

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: BARTLEE McNEEL, Owner
Emmy Rose

USCG Sector NNE
South Portland, Maine

Wednesday,
December 16, 2020

APPEARANCES:

CDR [REDACTED]
U.S. Coast Guard

CWO [REDACTED]
U.S. Coast Guard

[REDACTED], Investigator
U.S. Coast Guard

BRIAN YOUNG, Accident Investigator
National Transportation Safety Board

LT [REDACTED]
U.S. Coast Guard

LT [REDACTED]
U.S. Coast Guard

[REDACTED]
U.S. Coast Guard

DAVID SMITH, Attorney
(On behalf of Boat Aaron and Melissa, Inc.)

TWAIN BRADEN, Attorney
(On behalf of Mr. McNeel)

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I N T E R V I E W

1
2 CDR [REDACTED]: Commander [REDACTED] stationed out of Boston,
3 but I've been designated from the District Commander as the lead
4 investigating officer. So I'll tell you what, we'll have the guys
5 in the room there introduce themselves.

6 MR. [REDACTED]: Yes, I'm [REDACTED]. I'm an investigator out of
7 the Portland Office.

8 LT [REDACTED]: Lieutenant [REDACTED], legal counsel for
9 this investigation.

10 CDR [REDACTED]: Great. Thanks, guys.

11 And then CWO [REDACTED], hey, how you doing?

12 CWO [REDACTED]: Hey, Commander, how are you?

13 CDR [REDACTED]: Did you want to introduce yourself?

14 CWO [REDACTED]: Yes, I am Chief Warrant Officer [REDACTED].
15 I'm an investigating officer with Sector Boston.

16 CDR [REDACTED]: Great. Thanks, [REDACTED].

17 And then I think -- let me just see who else is on the line
18 here. I think the only other person we have on the line right now
19 is Mr. Young. So, Mr. Young, if you could --

20 MR. YOUNG: This is Brian Young. I'm with the National
21 Transportation Safety Board. Our office is based in Washington
22 D.C., and I'm based out of [REDACTED], Maine.

23 Thank you for being here today and assisting us with the
24 investigation. We will come up with our own report of findings
25 and analysis of probable cause. And like the Coast Guard, if we

1 do have any recommendations as a result of this accident, we'll be
2 issuing them. And on behalf of our agency, we're sorry for what
3 you're going through and the loss of your vessel and your crew.

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

5 So yeah, I'll turn it back over to you, sir, if you have any
6 questions for us or anything before we start the formal interview.

7 LT [REDACTED]: Nope. Any questions?

8 MR. BRADEN: Good morning. I just wanted to introduce
9 myself. I'm Twain Braden, B-r-a-d-e-n is the last name, and I'm
10 Mr. McNeel's personal counsel. And I just wanted to introduce
11 myself so you know that I'm here in the room with Mr. McNeel.

12 CDR [REDACTED]: Great. Thank you.

13 And, Mr. McNeel, do you have any questions at this point for
14 us, anything?

15 MR. McNEEL: No, I don't.

16 CDR [REDACTED]: Okay. Great. All right. Well, what we're going
17 to do just to avoid the technical difficulties of Zoom is we're
18 going to have Mr. [REDACTED] ask all the questions for you there in the
19 room. And then we'll do some follow-up at the end if we have
20 anything we want to ask. So without further ado, I will kick it
21 over to the team up there.

22 MR. [REDACTED]: Commander, do you want us to do the introductions
23 with the spelling of the last name?

24 CDR [REDACTED]: Yeah, yeah, just let me know once you guys start
25 the recording and then we can go ahead and introduce anybody.

1 MR. [REDACTED]: Okay. We're recording right now.

2 CDR [REDACTED]: Good afternoon. This is Commander [REDACTED]
3 [REDACTED] -- good morning, this is Commander [REDACTED] Today is
4 16 December 2020. We are conducting an interview for the marine
5 casualty investigation into the lost *Emmy Rose*. My name is
6 Commander [REDACTED] [REDACTED].

7 Go ahead, team up in Portland.

8 LT [REDACTED]: This is Lieutenant [REDACTED],
9 [REDACTED].

10 MR. [REDACTED] [REDACTED] I'm an investigator in Portland.

11 [REDACTED]

12 CDR [REDACTED]: Great. And Mr. Young?

13 MR. YOUNG: Brian Young with the National Transportation
14 Safety Board, Y-o-u-n-g.

15 CDR [REDACTED]: Okay. And then -- go ahead, sorry, [REDACTED]

16 CWO [REDACTED]: Chief Warrant Officer [REDACTED]
17 [REDACTED].

18 CDR [REDACTED] Great.

19 And then, Mr. McNeel, if you can introduce yourself and spell
20 your last name?

21 MR. McNEEL: My name is Bartlee W. McNeel, M-c-N-e-e-l.

22 CDR [REDACTED] Great. Thank you, everybody. And actually your
23 counsel there, if he can introduce himself as well.

24 MR. BRADEN: Sure. Again, Twain Braden, B-r-a-d-e-n,
25 personal counsel for Mr. McNeel.

1 CDR [REDACTED] Great. Thanks, guys.

2 All right. We'll kick it back up to [REDACTED] Thanks.

3 MR. [REDACTED] One more person to introduce.

4 MR. SMITH: David Smith, counsel for -- S-m-i-t-h.

5 CDR [REDACTED] Sorry, Dave, didn't see you there.

6 MR. SMITH: Quite all right, Commander.

7 MR. [REDACTED] Okay. We're all set to begin the questions?

8 CDR [REDACTED] Yup. I think we got everybody, so we can go
9 ahead. Thanks, everyone.

10 INTERVIEW OF BARTLEE McNEEL

11 BY MR. [REDACTED]

12 Q. Mr. McNeel, I'm just going to ask you some questions, first
13 off, about your background, and then we'll go into the *Emmy Rose*
14 history, and then the final voyage if you happen to know anything
15 about that. Could you tell us how much experience you have in
16 commercial fishing operations?

17 A. I started commercial fishing in '77, and bought the first
18 boat in '86.

19 Q. Are you a commercial fisherman yourself?

20 A. No, right now what I do is manage the boats and their
21 schedules.

22 Q. But you have commercial fished?

23 A. Yes.

24 MR. [REDACTED] For the board, can you hear the answers okay?
25 Commander?

1 CDR [REDACTED] Yup, I got you.

2 MR. [REDACTED] Can you guys hear us okay? The questions, the
3 answers?

4 CDR [REDACTED] Yeah, I'm hearing okay.

5 MR. [REDACTED] Okay. And just mute if you can.

6 LT [REDACTED] I think we still have a live mic. If you have a
7 live mic, you mind just putting yourself on mute?

8 MR. [REDACTED] Okay.

9 CDR [REDACTED] You guys still getting feedback up there?

10 LT [REDACTED] Yes, sir, there's an iPhone, I don't know who it
11 belongs to, that still has a live mic.

12 CDR [REDACTED] Okay. Let me --

13 LT [REDACTED] Okay. I think we're all set. Thank you.

14 BY MR. [REDACTED]

15 Q. Roger. Going back to some questions, Mr. McNeel, what is
16 your experience owning fishing vessels?

17 A. I bought my first boat in 1986.

18 Q. And what is the size of your fleet or how many vessels do you
19 own?

20 A. Three.

21 Q. And what are the names of those?

22 A. *William Lynn, Lennon William (ph.), and Patriot.*

23 Q. And what about the size of your company? How many employees
24 do you have?

25 A. Well -- we actually don't have any employees; they're all

1 1099s.

2 Q. Could you explain that?

3 A. Everybody that works on a commercial fishing boat is
4 basically self-employed, so they're responsible for their own
5 taxes and everything else.

6 Q. Do you have a port engineer or a maintenance department for
7 your fleet?

8 A. Yes, we do.

9 Q. And who is your port engineer?

10 A. There's three of them. We have John Schuman (ph.),
11 Lonnie Hillick (ph.), and Brian Woodman (ph.) and they get help
12 from a couple of other guys. Whenever they have problems with
13 something they'll call in Scott Russell (ph.) and Reed Solm (ph.).

14 Q. And are they all based out of Portland?

15 A. Oh, yeah.

16 Q. And they just work on those three vessels that you had
17 mentioned earlier?

18 A. Yes. Also, the boat is not commercially fishing right now,
19 it's a project we have. We bought -- I bought a scalloper in New
20 Bedford and we're in the process of rebuilding it, and these guys
21 help with that.

22 Q. Can you explain the crew hiring process?

23 A. The captain hires the crew.

24 Q. Do you have any say-so in that or you just leave it all to
25 the captain?

1 A. Well, it depends. If you see somebody on the boat that you
2 don't want on your boat, you can go to the captain and say, I'm
3 sorry, you can't take that person.

4 Q. Do you happen to know the work hours and the schedules of the
5 crew on the fishing vessels?

6 A. No.

7 Q. Is that left up to the captain to decide?

8 A. Yes.

9 Q. How about crew evaluations? Do you have any say-so in that?

10 A. Yeah, you do. I mean, if a person is -- that you know has,
11 say, a history of alcohol or drug abuse, you can talk to your
12 captain and say, I'm sorry, you can't take that person on my boat.

13 Q. So you can override the captain's decision --

14 A. Yes, we can.

15 Q. How about types and frequency of drills, safety drills on the
16 vessels? Do you have any oversight of that or do you know how
17 often they're conducted?

18 A. No, I don't. I do know the captains will -- if there's a new
19 crewmember on the boat, they make them put the survival suit on,
20 they time them to make sure they, you know, I guess it's within a
21 minute or two. If they can't get it on at that time, they make
22 them put it on again until they can get it on in that time.

23 Q. Do you have any kind of written policy or training manuals
24 that say how often drills have to be conducted?

25 A. No, we don't.

1 Q. Do you have any kind of safety management system onboard? So
2 if you have issues with safety gear or equipment that needs
3 maintenance that the captain can log it and then give that to the
4 shore engineer?

5 A. Well, yeah, the captain will usually have a list every trip
6 when he comes in, this is what I want done, and it gets done.

7 Q. And who does the captain give that list to?

8 A. He'll put the list up in the pilot house and me and the shore
9 engineers will go aboard and look at the list and determine who is
10 going to be doing which. Because there's usually two or three
11 things, four things, on the list.

12 Q. And that's just, like, on a regular piece of paper that they
13 write those?

14 A. Yeah, that's just in a regular notebook.

15 Q. Do you keep those at all anywhere?

16 A. They're on the boat.

17 Q. Okay. But do you file them away or once the job is complete
18 you just get rid of the work order?

19 A. No, he'll have one. Usually it's just a regular paper, you
20 know, wire bound notebook and we'll just go page-by-page. If --
21 say if there's a couple things on the list that isn't done the way
22 he wants it done, the next trip it'll be -- he'll put it back on
23 the list.

24 Q. Okay. And is that kept on the vessel?

25 A. Yes.

1 Q. Do you have any kind of pre-employment physicals or drug
2 tests that you make crew members take?

3 A. Some captains will do that. Some captains will drug test the
4 crews, but I don't know -- we usually just don't have that
5 problem.

6 Q. So you don't have a policy in place that anybody that gets
7 hired must pass a random drug test or pre-employment drug test?

8 A. No, that's usually up to the captain, and this is -- if the
9 captain suspects, you know, look, I heard that you have a drug
10 problem, I have to give you a drug test before you can go on the
11 boat. And, you know, sometimes guys refuse to take them, but most
12 of the time -- basically, everybody knows everybody down there.
13 And, you know, you basically know. Sometimes you don't, sometimes
14 people develop problems that you don't know about.

15 Q. If a captain was to come to you and say, I need to have
16 so-and-so drug tested, who would pay for that, and do you know
17 where they would go?

18 A. Well, you can go right to CVS or Rite Aid and get a drug
19 test.

20 Q. Would you pay for that as the owner?

21 A. Oh, yeah. It doesn't really cost anything. I had one
22 captain a few years ago there who that was his thing. He wanted
23 to drug test people, and if he suspected somebody taking drugs, he
24 would. And he had two or three drug tests right on the boat so he
25 could test them.

1 Q. Could you explain your relationship to the *Boat Aaron and*
2 *Melissa II*?

3 A. Oh, I own that boat.

4 Q. You own that boat too? Okay. Is that -- okay. The *Aaron*
5 *and Melissa* sinking in 2018, could you briefly describe that and
6 what happened?

7 A. Well, they were loaded -- they were fishing at the end of the
8 trip and on their way in, and they had loaded the hatch. They
9 were doing a thing called -- with monkfish heads and they were
10 selling it for lobster bait. I don't know if you've ever seen a
11 monkfish head, but it's, like, just a big glob of jell-o. And
12 what they were doing was because it was convenient they were
13 taking the deck hatches, opening them up, and just throwing them
14 down into the fish hold.

15 And they did that until they filled up, like, two pens. And
16 you're talking 7-, 8,000 pounds in each pen, and they were selling
17 them for lobster bait. Now, this really wasn't anything that I
18 was privy to because it didn't go on the -- the captain was doing
19 it, selling it for cash, and then dividing it up amongst the crew.
20 And what ended up happening was is because it was convenient, they
21 had loaded all the monkfish heads and monk tails on one side of
22 the vessel.

23 You're talking probably when the monk -- I think they had
24 around 6-, 7,000 pounds of monkfish also, which is nothing but a
25 big ball of jell-o. So then they start, on the way into Boston

1 they got hit by, like, 60, 70 mile per hour winds and very heavy
2 seas. So needless to say, the boat is rocking a lot. One of the
3 pens breaks loose, the boat lays over heavy in heavy seas, and
4 then next thing you know, the next pen breaks loose.

5 But they were very good. They knew what was going on, they
6 got their survival suits on, they made Coast Guard calls. They
7 were calling everybody and they got their life raft out and they
8 got off the boat quickly, and they did a very good job. But
9 that's why the boat rolled over.

10 Q. I also noticed that there was a dockside sinking in 2013?

11 A. Oh, you're -- yeah, that was in Gloucester, Mass.

12 Q. Could you describe what happened on that occasion if you
13 remember?

14 A. Yeah. The captain of the boat asked the engineer, they were
15 getting -- they had unloaded their fish, they were getting ready
16 to leave the boat at Felicia Oil (ph.), and Felicia Oil is very
17 good about checking on your boat for you. And they were ready to
18 leave and head home, and people that were there told me that I was
19 standing right there when the captain asked the engineer, have you
20 closed all the valves in the engine room? And the engineer said
21 yes. And, you know, maybe he should've gone to check, but the
22 engineer did not close all the valves in the engine room, and the
23 boat filled with water.

24 Q. Mr. McNeel, I'm now going to ask you questions about the *Emmy*
25 *Rose's* history. Could you tell us what you know of the *Emmy Rose*?

1 Are you the owner or manager or --

2 A. Well, this is -- I had the permit that was not being used.
3 So Rink and I have an agreement on his other vessel, the *Sea*
4 *Rambler* (ph.), at which we set this one up the same way. In order
5 to get the permit on the vessel so you can participate in
6 fisheries, New England fisheries, you technically have to own the
7 vessel.

8 So what we end up doing -- what we ended up doing was is Rink
9 bought the boat with his own money, transferred the boat over to
10 Boat Aaron and Melissa. And the agreement is anytime either one
11 of us is dissatisfied or changes our mind, the agreement is null
12 and void. You take your boat back and I take my permit back, and
13 we go home.

14 Q. So the *Emmy Rose* is really owned by who?

15 A. Rink Varian really, truly, in the real world. It just had to
16 be transferred over to Boat Aaron and Melissa in order to --

17 Q. Keep going.

18 A. -- in order to use it in the fishing industry.

19 Q. Do you happen to know the details of why the *Emmy Rose* was
20 chosen? If you don't know that's fine. I'm just wondering, you
21 know, what made Rink choose the *Emmy Rose*?

22 A. Well, because we went down there when Carlos had to sell his
23 boats. We went down there and looked at them. I ended up buying
24 two of them, and Rink bought one of them. Rink talked to the
25 shore engineers and the shore engineers told us that that boat

1 used to be the *Sasha Lee* (ph.), was one of their best boats. I
2 think he was saying it was the best boat, but he definitely was
3 saying it was one of their best boats.

4 Q. And do you remember the shore engineer's name?

5 A. Tony Sores (ph.).

6 Q. Tony Sores, and they're based out of New Bedford?

7 A. Yes.

8 Q. And you actually went physically down there and looked at the
9 boats with Rink?

10 A. Oh, yeah, oh, yeah.

11 Q. Which boats did you end up purchasing?

12 A. Their prior name was *Drake* and *Hercules*.

13 Q. And what was your opinion of the -- did you actually go on
14 the *Emmy Rose* with Rink?

15 A. Oh, yeah.

16 Q. And what was your opinion of the *Emmy Rose* when you went on
17 board?

18 A. I thought Tony was right, it was one of their best vessels.

19 Q. And how much of the *Emmy Rose* did you look at? Did you just
20 go on deck in the pilot house or did you --

21 A. I -- when we went to look at these boats, Rink and I would go
22 together, and he -- we would both inspect the boat. If he saw
23 something that I didn't see, he'd say hey, look at this, and vice
24 versa. So that's kind of the way we did that. And yeah, I was
25 aboard the boat looking at it.

1 Q. And so did you go into, like, the fish hold, the engine room?

2 A. Yes.

3 Q. How about the lazarette? Did you check --

4 A. Yes.

5 Q. And again, in your opinion, did you notice anything
6 significant about the *Emmy Rose*?

7 A. The only thing about the *Emmy Rose* that I saw was it needed a
8 good paint job and that was it.

9 Q. So nothing structurally that caused any concern?

10 A. No, not at all.

11 Q. Any unique characteristics of the design of the vessel?

12 A. No, nope. Pretty much pretty standard.

13 Q. Again, this is *Emmy Rose* history. Do you happen to know the
14 last dry dock?

15 A. I don't know the date. I know he hauled out over at Portland
16 Yacht to change the propeller.

17 Q. Any other dry docks that you know of, like, prior to purchase
18 or just after purchasing?

19 A. Yeah. Well, we were -- Blue Harvest was looking to buy the
20 entire fleet, so they hauled and surveyed every boat that Carlos
21 owned. So we were able to look at those surveys and we would --
22 even after he bought the boat he hauled it up at Fairhaven Marina
23 and did a bunch of work on the bottom of it then.

24 Q. How about haul gauging? Do you happen to know about anything
25 like that?

- 1 A. Yeah, that was on the survey that Blue Harvest did.
- 2 Q. And that was in Fairhaven?
- 3 A. Uh-huh, Fairhaven Marina.
- 4 Q. Did you happen to look at this survey report?
- 5 A. Yes.
- 6 Q. How about a stability test? Do you know when the last
- 7 stability test was?
- 8 A. I didn't see anything, but it was probably on the survey.
- 9 But I can't remember if it was or not.
- 10 Q. And stability tests, are they -- where are they typically
- 11 kept?
- 12 A. (No audible response.)
- 13 Q. On your boats for example, where do you -- do you keep that
- 14 on the bridge or do you keep that in your office?
- 15 A. You'll usually keep that in your own office, yeah.
- 16 Q. Okay. For your boat, but for the *Emmy Rose* you don't know
- 17 happen to know where they kept that?
- 18 A. No.
- 19 Q. Are you at all familiar with the bilge pump or alarm
- 20 arrangements on the *Emmy Rose*?
- 21 A. Not -- no, not really.
- 22 Q. Anything with the vessel dewatering capabilities of the *Emmy*
- 23 *Rose*?
- 24 A. Nope.
- 25 Q. Again, it's fine if you don't know.

- 1 A. No, I really don't.
- 2 Q. Okay. How about lifesaving equipment?
- 3 A. No, that was Rink's -- in the real world, it was Rink's boat
4 and he was -- but I know that I inspected the boat before he
5 bought it and everything was good on it. But what's -- I can't
6 really say to the condition of it right before it went out.
- 7 Q. So you're saying basically, as far as the overall condition
8 and the maintenance and the upkeep of the vessel, that was more of
9 Rink's?
- 10 A. That was Rink's.
- 11 Q. Again, these are just questions that I'm -- hatch
12 arrangements, are you familiar with any of that?
- 13 A. I know they had one hatch forward of the forward net rail and
14 that was the only hatch going into the fish hold.
- 15 Q. Okay. Do you happen to have any drawings or pictures of the
16 *Emmy Rose*?
- 17 A. Just one, and that's when they were painting it in Portland.
18 And I just took a picture of it because we developed a little bit
19 of a friendship with the shore engineer and Tony Sores, and I took
20 a picture of the boat and sent it to Tony.
- 21 Q. And do you maintain that picture somewhere?
- 22 A. Yeah, I got it right in my phone.
- 23 Q. Do you happen to know how the catch is stored on the vessel?
- 24 A. Yes, the same way it is on every other boat.
- 25 Q. Which is how?

1 A. Pens.

2 Q. Pens? Do you know how many pens were on the *Emmy Rose*?

3 A. No.

4 Q. Do you happen to know if there was any TV cameras on the
5 vessel?

6 A. I believe there was, but I'm not sure.

7 Q. So you wouldn't happen to know how many or where they would
8 actually?

9 A. No, I wouldn't. I think Rink put them on there, but I don't
10 know that for a fact.

11 Q. Did you happen to know of any unresolved maintenance issues
12 on the *Emmy Rose*?

13 A. No.

14 Q. Any leaking or flooding conditions?

15 A. No.

16 Q. How about hot work? Was hot work performed on the vessel do
17 you know? Welding?

18 A. Well, when he hauled it out at Fairhaven Marina they did some
19 work on the bottom, and the work they did on it at Portland Yacht.
20 But other than that --

21 Q. Okay. Do you happen to know what they typical voyage is like
22 on the *Emmy Rose*, like, a normal scenario? Or all the boats run
23 differently or --

24 A. They all run pretty much the same. In all of New England
25 they usually -- they go out for typically five, six, seven days;

1 sometimes eight, sometimes nine. Depending on -- they'll be in
2 touch with the auctions or the brokers. And if the price is
3 better they'll come in, if it's not they'll stay out another day
4 or two.

5 Q. And for the *Emmy Rose*, I mean, do you happen to know what her
6 -- what that vessel's typical routine was as far as how many days
7 out and where they landed the catch and?

8 A. They always landed in Gloucester. I really don't know the
9 name of the company that they unloaded at. I think it was Pier
10 Seven, but I'm not sure.

11 Q. But they were typical five to seven days out fishing, offload
12 in Gloucester, and come back to Portland?

13 A. Sometimes they'd come right back out again, sometimes -- say
14 if they were going four or five days they might just want to go
15 right back out again. But most of the time they come back to
16 Portland.

17 Q. What would be the reason to go right back out again after
18 fishing for?

19 A. Well, say if the first two or three days of the trip they
20 didn't really catch much, then the last couple of days they
21 started to catch them a lot. And they came in and unloaded, and
22 they wanted to get right back out and try to catch some more.

23 Q. Again, the next set of questions is going to be about the
24 final voyage, and I understand maybe you don't have a lot of
25 information on that. If you don't that's fine, just tell us you

1 don't know. Do you happen to know anything about the upgrades or
2 modifications since the vessel was purchased by Rink?

3 A. I think he kept it pretty much the same other than -- but I
4 really don't know that either. But I think -- I don't think he
5 changed a whole lot. I know he didn't do anything structural
6 changes.

7 Q. So we know he put on a new propeller?

8 A. Yes.

9 Q. And how about fish doors? Do you happen to know if those
10 were changed out at all?

11 A. Fish doors?

12 Q. The doors?

13 A. Trawl doors?

14 Q. Yeah, trawl doors?

15 A. Oh, they're constantly changing trawl doors.

16 Q. The *Emmy Rose* is constantly or --

17 A. All of them.

18 Q. Do you know for a fact if the *Emmy Rose* had changed out its
19 trawl doors?

20 A. I believe they did. I believe they changed them two or three
21 times, yeah.

22 Q. Do you know why you would change those out?

23 A. The captain wasn't happy with the pair that was on there and
24 wanted to try a new pair.

25 Q. And again, that's a captain's decision or would that be --

1 A. No, that's the captain usually makes that call.

2 Q. How about communication with the crew while at sea?

3 A. You basically call them up on the telephone.

4 Q. And when you say telephone you mean, like, a satellite phone?

5 A. Satellite phone, yes.

6 Q. Is that -- do you know what the frequency is? Like, you're
7 an owner of several boats, I mean, are you in contact with your
8 boats when they're at sea?

9 A. Yes.

10 Q. And is it a daily thing or?

11 A. No, it's not a daily thing. It's basically a common
12 understanding that if you have a problem give me a call, I'll make
13 arrangements, that type of thing. I need to know when you're
14 going to be coming in, things like that.

15 Q. How about rounds of the vessel? Do you know how often those
16 are done typically? How many times you walk through the vessel if
17 you're on watch?

18 A. Well, you never really know about that. You kind of hope
19 that, you know, the person is going to be looking around, but
20 there's alarms in every compartment so.

21 Q. Would that be more of a captain's decision as to how often?

22 A. Yeah, that would be something he would be directing his crew
23 to do.

24 Q. So once again, you don't have any kind of standing orders as
25 the owner to say, you know, I want rounds done every four hours or

1 anything like that? You leave it up to the captains to decide how
2 they're going to run their ship while at sea?

3 A. Well, what -- and the main reason is you're not there but the
4 captain is.

5 Q. Right. How about monitoring the weather? Do you as the
6 owner monitor the weather?

7 A. Sure.

8 Q. And would there ever be a concern as the owner to call the
9 vessel and say maybe you guys should come back or leave again up
10 to the captain's discretion?

11 A. Well, it depends on what the weather is. Say if you've got a
12 huge storm coming up where it's going to be very rough for a
13 couple of days, you call the auction and, you know, what do you
14 recommend? Do you suggest that they come in? And then you call
15 the captain up and say, look, I think you better come in and
16 unload and wait for the storm to go by.

17 Q. But as the owner you're monitoring the weather conditions
18 when your boats are out at sea?

19 A. Yes.

20 Q. And again, do you leave that up to the captain really
21 ultimately or can you sort of override the captain and tell him I
22 think you should come in?

23 A. You can override the captain if, you know, a lot of these
24 captains are notorious for oh, we'll just lay to while the
25 weather's bad and then we'll go back to fishing and then we'll

1 come in after the storm. But if, you know, if they're getting 60,
2 70 mile per hour winds for a couple of days, you don't want your
3 boat out there in that.

4 Q. Did you have any of your boats out there on the night of the
5 -- morning of the 23rd of November?

6 A. Yeah, I believe so. I'd have to check to see exactly which
7 ones, but yeah, I think they were, yeah.

8 Q. So in your opinion, was there anything that concerned you
9 about the weather on that night or early morning that would've
10 caused you to want them to come back in?

11 A. No.

12 Q. How about the maximum weight of the catch? Do you happen to
13 know typically what a normal load would be for a fish hold of that
14 size vessel?

15 A. Well, they could get probably in that boat -- I think that
16 boat was over 90 foot long overall. And it would -- I believe it
17 would hold 100,000 pounds or more.

18 Q. Okay. Is that typical for them to catch that much?

19 A. No, they usually only catch 40-, 50,000 pounds, something
20 like that; 30,000.

21 Q. All right. And once they reach 40- to 50,000, is that when
22 you sort of make the -- if they're at the end of their five to
23 seven day window and they have 50,000 pounds onboard, it's good
24 enough?

25 A. Yup, that's it, come on in.

1 Q. We talked about this before, but in the fish hold do you have
2 divisions to help prevent the shifting of weight?

3 A. Yes.

4 Q. I mean, all vessels are similar in that?

5 A. Very, very similar, yes.

6 Q. And the *Emmy Rose*, did you happen to know how that was
7 configured?

8 A. It was set up the same way as basically all the others.

9 Q. With pens?

10 A. Yeah, with pens.

11 Q. Now, how about if you have any emergency situations at sea on
12 a vessel to deal with things such as a loss of propulsion, loss of
13 steering, do you know -- would they typically call you, the
14 captain, to tell you something was going wrong on the vessel? Or
15 would they sort of handle it themselves?

16 A. No, if you have something that's compromising the safety of
17 the vessel you have to call the owner because the owner needs to
18 make arrangements to haul the boat out and prepare it. You don't
19 want the boat sitting at the dock leaking water into it, you want
20 to get it hauled out as quickly as you can.

21 Q. And that was kind of a standing order you had with your
22 captains, like, I'm just going to -- so loss of propulsion, loss
23 of steering, the taking on water?

24 A. Yeah, they'll -- I haven't seen an instance yet where they
25 won't call you and tell you about.

1 Q. And you're quite friendly with Rink. Do you know if he kind
2 of runs his boats the same way that he would have the captains
3 call him if there was emergency situations at sea?

4 A. Oh, yeah, he -- why don't you call him micromanager and he
5 kind of irritates the captains because he's down there all the
6 time.

7 Q. So I understand he's down at the vessel when it's in port a
8 lot?

9 A. Uh-huh.

10 Q. Is he one of those captains that would constantly call the
11 boat while it was fishing or?

12 A. Well, not constantly, but he'll call them at least every
13 other day. I mean, he'll want to know where they are and what
14 they're doing.

15 Q. Any -- again, any conditions that you know of prior to the
16 17th of November on the *Emmy Rose* that you're aware of or that
17 maybe you and Rink had discussed? Any problems, and repairs,
18 anything that needed to be done?

19 A. That's before they went out?

20 Q. Yeah, the last -- right before.

21 A. I don't know if it was that trip or the trip before, but I
22 know that they swapped doors I believe when they were down there
23 welding. Bobby, the captain, was down there welding on the doors.

24 Q. That's Bobby Blethen Jr.?

25 A. Yes.

1 Q. Are you familiar with any welding that was being conducted on
2 the vessel while it was underway?

3 A. No.

4 Q. Was there anybody on the -- I mean, you know a lot of the
5 people on the waterfront. Was Bobby Blethen able to -- do you
6 know him as a welder or a capable welder?

7 A. Senior or Junior?

8 Q. Junior.

9 A. He can weld. How good, I don't know, I don't think he's
10 certified or anything, but he can weld I guess. I really don't
11 know enough about it to say one way or the other.

12 Q. The last trip that it made, if you even know, was it just a
13 normal trip for them as far as where they went fishing and how
14 many days they were out?

15 A. Yeah, very normal.

16 Q. And then going in to Gloucester to offload is normal?

17 A. Yes.

18 Q. How about again, we go back to standing orders. Does your
19 master, whoever the captains of your ship are, do they leave
20 certain instructions for the crewmembers so that if the master is
21 asleep what he wants to be woken for?

22 A. Oh, yeah.

23 Q. What typically would they want to be awoken for?

24 A. Basically anything; anything wrong. If there's a boat too
25 close, you know, basically anything.

1 MR. [REDACTED] I don't have any further questions. Is there
2 anybody from the board that would like to ask some at this time?

3 CDR [REDACTED] Hey, [REDACTED] Commander [REDACTED] here. I am good for
4 now, I'll hold off. I will pass it off to CWO [REDACTED] if she has
5 anything.

6 CWO [REDACTED] Thank you, Commander.

7 I just have two questions, Mr. McNeel.

8 BY CWO [REDACTED]

9 Q. Since Rink purchased the vessel, have you been onboard since
10 it's been up in Portland?

11 A. Yes.

12 MR. BRADEN: Hey, [REDACTED], we seemed to have lost you. Are you
13 still there?

14 CWO [REDACTED] I am. Can you hear me now?

15 MR. BRADEN: Yeah. Did you hear Mr. McNeel's response to
16 your question?

17 CWO [REDACTED] I did not.

18 MR. BRADEN: Okay. He said yes, he has been on the vessel.

19 CWO [REDACTED] Okay.

20 BY CWO [REDACTED]

21 Q. Approximately how many times have you been on the vessel?

22 A. Oh, I don't know the exact number, but probably a dozen.

23 Q. And were you familiar with the crew that was onboard the
24 vessel?

25 A. I knew two of them.

1 Q. I'm sorry?

2 A. I knew two of them; Robert Blethen and Jeff Matthews (ph.).

3 Q. And had you -- did you have them on any of your fishing
4 boats? Is that how you knew them?

5 A. Yes. Did you hear me?

6 Q. No, I can't.

7 A. I said yes.

8 Q. Yes. Which vessels did you have them on?

9 A. Oh, I can't remember now, but I think it was on the *Aaron and*
10 *Melissa II*. I used to have a boat back in '99 to 2005 called the
11 *Diane Lynn*, and Bobby worked on that for several years, probably
12 three or four years I guess. I can't remember how long he was on
13 the boat, but he was definitely on there.

14 CWO ██████████ Okay. That's all I have. Thank you.

15 MR. McNEEL: Thank you.

16 CDR ██████████ Great. Thanks, ██████████

17 We'll move on to Mr. Young.

18 BY MR. YOUNG:

19 Q. Good morning, Mr. McNeel. Thank you for your time. Can you
20 talk about how long you and Mr. Varian had worked together prior
21 to the arrangement with the *Emmy Rose*?

22 A. Well, we -- god, we've known each other for a long, long
23 time. I'd say we've known each other for probably 15, 20 years.
24 I can't remember exactly when, but we've known each other for a
25 while.

1 Q. And have you worked together professionally where he has
2 managed or operated vessels for you previously?

3 A. Well, we had -- he has one other boat there, the Sea Rambler,
4 and we have the same arrangement with that one.

5 Q. And so just so I understand because there is a little bit of
6 confusion, Mr. Varian purchased the *Emmy Rose* but because of a
7 permit issue he transferred the ownership to you, but he actually
8 operates and manages it. Would that be pretty fair to say?

9 A. Yes, that's exactly the way it works. So we have an
10 agreement to where if for any reason either one of us can void the
11 contract and walk away, he'll walk away with his boat and I'd walk
12 away with my permit and that's it. So that's the arrangement we
13 have.

14 Q. That does definitely clear that up. When it comes to the
15 daily operation of the vessel such as choosing what to catch and
16 where to fish do you have any say in that or is that all done on
17 the Rink level or below with the captain?

18 A. I think the captain decides that, but I'm not -- I don't know
19 exactly what arrangement Rink has with Bobby. But I think Bobby
20 has that discretion.

21 Q. And you said you had boats out there around the time of the
22 sinking. Were they fishing in the same ballpark area as the *Emmy*
23 *Rose*?

24 A. I think one of them was fishing probably 20 or 30 miles from
25 them, or maybe more. But I think one of them was fishing

1 somewhere around the same area.

2 Q. Do you happen to know which one that might be?

3 A. I think that's the *Lennon William*. I believe that they were
4 out there. My understanding is that the *Emmy Rose* was fishing on
5 Howell Swell and the *Lennon William* I believe was fishing on
6 Stouts Swell.

7 Q. Around the same time, correct?

8 A. I believe so. They might've been, you know, I could be wrong
9 about that. The *Lennon William* could've came in a day or two
10 before or left a day or two afterwards. But I believe they were
11 all fishing in not really the same area, but they were all fishing
12 at the -- that area at the same time within the same month or so.
13 They were all coming and going.

14 Q. Do you track the vessels at all? Do you have any sort of
15 program or any sort of connection or internet that you actually
16 can monitor the positon of your vessels?

17 A. Yeah, we usually use an app called Marine Traffic.

18 Q. And would you frequently monitor the position of the *Emmy*
19 *Rose* while she was out fishing?

20 A. Well, the *Emmy Rose* wasn't coming in the last two or three
21 trips, and I think it's because the captains a lot of time will
22 turn their AIS off because they don't want the other boats to know
23 where they're fishing. And they'll forget to turn it back on, so
24 -- and that's not uncommon. I had one skipper that ran the
25 *William Lynn* there for about five years or so and he was

1 constantly doing that. And I'd say look, I need you to keep that
2 turned on, and he would just basically say no, I'm not going to, I
3 don't want anybody knowing where I'm fishing.

4 Q. Does he still work for you?

5 A. No, not anymore.

6 Q. When we talked to some other people last week and we kind of
7 got the impression that there's a good amount of cooperation out
8 there between fishermen; that they would help each other out if
9 they needed assistance. Would you find that to be kind of true in
10 your experience that other companies would be available to assist
11 if needed, or is there a lot of competition out there where people
12 wouldn't help each other out?

13 A. No, no, they'll help each other out anytime for anything. We
14 were talking to one of Blue Harvest's captains Monday in New
15 Bedford and he said another Blue Harvest captain had passed them;
16 he was saying somewhere around midnight is what he told us. And
17 he was telling us that they were talking to each other because
18 they were passing, they were getting close to each other. And
19 they were communicating about who was going to go which way, and
20 who was going to go what way like that; making arrangements to
21 pass each other.

22 And he was telling us that there was nothing wrong, they were
23 talking to him and he didn't say anything was wrong with the boat
24 or any problems because, you know, we could've followed them into
25 Gloucester if there would've been. Because I think they were both

1 on the way in and he was kind of, like, if there was anything
2 wrong they could've said something. So he was saying there was
3 nothing wrong because they would've said something and they
4 could've just followed them in. Because I think the other boat
5 was going to Boston to unload, and they could've, you know,
6 followed them to Gloucester Harbor and then gone onto Boston, and
7 they would've -- what, an hour out of their way.

8 Q. Right. You had spoken previously about some sort of standing
9 orders that the captain has where he is to be woken up for almost
10 anything. Is that some sort of a document that you may have had
11 some input into or reviewed?

12 A. No, that's just standard operating procedure on every boat
13 that I know of. You know, you put -- usually your captains are
14 the guys with the most experience, and they're the ones who need
15 to be the ones who make decisions on what to do. So even if a
16 boat is getting close to you -- it depends on who it is. If
17 you've got a very experienced guy up there on the wheel, you can
18 probably, you know, he'll probably handle the situation well, but
19 some people might not.

20 So you're always -- most captains leave the standing order if
21 anything -- if a bilge alarm comes on, this comes on, that comes
22 on, wake me up. That's usually the way it works. How it worked
23 that particular night I don't know.

24 Q. And did you have any input as to the hiring of Captain
25 Blethen for the *Emmy Rose*?

1 A. No, that was Rink's decision.

2 Q. And do you have any evaluation or any experience with Captain
3 Blethen as to how he handled his vessels?

4 A. Well, he was very experienced and very smart. So no, I
5 didn't have any concerns.

6 Q. Had you ever observed him in operation whether it was out at
7 sea or alongside on how he conducted his crew and how he trained
8 people? Any experience, good or bad, that could help understand
9 how he operates the vessel?

10 A. From what I saw he handled the boat and the crew above
11 average; better than most.

12 Q. And had he worked for you for any other vessels?

13 A. Well, like I said, back in I think it was 2000 to 2004,
14 something like that in that period of time, he was on the boat
15 there for a couple of years. And then I really don't know if he
16 was on any of the other boats. He was working on deck at the
17 time, he was quite young at that time; in his 20s, early 20s,
18 something like that.

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

21 MR. McNEEL: Thank you.

22 CDR [REDACTED] All right. Thanks, Mr. Young.

23 I think Mr. [REDACTED] and Mr. [REDACTED] are on line. Do either
24 of you have any questions?

25 MR. [REDACTED] Commander [REDACTED] can you hear me? This is

1 Mr. [REDACTED]

2 CDR [REDACTED] Yup, we've got you, [REDACTED] What's your question?

3 MR. [REDACTED] My question was just a little more specific
4 on what he heard from midnight. Does he know who he talked to and
5 what vessel that might've been?

6 MR. McNEEL: I don't know. I was talking to Jerry Lemen, Jr.
7 (ph.) who is a guy, a Portland fisherman who, when Jimmy sold his
8 boats to Blue Harvest, he went with a boat down to New Bedford and
9 still running that boat. And I saw him at Radar's Manufacturing
10 down in New Bedford where we were picking up a net and he was
11 picking up a net, and we were just talking. And he was saying
12 that one of Blue Harvest's other boats was run by a guy named
13 Brian, and I'm assuming he meant Brian Janelle (ph.), but he
14 didn't really say the last name.

15 But he did say that Brian had talked with a boat that night
16 he said around midnight, and -- I believe he said around midnight.
17 Maybe he said -- but anyway, that was my -- what I remember; and
18 that they had passed each other, they were both on their way in, I
19 believe Brian was going to Boston and Bobby was going to
20 Gloucester. So that's what Brian was telling Jerry; that there
21 was no problems with the boat because he had talked to them and he
22 would -- if there was a problem, he would've followed them in.

23 MR. [REDACTED] Okay. Thank you. I have no further
24 questions.

25 CDR [REDACTED] Great. Thanks, [REDACTED]

1 Anyone else? Any additional questions?

2 LT [REDACTED] Commander, this is Lieutenant [REDACTED] I just
3 have a few questions if I may?

4 CDR [REDACTED] Go ahead.

5 LT [REDACTED] Thank you, sir.

6 BY LT [REDACTED]

7 Q. So, Mr. McNeel, I'm a little -- I'm still a little confused
8 about this agreement between you and Rink, and I just wanted to
9 kind of clarify it. So you mentioned that there was this
10 agreement and part of that agreement was this transfer of
11 ownership. So Rink purchased the vehicle -- the vessel, right?

12 A. Yes.

13 Q. And once he purchased that you mentioned that he transferred
14 that ownership to Aaron and Melissa, to Boat Aaron and Melissa,
15 correct?

16 A. Right.

17 Q. Was there any documentation of or how was that transfer
18 actually occurred?

19 A. Well, you have to go through I believe it's the National
20 Marine Fisheries Service, but Twain does a lot of that. But I
21 don't know who handled it this particular time.

22 MR. BRADEN: I was going to address that. But if you
23 want --

24 LT [REDACTED] Yeah, I just have a few questions, then we'll --
25 discussion.

1 MR. BRADEN: And I -- go ahead.

2 BY LT [REDACTED]

3 Q. So the -- is there any documentation that the transfer
4 occurred?

5 A. Yes.

6 Q. Would we be able to get copies of that documentation?

7 A. Sure.

8 Q. And so you mentioned that there's this agreement between you
9 and Rink on sharing the vessel and sharing the fishing permit,
10 correct?

11 A. Well, yeah, it's kind of fuzzy. It would've been nice if I
12 could've just leased the permit to him, but because of National
13 Marine Fisheries Service regulations they will not allow you to do
14 that. So what you have to do is is you have to transfer the boat
15 into the corporation that owns the permit. Even when you want to
16 transfer a permit that you own into another company, you have to
17 put it on -- it has to be attached to some vessel just to transfer
18 it. They've got some funny regulations.

19 Q. Yeah, no, I can imagine already. So this agreement, was it a
20 written agreement between you and Rink?

21 A. Well, we had a verbal agreement. We did have some of it in
22 writing but there was some parts of it because of all the crazy
23 stuff that's been going on for the past nine months that we
24 neglected, but we still have a verbal agreement. And we have a
25 lot of it in writing. And quite frankly, we have -- everybody

1 knows that's been involved, and our accountant is the same
2 accountant; she handles both of his boats and they do them all the
3 exact same way any everything.

4 Q. Okay. So just for our purposes of just clarifying who the
5 owner of the vessel is, could we get a copy of whatever the
6 written portion of that agreement is?

7 A. Sure can.

8 MR. BRADEN: You want me to explain what we have?

9 LT [REDACTED] Yeah, no, that -- yeah, please.

10 MR. BRADEN: So the -- it wasn't, like, a transfer of title.
11 So Rink purchased the vessel with funds of his, and then the bill
12 of sale, which we can share with you, it says owner Boat Aaron and
13 Melissa Inc. So that's the transfer that he's describing. So I
14 can show you the bill of sale, but it just says Boat Aaron and
15 Melissa Inc. For purposes of merging the permit with the vessel
16 owner -- merging the vessel to the permit. So that's what we
17 have, and I'd be happy to share that with you.

18 LT [REDACTED] Okay.

19 MR. BRADEN: So that sort of explains, and then, you know,
20 once that happens, then Rink -- as he's describing, Rink manages
21 the boat as if it's his own, but it's in the -- technically, in
22 the name of Boat Aaron and Melissa Inc. And the reason why he
23 manages it that way is because any minute or any time that he
24 wants to he can say, you know, I'm not happy with this, I'm taking
25 my boat and coming home. So that's the reality of the situation.

1 Mr. Smith?

2 MR. SMITH: Yeah, and as I told you the other day, this is
3 complicated, and for everybody in Boston, this is kind of a
4 complicated thing because this, as I understand it, Rink's money
5 went into Boat Aaron and Melissa Inc. for the purchase of the
6 vessel because the check went from Boat Aaron and Melissa Inc. to
7 Blue Harvest, and then they --

8 MR. BRADEN: Did it?

9 MR. SMITH: That's my understanding. But it might not have,
10 but -- I could be wrong about that. So it's kind of -- it's fuzzy
11 that way. I don't know, I don't represent the *Sea Rambler* company
12 that's involved with that, and maybe if you want to share that
13 paperwork that might help clarify things. I don't know.

14 MR. BRADEN: So what he was describing was the -- this
15 arrangement with the *Sea Rambler* that was all documented through
16 the drafting of a, you know, a charter agreement, and so that was
17 all in writing. When they purchased -- when together they
18 purchased *Emmy Rose*, they -- conceptually, they said, let's do the
19 same thing we did with *Sea Rambler*, but on paper other than the
20 bill of sale reflecting purchase of the vessel *Emmy Rose* by Boat
21 Aaron and Melissa Inc. There's nothing else to reflect the
22 arrangement, a possible charter, whatever. But practically, they
23 did the exact same thing as far as how they ran the boat.

24 MR. BRADEN: And then there's other legal issues beyond that
25 about whether it's a charter or not. And that gets back to why

1 there's separate counsel involved.

2 LT [REDACTED] No, understood. And the agreement that you
3 mentioned that may be on paper, is that what you're referencing?

4 MR. BRADEN: So the *Sea Rambler* is -- yes, that's all -- the
5 *Sea Rambler* is the other vessel that is between -- what was the
6 name of that, I can't remember. What's the name of the vessel
7 owner of *Sea Rambler*?

8 MR. SMITH: Band.

9 MR. BRADEN: Band, B-a-n-d, Inc. is the owner of *Sea Rambler*,
10 but it's the same arrangement, and there's a charter agreement as
11 between Band and Rink Varian's LLC called Plan B (ph.). So that's
12 what we're referring to as a written agreement. This one is an
13 oral agreement, except for the bill of sale which says Boat Aaron
14 and Melissa Inc. And I'd be happy to share the bill of sale with
15 you. That's --

16 LT [REDACTED] Yeah, no, I think anything to help us kind of
17 see it more documented that would be helpful -- at least just
18 pinpoint where parties in it need to be designated.

19 BY LT [REDACTED]
20 Q. And so going back, you also mentioned that there was an
21 agreement between you and Rink on another vessel. Is that
22 agreement still in place?

23 A. Yes.

24 Q. It is? Okay.

25 A. That's the *Sea Rambler*.

1 Q. *Sea Rambler*, okay. Let me just write that down.

2 LT [REDACTED] I know you wanted to speak up earlier in the
3 interview, Mr. Smith, did you have anything else that you want to
4 discuss at this time?

5 MR. SMITH: So yeah, basically it's what Twain said is the
6 real world, then there's the legal world and what is all on paper,
7 and it's a totally different world is basically what it amounts
8 to. So when I -- that's what I wanted to say for now.

9 MR. McNEEL: When we had this idea of merging his boat and my
10 permit, we got in touch with our sector manager who understands
11 all the rules and regulations that National Marine Fisheries
12 Service has.

13 BY LT [REDACTED]

14 Q. Sorry, who's the name of that?

15 A. Hank Soule.

16 Q. I'm sorry?

17 A. Hank Soul, S-o-u-l-e.

18 Q. S-o-u-l-e?

19 A. I believe that's it.

20 Q. And do you have contact information for him?

21 A. Yeah, you want his phone number?

22 Q. Yeah, if you don't mind actually, because that may be able to
23 help clarify this arrangement for my purpose. And what was his
24 title again? You said sector --

25 A. Sector manager. So basically he -- I called him up and said

1 we have this idea, this is what we want to do. So he runs it by
2 his Board of Directors and they were kind of like, well, you can't
3 lease a permit it's just not legal, so you're going to have to
4 find another way to do it. And so we were kind of like -- he
5 said, you'll actually have to take possession of the boat in order
6 to put your permit on it.

7 So then, you know, of course Rink and his wife were kind of
8 like, no, no, I don't think that's a good idea. And -- so then we
9 came up with the idea of okay, we'll have a contract where at any
10 time either one of us is unhappy or for any reason, you can take
11 your boat back and I'll take my permit back and everything is null
12 and void. Hank's number is [REDACTED].

13 Q. [REDACTED]?

14 A. Yes.

15 Q. All right. [REDACTED]?

16 A. [REDACTED].

17 Q. [REDACTED], I'm sorry. Yup.

18 A. Yup, [REDACTED].

19 Q. Okay. All right. Great. And then the only other question I
20 had is any communication you had with the crew during the time of
21 this specific venture. Did you contact the crew via the sat.
22 phone at any time on maybe on the 22nd or the 23rd?

23 A. No.

24 Q. No? Did you have any contact with the crew at all during
25 that trip?

1 A. No.

2 Q. No?

3 A. No. And just so you'll know, I have almost no contact with
4 the crews. I know them and I talk to them, but as far as calling
5 them up while they're out, Rink does that. I don't.

6 Q. All right. Sounds good.

7 LT [REDACTED] Commander, that's all the questions that I have.
8 I'll turn it over to you.

9 CDR [REDACTED] Great. If there's not any more questions --
10 anybody have any additional questions?

11 (Pause.)

12 CDR [REDACTED] Okay. Hearing none --

13 MR. [REDACTED] Commander?

14 CDR [REDACTED] -- Mr. McNeel, the one question I have is
15 just --

16 MR. [REDACTED] No, maybe you might be asking the same question
17 about the thoughts on the sinking. Is that what you're going to
18 ask?

19 CDR [REDACTED] Yeah, that's what I was going to ask. But yes,
20 Steve, if you want to go ahead.

21 MR. [REDACTED] We're just wondering what --

22 CDR [REDACTED] I can do it.

23 MR. [REDACTED] Okay. Go ahead.

24 BY CDR [REDACTED]

25 Q. So, Mr. McNeel, just the last question we have for you is

1 just what are your thoughts on the vessel sinking?

2 A. I think it was hit by something.

3 MR. BRADEN: Did you hear the response, sir?

4 CDR [REDACTED] I did, yeah.

5 BY CDR [REDACTED]

6 Q. Collision or strike from something?

7 A. Something, yeah.

8 Q. And why do you think that, sir?

9 A. Well, because Rink was telling me that the night of the
10 sinking the -- he was told that the helicopter -- when the
11 helicopter arrived on scene that the smell of diesel fuel was so
12 strong that it just filled the cabin of the helicopter, which was
13 -- he was told was quite unusual.

14 And it is very unusual because fuel doesn't just come out of
15 those fuel tanks that quick. I mean, they'll come out, but they
16 won't gush out unless of course the tank is ruptured. So what
17 would cause a tank to rupture?

18 And also, that fits into how come -- you're talking four
19 experienced fishermen. How come none of them got a survival suit
20 on or made a mayday call, or would talk to the other boats and
21 never mention anything about any problems, and all the sudden they
22 just disappear? I -- the only way I can explain it is that they
23 got hit by something or hit something.

24 CDR [REDACTED] Thank you for sharing, I appreciate that. Again,
25 I wanted to thank you for taking the time to come in and talk with

1 us today, and again, offer my condolences on behalf of the Coast
2 Guard for what you're going through.

3 At the same time, I just wanted to tell you kind of what our
4 plans are for the investigation to kind of set your expectations.
5 Right now, we're in the fact-finding stage; we're gathering
6 evidence, talking to people and so on. These investigations
7 typically take anywhere from nine months to a year so, you know,
8 we've got a while to go before we hit that point. We would like
9 to find the vessel --

10 (Whereupon, the interview was 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 Bartlee McNeel

ACCIDENT NO.: DCA21FM007

PLACE: South Portland, Maine

DATE: December 16, 2020

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


Danielle Klunk
Transcriber