

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

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INCIDENT ABOARD *JOHN J. BOLAND* *

IN CEDARVILLE, MICHIGAN *

Accident No.: DCA23FM029

ON APRIL 21, 2023 *

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Interview of: BRIAN C. HARVEY, First Mate
Grand River Navigation

Lorain, Ohio

Tuesday,
April 25, 2023

APPEARANCES:

LT. [REDACTED] [REDACTED] Investigating Officer
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I N D E X

<u>ITEM</u>	<u>PAGE</u>
Interview of Brian C. Harvey:	
By Lt. [REDACTED]	4
By Mr. Tucker	37
By Lt. [REDACTED]	38
By Mr. Tucker	52
By Lt. [REDACTED]	65
By Mr. Tucker	73
By Lt. [REDACTED]	89
By Mr. Tucker	92
By Lt. [REDACTED]	94

I N T E R V I E W

(8:54 a.m.)

1
2
3 LT. [REDACTED] It is 25 April 2023, the time is 08:54 a.m. My
4 name is Lieutenant [REDACTED] [REDACTED] investigating officer out of
5 Marine Safety Unit Cleveland. Interview of Brian Christopher
6 Harvey, reference number [REDACTED].

7 Brian, for the record, can you please state your name and the
8 position that you are holding?

9 MR. HARVEY: It's Brian Christopher Harvey, chief mate or
10 first mate, whatever you want to --

11 LT. [REDACTED] Okay. And that's on the *John J. Boland*,
12 correct?

13 MR. HARVEY: On the *John J. Boland*.

14 LT. [REDACTED] Okay. The interview will consist of the facts
15 and circumstances surrounding a material failure on 21 April 2023.
16 In the room today we have -- and we will go around the room,
17 starting with you.

18 MS. BEAUBIEN: Sarah Beaubien, counsel for Grand River
19 Navigation.

20 MR. TUCKER: Adam Tucker with the National Transportation
21 Safety Board.

22 MR. PETERSON: Brian Peterson with Grand River Navigation.

INTERVIEW OF BRIAN C. HARVEY

23
24 BY LT. [REDACTED]

25 Q. So first things first, Brian, can you just talk to us about

1 how long you've worked for Grand River Navigation and how long
2 you've held your credential, what your experience is today?

3 A. I've been with Grand River for almost 22 years, I started in
4 September of 2001. I came over here from Great Lakes Fleet, I
5 worked for them for about four or five hitches on the *Spirit* and
6 the *Gott*. I got my original license in 2000. I came here and I
7 worked out in the *McKee Sons* for a while, I was there for 7 years
8 on that boat for this company.

9 I became first mate the first time in 2006 and I did that
10 until 2011, when I resigned for personal reasons. And then the
11 last 2 or 3 years I've been doing first mate on and off again,
12 just kind of stepping in when they needed me. And then I think
13 this year I ended up actually going to be permanent because we
14 lost people this winter.

15 Q. Okay. And how much experience do you have on board the
16 *John J. Boland*?

17 A. This was my first -- that was my first day and I haven't been
18 on this boat until that --

19 Q. Okay.

20 A. -- until that morning.

21 Q. So April 21st --

22 A. First, it was.

23 Q. -- was the first time that you'd been on the *John J. Boland*?

24 A. The first time, yeah.

25 Q. Okay. Can you kind of start walking us through, then, when

1 you came on board, if there was any kind of pass over, you know,
2 what happened when you first got on board.

3 A. I got aboard the evening before at about 8 o'clock at night,
4 I met the first -- the permanent first on deck, we didn't go over
5 very much. I kind of looked at the load plan and I asked him what
6 the drafts were and I -- you know, I was -- that's pretty much it.
7 Then I just met Captain Jeff McAlley (ph.) and we talked for a
8 little bit then about just nonsense stuff.

9 Then I went back on the deck and I kind of walked up and down
10 and looked around to get the kind of orientation of what the boat
11 was and then it had been a long day, I'd been up since 6:30 that
12 morning, so I just kind of went to bed. I just assumed that other
13 first mate knew that I knew, not particularly the boat, but the
14 paperwork. I mean, trimming is different than paperwork, I just
15 -- you just -- I don't know what time he left or anything, I just
16 -- I went to bed. I was exhausted.

17 Q. Okay. So you said you got up at 6 o'clock in the morning on
18 the 20th.

19 A. The 20th, yes.

20 Q. Was that a travel date for you or were you --

21 A. Well, I was -- I was at home, I was -- I got up early because
22 I had been told by the office that I was going to go to the
23 *American Mariner* instead of, you know, here. So I got up that
24 morning and I called the *Mariner* and they had no clue what I was
25 talking about, they didn't know I was going. So I got a hold, I

1 e-mailed the office and asked them what was going on because I
2 thought I was going to the *Mariner* and it took a while for the
3 e-mail to reply and then the office called me and said we'll get
4 back to you because we don't exactly know what's going on here.
5 So it was probably around maybe 9, 10 o'clock, I'd have to look at
6 my phone, that they called me back and said okay, we're going to
7 put you on the -- on the *Boland* and I said okay, what position am
8 I going to go and they said first mate and I was like okay. New
9 boat, but okay, first mate. And then that next -- the rest of the
10 day I was up running around trying to get things finished before I
11 had to leave.

12 Q. And where do you live at?

13 A. Kingsley, Michigan, which is --

14 Q. Okay.

15 A. -- just south of Traverse City. It's about a 3-hour trip
16 from --

17 Q. Okay. Did you drive from home to meet the --

18 A. Yes, I got into my car and drove, drove up.

19 Q. Okay. And you met the vessel there in Cedarville?

20 A. At Cedarville, yes. They were already loading at the time.

21 Q. Okay. So you said that you arrived at what time to the
22 vessel?

23 A. About 8 o'clock.

24 Q. About 8 o'clock?

25 A. Yeah.

1 Q. And at that point the vessel was already on-loading?

2 A. Already in the process of loading, yes.

3 Q. Okay. Can you kind of talk me through what the conversation,
4 what's the pass-down that you had with the off-going first mate at
5 that point?

6 A. I just basically got his name and I asked him if I -- you
7 know, how are things going and he said they were going good. I
8 said about how long is it going to take to load, because -- and he
9 said oh, going to be here all night and it's going to be -- it's
10 going to be a while, they're loading slow.

11 Q. Um-hum.

12 A. So I said okay. And then one of the other guys said here,
13 let me take you to your room and we went up and got -- found my
14 room and that was pretty much it. I started walking around, found
15 my way to the galley, saw Captain Jeff and we started talking for
16 a little bit, I hadn't seen him in a couple years, what's going on
17 with him, and then I went back out on deck and I didn't see him,
18 but I think he -- somebody said he was in one of the booths, but I
19 couldn't tell and I just kind of walked up and down the deck,
20 looking to see -- see the cargo and what was going and looking at
21 -- I walked over to look at the winches to see how they operate,
22 looked to see how they worked, and then I just went back inside.

23 Q. So just kind of some general familiarity.

24 A. Yeah, yeah, yeah.

25 Q. You laid down for the evening?

1 A. Yeah.

2 Q. Do you know about what time you went to sleep?

3 A. I laid down maybe 9:30.

4 Q. Okay. And what was your watch rotation, your assigned watch
5 rotation?

6 A. It's 4:00 to 8:00.

7 Q. Four to eight?

8 A. Yeah.

9 Q. Okay. So then what time did you get up the next morning?

10 A. It's -- I think like 10 after 3:00.

11 Q. Okay.

12 A. I had my alarm clock set for like 3:15, but I think I woke up
13 before that.

14 Q. Okay. Can you just kind of walk me through what your normal
15 routine is, then, at that point?

16 A. I just --

17 Q. So what happened that --

18 A. I usually just get up, I don't take a shower in the morning,
19 I just get up, get dressed and I went down to the galley, downed a
20 cup of coffee and just sat there and waited until, you know, like
21 3:42 I walked out the door.

22 Q. Okay. So then what did you do after getting ready?

23 A. Well, I -- yeah.

24 Q. So I guess this would be your -- you know, what happened
25 during your 4:00 to 8:00 watch on the morning of?

1 A. Oh, okay, okay. Well, I went out -- you know, I go out on my
2 watch and everything is proceeding normally, nothing's --
3 nothing's really going on. I meet the deck crew that were out
4 there and we kind of introduced ourselves because I didn't meet
5 these guys before and I just kind of walked up around the deck,
6 made sure the loader was loading in the right hatches and the
7 right product. As we moved down the deck it was going really
8 slow --

9 Q. Um-hum.

10 A. -- at times. At times there was no product coming off at
11 all. So, you know, it's just kind of a lot of standing around.

12 Q. Is there any reason why --

13 A. It's just the load dock itself, it's --

14 Q. Okay.

15 A. Cedarville's got kind of a -- it's been cold up there and
16 it's just winter's over and the product is still frozen, they're
17 having problems when they get to the gates.

18 Q. Got you. Okay. What was the weather like that morning?

19 A. That morning, when I first came out there, the wind was
20 blowing, I would almost say, out of the southeast and it was from
21 the bow and it was -- there was some mist, really light drizzle,
22 you could see whitecaps in the bay.

23 Q. Got you. Just for a visual, what was the orientation of the
24 vessel, you guys moored starboard side to port side?

25 A. Port side 2.

1 Q. Port side 2?

2 A. Port side 2. So the wind was like -- well, actually, yeah,
3 the wind was off the port bottom a little bit, so yeah, port side
4 2. And there was whitecaps out there, very cold.

5 Q. Um-hum.

6 A. Some light -- I wouldn't say snow, it was more like sleet.

7 Q. Okay.

8 A. A break occasionally, little drops here and there, but the
9 boat was staying up against the dock, so it wasn't like an issue
10 with that, so --

11 Q. Okay. All right. Yeah, can you just kind of, I guess, then
12 continue walking me through, because as the mate, what's your
13 responsibility during the loading?

14 A. Well, I'm making sure they're putting the right tonnages in
15 the hatches.

16 Q. Okay.

17 A. Normally, the loader has the load plan, so I don't really ask
18 him, he'll tell me, you know, all right, that's your 220, yeah,
19 like right here and that's your 250,000 or 2500 tons. Okay. Then
20 I make sure that, like in this particular load, there were three
21 different kind of cargoes, when we switch cargoes, I just ask him,
22 you know, is this the right cargo, then we switch cargoes, is this
23 the right stuff to go in the hold.

24 Q. Okay.

25 A. So other than that, there's not much communication between

1 the loaders unless we just strike up a conversation and talk, but
2 there was no talking that day.

3 Q. Okay.

4 A. And I would go back and talk to my AB about the water, if
5 they're pumping ballast, and just kind of peek in to see how the
6 water's coming along and I don't -- I've used that system before,
7 but it's been a while, so I was just -- and the AB was doing the
8 water, so I was just letting him do his thing --

9 Q. Okay.

10 A. -- because how they do their water here is -- I don't -- you
11 know, again, I was -- I'm new to the boat, I don't really know how
12 -- how they do it, because like on here they use water as a boom
13 bank to get the boom out 90 and on the boats I work on, we just
14 use cargo, we don't use water.

15 Q. Okay. Okay. So as the mate on deck, you're the one that's
16 kind of overseeing --

17 A. Yeah.

18 Q. -- the on-load of the cargo.

19 A. Yeah.

20 Q. And then you're in communications with the --

21 A. The loader.

22 Q. The loader.

23 A. And my AB.

24 Q. Okay. And the AB's doing what, again?

25 A. He's just pumping water, he's stuck in the booth out there,

1 pumping the water out.

2 Q. Okay. And you were saying that they were kind of managing
3 that --

4 A. Yeah.

5 Q. -- themselves?

6 A. Yeah.

7 Q. Okay. So was there anything else that was going on during
8 that first morning watch?

9 A. No, no. At 8 o'clock, when watch shift came, the third mate
10 came out, she's brand new, of course, too, she got on the same
11 night I did.

12 Q. Oh, okay.

13 A. I'm trying to go over things with her, but at the same time
14 I'm getting ready to go on the dock and start trimming the boat
15 because we're getting into this point where I'm getting into Hatch
16 2 here, we're almost done in Hatch 9, we're about ready to switch
17 product, go to Hatch 2, so I'm trying to, you know, say -- you
18 know, just -- you're just going to stand here, you're going to
19 watch the load, you just watch the cargo fall off. It's basically
20 watching dirt fall -- cargo fall into the hold, just, you know,
21 these guys up here will help you out. I'm going to go on the dock
22 and start trimming the boat.

23 Q. Okay.

24 A. So that was probably a little bit after 8:00. Yeah, that was
25 sometime after 8:00. Probably 8:15, maybe. Just kind of

1 guessing. So I go around the dock and we shift the boat back --
2 when I get down on the dock, we shift the boat back because we
3 can't reach Hatch 2 from where we were sitting, so we had to shift
4 the boat astern to get into Hatch 2. And then I looked at my
5 forward drafts and I was like okay, so we -- I told them to --
6 told the loader just fill number 2 hatch because that was --
7 because that was like maybe 22 feet on the bow, something like
8 that, and it was going down to 26 and I knew that I -- just
9 looking at the trim, trim tables here, that I knew I would've had
10 to put a lot in there to get that bow down.

11 So I just had -- or filling it, just they filled it, they
12 filled it up, got the bow down to -- it was like 24.6, maybe
13 something like 24.7. It was kind of sloppy on the bow, it was a
14 little chopped, so it's kind of like 24.6, 24.7. Then, with the
15 rake still there, we didn't move the boat again, we went to number
16 5 hatch and using again the trim thing, I wanted to bring the bow
17 down to 26 feet, so I was at 24, I was at 24.6, I wanted to go
18 down to 24 -- 24.6 and I wanted to go down to 26 feet.

19 Q. Um-hum.

20 A. So I ordered up tonnage from the loader, I can't remember
21 exactly what it was, it was like four -- I think it was 500 tons
22 to bring the bow down to 26 feet.

23 Q. Okay.

24 A. So we did that and while that's going on, of course, the
25 stern's coming up, so I can't see the stern at this point, it's

1 too -- it's too far back so I can't see the stern ropes (ph.). So
2 when we put the 500 tons in there, I moved to Hatch 7 and that was
3 the forward holding hatch, you know, the stern won't drop, but the
4 bow will and I ordered up tonnage for that, that was about 350,
5 400 tons and we put that in there and the bow kind of stopped
6 short of where I wanted it, it stopped at like 20 -- 26.7, maybe
7 an eight, but -- yeah, 26.7, 26.8.

8 I was shooting for 26.10 because that would -- because I had
9 to put cargo back aft again and when I went back aft, when I put
10 cargo in the aft end of the boat, it would tip that bow back up
11 again to where I wanted it. So that was the plan, to just tip her
12 back. So when we -- so when we got out of 7, the boat was stuck.

13 Q. Okay. What was the draft that you guys were trying to load
14 to?

15 A. Twenty-six eight.

16 Q. Twenty-six eight?

17 A. Yeah. That's according to the book here, that's what --

18 Q. And that's --

19 A. It's right there, 26.8.

20 Q. Okay. And that was for forward and aft?

21 A. Yeah. Twenty-six eight, they tried to do -- we tried to do
22 26.8 flat.

23 Q. Uh-huh.

24 A. Now, this boat I don't have a lot of experience on, but in my
25 experience at like Cedarville, if I'm loading deep I'm not going

1 to get my forward drafts. My forward drafts are always going to
2 be lighter. Like on the *Calumet*, I can load that boat, I can't
3 load that boat any deeper than like 25, I'm lucky if I can,
4 because it's just a smaller boat and the cargo mass is much lower.

5 Q. Um-hum.

6 A. So when I'm loading that boat, and I have a lot of experience
7 on that boat, it's easy to get that after draft, but that forward
8 draft is hard to get because you cannot put enough tonnage up
9 forward to get that bow down.

10 Then we noticed the boat was stuck and I was like okay, this
11 is kind of a common occurrence, boats -- when we're loading boats,
12 they get stuck. It's happened numerous times, it happens in
13 Marblehead, it happens at -- I've known boats to get stuck at
14 Stoneport, and when I load the boat in Detroit Salt, we get stuck
15 down there. It's just a nature of the beast, basically, it's just
16 something that happens.

17 So what we did is like what we kind of normally do is I swung
18 the boom out a little bit to get the boat leaning away from the
19 dock, we used the midship wire, the 3 wire, and then I moved
20 number 4 wire ahead and put it under the bench (ph.), so we had a
21 forward lead there and we started pulling the boat and she started
22 creeping and then she started sliding off the head nicely, so it's
23 like okay, that's normally how it goes, you don't even think
24 anything about it. All right, there you go.

25 Q. Okay.

1 A. So the bow came off, nobody heaved on the forward wires, the
2 bow came off nicely and just kind of floated out there and
3 stopped. By this time the wind had kind of switched around and it
4 was pushing, pushing us, but it was a really light wind, it wasn't
5 really blowing hard, it was maybe 10 miles an hour, if that, but
6 the wind had -- I mean, this was probably going -- this was
7 probably -- by this time it was probably looking at maybe 10:00,
8 10:30.

9 Q. So about 10:30 is when you got off that first time?

10 A. Yeah. Yeah. It might've been sooner than that, just say
11 10:00 because when you get on there, it's like about 11:00. So
12 the boat moved and I went to -- I went to Hatch 19. Now, the load
13 plan said do 17 and then 19, but when I was on deck earlier that
14 morning, I was looking at that and I was not going to be able to
15 load and finish, finish loading the boat into 19 hatch because the
16 boom would be in the way, I would have to swing the boom out, load
17 the hatch, swing the boom back in and hope my drafts are correct.

18 So what I did was I went to -- swung the boom out, loaded 19
19 to get to my after draft of 26 feet, which worked, it was perfect,
20 and then I went to 17 hatch because that's -- again, that's
21 another holding hatch, that's a forward holding hatch. The bow
22 don't drop; stern does. So when I'm doing that, I was also able
23 to center the boom. Got the boom centered, started loading again,
24 and for the first few minutes the draft was dropping, it was going
25 -- I was at 20 -- I was at 26 feet, it went down to 21, 22 and

1 then kind of at 23 it just kind of hovered there for a minute and
2 I just kind of looked at the loader just to make sure he was
3 actually loading the boat and I didn't know if he was, you know, I
4 could see him. I was like okay, you had a little product coming
5 off, it wasn't that much, so I just gave it a minute, then I
6 looked over again and he had a lot of product coming off. Like,
7 all right, something's going on here. So I just stopped the load.

8 Q. Right.

9 A. And that's, you know -- and then that was pretty much when we
10 found out that we were stuck somewhere. Captain Jeff had
11 mentioned, when I got the boat loose the first time and we were
12 shifting ahead, that there's a shallow spot out there, somebody
13 said there's a shallow spot up on the bow. I was like okay, I
14 honestly didn't know and the thing is, is that I've loaded there
15 so many times, I had a boat that there was -- I didn't even have
16 to concern myself with it because I never got that deep. We never
17 shifted that far ahead. I don't know where that shallow spot is.

18 Q. Okay.

19 A. And that's when the captain fired up the engines, got the
20 diesel, got thrusters going and trying to start working us off.
21 So I actually come aboard the boat at that time, because there's
22 really nothing I could do on the dock, I mean, so I just climb
23 aboard the boat, I went up to the pilothouse and just kind of
24 observed him trying to get us off. And when we backed up, the
25 boat developed like a 13-inch list.

1 Q. So was that the only time that there was a list?

2 A. Yeah, yeah. I mean, well, I think there was one when we were
3 sitting at the dock, but it was like a couple degrees.

4 Q. Um-hum. Do you know which direction or --

5 A. I think it was outboard, I think it was a starboard -- yeah,
6 I think it was a starboard list.

7 Q. Okay. So, meaning that the starboard side of the vessel was
8 lower?

9 A. Yeah, yeah, it was leaning outboard a little bit, out toward
10 the lake.

11 Q. Okay.

12 A. It was only like a couple inches, I think.

13 Q. Is that typical?

14 A. It happens.

15 Q. Just part of the loading process?

16 A. It happens, it happens. If the loader's not paying
17 attention, he'll -- he'll be loading one side of the boat and not
18 paying attention, he's up there playing on his phone or whatever
19 happens.

20 Q. Okay. So just to kind of double back a little bit, so around
21 10 o'clock was the first time that you guys were stuck and needed
22 to start heaving around on the --

23 A. On the water.

24 Q. -- winches, on the wires --

25 A. Yes.

1 Q. -- to be able to shift the bow off, is that --

2 A. Well, it was to shift the boat ahead, too, because we had to
3 get to these after hatches.

4 Q. Oh, okay.

5 A. So the rig wouldn't -- the rig's not going to go that far
6 back without us shifting, so --

7 Q. Okay.

8 A. So we shifted the boat for that, but that's when we found out
9 that we were originally stuck the first time.

10 Q. So part of the shifting forward --

11 A. Was to --

12 Q. -- recognizing that the boat wasn't moving --

13 A. Yeah.

14 Q. -- you guys then figured out that okay, we're on the bottom?

15 A. Yeah, yeah. And again, that happens quite often. I mean,
16 it's considerably -- I'm trying to phrase it the right way here.
17 It happens a lot, but it's not like an everyday occurrence. It
18 probably happens maybe a dozen times a year at various docks,
19 because we're loading right to the bottom, at a lot of these
20 places we're loading right to the bottom, I've been stuck on the
21 bottom unloading the boat and had to use engines to move the boat.

22 Q. Okay.

23 A. So it's just kind of like the nature of the beast, you get
24 stuck and you just -- it happens all the time, all the boats,
25 every fleet, they all -- it's just -- just the way it is.

1 Q. Um-hum. Did it seem like it was -- is the bottom there
2 muddy, is it rocks?

3 A. I actually do not know what the bottom is, I have no idea.
4 Looking around, I could see rocks and sand, so I really don't know
5 what the bottom is. And I didn't even -- over the years, they
6 have rebuilt that dock. That dock is actually almost new. And
7 they got those -- they got those camels there now.

8 Q. Um-hum.

9 A. And I just kind of had assumed or heard, just kind of like
10 whispering, that there were no obstructions there anymore. But
11 this was a while back, this was a few years ago that somebody had
12 said that yeah, that's all gone.

13 Q. Okay.

14 A. And again, it was something on the boats that I normally work
15 on, I never had to deal with, we don't get that deep so it was
16 just -- it wasn't even in my mind to be thinking that there was a
17 spot there.

18 Q. Okay. So there wasn't any warnings or anything --

19 A. No.

20 Q. -- passed along to you?

21 A. No. No. I mean, I know there is that -- you know, hindsight
22 now, I know that there's that little thing in the draft guide, but
23 again, that's from 2015 and that dock has been rebuilt. since
24 then.

25 Q. Okay. When you say draft guide, what's a draft guide?

1 A. It's just a -- it's a guide for every dock that we go to, the
2 loading docks and unloading docks, to -- it gives you a rule of
3 thumb of what your drafts have to be to make it safely into that
4 dock and it gives you -- it gives you a water level. Then we go
5 online and we look at water gauges around the area, find out if
6 we're plus or minus that and then we add or subtract to get our --
7 to get the final drafts that we need for those docks.

8 Q. Okay. Who authors those, the draft guide?

9 A. The company, the company puts them out and they're updated,
10 they're updated when need be.

11 Q. Did you look at the draft guide prior --

12 A. No, I didn't look at the draft guide that morning, no.

13 Q. Okay. As a first mate, have you ever looked at the --

14 A. Yes.

15 Q. -- draft guide?

16 A. Yeah, yeah.

17 Q. Okay.

18 A. Yeah, because when I'm making up load plans, I have to.

19 Q. Got you.

20 A. So I didn't know, you know, of course, make up that load
21 plan, this load plan, but yeah, of course.

22 Q. Who did this draft -- this load plan?

23 A. I would imagine the permanent first. The permanent first, I
24 know the permanent first and I know the captain usually gets
25 involved in it, too.

1 Q. Okay.

2 A. Except for maybe like straight loads where they're pretty up
3 the deck, down the deck and, you know, pretty relatively easy.

4 Q. Okay. So it was around 10 o'clock that you guys pulled off
5 the first time.

6 A. Yeah.

7 Q. You guys were shifting forward to load the aft hatches.

8 A. Yeah.

9 Q. You were able to settle out?

10 A. Yeah.

11 Q. And start reloading the boat?

12 A. Yeah, yeah. Yeah, that's -- that happens quite often. The
13 boat gets stuck, you move the boat even if you have to use the
14 engines to get her where she needs to be and then you start
15 loading again.

16 Q. Okay. So you guys started loading again after getting off
17 the first time, then kind of what happened?

18 A. Well, like I said, the bow -- the stern went down to the 26
19 feet that I wanted to at Hatch 19 and then we shifted to Hatch 17
20 and started loading and it starting sinking originally, and then
21 it got to about 26.3 and stopped and I just kind of kept looking
22 at the loader, I'm like okay, is he loading me or what? Then I
23 notice that he was loading and I was like all right, something's
24 wrong here. So I said all right, loader, just run it off and run
25 off is probably about a hundred and 30 tons, so as soon as I said

1 shut off, I got another hundred and 30 tons or so.

2 Q. At what point were you guys in trim?

3 A. Well, basically, when I started loading in Hatch 2. Do you
4 want to --

5 Q. What time was that?

6 A. It was after 8 o'clock.

7 Q. Okay.

8 A. Eight thirty.

9 Q. So during that 10 o'clock shift, you guys were in that trim
10 time frame?

11 A. Well, I was basically trimming from like 8:20 until we
12 finished that time.

13 Q. Okay.

14 A. So every hatch -- if you look at the load book here, there's
15 -- let's see, one, two, three, four, five trim hatches, so I was
16 basically trimming with all those five hatches.

17 Q. So at this point, when you guys stopped the boat on-load,
18 what time was that?

19 A. You know, I don't really know, I cannot remember because it
20 was just like all right, what's going on here. Sometime before
21 11:00, maybe.

22 Q. Okay.

23 A. I'm not exactly sure what time it was.

24 Q. Got you. So sometime between 10:00 a.m. and 11:00 a.m. you
25 guys had secured loading, so you had been out on deck loading for

1 how long, about?

2 A. Since like quarter to 4:00 in the morning.

3 Q. So five, six, seven, eight, nine, ten?

4 A. It's six, six --

5 Q. So about 6, 7 hours?

6 A. Six hours. Probably about six. A little bit after 8:00 on
7 the dock itself, because I got to walk around and watch drafts, so
8 that's -- and that's normal, that's --

9 Q. Okay.

10 A. You know, usually -- usually, first mates are the ones that
11 trim the boat and they're -- they usually just stay on the dock
12 and the other deck crew stay on the deck and, you know, make sure
13 hatches are getting put on, things are getting secure as we go.

14 Q. Okay. If you guys weren't loading at the end of that watch,
15 what would you have been doing? If you guys went from 8:00,
16 just --

17 A. Oh, you mean if I got off at 8 o'clock and we were still just
18 loading the boat?

19 Q. Yeah.

20 A. I probably would've just went to my room.

21 Q. Okay.

22 A. Ate and went to my room.

23 Q. Would you have been in the rack at that point or just --

24 A. It depends if I had paperwork to do or if we were going to
25 get ready to trim, because I was going to have to come out for

1 trim no matter what time it was.

2 Q. Um-hum.

3 A. So even if -- even if we didn't get into Hatch 2 until noon,
4 I was going to have to come out at noon --

5 Q. Okay.

6 A. -- to do it because the other mates do not know how to trim a
7 boat, so --

8 Q. Right. And as I understand it, from what you're telling me,
9 is that the first mate is always --

10 A. Yes.

11 Q. -- the person that's responsible.

12 A. The first mate is responsible for trimming the boat. That
13 actually is kind of a company policy on the *Calumet*. On the boat
14 that I worked on normally, the second mate knows how to trim and
15 he can be trusted to do it. So if it just happens to be falling
16 on his watch, we let him do it because he knows what he's doing.
17 But any other time, no, I'm out there.

18 Q. Okay. So you guys secured the load, then what happened after
19 you secured the load?

20 A. I climbed aboard the boat, I was like okay, I can't do any
21 good down here because the captain was starting to -- got the
22 thrusters going and got the engines going and started trying to
23 work the boat off. So I was like okay, well, I'm doing no good on
24 the dock here, so I'm just going to climb aboard the boat, there's
25 nothing I can do down here.

1 Q. Um-hum.

2 A. So I climbed -- I came aboard the boat, I'm pretty sure I
3 went almost right to the pilothouse, I think I stopped at my room
4 to take my jacket off and then I went to the pilothouse and he was
5 still working, trying to get us off and he was, you know, trying
6 to -- just trying to back on her to get us going. And I wasn't up
7 there maybe -- maybe 5, 10 minutes at the most, we started going
8 astern and that's when the boat got the list.

9 Q. And which way was the list going?

10 A. It went to port.

11 Q. Do you know in inches or degrees what that list was?

12 A. It would've been -- according to -- they were reading the
13 gauge on there, the captain asked them what's the list and they
14 said 13 inches.

15 Q. Okay, so you had a 13-inch list to port.

16 A. Yeah.

17 Q. And you guys were still moored at that point?

18 A. No, no, we were free of the dock.

19 Q. So lines had been cast off?

20 A. Yeah, the lines had been cast off and we were free of the
21 dock.

22 Q. Okay. Do you know about what time that you cast lines off?

23 A. I don't know, it was probably after awhile, but --

24 Q. And you said that was a 13-inch list?

25 A. Yeah.

1 Q. Is that normal to finish a load and then immediately getting
2 under way, it seems like that would've been within --

3 A. Yeah.

4 Q. -- 10 minutes?

5 A. Oh, yeah. Oh, yeah. Oh, yeah. Oh, yeah, we always -- it's
6 release lines and go.

7 Q. Okay. So secure load, release lines and go?

8 A. Yeah, yeah.

9 Q. Okay. So you guys release the lines, you get under way and
10 at this point you have a 13-inch list --

11 A. Yeah.

12 Q. -- to port.

13 A. Port.

14 Q. Then what happened?

15 A. Well, we wait -- we kept the list until we cleared -- until
16 we got out of the harbor, out just in deeper water and then the
17 captain called down there and we put -- I think it was 10 foot,
18 yeah, 10 foot of water in 6 starboard to straighten us out.

19 Q. So is it typical to have ballast water on board when you guys
20 are loaded like that?

21 A. Like on the *Calumet*, yes, because we have to use it for -- to
22 trim the boat.

23 Q. Okay.

24 A. Boats, again, when you get stuck on the bottom, and it's a
25 common occurrence, you come away with a list. There's a lot of

1 times, again, like when I'm loading, like I'm loading something
2 and we pull away from that dock, it's an automatic list, we're
3 loading right onto the bottom and it's automatic and we just put
4 water in the boat and straighten her out and away we go.

5 Q. Got you.

6 A. It's something that's fairly common, again, with all
7 companies, they all -- everybody does it.

8 Q. Okay.

9 A. We're dealing with very shallow places we go to. Even if the
10 wind -- the wind can change and drop that water level while you're
11 loading and you're sitting on the bottom.

12 Q. Um-hum.

13 A. And it happens.

14 Q. Got you. Okay. So you guys are under way, ballast the boat.

15 A. Yeah.

16 Q. The trim goes back to even?

17 A. Zero.

18 Q. Okay. And then what happened?

19 A. Well, I went down to my room and I'm sitting down there and I
20 can't remember, one of the ABs came and got me and said hey, the
21 captain wants you in the pilothouse. So I went up to the
22 pilothouse and he said something, he was talking about he wanted
23 to go slow the boat down and double check our drafts. So I go
24 okay, we're going to use the workboat to double check our drafts.
25 So we got the workboat out, he went down to the workboat, double

1 checked the drafts and we were -- we were good for getting into
2 here, Lorain, with our drafts. Even with the water in the load,
3 we were perfectly -- prior to that and before he even went to the
4 -- before he even left the pilothouse, he said -- he said
5 something about he heard a rumble or felt a rumble. I never felt
6 anything, never heard anything. That's the reason why he wanted
7 to go in the ballast tanks after we got off the workboat. So I
8 don't know -- and that's, of course, later on when I went back on
9 watch at 4 o'clock, I heard -- I mean, I just walked up there and
10 he was like hey, we got holes in the boat.

11 Q. So the captain went down in the workboat, who was on the
12 workboat with him?

13 A. You know, I don't know.

14 Q. Okay.

15 A. You'll have to ask him. I don't know who went with him.

16 Q. And where were you?

17 A. I was in the pilothouse.

18 Q. Okay.

19 A. I was watching.

20 Q. Oh, okay. You took over the watch.

21 A. I took over the watch, yeah.

22 Q. Okay.

23 A. It was my watch -- well, no, it wasn't my watch, it was -- it
24 was the second mate's watch, but it was towards the -- towards my
25 watch.

1 Q. Do you know what time you took over the navigation?

2 A. No. It was the second mate's watch.

3 Q. Okay. Where was the second mate at that point?

4 A. I think he actually -- I think he was the one driving the
5 workboat, maybe, or at least down on deck tending lines.

6 Q. Okay. Did the captain call back to you with what the draft
7 readings were?

8 A. Yeah, yeah, yeah, yeah. I wrote them down on a piece of
9 paper and I actually used them for my dead weight --

10 Q. Okay.

11 A. -- because I do a dead weight and it compares the difference
12 between what the dock is saying they're giving us and what we
13 actually say that we have.

14 Q. Okay.

15 A. And when I did all of that, I actually -- you know, I saved
16 the dead weight, I still have it, it's the dock -- I actually
17 figured out that the dock shorted us like 600 tons. According to
18 their scales, they gave us 30,200 and I came up with like 29,000
19 something, so --

20 Q. Before we get too, too far, do you recall what the drafts
21 were?

22 A. I can't remember the forward one, I'm pretty sure he said the
23 after one was a 27.9, but that was with, you know, chop in the
24 water.

25 Q. Okay. Did you guys record those draft readings?

1 A. I just wrote them down on a piece of paper for -- so I can
2 have them for my -- for my trip thing.

3 Q. Got you. Do you know what happened to that piece of paper?

4 A. It's probably in the trash. But those numbers are on -- they
5 are on the trip -- my dead weight survey.

6 Q. Are we able to --

7 A. Yeah.

8 Q. -- take a look at that at the end of this?

9 A. Yeah. Yeah.

10 Q. I'm just going to make a note so I don't forget.

11 A. Oh, wait, maybe it was 27.2. I don't think it was nine, it
12 was a two, 27.2 on the stern, that's the only one I can remember.

13 MR. PETERSON: Can we propose a quick bio break here for the
14 team?

15 LT. [REDACTED] Sure. The time is 09:35, we're going to take a
16 short break.

17 (Off the record at 9:35 a.m.)

18 (On the record at 9:47 a.m.)

19 LT. [REDACTED] It is April 25th, 2023, the time is 09:47,
20 continue interview with Brian Harvey, first mate on the *John J.*
21 *Boland*.

22 BY LT. [REDACTED]

23 Q. Brian, we kind of left off as you guys were just getting
24 back, getting under way. You had mentioned that the captain had
25 gone over on the workboat, gathered some draft data.

1 A. Yes.

2 Q. What happened after you guys got that updated draft?

3 A. Well, we just -- after he came aboard the boat, he wanted to
4 go to the ballast tanks because we were -- because we had such --
5 we had that list, so he wanted to go in the ballast tanks. I
6 wasn't on watch at this time, I don't think. No, I wasn't on
7 watch when he came aboard. Well, I was up there when he was in
8 the workboat and when he came back off, I went back down to my
9 room. Him and the -- you know, second mate came back up and he
10 came back up and I went back down to my room.

11 Q. Okay.

12 A. So apparently during this time, I wasn't up there, he had, I
13 guess, the conveyor crew open the manhole covers on the portside
14 tanks and I guess he went down there or the chief went down or
15 somebody went down, I don't remember exactly who went down there
16 and they found the leaks. I didn't find out about it until I came
17 up on watch and that's when he already was on the phone with the
18 company and maybe the Coast Guard. I know he was on the phone
19 with the company.

20 Q. Okay.

21 A. But it might've been the Coast Guard, too. Trying to figure
22 out what to do. And that's when we decided the best thing for us
23 to do was to go anchor, so we went to go in -- so we went to the
24 anchor at North Bay, which is just north of Stoneport.

25 Q. So do you recall about what time that was that --

1 A. Right almost the beginning of my watch, so --

2 Q. I'm sorry. To kind of double back, what time you came down
3 from the bridge and went to your room.

4 A. It was probably about halfway through the second mate's
5 watch, so we're maybe talking about 2 o'clock.

6 Q. Okay.

7 A. Maybe. I'm not exactly sure because I was in my room for --
8 I know I was in my room watching TV for a good hour. A couple
9 hours, anyway.

10 Q. Okay.

11 A. I think, yeah.

12 Q. So you went to your room, had some downtime.

13 A. Yeah. I think I was watching the Cubs game, actually, I
14 can't exactly remember, but I was watching some kind of sports, a
15 sports thing going on.

16 Q. Okay. And then you went back up to the bridge?

17 A. I went back my normal time.

18 Q. What time was that?

19 A. Quarter to 4:00.

20 Q. Okay.

21 A. And that he was already up there in the pilothouse talking on
22 the phone and saying that we had, you know, a few holes in the
23 boat.

24 Q. Do you recall what the description of the holes were, what
25 that --

1 A. No.

2 Q. -- configuration was?

3 A. No. No. He just said we had a few holes, we were making
4 water.

5 Q. Okay. And kind of what did you do after that conversation?

6 A. Well, I just kind of waited until somebody was going to make
7 a decision of what we were going to do and then -- and then I
8 guess he had called the captain on one of the other boats and
9 asked them if we can go anchor by Stoneport because it's kind of a
10 secure bottom there, you know, drop your rope pretty easy and sit
11 there nicely.

12 Then he thought, you know, as he was talking to that other
13 captain, the other captain had suggested that we just go -- just
14 turn around and go up into North Bay and then do it there because
15 it's really secluded, there's lots of shelter in every direction
16 but north. So we just turned the boat around and we went to North
17 Bay and anchored.

18 Q. When you went up to the bridge initially to start your watch,
19 was anybody else up on the bridge other than the captain?

20 A. No, just me. Just him and me.

21 Q. Okay.

22 A. I don't know where the second mate was, I honestly don't
23 know. I don't know if he was in the -- he might've been in the
24 chart room, but I don't know. I honestly don't remember even
25 seeing him.

1 Q. When you came up on -- for your navigation watch at that
2 point, do you know about where you were at?

3 A. We were north of Stoneport, I couldn't -- we were north of
4 Stoneport, we're almost being there north into Presque Isle, it
5 was off to our starboard.

6 Q. About how far off shore?

7 A. Five, six miles.

8 Q. Okay.

9 A. Not even.

10 Q. But you could see the shoreline?

11 A. Oh, no. Yeah, yeah, you'd see the lighthouse and everything.

12 Q. Okay, so the captain tells you that there's holes in the
13 boat, you guys were making plans to go anchor --

14 A. Yeah.

15 Q. -- out at Stoneport?

16 A. Originally, yes. Then --

17 Q. And that's in Michigan?

18 A. Yeah, yeah. That's just maybe 5 miles north of where we were
19 -- where we actually anchored.

20 Q. Okay. And where did you guys actually anchor at?

21 A. It's a little bay called North Bay.

22 Q. Okay.

23 A. It's just north of Stoneport.

24 Q. What time did you guys drop the anchor?

25 A. You'd have to look at the logbooks, I'm not exactly sure.

1 It's in the logbook.

2 Q. Was that during your watch?

3 A. It was during my watch, yes.

4 Q. Okay.

5 A. I would just guess 5:30, but it's in the logbook.

6 Q. Okay. After you guys anchored, what did you do then?

7 A. I just assumed a normal anchor watch. The captain was
8 talking on the phone with the office, the Coast Guard and, you
9 know, I was not involved in any of that stuff, so I just kind of
10 stood an anchor watch, I took out an anchor -- an anchor sheet and
11 I just -- every hour we make sure we're not dragging anchor, I
12 just put our position down, the temperatures, the times, and we
13 just -- that's pretty much an anchor watch, you just monitor the
14 radio, make sure the boat ain't dragging anchor, and you're just
15 kind of watching.

16 LT. [REDACTED] Okay. Adam, do you have any questions about
17 the timeline? I was going to end up asking some more pointed
18 questions about kind of policy and procedures, stuff like that,
19 but --

20 BY MR. TUCKER:

21 Q. No, I think the timeline was good, just while we're on the
22 anchor, I can ask now, do you remember what anchor was down and
23 how many shots?

24 A. The port anchor. The port anchor and we had -- I put two
25 shots on the wildcat.

1 Q. Okay. And what was the -- do you remember the depth, the
2 feet below keel and --

3 A. I think if you went up to the fathometer and looked at it,
4 I'm pretty sure everything was like 22 feet underneath us.

5 Q. Underneath, below keel, okay.

6 A. Below keel. Yeah, I guess we were writing that down every
7 hour.

8 BY LT. [REDACTED]

9 Q. So you mentioned when you came on board you had a bit of a
10 conversation with the off-going first mate.

11 A. Yeah.

12 Q. Is there any company policy that dictates what that
13 conversation is? Or is there any documents associated with the
14 relief --

15 A. There is supposed to be at least some kind of turnover.

16 Q. What is that?

17 A. Well, when I turn over with the -- when I normally turn over,
18 I don't turn over with notes, I turn over when the guy comes
19 aboard, I tell him what's going on, who's here, who the deckhands
20 are, who the ABs are, and he probably knows who the captain is
21 already, what's going on, you know, if all the paperwork's all
22 caught up, payroll, all of our trip summaries, everything's all
23 caught up and that's -- we just normally hash through that. Well,
24 I'll tell him what the next loads are, I won't tell him what the
25 load is, I don't -- because obviously, if I'm -- if I'm getting

1 off at an unloading dock, I really don't know what the next load
2 is, yet. I won't know that until the office says hey, this is
3 what you're going to load. You know, we might know where we're
4 going, but we don't know what the load is, usually. So usually
5 they'll say all right, your next load is Port Inland, Port Inland
6 to, you know, Grand Haven or something and you'll be like, okay.
7 Some mates do turn over, they do written turnovers. I don't
8 actually know if it's company policy to do a written turnover, I
9 know a lot of captains like to see it. Some don't mind, some do,
10 and I guess it's just a boat thing. I don't know if there's any
11 particular --

12 Q. Okay. So if you don't have a written turnover, nobody's, you
13 know, coming and wagging a finger at you like hey, where's your
14 written turnover?

15 A. No, no. I've never had anybody say anything to me about it.

16 Q. Okay.

17 A. I mean, if you do it long enough, you know what's -- you know
18 what to say, you know what's going on.

19 Q. Okay.

20 A. You know, most of the first mates I relieve have -- are
21 actually senior to me, so they know what's going on.

22 Q. Okay. What about boat familiarization? You said that this
23 was the first time that you'd been on the *John J. Boland*. Is
24 there anything that helps you get familiar with the boat?

25 A. We do boat familiarization, usually the third mate will do

1 that, they will come aboard and when you come aboard, they will
2 give you a safety orientation and a tour of the boat so you can
3 see, you know, where everything is and how -- you know, just the
4 general layout, where all your emergency equipment is, where's all
5 that stuff. But she came aboard that night, too, she was brand
6 new and I think the permanent second had already left, so he
7 wasn't here and the first mate was with -- with the new third
8 mate, watching her on the boat.

9 And that's probably the reason why I didn't really want to --
10 I didn't talk to him because I knew he was busy trying to teach
11 her, show her around and, you know -- and I was like I have time,
12 I'll just walk around, whatever. So it wasn't like -- yes, but
13 the company does have -- we have safety orientations, we have --
14 it's supposed to be done within -- I think it's 24 hours, you get
15 on the boat, usually it's the third and/or second mate. It's kind
16 of what the captain designates --

17 Q. Okay.

18 A. -- to do it.

19 Q. So who gave your safety --

20 A. I just walked around myself.

21 Q. Okay. So nobody walked around with you --

22 A. No.

23 Q. -- to show you where things are at?

24 A. No. No, because there was basically nobody here other than
25 the permanent first. Again, the permanent second had already

1 left, the permanent first was loading the boat and the second was
2 in bed. And it's all supposed to be done probably within 24
3 hours, so there was time. It wasn't like it was climb aboard the
4 boat and automatically wake somebody up and we'll give somebody a
5 tour. And I just kind of walked around myself.

6 Q. At any point since you've been on board have you -- have you
7 had a familiarization or a --

8 A. No. No.

9 Q. -- safety tour?

10 A. No, since all this started happening, it's been --

11 Q. A couple things have happened since.

12 A. Yeah. So things have kind of gone haywire out here, so --

13 Q. Yeah.

14 A. I mean, we did have an abandon ship drill when we left
15 anchorage in North Bay.

16 Q. Okay. What was the crew turnover when you came up, when you
17 came on board?

18 A. As of who was getting on and off?

19 Q. Yeah.

20 A. I believe I was coming and the third mate was getting off,
21 the permanent third and the permanent first. This was just kind
22 of a sporadic minute thing, this wasn't planned because again,
23 that morning there was -- I guess I was supposed to go on the
24 *Mariner* and there was -- and I called the *Mariner* and they're
25 like, what are you talking about, you're not coming here, we

1 already did change.

2 Q. Uh-huh.

3 A. So I had to e-mail the office and like, I think I e-mailed
4 like 7:00 in the morning and I asked what's going on here, am I
5 going to the *Mariner* or where am I going and she was like I'll get
6 back to you, there were things going on and I got to work it out
7 and then she called me around 10:00 and said hey, we're going to
8 put you on the *John J. Boland*. I was like, okay.

9 Q. Okay.

10 A. I was like, what position and she was like, first mate and
11 I'm like, okay. Well, don't really like going to a first mate on
12 a brand-new boat, but all right, you know. But I knew the
13 captain, Jeff, I've worked with him before and I was like all
14 right, if I have any issues, he can -- he can get me through it.

15 Q. Okay. So you've worked with Captain Jeff before?

16 A. Yes, but I worked with Captain Jeff when he was a deckhand.

17 Q. There's a little bit of a familiarity there.

18 A. Yeah, yeah.

19 Q. Okay. Okay. So one of the things that you talked about is
20 this load book or this load plan.

21 A. Load plan, yeah. Yeah, load plan. They're all -- they're
22 all different.

23 Q. Okay. So talk to me like I'm a new third mate, first time
24 ever looking at a load plan. Can you kind of talk to me, what's
25 in this, how a load plan is created, so I can kind of understand?

1 A. Well, kind of right from the top there, the load is given to
2 us by traffic, they'll tell us you're going to load this product
3 for this dock and this is kind of what the dock wants for tonnage.
4 So then you go and you take that information and you look back at
5 your past loads and you make up a load that matches. You got to
6 look at your drafts, you got to go by the draft guide, you got to
7 look where you're going, get your drafts, what's the deepest draft
8 you can get there, and you got to look at the draft guide for
9 where you're taking it to because sometimes you can load heavy
10 there, but you can't load -- can't unload there.

11 Say if I was going to Stoneport. Stoneport, I can load to 24
12 feet but I can't get into Grand Haven at 24 feet, I can only get
13 in at 20. So I'd have to load to 20 feet at Stoneport. So it's
14 kind of like that, you have the draft guide, you have to look at
15 the draft guide. Then you go online and you look at the water
16 gauges, what the water nozzles would do, whether it's been
17 trending up, down, whatever, then you, you know, add those inches
18 to the draft and that will be your final draft for that dock. Say
19 24.6 is what's the rule of thumb for a dock and the water gauge is
20 plus six, you just add 6 inches so it would be 25 feet.

21 Q. And that rule of thumb is coming from --

22 A. That is low water data, that's Great Lakes low water data.

23 Q. Okay. So the rule of thumb as far as like what's the safe
24 draft, that's coming out of the draft guide?

25 A. Yes.

1 Q. And that's an internal company --

2 A. That's an internal company thing.

3 Q. Okay.

4 A. Yes.

5 Q. So you're looking at what the loading dock is wanting to load
6 you guys with.

7 A. Well, the customer wants more than anything --

8 Q. Right, okay.

9 A. -- so much.

10 Q. So you're getting information for what the customer wants.

11 A. Yeah.

12 Q. You're taking a look at the draft guide for where you're
13 loading --

14 A. Loading.

15 Q. -- and where you're unloading.

16 A. Unloading, yes.

17 Q. You're also taking in the water tables, where are you getting
18 that water table --

19 A. Amounts, you're going to get off the Internet.

20 Q. Where do you get your --

21 A. It's just a NOAA -- it's just a NOAA website.

22 Q. Okay, so from NOAA is where you're getting that?

23 A. From a NOAA website, yeah.

24 Q. Okay. So the combination of those factors, is there anything
25 else that you're factoring in?

1 A. I mean, not really. You got to kind of -- you're going to
2 load the boat the way you want to unload the boat. So say if the
3 dock wants -- say like this cargo right here, we had 57's, 8's and
4 9's. He wanted the 9's off first, the 57's off second and the 8's
5 off last. So you're going to kind of load the boat in that
6 general way, you're going to do it backwards, you're going to load
7 up the 8, you're going to load up the 8's, you're going to try to
8 load up the 9's, and then you're going to try to load up the 57's.
9 You can't always do that, as you see here in the book, they
10 changed products a couple times, because you've got to make sure
11 you're not cracking the boat in half. When you load the boat, you
12 got to kind of spread the cargo around, so --

13 Q. Can you explain what the 57, 8's and 9's are?

14 A. It's just a grade of stone. I don't know. Other than a
15 grade of stone, I don't know what they do with it and I'm the
16 middle man, I put on your dock and I'm out of there.

17 Q. So you might see these for -- these numbers for stone. Is
18 there something different for like coal or --

19 A. Coal's got some names, there's --

20 Q. Okay.

21 A. -- different kind of names. I couldn't even name them off
22 the top of my head. There's like grape (ph.) and just different,
23 different names.

24 Q. Okay. Does the type of cargo change anything for you --

25 A. Well, it --

1 Q. -- in creating the load plan?

2 A. Well, some of the cargo, of course, like 57's are bigger than
3 8's, so it would take up a little more room, but that's about it.

4 Q. Okay.

5 A. I mean, they're just bigger, bigger chunks of stone.

6 Q. Okay.

7 A. And then you'll go through past loads -- again, I've never
8 been on this boat, so I don't know how -- how they came up with
9 this load plan. But when I come up with a load plan, I have past
10 loads that I can look at, that give me the tonnages and
11 approximately the same drafts. We have years and years and years
12 of paperwork backed up on the computer and in books that we can go
13 through and say okay, I've loaded three products, I've loaded
14 these three products and this is the tonnage that I need to get to
15 this draft before a trip and then you go on the dock and pitch up
16 the load like that.

17 Usually, you talk to the -- if it's a straight load, like say
18 I'm loading salt, it's a straight load and you don't need to talk
19 to the captain, it's just kind of down the deck, up the deck,
20 you're pretty much packing the entire boat except for like the
21 middle and then you're on your way, there's no need to talk to the
22 captain. If it comes to split loads like this, I will usually
23 discuss with the captain about how we want to unload it so I can
24 figure out how to load it and then what he wants to do, because a
25 lot of it is kind of up to him, how he wants the -- wants the boat

1 to load. The object is to load the boat as fast as you can,
2 efficiently as you can with as few screen changes, what they call
3 screen changes, as possible. So here you had one, two, three,
4 four screen changes.

5 Q. Can you just kind of talk us through, you know, what this --

6 A. Okay. All right. Apparently, they started at Hatch Number
7 2, they put 500 tons of -- let's see, what color -- 57's. Then
8 they filled 3 with 57's, the entire hatch, they filled 3. Then
9 they put another 25,000-plus, it looks like -- yeah, 25,000-plus
10 in 4 with the 57's. Then they went to 6 and they put 28 -- no,
11 no, 2500 tons. And then they switched products and they switched
12 to 8's and that went into -- I don't know what hatch that is.
13 Okay, that would be Compartment 4.

14 So this first -- the first ones, we're doing Compartments 1
15 and 2, then they switched and started doing Compartment 4 with the
16 8's, then they put -- they did 8, 10, 12, and 14 hatches with
17 tonnages. Then they switched over and did 9's and they did 16 and
18 18 with tonnages. Then they switched back over and did 8's again
19 and they filled 21, then they filled 22, and I believe I was out,
20 I believe I came out when we were just starting 22. No, no, no,
21 no, no, no. Twenty-one. We were at 21 when I came out, we
22 already had started to do 21.

23 Q. Okay.

24 A. So that's when I came out. Then we filled that, filled 22,
25 filled 20. Kept the same product. Then we went to 15 hatch for

1 tonnage, 13 -- yeah, 13 hatch for tonnage and 9 hatch for tonnage
2 and that's when we started tripping. We switched our product, we
3 went back to doing the 57's and we did 2, 5, and 7 with the 57's
4 and then we switched back products again to the 9's and finished
5 the last two hatches.

6 Q. Okay. So talk to me real quick about how many hatches are on
7 board and how many cargo holds are there and how does that relate
8 to this boat.

9 A. On this particular boat there are six cargo holds, there are
10 22 hatches. As in the book here, Hatch 1 through 3 is Hold 1; 4
11 through 7 is Hold 2; 8 through 11 is Hold 4; 12 through -- 12
12 through 15 is -- what was that, 1, 2, 3, 4; 16 through 18 is -- 16
13 through 19 is 5, and 22 through 20 -- 20 through 22 is Hatch 6 --
14 Hold 6.

15 Q. Okay.

16 A. That's probably the smallest.

17 Q. To clarify, 8 through 11 would be --

18 A. Hold 3.

19 Q. Hold 3.

20 A. Yeah.

21 Q. Okay. And that's Hatches 8 to 11.

22 A. Eight to 11, yeah.

23 Q. So hatches refer to hatches --

24 A. They're openings, yeah.

25 Q. -- over the hold.

1 A. Over the hold, yes. Yeah, yeah, just pop them open, the
2 hatch -- you have the hatch.

3 Q. Hold.

4 A. Yeah.

5 Q. There's multiple hatches for the --

6 A. Yeah, yeah. Basically, yes, multiple hatches. Some of them,
7 of course, you can see have more hatches than others.

8 Q. And obviously, within each hold you don't want to intermingle
9 the different grades.

10 A. Yes, yes, we don't want to -- we don't want to -- it's called
11 contamination, we don't want to do that with the cargo.

12 Q. Right. And the person that's doing the loading and the
13 directing of the hatch shifts, who's in charge of that?

14 A. The mate on watch.

15 Q. Okay.

16 A. He's making sure that the right cargo is going into the right
17 hatch.

18 Q. Okay.

19 A. And the right tonnages.

20 Q. Okay. And then the person on dock --

21 A. Is doing the loading. He's up in the booth, he's got to
22 conveyer belt and he's just dumping cargo in the boat, going back
23 and forth to keep the boat trim.

24 Q. And they work for the facility?

25 A. They work for the facility. Like Port Inland, they work for

1 Carmeuse.

2 Q. Got you. And you're kind of controlling that conversation,
3 directing the --

4 A. Yeah.

5 Q. Okay.

6 A. Yeah.

7 Q. You know, slow or stop.

8 A. Well, if he's just putting tonnages in the boat, he's just
9 going to load.

10 Q. Okay.

11 A. I'm not telling him to go slow --

12 Q. Oh, okay.

13 A. -- or stop. He's just -- if he's --

14 Q. So to start --

15 A. They put 500 tons in there. He's just going to dump 500 tons
16 in there.

17 Q. And you guys are telling them we want 500 tons in Hatch 2?

18 A. Yes. Yes, he's got a copy of the load plan that we sent
19 prior to we get to the dock.

20 Q. Okay.

21 A. So everything's all set up so they know exactly what we're
22 supposed to start with and how many tons are going where. We
23 always -- I always confirm it, that we are -- this is this
24 product, this is this ton going to this hatch, because some of
25 these loaders sometimes can't count and they go past the hatch and

1 you got to say hey, back, you missed the hatch, not going there,
2 so you got to kind of watch them.

3 Q. Okay. And then this table that's on the left side of the
4 book, what --

5 A. This is just for delays, the start times where people start
6 and stop, the guys' hours, to keep track of the guys' hours.

7 Q. Okay. And this is being printed off by the mate?

8 A. Yeah, yeah. This is the same.

9 Q. And it looks like this is -- both of these tables, are these
10 like glued in here or they --

11 A. Yeah, they're glued. Yeah, they're glued.

12 Q. Okay.

13 A. The planner, yeah. I glue and tape mine in my books.

14 Q. Okay. And this is standard across the fleet?

15 A. Standard pretty much. Yeah, yeah, standard.

16 Q. Okay.

17 A. I mean, everybody's may be set up a little bit differently,
18 but it's pretty standard.

19 Q. Okay. And you had no issues with understanding this load
20 plan?

21 A. No, not really. I didn't have any issues. Again, the only
22 issue I had was at the end there, when he had us doing 19 hatch
23 first or 19 hatch last, to finish the load, because I was like
24 that ain't going to work because that's underneath the boom and I
25 wouldn't be able to get the rig underneath the boom. So I swapped

1 those two out, I did 19 first and then I did 17 because the rig
2 will fit underneath them, because when the boom is centered, the
3 loading rig will fit underneath the boom. You can't do it at 19
4 because you would have to swing the boom out. So that's the only
5 thing, because when we were -- when I was looking at the book that
6 morning and I was going down here, I'm like why is he doing that,
7 because I started to look because, of course, I've never been on
8 this boat before, so I'm looking around and I'm like well, that's
9 not going to work because that boom is in the way of 19, why has
10 he got us finishing at 19 first, so I was like just swap them
11 around, I was like -- it looks like it would fit under 17, so I'll
12 just swap it around and I would just do 19 first and then 17,
13 because it really doesn't matter how you finish it up.

14 Q. Okay.

15 A. And I wanted the boom centered because again, if the -- if
16 I'm finishing in 19 and I got the boom over the side and I swing
17 the boom back in, my drafts are going to be all messed up, it's
18 not going to be right.

19 LT. [REDACTED] Right, okay. Adam, did you have any questions
20 left for this?

21 MR. TUCKER: Yes, a couple follow-ups. Yeah, yeah.

22 BY MR. TUCKER:

23 Q. I notice here, and I'm looking at a black and white copy
24 here, so --

25 A. Okay.

1 Q. -- some of these might just be very simply clarified. But
2 the first one is, in the special instructions, it says no deeper
3 than, and again, if I'm that third mate, the new hire third mate
4 or second mate, whatever, and you're trying to teach me now.

5 A. Yeah.

6 Q. I'm from the saltwater side. So it says no deeper, so it
7 says 26-8, Mack plus two-zero, what does that mean?

8 A. That's final draft is no deeper than 26.8 and Mack is -- it's
9 the water gauge at Mackinaw City.

10 Q. Okay.

11 A. And that plus 20 is the water level at that time.

12 Q. Okay, 26 foot 8 inches is the --

13 A. Max draft.

14 Q. -- max draft and Mackinaw is plus --

15 A. Twenty at the water gauge.

16 Q. Plus 20 inches.

17 A. Yes. That's the number that you use to determine that max
18 draft, then plus 20.

19 Q. Okay. So again, I don't have the chart in front of me, so
20 I'm just going to use a hypothetical number. So if I'm
21 understanding correctly, say it's around -- it's going to be -- if
22 the depth at the dock is going to be 25 feet --

23 A. Yes.

24 Q. -- add --

25 A. You add the 20 inches to it.

1 Q. So it's 25 feet 20 inches for that --

2 A. Yeah.

3 Q. -- water gauge and the water gauge used is at Mackinaw.

4 A. Yes.

5 Q. Okay.

6 A. I think that's the -- well, actually De Tour is probably
7 closer. But when I make up load plans, I use two because a lot of
8 these places are like -- Cedarville's right in the middle.

9 Q. Okay.

10 A. So I would use Mackinaw City and De Tour and average them
11 out.

12 Q. Got you.

13 A. So I don't know how he did it here. I mean, really, in
14 general, there's not much of a difference between the two if you
15 do something like that.

16 Q. Uh-huh.

17 A. Quarter inch, maybe two. You know, maybe a couple quarter
18 inches, it's really not that much.

19 Q. Okay.

20 A. Unless the wind is howling.

21 Q. Yeah.

22 A. But there's really not that much difference. But I always
23 generally use two and average them out.

24 Q. Okay. And then it says call first mate or captain any time
25 needed to understand --

- 1 A. Yeah, yeah.
- 2 Q. -- watch, drafts, asterisks --
- 3 A. Yeah.
- 4 Q. -- asterisks, asterisks. Okay, I understand that. This is
5 another -- I just don't understand. Boom with H2O in 6 starboard.
- 6 A. Yeah.
- 7 Q. So boom out --
- 8 A. They use water to swing the boom out and 6 starboard tank.
- 9 Q. Okay, so the boom swings out, you got to put water in 6
10 starboard.
- 11 A. Well, this way.
- 12 Q. Yeah.
- 13 A. You got to get -- you got to put the -- you got to pump 6
14 starboard down --
- 15 Q. Okay.
- 16 A. -- because the boat -- because the boat's going to start
17 leaning inboard --
- 18 Q. Um-hum.
- 19 A. -- so you'd pump, we'd start pumping it, then you start
20 swinging the boat out, the boom's going to start leveling itself
21 out.
- 22 Q. Got it. Okay, so you use the 6 starboard, you utilize the
23 tank.
- 24 A. They were using 6 starboard, yes.
- 25 Q. Okay.

1 A. Yes. And again, that's rare for me, I don't use -- on the
2 *Calumet*, I don't -- we don't really use water --

3 Q. Okay.

4 A. -- for boom. We just usually use cargo, we just pile it on
5 one side, 700 tons, swing the boom out.

6 Q. Okay. Then run rig off tonnages, don't -- run rig off
7 tonnages, don't fit.

8 A. I'm pretty sure that meant that if it was looking at these
9 tonnages weren't going to work, like say 2500 tons, it was going
10 to overflow the hatch, shut them off early.

11 Q. Okay.

12 A. That's just hey, you know, you're -- that's the reason why
13 you got to watch the hatch.

14 Q. Right.

15 A. The mate's got to kind of be there to make sure the tonnage
16 fits. So the way I would read that, is that he didn't know if
17 that cargo was going to fit in that hatch.

18 Q. Okay.

19 A. That's the way I read it, I read it.

20 Q. Yeah.

21 A. But apparently all did because it's pretty much all in there,
22 as far as I can tell, it looks like it all went in there.

23 Q. Okay. And then it says rig cannot reach outboard. Do not
24 pack inboard side. Or your port side will lop-side, so --

25 A. Yeah.

- 1 Q. -- do not pack the port side.
- 2 A. Yeah, I don't think that was right, that rig was reaching
3 outboard perfectly fine.
- 4 Q. Okay.
- 5 A. Because I was out watching, it was out there.
- 6 Q. Okay. And then it just says bottom. And again, this is -- I
7 don't know what color, it looks like they're highlighted, 57's.
- 8 A. Eights and nines.
- 9 Q. Eights and nines.
- 10 A. That's the cargoes.
- 11 Q. Okay.
- 12 A. It corresponds with -- with the colors here.
- 13 Q. Okay, all right.
- 14 A. See, you got 57's is green, 8's is that.
- 15 Q. Right, okay. Yeah, that's what I'm missing out of this --
- 16 A. Yeah.
- 17 Q. -- black and white copy, okay.
- 18 A. Yes. Yeah, some of this stuff that you write in these
19 special instructions, it's pretty standard stuff.
- 20 Q. Okay.
- 21 A. You hold -- I mean, I have standard stuff that I -- that I
22 keep, that I keep in mind, you know. And again, call the first
23 mate or captain if there's any problems.
- 24 Q. Yeah.
- 25 A. You know, they're just standard orders.

1 Q. Yeah.

2 A. Standard, you know, like your standard orders.

3 Q. Okay. And then, again, black and white copy here, but it
4 looks like --

5 A. Even on the front of the book you got standing load orders.

6 Q. Oh, okay. All right. Yeah, yeah.

7 A. And these are pretty much common.

8 Q. Yeah.

9 A. Every book.

10 MR. TUCKER: Okay.

11 LT. [REDACTED] I'll end up taking a color photo and I'll share
12 it with --

13 MR. TUCKER: Yeah, we have -- we were sent a copy of that one
14 already, but --

15 LT. [REDACTED] And it isn't color?

16 MR. TUCKER: Yes, it is in color, yeah. At least -- yeah, I
17 have that, I just looked at it.

18 BY MR. TUCKER:

19 Q. So this is just hard to see, so when it says -- so I
20 understand, what does the R mean, it's like R1, R2, R3 across the
21 top?

22 A. Run 1, Run 2, Run 3. That means Run 1, down the deck.

23 Q. Yeah.

24 A. Run 2, up the deck. Run 3, back down the deck for trim.

25 Q. Oh, okay.

1 A. It's just --

2 Q. So that's with the rig, run --

3 A. Yeah, yeah, yeah. Yeah, that's -- it's not really for the
4 rig, it's Run 1 is -- it's how you set up the load. Your first
5 run is going to be down the deck, your second run's going to be up
6 the deck.

7 Q. Oh, okay, that's the arrows. That's the arrows, okay.

8 A. Yeah, yeah, that's what the arrows mean.

9 Q. All right.

10 A. I don't use those arrows in my book because they confuse
11 people.

12 Q. Okay.

13 A. When on the *Calumet*, I don't use these, I don't use -- I
14 don't use this layout, but it confuses people.

15 Q. Got it, okay.

16 A. I just do one simple down and then back up and then back
17 down. Usually, they did a pretty good job here, but when I'm --
18 when I'm loading, I scratch things out as I go.

19 Q. Okay.

20 A. So I make sure that it's -- that it's there.

21 Q. Yeah.

22 A. But as you can see, people were doing that.

23 Q. And then it says like, just in the middle here, it says, like
24 on Hatch Number 9, it says -- it looks like maybe call or --

25 A. Call first mate.

1 Q. Call first mate, okay.

2 A. Yeah. That's what he put in the book, I didn't put that in
3 the book.

4 Q. Okay.

5 A. That's when, apparently -- because again, he wasn't supposed
6 to get off that day, he had (indiscernible). See, I was just kind
7 of like -- he didn't even know until that -- probably around noon-
8 ish that he was even getting off.

9 Q. Okay.

10 A. It was just kind of like you're getting off, he's coming. It
11 was kind of a contractual thing because when the first boat fits
12 out for the season, they have 30 days until they get senior
13 personnel to start working and it was right there and honestly, I
14 was complaining.

15 Q. Yeah.

16 A. It's like I want to go to work.

17 Q. Yeah.

18 A. You're getting really close to the 30 days here and I really
19 want to go to work.

20 Q. Yeah, yeah.

21 A. And I think they just kind of like -- all right, you're going
22 home.

23 Q. Just curiosity on something. For that 30 days, could they --
24 say you want to go to work but there's a second mate position
25 open, can you come in and just fill a second mate position?

1 A. I'm the company senior second and third mate.

2 Q. Okay.

3 A. I'm not the senior first mate, but I'm the company's senior
4 second and third.

5 Q. So you can go in and fill in --

6 A. I could've filled out any spot, yes.

7 Q. Yeah, okay. All right, back to the -- so I'm assuming, just
8 to clarify, there's tons and then it looks like it's written in
9 pencil and those are the actual load --

10 A. Tonnages, yeah.

11 Q. Yeah, okay. And that's what -- that's calculated based on
12 the conveyer side or vessel, that you guys calculated?

13 A. I don't know what you're looking at. Where it says tons?

14 Q. Yes.

15 A. That's what the loader is saying that he put in the hatch.

16 Q. Understood, okay.

17 A. Yeah.

18 Q. And then -- oh, to backtrack. So there's cargo, I understand
19 that one and again, I'm not looking at color, it says shift and
20 there's -- under 16, it says -- it looks like there's a 15 written
21 in there or something like that.

22 A. I think that's how long it took them to shift the boat.

23 Q. Okay.

24 A. Because at that point you have to shift the boat astern or
25 ahead.

1 Q. Right.

2 A. At this point you have to shift the boat ahead to get into
3 the after hatches. So I think that's how long it took them.

4 Q. So reading this, it would be --

5 A. Fifteen minutes.

6 Q. There was only one shift that took 15 minutes?

7 A. Yes, yeah.

8 Q. Okay. All right. And then finally -- and this, I think,
9 goes back to a question I had about -- you said the ABs were
10 responsible for pumping out the ballast water.

11 A. Yes.

12 Q. And so where it says H2O, last column --

13 A. Yeah.

14 Q. -- it says pump number 1 to 3 feet, pump number 2 to 3 feet
15 and --

16 A. Yeah, yeah.

17 Q. So they look like they're all slashed through, meaning they
18 were done, so --

19 A. Yeah, they were done, yes.

20 Q. All right. And so why would you pump to like 3 feet, any
21 idea?

22 A. From the way I understand it, on this boat you have to keep
23 water in Tanks 1 and 2 because when you start -- if you pump them
24 dry, you lose suction on the rest of the tanks when you're trying
25 to -- try to pump them. I'm not exactly sure.

1 Q. Okay.

2 A. You know, that's the way I understood it, it was like --
3 because when I looked at the boat when I first came out, I was
4 like why was the water still up there. He was like, well, we got
5 to keep water up there to keep suction for the rest of the tanks
6 and when we start -- when they start pumping sixes, they'll still
7 be pumping ones and twos, because by that time they got a rake in
8 the boat and it's -- the water starts pumping back easier.

9 Q. Okay.

10 A. That's my understanding of it.

11 Q. Got it, okay. And let's see what else. So the times here,
12 I'm on the other page.

13 A. This time.

14 Q. The left page, yeah.

15 A. The left page, all right.

16 Q. There's the CDD (ph.), I understand that's probably the dock
17 date --

18 A. Yeah.

19 Q. -- for 20, cargo, split cargo, Carmeuse. So it says ready
20 14:39, does that mean --

21 A. That's what time they were ready to load.

22 Q. Ready to load.

23 A. Yeah.

24 Q. And then start 15:17. So this is all on --

25 A. Yes.

1 Q. On the 20th, okay. And okay, these are the delays, so there
2 was a delay --

3 A. Yeah, a change in the -- a dock product change and --

4 Q. Dock product.

5 A. -- the new third wrote down a couple -- shut down for samples
6 of the product that got hit.

7 Q. Oh, the sample test, okay. I see that, yeah.

8 A. Yeah, but -- and when I came up -- when I saw her the next
9 day, I told her you don't have to write that down because that's
10 part of the load.

11 Q. Okay.

12 A. That's just it. I mean, if the dock broke down, then yes,
13 but if it's the sample, then that's just part of the load, that's
14 just how it works.

15 Q. Understood, okay. And then guys, it says hopper --

16 A. Yeah. Hopper came in. Yeah, those are the guys -- the guys
17 hours, people who were working.

18 Q. Okay. And they are the hours that they're working?

19 A. Yeah.

20 Q. Okay. So -- all right. And then loader has his own radio.
21 I can't read the rest.

22 A. Came in to work until 10:30, then hits 15. He would've been
23 at 15 hours at 10:30.

24 Q. Right, okay. You said they're the hopper -- no, they're just
25 deckhands, right?

1 A. Well, Hopper's the bosun and Cameron's (ph.) the deckhand.

2 Q. Got it, okay. All right. That clarifies that, then. I
3 think I've asked every question I can on that one. And just to
4 clarify, it says do not pack inboard side, so you said that's not
5 correct because the rig could reach over --

6 A. The rig was reaching. When I was out on deck early that
7 morning and before we -- before I even went on the dock to trim,
8 he was reaching from -- he was reaching outboard, he wasn't having
9 an issue.

10 Q. Okay.

11 A. That rig can reach pretty far.

12 MR. TUCKER: Got it, okay.

13 BY LT. [REDACTED]

14 Q. Is there anything else in this, in this booklet, that is used
15 for creating the load plan?

16 A. No.

17 Q. I know you had turned a couple of different like --

18 A. No, no, there's nothing in here that actually helps you
19 create a load plan. I mean, you might use this book and others
20 like it to help you, you know, kind of (indiscernible) one
21 together. But for the most part, load plans should have -- again,
22 if it's a straight load, it's standard. Like, if you see right
23 here, they loaded PET caulk in Toledo and it's straight down the
24 deck, straight up the deck. There probably wasn't even much
25 trimming because there was probably no -- the only time a mate

1 probably would've went on the dock was towards the end of the load
2 to get the drafts because there probably was no draft for
3 steerages (ph.). There's none in Toledo and I don't know where
4 they took this. If they took it to Detroit, there are no draft
5 restrictions, so you just plug the boat and go, you just fill it
6 up as much as you can and get out of there.

7 Q. Okay. Any other company policy or guidance that you guys --
8 or that you would use for loading?

9 A. There's not -- I mean, every boat is different; again, a lot
10 of it depends on what you're loading, how deep you're loading to,
11 what the captain's preferences are, what the customer's
12 preferences are, so you got to kind of take all that into account.
13 I mean, there are -- like I said, there are standing orders that
14 we have. These are their standing orders and from the way it
15 looks, they're pretty close to what I have in mine, over there.

16 I'm not the permanent first on the *Calumet* yet, so a lot of
17 the stuff that you went over there and seen, you just see my name
18 half the time. So I just went by what the permanent first did.
19 He did it his way, I did it his way. Now they're not going to be
20 -- the permanent first over there might switch things around a
21 little bit, I don't know, because his system worked well, so maybe
22 you just don't touch it. That's the dead weight.

23 Q. So you said that you did this dead weight survey upon --

24 A. After --

25 Q. -- departing?

1 A. Yeah, after we re-looked at the drafts, after we looked at
2 the drafts after he went around on the workboat.

3 Q. Is this something that you typically do?

4 A. We do a dead weight after every load.

5 Q. Okay, thanks.

6 A. Every load. Every load, because the office gets a copy and
7 we put it with the deck log when we send the deck log into the
8 office, traffic gets a copy of all of the bill of lading, it all
9 gets e-mailed in to them. You know, whenever I get to it.

10 Q. Got you.

11 A. Or they start complaining that they ain't got it.

12 Q. And you said that you had logged the final draft --

13 A. The final drafts. After the water had been put in the boat
14 to straighten us out, all of that is calculated in there.

15 Q. And what was the draft?

16 A. We had 26.1 or 26.08 on the bow, which is what, 26.2; 26.25
17 in the middle, which is 26.3; and 27.25 on the stern, that's 27.3.

18 Q. Okay.

19 A. So they give us a mean draft of just about 26 and a half
20 feet.

21 Q. Okay. And remind me again, what was the goal, the final
22 load --

23 A. Twenty-six eight max draft.

24 Q. -- that you were looking for?

25 A. Max draft.

1 Q. Okay. So max draft --

2 A. That's what I was actually shooting for.

3 Q. Twenty-six eight.

4 A. Eight, yes.

5 Q. And the final here --

6 A. Mean, we're just a couple, we're like a couple inches light.

7 Q. Okay.

8 A. Which is normally not an issue with anybody.

9 Q. Okay. Is there anything else that, up to this point, we have
10 not talked about that you think that we should be aware of,
11 anything that you haven't kind of dove into yet?

12 A. Oh, no. I can't really think of anything, I just pretty much
13 covered everything and I just --

14 Q. So if you were going to tell me, in your own words, kind of
15 what happened that, you know, led to the damage up on the port
16 bow, what would that be?

17 A. Well, honestly, I don't even know how that -- how that
18 happened, I don't know how we got stuck, because if we were that
19 planted on the bottom, I don't know how the boat moved. I mean,
20 if we were stuck and we're putting holes in the boat, I don't know
21 how we were able to shift. We swung the boom out, you know, we
22 swung the boom out and used those leads and she shifted and she
23 shifted pretty good. Once we got it moving, she was moving. So
24 I'm just dumbfounded to how -- where that could happen because the
25 bow slid off. They weren't touching the forward wires, they

1 dropped them in the water and that bow had swung off and I'm like
2 okay, we're good, we're going, because again, it's kind of common
3 knowledge that that stuff happens and that's kind of the practice
4 that you do, you just kind of do what you need to do to shift the
5 boat, the engines, anything you can to shift the boat and you
6 continue on, and I'm just dumbfounded about what the hell did we
7 hit and I don't even know what's up there, I don't even know where
8 it's at.

9 Again, I work on a boat that's much smaller and I don't have
10 to worry about that kind of stuff and we don't shift that far
11 ahead. I mean, we're shifting maybe 48 feet to get -- you know,
12 48 feet either way to get our after hatches. Here, I'm shifting
13 70 feet plus. So I don't even know where that spot is. When
14 Captain Jeff had mentioned it when we got stuck originally, I was
15 kind of dumbfounded, I was like really, there's a shallow spot,
16 where? I thought it was gone because they had replaced that
17 entire dock, since 2015 that entire front dock has been replaced.
18 The rumors I heard is that they had cleaned that up and everything
19 was good.

20 So when I'm looking at that draft that he made up, I'm like
21 good, we're set. You know, I didn't even -- didn't even think
22 that that would be an issue. I mean, he's loaded the boat, I
23 never have, so I was like okay, well, he must know, he's loaded
24 the boat before and he's the first mate and, you know, he's the
25 permanent, he must know. So I just would've imagined that those

1 drafts were good.

2 Q. At any point between you guys getting under way and finding
3 out that you were making water in the port 1 and 2 ballast tanks,
4 was there ever any other incidents, any collision, allisions,
5 running aground?

6 A. I don't know if there was a collision. I went to my room, of
7 course, and I'm all out, but I was out on the deck having a cigar
8 and I didn't feel the boat rumble, I didn't feel anything, but we
9 did kick up dirt and that's kind of -- it happens a lot. I mean,
10 you kick up dirt, you kick up dirt, you know, going across Lake
11 St. Clair at this draft, you kick up dirt going across Lake Erie
12 at this draft and, you know, we kicked up some dirt and I didn't
13 think nothing of it, you know, I just went back to my room after
14 my cigar. And that's when -- I can't tell you how long it was
15 that I think the second mate came down to my room and said hey,
16 Jeff wants to watch the -- watch the workboat to check the drafts.
17 I was like, okay.

18 And I went to the pilothouse and he was like oh, do you want
19 to go on the workboat and I'm like no, I'm not comfortable with
20 that because there's a little bit of a chop and I'm like no, I'm
21 not going on that workboat, not in the open lake. So he was like
22 okay, you stay up here, work the thrusters, you know, get us spun
23 around so we get in the lead a little bit and then I'll go. I was
24 like, okay. So that's what I did and I was up there for probably
25 20 minutes doing that until he came back up and straightened the

1 hull back out and started heading back south again. Then it was
2 sometime after that they opened up the ballast tanks. I don't
3 know exactly when because I went back down to my room and by the
4 time I came back up on watch, he was already on the phone to the
5 office, maybe to the Coast Guard, I know he was talking to people
6 and I was just kind of like what's going on and he said we got
7 holes in the boat. I was like, okay. I mean, it's like, so what
8 are we going to do, how bad is it, he said I don't really know, we
9 just got holes, we got like three or four holes. I did eventually
10 go down there and look at them when we were in North Bay anchored
11 and I saw it.

12 Yeah, so as -- yeah. Yeah, he mentioned something about a
13 shudder and a rumble and I didn't hear or see anything, I mean,
14 other than the dirt that we kicked up, I didn't feel anything, I
15 didn't hear anything. Of course, I really wasn't paying
16 attention, I was just on the back deck enjoying my cigar. After
17 working for the last, you know, 6, 7 hours, I was exhausted.

18 Q. And about what time was that?

19 A. Oh, it was probably close to noon, anyway.

20 Q. So were they already serving lunch or was lunch already over?

21 A. I don't even eat lunch, so I would imagine they were serving
22 lunch. Or just eating it, anyway. Yeah, I didn't -- I mean, I
23 didn't even eat that morning, I was on the dock and I didn't eat
24 until late that night.

25 Q. About how many hours did you end up working in that 24-hour

1 period?

2 A. Well, I come at 3:00 or 4:00, 4:00, let's just round it up to
3 4:00, I worked until probably 11:30 when we left and then I came
4 up maybe when Jeff wanted to go on the workboat, that was probably
5 an hour later, 45 minutes, an hour later, and I was only up there
6 for like maybe 30 minutes and I went back down to my room and then
7 came back up and went on my watch. So that's what -- that's about
8 10 hours, probably more -- less than 12 hours.

9 Q. Do you have your hours logged?

10 A. Yeah, it should be on the -- it should be -- I didn't log on
11 the thing when I just went up there for 20 minutes or the half
12 hour when he was in the workboat, I didn't log that because, you
13 know, I was up anyway, so I didn't just log that and I didn't even
14 like count it as overtime or anything, I just went up there.

15 Q. Okay. But you were up on the bridge by yourself at that
16 point?

17 A. Yeah, yeah, yeah. Yeah, I was just watching the workboat
18 and, you know, keeping the boat into the -- keeping the side of
19 the boat, that we wanted to, in the lead so they can get the
20 drafts real quick.

21 Q. Okay.

22 A. And that probably took 30 minutes, if that.

23 LT. ██████████ Adam, I'm sure you got some questions.

24 MR. TUCKER: I do, but I almost need -- we almost need a bio
25 break again.

1 LT. [REDACTED] Okay, yeah. Sorry, you're a good witness for
2 us, for this conversation. We'll take one more bio break and then
3 we'll come back and we'll try to wrap things up.

4 (Off the record at 10:40 a.m.)

5 (On the record 10:53 a.m.)

6 LT. [REDACTED] It is 10:53, 25 April 2023, it's the continued
7 interview with Brian Harvey, first mate for the *John J. Boland*,
8 for the material failure on 21 April 2023. The Coast Guard has
9 finished up with questions. I'm just going to pass the floor over
10 to NTSB for follow-up questions.

11 MR. TUCKER: Sure, thank you.

12 BY MR. TUCKER:

13 Q. Yeah, Brian, thanks again for talking with us and --

14 A. Yeah.

15 Q. -- a couple follow-ups. And thanks again for the
16 description, helping us through this and understand a lot of the
17 items here. So first, I understand your first day on board, you
18 came on around like 8 o'clock p.m. --

19 A. Yes.

20 Q. -- on the 20th.

21 A. Yeah, the previous night, yes.

22 Q. Yeah. And I understood you met the permanent first mate.

23 A. Yeah.

24 Q. And we talked about the hand over, I just want to clarify,
25 did you at that time receive any type of handover notes?

1 A. No.

2 Q. Any special instructions from the --

3 A. No. No.

4 Q. -- mate? Okay. When was the first time -- you mentioned you
5 thought the dock was clear of -- or sorry, the dock was newly
6 constructed --

7 A. Yes.

8 Q. -- and the information that had existed was from 2015, so --

9 A. Yeah.

10 Q. -- you didn't think that that was a factor.

11 A. Yeah. Not only that I didn't think it was a factor, again, I
12 never load that deep and I never shift a boat that far ahead.

13 Q. Got you.

14 A. So I didn't even realize -- I just had totally forgotten that
15 maybe even it was there, but I had also heard that since they
16 rebuilt the dock, that it wasn't there. So there was those kind
17 of two factors playing in.

18 Q. Understood.

19 A. So, you know, it was like me not having to worry about it and
20 then there was the other fact that I had heard through grapevines
21 or just gossip that since they had replaced that entire front
22 dock, that that had been taken care of, that was -- that was gone.

23 Q. Yeah. Okay. And as mentioned, there were no special
24 instructions from the off-going --

25 A. No.

1 Q. -- first mate.

2 A. No.

3 Q. Now, you mentioned, as well, that he -- and I just want to
4 clarify and if you don't know, you don't know, but he didn't know
5 he was supposed to sign off that day?

6 A. No. No, he did not find out until that afternoon that I was
7 coming.

8 Q. Okay.

9 A. It was one of those "you're going," you got to go because
10 he's coming.

11 Q. All right. And had he fulfilled his hitch or anything like
12 that or --

13 A. I think he did.

14 Q. Okay.

15 A. I think he was -- I think he was over by a couple days,
16 actually.

17 Q. Okay, all right.

18 A. Yeah. Yeah, I think he was -- technically, I think he was
19 due off that Wednesday and they didn't have a relief for him and
20 then all of a sudden, I was -- again, I was complaining that I
21 wasn't working because of the contract and they were like we'll
22 put you over there.

23 Q. Got you, okay. And that was kind of going to be my next
24 question, but I understand it now. I had 9 o'clock circled in my
25 notes, but --

1 A. Yeah.

2 Q. -- you had e-mailed the office around 9 o'clock that morning.

3 A. Yeah, yeah. The e-mail is on my phone, yes.

4 Q. Okay.

5 A. Yes.

6 Q. And you were e-mailing ops people or HR people or --

7 A. Well, her name is Tammy, she's a -- I don't know. Is she's
8 actually HR? Yeah, okay, she's associated with HR, she's the --
9 she's the one that hooks up our travel.

10 Q. Okay.

11 A. You know, so it's -- so the other one is Mark Kennedy and I
12 couldn't get a hold of him, so I was going through Tammy.

13 Q. Okay. And so there was no handover notes or anything like
14 that --

15 A. No.

16 Q. -- given to you.

17 A. No. And again, I can understand maybe why, because it was
18 just maybe a spur of the moment thing.

19 Q. Right, yeah.

20 A. Then it was just like -- because he wasn't even packed when I
21 got to the boat, he wasn't even really ready.

22 Q. Okay.

23 A. I mean, he had a couple bags packed and I kind of -- I waited
24 and I was talking to Jeff and he was finishing packing.

25 Q. Okay. All right. Let's see. A lot of these have already

1 been answered, so -- I ask this of a lot of people, but did you
2 take any pictures of anything during any of this evolution?

3 A. No.

4 Q. You know, I understood the --

5 A. No.

6 Q. Okay.

7 A. No. No. No, I do not put anything about my job on any
8 social media.

9 Q. Okay.

10 A. Nothing.

11 Q. Got it.

12 A. I might send pictures to my wife, of sunrises and sunsets,
13 but I do not post things. The company is very strict about that
14 kind of stuff and I just avoid it entirely. I don't have any
15 videos of nothing, pictures of nothing, I just avoid it entirely.
16 I don't post when I'm getting on and off the boat, where I'm at or
17 anything, I just --

18 Q. Understood. Let's see. So you laid down around 9:30 that
19 night. After getting on board, I understood you walked around
20 just to familiarize yourself on deck. That was one of the
21 questions I had, was there any issue in checking the drafts from
22 -- I understand, so the port side was one of the sides, that you
23 were only --

24 A. Yeah.

25 Q. -- able to see the port side.

1 A. Yeah.

2 Q. Was there any obstructions? You mentioned the camels and all
3 of that.

4 A. Well, there's not obstructions. When you shift the boat so
5 far ahead, you can't see the bow draft.

6 Q. Okay.

7 A. If you shift the boat astern, you can't see the stern draft.

8 Q. Right.

9 A. Because it's too far out, you can't see it.

10 Q. Yeah.

11 A. There are certain points you're not going to be able to see
12 it. And again, on the *Calumet*, I don't have that problem, it's a
13 boat that's 50 feet shorter and --

14 Q. Yeah.

15 A. -- we can't -- and the way our deck is set up, you'll have
16 the shift about 48 feet either way.

17 Q. Right.

18 A. So this boat, of course, is longer and the deck arrangement
19 is different. So we were -- when we finished forward and after we
20 got finished in the forward end and we got stuck and we came off,
21 I was able to run up there real quick and get the forward draft
22 before it got way too far ahead of me to see.

23 Q. Okay.

24 A. And then I just went back aft.

25 Q. Do you recall what that --

1 A. It was 26.10 and that's exactly what I was shooting for
2 because I was going to tip the bow, I was going to tip the bow
3 back up.

4 Q. By loading the stern.

5 A. Yes.

6 Q. By trimming in the stern, yeah.

7 A. By trimming in the stern.

8 Q. Yeah.

9 A. I was going to tip the bow back up because that was what 19
10 hatch was going to do for me. I was going to pretty much fill 19,
11 get that bow up. If it was packed, if it ended up being 26.6, I
12 didn't care.

13 Q. Yeah.

14 A. I mean, as long I wasn't 26.8, fine. So I was going to tip
15 that bow up and then use my 17 hatch to finish trimming off the
16 back of the boat because again, that's a forward holding hatch.
17 The bow doesn't sink, the stern does.

18 Q. Got it. I know you're new to this vessel, I think I know the
19 answer, but any issues discussed with you regarding the hogging or
20 sagging of the vessel?

21 A. No.

22 Q. Any special conditions there?

23 A. No, no.

24 Q. Okay. Any shear force issues or anything --

25 A. No, no.

1 Q. -- that you're aware of?

2 A. No.

3 Q. Let's see. So got that, got that. Okay, we established
4 that, about the ABs and how they know how to pump out the water.
5 I'm curious, just during your watch, was there any problems
6 reported to you regarding the ballast or --

7 A. No.

8 Q. -- de-ballasting operation?

9 A. No.

10 Q. Any capacity issues there?

11 A. No, they were -- everything seemed to be fine.

12 Q. Okay.

13 A. My AB on my watch didn't have a problem, everything --

14 Q. Understood. And the trim tables you reference, they are the
15 ones that are in your -- in the load book there?

16 A. In the back of the book. Yeah.

17 Q. In the back of the book, okay.

18 A. Yeah.

19 Q. All right.

20 A. I think this book was -- I would take this on the dock with
21 me --

22 Q. Okay.

23 A. -- when I'm trimming the boat --

24 Q. Yeah.

25 A. -- so I can kind of look in the back and say all right, you

1 need to come down 6 inches in this hatch and let's say it was
2 trimming 7 hatch.

3 Q. Right.

4 A. Okay. And I needed to come down 6 inches. Every hundred
5 tons is 1.96 inches.

6 Q. Okay.

7 A. It's basically 2 inches.

8 Q. Yeah.

9 A. I automatically knew I needed 400 tons.

10 Q. Got it, okay. Makes sense. I'm just noting I'll probably
11 grab a copy of that, too, the chart tables. Let's see. I think I
12 know the answer to this question, too, but just back at the dock
13 in Cedarville, are you aware of -- based on your past there, of
14 what the bottom composition was?

15 A. No.

16 Q. Okay.

17 A. I mean, you could just look around and see that there's sand
18 and rock and stuff like that, I mean, so you would have to assume
19 that that's pretty much the same. I've anchored there before,
20 waiting for traffic --

21 Q. Um-hum.

22 A. -- and when you bring up the anchor, it's just mainly sand.

23 Q. Okay.

24 A. Maybe some small rocks, pebbles mixed in.

25 Q. You mentioned a 13-inch list, so I just want to clarify, this

1 list was to port?

2 A. To port, yeah.

3 Q. Port, okay. And how do they establish 13 inches? I mean,
4 that's a pretty specific number.

5 A. If you go up there in the booths --

6 Q. Yeah.

7 A. -- in those booths, they have the computers, the ballast
8 computers, and it gives you the trim of the boat.

9 Q. Okay.

10 A. And it's down to decimals.

11 Q. Understood, okay.

12 A. On this boat.

13 Q. Yeah.

14 A. On the *Calumet*, I got to go down in the engine room and ask
15 them what it is.

16 Q. Again, just putting a tick in the box here, but are there any
17 under-keel clearance special instructions for Cedarville? While
18 loading.

19 A. While loading?

20 Q. Yeah.

21 A. Well, again, there's that -- on that draft guide there's that
22 note about, you know, that shallow spot and again, I didn't even
23 think it was there anymore.

24 Q. Okay.

25 A. And it's -- what is it, it's 25 feet at Dannon (ph.) and that

1 shallow spot is supposedly 24.9, which is 3 inches.

2 Q. Yeah.

3 A. You wouldn't even -- I don't even know where it is in
4 relation to the dock or even if it was still there and it was
5 something I never -- again, I never concerned myself with it
6 because I don't go that deep. That's just not my normal loading,
7 I'd never loaded a boat that deep here. There.

8 Q. Okay. How many tons did you finally load that day?

9 A. Well, I got two numbers. Yeah, it's on the -- the dock gave
10 us 30,272 tons, but my dead weight comes up with 29,676 tons. So
11 we're about 600 tons difference.

12 Q. Got it.

13 A. The dock claims they gave me 600 tons more.

14 Q. Okay.

15 A. And that could be their scales are not correct.

16 Q. Yeah.

17 A. It could be water in the product. As they count, you know,
18 they don't subtract that. It could just be the water. So --

19 Q. That discrepancy, is that a --

20 A. To me --

21 Q. Is that a normal or --

22 A. There's discrepancies. To me, that's a huge number.

23 Q. Okay.

24 A. But I've never been on this boat before, so I don't know if
25 that's normal.

1 Q. Okay.

2 A. The boat that I'm used to working on 600 tons would be huge.

3 Q. Okay.

4 A. That would be something I'd be calling the dock and informing
5 the captain, hey, there's -- there's a huge discrepancy here.

6 Q. Yeah.

7 A. Because usually, on the boat that I work on, it's nothing
8 more than 200 tons.

9 Q. Right.

10 A. Four hundred, depending, but that's a huge number to me and I
11 don't -- just don't know if it's because the boat's the way it is,
12 so -- and I've done surveys on the *Calumet* with the surveyor
13 himself and we have come up -- we're only like 50 tons apart at
14 times.

15 Q. Okay.

16 A. So --

17 Q. Yeah, that's pretty close.

18 A. -- that's pretty close.

19 Q. Yeah, yeah.

20 A. So I don't know if it's just their information, maybe the mud
21 in the tanks is not correct, I don't know.

22 Q. And regarding the dead weight survey, is that based on -- it
23 looks like it's a spreadsheet, maybe, and you fill the numbers --

24 A. Yeah, yeah, it's kind of a spreadsheet.

25 Q. -- into a spreadsheet?

1 A. Yeah, we just punch numbers into a spreadsheet here, we punch
2 in the drafts in inches or decimals.

3 Q. Yeah.

4 A. Then we have the mean draft displacement, which is we get --
5 it's -- you can get it off your -- I can't remember the name of
6 that thing. You get that off there and then we add the fuel that
7 we had aboard, the ballast water, potable water, and any ballast
8 that we put in the boat or was still in the boat.

9 Q. Right.

10 A. And that 940 includes the 500 tons we put in 6 to straighten
11 the boat up.

12 Q. Okay.

13 A. So that number is included in there.

14 Q. Yeah.

15 A. So the rest of these numbers are just common numbers I get.

16 Q. Right.

17 A. They're stable numbers.

18 Q. So does it spit out like an unknown dead weight of anything
19 like that or, you know --

20 A. It just spits me out what I'm -- what it's saying that we
21 have.

22 Q. Okay. Yeah.

23 A. So when all of these variables are added up, that's what it
24 gives me.

25 Q. Yeah.

1 A. And then I put it and then here, that's what the dock says
2 they gave me and then --

3 Q. Right.

4 A. -- I didn't fix it, but you subtract the numbers or add the
5 numbers and you get the difference.

6 Q. Okay, yeah. That'll be the difference -- okay.

7 A. Yeah, difference right there.

8 Q. Right there.

9 A. Yeah. And as you can see, the dock claims they gave us 600
10 more tons than what I -- than what the dead weight says.

11 Q. Okay, understood. And -- all right. And this is -- just to
12 clarify, this is from an Excel spreadsheet or --

13 A. I think it's Excel, yeah.

14 Q. Okay.

15 A. And this is -- we have these -- it's pretty much on every
16 boat, it's the same kind of --

17 Q. Got you.

18 A. Same kind of thing.

19 Q. Okay.

20 A. It's just the boats' names and the characteristics that are
21 different.

22 Q. Let's see. I understood you handed over with the off-going
23 permanent first mate.

24 A. Yeah.

25 Q. Did you make any contact with him after that, like --

1 A. No.

2 Q. -- did you call him and say hey --

3 A. No.

4 Q. Okay.

5 A. No, I don't even know what time he left.

6 Q. Okay. Did the first mate, permanent first mate, when you
7 relieved him, did you know him from before or --

8 A. No, I never met him before.

9 Q. Did he know that you were new to the vessel and like --

10 A. Well, I assumed that he would know.

11 Q. Okay.

12 A. I never met him and I don't know how long he's been on that
13 boat, I have no idea.

14 Q. Right.

15 A. Or this boat, I have no idea. And apparently he's only been
16 first mate for beginning of this year, maybe a little bit of last
17 year. I don't know. So he's kind of new at the job, too.

18 Q. Okay. But you didn't say hey, I'm new to this boat or
19 anything like that?

20 A. Well, I just assumed he knew I was new.

21 Q. Okay.

22 A. Yeah, I mean, that would be kind of the --

23 Q. Let's see. A lot of these you already answered, so back to
24 the shudder, I wanted to clarify, you said the captain mentioned
25 he felt a shudder.

1 A. Yeah.

2 Q. But you didn't feel it, I know --

3 A. I didn't feel it.

4 Q. But what ballpark -- I was kind of confused, when was -- like
5 was that --

6 A. I've been trying to think about that, how long it was after
7 we left the dock that -- but I can't honestly tell you --

8 Q. Okay.

9 A. -- because this -- because I didn't -- he didn't call me back
10 up to the pilothouse until he wanted to go back -- until he wanted
11 to take the workboat out and check drafts and that's when he
12 mentioned it.

13 Q. Okay.

14 A. So I don't know between the time we left the dock until when
15 he felt the shudder to when I -- until when he asked me to come to
16 the pilothouse.

17 Q. Okay.

18 A. So I don't know the time.

19 Q. Yeah.

20 A. But I was back on the back deck having a cigar and I saw dirt
21 come up, but I never felt a shudder. Maybe I wasn't paying
22 attention or maybe thought it was normal --

23 Q. Um-hum.

24 A. -- because boats kick up dirt a lot, like I was saying, we go
25 through shallow spots in St. Clair River, Western Lake Erie it's

1 shallow --

2 Q. Yeah.

3 A. -- you're kicking up dirt all the time, so it's kind of --
4 it's not really -- not really something you --

5 Q. Yeah.

6 A. I mean, if it was a hard jolt or something, then yeah, I
7 probably would've noticed it, but again, I wasn't paying
8 attention.

9 Q. Yeah.

10 A. I was just -- I was basically looking at my phone, having a
11 cigar, trying to relax for a few minutes.

12 Q. Okay. Yeah, that's only what you know, so -- we spoke of the
13 list correction, so --

14 A. Yeah.

15 Q. -- you understood the list was to port --

16 A. Yeah.

17 Q. -- and it was corrected using --

18 A. Six ballast tank.

19 Q. -- 6.

20 A. Six starboard.

21 Q. Six starboard.

22 A. Six starboard. They put 500 tons of water in there.

23 MR. TUCKER: All right. Lieutenant, I don't know if you want
24 to take anything while I catch up here.

25 BY LT. [REDACTED]

1 Q. Yeah. When you did your dead weight calculation, was that
2 already taking into account the water that was in the port ballast
3 tank --

4 A. Yeah.

5 Q. -- and the damages?

6 A. Yeah. On the port side?

7 Q. Yeah.

8 A. No, because it wasn't -- it wasn't coming in fast enough to
9 really -- I mean, we were only having to pump every 4 hours and
10 that was up to 2 feet, you know, because, you know, the water was
11 getting to like 2 feet and they'd pump it. So it wasn't coming in
12 fast enough to probably affect that. There wouldn't have been --
13 I mean, 2 feet of water in those tanks is probably a lot of water,
14 but it probably wouldn't affect dead weight by that much.

15 Q. Okay. So the water that was being made was not impacting
16 the --

17 A. No, no, no. I don't know if the tanks, that they were
18 actually dry at that time that those drafts were gotten, but I
19 would have to assume that they were -- there wouldn't have been
20 enough water in there at that point to affect that.

21 Q. Had they started pumping out water when they got these
22 drafts?

23 A. No. Well, wait. No, no. No. But at that time, we didn't
24 even know there was a hole in the boat.

25 Q. Right. When did they start pumping water out of the boat,

1 the port --

2 A. I think it was after they had -- it was some point after they
3 looked at it, found the holes, and it was some point after that.
4 I think it was actually kind of the beginning of my watch, maybe,
5 because the engine room was kind of taking care of that, they were
6 -- they were doing that.

7 Q. Do you know how much unaccounted or unintended water was in
8 that, the 1 and 2 portside ballast tanks?

9 A. No. No. You mean as in the holds or --

10 Q. Well, when you guys started pumping the portside 1 and 2
11 ballast tanks, do you know how much water was --

12 A. No.

13 Q. -- in those tanks?

14 A. No, the engine room was just kind of like pumping it when
15 they needed to. They weren't informing us of --

16 Q. And they were pumping it down to 2 feet?

17 A. Well, no, they were pumping it down as dry as they could get
18 it, not to 2 feet. They wouldn't pump it until like 2, it got to
19 like 2 feet --

20 Q. Okay.

21 A. -- because you got to use the stripping pumps and you need
22 water to use the stripping pumps, so it had to be up to a certain
23 level before you can start using the stripping pumps. I mean,
24 because if you're just using the pumps, you're not going to get it
25 all.

1 Q. Okay.

2 A. So if you have to turn on the stripping pumps, you need a
3 little extra water to help strip the tank.

4 Q. So you had done this cargo dead weight calculation when?

5 A. Well, I didn't do -- I didn't do this until the next day,
6 after I had all the numbers, so whether or not there was water in
7 one or two tanks, I don't know. I don't know. And if there was,
8 it was probably not enough to really affect this because, I mean,
9 we're talking -- it had to be tons of water to affect this and if
10 there was only a foot or two, I mean, it's, of course, tons of
11 water but it's not enough to really affect -- I mean, it might
12 change, it might change my difference between what I think I got
13 for cargo, that's about the only number would change. It might
14 change your drafts in the bow a little bit.

15 (Pause.)

16 BY LT. [REDACTED]

17 Q. Yeah, I can ask the chief more detailed questions about that.

18 A. Yeah, yeah, because -- yeah, you can ask the chief about that
19 one.

20 BY MR. TUCKER:

21 Q. Just a last one. Well, there's two. When you got to the
22 wheelhouse after leaving the dock, did you happen to notice if the
23 fathometer, what kind of depth you were indicating?

24 A. No, no. No, no. We were already out in deep water by that
25 time, we had already cleared Crow Island and I passed Pomeroy.

1 Q. Okay.

2 A. We'd already cleared all that, so we were well in deep water,
3 it gets -- it drops off really quick out there.

4 Q. Understood. Okay. And last question, you've kind of been
5 asked it already, but I'll ask it again, is there anything that I
6 have failed to ask you or we have failed to ask you, that you
7 might feel is important or relevant for us kind of putting this
8 puzzle together?

9 A. No, I mean, I think I've given everything I can, I mean,
10 just --

11 Q. Yeah.

12 A. I mean, it was just a happenstance, just a bunch of
13 circumstances that came together and, I mean --

14 Q. It's never just one single event.

15 A. It's never just one single event there, so -- and, you know,
16 I've never had a problem at that dock, I've been loading at that
17 dock for the last 25 years and never had this issue. Never.

18 Q. Yeah.

19 A. And all of a sudden, this. And of course, new boat. So --

20 MR. TUCKER: Yeah. Okay.

21 LT. [REDACTED] I will pass it to Sarah and Brian, do you guys
22 have any questions you would like to ask?

23 MR. PETERSON: I do not, no.

24 MS. BEAUBIEN: I don't have any questions, thanks.

25 LT. [REDACTED] All right. With that, I'll ask Brian to please

1 depart. Thank you, Brian.

2 MR. PETERSON: Sure.

3 (Pause.)

4 LT. [REDACTED] There's a hole in the door.

5 MR. HARVEY: Picture he's got his -- sticking his head
6 through there.

7 LT. [REDACTED] Yeah.

8 (Laughter.)

9 BY LT. [REDACTED]

10 Q. So I always try to end these, these interviews with questions
11 about workplace climate, how things are going on board, if you're
12 having any issues with the management both on board but also
13 management within the company.

14 A. Okay.

15 Q. So are there any issues that you've had with the company, as
16 it relates to this investigation?

17 A. No, no. I haven't even been contacted by the company, other
18 than talking to the lawyer and Brian. The company hasn't even
19 contacted me.

20 Q. If you ever had any concerns or issues with safety on board,
21 would you be able talk to the captain about it and feel that --

22 A. Yes, yes.

23 Q. -- you'd be heard and addressed?

24 A. Yes.

25 Q. Okay.

1 A. Yes.

2 Q. And if you weren't able to have a conversation with the
3 captain or if you felt like the captain wasn't hearing you or
4 listening to you, would you be able to go to shoreside management
5 to --

6 A. Brian would listen. I know Brian, Brian would listen, he's
7 pretty good at listening to any concerns that we might have.

8 Q. And are operations on board, in your opinion, safe?

9 A. Oh, yeah.

10 Q. Does the safety of the crew and the vessel come before --

11 A. Oh, yeah. Oh, yeah. Oh, yeah.

12 Q. -- the bottom dollar?

13 A. Oh, yeah. Oh, yeah.

14 Q. Company profits.

15 A. We are actually a very safe company, we -- safety is a big
16 thing for us and especially for me. Before you guys even came
17 yesterday morning, my guys were outside running around without
18 hard hats on and I was like no, that don't fly with me, you're
19 wearing a hard hat. I'm wearing it, you're wearing it. It's like
20 in the middle of summer, the guys want to go out and rinse the
21 deck and they're wearing shorts, I'm like no, no, got to put pants
22 on. I mean, wear a tank top, whatever. Got to put pants on.
23 Can't have rocks and debris hitting your legs and stuff.

24 Q. Is there ever any situations where your work/rest hours are
25 ever compromised or you feel like that you have to kind of push to

1 those work/rest limits or even beyond?

2 A. No, actually, like here, I haven't been on this boat long
3 enough to even have an opinion about that, but on the *Calumet*,
4 again, the other -- the other mates know how to trim a boat, so
5 I'm not up all hours of the day and night doing this stuff.
6 Usually, over there, I work -- if I'm first mate or the 4:00 to
7 8:00 in the morning, I take a nap after watch until like 11:00,
8 get up, go to the pilothouse, find out what's going on, see if
9 anything needs to be done.

10 If not, then I go work out or go, you know, hang out in my
11 room and then I sit my 4:00 to 8:00 watch and then in the morning,
12 after watch again, I do the same, you know, rotating process.
13 There's very few times -- I mean, of course, you get called to the
14 pilothouse, hey, you know, this came up, you know, stuff like
15 that, but for the most part, no. No. Sometimes I have seen some
16 captains kind of push themselves, they haven't been beyond the 15,
17 but they're on the ragged edge.

18 (Laughter.)

19 BY LT. [REDACTED]

20 Q. And then just as a point of operation clarity, when you guys
21 got under way, are there designated lookouts, anybody else on
22 watch or is it just the captain that's at the helm?

23 A. Well, when we're leaving the dock, the captain's usually
24 taking it out until -- and then the wheelsman's up there and
25 depending on what dock you're leaving, the mate's usually on deck,

1 the mate on watch is usually on deck calling distances or
2 whatever, helping secure the deck or he will -- you know, when the
3 captain's -- will clear distances and stuff or whatever, the
4 captain will say you come up. Then they do their turnover, you
5 know, going this way, you know, any traffic.

6 Q. So in total, folks that are on -- involved in the departure,
7 you have the captain that's navigating.

8 A. Yes.

9 Q. You have --

10 A. The mate on watch.

11 Q. The mate on watch is down on deck.

12 A. Deck. Yeah.

13 Q. And then you have a wheelsman?

14 A. A wheelsman comes up from the deck and he's up -- and he's up
15 in the pilothouse.

16 Q. And is that one of the ABs?

17 A. I think, yeah, I think you did talk to him. Yeah.

18 Q. So Arthur, Arthur.

19 A. Yeah. Yeah, what time -- what time did we leave there? Oh,
20 I think it might've been Guyron (ph.) by that time. It's either
21 between Arthur and Guyron when we left.

22 Q. Got you. Was there anybody else out on deck at that point?

23 A. No.

24 Q. Okay.

25 A. No, just the second mate -- yeah, second mate, third mate.

1 The second mate came out on his own because he was going to watch
2 the third because, or course, she's new. It was the third mate's
3 watch. I was on the dock. So you had those, those three and you
4 had Arthur and towards the end, it was Guyron and then that was
5 it. Yeah, that would've been it. Because the bosun and the
6 deckhand had knocked off at like 10:30, so they weren't out for
7 any of this.

8 Q. Got you. So in your opinion, is that folks to --

9 A. Yeah.

10 Q. -- for lookout?

11 A. Oh, yeah, I've done it over the last -- it's a dock but
12 you're not really moving, you're just shifting the boat, you know,
13 70 feet this way or another and then you stop and load. Because I
14 was actually kind of shocked that morning when I came out on deck
15 and my bosun and deckhand were out, I'm like, why are you guys out
16 here, because me, personally, I wouldn't have them out just
17 because you don't need all those people out there watching rocks
18 fall in the boat for 4 hours at a time, it's -- you know, you're
19 just sitting there. If it was a shifty dock like Calcite, then
20 yeah, you would need them because you're moving cables up and down
21 the dock.

22 Q. Right. But as far as the underway evolution, departing from
23 the dock, kind of just the one mate down on deck?

24 A. Yeah. Yeah, that's normal.

25 Q. That's normal?

1 A. That's normal. And again, it depends on what dock you're
2 leaving. I mean, you're leaving Cleveland, you know, the mate's
3 in a mile calling distances all the way out the river. Here, he's
4 probably out there for -- once cleared the dock, he was probably
5 like, you know, getting ready to come up or stay out here on the
6 deck and he probably just wandered up all by himself, probably
7 because there's really nothing to call distances on once you pull
8 away from that dock over there because it's just -- it's just you
9 can see the open lake, in and out.

10 Q. Okay. All right. That's all that I have. Was there any
11 alibis? Alibis being any last comments.

12 A. No, no. I mean, I think --

13 Q. Sorry to use --

14 A. Yeah.

15 (Laughter.)

16 MR. HARVEY: Yeah, I think -- I think it was just -- again, I
17 think it was just one of those fluke things that kind of happen.
18 I didn't realize -- that whole dock has been changed over the
19 years and I had heard that there was nothing there anymore, that
20 it was 25 feet.

21 LT. [REDACTED] Yeah.

22 MR. HARVEY: And again, I'm used to a much smaller boat where
23 I don't have to deal with stuff like that, so it didn't even cross
24 my mind that that would -- that there was anything even there. So
25 I mean -- yeah, that's about it, I mean.

1 LT. ██████████ All right. Well --
2 MR. HARVEY: You want to keep this here or --
3 MS. BEAUBIEN: We want to end the call.
4 LT. ██████████ Yeah, we'll go ahead and --
5 MS. BEAUBIEN: The recording.
6 LT. ██████████ -- end the recording. It's 11:25.
7 (Whereupon, at 11:25 a.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: INCIDENT ABOARD *JOHN J. BOLAND*
 IN CEDARVILLE, MICHIGAN
 ON APRIL 21, 2023
 Interview of Brian C. Harvey

ACCIDENT NO.: DCA23FM02

PLACE: Lorain, Ohio

DATE: April 25, 2023

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

A black rectangular redaction box covering the signature of David A. Martini.

David A. Martini
Transcriber