

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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SINKING OF THE CFV *EMMY ROSE* WITH
LOSS OF LIFE, OFF THE COAST OF
PROVINCETOWN, MASSACHUSETTS,
ON NOVEMBER 23, 2020

Accident No.: DCA21FM007

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Interview of: NEWBOLD "RINK" VARIAN, Managing Operator
Boat Aaron & Melissa, Inc.

Sector NNE, South Portland, Maine

Monday,
December 7, 2020

APPEARANCES:

CDR [REDACTED] [REDACTED]
U.S. Coast Guard

CWO [REDACTED] [REDACTED]
U.S. Coast Guard

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

BRIAN YOUNG, Investigator
National Transportation Safety Board

DAVID SMITH, Esq.
(On behalf of Boat Aaron & Melissa, Inc.)

BETSY VARIAN
Wife of Newbold "Rink" Varian

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I N T E R V I E W

1
2 CDR [REDACTED] Okay, good afternoon, everyone. My name is
3 Commander [REDACTED] [REDACTED] and I'm the first district lead
4 investigating officer for the formal marine casualty investigation
5 into the loss of the commercial fishing vessel *Emmy Rose*. With
6 that said, I just had a couple things I wanted to read for you
7 guys before we officially introduce everyone. So I just want to
8 give you the Privacy Act notice for U.S. Coast Guard marine
9 casualty investigations.

10 In accordance with the Privacy Act, Title 5 U.S. Code 522(a),
11 the following information is provided to you when supplying
12 personal information to the Coast Guard. So again, the
13 authorities of 46 U.S. Code 60.01 and Title 46 C.F.R. Part 4
14 authorizes the collection of this information. Principle purpose,
15 the Coast Guard uses this requested information in gathering facts
16 to determine causes surrounding marine casualties.

17 This information assists in promoting the safety of life,
18 property, and the protection of the marine environment through
19 preventing reoccurrences of accidents. For routine uses, marine
20 casualty information is needed for Coast Guard investigations of
21 vessel casualties involving death, injuries, vessel damage,
22 property loss, and gather reports as managed by Congress.
23 Information gathered is also used to determine whether new or
24 revised safety initiatives are necessary. The information
25 gathered may also be disclosed under the Freedom of Information

1 Act requests via a written formal request.

2 Do you guys have any questions? Okay. So again, thank you.
3 Here today we're commencing the first interview. With me today is
4 Mr. and Mrs. Varian, along with their attorney. For the record,
5 my name is Commander [REDACTED] Last name is [REDACTED].

6 [REDACTED] would you introduce yourself?

7 CWO [REDACTED] I am Chief Warrant Officer [REDACTED] [REDACTED]
8 [REDACTED].

9 MR. [REDACTED] I'm [REDACTED] I'm a civilian investigating
10 officer. Last name is [REDACTED].

11 MR. YOUNG: I am Brian Young with the National Transportation
12 Safety Board. Last name Y-o-u-n-g.

13 MS. VARIAN: Betsy Varian, wife of Rink. V-a-r-i-a-n.

14 MR. VARIAN: Newbold Varian, acting manager of Boat Aaron &
15 Melissa, Inc., and I am -- oh, V-a-r-i-a-n, Varian.

16 MR. SMITH: And it's David Smith, attorney for Boat Aaron &
17 Melissa, Inc.

18 CDR [REDACTED] Okay, thank you, everyone. At this time I'll
19 turn it over to CWO [REDACTED] for the first questions.

20 INTERVIEW OF NEWBOLD "RINK" VARIAN

21 BY CWO [REDACTED]

22 Q. All right. So I'm going to start off with just going back to
23 basically the background, so we'll start with your history. What
24 is your experience in the commercial fishing vessel operations?

25 A. Well, I've been active in the fishing world for all my life

1 and when I say that, I mean that I have -- I'm fifty, almost 54
2 years old now. When I was 17 years old, my father had several big
3 offshore fishing vessels and I used to go with him years ago until
4 one day I decided I knew I could probably swing it all on my own
5 and basically stole one of the boats and went out and made a trip
6 and long story short, the rest is history.

7 I've owned vessels throughout my life and now just acting as
8 a manager of them. I built several boats from the bottom up, I
9 mean brand new construction, and I've worked in several shipyards,
10 I've got quite a history that's related to the fishery, and I
11 really enjoy what I do, and it's definitely a very big part of me.

12 Q. And how many boats have you managed?

13 A. Two.

14 Q. Two boats.

15 A. Prior to that, I owned, though.

16 Q. I'm sorry, prior to that --

17 A. Prior to that I owned all of them.

18 Q. How many have you owned?

19 A. Oh, god. Do I have to be accurate here? Can I just
20 speculate?

21 Q. You can speculate, that's fine.

22 A. I'll say 12.

23 Q. Twelve over your lifetime?

24 A. Ten.

25 MS. VARIAN: I'd say more than that.

1 MR. VARIAN: Well, it's been a long life. So far. A lot of
2 boats. I used to do offshore lobstering and I used to do -- you
3 know what I mean, from small boats up to bigger boats. These are
4 the biggest boats I've ever been involved in.

5 BY CWO [REDACTED]

6 Q. Okay. And these are the groundfish boats --

7 A. Yeah.

8 Q. -- that you're referring to?

9 A. Right. Now, I used to also operate these for other people
10 before being manager of operations. I was relief skipper. I
11 don't know if you know what that is, but a relief skipper is
12 somebody who, if the captain needs a trip off, will run the boat.
13 Okay, for several people, I ran boats for other people. Boat
14 Aaron & Melissa, Inc., as a matter of fact. And I've also worked
15 for -- oh, god, Louis Maher (ph.), Dutch Albertson -- Wyatt
16 Albertson, excuse me. I've run a bunch of boats for a bunch of
17 people.

18 Q. And how long have you been doing the relief captain? How
19 long, for how many years?

20 A. Oh, just off and on throughout my life. I mean, sometimes
21 I'd run a boat for somebody or, you know, if somebody takes a trip
22 off and I'd, you know, step up into the wheelhouse if I was on
23 deck. A lot of times I'd go on deck. I've always been involved
24 in the fishery, whether on deck and on the bridge or wherever,
25 engine room, you name it.

1 Q. Currently, what is the size of your fleet? Do you have just
2 the one boat or do you have multiple boats?

3 A. I have one boat that I manage now, one --

4 Q. And what boat is that?

5 A. That would be the *Sea Rambler*.

6 Q. And how long have you been managing that boat?

7 A. I'm not sure, I'll have to say 3 years.

8 Q. How many people are within the company?

9 MR. SMITH: I need to clarify something because when you
10 asked that question and what he just said, you asked him about how
11 many boats he manages and I'm just trying to help. That's with a
12 different company. *Sea Rambler* is part of a different company,
13 it's not part of --

14 MR. VARIAN: Right.

15 MR. SMITH: -- Boat Aaron & Melissa.

16 CWO [REDACTED] Oh.

17 MR. VARIAN: Right, right. Just one with Boat Aaron, yeah,
18 yeah.

19 BY CWO [REDACTED]

20 Q. Just one within --

21 A. Yes.

22 Q. -- Aaron & Melissa?

23 A. Yes.

24 MR. SMITH: That he managed.

25 BY CWO [REDACTED]

1 Q. Okay. And within Aaron & Melissa, how many employees are in
2 that company?

3 A. Are you talking crew, also?

4 Q. Yes, crew and staff.

5 A. Well, again, that's -- am I speaking of just this vessel?

6 MR. SMITH: You're asking him a question that might be
7 outside of his scope of knowledge.

8 MR. VARIAN: Right.

9 MR. SMITH: I don't mean it -- I don't --

10 CWO [REDACTED] No, that's --

11 MR. SMITH: So go ahead and ask.

12 MR. VARIAN: I would say one, two, three, four, five -- I'll
13 say six.

14 BY CWO [REDACTED]

15 Q. Six including crew?

16 A. Yes.

17 Q. So what is your relationship to Aaron & Melissa? How do you
18 fit into that?

19 A. I am a shoreside manager of -- yeah, shoreside manager,
20 basically, of shoreside, you know, everyday activities. One
21 minute I could be in the engine room, one minute I can be on deck,
22 one minute I'm a runner to go get a roll of Duck tape. You know
23 what I'm saying?

24 MR. SMITH: And it's all tied to *Emmy Rose*.

25 MR. VARIAN: Right.

1 MR. SMITH: To get to your question.

2 MR. VARIAN: Right.

3 MR. SMITH: Okay. And they could tell you that this company
4 owns another boat, too, that's in its name. That's not a secret
5 or anything like that, he just doesn't manage that one.

6 CWO [REDACTED] Correct. Okay. So --

7 MR. VARIAN: I wouldn't know how many employees were
8 involved, though.

9 BY CWO [REDACTED]

10 Q. With Aaron & Melissa, with the company --

11 A. Um-hum.

12 Q. -- you're the shoreside manager, how long have you been doing
13 this for this company?

14 A. For Boat Aaron & Melissa?

15 Q. Yes.

16 A. Since, I want to say, May of this year.

17 Q. May of this year.

18 A. Um-hum. Give or take a month. I'm not sure exactly when I
19 started, but I want to say May of this year would be close, May
20 1st (indiscernible).

21 Q. Okay.

22 A. That isn't the boat that was purchased.

23 Q. Are you the owner of the *Emmy Rose*?

24 A. No.

25 Q. Who is the owner of the *Emmy Rose*?

1 A. Boat Aaron & Melissa, Inc.

2 Q. Okay. Is it safe to say that you -- for the *Emmy Rose*, you
3 do a lot of the day-to-day operations?

4 A. Yes.

5 Q. Working directly with the crew?

6 A. Yes, shoreside. Yes.

7 Q. Okay. Let's start with are you in charge of the hiring
8 process?

9 A. I hire the captain.

10 Q. Okay.

11 A. And the captain hires the crew.

12 Q. Okay, can you walk me through how that hiring process works?

13 A. I go by -- I went by history of the individual, competence of
14 the individual, and basically that's it, I mean, that wraps it up.
15 I mean, if the guy knows what he's doing and is a known producer
16 and capable of conducting his duties, then yes, that's how I check
17 out my people who I hire.

18 Q. Since May of 2020, how many captains have you hired for the
19 *Emmy Rose*?

20 A. One.

21 Q. What was his name?

22 A. Robert Blethen, Jr.

23 Q. Okay. Now, you said the captain, you hire the captain and
24 the captain hires the crew.

25 A. Correct.

1 Q. Do you have any say into what crew is hired? Do you discuss
2 it with the captain?

3 A. Some. Some. He briefs me as who is to come aboard, if
4 they're looking for somebody.

5 Q. Do you require any type of pre-employment physical or pre-
6 employment drug tests --

7 A. No.

8 Q. -- to be conducted?

9 A. No.

10 Q. No. All right. And how about --

11 A. A physical, not on paper, I mean more of an observation. If
12 somebody showed up with a cast on their foot, I'm sorry, but
13 you're not going to be able to go on the boat.

14 Q. Okay.

15 A. If you are physically capable of conducting your duties at
16 sea, as to be asked of you, yes.

17 Q. And what type of physical capabilities will a crewmember need
18 to be able to do?

19 A. He would need to be able to lift a lot of weight in a
20 repetitive manner, deal with, sometimes, a lot of fatigue due to
21 you're not on a nine-to-five schedule and so forth. And elements,
22 elements can be, this time of the year, pretty intense and brutal.
23 So you've got to be pretty tough.

24 Q. Okay. And can you walk me through what a typical crew work
25 hours and what their schedule is?

1 A. It all depends on how much fish you're putting aboard the
2 boat. As far as doing gear work or whatnot, that's kind of more
3 laid back, you work at your own pace. But if we're actually at
4 sea putting fish down, nobody stops nothing, you're working as
5 fast as you can because a lot of times you will not get a break
6 unless you're finished doing what's in front of you. Fish don't
7 -- seafood, I'll say fish on a fishing vessel doesn't get left
8 unattended, so to speak.

9 So we get through and we haul in the nets, we got a pile of
10 fish to take care of, that pile of fish is taken care of before
11 anybody is signed off. And a lot of times if you're catching a
12 lot of fish, when that fish is taken care of, here comes more fish
13 and that depends on what you call loading up, so to speak.

14 Q. Okay. For training for the crew, what type of training do
15 you or the captain require prior to hiring and what type of
16 training do you guys provide on board the vessel?

17 A. Basically all the training that is done on my part is just by
18 history, word of mouth, they've been before, they're not -- they
19 look physically fit, capable of conducting their job. As far as
20 going through a training course, no. As far as going through a --
21 any course, there is no course to go through. It's more just, you
22 know, word of mouth and visual sighting.

23 Q. Okay. Do all of the crewmembers, do they know how to work
24 communications, VHF, that's on board? Is that something that
25 is --

1 A. Absolutely, absolutely. Most of these people, again, are
2 experienced, not only with this vessel in particular, but this
3 wasn't their first job on a boat. And if it was, the captain
4 definitely showed everybody around, you know, the ropes so to
5 speak, of how things are conducted and what is asked of you and
6 how you go about doing things. As far as myself, no. I just,
7 like I say, inspected what I see shoreside and that was it. I see
8 whoever's stepping over the rail was -- appeared to be, in my
9 vision, up to snuff.

10 Q. Okay. And were drills conducted on board the vessel?

11 A. I'm sure they were by the captain. Myself, I did not conduct
12 drills, no.

13 Q. Okay. Do you know if there was anybody on board that was a
14 drill conductor that had the training as a drill conductor?

15 A. I am not a hundred percent sure of that. I'm assuming the
16 captain did.

17 Q. Okay.

18 A. Because he's run other vessels for other companies over his
19 life.

20 Q. How long has this crew been on board?

21 A. Since it was purchased. Well, I will take that back. The
22 captain has been on board this vessel since it was purchased.

23 Q. And how many crewmembers have been hired on board the vessel
24 since its purchase?

25 A. I've got a stack of papers right there that will tell you

1 that.

2 Q. Okay.

3 A. I don't -- you know what I'm saying?

4 Q. Yes, sir.

5 A. I mean, sometimes they come for one trip and they're gone.
6 Sometimes they stay forever.

7 Q. Can you describe the previous voyages that the *Emmy Rose* has
8 done since it's been purchased in May of 2020?

9 A. Very successful. And what you'd expect out of a smooth
10 working machine. That's all I can tell you.

11 Q. Do you know how many trips the vessel has taken?

12 A. I don't recollect off the top of my head, no. I could tell
13 you by settlements done by my accountant, but I wouldn't know.

14 Q. Okay.

15 A. I wouldn't dare say exactly.

16 Q. How about a safety management system?

17 A. If we did an average of three trips a month from purchase day
18 of the vessel --

19 Q. An average --

20 A. -- that would give you an idea of how many trips they're
21 doing. Approximately three trips a month.

22 Q. Did the vessel have on board a safety management system in
23 place?

24 A. As far as an event of an emergency, it must have.

25 Q. As far as --

1 A. List.

2 Q. -- the policy, so if something -- let's say something needed
3 to be repaired, what was the process of how that would get
4 repaired?

5 A. It would be drawn on a piece of -- on a notebook such as
6 this, by the captain, of what needs to be fixed. And it would be
7 left for us to do if it was -- you mean at sea? I'm confused here
8 a little bit.

9 Q. No. So let's say they were under way --

10 A. Okay.

11 Q. -- and then they saw something needed to be repaired, what's
12 the typical process that they would get that information back to
13 you for --

14 A. To me? Via phone call or something like that, but most of it
15 would be just verbal from the captain to the crew.

16 Q. Okay.

17 A. There's no assigned protocol as far as -- this is a
18 commercial fishing industry, it's basically word of mouth. You go
19 do this, you're doing that, yeah. As far as assigning things, no.
20 As far as what I need to do if something is of an importance, they
21 will contact either I or the shore engineer and ask and call and
22 say hey, is this thing supposed to be running at this temperature,
23 you know. But other than that, there's a list when they get in,
24 laying on the dashboard of the boat, it's called a fix-it list and
25 that's how we go about doing it. We check them all off and away

1 the boat goes again.

2 Q. And who --

3 A. Weather depending.

4 Q. Who is the shore engineer?

5 A. Robert Blethen. I think he's a senior. That would be the
6 captain's father.

7 Q. Okay. And how long has he been the shore engineer?

8 A. Since I've had the boat, since the boat was purchased.

9 Q. And have there been times that you go on board to evaluate
10 the crew like while they're working in port?

11 A. I am always around to the point where I may make you
12 uncomfortable, so to speak. So I guess the question is yes.

13 Q. Okay, how often would you say, when the boat's in port, that
14 you were on board the vessel?

15 A. When the boat comes to port --

16 Q. Um-hum.

17 A. -- I'm on that boat every trip.

18 Q. Did you ever do any underway trips with the boat?

19 A. No.

20 Q. Okay. Can you tell me what your relationship to the Aaron &
21 Melissa II is?

22 A. I'm an overseer of shoreside procedures. I arrange to have
23 things done, help if the job is too heavy, another set of hands,
24 so to speak, a runner. Basically, a manager. I am an employee of
25 Boat Aaron & Melissa, Inc.

1 MR. SMITH: Can I just ask a question?

2 CWO [REDACTED] Yes.

3 MR. SMITH: Are you asking about another vessel?

4 CWO [REDACTED] I am, yes.

5 MR. SMITH: All right.

6 MR. VARIAN: Oh. Oh, I didn't even know that.

7 CWO [REDACTED] Yes, I'm asking about --

8 MR. VARIAN: I have nothing to do with that.

9 CWO [REDACTED] I'm asking about the vessel Aaron & Melissa II.

10 MR. VARIAN: I apologize, I do not -- that's a whole other --
11 I have nothing to do with that at all.

12 BY CWO [REDACTED]

13 Q. Nothing to do with that boat?

14 A. No.

15 Q. Okay.

16 A. I guess I better pay attention, anyway. Thank you.

17 MR. SMITH: Listen to the question, you know the information.

18 MR. VARIAN: Right.

19 CWO [REDACTED] I do not have anything further at this time.

20 MR. [REDACTED] All right. Are you guys good to keep going?

21 MS. VARIAN: Um-hum.

22 BY MR. [REDACTED]

23 Q. Mr. Varian, I'm going to ask you specifically about the *Emmy*
24 *Rose* and its history. So I would like you to tell us about the
25 history of the *Emmy Rose* from when you purchased it or what made

1 you purchase that vessel and where you purchased it. So what led
2 you to go to the *Emmy Rose* and purchase that? It used to be
3 called the *Sasha Lee*, I believe.

4 A. Right.

5 Q. So what made you, when you were looking for another fishing
6 vessel, go to that vessel and what drew you to that vessel?

7 A. The condition of it.

8 Q. Specifically what?

9 A. It's not that -- it wasn't that old and the steel was in good
10 shape on it, had a history of being a very good boat by the
11 previous owners and just it was an all-around good boat. I mean,
12 it's not like the -- there was a whole bunch of boats for sale,
13 but not all good ones, you know?

14 Q. Um-hum.

15 A. That one was.

16 Q. Okay.

17 A. And when I say that, I know what a piece of junk is when I
18 look at it, so to speak.

19 Q. Um-hum.

20 A. I should do surveying myself and I'm not going to keep
21 talking like this, but that was the finest kind of vessel and it
22 was told to me, out of the pile, keep your eye on this one and I
23 looked at the pile prior to it. When I say the pile, I mean all
24 of them. And that was like, to me and to the surveys and all the
25 other reports, was the -- was a nice, was a nice boat. Why did we

1 want it? Because we wanted another piece of good working
2 equipment, you know?

3 Q. And did you purchase that vessel in New Bedford?

4 A. That vessel, I believe, was purchased in New Bedford, yes.

5 Q. Okay. And were you on scene to purchase the vessel? Did you
6 actually go through the vessel and look at it and --

7 A. Absolutely.

8 Q. Did you ever take it out at sea?

9 A. No, I did not. I had my shore engineers do it and I had --
10 not Bobby Blethen, I had a friend of my, Glenn McIntyre, who's
11 worked with this company forever, they were bringing the boat back
12 for me and we brought the boat to Fairhaven Shipyard. Because I
13 couldn't be in two places at once, so to speak, so I asked a well-
14 known, reliable source if he could do that for me. And he brought
15 the boat to the Fairhaven Shipyard, to Maine.

16 Q. Okay. All right. And when did you purchase the vessel?
17 Just for the record.

18 A. Boat Aaron & Melissa, Inc. purchased the vessel in -- I'm
19 going to say May. The survey would say, the bills of sale would
20 say. I don't have the bill of sale with me.

21 Q. So roughly you purchased the vessel in May, you had a friend
22 of yours take -- do a once-over on the vessel, give the thumbs up.

23 A. Right.

24 Q. You did the paperwork and then they brought it back to Maine?

25 A. Well, it took a while for the sale to go through. During

1 this time we was cleaning up, you know, things and moving out the
2 prior people that had been on there and it was also tied up in --
3 with a bunch of other boats that was sold out from one company to
4 the next. As far as -- I don't know if I'm supposed to mention
5 him.

6 MR. SMITH: (Indiscernible). Go ahead.

7 MR. VARIAN: Okay. This was one of Carlos Rafael's boats.

8 MR. [REDACTED] Okay.

9 MR. VARIAN: Carlos Rafael had several boats. Some of the
10 boats went to here, some of the boats went to there. We're going
11 to use them as Blue Harvest right now. Blue Harvest bought
12 several Carlos's boats. They kept some of the boats that they had
13 permits for. The other boats they sold, sold off or in the
14 process of selling off today, I believe. I don't know that for
15 sure. But this is one of the boats that Blue Harvest did not have
16 a permit for and it wasn't available to the public to purchase.

17 BY MR. [REDACTED]

18 Q. To your knowledge, was the *Emmy Rose* a working vessel prior
19 to your purchase? When it was named the *Sasha Lee*, was it an
20 active boat fishing or had it been laid up for a while, do you
21 know?

22 A. It had been laid up for approximately 3 to 4 months.

23 Q. Okay.

24 A. That boat, to my understanding, I don't know if this is
25 actual, but to my understanding, the *Sasha Lee* had a fluke permit

1 attached to it, which was the fishery that it was conducted
2 through the state, not through the federal -- I may be wrong with
3 this, but the boat was active fishing in November prior to me
4 buying it.

5 Q. Okay. Any unique characteristics in the design of the
6 vessel?

7 A. Just a very comfortable sea boat.

8 Q. Okay.

9 A. From everybody who said it, she was just well laid out,
10 plenty of power, plenty of on-deck power for winches and whatnot.
11 It didn't labor in any way at all as far as being able to get the
12 can-do, so to speak.

13 Q. Okay. I understand that the next question I have is going to
14 regard maintenance and details of maintenance. Is that all in the
15 records that --

16 A. Yeah.

17 Q. -- you provided with us today?

18 A. Well, that would be the purchase slips of things that I have
19 purchased to do my maintenance.

20 Q. Okay. And do you do most of your maintenance in Portland or
21 do you do that elsewhere?

22 A. Portland or Gloucester.

23 Q. Portland or Gloucester, okay.

24 A. Yeah, Mass.

25 Q. And I believe this question was already asked, but when

1 you're getting a list of things to work on, it's just the master
2 provides that to you on just a written piece of paper, like this
3 needs to be worked on --

4 A. Yes.

5 Q. -- or whatever?

6 A. Yes.

7 Q. That's given to you and then you kind of form out --

8 A. Right.

9 Q. -- who's going to take responsibility for --

10 A. Right. I mean if, say, some of the fishing gear needs to be
11 welded, then I line up a welder, get the welder down there if we
12 don't weld it ourselves. If it's fishing gear related, if it's
13 crucial, then we get the big boy, so to speak, to set up for big-
14 time welding. We just weld basically on the fishing -- like the
15 doors, I don't know if you're familiar with that, but they will
16 hold the net open --

17 Q. Um-hum.

18 A. -- on the bottom of the ocean.

19 Q. Okay.

20 A. As far as structural stuff, it's all hired out. As far as
21 engine work, my shore engineer is one of the best engineers around
22 and I when I say that, he's worked for CAT, Broda (ph.), CAT, here
23 in town. He's got quite a history.

24 Q. And who was that, again, the shore engineer?

25 A. That would be the captain's, unfortunately, father.

1 Q. Okay, Mr. Blethen, Sr.?

2 A. Big Bobby.

3 Q. Okay.

4 A. I call them big Bobby and little Bobby.

5 Q. Do you happen to know when the last dry dock of the vessel
6 was?

7 A. Oh, god. When we bought the boat and the boat was brought to
8 Maine, after a few trips it was brought to our attention that the
9 engine is running a little bit warm and the RPMs aren't there and
10 it's got -- it was black-smoking a little bit. All of these are
11 factors to -- you get too big a wheel underneath the boat. Follow
12 what I'm saying?

13 So I make a few phone calls, I talked to Scandia Propeller in
14 New Bedford and they say well, this is the wheel that they got on
15 the boat. I said well, can you recalibrate what should be on that
16 boat because I don't want an engine that's going to be wore out
17 prematurely, I don't want something that's going to be running
18 inefficiently, and they came up with a wheel spec.

19 So after the boat -- when I first -- when the boat first got
20 purchased in New Bedford, the boat was hauled out at Fairhaven
21 Shipyard immediately after purchase. At that time the boat was
22 hauled out, they put -- they did bottom work, redid the whole
23 bottom. When I say redid, with coatings, zincs, cleanings. Tip
24 top. They replaced it, they replaced one keel cooler that was on
25 the starboard generator. Cleaned the keel coolers on all the

1 other engines. Yeah. And it was inspected again by Marine Safety
2 Consultants at this time and said it -- and they said that the
3 bottom of the vessel was in very good condition. Back in the
4 water we go to Maine.

5 Q. This was in May of 2020?

6 A. Yes, May-ish. The records will show --

7 Q. Okay.

8 A. -- the work order in that stack from Fairhaven Shipyard. The
9 boat goes to Maine. Three or four trips into it, we're realizing
10 that -- like I said, the captain is saying he's bringing back all
11 this info. You know, you really should cut the wheel down a
12 little bit, he says, because we're maxed out and so I hauled the
13 boat out again, mind you, and --

14 Q. Where was this hauled out the second time?

15 A. Portland Yacht Services, Portland, Maine. This was after
16 finding a propeller that was the propeller that I needed, had it
17 reconditioned at Mike's Propeller in New Bedford so that it was
18 perfect. We hauled the boat, put the new propeller on and it was
19 a diamond.

20 Q. Okay.

21 A. Just the way it was supposed to be.

22 Q. When was the second haul-out? When? Roughly. I mean --

23 A. I'm going to say a month and a half ago.

24 Q. Okay. And --

25 A. Actually, it's probably later, 2 months ago.

- 1 Q. And ever since then, no complaints from --
- 2 A. No.
- 3 Q. Okay.
- 4 A. Smooth as snow.
- 5 Q. Going back to the dry docks, did they do hull gauging?
- 6 A. What's that?
- 7 Q. Gauging of the hull?
- 8 A. That was done prior to the purchase.
- 9 Q. And who did that?
- 10 A. Marine Safety Consultants.
- 11 Q. Okay, any issues or known --
- 12 A. No, no.
- 13 Q. -- spots that was wearing?
- 14 A. Nothing, nothing material that would raise any big attention
- 15 to, no.
- 16 Q. Okay. How about a stability test, do you know when the last
- 17 stability test was?
- 18 A. There was one conducted and I'm not exactly sure, but I do
- 19 know this for a fact, that report, and I'm sure you can obtain it,
- 20 but the one I had is on the boat.
- 21 Q. Okay. Any modifications to the boat since that stability
- 22 test was done? Any added weight --
- 23 A. No.
- 24 Q. -- placement? Anything --
- 25 A. Not by myself. To my knowledge, no. Or anybody else

1 affiliated with Boat Aaron & Melissa, Inc.

2 Q. Okay. I see you've drawn us several diagrams. I'm looking
3 for the bilge pump, an alarm arrangement.

4 A. Yeah.

5 Q. So you're looking at lower level?

6 A. Okay, the bilge pump alarms would be on the top deck. I drew
7 like the top of the wheelhouse -- how about we go to the main
8 deck?

9 Q. Main deck?

10 A. Yeah.

11 A. There's a section in the bow, which is the top of the paper
12 where the point is.

13 Q. Yeah.

14 A. Okay. Bridge.

15 Q. Yeah.

16 A. Still up to peak. If you look, I drew like a dashboard
17 wrapped around the peak.

18 Q. It says electronics?

19 A. Yeah.

20 Q. Yeah.

21 A. Okay. If you would sit in that square box where the bridge
22 is, that's your captain's chair.

23 Q. Um-hum.

24 A. It would be to your right. On that bulkhead of the end of
25 the dashboard is all the Murphy alarms.

- 1 Q. Okay.
- 2 A. Which go to all engines, all bilges, and we're all covered
3 for the new Coast Guard sticker.
- 4 Q. Okay. And is that a visual and an audio alarm?
- 5 A. Yes.
- 6 Q. Okay.
- 7 A. The bilge pumps. What we call a manifold system, they are
8 pumped by pumps which are called a Number 8 MP pump, which runs a
9 2-inch, basically, pump.
- 10 Q. Does that stand for anything? MP, is it a brand?
- 11 A. No, it's just a brand name.
- 12 Q. Okay. MP?
- 13 A. Yeah, like --
- 14 Q. Mike Papa?
- 15 A. -- you're familiar with Rule?
- 16 Q. Yes.
- 17 A. Okay, well, MP is the big heavy cast iron and steel ones that
18 are re-buildable and very durable. She had four of those.
- 19 Q. And while looking at the lower level of that diagram, they're
20 in the middle of the page on the left- and the right-hand side?
- 21 A. They're on both sides on the aft bulkhead wall of the engine
22 room.
- 23 Q. Okay.
- 24 A. All sides.
- 25 Q. Two on each?

1 A. Right.

2 Q. How about could you talk about the vessel dewatering
3 capabilities?

4 A. Okay, we're talking on the main deck area. As far as on the
5 very top top, everything would shed, there's no railings. There
6 was walk railings for just safety to walk around, but as far as
7 water shed, if you take a wave down over, it would just run
8 overboard, onto the flat and run overboard. Now if you get down
9 onto the main deck, freeing ports. If you look at this -- I guess
10 it would be the -- well, I drew them better in the top.

11 Q. These little squares here?

12 A. Yes, along the rail.

13 Q. Yeah.

14 A. Those are the freeing ports. I believe you'd have to look at
15 a photo to see exactly how many they were, but they were
16 approximately 12 inches high by 2 feet long and there was -- I'm
17 going to shoot off the hip and say five to six per side leading to
18 the main bulkhead going into the main cabin area.

19 Q. Okay.

20 A. And they were all on tracks, we could lift them up, leave
21 them up and open or you could slide them down and leave those
22 closed.

23 Q. And block them. Okay.

24 A. On the stern, there's two stern ramps with storm gates.

25 Q. We're on lower level?

1 A. No, we're on main deck level.

2 Q. Main, okay.

3 A. It may show lower deck level, also. Yes, I did draw them on
4 the lower level, also. That's where the net comes up and goes up
5 one of these big reels. They open the gates, a gate, whichever
6 side you're towing from, whichever net you're using. Then you
7 reclose the gate once the net is either set back out or stowed for
8 transport. It should be in the closed position.

9 And that's it as far as the freeing ports. There's two big
10 ones up forward ahead of the shelter decks on the main level for
11 shedding water off the main bow. Did I draw them on it? Okay.
12 They'd be right underneath -- right about where your exit doors
13 are on the wheelhouse, that bottom corner, that's a solid wall
14 right here and the freeing ports would be right here for water
15 coming onto the bow.

16 Q. And you're on the top deck?

17 A. Yes.

18 Q. Okay. Yeah.

19 A. Did I write freeing ports? I thought I did.

20 MR. SMITH: It's okay. Don't change them now.

21 MR. VARIAN: No, I'm not going to.

22 MR. SMITH: Yeah.

23 BY MR. [REDACTED]

24 Q. Okay. And if you were to take any water into the vessel, how
25 would you dewater like the engine room, for example?

1 A. Pumps.

2 Q. Pumps.

3 A. Um-hum.

4 Q. And do you know what capability that was as far as gallons
5 per minute?

6 A. Myself, personally, I would use whatever means I needed to,
7 to dewater the vessel, but pumps the most.

8 Q. And how many pumps?

9 A. Four.

10 Q. Four pumps?

11 A. Yes.

12 Q. And do you happen to know the capacity, like how fast it can
13 pump out?

14 A. They're 2-inch, 2-inch MP pumps.

15 Q. Okay.

16 A. Whatever you run through a 2-inch MP pump for the -- what is
17 it, a five horsepower motor? I'm not a hundred percent sure on
18 that, but it's a lot of water.

19 Q. Okay.

20 A. Most boats only have two.

21 Q. Okay. As far as lifesaving equipment, do you have copies of
22 that service history in your logs, as well, that you provided?

23 A. It should be. Everything was -- had to be redone, repacked,
24 reinspected, so yes.

25 Q. Okay. Off the top of your head, do you know how many life

- 1 rafts, how many --
- 2 A. One life raft.
- 3 Q. Okay. How many EPIRBs? Just for the record.
- 4 A. One.
- 5 Q. Life rings?
- 6 A. Four, I believe.
- 7 Q. Okay. How about immersion suits?
- 8 A. Five.
- 9 Q. And do you know where they were located?
- 10 A. Top bunk in the cruise -- in the cruise bunk room. Not
- 11 fastened, laying on top of the bunk.
- 12 Q. That's in the main -- on the main deck --
- 13 A. Yes.
- 14 Q. -- picture?
- 15 A. Yeah, where you see bunk room, the main deck picture, you'll
- 16 see bunk room, it's just down from the bridge on the starboard
- 17 side --
- 18 Q. Okay.
- 19 A. -- of the vessel.
- 20 Q. Because you have two bunk rooms and one state room, right?
- 21 Is that --
- 22 A. Well, the state room's the captain.
- 23 Q. Right. So it's the bunk room on the starboard side?
- 24 A. Correct.
- 25 Q. All five were kept in there?

- 1 A. Yes.
- 2 Q. Okay. Were they all the same size?
- 3 A. No.
- 4 Q. Okay.
- 5 A. There was, I believe, two jumbos.
- 6 Q. And were they maintained?
- 7 A. Oh, yes. I just got a Coast Guard certificate.
- 8 Q. Okay. Can you talk about that, the last time the Coast Guard
- 9 did an inspection, a commercial fishing vessel exam?
- 10 A. What would you like to know?
- 11 Q. When it was conducted, where it was conducted. If you know.
- 12 A. I don't know off the top of my head, but it wasn't that long
- 13 ago.
- 14 Q. Okay. Were there any deficiencies written up on that?
- 15 A. Actually, it would've been closer to the time when we got
- 16 under way because the sticker was expired when the vessel was
- 17 purchased.
- 18 Q. Okay.
- 19 A. So we did it right out of the gate.
- 20 Q. Okay. Was that done in Portland, do you know, or was it --
- 21 A. Yes, it was.
- 22 Q. It was done in Portland?
- 23 A. Yeah.
- 24 Q. Okay. And like I said, was there any deficiencies noted?
- 25 A. No, no.

1 Q. Everything was clean?

2 A. Yeah.

3 Q. Okay.

4 A. A couple of fire extinguishers needed to be redone, but
5 nothing, that was it.

6 Q. Okay. And is it standard procedure when you're under way
7 that any kind of deck hatches or whatever, it's closed or do you
8 leave them open?

9 A. Never leave them open.

10 Q. Okay, so they're always closed?

11 A. Yes.

12 Q. Okay. Speaking of the catch, once it's brought on board --

13 A. Yeah.

14 Q. -- I see on lower level, those are stored in pens? Is
15 that --

16 A. Yes.

17 Q. How many, is that four on each side?

18 A. I drew that quickly. I believe there was five.

19 Q. Five pens on --

20 A. Five wing pens per side.

21 Q. Okay. How high are those?

22 A. From the floor of the vessel --

23 Q. From the floor up.

24 A. -- there's ballast concrete in the floor of the vessel, which
25 makes the floor somewhat flat and more accommodating to work on.

1 Work off of, excuse me. And then it goes up to the -- on the side
2 of the main deck.

3 Q. So in your opinion, that would prevent stuff --

4 A. I would say it is --

5 Q. -- from going back and forth in the --

6 A. It's divided with pen boards.

7 Q. Okay.

8 A. That stack on top, which you have on top of each other, as
9 the fish level comes up, you keep adding another board, another
10 board --

11 Q. Okay.

12 A. -- another board.

13 Q. Okay.

14 A. So when the boat rolls --

15 Q. It's not moving.

16 A. -- the fish don't come out.

17 Q. Okay.

18 A. Which is in a track assembly.

19 Q. Okay.

20 A. Some of the wing pens were wider than the other wing pens,
21 but --

22 Q. All right.

23 A. -- meaning, meaning fore and aft width --

24 Q. Yeah.

25 A. -- because it's not a big deal (indiscernible). It's a pain

1 in the ass setting it up --

2 Q. Okay.

3 A. -- if you want to put ice on board, whatever.

4 Q. Okay, do you happen to have any closed-caption TV on the
5 vessel? Like from the bridge, can they look down into --

6 A. Yes.

7 Q. What does the cameras -- do they capture?

8 A. I believe, if I remember correctly, watching the deck area,
9 engine room area, lazarette. The fish hold is not on the camera.

10 Q. So the main deck, the engine room, and the lazarette?

11 A. Yes.

12 Q. Okay. And where is this, is this on the bridge?

13 A. Yeah, right on the bridge.

14 Q. Okay, is that the only place that you can see? Is there
15 anything in the galley that they could --

16 A. No.

17 Q. Okay.

18 A. No, on the bridge.

19 Q. Okay. So it's three, then, three cameras?

20 A. Well, there's more cameras because you're looking at
21 different areas in the --

22 Q. Okay, but the three areas covered are --

23 A. Right, right.

24 Q. -- deck, engine room, lazarette?

25 A. Yeah.

1 Q. Okay. Okay, did you -- at the time of the trip, were there
2 any kind of unresolved maintenance issues that you were aware of?

3 A. No.

4 Q. Everything was good to go as far as you know?

5 A. Yes.

6 Q. Okay. Did the vessel have any history of any leaks or
7 flooding?

8 A. No.

9 Q. Okay. The trip that was taken, the last trip on the 17th
10 when it departed Portland, was that a normal route that it took?

11 A. Yes.

12 Q. Basically out to fish and then offload --

13 A. Into Gloucester, yes.

14 Q. -- in Gloucester.

15 A. Yeah.

16 Q. And then once it was done offloading in Gloucester, straight
17 back to Portland empty?

18 A. Actually, he was planning on doing what they call a turn and
19 burn, which they come in, change the oils and whatever's on the
20 fix-it list. Nobody goes home, right? Resupply up the boat and
21 go right back out.

22 Q. Fishing?

23 A. Right.

24 Q. Okay.

25 A. Because that's what they bought grub for and everything else.

1 They were on their way in from the trip, they were all done
2 fishing.

3 Q. Right.

4 A. And they were supposed to unload that morning in Gloucester
5 and as God would have it, 1:30 in the morning, they -- something
6 happened.

7 Q. But they were fishing in a known area where they've gone
8 quite a few times. This wasn't a foreign area --

9 A. Oh, yeah.

10 Q. -- to them.

11 A. No, not at all, not at all.

12 Q. It was a normal trip?

13 A. No.

14 Q. Okay.

15 A. But they wasn't fishing when the -- when --

16 Q. Yeah, they were all secured.

17 A. I don't know, I just -- that's what they told me.

18 Q. Okay.

19 A. They were on their way home and according to the time
20 schedule of where they had to be at a certain time, they were
21 under way.

22 Q. They were on schedule for the scheduled offload?

23 A. They were under way, so to speak.

24 Q. Okay. All right. How about any hot work? Do you know of
25 any hot work being done, welding, anything like that?

1 A. No.

2 Q. Okay. If anything like that had to be done --

3 A. Yes.

4 Q. -- is there somebody on board that can do that, that's
5 qualified to do that?

6 A. The captain can weld.

7 Q. Okay. Is he the only one?

8 A. Is he a certified welder? I'm not aware of that. But --

9 Q. Okay.

10 A. -- he can weld, I've witnessed it myself, yes.

11 Q. Okay. And is there equipment on board --

12 A. Yes.

13 Q. -- to allow that?

14 A. That boat had an excellent welding unit on it.

15 Q. Okay. All right. And would you happen to know what the
16 normal scenario is after they've done, they're done fishing,
17 they're heading into port, how the arrangement would be as far as
18 who's on watch, who's sleeping, who's on the deck at one --

19 A. All I can tell you is, more than likely, if he was headed in,
20 put all your fish away, clean the boat, scrub all the fish,
21 whatever, residue off the steel so you've got a clean machine,
22 take it as -- take it as -- leave it as you took it, so to speak.
23 After that, there's a schedule of watches that are usually
24 conducted. Of course, every captain's different. Some captains
25 only let certain people steam, steam the vessel, meaning no nets

1 are in the water, deployed in the water, you're just going freely.
2 Other people are more restrictive as far as who takes a watch
3 while your nets are out. Usually everybody's free to do what they
4 will, unless you're doing a net repair or something. But more
5 than likely, on the way home, you'd probably be turned in if it
6 was a general watch.

7 Q. Okay.

8 A. Or if you didn't happen to have something to do.

9 Q. Okay. And when you say turned in, you mean that three
10 members of the four-person crew would be most likely in their rack
11 and one person would be on the helm?

12 A. Three people would be doing whatever they chose to do.

13 Q. Okay.

14 A. They weren't required to do anything.

15 Q. Okay.

16 A. And if I was at the end of 5 days, myself personally, I would
17 probably catch a little nap --

18 Q. Okay.

19 A. -- because it would probably be well needed.

20 Q. Okay. But typically, you would probably just have the one
21 person responsible --

22 A. Right.

23 Q. -- for safe navigation of the vessel back?

24 A. Right.

25 Q. Okay. Would it be normal for them to place the vessel on

1 like autopilot steaming back in? Is that allowed or --

2 A. Oh, the vessel most generally is on autopilot once exiting
3 the harbor.

4 Q. Okay, okay.

5 A. With somebody at the bridge.

6 Q. Okay. All right. Last question I have, sir, is compensation
7 for the crew.

8 A. Yeah.

9 Q. Are they paid a flat rate or are they paid based on the size
10 of the catch?

11 A. They are paid a percentage of the catch based on -- based on
12 their knowledge of what they're doing. And when I say that, I
13 mean a lot of guys are great fishermen but can't man the net.

14 Q. Um-hum.

15 A. So those guys get a little bit more money, you know what I'm
16 saying?

17 Q. Yes.

18 A. But other than that, they're all based -- it's all based on a
19 percentage of the catch.

20 MR. [REDACTED] Got you. I have no further questions.

21 MR. YOUNG: Do you want to take a break before --

22 CDR [REDACTED] Yeah, I guess we can take a break.

23 MR. YOUNG: Sure, we'll stop the recording and we'll take a
24 5-minute break.

25 CDR [REDACTED] That works.

1 (Off the record 2:27 p.m.)

2 (On the record at 2:32 p.m.)

3 CDR ██████ So resuming after a break. It is 2:32 Eastern
4 Standard Time. All right, I believe Mr. Young had the floor for
5 questioning.

6 BY MR. YOUNG:

7 Q. Oh, good. Thank you. This is Brian Young with the NTSB.
8 Thank you again, both, for being here today. Just a few follow-up
9 questions based on the previous questions. You talked a little
10 about the CCTV system. Do you know if it had the capability to
11 record anything or was it just a display of the current viewing?

12 A. I believe it was just current.

13 Q. Okay.

14 A. That I don't know, though.

15 Q. Okay.

16 A. The unit itself may have been able to record. I'm sure. I
17 mean, it was something you'd purchase at Best Buy. So as far as
18 being able to get data off it now, I don't think you're going to
19 have much luck with that.

20 Q. Okay.

21 A. Between you and I.

22 Q. And you were kind of explaining the pens a little bit and you
23 were starting to talk about some of the dimensions. Do you know
24 about the height that they were each, about?

25 A. I would say if I was -- if I was 6 foot, it would be, I'd

1 say, about an 8-foot ceiling, 7, 7, 8-foot ceiling.

2 Q. Okay.

3 A. As I'm standing flat, maybe about that height.

4 Q. And of the, say, five and five on either side and the center,
5 on the way out, how much of that is filled with ice?

6 A. The ice goes in -- when you're leaving, you do like a pen on
7 one side, a pen on the other side and you stagger them back
8 towards the back of the boat so as the fish come in, you're not
9 lugging the ice from way down there to way up there, so to speak.
10 That's how I usually do it. And yeah, as the fish come aboard, of
11 course, you make room for more fish as the ice is moved out of the
12 pen.

13 Q. So you transfer the ice from a full one, the fish come into
14 an empty --

15 A. Right.

16 Q. -- and then you start emptying --

17 A. When you leave, the whole floor of the boat's ice.

18 Q. The entire floor?

19 A. Yes.

20 Q. And is there some space --

21 A. It's what you'd call a bed, you put down about 6, 8 inches of
22 ice depending what time of the year it is, of course, because
23 it'll melt a lot faster in the summer months, warmer months than
24 the colder months, and then you do a layer of fish, a layer of
25 ice, a layer of fish and a layer of ice, a layer of fish, a layer

1 and so on until the ice is gone. Until the fish are gone.

2 Q. Right.

3 A. Right.

4 Q. Is it straight ice or dry ice?

5 A. It's straight ice.

6 Q. Straight ice. And so when they loaded ice, say, for the last

7 trip from Vessel Services --

8 A. Yeah.

9 Q. -- ballpark, how much ice do you think they loaded, how many

10 tons of ice?

11 A. I could look into the records. I'm going to shoot off the

12 hip and say 15 tons.

13 Q. Fifteen tons.

14 A. Fifteen to eighteen's a normal amount of ice you use per

15 trip.

16 Q. And would that have filled every single one of these holds or

17 would they alternate so that it was --

18 A. That would've been alternating.

19 Q. Alternating.

20 A. Yes.

21 Q. Okay, got it. When the vessel's out to sea and steaming --

22 A. Yeah.

23 Q. -- do you think there'd be a watch schedule? I think you

24 kind of talked about that where somebody's up on the bridge.

25 A. Right.

1 Q. Does anyone check the engine room at some sort of frequency?

2 A. Most people do. Myself, personally, when I do it, I'm -- I
3 can't sit still, but that's me. Most people would inspect it at
4 least hourly. And again, like I say, myself, I'm all over the
5 place just because that's the way I am. I would hope that they
6 did, yes. Other than the cameras here, but it's a routine to,
7 yeah, do your inspections, get up and go for a walk, you know what
8 I'm saying? Moving around keeps you from, you know -- get some
9 blood moving, so to speak.

10 Q. And based on your knowledge and your experience with this
11 captain, do you think that he's the kind of person that either
12 himself or his crew would've been doing that?

13 A. That captain is -- oh, boy. If I didn't believe in the guy,
14 he wouldn't have had anything to do with me, I can tell you right
15 now.

16 Q. Um-hum.

17 A. He was a damn good captain. He could fix anything. And I
18 mean it when I say it.

19 Q. And I take it you knew him prior to the purchase of --

20 A. I've known him for a long time, yes, I have. I've known his
21 father, I've worked alongside of his father for years. He was a
22 good man. And yes, he would -- if there was anything that was
23 even close to being wrong, he'd be all over it, and I mean it.

24 Q. So it's fair to say you had a lot of confidence in that
25 captain?

1 A. I did. I sure as hell did.

2 Q. Do you want to take a little break?

3 A. No, let them rip, throw it at me.

4 Q. When they're out there fishing and either continuing to fish
5 or maybe deciding to head into port, is that a decision that the
6 captain would make based on conditions, whether they would, you
7 know, continue to fish or stop fishing and maybe head to port or
8 did he need to consult the company?

9 A. What was it again, the question again?

10 Q. Let's just say there's a change in weather and --

11 A. Okay, that would be the captain's decision.

12 Q. And does he need to clear that with --

13 A. No.

14 Q. No.

15 A. Not at all.

16 Q. Okay.

17 A. Whatever the safety of his crew is, is what he does.

18 Q. And when they are fishing, how do they know the weight of the
19 fish that they're catching? Is it an estimate based on the height
20 of the pen or is there a dynamometer on the net?

21 A. Usually it's an estimate done by the baskets. That's how
22 they get the fish from the main deck to that lower deck, they pass
23 them down in these little -- looks like a laundry basket.

24 Q. Okay.

25 A. One at a time. And they hold approximately 60 pounds. So if

1 you've got a full basket, that's 60 pounds per basket. If you add
2 40 baskets at, oh -- six times four is 24, right?

3 Q. Um-hum.

4 A. And that's how they do the math. It is an estimate. There's
5 nothing calculated by scale, no way, not at all. It's all done by
6 estimate.

7 Q. And what's the maximum weight of fish that *Emmy Rose* could
8 hold?

9 A. The survey would say exact, but I'm going to shoot off the
10 hip and say 80,000, 100,000. She's a big boat, you know, she had
11 a big fish hold, so -- and supposedly he had, from when I talked
12 to him last, 50,000 on, so --

13 Q. And when you talked to him, was he still actively fishing or
14 had he --

15 A. Oh, yeah, yeah.

16 Q. He was still fishing?

17 A. Yeah, because he was -- he said that he -- we was talking it
18 over, that he ought to sneak in before the holiday because people
19 eat turkey on Thanksgiving, not haddock. And I agreed with him.

20 Q. Um-hum. So try to get the load in to sell it and dump off --

21 A. He was going to go back out and fish over the holiday, so --
22 and as luck would have it, the 20th of this last month was his
23 birthday. He was at sea for his birthday, on his last birthday.

24 Q. Right, right.

25 A. Imagine that.

1 Q. Yeah.

2 A. That sucks, don't it?

3 Q. Yeah.

4 A. I remember calling him and wishing him a happy birthday.

5 Q. Did you communicate with the vessel frequently when they were
6 at sea?

7 A. I do. I don't want to come across as a pain in the ass.

8 I've been told a few times that geez, you know, let me do my job.

9 And so yeah, I wish I'd talked to him more just because I like to,
10 you know, but there's a point where you got to let somebody do
11 their job.

12 Q. Right.

13 A. You know what I mean?

14 Q. Right.

15 A. Otherwise they're going to feel that you don't have faith in
16 them. You don't think they're capable of conducting their duties,
17 you know, and so on. But if it was up to me, I'd talk to them
18 every hour.

19 Q. Yeah.

20 A. Why not?

21 Q. But there are other means of communication other than the sat
22 phone? Could you do e-mail?

23 A. The sat phone, there's the radio, you can e-mail, the boat's
24 all hooked up to Wi-Fi, so -- I shouldn't say Wi-Fi, but you can
25 send e-mails, not like they're watching.

1 Q. And did the boat have an e-mail address or it was just --

2 A. It did.

3 Q. It would go to each individual person's, like, Gmail or
4 Hotmail account?

5 A. No, the boat had an e-mail address.

6 Q. And did you receive any e-mails towards the end of the night
7 before the sinking? Was there anything --

8 A. I did not. I sent a bunch during. After the Coast Guard
9 alerted me, the first thing I did was -- because they told me,
10 hey, try to contact the boat, so I -- and I called like 20-odd
11 times or something between there and 5 o'clock that morning and
12 e-mailed and e-mailed and e-mailed, I did everything I possibly
13 could. At 5:00 I was trying to contact them and I had no luck at
14 all.

15 Q. And were the crew allowed to use the sat phone to communicate
16 with people at home?

17 A. Yes.

18 Q. So if they wanted to check in on their wife or girlfriend,
19 they could pick up --

20 A. Absolutely.

21 Q. -- the phone and call?

22 A. Absolutely.

23 Q. And that was available and working --

24 A. Yeah.

25 Q. -- no matter where they were out to sea?

- 1 A. Absolutely. Sometimes you'll get to a spot where service is
2 blocked, such as driving down the street, but most generally you
3 can -- you can usually always e-mail.
- 4 Q. Right.
- 5 A. And the sat phone, sometimes you -- you know, if the boat's
6 angled just right, it's all done by satellite.
- 7 Q. Right.
- 8 A. Might be an antenna in the way, you never know, but sometimes
9 it won't go through. Try it again in a couple of minutes and most
10 generally it would be fine.
- 11 Q. And was the sat phone on the wheelhouse?
- 12 A. Yes.
- 13 Q. And would there be a laptop or something on the --
- 14 A. Yes.
- 15 Q. -- wheelhouse as well --
- 16 A. Yeah.
- 17 Q. -- that the e-mails could be accessed?
- 18 A. Everything's done in the bridge. As far as down in the crew
19 quarters, there's nothing like that.
- 20 Q. Right.
- 21 A. No, no communication. Unless they have a personal phone, but
22 out there a personal phone's not going to do you any good.
- 23 Q. Right, right.
- 24 A. You're out of cell phone reach.
- 25 Q. And how about from shore, were you able to track their

1 position and kind of keep an eye on them using any sort of data?

2 A. Well, it's funny you should bring that up because that night
3 -- yes, I do, I have Marine Traffic on my phone. And yes, I do
4 watch, I watch everybody. And I also, that night, as I'm trying
5 to make these phone calls, I went on to Marine Traffic because I
6 knew roughly where they were and I don't know -- I know of my
7 phone telling me it was there for traffic. What I have been told
8 since, it was there for traffic. Unfortunately, it didn't
9 coincide with what I'm seeing on my phone. And I'll leave it at
10 that.

11 Q. Any chance you have a screenshot of the traffic that you saw?

12 A. No. No, not at all. It's something that cancels out all,
13 cancels out, cancels out as you reapply for it.

14 Q. Was there any vessel in particular that caused you concern?

15 A. There was other vessels in the area, there was three tugs and
16 a big heavy ship. Now, these tugs are towing barges with cables,
17 I'm assuming, unless they're running light, it doesn't tell you
18 that on your app. I'm just looking in the area and I'm like -- so
19 there was -- there was some activity in the area and I'll leave it
20 at that.

21 Q. Okay.

22 A. But I did look on my phone. And I can honestly swear on my
23 children's life, with my eyes I seen that.

24 Q. Can you estimate about -- I know it's hard with Marine
25 Traffic, about how far out they were, but I mean did you have it

1 zoomed in pretty far?

2 A. I zoomed in, you know, as good as I could. Northeast of
3 Provincetown, you know, it's a 25-mile area and that's my screen
4 and I've got three tugs and a merchant ship and another fishing
5 boat, the *Blue Canyon*, yeah, a little bit of activity there. I
6 don't know, I wasn't there.

7 Q. Right, right.

8 A. I'm just doing what I can from my chair in my house.

9 Q. Right, right, right. Just a few questions. You know, like I
10 had said, I had gone to sea for a long time and we do a lot of
11 casualty control --

12 A. Yeah.

13 Q. -- drills and all and I know you've sailed as a fishing
14 captain and just maybe you've talked to the captain on the *Emmy*
15 *Rose*, but what would you expect the captain to do if there was a
16 loss of propulsion? What would you --

17 A. A loss of propulsion?

18 Q. Yeah, let's say you lost the engine. What are the
19 expectations, as the manager, that you would expect to either hear
20 or some of the actions the crew would take on your fishing boat?

21 A. Myself, I would contact somebody in the area.

22 Q. And how would they do that?

23 A. The marine radio.

24 Q. What is a working channel out there that they would use?

25 A. Oh, they're all over the place.

1 Q. Are they?

2 A. But you know, these guys, when they're out, they're not
3 working alone. I mean, that's how you can take the whole Gulf of
4 Maine and pinpoint a pile of fish. You've got four, five guys,
5 three, four guys working together on different vessels, these guys
6 talk to each other like hourly. You know what I'm saying? Hey,
7 we just had this here, we just had this here, this is a rock pile
8 here, this is another piece of bottom here, or we did this here,
9 we did this here. Now we merge in and everybody comes home with a
10 good paycheck.

11 Q. So it's more of a cooperative discussion --

12 A. Right, right.

13 Q. -- as opposed to hiding and --

14 A. Absolutely.

15 Q. -- not sharing information?

16 A. Right. I'd say my protocol would be I'd let somebody know of
17 my situation and then I'd be addressing it real quick.

18 Q. So would you expect a phone call to the shoreside?

19 A. Absolutely.

20 Q. Okay.

21 A. If it was bad enough, I mean if I -- again, we got so many
22 filter systems on everything that you're going to hear something
23 before it failed, you know what I'm saying? As far as a fuel
24 issue or something like that, we have too many stages of fuel
25 filters, you're going to hear it start to labor --

1 A. Right, right.

2 Q. -- you know, and then you're going to go down and address it
3 and switch it over to the other one or whatever you do to correct
4 it. But as far as immediate died, just dead in the water?

5 Q. Yeah.

6 A. You know, it's -- I'm just trying to think if it's ever
7 happened to me. Actually, yes, it has. I had a big tugboat
8 harness one time when we was fishing and got it in the wheel and
9 that stalled the whole everything out, the main engine, all of it.

10 Q. Um-hum.

11 A. And it was a big rope like a tugboat would use, it was
12 floating on the surface and it ended up braking the transmission
13 back from the main engine, so we had other issues besides just
14 getting the engine running, but what it is, it just stalled the
15 engine out because of a fouled propeller.

16 Q. Right.

17 A. And that will happen, could happen, and that's -- could be,
18 you never know.

19 Q. Right.

20 A. Not there.

21 Q. What was on board for an engine --

22 A. But I'm just thinking of what could kill an engine.

23 Q. Um-hum.

24 A. Other than no oil in it or something like that, but that's
25 all Murphy alarmed out that if you had low oil, you'd know it --

1 Q. Right.

2 A. -- immediately, oh hell, yes.

3 Q. Right.

4 A. Because you don't want to burn up the engine. That's what
5 this will -- all that safety stuff's for, you know. Save you from
6 spending a pile of big money.

7 Q. What was on there for an engine?

8 A. A 34-12, 630 horsepower CAT.

9 Q. If there was a loss of electrical power, is there a backup
10 generator or a second generator that could be used?

11 A. Oh, yeah, absolutely.

12 Q. Yeah.

13 A. Yeah, two generators, both of them capable of doing
14 everything aboard the boat. One generator, you're not going to
15 run everything under the sun on and that's what you call kind of
16 like a get-by generator because it didn't have the kilowattage to
17 run everything under the sun. Now, the other one is one that runs
18 everything.

19 Q. If the big guy failed, the little one --

20 A. Right.

21 Q. -- would be sufficient for emergency power, communication?

22 A. Right, exactly. And there was also the hard-wired battery
23 systems to all the communication equipment --

24 Q. Okay.

25 A. -- on the bridge.

1 Q. You answered my next question. If they lost all the
2 generators, all electrical power --

3 A. Right.

4 Q. -- they would have battery power for their VHF and --

5 A. If they had water underneath the heels of their feet, they
6 should've been able to get out a call on the radio.

7 Q. Okay.

8 A. You know what I'm saying? If the water was up to the floor,
9 that battery's there on that bridge floor. It's underneath the
10 dashboard.

11 Q. Right.

12 A. And that's where it's all (indiscernible).

13 Q. Okay.

14 A. Yes.

15 Q. And if they were to get a call out even to somebody like the
16 *Blue Canyon* vessel --

17 A. Right.

18 Q. -- is there any animosity there or do you think they would
19 get help or is that --

20 A. No, no, no. Again, the *Blue Canyon* is one of the boats that
21 they're buddies.

22 Q. Okay.

23 A. They're working together.

24 Q. Okay. What about a loss of steering, what would you expect
25 or what's your expectations of the captain and crew?

1 A. Well, a loss of steerage, I'm sure he would -- if any way he
2 could make it, do it and do it right, it would've been Bobby. You
3 know, he was -- he would've been competent in any way to handle
4 the situation.

5 Q. And do you think if that happened that you would've received
6 a call and been alerted to that?

7 A. Oh, yeah. Oh, absolutely, absolutely.

8 Q. Okay.

9 A. I mean, I'm sure he may try to run down and look to see what
10 the hell's wrong first --

11 Q. Right.

12 A. -- and then call and say hey, we got a problem here, you
13 know. But if it blew a hose or something like that, we had all
14 kinds of spare parts aboard that boat and you could rebuild that
15 boat at sea, pretty much.

16 Q. And the steering system, were there redundant pumps?

17 A. And it had double -- yeah, they had doubles, they had a
18 tandem system on the steering pumps, you go down and flick a
19 selector valve and you're on the other stage. They had electrical
20 for hydraulic on it, which means if all this big machinery here is
21 not running off the haul-back engine, you can get everything back
22 up and going very slowly, but you can get everything back aboard
23 the boat and get home. The boat had everything under the sun on
24 it, it was a wonderful vessel.

25 Q. Speaking of steering and propulsion, was there ever any

1 concern or any notification that you were leaking water through
2 any of the tubes back there?

3 A. Not to my knowledge.

4 Q. Nothing?

5 A. No.

6 Q. And if you did, they were taking on water, say, through the
7 propeller shaft or the rudder shaft --

8 A. Yeah.

9 Q. -- how would the crew be alerted to that?

10 A. You'd have a Murphy alarm system.

11 Q. Yeah.

12 A. One in the lazarette, one in the fish hold, one in the engine
13 room, all tied into the bridge.

14 Q. So the lazarette.

15 A. Yeah.

16 Q. The engine room.

17 A. The lazarette, fish hold, engine room, all have Murphys.

18 Q. And would they be kind of centerline or any part, do you
19 remember where the bilge floats were for the alarm system?

20 A. They were all pretty much centerline.

21 Q. Centerline.

22 A. The widest point of the vessel usually is where they mount
23 them.

24 Q. So three alarms?

25 A. Yeah.

1 Q. And would each one of them have a bilge suction for the
2 pumps?

3 A. Yes, each one of these pumps had bilge suctions, they're on a
4 manifold system, a manifold. You're familiar with manifold
5 systems where you've got your pump, you got one line coming into
6 the pump for suction and you usually have a source of water to a
7 sea chest or all the compartments throughout the vessel.

8 So if you want to, you can just run seawater through the pump
9 for like a wash-down hose or whatever, but if you shut down the
10 sea chest and we open up the fish hold, we pump down the fish
11 hold, we can pump down the engine room, you could pump down the
12 lazarette, you could pump down the fore peak, whatever you need to
13 pump out is on this manifold system. And like I say, each boat --
14 each pump had its own manifold system.

15 MR. SMITH: Each pump?

16 MR. VARIAN: Each pump.

17 BY MR. YOUNG:

18 Q. So you had four different opportunities to pump every --
19 every spot?

20 A. Again, you know, there might've been one pump that didn't
21 pump all of one section, but for the most part, yeah, there was
22 multiple avenues to dewater that vessel.

23 Q. And how were these pumps energized, were they electric pumps,
24 were they --

25 A. Two-twenty.

1 Q. Two-twenty.

2 A. Three phase. It ran off the generators.

3 Q. Right.

4 A. Now, those pumps, if you were dead in the water and
5 everything was dead, those pumps aren't going to turn on.

6 Q. Right, right. Do you know how often the bilge floats and
7 bilge alarm systems are tested?

8 A. We test them if we notice either one going off and there's no
9 water in it or as far as sticking and whatnot. Other than that,
10 basically when you get your Coast Guard certificate, you know.
11 They'll go off periodically if you've got water in here, you know,
12 somewhere, like, say in the lazarette or the engine room, you
13 never hear it. You'll hear it if it goes off, but it's very, very
14 rarely. You know what I'm saying?

15 In the engine room, you're in there all the time and, you
16 know, the lazarette, you're down there checking things out all the
17 time because you're greasing all the bearings and all the fittings
18 and, you know -- but the fish hold primarily, you're going to hear
19 more often. You got to pump the fish hold out, your ice is
20 melting, your catch of the day is dripping and it accumulates in
21 this reservoir area, which is the lowest part of the area, and you
22 dewater it.

23 Q. So that's being pumped frequently with the ice melting and --

24 A. Yeah. Yeah, yeah.

25 Q. How often would you say the crew needs to access the

1 lazarette? Does it happen very day?

2 A. Has to?

3 Q. Or does, you know.

4 A. I would say once a trip.

5 Q. Once a trip.

6 A. Or should, should.

7 Q. Why is that?

8 A. Grease everything. Grease all your bearings and your
9 fittings and you've got a big quadrant down there on top of your
10 rudder, right, which is all -- you know, you got this big
11 hydraulic steering ram, so everything's got an eye and a pivot
12 point and if you don't grease that stuff and with the -- you know,
13 your (indiscernible) wash going by your rudder and your rudder's
14 always moving a little bit, well, that's a wear point.

15 Q. Um-hum.

16 A. And as far as, you know, the more maintenance you do as far
17 as preventive, the less you're going to do down the road, which is
18 the big one you don't want to do, you know what I'm saying? So
19 yeah, I'd say at least once a trip.

20 And again, there was other things in that -- on that boat,
21 particularly, that was like a storage area where we put like cans,
22 floats and stuff for the net, spare legs, like there's part of the
23 cable to the net, you know what I mean, the short wires that
24 connect from your doors to your net and hold your net open. There
25 was storage stuff down there. So it's not like it was just an

1 area that nobody was ever checking out, you know.

2 Q. How big would you say the lazarette was?

3 A. Oh geez, she was 20 -- I want to say 23 or 24 feet wide. She
4 might've tapered a little bit in the stern. I'd say 20 feet wide
5 by -- I could stand up down there no problem, so I'd say 20, 20
6 feet wide, 7 feet tall. There you go. And probably the length of
7 this table right here, from the stern to the bulkhead of the fish
8 hold.

9 MR. SMITH: What would that be?

10 MR. VARIAN: Ten feet, 12 feet-ish. I'd say 12 feet.

11 BY MR. YOUNG:

12 Q. It's a big, big room, you know.

13 A. Right.

14 Q. And how would the crew get into it? Is there a --

15 A. There's a big hatch between the net reels. That's what this
16 hatch is right here that I drew on the main deck.

17 Q. Yeah. Is that a raised hatch off the deck?

18 A. Yes, it is, it's a raised hatch almost as high as the rails,
19 which was just -- there you go. That did have the lid on, it was
20 bad, rotted out, so we made a new cover for it. You asked me if I
21 had done anything with the vessel since it was built. Not built,
22 but purchased. Yeah, we did replace that hatch with all
23 watertight gaskets just because it wasn't looking the best. It
24 needed to be addressed and we did it. But that's where you access
25 the lazarette and that's the only place you can access the

1 lazarette. This boat also didn't have what they call deck plates.
2 I don't know if you're familiar with those, but that's where you
3 can actually on top of the lower level diagram, the wing pens, a
4 lot of times a lot of boats will have a little deck plate over the
5 top of each pen, which would be a hole 14 inches in diameter, that
6 you can lift right off and just run the fish down right there on
7 top of the pile itself. That boat didn't have them, though. No,
8 the only place -- the only way the water -- fish are going down
9 into the fish hold was through the hatch. The main fish hold.

10 Q. And just before I move to the fish hold, on the lazarette
11 hatch --

12 A. Yeah.

13 Q. -- the lid or the cover that was replaced and repaired, was
14 that a hinged cover or --

15 A. Yes.

16 Q. It was hinged.

17 A. Yes.

18 Q. And were there dogs to hold it down?

19 A. Yes.

20 Q. Maybe several or --

21 A. Actually what it had was like a nut and a bolt type of thing
22 that had a groove like this and you flipped it up and it had the
23 nut.

24 Q. A big wing nut?

25 A. Yeah.

- 1 Q. How many would hold it down, was it --
- 2 A. Just one.
- 3 Q. Just one?
- 4 A. One big one in the middle.
- 5 Q. Okay. In the middle of the entire hatch or on the lid?
- 6 A. In the middle of -- if it opened up towards the stern,
- 7 because when you opened it up, here's the stern, right, you'd open
- 8 it up and the lid would lay against the stern.
- 9 Q. Okay.
- 10 A. And then you'd hook it up so that it didn't fall down on you
- 11 as you was coming and going.
- 12 Q. So it was one of those that had the wheel in the middle?
- 13 A. No, no, no.
- 14 Q. No.
- 15 A. No. No, it just had -- it was a hingeable, manual and dogged
- 16 down by the individual who was either opening it or closing it.
- 17 Q. And dogged down by the single --
- 18 A. Right.
- 19 Q. -- big wing nut --
- 20 A. Yeah.
- 21 Q. -- and threaded rod holding it down?
- 22 A. Right.
- 23 Q. Okay. And then the only way, you just said, to get access to
- 24 the fish hold is through a single hatch under the --
- 25 A. Right, right.

1 Q. -- super structure.

2 A. It's not under the super structure, it's just behind like --
3 because you've got to be able to bring the fish out of the vessel
4 onto the dock, so it would be right at the end of the decking,
5 overhead decking --

6 Q. Um-hum.

7 A. -- straight down to your hatch.

8 Q. Okay. And how --

9 A. It's behind your mast. Right behind the mast.

10 Q. And I see the masts seem to be coming out of the top of the
11 super structure.

12 A. Four foot by four foot dimension of the hatch.

13 Q. Four by four.

14 A. With a combing on it at approximately, well, about my knee,
15 so I'd say 30 inch.

16 Q. Was that about the same height as the one back aft for the
17 lazarette?

18 A. The one on the lazarette hatch had a height of probably 8
19 inches.

20 Q. Eight?

21 A. Eight.

22 Q. Eight inches off the deck?

23 A. Right.

24 Q. Okay. And then once you lifted that, there'd be a ladder
25 down into the lazarette?

1 A. Right, exactly.

2 Q. Okay, I can picture that.

3 A. But you got to remember that this vessel, if you look at a
4 picture of it, she's kind of bananic.

5 Q. Um-hum.

6 A. When I say bananic, the stern's high. The lowest part of the
7 vessel is mid-ship, believe it or not.

8 Q. Right.

9 A. So the stern's up high and the bow's up high. All the water
10 runs -- if you was to dip the stern, the water would go follow it
11 out the freeing ports.

12 Q. And then you had mentioned storm gates back aft.

13 A. Yes. Yeah.

14 Q. Are they something that could be handled by one or two --

15 A. Oh, yeah, one person --

16 Q. One person?

17 A. -- to open and close them, yeah. Um-hum.

18 Q. And is that something that is a piece of steel that would
19 slide into a track or a hinge?

20 A. No, it's a hingeable piece of steel approximately 6 feet
21 wide, you got a hinge on each corner. When it's open, it just
22 lays down on the deck so your net would come in over the top of
23 it, okay. If you was to pull on that backwards, it would
24 automatically want to flip, catch into the net and flip back up
25 closed, see?

1 Q. Um-hum.

2 A. And then when it's in the closed position, the big stainless
3 holes with stainless rods that you pin it in place and that's for
4 when you have steam and under way and whatnot, you keep the storm
5 gates closed. Are they watertight? No. But they can keep the
6 majority of the water out, you know what I mean? It's basically a
7 quick rail, so to speak.

8 Q. Right.

9 A. But I call them storm gates. I don't even know what they
10 call them. I've called them that all my life.

11 Q. Yeah.

12 A. So I don't know if that's proper terminology or not.

13 Q. And based on you being on the vessel, would you say those
14 storm gates were in good condition?

15 A. They were in very good condition. Very operable. And the
16 pins were all in place, everything's there. Even all the freeing
17 ports, everything in place and operable.

18 Q. And it seemed pretty recently, I think --

19 A. The boat was just in, 100 percent, the topside was all
20 cleaned, you know, needle taken down, all rust gone. Three coats,
21 four coats of what needs to be done to prevent everything and keep
22 it up to snuff. It was a Cadillac.

23 Q. And you just spoke about purchasing and installing new trawl
24 doors?

25 A. Right.

1 Q. Was the previous vessel equipped with trawl doors or this is
2 a new purchase?

3 A. Well, the doors that came with the boat are a style door that
4 they use down south more than we use up here in the Gulf of Maine.
5 We have a lot of deep water up here and we -- my captain, myself,
6 I prefer what they call a Bison trawl door. They set easy, they
7 stow easy, they tow easy. But you got to maintain them a little
8 bit. They'll get banged up a little bit and you're going to have
9 to weld on them a little bit to correct them.

10 But the doors that came with the boat were just what they
11 call a portage (ph.) door and the top was nails, but if you --
12 they sat hard, they're no good for the mud and we have a lot of
13 mud in the Gulf of Maine and the Bison is a far superior trawl
14 door for this area.

15 And we actually took the -- and they come in number series,
16 smaller numbers being a smaller door for a smaller boat, to a
17 bigger number for a bigger boat, and we just was taking the -- we
18 were taking a set of doors off the *Emmy Rose*, that's where
19 Ian Mayo was involved. He's a good friend of mine, a great guy,
20 you're going to enjoy him. We took one set off -- of the doors
21 that needed to be re-shoed off the *Emmy Rose* and he put another
22 set on and that was it. The net, plopped the net onto a trailer
23 and that was it. The other doors went to get re-shoed and they're
24 sitting in my (indiscernible) right now.

25 Q. The doors act as anchors to hold the net spread --

1 A. Actually, they work as a kite. If you'd fly a kite in the
2 air and you hold the string and the winds, your wind is your water
3 being shoved at this kite, it's going to pull away from you,
4 correct? But you got two of them. Now, two cables go on up to
5 the boat. As these go down, they hit the water and you're going
6 with a forward motion, they go like this. They always want to go
7 away. Well, now the drag of your net, the pitch of my arm
8 (indiscernible) and here we're coming at you, you know what I'm
9 saying? That's what keeps it all open. If you was to stop, these
10 things would just go -- right?

11 Q. Yeah.

12 A. Yeah.

13 Q. So they dig the heel of the shoe --

14 A. Yeah, the bottom of it slides along the bottom of the ocean
15 and the angle that the bracket is mounted on it, the bottom of the
16 door is heavy, the top of the door is lighter so they stand up and
17 you set them out all the way on the surface. Once they go down,
18 they --

19 Q. And each one is carried by a cable --

20 A. Yes.

21 Q. -- up to the vessel?

22 A. All the way up to the main winch.

23 Q. The main winch. And is that the main winch that's going
24 to --

25 A. It goes to the block to the door and there's the door and I

1 drew a quick sketch.

2 Q. Okay.

3 A. And these go out and they come up and they can go out and
4 come up as many as 40, 50 times a trip. It depends what kind of
5 captain you've got. If you've got a hard-bottom guy, he's going
6 to make little short laps over these little rock piles and, you
7 know, you can haul back a lot on a trip.

8 Q. Um-hum.

9 A. And you've got some captains that just go out and what we
10 call play in the mud and that's where you just make a real long
11 continuous and then you haul back. And a lot of these guys are
12 into working the bottom and --

13 Q. Um-hum. In all of your experience fishing and being on these
14 vessels, have you ever seen that when the trawl doors come back
15 up, when they're being recovered, that they come up rough and they
16 beat up the side of the boat or do they come in and just slide
17 into a track and rest?

18 A. If it's rough, they'll swing out and boom, boom, but not bad.
19 There's heavy sheathing for this.

20 Q. Um-hum.

21 A. Where there's any wear and tear of accessibility, there's
22 always -- if it's been beefed up and maintained because, as you
23 wear it, it's going to wear out, cables rubbing on it and whatnot
24 and that's where you -- you know, you maintain it and keep it up
25 to where it needs to be so it doesn't disturb the integrity of the

1 vessel.

2 Q. If you are recovering them in rough weather, there's a chance
3 that they could --

4 A. Oh, first thing -- well, let me back up again. The first
5 thing you do is when you bring them up and they're swinging,
6 there's a pin and you got a spot where you drop a safety hook into
7 them. And the safety hook's usually back this way. Say if this
8 is the side of the vessel, the safety hook would be back here so
9 that -- and here's your door like this. As you let the door down
10 from the main wire, it's going to pull that door tight to the
11 vessel.

12 Q. Okay.

13 A. See what I'm saying?

14 Q. Yeah.

15 A. It's just the way you've got it chained off. So now we can
16 roll the boat and that thing's -- unless you're upside down, it's
17 not going to ever come on there, it's not going to swing out and
18 be able to hit the boat.

19 Q. Okay.

20 A. It's just the way it's designed.

21 Q. And when it's stored, it's stored up in a rack above the
22 hold?

23 A. Usually I bring them right inside and set them right inside
24 the rail.

25 Q. Inside.

1 A. And they're on deck. But between the gantry, the towing
2 gantry, which is this right here, they fit right in this area
3 here, right in here.

4 Q. Okay.

5 A. Right on the inside of the rail.

6 Q. Okay. About how much do they weigh, do you know?

7 A. Oh, 1500 apiece.

8 Q. Oh, really? And is that a standard size for this vessel, is
9 that a --

10 A. Yeah, yeah, that's --

11 Q. If you went to the -- you know, somewhere to buy new trawl
12 doors, that would be a standard unit or is that --

13 A. It's a calibration of horsepower, transmission, right, your
14 gear, and momentum and your wheel. I mean, this all gets
15 configured into this formula of what you need behind the boat to
16 be efficient. You don't want too much because you're going to
17 black smoke and --

18 Q. Right.

19 A. -- burn more fuel than you need to. That's why this boat
20 came out, this certain vessel came out and had a new wheel put on
21 it because our settlements, we do -- we take expenses off the top
22 mostly so it's more fair to the gang. Rumor has it the prior guy
23 didn't pay for the fuel, so you're not really as conscious as to
24 how much fuel you're burning if it's not costing you, correct?

25 Q. Right, sure.

1 A. Well, myself, I am. I want it right and -- yeah, that boat,
2 that boat has good towing power, it was perfect.

3 Q. Have you see anything in your shopping for a vessel or in the
4 industry of a very near sister vessel to the *Emmy Rose*?

5 A. Absolutely.

6 Q. Are there any up here?

7 A. Yeah, Blue Harvest has one, two -- two or three of them.

8 Gallop (ph.) still has two or three of them.

9 Q. That are sisters?

10 A. Well, I wouldn't go as far to say a sister, but similar.

11 Yeah.

12 Q. And two questions and I'll be done for this round. But when
13 you did purchase or when the vessel was purchased, did you replace
14 the GPS, by any chance, with a newer model?

15 A. We did actually put an all brand new SkyMate in it, which is
16 a GPS-driven unit, which is basically -- it tells you where the
17 vessel is at all times and all that. They deleted the boat track
18 system is what happened. So you either had to go where there was
19 two options, SkyMate and I'm not sure of the other one. Can
20 somebody help me out here? Well, we ended up going with SkyMate.

21 Q. For the GPS?

22 A. Yeah.

23 Q. And how about the EPIRB?

24 A. It was just serviced here.

25 Q. Serviced. And do you know if it had the GPS enable in it or

1 if it was a newer model?

2 A. No, it wasn't new. I don't know, I'm not getting what you're
3 saying, so I'm going to say no.

4 Q. Okay.

5 A. I'm not even familiar with that. What are you talking about?

6 Q. Those new EPIRBs that not only do they send a signal, but it
7 has also some GPS enhancements in it and it's a newer type and I
8 didn't know if you had that newer type.

9 A. No. No, I did not.

10 Q. Okay. And the last question is why do you have the vessel
11 here in Portland if you do a lot of the fishing work in
12 Gloucester? What's the advantage of having it docked up here?

13 A. Shore service is so much better and more convenient up here.
14 We're in a COVID situation, traffic's going back and forth, we
15 don't want to be, you know -- we're home based here. You know
16 what I mean? I know everybody here and everybody knows me, so --

17 Q. And is there a place here in Portland where you could offload
18 your catch or is that all done in Gloucester?

19 A. Oh, yeah, absolutely.

20 Q. There is?

21 A. You're going to get me -- you're going to get me going now.
22 Yeah, Portland, Maine has a wonderful spot to offload your catch.
23 They have basically the best facility in existence. I will go as
24 far to say that because I've dealt with them and I would love to
25 be able to stay here, but the infrastructure of the fishing

1 community in Portland, Maine has dwindled so over the years that
2 all your big fish buyers aren't really looking this far north for
3 their product when they can get it -- I mean let's look at the
4 hubs, the hubs of New York City, Philly, I mean, the quickest way
5 down there, why would I go to Maine if I can get everything I need
6 out of New Bedford and Gloucester, right?

7 Q. Right, right.

8 A. You know, so -- and it's tough. I mean, all the big fish
9 buyers have basically pulled out of Portland Fish Exchange and now
10 it's just, you know -- you know, little tiny markets and if you
11 bring in the magnitude of fish that we bring in on these boats,
12 they're overwhelmed, so to speak, and cannot move the product. So
13 it makes us have to go somewhere else where it's more common to be
14 able to use that kind of -- and be able to market and move that
15 kind of volume.

16 Q. Right, it makes sense.

17 A. Believe me, I'd much rather work here in my backyard.

18 MR. YOUNG: Thank you very much, I appreciate all --

19 MR. VARIAN: Yeah.

20 MR. YOUNG: -- your time to answer those questions. So I'll
21 turn it over to any other questions.

22 CDR [REDACTED] Did you guys want to take a 5-minute break?

23 MR. VARIAN: No, let her rip.

24 CDR [REDACTED] Okay, all right. Well, then I think we'll go
25 back to follow-up questions. We'll start off with [REDACTED] do you

1 have any additional follow-up questions?

2 BY CWO [REDACTED]

3 Q. I just have two follow-up questions. The first one, for the
4 alarms, would there be any reason that the captain or any of the
5 crew would shut off the alarms? So if they were going off, is it
6 a common practice to shut the alarms off and keep the alarms off?

7 A. There is an override button on American systems. I don't
8 know if you're familiar with American systems or not.

9 Q. I'm not.

10 A. Well, there's a silence button on them. So if the alarm goes
11 off and it's going beeevee, beeevee, beeevee, beeevee, bee, usually a
12 person -- somebody will do is silence that noise and then go
13 address it, right? Otherwise you go address it and you're still
14 getting the beeevee, beeevee, beeevee, beeevee, bee. So I guess the
15 answer to your question is yes, it could be silenced.

16 Q. And so if it was silenced, will the visual alarm still be lit
17 up?

18 A. Yes, it will still blink as the alarm -- and it's in sync
19 with the alarm.

20 Q. Okay.

21 A. So you can see it blink, blink, blink, blink, blink.

22 Q. You're just not listening to that?

23 A. Yeah, exactly.

24 Q. Okay. The only other question I have is going back to the
25 trawl doors.

1 A. Yeah.

2 Q. So you said that you had them replaced with the Bison trawl
3 doors?

4 A. No, I had Bisons on there and we went with the Bisons again,
5 but that were in better shape. The other ones were all wore out.

6 Q. Were they the same size?

7 A. Yes.

8 Q. Okay, so you were doing a replacement in kind, basically?

9 A. They might've been -- they might've been half a size bigger,
10 but that's -- as far as weight and dimension, it's more of -- it's
11 more of the vents on them are a little bit bigger and they get a
12 little more spread to them, they'll pull your net open a little
13 wider. Other than that, they're the same weight as the ones that
14 came off.

15 CWO [REDACTED] Okay, those are the only questions I have.

16 BY MR. [REDACTED]

17 Q. Yeah, I just got two. Do you have two fuel tanks?

18 A. Two.

19 Q. What's the capacity of those?

20 A. About 10,000.

21 Q. So 5,000 each?

22 A. Yeah. If it was full, but we don't run it full.

23 Q. Okay. And on a typical 6-day trip, would those -- how much
24 would be left?

25 A. Maybe 2,000.

1 Q. In each?

2 A. No.

3 Q. Or total.

4 A. Yeah.

5 Q. Okay. All right.

6 A. Two to three.

7 Q. Okay. The only other question I had was the doors, if they
8 were to swing and strike the hull for any reason --

9 A. Yeah.

10 Q. -- what's on the other side of that? Does it go into the
11 lazarette or --

12 A. Yes.

13 Q. It would?

14 A. The lazarette.

15 MR. [REDACTED] Okay, okay. That's all.

16 MR. VARIAN: But again, there's ample sheathing --

17 MR. [REDACTED] I know -- yeah.

18 MR. VARIAN: -- double plated.

19 MR. [REDACTED] Okay.

20 MR. VARIAN: They're designed for this.

21 CDR [REDACTED] All right, Brian.

22 BY MR. YOUNG:

23 Q. This is Brian Young again with the NTSB. One last question.
24 We didn't talk much about the booms for the rigging.

25 A. Yeah.

1 Q. But when they're fishing, are the booms --

2 A. Outriggers.

3 Q. Outriggers spread outboard?

4 A. Yeah. You know what outriggers are?

5 Q. Yes.

6 A. Okay. Usually you'll put your outriggers down when you're
7 exiting the harbor because the less movement of the vessel, the
8 more friendly these things are, okay? Now, if you've got this
9 going on and you're trying to take something, put it up in the
10 air, then you're going to see what's going on now. So as you exit
11 the harbor, as you enter the harbor, you bring these up and put
12 them down and that way there's not a lot of vessel movement
13 underneath them.

14 Now they're down, we leave them down. If it's beautiful
15 weather conditions, we'll run with our birds up. We call them
16 birds, paravanes, we'll run with the birds up so they're like
17 this, just steaming along, but our birds are up here near to the
18 booms, which can be manually lifted and let down by hydraulics.
19 But as a rule, myself, I set them and forget them. You know what
20 I mean? Bring them in and set them out, bring them in at the end
21 of the trip. I want to put my coffee on the table, right?

22 Q. Yes.

23 A. I don't want to have to go chasing it around, you know what
24 I'm saying, so to speak. So they're there for comfort and safety
25 of the crew.

1 Q. And if they are brought in the home position, do they sit in
2 a cradle? Is there some way where they're locked in when they're
3 set in home?

4 A. You mean with the booms up and you're sitting at port?

5 Q. No, when they're down.

6 A. When they're down, they're at the end of the boom way the
7 hell out, say, 40 feet off the side of the vessel. They can't hit
8 nothing.

9 Q. They can't.

10 A. No.

11 Q. And how are they held out there, hydraulically?

12 A. No, there's a block --

13 Q. Okay.

14 A. -- and they come in to a PL5 Pullmaster winch from a cable
15 and it goes through a whole system that when the bird, you let it
16 all out and the bird comes down, this is with the boom in the down
17 position, when the bird comes up two blocks at the end of the boom
18 and it can't go no further, now it lifts the boom up. See what
19 I'm saying?

20 Q. Yeah.

21 A. And your bird's up here to stop. Now, you can chain -- at
22 this point you can chain off the boom and let the wire down and
23 lower the bird down onto the deck if you wanted to, but now you
24 got that chain slap-banging, slap-banging and beating your vane
25 all up on you and you don't want to do that.

1 Q. Right.

2 A. Right. Unless you have to.

3 Q. So if you were steaming in heavy weather?

4 A. I would leave my stuff out.

5 Q. Leave it out.

6 A. Absolutely.

7 Q. So would it be fully outboard on the port and starboard?

8 A. Booms down, birds in the water.

9 Q. Birds in the water.

10 A. And especially on that night. I mean, it was -- they had
11 what, 20, 25 wind supposedly.

12 Q. Um-hum.

13 A. I mean, that's not a lot of wind for that boat, but it's
14 enough so that we're not going to bring our birds up, we're going
15 to leave the birds in, why bother? It's not like it's a mirror
16 out here. If it was like a mirror, that's a different story, then
17 you'd maybe sneak in an hour early, you know?

18 Q. Right, right.

19 A. Yeah. And the rest of the rigging is all permanent, as far
20 as the booms and everything, because the booms don't raise or
21 lower, they're just right there pinned, stay wired into place.
22 We're picking in the same spot all the time and (indiscernible)
23 directly below. You can pull a pin on a turnbuckle and swing the
24 boom over, they do move if you was, like, doing an offload
25 situation, we got to get that one boom out of the way because

1 they're swinging their boom off -- a picture of the dock here,
2 they're swinging their boom over to the hatch. Well, this one's
3 going to swing over parallel with this one.

4 Q. Right.

5 A. See what I mean? To give you access to the hatch.

6 Q. And get it out of the way, yeah.

7 A. Yeah.

8 Q. But on the steam in from the last catch, you would've had
9 expected both to be down, right?

10 A. Absolutely.

11 Q. Okay.

12 A. And in the water.

13 Q. And do you think that affects the ride as you are coming port
14 to starboard, if you're rolling, would that extra weight on the
15 port or starboard side give it more of a roll?

16 A. No. It would give it more roll if they were up, but down,
17 no.

18 Q. No.

19 A. No, it would be, you know, synced out with, you know, what it
20 should be. I guess I'm not getting what you're asking me.

21 Q. I didn't know if that would affect the stability to have
22 it --

23 A. No, no, no, no. Down's best.

24 Q. Okay.

25 A. The more weight wise, you know, the --

1 Q. Right.

2 A. Right. So lower the better to the center of gravity, right?
3 And then when your bird's in the water, especially, is the best
4 prudent procedure.

5 MR. YOUNG: Thank you again.

6 MR. VARIAN: Yeah.

7 BY CDR [REDACTED]

8 Q. Good afternoon again, Commander [REDACTED] here. I just had a
9 couple follow-up questions. You mentioned the turn and burn trip.
10 Is that standard practice or is that something you guys do every
11 so often or can you --

12 A. It's more weather related. If you've got the weather window
13 that's going to permit you to sneak in, offload, grub up, ice up,
14 fuel up and shoot back out, get back on to the meat, so to speak,
15 they have tails so everything's moving and the quicker you can get
16 back under way, you once were on them (indiscernible), right?

17 Q. For that, would they carry more supplies? Would they
18 bring --

19 A. The only thing they'd bring more of supplies would be
20 groceries.

21 Q. Okay, so more food.

22 A. Yeah.

23 Q. And in those, how long was it? I guess it would just be on
24 there a couple days out and the same thing, just do it again
25 immediately or --

- 1 A. Yeah.
- 2 Q. -- with that short a trip or --
- 3 A. They'd probably do a short one mixed in and you know what I'm
4 saying?
- 5 Q. Um-hum. The next question is you mentioned fixed ballasts in
6 the fish holds and you had concrete down there.
- 7 A. Yeah.
- 8 Q. Was there anything else on the vessel that had fixed ballasts
9 or concrete?
- 10 A. Yeah, the floor of the lazarette had a little bit, you know,
11 just so that you're not walking over the ribs of the vessel, of
12 the structure, when it was made.
- 13 Q. Yeah, was that -- and I guess, when was that -- do you know
14 when that was put in?
- 15 A. No idea. When it was built, I'm guessing.
- 16 Q. And is it your understanding that that was accounted for in
17 all of the stability analyses?
- 18 A. Absolutely.
- 19 Q. Okay.
- 20 A. There was nothing there that looked new to me. It looked
21 like it was there with the construction of the vessel.
- 22 Q. Okay. And you guys didn't add any --
- 23 A. No, no, no.
- 24 Q. Okay. Or was none missing on the --
- 25 A. Not at all.

1 Q. Okay. Next is I know in the drawings here you had different
2 bulkheads. Were all those watertight bulkheads?

3 A. The lazarette bulkhead would be tight to the deck. Other
4 than saying way up on the top, somebody ran an autopilot line
5 through a little -- you know what I mean?

6 Q. Um-hum.

7 A. But for the most part, tight, welded, solid all the way
8 around.

9 Q. Okay.

10 A. Engine room, same way, had -- there was a few things going
11 through it up high, but there's a shaft bearing, a packing gland
12 they call it, coming through the engine room bulkhead, which was
13 tight and I know it was tight. When I say tight, nothing's tight
14 if it's got a moving object going through it. But yes, it was
15 working. The last of my knowledge, it was working, performing
16 perfectly.

17 Q. So the packing glands are going through the engine room
18 bulkhead back aft?

19 A. To the fish hold.

20 Q. Okay.

21 A. And then exiting the vessel to the propeller.

22 Q. All right.

23 A. And there was another packing gland in the fish hold.

24 Q. Okay, so two packing glands.

25 A. Right.

1 Q. And then, to the best of your knowledge or the best of your
2 ability, I understand it could be difficult, but can you explain
3 your last communication with the vessel, what you guys talked
4 about or --

5 A. It was just geez, you know, how you doing? Well, we're doing
6 all right, we're (indiscernible) area, we didn't do much first
7 part of the trip. I got you, I got you. He says -- I says, well
8 -- I says, you know, we might want to think about your offload
9 there, did you call, you know, (indiscernible) and he was like no,
10 not yet, I was just thinking about calling him now. I said well,
11 you might want to think about the fact that we got a holiday
12 coming, figure that in because they don't eat fish on holidays
13 usually.

14 Yeah, I was thinking about that, too, and then I guess
15 -- and I also told him -- how did that go? Oh, he told me, he
16 said well, we was thinking about, you know, coming in, offloading
17 and doing -- and heading right back out. I said well, whatever
18 you want to do, if everything's up to snuff, we'll come down to
19 check everything out and that was it.

20 Q. And that was --

21 A. I called him prior to that and wished him happy birthday on
22 the 20th.

23 Q. Yeah. When you say this last conversation, when was that?

24 A. I want to say -- I want to -- I think it was noontime the day
25 before he offloaded. Or would've offloaded, excuse me.

1 Q. So on the 22nd?

2 A. It was either noontime or 9 o'clock in the morning on the
3 22nd.

4 Q. Okay.

5 A. The 22nd. Maybe the 21st. One of them.

6 Q. How did you contact them, by cell phone?

7 A. A sat phone.

8 Q. Sat phone?

9 A. Yeah.

10 Q. Okay. Okay, and my last question, just I'm having
11 difficulty. Who is the owner of the vessel?

12 A. Boat Aaron & Melissa, Inc.

13 Q. Okay. And who is that?

14 A. Bartley McNeel.

15 Q. Okay. Is that a law firm? Sorry, it's an individual,
16 Bartley McNeel --

17 MR. SMITH: Yeah, Bartley McNeel.

18 BY MR. [REDACTED]

19 Q. And who is he?

20 A. A friend of mine. A good friend of mine, we have known him
21 forever. Yeah.

22 Q. So he's the --

23 A. I've run boats for him in the past.

24 MR. SMITH: He's the president and whatnot of the company.

25 CDR [REDACTED] And then he's the owner?

1 MR. SMITH: He's the owner.

2 BY CDR [REDACTED]

3 Q. Okay. And you are just the managing operator or --

4 A. I'm in charge of shoreside services.

5 MR. SMITH: He's a manager.

6 MR. VARIAN: I'm a manager, yeah. I guess I'm a manager.

7 CDR [REDACTED] Okay.

8 MR. VARIAN: I'm an employee of Boat Aaron & Melissa, Inc.

9 CDR [REDACTED] Okay, that's all I had. I'll do one last call.

10 Anyone, additional questions?

11 MR. YOUNG: Brian Young with the NTSB. How do you fit into
12 this story, Betsy?

13 MS. VARIAN: I really don't fit into it.

14 MR. YOUNG: Okay.

15 MS. VARIAN: I just have been alongside him for 25 years and
16 I live and breathe what he does because he's got saltwater going
17 through his veins and just a part of it. And yeah, that's it.

18 MR. YOUNG: Okay. So you are the -- you are the -- part of
19 the company as the manager and you are not affiliated with the
20 company at all?

21 MS. VARIAN: No, no.

22 MR. YOUNG: Okay.

23 MR. VARIAN: She's a cosmetologist.

24 MR. YOUNG: Okay, understood. Do you have any questions for
25 us?

1 MR. VARIAN: I do not. Thank you for everything that you're
2 doing here.

3 BY CDR [REDACTED]

4 Q. So I apologize. Commander [REDACTED] here. One additional
5 question I have on my list here. Just in your opinion, what do
6 you think happened out there?

7 A. I wouldn't dare say. I want to say whatever happened
8 obviously happened quick. I'm thinking more of a -- perhaps a
9 rundown, but I don't know, I wasn't there.

10 Q. When you say rundown, you mean a vessel strike or somebody --

11 A. Something, run into something.

12 Q. Um-hum.

13 A. Something. Something happened quick because those boats just
14 don't sink and they don't just disappear, either. I mean, I wish
15 it was as easy as calling 1-800-God because I would be the first
16 one on the phone. But I don't know and I wasn't there.

17 BY MR. YOUNG:

18 Q. Does your company have any consideration for possibly trying
19 to get an ROV or insurance company looking? Have you heard
20 anything?

21 A. I have no idea into that.

22 MR. YOUNG: Okay.

23 CDR [REDACTED] Okay. Any additional questions for us?

24 MR. VARIAN: No, I just want to thank you for your time to be
25 involved in this. I'd like you to just keep me intact with what's

1 going on.

2 CDR [REDACTED] Yeah.

3 MR. VARIAN: Because I have a lot of questions, too.

4 MR. SMITH: I don't have a question, but I just want to share
5 information with you, which whether you do it now or off line,
6 it's up to you.

7 CDR [REDACTED] We can go off line. All right. Well, this
8 concludes the interview for this afternoon. Thank you.

9 MR. YOUNG: Thank you.

10 (Whereupon, 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: SINKING OF THE CFV *EMMY ROSE* WITH
LOSS OF LIFE, OFF THE COAST OF
PROVINCETOWN, MASSACHUSETTS,
ON NOVEMBER 23, 2020
Interview of Newbold "Rink" Varian

ACCIDENT NO.: DCA21FM007

PLACE: Sector NNE, South Portland, Maine

DATE: December 7, 2020

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



David A. Martini
Transcriber