it compliant, or what are your
13 thoughts?

14 A. You know, I've had oversight of probably 80 percent of the
15 air tour operators in Hawaii at one time or another, and I would
16 honestly say that 99 percent of those operators -- let's say 90
17 percent of the operators out there want to be compliant with the
18 regulation, to be able to get a good air tour and still be able to
19 make money, you know what I mean?

20 There's that 10 percent out there that all they care about is
21 making money, okay, and they -- and everything else is just a
22 crutch to get to where they're making it. Those are the ones that
23 need to be -- that are having the problems. And most of those
24 guys go out of business, I hate to say it.

25 Q. Okay.

1 A. Does that make sense?

2 Q. And you -- yeah, absolutely. No, I appreciate that. And you
3 mentioned the geographic unit. In your --

4 A. Yes, sir.

5 Q. -- opinion, was the geographic unit effective?

6 A. Yes and no. If it's run by an operations pilot, you know,
7 somebody with a pilot experience that understands those
8 geographical requirements, then yes, it's very effective. If it's
9 run by an airworthiness person who doesn't understand pilot
10 operational experiences, then I'd say no, it's worthless, okay.
11 And then it does establish a presence out there; it does show that
12 the FAA is involved in the community and is actively ensuring
13 compliance in the national airspace. So again, my answer is yes
14 and no.

15 Q. Okay. And then can you tell me what your -- you were POI or
16 are POI -- you worked for Safari a couple of times, is that
17 correct? And can you define those time frames?

18 A. I was the POI -- I don't have the dates and times in front of
19 me right now for the 2015-2016 time period. I don't have the
20 exact dates, but it was in 2015-2016.

21 Q. No problem.

22 A. That period of time was adversarial. The operator had some
23 major issues that I'd found during an investigation -- I should
24 say an inspection, annual inspection, with their training program.
25 Significant issues. And I brought those issues to the attention

1 of my frontline manager at the time, and he agreed with it. But
2 in the FSDO in 2015-2016, there were two frontline managers I
3 worked for, so my primary frontline manager, Curtis Whaley, he
4 agreed with it. The alternate, Mr. Daret Kanayama, did not.

5 I presented him the regulatory requirements for the operators
6 to train -- in this case, Safari Helicopters, to train for
7 hydraulics, how to teach hydraulics in the helicopters. Their
8 training program was deficient in that; it did not teach the
9 hydraulics. An A Star is a hydraulically operated helicopter.
10 You cannot fly this helicopter without knowing something about
11 their hydraulics. I had worked -- tried to get them to make some
12 changes directly, and Mr. Kanayama, the frontline manager at the
13 time, he believed that we shouldn't pull their training program,
14 so he -- what's the word I'm looking for? He didn't take my
15 recommendation, and so he made a big problem, and the operator was
16 confused.

17 I had to get a check investigation to come in -- a
18 certificate holder evaluation program is initiated by AFS-230, at
19 the time with AWP-230. They sent out a gentleman named -- I
20 believe his name was Nathan Dickenson (ph.), and they found 53
21 errors with the training program. And then the division manager
22 started to get involved -- at that time it was Nick Reyes (ph.) --
23 and they came to the conclusion that I was correct in my
24 assessment, that Safari's training program was deficient; it
25 didn't meet the 8900 guidance or the regulatory requirements of

1 135 Subpart H.

2 And Mr. Matero, I offered him an opportunity directly to come
3 over to my office, and we sat down in the back office and
4 corrected his training program manual to meet the minimum
5 standards. Once that was complete, the management, Mr. Kanayama,
6 removed me from the certificate, and I didn't have oversight of
7 that -- of Safari after 2016.

8 It wasn't until April of 2019 that I resumed operational
9 oversight of Safari Aviation Helicopters, and in 2019, their
10 attitude -- their safety culture attitude seemed to be a little
11 bit different, and they were much more amicable. I have no
12 complaints from April 2019 to today with any of the personnel or
13 any of the recommendations -- safety recommendations that I had
14 made to Safari Helicopters.

15 Q. Okay, thank you. I appreciate that. And then I know you
16 probably -- you've already answered this question, but just
17 provide me a little bit of clarity. How many times in a calendar
18 year, whether it's surveillance or a work program item, would you
19 expect to see of one operator like Safari? And that to include,
20 like, if you went to do work program items on another operator but
21 you stop by to check on Safari, can you define roughly how many
22 you might see in the operator's location, to shake hands, surveil,
23 do work program items in a given year?

24 A. I would say at a minimum, one time a year. On average,
25 probably two to three times a year. Because the operators are

1 very close to each other. They're operating from the same
2 heliports, okay. They're, you know, picking up and lifting up,
3 they're moving on. I might do a no-notice ramp inspection,
4 checking the pilot's certificates, making sure they're loading
5 their passengers safely, et cetera, you know, make sure they have
6 all their documents and manuals on board that they're supposed to
7 have.

8 But there's no requirement to do that. I just do that
9 because I'm in the area, like you said. You know, I've got a
10 break between lunch, and I saw the operator, so I would talk to
11 them real quick, just to say, hi, I'm around, you know what I
12 mean? So I would say at a minimum of one a year, potentially, you
13 know, two or three times a year.

14 MR. BANNING: Okay, terrific. And once again, I sure
15 appreciate your time. Thank you very much. I think that's all
16 the questions I had, so I will -- Patrick, do you have any
17 questions?

18 MR. LUSCH: Yes. This is Patrick with the FAA. I think I
19 have a couple of follow-up questions for you, Joe. And just to
20 let everybody to know, we're coming up on the end of our
21 conference bridge line at 6 o'clock, so I'm going to be fast here.
22 I think the bridge will let us go for about 10 or 15 minutes
23 beyond, but this is an FYI (indiscernible) right now.

24 BY MR. LUSCH:

25 Q. Joe, you mentioned that the surveillance trips that you had

1 requested from your frontline manager to go and perform
2 surveillance of Safari, and one time was an en route and one time
3 was a paid expense on Hawaiian Airlines, I think you said it was.
4 I'm looking for a little bit of clarification on that. Someone
5 had asked you earlier why you were denied that. Your response was
6 (indiscernible) your management on that. I'm wondering if we can
7 expound on that just a little bit. So did you inquire why they
8 denied you travel?

9 A. I did a limited inquiry with them, you know, talking to them,
10 and then what was happening was, when I asked for the en route,
11 they said, no, you're not allowed to en route; you need to put in
12 for (indiscernible).

13 (Noise interference.)

14 MR. MONFORT: I'm sorry, there's background noise. I can't
15 hear. Somebody (indiscernible).

16 Okay, so again, I tried to do an en route. They told me then
17 to put in for money, and then they told me there's no money, and
18 then they said, now put in for an en route. And by that time it
19 was already, you know, Thanksgiving and then rolled into
20 Christmas, and then there just -- there was no time left. But it
21 was a lot of back and forth, you know.

22 BY MR. LUSCH:

23 Q. Why would they deny an en route?

24 A. You know, they had mentioned something about having PI
25 instructions or something like that in the staff BCT with Hawaiian

1 Airlines, but there was no requirement for that in our en route
2 manual. It was generated, I believe, somewhere in management
3 again, but I really prefer you talk to them and ask them why they
4 denied an en route.

5 Q. Okay. No, I mean, I think the question will be asked them.
6 I want to know what, if anything, that they told you as far as
7 that goes. I was trying to figure out if there was an
8 expense-related issue, a staffing-related issue, if they had
9 provided any type of substantiating or supporting information for
10 their request, but I probably assure that they will be asked about
11 them. And one more question --

12 A. Being at my point -- being in my position, they tell me no, I
13 try to do the next thing, you know, and then when they tell me to
14 do the next thing, and they tell me no, go back to the first
15 thing, it just, it just didn't work, you know. And that's their
16 managerial right to make decisions, travel decisions, and how to
17 manage their personnel, where they can and cannot go.

18 Q. When you --

19 A. Unfortunately.

20 Q. -- requested the --

21 A. Go ahead.

22 Q. When you requested the travel, did you request the travel
23 through -- is it your office policy that you put the travel
24 through E2 even for an en route, or how would that request had
25 gone that you want to perform surveillance but you want to either

1 jump seat or buy a ticket?

2 A. En route would be done verbally. There'd be an issue with
3 verbal, to ask, hey, can I do this? And then they say no. Okay,
4 so there's a couple of verbal communications with the en route.
5 And once they tell me no, I don't input it into the staff system,
6 DTT, as a potential en route. When you do a formal request for a
7 ticket, you know, it's done through the E2 system. And I
8 submitted an E2 system for an en route to go do this particular
9 staff item for Safari, and then they denied me the funding in
10 mid-November.

11 Q. Okay. So there's a denial on the record for the paid trip in
12 E2. Was the denial for the en route verbal, or was that in an
13 email form?

14 A. It was verbal, and it was actually -- there were some --
15 there's some email traffic between Pat and management about the en
16 route procedures and policies, you know, to follow the en route
17 guidance. And I believe after -- you can talk to Ms. Mack (ph.)
18 or Ms. Chitwood about that, and they can tell you what the outcome
19 was, what their decision was, and how they came to the idea that
20 we can now en route.

21 Q. Okay, so --

22 A. Then verbally.

23 Q. -- your denial came from your frontline manager or from your
24 office manager?

25 A. Correct. Frontline manager.

1 Q. Okay. Okay, and these took place in 2019, you said before
2 Thanksgiving, roughly?

3 A. Actually, the en route portion denials came in October 2019,
4 you know, and then the tickets occurred -- the denials occurred in
5 late -- middle to late November 2019.

6 Q. Okay. Thank you for the clarification on that. Just one
7 other question for you regarding something you mentioned earlier
8 about the Hawaii Air Tour Common Procedures Manual. I know we've
9 beat this one to death a little bit, but I just wanted to know a
10 little bit more. You had mentioned that you were somewhat
11 instrumental in working on -- maybe not creating it, but working
12 on it, and then if what I heard correctly from my notes, your
13 office management took over the revision process for that, and you
14 are now no longer involved in that development or that revision
15 cycle. Is that correct?

16 A. That is correct, sir. I was working directly with
17 Monica Buenrostro and, at that time, the division manager,
18 Nick Reyes, along with HAI and industry to revamp that system
19 based on the FSDO ops point of view. Once Ms. Chitwood came on
20 approximately 3 years ago, she assumed that duty and
21 responsibility and slowly controlled that. I have no explanation
22 of why or the reasoning behind that decision.

23 Q. And Ms. Chitwood is your office manager, correct?

24 A. That's correct. She's the Flight Standards District Office
25 manager. From what I understand, Gino Rezzonico also was removed

1 from this process, so the two ops inspectors have no real input
2 into the changes being made to the Hawaii Air Tour Common
3 Procedures Manual.

4 Q. And when did that take place when you were sort of removed
5 from the process and now your office manager is handling that
6 document?

7 A. In or around -- when did Ms. Chitwood come on, 2017?
8 Sometime in late 2017.

9 Q. And from the time that she took it over and you were removed
10 from it, has the manual been updated or revised?

11 A. Not to my knowledge.

12 Q. Okay. And would it be correct to say that your office
13 manager and Monica Buenrostro are still working on that, or is it
14 just now solely in the hands of your office manager, that you know
15 of?

16 A. I'm not 100 percent sure of, you know, who's handling it, but
17 I know the point of contact is still Monica Buenrostro.

18 Q. Okay. And Monica Buenrostro is not in your office, is that
19 correct?

20 A. No, she's a Washington, D.C. person.

21 Q. Okay, so I guess to end my question -- and, I mean, it
22 doesn't sound that good, I know, when I ask it, but I want to make
23 sure that I understand correctly. There are no Hawaiian -- at the
24 Honolulu FSDO, there are no current and qualified helicopter
25 pilots currently working on the Hawaii Air Tour Common Procedures

1 Manual?

2 A. Unless Gino Rezzonico is working on that without my
3 knowledge, I would have to say yeah.

4 MR. LUSCH: Okay, that's all the questions I have for you,
5 and I just want to echo the other comments that were made, Joe.
6 Thanks for taking the time to work with us today. I realize what
7 a long conversation this has been and, you know, we definitely
8 appreciate your insight and your willingness to cooperate with the
9 investigation, so thank you on behalf of AVP-100 in the FAA
10 headquarters.

11 MR. MONFORT: Thank you for your time, sir.

12 MR. GALLO: This is Mitchell Gallo. I just had a couple
13 questions. They're not going to take too long.

14 BY MR. GALLO:

15 Q. Mr. Monfort, you mentioned that 10 percent of your work plan
16 for Safari was completed; the rest wasn't because you were unable
17 to travel. Is that true for the other operators? What percentage
18 of the work plan was completed with the other air tour operators?

19 A. Oh, shoot. Let's see. I had planned on doing a couple of
20 things on Kauai. The only things that were in the quarter that
21 were pushed were -- or not done, Safari was not done, and I was
22 mistaken. Two of the five items I did complete; it was not 10
23 percent. It was about 40 percent was completed, 60 percent was
24 still open, as far as the DCTs go.

25 The other operators, I think I pushed them into the next

1 quarter because they're low risk, no issues. And I wasn't able to
2 do an observation on Airborne Aviation, which was my plan to do
3 last quarter, which is also located at Lihue Airport.

4 Q. Okay. And you mentioned that when you requested for travel,
5 I guess the verbiage used was resources not available. Was that
6 entered -- that specific verbiage entered in any kind of system?

7 A. Yeah, it was entered into the SAS system.

8 Q. Okay.

9 A. RNA, resources not available.

10 Q. And then was there anything, a FSDO memo, FSDO email, saying
11 that travel is going to be reduced due to funding?

12 A. No, no. No. As a matter of fact, there's emails to the
13 contrary saying that funding was authorized and was available, and
14 I don't know why they didn't give me that funding. Again, you'd
15 have to go back and ask the management.

16 Q. All right. This may be the last question. Oh, your
17 frontline manager, is that the person that declined the travel
18 request?

19 A. My current frontline manager is Merritte Wilson. No, that's
20 not the individual that declined it. It was Daret Kanayama.

21 Q. Okay.

22 A. He was the one that denied the travel.

23 Q. All right. And then in talking to the -- about the accident
24 pilot, Mr. Matero, you mentioned him, that you were surprised that
25 he was involved in an accident with 17,000 hours, and then you

1 mentioned a Robinson pilot with 500 hours and, I guess, surprised,
2 for a lack of better words. What's surprising that a 17,000-hour
3 pilot was involved in an accident? What causes you to be
4 surprised?

5 A. Well, the fact that he survived 17,000 hours previous to that
6 probably means he did it safely, you know. Obviously, he didn't
7 -- he was never injured. You know, it's just his flying skills
8 were superb from what I understood. People have told me he was a
9 very good pilot with lots of experience, so I'm just using that
10 based on my experience of 30 years in aviation, you know, seeing
11 any high-time aviators that come to a CFIT issue was kind of
12 surprising. Whereas a low-time pilot with less skill and less
13 ability would be statistically more apt to have an accident.

14 Q. Okay. So I'm trying to peel this apart, I'm not trying to
15 catch you on words. And other people have mentioned that, you
16 know, they were surprised that a 17,000-hour pilot got into an
17 accident. Is it surprising because of stick and rudder skills, or
18 is it surprising because of decision making?

19 A. Kind of both.

20 Q. Okay.

21 A. Obviously you learn with experience. You know, we get scared
22 and we learn to stay away from things that hurt us, so to see
23 somebody take an unnecessary risk with that type of experience
24 level seemed surprising. That's just my opinion.

25 MR. GALLO: Okay. That's all the questions I have. I don't

1 know if anybody else has any questions?

2 (Pause.)

3 MR. GALLO: All right. Mr. Monfort, we talked about a lot of
4 different subjects. Do you have anything else that you would like
5 to tell us that we haven't addressed, or do you have any concerns
6 that you want to convey to us?

7 MR. MONFORT: I pretty much made my point clear, you know.
8 If we're restricted in our ability to surveil, then it's very
9 difficult to ensure compliance to the national airspace. That's
10 my main point that I would like to make, and that's about it.

11 MR. GALLO: All right. We appreciate your time, and thank
12 you very much. And we are off the record.

13 (Whereupon, 6:03 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

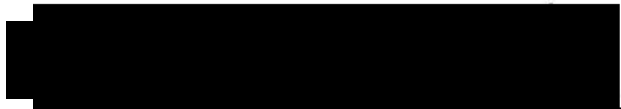
IN THE MATTER OF: AIRBUS AS350 B2 HELICOPTER
 CRASH NEAR LIHUE, HAWAII
 DECEMBER 26, 2019
 Interview of Preston Myers

ACCIDENT NO.: ANC20MA010

PLACE:

DATE:

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.



Kathryn A. Mirfin
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of: *

*

AIRBUS AS350 B2 HELICOPTER *

CRASH NEAR LIHUE, HAWAII * Accident No.: ANC20MA010

DECEMBER 26, 2019 *

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* * * * *

Interview of: PRESTON MYERS
President/Director of Operations
Safari Aviation, Inc.

APPEARANCES:

MITCHELL GALLO, Senior Air Safety Investigator
National Transportation Safety Board

PATRICK LUSCH, Air Safety Investigator
Federal Aviation Administration

MANNY FIGLIA, Director of Aviation Safety
Airbus Helicopters

CORY WRIGHT, Representative
(On behalf of Mr. Myers)

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I N T E R V I E W

1
2 MR. GALLO: This is an interview with Preston Myers in
3 relation to NTSB Accident Number AMC20MA010. Mr. Myers, do we
4 have your permission to record this interview?

5 MR. MYERS: Yes.

6 MR. GALLO: And the representative of your choice is Cory
7 Wright?

8 MR. MYERS: That's correct.

9 MR. GALLO: Okay. Thank you.

INTERVIEW OF PRESTON MYERS

10
11 BY MR. GALLO:

12 Q. To start out with, can you kind of give us a history of
13 Safari Helicopters?

14 A. Safari Helicopters got incorporated in 1987. In 1988, we got
15 involved with the Eurocopter equipment at that time. I fell in
16 love with the AStar. I had a D model leased machine. Six months
17 later, the factory liked my payment. So I wound up buying the
18 AStar at that time, a B model which I later converted to a BA
19 model, and then later on, had bought a B2, and I've been flying
20 B2s ever since 2001.

21 Q. And in 1987 --

22 A. I'm sorry. 1901 -- not 19 -- let's see. '91. '91.

23 Q. And in 1987, how many employees did you have?

24 A. Me, my wife and one other person.

25 Q. And can you describe the addition of employees throughout the

1 years?

2 A. As we started growing, and our -- I realized I couldn't do
3 all the flying, I started hiring additional pilots or pilot, part-
4 time at that point, and then eventually I had to have a full-time
5 pilot. So I became the part-time pilot and put the full-time
6 pilot on board. We started off -- because of a lack of
7 maintenance here, I started off with my own in-house maintenance
8 A&P person, working for me. I was Part 91 when I first got
9 started, flew under a Part 91. Then went to single pilot 135 and
10 then went to basic 135 and I got involved with a contract with the
11 DoD AMC and I became a full 135 and 133 operation.

12 Q. All right. Can you give approximately years when you went
13 from 91 to 135 if you can remember?

14 A. I don't have those exact dates. I cannot remember exactly
15 the dates that we went. I've been a full 95 ever since I had the
16 DoD AMC contract with the Aegis program. That's when I flew a
17 Bell 412 at that -- for that contract.

18 Q. And currently, in addition to the Axon helicopter, how many
19 helicopters are you -- were you operating?

20 A. We have on the certificate four helicopters, all B2s.

21 Q. Okay. And what are their locations?

22 A. Once the crashed aircraft and we have one in Hilo and we have
23 one here in Lihue now, and we have one on the mainland going to
24 major inspections and corrections of corrosion.

25 Q. And since 1987, has the company had any aviation related

1 accidents, incidents or violations?

2 A. We have -- I had an accident with the B2 -- what year was
3 that? It dealt with the down walk on the collective -- on a test
4 flight, and I was flying it, and what year was that? I think that
5 was around -- I think that was 2001 approximately.

6 Q. And was this a maintenance test flight?

7 A. Yes.

8 Q. And do you remember the N number of that helicopter?

9 A. That was old 985SA which got rebuilt by the factory later on,
10 a factory out of Canada.

11 Q. So any other incidents or violations after that?

12 A. Only in relation to 135 operations, we've had letters of
13 investigation for drug issues and hazmat transportation issues,
14 paperwork issues that didn't cross the T or dot the I on those
15 particular issues, nothing major. Nothing that became a
16 violation. No violations.

17 Q. And pertaining to the company 135 operations manual, ops
18 specs, who wrote those?

19 A. The ops specs are written by FAA.

20 Q. Okay.

21 A. The manual's written by me.

22 Q. You wrote the --

23 A. I wrote the -- when I was basic 135, I wrote the letter of
24 compliance. When I went to single pilot 135, I wrote my manual.
25 I did not copy a manual. I had a contract in Oregon doing some

1 U.S. Forest Service contracts and I had a part-time pilot working
2 for me. He was a former POI of Seattle. He wanted to see my
3 manual, and he said, I'm amazed. I said what's that? He said you
4 wrote this yourself, didn't you? And I said, yes. He said I'm
5 impressed.

6 Q. So you didn't go to an outside vendor to write that manual?

7 A. No, no.

8 Q. Okay.

9 A. Everything I did myself.

10 Q. And going back to company history, when did Mr. Paul Mateo
11 become employed here and in what position?

12 A. He was a line pilot initially. I'm trying to think of a
13 year. He had been with me for 12 years, and then he had a problem
14 with a positive drug test. He was suspended from the company. He
15 wound up going back to getting a SAP. When he got finished with
16 the SAP, I didn't hire him back as a pilot at that time. I did
17 hire him back as an A&P, and he had to get his license back
18 because it was revoked. Once he got his license back, I put him
19 on line, and then my chief pilot at that time, Gardner Brown, left
20 me and recommended Paul to take his place, and that's when I put
21 Paul into being a chief pilot.

22 Q. And when Paul first started, do you remember what his
23 experience was, his flight experience?

24 A. Oh, extensive, extensive experience.

25 Q. Can you briefly describe that?

1 A. A lot of flying on the mainland doing utility work. He used
2 to sling Christmas trees, did power line work and all those kinds
3 of utility type work. I don't know if he did any tourist. He did
4 work for (indiscernible) before coming to me as a line pilot.

5 Q. Did he build his own helicopter?

6 A. I don't know if he built his own, but he did maintain his
7 own, yes.

8 Q. And going to the drug test, who administered the drug test
9 and why was it administered?

10 A. A random test and I administered it.

11 Q. Was that --

12 A. It was on the consortium. They give me -- every quarter
13 randoms to take for that time, and he was randomly picked, and I
14 just picked a day and said, here's your drug test.

15 Q. Was the drug test a FAA requirement?

16 A. Yes.

17 Q. In the company, was Paul Matero, was he officer or member of
18 the corporation?

19 A. No.

20 Q. And who is in charge of hiring and firing in the company?

21 A. My chief pilot is in charge of that in conjunction with my
22 input. We get applications. We discuss the applications, what
23 the backgrounds were, and then we'd make a decision whether we
24 would start interviewing them or potentially offering jobs at that
25 point in time. It was not completely his position to hire pilots,

1 but he did it in conjunction with my input.

2 Q. And it was Mr. Matero helping you make the decisions for
3 hiring and firing?

4 A. Well, yes. He was in charge of -- once we hired them, he was
5 in charge of the pilots after that.

6 Q. Can you talk us through how customers are handled? Do they
7 call you up to book a reservation or use the internet?

8 A. Well, when we first started, they didn't have internet, and
9 you had to go through advertisement, heavy advertisement and/or
10 what we call middlemen activities desks, companies similar to
11 Expedia and those types. I don't do volume flying, you know. I
12 don't want to do volume flying, nor do I want to play excessive
13 commissions for that considered extortion. So I don't do it.

14 Q. And what is volume flying?

15 A. If I had 2 helicopters, doing 16 flights a day, day in, day
16 out, 7 days a week. I mean some companies have three helicopters
17 doing that or four helicopters doing that. I don't do it. I
18 stayed small. I have a family run business, never intended to get
19 bigger than one or two helicopters.

20 Q. So when a customer books an air tour, they arrive here and
21 then how is that customer handled?

22 A. We process them here. To date, we primarily use internet as
23 a means for reservations. We still get phone calls and our staff
24 answers phone calls. We take the reservations, and they come in,
25 check into the office here about 45 minutes prior to the scheduled

1 time that we want to take off, and they go through a safety
2 briefing. Processing, safety briefing and then we shuttle them
3 from here to the heliport where our staff will load the passengers
4 on the helicopter and then when they come back, they offload them
5 and then they bring them back here with a van. And then if they
6 want to hang around and whatever at that point in time, if they
7 want to buy merchandise, they can do that. If they want to go
8 home, they go home.

9 Q. And are you using actual weights?

10 A. Yes. I'm the first operator in the state to actually weigh a
11 passenger. I did that from the first day I went into business.
12 Nobody else did that.

13 Q. And how many shuttles are you operating between here and the
14 airport?

15 A. We have two major vans. We have a third in case we get into
16 a point with an organization that we had been doing business with
17 and they had people staying in Poipu. So once in a while we had
18 to go to Poipu. That group no longer stays there, and they stay
19 closer to us now, but pretty much two vans primarily.

20 Q. And are the customers, while you're shuttling one group of
21 customers to the airport, is there another group waiting here? Is
22 there a line?

23 A. Well, if we have the volume and we have the say two flights
24 going out, they go up about 5 minutes after each other. So the
25 vans go down together.

1 Q. Okay. And in the configuration of the helicopters, you have
2 the collective in the left seat?

3 A. Pilot in command's on the left side rather than the right
4 side. I'm also the first operator in the state and probably one
5 of the first operators anywhere in America, that have the left
6 pilot command seat that's a STC program that was developed by, at
7 that time, Eurocopter Canada which is now part of Airbus of which
8 Texas now has the jurisdiction over Eurocopter Canada.

9 Q. And why are the controls on the left side?

10 A. They're out of the way of the passengers stepping on them or
11 interfering with them.

12 Q. Okay.

13 A. On the right side, they're on the left side of the pilot. So
14 when you move the pilot in command seat to the left side, they're
15 still on the left side of the pilot.

16 Q. And is that to facilitate a route that goes clockwise around
17 the island?

18 A. No, it's more or less -- that helps because of the direction
19 we're going on, but I find the left pilot command seat is much
20 better than right side. The flight controls are out of the way of
21 passengers. I had actually myself a passenger -- we brief them on
22 cameras, the old style cameras, and put their strap around their
23 neck, because we didn't want it dangling down on the flight
24 controls, the throttle, and I'm looking down, and I see this strap
25 on the throttle, and knew if I'd say something, they'd jerk it up,

1 and I held the strap, and I said the person, ma'am, your camera
2 strap, and sure enough, she jerked up on it. Had I just told her,
3 she would have yanked off my throttle at that time. So I
4 anticipated that happening, prevented it from happening, and I'm
5 sure it happens a lot with all the other operators, whether it's
6 flying tours or doing utility on the mainland. I've heard a lot
7 of people talking about passengers interfering with those flight
8 controls on that side. I prefer the left side because it's away
9 from everybody.

10 Q. And can you explain the seating arrangement or what is the
11 seating arrangement in the helicopters? I think --

12 A. Four in the back and two passengers in front with the pilot.
13 Three in front, four in the back.

14 Q. So two passenger seats in front and four in back?

15 A. It's a bench seat that's a STC'ed by Eurocopter Canada.

16 Q. And the passengers, do they know each other? Are you always
17 putting six people in or --

18 A. We try to get six, but if I do less than four, I lose money.
19 So we pretty much need a minimum of five before we go up, but
20 prefer to have six. They may not be related to each other. It
21 can be two, two and two. It could be five and one. It could be
22 four and three, any combination. Mostly they go up in couples.

23 Q. Can you talk about the frequency of FAA oversight in your
24 dealing with FAA and who in the FAA you --

25 A. Is my POI?

1 Q. -- deal with?

2 A. My POI currently is a fellow named Joseph Monfred. He had
3 been my POI previously. They assigned another person as my POI
4 who lasted about 6 months in the FSDO and he took a job with the
5 Border Patrol and left Hawaii. They've had a tough time getting
6 and retaining apparently POIs here in Hawaii. I don't know what
7 the circumstances are from that, whether it's a cultural thing
8 within the FAA FSDO or not, or is it because they cannot adjust to
9 living in Hawaii? I don't know which one it is.

10 Q. And how much time do they spend auditing the company?

11 A. Well, when I had, they had more POIs. I was audited all the
12 time. Since they are short, they've authorized small operators
13 with more than eight pilots to have a check airman, and that's
14 when we got our check airman status at that point in time.

15 Q. And how often is that they audited you all the time? How
16 often is all the time?

17 A. Prior to, prior to it? Obviously you have your annuals.
18 They come out and review the aircraft. They do base inspections.
19 We just had a base inspection about 2 1/2, 3 weeks ago for
20 maintenance, that recently. Operational, we had a gentleman come
21 down from Alaska to renew my -- Paul Matero's checkride, and then
22 we're training -- because Paul was retiring. We had another pilot
23 I selected, and we're trying to get him involved with being a
24 chief pilot. We don't have an official assistant chief pilot. He
25 was in training in anticipation that when Paul retired, the other

1 pilot would take over without having to overload him all at one
2 time. So he slowly transitioned into that position.

3 Q. And was Mr. Matero, he was a 135 check airman, also the
4 company instructor?

5 A. Correct.

6 Q. And when did he receive those designations from the FAA if
7 you can remember?

8 A. I'm trying to look at the status folder, if it's on the
9 status folder or not. We just get that data when he renews it.
10 He's been check airman I'd say around 5 years, 6 years.

11 Q. And when was Mr. Matero supposed to retired? Was there a
12 date set?

13 A. He was looking at turning 70 years old in July, and it could
14 be anywhere between springtime and when he was 70.

15 Q. Did he say why he was going to retire?

16 A. Just been in business long enough to go home, wanted to go
17 home and live in Oregon close to his grandkids.

18 Q. Did he have any illnesses that he discussed with you or did
19 you see anything medically wrong?

20 A. He had a problem with his knee recently. He went and did a
21 MRI. He did a MRI a week ago Saturday, that was the 20 -- anyone
22 have a calendar. I don't have that date in front of me.

23 Q. An estimate will be fine.

24 A. Yeah, a week and a half, 2 weeks ago Saturday for the knee.
25 He had been complaining of being sick the week prior to that, and

1 not feeling good and having the runs, but he said nothing about
2 it. He's a pilot and the pilot grounded himself because he wasn't
3 well enough to fly. We brought another pilot in to fly for him.

4 Q. And what was his work schedule?

5 A. He would be here Monday through Friday. He'd be scheduled to
6 fly over flights on Monday and Tuesday if we had any. Thursdays
7 and Fridays again over flights. Usually he does fly mostly on
8 Thursday and Friday because the cruise ship's in port, and that's
9 when we have more people booking us at that time. Wednesday, he
10 is in the office doing admin type work or nothing at all. And
11 then he's off on the weekends except for once in a while, he gets
12 called up to do overflow for Saturday when we don't have a pilot
13 available for them. He probably gets around 40 to 50 hours a
14 month in.

15 Q. And who's responsible for scheduling pilots and tracking
16 their duty time?

17 A. Chief pilot.

18 Q. So the chief pilot would look at the customer list or --

19 A. No, he would publish the pilot schedule a month in advance.
20 I work my pilots generally speaking normally 4 and 3, 4 days on, 3
21 days off, and because of the circumstances, it's pretty much 3 1/2
22 and 3 1/2, with on Wednesday, the other pilot and they rotate
23 every other week, and may become the overflow pilot for Wednesday
24 so Paul didn't have to fly that date. So occasionally, the pilots
25 would be 4 and 3, no more than.

1 Q. And would Mr. Matero also be responsible for tracking the
2 duty time of all pilots?

3 A. Of all pilots. It's in their flight jacket that we have for
4 all pilots.

5 Q. Can you discuss how company flight following or tracking is
6 handled?

7 A. Yes. When a pilot takes off, he departs the airport. About
8 2 or 3 minutes out or beyond the Class D airspace, he calls the
9 company and says the aircraft call sign like the one that we're
10 investigating, Safari 5 off at 2-1, and they log it in, 2-1 and we
11 know what time he's for, 3-5, and he's supposed to be back at a
12 certain time, and if he's not back then, we have a lost procedure.
13 Prior to coming back to Lihue, 10 minutes prior, he reports to us
14 again and that's because I have plan for a 45 minute report to the
15 office criteria for every flight. So if he's -- 10 minutes prior
16 to it, he's supposed to be calling the office and meets that 45
17 minute requirement on a 50 minute flight or 55 minute flight if it
18 is.

19 Q. Going back to Matero's positive drug test, after he regained
20 his licenses and flying status, did he ever test positive for
21 any --

22 A. No. I had -- he went through a SAP program that I had to
23 administer and for 5 years, he was up for not only the normal
24 random but he had it almost for the first year, every month, he
25 had to take the test under observation, and slowly got better and

1 better, until the fifth year, he was pretty much maybe mandatory
2 once every 6 months. After the fifth year, he strictly got on the
3 normal random and was no longer on the program.

4 Q. And when was the last time you flew with Mr. Matero?

5 A. Me?

6 Q. Yes.

7 A. I don't fly. I've been grounded since I had a heart problem
8 15 years ago.

9 Q. Have you received any complaints about Mr. Matero's flying?

10 A. No, none.

11 Q. How would you handle a complaint of maybe reckless flying or
12 hazardous flying of a company pilot?

13 A. We would review the video to confirm if what they're saying
14 is correct or not. Now, we've had videos in all my aircraft until
15 recently. We're upgrading our videos to high definition videos
16 and we have it installed in 702SA. We did not have it in 5SA.
17 We're in the process of installing it until the crash happened.
18 So we did not have one in that aircraft. We had to take it out
19 and put it through the SPC process.

20 Q. What's the purpose of the videos?

21 A. The purpose is twofold. Number one, as a souvenir video for
22 the past years to have. I'd have to say I'm probably the first
23 operator to implement what they call a multiple camera system in a
24 helicopter tour. And two, it allows us to be in the cockpit to
25 review our line pilots to see if they're hotdogging or not

1 hotdogging and we pull the video off on a random basis to review
2 those to make sure hotdogger out there and also for complaints to
3 verify if what they're talking about is valid or not valid.

4 MR. GALLO: That's all the questions I have for now.
5 Patrick, do you have any questions?

6 MR. LUSCH: Yes, I do. Thank you.

7 BY MR. LUSCH:

8 Q. Mr. Myers, could you describe to me the operational control
9 process that Safari employs for the operation of its flights?

10 A. Well, a chief pilot -- I'm in operational control, and I have
11 my chief pilot who is designated alternate to me in case I'm not
12 here, and pretty much it's between my chief pilot and me who have
13 operational control.

14 Q. And what process is employed to determine compliance with the
15 regulations as far as the operation of a flight on a particular
16 day with regard to operational control of the scheduling of a
17 pilot, his training, his duty, time, hours? Is there some method
18 of ensuring that on this particular morning, this pilot's training
19 is current, he hasn't exceeded his duty time?

20 A. Yeah, we have it logged.

21 Q. And is that logged in some type of an electronic format or --

22 A. It's in a paper log.

23 Q. Okay.

24 A. Although we've converting to electronic right now. We
25 haven't done it yet.

1 Q. Your general operations manual speaks to a process for risk
2 assessment, something called the RAT tool.

3 A. Um-hum.

4 Q. A rotorcraft assessment tool I believe is the acronym was.

5 A. Um-hum.

6 Q. Can you describe that process for me?

7 A. Basically if we're doing a sightseeing tour which is routine,
8 it's the process of determining what the weather's like before we
9 take off. It's the process a pilot determining -- the pilot in
10 command determining what the weather's like throughout the day and
11 whether we continue to fly or not. The process of risk analysis
12 is based upon doing charter work that we're not familiar with
13 and/or anything else that is not in a normal tour operation. From
14 a tour point of view, risk and management has been done just doing
15 tours from the get go. If we do something out of the ordinary,
16 that is not part of the sightseeing tours, then we go through the
17 process of risk analysis of that.

18 Q. And where are those risk values recorded?

19 A. We don't hardly ever do that.

20 Q. Okay.

21 A. We hardly ever do anything outside our daily sightseeing
22 tours. It's extremely rare to do a charter.

23 Q. Can you tell me about the safety briefing that you give your
24 passengers that you mentioned earlier in the investigation? Is
25 that --

1 A. The passenger does not get a safety briefing per se as per
2 the FARs. The pilot in command gets a safety briefing on every
3 flight he takes off which is required under 135. Our office gives
4 a review of procedures and safety concerns on the flight line and
5 then the actual safety briefing is again pilot in command
6 responsibility and they do that on every flight, and I do that on
7 purpose. There's some companies that have a video type thing
8 that's FAA approved. I look at it if my pilot does a charter, I
9 don't want him to think about what I have to do for a safety
10 briefing. Therefore, he does it every day, every flight, during
11 the actual 135 safety briefing so he doesn't have to remember if
12 we do a charter flight.

13 Q. And what type of a briefing does the passenger get when
14 they're here in your office?

15 A. Just general safety issues of how we load them, not to wander
16 around the flight line, not to wander behind the aircraft,
17 procedures for the life preservers that they wear in the case of a
18 water landing, if they have to do that, and that's pretty much --
19 and it's all repeated again by the pilot in command. So it's like
20 reinforcement safety briefing.

21 Q. Yeah.

22 A. We like do it twice.

23 Q. And that's a verbal briefing here in your office?

24 A. That's correct.

25 Q. Okay. Given by your office staff?

1 A. Yes. There's several of us that go down to the flight line
2 and load and unload. They're the ones that give the -- I wouldn't
3 call it a safety briefing. I'd call it a briefing.

4 Q. Got it. Also in your GOM, there was a paragraph that talked
5 -- stated that your operation is 90 percent basic Part 91. Is
6 this still an accurate statement?

7 A. Well, the Island's 26 miles. From here to Na Pali, it's 26
8 miles. Twenty-five statute miles is Part 91.

9 Q. Okay.

10 A. Pretty much that's both islands within the areas that we fly
11 in. Most of it's within 25 statute miles, as defined for that
12 type of operation, but we're 135 because we need that extra mile
13 to go around for weather.

14 Q. Okay. And then also in there, I briefly reviewed it. So I'm
15 just trying to clarify a few things. You mentioned in one section
16 about refueling procedures and that that's usually delegated to
17 your SICs. Do you still employ --

18 A. SICs. That was based on my contract when I had Bell 412. We
19 no longer have that on our certificate. I no longer do the Navy
20 contract. And we were, by the way, DoD AMC qualified for that
21 contract. So we went through the wringer.

22 Q. We mentioned a little bit ago about the video recording on
23 the helicopters, and you touched on an area that I wanted to
24 discuss a some more, regarding the random reviewing of videos, you
25 know, to ensure your pilots are compliant. Do you have a

1 documented formal process by which you do that?

2 A. No, we just pull it off on a random basis and look to be
3 sure. I don't -- if you have a means of doing it otherwise, I
4 believe it's not random.

5 Q. And then do you, do you keep all of your view?

6 A. No, we keep them for a period of 30 days and then they're
7 removed after that. The computer can only take so much in memory.

8 Q. Is there audio recorded on that as well?

9 A. Audio of the pilot's narration and music, yes. Not outside
10 transmissions.

11 Q. So would you have archived recordings of any of Paul's prior
12 flights?

13 A. Possible. We'd have to look at the computer and find out
14 what we've got, and whether he flew with the aircraft that had the
15 video or not.

16 Q. With an aircraft that was equipped, yeah.

17 A. The primary -- Paul flies secondary. Our primary aircraft is
18 702SA. So most likely Paul most of the time was flying 985SA. So
19 he may not have any video for him, but that can change if we're
20 doing maintenance on one aircraft or the other.

21 Q. You sort of mentioned that very rarely you do other business
22 other than the tours. You do, I'm assuming, at some point.

23 A. We're certified for it.

24 Q. What other operations would you conduct or could you conduct?

25 A. Charter. Somebody would want to flying from Point A to Point

1 B and let them off somewhere. Someone who wants to do something
2 different than a sightseeing tour, or say a real estate agent
3 wants to look at property and go fly from Point A to Point B to
4 look at the property and back but it's extremely rare.

5 Q. Are there any restrictions on where you can go?

6 A. No, United States and the state of Hawaii.

7 Q. So between islands as well?

8 A. I can if I have pop out floats on. We have pop out floats if
9 we -- I've had maybe one request to go inner island in 3 years and
10 we turn it down usually. When they see the price, they turn it
11 down.

12 Q. Okay. I don't have any further questions for now.

13 MR. GALLO: Manny, do you have any questions?

14 MR. FIGLIA: Yes.

15 BY MR. FIGLIA:

16 Q. Paul was chief pilot?

17 A. Correct.

18 Q. Okay. And you've got extensive aviation background. Paul
19 did as well. Here's your chief pilot who is in his late 60s,
20 extraordinary amount of experience and I would say you trusted him
21 with a great deal of the weight as far as aviation expertise.

22 A. Discretion, absolutely.

23 Q. In looking back at it, does it kind of change your
24 perspective on how you look at someone with a vast amount of
25 experience and yet he -- prior to the accident, I would think that

1 you would say he probably was the least likely to be involved in a
2 serious accident.

3 A. He was, in my opinion, the most conservative pilot here on
4 the island. I have a philosophy for my pilots that I relayed to
5 Paul, I relay to my pilots. If you're flying around the Island,
6 and you're looking at a location, ask yourself the question, can I
7 or can I not go? I say you've answered your question. And that's
8 my basic philosophy for flying tours. I learned that the hard way
9 myself years and years ago.

10 Q. In retrospect, would you look at things differently?
11 Obviously you don't have to after a serious accident, but would
12 you look at things differently now, let's say a pilot with
13 comparable background as Paul, working in your company? I mean
14 does it -- in other words, do you see it differently with pilots
15 with a lot of experience?

16 A. That would depend pilot to pilot, whether I know them or not.
17 If I know he's been flying for me for 4 or 5 years, whatever it
18 may be, and I have firsthand knowledge of how he is, yes, I have
19 confidence. If I hire a person to take a position who I didn't
20 know, I would have apprehensions, absolutely, because I will not
21 know. A tour pilot is different than a utility pilot, completely
22 different.

23 MR. FIGLIA: I've got nothing else.

24 BY MR. GALLO:

25 Q. I think I have one more question. What's the definition

1 between primary and secondary pilot or aircraft? What do you mean
2 by that?

3 A. We have as an example, Paul's secondary Monday, Tuesday,
4 Thursday, Friday. It depends on the flight load. If we fly more
5 than six flights for primary, who's assigned primary, then
6 secondary kicks in for the rest of the reservations. He may or
7 may not fly. He or she may not fly if we don't have reservations
8 to fill up. When it gets slow, we may not get reservations at
9 all, but the pilot's still paid for being on standby.

10 MR. GALLO: That's all the questions I have. Patrick.

11 BY MR. LUSCH:

12 Q. I just want to touch back -- I want to clarify one of my
13 questions I asked earlier, Preston, regarding that risk assessment
14 program.

15 A. Um-hum.

16 Q. And again I'm not trying to trap you on anything with this.
17 I'm just trying to get in my own mind, and so if this is a
18 mistake, it's fine to go ahead and get it corrected. In your GOM,
19 it says that prior to any Part 91 or 135 flight, Safari's -- the
20 operation will be assessed a risk value in accordance with that
21 RAV. So I think you had mentioned earlier when you said you
22 hardly ever review it, are you referring to hardly ever doing
23 anything outside of something other than normal risk or were not
24 assigning risk values to every flight because that statement may
25 be changed?

1 A. No, anything outside of normal risks that we have.

2 MR. LUSCH: Okay. I have no more questions.

3 BY MR. GALLO:

4 Q. Do you have anything else that you'd like to add or share
5 with us?

6 A. Do you want to know my certifications?

7 Q. I can go through your certifications and flight times.

8 A. I have -- when I stopped flying, I had over 15,000 hours. I
9 have a commercial certificate, fixed wing, helicopter, instrument
10 rating including helicopter and type rated S58 and S61. Aircraft
11 carrier qualified for Navy, fixed wing, F-9 Cougar qualified,
12 flown almost every helicopter in the Navy inventory, mostly
13 heavies. The first time I ever flew a light helicopter is when I
14 came to Kauai.

15 MR. GALLO: All right. That concludes the interview. Thank
16 you for your time.

17 MR. MYERS: Thank you.

18 (Whereupon, the interview was concluded.)
19
20
21
22
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25

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

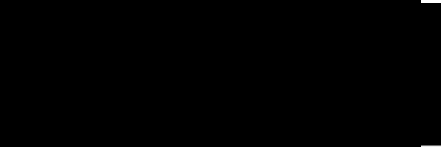
IN THE MATTER OF: AIRBUS AS350 B2 HELICOPTER
 CRASH NEAR LIHUE, HAWAII,
 ON DECEMBER 26, 2019
 Interview of Preston Myers

ACCIDENT NO.: ANC20MA010

PLACE: Via telephone

DATE: February 14, 2020

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.



Jeffrey Johnson
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of: *

*

AIRBUS AS350 B2 HELICOPTER *

CRASH NEAR LIHUE, HAWAII, * Accident No.: ANC20MA010

ON DECEMBER 26, 2019 *

*

* * * * *

Interview of: PRESTON MYERS, Owner

Safari Helicopters

Via telephone

Saturday,

February 14, 2020

APPEARANCES:

MITCHELL GALLO, Senior Air Safety Investigator
National Transportation Safety Board

WILLIAM BRAMBLE, Senior Human Performance Investigator
National Transportation Safety Board

COREY WRIGHT, Counsel
(On behalf of Mr. Myers)

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I N T E R V I E W

1
2 MR. GALLO: Okay, this is Mitchell Gallo. This is an
3 interview with Preston Myers pertaining to ANC20MA010. And
4 Mr. Myers, do I have your permission to record this interview?

5 MR. MYERS: You do.

6 MR. GALLO: Okay. And your representative of your choice is
7 Corey Wright (ph.), who's also on the phone too; is that correct?

8 MR. MYERS: That's correct.

9 MR. GALLO: All right.

INTERVIEW OF PRESTON MYERS

10
11 BY MR. GALLO:

12 Q. Preston, let me just start out with -- I mean we interviewed
13 you last time, but we have some follow-up questions. And I'd like
14 to start out talking about the Hawaiian Air Tour Manual, the HAT
15 Manual. Can you kind of talk about that? Is that a required
16 manual? And if so --

17 A. Yeah, it's a manual that -- under SFAR 71, on the original
18 regulation that had come about because of an accident. I don't
19 remember the exact year. It was due to concerns by certain
20 representatives in Congress, basically about noise. But I'm under
21 the opinion, and others were under the opinion, it deals more with
22 politics of noise and use the accident rate as the excuse on it,
23 which we felt was never correct.

24 An organization called HHOA had filed a lawsuit against the
25 FAA on the emergency rulemaking basis, because we always felt it

1 was noise. And it got to the Ninth Circuit. The Ninth Circuit
2 basically just deferred to the FAA's opinion on whether it was
3 safety or noise, and it was dismissed at that time.

4 Q. Okay.

5 A. Two years later, they extended SFAR 71. And now, they
6 included noise, culture, and environmental issues into that
7 scenario. And Safari filed a lawsuit stating, basically, it said
8 it was not noise, and you're not including noise with it on the
9 last lawsuit.

10 Two years later, they extended for the second time, still had
11 noise, culture, environmental issues in it. And it became --
12 well, it got down to the point I filed another lawsuit -- or
13 Safari did.

14 And then two years later, the third extension, just before
15 the oral presentations to the Ninth Circuit, the FAA deleted
16 noise, cultural, environmental issues. And the Ninth Circuit
17 said, Safari you're -- lost this vote, therefore, we remain.

18 For the interim basis, between the first HHOA lawsuit and
19 Safari's two lawsuits, we worked on a deviation authority with the
20 FAA, which we claim, and I think the FAA also claimed, and also
21 Mr. Jim Hall of NTSB, concurred that we had compressed airspace
22 and we had potential mid-air collisions going on.

23 What happened with Jim Hall, he was over in Maui, and I
24 presented to him a video, which I still have on file, that shows
25 one of my helicopters heading towards the Ku'uo'o Bend (ph.) on

1 the Big Island at 1,000 feet. Part of our deviation authority was
2 to 1,000 feet. And we still -- we as operators felt that we're
3 still compressing the air at the same altitude that they allow
4 fixed-wing and helicopters at that same altitude.

5 And my pilot was heading towards this volcanic activity on
6 the Big Island, and out of the corner of his eyes, he saw a
7 fixed-wing aircraft microseconds from him. He pulled up and to
8 the left. Below him it looked like a -- oh, what do you call it,
9 a light one-engine airplane zips right next to him, and you could
10 see the faces of the passengers inside of that particular
11 aircraft.

12 And once we had shown that to Mr. Hall, it was within, oh, a
13 month afterwards that the FAA came back and now authorized this
14 500-foot deviation authority to SFAR 71 at that time. At certain
15 areas of each island -- and each island had developed their
16 program for site-specific areas that go down to 500 feet in those
17 particular areas only. Elsewhere, it would've been 1,000 feet or
18 1,500 feet.

19 Now, that's what happened there that they incorporated FAA
20 along with parts of the -- well, let's go back a little bit more.
21 They also, the FAA, assured the NTSB this would be a national
22 regulation. And they attempted to do a national regulation based
23 on SFAR 71 at that time, and all the alphabet soup people came
24 unglued, and the FAA backed away from it. And they implemented
25 Part 136 as a sightseeing tour regulation, and they kept Hawaii

1 into what's called Appendix A, which allows us to continue on as
2 before. No different SFAR 71; the normal deviation authority.

3 And they had problems -- basically our deviation authority
4 that we developed was presented to the FAA for their approval, FAA
5 approved it, and that's where the HAT one was from. However,
6 there was an attempt a few years ago to make some adjustments to
7 the procedures manual. Then it got political. And that's when
8 everybody said, we have rights to have input for this, that, and
9 everything else. But I think what happened on that, it kind of
10 just stayed there; no one did anything.

11 So it continued on as the normal procedures that the FAA had
12 proved for deviation authority for all the safety tour operators
13 in the state of Hawaii. If a new operator came into Hawaii and
14 wanted to do tours, they would have to -- they could get a master
15 copy of that procedures manual, and they can submit it to the FAA
16 for their approval. And that's the way it is at this point in
17 time. But I gave you a long history on a short question; I'm
18 sorry.

19 Q. Okay. And the HAT Manual is integrated into SFAR 71, but is
20 that -- HAT Manual talk about anything about training or
21 instrument training of that sort?

22 A. It talks about the inadvertent IMC training, that there is no
23 requirements for IFR, certified aircraft, or pilots. And of
24 course, all the -- most of the aircraft in the state of Hawaii
25 doing tours, because we fly day VFR, most of us, that was never

1 something to be considered was our certification for the
2 operations, not -- day/night VFR only.

3 Q. So let's go back. Your training is based on Part 135 and not
4 the HAT Manual; is that correct?

5 A. Yeah, it's based on 135, but we incorporate the HAT Manual
6 into additional compliance.

7 Q. All right. And then the HAT Manual, you're required to
8 follow because it's part of SFAR 71. Am I correct in my
9 understanding?

10 A. For the SFAR 71, that's correct. It was incorporated in
11 Appendix A Part 136 today.

12 Q. Okay. And then what is HAOA [sic]?

13 A. HHOA was the Hawaii Helicopter Operators Association that was
14 formed to address noise issues with the community and had regular
15 meetings to discuss sensitive noise areas; what can we do to
16 prevent this from happening? And we had certain chokehold areas
17 that we could not avoid. And we had to go by certain locations,
18 but we always flew at a higher altitude.

19 We, under the HHOA, had agreed to, informally, to fly at
20 1,500 feet over communities, weather permitting. In other words,
21 if the weather got to the point where we had to go below 1,500
22 feet, so be it, we got below it. Then when the FAA came along
23 with SFAR 71, they said, hey, you guys agreed to do 1,500 feet;
24 what's your complaint? But they made it 1,500 feet throughout the
25 whole state.

1 Q. And is HHOA still in existence?

2 A. No, it dissolved shortly after the meeting with Mr. Hall.
3 They had -- we had issues with some of the operators not paying
4 their dues, their share of the dues. And that got to the point
5 there was only two people remaining left in HHOA, which -- one of
6 which was Safari. It just got to the point there were just two of
7 us were members of it, and they just kind of died and went away.

8 Q. So is there, on the islands, either a formal or informal
9 organization of air tour operators, where maybe informally get
10 together and talk about different subjects pertaining to --

11 A. Yes, we -- about a year and a half, 2 years ago, HAI
12 recommended that we create our own local -- or recreate, I'll say,
13 a local organization to address political issues and noise
14 abatement, stuff like that. So we created HHA, which today is
15 falling apart because certain operators have decided to play the
16 political game and so forth, because they have all kinds of
17 additional equipment on their aircraft that the other operators do
18 not have, nor could they afford, to be competitive.

19 Keep in mind, when you're dealing with a company that's owned
20 by AMC, which is a pretty large company, versus the mom-and-pop
21 helicopter company, it's pretty darn hard to do that. So the
22 operators objected to their attempt to play politics using HHA as
23 the means of it. And it's -- I wasn't involved with it. Just two
24 days ago, they had a meeting to pretty much disband HHA and then
25 create a new agreement for HAI as an affiliate of HAI, but it

1 would be like HAI Hawaii, as an example. And we're going through
2 the process of doing that now.

3 Q. All right. And the reason I ask is, we'd like to talk to
4 some other operators and maybe within that group. Can you name a
5 couple that we could go to and talk about air tour issues and
6 safety?

7 A. You got Sunshine, you've got Jack Harter, you've got Mauna
8 Loa. You have Island Helicopters on this island. You've got
9 Maverick, who is a new arrival in Hawaii within the last couple
10 years. You have Tropical/Paradise on the Big Island, you've
11 got -- I guess Sunshine and Safari, that's it on the Big Island.
12 Maui, I don't know exactly what the operators are, but the major
13 player would be like Sunshine.

14 And then of course, we got Blue Hawaiian, the largest, which
15 is owned by AMC, which is one of our objections to them playing
16 politics without having conformed and gotten a consensus from HHA.
17 They basically went off on their own and did their own issues on
18 it, and we had a problem with that as other operators. It's not
19 the tail wagging the dog; we all had to work together with that
20 situation. So Blue Hawaiian/AMC are the ones that are playing
21 politics and creating, in my opinion, additional strain and stress
22 on the other operators.

23 Q. Okay. And I made some -- several --

24 A. And by the way, Blue also had two major fatalities, one at
25 Maui and one on Molokai, that was an inadvertent IMC and crashed

1 into the hillsides and mountains.

2 Q. Okay. One of the suggestions we came across in one of our
3 interviews was additional instrument training. Did anybody from
4 FAA approach you and tell you maybe, or as a suggestion, that you
5 should provide additional instrument training?

6 A. All we do here is this inadvertent IMC. The problem we have
7 is we don't have aircraft that are certified for instrument
8 training, have no stable ejection equipment, no autopilot, and
9 some pilots are not instrument rated. So how do you do that?

10 Q. Okay. And the current training that you provide is based on
11 135 regulations. Is there anything else other than 135?

12 A. 136.

13 Q. Oh, 136. I'm sorry.

14 A. Well, both of them, 135 and 136 --

15 Q. Yeah --

16 A. -- we both have inadvertent IMC training. And again, because
17 everybody is certified to do day/night VFR in Hawaii, I don't know
18 of another operator that's doing tours as IFR-certified.

19 Q. Right. And so an FAA inspector can't come in and -- can they
20 amend your ops specs and say, okay, for example, each pilot needs
21 50 hours of instrument training every month?

22 A. Oh, that's impossible --

23 Q. But --

24 A. -- see everybody go out of business now.

25 Q. No, that -- but that's a hypothetical. What I'm trying to

1 get at is, they can't adjust the instrument training that's
2 required in Part 135 and 136 within the ops specs; would you --
3 can you -- is that correct? Would you know if they could do that?

4 A. I don't -- well, I don't think that would be reasonable.

5 Q. Well --

6 A. You have to have -- well, instruments -- I'm a former Navy
7 pilot, multi-engine rated, I'm high-performance jet rated, I'm
8 helicopter rated, and all my helicopters in the Military have all
9 had stabilization equipment like fast (ph.) autopilot and Doppler
10 systems --

11 Q. Okay.

12 A. -- to fly instruments. You fly instruments with aircraft
13 without any of that stuff in there, you've got one screwy piece of
14 equipment on your hand, and it's easy to get vertigo and wind up
15 losing it without that additional equipment.

16 By the time you put all that additional equipment in the
17 aircraft you're talking about, oh, maybe a couple hundred thousand
18 dollars' worth of investment, plus the weight that it takes to
19 have it in there, you end up pushing -- you wind up limiting one
20 passenger on your helicopter.

21 Q. And one of the requests I was asked of the FAA is if they
22 received any complaints through the FAA hotline. And do you know
23 if any FAA inspector came to you and said, hey, we had a complaint
24 about your flying or --

25 A. No.

1 Q. Okay.

2 A. The only complaint that was done by the 800 number was my
3 pilot against another pilot here on Kauai. That was probably 10
4 years ago.

5 Q. Okay. So no FAA inspector came and said, oh, you're
6 operating in a reckless way; nobody ever said anything like that?

7 A. Negative, because my company doesn't operate recklessly.

8 Q. Okay.

9 A. We're the most compliant of noise abatement operations of any
10 operator, in my opinion and the state. We have not had any
11 occasion for anybody to call the hotline against my company.

12 Q. Okay. And the reason I asked is because I haven't received
13 those records yet, so it's not a specific question directed
14 towards Safari. I'm just -- it's just checking what I don't have.

15 A. That I -- well, I couldn't tell you. I couldn't tell you. I
16 don't have access to the 800 number to find that out. I believe
17 that's supposed to be confidential; am I correct?

18 Q. I don't know. I'm -- it's an FAA system. But the thing is,
19 I haven't received the records yet, so it's just a question I had
20 without looking.

21 A. Yeah. What that -- see, that becomes part of an issue I had,
22 or my pilot, Paul Matero, once -- who is deceased -- had with a
23 inspector here in Hawaii -- I'll give you a quick brief on it. He
24 made a complaint of a helicopter flying 100 feet over his house on
25 multiple, multiple occasions. Finally got him an 800 number,

1 called it in. It was a fire department helicopter that was flown
2 by another operator on contract. They did an investigation on it.
3 And they came back, oh, we checked later on; he was 1,200 feet.
4 Then Paul said, baloney, I know that helicopter was about 100
5 feet. I know the difference between 100 feet and 1,200 feet.

6 Well, it turned out this particular inspector had a personal
7 relationship with that operator and his pilots. And then my
8 pilot, Paul, went to the flight line and was accosted by the pilot
9 that he turned in, of why he did that. And my -- Paul, my pilot,
10 was really upset. That was supposed to be confidential. How did
11 this pilot on the flight line know that it was Paul that turned
12 him in? And we made an issue of that because of it, and that
13 inspector is an inspector I've had problems with ever since.

14 Q. Okay. And one of the other requests I had from the FAA I
15 haven't received yet was the program tracking reporting system
16 records for Safari. And the inspector's comments were -- after
17 they review a operator, they could put comments in and what not.
18 Can you talk about -- did you receive any feedback after a base
19 inspection from Honolulu FSDO by any inspectors that --

20 A. Not in writing, no. This inspection we just had was December
21 17 in my maintenance department, we had no feedback whatsoever on
22 anybody on the base inspection. I had issues with a inspector
23 based upon my training manual. And we had a moment of contention.
24 He was trying to get me to do what he wanted. And I said, I'm
25 sorry, I'm an operator and I do FARs, and my manual is in

1 compliance with the FARs. So he attempted to revoke my training
2 manual because I didn't do what he wanted.

3 I went to AFS-200 in Washington. And finally, we sat down at
4 the FSDO one by one, line by line, on the FAR for my training
5 manual. And guess what? My manual was in complete compliance.
6 Now, this particular inspector was really trying to shove it to
7 me. And I said, I'm sorry, I don't comply with your rules; I
8 comply with FAR's, period. And he didn't want to hear that. He
9 has been an adversarial person ever since.

10 Q. And how long ago was that?

11 A. 2015, 2016.

12 Q. And then so after that, you've had the same manual?

13 A. In fact -- I've had the same manual after that. And in fact,
14 that particular inspector who gave us a bunch of static on it, at
15 my training -- my manual originally was initial, and the approval
16 was in 26, and final approval 28.

17 And then he came along; he was ecstatic. And we went through
18 the whole thing up by Revision 8 when we did that. And then he
19 stamped it initial, approved, and he put his name on it, but he
20 never dated it or signed it. And then two years later, 2018, my
21 other POI, new POI, Don Andera (ph.), signed the final approval of
22 that training manual.

23 Q. And do you recall --

24 A. I've had my manual approved twice.

25 Q. And do you recall what changes or -- that this inspector

1 wanted you to make in the manual?

2 A. He was -- actually, he wanted me to actually sign a manual
3 that he had already been involved with. Whether he wrote it or
4 not, I do not know, or if it was another operator's manual, I
5 could not tell, because -- change your name and put your name on
6 this one, and I'll approve it. I said, I'm not going to do it.
7 And he didn't like that, because I wasn't doing what he told me to
8 do. And it's like I told him, I don't do what you tell me; I do
9 what the FARs tell me.

10 Q. All right. And I think in our last interview, you
11 mentioned -- and I'm going by memory -- that there was a high
12 turnover rate and/or there's not enough inspectors at the Honolulu
13 FSDO.

14 A. That's correct. That's the reason I've got my old POI back
15 as my current POI -- which I'm writing a letter today, in fact,
16 should go in today, to the FSDO to have this man off of my -- not
17 be my POI, because of his going public and stating a falsehood
18 which was defamation to my company. And I have to evaluate now a
19 potential lawsuit against the FAA because of it.

20 He's caused me economic harm in addition to the crash. But
21 he got up in public and said, oh, I had a problem with his
22 training manual. Yeah, he did. But my training manual was in
23 compliance, so it was gone. He didn't tell the public that
24 though.

25 Q. Okay. And in going back to -- and we may have talked about

1 this before on the last interview, but I think your helicopters
2 are being changed over, in terms of video quality, to HD. And
3 that was the reason --

4 A. Yes.

5 Q. -- and that's the --

6 A. Yes.

7 Q. Okay.

8 A. Yes.

9 Q. And --

10 A. Yes, that's the reason it was (indiscernible) in the process
11 of changing it over on that particular aircraft. My other
12 aircraft, 702 CR-Alpha (ph.), has the system in it. It's the only
13 one that has it in it right now.

14 Q. Okay. And then I want to talk --

15 A. And my third helicopter is on the mainland going through a
16 major inspection.

17 Q. Okay. I want to talk a little bit about the lack of -- due
18 to terrain, the difficulty in communications between helicopters
19 on the north part of the island. If a pilot's on the north side
20 of the island -- and it's not just you, it's the other operators,
21 I guess -- how would they be able to communicate back to base? Is
22 it -- I take it the cell phone coverage is going to be sparse
23 also. How --

24 A. They don't have it. We hope -- we do line-of-sight, pilot to
25 pilot. And if we get ahold of a pilot who has line-of-sight or a

1 cell phone, to contact our company, is what we would do.

2 Q. How about installing a satellite phone on the helicopters
3 for -- to provide, I guess --

4 A. Well, that would give us worldwide coverage.

5 Q. Do you think that would be beneficial?

6 A. I don't know it would help you out in the muck, when you get
7 into the muck.

8 Q. Yeah. All right.

9 A. It wouldn't have helped me on the other pilot, trying to find
10 him. He crashed.

11 Q. Yeah. How about ADS-B? Is that required right now or not?

12 A. It is required if you're in class B or C airspace.

13 Q. Yeah.

14 A. We're class D airspace, so it's not required. We did not
15 have it installed. We have been trying to get our ADS-B installed
16 for about 6 months, and the avionic technician could not -- he
17 couldn't approve it until he got permission from the higher-up,
18 and they were going through the process of getting the
19 information. We never got the feedback on that one.

20 We did not have ADS-B on our aircraft. And as Mitch should
21 tell you, that it was interesting that all the helicopters that
22 did have ADS-B stopped tracking around the location that my pilot
23 crashed, so it wouldn't have done you any good to find anything.

24 MR. GALLO: Okay. I think that's all the questions I have.
25 I want to pass it over to Bill Bramble. Bill?

1 BY MR. BRAMBLE:

2 Q. Yeah. Hi, Preston. How's it going? Thanks for your time
3 today, and sorry for the additional hassles here. On the
4 requirements of ADS-B, just what you just mentioned, what are they
5 again; is it class B or class C you need to have it for?

6 A. Both B and C. It does not require for class D.

7 Q. Oh, I see. B and C. All right. And you guys --

8 A. We're D -- we're class D here at the airports, and we're into
9 uncontrolled airspace at 5 miles outside this airport.

10 Q. I see. Okay. So it's not required there in Kauai, but it
11 would be like in Honolulu?

12 A. Yes. If we had to transition -- if I had to ferry one of my
13 aircraft down to HNL, I would have to have ADS-B out, minimum
14 installed. And like I say, we were in a process of trying to get
15 that done. We have an STC audit, but it wasn't STC specifically
16 to this helicopter; it was STC to another type of aircraft. And
17 we are going through the process of getting FAA approval to have
18 it installed, and we've been working on it for about 6 months and
19 still don't have it approved.

20 Q. I see.

21 A. Now, we're changing it up. We made a big decision here
22 post-action that we're installing, I think it's the carbon
23 transponder that has ADS-B in and out already installed on it. So
24 we've ordered that for all of our aircraft, and we'll probably
25 have it installed within the next 6 months.

1 Q. Okay. Will that give you line-of-sight traffic avoidance on
2 the tour route?

3 A. Traffic avoidance, only if you have -- only if you can have
4 an aircraft that can read traffic. If you're ADS-B out, you don't
5 see the other traffic. If you have ADS-B in, then you would see
6 the other traffic.

7 But that didn't stop one company who had ADS-B out and in for
8 an almost midair collision, over what I call Lumahai Beach on
9 Kauai. It was very, very close, very, very close to midair,
10 almost -- I mean, like within feet. So how did that happen? I
11 tell you what I think -- well, if he had ADS-B in and out on one
12 aircraft, which I've been told they do have, how did he get in a
13 position of almost having a midair?

14 Q. Yeah, not directly related to this, but I'm curious because
15 we're working other cases that deal with ADS-B, and I was just
16 wondering whether you guys are voluntarily equipping with that or
17 not.

18 A. Well, we're mandated to do it, if I have to fly through B and
19 C airspace, which I would do, have to do, if I was ferrying one of
20 my aircraft from island to another. I have to go through both of
21 them.

22 Q. Okay. The inspector that you had who was involved with the
23 issue with Paul and the hotline, who is that?

24 A. The same one that's making public issues on my training
25 manual.

1 Q. What's his name?

2 A. Joseph Monfort. He's a rogue wildcard. I can go on and on
3 and on.

4 Q. Okay. I just wanted to --

5 A. You can, you can ask 90 percent of the operators how they
6 feel about Mr. Monfort. There may be one or two, and I question
7 their veracity on that whole thing, but this Monfort's got an
8 extremely bad reputation. I believe Honolulu FSDO has been trying
9 to get rid of him for years, and they haven't been successful.

10 Q. Okay.

11 A. Oh, by the way, I was just told the other day that the
12 Inspector General's coming to Hawaii to inspect Honolulu FSDO and
13 Mr. Monfort.

14 Q. Okay. On the --

15 A. I should just give you a quick -- another thing for comments.
16 I've had multiple inspectors before and after Monfort, and I've
17 never had a problem with any of them. The only one I've ever had
18 a problem with is Monfort.

19 Q. Okay. And the POI you had before Monfort, in this most
20 recent, was that Chris Howard or someone else?

21 A. Yes, that's Chris Howard.

22 Q. Okay. How was that relationship?

23 A. Well, (indiscernible) probably dealt with him more than I
24 did, and apparently it went pretty good as far as I can tell. I
25 have -- I've had no knowledge of anything -- of any adversarial

1 situation whatsoever with him.

2 Q. Okay.

3 A. I'm not aware of any, if any.

4 Q. Okay.

5 A. Before him was Don Andera. And I have had Don on and off
6 again. He was before Monfort and he was after Monfort. And he --

7 Q. Okay.

8 A. -- he retired, and that's why he went with Chris Howard.

9 Q. I see. All right. Anything else you'd like to share with us
10 about him before I move on to another topic, about Monfort?

11 A. I could give you a whole list of stuff about Monfort, if you
12 want to look at it.

13 Q. We'd be happy to receive any information you wish to provide.
14 You have Mitch's contact info?

15 A. I do.

16 Q. Okay. Did you mean documentation, or is there other
17 statements that --

18 A. I don't. I have what I call allegations; how's that?

19 Q. Okay.

20 A. I can't document or prove what I have.

21 Q. Okay. Well, we're happy to provide you the opportunity to
22 give us more information if you wish.

23 A. Okay, I'll talk to --

24 MR. MYERS: Corey, what do you think?

25 MR. WRIGHT: We can talk about that after if you want.

1 MR. MYERS: Just data, knowledge that I have received by
2 others about Monfort -- I mean I can't prove it, I cannot confirm
3 what I heard, but these were allegations that have been out there
4 throughout the state of Hawaii for many, many years.

5 MR. BRAMBLE: Okay. So we can always revisit later if you
6 wish.

7 MR. MYERS: Yeah. It's just I don't like making accusations
8 or comments without me having first-hand knowledge and proof
9 thereof. I only go on what was told to us over the years.

10 MR. BRAMBLE: Um-hmm. Okay.

11 MR. MYERS: And it may not be germane.

12 MR. GALLO: I --

13 MR. BRAMBLE: Uh-huh.

14 MR. GALLO: I think, Bill, if Mr. Myers wants to discuss
15 that, he could provide it at a later date because we'd like to
16 focus on the safety issues, but he's always -- he always has the
17 opportunity to provide us with whatever information he wants to
18 provide us with. How's that?

19 MR. MYERS: Okay. Sounds good.

20 MR. GALLO: Is that okay, Bill?

21 MR. BRAMBLE: Okay. Yeah, that's good.

22 MR. GALLO: All right.

23 BY MR. BRAMBLE:

24 Q. Okay. Moving on then. So the SFAR 71 deviation approvals,
25 how long has that -- have they been sort of constant? You were

1 mentioning that there were efforts to change it, but then it
2 remained constant for a while with various factors?

3 A. Well, we were looking at -- over the years it was recommended
4 that we revisit the deviation authorization, just to see if
5 there's any major changes. And we as operators had got together
6 and discussed it as, here's what we could do, we could propose
7 more areas that we can -- because we've had population increases
8 on our islands, all the islands.

9 So the areas that were avoided for noise abatement where --
10 some areas were not included. So we're trying to include these
11 new population areas as areas to avoid for noise abatement more
12 than anything else, and then trying to get better concessions for
13 transition areas between point A and point B in route to the
14 different or various other site-specific locations.

15 That's what we were trying to do. And then it got political
16 and more political and more political. So I'm of the -- my
17 opinion is, as far as I'm concerned, don't make any changes, leave
18 it as it is. That's already approved by the FAA. Like should we
19 change it and have politicians and other people who are not part
20 of it stick their nose into it? It's all based on safety, by the
21 way, even though we know the avoidance areas are noise.

22 Q. So when was the last time there was a major change in those
23 deviation authorizations?

24 A. Hold on here. I don't know if we have a document. I got the
25 book here somewhere. Hold on. I've got my glasses on now.

1 Q. Yeah. I'm just wondering, because I was last out to work the
2 case there in 2004 in Valley High. And I had some opportunities
3 to get familiar with that, but I don't know if it's substantially
4 different now in that.

5 A. No, I think it's stayed -- it has not changed. We have not
6 needed new deviations, maybe because we were trying to get working
7 with the FAA to have -- initially, FAA wanted to pass custodian of
8 the manual to HAI, and HAI thought we should develop HHA and have
9 them become the custodians of the manual and then have the manual
10 accepted instead of approved thereafter. But we didn't -- the
11 (indiscernible) fixes didn't go anywhere. I don't see any changes
12 in the existing manual at this point in time since you saw it
13 earlier on.

14 Q. All right. So one of the things I was wondering was about
15 the altitude requirements over that northwest end of Waimea
16 Canyon, between Waimea and the Na Pali Coast. What is the --

17 A. Yeah, that is --

18 Q. -- feet in that area?

19 A. -- mostly 500 feet. It's mostly 500 feet going from that --
20 up the Waimea to Na Pali. AGL.

21 Q. Okay. Is there an exception for weather where you can drop
22 below that in cases of emergency grounds or --

23 A. Well, we could always deviate from anything on any FAR or
24 procedures manuals based upon safety of the aircraft. And that's
25 always been around.

1 I mean, again, I'm going to go back. The shock to me is that
2 my pilot, Paul, was probably the most conscientious pilot out
3 there for when it comes to weather. So the only -- all I can say,
4 he got surprised by the weather, whatever happened.

5 Q. Yeah, it's interesting because the Valley High case in an
6 accident a couple years prior, that was a (indiscernible) into a
7 mountain and determining whether it involved pilots that were
8 somewhat new to the island. And it --

9 A. Yeah.

10 Q. -- sounds like Matero was not. And one of the
11 recommendations that came out of the Valley High accident was for
12 the FAA to develop -- to work with tour operators and maybe some
13 human factors folks to create some training to help pilots who are
14 new to the island get better calibrated to what weather conditions
15 were likely to be hazardous. And --

16 A. I believe that -- I believe we did a verbal change by -- and
17 I believe with the FAA, that if we have a new pilot who's never
18 been in Hawaii, that we would have a higher standard for the first
19 year with that pilot. Thereafter, he'd be kind of like the rest
20 of the pilots who had experience around the island. And it was --
21 it just gave you -- the new pilot would have a -- more stringent
22 weather conditions basis for him to fly a tour.

23 Q. I see.

24 A. I think that was one of the problems that came out on the
25 Blue Hawaiian accident in Molokai.

1 Q. Okay. So that sort of brings up another question, which is,
2 how can you determine whether pilots are complying with those
3 standards? Do you have a policy or do you have a practice of
4 reviewing the external video or something like that?

5 A. Yeah, I have a pilot policy agreement that's separate from my
6 GOM, separate from my company policy manuals, that's specific to
7 pilots on how I want my pilots to fly a tour. And they sign that
8 on there. I don't think Mitch got that.

9 MR. MYERS: Did you -- you don't have that, do you, Mitch?

10 MR. GALLO: I don't believe so.

11 MR. MYERS: Do you want me to make a copy and send it to you
12 that Paul signed?

13 MR. GALLO: Sure.

14 MR. MYERS: I do that with all my pilots, because they have a
15 certain parameter for it, and I tell them that we review videos on
16 a random basis to check and see if our pilots are flying according
17 to what we expect them to be doing. And Paul basically is one
18 that did most of the reviewing of the other pilots that we'd have.
19 So we did, and do, random checking when we have video installed to
20 see how our pilots are flying, just to make sure they are in
21 compliance with deviation authority.

22 BY MR. BRAMBLE:

23 Q. I see. Do you know how often Paul did that or what -- how
24 he --

25 A. No, I don't. I think it was just a matter either of the

1 suspicion -- I think that -- but we had one pilot -- when we go
2 around the island, we burn X-amount of gallons per tour. And when
3 a pilot's burning X-plus, we know he's pulling excess of power
4 that is beyond my parameters, and we suspect that he may be the
5 type that might be doing some hot-dogging. And then we would go
6 back, look at his video to ascertain whether he is or is not doing
7 that kind of flying.

8 Q. Okay.

9 A. So that's one thing we keep track of, how much fuel we're
10 refueling. And we go through that data to make sure the pilots
11 are burning the proper amount of fuel because we don't want to --
12 you know, fuel costs money too, about five dollars a gallon.

13 Q. Okay. And what if they had to burn more fuel because they
14 had to deviate around weather or something? Do you guys take that
15 into account?

16 A. Yeah. That's a different story. When they do that, they let
17 us know, our staff knows it, everybody else knows it because
18 they're supposed to call in 45 minutes after flight departure.
19 It's part of our procedures manual that Safari has, for our pilots
20 to call within 45 minutes of takeoff for flight-following
21 purposes. And if they are late, they call in and tell them, I am
22 running late, I have to go around to call the office and let us
23 know.

24 Q. Okay. All right. So any special training or other
25 strategies implemented by Safari or other Hawaiian air tour

1 operators to reduce the risk of VFR and IMC accidents besides the
2 inadvertent IMC training?

3 A. I, and Paul, tell all of our pilots -- I've said this
4 multiple times, and I do it because I used to fly in the old days,
5 when you could scud run anywhere you want, and I've got caught in
6 some crap when I fly on this island myself. So my philosophy that
7 I relay to our pilots, as well as Paul relays to our pilots,
8 especially the new -- I tell them, if you ask the question, can I
9 or can I not go here, I say, you've answered your question; you go
10 somewhere else.

11 Q. Okay.

12 A. I don't know how much clearer you can be. If you've asked
13 the question, you've answered it.

14 Q. Okay. And the inadvertent IMC training that is required, who
15 did that for Paul?

16 A. That would be the FAA --

17 Q. Okay.

18 A. -- on a check ride.

19 Q. And I guess he was the trainer or check pilot for your
20 company?

21 A. Chief pilot, IP, and checker.

22 Q. Okay. One thing -- I skimmed the interview that you guys did
23 last time. And I'm not -- I might have missed it, but I wanted to
24 make sure that we ask you to give us just a brief take on his
25 proficiency as a pilot -- his proficiency and skill level as a

1 pilot compared to other pilots that you've worked with.

2 A. I could -- for a VFR pilot, could not ask for a better one.

3 Q. Okay. And --

4 A. He's also -- Paul is also an AFP (ph.), so he had good
5 understanding of the aircraft and how it functions, besides being
6 a good -- an outstanding stick.

7 Q. Okay. And how do you -- how did you make -- how did you come
8 to that conclusion about his skill level?

9 A. For piloting? Because I trained him --

10 Q. Okay.

11 A. -- when I was flying. I stopped flying when I had a heart
12 problem.

13 Q. Okay. Did you ever have occasion to witness his --

14 A. I'm sorry --

15 Q. -- skill?

16 A. -- I'm sorry, I was not the one that trained Paul. My former
17 chief pilot before Paul, Gardner Brown, is the one that trained
18 Paul.

19 Q. Okay. Did you fly with Paul?

20 A. I can't recall because, guys, I haven't flown. I haven't
21 flown in 10 years.

22 Q. Okay.

23 A. Actually, I haven't flown, I'm sorry, in 15 years. So he --

24 Q. Okay.

25 A. -- had to be trained by Gardner Brown, not me.

1 Q. Okay.

2 A. You may want to contact Gardner and ask him. He works for
3 Blue Hawaiian right now.

4 Q. Okay. Did -- so did you form that impression based on
5 second-hand info from Gardner?

6 A. Yes. Gardner is another extremely talented pilot.

7 Q. Okay. Did you have any interactions with Mr. Matero on the
8 day of the accident? Did you guys have any -- interact verbally
9 or see each other?

10 A. No. In fact, it was one of those surprises -- I was gone the
11 25th for Christmas. I was in Oahu. The company, we shut down on
12 Christmas completely for everybody to be home for Christmas, and
13 we started flying on the 26th. And I was -- came back from Oahu,
14 arrived in Lihue at 11:00 to 11:30 a.m., came to the office after
15 I arrived.

16 Normally, Paul -- if I'm here, normally Paul would shut down
17 for lunch, and he'd come up and brief me up here, and he did not
18 do it that day. And then he took off and flew after his scheduled
19 break. Then he took off for the afternoon flights. And the
20 accident happened while I was here.

21 Q. Okay. That brings up another question actually. When we
22 were working the Valley High case, we had some analysis dealing
23 with breaks. And I was just wondering, how long would his -- what
24 breaks would he have taken that day, and how long were those, and
25 what was the timing?

1 A. I mandate that my pilots take a noon break for several
2 reasons. One reason is, number one, I want you to look at the
3 aircraft and make sure there's no leaks that pop up on you. And
4 then you need to have a lunch break and rest break. So it's about
5 45 minutes to an hour that he gets a break in between the flights.

6 The reason I implemented that -- I'm the first operator in
7 the state to implement that -- is when I was working for other
8 operators, I'd fly eight flights straight through with no break,
9 and I felt that was not right. And I implemented that policy for
10 myself and for all my pilots. When they came on board with me, I
11 want them to take a mandatory afternoon break.

12 You do four flights in the morning, you take a 45-minute to
13 an hour break, then you fly four flights in the afternoon if we
14 have a full eight-flight schedule. Most of the time, we're --
15 pilots are flying six to seven flights. So they never exceed
16 their mandatory hours and the duty time according to the FARs.

17 Q. And do you know if Mr. Matero took that break on the day of
18 the accident?

19 A. Yes, he did, according to what my staff said.

20 Q. Do you know how long it was?

21 A. He just didn't come to the office. He didn't come to the
22 office like he normally did, that's all. He may have gone up
23 (indiscernible) in Oahu.

24 Q. And do you know how long the break was?

25 A. I'd say at least 45 minutes, minimum.

1 Q. Okay. And where do they -- where would he have taken that
2 break; do you have a pilot room or something?

3 A. Flight line, you set up a flight line.

4 Q. Okay.

5 A. We have a shelter area. You can sit underneath the shelter
6 area, and they probably -- and we have a toilet down there, and
7 it's on the flight line, so they can relieve themselves in there
8 too. All those things were incorporated.

9 Q. How do they get food and beverages down there?

10 A. They bring -- they brown-bag.

11 Q. Okay.

12 A. They take it with them, and they either put it in the
13 aircraft baggage compartment and/or they store it in a locker down
14 at the flight line, either/or.

15 Q. Okay. Let's see. Oh, okay. And just to close out that line
16 of questioning, so did you have any conversation with him that day
17 or no?

18 A. No, none.

19 Q. Okay. Awareness of -- do you have any awareness of anything
20 going on in his personal life? Did he have any significant events
21 happen --

22 A. No.

23 Q. Okay.

24 A. The only thing he did, he went to Oahu on Saturday to get an
25 MRI for a knee injury. That's all I know. That was --

1 Q. I do see that --

2 A. -- Kaiser Hospital over on Oahu.

3 Q. Okay.

4 A. Wait. I don't know if it was Kaiser or not. I forget.

5 Actually, I think Paul went under Medicare. So he's under
6 Medicare care at that time, not through our company Kaiser policy.

7 Q. Okay.

8 A. I believe. I don't know for sure on that one.

9 Q. So in terms of framing the potential issues with this case,
10 we're still trying to document exactly what the temporal factor
11 was with this weather, how it was changing, how dynamic it was.
12 Obviously, there's limited information about that, but we're doing
13 our best to collect additional information and trying to pin that
14 down in conjunction with our weather folks.

15 But -- so historically, these types of accidents have been
16 assessed, from a human performance standpoint, in terms of either
17 situation assessment -- deficiencies in situation assessment,
18 either not recognizing views in the environment that point to
19 potential hazards that should be avoided or differences in risk
20 tolerance and decision criteria across pilots. And so the former
21 would be having to do with sort of knowledge and expertise about
22 local weather conditions and the latter being sort of maybe an
23 evolution of attitudes toward risk or tolerance due to perceived
24 control or expertise.

25 It seems like in this case, Mr. Matero was really familiar

1 with the local area and really experienced with local weather
2 conditions. And so I know you were stating you thought that
3 perhaps he was caught by very fast-changing weather. Is there
4 anything on the decision criteria sort of drift in the top moments
5 of risk that you may have noted with Mr. Matero in terms of his
6 increasing willingness to detect a possible increasing risk,
7 elements or wind --

8 A. I can, I can only say what -- from my experience with Mr.
9 Matero, he would see weather patterns. And if he sees weather
10 coming in, it would concern him, he would notify the office: I
11 see the weather changing; I do not know if this location will be
12 open or not when I -- on my next flight, type of situation.

13 But he'd give us forewarning on it. And if it got to the
14 point that it was okay on the next flight, when he said, they
15 didn't come back on this second flight, say, hey, I know it's
16 going to be -- it's shutting down, I just think we should
17 reschedule. He's always been that way. So if he sees the
18 weather, he gets a pattern on it, he knows what's going on out
19 there. And this is why it shocked all of us -- everybody, any
20 pilot on this island, they're all shocked that it happened to
21 Paul.

22 The only thing I can think of is I got onto the University of
23 Hawaii's weather site, which gives me satellite information, and I
24 was looking at -- because we were doing search and rescue -- I was
25 looking at the satellite and the forecast that was going out of

1 the University of Hawaii's weather forecast. There was apparently
2 a post-level band that was approaching the beach area called
3 Polihale Beach. And the information I was looking at was probably
4 about an hour before Paul flew. And what that post-level movement
5 was, as far as temperatures, conditions, I could not tell you.

6 But apparently, that may have caused -- and that's all
7 speculation on my behalf because I don't know -- may have caused
8 what I call a -- the winds picked up from that, and a major
9 temperature change. My thinking is, as the wind came up to the
10 mountains and blowing upwards from down on the sea level area, the
11 temperature change with the dewpoint may have caused instantaneous
12 fog. But I think that's kind of what the hiker said too, wasn't
13 it? That he was shocked to find himself fogged in at a very rapid
14 manner. If I recall, that's what the hiker said.

15 Q. That was the Sunshine pilot; is that what you said?

16 A. No, that was the maile picker, the local guy that was up
17 there. He was like 250 yards. He took testimony. It was in the
18 record. He talked about the weather, how it changed on him.

19 Q. Oh, he was the -- was he the witness on the ground?

20 A. Well, he was a hearing witness; he never saw it.

21 Q. Yeah. Okay.

22 A. It was my impression he was shocked to see how fast it
23 changed on him. And he couldn't move himself, he says. He got --
24 it instantly got foggy on him. So the only thing I can speculate
25 on is that there was a rapid change of temperature where the

1 dewpoint and the temperature came together within that 3 degrees.
2 And that would cause a very, very rapid -- no means you can
3 forecast that; it just happens to you at that point in time.

4 Q. Have you seen that happen in that area before?

5 A. I've seen it happen throughout the whole island one time or
6 another. I've flown -- I would be 1 minute behind the pilot in
7 front of me, and he goes over a ridgeline, and he says, it's open.
8 So I go up there to the ridgeline, and it's locked in, boom,
9 within 1 minute. That happens a lot on this island. That's why I
10 tell my pilots, if you ask the question can I or can I not, you've
11 answered it. That was from my experience of flying on this island
12 for 15-plus years.

13 Q. But you flew tours yourself for 15 years; is that right?

14 A. Yeah, I sure have. When I started the company, I was a
15 single-pilot -- part 91 single-pilot 135, to a basic 135, to a
16 full 135.

17 Q. Okay.

18 A. It was only after I had my heart problem I had to back away
19 from flying.

20 Q. Okay.

21 A. And I'm instrument rated, by the way. By the way, I'm
22 instrument rated. I've flown heavy helicopters with equipment on
23 board, twin-engine airplanes with equipment -- IFR equipment.
24 I've flown F-9 Cougars, single-pilot instrument qualified.

25 And I can tell you now, if you don't have the proper

1 equipment on board your aircraft, you're not going to get any
2 better good than flying IFR on an aircraft without certification
3 and without a pilot being regularly trained for IFR conditions,
4 which is not necessary in a VFR environment. I mean, instrument
5 rating didn't stop the Kopa Pass (ph.) crash, right?

6 Q. Okay. So one last thing -- I mean, obviously we don't have
7 all the answers on the factual information yet, but -- actually,
8 before I ask that, you mentioned that Paul said that -- that Paul
9 would often give you a heads-up that areas were closing -- were
10 going to close and might need to reschedule. How often did that
11 happen?

12 A. Yeah. It depends on the weather of the day. I mean that
13 could happen every day. It could happen every other day. It
14 depended on the season, on the year, the month. And we cannot --
15 wait -- they have a saying here: Wait 15 minutes, the weather
16 changes on Kauai.

17 Q. Okay.

18 A. We get rain showers on a regular basis most of the time.

19 Q. Okay. So it's hard to characterize how often you would make
20 that call?

21 A. That's correct.

22 Q. Okay. All right. The last question from me, I think, is I'm
23 sure there's limited factual information, but if you had one
24 suggestion to reduce the risk of this type of accident, what would
25 it be? And sorry to put you on the spot, but you can always

1 contact us later if you have ideas also.

2 A. I really don't. I thought we already had my previous
3 records, and how Paul flew, and how we pass our knowledge on. I
4 don't know what we could have done.

5 MR. BRAMBLE: Okay. All right. Thanks so much. I
6 appreciate it then, Mr. Myers. And I'm going to hit it back to
7 Mitch.

8 MR. MYERS: Okay.

9 MR. GALLO: Thank you, Bill.

10 BY MR. GALLO:

11 Q. Mr. Preston, I have a couple more questions.

12 A. Sure.

13 Q. Gardner Brown, he's currently employed at Blue Hawaiian.
14 What's his -- do you know what his position is?

15 A. I do not know. He's some kind of a possible IP training
16 instructor pilot for Blue. He's based in Oahu.

17 Q. Okay. And maybe I can get that contact information, if you
18 have it, after our interview.

19 A. I have his personal cell phone number; I can forward that to
20 you.

21 Q. Okay, great. And then going back. Have you ever flown air
22 evac or air ambulance?

23 A. No.

24 Q. Okay.

25 A. I've -- most of my experience in the U.S. has been on Kauai.

1 I've flown extensively in Southeast Asia. I used to sling oil
2 rigs underneath my helicopter in Indonesia, worked in Borneo,
3 (indiscernible), Ilanji, over in New Guinea, (indiscernible),
4 Andaman Islands, Laos, Cambodia, Vietnam, Thailand; that's my
5 experience.

6 Q. Okay. And --

7 A. Former Navy, by the way.

8 Q. Okay. And how do you -- how do the operators on the island
9 exchange ideas pertaining to policies and procedures that they
10 find to be successful or risk mitigating, since there doesn't
11 appear to be an organized group of air tour operators? Do you
12 just have lunch with them or call them up?

13 A. Well, if -- well, getting operators together is like herding
14 cats. Everybody has their own ideas. You understand what I mean
15 by that?

16 Q. Yes. And --

17 A. It's -- yeah, we have discussions, but most of us never agree
18 with each other anyway.

19 Q. Okay. And in the FAA, they at times issue safety-related
20 publications, like advisor circulars and what not, training
21 guides. Have you seen anything recent from the FAA issued
22 regarding air tour operations that were suggestive or advisory in
23 nature to reduce risk, specific to air tour?

24 A. No.

25 Q. Okay.

1 A. No.

2 Q. And --

3 A. They don't have staff. And they have no clue what's going
4 on. I -- personally, I recommended -- I felt the FAA should have
5 an inspector based on each of the islands, and that's where he
6 lives and functions. They have eyes on everybody at any given
7 time. But they don't have the staff to do it; they don't have the
8 budget to do it. But that was my recommendation 20 years ago.

9 Q. Okay. Well, you talked a little bit about the turnover of
10 operations inspector from Honolulu FSDO. What about the -- is
11 there a turnover rate that you are aware of for the Honolulu FSDO
12 management?

13 A. I went through four managers in 4 months back when my POI --
14 my former POI, I said POI -- was making issues with my training
15 manuals. And because of that lack of consistency, I had to
16 contact Washington, D.C.

17 Q. Okay. Accident rate in aviation is typically based on
18 100,000 flight hours. Would you know of any source for -- in a
19 helicopter history where they would document the accident rate for
20 air tour?

21 A. So I don't think they have an accident rate measurement. I
22 can only tell you that Safari, I calculated -- and this is more of
23 an estimate than an actual thing -- that we had about 102,000
24 flight hours at the time of the accident.

25 Q. Okay.

1 A. It put us at 0.00001.

2 Q. Okay.

3 A. For my company.

4 Q. And can you kind of discuss -- and I may have asked you this
5 before, but what is the accuracy of forecasts in terms of
6 percentage? So National Weather forecast for aviation comes out
7 for Kauai, what's the accuracy of those forecasts through the
8 changing weather conditions?

9 A. You know, it's been my experience that when you get the
10 weather reports from the National Weather Service, they're never
11 correct on Kauai.

12 Q. Okay.

13 A. Outside of major frontal movements, they're never correct.
14 Strange frontal movements, in that situation, they'll be correct.
15 But when it comes down to everyday weather, they're never right.

16 MR. GALLO: That's all the questions I have. Bill, do you
17 have any additional questions?

18 MR. BRAMBLE: Just one more. Preston, do you -- the frontal
19 movement that you were talking about on the day of the accident,
20 was this sort of a common type of frontal movement for this time
21 of year, or was this a more unusual type of event in your
22 experience?

23 MR. MYERS: I thought it was kind of unusual because it was a
24 post-frontal movement. They called it -- it was a post-frontal
25 movement, what they said in the thing. You know, if we had a

1 little bit of a front move through, and this other movement came
2 in post-that for -- that movement came through the island, which I
3 thought was highly unusual. Usually, it goes through; you don't
4 get a post-frontal movement afterwards normally.

5 Now keep in mind that frontal movement happened the day
6 before. It was the day before, on Christmas Day, the whole island
7 was fogged in. Some of us flew even though we already scheduled
8 ourselves not to fly. The next day it was just gorgeous and
9 beautiful. Everyone was out flying all day long. It was that
10 last hour that, boom, it happened; they got fogged in.

11 You there? Hello?

12 MR. BRAMBLE: Yeah, just catching up on my notes. Yeah, can
13 you hear me?

14 MR. MYERS: Yeah, the silence -- I was worried about my phone
15 going out on me.

16 MR. BRAMBLE: Yeah, yeah. One second. I'm just catching up
17 on my notes here. I think that's it for me. I'll turn it back
18 over to Mitch. And thanks again, Mr. Myers.

19 MR. MYERS: Sure.

20 MR. GALLO: I don't have any further questions. Bill, do you
21 have any further questions.

22 MR. BRAMBLE: No, I think that's it.

23 MR. GALLO: All right. And Mr. Myers, in closing, do you
24 have anything that you'd like to share with us that we haven't
25 covered or any concerns that you'd like to present?

1 MR. MYERS: I can't think of anything at this time.

2 MR. GALLO: Okay. All right. Well, we're going off the
3 record, and thank you for your time.

4 MR. MYERS: Okay, thank you.

5 MR. GALLO: Take care.

6 MR. MYERS: Talk to you later.

7 (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: AIRBUS AS350 B2 HELICOPTER
 CRASH NEAR LIHUE, HAWAII
 DECEMBER 26, 2019
 Interview of Susan Olsen and
 Donna Dublin

ACCIDENT NO.: ANC20MA010

PLACE:

DATE:

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

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of: *

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AIRBUS AS350 B2 HELICOPTER *

CRASH NEAR LIHUE, HAWAII * Accident No.: ANC20MA010

DECEMBER 26, 2019 *

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Interview of: SUSAN OLSEN and
DONNA DUBLIN

APPEARANCES:

MITCHELL GALLO, Senior Air Safety Investigator
National Transportation Safety Board

SUSAN OLSEN
(Friend of Pilot)

DONNA OLSEN
(Wife of Pilot)

I N D E XITEMPAGE

Interview of Susan Olsen and Donna Dublin:

By Mr. Gallo

4

I N T E R V I E W

1
2 MR. GALLO: This is an interview with Susan Olsen pertaining
3 to NTSB Accident Number ANC20MA010.

INTERVIEW OF SUSAN OLSEN AND DONNA DUBLIN

4
5 MR. GALLO: Susan, do I have your permission to record the
6 conversation?

7 MS. OLSEN: Yes.

8 MR. GALLO: Okay. Can you --

9 MS. DUBLIN: Donna.

10 MS. OLSEN: Donna is the wife.

11 MR. GALLO: Okay.

12 MS. OLSEN: Donna Dublin is --

13 MR. GALLO: Sorry. Donna. Donna. Do I have your permission
14 to record the conversation?

15 MS. DUBLIN: Yes.

16 BY MR. GALLO:

17 Q. Can you go over -- provide us a 72-hour history of Paul
18 before the day of the accident?

19 A. Well, let's see. That would be Christmas Day, correct? The
20 day before Christmas?

21 Q. So, yeah, Christmas day, the day before Christmas and that
22 day before. So --

23 A. Christmas Eve through the day of the accident. So Christmas
24 Eve, Christmas Day.

25 MS. DUBLIN: Christmas Eve, we were home watching TV like we

1 usually do when he came home from work Christmas Eve, yeah,
2 watching a movie. And then Christmas Day, it was closed Christmas
3 Day. So we were home just watching TV and opening Christmas
4 presents.

5 BY MR. GALLO:

6 Q. All right, so --

7 A. Talking to the kids on the phone.

8 Q. So December 23rd was on a Monday, and then the -- or was
9 Tuesday, and the 25th was Wednesday. So starting on the 23rd, can
10 you tell us what time you went to bed, and what time you woke up?

11 A. Well, he usually goes to bed, Paul usually goes to bed about
12 10 o'clock, and me, I stay up a little bit later.

13 Q. And what time would he wake up typically?

14 A. He usually wakes up about four or five.

15 Q. In the morning?

16 A. um-hum.

17 Q. And is that --

18 A. Like on --

19 Q. -- the same time whether he's flying the next day or --

20 A. Oh, yeah.

21 Q. It's the routine?

22 A. He's a pretty early bird, yeah.

23 Q. So it's fair to say for Monday, Tuesday and Wednesday that
24 those were the times he would go to bed and wake up?

25 A. um-hum.

1 Q. Did he have any illnesses during that time period?

2 A. No, huh-uh.

3 Q. Was he feeling okay?

4 A. Yeah. He was feeling fine.

5 Q. Was he on any kind of medication?

6 A. No. He doesn't have to take any.

7 Q. Did he see a doctor for any reason in the past year or two
8 years?

9 A. Yeah. He had a problem with his knee, and he just got an MRI
10 last Saturday, and we were trying to make an appointment Christmas
11 week, but he had so much flying to do he wasn't able to. So but
12 we were waiting to see the scan of the MRI, and we hadn't made an
13 appointment for that yet.

14 Q. Did he --

15 A. And that's it.

16 Q. Did he say anything about his knee interfering with his
17 flying at all?

18 A. No.

19 Q. And what did he tell you about his flying, about work?

20 A. He loved his job. He loved flying. That's why we came here.
21 Because when we lived in Oregon, he was a mechanic at Sky West,
22 and he was the low man on the totem pole, and they were about
23 ready to lay off people, and he knew that he was going to be one
24 of the people laid off. And he asked me if I wanted to either
25 move to Utah or Hawaii. And I said, that's a silly question.

1 I've never thought about moving to Utah. So we came to Hawaii.

2 Q. And is it correct that he was going to retire soon?

3 A. um-hum.

4 Q. And was there a date in mind that he was going to retire?

5 A. July.

6 Q. And what was the reason for the retirement?

7 A. That he was ready to retire. He's probably been working

8 since he was 15 years old. So he was just ready to relax.

9 Q. Did he say anything what he was going to do in his
10 retirement?

11 MS. OLSEN: Soil the grandbaby.

12 MS. DUBLIN: Yeah, spoil the grandbabies. He was ready to go
13 meet his first granddaughter. We have five grandboys. And I was
14 there for the birth, but we were looking forward to going in the
15 end of March, first of April and look for a house in Oregon.

16 BY MR. GALLO:

17 Q. And did he talk about continuing flying in any way or --

18 A. No.

19 Q. How about working on aircraft?

20 A. No. Just retirement. Holding the grandkids. Because we
21 live here, and they can't come and visit very much at all.

22 Q. And what was his relationship like with Preston Myers?

23 A. Oh, they were very close, and both of them are very, very
24 strict. And actually Preston he told me that's the reason that he
25 hired Paul because of his experience and his safety record. And

1 he told me that that Friday when he called me into the office to
2 let me know that he never showed up. Because we were waiting for
3 him to -- we knew that he would land the helicopter Thursday
4 night, and he would wait it out. Because I asked Preston, I said,
5 would -- if the storm went through and it was nice, it started to
6 be nice, would he fly at night? And he said, no. Number one,
7 there's not enough lights on the helicopter, and it -- Paul
8 wouldn't do that. He, Preston knew that he would not risk. He
9 knows -- we were both thinking that he was trying to find a place
10 to land safely, and the storm just overtook him, and he couldn't
11 see anything.

12 Q. Did Paul have any complaints about other pilots in the
13 company or and did he --

14 A. Oh, no. He was training is replacement. I think he pretty
15 much had him replaced -- almost trained.

16 Q. And what did he say about him, his replacement?

17 A. Very good guy. Very safety -- well, if he took lessons from
18 Paul, it would be all about safety. He was always on the -- every
19 morning he would get on his laptop and look at the weather. That
20 was just a routine of his.

21 Q. And do you know the person's name that Paul was training?

22 A. I want to say --

23 Q. Kyle maybe?

24 A. No. Ryan or Brian. Brian or Ryan, I think is his name,
25 yeah.

1 Q. Did he ever express any concerns with maintenance with any of
2 the helicopters at Safari?

3 A. No. That was something that they did constantly, always
4 maintaining them.

5 Q. Could you describe Paul's maintenance experience on aircraft?
6 Did he spend a lot of time not just here but outside the company
7 or in his past on working and or building airplanes?

8 A. Oh, yeah. He's built them from the ground up. I actually
9 went to the shop one time in Oregon where he was helping a guy put
10 together a helicopter, Ray, and I can't think of his last name.
11 And it was pretty -- I actually was in there helping him do stuff
12 in the helicopter putting it back together for this guy.

13 Q. And how much time did he spend on that?

14 A. Oh, gee, I have no clue. I don't know. But I know that they
15 put it together from ground up.

16 Q. So would it be fair to say days and days he spent time over
17 there?

18 A. Oh, yeah, yeah.

19 Q. Even months maybe?

20 A. um-hum, months. He was a mechanic slash pilot. He's worked
21 on them. So he was a great employee to have in a helicopter. He
22 actually thought that it would be a great idea to have the pilots
23 be a mechanic before they fly because then that way they could
24 feel, and they would actually even know and can tell the mechanic,
25 well, I think something like this -- whatever is happening because

1 he could feel it, and he knew probably what was going on with the
2 helicopter, and he could help the mechanic out.

3 Q. All right. And can you kind of take me through how much time
4 Paul would spend at home with work, work items from Safari? Would
5 he just come home at a certain time and just relax?

6 A. Oh, no, he -- no. He always would answer the phone. He was
7 on duty pretty much seven days a week. If they call him, and
8 usually they call him right -- as soon as he sat down to eat.

9 Q. So what would his typical schedule during the day or -- what
10 time would he wake up? And then if you take me from the point he
11 woke up to the point he would show up to work, what would he do,
12 and what would those times be?

13 A. Well, he'd get up around four or five, whenever the chickens
14 wake him up. And he just, you know, have his usual cigarette, and
15 look at the weather, and play on his computer either doing games
16 or something like that. And then take a shower about 6, 6:30, and
17 head to work.

18 Q. Would he have breakfast in the morning?

19 A. Sometimes he'd have cereal. Most of the time not. Yeah. He
20 was -- he fixed breakfast for us on Saturdays, but not during the
21 week.

22 Q. Okay.

23 A. He's a very good cook. He was my cook.

24 Q. And how long does it take him to get to work from the house?

25 A. 10 minutes or 15 depending on traffic, but at that time of

1 the morning there wasn't.

2 Q. And at the end of the day, what time would he come home?

3 A. It depends on his flights. Usually if he didn't have --
4 well, he was secondary. So on Monday, Tuesday, Thursday and
5 Friday, if the secondary helicopter -- if the first one was full
6 of people, they started scheduling for the second one. And
7 depending on how many people reserved them, then he would fly
8 those flights. Sometimes it would be eight hours a day. And, of
9 course, during Christmas both helicopters were full. So they
10 were --

11 Q. So if he's secondary pilot, is he at home or is he at --

12 A. Oh, no, he's at the --

13 Q. -- the Safari office?

14 A. He's at the office. And he did paperwork on Wednesdays.

15 Q. All right.

16 A. At the office.

17 Q. Let's go to the 26th, which was the day of the accident.
18 Again, you told me he woke -- did he wake up at a typical time,
19 have the typical breakfast?

20 A. um-hum.

21 Q. And just to make certain I have it straight, what time did he
22 leave the house that day on the 26th?

23 A. Probably about 6 or 6:30.

24 Q. Okay.

25 A. Yeah.

1 Q. Did he say what he was -- what the plan of the day was to
2 you?

3 A. Huh-uh. I was still in bed.

4 Q. Okay.

5 A. Yeah.

6 Q. Did he talk to you about it on Christmas what he was --

7 A. I know he had a full schedule though.

8 Q. Okay.

9 A. I do know that.

10 Q. Do you know what time he was going to finish that day?

11 A. Well, if he had a --

12 MS. OLSEN: Was a Echo.

13 MS. DUBLIN: A Echo Tour, yeah. Call it Echo. It's Echo.

14 It's okay.

15 MS. OLEN: I did that because it bothered him.

16 MS. DUBLIN: I know. Yeah. Echo Tours usually took a little
17 bit longer. But that's why I didn't really worry about it too
18 much because sometimes he would take the helicopter instead of --
19 he'd land the people at the helipad, and then he would, if it
20 needed maintenance, he would fly it over to the helipad. And that
21 just depended on the maintenance, whether or not it needed it.
22 But usually, if he had that flight 4:30 to 5:30, he'd be home
23 about, about 6 o'clock, 6:30, depending on how long he talked to
24 Preston afterwards. So --

25 BY MR. GALLO:

1 Q. And when he came home, was he tired? How did he feel when he
2 came home?

3 A. He'd just change his clothes, eat dinner, and just watch TV.

4 Q. Okay. Did he talk to you about the weather that he
5 anticipated on the 26th?

6 A. No. I was, like I said, I was still in bed when he went to
7 work.

8 Q. Did he ever talk to you about what happened on his flights at
9 all when he came back?

10 A. Oh, yeah. He would tell me that he saw whales, and I'd be
11 jealous. Or a mama whale pushing the baby up to have its first
12 breath. I'm so jealous of that. And about all the waterfalls
13 that were out because it rained the night before, and how
14 beautiful it was. And, yeah, he got to see that beautiful scenery
15 every day. He loved it. He loved. He loved it so much.

16 Q. And did he talk about the weather at all when he would come
17 home?

18 A. Yeah. It was their choice. It just depended on the weather.
19 He didn't want to make people sick. So sometimes it would be
20 their choice because the weather down below is a lot different
21 than up there, and he just didn't want people to get sick, and he
22 would let them know that if we go up a certain time, but if it was
23 too bad down there then he would tell them that we can't go
24 because of safety reasons, and it wouldn't be safe at all.
25 Sometimes they left it up to the passengers, but sometimes they

1 didn't have a choice. And then, of course, sometimes FAA closed
2 the air down. So and nobody would fly. But he was all about
3 safety.

4 Q. Did he ever talk to you about turning around due to weather?

5 A. Oh, yes, all the time.

6 Q. And what was his reaction? Was he disappointed? Was he
7 angry for turning around?

8 A. Oh, no, huh-uh, no.

9 Q. It was just something that occurred and he had to do?

10 A. um-hum. It was just automatic with him for the safety of
11 everyone.

12 Q. Did he ever have to land somewhere else other than the
13 airport because of something that -- because of weather? Did he
14 ever make an off-airport landing somewhere because of weather or
15 for some other problem?

16 A. I have a really bad memory, and Preston would be the one to
17 ask that question, but I know that he did --

18 MS. OLSEN: The bird strike. He safely landed.

19 MS. DUBLIN: Yeah. He did have a bird strike couple years
20 ago, but you'd have to ask Preston exactly when that was, but he
21 had to land then. And I know it was another time that he had to
22 land somewhere, but I cannot remember when and where that was.

23 BY MR. GALLO:

24 Q. Did he talk about the other helicopter operators at all?

25 A. Oh, he always said the Island Helicopters were cowboys, which

1 that means that they've probably got a lot of people sick, and
2 going real fast or doing some, you know, cowboy move, I guess, is
3 what they call it.

4 Q. Okay.

5 A. And he wouldn't -- I mean, of course kids would -- or people,
6 even people would say, you know, ask him to do it, and of course
7 he wouldn't do anything like that.

8 Q. Okay. I think that's all the questions I have. Is there
9 anything else you want to tell us or something I may have missed?

10 A. Not that I can think of.

11 Q. Okay.

12 A. Preston -- can Susan --

13 MR. GALLO: Sure.

14 MS. OLSEN: I was over here for 30 days in the summer. I was
15 -- my work affords me to be able to work from home. So I came
16 over here, and stayed with them for 30 days, and both of them are
17 very regimented in how they do things. So because of my work, I
18 would have to be up -- I was up one morning, I think at 4:30
19 before he was. But he usually was up between 5:30, quarter to 6.
20 I mean, it was like clockwork. He would check the weather.

21 Because it was just the two of us in the kitchen, and he would
22 check the weather. He would take a shower. And he was in his
23 car. He did it the same every single morning. We shared that.

24 MS. DUBLIN: We were pretty boring.

25 MS. OLSEN: They were great. They were great. As far as his

1 mechanic experience, my dad was a helicopter mechanic and pilot in
2 the early -- late, well, early '50s. Because Paul was born in
3 1950, and my brother was born in 1954. And so the whole family
4 went to India, and my dad worked as a helicopter mechanic there
5 and helicopter pilot. And so he taught Paul. I watched my dad
6 build a helicopter from the -- I mean the total, like, total
7 helicopter. He was the first to rebuild a totaled helicopter and
8 get it approved by the FAA. So he taught Paul everything he knew.

9 MS. DUBLIN: It was in his blood.

10 MS. OLSEN: It was. It was.

11 MS. DUBLIN: I'm surprised he wasn't born on a helicopter.

12 MS. OLSEN: So Paul and I would talk about -- because I ask a
13 lot of questions, and I flew with him when I was here. So he was
14 just -- he was so good at what he did. And I have a fear of
15 flying, and he -- I was, you know, I trusted him with that. But,
16 again, he was very regimented, very safety oriented. And when he
17 was flying, he would -- he told me later that, you know, like we
18 saw a helicopter in the same area, and he would tell, he was
19 telling them because I asked him later what were you telling them?
20 And he said I was telling them to avoid that area because there
21 was some rain coming in and fog. And so we went -- I didn't know
22 it, but later knew that we went a different route that he knew. So
23 he was, he was very safe. And I talked to a pilot from another
24 company day before yesterday that Paul talked to regularly about
25 different situations, and they knew to call Paul for everything.

1 MS. DUBLIN: All the pilots.

2 MS. OLSEN: All the pilots.

3 MS. DUBLIN: I was told that also.

4 MS. OLSEN: Yeah.

5 MS. DUBLIN: That he was -- and there's a local -- one of the
6 local pilots that does the tours that would -- if he had any
7 questions about the air speed or whatever kind of logo or whatever
8 they do up there, he would be the person that they would go to.

9 MS. OLSEN: Yeah.

10 MS. DUBLIN: Because he just -- he learned -- so when we
11 first moved here, he's a reader, and he didn't know anything about
12 the island. He went to the library. He was living with two local
13 guys because he got his job, and we had to get him a little
14 apartment, but he had a room. And he went to the library, and he
15 read everything about Kauai and the history. And he went home,
16 and he would tell these two local guys about the history of their
17 own island that they were born and raised on that they didn't even
18 know. That's how much he got into his job, and how well he wanted
19 to do his job. And he actually made people cry on his tour all
20 the time, and he loved having kids on there. He really did. He
21 really enjoyed that. That was a grandpa moment for him because we
22 were so far away from ours.

23 MS. OLSEN: And there were a couple days he did not fly. He
24 came home early because he said the weather wasn't safe. So --

25 MS. DUBLIN: That happens a lot. Especially when it's

1 raining now.

2 MS. OLSEN: Yeah. And it rained while we were up there.
3 Yeah. So he definitely knew his job well, and learned from the
4 best --

5 MS. DUBLIN: Literally in and out.

6 MR. GALLO: All right, well that's all the questions I have.
7 I appreciate your time. Thank you.

8 (Whereupon, the interview was concluded.)

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CERTIFICATE

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NATIONAL TRANSPORTATION SAFETY BOARD

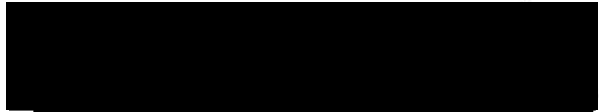
IN THE MATTER OF: AIRBUS AS350 B2 HELICOPTER
 CRASH NEAR LIHUE, HAWAII
 DECEMBER 26, 2019
 Interview of Sarah Reid

ACCIDENT NO.: ANC20MA010

PLACE:

DATE:

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.


Kathryn A. Mirfin
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

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AIRBUS AS350 B2 HELICOPTER *

CRASH NEAR LIHUE, HAWAII * Accident No.: ANC20MA010

DECEMBER 26, 2019 *

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Interview of: SARAH REID

Witness

Via Telephone

APPEARANCES:

MITCHELL GALLO, Senior Air Safety Investigator
National Transportation Safety Board

I N D E X

ITEM

PAGE

Interview of Sarah Reid:

By Mr. Gallo

4

I N T E R V I E W

1
2 MR. GALLO: So let me just start. Do I have permission to
3 record the conversation then for the interview?

4 MS. REID: Absolutely. Yeah, absolutely.

INTERVIEW OF SARAH REID

6 BY MR. GALLO:

7 Q. All right. So why don't you tell me what you saw and I have
8 your email, but if you could look through it again with me, I may
9 have some questions for you.

10 A. Yes.

11 Q. Okay. Thank you.

12 A. Sure. Okay. I can kind of give you leading up to that as
13 well or just from the minute I saw it or what would you like me to
14 do?

15 Q. Everything. So --

16 A. So basically it was our first time on the island. We picked
17 up our rental car around 2 o'clock, drove out to where the tunnels
18 are, and we were coming back into Hanalei, and we turned around in
19 the King Young Shopping Center, just went to look at a little art
20 gallery at around 4:30. We left that art gallery and we were then
21 going east on I guess -- I think it's 560, 560, and we were just
22 outside of town looking. So my husband's driving. I'm on the
23 right side looking back to sort of southwest-ish I think because
24 they road kind of wiggles there, at the mountain ranges because
25 they were so beautiful, so clear, just an amazing day, and as I'm

1 looking out, we are very slow, like boxing day. The traffic is,
2 you know, slow and it startled me, and I kind of squealed, and I
3 said, oh, my god, and it virtually looked like -- I couldn't tell
4 if it was a plane or helicopter or what, just that an object was
5 falling from the sky. Then it -- if I was to say how far it would
6 be difficult, but I would have said 100, 200, I don't know how
7 many feet, and then it caught, and when I say caught, I watched it
8 like catch, as like in oh, thank God, and as it turned, it looked
9 like -- I could see it was a helicopter, but it looked like it was
10 going up, like it looked like it was still high, but it looked
11 like it was going up. So what I made out was this -- it's like
12 seeing a dog with a tail. It looked like a -- well, no, it
13 wouldn't look like a tail. It would be -- what would that be?
14 Like basically like the tail is not down but on an angle as if
15 it's going up, right as it was taking off. And I turned back to
16 my husband because I was telling him what was happening, and I
17 turned back to him, and when I turned back to look again, it
18 looked like that was fine. It was still fairly high, and it was
19 heading -- hard to say with the twisty road, but I would say
20 southwest.

21 Q. Okay.

22 A. The reason it's so vivid is when we turned around in that
23 parking lot, we saw a little tour company and we had been
24 discussing a biplane versus a helicopter tour, and so the minute I
25 saw that, I basically said, that's that. We're not going to be

1 doing anything because I don't want to be in a thrill ride or a
2 stunt. I don't know, you know, if that's something that I want to
3 be doing. It looked more like what you would see at an air show
4 or a military maneuver or anything but what would be comfortable,
5 you know, to be on.

6 So then right after that, where I got some confusion in
7 giving a time, which I explained in my letter, I took a photo
8 right within a minute. We were now stopped, and we are no longer
9 able to see anything because we were behind the bamboo and
10 greenery. And in that, there was -- they had recently cleared the
11 brush I guess beside the road, and there was this perfect snapped,
12 piece of bamboo that looked exactly like a Christmas tree, and I
13 took a photo of it, which I was going to send to my kids just to
14 say like, hey, this is a Hawaiian Christmas tree, where basically
15 that whole time the confusion came in.

16 But it was very dramatic, and I really felt strongly that
17 after that, okay, that's good. And then we woke up around 8 in
18 the morning, and the first thing we see, is hear the news. We got
19 in the car right away and went to the police station and probably
20 got there and gave that information around 8:30 and spoke to a
21 dispatch person, and then a captain and a police officer who then
22 left, and then we gave our statement to an investigation.

23 Q. Okay.

24 A. So that's pretty much what happened.

25 Q. All right.

1 A. So obviously for me, not being anything more than just upset,
2 that I didn't call someone that day, that's what I was dealing
3 with, oh, I should have just said that. It was so out of the
4 ordinary. I should have called someone, but it just bothered me
5 that someone was missing, and I wish that I had made that call.
6 So that's why I ended up writing just to let you guys know what I
7 saw and, you know, from that, whether that was that helicopter or
8 whether that was before and then he hit something after that, I
9 have no idea. I didn't see him hit or anything. It just
10 literally -- is it falling out of the mountain? I didn't see an
11 impact or anything prior to that fall.

12 Q. Okay. And what color was the helicopter?

13 A. I couldn't see the color. Didn't even think about it being a
14 color because it was so bright in the sky, it was almost like it
15 was black. It was like the sun was literally off to the right of
16 my -- like my right eye. So if I'm looking out the window, I'm
17 looking slightly back, the sun is on my right. It was like that
18 perfect like -- you know, it looked black. I didn't see a color.

19 Q. Oh, the helicopter --

20 A. It was too far, it was (indiscernible).

21 Q. Okay.

22 A. Sorry.

23 Q. So the helicopter looked black to you?

24 A. Well, when I say I didn't -- I couldn't even tell you, I
25 wouldn't be honest in telling you either way. What I saw, it was

1 more than it dropped. I didn't see a red, green, blue, I didn't
2 see that. It just, you know, again because I didn't know this was
3 going to be an issue, I'm going basically just off what I 100
4 percent remember.

5 Q. Sure.

6 A. The only thing I can tell you is that I'm sitting -- where
7 our hotel is, it's called the Sheraton Coconut, and we're sitting
8 on our beach watching the helicopter that's coming out of the
9 airport at Lihue and the planes, and you can see them as a similar
10 sight to what I saw. So it's sort of like 5 miles between me and
11 5 miles I guess would be approximately that distance. I would
12 have said it was a little less than that because I could -- when
13 it was falling, I could not make out is that a plane going, you
14 know, is that a plane or is that a helicopter because I was
15 getting excited, until it shuffled and then turned and flew away,
16 was the only time I could make out it didn't have wings coming out
17 the side.

18 Q. Okay.

19 A. That it had like this tail going down and therefore it looked
20 like it was going up.

21 Q. Okay. And what was the weather like?

22 A. It was the most beautiful day, and that was our first time on
23 the island and first time, like a couple hours after renting a
24 car. It was just absolutely gorgeous.

25 Q. Okay.

1 A. So -- and it was just stunning looking at the mountain range
2 because they're so impressive. So that's why I had my eyes on it,
3 like I say, out the window.

4 Q. And did you see the sky or did you see clouds when you looked
5 up?

6 A. I saw -- I know there was just a couple of puffy clouds, but
7 it was really pretty because it was so beautiful. And we were
8 actually talking about taking a biplane. We were kind of set on
9 maybe taking the biplane tour and we were just looking at that's
10 exactly what we -- that's the topic we were on.

11 Q. Okay.

12 A. So it was the most beautiful day, and I would just say puffy
13 clouds which would be the best way because my visual of this whole
14 thing is so clear and there's nothing. It's not coming out of
15 clouds. It's not gray. It's just a beautiful day.

16 Q. And how far do you think this helicopter was from you?

17 A. So I'm trying to establish that say from the beach where we
18 are to where airport is, and I would say -- I can't be 100 percent
19 obviously, but I would say that whatever that distance is, it was
20 just a little less than that. So that if that's, you know, 5
21 miles, that's 3 miles. To be honest, I have no idea, but I can
22 gauge it by the size that I saw. Like I said, when it was
23 falling, it was just like an elongated object falling.

24 Q. Okay.

25 A. When it turned, went away, it was a helicopter. There were

1 no wings sticking out the side. It wasn't falling any more. I
2 couldn't get the full perspective of whether it was going up or
3 down. It was more that the angle implied it was going up because
4 that's what vehicles do when they go up, the front goes up and the
5 bottom goes down I guess. So that's the visual that I have, like
6 it's fine. It's not a problem. It's something. It's a thrill
7 ride. It's something I don't want to do.

8 Q. Okay. I think that's all the questions I have. This is my
9 cell phone number. If you have any other information or you want
10 to call again, you know, give me a call.

11 A. Okay. Thank you.

12 Q. All right. Thank you for your time. Take care.

13 A. Okay. Take care.

14 Q. Bye.

15 A. Bye-bye.

16 (Whereupon, the interview was concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

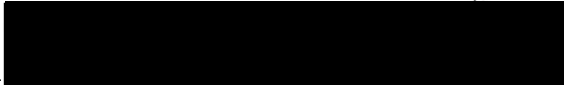
IN THE MATTER OF: AIRBUS AS350 B2 HELICOPTER
 CRASH NEAR LIHUE, HAWAII
 DECEMBER 26, 2019
 Interview of Gino Rezzonico

ACCIDENT NO.: ANC20MA010

PLACE: Via telephone

DATE: May 14, 2020

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.


Kathryn A. Mirfin
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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AIRBUS AS350 B2 HELICOPTER
CRASH NEAR LIHUE, HAWAII
DECEMBER 26, 2019

Accident No.: ANC20MA010

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Interview of: GINO REZZONICO, Principal Operations Inspector
Federal Aviation Administration

Via telephone

Thursday,
May 14, 2020

APPEARANCES:

MITCHELL GALLO, Air Safety Investigator
National Transportation Safety Board

WILLIAM BRAMBLE, Human Performance Investigator
National Transportation Safety Board

BRICE BANNING, Air Safety Investigator
National Transportation Safety Board

PATRICK LUSCH, Investigator in Charge
Federal Aviation Administration

MARK TOMICICH, Representative
(On behalf of Mr. Rezzonico)

I N D E X

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I N T E R V I E W

1
2 MR. GALLO: All right. This is an interview with Inspector
3 Gino Rezzonico pertaining to accident investigation ANC20MA010.

4 Inspector Rezzonico, do I have permission to record this
5 conversation?

6 MR. REZZONICO: Yes, you do.

7 MR. GALLO: Okay. And the representative that you want to
8 have during this interview is Mark Tomicich?

9 MR. REZZONICO: Affirmative. Yes.

10 INTERVIEW OF GINO REZZONICO

11 BY MR. GALLO:

12 Q. To start out with, can you give us your aviation background
13 and your FAA position and assignment and duties that you have
14 right now?

15 A. My background is in helicopters, mostly in Hawaii. My
16 position is I'm a principal inspector for the general aviation at
17 the Honolulu FSDO, having airplanes and helicopters. I've been
18 there since '97.

19 Q. Since 1997?

20 A. 1997, correct.

21 Q. Okay. And I understand your background is in aviation. Can
22 you tell us about your flying experience?

23 A. I flew basically utility for helicopters in Hawaii under 135,
24 and I did a year or so, a little more, of tours. At the end of
25 that time, I was working in the industry.

1 Q. Okay. And as POI now, are you assigned to any -- what
2 operators are you assigned to? Like air tour, air ambulance,
3 non-certificated operators?

4 A. I have several companies that have tour helicopters. I have
5 larger airplane operation (indiscernible) and I have one commuter
6 passenger line (indiscernible) operation.

7 Q. Okay. And --

8 A. And flight school.

9 Q. Okay. And have you ever been assigned as POI to Safari?

10 A. It's been more than 20 years. One time I was.

11 Q. Okay. Looking at the air tour operations there, what do you
12 think are the biggest issues or concerns for safety regarding air
13 tour operations? For example, weather.

14 A. There is issues -- every operator has its own issues.
15 There's no specific issues.

16 Q. Okay. Can you discuss with us -- I'm sorry.

17 MR. TOMICICK: I'm sorry, Mitch. Go ahead. I think he was
18 finished with his answer.

19 MR. GALLO: Oh, I'm sorry. Okay.

20 BY MR. GALLO:

21 Q. Can you discuss with us how you conduct surveillance of air
22 tour operators? For example, what might -- why you might focus
23 attention on one operator versus another operator? What are
24 things that you take into account when you perform surveillance?

25 A. Generally I look at their procedures. We are unable to go

1 too much, see them en route due to the terrain. It's kind of
2 complicated to be able to watch them in or out. But I do en route
3 inspection time to time. Generally once a year at least, with
4 each operator that I have, I'll do a flight.

5 For the rest of the surveillance, I generally focus on the
6 passenger manifest and operation at the airport and then
7 discuss -- if there's an issue, discuss with the operator the
8 issue specifics and look at each specific issue they have. But
9 it's different for every operator.

10 Q. Okay. And since you're doing en route inspections there, can
11 you discuss any unique weather features there out in Kauai or the
12 other islands that these operators have to encounter for air tour?

13 A. The weather on those islands is really moving fast. So the
14 major issue is always when they depart the airport, have they
15 received their briefing -- weather briefing? They may not be able
16 to see the weather in the back of the mountains or in the back of
17 the valleys, so the pilot is responsible to identify that when he
18 arrives on location.

19 That's how the weather is looked at. They get weather
20 briefing before the flight. They get pilot reports from other
21 pilots inside the airport. But the weather moves fast in the
22 islands, so those weather updates may not be as accurate as you
23 want to be.

24 Q. Okay. And can you discuss your workload? How much are you
25 traveling per week to do onsite visits and en routes? And I know

1 you talked about operators. Can you tell us how many operators
2 you're surveilling, that you're assigned to?

3 A. Right now approximately 10, 12 operators and about another
4 10, 12 operators of 135.

5 Q. Okay.

6 A. Travel to each operator every week not really possible due to
7 the workload that we have at Flight Standards and also due to the
8 island configuration. Every time we fly, we need to do en route
9 through the island, it takes quite a bit of time. So I would not
10 say I'm going every week, but I'm going once a month if possible
11 to an island or another.

12 Q. Okay. So you're traveling about once a month to an island?

13 A. It's not specific once a month. On an average, I travel when
14 I have a workload to do in that island, but the island may be not
15 seeing me for a couple of weeks, even month.

16 Q. Okay. And then when you arrive to the island, how long do
17 you spend there? Is it a day or do you overnight for several
18 days?

19 A. We have not been able to spend too much overnight. Most of
20 it is a day trip, and a day trip after traveling to the island and
21 location will give us about 2 to 3 hours of work, sometimes 4 in
22 different places.

23 Q. Okay. And in your surveillance, have you ever used the --
24 for air tour, have you ever used the external videos? Have you
25 ever reviewed them for certain flights?

1 A. Yes, we do.

2 Q. And what caused you to look at those videos? What prompted
3 you to check those?

4 A. Reports like (indiscernible) Air incident or issues with
5 pilot himself.

6 Q. Okay.

7 A. Mainly we get a report that there is a problem with the
8 company.

9 Q. Okay. And I'm assuming you're getting phone complaints
10 coming in or through the FAA hotline or some other reports. How
11 many of those involve -- are weather related? Or do you get any
12 weather related complaints?

13 A. Generally not. Most of the time it's noise.

14 Q. Okay. And even with the noise complaints, what is the best
15 way you've found to remedy the situation? Is it by issuing a
16 violation, or do you try to work with the company? What works
17 best in the outcome?

18 A. Depends on if the company has a SMS or if the company doesn't
19 have a SMS. In general, with a SMS, I work with them on the SMS.
20 And with a company that don't, I do work with the operator and try
21 to get compliance -- to restore compliance if there is issue.

22 Q. So my understanding of SMS, it's not required under Part 135,
23 but some operators do have SMS. Do you think that -- have you
24 seen a benefit by operators using SMS?

25 A. Definitely, yes.

1 Q. Okay. And can you kind of tell us like what you see, what
2 the differences are between somebody using SMS and somebody that
3 isn't?

4 A. Difference in communication between pilots and company, the
5 management, for SMS. Without SMS, it's a little more complicated.

6 Q. Okay.

7 A. Also, the pilot has less fear when the company approach them
8 and have a policy with an SMS. There's more discussion, more
9 communication between them.

10 Q. So the accident we're investigating in Kauai, we're looking
11 at several different scenarios and want to draw upon your
12 experience. So you have sometimes people that inadvertently fly
13 into IMC, others that intentionally fly into IMC, and they may
14 lose control in both situations.

15 What do you think is the best way to -- what are the best
16 preventative measures that would have to be put in place to
17 prevent something like that? And we're just asking you for your
18 opinion.

19 A. It's difficult to answer this question because it doesn't
20 have just one element. The best way in my opinion to improve on
21 that is training and company willingness to abide by the rules.

22 Q. Okay. And my understanding is, for Part 135 recurrent checks
23 and line checks -- well, that's 121. But recurrent and initial
24 checks, the instrument portion of those checks are done only in
25 VMC conditions. Is that correct?

1 A. Most company are not instrument rated, so they don't do
2 instrument check -- we don't do instrument check.

3 Q. Okay. But is there something -- the reason I'm asking you --
4 because I don't know the answer. But on the form, on the
5 recurrent and initial form, there's subject areas, I think,
6 pertaining to inadvertent flight into IMC conditions or recovery
7 in IMC conditions. Is that being checked, then?

8 A. I cannot talk for the other inspectors or the other check
9 airmen that do those inspections, but myself, I do work with each
10 company. And I don't do all the checks. Most of them are check
11 airmen that do this. As I check the conduct, I will do basic
12 flight under the hood. They will be asked to do maneuver to
13 recover from any encountered IMC, but it still remains VFR.

14 Q. Okay.

15 A. Emergency procedure.

16 Q. All right. I want to talk about the Hawaii Air Tour Manual.
17 It looks like it hasn't been updated since 1999. We talked to
18 somebody else that we just interviewed, and they mentioned it was
19 being worked on, but it may have gone to HAI to work on. Do you
20 know anything about that manual and any updates that are being
21 thought of?

22 A. The manual itself is having issues, but yes, they have been
23 working on the revision. We're not involved with this since about
24 3 years. It's all being handled by the mainland.

25 Q. But is it being handled by HAI or FAA? Because we'd like to

1 know, like, who to talk to, you know, to maybe push the progress
2 of that or check on that.

3 A. Personally I have not been briefed on that. I don't know who
4 works on it. I know there is only one person in the FAA that has
5 been assigned that job, and I just don't know where or what the
6 status with their work on that subject.

7 Q. Okay. And do you know who that person is or what division
8 they're in?

9 A. Let me see. I don't recall her name right now, but let me
10 think. I believe she is from 240. Yeah, I cannot recall her name
11 right now. I need to look it up. But I think she is from 240.
12 That's part of the FAA.

13 Q. Okay. And regarding air tour, the accident rate for air
14 tour, has that been decreasing over the years since you've been
15 there at the Honolulu FSDO?

16 A. Can you repeat that question?

17 Q. Do you know the accident rate for air tour operations? And
18 has that rate been decreasing over the years since you've been at
19 the FSDO?

20 A. The answer to decreasing is yes. There have been less than
21 we used to see in the early 2000s. The accidents we see right now
22 are more related by pilots' failures and mechanical issues. We
23 have seen several of those in the past time.

24 Q. Okay.

25 A. We don't -- it's no longer (indiscernible) with the visual.

1 MR. GALLO: All right. That's all the questions I have for
2 now. I'm going to turn it over to Bill Bramble.

3 MR. REZZONICO: Okay.

4 MR. BRAMBLE: Hi, Gino. This is Bill Bramble.

5 MR. LUSCH: Bill, we may have to ask you to speak up a little
6 bit. I've got mine up as much as I can, so if you could speak up
7 a little bit --

8 MR. BRAMBLE: Okay. I'll move a little closer to the mic
9 here. I think I'm actually going to pass and just hand it off to
10 Brice. Thanks very much.

11 MR. GALLO: Brice Banning, do you have any questions?

12 MR. BANNING: Hi, Gino. Brice Banning here. First off, I
13 just wanted to say thank you for taking the time to visit with us.
14 And can you hear me okay?

15 MR. REZZONICO: You're breaking time to time, but so far I
16 understand you.

17 MR. BANNING: Okay.

18 BY MR. BANNING:

19 Q. A couple of questions, and I apologize if these are being
20 reiterated, but when you're developing a work plan for an
21 operator, how do you, at the FAA, assess what work items
22 throughout the course of the year you'll do on a given operator?

23 A. It was difficult to understand that. Can you repeat that
24 question? It's kind of an echo behind you.

25 Q. Yeah. No problem. I was just wondering, for your operators,

1 how do you define what work items, what surveillance items, will
2 be done on a given operator?

3 A. Depends on knowledge of the company. Different companies
4 have different issues, are focused on the issues. Then we have
5 our work programs that does, you know, analysis of what issues
6 there is. Since we're the only one writing on it, it's most
7 likely personal knowledge.

8 But look at the company and listen to people on the ramp or
9 other information I get. From the previous tour I did this or the
10 previous incident or previous problems they had. And then I focus
11 on the different issues, be it pilot or maintenance or, like you
12 said, scheduling -- I mean flying itself.

13 But I try to find patterns, and then I focus on that to
14 determine my inspection schedule. So each inspection is
15 different. There's no standard. I base it on what I listen to
16 other people saying and how I see. There's good companies that
17 try to do everything right. There's companies that have a little
18 more problem doing that, so those companies we may focus a little
19 more on their procedures and the way they set up their flights and
20 conduct those flights.

21 Q. Thank you. And in Alaska -- I'm from Alaska, and we have a
22 weather camera system -- an FAA weather camera system up here. Do
23 you think there would be any benefit to a weather camera system
24 for pilots to see visual images of weather at given locations on
25 an air tour route? Do you think there would be any benefit to

1 that in the pilot community?

2 A. Yes, it would be.

3 Q. And based on your opinion, do you believe pilots -- air tour
4 pilots would be open to using those if they existed?

5 A. They mention it heavily throughout the islands that they
6 would love to have it.

7 Q. Okay. And with regard to the Hawaii Air Tour Manual, when
8 you're conducting surveillance, are you able to hold them to that?
9 Are you surveilling them to the requirements of that air tour
10 manual?

11 A. Yes, I do.

12 MR. BANNING: All right. Well, I think that's all I have
13 right now. I'm going to hand it back over to Mitch. Thank you.

14 MR. REZZONICO: You're welcome.

15 MR. GALLO: Thank you. Just several more questions I had.

16 BY MR. GALLO:

17 Q. Have you worked with the Hawaii Aircraft Association there on
18 any safety issues?

19 A. When?

20 Q. Well, your entire time there but, you know, kind of give us a
21 background of, you know, if you've gone to them to get any changes
22 made or even, like, safety meetings, did they attend?

23 A. If you're asking me if I have worked with the Hawaii Tour
24 Association to set up the manual or improve the operation, the
25 answer would be no, not lately. Before, I have been involved with

1 the previous group, but that's several years ago. And we had
2 tried to revise the manual at that time, but lately the past few
3 years, we're not involved, not asked to be there.

4 Q. So I think it's the HAA, Hawaii, Hawaii -- no, I'm sorry.
5 HAA, Hawaii -- I'm getting my acronyms -- Hawaii Aircraft -- HHA,
6 Hawaii Helicopter Association I think. So you haven't worked with
7 them yet?

8 A. Not the current group, no.

9 Q. Okay. And since you've been working at the FSDO, has your
10 workload increased at the FSDO for surveillance? Have you been
11 spending more hours every year until now?

12 A. With regard to surveillance, you expect -- you want to know
13 if we have been more outside or if we have done more surveillance
14 in general?

15 Q. Are you spending more work hours on doing your job than when
16 you first started at FSDO? So every year, are your work hours
17 increasing to do your job as an inspector?

18 A. Yes, my workload is increasing tremendously as I have several
19 more companies in this time. My workload outside, I have not been
20 able to increase my workload outside, but I have more issues to
21 handle than I can handle. Right now, yes, my workload has
22 increased.

23 Q. So are these extra companies, are these new companies or are
24 you taking companies from other inspectors?

25 A. The staff is kind of short right now. So the companies have

1 not gone down. So yes, we have a lot more companies just because
2 of the staffing of the system.

3 MR. GALLO: Okay. All right. That's all the questions I
4 have. I'll just go around the room. Does anybody else have
5 questions?

6 MR. BRAMBLE: This is Bill Bramble.

7 BY MR. BRAMBLE:

8 Q. I was just wondering if you have to pay for tickets to go to
9 the other islands to conduct surveillance or if you can
10 (indiscernible) on the airline flight?

11 A. Currently we have the ability to do en route. However, we
12 need to have this approved by the management, but if they are
13 busier than the carrier have room, is fine, what he needs to do.
14 So this is now authorized, but we do -- 90 percent of my travel is
15 done en route myself.

16 Q. And has that been a challenge for you at all in terms of
17 trying to get your surveillance accomplished, or is it not a
18 problem?

19 A. I wouldn't say a challenge, but it increases the workload
20 during checks. So we spend time doing that, too, doing the en
21 routes to the island, and that really takes time from our time on
22 the island.

23 MR. BRAMBLE: Okay. That's all I have. Thanks.

24 MR. BANNING: I don't have any additional questions. Thank
25 you. I appreciate your time, Gino.

1 MR. GALLO: Patrick, do you have any questions?

2 MR. LUSCH: I do not. Thank you for your time, Gino.

3 MR. GALLO: All right. Mr. Rezzonico, that's all I have. Do
4 you have anything else that you'd like to tell us that we haven't
5 covered?

6 MR. REZZONICO: No.

7 MR. GALLO: Okay. Thank you for your time, and we are going
8 off the record.

9 (Whereupon, the interview was concluded.)

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UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

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AIRBUS AS350 B2 HELICOPTER *

CRASH NEAR LIHUE, HAWAII * Accident No.: ANC20MA010

DECEMBER 26, 2019 *

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Interview of: DANA ROSENTHAL
Director of Operations/Chief Pilot
Niihau Helicopters

APPEARANCES:

MITCHELL GALLO, Senior Air Safety Investigator
National Transportation Safety Board

PATRICK LUSCH, Air Safety Investigator
Federal Aviation Administration

PRESTON MYERS, President/Director of Operations
Safari Helicopters

MANNY FIGLIA, Director of Aviation Safety
Airbus Helicopters

I N D E X

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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD


IN THE MATTER OF: AIRBUS AS350 B2 HELICOPTER
 CRASH NEAR LIHUE, HAWAII
 DECEMBER 26, 2019
 Interview of Dana Rosenthal

ACCIDENT NO.: ANC20MA010

PLACE:

DATE:

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

I N T E R V I E W

1
2 MR. GALLO: This is an interview with Dana Rosenthal.

INTERVIEW OF DANA ROSENTHAL

3
4 BY MR. GALLO:

5 Q. And, Mr. Rosenthal, do I have your permission to record this
6 conversation?

7 A. Yes.

8 Q. And is Cory Wright the representative that you wish to have
9 present?

10 A. Yes, he is.

11 Q. Okay. To start out with, can you just give me your
12 background in aviation?

13 A. Okay. I learned to fly in the U.S. Army in 1986, and flew
14 about four and a half years active duty military. Came to Kauai
15 in '93. Been touring around Kauai for the last, what, 27 years.
16 24 of that with Safari Helicopters actually. So, and I presently
17 am the director of operations and chief pilot for Niihau
18 Helicopters. That's my full-time job. And other than that, I
19 work at -- for Croman Corporation as well flying an S-61.

20 Q. Okay. And how do you spell Niihau?

21 A. N-i-i-h-a-u.

22 Q. Okay. And what are your certificate and ratings that you
23 hold now?

24 A. I'm a commercial instrument helicopter pilot.

25 Q. Any fixed-wing?

1 A. No.

2 Q. And what is your -- can you give us a breakdown of your total
3 time and -- total time and time and make and model of the various
4 helicopters that you fly?

5 A. Total time about 16,000 hours. The vast majority is in A-
6 Stars, B-2. I would say well over 9,000 of that with Safari. And
7 I also have about 3,000 hours in Agusta 109. And probably 250
8 hours in an S-61. Some Huey time, about 1200 hours in a UH-1-H,
9 and a little bit of Cobra time, and some Jet Ranger as well, 206
10 B-2 or B-3 and Long Ranger. And really that's about it.

11 Q. Okay. And with any of the flying with your current
12 operators, are you current IFR? You maintain IFR currency?

13 A. Well, I do an evaluation 61. I work as an SIC. So I do take
14 an instrument check ride, but I am not held as an IFR. It's --
15 I'm not exactly sure how it works, but I don't do a six-month
16 currency flight, but I do an annual check ride, and I do
17 instrument training in that aircraft.

18 Q. Okay. And any of -- where do you receive your training from?
19 Is it from an individual or do you go to a training facility?

20 A. With the 61 you mean?

21 Q. Any of the aircraft.

22 A. Oh. I do -- in the 109, we have the former chief pilot of
23 Agusta Aerospace that comes in, and does refresher training in the
24 109. In the 61, the chief pilot comes by, and does training
25 annually in that. And we do like a CTS like an online thing as

1 well as training on site. And then with Safari, the check airman,
2 chief pilot would train me.

3 Q. And in your previous flying in any of it, what is your
4 experience in actual IMC conditions?

5 A. Minimum.

6 Q. Yeah.

7 A. I mean, if I was to -- you mean like total hours of --

8 Q. Yeah. Basically --

9 A. -- actual weather time?

10 Q. Total hours of weather time.

11 A. Including training?

12 Q. No, actual IMC.

13 A. Yeah. I mean, even like when I was in flight school I flew
14 quite a bit of weather, but that wasn't as a PIC.

15 Q. Okay.

16 A. So I would say maybe 25 hours, something like that.

17 Q. And how much would you say you have simulated instrument
18 time?

19 A. Over 200, 250 maybe.

20 Q. And was that the simulated was that in a flight training
21 device or simulator or was that with a view limiting device, the
22 hood?

23 A. That would be with a hood in the aircraft. Total simulator
24 time is probably 50 or 60 hours in the Army.

25 Q. Okay. And going to air tour flying around this island, what

1 are the challenges that are unique to this island in flying?

2 A. Unique to this island over any other Hawaiian island or just
3 unique to Hawaii in general?

4 A. Well, you could start with this island, and then cover the
5 other islands, if there's anything unique to those islands.

6 Q. Well, I mean, it's a relatively small island yet depending
7 upon the wind direction, weather can change. So one has to be on
8 top of the weather. That's probably the biggest, I think,
9 challenge probably is the changing weather conditions.

10 Q. And you mentioned the challenging weather conditions. How
11 fast? Is there a typical rate of change that the -- of the
12 weather? Could it be half hour, an hour, five minutes?

13 A. I mean, it depends. I didn't say challenging . I said
14 changing actually.

15 Q. Okay. Changing.

16 A. I don't think they're that challenging per se. If they're
17 that challenging, we simply don't go. We choose not to fly. But,
18 I mean, it can change fairly quick, but usually when you start off
19 your day you kind of know what you're going to expect, and it --
20 you can't just check the weather in the morning and expect it to
21 remain. You have to use what tools you have to constantly
22 evaluate the changing conditions as the day progresses.

23 Q. Okay. And what are the sources of weather you use for your
24 pre-flight planning, and then what are the tools you use after
25 that initial weather evaluation?

1 A. Well, initially the source is flight service. We have our
2 information brought to us. We review it and sign it. After that,
3 typically, if we're flying a tour every hour, we're pretty much on
4 top of what's going on. We have, of course, Doppler radar, which
5 is very effective on most parts of the island, to see the real
6 time weather as you go around. Some pilots like to use the
7 available weather cameras, which I wish we actually had on this
8 island in certain locations. That would be a very helpful tool
9 for safety.

10 Q. And what would be the ideal, from your experience, what would
11 you prefer to see as far as the locations of the desired weather
12 cameras? If you were, if you were to put them out there, where
13 would you put them?

14 A. Well, like I told the gentleman that we met with about 10
15 years ago, I would have put one right about where -- you know
16 Makaha Point where Na Pali begins on the west side, there's an
17 existing military telemetry site up there already. That would be
18 an ideal location because it will give the pilot a visual of
19 what's going on down the Na Pali real time from the west. So I
20 would definitely have one there. I think somewhere inland on the
21 north side, probably inland of say Hanalei area that could face
22 either direction, either in so we can see. Be an easy way to
23 enhance safety, and wouldn't be that expensive --

24 Q. So --

25 A. Because it changes very quickly.

1 Q. So just two webcams?

2 A. Oh, I think as many as the government can afford. I think I
3 would definitely have one on the west side of the island because
4 we get these frontal systems where the weather is coming in from
5 the west southwest. So you're basically taking off into the
6 weather. You can't really see around that corner. I think that
7 would enhance safety a lot. Maybe out towards the Pacific Missile
8 Range out in that direction. Maybe one in the middle of the
9 island, birds eye view.

10 Q. And you mentioned you use Doppler weather radar. Where is
11 that station located at?

12 A. It's on the south side of the island. It's -- do you know
13 where the coffee fields are by Port Allen? It's west of Poipu,
14 and basically a little east of Port Allen Airport. It sits in a
15 field there. And I think that has enhanced safety a lot since
16 it's been around for, what, about 20 years now at least.

17 Q. So that radar, that Doppler radar, what are its limitations
18 that you've experienced? Is it -- is there blanking due to
19 terrain? And what kind of -- will it pick up fog? What are the
20 limitations on that?

21 A. It's pretty effective for moderate and heavy rain showers.
22 It gives a pilot good idea what to expect. I use it extensively
23 on all my flying. But because the mountains are 5200 feet high,
24 it -- you do get a lot of blockage on the north shore. So you
25 can't effectively see the low clouds on the north shore. If it's

1 really, really heavy weather like a thunderstorm, you'll see it
2 above. But definitely the mountains affect the signal.

3 Q. Have you experienced where you've seen no Doppler returns
4 from that weather station, but while you're going towards the
5 north end of the island there's weather?

6 A. I've seen that, yeah.

7 Q. And what kind of weather would that have been?

8 A. All kinds. I mean, over the years, but, yeah, I mean, if you
9 have low stuff, you're not going to see it on a Doppler, not from
10 -- not if it's below the mountain.

11 Q. And when was the last flight that you had in the accident
12 helicopter? Do you remember that day?

13 A. Yes. It was last Sunday. That was, what, the 20 -- when was
14 that?

15 Q. 23rd?

16 A. Yeah. Whatever that Sunday was. Yes.

17 Q. Okay. Any problems, mechanical problems with the helicopter?

18 A. No. Flew wonderful.

19 Q. And how long did you fly it on that day?

20 A. I flew 5.8 hours.

21 Q. And what time did you start work and end that day?

22 A. I started work at about 7:15, and I was filling out the
23 logbook at about 6 o'clock in the evening.

24 Q. And can you talk about how you maintain communications with
25 Safari base while you're doing their tours?

1 A. Sure. Yeah. Well, basically we depart. I typically call as
2 I leave Class Delta Airspace flying on our tour, we give our time
3 off at that point, and it's noted in the office. And then we'll
4 call inbound usually about 10 minutes out as we're coming back on
5 the east side usually in the vicinity of the crater in the middle
6 of the island.

7 Q. And are there any typical reporting points you use that are
8 based on geography?

9 A. Yes. Yeah. We have our established reporting points under
10 our 136.

11 Q. Okay.

12 A. As we fly along the island, yeah.

13 Q. So it's listed in Part 136 then the reported -- reporting
14 points?

15 A. Yeah. We have our site specific areas that we go in and out
16 of.

17 Q. And can you mention a couple of them from here going up to
18 Lower and Upper Mic? What would those reporting points be?

19 A. Yeah. We have Hanapepe Valley. That's essentially the first
20 point as you're heading west out of Lihue. Olokele Canyon, which
21 would be the next. I don't know if you're familiar with the
22 geography of Kauai. And then prior to that you have -- or after
23 that I should say you have Waimea Canyon. That's all prior to Na
24 Pali. Then Na Pali itself, you know, where there are several
25 more.

1 Q. And north of -- on the north side of the island are you still
2 able to maintain radio communications in anyway?

3 A. With?

4 Q. With base, Safari base.

5 A. Typically not unless we're at a high altitude, if I could if
6 I wanted to, I would have to climb up pretty good.

7 Q. But when you're doing an air tour on the north side of the
8 island, what's your typical altitude that you're flying around
9 there?

10 A. I like to split the cliffs in half. So they're about 4,000
11 feet. Like to fly about 2,000. That way they get good visual up
12 and down.

13 Q. So 2,000 MSL?

14 A. Yeah. Or AGL in this case. I'm off shore looking at the
15 cliffs. I'm about halfway up the cliffs.

16 Q. So in a -- if you're heading north of the island through the
17 canyon, well, let me go back. How long would it -- would a
18 typical air tour flight last from after you depart from Lihue
19 Airport?

20 A. Our typical tour is 50 minutes.

21 Q. And of the 50 minutes, how much is spent on the north side of
22 the island? Or let me rephrase that. Of the 50 minutes, how much
23 time elapses where you cannot maintain radio communications?

24 A. With base?

25 Q. Yes.

1 A. I mean, it's one of those things where if you want to or had
2 to you could very easily pull in a little power, climb up to three
3 or four thousand feet, and I've done it. I've done it from the
4 north shore. I've done it on the east side. I've done it out
5 west. So you have the ability to do so, but in order to maintain
6 line of sight, whatever, with the base station with any of the
7 operators, you would have to be pretty darn high. So I would say
8 there's at least a good 30 your tour. Typically -- unless you
9 climbed up, which wouldn't take long.

10 Q. And you raised the flight through Waimea Canyon. Can you
11 describe flying through that canyon, what altitudes and what
12 clearance you have horizontally between both walls of the canyon?
13 And what effect does that canyon have on weather?

14 A. Well, I mean, the canyon is typically pretty easy to fly. I
15 mean, and after awhile, you know, it's not -- it's quite large.
16 It's miles across. So the depth of it is over 3,000 feet.
17 Turbulence is usually not much of an issue in the canyon itself,
18 depending upon the direction. With a typical trade wind type
19 situation, it's never really a problem with clouds or turbulence
20 or anything like that. If you have a Kona wind, it could be.
21 There are times when you skip it. You fly by, and it's all filled
22 in, and you just mention they can drive up there, and then you
23 eliminate that, and continue your tour around. But, yeah, I mean,
24 I think you can easily maintain -- I typically don't fly any
25 closer than say 1,000 feet to the cliffs. There's no really

1 reason to. It's best viewed fairly high anyway. If you get down
2 real low, you're not really seeing it as well as if you're looking
3 down on it typically. And if you climb all the way down, it takes
4 a lot of time to climb out. So a lot of the operators will go in
5 there quite high for that reason.

6 Q. And after that canyon, you hit Lower and Upper Mic, is that
7 correct?

8 A. Yeah, exactly. After doing Waimea typically under ideal
9 weather conditions you'll exit at the Upper Microwave.

10 Q. And do you have to initiate a climb for that?

11 A. Depends. If you're flying high to start with. But,
12 typically, yeah, I'll initiate a slight climb. I'll show what's
13 called Wailua Falls. And then from there, I'll climb maybe six,
14 seven hundred feet, and the out at the, out at the Upper Microwave
15 under an ideal tour. Yeah.

16 Q. Does the canyon in any way act as a sink where it will pull
17 in moisture or clouds into that area?

18 A. Typically not. I mean, it can. Like I say, depending upon
19 the wind direction. And if you have a situation where you don't
20 have a lot of wind, and you have one of these cool, clear morning,
21 the afternoon typically the clouds will drop into the canyon to
22 the point where the folks driving up it can't see anything. But
23 the canyon typically stays open. It just requires the pilot to do
24 a wider turn to exit.

25 Q. And you mentioned, I guess, you have 24 years flying at

1 Safari?

2 A. Correct.

3 Q. And during that 24 years, have you had occasion to turn
4 around because of weather?

5 A. Sometimes. Yeah. It's not -- well, there are certain days,
6 yeah, that sometimes you might -- you may know you're going to
7 turn around, and you plan on it.

8 Q. And but you continue the tour? Do you just come straight
9 back to the airport or do you continue the tour in some other
10 manner?

11 A. Well, if things are perfectly safe and the weather minimums
12 can be maintained perfectly well, there's no reason not to
13 continue the tour.

14 Q. How much value do you find in pilot reports from other
15 operators?

16 A. Very valuable. That's -- I should have probably added that
17 earlier on when I was talking about weather. Because we know --
18 some of these pilots I've known for decades, and I trust their
19 judgment, and I think a PIREP is as valuable as anything from the
20 right source. So, yeah, the guys ahead will often try to relay
21 good information back to the people that are behind.

22 Q. And when you're performing an air tour, a typical air tour,
23 what is the speed that you're maintaining?

24 A. It varies depending upon -- it's not a race. So we typically
25 are just kind of cruising around, I would say, about 100 knots.

1 Q. During the -- your tour flights, do you have the navigation
2 lights on?

3 A. Do I have my navigation lights on?

4 Q. Yes.

5 A. If it's kind of a dark day, yeah, absolutely.

6 Q. How about the anti-collision light?

7 A. Always, yeah.

8 MR. GALLO: That's all the questions I have for now. I'll
9 turn it over to Preston Myers.

10 MR. MYERS: I have no questions.

11 MR. GALLO: All right. Then I'll turn it over to Patrick
12 Lusch.

13 BY MR. LUSCH:

14 Q. All right, Dan, a few questions for you.

15 A. Sure.

16 Q. Describe Safari's expectations of a pilot with regard to
17 deteriorating weather conditions when you're out on a tour. Let's
18 just say you encounter some weather. And give me a couple of
19 different scenarios of what the expectations would be from you as
20 a pilot both encountering it on the way out or I'm out there, and
21 now I've got weather behind me. I'm going back.

22 A. Well, I'm not sure I completely understand your question, but
23 you want to know what they expect of us?

24 Q. Yeah. What would your company's expectations be, and how
25 would you respond to that situation?

1 A. Well, their expectations are -- I mean, they want us to be
2 safe. I've never felt any kind of pressure. I've worked for this
3 man for 24 years. I've never felt any kind of pressure. The
4 pilot in command is in charge. And they hire us. They train us.
5 They expect us to do what is safe and legal and responsible. They
6 can't be out there with us. So they expect us to use our
7 judgment. I don't think they have any expectations for the sense
8 that we have to do this, we have to do that. We do whatever is
9 rational at the time. So a lot of this is up to the -- the pilot
10 in command has a big responsibility. You're kind of on your own
11 out there. And we have the framework that we have to deal with.
12 I'm not sure exactly what you're --

13 Q. That's an answer then.

14 A. Yeah.

15 Q. That's what I'm looking for. Have you ever had to defend a
16 decision to turn back or decline a trip because of weather?

17 A. Have I had to decline a trip for weather?

18 Q. Have you ever had to defend your decision to say you're not
19 going?

20 A. Oh, no.

21 Q. Or have you turned back because of the weather?

22 A. No. Usually if I say I don't like it for whatever reason
23 people just okay. I've been doing this a long time. So they
24 trust my judgment for sure, absolutely. And everyone else's for
25 that matter, I think.

1 Q. Can you tell me the actions you would take in your specific
2 helicopter, it's -- AS350, with regard to encountering yourself in
3 inadvertent IMC conditions?

4 A. That's a good question. I think it depends where you
5 encounter them. But typically control the aircraft, obviously,
6 fly the aircraft first, level the aircraft off, initiate a climb.
7 Once I've got the aircraft under control and I'm climbing, I -- to
8 the best of my ability I have to determine where the high terrain
9 is and turn away from it or get to an altitude where I'm above the
10 high terrain. At that point this is an emergency situation. So I
11 need to confess -- contact a controlling agency. In our case it's
12 Honolulu Center. Dial them up on the radio, declare an emergency,
13 Mayday, Mayday, Mayday. And then look for a vector at that point.

14 Q. How would you determine the location of terrain and the
15 height if you found yourself in IMC in that helicopter?

16 A. I think, I mean, as we fly along we're constantly, if not
17 subconsciously, thinking about where we're at. Where are we going
18 to land if the engine quits? Where the terrain is around us?
19 Where the weather is? Is it closing in behind us? So we're
20 always thinking about where we are in relation to this high
21 terrain. So at any one given time, I think, most pilots have the
22 ability to think, okay, I'm flying here, I need to turn north if
23 I'm Na Pali because that's where the ocean is. Or I'm on the
24 east side. We know the middle of the island is 5200 feet. So
25 worst case scenario is we climb very quickly at about 60 knots up

1 to about 6,000 feet, and then at least we know we're not going to
2 hit anything. But, yeah, I mean, it's something that I think we
3 think about, and as we're flying along there's a lot of things
4 going through our heads. We're used to flying in this kind of
5 terrain. We're not in Kansas, and we think about stuff like that
6 all the time.

7 Q. Is there any type of terrain mapping or terrain display on
8 your helicopters?

9 A. No. We have a GPS system, but we don't really have -- yeah,
10 I'm not familiar with those systems that you're referring to.

11 Q. Can a GPS system display the terrain elevation around you?

12 A. Well, I guess it could, yeah. If you're going to punch it
13 up, yeah.

14 Q. Is that something that your company trains on?

15 A. I'm not intimately familiar with all the aspects of the GPS.
16 It's a nice reference, VFR reference to me.

17 Q. I just have one last question for this round. You clearly
18 have every extensive experience on this island flying and in this
19 business. What is the -- what would the single most important
20 thing that you could think of to improve air tour safety on the
21 Hawaiian Islands? What would your thoughts be on that?

22 A. Well, that's -- well, I think the weather cam issue is really
23 huge. I mean, honestly, if you had a weather cam on Makaha Point
24 facing down Na Pali, that could have saved a life here or seven
25 actually. Because, yeah, the problem with Kauai is you have all

1 these blind spots, and you just can't because of the typography
2 and everything you can't really see everything everywhere all the
3 time. So I think that would be huge. But I would like to say
4 that I think that in all the years I've been flying here I don't
5 think there's a better group of guys. The safety culture compared
6 to what it was say 25 years ago, hotdogs don't last here. And I
7 think the newer pilot coming up is a lot more safe than they used
8 to be. I honestly believe that.

9 MR. LUSCH: Thank you.

10 MR. ROSENTHAL: You get.

11 MR. LUSCH: I'll turn it over to Manny from Airbus.

12 BY MR. FIGLIA:

13 Q. In Safari, who would you identify as a safety representative,
14 safety officer, any central focal point on specifically aviation
15 safety?

16 A. I would turn to Preston Myers.

17 Q. The remote cameras, in any of your operations with Safari or
18 any other operators, do you actually have monitors within the
19 aircraft that see -- or are you looking at a ground based station
20 where you observe the camera itself?

21 A. Oh, you mean, like, for weather camera system?

22 Q. Yes.

23 A. We have nothing onboard, no.

24 Q. So you're relying on basically a point on the ground
25 somewhere where you're looking at a camera, and then ascertaining

1 what the weather is based on your visual observation of the
2 camera?

3 A. I'm not sure exactly what you're wanting to know there, sir.
4 But I mean you mean with the weather cameras we're talking about?

5 Q. Right. How do you observe the weather on the weather
6 cameras?

7 A. Well, that's the thing is typically, I guess, we would have
8 to check them prior to takeoff unless the FAA was okay with us
9 punching them up in flight, which they probably wouldn't be.

10 Q. Okay.

11 A. So we would have our limitations there in the sense that the
12 real time weather would be slightly old but --

13 Q. So if you had -- and, again, the weather constantly changing
14 --

15 A. Yeah.

16 Q. -- again, you -- would you find additional weather cameras
17 and even -- or even the existing cameras that accurate and
18 reliable if you're observing them on the ground before you take
19 off yet the weather changes so rapidly? As an example, if you
20 took off out of the airport here, and there was a camera at Na
21 Pali --

22 A. Yeah.

23 Q. -- how much confidence would you have that the time you took
24 off and saw that weather on that camera that it's the same as when
25 you arrive there?

1 A. I think that it's fairly accurate. I mean, especially if the
2 camera can change. If you can -- some of these weather cameras
3 you can change them around. You can move the direction. I mean,
4 you can see the weather coming. Yeah. A lot of our situations
5 occur when the weather comes from an adverse direction like the
6 west. So if we had a camera, we could actually see the line of
7 clouds coming in, and we can anticipate its rate of travel based
8 on the wind speed, it would still be way better than nothing.
9 Right now the pilots are simply using hotel webcams and things
10 like that, which are not really designed for this, but it's better
11 than nothing.

12 MANNY: Okay. Thank you. That's all.

13 MR. ROSENTHAL: You bet.

14 BY MR. GALLO:

15 Q. I have several more questions.

16 A. Sure.

17 Q. How often would you fly with an FAA inspector aboard
18 evaluating your performance?

19 A. How often would I?

20 Q. Yeah.

21 A. With Safari?

22 Q. Yes.

23 A. It's been awhile. Paul Matero as our check airman. So
24 trying to think. I did one where I was -- he was being certified,
25 and I was -- that guy was observing us. But that must have been

1 four or five years ago at least.

2 Q. And since then you haven't had a FAA inspector aboard?

3 A. With this company, no.

4 Q. And how often would you fly with Paul Matero?

5 A. Well, at least annually. I've flown with Paul Matero many
6 times over the years. I've flown beside Paul Matero many, many
7 times over the years.

8 Q. And what were the purposes of those flights that you're
9 flying with him?

10 A. Usually training or evaluation where we're actually in the
11 aircraft together.

12 Q. And can you describe the training you received from
13 Mr. Matero?

14 A. Pretty standard, you know, emergency procedures, training,
15 typical of what you would take on a check ride.

16 Q. And would that include simulated IMC conditions?

17 A. Yes. We would always do like an inadvertent IMC procedure
18 type thing.

19 Q. And so you've been flying around this island for 24 or 27
20 years. Do you have in your mind certain landing areas that come
21 to mind right away if you needed to land while going through the
22 canyon or Upper -- or Lower and Upper Mic through that path?

23 A. Oh, yeah, yeah. There's numerous landing areas in the canyon
24 and near the Microwaves, that's for sure.

25 Q. Do you use an iPad at all during the flight?

1 A. I don't, no. I have, but not with this company.

2 Q. Have you used a cell phone to call back to base while flying?

3 A. I never have. I keep my cell phone with me. That could be
4 an option, but the reality is the reception basically from about
5 where Na Pali begins all the way along there is -- there's no
6 reception unless you're super-duper high.

7 Q. And how much conversation do you have with passengers during
8 an air tour flight?

9 A. That depends on the passengers. Typically on these flights
10 they're pretty quiet. They -- it's a first time helicopter
11 experience. They're usually just sitting back there staring out
12 the window. Some of them do ask questions. It's -- I wouldn't
13 say it's a nonstop dialog, but there's occasional question and
14 answer kind of situation.

15 Q. Having flown with Mr. Matero, can you describe his decision
16 making?

17 A. Sure. Yeah. I -- the guy had very good judgment, extremely
18 experienced and safety conscious individual.

19 MR. GALLO: That's all the questions I have.

20 Mr. Myers.

21 MR. MYERS: Sure.

22 BY MR. MYERS:

23 Q. Have you been instructed on how to or where -- not how to,
24 but whether to continue a flight into the muck or just go ahead
25 and land the aircraft?

1 A. Well, I mean, only an idiot would continue into a bad
2 situation. No one ever would blame a pilot for landing. That's
3 the right thing to do. And, yeah, I can't think of one guy I know
4 that would fly -- deliberately fly into the garbage.

5 Q. Have you ever experienced sucker holes on the island?

6 A. Have I ever experienced them?

7 Q. Yeah.

8 A. I've seen -- yeah, I've seen them all over the place, yeah.

9 MR. MYERS: No more questions.

10 UNIDENTIFIED SPEAKER: Just one last question as a follow-on.

11 MR. GALLO: Sure.

12 BY UNIDENTIFIED SPEAKER:

13 Q. Does Safari have any type of a voluntary safety reporting
14 system such as ASAP or another confidential means for its pilots,
15 mechanics, employees that could report safety concerns
16 confidentially that you're aware of?

17 A. You mean a company-based program --

18 Q. Right.

19 A. -- above and beyond what the --

20 Q. Yeah. In other words, if you had a safety concern that you
21 wanted to bring to the attention of somebody, but you felt maybe I
22 should do it confidentially because I don't want to be tied to it,
23 is there any type of a --

24 A. Not that I know of. I mean, I would simply just come forward
25 non-confidentially. That's just the way I am. I've never had the

1 slightest problem with -- I think Safari is as safe as they come.
2 I'm not just saying that because I work here. I mean that.

3 Q. So you would feel confident and comfortable bringing any
4 safety concerns directly to any of the management of the
5 organization without any type of fear of --

6 A. Absolutely. Yeah. I see no reason for confidential
7 anything.

8 UNIDENTIFIED SPEAKER: That's it. I have no more questions.
9 Thank you, Dana.

10 MR. ROSENTHAL: You bet.

11 BY UNIDENTIFIED SPEAKER:

12 Q. Can you define sucker hole?

13 A. That's a good question. I guess the sucker hole would be the
14 hole that the sucker would go through if he was stupid enough to
15 fall for that. How do you define a word like that?

16 Q. And can you give me dimensions of what the sucker hole looks
17 like, and how does it pertain to any particular aircraft?

18 A. Hard to say, yeah. It's -- I guess, if we made a definition
19 I could tell you. But, yeah, there's definitely a -- yeah. Going
20 into a -- yeah. Why fly through a hole when you can't see what's
21 on the other side? Or you're guessing how low the clouds are on
22 the other side of that hole. At what point does the sucker hole
23 become just a cloud layer? But if it looks bad, I don't go.

24 Q. Okay. You said you're a Director of Operations with?

25 A. Niihau Helicopters.

1 Q. And who is your POI there? Is it the same as Safari that
2 you're aware of?

3 A. It's Gino Rezzonico. He's the new POI there.

4 Q. His name?

5 A. Gino Rezzonico. It's R-e-z-z-i-n-i-c-o [sic], I believe.

6 Q. And how often do you see him whether you're operating at
7 Safari or where you're Director of Operations at?

8 A. I saw him couple of weeks ago actually. But he's my brand
9 new POI. I have worked with him in the past. We switch around a
10 lot over here, this POI, that POI. So he did give me a base
11 inspection and a check ride about four or five years ago. He's
12 been with the FAA a long time. My previous POI has transferred
13 out. So --

14 Q. Okay.

15 A. But they come over, yeah.

16 Q. And would you say the POIs are pretty consistent on doing
17 inspections as far as Part 135 certificate?

18 A. Yeah. I mean they do the best they can. I guess they're
19 very understaffed, very understaffed. So they come by when they
20 can, do their annual inspections. And if I have issues, I
21 actually went to him. I actually flew to Honolulu because it was
22 easier. So that's the sad reality, I guess, we're understaffed.
23 Yeah.

24 UNIDENTIFIED SPEAKER: Okay. Thank you.

25 MR. ROSENTHAL: You bet.

1 BY MR. GALLO:

2 Q. I have several more questions. At Safari are you part-time
3 or full-time?

4 A. Part-time.

5 Q. And what's your typically workweek been or work schedule
6 part-time at Safari?

7 A. Well, I'm basically the secondary pilot on Sunday. I have a
8 full-time job. So if they need me, they'll call me in, if it's
9 busy, and I may fly a few flights. I may fly the whole day.

10 Q. And how much notice do they -- do you get when Safari calls
11 you in?

12 A. Lot of times I might know several days in advance, if the
13 schedule is starting to fill up. It may be less than that. It
14 depends.

15 Q. Are you familiar with Tour Operators Program of Safety, TOPS?

16 A. What is -- is there a number with it or is it a regulation?

17 Q. No. It's a organization.

18 A. Oh, OPS?

19 Q. Yeah, Tour Operators Program of Safety, called TOPS for
20 short.

21 A. Oh, TOPS, yeah. I've heard of that, yeah. I'm not familiar
22 with it. I've heard of TOPS, yeah.

23 MR. GALLO: Okay. That's all the questions I have.

24 MR. ROSENTHAL: That's it?

25 MR. GALLO: Wait.

1 BY UNIDENTIFIED SPEAKER:

2 Q. Could you define a sucker hole as being an area you're
3 looking down and see blue sky down there, you have clouds over
4 here, you have this -- and clouds over here, but you can see
5 straight ahead of you, and in heading towards that clear area then
6 all of a sudden it would sock in you? Would you call -- define
7 that as a sucker hole?

8 A. That would be the ultimate sucker hold, I guess.

9 UNIDENTIFIED SPEAKER: No more questions.

10 MR. GALLO: Patrick, do you have any questions?

11 MR. LUSCH: I do. Sorry. I'm just catching up.

12 BY MR. LUSCH:

13 Q. So, Dana, I'm really interested in this weather camera stuff
14 on the island. You don't know what you don't know, and this is
15 somewhat --

16 A. Yeah.

17 Q. -- new to me. So I -- the importance of it I am starting to
18 understand a lot more as we work through this investigation. So
19 I'm trying to get a little bit more data. You had mentioned
20 earlier on in our interview the desire of many folks on the island
21 that have been flying for some time, I think even you said maybe
22 about 10 years the discussions of adding new and additional
23 cameras to the island's been going on. I know Preston's mentioned
24 it over the last few days. Can you tell me how that desire to
25 have those cameras has been communicated or discussed or pushed up

1 through the chains? Or where does it, where does it go from when
2 all the pilots on the island or all the operators on the island
3 are talking about it, where does it go where it's died on the vine
4 so to speak?

5 A. That's a very good question. I remember we -- there was an
6 organization, I think they were from Alaska. I think Preston
7 remembers that. We were at a meeting way back when, and they had
8 put these cameras in Alaska, which worked really well there
9 because, I guess, the great distances they travel and this and
10 that. Our distances aren't great, but our weather can change just
11 as great in a short distance. And I'm not sure if it was a money
12 problem or -- cheap price to pay ultimately, but these remote
13 sites, and I was just thinking you could -- if you put a weather
14 cam in a place where you have an existing station already, you've
15 got power right up there. I mean, I know people that work at
16 Makaha Point. So I can call them on the phone, hey, what does it
17 look like? But they don't work on Sunday, which is the day I fly.
18 So a picture speaks a thousand words.

19 Q. Sure.

20 A. You spend 5, 10 grand on a camera, that could save a lot of
21 lives. Knowledge is power. That gives you a lot of knowledge.

22 MR. LUSCH: That's all I have. Thank you again.

23 MR. ROSENTHAL: You bet.

24 MR. GALLO: Manny, any questions?

25 MANNY: No.

1 MR. GALLO: I have no further questions. Do you have
2 anything else to add that we haven't covered or you have any
3 concerns that you'd like to tell us?

4 MR. ROSENTHAL: Not really.

5 MR. GALLO: Okay. Well, that concludes the interview. Thank
6 you.

7 MR. ROSENTHAL: Thanks.

8 (Whereupon, the interview was concluded.)
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UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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In the matter of:

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AIRBUS AS350 B2 HELICOPTER
CRASH NEAR LIHUE, HAWAII
DECEMBER 26, 2019

Accident No.: ANC20MA010

* * * * *

Interview of: DAVE RYON, Principal Operations Inspector
Federal Aviation Administration

Via telephone

Thursday,
May 14, 2020

APPEARANCES:

MITCHELL GALLO, Air Safety Investigator
National Transportation Safety Board

WILLIAM BRAMBLE, Human Performance Investigator
National Transportation Safety Board

BRICE BANNING, Air Safety Investigator
National Transportation Safety Board

PATRICK LUSCH, Investigator in Charge
Federal Aviation Administration

MARK TOMICICH, Representative
(On behalf of Mr. Ryon)

I N D E X

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I N T E R V I E W

(11:00 a.m.)

1
2
3 MR. GALLO: All right, this is an interview with
4 Mr. Dave Ryon, pertaining to Accident Investigation ANC20MA010.
5 Mr. Ryon, do we have your permission to record this interview?

6 MR. RYON: Yes, you do.

7 MR. GALLO: Okay. And who is the representative of your
8 choice for this interview?

9 MR. RYON: I have Mr. Mark Tomicich from AGC.

10 MR. GALLO: Okay.

11 MR. RYON: FAA.

INTERVIEW OF DAVE RYON

12
13 BY MR. GALLO:

14 Q. All right. And to start out, can you just describe your
15 background prior to being employed by the FAA, and aviation
16 specific. And from then on, what your assignment was within the
17 FAA, at the various FSDOs or FSDO, and generic responsibilities
18 that you had as POI.

19 A. Okay. Prior to the FAA, aviation-wise, I went to the Army's
20 flight school in Fort Rucker, Alabama in 1984, and then I was a
21 helicopter pilot and officer in the Army for about 5 years in
22 UH-1. Then I got out of the service and I went to PHI in 1988,
23 did about 8 months down there, and that's flying offshore to the
24 oil rigs. From there I went out to Hawaii and worked for
25 Papillion Helicopters on the island of Kauai, on the Big Island,

1 for about 6 years, and that was Part 135 flying and predominantly
2 air tour flying.

3 Q. Okay.

4 A. From Papillion, I went to a couple other operators part time.
5 I went to Mauna Kea on the Big Island and EO Aviation on the Big
6 Island and Hawaii Helicopters on the Big Island. And I think I
7 did about a year-plus, maybe, with Hawaii.

8 From there I joined the FAA in 1996 and I was an assistant
9 POI initially for the Honolulu District Office and then worked in
10 a geographic, kind of a Part 91 geographic surveillance unit for
11 about 2 or 3 years and then became the POI after that.

12 We tended to split the responsibilities up for the operators
13 in the district by island because it just made it a little bit
14 easier. And I think I had the Big Island initially for about a
15 year or two, and then I think I switched to Kauai for about a year
16 or two and I think I switched back to the Big Island for about a
17 year or two. And then I think I had a mix of operators and then
18 some of the operators included an operator down in Samoa, and I
19 continued with the Big Island operators and I think I had maybe
20 one or two folks out in Guam for a period of time. We assisted
21 others with those.

22 And then I moved back to the mainland. My mother was getting
23 older, so I decided it was time to come back. I worked out of the
24 Sacramento FSDO for just a brief period of time, maybe -- my mom
25 was in Nevada and I really wanted to get to the Reno office, but

1 they didn't have any openings. So I was going across the mountain
2 there, working all week at the office and coming back and that
3 went on for about oh, 3-4 months, I think, and then an opening
4 came up down in Riverside, California, so I applied for that and
5 then was a POI down there about -- about a year and a quarter,
6 maybe, and then I put in for a Western-Pacific regional slot in
7 the WP-240 branch which is primarily air carrier work, and I did
8 that for about a year and a half, 2 years, and then the FAA
9 basically abolished the region and pushed the personnel up into
10 headquarters branch, for instance.

11 So that's where I'm at now, I've been here about 2 years, two
12 and a half years, and I'm in the AFS-210 branch, which is mostly
13 composed of former regional branch folks from across the nation,
14 and the ops folks went to the 210 branch. I believe the
15 maintenance folks went to the FS-370 branch.

16 So I guess that brings me up to where I'm at now. Typical
17 duties, I guess, of the principals. Predominantly, I was in the
18 Honolulu office, I want to say 19 years, so that's where most of
19 my POI time was. A lot of tour operations, as you know, out
20 there. So a lot of helicopter operators, a lot of GA, you know,
21 VFR work. And then some, you know, some airplane operators, some
22 slightly larger equipment.

23 In Sacramento there was -- you know, I was just working,
24 really, as an assistant to, I'd say, a more senior inspector, but
25 he had, you know, corporate jet operators, he had one or two

1 larger helicopter operators. And they were just starting to set
2 up the -- you know, because of the EMS rule that was coming up,
3 they were starting to set up, you know, their dispatch and their
4 flight-locating (indiscernible) systems, you know, so that was
5 pretty elaborate.

6 And then down in Riverside, there's a fair amount of money on
7 the West Coast, as you know. So I had a pretty large corporate
8 jet operator and then maybe a smattering of other GA operators
9 down there.

10 So I think that summarizes. I can give you what -- you know,
11 what I'm currently doing or what we did in the Western-Pacific
12 branch or at least I was -- the kind of work I did. If you need
13 any more of those details, feel free.

14 Q. Okay, thank you for that. And then can you kind of cite the
15 different helicopters you were qualified to fly in and your total
16 time and the number of hours you spent flying air tour?

17 A. Okay. Sure, I pretty much -- you know, the GA models, you
18 know, I did lead up from there, so I'm in -- I joined the National
19 Guard in Hawaii, so that's a part-time job, and that went on for
20 about 10 years, too, and that was from, I think, maybe 1993 to
21 like 2003, something like that. And they had Hueys and then
22 eventually we transitioned UH-60s in that unit, so -- but, you
23 know, for the tours and for the general office work, you know,
24 anything under 205 pretty much. You know, we had a lot of Bell
25 206s out there, we had a lot of A-Stars. You know, I flew the D,

1 I think, in industry and the B and I think the BA and then, you
2 know, as that particular variant grew and that was a pretty
3 popular tour machine out there, the B-2 and the B-3 and I think
4 the B-4, you know, I had sometimes but little, you know, very
5 little time. Just currency flying as an inspector. The Hughes,
6 you know, 500, the different variants and models of that.

7 One operator had an Agusta, I think an A model. I spent some
8 time in that and then flew with those folks. Those are probably
9 the predominant helicopters we saw out there. And then I did a
10 little tour flying in airplanes, you know, basic Cessnas, like the
11 PA-23 or something.

12 Total helicopter time, I think, is about 8,000 hours and
13 airplane time, I don't know, maybe 1100 hours. And I would say
14 that tour flying was probably the majority of it. I don't know
15 exactly, maybe 6,000 hours of it or 5500 hours of it.

16 Q. Okay.

17 A. And most of that was in helicopters. Yeah, so I think this
18 -- I think that summarizes probably what you're looking for.

19 Q. Okay. And when you were in the Honolulu FSDO, can you
20 describe the type of operations you were assigned to surveil? I
21 mean, you've got air tour, you've got non-certificated operators
22 which are under Part 91. Maybe there's air ambulance. Can you
23 kind of break that up into a pie chart of what percentage of each
24 and the type of operation you were surveilling at the time from
25 '06 to '14?

1 A. Okay, sure. Just if I pie-charted, I would say probably 60
2 percent with air tours, maybe just 135. Non-certificated, maybe
3 30 percent and maybe -- maybe 10 percent or less on EMS. We had a
4 couple of those, but we didn't have that many operating out there.

5 Q. Okay.

6 A. So I would say 60/30/10 would be the --

7 Q. All right. And --

8 A. -- split.

9 Q. -- in your surveillance and work on surveilling those three
10 groups, what was your workload like in doing that?

11 A. You know, I thought it was pretty solid, pretty heavy, you
12 know, at times. It's sort of the nature of the beast, you know.
13 If you did an activity, you know, we had to go typically, you
14 know, if it was significant. Most things are. And we had to go
15 and then record it into a computer system.

16 You know, our system was probably an older system, I think it
17 MS-DOS based, so you know, you might have to enter something and
18 you might have to wait a little bit before the, you know, computer
19 accepted it and then you would do -- so there was a lot of things
20 that we had to do that just sort of took time, you know, they
21 weren't necessarily difficult, but they took time.

22 Given that you're a GA principal inspector, you know, a lot
23 of what you do, I mean, you might be doing -- you're doing kind of
24 a wide variety of the tasks and then you might do a CFI on one day
25 and then you might be writing an enforcement report the next day

1 against something you found and the next day you might be doing
2 something with the Part 135 operators. So I think you're spread
3 pretty thin. We tend to say -- you know, maybe in the GA world
4 you're a mile wide and an inch deep, you know, and you get into
5 the air carrier side of the house, you know, an inch wide and a
6 mile deep. And there's some truth to that, I think.

7 So it is a pretty heavy load. Of course, it depends on how
8 many inspectors you have assigned to the office and maybe what the
9 priority tasks are, which things, how well that's managed. But
10 yeah, I think it's a pretty solid workload, you know, no doubt
11 about that.

12 Q. And in the geographic area there, was there anything unique
13 because of its expanse and difficulties due to travel that
14 increased that, that workload?

15 A. Yeah, I think so. Time factor, it's a -- I think, I think
16 theoretically, it's probably the largest district, you know, as
17 far as -- now a lot of that obviously is water expanse, you know,
18 but I think just, you know, travel time does take, you know -- I
19 mean, if you had to go to Guam, it was -- you know, it was about a
20 5- or 6-hour ride and then if you had to get up to Saipan to see
21 somebody, either certificated, you know, it was probably another
22 hour, hour and a half. So when you take all those legs and you
23 add them up, you know, it adds up. My folks down in Samoa, I
24 think the flight came back at, I don't know, you know, 11:30 at
25 night or something. So that was an all-nighter, you know, and

1 getting down there was 4 or 5 hours and there's always
2 thunderstorms in the summertime. So that wasn't a lot of fun.
3 And then even the (indiscernible) island, Kauai was kind of funny
4 because, you know, you'd go with the air carriers and as soon as
5 you leveled off, you know, literally they almost pulled the power
6 back right away and then you're back.

7 So it didn't take that much time but, you know, it might take
8 30 to 40 minutes. But you got to commute, you know, over to the
9 airport and park the car and you can't find parking and, you know,
10 all those mundane things that you run into in reality. So that
11 does chew up a fair amount of time, I think.

12 I guess I can compare it to, you know, here in Riverside I
13 think -- you know, I think, yeah, in Riverside in the year and a
14 quarter I was here, you know, I could go to the operators pretty
15 easy or they could come, you know, fly in to us pretty easy. I
16 think I only went out to one place, you know, one night and that
17 was because we were trying to help out one of the FSDOs in, I want
18 to say, Arizona.

19 They were doing a 137 and it was sort of dragging and the guy
20 was complaining, so we went out there to help them and that was,
21 you know, a 6-hour drive out to Phoenix, you know, and then we did
22 some work on the ground with the sprayer, you know, and drove
23 home, you know, and that was it. You know, one overnight. So
24 yeah, I think you could go definitely, you know, to Kauai or the
25 Big Island and do your work and fly home, you know, no doubt, you

1 know, but you might only have about a -- you could do that in a
2 day. You might only have, you know, a 4- or 5-hour block if you
3 have a 10-hour day where you actually kind of get with the
4 operator and do the stuff you need, you know. So it was just a
5 little bit time limiting just getting there and getting back, you
6 know, but that was just me and maybe a little bit of a difference
7 there.

8 Q. All right. And how would you undertake, undertake or plan
9 for surveillance? Is it something that you would just
10 unilaterally decide I'm going to go look at this operator today or
11 what were the inputs you were getting to make that decision and
12 then do you have to get approval to then go out and do
13 surveillance?

14 A. Well, you could do hey, I need to go see these guys today,
15 you know, something came up and, you know, certainly you could do
16 that and you could go to the boss and go hey, I need to -- and
17 even you couldn't go to Guam, you know, in a day and expect to
18 turn around because that's not going to happen. But, you know, on
19 one of the outer islands you could do that, you know, and that
20 would work.

21 Then depending on, you know, how the finances for the
22 government were at the time, you could say I really need to do
23 this and then make a pitch to your boss. But what we did was
24 every year we would put in sort of a preplan for the year, you
25 know, I need to go see this operator or these sets of operators.

1 And again, I think this didn't always work perfect, but if you
2 tended to pool a certain -- you had to have a certain amount of
3 points to hold your grade, so -- but in general you could say, you
4 know, this inspector is assigned to this island with this many
5 operators and, you know, they have this many points, that
6 justifies it. And this inspector maybe has this island with this
7 many operators. So it kind of made sense and you just go down the
8 line, you know, to see the operators as you needed to.

9 But we did do the year plan and obviously, you didn't want
10 those to get out, you know, too much. I think I had one or two
11 operators before that and, of course, you know the answer is no.
12 But those are pretty flexible and, you know, you might ask for a
13 day or an overnight or two, you know, once a month. I think that
14 was fairly typical.

15 And then, you know, depending on funding and, you know, how
16 the government's going on at the time, it might get approved or
17 one might be canned and you just have to take 3-day trips out, you
18 know, and that's the cost of doing business, I guess, but it
19 worked, you know. And you could shift your plan around or you
20 could cancel one, you know, if you didn't need it, that sort of
21 thing.

22 So, I mean, it wasn't a perfect plan, but I think it worked
23 pretty decent, you know, just the yearly plan, and I think they
24 budgeted it out by quarters or something like that. Okay, this
25 quarter, you know, you can go one time or something like that, or

1 this quarter you can go three times. So that's kind of how --
2 that's kind of how we did it.

3 Q. Okay. And the plan, I understand that you'd submit the plan
4 but then it could be a dynamic instrument as time went on. But
5 the predominant denials for not surveilling, would that be based
6 on funding or based on well, I don't think you have an argument to
7 go surveil? Can you kind of discuss that, why you would get
8 denied aspects of the plan?

9 A. Yeah, I think I could. You know, in general, I would say I
10 don't feel like I got denied a whole lot, you know, because I mean
11 usually I put in pretty conservative. You know, maybe I should've
12 put in more, I don't know, but -- but, you know sometimes, you
13 know, they'd say well, you know -- I mean once a month was nice,
14 you know, to go over there, but if it was less than that, you
15 know, then they were oh, okay, then I just got to get on a plane
16 more often and work with, you know, maybe shorter blocks, but then
17 I have to go three times and it's a pain, you know, if you have to
18 do it that way. So some of that, honestly, is just a convenience
19 factor.

20 But I kind of -- sometimes they did, you know, where they
21 said you know, hey, we just don't have the money. I got the
22 feeling that most of those, I don't know specifically, but were
23 kind of bigger government issues, you know. I didn't get the
24 feeling so much that it was like we don't have the money at the
25 local level, it was more like, you know, like there's a hiring

1 freeze on in the federal government, that kind of thing, you know,
2 or the Western-Pacific region is, you know, maxed out on -- you
3 know, because someone else had to go to an accident or something.
4 That's kind of my impression of if we -- you know, there's a
5 funding issue or funding them. And maybe that was -- they did
6 always say that hey, you know, if you need to do somewhere, you
7 know, we'll find the money for you and, you know, if you really
8 need to go.

9 You know, I mean, obviously, again, if you had to go to the
10 outer -- you know, if you had to go to Samoa or Guam, I mean,
11 you're going to need some funds because you're not going to be
12 able to do that in a day, you know, get out there and do whatever
13 you're doing, it's not going to work, but the outer rounds, you
14 could make it work. It might be a long day, but you could make it
15 work.

16 Q. Mr. Ryon, I think we're losing you, you're coming in a little
17 garbled.

18 A. Oh, okay. I'm sorry, I'll hold the phone up here. Is this a
19 little bit better here?

20 Q. Yeah, that's perfect.

21 A. Okay.

22 Q. And then I take it you're the author of the work plan
23 reviewed by your manager, is that correct?

24 A. Yes, yes. So you author it and then, you know, and if you
25 come in with maybe something exorbitant, I'm sure they would go

1 hey, you know, do you really need 7 days or 10 days, you know, and
2 that's probably pretty reasonable on their side. And I guess, on
3 the other hand, if you said yeah, I don't need to go at all, I
4 don't know, but they'd probably go are you sure you don't need to,
5 you know, put in for Samoa? I think they'd question it in a
6 pretty reasonable manner.

7 Yes, so you're the author and we would try to work with the
8 team, you know, whichever, you know, your PAI, your PMI, so that
9 -- not a bad idea to go as a team sometimes and I think probably
10 not a bad idea to go individual for different specialties because
11 that spreads you out a little bit better, and then the team work
12 does a little more thorough, a little more combined arms action,
13 you know. Yeah.

14 Q. I think we're losing you again.

15 A. Okay.

16 Q. Oh, that's perfect.

17 UNIDENTIFIED SPEAKER: I can hear okay, it might be on your
18 end, Mitch.

19 MR. GALLO: Okay, okay.

20 (Crosstalk.)

21 BY MR. GALLO:

22 Q. As far as the work plans, you would also get input from your
23 PMI and PAI together and then who would you submit that to --

24 A. Yeah, you would --

25 Q. Go ahead.

1 A. Yeah. So sometimes the organization, sometimes -- I think
2 most of the time we have separate units, so you had, you know, the
3 PMI/PAI reporting to, you know, one supervisor we called them in
4 the old days, front lines now. And you might report to the ops
5 front line. So there might be a little bit of -- but they usually
6 work together pretty well, but there might be a division of labor
7 there.

8 And then a few times, I think, at some point we were, you
9 know, trying to put teams, you know, principal inspectors under
10 the same front line and that worked pretty well, too. They each
11 had some advantages and disadvantages. But yeah, you worked, you
12 tried to work, you know, with your other principals to come up
13 with a plan for, you know, what might be good and get their input
14 and vice versa, you know.

15 So in general, like I said, sometimes you had a different PMI
16 or PAIs assigned, it didn't always work out. Well, usually it
17 didn't work out where you had all of the same operators. You
18 know, usually you might have most of your operators paired up with
19 these two, you know, inspectors and then one or two others, you
20 might have a different PAI and PMI. So there's a little division
21 there, but sometimes that was just inevitable, you know, it's the
22 way operators were spread and the way the assignments worked.

23 Q. Okay.

24 A. Yeah.

25 Q. In dealing with operators in Hawaii, was there anything

1 unique culturally in Hawaii as far as working with them or did you
2 notice anything like that?

3 A. Yeah, I would say yeah, somewhat, you know. You know what I
4 mean? A lot of the operators, a lot of the operators were from
5 the mainland, so I mean, really, they had maybe more of the
6 mainland culture and then maybe they had been there for a while,
7 so they picked up some of the local customs or whatever. And
8 there might have been one or two operators that were from there
9 that, you know, had a slightly different cultural take on things.

10 I remember I had one, you know, at least one private and
11 maybe two, you know, that were walking around barefoot, you know,
12 preflight and you'd go hey, you know, it might be a good idea to
13 have some shoes, you know. And of course I'm thinking, yeah, I
14 don't think we have a reg, you know, unlike the automobile, you
15 have to have footwear, and the pilot was kind of like well, yeah,
16 I don't really need them, you know, and I said well, but if you
17 did a landing somewhere out there in the brush, you know, and you
18 need to get out, you know, it would be kind of hard.

19 He probably had tougher feet than I did, but -- you know, but
20 I don't know. So I tried to convince him and I'm not sure I ever
21 did, but he might have put a pair of shoes in the baggage
22 compartment or something, I'm hoping. Yeah, so there were some
23 cultural differences, you know.

24 Q. And going to the area of complexity points, you kind of gave
25 a percentage breakdown of air tour, NCOs, and EMS.

1 A. Uh-huh.

2 Q. How would you rate the complexity points categorically with
3 those three?

4 A. So you mean as far as the weight that was given to each
5 different type --

6 Q. Right.

7 A. -- of operator? You know, I don't think it was the best
8 system and there's been talk for, I don't know, I think 20 years,
9 you know, that they were going to go to a different system and I
10 kind of think maybe they haven't. I mean, you know, no matter how
11 you break it out, it's not the best system.

12 But I guess the problem with that is, you know, at some point
13 you've got too many points, you know, for things probably and I
14 would say one that maybe comes to mind is maybe an easy -- you
15 know, a stable flight school, you know, they've been there a
16 while, the manager knows what he's doing, you know, you've got --
17 and you might get, I think -- I can't remember -- 10 points or 50
18 points for every TTO that you had and so they've got a private
19 pilot's course.

20 So I mean, you know, it kind of runs itself and you go over
21 there (indiscernible), you know, and they don't fly when the
22 weather's bad and it's like that's kind of nice. You know, so you
23 probably see many points for that. But I kind of think in the GA
24 world you tend to get too few points, you know, for a lot of
25 things. You might have a non-certificated operator, you know, and

1 they might, you know, have accidents or they might, you know, have
2 issues, you know, Part 91. So there's only a limited amount of
3 rules you have to work with, but -- and some things you would get
4 no points for, you know, and you had to (indiscernible) and you
5 had to write some letters. So that wasn't the best setup.

6 But as far as I think we had air tours that would typically
7 be a Part 135 operator, you know, it's probably a little bit
8 underrepresented, you know, in terms of -- but, you know, in terms
9 of how many -- I can't remember, 25 points for if they're flying
10 500 or whatever. And, you know, one operator, you know, with the
11 same equipment, with the same amount of people on staff, you know,
12 might be fairly compliance-minded, let's say.

13 Okay, you know, maybe they have a check airman on staff,
14 okay, that's -- you know, and again, they kind of run themselves
15 or at least they let you know when they're, you know, doing
16 something a little bit off. And then another operator, you know,
17 might not be as compliance-minded in an aircraft, you know, and
18 has more issues, more incidents, you know, keeps hiring and firing
19 people. So it's never perfectly represented.

20 As far as EMS, I think that was pretty fair. It took a lot
21 of time and letters and -- you know. So I think the points were
22 pretty fair on that one but, I mean, again, if you had an
23 expanding operator, you know, the points might not keep up with
24 the amount of effort that you actually need them to put into it.

25 Q. Okay.

1 A. And then the non-certificated, definitely underrepresented.
2 You know, if you do a check ride, a lot of guys would bring two
3 aircraft, like a CFI ride, you know, and -- you know. So you're
4 looking at records and you're getting their maintenance guy that
5 (indiscernible) the records and having -- you know, we're using
6 all these things just about, typically (indiscernible) things
7 don't go so well. And I don't think you get any points for that.
8 You know, that just wiped out a day and a half of your work week,
9 you know, 10-hour days. So yeah, I think that area is
10 underrepresented, to be honest with you, but that's my opinion.
11 That's probably -- I'd say probably a pretty common opinion among
12 some of the inspectors.

13 Q. All right. Now just kind of another line of questioning I
14 had as far as the risks that you would focus on and looking at
15 when you would surveil an air tour. Were there any predominant
16 risks in air tour that you would focus on in your surveillance?

17 A. Yeah. You know, one of the simple things is just how they
18 operate, you know, in and out of the helipad and I'd go look and
19 one I'd see there, you know, is kind of like the policeman on the
20 side of the road, maybe they'll drive at the right speed or maybe
21 they'll slow down at least, you know. So it's kind of the same
22 philosophy, I think, you know. So sometimes I see guys hovering,
23 you know, at 20 feet or 25 feet, you know -- you know, on a
24 takeoff or something, you know, and I would go talk to the pilot
25 after, you know, on the return, I'd go talk to the chief pilot.

1 And it's simple, you know, and you go out the next time, you
2 know, and he's doing, you know, the three-foot hover or the five,
3 whatever it is, you know, and he's doing the takeoff profile, you
4 know, that he did and the landing. So that's kind of simple stuff
5 and that's right there at the pad and that's, you know, where --
6 on Kauai where most of them are coming and going from.

7 Because of the special rule out there, we'd go look at
8 altitudes to make sure that they were at, you know, the
9 appropriate altitudes and that can get them in trouble, that was
10 the argument they would make, you know, at times. At other times,
11 you know, it probably gave them a little more and I think that's
12 what we look for on a clear blue (indiscernible), you know,
13 there's no reason that they may be too low, you know. So that
14 would give them more time if the engine quit and they react to it,
15 build up the rotor speed, maybe find a place that's a little bit
16 better to go to, that kind of thing.

17 And then, you know, if it's a crappy weather day, which is on
18 Kauai a lot, as you gentlemen know, it's the world's weather spot
19 over there and a lot of rain. You know, we'd go to maybe some
20 places, little choke points or something and just see, you know,
21 if someone's trying to sneak over the hill, you know, or they're
22 trying to fly in that stuff. And I think I remember one time,
23 even (indiscernible) airport, I think, you know, you're listening
24 to the ATIS and it was kind of crappy, you know, it's not -- but
25 as the weather was habit over there, maybe right around the

1 helipad, you know, was either a quarter-mile visibility, you know,
2 and -- but, you know, off towards the shoreline, you know, it was
3 clear blue on 22 and they were calling the airport VFR. So we
4 called them up and said well, you know, what's your definition of
5 VFR and, you know, they kind of hemmed and they hawed because, I
6 mean, we're standing over here and stuff, you know, just down the
7 road.

8 So they did change it, but we asked them, so why -- you know,
9 why are you calling that one? Well, you know, predominantly for
10 the air carriers coming in, you know, if it's VFR it's an easy
11 arrival (indiscernible). But they did change it, you know, after
12 you talk to them, but -- you know.

13 So, you know, I guess we tried to cover things across the
14 board and some are weather, obviously. As you know, this is a big
15 issue for VFR stuff because it is mountain flying, it's flying in
16 weather, often rapidly changing weather. And just my opinion, if
17 you look at -- if you look at the islands out there, you know,
18 whether it's Kauai or the Big Island or Maui or way out, they're
19 basically mini-continents.

20 So Kauai has -- the southwest part of it kind of looks like
21 the Grand Canyon. But if you compared it to the U.S. here, you
22 know, that's about seven or eight states, you know, right? So
23 like right now the weather, I'm in the Southwest and the weather
24 is -- you know, I don't think I see a cloud in the sky and I can
25 probably go 200 (indiscernible), you could go 200 miles and you'd

1 encounter the same weather, you know. But on Kauai, you could be
2 in that nice clear blue 22 southwest part of the island or on the
3 Big Island or on Maui and, you know, at 90 knots. Five minutes
4 later you could be into basically the northeast side of the
5 country, you know, where it's green and rainy. So the weather
6 does change quite rapidly over there and again, you know, that
7 probably does catch some folks.

8 So those are the emphasis areas, you know, weather, just
9 calling the operational procedures, just commonsense stuff, you
10 know, operating at the right altitudes, hovering at the right
11 heights, you know, standard takeoffs and standard arrivals. And
12 then some emphasis on maintenance, you know, and that would be
13 more of the (indiscernible) to get in there and focus in on that.
14 But if those, you know, what's causing the accidents, that's kind
15 of what you focus in on.

16 Q. Okay. And you mentioned when you had some ground
17 surveillance where you'd see the helicopter coming over a ridge or
18 a hill. What points would you do that if you did it on Kauai?

19 A. What points did we do on that?

20 Q. Yes.

21 A. Yeah, we tried to go kind of -- you know, spread it out.
22 Once, well, not once, but the Hanapepe Valley, I think there was
23 -- you know, we'd go down there and the only reason we could do
24 that is you know they're going to go down that valley and at the
25 end of it, you know, it gets kind of crappy, sometimes the weather

1 comes down so you could sit in the car there or even walk out on
2 there and watch what's going on. On the north shore, again, it's
3 going to be -- you know, think of the continent again. That's
4 where the weather is going to tend to pack a little more on the
5 north shore and on the ridgelines.

6 So sometimes we'd go look out of the Kalihiwai Valley, which
7 has a little hiking trail. Sometimes we'd go to the beach areas
8 just to see, you know, if they were just maintaining their
9 altitude, you know, or coming down. Or if it was soupy, again,
10 if, you know, they were still trying to sneak through or whatever.

11 So that's your different points, you know, sometimes up on
12 the northeast, you know, sometimes at the airport. Occasionally
13 down on the south shore, but that tended to be a little nicer, you
14 know, so maybe we might run down there if there was, you know, a
15 complaint, you know, about somebody flying over a house in the
16 area or something.

17 But generally, I think we focused on, you know, where the
18 weather was coming in and typically from the north/northeast side.
19 Weather days, you know, when you knew it was going to be coming,
20 you know, that kind of thing.

21 Q. And that kind of leads to the next area I want to talk about,
22 is what were the minimum visibilities, I think, well, minimum
23 visibilities and altitudes under 135? But then you also had the
24 Hawaii air tour manual which also specified minimum visibilities
25 and maybe heights, also. So can you talk about -- I mean, we've

1 heard arguments that well, if you increase to 5 miles visibility
2 that would not allow for too many operations to take place because
3 of the unique weather there. So can you kind of talk about the
4 requirements for min vis and altitudes and pushing it up to 5
5 miles?

6 A. Yeah, I think I'd be shooting a little bit from the hip and I
7 haven't looked at, I think, the rules lately. But yeah, I can
8 talk about what I think I recall. You know, the base altitude came
9 out after -- you know, two accidents I think in one day in '94 and
10 I was still in the industry, you know, when that was -- when that
11 happened. So it was 1500 feet, kind of the baseline altitude, and
12 that would put you up, you know, generally where you needed 3
13 miles vis or more (indiscernible), so -- and standard cloud
14 clearances.

15 And so the operators, you know, kind of asked for, I don't
16 know, about a year to get some deviation to that and that's where
17 the air tour manual finally -- originally they came out with, you
18 know, their own, you know, manuals, which worked pretty good and
19 then eventually they decided to -- we decided, the Agency decided
20 to standardize it.

21 And understand, I think we're in the process of returning
22 that back to industry. I don't know if that's quite happened yet.
23 But visibility-wise, yeah, I think -- you know, over say,
24 unpopulated areas, you know, they might have a thousand-foot
25 route, you know, over like cane fields or cows or something and

1 that was generally acceptable. Over ridgelines, I think we
2 allowed down to 200 feet, I believe, coming and going and the
3 requirement, too, was also that you had to, you know, be able to
4 maintain a place that you could go to, you know, in the instance
5 that the engine quit on you. So that really could require you to
6 maintain a higher altitude if that wasn't going to work out if you
7 were following.

8 I think it was a 500-foot separation maybe from terrain, you
9 know, horizontally because a lot of the mountains are vertical or
10 near vertical. And in areas, scenic areas, you know, that they
11 requested, there are about nine, I think, on Kauai, give or take,
12 they could go down to 500 feet as long as they maintained like a
13 spot that they could go to, you know. That's the general.

14 Visibility, I think -- I think there's -- I want to say 3
15 miles and then I think I want to say maybe a mile offshore or
16 something, it was kind of odd. I didn't really agree with that
17 particular one. I thought maybe that was too low. But I think,
18 you know, the other folks in the ops community and the boss
19 thought that was a fair request. So I'm not sure that that was
20 the way to go, but -- but I think, you know, from what I recall, I
21 want to say those are probably the numbers, you know. Obviously,
22 you could look at the rule, you know, which has been rolled into,
23 you know, 136 and get the number and then you could go to the tour
24 manual and the ops specs (indiscernible) to find which -- you
25 know, what the numbers would be. And of course they operate under

1 those because they've been operating under them. I don't know if
2 it's changed. You know, they've been operating under those
3 numbers for a long time and a lot of the pilots are pretty long-
4 time pilots out there. So if they don't know them, they should
5 know them. But, you know, those are the numbers they're supposed
6 to know and need to know.

7 Q. The Hawaii air tour manual, unlike an advisory circular where
8 there's a background or a purpose, a statement of purpose for its
9 issuance, what was the basis, if you recall, for the issuance or
10 the creation of the Hawaii air tour manual?

11 A. Okay, I'll tell you what I recall. So what I think the
12 concern was, was there was some variance. You know, we had --
13 back when we did allow them, and I think I came into the FAA maybe
14 -- maybe they had just maybe authorized a few and they were
15 starting to add operators. There was sort of a master map for
16 each island, it was -- and I think maybe two of them. One of them
17 -- and they were like pretty good mirror copies. The FAA would
18 keep one and they would allow one operator on each island to keep
19 the other.

20 And then everybody would try to draw their route, you know,
21 very similar to what was authorized on the -- I'm going to call it
22 the master maps. And for the most part they did. But after a
23 while, you know, as you added new people and as maybe you got a
24 new PMI or a new operator, you know, they got a little variance,
25 you know, they were off, you know, 20 feet or 20 yards, you know,

1 on their lines, you know, drawn on the map. So I think there was
2 some concern that, you know, maybe there was -- would it creep,
3 you know, or -- you know, some error being introduced and maybe it
4 got to be -- I'm not sure I agree with that, really, but I think
5 that was the concern.

6 So then the decision was made to make a master manual, you
7 know, and that would be -- that everybody would use and reference
8 that, you know, and they might incorporate that into their GOM
9 training program but, you know, there would be less variance
10 because that would basically be a photocopy or an electronic
11 photocopy of their routes. So I think that was, you know, the
12 concern.

13 We did have AFS-1 at the time (indiscernible) come out and an
14 attorney from AGC and I want to say the attorney, I think, kind of
15 they published it in the *Federal Register*, I mean, it was -- and
16 industry was invited, you know, and I think it was worked out
17 pretty well. I mean certainly not perfect, but I think they
18 worked it out pretty well and I think they ran with that. Maybe
19 there was a revision 1 to it. It probably needed a revision 2.

20 But again, I think they're currently trying to get that over
21 to industry and actually, I thought that was going to happen like
22 a year or two ago, to be honest with you, because I think the
23 industry has HAI, you know, representing them, unless that's
24 changed, to kind of be the keeper of the manual, let's say, and
25 then all the industry folks would sign off on that and buy into

1 it. And then, of course, the FAA would have oversight of it. But
2 they would run it, they would update the photos of any landing
3 areas, you know, they would, you know, suggest any route changes
4 or either adding or subtracting. So I think that's where it's at,
5 as far as what I understand or recall, you know, at this point.

6 Q. Okay. I'm going to ask a couple more questions, but I want
7 to give Bill an opportunity because, you know, we've been on here
8 for already 43 minutes.

9 A. Yeah.

10 Q. Let's jump to your dealings with Safari. What were your
11 experiences with them and the accident pilot, who was Paul Matero?
12 I don't know if you did 135 checks with him. But if you could
13 discuss your dealings with Safari, Paul Matero, and in the initial
14 recurrent training under 135, the adequacy of how much time you
15 would spend checking for, you know, IMC subject areas like
16 inadvertent flight and recovery and whatnot.

17 A. Okay. Let's see. I guess my overall, you know, opinion,
18 yeah, I thought Safari was a pretty good company. You know, I
19 mean, I want to say up until this one I think they had a pretty
20 solid record. You know, Preston ran the company since like 1986
21 and he's a former Navy guy. He's pretty clashy with the FAA, he's
22 pretty headstrong, but -- but, you know, that's okay, you know. I
23 mean, we had our -- I think he tried to sue the FAA when the rule
24 came out, you know, and he ended up losing the argument. But hey,
25 you know, he's got the right to do that. But he ran good

1 equipment. You know, I think his machines were good, you know, I
2 think, you know, they had a pretty good number of people on staff,
3 you know, they had loaders to load and it was sufficient, you
4 know. I mean, I thought they ran a pretty good show, you know.

5 And they had operations both in Kauai and on the Big Island,
6 which they probably still do. They even had airplane operations
7 for a little while. I don't think they still have it going, but I
8 don't really know. They were looking to expand and get another
9 big airplane doing some contract down in Samoa or something for
10 the U.S. Forest Service or whatever. But I kind of thought maybe
11 that was out of their realm of expertise, but they didn't pursue
12 that, from what I know. Yeah, so I thought good equipment.

13 At the time, you know, the director of ops was -- well, they
14 had a couple obviously, but you see Joe Anderson, Gardner Brown,
15 and pretty, pretty good pilots, pretty confident, you know, they
16 had been in the industry a long time. Gardner was, I think, a
17 local boy so, you know, he was one of the guys without the shoes.

18 I think I talked him into putting a pair in, but I'm not
19 really sure. But Anderson, I think, was -- yeah, he was more of a
20 mainland guy, and Preston was the director of ops for a long time,
21 you know. But, you know, generally, I think they turned out a
22 pretty good product, you know. You know, we did checks, you know,
23 we did surveilling and I think we -- one time we caught one of
24 their guys, it was (indiscernible) Estanio (ph.). Yeah, he was
25 pretty good, I mean, he was a good pilot, but -- but, you know,

1 our surveillance guys did something and maybe he was a little low
2 somewhere and we got into a big fat fight with Preston over it.
3 But, you know, in the end, in general I think they do a pretty
4 good stand-up job of, you know, running their show.

5 My brother came over to visit, you know, he had never been to
6 Hawaii and I was still in industry, I think, on the Big Island
7 there at the time and I was on the west side and he was going to
8 go over with his wife and go take a tour, you know, and I said
9 well, you can go with us, but our ships are old and airworthy, but
10 they're kind of beat up, they're -- you know.

11 So I kind of recommended, I said -- this is just FAA folks,
12 right, on the phone. You can go with Safari or Blue because
13 they're cheaper and their machines are nice, you know, and the
14 pilots are just as good as our guys. Pretty good. So he went
15 with Safari, a flight with them.

16 So as far as Paul Matero, I think I recall, I think, giving
17 -- I think he came on as the chief pilot, you know, while I had
18 the Kauai operators. Don't really remember too much about him. I
19 mean, I think -- I think I gave him his initial, you know, check
20 ride and I think he was coming from another operator on Kauai.
21 I'm not a hundred percent sure on that, but that's fairly typical,
22 you know, the industry guys jump around. So I'm going to say kind
23 of unremarkable check ride, I don't remember, you know, he didn't
24 scare me or there's nothing that kind of stands out in my mind.
25 My memory, he was a little bit older gentleman, I think just a

1 little bit older, kind of tall, kind of a quiet guy. He seemed
2 kind of easy to work with, confident, you know, kind of knew his
3 stuff. I don't know if I gave -- you know, like the next year if
4 I gave a recurrent ops with him or I want to say I think at some
5 point we designated Gardner as a check airman, so he might've done
6 it, but -- and I flew with Gardner and he was a good pilot, you
7 know, he was pretty confident.

8 So that's my take on -- now, you had mentioned, you know,
9 instrument flying or, you know --

10 Q. Yeah.

11 A. -- (indiscernible), that sort of thing. You know, it was in
12 there, it was definitely, it was just kind of even in the basic,
13 you know, flight plans. Even VFR guys, you know, there was --
14 they had to have, you know, at least an instrument recovery plan,
15 you know, and I think -- I think we made each operator basically
16 go out, you know, usually there's a recovery in the Lihue airport
17 and some of the guys have like, you know, maybe one IOS or some of
18 the guys had a needle of (indiscernible) and a lot of them didn't
19 have any, you know.

20 So then it's just sort of a VFR -- no, IFR recovery, you
21 know, but trying to keep it level, you know, and then you're
22 trying to get vectors, you know. Typically, you know, the airport
23 was a little busy, it was bringing in real traffic, so I'd play
24 the -- you know, the controller giving them headings and then
25 it's, you know, just foot work and, you know, turns to the heading

1 until they come aligned with the runway and then a locked descent,
2 you know, to the runway and so they break out. So it's not ideal,
3 you know, and then some of the -- I don't know if Safari did, I
4 can't quite remember, but some of the operators, you know, you'd
5 show up for the check ride and they -- you know, they give you
6 their machine that didn't have even an attitude indicator in it
7 because, you know, I don't know if they were afraid of doing the
8 instrument approach.

9 You know, I don't know, yeah. So, you know, I don't think
10 Safari did that, but some of them did, you know. Really, you
11 know, they'd have three machines, you know, with attitude
12 indicators and one without, maybe, you know, and say well, yeah,
13 this is just (indiscernible), you know. So anyway, well, you've
14 got this system, maybe you got this. So it probably could've been
15 more time focusing in on that because -- but I mean, we did do the
16 -- you know, I mean the practice instrument approach, you know, on
17 a VFR.

18 Even for a guy who doesn't have an instrument rating, you
19 know, it was in our handbook for this is what you should be doing,
20 you know, you should try, you know, do the best you can. It's
21 interesting, you know, some of the helicopter guys didn't have
22 instrument ratings. You know, so it's kind of -- kind of an
23 interesting concept asking them to do that, but -- but it was a
24 good effort, you know, because you spent more time. You know,
25 maybe, maybe it would've been appropriate, I mean, because that is

1 one of the big things that'll get you, you know. But when I was
2 just talking with them or, you know, doing a ramp check, I mean,
3 that was a lot of the things, you know, that I would ask them
4 about or focus in on, you know, what kind of weather, you know,
5 when do you make your decision to turn around, you know, if it's
6 like this.

7 And, you know, what I usually got in the manual -- and I have
8 to say that I was pushing it a little bit, you know, and there was
9 some pushback on it. But some of the guys, you know, would get,
10 you know, basically -- if the weather was crummy in Lihue, you
11 know, they took off with special VFR hoping they'd come back with
12 special VFR.

13 But, you know, if we're going to authorize these guys in the
14 manual to do this, then that just doesn't seem like a good
15 technique to me, you know, letting them depart, you know, where
16 already the instrument condition is, you know, kind of iffy,
17 right, already. So with a little pushback from industry they
18 finally accepted, you know, that concept.

19 Now, I didn't have any issues with them requesting coming
20 back, because if you went out, you know, and it was kind of iffy,
21 it's better for them to get back to the airport, you know, than to
22 maybe try to land somewhere out in the woods, you know, yeah,
23 providing that it is still special VFR and not less than that. So
24 I kind of wanted them to have the option to not feel squeezed like
25 they had to make a decision, like I've got to land down, you know,

1 on this house or something. Yeah, that's my take on that, but --
2 yeah. So I think we did have the approaches in there, we did some
3 footwork every check flight. Most of the guys could do, you know,
4 a decent job. It wasn't their forte, they weren't real strong at
5 it because they were VFR guys, you know, but most of them did, you
6 know, turn to a heading and keep it straight and level when
7 climbing, descending.

8 Now, the reality, can you do that when you actually punch in?
9 Yeah, it's pretty iffy, you know, because I think the Air Force
10 did a test 20 years ago and even in a stable airplane you found
11 that the average guy took -- you know, the average hotshot guy
12 took, you know, 19 seconds to, you know, kind of recover, adjust.
13 Well, maybe you have 19 seconds in an airplane at 30,000 feet, but
14 you don't have 19 seconds in a helicopter. Plus, it's a lot less
15 stable to start with, you know.

16 So yeah, the reality is, you know, you got to stay out of it
17 and that's kind of what we would discuss and talk about, there's
18 no way you can get in it, you know, and expect to survive. You
19 just have to stay out of it because if you get in it, you know,
20 maybe, you know, if you're a hotshot and you're real good and you
21 can keep it level and climb up and turn away but, you know, that's
22 all putting input into your ear, right, in your brain and if you
23 happen to be flying the truck (ph.) aircraft that day, you know,
24 then you don't have hardly anything to work with, so you just have
25 to stay out of it, really, and avoidance is the key. The recovery

1 is, you know, that's a nice effort, you know, but avoidance is the
2 key.

3 MR. GALLO: Okay. All right, I want to pass it over to
4 Bill Bramble so he has an opportunity because I've hogged up most
5 of the time here. Bill, do you have any questions?

6 MR. BRAMBLE: Yeah, no problem. I just wanted to check and
7 see if Brice wanted to jump in before me or not. I'm happy to go
8 now, but it's up to you, Brice.

9 MR. BANNING: Yeah, go ahead, Bill. Thank you.

10 BY MR. BRAMBLE:

11 Q. Okay. Yeah. So Dave, a couple of follow-up things from what
12 Mitch was asking you. What was the computer system called that
13 you used to plan your surveillance in Hawaii when you were there?

14 A. I want to say we -- we had, you know, programmed tracking
15 PTRS, basically a tracking system. So that's where we put in -- I
16 think we were still on it. We might've switched over at some
17 point. No, I think that was -- that came later.

18 You know, they're working in FAAST now and they still have
19 PTRS available and lined up and working for mostly non-
20 certificated work, but it's -- well, it's an old program, I want
21 to say it's MS-DOS based or something, but that's the system
22 that's -- it's better now, I mean it works faster, but that's
23 where we would kind of plan, you know, and you put it as -- I want
24 to say a P item, you know, and then you could leave it in there
25 typically for about a year, you know, about the fiscal year. I

1 think you can go past that, but -- so you'd put it in there and
2 you put in maybe a target date, a call-up date, and that would
3 allow you to kind of oh, yeah, you know, I can see who's coming up
4 on the horizon. That's when I wanted to go out and check this or
5 whatever. And you could spread it out, you know, over quarters.

6 And the FFAST system, the current system has kind of a new --
7 the same thing, it does by quarters, you know, you kind of plan
8 and you can push things around a bit, you know. But it's a decent
9 system. It's not great, it's not super fast, you know, but it --
10 you know, but it does work and it's pretty traceable and it's
11 pretty -- you know, you can call up information, you can kind of
12 search it through SPAS, which is another system that, you know,
13 you can look at all records and you can kind of pull up stuff and
14 get a little history and trends and that sort of thing. So it's
15 not a perfect system, but it's decent.

16 Q. And did you transition to the FFAST system while you were a
17 POI out there?

18 A. FFAST.

19 Q. Is it SAS or FFAST?

20 A. FFAST is the current system FAA has and I did that, I
21 transitioned to that when I was at the Riverside FSDO. So that
22 would've been about -- I was in in '14, maybe July, when our
23 office -- and we're still -- yeah, I didn't transition to that out
24 there.

25 Q. Okay.

1 A. That was about 2014, 2015 transition. Depending on what
2 office you were at --

3 Q. Okay.

4 A. -- they kind of rolled it out. Safety assurance system it's
5 called and it's kind of similar but -- you know, but a little
6 different. And I didn't use -- I used it for about a year and
7 then up in my duties here I don't use it a whole lot, so I'm in it
8 right now, looking at it. But, you know, it has five modules, you
9 kind of go, you know, risk management and resources, you know, and
10 data collection. It's pretty good in a way. And obviously,
11 they've had 6 years to improve it and has gotten a lot better.

12 I didn't find it as searchable, you know, and frankly, I
13 probably just didn't understand it quite as well because it was a
14 new system for us, you know. It's got a file menu over here on
15 the left and, you know, some of the -- when it first came out,
16 this particular system, I kind of feel like it was written by
17 Ph.D.s, you know, because I mean some of the words, I have to go
18 get a dictionary. What does that big word mean, you know?

19 So I think it was written towards -- initially, maybe a
20 little more towards, you know, 121 air carriers because they would
21 ask about systems, you know, and manual interfaces, you know, and
22 that kind of thing and we were like well, you know, for our -- it
23 works good now, I think, down to the 135. Even the mom and pop,
24 it scaled it, but we were kind of asking that, you know, hey, are
25 you going to make it scaled, you know? So a lot of the questions

1 were kind of like real high level and stuff, you know, you might
2 have 121, you know, or you have a person that works in
3 (indiscernible). I mean, the guy that refuels it is the guy that
4 works on it at night and he flies it the next morning. I mean,
5 you know, they just kind of were maybe too in depth. But it's a
6 good system now, they've had time to work on it --

7 Q. Okay.

8 A. -- and make it better. So it's called FAAST, yeah.

9 Q. Um-hmm.

10 A. And then you can pull up a lot of data, but I'm not real good
11 at any of it because I haven't, you know, worked in it a whole
12 lot.

13 Q. On another topic --

14 A. But the (indiscernible), yeah, that's where they live, I
15 think.

16 Q. Okay, on another topic, I wanted to ask you about the minimum
17 altitude between the north end of Waimea Canyon and the north
18 shore. When the helicopters are transitioning in that area, what
19 altitude would you expect --

20 A. Okay.

21 Q. -- them to be in that Alakai area and then down in those
22 canyons on the north shore?

23 A. You know, that's a good question because, you know, I think
24 the manual says ridgelines could be crossed and I want to say we
25 even had -- I mean, unfortunately, it was probably officially --

1 I'm just going to call it razorback ridgelines, I don't know if
2 they're still using that. But obviously, the intent of that --
3 and I think we had a definition in the manual for that, it was --
4 you know, it's something fairly sharp and fairly steep.

5 But on that, on that, when you depart the canyon, there were
6 some ridgelines there and I don't think it really meets the
7 definition of razorback ridgeline because they're kind of rolling
8 and I don't know, legally, if we could, you know, make that
9 argument. But really, I would expect about 500 feet in there
10 because that's terrain that's, you know, raw terrain, I think we
11 had a definition for that.

12 There's a couple little housing areas and they're kind of
13 hidden, you know, out over any of the housing areas because that's
14 -- well, that's a structure, you know, and you probably need to
15 get some more distance from them in some of the areas where noise
16 tends to be, so to use common sense you probably need to stay
17 farther.

18 But I think some of the operators may have interpreted it or
19 tried to interpret it or get away with, you know, that sort of --
20 and these are razorback ridgelines, you know, but not really, you
21 know. So if they did that, then they might've been, you know,
22 thinking that 200 feet or something is good in there. It's
23 probably not, you know, it's probably -- it's probably pushing it
24 and you could get yourself in trouble. You know, obviously with
25 that you would have less reaction time to an engine failure. If

1 you're doing that, you know, maybe the weather's already
2 unsuspecting and squeezed down and you're trying to run under this
3 layer, you know, that could close out on you or come down and
4 cause more risk and more trouble, more danger.

5 Q. Okay. Did you guys go up into that area and surveil
6 sometimes to see if the operators were maintaining the altitudes
7 there?

8 A. Yes. Yes, we did. We'd drive up there and we'd park, you
9 know, in a couple different places. I mean, there were some
10 lookouts and stuff. You know, they're smart people, so a lot of
11 times I think they saw us, you know. If they didn't, you know,
12 then you kind of got the real show, you know, good or bad. Maybe
13 (indiscernible) something. But if they did, you know, then, you
14 know, sometimes you could sort of guess that they're adjusting
15 their altitudes.

16 You know, for the most part, I think -- I can't recall if we
17 -- when we were up there, maybe they saw us or maybe the weather
18 was good that day, but we went up there a couple times. I don't
19 know how many, I don't recall how many, but I know a couple times,
20 a couple different lookouts and a couple of different points. But
21 again, they're pretty smart people, you know, so if they see a G
22 car or a car and, you know, three guys in aloha shirts or
23 whatever, you know, with binoculars, they'd kind of know who it
24 is. And the coconut wireless works pretty good. You know, if we
25 came on island and someone's cousin, you know, was working at the

1 car rental, you know, they would tell people, you know, the FAA's
2 on the island and then they would probably go out, you know, and
3 then -- I don't know, maybe we got better behavior, you know, or
4 maybe not. But -- yeah.

5 Q. What was the history of the geographic surveillance there?

6 A. Let me see. I got on and I think I was in the office '96,
7 somewhere, you know, maybe within 8 months they came up with the
8 idea. I kind of liked it, I thought it was cool. Even some of
9 the regional guys said it was kind of cool, but maybe a little
10 unusual. I don't know that FSDOs have that kind of thing or have
11 the luxury of having that. But I think it was, you know, tour
12 industry driven, you know, maybe accident, incident driven, you
13 know, public concern driven, you know, where they justified.

14 So they came up, you know, they bid the unit and I want to
15 say the first guy running it was Gary -- I can't quite remember --
16 was the front line. I think -- well, I think he had a maintenance
17 background, but he also did have a pilot's background. So he ran
18 the unit for a while and then John Hamilton, I think, bid it and
19 he ran the unit for a while and Charles Scocanti (ph.) ran it for
20 a little while. Oh, and Larry Fam (ph.), also. He'd come out
21 from Oklahoma City. And I worked under all those guys, under many
22 of them. And that was focused primarily on, you know, the SFAR I
23 think at the time was, you know, on altitudes, you know, and
24 making sure they're flying at the prescribed -- and that's where
25 we would go up and, you know, maybe park on the beach and, you

1 know, it was kind of nice, you know, sitting out on the beach, but
2 -- and see what kind of altitudes and then maybe go to a different
3 place, like sit at a ridgeline and, you know, see how they're
4 flying in this area. And sometimes, you know, things are great,
5 you know, and this is great, you know, and then other times you
6 would see something, you know, that needed to be either written up
7 or, you know, visited.

8 So after that, sometimes we would go to the operator if we
9 had an issue, maybe we didn't know what -- you know, who was
10 flying the 9:30 flight and maybe talk to the director of
11 operations and say hey, this flight was low, you know, 200 feet
12 when it was supposed to be at a thousand or that sort of thing.
13 So that was the purpose.

14 So I think we wrote a fair amount of enforcements, you know,
15 because if they didn't know we were there, you know, sometimes you
16 got there with the real deal, the real shot (indiscernible). And
17 then other times, you know, maybe they knew we were in town or
18 figured it out after the first visit. And then towards the end, I
19 think we would go out and do the surveillance thing and then we
20 would go to the airport and do the ramp checks because -- you
21 know, do a little of both. Not the ramps first. It may have been
22 more of --

23 Q. What happens in the unit?

24 A. -- (indiscernible).

25 Q. What happened to the unit?

1 A. You know, they dissolved it after -- I want to say about
2 three, three and a half years and I think the reason was
3 (indiscernible), you know, from the industry. But I don't think
4 (indiscernible), you know, manpower and manning. You know, I
5 think we lost some inspectors to industry. Eric Croft (ph.) was
6 one of ours and he went off to (indiscernible). You know,
7 similarly, we had a guy named Duke, he went back to industry, you
8 know, as a flight instructor. You know, Mario Wakefield (ph.),
9 you know, he went back to industry for a 141 school, you know.

10 So we lost guys, you know, for industry, you know, and they
11 were down, I think, maybe on POIs enough to where they just said,
12 you know, we just need to focus these guys back on, you know, just
13 POI work, what most FSDOs had, you know, just an option. I think
14 that was probably openly just manpower and no resources and
15 staffing.

16 Q. Did you think having the GSU was a good idea?

17 A. Yeah, I did. I mean, there was -- there were obviously, you
18 know, some similar websites that the guys called the black hats
19 and some other names, you know. But overall, I think -- you know,
20 I think it was kind of a good idea, you know, we -- I mean,
21 primarily we focused on, you know, I don't know, 80 percent,
22 probably the bulk was the tour industry comprising that because
23 that's a big industry out there, carrying a lot of people, you
24 know. But we also did -- I mean, we did, you know, parachute guys
25 and, you know, you'd find guys, you know, flying (indiscernible)

1 for like 8 years, you know, they never had, you know, a check on
2 their altimeter or their, you know, transponder. Yeah, you find
3 all kinds of stuff, you know, because it's just stuff that hadn't
4 been looked at because it was, you know, so far out there, so --
5 you know, pretty far. But, you know, there were probably some
6 hazards, you know, that we ran across and maybe fixed, you know.

7 I remember one of the sprayers I ramped or checked in Maui at
8 the time was for the sugar cane industry, which probably isn't
9 even going anymore. But, I mean, the guy was old, the guy was
10 80-something and -- you know, and he had never been ramp checked,
11 never seen the FAA, didn't know hardly what the FAA was. He's out
12 there spraying, you know, and everything looked good, actually, so
13 that was kind of interesting. Another guy was kind of spraying on
14 Maui, he was flying a helicopter sprayer, you know, and he was
15 actually a private because he was doing it for a specific company,
16 you know, just them.

17 Okay. Oh, and he was an attorney, too. But he hadn't had a
18 medical in like 6 years. So there's all kinds of stuff that you
19 find. So I think it was a good unit, you know. You know, kind of
20 the parachute guys were running through the clouds half the time,
21 you know, and -- you know, they just -- you know, just all kinds
22 of wacky stuff, you know, that you would expect, you know. One
23 parachute plane took off, you know, and pretty skilled guy, he did
24 a barrel roll right at the end of the runway, so I wrote him up.
25 But, you know -- yeah, you find all kinds of pretty good barrel

1 rolls off of the end of the runway. But yeah, you'd find all
2 kinds of stuff. So I kind of think there was some value to it, as
3 long as we didn't overstep our bounds (indiscernible).

4 Q. Okay. What is the current status of SFAR 71 and how does
5 that relate to the air tour COM procedures manual?

6 A. Well, that's enrolled into Part 136. Basically, I want to
7 say I think, verbatim, I think it's -- I want to say appendix, an
8 annex to it, you know. There's a tour-flying -- oh, I don't know
9 how they break it down -- section. But in that rule, you know, I
10 think the first part of it is, you know, the national parks, you
11 know, they were pushing pretty hard and they probably still are.
12 So that deals with flights over that and then I think one section
13 is reserved and then the next section was, you know, just
14 territories in general all over the country and then the appendix
15 to it, I think, was basically the old SFAR 71.

16 So it's still there, you know, it's basically the same format
17 and then it's -- I don't know if codified is the right word, but
18 it's -- you know, now it's a regular regulation. And I think it
19 basically would tie into the manual by -- if that's still the
20 rule, maybe, you know, instead of calling it an SFAR, you'd call
21 it, you know, our 136, you know, Appendix A, you know, and you
22 reference the subparts, the dash five or whatever, B5 or 10, and
23 so I think -- I think it still ties into it and it would be
24 through op specs, you know. And I think, you know, at one point
25 we had the op specs -- we're getting kind of long, you know, we're

1 at B048 and we've got up to like five pages, you know, and the
2 industry accused us of regulating, you know, by op spec and there
3 was probably some truth to that, you know. I think if you look at
4 the Part 91 op specs, you'll still find that it's pretty long,
5 like it's still those five pages that we were trying to work, you
6 know. But if you go to the 135, I think it's just a page and I
7 think it says a very short word and it references that air tour
8 manual by incorporation.

9 By incorporation, I'm thinking we're thinking -- and I think
10 it's been tested already to say well, but, you know, if you don't
11 fly by that because we've incorporated it into the reg and the
12 reg's incorporated by Part 119 and also Part 135, 6 and 135.
13 Probably at some point, you know, we think it's -- we're going to
14 be able to hold the operators' feet to the fire and the pilots'
15 feet to the fire and it will be enforceable and I think that's
16 already been tested, I believe, a couple times.

17 Q. Okay.

18 A. So that's how it should tie in.

19 Q. That's helpful, I did not understand how that all fit
20 together, but that helps.

21 A. Yeah. Yeah, so the SFAR came out in '94 and I think I was
22 flying -- I think I was flying the first day it came out and I
23 remember I did a flight around the Big Island and it was kind of
24 weird, you know, because we were doing two and three hundred
25 (indiscernible) quite frankly and then, you know, it was 1500 feet

1 and there was no deviation to it. So I mean, it was like getting
2 a nosebleed, you know. So you did your thing, you did your
3 schpiel and the director of ops came and said well, how was it,
4 you know, what did you think, you know? Are we going to survive
5 this? You know, I'm like, you know what, it was okay if it was
6 kind of a clear weather day, so maybe it wasn't a fair estimate,
7 you know. Yeah, it was okay, you know. People seemed to enjoy
8 it, you know, it was a little different view of things but, you
9 know, kind of still nice. So, you know, it worked.

10 And then that SFAR, you know, got renewed, I want to say,
11 about three times actually, you know, because I think it was good
12 for about 3 years each time and it's funny because, you know, we
13 started closing in on it and I started asking around, you know,
14 because it had an expiration date on it. So are we going to renew
15 this? Once or twice it ran over by about a week, yeah.

16 I think the operators out there, you know, (indiscernible),
17 you know, because they watch this stuff pretty close, you know,
18 they're probably doing all kinds of silly stuff, but -- so it went
19 three times and then -- then, I think by then, I think Part 136
20 was getting developed and rolled around, so they didn't have to
21 renew it a fourth time. I think it got both, you know, Part 136.
22 And somewhere right about in that same time frame I think is when
23 the air tour manual came out, the COM procedures manual.

24 Q. Okay. What was the nature and quality of the relationship
25 between the Honolulu FSDO and the air tour operators on Kauai when

1 you were at the FSDO there?

2 A. I left. I left in '14. You know, I'd say in general, it was
3 pretty good. I mean, there were obvious -- you know, the
4 operators, in my opinion, take on the personality of the owner,
5 you know. So if he had a -- you know, if he had kind of a -- and
6 most of them were, honestly.

7 By that point, I think they had to be. But if he had, you
8 know, sort of a compliance-minded, you know, owner, you know, who
9 kind of saw the wisdom of, you know -- even though a lot of our
10 stuff is obviously quite bureaucratic in nature, you know, they
11 were pretty easy to work with and the others were a little more,
12 you know, maybe, you know, the personality of the guy, a little
13 more headstrong or, you know, they kind of like to fight and argue
14 and bicker, whatever.

15 Then that might come through, you know, down into the
16 company, you know, or if the director of ops happened to be that
17 nature and the boss supported him, you know, then you maybe had
18 more of, yeah, a contentious relationship.

19 But in general, I'd say it was pretty good. You know, they
20 -- you know, I guess they realized we had a job to do and we
21 realized they had a job to do. We didn't always see eye to eye,
22 obviously, on everything. A lot of things. But it worked. I
23 think it worked reasonably well, you know. One of the things
24 just, you know, after the SFAR, after a number of years, you know,
25 at first guys were kind of, you know, fighting against it and I

1 think that was still in industry and one of the guys was maybe
2 working for another company, he was still running around at 50
3 feet, you know, and it was kind of funny because he's a retired
4 military guy, like a colonel or something and he's like well, you
5 know, when the weather is nice, you don't really have to do that.
6 But, you know, he just didn't want to accept the change, I guess,
7 and eventually they caught him and they wrote him up and he's
8 probably retired or whatever.

9 But, you know, after a while, just, you know -- you know,
10 flying around at 1500 feet or a thousand or 500, it just became
11 the norm and these guys got used to it. And I remember one of my
12 buddies, you know, from industry who -- he said yeah, he said this
13 makes my job easy, you know. All you've got to do is follow the
14 rules, you know, I'm flying higher, it's easier and if the
15 weather's crappy, I just blame it on you guys. Yeah, that's
16 perfect. So it was pretty good, overall. I mean, obviously,
17 there's some contentious (indiscernible), but it was pretty good.
18 Balanced.

19 Q. Okay. Just so we have kind of a benchmark to compare that
20 with what happened later on, how many times would you typically go
21 out and visit Safari in a year, do you think, as a POI?

22 A. Yeah, in a year. I would say maybe I'd get out there every 2
23 weeks, you know, I mean. And again, you know, it was kind of --
24 kind of easy to maybe visit like, say -- like say I don't -- I
25 think I had Kauai, but I think I, you know, didn't just -- I think

1 towards the end, I think -- oh, I know I had Samoa, I had an
2 operator down there. I might've had one or two on the Big Island
3 or something. So that spreads you a little more thin. But, you
4 know, when you get there, you know, it doesn't hurt to -- I mean
5 the ramp is right there, you know, it doesn't hurt to go to all of
6 the operators. You know, if you go to this one, you know what I
7 mean, you go to -- you know, you just go down the ramp and then
8 maybe go visit -- and the offices are downtown, most of them, you
9 know.

10 You stop in, you know, and you can talk with the director of
11 ops or you talk to the owner. So it was kind of easy, you know,
12 to do that. And then if you needed to go somewhere else and you
13 wanted to just, like, park on a hill or something, well, that took
14 more time and like I said, typically you do that first, you know,
15 if you want to get a taste of what they're really doing. If you
16 don't want to get a taste of what they're really doing, you do
17 your ramps first and you tell them I'm going to be, you know,
18 going around looking, then they -- yeah, then they know you're on
19 the island.

20 I don't know if they did it that way, but -- so yeah, I'd say
21 every 2 weeks because I think a couple of the operators picked up
22 check airmen, you know, towards the end, that made my life a
23 little bit easier because I didn't have to get out there quite as
24 much. So yeah, a total of 24 times, maybe, you know, and then
25 sometimes -- sometimes, you know, a lot of times are just days,

1 you know, day trips or half-day trips because Kauai is a little
2 closer than the other islands. So all the commuting takes, you
3 know, maybe 3 hours roundtrip, so you could do it in a day, you
4 know, and just go -- sometimes I just drive and go the ramp, turn
5 around and come back. So I'd say 20, you know, 25 times maybe,
6 ballpark.

7 Q. Okay. And what percentage of those visits out to Kauai would
8 you say you went and observed operations first, you know, before
9 meeting with people? I mean, was that typically your routine
10 or --

11 A. You mean before -- okay, when you say -- you mean operations
12 first and then surveillance or do you mean like operations first
13 and then go to see the director of ops?

14 Q. I guess I'm wondering -- I'm wondering how often would you go
15 out and park on a hill and check and see if they were playing by
16 the rules, you know, when you first arrived versus just went and
17 met --

18 A. Yeah.

19 Q. -- with people on the ramp.

20 A. I'm going to say -- you know, of those 25, maybe I -- you
21 know, maybe most of them, I'd say, you know, because -- you know,
22 some of the hills aren't that far away, you know, even -- you
23 know, we used to have to rent a car, you know, initially, which
24 is, again, a little bit of a pain in the butt. But after a while
25 we stationed a G car over there and it was somebody's smart idea

1 and it was kind of a smart idea because then you just go get your
2 car, you know. So I think, typically, most of those I would go
3 out and do that because, one, I probably wouldn't drive to Waimea
4 if I was just on a day trip. That's probably a 2-hour drive and
5 then you're going to spend 2 hours back and then if you went to --
6 you're probably going to have a 12-hour day or something.

7 But I think most of them you could go, you know, a little bit
8 up north, you could go a little bit interior or you could down to,
9 you know, maybe Hanapepe and do one. Down to the south, you know,
10 and see how they're doing in that first valley. So again, most of
11 those I probably did and it took me a little while to figure out
12 actually I should do this first, you know, but yeah, because that
13 just -- it's kind of a logical sequence.

14 Q. Okay.

15 A. You know.

16 Q. And how often would you say you made it up to the Waimea
17 area, you know, that very distant area on the north side?

18 A. Yeah. Yeah, I don't know. In a year, maybe -- maybe four
19 times, you know, in a year, you know, because that is a bit of
20 hike or drive.

21 Q. Okay.

22 A. But the other thing is, you know, if I was doing a check ride
23 which, you know, there were enough of those that I was doing, but
24 I'm flying with one guy, you know, and he's taking me around his
25 route or we're going out to do, you know, an approach somewhere, I

1 mean, I was watching the other guys, you know, because you could
2 do that, you know, you could be -- you know, you could be standing
3 straight and I'm on this route or whatever corridor and you can
4 see what other people are doing, you know.

5 Q. Yeah.

6 A. Usually I could hear whether he's saying hey, you know, I got
7 a guy on board, and some of the guys would do that. Usually I
8 prepare them because (indiscernible). So yeah, so there's some,
9 you know, just on the flight check itself. You know, we could go
10 -- even with the air carriers you can do (indiscernible).

11 Q. Did you find it easier to --

12 A. And then we had -- we would rent -- yeah, we would rent an
13 airplane. I don't know that we were doing that towards the end,
14 but sometimes for our currency flying, we'd rent an airplane and
15 then we'd fly it over there and basically fly around, you know,
16 get the currency flying in, but at the same time we'd be doing a
17 surveillance, just watching them, you know. And then we'd go to
18 Maui and I don't think we ever made it to the Big Island because
19 that was a little bit too far to run off to, you know, that kind
20 of thing. But we didn't do it that much because there's a cost
21 involved in that, but we did that sometimes, as well.

22 Q. Okay. Did you find it easier to get out and observe how the
23 operators were actually operating when you were part of the
24 geographic surveillance unit?

25 A. Yeah, I think so because I think there was a little more

1 focus on that, a little more emphasis, like, you know, almost like
2 this is our job, you know. So I think it was. When you're doing
3 both certificate management, you know, and surveillance, you know,
4 and then they -- you know, it's on the burner but it's on the back
5 burner, it was like hey, you know, this new operator wants to get
6 certificated, you know. You know, you do have a lot of plate to
7 spin and, you know, on the Ed Sullivan Show, you get distracted,
8 you know, pretty easy, you know. I mean, I've been over here in
9 this corner, you know, I need to get out, you know what I mean? I
10 need to get with the air. So it's --

11 Q. Uh-huh.

12 A. Yeah, potentially, that could happen. I think that could
13 happen to anybody.

14 Q. Okay. All right, on a slightly different topic, do you have
15 a sense of how the FAA's shift to a safety management system
16 approach influences the FSDO's approach to overseeing Part 135 air
17 tour operators on Kauai or do you -- have you been out of the game
18 since that occurred out there?

19 A. You know, I'd been out of the game, I think, when the SMS
20 came on board so I don't think I could quite maybe relate to how
21 it has shifted. I can give you my opinion. I kind of think it
22 might be a good shift because I was always trying to get -- you
23 know, there was a voluntary, you know, self-inspection and there
24 was an AC and I would give it to the chief pilot and the director
25 of ops, who told the pilots hey, you know, it would be good if you

1 guys had a safety officer. You know, I tried. But honestly, they
2 were probably too busy in their day-to-day -- although it's a
3 great thing, you know, so we made it more on the mandatory side.
4 That's probably a good thing because internal evaluation programs
5 are iffy.

6 A lot of them are so busy doing their thing that they never
7 really take the time to sit there and kind of look, you know,
8 interior on themselves and go hey, what we are doing? You know,
9 is this a good -- you know, they don't take that time and you see
10 that, you know. And then some of the accidents and incidents, and
11 even some of the business decisions, not that I'm supposed to care
12 about that, but -- you know, or they're surprising me because
13 you're like oh, I can tell that they did, you know, look at
14 themselves and go hey, is this a good move?

15 So I think, in my opinion, it's probably -- it's probably a
16 good move, you know, to make them think about -- because the
17 military services did that, you know, and then I think the FAA
18 looked at that and they said hey, that's not a good idea. First
19 the Army, I think, came up with it and the other services, you
20 know, you usually don't borrow much from the Army, but they said
21 hey, that's pretty good and a lot of this risk thing. And then
22 they made it better, you know, and then the FAA looked at it and
23 said oh, that's good, you know, and then they implemented it with
24 our 121 and I think it's -- I think it's probably a good focus,
25 you know. I don't exactly know how it's worked out, you know. It

1 would have to be scaled, you know, for the 135 world, you know,
2 the mom and pop versus the bigger carriers, you know, but I think
3 it's probably a good focus. If we can just get them to look
4 internally and do some of their self-inspecting, it might save
5 themselves some grief, you know.

6 Q. Um-hmm.

7 A. (Indiscernible.)

8 Q. Okay. What influence, if any, has the nature of past air
9 tour accidents in Hawaii and related NTSB recommendations had on
10 the FSDO's approach to overseeing air tour operators in that
11 state? If you're aware of any.

12 A. You know, I think -- yeah, I think it's been a pretty good
13 influence. You know, you folks obviously, I think it's your job,
14 both of us, and then there's safety recs, recommendations, most of
15 those are good. There's a few that I think we probably can't
16 implement and that's just my opinion. Someone higher up makes
17 those calls.

18 But there's some of them, you know, that are probably
19 economically, you know, just the industry's not going to buy off
20 on it, you know, and even if we pushed it, you know, they're not
21 going to buy off on it, you know. They're going to go run in to
22 their Congress people. But a lot of them are good and a lot of
23 them are probably simple and a lot of them make sense. You know,
24 there was one accident or two, you know, that involved -- and I
25 remember the NTSB's investigator came out and was looking at the

1 life preservers, you know. I think it was a helicopter accident.
2 He was quite interested in the life preservers, you know, and how
3 they worked, you know, and how they're donned and that sort of
4 thing and he came out with some recommendations, you know, for it.

5 And so, you know, if they're -- if they're relatively benign,
6 you know, if there's low cost or simple cost, they just make sense
7 to implement. Now, even if there's higher cost, you know, if you
8 can -- if you can think about the cost in an accident, you know,
9 and the tragedy and even the bad business aspect of it, you know,
10 which isn't supposed to be in play but it is, you know, and even
11 those make sense, you know.

12 We were trying to get floats required and the rule actually
13 -- I think the lady's name is Alberta Brown that wrote the SFAR,
14 she's long since retired, but they tried to make floats required
15 and we wanted that, I mean, we told them we wanted that. We
16 agreed because, you know, they spend so much time over the ocean,
17 you know.

18 But, you know, in the end, I guess they did an economic
19 analysis, all the rules, you know, and that's a government
20 process. You can't get around that. And they cost the floats
21 initially. So in the end, you know, the rule sort of had a little
22 caveat that said, you know -- you know, that maybe if they could
23 make it to land that they didn't need it. Well, okay, you know,
24 it wasn't as strong a rule as we would've liked, you know, and it
25 probably wasn't as strong a rule as the NTSB would've liked, but

1 that's just maybe how the government works, you know, sometimes.
2 But overall, I think it was good and that's probably why we -- at
3 one point we were probably -- we were adding things, too. Like I
4 said, the tour op spec. It got up to five.

5 I mean, we were adding stuff like, you know, it had to have a
6 sign, you know, in the aircraft that said, you know, this aircraft
7 is, you know, not authorized to go over water or this aircraft is,
8 you know, not authorized to fly in the clouds and I think -- and
9 we had that in there but of course, industry very quickly jumped
10 on that, you know, and talked to their Congress people.

11 And a lot of those were good ideas and probably a lot of
12 those were coming through you folks, you know, and us and going
13 yeah, that would be good. But if the tourist, if the passenger
14 knew that they're not supposed to be, you know, in pretty, you
15 know, iffy cloud conditions where they can't hardly see what they
16 came to see anyway, you know.

17 We have our phone number to FSDO, which is going to be
18 another (indiscernible), but it probably was too much, you know,
19 and it certainly wasn't going to be, you know, taken by the
20 operators. So they complied, you know, and then sure enough, you
21 know, the Congress and the executive branch kind of came down
22 worse and they said you know, you will not be doing this anymore.
23 And, you know, to some extent probably rightly so, probably fairly
24 so. On some of the things that we wanted, you know, we might've
25 gone too far, quite frankly, you know, and -- so some pushback.

1 So there's a balance there.

2 Q. Okay.

3 A. So like I say -- yeah.

4 Q. I'm just skimming over my remaining questions here to make
5 sure I don't duplicate things that have already been asked, so
6 just bear with me a couple secs here.

7 A. Yeah.

8 MR. TOMICICH: Bill, while you're doing that, I just want to
9 give you guys a heads-up on the time. We do have another
10 interview at the top of the hour and you probably want to give
11 everybody a chance to get a break in. So I would estimate you
12 probably have about 12 minutes left. Right.

13 MR. BRAMBLE: Okay.

14 MR. TOMICICH: And I don't know if Brice or Patrick have
15 questions, so official planning purposes.

16 MR. BRAMBLE: Um-hmm. Yeah, one sec, let me just take a peek
17 here.

18 (Pause.)

19 BY MR. BRAMBLE:

20 Q. What do you think would be the most effective strategy for
21 reducing the risk of weather-related air tour accidents in the
22 state of Hawaii?

23 A. You know, I think -- and you guys are probably focusing in on
24 it. I think maybe zeroing in, in the training program, in the
25 check, more on just avoidance, you know, of potential weather

1 because we do have, you know, the recovery, you know, and it's in
2 there and that's good, you know. You know, kind of obviously an
3 emergency. But just avoiding, you know, more emphasis on
4 avoidance, you know, avoidance at all costs. And I don't know,
5 maybe -- maybe the enforcement system can be geared up to that.

6 You know, I remember one of the times I sent one of the
7 bosses of my unit, you know, kind of an e-mail saying -- I can't
8 remember. Maybe we were doing an enforcement, you know, against a
9 pilot and maybe it was kind of noise, you know, maybe it was a
10 technical, you know, error obviously, I mean, and fully
11 substantiated, but -- you know, and I said something like, you
12 know, we need to make the guys scared of what's actually
13 dangerous. What's, you know, not -- you know, they didn't -- you
14 know, they didn't have their socks pulled up, their ties. You
15 know, we need to make the fair weather because that's the thing,
16 you know, that's going to kill them.

17 You know, in the check ride, in the training program, I mean,
18 they're required to cover their accidents, whatever they had in
19 the company, and I don't think Safari had any up to this point, so
20 -- but it would be good to also cover other, you know, accidents
21 in the industry in the islands, maybe, for these folks because
22 there's plenty to work with there, you know, and there's no new
23 accidents, right? So, you know, even though it's another company
24 that maybe doesn't exist anymore, they can pull up all of those
25 accidents and all of the details from your guys' website and they

1 can make a very interesting briefing as part of their training
2 program. So rather than just that company's accident history, you
3 know, maybe everybody. So maybe the brief is going to go an hour
4 or 2 hours, but it's going to be a very somber brief, you know, a
5 very somber thing for a pilot to sit through. Well, these guys
6 crashed because they went there, but these guys crashed, you know,
7 because they tried to cut over there.

8 This guy, even though he's Part 91, he crashed and, you know,
9 had 7 hours of flying, you know. And there's a lot of that. So
10 to me, that would be the thing, probably. It's in there but, you
11 know, we could probably emphasize up on that because that probably
12 is the number one thing.

13 Number two might be mechanical issues, you know, which most
14 pilots are somewhat aware of and mechanics can -- you know, PMIs
15 can focus in on making sure the machines are good. But yeah, so I
16 would say extra emphasis on, you know, all the accidents, you
17 know, that have occurred, you know, in the last 20 years or 25,
18 you know, that are weather related and/or, you know, tour flying
19 related.

20 I don't know how many, what the number is, but it's enough
21 that we'd keep the trainer busy for a while. It would somber up
22 the pilot. And then in the actual check, you know, an emphasis
23 and maybe scenarios on, you know, you've got -- I'm not sure how
24 you would set that up (indiscernible) got some other
25 (indiscernible) here, you know, what you would do? Turn it

1 around, you know. Yeah. Again, I would do that, I kind of
2 finally figured out, yeah, I would do that, you know, I'd give a
3 scenario to the guys and see who (indiscernible). And part of it,
4 I was hoping that the guy would say, you know, oh, if it's like
5 that, you know, turn around.

6 You know, turn around is an option, you know, and that's part
7 of the check and that's acceptable, you know, that you turned
8 around. You couldn't make your whole route, you know. So I would
9 try to incorporate something like that.

10 Q. Okay. I do recall there was a recommendation out of the Bali
11 Hai accident that occurred in 2004 where we recommended the
12 development of a new base training program for pilots that might
13 involve sort of like video or photos of actual weather conditions
14 and sort of just key them into hazardous dynamic local weather
15 patterns. Do you know if that went anywhere --

16 A. Yeah.

17 Q. -- or if there's any value to that?

18 A. Yeah, I think so. I think I thought that they were still
19 working on that, to be honest with you, you know, and I mean they
20 have pictures and they have some videos because I think they had
21 some video capability. Yeah, that could be reemphasized, you
22 know. I think it has value, the concept, because I think that was
23 focusing on the weather aspect. I mean, there was talk about it,
24 there was pictures, but I'm not sure the programs are quite strong
25 enough, you know, to -- like you said, maybe something more

1 dynamic. I don't know if there's a simulator that can go around
2 or if -- but maybe -- and maybe there's too much cost in that,
3 realistically. But, you know, videos. I mean, videos are a dime
4 a dozen on the computers and on the cell phone, I mean, so that
5 can be done. And, you know, realistic weather conditions can be
6 put together now for -- you know, if you go on this site, you
7 know, the minimum altitude is supposed to be 500 feet above the
8 terrain, you know, and the weather looks like this, you know,
9 should you even go in, you know? And that can be done and I think
10 it had been done, but I'm not sure it was quite strong enough as
11 to what it should be.

12 Q. Okay.

13 A. That could be strengthened.

14 MR. BRAMBLE: All right. Well, in the interest of time I'm
15 going to thank you for your -- thank you for your responses, Dave,
16 that was very helpful. And over to Brice.

17 BY MR. BANNING:

18 Q. Hi, Dave. Thanks for taking the time with us. I think I
19 have just one question, I think, and I'll be real brief. When you
20 were out conducting surveillance, was the air tour manual
21 considered regulatory? Could you hold folks to that manual?

22 A. Well, that's a hundred thousand dollar question. You know,
23 the manual itself is not, but we -- we reference that in the op
24 spec and then the op spec is referenced, you know, an operator has
25 to follow their op spec in Part 119. So by that chain of events

1 or incorporation, you know, it was, you know, and we -- at least
2 our opinion was that -- and I want to say I think there's been a
3 couple of enforcements based on that theory and I think they've
4 held up through you all's judges, you know, from what I
5 understand. So it is.

6 I mean, the operator, that's the first thing they try to
7 pull, of course, and I would, too. You know, they say well, this
8 is the manual. Okay, yeah, we agreed to it, but it's in your op
9 spec and it says, you know, thou shalt follow it and you have to
10 follow your op specs for 119, so it's required.

11 So yeah, maybe one could come out tomorrow, you know, and
12 somebody could fight it, you know, maybe in a slightly different
13 manner and get away with it. Obviously, you never know what's
14 quite going to happen in a courtroom, but -- but yeah, we consider
15 it mandatory by incorporation.

16 And since the operators all signed off on it, you know,
17 basically they did, they went in, there was a big group meeting
18 with AFS-1 and us and the manual came out and the operators agreed
19 to it. So I think that component probably makes it more -- has
20 more stick to it, more sticking power than if we just shoved it
21 down their throats and said this is what's going to happen, this
22 is what you're going to do. So that's my understanding of where
23 it's at right now.

24 MR. BANNING: Okay, that was all, that was all I had. Thank
25 you, I sure appreciate your time.

1 MR. RYON: Yeah.

2 MR. GALLO: Patrick Lusch, do you have any questions?

3 MR. LUSCH: I have no questions, thank you.

4 BY MR. GALLO:

5 Q. I have one or two questions to start finalizing everything.
6 Mr. Ryon, in your surveillance and -- well, based on any weather
7 violations that you came across during your surveillance, did the
8 pilots ever tell you why they inadvertently or intentionally flew
9 into weather? What was their explanation given to you?

10 A. I'm trying to think. You know, I don't know that they --
11 yeah, on one of the -- one of the ones where surveillance is -- I
12 guess you could call it a black hat operation, but the frontline
13 manager of the GSU was incognito and one of our other, I'd say,
14 more senior inspectors got in, you know, and they -- and they saw
15 that what they thought was, you know, weather less than what it
16 needed to be and I think they passed a note to him, I'm not really
17 sure.

18 But we did write it up, but I don't remember the pilot really
19 saying, you know, what their train of thought was in that one or
20 any other one and that might've been a good thing. Maybe that was
21 a question I should've asked them. But they were -- you know,
22 they were more defensive or they said, you know, you guys are full
23 of it, you know, on the spot DOA, you know, or whatever. Yeah, so
24 I don't recall anybody saying well, you know, I was -- you know.
25 And I don't -- and actually that would've been a good thing and I

1 probably should've asked that question. But, you know, once you
2 send them the LOI, most of them, you know, just kind of clam up
3 and, you know, talk to my attorney or, you know, you guys are a
4 bunch of eggheads or, you know, they're not real cooperative.

5 Prior to that, if you talk to them before that, before they
6 know, you know, which we can't do now anymore, by the way. Well,
7 we can to some degree. But, you know, now you have to -- if you
8 think it's going in, you know, now you have to give them the Bill
9 of Rights and some of them keep talking, you know, but most of
10 them will kind of clam up at that point.

11 Q. Okay. And then --

12 A. Yeah, I don't remember. It would've been valuable.

13 Q. All right.

14 A. Rethinking.

15 Q. And the complaints that would come in to the FSDO, if any,
16 from the public or passenger air tour, what were the nature of the
17 complaints?

18 A. You know, they were all over the dart board. You know, most
19 of them were noise, just straight-up noise complaints, you know.
20 And so, I mean, you had to just, you know, determine as best you
21 could, you know, was the guy actually low, you know, and then you
22 sort of educate the public, although usually they didn't want no
23 education, you know, out there. I don't like hearing them or I
24 don't like to see them. So a lot of them are that but then, you
25 know, 20 or 30 percent was actually, you know, yeah, this guy was

1 low, you know. So then, you know, that became something more that
2 you had to look into because, you know, maybe actually the weather
3 was crappy and the guy was, you know, just got to run in or
4 whatever and/or -- you know. Or he was just low because he wanted
5 to be or -- you know. So you know, a lot of those didn't have N
6 numbers, you know, which probably isn't going to go anywhere
7 unfortunately.

8 You know, the numbers aren't that big, you know, on the side
9 of a Hughes 500 and the numbers aren't that big even on an A Star,
10 but -- and so it depends on what angle people see it from, but if
11 they don't get the number, you know, they can say it's blue so you
12 know it's this operator calls themselves blue, you know, or I
13 recognized it was the white machine and I know that's operated by
14 Air Kauai or whatever.

15 So that generally is the nature, a lot of them were just pure
16 noise, you know, some of them were, you know, just kind of oddball
17 calls, you know, just weird stuff and then some of them were
18 legit, you know, and then obviously we looked into them. And
19 every now and then they had pictures, but you had to be careful
20 with those because sometimes, you know, they zoom in, you know,
21 when they say yeah, the guy was like right over my house, you
22 know, and maybe the radar, you know, shows them at 1500 feet or
23 whatever. So you had to take them with a grain of salt, you know,
24 like everything. But the legitimate ones, you know, those are
25 worth talking to, following up and writing up if there's enough

1 evidence. There's one I did on Kauai that we didn't get the N
2 number, you know, we got out there and it was a Hughes 500 and it
3 was a certain color, red in color and, you know, we were out and
4 sure enough, clear blue and 20 D-Day (ph.) and the guy was at
5 like, I don't know, 200 feet or a hundred and he was supposed to
6 be at like a thousand. I can't remember what the numbers were,
7 but -- but obviously he was not, you know, operating -- so we
8 wrote that up and there aren't that many Hughes 500s, you know.
9 In the islands, maybe 20 of them.

10 And, you know, on Kauai there was one other operator that had
11 one and it was in major maintenance and I had a letter from them
12 and every other operator -- you know, so I wrote the case, but as
13 soon as it went to our legal facility, you know, you don't have
14 the N number, but I have the operator and we had the aircraft, we
15 had a picture of them but it didn't have the evidence. Look, they
16 depart at this time, you know, and they have a standard route.

17 So right, yeah, 9:42 he's running but, you know, even that
18 kind of evidence, it doesn't stand up, so it didn't even -- it
19 didn't even go up because, you know, it's going to get thrown out
20 of court, you know. So the public complaints, probably so, a lot
21 more in that category of yeah, I think I heard somebody or -- you
22 know. Or I think it was, you know, blue or red or not often the
23 number and mostly noise complaints but occasionally, like I said,
24 somebody had good evidence and then we would run with it, you
25 know.

1 Q. Have you ever heard of a technique where flying a helicopter
2 you get trapped in weather, that you would hover next to a
3 reference point such as a tree and wait the weather out --

4 A. Um-hmm.

5 Q. -- and take off after that?

6 A. Yeah. I mean, some guys do that. You know, I can't say that
7 I haven't done that on occasion, myself. You know, it's a
8 technique. I mean, I don't know that it's -- I don't remember the
9 Army teaching me that or the air operators here, you know, but
10 it's something that some people do. I don't know, I guess it's
11 better than crashing, you know, but you could sit there and hover
12 and maybe the weather could get worse and you can end up crashing
13 in a tree. But I think there might've been one of those on the
14 Big Island, but at least nobody died on that one. But, you know,
15 it's a technique, you know --

16 Q. Okay.

17 A. -- or landing somewhere, you know, out in the bush, you know,
18 might be -- it might be better, you know, it might be a much
19 better option than, you know, continuing on. Some of the -- yeah.

20 Q. All right. When you were in the FAA as an inspector, have
21 you written any safety recommendations internal, pertaining to air
22 tour?

23 MR. TOMICICH: Mitch, you know, before he -- hold on just a
24 second, Dave. Before you answer that, there's two things. I
25 mean, the safety recs do get into privilege, unless of course they

1 were acted on. But the other thing, too, is we're 5 minutes
2 before our next interview. We've been going almost 2 hours.

3 MR. GALLO: Okay.

4 MR. TOMICICH: Now, from a human factors standpoint, some of
5 us need to take breaks for physiological reasons.

6 MR. GALLO: All right.

7 MR. TOMICICH: So we really do need to wrap this up.

8 MR. GALLO: All right, let's wrap it up. And, Mr. Ryon, do
9 you have anything else to add that we haven't covered?

10 MR. RYON: No, I think I'm good. Yeah, I appreciate it,
11 guys.

12 MR. GALLO: All right, we're off the record, and I appreciate
13 your time.

14 (Whereupon, at 12:51 p.m., the interview concluded.)
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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

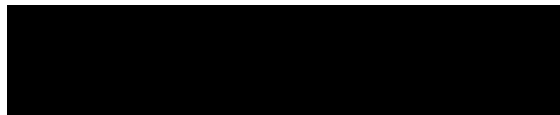
IN THE MATTER OF: AIRBUS AS350 B2 HELICOPTER
 CRASH NEAR LIHUE, HAWAII
 DECEMBER 26, 2019
 Interview of Dave Ryon

ACCIDENT NO.: ANC20MA010

PLACE: Via telephone

DATE: May 14, 2020

was held according to the record, and that this is the original,
complete, true and accurate transcript which has been compared to
the recording accomplished at the hearing.



David A. Martini
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

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AIRBUS AS350 B2 HELICOPTER *

CRASH NEAR LIHUE, HAWAII * Accident No.: ANC20MA010

DECEMBER 26, 2019 *

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Interview of: JEDRICK SQUIRES

Pilot

APPEARANCES:

MITCHELL GALLO, Senior Air Safety Investigator
National Transportation Safety Board

PATRICK LUSCH, Air Safety Investigator
Federal Aviation Administration

PRESTON MYERS, President/Director of Operations
Safari Helicopters

MANNY FIGLIA, Director of Aviation Safety
Airbus Helicopters

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I N T E R V I E W

1
2 MR. GALLO: This is an interview with Jedrick Squires
3 pertaining to Accident Number ANC20MA010.

INTERVIEW OF JEDRICK SQUIRES

4
5 BY MR. GALLO:

6 Q. And, Mr. Squires, do I have your permission to record the
7 conversation?

8 A. Yes.

9 Q. Okay. To start off with, can you just describe what
10 certificate ratings and your flight experience?

11 A. I hold commercial certificate. I had an instrument rating.
12 I had a CFI. Mainly just use the commercial rating.

13 Q. And it's all helicopter?

14 A. All helicopter. That's correct.

15 Q. Any fixed-wing?

16 A. No fixed-wing.

17 Q. Okay. On December 26th, can you -- I understand you were
18 preceding the accident helicopter or in the area at the time. Can
19 you describe what the weather was like, and your route of flight?

20 A. For that hour or for the whole day?

21 Q. For that hour.

22 A. It seemed to -- the weather seemed to deteriorate a little
23 bit towards the west and north side of the island. And visibility
24 was still good for the most part where I was flying. But in
25 certain areas it definitely was worse than the rest of the day.

1 Q. And what time did you take off for that flight?

2 A. I try to take off on time. So hopefully I was -- off on
3 time. That was a 4:30 flight, I believe.

4 Q. Okay.

5 A. So I would think 4:30 I took off.

6 Q. All right. And then I understand you turned around at one
7 point. Where was that at, and what was the approximate time?

8 A. So that was, okay, so that's probably -- I would say 20
9 minutes later I turned around.

10 Q. So about 4:50 you turned around?

11 A. I would say so, yeah.

12 Q. Okay. And did you during that leg, that leg after you took
13 off, did you hear anybody give pilot reports?

14 A. No. No. Well, there might have been actually. I'm thinking
15 now they -- okay. What day, what did they say? They might have
16 just said it looks, it looks kind of junk over there, but I don't
17 think, I don't think there was any official report of the area.

18 Q. Okay.

19 A. That I can remember.

20 Q. But you don't know who issued that or where they were at?

21 A. Well, just me saying that, then I was trying to wrap my brain
22 on was there a pilot -- because I thought initially there wasn't.
23 But now I'm trying to think one of the Airvans, the fixed-wing
24 might have said something, but I think they were just talking
25 between them self, like, I might just go this way. There wasn't a

1 pilot report, I don't think, actually, if I can recall.

2 Q. And what was it, an Airvan?

3 A. Maybe, yeah.

4 Q. What's an Airvan?

5 A. A fixed-wing plane.

6 Q. Caravan?

7 A. Yeah.

8 Q. Okay.

9 A. Yeah, I think so.

10 Q. But you don't -- all right. And did you ask for any pilot
11 reports on that leg?

12 A. No, I did not.

13 Q. Did you hear any transmissions from November 985 Sierra
14 Alpha, which is the accident helicopter?

15 A. Yeah. Just the one. He said, Upper Mic, and that's the only
16 thing I heard from him.

17 Q. Do you know what time that was?

18 A. I would say that's -- it was probably five minutes before I
19 got there. So 4:45, possibly.

20 Q. About 4:45?

21 A. I'm just guessing, but, yeah, if I took off on time.

22 Q. So about 4:45. Did you continue your flight or is that when
23 you turned around?

24 A. No. When I heard that, I actually continued to that area
25 thinking that there might be, you know, the preferred route is to

1 go that way. So I went up there to see if I could also go to --
2 take that route but --

3 Q. All right. So I'm trying to narrow the timeline. That's why
4 I keep asking.

5 A. So, okay. So it was probably, so 4, 4:45, I was probably up
6 there 4:50, at that -- where he made a position report, I would
7 say.

8 Q. And then what was the weather like at Upper Mic then?

9 A. It wasn't as good as I thought it would be. So but I wasn't
10 sure at that point because there was still kind of a path, and I
11 thought it might have kind of opened up. So I went for a little
12 bit longer to kind of see, but at that area when I was there, it
13 was junk weather for sure.

14 Q. And is that when you turned around?

15 A. That's when I turned around, yes.

16 Q. What sources of weather information do you rely on?

17 A. We look at DUATS. We -- I look at NOAA. I use that a lot.
18 And we have webcams that we'll look at, but there's no webcam up
19 there.

20 Q. Okay.

21 A. Usually use the NOAA site. It's really good one.

22 Q. And was the weather different from what was forecast?

23 A. I don't think so, no.

24 MR. GALLO: All right, that's all the questions I had. And
25 I'll turn it over to Patrick.

1 BY MR. LUSCH:

2 Q. Jed, I only have one question just to clarify. The reporting
3 point at Upper Mic, only because I'm not familiar with the routes
4 and everything, what do you look for? What do you see on the
5 ground? Are you looking for -- I understand it's like a microwave
6 antenna.

7 A. Yeah. So there's like a relay antenna, and you want to be
8 just kind of next to that.

9 Q. Okay.

10 A. And that says you're at the Upper Mic. Because they've got
11 Upper and Lower so --

12 Q. And on this preferred route usually how high are you when
13 you're reporting over that point?

14 A. If you can get the altitude, it should be, I would say, like,
15 4,000.

16 Q. Okay. On the preferred route with the -- I understand this
17 is all laid out in the HAT CPM, which I haven't gotten to dig into
18 --

19 A. Yeah.

20 Q. -- quite well yet, but the preferred routing, does it also
21 have a preferred altitude to be at, at these reporting points?

22 A. Yeah, I believe so. Yeah.

23 Q. Okay. It's okay if you don't know offhand. It's -- I truly
24 don't know. So I just was curious if -- it helps me try to
25 understand what you should be able to see at a specific altitude.

1 A. Okay.

2 Q. Okay. That's all I have.

3 A. It's a WESA. So it can be -- you can be 500 feet above the
4 ground --

5 Q. Sure.

6 A. -- the weather enhanced safety area, but, yeah.

7 Q. Okay. I just wanted to -- does everybody routinely fly over
8 it at a specific altitude and then --

9 A. For the most part, yeah.

10 Q. Okay.

11 A. Similar. Should be.

12 MR. LUSCH: I don't have any further questions.

13 MR. GALLO: Manny, do you have any questions?

14 BY MANNY:

15 Q. On your ratings, you said commercial, and you had an
16 instrument and CFI?

17 A. Yeah. Well, so I should be instrument rated then.

18 (Indiscernible) I'll practice it.

19 Q. Okay. But you still have it?

20 A. Yeah, still instrument rated, yeah.

21 Q. All right.

22 A. But, yeah, we definitely don't use that, and I like to work
23 so --

24 Q. You mentioned past tense so I --

25 A. Yeah, I mean, it's not current, I don't think, right? I

1 mean, because we don't do any of the stuff to keep it current, I
2 would think but --

3 MR. GALLO: Preston.

4 MR. MYERS: Yes.

5 BY MR. MYERS:

6 Q. How fast would you say the weather could change in these
7 environments time-wise? I mean, 10 minutes, 5 minutes, 2 minutes?

8 A. Truthfully --

9 Q. One minute?

10 A. Truthfully probably about, I mean, a minute is kind of tough,
11 but 5 minutes could be a big change.

12 Q. Okay.

13 A. Yeah.

14 MR. MYERS: No more questions.

15 BY MR. GALLO:

16 Q. One more question.

17 A. Sure.

18 Q. How long have you been flying your tour on this island?

19 A. That was -- I'm trying to think here. 2008, I went to Big
20 Island for a couple of years, flew tours over there. Came back to
21 Kauai. 9, 10, 2008, 9, 10, I think I came back in '10. So nine
22 years. I'm not positive on the time but --

23 Q. Okay.

24 A. -- it's pretty close.

25 Q. All right.

1 A. Because 2008 in March, I went to the Big Island.

2 Q. That's all the questions I have. Do you want to add anything
3 else that we may have missed or if you have any concerns that we
4 should know about?

5 A. I don't know. I think that we could -- if we had a couple
6 more webcams, it would be kind of cool to see on the ground.
7 Shouldn't be too expensive to put it up there. Sometimes webcams
8 they turn them off too. So like using webcams that are for
9 resorts or something. Like, if they don't want to turn them on.
10 But, yeah, there's one I use on the north side that looks over the
11 Hanalei Bay that's kind of neat, and it's at one of the resorts,
12 but, yeah.

13 MR. GALLO: All right. Thank you for your time.

14 MR. SQUIRES: All right. Thank you, sir.

15 (Whereupon, the interview was concluded.)
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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

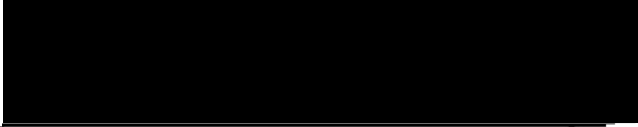
IN THE MATTER OF: AIRBUS AS350 B2 HELICOPTER
 CRASH NEAR LIHUE, HAWAII
 DECEMBER 26, 2019
 Interview of Jedrick Squires

ACCIDENT NO.: ANC20MA010

PLACE:

DATE:

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

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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AIRBUS AS350 B2 HELICOPTER
CRASH NEAR LIHUE, HAWAII
DECEMBER 26, 2019

Accident No.: ANC20MA010

* * * * *

Interview of: JEDRECK SQUYRES, Pilot
Sunshine Helicopters

Via telephone

APPEARANCES:

MITCHELL GALLO, Senior Air Safety Investigator
National Transportation Safety Board

WILLIAM BRAMBLE, Senior Human Performance
Investigator
National Transportation Safety Board

PATRICK LUSCH, Investigator in Charge
Federal Aviation Administration

PRESTON MYERS, President/Director of Ops
Safari Helicopters

BRICE BANNING, Air Safety Inspector
National Transportation Safety Board

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I N T E R V I E W

1
2 MR. GALLO: All right. This is an interview with Jedreck
3 Squyres regarding Accident Investigation ANC20MA010.

4 And, Mr. Squyres, do we have permission to record the
5 interview?

6 MR. SQUYRES: Yes.

INTERVIEW OF JEDRECK SQUYRES

8 BY MR. GALLO:

9 Q. All right. I know we interviewed you before, but there will
10 be some other areas that we didn't ask questions about. But one
11 thing I'd like to talk to you about is how much do you rely on
12 reports given over the air tour common traffic frequency there
13 pertaining to weather? How much do you rely on that, and how much
14 confidence do you have in those reports?

15 A. It depends on what was said. If it's just a position report,
16 then I kind of rely on it a lot I guess, but if it's -- you know,
17 in a different context, it would be something else, but as
18 pertaining to someone called in about weather?

19 Q. Yes.

20 A. Well, I've had both kind of calls. I've had some people tell
21 me one thing that it wasn't and, you know, I've had some folks
22 tell me it wasn't, but it depends on who calls in truthfully.

23 Q. All right.

24 A. Like who makes that report.

25 Q. Okay. So the report's coming in, let's say the weather's

1 deteriorating, and you have another air tour flight that somehow
2 makes it through an area of weather.

3 A. Right.

4 Q. How much confidence does that give you in that direction?

5 A. Again, it depends on who's flying through there chiefly. I
6 know all the pilots on Kauai, and if some of them made it through
7 and, you know, I'm close by, then that's one thing. But if the
8 weather's kind of junk, and I'm flying away, you know, my skill
9 level is just what it is. It's my own skill level and that kind
10 of thing.

11 Yeah, if it's close by, and somebody makes a position report,
12 I'm probably going to go their cue, because if that's the
13 preferred route, and that's the route I want to take, I want to
14 see what it looks like for myself, and that's usually how I'd go
15 about it.

16 Q. And, in your experience, did you know Paul Matero?

17 A. Yeah, as far as weather goes and all that, no, not so much.
18 I don't -- you know, some of the other guys that kind of know
19 their calls and stuff, but no. I know who he was, and I've seen
20 him on the flight line, but we never really talked too much.

21 Q. Okay. And so, going back to the day of the accident, you
22 probably answered this, did you hear any reports from him on the
23 Safari flight that he was on?

24 A. No.

25 Q. Okay.

1 A. No, I just heard his position report at the top of the Mic.

2 Q. And there was --

3 A. That's kind of about it.

4 Q. Go ahead.

5 A. That's it.

6 Q. And he didn't provide any weather reports at that time, did
7 he?

8 A. No.

9 Q. Okay. And let's go to like how the Sunshine helicopters are
10 equipped. Are they provided with any attitude indicator at least?

11 A. Yeah, we have that.

12 Q. All right. And you don't have an instrument rating, correct?

13 A. No, I do. I have instrument rating.

14 Q. All right. How about -- so you have an instrument rating for
15 helicopters, but do you maintain that currency at all or no?

16 A. I mean, my confidence level is there, but I don't know -- I
17 don't take chances, you know. We just do the -- we just do
18 attitude recovery. We do like, you know, the visor on and all
19 that I mean.

20 Q. So let's talk about if you end up in IMC conditions, either
21 intentionally or inadvertently, what are the techniques you use to
22 get out of that?

23 A. Well, it kind of depends on where it is, but it's pretty much
24 the same. We would do, you know, like wings level and check your
25 instrument real quick and then 180, start, initiate a slow 180

1 turn back to, you know, the point of where the weather was good.
2 And maybe start a climb, too. That's one of the variables beyond
3 like the terrain, but probably start a climb. And then if you
4 don't punch out, and it gets dark, you know, then the emergency
5 procedures -- or not emergency procedures, but like try to contact
6 someone.

7 Q. Yeah. And how about, we've heard of two other things that
8 you can do. One is to land, and then the other would be find a
9 fixed reference point and hover until the weather subsides. Have
10 you ever --

11 A. Yeah, that's, that's happened already, where you have to slow
12 down and go really slow, but truthfully, I don't try to put myself
13 in that situation. I just try to turn around early, you know. I
14 kind of know what's behind me. And in the crater, it can kind of
15 like slowly push up and then push in. So that's -- you know, you
16 want to look at that one in the crater.

17 And then if you're up at the Upper Mic, it can kind of push
18 off and it kind of goes -- you know, it'll go into the canyon. So
19 there's definitely an easy way to get out, but I've had a
20 situation where I sometimes go slower, but never hover. Yeah,
21 I've heard a lot of those stories, where you get to like you can't
22 see and you've got yourself too far, and you've got to hover and
23 wait.

24 I don't know about landing. If there's a good spot, I guess
25 you'd land. I haven't done that yet. But yeah, I mean, obviously

1 if you can't see, but if you have the reference point and you get
2 the linings, that's different. But if you're still in the clouds
3 or whatever, you wouldn't want to guesstimate or something.
4 Truthfully, I would rather -- if that happened, I would rather
5 just punch in and maybe, you know, kind of get in trouble in the
6 long run and take my chances there and keep, you know, keep
7 climbing so I know there's no ground around.

8 Q. Having an instrument rating on helicopters, does that
9 increase your confidence in flying in marginal weather, or can you
10 talk about that?

11 A. If the helicopter is equipped, it does for me just a little
12 bit, but I mean, I wouldn't -- it's very slight. Like I wouldn't
13 say that, you know, not much at all. Just because you don't ever
14 want to be in that situation, too. So why -- you know, then it's
15 like you're pushing your limits if you say it increases your
16 confidence, you know. And so I wouldn't fly any different if it
17 didn't have the instruments in there. If it did, I'd probably fly
18 the same.

19 Q. Okay.

20 A. Not a lot but, yeah, maybe a little bit.

21 Q. Yeah. And we may have asked this question before, but on the
22 day of the accident, that weather that was moving in, was that
23 just common to the island or was that a unique pattern that you
24 saw coming in?

25 A. Oh, man, it was definitely -- I mean, that's common stuff,

1 but for that day, it was definitely -- I would say it was kind of
2 unique like you put it, because the whole day was nice, and then
3 it kind of pushed in, you know. It was weird. I thought it was
4 weird personally because, you know, the day was so nice. You
5 usually don't see stuff like that. But yeah, it happens sometimes
6 I guess.

7 Q. All right. And how much did it change? I mean, give an
8 estimate as far as time and minutes and what not, how fast did it
9 change when you were up by Upper Mic?

10 A. When I was up there?

11 Q. Yeah.

12 A. I saw it change the hour before. I kind of watched it push
13 in, and I didn't think it was going to be that much, but I saw it
14 offshore. So I kind of kept that in mind. I knew it was going to
15 push towards the island. And that was like -- that was, you know,
16 the flight before. And then when I was up there, I don't know, it
17 could have changed within a few minutes, you know, possibly.

18 Q. All right.

19 A. Yeah.

20 MR. GALLO: All right. I think that's all the questions I
21 have. I'll give it over to Bill Bramble since he hasn't talked to
22 you yet.

23 Bill, you want to take the lead on it?

24 MR. BRAMBLE: Hi, Mr. Squyres.

25 MR. SQUYRES: Hello, sir.

1 MR. BRAMBLE: This is Bill Bramble. I'm a human performance
2 investigator.

3 BY MR. BRAMBLE:

4 Q. So I notice, in your past interview, you mentioned that you
5 heard a transmission from the accident helicopter where he said
6 Upper Mic. And that was about 5 minutes before you got there. Is
7 that right?

8 A. Yeah. I'm not sure of the exact words he said, but it was
9 something to that extent where he called that position report, the
10 report up there, and then -- yeah, so I heard him up there, and
11 then I was like, I'm going to check it out. So I flew to that
12 area, say pretty close after, maybe 5 minutes or so. It wasn't
13 too long after he was up there.

14 Q. Where were you when you heard him transmit that?

15 A. I'm pretty sure I was over the Olokele Valley, and that's
16 just after Hanapepe Valley, yeah.

17 Q. And what could you see from that location? What did it
18 looked like up in the direction of the canyon?

19 A. Like pretty junk. I could see the canyon. If you watch the
20 video, for some reason on my video, if you saw that one, the
21 weather looks a lot worse on my video than it actually was out of
22 the helicopter, but I was kind of wondering.

23 Q. Okay. If we go back to that position you mentioned, then we
24 should be able to see what it was like in the area where you were
25 when you heard him. When you got up to the northwest edge of the

1 canyon there, you know, what did it look like and kind of what
2 were you thinking in terms of how you were assessing the weather
3 and its dynamic aspects? I mean, did it look like it was changing
4 or was static, and then what did you assess the condition to be at
5 that time?

6 A. Well, when I got up there, it just looked like junk. So I
7 might have thought of, you know, turning back then, but I was
8 thinking it might kind of clear out a little bit. Sometimes it'll
9 dip down and clear out. So I just pushed on. I just pushed on a
10 little bit along just to see if the cell was kind of small. If
11 the cell wasn't too big, you know, just some lighter rain clouds,
12 but this thing was kind of widespread. So I just, I don't know.
13 I was just taking a peek at it. That's all it was. Looked up
14 there and then went a little bit further.

15 Q. Once you got up over the rim and you kind of headed downhill
16 there, like what was your assessment of the conditions? And then
17 what prompted you to turn around?

18 A. I just -- it just kind of like was the same, and then it kind
19 of maybe got worse if anything. You know, the weather didn't
20 really clear up like I wanted. And when you're up there, you kind
21 of got to go down. So you've got to go through it because it's
22 down sloping and the other one is coming up. So I would have had
23 to go -- to me, it looked like I would have had to go through some
24 stuff and, yes, it was junk and then --

25 Q. Is it sometimes a pattern where, you know, the clouds are

1 relatively low up there and you can pass over the rim, and then
2 you can start to go downhill and it clears up?

3 A. Yeah, that does happen.

4 Q. Is that kind of what you were hoping for or --

5 A. Yeah, that's what I was looking for.

6 Q. Okay. So once you got over the rim and it appeared that it
7 was more widespread than you thought it might be.

8 A. Yeah, it was like a bigger cell than I had hoped, and I
9 didn't really see, you know, the good weather until after you get
10 through. So --

11 Q. Okay.

12 A. -- I don't know.

13 Q. Did this weather pattern -- you mentioned it seemed like a
14 weird day. Did this weather pattern seem unusual in terms of the
15 direction the weather was moving from or any other characteristics
16 in that area?

17 A. Maybe. I can't remember the winds that day. If they were
18 like east out of Lihue and a pattern pushes in from the west, it's
19 a little bit odd because usually we have, you know, those kind of
20 Kona patterns with the south or west wind. I can't remember the
21 winds truthfully, but I do remember that it wasn't really windy
22 because I remember those days. We weren't getting rocked. It
23 wasn't too windy, but I wouldn't say that's a weird pattern just
24 because they'd be pushing in from the west. It was kind of coming
25 in from the northwest and kind of just, you know, slid on like

1 that, but maybe. Maybe it is a little bit odd.

2 Q. Was it turbulent at all or was it not?

3 A. No, I don't remember a lot of turbulence that day.

4 Q. Okay. All right. So anything else that you can say in terms
5 of your thought process as you made the decision to reverse course
6 and head back to the canyon? Any thoughts that you can recall?

7 A. I was trying to figure out where he went to get through it,
8 you know. I was thinking, where was his flight path to get
9 through it? And I did kind of mull that around in my mind for a
10 second, but that was about it because I was -- you know, I've seen
11 people take paths and have turned around a lot. I've seen it on
12 the Big Island especially flying over there for a while. So, you
13 know, just because someone else is going to do something doesn't
14 mean I'm going to that kind of thing, but I've always liked to try
15 to check it out. Sorry. Go ahead.

16 Q. Go ahead.

17 A. I was just going to say, you know, if I'm close by, I do like
18 to see it for myself sometimes depending on who made the report or
19 who's up there.

20 Q. Was it your belief that the accident flight had continued on
21 ahead of you down the slope there on the north side of that
22 canyon?

23 A. Can you say that again? I'm not quite sure of the question.

24 Q. Yeah. At the time that you popped up over the ridge, and you
25 started checking out the weather up there, did you believe, at

1 that time, the accident flight had continued on in that direction
2 ahead of you?

3 A. Yeah. Well, I don't think they turned around because he
4 might have made a call about turning around.

5 Q. Okay. So you --

6 A. He continued. Yes, I think so.

7 Q. Okay. Did that influence your willingness to go into that
8 area and check it out?

9 A. As in influenced by what?

10 Q. The fact that you thought maybe he had continued on in that
11 area, would that make you more interested to see whether it was
12 feasible to go that way, or would you have turned around sooner do
13 you think if he hadn't been in front of you?

14 A. Yeah, I would have -- yeah, I would have turned around
15 earlier. Just because, you know, I thought it was junk up there
16 but then heard the report, and I was kind of close by. I just
17 wanted to take a peek. You know, it didn't make me nervous at all
18 to look up there. If it was a different spot on the island, I
19 might have not even looked, but -- you know, I don't know. I just
20 -- it just seemed like a normal day. You know, someone's going to
21 take that path, so I can go that way, too, but --

22 Q. Okay. So before I leave that area and talking about the Na
23 Pali Coast, anything else you want to add about that experience or
24 hindsight thoughts afterwards?

25 A. I didn't have a lot of thoughts on it. It was just, you

1 know, the weather's junk. Where did he go? Where was his path?
2 And then I didn't quite understand that, and I turned around.
3 It's not something that I would -- you know, I can't move around
4 in that too long. I saw what I saw and just got out of there.

5 But, you know, a lot of people are taking different paths,
6 and they were reporting, you know, like how it looked along the
7 way. So if you went up there and you reported you turned around
8 or something, then I probably would have been like, yeah, it's not
9 worth it for me to check it out. So then I would just go a
10 different route. A lot of the other pilots weren't closer to
11 where I was I think. They already decided just to take a whole
12 different route.

13 But, you know, I kind of wanted to show the passengers the
14 canyon because that's, you know, normally part of the tour, and
15 that's why I mention, when you look at the video, there's a lot of
16 rain on the camera and everything, and the weather looks a little
17 bit worse than it was in the canyon, but yeah, it was definitely
18 junk at the top. It was junk up there.

19 Q. And is it the case that you can't really tell what the
20 weather's going to be at the top of the rim there unless you go up
21 there because the way it slopes down in the back?

22 A. Yeah, pretty much. I mean, you can kind of guesstimate. If
23 you see a big weather cell pushing in and it's probably going to
24 hit lower and then push up and be down to the ground in some
25 areas. So yeah, but yeah, you can't really tell. I think we had

1 a (audio drop) --

2 Q. Say again.

3 A. Yeah, I don't know where you lost me, but --

4 Q. So you said -- I was saying can you tell from below basically
5 what the weather's going to be up above the rim without going up
6 there, and you said kind of, and then you started to elaborate and
7 then I couldn't hear you for about 30 seconds, 20 seconds.

8 A. Yeah. For the most part, you can't really tell what it's
9 going to be like up there, but I was just saying you can kind of
10 guesstimate, like if a cell's pushing in and then, you know,
11 chances are some of the clouds might hit the ground as it slopes
12 up, you know, because depending on how high it is, you know. I
13 don't know.

14 Q. Okay. All right. So you diverted and you flew up over the
15 high plain there and then back down to the Hanapepe area and then
16 southwest to Na Pali. (Indiscernible) that area.

17 A. Yeah. I flew up Olokele and went down Na Pali.

18 Q. Okay. And so, going down Na Pali, did you get a better look
19 at the weather system from there? I mean, we could see the video,
20 but the view angle is relatively constrained. So kind of what was
21 your look -- what was your assessment of that weather system from
22 the back side?

23 A. It was there. It was definitely there, and it like kind of
24 covered the whole area. So yeah, the passengers didn't really get
25 a good -- a really good tour on that flight. We try to make the

1 best of it but, you know, that's one of the reasons we went over
2 there, to make sure we saw Na Pali. A lot of it was kind of
3 covered up.

4 Q. Yeah. Okay. That's a complex question because the
5 situations vary depending on how the weather's changing and where
6 you are, but what's your general thought process in terms of, you
7 know, whether to go into an area or stay out of it, sort of in
8 general? I mean, do you have sort of a personal philosophy about
9 like what your personal minimums are in terms of going in or
10 staying out of particular areas of weather that may look a little
11 dicey?

12 A. I mean, yeah. If it's like 500 feet or less, then maybe not
13 a good idea because you might be breaking some rules, you know. I
14 mean, if it's just a little blip of clouds or something, I might
15 get down for a second, but usually not, just because you're not
16 supposed to kind of thing. But, you know, if the weather looks
17 good on the other side but -- yeah, if you can't see through it,
18 that's not good. If there's a lot of rain, a lot of clouds, maybe
19 find a different path. I don't know. If it's along the lines of
20 that's where you're supposed to give the tour, and that's kind of
21 marginal, you know, if the clouds are at 500 or 1,000, then maybe
22 (indiscernible) a little bit, but you never know.

23 Q. Okay.

24 A. I don't know if I can really put that into words.

25 BRAMBLE: Well, I'm going to take a pause for now, and -- do

1 you go by Jedreck or Jed?

2 MR. SQUYRES: Jed's a lot easier.

3 MR. BRAMBLE: I'm going to take a pause for now, Jed, and
4 pass it onto the next person. Thank you very much.

5 MR. SQUYRES: Roger.

6 MR. GALLO: Patrick, do you have any questions?

7 MR. LUSCH: Good morning, Mitch.

8 No, Jedreck, I don't have any further questions for you. I
9 appreciate your willingness to come back and chat with us again.
10 I don't have anything to ask.

11 MR. SQUYRES: Roger.

12 MR. GALLO: Thank you.

13 Preston, do you have any questions?

14 MR. MYERS: No, I don't.

15 MR. SQUYRES: Hey, Preston, how you doing?

16 MR. GALLO: And, Brice, do you have any questions?

17 MR. BANNING: I don't have any questions. Thanks for
18 visiting with us, Jed. We appreciate it.

19 MR. SQUYRES: Sure thing, Brice.

20 BY MR. GALLO:

21 Q. Jed, I have a couple of more questions, seeing we don't have
22 any set questions here but as the conversation goes on, some come
23 to mind. What's more rewarding to you? Is it providing a
24 successful flight for the passengers or completing the flight for
25 the company? What's more important?

1 A. Oh, wow. That's pretty heavy, Mitch. I mean, it's obviously
2 not completing the flight for the company because they don't put
3 any pressure on us like that. They, you know, they make sure
4 that -- they say, if you ever want to turn around, that's fine.
5 If you want to cancel a flight, they're not going to question you,
6 and they really haven't, you know. If it's like clear blue skies,
7 they might call up and say like, is there an issue, you know?
8 We're just wondering. But we usually don't cancel for that
9 reason.

10 Q. All right. So next question is what makes a customer happy?
11 Is it a slow steady flight, for example, seeing geographic points
12 of interest, or getting an aggressive flight, some people would
13 call it a little bit of a joy ride? Can you talk about that?
14 From your experience, what makes a customer happy?

15 A. Truthfully, well, you know, sometimes the passengers, they'll
16 be like, hey, can you do this or can you do that? You know,
17 that's just part of it, you know, they want to see something. But
18 most of the time it's just a cruise flight because, you know, if
19 they say that, there's going to be one person on board that'll be
20 like, no. Hey, do a flip. And I say, oh, you guys want to see a
21 flip? Does everyone want to see a flip? And there's one person
22 like no way, no way, you know. So there's definitely people that
23 want to have some fun and see what the helicopter can do, but no,
24 the majority, for sure, just want to cruise around.

25 Q. And so what's your response if a passenger is requesting, you

1 know, see what the performance capability of the helicopter is,
2 for lack of better words?

3 A. I don't know. Sometimes they'll be like -- I'll start to
4 turn, you know, are we going to do a flip? And I'll start
5 turning, and they're like, oh, and I'm just kidding. But, you
6 know, sometimes you've got to kind of liven it up and make sure
7 you're having fun. There's that aspect of where you kind of like,
8 I'll try to kind of pop up my voice and kind of make it more, you
9 know, approachable to everybody and that kind of thing. But no, I
10 don't do any kind of like -- I don't do any stuff like that, you
11 know.

12 Q. Okay.

13 A. I just kind of like, you know, maybe next time or, you know,
14 we can't do that. That's not allowed. I'll say that sometimes
15 because we can't do any acrobatics and stuff.

16 Q. Do you think passengers understand that they can't see all
17 the points of interest because, for example, of weather? I mean,
18 do they walk on that flight understanding that?

19 A. No way. That would be nice. Yeah, that would be nice. No,
20 they think they can see everything all the time. That is an issue
21 because they'll complain about that if there's weather in an area.
22 So that's why we at least show them, you know, if we can, like
23 there's weather in the canyon to where you get -- you know, you
24 got to see it, but it is what it is with the weather.

25 Q. So I take it, before passengers are departing, they already

1 know what the points they should be seeing. Is that a correct
2 statement?

3 A. Yeah, that's part of the pitch for us at least that -- you
4 know, we pitch them like you're going to see the canyon; you're
5 going to see Na Pali Coast. And if they pick them up in a van,
6 you know, they get a long spiel about all the different spots and
7 maybe talk about us, talk about the pilot a little bit. But, you
8 know, they're kind of expecting that.

9 Q. All right. Let's talk about the FAA, and when is the last
10 time you met with a FAA inspector either in person or by phone?
11 When was the last contact you had, and why did you have that
12 contact? How did that come about?

13 A. I think the last time was for my checkride. I'm not sure
14 though, but I did. Maybe there's another time.

15 Q. And --

16 A. Do you guys know? Is that where that's going?

17 Q. No, no, we haven't looked at your background or your records.
18 So do you recall when your last checkride was with the FAA
19 inspector approximately?

20 A. Shoot, that was a few years ago. I take them with Gino. He
21 was there.

22 Q. All right. But after that, you haven't met with an inspector
23 who would like come up to you on a ramp or just see how your day's
24 going, or you've been given a formal presentation for air tour
25 safety on the island or anything like that?

1 A. I did talk to -- I think Gino had a replacement for a little
2 bit. I forgot his name, but I did talk to him. Joe, I think,
3 Monford maybe.

4 Q. Okay.

5 A. I think he came up and he ramped me after that. But I can't
6 remember the last FAA presentation. I know that we have pilot
7 meetings, but sometimes you guys don't show up for that.

8 Q. In the pilot meetings, you say the FAA sometimes don't show
9 up or the pilots don't show up?

10 A. Some of the pilots don't show up, but I think the FAA doesn't
11 show up.

12 Q. Okay.

13 A. I don't know.

14 Q. Okay. All right. And when was the last time --

15 A. I'm not sure.

16 Q. -- you got ramp checked? Do you know when that occurred
17 approximately?

18 A. Shoot, that was maybe, I don't know, a year ago. I can't
19 remember. I don't know. I can't remember the timeline.

20 Q. And how was that experience?

21 A. It was all right. Joe was pretty cool. He's less strict
22 than Gino, but I don't know him too well. But Gino's cool, too.
23 I don't really have a problem with Gino either, so yeah.

24 Q. All right. And --

25 A. Anytime I see a FAA inspector, you know, it's kind of like, I

1 don't know, what's -- I've got all my stuff, everything ready, you
2 know what I mean. Like I'm checking everything, like does the
3 aircraft ride, do I have all my papers? You know, it's like
4 getting pulled over by a cop or something. You might be a little
5 bit nervous or something, but it's not necessarily a bad thing.

6 Q. Okay. And the next question, because I don't know if you
7 were going down this path, you haven't had any issues, then, that
8 the FAA brought about from your interfacing with them?

9 A. Maybe some minor things like, you know, asking about my
10 medical or something like that, do I have a copy of the medical.
11 But nothing major, no.

12 Q. Okay. You talked about the pilot calls on the Hawaii air
13 tour common frequency, and so you mentioned that Paul made a
14 position report, I think it was at Upper Mic, but you didn't hear
15 anything after that. So let's go back and talk about
16 generalities. If pilots are going into an area of weather, is it
17 common for them to make a call and say, I'm turning around because
18 of the weather?

19 A. Yeah, that's a good thing to say, you know. That's what I
20 usually do. I mean, I say, it's junk up here, I'm going to try a
21 different route, you know. They might know your voice, but yeah,
22 you want to make a report, if you can, for that. Some pilots
23 don't, but -- especially if you're going around, you're going to
24 go a different route than you normally take, so then you're taking
25 a different flight path and someone could be, you know, flying

1 towards you. So there are a lot of different reasons why you want
2 to make that report, yeah.

3 Q. Do you think it's common? Because you mentioned that some
4 pilots don't make a call that they're turning around.

5 A. Maybe a few or just maybe you didn't totally do a 180 and
6 turn around. Yeah, I would say it's really common. Most pilots
7 would make a report telling you about the weather. I usually do.

8 Q. Okay.

9 A. Always I would say, most times.

10 Q. And just going back to Paul's position report, that was made
11 on the common air tour frequency. Is that correct?

12 A. Yes.

13 MR. GALLO: Okay. All right. That's all the questions I
14 have. I'm going to go back to Bill again.

15 BY MR. BRAMBLE:

16 Q. Yeah, Jed. You mentioned that it was still junk when you got
17 up on top, and so you decided to turn around. What was it -- what
18 aspect of the weather conditions was concerning? I mean, was it
19 cloud base like, you know, the height of the clouds or was it the
20 visibility or was it the precip? What most concerned you about
21 the conditions up there?

22 A. The rain wasn't too bad, so yeah, it wasn't -- I wasn't
23 enthused with the rain. I've seen that before, and that's kind of
24 gnarly. So it wasn't that, but it was definitely the clouds.
25 Yeah, the clouds was too low.

1 Q. You mentioned --

2 A. You can't see through junk.

3 Q. And you mentioned that -- I'm sorry. I think I talked over
4 you, but you said you couldn't see through them once you got up
5 there?

6 A. Yeah, I couldn't see through them, and they were too low.

7 Q. Okay. The other thing you mentioned was that you are
8 instrument rated, and you're confident in your instrument flying
9 skills. I'm just wondering, tell me about that background. Did
10 you get your instrument rating when you first started getting your
11 certificate ratings for helicopter? And then did you fly
12 commercially under instruments, or what kind of experience do you
13 have in that area?

14 A. Actually, no. I just got my rating, and then I guess that
15 rating took me the longest though to get, you know, commercial and
16 CFI. I spent maybe a few extra hours doing it. We did some
17 simulation stuff.

18 But flying in Kona, if you go offshore, I was doing trans
19 Mauna Loa, if you go offshore, then you can't really cheat the
20 system because you can't see anything if the clouds are above you
21 and the ocean's below you. So at that point, you know, when I
22 first started, you can look at the ground and you can kind of see
23 through the fog, and that doesn't help.

24 But then, you know, I started picking it up, and then I went
25 to Hillsboro Aviation in Oregon and finished taking my training

1 there. So I finished my instrument over there. I learned some
2 more stuff from different instructors there. But, you know, I
3 don't really have any instrument actual time. I think I did fly
4 in the 76, but I don't think we went through the clouds that time.
5 I wasn't a captain.

6 So I was flying in the Gulf of Mexico, and I just stuck to
7 the smaller ships. But we go offshore, and I saw a lot of
8 weather, but I wasn't, you know, allowed to just punch in like the
9 bigger ships were, but that kind of grew my confidence with
10 weather. The weather cells are different out there. So I just
11 saw different stuff and, you know, flight experience,
12 thunderstorms and whatnot, that are different than in Hawaii. And
13 then I came back, and I flew Big Island and then came back to
14 Kauai.

15 But I guess I would have confidence just personally flying
16 through the clouds if the helicopter is instrument rated and I was
17 like, you know, way up there. But next to the earth, I wouldn't
18 want to do that, no.

19 Q. On the day of the accident, were you flying an AStar?

20 A. Yeah, AStar, yes.

21 Q. Okay. And I don't think that one is single pilot IFR
22 certificated, but I don't know for certain depending -- I don't
23 know if all (indiscernible) are. Was that the case, or --

24 A. I don't know. I know we have the instruments, but we don't
25 have a second attitude indicator and stuff like that. So I don't

1 think it's certified IFR.

2 Q. Okay. Do you feel confident that if you inadvertently end up
3 in the clouds that you'd be able to maintain control for some
4 period of time and attempt an escape?

5 A. That's the thing though. If you're closer to the ground, you
6 might start to look for the ground and kind of push it back
7 towards the ground, but overall, yeah. If I was in the clouds and
8 I punched in, I knew I had to do the stand, you know, I grew
9 confidence.

10 One thing I can add though is like some of the new attitude
11 indicators, I don't know if this matters or not, but I don't like
12 them as much as the old ones. I think they're more expensive, but
13 the digital ones, I've seen them like on even a normal kind of
14 turn where they kind of crap out and just give an X for some
15 reason and you lose the position. And then we've had them checked
16 out, and they come back saying that they're -- you know, they
17 check out good. But I don't really like those as much as the old
18 attitude indicators, but --

19 A. Yeah.

20 Q. So in that circumstance, in that particular area, if you're
21 flying over the north rim in the canyon and low down the slope on
22 the other side, if all of a sudden, before you turned around and
23 went back in the canyon, if visibility went to, you know, 40 feet
24 or something like that, what would your preferred escape maneuver
25 be?

1 A. That's a hard question because, like I said earlier, I try
2 not to put myself in that situation. I don't want to be in that
3 situation. It's just not -- you know, I don't want to fly like
4 that. I just want to skip around the weather, and especially now,
5 there's no sense in trying to push it. If I got there, and I
6 could still see the trees and stuff, I'd probably just kind of
7 creep along depending on the wind and all that, just because
8 that's, you know, easier to do that.

9 But I don't know if the situation you're trying to set up is
10 a situation (indiscernible). Yeah, I don't know. I just try not
11 to be in that situation. If I could still see the treetops
12 easily, I might creep along a little bit and get out of it because
13 I wouldn't want to punch in.

14 MR. GALLO: Okay. All right. I think that's all for me.
15 That's helpful. I just want to understand your thought process
16 and, you know, your strategies for dealing with the weather.
17 Thanks a lot.

18 Patrick, any questions?

19 MR. LUSCH: No, sir. I appreciate your time again. No
20 questions from us.

21 MR. GALLO: Preston?

22 MR. MYERS: Yes, I do have a question for Jedreck.

23 BY MR. MYERS:

24 Q. Jedreck, when you're coming down from Upper Mic to Na Pali,
25 and if you run into weather in that circumstance, are there any

1 nav aids or assistance you could use if you had to go inadvertent
2 IMC?

3 A. So I'm not exactly sure of your question. Hold on. Like
4 navigation aids? Yeah, I mean, you could -- I mean, I guess you
5 could tune up something to help, but that would be over the
6 island. Like, you know, you could tune up -- you could try to get
7 ATC, but they're going to want to hear you say emergency. So they
8 could give you vectors, but I know from another guy that they
9 didn't want to tell him anything until he said emergency. But I
10 don't know if that answers your question or not.

11 Q. No, my question is basically, if you're on the backside going
12 down to the Ke'e area, towards Na Pali (indiscernible), are there
13 any nav aids that would assist you if you had to go to inadvertent
14 IMC?

15 A. Maybe a little bit. Me, not so much. Everything is like a
16 different animal when the weather gets down, you know. You can't
17 really tell from the weather.

18 Q. That's not my question. Are there any nav aids to assist you
19 on that side of the island whatsoever? A VOR, do you get anything
20 over there to assist you, to help you out, or anything yourself,
21 if you go to inadvertent IMC?

22 A. I mean, they've got Barking Sands. They do -- okay. They
23 have a VOR. That's on the south side. I'm not sure. I don't
24 know if I've tuned up one on the west.

25 Q. Is there reception for VOR down on Na Pali?

1 A. I don't think so, no.

2 MR. MYERS: Okay. Thank you.

3 MR. SQUYRES: Hello?

4 MR. GALLO: Yeah, I'm here.

5 MR. SQUYRES: You just went quiet. Mitch, if you're talking,
6 you're on mute.

7 MR. GALLO: No, I'm still here.

8 MR. MYERS: I have no further questions, Mitch.

9 MR. GALLO: Okay. Thank you.

10 Brice, do you have any questions?

11 MR. BANNING: No, I don't. Thank you again, Jedreck.

12 MR. GALLO: Okay. Jed, I don't have any questions. Once
13 again, thanks for your time, and do you have anything else you'd
14 like to add that we haven't covered today?

15 MR. SQUYRES: I don't know. I just, you know, I hope
16 everything works out a certain way, and I'm not trying to step on
17 anybody's toes. It is what it is. Hope you guys have a good day
18 and a good week, and that's about it I guess. I don't know.

19 MR. GALLO: All right. I'll go off the record then.

20 (Whereupon, the interview was concluded.)
21
22
23
24
25

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

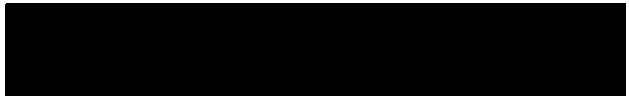
IN THE MATTER OF: AIRBUS AS350 B2 HELICOPTER
 CRASH NEAR LIHUE, HAWAII
 DECEMBER 26, 2019
 Interview of Jedreck Squyres

ACCIDENT NO.: ANC20MA010

PLACE: Via telephone

DATE:

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.



Kathryn A. Mirfin
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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AIRBUS AS350 B2 HELICOPTER
CRASH NEAR LIHUE, HAWAII
DECEMBER 26, 2019

Accident No.: ANC20MA010

* * * * *

Interview of: MIKE THATCHER, Pilot
Blue Hawaiian

Via telephone

APPEARANCES:

MITCHELL GALLO, Senior Air Safety Investigator
National Transportation Safety Board

WILLIAM BRAMBLE, Senior Human Performance
Investigator
National Transportation Safety Board

BRICE BANNING, Air Safety Inspector
National Transportation Safety Board

ERIC HAMP
Representative for Mike Thatcher

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I N T E R V I E W

1
2 MR. GALLO: All right. This is an interview with Mr. Mike
3 Thatcher pertaining to Accident Number ANC20MA010.

4 And, Mr. Thatcher, do we have permission to record the
5 conversation?

6 MR. THATCHER: Yes, you do.

7 MR. GALLO: And Eric Hamp is also on the line, and he's the
8 representative you choose to have with you during the interview?

9 MR. THATCHER: Yes.

10 MR. GALLO: Okay.

INTERVIEW OF MIKE THATCHER

11
12 BY MR. GALLO:

13 Q. Going back to the day of the accident involving the Safari
14 helicopter flight, we understand that you, for lack of a better
15 term, were ahead of another Blue Hawaiian flight flown by Greg
16 James, and then you mentioned something about the weather. Can
17 you talk about what you saw and what prompted you, I guess to
18 change positions between yourself and Mr. James?

19 A. Sure.

20 Q. Okay.

21 A. Sure. I am from Maui, but I fly all the islands, and I
22 happened to be on Kauai that day flying eight tours. It was first
23 seven tours. The weather was beautiful. And, in fact, the last
24 tour, when we got into Waimea Canyon, when I was just coming into
25 Waimea, I noticed at the very back end of Waimea Canyon, the

1 clouds were starting to come in. As I was coming into Waimea
2 Canyon, I saw Greg coming in ahead of me, and since he's been on
3 the island for longer than I have, I figured, you know, he had
4 more experience with these conditions. And I said to Greg, I am
5 not going that direction towards the Upper Mic because the clouds
6 are coming in, and we talked about what would be the best route.
7 So at that point in time, we were talking to each other, and he
8 said, well, let's head towards Princeville. It looks good that
9 way, and we could see some blue sky in the distance. So we
10 proceeded that way, and I actually followed Greg.

11 As we headed towards Princeville, we got to about Ke'e Beach,
12 and we were able to go offshore. We descended, headed back
13 towards the coastline to the west, got underneath the clouds, and
14 we were able to show some of the Na Pali coastline, turned around
15 and finished the rest of the tour. As I got closer to
16 Princeville, the weather cleared up again and it was fine, but you
17 could definitely see to the west, it was getting very, very low.
18 And in Alaska, I've been caught in the weather a couple of times,
19 and there's no reason to do it out here. We're doing the tour and
20 we're going to do the safest thing we can. So we went to
21 (indiscernible).

22 Q. Okay. And you mentioned you altered course because you saw
23 these clouds, but what about the clouds caused you concern?

24 A. Well, I mean, I saw the weather rolling in. It was nothing
25 that I felt I had to be concerned with getting caught into, and

1 that's why we went a different direction. I've been flying for
2 quite a while, and there's no reason to fly into that for me. I'm
3 not going to push the limits. And if we had gone that way, we
4 would have been under our 3 miles of visibility and, you know,
5 those limits that we fly with doing our tours. It didn't scare
6 me. I wasn't concerned about the clouds. I'm just like, what
7 direction am I going to go to stay away from it?

8 Q. All right. And going to your helicopter experience, how long
9 have you been flying helicopters if you could refresh my memory on
10 that?

11 A. Gosh, 35 years, 32 years, something like that. I've got
12 about 16,000 hours.

13 Q. Okay.

14 A. I flew four summers in Alaska for Era and been with Blue for
15 over 13 years. I've been an instructor here for 12, a little
16 over, and I flown EMS. I've worked for some TV stations, EMS --
17 I'm sorry, EMT. I worked doing EMS for a year in central
18 California.

19 Q. Okay. And you mentioned you were an instructor at Blue
20 Hawaiian now. Is that correct?

21 A. That is correct.

22 Q. And so Blue Hawaiian, or even prior to Blue Hawaiian, what
23 are some of the things you heard about as far as getting out of
24 inadvertent flight into IMC conditions? What are those? Because
25 we've heard so far, you know, you could land, number one.

1 Secondly, you could hover using a reference point until the
2 weather goes by.

3 A. Sure.

4 Q. And I think the other one is make a turn and climb above the
5 terrain. So if you could talk about those as an instructor and
6 maybe ones that I may have missed that are kind of like common
7 knowledge out there but not published.

8 A. Well, one of the things at Blue is that first off, we're not
9 EMS. We're not doing an emergency type of flight. It's purely as
10 a tour. And, you know, we're always supposed to be looking ahead
11 of us to see what the weather's doing, changes, and we teach don't
12 fly into it. Go the opposite way. Don't get yourself caught. Go
13 land, you know, do whatever you need to. We'll stand behind you
14 and you're not going to get in trouble, you know, because the
15 weather can change quickly there.

16 And, you know, if you do get into trouble, transition to
17 gauges, straight and level, start to climb, turn to VFR, go ahead
18 and contact, you know, a controlling agency, and maybe they can
19 direct you hopefully to IMC conditions. What I've always pushed
20 on our new students, don't get yourself in that position. You can
21 see ahead of you. You know what the weather's doing and don't
22 push it that hard. Turn around. Land. There's no excuse to push
23 yourself into a condition where you're going to be IFR.

24 Q. All right. And what about flying a reference, if you get
25 caught in IMC, initiating a hover using a reference?

1 A. Sure. I mean, I've done that in Alaska before and, you know,
2 you get yourself a reference point. I've flown (indiscernible)
3 before and I was uncomfortable, you know, and it's like, I'm not
4 going to get myself in that position. I'm going to turn around
5 way -- or land way before that ever happens. Normally the
6 conditions don't change that fast, I mean, unless you fly into it.

7 Q. Okay. And, as an instructor, is -- well, I mean, there are
8 inherent differences between somebody -- a low time pilot and a
9 high time pilot. Is there an optimum margin for low time pilots
10 versus high time pilots for weather? I mean, you know, you've got
11 the regs are 3 miles.

12 A. Yeah, everyone's got their limits. And normally a low time
13 pilot, we'll put them with a high time pilot, you know, to follow.
14 If there are, we'll say weather conditions that are still 3 miles,
15 maybe haze or rain, and to get them comfortable flying in maybe
16 down to 3 miles or 1 mile offshore, which is what we can fly doing
17 a tour.

18 Because we've had that situation before where people have
19 been uncomfortable because they've never flown in those
20 conditions. And a lot of times we're talking to them and telling
21 them what the conditions are, what they can do, to talk themselves
22 out of it or, you know, a lot of times you're maybe just going
23 through a rain cloud for 30 seconds and it's clear on the other
24 side. Obviously we're going to slow down, keep reference to the
25 ground. If we're offshore, at our 1 mile visibility, you're going

1 to keep the shore in sight. The best thing, I think, for low
2 conditions is slowing down, even to a hover if you have to.

3 Q. I understand that the Blue Hawaiian helicopters have
4 synthetic vision. Can you talk about the use of synthetic vision
5 in recovery from inadvertent flight and IMC conditions? Are there
6 pros or cons? Is it a benefit? What's your experience for that?

7 A. I definitely feel there's a benefit that we use instruments
8 and G500H and (indiscernible). All the stuff we have on board is
9 incredible, especially for doing tours. The terrain avoidance,
10 getting yourself out of a valley if you have to, we did -- that is
11 one thing we do teach, taking someone under the (indiscernible) in
12 a valley and having them do a (indiscernible) recovery, making
13 their 180 turn. Once they're on their 180 headings, climb, climb,
14 climb. If they don't come out of IFR, contacting HCF or, you
15 know, the tower, controlling agency, and they'll lead them to VFR
16 conditions. Or we also do, and most of our helicopters have the
17 equipment, which is almost all of them, we'll practice ILS
18 approaches.

19 Q. All right. And are you also a check airman for Blue
20 Hawaiian?

21 A. I am.

22 Q. All right.

23 A. I'm actually a check airman for Hawaii Helicopters which is
24 owned by Blue Hawaiian.

25 Q. Okay.

1 A. I'm not actually one for Blue.

2 Q. I'm going to jump around here a little bit. I want to talk
3 about your experiences with the Honolulu FSDO, and let's use 2017
4 as a reference. Have you seen a change in the amount of
5 interaction from FAA before 2017 to after 2017? Has the frequency
6 decreased, the amount of safety programs decreased? Can you talk
7 about that a little bit?

8 A. In the past, I feel that some of the controllers -- and I'm
9 hoping this is what you're asking --

10 Q. More --

11 A. They could be pretty short.

12 Q. More along the line of FSDO, Honolulu FSDO interaction.

13 A. FSDO?

14 Q. Yeah.

15 A. Our POI is Gino, and we've had Gino for quite a while, and
16 that's normally who the company and myself personally deal with.
17 And to be very frank, at the beginning, when I worked for Blue, I
18 really didn't like Gino. I didn't think he came across very well.
19 Sometimes he was hard to understand just because of the -- his
20 nationality and speaking our language, sometimes was a little bit
21 hard to understand.

22 But I got to know Gino I would say over the last 3, 4, 5
23 years. I like Gino. He is really trying to do his job well, and
24 he wants everybody to be safe. And if I have a question or I
25 don't understand him, I have to ask him again, tell me a different

1 way. So I think my communication with Gino has gotten much
2 better.

3 Q. So has the amount of interaction decreased from FSDO, let's
4 say from Gino visiting you, visiting Blue Hawaiian base or any
5 other base, has that decreased over the years? I'm not just
6 focusing on Gino, I'm focusing on Honolulu FSDO. I'm just trying
7 to assess their frequency of interaction with operators. So has
8 that decreased over the years where they come and do visits?

9 A. Over the last couple of years, it has decreased in my eyes.

10 Q. Okay. And I'm going to ask your opinion. I mean, is that a
11 benefit? Is that a detriment to the way you interact with FAA?

12 A. I don't think it's a detriment. You know, when we do have
13 issues or problems, we can definitely get ahold of Gino to help us
14 with problems. I think the ASAP and MSAP programs have helped a
15 lot. And in helping with that, I know that, you know, he's
16 involved with that. For meetings, we're typically having once a
17 month, that was alleviating a lot of little problems here and
18 there were happening. I'm not involved with that other than I've
19 done a couple of ASAPs myself over the past few years, and I think
20 they've really helped a lot. I know Gino is spread pretty thin,
21 but I don't think it's a detriment that he hasn't been here as
22 much the last year or two because he's available for us to talk to
23 if we need to.

24 Q. And have you had any conversations or involvement with the
25 Hawaii Air Tour Common Procedures Manual revision that's supposed

1 to be going on?

2 A. I know about it, but I've not been involved with the actual
3 changes. I know what some of the changes will be hopefully.

4 Q. Okay.

5 A. But I've not been involved.

6 Q. All right.

7 MR. HAMP: I have something I want to ask later.

8 MR. GALLO: Yes, we'll get to you with that question also.

9 I think that's all the questions I have for now. I'll pass
10 it over to Bill Bramble from Human Factors. Thank you.

11 MR. THATCHER: You're welcome.

12 BY MR. BRAMBLE:

13 Q. Yeah, Mike. How's it going? This is Bill Bramble.

14 A. Hi, Bill.

15 Q. Just following on a little bit, can you just tell us briefly
16 about the weather conditions on the Na Pali Coast that you
17 encountered during your flight?

18 A. Yeah, there was a pretty good cloud coming in from the west,
19 and I had been -- during the previous flight that I had, my
20 seventh flight, you could see it in the distance. I was surprised
21 how fast it came in. I don't fly on Kauai a lot over the last
22 couple of years, but previously I had flown there a fair amount,
23 and I'm pretty comfortable with Kauai and all the other islands as
24 far as flying on them. But I was surprised how fast that last
25 cloud came in on my last flight.

1 And it was pretty much down to the ground. I mean, what we
2 call the Upper and the Lower Mic, as we come out of the Waimea
3 Canyon, basically the Upper Mic, it was on the ground -- the
4 clouds were on the ground. The Lower Mic I probably could have
5 gone around, but I figured, if the clouds are on the ground at the
6 Upper Mic, if I come around the west side of the island above
7 Barking Sands, it's going to be too low, and why do I even want to
8 chance that way when I have a fairly clear view going to
9 Princeville?

10 And then if I can make -- I'm thinking in my own head and
11 talking to Greg, if we can get under the clouds as we get towards
12 Ke'e Beach, we can go underneath as long as we're legal, and it
13 was totally legal. It was probably about 2,500 feet. Clouds were
14 off the ground. We had good visibility, made it just past Kalalau
15 Beach, turned around, came back towards Princeville. Once I got
16 to Princeville, everything was wide open. I got into the crater.
17 Everything. It was just like it had been the rest of the day.

18 Q. Okay. Did the weather conditions seem at all unusual that
19 day? I mean, obviously they were low in that area, but did it
20 seem like an unusual weather pattern or like a fairly common
21 pattern?

22 A. I think it was just a fairly common pattern of low
23 (indiscernible). I don't think it was unusual.

24 Q. Okay. Were you familiar with Paul Matero, the accident
25 pilot?

1 A. No. I have heard the name, but I never met him.

2 Q. Just to clarify, just so we have a number, the number of
3 years you've been flying tours in Hawaii is about how many?

4 A. I started in -- well, I actually started doing tours December
5 of 2007. I started with the company -- I'm sorry, January 2007.
6 I started with the company in December '06.

7 Q. Okay. And based on your experience flying in the islands
8 there, is there anything that we could recommend or do that you
9 think would help for pilots to make their safest weather decisions
10 in flying?

11 A. Well, the only thing I can say towards that is that what we
12 teach our pilots and during recurrent is that we're watching the
13 weather all the time and, you know, we're getting pilot reports
14 from other pilots ahead of us of weather that's changing. We're
15 kind of watching the wind system coming in or even getting our
16 weather in the morning, going on the computer and see what the
17 weather's doing, you know, if we've got a front coming in,
18 depending on how fast or slow it's coming in. We're constantly
19 watching the weather. So other than being cognizant of, okay, I
20 can fly tours and it looks like the weather might be coming in.
21 Depending on speed, it could have slowed down, it could have sped
22 up. We're watching in the distance to see what the weather's
23 doing.

24 Yes, we have equipment on our helicopters along with weather,
25 and that also is a help for us. I know that a lot of companies do

1 not have the equipment that we have on our aircraft which is
2 absolutely incredible for a tour helicopter (indiscernible), you
3 know, G500H and things like that. I'm not sure what else to tell
4 you on that.

5 Q. Okay. What do you think about weather cameras like they have
6 in Alaska? Do you think that that would be particularly
7 beneficial to safety in Hawaii?

8 A. I think it would be dramatically beneficial. It's something
9 that I know in the past that the FAA has talked about, and I know
10 they've absolutely looked at different sites out here, like Hana
11 at least on Maui, and at the time, it wasn't allowable for them to
12 do due to cost and funding. But we used them in Alaska all the
13 time, and I think it would be very beneficial.

14 Q. And how do you think it would reduce the risk of weather
15 related accidents in Hawaii?

16 A. Well, if you can pull up a camera and see what the weather's
17 doing before you get there, you know, because sometimes you can
18 look on your phone or on a computer, and you're getting the best
19 information you can. But for me, visual is going to tell you a
20 lot more than maybe what an ATIS is telling you, something like
21 that, because it can change. By the time you get there, all of a
22 sudden, the weather's different, and if you can look out and say,
23 okay, that's what the weather looks like, like maybe one over by
24 Kapalua or across the Molokai, to me that would be a big help for
25 the pilots.

1 MR. BRAMBLE: Okay. I think that's all I have. Thank you,
2 Mike.

3 MR. THATCHER: You're welcome.

4 BY MR. BANNING:

5 Q. Hi, Mike. This is Brice, and I'm the Investigator in Charge,
6 and first off, I just want to say thank you for taking the time to
7 visit with us. We really appreciate it. And I think --

8 A. You're welcome.

9 Q. -- I only have one follow-up question. Mitch, I think,
10 mentioned the Tour Common Procedures Manual. What changes would
11 you like to see to the Common Procedures Manual?

12 A. Well, I know that in the past, that Eric Lincoln (ph.) and a
13 past pilot were trying to get the altitudes down to like 300 feet
14 in areas. What happens is, when you're training pilots -- and
15 then no one's been violated, but they feel like, okay, if I'm
16 below 500 feet or I'm below 1,000 feet in this area, I'm going to
17 get penalized or written up or turned into the FAA, whatever, and
18 it just gives them a little more room to navigate. I think the 3
19 miles visibility and the 1 mile visibilities is fine. You know,
20 we are doing a tour. So if you can't see nothing, you know, it's
21 not worth going out on a tour.

22 Some of the site specific areas, I know we have certain
23 altitudes, but the part, for me, is that there's these pictures
24 that show landing sites at site specific areas, and the pictures
25 are so old, they don't even look like that anymore. On some of

1 those places, to even try to find where that is, is almost
2 impossible. You know, it says whatever altitude we're at or we're
3 in a hover and we have to (indiscernible), you know, we have to be
4 able to land somewhere without undue harm or anything to the
5 aircraft or persons on board. Some of the things that they say in
6 the current one is like, you know, there could be no damage and,
7 you know, some of the wording is wrong.

8 I haven't been, like I said, involved with it. Eric Hamp has
9 been. So I only know a few things because just from people
10 mentioning it, like our ex-chief pilot or Eric Lincoln, the DO --
11 previous DO, and they've been trying to get this thing changed for
12 quite a while.

13 Q. Okay. Yeah. Thank you. And I guess I've got one more
14 question. With regard to ADS-B, how useful do you find the ADS-B
15 in flight weather? How useful do you find that to in flight
16 weather decision making?

17 A. Well, we have ADS-B in and out on our aircraft, which I think
18 is huge because we can actually see other aircraft. I know a lot
19 of the helicopters that are here on the island only have out,
20 which is all they have to have. But it's definitely nice to have
21 both in and out, and I think that, that is something that's very
22 important because I have caught myself a couple of times with my
23 eyes outside, and all of a sudden something pops up on my screen,
24 and it says traffic, 10 o'clock, whoa. And I didn't see them
25 until ADS-B alerted me to it. Even as much as you're looking out,

1 sometimes you miss them, and I've caught traffic a number of times
2 that I haven't seen previously. (Indiscernible) --

3 (Simultaneous speaking.)

4 Q. -- (indiscernible)?

5 A. I'm not sure. I mean, as far as I understand, ADS-B in and
6 out is more for traffic than weather. Is that correct?

7 Q. Yeah, I was under the impression that there was some in
8 flight weather available on your machines, and maybe that's the
9 wrong impression. So I was just curious about that.

10 Q. On our G500Hs and our Candy (ph.) 550s, it will show some
11 weather, clouds, you know, heavy rain or whatever, it will show
12 that on there, but I don't know if that's -- Eric, do you know if
13 that's part of ADS-B or that's just part of 500H?

14 MR. HAMP: Yeah, that's part of the ADS-BN that we bought,
15 and it displays precipitation. It's like basically a radar
16 overlay, and it's really delayed like Greg James said. Most of
17 the pilots I think would tell you it's not very useful.

18 MR. THATCHER: It's not. A lot of times it clutters up our
19 fields, and I know some pilots will actually turn it off.

20 MR. BANNING: No, I really appreciate that, and I think that,
21 that is all I had. Thank you again, Mike, and I will turn it over
22 to Mitch.

23 MR. GALLO: All right. Thanks, Brice.

24 BY MR. GALLO:

25 Q. Mike, Mitch Gallo again. I just keep thinking of more and

1 more questions. If you can answer them, great. We didn't talk
2 about SMS, and I think Blue Hawaiian does have a SMS program in
3 place?

4 A. Yes.

5 Q. Okay. And that's not required in a Part 135. That's just
6 something that the company decided to put in place. Is that
7 correct?

8 A. We've been doing it a long time, and that was basically due
9 to, you know, Dave Chevalier, the previous owner.

10 Q. And I take there's a weather risk assessment built into that,
11 too, in the SMS program?

12 A. Yes.

13 Q. All right. Can you kind of -- well, I mean, I could ask Eric
14 or you, but can you just give us a brief overview of your
15 understanding of that risk assessment for weather?

16 A. Well, the risk assessment has to do with not only weather,
17 what instruments are on the helicopter, how the pilot feels, you
18 know, his conditions as far as, you know, being sick or how he
19 handles, how comfortable he feels with the weather. There's a lot
20 of things that goes into the SMS.

21 And, you know, that's another thing we go through our
22 recurrent training with is going over that, and getting feedback
23 from the pilots if they're having issues with certain things or if
24 they're having a problem with the weather or if they're -- you
25 know, we're pretty close with all of our pilots and we do talk,

1 you know, weekly or, you know, just pilot -- you know, being
2 pilots, we talk.

3 So, you know, to me, SMS is a continuing thing. We talk to
4 each other about it all the time, you know, if somebody's having a
5 problem. Or with our new pilots, like you're going to be with --
6 follow Mike today or you're going to be with Eric today or
7 whoever, you know, as far as getting them comfortable to go out,
8 with what they're seeing, how to do tours. So it's just a
9 continual, you know, process.

10 Q. Okay. Going back to Honolulu FSDO again and you being a
11 company instructor and check airman, who does your checkrides from
12 which FSDO? Are they from Honolulu FSDO or from the mainland?

13 A. Yes.

14 Q. From Honolulu FSDO?

15 A. Honolulu.

16 Q. All right.

17 A. Yeah. Gino does most of our air rides. There was a
18 gentleman a year earlier who did mine who has moved on.

19 Q. Okay.

20 A. But Gino does most of ours. I know that.

21 Q. Okay. And we know, you know, there's minimum visibility
22 regulations and cloud height and height above terrain requirements
23 for flight. And we asked the inspectors why -- when you're
24 addressing noncompliance with a pilot or doing some enforcement
25 action, we asked them, well, did the pilot ever tell you why he

1 didn't comply with that regulation? You know, what was his
2 thinking? And they didn't ask, or the pilot didn't, you know,
3 want to solicit that information.

4 And I don't know how much you're involved in noncompliance
5 within the company, but if you are, can you kind of talk about why
6 the pilot would not comply with certification regulations? Is
7 that something common out there, or are you just used to flying
8 that way, or what?

9 A. You know, I'm not involved with the compliance part of it
10 other than our pilots know what we expect of them. And obviously
11 some of it has to do with weather, and it's like, okay, I can
12 still see where I need to go. I've still got the visibility,
13 although I'm going to have to descend 3- or 400 feet to get past
14 this one area.

15 Or we've told them, okay, when it goes to crap, you've got to
16 go over a bunch of houses at maybe 150 feet to make it to the
17 shoreline, we've always asked them to self-disclose because what
18 we don't want to happen is all of a sudden a homeowner calls the
19 FAA and says, hey, somebody just flew over my house at 150 feet,
20 and it was, you know, a blue helicopter and it was this time.
21 It's pretty easy to determine who it was, you know, based on time
22 and everything else. And now with ADS-B, you know, just about
23 anybody can go onto ADS-B and find out who the operator was and
24 what the tail number is.

25 And we've never been (indiscernible) by FAA when we

1 self-disclose and why we did what we did. It was due to weather.
2 We were trying to get to safe conditions or offshore where we have
3 a mile visibility versus 3 mile onshore. And I've always told our
4 pilots, self-disclose. Self-disclose, because if you do, 99
5 percent you're not going to get in trouble. If it was for weather
6 or something that you had to do, give us a good explanation. And
7 it hasn't happened a lot, but it's happened.

8 Q. So let me further the question. Beyond your experience
9 outside of Blue Hawaiian even, let's go to your entire flying
10 career, you have regulations. I mean, pilots want to comply with
11 regulations. They risk an enforcement action. They risk, you
12 know, their employment. They can risk, you know, personal injury,
13 but they still choose not to comply with regulations.

14 So do you have any insight? Has any pilot ever said, I did
15 it because of this even though, you know, like job enforcement and
16 personal injury, yet I chose to pursue that course of action and
17 not comply with that regulation? So has anybody ever told you
18 why, or do you have any suspicions of why somebody would not
19 comply with the regulations with those three risk factors in mind?

20 A. To me, they're a rogue pilot, and they've probably done it
21 their whole life. And they have that problem, don't want to obey
22 the rule, I want to do what I want to do, I know what I'm doing.
23 And we've actually had to let a couple of pilots go because of
24 that once we found out what they were doing because we're not
25 going to put up with it.

1 Q. Okay. All right. And in going back to the day of the
2 accident, did you hear any weather-related reports on the air tour
3 frequency from the Safari accident flight?

4 A. I did not.

5 Q. Okay. All right. I think that's --

6 A. In fact, it was pretty quiet out there.

7 MR. GALLO: Yeah. All right. That's all the questions I
8 have.

9 Bill or Brice, you have any additional questions?

10 MR. BRAMBLE: I do not. This is Bill.

11 MR. GALLO: Okay. Brice?

12 MR. BANNING: I do not. Thank you.

13 MR. THATCHER: Brice, who's your boss?

14 MR. BANNING: My chief is Clint Johnson.

15 MR. THATCHER: Oh, I know Clint. I knew him up in Alaska,
16 and I actually stayed with his brother while I was getting trained
17 for Era for 5 weeks at his house.

18 MR. BANNING: It's amazing what a small world it is.

19 MR. THATCHER: It is. Please tell Clint hi for me?

20 MR. BANNING: I will absolutely do that.

21 MR. GALLO: All right. And, Mr. Thatcher, I appreciate your
22 time. And, as with the other interviewees, we always ask, do you
23 have anything you'd like to share with us that we haven't covered
24 or any concerns that you'd like to address before we end the
25 interview?

1 MR. THATCHER: Just speaking out loud, it's sad that there
2 are some individuals that just want to push the limits that far.
3 And, you know, the two accidents that were fairly close to each
4 other, one in California and then one in Kauai, it just really
5 hurts our industry. And if more people could just realize we're
6 not EMS, we're not emergency, it is a tour, and fly that way. And
7 don't get yourself into that situation; we're not going to be
8 killing people or yourself. I mean, it's a tour, you know what I
9 mean? It's really sad.

10 MR. GALLO: Yeah. All right. Well, again, I appreciate your
11 time and your input, and we're going to go off the record. Thank
12 you.

13 (Whereupon, the interview was concluded.)
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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

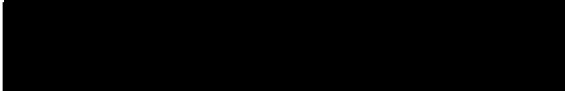
IN THE MATTER OF: AIRBUS AS350 B2 HELICOPTER
 CRASH NEAR LIHUE, HAWAII
 DECEMBER 26, 2019
 Interview of Mike Thatcher

ACCIDENT NO.: ANC20MA010

PLACE: Via telephone

DATE:

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.


Kathryn A. Mirfin
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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AIRBUS AS350 B2 HELICOPTER
CRASH NEAR LIHUE, HAWAII
DECEMBER 26, 2019

Accident No.: ANC20MA010

* * * * *

Interview of: CURTIS WHALEY, Former PMI/FLM
Federal Aviation Administration

Via telephone

Friday,
May 15, 2020

APPEARANCES:

MITCHELL GALLO, Air Safety Investigator
National Transportation Safety Board

WILLIAM BRAMBLE, Human Performance Investigator
National Transportation Safety Board

BRICE BANNING, Air Safety Investigator
National Transportation Safety Board

PATRICK LUSCH, Investigator in Charge
Federal Aviation Administration

MARK TOMICICH, Representative
(On behalf of Mr. Whaley)

I N D E X

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I N T E R V I E W

1
2 MR. GALLO: This is an interview with Mr. Curtis Whaley
3 pertaining to accident investigation ANC20MA010.

4 And, Mr. Whaley, do we have your permission to record this
5 conversation?

6 MR. WHALEY: Yes.

7 MR. GALLO: And the representative of your choice would be
8 Mark Tomicich. Is that correct?

9 MR. WHALEY: Yes.

INTERVIEW OF CURTIS WHALEY

10
11 BY MR. GALLO:

12 Q. All right. Can you kind of give us your background before
13 you joined the FAA, and then what you did at the FAA when you
14 became employed? So --

15 A. Okay. Well, I was in the Army from March of '83 to March of
16 '86, and I was a helicopter mechanic and parachutist on one of the
17 Army parachute teams that did demonstration jumps around the
18 country. Then, when I got out of the Army, I did a very short
19 stint from, I believe it was March of '86 to June of '86 at
20 Kwajalein as a helicopter slash airplane mechanic.

21 And then, after I left Kwajalein, I joined Hawaiian Airlines
22 shortly after. I believe it was August of '86 until sometime in
23 '95, and I don't recall the exact date in '95. And then I joined
24 the FAA in 1995, and I worked with the FAA until October of 2019.
25 I was a frontline manager at the FAA from May of 2007 until when I

1 left the FAA in October of 2019.

2 Q. And, when you were at the FAA, what FAA certificates and
3 ratings did you hold?

4 A. Well, the only rating that I've held at the FAA or FAA
5 ratings would be airframe and power plant mechanic and parachute
6 rigger. I didn't hold any other rating.

7 Q. Okay. And from 1995 to 2007, were you at Honolulu FSDO?

8 A. When you say 2007, can you clarify why it's 2007?

9 Q. Well, that's when you became frontline manager. So you were
10 a -- from 2007 to 2019, you were FLM at Honolulu FSDO. Is that
11 correct?

12 A. Yeah, yeah.

13 Q. Okay. So going before 2007, were you -- where were you at
14 within the FAA?

15 A. I was at the Honolulu FSDO as a principal maintenance
16 inspector.

17 Q. Okay. And can you share with us your experiences with Safari
18 Helicopters and when that experience began?

19 A. Well, generically, yes. I'm going to have a hard time
20 because I'm pretty bad with dates, and it's been a long time. But
21 ever since I joined the FAA and became a principal maintenance
22 inspector, I was with Safari Aviation. So I have extensive
23 experience with Safari both as a principal maintenance inspector
24 and as a frontline manager.

25 Having said that, there was a time while I was principal on

1 Safari where I took over some large certificates out in the
2 Pacific. Specifically Samoa, Guam, and Saipan. Large aircraft
3 certificates, large 135 -- big airplanes. And at that point, I
4 was no longer on Safari certificate, and I don't recall how long
5 that was for, but it wasn't an inordinate amount of time. And
6 then went back as a principal in the certificates here in Hawaii,
7 which included Safari Aviation. And then that progressed until I
8 became a frontline manager.

9 Q. Okay. And as a frontline manager, how many inspectors did
10 you supervise, and were they all PMIs or were they a mix of PMIs
11 and POIs?

12 A. PMIs, POIs, and PAIs. And I was trying to recollect -- since
13 I talked to some folks the other day, I'm trying to recollect how
14 many principals it was. It was quite a few because I was in
15 charge of what they called the Air Carriers Unit. And I want to
16 say I had as many as 15 inspectors under me, but I don't recall
17 specifically how many it was, and I don't have access to any of my
18 records. Those would all have been on my FAA computer, and I
19 don't have access to that.

20 Q. Okay. And --

21 A. Go ahead.

22 Q. I mean, this is going back, but so you under -- you
23 supervised POIs, PMIs, and PAIs, principal avionics inspectors.
24 Can you give us an estimated breakout of how many were POIs, how
25 many PMIs and PAIs when you became FLM in 2007 and in -- how that

1 changed over time all the way to 2019?

2 A. I want to say 3 PAIs, 6 -- probably 6 PMIs, 7 PMIs maybe, and
3 then 6 POIs at that time. Then we started to have attrition.
4 People either moving away or retirement.

5 Q. All right. And then, so it -- so you had the attrition and
6 retirement. So let's go to October of 2019. Can you provide
7 those numbers again with how they changed?

8 A. Not specifically. I no longer had oversight of inspectors
9 after April of 2019. So I only had inspectors oversight up until
10 April of 2019.

11 Q. Okay. So, in April, can you give estimates of how many POIs,
12 PMIs and PAIs you had?

13 A. That would have been just -- well, POIs and, I guess, the
14 aviation safety assistant and aviation safety technician, one of
15 each. And then the POIs would have been -- I believe at the time
16 would have been four. I want to say four POIs.

17 Q. Okay. And then so you had this reduction. Was there a
18 change -- because my understanding is the complexity point somehow
19 factors into how many personnel are at FSDO. Was there a change
20 in the number of air tour operators or operators on a whole?
21 How did -- I mean, was the change increasing, decreasing or
22 leveled off since 2007 but, yet, you had a decrease in personnel?
23 Can you talk about that, those two things?

24 A. There was a small reduction in the amount of air operators.
25 However, there was -- but I'd say very small. There was some

1 replace -- I don't want to say replacements. There were some that
2 had existed that went out of business. There were some that came
3 into business. So it kind of maintained a flat line. However,
4 the flights would change because of the type of aircraft, number
5 of aircraft on those certificates. And there was a reduction in
6 personnel, which gave us -- gave the inspectors more
7 (indiscernible). That's it.

8 Q. Okay. And then -- and let's go back again to 2007, and if
9 you could provide another trend for us. So I'm interested in how
10 often POIs would surveil air tour in 2007, and how that number of
11 -- that rate of surveillance changed throughout the years.

12 A. That's a very good question, and I can't give you any
13 specifics. Again, I don't have my information in front of me. I
14 used to track actually the numbers of surveillance and frequency,
15 and I can tell you that back in 2007, it was more aggressive
16 surveillance than it was in 2018 and '19.

17 In 2007, we were back in the NPG, national program
18 guidelines, surveillance profile, which was accomplished using
19 PTRS, program tracking and reporting system -- subsystem. And
20 then in -- I want to say 2016, not specifically, we transferred
21 over to SAS. And there was a big change in the surveillance
22 profiles because SAS works entirely different than national
23 program guidelines.

24 Q. So I'm going to ask you for your opinion to compare the
25 national tracking program guideline and SAS. Was it a good

1 change? And, if so, why? And if it was a bad change, why?

2 A. Well, my personal opinion is a very bad change. I think SAS
3 is far too focused for small to medium Part 135 operators. It
4 didn't include 137, 133, et cetera. And I think SAS was a
5 tagalong from ATOS. And SAS would probably be okay for a large
6 carrier because you're only working one carrier. You have one
7 system of -- including the guidelines.

8 Whereas, you have that same amount of work, which is a
9 tremendous amount of work, for each Part 135 operator along with
10 your additional surveillance for your 133 and 137s, et cetera,
11 141s, on the ops side; on the maintenance side included. And I
12 think SAS was very cumbersome and burdensome for the operators
13 because they have to answer all of those same questions you have
14 to answer for a single operator. So you have to answer each one
15 of those questions, which was a lot of questions for each
16 operator. And it just was way too much of a burden for the
17 inspectors.

18 Q. Okay. And I understand that an inspector would create a work
19 plan, which would plan out their surveillance for their assigned
20 operators. And how did travel work? Did the -- was it -- was
21 surveillance-based travel inherent in the work plan, or did the
22 inspector have to justify travel for him or her to actually
23 travel?

24 A. Okay. Are you talking under NPG or SAS?

25 Q. Why don't you give me both.

1 A. Well, NPG was driven by required items, R Items we call them.
2 And those are items that were technically supposed to have been
3 done during the fiscal year. And it was pretty set in stone that,
4 like, if you had an R Item in, let's say Guam, you would have to
5 go to Guam. And we weren't really in the mode at that time to be
6 able to cancel or discontinue doing R Items based upon risk.
7 Whereas, once it went into SAS, we were able to do that.

8 Now, so the travel was pretty set in stone, like I said, when
9 it was under the NPG. You have to go to Maui, let's say, or Kauai
10 or American Samoa or Saipan or Guam. Whereas, when it went into
11 SAS, it was easier to cancel or modify your work program to a
12 great extent. And we began to see, in the initial phase of SAS,
13 the inspectors were reluctant to try to cancel SAS items because
14 they were so used to having to do those items under NPG. Well, as
15 time evolved, it became more commonplace for an inspector to
16 cancel or terminate a SAS item because that option was more
17 available to the inspector.

18 Where the travel comes in, obviously, under the NPG travel
19 was pretty hard and fast. You basically had to go if you had
20 those items. Under SAS, they were given the opportunity to
21 evaluate risk based upon history, and they could look at history
22 from the NPG and from SAS as it began to evolve. So if you were
23 to have an operator with no risk, then you could cancel or
24 terminate an item much easier than it was -- than you were able to
25 do when it was under NPG.

1 So travel became less frequent under SAS, in my opinion. I
2 could be wrong, but I think it became less frequent. And it was
3 something that our particular office manager wanted justification
4 for travel. So if you needed to go to, again, Maui or American
5 Samoa, you would have to justify why you're going. What's the
6 reason for going out there and spending money to rent cars, have
7 hotels, per diem, when there's no risk? So the inspectors were
8 required to take a further and closer look at risk.

9 And this didn't really come into play until perhaps a -- oh,
10 I want to say a year before I left the agency or left oversight of
11 inspectors. And they were getting used to it, but it wasn't
12 really there yet. So the office manager was dictating, you know,
13 hey, tell us what the risk is. And there's justification in that,
14 but I always believed that an inspector on the jump seat or an
15 inspector present at the operators is safer not being there. So
16 it's a double-edged sword.

17 Q. All right. And you mentioned office manager. There was a
18 change in office manager Honolulu FSDO in 2017. So are you
19 referring to this after 2017 that this was occurring or before
20 2017?

21 A. It was after 2017. KC Yanamura wasn't -- it was prior to
22 Tiffany Chitwood. KC Yanamura wasn't, again, up-to-speed as much
23 as Tiffany Chitwood was regarding the work program in SAS. KC
24 would have remembered or have been more involved with NPG work
25 program. And consequently the justification for travel wasn't as

1 prevalent under KC as it was underneath Tiffany Chitwood.

2 Q. In your opinion or maybe -- well, let me go back. In your
3 experience as a FAA inspector and frontline manager, what effect
4 did increased surveillance have on compliance with regulations?

5 A. Well, as I had said, I believe that an inspector's presence
6 is valuable. And just the presence, just being there. You can
7 -- you cannot be in the cockpit or you cannot visit the operator,
8 and are you going to gain compliance, or if the operator perceives
9 that you're there, will you be gaining compliance? And I think
10 it's a lot of perception. And I believe that inspector presence
11 is valuable. In other words, I'd rather see a guy make a trip and
12 have no findings than not take the trip.

13 Q. Was there any occasion where travel was being denied because
14 it was exceeding -- because of concern of exceeding budget or lack
15 of funds?

16 A. We have always been told that there's no lack of funds, and
17 it's not a part of the budget. However, there was a lot of denied
18 travel after the justification; the heavy justifications came in
19 where we had to say why we're going, and what's the reason behind
20 it. And oh, hey, look, you know, if you look over the last 8
21 years, you have had no -- you've had no findings. And so now why
22 all of a sudden do you need to travel? So there were some denials
23 for travel after SAS came into play rather than NPG. I was a lot
24 more amenable to allowing travel.

25 Q. And did that increase -- the increase in denial of travel due

1 to funds even though funds were -- you were told were -- there was
2 no limit -- this was after 2017, is that correct?

3 A. Well, I think we've always had our eye on the budget, and I
4 think there was too much emphasis put on that. Whereas, we've
5 been told there's no limit to travel. Go ahead and travel. This
6 goes all the way to Washington, DC. We've had several visits from
7 DC types and certainly the regional folks. And it's always been
8 encouraged that we go ahead and travel. Well, my perception on
9 the ground is that's not necessarily true. I think that there was
10 a lot of travel concerns, and some of it was budget based, and
11 some of it was, well, you've had no findings, and if you've had no
12 findings, then why do you need to go?

13 Q. And was that more of the case -- you mentioned when SAS was
14 implemented. So that was after 2017?

15 A. Yes.

16 Q. And my understanding -- we've talked with other people that
17 we interviewed about the geographic surveillance unit. And I
18 think that was, for lack of better word, disbanded around 2015 or
19 so. Do you know anything about the GSU and its termination?

20 A. Okay. Very good question. And it was the -- specifically we
21 called it the air tour unit. And that was -- included the
22 geographic GSU. The GSU, as it were, was disbanded more than once
23 because the air carrier unit, which was my unit -- or the unit --
24 not my unit, but the unit under my purview, and then the
25 operations unit, were -- I hate to say it, but they were

1 resourcing from the GSU or air tour unit.

2 So you've got a -- you need a POI. So you go over to the air
3 tour unit or the GSU, and you take a ops inspector and you make
4 him a principal inspector in the operations unit. Same thing on
5 the air carrier side of the house. We would -- hey, I need an
6 airworthiness guy, and I got -- there's three over there, and I
7 need one, so I would take one from the air tour or GSU unit. This
8 happened several times, not just once. It was several times where
9 the GSU was disbanded, then put back together again, disbanded
10 again. And that goes back to before we had SAS. That goes back
11 in the NPG. It was very fluctuating as to staffing.

12 Q. Okay. And what were the reasons, do you know, that the GSU
13 was disbanded and brought back again several times? What prompted
14 those actions or those occurrences?

15 A. There was a belief in management that that unit was valuable,
16 and that they could bolster surveillance for the operations and
17 airworthiness avionics inspectors by adding staff to that unit.
18 The principals didn't necessarily have to go do ramp inspections,
19 records inspections, general surveillance activities that
20 principal inspectors were burdened with, and the GSU could pick up
21 some of that slack.

22 But, again, it was that visibility that having an inspector
23 on the ground rather than hidden behind the CRT in the office. It
24 was a visibility thing. And I saw value in it, but it kept
25 getting disbanded. And I wasn't a part of that until I became a

1 frontline manager. Then we went back and forth as to whether we
2 needed the unit or not.

3 Q. Was the GSU part of Honolulu FSDO or a separate organization?

4 A. Part of the Honolulu FSDO.

5 Q. And then so was it KC that decided to -- I mean, obviously,
6 if it's part of Honolulu FSDO, then ultimately it was under KC's
7 purview to disband that. Is that your understanding?

8 A. Well, I don't recall specifically.

9 Q. Okay. The accident pilot was a Mr. Paul Matero. Did you
10 ever interact with him at all?

11 A. Oh, yes. Yes, I knew Paul fairly well.

12 Q. And, I mean, what can you tell us about him? I mean, we --
13 this is a question we ask everybody. So just want to get your
14 opinion of him.

15 A. Well, I had a very high opinion of Paul. I was surprised
16 when I found out that he was the accident pilot, and I had never
17 heard negative things about Paul.

18 Q. And then you said a key word that other people have said,
19 that they were surprised. I just want to dig a little deeper in
20 that. And why do you say you were surprised?

21 A. Well, he had always received good, positive comments. He
22 received good check rides. And I didn't see something like that
23 happening to Paul because I thought he was a pretty straight
24 shooter.

25 Q. I guess you've been there since 1995 all the way to 2019, so

1 I guess you have a pretty good knowledge base of things that were
2 coming into the FSDO. From 1995 to 2019, was there a change in
3 complaints the public would call in or report to the FAA? I mean,
4 did they ever -- were they always complaining about noise or was
5 it reckless flying? Was there anything that stuck out throughout
6 that time period and whether that changed for air tour?

7 A. I would say there wasn't very much that changed. I think
8 that we began to -- the FSDO began to track complaints more
9 aggressively through time. I think if you were to go back to '95,
10 we weren't tracking those things. But I think if you look to --
11 modern times, I think you're going to find that there's much more
12 aggressive tracking is done on complaints, and what's the nature
13 of the complaint? Is it -- noise or air tour, unsafe flying?

14 And I think that's more prevalent today. I think the unsafe
15 -- the public, unfortunately, has learned that we don't really do
16 -- or the FAA doesn't really do noise complaints. And so they
17 shifted their complaint profile more towards unsafe flying when it
18 was the very same thing.

19 Q. You actually worked under two different officer managers at
20 Honolulu FSDO, KC and then -- and Ms. Chitwood. Was there a
21 difference in their management style?

22 A. Yes. But when you say two, I worked under many managers.
23 But during this time period, from the 2017 period until 2019, it
24 was KC of course and then Chitwood. There was a difference in
25 management style. But then you always see a difference in

1 management style from the manager to manager.

2 Q. All right. Maybe let me rephrase the question. So did KC --
3 was she more involved? Well, did she want to know more of the
4 day-to-day operations and your findings from the briefings you
5 were getting from inspectors out in the field versus Ms. Chitwood?
6 Did she seek out that information from you?

7 A. Yes. I think KC was more aggressive than Ms. Chitwood
8 regarding seeking out opinions of Garrett and I and then, of
9 course, acting frontline managers we had along the way. And then
10 down to the inspectors. I think KC was more amenable to speaking
11 with and listening to inspectors. Ms. Chitwood often had her door
12 closed and was inaccessible.

13 Q. Okay. And we've been looking -- trying to get more
14 information -- or we've been getting information about the Hawaii
15 Air Tour Common Procedures Manual, and it hasn't been revised for
16 a number of years. Do you know anything about a planned revision
17 of that manual and who is working on it?

18 A. Yes. That's a pretty in-depth question, the Air Tour Common
19 Procedures Manual, HATCPM specifically referred to as, has been
20 under review for some period, a year, but with no momentum. Now
21 that manual is, with the industry, being revised, and then we'll
22 get AFS-250 concurrence. It will be taken away from the FSDO and
23 given to the industry to maintain. So there's been a lot of
24 activity there to try and get the HATCPM where it should be.

25 Q. All right. And were there any inspectors in the Honolulu

1 FSDO working on that revision?

2 A. The most aggressive inspectors that were working on that
3 would have been Gino Rezzonico and Dave Ryon.

4 Q. Okay. And so if they're working on a revision, but my
5 understanding is -- we were told nobody in the FSDO was working on
6 it anymore. Do you know why they're not working on that anymore?

7 A. Because it was being pushed over to the industry to work on.
8 Gino was the last person working on it, and supposedly a revision
9 was at least ready for some further review, but it never went
10 there, I don't think, to review. But it was really Dave Ryon and
11 Gino were the two most involved. Don Ryon may be -- I mean, Don
12 and Darren maybe a little bit. But mostly Dave Ryon and Gino
13 Rezzonico, and then Don and Darren a little bit periphery.

14 But yeah, it was being pushed out to the industry. And when
15 it was being pushed out to the industry, the FAA FSDO wasn't
16 aggressively pursuing the revision.

17 Q. Okay. And do you know why it was pushed over to industry?

18 A. Not specifically.

19 Q. Okay. And kind of can you give an estimate of when it was
20 pushed over to industry, what year approximately?

21 A. Oh, boy. I want to say around sometime in 2018.

22 MR. GALLO: Okay. I'm going to take a break and think of
23 some more questions. And I'm going to pass it over to Mr. Bill
24 Bramble. Thank you.

25 MR. WHALEY: Yes.

1 MR. BRAMBLE: All right. I'm here. Hi, Mr. Whaley. This is
2 Bill Bramble from (audio drop).

3 BY MR. BRAMBLE:

4 Q. So when in 2019 did you leave the Honolulu FSDO?

5 A. October 4, 2019.

6 Q. Do you recall hearing anything about Joseph Monfort having
7 request for travel to Kauai to oversee Safari and other tour
8 operators denied in -- July or September of 2019?

9 A. Not specifically.

10 Q. Do you recall something generally?

11 A. Travel had been denied to Joe I think more than other
12 inspectors. He would put in for travel, and it would get denied.
13 But you have to keep in mind that travel to the outer island was
14 not an expensive matter, and we had a G Car based on Kauai. I
15 don't recall when we gave it up. We did give it up -- I believe
16 that was 2019. But so that didn't cost any money. There was no
17 overnight money. Joe liked to come home. He didn't want to spend
18 the night, so he would come home.

19 Q. Why was his travel denied more than others?

20 A. I couldn't answer that question. I don't know.

21 Q. Okay. Based on your long history as an inspector in Hawaii
22 working with air tour operators, what do you think would be the
23 most effective strategy for reducing the risk of weather-related
24 air tour accidents in the state?

25 A. Well, again, I think it goes back to FSDO presence, inspector

1 presence in the air operators. And I think the advent of being
2 able to install weather cams would be a real good plan, but that
3 never came to fruition. At least it hasn't as of now that I know
4 of. I think mere presence means an awful lot, having somebody
5 there just doing -- even if it's routine surveillance, and even if
6 there are no findings, just the operator knowing the FAA is going
7 to be there, and the FAA being there, is a very positive deterrent
8 to noncompliance.

9 MR. BRAMBLE: All right. Thanks very much. I hope you feel
10 better.

11 MR. WHALEY: Thank you.

12 MR. BRAMBLE: And I'm going to turn it over to Brice Banning.

13 MR. BANNING: Hi, Curtis. I sure appreciate you taking the
14 time to visit with us. Do you need a break, or are you all right
15 for a few more minutes?

16 MR. WHALEY: I'm okay.

17 MR. BANNING: Okay. I think I just have a couple questions
18 here.

19 BY MR. BANNING:

20 Q. I wanted to ask you a little bit more about the travel policy
21 after SAS. And my question is, was that policy where travel
22 needed to be justified, is that inherent in SAS or was it more of
23 an office policy?

24 A. Very good question. And the travel policy never changed.
25 However, SAS caused us to have to take a look at justification

1 more than we had to do during NPG. Because, like I said, NPG was
2 -- if you've got an R Item to go do a ramp check, you've got to go
3 do that ramp check. You look back at ramps over the last 8 years
4 for an air operator or 10 years or whatever it might be, 5 years,
5 and you don't see any findings, you're going to have a harder time
6 going and doing a ramp check under SAS than you did under NPG.

7 Q. Okay. Thank you. And then I had another question about the
8 air tour unit or the geographic unit. Did that unit, when they
9 existed, have any CMT management or responsibilities, or was their
10 primary focus just on surveillance?

11 A. Oh, boy. Technically the geographic surveillance unit was
12 not supposed to have specific management responsibilities.
13 However, they were given some specific management responsibilities
14 which I believe goes outside of the guidelines. And so,
15 consequently, they had guys operating as principals when they
16 should have been strictly doing geographic surveillance, follow-up
17 surveillance, accident investigation, that sort of thing.

18 MR. BANNING: Okay. I sure appreciate it. Those are the
19 only two questions I have right now. And, once again, I sure
20 appreciate you taking the time. I'll turn it over to Patrick.
21 Thank you.

22 MR. WHALEY: Yes.

23 MR. LUSCH: Hi, Curtis. My name is Patrick Lusch. I'm an
24 accident investigator with AVP-100, and I was the FAA IIC for this
25 accident. Wanted to thank you for joining us today and working

1 with us on this investigation. I just have a couple of questions
2 to follow on regarding surveillance, oversight, and travel.

3 BY MR. LUSCH:

4 Q. In your time at the FSDO there, could you roughly estimate a
5 percentage of your travel to the operators that you visited?
6 Doesn't have to necessarily be Safari, but collectively as a
7 whole, what percentage of travel would you characterize you got to
8 those operators by jump seats versus a paid ticket on an air
9 carrier?

10 A. Good question. I would only be able to talk about travel to
11 operations underneath the NPG side or until I was a frontline
12 manager. As a frontline manager, I only went a couple of times
13 out, and the times that I did go out were on paid tickets.
14 Whereas, under NPG, everything was done pretty much jump seat
15 unless there was a gaggle of us going -- a bunch of people going.
16 So travel for me was pretty much done by jump seat.

17 Obviously, there was a lot of overnight and day trips, so
18 there was money spent there. I can't give you a percentage. I
19 wouldn't know how to go back and do percentage now. I'd have to
20 have access to the data that I had collected over time and be able
21 to crunch numbers to be able to give you a positive response.

22 Q. That's okay. I'll ask -- maybe I'll just ask a similar
23 question, slightly different wording. Would you say it would be
24 normal for an inspector who has oversight of an operator on a
25 different island to request day travel -- not an overnight but

1 just an out and back -- on a jump seat on an air carrier to go to
2 their operator's island, you know, work on some oversight
3 surveillance for the day, and then jump seat back? Would that be
4 a normal characterization, or would that not be the normal
5 procedure?

6 A. Very good question. And it would not be the normal procedure
7 today based upon division manager's guidance. Whereas, before, it
8 was very common to do day trips. And many times you wouldn't even
9 have to get approval of an itinerary because there's no money
10 spent. So you would just go to the supervisor and say, hey, I
11 need go to the Big Island and do a check ride. Okay, see you
12 tomorrow. And they would go do that.

13 Whereas, now the division manager has said that, unless you
14 have a work function in the cockpit, meaning you need to be in
15 that cockpit to observe the pilot giving a check to another pilot
16 or something along those lines, there's really no work function,
17 as it were, for one of the FSDO staff to be doing work in a CMO
18 type environment where you're looking at United or even Hawaiian
19 or Delta. There's no reason for us to be up there.

20 So, today, even including Hawaiian Airlines, Inner Island,
21 and -- the guys don't like to do that. They don't want to justify
22 having to buy a ticket to go to Maui, let's say, to do a facility
23 inspection. It's a lot of work just to do that travel to set up
24 the flights and everything. And that's the division manager
25 dictating that.

1 Q. Why do you believe that change was enacted? Is that a change
2 that you think is FAA-wide or strictly in your area out there?

3 A. Oh, boy.

4 Q. In other words, was that a decision, was that a decision made
5 on a division manager level, or was that an agency-wide policy
6 change?

7 A. I think it's the division -- divisional manager level, and I
8 think that there are people across the nation -- I don't know
9 today, but I know that when I left, I think that it's a mix of the
10 division managers. They would meet routinely, or at least by
11 telecon or by video, and I think that it's a mixed bag of who
12 perceives that -- how we need to put together travel and why we
13 need to go, and are we going to pay for tickets? Are we going to
14 be able to ride the jump seat?

15 And it was quite a shock to our office, certainly, and I know
16 other offices within the region, where we had to buy tickets.
17 That was a big deal. Because, again, it's a lot of work. Just to
18 buy a ticket to go Inner Island is -- oh, by the time you get
19 ready to go, and by the time you get back and finish everything
20 up, you're probably talking four hours at least just for the
21 travel.

22 MR. LUSCH: I appreciate the answers to the questions. I
23 don't have any further questions for you, sir. Thank you so much.

24 MR. WHALEY: Thank you. Hi to Eric for me.

25 MR. GALLO: Hi, Mr. Whaley. It's Mitchell Gallo again. I

1 have several more questions.

2 BY MR. GALLO:

3 Q. Regarding the revision to the Hawaii Air Tour Common
4 Procedures Manual, were you involved in any discussions, planning,
5 meetings, or discussions about the -- about that manual's revision
6 with industry groups after it was transferred over to the industry
7 groups?

8 A. Very little involvement. I was briefed on what was going on
9 but not in specific detail. That was more kept to Tiffany
10 Chitwood. She did not share with us the -- even though she had a
11 revision, she did not share with us what that was, what it looked
12 like. It was more just, you know, this is what's going on, and
13 this is what we can anticipate, but that was it. Nothing in
14 detail.

15 Q. Did she ever discuss with you an anticipated target date for
16 its completion?

17 A. Well, that tended to be a rolling date. We never had a
18 specific date, no. And it tended to be a rolling, oh, yeah, we
19 should have something out in the next couple of months. But that
20 wouldn't happen. And then, oh, we should have something out in
21 the next six months. And that wouldn't happen. So it just kept
22 rolling. It never -- there was never a hard and fast time as to
23 when it was supposed to be done.

24 Q. Can you talk about if FSDO was hosting safety seminars,
25 safety outreach, safety presentations to the air tour operators?

1 Was that going on at all when you were there?

2 A. If you go back to NPG days, there was a former frontline
3 manager who has now retired, Charles Chico Cantu, and we called
4 him Chico. And Chico used to take meetings on the road, and he
5 would go to the outer island, and that would satisfy the ops spec
6 for air tour. Since Chico left, because it wasn't the requirement
7 of the FAA to do so, it was a industry requirement to have those
8 meetings, I noticed a sharp decline, if not a total decline
9 initially, for the air operators to have those meetings. They
10 just weren't having them.

11 Then they started having them. Some operators would have
12 them. Some wouldn't. And it was hit and miss as to whether
13 safety meetings were occurring. But that wasn't the FSDO
14 function. It was a air operator function driven by ops spec.

15 Q. Okay. And you said there was a sharp decline. Can you
16 estimate when that sharp decline occurred?

17 A. After Chico left the office.

18 Q. And what year was -- approximately what year was that?

19 A. 2015 or 2016.

20 Q. Okay. Going to yourself, I think you retired in October
21 2019. When did you plan for that retirement?

22 A. I had been talking about it for awhile. And originally I
23 wanted to extend the retirement out until March of 2020. However,
24 extenuating circumstances occurred, and 2019 was a good time to
25 go. And I did. I had full retirement, so that's when I went out.

1 But I had been talking about it for awhile but not making any
2 actions to see that, that happened.

3 Q. Do you care to discuss the extenuating circumstances that
4 prompted you to retire a little bit earlier?

5 MR. TOMICICH: I think now we're getting into privacy areas
6 and, you know, whether -- let me just say there are privacy
7 issues, and I'm going to tell Curtis, obviously, they're his
8 privacy issues, and he's not compelled to answer those. So I just
9 want to let Curtis know it's up to him whether or not he wants to
10 discuss those.

11 MR. GALLO: Okay.

12 BY MR. GALLO:

13 Q. Do you want to discuss -- it's your choice. Do you want to
14 discuss it or not? It's your choice.

15 A. No. No, I don't really want to get into it. But it was --
16 it has to do with family, and --

17 Q. Okay.

18 A. -- that's the crux of the matter. It was family-related.

19 Q. Okay. That's fair enough.

20 A. So, yeah. Yeah, no, I don't want to get into the specifics.

21 Q. Okay. And then do you know who Ms. Chitwood's supervisor was
22 when you were there?

23 A. Angelina Mack.

24 Q. And how often would she come to visit the FSDO in Honolulu?

25 A. I want to say she was in there once a quarter or so.

1 Q. Okay. While you were there, we talked about industry groups.
2 How much dealing did you have with HAA or HAI representatives?

3 A. Little to none. My last real dealings with HAI were back
4 when Jim Baila (ph.) was the administrator for Flight Standards,
5 and that was quite awhile back. That was back in '07.

6 So after '07, my dealings with HAI and that group -- that
7 bunch of people was very limited. Very, very limited. I only
8 would read about it. I talked to occasional people who went to
9 the meetings, but my involvement was zero.

10 MR. GALLO: Okay. That's all the questions I have. I'll
11 turn it over again to Mr. Bill Bramble.

12 MR. BRAMBLE: I have nothing, nothing further. Thanks a
13 lot.

14 MR. GALLO: Brice, do you have any questions?

15 MR. BANNING: No. No further questions. Thank you so much
16 for your time.

17 MR. GALLO: And, Patrick, do you have any more questions?

18 MR. LUSCH: No. I'm all set. Thank you.

19 MR. GALLO: All right, Mr. Whaley, appreciate your time, and
20 thank you again.

21 And we're going off the record.

22 (Whereupon, the interview was concluded.)
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24
25

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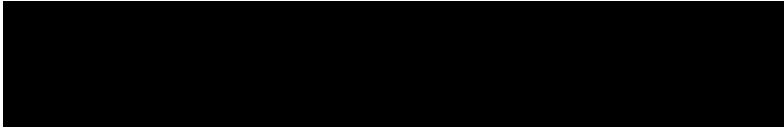
IN THE MATTER OF: AIRBUS AS350 B2 HELICOPTER
 CRASH NEAR LIHUE, HAWAII
 DECEMBER 26, 2019
 Interview of Curtis Whaley

ACCIDENT NO.: ANC20MA010

PLACE: Via telephone

DATE: May 15, 2020

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

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of: *

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AIRBUS AS350 B2 HELICOPTER *

CRASH NEAR LIHUE, HAWAII * Accident No.: ANC20MA010

DECEMBER 26, 2019 *

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Interview of: LAWRENCE YADAO

Witness

APPEARANCES:

MITCHELL GALLO, Senior Air Safety Investigator
National Transportation Safety Board

PATRICK LUSCH, Air Safety Investigator
Federal Aviation Administration

PRESTON MYERS, President/Director of Operations
Safari Helicopters

MANNY FIGLIA, Director of Aviation Safety
Airbus Helicopters

I N D E X

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Interview of Lawrence Yadao:

By Mr. Gallo

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I N T E R V I E W

1
2 MR. GALLO: So I have permission to record the conversation
3 then. Is that correct?

4 MR. YADAO: Yeah, that's correct.

INTERVIEW OF LAWRENCE YADAO

6 BY MR. GALLO:

7 Q. Okay. I understand you witnessed a helicopter accident of
8 some sort. So the reason we're calling you is to get your story.

9 A. Yes.

10 Q. All right. Can you describe what happened?

11 A. Well, I went to (indiscernible), and I went to see about
12 somebody for my son-in-law's (indiscernible), and like I said, I
13 went down. It was a nice day. I went down, walked down with
14 shorts and my backpack. And I was in the parking lot about like
15 4, a little after 4. It seemed like weather was getting bad and I
16 saw tourists walking out of the (indiscernible). They were
17 soaking wet and stuff like that, but I continued down to -- I need
18 (indiscernible). It was getting foggy and the weather was real
19 bad. All of a sudden, this chopper just came up like beside of
20 me, I don't know, it was just hovering. I couldn't see nothing.
21 I was trying to look where it was. I mean, he just was hovering
22 above me. I couldn't see anything. Everything was fine just, you
23 know what I mean, just so I was looking up and he just going to
24 pull out then. It sounded like he just turned and I just heard
25 like a unusual sound. I mean, it just wasn't right.

1 I was sad to hear about this. And I ran back out on the
2 ridge and tried to look for anything but it was still raining and
3 foggy, I couldn't see (indiscernible) getting dark already.

4 Q. And --

5 A. And that was it.

6 Q. Do you remember what time this was at?

7 A. Well, I left my truck at 3:40, got down here like a little
8 after 4, (indiscernible) but I just watch my time because when I
9 walk out of the forest, but I got lights and stuff, but -- so I
10 thinking right about 4:06 or (indiscernible) and I continued down.
11 This must have been like maybe a quarter to or 10 to 5, around
12 that time frame.

13 Q. So about 3:45 or 3:50?

14 A. No, I left my truck and I walked down from 3:30, I walked
15 down to the trail. 4 o'clock (indiscernible) on the path, but I
16 continued walking out. When I heard the chopper, it was like
17 about 4:45 or 10 to 5, around that time frame, almost 5 o'clock.

18 Q. Okay. So about 4:45 or 4:50 then.

19 A. Yeah, around that time frame I stood there (indiscernible).

20 Q. And can you describe your location? What was your location?

21 A. My location was Mauna Loa (ph.) Trail. I see mile marker,
22 like mile marker -- between mile marker 1½ or three-quarters.

23 It's when you just come out of the forest. I was like maybe on
24 the mile marker, but I (indiscernible) just coming out when the
25 (indiscernible) exposed right here as you come down. It's

1 (indiscernible) ocean, though. It's just when you come down
2 (indiscernible).

3 Q. And then going back, you mentioned the helicopter was above
4 you?

5 A. It was on the side of me, but sound pretty damn close. I
6 mean I could just hear him hovering. I mean, (indiscernible)
7 chopper on the side of me, but I tried to look and I couldn't. It
8 was so rainy and foggy. I had my rain jacket with my hood on, and
9 I was holding my (indiscernible). I was like, well, you know,
10 maybe he's just waiting for the fog to clear up or something. So
11 I continued just pulling (indiscernible) and then all of a sudden,
12 just like I heard he's turning then, and hovering (making noise).
13 And holy cow, look out. You know, I was like -- I knew something
14 was wrong. I (indiscernible) to read about this.

15 Q. And --

16 A. Like I say, I ran back up but I couldn't see nothing. I was
17 trying to go in the opening but the fog was so dense and cloudy.

18 Q. Okay. And did you see the helicopter at all?

19 A. No, I couldn't see. I tried to look for it, didn't see
20 nothing of the helicopter.

21 Q. How far can you see in front of you?

22 A. Maybe 20 feet.

23 Q. Okay.

24 A. That's how bad was it, the fog just rolled in.

25 Q. How fast did the fog roll in? How many minutes did it take?

1 A. It was already foggy when I was there. Like I say, it was
2 foggy and raining. I just heard this helicopter up here, and it
3 was already rainy and foggy already.

4 Q. Did you see any lights from the direction where the noise was
5 coming from?

6 A. None. I didn't see none whatsoever. I tried to look where
7 the chopper was. I didn't see none whatsoever.

8 Q. And how long do you think the helicopter sound -- how long
9 was that sound hovering?

10 A. You know, I'm not exactly but I would say 40 to 50 seconds;
11 under a minute. Because (indiscernible) and I could have sworn I
12 just heart the chopper disappear and within that timeframe. I
13 swear under a minute, and everything just happened right like
14 that.

15 Q. So when you were hiking or going up the trail, it was quiet
16 and then you heard the hover?

17 A. Yeah, I was right there. I was (indiscernible), I was on the
18 trail. I was pulling (indiscernible). You know what is, we use
19 that for -- Hawaiian use it for leis, for traditional lei. I was
20 pulling (indiscernible) on the vines and I was -- I was just right
21 there on the trail just picking, pulling some (indiscernible), and
22 it just happened quick like that. Heard the chopper
23 (indiscernible) and just like (making noise).

24 Q. So it --

25 A. I didn't see anything.

1 Q. But you didn't hear it coming towards you for --

2 A. No, I didn't. You're right. I didn't. I didn't hear it
3 coming towards me. I just hear it one time, just next to me.
4 That was it and then everything happened.

5 MR. GALLO: Okay. Does anybody else have any questions?

6 (No audible response.)

7 BY MR. GALLO:

8 Q. Oh, Mr. Yadao, what was the wind like?

9 A. Not too much because we had bad weather a couple of days
10 before. So Christmas day was pretty bad. I could see like all
11 the debris, you know, debris just come (indiscernible). But wind
12 wasn't that bad (indiscernible). But wasn't anything critical on
13 that far side. Further up toward the park, it like took me an
14 hour until I got back to my truck, but (indiscernible) uphill and
15 (indiscernible), but downhill wasn't, just a mild wind.

16 Q. Okay. Were you able to see the sun when you heard this
17 helicopter noise?

18 A. I told you I couldn't see nothing. It was raining and
19 storming and foggy (indiscernible). I went down (indiscernible)
20 too much time and I didn't even see no sun at all. There was no
21 sun at all.

22 Q. Okay. Well, that's all the questions I have. I appreciate
23 your time.

24 A. Sure.

25 Q. If anything -- if you remember anything, give me a call.

1 A. I try to give you the best information I can give you guys
2 and the fire department. I mean I felt so bad. Like I say, I
3 (indiscernible) and there was a few times in my years that I've
4 been there, I seen helicopters, not for this company, but I've
5 seen helicopters when the fog roll in, they like hover a while,
6 and then when it clear out, they'll kind of like take off and be
7 on their way, kind of stuff, you know. So I just, just wanted to
8 (indiscernible).

9 Q. So have you heard helicopters hover before because of bad
10 weather?

11 A. Not as bad as that day, but I heard helicopters right before,
12 hovering above me and my friend, years ago, when the fog roll in
13 and the sound like I guess (indiscernible) clear off and they
14 couldn't stay on their route when it clears, I seen that happen
15 before.

16 Q. Okay. Well, thank you, Mr. Yadao.

17 A. All right. Sure.

18 Q. Bye.

19 A. All right. So long.

20 (Whereupon, the interview was concluded.)
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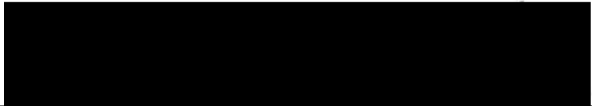
IN THE MATTER OF: AIRBUS AS350 B2 HELICOPTER
 CRASH NEAR LIHUE, HAWAII
 DECEMBER 26, 2019
 Interview of Lawrence Yadao

ACCIDENT NO.: ANC20MA010

PLACE:

DATE:

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complete, true and accurate transcript which has been transcribed
to the best of my skill and ability.


Kathryn A. Mirfin
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of: *

*

AIRBUS AS350 B2 HELICOPTER *

CRASH NEAR LIHUE, HAWAII, *

Accident No.: ANC20MA010

ON DECEMBER 26, 2019 *

*

* * * * *

Interview of: LAWRENCE YADDOW

Witness

Via telephone

Monday,

February 23, 2020

APPEARANCES:

MITCHELL GALLO, Senior Air Safety Investigator
National Transportation Safety Board

WILLIAM BRAMBLE, Senior Human Performance Investigator
National Transportation Safety Board

MICHAEL RICHARDS
Pilot

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I N T E R V I E W

1
2 MR. GALLO: All right, this is an interview with Lawrence
3 Yaddow pertaining to accident ANCL0MA020 [sic]. Mr. Yaddow, do I
4 have permission to record this conversation?

5 MR. YADDOW: Yes, you have.

INTERVIEW OF LAWRENCE YADDOW

7 BY MR. GALLO:

8 Q. All right. Basically want to go through weather again. I
9 know you provided some detail, but when you got to the parking
10 lot, can you go through a time and what the clouds were like, the
11 winds, and the visibility?

12 A. I was in the parking lot about 3:40 in the afternoon the day
13 after Christmas. Overcast, not raining. As I went down, we
14 charged (indiscernible). But I always do carry my flashlight and
15 my Marine jacket, but -- knowing that I won't be coming out late
16 on my hike.

17 And I got down on the bottom picking my maile for what I need
18 it for. It's getting a little bit more cloudy and started to
19 rain. That was about 4:00 -- a little after 4:00. Just doing my
20 TNP (ph.) and all my maile. Then it started to rain, so I put on
21 my rain jacket. And it started to get foggy.

22 Between a little after 4:00 and maybe quarter to 5:00 or so,
23 it started to pour real bad, and the fog just came rolling in.
24 That's when -- I had my hood on, and it was pouring rain, but I
25 was just -- we have this maile stuff on vine, this hula stuff, in

1 Hawaii. I don't know, you've probably seen the hula dancers use
2 that on luaus and stuff.

3 Q. Yes.

4 A. But I had my head down, pulling the branch on the side of the
5 ground, and then I heard -- I noticed I heard a helicopter
6 hovering on the side of me. I don't even know where he came from,
7 because it started to rain so hard, I guess it was -- the rain
8 pooling on the hood of my rain jacket was -- but I had noticed
9 that he hovered me about, what I say, what, 40 seconds, 50
10 seconds. Then I heard him.

11 So I turned and heard a weird noise. But I ran back out
12 trying to see if I could see anything, but it was so foggy
13 already, I couldn't see anything. And that was about it until I
14 got home, and I told my wife about it.

15 Q. All right. And when you said the fog rolled in, was there a
16 wind, or did the fog just appear all over?

17 A. The fog just rolled in. Sometimes it happens when the fog
18 just roll in, but I guess with the rain, it came real heavy. I
19 mean, my vision wasn't that far. I mean, I was part like under
20 the trees, and it was -- like I said, the sound was 6:30 or so,
21 but like at the time, maybe by 5:00 -- it was almost 5:00, it was
22 pretty dark in there, and cloudy, and foggy, just rolled right in.

23 Q. All right. And how fast did it roll in? How much time went
24 by when it rolled -- was it 1 minute, 30 seconds?

25 A. Well, I cannot say exactly, because I was picking maile and I

1 had my hood on, so I'm not looking up in the sky and paying
2 attention to air. I'm just looking at the ground and pulling my
3 maile off of the vines.

4 Q. All right.

5 A. I mean it was already dark. I think like maybe -- like
6 originally, it was a little after 4:00. That's when I put on my
7 rain jacket, because the rain started to come in, and then I had
8 my hood on. So it was after 4:00 that it started to come in
9 already, the fog and the rain. But like I said, he was hovering
10 above me, maybe a quarter to 5:00. But I was further up picking
11 maile up before I came down, and he was hovering above me. Yeah,
12 it was quarter to 5:00 or so.

13 MR. GALLO: Okay. That's all the questions I have. Mike
14 Richards, do you have any questions?

15 MR. RICHARDS: I do.

16 BY MR. RICHARDS:

17 Q. Thank you for taking your time -- this time with us. Just --
18 do you go down this trail often?

19 A. Every year I do a lot of hunting back there, wild boars, me
20 and my grandsons and my hunting partner.

21 Q. Okay. So I guess my questions are more, if you compare the
22 day that we're talking about with other times that you have been
23 down on that trail, have you ever seen it as foggy as you did that
24 day?

25 A. You know, it happened to us a couple times where it wasn't

1 raining, but in the afternoon, does come foggy. And it happened
2 to me and my hunting partner once on the opposite side of the
3 bridge where the incident happened. There was a fog rolling, it
4 wasn't raining, but we hearing the helicopter hovering above us.
5 This was like couple years ago. And we knew he was stuck in the
6 fog. And then when the fog rolled over, the chopper was in vision
7 with us, and then we actually could see them, and they could see
8 us. And it just turned and flew away. That happened before; I
9 seen it happen. But that time it wasn't even raining though, just
10 was fog.

11 Q. Okay. But you've seen -- have you seen -- you've seen fog
12 that depth there before?

13 A. Oh, yeah. I mean, there were times when me and my friend --
14 because there's a main hiking trail in there. A lot of tours hike
15 in it. But we have hunting trails in between the valleys and the
16 ridges, and there were times we coming down late at night, we'd
17 have to use our GPS, because I guess with nighttime and the ground
18 fog, it's hard to get out of the forest until we can keep the main
19 trail, with our flashlights. But that is nighttime when we're
20 coming down, late in the night.

21 Q. Okay. Hey, and just one more question. And maybe you don't
22 know. You said you were in shorts. Do you recall it being any
23 warmer or cooler than it normally is on that day, or would you say
24 the temperature was just normal?

25 A. Just -- no, it was overcast, wasn't a clear sunny day. Was

1 overcast, but knowing I would walk only on the main trail --
2 because actually, from where my truck, when I get done, it'll
3 take -- to get -- over a half an hour or so walking. But I know
4 I'm going to be on the main trail. That's why I use shorts, so
5 it's easier to walk, because I'm not walking in the forest and
6 picking maile.

7 I seen maile a week before, so I just went straight down
8 there, because it's hard to get the vine nowadays. We use it for
9 a lot of occasions here in Hawaii. That's why I went down with
10 shorts, and it's easier to walk than walking down with on pants.
11 But I actually use pants because they are soaking -- I always
12 bring extra clothes in my truck though. I got soaking wet.

13 MR. RICHARDS: Okay. I think that's all I have. Bill or
14 Mitch?

15 MR. BRAMBLE: Yeah. Hi, Mr. Yaddow. Yes. Bill Bramble.
16 I'm a human performance investigator in Washington, and I
17 appreciate you taking the time to talk with us today.

18 MR. YADDOW: Um-hmm.

19 BY MR. BRAMBLE:

20 Q. So you -- I just wanted to confirm which trail you were on.
21 Were you on the Nu'alolo Trail?

22 A. Yes, sir, Nu'alolo Trail. And this happened about the 2-mile
23 marker.

24 Q. Okay, at the 2-mile marker.

25 A. It happened right before the marker.

1 Q. Okay. And you started down that trail, like you said in your
2 last interview, about 4 o'clock in the afternoon; is that right?

3 A. No, I left my truck about 3:40, got down there after 4:00.
4 Well, when I started picking up maile it was after 4:00, but I
5 walking the trail and the maile is like on the side of the trail
6 on the vine, so I was working my way down to where -- I gave Mitch
7 the coordinates of where I was standing when I heard the chopper.

8 MR. YADDOW: Right, Mitch? You got the coordinates, right?

9 MR. GALLO: Yes, thank you.

10 BY MR. BRAMBLE:

11 Q. Uh-huh. Okay. So it took you about 45 minutes from the head
12 of the trail to get down to where the -- you heard the chopper?

13 A. Yeah. So I left, I left the scene when leaving my truck and
14 giving my time -- myself enough time to come back out. So I left
15 the truck about 3:40, got down there a little after 4:00, but I
16 started picking my maile. And then I worked my way down, just
17 pulling maile off the vine. Then it was about quarter to 5:00
18 when I was standing where I heard the chopper hovering above me.
19 So I was really just working my way down slowly, just pulling
20 maile and putting it in my bag.

21 Q. Okay. What time was it when you got to the head of the trail
22 on the road?

23 A. When I started walking?

24 Q. No, you left your truck about 3:40, and then did you have to
25 walk a ways down the road to get to the trail, or was the trail

1 right there?

2 A. Right there, it's the head of the trail. There's a parking
3 lot. I left my truck at 3:40 --

4 Q. Oh, okay.

5 A. -- just ahead of the parking lot.

6 Q. I see. So you started down the trail at 3:40?

7 A. Yeah, I left my truck at 3:4. That's the head of the trail
8 in the parking lot.

9 Q. I see. Okay. And so it would've about 20 minutes after you
10 started down the trail, at about 4:00, is when you put your
11 raincoat on because it started raining?

12 A. Yeah, it was a little after 4:00. I put my raincoat on, and
13 it started raining and getting a little foggy.

14 Q. Okay.

15 A. And like I say --

16 Q. May I ask --

17 A. -- as I was -- what's that?

18 Q. And when did it start raining heavily, do you think?

19 A. Like I said, it's a little after 4:00 it started raining, so
20 I pulled out my rain jacket then. And like not so long after
21 that, I slip on my rain jacket, and it started getting heavier and
22 heavier. But I kept on pulling my maile, because coming back up
23 is a little longer to walk because coming back up, it's all
24 uphill. Going down, it's all downhill, so it's faster to
25 (indiscernible).

1 So like I say, after 4:00 to -- it started getting heavier
2 and heavier, until it was bad. When I was -- the chopper was on
3 the side of me like 4:45 or so.

4 Q. Okay. So did it seem like the rain kind of steadily grew
5 heavier and heavier, or did it all of the sudden start raining
6 really hard?

7 A. It started raining slowly, but became heavier and then the
8 fog just -- over there, the fog can just roll in at any time. I
9 hike out there a lot, and it could be open clear and -- but like I
10 say, it's always raining and (indiscernible). Even Mitch asked me
11 once if I could see the lights from the chopper. I couldn't even
12 see the lights from the chopper; I only could hear the chopper
13 hovering on the side of me.

14 Q. Uh-huh. When did you -- when did the fog get so heavy that
15 you could only see 20 feet in front of you?

16 A. It's hard for me to answer the question, because I do a lot
17 of hiking, and I'm not paying attention to the fog; I'm paying
18 attention to what I'm doing. So I --

19 Q. Yeah.

20 A. -- I hope you can understand, because it's like --

21 Q. Yeah.

22 A. -- I never knew the chopper was going hover above me at that
23 time, so I'm not paying that much attention. I mean, I'm not
24 paying attention of the weather too much, but it came real -- it
25 came all of the sudden.

1 Q. The rain or the fog?

2 A. The fog. But it was raining already; it came heavy, but the
3 fog rolled in too.

4 Q. Okay. So when the fog rolled in, did it get foggy quickly,
5 or was it gradual?

6 A. Quickly.

7 Q. All right.

8 A. Like I say, as I told you guys earlier, over there can be
9 clear as -- sometimes, can be clear without even raining, and
10 it'll just get foggy all of the sudden. I've seen it happen
11 before.

12 Q. Yeah. And when it got foggy quickly, did that happen right
13 before you heard the helicopter?

14 A. Actually, yeah. Then I noticed helicopter hovering above me,
15 I heard them there on the side. And I was like put my hood down,
16 and like, wow, what's going on? And I tried to look up in the
17 air, and I couldn't see nothing. I only could hear it. But it
18 wasn't a bright and sunny day to begin with; it just was overcast.

19 Q. Yeah, I guess what I -- one of the things that's critical for
20 us, Mr. Yaddow, is trying to find out whether or not it got foggy
21 quickly or whether or not the fog kind of gradually increased.

22 And so --

23 A. Like I said, I --

24 Q. -- that's --

25 A. Yeah, I understand what you're trying to say, but I cannot --

1 like I told you guys, for me, I wasn't paying attention too much
2 of when the fog had rolled in or when was -- because it was
3 raining, and it came darker, and then all of the sudden, it became
4 real foggy.

5 Q. Okay. So all of the sudden, it became really foggy, or
6 you're not sure whether it happened quickly, or you didn't notice?

7 A. Well, it was little foggy but came really bad after that.

8 Q. Okay. After what?

9 A. When I was putting on my rain jacket, and then picking maile,
10 I'm working my way down to where the incident happen.

11 Q. Okay.

12 A. It's not like I was looking in the sky and seeing where it
13 was clear and where it wasn't, you know? Like I say, I don't
14 really pay attention to the weather, because I do a lot of hiking
15 back there. Only when I noticed -- I heard the helicopter beside
16 me that I was like, wow, trying to look up. And then I couldn't
17 see nothing. That was really foggy at that time. Other than
18 that --

19 Q. Okay, so --

20 A. -- I'm not paying attention too much of how foggy it was. It
21 was kind of foggy, but

22 Q. Okay. You're not exactly sure how long it had been that
23 foggy when you heard the helicopter?

24 A. It was already foggy, but I'm not paying attention when it
25 became real thick in the sky.

1 Q. Yeah.

2 A. And you know, I'm paying attention to what I'm doing.

3 Q. Yeah, okay. When you said you heard the chopper on the side
4 of you, did it seem like it was directly to your side, or did it
5 seem like it was above or below you?

6 A. From where I give Mitch the coordinates on the main trail, I
7 was standing right on the main trail to where the site that he
8 crashed on that bridge, he was like in between me and -- in
9 between on the side. Not above, would be like on the side. So
10 he's kind of like in between the ridge and the main trail above
11 me -- actually on the side of me.

12 Q. Okay.

13 A. But as I look up, I couldn't see anything.

14 Q. Okay. But were you looking up or were you looking to the
15 side?

16 A. I was looking sideways.

17 Q. Okay. And you were looking --

18 A. I mean, not directly on the side of me. He was like above
19 me, but not directly on the side of me, but between me and where
20 he crashed.

21 Q. Okay. So above you but off to the side?

22 A. Yeah, above me but off to the -- not directly above me, off
23 to the side.

24 Q. Okay. And do you know what direction that was from where you
25 were standing that you heard it?

1 A. Well, Mitch, you got the coordinates to -- that's the main
2 trail I was standing on from there. Then I actually drew on the
3 GPS the coordinates that pinpoint between me and where he crashed
4 on the ridge. It was 570 yards or something. So he was like --

5 Q. Okay. Do you know where -- do you know where crash site is
6 located?

7 A. What's that? Mitch got the coordinates. Yeah, I hike the
8 trail like a lot.

9 Q. Okay. And you know where the crash site is located. Is that
10 south -- when you were standing on the trail that day, did it
11 sound like the helicopter was hovering in the area where the crash
12 occurred -- where you now know where the crash occurred?

13 A. I was right there when I heard something weird. He was
14 hovering when he made the turn -- I guess he turned, and I heard a
15 weird noise. And I ran back out to look up again, and I couldn't
16 see nothing, so I wasn't going all the way back out and look for
17 anything. It was getting late already.

18 Q. Yeah. Did you hear him -- how do you know he turned?

19 A. I heard this different noise, like it was like, (demonstrates
20 loud squealing noise), turning, you know? Because over there, you
21 get -- it's like a flight pattern for all the helicopter tours
22 that come through there. We can hear when they make the turn,
23 then they pass you. I mean --

24 Q. Yeah, so I know you can kind of tell with your ears sometimes
25 when a sound moves across the sky.

1 A. Yeah.

2 Q. Is that how you could tell he turned?

3 A. Yeah, just -- yeah.

4 Q. Okay.

5 A. Well, it's my opinion. I'm not no expert on sounds of
6 helicopter, but you can tell when somebody turn.

7 Q. And did it seem like he was moving in space, like from left
8 to right or something when you heard that, or did it seem like he
9 was still in one place?

10 A. Like I say, it was raining so hard. All I heard is just the
11 turning. I guess when he hit, it was kind of strange to me, was
12 something never sound right, because I couldn't see anything.

13 Q. Um-hmm. What made you think he was hovering?

14 A. I could hear him on the side of me hovering. He sat there
15 for like 30 to 40 seconds on the side of me hovering. I told you
16 before, (indiscernible) tours before when I'm hunting up there.

17 Q. And did it seem like -- so it seemed like he was in one
18 place, as far as where the sound was coming from; is that right?

19 A. At that point, when I noticed he was on the side of me
20 hovering, he was only in that position. And my thought was,
21 wow -- when that happened and he was hovering above me, my thought
22 was, wow, this guy is stuck in the fog.

23 Because I told you, this happened before. It wasn't raining,
24 like I said, and I'm with my hunting dogs. And when the fog came,
25 the tourists would see us in the helicopter, we would see them. I

1 would show my (indiscernible) sign, like I said before. But he
2 was hovering right above -- on the side of me. I've seen this
3 happen before with no incident.

4 Q. Did -- this time, did it sound like he was closer than the
5 other helicopter?

6 A. I cannot tell you how close he was because it was foggy. I
7 mean yeah, he was -- that chopper was loud. I could hear -- I
8 mean like, (demonstrates loud noise), like I said. But I couldn't
9 see anything.

10 Q. Yeah, okay. But it sounded very loud?

11 A. Yeah, it was loud. I rode choppers before; I rode around
12 this island. I use choppers every time we go out there and hunt.
13 But like I say, it's pretty loud between where the site was and
14 where I was standing.

15 Q. Did it sound louder than you -- than most choppers do,
16 because it was maybe lower?

17 A. Yeah. It was louder than usual, because most of the
18 choppers, they don't fly that low. They usually have -- I don't
19 know what is the restriction of flying towards the mountains or
20 how many feet they got to keep away from the ridges and stuff
21 there --

22 Q. Okay.

23 A. -- but he was lower than usual.

24 Q. Okay. And the strange sound that you heard just before it
25 went quiet, it sounded -- did it -- how did it sound compared to a

1 normal helicopter sound?

2 A. It sounded like -- well, the sound was like (demonstrates
3 loud noise). When he made that, (demonstrates squealing noise),
4 like I'd say that never sound -- like that sound disappeared too
5 fast, like maybe when chopper -- he turned. And then
6 (demonstrates loud noise). That (indiscernible). When he -- when
7 I heard him hovering, I don't know if he made his turn, but it
8 sounded weird noise like, (demonstrates squealing noise), and that
9 was it. And that's when I ran back out on the trail, tried to get
10 more in the open, trying to look if I could see it. But it was
11 foggy. I couldn't see nothing.

12 Q. Yeah. Okay. And did that sound like anything you had ever
13 heard before?

14 A. No.

15 Q. Okay. And how hard was it raining at that time?

16 A. Pretty hard; I was soaking wet. I don't know if you ever
17 have -- you probably had a rain jacket on with a hoodie on, and
18 you know when the big drops are hitting your head. It's just like
19 hitting plastic, the raindrops hitting on the rain jacket.

20 Q. Okay. And then you said it was getting kind of dark. How
21 dark would you say it was at that time, when the -- when you heard
22 that noise?

23 A. I mean, I never did use my flashlight at that moment. So it
24 wasn't -- I still could see with my regular vision, and then I
25 need to put on (indiscernible) to get out there and almost reach

1 my truck. It took me almost an hour to get back from the truck,
2 because like I said, going in, it's all downhill; coming back up,
3 it's all uphill, so take you a little time. So as I went back to
4 my truck, I had to use my headlights the last couple hundred
5 yards. But outside I still could see without the flashlight when
6 this all happened, without the flashlight.

7 Q. Okay. Did you hear any thunder or see any lightning?

8 A. No.

9 Q. Did you feel any gusty winds?

10 A. No, just cool air. Nothing windy.

11 Q. And what time did you get back to your car?

12 A. I would say a little after 6:00 or so.

13 Q. Okay.

14 A. I'm not sure exactly.

15 Q. And what was the weather like at that time?

16 A. It was raining all the way back up to my truck and when I
17 left the site. And the bottom of the truck -- it was raining all
18 the way back out.

19 Q. And was it foggy all the way back out?

20 A. It let up a little as I was heading off further up the trail.

21 Q. Okay.

22 A. I would say it's foggy but not as heavy.

23 Q. Okay. How long have you lived on Kauai?

24 A. 60 years.

25 Q. How many?

1 A. Six-zero.

2 Q. Okay. And how -- I know Mike said, had you ever been up in
3 that area? And you said you hunted up there. How long -- like
4 how many times per year would you say you go up in that area?

5 A. What was that? How many times a year?

6 Q. Yeah.

7 A. We have seasons open there -- it starts off in -- before it's
8 open in November and ends in July. That's when I hunt in there,
9 because there's a lot of wild hogs and deers in there, and not too
10 many people want to walk down there because it's kind of like a
11 far walk downhill. And I've been hunting there since I was 15
12 years old.

13 Q. Wow.

14 A. I take my grandkids in there. I see the site where the
15 chopper had landed. My 12-year-old grandson poke his first wild
16 boar when (indiscernible), right there on the ridges of where the
17 chopper crashed. That's my trail, on the upper ridge and come
18 around that ridge where the chopper crashed.

19 Q. Wow.

20 A. And I sat there, right there, and my grandson poked his first
21 boar last year, 12 years old.

22 Q. That's really interesting. So how many times a year would
23 you say that you go down that Nu'alolo Trail?

24 A. Well, like I say, it's the main hiking trail for the
25 tourists, but I don't hunt in the same area. Sometimes, I hunt on

1 the left side. We have this place they call Grass Valley.
2 There's valleys of grass, and there's avocado trees with a place
3 to eat avocados. There's strawberry, guavas. Sometimes we hunt
4 the (indiscernible). We don't hunt -- there's a lot of places you
5 can hunt back there, but Nu'alolo Trail, that's the main trail.

6 Q. I'm just wondering for that sort of area there, between
7 Waimea and the Na Pali Coast there, I'm just wondering how often
8 you're out there hiking.

9 A. Before, I used to go every weekend, when I was -- I wasn't
10 working on weekends. But now, I work on weekends, my days off are
11 Tuesdays and Wednesdays. So now, I don't hunt as much as I want
12 to. But I used to go like in my younger days, we used to go every
13 weekend up there. Not so much in there, I mean all depends what
14 kind of food the pigs get to eat, what -- we have seasons of
15 avocados and guavas. I don't know if you hunt, but you want to
16 follow the game where they're nice and fat, not skinny and slim,
17 you know? I hunt all of them.

18 Q. Okay. So how unusual -- given your amount of experience up
19 there, which sounds pretty extensive, how unusual was the type of
20 weather that you encountered that evening?

21 A. I've seen that before a lot of times. I mean, a lot of time.
22 I'm so used to the weather. Like I said, sometimes could be even
23 clear and the fog roll in without any rain. Sometimes will just
24 start raining. Because I always carry my rain jacket in my
25 backpack.

1 Because sometimes, you hunt in there without dogs and the
2 dogs grab a wild boar late in the evening, and you ain't going to
3 come there till couple hours later. So I always carry one jacket
4 and flashlight. And sometimes it can be bad, sometimes can be
5 beautiful, sometimes can just turn all of the sudden.

6 Q. Okay. So this day didn't strike you as particularly unusual.
7 It was something you had encountered before.

8 A. Yeah. Because like I said, I don't pay attention because I'm
9 so used to the weather up there. I can't tell you what -- like
10 you asked me one time, do you think it's heavy? And like that, it
11 happens all the time. It could be beautiful and then all of the
12 sudden turn. There have been times up there --

13 Q. Okay.

14 A. Once -- I remember once, I didn't have a rain jacket, and I
15 was kind of like this, because it turned for the worse, and I was
16 soaking wet, not even having a rain jacket in my backpack.

17 Q. And would you say that this kind of weather is more common up
18 there certain times of the year than others, or is it like this
19 kind of any time of year?

20 A. Any time of year. But I think in Hawaii, I think -- because
21 in February, January/February, it's the coldest time of the year
22 in Hawaii. I mean, for us cold. 40 degrees, 45-50 degrees is
23 cold for us because we live in Hawaii. And we do have some rain
24 this time of the year. And then I don't know if you know Hawaii.
25 We could be beautiful today, and tomorrow it could be storming.

1 Any part of our island.

2 Q. Okay. But no particular pattern in terms of more fog than
3 rain and more in the winter than --

4 A. No. No particular -- it could be -- I mean, like I said, it
5 could turn for the worse any day.

6 Q. Okay. Well, Mr. Yaddow, I really appreciate your time and
7 your recollection, especially for someone with so much experience
8 up there. It's really useful for us to hear what you saw and how
9 calm it was and all these details, so I know --

10 A. I remember I didn't see anything at all, I just heard. I
11 didn't see it. And then what happened, as I was telling you, I
12 went back last week, Friday. We were hunting in that area. And
13 it was on a beautiful day. And the dogs have a pee actually right
14 where the site of the helicopter and crash. And we had to pass
15 through there, and it was like I felt so bad, I had to say a
16 little prayer. But we had to pass right by the site, and it was
17 kind of like bummer for what happened to the people in the
18 chopper.

19 Q. Yeah. And just one last thing. You're confident that
20 helicopter was hovering in one place for 45 seconds or so?

21 A. I am confident. Because like I told you, this happened to me
22 before. He was -- I mean, like I say, I was bending -- I'm
23 pulling maile. Mitch asked me one time if I've heard where he
24 come from. I never hear where he came from, but it was hovering.
25 And so I was bending, I was pulling the maile off of the vine and

1 I'm not paying attention.

2 And my thoughts was like, wow, this guy, he's stuck in a fog.
3 Then I noticed like, wow, this guy's definitely stuck in the fog,
4 because it's a little too long, he's just hovering, right? That
5 was my thought, that's my feelings, my thoughts. And then my
6 thought was, as soon as it clears up, he's going to pull out, and
7 then that's when everything else happened.

8 Q. And when he was hovering, did his -- did he basically, his
9 engine, kind of sound the same or did it change --

10 A. Sound --

11 Q. -- from the hovering time?

12 A. It sound the same. I don't hear nothing wrong with the
13 engines.

14 Q. Okay.

15 A. Then I also mentioned to Mitch, because I didn't -- the first
16 time I talked to him, I didn't mention -- after this happened, I
17 heard like -- between me and where the chopper crashed, and then
18 there's Makaha Road, there's the main road goes out to the airbase
19 station, there's -- the airbase station on the ridge. There's a
20 place where the hunters go sighting (ph.) the guns; they go shoot
21 targets and stuff there.

22 But I told Mitch -- because he told me, if I remember
23 anything for -- let him know. So I think the first time, I didn't
24 tell him, but the second time I seen I talked to him, I told him,
25 I heard kind of boom, boom, boom. But I thought maybe somebody

1 was sighting the gun down at that time.

2 But then I remember the day after Christmas, it's not a
3 hunting day, and you can't go in there sighting guns on a
4 non-hunting day. So I don't know if there was an explosion on the
5 chopper or what. I -- that was just what I heard.

6 Q. And that was -- when did you hear that?

7 A. Maybe 5 minutes after I heard the chopper disappear.

8 MR. BRAMBLE: Okay. All right, well, I think those are all
9 the questions I have. Thank you again very much for bearing with
10 me, and I'm going to pass it back to Mitch.

11 MR. YADDOW: All right.

12 MR. GALLO: I -- Mr. Yaddow, I have a couple questions I just
13 thought of.

14 BY MR. GALLO:

15 Q. When you left the parking lot at about 3:40 and you started
16 hiking, did you hear or see any other helicopters in the area?

17 A. Not when I left the trail, because they don't fly above the
18 state park by the museum. They fly -- their route is usually
19 downside where the incident happened. That's their pattern.

20 Q. Okay. And so if you didn't see any, did you hear any in the
21 area?

22 A. No, not where I was starting to walk.

23 Q. Okay.

24 A. Not from where I left my car.

25 Q. And you mentioned that you've heard helicopters before

1 hovering when the weather got bad. How many times have you
2 experienced that?

3 A. Twice.

4 Q. And was it within the past year or past couple years?

5 A. I think the last time I heard that -- the last engine I heard
6 maybe, I'll say 9 years ago, maybe a little more. But it wasn't
7 raining, it was just foggy.

8 Q. I see.

9 A. And it would be so funny, because me and my partner could
10 hear the chopper, and we could -- it was like right above us. And
11 then when the fog cleared up, the tourists would be looking down
12 at us. And we were all with our hunting dogs, and they're kind of
13 like waving at us. And then, you know --

14 Q. And --

15 A. But that never happened on this incident.

16 Q. And so that one helicopter that you saw before, how long did
17 it have to hover until the weather had cleared?

18 A. Oh, I cannot -- not very long, but like I say, you could tell
19 they're hovering because they don't usually hover over any place.
20 They just fly right over the (indiscernible) for looking the -- I
21 guess taking the tour with the tourists.

22 Q. Right. And --

23 A. They don't usually -- they don't hover. I never did see
24 anything else hover. Only the twice with the fog and never did
25 else in my life.

1 Q. Okay. And that last time you saw the helicopter hover,
2 what -- do you remember the color of the helicopter?

3 A. It was blue and white, I think.

4 Q. Okay.

5 A. That was like 9 years ago. Yeah, it was a blue and white
6 one.

7 Q. Was it mostly blue and a little white or a lot of white and a
8 little blue?

9 A. More blue than white.

10 MR. GALLO: Okay. That's all the questions I have. I'll ask
11 Mike Richards if he has additional questions.

12 MR. RICHARDS: Yeah, just two more.

13 BY MR. RICHARDS:

14 Q. So I'm not familiar with the area. If you're standing on the
15 trail where you heard the helicopter hovering, and -- are you on
16 the side of a hill or on the side of a mountain where there's a
17 valley next to you, or --

18 A. Right -- on the main trail, there's a gulch between me --
19 there's nothing -- where the helicopter crashed, on the main trail
20 where I was standing -- I gave Mitch my coordinates -- from there
21 to where the helicopter crashed, there's just a valley in between;
22 there's little treetops. So he went like right across, but
23 further.

24 Q. I see.

25 A. There's no --

1 Q. So --

2 A. -- he couldn't take out there, I guess.

3 Q. When it was foggy -- when it got really foggy, could you see
4 the bottom of that valley? Could you see the valley?

5 A. No way. I couldn't even see like 20 feet or 30 feet in front
6 of me.

7 Q. In all directions?

8 A. In all directions.

9 Q. Okay. The second -- the other question I have for you is,
10 I'm not sure how far you -- how far away you live from the trail
11 or where you were the day before, but what was the weather like
12 the day before?

13 A. The day before was Christmas day, was beautiful.

14 Q. Yeah.

15 A. And I live --

16 Q. It was beautiful on Christmas day?

17 A. Yeah. This happened the day after Christmas. And the day
18 after Christmas, I spent the whole day with all my grandchildren
19 because everybody had to go back (indiscernible). And then when
20 my son just came home from work, my grandchildren went home,
21 that's why I left to pick maile that late afternoon. Because the
22 maile, I usually -- my son-in-law's grandma passed away, and we
23 use that for tradition. So I made the lei for when we went to the
24 funeral on that coming weekend, but --

25 Q. Okay.

1 A. -- the day before Christmas was beautiful.

2 Q. And then do you recall what time the rain started coming in
3 the day of the accident?

4 A. Yeah, when I got there a little after 4:00. That's when I
5 had to put on my rain jacket.

6 Q. Oh, so it didn't rain the morning of the accident? It
7 started raining about an hour before the accident?

8 A. Well, from where I live -- to drive to that site takes me 15
9 minutes from where I live. Because I live -- I don't live up in
10 the mountains, I live down in the -- I don't know if you call this
11 a city, but I live down in town on the west side, so for me to
12 drive to the head of the trail takes me at least 15 minutes. And
13 it was all right, but as you get up to the -- close to the
14 mountain, it was overcast already. Wasn't raining or anything
15 when I had reached up there, but it was overcast.

16 Q. Okay. And it didn't rain at your house that morning either?

17 A. No. Because I live --

18 Q. Okay.

19 A. -- I live down -- on the west side where I live, we don't
20 have too much rain. It's kind of like the drier side of the
21 island.

22 Q. Okay.

23 A. The east side, we have the pretty greens this way, but on the
24 west side, it's a drier side of Hawaii. But when you get up to
25 the mountains, it's a different story.

1 Q. Okay. So it's not -- it's pretty dry where you live down on
2 the west side, but it's not uncommon to get rain in the mountains?

3 A. No, it's not uncommon to have rain. Maybe you guys should
4 come to Hawaii, come check it out.

5 Q. Yeah, I've been. I've never been to Kauai, but you're right.

6 A. You should come. I'll take you hunting. I'll take you
7 (indiscernible).

8 Q. Then we would understand everything, right?

9 A. Exactly. You could vision everything, I mean. Actually, we
10 went in there last week, Friday, we hunting in there. The dogs
11 had grabbed a pee, like I said. And we had to pass the site. And
12 we found bones. They did a pretty good job; they clean up the
13 chopper and everything, but we found human bones.

14 So my hunting partner took one of the Kauai investigators in
15 there, and they had to go and clean all that up, pick up whatever
16 remains was around. Because I guess with the big rains we had
17 after that had washed out whatever was on the ground. And then
18 according to my partner, they found that little girl's -- part of
19 her hand and then somebody's leg bone and stuff like that.

20 MR. RICHARDS: Well, I don't think I have any other questions
21 for you today. Thanks for your time. Mitch?

22 MR. GALLO: That's --

23 MR. BRAMBLE: Real quick, this is Bill. I just have one
24 more.

25 BY MR. BRAMBLE:

1 Q. Mr. Yaddow, can you just tell us where you live?

2 A. I live in Eleele, Hawaii.

3 Q. Can you spell that?

4 A. E-l-e-e-l-e.

5 Q. Okay. Is that over by Hanapepe or --

6 A. Hanapepe, right in Hanapepe. You've been on Kauai, Mitch?

7 Q. This is Bill. Yeah, I think both of us have. It's been a
8 long time.

9 A. Yeah, I live right by the boat operate -- do you guys know
10 where you do the boat tours for the Na Pali Coast?

11 Q. Uh-huh. Okay.

12 A. It's right in Hanapepe.

13 MR. BRAMBLE: Okay. That's all from me. Thanks a lot.

14 MR. GALLO: All right.

15 MR. BRAMBLE: Thank you, Mitch.

16 MR. GALLO: And I don't have any additional questions.

17 Mr. Yaddow, I thank you very much for all the time you spent with
18 us and all the information. It really helps.

19 MR. YADDOW: Yeah. You're welcome. I mean, I can't say more
20 than what I said already.

21 MR. GALLO: All right.

22 MR. YADDOW: I got to snap out of this.

23 MR. GALLO: All right. And we're going to go off the record
24 then.

25 (Whereupon, the interview was concluded.)

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: AIRBUS AS350 B2 HELICOPTER
 CRASH NEAR LIHUE, HAWAII,
 ON DECEMBER 26, 2019
 Interview of Lawrence Yadow

ACCIDENT NO.: ANC20MA010

PLACE: Via telephone

DATE: February 23, 2020

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.



Jeffrey Johnson
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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AIRBUS AS350 B2 HELICOPTER
CRASH NEAR LIHUE, HAWAII
DECEMBER 26, 2019

Accident No.: ANC20MA010

* * * * *

Interview of: KC YANAMURA
Federal Aviation Administration

Via telephone

Monday,
April 27, 2020

APPEARANCES:

MITCHELL GALLO, Air Safety Investigator
National Transportation Safety Board

WILLIAM BRAMBLE, Human Performance Investigator
National Transportation Safety Board

I N D E X

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1
2 MR. GALLO: This is an interview with KC Yanamura relating to
3 accident number ANC20MA010. And, Ms. Yanamura, do we have your
4 permission to record this conversation?

5 MS. YANAMURA: Yes, you do.

INTERVIEW OF KC YANAMURA

7 BY MR. GALLO:

8 Q. Okay. Looking at your background, I understand you were a
9 FAA manager at Honolulu FSDO from 2013 to 2016. At that time, can
10 you kind of discuss, of all the operators you were surveilling,
11 give us a breakdown of how much was air tour, how much -- was it
12 different, other types of operations? If you could categorize
13 that and the makeup of that.

14 A. Okay. So the Flight Standards District Office Honolulu
15 covered all of the general aviation activity, so that included
16 airplanes, small aircraft, foreign activity in the Philippines and
17 Japan. And, of course, we are the largest geographic area, so
18 that included all of the Hawaiian Islands, Guam, Yap, American
19 Samoa, Mariana Islands, and like I said, some foreign activity in
20 the Philippines and Japan.

21 Let's see. So the air tour portion of it I would say took
22 about maybe 30 to 40 percent of our surveillance coverage.

23 Q. Okay. And what were the other different categories? And it
24 would be fixed-wing, on demand 135 also.

25 A. Yes, um-hmm. Yes.

1 Q. And at the time when you were surveilling air tour, kind of
2 discuss what safety changes were made over your tenure there and
3 what worked and what didn't work. And if you received any
4 pushback, in what areas did you receive pushback from operators?

5 A. Okay. So when I took over the Honolulu FSDO manager
6 position, I was in a really good position. You know, the accident
7 rates were down. In 2012, I think we had zero helicopter
8 accidents. So I came in, 2013, I think there was just one
9 accident, but all of the passengers survived. 2014, I think there
10 were two accidents, but I can't recall one. One was Sunshine
11 Helicopters, and the five passengers escaped without injury. 2015
12 was zero accidents, and 2016, we had the U.S. Marine Corps, two
13 CH53s I think crashed on a training exercise. And then January
14 17th, that Blue Hawaiian had a hard landing. We had serious
15 injuries there, so I think there's an ongoing lawsuit by one of
16 the passengers. So after that, I haven't really followed much of
17 it since I left.

18 But at my time, we really, really tried to ramp up what was
19 put in place before me in the way of surveillance, and we really
20 concentrated hard. So, you know, we considered -- since 2008,
21 Hawaii still had the most regulated air tour environment in the
22 country, and we really concentrated on it hard. So we involved
23 the Hawaii Helicopter Association. I know they started up in
24 2017, but we started working with all of the operators. And I
25 think, during the 3-year time span, there were only about 10

1 operators or 10 significant ones. I can't remember specifically,
2 but I remember some of the ones that we worked with that I saw.
3 And we had already implemented the fly neighborly programs and
4 constantly communicated that with the operators who flew multiple
5 flights. And then we asked them again to voluntarily reduce the
6 noise because we were getting a lot of noise complaints at that
7 time. We also worked with the airport, and they kept track of our
8 noise complaints, and we did, too.

9 Let's see. And then we involved the HAI, Helicopter
10 Association Incorporated [sic], to help us improve upon the Hawaii
11 Air Tour Common Procedures Manual that was issued in 2008. And my
12 ops inspectors at that time said it needed to be updated because
13 we had some incorrect pictures and guidance in there. So it
14 needed a significant amount of correction, and so I put my --
15 instructed Gino Rezzonico -- and if you need to, you should
16 contact him. And he met with all the operators, and there was a
17 HAI representative involved in it, too. And by the time I left,
18 he was almost done with putting it together, but -- putting it
19 together at the next revision.

20 And then they were coordinating with Flights Standards Policy
21 up in DC, and they couldn't figure out whether they wanted to
22 reissue it as a revision, as an order, or if industry should take
23 the manual and implement it. So after that, I don't know what
24 happened to it, but I guess it didn't come up because I researched
25 it to see if was Rev. 2, and there's nothing on the books. So --

1 and in addition to that, of course, we had our air tour management
2 plan already in place with all the operators.

3 Q. Okay. And then Hawaii Tour -- oh, I'm sorry. Go ahead.

4 A. No, go ahead.

5 Q. The Hawaii Tour Manual, was that more for noise abatement, or
6 did it go beyond noise abatement as far as its purpose?

7 A. Oh, yeah, it went through the flight route, where to fly, how
8 high to fly, and also emergency landing areas. And I think we
9 even notated where the weather radars were --

10 Q. Okay.

11 A. -- to give them current weather reports before they flew.

12 Q. And in the manual, I think the visibility -- the minimum
13 visibility was 3 statute miles. I don't know if you recall that,
14 and I had one operator mention, well, if you increase it to 5,
15 then you couldn't conduct air tour flights. So because --

16 A. Was that because of the cloud cover or -- I don't know
17 exactly. I think it might hamper them, but I don't think they
18 couldn't do it.

19 Q. Yeah, and I think he was citing the unique weather there on
20 the island or islands there. So if you went from 3 to 5 --

21 A. Yeah.

22 Q. -- that would reduce the amount of flights you could perform
23 because of all the weather that would come in.

24 A. Right, because if you're flying VFR -- of course, they all
25 did pretty much -- the weather changes too quickly, and your

1 minimums would be way less than that.

2 Q. And from your experience --

3 A. So I think that's where they're getting.

4 Q. And from your experience, did you find surveillance to be a
5 more effective approach or outreach more effective in increasing
6 safety in air tour?

7 A. We did both. We had to do both, but outreach was very
8 significant during my time there. And the reason why is you
9 really need -- most importantly over here, you really need
10 industry to help you or the operators to help you if you want to
11 be safe in all aspects of their operation.

12 And the reason why I say that is you can't surveil
13 everything. There's no way you can surveil everything, so you
14 need them to have that basic safety net thing, that I'm in charge
15 of safety; I want my business to flourish and not go out of
16 business due to a helicopter accident. And so we really try to
17 pound that into our operators here.

18 Q. Okay. And did --

19 A. Our safety -- go ahead.

20 Q. No, go ahead. Please finish.

21 A. You know, our safety surveillance stuff, we changed while we
22 were there. The whole Flights Standards changed to the SMS,
23 safety management system, approach. And they issued orders at the
24 time, and we were implementing the safety management risk
25 assessments during the time I was there.

1 Q. Okay. And --

2 A. Have you seen the order and the appendix for the safety
3 management systems?

4 Q. I have not looked at it yet. So maybe --

5 A. Okay. You should take a look at it because it's very, very
6 detailed and, you know, I can't go through everything, but it has
7 all the components that we would look at for an operator.

8 Q. Okay. And so, going to the SMS system, is that how the
9 decisions were based on where to send an inspector, where there's
10 air tour for some other operators at, how decisions were made
11 or --

12 A. Yes. Yes.

13 Q. What if an inspector would come to you and he had a concern
14 about an operator? Then outside --

15 A. Then I would definitely consider it, you know.

16 Q. Okay.

17 A. And then I'd have to weigh, like, what risks he -- if it was
18 high risk, medium risk, or low risk. And then do the, you know,
19 the budgetary, see where we're at, if we could give up any of our
20 trips or anything.

21 Q. Okay. And speaking of budget, did you ever reach the budget
22 limit in the year, or did you have access to money if you'd care
23 to discuss that --

24 A. We always had access to the money. You just had to explain
25 why you needed it.

1 Q. Okay. So there wasn't --

2 A. I don't ever think that we were -- I didn't ever think that
3 we were pinched. We, of course, tried to live within our budget
4 that we were given.

5 Q. All right. Can you discuss how many inspectors you had out
6 on the field at that time, and also discuss the reasons for
7 turnover, if any, that occurred during your tenure there?

8 A. So we had one manager, two supervisors, a budget EO, a
9 management assistant, and two admins to help us with all the data
10 management stuff. And then I had one FFAST representative, and
11 then I had about five to six ops inspectors and eight to nine
12 maintenance and avionics inspectors.

13 And then I did have turnover but not too many. I mean, I was
14 able to fill back before another one left. So even though it was
15 a turnover, I was able to get new people, and if I wasn't, then I
16 would ask LA to borrow inspectors from the mainland. And so they
17 would send up, you know, like Vegas inspectors who knew helicopter
18 ops, air tours.

19 Q. Okay. So you really didn't have a shortage of inspectors
20 when you were there to surveil?

21 A. Yeah, I didn't feel like it was a shortage. It was more
22 trying to get expertise, I mean, really good people because of the
23 diverse operations that we had.

24 Q. And when you were there, do you recall if the program was, in
25 fact, in effect to have FAA inspectors ride along unannounced or

1 unknown? I guess it's called the ghost rider program.

2 A. Yep.

3 Q. So --

4 A. Yes.

5 Q. So were you using NAV (ph.) during that time when you were
6 there?

7 A. I think I used it when I first got there for, I think about a
8 year and a half to 2 years. And then, when we implemented SMS,
9 then we had to go to the regular surveillance, and we did not use
10 ghost operations much during that time.

11 Q. Okay. But were the ghost operations still available for you
12 up to 2016?

13 A. Yeah.

14 Q. Okay.

15 A. Oh, yeah. Yeah. And we still did it with the maintenance
16 guys, too. We didn't, you know, do all announced surveillance
17 either.

18 Q. Did you ever get any pushback or complaints from operators
19 about inspectors that, for example, no, I don't think we should be
20 doing this and any common --

21 A. Oh, yeah. Yes, we did.

22 Q. I mean, was there anything common with the pushback, or was
23 it kind of individualized I guess -- or not individual, but more
24 specific --

25 A. It was -- yeah, it was individual.

1 Q. Okay. And maybe that's the wrong choice of wording, but more
2 like unique reasons rather than --

3 A. Yes.

4 Q. -- a common reason among operators is what I was looking for.

5 A. Yeah, it was this one inspector that would push a little too
6 much or push a little bit too hard on maneuvers that they felt
7 they should not be doing.

8 MR. GALLO: Okay. I think that's all the questions I have
9 for now. I'll pass it over to Bill Bramble.

10 Bill?

11 MS. YANAMURA: Okay.

12 MR. BRAMBLE: Hi, guys.

13 MS. YANAMURA: Hi.

14 MR. BRAMBLE: KC, should I call you KC or Mrs. Yanamura? Do
15 you have a preference?

16 MS. YANAMURA: Oh, no, KC is fine. Yeah.

17 MR. BRAMBLE: Okay.

18 MS. YANAMURA: KC.

19 BY MR. BRAMBLE:

20 Q. So what did you see as the highest risk associated with the
21 air tour industry out there?

22 A. The highest risk?

23 Q. The highest type of -- or most significant hazards, I guess I
24 should say.

25 A. Well, if it was a company that was just starting out, of

1 course, that would get the most surveillance, or one with a
2 limited amount of people with a lot of repetition or a lot of
3 flights. They were the ones that would come up the most. Anybody
4 off island would get a little bit less surveillance usually. So
5 we had to concentrate on, you know, not leaving that out.

6 But based on the safety risk assessments that we did with
7 SMS, it would top out if we have not visited, like, the company
8 within a certain timeframe. And, of course, anybody who had
9 accidents and incidents would be at the top of our list, too, for
10 surveillance. And I had ops inspectors. So, you know, I pretty
11 much left it to them to tell me if they felt something was
12 critical. And they had no problem coming in to tell me.

13 Q. Yeah.

14 A. They were pretty vocal.

15 Q. Okay. And what was the most common types of fatal air tour
16 accidents that happened out there prior to or after your tenure?
17 I guess you didn't have any fatal air tour accidents during your
18 tenure.

19 A. Yeah, during my tenure, we did not. We had a really amazing
20 one that we really -- we talked -- we wanted to talk to the pilot,
21 the one that was -- in fact, this was on my birthday when I first
22 got there in 2013. And I don't know if you recall, I think it was
23 a Robinson with Julia Link. And she had a photographer with her,
24 and she came down hard due to a mechanical problem -- actually it
25 was maintenance and mechanical. And she came right down in

1 downtown Honolulu and did a great job, missed everything, and then
2 hit a parked car in a busy area. So that was my most memorable
3 that I can recall.

4 But after I left, I did not really keep up with what was
5 going on. So I -- since you called, I looked up the one about --
6 that happened just this past year. Was that the one that you guys
7 are looking at?

8 MR. GALLO: Yeah, that's the flight.

9 BY MR. BRAMBLE:

10 Q. Yeah, the one on --

11 A. Yeah. So I can't say that I've been watching that at all.

12 Q. Okay. So --

13 A. I'm sorry, Bill, but you had, I guess six crashes in 2018,
14 and in 2019, four crashes. Is that what happened?

15 Q. I'm not really sure about the totals.

16 A. Oh, okay. Okay. Why are you guys doing this? Is it just
17 because of the last accident then?

18 Q. Yeah, we're just investigating the Kauai -- the most recent
19 Hawaii accident.

20 A. Okay. Okay. Got it.

21 Q. So one recurring type of accident that we've investigated out
22 there over the last one or two decades is the weather related
23 accidents where the flight continues into an area of reduced
24 visibility. And, you know, half of where the helicopters fly is
25 in the terrain.

1 A. Yes.

2 Q. And I just wonder how big an issue was that VFR and IMC as a
3 potential air tour hazard? How much was that on your radar at the
4 FSDO?

5 A. It was pretty high. We did -- we really tried to get some
6 funding for it. And at the time, I think it was in 2016, we did
7 obtain funding, our Alaska project, to install more weather cams,
8 and I can't tell you if it was completed or not. We did get
9 approval, and we were talking to the project manager up in Alaska
10 trying to coordinate it. So, of course, I've got to refer you
11 back to the office to see if it was ever put in -- if more cams
12 were put in.

13 Q. Uh-huh. Well --

14 A. And if they didn't do it, I would say that, that would be one
15 that should be done or followed up, yeah, to get installed.

16 Q. One other thing that had come up in a past accident, the Bali
17 Hai accident in 2004, was the idea of maybe developing some region
18 specific decision making, weather related decision making for
19 pilots out there. Do you know if -- was anyone still discussing
20 that concept when you were at the FSDO?

21 A. You mean for training or --

22 Q. Yeah. So there was an asset called Q based weather training
23 where --

24 A. Oh, yeah. We implemented that.

25 Q. Oh, yeah?

1 A. Yeah.

2 Q. Tell me about that.

3 A. And we had videos and everything. I'm thinking we either
4 trained them on some -- I can't speak to it specifically, but I
5 thought we implemented some tech training, and some videos were
6 developed for Hawaii flights. But again, that -- you have to ask,
7 like, Gino. Gino was my primary person to go to on that.

8 Q. Okay. All right. And then -- so where did you feel like you
9 guys had, had success in terms of managing the risk of air tour
10 operations? And where did you see continuing challenges by the
11 time you left?

12 A. Okay. So I jotted down a few things. That Be A Good
13 Neighbor was still a good approach to the noise, plus, you know,
14 the flight height operations. We talked about the FFAST program a
15 lot, which helped the pilot get more training. We implemented a
16 FSDO annual safety conference with Airport Honolulu, the personnel
17 and all the operators on island or off island, from anywhere.
18 They were all invited to attend for free. And I thought that had
19 significant impact -- a significant impact on everybody because
20 they were there, you know, to talk to people, get new ideas, and
21 they seemed pretty excited to have it. So we had it all 3 years
22 that I was there, 3 years or 2 years -- 2 or 3 years.

23 And then we started a FSDO meeting where they could come in.
24 I think we had it maybe three times a year -- two or three times a
25 year into the office where the owners could discuss their new

1 ideas amongst themselves, and we would participate to see if we
2 could implement anything, or if they needed funding, we would try
3 to get funding for it. And that's where they all called for the
4 revision to the Air Tour Common Procedures Manual, so that's what
5 we put our effort into because that kind of came up as a priority.
6 We put a lot of resources on that.

7 And then we involved HAI because they weren't too involved in
8 operations out here. So we got a representative assigned to us,
9 and they were helping us, in fact, with the procedures manual.
10 One good change that they've had which I think will be very
11 positive is the HAI president is James Viola, and he has a really
12 good background -- Army, I think, helicopter experience. And he
13 just took over HAI this year, in fact, January, and he's from the
14 FAA. And he was also an AVS (ph.) -- the Associate Administrator.
15 So he's going to act -- I mean, he's very positive for, I think,
16 that relationship if it carried on.

17 Q. Do you recall what the operators wanted to see changed in the
18 manual?

19 A. They wanted -- I mean, they wanted everything updated because
20 it was very outdated. The routes especially, I think, and the
21 emergency landing areas.

22 Q. Okay. One thing I recall from the -- I'm sorry. Go ahead.

23 A. No, no, go ahead.

24 Q. One thing I recall from the NTSB's air tour safety study in
25 the '90s was the concern about minimum altitudes to permit a safe

1 auto rotation in the event of an engine failure. And I think that
2 may be one reason why the Air Tour Procedures Manual incorporated
3 the minimum altitudes, like 1,500 feet while en route except over
4 (indiscernible) ridges and that sort of thing. And I recall, in
5 2004, the operators feeling like that minimum altitude made them
6 less safe because it put them closer to the clouds. Do you recall
7 whether that was still a hot issue, or was that not really
8 something you heard anything about at the time?

9 A. No, I haven't heard too much of that complaint. They pretty
10 much all agreed with what was -- I think the altitudes in the Air
11 Tour Procedures Manual. We didn't hear them talking about it. If
12 we increased it, they would definitely. The only one complaint
13 was the National Parks with the community down there and the noise
14 and the frequency of operation. Of course, everybody wants to see
15 in a volcano.

16 Q. So one thing I don't know a lot about is how the -- I've seen
17 the FAA's SMS manual and skimmed it on a couple of different
18 occasions, but I don't know exactly how it would address those
19 specific issues. So, if we did discover that there were multiple
20 aircraft possibly flying in conditions that were below 3 miles
21 visibility and sort of pushing the weather on the day of the
22 accident, what would be the FAA's SMS approach trying to reduce
23 recurrence of that in the future?

24 A. So if they violated anything that was in the Air Tour
25 Procedures Manual or any of the regulations?

1 Q. Yeah, yeah. Hypothetically, if we were to identify a number
2 of instances where, you know, (audio drop) flying, then what would
3 be the SMS approach of dealing with that?

4 A. I don't know if the SMS would. They'd identify it might be a
5 high risk, you know, because any common threads, right, would
6 identify a higher risk or bump it up. But for us, if we observed
7 something like that, I probably would assign somebody to go out
8 and do a surveillance ride with the operator.

9 And what's bad about that -- there's good and bad, of course.
10 But what's bad about that, is when your inspector's sitting -- an
11 FAA inspector is sitting in the helicopter with you, you're going
12 to do everything right. So it's pretty tough to catch people not
13 doing things right. You know, we've studied the trace of where
14 they would go, but it's -- you know, you could assign as many
15 inspectors as you want to ride with them, but they'll probably do
16 things right.

17 Q. Uh-huh.

18 A. But that doesn't stop us from doing it. That was part of our
19 surveillance, you know. So if an ops inspector would say, hey, I
20 believe that we need to ride with this guy, and the reasons were
21 blah, blah, blah, and it's critical, you know, I would say go
22 ahead and ride with the guy. Go ahead and do the surveillance.

23 Q. So one other thing that had been discussed in the mid 2000s
24 was the idea that having ADS-B come in might be valuable for
25 seeing whether or not people were following the routes and

1 required altitudes. Was your office able to use those kind of
2 data to see where the operators were flying when you were there,
3 or was there not enough coverage, and/or was, you know, was that
4 not really a preferred method of surveillance?

5 A. Well, I think we did. I think they did. Of course, you have
6 to ask the ops guys, but yeah, they would look at the flight
7 paths.

8 Q. Okay.

9 A. And altitudes.

10 Q. All right. Yeah, I see the dilemma. I mean, it's a
11 challenge when you want to work collaboratively with industry and
12 have a cooperative relationship and encourage the free flow of
13 information about safety risks, and then at the same time ensure
14 compliance with basic rules. It would be a challenge I think.

15 A. Yeah, and I don't know if you guys have experienced -- so
16 there are negative things that happen here. Have you experienced
17 the Hawaii culture?

18 Q. Yes.

19 A. I know you've been here, right.

20 Q. If you burn bridges, you may not find a new bridge.

21 A. Exactly. So I was born and raised here, and they, I think,
22 were more willing to cooperate with me and the office. We did
23 have a heavy handed office when I was there in the beginning, and
24 I had to teach them how to win over the operators and the
25 community. It's just not easy -- it's just not an easy thing, and

1 it's not an innate way of an inspector. You know, an inspector is
2 usually black and white. You either violated or you just not
3 violated. And so there is some gray in that.

4 And I had to teach them that, hey, you have to see it this
5 way, you know, and how much of a safety issue is it really? Can
6 you do it less forcefully and more with finesse or something and
7 get them on your side? So, you know, I think you asked me about
8 the operators and how they react. So if you come at them with two
9 barrels loaded, they're going to fight back with the same force.
10 And after you leave, they'll say, too bad for you, you know; I'm
11 just going to do what I want to do.

12 Q. Yeah.

13 A. Whereas, if you try to get their cooperation and sometimes
14 even let them think about it and think out loud, come up with the
15 idea, they'll buy in more to it. And so there was a lot of that
16 in my first year, turning around both the office and the operators
17 because the operator did not like several of our inspectors. So
18 we worked real hard on that, and that kind of turned it, because
19 otherwise you'd get the Hawaii culture working into it where they
20 can just do anything when you have your back turned. And with
21 helicopters, you can't surveil them. It's pretty tough to surveil
22 them. So we did that.

23 And you're always going to have tourists here. There's so
24 many people who want rides in the helicopters. It's crazy. I
25 just can't believe it. So their turn time, I think, was a minimum

1 of 30-minute rides, I think, and they were even thinking about
2 15-minute rides. And I don't know if they implemented that. I
3 think there was one company that was looking at 15-minute rides.
4 Do you know if they did that?

5 Q. I don't know.

6 A. I think it was Sunshine. No, not Sunshine. Novictor I think
7 it was. Yeah, Novictor. I think it was them. I'm not sure, but
8 that's something that was always bad. You're going to have
9 tourists who always want to ride, and they're going to turn to
10 those helicopters, and the pilots are going to have be in there
11 for a while. We were getting complaints about pilots not having
12 enough time to even go to the bathroom, which we could not really
13 verify.

14 Q. There was something else that came up in the Bali Hai case
15 where we recommended that, you know, a break -- a midday break be
16 required of at least 30 minutes or something like that. I don't
17 know if that was implemented. Do you know what the hour practice
18 or requirement was?

19 A. No, not at that time. Sorry. I could not say.

20 Q. That's okay.

21 A. I think -- did you guys recommend also to have another person
22 narrate while the pilot just flew, to concentrate on flying?

23 Q. We might have recommended that. I'd have to check. I'm not
24 sure if it came out of that case or a different case.

25 A. Yeah.

1 Q. It's something that's been discussed, but to be honest, I
2 don't recall if we have made a formal recommendation on that.

3 A. Yeah. We did have helicopter personnel maintenance turnover
4 in the companies. So I know, like, Blue Hawaiian -- and there's
5 another company, I forget. Blue Hawaiian and there's another
6 company that flies in Vegas for the Grand Canyon tours, and they
7 were taking their helicopters -- in fact, they were bringing their
8 maintenance guys down to maintain the aircraft because it's very
9 difficult to find maintenance personnel here on the islands.

10 Q. I see. Was it Heli USA?

11 A. No. Is that a fairly new one? I don't think so. I forget
12 what the other operator was.

13 Q. I think they had a crash in 2013 or something, maybe 2010.

14 A. Okay. Yeah.

15 MR. BRAMBLE: I think that about covers it for me.

16 Mitch, do you have additional questions?

17 MR. GALLO: Yeah, I just thought of a couple more.

18 MS. YANAMURA: Sure.

19 BY MR. GALLO:

20 Q. Going back to surveillance, and I know this is going back to
21 2016, even earlier, and I don't even know if the operators had
22 external videos, but if they did, do you recall if any of the
23 inspectors asked to see external videos to address, you know,
24 weather related complaints or low altitude flying? Was that a
25 tool that was, number one, available? And, if it was, was it

1 used?

2 A. Not that I know of.

3 Q. And then going back to surveillance, you had scheduled
4 surveillance, and you had the ghost rider program. And also you
5 probably had complaints coming in. Was there any common -- what
6 were the common complaints about air tour operations, and what was
7 the common, I guess, regulatory violation or hazard that came up
8 from the surveillance? Was it weather related, low altitude
9 flying, noise? I mean, those are, I think, the three that we've
10 heard of.

11 A. Yeah, it was more low altitude and noise.

12 Q. Okay.

13 A. And I know even noise continued on later, because the Western
14 Pacific Regional Administrator had to fly to the big island to
15 address some issues there.

16 Q. Okay. And going back to the safety meetings that you held,
17 was there any one air tour operator that was chronically absent to
18 those meetings or pretty much you had a good turnout from
19 everybody?

20 A. Oh, yeah, we had a really good turnout. We were actually
21 surprised.

22 Q. Okay. And when the operators would come --

23 A. We even got -- oh, I'm sorry.

24 Q. Finish your thought. I'm sorry.

25 A. I was going to say we even got free -- do you know what

1 malasadas are?

2 Q. No.

3 A. They really loved it. It's a Portuguese donut that's
4 sugared, and it has custard and all different fillings in it, and
5 it's like \$1.50 for one of those. And so the guy who came was one
6 of the operators, and he brought all of the malasadas one
7 wanted -- I mean, that one could eat.

8 Q. Okay.

9 A. And we paid for lunch and everything. So they all came. Say
10 free lunch, and they would come.

11 Q. All right.

12 A. I'm just kidding. Go ahead.

13 Q. The attendees in these meetings, were they management or did
14 they include the line pilots or maintenance personnel? So is it
15 management or the employees or both?

16 A. Both. Anybody who wanted to come could come because we
17 called it a safety conference.

18 Q. Okay.

19 A. And they would have breakouts, right, ops, maintenance,
20 avionics. And then we'd have combined per FAAST, safety teams --

21 Q. So when did you start these meetings is one question I have,
22 and how frequent were they? On an annual basis?

23 A. So the conferences were once a year, and I think we had two
24 and maybe three. And the meetings we would have at our office
25 with the partners and operators, anybody who wanted to come, I

1 would say three times a year. They were less formal.

2 Q. Okay. And is that something you implemented or that was
3 already existing when you became manager of Honolulu FSDO?

4 A. I have to say I implemented it because we never had the
5 safety conference regularly --

6 Q. Okay.

7 A. -- annual safety conference once a year.

8 Q. And do you recall when that started? What year?

9 A. I think it was when I got there in 2013.

10 MR. GALLO: Okay. That's all the questions I have.

11 Bill, do you have any additional questions?

12 MR. BRAMBLE: No. Well, I guess if you have any additional
13 insights on strategies that have been tried elsewhere to reduce
14 VFR and IMC air tour accidents, please let us know about that.
15 Otherwise, I don't think I have any other questions.

16 MS. YANAMURA: We really tried to look at the Grand Canyon
17 operations. They are different but, you know, tried to mirror
18 most of them if we could. And, of course, flying on the outer
19 islands, it's pretty tough. So I haven't -- I mean, I haven't
20 come up with anything brand new. It's things that you guys
21 have -- the NTSB has brought up and FAA has considered.

22 We also looked at maybe HAI, do things from surveillance, you
23 know, if you have a layer, a community away from the FAA to look
24 at the air tour operations, and I don't know if they pursued that
25 further.

1 Q. Okay.

2 A. We also did a handout, and I don't even know if this was
3 legal. I mean it's not illegal, but we did a handout to let
4 tourists know the risk of flying, you know, with the data that we
5 had. At least they could make an educated decision whether to fly
6 or not.

7 (Connection dropped.)

8 MR. GALLO: Oh, no.

9 (Connection re-established.)

10 MS. YANAMURA: Other than that, I don't have anything else.

11 MR. GALLO: You know what? My call dropped. I hope you can
12 repeat that, what you discussed.

13 MR. BRAMBLE: What was being discussed when we lost you? Was
14 it about -- it must have been when you ended your questions, did
15 the meetings start in 2013, and I asked if KC had any other -- had
16 seen any other strategies outside of Hawaii that might be useful
17 for reducing VFR and IMC accidents.

18 MR. GALLO: Right. And then she went on.

19 MR. BRAMBLE: I'll let you speak for yourself, KC, but what I
20 heard was that you tried to mirror the Grand Canyon, that flying
21 on the outer islands was pretty difficult. She hadn't tried
22 anything brand new. Mostly they had looked at things that the
23 NTSB had brought up and the FAA had considered. But they had also
24 looked at whether HAI could have a community away from the FAA to
25 look at air tour operations.

1 And they had provided a handout to tourists to let them know
2 about the risk of flying in terms of the accident data. And she
3 thinks it might have been a 5-year look back, but she can't recall
4 for certain, and that they did that so that the prospective
5 passengers could make an educated decision about whether to fly or
6 not. And the operators didn't seem to care for that strategy, but
7 the FAA was using data; they weren't telling the passengers not to
8 go. And I think that was -- that's what I have in my notes.

9 KC, did I miss anything, or is there anything you'd like to
10 clarify there?

11 MS. YANAMURA: Nope. You caught it great. That's it.

12 MR. GALLO: Okay. And that's where I lost you. Okay. Thank
13 you.

14 MR. BRAMBLE: Okay. Back to you, Mitch. I think I'm out of
15 questions.

16 BY MR. GALLO:

17 Q. All right. So I have one more question maybe. Regarding the
18 handout, did the handout provide any verbiage? For example, if
19 you see any unsafe flying or conduct, contact the FAA, and they
20 provided contact information. Was there anything like that in the
21 handout?

22 A. No. I know we put our office number and everything for
23 contact, just if they needed to, but we wouldn't have any problem
24 in people turning in things.

25 Q. Okay.

1 A. So if they did have a complaint, we would still get the
2 complaint.

3 Q. And I'm going to ask you the next question, probably an
4 opinion -- your opinion. Do you think passengers on these air
5 tour flights would know who to contact and how to contact if they
6 saw something that was unsafe?

7 A. I would hope so. There is nothing -- I know some of our ops
8 inspectors left their business cards with, you know, the
9 receptionist, but I don't know if they, like, gave it out or not.

10 Q. Yeah.

11 A. But, you know, we have hotlines. You could Google it. We
12 have a lot of places that they could go find it.

13 Q. Okay. I was referring more to the passengers, if they saw
14 something that was a concern, they would know who to call.

15 A. Not that I know of except for the handout maybe.

16 Q. Okay. All right.

17 A. We didn't do it very long I don't think.

18 MR. GALLO: I think that's all the questions I have. Do you
19 have anything else that you want to discuss with Bill and I?

20 MS. YANAMURA: It just came up. Did you find a common thread
21 in the crashes that have been happening? Because it seemed,
22 during my time, it was just all over the place, that we had
23 weather, maintenance, mechanical, pilot error.

24 MR. GALLO: Well, this --

25 MS. YANAMURA: You know, we had, you know, just a slew of

1 different causes.

2 MR. GALLO: Yeah, I think for this one we're focusing on the
3 Sunshine Kauai accident.

4 MS. YANAMURA: Okay.

5 MR. GALLO: Bill, do you have anything else?

6 MR. BRAMBLE: You mean the Safari?

7 MR. GALLO: Yeah, Safari. I'm sorry.

8 MR. BRAMBLE: I don't have anything else, but I do certainly
9 appreciate KC's time very much.

10 MR. GALLO: All right.

11 MS. YANAMURA: Okay. You're welcome.

12 MR. GALLO: Thank you, KC. I'm going to go off the record
13 here.

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

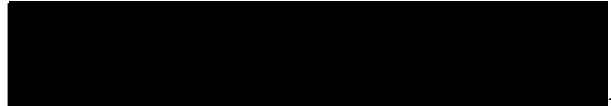
IN THE MATTER OF: AIRBUS AS350 B2 HELICOPTER
 CRASH NEAR LIHUE, HAWAII
 DECEMBER 26, 2019
 Interview of KC Yanamura

ACCIDENT NO.: ANC20MA010

PLACE: Via telephone

DATE: April 27, 2020

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.



Kathryn A. Mirfin
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of: *

*

AIRBUS AS35 B2 HELICOPTER *

CRASH NEAR LIHUE, HAWAII, * Accident No.: ANC20MA010

ON DECEMBER 26, 2019 *

*

* * * * *

Interviews of: JASON MURPHY, Director of Operations
(former General Manager)
Safari Helicopters

PRESTON MYERS
Safari Helicopters

Via telephone

Wednesday,
September 15, 2021

APPEARANCES:

BRICE BANNING, Senior Accident Investigator
National Transportation Safety Board

DR. WILLIAM BRAMBLE
National Transportation Safety Board

MITCHELL GALLO
National Transportation Safety Board

COREY WRIGHT
Representative for Mr. Myers and Mr. Murphy

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I N T E R V I E W

1
2 MR. BANNING: We're on the record with Preston Myers, Jason
3 Murphy, Brice Banning and Corey Wright. And do I have everybody's
4 permission to record the conversation?

5 UNIDENTIFIED SPEAKER: Yes.

6 MR. MYERS: Yes, from Preston.

7 MR. BANNING: And, Mr. Murphy, I have your permission too?

8 MR. MURPHY: Yes, from Murphy.

9 MR. BANNING: All right, Bill, why don't you start out with a
10 list of questions we have.

11 DR. BRAMBLE: Okay. Yeah, just for the transcript. Today is
12 September 15, 2021, at 4 p.m. And I'm sure you guys have already
13 been briefed, but this is -- this interview will be transcribed,
14 and we'll use it as part of our docket to develop the final
15 accident report for this case. We're an accident investigation
16 agency charged with determining probable cause and developing
17 safety recommendations. And we've circled back around to you guys
18 even though it's been quite awhile just because we had some gaps
19 that we wanted to fill because we're moving into the final phases
20 of this investigation. And we don't usually interview multiple
21 people at the same time. We were kind of thinking that this is
22 more of a conversation, but we thought it would be easier to have
23 it transcribed than have to take the notes and develop a summary.
24 So that's kind of how we're proceeding today.

25 And we sent you guys a list of questions in advance just so

1 you'd know kind of what we wanted to talk about. So I guess what
2 I'll do is I'll kind of work through these questions, and then
3 Murphy or Mr. Myers, if -- whichever of you is -- feels best
4 informed to give us some information on that question, please just
5 identify yourself when you're speaking, and then just if you could
6 provide us the answer, that would be great. If you don't know,
7 that's fine too. So let's just go ahead and just work through
8 these different points.

9 INTERVIEWS OF PRESTON MYERS AND JASON MURPHY

10 BY DR. BRAMBLE:

11 Q. The first is can you confirm how much of the accident pilot's
12 flying experience with Safari was obtained on the island of Kauai
13 rather than the other Hawaiian Islands? And just as some
14 background, we understand that you may have one or more other
15 bases in Hawaii, and we want to be able to just state how
16 experienced the pilot is or was on Kauai.

17 A. Okay. This is Preston. And Paul Matero has been flying
18 tours on Kauai primarily. He would fly on the Big Island only
19 when he had to do check rides, and some training. And IP on the
20 Big Island did most of the training and route checks over there.
21 Paul did all the training and route checks on Kauai.

22 Q. Okay. And how many years would you estimate that he had
23 flown air tour on the Island of Kauai primarily?

24 A. About years. This is Preston again. About 11 years.

25 Q. Okay. Is that 11 years with Safari?

1 A. No. He had flown with another company prior to us. Jack
2 Harter. He flew with them for a few months, and then he joined
3 us in May of 2007 initially.

4 Q. Okay. So about 11 years total, and that includes you and
5 Jack Harter?

6 A. Yes. Well, I think, well, I don't know for sure how much on
7 Jack Harter, but I suspect he had about five or six months with
8 Jack Harter before coming with us.

9 Q. Okay.

10 A. And he hired on May of 2007.

11 Q. Okay. And then he was, he was not working for you for a
12 little while in 2011, '10 or '11. But did he go work for another
13 carrier or another tour operator during that time?

14 A. No, he did not. He was terminated from the company for
15 testing positive for -- on a random drug test at that time, and he
16 had to go through a rehab program. After which he completed, he
17 reapplied, and we hired him back, but we had to go through a very
18 stringent five-year program for him at that time.

19 Q. Okay. All right. So that takes care of the next question
20 which was how many years did he fly for other air tour companies
21 other than Safari on the Island of Kauai? And it sounds like it
22 was just the one, and for an estimate of five or six months.

23 A. That's correct.

24 Q. Okay. Do you guys happen to have the date of the original,
25 his initial 135 check when he first became a employee of Safari in

1 2007?

2 A. May of 2007.

3 Q. Okay. All right. Do you have a day or just the month?

4 A. Yeah, I do. I'd have to go back to the manual to get it.

5 Q. Okay. Let's -- we won't worry about that for right now. And
6 then we have the date of his second initial check, which was
7 performed when he rejoined the company in 2011. When he came back
8 on, did he have to do the company's complete initial training or
9 was he able to do it like an abbreviated training?

10 A. He was, according to the regulations in the training manual,
11 he was on a recurrent training basis at that point in time. A
12 recall, I'm sorry.

13 Q. Recall.

14 A. Allowable, yeah, within two years.

15 Q. Okay. All right. So in one of the interviews, the second
16 interview that we had with you, Preston, you mentioned that there
17 had been a six-month delay installing ADS-B on Safari's aircraft.
18 The company had planned to install it, but you mentioned something
19 about the avionics technician could not approve it until he got
20 permission from the higher up, and they were going through the
21 process of getting the information. We never got the feedback on
22 that one. We weren't clear -- I wasn't clear in reading the
23 transcript what that was about. Can you give us maybe a little
24 more explanation of what happened there?

25 Q. Yeah. I believe best of my recollection the Director of

1 Maintenance, my Director of Maintenance, at the time was having
2 difficulty getting the antenna approved for ADS-B system that we
3 elected to install at the time, and the system was all ADS-B out,
4 and we needed a different, an additional antenna, and that was
5 what we were working on with the DER at the time we were having
6 installed on the aircraft and approved.

7 Q. Okay.

8 A. Again, to be specific, you might have to ask the former
9 Director of Maintenance that question.

10 Q. Okay. So did you have SB out before that, and then you were
11 trying to add ADS-B in or you were trying to install the ADS-B for
12 the first time, and you were just trying to work out how to do
13 both in and out?

14 A. Just ADS-B out at that particular time. That was part of the
15 issues that we tried to do because of the antenna
16 insulation (verbatim). However, again, I can defer to Murphy on
17 what we've done since then, if you would like to know.

18 Q. I will. But just back to this, this particular time period.
19 So in the -- this period shortly before the accident or within a
20 few months before the accident, you were involved in installing
21 some ADS-B equipment, and I'm just trying to find out if -- so,
22 like, in the previous year in 2018 or early 2019, did you already
23 have ADS out installed?

24 A. No, we did not.

25 Q. Oh, okay. So this was kind of the initial effort to put in

1 ADS-B equipment?

2 A. That's correct.

3 Q. Okay. And so at the time you were just working through some
4 of the particulars with the hardware and the approvals for the
5 antenna system?

6 A. Yes, that's correct.

7 Q. Okay. But the intent was to install both in and out at that
8 -- when you got that resolved?

9 A. No. At the time, we were just trying to comply with FAA
10 requirements for our operation, which was ADB -- ADS-B out.

11 Q. Okay. All right. So that brings us up to the next question,
12 which was can you provide us an update on the status of Safari's
13 ADS-B equipment installation? And if it has, if ADS-B has been
14 installed in the helicopter since the accident, when did this
15 occur?

16 A. So this is (indiscernible).

17 A. Defer to Murphy on that, yes.

18 A. So this is Murphy. So shortly after the accident, the DOM at
19 the time elected to step down as the DOM, and was replaced by our
20 new DOM Dean Brant. And shortly after that, of course, I was
21 placed in the Director of Operations position. All during this
22 time, we have to be mindful that Covid was happening right there
23 around March. And so during this time, we had a management
24 meeting with myself and the Director of Maintenance, Dean Brant.
25 So we dove deep into this ADS-B requirement that technically was

1 not mandated for our operations on Kauai due the air space
2 component of that regulation. However, we decided that even
3 though we may not be required to install ADS-B equipment that it
4 was prudent for us to do so in the name of safety and flight
5 awareness.

6 We further elected to go further than what the regulation
7 required, and we installed a Garmin GX 225 ADS-B in and out to get
8 the most out of the technology for ourselves, and for the safety
9 of others.

10 Q. Thanks very much for that explanation. That's helpful.

11 Okay. So you currently have in and out through this Garmin unit
12 in your helicopters. And how many helicopters do you have
13 operating at this time?

14 A. Currently in operation we only have one helicopter operating.
15 We have two others that are in heavy maintenance that both have
16 ADS-B in and out when they come back online from their overhauls.

17 Q. Okay. All right. And so with the ADS-B in-out equipment,
18 can management monitor data from the flights in terms of their
19 whereabouts at the company, the office in real time?

20 A. Yes. So we have access to the system through a multitude of
21 applications that we can use where we can monitor the flight in
22 real time electronically. However, due to the geographical nature
23 of Kauai and the mountains, ADS-B does not supply a consistent
24 tracking throughout the island. When they get towards what's
25 referred to as the Upper Microwave, and if you remember from the

1 accidents, right after the Upper Microwave is kind of where we
2 lost transmission from the said aircraft for the accident; all the
3 way until it gets back around to just south of Hanalei. We do
4 lose transmission. It's very intermittent at best, and most of
5 the times we lose complete transmission from that for -- 15 to 20
6 minutes, 20 minutes being the extreme case. But at least 15
7 minutes worth of timeframe where it just does not operate because
8 there's no way for it to get a signal in those deep canyons and
9 the steep cliffs.

10 Q. Okay. And -- I'm sorry?

11 A. Yeah. During the last NTSB hearings over here -- Hawaii,
12 everybody is offering, other companies to add ADS-B in and out --
13 they're all completely lost once they left the Waimea canyon going
14 en route to Napali where the accident happened. There was no
15 coverage whatsoever for ADS-B at that particular location.
16 Aircraft just got off the tracking, and nobody was kind of shocked
17 to see that.

18 Q. Yeah. That's been a common challenge there in parts of the
19 country where there's a lot of air tour activity, like, Ketchikan,
20 Alaska, same issue. Do you have displays in your helicopters that
21 show other traffic using the ADS-B technology?

22 A. So we are in the process. We use iPads that are suction cup
23 mounted. And we are in the process -- we do use a program called
24 ForeFlight, and we are in the process of getting that FAA approved
25 as our electronic flight -- and as well as a supplemental, I guess,

1 moving map slash tropic avoidance slash updated weather
2 (indiscernible). So that is just the process that just takes
3 awhile to get approval through the, you know, by circulars, and
4 following all those guidance, and getting it in our GOM. But that
5 is -- we are in that process, and it is currently being used
6 unofficially, not as a primary source of navigation, but is being
7 used (indiscernible).

8 Q. Okay. Thanks. And so can you summarize what the company
9 uses ADS-B for?

10 A. ADS-B is used for monitoring the location of the aircraft in
11 real time for safety.

12 Q. Okay. And are the radio limitations in terms of where you
13 can communicate with the flights by radio about the same as the
14 ADS-B reception? I mean, do you lose it around the Upper
15 Microwave, and then get it back around Hanalei? Is that about
16 right or --

17 A. (Indiscernible). So we -- they call us out. They call us
18 out times when they take off. We probably, because radio is line
19 of sight, obviously, we get maybe four or five miles out of them.
20 So not very far before the terrain takes over and we lose
21 reception with them. And we don't pick them back up until they
22 come back around again the south side of the mountain around
23 (indiscernible) greater, and they call 10 minutes out to let us
24 know that they're coming back in. But during that other time the
25 only radio contact that can be had is between aircraft-to-aircraft

1 due to line of sight.

2 Q. Okay. So you have contact with them for maybe 15 minutes out
3 of a typical flight, and then in the middle they are out of
4 contact?

5 A. Correct.

6 Q. Okay. All right. In going through the interviews I think
7 there were some questions about SMS. I just wanted to confirm
8 whether Safari had a Safety Management System at the time of the
9 accident?

10 A. This is Preston. I can say yes and no. Yes, from the
11 standpoint we did develop one. I got DoD, AMC contract years ago.
12 It was a very extensive and quite excessive. It dealt with not
13 just flying, but it dealt with the office, it dealt with the
14 emergency exists, and all kinds of other things that do not really
15 apply to aviation. The one thing that we did maintain and keep
16 was an accident and slash -- or incident reports that we mandate
17 the pilots to fill out if they have circumstances that need to be
18 reviewed. And they would be reviewed, and we would determine what
19 type of action we would take to correct anything that's there, and
20 we'd be looking for trends. If any trend was coming about, and we
21 needed to correct them, we would correct it. So it's very -- it
22 was very limited after the DoD AMC contract was no longer part of
23 the company structure.

24 Q. Okay. Thanks. And so in terms of what that, what that
25 system entailed, you mentioned the accident and incident

1 reporting. Did it have any other components that -- how you
2 managed safety? I'm just kind of trying to get a sense of the
3 scope and sort of how, what, how the program was organized.

4 A. Could you repeat the question one more time again?

5 Q. Yeah, sure. So the Safety Management System that you had in
6 place -- well, I guess, I should ask first, so this -- you had a
7 program in place during this DoD contract, and then it was --
8 founded like it was slightly different after the contract ended.
9 When was -- what was the timeframe of that, the DoD contract?

10 A. Oh, gee. That had to be almost 15 to 20 years ago.

11 Q. Okay. And when did it start?

12 A. Gosh, I can't remember. I'm 77 years old. I can't remember.

13 Q. That's okay. All right. And so in terms of what you had --
14 you, so you, I think what you said that you kept the accident
15 investigation reporting process -- reporting an investigation
16 process from that system in place afterward; is that right?

17 A. That's correct. (Indiscernible) to see if there's any trends
18 that we need to correct. Was kind of a trend analysis that we
19 could evaluate. If we have something that needed to be looked at,
20 we would make corrective actions to correct any trends that were
21 going to take forth. But it was, you know, the size and scope of
22 the company just did not require extensive SMS manual at that
23 time. It was required by the DoD contract, which was extremely
24 extensive, and required almost a full-time manager to manage it,
25 and we don't have (indiscernible) people working for us.

1 Q. Okay. And so the trend analysis, did that focus on equipment
2 type issues or was it sort of trends in reported incidents or what
3 was the focus on that?

4 A. Reported incidents as we could get incidences out there, say,
5 a pilot had a problem with the autopilot's going off on the island
6 or they had conflicts, and we look into it, and see if we can
7 correct the situation. And, if not, we just -- I mean, we had
8 limitations on something of that sort. We had a, as an example,
9 we had an incident where a pilot had landed in a location at an
10 airport that created a (indiscernible) strike as an example. So
11 we had an incident report filled out on that; see if we can
12 correct it. We took corrective action so it couldn't happen
13 again.

14 Q. And so what timeframe were you doing this kind of safety
15 work? Was that -- did that continue up to the time of the
16 accident or was that more back when you were doing the DoD
17 contract?

18 A. We kept the incident report going after the DoD contract as
19 it relates to aviation, and things in the office like the ground
20 crew or something that would happen here in the office we look at
21 those incident reports, and we review them, if they did occur.

22 Q. On ground crew, did you also look at them for flight ops?

23 A. (Indiscernible) exactly if we had a problem with one of our
24 shuttle drivers having a certain problem on certain things he
25 would fill out an incident report, and we review it. And if we

1 can take some corrective action, we do it. If it's setting up a
2 trend, we keep track of the trend. And if it continually happened
3 again and again, then we'd take another corrective action at that
4 point.

5 Q. And so did you have this kind of incident or safety reporting
6 system, was it being used in the year before this accident, the
7 2019 accident?

8 A. Yes.

9 Q. Okay.

10 A. That's not the complete original SMS that we had created. It
11 was just what we applied to our central operation. It was not so
12 complex as it was with the DoD contract.

13 Q. Okay. Did it apply to the actual flights or just the ground
14 operations?

15 A. (Indiscernible) company, ground and air.

16 Q. Okay. And do you remember getting any reports in the year
17 before the accident about flight-related issues?

18 A. No, no reports that I recall.

19 Q. Okay. In the year before the accident?

20 A. Correct.

21 Q. Okay. And so in terms of why the company didn't implement a
22 full SMS based on sort of the FAA templates or guidance, it
23 sounded like you were saying that was primarily because of
24 staffing limitations and the size of the company?

25 A. Yes. Size and scope of the company.

1 Q. Okay. Was there any kind of a preflight risk assessment
2 form? Like, anything that pilots had to check off the boxes about
3 weather conditions and that sort of thing before they started
4 flying?

5 A. They would do a -- because we do a standard tour, it's really
6 routine every day seven days a week same tour with some variations
7 due to weather, deviations if it's necessary. We would get
8 initial weather report. It would be handed to the pilot. The
9 pilot would look at it, and look at the briefing on it. He would
10 sign acknowledgement of the weather report. We would file it in
11 our file, and then it becomes a PIC decision making process as to
12 whether -- afterwards. Because we can't sit here at the -- base
13 and tell what the weather is on the interior. Only the pilot who
14 is actively flying could make that determination, and the PIC is
15 the only one who can make that determination. And nobody in the
16 office on the ground or otherwise can make that particular
17 decision. If the pilot says the weather is bad, we shut down. If
18 the pilot says we have to deviate from one location to another
19 location, that would be the pilot-in-command decision; no one
20 else.

21 Q. Okay. There was something in one of hour manuals called a
22 RWAFT tool, and I think it -- maybe Mr. Gallo's impression was it
23 only applied to charter flights or something. Are you familiar
24 with that?

25 A. No. I can't recall. It's been awhile. But I would think

1 that if we had any kind of non-tour operation, then we would go to
2 a risk assessment totally. As an example, if we had to fly a
3 charter from Lihue to Oahu, we would have to have pop-out floats
4 installed, go through safety issues going over water, and then
5 risk assessments of that, depending on how many passengers or
6 cargo we had onboard, and where the destination is. Is it an
7 improved (verbatim) airfield, unapproved? If it's unapproved, you
8 would go through other analysis to find out if it's not hazardous
9 to make that particular approach and landing to that site. And
10 those are factors that would come into play. That may happen in
11 our operations (indiscernible).

12 Q. Okay. So those kinds of operations were pretty rare? It was
13 primarily the -- just the tours?

14 A. That is correct.

15 Q. Okay. And this RWAFT tool, that didn't apply to the tours?
16 That was for this other type of charter type operation?

17 A. This is Murphy. Before we answer with an affirmative to
18 that, we would need to know -- we need to receive a copy of where
19 we're, you know, just to be clear to both us and you, we would
20 need a copy of what you guys are -- where you saw that so that we
21 can go look back at that, and speak educatively (verbatim) about
22 it. I'm not sure if that was a typo. I see here in the question
23 it's talking about a WESA. WESA's have everything to do with the
24 HAT CPM. So we would really need some context of what we're --
25 would be saying yes or no to that type of question.

1 Q. Okay. Yeah. This is Bill. But I think, I think Brice or
2 Mitch can send you information or copies of that information that
3 I think we received from you, but I can't recall which manual it
4 was in.

5 A. Yeah. We just need to go back and review what section we're
6 talking about. You know what I mean? Just saying the RWAFT tool,
7 you know, I was not the Director of Operations during that time.
8 However, just in fairness to both us and you, giving you good
9 information here, we need more context to what we're to say yes we
10 do have that or we don't -- at this point --

11 Q. Yeah.

12 A. -- what that is.

13 Q. Yeah. We can circle back with you on that. All right.
14 Let's see. So in post-accident interviews with a couple of your
15 pilots, it sounded like maybe there was not a safety reporting
16 system in place, but it was hard to tell from the interviews
17 because I don't think we asked management. And I just want to
18 confirm at the time of the accident whether or not there was a
19 safety reporting system in place. It sounds like maybe there was
20 based on what Preston was saying a minute ago. But can you guys
21 just tell us just sort of as the final word on that what, you
22 know, what -- whether you had a pilot safety reporting system in
23 place at the time of the accident?

24 A. Yeah. This is Murphy again. So at the time of the accident,
25 although I was the General Manager and not the Director of

1 Operations, we did at the time of the accident Safari had a
2 company incident reporting form that would be utilized to convey
3 any concerns or questions or comments as to the operation of a
4 given flight. This coupled with the longstanding NASA reporting
5 system that most people are aware of was what was being utilized
6 at the time.

7 However, since then, Safari has adopted and implemented the
8 VDRP Program, the Voluntary Disclosure Reporting Program, from the
9 FAA. This program automatically alerts both us as the company as
10 well as the FAA to a deviation, whatever that deviation is,
11 whether it's weather, safety, regulatory, company policy,
12 procedure. This deviation is analyzed by us and the FAA where the
13 company offers corrective actions to help prevent the deviation in
14 the future. If the FAA accepts the corrective action, then the
15 case is logged, tracked, and tracked for posterity. The case file
16 is then closed. However, if the corrective action from the
17 company is not satisfactory to the FAA, then the company is
18 obliged to seek input in collaboration with the FAA to better
19 adjust the scenario situation to the FAA's wishes for which they
20 feel that we have fully addressed that situation.

21 This collaborative nature from my perspective promotes the
22 pilots as well as us the company to kind of self-disclose and come
23 forward to address these things, and not try to -- in the past how
24 things people thought about it was trying to cover themselves or,
25 you know, I don't want to give out too much information. So it

1 really allows us to correct future deviations, and increases our
2 safety. So although I do feel like we were well within our
3 regulatory by using a company incident reporting form, you know,
4 post-accidents taking a broad spectrum look at the company and
5 ways that we can improve that are not being -- or even being
6 forced, but things that just in the realm of safety and the guise
7 of safety -- or not the guise, but the interest of safety, then
8 we've adopted this program, this VDRP program.

9 Q. Okay. That's helpful. All right. And so and on the SMS
10 front, I know there's a voluntary SMS program or the FAA sort of
11 approves SMS programs, and I'm wondering if the company has been
12 doing anything new on that front since the accident occurred?

13 A. Again, this is Murphy. So, yes. Since the accident,
14 Safari has incorporated 135 ACM program to address SMS. This SMS
15 program is more expeditious, and technologically the program
16 allows all of our users. So anyone from a loader to a flight
17 follower to a pilot, to a mechanic, to the administrative
18 personnel to see the status of the aircraft, the status of
19 maintenance, as well as all risk assessments for each and every
20 flight, which we do now do risk assessments for each and every
21 flight in real time. It's a color-coded system that alerts all
22 users to the progression of outcomes. And so what I mean by that
23 is as things come due as far as maintenance items, as things come
24 due as far as training, as things come due as far as risk
25 assessments being mandatorily having to be inputted into the

1 future, individuals, components, training, all these things turn
2 colors to allow us to know the status of those things. And so
3 it's a broad spectrum view, which I can share with you some screen
4 shots or I can demonstrate that scenario or that system if you so
5 choose. So this -- it also has automated functions that
6 immediately alert and notify key personnel to progression of that
7 scenario.

8 So, for instance, in the risk assessment now that is mandated
9 for each and every flight, as they are putting in it's a point
10 system based system kind of like the airlines where you put in and
11 you -- it asks a series of questions, some physiological. Some of
12 those questions are (indiscernible) questions. Some of those are
13 just kind of mindset questions of the pilot; planning questions;
14 mitigating factors. And as they plug in, and they select their
15 answers it assigns points. And there's thresholds as what is an
16 acceptable flight, what is a cautionary flight, what is a flight
17 that needs approval from either the chief pilot or the Director of
18 Operations, and what is just an absolute we're not going to --
19 you're not allowed to go? And the best thing about this system is
20 it does not allow the pilots to fill it out, and then they realize
21 that now they've gone into a scenario where they're possibly going
22 to have to either get approval or can't go, and then they can redo
23 it. It doesn't allow it. So once they enter their answers, and
24 they submit their report, it flags them. And for those things
25 that need approval, it has to come from our end, and before that

1 dispatch will be released for that flight. So it gives everybody
2 that is pertinent to that information a heads up of what's going
3 on, and makes us aware that, okay, for instance if a pilot was to
4 say under his physiological conditions that he has a cold, it
5 assigns a number. But if he says he's fatigued, it automatically
6 flags him and says, you know, I'm sorry, you can't take this
7 flight.

8 So all of these components with the maintenance side of
9 things, with the training side of things, with the status of the
10 aircraft, the status of the pilot checking in every day and
11 updating us to what his physiological and mental status is for
12 each and every flight. This SMS system is quite (indiscernible).
13 And right now, we are -- and again -- it takes time for these
14 things to be incorporated into GOMs, and that's the process we're
15 working with the FAA and our POI right now to incorporate these
16 things back into our GOM to get them FAA approved.

17 Q. Fantastic. On another topic, there's this subject of queue-
18 based training, and after the Bali Hai accident in 2004, the NTSB
19 had recommended that the FAA work with operators in Hawaii and
20 experts on decision making to develop queue-based training
21 programs that would help particularly new pilots to the Island
22 recognize potentially hazardous weather conditions, and sort of
23 standardize their judgments about what was and wasn't adequate
24 weather. So one of the things we've been trying to follow-up on
25 as part of this case is sort of what the status of that is. And

1 we noted that in the HAT CPM here -- I think there's an item there
2 that says queue-based training shall be provided, but there isn't
3 much detail about it. And we were wondering if you could tell us
4 did you provide queue-based training to your pilots, and to Mr.
5 Montero in particular?

6 A. This is Murphy. So when we're talking about queue-based
7 training, is it in our training manual to find as queue-based
8 training? The answer would be no, it is not. However, the HAT
9 CPM in itself is a direct representation of queue-based training,
10 and is mandatory for us to train our pilots according to the HAT
11 CPM since we are 136 Alpha as a tour company in (indiscernible).
12 So it provides the WESA's, right, the Weather Enhanced Safety
13 Areas. It provides pictorial versions of alternate landing sites.
14 It provides maps and guides of where you can deviate, altitudes
15 for weather to avoid inadvertent entry into IMC. It does not,
16 however, give simulation guidance as far as putting a pilot into a
17 simulator, and simulating certain scenarios like an AQP, and
18 practicing removal from that.

19 So the answer to the question is somewhat by nature vague,
20 but not by intent of us. It's so, yes, there is in a sense queue-
21 based training for all islands because the HAT CPM covers all four
22 islands. However, it's not labeled in our training manual as
23 queue-based training. And since then, the FAA has notified all
24 operators that the HAT CPM is going to be removed as an accepted
25 document, and we are going to move into a training, I guess, a

1 training document that goes into our ops specs that is individual
2 for each and every operator. So currently the HAT CPM is still in
3 use, and still is approved into our ops specs. For how long,
4 that's going to be hard to say. But, yes, so I -- and I'm not
5 trying to be aloof or evasive in this question. It's just it's a
6 very kind of gray area of, no, it is not defined as queue-based
7 training. However, in itself that manual is a queue-based
8 training manual, and is required by us, and is logged and tracked
9 by us that they get this HAT CPM training.

10 Q. Okay. All right. So that's helpful. And so the training
11 that Mr. Matero would have received was the HAT CPM training, and
12 you guys gave -- you've probably already provided us documentation
13 that he's signed off for that, completing that training. Is that
14 correct?

15 A. Yes. To my knowledge under the documents that you guys --
16 that we catalogued, and you photocopied and so forth, and also his
17 training folder which would have included that in there.

18 Q. Okay.

19 A. And as the chief pilot, he would be the one doing the HAT CPM
20 training for all pilots at the time.

21 Q. Okay.

22 A. As well as his recurrent, his recurrent training because --
23 on himself now. When it comes to the practical application of
24 that training, what happens is called route checks. Now he did
25 -- he gives all route checks, and then when the FAA checks him to

1 be the check airman, they also give him a route check, and that
2 route check is where we take the pictorial versions of the HAT
3 CPM, and they then point out during that route check this is where
4 that is, this is where that is with these pictorials. So you get
5 a real life version of what you -- a picture where that is
6 geographically along your path or potential path since we don't
7 fly routes. And so there's a few parts. There's the book portion
8 of it, and then there's the actual route check that is done that
9 kind of accopilates (verbatim) the practical use of that, of that
10 (indiscernible).

11 Q. Okay. And does that only happen when a pilot goes through
12 initial training or do they do it every year?

13 A. No. They have to have their route checks done every year.

14 Q. Okay. And then so Mr. Matero, because he was the chief
15 pilot, he would have gotten credit for the training when he went
16 through with the FAA checking him as the instructor for that?

17 A. That is to the best of my knowledge how he would get his
18 recurrent to be able to continue to train for those, yes. That
19 was something that they would have to be doing at that time.

20 Q. Okay. That's helpful. Okay. Skipping down to a couple of
21 questions down below because I think we've covered this stuff
22 about queue-based training. Do you all happen to have copies of
23 any of the air tour safety meeting agenda for the years leading up
24 to the accident?

25 A. So we're in the process of gathering those for you. Those

1 meetings are -- they are logs. I am still trying to decipher were
2 there actual meeting minutes. I believe there are meeting minutes
3 that are taken, but since we do not post them ourselves at Safari
4 Helicopters, we're trying to gather the proof of those. Now, we
5 do have to notify the FAA 10 days prior to any of those events,
6 yearly events. And in recent history what's happening is it's a
7 Zoom call where all islands and all operators participate, and
8 each island has one operator that presents a specific topic that
9 is pertinent to that subject, while the FAA just monitors, and
10 stands by as a technical advisor.

11 So I'm trying to -- I think nothing more than who was in, who
12 was in attendance, and probably generalized topics is all you're
13 going to -- we're going to be able to provide from that. They're
14 not going to be very detailed that so and so said this or so and
15 so said that. But I think it will give you a generalized -- to
16 the best of my knowledge, it will give you a generalized overview
17 of topics discussed, and who was in attendance.

18 Q. That would be really helpful for us, yeah. Because the FAA
19 wasn't able to provide it. And one of the things we're looking at
20 is the value of those meetings, and whether or not the FAA should
21 be more involved in making them happen, and making sure that
22 they're beneficial for everyone. Do you -- did Safari find those
23 meetings valuable for improving safety?

24 A. Yeah. I believe that there's great value in the
25 (indiscernible) safety meetings. The ability to share experiences

1 that other operators can learn from and prepare for before they
2 find themselves in those situations is always, I think, a valuable
3 tool. The FAA participating in a technical advisory role is
4 helpful, if there's a technical question. As far as making sure
5 that they happen, well, it's part of our requirements to have this
6 yearly meeting. So from a technicality standpoint, if you do not
7 participate in an annual 136 meeting, you're in violation. So the
8 enforcement of that, I can't speak to. How they would enforce
9 that, if they enforce that, that's outside of my wheelhouse of
10 purview. But I would think that there's -- not like you can skip
11 them. Not supposed to.

12 A. This is Preston (indiscernible). We have been allowed to
13 have a company representative attend these annual meetings, and if
14 a pilot cannot himself attend the meetings, it was allowed for
15 that participant to pass that information to those who did not
16 attend.

17 Q. I see. So you could have a company representative attend.
18 It didn't have to be the entire company is what you're saying?

19 A. Yeah. Well, if for some reason someone couldn't make it for
20 whatever reason, let's say they're on vacation somewhere, they
21 couldn't go, attend it, then that person would be briefed by the
22 person from that particular company afterwards, thereby that
23 person having to actually showing that they had -- they didn't
24 attend, but they did attend because they got debriefed afterward.

25 Q. Okay. Sort of attended vicariously.

1 A. Yeah.

2 Q. Okay. And sort of along those lines of -- or, I guess
3 another angle as far as whether the FAA attends the meetings. Do
4 you all think it would be better if they didn't attend the
5 meetings so that -- I mean, would that make it easier for people
6 to share things openly? Or do you feel like on balance it's
7 better for the FAA to participate?

8 A. I don't think that taking the FAA or the regulatory body out
9 of any of those types of meetings would be beneficial. I don't
10 think that there's an issue of fear of sharing. We're not, in
11 most cases, we're not stating so and so did this on this day, and
12 this was the altitude he was at, and this is how he violated.
13 Those are not the topics that we're -- they're not that specific.
14 It's a generalized, for lack of a better word, redacted sharing of
15 information of challenges of what we're seeing that is
16 specifically towards those regulatory subjects that we're speaking
17 about, right? We're speaking about a 136. We're not speaking
18 about 91 or 135 or any of these other topics. It's a 136 Alpha
19 meeting. So we're trying to work through questions, concerns,
20 comments. How can we do it better type of thing as far as our
21 routes staying safe, and being good stewards to those around us.
22 So the FAA being a part of that, and being able to be there as far
23 as if we have a technical question as if someone comes up with an
24 idea, and says could we do X, Y or Z? And having the FAA being
25 there to say that's not in violation as far as we're concerned or

1 it is a violation or you know what that's -- you're kind of
2 getting in an area that is potentially problematic for, again, X,
3 Y or Z. I think that is helpful. I don't think removing them
4 would be advantageous to anyone. If we want to talk amongst
5 ourselves without the FAA, we can always call one another, and
6 have those conversations, if we really felt that that was
7 necessary, but I don't think it is.

8 Q. Okay. And so our understanding was that the FAA didn't
9 participate in one or more of these annual meetings, but it sounds
10 like they are back in the fold, and they are now as of -- are they
11 now participating in the meetings?

12 A. They are always notified of the meetings 10 days prior as is
13 the regulatory mandate. Whether they're on the Zoom calls or
14 conference calls, I can't speak to that, right. I can't speak to
15 who at the FAA or who was on the call listening or who was not on
16 the call listening. That's a question for them to answer. But
17 they are always notified of the meetings, and I have been on these
18 meetings where they have been there just listening and been there
19 as a technical advisor. Are they for every single one? Again,
20 that's a question for the FAA to answer, not -- I couldn't answer
21 that.

22 Q. Okay. But since the accident, have you attended an annual
23 meeting where there was an FAA person there that was involved
24 or --

25 A. We just had one. I believe it was in June or July. I'd have

1 to go back to my records that we just had, and they were notified.
2 And to the best of my knowledge they were on the Zoom listening to
3 the best of my knowledge.

4 Q. Okay. June 2021.

5 A. I think it was June or July of -- yes. It was 2021, but I
6 believe it was in June or July. I can go back through our
7 training records and get you a better date if you wish but --

8 Q. That's good enough. Yeah, we can -- June or July just
9 basically the meeting held in June or July of this year, your
10 recollection is somebody from the FAA participated or was there
11 listening?

12 A. To the best of my recollection that somebody was there, and
13 that they were notified 10 days prior to this meeting.

14 Q. Okay. All right. So switching gears a little bit. On the
15 camera system for the accident helicopter, from the documentation
16 we collected about the accident so far, it looked -- it sounded
17 like there was a camera system installed on the helicopter, and
18 that it was being upgraded to an HD system, and so there wasn't --
19 it wasn't operating at the time of the accident. Can you give us
20 kind of a brief on how many cameras there were on the old system,
21 and how they were oriented and controlled and recorded, and then
22 kind of tell us what the new system was like in the same -- terms
23 of the same characteristics?

24 A. So the only thing that was changing on the camera system was
25 the cameras themselves. We had some antiquated larger cameras

1 that were accepted, but probably not ideal for what we were doing
2 due to the vibrations and shakiness of the helicopter aircraft.
3 Where they're located, which direction they're pointing, their
4 orientation, all of those questions are identical from the old
5 system to the new system. So, again, it was (indiscernible), and
6 that would have consisted of three external cameras. One was on
7 the nose pointing forward, and one was on each side in the baggage
8 compartment with a lens that was cut into that baggage compartment
9 that was facing 90 degrees out the side. And one internal wide-
10 angle camera to capture the interior. That camera system, again,
11 both old and new, only thing changing being the cameras, could
12 only record one camera at a time, and was a selector switch
13 operated by the pilot.

14 Q. Okay. All right. And then was that recorded onto some sort
15 of solid-state digital device that you could download back at the
16 --

17 A. It was onboard the aircraft, and it was downloaded to a flash
18 drive.

19 Q. Okay. All right. And then for every flight, was that
20 brought over to the office, and then made available to the
21 passengers or how did that work?

22 A. Primary use was marketing to sell videos to the passengers.
23 However, we did use it for training, for investigative purposes
24 when we felt the need that that would arise. It was monitored
25 randomly for training and compliance, but its primary focus was

1 sales of videos.

2 Q. Did Safari ever review that video to review pilot weather-
3 related decision making or look for inadvertent weather
4 penetrations?

5 A. Yes. They were randomly pulled and selected -- I wouldn't
6 say selected because it's random. So they were randomly pulled,
7 and reviewed for company compliance, regulatory compliance,
8 customer service related questions, comments, concerns, as well as
9 (indiscernible) itself.

10 Q. Okay. And was this -- this happened before the accident or
11 after?

12 A. Correct. Before the accident.

13 Q. Okay. And how often would you say that happened?

14 A. It was on a random basis. So to tell you that it was done
15 once every three weeks or once every four weeks or once every two
16 months, would not -- I could not give you an accurate estimation
17 on there. It was not overly pulled, but it was not by any means
18 only pulled once every six or seven months. We quite frequently
19 pulled videos for just randomized compliance issues, for customer
20 complaints, for camera quality. They were always being monitored
21 as well as every single video was monitored by the front desk
22 staff for video quality before it was given to the customer. Now,
23 obviously, they are not, you know, the front desk staff are not
24 versed in FAA compliance or company policy and procedures, but any
25 adverse or abnormal flight conditions would have been immediately

1 reported to us at that time.

2 Q. Okay. Did that practice change in any ways after the
3 accident or is it the same practice now?

4 A. So, again, after the accident, which happened at the very end
5 of 2019, we all, we were down for most of January, you know, just
6 out of respect, and taking a look at ourselves to make sure that
7 we were operating in a safe and controlled manner. Going back at
8 the end of January, we only had about a month and a half before
9 Covid hit, and all of us were shut down. So it continued up until
10 March 18th when we were shut down here in Hawaii. However, since
11 then we just went back to work here in Hawaii our one base
12 starting in March; the Kauai base starting back in April. We have
13 made the decision to remove the cameras and stuff from the
14 aircraft, and that is solely due to the logistical issues that it
15 poses on maintenance with the camera system not operating
16 correctly, and when it goes down it being part of the aircraft
17 essentially grounds the aircraft since it is an integral part in
18 SDC, and since we don't have an MEL book, we can't just say, well,
19 the camera system is out, but we can still go fly. So the
20 logistical decision was to remove the camera system at this time.

21 Q. Okay. And prior to the accident, who would have reviewed the
22 videos when they were randomly reviewed among -- from the
23 operations side as opposed to the front desk people? Would it
24 have been Mr. Matero or someone else?

25 A. When it comes to regulatory company policy, those would have

1 been done by the Chief Pilot and the Director of Operations, but
2 the Director of Operations wouldn't have gotten involved unless it
3 was a more frequent case of something of that nature. It would
4 have been passed up (indiscernible).

5 Q. Okay. Did Mr. Matero ever talk to you guys about reviewing
6 the videos?

7 A. Only at the time again remember I was not the Director of
8 Operations. I was the General Manager. And so if it had -- in
9 reviewing the video it had something to do with customer service,
10 maybe one of the ground handlers, how they were interacting with
11 either customers, the aircraft, then it would have been discussed
12 with me. If it was flight operations nature, that was outside of
13 my wheelhouse purview at that time. It would have been discussed
14 with Preston.

15 Q. Okay. And, Preston, do you recall Mr. Matero ever -- did he
16 discuss reviewing the videos with you on any particular occasions?

17 A. We, I guess you guys have been breaking up. I don't hear
18 anybody talking here for the last five minutes, just to let you
19 know. So I'm kind of just now hearing what you're talking about.
20 But if we had -- Paul Matero himself reviewed all the pilots on a
21 random basis, especially when they were new to the company, and it
22 was part of the training process to make sure they were flying
23 correctly, make sure they weren't hot-dogging; flying a safe tour,
24 level tour, not doing crazy stuff. And, again, like Murphy has
25 talked about, if a customer complained about something, we could

1 go back and look at the video to confirm or refute the claim.
2 There's all kinds of scenarios that would happen. From a pilot
3 perspective, the chief pilot primarily did the review with a new
4 pilot most of the time. Obviously, nobody reviews the chief pilot
5 because he's the one training everybody.

6 Q. Do you recall him ever specifically coming to you and saying
7 --

8 A. You've broken up. I can't hear anything.

9 DR. BRAMBLE: Okay. Why don't you stand by there, Preston,
10 and we're getting near the end of my question list, but Mitch, do
11 you --

12 MR. MYERS: I can't (indiscernible).

13 DR. BRAMBLE: Okay. Just stand by.

14 Mitch, do you have a call-in number for this teams meeting?
15 It's not showing on my information screen.

16 MR. GALLO: I don't have a call-in number.

17 DR. BRAMBLE: You do not?

18 MR. GALLO: I tried to do -- no. I tried to do through Com
19 Center, and they told me to do Teams, but I don't have a call
20 number.

21 DR. BRAMBLE: Okay. Yes. Teams will have a call-in, but I
22 don't see that option here. Well, we have a couple --

23 MR. GALLO: Can Preston log off and log back on? That might
24 help the connection.

25 DR. BRAMBLE: He could or he could -- he could call Murphy,

1 and then maybe Murphy, you could put him on speaker phone. I
2 don't know if that would work or not with the echo, but do you
3 want to try it? Yeah. Why don't you try and call Preston on his
4 cell phone, and let's see if that helps.

5 MR. MYERS: Call Murphy, so I hang up? I couldn't hear
6 anything you guys said.

7 DR. BRAMBLE: Yeah. Go ahead and hang up from the Teams
8 call.

9 MR. MYERS: Okay. I'll call Murphy.

10 MR. MURPHY: I'm going to put you on speaker phone, okay?

11 DR. BRAMBLE: Okay.

12 MR. MURPHY: He's on speaker phone.

13 DR. BRAMBLE: Can you hear me? Just testing to see if you
14 can hear me. Preston, can you hear me?

15 MR. MYERS: Yes. In and out. Yes.

16 BY DR. BRAMBLE:

17 Q. Okay. So I was just asking if Mr. Matero ever came to you
18 and said, hey, yeah, I was just reviewing or I reviewed the videos
19 from so and so's flight, and it looked good or I had a concern or
20 just did he ever come to you on a specific instance and say he had
21 reviewed the video from someone's flight?

22 A. (Indiscernible) we don't know for sure. Go back and look at
23 the video and confirm it (indiscernible) address that issue with
24 the pilot and try to correct the situation. (Indiscernible).

1 Q. Okay. And do you recall how many times he may have gone in
2 and reviewed that?

3 A. My phone must be screwed up here. I can't hear
4 (indiscernible).

5 Q. Okay. I think what we may do is if you want to dial back
6 into the Teams, you can. It may be frustrating, but we may just
7 try and work through our few remaining questions with Murphy, and
8 then if Murphy has some things that he thinks that he can't
9 answer, then maybe we'll try and follow-up with you on those
10 questions. Does that work for you guys?

11 UNIDENTIFIED SPEAKER: We lost him. His reception there in
12 Kauai is pretty bad. That's fine with me. I don't think you'll
13 have a problem with that

14 DR. BRAMBLE: Okay. Let's just see what we've got left here,
15 and what he might uniquely need to speak to.

16 BY DR. BRAMBLE:

17 Q. All right. One thing that I think we cleared up from the
18 interviews was that it seemed like pilots were paid a minimum
19 salary, and that was supplemented by flight hour pay. Did we get
20 that right?

21 A. So the pilots at the time of the accident, the pilots
22 received [REDACTED] a day or the number -- the pay for -- based off of
23 the number of flights flown, whichever was higher. So they were
24 given [REDACTED] a day guarantee, but if they flew more than [REDACTED] worth
25 of flights, then they got (indiscernible).

1 Q. Okay. What's the pay for a full day -- day flights?

2 A. It depended on their pay scale. So they ranged, I believe,
3 at the time anywhere from [REDACTED] a flight hour all the way up to [REDACTED],
4 believe, [REDACTED] or -- I believe that's what it was, [REDACTED] a flight hour
5 at the time of the accident. So they could earn quite a
6 considerable amount more. [REDACTED] (indiscernible) to guarantee that
7 they didn't just come in, and sit around and do nothing, and at
8 the same time it didn't make them want to take risks and just push
9 flights just to get anything for the day. That was the mindset
10 behind that. We pay differently now.

11 Q. What's the system now?

12 A. System now is more geared towards the airlines. Mainly,
13 because that's where I came from. So they get an hourly rate per
14 flight hour. However, we give them a monthly guarantee that they
15 can't go under. So it protects them from not being able to make
16 enough money to pay rent and get (indiscernible) and eat and pay
17 for their gas and stuff. But they get a higher hourly flight.

18 Q. Okay.

19 MR. MYERS: I can hear you guys now.

20 DR. BRAMBLE: Oh, great. Yeah. Let us know if you have
21 trouble again with the connection. We are getting near the end of
22 the list of questions here, but I'm glad that we have you with us
23 again. Okay. Well, we have, I guess, we have 1, 2, 3, 4, 5, 6,
24 7, 8, 8 questions. So still a few, but we've gotten through most
25 of it now.

1 BY DR. BRAMBLE:

2 Q. All right. So one other thing that was a bit unclear from
3 reviewing the transcripts of some of the witnesses, pilots from
4 other companies, actually, it might have been -- I can't recall
5 which interview it came out of. But I think at one point we were
6 under the impression that the pilot had called out that he was
7 passing Tree Tunnel during the accident flight. But on reviewing
8 the interviews, it looked like maybe nobody ever actually
9 specifically said that. Do you guys have any information about
10 whether anyone heard the pilot make a radio call that he was
11 passing Tree Tunnel or was that a misinterpretation of one of the
12 interview transcripts?

13 A. This is Preston. I can talk about that a little bit. We
14 have mandatory reporting points requirements -- we go around the
15 island. Tree Tunnel is not a mandatory reporting point. However,
16 the company that's based up in Princeville will be coming from the
17 north down to the south of the island. Our flights out of Lihue
18 depart westerly from east to west. And a company that's based out
19 of Burnsfield to the south again may go around the island, go up
20 north, and come up down. So they merge approximately where Tree
21 Tunnel Road is, and it's possible that Paul may have called Tree
22 Tunnel Road just to let know people that may be coming in from the
23 north that he's approaching Tree Tower to watch out for him. But
24 it's not a mandatory reporting point. And that's possible Paul
25 may do that. So

1 Q. Yeah. I think there was some discussion of that, but I just
2 wanted to see whether you guys had heard from anyone who actually
3 said they heard that?

4 A. So as the answer to your question, as far as we are aware of
5 no ground staff heard a radio call reporting that location. Our
6 pilots, you interviewed those individuals, and we did not question
7 any of our staff about what was discussed between them and you
8 guys. So as far as we're aware, no ground staff heard a radio
9 call reporting that location, and that's kind of where we leave
10 that. I know that that was a bird that was flying around. We'll
11 call it that until somebody can confirm it, but there's been no
12 actual -- we were not aware of it.

13 Q. Okay. But you did have a report from him reporting his time
14 off from the airport; is that correct?

15 A. That is correct.

16 A. Yes.

17 Q. Okay. And I think we have that already documented. Okay.
18 All right. So the interview with Mr. Hines mentioned -- he
19 mentioned an Island pilot communicating with he thought
20 Mr. Matero on the radio at about the time that Mr. Matero would
21 have been heading north out of the Lihue area, and telling him
22 that it looked rough on the Napali coast. And I don't think we
23 ever identified who that pilot was, and we were thinking we might
24 try, even though it's been awhile, try to follow-up with him, and
25 make sure there isn't any other information available from that

1 conversation. Do either of you happen to know who that pilot
2 might have been?

3 A. We can't speak to what Mr. Hines may or may not have heard.
4 That's -- I guess you guys would have to follow-up with him on
5 that one.

6 Q. Okay. So it's not like you ended up having a conversation
7 with Island later, and they said, oh, yeah, so and so talked to hi
8 or something?

9 A. No. We tried to stay out of the NTSB and the FAA's way as
10 much as possible, and not interfere with anybody's recollection or
11 start rumor milling about what may or may not have happened. We
12 tried to let the process happen. We did not go and start
13 discussing with (indiscernible).

14 Q. Okay. All right. On a different topic then. We didn't have
15 the details as far as the company profile for how many employees,
16 just in terms of the size of the company, how many employees
17 Safari had, and how many of them were pilots at the time of the
18 accident. Can you guys give us those numbers?

19 A. At the time of the accident, we roughly had 26 employees; 6
20 of which were active payroll pilots.

21 Q. Okay. That's helpful. All right. And the ones that we
22 talked to were your primary pilot, your secondary pilot, and then
23 you had another, I think, Sunday pilot. Can you just briefly go
24 over sort of who were the six, what were the roles of the six?

1 A. Well, they would have been spanned over the two bases. So at
2 least two to three of those would never come in contact with
3 Kauai, anywhere near Kauai.

4 Q. Oh. I see. So we probably covered all the Kauai pilots
5 then?

6 A. I believe you did. And one of those pilots that were on the
7 active payroll had just left the company right before the accident
8 to go work for another company. So even though they were active
9 on the payroll, they were not active in --

10 Q. I see.

11 A. Just wanted to give you the -- I'm just giving you the full
12 number so that there's, you know, there no look of impropriety
13 here. So I'm --

14 Q. Yeah. So it was -- so you had about three on Kauai, and one
15 of them was transitioning out, and was not flying out at the time;
16 is that the idea?

17 A. Correct.

18 Q. Okay. All right. But then there was also the DO for
19 ni'ihau, who was an occasional pilot, I think?

20 A. He was (indiscernible) pilots. He was just -- he worked
21 mostly one day a week, and on standby other days.

22 Q. Okay. You were stepped on a little bit there. What was your
23 first sentence?

24 A. He was -- he worked primarily one day a week. You're talking
25 about Dana?

1 Q. Yeah.

2 A. Right. Dana Rosenthal. So he worked one day a week
3 primarily with the occasional standby status for us. So he was
4 just more of a fill in the gap pilot, but he was actively on our
5 payroll, and was being actively trained and (indiscernible) for
6 his hours for both companies.

7 Q. Oh, okay. So we had Hines. We had Dana, and we had Matero.
8 And then was Jacobson one of yours as well or?

9 A. Pilot Kyle Jacobson was and is now the chief -- was a pilot,
10 and is now our chief pilot.

11 Q. Okay. So that's four, I think. So four of the six were on
12 Kauai, you think?

13 A. Yes.

14 A. Yes.

15 Q. Okay. Four. And that would have put two, two pilots
16 elsewhere?

17 A. Correct. Two in Hilo.

18 Q. Okay. I guess I could have gotten to that a lot quicker by
19 just asking you how many were on each island. Oh, well. Okay.
20 And then how many of the non-pilots were non-pilot managers like
21 Preston? I mean, I know he used to be a pilot, but he's no -- he
22 was no longer an active pilot on the payroll. How many non-pilot
23 people in a management position did you have?

24 A. That would probably -- okay, so, I mean, without just --
25 Preston would have been the Director of Operations, Paul

1 (indiscernible) the Director of Maintenance. I would have been
2 the General Manager. And Grace would have been the Office Manager
3 -- Financial Manager.

4 Q. Okay. All right. So I think that gives us a sense of kind
5 of the size of the company, and a little bit more about its
6 organization. How many flight followers did you have?

7 A. So due to our company's size and scope during and even after
8 the accident, it didn't allow for us to have a dedicated flight
9 following department. So the front desk staff would have
10 performed the FAA approved flight following procedure.

11 Q. Okay. All right. Helpful, helpful. All right. And then on
12 the, on the classroom training for your initial and recurrent
13 pilot training, can you give us a sense of how you delivered that
14 training? Where did it occur, and did it consist of lecture,
15 books or computer presentations?

16 A. I have to defer to Preston on that one --

17 A. Yeah. We have a -- the two pilots (indiscernible) acts as
18 training. We have a conference desk where they can sit around and
19 get trained. That's with the books, manual, videos or anything
20 else that we have available for us to teach the ground school for
21 the pilots on initial and recurrent training.

22 Q. Okay. And so how much of the training was in person lecture?

23 A. I'm going to say pretty much 90 percent.

24 Q. Okay. All right. I'm sorry to bounce back to the flight
25 follower topic because we -- it looks like we have these questions

1 a little out of order. But the -- what did the company flight
2 followers have to do when the aircraft were up on tour?

3 A. So per our GOM and the (indiscernible) on page 3, our FAA
4 approved flight following procedures at the time, and are now
5 still being followed each and every day. If you want me to run
6 you through a scenario base of what that entails, I can do that.
7 You guys should also have that, a copy of that that you took with
8 you at the -- during the initial gathering of information phase.

9 DR. BRAMBLE: Okay. I'm going to defer to Mitch and Brice on
10 that when they have an opportunity to follow-up here on whether we
11 want to, want to run through or just refer to the documentation.
12 Let's see. Looks like we have a few additional questions on that
13 topic. And I think I'm going to pass this off to Brice Banning to
14 see if he has any additional questions.

15 And, Brice, if you'd like to ask those flight following
16 questions, please go ahead unless Mitch prefers to address that
17 area.

18 MR. BANNING: I think if it's all right, Bill, I'll go ahead
19 and see if Mitch wants to follow-up with the flight follower
20 questions. And then maybe I'll go after Mitch. Would that be all
21 right?

22 DR. BRAMBLE: Yeah. Fine with me.

23 Mitch, are you there?

24 MR. GALLO: Yeah, I'm here, and I have about 30 additional
25 questions after this so --

1 UNIDENTIFIED SPEAKER: We may need a break, if you really
2 have 30.

3 MR. GALLO: No. I do have a lot of questions here that --
4 spurred by the conversations we've been having.

5 DR. BRAMBLE: Do you want to work through the questions we
6 had prepared?

7 MR. GALLO: Yeah, let's, let's start with -- yeah. And
8 that's what I was thinking. Let's start with question 22, and
9 then I think Mr. Murphy answered this, what duties do the flight
10 followers have when the aircraft were up on the tour? Did they
11 have any specific tasks they had to accomplish? Were those tasks
12 accomplished as required by company policies and procedures when
13 the accident flight was underway?

14 BY MR. GALLO:

15 Q. So Mr. Murphy or Preston, if you want to talk about that a
16 little bit more, Question 22?

17 A. Yes. So as I stated before they were during the accident,
18 and still continuously being followed as per our GOM flight
19 following procedures that has been approved by the FAA. So the
20 flight following procedures vary depending on tour, but are
21 generally the same. So if we're talking about a tour, a regular
22 tour, I can walk you through the flowchart that's in the manual,
23 if you wish, or you can refer to that. It's really up to --
24 either one I'm okay with.

1 Q. Well, we have the flowchart, and if you're referring to that,
2 I think that's fair enough. It's already in our ops report.

3 Let's go to Question 23. What info do company flight followers
4 normally receive from pilots? Were they just radio calls slash
5 position reports? Do they use anything else such as ADS-B's,
6 Spidertracks, on keeping track of flights? Do they have any role
7 in weather-related decision making or providing weather to pilots?

8 A. So a lot of questions there. So let's kind of take those one
9 at a time. So, no, it was just radio calls. We did not have any
10 electronic flight following. We did not have ADS-B at the time on
11 the aircraft. We did not have Spidertracks on the aircraft. So it
12 was only radio calls, and it was specifically the radio calls that
13 are listed in our flight following procedures. So position
14 reports, going back to the previous question about, say, Tree
15 Tunnels or Upper Microwave, we would not, we would not be in range
16 for those calls. So the main three calls were the time out and 10
17 minutes in, as well as the last call, which would be the time in.
18 So those three main calls was all they would be communicating
19 between one another. As far as did they have any role in weather-
20 related decisions, talking about the flight followers? No. All
21 weather-related decisions and providing of weather information was
22 pilot only. So the pilots alone make weather-related decisions,
23 and the pilots alone gather weather information. The other staff
24 does not interfere with TSC authority on weather.

1 Q. Okay. And just to clarify. This is one of two questions I
2 had on the side here. We were talking about radio calls. How
3 about cell phone calls? Would that have been used between pilots
4 and the company flight followers or have they been use?

5 A. I'm sure -- I am sure that during the time of the accident
6 that on rare occasions phones were used if they could not get a
7 hold of the staff on the radio as a secondary means. But it is
8 not a primary or approved means of how we interact or flight
9 follow.

10 Q. Okay. And then just to put the communications between flight
11 followers and pilots into context, I'm guessing there was also,
12 like, logistical communications, like, for example a passenger
13 forgot their phone, bring my lunch, something like that. Was --

14 A. Most of that would have been relayed from the ground handling
15 crew, which are also the drivers, since our office is not located
16 at the helipads.

17 Q. Okay.

18 A. Yeah. The radio is not used for communication of lunches or
19 I need this or I need that. That is not pertinent to the flight
20 of -- the operation of that flight.

21 Q. And then the frequency you were using was the air tour CTAF,
22 I guess, air tour unicom frequency?

23 A. Was 130. I would have to go back to get you that, to double-
24 check that. It was a company frequency when it came into using
25 company related not position reporting.

1 Q. Okay. And what frequency -- you broke up on that. What was
2 the frequency?

3 A. I believe the -- I will have to double-check it for you, but
4 I believe the frequency was 130.

5 Q. Okay.

6 A. That's what we use for company purposes not (indiscernible).
7 It's something that we just use.

8 Q. All right. And a side question I had, and I think I talked
9 to Preston about this, but let's get it on the record. Why did
10 pilots wait to call 10 minutes out? Why didn't they call 20
11 minutes out from base for arrival? Was it had to do with
12 communication?

13 A. (Indiscernible)?

14 Q. Yeah.

15 A. Yeah. This is Preston. Because our flight following
16 procedures pilots have to maintain communications with the office
17 within 45 minutes of each flight. So if you count outbound of
18 2 minutes out, and prior to coming back in, that meets the
19 requirement of the 45 minutes.

20 Q. Okay. But did you have difficulties with signal coverage as
21 far as calling in beyond the 10 minutes, like 15 minutes or 20
22 minutes?

23 A. We had line of sight, line of sight. Can't get
24 communications 'till they get over the ridge line at line at
25 Hanalei Valley. At the very south end of it they have to get over

1 that ridge line thing. Once they're over that ridge line, now
2 they have direct line of sight communicate. Up until then, they
3 cannot do it.

4 Q. Let's go over 24. I think you answered it, but just want to
5 make sure we covered it. What limitations constrains flight
6 followers ability to track and communicate with the company's
7 flights during tours? Approximately what percentage of a standard
8 tour were pilots out of communication with the company? And if
9 flights were tracked electronically in real time approximately
10 what percentage of standard tour were they invisible? Describe
11 the areas of the island where the flights were out of --

12 DR. BRAMBLE: I think we covered that already. I think I
13 asked it a little out of order and --

14 MR. GALLO: Yeah.

15 DR. BRAMBLE: But if you want additional info, feel free to
16 follow-up.

17 MR. GALLO: Yeah. If we answered it, we answered it.

18 BY MR. GALLO:

19 Q. But do you have anything else to add on that?

20 A. I think that, like it's been stated, I think we've answered
21 those questions.

22 Q. All right. Question 25, regarding training. What training
23 do the flight followers receive? Were there any required
24 qualifications to be a flight follower? Has this changed since
25 the accident?

1 A. So we trained the flight followers in the FAA approved
2 company flight procedures, and strictly adhere to that procedure.
3 Since the accident, we have stated, as we've stated, we've
4 installed an ADS-B in and out equipment, and are currently able to
5 monitor, and do monitor the flights electronically in real time.
6 However, due to the restrictions on the ADS-B technology, as we've
7 stated earlier again in the beginning of this interview, we still
8 lose track and capability around the Upper Microwave or Napali
9 (indiscernible). And, again, it picks back up just south of
10 Hanalei. So this total time, again, just to rehash, is anywhere
11 from, I guess, a minimum of 10 minutes, but probably more like 15
12 all the way up to 20, and it's during each flight. So that is the
13 -- restrictions on the system even in ADS-B.

14 Q. All right.

15 A. Thirdly, over the last four months we have been in
16 discussions with Spidertracks. And the discussions we're having
17 is to see if they're offerings of their satellite based system can
18 close any of those taps. It's still unsure whether or not us
19 going into those deep valleys and ravines if Spidertracks is going
20 to be able to provide enough coverage that it would warrant the
21 additional cost to the company. If it is deemed that they do and
22 can fill in the majority of those gaps, then it is our intention
23 to progress and proceed with putting Spidertracks on the
24 helicopter.

1 Q. All right. That's the end of the questions that we have
2 written. Do you need to take a break or you okay?

3 A. I'm okay.

4 A. Keep going.

5 Q. All right. I just have a couple of additional questions. I
6 just want to confirm that Paul Matero was the only company
7 instructor prior to the accident?

8 A. He was the IP and chief pilot and check air.

9 Q. Okay. So there were no other company instructors then,
10 right?

11 A. We had one.

12 Q. Go ahead.

13 A. We had one in Hilo.

14 Q. Okay. Let's see. Going back to risk assessment, the RWAFT
15 tool, the Rotor Wing Flight Risk Assessment Value Tool is on page
16 19 of the Operations Manual. So that's what we're looking at as a
17 reference.

18 A. Give me a second while I pull that up.

19 Q. Yeah.

20 MR. GALLO: And I think, Bill, you had some questions about
21 the RWAFT tool, and they need a reference for this.

22 DR. BRAMBLE: Well, yeah. I just didn't have it noted down
23 where we pulled that information from. So it's helpful to know
24 it's page 15 of the Operations Manual.

1 If you guys want to have a chance to review that, and get
2 back to us on it, you can. If you want to look at it now, and
3 tell us what your interpretation is, that's fine also. I'd leave
4 it up to you.

5 BY MR. GALLO:

6 Q. Yeah. I'm fine either way, and it's page 19.

7 A. I'm trying to find --

8 Q. Page 19 of the Operations Manual. So we could --

9 A. (Indiscernible) because the Manual has been revised since
10 the, and we -- I don't have a current copy of 2019's General
11 Operations Manual.

12 Q. This is dated November 1, 2008, and it's Helicopter Adverse
13 Weather Procedures.

14 A. Okay.

15 A. What section is that under?

16 Q. Let's see. It says -- hold on.

17 A. It should be a section number and page numbered section.
18 Page 19 doesn't mean anything to us.

19 Q. Yeah. I'm going up to the section. Hold on. Yeah, I'll
20 have to -- I'll e-mail that over to you.

21 A. Okay.

22 MR. BANNING: This is Brice. It looks to me like it's under
23 Appendix 1, page 19. If you -- if it would be beneficial, I may
24 be able to share my screen. But, also, if you would prefer to

1 review it, and just get back to us. Whatever works best for you
2 guys.

3 MR. MURPHY: Honestly, maybe if you just give us the
4 opportunity to review it, and that way we, you know, we're not
5 shooting from the hip.

6 MR. BANNING: Yeah, no problem. That sounds terrific. Thank
7 you.

8 DR. BRAMBLE: All right. Mitch, do you have other questions?

9 MR. GALLO: Yeah, a couple additional questions.

10 BY MR. GALLO:

11 Q. Risk assessment, we talked about -- it seems some risk
12 assessments their values can be fixed if the variables are fixed.
13 For example, whether visibility, pilot condition. So you could
14 have a standing risk assessment that's applicable to the same type
15 of flight, and I think that's what you were alluding to is the air
16 tours were predominantly had a standard risk assessment. Is that
17 correct interpretation of it?

18 A. Yeah. I'm looking at your page 19 now. This is Preston.
19 Yeah, it's -- basically we're on low risk for doing tours.

20 Q. Okay. And then when FAA inspectors came to perform a base
21 inspection or actually when they did their flight checks with Paul
22 and the other pilots, did they have -- did they perform, and did
23 they have you do a risk assessment for that check flight?

24 A. I couldn't tell you. I don't know if the FAA did.

25 Q. All right.

1 A. If I was not on a check flight, I couldn't tell you.

2 Q. Okay.

3 A. Yeah. That would be -- that would either be in his training
4 record, and if it's not in his training record, then that would
5 have to be something I would imagine would have to be acquired
6 through the FAA.

7 Q. Okay. How is in-flight risk calculated and mitigated? I
8 mean, you've got this, you know, prior to departure, but if the
9 variables change, what is the number that comes out in flight?

10 A. I'm sorry. Can you kind of rephrase that question?

11 Q. So you --

12 MR. BANNING: Mitch, are you talking about the RWAFT tool?

13 MR. GALLO: Talking about any risk assessment.

14 BY MR. GALLO:

15 Q. And so the -- for example you have the RWAFT tool, which has
16 low, medium, high risk, but how are in-flight risks evaluated,
17 and how are they mitigated?

18 A. By PIC.

19 Q. Okay. And --

20 A. He's the only one. The PIC is the only one in the air, who
21 can make that determination. Nobody, chief pilot, director of
22 operations, office staff or anybody else can make that
23 determination. The PIC sees what the weather is like. He makes
24 the decision, okay, I'm coming back, flights are cancelled, I'm
25 varying my flights or we continue with the flights. He's the only

1 one that can make that assessment. There's nobody else in the
2 cockpit.

3 Q. Okay. And going to -- let's go back to queue-based training.
4 The only reference, the only FAA reference that you know of for
5 queue-based training is the Hawaii Air Tour Common Procedures
6 Manual?

7 A. That's correct.

8 Q. All right. And the -- going back. Have you removed any
9 aircraft off your operation specifications after the accident?
10 Because it sounds like you're operating one with two in heavy
11 maintenance. But are all the helicopters still the same number on
12 the ops certificate?

13 A. We have just removed one aircraft.

14 Q. Okay. Let's see. Going to Honolulu FSDO, there was a change
15 in management there. I don't know when that occurred, but have
16 you noticed a difference in the level of outreach or engagement
17 with the FSDO recently?

18 A. I'll answer that one.

19 A. Go ahead.

20 Q. It's going to be a little bit difficult for us, for us -- you
21 guys to get that answer because prior to or during the accident
22 prior Preston was the Director of Operations and dealing with the
23 FSDO. Since the accident, I am now the Director of Operations,
24 and dealing with the FSDO. So I don't have a gauge to use what

1 the prior was, and Preston doesn't have a gauge to use what the
2 current is.

3 Q. Okay.

4 A. I can say one thing. Since Covid 19, the FSDO has stayed in
5 Honolulu (indiscernible) phone call.

6 Q. All right. Just to clarify the safety meetings and the level
7 of FAA involvement. So you mentioned there's just -- the FAA acts
8 as advisors on the air tour safety meetings. Do they ever present
9 anything or they just sit idly by waiting for a question from
10 someone to answer?

11 A. So I guess that's really going to depend on how far you want
12 to -- how far you're going to want to go back. If we go back 10
13 years, that's going to be a different answer most likely than if
14 you're going to go back in the last two years. So can you give me
15 a little bit more context so I can answer that appropriately?

16 Q. All right. Well, that's an interesting question. So how
17 about a comparison? What was it like 10 years ago, and what was
18 it like 2 years ago?

19 A. Okay. This is Preston, and I can answer 10 years ago. The
20 FAA would be in these meetings, and pretty much they'd be
21 monitoring the meetings, and if there was a question that needed
22 to be clarified about safety, regulations, whatever, then the FAA
23 would step up, and give their interpretation thereof at that point
24 in time. Otherwise, they just monitored the safety meetings.

25 Q. Okay.

1 A. And I'd say that's kind of what is current.

2 Q. All right. Let's see. Going go the --

3 UNIDENTIFIED SPEAKER: You broke up. You broke up there on
4 my communication. Can you just repeat that Murphy?

5 MR. MURPHY: I'd say -- I would say that that is a -- that is
6 the -- a fair assessment of what is currently the FAA's role.

7 UNIDENTIFIED SPEAKER: Thanks.

8 BY MR. GALLO:

9 Q. All right. Going to camera installation in the helicopters.
10 Is that part of an STC?

11 A. Yes.

12 Q. Okay. Are there any company procedures on who and when
13 weather would be obtained and how would it be obtained? I kind of
14 looked in the General Operations Manual. It talks about approved
15 weather sources, but does it say who pulls weather, and how it's
16 disseminated or it's up to the pilot?

17 A. Yeah. We pull down the weather from the National Weather
18 Bureau to start with, and it's reviewed and signed by the pilot
19 the first run of the day. Thereafter, the pilot uses his judgment
20 and/or PIREPs to determine what the weather is like while he's en
21 route. Like I said, nobody but the pilot can make that decision
22 when they're doing a tour. Nobody else has actual knowledge or
23 visual reference to anything at that point in time; only the pilot
24 will know what's going on after the first weather brief he gets in
25 the morning.

1 Q. All right. And then I want to talk about radar altimeters.
2 The accident helicopter had a radar altimeter installed. Did the
3 other helicopters have --

4 A. Yes.

5 Q. -- them installed, and why were they, why were they equipped
6 with radar altimeters?

7 A. Mandated.

8 Q. All right. Did it have anything to do with emergency medical
9 service helicopters having that --

10 A. No. It was just -- when they -- EMS had it and mandated for
11 them, they complained about everybody else not having it. So the
12 FAA turned around and made everybody else have it.

13 Q. All right. And I think the last question I have, maybe
14 second to last, would you -- are the ADS-B antennas mounted on the
15 bottom of the helicopter or on the top, if you know?

16 A. Have no clue. Have to refer to my former Director of
17 Maintenance.

18 MR. GALLO: Okay. And then, Bill, do we need to break out
19 -- they mentioned 26 employees, 6 payroll pilots. Do we need a
20 breakout of how many drivers and how many front desk personnel or
21 are we good with that number?

22 DR. BRAMBLE: You can if you like. I -- sure, why not. That
23 will give us a complete profile.

24 BY MR. GALLO:

1 Q. Yeah. So how many front desk personnel, and how many people
2 at one time will be involved in flight following and drivers and
3 whatnot that make a complete 26 employees?

4 A. We're going to have to go back into our payroll files, and
5 get those -- get that information.

6 Q. Yeah. Or you could e-mail that over to us. So --

7 A. Sure.

8 Q. And then the people involved in flight following were the
9 front desk personnel, who are checking the pilots in; is that
10 correct?

11 A. Correct.

12 Q. Okay. And how many would work on a day? Would you have two
13 or just one person up at the front desk?

14 A. Would be (indiscernible) working that day in the front desk.

15 Q. I'm sorry. You broke up there.

16 UNIDENTIFIED SPEAKER: You broke up. You may have to --

17 MR. MURPHY: On the day of the accident there was three,
18 three front desk personnel working at the front desk, and two
19 drivers.

20 BY MR. GALLO:

21 Q. Okay. And do you have anything else that you want to address
22 with me or anybody else as far as issues on this?

23 A. No. I'm good.

24 MR. GALLO: All right.

1 DR. BRAMBLE: We did want to give Brice an opportunity too in
2 case he had any follow-ups.

3 MR. GALLO: Yeah. I'm going to Brice now. So I'll turn it
4 over to Brice.

5 BY MR. BANNING:

6 Q. Hi, Preston and Murph. First off, I just want to say thank
7 you so much for taking the time to visit with us. And I think I
8 only have one, maybe one or two additional questions. It's more
9 of the clarity for me, to provide a little bit of clarity. When
10 you talked about the training, Murph, with regard to the Hawaii
11 Air Tour Common Procedures Manual, and key base training. Did
12 that training consist of landmarks around the route or proposed
13 route, if you will? Was there any weather training in that such
14 as if you reach this point you need to see another point or
15 anything of that nature?

16 A. So just for clarification purposes, just so that we're clear.
17 At the time of the accident, I was not the Director of Operations.
18 However, to the best of my knowledge they were following the FAA
19 guidelines and regulations regarding the training of the HAT CPM,
20 and we are currently absolutely following the regulations and
21 guidelines of the FA and the HAT CPM when it comes to training.
22 To answer that question, that regulatory requirement is that we
23 have to train on the HAT CPM not only just on the manual itself,
24 but actually during that route check. So during that route check
25 what happens is the pilot is taken up, and it is multifaceted. So

1 we're checking -- now, they're not giving narration of a tour, but
2 they are taking the examiner or check airman or instructor around
3 the flight path that we would do for a tour, and they are
4 explaining the instructor at the time during the training portion
5 of it is instructing where these areas and pictorial versions of
6 each (indiscernible) is. And (indiscernible) those areas, and
7 what would be a suitable landing spot if this. Okay. We're in
8 this. Because if you, if you go back to the HAT CPM there's the
9 two zones A and B, and a description of what those zones primarily
10 make up as far as topographical components, and brush and tress,
11 and all those other things. (Indiscernible) going from -- okay,
12 here is the, here is the emergency landing pad that doesn't exist,
13 and then how we're looking for the next one, no, because there
14 isn't a series of cleared out areas where we can land. It's just
15 where is where is your suitable one. And we do, however, point
16 those out. In the event that you're in this area, the most likely
17 and the best place where we would want to put the helicopter down
18 is this. And then when we get to this section, these are some of
19 the areas in which we believe would be your best possible landing
20 area in this area. And we do that continually through that
21 training phase during (indiscernible) route check. We are then
22 asking and inquiring them to repeat that information back to us
23 that they know and understand and are able to retain while they're
24 giving a tour that they are also looking at those individual sites
25 and locations.

1 A. This is Preston. To amplify a little bit as it relates to
2 weather tool based. As an example, our weather primarily is
3 northeasterly trades. So we have a valley called the Hanalei
4 Valley, which is a tropical rainforest without 200 inches of rain
5 per year, which is most likely in an area where we have more
6 weather in this valley than any other place on the Island during a
7 tour. And that's an example that we would talk about the weather
8 being really (indiscernible) in that particular location. As I
9 recall, the day of the accident, we had weather coming in from the
10 west side, southwest side of the Island, which was not normal.
11 And we just don't -- we get the northeast trades as a primary
12 means of weather areas that would be possibly heaviest rain
13 expected, et cetera. There's no way to train on an unusual
14 weather day, which I believe happened on the day of the accident.

15 MR. BANNING: All right. I think that's the only question I
16 had. I sure appreciate you guys taking the time. Thank you very
17 much.

18 MR. GALLO: This is Mitch. I have --

19 MR. MYERS: Okay. Is that it?

20 BY MR. GALLO:

21 Q. No. I have two more questions now because Brice asked some
22 questions. So I have two more now.

23 A. Okay.

24 DR. BRAMBLE: And I have a couple as well, too, Mitch, when
25 you're ready.

1 MR. GALLO: Okay.

2 BY MR. GALLO:

3 Q. Going to the Hawaii Air Tour safety meetings, who hosted
4 those meetings?

5 A. The last two meetings have been hosted by Tropical Paradise.
6 Before then, I would have to go back and try to find that
7 information. I do not know.

8 Q. So was it like a rotating host then?

9 A. No. Typically --

10 A. Yes.

11 A. No, incorrect. Typically the Hawaii Helicopters Association
12 would host that, and that's why Tropical Paradise being -- I
13 believe he's the secretary of that association hosted that via
14 Zoom. So usually it's the Hawaii Helicopters Association that
15 puts out all the notices, and tries to be the go-to for everybody
16 so that it's not, I guess, political or I don't like this
17 operator, and I don't really want to participate in their stuff.
18 So them being the kind of intermediary, and as best they can be an
19 unbiased party those these things, that is what has happened to
20 the last two 136 (indiscernible).

21 Q. Okay. And then going back just to clarify a company
22 instructor -- Paul Matero was -- did you have two company
23 instructors with one being Paul at the time of the accident or was
24 -- can you talk about that?

1 A. Paul was a company instructor for Kauai as an example. Then
2 we had Paul Dero (ph.), another pilot in Hilo. He was our company
3 instructor pilot in Hilo at that time.

4 MR. GALLO: Okay. All right. That's all the questions I
5 have.

6 BY DR. BRAMBLE:

7 Q. All right. So, guys, this is Bill Bramble again. I know
8 we've had you for a long time. I apologize for how long this is
9 going on, but we're near the end here. I just have a couple of
10 follow-ups. The clock in the helicopter stopped at a particular
11 time that we've been kind of thinking of as a proxy for the
12 accident time. But I just wanted to check with you guys, and ask
13 how accurate you think the clock setting was on the instrument
14 panel in the accident helicopter? Was that calibrated from time-
15 to-time or do you happen to know? What's your confidence level
16 that it was set accurately?

17 A. This is Preston. I believe that's something the Director of
18 Maintenance should be approached on it. But I believe it was
19 pretty accurate, and it's been calibrated by maintenance. But I
20 just don't know the -- exactly the procedures that the DOM did at
21 that time.

22 Q. Okay. That's fine. And then --

23 A. We don't have an (indiscernible) as a company. So it would
24 have had to be in working order for us to operate. And so any
25 deviation or variance in that time would have had to have been

1 noted by either maintenance or a pilot so it would have been
2 written up. So if there was no write-up to that effect, then I
3 would say that we should have high confidence in the setting of
4 the clock at the time.

5 Q. Okay. That's helpful. And then you mentioned taking one
6 helicopter off your certificate after the accident. So just to
7 clarify at the time of the accident did you have four helicopters?

8 A. Correct. That's correct.

9 Q. And how many of them were operational at the time?

10 A. Four.

11 Q. All four were. Okay. All right. A couple of things that
12 are sort of moving into what do we do about this problem issue.
13 One thing I would like to just get your feelings on is what do you
14 think about the idea of having more ADS-B ground transceivers
15 installed around the island so you don't have as many dead zones,
16 and maybe having some radio relays installed to the pilots on all
17 sides of the island? And then, also, having the additional four
18 weather cameras installed so there are five around the perimeter
19 of the island. Do you feel that that would be beneficial to your
20 operation?

21 A. Yeah. I think that anything we can do that increases our
22 communication, that increases our situation awareness, not only as
23 pilots in the actual craft, but also those people that are
24 (indiscernible) to monitor and keep track of them is always going
25 to be a benefit. I think that cameras are a great start. I know

1 that we've started with at least one camera being operational
2 currently, and we welcome the more cameras that they want to put
3 out there for weather determination. Super helpful. I know the
4 pilots use that one camera right now, and are looking forward to
5 the additional cameras. As far as radio relays ADS-B towers that
6 would increase our (indiscernible) rate, of course. Of course
7 those things would all be greatly welcomed.

8 Q. I'm sorry. You broke up at the end there.

9 A. All those things would be welcome, yes.

10 Q. Okay. Go ahead.

11 A. Yes. This is Preston. My input is weather cameras would
12 have been great 15 years ago (indiscernible). I think weather
13 cameras would have prevented this accident.

14 Q. Can you elaborate on that? How would that have prevented the
15 accident in this case?

16 A. Been able to have -- situation where the pilot could monitor
17 what the weather's like as he's going around the island.

18 Q. How would that work? Is --

19 A. We have freak weather over here. We can have clear weather
20 for one minute, and the next minute it's socked in. Completely
21 undetectable otherwise.

22 Q. So one question we've had is how will the pilots utilize the
23 cameras? Will they look at it on their phone while they're at the
24 airport on the ground or how would they, how would they utilize
25 that information throughout the day do you think?

1 A. Currently we --
2 A. Go ahead, Murph.
3 A. Currently, we have one of the operational cameras, right,
4 that they've updated and is live, and that our pilots do use. So
5 that is looked at before the flight and monitored. Now,
6 obviously, if it's clear in a million, and you can obviously see
7 there isn't a cloud in sight for over 100 miles, are they probably
8 looking at that camera? Well, of course not. Because you can
9 see that there's not a cloud in sight. But as weather is -- comes
10 in or you're pretty confident that you can't see the other side of
11 the island, and that there may or may not be build-ups, they are
12 using that and utilizing those camera systems to give them a
13 heads-up of what they potentially could run into. Although, as
14 Preston has stated, and is valuable, weather does and can change
15 very rapidly in the Hawaiian Islands. But those weather cameras
16 are still far superior to not knowing what has happened in say
17 over an hour. So you went through an area, and you're not going
18 to go back through that area for an hour later, that is a lot
19 different than I went through that area 15 minutes ago, and now I
20 can see it again, and I'll be there in 10 minutes, you know, those
21 types of things. They are not being utilized while flying. Not
22 technology that would allow us to do that in a safe manner. Could
23 we put it on our phones, and start looking at our phones as we're
24 flying? Yeah. I guess we could, but that would be foolish. Need
25 to be cognizant of what we're doing while we're in the cockpit.

1 And so that would be something that Safari would be approving or
2 approve of in any stance. If we can get it on a screen that's
3 mounted inside the cockpit that can be part of the scan,
4 absolutely. But I just want to make it clear that we are -- our
5 pilots are not checking these cameras while they're flying, and we
6 would not condone that.

7 Q. Okay. What do you think would be the -- would there be
8 sufficient marginal benefit to consider having some sort of person
9 that monitors all the cameras and sort of communicates to all the
10 air tour flights about the different sectors, like, you know,
11 Sector B is closing down, you know, we advise deviating around
12 this area to use alternate Route B or something like that? Some
13 sort of VFR sector control. Do you think something like that
14 would be worth considering or do you think it's sufficient to be
15 able to monitor them between flights?

16 A. I think that's -- I think that type of system would, again, I
17 think no one would balk at that. It's really when you get down to
18 those systems there's a lot of things that we could work, but it's
19 going to be -- still going to be how is it feasible from a
20 monetary standpoint of either the FAA paying for it, the operators
21 paying for it, the local, you know, the local government paying
22 for it. Who is going to pay for it and operate it? So if you
23 were to say that we could put up a million cameras on Kauai, but
24 the operators are going to have to pay for that, well, then,
25 obviously, it's just -- it's not feasible for us. We don't have

1 that money, right. If you're going to say that there's a --
2 there's some sort of local based tracker that is going to report
3 all of those sectors to the operators, I think that's wonderful,
4 but, again, it's going to going to be who is going to provide that
5 equipment, who is going to provide that service, who is going to
6 be able to pay for it, and will it monetarily be feasible? Not
7 something where it's like, well, I don't want to pay an extra 20
8 bucks, but if it's an extra 2 million for me a year, then it's --
9 we're not able to do that. We're not --

10 Q. Yeah.

11 A. -- that kind of lease.

12 Q. Okay. Then the last question I have is getting back to the
13 weather pattern issue that Preston mentioned about this being an
14 usual weather pattern, and if you look at the pilot charts, marine
15 pilot charts for that part of the Pacific it is predominantly
16 northeasterlies, and it seems a bit unusual to have weather coming
17 out of the west like that. Apparently there's a few fronts a
18 year. But can you elaborate on from a pilot's perspective how
19 unusual that is, and how that might have impacted Paul's decision
20 making as he approached the north end of the canyon, if he saw
21 clouds, low clouds at the north end of the canyon.

22 A. I think that at that point you would be asking us to
23 speculate, and I think that we would reserve the right not to want
24 to speculate on that.

25 Q. Okay.

1 A. This is Preston. From my perspective as a pilot, who has
2 flown around the Island, it's just highly unusual to have that
3 kind of weather pattern. That's very difficult to anticipate.
4 Normally speaking, when I flew, if I couldn't see the Napali part
5 of the canyon, I would probably turn around and go back. But if I
6 saw the canyon, and started to the -- I mean started -- Napali,
7 and if I got caught in the weather en route unexpectedly I don't
8 know what else can you do.

9 Q. Yeah.

10 A. A lot of this, like I said, guys, a lot of this is
11 speculative, right. So it's just -- I don't think, I don't think
12 from our perspective it's going to add any benefit to speculate on
13 what we would have done. We weren't there. We don't really know
14 far as our position, we don't know all of the idiosyncrasies and
15 the small details. And there's a lot of, there's a lot of what
16 ifs and could haves, but it's, again, it's all speculative and
17 hyperbole, and I don't think we want to comment.

18 DR. BRAMBLE: Okay. All right. Well, I think that's all I
19 have.

20 Mitch, do you want to ask the standard closeout questions?

21 BY MR. GALLO:

22 Q. Do you have anything else to add that we haven't covered that
23 you'd like to address or we forgot to ask?

24 A. I think the only thing that I need -- this is Murphy
25 speaking. The only thing that I need is so you guys want from us

1 a breakdown of the employees, right, at the time of the accident,
2 and as well as you want us to clarify page 19 of the appendix in
3 the manual when it's talking about the RWAFT tool, right?

4 Q. Right.

5 A. Is there (indiscernible).

6 MR. MYERS: It's actually page 14A. It's not 19.

7 MR. MURPHY: Okay. Sorry. 14A.

8 MR. MYERS: Yes.

9 MR. MURPHY: Is there anything else you guys need from us
10 that we make sure we get this information to you in a timely and
11 efficient manner?

12 MR. GALLO: No. I think that's it.

13 MR. MURPHY: Those two things? Okay. Thank you.

14 MR. GALLO: All right. Well, thank you, and we're off the
15 record now.

16 (Whereupon, the interview was concluded.)
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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

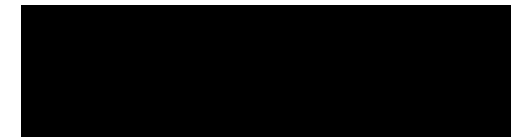
IN THE MATTER OF: AIRBUS AS350 B2 HELICOPTER
 CRASH NEAR LIHUE, HAWAII,
 ON DECEMBER 26, 2019
 Interviews of Preston Myers
 and Jason Murphy

ACCIDENT NO.: ANC20MA010

PLACE: Via telephone

DATE: September 15, 2021

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

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of: *

*

AIRBUS AS350 B2 HELICOPTER *

CRASH NEAR LIHUE, HAWAII, * Accident No.: ANC20MA010

ON DECEMBER 26, 2019 *

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* * * * *

Interview of: MONICA BUENOROSTRO, Air Tour Expert
Federal Aviation Administration

Via telephone

APPEARANCES:

MITCHELL GALLO, Investigator
National Transportation Safety Board

DR. WILLIAM BRAMBLE, Human Performance Investigator
National Transportation Safety Board

MARK TOMISICH
Representative for Ms. Buenorostro

PATRICK LUSH

I N D E X

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I N T E R V I E W

1
2 MR. GALLO: Hi, this is an interview with Monica Buenoroostro
3 pertaining to X investigation, ANC20MA010.

4 And Ms. Buenoroostro, do we have your permission to record
5 this conversation?

6 Ms. BUENOROSTRO: Yes, you do.

7 MR. GALLO: And the representative that you want to have for
8 this interview is Mark Tomisich (ph.); is that correct?

9 MS. BUENOROSTRO: That's correct.

INTERVIEW OF MONICA BUENOROSTRO

10
11 BY MR. GALLO:

12 Q. All right. To start out with, can you give us your
13 background within the FAA and then also your current position and
14 what you do there?

15 A. What's that that -- I'm sorry you got cut off for a little
16 bit on my side -- on my end. Just -- was that question for me or
17 for Mark?

18 Q. For you. Can you tell us your background before you came to
19 the FAA and then since getting hired from the FAA onward.

20 A. I sure can. Well, I guess I'll give you sort of a rundown of
21 what my resume (indiscernible) that's kind of, like, the more
22 complete this information.

23 Well, as you said, my name is Monica Buenoroostro and I'm an
24 air tour subject matter expert with the FAA. My certifications I
25 guess would be, on the education side of it, I have -- I attended

1 college altogether for five years with a very high concentration
2 of courses in aviation management and also in threat technology as
3 a professional pilot. I have an Associate's Degree, for
4 (indiscernible) technology and professional pilot. When it comes
5 to my flight experience and ratings, I have an airline pilot
6 certificate with aircraft (indiscernible) with top ratings on the
7 Boeing 737, with citation of 500/560, the Beechcraft Premier 300
8 and 350. I have quite a bit of experience also flying, even
9 though I don't have the top ratings, on all of the (indiscernible)
10 series. I flew that about (indiscernible). I have a commercial
11 pilot for single-engine land. I have a CFIDS0Y and
12 (indiscernible) instructor rating. I have a commercial pilot --
13 oh, I haven't told you that, commercial pilot single-engine land.

14 I did flight instructions for Part 132 schools for
15 approximately two years. I did, for a few years, for Part 135
16 (indiscernible) passenger operations. And also lifeguard, along
17 with those. I also flew Part 91 passenger carrying flight for
18 quite a few years as well. I flew (indiscernible) a few -- just
19 for a few months for Part 121 as a copilot. I also did flight
20 school Part 141, (indiscernible) management and I helped them make
21 (indiscernible) -- oh, no, no. I haven't touched up on the 142
22 experience.

23 Yeah. So I did flight school Part 141 site training on a
24 management of training program. I also did Part 122 management
25 with flight safety international. And I also, as part of my

1 flight experience, I was -- I have the designation as an airspace
2 system inspection pilot, and I performed the job duties of an
3 airspace system inspection pilot with the FAA for four years up
4 there in Michigan. That's my flight experience.

5 Now, with the FAA, I started there working for the FAA in
6 June of 2003. So it'd be 17 years in my career with the FAA. And
7 the different positions that I have held is -- I initiated my
8 career with the agency as an Aviation Safety Inspector,
9 Operations, General Aviation, and that -- I'm sure that you guys
10 are very familiar with what we do, but it's basically oversight of
11 Part 135, Part 141, 142 and Part 91 operations, and also general
12 aviation flight certification. Altogether, between the two flight
13 standards offices that I worked with, I did have a total of eight
14 years of experience doing that job directly on the field. I also
15 -- as you guys know, part of the duties of that position is doing
16 -- but not to the level you're doing it - but accident
17 investigation on your behalf.

18 Then I -- with the FAA, as I mentioned earlier, I also did
19 airspace system inspection pilot duties for four years over there
20 in Michigan, and then with headquarters, I -- with the FAA
21 headquarters, I acquired a position AFS800, the General Aviation
22 Commercial Division Branch for a year a while ago. And then I had
23 been with AFS250 now for five years. My current assignment is air
24 tour subject matter expert, and also part of my subject matter
25 expertise has been the -- all the of the (indiscernible) that I

1 related to mergers and applications and purchases of Part 135
2 operations. And that's just kind of, like, the concentration but
3 I am also responsible for any orders of these that come out to be
4 assigned as random assignments per se. That's the concentration
5 of what I do right now.

6 Q. Okay, and --

7 A. So, yeah, that's my background and experience.

8 Q. All right. And can you give a brief description of what
9 AFS250 does? What's the title and what they do?

10 A. Well, a brief description wouldn't be possible because we do
11 a lot. I guess I'll attempt to make it as brief as I can possibly
12 do it.

13 Well, as I mentioned a little while ago, I'm a -- within 250,
14 we are, I guess, designated as subject matter experts. And as I
15 mentioned, I'm the SME more towards mergers and applications,
16 along with older duties. But within my position right now with
17 the air Transportation Division, which is AFS200, and the -- I
18 work for the Part 135 branch, AFS250.

19 I am responsible serving as an ASI and I'm responsible for
20 reviewing and evaluating the currently established rules and
21 regulations, and I am responsible in assuring that they are kept
22 in and the way that they need to be and that they're still,
23 throughout my evaluation, that I'm responsible of making sure that
24 they're still reasonable and they're necessary and they're
25 adequate. And, as you guys know, aviation evolves, so it -- we

1 are required to continuously (indiscernible) rules, regulations,
2 and policies.

3 Give me one second, please. I have something stuck in my
4 throat. I'm going to put myself on pause just for one second.
5 I'm sorry. I'm back with you.

6 Q. Okay.

7 A. I'm actually responsible of -- hello?

8 Q. Yes, go ahead.

9 A. Okay. I'm also responsible of evaluating any regulatory
10 petitions for proposals, and these ones may come from a private
11 agency, or they might come from inside the agency. So I'm
12 responsible of evaluating those kinds of proposals and then either
13 recommend the creation of new rules, regulations, or of policies,
14 and -- or sometimes discontinue them as necessary.

15 I'm also responsible of developing or implementing policies,
16 standards, programs or any kind of procedures that we do, to
17 include a (indiscernible) authorizations, and also procedures that
18 govern the certification or inspections of the different
19 (indiscernible) and operations under Part 135, aimed towards
20 (indiscernible), as I mentioned earlier. Basically, all of what
21 I'm telling you right now is the vast majority of my
22 responsibilities. Okay. What I'm telling you right now is
23 concentrated on (indiscernible) applications, but I do get other
24 assignments as well that I might not remember right now.

25 And I'm also responsible for participating in additional --

1 in different boards and groups and different panels and those are
2 with organizational groups within the agency or other government
3 agencies. I have even worked with National Park Service, and I
4 also worked heavily with just the industry representatives. And
5 this work mostly is (indiscernible) to resolve sometimes conflicts
6 and controversial problems that have direct influence on the
7 safety of the Part 135 operation -- Part 91 also when it comes to
8 air tours and facilities or equipment.

9 I also -- I have to -- at the -- however, I get directed by
10 either my division manager or branch manager, I represent them on
11 meetings (indiscernible), with regards to the programs that I'm
12 assigned to and, basically, by representing them, I have the
13 authority to speak for them or in behalf of the division or the
14 branch manager with any established policies that we have. I also
15 -- I'm in charge of conducting meetings -- organizing meetings
16 with the same kind of industry groups that I just mentioned a
17 little while ago. Sometimes I represent them with a different
18 aviation industry or organizations with the state, or sometimes
19 local, or whatever comes out to be the need. And I also develop
20 policies that of our particular special guidelines, training
21 standards in support of the programs that I mentioned a little
22 earlier. I also have to evaluate the effectiveness of the
23 different policies that are assigned to what I do.

24 I prepare a wide variety of correspondence to -- that are
25 applicable to the aviation (indiscernible) programs that I just

1 mentioned earlier. I respond to members of Congress inquiries,
2 the general public. There -- all of this -- there's responses.
3 Inquiries are very highly technical and they usually come in with
4 very high priority. I mean, as you know, Congress looks at all
5 this very closely, and so most of these items have to be responded
6 really, really quick. I also have to make sure that all the
7 correspondence that I process is properly coordinated within the
8 agency and is grammatically accurate and, of course, we have a
9 huge thing (indiscernible) that, but I'm responsible for making
10 sure that correspondence comes out accurate out of my desk.

11 Let's see. I also have to assure that we have effective
12 coordination with the programs that I just mentioned earlier
13 within the division. As you guys know, the FAA has different
14 internal processes that we have to go through.

15 And I'm also responsible to providing advice to my branch
16 manager as a subject matter expert on all the matters that I'm
17 responsible for, that I mentioned a little earlier. I have to do
18 these things for also my division my manager as he would request.

19 Let's see. I guess that's a very wide and extensive
20 explanation of what my duties are, and as I mentioned earlier, the
21 vast majority of my duties are related towards operations of Part
22 91, Part 135, (indiscernible) and for the purchase mergers and
23 applications of Part 135 operations. But that's not it. I also
24 do other duties as assigned that might be outside of what I just
25 mentioned.

- 1 Q. All right, thank you.
- 2 A. So that's it.
- 3 Q. All right. And I'd like to talk about -- discuss the Hawaii
4 air tour Common Procedures Manual. Can you provide us a
5 background of that, when you started working on that, and who the
6 industry people discuss issues with on that subject and its
7 current status.
- 8 A. I guess that's asking me kind of like three different
9 questions, right? Am I getting that right?
- 10 Q. Yeah, three -- yeah.
- 11 A. Can you ask me the question again?
- 12 Q. So, let's -- well, the first question --
- 13 A. I -- yeah.
- 14 Q. -- when were -- are you currently working on the Hawaii air
15 tour Common Procedures Manual revision?
- 16 A. Am I currently working on the revision? Well, I'm leading
17 the team --
- 18 Q. Okay.
- 19 A. -- that is basically working on the replacement of the Hawaii
20 air tour Common Procedures Manual.
- 21 Q. All right.
- 22 A. Did I answer your question?
- 23 Q. Yeah. And do you recall approximately when you were assigned
24 that project for the Hawaii air tour?
- 25 A. Yes. So roughly, roughly shortly after I got -- I had

1 started my job with (indiscernible), approximately five years ago
2 or so.

3 Q. Okay. And how did that come about? Who assigned that
4 project to you?

5 A. My branch manager.

6 Q. I'm sorry?

7 A. And it was part of -- my branch manager.

8 Q. Okay.

9 A. And my branch manager assigned me to work on the air tours,
10 and I learned it very quick that that was one of the projects that
11 (indiscernible).

12 Q. All right. And who are the industry groups that you have
13 been working with on the revision of that manual?

14 A. Is your question specific about (indiscernible) or what -- I
15 mean --

16 Q. So, you're working --

17 A. I'm not --

18 Q. Your group was working on the Hawaii air tour Common
19 Procedures Manual revision. So in working --

20 A. Yes.

21 Q. Do you -- are you working with industry groups on that
22 revision; for example, HAI or HHA AEOPA? Can you list any outside
23 groups you've been in contact with?

24 A. The FAA as a whole, as a group, as I mentioned earlier -- I'm
25 not -- this is not (indiscernible) project. This is the FAA

1 project. And as the FAA group, we are working. There's several
2 stakeholders within the FAA that have been working with the
3 replacement of the Hawaii air tour Common Procedures Manual. And
4 as the FAA group, which is several -- several of our stakeholders
5 within the FAA, we have been working with the air tour
6 (indiscernible) themselves, the Hawaii (indiscernible) themselves.
7 They have been, at times, been represented by HAI, and then, at
8 times, they have been represented -- at their own decision, they
9 created HHA (indiscernible) association. And those are -- they're
10 kind of like a subsidiary of the HAI, and so the FAA has been
11 working with both of those groups. (Indiscernible), like, the --
12 I guess it's several groups.

13 I felt the FAA, as a group, has been working with the round
14 table that had been specifically set up in Hawaii, and that -- the
15 round table -- there is a large amount of different
16 representatives from the different state programs, and those are
17 -- those include the general public, they include the -- I mean,
18 it's a laundry list that (indiscernible) that I can tell you that
19 they are -- the (indiscernible) themselves have been
20 (indiscernible) and then our public, the air traffic
21 administration with the FAA that the (indiscernible) HHA and HAI
22 and then some other groups actually that I -- there were small
23 groups that I don't remember the specific designation that they
24 give themselves, but all those people had been involved with --
25 you know, with the project and -- or in the meetings because that

1 had been (indiscernible) not only to their -- the (indiscernible)
2 complete this manual replacement, but I suggest some
3 (indiscernible) that they had over there that -- noise complaints,
4 and some other things. And I might not even be (indiscernible)
5 all of the groups that are involved because there's so many. But
6 I'm iterating to you the ones that come to my mind now.

7 Q. All right. And is there a --

8 (Crosstalk)

9 Q. Is there a target date for the revision to be released
10 because it's been five years now. So is there a target date and
11 can you tell us when that's going to be?

12 A. As to a specific type of day, obviously, everybody wishes
13 that it had already been done. I mean, since I was assigned to
14 this project, it's been very challenging for the FAA, for the
15 entire group of the FAA, and just to give you a brief example of
16 who has been working (indiscernible) with the FAA -- and the FAA
17 -- the group of people within the FAA that I've been working with,
18 and as I mentioned earlier -- I'm the team lead, but it's not my
19 project; it's the FAA's project. And we have to work with the
20 environmental office, (indiscernible); General Counsel, AGC; the
21 air traffic administration; the Western Pacific AWC
22 (indiscernible); and GASA, General Aviation Safety Assurance. And
23 that's just the ones that are coming up to my mind because we have
24 other agents from some other areas and (indiscernible) of the
25 agency.

1 It has -- we've been working since I took over, and we wish
2 that it was done, but it's -- one of the challenges that we are
3 facing, and we have been facing for a while, is a getting
4 (indiscernible). So could I give you a specific type of date?
5 No, I can't. I mean, I -- we don't have a specific date that I
6 can assure you that it's going to be done. And I wish it was done
7 already. We wish it was done -- we hope to get it done as soon as
8 possible. I mean, that -- (indiscernible).

9 Q. All right. And --

10 A. I wish I had a magic wand or a magic ball to tell you when
11 all of this will -- is going to come to an agreement
12 (indiscernible).

13 Q. And in working on that revision, have you been getting any
14 inputs from the Honolulu FSDO.

15 A. Yes. I'm working very closely with the Honolulu FSDO.

16 Q. All right.

17 A. Yeah, they are part of my team.

18 Q. And who within Honolulu --

19 A. I have (indiscernible).

20 Q. And who within Honolulu FSDO have you been working with?

21 A. (Indiscernible) of this project, I work with quite a bit of
22 people. I work with Gino Rezzonico, who is POI out there. I work
23 with Joe Monfort. I work with two of the frontline managers, and
24 I don't recall their names. I worked most recently -- and I'm
25 just trying to recollect the name of the individuals that I --

1 because some of them I (indiscernible) them because they're very
2 (indiscernible). I think Curtis (ph.) something was one of the
3 frontline managers, that he was involved in the meetings. This
4 was a while ago. Another one was a frontline manager, I forgot
5 his name, but (indiscernible) -- I don't remember his name, but
6 he's another frontline manager out there.

7 Then for the last three years or so, I think it's been, I was
8 working out there with (indiscernible) person out there. I don't
9 remember what his name was. Before (indiscernible) Honolulu
10 system manager. I'd been working (indiscernible) for the last
11 three years and also with -- she has -- well, I'm sorry. She was
12 an assistant with his office, but she's still involved with the
13 project representative (indiscernible) working directly with them
14 on the project. And even with (indiscernible) two people that are
15 now directing anybody with the project.

16 Q. All right. And --

17 A. Did I answer your question? I think you asked me who had I
18 worked with and who am I working with. Is that what you asked me?

19 Q. Yeah. The question was who from the Honolulu FSDO have you
20 been working with?

21 A. Okay, then yes then I did answer your question. Yeah. I
22 mean, I'm sorry I don't remember the names of the other people --

23 Q. Okay, and have you --

24 A. (Indiscernible).

25 Q. Have you been working with anyone from the Los Angeles FSDO?

1 A. You can't (indiscernible) a little broken up. I am
2 (indiscernible) have you worked with something, something
3 (indiscernible). But what did you say?

4 Q. Have you been working with anyone from the Los Angeles FSDO
5 to --

6 A. From LA FSDO? No, not from the LA FSDO, but I have been work
7 very steadily and very closely with -- you might be confusing the
8 persons, but I've been working steadily with the Western Pacific
9 (indiscernible). I don't recall of anybody. I might. I might in
10 the past.

11 Q. Okay.

12 A. You know, honestly, I don't remember. I might in the past.
13 As I mentioned earlier, I don't remember all the names that -- of
14 the people that have come through the last five years, but I work
15 very closely with the Western Pacific (indiscernible).

16 Q. All right.

17 A. I don't remember specifically somebody -- unless somebody was
18 assigned to the LA FSDO -- you're talking about Los Angeles,
19 right? (Indiscernible).

20 Q. Right, right.

21 A. Yeah. I don't recall anybody. Maybe there was once somebody
22 in the past, but I don't recall anybody.

23 Q. Okay. And going to the revision of the Hawaii air tour
24 manual, what issues are you trying to address in the revision?

25 A. Well, I wouldn't call them issues. I would -- let me think

1 about this question.

2 Q. Okay. Issues or subjects. What are the new issues or
3 subjects you're trying to address in the revision?

4 A. Well, I guess when you -- if you were to look at the manual
5 itself, I think I'd know that this manual -- I don't know if you
6 know, but (indiscernible) the manual was produced in 2008. So
7 it's been -- it's (indiscernible). So it's obviously not
8 up-to-date with current -- either the current technologies -- it's
9 not up to date with new safety systems, and there's that time we
10 all are very knowledgeable of the safety management systems that
11 are not regulatory for Part 135 and Part 91. However, the FAA
12 (indiscernible) even Part 135 (indiscernible). Part of my job was
13 to actually sell to the operator's safety management systems or
14 the enhancements of (indiscernible) to their operations. So part
15 of my job over there was to sell safety management systems even
16 though it wasn't -- I guess, stepping into the idea of
17 (indiscernible) voluntarily on safety management systems.

18 So one of the items that we did (indiscernible), again,
19 (indiscernible), for everybody, not just (indiscernible). So I
20 (indiscernible) because this manual, there's no reason to
21 (indiscernible) safety management systems (indiscernible) Part 135
22 and Part 91 operations, because that's just enhancing safety. And
23 so that's one of the thoughts of the (indiscernible) industry that
24 they voluntarily (indiscernible) as part of the voluntarily
25 program that they can (indiscernible).

1 We also -- we're also evaluating the input of the
2 Congressional delegations. We're also (indiscernible) by the
3 public. You hear about the concerns of the public, and as I
4 mentioned earlier, some of the groups that we have been working
5 with is the general public. The general public concerns
6 (indiscernible), and most of them are noise related concerns, but
7 we don't just ignore them. I mean, we are public servants so we
8 are there for -- to take them in consideration as well. So we
9 consider the public concerns. We are considering other new
10 technology systems. I mean, there's the new weather systems,
11 there's new weather (indiscernible) that it's taking close to
12 being (indiscernible) Hawaii, like they did (indiscernible) in
13 Alaska a while ago. So we're considering that.

14 We are also considering, as I mentioned earlier, the round
15 table concerns, air traffic communication concerns, the
16 (indiscernible) regulations. I mean, the changes -- they changes
17 from Part 171 to Part 175. The original regulations -- I mean
18 Part 136. Correction on that. The original regulations that came
19 out for the Hawaii -- the state of Hawaii, and the islands of
20 Hawaii, was Part 171. Now it's Part 176. So that's part of the
21 things that we need to consider to continue to be put up to date.

22 We're also considering a revision or replacement -- I
23 shouldn't say revision, the replacement of this manual
24 (indiscernible). We have to consider that we could totally avoid
25 these whole issues, and that's an area. I work very closely the

1 AGC on that. And -- I mean, it's just a very wide (indiscernible)
2 and it's going down kind of like a -- what I can think of right
3 now, but there are probably a lot of other stakeholders
4 (indiscernible) concerns and comments and inquiries that I might
5 not remember at this time, but we take in consideration, and
6 (indiscernible), we're going to continue evaluating them.

7 Q. Okay. And I think I have one or two more questions left.
8 Going to the manual, I think it was originally issued by Honolulu
9 FSDO, but now it's -- the revision, since it's been deferred to
10 you as a project at AFS250, is not going to be issued by Honolulu
11 FSDO. So is it going to undergo through the NPRM process, or how
12 is that going to work, if you know?

13 A. You know, that's something that I don't know. I -- as I
14 mentioned earlier, I wish I had a little magic ball or magic wand
15 and I would know how (indiscernible). We are evaluating the
16 different ways (indiscernible). There are several different
17 (indiscernible) systems to be replaced. One of the
18 (indiscernible) that -- I guess I forgot to mention earlier when
19 you asked me what are (indiscernible) looking for. I guess we
20 could make changes as we move forward with the replacement of this
21 manual. And one of the things that the FAA has identified is the
22 fact that this manual was not published in the same manner as --
23 or the same standardized manner that the FAA used to usually
24 approves or (indiscernible). I mean, for example, we appealed
25 (indiscernible). We accept operational procedures under Part 135,

1 23. They have to have (indiscernible) operations manual.

2 So as the evaluation of this manual (indiscernible) of the
3 FAA and also (indiscernible) that I mentioned earlier. And it is
4 identified that is this somehow handled a little differently, and
5 we are looking into standardizing the way (indiscernible). We
6 normally do an (indiscernible) deviation for any kind of
7 regulation, and (indiscernible) in this way is easier to
8 (indiscernible) the standard way in which we do that. That
9 doesn't mean it's bad. That doesn't mean it's unsafe. That
10 doesn't mean anything more than that it's just out of the
11 standard.

12 And as you guys know -- I mean, hence the name, it's just
13 like standard (indiscernible) and it's, like, standard. We -- it
14 must be (indiscernible) into the regular standards (indiscernible)
15 the authorization to deviate from the procedural standards and of
16 (indiscernible). Any one of them is actually standardized today.
17 (Indiscernible) and for the Part 91, and also a reference to the
18 General Aviation Manual -- a specific section of the General
19 Aviation Manual. There's a lot of conversations going around on
20 how we're going to (indiscernible) to the same standard way, with
21 the (indiscernible) where it's more expensive. It is enhancing
22 safety and it's easier to maybe manage and easier to be updated by
23 the operators and also -- I mean, we've had already established
24 manual (indiscernible). The operator wants to be (indiscernible)
25 operations manual, then they have to take it to the FAA, and the

1 FAA they say, yes or no, and you need to fix this or that. I
2 mean, that's the way that we want to move forward with it, but
3 that's -- those are some of the ideas that have been brought to
4 the table.

5 The (indiscernible) is going to part of, part of
6 (indiscernible) as it moves forward. There's certain parts
7 (indiscernible) that are public. They might not necessarily be
8 public (indiscernible) some of the processes that we do are
9 accessible to the public, and they (indiscernible) that,
10 basically, it sounded like a -- not kind of, but it's a standard
11 way that we suggest to the operators a way on how to comply with
12 certain regulations or conditions or limitations as issued on the
13 (indiscernible) and those are made public. So everybody will be
14 able to look at them. So (indiscernible), I don't know the answer
15 to that.

16 Q. Okay. All right.

17 MR. GALLO: That's all the questions I have. I'll pass it
18 over to Bill Bramble. Bill?

19 BY DR. BRAMBLE:

20 Q. Hi, Monica, how's it going? I'm Bill Bramble.

21 A. Hello. Bill you said?

22 Q. Yeah, Bill with a B.

23 A. Bill. Okay.

24 Q. I'm a human performance investigator in Washington.

25 A. Okay.

1 Q. So I might have missed a couple of things, the line's a
2 little staticky, but what was your current title?

3 A. An aviation safety specialist with the air Transportation
4 Division, and --

5 Q. Okay.

6 A. -- with the -- I mean, that's (indiscernible) aviation safety
7 inspector with the air Transportation Division, and that title is
8 specific subject matter expert with a Part 135 branch, AFS250.

9 Q. Okay. All right. And just to clarify, are you in charge of
10 the revision effort for this manual?

11 A. You got broken up a little bit. I'm sorry. Can you ask me
12 the question again?

13 Q. Sure. So just to clarify, are you in charge of the revision
14 effort for the air tour Common Procedures Manual?

15 A. Well, as I mentioned earlier, I'm the team lead. I'm not in
16 charge. It's a team. It's a team. It's an FAA team, and I
17 mentioned some of the (indiscernible) stakeholders earlier.

18 Q. So who is the leader of the team?

19 A. As I said, I am the team lead. I am the team lead, but it's
20 not like I am in charge. I'm the team lead (indiscernible) at FAA
21 -- at the FAA.

22 Q. Okay. At this time, what's your best guess about how the
23 manual will be different when it's revised?

24 A. As I mentioned earlier, our ambition is that it's going to be
25 put up to date, taking into consideration NTSB safety

1 recommendations, taking into consideration the (indiscernible). I
2 don't know if you guys know this, but (indiscernible) the FAA as
3 (indiscernible) only thing that has to do with any kind of
4 (indiscernible). That has been a big challenge working with some
5 -- with all the different agencies, (indiscernible) aside, because
6 they're very concerned about noise. So we have to
7 (indiscernible).

8 Our ambition is that we will have integrated new systems;
9 like, weather systems, weather cameras, (indiscernible) safety
10 management systems. We have to consider some of the public
11 concerns, some of the (indiscernible) regulatory requirements,
12 correctional requirements. There is a large amount of information
13 that would need to be taken in consideration as we make
14 (indiscernible) common procedures manual.

15 And as I mentioned earlier, there may be other things that I
16 might not be thinking about right now that may (indiscernible)
17 actually speak. So that's the other thing. It's going to be a
18 more up-to-date manual, in which (indiscernible) it's going to be
19 different, and it's going to have more standardized way and making
20 it safer. Simple, safer, and easier to manage, easier to obey
21 than the current one that (indiscernible) right now.

22 Q. Okay. Are there any specific changes to recommended operator
23 policies or practices that you're considering that will make it
24 simpler and enhance safety?

25 A. I just mentioned a few of them earlier. I mean,

1 (indiscernible). I mean, we are -- we are take in consideration a
2 safety (indiscernible) new systems that come out. And as I
3 mentioned earlier, again, and I think several times, the safety
4 management (indiscernible) might be voluntarily, but it's a great
5 system. (Indiscernible).

6 Q. And the new -- so SMS is one, and then you mentioned new
7 systems, weather systems --

8 A. Yes.

9 Q. -- weather cams --

10 A. Weather systems -- weather cameras, weather systems. I mean,
11 it's adapting and things have changed. Technology has changed.
12 Tracking systems have changed, like right now we've got -- I
13 believe it's called Spider-web or something like that, that I've
14 actually seen it. They're pretty cool things, and the operators
15 are using them right now and it's just voluntarily and it's just
16 sometimes systems that they use -- tracking systems and all of
17 that new technology that we have.

18 Q. Okay. And how are you working through each of these issues
19 and deciding how they'll be handled in the new manual? Can you
20 describe your process?

21 A. Taking in consideration all of the stakeholders and -- we are
22 working together. I have a huge team behind me. I have AFS250.
23 I have an amazing amount of experience on the field and pilots
24 aviation safety inspectors. I'm very proud of my team. I rely
25 and lean on a lot of the experts in the field. They are a huge

1 part of my team.

2 And I'll tell you who's a huge part of my team as we evaluate
3 this, industry. Industry is awesome. I mean, they want to -- and
4 not only on this -- on the (indiscernible) of Hawaii Common
5 Procedures Manual, on any other task I worked very closely with
6 industry from -- I mean, they're the ones that are flying the
7 aircraft. They are the ones that are knowing the new systems,
8 they're the ones -- I -- this is just several of the
9 (indiscernible) operators throughout the United States, and I have
10 flown, myself, several air (indiscernible) flights on my own as an
11 observer, which has been giving me a tremendous amount of
12 information of all the new systems and manuals (indiscernible)
13 operations, both in the helicopter and the (indiscernible). And
14 the industry has great computer systems. You guys probably
15 already know. I mean we work really closely with industry and
16 that's why, as I mentioned earlier, during the duties and
17 responsibilities of my current position, we attend
18 (indiscernible), we attend meetings, we meet with them. We take
19 their input.

20 Q. Okay.

21 A. And 250 is not the only one that works that way. I mean,
22 manufacturing works that way, the FAA part of manufacturing works
23 that way. And as I mentioned earlier your input, NTSB safety
24 accommodations. We look them (indiscernible) input actually from
25 other flight standard offices because, right now, this is

1 discussing an accident that happened, right, but, I mean,
2 ultimate, it's really big and it's all throughout the United
3 States. The only thing that most people hear is Hawaii, Nevada,
4 Alaska, New York. Well, I have -- there's over 300 and something
5 parks. There's a lot of scenic areas all throughout the United
6 States and there's a lot of Part 135 operators that conduct air
7 tours that are totally different than Hawaii, Nevada, New York or
8 Alaska. I mean, there's a lot that's going on and we take the
9 input for everything -- from everything. And --

10 (Crosstalk)

11 A. I (indiscernible) on the field. The flight standard peoples,
12 (indiscernible), the inspectors and things.

13 Q. With respect to the Hawaii air tour Common Procedures Manual,
14 who in industry are you working closely with?

15 A. (Indiscernible). Let me get what the industry and group and
16 -- (indiscernible) it's really more directly -- the Honolulu FSDO
17 is working more directly with them. The safety travel and the
18 logistics of how things have happened now, obviously,
19 (indiscernible) and right now the Honolulu FSDO as (indiscernible)
20 are the ones that are having the more direct contact with the
21 industry.

22 But (indiscernible) Hawaii Common Procedure Manual
23 (indiscernible) HHA, and on the HAI, but more so right now the
24 Honolulu FSDO is taking over that part. I don't working directly
25 with them, but I have worked directly with them. (Indiscernible)

1 last time I attend meeting, it was important, it was on the
2 (indiscernible) in general in the Orange County area. And that
3 was the last time that I saw the individuals -- the specific
4 (indiscernible) operators group in -- from the Hawaii area. But,
5 yeah. That's pretty much --

6 Q. Okay. Back --

7 A. -- the group.

8 Q. So the last time you met with industry operators from the
9 Hawaii air tour Industry was in Orange County?

10 A. The last time that I had direct (indiscernible) contact with
11 them, yes, that was the last time that I did.

12 (Crosstalk)

13 A. -- that they don't -- (indiscernible).

14 Q. When was that meeting in Orange County.

15 A. Oh, God. It was in January. I don't remember the exact
16 date.

17 Q. You said January?

18 A. I believe. I mean, I can Google it, like when was the last
19 convention, but (indiscernible).

20 Q. I don't need an exact date. I just wonder is it January of
21 this year, or a previous year?

22 A. Oh, no. This year, this year. But that doesn't mean -- the
23 fact that I -- that's the last time that I had physical -- as I
24 said, not physical, but in person with them, that was then. But
25 they communicate back and forth with questions, inquiries about

1 different things. More so -- like I said, more so since then, it
2 has been the Honolulu FSDO, the one that is having more of the
3 direct contact with them. I mean, they're there. (Indiscernible)
4 she represents -- I mean, she has the direct -- more direct
5 contact with them than -- and I think that she -- the Honolulu
6 FSDO has more of the direct contact.

7 Q. So is that the Honolulu FSDO manager you're talking about?

8 A. Or her people. I mean I cannot say what she does. I don't
9 know what she does. I mean, her people. I deal with her and with
10 John (ph.). Lately, I have been dealing with both of them, but
11 then there's also another person there, another assistant manager
12 or something, that she's been working. I don't know what she
13 does. I don't want to put something on her that I might not have
14 knowledge of it. But I know that she's the one that has lately
15 dealt with the groups in there.

16 Q. Have you organized or attended any meetings in Hawaii as part
17 of the revision process?

18 A. I have not organized meetings. I have attended several of
19 the meetings.

20 Q. Okay. When was the last one?

21 A. Oh my goodness. I don't remember the date. I will have to
22 -- I can't give you a specific date, it might be -- might have
23 been -- like, in Hawaii itself, might have been probably a
24 year-and-a-half ago. But, you know what, I cannot promise you
25 that was the date. It might be about a year-and-a-half, somewhere

1 around there, the last time that I attended any groups, any
2 meetings. Might be longer than that. Might be two years. I
3 don't remember.

4 Like I said, I mean, it's been a while since -- they are more
5 the -- the Honolulu FSDO is representing more directly the FAA in
6 different groups out there. There's two different groups.
7 There's the air tour task force, and then there's the round table.
8 And the round table on the task force are (indiscernible) by
9 different groups and of people (indiscernible) the delegations and
10 the general public and the FAA and ACO and Western Pacific, yeah.

11 Q. What was the last meeting that you attended out there? What
12 type of meeting was it? Was it a round table meeting?

13 A. It was one of the round table meetings, yes.

14 Q. Okay.

15 A. And it was with the public.

16 Q. Okay. All right.

17 A. And the Congressional delegations.

18 Q. And as far as the people you're working with at the Honolulu
19 FSDO, you mentioned Gino and Joe, Gino Rezzonico and Monfort.

20 A. I did.

21 Q. And then I didn't catch any other names. Were they the only
22 ones that you named or were there other people?

23 A. No, there was a -- and forgive my memory and -- I don't
24 remember, but there's another gentleman that used to work there.
25 I believe he retired. He was a POI. I worked with him in the

1 past. I worked with -- I don't remember if it's his last name or
2 his first name was Kirby. I don't remember. There's another
3 frontline my manager there. He was acting as an office manager
4 for a while. I've dealt with him directly with the FSDO.

5 Q. Okay.

6 A. I mean I have been in other (indiscernible). Huh?

7 Q. And the Honolulu FSDO manager, do you remember her name?

8 A. Absolutely. I mentioned it earlier, Tiffany Chitwood.

9 Q. Okay.

10 A. She's the current Honolulu FSDO manager.

11 Q. Okay.

12 A. And John Happen-something is now working with the Honolulu --
13 representing, I guess -- he's in another office, so he was the
14 assistant manager (indiscernible). So he's working directly on
15 this project.

16 Q. Okay. And to your knowledge, are Gino or Joe still working
17 on the revision or no?

18 A. I don't know what Tiffany's doing. I don't know where she's
19 getting her input. So I have no idea. I mean, I guess that would
20 be a question for her. I don't know.

21 Q. Okay. And as part of the revision effort, has your team
22 analyzed past air tour accidents to consider what changes to the
23 existing manual might --

24 (Crosstalk)

25 A. Absolutely. Absolutely. I mean, our job, as you guys

1 probably already know it -- our job is to find problems and fix
2 them. If the problems I've found is a safety concern
3 (indiscernible) after accident, absolutely. We find and we fix
4 them, and I invite you guys -- if you guys see any kind of safety
5 issue on the (indiscernible) investigators, please point it out to
6 our attention, and we find it and we fix it. Yes. We take in
7 consideration previous accidents (indiscernible), not only in
8 Hawaii. I mean, Hawaii is very specific and the different weather
9 patterns and the different geography, but everything's taken into
10 consideration. Yeah.

11 Q. Okay. So what types of safety issues have been most
12 prevalent in past fatal air tour accidents in Hawaii?

13 A. I don't recall the specifics. I mean, most of the accidents
14 that have been (indiscernible) the past, some of the stuff that I
15 (indiscernible), most of them is actually related to pilot error
16 and poor judgement. Most of them have been that way. But is
17 there some other that maybe was related to (indiscernible) with
18 maintenance issues? Probably have. Is there any other accidents
19 that probably were related to poor judgement and weather?
20 Probably have. I mean, there's -- the pilot (indiscernible) on
21 how the flight is conducted. So there's no (indiscernible) that I
22 recall. It doesn't necessarily have to be posited to one specific
23 (indiscernible), and I cannot tell you one or the other, but most
24 of them that I recall, most of them have been applicator and poor
25 judgement or pilot error or something applicated with human

1 factors. Most of them have. And of course they're taken into
2 consideration.

3 Q. Okay. So how will the revisions to the manual seek to
4 improve safety in those areas?

5 A. As I mentioned earlier, you need to evaluate some of the
6 areas and what can be done. I can (indiscernible). I don't know.
7 I am just throwing now ideas, but maybe more training on specific
8 areas, maybe -- I mean, that's the only thing that I can come up.
9 Maybe more training in specific areas. Maybe more voluntary
10 programs, as I -- involvement of voluntary programs as the safety
11 management systems. The safety management system has a great deal
12 of responsibility over the people that are managing the companies.
13 That would be very much (indiscernible) to it. Just control and
14 tracking of the different documents. I mean, more -- we'll be --
15 (indiscernible) into training, check lights, the controlling on
16 the specific areas out there because it's very unique, the
17 training on the specific weather patterns, more -- maybe more
18 enhanced training (indiscernible), maybe as I mentioned earlier,
19 all-hands training on the (indiscernible). I mean, there's many
20 things that can take in consideration.

21 Q. Okay. And so are you sort of refining that list of changes
22 as part of the input received, or what's the status --

23 (Crosstalk)

24 A. Yeah. I mean -- obviously, I mean, that is part of the
25 process. We're refining them, yes, and that's a very good term to

1 be used because, yeah, we're refining all of the different areas
2 that we would like to integrate, yes.

3 Q. Okay. Have there been discussion of the FAA turn over
4 ownership of the manual to HAI or other -- another industry group?

5 A. You know, that's a very interesting term that you just used,
6 ownership. I do not even -- I cannot even define what that would
7 be, ownership. There has been discussion of how this manual is
8 going to be (indiscernible). Now, would you could call it
9 ownership as now it's owned by HHA, now it's owned by HAI. As to
10 the replacement, I'm the one that produced it. Yeah, that has
11 been one of the options for the replacement of this manual. But,
12 when you're talking about its ownership, it can be term that be
13 misconstrued. Let me ask you -- I mean, a general operations
14 manual is owned by the operator. Now, if a replacement of this
15 manual is going to be an appendix of the General Operations
16 Manual, well, yeah, that manual is owned by the FAA. So, I mean,
17 it's all a matter of how you see it.

18 Q. Okay.

19 A. It's all a matter of how you see it.

20 Q. There have been -- it had been suggested to us that maybe the
21 FAA was considering asking HAI to take control of future revisions
22 to the manual and issuance of the manual and having the FAA play a
23 lesser role in its content. Do you know if that's currently the
24 case or no?

25 A. That is one of the things that has been considered in the

1 past. That doesn't necessarily mean if they were to have
2 ownership that the FAA would have less or more control over it,
3 because (indiscernible) is the one that gives the authorization.
4 (Indiscernible) or the LOA (ph.) has conditions and limitations.
5 The FAA is still -- that -- in the past it was evaluated and it's
6 still floating around, but I just wanted to make sure you guys
7 understand how it is. If -- let's say they were to -- if industry
8 were to actually produce the manuals, as it was considered in the
9 past, that doesn't mean that they are going to be self-regulating,
10 self-policing themselves. No. That is just -- that would be just
11 the (indiscernible), this is the way that I would conduct my
12 operations (indiscernible) at the highest level of safety. And
13 then they would say, okay, we're going to do operations
14 (indiscernible) area or this area, dah, dah, dah, and this is the
15 training we're going to having, et cetera, et cetera. But that
16 wouldn't be any different than what -- I'm not saying because
17 (indiscernible). It could be as an appendix of the COM. And I'm
18 just speaking about it as who has been an option that has been
19 considered. It doesn't necessarily mean that that's the way it's
20 going to go. I already talked about earlier about the different
21 options that they considered (indiscernible). There's many things
22 that are being evaluated right now (indiscernible).

23 Q. Okay. Moving on to a different question. When was the last
24 internal meeting of the FAA stakeholders that are working on the
25 revision that you organized or participated in?

1 A. Last week I think it was. Last week.

2 Q. And how about prior to December? The accident in December?

3 A. Oh god, that goes way back. I mean, this is an ongoing
4 project. I mean, I have meetings with the Honolulu FSDO
5 constantly. I mean, that's why I have so fresh in my memory when
6 was the last time that I talked about it. Well, it was last week.
7 Was it last week? Maybe the previous week. (Indiscernible)
8 calendar, but prior to -- when was -- I mean, I would --

9 (Crosstalk)

10 A. I don't know when the accident was. Are you talking about
11 the accident that you guys are investigating right now, right?
12 (Indiscernible)?

13 Q. Yeah, in December of 2019. Yeah. I'm just trying to get a
14 sense of, like, in 2019 last year, how often was the internal FAA
15 stakeholder -- how often were the internal FAA stakeholders
16 meetings with you to discuss the revision effort?

17 A. I do not remember when it was, but we are constantly working
18 on it. I mean, we're constantly. So I'm sure it was -- I'm sure
19 we held several during December. I mean, I'm sure we had -- like,
20 right now -- I'm looking at my calendar right now and I had
21 (indiscernible) with my division in December, or in -- I'm sorry,
22 it was in January. Now, I don't know -- when was the accident?

23 Q. It was in December of 2019. I have to look it up here if you
24 want the date exactly.

25 A. I mean, it -- regardless of that specific date, in all

1 honesty, (indiscernible).

2 Q. Mm-hmm.

3 A. In all honesty, it's one of my questions (indiscernible) and
4 I probably had -- in December maybe I had a couple of meetings,
5 internal meetings with the FAA. Yes. I probably met with my
6 division manager and my branch manager. I probably met with
7 (indiscernible). I mean, I don't have everything written down, so
8 I cannot tell you specific date of when I did it.

9 Q. Okay. And then you have a lot of duties, I know. What
10 percentage of your time over the last year was spent on the air
11 tour manual revision?

12 A. Oh, God. That's kind of a tough question just because it's
13 back and forth, back and forth. I would say, probably, I don't
14 know, maybe -- yeah, I don't know. I mean, I would hate to be
15 percent on it just because it's been -- sometimes maybe, like, one
16 week it might be, like, 30 percent of my time, one week it might
17 be 50 percent, one week it might be 10 percent. Depending on the
18 flow of that communications (indiscernible). I cannot give a
19 percent on it. I mean, it is one of the tasks, it is one of my
20 responsibilities, and as we (indiscernible) move forward, the time
21 might be adjusted, or I might be -- I may (indiscernible) or to be
22 reduced. Sometimes I'm waiting for (indiscernible) from agencies.
23 Sometimes I'm waiting for input from another one of my branches
24 from AFS260, or input. Sometimes I'm waiting for Honolulu input.
25 I mean, it just varies. I can't put a number to it.

1 Q. Do you have -- do you feel you have enough time available to
2 complete this project, given your other duties?

3 A. Yes. Well, I mentioned it to Bill, it's not Monica's
4 project. It's not Monica's baby. It's not even just AFS250's
5 baby. I might be the lead on it, AFS250 might be the lead on it,
6 but I'm sure that if I die tomorrow, somebody else is going to
7 take over. It's just (indiscernible). It's an ongoing project
8 and, yes, the answer to your question is yes. It's a team. It's
9 a team. I have a lot of experts working with me.

10 Q. Okay.

11 A. The answer is, yes, I do have enough time. Yes.

12 Q. Okay. And just to close out my questions, what are the
13 biggest challenges that you have been facing in completing that
14 project?

15 A. The most challenging that the FAA as a team has had, and I
16 will say it again, not Monica's baby, but the most challenging
17 that -- as a team lead has been getting everybody to
18 (indiscernible) to something. And I already gave you a laundry
19 list of all the stakeholders, internal stakeholders, external
20 stakeholders, congressional delegations, environmental demand,
21 national (indiscernible). The regulations themselves just make
22 everything fit where it needs to be, and that the FAA is
23 (indiscernible) taking into consideration all of the items that I
24 have been talking about for the last hour or so. That has been --
25 it's just getting everything -- getting all the pieces of the

1 puzzle to be where they need to be where we have a common
2 agreement of that's where it needs to be. It's just getting
3 everybody to an agreement, and meeting all of the statutory and
4 regulatory rights and requirements. It's -- a lot of people do
5 not understand, as an industry -- every industry is not straight
6 forward (indiscernible).

7 All of the Part 135 operators are required to comply with all
8 of the Part 119 requirements, in addition the Part 61 and Part
9 91, and all of the Part 135. It's not just like that. We do have
10 to work with other agencies (indiscernible) unless we get
11 something from them. And I'm talking guidance, (indiscernible)
12 guidance. I had a current project, one of the many projects that
13 I have (indiscernible) plan. We have a common procedures manual
14 (indiscernible), mentions voluntary agreement. It's -- air tours
15 is a very, very -- I guess, covered a very wide amount of
16 different regulations, requirements, environmental issues
17 (indiscernible). The biggest challenge, to answer your question,
18 has been just to make sure that we all agree with something, with
19 one specific (indiscernible).

20 Q. All right. Well, thanks very much, Monica. I appreciate it.

21 DR. BRAMBLE: And I'm going to go ahead and pass over to
22 Greg (ph.). And I don't know if you need a break.

23 MS. BUENOROSTRO: (Indiscernible). That would be good, let
24 me just take a five-minute break. I'll be right back.

25 DR. BRAMBLE: Okay, sounds good.

1 (Long pause.)

2 MS. BUENOROSTRO: I'm back.

3 BY UNIDENTIFIED SPEAKER:

4 Q. Hi Monica. It's Greg. Thank you for taking the time to
5 visit with us.

6 A. Thank you.

7 Q. I just have a quick question. I think only one question. Do
8 you --

9 A. Mm-hmm.

10 Q. Are you the subject matter expert for air tour for the
11 nation, or is it just Hawaii, or what geographic area?

12 A. Yes, I'm the entire United States; anything that has to do
13 with air tours.

14 Q. Okay.

15 A. Anything that -- I mean even operators that might do some
16 special kind of air tours operation. It's -- yeah, anything that
17 has to do with air tours; Part 91, Part 135.

18 Q. Okay. I think that's all I had.

19 UNIDENTIFIED SPEAKER: I'm going to direct it over to Patrick
20 (ph.). Thank you very much.

21 MS. BUENOROSTRO: Uh-huh, thank you.

22 MR. LUSH: Hi Monica. Patrick Lush. It's good to hear your
23 voice again --

24 MS. BUENOROSTRO: Hi there.

25 MR. LUSH: -- after so many years.

1 MS. BUENOROSTRO: Good to hear your voice too.

2 MR. LUSH: Thank you for participating with us today and your
3 willingness to be interviewed in the wake of this accident. Most
4 of all --

5 MS. BUENOROSTRO: You're welcome.

6 MR. LUSH: -- my questions were asked already, so I don't
7 have anything else for you, but it was good to talk to you again
8 and you know we'll reach out if we need anything, but thank you
9 for your time today, Monica.

10 MS. BUENOROSTRO: Absolutely. Thank you guys.

11 BY MR. GALLO:

12 Q. Hi, Monica. Mitch Gallo again. I have a couple more
13 questions and I want to draw upon your knowledge as a subject
14 matter expert.

15 A. Mm-hmm.

16 Q. The Hawaii air tour manual, that -- my understanding is it's
17 not regulatory unless it's incorporated into an operator's
18 op-specs or general operations manual. Is that correct?

19 A. Well, that's kind of an interesting question, because you're
20 saying it's not regulatory unless incorporated into and op-specs.
21 I mean, is that what your question was?

22 Q. Yes. So the manual is not regulatory unless somehow you
23 incorporate it into an operators op-specs. Is that correct?

24 A. Well, I mean, as you guys know, we don't regulate by
25 op-specs, and we don't regulate by LOA. So it's an interesting

1 way (indiscernible) it is one of the conditions and limitations
2 that they would have to follow if they want to fly below 1500 feet
3 if the operator has been issued the operations (indiscernible).

4 Q. Okay.

5 A. So anybody in Hawaii can fly air tours, but if they want to
6 fly below 1500 feet, they -- under the conditions and limitations
7 of the (indiscernible) 1500 feet to avoid weather, then they would
8 have to comply with the conditions and limitations of the B40A,
9 which also mentions the fact that they have to have all the
10 training as per the (indiscernible). But regulations take
11 priority over everything.

12 Q. Okay.

13 A. So we don't regulate by op-spec. I mean, it's just
14 interesting how the question --

15 Q. Yeah.

16 A. (Indiscernible).

17 Q. So -- and then I mean it leads me to some other questions
18 about the revision for the Hawaii air tour manual. Any
19 consideration in that about -- well, let me go back. I mean,
20 there -- we know there's unique weather patterns in Hawaii, so you
21 mentioned weather cameras, SMS system, has there been
22 consideration given to increasing weather minimums for air tour
23 operations in Hawaii and/or training requirements into that
24 revision?

25 A. Well, I want to make very clear one thing, as we've gone

1 through the conversation, the word revision to the manual,
2 revision -- specific. Revision would mean the current Hawaii air
3 tour Common Procedure Manual, which is back from 2008, has the
4 revision number one. So this manual may be -- may move forward
5 and it's still being evaluated it -- may be moving forward as a
6 replacement. In other words, not necessarily a book that is
7 called the Hawaii air tours Common Procedures Manual, not
8 necessarily a revision that is going to say, Hawaii air tours
9 Common Procedures Manual, (indiscernible) something, something,
10 revision 2. And I want to make sure that everybody understands
11 that might or might not be the case. We feel -- the FAA
12 (indiscernible) is still evaluating the manner in which the Hawaii
13 air tour Common Procedures Manual will be replaced by something
14 different. It might not be a book like you guys are talking
15 about. And that's what I want to make sure you guys understand
16 and what's being evaluated.

17 Q. Okay.

18 A. And so the different options for the replacement of this
19 manual. You mentioned specifically to the question of weather.
20 Yes, we are considering the different weather patterns, as has
21 been considered for many, many, many years back. Now, you're
22 talking about tightening up the weather requirements? We're
23 looking at all the regulations. We're looking all of the
24 (indiscernible). We're looking at the weather enhancements. We
25 are looking at the training requirements. Yes, specific training

1 and the need to augment the training requirements for the specific
2 weather patterns in Hawaii. Yes, we're looking at all that. Yes,
3 we're looking at the enhancing the requirements. I mean, we're
4 just looking at making this updated, more organized, more
5 standardized. I'm making this (indiscernible) the level in which
6 -- the safety level in which the operations are conducted. We're
7 looking at all the different options that I mentioned earlier.

8 Q. Okay. So there's a lot of, I guess -- if you want to call
9 them policies or procedures in the current manual and maybe in the
10 revision. Why not make those -- rather than having a separate
11 manual like that, why not just change Part 136 and incorporate
12 what you find into the manual into Part 136?

13 A. Well, you're asking something -- Part 136, as you know, is a
14 regulation, right?

15 Q. Right.

16 A. We're evaluating all that. If we were to (indiscernible),
17 you're trying to make it -- A, we're trying to make it as soon as
18 we can. I will (indiscernible) very big effort. I mean, as you
19 know, that -- we've had a lot of complaints right now under the
20 current administration how we (indiscernible). Now, if you were
21 to be talking about just changing that Part 136, are you talking
22 about Part 136, appendix A, in which you could potentially do
23 something with it? (Indiscernible) Part 136 specific has an
24 appendix A (indiscernible). It's the only part that is different
25 (indiscernible). It's basically restricting the operator fly

1 below 1500 feet. (Indiscernible) standard policies on how we deal
2 with deviations and limitations (indiscernible) that way. Could
3 that be evaluated? Yeah. Nothing is out of -- out of the option
4 of (indiscernible) talk about? Maybe. I mean, I can't tell you
5 exactly (indiscernible) that. Talked about, considered. But
6 that's probably a bigger effort than the one that we are doing
7 right now.

8 Q. Okay.

9 A. We might be adding a lot of constraints with it. I mean,
10 it's (indiscernible) is huge. It's huge. The FAA, I'll also let
11 you guys know, looks at the most efficient way in doing things,
12 more standardized way in doing things. That's how we're trying to
13 move forward with it. And that's not only this project, this is
14 in every project.

15 And, plus, just think about this too. Let's say we put it in
16 the Part 136. You're going to do dah, dah, dah. Changing the
17 rules is a big deal. The rules are already there. We talked
18 earlier about the most efficient way about of managing this final
19 deviation (indiscernible) air tour operations in Hawaii. If you
20 have a (indiscernible), if you have LOA, if you have
21 (indiscernible) as long as we all agree to make those changes and
22 revisions. And (indiscernible) is really good and really
23 extensive for the agency, and for the public as a (indiscernible).
24 So we have the (indiscernible) of going through with this part of
25 the -- (indiscernible) making effort. Why not? Why not? We're

1 evaluating all of the options.

2 Q. Okay.

3 A. So --

4 Q. And one last question. I mean, this Hawaii air tour manual
5 seems unique. I mean, for example, you don't have a flight
6 instructors procedures manual, or for 141 schools, or something
7 like that. To your -- to the best of your knowledge, you don't
8 know of any other thing -- any other instrument that's similar to
9 the Hawaii air tour Procedures Manual that's out there already?

10 A. There is one that is similar, but the difference is that this
11 other one that similar is under -- is by regulatory requirement.
12 Many years back -- and as I mentioned earlier, my areas of
13 expertise is (indiscernible), and as I mentioned earlier, a lot of
14 people (indiscernible) site 136. No. Part 135. No. Part 91.
15 No. It's a whole wide variety of (indiscernible). There is one
16 rule that is different, and that someone you guys may be familiar
17 with it is the (indiscernible). Part 93 is basically air traffic
18 rules that are applicable to very different areas of operation.
19 Now, are you talking New York, are you talking Alaska, you're
20 talking different areas of operations, including the Grand Canyon.
21 So under Part 93, it very specifically says that the operators
22 that are operating in the (indiscernible), the Grand Canyon
23 National Park (indiscernible), are to basically solo the Grand
24 Canyon air Traffic Manual, which can be obtained by the Nevada
25 FSDO or through the Nevada FSDO. Previously, (indiscernible)

1 FSDO. So the Las Vegas FSDO in the past -- the Nevada FSDO now
2 actually has a manual that is similar to what the 2008 Hawaii
3 Commons Procedures Manual was with the exception that, as I
4 mentioned at the beginning of this conversation, this is by
5 regulation. By regulation, anybody that is to conduct operations
6 inside of the Grand Canyon (indiscernible) has to conduct their
7 operations by regulations as per the Grand Canyon air tour Manual
8 that can be obtained by contacting the Nevada FSDO. The Nevada
9 FSDO are actually has that manual. They produce the manual and
10 basically they have the responsibility of that manual and any kind
11 of revisions of that manual. So it's similar to the Hawaii Common
12 Procedure Manual, but it's very different because the Hawaii
13 Common Procedure Manual is not by regulation. It's just something
14 that it was maybe as a way in which the FAA was going to
15 (indiscernible) that manual. So it's similar, but not the same.

16 Q. Okay.

17 A. One's regulatory, the other one is not. It was written by --
18 as per regulatory requirements, the other one is not. That
19 happened many years ago by the way, the Grand Canyon
20 (indiscernible) manual regulation. I wasn't given
21 (indiscernible).

22 Q. All right.

23 MR. GALLO: That's all the questions I have. Does anybody
24 else have questions for Monica?

25 DR. BRAMBLE: Yeah. This is Bill. Just one.

1 BY DR. BRAMBLE:

2 Q. So just so we can accurately describe the status and where
3 it's headed, what is the next formal milestone for the revision of
4 the air tour Common Procedures Manual. Like, what is the next
5 step?

6 A. Team evaluation, the input of the different things. We're
7 evaluating the -- right now, the different options. We're having
8 meetings coming up. The next milestone would be to decide which
9 way the FAA is going to move forward. Do I have a date for that
10 milestone? No. We are working as fast as we can, but as
11 expected, as I (indiscernible), we're trying to work as
12 effectively possible as we can with the large group of people that
13 we're working with, and the next milestone is to decide which way
14 it's going to be the most effective (indiscernible) in moving
15 forward with the replacement of this manual.

16 Q. Okay, that's all I have. Thanks very much.

17 A. Thank you.

18 MR. GALLO: Monica, do you have anything else that you want
19 to address with us that we haven't covered or any other concerns
20 you'd like to share with us?

21 MS. BUENOROSTRO: I guess, I just have a question on the
22 processing of this interview. The -- this -- I mean, I know that
23 you guys have been recording with my authorization this
24 conversation. Is there kind of like a transcript or how is it --
25 what's the process? Does my -- does the FAA get a copy of the

1 different interviews that are conducted? How does that work?

2 MR. GALLO: Well, we're going to have this transcribed and
3 then it's going to go on to the public docket as supportive
4 material for the investigation.

5 MS. BUENOROSTRO: Oh, okay. But it is not, like -- it's not
6 provided to our people (indiscernible) for them to look at,
7 review, or anything like that before it's published on the
8 (indiscernible).

9 Mr. GALLO: No, there's not legal review, but --
10 (Crosstalk)

11 MS. BUENOROSTRO: Okay.

12 MR. GALLO: There is no legal review.

13 MS. BUENOROSTRO: Okay.

14 MR. TOMISICH: Mitch, as a follow-up question on the process,
15 how do you guys ensure accuracy? I mean, does the group look at
16 what the transcript is before it's put into the docket and compare
17 that to the audio or --

18 MR. GALLO: Yeah, we'll compare the audio with the transcript
19 and make sure it's accurate.

20 MR. TOMISICH: Okay.

21 MS. BUENOROSTRO: Well, I don't have any further questions.

22 MR. GALLO: Okay, then we're going to go off the record. And
23 I appreciate your time.

24 (Whereupon, the interview was concluded.)

25

CERTIFICATE

This is to certify that the attached proceeding before the


NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: AIRBUS AS350 B2 HELICOPTER
 CRASH NEAR LIHUE, HAWAII,
 ON DECEMBER 26, 2019
 Interview of Monica Buenorostro

ACCIDENT NO.: ANC20MA010

PLACE: Via telephone

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.



Brittany Hay
Transcriber