

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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CAPSIZING/SINKING OF THE *GOLDEN*
RAY IN THE BRUNSWICK RIVER,
GEORGIA, ON SEPTEMBER 8, 2019

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Accident No.: DCA19FM048

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Interview of: HENTEN JAMES KAVANAUGH
Pilot

Tuesday,
September 10, 2019

APPEARANCES:

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National Transportation Safety Board

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National Transportation Safety Board

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United States Coast Guard

LCDR [REDACTED], Investigator
United States Coast Guard

LES LEDET, Investigator
United States Coast Guard

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United States Coast Guard

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(On behalf of the slot charters)

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Brunswick Harbor Pilots Association

RYAN GILSENAN, Attorney
(On behalf of Mr. Tennant and the Brunswick Pilots)

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I N T E R V I E W

1
2 MR. FLAHERTY: Hi, my name is David Flaherty with the NTSB.
3 This is related to the *Golden Ray* marine casualty. Today is 10
4 September 2019.

5 Sir, please state your name.

6 MR. KAVANAUGH: My full name's Henten James Kavanaugh, and
7 Kavanaugh is K-a-v-a-n-a-u-g-h.

8 MR. FLAHERTY: Sir, do we have permission to tape this
9 interview for the investigation?

10 MR. KAVANAUGH: Yes.

11 MR. FLAHERTY: Thank you very much.

INTERVIEW OF HENTEN JAMES KAVANAUGH

12 BY MR. WILLETT:

13
14 Q. Okay, my name is Lee Willett. I'm the investigator for
15 Marine Safety in Savannah, the Coast Guard. And we are having you
16 here today because you were going to pass the *Golden Ray* and you
17 were on board the --

18 A. *Emerald Ace*.

19 Q. *Emerald Ace*. So could you kind of walk us through from the
20 beginning the passing arrangement that you made with the *Golden*
21 *Ray* and anything you observed regarding the incident with the
22 *Golden Ray*?

23 A. Yes. Yes. Okay, so we were set up to board -- I was set up
24 to board at 0100. JT was set to sail at 0100, that's what we set
25 up for the port. He was on time. I called him on the VHF radio

1 after I was on board the ship at, like I said, it was about 0100,
2 I'm actually not sure what time that was exactly.

3 The vessel was just inside the STS buoy. And talked to the
4 captain, and I called JT. I tell him where I am, my position, and
5 I tell him I'll meet him in the sound. We also had the PPU's where
6 I bring up his information on there, shows where we're going to
7 pass at. And also bring him up on the radar, (indiscernible) on
8 my screen that shows all his information, speed and everything.
9 It's actually easier for me to see it right there.

10 After that, everything, that's just a straight -- coming up
11 the channel, just straight, and I monitored him the whole time.
12 And then I see where we were going to pass at. We actually -- and
13 everything was lined up just right for the passing and we were --
14 as I'm coming into the sound, he's turning into the -- where his
15 turn was, like buoy 20. I'm coming in the sound at the same time.

16 Q. What buoy were you at?

17 A. 15/16, through 15 -- I work through 15 and 16.

18 Q. Okay.

19 A. Because it's port to port, so we'll go a little farther past
20 that and then turn.

21 Q. So you were kind of north of the channel, or you were still
22 inside the channel?

23 A. We were inside the channel, but -- can I --

24 Q. Yeah, go ahead. Excellent.

25 A. All right. So the (indiscernible) Bar range, we were on

1 that, but we came up north of the (indiscernible). Okay. So
2 we'll pass up here on the deep water. This is where ships have
3 passed for a long time.

4 Q. Sure.

5 A. Third-mile wide and then approximately 2 miles from here to
6 here. So we were turning in and he was turning in, which is
7 really set up perfect. I see his lights go to a -- where the
8 mooring men stand, there's lights there on the bow of the ship.
9 Is everybody familiar with that?

10 So it's basically, you have the nav lights and then you have
11 those lights, which are actually a lot brighter than the nav
12 lights. But I see those dipping down to like 45-degree angle, and
13 I say, that's not right. Everything looks weird. I was here, and
14 I see her, she's turning in, and she can continues to dip down,
15 and then all the lights go off on the ship and you can tell her --
16 you know, it's dark, then she goes pitch black, it's dark out
17 there that night. And you can see her just keep turning, you
18 know, out, south, you know, the wrong way.

19 Q. Turning to starboard?

20 A. Starboard. Yeah, to really see -- I was thinking the way I
21 was looking -- so I'm looking, and she went that way, but yes, she
22 turned to starboard.

23 Q. So the only -- the first indication you had was the lights
24 dipping?

25 A. Yes. Yes.

1 Q. How soon after that did you get any radio call or with the
2 other pilot?

3 A. I grabbed the binoculars around the bridge wing, all this is
4 shading. At some point I called her office to get everybody up
5 and out of our dispatch.

6 Q. Was it Henry?

7 A. Yeah, Henry. Was on the phone a short time with him, you
8 know, because I thought the vessel was on the side, and to get
9 everybody up. Called the tugboats to get them coming to the ship.
10 Talked to the pilot boat, got the pilot boat start heading back to
11 the ship. The pilot boat was waiting offshore to pick up -- drop
12 me off, and then it's just floating offshore just waiting for the
13 other vessel to clear.

14 I started slowing down immediately. I'm checking his
15 position. Then he went out on the channel with the other -- the
16 *Golden Ray*.

17 Q. He went out of the channel, he was there on your outer
18 channel?

19 A. Yeah, he was by that buoy.

20 Q. He was right there?

21 A. I think he was a little farther east than that. He was right
22 by that Buoy 19. He was somewhere right around this buoy.

23 Q. All right.

24 A. On that vessel I have to use a chart plotter radar overlay.
25 I don't know if you all have seen those, but -- but you could tell

1 clearly that he is out of the channel and that he wasn't moving,
2 because I kept checking his speed. So I came by, I continued by
3 him. So I continued by, so I got, you know, I've got to keep my
4 ship safe.

5 Q. Sure.

6 A. We've got two ships. And then talked to JT, he called me on
7 the radio. He said he's on his side. That happened when I was
8 talking to the office and stuff --

9 Q. Were you outside on the --

10 A. I ran out -- I was back and forth because I was -- you know,
11 it was pretty unbelievable to see. So I had the binoculars and,
12 you know, I was kind of hoping you'd see it, you know riding back
13 as we went past it. So I think I missed some radio stuff because
14 I was out on the, you know, port bridge wing. I was running back
15 and forth and then making that turn.

16 Q. What was your speed, do you think?

17 A. Coming into the sound, so I was on sea speed. And they pick
18 up speed when they get into that deep water, and so I was probably
19 about 15 knots. And then I started immediately, when that
20 happened -- and that's about the same point we start slowing down
21 anyways. Cedar Hammock's the first, it starts narrowing up after
22 Jekyll Pier, that's still pretty wide. But Cedar Hammock's the
23 first real narrow (indiscernible) we have on the inside.

24 Q. So what do you think you slowed down to?

25 A. Ten.

1 Q. Ten?

2 A. At some point. Uh-huh. You lose a lot of speed in that
3 turn.

4 Q. So you first saw the *Golden Ray* when you were
5 approximately --

6 A. Approximately, yeah --

7 Q. -- 2 miles away?

8 A. Yeah, I think it's about 2 miles. It's a mile and a half to
9 2 miles away.

10 Q. And the first thing you noticed was, it was already listing,
11 or --

12 A. It was already listing.

13 Q. Okay.

14 A. Because everything else, I saw him before that, I saw him
15 going up Jekyll Point (indiscernible), you know --

16 Q. Uh-huh.

17 A. I was actually looking for him. Because I was like, I wish I
18 could have seen him, and then all of sudden, you know, you see the
19 ship coming out of the trees. And I remember that and then, yeah,
20 everything was just like you normally would see a ship and then --
21 whenever he started that -- whatever happened where she started
22 listing, that's when I really noticed something was wrong.

23 Q. Did he say anything over the radio? Did you hear him say,
24 we're losing it, or --

25 A. He said, yeah -- he had already lost it. She had already

1 gone black. But yes, he did say something on the radio.

2 Q. Okay. And when you were closing, getting closer to the
3 vessel, did you see any smoke or flame or --

4 A. Nah. Uh-uh.

5 Q. Okay. When you were on the bridge wing when you passed, did
6 you hear any weird noises or --

7 A. No, I didn't. I don't recall.

8 Q. I know it's loud out there and --

9 A. Yeah. I didn't.

10 Q. No booming or any of that kind of stuff or --

11 A. No, I think it was really eerie quiet.

12 Q. Eerily quiet.

13 A. If I can remember right.

14 Q. And on these car carriers, and you were on a car carrier too,
15 the sound of the engine's further back so it's --

16 A. Yeah.

17 Q. -- so it's fairly quiet on the bridge, right?

18 A. Yes. Yes. Uh-huh.

19 BY MR. LEDET:

20 Q. How you doing, Cap?

21 A. Pretty good.

22 Q. Les Ledet, with U.S. Coast Guard. Henton, have you ever
23 piloted the *Golden Ray*?

24 A. I don't know.

25 Q. You don't recall?

1 A. I don't recall. If she comes here frequently, then most
2 likely yes.

3 Q. Okay. When you first saw the *Golden Ray*, when you first got
4 sight, eyesight, what did you think of his position, his
5 situational position, where he was when you saw him?

6 A. When I -- everything was normal until I saw -- until I
7 noticed the lights at a 45-degree angle.

8 Q. So you would have expected him to be about that location
9 where he was at?

10 A. Yeah.

11 Q. That location was fine?

12 A. Uh-huh. Yeah. Uh-huh. And you all will -- you'll be able
13 to tell this from other things, but I don't even think he was
14 finished. I think she was laid over; you know, I don't know what
15 the heading would have been, but -- you know, close to where when
16 she was pointed towards me it was like she heeled over, you know,
17 early, early on, and then just continued that path.

18 Q. Did you actually witness the heeling over?

19 A. Yeah.

20 Q. You did? What would say that was? Would you say it was a
21 slow heel; was it a rapid heel?

22 A. It was a steady. It was --

23 Q. Just kept going?

24 A. Just kept going.

25 Q. Did you see her aspect go from a starboard heel to a port?

1 A. No, I did not see that; no.

2 Q. Just from steady to a port?

3 A. I did not -- I didn't notice her until the lights were
4 already listing to port.

5 Q. Okay. And when you say her lights, you're referencing her --

6 A. And what I'm talking about --

7 Q. -- outer lights?

8 A. -- I'm talking about her -- it was mostly the mooring lights
9 because you can see those so well at night.

10 Q. Okay.

11 A. The nav lights were, they're (indiscernible). But the
12 mooring deck was just illuminated, right, and you could just see
13 it going and then it just kept going down. And it basically
14 looked like the mooring lights were touching the water and then
15 the whole ship went black.

16 Q. Did you ever get an aspect to see stern lights?

17 A. Yeah, I could see the stern lights.

18 Q. You could see her stern lights?

19 A. Uh-huh. I do not recall, you know, where the mast and the
20 forward mast headlight and the stern light --

21 Q. Yep.

22 A. I do not recall that. Because I've been trying to think
23 about that.

24 Q. Everything outside the outer lights, huh?

25 A. Yes, yes. They're so bright and you can see them.

1 MR. LEDET: Okay. I have no further questions, right now.

2 BY MS. BELL:

3 Q. Carrie Bell, NTSB. First, what was the name of the ship that
4 you were piloting?

5 A. I was on the *Emerald Ace*. *Emerald Ace*.

6 Q. *Emerald Ace*, A-c-e?

7 A. Uh-huh. Ace. No, ace like cards.

8 Q. A-c-e?

9 A. A-c-e, yes.

10 Q. Okay. *Emerald Ace*. Okay. And you said that when you first
11 saw the ship it was at about 45 degrees. Is that as soon as it
12 came around -- you know, normally you line up straight ahead of
13 each other --

14 A. Uh-huh.

15 Q. -- and so when you saw it, it was like -- it was already
16 doing that?

17 A. Yeah. Yeah. And I shouldn't say that was the first -- you
18 know I had been watching her. I watched her come past Jekyll
19 Point. You know, we were watching her, but that was the first
20 time that it really -- you know, something's wrong, zeroed in on
21 it, and it was very unusual.

22 Q. And you hadn't had any communication in those couple of
23 minutes before with the pilot?

24 A. No.

25 Q. No. Okay. And so when you saw that, did you call them or

1 was there anything that you did at that point to say, hey, what's
2 going on or just kind of waiting to see what was --

3 A. No, I knew he had his hands full. There's basically no --
4 you know, there's nothing I could have done. Me calling JT, would
5 have hindered anything he had going on. I called the office to
6 get support coming.

7 Q. And so was there any radio comms or anything you were hearing
8 that he was saying on the radio?

9 A. He said stuff. I ran out to the port bridge wing, came back
10 in, and he was on the radio, said he heeled over; that's what he
11 said. And oh, asked for the tugboats, he asked for the tugboats
12 to start coming. We got them coming. I know we talked again some
13 point a little later and he was like get them here as fast as you
14 can. And I called the tugs again to tell them to make all
15 possible speed to the sound.

16 MS. BELL: Okay. I don't have any other questions.

17 BY MR. WILLETT:

18 Q. I just had kind of a question on the procedures with port and
19 vessels coming in.

20 A. Uh-huh.

21 Q. Do you know if vessels are required to discharge ballast
22 prior to entering the port to have a proper draft in order to dock
23 at the facility?

24 A. I do not know the ballast regulations. I know they're not
25 supposed to pump in port, I think.

1 Q. Right.

2 A. I don't know exactly. I've heard sometimes they can pump as
3 long as they pump back out and I don't know what those regulations
4 are.

5 Q. Right.

6 A. But yes, ships do sometimes lighten up before they come in.

7 BY MR. FLAHERTY:

8 Q. Okay. What's the drafts at the facility that the *Golden Ray*
9 and the other, I guess, railroad ships, what's the max draft that
10 they can have there and safely offload?

11 A. I'd have to double check that, but those are all -- all the
12 berths are dredged out deeper than our max draft that we handle on
13 them at.

14 Q. So the -- is there any -- what's the shallowest part of
15 the --

16 A. The outer bar.

17 Q. And what's -- do you know what's that depth?

18 A. It's about 33, 34 feet.

19 Q. So a vessel coming in would have to have a draft of what in
20 order to safely go over that, depending on the tide?

21 A. It all depends on the tide, but -- it's 3 feet that the Coast
22 Guard recommends; we like to have more than that.

23 Q. So minimal keel to bottom, 3 feet depth?

24 A. Um-hum.

25 Q. And -- all right. And have you ever had any issues with the

1 sand or -- is there any -- recently they did a survey but, you
2 know, the hurricane went by and other factors. Do you have
3 shifting bottoms a lot or is pretty steady?

4 A. After the storms -- Dorian was a terrible storm. But yes,
5 the sand is shifting. A dredge has to come in every year to clean
6 it out.

7 Q. Is there any area right now that is below or close to the
8 channel, the minimum channel depth?

9 A. That was -- it was supposed to be dredged to 38 feet.

10 Q. All right.

11 A. So --

12 Q. What's the height that the channel's supposed to be at
13 throughout? I mean, is there --

14 A. Thirty-eight feet on the outer bar and 36 feet on the inside.
15 And it was not maintained at that.

16 Q. So -- I'm sorry -- 30 -- on the outside, what?

17 A. Thirty-eight feet.

18 Q. Thirty-eight on the outside?

19 A. Um-hum.

20 Q. And then 30 what, on the inside?

21 A. Thirty-six feet on the inside.

22 Q. All right. And that's at low tide? That's the low tide
23 depth?

24 A. Yes, sir.

25 Q. And right now is there -- there's area that might be between

1 33 and 34?

2 A. Yes. Yeah.

3 Q. Do you know where those areas are?

4 A. Around 7 and 8, I think.

5 Q. Around buoys 7 and 8?

6 A. Yeah.

7 UNIDENTIFIED SPEAKER: Seven and Eight?

8 MR. KAVANAUGH: Yes.

9 BY MR. FLAHERTY:

10 Q. All right, 36 -- all right, but that's a, just a -- so
11 between buoys 7 and 8, it's roughly about 33 to 34 feet mean low
12 tide --

13 A. Uh-huh.

14 Q. -- and no other area has any depth close to that, or below
15 the 36 feet?

16 A. I don't know the whole -- yeah, there's lots of areas.

17 MR. WILLETT: Do you mean deeper?

18 MR. FLAHERTY: No, I'm sorry, shallower.

19 MR. KAVANAUGH: Yeah.

20 BY MR. FLAHERTY:

21 Q. So there's a lot of areas on currently --

22 A. Not shallower than that. And also, so the way the channel's
23 shaped, is -- you know, there's shallower spots on the outside.
24 And then where we run the ships we try to keep them on the
25 centerline as hard as -- as much as possible. And it's actually,

1 there's kind of like a little trench down the centerline that we
2 keep dredged out, just the ships. Okay. So you actually do have
3 more water in the very, very, center of the channel, okay?

4 Q. Okay.

5 A. And then -- but, you know, the channel's supposed to be 500
6 feet wide, you're deep in the middle, and then it kind of, you
7 know, comes up whatever that angle is --

8 Q. All right.

9 A. -- to the shallower on the sides.

10 Q. All right. So it's not a 500-foot, 36-foot depth; it's a
11 concave, or --

12 A. It's supposed to be a box but it's not exactly.

13 Q. Okay. And has that -- with your experience piloting, has
14 that caused any issues with bringing vessels in and out?

15 A. Well, we'd love to have the water.

16 Q. Yeah.

17 A. Yes. Yes, but our -- we have to wait for the tide on some of
18 them.

19 UNIDENTIFIED SPEAKER: Can you specify what you mean by
20 issues?

21 BY MR. FLAHERTY:

22 Q. Have you had any -- are you aware of any time that vessels
23 have maybe touched bottom --

24 A. No.

25 Q. -- because it's too shallow? Are you aware of anytime where

1 you've had to, instead of -- you know, it's supposed to be a box.

2 I know, you, generally everyone, goes down the center --

3 A. Uh-huh.

4 Q. -- but have you gone to the -- you've maintained staying in
5 the center because of the depth right now is not continuous
6 through what should be the completely dredged channel?

7 A. Say that again?

8 Q. Okay. You have to stay in the center no matter what?

9 A. Yes, we try to.

10 Q. You have very little, so to speak, wiggle room --

11 A. Uh-huh.

12 Q. -- in the channel. And does that count where you're doing
13 that turn?

14 A. No.

15 Q. No, that's --

16 A. And the sound is very deep.

17 Q. Okay.

18 A. There's sections like that, but, no, the sound is very deep.

19 Q. All right.

20 A. Where the *Golden Ray* was, was plenty of water both sides and
21 even outside the channel, I would think.

22 MR. WILLET: Just for clarity purposes, can you identify 7
23 and 8 for me, please, sir?

24 MR. KAVANAUGH: Yeah. Yeah, it's right -- right here. This
25 is where the shoal is.

1 MR. FLAHERTY: Right.

2 MR. WILLET: So when you say 7 and 8, is outside of --

3 MR. KAVANAUGH: Yes. Yes.

4 UNIDENTIFIED SPEAKER: Offshore.

5 MR. WILLET: Offshore. Thank you.

6 MR. KAVANAUGH: Yeah, it's offshore. Yeah.

7 MR. FLAHERTY: Okay.

8 MR. WILLETT: Okay. I just wanted to make sure, if we're --

9 MR. KAVANAUGH: Yeah, all of this from Jekyll Pier and from
10 this buoy here, to just past 15/16, no shoals in that area.

11 MR. FLAHERTY: Okay.

12 MR. KAVANAUGH: No shoaling around the area of the incident.

13 BY MR. FLAHERTY:

14 Q. And who tells the vessel's that the depth between 7 and 8 are
15 not in accordance with the chart?

16 A. The Army Corps of Engineers that surveys.

17 Q. Yeah, all right. So, okay, so right now we have a part of
18 the channel that is lower or shallower than it's supposed to be.
19 All right. And, you know, things move around. All right.

20 And that may cause vessels to discharge ballasts in order to
21 come into the harbor?

22 A. Yes. And like, and also wait on the tide.

23 Q. Right.

24 A. You know, for a higher tide.

25 Q. All right. And at that time when you were coming in, how

1 would you describe the tide?

2 A. Coming in? High tide was at 4 in the morning on the outer
3 bar.

4 Q. All right. Okay.

5 A. So we do some 10.5-meter ships.

6 Q. Uh-huh.

7 A. I always see those on top of the -- on the very top of the
8 turn.

9 MR. FLAHERTY: All right. Okay. Thank you.

10 BY MR. WILLETT:

11 Q. I have one quick one just to add.

12 A. Uh-huh.

13 Q. Somebody mentioned before sometimes when you come out of
14 these really tight channels and you get released in the deeper,
15 big water --

16 A. Uh-huh.

17 Q. -- you get a little funky sometimes, sometimes they'll be a
18 little more tender. Have you ever experienced that?

19 A. Not -- they are a little bit, but --

20 Q. So you've really -- you have or not have experienced that
21 phenomenon?

22 A. They're more tender in the deeper water.

23 Q. Okay.

24 A. But it's not a huge change.

25 Q. It's not pronounced, but it is different?

1 A. Yeah. And really I'd have to really pay attention -- and I'm
2 sure I will now. But when I'm on a vessel, like, okay, give her
3 10 degrees rudder, okay, she heels over that much, right. And now
4 I'm on this reach, which isn't, you know, open water and, you
5 know, I give her 10 degrees rudder, see how she affects -- see how
6 she handles, you know. But normally if you have one that's a
7 little tender, you'll feel it.

8 Q. Did you and Jonathan discuss that?

9 A. Uh-uh.

10 Q. You don't, okay?

11 A. Did we discuss the --

12 Q. Have you discussed that about the (indiscernible), did you
13 talk with him about that, about maybe being released out of that
14 restricted channel as soon as you get in the deeper water, it
15 acted --

16 A. Yeah.

17 Q. Or you've experienced that yourself?

18 A. We talked a little bit. But I was surprised that there was
19 no -- just how sudden it happened. I've been on real tinder ships
20 before, where you just -- you make it turn and you just feel and,
21 you know, you wonder if it's going to come back sometimes.

22 Q. So describe --

23 A. But (indiscernible) --

24 Q. -- (indiscernible) if you're making a starboard turn, what
25 would you typically expect if you had a tender ship?

- 1 A. It to lean to port.
- 2 Q. To port. And what would you do to correct that? Turn in to
3 port?
- 4 A. Slow your turn down.
- 5 Q. Slow the turn down. If that doesn't work --
- 6 A. That'll work.
- 7 Q. So you'd turn -- if you slowed your turn down and that didn't
8 bring it up, what would you do then?
- 9 A. That's always done it for me.
- 10 Q. Okay. But let's -- what would your plan be if it didn't make
11 it? Would you turn into the list or --
- 12 A. I don't know if I would ever turn -- if you turn -- all
13 right, so I'm turning to starboard right?
- 14 Q. Right. And you see --
- 15 A. And the ship leans to port?
- 16 Q. Yep.
- 17 A. Okay. I'm not going to turn more to starboard. That's just
18 more momentum to starboard.
- 19 Q. Right.
- 20 A. That'd make her turn.
- 21 Q. So what would you do then?
- 22 A. I'd -- well, I'd give her port rudder to try to make her come
23 back.
- 24 Q. Okay.
- 25 A. You've got -- basically you just try to slow the turn down.

1 Q. Would you back off speed too, or --

2 A. That's a tricky question because if you back off speed --

3 Q. You're losing --

4 A. You start losing your water control. Yeah. That's always a
5 tough decision to make.

6 Q. Okay.

7 A. You start losing control because if you, you know, if you
8 start slowing down you lose flow into the rudder.

9 Q. When you're making this turn going out on your ships, what
10 would you like to be knot-wise, like speed over ground when you're
11 making that turn, if you were going outbound?

12 A. That one right there?

13 Q. Yeah.

14 A. Thirteen knots.

15 Q. Okay.

16 A. We can make it -- yeah, 13 knots. That's normal.

17 Q. And that's what you would kind of like to have to wash over
18 the rudder to get the (indiscernible) --

19 A. Uh-huh. Yeah.

20 Q. What if you're doing like 11 or -- could you still make it at
21 11 knots or 10 knots?

22 A. Yes, you could still make that turn.

23 Q. So your window is pretty big then, I guess?

24 A. Yes. Yes. Yeah.

25 Q. Now if the tide is pushing you up and you're kind of riding

1 the tide and you've got 13 over ground, and you've got like a 2 or
2 3 knot, you know, current going out, would that affect the turn at
3 all?

4 A. Yeah, it does, because you have the set the -- the sets are
5 different, so, yes.

6 Q. So you would have to give more rudder to make the same amount
7 of turn?

8 A. Yeah. There's many different things you could do. Like you
9 could start to turn earlier and, you know, get more rudder. On
10 the inbound, I went hard over on that turn.

11 Q. But you had it going with you, right, so that you had more
12 wash, so you didn't need as much --

13 A. I used --

14 UNIDENTIFIED SPEAKER: The opposite.

15 MR. FLAHERTY: Yeah, yeah, it's the opposite.

16 BY MR. WILLETT:

17 Q. Gotcha, okay.

18 A. Yeah, and that's because --

19 Q. Oh yeah, you were coming the opposite way. I'm sorry.

20 A. I was coming in. You know, with everything going on, little
21 late on the --

22 Q. Yeah.

23 A. You know --

24 UNIDENTIFIED SPEAKER: Okay. That's all.

25 MR. LEDET: I'd just like to add this question just to

1 clarify if I can. If you have a flood tide coming in at 2 knots,
2 and you're outbound at 11 knots over ground, is that the
3 equivalent to 13 knots across the rudder?

4 MR. WILLETT: Yeah, I'm sorry, I just had in my head, I was
5 thinking it was out --

6 MR. LEDET: I got it. I just wanted to clarify for the
7 record.

8 MR. WILLETT: Yeah, that was my bad on that one.

9 MR. LEDET: No worries.

10 MR. KAVANAUGH: Yes.

11 MR. LEDET: Oh, okay.

12 MR. KAVANAUGH: That's, I think, right?

13 MR. LEDET: Yeah.

14 MR. WILLETT: Collin, you've got anything?

15 MR. McCRAE: Yeah.

16 BY MR. McRAE:

17 Q. I'm Collin McRAE and I represent the slot charters of the
18 vessel.

19 A. Okay.

20 Q. I don't have much for you. When you -- in your typical
21 practice, when you board a vessel to power out, is there any
22 exchange of information between you and the vessel about vessel
23 stability characteristics?

24 A. No.

25 Q. So you get the forward and aft draft, but other than that,

1 you're not inquiring or given information about vessel stability?

2 A. No. No, the only -- the thing we do look at is the fore
3 draft and if the fore draft is deeper than the aft draft.

4 Q. Okay. And you were provided that information?

5 A. Yes, we're provided that.

6 Q. All right. You mentioned earlier that you didn't go out onto
7 the port bridge wing until after you saw the turning?

8 A. Yes.

9 Q. Before that obviously you were inside the bridge with the
10 doors closed and all of that, so you -- if there had been some
11 loud noise would you expect to have been able to hear it?

12 A. No. Well, depending on how loud it was.

13 Q. Sure.

14 A. I can hear the ship's whistle, you know. I can't even
15 remember if we had a door -- a lot of times I'll open up one of
16 the doors on the side of the bridge wings. I don't even think
17 that we had a door open.

18 Q. Have you ever been --

19 A. And I just -- I can't recall that.

20 Q. Yeah. Have you ever piloted, let's say a car carrier, where
21 you have experienced or that has been a shift of any kind of
22 cargo, and were you able to hear it or feel it?

23 A. No. Not that I know of.

24 Q. Okay.

25 A. Uh-uh.

1 Q. I've heard a door slam, I've been like what's that? You
2 know, that's about it.

3 MR. McRAE: Yeah, okay. That's all I had. Thanks.

4 MR. BREMER: Tom Bremer, with the Marshall Islands; no
5 further questions.

6 BY LCDR [REDACTED]:

7 Q. So, just a few -- this is Lieutenant Commander [REDACTED],
8 with Coast Guard. I have a few questions.

9 So I know the inbound pilot and the outbound pilot are both
10 communicating that intersection to pass.

11 A. Uh-huh.

12 Q. So how many times did yourself and outbound pilot communicate
13 back and forth?

14 A. We just communicated that one time at the beginning.

15 Q. So what about when he's at the dock and you've boarded the
16 other -- the *Emerald Ace* offshore?

17 A. Uh-huh. Yes, that was the one -- that was when we talked
18 about passing. And he had already sailed --

19 Q. Okay.

20 A. With modern electronics, you know he's watching -- we can all
21 -- we can see what each other's doing all of the time. Okay. So
22 we did talk to each other. I told him where I was, he told me
23 where he was, and then we passed there. I believe JT and I have
24 probably passed hundreds of times in that area.

25 Q. Okay.

1 A. And I have him on the radar, have him on the PPU. You know,
2 I can zoom out on the radar to check his position. I can look at
3 the heading or reach he's on. I run out and put the cursor on him
4 to see where he is, and I did that a couple of times to double
5 check the distances. And then, you know, I just did the math in
6 my head to see where we'd end up. And during the whole entire
7 transit, all that was working out fine, you know.

8 Q. So, if you can recall this, what was his speed approach --
9 coming into that, into the sound, from his end?

10 A. I think it was about 12 knots. But, so one of the things is,
11 and we all know this -- when I'm in the middle of the outer bar,
12 my vessels slow down a little bit, okay? He'll slow down for Buoy
13 24, okay, and then he'll make his turns. When we both get into
14 the sound, both vessels will pick up speed as the enter the sound
15 a little bit. So I knew after he got on Jekyll reach, his vessel
16 would increase speed just because it's in deeper water. As I
17 approach the sound, my vessel would increase speed as I'm coming
18 into deeper water. And I take all of those into factor.

19 Q. Uh-huh. So correct me if I'm wrong, but I'm assuming you
20 guys would want to pass in either straightaway before or after
21 that curve?

22 A. Yes.

23 Q. Or turn?

24 A. Yes. Yes. And we can pass in the turn, and we've done it
25 before, but I prefer the straightaway. And it was set up to pass;

1 we would have passed -- if it hadn't had happened, we would have
2 passed right in front of -- right in the middle of that
3 straightaway.

4 Q. And that turn, what's the rate of that turn?

5 A. I can't give you that. I don't know what that is. Is it --
6 it's -- you talking about my inbound turn?

7 Q. Yeah. So what's your course change? How many degrees?

8 A. It's about 70 degrees.

9 Q. Okay. Now this is not the best word, but do -- when you guys
10 are making that turn, do you cheat the turn? Do you know what I
11 mean by that term?

12 A. Normally, like turn early?

13 Q. Yeah, so --

14 A. Yes.

15 Q. If you know you're going to make a starboard turn, or he's
16 going to make a starboard turn, you're going to make a port turn.

17 A. Uh-huh.

18 Q. I've seen it before where they cheat the turn, so to speak,
19 where you go all the way over to port to give yourself more room
20 to make that turn. Do you guys do that or not?

21 A. No. No, we don't do that.

22 Q. Okay. Inbound or outbound, you don't do that?

23 A. On the inbound, I'm always well north of the channel.

24 Q. Okay.

25 A. That would be cheating that turn.

1 Q. Right.

2 A. On the outbound, now you're basically with the channel and
3 you make the turn, if that makes sense.

4 Q. Okay. And one last question; I know that you guys have --
5 you can see him, he can see you on the PPU's.

6 A. Uh-huh.

7 Q. Can the dispatch see you guys?

8 A. No. They have -- we have marine traffic in the office, so
9 actually yes.

10 Q. You have the premium account?

11 A. We have an antenna. We have whatever comes with our antenna,
12 they use that.

13 Q. Okay.

14 A. But nobody's at the office.

15 LCDR [REDACTED] Okay. Thank you.

16 UNIDENTIFIED SPEAKER: I just have one question, are you
17 done?

18 LCDR [REDACTED]: Yes, sir. You're good.

19 MR. KAVANAUGH: I want to clarify one thing about cheating
20 the turn, that just --

21 LCDR [REDACTED]: I don't like the term, but that's the only way
22 I could explain it.

23 UNIDENTIFIED SPEAKER: Anticipating the turn, how about that?

24 MR. KAVANAUGH: Okay. Yeah.

25 BY UNIDENTIFIED SPEAKER:

1 Q. I just want to make sure I understand correctly. The first
2 time you notice that there's a problem there is when you saw the
3 lights dip and he was by Buoy 19.

4 A. Uh-huh.

5 Q. And you were in the Plantation Creek -- no, excuse me --

6 A. I was turning in -- yes, yes, I was turning into, yes.

7 Q. You were -- can you just show me precisely where you were?

8 I'm just trying to -- and how far away were you?

9 A. We were turning in here. Well, actually we were kind of up
10 here, so were probably in this area up in here, turning. And then
11 I think he was somewhere in here, he just dipped down real fast.

12 Q. So about a mile and a half?

13 A. Somewhere -- it was about a mile and a half.

14 Q. About a mile and a half?

15 A. Yeah.

16 Q. Is that right here or somewhere around this area?

17 A. Yeah, and I'm not even --

18 Q. I'm not looking for specific --

19 A. Yeah.

20 UNIDENTIFIED SPEAKER: All right, that's it.

21 BY UNIDENTIFIED SPEAKER:

22 Q. What's your pilot number?

23 A. I'm Pilot 7.

24 Q. And John Tennant is 6?

25 A. Yeah, he's 6.

1 Q. So you -- do you always follow him in the rotation?

2 A. Yes. I always follow Johnathan in the rotation. So I pass
3 him a lot because if I'm the next inbound. A lot of times he'll
4 be sailing and I'll be coming in, I'll be taking his berth.

5 Q. Right.

6 A. So we do this a lot, and I've been following him for, you
7 know, 15, 14 years, whatever it is.

8 UNIDENTIFIED SPEAKER: All right, that's all I have.

9 BY MR. LEDET:

10 Q. Question for you. Les Ledet, U.S. Coast Guard.

11 Approximately how far is Buoy 19 from the shoal area, from
12 the bar, roughly? How much room do you have to work with if you
13 had to cut inside that buoy?

14 A. Oh no, I don't think you can cut Buoy 19.

15 Q. Pardon me?

16 A. You can't cut inside the buoy.

17 Q. You can't cut inside, right?

18 A. No.

19 Q. Do you know about how far off the shore it would be?

20 A. Not from memory, but from where that ship is, it's less than
21 a ship length. Yeah.

22 Q. Okay. Could you see -- when you saw the *Golden Ray*, could
23 you see Buoy 19?

24 A. Visually, no. No.

25 Q. Couldn't see it?

1 A. I don't -- actually, I don't recall that. But like I said, I
2 don't recall that. On the chart plotter, on the radar chart
3 plotter, I could see where Buoy 19 was supposed to be.

4 Q. Okay, and if he was coming at you and you're anticipating
5 port-to-port passing, where did your plotter show Buoy 19 in
6 aspect to him?

7 MR. WILLETT: Can you get up and point while you're answering
8 these?

9 MR. KAVANAUGH: It looked -- I think he was basically on it,
10 from what I could tell. I was wondering if he hit it or not. I
11 thought he hit it. I really did.

12 BY MR. LEDET:

13 Q. You thought he'd hit 19?

14 A. From looking at the chart plotter --

15 Q. Yep.

16 A. -- I don't know, I don't know where the -- he was extremely
17 close to it.

18 Q. Close to 19?

19 A. Uh-huh. And I can't tell you what side of the ship it was
20 on, but he was right there at it.

21 Q. Okay, does your -- well, your plotter just shows position, it
22 doesn't show the distance; is that correct?

23 A. It shows position, not distance.

24 Q. Right. If it's knocked out -- if its off station, it doesn't
25 show you that. It shows you --

1 A. No, it does not.

2 Q. Right, it shows you position?

3 A. Uh-huh.

4 UNIDENTIFIED SPEAKER: Okay. Are you talking about the
5 position of the vessel with respect to Buoy 19 post-casualty?

6 MR. LEDET: I'm talking about when he saw the aspect of the
7 *Golden Ray* start to take a port list, could he see -- he saw the
8 lights of the *Golden Ray*.

9 MR. KAVANAUGH: I wouldn't have been able to see it.

10 MR. LEDET: Could he have seen and would he -- did he see the
11 green buoy light?

12 MR. KAVANAUGH: Uh-huh. Yes, yes.

13 MR. LEDET: And he --

14 BY MR. LEDET:

15 Q. You did not see it?

16 A. I do not recall seeing it.

17 Q. You did not recall seeing it.

18 A. I think if it was -- depending on what side of the ship it
19 was, I could have seen it. But it's not something that was
20 registering in my mind --

21 Q. Right.

22 A. -- with the ship turning and all.

23 Q. Sure. Okay. And according to your plotter, where -- you saw
24 his position then; is that correct?

25 A. Yes.

1 Q. It was a thought that he possibly was a little close to it,
2 if not on it?

3 A. Yes.

4 Q. Okay.

5 UNIDENTIFIED SPEAKER: Before the casualty?

6 MR. KAVANAUGH: No, no, no, that was after the casualty.

7 UNIDENTIFIED SPEAKER: You've got to clarify that.

8 MR. KAVANAUGH: Okay. Okay, no, during -- before the
9 casualty, he was not too close to Buoy 19. He was at a good
10 position before the casualty, and then the vessel just kept, it
11 just kept turning on its side.

12 MR. LEDET: Got you.

13 MR. KAVANAUGH: Yeah.

14 MR. LEDET: Okay. Thank you.

15 BY MR. FLAHERTY:

16 Q. Are you aware if all the buoys sitting properly? Is there
17 any of them that you think maybe are off?

18 A. They're probably almost all off, a little bit. But the South
19 Tower is out; this buoy down here, 20 Alpha --

20 Q. Uh-huh.

21 A. -- she seems like she's in the channel a little bit. Buoy
22 24, she's off a little bit, she's actually a little bit too far to
23 the east. The outer bar buoys, those slide in the channel a
24 little bit all the time and then they also get moved for dredging.

25 Q. Right.

1 A. So most likely, a buoy's not exactly where it should be.

2 Q. The ones around where the vessel had the casualty, are they
3 sitting properly?

4 A. I don't think so. We'd -- you'd to go double check on that.

5 Q. Okay. Of course.

6 A. Buoy 19's been there a long time, so it's wherever --
7 wherever they're at, we're used to where they're at, even if
8 they're off a little bit. You know, so --

9 MR. WILLETT: Anybody else have any questions?

10 BY MS. BELL:

11 Q. I have a quick question. In your experience would you
12 consider that turn to be challenging?

13 A. No.

14 Q. No? What about at night, any additional challenges in that
15 turn at night?

16 A. No.

17 BY UNIDENTIFIED SPEAKER:

18 Q. I've got one more. At what point did you realize that the
19 *Golden Ray* was having a problem?

20 A. When the lights were going past 45.

21 Q. Okay. So that's that same position, you were like a mile and
22 a half off, I think is what the question was?

23 A. Uh-huh. Yeah, yeah. I'll go back to your question and say
24 that before -- when those lights were going to a 45, you all know
25 all this, but the vessel was still in a good spot. You know, if

1 counter rudder would have worked, she would have just steadied up
2 and been fine, you know?

3 Q. And for clarity, when you're talking about lights, I assume
4 you're talking about the main deck lights, the light lights
5 they're about -- I think that's deck 5-ish somewhere, that you
6 could see where all the --

7 A. Mooring lights.

8 Q. -- mooring lights are out, at the mooring station?

9 A. Yeah. Yeah, at the mooring station up there. That was all
10 illuminated.

11 Q. Yep.

12 A. With the bright white lights or yellow lights, whatever
13 color.

14 Q. It's like a perfect almost rectangle?

15 A. It's almost a perfect rectangle up there. So you can tell,
16 if you're looking at the ship, you can tell any list in it
17 immediately, looking at those. And I think that's why I noticed
18 those more than the nav lights. I do recall seeing the nav lights
19 but, you know, those just really stood out and they were perfect
20 indicator of the list of the ship.

21 BY MR. FLAHERTY:

22 Q. When you do that motion, you're always going to starboard.

23 A. That's because I was looking.

24 Q. Okay.

25 A. I'm sorry.

1 Q. So it was going -- by the time you saw it, it was going --

2 A. Yeah. So I was facing this way, the ship's here, you know.
3 So she was going like this and turning like that.

4 Q. So the lights were heeling over to port?

5 A. Yes.

6 Q. Correct?

7 A. Yes. Yeah.

8 BY MR. LEDET:

9 Q. The lights are heeling over to port?

10 A. Yes.

11 Q. And you see a starboard swing?

12 A. Yes.

13 Q. Okay. Just for clarification, because I don't think we've
14 asked this yet, but how long have you been licensed? How long
15 have you been a pilot, a full pilot?

16 A. I've been here since 2003.

17 Q. When did you first -- what was your first licensing?

18 A. My first license was about 4 years after that; 2007.

19 Q. So you began your career into the association prior to
20 getting any maritime license; is that what you're saying?

21 A. I had my very first maritime license.

22 Q. Yeah, when did you get that?

23 A. I went to Massachusetts Maritime Academy.

24 UNIDENTIFIED SPEAKER: Me too.

25 UNIDENTIFIED SPEAKER: What year?

1 MR. KAVANAUGH: I was -- got out in 2002.

2 UNIDENTIFIED SPEAKER: I'm '89, so a couple years before.

3 UNIDENTIFIED SPEAKER: What year, sir?

4 MR. KAVANAUGH: 2002.

5 BY MR. LEDET:

6 Q. Okay, and you said '02?

7 A. Uh-huh.

8 Q. All right. And then your career, your path from there on?

9 A. Then I became -- I started working with these guys as an
10 intern from the pilot boat. Doing maintenance, running the sea
11 tow, while I was at Massachusetts Maritime Academy before I got my
12 Third Mate Unlimited.

13 My junior year I went to the -- I think it's in Boston, and
14 sat for my 6-Pack, and just sat for that and took that test. I
15 came back the summer between my junior and senior year, and I ran
16 all the boats for them, the pilot boats, and doing all that, and
17 the sea tow boats. And then came back again after I graduated
18 from college and stayed here, they had an opening. And next year,
19 2003, and got apprenticeship ship in March 2003.

20 Q. Okay. And you're state commissioned, state licensed?

21 A. Yes. Yes.

22 Q. And you --

23 A. And I can get all of that for you, if you need it.

24 Q. No, I don't need it. Thank you.

25 So, in your experience -- and of course that's what we all

1 rely on when we see things, assess things. When you saw that this
2 incident take place, what was your first assessment, what were
3 your thoughts? What did you think?

4 A. I followed the Good Grace (ph.) story, that was here. I
5 remember seeing pictures of her on her side.

6 Q. Yeah.

7 A. And that's exactly what it reminded me of. That's what it
8 looked like.

9 Q. Did you have any thoughts as to -- any thoughts, how, why,
10 what?

11 A. I'd rather not speculate, but --

12 Q. Okay.

13 A. -- you could see it's unstable, you know, too much cargo,
14 GM's off. You know, because, you can't have a ship -- you know,
15 he should have been on the -- if I have a ship that I can't use
16 the rudder on, where it's going to flip over, you know, the ships
17 not ready for sailing. You know, it's not seaworthy.

18 Q. In saying that, have you experienced that before in your
19 career?

20 A. A ship turning on its side?

21 Q. No, no, no.

22 A. No, no, I didn't --

23 UNIDENTIFIED SPEAKER: Hopefully not.

24 UNIDENTIFIED SPEAKER: I don't think -- now you were going to
25 go down another route.

1 BY MR. LEDET:

2 Q. No, have you experienced before when you got on board a
3 vessel and you've maybe departed and felt like she wasn't prepared
4 to sail because of cargo?

5 A. We've -- I've had some tender ships before.

6 Q. Okay.

7 A. But, you know, nothing bad's ever happened because of it.
8 Okay?

9 Q. Uh-huh.

10 A. To really -- no, I've never really been on a ship -- you
11 know, the worst thing's that we have happen is you don't get the
12 engine. You ask for astern and you don't get astern. That's the
13 type of stuff that normally happens.

14 Q. More mechanical?

15 A. Mechanical type stuff, yes.

16 Q. Okay.

17 A. But I've never had one where I've felt completely unsafe on
18 it because of the stability.

19 Q. In that area where this took place is there ample area, safe
20 area, for stoppage and anchorage if need be?

21 A. For my vessel, or for --

22 Q. Any vessel. If you're -- I'm talking about if you're on a
23 vessel, inbound, outbound, if you feel unsafe, is there a stop
24 anchor any -- can you do that in that area?

25 A. You can. This is an emergency anchorage in here.

1 Q. Okay.

2 A. With me inbound, I'd say it wasn't really an option.

3 Q. Uh-huh.

4 A. Then also to stop, you have to plan it so far ahead that --
5 to actually stop the vessel, under control, you know.

6 Q. Uh-huh.

7 A. But we use that as an anchorage for emergencies. Say, I was
8 coming in, there's fog on the inside, we'll anchor up there just
9 till fog lifts. Fog normally comes when there's not much wind.
10 But if there's high winds, then you just have to turn around and
11 go back out.

12 Q. Okay.

13 A. And all that's difficult.

14 Q. So if you were having issues with the vessel, mechanical --

15 A. Yes, yes.

16 Q. -- you could --

17 A. I've anchored there before. I've been outbound before and
18 lost the engine, had the tugs come back, and we pushed all the way
19 up to this area, and went anchor.

20 Q. Okay.

21 A. Until they actually fixed it, and then we went the rest of
22 the way out.

23 Q. And outbound from about where this ship departed, or from
24 where this ship departed and berthed, all the way outbound, the
25 entire route is approximately how long?

1 A. It's 16 miles.

2 Q. Sixteen?

3 A. Uh-huh.

4 Q. And I know you're doing different speeds, but what's an
5 average time frame that it would take you to get cleared the sea
6 buoy from that berth?

7 A. Hour and 45 minutes.

8 Q. 1:45 is your trip out?

9 A. Uh-huh. That's average. It can take up -- it could take
10 over 2 hours. If everything goes well, you know, letting go of
11 the lines and everything, hour and a half.

12 MR. LEDET: Okay. No further questions for me.

13 MR. WILLETT: All right. if there's no further questions we
14 will conclude the interview. It is approximately 11:44.

15 (Whereupon, at 11:44 a.m., the interview was concluded.)
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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

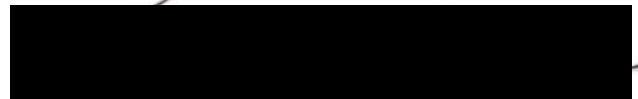
IN THE MATTER OF: CAPSIZING/SINKING OF THE *GOLDEN*
 RAY IN THE BRUNSWICK RIVER,
 GEORGIA, ON SEPTEMBER 8, 2019
 Interview of Henten James Kavanaugh

ACCIDENT NO.: DCA19FM048

PLACE:

DATE: September 10, 2019

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.



Tamara Caneloro
Transcriber