

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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In the matter of:

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M/V *NOMADIC MILDE* AND *ATLANTIC*
VENUS COLLISION AND CONTACT WITH
CORNERSTONE DOCK ON MAY 8, 2020

Accident No.: DCA20FM017

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Interview of: [REDACTED] [REDACTED] Watch Supervisor
New Orleans Vessel Traffic Service

Via teleconference

Monday,
June 29, 2020

APPEARANCES:

ADAM TUCKER, Investigator
National Transportation Safety Board

LT [REDACTED]
U.S. Coast Guard

TOM BREMER, Marine Casualty Investigator
Republic of the Marshall Islands Maritime Administrator

TIM DePAULA, Representative
(On behalf of Golden Helm Shipping/*Atlantic Venus*)

MICHAEL BUTTERWORTH, Attorney
(On behalf of *Nomadic Milde*)

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I N T E R V I E W

(11:12 a.m.)

1
2
3 MR. TUCKER: And we'll see how this works. The time is
4 11:12 a.m. and the date is June 6th -- sorry, June 29th, 2020.
5 And I should note that the time I referenced is Eastern Daylight
6 Time and it is 10:12 a.m. Central Daylight Time. My name is Adam
7 Tucker, I work for the National Transportation Safety Board, and
8 this is an investigation which is U.S. Coast Guard-led into the
9 *Nomadic Milde* collision with the *Atlantic Venus* and contact with
10 the Cornerstone dock on May 8th, 2020.

11 I'm going to go around right now and ask the parties on the
12 phone and everyone in attendance in this to identify themselves.
13 If you have a difficult name, could you spell that, as well?

14 And we'll start off with Lieutenant [REDACTED]

15 LT [REDACTED] Hi, good morning. This is Lieutenant [REDACTED] [REDACTED]
16 with the U.S. Coast Guard. [REDACTED].

17 MR. TUCKER: Okay.

18 LT [REDACTED] Thank you.

19 MR. [REDACTED] All right. [REDACTED] [REDACTED] Coast Guard
20 Vessel Traffic Service, Lower Mississippi River. I am a Watch
21 Supervisor GS-12, U.S. Coast Guard.

22 MR. TUCKER: Okay, Mr. [REDACTED] thank you. Do you want to
23 be called Mr. [REDACTED] or [REDACTED] or Tony or how would you prefer
24 to be called?

25 MR. [REDACTED] Tony's fine.

1 MR. TUCKER: Tony, okay. Thank you very much.

2 MR. [REDACTED] Do you want me to spell my last name for the
3 record?

4 MR. TUCKER: Sure, please.

5 MR. [REDACTED] [REDACTED].

6 MR. TUCKER: Thank you very much, sir.

7 MR. [REDACTED] Um-hum.

8 MR. TUCKER: Okay, Mr. Bremer.

9 MR. BREMER: Good morning. Tom Bremer, Bravo-Romeo-Echo-
10 Mike-Echo-Romeo. I'm a marine casualty investigator for the
11 Republic of the Marshall Islands Maritime Administrator.

12 MR. TUCKER: Thank you, sir.

13 Mr. DePaula.

14 MR. DePAULA: Good morning. Tim DePaula, D-e-P-a-u-l-a. I
15 am a representative of Golden Helm Shipping, which is the owner of
16 the *Atlantic Venus*.

17 MR. TUCKER: Thank you.

18 Mr. Butterworth.

19 MR. BUTTERWORTH: Yes, Michael Butterworth, like how much is
20 butter worth. I'm a lawyer acting on behalf of *Nomadic Milde*
21 interests.

22 MR. TUCKER: Are there any other parties on the line that we
23 have not identified or spoken to?

24 (No response.)

25 MR. TUCKER: All right, thank you very much.

INTERVIEW OF [REDACTED] [REDACTED]

1
2 BY MR. TUCKER:

3 Q. All right. So, Tony, thank you again for speaking with us.
4 I do have a couple basic questions, and as mentioned before we
5 started the recording, keep in mind I'm -- I'll probably ask some
6 really dumb questions, so some of them may actually be just
7 curiosity. So I guess first and foremost, I was wondering if you
8 could kind of just take me through what a watch supervisor does
9 with New Orleans VTS.

10 A. Well, primarily, I oversee the watch as the operators are
11 managing specific vessel movement reporting systems, currently two
12 sectors, but at the time of the incident, three sectors, three
13 operators on watch, ensuring that they're doing their job,
14 ensuring that the equipment is fully operational, ensuring that
15 any problems with the watch or the equipment are properly managed,
16 properly fixed or properly reported. Keeping the director
17 informed of any incidents or accidents and managing any incidents
18 or accidents as they occur. A 12-hour watch, and this particular
19 day it was from 0600 to 1800. So I had three controllers or three
20 operators on watch at the time, and I was in the command center of
21 the Vessel Traffic Center for the full 12 hours.

22 Q. Okay. And you said, so you guys work like 12-hour watches,
23 so this -- on the day of the accident, it was the 0600 to 1800
24 watch, I understand that, and you had three operators. So --

25 A. Correct.

1 Q. But you said sometimes there's two but there were three at
2 this time. Can you explain that?

3 A. No, correction, there were only two, I'm sorry. We had a
4 short period of time where we had three, where we had three
5 sectors open, but at this particular day we only had two sectors.

6 Q. Okay. And as a watch supervisor, I'm just curious, again,
7 completely unfamiliar with VTS --

8 A. Right.

9 Q. -- what kind of training backgrounds do you have to have to
10 be a VTS operator and a watch supervisor?

11 A. We have a 6-month training program and qualification program
12 that everybody has to go through. You have to go to a national
13 VTS school for 2 weeks in Baltimore, Maryland, or Seattle,
14 Washington, and get national VTS certified. You have to get
15 on-the-job training, stand watches with qualified operators, and
16 then you have a qualification board to be an operator.

17 And then there's a different qualification process to be a
18 supervisor and you also have to be eligible by pay grade to be a
19 supervisor, go through the hiring process and go through an
20 interview process and get selected to be a supervisor. Currently,
21 there's no requirement for a supervisor to be operator qualified,
22 but I've been here for 14 years. I was a qualified operator for
23 10 years and I've been a supervisor for 4 years now.

24 Q. Okay. And just from based on what you explained, I
25 understand that you work for the Coast Guard, but with the

1 interview process and all that, it sounds to be a civilian
2 position, is that correct?

3 A. It's a civilian position, GS-12.

4 Q. GS-12 civilian, okay. All right, so you mentioned equipment.
5 More curiosity, but what kind of equipment? You said you make
6 sure all the equipment is working, functioning, that's probably VT
7 -- sorry, VHF-type radio systems, radar systems, as well. What
8 other equipment do you guys have access to on the watch?

9 A. It's a fully electronic suite. We have multiple computer
10 systems that we're tracking all of the vessels on the Mississippi
11 River that are transmitting an automated -- automatic information
12 system, or AIS. We have radios, high-sight antennas all the way
13 up from Baton Rouge all the way down the river to the mouth of the
14 river at, I think, Venice or maybe even farther down than Venice
15 at -- I forgot what it's called. Well, we've got them all the way
16 down to Venice. But we've got VHF antennas all the way from Baton
17 Rouge down to the mouth of the river.

18 We have radars within a couple of our vessel movement
19 reporting systems, but not along the entire river. We have
20 closed-circuit television within our vessel movement reporting
21 systems, but not within the entire river. And that would be about
22 it, AIS, radar in certain sites, the closed-circuit television at
23 certain sites, and radio communications.

24 Q. Understood, okay. So we're all familiar that the accident
25 took place around Mile 114, 114.5, it varied with the movement of

1 the vessel, but just back to the -- I'm going to screw it up here
2 -- vessel movement sector.

3 A. What's the question?

4 Q. VMRS, what is that again, the vessel movement --

5 A. Vessel movement reporting system, that's a -- that's a
6 portion of the river or a sector of the river where vessels are
7 required to check in with VTS Lower Mississippi River on the VTS
8 channel. Check in, give us their -- give us specific information
9 relevant to the vessel itself, their destination. And we give
10 them a traffic summary, we let them know if there are any concerns
11 or considerations within the VMRS and then we require them to
12 check in a second time for an update.

13 Q. Okay.

14 A. There are two VMRSes and I'll give you that information, if
15 you want it.

16 Q. Sure.

17 A. All right, the VMRSes that were in action at the time were
18 the Algiers Point vessel movement reporting system here in New
19 Orleans Harbor, which runs from Mile Marker -- about 88, which is
20 the first check-in, all the way up to Mile 106. And the second
21 VMRS is the 81-mile point special area, which runs from the
22 Sunshine Bridge around Mile 168-ish up to Mile 188. They're each
23 on individual VTS -- VHF FM channels. The New Orleans Harbor VMRS
24 is on Channel 12 and the 81-mile point VMRS special area is on
25 Channel 5 Alpha.

1 Q. Okay. So those are the two sectors -- hold on, let me --
2 those are the two areas where the two operators are operating, is
3 that correct?

4 A. Yes, those are the two active sectors.

5 Q. Okay, active sectors. All right. So I noticed when you were
6 reading off the miles that the location where the accident took
7 place does not appear to fall under the VMRS or the active
8 sectors, is that correct?

9 A. That's correct.

10 Q. Okay. So what is that -- I'm going to use an improper word,
11 but what is that void? Like that area in there, what is that
12 called or do you guys do anything in there?

13 A. It's part of the VTS area.

14 Q. Okay.

15 A. A VTS area is anywhere that a VTS is operating. The vessels
16 are required to be on a VTS channel as they're transiting and
17 they're required to follow VTS rules. Any time that the VTS puts
18 out a broadcast or a notice or a marine information broadcast of
19 any kind, anybody who has to participate in the VTS area rules is
20 required to follow the VTS area rules, whether they're in a vessel
21 movement reporting system or not.

22 Q. Understood. So like the two operators that are working that
23 -- you said 88 to 106 and 168 to 188, they're active. So around
24 Mile 114-115, that's not an active area. Is there anybody
25 monitoring that area?

1 A. We are, we're trying. We monitor Channel 67, the
2 bridge-to-bridge radio telephone frequency, on all of our
3 stations. I personally, as a supervisor, monitor Algiers Point
4 and Channel 67. And I'm also right by the telephone. So if
5 anything occurs on the river that anybody broadcasts on Channel
6 67, we might pick it up if we're not keying the mike for our VTS
7 channel. Once we key the mic for a VTS channel, we blank out any
8 other incoming transmissions, but we're all three of us monitoring
9 Channel 67.

10 Q. Okay. And is there a specific -- you said 67 is bridge to
11 bridge. Is there a specific VTS frequency for that area, as well,
12 or just 67?

13 A. The area falls under the VTS Channel 5 Alpha, which vessels
14 operating in the VTS area are required to monitor and utilize from
15 Mile -- let's see, I'm going to have to do a little mental
16 calculation here, about Mile 1-0-9 all the way up to Mile
17 2-54-ish. I can't remember the exact mile marker numbers, but any
18 vessel operating within the VTS area is supposed to be monitoring
19 Channel 5 Alpha and Channel 67.

20 Q. Five Alpha and 67, okay.

21 A. Correct.

22 Q. Understood. So I just want to kind of go back to the
23 equipment. So you mentioned the radios, you've got coverage in
24 the area, but -- and you mentioned AIS. Is AIS your primary means
25 of tracking vessels?

1 A. Yes, I would say so.

2 Q. Okay.

3 A. It's the only means for tracking vessels outside of the
4 vessel movement reporting systems because it's the only sensor
5 that we have operating on the entire river. As I said earlier,
6 there are no radars and there are no closed-circuit televisions
7 anywhere but within the vessel movement reporting systems.

8 Q. Understood. I'm glad I asked that question. So, for the
9 area of the accident, then there was no radar coverage and there
10 was no CCTV coverage because they were outside the reporting --
11 the vessel movement reporting systems, is that correct?

12 A. That is correct.

13 Q. Okay. And you mentioned everything kind of being
14 computerized, as well, and because you've got a lot of AIS
15 coverage, I'm curious about the display on your computer. You
16 know, AIS transmits a GPS signal to a land-based station, we all
17 know that. However, how is it displayed? Do you just see an AIS
18 dot, for lack of better words, or do you see the actual vessel
19 outline and profile?

20 A. We see a dot.

21 Q. Okay.

22 A. It may be a square, it may be a circle, it may be a triangle,
23 but essentially, it's a dot.

24 Q. Okay.

25 A. And the symbols, the different symbols do represent different

1 types of vessels to the trained eye, which I can most certainly
2 get into if you want me to.

3 Q. If you were to give the dumb deckie version of the story,
4 yeah, why not.

5 A. Okay. A big red square is a tanker.

6 Q. Um-hum.

7 A. A big purple ball -- and when I say big, that's relative to
8 -- from very, very small to only small. A red square is a tanker.
9 A purple circle is a cargo ship of some kind not carrying
10 petroleum products or other flammable materials. A yellow
11 triangle, which would be very small, would be a harbor tug. A
12 small green square, smaller than the big red square, would be a
13 towing vessel towing dry cargo. And a very small red square would
14 be a towing vessel towing flammable cargo. And then there are
15 pink squares that are ferries and cruise ships, and that's about
16 it. Everything else is less important than those particular
17 symbols.

18 Q. Okay, understood. So you see a square or in this case, I
19 guess, for the *Nomadic Milde*, it would be a --

20 A. A purple circle.

21 Q. -- purple circle, okay. But again, it does not give you any
22 -- any profile, size, dimensions, anything like that, of that
23 vessel -- I mean, and for not the *Nomadic Milde*, but if you've got
24 a 1,200-foot tow --

25 A. Not visually, not looking at the screen. If I were to -- if

1 I were to open the track data card on our system, it would give us
2 all of the particulars, but it wouldn't be displayed visually on
3 the computer.

4 Q. Understood, okay. I'm just thinking of like a 1,200-foot tow
5 and you just --

6 A. Um-hum.

7 Q. -- see a green square or --

8 A. A square.

9 Q. -- a red square, huh?

10 A. A little tiny square, yes, sir.

11 Q. Okay. Thanks for explaining that.

12 A. You're welcome.

13 Q. So just in general, the VTS area of operation, what is the
14 New Orleans VTS AOR?

15 A. New Orleans VTS AOR is -- is from a 12-mile radius from, I
16 believe, Southwest Pass Lighthouse, bending offshore all the way
17 to approximately Mile 254. I might be off a little bit, I can
18 never remember that exactly, but Mile 254 above Head of Passes,
19 which would be a total of about 250 -- 285, 290 miles of
20 Mississippi River.

21 Q. Yeah, that's a lot of river.

22 A. It's a lot of river.

23 Q. And just for curiosity, are you referencing miles as in
24 statute miles or nautical? Sorry.

25 A. Statute miles.

1 Q. Statute.

2 A. The river's in statute miles.

3 Q. Okay. In these unprecedented times, I do have to ask about
4 the watch. Were there any impacts to your watch related to
5 COVID-19? For example, any reduced manning or you could not
6 access certain stations while someone else was there? Just
7 anything in general that we should be aware of.

8 A. There was the reduction in the personnel on watch to the
9 point where we had to close down one of our vessel movement
10 reporting systems. We did have that third system, that I
11 mentioned earlier, up and running, but we went ahead and postponed
12 that so we could reduce manning and we went to minimal manning
13 watch standards. Where ordinarily we would've had four operators
14 rotating through the two watches or five operators rotating
15 through the three watches, we were down to three operators on two
16 watches, plus the supervisor.

17 Q. Okay.

18 A. And the two -- the three operators were controlling the --
19 were managing or standing watches at the 81-mile point sector and
20 the New Orleans Harbor sector.

21 Q. So just curious, it's an odd number. So the third operator,
22 is he kind of bouncing back and forth or do you assign him based
23 on traffic or workload or how does that work? Him or her, I mean.

24 A. They rotate through the watch. The operators stand 1 hour on
25 watch in each sector and then they're off watch for an hour.

1 Q. Oh, right. Yeah, yeah, yeah. Okay, they have to definitely
2 need that break --

3 A. Rotate.

4 Q. -- and that downtime, yeah, understood. So reduced manning
5 and that third operational area, curious, where is that third
6 operational area?

7 A. It's the Baton Rouge vessel traffic control center is what we
8 call it, but it was a -- it's established based on the Baton Rouge
9 Waterways Action Plan out of Marine Safety Unit Baton Rouge. When
10 the gauge at the Baton Rouge/Port Allen lock river gauge reaches
11 35 feet and is on the rise, we open up that third sector and we
12 control traffic as a third sector on Channel 12 with a separate
13 operator and again, rotating five people through those three
14 sectors and we have them check in -- actually, the check-ins are
15 from Mile 219 above Head of Passes all the way up to Mile 254
16 above Head of Passes.

17 And primarily what we're doing up there is controlling the
18 southbound towing vessels around Wilkinson Point, which is just
19 above Baton Rouge, Mile 235. We run daytime traffic southbound
20 only and nighttime traffic northbound only. And then we check in
21 anybody else who's moving within the harbor. There's a whole new
22 list of restrictions that arise with the Waterways Action Plan
23 when the river starts to get high up in Baton Rouge. But we
24 weren't doing that at the time.

25 Q. Understood, okay. And that was in -- not in -- it doesn't

1 sound like that was anywhere near the area where the accident took
2 place, anyway.

3 A. Nowhere near.

4 Q. Okay.

5 A. Very far away.

6 Q. So when I had the opportunity, it's been a couple years, but
7 I noticed also when I was -- did a short tour of the VTS, that you
8 had one unique part of VTS that a lot don't have and I believe you
9 had pilots on duty with you, is that correct?

10 A. That is correct, but not in this case, that was -- I guess I
11 should've mentioned that, too, when we had the personnel
12 minimized, watch personnel, the pilots who would usually be on
13 watch with us as advisors were working off site and they were only
14 -- we could only get a hold of them by telephone, they weren't
15 actually on watch with us, which they normally would be except
16 because of the coronavirus.

17 Q. Understood. I'm glad I asked that question.

18 A. So am I, I forgot all about those guys.

19 Q. So they were working -- you still had access to them as
20 advisors, but you had to call them on the phone.

21 A. That's correct.

22 Q. Okay. All right. And I understand, in the New Orleans area,
23 I believe there's three types of pilot associations. What
24 association were these pilots that you had working with you
25 remotely or off site?

1 A. Okay, there are actually four, but the two that worked with
2 us consistently are the New Orleans to Baton Rouge Pilots
3 Association, or NOBRA, and they are -- they pilot ships between
4 about Mile 80 -- oh, about Mile 90 above Head of Passes all the
5 way up to Baton Rouge, Mile 237. And the Crescent River Port
6 Pilots Association is the other pilots association that works with
7 us and they work all the way from Mile 104 or maybe even, we could
8 say, 105 downriver to the Head of Passes Mile 0.

9 Q. Okay. So, like, normally they have like a workstation, I've
10 seen that they're sitting at a workstation and they have access to
11 like a computer screen and information and they are able to
12 overhear the radio communications and all of that. So this day
13 with the pilot advisors, they -- do you know if they had access to
14 any of that at home or it was strictly by phone and they couldn't
15 hear VHF or anything like that?

16 A. They could not hear anything. I don't know what they'd have
17 access to at home, but I know for sure that they don't have access
18 to any of the sensors that we have here at VTS.

19 Q. Understood.

20 A. I don't know if they have anything of their own or anything
21 that they would use on their job, but I know for a fact that they
22 don't have anything that we have here.

23 Q. Okay.

24 A. Because it's Coast Guard equipment.

25 Q. Okay. Do you remember the names of the gentlemen that were

1 working with you on that day? The pilots.

2 A. I remember -- well, I have it in my log right here that
3 Captain -- oh, I got to remember his last name. I only have his
4 pilot number for the NOBRA pilot and I don't even have a number
5 for the Crescent pilot. But it would've been in the NOBRA pilots'
6 area and it would've been NOBRA 19, whose name I can't remember at
7 the time.

8 Q. Okay, that's fine.

9 A. Um-hum. Vern, Vern something. But NOBRA 19 was the pilot on
10 watch at the time.

11 Q. Understood. And curiosity, but are you still operating like
12 that currently?

13 A. Still operating like that. As long as -- until we go into
14 phase 3, I'm not exactly sure what phase 3 entails, I think that's
15 everything back to normal, until we go back into -- go into phase
16 3 of this COVID situation, the pilots are going to be working off
17 site.

18 Q. Understood, okay.

19 A. And the pilot's name is Vern Streckfus. I can spell that you
20 for you, if you need it.

21 Q. Yes, sir, please.

22 A. S-t-r-e-c-k-f-u-s, Streckfus.

23 Q. Streckfus, okay. We touched on it, we were talking about the
24 water, high water situations up in the Baton Rouge area, but
25 specifically to the accident area, were there any -- for the day

1 of the accident, were there any special rules in place or MSIVs or
2 I'm probably getting my verbiage wrong, but anything in place
3 because of the stages of the river that day?

4 A. I know that there were -- I know that there were MSIVs out,
5 but I couldn't quote them verbatim. Except for when it came to
6 ships and their anchors, if there were any problems with the ships
7 and their anchors and they dropped echo and if there weren't three
8 means of holding, it would be required to have assist tugs on
9 scene with it.

10 But other than that, I mean, there are all kinds of rules on
11 the river for different river stages, including making sure that
12 there are fleet boats attending to the fleets and there are rules
13 about replenishment, there are a lot of rules, but I couldn't name
14 them all, to be honest with you.

15 Q. No, that's fine. I know we're late in the game on this one,
16 it's the end of June already and this happened on the 8th of May,
17 so just basically whatever you remember is fine, so I appreciate
18 that.

19 A. Um-hum.

20 Q. Do you remember what the stage of the river was that day and
21 what you referenced?

22 A. I don't need to remember because I've got it right here in
23 the log, it was 15.5 feet at Carrollton. Carrollton gauge was 15
24 and a half feet. And we have a matrix that we use to help us
25 determine what the -- what the velocity of the river is at

1 different river stages and I didn't write it down, but I believe
2 that the velocity of the river was somewhere in the neighborhood
3 of five to five and a half miles an hour mean surface current.

4 Q. Okay. And always for that area it's the Carrollton gauge, is
5 that correct?

6 A. Well, it's the closest one to refer to, yes.

7 Q. Okay. Do you know if it was on the rise or on the fall?

8 A. No, I don't have that.

9 Q. Okay. It's usually available, anyway. I'm curious, with the
10 pilots, quite often, I believe what these pilots do, they carry
11 portable pilot units. Do you have any type of -- does the VTS
12 systems have any type of integration with the PPUs?

13 A. With the what?

14 Q. With the portable pilot units, their laptops.

15 A. No. No.

16 Q. Okay.

17 A. We have access to a -- to a -- I don't know what to call it,
18 an electronic charting system, but it's not an official VTS
19 system, it's more of a backup.

20 Q. Okay. All right, so I'm going to ask -- now I'm going to
21 stop asking questions. What I'd like to do is get you to take me
22 back to the day of the accident. Again, I know it's dated, so
23 only what you remember. And kind of tell me from the start of
24 your watch, you know, how the day went, conditions of the weather,
25 everything like that, and work up pretty much to -- you know, give

1 me the short story until you get to the time when you know
2 something is happening and something's not quite right. There,
3 kind of hit the pause or the slow button and walk me through that,
4 what you remember, the actions you took, who you called, who you
5 notified. And the reason I say slow is because the smallest piece
6 of information might be relevant to us and maybe not relevant to
7 you, but you know, again, it's all important. And then pretty
8 much right to the end your watch, when you finally knocked for the
9 day.

10 A. Sure. For the most part, I don't know what the weather was,
11 we don't actually record the weather unless -- unless there's
12 extreme weather and we send out a broadcast to -- notice to
13 mariners over the radio that there's extreme weather coming. I
14 don't see that in my log anywhere.

15 It was a routine day all the way from 6 o'clock. I do notice
16 in my log here that our VTS regulations were for 15 foot and
17 rising, so the MSIV is out there for 15 foot and rising, which
18 should be pretty easy to find. I can get you a copy of that, if
19 you need it.

20 Let's see. The traffic at Wilkinson Point was being managed
21 by the tow assist vessel Glenn Jones because we had stood down.
22 We had a couple of radars up. Everything else seemed to be
23 working except a radio up at Westwego, which has been out for a
24 while. I noticed that we were having problems with our AIS up in
25 Baton Rouge, but we weren't working up there anyway, so I reported

1 the problem to our electronics maintenance officer and never
2 looked back at that because, like I said, we weren't using -- we
3 weren't managing that system up there at the time, we weren't all
4 that concerned with it at the time.

5 So the day went pretty routinely up until 1645 when I logged
6 that the *Nomadic Milde* had drifted out of Kenner Bend Anchorage.
7 I don't recall and I didn't log whether they contacted us or I
8 noticed them. It's possible that I noticed them and contacted
9 them and told them that they should maneuver with their engines to
10 stay safe, but to not raise their anchors. And I ordered a rush
11 pilot through the NOBRA pilot dispatch office.

12 And then I just -- I monitored them and eventually noticed
13 that around 1655 that they were close up on the *Atlantic Venus* in
14 the anchorage. I contacted them on Channel 67, passed the phone
15 number to report the collision to the sector command center, made
16 another call for a pilot to get out there just to make sure that
17 there was one en route, and made a broadcast, a general broadcast
18 over Channel 67 for assist tugs or any available tugs.

19 And then from there on, I monitored and recorded as things
20 progressed, as tugs got on scene. I made safety broadcasts to
21 make sure vessels didn't get too close or go by too fast, to upset
22 these two vessels that were entangled. I recorded when the pilot
23 was en route to the *Nomadic Milde*, when the tugboats started to
24 arrive. I recorded that the sector command center was putting a
25 captain of the port order for -- to restrict both vessels to

1 anchorage. And I also recorded that the pilot was en route to the
2 *Atlantic Venus*, I recorded when the pilot arrived at *Nomadic*
3 *Milde*, I recorded when I briefed the VTS director, and then at
4 1800 I was relieved by the night watch supervisor.

5 Q. Okay. And that's all from your log or is it the VTS log?

6 A. That's all from my log. The VTS log was my log.

7 Q. Oh, okay. Again, not familiar, so -- Lieutenant [REDACTED] will
8 probably be asking for a copy of that. It sounds like a pretty
9 good timeline there, especially with the dispatch for the pilots.

10 A. Um-hum.

11 Q. Thank you for that. Backing up, this is a question that I
12 had for you anyway, but since you mentioned it, you ordered a rush
13 pilot. What is a rush pilot?

14 A. The rush pilot is exactly that. When there's a pilot needed
15 in a hurry because there's some certain situation going on, we
16 contact -- either we'll contact or the pilot advisor on watch, if
17 he's there and available, will contact their dispatch office and
18 make a request for a pilot as soon as possible. Sometimes it
19 depends on the urgency of the situation. If a ship alone decides
20 that they want a pilot, they can simply contact their agent and
21 their agent will get them a pilot. Whether it's in a rush or
22 whenever one's available, they have a 3-hour window, I believe.
23 I'm not sure.

24 But in this particular case, I personally called the NOBRA
25 dispatch office and requested they get a pilot out to the *Nomadic*

1 *Milde* as soon as possible because she was dragging anchor and she
2 was outside of the anchorage and she was in the channel. She was
3 obstructing traffic.

4 Q. Okay. All right. So you said you called the dispatch
5 office, not the pilot advisor.

6 A. That's correct.

7 Q. Okay. Did you have any conversation with the pilot advisor?

8 A. I believe he called later and advised me that the -- a pilot
9 was ordered for the *Atlantic Venus*.

10 Q. Yeah.

11 A. 1742. I didn't record that he called me, but I believe
12 that's what happened.

13 Q. Okay.

14 A. But until then, no, I didn't -- I never contacted the pilot
15 advisor. That would've just been a middleman in this case. I
16 directly spoke to the dispatch.

17 Q. Understood. So you mentioned also the -- dependent on
18 urgency. Again, I know it's dated, but what was your sense of
19 urgency with your communications with the ship, the *Nomadic Milde*?

20 A. I felt it was somewhat urgent because the ship had drifted
21 outside of the anchorage area and into the navigable part of the
22 river. And while there was still space available for vessels to
23 get by, because it's such a wide part of the river, it was still
24 outside of the anchorage and the situation could've gotten worse
25 before it got better and I felt it was necessary to get a pilot

1 out onto the ship, get her back into the anchorage, or back into a
2 better anchorage if that one wasn't sufficient, as soon as
3 possible.

4 Q. Understood, okay. With the rush pilot, I know it kind of
5 sounds obvious, but is there a specific timeline? Like you
6 mentioned 3 hours just for a normal dispatch, but is there like a
7 target timeline for a rush pilot to be on board?

8 A. No, we don't have any specific target timeline for pilots,
9 it's just as soon as possible or as soon as available.

10 Q. Okay.

11 A. That's completely outside of our authority, out of our power,
12 out of our realm. We don't arrange the pilots, we don't provide
13 their transportation. We don't control the road traffic they have
14 to get through to get where they're going. So as soon as possible
15 is the best we can get.

16 Q. Understood. So you mentioned, as well, the *Nomadic Milde*
17 coming out of the anchorage into the navigable waterway, that was
18 kind of a sense of urgency there. Curious. At any time during
19 your watch, was that section of the river closed?

20 A. No, I never felt like it was necessary to close the river as
21 long as I informed the passing traffic that the *Nomadic Milde* was
22 outside of the anchorage and to proceed with caution.

23 Q. Okay.

24 A. I didn't feel the need to close the river at that time.

25 Q. Okay. And to that note, do you remember anything regarding

1 any type of passing traffic, any problems there? Anything
2 reported, I should say.

3 A. No, no problems.

4 Q. Okay.

5 A. I know that -- I kind of remember there was a southbound ship
6 approaching, but they were made aware of the existence of the
7 *Nomadic Milde* and they passed without incident.

8 Q. Okay. You ordered the rush pilot. It was in the Kenner Bend
9 Anchorage. That was another question I have is do you know, like
10 does VTS monitor vessels in anchorage in those areas?

11 A. Not actively, no.

12 Q. Not actively, okay.

13 A. Not actively. Although it's a good idea to take a look
14 through and when the river's high like it is, I will go through
15 the procedures of looking through the anchorages and seeing if
16 anything looks unusual.

17 Q. Okay. And do you know if the *Nomadic Milde* was ever
18 specifically in the Kenner Bend Anchorage or was it outside or do
19 you have the tools to even see that?

20 A. I have the ability to look back through the history and I
21 could tell that there was a time before the incident that she was
22 in the anchorage, yes.

23 Q. Okay. And curiosity, but if a vessel is not in an anchorage
24 or a pilot says hey, we're dropping anchor here, does VTS call and
25 say hey, you're not in a designated anchorage? How does that

1 work?

2 A. We can try to raise them on Channel 67. If they're
3 monitoring Channel 67 and answer us, we can check on them, ask
4 them if they need a pilot. If we can't get them on 6-7, the
5 Channel 16 -- Channel 16 hailing and distress frequency is the
6 channel that they sometimes listen to on the river, but because
7 it's a VTS area, they're not required to listen to Channel 16
8 provided they're listening to the VTS channel.

9 I have had success contacting vessels on 67 in anchorages and
10 have talked to them before. I'm not really sure if I did that
11 with *Nomadic Milde* or not, but I may have. I don't recall and I
12 don't see it in my log. But if I see a vessel that looks like
13 it's out of the anchorage and they look like they might need some
14 assistance, I do try to call them if I notice them.

15 Q. Okay. And that area has a lot of traffic and on that
16 particular day there was quite a few ships anchored, as we've
17 found out. The question is, is it normal for ships to anchor
18 always within the anchorage boundaries or is there a little bit of
19 wiggle room? Again, poor words. Let me back up. Is it normal
20 for all the ships to always be anchored in the anchorage
21 boundaries?

22 A. Yes.

23 Q. Okay. And going back to what you mentioned, just so I'm
24 understanding, if they're not in the anchorage, you'd be paying
25 attention and trying to give them a call on 67.

1 A. Correct.

2 Q. Okay. Curious. If a vessel or a pilot, whatever, master
3 pilot, it doesn't matter, just drops the anchor outside of an
4 anchorage, are there any -- does Coast Guard impose any type of
5 penalties to vessels for anchoring outside of a designated
6 anchorage?

7 A. That I don't know. That would be a question for
8 investigations, probably.

9 Q. Okay. Again, lots of my questions are just curiosity, so --

10 A. Um-hum.

11 Q. And I keep on calling it your computer system. Is there a
12 special name for the type -- the main computer system that you
13 use?

14 A. Well, we call it the MTM-300, but I'm not even sure what MTM
15 stands for.

16 Q. Okay.

17 A. I mean, that's just what we call it.

18 Q. Yeah. No, no worries. So just so I get the right verbiage.
19 So on the MTM-300, are you able to see the designated anchorage
20 boundaries and where the vessels are? Again, recognizing that you
21 just see the yellow triangles or the green squares or whatever.

22 A. Yes.

23 Q. Okay, so the anchor boundaries are on your system?

24 A. If they are turned on, yes. They're not always turned on.

25 Q. Okay. Do you recall if they were on that day?

1 A. I don't recall, honestly.

2 Q. Okay. All right. The other question I had, going back to
3 your recall of the situation, you mentioned that you don't
4 remember if you called them, he called you, but --

5 A. Right.

6 Q. -- I believe you told them not to raise the anchor.

7 A. Correct.

8 Q. Can you tell me about that?

9 A. I can tell you that it's a practice that I believe we do put
10 that information out for any vessel that's struggling at anchor to
11 -- I think it's -- I think we do it at the request of the pilot
12 advisors. It's just something that we evolved into passing along
13 to vessels that are dragging anchor, to ensure that they don't get
14 under way without a pilot on board because once they raise their
15 anchors, the vessel's under way and without a qualified pilot on
16 board, I would imagine it would make a bad situation worse. So
17 I'm pretty sure it's something that's evolved over time where we
18 tell them do not raise your anchors, just so that they're not then
19 under way.

20 Q. Okay. So there's no captain of the port order or any rule or
21 regulation, it's just, as you mentioned, something that's kind of
22 passed on and evolved over time?

23 A. What's passed from the VTS over the radio. I would imagine
24 that there are some very strict rules about foreign vessels being
25 under way in American waters without pilots, though.

1 Q. Yeah. Okay. So just to confirm, this was not a captain of
2 the port order communicated?

3 A. This was not a captain of the port order.

4 Q. Okay. Yeah, and I guess I don't know of many masters who
5 would really want to get under way without a pilot, especially in
6 those waters. But I guess operating in extremis, have you ever
7 seen a vessel kind of take up anchors and get under way in order
8 to prevent a situation from occurring, a collision, a contact,
9 anything like that in your tenure?

10 A. No, but that doesn't mean it hasn't happened, I just haven't
11 seen it myself and I'm not aware of it occurring. But then again,
12 anybody could've done that without us seeing it simply because we
13 only see so much with our sensors.

14 Q. Okay. Let's see. Bear with me here. Apparently I still am
15 taking notes and I can't read my scratch now. So are there any --
16 would there be any penalties -- and if you don't know, that's
17 fine, but is there any penalties towards a master who takes up his
18 anchors and gets out of -- gets under way in order to prevent an
19 accident from taking place? Would there be any penalties?

20 A. No, I don't know. I don't know.

21 Q. Okay. So I guess the -- when you informed the master not to
22 take up his anchors, was that an order, was that advice, or a
23 recommendation?

24 A. It probably came across as an order, a directive.

25 Q. Okay. But in this -- VTS does not issue control orders to

1 ships, is that correct?

2 A. That's correct.

3 MR. TUCKER: Okay. Let's see. Let me catch up, I've got a
4 couple questions, a couple follow-ups. I tell you what, I'm going
5 to take a break so I can get caught up and we will give Mr. [REDACTED]
6 -- Lieutenant [REDACTED] sorry, an opportunity. And I will have a
7 couple follow-ups on the back end, and thanks again. I'll be on
8 mute.

9 LT [REDACTED] Appreciate that, thank you.

10 BY LT [REDACTED]

11 Q. I guess for the Kenner Bend Anchorage, how often do you see
12 vessels -- do you have an idea of how often vessels are dragging
13 anchors while in Kenner Bend Anchorage?

14 A. It's not Kenner Bend Anchorage that's the issue, it's the
15 river stage.

16 Q. Um-hum.

17 A. And certain anchorages have poor holding the higher the river
18 stage is and the Kenner Bend Anchorage area is known for not being
19 a very good holding area for vessels at anchor. But a lot of
20 other things affect that, as well, the size of the vessel, whether
21 it's loaded or not, their anchors, the wind, all kinds of issues.
22 Kenner Bend, no worse than most of the other anchorages. When the
23 river's high, ships drag anchor.

24 Q. And is there a certain height that they start dragging anchor
25 more than others? Or where it starts to begin?

1 A. Anything above 12 feet at the Carrollton gauge. That's why
2 there were extra precautions for three means of holding. When the
3 river's above 12 feet, ships have to have two anchors and an
4 engine, two engines and an anchor or tugs on scene to assist --

5 Q. Okay.

6 A. -- if they don't have three means of holding.

7 Q. But do you know why Kenner Bend and Ama, do you know why
8 those are -- they have trouble holding when it gets higher?

9 A. I have no idea.

10 Q. No idea, okay. And is it maybe like the current
11 (indiscernible) there or anything like that?

12 A. A good question for a pilot.

13 Q. Yeah, absolutely, we'll get there eventually. Is there any
14 restrictions on the river for loaded vessels in anchorages?

15 A. If there are, it's the pilots are the ones who decide which
16 anchorages are more appropriate for loads and empty vessels. They
17 know. And I don't believe there are any captain of the port
18 restrictions. The pilots are the ones who decide on that.

19 Q. Okay. And what about daytime or nighttime restrictions for
20 vessel transits? Does VTS control that at all?

21 A. Yes. And as a matter of fact, there were VTS controls up
22 river for no nighttime transits for ships, but that was during the
23 Baton Rouge high water season and that wouldn't really have
24 anything to do with Kenner Bend at the time.

25 Q. How about on the day of the accident? So there was no

1 restrictions on outbound traffic or anything like that?

2 A. Yeah.

3 Q. Okay, fair enough. Do you know, is it a common thing for
4 loaded vessels who are about to transit outbound fully loaded, is
5 it common for them to use the anchorage overnight?

6 A. I don't know.

7 Q. Okay, fair enough. Going back to the designated anchorages
8 on the VTS system that you guys use, are those -- I know there's a
9 line or there's like a footage requirement in the regs for the
10 anchorages. Is that updated as the river rises and falls?

11 A. The footage requirement?

12 Q. Yeah. Well, not footage requirement, but like the actual
13 line on the VTS themselves. As the river rises, you know, do you
14 get more river bank and as it drops you get less?

15 A. Yeah.

16 Q. Just kind of stays the same?

17 A. No, I'm sure it's the same, but I don't -- the anchorages, I
18 don't really know if they -- if the pilots anchor them differently
19 at different stages. I don't even know if the Coast Guard has a
20 -- has any kind of regulations that say what within an anchorage
21 they have to be. I don't think they do.

22 Q. Okay. I think there's a -- I know there's designated
23 anchorages --

24 A. Yes.

25 Q. -- per the regulations, but they don't change, right?

1 A. They don't change.

2 Q. Okay, fair enough. I want to go -- what about pilotage
3 requirements for -- is there any -- what if a pilot drops anchor
4 in an anchorage, is there any length of time that they are
5 required to stay on board?

6 A. Not by Coast Guard regulation.

7 Q. Okay. Do you advise them at all on that? It's strictly up
8 to the pilots?

9 A. It's strictly up to the pilots.

10 LT [REDACTED] I think that's everything I have for now.

11 Does anyone else have questions they would like to ask?

12 Mr. Bremer?

13 BY MR. BREMER:

14 Q. I have just one question more for clarification. So the
15 decision to anchor the Nomadic Milde at Kenner Bend, if I
16 understand you correctly, was the pilot's decision, is that
17 correct?

18 A. That's correct.

19 Q. Okay. And do they need to request any kind of permission or
20 notify VTS that they're going to be anchoring in the anchorage
21 that they're going to be at?

22 A. No requirements.

23 MR. BREMER: Okay, thank you. Nothing further here at the
24 moment.

25 MR. BUTTERWORTH: Tim, do you want to go first?

1 MR. DePAULA: Yeah, I didn't want to step on anybody's toes,
2 but this is Tim DePaula, I just have a few questions, if I could.

3 LT [REDACTED] Sure, go ahead.

4 BY MR. DePAULA:

5 Q. Mr. [REDACTED] is there a barge fleet that is working in the
6 upper Kenner Bend Anchorage area?

7 A. Yes, there is.

8 Q. Can you tell me the name of that, if you know it?

9 A. There's so many barge fleets. I could throw some names out,
10 I may or may not be right. I believe there's an ARCO fleet up
11 there. There's so many fleets up there that I'm not even a
12 hundred percent sure of the names of the fleets. I have to look
13 them up every time I refer to a fleet because there's so many on
14 the river and the river's so big.

15 Q. Yeah, I understand completely. Do you know if they have been
16 operating in the upper Kenner Bend Anchorage the entire time
17 you've been working for VTS?

18 A. The fleets?

19 Q. Yes, sir.

20 A. Sure, absolutely.

21 Q. Do you have anywhere in your logs or in your recollection if
22 there were any problems reported regarding the *Atlantic Venus* at
23 any time prior to the *Nomadic Milde* colliding with her?

24 A. I don't have anything in my logs. No, I don't have any
25 record of any problems with *Atlantic Venus*. Although I think I

1 recall *Atlantic Venus* calling *Nomadic Milde* and telling her she
2 was getting close, maybe, but I don't have anything in my logs.

3 Q. Okay. Do you have anything about Vessel Traffic trying to
4 contact the *Atlantic Venus* for any reason prior to the incident?

5 A. I don't have it in my logs. I don't recollect, no.

6 Q. I know Mr. Tucker had asked you some questions about if there
7 were some vessels at the upper Kenner Bend Anchorage when the
8 *Nomadic Milde* anchored there. Do you recall how many vessels were
9 there?

10 A. No, I don't know the number.

11 Q. Do you know or have a recollection of whether the other
12 vessels that were anchored in that anchorage were within the
13 anchor boundaries?

14 A. No, I don't recollect. I just noticed that they are either
15 all pretty much in line with the shoreline or not and in the case
16 of the *Nomadic Milde*, I recollect that she drifted way outside of
17 the -- of what looked like a normal line of anchored ships.

18 MR. DePAULA: Okay. I think that's all the questions I have,
19 thank you very much.

20 MR. BUTTERWORTH: Yeah, I'm ready to go. Mike Butterworth
21 for *Nomadic Milde*.

22 LT [REDACTED] Go ahead.

23 BY MR. BUTTERWORTH:

24 Q. Yeah, Mr. [REDACTED] how many NOBRA pilots are there on every
25 watch in normal situations?

1 A. One. Are you talking about the VTS or --

2 Q. Yeah, VTS, where you work.

3 A. One.

4 Q. Thank you. Where does that NOBRA pilot sit?

5 A. Ordinarily, without the coronavirus restrictions, he would
6 sit right behind me in the vessel traffic center within earshot of
7 the radios and with a computer suite to monitor traffic using the
8 same computers and AIS tracking equipment that we have.

9 Q. So he would have the same ability as you to look and see if
10 vessels were anchored outside of anchorage boundaries?

11 A. Correct.

12 Q. He would have the same ability as you or can advise you if
13 vessels were anchored outside of anchorage boundaries, to ask the
14 question of the anchoring pilot?

15 A. Yes.

16 Q. And if there was a series of vessels that were anchored
17 outside the anchorage boundaries, he would have the same ability
18 as you or could give advice to you of instructing those vessels to
19 re-anchor inside the anchorage boundaries?

20 A. Yes.

21 Q. Now, as I appreciate it, that didn't happen between, say, the
22 dates of April 4th when the river went over 15 until -- gosh, I
23 guess it was June the 5th or 6th when it went -- finally went
24 below 15 feet, there wasn't a single time, was there, that you
25 told the NOBRA pilots hey, don't anchor there, you're anchoring

1 outside the anchorage boundaries?

2 A. No.

3 Q. And there was no time that a NOBRA pilot ever asked you hey,
4 look, you know, these guys are anchoring outside the anchorage
5 boundaries, we should give them -- we should ask them why, we
6 should tell them to anchor inside the boundaries?

7 A. No.

8 Q. Why are the NOBRA pilots in your system? Why are they
9 working there with you?

10 A. Why are they working -- oh, I don't know. That's an
11 arrangement that was made before I started working here, where
12 there's a -- some kind of an agreement that the Crescent pilots
13 and the NOBRA pilots work with us as advisors. Just something
14 that they arranged a long time ago, before I got here.

15 Q. Besides the NOBRA pilots and the Crescent pilots, how many
16 blue water industry representatives are allowed to stand watch at
17 the VTS system?

18 A. None.

19 Q. Okay. Is there a specific reason for that?

20 A. I don't know. It's beyond me.

21 Q. You mentioned there was some COVID virus restrictions.

22 A. Um-hum.

23 Q. What notice to mariners or local notice to mariners was
24 issued to warn traffic that there would be a reduced watchstanding
25 capability?

1 A. None. There is no reduced watchstanding capability. The
2 only change was when we stopped managing traffic at Baton Rouge,
3 but we had the industry tow-assist vessel up there managing
4 traffic and we did send out a marine safety information broadcast
5 indicating that we would not be working that part of the river
6 because of the coronavirus reductions.

7 Q. Did you inform traffic that you would not have the NOBRA
8 pilots on duty at your station?

9 A. No.

10 Q. You mentioned that it's well known that Kenner Bend and Ama
11 anchorages don't have good holding ground and especially during
12 high river and especially for loaded vessels. Can you explain why
13 there's no active VTS monitoring of Kenner Bend Anchorage and Ama
14 Anchorage, lower Kenner Bend Anchorage, when the river is 15 feet?

15 A. No, I can't explain that.

16 Q. Am I correct in understanding it's your practice, when you go
17 on watch, that periodically you'll kind of scroll through all the
18 anchorages on the river and check and see what the vessels are
19 doing at the different anchorages?

20 A. Yes, that's true.

21 Q. Okay. And you came on duty at 6:00 in the morning that day?

22 A. Yes, I did.

23 Q. And you stayed on watch until 1800 hours that day?

24 A. Correct.

25 Q. How many times did you scroll through and check the Kenner

1 Bend and the Ama Anchorage and lower Kenner Bend anchorages before
2 *Nomadic Milde* started having trouble?

3 A. I can't say. Probably not at all, but possibly once. I
4 honestly don't know. It's not something that we do as a rule and
5 it's something that I'll do if it occurs to me and if I find the
6 time to do it. And I can't say one way or the other if on this
7 particular day I actually did that.

8 Q. But your normal practice is to scroll through and check out
9 the anchorages?

10 A. No, I didn't say it was my normal practice, I said it's
11 something I try to do.

12 Q. Okay.

13 A. Something I try to do routinely.

14 Q. It's something you try to do routinely. I'm just trying to
15 get an idea of, you know, you standing your watch, your 12
16 hours.

17 A. Um-hum.

18 Q. If all things are being equal, a regular watch, how many
19 times would you check the anchorages?

20 A. I don't know, can't say. There are a lot of anchorages, so I
21 don't know.

22 Q. Okay. I'm talking just about the Ama Anchorage, Kenner Bend
23 and lower Kenner Bend or sometimes they call it upper Kenner Bend
24 and Kenner Bend. Do you know the area I'm talking about, those
25 three anchorages in that Mile 113 to 115 kind of area?

1 A. Um-hum.

2 Q. All right. So I just wanted to get a sense of it. Your
3 regular practice, normal day, in general, how many times would you
4 check those anchorages? By that, let me define the term. And you
5 would pull up the anchorage boundaries, you kind of check out the
6 ships and see what they were doing and whether any corrective
7 instructions have to be given.

8 A. Yeah, I don't know. Maybe once, maybe not at all. It's hard
9 to say. I don't recall, I don't know.

10 Q. Would there ever be a time that you did it twice a watch?

11 A. It would depend. More often than not, I'm doing it if it's
12 -- if there's a storm coming through and the winds are picking up,
13 I'll take a look and see. Ordinarily, the current just helps the
14 ships to stay in anchorage, but it's the wind that has the bigger
15 effect where the ships will start to sailing out of the anchorage
16 against the current and that's when I'll more often check the
17 anchorages than routine, even at high water. High water's
18 considered routine.

19 Q. So if there's a front that's forecast and there's a weather
20 system coming through, you'd be more likely to check than not?

21 A. Yes. Yes, I would.

22 Q. Were you aware that there was a front coming through that
23 day?

24 A. No. I have no indication that a front came through that day.

25 Q. And that's because right now you're just looking at your

1 records from, you know, over a month ago.

2 A. Correct.

3 Q. There's nothing on your log book records that say anything
4 about weather?

5 A. Nothing.

6 Q. But in fact, isn't that one of the things you're informed
7 about and it's part of your watch routine the day you're standing
8 watch, you know what the weather forecast is?

9 A. Yes.

10 Q. And so it's more likely that you would check the anchorage
11 areas if there was a weather system coming through?

12 A. Yes.

13 Q. Now, what would you do if you saw that there were four
14 vessels in a row that were anchored outside the anchorage
15 boundaries at Kenner Bend?

16 A. I don't know, I might monitor them for a while and see if any
17 of them were moving farther out of the anchorage or I might just
18 assume that's where the pilots put them and they're sitting where
19 the pilots wanted them.

20 Q. Are you aware that it's illegal for pilots -- for vessels to
21 be anchored outside of the anchorage boundaries designated in the
22 C.F.R.s?

23 A. If it's in the C.F.R., then that's a federal regulation that
24 they need to be inside the anchorage. Sure.

25 Q. Do you recognize that if anything happens involving a vessel

1 that's anchored outside anchorage designated boundaries, that that
2 vessel is presumptively at fault?

3 A. Okay.

4 Q. Is that something that you're aware of, that it's not a good
5 idea for vessels to be anchored outside an anchorage?

6 A. Sure.

7 Q. In your years of experience, vessels are normally anchored
8 inside the anchorage boundaries, correct?

9 A. Yes.

10 Q. That's what you'd like to see, isn't it?

11 A. Yes.

12 Q. In the week before this incident, did your NOBRA pilots ever
13 call you and tell you that hey, we're going to anchor vessels
14 outside the Kenner Bend Anchorage area where *Nomadic Milde* was
15 anchored?

16 A. In the week before this happened, I don't --

17 Q. Yeah.

18 A. I don't recall. I don't have any recollection of that, no.

19 Q. Did the NOBRA pilots ask your permission, hey, Mr. [REDACTED]
20 we got a situation going on here and we're just going to start
21 anchoring vessels outside the Kenner Bend Anchorage boundaries?

22 A. No, not to my recollection.

23 Q. What would you have done if they had said hey, you know what,
24 we're just not going to anchor vessels inside the anchorage
25 boundaries there anymore?

1 A. I probably would've contacted my director and talked to him
2 about it and would've seen what he wanted to do about it, whether
3 he'd want to contact the pilots association or -- I don't know,
4 I'd talk to my director first and see what he wanted to do about
5 it.

6 Q. Because you wouldn't consider that a safe practice, would
7 you?

8 A. I would consider somebody reporting a problem to me, I'd feel
9 like I had to do something about it.

10 Q. If you saw that vessels were routinely being anchored outside
11 the anchorage boundaries and in the shipping channel, that's not
12 something that you would just let go without saying anything, is
13 it, sir?

14 A. No, I wouldn't.

15 Q. Now, you mentioned that a pilot, Vern Streckfus, NOBRA 19,
16 was on duty that day, correct?

17 A. Yes. According to my log.

18 Q. And he's on duty the same hours from 6:00 until -- it's
19 basically 6:00 to 6:00, 0600 to 1800?

20 A. No, he was on duty from 3 o'clock, 1500, to 11 o'clock, 2300.

21 Q. Okay. And do you know who the pilot was before him that day,
22 the one that was -- when would he --

23 A. It would've been NOBRA 98. But I'm not a hundred percent
24 sure who NOBRA 98 is. I've got his pilot number in my log, I
25 could cross-reference it, if necessary.

1 Q. And do they stand -- what is that like, an 8-hour watch?

2 A. They stand 8-hour watches.

3 Q. Okay. So he went from about 0700 to 1500?

4 A. Exactly, right.

5 Q. Okay. And who was the pilot before him on -- before NOBRA
6 98?

7 A. I don't know, I don't have that log in front of me. That
8 would've been a previous watch.

9 Q. But when you came on at 6:00 in the morning --

10 A. No, that's true. You're right, I would've had an hour with
11 the NOBRA pilot and I don't have his information here. But I
12 could find out.

13 Q. All right, if you would, I'd be grateful. And let Lieutenant
14 [REDACTED] and Adam know. When you came on watch, did the NOBRA pilot
15 tell you that hey, up here at Kenner Bend area we're just going to
16 anchor all the vessels outside the anchorage boundaries?

17 A. No.

18 Q. What about NOBRA 98, when he came on at 7:00, for any time
19 between 0700 and 1500, did he tell you that the *Kimball*, the
20 *Ionian Sea*, and the *Admiral Bulker*, they're just all anchored
21 outside the Kenner Bend Anchorage area, it's just something we're
22 going to do?

23 A. No, not to my recollection and it's not in my logs, no.

24 Q. And did they tell you hey, we got another ship coming up and
25 we decided we're going to shoehorn in, in between the *Ionian Sea*

1 and the *Atlantic Venus*, also outside the Kenner Bend Anchorage
2 area? What do you think, Mr. [REDACTED] did either Vern
3 Streckfus, NOBRA 19 or did NOBRA 98 ask you anything about that?

4 A. No, not to my recollection and not in my logs.

5 Q. What kind of separation do you like to see in the anchorages
6 above New Orleans? What kind of separation do you like to see
7 between vessels?

8 A. You know, it's hard for me to tell because I can't see the
9 actual dimensions of the vessels. I know that the pilots have
10 preferences on the distances and the different stages of the
11 river, I believe they have different -- different distances that
12 they prefer to keep the ships away from each other. They have the
13 bird's eye view when they get into anchorage and I believe that
14 they use their own best judgment when they do that.

15 Q. Am I correct in understanding that as far as the distance
16 between vessels that are anchored, that as the river stage
17 increases and the current strength increases, that the practice is
18 for there to be more distance between vessels than during the
19 normal river stage, say 6 to 8 foot at the Carrollton gauge?

20 A. I believe that's the common practice, yes, sir.

21 Q. Are you aware that the Crescent pilots, in their area, they
22 like a thousand-foot separation minimum between vessels when the
23 river's at 15 feet?

24 A. I have heard that, yes.

25 Q. And what about the NOBRA pilots, have you ever heard them

1 talk that's a good idea to keep plenty of distance between vessels
2 in anchorage?

3 A. I may or may not have heard that, but I honestly can't
4 recall. I would think that would be a good idea to keep a good
5 distance between ships at anchor and increase the distance as the
6 current increases.

7 Q. Can you think of any reason or any way that would make the
8 situation safer for the NOBRA pilot to anchor *Nomadic Milde* only
9 about 300 feet from the bow of the *Atlantic Venus*?

10 A. What was the question?

11 Q. Can you think of a reason that it would make the situation
12 safer for the *Nomadic Milde* to be anchored only about 300 feet
13 from the bow of the *Atlantic Venus*?

14 A. Can I think of a way that it would be safer?

15 Q. Yeah, than being a thousand feet. You could be a thousand
16 feet separation, but instead you decided to do it for 300 feet,
17 would that be something when you're VTS watch supervisor, would
18 you just let that slide or would you say hey, pilot, kind of park
19 it tight?

20 A. I don't know, I might or I might bring it to the attention of
21 the pilot advisor, at least, and I -- you know, if I was aware.

22 Q. Now, you talked about the virus and the pilot advisor and now
23 he's working at home and we're all working at home, I'm working at
24 home right now. But what my company has done is set me up with a
25 full suite of all my regular stuff that I would have at the office

1 so I'm able to do my job. Now, what I'm wondering is, you said
2 that there's no Coast Guard equipment that was given to the NOBRA
3 pilots, am I correct?

4 A. That's correct.

5 Q. So there's nothing from VTS that the pilots have, correct?

6 A. Correct.

7 Q. But isn't it true that the pilots, NOBRA 98 and NOBRA 19,
8 they would have their access to their own PPUs, wouldn't they?

9 A. I would assume so, but I wouldn't know.

10 Q. Have you ever seen the pilot PPUs before? When the guys come
11 up on watch, do they ever bring them with them so you can look at
12 them and are you generally familiar with them?

13 A. No, I've got -- I've got one system that I use strictly as a
14 backup, an unofficial system, a Mississippi River traffic
15 information system. I don't know if it's considered a PPU or not.
16 I don't think I've ever seen a NOBRA pilot's PPU.

17 Q. Okay.

18 A. I don't even know what that means, to be honest with you.

19 Q. Yeah, yeah, pilot personal unit. It has the electronic chart
20 display, AIS readout.

21 A. No, I don't refer to that.

22 Q. It has the icons, it has icons with the vessel dimensions and
23 shape. That's not something you're familiar with, the pilot's
24 personal PPUs?

25 A. No.

1 Q. You are familiar with MRTIS.

2 A. Yes.

3 Q. The river traffic system. And that's even used as a backup
4 at your facility, correct?

5 A. Unofficially.

6 Q. Okay. Are you aware that the MRTIS shows the anchorage
7 boundaries?

8 A. Yes.

9 Q. Do you ever use the MRTIS when you're making your periodic
10 checks of anchorage boundaries?

11 A. Maybe occasionally. Not officially.

12 Q. As far as you know, the pilot, NOBRA 19 and NOBRA 98 and the
13 other one that we don't know, the mystery pilot before them, if we
14 assume that they had their PPU's available and we also assume that
15 they have MRTIS available and they have a VHF radio available,
16 they can pretty much do the same thing as they can if they're at
17 the Coast Guard VTS, correct?

18 A. If you want to make that assumption, go ahead. I'm not going
19 to do that.

20 Q. Okay, because you don't know how they were set up?

21 A. Right.

22 Q. Would you want them to be set up in a similar way, would have
23 as much information as possible, is that what you're looking for
24 with the NOBRA pilot advisor to the U.S. Coast Guard Vessel
25 Traffic System, or do you just want -- do you have it in your mind

1 that they would just be sitting at home watching TV and catching
2 Netflix and then just be available on the cell phone if you wanted
3 to give them a call? What was envisioned in your mind as to --

4 A. I prefer the former.

5 Q. Let's react for safety on the river. What would be -- what
6 would you have in mind?

7 A. I would prefer the former.

8 Q. Um-hum. Okay. So you would expect these pilots -- are you
9 aware that the pilots are paid to do VTS sitting?

10 A. Yes, I am.

11 Q. Okay. And to earn their pay, do you think that it will be a
12 good idea for them to monitor the MRTIS?

13 A. Yes, I would.

14 Q. And if they have their own PPU laptops with a NOAA electronic
15 chart display and it shows the actual size icons of the vessels,
16 don't you think that would be a good idea for them to use, too?

17 A. Yes, sure.

18 Q. And if they have VHF radio and can actually patch in through
19 their own NOBRA dispatch and contact vessels, don't you think that
20 would be a good idea for them to be doing, too?

21 A. Yes.

22 Q. Were you aware that the NOBRA pilots had a rule that a loaded
23 vessel or a partially loaded vessel going to anchor had to have a
24 pilot 24/7?

25 A. Say that again, please.

1 Q. Were you aware that there was a rule by the NOBRA pilots that
2 a loaded ship or a partially loaded ship had to have a pilot
3 aboard 24/7?

4 A. No, I was not aware of that rule.

5 Q. The way it's drafted, it says all vessels with a draft of 35
6 feet or more must have a NOBRA pilot 24/7. Have you ever heard
7 that rule?

8 A. No, I have not seen that rule, from my knowledge.

9 Q. Even before this incident happened on May 8th of 2020, based
10 on your 14 years experience of watching vessels drag, do you think
11 it's a good idea for a loaded vessel to keep a pilot on board 24/7
12 anchored in the NOBRA pilot area?

13 A. I think if that's the -- if that's the rule, then that's the
14 rule. Is it a good idea? Probably. I mean, the rule must exist
15 for a reason and if it's -- if there's a rule that says any vessel
16 with a 35-foot or more draft must have a pilot, well, must means
17 must. So yeah, I think that's probably a good idea.

18 Q. In your experience, what's the first thing that happens --
19 when a vessel starts dragging anchor, what's the first thing that
20 we should ask for?

21 A. What's the first thing a ship asks for is a pilot.

22 Q. Yeah, okay. And what's the first thing that the pilot asks
23 for?

24 A. I don't know. Ask a pilot. I don't mean to be glib, but
25 that's going to be a question for a pilot. I don't know what a

1 pilot would ask for. I would assume a ride to the ship, but I
2 don't know.

3 Q. Okay, a ride to the ship. And then are you familiar, in your
4 14 years, that the pilots usually ask for tugboats to come
5 alongside to help them to handle and re-anchor the vessel?

6 A. I would say that that does happen, I wouldn't say that that
7 always happens, in my 14 years of experience. Sometimes they
8 might and sometimes they don't.

9 Q. Well, you were --

10 A. It's up to the pilot.

11 Q. You were watching the situation unfold, sir, and isn't it
12 true that you called for all available pilots or tugs in the area
13 to respond?

14 A. Yes.

15 Q. You're not even a pilot and you could see that tugs were
16 required, correct?

17 A. In that case, yes.

18 Q. Did you prepare a report about this incident?

19 A. No.

20 Q. You've been reading off a document and I think you called it
21 your watch log.

22 A. Yes.

23 Q. Is that something we can get a copy of pursuant to the
24 Freedom of Information Act?

25 A. Yes.

1 Q. I also presume that you kept the U.S. Coast Guard VTS
2 AIS/ECDIS audio and visual reporting of this incident, correct?

3 A. I think so. You'd have to -- you'd have to submit a FOIA
4 request and we should be able to provide that.

5 Q. Okay. Well, one difficulty we have is a new rule -- well, I
6 won't say new. When you guys were there with us, the vessel
7 captain was in the Malgrace (ph.) building, you know, everyone
8 used to be able to get like 4 or 5 hours of VTS. Now it's limited
9 to 1 hour. But this incident unfolded over several hours,
10 correct?

11 A. Yes.

12 Q. Okay. Would it be possible for us to get just with one FOIA
13 request, that we get everything from the time of the *Milde*
14 anchoring until contact with the Cornerstone wharf?

15 A. I don't know, that's not within my area of expertise, but we
16 do have people that could answer that question.

17 Q. All right. But I would -- if the Coast Guard and the NTSB
18 haven't asked for it, we certainly do and we will, I guess, send
19 in that FOIA request.

20 A. Okay.

21 Q. Now, you mentioned that when you were recounting the
22 incident, that the day was routine until 1645 when *Nomadic Milde*
23 drifted out of the Kenner Bend Anchorage, do you remember saying
24 that?

25 A. Yes, I do.

1 Q. Do you know that, as a practical matter, where pilot Brown
2 anchored *Nomadic Milde*, she was never inside the -- never anchored
3 inside the Kenner Bend Anchorage. There was one time in a radical
4 yaw, when she was yawing to port at a 45 degree angle, the way he
5 left her, that her bow touched the boundary. But when she settled
6 down and where she was anchored for about 40 minutes, more or less
7 steady, it was, in fact, about 450 feet outside the Kenner Bend
8 boundary.

9 A. I wasn't aware of that. I seem to recall she was well
10 outside the anchorage boundaries and close to the navigable
11 channel.

12 Q. Okay. Yeah, certainly when you looked at her at 1645, can we
13 all agree that she was well outside the Kenner Bend Anchorage
14 boundaries?

15 A. I think so. I don't have that in front of me, but I believe
16 so.

17 Q. Did you know that NOBRA pilots -- you mentioned just a line
18 of vessels and one of the ways that you, as a watch supervisor and
19 a VTS operator, one of the things you might see is all the vessels
20 anchored in a line.

21 A. Yes, more or less.

22 Q. That's one of the ways you kind of monitor things, right?

23 A. Yes, I'm just looking for anything out of the ordinary.

24 Q. Okay. And so if the NOBRA pilots -- did you know that the
25 NOBRA pilots had, in fact, anchored the *Kimball*, the *Ionian Sea*,

1 and the *Atlantic Venus*, all three of them were at all times
2 anchored outside the Kenner Bend Anchorage boundaries?

3 A. No, I didn't know that.

4 Q. So when they slipped in *Nomadic Milde* right into line,
5 *Nomadic Milde* was then the fourth vessel that was anchored outside
6 the Kenner Bend Anchorage boundary.

7 A. No, I wasn't aware of that.

8 Q. Were you aware that the NOBRA pilots, throughout the high
9 river season this year, were anchoring the vessels outside the
10 anchorage boundary?

11 A. No, I wasn't aware of that.

12 Q. Have you done a study using MRTIS or your computer system to
13 see how consistently the NOBRA pilots were anchoring either inside
14 or outside of that particular anchorage area?

15 A. No, I hadn't.

16 Q. Is that something that you're capable of doing?

17 A. I would think so, yeah. Sure.

18 Q. As I understand it, you got involved at 1645 hours and then
19 you became pretty actively involved, correct?

20 A. Yes, I did.

21 Q. You called for a rush pilot?

22 A. Yes, I did.

23 Q. You made announcements on the radio, VHF radio Channel 67, at
24 least, and maybe other channels, warning traffic that they should
25 pass at a slow bell because the *Nomadic Milde* was outside of the

1 anchorage boundary and was dragging anchor?

2 A. I believe I did. I don't see that in my log, but I believe I
3 did.

4 Q. Were you aware that *Atlantic Venus* had been dragging anchor
5 ever since she anchored outside the Kenner Bend Anchorage
6 boundaries on May the 1st or 2nd?

7 A. No, I was not. May the 1st or 2nd, no. I'd have to go back
8 to those logs and see if I -- was I on watch then?

9 Q. Sir, I just wondered if you, in your periodic monitoring of
10 the anchorages, if you noticed that, number one, the *Atlantic*
11 *Venus* and the *Ionian Sea* were at that time anchored outside the
12 Kenner Bend Anchorage boundary and that as the days went by,
13 *Atlantic Venus* kept dragging further and further and further back
14 from her original anchored position.

15 A. No, sir, I'm not aware of any of that.

16 Q. Were you aware that if *Atlantic Venus* hadn't dragged back
17 every day about half of a ship length, that there wouldn't have
18 even been room for *Nomadic Milde* to fit in between *Ionian Sea* and
19 the *Atlantic Venus*?

20 LT [REDACTED] Mr. Butterworth, Lieutenant [REDACTED] Can we try to
21 stick to direct knowledge that Mr. [REDACTED] has of the incident?

22 MR. BUTTERWORTH: I'm just wondering if he has the knowledge
23 that the *Atlantic Venus* was not in her original anchored position
24 on May 8th.

25 LT [REDACTED] I understand, but it just seems like you're asking

1 a lot of speculative questions that Mr. [REDACTED] doesn't have any
2 direct knowledge of.

3 MR. BUTTERWORTH: If he doesn't, that means he doesn't. He
4 can say I don't know.

5 LT [REDACTED] Okay.

6 BY MR. BUTTERWORTH:

7 Q. Sir, were you aware that the *Atlantic Venus* had been -- was
8 not in her original anchored position on May the 8th?

9 A. No.

10 Q. And we've established that you were not aware that those
11 vessels were anchored, the *Kimball*, *Ionian Sea*, *Nomadic Milde*, and
12 *Atlantic Venus* were all anchored by the NOBRA pilots outside the
13 Kenner Bend Anchorage boundaries.

14 A. No, I was not.

15 Q. Okay. Okay, when you're -- you said you're periodically
16 watching using your system, the Coast Guard system, do you -- when
17 you're monitoring the anchorages and looking at the vessels in a
18 line, do you look at the COP/SOP vectors of those vessels and see
19 if there's yawing?

20 A. I look for a vector. If I see a vector, I might -- I might
21 attend to it, but I do look for a vector.

22 Q. Do you recall looking at the vectors for those four vessels
23 before *Nomadic Milde* broke away?

24 A. No, I don't recall.

25 Q. And you mentioned that sometimes, unofficially, you'll check

1 with MRTIS and of course, MRTIS even has the icons, it's sort of a
2 new, later, more recent generation of ECDIS than the Coast Guard
3 system, the Coast Guard VTS system. Do you ever use that system,
4 which more readily shows vessel movement and yawing in high river
5 conditions?

6 A. I may. If I notice something on my system, I may back-verify
7 it on MRTIS.

8 Q. Um-hum, okay. Did you do that for any of the four vessels
9 that were anchored outside the Kenner Bend Anchorage from May the
10 2nd through May the 8th?

11 A. No.

12 Q. Were you aware that the *Ionian Sea* and *Atlantic Venus* both
13 were yawing heavily at their anchor?

14 A. No, no one made me aware of that. Nothing I did made me
15 aware of that.

16 Q. When we're making the FOIA request, do we have to ask you to
17 turn on the anchorage boundaries or given the type of situation
18 this is, are you going to automatically turn them on?

19 A. I don't know, it's not -- that's not a question for me.

20 Q. Okay. I'm just wondering how the system works. In our past
21 experience, when there's a casualty, usually the IO of the NTSB
22 will ask you to save the day and I'm wondering is that made on an
23 interactive basis or is that just saving when you were looking at
24 the screen contemporaneously?

25 A. If you're asking Tony [REDACTED] I don't know. I don't do

1 FOIA requests. We have other people that do that.

2 Q. Okay, who is kind of the electronics wizard there that could,
3 you know, pull out the data such as like we do with a voyage data
4 recorder and plug in the anchorage boundaries if we need them?

5 A. I believe you have to go through our district office and make
6 a FOIA request to them and then they'll forward it to the VTS for
7 action. I don't know exactly what the VTS does.

8 Q. Okay. And who's the guy?

9 A. Who's the guy? Where, VTS or district?

10 Q. No, who should we ask for the electronics guy that might be
11 able to do that?

12 A. I don't know. Let me ask my boss who should he ask.

13 Q. Okay, that's fine. No, that's fair enough, we'll just --
14 we'll send in a FOIA request, but you know what I'm getting at?

15 A. Yes, I know what you're getting at.

16 Q. And when you are making your periodic checks of the
17 anchorages, I'm presuming that you would turn on the anchorage
18 boundary feature on your Coast Guard MTM-300 system.

19 A. If I saw something that looked out of the ordinary, I might,
20 yeah.

21 Q. Otherwise you just look and see if there's several vessels in
22 line and you might just move on.

23 A. Right.

24 Q. What about since this incident, have you changed your
25 practice of checking anchorages and the distance between vessels?

1 A. No, I haven't.

2 Q. Now, the VTS, when you see something that's unsafe, you do
3 have the authority to issue a captain of the port order on the
4 spot, correct?

5 A. That's correct.

6 Q. And if you're a foreign vessel master and you specifically
7 tell them not to heave in their anchors, you understand that a
8 foreign vessel operator is going to think Vessel Traffic's
9 ordering him not to do it?

10 A. Yes, I do.

11 Q. And you did this not out of anything that's in your VTS
12 procedures manual, but just based on something from working with
13 NOBRA pilots over the years?

14 A. That's correct. And possibly not just the NOBRA pilots, but
15 possibly the Crescent pilots, too. It may just be something that
16 they required. So yes, the answer is yes.

17 Q. Okay. And it's not written down anywhere?

18 A. Not written down anywhere.

19 Q. Are you aware that, in fact, there are state law penalties
20 against a captain for attempting to maneuver on the Mississippi
21 River?

22 A. I don't know the laws, but it wouldn't surprise me.

23 Q. And the NOBRA pilots, both the state of Louisiana and the
24 NOBRA pilots actively enforce that regulation and in fact, it's
25 compulsory pilotage. You were aware of that, that all the foreign

1 flag vessels must (indiscernible). Would Vessel Traffic have any
2 objection to a NOBRA pilot when it is high river, 15.5 feet
3 Carrollton gauge, anchoring a vessel and staying aboard for 2
4 hours after they anchor to make sure they won't drag?

5 A. I mean, I'd have to refer to VTS. I'm not VTS, I'm just a
6 watch supervisor. That's a good question for VTS, though.

7 Q. Okay. Would you personally have any objection to it?

8 A. Absolutely not.

9 Q. What would you think about a NOBRA pilot that disembarks from
10 the vessel within 15 minutes of slashing the last hook when that
11 vessel is yawing hard to port and is at a 45 degree angle to the
12 current in the river?

13 A. Do I have to give my opinion?

14 Q. Yeah, I'm just curious what you think. If you had happened
15 to be watching him do that --

16 A. I'm going to withhold my opinion at this time, sir.

17 Q. Okay, is that something that you might call the director
18 about and say this doesn't look good?

19 A. If I became aware of it at the time, I might, yes, but having
20 heard it secondhand or third-hand, I might discuss it with him
21 anyway, but I don't know.

22 Q. Okay. Did you later also offer a pilot to the *Atlantic*
23 *Venus*?

24 A. Yes, I did. Or, just a minute.

25 Q. Sure, go ahead, check your log.

1 A. It's possible that *Atlantic Venus* called for a pilot and then
2 I was notified by NOBRA 19.

3 Q. Well, maybe you just listened --

4 A. I logged it and I recall him calling me on the phone and
5 telling me. I think it's more likely that *Atlantic Venus* called
6 for a pilot and I was informed.

7 Q. Watch Supervisor [REDACTED] what VHF radio channels were you
8 communicating on after 1645 when everything started to happen?

9 A. You know, I don't have that here. It may have been Channel 5
10 Alpha. We probably established communications on Channel 67 and I
11 most likely brought the ship to Channel 5 Alpha, that would be --
12 that would be a standard procedure if we didn't want to be taking
13 up radio waves on the bridge-to-bridge radio telephone panel. So
14 I probably took him over to Channel 5 Alpha, but I wouldn't swear
15 to it and I don't have it in my log, unfortunately.

16 Q. All right. And when you made the slow bell order for other
17 vessels that were approaching the area, passing the area, what
18 channel did you make those on, sir?

19 A. That would've probably -- definitely would've been on 67. It
20 may have also been on VTS Channel 5 Alpha and quite possibly on
21 Channel 12 for northbound traffic coming up from the New Orleans
22 Harbor area.

23 Q. Oh, that's right, because right by the transition area.

24 A. Yes, sir.

25 Q. And all of that would be recorded on the U.S. Coast Guard

1 AIS/ECDIS recording?

2 A. Yes.

3 Q. Okay. So really, it will all be there, everything that you
4 said and did, so that's fine. We can get that with FOIA. Before
5 the incident happened, am I correct that you did not order a slow
6 bell for any vessels that were approaching the Kenner Bend area?

7 A. Before the incident, no, I did not.

8 Q. Okay. But after the incident you did?

9 A. Yes.

10 Q. After 1645 you did?

11 A. Yes. I believe we use the term slow safe speed, not slow
12 bell.

13 Q. Right. If you had known that the *Kimball*, the *Ionian Sea*,
14 and the *Atlantic Venus* all were anchored outside the anchorage
15 boundaries and were actually in the ship channel area and that
16 they were yawing heavily at anchor, if you had seen that, would
17 you have the ability to order a slow bell at that time?

18 A. I would have the authority. But for ships at anchor that are
19 simply yawing, yawing is not unusual. Dragging anchor further or
20 closer to the navigable waterway is the bigger concern. Ships
21 yawing in anchor is actually very common, especially in high
22 river, so I wouldn't ordinarily do that.

23 Q. So for just yawing you wouldn't do it, but you would do it if
24 you knew that one or more of those vessels was dragging anchor?

25 A. Yes. Especially involving a case where the ship drags so far

1 out away from the anchorage and encroached the navigable --

2 Q. Or do you think if a vessel is anchored by the anchorage
3 boundaries (indiscernible) slow bell?

4 A. I have the authority to order a slow bell any time. Any time
5 I see anything.

6 Q. What's the advantage of (indiscernible) going through your
7 mind, you know, in terms of ordering a slow bell, if vessels are
8 inside anchorage boundaries and then they're not dragging anchor,
9 would there be any reason to call for a slow bell?

10 A. Yeah, I think in this case, when the two ships were together
11 in that T formation, *Nomadic Milde* laying across the anchor chain
12 of the *Atlantic Venus*, my mindset was (indiscernible) to go by and
13 exacerbate the situation. Even though they were both in the
14 anchorage, it seemed like it was a precarious situation and I just
15 wanted anybody passing close by, not necessarily out in the
16 distant navigable waterway but within any distance from vessels,
17 to make the situation any worse than it was and that's when I
18 called for the slow bell. I actually called for the slow --

19 Q. (Indiscernible) the U.S. Coast Guard AIS/ECDIS and use the
20 anchorage boundary feature (indiscernible) and *Milde*, when they
21 were in that T tangle, were inside an anchorage boundary when they
22 were right alongside the Cornerstone wharf.

23 (Pause.)

24 MR. TUCKER: Hey, gentlemen? Hey, I apologize. For whatever
25 reason, my phone dropped off, so I'm back online. So I hate to

1 suggest to go back at least 2 minutes in the questioning, but if,
2 you know, anything in the past 2 minutes was missed.

3 MR. BUTTERWORTH: Okay. Who's just speaking?

4 MR. TUCKER: Oh, yeah, that would help. This is Adam,
5 Adam Tucker, NTSB.

6 MR. BUTTERWORTH: Okay. All right. All we were just talking
7 about, at least for the last minute or so, is whether or not that
8 T tangle of *Venus* and *Milde* were ever inside the anchorage
9 boundary, so that was basically it.

10 BY MR. BUTTERWORTH:

11 Q. And now I would just have a question about why are the
12 anchorages where they're at?

13 A. I honestly couldn't tell you. They are where they are
14 because the river is shallow enough to anchor ships there and
15 that's where the Coast Guard decided to put them.

16 Q. Okay. And that's not something that you, VTS, or the watch
17 supervisor has any control or function over?

18 A. No, not at all.

19 Q. Okay. Do you have any impression after 14 years of watching
20 vessels, especially at high river, where the current's stronger,
21 out in the middle of the river or over by the river bank in the
22 anchorages?

23 A. Out in the middle of the river.

24 Q. Has Cornerstone ever called Vessel Traffic, the Cornerstone
25 wharf terminal ever contacted Vessel Traffic and asked Vessel

1 Traffic to instruct vessels to move away from their facility?

2 A. They called me and they said that the *Atlantic Venus* was
3 getting close to his facility and I needed to call some tugboats
4 to move him away.

5 Q. Okay. And what did you do when you got that call from
6 Cornerstone?

7 A. I told them that I made a broadcast for any available tugs to
8 proceed and assist and that was really all I could do.

9 Q. Okay. Do you remember who it was that called you from
10 Cornerstone?

11 A. No, I don't remember his name.

12 Q. Had Cornerstone ever called you before about vessels
13 encroaching on their wharf area?

14 A. Have they ever called me, personally? No. Have they called
15 the VTS? I can't answer that.

16 Q. All right. Is there any way to find out? Is there a call
17 log or a searchable database that we could look and see?

18 A. No. You might have to pore through some logs to see if
19 anybody logged something like that. The telephones are recorded
20 if you wanted to check the phone recordings.

21 Q. Um-hum. But just in your general experience over 14 years,
22 that was the first time you got a call from Cornerstone wharf that
23 you can remember?

24 A. Yeah. I didn't even know who or where Cornerstone was, to be
25 honest with you, because facility names change so often that it

1 took me a few minutes to locate them and once I did, you know, he
2 mentioned *Atlantic Venus*, I put it together and realized that he
3 was calling from the facility at 114.

4 Q. Um-hum. Okay.

5 A. I had never even heard the name Cornerstone before.

6 Q. Yeah, I think it used to Cyttec or something.

7 A. Yeah, that sounds right.

8 Q. Okay. I'm going through my notes here. Okay. Yeah, you
9 mentioned that when you're just looking at the little icons and
10 the little course over ground, speed over ground vectors, you just
11 can see the vessel name, the pilot unit number and not much else,
12 correct?

13 A. Something to that effect. I have to open each individually
14 to see any specific data on the vessel.

15 Q. Okay. And if you do open up that caption or box, it tells
16 you the length of the vessel, the beam of the vessel, whether
17 she's loaded or not, correct?

18 A. Well, it tells me the length and the beam, it will tell me
19 the draft of the ship. If the draft is accurate, I may be able to
20 discern if she's loaded or light, but some of these ships have
21 much deeper drafts than what they come into the river with. For
22 instance, a 39-foot draft may be loaded or it may only be
23 partially loaded, I can't really tell without actually seeing the
24 ship. But a 39, 40-foot draft could be considered a loaded ship.

25 Q. Um-hum. And so Panamax or Kamsarmax, the bigger bulk

1 carriers, they'll go down to 45 or 47 feet, right?

2 A. They've gone as deep as 45, 47 feet, yes, sir.

3 Q. But then you've got the smaller vessels like Supermaxes and
4 Handymaxes and they might only be 450, 500 feet long and they
5 might only have a deep draft of 26 or 30 feet, correct?

6 A. That's correct.

7 Q. Do you guys go out and ride -- in the industry, don't you go
8 out and make some trips with the pilots and go out on the line
9 tows and stuff?

10 A. Occasionally.

11 Q. When you're monitoring traffic and you're looking at the
12 anchorages, what do you think about putting a fully loaded vessel,
13 anchoring that right above another vessel at anchor, you know,
14 within half of a ship length? I'll rephrase the question, let me
15 rephrase the question.

16 A. I honestly don't --

17 Q. Let me rephrase. In the anchorage area and if you have, you
18 know, four or five ships that are in an anchorage, where would you
19 like the loaded vessel to be in high river? Would you want that
20 loaded vessel to be up at the head, the upriver end of the
21 anchorage where it's going to drag anchor and drag all the way
22 through the fleet and take out all the anchored vessels that are
23 in ballast, or would you want that loaded vessel to be at the very
24 bottom of the fleet so if it drifts -- if it drags anchor, it just
25 drags anchor out in the river?

1 A. If it was up to me?

2 Q. Yeah.

3 A. Yeah, I'd probably try to manage it like that, but it's not
4 up to me.

5 Q. And who is it that decides where the vessel's going to
6 anchor?

7 A. The pilots.

8 Q. Were you aware that *Nomadic Milde's* captain, this was his
9 first time in the Mississippi River during the extreme high river
10 conditions?

11 A. No.

12 Q. Well, just in general, who has more knowledge about the
13 Mississippi River, the NOBRA pilots or a foreign vessel captain?

14 A. NOBRA pilots.

15 Q. Who decides how many parking spaces there are in an
16 anchorage? Yeah, we talked more about distance between vessels,
17 but is there something that you guys look at, like, you know, a
18 quick and dirty method that you can check for safety purposes and
19 know that, let's say, in normal river conditions Ama Anchorage is
20 going to have -- they've got seven parking spaces. And if they
21 have a ship length apart, 4 to 6-foot river, they got seven
22 parking spaces, but when it's high river then you're only going to
23 have three parking spaces at Ama Anchorage, and so forth. You
24 know, for all the anchorages. Who decides how many parking spaces
25 are in the parking lot?

1 A. I believe that would be the pilots, as well, since they would
2 be the ones determining the safe distance. The Coast Guard and
3 VTS don't have any set standard for how many ships can be in any
4 given anchorage at any given river stage.

5 Q. Okay. So we have to ask the pilots about that, that's not
6 something that you know about or monitor.

7 A. Right.

8 Q. But for safety purposes, if we knew that in, let's say, a
9 12-foot river -- let me back up. Don't you think it would be a
10 good idea to assist you in your duties monitoring safety on the
11 Mississippi River, to know that in normal conditions, Kenner Bend
12 Anchorage has room for five ships? And so if you see five ships
13 there in normal river conditions, you know that's the maximum of
14 ships in the parking lot. And then if there's -- if you see 10,
15 then you would, you know, go talk to your supervisor or you talk
16 to the pilots, like how come there's 10 vessels in the Kenner Bend
17 Anchorage?

18 A. Yeah, I think that's something that could probably be worked
19 out with the Coast Guard, the pilots, and the industries here in
20 Louisiana. You might be able to discuss something about that with
21 them.

22 Q. And then when the river gets to be 15 feet or, you know, 12
23 feet and then 15 feet, so now Kenner Bend can only have three
24 vessels there. And so if you saw four, you'd know hey, this isn't
25 right. Hey, guys, what's going on here? We got to do something.

1 A. Was there a question?

2 Q. Yeah, yeah. Is that something that should be doable?

3 A. Oh, I think it's something that could be attempted.

4 LT [REDACTED] Hey, Mr. Butterworth, Lieutenant [REDACTED] I need a
5 break, it's been about two and a half hours.

6 MR. BUTTERWORTH: It has been. No, I need a break, too, and
7 I'm actually done.

8 LT [REDACTED] Okay. Also, I was going to ask questions.

9 MR. BUTTERWORTH: Okay. No, and I'm very grateful for you
10 guys and everything, and I appreciate Mr. [REDACTED] who's just as
11 he was back in the old days, he's been very helpful and
12 forthcoming and I appreciate his time and effort.

13 LT [REDACTED] Appreciate it. I guess now we'll go back to
14 Mr. Tucker with any additional questions.

15 MR. TUCKER: I do have, yes, and I don't have a lot, but
16 estimating, it will probably take 5 to 10 minutes. So we can take
17 a break, I know we've been running two and a half hours and we can
18 come back. I'm pretty sure there's a couple other questions
19 besides myself.

20 LT [REDACTED] Yeah, I'm fine with just dealing with the 5
21 minutes of questions, I'm fine with just getting it done.

22 MR. TUCKER: Okay. Any objections to that?

23 MR. [REDACTED] No.

24 UNIDENTIFIED SPEAKER: No.

25 BY MR. TUCKER:

1 Q. Yeah, Tony, thanks again. Mr. Butterworth did ask a lot of
2 the questions that I had for follow-up, so a couple small cleanup
3 items. This is Adam Tucker with the National Transportation
4 Safety Board. I'm going to be all over the place with a few of
5 these questions, so I apologize for that.

6 We spoke about the NOBRA pilots and the COVID stuff and they
7 were working remotely, definitely not at VTS, I understood. You
8 don't know what equipment they were using, what they had access
9 to, and we nailed that down.

10 One question I did have was they changed watch, it sounds
11 like, every 8 hours as you explained. When they do change watch,
12 do you guys do any type of handover, any type of phone-type
13 handover with the pilots when they change?

14 A. With the NOBRA pilots, actually, each time one was to assume
15 a watch, they would call, check in, see if I had anything going on
16 that they needed to know about and I'd ask them the same, do they
17 have anything going on that I should know about. So yeah, around
18 about their schedule times, I get a check-in call from them.

19 Q. Okay. And during that check-in call, I understand you went
20 through two of them, anything communicated from them of concern?

21 A. No, not that I recall. Not that I had taken any action on,
22 no.

23 Q. Understood. Mr. Butterworth had asked you, as well -- and
24 trust me, I'm not going to dwell on this, but with the checking of
25 the ships at the anchorage or the monitoring, I understand you're

1 not required to do that, but within the capabilities of the MTM-
2 300, do you have multiple displays showing the entire area or do
3 you have to use only one display, zoom in, look at the vessels in
4 that area, zoom back out, pan to another location, zoom in, you
5 know what I mean?

6 A. Yeah, I know exactly what you mean. No, I focus on our
7 vessel movement reporting systems and I occasionally, when I find
8 the time or it occurs to me, I will scroll through and zoom in,
9 zoom out, take a look at the rest of the VTS area. But my focus
10 is mainly on the vessel movement reporting systems, the traffic
11 within them, and how my operators are managing their VMRS's.

12 Q. Understood. Let's see. Oh. Here's a question I had as
13 well, about the capabilities of the MTM-300. Mr. Butterworth had
14 mentioned ECDIS. I'm not sure. Are you familiar with the word
15 ECDIS?

16 A. Yes.

17 Q. Okay. I just want to clarify, the MTM-300 is not an ECDIS
18 system, is that correct?

19 A. It's not an ECDIS per se, it's not really used for
20 navigation, it's used for monitoring. It's used for monitoring
21 traffic. You know, you can apply some basic knowledge to make
22 predictions on where vessels are going to converge, but it's not a
23 -- it's not a navigation system.

24 Q. Understood. So my specific question was or is, sorry, is
25 there a capability of the system to, say, perhaps put a watch on a

1 vessel in order to determine if it's dragging or not? Like can
2 you put a -- drop a cursor on and say alert me or make an alarm
3 trigger if this vessel gets out of position by 500 feet?

4 A. If there is, I'm not aware of it or familiar with it. I know
5 we have some boundary capabilities, but we don't generally use
6 them, I haven't used them. I haven't used them at all with the
7 MTM-300. We used to use them a little bit with the MTM-200, but
8 no, we don't use them. We may not even have that kind of a
9 resource available on the MTM-300.

10 Q. Understood. We've been going two and a half hours and I'm
11 out of questions, except for one and sometimes it's the most
12 important one, but I'll ask it now. Is there anything that I or
13 we have failed to ask you that you feel may be important or
14 relevant related to this investigation that you would like to
15 share with us?

16 A. No, I think you've been perfectly thorough. And I've got no
17 questions, I'm good. Thank you.

18 MR. TUCKER: All right. Well, in that case, Tony, again a
19 big thank you from myself and we appreciate your time. And I also
20 appreciate what you do. So thank you very much. I have no
21 further questions and we'll move on down the list, I guess, to --
22 to Tom. Do you have any questions?

23 (No response.)

24 MR. TUCKER: Mr. Bremer, do you have any questions?

25 (No response.)

1 MR. TUCKER: Okay.

2 MR. BUTTERWORTH: I guess he's not on.

3 MR. TUCKER: Yeah. Mr. DePaula, any follow-ups?

4 MR. DePAULA: No, sir, thank you very much.

5 MR. TUCKER: And Mr. Butterworth?

6 MR. BUTTERWORTH: Yeah, I just have one last series.

7 BY MR. BUTTERWORTH:

8 Q. Supervisor [REDACTED] is it fair to say that there's more
9 problems in your watch area, Mississippi River, during high river
10 than there is during normal river?

11 A. Yes, that would be fair to say.

12 Q. Would it be helpful for you to have the funding and hiring
13 capability to have an extra operator for each shift? Say once the
14 river gets over 12 feet or once the river gets over 15 feet, would
15 you have any objection to that?

16 A. No, I wouldn't.

17 Q. Then you have a guy that he just monitors the anchorages and
18 monitors them at other areas. You know, we know 81-mile point is
19 a tough one and we know that Algiers Point is tough and to have
20 another guy to be kind of a shortstop or a rover.

21 A. Yeah, that might be helpful.

22 MR. BUTTERWORTH: Okay, that's it.

23 MR. TUCKER: Lieutenant [REDACTED] anything from you or do you
24 want me to close it out?

25 LT [REDACTED] Yeah, you can close it out, I'm all good.

1 MR. TUCKER: All right. All right, at that point, there are
2 no further questions. The time is 13:31 Eastern Daylight Time,
3 that's going to be 12:31 Central Daylight Time. I will now end
4 the recording.

5 (Whereupon, at 1:31 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: M/V *NOMADIC MILDE* AND *ATLANTIC VENUS* COLLISION AND CONTACT WITH CORNERSTONE DOCK ON MAY 8, 2020
Interview of [REDACTED] [REDACTED]

ACCIDENT NO.: DCA20FM017

PLACE: Via teleconference

DATE: June 29, 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.

[REDACTED]

David A. Martini
Transcriber