

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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TOWING VESSEL BARGE STRUCK LOCK

*

GATE NEAR MILE 88 ON THE LOWER

*

Accident No.: DCA23FM038

MISSISSIPPI RIVER ON JULY 4, 2023

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Interview of: MICHAEL APPELT, Night Shift Lock Operator
Army Corps of Engineers

New Orleans, Louisiana

Friday,
July 7, 2023

APPEARANCES:

LT [REDACTED] [REDACTED] Investigating Officer
U.S. Coast Guard

CAPT [REDACTED] [REDACTED] Investigator, NCOE
U.S. Coast Guard

LT [REDACTED] [REDACTED] Investigator
U.S. Coast Guard

ADAM TUCKER
National Transportation Safety Board

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I N D E X

<u>ITEM</u>	<u>PAGE</u>
Interview of Michael Appelt:	
By LT [REDACTED]	5
By Mr. Tucker	11
By Mr. [REDACTED]	34
By LT [REDACTED]	52
By LT [REDACTED]	55
By Mr. Tucker	59

I N T E R V I E W

(1:16 p.m.)

LT [REDACTED] Okay, it is July 7th, 2023. Time on deck is 13:16. Coast Guard and NTSB are conducting a joint investigation into the allision between the *ITV Kitty* and the Algiers Lock portside gate which took place at approximately 19:30 on 04 July, which resulted in an estimated \$500,000 or more in damages.

Just want to confirm before we start, is everybody okay if we record this interview?

MR. APPELT: Yes.

LT [REDACTED] Thank you.

MR. APPELT: But it was at 18:05, it wasn't 19:30.

LT [REDACTED] Okay, perfect. We're going to definitely take that down and I appreciate that. Okay. And we're going to go ahead and do introductions now, I'm going to start. This is Lieutenant [REDACTED] [REDACTED] with the United States Coast Guard, I'm an investigating officer.

MR. [REDACTED] [REDACTED] U.S. Coast Guard investigator, NCOE.

MR. ULFERS: Christ Ulfers with Jones Walker as counsel for Enterprise.

MR. JOHNSON: Jeff Johnson with Enterprise Marine.

MR. TUCKER: Adam Tucker, I'm with the National Transportation Safety Board.

LT [REDACTED] Lieutenant [REDACTED] [REDACTED] United States Coast Guard, Sector New Orleans.

1 MR. APPELT: And I'm Michael Appelt, the Algiers lock
2 operator.

3 INTERVIEW OF MICHAEL APPELT

4 BY LT [REDACTED]

5 Q. All right, sir. Thank you very much for being with us today.
6 A good starting point is we're just going to kind of let you walk
7 us through what happened and nobody's going to interrupt and
8 please be as detailed as possible.

9 A. Okay. At 1800 on July 4th, I was doing turnover with Kevin
10 Melancant, the other operator, the day shift operator, I'm the
11 night shift operator. The *Kitty* was probably three quarters of
12 the way already in the locks when I came in and when we were doing
13 our turnover, we heard his engines backing down, which is normal,
14 and then it started getting louder and it started getting louder,
15 and then on the radio we heard the other 8 say, Captain, you need
16 to back down, you're going to hit the gates and by that time he
17 was already full back.

18 And my 8 doesn't understand that because they're at the other
19 end, he doesn't see the engines. So he said yes, I'm already full
20 back, you need to back down, we're going to hit the gates and
21 about 18:05, 18:07, bang, he hit the gates. And you can -- you
22 can actually see him, he was fully backing down, but he wasn't
23 backing down, he was stationary except for he was moving forward
24 and you can see him actually going, propelling forward. And if
25 you were backing down anything on the engines, you know he'd be

1 going in reverse and he could not go in reverse, the water was
2 taking him forward. Now, at the same time, he was going -- coming
3 in, we had a northbounder and a southbounder in the Mississippi
4 River and they're interrupting the water flow as much as his
5 engines are pushing coming in. So with all those lined up, we had
6 a perfect accident. That's pretty much it.

7 Q. Okay. Thank you for that. And then how long have you worked
8 here, you said 13?

9 A. Thirteen years.

10 Q. Okay. Thirteen years. Have you had the same position the
11 whole time?

12 A. I used to be an 8 and then I got promoted to a 9.

13 Q. Nine, okay. So currently 9, okay. And then have you ever
14 seen anything like this happen before?

15 A. Not at this extent.

16 Q. Okay. Is it common that when vessels are coming in, you'll
17 see a little bit of movement, I mean --

18 A. It varies from boat to boat and load to load. Now, the most
19 -- low water, we have this issue, but not this severe, with
20 loads --

21 Q. Right.

22 A. -- coming out of the river. We don't have this problem
23 coming from the canal, it's always into the river with minor
24 surging.

25 Q. Okay.

1 A. Never had this big of a surge before and never had anybody
2 hit the gate before.

3 Q. Right, okay. What do you think caused that, I mean, you said
4 the vessels, obviously, but is there any other factors, do you
5 think?

6 A. No.

7 Q. Yeah.

8 A. The common denominator, it's got to be -- I don't know and
9 I'm not an expert --

10 Q. Sure.

11 A. -- okay, I'm going on what the old-timers used to tell me
12 because we used to get some -- we get some surging and it's like a
13 bathtub. You come in, what happens to the water? The water goes
14 up and then it comes back and it affects the boats the same way.
15 When these big ships are coming in and out, they suck the water
16 out, what happens? The water comes back in. They can't -- they
17 can't compensate for it.

18 Q. Yeah. Got you. How was the weather that day?

19 A. Clear, calm, and hot.

20 Q. Clear, calm, and hot, okay. What about the river condition?

21 A. Low.

22 Q. Yeah. Is this a common low or is this a drastic low?

23 A. This is the lowest I've ever seen it.

24 Q. Lowest you've ever seen, 13 years.

25 A. Yes.

1 Q. Okay. What is -- I know you haven't dealt with something
2 like this before, but is there protocols in place for you guys
3 when something like this happens?

4 A. Yeah, well, we tie up the captain and we initiate our
5 accident report. I start it, fill it out, then he's got a section
6 where he's got to fill, bring it back to me. I got another
7 section where I got to do a CCIR and send it off to everybody in
8 the Army Corps.

9 Q. Everybody, okay.

10 A. Um-hum. And we got to take pictures, we did all that. He
11 got the report, he refused to sign my report and I collected all
12 the information, we got it. Now, another thing is we had the
13 *Pamela Ann* was in the forebay --

14 Q. Okay.

15 A. -- it was a light boat waiting to come in with him and he
16 also did a witness statement.

17 Q. Okay. Who requested that from them or did they just do it on
18 their own?

19 A. He volunteered that.

20 Q. He volunteered that, okay.

21 A. Yes, he did.

22 Q. Did you have a chance to see that?

23 A. Yes, Dave has it.

24 Q. Okay. What did they say, I mean --

25 A. Pretty much the same thing I told you.

1 Q. Okay. So it's the low -- basically a big drop and a big
2 surge and after that --

3 A. I mean, he was out there and you could see it, you could see
4 the engine's back, you could see -- you know when a boat is full
5 throttle and reverse, the water's kicking and it's loud, and he
6 wasn't gaining any ground except going forward, now how is that
7 possible?

8 Q. Yeah. Understood. Just to clarify, you said you promoted to
9 9, GS-9, is that your scale?

10 A. Wage grade.

11 Q. Wage grade 9, okay. Just making sure. Okay, grade 9. And
12 then who all was here with you that day?

13 A. Kevin Melancant, the other operator, because we were doing
14 shift change, and Brek Falcon, the other 8, he was the guy down on
15 the wall on the radio, telling him to back down.

16 Q. You said Brett?

17 A. Brek.

18 Q. Brek, okay.

19 A. You'll be talking to him next.

20 Q. Okay. Okay, walk me through -- you said you typically tie
21 them up, what happened in this case, is that the same thing,
22 vessel tied up?

23 A. He tried to tie up down there, we normally go to the green
24 pin, but since the previous operator told him to come in, go to
25 the red pin because he was going to put a light boat in behind

1 him, which normal, it's nothing, we do that all the time. Tried
2 to stop at the green pin, but he couldn't do it, I guess he was
3 popping lines. I don't know, I couldn't see that end, but that's
4 part of -- he was -- Brek Falcon will tell you that. I think he
5 broke a couple lines trying to stop, trying to help him stop.

6 Q. Okay.

7 A. And they tie up, they tie up, once they tell me they're all
8 secured, we close the gates and then once the gates are closed, we
9 open the other end and let them out.

10 Q. Okay. Got you. Any abnormalities with any equipment,
11 anything you noticed, on that day other than just the two vessels
12 coming in high a little bit?

13 A. No.

14 Q. Okay. Could you see the two vessels? You said you had
15 northbounder, southbounder, could you see them?

16 A. Yeah, you can see them coming, you can see all the traffic
17 coming in and out. The one was orange and I don't know what the
18 other one was.

19 Q. Sure, yeah. Right, right, right. I mean, were you able to
20 see that they were moving faster than others, typically?

21 A. Well, they got to go as fast as the river speed, so --

22 Q. Okay.

23 A. -- that's all I know and --

24 Q. Right.

25 A. -- you know, I don't have a trained eye to tell me how fast

1 they're going.

2 Q. Okay, got you. And did you notice them closer or further
3 away than normal?

4 A. No, they all pretty much stay in the middle because --

5 Q. Okay.

6 A. -- all the tows have to wait until they pass if they're --

7 Q. Okay.

8 A. -- in the river, they got to give them the right of way.

9 Q. I got you.

10 A. So they stay in -- they stay down the middle.

11 Q. Yeah. So in your opinion, I mean, is there anything you
12 would've done differently or could've done differently, you think,
13 to prevent this?

14 A. I don't believe so.

15 Q. Okay, just a freak thing.

16 A. I really don't.

17 LT [REDACTED] Okay. No further questions. Adam, I'm going to
18 pass it to you, if you're ready to go.

19 MR. TUCKER: Sure.

20 BY MR. TUCKER:

21 Q. Thank you for talking with us. Again, my name is Adam
22 Tucker, I'm with the National Transportation Safety Board. A
23 little bit of what we do is whenever -- for this case, it's a
24 monetary threshold for damage, we work with the Coast Guard, Coast
25 Guard is the lead, we gather the same facts, same evidence, same

1 material, and we work jointly with the investigation. We do
2 generate a report, it's usually 10, 14 pages, released within a
3 year and we do make recommendations, if necessary. So that's kind
4 of a little bit what I'm doing here. As mentioned, Coast Guard is
5 the lead for this one, so I do have a couple follow-up questions,
6 as you saw, I was scrambling to take notes.

7 A. Okay.

8 Q. So I wanted to just clarify, you mentioned you're the night
9 guy?

10 A. Yes.

11 Q. So what's the night -- what's the watch, I'm assuming it's
12 from --

13 A. Six-thirty to six-thirty.

14 Q. Eighteen-thirty --

15 A. Eighteen-thirty to six-thirty.

16 Q. Six-three-zero.

17 A. So 6:30 to 18:30.

18 Q. Okay. And normally, your watch, your shift change, it's --
19 it's like a handover process or just a handshake or --

20 A. Oh, no. We go up there, we look and we discuss the traffic
21 that's on --

22 Q. Um-hum.

23 A. -- who's in the chamber, what's in the chamber, what's next;
24 well, this guy needs a trip boat, if I've already given him the
25 notice for a trip boat so we're not duplicating and we don't

1 forget about anybody. He might tell me there's a light boat in
2 the canal that you got to get next or something, we talk about all
3 the traffic and if there's any priorities that are coming up or
4 anything else that's pertinent to our job for the night.

5 Q. Okay. And I see like lots of clipboards here in this office,
6 just curious, do you guys like have a handover checklist or any
7 type of forms or --

8 A. We have a watch book that we fill out when we're relieved, we
9 go in there and I start the date and put how many boats I have on
10 turn, I've updated my LARK, done my walk-around, safe to operate,
11 blah-blah-blah, and so on and so forth. Then I do my inventory of
12 all my equipment that's required and then my last line is there's
13 no new damage to report, I sign and date it.

14 Q. Okay. And when you say boats, I apologize, I'm a blue water
15 guy, when you say boats turn, what does turn mean?

16 A. Boats on turn, that's how many we have like --

17 Q. Just go through.

18 A. I might have three boats with tows in the canal, I might have
19 six in the river --

20 Q. Okay.

21 A. -- so I got a total of nine boats with tows on turn.

22 Q. Understood, okay.

23 A. Okay. And we lock by arrival times until we're at 15 and
24 then we go totally different, so that's -- and I'll give them a
25 number, so on and so forth.

1 Q. Okay, so you give them a number, say you're number one,
2 you're number two --

3 A. Correct.

4 Q. -- up to 15.

5 A. Correct.

6 Q. And then after 15 --

7 A. We lock five and five, we'll take five from the canal, five
8 from the river; five from the canal, five from the river.

9 Q. Oh, okay. All right, understood. Just curious, I haven't
10 been up in that work space before, what's up there, like what do
11 you have, what kind of tools and equipment do you have up there?

12 A. Got a -- two computers, a radio, refrigerator, coffee pot,
13 no, I'm just --

14 Q. That's the most important.

15 (Laughter.)

16 MR. APPELT: Because every boat that calls in, we talk to
17 them by radio.

18 MR. TUCKER: Okay.

19 MR. APPELT: We also have a phone in there. So once they
20 call in, we jot their information down on a clipboard.

21 MR. TUCKER: Um-hum.

22 MR. APPELT: Then we enter it into the computer, then when
23 they leave, we fill it out in the computer, we fill it out on
24 another form, and then we have our PLC, which is -- he doesn't
25 have it, that's the one that operates the gates.

1 BY MR. TUCKER:

2 Q. The PLC?

3 A. Um-hum.

4 Q. Which means?

5 A. Oh, don't ask.

6 Q. Okay.

7 A. Acronyms.

8 (Laughter.)

9 BY MR. TUCKER:

10 Q. Do you have like a computer? You mentioned other awareness
11 of a northbound ship and a southbound ship, do you have a system
12 there to know when the ships are coming back and forth or --

13 A. We do.

14 Q. Okay.

15 A. We have -- well, I use VesselFinder.

16 Q. Okay.

17 A. Okay, we used to have AIS and they have problems with it, but
18 I use VesselFinder, and I got two screens, I got my screen up for
19 my boats that I log in --

20 Q. Yeah.

21 A. -- and I keep VesselFinder over here because when they call
22 in, I want to know where they are and if I got the correct
23 spelling, and it's not live.

24 Q. Yeah.

25 A. Okay, it's got to be updated and the ships move accordingly,

1 but you can see if I got a northbounder or if I got a
2 southbounder, so on and so forth. Now, when the boats are coming
3 in, we don't worry about it, but when they're going out sometimes
4 they'll say hey, I got a southbounder, I got a northbounder, I
5 need to hold up in your forebay. Very well.

6 Q. Okay.

7 A. So -- because at that point, when they're going out and
8 coming in, they're talking to traffic, the river traffic --

9 Q. Yeah.

10 A. -- and they're dictating them. Once they leave my forebay,
11 they're out of my hands.

12 Q. So again, another dumb blue water question, but --

13 A. Okay.

14 Q. -- when you say forebay, what does that mean?

15 A. That's the front of -- right here, coming -- you got the
16 Mississippi River running right here --

17 Q. Yeah.

18 A. -- and you got my locks right here.

19 Q. Okay.

20 A. This area between the river and the gates is my forebay.

21 Q. Okay, so --

22 A. That area back there is my tail bay.

23 Q. Okay, forebay and tail bay, all right.

24 A. For the canal.

25 Q. All right. So that's not -- the reason I was asking that, so

1 I was wondering if that was like a name, you know, like Algiers
2 Point or something, but that's the forebay.

3 A. We call it the forebay.

4 Q. Okay, there's no name for it.

5 A. No.

6 Q. Okay. Now I understand. Okay, just curious on that
7 VesselFinder, is that like a subscription service or an app or
8 something or --

9 A. We used to have Google Earth and Google Earth expired and
10 never updated and we found this one because it's free, I don't
11 know.

12 Q. Okay.

13 A. But they also have one that's LOMA --

14 Q. Uh-huh.

15 A. -- and we have LOMA through the Army Corps, but the only
16 problem with Army -- we don't like it because it doesn't put the
17 names of the boats on it.

18 Q. Okay.

19 A. You have to actually go and click on it, whereas VesselFinder
20 has the names already on the boats.

21 Q. Okay. And you can see their speeds and direction of travel
22 and --

23 A. Yeah, if you click on it, then you can get all that
24 information.

25 Q. Got you.

1 A. It doesn't show it, it just shows you their name and where
2 they're at.

3 Q. Got you, okay. So I was standing out there just briefly on
4 the dock, but back to tools that you have up there, do you have
5 any type of CCTV or cameras up there that help you in any way
6 or --

7 A. Yeah, you can see the cameras all the way around the -- there
8 are 16 cameras around there.

9 Q. Sixteen cameras, okay. And do you know if they're recorded?
10 What's that?

11 A. There's only one camera that works right now.

12 Q. Okay. And what one is that?

13 A. The front gate.

14 Q. What is -- so again, dumb question, what's the front gate?

15 A. The front gate where you drove in.

16 Q. Oh, okay. All right. So none work on the lock, okay. But
17 you still like -- you're just blind or can you still see them on
18 the screen, they just -- they just don't record or --

19 A. They don't work.

20 Q. Okay.

21 A. We got a new contract, we're waiting for new cameras.

22 Q. Understood, okay. Does that hinder the operators, not having
23 cameras or --

24 A. Loaded question, you're putting me in a spot here now.

25 Q. Okay.

1 A. Yes and no.

2 Q. All right, so --

3 A. Okay. Yes, it does because when they're coming in down
4 there, I got one guy out on the wall, I'm out on the -- I'm out on
5 here because I can set the cameras in here --

6 Q. Got you.

7 A. -- and watch the guys, it does.

8 Q. Yeah.

9 A. Same thing up here. When I'm outside, we're outside on the
10 deck or up on the catwalk or down here, I can set the cameras at
11 the gates and if something happens, I have them as backup. I
12 can't see everything when I'm out there.

13 Q. Right, okay.

14 A. So yes, it does.

15 Q. Understood. I would expect so, I mean, that's why the
16 cameras are there, so -- okay. Let's see. Again, just not
17 educated with the geography here. You mentioned it was low water,
18 the lowest water you've seen.

19 A. Um-hum.

20 Q. What are you basing that value off of, is it the collective
21 (ph.) gauge or --

22 A. We have a staff gauge here.

23 Q. A staff gauge, okay.

24 A. Okay. It's built in the wall and we also have one that's on
25 a wire wheel that we can actually do a physical reading with it.

1 Q. Okay.

2 A. But generally, from between Carrollton and us is usually one
3 and a half feet difference, but we do have a staff gauge on the
4 wall on each end.

5 Q. And at the time of the accident, do you remember what that
6 gauge was reading?

7 A. It had to be right around one, don't quote me on that, but it
8 was -- it's got to be right close to one, I couldn't tell you
9 exactly.

10 Q. And when you say one, one --

11 A. One foot above zero.

12 Q. All right. And so you mention this low water, again, I'm
13 totally unfamiliar, I apologize for the dumb question. So the
14 surge water, I understand that the hydrodynamics of ships go down
15 and suck the water out, water got to come back in eventually, does
16 this happen during, I caution to say normal river conditions or
17 even high water, does this -- does that happen the same or --

18 A. No. I've never seen it in high water.

19 Q. Okay.

20 A. Never seen it -- let me clarify high water to us, 9 feet
21 above zero, okay, is high water. We've had it as high as 13 feet
22 in there.

23 Q. Okay.

24 A. Okay. And I've never seen a boat surge back and forth at
25 13-foot water.

1 Q. Okay.

2 A. Like I said earlier, when I started, it generally happens
3 when we're -- the river is low. Ask me why, I couldn't tell you
4 why, I'm not a physics man.

5 Q. Neither am I. And really, you know, again, only what you
6 know, yeah, that's it. I'm not going to ask you to speculate,
7 guess, or get the calculator out and run some physics --

8 A. No, the only thing I can think of, because when you're -- you
9 got high water, it's so spread out, I mean, it's coming up the
10 levees and everything, now it's -- everything's just channeled
11 down right here.

12 Q. Yeah.

13 A. You understand what I'm saying --

14 Q. Um-hum.

15 A. -- it's right down in the middle --

16 Q. Yeah.

17 A. -- so that's where -- that's where all you water is.

18 Q. So that was high water, I understand now 9 feet and above.
19 And during regular, not high water, not low water, does this
20 happen, does this surging happen?

21 A. Periodically, but not as bad.

22 Q. Okay.

23 A. Once again, it depends on the variables of the ship or the
24 boat coming in, the tugboat coming in, what he's pushing, how many
25 barges he has, how much weight he has on it --

1 Q. Right.

2 A. -- I mean, it all comes into a factor.

3 Q. I understand, okay. Yeah, it makes sense. And I guess if

4 the barges are loaded versus if they're empties --

5 A. Oh, yeah. Empties won't have a problem.

6 Q. Okay. What's the dimensions of this? Again --

7 A. Seven hundred and 80 feet by 74 is what is on paper.

8 Q. Okay. And for this day, when the *Kitty* and her two loads

9 were going in, you mentioned the *Pamela* --

10 A. *Pamela Ann*.

11 Q. And she was supposed to come in with them.

12 A. Um-hum.

13 Q. Okay. And she was going to be astern of the *Kitty*.

14 A. Um-hum.

15 Q. Okay.

16 A. Correct.

17 Q. And there was no other traffic or nothing.

18 A. Yeah, we had other traffic, but not coming in at that time.

19 Q. Okay.

20 A. We had other tows waiting.

21 Q. Got it, okay.

22 A. On turn.

23 Q. Okay. Just to confirm, so the lock wall that was damaged,

24 that's the one --

25 A. The gate, not the wall, the gate.

1 Q. Sorry, the gate, yeah.

2 A. Gate D.

3 Q. Gate D.

4 A. On the canal end.

5 Q. So reference to where we are right now, Gate D would be the

6 one --

7 A. See that little house over there?

8 Q. Yeah, yeah.

9 A. Right -- that's on that side.

10 Q. So it's going to be on the south side?

11 A. Um-hum.

12 Q. Okay. And from your viewpoint did you know that they hit

13 or --

14 A. Heard it.

15 Q. You heard it, you heard --

16 A. Couldn't see him -- couldn't see him from -- we heard it. I

17 mean, once everybody started -- once we heard the engines backing

18 -- excuse me -- heard the guy on the radio, we were both up in the

19 window watching everything.

20 Q. Okay. And you mentioned --

21 A. And you couldn't see it, but you could hear it.

22 Q. Yeah.

23 A. I knew when he hit.

24 Q. And you mentioned hearing the guy on the radio, so was that

25 guy on the radio, was -- I see right here it's Channel 14, was he

1 on Channel 14?

2 A. Yes, he was.

3 Q. Okay. And is that normal that they're always on the -- on
4 the same radio frequency?

5 A. We're on 14, that's our -- that's our working channel.

6 Q. Okay, so they're all talking.

7 A. Um-hum.

8 Q. They can talk back and forth, it wasn't --

9 A. Correct.

10 Q. -- an internal --

11 A. No, they have two -- the boats usually put a working channel
12 and they keep one on 14 so they can contact with us. The other
13 channel is so they can talk to their deck crew.

14 Q. Understood, okay. Let's see. So Kevin, just to verify, he's
15 the -- he's your counterpart on the day watch.

16 A. He was the daytime operator.

17 Q. Okay. And you referred to the 8 and --

18 A. That's Brek.

19 Q. Brek, okay. Eight is Brek. And that's considered a -- when
20 you say 8, that's --

21 A. Wage Grade 8.

22 Q. -- a wage grade, okay.

23 A. Um-hum.

24 Q. All right. Time of contact, you said between 18:05 and
25 18:07, that is local and how do you know that time, did you look

1 at the watch or --

2 A. Yes.

3 Q. -- do you have like a central clock or something? Okay.

4 A. Absolutely.

5 Q. Yeah.

6 A. I knew what it was coming, once that hit, that's --

7 Q. Yeah. I guess I should clarify, so there's a 2-minute

8 variance, you said 18:05 or 18:07.

9 A. Um-hum. Yeah, right in that time frame. I couldn't be

10 exactly sure what time he hit it, but it was 18:05 or 18:07

11 because I looked down.

12 Q. Okay.

13 A. And I knew it.

14 Q. Yeah. And the 8, he was all the way down there.

15 A. Yeah, he was down there about where the green or the red pin

16 was on the side of the wall.

17 Q. Okay.

18 A. And he was on the north side of the wall.

19 Q. On this side --

20 A. Um-hum.

21 Q. -- on the north side, okay.

22 A. And that gives him a good, a good view looking out.

23 Q. Got it. Curiosity, again, totally unfamiliar. Why are there

24 green and red pins? I've heard that referenced.

25 A. Okay. We also have blue pins and we also got yellow pins.

1 Q. Oh, confuse me more, so yeah.

2 A. It's pretty standard, when a boat's coming in, let's just say
3 like the *Kitty* was, I don't know, I'm just -- 680 feet.

4 Q. Um-hum.

5 A. For me, I'm going to tell him take it down to the green pin,
6 tie it up on what side I want him to tie it up on, give me two
7 lines, two men, two lines, bumpers, lifejackets, secure your
8 radar. It's more of a point where he knows where to go.

9 Q. Okay.

10 A. Now, if it's 730 feet long, I can't tie him up at the green
11 pin, I got to send him all the way down to the red pin.

12 Q. Okay, all right.

13 A. Okay. So I'll tell him take it to the red pin, tie it up on
14 either side, wherever, wherever I want, so it's more of a
15 reference point where they know where I want them to park.

16 Q. Understood, okay. Clarifies that. Are there any weather or
17 current or anything limitations at this canal, like where --

18 A. Sure.

19 Q. -- operations cease? Obviously, a hurricane, probably not,
20 but --

21 A. Sure, sure.

22 Q. Yeah.

23 A. Fog.

24 Q. Fog, okay.

25 A. Heavy lightning.

1 Q. Okay.

2 A. We'll shut her down and we'll keep -- we want to keep
3 everybody safe, I'm not putting a red flag tow in there when I got
4 lightning everywhere, you know.

5 Q. Yeah.

6 A. High winds. I mean, because when this wind starts blowing,
7 the empties can't come through, it's like a pinball machine going
8 through here. So there are -- there are limitations when we get
9 it. Now, it doesn't happen very often, but it does happen.

10 Q. Understood. And what's high winds? I guess it depends on
11 the direction, too, and --

12 A. Well, it depends, but when you got like this guy's push
13 coming in right now, if he had two big empties and you were
14 pushing 20-knot winds --

15 Q. Um-hum.

16 A. -- he would not be able to come in, we'd be leaving him out
17 in the river.

18 Q. Okay.

19 A. Okay. It does, and the high winds don't really affect the
20 loads because they're low profile --

21 Q. Um-hum.

22 A. -- and they can maneuver. But the empties, it's like a giant
23 kite.

24 Q. Understood. So I notice you didn't say high current and I
25 worked a couple accidents on this river, it's my first time here,

1 but I understand currents have a massive effect, especially on the
2 loads, does that have any effect here?

3 A. I don't have much of a current once they turn into my
4 forebay.

5 Q. Okay.

6 A. So there's not much current, and there's no current in the
7 canal, so there's nothing -- there's no current. When they make
8 my forebay, there's not a whole lot of current. I mean, they're
9 still pushing --

10 Q. Yeah.

11 A. -- because the water's -- the river is still running --

12 Q. Yes, yeah.

13 A. -- right?

14 Q. Um-hum.

15 A. But once I close these gates and they get in the canal,
16 there's not much of a current anymore.

17 Q. Okay. Got it. Curiosity, you mentioned the -- the ships up
18 and down. Are you aware, are there like speed limits to those
19 vessels going up and down the river?

20 A. Have no idea.

21 Q. No, okay, yeah. So you know I'm a blue water guy now, so if
22 I were to come in here for the first time with a towboat and a
23 barge, first time ever, is there like instructions or reading
24 material that I should be aware of in advance of coming in this
25 canal that's available to the mariner?

1 A. Well, that would be up to your company and your training
2 before you sat in that seat, wouldn't it?

3 Q. Yes, yeah.

4 A. I have no control over who the captain is of the boat.

5 Q. Yeah.

6 A. But once they call me, I give them a number.

7 Q. Uh-huh.

8 A. When their number comes up, I said okay, Captain, bring it in
9 my forebay, line it up, okay. And they say all right, where do
10 you want me to go and I'll tell them, I said all right, take it
11 down to the green pin, tie it up on the starboard wall, give me
12 two men, two lines, bumpers in hand, radar secured.

13 Q. You said that a few times.

14 A. You think?

15 Q. I think.

16 (Laughter.)

17 MR. APPELT: Okay. At that point, when he reaches my --
18 right before he's coming in, I'll take his time down, we'll be
19 outside, he'll come in until he says two line secured, we're
20 coming in, we close the gates, and we're on our way.

21 MR. TUCKER: Understood, okay.

22 MR. APPELT: For me, I'm taking -- I'm taking your word that
23 you are the certified captain driving that boat --

24 MR. TUCKER: Got it.

25 MR. APPELT: -- to answer your question.

1 MR. TUCKER: Yeah. Let's see, what else do I have here? And
2 I apologize, some of these are curiosity questions.

3 MR. APPELT: That's no problem.

4 BY MR. TUCKER:

5 Q. Let's see. Oh, you said there was the northbound and
6 southbound ship and you're -- you were aware that they were there,
7 was that after the fact or --

8 A. Yeah, after the fact.

9 Q. -- after the fact, okay.

10 A. Yeah, after the fact.

11 Q. Okay. During this evolution --

12 A. Yeah, because I'm not watching the river, I'm focused --

13 Q. Yes.

14 A. -- in my chamber. I don't care what goes on, on the river.

15 Q. Yeah, understood. Okay. And we talked to the surge, did you
16 physically see the surge?

17 A. No, it's hard to tell, no.

18 Q. Okay.

19 A. Because the surge happened up there, then it came back. I'm
20 not going to see it coming back. All I can see is his backwash.

21 Q. Okay, yeah.

22 A. So it's going on underneath or whatever. I'm just seeing his
23 backwash and hearing his engines.

24 Q. Yeah.

25 A. And he's not going forward.

1 Q. How much water would he have or should he have underneath
2 him? I mean, his depth or the barges would've been 10 feet and --

3 A. I think, well, we're -- I think we're 15 feet from zero to
4 the bottom, so whatever that works out to.

5 Q. Okay. Unfamiliar term, C-C-I-R.

6 A. That's a report that -- it's in e-mail form that goes up,
7 it's an internal form.

8 Q. Okay.

9 A. We have a copy of it up there. Goes through the district to
10 inform everybody in the district this happened.

11 Q. Understood. And the district, the Corps of Engineers?

12 A. Yes, yes.

13 Q. Okay.

14 A. New Orleans District Army Corps of Engineers.

15 Q. Okay. I understand things probably got really busy really
16 fast here, I ask this of everybody, were there any pictures taken?

17 A. Yes.

18 Q. Okay. And those pictures are with the Corps or --

19 A. Dave probably has them.

20 Q. Okay.

21 A. Turned everything over to Dave.

22 Q. Okay.

23 A. That morning, when he came in, he got my reports, he got the
24 witness statement, and he's got the phone.

25 Q. Got it.

1 A. And we have a duty phone that we take the pictures with.

2 Q. Okay. Let's see. I thought I was going to ask you some -- I
3 forget, let me go back. All right, so --

4 A. Are those preloaded questions?

5 Q. No, no. I try and ask fact based only, fact based only. I
6 just want to clarify, you haven't seen this happen before, nothing
7 to this extent?

8 A. Correct.

9 Q. Yeah, okay. All right. And -- oh, I know -- I know what I
10 was going to ask you now. So after all this, tow hit the gate,
11 take them out, we understood that --

12 A. Well, no, not right away. My call was to grab the green pin,
13 to back up, grab the green pin, sit on the wall, let me close the
14 gate so we can get all the paperwork straightened out.

15 Q. Okay.

16 A. Okay. At that point, he tried to grab -- the captain tried
17 to grab the green pin and in doing so, he was still surging, still
18 surging severely. We didn't want to go through this again, so it
19 was a joint mutual between him and I just to go ahead and back out
20 and put it just past my gates over here, there's a couple pins
21 outside of the chamber.

22 Q. Okay.

23 A. We had him tie up right there and then we get the paperwork
24 started. So that's what we directed him to do.

25 Q. Okay. And I didn't find out about this until the next

1 morning, so the question is the paperwork's done, they're on their
2 way, did this shut down the entire operation then or what happened
3 after the fact, after they were gone?

4 A. After the fact, we still couldn't operate the D gate, that's
5 when Dave came in and we couldn't get it to close all the way to
6 allow me to open this end, so we had to adjust the limit switches.

7 Q. Okay.

8 A. And once we got the limit switches adjusted properly,
9 everything closed, we ran through two or three cycles to make sure
10 everything worked and we were back in operation. I didn't start
11 locking again until somewhere after 9 o'clock, 9:30, something
12 like that.

13 Q. Nine, nine-thirty.

14 A. Yes.

15 Q. And obviously, that's p.m., okay.

16 A. Correct. Twenty-one hundred.

17 Q. Yeah. Okay, that clarifies that. You mentioned the
18 computer, more curiosity question, but how do you -- how do you
19 operate this, is it like a single button and everything just kind
20 of happens automatically, you got to close the gates individually,
21 how does that work?

22 A. Okay, I got the A gate and it's got open and close. They got
23 the B gate or the -- they got the C, the canal, it's got open and
24 close. He operates the canal, open and close, I operate the river
25 end and when they're ready, I hit the button close and they close.

1 When I'm ready, I hit A, open, they'll open.

2 Q. Okay.

3 A. And the computer does it, it's all timed -- before we used to
4 do it by hand.

5 Q. Yeah.

6 A. Boom, boom, boom, boom. And I was here when we did that.

7 Q. So when you say "he," that's Brek?

8 A. He, the -- Brek.

9 Q. Okay.

10 A. The 8 operator.

11 MR. TUCKER: All right, that's it for the -- for any front-
12 end loaded questions, so -- no, I appreciate your time, I always
13 have a couple questions on the back end, I want to catch up with
14 my hand --

15 MR. APPELT: Okay.

16 MR. TUCKER: -- with my chicken scratch here, so I appreciate
17 it, yeah.

18 BY MR. [REDACTED]

19 Q. [REDACTED] U.S. Coast Guard, Mr. --

20 A. Appelt.

21 Q. Right, thank you. Just before I go into my questions --

22 A. Okay.

23 Q. -- a quick reference question. So before this light boat
24 went through, there was a tow that went through, right?

25 A. Yeah.

1 Q. Two barge, loaded.

2 A. Um-hum, okay.

3 Q. *Ralph C*, I believe it was, went through.

4 A. Yeah.

5 Q. She went that way and then those gates closed on that end --

6 A. Um-hum.

7 Q. -- right, and these opened and you let the light boat go
8 through. Is there any reason that there wouldn't have been -- or
9 that tow that's in the tail bay?

10 A. He might be number 4, they might have three boats in the
11 river in front of him, or he might be number 2, there might be
12 another boat in the river that got here before him. Remember I
13 said, we lock by arrival times --

14 Q. Right.

15 A. -- so there's probably a couple boats that got on turn before
16 he did.

17 Q. Okay.

18 A. And it takes -- now, that's a good point, that you picked
19 that up, because we lose time, we lose a lot of time transitioning
20 because they can't -- they won't come off that mooring until the
21 boats are already past them to come back up.

22 Q. Right.

23 A. So we lose anywhere from 40 minutes to an hour waiting for
24 him to get to the buoys to get right here, where I could go back,
25 bring one in, close my gates, go back and get another one. I

1 could probably have two locked before -- in that hour time frame
2 before he gets here. So we don't -- we don't like going back and
3 forth a lot, I'd rather just stay in the river and run five --

4 Q. Run a group.

5 A. -- and then come back and run this way.

6 Q. Yeah, okay. I've been watching that --

7 A. But that's probably why he hasn't locked yet because it's not
8 his turn.

9 Q. Not his turn, he's on a turn, but --

10 A. He's on a turn but it's not his number yet.

11 Q. Got you, okay. Thank you.

12 A. Yeah.

13 Q. And please forgive me, I'm number three, they always put me
14 third, so my questions are all over the place, but you work -- you
15 work 1800 to --

16 A. Our shift -- our shift is --

17 Q. -- 6:30 on that shift, right.

18 A. Our shift is 18:30 to 6:30.

19 Q. Okay. And what's your schedule?

20 A. That's it. I relieved him a half an hour early, like most
21 places, you know, and I was in at 1800.

22 Q. Okay, I think what I'm asking or looking for is, what is your
23 schedule, do you work two on/two off, a week on, a week off?

24 A. Oh, that -- that was the 4th, that happened on the 4th, so I
25 worked Friday, Saturday, Sunday, I was off Monday, I was coming in

1 to start Tuesday and Wednesday.

2 Q. So you worked three, off two, work two --

3 A. Well, I worked three, I worked --

4 Q. -- and you were off the next three?

5 A. I had Sunday off, I worked Monday and Tuesday.

6 Q. Right.

7 A. Because I was turning over from -- there's a screwy part in
8 our schedule where there's a relief guy in there --

9 Q. Yeah.

10 A. -- and he was coming back in to shift on Sunday, that's
11 why --

12 Q. Oh, okay.

13 A. -- I had Sunday off.

14 Q. Okay.

15 A. So I picked up on another guy's schedule, which his started
16 on Monday and Tuesday.

17 Q. Got you.

18 A. So I had Wednesday and Thursday off, which is today, and now
19 I got Friday, Saturday, Sunday.

20 Q. Okay, got you. Maritime background prior to 13 years ago,
21 taking this position, did you have anything, work on the river,
22 licensed?

23 A. Twenty-four years in the Navy.

24 Q. Twenty-four in the Navy?

25 A. Um-hum.

1 Q. Okay. Thank you, thanks for your service. And what were you
2 in the Navy?

3 A. Master Chief.

4 Q. With this position, what type of training, what type of
5 routine training is offered? Or is there any offered?

6 A. Well, basically, it's all -- it's all hands-on training when
7 you start down there. You start down there and over time, you
8 move up to here.

9 Q. Okay. Is there any type of program for continuing education
10 like you all have a safety meeting and a training --

11 A. Oh, yeah, we have safety meetings.

12 Q. -- once a month?

13 A. We got them -- we got them monthly.

14 Q. A month?

15 A. Um-hum.

16 Q. One a month --

17 A. Um-hum.

18 Q. -- is that what it is? And --

19 A. Well, he holds two.

20 Q. Okay.

21 A. Because there's -- because guys are on nights and guys are on
22 days and they're off, so he usually holds one on Monday and he
23 holds one on Wednesday, so that way he gets everybody the second
24 time.

25 Q. And you would only -- you would only attend one, right?

1 A. If I wanted to. But I'm not coming in on my day off for a
2 safety meeting, let me tell you. Would you?

3 Q. No. Not to your safety meeting, I wouldn't.

4 (Laughter.)

5 BY MR. [REDACTED]

6 Q. And what type of material is covered in those safety
7 meetings, what --

8 A. It covers everything, he calls operations, anything that
9 changes in the locks, up and coming events, different things going
10 on, he covers a wide range, he covers everything.

11 Q. Okay.

12 A. Safety.

13 Q. Safety.

14 A. Safety. We all have to give our own little safety thing, so
15 he's got us involved in it, as well.

16 Q. Cool. Any of those meetings, do you recall anything as far
17 as tows coming in to the locks and --

18 A. If we're having issues, we will let each one -- and that's
19 part of our turnover, hey, the canal, the water level is high,
20 keep an eye on your gates because the readings might be off and it
21 throws you off, so the best thing to do is visual, I mean, that's
22 part of our turnover.

23 Q. Got you.

24 A. Every day.

25 Q. Okay. So as far as a turnover and being passed down the

1 information of the river stage, right --

2 A. Um-hum.

3 Q. -- high river, low river, is that the only way that you get
4 notified of river stages, whether it's high or low or is there
5 another, another source that you get it -- like does the
6 lockmaster put out a memo to you guys and say hey --

7 A. No, because we -- no, because we check it before each shift
8 and it's recorded in our logbook.

9 Q. Okay.

10 A. So you either have to look at the staff gauge and read it
11 yourself or go down there and do the mechanical wheel and get it
12 yourself.

13 Q. Okay. And that's at the beginning of every shift you do
14 that?

15 A. Correct. Correct.

16 Q. All right. And whenever you get to an extreme high river or
17 an extreme low river --

18 A. Um-hum.

19 Q. -- are there any differences in operations that you guys put
20 in to place to operate differently from high river to low rivers?

21 A. When we get the high river, yeah, what do we do? It's pretty
22 much the same except it's more awareness, I mean, when they're at
23 high river, when they're up, up here, it can be pretty scary
24 sometimes, so there's more -- more eyes on deck, maybe, I should
25 say at high river than there are at low river. I mean, the job's

1 still basically the same, you know.

2 Q. Right.

3 A. Sometimes we might tell the captain to grab four lines
4 instead of two lines.

5 Q. During a high river?

6 A. During a high river.

7 Q. And really, I'm asking because I don't -- what is the fear or
8 what is the -- what is the precaution now?

9 A. Hitting gates.

10 Q. Hitting the gates.

11 A. Hitting the gates.

12 Q. With a high river, the port, the stern --

13 A. Either time.

14 Q. Okay.

15 A. High or low. That's our fear is --

16 Q. Hitting the gates.

17 A. I mean, because if the gates go down, we can't lock.

18 Q. Okay. But there's no -- I mean, is there a more heightened
19 awareness if it's high river than if there's low river? To an
20 operator.

21 A. I don't know, I can't really answer that, I mean, that's
22 just --

23 Q. Does either one concern you more than the other?

24 A. They concern me all the same, from high to low, I mean,
25 because if they're having problems coming in, we're going to talk

1 to them. If they have problems coming in low river, they're going
2 to have problems coming in high river.

3 Q. Yeah.

4 A. I mean, we talk to them on the radio, we're watching,
5 constantly watching them until they're in the chamber and secured.

6 Q. Okay.

7 A. I mean, even when they're in the chamber secured, it's still
8 not -- you're still watching because they'll bang the wall and you
9 got to tell them, hey, take up slack in your line, put a --

10 Q. Right.

11 A. -- fender out, you're banging up the wall, you know, you pop
12 a line because they pop lines, too, when they're in the chamber,
13 just statically because the captain will leave one in clutch and
14 he might push a little hard, boom, he'll pop a line.

15 Q. Right.

16 A. Who's got to tell him? We do. So we got to watch that, too.

17 Q. Okay. Is there a process or a procedure, an operation --

18 A. Standard operating procedure?

19 Q. No, sir.

20 A. Okay.

21 Q. An operation that's referred to as running the locks.

22 A. Yeah, open locking?

23 Q. What is that?

24 A. That's when the canal is at zero, where they're within 6
25 inches of one another, we can open up, it's on the discretion of

1 the lockmaster, we're allowed to open lock, open both ends and let
2 them pass.

3 Q. So there's no locking other than running through the locks,
4 that's what the term is, right?

5 A. Yes.

6 Q. Is that it, running the locks?

7 A. Um-hum.

8 Q. Okay. And within a 6-inch differential is what you tell me.
9 What's the differential today?

10 A. I haven't been up there yet.

11 Q. Okay. Do you know what the differential was on the 4th?

12 A. No. Not to the top of my head. I'd have to go --

13 Q. Right, you'd have to have logged --

14 A. No, they were close. Now, on the 4th we couldn't make that
15 call anyway because our lockmaster was on leave, he's the only one
16 that can tell me and I'm not going to call him on leave and say
17 hey, can I open lock?

18 Q. Okay.

19 A. Okay. So --

20 Q. So it's determined by you that it's a possibility you could
21 run the locks but you have to get the approval through the
22 authority of the lockmaster, is that right?

23 A. From the lockmaster, that is correct.

24 Q. Got you, okay.

25 A. Now, right now, it's probably close enough to run, but that's

1 not up -- up to me, that's totally up to him.

2 Q. Okay.

3 A. And I think I've done it twice since I've been here in 13
4 years.

5 Q. Running the locks?

6 A. Yeah, open lock.

7 Q. Okay. I know you don't -- it's not your responsibility to
8 monitor the ship traffic, any traffic, in the river unless -- I
9 assume unless a tow calls you on 14 to enter in the lock, right?

10 A. Correct.

11 Q. That's when you would give him --

12 A. Well, first thing, if he calls me on 14, he's wanting to get
13 on turn, he's in the river, I'm going to look and I'm going to
14 take all his pertinent information, I'm going to put him in the
15 computer and then I'm going to assign him a number and at that
16 point, if it's number one, I'll tell him to come into the forebay
17 and line it up and bring it in. If it's number three, he knows he
18 needs to go and park somewhere and wait until I call him.

19 Q. Okay. And do you ever direct them to go lay below the
20 locks --

21 A. No.

22 Q. -- or hold up a little --

23 A. No.

24 Q. -- above, nothing like that?

25 A. No.

1 Q. That's at their own discretion, right?

2 A. Yes.

3 Q. Okay. But you can -- you have the authority to tell them or
4 direct them whether or not to come into the forebay?

5 A. Correct.

6 Q. Okay.

7 A. If it's my -- if it's the guy I'm going to be locking --

8 Q. Yeah.

9 A. -- he's coming in, my gates are open, I'm ready for him, come
10 on in.

11 Q. Okay.

12 A. Okay. And a lot of times we'll bring him in, we get our
13 gates closed, we'll tell the next guy to start easing in the
14 forebay --

15 Q. Um-hum.

16 A. -- so we're not waiting 30, 40, 50 minutes for him to make
17 the turn, come into the forebay, come into the chamber.

18 Q. But he's not coming in that forebay unless you tell him to.

19 A. That is correct.

20 Q. Got you, okay. Is he leaving that forebay if you -- without
21 you telling him to?

22 A. No, because once -- he will not leave my gates until I tell
23 him to --

24 Q. Okay.

25 A. -- because they don't leave --

1 Q. Even if they open?

2 A. Once I blow the horn and tell him he can drop his lines and
3 go, that's when they go.

4 Q. Okay.

5 A. Once they hit right before the forebay, they'll call ship
6 traffic and tell them they're coming out.

7 Q. Okay. And what determines, from your authority up there, you
8 sitting in the seat, when he can leave, when you can tell him or
9 when do you tell him to get out of my locks?

10 A. When my gates are fully open and there's nothing in the way
11 and it's safe to go.

12 Q. Okay. Does it have anything to do, at any point in time,
13 with any other condition, weather, current, traffic?

14 A. No.

15 Q. None of that?

16 A. Uh-uh.

17 Q. Are there any times --

18 A. Well, if it's foggy, I'm not going to open my gates, we're
19 going to leave him in there until it clears out.

20 Q. Okay.

21 A. If it's raining and he's already in here, I'm not going to
22 put him out there. We're going to talk about that, you know, if
23 he wants to go, my guys are fine, okay, Cap, you can go. But we
24 communicate between the two.

25 Q. Okay. So it's a joint decision --

1 A. Yes.

2 Q. -- between the two of you. If he says he wants to stay in
3 there and you --

4 A. We're going to discuss it.

5 Q. Okay.

6 A. We're going to discuss it. Because the only time I can't
7 make him leave is if it's foggy or something like that, but if
8 it's clear, there's nothing there, he's got to go because I got
9 other -- I got other traffic to run.

10 Q. Okay. So when a tow comes in, when you call him in to the
11 forebay, he gets on the long wall, lines up on the long or short?

12 A. They don't have to.

13 Q. Okay.

14 A. As long as they can line it up, they line it up. There might
15 be an angle a little bit like this and they'll get in so far and
16 then they'll slide it over and they'll bring it in.

17 Q. Right, okay. So it's his discretion, right?

18 A. Yes. But now, if he hits that wall and he damages it, guess
19 what's going to happen?

20 Q. That's right.

21 A. We're going through this --

22 Q. Calling us back out for another reason, right?

23 A. Yeah.

24 Q. Okay. So if he wanted to stop there, though, on either of
25 these walls --

- 1 A. Absolutely.
- 2 Q. -- right, he could stop --
- 3 A. Absolutely.
- 4 Q. -- and hold up?
- 5 A. Absolutely.
- 6 Q. Okay. What is the -- well, I'll have to get that. Since the
7 time, since the day of this incident that took place, have there
8 been any new notifications or memos that have come out regarding
9 this?
- 10 A. Couldn't answer that, I've been off for the last two days.
11 Tonight's my first night back.
- 12 Q. Okay. So you haven't even seen -- you don't get those, they
13 don't notify you all by text or --
- 14 A. Uh-uh.
- 15 Q. Nothing like that, prior to coming on.
- 16 A. We get e-mails or we get notifications that they give us, we
17 print them, we put them on our clipboards. I don't know, I
18 haven't been here for the last two and a half days.
- 19 Q. Would you expect that there might be something issued?
- 20 A. We'll probably get a safety gram, not a safety gram, but a
21 marine bulletin --
- 22 Q. Yeah.
- 23 A. -- will probably come out.
- 24 Q. Okay.
- 25 A. And we'll have that.

1 Q. And -- because I haven't seen one, either.

2 A. But we might not get one because we're not having any delays
3 right now.

4 Q. Right.

5 A. But when we start dewatering or repairing, we'll be getting
6 -- we'll be getting one to allow everybody to know that hey, we're
7 closed right now for repairs.

8 Q. Got you. So if one does come out --

9 A. Okay.

10 Q. -- or if there is one out --

11 A. Okay.

12 Q. -- would you have any idea what you think, in your own
13 opinion, what you think might be on that recommendation or --

14 A. No, no. Doesn't come from me, I have no input on it. I'm
15 just the operator.

16 Q. Got you. I know you inherited this in a sense --

17 A. Yes.

18 Q. -- because you were in shift change, you were coming on, this
19 was taking place, the other guy was now out of the seat and you
20 were in, so you inherited --

21 A. Still weren't in the seat, he was there, I was here. His
22 card was out of the computer, but he was still --

23 Q. Got you.

24 A. -- still here.

25 Q. Okay. Yeah, so he called them in the forebay, not you --

1 A. Correct.

2 Q. -- right?

3 A. Correct.

4 Q. You picked it up when this tow was already in and involved in
5 the --

6 A. I jumped in after he hit the gate.

7 Q. After, okay.

8 A. But we were there side by side, witnessing it.

9 Q. Got you.

10 A. But I jumped in and I told him to go get the phone, start
11 taking pictures, I'll start drafting up the report.

12 Q. Okay.

13 A. And start that process running.

14 Q. Once again, I know you don't deal with the traffic in the
15 river --

16 A. Um-hum.

17 Q. -- especially deep draft ships. Do you know of any, any
18 policy, rule, law, anything, agreement, that ships are to run at a
19 reduced speed when coming up and down or passing a forebay of any
20 locks?

21 A. No, no, I do not. But however, some of them will call us --

22 Q. Okay.

23 A. -- some won't. They'll call and say hey, Algiers, you got
24 any outbound traffic coming, no, we don't have any, Cap, you're
25 good to go and they go. Or --

1 Q. And that's the pilot of the ship?

2 A. The pilots of the ship. Or yes, I have one, we'll hold him
3 up for you, okay, thanks, appreciate that.

4 Q. Okay. And they call you on your designated Channel 14?

5 A. Channel 14, um-hum.

6 Q. Got you. Did you have any conversations with any of the
7 pilots after this --

8 A. No, we did not.

9 Q. -- incident or during this incident?

10 A. No, we did not.

11 Q. No, okay.

12 A. There's one that does it, he's regular, he's from Belle
13 Chasse and he's a regular, he always calls us, but other than him,
14 not too many do.

15 Q. Belle Chasse.

16 A. He lives in the Belle Chasse area.

17 Q. Oh, oh. Oh.

18 A. He's a local.

19 Q. Yeah, yeah.

20 A. He calls us all the time.

21 Q. Captain Nelson.

22 A. That might be, I don't know his name. I don't know, there's
23 so many of them.

24 Q. Oh, yeah, we got to get that.

25 A. Okay.

1 Q. Never mind, strike that. So give me an average of a locking
2 time from the river to the canal, high river.

3 A. About an hour. Well, yeah. A good hour.

4 Q. It's an average.

5 A. Um-hum.

6 Q. Okay. Give it to me in low water, same thing.

7 A. Twenty minutes.

8 Q. Westbound. How many?

9 A. Twenty minutes.

10 Q. Huh?

11 A. Twenty minutes.

12 Q. Twenty, okay. And opposite direction?

13 A. About the same.

14 MR. [REDACTED] The same. Okay. I don't have anything else that
15 I can think of right now.

16 MR. APPELT: Okay.

17 MR. [REDACTED] Thank you, I appreciate it.

18 MR. APPELT: No problem.

19 BY LT [REDACTED]

20 Q. All right, Lieutenant Mike [REDACTED]

21 A. I'm ready for you.

22 Q. Couple questions, kind of going off what you were saying
23 here. You said when it's high, high river, your awareness is a
24 little more heightened, you guys are aware, and you were kind of
25 saying, but I just want to clarify, is it in policy or procedure

1 that you have more eyes on the lock or is that just something
2 naturally occurring?

3 A. Just naturally occurring.

4 Q. Just to give you that feeling.

5 A. Yeah.

6 Q. And you don't -- you don't naturally have an inclination when
7 it's low river?

8 A. No. I mean, it's the same. A boat's coming in, high or low,
9 we're out there. Okay, it's just -- it's a feeling, you know,
10 when the water level's right here and the top of the wall is right
11 here, you know, that boat, if it's an empty, it might just go
12 over, you know, it's just a feeling. There's nothing there or
13 nothing, I mean, when the water's low and the wall's up here, he's
14 not going to jump the wall.

15 Q. You feel safer.

16 A. You know what I mean? Oh, yeah. It's just a feeling.

17 Q. What you would say or would you say the vessel is moving
18 quicker through the lock at low tide?

19 A. No. No, because they can control their speed, I mean, it's
20 totally --

21 Q. Right.

22 A. Some come in fast, some come in slow, some come in
23 moderately, you know, it's just -- it all depends on the
24 situation, what they're pushing, and like a light boat is going to
25 come in a lot faster and when I say light boat, he's got no

1 barges. He's going to come "vroom-boom-stop." Guy pushing two
2 tank barges, he's going to be coming in like "mmmmm (ph.)" like
3 this, okay. The guy with the single barge might "errrrr (ph.),"
4 come in a little bit, little bit quicker. So all depends on the
5 situation of what's coming in.

6 Q. There's no difference in speed that you would notice, be it
7 high or low, regardless of low --

8 A. Regardless of -- no, huh-uh.

9 Q. Okay.

10 A. No.

11 Q. Another question was the report you submitted, the CCIR --

12 A. Okay.

13 Q. -- you -- the pictures, the report you drafted, you then
14 submitted that, but you said it was refused.

15 A. Okay, the CCIR, he's got nothing to do with the CCIR. The
16 CCIR is to inform the Army Corps of Engineers, okay, that we had
17 an accident, here's what happened, boom. The accident report
18 itself, summary of accident report, he refused to sign and make a
19 statement.

20 Q. Do you know why?

21 A. Have no clue. He told me he got a phone call from his
22 company, they told him that do not sign anything, I'm going --
23 we're going up to Star Fleet to park and we'll talk about it
24 tomorrow morning. Said right, okay, Cap, but I need my report
25 back. You cannot keep my report. So on the report, I just put

1 refused to sign and turned it in. And that's not --

2 BY LT [REDACTED]

3 Q. So Lieutenant [REDACTED] again with the Coast Guard, so -- so he
4 says he's a blue water sailor, I'm even worse, I'm a prior
5 aviator, so you got to forgive me.

6 A. So am I.

7 Q. All right.

8 A. Green power all the way, baby.

9 (Laughter.)

10 BY LT [REDACTED]

11 Q. I was going to ask you what rate you were, so that's perfect.

12 A. AS, Aviation Support Equipment.

13 Q. Thank you very much for your service, that's awesome. But
14 what is LARK? I think you mentioned there's a LARK program?

15 A. That's where we put the information, it's LARK assessment --
16 I can't remember. We put it on there every shift, it's got how
17 many are on turn, what's the -- the gauges --

18 Q. Okay.

19 A. -- river and canal, how many on turn, and anticipated hours
20 you're going to be at the lock.

21 Q. Basically like your logbook pretty much, is that what it is?

22 A. An updated version of lock status, maybe. How's that?

23 Q. Got you, perfect. Okay. And then radio COMMs with the
24 captain, can you walk me through -- obviously, that was a lot of
25 stress, tension going on there, I mean, walk me through how that

1 went with the captain.

2 A. I can't tell you prior to.

3 Q. Um-hum.

4 A. All I can do is tell you when I got here, when I got here, he
5 was coming in, we were doing our turnover, he got down to the
6 green pin, passed the green pin, Mike got on the radio and said
7 Captain, you need to back it up, back down, you're going to hit my
8 gates, pass the red pin. Captain said I'm backing it down.
9 Captain, you need to back it down. We're watching, it hit.

10 Q. Do you have any previous experience working with this captain
11 or do you know him at all?

12 A. The *Kitty*? I do not know him, but I know of the vessel, it
13 comes through quite often.

14 Q. Okay. Ever had any issues previously?

15 A. No.

16 Q. Okay. Let me see here, okay. Does it often get contentious
17 with operators when they're coming through here, radio COMMs,
18 anything like that?

19 A. What do you mean, contentious?

20 Q. I mean, it can be stressful, obviously, depending on the
21 situation, I'm just kind of thinking is it common for there to be
22 a lot of back and forth or --

23 A. A little tension, you mean?

24 Q. Yeah.

25 A. Sometimes.

1 Q. Yeah.

2 A. Sometimes. I mean, when you're sitting up there for 12 hours
3 and the captain is finally coming and they keep calling you every
4 30 minutes asking you for a number, you get -- you start
5 laughing --

6 Q. Yeah.

7 A. -- you know, you get tired of telling them all right, you're
8 number three, Cap, you called me 30 minutes ago, you're still
9 number three.

10 Q. Yeah.

11 A. Cap, you called me an hour ago and now you're number two --

12 Q. Yeah.

13 A. -- you know, you can't figure out. Yes, yes, it does --

14 Q. I got you.

15 A. -- you know. And when you got -- sometimes you'll get 20 --
16 you've got 20 of these guys calling you within 3 hours and then
17 you've got this guy "Hey, what number am I?"

18 Q. Yeah.

19 A. We give you a number, you know, can't you keep track?

20 Q. Fun to be DMB.

21 A. Yeah, you know. So yes, it does get up there.

22 Q. I got you.

23 A. But if you let it get to you, it's going to get to you, if
24 you don't --

25 Q. Sure.

1 A. I laugh at them sometimes.

2 Q. But again, with the *Kitty* --

3 A. I've never had no problems with the *Kitty*.

4 Q. Perfect. Okay, great. And --

5 A. Myself. I can't speak for anybody else.

6 Q. Yeah.

7 A. Myself, I've never had any problems with them.

8 Q. That's awesome, okay. Last question I have here is just kind
9 of -- just something I want to know. So you were a previous
10 aviator, Master Chief, why this job, why this career field?

11 A. When I was retired, I was living in Belle Chasse, I retired
12 in 2010, I was working here. This position came open and I
13 applied for it and I got it. My kid -- my children were still in
14 high school, I didn't want to live -- go back home to Montana and
15 pull them out, there's nothing up in Montana anymore, I didn't
16 know where I wanted to retire.

17 Q. Yeah.

18 A. We stayed here to let my children finish their high school.

19 Q. Right, that's cool. All right.

20 A. So got this job, hey.

21 Q. That's awesome.

22 A. Cake walk.

23 Q. It seems like a good job.

24 A. There's no stress, let me tell -- paycheck for today.

25 LT [REDACTED] Yeah. Okay, I'm going to have one final thing I

1 want to clarify, but I'm going to let Adam go ahead and probably
2 knock out his last questions.

3 BY MR. TUCKER:

4 Q. Very, very few, just clarifications. Adam Tucker with the
5 NTSB again. And I love the thought of going to Montana.

6 A. It's awesome, it's pretty. I like to visit it, but to retire
7 up there right now, no thanks. But if you need to go to
8 Yellowstone, go to Yellowstone.

9 Q. All right.

10 A. Best vacation you'll ever have.

11 Q. Perfect. I did have one question for you, if you don't know,
12 you don't know, that's fine, but trying to do my homework about
13 canals and how this all works, I came across this on the U.S. Army
14 Corps of Engineers charts, river charts --

15 A. Um-hum.

16 Q. -- for pilots. It says low sill elevation 12.2 feet. Does
17 that mean anything to you? I'm assuming that's the sill up the --

18 A. It's just the bottom -- that's the bottom of my chamber, I
19 believe.

20 Q. Okay.

21 A. But it's not 12, I think it's 15 because we've measured it.
22 From zero, it's 15.

23 Q. Okay. All right, I just wanted -- like I said, curiosity.
24 And then --

25 A. That's why we always ask them when they're coming in what's

1 their deepest depth, because right now, at high water, it's not
2 critical.

3 Q. Right.

4 A. You understand, there's already 15 feet up here --

5 Q. Yeah.

6 A. -- you know, so they're at zero if they're 15, that's why
7 it's critical. A lot of times it's -- the canal drops below
8 before the river does, so if they're minus 2 and they got a 12-
9 foot draft, they're not coming in.

10 Q. Yeah.

11 A. That's why we always -- that's why we always ask.

12 Q. Understood. Okay. We talked of radio communications, I just
13 want to clarify, I was kind of peeking past your shoulder here, so
14 I think I know the answer, but are the radio COMMs recorded?

15 A. Yes.

16 Q. And backed up?

17 A. Yes.

18 Q. Okay. And do you know for how long or --

19 A. No.

20 Q. Okay, that's fine.

21 A. Ask the boss.

22 Q. Yeah, we'll ask the boss, yes. Let's see.

23 A. Which channel, which one, I couldn't even tell you.

24 Q. Yeah. No, that's fine. And just back to the *Pamela*, when
25 she was here, was there any -- I know she submitted, I believe, a

1 witness statement or something.

2 A. A witness statement, um-hum.

3 Q. Was there any conversation after the fact like hey, this
4 happened to me, too, or you know, anything like that?

5 A. No, he called me on the radio and said hey, I saw everything
6 that happened, I'm more than happy to fill out a statement, I said
7 great, Cap, let me get you a form.

8 Q. Yeah, good stuff.

9 A. Took a form over to them, they filled it out, I brought it
10 in. I mean, I thought that was great, I really did.

11 Q. Okay. And I always end my last question, sometimes it might
12 lead to another one, but you know why we're here, we're doing an
13 investigation, lots of pieces of the puzzle to put together. So
14 the big question is, is there -- is there anything that I have
15 failed or we have failed to ask you that you might feel is
16 relevant or important for us to kind of put this all together?

17 A. No, I think it pretty much speaks for itself and I think you
18 guys have covered everything, I mean, I really don't think there's
19 a fault on anyone, personally. I think it's an unfortunate
20 situation a guy got caught in.

21 MR. TUCKER: Well, to that, I want to thank you, as well, for
22 your service.

23 MR. APPELT: You're welcome.

24 MR. TUCKER: Sounds like a cool job.

25 MR. APPELT: It is.

1 MR. TUCKER: Yeah.

2 MR. APPELT: It is.

3 MR. TUCKER: And yeah, thank you very much.

4 MR. APPELT: Okay.

5 LT [REDACTED] So Lieutenant [REDACTED] with the Coast Guard, does anybody
6 else have any final question, anything?

7 MR. ULFERS Can I clarify one?

8 LT [REDACTED] Absolutely.

9 MR. ULFERS: The captain, when you talked about not
10 submitting a report the day of, it was submitted the next day --

11 LT [REDACTED] Okay.

12 MR. ULFERS: -- to the locks, I just wanted to clarify that.

13 LT [REDACTED] Thank you very much. Anybody else have any
14 questions or anything before -- okay. One final thing I just want
15 to clarify, your contact information, so your cell phone is [REDACTED]
16 [REDACTED]?

17 MR. APPELT: Correct.

18 LT [REDACTED] Okay. Address, [REDACTED]
[REDACTED]?

20 MR. APPELT: Correct. You're not coming over with handcuffs,
21 are you?

22 LT [REDACTED] No, sir. Not at all. It's not my job.

23 (Laughter.)

24 LT [REDACTED] Okay.

25 MR. APPELT: I just moved.

1 LT [REDACTED] Okay. Well, we certainly appreciate you talking
2 with us today. Let's see. Time on deck is 14:51 and we are
3 concluding the interview. Thank you.

4 (Whereupon, at 2:51 p.m., the interview concluded.)
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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD


IN THE MATTER OF: TOWING VESSEL BARGE STRUCK LOCK
 GATE IN NEW ORLEANS, LOUISIANA
 NEAR MILE 88 ON THE LOWER
 MISSISSIPPI RIVER ON JULY 4, 2023
 Interview of Michael Appelt

ACCIDENT NO.: DCA23FM038

PLACE: New Orleans, Louisiana

DATE: July 7, 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.



Karen D. Martini
Transcriber