

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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GROUNDING OF BULK SHIP *AMERICAN*
MARINER IN SAULT SAINTE MARIE,
ONTARIO, CANADA ON JANUARY 7, 2023

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Accident No.: DCA23FM013

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Interview of: JEFF LAYTON, Captain, *American Mariner*
Grand River Navigation

Via Microsoft Teams

Thursday,
March 9, 2023

APPEARANCES:

MARCEL MUISE, Marine Casualty Investigator
National Transportation Safety Board

██████████ Marine Inspector
U.S. Coast Guard

MARKUS APELIS, Esq.
Gallagher Sharp, LLP
Grand River Navigation

BRIAN PETERSON
Grand River Navigation

██████████ SPOTTS, Esq.
On behalf of Captain Jeff Layton

LT ██████████ Esq.
U.S. Coast Guard

CDR ██████████ ██████████ Esq.
U.S. Coast Guard

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

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I N T E R V I E W

(1:03 p.m.)

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3 MR. MUISE: This is Marcel Muise with the National
4 Transportation Safety Board, it's 13:03 Eastern time on Thursday,
5 March 9th. We're discussing an incident aboard the *American*
6 *Mariner* with Captain Layton, who was the captain at the time. If
7 we can go around the room, please -- let me get my -- Mr. Apelis,
8 please, go ahead.

9 MR. APELIS: Markus Apelis, counsel for Grand River
10 Navigation.

11 MR. MUISE: Mr. Peterson. Brian?

12 MR. PETERSON: Yeah, good afternoon, this is Brian Peterson
13 with Grand River Navigation.

14 MR. MUISE: Lieutenant [REDACTED]

15 LT [REDACTED] Good morning, this is Lieutenant [REDACTED] [REDACTED] 9th
16 District staff attorney. I also have Commander [REDACTED] [REDACTED]
17 [REDACTED] who will be joining us momentarily.

18 MR. MUISE: Okay, thank you. Mr. [REDACTED]

19 MR. [REDACTED] This is [REDACTED] [REDACTED] with the Coast
20 Guard.

21 MR. MUISE: And Mr. Spotts.

22 MR. SPOTTS: Good morning, it's David Spotts and I am counsel
23 for Captain Layton.

24 MR. MUISE: Captain Layton.

25 CAPT LAYTON: Good afternoon. Captain Jeff Layton, captain

1 on the *American Mariner*.

2 MR. MUISE: And with that, I will hand it over to you, [REDACTED]

3 MR. [REDACTED] Yes, of course. And Marcel, one
4 additional, Lieutenant Commander [REDACTED] [REDACTED] will be joining us,
5 probably not for the entire interview, but he's here present.

6 MR. MUISE: Okay, thank you.

7 MR. [REDACTED] Good afternoon, Mr. Layton. Good
8 afternoon, Mr. Spotts. I wanted to pass along my appreciation for
9 you doing a second interview, I know it's maybe not necessarily
10 routine, but there were a few different areas that I just wanted
11 to try to clarify some additional questions that we have, so I
12 appreciate your time.

13 CAPT LAYTON: You're welcome.

14 MR. SPOTTS: You're welcome.

15 INTERVIEW OF CAPT JEFF LAYTON

16 BY MR. [REDACTED]

17 Q. So, in your first interview, you had mentioned -- and I will
18 do my best not to re-cover material that's already been covered,
19 the best I can. So, in your first interview, you mentioned that
20 you had passed orders to go light ballast. Do you recall that,
21 sir?

22 A. That is correct. In my first interview, you're saying, I
23 passed orders to go light ballast to the mate before we started
24 unloading.

25 Q. So I'm curious, what -- how is the light ballast different

1 from standard or normal ballast?

2 A. We have ballast conditions on our ship, our ballast changes
3 quite often and these are previous ballast conditions that we go
4 to, and the light ballast that I reported was just a lesser amount
5 of water in number 7 tanks.

6 Q. Okay. And so if I were an engineer or a mate and you had
7 said we need to go to light ballast, is there a table that I could
8 refer to that I would know, for instance, the number 7's were to
9 be decreased or the number 6's, 5, et cetera? Is there something
10 specific to light ballast?

11 A. Is there a table? There is a table for some of the ballast
12 conditions.

13 Q. So is one of those ballast conditions light ballast?

14 A. Are you referring to a certain table that you have in front
15 of you? Can you specify?

16 Q. Yeah, I don't have a table, Captain, I guess I'm just trying
17 to understand that if you said you passed to go to the condition
18 light ballast, would that be a condition that was listed on a
19 table or did you say I want to go light ballast and I want to go
20 light in, say, the number 7 tanks?

21 A. Well, what I said was I want to go light ballast in number 7
22 tanks.

23 Q. Okay. So it wouldn't necessarily be a standard ballast
24 condition that was listed on a table?

25 A. It could be. I don't know what type of tables they have down

1 there, but this would be more like a river ballast where we would
2 have 5 feet in number 7 tanks, but I would specify, I would not
3 leave it to them to make that choice.

4 Q. Right, right. So in this case, when you said you wanted
5 light ballast, the remainder of the tanks were standard ballast
6 but you had requested light ballast in the number 7's, is that --
7 is that correct?

8 A. I requested 5 feet in number 7's.

9 Q. Okay, all right. And would that light ballast condition be
10 different than a minimal ballast condition?

11 A. Can you define minimal ballast condition?

12 Q. Well, I guess I'm just curious as to within the ops and SMS,
13 it talks about, for instance, if you were going to make an order
14 for minimal ballast, that you would make an entry within the log
15 that you were going to minimal ballast. So is this considered
16 something, light ballast would be separate from a minimal ballast?

17 A. I apologize, I really don't understand the minimal or light,
18 it's what I called for.

19 Q. Okay. That's fair enough, Captain, I was just curious. So
20 then you mentioned that when you arrived on the bridge, you
21 checked and there was 5 feet in the number 6's and regular in the
22 rest of the tanks, is that -- is that correct?

23 A. That's incorrect.

24 Q. Okay. Well, so what would be correct, then?

25 A. Five feet in number 7's.

1 Q. Okay. So I'm going to pull up -- and I think I e-mailed --
2 did you receive the e-mail from Mr. Spotts?

3 A. Maybe a little late, I did receive it. I've been trying to
4 go through it, I've got a little slower bandwidth here at my
5 place.

6 Q. Were you able to see the ballast water log that I sent?

7 A. I have the ballast water logs that you sent.

8 Q. Okay.

9 A. Are you referring to the handwritten logs, the engine room?

10 Q. Yes, sir. Can you -- can everyone see the log that I just
11 put up, the ballast water log?

12 MR. SPOTTS: This is [REDACTED] Spotts, I'm by phone, but I have
13 the document printed out.

14 MR. [REDACTED] Okay. Marcel, can you see the document?

15 MR. MUISE: I can see the document, thank you.

16 (Pause.)

17 MR. [REDACTED] Okay. Can you --

18 MR. MUISE: I have your screen, yeah, I have your whole
19 screen now.

20 MR. [REDACTED] Okay.

21 BY MR. [REDACTED]

22 Q. So can you see the ballast water document here? And Captain,
23 do you have the ballast water record from the engine room, as
24 well?

25 A. Yes, I do.

1 Q. So wasn't your statement that when you arrived on the bridge,
2 you checked that there was 5 feet in the number 6's and regular in
3 the rest of the tanks? It looks like -- go ahead.

4 A. You keep on referring to 6's, that's incorrect, it's 7's.

5 Q. Okay. All right, so we'll go with the 7's, then, Captain,
6 and just looking at this ballast water log, that notation made by
7 the engineers in the 7's appears to be 15 feet. I'm not sure on
8 that because it looks kind of like there were changes made to the
9 document or -- do you see where --

10 A. Okay.

11 (Crosstalk)

12 BY MR. [REDACTED]

13 Q. -- the 7's?

14 A. What was your question, Mr. [REDACTED] what was the
15 question?

16 Q. Well, I guess that when you mentioned that you arrived on the
17 bridge and you checked on your ordered ballast condition, right, 5
18 feet, and you're stating that it was the number 7's and regular in
19 the rest of the tanks, I'm just curious, so I'm looking at 7:19
20 for a start time that you ordered and it appears to be a
21 correction to 15 feet, but I'm not sure because it looks like
22 there's a change here. Do you see where I'm talking about?

23 MR. SPOTTS: Mr. [REDACTED] it's --

24 (Crosstalk)

25 MR. SPOTTS: This isn't his log.

1 MR. [REDACTED] No, I --

2 MR. SPOTTS: This is the engine room log, so --

3 MR. [REDACTED] Yeah, I understand.

4 MR. SPOTTS: And I appreciate your questions, but he doesn't
5 maintain this log.

6 MR. [REDACTED] I understand that, Mr. --

7 MR. SPOTTS: But go -- but go ahead.

8 BY MR. [REDACTED]

9 Q. Well, I'm not -- you know, don't get me wrong, I'm not trying
10 to be accusatory by any stretch, I'm just trying to understand.
11 So this was the engine room log, and I understand the captain
12 doesn't maintain this log, and the captain's saying that he
13 ordered 5 feet in the number 7's. So based on this log, it
14 appears that there's a disparity in that order and what was logged
15 in the engine room or what was obtained. Would you agree with
16 that?

17 A. No, I --

18 (Crosstalk)

19 MR. SPOTTS: He clearly said that -- I think he clearly said
20 that when he went to the bridge, he observed 5 feet in number 7.

21 MR. [REDACTED] And the question's not for you, Mr. Spotts,
22 the question's for --

23 MR. SPOTTS: Oh, I thought you --

24 MR. [REDACTED] Yeah.

25 MR. SPOTTS: I thought you were asking me.

1 BY MR. [REDACTED]

2 Q. I apologize, I'm just -- so I'm trying to figure out,
3 Captain, if you had ordered 5 feet in the number 7's and according
4 to this log, it appears that there's 15 feet in the number 7's, is
5 that what you're reading, as well?

6 A. That is what I see. That order was canceled. If you're
7 referring to the 05:14 entry, that order was canceled and that
8 engineer was reprimanded for trying to put water in that tank.

9 Q. Okay. I see that that order was canceled, then at 07:19
10 there is an entry for 7 port and starboard, where it says 7's to
11 what appears to say 15 feet.

12 A. Yes, you are correct.

13 Q. Okay. So is there anywhere that you logged that order that
14 you made for the light ballast or an order for 5 feet in the
15 number 7's?

16 A. I don't have time to log all of the different changes. I log
17 in the official electronic log, but no, these are the orders I
18 give for them to do.

19 Q. Right, okay. So then --

20 MR. MUISE: May I interrupt for a second, [REDACTED]

21 MR. [REDACTED] Yeah, please.

22 MR. MUISE: We have somebody from [REDACTED] that just
23 joined.

24 CDR [REDACTED] Yeah, good afternoon, this is Commander

25 [REDACTED] I'm agency counsel for the Coast Guard. I just

1 popped on late and I didn't want to interrupt, I apologize.

2 MR. MUISE: Okay, thanks, Commander. Go ahead, [REDACTED]

3 BY MR. [REDACTED]

4 Q. So you said there was an electronic confirmation or that you
5 made some sort of a notation that you had ordered that 5 feet in
6 the number 7's?

7 A. No. That is not correct.

8 Q. Okay. So is there -- I understand you said you were busy, is
9 there anything else that I could confirm that you had ordered that
10 5 feet?

11 A. You can confirm that from the mate's unload book.

12 Q. The unload book?

13 A. Yes, we were unloading.

14 Q. Right, but the 15 feet order in the number 7's at 07:19,
15 would that have not been just prior to you getting under way?

16 A. Is that a question of when that was put in?

17 Q. Well, it shows, it appears to show that at 07:19 is when it
18 was ordered. You mentioned previously that you had gotten to the
19 bridge somewhere around 7:30, is that correct, or before that?

20 A. No, that is not correct. We had already departed at that
21 time. I believe.

22 Q. You believe that you were under way at 7:19 and had put this
23 order in, not as you had already gotten under way?

24 A. Mr. [REDACTED] what I said in my previous interview was
25 when I was getting under way, the engineer called the bridge, I

1 spoke with Mr. Besco (ph.) and he asked if he could go to regular
2 ballast in 7 and 8 tanks and I said yes, you could.

3 Q. Okay. Well, that would differ, then, from the -- at some
4 point, I'm just trying to understand that if you ordered 5 feet,
5 you're saying lighten ballast condition, I'm trying to understand
6 where that's captured that 5 feet was ordered and then if you told
7 Mr. Besco that you could go to regular, that wouldn't be 5 feet,
8 correct?

9 A. Mr. [REDACTED] that tank already had 5 feet when we came in
10 loaded. That tank wasn't touched.

11 Q. So you didn't order any ballasting in the number 7, then, it
12 was just essentially to leave it as it was, at 5 feet?

13 A. That is correct.

14 Q. Okay.

15 A. During the unload, they would normally put water in that tank
16 and that was the order, do not mess with that tank, leave it at 5
17 feet.

18 Q. Okay. And is that captured anywhere, Captain?

19 A. It's captured in the survey of label (ph.).

20 Q. Right, but then prior to the departure, you made another
21 order, correct, with regard to ballasting?

22 A. I'm sorry, Mr. [REDACTED] I'm not really understanding
23 where the discrepancy is on here. You know, that tank had 5 feet
24 in there. During a normal unload, that tank would be filled to 15
25 feet. This was my order, not to touch number 7 tank.

1 Q. Right, okay, I understand that much. But then at 07:19, did
2 you make a decision to go to 15 feet?

3 A. I made a decision to go to 15 feet, yes, you are correct.
4 That is our normal ballast.

5 Q. Okay. So what made you change your mind to go from light
6 ballast condition to 15 feet in the 7's?

7 A. Nothing changed my mind, that's standard operating procedure.
8 We operate in regular ballast. What made my decision was I wanted
9 to transit Sawmill Bay as light as I could, out of an abundance of
10 caution.

11 Q. Yes, sir, I understand that. So I guess what I'm getting to,
12 then, if you wanted to transit in a light ballast condition and
13 you had ordered the number 7's to stay at 5 feet, why would you
14 then order 15 feet in the 7's for your outbound transit?

15 A. That number would be negligible, Mr. [REDACTED] that
16 would've not -- that wouldn't have -- that would've made just such
17 a small difference in drafts, it's just negligible, the amount
18 that they could put of water in those tanks before we got out of
19 Sawmill Bay.

20 Q. Okay. So while you were departing Sawmill Bay, you had
21 ordered 15 feet in the number 7, is that correct?

22 A. Yeah, that is correct.

23 Q. Okay. So do you think -- in your opinion, do you think there
24 could've been any misunderstanding or mistake with regard to your
25 orders and what your intentions were and what the engineers did

1 with regard to ballasting the vessel?

2 A. You're asking me to -- to guess? What was the question?

3 Q. So I'm just curious if you think there could've been a
4 mistake or a misunderstanding with what orders you had given and
5 what the engineers had put in the ballast tanks.

6 A. No.

7 Q. Okay. I guess that I'm just -- I'm just a little confused
8 how you previously stated that you had ordered 5 feet in the
9 numbers 7's, you're claiming, and I don't see anything on the
10 ballast record log regarding that order to light ballast.

11 (Crosstalk)

12 MR. APELIS: I think he's already -- sorry, Captain. I think
13 he's already explained that that was -- that they came in at that
14 condition and that it's reflected in the mate's log.

15 MR. [REDACTED] Okay. Well --

16 CAPT LAYTON: As will be a survey.

17 BY MR. [REDACTED]

18 Q. Okay, I guess I was under the misunderstanding that we had
19 previous -- you know, that the outbound transit would be at a
20 5-foot order. But if we're -- the intention or the statement is
21 now that we're at -- that we weren't light when we got under way,
22 then that's acceptable, if that's what occurred. But previously,
23 we were told that, you know, lightened ballast was ordered for the
24 outbound transit, which would indicate number 5's or the number
25 7's were taken to 5 feet. So I guess that's a change now and the

1 number 7's were at 15 feet.

2 A. No, that is not -- that's not a change.

3 Q. Okay.

4 A. That is accurate, exactly how I told you, Mr. [REDACTED]
5 that is accurate. Number 7 tanks were not to 15 feet, they were
6 at 5 feet when I was departing. They are in the process of going
7 to 15 feet. There's a big difference between that and any amount
8 -- they're still lining up the ballast pumps 5 minutes later. Any
9 change in drafts is negligible, it's -- there is -- you can't
10 calculate that. So we are at 5 feet departing. I gave them
11 permission to go to 15 feet and that takes some time.

12 Q. Okay, I understand that, Captain. So you were at five and
13 while you were departing and getting under way, you were going to
14 accomplish 15 feet.

15 A. Correct.

16 Q. Okay. Any idea of how long that would take to accomplish 15
17 feet?

18 A. Oh, maybe 40 minutes. That also depends on the number of
19 pumps that they're using to put that water in, but approximately
20 40 minutes.

21 Q. Okay. You'll have to bear with me here, I'm going to try to
22 pull up another document, sir.

23 A. Sure.

24 (Pause.)

25 MR. [REDACTED] Okay, do you have load lines and drafts

1 available?

2 CAPT LAYTON: Let me see.

3 MR. [REDACTED] Marcel, can you see the load lines and
4 drafts document? And if you don't see it --

5 MR. MUISE: I can see it, yes.

6 CAPT LAYTON: I can see it, too, Mr. [REDACTED]

7 BY MR. [REDACTED]

8 Q. Okay, thank you, sir. So this document mentions that there's
9 different draft guidance for different areas that the vessel
10 transits into. Do you know if there is any specific draft for
11 departure guidelines for Sawmill Bay?

12 A. No, there is not.

13 Q. So this is left up to the captain's decision and purview?

14 A. You are correct, master's discretion.

15 Q. Okay. It also talks about -- this document also refers to a
16 minimum draft entry or minimum ballast entry and I guess that's
17 what I was referring to when you considered -- when you had
18 mentioned a light ballast condition. You wouldn't consider that,
19 or the ops and SMS manual describes a minimum ballast condition to
20 where you would make an entry, you wouldn't consider that a
21 minimum ballast departure, sir?

22 MR. SPOTTS: I'm sorry, what is the question?

23 MR. [REDACTED] Mr. Spotts, concerning the minimum ballast
24 condition and essentially, it states that if you're going to
25 depart with the vessel in minimum ballast, you would make a log

1 entry as such and I was just curious, this wouldn't -- wasn't
2 considered a minimum ballast condition departure.

3 MR. SPOTTS: Okay, thank you for rephrasing it.

4 CAPT LAYTON: Mr. [REDACTED] I really don't understand the
5 minimum ballast question. Our drafts are logged in our official
6 electronic log, if that might help answer.

7 (Pause.)

8 CAPT LAYTON: Did I lose you?

9 MR. [REDACTED] No, I'm just taking a look, I wanted to --

10 (Pause.)

11 BY MR. [REDACTED]

12 Q. So under pre-departure ballast verification, it mentions
13 before a vessel departs a dock, the master shall ensure ballast
14 verification. When the vessel's in ballast, the master shall make
15 the following entry in the vessel's official log. In accordance
16 with a company's ballast water management plan, minimum ballast
17 taken for safe departure.

18 A. Can you tell me where that is, again?

19 Q. It's under pre-departure ballast verification.

20 A. Okay. Let me look at this.

21 MR. SPOTTS: Is that on a different page?

22 MR. [REDACTED] It should be on load lines and drafts, CP
23 4.1.11. And it's on the second page of the document.

24 MR. SPOTTS: Oh, okay, thank you.

25 CAPT LAYTON: Okay. I see it, too. What was that question,

1 Mr. [REDACTED]

2 BY MR. [REDACTED]

3 Q. So you said that you left in light ballast, so would this
4 departure have been considered a minimum ballast or what would the
5 difference be between the minimum ballast that it's pointing out
6 here in the ops and SMS?

7 A. I really don't know any difference. What I said is I left as
8 light as I could be and just out of an abundance of caution, we
9 have usually one ballast, a regular ballast, which the engineers
10 do know, making our transits, but I wanted to transit for the area
11 very light and that's why I took the extra step.

12 Q. I understand, Captain, and I appreciate that. So have you --
13 would you have ever made this notation within the logbook where
14 you're departing in minimum ballast for a safe departure?

15 A. Maybe not so much there. I would make notations maybe going
16 into a dry dock where ballast is extremely light and I'd have to
17 use tugs.

18 Q. Okay. So you're unfamiliar with this, this notation of
19 minimum ballast taken for safe -- taken for safe port departure?

20 A. I wasn't unaware. Is that the question, am I aware of this
21 or --

22 Q. Yeah.

23 A. I'm almost not following, I apologize.

24 Q. No, no, I'm probably not making myself clear. So have you
25 made this notation before?

1 A. I have, yes.

2 Q. Okay. All right. And Captain, did you record the drafts
3 prior to departure in your logbook entry?

4 A. I recorded them in our official log, electronic log.

5 Q. Okay. So if you'll bear with me, I'm going to open one more
6 document.

7 A. Okay.

8 (Pause.)

9 MR. [REDACTED] And Captain, I'm opening the maneuvering
10 and docking document at this point.

11 CAPT LAYTON: Is that restricted waters and maneuvering?

12 MR. [REDACTED] It's maneuvering and docking, it's CP
13 4.2.15.

14 CAPT LAYTON: Oh, okay. It has 161 on the bottom?

15 MR. [REDACTED] Yes, sir.

16 CAPT LAYTON: Okay.

17 BY MR. [REDACTED]

18 Q. So with regard to the maneuvering and docking, it discusses
19 the master's evaluation in every maneuvering situation with a goal
20 of minimizing risk. Can you just talk through what evaluation or
21 risk mitigation procedures that you may have taken while undocking
22 and maneuvering away from the dock?

23 A. Are you talking about when I'm leaving? There's constant
24 risk assessment that's going on all the time. Are you talking
25 about specific steps leaving the dock?

1 Q. Well, I guess I'm just curious, you know, it discusses in the
2 document risk mitigation and it talks about maneuvering and
3 getting away from the dock. So was there any type of risk
4 mitigation procedures that you would've taken to get away from the
5 dock?

6 A. Is there a certain paragraph on here that you're -- I'm
7 trying to see what you're reading.

8 Q. Master shall, under procedure, evaluate every maneuvering
9 situation with a goal of minimizing risk to the vessel, the crew,
10 as much as possible, while carrying out the mission of the vessel
11 to move cargo. So examine ship-handling strategies, taking all
12 steps necessary to minimize risk. So I'm looking generally for
13 what risk mitigation that you may have taken prior to getting
14 under way.

15 A. Okay, (a) we've been talking about this the whole time, is
16 the water, leaving extremely light in draft, that's a risk
17 mitigation. You know, having my first mate down, playing that
18 important part, although supervising the work boat, his part in
19 the role was being able to drop the stern anchor, at will, as
20 needed.

21 Q. Okay, were there any meetings or even informal meetings with
22 the chief engineer, any of the team that would've been working
23 while getting under way?

24 A. Is that the question, meetings, like toolbox talks, is that
25 what you're asking?

1 Q. Yes, Captain.

2 A. Yes.

3 Q. And when did that occur and who was present?

4 A. The first mate was supervising on deck that whole -- that
5 whole time. As far as anything else, you know, I don't really
6 understand the question.

7 Q. I'm asking if there were any meetings with the crew or the
8 individuals, whether they were on deck, whether acting as lookout,
9 whether they were on the bridge or the engineering team, with
10 regard to the departure from the port and anything that would've
11 taken place.

12 A. They weren't relied on in this situation. Everything that
13 takes place is standard operating procedure out there, but they
14 weren't relied on.

15 Q. Okay. So in this situation, you didn't consider there to be
16 any additional risk? More so than routine?

17 A. Could you -- is there anything that there should be? Can you
18 list some -- I don't know of any.

19 Q. Well, so do you consider Sawmill Bay to be a restricted
20 waterway?

21 A. It would be.

22 Q. Okay. And would harbors and ports be restricted waterways?

23 A. Sure.

24 Q. So would there be any sort of checklist or anything that you
25 would go through with your crew regarding navigation within in a

1 restricted waterway, things that you would expect, things that you
2 would want to mitigate risk?

3 A. No. And that's where I don't follow, they weren't involved
4 in doing anything, so no. I was the lookout while we were getting
5 under way and I was comfortable with that.

6 Q. Okay. So did you have any other lookout that was maintained
7 at the time?

8 A. I was the lookout. As I said, that I was comfortable with my
9 first mate, where he was, where he could drop an anchor, that was
10 my main concern, if I needed it. Other than that, I was more than
11 capable of being the lookout.

12 Q. Okay, thank you, Captain. So one thing it mentions with
13 regard in the SMS with regard to ballast tanks is that, you know,
14 if there's any significant change with regard to the ballast tank
15 monitoring, immediate calculation would be completed. Do you know
16 if any immediate calculations were completed?

17 A. Sure. Stability is always calculated. These are known
18 ballast conditions and we are very good at what we do when we're
19 pumping ballast or when we have cargo.

20 Q. So at what point did you do calculations after you knew you
21 had damage to the number 6?

22 A. Are you asking for a time frame?

23 Q. Well, once you knew that you had damage to the number 6, the
24 SMS calls for an immediate -- immediate calculation, so I was
25 curious when that was completed and if it was logged.

1 A. If what was logged?

2 Q. If the calculations were logged regarding your ballast
3 conditions and the damage.

4 A. I'm not really sure what, you know, you're asking on this.
5 We know our ballast conditions, stability, it was checked, it was
6 a process that we were going through. We didn't even know if
7 there was damage at that point in time. This is all looking back.
8 So besides that, I apologize, I just don't understand.

9 Q. Well, Captain, I'm just referring to your company's safety
10 management system, that's just what it calls for, is immediate
11 calculations considered completed after a report of damage. So I
12 was just curious what your -- to keep the obligations of your
13 safety management system.

14 A. Absolutely. It was constantly, in fact, it was hourly from
15 then on, calculations being conducted. That process was standard,
16 it was constantly being -- the stability being calculated.

17 Q. Okay, thank you, sir. And then with regard to your forms
18 menu in your safety management system, there's a report of
19 Canadian marine occurrence, do you know if that was completed or
20 did you complete that form?

21 A. Yes.

22 Q. You did or the company did?

23 A. I believe I worked with everyone to complete that and I think
24 -- I'm not sure who submitted it, but it was submitted.

25 Q. Okay. So chemical testing, who directed chemical testing on

1 board?

2 A. Who directs it?

3 Q. Yes.

4 A. As far as directing, what do you mean, do you mean completing
5 it or --

6 Q. So after the incident, someone identified who needed to be
7 tested, right, for drugs and alcohol. So did you do that or did
8 the company call and tell you who to test or who determined based
9 on that --

10 A. Yes.

11 Q. Yes, you did?

12 A. No, the company, I was working with the company and they told
13 me who to test and we tested.

14 Q. Any reason why the engineer on watch or the off-going
15 engineer wouldn't have been tested?

16 A. They weren't told to be tested and they weren't directly
17 involved in the navigational grounding incident.

18 Q. Did they have anything to do with ballasting the vessel?

19 A. That didn't cause the grounding.

20 Q. Okay. So then, prior to getting under way, we had kind of
21 discussed this already, but the -- did you complete stability
22 calculations prior to getting under way?

23 A. Yes.

24 Q. And did you use a loading program to do that?

25 A. Yes.

1 Q. What loading program would that be?

2 A. This is CargoMax and those -- CargoMax is the loading program
3 we use and we go to known ballast conditions and we go and we
4 verify those drafts.

5 Q. Based on the CargoMax program and the ballasting?

6 A. Based on a number of processes, for instance, sight, they're
7 the same ballast conditions and they are checked.

8 Q. At any point have you reviewed your stability letter on
9 board, Captain?

10 A. I don't recall when, but yes.

11 MR. [REDACTED] Okay. Like I said, Captain, I really -- I
12 really appreciate your time and I appreciate you coming back for a
13 second interview and with that, I'll leave questions open of NTSB
14 and then follow-on.

15 BY MR. MUISE:

16 Q. Sure. This is Marcel with the NTSB again. Captain, I also
17 thank you. I just had a couple follow-ups. The pre-arrival and
18 pre-departure and post-casualty stability calculations, where are
19 they saved, are they in CargoMax or do you print them out or where
20 would I find those?

21 A. Yeah, they should be in CargoMax if they were saved. You
22 know, these are known ballast conditions that have been used for
23 years and years and verified.

24 Q. So does the -- I'm assuming you do this at each arrival, is
25 that -- each voyage, are they -- does the chief mate give it to

1 you and you sign off on it?

2 A. No.

3 Q. How does that work, how does that work?

4 A. How does stability calculations work or how --

5 Q. No, no. If you're pulling into port and you have this cargo
6 and this much fuel and this much water on board, who actually does
7 that calculation and who signs off on it? Do you have to send it
8 ashore or does whatever mate is on watch do it and give it to you
9 or what is your expectations of the crew for doing that?

10 A. No, that is not done, I verify what's in our tanks and -- and
11 through soundings and from there, we know if we're in ballast or
12 drafts. The first mate that's handling it wouldn't be out loading
13 verifying the drafts.

14 Q. Okay, all right. So is there a -- so the captain does the
15 calculations before departure or the chief mate does? Help me
16 understand who does what here.

17 A. What calculations -- Marcel, what calculations are you
18 referring to?

19 A. So before departure, actually even before loading or
20 discharging, normally you would put in all right, this is the
21 cargo I have, this is the fuel I have, and then you calculate what
22 is my center of --

23 A. Hello?

24 Q. I'm still here. Somebody should be calculating what the
25 center of gravity is, what the drafts are, and what the

1 longitudinal stress is. How does that happen with each voyage?

2 A. This is a different area, Marcel, this is the Great Lakes and
3 we get the same cargo over and over and over again. We have
4 CargoMax as a tool, we use that as an aid for our drafts, but we
5 know our ballast conditions and they're standard and that's what
6 we have, we're very good at knowing what we have.

7 Q. Okay, so the numbers aren't actually crunched with each
8 departure, then, is that -- do I have that right?

9 A. No.

10 Q. Okay.

11 A. Yes, it is correct.

12 Q. Are you carrying any kind of imaginary weight or imaginary
13 native weight to make the draft readings match? And that's
14 common, I know, to make the calculated draft readings match the
15 observed draft readings. As the ship gets older, it gets heavier,
16 so sometimes you have to put in extra weight to compensate for
17 that. Is that happening? Or was there any weight in there?

18 A. You're going back to crunching these numbers again and
19 imaginary numbers. You know, we verify the drafts when we load,
20 we have people standing on the dock verifying our drafts.

21 Q. Okay. And in this particular voyage, the observed draft
22 readings matched the calculated draft readings, is that correct?

23 A. Yes, absolutely.

24 Q. Okay. I have one navigation question and if you've already
25 answered this, just say so, but I'm curious, do you remember

1 seeing, there's a red buoy right off the dock, QM-14, do you
2 remember taking that one down your port side or do you remember
3 seeing it? I'm sorry, your starboard side, which should've been
4 on your starboard side.

5 MR. SPOTTS: Yes. Yes, starboard side.

6 CAPT LAYTON: Yes.

7 BY MR. MUISE:

8 Q. Yes, you do remember seeing it go down the starboard side?

9 A. Correct.

10 MR. MUISE: Okay, all right, that's all I have. Thank you
11 again, Captain.

12 CAPT LAYTON: In fact, approximately 200 feet --

13 MR. SPOTTS: Captain, Captain, Captain, there's no question.

14 MR. MUISE: Thank you. I'll pass it back to you, [REDACTED]

15 MR. [REDACTED] Mr. Apelis?

16 BY MR. APELIS:

17 Q. Yeah, Captain, it's Markus Apelis. Before you depart a dock
18 after unloading, do you do any sort of pre-departure safety
19 checks?

20 A. Yes.

21 Q. Can you describe those for us?

22 A. We check propulsion, navigational equipment, stability of the
23 boat.

24 Q. Do you monitor weather conditions and current conditions, if
25 applicable?

1 A. That's constantly monitored.

2 Q. Are there other conditions about the departure process that
3 you review prior to departure and during the departure that allows
4 you to assess and minimize, if necessary, any risks that you may
5 encounter?

6 A. Yes, water levels, water flows, even traffic, it's all being
7 assessed.

8 Q. And did you make those assessments on this particular voyage
9 departing this particular dock on the day in question?

10 A. Yes.

11 Q. Okay.

12 A. Yes, absolutely.

13 Q. I'm sorry if you told us before, but as I understand it, the
14 -- what was the -- after you finished unloading but before you
15 left the dock, what was the water level in the number 7 tanks?

16 A. Five feet.

17 Q. And was that the same water level that was in those tanks
18 when you arrived at that port?

19 A. Yes.

20 Q. And then was it thereafter when you completed unloading that
21 you gave the order to increase to 15 feet or your normal ballast
22 condition?

23 A. It was when we were departing, it was after we had unloaded.
24 It wouldn't be actually we're departing.

25 Q. Okay. How long does it take to go from the 5 feet in number

1 7's to 15 feet in number 7's?

2 A. Quite some time. You know, an exact amount of time is hard,
3 but maybe 40 minutes to an hour.

4 Q. Would you still be in the channel by the time the number 7's
5 reached 15 feet?

6 A. Absolutely. And I'd be in the St. Mary's River a long time.

7 MR. APELIS: All right, those were the --

8 CAPT LAYTON: But still within the channel.

9 MR. APELIS: I'm sorry. Okay. No, I understood.

10 CAPT LAYTON: But still within the channel.

11 MR. APELIS: Okay, thank you, Captain.

12 CAPT LAYTON: Sure.

13 MR. [REDACTED] Mr. Spotts, sir?

14 MR. SPOTTS: Is it okay for me to go, [REDACTED] Yes, thank you.

15 MR. [REDACTED] Yes.

16 BY MR. SPOTTS:

17 Q. I think I can bring us some clarification to the ballast
18 questions that Mr. [REDACTED] had. Captain, did you make it
19 clear to Mate Stills that you wanted number 7 tank to be
20 maintained at 5 feet?

21 A. Yes, I did.

22 Q. Okay. And he would've considered that an order from you,
23 true?

24 A. True.

25 Q. And at some point in time during the Besco/Stills watch, he

1 determined that Mr. Besco had started pumping into number 7 and
2 ordered him to reduce it back to five, is that true?

3 A. That is true.

4 Q. And then after you departed the dock, did you get a call from
5 Mr. Besco regarding commencing pumping in number 7 and number 8?

6 A. Yes, I did, he asked for permission.

7 Q. All right. And at that stage three generators were on line,
8 is that correct?

9 A. Yes, that is correct.

10 Q. All right. And in order to use the pumps -- the generators
11 are on line mainly because of your thrusters, is that correct?

12 A. You are correct.

13 Q. All right. And so in order to commence pumping, it's much
14 easier to do it if the generators aren't devoted to the thrusters,
15 is that true?

16 A. You are correct.

17 Q. Okay. And so you don't have any recollection of the precise
18 time that Mr. Besco called you, as referenced in the engineer
19 ballast log, but you know it was after your departure because you
20 were busy at the time, true?

21 A. True. That is correct.

22 Q. Okay. And so getting back to the generator situation, once
23 the -- Mr. Besco has it, that you can -- he can commence pumping
24 into 7 and finish off number 8, he's got to put the pumps in line
25 and he's got to find some way to get power to them without

1 interfering with your use of the thrusters, correct?

2 A. That is correct.

3 Q. And that takes some time, but once you're finished with the
4 thrusters, that increases the opportunity to pump into 7 and 8, is
5 that correct?

6 A. That's correct.

7 Q. All right. But that's long after Mr. Besco is gone from
8 watch, because the first engineer had taken over at 07:30,
9 correct?

10 A. Correct.

11 Q. So the pumping would've been finished, not by Mr. Besco, but
12 by the first engineer.

13 A. Mr. Parsons, correct.

14 Q. Okay. I hope that helped. Captain, what is your vision?

15 A. I have 15/20 in one eye and 20/20 in another eye.

16 Q. And do you have any -- do you have any problems with night
17 vision?

18 A. I do not.

19 Q. Okay. And are you critical of the information provided in
20 marking Vidal Shoals Channel?

21 A. Am I critical of that information? Yeah.

22 Q. Yes. Having experienced this casualty, can you comment on
23 your opinion with regard to whether Vidal Shoals Channel shoals
24 are marked properly?

25 A. In my opinion they're not marked properly because my vessel

1 came in contact with an obstruction that wasn't marked while I was
2 operating in the channel.

3 Q. Okay. And what are winter marks?

4 A. They're little unlit spar buoys.

5 Q. Okay. And this substitutes for summer marks, which are
6 larger, more prominent buoys?

7 A. And lit, yes.

8 Q. Okay. Do you have any comments about Chart Number 14884 with
9 regard to its assistance to you in understanding the obstructions
10 in this channel?

11 A. Well, the scale is -- the scale could definitely be
12 increased, meaning lower, I believe, the scale is 1/20th. Yeah,
13 with a scale that large, it distorts, it distorts the chart and
14 the perceived path of the ship. So I would recommend increasing
15 the scale.

16 Q. Okay. And have you looked at the U.S. Coast Pilot regarding
17 -- and the Canadian Coast Pilot, for that matter, regarding what
18 it says to advise mariners about Vidal Shoals?

19 A. What it says? There's very little info about Vidal Shoals.

20 Q. Okay, but is it true that you looked at it both before and
21 after the shudder?

22 A. Yes, of course.

23 Q. Or this incident, I guess I could say. All right. And did
24 you find the information to be accurate in the U.S. Coast Pilot?

25 A. No.

1 Q. All right. And why is it inaccurate?

2 A. There's very little info about the whole area and again, as
3 far as marking, you know, being well marked, I don't believe it
4 was.

5 Q. Okay. Okay, Captain, what is your certificate of inspection?

6 A. Manning requirements.

7 Q. Okay, who issues your certificate of inspection for this
8 vessel?

9 A. The Coast Guard.

10 Q. All right. And is it fair to say that the United States
11 Coast Guard regulates the manning of your vessel?

12 A. Yes, that's correct.

13 Q. And was your vessel manned in accordance with the U.S. Coast
14 Guard regulations?

15 A. It was, yes.

16 Q. I should say on January the 7th, I'm sorry, correct?

17 A. That's correct.

18 Q. All right. And is there anything in your certificate of
19 inspection that requires anybody to be in your pilothouse but you?

20 A. No.

21 Q. All right. So as far as you're concerned, on January the
22 7th, 2023, departing Sawmill Bay, you were in complete compliance
23 with the manning requirements of the United States Coast Guard, is
24 that true?

25 A. That is correct. True.

1 Q. Okay, just let me look at my notes for one second, please.

2 Oh. After you experienced the shudder on January the 7th, 2023,
3 did you notice any difference in the maneuverability
4 characteristics of your vessel?

5 A. No, it was normal. Everything was normal.

6 MR. SPOTTS: Thank you, Mr. [REDACTED] Those are the only
7 questions I had.

8 MR. [REDACTED] Marcel, did you have something additional?

9 MR. MUISE: I have one follow-up just based on that line of
10 questioning.

11 BY MR. MUISE:

12 Q. I heard you mention a Canadian chart. Captain, are you
13 navigating using paper charts or Rose Point?

14 A. I'm navigating looking out the window. We have Rose Point
15 and Canada uses our charts, 14884.

16 Q. Okay. And --

17 MR. SPOTTS: Yes, Mr. Marcel, it's a U.S. chart.

18 BY MR. MUISE:

19 Q. Okay, all right. I knew we were using Rose Point before, so
20 can you see the paper chart or the Rose Point or both from where
21 you're conning?

22 A. Yes.

23 Q. Okay. And since you're on the Canadian side of the line, are
24 you using the Coast Pilot or the Admiralty Sailing Directions?

25 A. I'm using all available info.

1 Q. Is there Admiralty Sailing Directions for the Canadian side
2 of the river? Instead of the Coast Pilot.

3 A. Yes.

4 Q. There is? Do you have those on board?

5 A. Yes. Yes.

6 MR. MUISE: All right. I don't, because I know you have to
7 pay for them, so -- but okay, thank you, sir.

8 (Laughter.)

9 CAPT LAYTON: Yeah.

10 MR. [REDACTED] Okay, is there anything further?

11 MR. MUISE: And [REDACTED] that's all I had.

12 MR. [REDACTED] I'm getting a bit of a lag, so any other
13 questions?

14 (No response.)

15 MR. [REDACTED] Okay, nothing heard, so once again,
16 Captain, thank you. And thank you, Mr. Spotts, for making this
17 time available, it's greatly appreciated. And that's all I have.

18 MR. SPOTTS: And on behalf of the captain and myself, thank
19 you very much for all the courtesies you've extended to us.

20 MR. [REDACTED] Of course.

21 MR. MUISE: And with that, it's 14:09, I will secure this
22 recording.

23 (Whereupon, at 2:09 p.m., the interview 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 SAINTE MARIE,
ONTARIO, CANADA ON JANUARY 7, 2023
Interview of Captain Jeff Layton

ACCIDENT NO.: DCA23FM013

PLACE: Via Microsoft Teams

DATE: March 9, 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.



David A. Martini
Transcriber

Transcript Corrections for Second Interview of Capt. Layton

Page #	Line #	Correction
7	9-18	"Minimal ballast" should read "minimum ballast," consistent with the language of company documents. See Page 18, Lines 15-25.

The transcript is correct as spoken, however the clarification is noted.


Digitally signed by Marcel L. Muise
Date: 2024.01.04 14:39:27 -05'00'