

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

\* \* \* \* \*

Investigation of: \*

\*

SINKING OF THE CFV *EMMY ROSE* WITH \*

LOSS OF LIFE, OFF THE COAST OF \*

PROVINCETOWN, MASSACHUSETTS, \*

Accident No.: DCA21FM007

ON NOVEMBER 23, 2020 \*

\*

\* \* \* \* \*

Interview of: BILL LEE

Third Party Marine Surveyor

Coast Guard Station  
Gloucester, Massachusetts

Monday,  
December 14, 2020

APPEARANCES:

CDR [REDACTED]  
U.S. Coast Guard

LT [REDACTED]  
U.S. Coast Guard

CWO [REDACTED]  
U.S. Coast Guard

BRIAN YOUNG, Accident Investigator  
National Transportation Safety Board

[REDACTED], Investigator  
U.S. Coast Guard

I N D E X

<u>ITEM</u>	<u>PAGE</u>
Interview of Bill Lee:	
By CDR [REDACTED]	4
By LT [REDACTED]	9
By CWO [REDACTED]	22
By CDR [REDACTED]	27
By LT [REDACTED]	29
By CWO [REDACTED]	32
By Mr. Young	33

I N T E R V I E W

1  
2 CDR [REDACTED]: Good afternoon again, Mr. Lee. This is  
3 CDR [REDACTED], the leading investigating officer (indiscernible)  
4 investigation into the *Emmy Rose*. Just for our purposes, we are  
5 recording this interview, as you know. I will go ahead and I'll  
6 introduce everybody again and we'll just have to spell our last  
7 names. This is Commander [REDACTED], [REDACTED].

8 LT [REDACTED]: Lieutenant [REDACTED]

9 CWO [REDACTED]: Chief Warrant Officer [REDACTED],  
10 [REDACTED].

## INTERVIEW OF BILL LEE

11  
12 BY CDR [REDACTED]

13 Q. If you can just introduce yourself and spell your last name?

14 A. My name is Bill Lee, last name is L-e-e.

15 Q. All right. Thank you, Mr. Lee. Thank you again for coming  
16 today. We really appreciate you taking the time to sit down with  
17 us. The first question I have for you is, can you just tell us  
18 your experience in marine surveying?

19 A. I've been a marine surveyor basically for 10 years. I went  
20 to the Chapman School of Survey to learn how to do it but I was  
21 pushed ahead three years on the program down there because of my  
22 past knowledge of marine work.

23 I was a commercial fisherman for 40 years. I've built three  
24 different steel fishing vessels -- two fishing vessels and a  
25 tugboat -- in my life. The last fishing vessel I did work on was

1 a steel boat. I even designed it from keel up. I was a qualified  
2 welder in the Seabees in the Navy, I went to Navy welding school,  
3 et cetera. After I got out of the Navy, I worked for Atlantic  
4 Richfield for a short period of time.

5 Then I became a crew member on a coastal oil tanker called  
6 the Captain Dave, here in Gloucester, and I worked my way through  
7 the ranks. I ended up spending eight years there as captain after  
8 I got my First Class Harbor Pilot's license. Then after that, I  
9 went and got my Ocean Operator's license, so I am still licensed.

10 I also, in the last few years, became Subchapter M qualified  
11 with the tow boat inspection bureau, and I'm qualified with SAMS  
12 as a fishing vessel inspector, a tugboat inspector, yachts and  
13 small craft inspector, and I think I got one more, but I forgot  
14 it, but I have those qualifications, yes.

15 Q. Great. Can you tell us what types of jobs you do surveying?

16 A. Surveying boats, I used to do yachts and small craft. I got  
17 away from that and I only do commercial boats now. It's not  
18 unusual to go on anywhere from a 25 to a 50-foot fiberglass watts  
19 for gilinad (ph.) boat. It's not uncommon for me to be on  
20 anywhere from 45 to as high as 360 feet long, but mostly from 45  
21 to 100 feet long steel commercial fishing vessels as a surveyor.  
22 There's a difference between surveying and the 5587.

23 Q. Yes.

24 A. I've been doing that for years. I'm quite well known.  
25 There's not too many insurance companies -- in fact, there's no

1 insurance companies that don't accept my surveys, and I get calls  
2 from different survey companies and stuff asking me questions. So  
3 I'm usually pretty up on everything from watertight doors to  
4 powerhouse windows, whatever. A lot of it's OJT, on-the-job  
5 training, over the last -- I'm 72 years old, so I got a real 50  
6 years into this business.

7 Q. The next question is, how many years conducting commercial  
8 fishing exams? How long have you been doing that?

9 A. I've been doing that for about three or four years, I think.

10 Q. Three or four years? Okay.

11 A. There's this new program from SAMS. I believe -- yeah -- it  
12 should be 2018.

13 Q. Okay. 2018?

14 A. Yeah, I think. No. Usually using an (indiscernible) some of  
15 them that didn't pass, got put in the back page. 2015. My  
16 mistake.

17 Q. Okay. So 2015. All right.

18 A. 2015, yeah. Yeah, that one, he didn't pass so he got two  
19 love letters.

20 Q. So would you say --

21 A. My version and the Coast Guard version is a little bit  
22 different. 2015.

23 Q. Okay. So about five years.

24 A. Yes.

25 Q. Okay.

1 A. That's about how long the program's been going; a little bit  
2 longer than that with SAMS and NAMS, et cetera.

3 Q. Great. And then, so who do you work for with these  
4 commercial fishing vessel exams? How does that work?

5 A. An owner will -- an owner or captain calls me up says my  
6 sticker is -- most of the time -- expired; my ticket's expiring,  
7 can you do an exam? I'm kind of a little bit on the edge, I have  
8 to say, if you have it done by the Coast Guard, it's free; if I do  
9 it, I charge three dollars a foot, plus I get travel when I go  
10 over, round trip or 50 miles. So I get three dollars a foot when  
11 I do a job, and travel, and the *Emmy Rose* did pay travel when I  
12 went up there.

13 Q. Next question is, how many vessel exams, commercial fishing  
14 vessel exams, do you do a year, would you say?

15 A. Thirty or forty.

16 Q. Okay.

17 A. I can sit here and go through it but --

18 Q. No, just a guesstimate.

19 A. Yes.

20 Q. And then, your typical, like, work schedule. How do you  
21 schedule -- I mean tell us how you kind of schedule them, but how  
22 many do you -- do you see them in a week or do you -- how do you  
23 do it?

24 A. You know, usually they'll say, you know, I need one and I'll  
25 say, you know, a lot of times the boat is at sea. When are you

1 coming in? I'll be in Thursday. So I say, well, what if we do it  
2 Friday or Saturday-type thing? And the other day I got a phone  
3 call at 12:00 noon time, boat in Portland, Maine, can't go out  
4 because there's no sticker, the observer won't come aboard the  
5 boat. So I went up Saturday morning, at 8:00 in the morning, and  
6 did a fishing vessel safety exam on the boat. He passed. He had  
7 a few problems. He straightened them out at the time. And that  
8 was that.

9 But other times, you know weeks ahead of time, the guy says,  
10 I'm going to need it when I go on the railways. And I go over and  
11 say, you're -- this is out of date, you got to do this. And I  
12 give them a checklist and do that, and so -- and then, once in a  
13 while, you meet the ones that have you go down and check and then  
14 afterwards they go have MSO Boston come down to do it, and they do  
15 it for free, after I spent two hours on the boat. But that's --

16 Q. Okay. And then, I have another question here. So with  
17 follow-ups, say you issue some -- like a deficiency or an item  
18 that needs to be cleared.

19 A. Then I don't put a sticker on until the deficiencies are  
20 corrected.

21 Q. Okay. And then they would call you back to clear it and then  
22 you would give them the sticker.

23 A. Yes, and I always take and do a little homework. When I'm on  
24 the phone with them, I actually ask them questions. Have you  
25 checked their hydrostatic? Is your life raft up to date? When



1 you go to Boston, it's one thing, but when you go to Portland,  
2 Maine, you got to go back again, that guy is going to pay twice  
3 the money, so often they'll go from 3- to 600 dollars. So you ask  
4 them a lot of basic questions to make sure he complies. Plus you  
5 have Chase Leavitt and Hamilton Marine right there in Portland.

6 This guy had a bad VHF radio from the other day. He ran and  
7 bought a brand new VHF radio, came back, it was the same one, they  
8 unplugged it, plugged it in, put his MSM number on, he got a  
9 sticker. So you gotta kind of be good to them, and they're good  
10 to you.

11 CDR [REDACTED]: All right. Thank you, sir. That's all the  
12 questions that I had.

13 BY LT [REDACTED]:

14 Q. Hi, Mr. Lee. Again, I'm Lieutenant [REDACTED]. I just want  
15 to ask you a few questions. All these questions are going to be  
16 specific with the *Emmy Rose* history and your history. So, can you  
17 please tell us about your experience with the *Emmy Rose*?

18 A. The *Emmy Rose* called me in July and said he had just got the  
19 boat and they were working on it, getting ready to go fishing, and  
20 he needed a sticker, and we talked over some of the questions that  
21 I asked him. It's all right there. Is the raft up to date,  
22 et cetera, et cetera.

23 And my wife and I go camping in a place called [REDACTED]  
24 [REDACTED], so what we did was we went up there -- it  
25 was a Monday or Tuesday, I don't remember -- and I said we'll come

1 up and we'll check the boat on, I think it was Monday, and we're  
2 going over camping at [REDACTED], and whatever you got to get  
3 corrected, you better get corrected overnight, which he had a  
4 couple of things. And then on the way back to Rockport, it was  
5 only 10 minutes away, I swung in, he had corrected all his  
6 deficiencies, and I put a sticker on it.

7 Q. Okay.

8 A. And came home.

9 Q. Was this your first time working with the *Emmy Rose*?

10 A. The first time with the *Emmy Rose*, yes.

11 Q. Have you ever worked with Rink Varian before?

12 A. Rink Varian -- you mean the captain or the owner?

13 Q. The managing owner.

14 A. The managing owner, yes, I have. I think the *William Lynn*  
15 (ph.), I think I've done a couple of things over the years with  
16 boats he's had in Boston and that. But a lot of times, I don't  
17 get involved with the owner. The only way I get involved is  
18 sometimes I'm getting the check. The difference, to me, is they  
19 don't get a sticker till I get a check. Even if they pass, no  
20 check, no cash, no sticker, newsflash.

21 So I do meet up with that a little bit and, once in a while,  
22 I think on the *William Lynn*, I think this captain, on that  
23 particular boat, actually opened up his wallet and dug out the  
24 couple -- \$300 and paid me on the spot. So, you know, it's kind  
25 of -- you're in a business, you know.

1 Q. When did you -- you say you conducted the exam in Portland?  
2 Where in Portland?

3 A. There at the Portland fish dock, right next to state fish  
4 pier, the next one down. The one right behind Becky's.

5 Q. Who was onboard the vessel when you conducted the exam?

6 A. When I got onboard, there was a crew member down in the fish  
7 hold working on -- they had broke a hydraulic hose down there,  
8 going aft, so he was correcting that. And because of COVID, you  
9 can't have crew members on the boat, so a lot of times I've had  
10 them leave. But he was down there and I didn't have to go in the  
11 fish hold.

12 When I did get down in the engine room to check the engine  
13 room, the engineer was down there working, but he was busy doing  
14 something else and our paths didn't cross, so it wasn't an issue.

15 And then the skipper in the wheelhouse, you know, we were  
16 both masked and working. And you have to have somebody with you.  
17 You just can't do it unless you can have certain questions  
18 answered.

19 Q. Who was that person working with you?

20 A. Newbern (ph.). That was Newbern.

21 Q. Was that --

22 A. Newbern V-a-r-i-a-n.

23 Q. Okay.

24 A. I'm sorry if I don't remember the names.

25 Q. No, that's fine. So in conducting -- when you conducted the

1 exam, the -- was there any unique characteristics with the design  
2 of the vessel? Is this vessel -- how would you explain the --

3 A. Well, she was a southern shrimp boat design with  
4 flopper-stoppers; paravanes. I did -- something very interesting  
5 I noticed, and again, this is -- we look at things different than  
6 you do, okay. So that's -- a guy here in Gloucester takes  
7 pictures of all the boats. What I noticed when I went aboard the  
8 boat was there's a sticker on the port side. There isn't anything  
9 that doesn't say the sticker has to be on the starboard side.

10 Right from the beginning, I said, that's not right. And so  
11 naturally -- that's my sticker. So actually both stickers are on  
12 the picture. That's the one I found -- well, I'm upside down.  
13 Yeah, this is the one I found. It was on the wrong side. And  
14 that's my sticker right there on the boat. So, I mean,  
15 that's -- I just -- trivial but these type of things.

16 When aboard the boat, no -- right from the beginning we found  
17 the EPIRB was an issue, okay, and he went right over to Chase with  
18 that and they were going to have that back in the morning. That's  
19 because the battery was out of date. He didn't have a waste  
20 management plan. I gave him a copy of that to fill it out. I  
21 gave him a copy of Best Safe Fish Practices. We checked all his  
22 fire extinguishers and his flares. His flares were 1222 and 123,  
23 you know, they were just different. Put the thing there. And his  
24 raft was 11/2020, it's a six pack. These are notes I make when I  
25 scribble up onto the deck.

1           So no, if there was anything -- yeah, there was a question.  
2 Four-man crew or five-man crew? He had five suits, five things,  
3 but he says no, we only got four men. We got five suits.  
4 Everything has to be inspected. Not a big deal, but these are the  
5 little things you do meet up with. Okay.

6 Q.   What was the vessel layout? What all spaces did you enter  
7 into?

8 A.   The pilot house, did my pilot house stuff. Went and looked  
9 at the life raft. You got to go to the life raft and get the  
10 hydro rate right off it, et cetera, and the repack date, et  
11 cetera. And we do the EPIRB at that time, and that's when we  
12 pulled the EPIRB down and found the battery out of date and his  
13 NOAA registration. But he did have that -- was able to correct  
14 that.

15       And you walk up the bow and you look at the anchor, you know,  
16 that type of a thing. I went back down, they opened up all the  
17 survival suits in the galley. I walked forward from the galley to  
18 see there was an engine room escape hatch up there. I don't  
19 remember exactly where it was.

20       You look at the quarters and that type of thing, make sure  
21 they're, you know, more or less clean. And plus there's fire  
22 extinguishers mixed in there. Do locations of fire extinguishers.  
23 And so there was a couple B-1s -- you called them B-1s, I call  
24 them 10BCs. There was two in the pilot house, there was two in  
25 the galley, two in the engine room, one in the generator room,

1 another was probably -- it wasn't berthing so it might have been  
2 in the locker forward. I didn't write that ex down. You're not  
3 required to do it. You're only required two.

4 So you walk up forward, you look at the (indiscernible).  
5 Then you go back on deck. You got to check your life rings and  
6 make sure the ropes there are secured and make sure the reflective  
7 tape, the name of the boat, that type of a thing. Went back.

8 So then I went down in the engine room. When I get down in  
9 the engine room, again, you're checking for your generator, fire  
10 extinguisher, the CO2, and then the fire extinguishers down there.  
11 You usually have them light off the alarms, so you're down there,  
12 you hear it, let it run.

13 Q. What alarms are those?

14 A. That's his general alarm.

15 Q. Okay.

16 A. She had a general alarm down. She had both the light and the  
17 bell ring. I went over and common practice with me, even more  
18 common, is -- okay, just give me a second to get to my pages  
19 here -- okay, on the bilge pump system, I look at down there for  
20 de-watering. She had MP pumps; Marine Product pumps. I look at  
21 that, check the valves and manifolds, you know, they're there,  
22 they're operating. Biggest add I bang them guys on, they're not  
23 labeled. At least get a magic marker and write down fish hold and  
24 that type of a thing on it. That's one of the things you do a  
25 little more than what's asked in this thing, but it's good safe

1 practices.

2 Q. Did they do that?

3 A. I don't think, no, I didn't --

4 Q. So when you mentioned it to them, they didn't --

5 (Simultaneous speaking.)

6 A. If they didn't, I would have told them to do it, okay. So  
7 it's not written down.

8 Q. Oh, so this vessel -- okay, you're saying on the overall  
9 fleet.

10 A. Right. When you look at stuff, this is how I look at stuff.

11 Q. Okay, I understand.

12 A. So, when you look at that, that's how I do it. And I always  
13 write down what type of pump system they had. Now the new 5587  
14 actually talks about the manifold valve, et cetera, so I do that.  
15 Since then, that's an addition, above and beyond.

16 Q. Can you recall the three -- do you recall their manifold and  
17 what it was labeled, where the spacers were serviced from?

18 A. No. Honestly, no. The biggest thing I do -- I do a lot  
19 now -- is on whether their gate valves are ball valves, and  
20 labeled. And again, all I can tell you, they had to have been  
21 labeled or else I would have written down, you need to label them,  
22 okay. And so they were labeled and he had, like I say, they were  
23 either 110AC or 220AC. I don't know it was, but that's what he  
24 had.

25 Q. If they were labeled PO, Papa-Oscar, what would that be?

1 A. Say it again?

2 Q. PO, the letters P-O?

3 A. T-O?

4 Q. P. P, Papa.

5 A. Oh, P-O?

6 Q. Yes.

7 A. No. To me it'd be lazarette, fish hold, engine room, and  
8 forward would be a common thing that I'd be looking at. And deck  
9 wash-down. Remember, it's very common for these pumps -- that's  
10 why the manifold is there -- they also act as deck wash-down  
11 hoses.

12 Q. Okay. So when you -- with regards to the bilge alarms, did  
13 you test bilge alarms?

14 A. Yes. It was a lazarette, a fish hold, and an engine room.

15 Q. Okay. And you tested all of those?

16 A. They crawl down and test them. I just listen and make sure  
17 they work. Sometimes in small boats I do take the gap and lift up  
18 the rule switch, but in boats like that, no.

19 Q. Did you verify on the bridge you had audible and visual?

20 A. Yes. She had a -- what's that one, the square one with the  
21 buzzer in that? I can't think of the brand name but it was a  
22 standard brand name. It's also the one --

23 CWO [REDACTED] Murphy alarm?

24 MR. LEE: What's that?

25 CWO [REDACTED] Murphy alarm?



1 MR. LEE: Yeah. The ones that have the nine-volt batteries  
2 behind them, the twin nine-volt -- off the top of my head, excuse  
3 me, I just don't remember the brand. But it's the kind that has a  
4 backup on it.

5 BY LT [REDACTED]:

6 Q. Do you review any logs?

7 A. Yes, I do. That's a contention. Just because -- if they  
8 don't have the log, that means the Coast Guard, you still get a  
9 sticker. To me, you don't. You have to have your logs. So she  
10 had to have a drill conductor's log and whether they fill it out  
11 or not, I'm sorry, you just -- do you have the log? Yes, you have  
12 your log.

13 And also, I inform them now that you have to have a log where  
14 you inspect your gear, your suits, your hydrostatic releases, and  
15 stuff like that. All we can do is recommend that they get one,  
16 but the boat I did the other day in Portland, I made them go get  
17 one and put it on the boat and label it. I can remember what we  
18 did the other day.

19 Q. Do you remember seeing, in any of the logs, any drills  
20 conducted? Man overboard, fire, flooding drills, anything?

21 A. No. They had just got the boat, so no.

22 Q. Now, you had mentioned their immersion suits when you were in  
23 the galley. Where were the immersion suits stowed?

24 A. In the berthing area. There was one in the pilot house and  
25 the rest were down in the galley. We ended up with all of them in

1 the galley. You look at the name in the back of it to make sure  
2 it's the right name of the boat, check the zipper, and look at  
3 the -- what she had for lights. And again, the older guys, you  
4 got to tell them, you can't use -- it had five strobe lights. A  
5 lot of guys still have the snap-and-glows. That's safe practice.  
6 They're getting away from snap-and-glows and going to strobes.

7 Q. Another thing too -- I'm sorry -- with the mask on. Onboard,  
8 up in the pilot house, did you notice -- was there anything in  
9 particular in the pilot house? Was there a sat phone up there?  
10 Did they -- did you do radio checks, were the radios were working  
11 fine? Was there anything out of the ordinary up there that you  
12 may have identified or seen?

13 A. No, but since this is a new thing we do, I knew now to write  
14 down where they have WatchMate, okay, how much, and he did have a  
15 sat phone.

16 Q. Can you explain to me the WatchMate?

17 A. WatchMate is just like you have on a train. It's an alarm  
18 system that the crew member has to get off the chair, walk over,  
19 and hit a button to shut it off.

20 Q. And this vessel had it?

21 A. This vessel had it, yes.

22 Q. Was there -- with regards to the drill conductor, who  
23 did -- do you remember specifically who they had as drill  
24 conductor onboard?

25 A. Yeah. Spelling O-l-e-i-n-l-e-n, last name L-e-m-a-n.

1 Q. Was there any other people in that book, or in -- that had  
2 been documented as drill conductors?

3 A. Not that I'm aware of, no. You remember, it would have been  
4 the past owners of the boat. Everything becomes null and void as  
5 soon as you sell the boat. So a lot of times, you don't see stuff  
6 like that. It's all rifled overboard.

7 Q. But they would have had to have somebody onboard every trip  
8 that was the drill conductor, correct?

9 A. Right. That's this guy right here. They tell us who he is  
10 and you write him down that he's the drill conductor, you know.

11 Q. I just -- I was trying to understand.

12 A. Yes, I understand. And as, the famous one, did you witness a  
13 drill. You're trying to get on a fishing boat that's getting  
14 ready to go out and one guy is on the net, the engine room is down  
15 there, another guy's the shore galley. You can't get them all  
16 together to witness a drill.

17 And it's their word. You know, you do the best you can, and  
18 you pass it on. It's like the best safe practices. I pass that  
19 on. I yellow highlight everything obtained through the boat:  
20 hard hats, life jackets, slipper on deck, and all you can do is  
21 recommend that to them.

22 Q. Especially during the COVID times.

23 A. I haven't really had a lot of problems with that, you know.  
24 When you get on a boat, you know, you're looking around. I'm busy  
25 doing my own thing and your paths really don't come across each

1 other that much, other than you got to have somebody there that  
2 shows you stuff, it's like where the backup battery was for the  
3 VHF. Yeah, there was a backup battery at the helm.

4 Q. Down on the deck?

5 A. In the deck, in the -- underneath the helm.

6 Q. Okay. And do you recall, who was the engineer onboard when  
7 you were doing that?

8 A. No.

9 Q. You didn't talk?

10 A. No. Once in a while you meet up with guys you know, okay.  
11 When the Russians were out here for eight years, I did logistics  
12 support out of here, so I met all the errand boys from Maine. So  
13 you're always meeting up with a father remembering who I was and  
14 that type of a thing.

15 Q. Interesting. Can you tell me a little bit about the on-deck  
16 arrangement, like the aft deck, the working deck?

17 A. Sure. She was a southern shrimp boat style but she had been  
18 encased. They take from the forward breaker, the powerhouse, and  
19 go aft. And they put up a shield, a steel shield, for -- to keep  
20 the weather off the crew members. She was -- you see that -- a  
21 reasonable amount of boats. And inside it was clean. Ironically,  
22 he just painted the boat. It was well painted and cleaned, and  
23 that would probably be as much as I notice, you know. I look at  
24 little things like the knife edges and, you hit a couple dogs to  
25 make sure they work, you know. But she only had one half door

1 anyway.

2 Q. Can you tell me about the deck hatches, down to the holes or  
3 the lazarette edge?

4 A. She just had a raised deck hatch. Usually there's an  
5 aluminum cover or a wood cover, but that was actually open because  
6 there was a guy down there working.

7 Q. Can you specifically tell me about the lazarette hatch? Do  
8 you remember anything in particular about that?

9 A. No, not at all. There's nothing unusual about that. But  
10 remember, I'm not required to go in the lazarette. I go back  
11 there but I didn't go in there.

12 Q. No -- okay. What would you say was the overall condition of  
13 the vessel?

14 A. The way it just got painted, I thought the boat was in great  
15 shape. Clean, really clean boat. But the guys in Maine are big  
16 on that stuff. They really run a clean, clean boat. So I was  
17 pretty happy with that. Didn't see any garbage on it.

18 There was no extension cords running everywhere, which is a  
19 very big problem in this harbor. No, I was pretty happy with the  
20 boat. I didn't see anything that jumped out at me. There was no,  
21 you know, things like a cracked window on the side, I don't look  
22 at, but there was no damaged windows or anything like that. She  
23 had watertight doors on the side of her pilot house, that type of  
24 a thing.

25 But no, I didn't -- nothing jumped out at me as being unusual

1 at all about the boat. It was clean.

2 Q. You mentioned the side wings to keep the crewmen out of the  
3 weather. Would that have been put on the vessel at its initial  
4 build, or would that have been like an adaptation?

5 A. That would probably -- again, I'm speculating -- it was  
6 probably an add-on in New Bedford when she was down there fishing.  
7 It's a common thing they do when they bring them up here. So.

8 Q. Okay. So you examined the immersion suits?

9 A. Um-hum.

10 Q. Again, nobody tried any of those. Did anybody try them on?  
11 No? They were in good condition as you said?

12 A. Good condition. If they're bad condition I walk to Hamilton  
13 Marine, buy another one; I've done it many times. My biggest  
14 problem is as you meet up with Canadian survival suit; sorry.  
15 Can't use it. Even though it's -- you got to get -- I call it a  
16 160 number, how I do it. You meet up with that with -- especially  
17 they come down with a Canadian -- life rings, you know? Sorry.  
18 It's got to go. I don't care what you say. It comes off the  
19 boat.

20 LT [REDACTED] Thank you for your time. I have no more further  
21 questions.

22 BY CWO [REDACTED]

23 Q. All right. Mr. Lee, I just have a few questions. When you  
24 were down in the engine room, did you happen to take a look at  
25 their propulsion system?

1 A. Yeah, probably did, you know. I don't remember. I think she  
2 had a CAP -- most of them do. But I didn't pay a lot -- when I  
3 head to the engine room I'm looking for a couple things: fire  
4 extinguishers, I've always been big when you see the panels off  
5 the side of -- the electrical panels; you've got to put that back  
6 on. You take a glimpse into the bilge to make sure it's not full  
7 of diesel fuel. You can usually smell that. A half-assed look  
8 around to make sure there's not a can under the sight glasses  
9 (ph.) leaking fuel, another one that's common.

10 I always go over to the pump manifolds because I always write  
11 down what they have for a pump system. Then I usually, if I  
12 remember correct, I had to step forward in that boat to get where  
13 the generator -- the generator was forward to the engine room in  
14 its own compartment. And you go up there, and when you check the  
15 generator you make sure she's got a CO2 ball sitting right there.  
16 And that's kind of about it, you know? You get on some engine  
17 rooms and you see oil all over the deck, it's slippery and that --  
18 this wasn't that case; not at all.

19 Q. Okay. Did you test the generator?

20 A. No, no. You can't operate any system. They can operate it.  
21 You can ask them to operate and there were certain things; turn  
22 the VHF radio on, and then hit -- well most of them come on now  
23 they give you the MSI number. And you kind of half-assed look at  
24 the number and verify it on the FCC so you know it's the right one  
25 in there. It's just new that we've had to write down the sat

1 phone numbers; again, that's new but it's going on.

2 A new one also was turn the sounding machines on and make  
3 sure they work, you know? Don't think I did this on this, but I  
4 did remember one thing we checked, he did have all the books, but  
5 he also had dual electronic charts: PC wind port and that type of  
6 a thing. So he complied both ways on that.

7 Q. Okay. Great.

8 A. Okay.

9 Q. Back down in the engine room. I know you don't typically  
10 look at this but did you happen to look to see any of the  
11 through-hole fittings?

12 A. No.

13 Q. No?

14 A. No. It wouldn't be -- it's not on the list, and I wasn't  
15 doing a survey. The other day I looked at one because a guy had,  
16 I thought, a pretty big sea chest, you know. And you just happen  
17 to notice it, and that was on the boat I did the other day. Okay?  
18 Three girls -- if you just -- you notice stuff like that only as a  
19 surveyor, you know?

20 Once in a while you see stuff; there's a lot of things that  
21 the Coast Guard will put a sticker on a boat that I won't put a  
22 sticker on a boat. And one of the most common one is bilge alarms  
23 on these smaller boats of 40 foot. They use Home Depot wire, the  
24 alarm works; sorry about that, no, because a Home Depot wire is  
25 only going to last three months; a sticker's worth two years. And



1 I've had many a, many a fight, and I think about that -- sorry,  
2 you're not getting a sticker. That's just a -- you have to look  
3 at things.

4 That's where the difference between a survey and a Coast  
5 Guard inspector is a little bit different. I can't do it because  
6 when I see something I have to say something or write it down.  
7 That's what we're taught to do. So there are certain things that  
8 happen that I do mention and I do bring up. And that is a very  
9 common thing for me to fail a boat. I don't actually fail them  
10 because most of the time they comply right away and correct it.  
11 Because they want the sticker because they ain't going fishing  
12 without the sticker.

13 Q. So you said that you didn't go into the lazarette?

14 A. No. I did not go in the lazarette.

15 Q. Did you happen to, from the deck, look down into the  
16 lazarette?

17 A. No. Did not. It was closed up if I remember correctly. I  
18 walked back half only to check the life ring, okay? I think now,  
19 being more aware of what happened here, seeing the stuff that's on  
20 the new forms right now that we're using, I think I'll be taking  
21 notes of that type of nature, but at the point I was on there to  
22 do a safety inspection, not a survey. And there's a little bit of  
23 difference. But I do -- the survey comes out here every time.

24 Q. I understand. Okay. I think my last question is just going  
25 back to the drills. Are you a drill conductor?

1 A. Yes, I am. I am a drill conductor.

2 Q. Okay. When you asked them who their drill conductor was and  
3 they gave you the name --

4 A. Yeah, his name. Yeah.

5 Q. Do you ask for proof to see their drill conductor card? How  
6 does that normally work?

7 A. Yes and no. It goes both ways. You usually ask and usually  
8 some way you get enough communication to know they're telling the  
9 truth. The guys in Maine are pretty good about this stuff.

10 McLane (ph.) went all over Maine making sure the guys comply. I  
11 think this guy was on another boat I did in Boston, so I was well  
12 aware of who he is. And they all know they need a drill  
13 conductor.

14 Some of the boats lately have bought federal permits -- go  
15 for that and they say they never did it. So you meet up with a  
16 little bit -- no, sorry, you don't get a sticker. But as for  
17 checking his card on this particular one here, no. Most of them  
18 actually pull it out, show you right away, and their first-aid and  
19 their CPR.

20 And I always -- I have a list I can pull up paperwork here.  
21 I can give them, one, it tells you how to download all the  
22 manuals, you know, Coast, pilot, light list. The other one is how  
23 to renew your CPR and your first-aid card online; CPR Pro \$47.  
24 This type of thing. So you give them this information. You give  
25 them a copy of Best Safe Practices; you do all that and that's all

1 you can take and do. You've done your due diligence, and you kind  
2 of have to go from there. But as for the drill, no. I can do it,  
3 but I don't.

4 CWO [REDACTED]: Okay. I don't have any further questions.

5 CDR [REDACTED] Okay. Let's see, I'll go through -- just kind of  
6 wrapping up here and then we'll go back around one more time.

7 BY CDR [REDACTED]:

8 Q. What are your thoughts on the sinking of the vessel?

9 A. Well, needless to say, I've talked to a couple different  
10 people about it. I was deeply involved in the *Patriot* (ph.) out  
11 here too. In fact, I'm the guy who actually found it with a  
12 side-scan sonar. I find it with a side-scan sonar, I call MSO  
13 Boston, I give them the longitude/latitude for it. Twenty minutes  
14 later, a state police boat comes up alongside of me screaming,  
15 you're in a crime scene, you must leave here immediately. I'm the  
16 guy who found this, and I'm the first guy who put a camera on it  
17 too; I have an ROV (ph.). I've never been a fan of  
18 flopper-stoppers. Okay?

19 Q. What do you mean by that?

20 A. Outriggers.

21 Q. Okay.

22 A. I've seen in my lifetime guys take a -- we'll use  
23 starboard -- take a turn, and those get down the water, and it's  
24 always scared me. I would never buy or own -- well, there's a  
25 good example right there; sea conditions that night, good load of

1 fish on; I don't know how much fish he had onboard. Boy, you take  
2 a roll, you know, and it's just one of these things that happen.  
3 I mean, I've done it a few times with my own boat. I've had deck  
4 loads of fish and one time with shrimp, and boy I'll tell you, I  
5 took a wave over the stern, went right across the boat, right in  
6 the pile of -- went all down below. So been there and done it.  
7 I've lost a boat before, too, yes.

8 Jesus, she's fished for a long time, and she has no records  
9 of other problems. They bought the boat knowing she has a history  
10 of not having -- that I'm aware -- of having a problem -- I'll  
11 tell you, awful hard to say, you know? Other than, you know, she  
12 had a lot of fish on and somebody didn't put the fish hold hatch  
13 on, down-flooding was the common thing in Maine. A lot of guys up  
14 there thought it was a down-flood.

15 But again, I don't check check-valves. I'm trying to think  
16 of the name of the boat here in Gloucester, when she sank. They  
17 were all up watching the Super Bowl and somebody left the fish  
18 hold -- hose in the fish hold. They turn around and look, and she  
19 was sinking backwards. What was Joe's last name? I used to drag  
20 him about that one there. So yes, these things happen, but we  
21 don't know any of this.

22 Q. Yeah.

23 A. So in my business, a lot of times you just -- no. We're all  
24 going to speculate until you guys put an ROV down there. Look at  
25 the one that sank in Alaska when they finally got down and saw the

1 aft hatch wide open. You know?

2 Q. Um-hum.

3 A. And I follow all of them. SAMS, Accredited Marine  
4 Surveyor -- our fishing vessel designated is Jim up in Alaska, so  
5 we talk a lot about these type of things. We've been in a lot of  
6 phone calls lately only because of the new forms that come out,  
7 and I have good rapport with the Marine Safety Office. The other  
8 one that you go to -- Rose's; you walk in Rose's, and you see  
9 everything being repaired. You look at it, and you see the guys  
10 that are cutting out their sea chest and putting one in.

11 You see the guys -- I saw them take a boat that went down to  
12 the Caribbean, and they took about a hundred discs like this and  
13 welded them over every one of those things. The *Corosia* (ph.),  
14 the electrolysis (ph.) hulls, she sat in Boston and she was pitted  
15 and they just -- instead of taking that whole sheet, they just  
16 walked -- okay. Look at it, observe it, that's it. So --

17 Q. Okay. No. Thank you for that.

18 CDR [REDACTED]: What I'll do, just for everybody on in the call  
19 here, we'll just go around the room here, and then we can open up  
20 to Mr. Young or Mr. [REDACTED].

21 So Mr. [REDACTED]?

22 BY LT [REDACTED]:

23 Q. Sir, so a few more follow-up questions. Did you notice an  
24 air receiver or an air tank in the engine room?

25 A. She had an air horn, yeah. She had it on there. And as

1 Subchapter M and as surveyor, I would check the relief valve  
2 setting. Okay?

3 Q. Yeah.

4 A. Did I on this one? No, because not a requirement. It should  
5 be a requirement; should be a requirement on the new form.  
6 Because all these big boats are air. She's probably, at her size,  
7 -- about, she was probably air start, I don't know for sure. And  
8 the tanks are quite common, and you find two kinds. Used to find  
9 a lot of Sears and Roebucks; now you find a lot of Harbor Freight  
10 on them. And usually have two. It's very common to see two: a  
11 whole tank we see like in a gas station, and then a small backup.  
12 And the backup's now so it's, usually, can start the engine if  
13 they lost all their air.

14 Q. Yeah.

15 A. Again, these are things that should be on a 5587, okay?  
16 What's it cost you for -- eight dollars? Ten dollars for a new --  
17 blowout (ph.) for those things, you know?

18 Q. Do you remember the approximate size?

19 A. Of the tank?

20 Q. Yeah.

21 A. I wouldn't want to speculate, but she had a full-size tank.  
22 I'll just put it that way.

23 Q. Do you know where on the vessel --

24 A. It was forward with the generator room, if I remember  
25 correctly.

1 Q. It was in the generator room?

2 A. I believe it was in the generator room. It's just a vague  
3 memory, but again, it's not something -- I'd love to be able to do  
4 that because all you do is walk over and put your finger -- wet it  
5 up -- it tells you it's a seven pound or whatever, fifteen pound  
6 blower, and you tell the guy, these things don't last forever. On  
7 a towboat you have to do it; it's mandatory, okay? It's not even  
8 mandatory on a COI boat I don't think. I think it's only on  
9 tugboats.

10 Q. It is --

11 A. It is now?

12 Q. The size of the --

13 A. But we're talking a fishing vessel, and they keep coming up  
14 with these exempt things, you know. So --

15 Q. You had mentioned that he had all the books and everything up  
16 at the pilot house. Did you happen to notice if there was like a  
17 stability manual?

18 A. No.

19 Q. No? Stability book? Okay.

20 A. No. The only one I could think that would ask that might be  
21 aware of that, somebody like Garrett Norton (ph.) down in New Bay.  
22 They might have done a stability test at some time but, no. And  
23 again, we're only required to make them aware of it.

24 Q. Of course.

25 LT [REDACTED]: No further questions. Thank you, sir.

1 BY CWO [REDACTED]:

2 Q. All right. I just have two follow ups. With the immersion  
3 suits, do you happen to remember the age of the suits?

4 A. No. They were in good condition. I just remember that much  
5 of it. And again, there's another good one. We should be writing  
6 the manufactured date of these things down so we can look at a guy  
7 and say, this is 23 years old. But again, and I'm sorry, I get on  
8 these little tangents on the side here. Those are things that I  
9 would take if I was to write this, but they never ask us guys.  
10 They always -- in fact, when they wrote the new program they used  
11 a 32-year-old, 360 Acrobat program to write it. That give you an  
12 idea what you're dealing with the Coast Guard? And it has seven  
13 major mistakes in it -- I'm sorry, I'm just --

14 Q. And then another question. For the extinguishers, were they  
15 serviced?

16 A. Yeah. I think they were all tagged. Yeah, in fact I know  
17 they're all tagged. Again, the B1s in the pilot house had gauges.  
18 In fact, the one in the galley had a gauge on it. The generator  
19 40BC was tagged, but they usually have -- every one was tagged.  
20 The new thing does tell whether it was tagged or -- I now write  
21 that down.

22 But yeah, she -- 2, 4, 6, 7 -- she had eight fire  
23 extinguishers onboard. And they all complied. I look for things,  
24 if they're rusty; sorry, it's out of service, it comes out of  
25 here. I've had a lot of problems with trying to tell them when we



1 look at the fire extinguisher brackets -- can't be sitting there,  
2 it's got to be in a bracket. And that's a very common problem,  
3 especially with a small boat; oh, I don't have the bracket  
4 anymore. Well, I'm sorry, it doesn't comply; you can't -- so, but  
5 most of them have more fire extinguishers than they need so all  
6 you got to do is put it in the closet and close the door, and you  
7 get a sticker. That's the truth of it, you know?

8 Q. All right. Thank you.

9 CWO [REDACTED]: I have no further questions.

10 MR. LEE: Okay.

11 CDR [REDACTED]: All right. Good afternoon everybody, again,  
12 Commander [REDACTED].

13 Mr. Young, do you have any questions you would like to ask?

14 MR. YOUNG: Yes. If you can hear me alright?

15 CDR [REDACTED]: We got you loud and clear. I'll put you up with  
16 Mr. Lee.

17 MR. LEE: I can hear you loud and clear.

18 BY MR. [REDACTED]:

19 Q. Good afternoon, sir. Thank you for your time.

20 A. Yep.

21 Q. When you did the survey, did you happen to take any pictures  
22 or videos?

23 A. No. I did not do a survey. I did a fishing vessel safety  
24 exam. It was not a survey.

25 Q. Okay.

1 A. Okay?

2 Q. Did you take any pictures or videos while you were there?

3 A. No, I did not.

4 Q. You remember -- I know you do a lot of fishing boat visits,  
5 but do you remember anything about that you could tell us about  
6 the lazarette hatch? How it was secured?

7 A. No, I cannot. I did not observe it. Walked by it, but I  
8 didn't take any mental note on it. No. It's not a requirement,  
9 and again, the fish hold was wide open because they were working  
10 down there. And it was a steering hose that broke, so I'm sure  
11 the lazarette hatch was probably open too. But it was not in my  
12 field, no.

13 Q. Okay. And we had been talking last week about a Murphy  
14 system for bilge alarms and panel. Can you describe how these  
15 Murphy alarms would be tested?

16 A. There's a couple different ways. Most of them have a  
17 mechanical switch down below, and a crew member goes down and sets  
18 them off. And up in the Murphy -- there's two ways: they have a  
19 test button which runs power through the whole lead and comes  
20 back, goes down, and bypasses the manual and -- you hit it and  
21 each compartment comes on and then it's going come and they have a  
22 crew member go down and hit it. But they're pretty -- I can't,  
23 off the top of my head -- they're self-testing, I guess is a first  
24 way to say it, so --

25 Q. It would require a crew member to actually, physically be in

1 the location where the --

2 A. Not always, not always. You can hit the button, and the  
3 button sends power down the power lead and comes back from the  
4 mechanical lead; it's the third wire. And so that tells you it  
5 works, you know?

6 Q. Do you think that would be an accurate representation of the  
7 functionality?

8 A. Oh, yes. This is a good system, and it has a backup battery,  
9 so if she lost power to the system, it has two 9-volt backup  
10 batteries in them. Again, I did not test those batteries. I  
11 think we should, but --

12 Q. You may have started talking about it previously, but a lot  
13 of people are saying that this was a southern shrimp boat. Other  
14 than the rounded bow, are there many differences in the design of  
15 this compared to the New England trawlers that are up here?

16 A. No. Only that most of the New England trawlers have a bigger  
17 beam on them, and this vessel here had the standard beam. But  
18 they used the flopper-stoppers; outriggers; paravanes; different  
19 names, so.

20 Q. Great. Thank you very much.

21 MR. YOUNG: I don't have any other questions. Thank you for  
22 your time.

23 MR. LEE: Yep. You're welcome.

24 CDR [REDACTED]: Great. Thanks, Brian.

25 All right. [REDACTED], any additional questions?

1 MR. [REDACTED]: No. I don't have any at this time.

2 MR. LEE: Brian, you're welcome to -- all of you, to take my  
3 phone number and give me a call any time. I'm more than happy to  
4 cooperate.

5 MR. YOUNG: Thank you. We appreciate that.

6 MR. LEE: Yep. He'll give you the phone number. Okay? And  
7 my email address also.

8 CDR [REDACTED]: All right guys, thank you very much. Thank you  
9 Mr. Lee. This concludes this interview. Thanks everyone. I do  
10 have Mr. Lee's contact information, so if anybody has any  
11 additional questions, whatever, feel free to reach out to me.

12 In the meantime, we're going to conclude the interview.  
13 Thank you everyone. Signing off here.

14 (Whereupon, the interview was concluded.)  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

