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 *
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Edmonds Center for the Arts
Seattle, Washington

Thursday,
February 25, 2021

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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

I N D E X

I N D E X (cont.)

P R O C E E D I N G S

(8:00 a.m.)

CAPT CALLAGHAN: Good morning. It is 0800 on February 25th, 2021, and this hearing is now in session. Good morning, ladies and gentlemen. I'm Captain Greg Callaghan, United States Coast Guard Chief of Prevention for the 11th Coast Guard District. I'm the Chairman of the Coast Guard Marine Board of Investigation and a presiding officer over these proceedings.

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

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

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

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

I would like to take this opportunity to express my condolences to the family and friends of the five crewmembers who were lost at sea. I note again that many of you are watching this hearing on livestream due to COVID restrictions in place, and we appreciate you being here joining us.

Upon completion of the investigation, this Marine Board will submit its report of findings, conclusions, and recommendations to the Commandant of the United States Coast Guard. Other than myself, the members of this Board include Commander Karen Denny and Lieutenant Commander Michael Comerford. The legal counsel to this Board is Lieutenant Sharyl Pels. The recorder is Lieutenant Ian McPhillips. Coast Guard technical advisors to this Board are Mr. Scott Giard and Mr. Keith Fawcett. This Board's media liaison is Lieutenant Commander Scott McCann.

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

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

respect their right to privacy.

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

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

The Marine Board planned this two-week hearing to examine all events relating to the loss of *Scandies Rose* and five crewmembers. The hearing will explore crewmember duties and qualifications, shore side support operations, vessel stability, weather factors, effects of icing, safety equipment, the operations of the vessel from the past up to and including the accident voyage, and survey imagery of the vessel in its final resting place. The hearing

will also include a review of industry and regulatory safety programs as well as the U.S. Coast Guard Search and Rescue activities related to the response phase of the accident after notification that the *Scandies Rose* was in distress.

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

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

I will now read the list of those organizations and individuals who I've previously designated as parties in interest. Scandies Rose Fishing Company, LLC, represented by counsel who are

here in person today. Crew person Mr. Dean Gribble and Mr. John Lawyer -- John Lawler, represented by counsel who are joining us virtually today. Mr. Bruce Culver, not present at this time.

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

The sources of information to which this investigation will inquire are many and varied. Since the date of the casualty, the NTSB and Coast Guard have conducted substantial evidence collection activities, and some of that previously collected evidence will be considered during these hearings. Should any person have or believe he or she has information not brought forth but which might be of direct significance, that person is urged to bring that information to my attention by emailing uscg.scandiesrosembi@gmail.com. This email address will be continuously monitored throughout these proceedings.

Mr. Barnum will now say a few words on behalf of the NTSB. Mr. Barnum?

MR. BARNUM: Thank you, Captain.

Good morning. I am Bart Barnum, Investigator in Charge for the National Transportation Safety Board's investigation of this accident. The Safety Board is an independent federal agency which under the Independent Safety Board Act 1974 is required to

determine the cause or probable cause of this accident, to issue a report of the facts, conditions, and circumstances relating to it, to make recommendations for future -- and make recommendations for measures to prevent similar accidents in the future.

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

At the conclusion of this hearing, the NTSB will analyze the facts of this accident and determine the probable cause independent of the Coast Guard. At a future date, a separate report of the NTSB's findings will be issued, which will include our official determination of the probable cause of this accident. If appropriate, the Safety Board will issue recommendations to correct safety problems discovered during this investigation. These recommendations may be in advance of the report.

In addition to this, on behalf of the NTSB, I would like to offer my deepest condolences to the families and those affected by this tragic accident.

Thank you.

CAPT CALLAGHAN: Thank you, Mr. Barnum.

Yesterday, we heard from several professional engineers discussing vessel stability. And in the afternoon, we heard a moving description of the accident from surviving crewmember John Lawler.

Today, we will speak to a representative from the Coast Guard's Marine Safety Center and several fishermen who had sailed on board the *Scandies Rose* or were in close contact with the vessel before the incident.

At this time, we will now go to recess and resume at 0830.

(Off the record at 8:09 a.m.)

(On the record at 8:19 a.m.)

CAPT CALLAGHAN: The time is now 0820. This hearing is now back in session. We will now hear from Mr. Andrew Lawrence from the Coast Guard Marine Safety Center.

Mr. Lawrence, Lieutenant Ian McPhillips will now administer your oath and ask you some preliminary questions.

Lieutenant McPhillips.

LT McPHILLIPS: Please stand and raise your right hand.

(Whereupon,

ANDREW LAWRENCE

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

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

THE WITNESS: My name is Andrew Lawrence. My last name is L-a-w-r-e-n-c-e.

LT McPHILLIPS: Please identify counsel or representative if present.

THE WITNESS: Lieutenant Commander Pekoske.

LT McPHILLIPS: Please have them state and spell their last name as well as their company relationship.

LCDR PEKOSKE: Good morning. My name is Matthew Pekoske, last name P-e-k-o-s-k-e, U.S. Coast Guard Judge Advocate, and witness counsel to Mr. Andrew Lawrence.

LT McPHILLIPS: Thank you, sir.

Mr. Lawrence, please tell us, what is your current employment and position?

THE WITNESS: I'm currently the naval architect advisor of the salvage engineering response team at the Coast Guard Marine Safety Center.

LT McPHILLIPS: What are your general responsibilities on that job?

THE WITNESS: I work with a team of naval architects, all commissioned Coast Guard officers, and we provide emergent technical support for salvage operations the Coast Guard field units. That usually involves vessel structure stability and marine engineering. So, as the civilian naval architect on the team, I provide training, quality assurance, and I do peer review of each case.

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

THE WITNESS: Yes. I have seven years of commercial marine salvage experience including experience with fishing vessel salvage in the Pacific Northwest and Alaska. I previously served

as a naval architect for the Coast Guard Marine Safety Center for five years. And prior to that industry experience, I was a naval architect doing plan review on offshore vessels and small passenger vessels. And before that, I was an engineer on a Coast Guard ice breaker for two years.

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

THE WITNESS: I have a bachelor's and a master's in mechanical engineering.

LT McPHILLIPS: Do you hold any professional licenses or certificates related to your position?

THE WITNESS: I do. I'm a licensed professional engineer in the State of Virginia and in Washington State.

LT McPHILLIPS: Thank you. Captain Callaghan will now have some follow up questions for you.

CAPT CALLAGHAN: Good morning and thank you, Mr. Lawrence.

I'm now going to turn over to Lieutenant Commander Michael Comerford for the Coast Guard's initial questions.

LCDR COMERFORD: Thank you, Captain.

EXAMINATION OF ANDREW LAWRENCE

BY LCDR COMERFORD:

Q. Good morning, Mr. Lawrence. All my questions this morning are related to the work of the United States Coast Guard in the realm of the safety of commercial and fishing vessel operations.

First off, thank you for being on the line with us and

attending this hearing virtually this morning. And at any point we ask a question that you don't understand or cannot hear because of technical difficulties, please do not hesitate to say so and we will repeat or rephrase the question, as necessary. We may take breaks throughout the hearing, as necessary, but if you need to take a break, please let us know.

Using this Zoom platform, we have the ability to share exhibits virtually. The recorder, Lieutenant McPhillips, will put any necessary exhibits up on your virtual desktop. If at any point you need to point something out on an exhibit, do so verbally to the best of your ability, and Lieutenant McPhillips may highlight the described area for the benefit of the Board and the livestream audience. If the area he indicates needs to be adjusted, please let us know. When we look at these exhibits, please take your time to refresh your memory or acquaint yourself with the information.

Mr. Lawrence, could you -- as a previous staff engineer, what type of duties and responsibilities were you given for your staff engineer time?

A. I started in tank vessel and offshore branch of the Marine Safety Center reviewing mostly inland tank barges for structure instability and arrangement, and I moved on to offshore supply vessels and offshore facilities. I did that type of work for about two years at the Marine Safety Center. For my final three years at the Marine Safety Center, I reviewed structure

instability and arrangement of small passenger vessels. And during that time, I was also a duty officer on the salvage engineer response team.

Q. Now, Mr. Lawrence, just to come back for some general background questions related to your professional engineer certification. When you initially certified, what were the requirements to earning your professional engineer certification?

A. I initially got my PE certification in 2009, from Virginia. I believe that required four years of relevant engineering experience -- or I think it required five years of relevant engineering experience, and I was able to exempt one year by having an advanced degree, and it also required passing the first test for a PE is to get you to be a -- to get you to be like an apprentice engineer. I took that test at the Guard Academy in 2004.

And after the requisite experience, I submitted the application to Virginia. That requires, I think, endorsements from three professional engineers and a list of your work history so that they can evaluate your experience. And then I took the principles and practice test, which is an eight-hour test on, you know, engineering, on naval architecture principles, and passing that test got me the license.

Q. And what are you -- you said you are a professional engineer for two states. What are the requirements for maintaining a PE license in both states?

A. I had to renew -- I have to renew the licenses every two years. Virginia has continuing education requirement of, I believe it's eight hours every year, so 16 hours every two years. Washington State does not have a continuing education requirement, so I just have to pay the dues and I keep my license. There are some other standards that are self-certified that you continue to work in the industry and that sort of thing. But nothing I have to provide, I just have to certify that I do that.

Q. Just in general brief terms, what ways do you meet these continuing education requirements?

A. I usually take like a continuing education course, like for this past license renewal period, I took a course on developing vessel lines, plans using Rhinoceros. That's what I used to meet that continuing education requirement.

Q. And lastly, do you have any requirements associated with your certification to keep up to date on software and technology?

A. No. Nothing specific to software.

Q. Thank you, Mr. Lawrence. Now, you provided the Board with a presentation regarding a review of the *Scandies Rose* stability. We are going to share this presentation on the screen. Lieutenant McPhillips, please bring up Exhibit 104. And while he brings this up, Mr. Lawrence, I would like to provide you the opportunity to walk us through your presentation and your findings. Please indicate, please indicate to us if you need to advance a slide or play any animations, and take your time. When you're ready and

the exhibit is showing, begin at your -- when you're ready.
A. Okay. I don't see it yet.
Q. It will be up in one second. We had to reopen the document.
A. No problem. Okay, I can see it now. You can advance to the next page, please. There is a note line in my presentation, I can skip the education and background section because I've already covered that. But generally, these are the topics that I will be covering in this presentation, so you can advance to slide number four please.

But, before discussing analysis results specific to *Scandies Rose*, I want to outline the general steps to perform a stability -- a regulatory stability analysis on commercial fishing vessels. These requirements are contained within 46 C.F.R. Part 28 Subpart E, and they require calculations by a qualified individual selected by the owner. A qualified individual, defined in the regulations, is an individual or organization with formal training in and experience in matters dealing with naval architecture calculation. So this qualified individual evaluates the weight, center of gravity of the ship, by conducting a stability test, and then all conditions of operation of the vessel must meet stability criteria for water on deck, intact righting energy, and severe wind and roll stability.

So, to be clear though, the Coast Guard review -- the Coast Guard does not review and approve these calculations. And we are not required to do by the regulations. And all work described

here is post-casualty work as requested by the Marine Board of Investigation. We did not see any documentation on the *Scandies Rose* prior to the casualty.

Advance the slide please.

So the necessary steps to perform a regulatory stability analysis are computer modeling, a stability test and evaluating operating conditions and developing stability instructions.

Next page please.

The first step is computer modeling. Computer modeling a ship is not described within the regulations because it's not explicitly required. A stability analysis could be done by hand, but it's so computationally intensive that modern naval architects almost always create a computerized hydrostatic model. Modeling can be performed with several different software packages. For a complete model, ship drawings are referenced to create buoyant volumes, tanks and windage.

You can advance the slide please.

A stability test determines the weight of the empty ship when it is complete. So it's just the weight of all material, superstructure, permanent machinery like the main engine, generators, and cranes. The regulations recommend using procedures laid out in ASTM Standard F 1321, but it's not a requirement.

A stability test has two major parts: a lightweight survey and an inclining experiment. During the lightweight survey part,

freeboards and drafts the vessel and measures to determine the weight. For the inclining experiment, weights are shifted and the heeling of those measured to determine the vertical center of gravity. For small ships, including the *Scandies Rose*, the light ship weight is by far the largest single weight on board. And because of this, light ship weight has a significant impact on stability.

Next page please.

As the final step in regulatory stability analysis, the regulations require a qualified individual selected by the owner to provide stability instructions for the master so that the ship can be loaded and operated safely. Simplified instructions typically include tanks, it must be empty or loaded; fuel tank burning sequence; maximum drafts; and cargo capacities. By following the simple stability instructions, the crew should be able to keep the vessel in compliance with all regulatory stability criteria.

Next page please.

So that's the summary of the three major steps to perform a stability analysis, so computer modeling, stability tests, evaluation of operating conditions. And my technical report documents these three steps in detail and how MSC independently conducted calculations for each one, but I'll now provide a summary of how our results compare with the stability results that were provided to us and were provided as stability instructions to

the *Scandies Rose*'s master.

Starting with computer modeling again, significant differences were identified between the provided hydrostatic model and the one that we created based on drawings. On the screen is a profile or side view of the computer models overlaid onto a picture of *Scandies Rose* with five tiers of crab pots on board. The provided model's on the left, MSC's model is on the right, and the significant differences we found are documented on the next slide.

So Letter A, reserve buoyancy is shown in yellow here. The provided model has much different poop and fo'c'sle volume than shown in the pictures. So compared to our model, the volume is 20 percent greater and the fo'c'sle is 28 percent smaller than our models.

Letter B, the bulwarks shown in red here were not modeled in the provided models, so the required water on deck criteria could not be evaluated with the provided model.

Letter C, the provided model has windage of superstructure in crab pots that is much less than shown in the pictures and is highlighted here in blue. For five tiers of pots, the windage of the provided model is 25 percent less than our model.

Letter D, downflooding points are not in either of the provided stability documentation or the provided computer model. Our model indicated downflooding through port and starboard engine room events shown by the white arrow and that could occur in

heeling angles as low as 30 degrees.

Letter E, because the windage is so different, icing surface areas are also very different between the provided model and MSC's. For the full load of pots, our model indicates icing weights are 25 percent greater than the provided model.

The Letter F, tank capacity is different between the provided model and the tank capacity plan, specifically, the large aft wing fuel tanks and the freshwater tanks in the provided model. They are different from the capacity plan by about 10 percent each, which is about 1,000 gallons for each of the four tanks. So in our model, we set the capacities of each tank to match the tank capacity plan.

Okay. Next page please.

So our report also compares the result of stability tests, and we found out, for the 1988 stability test, our calculated light weight differed from the private results as shown in this table. We independently calculated vessel weight using the test notes from 1988, and we identified some mathematical errors in the test notes that account for some of the discrepancies, but not all, because the calculations were documented by test notes, though we have a moderate level of confidence in accuracy of our results, independently recalculated from the 1988 test notes. Our level of confidence, though, is limited because the recommendations listed in that ASTM guide were apparently not fully incorporated in this test.

For the 2019 stability test, the provided test notes don't support the provided lightweight and center of gravity in stability documentation. Because the test notes were limited, we have low confidence in the accuracy of the weight/center of gravity calculated from this test, and that level of confidence supplies both to the provided weight and the one that we independently calculated by using the parts of test notes that we had.

Next page please.

Our confidence in the 2019 weight is also low because, if it's true, it indicates an excessive amount of weight growth from 1988. It's about 47 percent more than calculated in 1988, and it's an order of magnitude greater than what we considered typical weight growth on a ship.

Next page please.

So an accurate stability analysis requires accurate modeling and stability test results. Because of the differences I noted between the provided stability test results and our calculations and our resulting low confidence, we used a high and a low range of stability test results in our analysis. The provided stability test results are the low light weight values, and the ones that MSC calculated are the high light weight values. So, in this table, the provided light ship is reference B on the table and ours is MSC.

So you may notice two light ship weights. We used three

different hydrostatic models, so the three models were the model provided to us, and we made our own model as small crab pots and our model with large crab pots so that we used six combinations of model and light ship weight for each loading condition in our evaluation.

To use the provided stability model for analysis, we actually had to add downflooding points, and by doing that -- by just doing that alone, we found that four of the 2019 sample loading conditions failed regulatory stability. And that's using the provided model and the provided light ship weight. And that's shown here in the first red and white column on the left. Dramatically worse results were obtained when using our model. Nearly all the simple loading conditions fail to meet stability criteria. You can see that of these 11 loading conditions are re-evaluated, only two passed with our model. Those are the white columns there. And those only passed when using the low provided light weight. It doesn't pass with the higher light weight that we calculated from our test notes.

Next page please.

The estimated loading condition during the accident voyage was provided to us, and that loading condition was 195 crab pots on deck with holds two and three full, hold number one empty, 20,000 pounds of bait, and fuel tanks full -- or fuel tanks full with the exception of the number one weight tanks. So that is results in two loading conditions that are shown on this table.

And these conditions are really close to satisfying the documented stability instructions. The only exception is that the freeboards are -- have a minimum six-inch requirement the freeboard has exceeded when ice is present.

But prior to ice accumulation, the models all indicate that these loading conditions satisfy the instructions for the master. And for reference, when icing is added in these conditions, the minimum freeboard is about four inches when using heavier light ship values. Despite nearly satisfying those provided stability instructions, all the models indicate that their casualty loading conditions failed regular stability criteria.

Next page please.

My final conclusion is that regulations require icing be applied to all surfaces with 1.3-inch-thick ice on horizontal surfaces and 0.65-inch-thick ice on vertical surfaces. That results in asymmetric ice loading which causes the vessel to sit heavier and lower in the water, but it doesn't necessarily cause any heel angle. Asymmetric or one-sided icing would cause a heel angle, and that would further diminish the righting energy even lower than we show with our analysis.

Next page please.

Just a summary of my conclusions. Number one, we found significant differences between documentation of drawings and the provided stability model. Number two, we identified differences in our calculation of the light ship characteristics and the

provided ones, and we had little confidence in those 2019 results. To address the low confidence, we used a high and a low range for light ship weights in our analysis. Number three, in doing that, we found that many of the sample loading conditions failed regulatory stability criteria. Number four, the estimated loading during the accident voyage apparently did not meet regulatory stability requirements regardless of the model or the light ship weight used. And number five, actual icing likely differed in magnitude and symmetry from that prescribed by the regulations.

And that's the conclusion of my presentation. I'll be happy to answer your questions.

Q. We thank you, Mr. Lawrence. Just a few follow-up questions directly with your presentation. For clarity, you said the provided model in your presentation. Did you receive that digital file from Mr. Bruce Culver from the -- or NOAA? It's the file that Mr. Culver was using to develop his stability report in 2019?

A. Yeah, I believe it is. It does not have any written information in it that would suggest that it was his model, but it was provided to me by Lieutenant Ready of MSC Kodiak.

Q. And you mentioned during the presentation, and forgive me if I misstate this, but considering downflooding points, you found that they would occur at approximately 30 degrees; was that correct?

A. That's correct.

Q. Okay. Is that typical for a vessel or meet the requirements

for a vessel for downflooding?
A. Normally, I think the regulations expect downflooding to occur after 30 degrees. Many of the stability civilian regulations reference the energy requirements between 30 degrees and 40 degrees for flooding, so it's clear from the regulations that they anticipate the downflooding occurred somewhere after 30 degrees.
Q. And then just two numbers I heard from the presentation, and I just want to make sure I heard them right. You said that the windage of the vessel was approximately 25 percent less in the provided models versus MSC's analysis?
A. That's correct.
Q. And the icing weights were approximately found to be 25 percent greater under your MSC model?
A. That's correct.
Q. Thank you. I'm going to step back for a minute. I would like -- Lieutenant McPhillips, could you bring up Exhibit 062, page 31, please? Mr. Lawrence, this is the -- from Appendix C of the final MSC technical analysis of the *Scandies Rose* stability, and the page shown I believe is righting arm plot for the large pot analysis you conducted.
For this next question, for the benefit of the public, if you would like us to move to a different page of any of your reports, please let us know, and we can display for you. But I'd like to start here. Could you take a moment to just give us a basic

rundown of stability, maybe to include what righting arms tell you about a vessel's stability?

A. It can get pretty technical. When a boat is floating upright, the center of buoyancy and the center of gravity are in line, and we call that in equilibrium condition. At the center of gravity is the point where all the weight -- the average weight of the ship acts, so that includes light ship weight, items that the vessel might be carrying, liquid loads. And if that cargo is secured and the tanks are not slack, then that center of gravity remains fixed in its location on the vessel. It's normally on the centerline, and it stays in place after the boat heels.

The center of buoyancy is the geometric center of displaced water volume. So if you were to pull the boat from the water and the water remained in place, the center of buoyancy would be that center of volume that the boat is essentially pushing out of the way. So the difference between the center of gravity and the center buoyancy, the center of buoyancy actually does shift relative to its location on the boat, as the -- as the boat heels over, because you can imagine, if the boat is heeling over the starboard, more of the starboard side is now underwater, and the center of buoyancy shifts to the starboard side.

The righting arm relates the center of gravity and the center of buoyancy to each other. The bigger the distance is, you know, those -- you want those to be vertically in alignment, to be at equilibrium, but as those shift away from alignment, the bigger

that distance is between the center of buoyancy and the center of gravity, the more the vessel wants to go back -- the harder it is pushing to go back toward equilibrium. If it's only a very small amount of distance between center of gravity and center of buoyancy, then it's -- its only pushing back a little bit and that, that distance between center of buoyancy and center of gravity is the righting arm.

It's kind of equivalent to using like a cheater bar if you were undoing a nut on a stuck bolt. You know, you would use a longer pry bar to get more leverage on that. So the longer pry bar would be representative of a bigger righting arm, whereas if you gripped your cheater bar really close to where your socket is, you're not going to get very much -- you don't have very much of a lever arm there, so your righting arm would be really small.

And that's basically a description of righting arms. It's a hard concept to understand because it's something measured in feet, but it represents, it represents the energy that the vessel has to come back upright.

Q. All right. Thank you. Lieutenant McPhillips could you display Exhibit 059, page 9 please? All right, Mr. Lawrence, when this comes up, it's a -- this is from your technical report and will be -- page 9 shows an overlay of some ships drawings with the whole form of the *Scandies Rose*. Could you just briefly describe what's being shown in that diagram, the picture?

A. Sure. Like I described in my presentation, this is our

attempt at defining early reserve buoyant volumes of the poop deck and the fo'c'sle deck. Shown here is the lines plan of the vessel, which is typically used to develop the stability model, the hydrostatic model, and is usually used to represent, you know, a 3D representation of buoyant volume of the vessel.

You can see here, when compared to the picture, the lines plan doesn't quite match, especially on the transom area where the picture shows some (indiscernible) it shows the transom inclined at an angle where the lines plan, highlighted in yellow, does not. And the bigger volume piece that's different is the forward end of the poop deck, that's the middle arrow, is much further forward on the lines plan than it is in the picture. And, you know, the third piece is the fo'c'sle, the height and the length apparently different.

Q. Lieutenant McPhillips, can you go to the next page, page 10 of the technical report please? Mr. Lawrence, same thing. Just a quick description of what this is showing.

A. This is a structural profile plan of *Scandies Rose*, and in this picture, in the structural profile plan, you can see the transom does match the picture of *Scandies Rose*. However, that volume forward of the poop is still, still there. The wheelhouse looks very different as well over that right block. And the fo'c'sle is still a different height from the picture, and it's hard to tell where the aft end of the fo'c'sle ends on the structural plan compared to the picture.

Q. Just in general terms, Mr. Lawrence, if you were building the model for this vessel and you saw these two plans -- and what I'm seeing is that they have misalignments with the whole form of the vessel in different ways, like the two plans have different separations from what we see -- what would be the prudent next step for a naval architect to resolve these for the model?

A. I think --

Q. Let me rephrase.

A. -- normally, building a stability -- okay.

Q. Let me rephrase. Like from your perspective as a naval architect and your experiences, what would you take the next steps?

A. Normally, when building a stability model, the naval architect is only referencing the lines plan. When a lines plan doesn't have enough definition, other plans are frequently referenced. As part of a forensic stability analysis, we spent a lot of time reviewing pictures of *Scandies Rose* to really make sure that the drawings were, were correct.

But I don't think, from the lines plan as it was, it would be readily apparent that there were mistakes. And you don't normally transpose a picture of the vessel on the lines plan. And if a third party was doing the lines plan separate from a naval architect, I'm not sure that you would detect a difference at first, unless you came across something like -- that wasn't matching.

In the case of *Scandies Rose*, I think, you know, carrying crab pots is important to the function of the vessel, and having the main deck area correctly modeled for the number of crab pots carried is certainly a very important part of its function. So knowing that main deck dimension, that's probably where you would first detect an issue when looking at this plan is that the main deck dimension is much different than as shown in the plan.

Q. Lieutenant McPhillips, could you go to page 16 of this report? When we get there, Mr. Lawrence, this is just from what I read a little bit of information about resolving tank modeling. Just briefly could you talk about what your findings here were?

A. So similar to using lines plan and the structural plan to find buoyant volume, also using those plans to define tank capacities. Tank extents usually, usually go from one frame to another, so, so we can usually figure out, you know, this tank extends from Frame 5 to Frame 13 or something, something of that nature.

So using a tank capacity plan for *Scandies Rose* and mostly the structural plan but some of the lines plan as well and like the profile viewed and plan views, we were able to model the tank volumes on *Scandies Rose*. But then there were still some discrepancies between our model and the provided tank capacity plan. To do that, we -- to rectify that, we, we changed the permeabilities of our tanks. So we essentially changed how much our tanks could hold to match the capacity plan.

So the tendency in MSC, permeability set to match capacity plan column, that is where we changed it. And those could be represented as a percent. So light, for the number one hold, our permeability is about 86 percent, 85.9 percent. And for the holds with lots of insulation on them, that, that's not an alarming value for permeability. For some of the other tanks, the permeabilities there are pretty significantly -- you ideally want this to be close to 100 percent to one that you can see -- like in the hydraulic oil tanks, which are very small tanks, our permeabilities had to be set at about 50 percent.

So we were quite a bit wrong in our, our assumptions for what side those were when building the model. But we set them to match the capacity plan because the reasoning -- the engineering reasoning behind that is because we wanted to match what the crew would have observed in the tanks. And the thought was that the capacity plan with a lot of handwritten notes and things on it had the correct capacities. That was our assumption.

Q. And just for the -- like when you're saying permeabilities, like one or two sentences, could you just summarize that?

A. So permeability is the amount of volume that's available to fill up for the liquid. So if it was 100 percent, you would have 100 percent of that tank volume to fill up with a liquid. If it's 50 percent, only half of the tank can be filled with liquid before it's full. So there is stuff inside the tank, like framing and items like that inside the tank that -- insulation and framing

mostly that would prevent the tank from being full to, you know, its 100 percent capacity. So the permeability takes into account those things that take up space inside.

Q. And we can put this exhibit down, Lieutenant McPhillips. For the downflooding points, could you briefly discuss what downflooding points on the *Scandies Rose* you potentially identified? And if you'd like a photo, we could bring up a side profile of the vessel. Just let us know what would be helpful.

A. If you could bring up page 21 of my report, I think that's the only real photo I know that has the -- a picture of the downflooding points as -- what we assumed as downflooding points. It will be page 21 of the main report.

Q. Lieutenant McPhillips, I think it will be Exhibit 059.

A. So the structural plans refer to engine room vents being in this location on the -- behind the pilothouse stairs. So this is on the poop deck level, and on the outboard side but behind the pilothouse stairs, it refers to engine room vents. So to operate engines, you need fresh air, and this would be where the structural plans say that the *Scandies Rose* got fresh air for the engine room. And these would be considered downflooding points. These were the only ones that we identified. We did find a tank vent plan, and it indicated that all of the tank vents had check valves that could not be -- you know, where downflooding would not occur because the check valve would, would stop it.

Q. And, Lieutenant McPhillips, can you actually go to the bottom

of the next page, please? So this is page 22 to your technical report. You have a foot note at the bottom about the GHS version, General Hydrostatics version. Could you explain what this is referencing please?

A. So GHS is the hydrostatic software used to model and to perform the analysis, and we noted that the information provided to us was all in GHS version 6. And I confirmed with the creator of GHS that the version 6 was from 1995. We are using version 17 at this point, which I know is the most current version. I put this footnote in because I wanted to be -- I wanted to make the reader aware that, you know, there's a potential of software differences between, you know, 25 years of development of a software.

Q. Thank you. Lieutenant McPhillips, could you turn to page 35 of the report? So, Mr. Lawrence, on this page, it just discusses standards for the stability test in 1988, and I think you also discuss in your report the later stability test, but could you just discuss some of the items that you identified about the way the stability tests -- 1988, 2019 both -- how they were conducted?

A. I can. So these are referencing that ASTM manual, ASTM guidance for performing a stability test on a ship. Again, it's not required by the regulations. It is recommended. But it provides guidance for, for essentially how to conduct the stability test and eliminate the amount of error that you get in doing that test.

So I identified areas where the stability test notes indicated that the ASTM guide was not conformed to even though it wasn't required. So those areas I listed here were, when developing a water plan, only two freeboards and two draft readings were noted, and the ASTM guide recommends five.

So longitudinal locational reading isn't noted here, but some major reference features of a vessel could be inferred because they are just noted as extreme aft, aft-most part of main deck, and then at the draft mark locations. But as we discussed before there, the aft-most part of the main deck is somewhat in question if the lines plan differs from the pictures, differs from reality. So by not noting the longitudinal location, there's a potential for error there.

The freeboards do not note inclusion of combing heights or depth thickness. Normally, you're using molded volume during a stability test, which is the volume to the inside of the hull -- of the steel hull. So normally, you deduct those things like the combing and the thickness of the deck. And it's not apparent whether freeboards are reported on both sides of the vessel as they are supposed -- you know, ASTM recommends doing that. And that's just another way to prevent error as you're essentially doing double check of your freeboards you are also recording. By not doing both sides of the vessel, it precludes you from recording the TCG of the vessel as well, the transverse center of gravity. So it has -- essentially has to be assumed at the center

line.

And then, although draft marks may be a substitute, but freeboards exact location of the mark should be verified in dry dock is a recommendation of ASTM. I don't know if this was, was recorded or not, but essentially, I could not verify that because, you know, the vessel is not present. And freeboard and draft readings do not appear to meet the recommended precision that would have been an eighth of an inch. So they recommend that you read your tape measure for that precision.

So those were the items I noticed in the 1988 stability test, I believe this one is. And that's for the lightweight portion of the stability test.

Q. In general terms, because your report clears it, but were there similar comments or observations for the 2019 stability test?

A. I believe there's different comments for the 2019 stability test.

Q. Okay. We may circle around that, but in the interest of time, I'd like to move on to the next part of questioning. Lieutenant McPhillips, could you go to page 1 of Exhibit 36? When the exhibit comes up, this will be the stability booklet provided for the 2019 stability test. And while it's coming up, my first question is, in any of those ASTM standards or other references for conducting a stability test, is there any guidance or recommendations of conducting a stability test before or after a

scheduled dry dock?
A. No, I don't believe dry docks are referenced at all.
Q. And in that sense, for clarification, would your personal experience -- would it be more prudent to conduct the stability test before or after a dry dock period?
A. There are no regulatory requirements for periodic stability testing on commercial fishing vessels.
Q. Understood. Lieutenant McPhillips, can you zoom in a little bit more? Mr. Lawrence, could you quickly read -- for the benefit of the audience, read sentences number two, three and four of that cover letter to the stability booklet, please?
A. I'm starting on sentence two. It can carry pots up to the pilothouse windows as discussed without much difficulty. The light ship weight was a bit heavier than I expected. There may have been something in the holds that we missed, or it may have gained some weight over the years. The tankage is a little different between this boat and the *Patricia Lee*, and some things may be done differently than when I first did this.
Q. And I'll read the last sentence. If you see anything that should be changed, let me know and I'll revise it at no charge. In general, Mr. Lawrence, would any of these comments kind of raise their concern one way or another?
A. (No audible response.)
Q. And maybe I should rephrase it this way, Mr. Lawrence. Earlier, you said that resolving models, if you saw a difference

in the deck area that related -- you would be reviewing the models and maybe trying to resolve. And then just these seem to indicate some differences in what Mr. Culver had done previously in this new stability letter. So that's the base of the question. Would that be something that would be of interest to you when conducting the stability analysis for the *Scandies Rose*?

A. Yeah. I think this speaks to the, the weight growth that we observed as well between 1988 and 2019. It's very, kind of -- in precise language, I would say that the weight load certainly would concern me as well. But, you know, performing a stability test, you know, to the recommendation of the ASTM guide would ensure that you properly survey every space on the vessel and note which components belong to the light ship weight or not. So the fact that there may have been something in the holds that was missed, that is concerning. I think that that speaks to not fully complying the ASTM guidance for doing the dead weight survey portion of the test.

Q. And I'm going to be here. You said earlier the ASTM standards while, in my own words, may be prudent, they are not required for these types of vessels, correct?

A. That's correct. The regulations refer to them as a recommendation.

Q. Okay. Thank you. This stability booklet was provided to you previously. Are you familiar with the 2019 stability booklet?

A. Yes.

Q. In 46 C.F.R. Part 28, they have stability instruction guidance, or worded as guidance, and they list some items that may be in the stability booklet. From your memory, I'm going to go through a couple items, and I'd like to know if you recall seeing them in the stability booklet. So real quick, just yes or no, did you recall seeing a simple loading diagram with instructions?
A. No.
Q. Do you recall a stability booklet with sample calculations?
A. Yes.
Q. Do you recall a general description of the vessel including light weight data?
A. No.
Q. And how about a general arrangement plan showing watertight compartments, enclosures, vents, downflooding angles, and allowable weights?
A. None of those prior to the stability book, no.
Q. And then the last one, loading restrictions such as diagrams, tables, descriptions, or maximum KG curves?
A. Yes.
Q. Thank you. And from your -- sorry. I want to word this right. From your memory of the Code of Federal Regulations, these are written more as guidelines for fishing vessels; is that a correct statement?
A. Can you rephrase that, please? What are you referring to, the regulation?

Q. Yeah. Hold on one second.
A. I have (indiscernible) here as well
Q. Right. I was going to have it pulled up, but I just wanted to get the right page number for you.
A. I believe you're referring to 46 C.F.R. 28.500 stability instructions.
Q. Yes. Lieutenant McPhillips, if you could pull up 040, I believe it's page 45. And you have them in front of you, Mr. Lawrence. If you are able to kind of summarize if it's a requirement or guideline from your interpretation, that would be appreciated. Namely the parts covered in 28.530, subparagraphs (d) and (e).
A. About the last sentence of paragraph (d) is: The format of the stability instructions may include, at the owner's discretion, any of the following. And those are the items they listed. So I believe the word "may" indicates that it's a, it's a suggestion, not a requirement.
Q. Okay. Thank you. Lieutenant McPhillips, you can pull that exhibit down.

And then this last line of questions is just about the ROV footage and from the perspective of your duties as the technical advisor to the salvage engineering response team. Lieutenant McPhillips, could you bring up Exhibit CG009, the second day of ROV footage, and start the video at three minutes and 28 seconds? And in this video, you're seeing that aft section of the *Scandies*

Rose.

All right, Lieutenant McPhillips, that's good.

And, Mr. Lawrence, this is another screenshot of the ROV footage at minute 9:47 on the second day, showing the stack. And taking the video you just saw and this image, I would be interested to hear your perspective on how the *Scandies Rose* may have made contact with the sea floor when it sank, the orientation of the *Scandies Rose* based on your experiences.

A. This wasn't really the subject of my, my review of *Scandies Rose*, but judging from the pictures, it appears that it impacted on the starboard quarter. It may have been in a capsized condition where the stack may have hit first. To me, my experience as a salvager, the damage occurred probably from hitting the bottom or from waves hitting the vessel. I don't believe this would have happened before stability was compromised or the vessel sank. So I would think the stern first sinking on the starboard side is indicated here.

Q. Thank you very much for your testimony, Mr. Lawrence.

LCDR COMERFORD: Captain Callaghan, that is the questions I have for now.

CAPT CALLAGHAN: Thank you, Lieutenant Commander Comerford.

BY CAPT CALLAGHAN:

Q. Mr. Lawrence, I have one quick question, and then I'm going to pass over to the National Transportation Safety Board here. Sir, at any time during your review, did you note the calculations

that were submitted in the two stability reports that you reviewed, did you ever note that any of those calculations were done with consideration of placement of additional sorting table on top of the pots?

A. No. No calculations include that.

Q. How would that affect the vessel stability or the calculations?

A. It would be additional weight, and the center of gravity would be exceptionally high. So it would affect stability. The extent to which I don't know.

Q. Thank you.

CAPT CALLAGHAN: At this time, I'm going to turn it over to my colleague Mr. Bart Barnum with the National Transportation Safety Board.

MR. BARNUM: Thank you, Captain.

BY MR. BARNUM:

Q. And thank you very much, Mr. Lawrence. A very in-depth report, and your presentation summarized it well for myself and I'm sure the public, so thank you very much.

I do have just a couple follow-ups from Commander Comerford, his very thorough questioning, so please bear with me. First question I have is from the conclusion for your report, so that would be Exhibit 59, Lieutenant McPhillips, please, page 92. All right, Mr. Lawrence, so this was in your overview of your presentation as well. I was wondering if you could refresh the

conclusion number 4, please.
A. MSC's analysis indicated that the estimated casualty voyage conditions, while nearly meeting all of reference (c)'s stability instructions, failed to meet regulatory stability requirements; this is the case for all combinations of hydrostatics modeling and light ship weight characteristics.
Q. Excellent, yeah. Thank you for that. So I just want to hammer down on this and get some clarification. So I remember in your presentation you said it nearly met it. You know, did it meet -- did it nearly meet it without the included calculation, margin calculation for icing; are you aware?
A. It met the stability instructions when icing is not considered. So in port, before departing, when no ice is present, it would appear to meet all stability instructions. However, when ice is added later, it does -- it narrowly fails those stability instructions by about two inches on the freeboard requirement.
Q. Understood. So if the vessel was not operating in northern zone where icing is calculated into the stability instructions, it would have passed the accident voyage loaded conditions?
A. Yes, that's -- that's correct. And when the crew can verify drafts in port before icing is present, it would have seemed that it had more than six inches of freeboard.
Q. Okay. All right. Do you have a sense of, you know, how -- I guess the -- we are under the impression, I think you stated earlier, the vessel was in condition to -- with 195 crab pots on

board through the number two hold is full, number one hold empty, number one fuel tank is empty, and then the rest of the fuel tanks full. Do you have a sense of -- and here you indicate that it fails stability, or it did not meet the condition. Do you have a sense on how many pots could have been taken off from that 195 in order to meet stability?

A. That wasn't part of the scope of my review --

Q. Sure.

A. -- to determine at what point it would have passed stability. But there are some other sample weighting conditions that come pretty close to what I think you're asking. So if you, if you were to look at, I think it's Condition 6 of the 2019 --

Q. Okay. Can we bring that up? Just a second. That's Exhibit 36, Lieutenant. Is it Mr. Culver's condition or is it the condition you have in your report, sir?

A. It's Mr. Culver's condition, but I evaluate it in my report.

Q. Sure. So Condition 6, Lieutenant, is on page 11.

A. So Condition 6, the loading condition is maximum consumables in a tendering condition with all of the holds full. So that's similar to the question you're asking, so -- but without any weight high. So in that condition, the displacement is as close as well, but the vessel fails regulatory stability in that condition without a high weight. So I would, I would say that, you know, it's more of the displacement weight of the vessel that's causing it to fail rather than -- of course, it's a

combination of weight and center of gravity, but I don't think that the weight and center of gravity of pots is necessarily what's causing, what's causing failure. It's the displacement of the vessel itself is too much.

It doesn't have enough reserve buoyancy, and that seems to be like the righting arm curves are indicating by having low righting energy. The GM, which is a measure of initial stability, would normally be the indicator that your center of gravity is too high. And in this case, the GM almost always passes for *Scandies Rose*. It has -- initial stability is good, and that is basically what the crew uses to feel stability, you know, because GM is really related to rolling period of the vessel. So it can be felt by the crew, and it would feel stable because the GM is acceptable or passes the regulatory stability criteria for GM.

But it fails righting energy, which is what happens after that initial stability fades. So once the vessel heels beyond five to ten degrees, GM is no longer kind of the governing stability. It's righting energy; how much energy does it have to get back upright? And it has very low righting energy in almost all conditions, regardless of whether pots are carried or not.

Q. Okay. Understood. And just to make sure I understand you correctly, I guess, so in a tendering condition, potential tendering situation with no pots on board, with the holds full, the fuel full, it still fails stability?

A. Correct. Right. And that would presumably be the best

case --
Q. Correct.
A. -- loading condition for BCG, where the BCG is the lowest. It has the most liquid weight and the least above deck weight, and it still fails righting energy. So to me, that indicates that, you know, the BCG isn't, isn't necessarily what's driving the failure here.
Q. So in your experience, what would this vessel have to do in order to meet stability, if something can be done?
A. To meet stability, it needs to carry less weight. So less fuel or, you know, less holds full or some combination thereof.
Q. Okay. Thank you for that. And jumping back to the Exhibit 59, please, Lieutenant, page 94. Mr. Lawrence, I'll show you Conclusion 5 here. If you could just briefly describe that one and kind of the -- in your words please or you can read it?
A. So this has to do with asymmetry of actual icing. The regulations require the naval architect to ice all surfaces of the vessel, so that results in just adding, adding asymmetric weight to the vessel, so it just sinks a little heavier in the water. It doesn't heel over from icing in the regulatory requirement. In actuality, we know that icing is a function of heading of the vessel, wind speed, and other items that affect it asymmetrically.
And the danger with asymmetric icing is that it's having a weight that's off-center, and off-center weight diminishes your righting energy further than what I've shown in analysis where you

start from an upright condition. When you add an off-center weight, it contracts the righting arm, curves toward the origin. It's called a co-sin correction. It actually brings the magnitude down and brings the range down, so it doubly negatively affects righting, righting arms.

Q. Great. Thank you for that. Okay. Lieutenant, you can take that exhibit down, thanks. All right. So just a couple more broad questions for you, sir. Obviously, your analysis of that *Scandies Rose* stability instructions contain many errors. It failed virtually every loading condition that you looked at. Is this typical for stability plan reviews of fishing vessels that the MSC conducts?

A. So MSC is not required to conduct stability analysis, and the only way that we see the stability analysis for fishing vessels is through like the ACSA program where we are reviewing it on behalf of the Officer in Charge of Marine Inspection. So we, we don't have authority over fishing vessels to where they are even -- we don't see them. When we do see them, it's because of a casualty investigation like this. So I can't really comment on what would be normal because we don't, we don't have that data.

Q. Okay. Yeah, understood. These type of uninspected commercial fishing vessels that are not part of ACSA program that are not load lined, they are not required to be reviewed by you, and the only thing that prompts a review of those vessels by the MSC is a -- something similar to this, the casualty. Is there any

other time where you may see or conduct a stability plan review on one of these vessels that isn't a result of casualty?
A. We do oversight of authorized conservation societies like ABS. And they do some work on behalf of the Coast Guard like issuing load lines. So for newer fishing vessels for which load line criteria applies, there may be instances where we do some oversight of stability for fishing vessels.
Q. Okay. It's fair to say that very few per year are conducted if non-casualty, non-casualty vessels in this class that are not inspected, non-ACSA or non-ABS load lines?
A. Correct.
Q. Okay. All right. So just in general, then, I don't want to beat this -- beat the horse too bad here, but, you know, not considering uninspected commercial fishing vessels, if this vessel had a load line, and it was required, and there was the potential that it -- you know, through your oversight of ABS that you may see this come across your desk or others similar to it, would this one be alarming or have you seen others that have failed your analysis this badly?
A. So performing oversight of ABS, we would expect, you know, a level of review to already have been conducted by ABS. So I think, from an oversight perspective, seeing something like this would be very alarming. However, doing plan review, you know, I'm having to go back 10-plus years here to when I was a plan reviewer for small passenger vessels, but we frequently did encounter

vessels that had issues in their initial analysis, and we would work with the naval architect to correct those deficiencies. So I'm not sure if that answers your question.

Q. Yes, sure. No, it's good. Thank you very much. We were talking -- Commander Comerford was talking about recency of stability instructions earlier. In your experience with -- you mentioned small passenger vessels and other, you know, fleets that were required to have stability instructions, is there any recency within those fields for -- to have a more recent stability instruction?

A. No, there's no periodic stability testing requirements that I know of. I think there may be some coming into play with Subchapter M for towing vessels, but they have a much different regulatory scheme, and I'm not 100 percent familiar what those are for periodic stability testing.

Q. Okay. Just one last kind of line right now, line of questions here for you, sir. Yesterday, we spoke to four separate PE naval arcs that have done a lot of work in this field, and they all, they all expressed that the regulations were not very conservative -- were not conservative enough when pertaining to icing, in particular icing on crab pots. Have you heard these sentiments before from the industry or from within your office?

A. Yes. I -- yeah. I think most naval architects are very unsatisfied with what the regulations say about icing, especially on crab pots. We are still making assumptions that crab pot icing

affects them as a surface, but I don't think crab pots really represent a surface. So in the regulatory sense, if you're required to put ice on a surface, I'm not sure that we are even doing it correctly from what is envisioned in the regulations because it's not a surface. It's a mesh kind of thing, tubes deal.

Q. Understood. Yeah, that seemed to echo their sentiment as well. You know, in your professional opinion, how would you feel -- what would you like to see that could better -- that could help you better do your job in assessing ice accumulation on these crab pots?

A. I don't generally review icing on crab pots.

Q. Are you aware of any studies that have been ongoing or maybe currently that are looking into -- whether it be a Coast Guard or another organization looking into icing accumulation effects on these crab pots?

A. I would say, out of this investigation, no.

Q. That's great.

MR. BARNUM: That's the last question I had for you, sir. Thank you for you work on this. It's been very helpful for myself and for our investigations. Thank you.

THE WITNESS: Thank you.

CAPT CALLAGHAN: Thank you, Mr. Barnum.

At this time, I'm going to pass the questions over to some parties in interest.

So, Mr. Stacey, any questions from you, sir?

MR. STACEY: Good morning, everyone.

BY MR. STACEY:

Q. Good morning, Mr. Lawrence. Very, very briefly, I'd like to talk to you a little bit, Mr. Lawrence, about the ROV video that you looked at with Lieutenant Commander Comerford at the very end there. And did I hear correctly that, based off that, you believe the vessel went down stern first?

A. That's what it appears from -- what impacted first, yes. It seems to have gone through the water column stern first.

Q. And was it your opinion that this damage that was done was done after stability had been compromised aboard *Scandies Rose*?

A. Based on my salvage experience, yes, that's what it seems consistent with.

Q. And with that, with your salvage experience, would that be consistent with damage done from hitting the ocean floor?

A. Yes, I believe so.

Q. And do you have any position or opinion about how quickly the vessel would have had to go down in order to result in that kind of damage?

A. No. That was outside the scope of my review to determine the velocity at which it would have been traveling through the water column.

Q. Understood. Thank you, Mr. Lawrence.

MR. STACEY: Captain, those are all the questions I have.

CAPT CALLAGHAN: Thank you, Mr. Stacey.

And I'll now pass it over to Mr. Barcott. Any questions from you, sir?

MR. BARCOTT: Yes. Thank you, Captain. Can everyone hear me all right?

CAPT CALLAGHAN: Yes.

BY MR. BARCOTT:

Q. Mr. Lawrence, can you hear me?

A. I can hear you.

Q. Great. So, Mr. Lawrence, I'm Mike Barcott. I represent the owners of the *Scandies Rose*. So thank you so much for the work you have done here. It's very helpful. How long did that work take? How long did it take for you to do what you did?

A. I don't have the number of hours that it took, but it occurred over the period of probably nine months of work, so I forget the amount of times.

Q. And you said this was a forensic analysis; there was an accident, and you were looking to see what role the stability study may have played?

A. That's correct.

Q. Okay. In the conclusions you have come to, would you expect an owner or operator to look at the stability booklet prepared in 2019 by Mr. Culver and appreciate the problems that you have found in that data?

A. I don't know what an owner would be looking for in the

stability book. I know that they work with the naval architect to develop the criteria, to develop the things they want in loading condition. If it did vary from what the owner wanted as a loading condition, I would, I would expect them to disagree with them. But in terms of the analysis itself, I wouldn't expect a normal vessel owner to be able to look at that analysis and say that it was correct or not.

Q. All right. And you looked at the computer models that Mr. Culver used, and you had some line exhibits showing how his lines didn't match the real lines of the *Scandies Rose*. Would you expect an operator of a vessel to do an analysis of the computer modeling that gave rise to the stability study?

A. No. An operator wouldn't have access to that stability model.

Q. Right. Let me talk about downflooding for just a minute. I want to be sure I understand. If this vessel is heeled over 45 degrees to the starboard, is there downflooding? And can you explain so that the public understands what that means, we're heeled over 45 degrees starboard?

A. Downflooding is also dependent on the starting draft of the vessel. So if it, if it were to start at a draft of 13 feet, which is about where a similar vessel load line would be, then heeling over 45 degrees would submerge the starboard engine room vent. And that's an important marker for stability analysis because, as I mentioned, we need righting arm curves to evaluate

the stability of a vessel.

But righting arm curves are only applicable at one displacement of the vessel, so as soon as the vessel gains some weight, the righting arm curve is no longer applicable. So really, you should truncate your righting arm curves right at the downflooding point. So downflooding is just what it sounds like. If the vessel were heeled 45 degrees, water would be pouring through that vent and flooding the engine room.

Q. So we heard testimony yesterday, Captain referenced it, from Mr. Lawler, and although he didn't have details, he felt sure that there must have been water in this vessel when she sank. So if it was watertight but heeled over 45 degrees because of icing, would she be getting water in her engine room at that point, pouring into the engine room?

A. Yes. Downflooding points are points that are not weather or watertight.

Q. Okay. So can you tell us -- I mean, this boat fished for years from the 1988 starting onward, it fished, it didn't have a problem. How is it, with all of these errors in the stability study, that it didn't flip 20 years ago?

A. I can't speak to how the vessel was operated in the past. All I can speak to is what the sample loading conditions were and what the accident voyage loading condition was as provided to me.

Q. Are there margins of safety built into the stability criterion? And by that I mean, if an owner is told he can carry

208 pots, and he puts 208 pots and the sorting table on top of the crab pots, would you expect that to cause the vessel to flip?
A. Can you rephrase that about the -- regarding the margins and the stability?
Q. Yeah. I guess what I'm saying is, if the owner is provided instructions, these are acceptable operating conditions, but does mean that when you cross the operating condition even slightly that your boat is unsafe, it's going to capsize if you cross those slightly, or are there margins of safety built into the regulatory requirements?
A. It depends. If the naval architect has put the, you know, loading condition exactly at the exact limit of the regulatory criteria, and if you add something, it would clearly not meet the regulatory criteria. There are margins of safety built in for the regulation that would prevent the vessel from -- you know, just by, just by crossing the regulatory threshold is not an indicator that the vessel will immediately capsize, no.
Q. That's exactly what I was getting at. Thank you. I'm just curious about -- I want to go to the GHS model 6, and GHS model 17. So as I understand it, in 2020, there's a GHS model 17, but for Mr. Culver's study, he used a GHS model 6. Do you know if you can even run the GHS model 6 on a modern computer?
A. I was told by the manufacturer that it does not run on the newest versions of Windows, no.
Q. Just one moment. You have looked at this stability booklet,

and do you -- what do you understand Mr. Culver advised the owners of the *Scandies Rose* the number of crab pots that this boat could carry in icing conditions?

A. I believe he said, in icing or non-icing conditions, it could carry 208 pots in the maximum condition.

Q. And you've used the number 195 pots. Where did you get that number please?

A. That was provided by the Marine Board as to the loading condition that they wanted me to analyze for the casualty condition.

Q. So if it was 195 pots or 192 pots, as far as being in compliance with the letter that Mr. Culver produced or created, this vessel was in compliance with its letter, even for icing conditions, right?

A. It was almost in compliance. With icing conditions, it failed the -- he set a limit of six inches of minimum freeboard, and it appears that with icing -- with regulatory icing, the freeboard, in some of the models, when you use much heavier light ship weights, is about four inches. So it's less than they required in the stability instructions.

Q. But as far as what the operator was told about how many pots he could carry in icing conditions, he was in complete compliance with 195 pots. Whether that failed or not is another issue, but as far as his instructions, he was in compliance, right?

A. Yeah, 195 pots is less than 208.

Q. Right. And as I understood your testimony -- this is really important. The regulatory basis for the icing conditions in a stability study appears to me, and tell me if I've got this, to have two serious flaws. The first is the regulation assumes an even coat of ice 0.6 inches approximately on vertical surfaces and 1.3 inches on horizontal surfaces, and that is spread evenly in the shape of a shoebox over the top of the crab stack; is that correct?

A. That's correct. It's supposed to be applied to surfaces. So if the crab pots are assumed to be surfaces, then that would be how you would apply it.

Q. Right. Do you know enough from what you've seen and what you've -- the conclusions you've come -- in Conclusion Number 5, that simply does not match reality in the Bering Sea; does it?

A. I think there's plenty of pictures indicating that it doesn't match reality.

Q. So do you have any suggestions for how an agency or organization or maybe a cooperative effort between the government and industry would go about getting accurate data on what real icing does?

A. I don't have any suggestions for that. I haven't really thoroughly considered what, what happens in actuality and how to set up a study to evaluate that.

Q. And the other problem for the *Scandies Rose*, in addition to the fact that the icing regulations used what I will call an

unrealistic assumption, is that Mr. Culver made some mistakes, right?

A. I know that we identified differences with what Mr. Culver did and what we did based on our assumptions. We did identify a couple of mistakes like mathematical errors and the lack of adding downflooding points.

Q. Thank you, Mr. Lawrence. We appreciate this. Thanks very much.

MR. BARCOTT: Those are all the questions I have, Captain.

CAPT CALLAGHAN: Thank you, Mr. Barcott.

Mr. Lawrence, if you don't mind, what I'd like to do is I'd like to take a two-minute recess and then come back with any follow-up questions for you. Is that okay with you, sir?

THE WITNESS: That's good, Captain. Thanks.

CAPT CALLAGHAN: Thank you. So we are going into a two-minute recess.

(Off the record at 9:50 a.m.)

(On the record at 9:54 a.m.)

CAPT CALLAGHAN: Okay. The time is now 0954, and the hearing is now back in session.

Mr. Lawrence, we've got just a few follow-on questions for you, and I'm going over to Commander Karen Denny who has got a couple of questions for you, sir.

BY CDR DENNY:

Q. Good morning, Mr. Lawrence. So just a few questions.

Earlier on in the testimony, you mentioned that the tank vents had check valves in them. For the benefit of the public, could you just very simply explain how a check valve works?

A. So I noticed that that there was a drawing that indicated check valve-run tank vents. I'm not sure if there were physically actually check valves there, just a drawing indicating it. But a check valve is -- basically it's a -- usually a plastic ball that sits in the end of a vent pipe, and if water were to come toward that vent pipe, it pushes the ball into the pipe so that it seals it off. But normally, when water isn't pushing against the plastic floating ball, the pipe is open so that air can go into the vent.

Q. So from your professional opinion, is it possible that, if the check valves with this ball were frozen in the open position, could flooding have occurred if it was at an angle -- if the vessel was at such a heel angle that the water would then be able to be there?

A. Yes. If the check valves were not operational, flooding could go through the vent.

Q. Okay. Then my last question is, generally speaking, when stability tests are conducted, where does the naval architect get some of the information to develop the light ship conditions? For example, assumption of the crab pot weight or other things of that nature.

A. Help from operator.

Q. Thank you, sir.

CDR DENNY: That's all I have, sir.

CAPT CALLAGHAN: Thank you, Commander Denny.

At this time, Mr. Lawrence, I just want to take the opportunity to thank you for your testimony today, for the thorough report and the presentation to explain that report not only to the Marine Board but to the public at large. So thank you for that.

I will ask, based on our discussion today, based on your analysis, is there anything that you think that the Board did not bring up in our discussion today that you think would be relevant to this investigation?

THE WITNESS: No, Captain. I think you have been very thorough.

CAPT CALLAGHAN: Thank you, Mr. Lawrence. Again, I want to thank you on behalf of the Board for your appearance today. At this time, you are now released as a witness from this formal hearing. Thank you for your testimony and your cooperation. If I later determine that this Board needs any additional information from you, we will contact you through your counsel. If you have any questions about the investigation, you may contact the investigation recorder, Lieutenant Ian McPhillips.

Thank you again.

THE WITNESS: Thank you, Captain.

(Witness excused.)

CAPT CALLAGHAN: Our next witness is scheduled to begin testimony at 1030. If we are able to begin sooner, we will update the time displayed on livestream. It is now 0958. This hearing will go into recess.

(Off the record at 9:58 a.m.)

(On the record at 10:30 a.m.)

CAPT CALLAGHAN: Time is now 1030. This hearing is now back in session. We will now hear from Captain Cory Fanning.

Captain Fanning, Lieutenant McPhillips will now administer your oath and ask you some preliminary questions.

Lieutenant McPhillips?

LT McPHILLIPS: Captain, good morning. Face forward, please stand and raise your right hand.

(Whereupon,

CORY R. FANNING

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

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

THE WITNESS: Cory Richard Fanning, F-a-n-n-i-n-g.

LT McPHILLIPS: Please identify counsel or other representative if present.

THE WITNESS: None.

LT McPHILLIPS: Please tell us, what is your current employment and position?

THE WITNESS: I am currently the chief engineer on fishing vessel *Aleutian Mariner*. And for the record, I am not a captain yet. I do have a master's application being processed, but --

LT McPHILLIPS: Thank you for the clarification. What are your general responsibilities in that job?

THE WITNESS: I use and operate and maintain all the mechanical equipment on board the vessel. From engine systems -- engine systems, hydraulic systems, electrical, everything -- everything that makes the boat run.

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

THE WITNESS: I began fishing, I believe, in 2010 on factory trawlers. I moved from there to Mattsen Management. I was a deckhand and engineer on fishing vessel *Amatuli* for a short while there, and then I moved to *Scandies Rose* in, I believe, 2012. Since that, I -- let me see, my last -- last trip on the *Scandies Rose* was 2018 opilio season, so I believe I got off in March.

I started engineering in the summer on fishing vessel *North American* in 2017. I took over the master's spot on the *North American* for summer salmon tendering in 2018/2019. And this last year, 2020, for the summer, I was also on the *Aleutian Mariner* as a chief engineer.

LT McPHILLIPS: Thank you. What is your education related to your position?

THE WITNESS: Well, as far as mechanics, I have no formal

education. All been on-the-job training and just experience turning wrenches growing up. I have since got some education, of course, all my required classes for my master's licenses to include hydraulic instructor certification, stability, and fire.

LT McPHILLIPS: Do you hold any other professional licenses, certificates related to your job?

THE WITNESS: No.

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

THE WITNESS: All right.

CAPT CALLAGHAN: Thank you, Lieutenant McPhillips.

Thank you, Mr. Fanning. I'm going to now turn it over to Commander Karen Denny for further questions.

THE WITNESS: All right.

EXAMINATION OF CORY R. FANNING

BY CDR DENNY:

Q. Good morning, Mr. Fanning. Thank you so much for being with us today. We appreciate your virtual attendance. If at any point we ask a question that you don't understand or cannot hear because of technical difficulties, please don't hesitate to say so, and we'll repeat the question or rephrase. And vice versa, if technology cuts us off and we can't hear you, we'll ask you to repeat the question [sic].

A. Okay.

Q. If at any point you need to take a break, let us know and --

are you -- just to confirm, you are calling us on sat phone because you are still on the vessel and underway?
A. That's correct.
Q. Okay. So because you're on the satellite phone, we won't be able to share exhibits with you. So throughout the course of our testimony here, I'll ask that you describe things in as much detail as possible, especially on your time on the *Scandies Rose*.
A. Okay.
Q. So Lieutenant McPhillips asked you some questions about your fishing vessel experience, and I'd like to ask you some questions as you have served as a captain on a salmon tender before, as well as your significant experience as a senior member on a fishing vessel as the chief engineer. Can you talk about how, in your experience, you obtained weather information to make decisions on when to voyage plans or go out to sea?
A. Well, obviously we have the VHF weather station that we'll listen to. There's also an app called Windy that I use frequently. It's become actually my go-to, go-to source for weather.
Q. Okay. So you mentioned the Windy application. Do you use it on your cell phone or tablet or on the regular computer?
A. You can use it on all three. Typically, I just look it up on my phone. Our KVH system is pretty good on this vessel.
Q. Can you just tell me a little bit about what are the most useful features for you on that application?

A. You can pinpoint specific area for wind direction, wind speed, as well as swell height and swell direction. So between the wind and your wave heights and direction, it's -- I find it pretty useful.
Q. And between the VHF radio weather report that you get and this Windy app that you referred to, do you find that to give you a pretty good picture of the forecast for weather including the warnings for inclement weather?
A. Yes.
Q. Are there any other sources of weather information you've routinely used in Alaskan waters?
A. Those would be the main -- the two main sources that I use. I do occasionally look at the NOAA site if I have my tablet out and, of course, other fishermen in the area for also references.
Q. Okay. So would you say that that's a fairly common practice, at least for you or on the boats that you've sailed on, to talk to other fishermen as well to find out what weather they are observing?
A. Yes.
Q. Thank you. Mr. Fanning, were you or are you aware of communication issues with Coast Guard communication systems along parts of the Aleutian chain?
A. Yeah, there -- I suppose there are a few blank spots. That's gotten less and less these days though.
Q. Okay. Okay. So I'd like to shift topics a little bit with

you, and also from the perspective of having a lot of experience and being a senior member of, you know, a fishing crew, I'd like to talk a little bit about icing.

A. Okay.

Q. As a vessel chief engineer, can you talk about how you know if you're having issues with your vessel's stability? What are the physical signs?

A. I guess the major physical sign I suppose would be when you start feeling a sluggish role. Trying to think of how to describe it. We are currently very far north and have been experiencing icing. Slow roll. The boat generally feels heavy. You know, for me, it's a feeling. You just feeling the boat reacting a certain way. And the more ice you build, the more that changes, obviously, similar to if you had a full payload versus a light payload. I don't know if that answers the question.

Q. No, it's great. You're helping us understand it better. I'll add some more questions. You mentioned that you took a stability course while you were working on your captain's license. Can you tell me about what kind of information was provided?

A. A lot of it focused on, you know, inaccuracies I guess and vessels with, you know, existing stability reports that had not been updated frequently. Talked a lot about, you know, modifications to the vessels over the years that had not been taken into account with their current stability report. And surprising to me was the small things that add up to, you know, to

make a big difference. Then, of course, we get calculations on payload and whatnot.
Q. Okay. And about how long -- about how long was that stability training?
A. Well, in my master's class, we focused on the calculations for a payload and that for -- I don't know, three or four days. Then I took a separate stability class that was, was one day.
Q. Okay. And was there discussion on icing and how that affects stability during either of these classes?
A. Yes. To be honest, I don't remember the calculation for the square foot of ice and the weight at the moment.
Q. That's okay.
A. But it was surprising how little ice -- I remember thinking it was very surprising to me how little ice it takes to affect the vessel.
Q. Okay. So let me shift the question just a little bit. On the vessels that you have sailed on and including the *Scandies Rose*, do you recall if they had stability instructions or documents talking about the vessel's stability?
A. I have a fairly, a fairly good stability report and accompanying book on this vessel. I do not know if the *Scandies Rose* had -- I do now know if it had a stability report, but I'm not sure what it looked like. I never saw it.
Q. Okay. From your other experiences on other vessels if you've looked at the documents that talk about stability, do they

specifically talk about crab pot weights?
A. This one does. And it may be because they just had a new report issued for the boat, and our pot weights have changed since the last one was done. These pots that we fish today are far heavier than when the last report was done.
Q. Okay. So let's talk about that icing. You mentioned that you're on a boat right now, and you're far enough north that you guys are experiencing icing conditions. Based on your experience, how frequently does that happen during fisheries that are open in the winter?
A. Well, my almost ten years fishing, I -- it's been an issue -- a significant issue twice in my career, this year being one of them.
Q. Okay. So what are the type of variables you take into consideration when you decide what to do about ice?
A. We look at if it's building on one side of the boat or if it's building on both sides. Keep an eye on, you know, how fast it's growing, this is increasing. And along with that, it becomes how often do we break it off. What kind of pot load do we want to put on, you know, depending on the distance and course we may be running, you know? We -- this year, we've essentially just decreased our running speed to limit spray as much as possible, as well as keeping, keeping a small stack load.
Q. Okay. So let me give you a scenario. The scenario is, when the forecast calls for icing conditions, as a fisherman that has

significant experience, what do you do if you notice ice starting to accumulate on the topsides of your vessel?
A. Well, initially, you're just going to monitor it. Yeah, seen what kind of, what kind of growth rate you're looking at. If it's looking like it's going to be significant, you know, there may be a speed adjustment you should make or a course adjustment, try to limit your spray. Our rule of thumb always is, you know, knock it off before it gets -- you know, if you knock it off early, that's really the best plan.
Q. Okay. All right. Mr. Fanning, I'd like you to, you know, kind of put yourself back -- go back a few years to when you were a crewmember on board the *Scandies Rose*. You indicated that you participated in winter crab harvesting. What would you way the worst weather you encountered was while sailing on the *Scandies Rose* and can you describe that?
A. Yes. I don't recall the year. It's been several. I believe the worst weather I experienced on the *Scandies* was during a (indiscernible) season several years back, and it was -- I never saw it, 25-foot seas. And we shut down and jogged through it when it got to that point.
Q. To the best of your recollection, how, how bad was the icing in that scenario that you were in and then how did the *Scandies Rose* ride, to the best of your recollection?
A. I'm sorry. In that situation, there was no icing. It was just extreme weather, and the *Scandies Rose* rode -- that instance,

rode like she always did. It was -- the boat was an incredible fishing platform. It rode very well in large seas.

Q. Okay. So along those lines, what was your general impression of the material condition of the *Scandies Rose*?

A. As far as just general overall mechanics you mean?

Q. Both the mechanics and then the whole condition.

A. Okay. Well, the company always put quite a bit of effort in the maintaining of the boat. It was always -- the mechanics were always gone through. But still it was, you know, like every other crab boat in the fleet, it was 40-plus years old. While I was there, I know we -- I don't think we had replaced any steel on anything major. There were some reconfigurations around the hydraulic station out by the bow, but overall, the boat I felt was being in good shape.

Q. Okay. So you were the chief engineer on board that boat for multiple seasons throughout several years; is that a correct statement?

A. Yes.

Q. Okay. And so how well do you feel you knew that vessel in terms of the knowledge of the layout?

A. I knew that vessel very well. Aside from my CE duties, I also participated in several lengthy shipyards in Seattle. I knew that boat very well.

Q. Okay. So speaking of that, I'd really like to get a sense for your observation about those dry docks. Based on your

observation while working on the *Scandies Rose*, did you feel like the owners and management prioritized material condition of the vessel or did you ever observe pushback on conducting certain maintenance?

A. Yeah, I think it was prioritized. I never observed any, any pushback on any kind of maintenance. If there was an issue, it was generally addressed relatively quick. You know, in between seasons is when you try and get most of your, most of your maintenance work done, so sometimes your limited seasons run close together. But yeah, generally, I would say maintenance was always well addressed.

Q. Okay. During your tenure on board the vessel, did you ever either observe or hear about any previous or historical issues with the bycatch chutes? Any kind of metal wastage or watertight integrity problems?

A. (No audible response.)

Q. Mr. Fanning, do you copy?

A. (No audible response.)

Q. Mr. Fanning, are you there?

CDR DENNY: I believe we are experiencing some technical difficulties.

Mr. Fanning, are you still on the line with us?

THE WITNESS: (No audible response.)

CAPT CALLAGHAN: The time is now 1058. We are going to take a two-minute recess to try and troubleshoot the technical

difficulties, and we will reconvene once we have it figured out.

(Off the record at 10:57 a.m.)

(On the record at 10:58 a.m.)

CAPT CALLAGHAN: The time is now 1059, and the hearing is now back in session.

BY CDR DENNY:

Q. Okay, Mr. Fanning, thank you for bearing with us on that little technical difficulty. Did you hear my last question about the -- did you ever hear or observe any issues about the chutes?

A. Yes, (indiscernible). And -- on the starboard chute, that's -- I don't have any -- of what that condition was. I just --

Q. Mr. Fanning, so your last response came in broken. Did you guys change heading? Could you go back to the original heading you were going?

A. Yes, ma'am. Hang on.

Q. Thank you. Thank you, sir.

THE WITNESS: I'm breaking up, Herb (ph.). Go back to the course that we've been on.

CDR DENNY: Sorry and thank you.

THE WITNESS: The answer to that question, yes, I knew that there had been work done on the starboard chute. I don't really have any knowledge as to how in-depth it was or what the condition of the steel replaced was.

BY CDR DENNY:

Q. And how did you find out about that?

A. I spoke with Art Ganacias.
Q. Okay. Mr. Fanning, I'd really appreciate it if you could, to the best of your recollection, tell us about how you came to find out about that information and what the circumstances behind that conversation were with Mr. Ganacias.
A. Well, I don't honestly recall how it came in the conversation. We were just kind of BS-ing before the season began. He was in Kodiak at the time; I was stuck in the airport at Anchorage. And we kind of went over -- both of us being engineers, the conversation usually turns to what's going on on your boat. I kind of ran through my list of things that we had going on. I asked him about, you know, his, and he implied that they had done some work on the chute and got rid of some bad steel but that was about the only thing significant he thought, you know, needed to be done. And had been done. So he was feeling pretty good about the season.
Q. Okay. And did Mr. Ganacias sound concerned, or did you have a sense that he was concerned about anything with regards to either that work or any other work?
A. No.
Q. Okay. And when you said they replaced the steel, did Mr. Ganacias happen to say whether they, the ship's crew, or they, somebody else?
A. He did not mention that.
Q. Okay. Was there -- when you were the chief engineer on board

the *Scandies Rose*, was there, was there a specific protocol in dealing with stability when it came to tank loading or tank configuration?

A. I'm sorry. Can you repeat that?

Q. Yes. Absolutely. When you were on the *Scandies Rose*, can you tell me about if there was a protocol for how to load tanks, if you had to do it in a certain order or if certain ones had to be pressed or had to be empty?

A. Yeah, for crab fishing operations, we generally loaded the aft tank first. Standard operating procedure I guess would be the aft tank and mid tank would be flooded, and the forward tank would be dry. We would put crab in the aft tank first, then move to the middle. Then I would flood it up forward and we would go in there.

Q. Were these written policies or was that just verbal?

A. That was verbal.

Q. Okay. And I think you already answered this question because I think you said that you didn't look at the stability book, but do you recall if any of that information was in the stability book for the *Scandies*?

A. I wouldn't know. I never saw the stability on the *Scandies Rose*.

Q. Okay. To the best of your recollection, can you, can you describe -- or if you recall if there was ever a time that Captain Cobban was concerned about stability or about pot weights? And,

if so, can you tell me about that please?
A. I don't know how concerned he was, but I do know in 2017, maybe, we did have, have Coast Guard in Dutch Harbor in to weigh some pots, just to see how -- weight it was after -- that we didn't, and that was for opilio. So, you know, opilio was the heaviest our pot would get because of line length.
Q. So do you remember what happened after those pots were weighed by the Coast Guard, what did Captain Cobban do?
A. Well -- carry -- to 180 pots total. Before it had been 200 or 195 or something like that.
Q. Captain, I'm sorry, you were broken -- I'm sorry, Mr. Fanning, you were broken. Can you, can you just repeat that please?
A. We limited our carry. I believe he -- they limited us to 180 pots, whereas I could have -- could easily get 200 pots on board, you know, he limited that.
Q. Okay. Mr. Fanning, where were you and when did you hear about the sinking of the fishing vessel *Scandies Rose*?
A. I was in the Anchorage airport waiting to fly to Dutch Harbor.
Q. Okay. I'd like to talk to you a little bit about the crew of the *Scandies Rose*. Can you tell me about who you spoke to most often?
A. Well, I frequently messengered, you know, via Facebook or a text even, I probably conversed mostly with Art and Brock.

Q. Okay. And you said that you talked to Mr. Ganacias prior to the sinking of the *Scandies Rose*. Was he the only one you spoke to or did you speak to anyone else?
A. I spoke to him as well as Brock. I believe it was the 29th.
Q. Okay. And did either of these gentlemen indicate that they had any kind of concerns about the watertight integrity or structural integrity of the vessel or anything, any concerns? Did they express those to you?
A. No. Neither of them had any concerns.
Q. Okay. I'd like to take a few minutes with you to get a sense for the crew of the *Scandies Rose* as you had several years of fishing with them. I'd really like, to the best of your recollection, for you to tell me about how experienced they were and what your impression of their judgment was with respect to them being on a commercial fishing vessel. You mentioned Mr. Ganacias a few times. Would you mind telling me about what you knew of his experience level and his judgment?
A. Yeah, his experience was -- I mean, he had been fishing for nearly 30 years. Art was a very, very competent deckhand and as well as an engineer. It was always, always pretty mellow, very levelheaded. Wasn't a guy that got excited when things went wrong. Yeah, he was a solid deckhand, very competent mechanic.
Q. Okay. And how would you describe Mr. Rainey, his experience?
A. Brock had been fishing a long time also, 20 years, mostly smaller boats. He had fished Dungeness crab off the coast for

many years. And he had worked on the *New Venture*, Gary Cobban and Dan Mattsen's other boats, had fished cod and brown crab on the *New Venture* prior to coming over and fishing opilios on the *Scandies Rose*. Brock was a solid deckhand, a little goofy, lighthearted, but now it comes from -- that fisherman -- he was a good deckhand.

Q. And with respect to his judgment, any observations with respect to his judgment professionally?

A. Yeah, he could -- I don't know how to describe it. He could be a little, little over the top on some things. But that was balanced out well by myself or Art. Art and -- Gary had a pretty good way of calming him down too. So Brock was always very full of energy.

Q. Okay. Can you tell me about the experience level and judgment of Mr. David Cobban please?

A. David -- I'm sorry, David is tough for me to talk about. David had turned into a pretty solid, pretty solid deckhand. Took him a long time to get there. I think he was like the only six-year bait boy in existence, but he finally, finally came around. He had, you know, slowly picked everything up, and once he had it, he, he had it down pretty good. I believe last time I talked to Gary, he told me that David had even started running hydraulics. Would be a big step from where he was when I met him.

Q. Thank you, Mr. Fanning. Did you know any of the other crewmembers on board the *Scandies Rose* at the time of the

accident; Seth, or he went by Thorn (ph.)?
A. No, I didn't know Seth.
Q. Did you know or have experience working with Mr. Dean Gribble?
A. No, I had no experience working with Dean. I met him a couple times. That's about it.
Q. Do you have any work experience with Mr. John Lawler?
A. No, I do not.
Q. Okay. And finally, can you talk to me a little bit about Captain Gary Cobban and his level of experience and his judgment?
A. Well, Gary had been around a long time, you know, fishing his whole life, so since he was 12 or 13 or something like that. Gary worked hard. The crew worked hard. He maybe twists too hard sometimes, but he was somebody that he wanted to be the best at what he did no matter what that was. You know, maybe it, at times, didn't make the crew so happy, but, you know, he was an incredible fisherman.

In hindsight, maybe there were times he pushed a little too hard, but, you know, being on deck and knowing how hard we worked, I always admired the fact that I knew he was sitting in the chair working just as hard for us. And, I mean, as far as breaking ice for mechanical things, he was -- Gary had a very good feel for that boat I always felt. He knew just how to, how to push her and, you know, when to pull back on the reins, I guess, so to speak.

Q. So, Mr. Fanning, I have two more questions, and then I'm going to pass it over back to Captain Callaghan. From your experience and observations, you know, you mentioned that sometimes he pushed a little bit. How do you think Captain Cobban managed risk? Do you -- based on your experience having worked with other captains, do you consider him very prudent or overzealous?

A. I suppose I would say he's not the biggest risk-taker I have worked for, but he'd tend to push it.

Q. Okay. And then last question for me, based on your experience and knowledge with at least part of the crew, do you think they would have been willing to voice concerns about safety of the vessel to Captain Cobban?

A. I'm sorry. Can you repeat that?

Q. Yes. Based on your experience with part of the crew, with Mr. Ganacias and Mr. Rainey and Mr. David Cobban, do you think that they would have been willing to voice concerns if they had any about the safety of the *Scandies*?

A. Yes. David maybe not so much, but Brock certainly, if he had concerns, would not hesitate to tell Gary so.

Q. How about Mr. Ganacias? Would he have, would he have said something if he was concerned about an issue?

A. I believe so. Art was a much more, much more relaxed personality than Brock. So I believe if either of them had concerns, it would most likely be brought to Gary's attention by

Brock first just because that was his, his personality. He would have zero problem telling Gary if he had any worries about anything.

Q. Okay.

CDR DENNY: Mr. Fanning, thank you so much. I have no further questions. At this time, I'm going to turn it over to Captain Callaghan.

THE WITNESS: All right.

CAPT CALLAGHAN: Thank you, Commander Denny.

BY CAPT CALLAGHAN:

Q. Mr. Fanning, a question for you with regards to the crew of the *Scandies Rose* that you had worked with previously. And not looking for you to name any names here, but can you tell us if you are aware of any of the crewmembers that you have previously worked with having any medical issues?

A. No, not that I'm aware of.

Q. Okay. Thank you. And just in terms of you kind of said that Captain Cobban would sometimes kind of be a hard charger, and so to that extent, would you -- were there any times that perhaps, as a crewmember there, the crew was worked to the levels in terms of causing harmful fatigue to any of the crewmembers?

A. Harmful fatigue. I'm sorry. I don't really know how to qualify that. You know, he had been on a -- the best of my mind, currently, I would consider pretty soft and probably by most standards, there's work long hours.

Q. In most terms, what would you say your, your work hours were on at *Scandies*?
A. A typical day on the *Scandies* was 20 hours. Yeah, most days were -- we would run, haul gear for 20 hours, then take a six-hour nap.
Q. So a 20-hour workday. So upon completion of that 20-hour workday, are there other things you do that -- aside from going right to the rack?
A. I mean, yeah, sit down, have dinner. The engineers going to transfer fuel and check oil. In that 20-hour workday, that's not all work time. It never is. There's runtime between strings, whether it be 15 minutes or an hour, hour-and-a-half. So there was always a little bit of down time. Most runs in between strings was typically when I, me personally, when I did my engine checks and fuel transfers so that I didn't have to do it at end of the day.
Q. Okay. Well, thank you for that clarification.
CAPT CALLAGHAN: Mr. Fanning, at this time, I'm going to turn over questions to my colleague at the National Transportation Safety Board.
Mr. Barnum?
BY MR. BARNUM:
Q. Yes, Mr. Fanning, I'm Bart Barnum, NTSB. Thank you for talking to us. Just a couple questions here before I hand it off to my colleague. But the fuel tanks for the *Scandies Rose*, were

they interconnected in a way that they would have -- that would allow them to gravitate from one tank to another or potentially allow them to do that?

A. It would, yeah, potentially. They were -- you know, the fuel tanks were manifolded. There was a valved manifold on the port side in the engine room. If a -- if you had a pair of valves or multiple valves left open, then fuel absolutely could migrate, possibly.

Q. In your experience and time as a chief engineer on these boats, is it something that you have seen before?

A. No, I've never had a passive transfer. I have opened the wrong valve and actively transferred to the wrong tank on accident. And that happens if you're actively transferring fuel, you notice, or at least I noticed, when the boat didn't lean the way I wanted it to. So --

Q. Okay. So --

A. -- I've never, never had an issue with passive -- you know, a passive migration of fuel.

Q. Okay. So on the *Scandies Rose*, as you say the passive migration of fuel, how many valves would one need to accidently leave open or have open in order for fuel to passively move, gravitate from one tank to another?

A. Minimum two. You would have to have a -- and even then, that -- movement you would get would depend on fuel level and how the boat trimmed prior to valves being open.

Q. Okay. At the beginning of your testimony, you mentioned you were working on obtaining your captain's license. Could you elaborate on that a little bit, you know, what tonnage is that license?
A. It would be a 200-ton near coastal as well as a 1,600-ton unrestricted fishing.
Q. Okay. To be clear, you wouldn't be required to hold that license to operate your current vessel or the *Scandies Rose*, would you?
A. I'm sorry. Can you repeat that?
Q. The master's license that you're working on obtaining, you currently don't need that license to still captain on the *Scandies Rose*, correct?
A. Yes. I understand that.
Q. Okay. You mentioned that part of that captain's license was requirement to take some training and you took some training classes. Within that training, there is some stability training, and you were alarmed on how little ice was needed to accumulate in order to affect the stability; is that correct?
A. That is correct.
Q. Okay. Do you feel like any of your fellow captains would also be -- come to the same conclusion as you in respect to that icing if they were to take the class?
A. Yeah. Perhaps -- most captains, depending on also the destination, are acute (ph.) to be in tune to icing conditions.

This is why both of the seasons which I experienced heavy icing conditions on board, we were -- the crew was always put to work early to knock the ice off.

Q. Great. Thank you, Mr. Fanning.

MR. BARNUM: That's all the questions I have. My colleague, Mr. Suffern, has a couple weather related questions for you. Thank you.

THE WITNESS: All right.

BY MR. SUFFERN:

Q. Good morning, Mr. Fanning. I appreciate your time today. My name is Paul Suffern. And just a couple of follow-up questions related to your testimony earlier, specifically regarding the Windy app that you were discussing reviewing both the wind and the wave. Had you -- have you ever selected any other weather things on that application?

A. I have. In fact, one of my hobbies is snowmobiling. I use Windy also for snow prediction, to pinpoint areas for (indiscernible).

Q. Okay. And as far as the other layers that are available on them, have you ever clicked on or viewed the weather warnings layer?

A. I'm sorry. The end cut out, sir.

Q. Yes. On the Windy app, there are -- as you know, there are several layers. There is a layer that is called weather warnings. Have you ever clicked on or used that particular layer?

A. Yes.
Q. Do you find that that information helpful or relevant?
A. I mean, usually, I already know there's a warning anyway because I'm going to listen to the VHF. So it's all helpful. The more information you can gather, I think, the better. You know, whether it's NOAA or Windy, yeah, the more information I can get, the happier I am.
Q. Okay. And what -- last question. What particularly about the Windy app do you feel like provides more information? Is it the color and air directions or other things or is it just because it's another source of information?
A. Well, mostly it's another source of information. And it's -- you know, with our internet technology on board vessels these days, it's easily handy. It's easier -- for me, anyway, it's easier than working my way through the NOAA, NOAA page or, you know, some of the other ones. There's a couple other ones. Yeah, I don't know. Mostly it's just that it's more information and it's easier to use.
Q. Okay. Thank you, Mr. Fanning.
MR. SUFFERN: I appreciate your time today. That's all the questions I have.
CAPT CALLAGHAN: Thank you.
Mr. Fanning, now I'm going to open questions up to our parties in interest.
And so I will start with parties in interest counsel

representing the two survivors, Mr. Stacey.

MR. STACEY: Good morning, Mr. Fanning. Thank you very much for your testimony today. We have no questions for you, sir. Thank you, sir.

THE WITNESS: All right.

CAPT CALLAGHAN: Thank you, Mr. Stacey.

I will now go to our parties in interest representing Mattsen -- Scandies Rose Fishing Company. Mr. Barcott?

MR. BARCOTT: Thank you, Captain.

BY MR. BARCOTT:

Q. Good morning, Mr. Fanning. Can you hear me all right?

A. Yes, sir.

Q. Great. I just have a few questions. I have in front of me a summary of an interview that you gave to the Coast Guard some time ago, and I just want to confirm a detail of that. It appears to me that in that summary you told the Coast Guard that the *Scandies Rose* was like a battleship, and you loved that boat, and you described it as a Cadillac. Is that still how you feel about the *Scandies Rose*?

A. Yes, sir. That was incredible platform.

Q. Thank you. Let me take you back to that conversation you had on the 29th. Did you talk to both Mr. Rainey and Mr. Ganacias that day?

A. Yes, sir.

Q. And I'm not clear, was that on a phone call or were you all

present in an airport?
A. Most of it via Messenger that I spoke with Art, and Brock Rainey was present. We were -- it was just before the season jabbing mostly.
Q. Did either one of them express to you any concerns about the weather that they were going to be headed into in a day?
A. No.
Q. And they told you about the repair that had been done on the discharge chute as I understand it. Did they ever say anything about needle gunning or pinhole leaks below the waterline on the *Scandies Rose*?
A. No, they never mentioned it. I guess I probably would have assumed that needle gunning and grinding would have gone on at or below the line because of my familiarity with the layout of that chute, but no, Art did not mention anything specifically in our conversation.
Q. Right. And I'm now talking not about the chute but in general, knowing Art as well as you do, can you imagine him doing needle gunning below the waterline, perhaps finding metal wastage, perhaps finding pinhole leaks, and just not addressing that issue?
A. No.
Q. And what's your level of confidence that Art would not have just blown off needle gunning that revealed metal wastage below the waterline?
A. He wouldn't have blown that off, not at all.

Q. Okay. Thank you. Now, you have some familiarity with the *Scandies Rose* and using it as a platform for cod fishing. Would the *Scandies Rose* be a good cod fishing platform for full season?
A. Well, as far as ease of fishing, yeah, it's not bad paycheck wise.
Q. What about fuel burn?
A. The fuel burn is where the paycheck wouldn't be very nice. *Scandies Rose* burn a lot of fuel, the price of cod --
MR. BARCOTT: I just lost Mr. Fanning.
CAPT CALLAGHAN: It does seem like we've lost Mr. Fanning at this time. We are going to go into a short recess to try and regain Mr. Fanning, and then we will resume at that time.
MR. BARCOTT: And I just have a minute or two more.
CAPT CALLAGHAN: Going to a quick recess.
(Off the record at 11:42 a.m.)
(On the record at 11:47 a.m.)
CAPT CALLAGHAN: Yes, Mr. Fanning, can you hear us?
THE WITNESS: Yes, I hear.
CAPT CALLAGHAN: Okay. Great.
Okay, it's 1147, and we're back in session.
Thank you, Mr. Fanning.
So back to Mr. Barcott, continue, sir.
MR. BARCOTT: Thank you, Captain.
BY MR. BARCOTT:
Q. Mr. Fanning, I've just got a couple more questions. Do you

have an understanding why a vessel like the *Scandies Rose* might want to fish when it could in the cod season and then shift over to opilios?

A. Yes. It's a pretty common practice. They do it so that the boat has a catching streak. This is in anticipation of the cod fishery eventually going rationalized with the quota system like crab is as opposed to being a (indiscernible) fishery.

Q. Do you happen to know when the Bering Sea Aleutian Island cod season ended in the year 2019 for vessels 60 feet and over?

A. I do not remember the exact date.

Q. If you were told that it was January 15th, would that be a surprise to you if that'd be in accordance with what you were told?

A. That would sound right to me.

Q. Just one last area. Did Gary on the *Scandies Rose* make sure that the safety drills were carried out regularly?

A. Yes, we always did a safety drill before departing, whether that be before departing Seattle or, you know, or wherever, we always did safety drills. I always felt pretty good about Gary's drills. He generally covered, covered stuff pretty well.

Q. Thank you, sir. I really appreciate you being here.

MR. BARCOTT: Those are all the questions I have, Captain.

CAPT CALLAGHAN: Thank you, Mr. Barcott.

BY CAPT CALLAGHAN:

Q. Mr. Fanning, I just have a few more questions for you. Based

on your experience fishing, with regards to drills, what's your experience on the different vessels that you've worked on in regards to drills in donning of immersion suits?
A. As far as information covered versus some of the other boats I've been on, Gary was pretty thorough.
Q. And in your experience, is it usually just a random sampling of crewmembers or is everyone usually required to test out and dress out in immersion suits?
A. I have not been on a vessel where the whole crew was required to put on their immersion suits.
Q. Okay. Great. Thank you for clarifying that. And to go back to your comment about fuel burn on the *Scandies Rose*, could you tell us -- or can you estimate the rate of fuel burn in terms of number of days before refueling or conducting a -- you know, transferring fuel?
A. As far as transferring fuel, transferring fuel would be a daily occurrence. Refueling varied. The *Scandies* held a lot of fuel, so that would vary greatly depending on, you know, what -- how many gallons Gary decided to put on. Typically, he would maybe -- if it was start of season, if we were leaving Seattle, we would start heavily on fuel, anticipation being that we would burn that off on our way north. But fuel transfer would be a daily thing.
Q. In terms of a period of, say, 24 hours, could you estimate what that rate of burn would typically be?

A. Depending on rpm, *Scandies Rose*, 800 to 1,200 gallons a day. Depending on the throttle.
Q. Okay. And so one more topic I wanted to cover. You had mentioned you were stuck in the airport when you talked to some of the other crewmembers. Can you tell us about why you were stuck in the airport?
A. We were flying up to for our cod season. The *Aleutian Mariner*, the boat I'm currently, on was already in Dutch Harbor. It was a weather delay.
Q. It was a weather delay. And can you -- how long were you -- do you recall how long you were delayed?
A. It was three days.
Q. Three days. Okay. So was that kind of weather delay and that kind of weather in the area, were you at all surprised to hear that the *Scandies Rose* had left for the fishing ground?
A. No, I was not surprised that they left Kodiak. Again, I've been in big weather on that boat -- no, I wasn't surprised.
Q. Okay, sir, thank you.
CAPT CALLAGHAN: That's all the questions I have, so I truly want to thank you for your time today to answer our questions. And in addition, I'd like to particularly thank the captain and the crew of the *Aleutian Mariner* for facilitating this time with us for you to call in while you are at sea and in the fishing grounds. So please extend our thanks to the captain today.
But, again, thank you very much. Greatly appreciate your

time today and your willingness to be here on the phone with us to pass this valuable information for us in this investigation. At this time, Mr. Fanning, you are now released as a witness from this formal hearing. Thank you for your testimony and cooperation.

If I later determine that this Board needs additional information from you, I will contact you. If you have any questions about the investigation, you may contact our investigation recorder, Lieutenant Ian McPhillips.

Thank you very much, Mr. Fanning.

THE WITNESS: Thank you.

(Witness excused.)

CAPT CALLAGHAN: Okay. It is now 1156. Our next scheduled witness testimony is scheduled to begin at 1300. If for any reason that changes and we are able to facilitate sooner, we will update the time display on livestream.

At this time, we will take a recess and resume as scheduled.

(Off the record at 11:55 a.m.)

(On the record at 12:59 p.m.)

CAPT CALLAGHAN: The time is now 1300, and this hearing is now back in session. We will now hear testimony from Mr. Dillon Gamby.

Mr. Gamby, Lieutenant McPhillips will now administer your oath and ask some preliminary questions of you.

LT McPHILLIPS: Please stand and raise your right hand,

Mr. Gamby.

(Whereupon,

DILLON C. GAMBY

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

LT McPHILLIPS: Please be seated.

THE WITNESS: Thank you.

LT McPHILLIPS: Please state your full name and spell your last.

THE WITNESS: Dillon Charles Gamby. The last name is G-a-m-b-y.

LT McPHILLIPS: Please identify counsel or representative if present.

THE WITNESS: Present.

LT McPHILLIPS: Do you have a counsel present with you?

THE WITNESS: Oh, I do not. No, sorry.

LT McPHILLIPS: No problem, sir. Please tell us what your current employment and position is.

THE WITNESS: Currently I'm a line cook at a restaurant called Denarius (ph.).

LT McPHILLIPS: As a deckhand on the *Scandies Rose*, what were your general responsibilities in that job?

THE WITNESS: General responsibilities was -- I was the bait man, and so I would bait each crab pot before they would go over and, among other things, tying down crab pots, making sure the

deck was clean and, among other things, doing basically anything that was asked of me.

LT McPHILLIPS: Can you briefly tell us a relevant work history as a deckhand?

THE WITNESS: As a deckhand on this specifically or all of the boats I have worked on?

LT McPHILLIPS: The boats that you have worked on previously.

THE WITNESS: Okay. So I've worked on about five different boats. This is my first -- *Scandies* here was my first crabbing position. Before that, I was a gill netter on several boats. Would you like me to name the names of the boats?

LT McPHILLIPS: No, that's okay, sir.

THE WITNESS: I was a deckhand on several different schooners, and then I also did gill netting in Bristol Bay two different seasons, and for the schooners I did that for about two seasons as well. And I was a tender on a boat as well.

LT McPHILLIPS: What was your education related to those positions?

THE WITNESS: Just the training I had on job.

LT McPHILLIPS: Do you hold any professional licenses or certificates related to those positions?

THE WITNESS: Just general -- just a fishing license that you need to work on a boat. And then I am also crane certified.

LT McPHILLIPS: Thank you, Mr. Gamby. Captain Callaghan will now have follow-up questions for you.

THE WITNESS: Thank you, Mr. McPhillips.

EXAMINATION OF DILLON C. GAMBY

BY CAPT CALLAGHAN:

Q. Good afternoon, Mr. Gamby, and thanks for being online with us and attending this hearing virtually today. If at any point we ask a question that you do not understand or can't hear because of any technical difficulties, please don't hesitate to say so, and we'll repeat or rephrase the question, as necessary. If at any point you need a break, please let me know, and we can take a break for you.

Using this Zoom platform, we have the ability to share exhibits virtually. So in that event, the recorder, Lieutenant McPhillips, will put any exhibit up on the monitor in front of you. If at any point you need to point something out on an exhibit, Lieutenant McPhillips can highlight the area for the benefit of the Board and livestream audience.

All the questions I'm going to ask you today are set in the timeframe leading up to and including the accident date of December 31st, 2019.

So, Mr. Gamby, can you tell us any previous history -- any previous employment you may have had on the *Scandies Rose* or with Scandies Rose Fishing Company?

A. With the -- working on the *Scandies Rose*, that started all for me on the -- around September 10th of 2019. And that was the first time I had worked for Gary Cobban or the company -- Gary

Cobban, Jr., that is. And before that, I had just heard about the boat. I'd seen the boat and always respected, you know, Gary as a captain and knew of him but hadn't met him. And I just started working as a -- whenever I asked for a position as a deckhand, and that was in early September. Then he called me up around September 10th, roughly, and I started working around that date.

Q. Okay. So you say you always respected Captain Cobban. In general terms, how did you gain that -- how did he gain that respect from you; was it word around the industry or your experience hearing about him?

A. Word around the industry and his -- he's a second-generation fisherman. His father was a fisherman in the Kodiak area and the whole way-out to Dutch Harbor and in between. And his father was a legendary fisherman, and there was kind of even like -- I don't know if they are stories or tales, but I had heard about Gary Cobban, and whenever I actually started working for Gary Cobban, Jr., I was under the assumption that him and -- I didn't know his father and him were two separate people. So whenever I started working for him, I had heard tales about both of them and kind of had to find out by talking to him and the crewmembers about which one was about his father or him. So just word among other fishermen and in the industry.

Q. Okay. And in your -- as the bait man for that trip in September, in regards -- were there any other responsibilities that you held in regards to, say, regular watch schedule on board?

A. Yes. I was assigned an hour and -- I think it was an hour and 30 minutes on wheel watch when we are traveling, and that was from Kodiak to Dutch Harbor then back. And we would -- that was the only time we'd do wheel watch, and usually Gary would take us out around the island, and I believe another crewmember would help him. Sometimes his son would drive, but usually that was -- Gary would take us around the island, and then whenever we got out into straight water, we'd start doing an hour-and-30-minute regiment of wheel watch per deckhand. And everyone would do wheel watch except for the engineer, Art.

Q. Okay. During that wheel watch, was there any instructions for you, any standing orders from the captain on your duties during that watch period?

A. Yes. I was briefed essentially on just the, you know, the function of each computer and the GPS and the autopilot and also the radio and the -- just there was, you know, the alarm system that was directly behind, behind you to your left, maybe five feet away, and I was instructed that, you know, if anything would happen to -- if anything would happen then right away to pull that if it was an emergency.

And there was also a phone that was right in the wheelhouse seat right to your right that you could call any of the rooms from. And you can also call the captain and you could call any other deckhand, and that's how we would communicate to switch from wheel watch. So we would never have to leave the chair; we could

just call the room and say, hey, it's your time to do wheel watch.
Q. Okay. Was there any expectation or -- I'm sorry. Was that in writing anywhere or was it passed just directions verbally from the captain?
A. It was verbally from the captain and from other crew. And then the only, the only writing was every day before we'd start to -- I mean, I did sign a contract, and the contract was extensive, and there were my duties in there, I believe. And I'm not -- I can't quite recall if that was in the contract at all, but I did sign a contract, so it may have been, or it may not have been. But the only writing that would happen, you know, kind of during the wheel watch was he'd write the schedule out for the wheel watch. So he would always -- you always knew what time you were on, what time you were off, and who was next so you could call the next person to come take the duty.
Q. Okay. And as part of the wheel watch, at any point, were you -- did those instructions include making rounds to the engine room?
A. After your, after your wheel watch, you were supposed to go down to the engine room, and then, when someone else had taken their duty, before you went back to bed or whatever, you would go down to the engine room and take a look around everything and make sure that nothing was -- you know, that, you know, there's no excessive water or none of the engines were smoking or even look for strange sounds and -- yeah, you would always do that. And, of

course, the, the -- if you would see anything, you would go to the engineer and let him know, and then he would take it from there. But that I never had seen, you know, I never had a problem with my -- yeah, with doing that. So --

Q. Following in wheel watches and any of those routes to the engine room, had you ever had to contact the engineer as a result?

A. No, I did not.

Q. Again, on that previous trip back in September, any issues -- were there any issues experienced on board?

A. Not during my trip, there were no issues. There was talk about a leak that they had had during their, during their tending trip, because in the summer, before they do the king crab season -- what are they part of? They do a tend -- they tend to the other boats for the summer in Kodiak, and I was not a part of that.

So there was some talk about a leak that they had had that they had fixed, and I never talked -- you know, I didn't talk extensively. I was just working through that and kind of overheard that. So I -- but during my trip, I had never heard of any problems with, you know, with the engines or anything, so -- and I never noticed anything on my -- for my personal observation.

Q. And during that trip, did you experience any heavy weather or heavy seas during that trip?

A. No. Going out there, it was the -- probably the calmest trip I've had going out that way because I, I go out that way through

Falls Pass to go up to Bristol Bay. So it was the calmest weather I had had during that trip. And when we were out there, we never -- actually fishing, we'd -- you know, I experienced some waves but nothing, nothing more than ten -- you know, five to maybe ten feet waves. And it was never choppy. There was never much -- I don't think -- I don't even think it was any rain, and the weather was very fair, and you could -- you'd work in a -- if you wanted to, you could wear short sleeves when you're on deck. It was that warm and fair. So --

Q. How did the *Scandies Rose* handle those types of seas?

A. I mean, I -- like I said, I never really experienced the rough weather. The fair seas, I mean, it was kind of business as usual. Whenever we were out fishing, you know, it was always -- it was Gary or his son David, he would be on duty, you know, driving the boat and, you know, I know Gary would, you know, Gary would drive the boat a lot, and it never seemed -- it didn't seem like things were -- we ever changed. You know, it didn't seem we ever had to kind of prepare for any type of weather, you know.

I -- there weren't many waves that would come over -- like we had wave walls, and then on the starboard side, we had one -- kind of a short wall where we'd throw the crab pots over. And, you know, I don't ever remember a wave coming over, what we call white water, green water, you know, there's a couple of sprays of white water, but never green water would come over where there's thick heavy waves. So we never experienced much weather at all on that

trip.
Q. During your wheel watches, did you experience the vessel listing at any time?
A. I did not.
Q. Okay. During that trip in September, do you happen to remember the other crewmembers who you worked with on board the *Scandies Rose*?
A. Do I remember if they had experienced a list or not?
Q. No, just who they were.
A. Yeah, I remember them very well.
Q. Can you tell us who else was on board during your trip in September?
A. Yes. I may not be able remember all their last names, but I know there was Art was the engineer, and then there was Thorn, also known as Seth, and he was the -- another new crewmember that year. And then there was obviously Gary Cobban and his son David Cobban. And then there was Brock Rainey, which Brock Rainey had been on the boat for years and worked with Gary on other boats. And then there was Art, and I can't remember Art's last name, but he was the engineer. And then there was also a Joe, which Joe had joined the boat right before we left for -- just like me, three or four days before we left Kodiak to go on the actual trip. And, you know, he was our last filling-in crewmember, and that was Joe. I can't remember his last name now. I apologize.
Q. Okay. And have you ever -- prior to that trip, have you ever

worked with any of those crewmembers before?
A. I had never worked with any of the crewmembers before, no.
Q. Okay. And so I'm going to kind of move forward a little bit and towards the -- talk about closer to December. At what point were you contacted, or did it come up in conversation about returning to the vessel for the cod/opilio season?
A. So I -- I think we went home around -- you know, finished up with king crab and we went home, and at the end of my job or the end of that season, I kind of felt that I was, you know, was new. I was inexperienced. So I kind of felt like my position wasn't completely confirmed. So around -- and then we went home for December, for the holidays, and we were home for about a month. And a little bit before Christmas, I had called Gary just to make sure that my job was confirmed and that I was still going. And he let me know maybe -- maybe a week-and-a-half prior to me actually flying up around December 26th, he let me know that I was -- that, yeah, I should get a plane ticket and I should come up. And so, that was around the time I knew I was going to come back and return to the vessel.
Q. Okay. And did you work with anyone back at the company regarding the contract or anything prior to that time?
A. Prior to which time? Do you mean before -- what do you mean?
Q. Prior to flying out.
A. Prior to flying out, no. Flying out, I -- at the end of king crab season, near the end of November, I had flown out of Kodiak

back to Maryland to see my family. I spent time with my family. Did not work at all. And then I flew back on the 26th, and I think I arrived the 27th. And that was the -- that was the first time I had come back to work for the Scandies Rose Company or Gary.

Q. Okay. And did you -- when you flew into Kodiak, was there anyone else who -- from the crew who flew in with you?

A. They all flew in around the same time, and I did not see any of them until the airport in Anchorage. And in Anchorage we actually all -- there was a bit of delay because of the weather. The weather was really bad, and so I had a flight that was canceled -- two flights that were canceled. And then, finally, the flight that I had arrived on Kodiak on was a flight with -- I think it was Seth, Brock Rainey, and Art, and then Johnny Lawler was also there. And that was the first time I met Johnny, and that was all the crew. And then we all went to Kodiak and flew from there, and we all flew on the same flight from Anchorage.

Q. Okay. And then once you arrived to the vessel, what kind of duties did you have once you got to the *Scandies Rose*?

A. Well, we had tied up before we had left, and we had -- whenever you tie up your boat for a period of time, whenever you're going to be leaving it, you do a lot of extra kind of safety, you know, mechanisms. So you tie up a lot of lines, slack lines. And so our duty -- one of the first things we did when we got there was put our bags away and clean off the deck, and there

was some debris on the deck from, I guess, some work that they had done while we weren't there, so we were -- we cleaned that up, and also our duty was kind of being -- clean the boat up, make sure everything looks right, and -- which, for me, wasn't doing much. You know, I didn't have much responsibility, you know, the engineer -- engineering or anything. I was just kind of like cleaning everything up, make sure everything is clean.

And then the final thing we did was we -- not the final thing. The final thing we did when we first got the boat was to untie the boat. And the weather was, I guess, foul, so whenever we got back to the boat, I had some trouble tying -- one of the lines had tightened up, and I apparently had tied off -- I had tied the boat off kind of in a strange way, so one of the lines had tightened up in a way that I couldn't get it undone without help. So we -- me and Art spent a time prying, prying it off the (indiscernible).

So then, after that, we moved over to the -- I believe it was the cannery, and that was where we were -- we started working on pots, putting pots on the boat. And then, yeah, that was our responsibility from there on was kind of getting the boat ready to go by loading up pots and -- but I, you know, I wound up quitting shortly thereafter.

Q. Okay. You mentioned kind of cleaning up some debris. Can you talk about the debris that you guys cleaned up?

A. I will. That debris was on the -- near the front of the boat

kind of near the starboard side, near our launching pad. And it was, it was a lot of metal, and it was very thin, rusty metal that had obviously been replaced. And we actually saw -- there was something called a -- pardon my French, was called a shit chute, and it's where you kind of throw the unwanted crab, and there is one on each side of the boat.

And there's one on the starboard side, and that is where the work, I was led to believe, had been done. And we -- oh, there was even a -- there was a little tiny metal hatch that shuts it for safety, and you can open it, but we always kept that one shut. But it was open whenever -- I believe it was open when we got there. And we could see where the new welding had been done, and it looked -- you know, I'm not a welder, so my untrained eye, it looked nice and new. And then I was led to believe that this metal was from there and they did the surrounding area. And it was, you know, maybe a half-inch to, in some places, a quarter-inch thick. It was pretty worn down and not -- obviously not the kind of metal you want on a boat that you're taking out to sea.

And it had an epoxy that had -- called Splash Zone that you use a little on a fishing boat for all sorts of different things. But, you know, kind of lives up to its name called Splash Zone; you kind of keep it where you want to keep water out of. And so there was a lot of that on there, and it was so thin and pliable, it kind of felt like wood almost. You know, not like metal

should. So that was definitely -- I was -- I felt -- whenever I saw it, I kind of felt -- you know, I was like, well, I'm glad that's not on the boat anymore, you know. And we -- there was also some, some metal, I guess, that they had used to weld, and that was on the deck. It's these bars of iron that are about, you know, anywhere from a foot to three feet long. And they are on deck. So we were in charge of putting that away.

And then we disposed of the, the metal. For the life of me, I can't remember what we did with the sheets of metal -- with the thin sheets of metal. I don't know if I was involved in that. I know I was really involved in putting the rebars away, so I could have been not involved in cleaning that part up, but I had heard that it was tossed over the side of the boat. I'm not sure if that's true, but -- I didn't witness that at all, but that's what I had heard had happened. And that was later on. I didn't hear about that on the boat.

Q. Okay. And had you ever seen Splash Zone used before?

A. Yeah, I had seen Splash Zone used on several different boats. I was very -- you know, I have used it. I had been, you know, trained by several. Each captain kind of has their way of using it, and we had used it in the crab holds to cover up all the nuts and bolts to kind of round off the edges of them all so we wouldn't hurt the product, the crab. Because once you -- once crabs start dying, they kind of -- you get this thing called dead loss. So we were trying to prevent that from, from happening with

the Splash Zone, so each nut and bolt we covered with Splash Zone and -- yeah, on several other boats, I had used it for the same thing and also for, you know, covering up, you know, parts of the boat that was above the waterline to kind of keep, you know, water out, from splashing in.

But yeah, I had never, I had never used Splash Zone for the -- the kind of -- for the structural integrity of a boat. I had never done that before. And I had never kind of seen that done, but I, I don't know where -- I know that that metal that had the Splash Zone on it was above the waterline I believe, so I kind of saw that as living up to its purpose in a way --

Q. Okay.

A. -- as a temporary fix.

Q. So, in general, your interaction with the other crewmembers, how was the atmosphere of the crew at the time when you guys all arrived and started getting -- preparing for the voyage?

A. It was kind of business as usual. A lot of joking. A lot of, you know, kind of, you know, messing with each other, kind of having fun. And, you know, it was really cold, and there was a lot of snow coming down, so it was a lot of kind of instructing to me that this was different, you know, that this was not like the king crab season, that this was going to be -- you know, it was kind of this -- Brock would say, you know, I will respect you once we get through -- once we get to an opilio season, you know, that's when you'll earn my respect.

Because opilio season is, you know, it's different. And that's what they kind of led me to believe was like this was going to be -- you know, it's not a walk in the park. It's not a salmon summer camp, as they called it. This is like the real deal. And it was my first winter fishery, so they were really kind of laying into me to kind of get me prepared for what was to come.

Q. And, I mean, in comparison to previous, was there an increased intensity -- you said it kind of -- they were kind of teasing you on, but as far as just overall intensity, you know, from the other crewmembers, was it kind of increased compared to other previous experiences?

A. Not really. It was -- you know, the only, the only thing was it was kind of, you know, a lot of, a lot of just teaching what was kind of different. And also, there was the -- the only thing that was kind of intense which happens a lot in fishing was we need to get this work done as, you know, as soon as possible so we can get out of here as soon as possible so we can get fishing.

And so that was definitely kind of the atmosphere of like, you know, whenever I had trouble with that getting the line off, the whole boat was waiting on me to untie the boat. So there was definitely the intensity of, you know, this needs to kind of get moving here, you know, we need to get this done quick so we can get fishing. And that was the -- that's kind of a common thing to fishing, so --

Q. Okay. And then, so from the time you guys started doing the

pots, tell me about, you know, your experience and kind of ultimately, you know, what kind of helped you make up your mind on, you know, that you weren't going to sail?

A. So I -- so we had untied the boat, moved over to the cannery, tied up, secured the boat, and we started moving crab pots on the boat. And there are already some crab pots on there, but we had a lot of crab pots in the parking lot of the cannery. It's kind of where like the storage area -- it's not really a parking lot, it's more of a storage area for fishing gear and for people who work for the cannery. And so we had gone there to work on crab pots, and it was just snowing the whole time. And you -- for some of the crab pots, you'd have to lay on your back and deal with it all. When you, say, be on the ground in the snow, and I -- there was a point in time where we were moving the crab pots off of a flatbed. We'd pick them up off the ground, put them on this truck, and move them over to the, to the boat.

And I was on the flatbed, and Johnny was working the crane, and I had told him to come down and -- which was a common thing where you have two guys kind of holding the crab pot, bringing it down, steadying it so they land on top of each other straight. And I was just doing it like I had done it, but it had been a month break, so I guess I was out of practice, and I was standing in the way. So when he came down, it came down on top of my head and kind of hit me. And I -- and it wasn't his fault. It was my own fault for not moving out of the way. And I gave him the, you

know, the come down symbol.

And whenever it hit me, I kind of realized, if that would have happened -- it hit me, and I kind of fell back and -- fell back on the cab of the flatbed. Whenever I -- I realized, if that had happened to me out on the water, it would have been a life-threatening thing. It could have been, you know, could have been an injury or death for me or others. So once that happened, I kind of got in my mind -- and with everyone kind of teaching me that this is different, this is intense, this is dangerous, you know, this is not a walk in the park. And then that happened, and it kind of made me realize that, if I go out there, there was, you know, a chance that I might not come back or I might hurt others.

And, you know, it was no fear of -- I never feared the boat going down. It was a fear of me falling off the boat or me hurting someone else. So whenever I quit, I kind of quit for my own protection and for the protection of my crew, you know, which was kind of hard for me to do when I quit. But I was kind of quitting to protect myself and others, so --

Q. Thank you for that. And in terms of the weather, you mentioned a couple of times that it was snowing like crazy, and you had a couple delays at the airport. Was there any concern by any of the crewmembers or any talk about, you know, concerns about weather and getting underway in that weather?

A. No, not, not really. They had talked about it like it was -- like it had happened before. Like this is kind of a delay, you

know. They, Art and Brock, had both been crabbing for years, so -- a lot of these years were together, but I think Art had crabbed for 30-plus years, so they were talking about years when it was really bad and worse than what it had been. So there was never any really concern about the weather.

I mean, there was definitely the, you know, the basic concern of this weather will make things icy. Whenever you're walking on deck or walking on pots, everything is going to be slippery, everything is going to be icy. And you can't -- it's going to be a risk. So there was that concern. But no, no concern about like this is unseen or this is, you know, unprecedented. There was no real concern about -- I know I never heard any talk about like, you know, I hope no one goes down or I hope the boat is okay. I never heard anything like that. Kind of seemed like, you know, they were pretty confident, you know. At least that's what they led me to believe, you know.

Q. Okay.

CAPT CALLAGHAN: Mr. Gamby, I really appreciate all this information, and I know we got a tough timeline. I'm going to go ahead, at this point, I'm going to pass it over to my colleagues at the National Transportation Safety Board for any questions that they have.

THE WITNESS: Okay. Thank you very much.

MR. BARNUM: Hi, Mr. Gamby. I'm Bart Barnum, NTSB. Thank you for your time. I have no questions for you. My colleague

does.

THE WITNESS: Okay. Thank you, sir.

MR. SUFFERN: Good afternoon, Mr. Gamby. I appreciate your time today and your testimony. It's been very helpful. Just one follow-up question with relation to when you were taking watch there during your September/October timeframe there. Did you ever review or was there any weather information available for you during your watch, and if so, did you review it or what was available there for you?

THE WITNESS: I mean, I can't recall if there was any information besides the basic. Gary had a -- on my phone, I would get alerts on it, and I believe that's how he got the alerts, and so he would always -- when we would take wheel watch, he would always kind give us a rundown of what the situation was. You know, what direction knots -- how many knots the wind were going and what direction. And as a fisherman, you kind of get an idea of, you know, which way the wind direction is just by looking at the water. But I can't recall if there was any specific equipment for weather. But yeah, I can't recall if there was or not.

MR. SUFFERN: Thank you very much, Mr. Gamby. I appreciate your time.

THE WITNESS: I appreciate you guys doing what you're doing.

CAPT CALLAGHAN: Mr. Gamby, at this time, I'm going to ask to our parties-in-interest, counsel representing the two survivors, Mr. Stacey, if they have any questions.

MR. STACEY: Just very very briefly. Thank you, Captain.

And thank you, Mr. Gamby, for being here and talking with us. Today, you -- my name is Nigel Stacey. I represent Dean Gribble and John Lawler. You talked about the safety of the other crewmembers, you know, that you worked with on your trips aboard *Scandies Rose*. And I know you only worked with John Lawler for a little bit of time, but in that time, did you consider him a good deckhand?

THE WITNESS: I considered him a great deckhand. He was kind one of the reasons I, I kind of felt like I wasn't -- kind of felt like I wasn't qualified because he was -- you know, he got there, he was ready to operate the crane, was ready to, you know, do, you know, do everything. He was very up and at them. And, you know, this is a guy who was, you know, older than me and he was also bigger than me. You know, like he was -- Johnny is a big guy. And so I kind of felt like I was just out of place. So I considered Johnny a great deckhand. You know, that's one of the reasons I kind of stepped away.

MR. STACEY: Okay. He wanted us to say hello to you -- he testified yesterday -- so I'm going to keep my word to Johnny and pass his hello and thanks to you, Mr. Gamby. And those -- that's the only question I have. Thank you, sir.

THE WITNESS: I appreciate. You do the same to Johnny, okay.

MR. STACEY: Yes, sir. Thank you, buddy.

THE WITNESS: Thank you.

CAPT CALLAGHAN: Thank you, Mr. Stacey.

And now I'm going to ask -- pass it to counsel representing the vessel owners, Mr. Barcott.

MR. BARCOTT: Thank you, Captain.

BY MR. BARCOTT:

Q. And for you, Mr. Gamby, I'm Mike Barcott. I represent with *Scandies Rose* and the owners. Nice to meet you here this afternoon.

A. Nice to meet you.

Q. So I understand you had worked on a schooner, you had worked on gill netter, you had done some tendering and done king crab --

A. Yes.

Q. -- and you came to learn real fast opilios are different, right?

A. Oh, yeah, opilios are different, yeah.

Q. Okay. Thank you. I had the same experience; I didn't go either. I want to talk about safety drills for just a minute. Did they -- when you were on the *Scandies Rose* for the two seasons, did you do safety drills?

A. We did do safety drills. I was waiting for that question. We did safety drills. We'd all meet in the wheelhouse and we did, you know, all -- we all tried on the life suits and we did it until we got it -- our life suits on under a minute. And then we also went over the life raft, you know, we made sure that we checked all the life rafts. And they had just replaced the

release. It's a release that never goes underwater, a release -- they had just replaced those. I think you have to replace them every -- however so often. They had just done that. And Art looked at them, made sure everything was good, and we kind of did a rundown how they work and -- which I had done before, but we did it again, then, as a crew.

And then we also went on what procedures of the radio, whenever there would be an emergency, how we would call out, who would call out, and we also -- there was a -- for each job, there was a kind of a primary and a secondary person of like this person is going to be a guy who does it, but if this guy can't, this person is going to be the one that does it. And there was, for everything from the radio to if someone would go overboard, who would be the person to try to retrieve them and how that would all work.

And yeah, it was, you know, a long list of -- and that's almost about it. There are probably some things I'm forgetting but, you know, those are -- that was mainly the safety drills was radio, the life rafts, survival suit training, and -- yeah. Like I said, there might be some things I'm missing, but that's about, you know, what comes to mind.

Q. There is one thing. What about the EPIRB?

A. Oh, EPIRB, yes. The EPIRB, thank you for reminding me of that. The EPIRB was on the, you know, back of the boat and, you know, Gary, you know, came out and told us about the EPIRB,

basically said, you know, if, you know, the boat is going down, I think he said -- you know, I forget who he designated. I think I was his designation. He was going to deal with the EPIRB and make sure that it went off. But he kind of said like, you know, if the boat was going down, this is going to save your life, so make sure that, you know, someone gets it and that you all tie yourselves together, because if you don't tie yourselves together and you don't have that, chance of you kind of get rescued are slim to none.

Q. And did he take you out behind the house and show you where the EPIRB was?

A. He did, yeah, he took us all out as a crew and showed us where the EPIRB was, and I believe it was on the -- it was either on the back rail -- I think it was on the back rail of the boat, you know, right on the port side behind the wheelhouse.

Q. And he took the time to show you where it was and how to use it and how important it was?

A. Yeah. He took the time to show us how it worked and everything.

Q. Compared to other boats you have been on, can you compare whether these safety drills were more thorough, less thorough? Can you give us any assistance on that?

A. Probably, probably, you know, kind on par with a lot of them. But, I mean, probably more thorough just because it -- the size of the boat. Each boat I had worked on was a small vessel and --

yeah. He also -- another thing that went on over on the, the safety drill was the Hyeon (ph.) system, I think it was. I'm not sure if it was actually Hyeon, but it was something to extinguish fire in the engine room. And went over the fact that everyone needs to be out of the engine room, and we need a call-in system, so we know that everyone is out and that the person in the wheelhouse has the ability to do it. And I think there was another way to do it maybe in the engine room, because the engine room was kind of a two-part room. There was a back -- I mean there was a forward one and then a back kind of workshop, and you would -- there was a door, a hatch to close that off, and it's watertight and everything. And it was -- I think you'd want to shut that before you turn on the Hyeon system.

So that was one thing, I had never been on a boat that had that before. So that was, that was another thing that we went over. And so it was definitely more thorough just because of, you know, it was more thorough, all these -- all kind of up to par on everything like, you know, it seemed like it was the, the duty of a captain to do that, and I feel like Gary definitely did his duty whenever I worked on the boat.

Q. If -- I understand the opilios are different -- reason for your leaving, but you did work in the fall of 2019. Did you feel safe on that boat?

A. I felt safe on the boat. I was led to believe that -- you know, I would always call my mom, and on some boats I kind of

worked on, I knew things were somewhat dangerous, and I was always -- I'd always say, you know, mom, you know, everything is fine; everything is safe. But on this boat, I kind of felt truly that I was like -- you know, I did feel safe, and I did kind of feel -- you know, I felt like everything was kind of, you know, up to par.

But I'm, I'm also not -- I'm not trained to look for certain things, so from my untrained eye, everything seemed safe and good. Of course, you know, I'm going to have -- I have, you know, everyone around me telling me like, you know, this boat is like a Cadillac is what everyone would say. It's a nice big boat. You kind of don't think of a big boat going down. You kind of get the idea that they're, you know, indestructible when you look at these little guys and you're like, you know, I'm glad I'm on this big guy. So yeah, I kind of -- I felt safe on that boat most definitely.

Q. Thank you, Mr. Gamby.

MR. BARCOTT: Those are all the questions I have. I really appreciate your making yourself available here today.

THE WITNESS: Yep.

MR. BARCOTT: Thank you, Captain.

CAPT CALLAGHAN: Thank you, Mr. Barcott.

BY CAPT CALLAGHAN:

Q. Mr. Gamby, we've only got a couple minutes left, but I wanted to follow up on a couple of things with regards to those safety drills and the EPIRB itself. At any time did you witness them

test -- the captain test the EPIRB at all during that drill?
A. Yes. Every boat owner, when they do this, where they take the, they take the EPIRB out, and there's a little dial on it that you'll turn, and it's kind of like a, you know, an on-and-off switch, but you turn it on. And then there's a, a secondary button that you hit, and whenever you turn it on, it starts to flash, and the secondary button would kind of be the call button to send out your coordinates.

And so, yeah, whenever I saw him, he turned it on, it flashed, we saw it. And then he said, you know, and then the next thing you'd do is you'd press that button. And, you know, of course, you didn't press the button so they didn't think we were going down at the dock. But, you know, he showed us how it worked and everything and, you know, it seemed it was just like every other EPIRB demonstration I had had.
Q. Okay. Thank you for that. Two more questions for you. When you -- do you recall in the contract that you signed if it included a drug and alcohol policy in there?
A. Yes, it did. You had to be clean of drugs and alcohol. You know, you wouldn't be -- you couldn't sign on if you were drunk and you would -- we'd actually -- we would get -- we got piss tested upon -- before we went out and went fishing. So we all had to be clean of drugs and alcohol.
Q. Okay. And the hatch that you talked about in the engine room that you talked about, you know, with that -- you kind of

mentioned, hey, if you were going to activate the Hyeon, you might want to close that. That hatch in the engine room, when you were underway during your time on the *Scandies Rose*, do you remember if that hatch was left in the open position or the closed position?
A. It was open.
Q. It was always open?
A. It was always open just in case, if it -- you know, because you needed kind of to see what was in the engine room, and if smoke was coming, you know, if the engine room was smoking, you wanted to be able to know it and smell it and be able to kind of be aware of what was happening in the engine room. And it was, it was left always open, and it was under my kind of -- under my belief that you only wanted to close that in the activation of a Hyeon system or if directed to by either Art, the engineer, or the captain.
Q. All right. I thank you for your time, and before I -- before we close out for this session, I just wanted to kind of ask you, in regards to this investigation and the questions here today, is there anything in your opinion that we may not have covered that you think would be in the interest for this investigation?
A. Give me a moment. I want to kind of rack my brain here.
Q. Sure.
A. Well, you know, the -- I think that we went over the metal on the side of the boat and the weld job on the side of the -- you know, there's a welding job on the side of the boat. I just want

to know, personally, if I had to like just to pull an answer for a question I needed would be the, you know, was that weld job secure and who did the weld job. And I'm not -- I'm untrained -- I'm an untrained welder. You know, I have never welded in my life. So I looked at that weld, it kind of looked -- and was like, you know, that weld seems secure, you know. I kind of bet that someone else looked at it and thought the same thing. So I just hope the -- I kind of hope the weld job was secured but also would just, you know, kind of, you know, I hope that you guys are looking at that, you know.

And -- yeah, besides that, you know, I would like to say, you know, everyone that I worked with including, you know, Gary and -- that everyone was professional and, you know, they -- everyone, they were great fishermen. You know, the five guys who lost their lives, and even Johnny, Johnny was a, you know, excellent fisherman and, you know, it was an honor to work with and -- yeah.

Q. Thank you for that.

CAPT CALLAGHAN: And I do recognize -- you know, I want to take a moment to recognize that you have worked with Captain Cobban and a number of these other crewmembers who were lost as part of this accident, so I do want to send my condolences to you on the loss of some of your friends and shipmates.

And so thank you for being here with us. At this point, you are now released as a witness at this formal hearing. Thank you for your cooperation and taking the time today. If I later

determine that this Board needs additional information from you, I will contact you directly. If you have any questions about this investigation, you can certainly reach out and contact us through our recorder, Lieutenant Ian McPhillips.

Thank you for your time today, Mr. Gamby.

THE WITNESS: Okay. Thank you guys very much, and, you know, may the, may the truth be revealed, and I appreciate you guys.

CAPT CALLAGHAN: Thank you, sir.

THE WITNESS: Thank you.

(Witness excused.)

CAPT CALLAGHAN: The time is now 1348. This hearing will now go into recess, and we will reconvene at 1400.

(Off the record at 1:48 p.m.)

(On the record at 2:00 p.m.)

CAPT CALLAGHAN: The time is 1400. This hearing is now back in session. We will now hear testimony from Captain Peter Wilson.

Captain Wilson, Lieutenant McPhillips will now administer your oath and ask you some preliminary questions.

(Whereupon,

PETER WILSON, JR.

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

LT McPHILLIPS: (No audio.)

THE WITNESS: Yes, sir.

LT McPHILLIPS: (No audio.)

THE WITNESS: Peter Wilson, Jr., W-i-l-s-o-n.

CAPT CALLAGHAN: Lieutenant McPhillips, can we take a quick pause just for one second. We are just waiting for an audio.

(Pause.)

CAPT CALLAGHAN: Okay. Sorry about that. You can now continue.

LT McPHILLIPS: My apologies, Captain. Please identify counsel or a representative if present.

THE WITNESS: Negative.

LT McPHILLIPS: Please tell us, what is your current employment and position?

THE WITNESS: My current employment is on the F/V *New Venture*, and my position is captain.

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

THE WITNESS: Run the boat. Take care of the boat. You know, make sure everybody is safe. Whatever, you know, basically whatever needs to be done.

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

THE WITNESS: I've been in the industry 40 years. Started back in 1980. Started out as a processor, worked my way up, started crabbing in 1985. I've been on vessels anywhere from the gill netting all the way up to, you know, the crab or factory processors. I've done deckhand, cooking and engineering, mating,

and as of right now, captain.

LT McPHILLIPS: What is your education related to the position?

THE WITNESS: I just have a high school diploma.

LT McPHILLIPS: Do you hold any professional licenses or certificates related to the position?

THE WITNESS: I am a certified drill instructor, and I have done firefighting training, but that was years ago.

LT McPHILLIPS: Thank you, sir. Captain Callaghan will now have some follow-up questions for you.

CAPT CALLAGHAN: Thank you again for being with us today, Mr. Wilson. Sir, I'm going to pass it off to Commander Karen Denny for more questions.

Commander Denny?

CDR DENNY: Thank you, Captain.

EXAMINATION OF PETER WILSON, JR.

BY CDR DENNY:

Q. Good afternoon, Captain Wilson. How are you today?

A. Good. How about yourself?

Q. I'm well, thank you. Thank you for being with us and attending this hearing virtually today. If at any point we ask a question that you don't understand or can't hear because of technical difficulties, please don't hesitate to stop us and ask us to repeat or rephrase the question, and we'll go ahead and do that. We are going to take breaks throughout the hearing, but if

at any point you need a break, just don't hesitate to ask and we'll do that.

Also, since you're with us virtually on this platform, we are able to share displays, so the recorder, Lieutenant McPhillips, will put up an exhibit on the monitor so we can look at the same thing. If at any point you need to point something out, you need us to zoom in, just ask Lieutenant McPhillips to highlight that area, talk us through where that is, and that will benefit both the Board and the public as to what we are looking at. Okay?

A. Copy that.

Q. Awesome. Thank you. Captain Wilson, Lieutenant McPhillips asked you some general background questions about your experience in the fishing industry and about your professional background. Could you focus on that? Could you tell me again your experience, specifically though with the *Scandies Rose*, your employment history with the *Scandies Rose* or the Scandies Rose Fishing Company?

A. I started with this company in 2008 in October, and I'm still with them. I have been with them 11 years. I worked on the *Scandies* for five years, and I have been running the *New Venture* for seven years.

Q. And you were on the *Scandies Rose* for five years. Was that all fishing seasons, was that all fisheries, was that the dry dock and docksides?

A. Pretty much all of it. It was year-round. There was a few

breaks that I took. There were a couple seasons I took off or a shipyard I took off or whatever, but pretty much it was solid year-round, yes.

Q. Could you explain to us kind of based on the fact that you have had multiple calendar years in a row, what was the general schedule for the *Scandies Rose*? When would she be, you know, taken up to the fishing grounds or to be up in Alaska, and then at what point would she be brought down and then what would happen?

A. So basically it was, it would go up -- oh, let's see. It would go up at king crab and then it would stay up to right down through the opilio season. It would come down after the opilio season through shipyards. And then, from there, it would head up to go tendering, and then sometimes after tendering, especially the first three years I was on the boat, it would come back down after tendering, just because it was already in Southeast Alaska. It was only a three-day run. We would bring it back down and then keep it down there until we had to head up to king crab again.

Q. For the benefit of the public, to overlay months on that, could you, could you help me out and just let me know -- you said that it would go up to Alaska and usually that would be Kodiak; is that right?

A. Well, it would go to Kodiak first and then head out to Dodge (ph.) or King Cove or wherever, and that would usually leave around about the first of October. And I'm going to use a different calendar here. Then from there we'd, you know, do king

crab and maybe whatever else afterwards, tie up the boat, then we would come up somewhere between December and January, somewhere in there, and we'd get ready -- you know, if we didn't do cod fish, which started the first of January, we would go up a little bit later and then start the opilio session around -- on or around about the 25th. We would fish that until it was done. And it varied, you know, every year varied. I mean, sometimes it was only a couple months, sometimes a little longer.

Then, from there, the boat would come back down to Seattle. And that was usually around about, around about somewhere in March. Then it would spend April and May down in the shipyard. And then we would leave around about -- somewhere around about the first week of June, head up to -- stop through Kodiak and then head up to Bristol Bay and then tender up into the bay. And then we would usually do that until about the end of July, and then we would come back through Kodiak, and then we would be dispersed either Kodiak, Prince William Sound, or Southeast was the main one, going through Excursion, and then we would pump fish, do (indiscernible) fish. And then, from there, there was a couple years where we just took the boat back to Kodiak, tied it up, or we would make that trip down to Seattle if there was stuff that needed to be done.

Q. Okay. Thank you.

A. Seattle -- yeah, and that's pretty much on the calendar year for us or for me.

Q. Okay. So I know that it's been a few years since you were working the *Scandies Rose* primarily, but you're still working for the same company that, that owned the *Scandies Rose*; is that a correct statement?
A. Yeah. That is correct. Actually, Dan and Gary -- Gary owns 50 percent of this boat.
Q. Okay. So even though you weren't on the *Scandies* for the last couple of years, you're familiar because you're still working in the company. Is it fair to say that this schedule you just described is roughly the same schedule that the *Scandies Rose* was keeping now, or recently?
A. Oh, yeah.
Q. Okay. I'd like to shift a little bit and I'd like for you to think back to 2019, to December of 2019 when you were the captain on the *New Venture*. Can you talk to me a little bit about that? When -- when did you arrive in Kodiak to meet the *New Venture*?
A. I think I flew up that year the 21st, if I recall right. I flew up before Christmas. Our boat is smaller, so I flew up earlier and got the boat ready, and I left the day after Christmas. I got my crew up there -- go ahead.
Q. Oh, no, you please go ahead.
A. Okay. Yeah, I got up there -- I got up on the boat the 21st. I think my crew came in between the 22nd, 23rd. I had two crewmembers that lived in Kodiak. We got the boat ready, let them have Christmas with their families, and then we left the 26th and

headed out to Falls Pass and then the Bering Sea to get ready for the upcoming cod season.

Q. Okay. So can you tell me about that as far as like the work hours and the getting ready? What would you say roughly the work hours were for you in preparation to get underway?

A. It was -- well, I don't know. I was up at 6:00 every morning. I mean, tell the boys to be at the boat by 8:00 and, you know, we'd work till whatever I wanted to get done that day. I mean, it wasn't hard. That's why I got up early, you know, it wasn't -- the gear was -- the gear was already rigged. Pretty much we just had to put some bait on.

I always liked to get up early, because when the boat is put away and then when you fire it up again, there was always something, you know. I mean, as you well know, you know, and engines have O-rings and seals and everything, and sometimes, once -- it's so used to running warm, once they get cold and they contract, they'll leak. Sometimes, when you fire up the engines again, they'll expand, and they'll be fine. But other times, they won't.

So, you know, you do that, something might pop up. It might be a small project that -- you know, I always try and keep busy, so there might be a small project I want to do before, before I leave or I get a new -- as I call it, like a new little toy and, you know, I'll put -- I'll install that or something like that, a new switch or, you know, something like that. But I've always

tried to make it to where I relax, and if I see something, I'll -- you know, I have to go really hard. I mean, it's not always doable, but that's what I, I strive for.

Q. So in the 2019 season, would you say that you and/or your crew were working like 16, 18, 20-hour days or --

A. Maybe a 12-hour day if that. But I didn't have as much to do. I have a smaller boat and, you know, I do cod fish primarily. I don't do any crab, at least not with the gear that I have for cod. So my gear was ready.

Q. Okay. So you mentioned a couple of times that you, you know, you were going to leave earlier, and you've mentioned that you're smaller. Can you, can you talk to me about your schedule? When did you leave Kodiak and why?

A. I left the morning of the 26th.

Q. Right.

A. I relate it as Gary did, to go through Falls Pass. But I left earlier for two reasons. One is Gary would be able to take all his pots in one load. I had, I had two loads of pots I had to take. So I had to get out to Falls Pass -- or go through Falls Pass right after the Bering Sea, set my first load, come back to Falls Pass, grab my second load -- or actually, I think back then, I had to run all the way back to (indiscernible) but I had to go get another load and then bring it out to the grounds and get it set.

And the other thing is is I'm a smaller vessel, and I looked

at the weather, you know, and I just -- you know, I'd need to be a little bit -- I just left earlier, you know. I'm one of those that likes to leave early. I'd rather be there sitting around, you know, and that's just the way, you know, I, I do things. Like I said, it doesn't always work, but, you know, I try to.

Q. Sure. And so you mentioned you looked at the weather. Do you recall what tools you used to assess the forecasted weather?

A. I use a variety of tools. I use this Windy app -- well, you've heard there's a weather channel on the VHF. There used to be, you know, you could get weather off the single sideband. But also, I use the zone forecast, and you can get that through -- either on the VHF or I have what's called the Zoleo (ph.) or I used to have what was called Garmin, and they are like satellite checks, the messaging thing. And mainly what I look for with the zone forecast is the seas.

The Windy app, I'm sure I could do it on it, but I look at the wind for that because the zone forecast will just give you a block area. It will say that from here to here is going to be this weather. The Windy app will actually show you that it might be only one part of that area or there's little sections that aren't bad. What I don't do on the Windy app which I do with the zone forecast is I look at what the seas are doing. So, you know, I use more than one tool. And then, if there's somebody out on the grounds, you know, I have been in this industry long enough, I'll give them a call and ask him.

Q. Okay. So I'm hearing that you're talking to other vessels. You're using other applications. You're using VHF and other tools of that nature, correct?

A. Correct.

Q. Thank you. So I have a question. Prior to the accident, were you aware of any communication gaps or issues in the Coast Guard communication system along the Aleutian chain?

A. I don't know if I'd call it communication gap, but, I mean, there's dead zones, you know. I mean, you get the -- you get the sat (indiscernible) in Anchorage on the VHF pretty much going down the Silicon (ph.). You'll get them out in the Bering Sea, you know, but there are areas -- you know, just like cell phone reception, you can be driving along, go through, you know, go through a little area where it stops or, you know, you lose it or it drops really low. And that's, you know, about the same with the reception of Coast Guard communication, you know.

As far as the sideband, I think you well know it's not really used that much. I do monitor it, you know, but same thing there, you know, once in a while, if the atmosphere is not right, it won't communicate either.

Q. Okay. So I want to shift, I want to shift topics a little bit. So you talked about, you know, you had to do two loading of pots. You had to do two evolutions. So we talked about weather. We talked about how it played a role in your decision to get out early and just leave yourself some wiggle room. Knowing that you

had forecasted weather, did you do anything different related to loading pots or gear for this, for this particular evolution in December -- late December of 2019?

A. I don't know if I call it doing anything different, but when I take off for a beginning of a season, my sorting table is put up on the shelter deck, so I'm just able to even my load out differently. And that's really about it. Otherwise from that, normal stacking method, chain the loads down. You know, the one thing I do before we even put the load on is check all the hatches. I ask the boys to check all the hatches, then I double check with my right-hand man, and then a lot of times I go out there and I'll double check myself a third time.

Make sure that any tanks that are supposed to be empty, which is -- I only have two crab tanks, or two fish holds. I'll make sure that it's empty before the pots cover it. And then I'll be stripping on -- as soon as we have a load on, I'll be stripping on that tank, which for the public record, stripping is where you have a suction going on the tank at all times so that way the tank will stay dry and not become slack or accumulate water.

Q. Okay. Thank you. So let me ask you a question about the *New Venture*. Does the *New Venture* have a load line?

A. It's not ABS rated.

Q. Okay.

A. If that's the question you're asking, so I guess no, it doesn't have a load line.

Q. Okay. Does it have a stability booklet?
A. Yes, it does.
Q. And what's the max pots allowed on the vessel based on the stability booklet if you know off the top of your head?
A. The stability booklet that's on board right now rates it at 84 in ideal conditions and ideal loading.
Q. How about -- does it mention anything about icing conditions?
A. It's a very vague sheet on the icing conditions. We are having a new stability report done. We had one done, and we are in the process of waiting on the findings on that.
Q. Okay. So then is it fair to say that, based on the existing stability report, you had 84 pots on the boat?
A. No, I did not.
Q. Well, then please correct me.
A. Oh, I don't go -- I go 75 to 80 max.
Q. Okay.
A. Gary has been in the industry a long time -- excuse me on my voice -- has been in the industry a long time, and he told me he'd run that boat for years before they got the *Scandies*. They had the *New Venture* I don't know how many years before, but I remember when Gary had bought it. And he told me, you know, I said, hey, this is what I'm rated for. He goes, Peter, please don't go over 75, 80 tops. He goes, please, please tell me -- promise me you won't. And I said, okay, I won't. So I never did.
I respected Gary that way. He knows those boats. He

explained to me that, how the boat was stretched on the stern that that would happen if they start putting more pots on, and then it drops the stern and it causes problems. So I never went over -- I think, at that time, I had two loads of 75, and that's what I took out.

Q. Okay. Thank you. Let me ask you another question about pots. Did you ever get your pots weighed or did you -- or did somebody else weigh them?

A. I've had my pots weighed. I can't say for sure for the time, at that particular time when I left, but I have gotten my pots weighed, and they weigh anywhere from 7- to about 820, 850 -- 700 to 850, somewhere in there.

Q. And what size pots are you using?

A. For cod fish, I use seven-by-seven. And then there's a variety about, I guess, pipes or whatever. I guess you -- or thickness or whatever you want to call it.

Q. Uh-huh.

A. So, you know, some of the older ones are -- go ahead.

Q. Oh, no, you -- no, please. I'm sorry. The delay.

A. Some of them are 30, some are 34. I've got some that are 36 and a couple that are a little larger. So that's where the weight variance comes in. Some of the older ones don't have as much steel, you know, they have been used for a lot of years, and newer ones -- you know, so that's how my variance weight is.

Q. Got it. All right. So then another critical aspect of --

with pots and weather is icing. As a vessel master, can you talk about how you know you're having issues with your vessel's stability? What are the physical signs that you have seen?

A. As far as stability, the first thing I'll notice is the roll. The roll will start getting slower. The second is the boat -- you know, once you have been on a boat long enough, you get the feel for it. They'll just feel heavy and sluggish. And that's how, you know, you know something is wrong.

With the *New Venture*, I don't let a lot of ice buildup. I just, you know, I -- once I see some ice -- I mean, if we're, if we're traveling in icing conditions, I usually don't sleep hardly at all. I'm not saying I don't have watches. I have watches, but I'm usually up -- having the boys wake me up every time in between watch. And then I monitor it, and when I, when I deem it's time, which is earlier than later, I'll go out, go out and have them break the ice.

Q. Okay. Is there ever -- have you ever experienced any kind of pretty excessive icing? Have you had that experience at any point where it's gotten pretty heavy, pretty built up?

A. On the *New Venture*, no.

Q. Ever in your fishing experience. You don't have to give the name of the vessel.

A. I've been on some big boats where we have had some excessive ice, but never, I feel, to where I would deem it that it was unsafe. I know the bigger boats can hold a lot more ice, you

know, and as far as excessive ice -- when it got to where we -- I mean, I've been on a boat that basically we haul a string, break ice, set a string, break ice. It was just a very ugly year. I mean, it was cold. We just broke ice all the time. So if you want to call that excessive ice, yes. As far as excessive icing on a boat to where I was, as you and I talked before, concerned, no.

Q. So have you ever felt like a shuddering of a boat, like as you're moving through the water, have you ever felt the vessel shudder?

A. I have. I have been hit by a wave on the side and it shuddered the boat.

Q. But never, never in the context of having any kind of stability issue with that?

A. Oh, no. No. No.

Q. Okay.

A. I mean, you know, as you all know, the port side of the boat has a wave wall. Most boats do. You get a wave that hits it from the side, they'll definitely shudder it and that's about it. Or if you back down real hard, you know, there's cavitation, which will cause the boat to shudder. But that's really about it. Nothing to do stability wise, no.

Q. Okay. What are some of the things -- so, if you find yourself in a -- on the *New Venture* in icing conditions and ice is, in fact, accumulating, what are some of the things that you

can do to reduce the effects of that icing as a safety measure?
A. Before leaving town, one thing you can do is tarp up if you know you're going to be going out in that. The other is is look at the weather and find a course that's suitable, you know, you could run out slower. You can get to -- you know, that's where the Windy app comes in handy. You can -- so, say I leave from Kodiak, and then I just run to halfway down the Silicon Strait, and then I wait. Then from there, you know, I look at my PDZ, I'm able to talk to people and -- that have actual internet on the phone where they have got good communication, and they'll tell me, hey, Peter, looks like you'll have a weather window here.

Okay. Boom. There I go. And that's why I like to leave a little bit early. Because I am a smaller boat, icing is a definite factor in terms of -- with my boat and, you know, icing is just a definite factor overall, as you well know. But I'm just a -- I'm cautious. I mean, I'm not saying nobody else is. I'm not trying to say me, me, me, I, I, I, that I'm more cautious than anybody. But it's just -- it's the way -- kind of the way I do things.

Q. Okay. How do you -- what do you instruct your crew to do in terms of general housekeeping for the vessel when you know that you're expected to encounter icing conditions? Is there anything that you tell the crew to do or that you do on board, inside the vessel?

A. Inside the vessel, not really. I mean, make sure everything

is secure just like in every -- you know, if the weather is going to be a little snotty or, you know, unfriendly. As far as if we know we're going ice, we try and reduce icing, icing surfaces in terms of anything that's up high that can accumulate like -- I don't have the storage room, say, of a bigger boat, so some of my stuff, I keep up higher. We'll try to bring that down -- like I carry spare doors for the pots. I'll bring those down. You know, we'll just try and make it to where we can minimize stuff that can build ice more than just as you, as you guys call it, the surface area of the vessel itself.

Q. Okay. Lieutenant McPhillips, could you please put up, actually, exhibit of the unidentified fishing vessel, the ice accumulation pictures. I believe it's 089 -- oops, I'm sorry, 093, 093. And we are just going to share a picture with you and just show you -- because we want to get a sense of icing, like what you have seen in the past and -- so this is on a fishing vessel, and those are crab pots. Can you see that, Captain?

A. Oh, yeah, yeah.

Q. Okay.

A. And it's got the alleyway. So it's a schooner the (indiscernible) boat.

Q. So, Lieutenant McPhillips, can you actually zoom in on that a little bit. And, Captain, I just want -- I want you to take a look at the icing that's being shown in this picture. You know, a little bit of icing, a lot of icing, it's relative terms. Is this

normal in terms of icing? Is this what you would consider heavy icing? What is this to you from your experience as a vessel captain?

A. Well, that one would depend on the boat --

Q. Okay.

A. -- that's the only way I can explain it, because that boat could probably handle that ice. And if I remember right, I think someone told me this was the *Pinnacle* (ph.). I think I heard it was the Pinnacle, which can definitely handle it. If my boat had that much ice on the gear, I would hope we'd be near where I'd set it, or we'd be breaking it at that point, or we would have broken it a lot earlier.

Q. Okay. Can you scroll down, Lieutenant? Keep going. Next page, please. Okay. And hold for a second. I just kind of want to focus in on the ice accumulation on the mesh part of the pots. And, Captain, once we scroll in just a little bit, if you could look at the ones that are kind of closer to where the picture is taken -- yep. Do you have that, sir?

A. If you're talking to me, I do, yes. That looks like about a quarter-inch of ice on the mesh, and that's not bad at all. Basically, you could walk out there and, you know, you could just step on it and it would all, you know, basically start dropping down through the pots.

Q. Okay. So, from your experience as a vessel captain and fisherman, this is not -- in relative terms, not concern worthy?

A. No. No, it's not.
Q. Okay. All right. We can go ahead and take that down. Lieutenant McPhillips, can we pull up the exhibit of the field test where the crab pot -- the icing accumulation test? I think it was 122. Captain, I'm going to show you a picture of one pot the Coast Guard worked to, to try and look at ice accumulation. This was the before picture if you can see it. I just want to make sure that we are not too delayed. Can you see it?
A. Yeah. No, I got it.
Q. Got it. Lieutenant, can you go to the next picture please? Have you seen icing accumulation like this on any of your pots?
A. Not on the *New Venture*, but I have seen it on the other vessels.
Q. Okay. Would this be concerning to you?
A. If it was just -- well, just that one pot alone, no. I had a whole bunch of pots like that, it could be. You know, like I said, it would depend on the boat, too, how much gear -- I mean, if you had, say, a dozen pots like that on, say -- well, let's use *Scandies Rose*, it wouldn't be a concern. A dozen pots on my boat, I would, I would start -- maybe start getting a little bit concerned, you know. Some of the other bigger boats, you know, it wouldn't be -- it wouldn't be as much of a concern, no.
Q. So how about --
A. No -- go ahead.
Q. How about if some of the lower -- the pots in the lower part

of the stack or closer to the interior had formations like this; would you be concerned about that?
A. Well, if the pots on the inside were like that, that means the pots on the outside would be solid ice, and yes, then it would be a concern.
Q. Okay.
A. Because if this is what you're seeing on the inside, the outside has got to be a solid block.
Q. Okay. All right. We can take that down. Thanks, Lieutenant. Captain Wilson, I'd like to shift specifically now to the *Scandies Rose* and your time on the *Scandies Rose* from, I think -- I believe you said 2008 to 2014. So how many, roughly, dry docks were you at with that vessel?
A. About two year -- well, probably -- six years, I'd say probably nine.
Q. Okay. And then do you at any point remember any chute repairs being done some time during your tenure when you were really employed on that boat exclusively, chute repair work?
A. The chute, the chute on the starboard side by the watch, the steel was replaced.
Q. All of it or some of it?
A. Just around the chute. It was either replaced or doubled.
Q. Can you, can you fill me in on why?
A. Just preventive maintenance. When we, when we'd be painting the boat or doing shipyard duties, we'd go down there and check

it. I mean, even though it was above the waterline and there was never really running water in it, it was just -- I remember a couple of times going -- I would always go down into that chute and check it, and there were a couple times where, you know, it seemed like we got a lot of steel coming off. And I brought it to the attention of Gary and Dan, and we addressed it, you know, we --

Q. So --

A. -- we either replaced the steel or we put a double around it. And eventually we get --

Q. So --

A. Go ahead. Sorry.

Q. No, it's the delay. It's the delay between the thing, so please, you go on.

A. Well, if we were -- if it needed to be done while we are up on the grounds, then it would be doubled. When we are in shipyard, it would be cut out and replaced.

Q. Okay. Do you -- you just said that you would go down and check it. What did you mean by that? How would you go down and check it? Did you go into that void?

A. Well, I just go into the void or I would just hop down in the chute. And I did that with everywhere on the boat. I mean, when I -- when I was the engineer on that boat, I knew that boat. I knew every -- I had been everywhere. I had been in every fuel tank, every water tank, every void. I was just kind -- you know,

I had been on the boat -- I wanted to make sure I knew the boat better than anybody else. Gary relied on me basically to take care of that boat with him. You know, I was his right-hand man. So I made sure I knew that boat. When something was going wrong, he'd -- Peter, what's up? I'd go find out. If I didn't know about that part of the boat, I'd learn it.

Q. Okay. So to the best of your recollection, were there ever any, ever any times where there was any kind of situation where there was flooding, flooding in the boat?

A. Oh, flooding on the boat? Not really. I mean, you and I have talked about this. There was -- we did have one incident when we were doing a charter one time where we had a small hole in the engine room, and I was able to put a temporary fix, and then we headed in, and we got pulled out of the water, and it was audio gauged. And they found the bad area. They cut it out. They actually went back beyond it and replaced it with new steel.

Q. All right. And then could you just walk us through, if there was ever a problem on any of the boats that you've worked on when employed by Scandies Rose Fishing Company or Mattsen Management, what was the process to report that problem to the company?

A. Well, usually -- well, when I -- okay. So, when I was with Gary, I would first tell Gary. From there, we would go to the appropriate channels. As the captain of the *New Venture*, my first call is usually to Gelia and then -- or Dan, one of those two. But within that timeline, say within the first, whatever, hour

depending on the -- let's say the level of what it is, within the first, say, 30 minutes, they both are aware of it.

Gelia I pretty much call all the time. Dan I will call after that. But Gelia Cooper, the vessel manager, usually I'd call, because then, from there, we'll get -- she will get on the phone calling what we need, you know, a vendor, parts, whatever from there. And then, from there, we'll get a hold of Dan Mattsen and then, you know, fill him in on what's going on, and then if Dan and I need to talk, then he gets ahold of me.

Q. Got you. So, Captain Wilson, did you -- were you the one in 2019 that took the *Scandies Rose* from Lovrics Shipyard and its dry dock to somewhere else? Did you transfer that boat to Alaska?

A. No. I took it -- no. It wasn't me.

Q. Okay. Do you know who it was?

A. Well, which dry dock? Oh, wait a minute. I didn't take it from -- well, I found out -- now that you remind me, I didn't take it from the dry dock. I was on the boat. Dan Mattsen was captain, and we brought it down from Lovrics Shipyard down to Seattle. But I was on voyage for the trip as the engine -- as the acting engineer and just being there.

Q. And any problems during that short transit?

A. No, none at all. Went off without a hitch.

Q. And do you remember who took, who took the vessel up from Seattle up to Alaska?

A. I did.

Q. Any problems during that voyage?
A. No. No, nothing above the normal. I mean, and that -- as far as normal, just going up after a boat has been at a shipyard, there might be, you know, something here you got to clean up for -- you know, maybe, maybe during the shipyard something got into -- sand into a pump and he has to mess with it or, you know, or really whatever else. I mean, nothing that caused, as you, as you and I have talked and phrased it, concern.
Q. Okay. So when you guys were still down in, in Seattle, were there any issues in regards to any welding work that needed to get done?
A. I wasn't really on the -- well, I wasn't really in charge of the shipyard or really much on the boat at the time, so basically it just -- it was a last-minute thing where I was asked to take the boat up. And so I basically got on the boat to get it loaded with freight and get it ready and then drive it up. And that was really my duties. I was more or less a hired master, you know.
Q. Were you, were you there or there to observe or involved in the 2019 stability report or stability testing that was done for the vessel?
A. I was actually on the deck during the stability report, yes.
Q. Can you talk to us about that with as much detail as possible, kind of talk us through from the time you got on board to the time the appropriate -- you know, the critical players were on board and what you saw?

A. I can't recall it all. I don't remember -- see, I don't know if I showed up before the whole thing started. I was there for some of it. And I do remember that it was about a 10,000-pound block. I would like to say it was a big block. It was a really big block. It was more than what was used for my stability report on the *New Venture*. But it was a block that was moved around by a crane at the dock at Northlake Shipyard (ph.).

And, you know, he would -- he had measurements set up. It was, you know, as we know now, Mr. Culver, and he had a gal helping him, and they would move the block around to certain areas. He'd do some measurements, make a spot. He'd move the block to there, copy that. He'd take those measurements. He'd say, all right, bring it back here. Then he'd take more measurements and move it there, and that's, you know, basically what it was on that stability report.

I remember not being there -- you know, like I said, I don't remember if I was there for the very start of it. I don't think I was. I think I was asked to come down in case they needed any help, and I was asked by Dan to come down, so I did, you know. Like I said, I've been with these guys 11 years, and they're kind of like my family. So whenever they call and say, hey, will you give a hand? I have no problems if I'm available.

Q. So you were on board and -- so you were essentially told by the naval architect where to move things, when to move things; is that correct?

A. I was not told by him where to move things. That was told to the crane operator who was a Northlake Cavern -- not cavern, sorry, Northlake Shipyard employee. And then there -- so there was the crane operator and then a rigger. The architect would tell the rigger, the rigger would tell the crane person, and then basically myself and -- I forget who else was there; I think Dan was there but wasn't there right away, and I forget who else was there. But we would just help for when the block was being set down to just make sure it was square and stabilized and, on the mark, precisely. So I was just basically -- I was just basically a helper.

Q. Okay. Okay. And about how long did that take, that whole evolution?

A. I would say I was there maybe three, four hours, if I recall right.

Q. Okay. All right. And then at any point did anyone talk to you about -- after that stability report came out, did you ever look at it or examine it in any way?

A. No, I never saw the stability report. The only thing I do remember is, when Dan finally got the stability report, he had a big grin on his face and saying that the boat was rated for, for over 200 pots, and he was very happy with the outcome of the stability report. That's all I remember.

Q. Okay.

A. You know, like I said, I wasn't on the boat at the time, so,

you know, when I took the boat to Kodiak, the stability report had not been finished off at the time since it was done right before we left basically.

Q. Okay. At this point, I'd like -- Lieutenant McPhillips, I'd like to pull up Exhibit 23, page 13 please. Captain, what we're pulling up is -- it's the AIS track for the *New Venture* in late December. So it's going to -- can you see that okay?

A. I got a picture of the chart -- I got a picture of his chart, not the track line.

Q. So the track line is pretty small. It's little red dots, little red and yellow dots here on the side.

A. Okay. I cannot see those at all. I don't know if I can blow my screen -- no, I can't.

Q. Hold on one second. We are trying to zoom in for you. Is that better?

A. Well, you zoomed in over the Sutwik Island. You need to go to -- oh, I -- okay. That's coming out of (indiscernible).

Q. We'll go ahead and make sure that that's the right page for you.

A. Oh, this is my boat?

Q. Yes. Yes, sir. This is the *New Venture*. It's the AIS data for the *New Venture*.

A. Oh, okay.

Q. Just make -- just orienting you on -- does that make sense on where you were?

A. Oh, yeah, that fully makes sense. That's where I dumped my first load of gear, ran into (indiscernible) to grab my second load of gear, and then I took off and, yeah, went and set the other set of gear, and I was just kind of drifting around until it opened at midnight.

Q. Okay. So I wanted to talk to you about -- looking at the time, at about 9:00 p.m. Alaskan Standard Time, were you on watch? Do you recall?

A. I was drifting at the time, but I was up in the wheelhouse, yes.

Q. Okay.

A. And yeah, I just -- yes, I was on watch. I was just drifting and -- oh, what was I doing? I think I was just drifting and kicking back, listening to a little music, and I think I was trying to give a couple people -- actually, I was maybe talking with a couple people. And that's really about it. Like I said, I was just waiting. The boys were napping. And we were just waiting, you know, to get started right at midnight or, you know, 12:01, when we could start all our gear.

Q. So, at some point in that hour between 2100 and 2200, 9:00 or 10:00 p.m., between that timeframe, the *Scandies Rose* went into a distress phase and sent out a mayday call. Did you hear that mayday call?

A. I did not. I did not. I did not hear that mayday call.

Q. When did you hear that the *Scandies Rose* was in distress?

A. When did I hear? It would have been 3:30 in the morning on the 1st. And that's when I found out.
Q. Okay. Lieutenant, could you just zoom out a little bit so that we can see the relative distance between Sutwik Island, the accident location, and where, and where the *New Venture* was? So you found out the early -- early the next morning?
A. I did.
Q. What kind of weather were you experiencing where you were, where the *New Venture* was?
A. Oh, boy. It wasn't bad fishing weather. It wasn't flat calm, but if I remember, it was probably like 25, 30, I think, if I recall right, somewhere in there. You know, it wasn't too bad at all really. I can't remember if it was cold -- of course, it would have been cold, but I don't think we were icing.
Q. Okay. So to the best of your recollection, no icing for the *New Venture*?
A. Yeah. And yes, as far as I recall actually, we weren't making any ice at the time.
Q. Okay. Thanks, Lieutenant. We can take that down. Captain Wilson, I'd like to just refocus on, on some of the crew. You've been with that company, and you have been -- you have had professional experience with Captain Cobban for a significant period of time. I'd like for you to just take a few minutes to tell us how well you knew him and what you thought of him from a professional point of view and maybe comment on his judgment based

on your experience with him.

A. I knew of Gary back in 1990. He actually gave me a ride one time back then. It was the derby days for crab, so a lot of us would go to St. Paul, and that's how I initially met Gary. Then I got to know Gary more as a person when I was on the *Diligent* and he ran the *Rebel* doing (indiscernible) brown crab in the early 2000s. And from there, we would just keep in touch.

As a matter of fact, it was Gary that got me on the *Scandies* because I used to actually work for Blake (ph.) when he owned it, before he sold it to Dan and Gary. And I actually called Gary up and all. He asked me what I was doing for king crab. And I said, you know, for the first time in a long time, I'm looking. And he said, look no further. And that's how I got hooked up with Gary.

Gary has always been known as an awesome fisherman. As I got to work with him, he was a great captain, you know. I mean, he was. I mean, we all have our, our sides. I mean Gary, Gary was fair. He was hard. He was fair. You know, if he asks you to do something, it's not something, it's not something he wouldn't himself. You know, as you have heard, he would push -- you know, sometimes he'd push, but he'd also know when to back off. You know, there, there are limitations, but like any captain, you know, at times, you got, you got to push through things and, of course, that's what he did.

He'd strive to be the best captain he could be; you know, he was a very competitive captain. Very much so. He wanted to win.

He wanted -- you know, I mean, I don't think it went so bad as to where he would do anything to win. But, you know, I mean, all of us are in this to be number -- you know, to be good or well or, you know, be the best and, you know, he was right there with them. And he had a reputation already, you know, people -- a lot of captains respected him. He was well-known, well-respected throughout the fleet.

Q. Okay. And how about the rest of the crew? Did you -- had you worked with any of the other crewmembers on board the *Scandies Rose*?

A. I worked with David since he came on the boat as basically a greenhorn. You know, for those couple of years I had left, he actually worked with me on the *New Venture*. When I first took the boat tendering, he came on board as a deckhand. So David had worked with me, and I saw him develop throughout the years. You know, it was slow, but, you know, he did develop.

Brock, I worked with him on deck. And then he also worked with me one season on the *New Venture* when I was captain.

As far as Art, the only intertwining with Art really was if I'd come down to the boat, help out. And then basically the one voyage that we took when we took the boat from Seattle to Kodiak, you know, in the -- in the spring or right beginning of the summer of 2019 when I drove the boat up. That's really about it with Art, you know.

Q. And what was, what was your impression of him?

A. Oh, Art, excellent, you know. I mean, excellent engineer. He's like me, you know, something -- if he wasn't able to fix something, we'd MacGyver it, as we call it, till we could get the parts. He'd do it. We worked very well together. If we have a pump or something that needed to be fixed, we worked well together. As far as him -- me feeling safe with him as the engineer of my boat, 100 percent, you know. I had no worries here. He knew the boat very well.

You know, the boat had changed since I had been on it. It had some new engines. There used to be different, different crane configuration on the boat. So the boat was a little different when I got on there, but he knew the boat as well as anybody at that time when I took the boat up from Seattle.

Q. Okay. How about the other three crewmembers, Mr. Gribble, Mr. Lawler, Mr. --

A. (No audible response.)

Q. No?

A. No, the only thing about Mr. Gribble is -- if I recall right is I've heard the name, but I'm pretty sure it was his father.

Q. Okay.

A. And that's really about it. As far as the other two, never heard or seen them in my life. And as far as Dean, if it is Dean Gribble, Jr., no. Never seen him before.

Q. Okay. So last two questions from me, Captain. Based on your knowledge of Captain Cobban and how he ran his boats and the

culture that he set up on his boat with his crew, do you think that he enabled an environment or established an environment that allowed the crew to voice concerns if they were concerned about the safety of the vessel? Do you think that he built a culture where they could say something?

A. Oh, easily. Yeah. Yeah. I would definitely say yes. I mean -- yeah, nobody would be scared to go up to him. No, for sure. I mean, if there was something that was bugging you, you'd go up and talk to him. I -- you know, like I said, I grew quite a relationship. I was able to talk to him actually about personal things. But not everybody is like that. But yeah, he was, he was in no way a shut door person, as I would call it.

Q. Okay. And he was willing to listen is what I'm hearing you say?

A. Oh, yeah. Yes, he was. He was.

Q. So then, based on your experience and knowledge of at least part of that crew, do you feel that they would have been willing to voice a concern to him about the safety if there had been an issue of safety?

A. Oh, Brock, David, or Art, definitely. Brock for sure. Brock was somebody couldn't keep his -- you know, as you heard from other testimony, Brock was very vocal. He liked to be the center of attention. David would always communicate with his dad and, you know, and would talk to him. And as far as Art, yeah. You got to have a relationship with your engineer, and you got to be

able to listen to the engineer. As captain, you know, you have to -- your engineer is basically taking care of the heart of the boat. The engine room is the heart. The wheelhouse is the brain. Without the heart running right -- you know, you can have the best brain in the world, but if your heart stops running right, you know, you got problems. And that's, you know, that's my philosophy with the way I do things.

Q. Well, Captain, thank you so much. I appreciate it.

CDR DENNY: Captain Callaghan, I have no further questions at this time.

CAPT CALLAGHAN: Thank you, Commander Denny.

I've got two questions before I pass it on to our colleagues at the National Transportation Safety Board.

BY CAPT CALLAGHAN:

Q. So greatly appreciate you sharing this information with us today. But going back from your time on the *Scandies Rose*, aside from Captain Cobban and yourself, obviously, who is the longest running deckhand or deck boss on board?

A. Oh, at the time when I was on the boat, it would have been William Engstrom (ph.) and -- yeah, that would have been it. It would have been William Engstrom. There was a couple others that maybe had some time in, but basically, during my tenure as captain -- not captain, sorry, engineer on the *Scandies*, it was, it was -- his nickname was WE, for his initials; it was WE and I.

Q. Thank you. And going back, originally, you had talked about

-- in the conversation with regards to the stability and talking about your vessel the *New Venture*, you had mentioned that you had -- either were ongoing or had recently undergone a new stability test on the *New Venture*. Can you tell us what prompted that?

A. It was just time. You know, all of our boats -- I know the *Scandies* got one. I think the other boats are getting -- it was just time to get one. Our stability report is -- I don't think outdated is the proper word, but it's, it's been a while, and we have had some work done on the boat that just prompted it.

Q. Lieutenant McPhillips, can you pull up 046 please? Sir, let me know when that comes up on your screen.

A. It's up right away. You guys are coming through crystal clear just so you know. And everything is function up right away. I mean, I don't even hear a delay of the phone.

Q. That's fantastic, sir. Can you tell us if you have ever seen this marine safety alert, sir?

A. I can't say I have.

Q. Okay. Thank you.

CAPT CALLAGHAN: Lieutenant McPhillips, that's it for that exhibit.

Sir, again, I want to thank you. At this time, I'm going to pass it over to my colleagues with the National Transportation Safety Board, see if they have any questions.

THE WITNESS: Okay.

MR. BARNUM: Thank you, Captain.

BY MR. BARNUM:

Q. And thank you, Captain Wilson. This is Bart Barnum with the NTSB. Nice talking to you today. Thank you. I do have a couple follow-ups and questions for you. They do relate to stability, so bear with me here. But you mentioned, when you were talking to Commander Denny, you were on board the *Scandies Rose* in 2019 when she was getting a new incline test, and you helped out a little bit. And then you were also on board -- I shouldn't assume. Were you also on board when the vessel had an incline test performed?

A. Yes and no. The reason I say that, I was there for it, but because I had to get off the boat when they started it, I was only allowed to be on the boat in between the moving of the blocks. I could not be on there for when they were doing their calculations.

Q. All right. And between this, the incline test on the *Scandies* and the incline test on your vessel, were they -- was it a different naval arch performing them?

A. It was -- yes, it was.

Q. Was there anything that that they did differently between the two naval arcs and the two tests on the two vessels?

A. We had more blocks on my boat, and the other thing -- I mean, they were just using that one huge single block on the *Scandies* where I had I think a half dozen or more blocks on my boat. And the only other thing that was different, like I said, was because I wasn't -- I had to get off the boat for something, either -- I forget what it was. So I wasn't there for the very initial

calculation. From there on, they would not let me be on the boat for any other calculation, only in between, for when they were moving the blocks. And that was it.

Q. Did you feel that one was more thorough than the other calculations, other assessment?

A. I don't know. That's kind of difficult to say. I mean, both -- they both did it in a different style. I mean, basically, I do remember when the *Scandies* -- once blocks were moved, we had to go back to where we were, as far as I can recall, and I remember no one else was allowed on the boat. Like I said, it was one single block compared to a bunch of blocks. And I wasn't there -- I was there for the entire *New Venture* one, more or less, like I said. So there was marks all down the side of my boat where they were taking measurements. Where the one on the *Scandies*, what I recall, I wasn't there for the entire thing, but mainly I just remember the blocks being moved. So --

Q. Okay. All right. Thank you. You've also mentioned earlier that your stability report for the *New Venture* is -- was dated some but not out of date. Do you know what the year that one was completed?

A. Somewhere in the late '90s, I want to just speculate.

Q. Okay. So your stability instructions on board your vessel, to just give you a sense, you know, how often do you reference them or how do you use them as a captain?

A. I look at them all the time, I mean, just to see the

different loadings and stuff like that. I just try and keep in touch with them. You know, there's different, there's different loadings for how much -- there's different conditions, what they call start a trip, burn out, you know, how much space you have on board, you know, at what level, everything like that, and I just kind of -- I just try and keep in touch with it, you know.

I've looked at my stability report probably -- I would say pretty much before every season, except for tendering, because tendering, basically all I'm doing is putting on some tendering equipment. But then I also take time with that one and kind of read through it.

Q. You mentioned Captain Cobban recommended or told you not to carry over a certain number of pots. How confident are you with your stability instruction? Do you feel comfortable or is there any other aspects that you're leery of?

A. I'm comfortable with -- I mean, it all depends on the weather conditions and what way -- I mean, if you're bucking into it, which I don't know if you're familiar with, but going into the weather, it's a lot different than if you're riding in a ditch, you know, which is sideways to the weather where you roll a lot.

The other is the size of seas. I mean, you know, yeah, I might be rated for so many pots, but depending on the conditions -- icing, weather, what direction the weather, what's the forecasted weather -- I mean, that could change the anytime.

I don't always carry around 75 to 80 pots. You know, I've

gone out on the season and only taken 50, you know, just because I knew it was going to be some bad weather. I wanted to keep the load lower. I knew it was going to be in the ditch. And I've done that too. I mean, you know, that's where the discretion -- or the discretion of me being the captain comes in, you know.

Q. So am I correct in assuming that you're confident in your stability instructions, what you read in there, you believe and you trust them?

A. I do.

Q. Okay. All right. If you did have a question, do you know who would you contact or who would you ask if you did have a question maybe about a certain condition in your stability instructions?

A. It would probably -- it would be the person that did the stability report, you know.

Q. Okay.

A. I mean, like with this, this new one we have, I would -- I've been in touch with the gentleman a few times, and I would talk to him about it. You know, the one -- the previous report, I don't know who did it, but I'm sure I could look up who did it, give them a shout, and ask them a question.

Q. I understand.

A. And the number one rule -- and I'm sorry to interrupt. Number one rule, if you don't feel comfortable, don't do it.

Q. Right.

A. You know, if something doesn't make you feel right, then just don't do it, you know, don't push it, you know. I mean, I'm a captain entrusted with anywhere from two to five lives, you know, and those lives are depending on me to bring the boat back, for them to step on land again, for them to see their families, you know. Gary was too, you know, and it just -- it's very unfortunate what happened here. We'll never know the truth. That's the problem. We can all make these speculations and everything like that, but the only people that really know what really happened on that boat unfortunately are no longer with us.
Q. Sure. Yeah. Yeah. Very unfortunate, and it's still a lot yet to be discovered. Thank you. A couple more questions here regarding stability following along those lines. Not questioning your abilities or knowledge whatsoever -- I understand you're a very experienced captain -- but have you ever received any formal stability training in a classroom setting or otherwise?
A. No, but I have thought about taking a stability class now that all this has gone on. But no, I have not.
Q. Okay. Excellent. Thank you for that. And then, you know, we talked about icing accumulation has different variations and conditions and vessels that you might be on, but, you know, your vessel the *New Venture*, if it was uniform icing on your pots on deck, how much you typically feel comfortable with ice accumulation on board, on board your pots or your vessel?
A. Not a lot. I just don't -- I don't feel very comfortable

with a lot on board, and it also depends on the type of ice. You get that slush ice, that's going be a lot heavier I feel. You know, I guess so much of ice or water or whatever I guess might weigh the same, but hard ice, if it's hard icing, you know, you might go, but if it's that slush ice that slushes, I think -- I just don't let a lot of ice build on that, you know.

The boat is, the boat is an older boat. It's a narrower boat. You know, it's the same as the *Scandies*, it's a bender, but, you know, I just -- I make it so, when we got to break ice, we don't lose a lot of time, you know, the boys get out there and they are -- got to break ice for maybe an hour, hour-and-a-half, boom, we are on our way. You know, I just -- I've never let a lot of ice build on that boat because I feel it right away, you know, with that boat, so --

Q. You know, we are always looking for a number. If you put a number on it, one, two, three inches before you send the guys out, what do you feel comfortable with?

A. I guess it -- gosh, maybe two inches. I think it just depends that they get -- really depends on how fast it's freezing. I've seen it where I get a wave and before it even hits my windows turns into icicles. You know, at that point, yeah, you get the ice off the boat right away. Where I see that it's basically -- you know, we've made a little ice, and it's like a glazed donut, but basically the other, other parts of the boat are still like watery and it's kind of a just more of a slush, then it might --

you know, depending on how far or where we got to go, I might wait a little bit longer. Like I said, it's just -- you know, there's so many variables that come into play with that. You know, main thing is how -- the main thing is how the boat feels. That is the main thing. If the boat starts feeling heavy, sluggish, and slow, then we get it off. End of discussion, you know.

Q. Okay.

A. Also, the quickness we're -- if we're accumulating really fast, then we clear the boat and we figure out what we need to do to drop the accumulation. And it could mean jogging in place.

Q. Thank you. Thank you for that. Just two last quick questions. One on your EPIRB. How often do you test that on board, sir?

A. When I do my safety drills.

Q. Okay. And how do you record that or how is that documented?

A. Actually, we have a safety -- we have two -- we have a safety sheet, two of them. One for the monthly checks with EPIRBs and all that. And then another one for our drills, model suits and everything, and that's -- you know, you take the EPIRB out and there's a little test switch there and you check for the lights.

Q. Okay. And my last question, you know, I want your honest opinion here. All things the same, put yourself in Captain Cobban's shoes the night it -- you know, the night of the 28th, the decision to leave Kodiak. You have the forecast that he had, you have his vessel, you have his pot load. Would you have stayed

in port, waited on weather, or would you depart for the fishing ground?

A. I don't have all exact stats, weather and everything, but I probably would have left and started to make my way down. I know two other boats did. One of them you guys are going to be interviewing tomorrow, and another one is my fishing partner, and they left with Gary.

And, you know, that's the other thing; I would have left, gone down so far, dropped in, dropped the pick. I like to just get out of town. You know, that's -- instead of waiting in town, you can make your way a little way, you're that much closer. Then, if there's just a small window in a certain area, then you can keep moving. That's all.

Q. Okay.

MR. BARNUM: Thank you, Captain Wilson. It's nice talking to you.

THE WITNESS: Yeah.

MR. BARNUM: I know my colleague has a couple questions for you as well, so Mr. Suffern will ask you some questions. Thank you.

THE WITNESS: Yeah. No problem.

BY MR. SUFFERN:

Q. Thank you, Captain Wilson, for your time today. I just have a few questions. Earlier, during your testimony time to Commander Denny there, you were talking about using the Windy app. Do you

view that application on your phone or via computer, or what, what -- how do you view that application?
A. Well, right now, I use it on my phone because we do not have a KVH system on the boat. But now we have just recently gotten a fleet one, and now I have what's called Predict Wind, and that's being able to be pulled up on my computer, the same one I use for my navigation. The zone forecast, which is actually called a PKZ for different areas, I don't know if you're familiar with that, but that one I can get at any time. And like I said, that's through a text and messaging device called a Zoleo. You know, there's the Garmin and then there's Zoleo, and I think there's probably a couple others, but I use the Zoleo. And basically, that'll give me a zone forecast for, say, all of the Silicon, where the Windy will more or less, you know, show you that it's rough here, rough here, you got a window right through here, you know, stuff like that. But, like I said, as far as PKZ, I look at the wave height and, you know, and then that gives me other info.
Q. Okay. Could we bring up Exhibit 026, 026? And this will be a picture of exactly what I believe you're familiar with. It's a screen capture of Windy, showing wind information.
A. Right.
Q. Yeah. So on the right side of the Windy application -- if we can zoom kind of in the upper right-hand corner, right middle, there are other tabs over there like wind gusts, cloud --
A. Oh, right.

Q. -- weather warnings; do you ever click on those tabs?
A. Yeah, I know the -- I'll click on the gusts once in a while. And I clicked on the height. I mean, I've set the height for different things. Maybe I've done the height for like if I'm trying to fly out, then I'll want to see what the pilots are seeing. But as of all the rest, right now, I wouldn't be able to see them because all your cameras are coming right down that app thing. So I don't know if you can move it over to the left a little bit. I know there's other, I know there's other things on there, and I've used some of them, but really, I'm just looking at -- like I'll do a big area like this to see what the weather is and what's tracking in. And that's really about it. I don't go any more extensive than that.
Q. Okay. Great. And then one more exhibit, if we could bring up Exhibit 055, 055. This is a website that was developed by the Ocean Prediction Center. If we could zoom in on the two middle images, please. And this is an experimental site that they have out there about freezing spray accumulation potential for over a course of 12 hours, 24 hours, and 36 hours, and kind of give a general area of Alaska, and then you can see kind of south of the Bering Sea ice edge there and where those colored shaded areas are and kind of would give a captain a view of icing rate, whether in centimeters per hour or inches per hour. Would you, as a captain, find this kind of graphic valuable, if you had access to it?
A. Yeah, I think that thing is cool. Sorry, sorry for my

analogy. But yeah, no, I would. I would. I think it would be very helpful.

Q. All right.

A. You know, for then -- especially, especially for the boats going further up north, they can see kind of what they are looking at. I would imagine that graph on the right-hand side there on that -- the Stallabrass, the Canadian algorithm, that's inches. Or actually it's -- on both of them, that's inches?

Q. Yes, sir. They're both -- currently, they have it set up as centimeters per hour, but I'm sure they could --

A. Oh, okay.

Q. -- adjust to inches per hour. But they are two different scales. So they are --

A. Right.

Q. Yeah.

A. Oh, I see centimeter per hour. I didn't read it all the way. So that would be handy. Yeah, I like it.

Q. Okay.

A. I mean, the more information we can get for what we are going out into, what we are looking at, everything like that would be, you know, would be great. So --

Q. Then you can take that exhibit down. Thank you so much. And then one last quick question. Have you ever -- as you have accumulated ice on your vessel, whether a small amount or a little amount there, have you ever relayed those reports to the National

Weather Service or to other vessels that you have been fishing with or anything like that? Has there been a passage of information there?

A. When I talk to another boat, yeah, I'll say, hey, we're starting to ice up pretty good or, you know, we got a glaze going on. You know, yeah, when I talk to my fishing partners, I pass it on that way. I've never -- yeah, I don't give it to the, you know, like any forecast place because I really don't communicate with them that much. No, I don't.

Q. Okay.

A. But if I'm talking to one of my partners and he's coming my way, I'll just let him know, hey, temps really dropping, you know, the ice is starting to go -- starting to ice up or getting to glaze, weather is picking up, stuff like that. That's how, you know, the fishing community works.

Q. Thank you so much, Captain Wilson.

MR. SUFFERN: That's all the questions I have. Thank you.

CAPT CALLAGHAN: Thank you.

Captain Wilson, I'm now going to pass over to our parties in interest, so counsel representing the two survivors, see if they have any questions.

Mr. Stacey?

MR. STACEY: Thank you, Captain Callaghan.

BY MR. STACEY:

Q. And thank you very much, Captain Wilson, for your testimony

today. Just a few questions picking up right where we just left off with Mr. Suffern, talking about how you would reach out to your fishing partners. Would Captain Cobban ever reach out to you while you're both underway?

A. We talked. We did. Yeah, we'd communicate. I mean, we didn't talk as much as, say, I talk with other people. But yeah, we would talk once in a while.

Q. Would you ever --

A. He had -- he didn't -- go ahead, I'm sorry.

Q. No, I'm sorry. Please continue, sir.

A. We didn't talk as much. You know, he had his own -- he had his own group, you know. I mean, basically, we would talk, but like he has his little group. I've got my, my couple that I talk to quite consistently, but Gary talked to a lot of people and, you know, once in a while we'd, we'd chat, you know. It just depends on -- you know, sometimes we would chat for a week straight, you know, where every day we would talk two, three times a day. Then we would go two months and not even talk to each other. So it was just, you know, it was one of those kind of relationships with us. I mean, if I ever needed something, I could call him, you know, I could. But otherwise -- and that there would be times when we'd have a string of chatting together and a string of where we wouldn't talk to each other for months, so --

Q. I see. And when you did communicate with Captain Cobban, would you ever talk about the weather or vessel conditions, icing

of that sort?
A. Yeah, sometimes, you know. He would let me know if he's -- you know, if it was jiggly, as he called it, jiggly out. That's our phrase. Yeah, it's a little jiggly. You know, he'd call and check on me and -- you know, he was my mentor, my teacher, you know, for becoming a fishing captain and -- you know, so it was mainly when we'd chat, you know, I'd tell him what I was doing as a fisherman, how I was setting my gear, doing this, and then he would give me tips. And then he would say, well, you know, if this is not working out, try that spot. You know, here's what I, here's what I've done, here's what I'd do. And then we would chat about everything, you know, we would, you know, but we would talk about weather, you know, I mean, but it was never a call where like right now, hey, yeah, it's really ugly. I'm icing up really bad. Here's what's going on here that -- it was -- we never really had that -- it never was like that between us.
Q. Understood.
A. I don't think it's like that with anybody I really talk to. We always just start talking and, you know, whatever.
Q. Right. And in those times when -- you know, I know they weren't too many, but in those times when you would talk to Captain Cobban about the weather, he'd tell you about his observations, you always found those observations to be accurate and truthful in your experiences, right?
A. What he was telling me?

Q. Yeah.
A. Oh, yeah. Yeah. Oh, yeah, yeah. If Gary said it was jiggly out, it was jiggly out.
Q. It was, it was jiggly out.
A. He didn't -- yeah. And for that boat to be jiggly, yeah, it was jiggly out.
Q. Okay. Thank you very much, Captain Wilson.
MR. STACEY: Those are all the questions I have.
THE WITNESS: All right.
MR. STACEY: Thank you, sir.
THE WITNESS: Thank you.
CAPT CALLAGHAN: Thank you, Mr. Stacey.
And, Mr. Wilson, I'm going to now pass it to Mr. Barcott who is the counsel representing the vessel owner.
THE WITNESS: Okay.
BY MR. BARCOTT:
Q. Hey, Captain, good afternoon. Can you hear me all right?
A. I can. I can. Good afternoon again.
Q. Great. Good afternoon again. So I want to talk about -- and I just got a couple of questions for you. We've seen photographs of the *Scandies Rose* with a pretty good load of pots on her.
A. Right.
Q. And it almost looks like the pots block the view from the wheelhouse. Can you tell us where the captain's chair was in the wheelhouse on the *Scandies Rose*?

A. Yeah. It was right on the starboard side. If you'd like to pull up the image, I can -- oh, that's right. I can't point it out, but right that starboard window, starboard corner where he dropped the tier down to three-highs is where the captain's chair is and the captain's workstation.

Q. Would you explain that, drop the tier down? And for the members of the Board, I don't have my exhibits here, and I don't remember enough --

A. Okay. So if you look at the exhibit of pots, and I know I call it four-high, but I guess the bottom tier is -- or the bottom pot stood on end is called a tier. So if you look at those, the pots were stacked four across on -- you know, so like if this is the -- so like I guess -- I'm going to use my phone. So if this is the wheelhouse -- oh, okay, there we go.

Q. Thank you very much.

A. So if you want to move your cursor up towards the table. Put it by the table. Now, drop it down to that tier of pots. So that's the fifth tier or four-high. Now, if you look right next to that -- drop it down one tier, and if you can see the change, you notice he dropped a tier of pots down. If you look right up into that corner where that window is and then around the corner where the small, say, triangle window and then the window that's open, that's exactly where the captain's seat and the captain's workstation is. Right there in that corner.

Q. Great. So with that alleyway where you can see where there's

only three pots, can you get a good visual forward?
A. You can see forward. You can see forward four-high as far as seeing forward like -- what are you trying to look for forward?
Q. Other vessels, buoys?
A. Well, you would be able to see that even with the stack that's over there. I mean, yeah, the table is an obstacle, but, you know, all you do is you get out of your chair and you walk to the other side. Whenever we had a load on the boat, you know, we were told that do not, do not bring any super glue and get glued to the chair. Get up. Go walk to the other side and have a look.
If we were going where it was gear -- where we knew there was gear, we would have two-man watches: a guy on the port side, guy on the starboard side, you know. There was a -- there was quite a few times where we did two-man watches because, you know, we had to watch for stuff. There was a lot of debris in the water. You know, you wouldn't be able to see over on the port side. And so we would have a two-man watch.
Q. Thank you. Lieutenant, we can take that exhibit down. So, Captain Wilson, in response to Commander Denny's question, there was an incident where you were on charter and there was a small hole found in the hull and it was cut out and replaced. Can you give me an approximate time period when that was?
A. I think it was 2011.
Q. Okay. And when that was discovered, they cut out the bad steel and replaced it?

A. They did. They cut out the bad steel. They actually made sure they went far enough into the good steel and then they replaced it.

Q. Okay.

A. And I was on scene for that entire repair, and it was done in Dutch Harbor at McDoom Marines (ph.).

Q. Thank you, Captain.

MR. BARCOTT: Those are all the questions I've got this afternoon. Thank you very much. Thanks for being here.

CAPT CALLAGHAN: Thank you, Mr. Barcott.

Captain Wilson, if you are okay with -- I know we are about our time that we told you, but if you are okay for a few more minutes, Commander Denny has got a few follow-on questions for you if that's all right with you?

THE WITNESS: Yeah, I'm fine.

CDR DENNY: Thanks, Captain.

Lieutenant, could you pull up Exhibit 001 and go to the slide that shows the different vessels that were out on the night of the accident? *New Venture* is one of those vessels. I just want to have an image up of the *New Venture* so we can envision it.

BY CDR DENNY:

Q. And while that's coming up, Captain, does the *New Venture* carry crab pots forward of the superstructure?

A. Does -- I'm a house forward boat, so all my pots are after me.

Q. So everything is back at -- so how do you keep an eye on the pots in terms of -- whoops, that's -- keep going. I want to see a picture of the vessel please. Nope. Yep, there we are. Thank you. If you could focus in on the *New Venture*. Perfect.
A. Well, that is an old picture. Wow.
Q. Is it? Okay. Well, we'll update it. So how do you keep an eye on the -- how do you keep an eye on the pots and seeing if they are icing or not; how do you do that?
A. Two ways. First one is I -- and I'm not trying to sound whatever here, but I turn around in my chair or I get out of my chair and I look back through the wheelhouse window. The second is is now I have a camera. You can see where the forward mast light is just below the row of five (indiscernible). On the aft side of that, I've actually put a small camera up there, and I can keep -- yeah, if you go through that forward mast like with your cursor -- yeah, just the mast light itself. And then right behind there, you see there's another mast, behind the (indiscernible). So go up about an inch and over to your right a half an inch. Okay. Right there, that mast, I have a camera pointing down, and I'll use that for when the boys are putting the chains on so I can watch them. And that way I keep an eye on the stacking while there.
Q. Okay. And then, so having that kind of configuration, in your opinion, your professional opinion, is that -- are the pots more protected in a house forward configuration or does the house

itself protect the pots from freezing spray when you guys are traveling?
A. I don't know if I'd say it's more protected. I think a lot depends on which way the weather is coming from, you know. I mean, the pots are back farther, but I mean, for reference really, if you look at the bow on my boat and the bow of the *Scandies*, I mean, the bow of the *Scandies* dwarfs my bow of my boat, so I mean, that's definitely -- I would say his bow protects it better, you know. But I think a lot depends on which -- on what way the weather is coming.
Q. Okay. Lieutenant, let's actually go to page 1 of this exhibit really quickly. I want to look at the *Scandies Rose* for my last question. Move it out a little bit. Okay. So before, we were looking at a picture of the vessel when it was more fully loaded, but I'm going to use this picture for the sake of time. When you're fully loaded and you were -- Captain, you were saying that, you know, you could see all the way up forward even if it had the four-high.
A. Right.
Q. How would you, as the person on watch or the vessel captain, be able to tell the amount of ice that was building up forward on the *Scandies* as there wasn't a walkway to get to up forward? How would you, how would you deal with that and how would you get an accurate assessment of the icing?
A. I would go out there and climb on top of the pots and walk

forward. I mean, that's -- I've had to do it before. Not all boats have alleyways. You know, sometimes -- so, basically -- usually, when they take out a load of gear, let's say at the beginning of the season, some boats have an alleyway. Like the *Pinnacle*, of course, they set it up that way. But a lot of boats won't have an alleyway for the initial set of their initial load of gear. But then, when they are just hauling gear normally and stacking, then they will keep an alleyway. But otherwise than that, it's just a matter of you go out and you would come out down here at the lower fo'c'sle to your right there or to the companionway. You'd be vested up. You would have a partner. You climb up the ladder, and you would walk over the stack, and you would go forward and check on it.

And (indiscernible) during a long trip, some -- you would have somebody go up there and just go check the forepeak anyway. You know, you'd go up there and make sure everything is right, especially if you have that bow heater on. You wanted to make sure everything -- that that was still running. You'd check the bait freezer, make sure that it was still keeping the -- your bait cold, you know, that for some reason it hadn't kicked off or something had failed and that your bait was thawing out. And you would just go check. And we would do that -- I remember with Gary doing that once, sometimes twice a day, you know, go in the morning, go in the evening, check the boat out.

Q. So okay. I'm definitely hearing you. You're saying that

that's how you did it. So then is it a fair statement to say that the *Scandies Rose* normally did not use alleyways, you -- the standard operating procedure was to build the pot configuration with no alleyways and to climb up and over; is that correct?

A. For the initial load of gear, yes. For the initial trips to take the gear out, yes.

Q. Okay. Thank you, Captain.

CDR DENNY: I have no further questions. Oops, Mr. Wilson, did you have something else? I didn't mean to cut you off again.

THE WITNESS: No, no, no. Not at all. No, I'm fine.

CDR DENNY: Thank you, sir.

CAPT CALLAGHAN: Thank you, Mr. Wilson. And, again, thank you for your time today. We greatly appreciate your willingness and your ability to spend this time with us today. Truthfully, your experience not only on the *Scandies* but operating with some of the crew previously helps us better understand this situation as a whole.

I do want to offer -- recognizing your experience with them, your previous work with not only Captain Cobban but some of the crewmembers and on the *Scandies Rose*, I do want to offer my condolences on behalf the Board and the Coast Guard for the loss of not only friends of yours but members of the fishing family as a result of this accident.

THE WITNESS: Thank you. I appreciate it. I do.

CAPT CALLAGHAN: Sir, so, again, thank you. You are now

released as a witness at this formal hearing. I thank you for your testimony and cooperation. But if I later determine this Board needs additional information from you, I will contact you directly. If you have any questions about this investigation, you canal ways reach out and contact the investigation recorder, Lieutenant Ian McPhillips.

Thank you, again, Mr. Wilson.

THE WITNESS: I got that number and I got a, I got an email here that I can send something to. And yeah, if you guys need me anymore, you know how to get ahold of me. So all right. You all have a good day, and thank you. All right.

CAPT CALLAGHAN: Thanks very much, sir.

(Witness excused.)

CAPT CALLAGHAN: Thank you. It's now 1539. This hearing will now take a short recess and resume at 1545.

(Off the record at 3:38 p.m.)

(On the record at 3:56 p.m.)

CAPT CALLAGHAN: The time is now 1557, and this hearing is now back in session. We will now hear testimony from Captain Oystein Lone.

Captain Lone, Lieutenant McPhillips will now administer your oath.

Lieutenant McPhillips?

LT McPHILLIPS: Please stand and raise your right hand.

(Whereupon,

OYSTEIN LONE

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

LT McPHILLIPS: Please be seated. Please tell us, what is your current employment and position?

THE WITNESS: I'm captain/owner of the fishing vessel *Pacific Sounder*. Company name is Lone Larson, LLC.

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

EXAMINATION OF OYSTEIN LONE

BY CAPT CALLAGHAN:

Q. Captain Lone, thank you for joining us today and greatly appreciate you taking the time while you're, too, at sea. And so, that said, if we get disconnected at all, please bear with us as we work through some technical challenges. But I don't want to belabor it. I'd like to really kind of get to the -- our reason here today, so my first question is, can you just tell us your relationship with Captain Cobban and any of the other crewmembers aboard the *Scandies Rose* at the time of the accident?

A. Me and Gary, we were kind of fishing partners. We fished in the same co-op for crab, and we had been fishing together since 2011 when the *Sounder* was bought. And so we were, we were kind of fishing partners, and we worked out on the grounds together.

Q. Had you ever worked together on the same boat with Captain Cobban before?

A. No, never have.
Q. Okay. Thank you, sir. Sir, I know -- I'd like to take you right up to the day or a couple days leading up to the accident, and can you tell us where you were and what you were doing in those couple of days?
A. A couple of days before, we were in Dutch Harbor getting ready to go cod fishing. I did stability checks and just safety stuff and getting provisions loaded before we headed out for the cod season.
Q. Okay. And then, when was your first contact with Captain Cobban, particularly regarding the voyage of the *Scandies Rose*?
A. The first time I talked to him was the evening of the 31st. I believe it's around 2115 or 2130. And we had just gotten done setting our cod gear off the vessel, and he called me up, and matter of fact, that's the first time I talked to him then.
Q. And, sir, can you walk us through that conversation and then any other subsequent conversations you had with Captain Cobban that evening?
A. Yes. Yes. The conversation at 2115/2130 there started off by him asking me about Sutwik Islands and if I'd been around there, a good anchor spot and things like that. And during the conversation, that led into him telling me he had accumulated quite a bit of ice on the starboard side on a 20-degree list. And he was about five, five-and-a-half miles away from the island, and he was working himself up to the island to get leeway to break

ice. And so that's how the conversation started there.

And then we got into talking about Sutwik Island there and the bay. He was heading for the south side there. He was somewhere near the island. But then we discussed a bunch of other things, too, Christmas and fishing, and he told me that he had to eat on board, and he was going right to the grounds. And he estimated he'd probably be two-and-a-half days late because he had to get, get up behind the island and break ice and needed to get up behind and the wind was going 60, 70 knots, 20 degrees. And he was making his way up there, but -- so that's -- so that -- we were discussing that.

And he also told me that he had 195 pots on and had just recently done a new stability report on the vessel. And then we chatted about some other stuff. There was no urgency in the call at that time. And talking about him, he had just bought some more shares in the vessel and talked about the upcoming cod season and where I was fishing and, you know, things like that. And I had to -- we were -- we were done fishing at that time, and I had to go switch a generator over, and so I told him I'd call him back as soon as I got done with that.

So I hung up with him at that point and went downstairs to do what I needed to do. And then I called him back, and when I called him back at -- I believe the time was 2158, he told me at that time the list had gotten a lot worse, and he didn't know how this was going to go. And that's when I lost communications with

him at that point.
Q. And did he mention anything else as to -- when he said -- when he mentioned that the list had gotten a lot worse, did he give you any estimation?
A. No, he didn't. He didn't from 20 degrees the first time, and there was more distress in his voice when he told me that. I mean those last few sentences there, he had some concern there. So he didn't mention how, how much worse the list had gotten, but he said the list had got worse, and he didn't know how this was going to go. And then I lost communication with him.

We were using sat phones at that time. My KVH, which I'm talking to you on now, wasn't working, so I was using a sat phone system. And so those are known for not being that great when they clip in and clip out, so I, I clipped back on a couple times after that, and he linked on, but he didn't -- nothing was said. So I think I tried him about ten more times after that. Then I called his -- *New Venture*, his partner boat, and I told him that he could try to get ahold of him at that time. So he was going to try to get ahold of him. The sat phones are notorious for not working really well, so it's not unheard of that he would lose -- with him.
Q. Okay. And at any point -- did you hear the mayday call at any point?
A. No, negative. Negative. We had ice on my antennas, and we were breaking ice at that point too, kind of de-icing our vessel.

And my antennas were iced up pretty good, so I never heard the mayday call. I did not know about the *Scandies* sinking until 7 o'clock the next morning when I got a call from the *New Venture* and he told me. That was the first I knew of it.

Q. Thank you. You mentioned that you were in the middle of breaking ice where you were. How much ice accumulation you may have had on board at that time?

A. Pretty hard to say, but, you know, we had pretty good ice on the railings, figure half a foot, and on the decks, around the house, and up on the wheelhouse. And it took us about two hours to clear that off. It was blown on northwest 45. We had 15-, 20-foot seas. But we were, we were 200 miles away from where Gary sank. We were up just North of Amak Island at that point.

Q. Okay. Did you have any pots on board?

A. Not at that time. Not at that time. We had -- I started setting pots at 9 o'clock in the morning. I realized we were starting to build some ice, and the weather report said it was going to get worse. That was the morning of the 31st, 6:00 a.m. And so we started setting pots at 9:00 in the morning, and we set our last pot about 9 o'clock at night. By that time, we had accumulated a little bit of ice at that point. So yeah, we got the gear off in time, but there was a pretty good cold front coming through there at that point.

Q. Okay. And, sir, to get -- you said approximately a half a foot on the rails in some areas; is that correct?

A. Yeah. Roger, roger. Had two-and-a-half. Hard to go back -- we didn't have any ice sticking to the hull, but the railings had ice spray from setting gear all day there.
Q. In your experience, would you consider that heavy icing at that point?
A. Yes. It was heavy freezing spray at that point.
Q. Okay. I'm going to go back to your conversation and -- kind of earlier with Captain Cobban to around the first time. When you had spoken to him at 2115 that evening, were you surprised at all, you know, in the fact that they had gotten away in that weather or was that kind of normal?
A. Well, I know there's boats ahead of them and behind him, so he was just -- you know, it was getting to be that time of the year where fishing starts, so no, I wasn't surprised.
Q. On that first call, was there any talk about -- you mentioned he had taken a list and started taking some ice. Did he mention anything about efforts to start mitigating some of that ice buildup at that time?
A. Yes, he did mention that he thought it wasn't safe for the crew to go out, so they are working themselves to get leeway behind the island before they break ice. And I imagine in blowing 60, 70 down there, it would have been pretty nasty, so it probably wouldn't have been safe to bring the boys out to do that at that time.
Q. Okay. Thank you, sir.

CAPT CALLAGHAN: Sir, I'm sure the panel has got a number of additional questions for you. In the interest of time, because you're -- we want to make the best out of our connection, I'm going to ask our colleagues at National Transportation Safety Board if they have got any questions for you, sir.

THE WITNESS: Okay.

BY MR. BARNUM:

Q. Thank you, Captain Lone. I'm Bart Barnum with the NTSB here. And yeah, considering others I'm sure have questions as well, I just have a couple questions. Just to confirm, that first call with Gary at 2115, you said that he had stated to you he had seen 56- to 70-knot winds, 12 degrees Fahrenheit; is that correct?

A. Yes, that's correct.

Q. Okay. And that he had 195 pots on board. He also mentioned that he had the new stability report. Why did he mention that, do you know?

A. It just, just came up in discussions that he had had a new stability report done on the vessel.

Q. Okay.

A. I'm not sure why he said that, but, hey, that came out. That's all I remember.

Q. Did he give you any more context, state that he could carry more pots or he felt more safe with that report?

A. No, he didn't, he didn't elaborate on any of that to me. The only thing he told me is he had that 20-degree list and he had the

195 on board and -- no, he didn't elaborate on that at all.
Q. Okay. And in the second conversation you had with Gary later, after you switched over the generator, you said his voice had become -- well, I don't want to put words in your mouth. Can you just describe his tone for us on that second call?
A. He was definitely very concerned at that point. I could hear that in his voice. There was fear. There was concern in his voice, and I mean, there was just very short thing there, and then I couldn't get ahold of him after that.
Q. Thank you. In your professional experience, about how fast can ice accumulate on the vessel? You mentioned you had six inches on your -- on the rails. You know, how fast can that happen?
A. Under the right wind conditions and, you know, if it's heavy seas and you got real strong winds, you whip that sea up and everything gets thrown at the vessel sticks, you know, the temperature gets low enough, you can build ice pretty fast. I mean, you could build about a half of foot in a matter of a few hours. So that seemed like -- it seemed like, when we started building ice on our vessel, about 1700, it started building -- when night (indiscernible) there, the temperature dropped considerably, and the weather had picked up, so it seemed like, from that point on, it got heavier. But then we had gotten our gear off, but -- it's really hard to answer that question, but you -- it can build pretty fast.

Q. Sure. So considering the conditions the *Scandies Rose* was seeing the 60 to 70, the 12 degrees, you know, the vessel moving into the seas, would you expect that she could build ice that fast?

A. Yeah. It was building ice pretty fast down there, and that neighborhood down there is known for when those winds come off of those mountains, northeast, northwest, it gets brutal cold down there. And if the sea state was what was considerable, you would be throwing quite a bit of water up, and it would be sticking to the, to the vessel. So I would imagine he was icing pretty good. If he had a 20-degree list, he must have had quite a bit of ice on the starboard side.

Q. Thank you very much, Captain Lone.

MR. BARNUM: That's all the questions I have for you. Thank you.

CAPT CALLAGHAN: Thank you, Mr. Barnum.

Mr. Lone, I'm going to, you know, pass it over to our parties in interest. So for counsel representing the two survivors, Mr. Stacey.

BY MR. STACEY:

Q. Hello, Captain. Thank you very much for taking the time to talk with us. I'll try to be very brief, sir. You said that you first talked to Captain Cobban that evening around 2115; is that right?

A. Yes. I don't know the exact time. I know the Coast Guard

pulled up phone records for that, so they could probably elaborate a little bit better, but I believe it was around 2115 to 2130 is when I talked to him.

Q. And then you said you talked to him again after you switched some generators over. Do you know what time that call was, sir?

A. Yes, it was 2158, because I had gotten the time from Harold, who is the sat phone guy. He called me and said that I talked to him at 2158, so that was -- that's what Harold told me, so --

Q. Yes, sir. Do you know how long Gary had been on watch before he called you that first time around 2115?

A. No, I did not know how long he had been on watch.

Q. Did he say anything about how quickly the icing had occurred when you talked to him either time, either at 2115 or 2158?

A. He said he was icing very heavy on the 21 -- the first conversation I had with him, he said he was building ice pretty fast with the wind and the weather there. But he didn't elaborate how much he had -- how much he was building, but he said he was building ice. And with a list there, I would imagine it was, it was pretty good. But he didn't discuss any of it with me.

Q. Okay. Did you hear any other voices with Captain Cobban on either of those phone calls, sir?

A. Negative. I didn't, I didn't hear anybody in the background that I can remember.

Q. All right. And one final question, sir, and I realize this may be a little difficult. Can you elaborate -- you said that

Captain Cobban sounded distressed on that 2158 call. Can you elaborate and -- how could you tell in his voice? Was it the words he was saying? Was it the tone? Could you elaborate a little bit on that, sir, please?

A. Well, it was a lot worse, and he didn't know how this was going to go. I could tell he had distress in his voice, so that's -- that's about all I could say there. He had concern and distress in his voice. I mean, I knew he was concerned at that point.

Q. Okay.

MR. STACEY: I really appreciate you taking the time, Captain. Those are all the questions I have for you. Thank you, sir.

THE WITNESS: Thanks.

CAPT CALLAGHAN: Thank you, Mr. Stacey.

Captain Lone, I'm now going to pass it over to counsel for the vessel owners.

Mr. Barcott?

BY MR. BARCOTT:

Q. Mike Barcott here. Just a couple of quick questions. In that first call with the 20-degree list, did he tell you which side the list was toward?

A. Yes, he did say it was temperate side, you know, listing to starboard.

Q. Okay. So I've got a copy of the sat phone records in front

of me, and it looks like you may have spoken with, with the vessel at 2037, or 8:30 at night. Is it possible that it was 2037?
A. Yeah, that very well could have been possible. It could have been a little bit earlier.
Q. Okay, thank you very much.
MR. BARCOTT: Those are all the questions I have. Be safe out there please. Thanks very much.
CAPT CALLAGHAN: Thank you, Mr. Barcott.
I now have just some follow-up questions from Commander Denny here.
BY CDR DENNY:
Q. Captain, good afternoon, sir. Just a few quick questions. In the same weather conditions that we were just talking about for Captain Cobban and the *Scandies Rose*, if you had been in those same weather conditions but you had a full load of pots on board, would you have had serious safety concerns for your vessel's safety?
A. Yes, I would. I would. I mean, we had a load of gear on, and I saw the -- I saw issues coming up that morning with me, so I -- you know, but I can't, I can't say what kind of -- you know, what situation he was actually in down there. But I think all the captains would have probably handled, handled that situation a little bit differently or done the same. I'm not sure what I would have (indiscernible) but I don't know what kind of condition, how much ice was on the stack, if the guys could even

get to the gear at that point or turn around and ice the other sides. There are things that can be done. Transfer fuel. There's a lot of things that can be done, so -- but I might have handled that a little bit differently. I don't know.

Q. Okay, that's fair. In a building emergency situation, can you dump the pots overboard quickly?

A. Yes. You can get to a point where, where you start getting a bad list, best just to get the gear off and you don't even let the lines off. You just pop the chains and then just suitcase them off the side. So there's been instances where people have done that. I've never, never got to that point, but -- or yeah, just turn around and build ice on the other side. But the main thing is to get the weight off the boat at that point.

Q. Yes, sir. Thank you.

CDR DENNY: No further questions, Captain.

CAPT CALLAGHAN: Thank you, Commander Denny.

BY CAPT CALLAGHAN:

Q. Sir, I think you answered every question we have asked of you here, and in consideration of, you know, the goals of this investigation to learn as much about the facts as we can and to take what we learn to effect the best recommendations and potential changes to ensure the safety of all of you at sea, is there anything that we may have not have discussed or asked you today that you think would be important to share with this Board?

A. Well, the only thing I can share is that we -- you know,

after the *Destination* and the *Scandies* here, we, we were kind of looking in the mirror a little bit, all of us, and we've taken some steps here to try to start some stability classes. John Walsh and me, we -- and John Crawford at Crawford Nautical, we started a stability class where you're basically catered towards the stability on your vessel, and it's a two-day class, you know, so baby steps. But we have some pretty good classes here before the season back in December, so we're making some -- trying to make some positive moves out of this and learn from it.

Q. Thank you, sir. Thank you for sharing that, and we certainly applaud the efforts there to maximize some exposure and some training opportunities for folks out there on the water. So greatly appreciate those efforts and the proactive approach that you and some of your industry members that you mentioned are taking to get at that.

I do have one last question with regards to icing. You talked about ice buildup. From your experience, would you say ice builds up at a regular rate across the top and the sides of the pots? In other words, symmetrical, or would you call it more asymmetrical?

A. Boy, that's kind of a difficult question. These pots, they will ice up. It depends which way the wind is hitting you or the spray is hitting the vessel. And normally, these pots will ice up, and they are kind of -- to create a honeycomb effect and -- where the inside of the pot will be ice free or the shots and the

bags will be iced up. But if ice is over the pots, and then you have a hollow pot on the inside -- so normal icing doesn't stick to the hull usually, the outside of the hull, but when you get heavy, heavy freezing spray, real cold stuff, then it really -- then it starts sticking to the hull. So, you know, it's starting to get really cold.

But it all depends on the spray and how strong the wind is and waves and which direction you're getting hit, where that spray is hitting you. We can be clear on one side and iced up pretty good on the other side, so you just sit there, and center of the stack -- normally, the center of the stack will be clear, and the outside pots will have ice on them if you're getting ice from every direction. So it creates kind of a honeycomb, and the center of the gear will be clear, so -- if you know what I mean there.

Q. Yes, sir. Thank you. Trying to collect my thoughts. But with regards to ice accumulation, and you mentioned it takes a significant accumulation amount to start accumulating on the hull itself. Have you ever worked with the bow heaters to mitigate those types of icing events?

A. Yes. And the *Scandies* had a bow heater on it, and that, that worked pretty good. I mean, I worked on a vessel as a deckhand and that kept, kept the bow pretty clear. And also, those heated rails -- some people run hot water through the rails; that seems to work. And we also run hoses -- we run extra deck hoses and run

water on it, and that melts it off, so -- and tarping, tarping is another, another function we can do. I haven't had very good success to tarping, but some guys have, so --

Q. Yeah. Is there industry concerns regarding tarping to -- you know, in the event you choose to tarp, are there specific risks that you incur by doing so?

A. I wouldn't say so. I mean, if you can -- anything you can keep the ice from accumulating is obviously positive. So I know a lot of schooners, they'll build tarps. House forward boats, not as much. You know, I don't see anything real negative about it. You just have to make sure you put the tarps on properly. They have a lot of wind, they can get ripped and blown, and so they have got to be put on tightly.

Q. All right. The bow heater, they can be very effective, but is there -- have you ever experienced a point where the icing is significant enough to deem that -- the bow heater to be less effective or to not mitigate all the ice buildup?

A. Yes. I mean, if they get brutal cold, I mean, you know, it's going to stick to anything. So it gets -- it'll build a shell over the top of it, and then it'll just start (indiscernible) it just depends how cold it gets.

Q. Given the conditions that Captain Cobban described to you the night of the accident, would you say that it was possible that he could have been experiencing conditions bad enough for that to start happening?

A. Yes, I would say so. With that amount of wind and then the sea state, yeah. He was, he was probably facing some pretty fast icing there.

Q. Thank you, sir. And I just have one last question, and this goes back to your efforts with the stability courses. And so, in your opinion, your professional opinion and your experience out there on on the water, do you think there should be more effort to make stability classes mandatory in some fashion for captains or crewmembers to better understand the conditions on board their vessels?

A. I don't think that would be a bad idea at all for captains that carry crab pots to take a two-day stability class. And we learned a lot from the classes we took. I know it's just some beginning steps, but I think we all, as captains, learned a lot from those. I think it would be prudent that we, we keep moving that forward, and if we have to make it mandatory, so be it. But I think, when a captain gets on a new vessel and he's taking over, he should take a -- take that class with stability records of books he has on board and run through that just for, for a scenario. We had some really good input and work done in that class there, so I would highly recommend it.

Q. Thank you, sir.

CAPT CALLAGHAN: I do have another follow-on question from Mr. Barcott representing the vessel owners.

Mr. Barcott?

MR. BARCOTT: Thank you, Captain.

Captain Lone, I'm just curious about tarping, and we had a witness a couple of days ago saying that, if you got out into the fishing grounds, seas were 15 to 20 feet, the winds were blowing 35, and the tarps were iced on, there might be a problem -- a crew safety issue in getting those off. Could you speak to that?

THE WITNESS: Yeah. Yeah, that could, that could be an issue. You got tarps all across the stack, and you got to get out there and unfasten those tarps, you could be sliding around on ice on top of a stack. So yeah, it could be -- that could be dangerous. When I tarped before, we usually just tarped the sides. We don't tarp the top. And they usually -- that's where the spray hits it, so it's a little easier to deal with that. And when you set the gear, basically, that tarp gets destroyed, so you don't risk anybody trying to do anything with those tarps. But if it's on the top of the stack, I definitely could see a concern with that.

MR. BARCOTT: Thank you very much. That's all I have.

CAPT CALLAGHAN: Thank you, Mr. Barcott.

BY CAPT CALLAGHAN:

Q. Mr. Lone, in regards to visibility of the ice from a vessel like the *Scandies Rose*, from the wheelhouse, would you think that you have -- in the event that ice was to start building up on the bow in a sense of extreme condition, would that be something that would be visible with a full stack of pots?

A. I couldn't tell how the pots were stacked. I couldn't answer that question. Normally, on that vessel, you leave -- on the starboard side, there's an opening going forward there so you can see the bow, the launcher area, and I'm not sure how Gary stacked the boat when he left. If he stacked in front of the window, which I don't think he did, he should have been able to see the bow and the forward deck launcher area there. But that's a hard question for me to answer because I don't know how he put the pots on.

Q. Sure. Sure. Understood. And while we have you, sir, because we've been very fortunate, I just want to ask you, when you run your safety drills, can you tell us what you run through with the crew when you run your safety drills?

A. Well, I usually have -- I have a meeting first, then we just go over where everything is on the vessel, all our safety equipment; where the EPIRB is located; we go over the rafts; I go over where the fire extinguishers are, the man overboard suit; who's going to be the rescue swimmer, the backup. So you kind of assert the positions for everybody and what everybody does in an emergency -- who grabs the flares, who grabs the EPIRB. And in the -- all the particulars of this vessel for fire -- and every vessel is different -- how we would handle it (indiscernible) where the emergency pumps are and survival suits. All that.

So that's my initial safety kind of drill with the crew. We go through everything, and then we'll -- I'll run through drills

where we actually suit our rescue swimmer out and practice putting that suit on and someone else jump in the water. Then we'll do a fire drill with a -- pick a location on the vessel and do a fire drill with that and what we would use for that fire, if it's electrical or what kind of fire we have, depending on where it is, what kind of extinguisher to use. And also abandon ship, what we would do in that situation, how we would handle getting the rafts off of the vessel and down on deck. And we would just follow protocol with all those drills.

Q. And when you -- as a matter of practice, when you are instructing your crew, you mention who's going to take the EPIRB. Is there a point where someone grabs the EPIRB in an emergency situation?

A. Yes, I usually have -- one of the guys will grab the EPIRB and bring it down, but we don't pull it off the mounts just because the mounts are kind of -- you don't want to break anything up there. So we don't, we don't pull the EPIRB off, but we know where it is. I send the guys up on the house. They know where the EPIRB is located, how to take it out of that -- from the box, and where the rafts are located.

Q. Okay. So in the event of an emergency, would they -- would someone grab it and take it with them or --

A. Yes. Well, the main thing is to get it activated right away. Maybe not take it with them. Just, depending on what the emergency is, get the EPIRB activated, get a signal out that you

are in trouble. And the only thing is, you know, we roll with a general alarm, and then we go over the emergency radio distress calls, how to do that, which radios are in the wheelhouse.

Q. Okay. So by practice, do you carry a personal beacon by any chance?

A. No. Negative. Negative -- personal one on me. If you have an observer, they carry one. Most of my guys have inReaches now, and they have a panic button on that. So I've got five guys on here, and they all have an inReach. So it protects the home (ph.) and everything, and it's got an SOS button, so if something were to happen, you would have five signals going out, plus the EPIRB.

Q. Now, from your experience, those inReaches, how effective would they be once someone would be in the water?

A. Well, that's hard to say if you're in a survival suit, but if you can hit the SOS button on there, then, you know, know where that person is at, the location, that person can send a text if he's in the water. So they seem to be quite effective. Sometimes there's a little lapse in the time when the signal gets sent out as far as messages and stuff like that. We use, we use inReach just for weather reports, and you can call in the weather for your area and for messaging with processors and back home for family, stuff like that. So it's a good backup unit.

Q. And during your drills with the EPIRB, at any point do you test the EPIRB, or is it just a matter of showing the crew where it is in case of an emergency?

A. I test the EPIRB in town, top of the hour, and sometimes I'll test it out here at sea if we are out here longer.
Q. Okay. And then, just one more question with regards to your drills. Just trying to understand some of the common practices amongst the fleet. When you do emergency training for the crew, what extent are you doing with the crew? Is everyone getting suited up?
A. Yes. I forgot to mention that, but during our initial drill, everybody, everybody puts a survival suit on. And we go through it kind of slowly, like keeping the zippers greased and how to best get into the suits. So everybody puts on a suit before the trip, any new crewmember. And we have a drill suit on board. We don't use our suits that are set for an emergency just so we don't get any damage to those suits or accidentally activate a battery for the light or get them dirty. There's a lot of soot (ph.) on the outside and stuff like that. We all try to keep them clean. But we have our -- a designated for drilling, and that's the one everybody gets to put on, so everybody takes a run putting the suit on. I think pretty much fleet wide, everybody does that.
Q. Okay. I appreciate the clarification there.
CAPT CALLAGHAN: Sir, I greatly appreciate your time here, and I know we caught you in the middle of some weather out there and hope the best for your current trip and hope you can continue to remain safe out there. I do, at this point, want to recognize, as we established earlier, you know, Captain Cobban and you had a

long history together, and just want to offer you our condolences on behalf of the Marine Board here for the loss of a friend and a member of your fishing family as a result of this accident.

THE WITNESS: Yep, thank you very much. He was a good man. He was a good captain. He's greatly missed out here, that's for sure. So thank you for that. So if you have any follow up stuff, don't be afraid to give me a call here.

CAPT CALLAGHAN: Yes, sir. We greatly appreciate that. So, sir, this is going to complete our time here today. We now release you as a witness from the formal portion of this hearing. Thank you for your testimony and your cooperation. If I later determine that we need more information from you, we will reach out and contact you directly. In the meantime, if you have any questions about this investigation, you may reach out to and contact us through our investigation recorder, Lieutenant McPhillips.

Thank you very much, sir.

THE WITNESS: Thank you. All right. Good luck.

CAPT CALLAGHAN: Thank you, sir, and you are free to drop off whenever you want, sir.

THE WITNESS: Okay. Thank you. Goodbye.

(Witness excused.)

CAPT CALLAGHAN: The time is now 1642. I want to take this opportunity to thank all of our witnesses for their testimony today. Not only our witnesses and their patience working through

a few of the technical difficulties experienced but also for anyone out there joining us as well, thank you for your patience.

Again, for the record, all the exhibits presented today will be posted to our MBI media website. It is now 1642, February 25th. This hearing will now adjourn for today and resume at 0800 tomorrow, February 26th.

(Whereupon, at 4:42 p.m., the hearing was recessed.)

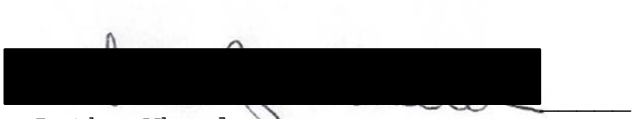
CERTIFICATE

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 25, 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.



Letha Wheeler
Transcriber