

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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In the matter of: *

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MARINE BOARD OF INVESTIGATION *

INTO THE SINKING OF THE *SCANDIES ROSE* *

ON DECEMBER 31, 2019 *

*

* * * * *

Edmonds Center for the Arts
Seattle, Washington

Monday,
February 22, 2021

APPEARANCES:

Marine Board of Investigation

CAPT GREGORY CALLAGHAN, Chairman
CDR KAREN DENNY, Member
LCDR MICHAEL COMERFORD, Member

Technical Advisors

LT SHARYL PELS, Attorney Advisor
KEITH FAWCETT, Technical Advisor

National Transportation Safety Board

BARTON BARNUM, Investigator in Charge
PAUL SUFFERN, Meteorologist

Parties in Interest

MICHAEL BARCOTT, Esq.
Holmes Weddle & Barcott
(On behalf of Scandies Rose Fishing Company, LLC)

NIGEL STACEY, Esq.
Stacey & Jacobsen PLC
(On behalf of survivors Dean Gribble and John Lawler)

Also Present

LT IAN McPHILLIPS, Recorder

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P R O C E E D I N G S

(7:59 a.m.)

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2
3 CAPT CALLAGHAN: It is 0800 on February 22, 2021, and this
4 hearing is now in session. Good morning, ladies and gentlemen.
5 I'm Captain Greg Callaghan, United States Coast Guard, Chief of
6 Prevention for the 11th Coast Guard District. I'm the Chairman of
7 the Coast Guard Marine Board of Investigation and the presiding
8 officer over these proceedings.

9 The Marine Board has established a COVID mitigation plan to
10 comply with federal, state, and local requirements. As a result,
11 no members of the public will be permitted to view this hearing in
12 person. The Board will receive witness testimony through a hybrid
13 of in-person, virtual, and telephonic means. Members of the Board
14 have been spaced out far enough at the main table to remove their
15 masks while seated to maximize clarity and minimize disruption.
16 Members are to place masks back on at any time when leaving the
17 table and whenever approached by another person. I ask that
18 anyone who is unable to remain social distancing, please keep
19 their masks on unless actively speaking into the microphones.

20 Due to the extensive technology used to support this hearing
21 and the potential for unanticipated delays or challenges, I ask
22 that you please be patient with us in the event of any
23 disruptions.

24 The Commandant of the Coast Guard has convened this Board
25 under the authority of Title 46 U.S.C. Section 6301 and Title 46

1 C.F.R. Part 4 to investigate the circumstances surrounding the
2 sinking of the commercial fishing vessel *Scandies Rose* with the
3 loss of five lives on December 31, 2019, while transiting in the
4 vicinity of Sutwik Island, Alaska. There were two survivors.

5 I would like to take this opportunity to express my
6 condolences to the family and friends of the five crew members who
7 were lost at sea. I note that many of you are watching this
8 hearing on livestream due to the COVID restrictions in place, and
9 we appreciate you being with -- being here to join us.

10 Upon completion of the investigation, this Marine Board will
11 submit its report of findings, conclusions and recommendations to
12 the Commandant of the United States Coast Guard.

13 Other than myself, the members of this Board include
14 Commander Karen Denny and Lieutenant Commander Michael Comerford.
15 The legal counsel for this Board is Lieutenant Sharyl Pels. The
16 recorder is Lieutenant Ian McPhillips. Coast Guard technical
17 advisors to this Board are Mr. Scott Giard and Mr. Keith Fawcett.
18 This Board's media liaison is Lieutenant Commander Scott McCann.

19 The National Transportation Safety Board is also
20 participating in this hearing. Mr. Bart Barnum, Investigator in
21 Charge for the NTSB's *Scandies Rose* investigation, is here with
22 us, along with Mr. Paul Suffern.

23 Witnesses are appearing before the Board to provide valuable
24 information that will assist this investigation. We request that
25 all members of the public be courteous to the witnesses and

1 respect their right to privacy.

2 Members of the press are welcome to attend virtually, and
3 provisions have been made during the proceedings to allow the
4 media to do so. The news media may question witnesses concerning
5 the testimony they have given after I have released them from
6 these proceedings. I ask that any such interviews be conducted
7 with full consideration of the COVID mitigation procedures that
8 the Marine Board has established.

9 The investigation will determine as closely as possible
10 factors that contributed to the incident so that proper
11 recommendations for the prevention of similar casualties may be
12 made; whether there is evidence that any act of misconduct,
13 inattention to duty, negligence, or willful violation of the law
14 on the part of any licensed or credentialed person contributed to
15 this casualty; and whether there is evidence that any Coast Guard
16 personnel, any representative or employee of any other government
17 agency, or any other person caused or contributed to the casualty.

18 The Marine Board planned this two-week hearing to examine all
19 events relating to the loss of the *Scandies Rose* and five crew
20 members. The hearing will explore crew member duties and
21 qualifications, shore-side support operations, vessel stability,
22 weather factors, effects of icing, safety equipment, the
23 operations of the vessel from the past up to and including the
24 accident voyage, survey imagery of the vessel in its final resting
25 place. The hearing will also include a review of industry and

1 regulatory safety programs as well as the U.S. Coast Guard Search
2 and Rescue activities related to the response phase of the
3 accident after notification that the *Scandies Rose* was in
4 distress.

5 The Coast Guard has designated parties in interest to this
6 investigation. In Coast Guard marine casualty investigations, a
7 party in interest is an individual, organization, or other entity
8 that under the existing evidence or because of his or her position
9 may have been responsible for or contributed to the casualty. A
10 party in interest may also be an individual, organization, or
11 other entity having a direct interest in the investigation and
12 demonstrating the potential for contributing significantly to the
13 completeness of the investigation or otherwise enhancing the
14 safety of life and property at sea through participation as a
15 party in interest.

16 All parties in interest have a statutory right to employ
17 counsel to represent them, to cross-examine witnesses, and having
18 witnesses called on their behalf. Witnesses who are not
19 designated as parties in interest may be assisted by counsel for
20 the purpose of advising them concerning their rights. However,
21 such counsel are not permitted to examine or cross-examine other
22 witnesses or otherwise participate in the investigation.

23 I will now read the list of those organizations and
24 individual whom I've previously designated as parties in interest.
25 After I read the name of each organization or individual, I ask

1 that lead counsel announce their appearance on behalf of their
2 client.

3 Scandies Rose Fishing Company, LLC.

4 MR. BARCOTT: Good morning, Captain, members of the Board.
5 Mike Barcott for *Scandies Rose* and her owners.

6 CAPT CALLAGHAN: Thank you, Mr. Barcott.
7 Crewperson Mr. Dean Gribble.

8 MR. STACEY: Good morning, Captain. Good morning, everyone.
9 Nigel Stacey on behalf of crewmember Dean Gribble.

10 CAPT CALLAGHAN: Crewperson Mr. John Lawler.

11 MR. STACEY: Nigel Stacey of Stacey and Jacobsen again for
12 crewmember John Lawler.

13 CAPT CALLAGHAN: Thank you, Mr. Stacey.

14 MR. STACEY: Thank you.

15 CAPT CALLAGHAN: The Marine Board will place all witnesses
16 under oath. When testifying under oath, a witness is subject to
17 the federal laws and penalties for perjury for making false
18 statements under Title 18 U.S.C. Section 1001. Penalties could
19 include a fine up to \$250,000 or imprisonment up to five years or
20 both.

21 The sources of information to which this investigation will
22 inquire are many and varied. Since the date of the casualty, the
23 NTSB and Coast Guard have conducted substantial evidence
24 collection activities and some of that previously collected
25 evidence will be considered during these hearings. Should any

1 person have or believe he or she has information not brought forth
2 but which might be of direct significance to this investigation,
3 that person is urged to bring that information to my attention by
4 emailing uscg.scandiesrosembi@gmail.com. This email address will
5 be continuously monitored throughout this hearing.

6 Mr. Bart Barnum will now say a few words on behalf of the
7 NTSB.

8 MR. BARNUM: Thank you, Captain Callaghan. I am Bart Barnum,
9 Investigator in Charge of the National Transportation Safety
10 Board's investigation of this accident. The Safety Board is an
11 independent federal agency which under the Independent Safety
12 Board Act of 1974 is required to determine the cause or probably
13 cause of this accident, to issue a report of the facts, conditions
14 and circumstances related to it and may take recommendations for
15 measures to prevent similar accidents.

16 The NTSB has joined this hearing to avoid duplicating the
17 development of facts. Nevertheless, I do wish to point out, this
18 does not preclude the NTSB from developing additional information
19 separately from this proceeding, if that becomes necessary.

20 At the conclusion of this hearing, the NTSB will analyze the
21 facts of this accident and determine the probable cause,
22 independent from the Coast Guard. At a future date, a separate
23 report of the NTSB's findings will be issued which will include
24 our official determination of the probable cause of this accident.
25 If appropriate, the Safety Board will issue recommendations to

1 correct safety problems discovered during this investigation.

2 These recommendations may be made in advance of the report.

3 In addition, on behalf of the NTSB, I would like to offer my
4 deepest condolences to the families and those affected by this
5 tragedy.

6 CAPT CALLAGHAN: Thank you, Mr. Barnum.

7 The Marine Board will now take the oath. The recorder,
8 Lieutenant McPhillips, has been previously sworn in.

9 LT McPHILLIPS: Please stand, facing me, and raise your
10 hands.

11 (Board members sworn.)

12 LT McPHILLIPS: Thank you. You may be seated.

13 CAPT CALLAGHAN: This concludes the opening statement. At
14 this time, I would like to ask that everyone present stand for a
15 moment of silence in respect to those persons who have been lost
16 at sea as a result of this casualty.

17 (Pause.)

18 CAPT CALLAGHAN: Thank you. At this time, we will now take a
19 five-minute -- or eight-minute recess and resume at -- sorry, we
20 will now take a ten-minute recess. We'll resume -- sorry, we'll
21 take a recess, and we will resume at 0830.

22 (Off the record at 8:12 a.m.)

23 (On the record at 8:29 a.m.)

24 CAPT CALLAGHAN: It is now 0830 on February 22nd. This
25 hearing is now back in session.

1 I would now like to ask Lieutenant McPhillips to pull Coast
2 Guard Exhibit 001, which is an overview of the incident.

3 (Audio playback begins.)

4 RECORDING: This is the United States Coast Guard's
5 Commandant's Marine Board of Investigation into the sinking of the
6 commercial fishing vessel *Scandies Rose* and the loss of five of
7 its seven crew. This presentation is Coast Guard Exhibit 001 and
8 is intended to provide basic, factual information about the
9 *Scandies Rose* accident and the voyage. This hearing is conducted
10 with full participation of the National Transportation Safety
11 Board.

12 The purpose of the investigation is to determine whether
13 there is evidence that any failure of material, either physical or
14 design, was involved or contributed to the casualty so that proper
15 recommendations for the prevention of the recurrence of similar
16 casualties may be made; whether there is any evidence that any
17 evidence of misconduct, inattention to duty, negligence, or
18 willful violation of law on the part of any licensed or certified
19 person contributed to the casualty so that appropriate proceedings
20 against the license or certificate of such person may be
21 recommended and taken under 46 U.S.C. 6301; or whether there is
22 evidence that any Coast Guard personnel or any representative or
23 employee of any government agency or any other person caused or
24 contributed to the casualty.

25 The hearing session and the ongoing investigation will focus

1 on pre-accident historical events, regulatory requirements, vessel
2 operations to include training and stability, vessel condition,
3 crewmembers duties and qualifications, past operations of the
4 vessel, and the Coast Guard Search and Rescue operations. This
5 photo of the *Scandies Rose* was taken in June of 2019, and there
6 are no crab pots on the deck forward of the vessel's
7 superstructure.

8 This slide shows the crew of the *Scandies Rose*. The
9 photographs of the fisherman and mariners who perished are on the
10 top of this slide, and the two survivors are on the bottom. The
11 *Scandies Rose* had a total of seven crew. None of the crew were
12 credentialed or licensed mariners.

13 This slide shows the *Scandies Rose* accident location and the
14 position of the sunken vessel off the southeastern tip of Sutwik
15 Island, to the southwest of Kodiak Island, Alaska.

16 Departing from Kodiak Island, the *Scandies Rose* intended to
17 travel to the fishing grounds through the Shelikof Strait along
18 the southern edge of the Alaskan Peninsula. This slide shows the
19 vessel's transit to its last known position off the southeastern
20 tip of Sutwik Island, which is indicated by the red circle.

21 The automatic identification report of the last position of
22 the *Scandies Rose* was at 9:51 p.m. Alaskan Standard Time on
23 December 31, 2019. The last forecasted weather conditions prior
24 to the accident called for a gale warning with heavy freezing
25 spray and large seas. The details are contained in this weather

1 forecast.

2 The *Scandies Rose* was required to have survival and safety
3 equipment aboard to comply with Federal Regulations. On the top
4 left is an example of an immersion suit, sometimes called an
5 exposure, gumby, or survival suit. In the center, there's an
6 image of a self-inflating and righting life raft, and at the right
7 is a photo of a self-deploying emergency position indicating radio
8 beacon, known as an EPIRB. The image in the bottom left shows an
9 example of day and night signaling flares and smoke flares. The
10 bottom right image shows the type of life ring the vessel was
11 required to carry.

12 To acquaint the public with lifesaving equipment, these
13 photographs illustrate open ocean use. These photos are not
14 related to the sinking of the *Scandies Rose*. On the upper left, a
15 Coast Guard rescue swimmer approaches a life raft with the
16 inflatable canopy partially collapsed. Below that image, the two
17 survivors are in immersion or survival suits, awaiting the arrival
18 of a swimmer near the door of the life raft canopy. The one in
19 the bottom right shows a mariner in training wearing an immersion
20 suit which provides protection from the effects of cold weather.
21 The suits are designed to protect from hypothermia and increase
22 the chances of survival in cold water immersion.

23 On the evening of December 31, 2019, there were numerous
24 other commercial fishing vessels at sea off the Alaskan Coast.
25 Some of them are represented here in this slide. This slide shows

1 the positions of the fishing vessels from the previous slide
2 relative to the last known position of the *Scandies Rose*.

3 From the time of notification to the Coast Guard, three large
4 MH60 helicopters and two C130 multi-engine fixed-wing aircraft
5 participated in the Search and Rescue activities, along with the
6 378-foot high-endurance cutter *Mellon*. What is not shown on this
7 slide are the human and communication resources and command
8 centers, air stations, and logistics and repair facilities that
9 support these Search and Rescue operations. The hearing will
10 explain the span of Search and Rescue operations from the Coast
11 Guard notification until the active search was suspended on
12 January 1, 2020. Two of the crewmembers of the *Scandies Rose* were
13 recovered, and five souls were not recovered and were presumed
14 deceased.

15 On February 11, 2020, Global Diving and Salvage conducted an
16 underwater search for the *Scandies Rose* using multi-beam side scan
17 sonar. The vessel was located lying on the seabed on her
18 starboard or right side in an average water depth of 166 feet.
19 The area representing the *Scandies Rose* is tinged brown in color
20 in this image. Below or to the south of the vessel itself in the
21 light green color is the debris field believed to be miscellaneous
22 equipment, including the crab pots and gear.

23 (End of audio playback.)

24 CAPT CALLAGHAN: Lieutenant McPhillips, I will now ask that
25 you pull up Coast Guard Exhibit 085 please. And when you're

1 ready, you can hit play.

2 (Exhibit 085, recording of *Scandies Rose* mayday call, plays.)

3 CAPT CALLAGHAN: Thank you, Lieutenant McPhillips.

4 The time is now 0840. This hearing will go into recess and
5 resume at 0915.

6 (Off the record at 8:39 a.m.)

7 (On the record at 9:15 a.m.)

8 CAPT CALLAGHAN: The time is now 0915, February 22nd, 2021.
9 The hearing is now back in session. We will now hear testimony
10 from Mr. Dan Mattsen.

11 Mr. Mattsen, please come forward to the witness table and
12 Lieutenant McPhillips will administer your oath and ask you some
13 preliminary questions.

14 LT McPHILLIPS: Please stand and raise your right hand.
15 (Whereupon,

16 DANIEL R. MATTSEN

17 was called as a witness and, after being first duly sworn, was
18 examined and testified as follows:)

19 LT McPHILLIPS: Please be seated. Please state your full
20 name and spell your last.

21 THE WITNESS: My full name is Daniel Richard Mattsen,
22 M-a-t-t-s-e-n.

23 LT McPHILLIPS: Please identify if counsel or a
24 representative is present and have them state and spell their last
25 name, as well as their firm or company relationship.

1 THE WITNESS: Michael Barcott here.

2 MR. BARCOTT: Mike Barcott for *Scandies Rose*. Last name is
3 B-a-r-c-o-t-t. The law firm is Holmes Weddle & Barcott.

4 LT McPHILLIPS: Please tell us what is your current
5 employment and position.

6 THE WITNESS: I am the principal of Mattsen Management and
7 I'm also the captain of the fishing vessel *Amatuli*, which is
8 primarily a tender vessel at this point.

9 LT McPHILLIPS: What are your general responsibilities in
10 those jobs?

11 THE WITNESS: Well, running the *Amatuli*, it's a tender, so
12 I'm a captain and I have to navigate, meet the obligations of the
13 chartering company, and take care of the crew. Take fish. As
14 Mattsen Management, I'm mainly in charge of the big-picture items,
15 the strategic "what are we going to do next," how are we going --
16 what seasons are we going to participate in, how -- negotiating
17 tender rights, things like that.

18 LT McPHILLIPS: Can you briefly tell us your relevant work
19 history?

20 THE WITNESS: Well, I'm pretty old, so briefly it's kind of
21 difficult, but I've been in the fishing industry since 19 -- well,
22 actually, I started in 1974 when I started processing. I went
23 back and went to college, resumed my fishing career in 1980 and
24 have primarily been a fisherman ever since, and was a deckhand for
25 several years, a mate for a couple, and then started running

1 vessels. And I've run the *Billikin* for Trident Seafoods, run the
2 *Shaman*, which I owned for 15 years, and at that point, I --
3 somewhere around 2005 I sort of retired from fishing and took care
4 of my daughter, she came to live with me, and switched over to
5 mainly managing, and I've been trying to make a go of that. I
6 keep coming back to running a tender and things like that. It's
7 hard to give up the -- hard to give up the handle on the job stick
8 there, so I still -- still keep my hand in as a captain, even
9 though I'm primarily a manager.

10 LT McPHILLIPS: What is your education related to your
11 positions?

12 THE WITNESS: I have a degree in economics, a bachelor's
13 degree in economics with a minor in philosophy. I have a master's
14 in business administration. I have a master's license, 1600 tons
15 upon oceans, motor and steam, and I've done, I don't know, 8 or 10
16 different basic safety training, advanced firefighting, basic
17 firefighting, radar courses, bridge resource management courses,
18 things like that over the years.

19 LT McPHILLIPS: Thank you. Captain Callaghan will now have
20 follow-up questions for you.

21 CAPT CALLAGHAN: Thank you, Mr. Mattsen. I do understand
22 that you have a brief statement you'd like to make before we start
23 the questions, sir.

24 THE WITNESS: Yes. I just wanted to thank the Coast Guard,
25 both the rescuers on the Coast Guard Cutter *Mellon* and Air Station

1 Kodiak for their attempts to find more crew members, for their
2 efforts in saving the two survivors we had, and I'd like to thank
3 you all for this investigation. I really want to get to the
4 bottom of this and I hope that this hearing sheds some light on
5 everything. That's all I have to say.

6 CAPT CALLAGHAN: Thank you, sir. I'm now going to turn it
7 over to Commander Karen Denny, who's going to be in charge of the
8 initial round of questions for you.

9 Commander Denny.

10 CDR DENNY: Thank you, Captain.

11 EXAMINATION OF DANIEL R. MATTSSEN

12 BY CDR DENNY:

13 Q. Good morning, Captain Mattsen. Many of my questions are set
14 in the time frame leading up to and including the accident date of
15 December 31st, 2019, and some of my questions are also going to be
16 for the time after the accident date. My questions will focus on
17 the relevant information regarding Mattsen Management Company, LLC
18 and the *Scandies Rose* Fishing Company, LLC. So thank you for
19 being here today, we really appreciate it.

20 During this testimony segment we'll ask you questions and
21 we'll have scheduled breaks, but if you need a break, please let
22 us know.

23 There's exhibit binders right over there, but like we
24 mentioned before, there will be a virtual screen where we'll show
25 the exhibits. So we'll put that up. If you need us to zoom in,

1 please let us know. And also there's a laser pointer on your --
2 on the desk that should you need to point at anything on the
3 bigger screen, you can do that.

4 So, Captain Mattsen, before we begin, the Marine Board would
5 like to offer their condolences to you on the loss of your crew
6 and friends aboard the *Scandies Rose*. And again, if you need to
7 take a break at any point, please let us know.

8 I'm going to break this testimony into two main parts, the
9 first being you as the owner of the commercial fishing vessel
10 *Scandies Rose*, and then the second part is going to specifically
11 talk about the time frame of the accident voyage and what you were
12 doing on board the *Amatuli*, the fishing vessel that you were on at
13 the time.

14 Lieutenant McPhillips asked you some questions after he swore
15 you in and I'd like to follow up with some of those to get a
16 better in-depth understanding of your background and how the
17 *Scandies Rose* organization was.

18 Mr. Mattsen, could you please talk about your ownership of
19 the *Scandies Rose* and how you became involved in owning that
20 vessel? Specifically, how are you associated in the ownership of
21 that vessel?

22 A. Well, I retired from fishing and went to business school with
23 a grand idea to go into investment banking with a particular
24 knowledge about commercial fishing. Got my M.B.A. in 2008, which
25 the financial markets were imploding and it didn't seem like that

1 was the best course of action. I heard from another person you'll
2 be interviewing, John Walsh, that the owner of the *Scandies Rose*
3 was looking to sell and I thought about it for a while and did a
4 project at the business school, my last quarter there, analyzing
5 the prospects of owning it and put together a partnership with --
6 where Gary, myself, and John owned 50 percent of the boat and
7 three partners from Alaskan Leader Fisheries owned the other half
8 of the boat, and we bought it from Leif Larsen. And after several
9 years the Alaskan Leader guys were building a state-of-the-art
10 factory long-liner that, as those projects are wont to do, was
11 spiraling out of control on the budget side and they asked if we
12 could take them out, and I talked it over with the -- with John
13 and Gary and we decided to buy the rest of the boat. So that's
14 the genesis of the *Scandies Rose* Fishing Company.

15 Q. Okay, so thank you. So what was -- what was your role, like
16 being the *Scandies Rose* Fishing Company, LLC, if you guys had
17 roles, what was your role?

18 A. I was -- we use Mattsen Management as a -- just a vehicle to
19 manage the company. So I was primarily the manager through that
20 and then just held my ownership share which, through kind of a
21 quirk, ended up at 50.2 percent. So I owned it, Gary ran it, and
22 what we would do every year, generally during salmon tendering, we
23 would talk over what the coming year looked like, what we were
24 going to focus on, if there was any changes in the strategy we're
25 going to use or any changes in personnel, that's when we'd try and

1 implement them.

2 And so I was kind of the big-picture guy and then I also was
3 the person who made sure the bills were paid and if we needed
4 financing, I had more familiarity with going to banks and
5 explaining what we were doing and how -- you know, where the pay-
6 out was going to come from and how we could pay them back and so
7 -- so I did that. And occasionally, I mean, on two separate
8 occasions I ran the *Scandies Rose* when there were Alaska
9 Department of Fish and Game charters, because in their -- in their
10 charter documents they require a licensed captain and Gary's not
11 -- Gary was not licensed, I was, so I went up and ran the boat for
12 those 35-day charters on several occasions.

13 Q. Okay, that makes sense. Thank you for clarifying that for
14 me. Could you explain to me, where does DRM Quota Company fit
15 into that organizational structure?

16 A. It's just that -- yeah, just own some quota. DRM Quota is my
17 quota -- one of my quota companies and it -- the reason why it's
18 separate from, say, Shaman Capital or Mattsen Fisheries is it's
19 primarily my IRA and I figured out how to get NMFS RAM to accept
20 an entity that had 20 percent ownership by a natural born person,
21 which would be me, and then 80 percent ownership by an IRA for the
22 benefit of me.

23 And so at one point I had an opportunity to buy quite a bit
24 of quota. Gary bought some of that, too, and John bought some of
25 that and a couple other people who we fished -- whose quota we

1 fished, also set up entities like that. It was just a way to
2 structure quota share. It doesn't really make any difference
3 because all the quota is -- at the beginning of every season, you
4 just add up the pounds that you have and so you have 600,000
5 pounds of opilio to catch and 27,000 pounds of king crab or
6 whatever, you know, so it doesn't really matter what the
7 underlying ownership of those individual shares are. DRM Quotas
8 had nothing to do, other than providing quota for the vessel.

9 Q. Understood. Thank you. And so that's -- I understand that
10 that is separate than that. Before, you mentioned that you ended
11 up having 52 percent of the ownership of the *Scandies Rose*. Would
12 you be able to tell us what the percentage of ownership was for
13 Mr. Walsh and for Mr. Cobban?

14 A. Actually, it was 50.2 percent.

15 Q. Oh, I'm sorry. Thank you, 50.2.

16 A. And John Walsh owned 19.8 percent and Gary owned 30 percent.

17 Q. Okay, thank you. I appreciate that clarification.

18 Lieutenant McPhillips, please pull up Coast Guard Exhibit
19 002, the *Scandies Rose* Certificate of Documentation.

20 Mr. Mattsen, could you explain what this document called the
21 Certificate of Documentation is, please?

22 A. You could probably explain it better than I can. It's a
23 required document, every vessel has to have a Certificate of
24 Documentation or if it's a small vessel, oftentimes state
25 registration is fine, but for vessels my size you'd have to have a

1 Certificate of Documentation on board, which would explain the --
2 what you could do with the vessel, basically. And so like I've
3 got a fisheries endorsement. I'm not really sure what the Coast
4 Guard's endorsement gives me otherwise, but I've got the fishery
5 endorsement and so that tells me that I am okay to fish with the
6 *Scandies Rose*.

7 Q. Okay, awesome. And could you tell us how often that needs to
8 be renewed?

9 A. Every year.

10 Q. Okay. All right. You mentioned before -- Lieutenant
11 McPhillips, you can take that down. Thank you.

12 Mr. Mattsen, you mentioned that you -- that you own the
13 *Shaman*. Do you in part or in whole own any other vessels in
14 addition to the *Scandies Rose* and the *Shaman*?

15 A. The *Shaman* is no longer mine.

16 Q. Oh.

17 A. I sold that, that vessel. I don't really want to talk about
18 it. But I own 50 percent of the *Alaska Challenger*, which is a
19 tender/cod boat, and I own 50 percent of the -- or actually,
20 Mattsen Fisheries owns these, so I want to make that clear. And
21 Mattsen Fisheries owns 50 percent of the *New Venture*. And the
22 reason why I want to make that clear is because John Walsh is also
23 a partner in Mattsen Fisheries, so I don't own those in entirety.

24 Q. Okay, thank you. It can get confusing, right, because you
25 have all these different entities, so do you -- is the ownership

1 and management structure similar to how it was for the *Scandies*
2 *Rose* where you explained that, you know, you ran the big picture,
3 you managed and then you had a captain that was running the vessel
4 and was in charge of operations and then, you know, there's
5 Mr. Walsh, how did he fit in that structure?

6 A. Mr. Walsh was basically -- he handles insurance, he's got a
7 -- he's a principal in a large marine insurance business and when
8 I was having struggles during the -- right around the year 2000,
9 John just offered to help out and buy into the *Shaman*. So the
10 easiest way to do that was for him to buy into Mattsen Fisheries,
11 so he ended up with a piece of Mattsen Fisheries and he's been my
12 partner ever since.

13 He has no -- nothing to do with the management or operation
14 of the vessel. We do still insure through his agency, so that is
15 really his point of contact, it's that he -- he arranges for
16 insurance coverage with a lot of other boats and we are part of
17 that same group that gets insurance from him.

18 Q. Okay, thank you. So then for the *Alaska Challenger* and the
19 *New Venture*, which you have ownership in, is the structure and
20 management the same, organizational structure and management?

21 A. Yes, pretty much. I don't -- I'm trying not to be an active
22 captain and focus on just the management side of things. I'm a
23 short-timer in the industry, I mean, I'm 65, so it's -- I'm not
24 long for putting up with this, you know, and doing all the -- all
25 the grunt work here. It's going to -- you know, I'll be plotting

1 an exit over the next 5 years and maybe sit back in the sun.

2 Q. Okay. So then let's focus a little bit about the management
3 side of things. Can you talk to me about what documents there are
4 that might explain the roles of the owners and then other
5 significant people that work on the vessels in part or in whole?
6 So you kind of delineated, you know, what Mr. Walsh's role was,
7 what your role was, what Gary's role was. Are there any written
8 documents that delineated those things?

9 A. Not really. It's only a three-person partnership at most, so
10 you know, we -- we would just meet periodically and especially
11 since I started running the *Amatuli* during the summertime, I spent
12 all summer -- well, at least -- at least the Bristol Bay portion
13 of a tender contract, talking with Gary on a daily basis.

14 So we would have plenty of opportunity just to talk about
15 where we were going and what we were thinking, ideas, crazy ideas,
16 you know, just the usual partnership banter and, if anything, if
17 we were thinking anything radical, which generally we weren't, I
18 mean, the *Scandies Rose* was of limited focus, you know, it was
19 primarily a tremendous salmon tender and opilio-catching machine.
20 So it wasn't like we were going to give up any of those fisheries.

21 But as far as quota share leads, if you knew that somebody
22 was looking for somebody else to harvest their quota, Gary and I
23 would just discuss that, and the most appropriate person would
24 make the approach to go talk to that person. You know, sometimes
25 if it was a Kodiak person who was looking for somebody to run

1 their quota, Gary would go talk to them because he had a personal
2 relationship, he went to school, went to high school there. If it
3 was somebody outside the industry or whatever, I might make a call
4 and just, you know, fish it. And sometimes, you know, John, just
5 because he had a wide range of insurance contacts, might, you
6 know, make the initial contact to see. But other than that,
7 there's really no formal documents, it's just a small partnership.

8 Q. Okay. So then understood, no written documentation defining
9 the roles. How about any written documents that outline your
10 expectations for the role of captains for, specifically, the
11 *Scandies Rose* or -- or like for other captains that run any of
12 your other vessels?

13 A. Well, we have an employment contract which is slightly
14 different for captains. Basically, it puts them on the hook for
15 maybe some lost pots and I'm really not -- I'm really not clear on
16 exactly what we all put in there, but we did feel the need to have
17 a separate contract for a captain than for just a crew member
18 because the captain does have executive responsibilities. We
19 could probably produce that for you, if need be.

20 Q. I believe we have Mr. Cobban, Captain Cobban's contract,
21 captain contract, and we might be getting into that just a little
22 bit later.

23 A. Oh. And you know, just to switch back a little bit, in our
24 LLC operating agreements, Mattsen Management is listed as the
25 manager, so that would be a document that would have that. But as

1 far as delineating what exactly the management responsibilities
2 were, we kept that purposely vague because at the time we set up
3 these LLCs, we really didn't know exactly how the company was
4 going to function.

5 Q. Okay, that's fair. And that was -- that was around 2009, so
6 throughout the years you guys didn't develop like any kind of
7 written kind of standard operating procedure for delineation, and
8 that's okay if you didn't, but I'm just making sure.

9 A. No.

10 Q. Okay. So then can we talk a little bit about what you did in
11 terms of day-to-day management for the *Scandies Rose*?

12 A. Mostly I deferred to Gelia Cooper, who you'll be talking to
13 after me, as far as day-to-day, the mundane, is everybody drug
14 tested, is every -- are the contracts all done or the
15 authorizations to release medical records, where are the direct
16 deposits, Gelia took care of all of that.

17 My interactions were mainly with Gary and were mainly about
18 when are we going to get started, what are we going to do, what's
19 your plan, what are you thinking, are you going to fish low, are
20 you going to fish high, you're going to -- you know, are we going
21 to fish codfish before opilio, which is the only real question
22 mark because king crab opens, you're going to fish king crab.
23 There's not a question of oh, well, we're going to skip king crab
24 this year, you wouldn't, you wouldn't do that.

25 But January 1st -- actually not even January 1st, but around

1 December 27th, 28th, the *Scandies Rose* always got ready to go to
2 depart and would either go fish codfish or go fish opilio right
3 after that. And we primarily erred -- not erred, but we primarily
4 focused on opilio, we'd like to get a quick start on opilio and
5 neglected cod for several years.

6 Q. Okay. And since we're here, could you tell us why you chose
7 to do that for several years and why you -- why the *Scandies Rose*
8 was going to shift to cod for that season?

9 A. Sure, sure, we fish the crab because our main quota share
10 owner, the person that we -- who provided probably 60 percent of
11 our crab, didn't want us fishing cod. He wanted to get his opilio
12 caught, so we would just -- and we needed that, we needed the crab
13 to fish much more than we needed the relatively meager paycheck
14 for cod.

15 And the reason why we shifted this over the past year was
16 because of the threat of rationalization, there's some -- a
17 portion of the industry wanted to turn the cod fishery, Bering Sea
18 cod fishery, into a quota, individual quota fishery, and since we
19 didn't have any recent, very recent deliveries, we just thought it
20 was prudent to go make a trip.

21 Q. Okay. So going back to what you talked about, that you
22 mainly talk to Gary about like what are we going to fish, as the
23 vessel owner, did you have a say in where he fished and when he
24 left port?

25 A. Well, somewhat, but very limited. I mean, I would -- well,

1 several times for king crab, because I own some captain shares, I
2 would go on the boat but I would never take over. Even though I
3 was the majority owner, I would always just work as mate since
4 it's awfully hard to have two captains on a boat, and so Gary
5 would decide where we were going to fish and I would run the boat
6 at night and, you know, pull whatever pots were up for hauling,
7 but I wouldn't take the captain's job, and for me to try and tell
8 Gary Cobban where to fish would've been stupid because Gary was a
9 tremendous fisherman. And now we would talk back and forth, there
10 would be some "what are you thinking," you know, just are you
11 going to go south or are you going to go way up north because the
12 year before, the fishery had kind of shifted north, but we were
13 thinking that that was kind of a false flag and we could stay
14 farther south where Gary has had tremendous success in the past.

15 And so I wouldn't tell him that -- that he couldn't go north
16 or anything, but I might tell him, as the manager, that with our
17 profit-share agreement we get -- because we have a lot of
18 catcher/processor shares that we could get a better rate for the
19 processing side of things if we deliver to Akutan, which would be
20 -- if all things were equal, I'd rather you stay south rather than
21 go up, you know, to the 60-degree line and then really have to
22 deliver to St. Paul. But I would never veto it. If he said hey,
23 I can't find the -- I don't think I can find enough crab south,
24 I'm going to go north, I would've said okay. You know, it's
25 really his call.

1 Q. But did you have veto power? You referred to that as veto.
2 Did you have veto power or did anybody, did any one --

3 A. No, not --

4 Q. -- of the owners have veto power?

5 A. Not a formal veto, but -- I mean, now if Gary said well, I'm
6 not going to fish opilio, I would've had veto power. It's like
7 no, you know, we're going to fish opilio, of course, you know, but
8 -- but I mean, I was probably the one who said we really should
9 make a cod delivery, but once -- once we got -- we went back and
10 forth and, you know -- you know, Gary agreed that we should do it
11 because we couldn't pass up the opportunity, if there was going to
12 be rationalization, we would not want to be aced out of a fishery,
13 a fishery that *Scandies Rose* had a tremendous history in, a long-
14 term history.

15 If Gary would've then said to me well, I'm not fishing cod, I
16 would've said well, actually, I kind of do have veto power at that
17 point and I'll bring in another captain to fish cod and then you
18 can get the boat back for opilio, but that would never happen. I
19 mean, we would always come to some kind of agreement that would be
20 mutually satisfactory for both of us.

21 Q. Okay. So that was very helpful, thank you. You guys
22 obviously talk a lot, so what was your method of communication,
23 what were your methods, multiple methods of communication, like
24 e-mails, cell phones, like texting?

25 A. No, I'm mainly a cell phone guy. I'm old, I don't -- I mean,

1 I would text him, of course, on occasion, but mainly I wanted to
2 hear his voice because I mean, I can learn more by talking with
3 somebody than I can with texting. I can catch nuance, I can catch
4 inflection of voice and facial expression or sometimes just a
5 little hint of sarcasm or whatever that you don't get with
6 texting. So I prefer at least hearing their voice and preferably
7 face to face.

8 Q. Okay, all right. Awesome, thank you. So I'd like to
9 actually circle back to talking about documents and policies and
10 how you made sure that everybody that was employed by the company
11 kind of knew what their expectations were.

12 So did the *Scandies Rose* Fishing Company, LLC or Mattsen
13 Management Company, LLC have specific documents that communicated
14 what the owners' expectations on crewing, upkeep and maintenance,
15 like training requirements, safety requirements, drug and alcohol
16 policy, name the most significant ones, if you could just talk us
17 through generally if you had written policy on that.

18 A. Well, we have a drug and alcohol statement that everybody has
19 to sign. We rigorously enforce the drug testing, and Gelia would
20 take care of that, she would make sure -- she gave all the
21 captains, not -- kind of folders that would have all the documents
22 that were needed for each crew member before the boat could sail
23 and it was the captain's responsibility to make sure that the
24 contracts were signed, the alcohol statements, the -- you know,
25 like I said before, like the direct deposit information, banking

1 information, and next of kin and all of that, that that was all
2 taken care of. But Gelia would just ensure that those were all
3 received by her before they -- the boat sailed.

4 Q. Did you have -- does the company have a -- so obviously you
5 had a drug and alcohol policy and what was that, sir?

6 A. Basically, no drugs and no alcohol while you're fishing. I
7 recognize that we're kind of in an odd pool of participants for
8 crab and pot-fishing deckhands, so I would always add that if
9 you've got anything in your background here, just write it on the
10 back, tell me what happened, tell me how long ago it was, and I'll
11 -- I'll think about it.

12 Q. Okay. Did you happen to have anything in writing about over-
13 the-counter medication or prescription over-the-counter --
14 prescription or over-the-counter?

15 A. I don't know, I don't know. I don't think we did anything in
16 particular.

17 Q. Okay. Anything in terms of expectations for voyage planning
18 or weather considerations?

19 A. No. No, that's the captain's call and Gary was on a first-
20 name basis with the Ice Lady, who was mainly concerned, you know,
21 about when we're opilio fishing and so he would contact her
22 regularly if he had any concerns.

23 Q. Okay. And last one, how about did you have any written
24 policy about work/rest, work/rest hours --

25 A. No.

1 Q. -- to try and reduce fatigue?

2 A. No, but we did start giving a -- I'm not sure if this stuck
3 to the *Scandies Rose*, but just a description of deck work because
4 on the *Scandies Rose* we generally hire people who are well
5 experienced and, if anything, you'd have -- might have one person
6 who was green on the boat. So these guys, to fish on the *Scandies*
7 you're, you know, in the big time. We caught a lot of opilio, it
8 was a good, you know, solid boat and generally, people came to us
9 with more experience. On the smaller boats, sometimes you would
10 take a greenhorn and you'd want to have them know exactly what
11 they were getting into. The work is wet, it's hard, it's
12 monotonous, it's long hours, it's catch sleep as you can, you
13 know, there were all sorts of caveats we'd give to young people
14 who thought they wanted to be a crab fisherman because it's really
15 not a life for many people.

16 Q. Okay. So I mean, clearly, there's a lot of communication
17 happening, there is some documentation and some written policies
18 for the company and it seems that the way that you're talking,
19 that things were pretty autopilot in terms of like you guys had
20 been with it for a long period of time, your employees have a lot
21 of experience, so you had established certain established
22 functions like the drug and alcohol testing, the forms, you had
23 processes.

24 A. We also filled out -- you know, circling back to the
25 prescription drugs, we did have a health questionnaire that

1 everybody had to fill out, a detailed one, at least once a year
2 and then season by season just if they'd been off the boat, just a
3 shorter version of whether they could, you know, list if anything
4 had happened, if a guy had gone skiing and tweaked his knee or
5 something, you know, and just -- but -- and I'm not sure, to be
6 honest, I'm not sure if that list with prescription drugs on it,
7 Gelia could probably tell you more about that when the time comes,
8 but it could've.

9 Q. Okay. So I'd like to just jump into something that's
10 connected in terms of the safety training requirements for the
11 vessel.

12 Lieutenant McPhillips, could you please pull up Coast Guard
13 Exhibit 016, drill records?

14 Mr. Mattsen, are you familiar with this form?

15 A. Yes.

16 Q. Excellent. Would you mind just reading the header for us,
17 the title, as well as who was for the date that -- actually, if
18 you could go to page 3, Ian. I'm sorry, page 8. Thank you. That
19 one's a little hard to see, but if you can read it, sir.

20 A. Well, the header is "Fishing Vessel Monthly Drills and
21 Instructions." Then there's a vessel, so we could fill in your
22 vessel, the date and the time that you performed these monthly
23 drills, and we would do these -- this is actually a requirement of
24 the insurance pool that we're in from North Star Insurance. We
25 just have to do these monthly drills, which are required anyway, I

1 mean, we're supposed to do monthly drills, but our insurance
2 agency helps us keep us track and helps us -- you know, gives us a
3 form that is easy to run down.

4 Q. Okay. So then could you read the vessel name, the date that
5 was written in, the time that was written in, as well, please?

6 A. *Scandies Rose*, 12/31/19, 1834.

7 Q. Okay. So then it was performed at 1834 and this is a
8 screenshot of the page, because you mentioned that, like -- that
9 it's done on the vessel and that the vessel captains are
10 responsible to do it. So who gets sent these records?

11 A. Gelia Cooper.

12 Q. Okay. Are you made aware of them, as well?

13 A. I would be made aware if Gelia said to me hey, Gary's not
14 sending the paperwork or Peter or one of the other captains is not
15 sending the paperwork down, what do you -- what should we do about
16 this, and then I might have some input. But in the normal course
17 of things, I would not, if these were just being sent down as per
18 normal.

19 Q. Okay. And then for the record, if you can see what line
20 items -- if you could read out what line items 1, 2, and 4 are and
21 then whether those were done or not.

22 A. One is -- well, I certainly can't say if they were done or
23 not, because I was out to sea on another boat at this time. But
24 "Donning Immersion Suits." Did you say 1, 4?

25 Q. One, two, and four, sir.

1 A. One, two -- number 2 is "Radio Distress Calls" and number 4
2 is "Abandoning Ship."

3 Q. And based on this document here, the handwritten circle
4 indicates an affirmative, would you agree?

5 A. I would agree.

6 Q. Okay. And then based on the printed names on this particular
7 form, would you agree that that's the captain and crew of the
8 *Scandies Rose*?

9 A. Yes, I would.

10 Q. Okay, thank you.

11 All right, Mr. McPhillips, you can pull that one down.

12 And you mentioned that North Star, at the header at the top
13 on that form, you said North Star was the insurance company and
14 those are just template forms. Do you use those on other vessels,
15 as well?

16 A. Yes.

17 Q. Okay, understood.

18 A. I haven't used them on the *Amatuli* and we're not insured by
19 the same company, but it's just a -- it's a handy format to use.

20 Q. Do you change the header on the -- when you use it on the
21 *Amatuli* or --

22 A. No. No, I don't. That part of it is really irrelevant.

23 Q. Okay.

24 A. We're satisfying the federal requirement for monthly testing,
25 monthly drills, so the fact that North Star gave us that header

1 doesn't mean anything. It could've come from Walmart as far as
2 I'm concerned.

3 Q. It was just a way to record the drills happening, understood.
4 Okay. And you did say that North Star insures your other vessels,
5 as well.

6 A. Yes.

7 Q. Got it. I'd like to shift a little bit and talk about hiring
8 captains and crews. You've mentioned overarching, that the
9 captains of vessels really handle the operational side of that.
10 Can you tell me a little bit about what your input as vessel owner
11 is in terms of hiring of captains first, and then hiring of crew?

12 A. Well, my input on hiring captains is almost absolute. I
13 mean, I do hold the management, ultimate management decision
14 there, so no captain would be hired who I didn't approve of.

15 As far as crew goes, that's a much more nuanced question
16 because other than saying well, I don't like that guy or I've got
17 a bad experience with that person or whatever, it really is -- a
18 lot depends on the dynamics between the captain and the -- that
19 person them-self.

20 I mean, Gary may be able to work with people that I would
21 find difficult to work with just because of personalities and age
22 difference or interests, you know, just Gary might have a rapport
23 with somebody and just like Peter might have on the *New Venture*,
24 might have a rapport with somebody that I don't, you know, like.
25 So other than very seldomly use, I guess, ultimate veto power, I

1 mean, I guess I could say don't hire this person, I -- it's really
2 up to the captain.

3 Q. Okay. And then, so you communicated -- you communicated with
4 your captains and they let you know when they were hiring because
5 it seems fairly dynamic, the hiring process, if somebody drops out
6 and somebody else has to be hired on.

7 A. Yes.

8 Q. What's your expectation in terms of them communicating the
9 hiring of crew?

10 A. Really, not much. I mean, just if -- okay, if you -- if
11 you've got all the paperwork on them, have they -- have they -- I
12 mean, do you know this person, do you -- you know, just the usual
13 where did you hear about this guy or where's he fished before and
14 that kind of thing, you know, so do we -- did you check any
15 references, you know. Just other than that, not really -- I'm not
16 really hands-on on the individual person.

17 But you know, if he mentions somebody who I just would say
18 absolutely not, you cannot hire that person, here's why, he sued
19 me 6 years ago or whatever or anything, you know, silly like that,
20 I mean, I would be sure to voice my concern. But for the most
21 part, a captain figures out who he wants, he runs the paperwork
22 through Gelia, and if everything checks out, he's got himself a
23 site, got a boat.

24 Q. Okay. So then, I mean, a lot of that, those kinds of
25 conversations are easier to happen if you are shore-side. Do you

1 have the same level of expectation for that kind of communications
2 if you're under way versus if you're shore-side?

3 A. Well, I couldn't -- we had really no communication between us
4 until Gary left port, so I didn't know who he'd hired on the crew
5 or anything like that. You know, just -- and our main form of
6 communication was tag phone and the tag phone when you're moored
7 right in Kodiak is very problematic. So I did not -- I left town
8 earlier, a couple days earlier before him and until he left port,
9 I had no communication with him. Once he got through Whale Pass,
10 he gave me a call and we talked.

11 Q. Okay. So out of curiosity, do you ever track -- as owner, do
12 you ever track the other vessels' movements? Not just if you're
13 under way, but like if you're shore-side?

14 A. Sometimes out of curiosity, if I'm on the beach, we can do
15 that with the VMS, but not under way. I had my own issues on the
16 *Amatuli*. I mean, we were going through shit weather the entire
17 way down from Kodiak, so I had my hands full just being the
18 captain of my own vessel. I wasn't about to try and be the
19 captain of two vessels at once.

20 Q. Okay. So then you mentioned the tag phone is the way that
21 you communicated. Do either the *Amatuli* or the *Scandies Rose* --
22 are they outfitted with any equipment that would kind of enhance
23 the ability to talk, either Iridium, like an Iridium or a similar
24 type of phone, satellite phone?

25 A. Yeah, we've got Fleet One on the *Amatuli* and I'm not sure

1 exactly if we already had moved to Fleet One. We did have a
2 satellite phone, though, on the *Scandies Rose*.

3 Q. Okay. The satellite phone on the *Scandies Rose*, are you
4 aware, to the best of your recollection, if there was anything,
5 any technology that would allow for Internet connectivity?

6 A. Yeah, there was. There was. There was a KVH system, I
7 believe.

8 Q. Okay.

9 A. And I'm not sure who the underlying provider is, whether
10 that's Iridium or whatever, but --

11 Q. Okay. Okay, so I've asked a lot of questions about that
12 topic. I'd like to shift a little bit and have you kind of
13 explain a phrase that you mentioned a little bit -- a while
14 earlier. I want to talk a little bit about the concept of a
15 co-op, the co-op that the *Scandies Rose* belonged to, and I was
16 hoping that you could walk us through what the purpose of the
17 co-op is and then what the *Scandies* -- how the co-op functions in
18 relation to the *Scandies Rose*. Where did the *Scandies Rose* fit
19 into that?

20 A. Well, that's pretty nuanced here. Most of us belong to an
21 overarching cooperative of the -- it's called the ICE cooperative
22 and now -- and then we belong to boating districts within that.
23 And so our boating -- because originally, when the quota system
24 came into being there were a lot of small co-ops and at first,
25 NMFS RAM was pretty obstinate about how you transfer quota back

1 and forth. Like suppose you've got, say, a thousand pounds of
2 king crab you have to catch and you bring in 1200 pounds. Oops,
3 made a mistake. And at first, it was difficult to do a transfer
4 then after the fact, but it really doesn't matter as far as the
5 resource goes, as long as if there's a million pounds total of
6 crab, then a million pounds are caught. So we formed the ICE
7 cooperative, Inter-Cooperative Exchange, in order to facilitate
8 transfers back and forth between vessels because a lot of times
9 with the share-match requirements for standard shares, catcher
10 vessels shares, you -- you might have like, say again, let's just
11 say we've got a hundred thousand pounds to catch, you might have
12 40,000 pounds of that share matched with Trident and 20,000 with
13 Peter Pan and other canneries and then have your B shares, too,
14 which can be delivered anywhere and you just might be talking to
15 another guy who's got the exact opposite problem, he's got shares
16 with -- more shares with UniSea and fewer shares with Trident and
17 so you just do a quick exchange.

18 It doesn't matter for the underlying quota shareholder, they
19 get paid the same, but it makes it a lot simpler if Boat A can
20 just go to UniSea and Boat B can just go to Trident rather than
21 have to try and coordinate multiple deliveries to multiple
22 canneries. So the cooperative makes almost zero difference as far
23 as the operation of the vessel other than facilitating transfers
24 and making it a little bit simpler.

25 Q. Okay, that was very helpful. Thank you. But is there any --

1 do all of the players in the cooperative, do they -- can they or
2 will they ever provide instructions to a vessel with regards to
3 its movement, like oh, no, I can't accept your product?

4 A. No, no. I mean, you can make a call and say hey, Joe, I hear
5 you want to get rid of some Peter Pan crab and he might say no,
6 I've got it figured, or we're going to deliver there, we have to
7 go there anyway, you know, that kind of thing. But no, the co-op
8 doesn't function like that. Now, within a particular boating
9 district, you might have your own rules. In our boating district,
10 which is called crabbing, there are only two or three boats that
11 fish and maybe a dozen or 15 total quota shareholders that are
12 involved and there's never any direction from the -- from the
13 manager of our boating district.

14 Q. So the co-op or managers of the boating districts would never
15 influence a vessel needing to be at the fishing ground at a
16 certain date and time?

17 A. No.

18 Q. Like, that's not -- okay. And then how does -- does the
19 co-op at all play in specifically related to the -- to ground fish
20 like cod? Does the co-op matter for that fishery --

21 A. No.

22 Q. -- in any way?

23 A. That's a fill-a-derby-style fishery.

24 Q. Okay.

25 A. So you don't -- your co-op has no influence. Now, there

1 could be for some co-ops which have a lot of northern shares, you
2 may be up against -- because Trident, which is the only processor
3 up there, wants to get their -- be efficient, and so they want to
4 get their northern shares caught so they can have less time for
5 their crew, but it's really -- it's not relevant for the *Scandies*.
6 *Scandies* does not deliver in -- did not deliver in St. Paul, ever.
7 We had primarily catcher/processor shares which can be delivered
8 anywhere and we would always try to deliver to Akutan, if
9 possible, because of our financial arrangement with them. It was
10 just more -- it was better for us financially if we delivered to
11 Akutan, so that was always our goal.

12 Q. Okay. Thank you, Mr. Mattsen. I'm going to go ahead and
13 shift this a little bit to focus more on the *Scandies Rose*. Who
14 was responsible to make sure that the *Scandies Rose* was seaworthy
15 and materially sound?

16 A. Well, I think -- I think both myself and the captain were. I
17 mean, I wouldn't -- like I said, I was out at sea, I took off
18 before. Now, Gary and I arrived in Kodiak at the same time, we
19 were on the same plane. He was coming from Juneau and I was
20 coming, you know, from Seattle. But he went to his boat and I
21 went to mine and I just focused on getting my boat ready, so Gary
22 focused on getting his boat ready. Gary and I met, met up every
23 day until I left, it was just a couple days where we'd grab a cup
24 of coffee and just see how things were going with each other, but
25 that was the extent of it. Gary was ultimately responsible for

1 making sure the boat was seaworthy and he wouldn't leave unless
2 the boat was seaworthy.

3 Q. So if you guys -- since there were multiple owners and you
4 guys talked about stuff, how did -- how was it decided on who to
5 use for dry docks, repairs, things of that nature, how was that
6 decided?

7 A. That would be me. That would be me. But it would also be --
8 of course, Gary would have input, because if he said -- I mean,
9 maybe he could outline a problem that would be better handled in
10 Seattle because of vendor availability.

11 Suppose we had to do major engine work and we needed Pacific
12 Power, well, we wouldn't want to pull the boat out in Ketchikan if
13 we had to pay for Pacific Power to be flying up there and putting
14 guys up in hotel rooms and having parts shipped in and everything
15 else, so that might influence, say, a Seattle haul-out rather than
16 an Anacortes haul-out or a Kodiak or Ketchikan haul-out.

17 So again, it's back and forth. The operator would tell me
18 what we need to do and if it's just a shave and a haircut, that's
19 one thing. If it's major engine work, that's another.

20 Q. Okay. So then in the last 18 months, to the best of your
21 recollection, how many -- how many dry-dock or dockside periods
22 did the *Scandies Rose* have?

23 A. I think just one, I think just the one that -- we usually
24 haul out -- we usually haul out every 2 years and -- but bring the
25 boat south every year, so the boat always comes down for a

1 maintenance period, but I think we only haul out every 2 years.
2 And Gelia could probably -- she's probably looking it up now and
3 can probably tell you if I'm wrong that in the last 18 months we
4 hauled it out, but --

5 Q. So to the best of your recollection, when was the last time
6 that it was hauled out and when -- what was that time period and
7 where?

8 A. It was in the spring of -- what year was that?

9 MR. BARCOTT: Nineteen.

10 THE WITNESS: Spring of '19, yeah, before -- before salmon
11 season it was hauled out up at Lovrics yard in Anacortes.

12 BY CDR DENNY:

13 Q. And that was a scheduled --

14 A. Yeah.

15 Q. -- every 2-year one, and so --

16 A. Yes, that was bottom paint, zincs, you know, prop nuts, check
17 shaft alignment, you know, just the usual shave and a haircut at
18 that point for them.

19 Q. And did you have a work list that was more than shave and a
20 haircut?

21 A. Of course.

22 Q. Was there anything that -- okay, could you talk to us about
23 that a little bit?

24 A. Of course, we had -- well, we didn't do this at Lovrics, but
25 we repaired -- did the repair that was ultimately redone on the --

1 well, they're called shit chutes but crab, excess crab disposal,
2 discard chutes, but -- so we had that done down in Seattle, but we
3 were waiting because you can't just waltz into a shipyard and say
4 I'm ready to be hauled out, I mean, they had their schedule, too.
5 So we had some time in Seattle where we hired a crew to do some of
6 the work and the ongoing maintenance was ongoing this entire time
7 and Art, Art there in -- another fellow, and we were just kind of
8 working on a slow bell, three or four of us doing some of the work
9 around the vessel in Seattle and then we brought them up to
10 Anacortes, also.

11 Q. So what was the problem exactly with the starboard chute?

12 A. It's just metal wastage. Metal wastage.

13 Q. How was that brought up to you or Gary, was that that Gary
14 noticed it or other people noticed it and they let you --

15 A. Yeah, Gary noticed it. You get -- there's a void underneath
16 that area, it runs the entire length from the forepeak to the
17 engine room and we just noticed that there was water and so it was
18 like wait, wait, what's going on here, so we patched it up and
19 then said we really need to repair this and --

20 Q. And did you guys ever identify how much metal was wastage and
21 what needed to get cut out in the spring time frame?

22 A. Well, yeah, of course. And we cut out -- we cut out metal
23 and put in new metal and it was welded and that turned out to be a
24 crappy weld job, there was porosity to the welds, so we redid that
25 in December, November or December.

1 Q. Okay. So did you guys have -- so we talked about unscheduled
2 stuff and you handled that and is it fair to say that as --
3 budget-wise, as stuff came up, you were the one that paid for
4 those --

5 A. Um-hum.

6 Q. -- for those things? Okay. And then how about preventative
7 maintenance, did you guys have a preventative maintenance schedule
8 for -- you know, for different equipment, that you would recap it
9 or what have you?

10 A. Well, yes, but it wasn't -- it wasn't a formal kind of we
11 were going to rebuild this engine just because we said we were
12 going to rebuild it this year. It would be more looking at engine
13 hours, engine performance, and deciding that okay, this year we're
14 going to, you know, in-frame this generator and we'll look at next
15 year to in-frame the other one.

16 But we would perform operations like a borescope, you know,
17 where the mechanic would actually look down the cylinder and say
18 you're good, you know, this is fine, you don't need to do this
19 this year, so we just cancel that. If we can get another year out
20 of the engine, we would not in-frame it just because.

21 On the crab pumps, pretty much the crab pumps we had after a
22 hard year of crab fishing and tendering, we would almost always
23 pull them and redo them every year and pull them out. So that was
24 just part of our -- again, did we write it down and say we're
25 going to rebuild the crab pumps every year? No, but invariably we

1 did. So it was just kind of, you know, part of our -- part of our
2 routine.

3 Q. So did you guys have like a budget set aside for some of
4 those things that you knew was an every year kind of thing that
5 you have?

6 A. No, but the budget -- not a set-aside, but the budget was
7 always dealt with -- at the end of opilio, we would -- because the
8 boat would invariably come south and it would be okay, we have
9 \$600,000 in the bank, we're doing fine; what do we think we're
10 going to be spending here, you know, and we'd go down the list and
11 work on, you know, what projects and, you know, the in-frame of an
12 engine is going to be \$50,000, the crab pumps are each going to
13 cost several thousand dollars apiece, you know, and just go over
14 that, a haul-out will cost 50,000, you know, and just -- and so we
15 just -- we just work up a budget usually at that time of the year.

16 And then we'd look forward to okay, well, the next fishing
17 season, what's going to be different, is there anything we need,
18 do we need more pots, do we need pots re-webbed, you know, maybe
19 as you're finishing up opilio you could bring some pots to Kodiak
20 that we could re-web and that kind of thing, and then we would get
21 kind of an overarching budget that would be well, okay, we're
22 going to spend \$350,000 this spring, you know, is everybody good
23 with that.

24 And invariably, Gary would just -- because he wasn't really a
25 money guy, he would be like okay, well, that's our number then,

1 let's try and hit that. But generally, Gary would not participate
2 in the maintenance as much as I would because I'm down here most
3 of the time, so I would be hands-on on the -- what's going to be
4 done. Gelia would keep a big notebook with each project detailed
5 and every invoice that would come in, and Gary would get some much
6 needed rest and relaxation time.

7 Q. So is it fair to say that, based on what you just said, you'd
8 have a work list of stuff and you got feedback from him based on
9 what was working well, what might need a little bit of maintenance
10 or needs to be replaced? So you'd have this work list, but it
11 sounds to me, and correct me if I'm wrong, that you're saying
12 that, you know, you guys would have a budget and you guys would
13 prioritize so there would be something at some point, a cutoff
14 line for stuff that would be like okay, well, we can -- that's
15 doing okay enough that we can replace that next year or --

16 A. Of course.

17 Q. Okay.

18 A. Of course, that's just being discerning.

19 Q. Okay. So I'd like to talk about like with all of that
20 maintenance and the investment that you're putting into the boat.
21 Can you talk to me about marine surveys, specifically for the
22 *Scandies Rose*? Did you or a representative on your behalf engage
23 marine surveyors to conduct the condition evaluation survey for
24 that boat?

25 A. Yes.

1 Q. Okay. And what was the purpose for that, in 2019, for you to
2 engage that marine surveyor?

3 A. Well, we always do every time we haul out, so every 2 years
4 we'd have a survey and just for insurance purposes, the
5 underwriters would want to know that we were maintaining the
6 vessel and performing the -- you know, appropriate haul-outs,
7 replacing zincs, things like that. Nobody wants to insure a
8 vessel for three and a half million, four million dollars and see
9 that we're not replacing the zincs on it, but it's -- you know,
10 the boat was built in 1979, we're not -- we're not dealing with a
11 young boat, it's a boat that requires maintenance.

12 Q. Okay, that makes sense. And then, so can you tell us about
13 the level of scrutiny that the marine surveyor went into or what
14 you contacted that marine surveyor to do in terms of documenting
15 the condition of the *Scandies Rose*?

16 A. Well, the marine surveyor came by several times while the
17 boat was hauled out and just took pictures and reviewed what was
18 going on, on the boat, if repairs were being made, and then would
19 go down and note any equipment changes and what the boat -- what
20 the vessel looked like.

21 Q. Would the marine surveyor have gone into any void spaces,
22 like the one that you said where the starboard chute was that had
23 the wastage, would they have gone into that space?

24 A. Not necessarily. Not necessarily. Generally not, if they
25 were familiar with the vessel. Generally, on a first survey the

1 surveyor may go through single space and ascertain what's going
2 on, but we already -- those repairs were in process. So other
3 than going in that space, crawling through that space and going
4 okay, there's welding going on here, they wouldn't have seen that
5 until the very end.

6 And even then, you couldn't tell, you could not tell if the
7 welds were porous. It's not a -- it's not like there were big
8 gaps or anything, it's just the welds were not up to snuff, they
9 were not proper ABS-certified welds, they were -- and they weren't
10 dye checked or any of the nondestructive testing you could do on
11 those welds, and so that's where you were just getting seeping
12 through and you're seeing rust build up on the inside of the void.

13 But the surveyor would not have seen that because even if he
14 would have crawled through the vessel after it was done, all he
15 would've seen were welds and you wouldn't have noticed the
16 porosity of them unless there was some kind of nondestructive
17 testing done on them.

18 Q. Okay. So in terms of the marine surveyor, would he have
19 tested any of the equipment? Like, would he have run engines,
20 done steering checks? I know that you said that at one point it
21 was hauled out at Anacortes.

22 A. No, he wouldn't unless we pointed out something that we'd
23 done that was different or odd. Now, if you're buying a boat and
24 you bring a surveyor along with you, like I believe we had
25 Jake Jacobsen come up when we bought the *Scandies Rose*. So the

1 Scandies Rose was in Dutch Harbor, so when Gary and I came up
2 there, Jake flew up and we did run all engines. We ran everything
3 to make sure that well, we weren't buying a lemon, which I pretty
4 much knew we weren't buying a lemon, but I had to just make sure,
5 for my partners' benefits -- benefit, that everything was -- so we
6 ran everything just to make sure and put loads on the generators
7 and thought that we had, you know, made a good purchase, so we --
8 we moved on. But there's no reason for Jake or any other surveyor
9 to run the engines if we say the engines are running fine. And
10 especially with us, we had so many problems with those generators
11 over the years, the gensets, not the generator end, but the
12 engines running them, that we had, basically, a 2-year-old and a
13 3-year-old engine on our pro (ph.) gensets and we had two recently
14 rebuilt main engines that were giving no problems.

15 So other than looking around and making sure that all the
16 hoses and everything were good and if there wasn't obvious leakage
17 or exhaust leak, the surveyor would not automatically ask us to
18 start them, start them up.

19 Q. And you just said "we," right, so like "unless we told them
20 that there was a problem." So the "we" in that is either you or
21 the captain of the vessel, is that correct?

22 A. Yeah. Or we have had a port engineer at times, you know. So
23 if, when -- you know, our port engineer died last year, but when
24 Chip was around, we would -- he would be the primary
25 mechanic/engineer who was in my employ, who would guide the

1 surveyor if there was any need to say can you look at this, you
2 know, is there -- we think we might have an issue here. But we
3 also regularly audio gauge the hull just because it was a 40-year
4 old hull, you know, so we -- but we would do that on our own, you
5 know. Well, not on our own, we would hire somebody to do that,
6 but it wasn't like at the behest of the surveyor, but we would
7 show the surveyor the results, you know, if there were any issues.

8 Q. So would he have -- if you had shown him the gauging, hull-
9 gauging reports, would he then have put that in his condition
10 evaluation survey? Is that something that he would've added in?

11 A. I'm not sure. I think you probably have a copy of the survey
12 and I'm not sure that he puts the audio gauge done by a third
13 party in there.

14 Q. We do have it.

15 Lieutenant McPhillips, would you pull up Exhibit -- Coast
16 Guard Exhibit 004, which is the condition evaluation survey for
17 2019 for the *Scandies Rose*? If you could go to page 36, toward
18 the bottom, please. So scroll down a little bit.

19 Does this look familiar? This is the 2019 report produced by
20 Mr. Jacobsen for the *Scandies Rose*.

21 A. Um-hum.

22 Q. And if I could -- if I could actually have you read on page
23 -- making sure I'm in the right place. Could you read the section
24 toward the bottom that says "Construction and Structural" and if
25 you could read the notes, please?

1 A. Sure. "The vessel is well constructed with very good
2 scantlings and workmanship. The construction of this vessel is
3 extraordinary for a boat built by Bender Shipbuilding during the
4 late 1970's. The craftsmanship, materials, and design are on par
5 with the best of the West Coast-built fishing boats.

6 Number 2: Welds appear sound. The bulwarks, railings and
7 internal bulkheads available for visual inspection appear sound
8 and in good condition.

9 3. A crack on port rudder shoe support was repaired while
10 the vessel was in drydock" -- that's wrong there, it's 2019. So I
11 mean, we've -- and that's actually one thing that *Scandies* had
12 several times, we had cracks in that rudder shoe support and had
13 to repair them. That was one of the reasons -- one of the things
14 we would always look for when we hauled the boat out.

15 Q. Okay. So the reports were obviously pretty extensive, it's a
16 fairly large document, 47 pages, but you would get a copy of that
17 when you got a report, is that correct?

18 A. Yeah.

19 Q. And then would that -- would you produce -- would you give a
20 copy of that report to the insurance, as you mentioned, that it's
21 for insurance purposes?

22 A. Yes.

23 Q. Okay, understood. And in terms of the evaluation or the
24 condition of the vessel, you would not have pointed out the hull
25 repair work for the starboard chute to Mr. Jacobsen, or you would

1 have?

2 A. Oh, no, I probably would tell him. I would give him pretty
3 extensive lists of what we've done --

4 Q. Um-hum.

5 A. -- you know, and any improvements we've made just so that he
6 doesn't like, you know, gloss over it and just assume that we've
7 got the same, you know, crab lock or launcher that we had in the
8 last survey. I'd point out pretty much everything that we were
9 doing and I'd have him make note of it. Some things he wouldn't
10 think were, you know, that significant as far as the condition and
11 evaluation of the vessel, it might be a cosmetic repair or
12 something, but anything that was material I would point out to
13 him.

14 Q. Okay. I'm going to go ahead and shift -- I'm going to go
15 ahead and shift in terms of what we're talking about.

16 You can pull that down, Lieutenant. Thank you.

17 I do want to ask just a few questions with regards to the
18 insurance company and, you know, you produced those documents for
19 them. Have you ever heard of an insurance company denying
20 coverage because of a particular captain being employed on a
21 vessel?

22 A. Oh, yeah. Yeah. I mean, sometimes you have to have -- well,
23 in the insurance group that I'm a member of, and I've been a board
24 member for many years, I just recently left the board, we'd have
25 to get approval on every skipper and generally, you don't -- you

1 know, an owner has the most self-interest. He's not going to hire
2 somebody, or she is not going to hire somebody who they think is
3 going to crash the boat. So they'd give the recommendation and
4 say Joe Blow wants to -- we want Joe Blow to run our boat, here's
5 his experience. And so then we'd look at it and then the board
6 members could have any input if they knew this guy and said no,
7 he's bad news or whatever. To the best of my knowledge, we never
8 had to do that with our group of boats.

9 Q. Okay.

10 A. We never had to turn anybody down, but I have heard that
11 people could not get a job because they didn't have a license or
12 they didn't have the experience that the underwriters wanted.

13 Q. So have you ever heard of an insurance group denying coverage
14 because of the quality of a report or errors made in reports like
15 either a survey or a stability report?

16 A. I have not heard of that, but we use -- I mean, we use
17 Jake Jacobsen because his surveys are accepted as good surveys.
18 So I mean, I wouldn't go to a new surveyor unless I was forced to,
19 just because I know he's familiar with the boat, he's got a big
20 file that has year after year of *Scandies Rose* surveys and has
21 pretty much followed the improvements, repairs, and et cetera,
22 that we've made over the years.

23 So I would be leery, but there are several other surveyors
24 who are perfectly fine though, too, and if I had to bring them on,
25 it would be fine. It would just cost me more money because they

1 would have to do more background --

2 Q. Okay.

3 A. -- in order to catch up on all of the details of the
4 *Scandies*.

5 Q. Sure. How about naval architects?

6 A. I'm not here to hang anybody out to dry, but the reason why
7 we did -- we used Bruce Culver because he had done the original
8 survey, the original stability report, and again we thought that
9 he would have more familiarity with the boat and it was just going
10 to be a simpler incline test with Mr. Culver.

11 Q. Okay.

12 A. I've used Hockema Whalen on different occasions, too, for
13 different -- for like the *Shaman*, for example, and for the
14 *Billikin* years ago, but just because Culver had done the previous
15 stability report, we hired him.

16 Q. Okay. Sir, have you ever examined either the Coast Guard or
17 National Transportation Safety Board's Report of Investigation for
18 the *Destination*, for the sinking of the *Destination*?

19 A. No, did not read the report, but that's the reason why I did
20 a new stability report for the *Scandies Rose*. We just thought --
21 figured that everybody's using heavier pots than stability reports
22 were written for and a lot of these vessels have had alterations,
23 whether minor or major, and I just thought it was prudent to do a
24 new incline test.

25 Q. So those are some of the takeaways, for sure, from those

1 reports. How did you find out about them? As an owner, did you
2 maybe see those from the Marine Safety Information Bulletins or
3 safety alerts? Is that how --

4 A. I probably should say yes, but honestly, no.

5 Q. That's okay. No, no worries. Yeah, honesty is best. So
6 then how did you come to the decision to -- I mean, you named some
7 of those things like where you have things changed, so was it in
8 conversation with other fishing vessel owners?

9 A. I don't need to talk to any fishing owners about stability.
10 I ran the *Shaman* for 15 years and it had issues, I mean, just the
11 design of the vessel. I'm very familiar with vessel stability and
12 I was doing it for the *Scandies Rose*, which did not have issues.
13 I mean, it was a very, very stable platform. I just did it as a
14 matter of prudence, just as an owner looking at the feedback that
15 David Wilson got and I just said you know, it's time to do a new
16 stability report for the vessel. But I've done it for all three
17 of the vessels, you know, just got new reports because I just
18 think it's prudent.

19 Q. Did you use the same naval architect for all three boats?

20 A. No, I did not.

21 Q. And were you there for the actual -- when they were doing the
22 incline, the stability --

23 A. Of *Scandies*, yes, I was.

24 Q. Okay. And about what time frame was that? If you remember.
25 To the best of your recollection.

1 A. Let's see. Well, it was after the haul-out. It had to be
2 May. I think May of 2019. But I don't know. I probably got the
3 stability report here, so we probably could look it up, but it was
4 -- or it says April 2019, so that was it.

5 Q. Okay, perfect. And so during that time, how did that go?
6 Can you walk us through briefly how that day went, like how long
7 it took, who you met up with, how did that go?

8 A. Well, we took the boat to Northlake Shipyard after calling
9 ahead and making sure that they had room for us because -- and the
10 reason why we did that is Northlake has a big crane and we asked
11 if they had the ecology blocks, you know, that are used to shift
12 weight around and they said yeah, we've got some and we can have
13 it, you know, precision weighed. And so we went over there and it
14 probably took 6, 6 hours total. I wouldn't say it took more than
15 that, but they just set up their little bobbin, you know, to
16 measure the angle of heel and then we moved that weight.

17 Q. So you just said they, so was it more than the naval
18 architect? Did he have an assistant?

19 A. He had an assistant.

20 Q. He did have an assistant. And do you recall how he gathered
21 the data? Was he using like a tablet or taking notes on a notepad
22 or his assistant was --

23 A. You know, I can't recall. I can't recall, so I don't want to
24 speculate.

25 Q. Okay, not a problem. And you guys met up and he explained

1 what was going to be happening? Is that --

2 A. Yeah, just I've done incline tests before.

3 Q. Um-hum.

4 A. So I mean, he asked me -- he asked me where the fuel was, you
5 know, just what -- the crab tanks, if they were empty or full,
6 whatever, you know, and just -- and that was about it, you know,
7 and just -- and then set up their weight and the tank at the
8 bottom and we moved that, you know, weight back and forth, and he
9 measured the distances that it was being moved and, you know, then
10 he went to do his -- his work.

11 Q. Okay. And when you guys were talking about like he was
12 directing the movement of the ecology blocks, the weight?

13 A. Yes. But Northlake is actually just one, they have one giant
14 thing, so it was a little bit easier, but still you had to then
15 move a 10,000-pound weight around the deck.

16 Q. Okay. So in speaking to the naval architect, you were able
17 to clearly understand what the plan was to conduct that test?

18 A. Yes.

19 Q. Okay. Okay. I have a question in terms of the weight that
20 you were talking about. The result of that stability test was
21 that -- that the *Scandies Rose* could've carried 208 835-pound
22 pots. Does that sound right to you?

23 A. Yeah.

24 Q. Okay. Can we pull up Exhibit -- Coast Guard Exhibit 036,
25 page 5? It's the *Scandies Rose* stability report from 2019. So I

1 have just a few questions in regards to that.

2 The note -- the report in there says that that can be -- that
3 the *Scandies Rose* could pull 208 or carry 208 835-pound pots in
4 non-icing or icing conditions. And it further stated that -- you
5 know, it further states some conditions of carriage for those
6 pots. The words icing or ice are only contained in the report a
7 few times. Is that typical of what you've seen in stability
8 reports?

9 A. For a large house aft boat like the *Scandies* or say, the
10 *Billikin*, which I ran for 4 years --

11 Q. Um-hum.

12 A. -- yeah. Icing, moderate icing has very little effect on the
13 stability of those vessels. On a boat like the *Shaman*, which I
14 ran for 15 and owned for 15 years, yes, icing was mentioned much
15 more often because it's much more susceptible to changes in
16 righting angle.

17 Q. Okay. So for that large a vessel, you're saying that it's --
18 it's reasonable for it to not be mentioned as much?

19 A. As much, I would say. Yeah, not as much as a house
20 forward/western style combination boat. It's not just the size of
21 the vessel, but it's also the way it's built.

22 Q. Do you recall how the 2019 stability report compared to the
23 stability report that was previously in place, which was -- you
24 referenced earlier that it was the same naval architect that did
25 it, so I believe it was 1988.

1 A. I believe it was like 220 pots that we could carry under, you
2 know, optimal conditions with one load. And so, I mean, just
3 looking at it we were pleased because you can't -- these guys do
4 -- well, for example, the *Alaska Challenger*, my smaller boat, it's
5 stable with one tank down for a hundred and ten pots. I just got
6 done running the boat. You cannot put a hundred and ten pots on
7 that boat without going above the wheelhouse. So saying that 208
8 pots were possible, it would be very difficult to get 208 pots on
9 that boat or much less 220 pots under actual fishing conditions.

10 So the fact that they put a limit that was more than we were
11 going to carry was good news for us. At least we thought it was
12 good news, you know, that okay, since we don't push it that much,
13 we -- we should be fine.

14 Q. Do you recall if the calculations included the weight of the
15 gear that you would use or is that just for the pots?

16 A. Well, there's certainly the fuel, you know, I mean gear, but
17 we don't carry much other gear. On a pot-fishing boat you're
18 pretty much self-contained. Each pot has its own lines and buoys
19 and everything there.

20 So other than bait cans that are -- or bait sacks that are
21 thrown in there, which are minimal weight, it's really not -- it's
22 not an issue. I mean, if you take -- if you account for the bait
23 that's going to be in the freezer, the fuel that's going to be on
24 the boat, the water, your consumables, then that should be all you
25 need to know.

1 Q. Do you know if, for the calculations, the weight included
2 for what fishery, because I know that for some fisheries you
3 would need two shots of line; for some fisheries you need three
4 shots of line, which would weigh more. So do you know in the
5 stability calculations what was assumed? Was it for the most
6 conservative --

7 A. He asked me for the weight of the pots.

8 Q. Okay.

9 A. So I told him 835 pounds. I got that because the previous
10 king crab I had worked on the vessel --

11 Q. Um-hum.

12 A. -- and the Coast Guard had come down to the dock and just
13 randomly picked up three pots and "let's hook this one, this one
14 and this one" and 835 pounds was the real average weight of those
15 pots with two shots and buoys, the same buoy setup that would be
16 in it for cod.

17 The only difference would be you would have -- which would be
18 a minor weight of the cod triggers, they may weigh a half pound
19 apiece, so you might be adding another pound in there, but I'm not
20 sure that would be really relevant because the three pots that the
21 Coast Guard picked up, I think, were three pots that looked pretty
22 stout, too.

23 I mean, they weren't trying to undercount the weight, they
24 were trying to, if anything -- you know. And these were just the
25 inspectors in Dutch Harbor were trying to get a reasonable high

1 average and so I just use that as my weight of the pots.

2 Q. Okay. So once you got the report from the naval architect,
3 what did you do with it? Did you discuss it with the captains,
4 since there are multiple captains that were on the *Scandies*?

5 A. Yeah, there were multiple. It was all Gary.

6 Q. All Gary.

7 A. It's other than me. I mean, we've had other captains on
8 periodically for small seasons, but Gary was going to be the
9 captain for tendering and for the crab season, so there was no
10 need to talk with any other captains. Actually, Gary made several
11 requests that we get different scenarios for tendering, you know.

12 Okay, what about if number one and number two tanks are down
13 and what if -- you know, what if I go to number two and three, you
14 know, just how about one and three, you know. And also what are
15 the pot-carrying capabilities of that, but just so we could have a
16 clear understanding of the stability of the vessel.

17 Q. Okay. So then did you relay that to the naval architect and
18 was he able to produce --

19 A. Yeah.

20 Q. -- that information? Perfect.

21 A. Yeah, just based upon his own -- you know, the fact that he
22 had already moved the weight around, he could do the calculations.

23 Q. Okay. Were there any issues or concerns that you had with
24 the stability report that you received in 2019?

25 A. No.

1 Q. No?

2 A. No. I mean, I'm a fisherman, I'm an educated fisherman, but
3 I'm not a naval architect or an engineer.

4 Q. Okay. I'd like to shift a little bit to your role as captain
5 on the *Amatuli*.

6 CAPT CALLAGHAN: Commander, before you shift, could we use
7 this time to take a 5-minute break quick? So the time is 1042.
8 We're going to put the hearing in a 5-minute recess and resume at
9 1047.

10 (Off the record at 10:42 a.m.)

11 (On the record at 10:48 a.m.)

12 CAPT CALLAGHAN: It's now 1048, this hearing is back in
13 session. Back to you, Commander Denny.

14 BY CDR DENNY:

15 Q. Thank you. Sorry, I'm having a little bit of difficulty
16 here. Okay.

17 Mr. Mattsen, I know this is a lot of questions and I
18 appreciate your cooperation. What we have up here is page 11 of
19 Coast Guard Exhibit 001 and we just put this up, it's got an image
20 of the *Amatuli* on here and we wanted for the public to be able to
21 see the vessel while we're talking about it briefly because I
22 wanted to shift our attention to you as the captain of the *Amatuli*
23 during the accident time frame.

24 Could you tell us about the *Amatuli* in comparison to the
25 *Scandies Rose* in terms of, you know, the size, the age, the

1 propulsion and other details, like how did those two vessels
2 compare? Briefly.

3 A. The *Amatuli* is much smaller. It's old, it's -- Pacific
4 Fisherman built, I think, nine of these hulls and the *Amatuli* is
5 right near the first of them, built in 1967. The horsepower of
6 its main engines is probably 400 horsepower apiece. *Scandies Rose*
7 is 850 apiece. It's got three small gensets that each put out 90
8 kw and the *Scandies Rose* hotel (ph.) set third generator put out a
9 hundred kw, so each one of the big generators puts out 330.
10 *Amatuli* is 105 feet overall and maybe a 20 -- I'm not sure on the
11 beam, somebody's going to correct me online, I'm sure, if they're
12 listening to this, but probably 24-26 foot beam. The *Scandies*
13 *Rose* is 135 feet overall with a 35-foot beam.

14 Q. Okay.

15 A. So it's just a smaller version. It's a house aft crabber, a
16 former crabber, it's a tender only now, but it's a much smaller
17 vessel.

18 Q. Okay. Thanks, Lieutenant. Could we pull up Coast Guard
19 Exhibit 023, please, to page 15 and then 16-17?

20 And, sir, what we're pulling up right here is the AIS data.
21 So page 15, what you'll see up there is the *Amatuli*'s AIS data for
22 the 29th of December and then as we move forward, it will show the
23 30th and the 31st. So could you walk us through, very briefly, if
24 you can see -- can you see the dots okay, the --

25 A. Oh, yeah.

1 Q. Yeah, okay. If you could walk us through the *Amatuli's* track
2 and what you were doing there.

3 A. Yeah, I took off and I -- I'm not that familiar with Kodiak,
4 I mean, it's only been the last few years that I've spent
5 extensive time there. So looking at the tide and with my limited
6 knowledge, I didn't think I could make it through Whale Passage
7 efficiently, so I elected to go the other way. Instead of going
8 down the west side of the island through Shelikof Strait, I went
9 down the other side.

10 Side benefit is you get a lot more longer Internet and phone
11 service if you go down that side because of the MISLE launch site
12 and everything else. But I was really -- then I thought I missed
13 the tide, so I just went down to -- down the east side and cut
14 through north of the Trinity Islands and set a course for right
15 near the Semidies which are down at the lower border there and
16 that's basically a straight-line course towards Kupreanof Point,
17 and that was my -- that was my course, and the difference there is
18 you get a little bit sloppier sea if you get a northwestern --
19 northwesterly wind, but it's also a little bit warmer because it's
20 not coming right off the land.

21 Q. Okay. And so, Lieutenant, could you shift us to page 16,
22 please?

23 And that shows kind of a bigger-scale picture of the entire
24 transit and to the best of your recollection, is it accurate to
25 say that the *Amatuli* got to Dutch Harbor by the 31st of December

1 and that was its location at approximately 2152 local time? In
2 the Dutch Harbor area.

3 A. Yeah, probably. I was still making my way right into town.
4 We had stopped to see where -- we pulled into Unimak Bight, it was
5 just too rough for me to go through Unimak Pass, I was tired, it
6 was dark, and I did not want to go side-sea down to Dutch Harbor
7 being fatigued. So I pulled in and I dropped the anchor there,
8 spent the night, took off the next morning and was going to go
9 through Unimak Pass and the weather was still too foul, and Gary
10 actually suggested I go down Avatanak Strait and kind of -- if you
11 look at that -- on that last little bit, that's not a straight
12 line coming through Baby Pass and then going around Priest Rock
13 and heading into Dutch Harbor. I kind of had to make my way
14 almost over to Cape Cheerful and then turn down so -- to get in
15 there because the weather was just too -- it was too tough for me
16 to get in.

17 Q. Okay. And to the best of your recollection, what were the
18 weather conditions that you were experiencing?

19 A. Well, I got my log book right here, so --

20 Q. And then to the --

21 A. Because I think northwest 45 is what I wrote down on the
22 night in question.

23 CDR DENNY: So Captain, sir, for the benefit of the public
24 and the Board, we don't have a copy of the *Amatuli's* log, so may
25 we afterwards make a copy of that --

1 THE WITNESS: Yes, of course.

2 CDR DENNY: -- and then request that we make that an exhibit,
3 the next exhibit number?

4 CAPT CALLAGHAN: I would concur. I would ask the parties in
5 interest if there's any objections to that.

6 MR. BARCOTT: No objection.

7 CAPT CALLAGHAN: Mr. Stacey?

8 MR. STACEY: None from us.

9 CAPT CALLAGHAN: We will make that -- we will make that the
10 next Coast Guard exhibit.

11 CDR DENNY: Thank you, Captain.

12 BY CDR DENNY:

13 Q. So, Mr. Mattsen, while you're looking that up -- I'll
14 actually let you look that up and that way we can get an answer on
15 the weather conditions.

16 A. These are a couple denotations of horrible weather.

17 Q. Um-hum.

18 A. But on 12/31, I actually don't have a wind direction, I'm
19 mainly focusing on the barometer readings at that point and let me
20 see here, because I was getting past the worst of the weather, I
21 thought, so -- yeah. Yeah, for the 30th and 31st, I just have
22 barometer readings, I don't have the wind direction.

23 Q. Okay.

24 A. But previous to that, I have northwest 40-45 icing, you know,
25 written down and you can have the copy here.

1 Q. Okay. So we'll grab that from you in a little bit. But let
2 me ask you a couple questions with regard to that. So what was
3 *Amatuli* doing in late December and January? Were you guys also
4 set up to pot cod?

5 A. No.

6 Q. No?

7 A. No, we had a cod tender contract and I was under a bit of
8 time pressure because I -- our contract started on January 1st, so
9 obviously I couldn't start a contract if I wasn't there, so I had
10 a pressure to be in Dutch Harbor on the -- by the 1st, so that's
11 what our goal was, to get there on the 31st so we could clean off
12 the boat and say start paying us.

13 Q. Okay. And is there any connection -- so were you in any way
14 connected as the chase boat for Discovery Channel --

15 A. No.

16 Q. -- at that time? That was not --

17 A. No, we lost that contract, so they went with a different
18 boat. We did it for 7, 8 years but they wanted something a little
19 bit fancier.

20 Q. Okay, understood. So if you had a contract, you had cargo,
21 you had pots on board? You did not have pots on --

22 A. No, just tender gear.

23 Q. But just tender gear.

24 A. Just tender gear. Fish pump, which stays on the boat at all
25 times. Dewater box. Weigh box, you know, just --

1 Q. No extra gear.

2 A. -- the standard tendering for pumping off fish.

3 Q. Okay, understood. And so were you concerned, based on the
4 weather conditions, to the best of your recollection, did you --
5 did you have any icing concerns as you were transiting, for your
6 vessel?

7 A. Yeah, it was definitely icing, but on a crab boat like that,
8 you have no -- you have very little concern if you're not carrying
9 any weight that's going to raise the center of gravity of the
10 vessel. We didn't have anything, all of our equipment was
11 aluminum, it was all on deck, and I was monitoring it, of course,
12 when we were making ice, but it was not really a concern other
13 than me going out on deck, checking the forward -- checking the
14 forepeak and looking at that. Problematic because the deck boards
15 were all icy.

16 Q. Okay. And you left Kodiak on the 29th, is that correct? And
17 you arrived in Dutch Harbor right around December 31st because of
18 the 1 January contract. I just want to make sure I've got that
19 right.

20 A. Let me just -- let me look. I have actually departed on the
21 28th.

22 Q. Okay.

23 A. At 9:45 in the morning.

24 Q. Okay, excellent. And could you talk me through, like, when
25 you departed Kodiak, like, what were some of your concerns? Was

1 forecast weather one of your concerns?

2 A. Yeah, but it was a question of making the contract and is the
3 weather doable, and we thought we had a small weather window where
4 we could get down through the Semidies and get some shelter once
5 we got to -- next to the peninsula and from then on we could -- I
6 had hoped for smooth sailing, we didn't get smooth sailing, it
7 really howled out of Cold Bay and Pavlof Bay, but you know, it was
8 -- it was a difficult crossing. The reason why I was even -- I
9 wasn't going to run the boat. My wife has put her foot down, I am
10 not to be a wintertime fisherman, and I -- but my port engineer
11 was going to run the boat and I did not want him to run the boat
12 for the first time and have to take the trip from Kodiak to Dutch
13 Harbor in late December and January.

14 So I said well, I'll run the boat down there and I'll maybe
15 stay on for a trip or two to just make sure everything's going
16 fine and then I'll just fly out and you can run the boat. So
17 that was my goal, was just to be on there for maybe a week and
18 -- or maybe a few days extra, including transit time, but of
19 course, once I heard the news of the *Scandies Rose*, I flew out
20 immediately.

21 Q. Okay. Well, can you talk about that a little bit? So can
22 you tell us about when did you find about that the *Scandies Rose*
23 was in distress, how did you hear about that?

24 A. Well, I arrived in Dutch Harbor. Local time was -- well, by
25 the time we finally got tied up because there was nobody working

1 at Westford Seafoods, it was icy, it was miserable conditions to
2 try and get on the dock to even get a line over there. It took me
3 until about 1000 to 1100 local time to tie up, 2300, 10 to --
4 2250. So given that it was New Year's Eve, I called my wife, who
5 was out camping, and just wished her a happy new year and said I
6 was exhausted and I'm going to go to sleep, and I said I'll talk
7 to you in the morning, I said, but I'm just -- I'm beat and I said
8 I need to get some sleep. So I set my alarm on my phone for 7:00
9 a.m., told the guys, I had three crew, I told them that we were
10 going to get up early and get the boat squared away so that we
11 could legitimately say start paying us, we're on charter, and at
12 some point during the night -- and I was out, I was dead tired.

13 So at some point, probably 5 o'clock in the morning or so, my
14 alarm went off, at least I thought it was my alarm, so I bounced
15 out of bed and went downstairs, I'm going to wake up the crew, but
16 as I walked over to the far state room, I looked back at the clock
17 in the galley and said wait a minute, it's not 7 o'clock and I was
18 sure I had set my alarm for 7 o'clock, you know.

19 So I went back upstairs and looked at my phone and it had
20 blown up with people calling and, you know, offering condolences
21 and everything else, so that's when I found out about it, it was
22 about 5 o'clock in the morning, January 1st, and so I started
23 making phone calls, you know, just trying to get -- you know, talk
24 to my wife and talk to Gelia, who was actually -- Gelia was
25 camping with my wife, so they drove back home and started taking

1 care of the things that needed to be taken care of.

2 Q. Okay. So how involved would you say you were in directing
3 the company's response to federal requirements for a marine
4 casualty of this nature?

5 A. Very little, to be honest. Of course, the Coast Guard had
6 been directly involved with us so they knew what was going on and
7 my partner, John Walsh, had already called Mike Barcott and so it
8 was just a matter of -- I mean, I was pretty much in a daze at
9 that point because to even imagine that that could happen to the
10 *Scandies Rose* was almost incomprehensible to me. But we had
11 talked it over, should I come home, and Mike had said well, you
12 don't really need to come home immediately if you don't want to,
13 but I said no, I'm out of here.

14 I handed the keys to the port engineer and said -- asked him
15 if he was good and he said yeah, no problem, they can do it just
16 fine, and I arranged -- I didn't arrange, Gelia arranged for a
17 plane flight out for me and then we started this process.

18 CDR DENNY: Okay. Captain, I'm done with my questions at
19 this time.

20 Thank you so much, Mr. Mattsen, for your testimony. I
21 appreciate it.

22 THE WITNESS: You're welcome.

23 CAPT CALLAGHAN: Thank you, Commander Denny.

24 At this time I'll pass over to Mr. Bart Barnum from the NTSB.

25 MR. BARNUM: Thank you, Captain Callaghan.

1 BY MR. BARNUM:

2 Q. And thank you again, Mr. Mattsen. I do have some questions
3 for you, a little bit more about the company, I guess, Scandies
4 Rose, LLC and also Mattsen Management. In relation, you described
5 fairly well that -- the ownership between you and Gary and then
6 Mr. Walsh. Could you explain a little more about who owned the
7 quotas for the boat, fishing quotas?

8 A. Well, all three of us had quota and then we had two other
9 primary quota shareholders who had fairly large portions of quota,
10 Mr. Paul Duffy and Mr. Lou Laferrier (ph.), and so we've -- you
11 know, we just combine all the quota and the fish --

12 Q. Could you estimate the percentage breakdown, I mean, how much
13 did Gary own versus how much did you own as far as quotas?

14 A. Oh, man, Gary was fairly miniscule, I mean, he had quite a
15 bit of captain's shares but probably only maybe 6 or 7 percent of
16 the quota for Gary, that's probably all he owned. Between Paul
17 and Lou, they had about 60 percent and then the rest of it was
18 split up probably equally, fairly equally between John and I.

19 Q. Okay. You talked earlier about the drug-testing policy for
20 the boat and recordkeeping, I know this might be a question for
21 Gelia, as well, but typically how would you conduct or how would
22 you have the drug screens conducted for new crew or all your crew
23 members?

24 A. Typically, it would be done by a third party. We'd just have
25 either somebody in Dutch Harbor would come by and just perform all

1 the drug tests or else we'd take them up to a clinic if we were
2 leaving from Seattle. But we always have drug test kits on board
3 for last-minute hires or if we've got to pick up somebody, swap
4 out a crew member in a remote location, we're able to test on
5 board with just a cup and reading the stripes on the label.

6 Q. And who's in charge of administering it?

7 A. The captain.

8 Q. Yeah. And so he e-mails or how does he supply the results to
9 the company?

10 A. It would be better to talk to Gelia about that because she
11 actually handles that. But normally what we do is have them -- if
12 we have to perform the test like that, you pee in a cup --

13 Q. Um-hum.

14 A. -- you pull the label off after a couple minutes and hold it
15 up like this to your face and we take a picture of it. So Joe
16 Blow took this test, there are all the stripes, you know, Jill
17 Blow took that test and here are all the stripes, you know, that's
18 showing that you passed, so --

19 Q. And it's zero tolerance if anyone were to fail any one of
20 those?

21 A. Yeah, zero tolerance. Zero tolerance, especially --
22 especially for, you know, meth or opiates. You can't have
23 anything. Nowadays with pot, you almost can't find a crew member
24 who hasn't had some pot, and pot sticks in your system for a long
25 time, but you still have to be -- you know, you just can't have

1 somebody who's showing up on the test. The only exceptions I've
2 ever made is if somebody failed in Seattle, I'd let them ride the
3 boat up and say, you know, we're going to test you again in Kodiak
4 or Dutch Harbor, whenever we get there, and if you don't pass
5 that, you're on a plane coming home.

6 Q. And for THC or marijuana, do you make an exception for that
7 since it stays in your system for so long?

8 A. That's what I said.

9 Q. Yeah.

10 A. That's what I just said, is that I wouldn't make an exception
11 for it, but I might if we're doing a long transit --

12 Q. Okay.

13 A. -- I would let them test again and risk a plane fare on their
14 dime if they failed it.

15 Q. Okay. Thank you. Let's talk about fishing associations. Do
16 you belong to any personally or does the boat belong to any?

17 A. Well, we belong to Alaska Bering Sea Crabbers, but that's
18 mainly to get information, you know, just they keep their finger
19 on the pulse of the -- what issues affect crabbers, so you really
20 want to be at least peripherally involved.

21 Q. Okay. How about the United Fishermen of Alaska?

22 A. No, I'm not a member.

23 Q. You were talking earlier about training, you had taken some
24 extensive training throughout licensing requirements and whatnot.
25 Have you ever taken any training at the North Pacific Fishing

1 Vessel Owners Association or AMC, any of those organizations?

2 A. Yeah, the NPFVOA, that's right, in my drill instructor
3 course.

4 Q. Yeah.

5 A. I don't know that I've done many there, I mean, a lot of
6 stuff I've done, I had to do a master, mates, and pilots, things
7 like that, you know, for radio operator and Crawford, I think I
8 did bridge resource management down there and my radar examiner
9 tests. Usually, you just went down to Crawford's and I would just
10 test out where I don't have to take a course work, I know how to
11 plot, so -- and that was fine with them as long as I did the plots
12 and did them accurately, I was recertified.

13 Q. Did you ever take any stability training, specifically?

14 A. No. No, but I've taken extensive stability training in
15 running the *Shaman* for 15 years.

16 Q. Yeah.

17 A. And I might not be an engineer, but I know when a vessel is
18 unstable.

19 Q. Okay. How about the training organizations I mentioned
20 earlier, did any of the crew on board the *Scandies Rose* for the
21 accident voyage, that you know of, take any training there?

22 A. Well, other than advanced firefighting, I'm sure Gary took a
23 firefighting course. Other than that, I don't know. We don't
24 have any formal requirements that people go through training,
25 they're mainly trained on the boat, you know, just by doing the

1 safety drills and --

2 Q. Okay. Speaking of Captain Cobban, to your understanding, he
3 did not have a license. I believe earlier there was talk that he
4 had attended some sort of navigational school in his early years,
5 is that correct?

6 A. Yeah, he took courses right in Kodiak on navigation. Now,
7 Gary's been running boats since he was 16 years old, so his father
8 owned a boat and Gary couldn't get a license, he's color blind, so
9 he couldn't pass the physical based on color blindness alone, but
10 other than that, Gary had no problems as a captain.

11 Q. Had he ever taken any formal stability training --

12 A. No.

13 Q. -- that you are aware of?

14 A. Nothing I know of, so --

15 Q. Okay, a few questions on the vessel in particular. Did the
16 vessel have a heated bow?

17 A. Yes, it did.

18 Q. Could you explain that a little bit?

19 A. At some point during its history, long before I owned it,
20 Leif Larsen had done some bow modifications and put in a heater
21 between the old bow and the new bow, which was probably a foot
22 higher and I think it's a 60,000 watt heater and it was there just
23 to keep ice off the bow.

24 Q. Was that utilized?

25 A. I have no idea. I mean, I'm never on the boat in the

1 wintertime, so I -- it never came up as a maintenance item and
2 Gary said well, we got to look at the heater and repair it, so I
3 really have no knowledge of it. I just assumed it continued to
4 work but I don't know that.

5 Q. Okay. Could you please -- Lieutenant McPhillips, could you
6 please pull up Exhibit Number 4, page 3?

7 It's the -- Mr. Mattsen, this is the condition evaluation
8 survey. Page 3, I think it's up there, indicates that there was
9 modifications completed in 1988 and 1995. Are you familiar with
10 those modifications or can you speak of those?

11 A. Long before I ever bought the boat, but the vessel had a fire
12 at one point, that's when they rebuilt the wheelhouse, and if you
13 see where the -- what looks like a rub rail above the flower and
14 the Norwegian and American flags, I believe that part of the bow
15 has been raised up a little bit, that was the other modification,
16 but I don't know that for a fact and you'd have to find the old
17 owner to have him --

18 Q. Okay.

19 A. -- confirm that.

20 Q. So your understanding, the 1988 modification potentially
21 could be the fire and the '95 would be the modification of the
22 bow?

23 A. Yeah, you know, it happened so long ago, I think '88 was the
24 fire. I was not -- I was running the *Billikin* at the time and I
25 believe that's the case, but again, I don't know, that's a long

1 time ago. I wasn't involved at all in *Scandies Rose* in those
2 days, so it was just more of a background noise, you know,
3 *Scandies Rose* had a fire, do you know anybody on there, how are
4 they doing?

5 Q. Okay. I want to ask you a couple questions about the crab
6 tanks. Basically, you know, for the accident voyage, if Captain
7 Cobban was maintaining an empty tank, how would he monitor that?

8 A. Probably strip on it.

9 Q. Yeah.

10 A. He'd run a crab pump with the suction open towards the -- to
11 the pump and just pump it overboard, so you wouldn't be -- you
12 wouldn't have a sea chest open unless you might have a sea chest
13 just a little bit and then you would strip the water and the pump
14 would just keep pulling a little bit of water from the sea chest
15 and any water from the tank and pumping it straight overboard.
16 Standard operating procedure on crab boats.

17 Q. Would he do that consistently or only periodically?

18 A. It all depends. I would do it -- myself, I did it. Once we
19 left, if we needed an empty tank and I had crab pots on, we'd
20 strip the entire time, but I have no knowledge of what Gary would
21 do.

22 Q. Is there any sort of level indication that is on the bridge
23 that Gary would be able to know how much --

24 A. No.

25 Q. -- liquid is in that tank?

1 A. No. You got flow alarms on the pumps, so if you're running a
2 pump, you're just assuming -- you know, periodically you check,
3 but you're assuming that if the flow alarm is not going off that
4 you've got flow through that pipe, which would indicate that the
5 pump is still pumping water.

6 Q. Okay. So conceivably if he was not taking a suction on that
7 tank, if he wouldn't have a flow alarm, there's no other
8 indication of level on that tank?

9 A. No, but you can feel a slack tank and Gary's been running
10 boats, like I said, since he was 16. If he had a slack tank and
11 he was -- well, and he was awake, I mean, he would feel it.

12 Q. Was that tank -- so the tank wasn't equipped with a slack
13 tank alarm?

14 A. No.

15 Q. No. Are other vessels that you operate or are familiar with,
16 do they have slack tank alarms?

17 A. None of the vessels that I operate now have a slack tank
18 alarm, but we all have flow alarms on our piping, so that's what
19 we're relying upon.

20 Q. Could you describe the functionality of a slack tank alarm,
21 how does that function?

22 A. Well, some boats went with basically two bilge alarms, top
23 and bottom, so if you -- if the water's full, both of them, both
24 of the little floaty balls are up and if you -- if that's the
25 case, you're trying to do -- if you -- if one of them goes down,

1 it trips the alarm so then you would have indication that you've
2 got slack in your tank.

3 Q. Couple questions on the starboard void that we talked about
4 previously. Where can you access that void from?

5 A. From the engine room and from the forepeak.

6 Q. Okay.

7 A. Lower forepeak.

8 Q. And is that a hatch or a manhole?

9 A. Yeah, it's a standard oval whatever 20-volt hatch.

10 Q. Okay, so there's no dogs on the hatch, actually you have to
11 unbolt it?

12 A. No, it's a bolt-down hatch, an enclosed space.

13 Q. Okay. Were those hatches typically in place or are they
14 removed in the normal operation?

15 A. They're always in place in the forepeak and sometimes I
16 believe we had to plug in the voids, you know, just with a -- you
17 know, a capped hole that plugged and sometimes we would leave that
18 hole open on the -- in the engine room side.

19 Q. But the hatch would be in place, just the 1-inch plug?

20 A. Yeah, you just have a little plug and that would just be an
21 indicator for you that they're -- you know, because if you started
22 seeing water seep out of it you'd know, okay, we got a crack
23 somewhere or something.

24 Q. Okay. Any bilge alarms in that space?

25 A. I do not believe so.

1 Q. Okay. And while I'm on it, bilge alarms in the engine room?

2 A. Of course.

3 Q. How many in location?

4 A. Down in the lowest part of the bilge and I believe there's
5 only one, but there could be two. I'm not -- you know, I was only
6 the captain of that boat on two occasions, so --

7 Q. Okay. You mentioned audio gauging earlier to Commander
8 Denny. I see on the condition evaluation survey they have
9 indications that it was completed in 2003 and 2012, but you
10 alluded that it might have been more often than that, is that
11 correct?

12 A. No, probably not. I mean, that must be I had an indication
13 that we had a problem there. Generally, on these -- on these
14 boats you've got issues around your sea chests and issues around
15 your waste tank. They're very often the places that go rotten, so
16 -- but we had no indications there. We did an extensive repair on
17 the waste tank a long time ago, I'd have to look back through the
18 surveys, and so that removed that because we basically put a tank
19 inside the tank.

20 Q. Um-hum.

21 A. So there was no -- we weren't going to get any degradation
22 around the waste tank anymore and we check all the sea chests
23 every time we haul out.

24 Q. So there was no audio gauge completed after that 2012 audio
25 gauging?

1 A. Again, you can ask Gelia about that.

2 Q. Okay.

3 A. She might have the records. To the best of my knowledge, I
4 don't -- I can't recall one.

5 Q. Okay, all right. Crab pots. Okay, so we know that prior to
6 the king crab season for the *Scandies*, the Coast Guard weighed
7 some pots there in Dutch Harbor. Would those be the same pots
8 that were on board --

9 A. Yeah.

10 Q. -- the *Scandies Rose* when they departed Kodiak for opilio?

11 A. Yeah, they were because -- because Lance from Dungeness Gear
12 Works happened to come by the boat to talk to Gary and say -- and
13 he looked at these pots because we had re-webbed them with what
14 are called combo tunnels --

15 Q. Um-hum.

16 A. -- and the combo tunnels, they were made by Dungeness, we
17 replicated them, you know, we got them sent up from Dungeness and
18 taught the gear webbers in Kodiak how to put them in and Lance had
19 just taken a look at it and said, you know, these are not quite
20 right, you should really -- he told Gary, and I'm trying to recall
21 exactly what he said, he said you've got to either tighten the
22 tunnels or loosen them or something, but there was one thing that
23 he wanted Gary to do to make the pots fish better.

24 And so Gary brought all those pots to Kodiak at the end of
25 king crab, you know, every pot that he carried in December, he

1 carried back in late October or early November, and they took
2 every pot off and used come-alongs and tightened up or loosened up
3 the tunnels to Lance's spec and then, you know, retied them so
4 they were good, so he had looked at every single pot and then put
5 them back on the boat.

6 Q. Okay.

7 A. And that's all I know about it.

8 Q. Yeah. The size of those pots, there's a couple different
9 sources that I've seen referred to as 7 by 8 by 34, some of them,
10 I think I saw somewhere else 7 by 8 by 24. Can you confirm what
11 size?

12 A. No, that was wrong.

13 Q. Okay.

14 A. They're not 24, that would be way too small. They're 7 by 8
15 by 34.

16 Q. Okay. Does the vessel -- those 195 or those pots that Gary
17 brought back to Kodiak and left them on the accident voyage, does
18 the vessel or -- do they have access to other pots located in
19 other locations?

20 A. Well, we've got some more gear out in Dutch Harbor, but I
21 sold -- I had only 31 seven by eights. We have over a hundred
22 what we call eight by sevens. The seven by eights are seven foot
23 at the door, eight foot where the tunnel is on each side. The
24 eight by sevens are eight foot at the door and seven foot where
25 the tunnels are, so it's a little different configuration, and

1 that's just from one of Gary's old screwball ideas and anyway,
2 they worked, so I mean, he used those pots for years and we ended
3 up getting them for the *Scandies Rose*, but --

4 Q. And how many were those, how many were there?

5 A. We got about 115, I think, still in Dutch Harbor.

6 Q. In Dutch, okay. Are you familiar with the Alaska Department
7 of Fisheries and Game regulation for -- to contact the Coast Guard
8 24 hours prior to departure when fishing for crabs?

9 A. Yeah, but Gary would be familiar with that.

10 Q. Okay. Do you know if he did that for the accident voyage?

11 A. I have no idea.

12 Q. Okay.

13 A. Of course, again, I was out at sea, so I had no contact with
14 Gary after I left.

15 Q. Okay. But you sailed on the *Scandies Rose* while she's been
16 crabbing before, correct?

17 A. Yeah.

18 Q. Okay. Have you ever seen Captain Cobban contact the Coast
19 Guard prior to departure to notify them?

20 A. Well, before king crab the Coast Guard always comes down to
21 your boat and most of the time they just said that was the -- you
22 know, they said when are you leaving and Gary's just giving them
23 the time and then they said okay, well, we'll check your weight,
24 the weights of your pots, and this is the number of pots you're
25 going to put on here, you're good, you know. So they haven't been

1 -- it has not been you better call -- my God, you only called 23
2 hours, you can't go, you got to wait an hour, it's not like that,
3 they're not dicks up there.

4 Q. Okay. Have you ever seen it done for opilio season or just
5 the king crab?

6 A. I haven't, because it wasn't -- when I was an active opilio
7 fisherman, it wasn't -- that wasn't the rule.

8 Q. Okay.

9 A. And I'm never up there that time of year because I don't fish
10 -- I never fish on the *Scandies Rose* for an opilio.

11 Q. All right. My understanding, the cod fisheries broke in two
12 seasons and the *Scandies* was departing to participate in the "A"
13 season?

14 A. "A" season, yes.

15 Q. Does she also participate historically in the "B" season?

16 A. Well, we had tried to the previous year and just had -- we
17 were still re-webbing all those pots, pots that the *Scandies*
18 carried for king crab. It's just that the timing didn't work out.
19 It's going to be a short season and couldn't get the gear done,
20 rigged on the boat, get out there and fish in a timely manner, so
21 we just elected to pull the plug and concentrate on going king
22 crab fishing.

23 Q. What was the plan for this -- for the "B" season in 2020?

24 A. Going fishing.

25 Q. Taking fish.

1 A. Because we had all the pots, we'd have the hundred and --
2 there's been a lot of numbers talked about, how many pots were on
3 the boat. Gary told me there was 192 pots, so --

4 Q. Okay.

5 A. -- Gary would know better than anybody how many pots were
6 actually on the boat and so that's the number I'm going to use
7 because I believe that Gary knew more than anybody else, but so we
8 had 192 pots that were all freshly re-webbed and we had the cod
9 triggers for them, we had -- we would've been set for 2020.

10 Q. Okay. When did he tell you that he had the 192?

11 A. I'm pretty sure it was just on his way in. He might've had
12 195 when he left, but you oftentimes lose a few pots, just they
13 get tangled or a bad knot or a rotten line or something like that.

14 Q. Okay. Was Kodiak the traditional port of departure for the
15 *Scandies* during the opilio -- for the opilio season?

16 A. No, I wouldn't say so. Normally, we just keep the boat in
17 Dutch after king crab, but Dutch Harbor has so many transportation
18 issues now, you can't get a flight in, you got to -- you know, you
19 had -- well, recently we started transportation but you just --
20 you have to charter a plane to get in there.

21 Kodiak is a no-brainer, I mean, they've got Alaska Airlines
22 jets go in there and you can -- you can pretty much always get
23 into Kodiak. You might have a weather delay, but they take off
24 from Anchorage, they pretty much know they can get to Kodiak in an
25 hour, so it's a lot better than flying on a smaller plane up to

1 Dutch Harbor where it's going to take you three and a half hours
2 and they get out there at about Cold Bay, they go oh, we're going
3 to have to land here and wait for a few hours, you know. So we
4 just didn't -- and given that Gary had to do the gear work or
5 wanted to do gear work and Gary lives in Kodiak, it just seemed
6 like that was the best bet, to bring the boat to Kodiak.

7 Q. The pots that remained in Dutch, were those -- what were they
8 rigged for?

9 A. Mostly opilio. The king crab quotas have been so low, that
10 really don't have to have two loads of gear, so Gary just brought
11 one load of gear, cod and king crab, and delivered it, you know,
12 just -- we would've brought the other pots out for opilio.

13 Q. Okay. So I want to talk about -- ask you about the
14 conversations that you had with Captain Cobban during the accident
15 voyage. You mentioned earlier you guys communicate by tag phone.

16 A. Um-hum.

17 Q. Your counsel had provided us earlier, right after the
18 accident, with a call log, *Scandies Rose* call log, on that
19 *Amatuli*, they called *Amatuli* twice, two separate times with 10
20 minute conversations or so. Can you recall those conversations
21 and what was talked about?

22 A. Well, I recall when he called me shortly after getting out of
23 Whale Passage and, you know, we had -- just saying hey, I'm on the
24 way, blah-blah-blah, you know, just the usual stuff. And then the
25 second conversation I had with him was the time I was trying to

1 get through Unimak Pass and then he said I should just turn around
2 and go through Avatanak Strait and then cut through Baby Pass and
3 they said that's -- he says that'll be a lot easier for you and
4 you'll have the protection of Akun and Akutan Islands in that big
5 northwest, so I took his advice and I changed course and went that
6 direction. But the first conversation, I don't really recall
7 anything about what he talked about other than I'm finally out of
8 town and everything, so --

9 Q. Okay. During the second conversation, do you remember
10 anything in particular about --

11 A. He did not mention anything about -- he just said the weather
12 was foul.

13 Q. Yeah.

14 A. I mean, he said the weather is real foul, but he mainly -- I
15 just said I'm having trouble getting through Unimak Pass and I was
16 looking at these big container ships, you know, bucking, you know,
17 very violently and I said I don't know if I can do it now, you
18 know, it's going to take me hours and that's when he gave me the
19 advice to turn around and go down below the islands and that was
20 the main conversation I remember. And he did not mention a thing
21 about his boat.

22 Q. Okay. He had no concerns at all about the weather other than
23 it was foul or the performance of his vessel?

24 A. Not at that time, no, not that he mentioned.

25 Q. Okay. How did he sound to you, in your opinion? Did he

1 sound concerned or --

2 A. No, not at all. Not at all.

3 Q. Okay. A couple questions about the EPIRB on board. You
4 obviously own a couple vessels yourself, you're a master. How
5 often do you test, do function tests of those EPIRBs?

6 A. Usually once a month during the -- we have another -- in
7 addition to the drill page, we had another page that just kind of
8 has equipment, so -- that we send in. You look at the -- and log
9 your EPIRB registration, you can do the test at that time or the
10 beginning of the hour, do your tests, just push a button and see
11 if it beeps a couple times and check your hydrostatic release on
12 your life raft, your repacking date and survival suits. I mean, I
13 don't go through -- I don't have to pull out the survival suits
14 every month, but I pull them out periodically and just check the
15 batteries and check the zippers and the --

16 MR. BARNUM: Okay. Lieutenant, can you bring up Exhibit 11,
17 please? That's what Mr. Mattsen's referring to.

18 BY MR. BARNUM:

19 Q. Okay, great. Sir, is that what you were referring to, off
20 the page?

21 A. Yeah.

22 Q. Yeah. I notice on there, there's no -- no place to indicate
23 that the EPIRB was tested. Is there a different document that
24 that is recorded on?

25 A. No. No, I always just put it in the log book if I got to a

1 test --

2 Q. Okay. All right. And that's a fairly simple procedure, you
3 mentioned you just press a button, is that correct?

4 A. Yeah. Yeah, you're supposed to do it, I think, within 5
5 minutes of the top of the hour. I'd have to look it up, but -- so
6 don't quote me on that, but there's a specific time window that if
7 you just test your alarm with just the -- push the button, it
8 beeps, beep-beep-beep, you know, three times, it's tested. And
9 whoever's monitoring that in the Coast Guard knows that if it's
10 right at the top of the hour and it's just the three beeps, that
11 that's probably just a test.

12 Q. Um-hum. Did you ever have a conversation with Gary, Captain
13 Cobban, is this something -- were you confident that he was doing
14 this, testing his EPIRB?

15 A. I'm not confident, but not doubting that he would test it,
16 just part of your pre-voyage check. I would always test my EPIRB
17 and just pull it out and just look at the hydrostatic release.

18 Q. Okay. There doesn't appear to be any -- other than in his
19 personal log book, any sort of company document that requires an
20 actual logging of that test or --

21 A. No.

22 Q. -- confirmation?

23 A. Not that I'm aware of.

24 Q. Okay. Are you familiar with what a personal locator beacon
25 is?

1 A. Yeah.

2 Q. Do you know if any of the crew on board had one of those?

3 A. I have no knowledge of that.

4 Q. So stability, Commander Denny was questioning you on several
5 aspects of that. I just have a couple follow-ups with respect to
6 stability. You mentioned that you got a new stability report for
7 the *Scandies Rose* following the *Destination* disaster and you also
8 received new stability instructions for your other vessels. Who
9 are the naval architects that performed stability reports on your
10 other vessels?

11 A. Well, the Hal Hockema Group, Hockema Whelan. I mean, there's
12 several other partners now, but you know, I trust Hal and also he
13 sent his team out to do the incline tests.

14 Q. So it was different than the *Scandies Rose* naval architect?

15 A. Yes.

16 Q. Okay. And why was that?

17 A. Excuse my French, but my fucking boat sank, so I wasn't going
18 to go back to the same naval architect until we found out what the
19 hell was the cause of that.

20 Q. Sure.

21 A. So I was going to go through -- and a couple friends
22 recommended Hockema and I used Hockema in the past, but that's
23 why.

24 Q. Okay. That was my misunderstanding, I assumed or I thought
25 that you had gotten the new stability instructions prior to the

1 Destination.

2 A. No, no, no.

3 Q. The *Scandies*.

4 A. No.

5 Q. No.

6 A. I wasn't going to send architects up to Dutch Harbor, so as
7 the boats rotated down and did their haul-outs, I arranged to have
8 stability tests for each vessel --

9 Q. Okay.

10 A. -- in succession.

11 Q. Okay.

12 A. So they were both after the *Scandies Rose*.

13 Q. Thank you. In the process of obtaining the stability
14 instructions in 2019 for the *Scandies*, did you shop around at all
15 or did you just use -- you mentioned you used the same one as
16 previously. Did you get another quote?

17 A. I used Culver just because he had done the previous one, that
18 was the -- that was the impetus, that was the sole impetus.

19 Q. Okay. So talking a little bit about icing and how it
20 pertains to stability. When I was a captain, you know, you hear a
21 lot of captains that -- you know, different comfort levels with
22 icing. You mentioned you don't have pots on deck, there's a
23 different comfort level. On a vessel loaded with pots, you know,
24 how much ice are you comfortable with, seeing accumulation on
25 board?

1 A. Well, it certainly depends how many pots you have on board,
2 how long your voyage is, you know. I mean, if you're going to run
3 up to the border, you know, from Dutch Harbor and you've got a big
4 northeast and you've got a hundred and ninety, a hundred and
5 ninety-two pots on board, I'd be much more concerned about icing
6 than if I was going to fish, you know, 7 hours out of Akutan on
7 the southern edge. So it really depends, you know, on a complex
8 web of factors. It also depends on the vessel.

9 Q. Um-hum.

10 A. You know, just -- I mean, moving -- on the *Scandies Rose* you
11 could put about 70 pots on deck, you know, upright on deck, that
12 are basically protected by the wave walls, you know, so you're not
13 going to get icing on those pots except spray that comes over the
14 rail.

15 I would carry 70 pots from here to the borderline up to the
16 Arctic Ocean and wouldn't worry about it, any ice I build up
17 wouldn't be consequential. On the smaller boats, I would be very
18 worried about making that same voyage if I didn't have the same
19 protection.

20 Q. Okay. Can you put it -- you know, several inches or do you
21 -- you know, what's the most ice?

22 A. Depends on the boat.

23 Q. Yeah.

24 A. *Scandies Rose* could handle several inches of ice on the
25 rails.

1 Q. Okay.

2 A. I'd start to get worried if I had a big stack on, I was
3 building ice on the pots, you know, but just building ice on the
4 rails, if I was carrying a moderate load, 60, 70 pots, I wouldn't
5 be too concerned about it. Now, on the *Shaman*, if I was carrying
6 60 pots and I was building ice like that without the protection of
7 wave walls and the -- I'd be very concerned. I'd be getting some
8 pots off the boat.

9 Q. Okay. I know some stability instructions are different than
10 others, but this particular one, it didn't mention icing in the
11 introductory segment. Do you know how much the stability
12 instructions for your vessels, how much ice is accounted for
13 that's written into the safety factor for the stability
14 instructions?

15 A. Only what I've learned after the fact, what the federal
16 regulations consider icing, so it's not very much.

17 Q. Okay.

18 A. Not nearly as much as you build on the Bering Sea in the
19 wintertime, so --

20 Q. Okay.

21 A. -- I mean, we can have ice accretion of easily an inch an
22 hour and --

23 Q. Right.

24 A. -- you know, I've had to -- I've had to run for an hour, hour
25 and a half and turn around and get the guys up and have them pound

1 all the ice off, turn around, run for an hour, hour and a half, I
2 have to do the same thing to get up to the grounds, in the past.
3 But, you know, it's -- it really depends on the vessel, too.

4 Q. Yeah. And it's safe to say that the ice accumulation amounts
5 that you just indicated you've learned after the accident, are
6 they realistic to what you're experiencing?

7 A. They're totally unrealistic, they're not -- they're not
8 adequate for what -- the ice you can actually build up in the
9 wintertime fishing in the Bering Sea.

10 Q. Okay. Thank you for that. I just have one other follow-up
11 question here on one of Commander Denny's questions. You had
12 mentioned the *Amatuli*, you were sailing to Dutch to meet a
13 contract deadline.

14 A. Um-hum.

15 Q. You needed to be there by the 1st and you were under some
16 pressure. Did that pressure transfer also to the *Scandies*, kind
17 of pressures -- did she have a contract obligation?

18 A. No. No, we were only going to fish one trip of cod, it was
19 mainly just to get a delivery, and then he was going to switch to
20 opilio because our main quota share owners wanted us to fish
21 opilio, not cod, so -- and the plan was for him not even to go up
22 to where the best cod fishing supposedly is, but he was going to
23 go up to -- off of Akutan on the southern opilio grounds where
24 there's still good codfish, but mainly to scope out whether we
25 could stay low.

1 As I said earlier, we would prefer to fish down on the east
2 side of St. George Island and fish down that edge coming down
3 towards Akutan and Unimak Island. Not many boats fish there and
4 it hasn't been that good the last couple years, but with expanding
5 opilio, we thought this might be the time for Gary, who is very
6 expert in that area, to go out, put in a nominal cod trip and then
7 fish and find some opilio and figure out if he could stay south
8 rather than make the long run up to the northwest of St. Paul
9 Island.

10 Q. Okay. And you were planning on tendering for the *Scandies*?

11 A. No, no.

12 Q. No.

13 A. No, we had a tender contract with Alyeska Seafoods and
14 *Scandies Rose* fished for Trident.

15 MR. BARNUM: Okay, great. Thank you. Thank you,
16 Mr. Mattsen, that's all the questions I have.

17 I'll pass to Mr. Suffern from the NTSB.

18 BY MR. SUFFERN:

19 Q. Good morning, Captain Mattsen. Appreciate your time today.
20 I have some follow-up questions with regards to the weather
21 conditions. When you were transiting there from Kodiak to Dutch,
22 how did that particular weather compare to previous trips that you
23 had taken in previous years for that route?

24 A. Well, I don't think I've ever run from Kodiak to Dutch in
25 previous years. I was pretty much a Dutch Harbor fisherman.

1 Q. Okay

2 A. So my boat would be -- when I was active, fishing opilio, the
3 boat would stay in Dutch Harbor at the end of king crab and we
4 would either fish Bear (ph.) Island, which was open for many
5 years, or else we'd just wait and fish opilio come first of the
6 year. We'd fly in. We'd fly in sometime after Christmas and get
7 out there and fish our opilio. So it was really a new trip to me,
8 but I know it's -- you know, it's horrible in that kind of
9 weather, so I just -- that's why I wanted to run the boat rather
10 than have my port engineer have his maiden voyage on the *Amatuli*
11 be that particular trip.

12 Q. Okay. And earlier you had mentioned something about, I
13 believe the term was Ice Lady and that Gary had a good
14 relationship. Could you describe what the Ice Lady is or was?

15 A. Oh, I don't deal with her because I -- again, I don't fish
16 opilio anymore and that was -- it's been a fairly recent, you
17 know, development that you could just call her up and get the ice
18 information, you know, from her directly. Gary would -- Gary was
19 well aware of, you know, her and would just try and keep tabs on
20 where the ice is.

21 But this is not just ice spray, this is also ice pack, you
22 know, where is the ice pack, where can I set, what is the forecast
23 movement for the ice pack as it's coming south, you know, can I
24 fish here or should I be 60 miles farther south, you know, to do
25 it, but I never had any direct communication with her at all. I

1 just look at the fax pictures or look at the weather pictures that
2 I get on my computer and make my decisions.

3 Q. Okay. And so is the Ice Lady a company personnel, is it
4 somebody in Seattle, is it --

5 A. No, National Weather Service.

6 Q. The National Weather Service.

7 A. The National Weather Service.

8 Q. Okay, okay. And going to what you were just speaking about
9 as far as getting weather information, where did you -- what were
10 your weather information sources that you used?

11 A. Well, on the *Amatuli*, my weather sources, I would use Fleet
12 One and there's a weather app you could get on or I would have the
13 home office, I'd have Gelia send it to me, just what's the weather
14 look like, because she could get the written forecast and would
15 send it down to me.

16 Q. So she would send that via e-mail or text or --

17 A. Well, we did it this last --

18 Q. -- or a call?

19 A. -- winter via text. We've got a -- now we're using, like
20 inReach or Garmin inReach or else this year we were using -- with
21 Zoleo and it just -- you can get text messages via satellite.

22 Q. Earlier you had said that as far as your vessel logs that you
23 were -- you know, you would scratch down some weather information.
24 Would that just be once a day or it would depend on the weather,
25 if the weather was really bad and the wind was shifting, you would

1 maybe take two weather logs that day?

2 A. Yeah, it would just depend, but like I said, as I got -- you
3 know, weather generally moves from west to east across the -- you
4 know, from Kamchatka across the Bering Sea and then -- or else it
5 comes up from, you know, the tropics and -- but it moves west to
6 east. So if I'm reading my barometer reading and I'm heading west
7 and my barometer is rising, I'm probably getting out of the worst
8 of it because the main system is going that-a-way and I'm going
9 that-a-way, so -- and we're mainly dealing with low pressure
10 systems, so that's why I would keep -- at that point of the trip
11 for me, it was yeah, look out the window, the weather's still
12 crappy and we're still getting a big northwest and it's still
13 cold, but the barometer's at last rising, so I must be getting at
14 least farther away from the center of it.

15 Q. As far as the weather reports and logs you would take, did
16 you ever share that information with other vessels or back with
17 the home office or anything like that or just keep that --

18 A. Except just to say weather's horrible, we're making four
19 knots or we're making six knots. I don't -- never saw the point
20 of letting them know that we were seeing northwest 40 as opposed
21 to northwest 45 or whatever. It means really nothing to the home
22 office.

23 Q. As far as the weather forecast that you typically saw, was
24 there a source that you found more reliable? It sounded like you
25 had several different sources of information. Was there one that

1 you found more helpful than another?

2 A. Well, I like the text version I'm getting now. At the time,
3 though, the Fleet One weather service is pretty good, it gives you
4 a -- you can draw out the area, you know, just with the squares,
5 you know, what you really want to look at and it will give you an
6 idea of what's going on and that's very helpful, too.

7 Q. How did you receive -- you, you particularly, how did you
8 receive warnings as far as whether freezing spray conditions would
9 be likely for your group?

10 A. Well, they still broadcast on 41-25, so you know, you can get
11 an idea there. And as you're passing the towns, oftentimes
12 there's a VHF warning, you know, like around Sand Point or
13 something, and you can just monitor VHF and it would come on and
14 you switch it to Channel 22 and it will tell you that there was
15 freezing spray.

16 But really, running a tender in good shape and the *Amatuli's*
17 in very good shape, without carrying any gear, it was just -- it's
18 more of an annoyance than anything else. The weather's crappy,
19 it's like so what, what else is new, you know, I'm just -- there's
20 nothing here that's going to cause harm to the vessel, so we're
21 just -- be careful and run down to get to Dutch Harbor.

22 Q. So it was your particular practice to pull up the VHF and
23 listen to that as you went through just in case there was a big --

24 A. Oh, yeah. Well, you always got -- I don't allow any music in
25 the wheelhouse or anything, I mean, I don't have -- I'm old

1 school, we don't have any distractions like that, you just -- your
2 job is to be on watch and, you know, so let's -- really, I always
3 have the radios going on in the background and getting any
4 information I can.

5 Q. Could we bring up Exhibit 026? Zero-two-six, please. And
6 when that comes up, this is an exhibit of an application out
7 there, it's called Windy.com, it provides weather information.
8 Are you familiar with this type of application?

9 A. Oh, yeah. I mean, I've got it on my phone. I use it down
10 here more than I use it up there, so --

11 Q. Okay. Did you and Gary ever discuss about what information
12 was available on that app?

13 A. No. Again, I'm a very good fisherman, but Gary was a better
14 fisherman. I generally caught as much as he did, but Gary's a
15 much better fisherman. I'm just more organized and more
16 methodical about things, but I wouldn't presume to tell Gary that
17 your weather sources are inadequate. He would tell me if he
18 needed more equipment or anything like that and I would just take
19 that and put it in the process and figure out if we could do it or
20 -- you know, or when we could do it.

21 Q. Okay. And related to that, earlier during the questioning,
22 you had mentioned that, I guess, towards the -- when the season
23 was over it sounded like that you and Gary and maybe Mr. Walsh got
24 together and talked about, you know, new tools or new crew that
25 you could use for the following fall and winter. Were there ever

1 any discussions at those points of "I found this new weather tool
2 or this new weather application," was that ever part of the
3 discussion during the off season?

4 A. No, it wouldn't be. That would be probably just between Gary
5 and I because John is an insurance agent in Seattle, so he doesn't
6 have the same concerns about weather that Gary and I might have,
7 but it would never be -- that wouldn't need to be part of that
8 kind of conversation. Gary would tell me if he needed something
9 else or -- you know, we had -- on the *Scandies* we had full
10 Internet, so he could really get whatever he wanted out of the --
11 now, it wasn't fast Internet connection, but he could call up
12 anything he really wanted to -- look at weather. Which is more
13 than I have, say, on the *Amatuli* or the other boats. I do have
14 Fleet One there, so I've got some communication, but not at all
15 like the *Scandies* had. *Scandies*, you could check Facebook or
16 other nonsense, so --

17 Q. I guess I have one more question related to, I guess, that
18 particular route that the *Scandies Rose* took. Have you ever taken
19 that particular route west --

20 A. Oh, yeah, all the time. All the time.

21 Q. Were there any challenging sea current conditions that you
22 could experience going near Sutwik Island or anything there?

23 A. Not that I noticed in the times that I passed. I mean, it
24 hasn't been like, oh my god, this is foggy cape or we're heading
25 into the foggy cape current, never anything like that. It's just

1 been -- that area is just kind of a desolate area and when you get
2 a northwest, it comes right over the peninsula and it goes over
3 the mountains and gets like super chilled, so it's very cold the
4 closer you're in to shore.

5 MR. SUFFERN: Okay, thank you for your time. That's all the
6 questions I have.

7 THE WITNESS: You're welcome.

8 MR. BARNUM: Thank you, Mr. Mattsen.

9 Mr. Chairman, that's all the questions we have right now.
10 Thank you.

11 CAPT CALLAGHAN: Thank you, Mr. Barnum.

12 At this time I'd like to pass it to Mr. Stacey, see if you
13 have any questions.

14 MR. STACEY: Good morning, Captain, the rest of the panel,
15 Nigel Stacey on behalf of PII Dean Gribble and John Lawler. All I
16 want to do is echo Mr. Mattsen's opening statement thanking the
17 Coast Guard and thanking Mr. Mattsen --

18 THE WITNESS: I'm not hearing anything.

19 MR. STACEY: Apologies. Can everyone hear me? I'm getting
20 the thumbs up from Lieutenant Commander Comerford, Mr. Mattsen.
21 So I have no questions, so I just want to pass along my thanks to
22 the witness and pass it back to Captain Callaghan.

23 THE WITNESS: Still not hearing anything, so --

24 CAPT CALLAGHAN: Thank you, Mr. Stacey.

25 So just to summarize, Mr. Stacey had no questions, just

1 wanted to extend his thanks and appreciation for your testimony,
2 sir.

3 THE WITNESS: Oh, okay.

4 CAPT CALLAGHAN: So now, Mr. Barcott, any follow-on questions
5 for you, sir?

6 MR. BARCOTT: No, I don't have any questions, thank you.

7 BY CAPT CALLAGHAN:

8 Q. Thank you. Mr. Mattsen, I know it's getting close to the end
9 of your time. I have just a few follow-on questions that I'd like
10 to cover, if that's okay with you, just to go -- it might take us
11 just a few minutes past.

12 A. No problem.

13 Q. So with that, just to go back real quick on insurance. Are
14 you aware of any insurance companies denying insurance for vessels
15 with captains with either color blindness or hearing loss?

16 A. I'm not aware. I'm not aware, but I wouldn't doubt hearing
17 loss. Might disqualify you if you can't listen to a radio.

18 Q. Thank you, sir.

19 Separately, so we previously had -- Mr. McPhillips, if you
20 would bring up Exhibit 016 again, please. This is the monthly
21 drill report. Number one is donning of immersion suits.

22 As a captain and someone who submits these forms on a regular
23 basis, sir, can you tell me what the expectation is to complete
24 number one?

25 A. Well, first that you can put it on in an efficient manner,

1 you know, teach guys, you know, if they're wearing boots or
2 something, it's kick your boots off, you're not -- they'll provide
3 shoes for you when they pick you up, you know, but also we use
4 that as a check on the zipper, so if the zipper needs any waxing,
5 but the expectation is that you can get into your survival suit in
6 about a minute, roughly, give or take, and be ready to exit the
7 vessel.

8 Q. So, sir, would the expectation then be that everyone on the
9 crew dons a survival suit to make that check?

10 A. Yes.

11 Q. Okay. Thank you, sir.

12 Mr. McPhillips, you can take that exhibit down, please.

13 Sir, you had mentioned previously that the welding was -- for
14 the forward starboard chute was not done in the Lovric shipyard
15 but had been done in Seattle. Can you say where in Seattle that
16 work was done?

17 A. Go to the Ocean Beauty dock right at the ship canal.

18 Q. Okay. Who oversaw that work?

19 A. Well, I was there and Gelia was there and we just -- we hired
20 a welding crew that we've used before that we haven't had any
21 problems for, problems with, and then -- yeah. Could've, you know
22 -- looking, you know, in retrospect, it's easy to say we should've
23 demanded dye checks and everything, but this was a pretty simple
24 project and kind of slipped through our -- slipped through our
25 consciousness.

1 Q. Thank you, sir. Was this the same facility and the same time
2 that the aft starboard chute was closed off?

3 A. Yes.

4 Q. Yeah. Do you know if any nondestructive testing was done on
5 that welding?

6 A. I don't believe so.

7 Q. Okay, thank you.

8 Mr. McPhillips, if you could pull up Exhibit 112, please.

9 This is a series of text messages from Gary. Are you
10 familiar with this series of text messages, Mr. Mattsen?

11 A. I think so. I think Gary sent them to me.

12 Q. Okay. And do you remember what the purpose for sending it
13 was?

14 A. Well, he wanted to effect a repair.

15 Q. Okay. And scrolling down through this, the date shows as
16 November of 2019, is that correct?

17 A. Probably. Before he went to Hawaii and -- yes.

18 Q. Mr. McPhillips, go down to specifically page 12, please. So
19 is there a reason that that part of the repair job wasn't done in
20 a shipyard?

21 A. But the forward trash chute was done in a shipyard, it was
22 just done poorly.

23 Q. Okay.

24 A. You mean why it wasn't done in the shipyard, I mean, at
25 Lovrics or why it wasn't done --

1 Q. Just recalling the putty. So if you wouldn't mind, on this
2 page here, could you read the first text message there?

3 A. The forward trash chute is leaking water into the starboard
4 void. We got all the water out of the void, the leaks are coming
5 through the splash zone that we applied to keep from sinking last
6 winter.

7 Q. Okay, so is the first time you had become aware that there
8 was an event the previous winter?

9 A. Absolutely, yes.

10 Q. So in reading this, I presume that these are the repairs not
11 made at the shipyard in Seattle but rather repairs that the crew
12 made previously?

13 A. Yeah, evidently. Evidently, so -- but then we, you know,
14 like I said, we repaired it -- we repaired it down in Seattle with
15 a welding crew and then we, you know, had all the leakage through
16 those welds.

17 Q. And just for the record, these photos and this text series
18 was dated November, a few months after the repairs were effected
19 in Seattle.

20 A. Yes.

21 Q. And then just for the record, could you read the second text
22 message there?

23 A. I thought this had been repaired in the shipyard, in
24 shipyard.

25 Q. Okay. And then what was the -- what were the actions taken

1 following this round of text messages, sir?

2 A. Well, he says down below, I want to call Cooper and have him
3 come look at it and I said sure. Cooper is the -- has the weld
4 shop, premier weld shop in Kodiak, and I don't know what they're
5 called, Highmark Welding or something, but they -- when he said
6 that he wanted to have Cooper look at it, I said yeah, get him
7 down there because we had some time and it certainly should be
8 done before opilio.

9 Q. Okay. Mr. McPhillips, can you scroll up just slightly,
10 please? One more, please. One more.

11 So this appears to be the forward side of the chute looking
12 aft. As the supervisor of the repairs made in the -- during the
13 welding period in Seattle, does that resemble the repairs that
14 were made?

15 A. It resembles the void, certainly, so yes, I would say it
16 does.

17 Q. Okay. And is that fresh steel or is that epoxy?

18 A. I can't tell from the picture. I believe it would be fresh
19 steel. You know, wheeled (ph.) and primed probably, so -- but I
20 -- to be honest, I can't tell you definitively.

21 CAPT CALLAGHAN: Okay. Sir, that's all I have for today and
22 so we are now finished with your testimony for today. However, I
23 do anticipate that you may be recalled to provide additional
24 testimony at a later date during this hearing, therefore I am not
25 releasing you from your testimony at this time. You do remain

1 under oath.

2 THE WITNESS: Okay.

3 MR. BARCOTT: Captain, before we adjourn, your questions have
4 caused me to want to ask maybe a minute's worth of questions of
5 Mr. Mattsen.

6 CAPT CALLAGHAN: I will grant one additional question.

7 MR. BARCOTT: Thanks very much.

8 BY MR. BARCOTT:

9 Q. Mr. Mattsen, the Board knows this but others who are watching
10 may not. Because of the concern about the repair work that was
11 done in Seattle and welding was done in Seattle, was this area
12 re-welded by that premier shop in Kodiak?

13 A. Yes, it was.

14 MR. BARCOTT: Thank you. That's all I have, thank you.

15 CAPT CALLAGHAN: Thank you, sir.

16 I will remind you, Mr. Mattsen, that you do remain under oath
17 and we'll work with your counsel if we need to schedule another
18 appearance during this hearing.

19 THE WITNESS: Okay, so we'll get at least a day's notice?

20 CAPT CALLAGHAN: We will do our best, absolutely. Yes, sir.

21 THE WITNESS: Okay, thank you.

22 CAPT CALLAGHAN: And so the time is now 1206. This hearing
23 will adjourn and will resume at 1300, February 22nd, 2021.

24 (Off the record at 12:06 p.m.)

25 (On the record at 1:00 p.m.)

1 CAPT CALLAGHAN: Okay, it is now 1300. This hearing is back
2 in session. We'll now hear testimony from Ms. Gelia Cooper.

3 Ms. Cooper, please come forward to the witness table and
4 Lieutenant McPhillips will administer your oath and ask you some
5 preliminary questions.

6 LT McPHILLIPS: Please stand and raise your right hand.
7 (Whereupon,

8 GELIA A. COOPER

9 was called as a witness and, after being first duly sworn, was
10 examined and testified as follows:)

11 LT McPHILLIPS: You may be seated. Please state your full
12 name and spell your last.

13 THE WITNESS: Gelia Ann Cooper, C-o-o-p-e-r.

14 LT McPHILLIPS: Please identify if counsel or representative
15 is present and have them state and spell their last name, as well
16 as their firm or company relationship.

17 THE WITNESS: Mr. Barcott.

18 MR. BARCOTT: Mike Barcott, counsel for *Scandies Rose* and her
19 owners. Holmes Weddle & Barcott. B-a-r-c-o-t-t.

20 LT McPHILLIPS: Please tell us what is your current
21 employment and position.

22 THE WITNESS: Mattsen Management, vessel manager.

23 LT McPHILLIPS: What are your general responsibilities in
24 that job?

25 THE WITNESS: To make sure that the vessel is crewed, that it

1 has all of the documentation, that I stay in contact with the
2 captain and the boat, any paperwork from 2692s to just making sure
3 that we have all of the hiring documentation and anything else
4 that basically makes sure that we can fish and tender throughout
5 the year.

6 LT McPHILLIPS: Can you briefly tell us your relevant work
7 history?

8 THE WITNESS: Yes. So in the late '80s I was on a UniSea
9 barge for 3 years and then 3 years -- nine and a half years ago, I
10 was on the *Scandies* tendering and I have been in this position for
11 7 years.

12 LT McPHILLIPS: What is your education related to your
13 position?

14 THE WITNESS: Hard work. And paying attention.

15 CAPT CALLAGHAN: Ms. Cooper, can we pause one second? Can I
16 just have you unmute the -- hit the unmute on the Zoom in front of
17 you?

18 THE WITNESS: Oh, oh.

19 MR. BARCOTT: Oh, it's on mute.

20 THE WITNESS: It isn't -- oh, wait. Maybe -- no, it's -- can
21 you hear me now? Okay.

22 CAPT CALLAGHAN: Thank you.

23 LT McPHILLIPS: Captain, would you like me to repeat the
24 questions?

25 CAPT CALLAGHAN: Keith, are you good?

1 MR. FAWCETT: Yes.

2 CAPT CALLAGHAN: You can continue on.

3 LT McPHILLIPS: Do you hold any professional licenses or
4 certificates relating to your position? Please explain if you do.

5 THE WITNESS: I am a shipyard pump person but other than
6 that, I don't have any other licenses or documentation.

7 LT McPHILLIPS: Thank you very much. Captain Callaghan will
8 now have follow-up questions for you.

9 CAPT CALLAGHAN: Good afternoon, Ms. Cooper. Thank you for
10 being here today. During this testimony segment we'll ask you
11 questions and have scheduled breaks, but if you need a break,
12 please let us know. There is an exhibit binder available, as well
13 as the ability to share exhibits virtually. Prior to today's
14 testimony, the legal representative was provided an exhibit list.

15 The recorder, Lieutenant McPhillips, will put any exhibit up
16 on the monitor and your virtual desktop. There's a laser pointer
17 on the desk if you should need it.

18 Ms. Cooper, before we begin, the Marine Board would certainly
19 like to offer our condolences on the loss of colleagues and
20 friends aboard the *Scandies Rose*. Again, if at any point you need
21 to take a break in testimony, please let us know.

22 We're going to talk to you today about your role as a vessel
23 manager for Mattsen Management with particular focus on your
24 knowledge of the company, operation of the *Scandies Rose*, and the
25 crew members that were on board.

1 BY CAPT CALLAGHAN:

2 Q. Would you please provide a brief explanation of your
3 background and any experience in the fishing industry that led to
4 your current employment?

5 A. I don't have any.

6 Q. Okay, thank you. How did you come to work at Mattsen
7 Management and who hired you?

8 A. Dan Mattsen hired me. I had moved up here and started
9 working for him in his DRM Quotas, some of his other companies,
10 and then went on the *Scandies Rose* the first year tendering and
11 when I came back, they were restructuring and he wanted me to come
12 on board and help more with the vessels, so he offered me the
13 vessel management position.

14 Q. Thank you. Can you expand what your roles were on the
15 *Scandies Rose* when you worked on board?

16 A. I did fish tickets, purser, and some deckhand work.

17 Q. Thank you.

18 A. Cook, also.

19 Q. And for what fisheries did you work on board?

20 A. Salmon. We did the Bristol Bay and then Southeast. For all
21 3 years.

22 Q. Just for clarity, then, did you work on board at any time
23 during -- for any pot fisheries?

24 A. No.

25 Q. Thank you. Are you currently a salaried employee?

1 A. Yes.

2 Q. Do you receive any incentives based on catch or company cost
3 savings?

4 A. I'm sorry, that's loud and I can't -- you're hard to hear.
5 Can you ask me that again?

6 Q. Do you receive any incentive based on catch or company cost
7 savings?

8 A. No. Incentive based on catch, is that what I heard?

9 MR. BARCOTT: Could we pause for just a minute? We're
10 getting some audio back here. Okay.

11 BY CAPT CALLAGHAN:

12 Q. Can you please take a moment and expand on your duties in
13 your current position as the vessel manager for Mattsen
14 Management?

15 A. Yes. So it starts from in the shipyard. Any captain
16 generally gets the information to me, what needs to be looked at,
17 brought into our list of shipyard work, that goes through me.
18 Then I get it to Dan and we talk about what's going to happen,
19 where we're going to do the shipyard, and then I'm involved in the
20 shipyard in that I'm there daily making sure that we have
21 laborers, making sure that the invoices are correct and sent to
22 our bookkeeper doing some work during that time.

23 When it's time for the vessel to -- vessels to go to their
24 next fishery or tender, then I crew the ship, minus the captain,
25 because I don't -- I don't do that. The captain generally gets a

1 hold of me and says hey, I have this guy, this guy, this guy's
2 coming back or this gal, and I make sure all the paperwork's good.
3 If they're new, then I make sure to get them all the pre-hiring
4 information, get a background check, that sort of stuff. Once
5 they leave, then, I'm logistics when they need any parts or they
6 need information because I have high-speed Internet, I look that
7 up and figure out a way to get them the information. I am the
8 contact, I watch them as they go, I have the VMS log-in. I send
9 them reports that they ask as far as weather. We now have the
10 Zoom, which is great, so I use the PKZ Alaska Marine Text and I
11 can use whatever PKZs are on their end. I make sure they have
12 food. It's just what I do, so I don't know how to think all the
13 -- all of the responsibilities through, but basically, really,
14 running the day-to-day, making sure that they can be out there
15 safely and get the job done, that's what I do.

16 Q. Okay, thank you. Can you tell us how many vessels are
17 currently owned and operated by Mattsen Management and the names
18 of those vessels?

19 A. Owned and operated? The *Alaska Challenger* and the *New*
20 *Venture*.

21 Q. Okay, thank you. With regards to the *Scandies Rose*, can you
22 tell us what you know about the ownership of the vessel?

23 A. The ownership? Yeah, it's owned by Scandies Rose Fishing
24 Company, LLC, which is owned by Mattsen Fisheries, Share Caught
25 (ph.) Fisheries, yeah. And then the same -- the breakdown that

1 Dan gave earlier, the 50.2, the 30.8, and the -- or 30. Gary
2 owned 30 percent and John is the rest of that percentage.

3 Q. Okay, thank you. Do all of the vessels under Mattsen
4 Management have a similar ownership structure?

5 A. No. *New Venture* is owned 50 percent by Mattsen Fisheries and
6 50 percent by Share Caught Fisheries, which is owned 100 percent
7 by -- was by Gary Cobban. And *Alaska Challenger* is 50 percent
8 Mattsen Fisheries and 50 percent Ocean Beauty Seafood.

9 Q. Okay, thank you. What documents or policies are you aware of
10 from Mattsen Management in writing for the captains?

11 A. They have to do a skipper's questionnaire and that we send to
12 the insurance companies and then each -- or each fishery, so
13 sometimes between like, for cod there's federal and then there's
14 state, so each fishery they do a new contract and the contract's a
15 three-page contract, and then we have other forms that we have
16 them fill out, but if they filled out our anti-drug, anti-
17 harassment policy, I don't have them do that every fishery.

18 Q. Okay. So just, I want to go through a couple different areas
19 and see if you can elaborate a little more on what company
20 policies may be in place with regards to crewing. Are there any
21 company policies in place for crewing?

22 A. Can you ask me that a little differently, because I'm not
23 sure I understand.

24 Q. Are there any company policies in place for how the vessels
25 are to be crewed?

1 A. In that we have paperwork that they have to fill out, we have
2 to get an application, of course, I-9, a background history, and
3 then when that comes back, we do -- I have a conversation with the
4 captain, did you know, you know, and then the decision's made, but
5 really, it really is ultimately the captain's decision and I'm
6 just supporting him in making sure they're a fit.

7 Q. Okay. Are there any company policies with regards to upkeep
8 and maintenance of the vessels?

9 A. Company policy, no.

10 Q. Okay.

11 A. I mean, there's an understood, but not a written company
12 policy.

13 Q. Sure. How about any company policies related to safety and
14 training requirements for the crew?

15 A. Um-hum. We have the monthly drill, I forget what it's called
16 at the top, and then the safety drills. So both of those are to
17 be done once a month where they check all the safety equipment and
18 make sure that the crew knows what to do if there's an emergency.

19 Q. Thank you. Similarly, any company policies or instructions
20 related to work or rest procedures?

21 A. No.

22 Q. No. And you had mentioned -- you alluded to a drug policy.
23 Is that only included in the contract that they sign?

24 A. I don't understand that question.

25 Q. The drug use policy from the company, is that included in the

1 contract that they sign?

2 A. It is, yeah.

3 Q. Okay. Is it anywhere else beyond -- besides the contract?

4 A. No.

5 Q. Thank you. Do you know of any company procedures or policies
6 for prescription or over-the-counter drugs or medications?

7 A. Company procedures or policies? The procedures are we ask
8 that on our medical questionnaire, there's a question, any over-
9 the-counter or prescription medications, and then we check it out
10 and see if that's something that is okay to be on the boat, you
11 know, but rarely does anybody have -- matter of fact, I don't
12 think I've ever had one. I've just been told, because I think I
13 asked that question, what do we do if someone comes in and is
14 taking this very big narcotic and so we would -- we would get
15 clarity, but there's no written -- that's where they answer that
16 question.

17 Q. Thank you. And then lastly in this line of questioning, any
18 company policies on how the voyages are planned or what
19 considerations are to be taken for weather during that process?

20 A. Any company policies on how voyages are planned? No.

21 Q. Okay, thank you. So you mentioned you were pretty much the
22 sole individual responsible for the hiring process once the
23 captain gives you the go-ahead. Can you describe that a little
24 more, does the captain -- do you present that information to the
25 captain and he vets them for you or do you do some vetting before

1 that?

2 A. I do some vetting and he does some vetting. And usually it's
3 he calls me and says hey, Gelia, Joe -- I want to hire Joe, get
4 him hired. And if he hires them off the dock, then he'll do all
5 the paperwork and send it to me.

6 Q. Okay. Lieutenant McPhillips, can you please pull up Exhibit
7 017, please? This exhibit shows the employment contracts for crew
8 on the *Scandies Rose*. Ms. Cooper, do you recognize these
9 contracts?

10 A. I do.

11 Q. In scrolling down through these, notice that there is -- the
12 signatures are for the 31st of December, 2019.

13 A. I see them for the 30th.

14 Q. Or for the 30th, I'm sorry. Is it standard procedure for all
15 of the crew to sign their contracts on the same -- at the same
16 time on the date of departure?

17 A. Um-hum.

18 Q. Okay, thank you. And then once they sign the contracts, how
19 is that delivered back to you at -- in the company?

20 A. Usually through the seafood company, like in Kodiak, Ocean
21 Beauty will scan them and send them to me, Westward or Alyeska up
22 in Dutch Harbor.

23 Q. Thank you.

24 Mr. McPhillips, you can take that exhibit down, please.

25 Does the company policy include pre-employment drug testing?

1 A. Yes.

2 Q. Can you please tell us how the company procedures are for
3 pre-employment drug testing?

4 A. Um-hum. If we have time, we send them to a clinic. Up in
5 Dutch Harbor we use Aleutian Biological. Kodiak, the only place
6 we have is Providence and if we can get them in there, we do.
7 Down here it's much easier to get them to a walk-in clinic. If we
8 don't have time because the captain, somebody's walked off and he
9 needs to get somebody ASAP, then he does it with the -- either I
10 bought anywhere from 5 to 12 panel, whatever I can get on Amazon,
11 really, and send it to him and he does the drug screen on board.

12 Q. Thank you.

13 Lieutenant McPhillips, could you please pull up Exhibit 081,
14 please?

15 This exhibit includes a series of text messages from Captain
16 Cobban from December 30th, 2019 --

17 A. Correct.

18 Q. -- as well as a copy of the drug test for a crew member,
19 Jon Lawler, dated December 23rd, 2019. Ms. Cooper, do you know
20 who received these messages?

21 A. I did.

22 Q. Thank you. Was this normal procedure for how the results
23 were delivered?

24 A. If Gary were doing them on the boat and getting them to me,
25 he would take a picture and send them to me, yes.

1 Q. Would you normally have a picture that identified the
2 results?

3 A. Versus this picture? Do you mean one that actually showed
4 the lines? Yes.

5 Q. Yeah. And so you said you are normally the one who receives
6 the results. How are they kept on file?

7 A. I then pull them off and stick them visually into my
8 computer.

9 Q. Okay, thank you.

10 Thank you, Lieutenant, you can pull that down.

11 Ms. Cooper, in regards to the testing, aside from having the
12 person pose with the picture, was there any other measures taken
13 to ensure that that person who provided the sample was the one who
14 took the picture with it?

15 A. No, I assume that the captain does his due diligence, so I
16 make sure that he sends me the proof of what he did.

17 Q. Okay, thank you. Once the company -- the vessels are under
18 way, how often do you routinely communicate with them?

19 A. It depends. There really is no usual. Gary, when he's
20 fishing, not a lot, actually. He pretty much goes into fishing
21 mode. When he's tendering, I get a little more. One of the other
22 captains, I get a whole lot of communications, so it just really
23 depends on the captain and what they feel they need because I'm
24 pretty much 24/7 to make sure that they feel supported.

25 Q. Thank you. When you do talk to them or communicate with

1 them, how is that done? Is it telephone, radio, e-mail?

2 A. All. So I have a tag phone at my house, so I use that. Text
3 is Zoleo now. With Gary, they had a phone, they had a pretty good
4 system on the *Scandies*, the KVH, so we'd get e-mail, I would get
5 phone calls, texts when he was near town, and very seldom did I
6 have to tag phone him because his phone worked most of the time.

7 Q. Thank you. And so from your time at that company, who is
8 responsible for making sure that the vessels were seaworthy and
9 materially sound?

10 A. Well, we do a dockside, so we have that every 2 years. We
11 hire -- I guess I'm not sure I understand the question.

12 Q. Who would ask you to schedule the docksides?

13 A. We just know to do it every 2 years.

14 Q. Okay. In the 18 months preceding the accident, do you recall
15 how many --- how many times the vessel was hauled out of the water
16 or shipyard work was done while it was in the water?

17 A. I believe that we had it down fall of 2018 and then spring of
18 2019.

19 Q. And the spring of '19 was when it was actually hauled out of
20 the water --

21 A. Correct.

22 Q. -- is that correct?

23 A. Well, I think it was hauled out in 2018 because we had to --
24 there was something going on with the generator or the motor and I
25 don't remember because we had -- our port engineer was alive then,

1 so he really handled those sorts of things. But I want to say we
2 were hauled out at Lovrics in fall of 2018, but I cannot swear to
3 it.

4 Q. Okay, thank you. And so the shipyard period in the spring of
5 2019, am I correct, that was a previously scheduled shipyard
6 period?

7 A. Yeah, every 2 years we'd have the boat hauled out and have it
8 painted, re-zinced, look at the bottom.

9 Q. Are you aware of any major work with regards to steel
10 replacement or anything that was scheduled for that time frame?

11 A. In the haul-out or that shipyard period?

12 Q. In the shipyard period.

13 A. Yes.

14 Q. And can you indicate what steel work was planned?

15 A. Um-hum. The crab chute up forward near the pot launcher
16 needed to be redone and then the over-fill from the aft tank we
17 were closing off.

18 Q. Okay, thank you. So from a company perspective, was there a
19 budget maintained for preventive maintenance or was that addressed
20 as instances came up or it was necessary?

21 A. There isn't a budget maintained, it's -- I mean, we bring in
22 revenue and we always know that boats need maintenance, so there's
23 always money kept in the account, but there isn't a set amount
24 that says okay, we have a hundred and eighty thousand for the
25 shipyard and that's all we have. There's -- if that answers your

1 question.

2 Q. Yes, thank you.

3 Lieutenant McPhillips, could you please pull up Exhibit 089,
4 please? This is an invoice from Aztec Welding, LLC.

5 A. Um-hum.

6 Q. Ms. Cooper, can you tell us where the work for this invoice
7 was conducted?

8 A. Down at Ocean Beauty, at 1100 West Ewing. At dock.

9 Q. So this was not work conducted while the vessel was at
10 Lovrics shipyard --

11 A. Oh, no.

12 Q. -- is that correct?

13 A. No, no.

14 Q. To your knowledge, was the work on the starboard forward
15 waste chute completed at that -- by this company?

16 A. Yes.

17 Q. Okay. Lieutenant McPhillips, if you can please transfer to
18 Exhibit 112, please.

19 And this an exhibit with a string of text messages from Gary
20 in November of 2019. Were you familiar with this text string at
21 all?

22 A. Yes, because that's my text string.

23 Q. Thank you. And was this received from you before or after
24 the work from the previous exhibit invoice from Aztec Welding?

25 A. After.

1 Q. Thank you.

2 Lieutenant McPhillips, you can pull that down, please.

3 Ms. Cooper, did Captain Cobban express any concerns about the
4 material condition of the vessel leading up to or after the time
5 in the shipyard in 2019? Aside from the text message that was
6 just up there.

7 A. Which was after the time and I think I -- I'm really having a
8 hard time hearing you and I apologize. You asked if he had any
9 concerns up to leaving Seattle to go north?

10 Q. Yes, that's correct.

11 A. No.

12 Q. And I understand that Peter Wilson was the captain, the
13 relief captain, who brought the vessel up to Kodiak --

14 A. Correct.

15 Q. -- from Seattle, is that correct?

16 A. Correct.

17 Q. Did Cap Wilson express any concerns about the material
18 condition of the vessel during that voyage?

19 A. No. Not to my knowledge, anyway.

20 Q. Thank you. The most recent stability report conducted on the
21 *Scandies Rose* was in Seattle on April 12th, 2019. Do you know
22 what prompted the company to conduct a new stability test in 2019?

23 A. I think it was the sinking of the *Destination* and Dan felt
24 like we needed to get an updated stability report just so we were
25 ahead of the curve and making sure that we were doing everything

1 we could.

2 Q. Are you aware of any modifications to the vessel that
3 would've necessitated a new stability report outside of the
4 information from the *Destination*?

5 A. I'm not, no.

6 Q. Thank you.

7 Lieutenant McPhillips, would you please pull up Exhibit 046,
8 please?

9 This is Coast Guard Safety Alert 11-17 titled "Remain Upright
10 by Fully Understanding Vessel Stability." Ms. Cooper, had you
11 ever seen this document?

12 A. No.

13 Q. No. Okay, thank you.

14 Mr. McPhillips, you can take that down now.

15 Ms. Cooper, shifting to the time frame right before the
16 accident, can you tell us who the intended crew was leading up to
17 the accident voyage?

18 A. Um-hum. The intended crew?

19 Q. So the crew that the company intended to send on the voyage
20 prior to some last-minute changes.

21 A. Okay. Yes. Gary, Art, Brock, David, Seth, Dillon Gamby, and
22 we were hoping to get back and I forgot his name, but I have him
23 in my computer, one other person who had fished king crab but Gary
24 was -- but anyway, he -- the last two didn't go.

25 Q. Okay. Do you know what prompted the change in the last week

1 or two leading up to the voyage?

2 A. Yes. Dylan had started -- he was working when they were
3 doing gear work and it was really cold and he had gone back to
4 Gary and said I don't think this is for me, the king crab was his
5 first season with us and he felt like he would be a detriment to
6 the crew, so he asked if he -- well, he didn't ask, he said I'm
7 not going. And I'm sorry, his name's right here. Anyway, he
8 didn't get contacted by Gary soon enough and took another job.

9 Q. Okay, thank you. And can you tell me who the replacements
10 were for those two?

11 A. Yes. Jon Lawler and Dean Gribble, Jr.

12 Q. Could you explain the timeline for hiring Mr. Jon Lawler and
13 who made the decision?

14 A. Gary. Gary made the decisions to bring both on. It was -- I
15 believe I had a week to get them both. Jon Lawler's in Anchorage
16 and Dean Gribble, Jr., I think, was down in Las Vegas or somewhere
17 south. And so Gary said he wanted them, I got a hold of Jon and
18 got him a -- you know, got his paperwork sent back to me, got him
19 a drug test, got him out there on the 27th.

20 And then Dean Gribble, Jr. said he needed a day or two to get
21 his stuff together, so I got him as much paperwork as I could and
22 I don't believe that was very much, we couldn't get him a drug
23 test down there so we got him a ticket, got him up, and got him on
24 board on the 28th.

25 Q. Thank you. And regarding the intended voyage for the

1 *Scandies Rose*, can you tell us what fishery they were intending to
2 engage in and do you know of any time frame that they were -- had
3 scheduled for any deliveries?

4 A. I don't know about deliveries. I know that -- yeah, they
5 were going to do the cod fishery and once you start fishing, once
6 you start pulling cod on board you have 3 days, so you wouldn't
7 set a delivery until they actually started bringing fish on board.

8 Q. Okay, thank you. And at any point did Cap Cobban indicate
9 how many pots he intended to carry during that voyage?

10 A. No, I've only heard that from Dan.

11 Q. Okay, thank you. Do you know if the *Scandies Rose* departed
12 in accordance within the original intended time frame?

13 A. They did not.

14 Q. Can you tell us why?

15 A. I don't know exactly. I know that he had wanted to leave on
16 the 28th and he called me that day and said KMS won't stay open,
17 the plane gets in at 4:15, KMS closes Sunday. They close at 4:00
18 and so he wanted to make sure that Dean had whatever he needed, so
19 that was the first part, although it was -- I suggested that he
20 could just go buy what he thinks he needs and if it's correct,
21 they can -- off they can go and if it's not correct, they can
22 stay.

23 So that was the 28th. Gary called me on the 30th or 31st and
24 I can't remember, sorry -- and just talked about the fact that he
25 had a blood test, so I think in that time frame he also went to

1 the doctor.

2 Q. Did he indicate what he had gone to the doctor for, what the
3 purpose was for going to the doctor to get the blood test?

4 A. He said some stuff and I wasn't fully paying attention, but
5 he did say he was relieved at the outcome, so I was more paying
6 attention to was he upset or okay and he was relieved.

7 Q. Thank you. Had he ever previously expressed any concerns
8 about his own health?

9 A. Yes, but I can't remember what. I want to say high blood
10 pressure, but I'm making that up.

11 Q. Would you be able to recall the -- how long ago or the time
12 frame that he may have mentioned those concerns?

13 A. Uh-uh.

14 Q. Okay.

15 A. I've known him since I've been in Washington, so you know, I
16 don't know. Could've been 3 years ago.

17 Q. Were there any concerns relayed to you from Gary, the
18 forecasted weather for the period of the vessel's departure?

19 A. Only on the 28th when he said great, we can't get out of town
20 because KMS won't stay open and we wanted to get out of town. And
21 I might be making this up, but I think he said we had a weather
22 window, but now that I've heard that so much during this last
23 year, I may be inserting that.

24 Q. Okay, thank you for that. Are you aware of any other time
25 that the *Scandies Rose* delayed sailing due to weather?

1 A. I don't know about delayed. I know that Gary watched the
2 weather, I know he was very adamant and he calls it Windy T (ph.),
3 not just windy, but I can't say that I've heard him not leave
4 because of weather.

5 Q. Okay. So I'm going to move towards the time frame of the
6 vessel's distress call. When did you personally find out that the
7 *Scandies Rose* was in distress and how did you hear about it?

8 A. His sister, Gerry Knagin Cobban, called me at 3:00 a.m. It
9 was New Years Eve and I had turned my phone to do not disturb and
10 so it took her calling I think four times before it kicks through
11 and then I woke up and took the call.

12 Q. Do you remember where you were when you --

13 A. Yeah, I was at Dosewallips camping.

14 Q. And can you describe your actions that you took immediately
15 after receiving that call?

16 A. Yeah, I got up, got dressed and -- because I didn't have a
17 car there, so I got Kim up, who I was camping with, and we got the
18 truck running and I came back to Bremerton so I would be near
19 high-speed Internet and tag phone and phones and so I came -- got
20 backed up for e-mail (ph.), I want to say.

21 Q. And, Ms. Cooper, are you familiar with the post-casualty
22 requirements for drug and alcohol testing?

23 A. Yes.

24 Q. Did you or are you aware if anyone else arranged for post-
25 casualty drug and alcohol testing in accordance with the Title 46

1 Code of Federal Regulations Subpart 4.06?

2 A. Am I aware did anyone else do that? Is that that question?

3 Q. Did you or did anyone else arrange for the post-casualty drug
4 testing?

5 A. I did with the help of Gerry Cobban Knagin. First we tried
6 to get the hospital to do the drug testing. They wouldn't because
7 it's not in the service of their treatment. So I asked Gerry if
8 she would go to Walmart and pick up two, you know, in-home drug
9 screening kits and she did and to come back and ask them to take
10 the test.

11 Q. Okay. Lieutenant McPhillips, can you pull up Exhibit 080,
12 please?

13 These are the screen shots of the two home drug test kits
14 sent by Gerry Cobban on January 1st, 2020. Ms. Cooper, do you
15 know who these tests were sent to?

16 A. Me.

17 Q. Thank you. And are these the tests that were recorded to
18 meet that post-casualty testing requirement?

19 A. Yes.

20 Q. Can you tell us what the results of those tests were?

21 A. John's was negative and Dean's was positive. For THC.

22 Q. At what point was that positive test relayed to you?

23 A. As soon as she got them, she texted them to me.

24 Q. And were the results ever validated by a certified lab or
25 anything?

1 A. No.

2 Q. And so going back to company policy, did this test, line of
3 testing meet company or federal requirements for post-casualty
4 testing?

5 A. It does not meet federal requirements, no, that's supposed to
6 be a DOT. For us, we do whatever we can knowing that we're in an
7 environment where our hands are a bit tied.

8 Q. Okay, thank you.

9 Mr. McPhillips, you can -- you can take that down, please.
10 And, Mr. McPhillips, if you wouldn't mind pulling up Exhibit 016,
11 please.

12 And, Ms. Cooper, do you recognize these?

13 A. I do.

14 Q. So these are the drill reports, and so scrolling through
15 these, the number of drill reports provided for monthly tests, I
16 noticed that there are some with the header of North Star and then
17 there are others.

18 So North Star Insurance, page 8, and then if you --
19 Mr. McPhillips, if you can go to page 5, please.

20 And then there are some from Ocean Beauty Seafoods. Is there
21 any difference between the two?

22 A. Not a bit. I just -- I actually made those for the *Amatuli*,
23 which is owned by Ocean Beauty, and it has a different insurance
24 company and I just wanted to -- you know, to be -- all I did was
25 go into my PDF creator and change the heading.

1 Q. Okay, thank you. I just wanted to make sure there was no
2 difference --

3 A. No.

4 Q. -- between the two. Thank you.

5 Lieutenant, you can pull that exhibit down, please.

6 And then, Ms. Cooper, so I had a couple questions for you
7 regarding shipyard periods and any knowledge you had of gauging
8 that was conducted on the hull. Do you know when the last gauging
9 was conducted?

10 A. I don't.

11 Q. Do you know how often hull gauging was conducted?

12 A. I don't. You know, I know that, for instance, Lovrics
13 shipyard has an audio gauge that if we feel like hey, let's look
14 around this space, they'll do it, but a full hire-out of an audio
15 gauge company, I don't.

16 CAPT CALLAGHAN: Okay, thank you. Ms. Cooper, that's all the
17 main questions I have for you right now, so at this time I'd like
18 to turn it over to Mr. Barnum with the NTSB.

19 MR. BARNUM: Thank you, Captain.

20 BY MR. BARNUM:

21 Q. Hello, Ms. Cooper. I only have a couple questions for you.
22 First off, a question regarding the vessel's EPIRB. In your
23 capacity as vessel manager, what type of taskings or jobs would
24 you have with regard to the vessel's EPIRB?

25 A. I make sure it's maintained, that if it needs a new battery

1 that we get the new battery. Work with Marine Safety in Seattle
2 and get it over to them and get it fixed and back on the boat.

3 Q. Okay. Who is in charge of registering the EPIRB?

4 A. Me.

5 Q. Okay. So you would also register the EPIRB. How would you
6 do that?

7 A. Through the online registration portal.

8 Q. Okay. To the best of your knowledge, was the EPIRB on board
9 the *Scandies Rose* at the time of the accident, was it registered?

10 A. Yes.

11 Q. I think there also was a record that you had listed one as
12 being destroyed.

13 A. Correct.

14 Q. When did you do that?

15 A. I don't know. Whenever it was no good. I think it was up in
16 Dutch Harbor that Gary took it in to Marine Safety up there and
17 they said you need a new one, so I think we got a new one, but I
18 need to have my papers in front of me for that.

19 Q. Does September of '16 sound okay?

20 A. Sure.

21 Q. Okay, thank you.

22 A. Yes.

23 Q. Okay. Why was that one registered as being destroyed?

24 A. Because when Marine Safety up in Dutch Harbor, if I remember
25 correctly, said you need to replace it. I don't know, I didn't go

1 why, I just go okay, well, let's get a new one. And then I know
2 to go in and make sure that the Coast Guard knows that that one no
3 longer is in use.

4 Q. Okay. And do you know what happened to that EPIRB?

5 A. I don't.

6 Q. The same question. You mentioned earlier how you sometimes
7 give weather reports to the captains of the fleet there. How
8 would you do that?

9 A. I wouldn't to Gary.

10 Q. Okay.

11 A. But just in general?

12 Q. Yes.

13 A. And I just started literally since we got the Zoleo, which
14 was 6 months ago, and I go to the marine, I text marine weather,
15 Alaska marine weather, put in the PKZ number, it brings it up, I
16 copy and paste and text it to them.

17 Q. Okay, that answered my question. But you never gave Captain
18 Cobban those?

19 A. He had all of his ways. He had on his computer the NOAA
20 marine weather right on his desktop so he didn't have to find it.
21 He had Windy T, which he called it, so he just never needed to ask
22 me.

23 MR. BARNUM: Okay, thank you. That's all the questions I
24 have, Captain Callaghan.

25 CAPT CALLAGHAN: Thank you, Mr. Barnum.

1 At this time I'd like to ask Mr. Stacey, if there's any
2 questions from Mr. Stacey?

3 MR. STACEY: Good afternoon. No questions from us. Thank
4 you, Captain.

5 CAPT CALLAGHAN: Thank you, Mr. Stacey. For the record, no
6 questions from Mr. Stacey.

7 Mr. Barcott.

8 MR. BARCOTT: I do. There's just one area I'd like to go
9 into. Could we have Exhibit 8, page 8, please?

10 CDR DENNY: Zero-zero-eight, page 8.

11 MR. BARCOTT: Yes. Oh, I'm sorry.

12 CDR DENNY: Hold on.

13 MR. BARCOTT: Zero-one-six, page 8.

14 CDR DENNY: Oh. Lieutenant, 016, page 8. Sorry, thank you.

15 BY MR. BARCOTT:

16 Q. Gelia -- oh, we had it. Do you see this record of drills and
17 instruction?

18 A. Yes.

19 Q. And if we can scroll down just a little bit, I need it to be
20 higher so it shows the date. Top of the page, please. Thank you.
21 Do you see the date on there?

22 A. I do, 12/31/19.

23 Q. Is that date correct?

24 A. It is not.

25 Q. And can you explain to the Board why you say that?

1 A. Because Gary sent me these drills via text and he sent me the
2 text on 12/30. I didn't catch it at the time, actually, but yes.

3 MR. BARCOTT: Okay, thank you. That's all I have.

4 CAPT CALLAGHAN: Thank you, Mr. Barcott. Sorry, I'm just
5 gathering a thought here real quick.

6 BY CAPT CALLAGHAN:

7 Q. Prior to hiring the new, two new crew members, was there any
8 concerns with the individuals that were being hired?

9 A. Yes.

10 Q. Can you elaborate on what those concerns were?

11 A. We had tried to hire Dean Gribble, Jr. before and I asked
12 Gary via text, I thought we weren't -- I thought he was not
13 hireable because of drugs.

14 Q. And, Ms. Cooper, are you familiar with the term cash call?

15 A. Um-hum.

16 Q. And can you elaborate on what that term means?

17 A. Cash call is when we need money for maintenance, generally,
18 is when it comes in. But it's basically asking the partners for
19 their share of whatever amount we feel is needed. Their
20 percentage.

21 Q. Okay, thank you. And do you know how often cash calls were
22 made for Mattsen Management?

23 A. For the *Scandies Rose*?

24 Q. Yes.

25 A. I don't.

1 Q. Do you happen to recall when the last one was made?

2 A. No.

3 CAPT CALLAGHAN: Thank you. Commander Karen Denny has just a
4 couple of follow-on questions for you, Ms. Cooper.

5 Commander Denny.

6 CDR DENNY: Thank you, Captain.

7 BY CDR DENNY:

8 Q. Ms. Cooper, good afternoon. Just a few questions. You know,
9 we talked about Aztec Welding doing the work. Is it -- and
10 certainly, you guys have owned the vessel for a while and that's
11 not the first time that you've had to contract welding work. Is
12 it typical for Mattsen Management or for the owners of the
13 *Scandies Rose* to ask for nondestructive testing or essentially for
14 quality assurance work to be done on welding work? Do you have to
15 ask specifically or is that --

16 A. We do have to ask specifically.

17 Q. Okay.

18 A. And unfortunately, our -- Chip, our port engineer, had just
19 recently died, and that was a detail that I didn't do.

20 Q. Okay. So because you didn't specifically ask for it, they
21 didn't do it?

22 A. I don't know if that's why they didn't -- well, I know that's
23 why they didn't -- I know I didn't ask for it, therefore they
24 didn't do it, but I also know that Highmark Welding does dye test
25 and I didn't have to ask them, so --

1 Q. Okay. Were you on board when they did the work?

2 A. Yes.

3 Q. Okay. So how does that work? For the benefit of the public,
4 you're there overseeing them doing the work, if they cut out
5 pieces of waste metal, they do the welding. Do you do quality
6 assurance? When are they considered done? Do you do a check?

7 A. We do a check, I mean, we look at it. We didn't do the dye
8 welding or the dye test. And that's why we hire professional
9 vendors when it comes to machinery or hull work because we don't
10 want to be responsible because we're not welders. So I watched
11 them and it certainly looked like it was all done and, you know,
12 there were no gaping holes and they said yeah, we're done, so we
13 assumed that they were -- and we've used them before.

14 Q. Okay. That was going to be my next question, had you used
15 them before --

16 A. Yeah.

17 Q. -- or have you used them since on any of your other vessels?

18 A. Oh, no. Nor will we.

19 Q. Okay. So you mentioned that Captain Cobban had made the
20 decisions to bring both Mr. Gribble and Mr. Lawler on for the cod
21 season, cod and opilio. And you mentioned that you had not
22 previously employed Mr. Gribble before.

23 A. I haven't actually gone back and looked and I should have. I
24 can't remember if we didn't because he failed a drug test or if we
25 started to hire him, I don't remember that fact.

1 Q. Okay, that's fair. Had Mr. Lawler been previously employed
2 by Mattsen Management Company or by Scandies Rose Fishing --

3 A. Mr. Lawler, no.

4 Q. So he had -- he was not there for the previous season, for
5 king crab?

6 A. No. He had been on the *Western Mariner*.

7 Q. Okay, so he had been on *Western* -- all right. So he replaced
8 the gentleman who took a job with another company, is that
9 correct? Mr. Lawler.

10 A. I don't know which one replaced whom, but there were two gone
11 and two came.

12 Q. Okay, okay. But they didn't come at the same time?

13 A. No.

14 Q. Okay.

15 A. No. In the same time period because we had to get them up
16 there before the boat left --

17 Q. Um-hum.

18 A. -- but one's coming from Anchorage and one's coming from, I
19 think, Las Vegas or somewhere down south.

20 Q. Okay.

21 A. It might've been California.

22 Q. So then since you're not -- and I'm not trying to put words
23 in your mouth, but since you're not like super familiar with that
24 time frame, is that because Captain Cobban was really handling the
25 on-the-ground details of that crewing? Is that a fair statement?

1 A. No.

2 Q. No? Could you help me, could you clarify for me, then?

3 A. Sure. Can you ask me a little differently so I know what the
4 question is?

5 Q. Um-hum. So based on my understanding, Mr. Lawler was hired
6 on or was there a little earlier.

7 A. The 26th to 27th.

8 Q. Okay. And then Mr. Gribble -- I understood that Mr. Gribble
9 replaced Mr. Gamby, it was an unscheduled -- it was an unscheduled
10 departure, right?

11 A. Before Mr. Lawler was hired, we knew we had two spots.

12 Q. I understand.

13 A. Okay.

14 Q. Okay, now I get it, all right. But Mr. Gamby was -- you
15 weren't -- that was not like -- that was an oh, my gosh, now we
16 need two people. So do you know the details of how Mr. Gribble
17 came to be, you know, in Gary Cobban's pool of potential
18 employees?

19 A. In his awareness?

20 Q. Yes.

21 A. Um-hum. Captain Buholm, Bryce Buholm. He was working for
22 Bryce in the previous season and Gary and Bryce were talking and
23 Bryce told Gary hey, John and Dean.

24 Q. Okay, thank you. The picture that Captain Callaghan had
25 pulled up before in Exhibit 081 with Mr. Gribble holding up the

1 sample, that original picture, was that sufficient for you in
2 terms of yeah, he's done his test or do you usually ask for more?

3 A. I ask for more.

4 Q. Could you walk us through that?

5 A. I ask Gary, I can't see the double lines and Gary said that
6 he'd already thrown it away and he said are you looking for me to
7 pull it out of the trash can and I said no, but I need to make
8 sure and do a series of tests. He assured me that he had five
9 witnesses and that he tested negative and since Gary's the one
10 there, I went okay.

11 Q. Do you log that information somewhere?

12 A. I have it in my texting. I haven't pulled that out and put
13 it in any files, no, but obviously you have those texts because I
14 forwarded them, so that's where I have them right now.

15 Q. Sure. And I was just wondering if like for per company
16 standards, do you have to file, you know, negative like pre-
17 employment tests, do you file those somewhere?

18 A. I do digitally in their employment folder.

19 Q. Got it.

20 So, Lieutenant McPhillips, can we pull up Exhibit -- the crew
21 contracts? I believe it was Exhibit 016. No, I'm sorry, 017.

22 So you had noted that they were dated 12/30/2019. Do you
23 still see that up there, correct?

24 A. I still see that.

25 Q. So if they filled out their crew contracts on the 30th, which

1 is the day they got under way, and that's what would have the
2 medical questionnaire, how do you do the vetting for their medical
3 stuff?

4 A. Usually, I send that out in pre-employment, so I --

5 Q. Um-hum.

6 A. -- you know, I have a series of I-9s first, as well as the
7 application, then the medical questionnaire and the drug test,
8 then I send them a deckhand responsibility and all of our anti-
9 drug, anti-harassment, so that when they get to the boat, if I
10 have time, then Gary's just doing the -- this crew contract. But
11 I didn't have time with either of them so, you know, we're going
12 off the referral and then when they fill out that paperwork, Gary
13 looks over it really quick and I look over it really quick to make
14 sure there's nothing that's glaring.

15 Q. So if there was something that was glaring, do you -- do you
16 feel empowered within the company to tell Gary like hey, this is a
17 red flag?

18 A. I do. I do.

19 Q. Has that ever happened, have you ever had that scenario?

20 A. I have with another boat, I'm trying to think if that was
21 Gary. Well, I mean, you have the text where I asked him are we
22 sure we're hiring this guy. I'm trying to think if there's been
23 one with Gary. Seems like I've read something and asked him, but
24 he then talks to the guy and we write it on the medical form,
25 asked them, this is what their answer is and we feel okay about

1 it. But I can't pull one out.

2 CDR DENNY: Lieutenant, we can pull that down.

3 Captain, I have no further questions. Thank you.

4 CAPT CALLAGHAN: Thank you, Commander Denny.

5 BY CAPT CALLAGHAN:

6 Q. I do have just three follow-up questions, one is for
7 clarification.

8 Lieutenant McPhillips, can you please pull up Coast Guard
9 Exhibit 081, please? Which is the text message string between
10 Gary and Ms. Cooper. Thank you.

11 And so, Ms. Cooper, for clarification, I just wanted to
12 clarify your previous point on the dates.

13 Lieutenant, if you could go to page 3, please.

14 And this is the text string you were referring to in -- that
15 this report was delivered to you, Ms. Cooper?

16 A. Yes.

17 CAPT CALLAGHAN: And so to put Ms. Cooper's point on the
18 record regarding the date, I just wanted to note that this picture
19 says 12/31/19, but if we turn, go to page 1 of this exhibit, the
20 text string is dated 12/30/2019.

21 Thank you, Lieutenant, you can pull that down.

22 Ms. Cooper, Lieutenant Commander Comerford has just a couple
23 follow-up questions for you.

24 Lieutenant Commander Comerford.

25 LCDR COMERFORD: Thank you, Captain.

1 BY LCDR COMERFORD:

2 Q. Good afternoon, Ms. Cooper. Thank you for coming here today.
3 First, earlier Mr. Mattsen discussed your responsibilities in the
4 Mattsen ship management and if you could, could you describe if he
5 provided any guidance to you about when he needs to be notified
6 about the day operations? Okay. So that's a no?

7 A. That's a no, sorry.

8 Q. No, thank you. And then --

9 A. Well, that's not true. If there's an emergency he wants
10 notified immediately and he's told me that a couple times, but
11 anything else, no. We don't have a --

12 Q. Is there sort of an implied level of emergency or any
13 guidance he gave on what would raise to a level of emergency?

14 A. No.

15 Q. Thank you. You mentioned earlier about excluded crew. Could
16 you describe how you would know if someone was -- or you think
17 someone might be an excluded crew from contracting?

18 A. In other words, not hireable? Is --

19 Q. Yes.

20 A. -- that what you mean? Okay.

21 Q. That was the term you used, thank you.

22 A. Yeah. So we do a criminal history background check on them,
23 that's one. And of course, we're dealing with the fishing
24 industry, so there is some leniency and we look at dates. Someone
25 might have some really sketchy history 10 years back, but since

1 then it's been good, so they're fine, but if -- so that's one way,
2 criminal history. One is just asking people, because the fishing
3 industry is super small, so you know, they fished on the *Western*
4 *Mariner*, let's call Bryce, what do you know about this guy, he'll
5 tell us.

6 Q. Did you make any phone calls for the two new hires?

7 A. I didn't because I knew specifically that Bryce and Gary had
8 been talking.

9 Q. Now, shifting gears a little bit. In April 2019, or May and
10 April of 2019, coming up to the dockside, do you recall who the
11 port engineer was for the Lovric shipyard time?

12 A. I think Chip was dead, so I think that it was -- you know, we
13 have our own, but of course, Lovrics is a full-service shipyard,
14 so they have their own port engineer there, but I believe that we
15 were -- when we up at Lovrics, we were relying on them because I
16 think Chip was dead at that point, but I can't remember the dates.

17 Q. After Chip, was the company looking at a new port engineer or
18 going through a hiring process there?

19 A. Yeah.

20 Q. Could you describe the efforts that you were aware of or --

21 A. Yes, I actually had someone in mind, so we brought him on
22 first as a laborer/engineer just to kind of gauge what we felt
23 like his knowledge was on the *Amatuli* and then felt like he was
24 pretty knowledgeable, he's been in the industry for a long time
25 and he knows how to get information if he doesn't have it and so

1 we hired him.

2 Q. About when was he hired?

3 A. Oh, yeah, that's right. That was him. Okay, yes. We
4 brought him for that shipyard, the *Scandies*, but we had two boats
5 down, the *Scandies* and the *New Venture*, I think, so he was going
6 between two.

7 Q. What was his name again? What was his name again?

8 A. Jameson -- Jamie Griggs.

9 Q. Would the port engineer be someone you consult outside of
10 shipyard availability times?

11 A. Um-hum.

12 Q. Did you consult him on any other issues for the *Scandies Rose*
13 in that last year?

14 A. No, I didn't. I mean, I'm thinking.

15 Q. Take your time.

16 A. I don't remember. I don't think so, but it doesn't -- it's
17 not drawing anything.

18 LCDR COMERFORD: Thank you.

19 That's all the questions I had, Captain.

20 CAPT CALLAGHAN: Thank you, Lieutenant Commander Comerford.

21 At this time, I'm just going to go around one more time real
22 quick with Mr. Barnum with the NTSB, if he has any more questions
23 for you.

24 MR. BARNUM: I do not, Captain. Thank you.

25 CAPT CALLAGHAN: Thank you, Mr. Barnum.

1 Mr. Stacey.

2 MR. STACEY: We have no questions.

3 Thank you very much, Ms. Cooper.

4 THE WITNESS: Thank you.

5 CAPT CALLAGHAN: No questions from Mr. Stacey.

6 Mr. Barcott, any follow-on questions?

7 MR. BARCOTT: No further questions, thank you.

8 CAPT CALLAGHAN: Okay. Ms. Cooper, as we close up, is there
9 anything that we might not have covered in this line of
10 questioning that might be important to talk to about this hearing?

11 THE WITNESS: Not that I can think of.

12 CAPT CALLAGHAN: Okay, thank you. Based on what you know, do
13 you have any recommendations to make to this Marine Board that may
14 help prevent accidents on board commercial fishing vessels in the
15 future?

16 THE WITNESS: It seems like you're covering it, it seems like
17 making sure that we have correct information about stability, so
18 that seems like a good thing. I think I like your question about
19 we don't have one on our form, did we test the EPIRB, I think
20 that's a great -- which I'm going to do actually today, put that
21 on that form. But no, I think you guys seem to be covering a lot
22 of ground here and it seems like you've got it covered.

23 CAPT CALLAGHAN: Thank you, Ms. Cooper. And, Ms. Cooper,
24 before we close your testimony for today, I do want to thank you
25 on behalf of the Board, that you have been very supportive and

1 been very helpful over the past year and immediate response and
2 providing a lot of documentation to assist the Board in this
3 investigation, so we do want to thank you for your efforts here
4 and your support.

5 THE WITNESS: Thank you.

6 CAPT CALLAGHAN: Ms. Cooper, at this time you are now
7 released as a witness in this formal hearing. I want to thank you
8 for your testimony and cooperation. If I later determine that
9 this Board needs additional information from you, I will contact
10 you through your counsel, if applicable. If you have any
11 suggestions about the investigation, you may certainly contact
12 this -- contact any members of the investigation in the future.

13 (Witness excused.)

14 MS. COOPER: Thank you.

15 CAPT CALLAGHAN: Thank you for your testimony today.

16 MS. COOPER: Thank you.

17 CAPT CALLAGHAN: It is now 1409. The proceedings will now
18 adjourn. Current schedule has the next witness at -- scheduled
19 for 1515 subject to availability. We will attempt to start a
20 little sooner, but at this point, we will take a recess with
21 planned resumption at 1515. We are now adjourned.

22 (Off the record at 2:09 p.m.)

23 (On the record at 2:45 p.m.)

24 CAPT CALLAGHAN: Okay. It is now 1445. Hearing is back in
25 session. We will now hear testimony from Mr. John Walsh.

1 Mr. Walsh, at this time Lieutenant McPhillips will administer
2 your oath and ask you some preliminary questions.

3 LT MCPHILLIPS: Stand and raise your right hand.

4 (Whereupon,

5 JOHN P. WALSH
6 was called as a witness and, after being first duly sworn, was
7 examined and testified as follows:)

8 LT McPHILLIPS: You may be seated. Please state your full
9 name, and spell your last name.

10 THE WITNESS: John Philip Walsh, W-a-l-s-h.

11 LT McPHILLIPS: Please identify counsel or representative if
12 present, and have them state and spell their last name. Also
13 define the company relationship.

14 MR. BARCOTT: This is Mike Barcott appearing for the *Scandies*
15 *Rose* and the owners of the *Scandies Rose*, Holmes Weddle & Barcott,
16 B-a-r-c-o-t-t.

17 LT McPHILLIPS: Please tell us what is your current
18 employment and position.

19 THE WITNESS: Are you referring to me?

20 LT McPHILLIPS: Yes, sir.

21 THE WITNESS: I am an insurance broker with the firm of North
22 Star Insurance -- North Star Insurance Services, and my title is
23 president.

24 LT McPHILLIPS: What are your general responsibilities in
25 that job?

1 THE WITNESS: General office management and the placement of
2 marine and property casualty insurance.

3 LT McPHILLIPS: Can you briefly tell us your relevant work
4 history?

5 THE WITNESS: In insurance or my fishing career prior?

6 LT McPHILLIPS: In insurance and in fishing if possible,
7 please.

8 THE WITNESS: I started fishing in Bristol Bay in 1982 as a
9 deckhand, and I fished on and off until 1994, my last season
10 fishing in Bristol Bay. I started doing marine insurance in 1989,
11 and I worked for three firms: Fishermans Insurance Services;
12 Carlton, Irvin and Peterson (ph.); Aon Risk Services, and then
13 started North Star Insurance Services in 2001.

14 LT McPHILLIPS: What is your education related to your
15 current position?

16 THE WITNESS: Thirty-one years of on-the-job training, and I
17 currently have the license -- the Washington State broker's
18 license in property, casualty, and life and disability, as well as
19 the surplus lines licensed in the State of Washington.

20 LT McPHILLIPS: Do you have any other professional licenses
21 or certificates related to your position?

22 THE WITNESS: No, I do not.

23 LT McPHILLIPS: Thank you. Captain Callaghan will now have
24 follow-up questions for you.

25 CAPT CALLAGHAN: Okay. Thank you, Mr. Walsh. I will now

1 turn it over to Commander Karen Denny for questioning.

2 EXAMINATION OF JOHN P. WALSH

3 BY CDR DENNY:

4 Q. Good afternoon, Mr. Walsh. All of my questions are set in
5 the timeframe leading up to and including the accident date of
6 December 31st, 2019. And in addition, I'm going to ask you some
7 overarching questions on safety compliance, risk management and
8 insurance for commercial fishing vessels.

9 So first of all, thank you for being on the line with us and
10 attending this hearing virtually today. If at any point I ask a
11 question or we ask a question that you don't understand or can't
12 hear because of a technical issue, just ask us to repeat it or
13 rephrase it, and we will do so.

14 A. Understood.

15 Q. We're going to take breaks throughout the hearing, but if at
16 any point you need to take a break, please let us know, and we'll
17 go ahead and coordinate that.

18 A. Thank you.

19 Q. This virtual platform is a little bit dynamic, and since
20 you're our first virtual witness we have the ability to use this
21 platform to share the exhibits virtually, so you'll see them on
22 your monitor. The recorder, Lieutenant McPhillips, will put up
23 any exhibit that we call so that you'll be able to see it. If at
24 any point you want to focus on something or highlight it, just ask
25 Lieutenant McPhillips to zoom in on something, and he will do that

1 for you. Okay?

2 A. Understood.

3 Q. Mr. Walsh, before we begin, the Marine Board would like to
4 offer their condolences on the loss of your crew and friends
5 aboard the *Scandies Rose*. Again, if you need -- if you need a
6 break at any point, please let us know.

7 A. Thank you very much.

8 Q. So as I mentioned, we're going to break your testimony into
9 two main parts. The first is as the part-owner of the *Scandies*
10 *Rose*, and then the second is in your role providing marine
11 insurance for vessels -- commercial fishing vessels in the
12 industry.

13 So I'd like to go into and go a little bit more in depth into
14 some of the questions that Lieutenant McPhillips already asked
15 you. Could you talk to us about your ownership of the *Scandies*
16 *Rose*? Could you elaborate a little bit on how you came to be
17 involved in owning that vessel and --

18 A. Sure. It's a relationship with Dan Mattsen I've had over the
19 years. Initially I met Dan as his insurance broker. Lord, I
20 didn't look back on the dates, so I'm going to guess. So I would
21 say close to 20 years ago he owned a boat called the *Shaman*. He
22 needed a partner for various reasons. At that point in time, I
23 bought in in just one-sixth, I believe, I own and Mattsen
24 Fisheries which owns the *Shaman* and was purely as an investment to
25 help out a friend who needed some cash flow. We then sold the

1 boat in the buyback. Again, I want to say that's 2004 at which
2 point we were out of the commercial fishing business.

3 Dan chose to go back to school, got his MBA at the University
4 of Washington, realized he liked fishing a lot better than working
5 in a boardroom and we bought the new venture along with Gary
6 Cobban.

7 Q. About what year was that?

8 A. That was 2004-2005, right after -- right after the buyback.
9 I'd have to go back and look at exact dates but --

10 Q. Okay. And how about with this -- the *Rose* -- sorry. How
11 about when did you get involved with the *Scandies Rose* ownership?

12 A. *Scandies Rose* was a few years later. I insured the boat.
13 Leif Larsen was the owner. He wanted a group of fishermen to buy
14 the boat which when I called Dan Mattsen, Gary Cobban and some
15 other friends. And I think it was a group of seven of us that
16 bought the boat from Leif.

17 And then the other partners were in the long run
18 (indiscernible) long run business, were building a brand new boat
19 and asked to be bought out of the *Scandies*. So at that point, we
20 bought them out which was probably 2012. I'd have to go back and
21 look at dates to be certain but --

22 Q. Okay. So roughly 2012. So you've owned -- you've been a
23 partial owner of the *Scandies Rose* since 2012, and since then what
24 has been your role in ownership? You know, oftentimes there's a
25 division of responsibilities. What's been your role?

1 A. Purely as an investor. I mean, I've never fished the Bering
2 Sea. My fisheries experience was Bristol Bay on 32-foot go
3 netters, far cry from fishing the Bering Sea on a 130-foot crab
4 boat. I never sailed on the boat, so really I was an investor.

5 Q. Okay. We've heard this before, but I just want to confirm.
6 Currently you owned a share that was approximately 30 percent; is
7 that --

8 A. Twenty.

9 Q. Okay. Twenty percent.

10 A. Yeah. Gary owned 30 percent, and I owned --

11 Q. Okay.

12 A. -- I think it's an odd number --

13 Q. Nineteen point --

14 A. 19.98 or something like that.

15 Q. My apologies. My fault on that one.

16 Okay. So in terms of the role, and I understand that it was
17 purely an investment for you, how did your -- how did your
18 insurance company relate to the *Scandies Rose*, and how did
19 you -- how involved were you with insuring that vessel as it was
20 your company?

21 A. You know, the -- I insured the boat for the previous owner.
22 I insured it for various ownership changes between our group and
23 continued to insure the boat. And I say as an insurance broker I
24 represent the vessel owners, two insurance companies. We're not
25 an insurance company. So we represented the insurance companies

1 that have the boat, the physical asset of the vessel, the cargo,
2 the crew and any (indiscernible) liabilities covered.

3 Q. Okay. Sir, do you in part or in whole have ownership
4 of -- in any other fishing vessels?

5 A. I do. I own -- again, I'm not sure of the exact percentage
6 because it's through Mattsen Fisheries, which is Dan Mattsen,
7 which was the original company we bought the *Shaman* with. And so
8 I believe I own one-twelfth of the new venture and one-twelfth of
9 the Alaska Challenger. Mattsen Fisheries owns 50 percent.

10 Q. Okay. So what would you say is fair to say in terms of your
11 management or involvement in the *Scandies Rose* on the more day-to-
12 day operational things? Do you have any knowledge at all? Like,
13 do you get told anything at any kind of frequency?

14 A. No. We intentionally stay -- you know, we as a partnership
15 group, you know, made the decision a long time ago that it was
16 best for me in my position not to know what was going on with the
17 boat. Typically when it would come back in the spring, I might go
18 own and say hi and have a beer with the guys. But I had
19 no -- because I insure other fishing boats that do the same thing,
20 it was best for me not to know what they were doing because then I
21 could never share that information, and I would never share
22 information with somebody else.

23 Q. Okay. So then were there any written documents that
24 delineated those --

25 A. No.

1 Q. -- business rules, if you will? It was just the verbal --

2 A. Yeah. We typically would have a financial meeting, you know,
3 once a year. Typically before going into shipyard, we have this
4 amount of money. We're going to spend it. Being a minority
5 partner I answer 99 percent of the time, sure, fix the boat.

6 Q. Okay. Even though you were a minority owner, I'm sure you
7 had expectations for your investment. How did you communicate
8 those either to your partner owners or any employee of the company
9 that kind of ran *Scandies Rose*?

10 A. You know, about a year and a half ago, Gary and I had started
11 talking. Gary's son David was taking a more active role in the
12 boat, and he had brought up, you know, would I be interested in
13 selling my shares. And so we started that conversation maybe
14 12 -- not from today's date but from the date of the sinking,
15 12 months prior to that, we actually had a meeting in December,
16 had lunch at Ray's Roadhouse (ph.) where we came to a verbal
17 agreement for me to sell my shares to Gary. And then my last
18 conversation with him was via text on the 30th, and I think that
19 share was (indiscernible).

20 Q. Mr. Walsh, actually I'm going to ask for those to get pulled
21 up.

22 CDR DENNY: Lieutenant McPhillips, could you please pull up
23 Coast Guard Exhibit 094, and those are -- that's the text
24 message -- several text messages that you did provide the Marine
25 Board of Investigation regarding the conversation of Mr. Cobban

1 looking to buy your shares. So we'll share that in just one
2 second, sir.

3 BY CDR DENNY:

4 Q. Mr. Walsh, do you see that on your screen? Do you see
5 Exhibit 094?

6 A. I do.

7 Q. It looks -- okay. Excellent. Could you read us that text
8 message, please?

9 A. Sure. This was after Gary and I had lunch, and we basically
10 chatted in the parking lot. And so I said I hadn't really spent a
11 great deal of time thinking about selling my shares. But I looked
12 at the value of the boat of 3.5 million versus the loan amount,
13 said 20 percent is roughly worth 340-. You know, I dropped the
14 value down to allow him and -- he and David to purchase my shares
15 in the boat.

16 CDR DENNY: Mr. McPhillips, will you scroll down to the next
17 page, please?

18 BY CDR DENNY:

19 Q. And you were saying, Mr. Walsh, you were -- you had dropped
20 it down so that he could buy it.

21 A. Yeah. You know, Gary was a friend and David -- and they're
22 both career fishermen. I had stopped fishing, as I said, in '94.
23 And the *Scandies* was in my mind the best boat in the fleet, and
24 Gary loved it, and I wanted him to have it. Then I was 63 years
25 old, so the time for me to get out was probably right, turn it

1 over to Gary and David.

2 So I gave them a discount for cash, and we came to an
3 agreement via texts because that's how Gary and I would talk
4 periodically. We never emailed. I don't even know if Gary has an
5 email account, to be honest. And at which point if he'd scroll
6 down to the next --

7 CDR DENNY: Scroll down to the next, please.

8 THE WITNESS: -- is he had told me he had already sent the
9 down -- he had already made the loan arrangements with Mountain
10 Pacific Bank. He'd send -- he'd sent the down payment down, and
11 I'd asked him if he wanted to wait until after fishing, and he
12 said no, he wanted to do it immediately. Tren is the company
13 attorney. So I said okay. I'll send the documents over to Tren,
14 and get the ball rolling. And that was the last conversation I
15 had with him.

16 CDR DENNY: Okay. Excellent. You can take that down.
17 Thanks, Lieutenant.

18 BY CDR DENNY:

19 Q. Thanks, Mr. Walsh, for giving us context for that. And so
20 just to clarify, you said that the majority of your conversations
21 happened either face to face or via text; is that correct?

22 A. That's correct.

23 Q. Okay.

24 A. I'd say with Gary it was maybe once or twice a year. I'd see
25 him in the spring in the shipyard or as the boat was leaving.

1 Q. Okay. How about over the telephone? Did he contact you at
2 any point over the telephone when he was on the boat?

3 A. Yeah. He called me on the morning of the 30th which was, you
4 know, unusual. Gary and I typically didn't get a lot of phone
5 calls. And he just left me a voicemail and said hey, I'm getting
6 ready to get out of town. Can we talk about the purchase of
7 your -- of your shares in the company? And knowing he was getting
8 ready to get out of town I just sent him a text because trying to
9 contact a captain when they're gearing up is next to impossible on
10 the boat. And that's how we communicated the rest of the day.

11 Q. And how did he sound when he did leave you that voicemail?
12 What was your general impression of that voicemail?

13 A. He was fine. He was excited. He wanted to buy the shares
14 for the boat for he and his son.

15 Q. All right. Do you have any knowledge as to why because you
16 guys had lunch together? Did he indicate why he wanted to buy
17 your shares?

18 A. I had offered it down the road and said I'm getting to that
19 age where it's time to start liquidating some assets and if he
20 wanted to do it to get back to me and he did and that's -- it was
21 a -- the lunch we had Ray's Roadhouse with the partnership group
22 and (indiscernible) was processing our quotas. We always had kind
23 of a kickoff meeting. And I think that was early December, and he
24 went off to Hawaii afterwards. So I probably didn't talk to him
25 for a couple of weeks.

1 Q. Got you. Okay. I just want to shift this a little bit.
2 Sir, either as the -- you know, either as an owner for the
3 *Scandies Rose* or from the insurance broker point of view, had you
4 examined or read, in part or in whole, the Coast Guard or NTSB
5 report about the *Destination* sinking?

6 A. No. I haven't done that but I was -- I have enough friends
7 in the industry and colleagues, we all know about the *Destination*.
8 I, you know, read the newspaper articles, and with Trident
9 Seafoods, Joe Bundrant and Dave Abbassian and I, we actually put
10 on two fundraiser golf tournaments for the families of the
11 *Destination*.

12 Q. So did you happen -- I mean, then through those
13 conversations -- or let me ask this question first. So had you
14 seen any other marine safety information bulletins or safety
15 alerts from the Coast Guard or anywhere else that kind of talked
16 about some of the takeaways about stability?

17 A. Yeah. No. It was more conversations of the captains about
18 stability at which point I had a conversation -- I'm drawing a
19 blank on who I had this conversation with. But we talked about
20 heavy icing conditions and the misinterpretation at least I had
21 and I think other captains have that three or four inches was
22 heavy icing. And from my understanding it's half an inch or .6 of
23 an inch is deemed heavy icing in the stability report --

24 Q. So were you in -- I'm sorry. Please, you go ahead.

25 A. So that was one of the conversations I've had with a number

1 of captains and have since had further conversations about that,
2 working on helping get that information out.

3 Q. And would you say that that's with your -- you know, your
4 wearing of the hat of an insurance broker or as an owner?

5 A. You know, it's a little bit of both. It's learning
6 from -- you know, learning from what happened with the
7 *Destination*. It was devastating. *Scandies Rose* is off the chart.
8 But yeah. So we've done a couple of different things. We've
9 actually helped -- a couple of captains and I helped with the
10 stability class together that was geared on heavy icing
11 conditions.

12 Q. Um-hum. And when was that, sir?

13 A. Oh, I think the first class, we did it with John Crawford at
14 the Crawford Nautical School, and it was geared specific to pot
15 boats, winter operation in the Bering Sea. And we've done two
16 classes, so I want to believe that I'm doing it in their memory.
17 One in October and one in November.

18 Q. Okay. All right. So I just want to make sure that I have a
19 really good sense of your -- how much information was really
20 passing to you in terms of the material condition and
21 seaworthiness of the *Scandies Rose* because I know you've said
22 multiple times that it's an investment for you. But oftentimes
23 with an investment of that value some people want to know more
24 information. So I'm trying to get a sense of that from you, you
25 know.

1 A. Right.

2 Q. So in the last 18 months preceding the accident, are you
3 familiar with any areas of the vessel that were looked at or
4 worked on for repairs because of worn equipment or worn hull?

5 A. No. You know, I know the boat went into the shipyard in the
6 spring and -- spring of 2019, was hauled out of the water. I read
7 the survey report when it was done. I never went to the boat.
8 You know, typically Dan and Gary would make a shipyard list, and
9 they'd come up with a ballpark number and Dan -- you know, they
10 would say we're going to spend half a million; we're going to
11 spend whatever. I know when we repowered the generators in 2012,
12 that was a million dollar shipyard. So there was a lot of money
13 spent on the boat.

14 Q. Sure. So in 2019, as an owner, did you see a copy of the
15 condition and valuation survey done by --

16 A. I saw it as the insurance broker, absolutely. Yeah.

17 Q. Okay. So you got a copy with the insurance broker hat on.

18 CDR DENNY: Okay. Lieutenant McPhillips, could you please
19 pull up Coast Guard Exhibit 004? If you could actually go to
20 page 47.

21 BY CDR DENNY:

22 Q. So, Mr. Walsh, you've seen this document. It's the 2019
23 survey, and if you could just focus in on like halfway down the
24 page, and what I'd really like to focus on is so the vessel was
25 valued at -- that's good -- quite a bit of money from an insurance

1 perspective. These terms and conditions of the survey, is this
2 normal for what you'd see for survey reports or condition and
3 valuation reports?

4 A. Absolutely. And Jake was one of the best surveyors in the
5 industry.

6 Q. And these, like, conditions where he indicates kind of
7 exceptions about accuracy that -- you know, that all partners like
8 part fix by accepting the survey, all parties acknowledge that
9 this -- that its accuracy is not guaranteed and doesn't create
10 liability. Is that normal from what you've seen in the industry?

11 A. That's normal in the litigious world. Yeah. Um-hum.

12 Q. Okay. And then going back to the text messages that you had
13 you -- the quote that you gave Captain Cobban was based on this
14 estimated value; is that correct, sir?

15 A. It was the estimated value, and we'd actually had a
16 conversation a while back, and it said well, the boat's worth, you
17 know, \$3.5 million. If we were to sell part or all of it that's
18 what we'd want to sell it for. And that was, again, 12, 18 months
19 earlier. And then as we got -- you know, basically giving Gary a
20 partner discount.

21 Q. Got it. So I have a question from the insurance point of
22 view. Is a marine survey a requirement for obtaining and
23 maintaining marine insurance?

24 A. Yes, it is.

25 Q. Okay. And how frequently does that have to happen?

1 A. Two to three years.

2 Q. Okay. So not annual. Is there anything that would
3 precipitate that, any -- what's the threshold? Like, is it a
4 repowering? Is it a grounding?

5 A. If you had a serious marine incident, after the repairs were
6 done you'd do a new condition evaluation survey. Whether it was a
7 grounding, heavy weather, fire. Once the repairs were done you'd
8 resurvey the boat to restate the condition the boat is in.

9 Q. Okay. That's fair. But other than that it's every two to
10 three years.

11 A. Every two to three years for a marine survey. One of the
12 things insurance companies are requiring now is Coast Guard safety
13 decals which is a good thing so --

14 Q. So could you repeat that actually? You were saying that
15 major insurance companies. Is that all insurance companies or
16 some?

17 A. In general, yeah. Some do, some don't. But the majority of
18 the big boat companies that we work with will want to know that
19 the Coast Guard safety decal has been updated. And that's
20 part -- it will either be shown in survey or if the survey's
21 older, say if the survey is two and a half to three years old,
22 they will ask for a photo. And typically we'll just have to have
23 them snap a picture of the decal on the boat and send it down.

24 Q. Okay. How about stability report? Is that required for
25 marine insurance or specifically let's say for your company -- for

1 your insurance company?

2 A. Correct. It's a rarity not to have a stability report. And
3 any tank vessel, frankly you'd be foolish to go out without a
4 stability report because you're adding water to the vessel.

5 Q. Okay. Are you aware -- and you don't -- no names or
6 anything. But are you aware of any insurance company or your
7 specific insurance company ever denying coverage for a vessel
8 based on, like, a specific captain, like, denying coverage because
9 a specific captain is employed on a vessel?

10 A. That happens but it would be claims related.

11 Q. Okay.

12 A. I mean, if you had a captain that sunk two or three vessels,
13 he's going to have a hard time to get a job fishing.

14 Q. Fair. So slight change to that question. Has your insurance
15 company or have -- are you aware of other insurance companies
16 denying coverage for vessels based on errors in documents like a
17 survey and valuation report or stability reports?

18 A. Well, again, we're brokers. We're not insurance companies,
19 so we have had insurance companies put stipulations in renewals
20 that you need a new stability report because it's too old, or you
21 need new a new hull's condition and valuation survey prior to the
22 next renewal. And if they don't get it, they then don't offer
23 renewal terms.

24 Q. Okay.

25 A. It's more often in the last two to three years.

1 Q. Okay. Do you know why that is

2 A. I think post-*Destination* people are being more cautious and
3 reviewing documents a little more thoroughly.

4 Q. Okay. Sir, I'm going to -- I'm going to pull us back and ask
5 some general questions of you. Do you belong to a marine
6 insurance professional organization? If so, could you talk about
7 that?

8 A. Not really.

9 Q. I guess -- no. Like, so I guess what I mean by that is is
10 there such a thing as a professional organization for insurance
11 companies that set standards? Because you were kind of talking
12 how quite a few companies require the safety decal to be current.
13 Is there any kind of organization that kind of sets some standards
14 or protocols?

15 A. Well, each insurance company has their own set of rules and
16 guidelines. As a broker, we learn how to work within them. We
17 try to do basically additional risk management with some of our
18 clients. So we've -- for example, the North Pacific Fishing
19 Association, which the *Scandies Rose* was part of, we put hiring
20 protocols together which were background checks pre-employment,
21 you know, drug testing, things like that, to help out the smaller
22 fishing companies who are competing with the Tridents and Icicles
23 of the world that had to fully charter partner. We partnered that
24 way, but there's no real guidelines to it, working with them,
25 helping create the stability clause. We just find people in the

1 industry, and bring the resources to bear.

2 Q. Okay. Sir, are you a marine surveyor? Do you have any
3 experience with that? No.

4 A. No, I don't.

5 Q. Okay. Got it. Sir, are you familiar with the federal
6 advisory committee, the Fishing Safety Advisory Committee,
7 sometimes called CFSAC?

8 A. I believe surveyor Erling Jacobson was on that committee.

9 Q. Okay. So are you familiar with that? Would you be able to
10 speak to how they work with the commercial fishing industry?

11 A. I don't know -- no. I don't know other than Jake would give
12 me information periodically, and I did volunteer my name for it
13 and was not selected.

14 Q. Okay. Thank you.

15 A. If it's the same committee I'm thinking of.

16 Q. Okay. So insurance is a little bit confusing, right? If you
17 could just help me understand, for the benefit of like me and the
18 public, if you could just help us understand what kind of
19 insurance coverage the *Scandies Rose* had at the time of the
20 accident? Like, I don't know what some of the terms mean. So if
21 you could explain, like, indemnity and other insurance terms.

22 A. Sure. We can do a little insurance 101. We do it all the
23 time. So there are various policies of commercial marine, and
24 commercial marine is steeped in history. So a lot of things go
25 back to, you know, the 1800s. So if you read a hull and machinery

1 policy, heritry baritru (ph.) is all covered.

2 So the American Institute of Hull Clauses, which the *Scandies*
3 *Rose* hull and machinery was insured under, is a form that was
4 issued in 1977. We've made some "adaptments" to it. But so
5 there's a hull and machinery policy that covers the physical
6 vessel and her machinery. Then there's a policy called the
7 increased value which is the total loss policy. In the *Scandies*
8 *Rose* case, and again, I'm doing this from memory, the hull and
9 machinery policy was 2.8 million, and the increased value policy
10 was 700,000 (indiscernible) 80/20 hull (indiscernible) split
11 (indiscernible).

12 We then placed a protection and indemnity policy which is the
13 maritime version of work comp (indiscernible). So under a P&I
14 policy it picks up first-party and third-party liabilities. So it
15 picks up your crew coverage, and under maritime law and the Jones
16 Act it's maintenance, care, unearned wages, repatriation
17 regardless of fault. And then if there is fault then there's the
18 ability for the crewman to recover his (indiscernible) from the
19 vessel.

20 It also picks up what we call FFO, fixed and floating
21 objects. You get a dock up here, one of your Nab buoys, that's
22 where it's picked up under the liability, under the P&I side. It
23 also picks up wreck removal. If a vessel sinks in a navigable
24 waterway, the Coast Guard determines it needs to be raised, or it
25 sinks within three miles, Department of Natural Resources deems

1 the vessel is a hazard and needs to be raised, that is under the
2 P&I policy as well.

3 So then --

4 Q. Okay. I'm sorry.

5 A. -- there's a pollution policy. It's a lot of policies. You
6 have an OPA 90 policy. OPA 90 is post *Exxon Valdez*. That's where
7 the 1990 came from. It's the Oil Pollution Act of 1990. So we
8 placed a \$5 million pollution policy to the vessel as well.

9 And then we have excess P&I coverage. So what we do is we
10 buy -- in the property casualty world their personal lines, what
11 would be called the buffer sheet or an umbrella. So the excess
12 policy goes above the primary 1 million in the P&I and the
13 5 million of pollution. And in the *Scandies Rose* case it was a
14 \$9-million excess policy that provided a total of 10 million
15 liability coverage.

16 Q. Okay. Well, that is a lot of policies. So -- well, I think
17 you've covered quite a bit and I -- and so I guess my question is
18 from a risk management perspective for an insurance company are
19 there -- what are some types of things that a vessel can do to
20 either, you know, maintain their premium knowing that they have to
21 have all of those policies, all of that coverage? Are there
22 things like standards in the industry that insurance companies
23 drive with vessels for them to do things to be safer that you can
24 talk to us about?

25 A. Well, in essence we -- yeah. We start with a condition and

1 valuation survey. We're dealing with underwriters all around the
2 world, whether they're in Seattle, San Francisco, of late
3 Scottsdale, New York, London. What they see is the condition and
4 valuation survey we send out. We do a group bio on the company.
5 We'll write a little company history. You know, is the boat owner
6 operated? Is it a hired skipper? What's the skipper's history,
7 and I'll ask how many years has he fished?

8 Not any different than an auto policy, gains and debts. Have
9 you wrecked a boat? Have -- you know, all of those go into play
10 into the renewal discussion with underwriters. What was the
11 quality of the vessel, quality of the operating captain, quality
12 of the management and the loss history of the vessel?

13 Q. So how does an insurance company or the insurance industry
14 determine the competency of people that operate commercial fishing
15 vessels in terms of the insurance coverage? Like, let me give you
16 some areas that I was thinking about like technical competency to
17 manage the vessel. Do they think about the weather of where the
18 vessel's going to be operating, for example? What about medical
19 competency? Do they look at that? Do they ask for that
20 information? Drug- or alcohol-free on board? Is that the kind of
21 stuff they look at, and how do they evaluate that?

22 A. Yeah. It's a yes and no question. You know, on the larger
23 corporate level that's all being done -- that was one of the
24 things that we've done in the *Scandies Rose* as part of an
25 association we call the North Pacific Fishing Association. And so

1 we basically created guidelines that way. We, for lack of a
2 better term, pre-underwrote things for underwriters to help them.

3 The NPFA, to add a new skipper to a boat you had to have
4 three of the board members approve it. All the board members
5 would vote on it. That was one of the things we did in, as I
6 said, the hiring protocol where we had mandatory background checks
7 and pre-employment drug tests and -- I apologize. That phone
8 keeps going off. But maybe I can sneak it out the door of the
9 conference room on a break but --

10 So those are some of the things we did as a group to make our
11 operations safer. We also partnered with a doctor in Anchorage
12 called Dr. Lord. He's got a group called AMP, Alaska Maritime
13 Physicians. And we paid a fee as a group, as a number of our
14 other clients do, to have 24/7 access to a doctor. And that's
15 been a real plus where at the same -- this allowed the captains
16 not to play doctor. Somebody came up, whether they were sick or
17 had fish poisoning or, you know, trimmed a finger, they could get
18 online direct to Dr. Lord's office in Anchorage and -- in order to
19 get medical opinions and not us guessing.

20 Q. Okay. So do vessel owners or companies that own vessels get
21 a premium reduction or other kind of incentive if personnel are
22 safer, right? Like you mentioned before stability training that
23 you guys put on. So if they attend stuff like the stability
24 training or for SADE (ph.) or a drill conductor or some kind of
25 AMSI course, do they get any kind of incentive when it comes to

1 insurance, or how does that work?

2 A. Not at this -- not at -- you know, they're not going to get
3 it -- it's not like auto insurance where if you say you drive
4 50 miles a week you're going to get a break. It's they anticipate
5 operators of these types of vessels -- these are multimillion-
6 dollar vessels operating in the Bering Sea. They should know what
7 they're doing. You just try to help them, you know, from a
8 insurance broker standpoint, an industry standpoint, whether it's,
9 you know, the Bering Sea crabbing grid, or it's MPFDOA, they're
10 putting on classes, we encourage it. But to say, you know, if you
11 show I got this certificate you're getting a discount on your
12 insurance, not that I'd see.

13 Q. Okay.

14 A. You know, most quality people that want to go, you know,
15 whether you're in the military or not, you go from the back of the
16 deck to the wheelhouse. And to make that transition and to move
17 up grades, you have to be -- I mean, it's not just on-the-job
18 training. You need to go take classes and move up.

19 Q. Okay. So in your capacity as a marine insurance broker, do
20 you think that providing a premium reduction or some kind of
21 incentive for safety-related training might spur or enhance safety
22 in the commercial fishing vessel industry?

23 A. You know, I'm just not sure. You know, you're -- we're
24 dealing with, well, 30 years ago, 40, 50 insurance companies, and
25 now we've got about 10 of them. They all have different rules and

1 regulations.

2 I'm not -- do I say this? In the property casualty world you
3 would go insure your house with State Farm and Allstate. *Scandies*
4 *Rose* had seven hull underwriters alone. I mean, there were
5 probably 14 different underwriters covering that boat. Getting
6 them all to play on the same page, I'm not sure that's possible
7 yet. Is it a good idea? Sure, and we encourage people to do it.
8 I'm not sure how you mandate it.

9 Q. Do you think that if -- that's fair. Do you think that from
10 your experience and capacity that if some kind of incentive was
11 provided, if there was some kind of assurance for medical or
12 technical competency, if there was some kind of standard for that
13 of people operating those fishing vessels, do you think that that
14 would enhance safety for commercial fishing vessels?

15 A. There is. There is. You know, you have to have someone
16 onboard the vessel that has taken emergency medical training and
17 has CPR training. That's a current requirement.

18 Q. Oh, I'm sorry. Let me rephrase. I guess what I meant is
19 assurances of the operator's medical sufficiency like of their
20 health or like some kind of attestation to their health condition?

21 A. Well, any vessel over 200 GRT, that licensed crew and those
22 people have had physicals --

23 Q. Sure but under 200.

24 A. That's --

25 Q. Tough to say.

1 A. Tough to say.

2 Q. Okay. Well, thank you.

3 A. But that being in violation of the Americans with
4 Disabilities Act.

5 Q. Okay. Sorry. I was not trying to put you in a position.
6 Sir, is there anything that I might not have covered in my
7 questioning that might be important to talk about at this hearing?

8 A. No. I think we covered a lot of information, a lot of
9 positive things to change going forward. But no, I think you did
10 it pretty well.

11 Q. Okay. Do you have any recommendations to make to the Marine
12 Board of Investigation that might help prevent accidents on board
13 commercial fishing vessels in the future?

14 A. Well, I think the continuing education of the captains and
15 the crews is going to be critical. And like I said, I -- you
16 know, with the group of vessel owners we did put together a heavy
17 icing conditions, stability report class just to help people out.
18 And I think getting the information out that -- and again, I'm not
19 a marine architect, and I'm paraphrasing (indiscernible), I
20 believe heavy icing conditions on disability report are based on
21 roughly half an inch of ice which is not the norm. We get to
22 three to four inches of ice, and they're breaking ice. But I
23 think dispelling that rumor that two or three inches of ice is a
24 safe operating condition is probably a great start.

25 Q. Okay. Thank you for that. I did have one last question to

1 you, sir, before I turn you over to Captain Callaghan. You
2 mentioned Dr. Lord that you guys have -- that you guys have
3 established a relationship where you and your -- the captains
4 would be able to have 24/7 access to medical. And that was, of
5 course, in Anchorage. Was that relationship extended to
6 subsidiary areas in Alaska like Kodiak?

7 A. Oh, no. So what we did, we'd call ship to shore to Dr. Lord
8 or to one of his other treating physicians because he can't work
9 24/7.

10 Q. Right.

11 A. So there would be a medical provider on the phone, and we
12 could do a number of different things. If it was onboard
13 treatment he could give medical advice, and tell them how to treat
14 onboard. If they needed to get to the folks in the clinic, he
15 could then liaison with the clinic whether it was Kodiak, Akutan,
16 Dutch, St. Paul. He would work with the clinic and treat the
17 patient.

18 We also had the ability to -- because they were available
19 24/7, I'm giving a good example, we had a -- the first time we put
20 this together we had an injured crewman with a compound fracture
21 of his right arm. But we knew it was going to take eight hours
22 for the boat to get in. So at that point, we had a charter plane
23 with a nurse waiting for him. And from the time the boat docket
24 in Kodiak to the time he was on the plane heading to Anchorage was
25 30 minutes.

1 Q. Okay. Well, I'm just trying --

2 A. But you really could have that. You could accelerate the
3 treatment of crewmen outside.

4 Q. No. That's really great. What I'm trying to resolve, like,
5 for myself right now is to understand that when you -- when the
6 accident happened for the *Scandies Rose*, and the two crewmen were
7 rescued, is it fair to say that you were contacted fairly quickly?

8 A. I was contacted by Gelia Cooper at 6 a.m. in the morning.

9 Q. Okay. And so --

10 A. (Indiscernible) the call.

11 Q. So I guess what I'm trying to understand is Ms. Cooper
12 indicated to us that they were not able to do post-casualty drug
13 testing at the hospital, and I'm trying to understand why
14 this -- like, this service wasn't -- the 24-hour service wasn't
15 used to facilitate the post-casualty drug testing -- the DOT post-
16 casualty drug testing.

17 A. And that's a good question, and I would -- I'm going to guess
18 that the assumption was they were in the hospital on Kodiak, and
19 they were brought in by the Coast Guard helo, that it would be
20 taken care of. And frankly, I was trying to wake up, and get my
21 arms wrapped around it because that is the last boat I ever
22 thought would sink.

23 Q. Yes, sir. Thank you so much. I appreciate it.

24 CDR DENNY: Captain Callaghan, I have no further questions.

25 CAPT CALLAGHAN: Thank you, Commander Denny.

1 Thank you, Mr. Walsh.

2 I now turn it over to Mr. Barnum with the National
3 Transportation Safety Board.

4 MR. BARNUM: Thank you, Captain.

5 BY MR. BARNUM:

6 Q. And Mr. Walsh, thank you for your testimony today, and also
7 thank you for your testimony at the earlier time answering
8 questions for us. Thank you.

9 A. Thank you. No problem.

10 Q. I only have one follow-up question for you. I was curious,
11 could you go into maybe a little more depth about your
12 partnership, that training course that you put on with Crawford
13 Marine? Just give me another synopsis of that.

14 A. Yeah. I'd like to take a lot of credit for it, but all I did
15 was make a few phone calls. One of our fellow captains and friend
16 of mine, Oystein Lone, and I talked at length after the *Scandies*
17 *Rose* sinking, and he said we really need to look into icing
18 conditions and stability reports. So with Oystein's help and a
19 couple of other captains' help we contacted John Crawford at the
20 Crawford Medical School, and he put together the class. It's a
21 two-day, four-hour class a day based on pot boats fishing the
22 Bering Sea in heavy weather icing conditions. So it's really
23 specific to that gearset. And --

24 Q. And you said that -- sorry. Go ahead.

25 A. I was going to say that was our hope to, you know, dispel the

1 myth that two or three inches of ice is okay on the boat.

2 Q. And you said that class has taken place twice so far?

3 A. Yeah. We just -- you know, like anything else, it takes a
4 while to get the ball rolling. But the first which was really the
5 beta test, for lack of a better term, was done by three captains,
6 Oystein being one of them. We also invited a coastal pilot. Tony
7 Marsh was nice enough to join in. I will say of every captain
8 I've ever asked what heavy icing was, Tony's the only one that
9 said half an inch.

10 Q. Really. Okay. Interesting. So participation, you said the
11 first class had three individuals. How about the second class?

12 A. They really just want to limit it, very small classes and
13 make it very -- almost boat specific, so you can bring your own
14 stability report and ask questions. And the goal is to, you know,
15 turn this over to another agency. Out of my control. I'm done
16 with it, so I think it's a positive step forward.

17 Q. How about the participants? Have you received any feedback?

18 A. Yeah. They were very happy with it. Everyone I've talked to
19 is -- you know, that have taken the class so far. And I know it
20 helped -- have great confidence in Tony as she's driving Holland
21 America cruise ships in and out of Ketchikan.

22 Q. Sure. Okay. Thank you. That's all the questions I have.
23 Thank you, Mr. Walsh.

24 A. All right. Thanks.

25 CAPT CALLAGHAN: Thank you, Mr. Barnum. I'll now ask

1 Mr. Stacey if he has any questions.

2 MR. STACEY: Good afternoon, Mr. Walsh. Good to talk to you
3 again. Like Mr. Barnum referenced, we have spoken previously.
4 We have no questions for you.

5 THE WITNESS: Thank you, Nigel.

6 MR. STACEY: Thank you.

7 CAPT CALLAGHAN: Thank you, Mr. Stacey.

8 I'll now pass it to Mr. Barcott. Any questions, sir?

9 BY MR. BARCOTT:

10 Q. Good afternoon, Mr. Walsh.

11 A. Hello, Michael.

12 Q. I actually do want to go into something that Commander Denny
13 raised and -- just so there's a complete understanding. She was
14 talking about, as I understood it, certificates and things that a
15 captain might do with that hoping to decrease the premium going
16 forward. I want to look the other direction. If there is an
17 unsafe captain who hasn't been properly trained and presumably has
18 a number of injuries or physical damage to the vessel, what
19 happens to that company's premium?

20 A. Those premiums raise significantly, and typically they want
21 to see a change in management, change in operational staff. If
22 you have a captain who has multiple incidents with the vessel, the
23 insurance is going to become harder and harder to get.

24 Q. Thank you. I just wanted to make sure that was understood.

25 CAPT CALLAGHAN: Thank you, Mr. Barcott.

1 I'll pass it to Lieutenant Commander Mike Comerford who just
2 has a couple follow-up questions for you, sir.

3 BY LCDR COMERFORD:

4 Q. Good afternoon, Mr. Walsh. For my clarity, did -- I'm
5 curious if you attended one of the two Crawford School courses in
6 person or just coordinated.

7 A. Just coordinated. I didn't attend.

8 Q. Thank you. Separate question. For surveyors or referring to
9 the insurance company through the owners or representatives, do
10 you or does the insurance companies or your insurance company
11 typically do any quality control, quality assurance of the
12 surveyors or have a preapproved list of those surveyors?

13 A. Yes. We have a preapproved list. It's approved by the
14 insurance companies. And if there's a new surveyor that comes
15 into the area or comes into town, typically we send their resume
16 and a number of their past surveys to underwriters for approval.

17 Q. Could you go a little bit more in length on that process? Do
18 you have a third party or somebody from the organization follow
19 them on survey to do spot surveying or -- I'm just kind of
20 curious, a little bit more about the approval process or the
21 quality control process for your surveyors.

22 A. Yeah. As an insurance broker we wouldn't do that. That's
23 not my expertise. I've never been a captain of a large vessel.
24 Most surveyors have spent time at sea.

25 I can think of, you know, Jake Jacobson who ran crab boats

1 and factory trawlers before he became a surveyor. Mark McElwaine,
2 Alexander Gow was a Washington ferry captain. So typically the
3 surveyors come from a commercial fishing or blue water or tug and
4 barge, and this is their exit from being on the vessel. And now
5 they're doing the same inspections they did when they were on the
6 boats. There's a couple of them -- you can go to SAMS and NAMS
7 which are the two qualifying entities for surveyors.

8 BY CDR DENNY:

9 Q. Just to follow up on Lieutenant Commander Comerford's
10 question right there, so what about like -- he asked you about a
11 pre-crew, you know, list. What about a pre-crew naval architect's
12 list? Does that exist?

13 A. No. For the most part you use, you know, Jensen Maritime.
14 I've been doing marine insurance for 31 years. Jensen's been
15 here, Bruce Culver's been here, Hawk and them. You can go down
16 the line. There's, you know, half a dozen marine architects that
17 have been working in the Pacific Northwest as long as I've been in
18 the industry, and that's typically where the -- case of the
19 *Scandies Rose* Bruce Culver had done the 1988 stability report. He
20 posed *Destination* as a partnership.

21 This is going to sound terrible, but boats are like people.
22 They get heavier with age. They don't lighten up. And so at that
23 point, we made the decision it was time to get a new survey and
24 write a stability report. So spring of 2019, Bruce Culver came
25 down and did a new stability report.

1 CDR DENNY: Sorry. I didn't mean to cut in on your line.

2 BY LCDR COMERFORD:

3 Q. Shifting gears for one last follow-up question, you talked a
4 lot about the captain and competency training of the captain. How
5 about the rest of the crew and how that falls into the insurance
6 factors, chief engineer or the engineer of the boat or the
7 deckhands? What other factors play for the rest of the crew?

8 A. Well, you want to see a consistent crew. You know, the crew
9 of the *Scandies* had been there other than Dean and John were new
10 with the boat, but the -- you know, Gary had been on the boat for
11 five or -- no. Gary had been on the boat since day one, David for
12 the last five or six years, Art I think three or four. So you
13 want to see consistency of crew. They know the boat inside and
14 out. They can work well with others.

15 Again, in the marine environment, you know, you start as a
16 greenhorn, and you're trained and you work your way up. So you go
17 from, you know, your first day on a boat until you're capable to
18 become a full-share deckhand. And then you work your way up to a
19 deck boss, and depending on your capabilities, are you doing that
20 in 4 years or 13, that's up to you.

21 Q. Okay. And the other thing you mentioned earlier was having
22 requirements that the companies have drug and alcohol prescreening
23 or evaluation programs. Do you do any or does the company do any
24 quality control checks or frequent audits of the vessels regarding
25 their -- following those policies or those guidelines that the

1 insurance company has?

2 A. Well, the -- in the North Pacific Fishing Association we had
3 done on the honor system; everyone's to do it. But when there was
4 a serious marine incident those documents then had to be presented
5 to the insurance company because we had represented we were doing
6 this. And that was the check and balance.

7 Everyone came up with a little different way of doing it. I
8 mean, with COVID we've had to get pretty creative. So we'll tap
9 in now for drug tests. There's people going to Amazon, buying
10 cases of the instant drug tests and then getting -- how do I say
11 this nicely? Taking the test and then holding the specimen up and
12 taking the picture and sending it to the office to prove that they
13 passed the test. So you get creative with COVID. In the old days
14 you could go into Kodiak and get it at the hospital. You could
15 have (indiscernible) biological chart.

16 BY CDR DENNY:

17 Q. Well, the accident, the -- sorry. But the *Scandies Rose*
18 accident happened before COVID became more of a thing here. And
19 so it seems like that's how they were doing it. So I'm not trying
20 to put words in your mouth. I'm just trying to understand.

21 A. No, no, no. We'd learned how to do that, you know, because
22 there was times we couldn't do it. And then it's been expanded
23 because of COVID.

24 Q. I see.

25 A. But yeah, the -- and again, I'd have to go back and look in

1 the files, but I'm 99 percent sure everyone on the boat had a pre-
2 employment drug test. And it was done with the Amazon drug test.

3 Q. Okay.

4 BY LCDR COMERFORD:

5 Q. And I think this is my last follow-up question, Mr. Walsh.
6 You mentioned a little earlier that your wake-up call was from
7 Gelia Cooper. If you're willing to do so, would you be -- could
8 you take us back to that day and describe that phone call and what
9 Gelia was -- what do you recall Gelia told you, what you did after
10 the phone call?

11 A. The phone rang. I unfortunately (indiscernible) in the dark.
12 Phone rang at 6 a.m. or thereabout and the caller ID -- and I'm
13 pretty well trained at this point when I see that at six in the
14 morning it's going to be a bad phone call. So I answered the
15 phone. Gelia said the boat sank, and we have two survivors in the
16 cockpit, and we're looking for more at which point I said I need
17 to wake up. Let me call you back

18 Went downstairs, had a cup of coffee, and I think maybe 15,
19 20 minutes later called her back to find out what was happening.
20 Frankly, I thought it was the *New Venture*. I couldn't believe it
21 was the *Scandies Rose* because they were both going out at the same
22 time. And the *New Venture* is 98 feet versus 130 feet. I just
23 assumed they had a problem.

24 So then I called Gelia back, and we talked, commiserated,
25 half an hour. She told me what she knew and that Gary's sister

1 was going to the hospital, Gerry with a G, to go meet with John
2 and Dean, and see what she couldn't do to help them out and get
3 them clothes and get them a phone.

4 And at that point, we kind of put the insurance cap on and
5 got the ball rolling. I contacted Roy Brown from The PRS Group.
6 We took the party adjuster, made sure that their (indiscernible)
7 called Mike and said okay, what do we need to do? Who do we need
8 to notify? You know, how long are we searching? And basically
9 that day went from six in the morning until 8 o'clock at night.

10 Q. Thank you very much. That's all the questions I have.

11 CAPT CALLAGHAN: Commander Denny, did you have some -- a
12 follow-up question?

13 CDR DENNY: Yes, Captain. Thank you.

14 BY CDR DENNY:

15 Q. Mr. Walsh, you've been very helpful in explaining risk
16 management to me, but I'm still kind of -- I'd really like
17 a -- like a little bit more discussion on risk management from the
18 insurance perspective about assessing both captain and crew if
19 they have -- what is the mechanism to -- in terms of risk
20 management if they have a medically unsafe condition like a heart
21 condition? Is that not something that the insurance companies
22 take into account when underwriting commercial fishing vessel
23 insurance?

24 A. You know, we don't ask for medical questionnaires. Under the
25 Americans with Disability Act we're not allowed to. You can under

1 a Coast Guard license scenario, but we can't as an insurance
2 broker. We do ask for, you know, a resume for the captain or what
3 we call a skipper questionnaire that outlines their past history.
4 We like to think they're going to be honest and truthful, and tell
5 us if they're physically fit to do the job.

6 Q. Okay. Are there red flags though? So from the
7 skipper -- from the skipper forms or from medical forms for the
8 crew, if they do disclose a condition of some sort, does that play
9 into the calculus of risk management for insurance?

10 A. Well, I think it would play into that from the vessel owner's
11 standpoint because that is one -- you know, we ask for a medical
12 history questionnaire. And obviously if you look at the medical
13 history questionnaire, and I'll make up a scenario, and it says
14 I'm diabetic (indiscernible) you know, and I need insulin daily.
15 Well, that's probably a conversation we would have with that
16 captain and crewman saying this is probably not the job for you
17 because what if we lose power, and your insulin can't stay
18 refrigerated. You might want to look at something that's more
19 shore-based versus being 30, 40 days out to sea at a time. So
20 things like that absolutely we take into consideration and have
21 that conversation. We still got to play within the guidelines of
22 the laws of the country.

23 Q. Sure. Okay. Thanks. I appreciate it.

24 CAPT CALLAGHAN: Thank you, Commander Denny.

25 So with the questions complete for the most part, Mr. Walsh,

1 I do want to first and again extend our condolences for the loss
2 of your business partner and the crewmembers aboard the *Scandies*
3 *Rose*. I want to take a moment to recognize your efforts and your
4 work to put on the stability classes, to help coordinate those
5 with your colleagues and raise awareness within the community for
6 the concerns surrounding the vessel's stability.

7 THE WITNESS: Thank you (indiscernible).

8 CAPT CALLAGHAN: At this point, sir, we are complete with
9 your testimony. So you are now released as a witness at this
10 formal hearing. Thank you for your testimony and cooperation. If
11 I later determine that this Board needs additional information
12 from you, I will contact you through your counsel. If you have
13 any questions about this investigation, you may reach out to your
14 counsel, to Lieutenant McPhillips or Lieutenant Pels. Thank you
15 very much.

16 THE WITNESS: Thank you. Appreciate all the help you gave us
17 in getting the guys home.

18 CAPT CALLAGHAN: So at this time, let the record show it's
19 now 1549. I want to take a moment to thank all the witnesses for
20 their testimony today. Again, for the record, all exhibits that
21 have been presented today will be posted on the MBI website and on
22 livestream site later today. It is now 1550 on February 22nd.
23 The hearing will now adjourn for today and resume at 0800
24 tomorrow, February 23rd.

25 (Whereupon, at 3:50 p.m., the hearing was recessed.)

CERTIFICATE

This is to certify that the attached proceeding before the


NATIONAL TRANSPORTATION SAFETY BOARD


IN THE MATTER OF: Marine Board of Investigation
Into the Sinking of the *Scandies Rose*
On December 31, 2019


PLACE: Seattle, Washington

DATE: February 22, 2021

was held according to the record, and that this is the original,
complete, true and accurate transcript which has been compared to
the recording accomplished at the hearing.


Autumn Weslow
Transcriber


David Martini
Transcriber


Karen Ehatt
Transcriber