

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

\* \* \* \* \*

Investigation of: \*

\*

GROUNDING OF BULK SHIP *AMERICAN* \*

*MARINER* IN SAULT STE MARIE, \*

ONTARIO, CANADA ON JANUARY 7, 2023 \*

\*

\* \* \* \* \*

Accident No.: DCA23FM013

Interview of: JEFF LAYTON, Captain  
Grand River Navigation

via Microsoft Teams

Tuesday,  
January 24, 2023

APPEARANCES:

██████████ ██████████  
U.S. Coast Guard

MARCEL MUISE, Investigator  
National Transportation Safety Board

LCDR ██████████ ██████████  
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(On behalf of Captain Layton)

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I N T E R V I E W

1 MR. ZWICKER: An attorney.

2 MR. [REDACTED] You're an attorney representing Captain  
3 Layton; is that correct, sir?

4 MR. ZWICKER: Yes, that's what I said, but something came  
5 online.

6 MR. [REDACTED] Okay.

7 MR. ZWICKER: Adam Zwicker, Z as in zebra -- w-i-c-k-e-r,  
8 representing Grand River Navigation.

9 MR. PETERSON: Brian --

10 MR. [REDACTED] Peterson.

11 MR. PETERSON: Yeah, Brian Peterson. I'm with Grand River  
12 Navigation.

13 MR. [REDACTED] [REDACTED] [REDACTED] representing the Coast  
14 Guard.

15 LCDR [REDACTED] Lieutenant Commander [REDACTED] [REDACTED] also  
16 representing the Coast Guard.

17 MR. MUISE: This is Marcel Muise representing NTSB.

18 MR. ZWICKER: And if you need, need to e-mail over my contact  
19 information so it can be included on the transcript, just let me  
20 know, and I can do that.

## INTERVIEW OF JEFF LAYTON

21 BY MR. [REDACTED]

22 Q. Okay. Captain Layton, so like I mentioned, I'd like to get  
23 started. If you could just discuss the maritime industry and what  
24  
25

1 you've done up to this point beginning with any formal education.

2 A. Okay. I graduated from the Maritime, Traverse City Maritime  
3 Academy in 2010. Previous to that I was in a different career  
4 with a Bachelor's Degree in business working with a company. I  
5 graduated 2010 Maritime Academy, and I went to work right after  
6 graduation with Interlake Steamship Company for approximately two  
7 years. And after Interlake, I went to ASC, American Steamship  
8 Company. I graduated first off with a Third Mate Oceans, and a  
9 Great Lakes Mate and First Class Pilotage License. Worked for  
10 Interlake. In 2012, I came to American Steamship Company as third  
11 mate. And from 2012 to 2018, I worked as mate, second mate, third  
12 mate; majority of my time as first mate. And in 2019, I began my  
13 captain's training, and I also went back, and wrote my Master's  
14 License, Great Lakes Masters in gross tons and first class  
15 pilotage. And I have been master with starting in the year, well,  
16 late 2019, 2020. And then when the Grand River came into  
17 chartering the boats, I joined Grand River, and I stayed on the  
18 *American Mariner* as captain.

19 Q. So you, so you were previously employed on the *American*  
20 *Mariner* with American Steamship Corporation; is that correct?

21 A. Yes, that's correct.

22 Q. Okay. And Grand River is involved with a lease of the vessel  
23 from American Steamship?

24 A. Well, Grand River is chartering the boats now.

25 Q. Okay. All right. So how long have you been with Grand River

1 then?

2 A. From 2012. So before that, that change that was eight years.

3 Q. Eight years with American Steamship. Is that -- am I  
4 misunderstanding or are you eight years with Grand River  
5 Navigation?

6 A. No. Eight years with American Steamship. And then the  
7 change, the change with Grand River coming and chartering the  
8 boats. I stayed with the company. So technically I'm Grand  
9 River, an employee of Grand River Navigation now.

10 Q. Okay. And was that in 2020? I don't recall.

11 A. I believe that was 2020 late, maybe starting off the new  
12 season in 2021.

13 Q. Okay. And where has most of your work focused? For  
14 instance, there's some masters or captains that do a lot of work  
15 on, like, the Cuyahoga or the rivers. And then there are some  
16 that are in all kinds of different places on the lakes. Do you  
17 have a particular focus or area that you traditionally operate?

18 A. I started off in, in the Cuyahoga River, you are correct.  
19 And then experience in the lakes starting in 2021. I was all over  
20 in the Great Lakes.

21 Q. So up until 2021, would you say a fair amount of your  
22 captain's time or master's time onboard the vessel was as like a  
23 rivers pilot with those vessels that may be a little smaller?

24 A. I would say equal time. And let me correct that. In 2020, I  
25 was, I was sailing all over the lakes.

1 Q. Okay.

2 A. And I laid up the *American Mariner* in 2020 in Sturgeon Bay.

3 So, yes, I would say equal time Cuyahoga and in the lakes.

4 Q. And with regard to the *American Mariner*, how much time do you  
5 have onboard that specific vessel?

6 A. I would say three, four years.

7 Q. And would that time be as captain, or did you come up from a  
8 mate on that vessel or --

9 A. That was one of my vessels that I started my training on as  
10 well, my captain's training. So I wasn't aboard as a mate. It  
11 was all captain on the *Mariner*.

12 Q. Okay. So sufficient to say you're pretty comfortable on that  
13 vessel?

14 A. Yes, I am comfortable on that vessel.

15 Q. Okay. With regard to the grounding which occurred on the  
16 seventh, approximately 7:30 a.m., can you just kind of talk me  
17 through actually your departure from Ashtabula, is that correct?  
18 You loaded in Ashtabula?

19 A. We loaded in Ashtabula. You are correct.

20 Q. What was the --

21 A. -- we loaded furnace coke.

22 Q. Okay. Sorry. So furnace coke in Ashtabula. If you could  
23 talk me through that transit, anything significant, up to your  
24 mooring, offload, and then eventual departure in Sault, Canada

25 A. Sure. We left Ashtabula with approximately 14,000 short tons

1 of furnace coke. We left -- the drafts were 19 feet 7 inches  
2 forward, 22 feet 6 inches aft, and proceeded. Along the way we  
3 stopped for fuel at Mistersky's on the way up in the Detroit  
4 River. It was a pretty normal transit. Nothing in particular.  
5 Equipment was working good. Entered the Saint Mary's River, and  
6 once we got close to the locks, I started pumping the ballast as  
7 an abundance of caution. I want to go into Sawmill Bay as light  
8 as I possibly can.

9       So we got down to approximately 18 9 or came up approximately  
10 18 9 forward, 21 feet aft in the locks, and that was confirmed  
11 with the line handlers going through the locks. I was comfortable  
12 with those drafts, but we were still pumping as well.

13       So once we left the locks, I continue up-bound. I pass the  
14 entrance going into Sawmill Bay, and I turned the vessel closer to  
15 Big Point because I wanted to enter the channel coming down-bound  
16 due to the current in Vidal Shoals. So I turned the vessel close  
17 to Big Point, and I turned on the right wheel, and came down, and  
18 entered the Vidal Shoals, Canadian Channel, and tied up. It's a  
19 work boat dock.

20       When I was arriving, I stayed on the red side. Then I have  
21 to make a left turn, and Sawmill Bay is to the, to the north, just  
22 to the north of the last red buoy.

23       So everything worked as normal. We tied up. Due to shoaling  
24 at Sawmill Bay I have to stay off the dock. So we refer to it as  
25 a work boat dock where we lower a boat, a little 16-foot boat with



1 a motor, and we, and we put crew members in it, and we give them  
2 feeding lines, and they go to shore, and tie up the boat forward  
3 and aft. And that was unusual (verbatim) as well. Everything  
4 worked good. And we, we moored the boat up, and we proceeded to  
5 unload starting approximately just before midnight we began our  
6 unload.

7 I called the Sault Customs and Border Patrol to confirm our  
8 entrance, and our clearance to leave once we were finished  
9 unloading. And I got permission, and I went to bed just before  
10 midnight.

11 We unloaded. I was woken up approximately 6:15 by a AB, and  
12 told me we had about 45 minutes left to proceed. At that point in  
13 time, I got, got up. I turned my VHF radio on so I could get a  
14 feel for what was going on on deck. That's who we communicate  
15 with our crew. And everything was going as normal. I checked the  
16 water levels. I checked the river. And I proceeded up to the  
17 pilothouse, and notified Sault traffic that we were making  
18 arrangements, and preparing to depart shortly. I told them that  
19 we would be departing in ballast, and then up-bound for Two  
20 Harbors, and asked for the traffic. They gave me the traffic.  
21 There was, there was no worries. There was a boat headed up-  
22 bound, but they would be well clear by the time we departed. So  
23 there was no traffic. They also let me know water levels were a  
24 plus 15. So that would mean with a 24-foot datum I would have 25  
25 feet 3 inches of water in the channel. Again, out of an abundance

1 of caution when we were unloading I passed on orders to go light  
2 ballast. So we have certain ballasts we go to. In this I told  
3 them to go light, and only put 5 feet of water in our number 6  
4 tanks. We have 8 ballast tanks. And that would lighten us up  
5 quite a bit.

6 And once I got up to the bridge I checked, and there was  
7 5 feet in, and regular ballast in the rest of the tanks. So we  
8 left approximately 15 feet 11 inches forward, 19 feet 10 inches  
9 aft. I give the pre-checks in the pilothouse. Everything was  
10 working, steering, had the radars on. I also rechecked traffic,  
11 water levels, current, the water flow, and waited.

12 Once we finished our unload, let me see, we finished, we  
13 finished our unload approximately 0652. That is when we have to  
14 lower the boat back down in the water, and put our crew in there  
15 so they can go to shore so they can throw our lines off, and  
16 that's what we did.

17 The crew was safe and successful throwing their lines off. I  
18 wait until we retrieve the crew and the work boat out of the water  
19 before I use any stern thruster or, or engines. However, I had my  
20 bow thruster on light. So I was pointing the bow outwards while  
21 they were retrieving the work boat, and I did that. Once the work  
22 boat was retrieved, I proceeded underway. I had my search light  
23 on. I saw the red buoy. I proceeded down. And once I got to the  
24 buoy came right. However, I saw the red line up, and I wanted to  
25 be closer actually to the red buoy. So I increased my turn to

1 come around. Right where the red buoy starts is where the current  
2 starts pushing us down, pushing me down in a southerly set. So I  
3 increased my turning radius, and I knew that it -- by the time I  
4 was done that I'd be on the green side. So when I had good turn,  
5 a good swing on the boat, I stopped with my hard right rudder, and  
6 I actually put left rudder on so that would slow my transfer down  
7 to the green side. I kept my bow thruster on longer than normal  
8 pushing my bow off into the channel.

9 I came around. I was, in fact, on the green side which I  
10 would have rather have been on the redside coming out due to the  
11 current, but I was fine. And I made those corrections. And just  
12 shortly after I just felt a light shudder. I didn't know what it  
13 was at the time. I did not see any ice in the harbor. But,  
14 again, it was dark when I was coming in. It was dark when I was  
15 leaving.

16 So just shortly after that, that slight shudder, the first  
17 mate came up, and said is everything okay? And I said I think so.  
18 Why? What's going on? He says, oh, I heard a loud screeching  
19 noise, and I didn't know if you rubbed up against a buoy. And  
20 that's when I proceeded into the wing. I turned the search light  
21 on, and I saw the green buoy off my port quarter. I was in the  
22 channel. I was not concerned about hitting the green buoy. The  
23 first mate said, okay. He left. At the same time as he was  
24 leaving, I got a call from the engine room. We just lost five  
25 feet in number six port. And that's when I knew something was

1 going on. I kept proceeding, and we went out for soundings. When  
2 we lose five feet sometimes those gauges are wrong, but with the  
3 shudder we took soundings, had the chief check the double bottom.  
4 Double bottom was fine. Had our crew sound six first to confirm  
5 five feet was out of number six port. And then sound the rest of  
6 the tanks. And I kept proceeding, checking the instruments,  
7 checking the way the boat handled, and the boat actually handled  
8 just fine. I was out of the channel at that point in time. And  
9 once we got some of the information, I gave a call to Brian  
10 Peterson. I don't know exact time. Maybe an hour later. And  
11 said, well, there's something going on with six tank, and we're  
12 still trying to gather the information. And then that's, that was  
13 the transit.

14 Q. Okay. Thank you, sir. So going back when you approached the  
15 dock in Sault, Canada, which side was the mooring on?

16 A. Starboard side. We were starboard side to tie up.

17 Q. Okay. And then you mentioned that this is a work boat dock.  
18 So how far were you off the pier or required to be off the pier to  
19 tie up?

20 A. There's no requirement, but I do not want to get up against  
21 the shoaling. So we were approximately 60, 48 to 60 feet off  
22 throughout the whole unload into departing.

23 Q. So when you do that, do you, do you set the turn of the bilge  
24 on the edge of the shoal or do you maintain that distance? It  
25 would seem like when you -- out on your mooring lines you'd set up

1 against.

2 A. Yeah. There's not a whole lot of current in that area. We  
3 have our mooring lines, our winches on stop so they're not feeding  
4 us in. And we just kind of float in that area. We don't --  
5 there's not a lot of current, and we don't really run into any  
6 problems during the, during the unload there.

7 Q. So is that, would you say that is a routine mooring for that  
8 dock where you have to put a work boat over?

9 A. Yes, that's routine. That's always a work boar dock.

10 Q. Does that, does -- is it -- that the Algoma Steel Dock,  
11 correct?

12 A. The Algoma Steel Dock is further in the slip. This is off of  
13 that dock. It's still owned by the same Algoma, but it's not in  
14 the slip. It's further to the west of the slip along the  
15 shoreline.

16 Q. Okay.

17 A. There's some sheet piling -- go ahead.

18 Q. I'm sorry. So it's a sheet pile dock, and there's cargo or  
19 product that has filled in at the base of it; is that correct?

20 A. Yes, that's correct. There's -- it's just a sheet piling on  
21 three sides, very basic.

22 Q. Okay. And is it something that Algoma doesn't offer line  
23 handlers on the dock?

24 A. Yes. There's, you know, over the years due to, due to  
25 accidents and injuries, those line handlers prefer not to handle

1 our mooring lines. However, they will use their loaders, their,  
2 their buckets. It's like a front-end loader where we can tie a  
3 heaving line to the back of it, and they will assist in pulling  
4 that, but they don't want to touch any mooring lines.

5 Q. Okay. So if I, if I called today to moor up, and I offered  
6 to pay for line handlers would that be something that would not  
7 occur?

8 A. That's correct.

9 Q. Okay. All right. So you mentioned that you went -- you said  
10 you went to bed around midnight, and you were woke somewhere  
11 around 6 a.m. for a 45-minute call?

12 A. It was shortly after 6 a.m., but, yes, that's correct.

13 Q. And after, after that you proceeded to the bridge?

14 A. Well, I stayed in my room for just, well, maybe 15 minutes,  
15 and I was checking the, the water levels. I was checking the  
16 weather, and I was getting a feel for what was going on deck.  
17 Listening to the guys communicate I could get a feel for how fast  
18 that load was coming along. Would it maybe take another hour?  
19 Was it coming out good? So I was in the room approximately 15  
20 minutes.

21 Q. Okay. And what time did you go up to the bridge?

22 A. Just before 6:30, maybe 6:25. I don't know the exact time.

23 Q. Okay. So somewhere around 6:30, 6:45 you were on the, on the  
24 bridge of the vessel making preparations to get underway?

25 A. I was up there before 6:40. I was up there before 6:30. It

1 could have been 6:25.

2 Q. Okay. And you said that you ran through the equipment checks  
3 prior to getting underway?

4 A. Yes, I did.

5 Q. So what does all of that include? What did you check?

6 A. Navigational, the steering, both, both steering pumps, making  
7 sure the radars are on, making sure everything is tuned for  
8 nighttime, the screens are adjusted, confirming the ballast that I  
9 called for is in, notifying Sault traffic, and our navigational  
10 lights are on the correct settings, and they are lit.

11 Q. Okay. Does that check include fathometer draft readings, et  
12 cetera?

13 A. Yes. It does include the fathometer, and it also includes  
14 the thrusters. However, I cannot head my thrusters or check them  
15 while we're still unloading due to not enough generators. The  
16 unloading system needs to be off before I can start my thrusters,  
17 and check my, my forward and stern thruster.

18 Q. So where are the fathometers positioned on the vessel?

19 A. Fathometer is just off to the starboard of the center line in  
20 the pilothouse.

21 Q. So the transducer then?

22 A. The transducer is up forward.

23 Q. So you have one forward and one aft; is that correct?

24 A. No. Those are the ballasts transducers. And I don't put  
25 much faith in those. They basically tell what your drafts are

1 forward and aft. They don't give you a bottom sounding depth.  
2 They just tell you. And those have to be manually adjusted  
3 because they have lasers at different -- they can get off. I just  
4 don't put faith into those.

5 Q. Okay. So when you're looking at your fathometer where are  
6 you? Where do you -- are you taking a reading position on the  
7 vessel?

8 A. The transducer for that fathometer is up forward.

9 Q. Up forward being where?

10 A. On the bow.

11 Q. So in relation to the bow thruster where is that?

12 A. It's, I believe, just forward of the bow thruster.

13 Q. Okay. So do you have anything that's going to record your  
14 depth under the keel on the latter half of the vessel?

15 A. No, we do not.

16 Q. Okay. So with regard to other equipment, were there any  
17 outstanding conditions of class issued Coast Guard 835s or any  
18 deficiencies on anything on the vessel?

19 A. I do not believe so, no.

20 Q. And as far as you're concerned all of your bridge equipment  
21 was operating properly?

22 A. Yes, that's correct. Everything was operating properly.

23 Q. So how many times would you say you've maneuvered off the  
24 dock at Algoma?

25 A. Approximately 10 to 15 times.



1 Q. Is that a normal run for the vessel?

2 A. Yes, that is a normal run.

3 Q. And when you come off the dock there if you're starboard side  
4 to and you're transiting outbound, and correct me if I'm, if I'm  
5 wrong, you're transiting outbound in a westerly or north westerly  
6 position, how do you -- can you talk me through the getting off  
7 the dock to position yourself?

8 A. Sure. I have -- well, at that particular time I had my bow  
9 thruster on half to the left. So that was pushing my bow out  
10 while we were retrieving our crew, and landing the work boat. I  
11 do not use my stern thruster or my engines when we have crew  
12 members down working aft in that vicinity. So it takes, it takes  
13 a little bit of time to land everyone safely, and get the work  
14 boat aboard. Maybe, once it's along the ship, maybe five minutes.  
15 So I have my bow thruster half on, which is pushing my bow to the  
16 port. I don't know the exact heading that I was when we left, but  
17 once we land the crew that's when I can start maneuvering with,  
18 with my stern thruster and hard left rudder. But I would go out  
19 in a 150, 160-erly, 160 course, a southerly approach, until I got  
20 close to that red buoy, and then I would, I would turn to the  
21 right roughly 230-ish course, 232, 230, until I made it outside  
22 the channel.

23 Q. Okay. So when you got off the dock, and you talk about  
24 recovering the work boat or the remainder of the crew, who was on  
25 the bridge with you at the time?

1 A. No one was on the bridge with me. Everyone was --

2 Q. Okay.

3 A. Everyone was on deck landing the work boat.

4 Q. So how long were you on the bridge alone or by yourself?

5 A. From when I got up there until we got to -- until the first  
6 mate came up.

7 Q. Okay. So you said the first mate came up at some point after  
8 7:30, and --

9 A. Yes.

10 Q. -- asked you -- okay. And he --

11 A. Yes.

12 Q. -- asked you a question regarding is everything okay or  
13 something along those lines?

14 A. Yes. That is, that is correct. It was some time I would say  
15 after 7:30 after the incident, and asked if everything was okay.  
16 Because he heard, like he said, a loud screeching noise which I  
17 did not hear.

18 Q. So you didn't hear anything, but you mentioned that you felt  
19 a slight shudder; is that correct?

20 A. Yes, that is correct.

21 Q. And where were you at when you felt that slight shudder?

22 A. I was in the front window.

23 Q. In position or proximity to the buoys shoal water, et cetera?

24 A. I was in the front window. Can you repeat that question?

25 Q. Yeah. So to be clear, what was the position of the vessel

1 with regard to the buoys when you felt that slight shudder?

2 A. It was pointing out, pointing towards the Saint Mary's River.  
3 I was steering right of the cardinal buoy at the entrance  
4 somewhere -- I can't be exact, but somewhere on a 232 course, 233.

5 Q. Okay. And is it routine or I guess is this standard for you  
6 to get underway from the dock without other personnel in the  
7 pilothouse?

8 A. Yes. Personally in a tight channel I like, I like steering.  
9 For me it's more efficient. I have everything at my hands. I  
10 have the wheel and the rudder, the radio and the phone. And I, I  
11 -- it's quicker and more efficient for me to do it myself going  
12 out-bound.

13 Q. Are there controls on the bridge wings of the vessel?

14 A. There is a, a wheel for speed control. There's bow thruster  
15 controls, but that is it.

16 Q. So you --

17 A. There is no rudder control on the wings.

18 Q. Okay. So where is your -- if you're standing at the wheel,  
19 where is the fathometer located on the bridge?

20 A. I'm actually not at the wheel. I'm in the front window, and  
21 there's a lever right there. And the fathometer --

22 Q. Okay.

23 A. -- is approximately five feet to starboard to my right on the  
24 -- hanging from the ceiling.

25 Q. So when you felt the vessel shudder do you recall looking up

1 at the fathometer?

2 A. Yes.

3 Q. Do you remember what it read?

4 A. 13 feet.

5 Q. Was there any concern at that time?

6 A. No. No. There -- when I felt the shudder, of course, I  
7 wanted to know what it was, but I felt I was fine. I didn't know  
8 if there was ice. I was very light in ballast, and when that  
9 actually occurred my bow was closer to where all the shallow water  
10 was, and I had a lot of water under my bow.

11 Q. I'm sorry. You had water under where?

12 A. Under my bow, the reading that --

13 Q. Right.

14 A. -- that I'm talking about, the 13 feet.

15 Q. Okay. And there was nothing aft that would have indicated  
16 your depth underneath the keel on the -- at the stern?

17 A. No, there is nothing that I can get that reading from on my  
18 stern.

19 Q. Were you communicating with the -- any of the personnel on  
20 the fantail or the deck below that was retrieving the work boat?

21 A. They were actually on the port side aft. They weren't on the  
22 -- all the way on the fantail, but they were securing the work  
23 boat. And at that time I was not in communication with them, but  
24 the radios were on, or VHF radios.

25 Q. So who was your lookout?

1 A. My lookout was on deck at that point in time securing the,  
2 the work boat.

3 Q. So that would have -- so your lookout, who was your forward  
4 lookout?

5 A. There was no one up forward at that time.

6 Q. And your -- where would your lookout normally be positioned?

7 A. Sometimes aft and sometimes forward depending on the port or  
8 the harbor that I'm leaving. If, for instance, if there was a  
9 problem, I wouldn't want to drop the bow anchor and make matters  
10 worse if it was shallow water and run over, run over the bow  
11 anchor. I would rather drop the stern anchor.

12 Q. Okay. So if -- so you said you lookout was bringing the work  
13 boat back onboard. So was there a lookout aft then?

14 A. Yes. And that person was readily available to drop the  
15 anchor if needed.

16 Q. They were recovering --

17 (Crosstalk)

18 A. The work boat --

19 Q. -- work boat, is that --

20 A. Yeah.

21 Q. They were -- okay.

22 A. That is correct.

23 Q. So is there any sort of camera system or anything in the  
24 window where you could visually maintain a lookout from the bridge  
25 window?

1 A. No. There was no camera.

2 Q. So from your vantage point in the bridge window could you see  
3 the mid ship aft?

4 A. Yes, absolutely. And I had good visibility with my search  
5 light. Everything was lit up.

6 Q. So you could see the port quarter of the vessel where the  
7 work boat was being retrieved?

8 A. If I looked over, I could see it. I couldn't see it right at  
9 the front window. If I would make a few steps and look down, I  
10 could.

11 Q. Okay. Is that fathometer set to any alarm points for a depth  
12 of water?

13 A. I believe it's set at three feet. Sometimes that gets  
14 adjusted, but I can't tell specifically where that was set.

15 Q. Okay. Are there any other docks that you go to within your  
16 area where you're essentially getting underway in this same sort  
17 of situation where you have to retrieve a work boat and you're the  
18 only person on the bridge navigating away from the dock?

19 A. Yes, there is some places like that, and that's pretty  
20 routine to do that.

21 Q. Do you know of any company policy or procedure that would  
22 dictate the number of personnel to be on the bridge when getting  
23 away from a dock or navigating?

24 A. No, I am unaware of that.

25 Q. Okay. When you left the dock, and you said you're turning on

1 right rudder do you have any idea what your speed was at that time  
2 as you're starting to straighten out and come west?

3 A. Approximately four miles, maybe five miles an hour  
4 approaching that red buoy.

5 Q. And when you felt that shudder that you mentioned earlier,  
6 was there any noticeable speed change?

7 A. Yes. Because I was heading -- I changed my headings. That  
8 speed is not always forward speed. My heading had changed to 232.  
9 So that speed came off quite a bit as I was sliding in a southerly  
10 direction. I would estimate maybe two, two miles.

11 Q. So would you say as you mentioned you're changing your  
12 heading over to a 232 that the stern would swing in a southerly  
13 position?

14 A. That is correct, and I, I knew that ahead of time, and I was  
15 correcting for that by putting -- rudder on, and keeping my bow  
16 thruster going longer than I normally would.

17 Q. So what would you say when you felt the shudder, and you said  
18 the stern was swinging in a southerly position when you're -- and  
19 you see the speed come off what was your rpm at that time?

20 A. I would imagine, well, between 70 and 90. At that point in  
21 time as I'm turning, and I have good swing, I have left rudder on  
22 there, and at one point in time I jolted her up I believe to about  
23 90 rpm's to cease my stern movement south.

24 Q. Okay. So you attempted to straighten the vessel out and stop  
25 the swing; is that correct?

1 A. That's correct. I'm correcting my slide into that turn. I  
2 made a sharp right turn, and the vessel is still sliding  
3 southerly, and that's why ahead of time I have my left rudder on,  
4 and I'm compensating. I'm correcting for that slide.

5 Q. And when you're correcting for that slide, is there anyone on  
6 the port quarter there that's calling off a distance to the buoys  
7 or shoal water?

8 A. There's nothing to call. They wouldn't see anything from  
9 that area. There's very few buoys.

10 Q. So did you mention earlier that after you had gotten underway  
11 that there was a buoy that had come off the port quarter? Which  
12 buoy was that?

13 A. That was after the first mate had come up into the  
14 pilothouse. I believe that is, I believe that is Buoy 15. And  
15 these are seasonal buoys that are put in, unlit seasonal buoys.  
16 But that was approximately 250, 300, 300 feet astern off my port  
17 quarter. And when he told me there was a loud screeching noise,  
18 and when I felt that, that little shimmer, shudder, that's why I  
19 immediately spun the search light around seeing was it there?  
20 Where was it? And we had already passed it, and it was a good  
21 distance off.

22 Q. So when you felt the shudder, and you noticed a decrease in  
23 speed from 5 to 4 down to approximately 1.9 or something along  
24 those lines was there any thought in your mind that you had  
25 potentially run aground?



1 A. Well, I didn't know at that point in time exactly what was  
2 going on. I didn't know if it was ice. I didn't know if I  
3 touched something in the channel. I didn't know. I thought I was  
4 fine.

5 Q. And at what point -- were there any vessel crew members that  
6 came to you and mentioned or called you on the radio and mentioned  
7 that they believed that you may have run aground?

8 A. No, there was not.

9 Q. So did you receive any call from the engineers?

10 A. Yes, the engineer called, and said that we lost five feet in  
11 number six port; did you run aground? And I said, I don't think  
12 so.

13 Q. So you did get a call questioning whether you had run  
14 aground?

15 A. That was from the engineer, correct.

16 Q. Okay.

17 A. That was not anyone from deck.

18 Q. Right. And when the mate came up, what was his line of  
19 questioning or discussion?

20 A. The mate had come up before I got that call, and he had asked  
21 if everything was okay, and that's when he told me he heard that  
22 loud screeching. I guess in his words he heard a loud screeching  
23 noise.

24 Q. So when the mate mentioned that he had heard that, and you  
25 took that information you said the mate came -- excuse me. So the

1 engineers called after the mate had come up or was that vice-  
2 versa?

3 A. The engineer had called after the mate had come up.

4 Q. So after the mate had come up, and the engineers called, at  
5 that point did you have any indication that you had potentially  
6 run aground?

7 A. I didn't know. I didn't know what was going on. That's when  
8 we went on our, our fact-finding mission to do soundings to check  
9 double bottoms. I wasn't sure exactly what was going on. Five  
10 feet was gone, and number six tank, was, was the gauge accurate?  
11 I was alarmed, and I was worried about the safety of the vessel,  
12 but I was more or less diagnosing the situation.

13 Q. So when the mate or the engineer called where was the  
14 position of the vessel at that time in the outbound transit?

15 A. Almost, almost into the Saint Mary's River.

16 Q. Okay.

17 A. I don't know exactly where we were, but we were almost  
18 entering the Saint Mary's River when he came up.

19 Q. And when did you make a decision to proceed to White Fish  
20 area to complete a damage survey?

21 A. Well, there was no good spot to stop in the river, and the  
22 boat was fine. It acted like it was fine, and we were still  
23 figuring out the best approach. I called Brian Peterson, and then  
24 they were going to notify the Coast Guard of something was going  
25 on. But I didn't have all the answers at that point to give them.

1 Q. So how long was that transit to get to White Fish?

2 A. The transit to get to White Fish, oh, maybe, maybe three  
3 hours. We were -- I think I even checked out to see what we were  
4 going to do.

5 Q. And what information did you pass to Brian Peterson?

6 A. On the initial call I let him know that we're losing -- or we  
7 lost six feet of water in number six tank. I told him that we  
8 were departing Sawmill Bay at that point in time I wasn't sure  
9 what was going on, and that we are diagnosing, and trying to see  
10 what was going on. It takes some time to get soundings, check  
11 double bottoms, and kind of check things over.

12 Q. At any point did you tell Brian that you may have run  
13 aground?

14 A. I don't, I don't recall, to be perfectly honest. I, I'm  
15 sorry, I don't. I don't recall exact, exactly what I told Brian.

16 Q. Was there any consideration at that time to notify the Coast  
17 Guard of a marine casualty?

18 A. Yes.

19 Q. Did that occur?

20 A. Yes, that occurred.

21 Q. And who was notified?

22 A. Sector Sault.

23 Q. Okay. So prior to the incident did you feel rested?

24 A. I felt, I felt fine, yes. I felt, felt fine.

25 Q. And you mentioned that you notified the Coast Guard. What

1 was the content of the notification?

2 A. I did not notify. That's -- the company notified the Coast  
3 Guard, and I was in contact, many calls to Brian. As I would  
4 learn something, I would let him know, and they would pass that  
5 along as the Coast Guard. It was extremely busy at the time. My  
6 main focus was on the safety of the ship, the crew, and the  
7 environment at hand.

8 Q. So was there any consideration to stop within the Saint  
9 Mary's River system to ascertain the extent of damage?

10 A. There was consideration. There was no good spot to anchor at  
11 present, but there was consideration once I exited the river.

12 Q. And so you mentioned the Coast Guard was notified, but in  
13 essence you notified Brian Peterson? And --

14 A. Yes, and that's usually -- go ahead.

15 Q. Is that company policy?

16 A. That's usually the case. Things are very busy on the ship,  
17 and a lot of times the company, our Health and Safety Director,  
18 notifies that. There's a lot of moving pieces at that time.

19 Q. So at any point did you receive confirmation the Coast Guard  
20 had been notified?

21 A. Yes, I, I did. And also I was told, you know, they have the  
22 phone number, and part of the conversation was I needed to submit  
23 a transit letter if I was going to proceed, and I felt it was safe  
24 to proceed, and I made sure that if there, if there was any  
25 questions they would give me a call, and I never received a call.

1 Q. Okay. So you believe that weather and sea state played any  
2 role in the, in the grounding?

3 UNIDENTIFIED SPEAKER: I'm sorry. I didn't hear you.

4 MR. [REDACTED] I'm sorry?

5 UNIDENTIFIED SPEAKER: I didn't hear the question.

6 BY MR. [REDACTED]

7 Q. I said do you believe that weather or sea state played any  
8 role in the grounding?

9 UNIDENTIFIED SPEAKER: Thank you.

10 A. No, I do not believe so.

11 Q. So, Captain, what's the normal watch rotation onboard with  
12 regard to the pilothouse?

13 A. They relieve about 15 minutes to their 4-hour watches  
14 starting 12 to 4. Normal protocol is to relieve for instance at  
15 3:45 for the next watch 4 to 8.

16 Q. And how many people are in the rotation?

17 A. There is three ABs in the rotation.

18 Q. How about mates navigating the --

19 A. There's three mates.

20 Q. -- vessel?

21 A. There's three mates in that rotation as well.

22 Q. And there's 4 on 4 off as well or 4 on 8 off?

23 A. 4 on 8 off.

24 Q. Okay. Are you within that rotation anywhere?

25 A. I am not personally, no.

1 Q. So when is it that you are navigating?

2 A. When I feel that I need to. Coming, arriving ports,  
3 departing ports, in the river, if it's a new mate. It's at my  
4 discretion.

5 Q. All the mates have, have pilotage?

6 A. No. Two of the mates have pilotage; the second and the first  
7 mate, Scott Still and Sam Mackey.

8 Q. Okay. And the third does not?

9 A. The third mate does not have pilotage. Working to get his  
10 pilotage.

11 Q. So at any time then would you need to be on the bridge with  
12 the third mate when he's navigating?

13 A. Oh, I would always be on the bridge when the third mate was  
14 navigating.

15 Q. Okay. When do you recall or do you have any idea when the  
16 Canadian Coast Guard or Transport Canada was notified?

17 A. I do not. The company was handling that.

18 Q. And by the company would you mean Brian Peterson or --

19 A. Well, Brian, I think -- I'm not sure of the process, but  
20 would turn that over to Ray Tanner, the Health and Safety Director  
21 who, I believe, notified and kept everyone abreast. Brian could  
22 have talked to him. I'm not 100 percent sure.

23 Q. Okay. When was chemical testing completed onboard?

24 A. Approximately two and a half hours -- two to two and a half  
25 hours after the incident. When it was safe the drug and alcohol

1 testing was performed.

2 Q. And who administered --

3 A. Go ahead.

4 Q. Who administered the tests?

5 A. The first mate and myself.

6 Q. So the first mate collected your specimen and vice-versa?

7 A. That is correct, yes.

8 Q. Do you recall who all was tested?

9 A. I do. Malcolm Drayton, Vernon Hoffman. He's an AB. Malcolm  
10 Drayton is an OS. Josh -- forgive me. His last name is always  
11 hard for me to pronounce Felicano (ph.). Josh, he's an AB. Scott  
12 Still. He's a first mate. Gary Miller. He's the chief engineer.  
13 And myself.

14 Q. All right. When you -- do you recall when you had notified  
15 Brian Peterson?

16 A. I do not recall the exact time, but it was approximately an  
17 hour, an hour after the incident.

18 Q. Was that a phone call or a text?

19 A. That was a phone call.

20 Q. And which phone did you use to make that call?

21 A. I don't remember if it was the ship's phone or my phone. I  
22 believe it was my phone, my personal cell phone. I'm not 100  
23 percent sure though. I'm sorry.

24 Q. No, that's fine. So with regard to the incident, you think  
25 there's anything that could have been differently to avoid the

1 grounding?

2 UNIDENTIFIED SPEAKER: Well, excuse me for a second. That's  
3 not a fair question.

4 MR. [REDACTED] This is a casualty investigation. If he  
5 doesn't want to answer that's, that's up to him.

6 UNIDENTIFIED SPEAKER: Can you rephrase it a little bit?  
7 Because you're assuming there was a grounding.

8 MR. [REDACTED] I have seen the pictures of the bottom of  
9 the vessel, sir. There, indeed, was a grounding. There's  
10 \$750,000 in damages. So I don't think that's disputable at this  
11 point.

12 UNIDENTIFIED SPEAKER: Okay.

13 CAPTAIN LAYTON: Is this me talking again or --

14 BY MR. [REDACTED]

15 Q. Yes. Is there anything you feel could have been done  
16 differently to avoid the grounding?

17 A. I thought, I thought I was fine. I wasn't necessarily where  
18 I wanted to be in the channel, but I thought I was fine.

19 Q. And when you say you weren't sure where you wanted to be in  
20 the channel, you feel you were further south in the channel than  
21 where you wanted to be or your intended track?

22 UNIDENTIFIED SPEAKER: If I could clarify. You just -- you  
23 commented he said he wasn't sure. I don't think he said he wasn't  
24 sure. I think he said he wasn't where he wanted to be, but he  
25 didn't indicate that he was unsure where he was in the channel.



1 MR. [REDACTED] Okay. Yeah.

2 BY MR. [REDACTED]

3 Q. So --

4 A. Yes, that's correct.

5 Q. -- if you weren't where you wanted to be in the channel, do  
6 you feel that you were further south in the channel where you  
7 would have -- your intended track?

8 A. I was further on the green, green side. I would have rather  
9 have been on the red side coming and going, but I thought I was  
10 fine.

11 Q. So, Captain, if you can explain the green side. Which side  
12 of the channel is that from a north, south, east, west?

13 A. Oh, yes, I apologize. That's more -- you're correct. South,  
14 south side of the channel.

15 Q. And the south side of the channel is in closer proximity to  
16 shoal water?

17 A. No. There's shoals on both sides. Both sides are shoals.  
18 The reason I prefer to be on the red side is because of the  
19 current through that area. The current is a southerly set.

20 Q. All right. Thank you, sir. So I've just got a couple more  
21 questions here, required questions regarding medical. Do you  
22 currently hold a medical waiver?

23 A. Yes.

24 Q. And what is that for?

25 A. For [REDACTED].

1 Q. And how do you control that or what's required?

2 A. I use a -- what's referred to as a DPAP machine, D-P-A-P, to  
3 control my [REDACTED].

4 Q. And in your words can you explain what [REDACTED] is?

5 A. In my -- well, [REDACTED] is -- [REDACTED]

6 [REDACTED]  
7 [REDACTED]. [REDACTED]. [REDACTED]

8 [REDACTED].

9 Q. So does your, your DPAP, did you call it, is -- does that  
10 machine work, work well for you?

11 A. Yes, it does.

12 Q. Okay. Any other medical waivers, Captain?

13 A. No.

14 Q. Do you have any other medical conditions the National  
15 Maritime Center is not aware of or developed after the issuance of  
16 your credential?

17 A. No.

18 Q. Are you under a doctor's care for any reason?

19 A. I am prescribed medication through a doctor.

20 Q. Okay. And are those long-term medications?

21 A. Yes.

22 Q. And are those medications for something other than sleep  
23 apnea?

24 A. Medication for [REDACTED] I've been on that probably 12, 15  
25 years.

1 Q. Any other medication, sir?

2 A. There's another one [REDACTED] and that's what I put down on  
3 my medical history for [REDACTED]. I've been on that  
4 probably 15 years.

5 Q. Any over-the-counter medications that aren't prescribed?

6 A. No. Multi-vitamins.

7 Q. Right. Okay. Thank you. And are you experiencing any  
8 medical concerns right now?

9 A. No, I'm not.

10 Q. Were you feeling unwell or sick around the time of the  
11 incident?

12 A. I was feeling fine. I was a little congested. Usually when  
13 I change areas or when I fly in a plane I have sinusitis, and I've  
14 found that I can get a little congested getting into a new area,  
15 and that's normal, but I was fine.

16 Q. Any of those prescribed medications that you mentioned, any  
17 periods of time while you were underway and did not have that  
18 medication available that you may have missed a dose that you were  
19 supposed to have taken?

20 A. No. At not, at no time.

21 Q. Have you been seen by a doctor, medical provider, or  
22 hospitalized within the past 12 months?

23 A. Yes.

24 Q. And was that for something that we haven't discussed already?

25 A. No.

1 MR. [REDACTED] Okay. That's all I have at this time. Are  
2 there any additional questions that anyone would like to ask?

3 MR. SPOTTS: This is David Spotts. I have some when it's my  
4 turn.

5 MR. MUISE: I do as well. This is Marcel.

6 MR. [REDACTED] Mr. Spotts, feel free.

7 MR. ZWICKER: Okay, I'm sorry. I didn't mean to step on  
8 anybody. I'm going to -- I don't have any I can think of, but  
9 I'll let whoever needs to go next go, and I might have some after  
10 that.

11 MR. [REDACTED] Thank you.

12 MR. MUISE: [REDACTED] this is Marcel. I have a couple follow-  
13 ups.

14 MR. [REDACTED] Go ahead Marcel.

15 BY MR. MUISE:

16 Q. So good morning, Captain. My name is Marcel Muise. I'm with  
17 the NTSB. And our role here is kind of parallel to the Coast  
18 Guard, but it's more accurate to say that we study accidents like  
19 this instead of investigation. We'll produce a report in the end,  
20 and it may or may not have recommendations to other agencies or  
21 other organizations. I just have a few follow-up questions from  
22 what the, what the Coast Guard had. The waterway itself, you  
23 mentioned 24-foot datum and 25 3 for water depth. What are you  
24 referring to there when you say 24 feet datum?

25 A. The channel.

1 Q. So that specific channel is dredged at 24 feet?

2 A. Yes.

3 Q. Okay. So and you mentioned 25 3 is what it was that day. So  
4 if I'm looking at the chart, that datum is 24 feet on the chart;  
5 is that right? So I'm just adding 1 foot 3 inches to the charted  
6 depth?

7 A. Correct.

8 Q. Okay. How often do you go in and out of this Sawmill Bay?

9 A. Quite frequently.

10 Q. Weekly or monthly or --

11 A. More so monthly. Some of the trips run together. You might  
12 have a few back-to-back-to-back. But I would say weekly and  
13 monthly.

14 Q. Do you remember when the last time you were there the  
15 previous trip?

16 A. I would imagine a month, a month or so ago, yes.

17 Q. A month. Okay. How about vessel traffic? Do you interact  
18 with them when you're in this Bay?

19 A. I interact with them because I'm going to enter the Saint  
20 Mary's River.

21 Q. Okay. But not actually in this specific channel it's not an  
22 area that they cover?

23 A. That's correct.

24 Q. Okay. Have you ever heard them call you or another vessel  
25 saying, hey, my display shows you heading shoal water? Do they do

1 that there?

2 A. No.

3 Q. Okay. This line handling evolution, you said it's common to  
4 have these, I think you called it a work boat dock. How common is  
5 that to have to put your own crew ashore to handle lines?

6 A. Quite common. Many trips. If you're 70 trips a season it's  
7 hard to guesstimate, maybe 15, 20 of them could be work boat  
8 docks.

9 Q. Okay. Where are people when you're doing this? Like, who is  
10 in the boat, who is ashore? I'm assuming the first mate is on  
11 deck somewhere.

12 A. The mate on watch is on deck. And it's at the discretion --  
13 their experience level. To get in the work boat dock we have  
14 competency tests because that type of work could be considered  
15 quite dangerous. So they've got to prove they can do the work  
16 first. But it would be ABs and Oses doing that entering the work  
17 boats and going ashore while a mate, the mate on watch would be on  
18 deck.

19 Q. Okay. So it's a three person evolution. Do they lower the  
20 boat? Do they climb down a ladder? Are you launching with  
21 somebody in the boat?

22 A. Lowering it with a davit. We would lower the boat to the  
23 water, and then they would proceed down a ladder. Yes, you are  
24 correct.

25 Q. Okay.

1 A. To the work boat.

2 Q. Okay. So if the, the mate on watch is there where are the  
3 other mates? One on the bow handling lines and one on the stern  
4 handling lines? Or where is everybody else at?

5 A. They're not on watch. It's -- you need someone on the  
6 winches forward. You need someone on the winches aft. And you  
7 need guys ashore to take the mooring lines.

8 Q. Okay. So I heard you say you had three mates. Is it only  
9 the mates that are on watch? I mean is -- this isn't an all-hands  
10 evolution?

11 A. Oh, no. This is nothing like the ocean. This is the Great  
12 Lakes. One mate on watch. It could be a second, a third, a  
13 first. However, it's at my discretion. If there's a new third  
14 mate, I'm definitely not going to have him or her out unassisted  
15 without more experience on deck. But it would be a crew of the  
16 Oses and ABs in the work boats, and someone up forward to do the  
17 winches, someone aft. A mate could be one of those persons on the  
18 winches. It just depends on the situation. But it's not an all  
19 hands on deck type of deal.

20 Q. Okay. So if we're leaving a docket where there are line  
21 handlers is your mate on watch on deck as well or would he be or  
22 she be on -- in the wheelhouse with you in that case?

23 A. He would be on deck. And just to confirm there never is line  
24 handlers or longshoremen. It's always us doing our own wires.  
25 But, for instance, if we were against the dock tied up it would be

1 a person forward on the dock letting go, a person aft on the dock  
2 letting go, and then a person forward on the winches to bring in  
3 that line, and a person aft on the winches. A mate would be on  
4 deck.

5 Q. Okay. So regardless if you're offshore a little bit or  
6 whether you use the work boat or not, the mate and the other AB  
7 are not in the wheelhouse? You're up there by yourself? Do I  
8 have that right?

9 A. That's correct, yes.

10 Q. Okay. Is this your preference or is it a company procedure?  
11 Is this an industry standard?

12 A. No, that's -- that would be, I think, that would be my  
13 preference. There's nothing for that person to do up in the  
14 pilothouse.

15 Q. Okay. So on the bridge, I heard you mention a lever and the  
16 fathometer. Who is -- where is the engine (indiscernible)  
17 throttles?

18 A. That's in the front window, and the throttles are in the  
19 wings and in the front window, but everything is in the front  
20 window. The lever to steer the throttle, the radio, depth finder,  
21 everything.

22 Q. Okay. The depth finder is that just a, a readout or is it  
23 actually printing out like a trend for you?

24 A. It's a digital, a digital that shows on the screen.

25 Q. Okay. So it's not, it's not continuously printing then?



1 A. No, no.

2 Q. How about radars? From that point can you see the radars?

3 A. Yes, the radars in the -- there's two radars. Well, there's  
4 three radars. But, yes, I have access to them.

5 Q. And how about navigation? How are you navigating? Are you  
6 using Canadian charts or American charts or electronic charts?

7 A. Well, the Canadians do use the U.S. charts. There is one  
8 chart for the Saint Mary's River.

9 Q. Okay. Do you have electronic charts as well?

10 A. Yes. We have electronic charts and --

11 Q. And can you --

12 A. -- paper charts.

13 Q. What program is that that you're using?

14 A. That's Rose Point.

15 Q. Okay. And can you see that from where you're coming?

16 A. Yes.

17 Q. Your Rose Point the way you have it set up, can you see the  
18 footprint of the vessel or is it just a dot in the middle of the  
19 screen?

20 A. You have to be -- I'm sorry. I don't really follow the  
21 footprint. There's a boat that I can see. Is that what you're  
22 referring to?

23 Q. Sure, yeah, it is. It's the correct size of your vessel. So  
24 your length and beam are accurately displayed.

25 A. No. It's not going to display the correct, it's not going to

1 display the correct size of the vessel, no.

2 Q. How about any kind of depth warnings or (indiscernible)  
3 warnings or safety depths? Are they programmed into your Rose  
4 Point?

5 A. No, they are not.

6 Q. So from your vantage on that day could you see the Rose  
7 Point? Could you see your port quarter getting a little close to  
8 that 15 buoy?

9 A. I could see the Rose Point, and I could see the red side  
10 channel, but I had already passed that, that little red buoy that  
11 you're referring to.

12 Q. Okay. How does it work then if you're on the centerline how  
13 does it work when you're leaving the dock? I understand you  
14 weren't at the dock in this case. How can you look down and see  
15 where you are in relation to the pier if you're on the centerline?

16 A. If I'm on the centerline, I can look over and see. We're  
17 hanging off 60 feet let's just say, I have good visibility of  
18 that.

19 Q. Okay. Was everything working on the bridge as far as  
20 electronics and steering and throttles?

21 A. Yes. Everything was working well, yes.

22 Q. Okay. I know you said the weather wasn't a factor, but do  
23 you remember what the weather was as far as wind and temperatures?

24 A. It was light out of the north. And temperatures were in the  
25 20s. I believe low 20s.

1 Q. And you said there was a southerly set; is that correct?

2 A. There's a southerly set once you get to the buoy. It's kind  
3 of like a funnel through there where you have shoals on one side  
4 and shoals on the other, and there's a southerly set, yes.

5 Q. Is that pushing you to the green side?

6 A. That is pushing to the green side, correct.

7 Q. How about cameras onboard? Is there cameras for the engine  
8 room or looking down at the bridge wings or on your stern?

9 A. No. We do not have cameras.

10 Q. Okay. Actually, my last question is about medical. You  
11 mentioned some of your meds. What was your [REDACTED] med? I didn't  
12 catch that one.

13 A. [REDACTED]

14 Q. And do you know if your, your [REDACTED] or [REDACTED] does that have a  
15 recording device on it?

16 A. I am not sure how that works. They do get downloads. So I  
17 imagine it would.

18 Q. Okay. I'm sorry. I need to talk about SMS as well. Where  
19 are your company procedures found? Are they paper? Are they  
20 electronic?

21 A. They're both.

22 Q. Okay. Are those -- can you describe to me your company's  
23 Safety Management System? I mean, how is that, how is your  
24 system, how is your system set up?

25 A. It's a very nice system. It covers basically everything.

1 It's found on line. It's found on paper. Books that we have,  
2 binders in the pilothouse.

3 Q. Okay. Are there vessel specific procedures as well?

4 A. Vessel specific like the absolute *Mariner* are you talking?

5 A. Yes, yeah, for the *American Mariner*. Do you have procedures  
6 that are specific for your vessel in that system?

7 A. No, no.

8 Q. Is it a program or?

9 A. No, it's not a program. It's just a file.

10 Q. Okay. They're just files stored on SharePoint or in a folder  
11 as --

12 A. Correct.

13 Q. -- some companies use a program, a document control program  
14 such as Home Connect or ABS or one of those.

15 A. Home Connect we use that as well, yes.

16 Q. Do you use Home Connect just for the maintenance side of it  
17 or safety or both?

18 A. The Home Connect is used for recording our, our work/rest  
19 logs.

20 MR. MUISE: Okay. All right. Well, thank you, [REDACTED]  
21 That's all I have right now.

22 MR. [REDACTED] Mr. Spotts, would you like to ask your  
23 questions, sir?

24 MR. SPOTTS: If it's appropriate.

25 MR. [REDACTED] Of course.

1 BY MR. SPOTTS:

2 Q. Captain, when Mr. [REDACTED] was asking you some questions  
3 twice you said you were proceeding outside of the channel. Is it  
4 fair to say what you meant by that quote that you were proceeding  
5 out the channel into the Saint Mary's River?

6 A. (No audible response.)

7 Q. Captain? Hello?

8 MR. [REDACTED] Mr. Layton, are you still on the line?

9 UNIDENTIFIED SPEAKER: He's probably changing his earpiece.

10 MR. [REDACTED] Mr. Layton, are you still available?

11 MR. ZWICKER: I think I saw on the --

12 UNIDENTIFIED SPEAKER: Dropped off?

13 MR. ZWICKER: Yeah, in the, the list of participants, I saw  
14 231 number it said leaving. So I wonder if his call dropped.

15 UNIDENTIFIED SPEAKER: Yeah, he's no longer --

16 MR. SPOTTS: And it was my turn. Why does that happen to me?

17 MR. [REDACTED] Mr. Spotts, would you like to give him a  
18 call, and see if he's --

19 MR. SPOTTS: I have to, I have to leave to do that though  
20 because I'm on my cell phone. So I'd have to break away and then  
21 come back. Is that what you're suggesting?

22 MR. [REDACTED] Yes.

23 MR. SPOTTS: Okay. All right. I'll --

24 MR. [REDACTED] Wait. We got another call here. Hold on a  
25 moment.

1 Captain Layton, are you on the line sir?

2 CAPTAIN LAYTON: I am. I apologize. My phone fell out.

3 BY MR. SPOTTS:

4 Q. Okay. All right --

5 A. Can you hear me?

6 Q. -- Captain. Are you ready to go? Yes. Captain, are you  
7 ready to go?

8 A. Okay.

9 Q. It's Dave Spotts.

10 A. Oh, hey, yes.

11 Q. Are you ready?

12 A. Yeah.

13 Q. Twice during the questioning by Mr. [REDACTED] you mentioned  
14 that you were going outside the channel. Did you mean by that  
15 outside the channel meaning you were leaving the channel to go  
16 into the Saint Mary's River?

17 A. Yes, that's what I meant. I was proceeding outbound to the  
18 Saint Mary's River.

19 Q. Right. Right. And you were talking about going outside the  
20 channel that you were within, correct?

21 A. I was, I was within the channel --

22 Q. Okay.

23 A. -- proceeding outbound to the Saint Mary's River. I'm sorry  
24 if my terminology is off.

25 Q. That's okay. I just wanted to clear up that term. Captain,

1 Mr. [REDACTED] asked you a number of questions about lookouts,  
2 and having additional lookouts in the pilothouse. Did you feel  
3 you were completely capable of acting as your own lookout in this  
4 instance?

5 A. Yes.

6 Q. All right. And isn't that in fact what happened, you acted  
7 as your own lookout?

8 A. I sure did, yes.

9 Q. And did you ever feel that you needed additional assistance  
10 as far as being a lookout is concerned?

11 A. No, I did not feel that.

12 Q. All right. Now besides the -- using the buoys to help you  
13 leave this channel and go into the Saint Mary's River isn't there  
14 a range there as well?

15 A. Yes, there is a range.

16 Q. Okay. And did you use that range to help you navigate?

17 A. Yes, I used that range.

18 Q. And did your observation of the range ever indicate to you  
19 that you were outside the channel?

20 A. No, it never did.

21 Q. All right. There were some questions about the  
22 communications with the engineer. Did the engineer ever tell you  
23 that you ran aground?

24 A. No, the engineer did not.

25 Q. Okay.

1 A. It was a question.

2 Q. Okay. And what did -- what was the question from the  
3 engineer?

4 A. The engineer called and said we -- number six port ballast  
5 tank went down five feet, did you -- I don't remember exactly what  
6 he said -- did you touch, did you run aground, did you touch? I  
7 don't -- I apologize. I don't remember exactly what he said.

8 Q. Okay. Thank you. Did the Coast Guard ever call you and  
9 inquire about what was going on aboard the vessel?

10 A. No. I never got a call.

11 Q. All right. And when you arrived at your up-bound port did  
12 the Coast Guard come and interview you?

13 A. No, they did not.

14 Q. And is it fair to say the first information or request you  
15 got from the Coast Guard was January the 16th when you received a  
16 communication from Mr. [REDACTED]

17 A. Yes, that is correct.

18 Q. All right. And with regard to the transit letter you  
19 mentioned did you understand that the transit letter was requested  
20 by the United States Coast Guard?

21 A. Yes, I understood that.

22 Q. And did you understand that the transit letter that you  
23 prepared was given to the United States Coast Guard?

24 A. Yes, that's what I understood.

25 Q. And there was no further inquiry about your transit up-bound



1 after that?

2 A. No, there was no further inquiry.

3 Q. And did you have any information that the Coast Guard was not  
4 fully informed about what happened in a timely manner?

5 A. No. I did not receive anything like that, any notice of  
6 that. They were fully informed.

7 MR. SPOTTS: Okay. Well, thank you for -- so much for  
8 answering my questions.

9 CAPTAIN LAYTON: Okay. Thanks, [REDACTED]

10 MR. [REDACTED] Mr. Zwicker, did you have questions, sir?

11 MR. ZWICKER: I did not. I do not.

12 MR. [REDACTED] Mr. Peterson, any questions, sir?

13 MR. PETERSON: No, I do not, [REDACTED] Thank you.

14 MR. [REDACTED] Okay. With that being said, anyone else on  
15 the line? I think we've covered everyone. Like to thank you all  
16 for your time.

17 Go ahead.

18 UNIDENTIFIED SPEAKER: I'd like to make sure we take the  
19 opportunity to handle the scheduling issue for Thursday.

20 UNIDENTIFIED SPEAKER: What I can say is I know I got receipt  
21 of [REDACTED] e-mail requesting move to 1:30 on Thursday. My office  
22 has reached out to Scott Still.

23 (Whereupon, the interview was concluded.)

24

25

CERTIFICATE

This is to certify that the attached proceeding before the  
NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF:            GROUNDING OF BULK SHIP *AMERICAN*  
    *MARINER* IN SAULT STE MARIE,  
    ONTARIO, CANADA ON JANUARY 7, 2023  
    Interview of Jeff Layton

ACCIDENT NO.:                DCA23FM013

PLACE:                        via Microsoft Teams

DATE:                         January 24, 2023

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



Katherine Motley  
Transcriber



NATIONAL TRANSPORTATION SAFETY BOARD  
OFFICE OF MARINE SAFETY  
WASHINGTON, D.C. 20594

## Captain J. Layton

### Interview Transcript

Grounding of the M/V American Mariner  
DCA23FM013

<b>Page/ Line</b>	<b>Original</b>	<b>NTSB Correction</b>
9/2	feeding lines	heaving lines
32/12	UNIDENTIFIED SPEAKER	Mr. Spotts
32/22	UNIDENTIFIED SPEAKER	Mr. Zwicker
34/2	DBAP	BPAP
34/9	DBAP	BPAP
40/16	engine (indiscernible) throttles?	engine order telegraph or throttles?
43/14	DBAP	BPAP
44/14	Home Connect	Helm Connect
44/15	Home Connect	Helm Connect