

United States Coast Guard
Marine Board Investigation
Commercial Fishing Vessel Destination Casualty
FORMAL HEARING

Henry M. Jackson Federal Building

915 Second Avenue

Seattle, Washington 98174

August 7, 2017 -- August 17 18, 2017

REPORTER'S OFFICIAL TRANSCRIPT OF PROCEEDINGS

VOLUME V of IX

DATE TAKEN: Friday, July 11, 2017

TIME: 0900-1619

REPORTED BY:
Sally Sybert Gessner
Official Court Reporter
Administrative Law Judge Office
Baltimore, Maryland 21202-4022

UNITED STATES COAST GUARD
MARINE BOARD OF INVESTIGATION PANEL MEMBERS

COMMANDER SCOTT W. MULLER, CHAIRMAN
Fifth Coast Guard District
Inspections and Investigations Branch (dpi)
431 Crawford Street
Portsmouth, Virginia 23704

MR. JAMES J. GILLETTE, MARINE BOARD MEMBER
Investigations NCOE
1615 Poydras Street, STE 1030
New Orleans, LA 70112

LCDR PEDRO L. MENDOZA, MARINE BOARD RECORDER
COMDT, CG-INV-1
2703 Martin Luther King Jr. Avenue, SE
Stop 7501
Washington, DC 20593-7501

TECHNICAL ADVISORS:

COMMANDER TAMARA S. WALLEN, MARINE BOARD LEGAL ADVISOR
Coast Guard Island
Building 51-6
Alameda, CA 94501-5100

MR. SCOTT J. GIARD
Rescue Coordination Center District 13 Command Center
Henry M. Jackson Building
915 2nd Avenue
Seattle, WA 98174

LCDR Randy L. Preston
Investigations NCOE
161 5 Poydras Street, Ste 1030
New Orleans, LA 70112-1254

YN1 Caitlin K. Calvert
Seventeenth Coast Guard District
Legal Office
P.O. Box 25517
Juneau, AK 99801-5517

NATIONAL TRANSPORTATION SAFETY BOARD
MARINE BOARD INVESTIGATION PANEL MEMBERS

MR. MICHAEL KARR,
INVESTIGATOR-IN-CHARGE
Office of Marine Safety
490 L'Enfant Plaza East, SW
Washington, DC 20594-2000

MR. PAUL SUFFREN
SENIOR METEOROLOGIST
490 L'Enfant Plaza East, SW
Washington, DC 20594-2000

APPEARANCES ON BEHALF OF PARTIES IN INTEREST

ON BEHALF OF OWNER DAVID L. WILSON

Svetlana P. Spivak, Esquire
Law Offices of Holmes, Weddle & Barcott
999 Third Avenue, Suite 2600
Seattle, WA 98104

Daniel P. Barcott, Esquire
Law Offices of Holmes, Weddle & Barcott
999 Third Avenue, Suite 2600
Seattle, WA 98104

TABLE OF CONTENTS

OPENING STATEMENT	Page V-6
WITNESS:	
DALE SCHIFFLER/Peter Pan Seafoods	Page V-10
Examined by Mr. Gillette	Page V-11
Examined by CDR Muller	Page V-15
Examined by Mr. Karr	Page V-17
MARINA ROSENBERGER/Coastal Alaskan Premier Seafoods	Page V-18
Examined by Mr. Gillette	Page V-19
LAWRENCE PILLON/MARIAH ROBINSON/Kloosterboer, Dutch Harbor	Page V-26
Examined by Mr. Gillette	Page V-28
Examined by CDR Muller	Page V-35
RAY NOMURA/Trident Seafood	Page V-38
Examined by Mr. Gillette	Page V-39
Examined by CDR Muller	Page V-50
Examined by Mr. Karr	Page V-57
PAUL WEBB/USCG	Page V-66
Examined by Mr. Giard	Page V-67
Examined by CDR Muller	Page V-106,110
Examined by Mr. Gillette	Page V-107
Examined by Mr. Karr	Page V-109
PETTY OFFICER FIRST CLASS WESLEY SHIPLEY/USCG	Page V-112
Examined by Mr. Giard	Page V-113
Examined by CDR Muller	Page V-128
Examined by Mr. Karr	Page V-131
CAPTAIN DEER/USCG	Page V-133
Examined by Mr. Giard	Page V-135
Examined by CDR Muller	Page V-160
Examined by Mr. Karr	Page V-170

P R O C E E D I N G S

Start Time 0900

OPENING STATEMENT

BY CDR MULLER:

Good morning this hearing will come to order. Today is August 11th, 2017, the time is 0902. We are continuing at the U.S. Coast Guard Thirteenth District, Seattle, Washington.

I am Commander Scott Muller, of the United States Coast Guard, Chief of the Inspections and Investigations Branch, Fifth Coast Guard District, Portsmouth, Virginia. I am the Chairman of the Coast Guard Marine Board of Investigation and the presiding Officer over these proceedings.

The Commandant of the Coast Guard has convened this board under the authority of Title 46, United States Code, Section 6301. And Title 46, Code of Federal Regulations, Part 4, to investigate the circumstances surrounding the sinking of the Fishing Vessel Destination, with the loss of six lives on February 11, 2017 approximately three nautical miles north of St. George Island, Alaska.

The investigation will determine as closely as possible the factors that contributed to the incident in order to develop recommendations aimed at

1 preventing similar casualties. Whether there is
2 evidence that any act of misconduct, inattention to
3 duty, negligence or willful violation of the law on the
4 part of any licensed or certificated person contributed
5 to the casualty. And whether there is evidence that
6 any Coast Guard personnel, or any representative or
7 employee of any other government agency, or any other
8 person caused or contributed to the casualty.

9 This Marine Board is planned for at least one
10 hearing session. The purpose of this hearing is to
11 collect factual information. The Marine Board will use
12 the factual information when developing its report of
13 findings and conclusions, recommendations.

14 I have previously determined that the
15 following individual is a Party-In-Interest to this
16 investigation, Mr. David Wilson -- represented by Ms.
17 Spivak, of Holmes, Weddle, and Barcott, LLC. This
18 party has a direct interest in the investigation, and
19 has demonstrated the potential for contributing
20 significantly, to the completeness of the
21 investigation. Or otherwise, enhancing safety of life
22 and property at sea through participation as a Party-
23 in-Interest.

24 All Parties-in-Interest have a statutory
25 right to employ counsel to represent them, to cross-

1 examine witnesses, and to have witnesses called on
2 their behalf.

3 I will examine all witnesses at this formal
4 hearing under oath or affirmation. And witnesses will
5 be subject to Federal laws and penalties governing
6 false official statements. Witnesses who are not
7 Parties-in-Interest may be advised by their counsel
8 concerning their rights. However, such counsel may not
9 examine, or cross-examine other witnesses, or otherwise
10 participate.

11 These proceedings are open to the public and
12 to the media. I ask for the cooperation of all persons
13 present to minimize any disruptive influence on the
14 proceedings, in general, and on the witnesses, in
15 particular. Please turn your cell phones and other
16 electronic devices off, or to silent or vibrate mode.
17 Please do not enter or depart the hearing room except
18 during periods of recess. Flash photography will be
19 permitted during this opening statement and during
20 recess periods.

21 The members of the press are, of course,
22 welcome. An area has been set aside for your use
23 during the proceedings. The news media may question
24 witnesses concerning the testimony they have provided
25 here, but only after I have released them from these

1 proceedings. I ask that any such interviews be
2 conducted outside this room.

3 Since the date of the casualty, the NTSB and
4 the Coast Guard have conducted substantial evidence
5 collection activities. And some of that previously
6 collected evidence will be considered during these
7 hearings. Should any person have, or believe he or she
8 has information not brought forward, but which might be
9 of direct significance, that person is urged to bring
10 that information to my attention by emailing,
11 FVDestination@uscg.mil.

12 The Coast Guard relies on strong partnerships
13 to execute its missions, and this Marine Board of
14 Investigation is no exception. The National
15 Transportation Safety Board provided a representative
16 to this hearing, Mr. Michael Karr seated to my left as
17 the Investigator-in-Charge for the NTSB Investigation.
18 Mr. Karr would you like to make a brief statement?

19 MR. KARR: Good morning, I am Michael Karr,
20 Investigator-in-Charge for the National Transportation
21 Safety Board, and the investigation of this accident.
22 The NTSB has joined this hearing to avoid duplicating
23 the development of facts. Nevertheless, I wish to
24 point out that this does not preclude the NTSB from
25 developing additional information separately from this

1 proceeding, if that becomes necessary.

2 At the conclusion of the hearing, the NTSB
3 will analyze the facts of this accident, and determine
4 the probable cause, independent of the Coast Guard. We
5 will issue a report of the NTSB findings, and if
6 appropriate, the NTSB will issue recommendations to
7 correct safety problems discovered during the
8 investigation.

9 CDR MULLER: Thank you. We will now hear
10 testimony from Mr. Schiffler. Mr. Schiffler please
11 come forward to the witness table, and LCDR Mendoza
12 will administer your oath and ask you some preliminary
13 questions.

14 LCDR MENDOZA: Please stand and raise your
15 right hand.

16 **WITNESS**

17 **DALE SCHIFFLER**

18 A witness produced on call of the Coast Guard
19 was duly sworn according to the law, was examined and
20 testified as follows:

21 THE WITNESS: Yes.

22 LCDR MENDOZA: Please be seated. Would you
23 please state your full name and spell your last name?

24 THE WITNESS: Dale Schiffler, S-C-H-I-F-F-L-E-
25 R.

1 questions. Mr. Schiffler, can you talk to us a little
2 about Peter Pan Seafoods' facilities throughout Alaska
3 and what services they provide?

4 A. Peter Pan Seafoods, is a general production
5 facility shore based in Alaska. We have four shore
6 based processing locations, a couple of ancillary
7 support facilities, also shore based. And we buy
8 different kinds of seafood from independent harvesters,
9 process it, freeze it, can it, and then ship it in
10 wholesale all around the world.

11 Q. Can you share with us what locations Peter Pan
12 is located in Alaska?

13 A. Our four processing locations are in Valdez,
14 Billingham, Port Muller, and King Cove.

15 Q. Does Peter Pan have any type of working
16 relations with the fishing vessel Destination, and if
17 so, can you share with us what that relation is?

18 A. Well most recently they were a crab fishing
19 vessel that could contract to sell crab to us through a
20 process called ShareMatch. In the past, I'm fairly
21 certain they have tendered for us in Bristol Bay also.

22 Q. Can you elaborate what ShareMatch is?

23 A. It's an online program that allows harvesters
24 to take their harvest quota and match it up with
25 processor quota so that all of the crab that is

1 harvested will ultimately find a home to get processed.
2 And it is a fairly complicated process, because there is
3 a price calculating mechanism also.

4 Q. Was the Destination scheduled to offload any
5 catch at any Peter Pan facility for the 2017 opilio
6 season, and if so, can you elaborate about that?

7 A. No. I don't know.

8 Q. How often does the Destination use your
9 facilities, and how often do they purchase bait from
10 you?

11 A. I, again, don't know how often they do.

12 Q. Okay. I'd like to now show Exhibit No. 202.
13 This is a Peter Pan Seafood Bait Invoice, dated February
14 8th, 2017. It is also located in the book in front of
15 you, if you need to look at it in the book. Mr.
16 Schiffer is this the invoice from your King Cove
17 facility?

18 A. Yes.

19 Q. Can you tell me who this invoice is for, as
20 well as what was purchased?

21 A. It was for the Destination. And they got two
22 pallets of sardines, it looks like. So that would be a
23 little over three thousand pounds. Which is bait for
24 crab fishing.

25 Q. Can you identify where it says, "70 box times

1 44" --

2 A. Yes. So it is 70 box, 44 pounds per box. And
3 it looks like it is .75 cents per pound price.

4 Q. Do you know what date this was picked up?

5 A. I'm going to assume it was on the 8th, since
6 they wrote it up then.

7 Q. Did the Destination purchase any additional
8 bait, or transport bait for any other vessel or
9 facilities that you are aware of, and if so, can you
10 share that with us?

11 A. Well, I am aware that they purchased bait from
12 us earlier that season. And also during the King crab
13 season in, you know, a couple of months earlier, just by
14 virtue of records that we sent to you guys.

15 Q. When you said earlier that season, during the
16 opilio season they made another purchase other than this
17 one?

18 A. I think so, yeah. I believe there were some
19 others.

20 Q. Do you remember what date that might be?

21 A. No.

22 Q. Okay. All right, thank you Mr. Schiffler.
23 Commander, I have completed my question for Mr.
24 Schiffler.

25 CDR MULLER: Thank you Mr. Gillette. I have

1 one follow-up question.

2 **EXAMINATION**

3 BY CDR MULLER:

4 Q. Earlier, you mentioned, and I understand it is
5 complicated, but in brief terms what do you mean by
6 price calculation mechanism?

7 A. Well, there is a mechanism set up for
8 arbitration for the final price paid between the
9 harvester and the processor. And while you can
10 certainly agree to a price and not go to arbitration.

11 But there is a requirement that the processors
12 belong to an arbitration organization, and that the
13 harvesters belong to an arbitration organization. And
14 there is some pretty specific rules for how those
15 arbitrations have to take place, and what the timelines
16 are for them, should you not come to an agreement on
17 price, prior to certain times.

18 And that is, that's tied into the matching of
19 quota in the first place, which I, you know, is part of
20 the overall Crab Rationalization Act from whenever that
21 was, 2005 or something. It's been quite a while now.

22 Q. Okay, so in general terms, are the prices
23 agreed upon, arbitrated, let's say, in front of the
24 season?

25 A. No, not really. They are tied to market

1 price. So, it's calculated based on what final sales
2 are going to be. And I think the final sales are
3 tracked across entire industry. They are now, you know,
4 case by case.

5 Q. Okay. So is it possible, by way of example,
6 let's say the crabbing season starts October first, for
7 argument's sake.

8 A. Um-hmm.

9 Q. Are you -- is this where the harvester, when
10 they deliver their catch to a processor, there should be
11 some kind of agreed upon price, or when they deliver
12 their catch. And let's say, later on in the season,
13 let's say by November, is it possible that that market,
14 or that price may fluctuate? So let's say you get ten
15 dollars per crab, October 1st. By November 1st, can
16 that, would it be five or fifteen dollars per crab?

17 A. Yeah no, so me --

18 Q. Am I oversimplifying, or --

19 A. Yeah that's --

20 Q. Okay.

21 A. That's closer to how salmon fishing works.
22 But the crab really, there really isn't an agreed upon
23 price before the season starts. There is the knowledge
24 that there is an absolute apportionment that they will
25 get from the final market price. And so it gets

1 calculated later, after the product is either sold, or
2 largely sold, and the price is established. You know,
3 we will have ideas on what that may be. And we will
4 advance funds to harvesters. But it is not a market
5 price, not a fish price.

6 Q. Okay, thank you. I have no further questions.

7 CDR MULLER: Mr. Karr, NTSB, do you have any
8 questions?

9 **EXAMINATION**

10 BY MR. KARR:

11 Q. Michael Karr of the NTSB. Was the Destination
12 going to serve as a tenderer for you this year?

13 A. I don't know.

14 Q. And how -- do you not know, or well I'll just
15 leave it at that, thanks.

16 CDR MULLER: Okay. Thank you Mr. Karr. Ms.
17 Spivak do you have any questions?

18 MS. SPIVAK: No questions.

19 CDR MULLER: Jim back to you? Do you have any
20 questions regarding my follow-up?

21 MR. GILLETTE: No follow-up questions,
22 Commander.

23 CDR MULLER: Okay. With that, Mr. Schiffler,
24 that concludes our questions that we have for you today.
25 Before I release you, are there any elements or items

1 that you would like to bring to our attention that we
2 should consider? Something we may have missed in this
3 testimony?

4 THE WITNESS: No sir.

5 CDR MULLER: All right. Thank you Mr.
6 Schiffler?

7 THE WITNESS: Yes.

8 CDR MULLER: One more, I'm sorry, I had to
9 find my notes; this is a formality, for the record.

10 Mr. Schiffler you are now released as a
11 witness at the Marine Board of Investigation. Thank you
12 for your testimony and cooperation. If I later determine
13 that this Board needs additional information from you, I
14 will contact you. If you have any questions about this
15 investigation, you may contact the Marine Board
16 Recorder, LCDR Pedro Mendoza, thank you.

17 THE WITNESS: Thank you.

18 CDR MULLER: We will now hear testimony from
19 Ms. Rosenberger. Please come forward to the witness
20 table, and LCDR Mendoza will administer your oath and
21 ask you some preliminary questions.

22 LCDR MENDOZA: Please raise your right hand.

23 **WITNESS**

24 **MARINA ROSENBERGER**

25 A witness produced on call of the Coast Guard

1 was duly sworn according to the law, was examined and
2 testified as follows:

3 THE WITNESS: Yes.

4 LCDR MENDOZA: Please be seated. Please state
5 your full name and spell your last name for the record.

6 THE WITNESS: Marina Rosenberger, R-O-S-E-N-B-
7 E-R-G-E-R.

8 LCDR MENDOZA: Please state your current
9 employment, and position title.

10 THE WITNESS: I work for Coastal Alaska
11 Premier Seafoods. I am the operations manager for our
12 longline fleet, and logistics, and crab manager.

13 LCDR MENDOZA: Do you hold any professional
14 licenses or certificates?

15 THE WITNESS: I am a notary public.

16 LCDR MENDOZA: Okay, thank you ma'am.

17 CDR MULLER: Good morning.

18 THE WITNESS: Good morning.

19 CDR MULLER: Thank you for your participation
20 at this hearing. I'll now turn you over to Mr. Gillette
21 who will lead the questions.

22 **DIRECT EXAMINATION**

23 BY MR. GILLETTE:

24 Q. Morning Mrs. Rosenberger.

25 A. Morning.

1 Q. My name is James Gillette with the United
2 States Coast Guard. If at any time you don't understand
3 a question that is asked, just request that the question
4 be readdressed or rephrased. If at any time you need to
5 take a recess, please ask. Also remember to speak up
6 loud and clear into the microphone to assist our court
7 reporter to transcribe the hearing.

8 With that said, I would like to start asking
9 questions.

10 A. Okay.

11 Q. Ms. Rosenberger can you talk to us a little
12 about Coastal Alaska Premier Seafoods facilities
13 throughout Alaska, and what services they provide?

14 A. Coastal Alaska Premier Seafoods is part of
15 Coastal Villages Region Fund. And it is CDQ group,
16 which is Coastal Development Quota. We have a factory
17 trawler that fishes for Pollock, two longline vessels
18 that fish for cod, and two crab catcher vessels along
19 with the salmon processing plant in Alaska.

20 CDR MULLER: You can pull the mic towards you
21 if you like.

22 BY MR. GILLETTE:

23 A. Did you hear any of that?

24 Q. I'll ask the transcriber.

25 COURT REPORTER: Please pull the microphone

1 closer.

2 Q. Okay, thank you. Did Coastal Alaska Premier
3 have any type of working relationship with the fishing
4 vessel Destination, and if so, can you share with us
5 what the relation is?

6 A. The only relationship we had with them was we
7 sold them bait, which was what we call repurposed bait,
8 off of our longline vessels. They use Ilik (sounds
9 like) squid for their operations, and they end up with
10 lots of bits of squid that come off of, or ripped squid
11 come off of the longline hooks. And so they pick that
12 all up, and refreeze it. And we sell it to either pot
13 cod catcher boats, or crab boats.

14 Q. Do you have a cold storage up in Dutch Harbor?
15 And if so, can you talk about that?

16 A. We do not. We utilize Kloosterboer cold
17 storage.

18 Q. Okay. When you say, utilize, can you
19 elaborate a little more about that?

20 A. Well, if we need something stored, there's
21 really not too much choice in Dutch Harbor. So, we use
22 Kloosterboer as a cold storage if we have any need for
23 something to be stored that is not going directly into a
24 container van.

25 Q. Did you have any bait stored up in Dutch

1 Harbor awaiting the Destination?

2 A. Yes. Each time our longline vessels come into
3 town to offload, we take whatever repurposed bait that
4 they have frozen into Kloosterboer. And it's for, you
5 know, we sell to our own crab boats as well. But, to --
6 for any, you know, any other boats that; we also sell to
7 some other boats, as well.

8 Q. How often does the Destination communicate
9 with you about purchasing bait? Can you talk a little
10 bit about that?

11 A. It probably -- only have had contact maybe
12 four times a year at the most. They -- it is seasonal.
13 And then also depending on whether or not we had any
14 bait available.

15 Q. Was that communications with the owner, or the
16 master? Who was it that you generally communicated
17 with?

18 A. The owner. Mr. Wilson would email me and ask
19 if we had any bait available.

20 Q. I'd like now to show Exhibit 204. This is a
21 Coastal Alaska Premier Seafoods invoice, dated January
22 1, 2017. It is also on your desk, in front of you.

23 A. Um-hmm.

24 Q. I'd like to start off Ms. Rosenberger, by
25 asking what is the difference between a ship date and an

1 invoice date. Can you explain that to me?

2 A. The ship date is the date that it was -- the
3 product was actually released from the cold storage.
4 And the invoice date, is the date that I created the
5 invoice.

6 Q. Okay. On Exhibit No. 204, there, can you tell
7 us how much and what type of bait was purchased on this
8 invoice?

9 A. 19,579 pounds of bait/squid is what it says.

10 Q. Are you ever aware of what fishing season they
11 are using that bait for?

12 A. No. Actually, I know they do both cod and
13 crab. So they can coincide, so, I don't know.

14 Q. Okay. I'd like now to show you Exhibit 205,
15 this is a Coastal Alaska Premier Seafoods invoice dated
16 February 16th, 2017. And just for clarity because the
17 February 16th date that is listed on the invoice, can
18 you explain one more time, the difference between the
19 ship date, and the invoice date?

20 A. The ship date is the date that the product was
21 released from the cold storage. And that's the date
22 that the cold storage uses to say that it was picked up.
23 And the invoice date, is just the date that I invoiced
24 after it was released.

25 Q. Okay. And on this exhibit, can you tell us

1 how much, and what type of bait was purchased on this
2 invoice?

3 A. 7060 pounds of bait/squid.

4 Q. Did the Destination purchase any additional
5 bait, or transport bait for any other vessels or
6 facilities that you are aware of? And if so, can you
7 share that with us?

8 A. I have no idea.

9 Q. Okay. Thank you Ms. Rosenberger. Commander
10 that is all my questions.

11 CDR MULLER: Thank you Mr. Gillette. I have
12 no questions. NTSB, Mr. Karr?

13 MR. KARR: None.

14 CDR MULLER: Thank you. Ms. Spivak?

15 MS. SPIVAK: None.

16 CDR MULLER: Okay. Ms. Rosenberger, before I
17 release you is there any information that you would like
18 to provide that we may have missed regarding this
19 testimony?

20 THE WITNESS: No.

21 CDR MULLER: Okay, thank you. You are now
22 released as a witness to this Marine Board of
23 Investigation. Thank you for your testimony and
24 cooperation. If I later determine that this Board
25 needs additional information from you, I will contact

1 you through your counsel. If you have any questions
2 about this investigation, you may contact the Marine
3 Board Recorder, LCDR Pedro Mendoza. Thank you.

4 Okay, we are going to take a fifteen minute
5 recess to prepare for our next witness. Thank you.

6 (A fifteen minute recess was taken.)

7 CDR MULLER: Okay. Good morning. The hearing
8 will come to order. We will now hear testimony from Mr.
9 Pillon and Ms. Robinson providing telephonic testimony.
10 LCDR Mendoza will you please administer the oath?

11 Oh excuse me. By way of background Mr. Pillon
12 and Ms. Robinson, we are calling you from Seattle,
13 Washington. And are conducting the Marine Board
14 Investigation into the sinking of the fishing vessel
15 Destination.

16 In the room we have members of the Board, LCDR
17 Mendoza, Mr. James Gillette and myself as the chair.
18 NTSB Is also here, Mr. Karr. NTSB is conducting an
19 independent investigation.

20 We also have a Party-in-Interest
21 representative here at the public hearing.

22 This public hearing is being recorded. I
23 understand that you are calling from Dutch Harbor,
24 Alaska.

25 MR. PILLON: That is correct.

1 CDR MULLER: Are you in a place where you can
2 answer our questions?

3 THE WITNESS: We are.

4 CDR MULLER: Thank you. LDCR Mendoza, if you
5 can please administer the oath.

6 LCDR MENDOZA: Would you please both stand and
7 raise your right hand.

8 **WITNESS**

9 **LAWRENCE ANDREW PILLON/MARIAH ROBINSON**

10 **KLOOSTERBOER DUTCH HARBOR**

11 A witness produced on call of the Coast Guard
12 was duly sworn according to the law, was examined and
13 testified as follows:

14 THE WITNESS/MR. PILLON: I do.

15 THE WITNESS/MS. ROBINSON: I do.

16 LCDR MENDOZA: Please be seated. Mr. Pillon,
17 please state your full name and spell your last name for
18 the record.

19 THE WITNESS/MR. PILLON: My full name is
20 Lawrence, L-A-W-R-E-N-C-E Andrew Pillon, P-I-L-L-O-N.

21 LCDR MENDOZA: Would you state your current
22 employment and position title?

23 THE WITNESS/MR. PILLON: I am employed by
24 Kloosterboer, Dutch Harbor and I am the terminal
25 manager.

1 LCDR MENDOZA: Sir, do you hold any
2 professional licenses or certificates?

3 THE WITNESS/MR. PILLON: I do not.

4 LCDR MENDOZA: Thank you sir. Ms. Robinson,
5 please state your full name, and spell your last name
6 for the record.

7 THE WITNESS/MS. ROBINSON: My full name is
8 Mariah Agnes Robinson, last name spelling, R-O-B-I-N-S-
9 O-N.

10 LCDR MENDOZA: Please state your current
11 employment and position title.

12 THE WITNESS/MS. ROBINSON: I work for
13 Kloosterboer Dutch Harbor, and I am the cold storage
14 manager.

15 LCDR MENDOZA: Do you hold any professional
16 licenses or certificates?

17 THE WITNESS/MS. ROBINSON: No sir.

18 LCDR MENDOZA: Thank you, ma'am.

19 CDR MULLER: So good morning again Andy and
20 Mariah, it's a pleasure to speak with you again. This
21 is Commander Scott Muller. It was also a pleasure to
22 meet you in early April when members of the Marine Board
23 visited Dutch Harbor, and had an opportunity to meet you
24 in person and visit your facility.

25 So thank you for your time today, and your

1 participation. Mr. Jim Gillette of the Board will now
2 ask you a number of questions. Thank you.

3 **DIRECT EXAMINATION**

4 BY MR. GILLETTE:

5 Q. Good morning, Mr. Pillon and Ms. Robinson my
6 name is James Gillette with the United States Coast
7 Guard.

8 A. MR. PILLON: Good morning.

9 A. MS. ROBINSON: Good morning.

10 Q. Since we are doing this testimony over the
11 phone, and we have two people on the other side, when I
12 ask the questions, I'm going to basically be directing
13 them to both of you. If either of you know the answer
14 please chime in. Just do your best not to speak over
15 each other, just that it will help out our transcriber.
16 Do you hear me clearly?

17 A. MR. PILLON: We do.

18 A. MS. ROBINSON: Yes.

19 Q. Okay. If at any time either of you don't
20 understand a question that is asked, just request that
21 that question be readdressed or rephrased. And if at
22 any time either of you need a recess, please ask. And
23 as I said before, just speak up loud and clear to assist
24 our court reporter.

25 So I'd like to start off by asking either of

1 you if you could talk to us about Kloosterboer, Dutch
2 Harbor's facility, as far as what services are provided,
3 and who are your main customers?

4 A. MR. PILLON: We are a cold storage facility in
5 Dutch Harbor. We provide storage facilities for frozen
6 fish cargos from the fishing industry in that region.
7 That is really basically what we do. We are a part --
8 with a logistics chain getting product to market. And
9 we store them as a transshipment point for further
10 (inaudible word), so to speak.

11 Q. Do crab boat --

12 A. MS. ROBINSON: My main customers are American
13 Seafood, Glacier Fish, Golden Alaska and (inaudible
14 word) vessels are the main vessels that come to our
15 facility.

16 Q. Okay, thank you. So Crab boats use your
17 services? And if so, how often, and what services do
18 you provide for them?

19 A. MS. ROBINSON: Not usually. We don't usually
20 store crabs in the facility. In this instance we gave
21 some bait.

22 Q. Do you keep bait there often for crab boats to
23 pick up?

24 A. MS. ROBINSON: A small amount.

25 Q. What type of bait is that usually?

1 A. MS. ROBINSON: Squid, squid bait.

2 Q. Also, when you say small amount, can you give
3 me a closer number to what small amount means?

4 A. MS. ROBINSON: Approximately ten tons.

5 Q. Can you talk to me a little about the process
6 of how you receive that bait, and the storing process of
7 it? And then how you deliver it to the crab boat? Kind
8 of how that process works?

9 A. MS. ROBINSON: We receive the bait from, well
10 sometimes from containers, sometimes from other vessels
11 that do repurpose squid bait. We take it in, we weigh
12 it, we tally it, we wrap it, we put it in the cold
13 storage. And then at a later date, we get a release
14 from the owner of the bait. Request us to release it to
15 a specific vessel. They request a certain amount to be
16 given. And then we set up the delivery.

17 Q. Did the Destination ever tie up to the dock
18 before, to pick up bait? And if not, can you elaborate
19 how they picked up bait before on your facility in the
20 past?

21 A. MS. ROBINSON: This was the first time that I
22 had tied them up at the facility. But I believe they
23 had come over before during a different time when we
24 weren't working. So we do a seasonal operation. So I
25 believe they had tied up at the dock at an earlier date

1 but we weren't there when they had done that.

2 Q. Ever come to Kloosterboer via truck or any
3 other means of transportation to pick up bait, instead
4 of pulling the boat up to the pier?

5 A. MS. ROBINSON: Not when I was there.

6 Q. Okay. In February of 2017 did you have any
7 communications with anybody on the ship about picking up
8 any bait? And can you elaborate about that?

9 A. MS. ROBINSON: Yes, I did. I spoke with the
10 captain several times during that week to set up the
11 delivery.

12 Q. Could you talk a little in detail about those
13 conversations with the captain?

14 A. MS. ROBINSON: He was looking for dock space,
15 the potential to come over. Well, the first call he was
16 just calling to confirm that he -- we were going to give
17 him bait. I told him that I had received the release.
18 And he asked about coming to our dock at a date that was
19 a few days later. And I told him that he needed to give
20 me a call back closer to his arrival time to set up a
21 dock position and the delivery.

22 So, a couple days later he called me back,
23 saying that he was coming back into town and would be
24 here at a specific time in the evening. And we would
25 set up the delivery then.

1 Q. Do you remember what time that is?

2 A. MS. ROBINSON: It was about six o'clock in the
3 evening.

4 Q. And do you know around what time they left
5 your pier?

6 A. MS. ROBINSON: I actually was getting off work
7 at that time. So I tied the vessel up. And then I
8 left. But I believe they just did a touch and go. So,
9 they were on the dock for less than an hour.

10 Q. Okay. I'd like to now show Exhibit 159 page
11 34. This is an outtake confirmation from Kloosterboer.
12 Do you have that Exhibit in front of you?

13 A. MR. PILLON: We do.

14 Q. Can you explain to me a little detail about
15 that confirmation? What exactly is it that I'm looking
16 at? Can you talk to me about that?

17 A. MR. PILLON: You are looking at an Outtake
18 Confirmation that lists the two lots of squid bait that
19 the Destination picked up.

20 Q. Does it show how many pounds?

21 A. MR. PILLON: It is actually in kilograms.

22 Q. Okay, can you --

23 A. MR. PILLON: So if you notice, there are two
24 lots, one of three pallets, one of two pallets, for a
25 total of five pallets.

1 Q. I'm listening Mr. Pillon. Keep going.

2 A. MR. PILLON: It is 168 cases, with a gross
3 weight of 3,437.75 kilograms.

4 Q. Okay. And what date was this picked up on?
5 Does it show on that invoice, or that Outtake
6 Confirmation?

7 A. MS. ROBINSON: I think this Outtake
8 Confirmation was confirmed the following day. But the
9 release was done on February 9th.

10 Q. Okay. All right, thank you. I'm now going to
11 show Exhibit 15. And this is a video of the arrival and
12 departure of the fishing vessel Destination at the
13 Kloosterboer pier, in Dutch Harbor, Alaska on February
14 9th, 2017. And this was provided by Kloosterboer. Do
15 you have that video on?

16 (Video showing in the hearing room.)

17 A. MS. ROBINSON: Yes.

18 Q. Okay. I'm going to currently play it here.
19 And I'm going to continue letting it run while we
20 continue the interview. Can you speak a little in
21 detail about their arrival? Were any of you out there
22 on the pier at the time?

23 A. MS. ROBINSON: Yes. That's me out there in
24 the yellow jacket.

25 Q. Okay. Can you kind of give us a walk-through

1 of the events that took place? What exactly did you
2 guys provide and kind of give us a walk-through of what
3 you put on the ship? And where you put it.

4 A. MS. ROBINSON: Okay. So they are pulling up
5 to the dock. We are getting ready to catch their lines
6 and tie them up so that they were secure to the
7 facility, and to the dock. That's what's currently
8 happening now.

9 Q. Okay.

10 A. MS. ROBINSON: They are squeezing in to kind
11 of a tight spot. There's a -- not -- out of the view
12 there's a tramper, to the left, they are in front of the
13 vessel. And then you see the American Seafoods vessel
14 behind it. So they are kind of squeezing in to a tight
15 space in the dock right now.

16 Q. Did you guys witness anything on top of the
17 crab pots, or on the deck forward of the crab pots? And
18 can you share with us what that might be?

19 A. MS. ROBINSON: Well looking at this video, it
20 looks like there's a pallet, a couple pallets there on
21 deck.

22 Q. Okay. Do you remember anything being placed
23 up, either already there or being placed by -- during
24 your operations, in the vicinity of the life raft?

25 A. MS. ROBINSON: I don't recall.

1 Q. Okay. On the pallets that you guys provided,
2 can you tell me how many cases are on each pallet?

3 A. MS. ROBINSON: There are forty-five cases on
4 each full pallet. And then, I think with each of these
5 lots, what it made up, there is a partial pallet on each
6 one.

7 Q. During your time there, did you have any
8 inclination that the Destination was in a hurry to leave
9 port? And if so, can you elaborate?

10 A. MS. ROBINSON: No, but again, I had -- after
11 tying them up I left the facility and left a few of our
12 employees to do the bait.

13 Q. Did you guys provide any blue pallets to the
14 Destination? Empty blue pallets?

15 A. MS. ROBINSON: Not that I'm aware of.

16 Q. Okay. All right thank you Mr. Pillon and Ms.
17 Robinson. Please stay on the line for other questioning
18 by other members of the team. Commander, that is all
19 the questions I have.

20 **EXAMINATION**

21 BY CDR MULLER:

22 Q. Good morning again Andy and Mariah, Commander
23 Muller here.

24 A. MR. PILLON: Good morning.

25 A. MS. ROBINSON: Good morning.

1 Q. So you have a cold storage facility. So this
2 --

3 A. MS. ROBINSON: Yes.

4 Q. -- bait that you provide to your customers,
5 where is that stored on your facility. I understand you
6 have a number of different freezers, or spaces with
7 different temperatures. Can you describe where this
8 bait is stored, and what temperature it is stored under?

9 A. MS. ROBINSON: We have four different
10 freezers. Two bays are connected, you can drive between
11 them. And then the two other bays are connected as
12 well. For a total of four bays. The temperature is
13 roughly between -20 degrees Celsius and -25 degrees
14 Celsius on any given day.

15 Q. And again, that's where this bait was stored?
16 In one of those kind of spaces, with those temperatures?

17 A. MS. ROBINSON: Yes.

18 Q. Okay. I have no further questions. Mr. Karr,
19 NTSB?

20 MR. KARR: I have none.

21 CDR MULLER: Ms. Spivak do you have any
22 questions?

23 MS. SPIVAK: No questions.

24 CDR MULLER: We can continue watching this
25 video here, in this room. And then we can follow with

1 any questions.

2 Andy and Miranda if you can just stand by on
3 the line.

4 A. MR. PILLON: Will do.

5 CDR MULLER: Thank you. Thank you for your
6 time.

7 (Watching video/Exhibit No. 15 until its
8 completion.)

9 CDR MULLER: Andy and Mariah, are you still
10 there?

11 MR. PILLON: Yes.

12 CDR MULLER: Okay. We are continuing to watch
13 the video here. We are about a third of the way through
14 it. It is running a little bit slower than on our
15 computers in the offices. So we would like not to take
16 too much of your time, so we would like to release you
17 now at this time. I need to just read a quick
18 statement.

19 MR. PILLON: All right.

20 MS. ROBINSON: Thank you.

21 CDR MULLER: You are now released as a witness
22 at this Marine Board of Investigation. Thank you for
23 your testimony and cooperation. If I later determine
24 that this Board needs additional information from you, I
25 will contact you. If you have any questions about this

1 investigation, you may contact the Marine Board
2 Recorder, LCDR Pedro Mendoza. Thank you again.

3 MR. PILLON: Thank you, again.

4 MS. ROBINSON: Thank you.

5 (Exhibit No. 15 video of Fishing Vessel Destination
6 loading bait at Kloosterboer Cold Storage plays to
7 completion at 1039.)

8 CDR MULLER: Okay. Thank you for your
9 patience. I know that was a long video, but also keep
10 in mind because we are livestreaming this hearing we
11 also wanted to give the participants viewing this
12 testimony Livestream, also the opportunity to view the
13 full length of the video.

14 This concludes this testimony. We will now
15 take a ten minutes recess. Thank you.

16 (Whereupon a ten minute recess was taken.)

17 CDR MULLER: All right, good morning again,
18 the hearing will come to order. We will now hear
19 testimony from Mr. Nomura. Mr. Nomura, please come
20 forward to the witness table and LCDR Mendoza will
21 administer your oath and ask you some preliminary
22 questions.

23 LCDR MENDOZA: Please raise your right hand.

24 **WITNESS**

25 **MR. RAY NOMURA -- TRIDENT SEAFOOD**

1 A witness produced on call of the Coast Guard
2 was duly sworn according to the law, was examined and
3 testified as follows:

4 THE WITNESS: I do.

5 LCDR MENDOZA: Please be seated. Sir, please
6 state your full name and spell your last name for the
7 record.

8 THE WITNESS: Ray Nomura, N-O-M-U-R-A.

9 LCDR MENDOZA: Could you please state your
10 current employment and position title.

11 THE WITNESS: Trident Seafood, Fleet Manager.

12 LCDR MENDOZA: Do you hold any licenses or
13 certificates?

14 THE WITNESS: I have a personal airman's
15 certificate, but no professional license through Trident
16 or certificate.

17 LCDR MENDOZA: Thank you sir.

18 CDR MULLER: Good morning Mr. Nomura. Thank
19 you for your participation at this hearing. I will turn
20 now to Mr. James Gillette who now will ask you some
21 questions.

22 **DIRECT EXAMINATION**

23 BY MR. GILLETTE:

24 Q. Good morning Mr. Nomura, my name is James
25 Gillette with the United States Coast Guard. If at any

1 time you don't understand a question that is asked, just
2 request that the question be readdressed or rephrased.

3 If at any time you need to take a recess,
4 please ask. Also remember to speak up loud and clear
5 into the microphone, to assist the court reporter to
6 transcribe the hearing. With that said, I would like to
7 start asking questions.

8 A. Okay.

9 Q. Mr. Nomura, can you talk to us about the
10 Trident Seafood facility in St. Paul, Alaska as far as
11 what services are provided, and who are your main
12 customers?

13 A. It's the Northern Crab Fleet, with Northern A
14 Shares. And we process their crab and provide bait if
15 they need it.

16 Q. I think you need to speak a little closer to
17 the microphone, sir. Can you bring the microphone a
18 little closer? It was hard to hear you. Can you repeat
19 that?

20 A. We provide, at St. Paul, we provide processing
21 of the Northern A Shares. And also bait, water, and
22 there is fuel available at St. Paul, but not through
23 Trident.

24 Q. Can you explain to me how Trident Seafood in
25 St. Paul operates under Crab Rationalization, as far as

1 being the facility where crab boats go there to offload
2 their quota shares?

3 A. We take the Northern A Shares, up in St. Paul.
4 And we also will take B, C's, and CD key (sounds like)
5 shares if they desire to bring it there.

6 Q. Can you be a little more descriptive of what
7 is a Northern A Share?

8 A. A Northern A Share, is a share that is
9 designated to be in the Northern Region. It has to go
10 to the Northern Region under Crab Rationalization

11 Q. Is Trident St. Paul the only Northern A Share?

12 A. This year.

13 Q. This year?

14 A. This year we -- yes, we are the northern
15 processor.

16 Q. Okay. Are you only the Northern A Share this
17 year, or all together?

18 A. This year we were the only Northern A Share
19 processor.

20 Q. Okay. Does that change year to year then?
21 And if so can you elaborate how that works?

22 A. Well, before there were -- ISLA Seafoods was
23 up there with R&T, and they -- I believe this year or
24 last year, I can't remember now -- but they didn't come
25 up there.

1 Q. Are you referring to Trident being the only
2 processing plant on St. Paul, so therefore there is no
3 other, like for example Peter Pan or other --

4 A. Correct.

5 Q. So, they are the only ones there. So when
6 boats come in you are the only one there to collect
7 their, their shares, is that what you are saying?

8 A. Correct.

9 Q. Okay. Can you talk to us about how vessels
10 schedule loading and offloading on Trident St. Paul?
11 And can you elaborate about any restrictions or
12 difficulties you may have up there in St. Paul?

13 A. This year they could make deliveries three
14 days prior, after they started fishing, to make offload
15 delivery date. Restrictions would be weather.

16 Q. When you say this year are we talking since
17 January 1, 2017? Or are we talking --

18 A. Correct.

19 Q. -- a fishing season?

20 A. This year.

21 Q. Okay. Is your facility able to provide
22 multiple ships at the pier at one time? Or can you kind
23 of elaborate into that? How many crab boats can fit at
24 your pier at one time?

25 A. Two.

1 Q. Do you ever have two crab boats on your pier
2 at one time?

3 A. Yes.

4 Q. Okay. Was there a set date, or recommended
5 date for the facility to shut down some time in
6 February, 2017? And if so, what would happen if a boat
7 wanted to offload after that date? Can you explain a
8 little about that?

9 A. We had a target date between February 20th and
10 25th.

11 Q. What does a target date mean?

12 A. That's when the -- a date that we are kind of
13 shooting for to be done and over.

14 Q. When you say be done, are you referring to
15 Trident Seafood, the cannery or -- and when do you mean
16 done, as well, afterwards, can a boat deliver to you
17 after those dates?

18 A. They can. If we were still open, per se, we
19 could take additional crab.

20 Q. Do boats know in advance those dates?

21 A. Yes. We have a pre-season letter go out to
22 the coops.

23 Q. Can you kind of elaborate on what that pre-
24 season letter is?

25 A. It is a letter that we send out kind of

1 showing our plans of dates, of how we are going to
2 operate and --

3 Q. For 2017, can you kind of give me a specific
4 reason why you chose the 20th to the 25th to shut down
5 the plant? Is there any reason behind that?

6 A. No that's a guestimate when we think we will
7 be finishing up.

8 Q. Finishing up what, exactly?

9 A. Finishing up crab, North A Share crab.

10 Q. Can you say that one more time?

11 A. That is a target date when we think we will be
12 finishing up the Northern A Share crab.

13 Q. Does that Northern A Share crab, when you say
14 finish it up, does that mean, when you talk to all your
15 coops, that's when they've agreed with you to deliver
16 everything? Or is that a date that you set up that you
17 want them to make sure that they deliver by? Can you
18 help explain that?

19 A. It is more informational, that that is what we
20 are shooting for. And then they kind of have an idea
21 before the season starts.

22 Q. Okay. I would now like to shift the focus on
23 your relations with the fishing vessel Destination.

24 I'd now like to show Exhibit 158, page 14. This is
25 an InReach satellite text message transcript. You have

1 it in front of you as well. This is a conversation from
2 Mr. Wilson to Captain Hathaway, telling him that, "Ray
3 says bring more bait". Was there any conversation
4 between yourself and Mr. Wilson that you told him to
5 have the Destination bring more bait? And if so, could
6 you elaborate about that conversation?

7 A. I did say bait -- that -- have asked, you
8 know, just to let you guys know, fishing was slow. And
9 they were going through more bait on their fishing
10 reports. And that you should come out, you know, heavy,
11 you might want to come out heavy on bait.

12 Q. What is, "heavy on bait"?

13 A. Heavy is a measurement. Basically just that
14 they were using a lot more bait this year in the reports
15 that I was getting from the fisherman.

16 Q. Was the conversation, were you having that
17 conversation with Mr. Wilson?

18 A. Yes, (Inaudible word).

19 Q. Was anything mentioned about like how many
20 pallets, or specific amounts of bait?

21 A. No.

22 Q. That they should have brought? Do you know
23 how much they generally carry?

24 A. No.

25 Q. So, when you use the word, "heavy", in your

1 mind -- was the bait that they were bringing to St.
2 Paul, was that going to be used by them? Or was there
3 any plans made to distribute it to other crab boats?
4 And if so, can you elaborate?

5 A. I don't know.

6 Q. So, your conversation saying to bring it heavy
7 were you implying for them to bring it heavy for
8 themselves?

9 A. Yes. For their own use.

10 Q. Were you planning on storing that bait out
11 there for them? Or -- were you expecting them to keep
12 it on their boat?

13 A. I did not know until he, Jeff called me on
14 Friday.

15 Q. What didn't you know?

16 A. That he was bringing bait up.

17 Q. Is that because you never got a response back
18 from Mr. Wilson about your conversation with Mr. Wilson
19 as far as him bringing more bait?

20 A. I did not hear him from date of that --

21 Q. Okay. Did Trident Seafoods ever have crab
22 boats transport bait to other vessels? And if so, can
23 you elaborate?

24 A. No.

25 Q. Okay. Did the Destination purchase any

1 additional bait? Or transport bait for any other
2 vessels or facilities that you are aware of? And if so,
3 can you share that with us?

4 A. Can you repeat the question?

5 Q. Yes. Are you aware of if the Destination
6 purchased any additional bait? Or transported any bait
7 for any other vessels or facilities that you are aware
8 of, that you could share with us?

9 A. No.

10 Q. Okay. You mentioned a phone conversation with
11 Captain Hathaway. Did you have a phone conversation
12 with Captain Hathaway on the 10th of February, 2017?
13 And if so, could you tell me about that in detail?

14 A. I did. He called me approximately between 1
15 and 2 o'clock, on the phone and stated that he was going
16 to bring 5 to 6 pallets of bait to drop off. And then
17 he would be there either tomorrow or the next day. And
18 then I think he told me he was about fourteen hours away
19 from St. George. And I said okay.

20 Q. Did he say what he wanted to do with those 5
21 to 6 pallets of bait?

22 A. He wanted to drop them off in St. Paul.

23 Q. Was he dropping them off for storage? Do you
24 know what he was dropping them off for, specifically?

25 A. I would assume to store it.

1 Q. Did you have storage set up for him?

2 A. We didn't prior have storage set up for him,
3 but I would go ahead and make arrangements.

4 Q. Well, did you make arrangements after he told
5 you that he was going to drop off 5 to 6 --

6 A. Yes.

7 Q. -- pallet space. Okay. How much would 5 to 6
8 pallets of bait, how much would that weigh? Do you
9 know?

10 A. I would say for -- between 10,000 pounds. I
11 mean, it is just hard to say, because I don't know what
12 -- the bait got. I didn't, you know, where he got the
13 bait, and how much those pallets were.

14 Q. Is there an average pallet weight?

15 A. Best for us, that we try to keep it around
16 2,000 pounds just for inventory.

17 Q. And what type of bait would that be?

18 A. Dutch Harbor herring, or herring and sardines
19 are the most popular bait. Or I should say herring.

20 Q. Do you know what Captain Hathaway likes to
21 fish with?

22 A. No, I don't.

23 Q. Or what his choices are? Did you have any
24 other conversations with other fishing vessels in
25 reference to bait and waiting for bait to be delivered

1 by the Destination? And if so, can you elaborate on
2 that?

3 A. No, I didn't.

4 Q. Okay. During your phone conversation with
5 Captain Hathaway, did you hear any concerns? Was he
6 concerned about anything?

7 A. Not that I -- no.

8 Q. Was there any discussion about the weather?

9 A. No.

10 Q. Do you remember a specific time he was saying
11 he was going to be at the pier in St. Paul?

12 A. No, not a specific time. Just, like I said
13 earlier, he thought he would be there tomorrow or the
14 next day. And at that time I thought he also said at
15 the end he was fourteen hours away from St. George.

16 Q. During your conversation, did you say anything
17 about not having any bait to provide for the Destination
18 while at St. Paul?

19 A. With the -- no.

20 Q. Okay. All right, Mr. Nomura, on the morning
21 of the 11th of February, 2017, were you contacted by the
22 Coast Guard in reference the Destination? And if so,
23 can you talk about that conversation and any other
24 conversations related to that initial phone call?

25 A. I believe the Coast Guard did call me, but I

1 don't remember what was said. I think David was the
2 first to call me, David Wilson called me.

3 Q. Okay. Do you remember any of your
4 conversations with the Coast Guard?

5 A. I don't.

6 Q. Okay. Thank you Mr. Nomura. Commander, I've
7 completed all my questions.

8 CDR MULLER: Thank you Mr. Gillette. Mr.
9 Nomura I have a number of questions.

10 **EXAMINATION**

11 BY CDR MULLER:

12 Q. To start off with, can you help describe, so
13 the Board can understand, a basic understanding, an
14 image if you will, of what a processor plant is? I'm
15 trying to build an image in my mind, of how many
16 employees, how long it works for, what kind of equipment
17 is in there, how long it runs.

18 A. It is different every year, depending on what
19 the quota is, how many personnel we would bring up. But
20 in turn, we have the plant there at the dock. Boats
21 will come in to offload and take the crab off, and
22 process it for them.

23 Q. What does "processing", mean?

24 A. Processing is offloading the crab off the
25 boat, butchering the crab, and cooking the crab, and

1 boxing the crab -- freezing the crab and boxing it.

2 Q. So by cooking, are we talking steamers? Big
3 pots of boiling water?

4 A. It's a cooker of boiling water, for cooking
5 process. And for freezing, go to the brine tank and
6 freeze it, and then case up to box it.

7 Q. Does the plant run 24/7? Twenty-four hours a
8 day?

9 A. No, no it does not.

10 Q. So how, what is a daily schedule? How long is
11 it running per day?

12 A. Depending on how much crab we have to run that
13 day, it would vary.

14 Q. So how many employees are operating the plant?

15 A. That will vary on our --

16 Q. How about in February of 2017?

17 A. Approximately, I think about 155, 135/155 --
18 I'd have to look that up.

19 Q. That's fine; I'm just trying to build a basic
20 picture of what a basic processor -- do you recall for
21 the crab season in February, opilio correct?

22 A. Correct.

23 Q. Do you recall when that species is open for
24 catch, or for harvest? When it started and when it was
25 scheduled to end? And I believe that is determined by

1 the State.

2 A. That is correct. It starts October 15th.

3 Q. For opilio?

4 A. For opilio.

5 Q. And when does it end?

6 A. There are two times it ends, on two -- the
7 eastern and the western I believe. But I don't have the
8 dates to give accurate --

9 Q. So up in your region of the Bering Sea what
10 month would the season have ended for harvest, and
11 delivery to your -- all right. Are we talking March,
12 April, May? When does the season end? When does
13 crabbing season end?

14 A. That, I don't have exactly the dates; it could
15 be May -- January, February, March, April.

16 Q. Okay. You mentioned you -- do you sell bait
17 to customers? To fishing vessels?

18 A. Yes.

19 Q. And it was, was it sardines and herring?

20 A. This year it was sardines and -- excuse me,
21 sardines were not available, because of the closure.
22 But surry and herring.

23 Q. Okay.

24 A. And squid was also available.

25 Q. You had squid available?

1 A. Correct.

2 Q. Did the Destination request to purchase squid
3 from your facility?

4 A. No.

5 Q. Was it reserved for another vessel?

6 A. No.

7 Q. I know you already had a few questions on
8 this. But I feel like I need some more clarification.
9 So you have a target close date for your facility. Can
10 you describe to me what happens when your facility
11 closes for the season? Does that mean it just shifts
12 into a different kind of operation? Or does it go cold,
13 everything shuts down, and all the employees leave?
14 Help build a picture for me.

15 A. When we are done with getting all crab, the
16 plant will close down for the season.

17 Q. And where do the employee? Do they live on
18 the island or do that live elsewhere?

19 A. Most live elsewhere.

20 Q. So if your target date was February, by
21 February 25th, and if a boat, crabber, wants to continue
22 crabbing out to the very end of the season and still had
23 A Shares to deliver to your plant, to your processor,
24 what would -- has there ever been a scenario where a
25 vessel wanted to deliver their catch after the target

1 date?

2 A. Not that I know of.

3 Q. And why not? What takes place at that
4 scenario we have started to develop?

5 A. The coops, they kind of already know our
6 plans, and they would work, work with those plans if
7 they -- you know, if there was, I guess somebody that
8 wanted to fish later or something, we would hope they
9 would speak up and tell us. And then we would work
10 accordingly, work something out. But the coops work
11 with the vessels.

12 Q. So hypothetically, and I am asking this so I
13 can understand, if a fishing vessel, a crabber wanted to
14 deliver their catch at the end of the season, let's call
15 it May. What would your plant do? Let's say you had
16 one crabber left, what would happen?

17 A. We would talk with the coop and the vessel,
18 and see if something could be worked out.

19 Q. What are the ramifications if you have some
20 crabbers still fishing, or wanted to fish to the very
21 end of the season? What are the ramifications to your
22 plant?

23 A. I don't know, because we have never had it
24 happen.

25 Q. Would you have to keep your employees on board

1 longer, and keep the plant running longer?

2 A. If we had to, yes.

3 Q. Okay. Is there overhead costs associated with
4 that?

5 A. Yes.

6 Q. Okay. When boats deliver their catch, their
7 crab to processors, depending on the time of the season,
8 early, mid, late does it affect the price that the
9 processors offer to the crabbers? In other words, does
10 the market value of the crab, shift, change, or
11 fluctuate throughout the season? And is that something
12 your, a processor, or your company has a handle -- has
13 an influence on?

14 A. You are talking opilio?

15 Q. Yes.

16 A. Yes. There is a set, posted price. And I am
17 trying to think if there is a date or not. I don't
18 think there was.

19 Q. Okay, I'm just asking if there is, if the
20 price fluctuates. And what -- would the crew of a
21 crabber know what the current going price is, or
22 projected price is in the coming weeks, or months? Is
23 there any way they have in knowing that?

24 A. There is a posted price that we post on the
25 board. And that posted price would be what the coop

1 would offer, for their prices.

2 Q. Okay. Just to clarify, when you said you had
3 two boats on your pier at a time, are they both, both
4 those boats able to conduct loading or unloading
5 operations? In other words, do you have two cranes, and
6 --

7 A. Yes.

8 Q. Okay. Do you have any lay berths at St. Paul?
9 Other berthing available at St. Paul, or is there only
10 room for two boats, essentially?

11 A. There is other berthing at the city dock that
12 the city has.

13 Q. Is there an anchorage in St. Paul?

14 A. Yes, outside the harbor.

15 Q. Are you aware of any -- check that. Does your
16 facility monitor the weather?

17 A. I do.

18 Q. In what means? Do you monitor the marine
19 weather reports?

20 A. Yes.

21 Q. Had you heard of any freezing spray warnings
22 in the days leading -- in February? Do you pick up
23 those kind of messages, or tag lines as they call them,
24 I believe?

25 A. I just get the weather report off the

1 internet, and that's what I go off of. I look at the
2 marine forecasts.

3 Q. Okay, do you recall if it ever mentions
4 warnings about freezing spray?

5 A. I believe they had some weather with freezing
6 spray.

7 Q. One more question. Is -- are you aware of any
8 harbor master, or port authority or somebody in charge
9 at the port, in general at St. Paul?

10 A. Yes, they have a harbor master.

11 Q. Okay. Are you aware -- are they staffed 24/7?
12 I'm trying to imagine in my mind, is there a control
13 tower to manage the traffic coming in to the port.

14 A. Sometimes they do, sometimes they don't.

15 Q. Okay, thank you. Mr. Karr do you have any
16 questions for the NTSB?

17 **EXAMINATION**

18 BY MR. KARR:

19 Q. Mr. Nomura I have follow-up questions on some
20 of the questions you have been asked. Is the posted
21 price, the price the boats receive when the season is
22 over?

23 A. It is the price that is received -- it's an
24 advance price that they receive.

25 Q. Is it a price they actually receive, or just

1 is it like information on this is what we think you will
2 receive for your crab?

3 A. They will receive that price for the crab they
4 are delivering at that time.

5 Q. That's different from what I heard earlier
6 today, that the -- they don't actually know the price
7 until after the season's over.

8 A. Well that -- that is the -- I don't, that is
9 more the advance price. That when they came and deliver
10 to put on the fish ticket.

11 Q. So Trident Seafood pays that posted price.

12 A. Correct.

13 Q. Does that vary much during the opilio -- did
14 that vary much during this past opilio season?

15 A. No, not usually.

16 Q. And how is your processing plant paid?

17 A. I don't know.

18 Q. Is there any relationship to the amount of
19 crab that you process? Or is that just part of the food
20 production process.

21 A. I probably don't understand the question.
22 Being paid --

23 Q. Don't worry about answering that. I will not
24 ask it. How many boats are in the queue waiting to get
25 to your dock in early February, in February around this

1 time?

2 A. When you say waiting in the harbor?

3 Q. Or any -- how many vessels would you know of
4 that were waiting to come alongside the dock and unload
5 their crab?

6 A. Well they would call prior to, you know, up to
7 three days to make a delivery schedule. And so we would
8 take as many boats for that day that we can handle for
9 that day. And that would be full, so ...

10 Q. Can you give me an idea of how -- you know,
11 based on what actually happened in February, if someone
12 called in saying they want to deliver on the 15th of
13 February, would you give them a time?

14 A. If they were the first boat to call three days
15 prior, and they wanted to come on the 15th, we would say
16 the time, and the first boat, five in the morning; we
17 would meet them at the dock.

18 Q. And how long does it take to unload one of the
19 boats?

20 A. Depending on how much they had. Also
21 depending on the boat. Some boats hatches are a lot
22 easier to deal with than others.

23 Q. Can you give me a range of time that it would
24 take? Let me ask you this, how many boats a day do you
25 unload?

1 A. Depending on how much they had, but we could
2 do about 260, 270 a day.

3 Q. 260 unloadings?

4 A. Pounds.

5 Q. 260 -- and about how many pounds would --
6 again, a range of how many pounds each crab boat would
7 bring in?

8 A. Depending how much they had to being in. Each
9 boat has different pounds, different --

10 Q. I understand. And I know you are under oath
11 Mr. Nomura, and I won't hold you to any of these
12 details. But I'm trying to get a feel for just how much
13 traffic that you had at your terminal, with regard to
14 how many boats came in. And then how long they might
15 have to wait before they could get back out and start
16 catching crab.

17 A. Usually we could take about two boats.

18 Q. How many?

19 A. Two.

20 Q. Two a day?

21 A. Two a day.

22 Q. Was it unusual -- did you have any -- were
23 there any times in February where boats had to wait
24 overnight?

25 A. Yes. Depending, again, how much they had to

1 bring in. Some boats -- a boat brought in 300,000
2 pounds and he would -- we wouldn't be able to finish
3 them.

4 Q. All right. And how many, how many boats was
5 you plant serving at that time, during that -- during,
6 say the middle of February?

7 A. I don't know.

8 Q. Can you estimate? Five? I mean, how many
9 different boats did you see during that time?

10 A. I would have to look back --

11 Q. We could get those records from you, correct?

12 A. Yes. If you wanted to know how many boats
13 that were delivering at a certain date, yes.

14 Q. Yeah. And then, how often, like for instance
15 the Destination unloaded one day. How soon would they
16 come back to unload again?

17 A. I don't know. I don't know how fishing is.

18 Q. Well let me ask you this. In February how
19 often, if you recall, how often, you know, can you think
20 of one boat that you saw one day, and then it was back
21 three, four days later?

22 A. No, I can't.

23 Q. Is there any urgency for a -- or does the crab
24 -- once you catch crab, you keep it onboard in your
25 bait, in your holds. Does crab go bad? Is there any

1 reason to get there -- I mean, could you wait several
2 days before you could get it into the processing plant?

3 A. Each boat is different, you know, each boat's
4 pumps, some have more dead loss than the others, so ...

5 Q. Okay. And do you know why? What causes crabs
6 to die in the holds?

7 A. There are various reasons.

8 Q. When you were talking to Jeff -- first of all,
9 how did you talk to Jeff, or Captain Hathaway?

10 A. He called me on the phone.

11 Q. Do you know what phone?

12 A. No.

13 Q. Cell phone or --

14 A. Regular landline phone.

15 Q. And when you were talking about the bait, did
16 Jeff explain to you why he did not want to keep -- why
17 he wasn't going to keep the bait onboard the vessel?

18 A. No.

19 Q. Based on your experience of operating out
20 there, do you know why captains would not keep the bait
21 onboard, and take the time to unload it at your
22 facility?

23 A. He was coming to offload the bait to store it.

24 Q. But just based on your experience of talking
25 to different captains over the year, do you know why

1 they would, why they just wouldn't keep it onboard?

2 A. No.

3 Q. When you talked to Captain Hathaway about that
4 delivery did he -- would he have to get into the queue?
5 I mean, how was he going to fit into your facility to
6 unload that bait if he had to give a three-day notice?

7 A. That is for offloading crab. For him to just
8 come in to offload bait we would just come to the dock
9 and offload it.

10 Q. So he -- as soon as --

11 A. If we have room at the dock.

12 Q. So when you think about, when you were talking
13 to Jeff, or Captain Hathaway, did you think he could, at
14 that time did you think you could quickly unload him?
15 Or were you thinking that maybe there might be a delay?

16 A. Unknown.

17 Q. Unknown?

18 A. Unknown -- unknown when he got there.

19 Q. Did Captain Hathaway happen, do you recall if
20 Captain Hathaway happened to mention what he was going
21 to do after he unloaded his bait? Did he --

22 A. No.

23 (Brief pause.)

24 BY MR. KARR:

25 Q. Did you have any other conversations with

1 Captain Hathaway or Mr. Wilson prior to, or you know
2 like the 8th of February, the 9th of February or the 10th
3 of February?

4 A. Not that I recall.

5 Q. Did you have any conversations with them about
6 they were running sort of towards end of when you want -
7 - when the processing plant was going to close down?

8 A. No.

9 Q. Did Captain Hathaway ever tell you how much
10 bait he had onboard his vessel?

11 A. No.

12 Q. Is the Destination, do you know if the
13 Destination is part of a cooperative?

14 A. Yes.

15 Q. Do you know if the Destination was fishing any
16 other vessels or any other quotas other than its own?

17 A. No.

18 Q. You don't know?

19 A. I don't know. That would be the coop manager.

20 Q. The last question I have is about that, about
21 deciding when to close the plants. How much of a public
22 meeting, or a meeting with the owners do you have to
23 talk about setting that date?

24 A. I believe we came out with the letter on
25 December, the 2nd of December. And then after that they

1 are welcome to call anytime to talk about it, if there
2 is any concerns.

3 Q. Are you the person that would take those
4 calls?

5 A. Yes.

6 Q. This year did you get many?

7 A. No.

8 Q. Did you get any?

9 A. I can't remember.

10 MR. KARR: All right. Thanks Mr. Nomura.

11 CDR MULLER: Thank you Mr. Karr. Ms. Spivak?

12 MS. SPIVAK: No questions.

13 CDR MULLER: I have no further questions.

14 Before we let you go, I release you Mr. Nomura, are
15 there any other issues, or elements that you believe the
16 board should consider, or otherwise not captured here in
17 this testimony?

18 THE WITNESS: No.

19 CDR MULLER: Okay, thank you. With that, you
20 are now released as a witness at this Marine Board
21 Investigation. Thank you for your testimony and
22 cooperation. If I later determine that this Board needs
23 additional information from you, I will contact you. If
24 you have any questions about this investigation you may
25 contact the Marine Board Recorder, LCDR Mendoza. Thank

1 you.

2 THE WITNESS: Thank you.

3 CDR MULLER: We will recess for lunch and
4 resume at one o'clock, thank you.

5 (At 1147 a luncheon recess was taken.)

6 CDR MULLER: Good afternoon. The hearing will
7 come to order. The remainder of our testimony this
8 afternoon is in regards to the Coast Guard search and
9 rescue operations. We will now hear testimony from Mr.
10 Webb. Mr. Webb if you would please come forward to the
11 witness table, and LCDR Mendoza will administer your
12 oath and ask you some preliminary questions.

13 LCDR MENDOZA: Please raise your right hand.

14 **WITNESS**

15 **MR. PAUL WEBB**

16 A witness produced on call of the agency was
17 duly sworn according to the law, was examined and
18 testified as follows:

19 THE WITNESS: I do.

20 LCDR MENDOZA: Please be seated. Sir please
21 state your full name and spell your last name for the
22 record.

23 THE WITNESS: I am Paul Alexander Webb, W-E-B-
24 B.

25 LCDR MENDOZA: Would you please repeat that?

1 THE WITNESS: Paul Alexander Webb, W-E-B-B.

2 LCDR MENDOZA: State your current and position
3 title, sir.

4 THE WITNESS: I work for the 17th Coast Guard
5 District as a search and rescue specialist. And I have
6 been employed in that job since 2003.

7 LCDR MENDOZA: Do you hold any professional
8 licenses or certificates?

9 THE WITNESS: No.

10 LCDR MENDOZA: Thank you, sir.

11 CDR MULLER: Good afternoon Mr. Webb. So I
12 will now turn you to Mr. Scott Giard, our Coast Guard
13 Search and Rescue Technical Advisor to this Board from
14 D13.

15 **DIRECT EXAMINATION**

16 BY MR. GIARD:

17 Q. Good afternoon Mr. Webb, My name is Scott
18 Giard, I am with the Coast Guard's 13th District
19 Incident Management Division here in Seattle,
20 Washington. During your testimony please speak up and
21 into the microphone so the Board and recorder can hear
22 you.

23 In the course of your testimony please let me
24 know if you need any clarification, or need me to reword
25 any lines of questioning. Also, please let me know if

1 you at any time need a recess for any reason.

2 A. Okay.

3 Q. Mr. Webb can you please tell the Board your
4 current position in the Coast Guard at the 17th District
5 in Juneau, Alaska?

6 A. Okay. My job title is the same as yours; I am
7 a search and rescue specialist. And it is a civilian
8 position that was created in the early 2000's to help
9 the Coast Guard have some stability in search and rescue
10 in the different locations in the county.

11 So each District has a SAR Specialist, and we
12 handle the program management, search and rescue. Also
13 my other duties are, I stand watch in the Coast Guard
14 Command Center in Juneau as a Command Duty Officer. And
15 I also stand duty as a SAR Mission Coordinator. And
16 that is an outside the Command Center position that
17 actually is assigned to each SAR case. And you are the
18 overall authority on that SAR case.

19 Q. Can you please talk to us about the specific
20 training that you received as it relates to your duties
21 and positions and qualification at District 17?

22 A. Sure. Everybody who is in the search and
23 rescue field in the Coast Guard has to go to Maritime
24 Search Planning. That's a four week school. You go
25 more than once; I've been to it three different times

1 over the years in 1997, 2003, and then 2014. And it, it
2 really is a, it tells you, or that course is what we use
3 to train people in how to do search and rescue in the
4 U.S. Coast Guard.

5 Additionally, I've been to SAR Supervisor and
6 SAR Mission Coordinator courses, which are higher level
7 courses for how to manage search and rescue.

8 And my general background from the Coast
9 Guard, I was a -- when I was active duty I was a
10 quartermaster, which deals with navigation, and search
11 and rescue more in the field than in the command center.
12 But those are the courses that I have gone to. And then
13 as you qualify for search and rescue in the command
14 center you have to go through a break in period. That
15 period usually lasts somewhere between 2 and 8 months
16 depending on where you are at.

17 Q. Mr. Webb can you please describe the search
18 and rescue chain of command? How that normally works
19 and how that would work for a search and rescue case off
20 of St. George Island?

21 A. Okay. In general for search and rescue
22 anywhere in the U.S. or even worldwide in a lot of ways,
23 you have a SAR Coordinator. And the SAR Coordinator is
24 the position that's held by the District Commander's in
25 the Coast Guard.

1 And they set general policy for search and
2 rescue, and within their search and rescue region. And
3 for Alaska Search and Rescue Region it is defined in the
4 National SAR Supplement, and also through international
5 agreement.

6 So underneath the SAR Coordinator for an
7 individual SAR case, you have the SAR Mission
8 Coordinator. SAR Mission Coordinator is somebody who is
9 designated by the SAR Coordinator to be the
10 administrator of that SAR case. And that person is not
11 a member of the command center watch; he is outside the
12 watch floor. And that's done, specifically to have an
13 oversight that is independent from the watch floor.

14 In the command center, and there are two terms
15 we use. The Coast Guard calls command centers, so the
16 District 17 Command Center is also JRCC Juneau. Which
17 is Joint Rescue Coordination Center Juneau. And that's
18 an international term, JRCC. And that's because we do
19 both maritime and aeronautical search and rescue.

20 So inside that command center we have watch
21 teams. And the Coast Guard has a standard format for
22 Coast Guard watches and command centers. And those are,
23 usually a three-person watch at a district level. And
24 we have a command duty officer, which is the senior
25 person with oversight of the whole watch floor, and the

1 watch. Not only that particular SAR case, but also any
2 other missions that are going on.

3 Then you have the operation unit controller
4 which is the person who is actually doing the search and
5 rescue planning. That is usually a senior petty
6 officer at our level, at the district level, usually
7 E6/E7 level.

8 And then we have another operation unit
9 controller, which is more in line with our situation
10 unit. They not only can they do a SAR case, but they
11 also keep track of where all our traffic is, all the
12 Coast Guard assets, weather, anything to help build a
13 situation picture for the watch to understand what's
14 going on out in the environment.

15 So those watches are twelve hours. They
16 usually, for us they relieve at six in the morning and
17 six in the evening. And so the watch goes 24 hours a
18 day, 7 days a week, at -- that's the district format.

19 Sectors are slightly different, and I can talk
20 about them now, or at a different point.

21 Q. Thank you. Can you briefly describe the
22 difference between maritime and aeronautical search and
23 rescue?

24 A. Sure. Maritime search and rescue, not all
25 search and rescue regions are aeronautical. In

1 maritime, for us, we take care of both maritime
2 incidents like a vessel sinking, or an overdue, or
3 whatever. And we also take care of aircraft
4 emergencies. And if it is in our area that is
5 designated for the 17th District, and the Juneau search
6 and rescue region we are the primary federal respondent
7 for that. With, you know, the FAA or whoever. So
8 aircraft incidences will be coordinated through our
9 Command Center. Or through one of the Sectors if it is
10 within their area of responsibility.

11 Maritime cases, the Coast Guard is the primary
12 Federal Agency that responds to maritime search and
13 rescue.

14 Q. Thank you. You previously described the
15 duties and responsibilities of the search and rescue
16 mission coordinator. Can you also please describe the
17 duties and responsibilities of a person exercising
18 active search suspension authority?

19 A. Sure. So active search suspension authority,
20 or suspension authority, is usually held by the -- in
21 the 17th District the District Commander. He is the
22 senior ranking officer in the Coast Guard in Alaska. He
23 is the final person to have say whether or not we
24 suspend a case.

25 There is different reasons why we suspend.

1 There is suspend -- we suspend cases of uncorrelated
2 maydays, and flare sightings, there is absolutely, there
3 is nothing further that happens, those are delegated
4 down, that authority is delegated down to the Sector
5 Commanders, and to some of the District staff.

6 But when you have missing persons, that
7 authority remains at the District Commander level. And
8 so what will happen, is after a case is prosecuted, and
9 we get to a point where we are not finding anything and
10 our ability to continue to search is now getting less
11 and less successful. We do get to a point where we have
12 to decide to suspend a case.

13 And so that complete suspension package
14 discussion of the case occurs. And there is a
15 discussion with the next of kin by the SAR mission
16 coordinator that we will be suspending at some point.
17 And then, when the time comes after usually the last
18 search, or close to the last search being completed, we
19 will brief to the admiral and we will make the decision
20 then whether or not to suspend a case, or continue
21 searching.

22 Just because we do a suspension brief doesn't
23 mean the case always gets suspended at that point.

24 Q. Thank you. Can you briefly describe what the
25 District Commander is? Who he is? What he's

1 responsible for?

2 A. District Commander for the 17th Coast Guard
3 District is Admiral McAllister. And he is basically, in
4 charge of operations in the 17th District. And that
5 includes search and rescue, law enforcement, marine
6 safety, all eleven mission areas, which we really do
7 about nine of those up in Alaska. And he is the head of
8 the Coast Guard in Alaska.

9 Q. Thank you. Can you please walk through the
10 training process for a newly arrived person arriving to
11 the District 17 Command Center? And when I say newly
12 arrived personnel, I mean a watchstander.

13 A. Okay. Like I said, there are a couple
14 different watch positions, CDO, and the Command Duty
15 Officer, and the Operation Unit Controller. The command
16 duty officers normally are senior petty officers, the
17 chief petty officers, E7 and above. And officers that
18 come in are usually O2/LTJG, Lieutenant level.

19 So on the enlisted side, for the operation
20 unit controller position; we have E6's, or First Class
21 Petty Officers that hold that position. That's a senior
22 petty officer position. They usually have a few units
23 under their belt before they show up in our Command
24 Center. So they are pretty well experienced.

25 The process comes in, when they get into the

1 District they are given a package, it is called a PQS,
2 it is a qualification package, and it has a national
3 PQS, which is required by the Coast Guard nationally to
4 complete. And then there is a local one that is
5 required by the District to complete. And that is
6 specific to operations in Alaska.

7 And so they will get that package, and they
8 are given a certain amount of time to complete it in.
9 They have to stand a minimum of fifteen watches, and
10 then they go through a search and rescue exercise, a
11 training exercise which includes a drift modeling, and
12 decision-making for a fictitious SAR case.

13 And then after that they are given a test of
14 about, I think it is -- the questions are up to about
15 196 questions they have to answer. And then from there
16 we hold a board. And the board is senior people on the
17 staff that have knowledge of operation in the Coast
18 Guard, and the staff of the Command Center, and myself,
19 and some other watchstanders that are able to ask
20 questions and see what the knowledge is of that person
21 after that period of time, of break in.

22 And then we make a decision whether or not to
23 qualify them. So from start to finish, from the time
24 they start to the time they finish, they have four
25 months to do that. Most people do it in about two

1 months, to two and a half months to complete it.

2 Q. Thank you. Can you describe the training
3 program, or required training that search and rescue
4 mission coordinators and persons exercising active
5 search suspension authority require?

6 A. Once a year, from the Coast Guard standards,
7 once a year they have to go through and look at the
8 requirements for the SAR Mission Coordinator and active
9 suspension. It is in the SAR Addendum. For the SAR
10 Mission Coordinators, they also have to participate in
11 our monthly SAR ex's (sounds like) that we do using our
12 drift program, SAR OPS.

13 And with that, what we do is, each person who
14 is in the Command Center has to complete their SAR OPS
15 drift. And then they have to brief that to one of the
16 SAR mission coordinators. So, as a SAR Mission
17 Coordinator, I usually get about five of those briefs
18 per month. And basically, they describe the case, and
19 we go through it like it is a real case. And then we
20 discuss the SAR operation and the drift.

21 And that is a two-fold program. One it trains
22 and it keeps the person on the watch floor sharp on SAR
23 OPS. And then it also, it helps in the ability of
24 people to communicate back and forth, and make sure that
25 we are asking the right questions, and providing the

1 right feedback in doing the risk management that is
2 necessary to do search and rescue correctly. And all
3 that is then recorded through our SAR Plan.

4 Q. Thank you.

5 A. Um-hmm.

6 Q. Can you explain to me, on a typical day the
7 functions of the D17 Command Center? What is it like to
8 be on watch in the D17 Command Center on a typical day?

9 A. Well, a typical day, at six, like I said, the
10 watch relief is at 0600, local. And usually you get in,
11 you should be in about a half an hour or so beforehand,
12 if not a little bit sooner.

13 You go through all the reports that have gone
14 out the night before, and the morning PowerPoint that
15 gets briefed. You check the weather; check the status
16 of all the Coast Guard assets, locations where they are
17 at. You kind of, you look at the AIS so you can see
18 what vessel traffic looks like out on the ocean.
19 Compare that with what the weather situation is, where
20 there might be potential issues.

21 For us, because it is Alaska, we look at the
22 ice edge, where that's at. On any particular day, it
23 doesn't really matter, winter or summer; there is always
24 an ice edge.

25 You, once you feel you are at the point that

1 you have gotten all the information that is necessary,
2 then you have a discussion with the off-going watch.
3 They will talk about any active and open cases. Any
4 cases that have been closed. Any issues that may be
5 held over from the night watch. And then once you have
6 all that, you do your watch relief, and then you start
7 your day.

8 If you have any active cases, you then
9 continue down with whatever search planning or whatever
10 resource management you have to do to finish that case.
11 We also have a few reports; we put out a couple reports
12 per day. In the morning, and in the evening. You track
13 Coast Guard operations throughout the day.

14 It is not only search and rescue. The thing
15 about the Coast Guard Command Center is that we have all
16 Coast Guard missions. If we are not running it, we are
17 at least tracking what's going on in those Coast Guard
18 missions. So we stay pretty busy with a lot of
19 different subject matter. It could be law enforcement,
20 it could be fisheries, it could be vessels, fishing
21 vessel safety, boardings that are going on.

22 There is also a lot of staff input that we --
23 people ask us for things, or to do things for the staff.
24 And we usually have to do that too, on top of any search
25 and rescue that is going on. But in Alaska search and

1 rescue is the largest issue we deal with. And that's
2 what we spend most of our time on.

3 Q. How many search and rescue cases does the
4 District 17 Command Center run a year?

5 A. This year I think we are going to run probably
6 about 200. The total for the District when you include
7 the two sectors, we are on track to run about 550 to 600
8 cases this year.

9 So the District in the area of responsibility
10 that we take the primary SAR Mission Coordinator
11 responsibilities, it's going to be about 200. And last
12 year it was about 160 cases that we ran. At the
13 district level, most of the cases that we do are in the
14 medical world, maritime transports and medivacs off
15 ships.

16 Q. Thank you. We will now display Exhibit 134.
17 Exhibit 134 is an excerpt of the U.S. National Search
18 and Rescue Supplement showing the Pacific Maritime
19 Search and Rescue Regions.

20 (Brief pause while Exhibit is shown on the
21 monitor.)

22 Q. Mr. Webb can you see that okay?

23 A. Yup.

24 Q. Okay, thank you. You have also got a binder
25 in front of you if you need it. Mr. Webb can you please

1 explain to the Board, the Coast Guard in Alaska's area
2 of responsibility, and the North Pacific Search and
3 Rescue Region?

4 A. Okay. Start out with the size of our AOR,
5 that is Area of Responsibility is about 3.3 million
6 square miles. And our coastline that we have to cover
7 is at about 44,000 miles. So it is a relatively large
8 area. It matched what the lower 48 has all together
9 throughout the whole country. Our area stretches, if
10 you put it over the United States, lower 48, it
11 stretches from one end of the country to the other.

12 That being said, our northern point that our
13 AOR covers is the North Pole. And then we come down
14 from the North Pole and we have our Arctic Week (sounds
15 like) Region, which is kind of a pie-shaped region as it
16 goes out to the east and the west. It comes down to the
17 U.S./Canadian border to the east. And then our shared
18 maritime boundary with Russia and into the Bering Sea
19 down all the way through the Aleutian Islands, down off
20 of -- then we connect up then with the Japanese area of
21 responsibility at 40 degrees north. So we go from 90
22 degrees to 40 degrees in latitude to the south.

23 We, our neighboring RCC's include,
24 internationally all the artic countries. And then we
25 also have Canada to the north and to the south of us.

1 Victoria RCC, the Seattle RCC here in -- that operates
2 here out of the Federal Building.

3 And Alameda, Hawaii, and Japan. So nationally
4 and internationally we have a lot of partners and a
5 large area to cover. It is just a very huge area to
6 cover with a small amount of assets, actually.

7 Q. Thank you. Can you please explain the Coast
8 Guard search and rescue resources, and where those
9 resources are located and available during a typical
10 opilio crab season? And can you please also describe
11 if or has that configuration changed over the years.

12 A. Sure. Okay, just talking in western Alaska
13 and how we operate, our main resource is Air Station
14 Kodiak. And they are, the base is at Kodiak. They have
15 five C130's there. We have six H60 helicopters. Those
16 are the two main search and rescue aircraft. The H60
17 medium range helicopter, C130 is long range cargo
18 aircraft.

19 We also use a cutter, a large cutter, like a
20 Wenzel, or a 378, large Coast Guard patrol vessels with
21 a smaller helicopter on the back. The H65 helicopter,
22 which is a short range helicopter. There is always one
23 of those in the Bering Sea. And during the two crab
24 seasons, the King crab and the opilio crab, we forward
25 deploy out of Cold Bay.

1 We have one helicopter there. They are in
2 what's called a B2 status. In other words, they have
3 two hours to get airborne from the time we give them the
4 call. And then they fly out of there, and they can
5 reach, pretty much, where the crab vessels are operating
6 on a first sortie. They can land in St. Paul, refuel
7 and go farther, do some lily padding if necessary.

8 What's changed over the years is that when the
9 crab season was a derby type crab season, compared to
10 the Rationalization of the crab season, we deployed
11 helicopters in two different locations. We deployed out
12 of St. Paul for opilio crab, and we deployed out of Cold
13 Bay for the king crab. And because those seasons were
14 much shorter, and there was a timeframe there that they
15 were going to be open, and we were able to man it
16 differently than we do now.

17 Now the manning of the forward operating
18 locations is much longer, because the seasons are much
19 longer, they are spread out a lot more. So we have to
20 manage their crews and our aircraft out there. So we
21 put one aircraft in Cold Bay, and then we follow-up with
22 the second aircraft in Kodiak. And so we are launching
23 one from Cold Bay and launching the other from Kodiak as
24 self-rescue. And we are in the B2 status, which means
25 they have a longer period of time that they can respond

1 because the, it has to do with the manning issue, crew
2 rest, and they can't be in a B0 and keep them on scene,
3 or keep them out there as long.

4 So the season for opilio will start in
5 January, and we will keep a helicopter there until,
6 there is a certain amount of vessel level it gets down
7 to. Usually, if there are less than ten vessels we will
8 pull it back to Kodiak. So we are out there, I think
9 last year we were out there through the end of March.
10 Sometimes we have been through, out there through the
11 end of, the middle of May for opilio. So it depends on
12 how many vessels out there.

13 Also, why they are out there, it is not only
14 the crab season that's going on; there is one or two
15 other fishing seasons going on. And those boats are as
16 much at risk as any other vessel out there in the middle
17 of winter. So it gives us the ability to respond sooner
18 than we would if we were flying everything out of Kodiak
19 all the time.

20 Q. Do you recall when the Coast Guard stopped
21 sending helicopters to St. Paul?

22 A. That is, I believe that was about three years
23 ago now.

24 Q. Okay. How do mariners in the Juneau search
25 and rescue region make the Coast Guard aware that they

1 are in distress?

2 A. A number of different ways. It could be a
3 radio through Combat (sounds like) Kodiak, which is the
4 HF radio facility out in Kodiak. They can send a --
5 they can call us on satellite phone. They can put out a
6 mayday that's picked up by other vessels. They can send
7 a GMDSS alert through Inmarsat-C, through HF, or they
8 could have their emergency beacon activated either
9 manually or automatically, if it is -- well, floats
10 free.

11 And like on this case the beacon was activated
12 when the vessel sank -- or at least the -- at some point
13 there it became active. And we got the signal in
14 Juneau. Basically, that goes through a process that we
15 -- we get the 406 SARSAT alerts. And then we respond
16 from there.

17 Q. I'd like to now display Exhibit 135. Exhibit
18 135 is a diagram provided by the National Oceanographic
19 and Atmospheric Administration, depicting the search and
20 rescue satellite aided tracking system. I would also
21 like to display Exhibit 228.

22 Exhibit 228 is the emergency position
23 indicating radio beacon belonging to the fishing vessel
24 Destination that was recovered from the waters north of
25 St. George Island on 11 February, 2017.

1 (Brief pause as exhibits are displayed on monitor.)

2 Q. Mr. Webb, can you now explain how the Search
3 and Rescue Satellite Aided Tracking System, or SARSAT
4 operates, please?

5 A. Sure. Okay, SARSAT, the basic function of it
6 is to get an alert to the Coast Guard or the Air Force
7 depending on the type of beacon and where they are
8 located.

9 So, when a beacon is activated, the code from
10 the beacon, because all of these beacons are digitally
11 coded, it is called a hexadecimal code. That signal is
12 sent from the beacon, and it is picked up by a
13 satellite. And there is different types of satellites.
14 I'll talk about those in a minute.

15 But once it is received at the satellite, the
16 signal will then, is sent to a ground station, a local
17 user terminal is what it is called. And from there it
18 is processed and sent to the Mission Coordination
19 Center, which is in Rockville, Maryland. Or not
20 Rockville, Maryland, but Suitland, Maryland, the NOAA
21 facility there.

22 Once it goes there, it goes into the -- the
23 database will get the information on the beacon, who
24 owns it, the name of the vessel, contact information.
25 And then that is sent to whatever district this beacon

1 is either activated in or the vessel is registered to.

2 In this case, we got the beacon information
3 because it was activated in Alaska and they had a
4 position with it. This is all done automatically.
5 There is no hands on until the Coast Guard gets it. So
6 the first time a human looks at it is in the Coast Guard
7 Command Center. And we have a computer that is
8 dedicated, that is totally dedicated to receiving these
9 beacons, and for us to process. It is separate from our
10 other computer systems.

11 With that, there are three separate types of
12 satellites that pick up the signals. The geosynchronous
13 orbiting satellites, which are basically the go
14 satellite, the big satellites that give you the pictures
15 down to earth. They have a receiver on those. And they
16 are down, and they don't really move their position in
17 relation to the earth.

18 And when they pick up the position, or pick up
19 the hex code from the beacon, it doesn't give a
20 position; it only gives the information for contacting
21 somebody. It gives their vessel name and their contact
22 information, if that is up to date we will have that
23 information.

24 If the beacon has a GPS attached to it or
25 embedded in it, it will also give us an E-position, and

1 we will then have a position. That's the only way on a
2 geosynchronous satellite we will get a position right
3 away, is if it has a GPS attached to it.

4 The second way, or the second type of
5 satellite, which has been around the longest with the
6 geosynchronous ones is the low earth orbiting
7 satellites. And that's the ones that we get positions
8 calculated with. There are 5 or 6 satellites up there
9 flying that have this capability.

10 And basically, what happens with that, as the
11 beacon signal is going off every 55 seconds, the
12 satellite, once it is in range, and sees it, will pick
13 up that signal. And then using the Doppler Effect,
14 which is like when a train is going by, you hear it
15 loudly, and then it just, then it goes away. It takes
16 that information and calculates a position.

17 It takes two satellites to get a position --
18 and two passes, not two satellites, as much as two
19 passes. And it can give you a position off of those
20 two Doppler lines of position that it creates. That,
21 right now, is the most accurate way for us to get a
22 position with the exception of the GPS encoded.

23 The third method, the third satellite system
24 which is still in its early operation stages, is the
25 MEOSAR Medium Earth Orbiting Satellites. The Medium

1 Earth Orbiting Satellites came online in December of
2 this year. And basically, they are using the technology
3 from GPS satellites, and the capabilities in that, and
4 are taking these signals that these GPS satellites are
5 hearing and processing those, giving those positions.

6 There are some inaccuracies with it. It is
7 very accurate; I'm sure when the beacon doesn't move.
8 There are inaccuracies with it when it is in the water,
9 even the movement of a beacon on the wave action, causes
10 some inaccuracies. So you will get different positions
11 jumping around in about a 5 to 20 kilometer area around
12 wherever this beacon is actually activated. It is
13 something that they are working on. It is still in the
14 early stages. Eventually they will get all that figured
15 out.

16 But it does give you a position. And it does
17 give you an alert. And it does give you an area to
18 search. So it is still helpful.

19 The MEOSAR, the way it calculates the position
20 is a time difference. And it works like the old Loran-C
21 worked in a lot of ways, with the -- it figures out the
22 time difference between three different satellites. So
23 if you have three satellites you get a position.
24 Anything less than three satellites you won't get a
25 position. But these satellites are all up overhead,

1 worldwide, and has a lot of greater coverage than the
2 either of the geo or the leo satellites do.

3 Q. When the Destination's EPIRB was activated,
4 how long would it take for the signal from that beacon,
5 in the water take to reach the Coast Guard?

6 A. If it is picked up by the satellite, it is
7 pretty quick. I don't know what the actual time is.
8 But it is relatively, pretty quick. And I think those
9 are all MEOSAR that got picked up. I don't think it was
10 a GEO or a LEO. So as soon as the satellites picked up
11 the signal and processed it, and then it was sent to us.
12 So it was pretty soon after the vessel went down.

13 Q. Do you think, this is just a rough estimate,
14 minutes?

15 A. Minutes.

16 Q. Okay. Thank you. We will now move on to
17 programs and systems that the Command Center uses other
18 than SRSAT inside the Command Center.

19 A. Sure.

20 Q. So can you please speak to the equipment,
21 programs, and tools for planning search and rescue cases
22 in the maritime environment that the Coast Guard in
23 Alaska uses?

24 A. Okay. Probably the most important program we
25 use is called SAROPS. And it is Search and Rescue, an

1 Optimal Planning Tool. All right. It is a pretty
2 powerful program. It is based in Esri Software, which
3 is a mapping software. And the Coast Guard puts this
4 program on top of it.

5 And what it does, is it takes the information
6 that they have on this -- whatever distress, who's ever
7 in distress, the position, time. And it takes that
8 information and it adds in the weather information, and
9 the characteristics of the drift object, whatever,
10 whether it is a vessel, or person in the water, or life
11 raft. And it gives you probabilities of where these
12 objects would drift.

13 We used to do this by hand, years ago. It's
14 called manual solution, it is still out there. And it
15 is an internationally recognized system. By doing by
16 hand, a manual solution. And over the years we
17 computerized it. And in about, oh, I think it was about
18 2006, was it, or somewhere like that, is when SAROPS
19 became operational.

20 The thing about SAROPS is that it can do about
21 10,000 replicants. In other words, it will drift 10,000
22 objects. You say you have a life raft; it will drift
23 that 10,000 different ways. And that's done using the
24 environmental data that is available for that area. And
25 what SAROPS does, is it goes and it grabs the wind data

1 and the current data for that area through different
2 environmental servers.

3 It turns out, it is pretty accurate. We drop,
4 they are called vessel VINDI's (sounds like) they are
5 satellite based data marker buoys. And we compare our
6 drifts to what the satellite drift beacon, drifting
7 beacon will tell us. And that's kind of, one of the
8 ways we tell whether or not we are accurately drifting.
9 You know, we are using the right servers.

10 So, using the information we get from the
11 environmental servers, using the information on the
12 search objects, whether it is a vessel, a life raft, a
13 person in the water, or somebody on a paddle board or
14 something like that. There are lots of different things
15 that we drift. We can drift debris. It will give us a
16 probability grid like the one you see there on the
17 SAROPS screen.

18 And then from there the next part is the
19 planning tool. And in the planning tool we will build
20 search patterns on top of that, that probability grid.
21 And what you put in there is, are the type of search --
22 SRU's, the Search and Rescue Units that we are going to
23 use. Aircraft, or cutters, small boats, Good Sam's, and
24 you know, we can give them a search pattern. They --
25 SAROPS is limited to making parallel searches, it

1 doesn't automatically make some of the other search
2 patterns that are out there. But, you can take those
3 search patterns and manipulate them to give you a higher
4 probability than what the computer is telling you.
5 And once you get all -- you get what you need, you then
6 pass that information on to your SRU's. And they will
7 do the searching for you.

8 That's the main tool we use for drifting. We
9 us lots of other tools. We, you know, we have lots of
10 references for weather. We have, we us the National
11 Weather Service mostly. We can get what are called spot
12 reports from the Weather Service. Which, we give them a
13 certain location and say, can you give us a very
14 detailed picture of the weather in this area for now and
15 for however long we need it. And they do that for us
16 and they do it very quickly.

17 We use AIS, Automated Information System for
18 tracking vessels. We use -- there is -- it is on ships.
19 The AIS is for ships, ship to ship for avoidance,
20 basically so they don't run into each other. But it
21 also provides, on the shore side, it provides us a
22 picture of what vessels are out there.

23 And one of the things, in ALASKA, we use an
24 organization called the Marine Exchange of Alaska. And
25 we get this AIS data throughout the whole State of

1 Alaska. And if you have an AIS transceiver on your
2 vessel we will see your vessel. And the Destination did
3 have AIS on it, and it was seen. The watchstanders on
4 the watch floor are -- since AIS has become available it
5 is one of the things we do right away. We look at,
6 okay, this is what SAROPS is saying -- or SARSAT is
7 saying. And then we look and see if the vessel is
8 showing up on our screen for AIS.

9 And then most of the other tools, you know,
10 tools we use are mostly just computer based, you know,
11 word-processing, and messaging, and things like that.
12 But SAROPS is the main tool we use.

13 Q. When you say drift, can you briefly describe
14 what you mean? Does it physically mean drift on the
15 water?

16 A. It is, drift is a part of the -- you have what
17 is called datum. And datum is the position of any
18 object after it's been drifted for wind and current over
19 time. And so what SAROPS does is it takes that wind and
20 current, and the object type and it will drift it. And
21 every object drifts differently. You know, a rubber
22 duck drifts different than a piece of wood type deal.
23 And objects will, as they are drifting along, you think
24 they might drift in a straight path, but they don't.
25 They diverge to the left and to the right of the way the

1 wind is blowing and the current is taking it. So things
2 move off side to side.

3 And that's why, in the old days we drifted one
4 object. Now we are drifting 10,000, up to 10,000. And
5 they go in all different directions, and that's why you
6 have the picture like that. And each one of those
7 objects that SAROPS is drifting, it does what is called
8 a flyby. It gives you the probability of success of
9 seeing that. And all of those things are calculated
10 together to give you a total probability of success for
11 that individual search, and then overall for the whole
12 case.

13 But drift is a part of that process to get
14 datum.

15 Q. Thank you. Exhibit, currently on the screen
16 is Exhibit 140; it is a static screenshot of the Coast
17 Guard's Search and Rescue Optimal Planning System, or
18 SAROPS. Can you also briefly describe, Mr. Webb, what a
19 search pattern is?

20 A. A search pattern is a track line, basically
21 that we give a search and rescue unit to follow. And
22 what it does it is built -- usually they are a rectangle
23 of some sort. And the way they -- the larger legs, the
24 major axis of it can be set up on a short leg or a long
25 leg, it depends on what information you have. Do you

1 have a good datum, do you have a good idea where the
2 search object is to start out with. Or do you need to
3 start on one end or the other of the search area for a
4 higher probability of success.

5 So, the search patterns are built with the
6 track. And then there is track space in between them
7 for an aircraft. It depends on the type of aircraft,
8 C130 about a mile, if you are doing a visual search in
9 between each of the legs. And then you, there is sweep
10 width. And sweep width is the percentage of what people
11 can see by looking out the left or right from the track
12 line to the -- what the possibility that they will see
13 the search object, fifty percent, a hundred percent of
14 the time.

15 We strive to -- depending, the sweep width,
16 and the tracks space can be the same, and then you get a
17 coverage factor of one. But usually it is less than
18 that. And when it's less than, your coverage factor is
19 less than one, then you add more search patterns on top
20 of it and try to bring it as high as possible to cover
21 as much area as possible. And within the area that the
22 object is drifting.

23 Q. Would you categorize a search pattern as a
24 road map of where a Coast Guard asset would be driving
25 when it is searching?

1 A. You could put it that way, sure. Yeah, it is
2 a designated path that they -- that we are, that the SAR
3 planners at the RCC are requesting that the asset
4 follow. And sometimes if they find a debris field or
5 something, they will stop that pattern and do a local
6 search on whatever object that they found. And then
7 will continue on with the original one.

8 Once we get all this information -- once the
9 search pattern is done, and it -- the actual drift in
10 search and rescue is called EPOC (sounds like). You
11 have like an alpha search, bravo search. These EPOC's
12 last about twelve hours, and then you re-drift.

13 So once you get the search patterns completed,
14 that information is fed back into SAROPS for the next
15 search pattern, or the next drift period. And it gives
16 you a probability of success for that first search. And
17 then that is added into the second search, and so on,
18 and so on as you go on. And I, and on this case I
19 believe they went up to (E)cho search.

20 Q. Who is required to be trained in SAROPS? And
21 where and how does that take place?

22 A. Everybody from the SAR mission coordinator on
23 down is required to go through maritime search planning
24 school. Which is in Yorktown, Virginia. So the SAR
25 mission coordinator, the command duty officer, and the

1 operation unit controller all have to have gone to that
2 training. And then once you are qualified on watch, you
3 are qualified to run these search patterns, or these
4 drift models for actual SAR cases. If you are under a
5 break in, you might be observing but you are not
6 actually running the case.

7 Q. Can you explain what a break in is?

8 A. A break in is a new person on watch. And they
9 are there learning how to be a watchstander. And so
10 they are not qualified yet. So they would not be doing,
11 on an actual case they wouldn't actually be doing the
12 drift modeling, they would be there observing.

13 Q. Thank you. Switch gears a little bit.

14 CDR MULLER: If you can just speak up a little
15 bit.

16 THE WITNESS: I'm not talking loud enough?
17 Sorry about that.

18 CDR MULLER: You might pull it closer.

19 A. I have it closer. How's that?

20 COURT REPORTER: Sorry, you are drifting off.

21 A. I'm drifting off? Okay.

22 Q. Does the Coast Guard have a tool to help
23 determine a person's survivability in the water?

24 A. Yes. Yes, they do. That is the Probability
25 of Survival Decision Guide; basically, it is PSDA it is

1 called. And that's a part of SAROPS. And what it is,
2 it is a calculator that you put in certain information.
3 You put in information on the person, how tall they are,
4 how much they weigh, male/female. And then some
5 information on what they probably were wearing at the
6 time they went in to the water. If they are in a
7 survival suit, of if they are in street clothes, if they
8 are in winter gear.

9 It could also calculate people who are in a
10 life raft or on land, so they are relatively, not soaked
11 up to their neck or anything. It can calculate that
12 information too.

13 And so what this does, it is just a guide,
14 it's just a tool for us to get an idea how long somebody
15 may survive in the water. It's not necessarily all the
16 information that you are going to have. Because when
17 people go into cold water things happen, they may have a
18 heart attack, they may drown because the sucked in water
19 as they went in the water. Just the shock, cold water
20 shock. But if they get in a survival suit, or if they
21 are in a life jacket, and they have their head above
22 water, it can provide us with an idea how long somebody
23 can survive.

24 And there is two things, there is the
25 functional time, and there is a survivability time. The

1 functional time is really how long can that person
2 maintain themselves to self-rescue, to keep from
3 drowning. So, how long they can keep their head above
4 water and paddle.

5 And then the survivability time takes it from
6 the functional time to the time that they would probably
7 expire, that their, that hypothermia has set in enough
8 that they can't move anymore. And so they are just
9 there, whatever to keep them afloat is keeping them
10 afloat. It -- and the times are, I've seen times of ten
11 hours, eleven hours on survivability. If you get in a
12 life raft, you are good for over 24 hours.

13 If you are in a survival suit in Alaska with
14 the water temperature thirty-eight degrees, forty
15 degrees, something like that, you may have two hours, or
16 three hours to survive if you are in that survival suit.
17 It -- and how wet you are going into to it. So, if you
18 are not in a survival suit that time drops drastically.

19 Q. Does the Coast Guard use that decision aide
20 for every case where there is a person in the water?

21 A. If there is a possibility of person in the
22 water we run that model. And it is not used to usurp
23 planning, as much as determining you know how long a
24 search is going to go on. And it is not our, we don't
25 go, oh it is eleven hours, we are going to cut it off at

1 that point and stop searching. We search many times
2 past the survivability time.

3 Q. Thank you. You briefly described the
4 Automated Information Service, or AIS. Can you briefly
5 describe what other tools the command center has to do
6 vessel tracking?

7 A. Sure. So AIS is something that's really been
8 around the Coast Guard for about fifteen years. So
9 throughout the country there is AIS antennas that pick
10 up signals from ships at sea. It is also, there is
11 satellite, AIS tracking too, which gets on the high
12 seas.

13 So AIS gives you an almost live view of
14 vessel's track. If it is terrestrial, the updates are
15 every couple seconds. So you can actually see somebody
16 moving along once you zoom in.

17 So we use, in ALASKA we use a service called
18 the Marine Exchange of Alaska. They have put up a lot
19 of antennas over the whole state so we can see every
20 vessel that is within the terrestrial range of AIS. And
21 we use their -- they have a mapping system that they
22 have that we use.

23 And also, the Coast Guard has a system, CG1U
24 which has capability of displaying that information
25 because everything goes back to the Coast Guard to the

1 east coast, and then back out to the fleet. And that is
2 one big picture merged through the whole country.

3 And we can zoom in in a certain area and pick
4 out different boats. And with that you can get
5 information that is based in our database that we have
6 on vessels, our MISLE system that is a database that
7 holds vessel information. So we may even have a picture
8 of a vessel. We will have, you know, the stats of the
9 vessel, how long, you know, what is its overall length,
10 and it's ID's, information like that pretty useful tool.

11 Q. Thank you. Can you describe how the District
12 17 Command Center tracks weather activity?

13 A. Mostly use the National Weather Service. Like
14 I said, when you come on watch in the morning one of the
15 first things we are looking at is weather. And you are
16 going to go to the National Weather Service sites and
17 read the text of the weather systems coming through
18 you will look at the weather charts, and see what lows
19 are coming through the areas.

20 And we will -- we have a, the system that we
21 can display the ice edge on that is updated a couple
22 days a week. It is not updated every day, because it
23 just doesn't change that much. So we know where the ice
24 edge is, compared to open water in the Bering Sea and in
25 the Artic. We get the wave heights, we get the wind

1 speeds and the direction, and, you know, we can track
2 the storms. We -- when there is a -- when, usually
3 midwinter the storms aren't bad. You have icing
4 situations because it is cold out. But the storms,
5 usually in the fall and spring are a lot higher strength
6 and lower lows. And winter time it kind of cools off a
7 little bit in the sense that it is not as, the storms
8 aren't as deep. And then as the weather changes in the
9 spring it gets bad again. And in the summer it is, you
10 know, not as bad again.

11 But, you know, the problem with the winter
12 time is icing. And vessels that are coming in the icy
13 situations. So we keep an eye on that. It is always
14 one of the things on our mind is we are looking at
15 what's out there in the Bering Sea. We also look at
16 what -- we get a report through our law enforcement
17 branch, who's fishing, and basically where they are
18 fishing. So we see that and it helps us get an overall
19 picture of what we are looking at, and you compare the
20 weather.

21 Q. So when the Coast Guard is aware that there is
22 going to be severe weather, when there is a watch or
23 warning, does the Coast Guard communicate that, in any
24 way, to the crabbing fleet?

25 A. There is a standard schedule that the

1 Communication Detachment Kodiak, and also our VHF voice
2 booths in Sector Anchorage and Sector Juneau, they will
3 broadcast NOAA weather information. NOAA also has some
4 automated sites on top of our VHF sites. But on the
5 Bering Sea it is all HF. And so yeah, the HF voice
6 weather. And then also Navtechs is the other method to
7 getting weather out. And there is, I forgot the name of
8 the third method. But the weather fax that comes out to
9 shipping.

10 So if they have that capability onboard for
11 Navtechs or the weather fax they will get -- the fleet
12 will get that too. Plus it is also the voice. That
13 comes out twice a day at about; I think it is like 1800
14 and 0600 local.

15 Q. Thank you. Can you describe how the Command
16 Center is kept informed about different fishing seasons?
17 Specifically the different crabbing seasons. Who or how
18 does this information get conveyed to Command Center
19 personnel?

20 A. Our Law Enforcement branch would provide us
21 with op orders, also information on the different
22 fisheries. Crab fisheries are pretty well known, we
23 know when the King crab season is. And we know when the
24 opilio is. It is just something that is pretty well
25 known. But there is other seasons, the Pollock season

1 and couple of the -- the catcher processing season which
2 are much longer and different than the crab seasons.

3 We get a brief from our Law Enforcement
4 Branch. We also get briefed at the same time the
5 cutters are getting in briefed, we will get information
6 there. We hold training a couple, three times a year
7 with our Law Enforcement Branch specialists that deal
8 with these fisheries, that will explain what fisheries
9 are coming up, and what the season duration is.

10 We have a good idea what's happening out there
11 on the fisheries.

12 Q. Thank you. And my last question is, can you
13 tell us where were you were on the 11th of February,
14 2017? And if you played any role in the fishing vessel
15 Destination case?

16 A. I was actually heading to Jacksonville,
17 Florida. I was in the airport in Juneau waiting for my
18 plane. And I, that was -- I check my email all the
19 time, and the first email I saw was that we had an EPIRB
20 going off in the Bering Sea. And, you know, I called in
21 just to see what was going on with it.

22 But I wasn't the SAR Mission Coordinator or
23 anything like that. I was heading down to Jacksonville,
24 Florida for another Coast Guard mission. So, I didn't
25 have any real direct play into the actual case itself.

1 Q. Thank you. Does the Coast Guard in any way
2 advertise when it stands up, and pulls out of Cold Bay?

3 A. Do we advertise it?

4 Q. Do you let the public know that you are going
5 to be there, and when you leave?

6 A. I don't think we do. I don't think there is
7 any -- I haven't seen anything like that, public affairs
8 wise. There might be.

9 Q. Do you know of any State or local, or
10 municipal search and rescue units in the area of -- in
11 the Pribilofs?

12 A. (Inaudible response.)

13 Q. Do you know if anybody else operates search
14 and rescue in that area other than the Coast Guard?

15 A. Well it, the only other organization is the
16 State Troopers. And through the State Fish and
17 Wildlife. Because the crab season is a state fishery it
18 is not a federal fishery. So they patrol out there as
19 part of the enforcement for the crab fishery.

20 And so they are available as a search and
21 rescue platform as much as a Coast Guard cutter, or any
22 of the other fishing boats that might be involved with
23 it. But certainly, and we work pretty close with the
24 troopers, not only a case that would happen out in the
25 Bering. But all through the state. Because they have a

1 primary function as a search and rescue unit, as part of
2 their state functions, is search and rescue.

3 Q. Mr. Webb those are all the questions that I
4 have. Thank you very much. Commander Muller I have no
5 further questions.

6 CDR MULLER: Thank you Mr. Webb. That was
7 certainly very in depth. I need to look at my notes.

8 (Brief pause.)

9 **EXAMINATION**

10 BY CDR MULLER:

11 Q. If you don't mind, earlier in your testimony
12 you described B2.

13 A. Right.

14 Q. And I understand that that stands for a two
15 hour launch.

16 A. Right.

17 Q. And then later on you mentioned B0.

18 A. Right. So there is two different levels of
19 readiness. The B0 status, and this implies a lot more
20 in the lower 48 than it does in Alaska, mostly because
21 of distances. That it is a measurement for the Coast
22 Guard. But B0 means they launch in thirty minutes, and
23 they are on scene within ninety minutes of launch.

24 B2 means that they can take up to two hours
25 for them to launch. And then there is no requirement

1 for them, the actual ninety minute requirement isn't
2 there.

3 Most of our launches are anywhere between
4 thirty minutes and an hour to get airborne. And that's
5 a lot of different reasons. You have to put extra fuel
6 on aircraft, the weather conditions could slow things
7 down or in the case that our forward operating
8 locations, or the number of people that we have manning
9 them, leads us to a lower readiness status than if we
10 were at the air stations themselves.

11 The air stations are in a B0 status. They
12 have crews there to take care of that. Once you take a
13 crew the aircraft, and move it out to one of our forward
14 operating locations, you -- your manning changes and
15 that's one of the issues. They only have that one crew
16 for that aircraft. They don't have two crews there. So
17 they are -- so having them avail in that duty status for
18 a longer period of time is not, you can't do it in a B0.
19 You have to go to a B2.

20 CDR MULLER: Okay, thank you. That's all my
21 questions. Mr. Gillette?

22 **EXAMINATION**

23 BY MR. GILLETTE:

24 Q. Hi Mr. Webb.

25 A. Hi.

1 Q. My name is James Gillette with the Coast
2 Guard. I just have one follow-up question on something
3 that you mentioned. You said something about three
4 years ago you stopped sending aircraft to St. Paul. Can
5 you elaborate a little about that?

6 A. It's been, I think it is three years; it might
7 even be four, actually. You know, time flies with this
8 job.

9 But so with manning issues and aircraft issues
10 that we have, the number of aircraft that we have, you
11 have to make some decisions on where are you going to
12 put your aircraft.

13 With Crab Rationalization it changed
14 everything out in the Bering for us. We have way less
15 search and rescue than we used to have. The last crab
16 boat that got in trouble out there was the Big Valley,
17 and that was in 2005. That was the last year of the
18 derby style fishing that they did.

19 So with the length of seasons getting longer
20 we, there had to be a decision made on where are we
21 going to keep our forward operating location? Are we
22 going to keep both of them, are we going to keep one of
23 them, are we going to, you know, how are we going to man
24 it. And just when you do the statistics of the number
25 of SAR cases, and if we can reach the vessels in,

1 basically one tank of gas from Cold Bay, or from St.
2 Paul.

3 Cold Bay, where we have a hangar, and we have
4 facilities was the better choice. There is more
5 activity down there; there was more need for it down
6 there than there was up north near St. Paul. The
7 numbers just showed that. And the seasons being much
8 longer, the amount of crew time that we were spending up
9 there was unsustainable for the two different locations.
10 And the number of aircraft we were putting out there.

11 Q. Thank you Mr. Webb. Commander that is all the
12 follow-up questions that I have.

13 CDR MULLER: Thank you. Mr. Karr, NTSB, do you
14 have any questions?

15 **EXAMINATION**

16 BY MR. KARR:

17 Q. Do you recall how many crab boats, or how many
18 fishing vessel were in the Bering Sea last, this last
19 February?

20 A. I don't have the exact number, but I don't
21 think it was above sixty.

22 Q. All right, thanks.

23 A. Yeah, I don't have that exact number. But I
24 think it was pretty low, about sixty or so.

25 CDR MULLER: Quick follow-up question to that,

1 if you don't mind.

2

EXAMINATION

3 BY CDR MULLER:

4 Q. When you describe the Bering Sea, what is that
5 region specifically? I mean, is that everything --

6 A. The Bering Sea is north of Aleutian Islands,
7 all the way up to the Bering Strait. And you can
8 include Bristol Bay as part of that; it is all kind of
9 the same waterway.

10 So it is basically, Western Alaska. And
11 anything above Bering Strait is the Arctic, you know,
12 the Tauchese (sounds like), so that's the Arctic Ocean.
13 The Bering is everything south of that.

14 Q. Okay. I hope this is a fair question.

15 A. Everything's fair.

16 Q. Perhaps, I don't -- might be better set for
17 next week when we talk to the State. But, essentially
18 the crab species, the seasons, the catch areas are
19 across and expand pretty much the majority, all across
20 the Bering Sea, not just one particular region, is that
21 right?

22 A. Right. Pretty much. There is different types
23 of crab, there is blue crab, brown crab, red crab. That
24 are in different areas and they have different fisheries
25 for those. But the main, the two main crab fisheries

1 are the opilio and the king crab, those are the biggies.

2 Q. Okay.

3 CDR MULLER: Ms. Spivak do you have any
4 questions?

5 MS. SPIVAK: No questions.

6 CDR MULLER: Okay. Thank you Mr. Webb that
7 concludes our questions. Before I release you, is there
8 any aspect, information that you believe the Board
9 should consider that wasn't otherwise discussed at this
10 testimony?

11 THE WITNESS: No, I think I, we got
12 everything.

13 CDR MULLER: Very well. Mr. Webb you are now
14 released as a witness at this Marine Board of
15 Investigation. Thank you for your testimony and your
16 cooperation. If I later determine that this Board needs
17 additional information from you, we will contact you.

18 If you have any questions about this
19 investigation you may contact the Marine Board Recorder,
20 Lieutenant Commander Mendoza. Thank you again.

21 (Excuses witness.)

22 CDR MULLER: We will take a fifteen minute
23 recess.

24 (Whereupon a fifteen minute recess was taken.)

25 CDR MULLER: Good afternoon, this hearing will

1 come to order. We will now hear testimony from Petty
2 Officer Shipley. Petty Officer Shipley, if you would
3 please come forward to the witness table, and LDCR
4 Mendoza will administer your oath, and ask you some
5 preliminary questions.

6 LCDR MENDOZA: Please raise your right hand.

7 **WITNESS**

8 **PETTY OFFICER FIRST CLASS WESLEY SHIPLEY**

9 A witness produced on call of the Coast Guard
10 was duly sworn according to the law, was examined and
11 testified as follows:

12 THE WITNESS: I do.

13 LCDR MENDOZA: Please be seated. Please state
14 your full name and rank and spell your last name for the
15 record.

16 THE WITNESS: Operations Specialist First
17 Class Wesley Shipley, S-H-I-P-L-E-Y.

18 LCDR MENDOZA: Would you please state your
19 duty assignment, and location.

20 THE WITNESS: I am currently stationed at the
21 District 17 Command Center as an operations unit
22 controller.

23 LCDR MENDOZA: Could you please identify your
24 counsel? That would be LCDR Burby. Do you hold any
25 professional licenses or certificates?

1 THE WITNESS: I do not.

2 LCDR MENDOZA: Thank you.

3 CDR MULLER: So Petty Officer Shipley welcome.

4 Thank you for your assistance, participation and
5 contribution to this Mariner Board of Investigation. I
6 turn you now over to Mr. Scott Giard who will provide
7 you with a number of questions.

8 **DIRECT EXAMINATION**

9 BY MR. GIARD:

10 Q. Good afternoon Petty Officer Shipley, my name
11 is Scott Giard; I am with the Coast Guard's Thirteenth
12 District Incident Management Division here in Seattle,
13 Washington.

14 During your testimony, please speak up and
15 into the microphone so that the rest of the Board and
16 recorder can hear you.

17 In the course of your testimony, please let me
18 know if you need clarification or need me to re-word any
19 lines of questions. Also please let me know if you, at
20 any time, need a recess for any reason.

21 Petty Officer Shipley, can you please tell the
22 Board what your position is at Coast Guard District 17
23 in Juneau, Alaska?

24 A. I am an operations unit controller.

25 Q. How long have you been stationed at D17?

1 A. I am currently at my second tour at District
2 17. Currently I am on one year into that second tour,
3 but I was stationed there before, from 2005 to 2009,
4 where I worked there for four years as operations unit
5 controller.

6 Q. Can you briefly describe your previous
7 assignments with the Coast Guard that support your
8 search and rescue background?

9 A. I have worked at two different small boat
10 stations. I've been stationed on a 110 foot patrol boat
11 out of Florida doing patrols in the Gulf of Mexico. I
12 have worked at a vessel traffic service in New York.
13 And I have been working for the last twelve years as an
14 operations unit controller at District 17, at Sector New
15 Orleans, at Sector Juneau, in Alaska, and back to
16 District 17.

17 Q. Thank you. Can you please talk about the
18 specific training that you've received from the Coast
19 Guard as it relates to your duties as an operations unit
20 controller?

21 A. My previous experience in the Coast Guard, I
22 was a quartermaster, where I got a lot of navigation
23 training. As soon as I became an operations unit
24 controller, they sent me to search and rescue school in
25 Yorktown, Virginia, where I got my first training in

1 search and rescue back in 2005.

2 From there, we do monthly trainings, we do bi-
3 yearly standardization tests and I went back to search
4 and rescue school in 2013, as well.

5 Q. Thank you. Can you please describe what
6 position you were assigned in the Command Center on the
7 morning of the 11th of February, 2017?

8 A. That morning I assumed the roles of the
9 operations unit controller, or the SAR watch.

10 Q. Were you oncoming to the morning watch?

11 A. I was oncoming at the time.

12 Q. Can you briefly describe the duties of the
13 operations unit controller in the District 17 Command
14 Center?

15 A. The operations unit controller at District 17
16 does a lot of the search and rescue coordinating. They
17 gather all of the information that comes in from a
18 variety of sources, via SARSAT or our communications
19 units, and will coordinate and dispatch the different
20 search and rescue tasks. And also monitor the other
21 activities going on throughout the District.

22 Q. Can you briefly describe the watch passdown
23 process?

24 A. Normally when I come in to take the watch, I
25 will read the morning or evening reports. Basically,

1 it's just a synopsis of what had happened over the last
2 twelve hours.

3 From there I'll get a verbal passdown from the
4 previous, the outgoing watch that will let me know what
5 they worked on over the last several hours, and what's
6 also ongoing at the time.

7 Q. Do you recall if the District 17 Command
8 Center was working, or monitoring any other search and
9 rescue cases on the morning of 11 February, 2017?

10 A. When I walked in on that case, I do not recall
11 if there were other cases at the time. But when I
12 walked in the previous watchstander had handed me the
13 EPRIB alert, and it had just, just started then.

14 Q. Can you briefly tell me about the other watch
15 positions that were staffed that morning, and who was
16 filling those positions?

17 A. That day we had, as our command duty officer,
18 we had OSC Ryan as the -- I was the operations unit
19 controller, or OU1. The OU2, that day, I believe was
20 OS1 Karin. And we had one break-in watchstander at the
21 time; it was Lieutenant Junior Grade Hendricks.

22 Q. Thank you. Petty Officer Shipley, on the
23 morning of 11 February, 2017, did the Coast Guard
24 receive a distress alert, in the form of an EPIRB from
25 the fishing vessel Destination?

1 A. That is correct.

2 Q. How was the Coast Guard notified of this
3 distress?

4 A. We got the first alerts at; I believe it was
5 fifteen past the hour, just through our SARSAT system
6 only.

7 Q. When you say fifteen past the hour, do you
8 mean 6:15?

9 A. That is correct.

10 Q. Thank you. Do you know if there were any
11 other forms of distress communications beside the EPIRB
12 alert from the Destination?

13 A. None had been reported to our watch desk.

14 Q. Can you please tell us what types of
15 communications are available in the Pribilof Island
16 area?

17 A. There is very limited VHF through local harbor
18 masters or the St. Paul (inaudible word) sites that is
19 monitored through Coast Guard Sector Anchorage. There
20 is HF communications out there, through Combat Kodiak.
21 And any satellite communications through, if that vessel
22 has a, you know, a satellite phone, or an iridium or
23 Inmarsat-C.

24 Q. What were the Command Center's initial actions
25 upon receipt of the distress alert from the fishing

1 vessel Destination?

2 A. As soon as I entered the watch location, I was
3 handed EPIRB alert, because I entered the Command Center
4 right when the alert came in. I immediately started
5 making phone calls using the information that is
6 provided on the beacon alert. It is usually vessel
7 name, owner contact information, or any other
8 individuals that they choose to put on that beacon
9 registration.

10 I started making phone calls to the registered
11 owner. At the very beginning, I was not getting in
12 touch with anybody at the time.

13 From there I asked the Sector Anchorage to
14 make call outs on the VHF site out of St. Paul. And I
15 asked Combat Kodiak to make call outs on HF, to ask if
16 anybody -- basically, try to make contact with the
17 fishing vessel Destination.

18 Let's see, yeah, those were the initial. I
19 was trying to make contact with the vessel. I also
20 checked on the AIS feed to see if the vessel was there.
21 I believe the last AIS feed was about the exact same
22 time that the EPIRB went off. Or roughly, in that area.

23 Q. Call you briefly describe what call outs are?

24 A. Calls outs are when one of our communications
25 stations will try to hail the vessel. Basically, just

1 trying to make contact with the vessel. And sometimes
2 those can be expanded to asking if anybody has seen the
3 vessel, as well.

4 Q. When you say that initially you were not able
5 to contact the persons listed on the registration for
6 the EPIRB. Can you explain to me a little bit more
7 about how that works?

8 A. Basically, I was using the phone numbers that
9 were provided on the EPIRB. And at the time, I was not
10 getting any answers. So, I was leaving messages on
11 their voice mail to try to ask them to contact the Coast
12 Guard.

13 Q. When the Command Center, or the operations
14 unit controller receives an EPIRB alert similar to the
15 fishing vessel Destination, and none of the emergency
16 contacts answer right away, what kind of steps does the
17 Coast Guard take next?

18 A. Well generally we will move straight into
19 trying to hail the vessel on VHF or the other means of
20 communication that we can find for that vessel if there
21 is anything listed on the beacon registration as far as
22 sat phones, or anything like that.

23 From there, we will generally issue an Urgent
24 Marine Information Broadcast to make everybody aware of
25 the, that the Coast Guard is looking for the vessel. And

1 then from there, we will direct a launch to actually try
2 to get a visual sighting on the vessel.

3 Q. Do you have to rely on contacting an emergency
4 contact on the registration prior to making any
5 additional initial actions?

6 A. No, we do not.

7 Q. Thank you. Speaking a little bit more about
8 the vessel tracking on the Automatic Identification
9 System, or AIS, do you recollect doing any kind of
10 analysis of the vessel's track, initially? You said
11 that you thought that the vessel's last track was
12 approximately the same time that the EPIRB went off,
13 what do you mean by that?

14 A. I do remember when I was going over the EPIRB
15 information, trying to make initial contact with
16 registered owner, or the vessel itself, I had looked at
17 the time, and the EPIRB, the -- sorry, the AIS track was
18 only a few minutes old at that point in time, from its
19 last report.

20 Q. Do you recollect the position of the EPIRB and
21 the position of the last AIS track being near each
22 other?

23 A. From what I remember, they were in the
24 vicinity, but they were not close at all.

25 Q. Okay, thank you. When you were analyzing AIS

1 for the track of the fishing vessel Destination, were
2 there other vessels in the area, at the time, tracking
3 on the AIS?

4 A. There were, I believe three other vessels in
5 the area at that time. They weren't close, but they
6 were within a couple hours.

7 Q. Did you try to reach out to any of those
8 vessels that were two hours out, to try to find out any
9 information?

10 A. That is correct. We were using HF and VHF
11 data, were able to get in touch with -- I'm trying to
12 remember the name of the vessel -- the Bering Rose,
13 along with the Polar Sea and the Silver Spray all
14 responded to our urgent marine information broadcast to
15 say that they would head to the last known position of
16 the vessel to help assist.

17 Q. Did any of the vessels that you spoke to have
18 any information on actually seeing the Destination?

19 A. From what I recall I do remember that one of
20 the vessels had seen them rounding that corner, or I
21 don't have the details, but I think I do recall a
22 statement that one of the vessels had seen them in that
23 general vicinity.

24 Q. When you say, "Rounding that corner", what do
25 you mean?

1 A. The northwest corner of St. George Island.

2 Q. Okay, thank you. When you were trying to
3 contact emergency contacts via the EPIRB's registration,
4 what kind of information is available to you on that
5 registration, and what are you looking for when you
6 contact that emergency contact?

7 A. The information that is usually provided is
8 the owner information and any other emergency contacts,
9 and basic vessel descriptions. The name of the boat,
10 how long it is, where it is home ported out of.

11 When I am making contact with any of the
12 contacts that are on the beacon registration, I'm trying
13 to get more detail on how many people were onboard, what
14 kind of safety gear they had, where were they supposed
15 to be operating, do you have any further forms of
16 communications with the vessel, that kind of
17 information.

18 Q. Thank you. Were you able to; were you ever
19 able to contact anybody on the vessel's EPIRB
20 registration?

21 A. I was, finally, able to get a hold of the
22 registered owner.

23 Q. Can you recollect your conversation with Mr.
24 Wilson, the owner of the fishing vessel Destination?

25 A. He was very helpful. He did confirm that the

1 vessel was supposed to be operating in the area off of
2 St. George. He was able to give me how many people were
3 onboard, and what type of safety gear they had onboard
4 as far as life rafts. He also provided me with a couple
5 satellite numbers, and tried to attempt to contact the
6 vessel.

7 Q. After he gave you those numbers, were you able
8 to contact the fishing vessel Destination?

9 A. I placed calls to those numbers and got
10 nothing but voicemail.

11 Q. Can you describe the general tone that Mr.
12 Wilson had when you were told that the Destination was
13 operating off of St. George?

14 A. From what I recall, he was helpful and willing
15 to answer any of my questions.

16 Q. Were Coast Guard resources immediately
17 dispatched to last known position of the fishing vessel
18 Destination?

19 A. Not immediate, but shortly after we did our
20 initial, trying to make contact with the vessel
21 basically, within, I believe it was just over thirty
22 minutes after we were not able to contact the vessel, we
23 did request a launch.

24 Q. What resources were requested?

25 A. The --

1 Q. And where were they coming from?

2 A. The first at resources I requested at 1544Z
3 was the launch of a C130 out of Air Station Kodiak. And
4 I also requested the launch of the Cold Bay helicopter.

5 Q. Do you recollect who arrived first on scene
6 first to last known position of the fishing vessel
7 Destination?

8 A. I believe it was one of the Good Sam units.

9 Q. Can you please describe your interactions with
10 the Good Samaritans that day?

11 A. I never had any direct conversation with them;
12 it was all through different communications units that
13 did a lot of the speaking with the vessels. But they
14 were, they jumped right onboard, and were willing to go
15 over to the last location what we provided to them.
16 And tries to assist as much as they could.

17 Q. Do you recollect when the first Coast Guard
18 unit arrived on scene to the last known position of the
19 fishing vessel Destination?

20 A. On the -- in the MISLE transcripts, I've got
21 basically, that the Coast Guard 1714; it's one of our
22 fixed wing aircraft, arrived at 1913 Zulu.

23 Q. Did they find anything right away?

24 A. I don't recall exactly what they found right
25 away. I do know that during that time period, I can't

1 remember if it was the Good Sam's that -- one of the
2 Good Sam's found a small debris field, and an oil sheen,
3 and I believe the C130 found a -- they -- re --located
4 the EPIRB and a life ring.

5 Q. Do you know approximately, you have told us in
6 Zulu time? Can you briefly describe what Zulu time is,
7 and --

8 A. I did, sorry. Yeah, it is Greenwich Mean Time.
9 It is just a, it is a the universal standard time that a
10 lot of shipping traffic uses as well, so that there is
11 one time zone that everybody uses. So it is kind of
12 universally known, where it is, I believe up in Alaska
13 where it is +8 hours to whatever the Alaskan time is,
14 you add eight hours to that to get to the universal
15 standard time. But that changes with Daylight Savings
16 as well.

17 Q. So can you tell me in local time, the time
18 that the first Coast Guard unit arrived on scene to the
19 last known position of the fishing vessel Destination?

20 A. I believe that would have been 11:13 local
21 time.

22 Q. While the Coast Guard and Good Samaritans were
23 en route and finding the first pieces of debris, what
24 kind of work is being done in the Command Center?

25 A. At that point in time we are trying to start

1 our drift models, to try to get an expanded search area
2 to basically encompass that whole area so our search
3 assets are searching in the correct area where things
4 are moving around.

5 Q. Can you briefly describe the initial steps for
6 developing a search plan in SAROPS?

7 A. We take whatever position you are using, the
8 last known position or whatever information you have.
9 From there you will enter in the time that it happened,
10 as well. You will enter in what type of drift objects
11 you would like to use, be it a vessel, a life raft, a
12 person in the water, you will enter that information.

13 And from there you will enter environmental
14 data, as in wind current, winds, and sea currents in the
15 area that the computer modeling software provides. And
16 then you will generally put in a timeframe on when you
17 believe your first asset will arrive on scene. And let
18 the computer modeling software do some calculations to
19 give us an area to start looking in.

20 Q. Do you recall what you used as a search target
21 in your scenario in SAROPS?

22 A. I believe at that time I was using a life
23 raft.

24 Q. Did you know if there was a life raft onboard
25 the fishing vessel Destination?

1 A. I do recall that the owner did state that he
2 had a life raft with no canopy or (inaudible word).

3 Q. Can you briefly describe what you did with the
4 information when the Good Samaritans and the Coast Guard
5 found the debris and the EPIRB; can you describe what
6 you do with that information?

7 A. I plotted that information on to our SAROPS
8 program to make sure that the search patterns that we
9 were laying down, and covered, basically, those areas
10 plus even more. Those areas where the debris was found
11 and the EPIRB was found.

12 Q. How did you know that the debris was from the
13 fishing vessel Destination?

14 A. To be honest I didn't know that it was from
15 the vessel. But it was an assumption at the time.

16 Q. Do you recall running the probability of
17 survival decision aide that morning?

18 A. I did not, personally. One of our other
19 watchstanders ran that. And they did run it for just an
20 average person in a survival suit.

21 Q. You described being on watch that morning for
22 the initial part of the fishing vessel Destination case.
23 Did you stand any other watches during the duration of
24 the case?

25 A. Other watches as in?

1 Q. Later periods of time?

2 A. I, after I did stand the first, initial twelve
3 hours of the watch, it was definitely very busy that
4 morning, we had a lot of pieces moving and a lot of
5 planning that needed to be done that morning.

6 I was -- after a twelve hour shift, I was off
7 for twelve hours. And I believe I did return, but I'd
8 have to look at a schedule to verify that.

9 Q. Petty Officer Shipley, to date, do you know if
10 there have been any redevelopments for the search for
11 the fishing vessel Destination? Or if the search has
12 been reinitiated by anybody?

13 A. I have read in newspapers that the vessel was
14 located underwater using sonar. But I don't have any
15 details as far as that, where that position is.

16 Q. Petty Officer Shipley, those are all the
17 questions I have. Thank you. Commander Muller I have
18 no further questions.

19 CDR MULLER: Thank you, Mr. Giard.

20 **EXAMINATION**

21 BY CDR MULLER:

22 Q. I have a few follow-up questions, more for
23 clarification. Earlier in your testimony, you described
24 that during the course of your activities in the Command
25 Center as an OS you heard one vessel mention that they

1 saw the vessel rounding the corner there at the
2 northwest tip of St. George.

3 Can you describe what that vessel meant be
4 saw? Was it visually, by visual means? Or radar, or
5 AIS?

6 A. I can't recall exactly what that was. I'd
7 have to look back into more of the MISLE entries to see
8 if that was listed in there. It's just from my own
9 general recollection of the case, that somebody had
10 mentioned that they had seen the vessel earlier. I
11 don't have an exact time, or an exact position, though.

12 Q. Do you recall which vessel mentioned that?

13 A. I do not.

14 Q. What do you use as your last known position
15 when you are given various electronic devices or tools
16 in front of you that provide position, such as GPS --
17 I'm sorry, AIS or EPIRB information? Given those two,
18 which do you use to establish your last known position?

19 A. Generally we will take whichever appears to be
20 the best information at the time. If it is the EPIRB
21 information or the AIS position. Generally, we would
22 want to use the last known position if it correlates
23 with the time. And in this case it would have been the
24 AIS position.

25 Q. Okay. Let me pull on that a little bit. Can

1 you explain why you chose AIS as the position that you
2 had more confidence in versus the EPIRB position?

3 What I am getting at --

4 A. Um-hmm.

5 Q. We heard earlier in testimony from Mr. Webb
6 that there is a number of satellites, depending on the
7 type of EPIRB, depending on the satellite, it's
8 positioning, there are a number of variables. So what
9 I'm getting at, sometimes it takes time for the EPIRB to
10 settle on a position. I wanted to set that out so you
11 can see where I'm going.

12 A. That is correct. The AIS position gave us a
13 last know location of the vessel. All of the EPIRB hits
14 that -- the beacon alerts that we were getting at the
15 time through our satellite system were using the newer
16 satellites, the MEO satellites at the time. And that
17 position was changing with every single update.

18 And at one time it would be near the AIS
19 position. And another time it would be miles and miles
20 away. It, in my own mind it wasn't extremely reliable
21 at that exact instance, because the satellites hadn't
22 had time to fully form a composite location, a more
23 confident location.

24 Q. So is a reasonable way to describe that EPIRB
25 location, bouncing around? Is that a, I mean, is that a

1 good --

2 A. That is correct.

3 Q. -- a fair way to describe it?

4 A. It is, that is correct.

5 Q. Or zoning in or --

6 A. It gave us a general area at the time. But I
7 hadn't pinpointed an exact location yet, at the very
8 beginning of the case.

9 Q. Okay. Would you expect a different situation
10 with EPIRBS fitted with a GPS chip or device?

11 A. If it was fitted with a GPS, an encoded
12 signal, then it would give us a much more accurate
13 location.

14 Q. Okay. So do you happen to know if the
15 Destination, onboard the -- I'm sorry. The EPIRB
16 onboard the Destination had one of these GPS?

17 A. I don't recall.

18 Q. Okay. I have no further questions. Mr.
19 Gillette?

20 MR. GILLETTE: Commander I have no follow-up
21 questions.

22 CDR MULLER: Mr. Karr?

23 **EXAMINATION**

24 BY MR. KARR:

25 Q. When you were tracking a life raft, can you

1 tell me if that was tracking an inflated life raft, or a
2 life raft in a canister?

3 A. We were just, we put in whatever the system
4 told us at the time. I'm not quite sure how to answer
5 the question as far as what we were tracking. I'm not
6 sure if SAROPS can drift a life raft still in the
7 canister or not.

8 Q. All right.

9 A. I am unaware of if it can do that.

10 Q. And did, at any time did you change the object
11 that you were -- did you change the entry in SAROPS to
12 search for some other --

13 A. We did have more than a life raft in there.
14 We were also searching for people in the water as well.

15 Q. All right. Thanks. No more questions.

16 CDR MULLER: Thank you Mr. Karr. Ms. Spivak?

17 MS. SPIVAK: No questions. Thank you.

18 CDR MULLER: Let me just check in with Mr.
19 Giard, do you have any further questions?

20 MR. GIARD: No Commander.

21 CDR MULLER: Okay. So this concludes our
22 questions for you, Petty Officer Shipley. Before I
23 release you, is there any other information that you
24 believe the Board should consider relevant to this
25 casualty or this testimony this afternoon?

1 THE WITNESS: No, I do not.

2 CDR MULLER: All right, thank you. With that,
3 you are now released as a witness to this Marine Board
4 Investigation, thank you for your testimony and
5 cooperation.

6 If I later determine that this Board needs
7 additional information from you, I will contact you
8 through your counsel. If you have questions about this
9 investigation, you may contact the Marine Board
10 Recorder, LCDR Mendoza. Thank you.

11 THE WITNESS: Thank you.

12 CDR MULLER: We will take a fifteen minute
13 recess.

14 (Whereupon a fifteen minute recess was taken.)

15 CDR MULLER: Good afternoon, the hearing will
16 come to order. We will now hear testimony from Captain
17 Deer. Captain Deer if you would please come forward to
18 the witness table and LCDR Mendoza will administer your
19 oath, and ask you some preliminary questions.

20 LCDR MENDOZA: Please raise your right hand.

21 **WITNESS**

22 **CAPTAIN JOE DEER, USCG**

23 A witness produced on call of the Coast Guard
24 was duly sworn according to the law, was examined and
25 testified as follows:

1 THE WITNESS: Yes, so help me God.

2 LCDR MENDOZA: Please be seated. Sir please
3 state your full name, rank, and spell your last name for
4 the record?

5 THE WITNESS: Joseph E. Deer, III, D-E-E-R.
6 And I am a Captain in the U.S. Coast Guard.

7 LCDR MENDOZA: Could you please state your
8 duty assignment and location?

9 THE WITNESS: My current duty assignment
10 location, I am the Commanding Officer of Air Station
11 Elizabeth City, North Carolina. At the time of this
12 incident, I was the Chief of Incident Management at
13 District 17, Juneau, Alaska.

14 LCDR MENDOZA: Do you hold any professional
15 licenses or certificates?

16 THE WITNESS: I am a commercial aviator in the
17 U.S. Coast Guard.

18 LCDR MENDOZA: Can you state your current
19 employment and position title, sir.

20 THE WITNESS: Commanding Officer, Coast Guard
21 Air Station Elizabeth City, North Carolina.

22 LCDR MENDOZA: Thank you sir.

23 CDR MULLER: Well good afternoon Captain.

24 THE WITNESS: Good afternoon.

25 CDR MULLER: Thank you for your testimony

1 today. And congratulations on your new assignment in
2 North Carolina as Commanding Officer at the Air Station
3 Elizabeth City.

4 THE WITNESS: Thank you.

5 CDR MULLER: Just a few minutes down the road
6 from me in Portsmouth, Virginia. So I mention that,
7 because I also wanted to thank you for your travels to
8 attend today.

9 THE WITNESS: Yes, sir.

10 CDR MULLER: So I will now hand over to Mr.
11 Scott Giard, our SAR subject matter expert, who will
12 provide some questions. Thank you.

13 **DIRECT EXAMINATION**

14 BY MR. GIARD:

15 Q. Good afternoon Captain.

16 A. Good afternoon.

17 Q. My name is Scott Giard; I am with the Coast
18 Guard's Thirteenth District Incident Management Division
19 here in Seattle, Washington. During your testimony
20 please speak up and into the microphone so the Board and
21 the recorder can hear you.

22 In the course of your testimony, please let me
23 know if you need any clarification or would like me to
24 re-word any lines of questioning. Also, please let me
25 know if you at any time, for any reason, you would like

1 a recess.

2 A. Roger.

3 Q. Captain, can you tell us when you were
4 assigned to the 17th Coast Guard District?

5 A. I was assigned to the 17th Coast Guard
6 District from July 2014 until June 2017.

7 Q. Can you please describe briefly, your day to
8 day duties as the Incident Management Division Chief?

9 A. My day to day duties on the non-SAR side
10 included ensuring that both our surface assets, our
11 small boats, and also our offshore cutters and 225's
12 were in their appropriate areas.

13 I was also in charge of the tract (sounds
14 like), which is our MER, our Marine Environmental
15 Protection Unit. And that's pretty much it. I was the
16 chief of incident management. So anything that happened
17 from law enforcement to oil spills, to search and rescue
18 fell under my umbrella, including the Command Center
19 with a staff of about thirty-five.

20 Q. Thank you. Can you please briefly describe
21 your previous assignments and jobs with the Coast Guard
22 that support your search and rescue background?
23 Including your current job.

24 A. Most of my career was spent in aviation. I
25 have flown both helicopters and airplanes. Captains in

1 the position that I occupied in Juneau were typically
2 aviators, and still are. My replacement was also an
3 aviator.

4 My jobs were in New Orleans, in Alaska, I
5 served in Kodiak Alaska. I flew there, both rotary and
6 fixed wing for eight years. And then -- I have had six
7 aviation units that I have flown in. So rotary and
8 fixed as well as a staff tour.

9 So, in addition to that, the training for the
10 job, once -- prior to me getting up to Juneau as a
11 SAROPS supervisor, I went to Norfolk, Virginia for a
12 one-week course to do that job.

13 Q. Thank you, Captain. Were you a search and
14 rescue mission coordinator, or a person exercising
15 active search suspension authority in your position at
16 District 17?

17 A. Yes, I was.

18 Q. Can you please, briefly describe the duties
19 and responsibilities in your words, for the search and
20 rescue mission coordinator, or SMC, and person
21 exercising ACTSUS?

22 A. Yes, the search and rescue mission
23 coordinator, or the SAR mission coordinator is just what
24 it sounds like. For each instance that comes up you
25 have ultimate responsibility under the admiral. And

1 then as ACTSUS, I had access for certain cases within
2 the Sectors. Their SMC's would run the cases, and then
3 depending on all the things that we work with in search
4 and rescue scenarios based upon the probability of
5 success, et cetera, I would grant access for both
6 sectors in District 17.

7 Q. Can you describe what makes the Coast Guard's
8 Alaska area of responsibility and the North Pacific
9 search and rescue region different than that of say, the
10 District here, in Seattle?

11 A. As Mr. Webb alluded to before, I think just
12 the sheer size of District 17 in Alaska, when you place
13 it over the lower 48 states it pretty much goes coast to
14 coast.

15 I would say, infrastructure as well, we don't
16 have as much infrastructure as the lower 48 states has.
17 So a lot of time we are a little bit more limited. You
18 mentioned that District 13, there is less other agencies
19 that we can rely on. So our partnerships in Alaska, we
20 exercise those and keep those strong as much as
21 possible. But mostly distance and infrastructure
22 limitations in D17, would be the primary.

23 Q. Thank you, Captain. Specifically focusing on
24 Coast Guard aircraft operations, can you please describe
25 some of the risk-management processes that are built in

1 to how the Coast Guard operates in Alaska?

2 A. Sure. Of course one of the main things that
3 we have to work with in Alaska is weather. We've got
4 three different types of airplanes/airframes that we fly
5 up here, C130's, MH60 Tango helicopter is our medium-
6 range helicopter. And our shorter range, MA65.

7 Icing is a concern. So on -- when I get calls
8 on particular cases, knowing the capabilities of each of
9 these airplanes/airframes, I have flown two out of the
10 three. And I have subject matter experts that are right
11 at my side for the third one. We have to look at data,
12 make sure that the weather is such that the aircraft can
13 actually go and fly into those environments.

14 And I would say weather is the big concern,
15 and distance. I mentioned infrastructure before.
16 Refueling locations are also a limitation in Alaska. As
17 you head up the chain, and you head up into the Artic,
18 they are very limited.

19 Q. Thank you. Delving a little bit more on
20 distance with aircraft. Can you briefly describe what
21 cover aircraft are, and what self-rescue is?

22 A. Sure. In our Commandant Instruction, called a
23 3710, we have the same survival tables based upon how
24 the pilot and air crew, what gear they are wearing
25 inside the aircraft.

1 So we look at that, and we look at
2 temperatures. And as a general, generalization up here
3 in Alaska we try to get on the scene with a helicopter
4 that would (inaudible word) crash into the Bering Sea,
5 for example, we try to get on the scene within four
6 hours is our typical survival time.

7 It could be up a little bit higher than that
8 if the sea temperatures are higher. But typically
9 around four hours.

10 And self-rescue, of course, it going to be
11 another helicopter coming to rescue an initial
12 helicopter that goes into the water.

13 Cover assets typically could be a C130. They
14 are usually C130's up here. As far as -- we have comms
15 limitations the further you go up the chain. So we will
16 try to get a C130 over the top so you can maintain your
17 radio (inaudible word) with them, in the event you have
18 any issues.

19 Q. Thank you. Captain, can you describe how from
20 when the Command Center requests, during a search and
21 rescue case, a, say an air asset from Air Station
22 Kodiak. Can you describe from when the Command Center
23 requests that asset to be launched, to when they arrive
24 on scene. And kind of the processes that happen behind
25 the scenes?

1 A. Sure. Having served in Kodiak both as an
2 operational pilot, and also as the operations officer,
3 as a chief pilot, once that initial case arises, the
4 Command Center usually gets the call. And they don't
5 have to call the SAR mission coordinator to actually get
6 the aircraft going. But they will call. And usually
7 have a second person call the SMC.

8 They will launch the aircraft. Call me, the
9 SMC, whoever is acting as SMC. And I'll ask again about
10 weather, distances. Again, with my knowledge, knowing
11 the capabilities of the airframe, there are a lot of
12 things that I know, so my questions are very specific to
13 that. Making sure that we can execute the mission
14 successfully.

15 And then it gets passed to the Air Stations,
16 and they each have their own commanding officers, and
17 their own operations officers who do an additional
18 assessment.

19 And then it finally goes right down to the
20 pilot in command. The pilot in command has final
21 refusal, or the ability to accept or refuse a mission
22 based on their risk versus gain.

23 So there is kind of a tiered approach to it.
24 From the SMC -- the Command Center, to the SMC, to the
25 commanding officer, the operations officer, right down

1 to the pilot and air crew that are going to fly the
2 airplane.

3 And it all happens pretty quickly. But there
4 are those layers to it.

5 Q. Thank you. Mr. Webb spoke, briefly about a
6 large Coast Guard cutter operating in the Bering Sea,
7 during periods of the year. Can you speak a little bit
8 more about that? Do they have a helicopter on board?
9 What kind of capability do they have?

10 A. Yes. We have what's called 1.0 Bering Sea
11 coverage. We try to have a, typically a 378 up in the
12 Bering Sea, year round. My actual, as a former 65
13 driver, I spent three years doing deployments in the
14 Bering Sea and flying off the back of cutters. So I can
15 speak to that.

16 They are a little bit more limited in their
17 range. They don't have de-icing capabilities. So
18 that's always a concern with an MA65. But the advantage
19 that the 378 brings to a search and rescue case, or
20 maybe even going beyond the capabilities of the MA60,
21 which is about 250 miles offshore. Is that it is
22 mobile. You can sail to an area, operate with the MA65,
23 effectively come back to fuel, or to the ship and fuel.

24 And occasionally we would send them up to the
25 maritime boundary line to do operation up there where it

1 is outside the range of the MA60. So, that's the
2 advantage of having a ship/helicopter combination. I
3 would say the majority of the year, the 378's operate
4 somewhere between St. Paul and Cold Bay, and over to
5 Dutch Harbor, is their primary operational area. That's
6 where the majority of the fleet is at.

7 Q. Would you say that the primary reason why that
8 cutter and aircraft are in the area is to support search
9 and rescue?

10 A. I don't know if I would call it the primary
11 reason. Law enforcement and Living Marine Resources,
12 LMR is right there with search and rescue.

13 Of course, they are there to support search
14 and rescue should the need arise. But the typical 378
15 will be out in the Bering Sea, say north of Cold Bay; in
16 an area we call the slime banks. And they will be doing
17 boardings to ensure that the fishing fleet is operating
18 within the regulations that they are operating safely.
19 And they will do boardings, just kind of spot checks out
20 there. So make sure that's all progressing well.

21 Q. Thank you, Captain. Captain what was your
22 role in the incident involving the fishing vessel
23 Destination?

24 A. I was the SMC for that case.

25 Q. Did you maintain search and rescue mission

1 coordinator throughout the entirety of the case?

2 A. Yes.

3 Q. On the morning of the incident, was the
4 Command Center staffed in compliance with Coast Guard
5 requirements?

6 A. Yes.

7 Q. Thank you. Do you recall how the Coast Guard
8 was notified that the fishing vessel Destination was in
9 distress?

10 A. Yes. As Petty Officer Shipley mentioned
11 earlier it was, it came in through the SARSAT system, on
12 a computer that we maintain 24/7/365 in our Command
13 Center. And that was our initial notification.

14 Q. How were you notified, or briefed on the case,
15 initially?

16 A. I believe it was actually a Saturday. I was
17 called at my house at a little bit before seven a.m. by
18 the Command Center.

19 Q. Who notified you of the incident? How did
20 they accomplish that notification?

21 A. They called me on the phone and told the
22 details of the case, and that they had already launched
23 Kodiak and Cold Bay. And I believe the conversation
24 that I had with them, again talked about weather,
25 distances, getting that far out in the Bering, almost

1 six hundred miles from Kodiak. And then sending an
2 aircraft from Kodiak to Cold Bay. Then Kodiak up north,
3 is a logistical, we want to make sure we've got the gas,
4 and the weather. So it was a conversation along those
5 lines.

6 Q. Can you walk us through your actions after
7 receiving the initial notification from the Command
8 Center?

9 A. Well I got the call at my house; it was about
10 6:45, or 6:50. I had the conversation that I just
11 described. And after that I, you know, I was basically
12 up and started my day. And kind of in my mind as these
13 cases, you know, the first thirty minutes between 6:15
14 and about 6:45 when I got the call is what we typically
15 call our pre-comms time.

16 That happened, I got the call. And we
17 launched, really two helicopters and a C130 was the
18 direction. And that point, my job is done for a period
19 of time. I monitor. And after that I think we had a
20 few more phone calls as far as the progress of the case
21 went.

22 But, and then about 9:30 or so I went into the
23 Command Center. Once I realized more details were
24 coming in, I wanted to go and see, in person, right
25 there, in the Command Center what was going on so I

1 could have a direct contact.

2 Q. Thank you. Can you describe, after you
3 arrived at the Command Center what kind of things you
4 interacted with the watch about? And other interactions
5 with District staff that you had that day? Or other
6 staffs?

7 A. Right. I think I spoke with my boss, Captain
8 Thorn, DR. And we talked about -- and I'm going off
9 memory here -- once I got inside. Mostly I just
10 monitor, and they are all excellent at their jobs. So I
11 try not to go in there, and you know, get in the way.

12 But we diverted the Morgenthau with a 65. I
13 did talk to Captain Thorn that day. And I believe also
14 Admiral McAllister, as the case evolved.

15 And at some point, too, the media got
16 notified, so we assigned somebody from our Public
17 Affairs Division to come down and take those calls, and
18 handle media inquiries.

19 Q. Thank you, sir. Can you talk to us about your
20 decisions and discussions on what resources were going
21 to be dispatched initially?

22 A. Can you ask that question again?

23 Q. Yes, sir. So you say you launched the 60 out
24 of Cold Bay, and also a C130, and a 60 from Kodiak.

25 A. Um-hmm.

1 Q. Can you walk us through why you would launch
2 all those assets?

3 A. Right, right. Well the -- in Kodiak the way
4 the island, the Air Station is configured, is we've got
5 -- when there is a 60 out in Cold Bay, which is 15
6 October to 15 November, and 15 January to 15 March, give
7 or take every year. We have a B0. A thirty minute
8 launch aircraft out of Kodiak. And we also maintain a
9 B2 back at Kodiak.

10 So when the -- if Cold Bay gets launched, we
11 will launch the B0 out to provide that self-rescue, not
12 just cover but also self-rescue in the event the
13 unthinkable happens.

14 So they had, it is about a three and a half
15 hour trip from Kodiak out to Cold Bay. And once they
16 get within striking distance, then we launch the 60 out
17 of Cold Bay to head north. And the C130, I think they
18 had to add some gas that day. And it is a thirty minute
19 launch window for them. And it is about a two and a
20 half hour flight from Kodiak to St. George. And it is
21 about two and a half, as well, for the 60 out of Cold
22 Bay.

23 So that was what I anticipated, is 60 out --
24 and the 60 you have, maintenance, I think at one point
25 the 60 that launched up in Kodiak had some icing. So

1 they had to come back and address that before they could
2 get launched up to Cold Bay.

3 Q. Thank you. Did you have any other challenges
4 with resources? For example, mechanical, or icing, or
5 weather challenges throughout the case? And can you
6 speak to any of those?

7 A. Just the 60 as it was heading out of Kodiak
8 developed some icing, and they had to come back and
9 address that. As far as the 378 and the 65 that was out
10 in the area that headed up to St. George, there were no
11 known mechanical. I think there was some weather they
12 couldn't go really fast. They had to slow their speed
13 down a little bit in order to get up there.

14 And there was, you know, that was a bit of a
15 challenging sea state to get up there with the 378. But
16 those were the main things, icing. And other than that,
17 nothing else.

18 Q. Is that fairly typical for that time of year,
19 Captain, to have mechanical and weather issues like
20 that?

21 A. Weather issue, for sure. Mechanical it just
22 depends on the day. There was, I, I did speak with the
23 chief pilot over at Kodiak, and there was some weather
24 to contend with between Kodiak and Cold Bay as well.
25 There was the same weather that we saw on scene that

1 would also create some difficulties for them as they
2 were doing their planning to head up the St. George.

3 Q. Thank you. Captain, do you recall what the
4 Coast Guard's first resource was on scene to the last
5 known position of the fishing vessel Destination? And
6 how long it took to arrive on scene after their initial
7 notification?

8 A. It was a C130, I believe it was, the tail
9 number was the 1714, and I think they got on scene about
10 10:13 a.m. in the morning. And it is about a two and a
11 half hour flight depending on headwinds or tailwinds
12 between Kodiak and St. George.

13 Q. Do you recall when the 60 out of Cold Bay
14 launched, and when they arrived on scene?

15 A. The 60 out of Cold Bay, arrived on scene about
16 noon, I believe, somewhere around noon.

17 Q. Was the 60 in Cold Bay the nearest Coast Guard
18 resource to the last known position of the fishing
19 vessel Destination?

20 A. Right. Yes.

21 Q. Is it typical for it to take four hours after
22 initial notification for a Coast Guard asset to arrive
23 on scene?

24 A. Depending on the distance and the planning
25 factors that go into it. You know, if you are close to

1 where the aircraft is, of course, the time is shorter.

2 But, you know, it just depends on where it is
3 at. We've had cases out in ADAK, and you know, further
4 out the chain it takes us a ways to get there. So...

5 Q. Thank you, sir. Petty Officer Shipley briefly
6 described this, can you explain to me, from your
7 perspective as search and rescue mission coordinator,
8 while the CG assets are flowing to the scene, and the
9 Good Sam's are starting to arrive on scene, what kind of
10 work is being done in the Command Center and from other
11 staffs in Juneau, from the Coast Guard.

12 A. Well in addition to movement of all of the
13 assets, we've got our UMIB's that continue to go out,
14 the call outs are continuing to happen, we are
15 constantly on the phone gathering additional
16 information. And if they are -- depending on where the
17 case is located, if there is other resources that we can
18 draw upon, like the Alaska State Troopers, or ground
19 assets in the area, we will try to exercise all that.

20 But we continue to build the case. Initially
21 though, we get our main assets heading to the scene,
22 which is, you know, ships and aircraft.

23 Q. Once the first Good Samaritans arrived on
24 scene, and the Coast Guard assets, specifically the C130
25 arrived on scene and were unable to locate anything in

1 the last known position where the EPIRB was, what was
2 the next step?

3 A. When you say they were unable to locate
4 anything.

5 Q. So when the -- when the Good Samaritans and
6 the Coast Guard first arrived on scene, to the last
7 known position of the EPIRB.

8 A. Um-hmm.

9 Q. Were they able to locate anything?

10 A. Yeah. I'm not sure exactly -- I can't align
11 each item with who located it. But I know there was an
12 EPIRB, there was a life raft, I believe there was a
13 table, oil sheen, some other debris in the water, which
14 was located by both the C130 and the Good Sams
15 initially. So...

16 Q. And once debris, a debris field is found, and
17 a sheen, an EPIRB, what do you do with that information?

18 A. Well, it gets back to the Command Center; we
19 report it back to the Command Center. The on scene
20 commander, which at that time would have been the C130
21 air crew, reports that they take those updated
22 positions, and they use that verify and/or update the
23 information that they put in SAR OPS system, so it helps
24 us with our subsequent drift patterns, and search
25 patterns as we keep flowing more assets to scene.

1 Q. Thank you. I would like to now display
2 Exhibit 9. Exhibit 9 is a presentation of the Coast
3 Guard's search effort for the purposes of briefing next
4 of kin. Captain you also have a copy in your binder if
5 you need it.

6 A. Okay. I can see that.

7 Q. Okay, roger that. So at this point, Captain,
8 I would just like to have you walk us through -- there
9 are nine slides here. I believe this is similar or the
10 exact product that you used to brief next of kin's on
11 the Destination case.

12 A. Yes.

13 Q. If you could just briefly walk through each
14 slide and just have you tell us a little bit about the
15 searches themselves.

16 A. Sure. If you look to the left there, you will
17 see the EPIRB. And also the AIS track, which I don't
18 know if it shows it on any subsequent slides. But on
19 the northwestern side of the island, is where that was
20 located, as I recall. It was going 2.3 miles down the
21 southwest at about the seven o'clock position you have
22 the Coast Guard Cutter Morgenthau coming to scene with
23 an MA65, short-range helicopter on board.

24 Up on the tope you've got the Coast Guard A60,
25 the first one to arrive on scene, the first helicopter

1 to arrive on scene. And these are -- you've also got
2 the 1714, which is the first Coast Guard asset to get on
3 scene.

4 There's also a life ring and an EPIRB which I
5 believe were, were both recovered by a Good Samaritan,
6 the life ring for sure. So ...

7 On this one here, the bigger, what we call the
8 Papa Sierra (PS) search and the light green is the C130,
9 search pattern. And I think closer in it may have been
10 a small search pattern we had them do originally.

11 And then, in the purple there, I believe it
12 was, you will -- that's the A60 search pattern. And in
13 that little discoloration is the SAROPS drift modeling
14 that we use. And that's the likely areas that we think
15 the items we are looking for could be found in. So ..

16 Q. Captain, at this point in the search, and the
17 initial phases of the search, what was your search
18 target?

19 A. Well, as I said earlier, I believe it was a
20 raft initially. And then we also ran a PIW drift, as I
21 recall.

22 And then in this one, here, you can see they
23 are starting to get concentrated, you are kind of losing
24 visibility in some of those that are underneath. But we
25 are really saturating the area as more and more assets

1 are flowed to scene, you will see that we can really
2 cover very thoroughly our primary area, which is
3 northwest of St. George there.

4 But then there is also some other
5 possibilities as those dots move out to the southwest,
6 and south. We use a bigger one, long range aircraft to
7 go out there and see those less likely areas there.

8 And if you look in the bottom side there, due
9 south of, south west of St. George, you will still see
10 debris. I believe that was debris that we found a
11 subsequent day. And that was letting us know that we
12 were searching in the correct area. We were
13 continuously finding debris both days that we searched.

14 So, our SAR OPS, for me that verified that our
15 SAR OPS drift modeling was working as it should.

16 And at this point here, we are 20.91 hours
17 searched. I believe the larger patterns, again, are our
18 C130 patterns. And we are finding more debris, we
19 found, like I said, the floats, to the southwest there.
20 And it is kind of more of the same. But we are
21 continuing our search and the scatter plots are getting
22 wider and wider, the longer, the more time that passes.

23 This is an area that we were interested in,
24 and sent the 60 out to search to the southwest. And
25 based on finding some -- I think that debris and the

1 drift modeling. And then up by St. George you can see
2 the -- I think it was a 65 search pattern there, once
3 the Morgenthau -- a 65 got on scene, I think that is the
4 orange pattern.

5 I think this is the something -- this is the
6 ECO search. And this was, I think our, we are getting
7 towards the end here. And that was a, I think that was
8 a 60 that searched that far, eventually, that was a 60
9 as I recall.

10 And you can see the total search efforts
11 overlaid on top of each other. And we definitely
12 saturated the area. I can say I did speak with the
13 pilots that were out there flying on the scene, and the
14 search conditions, the visibility were good. And they
15 were very confident that if there would have been a
16 raft, or a gummy suit or something like that, that they
17 would have -- they had high confidence that they would
18 have been able to see it.

19 And you see the debris that was found, sheen
20 and buoys, a folding table, tarps, a life ring, an
21 EPIRB, some bait buckets, I think that was on the second
22 day. And then they also had a ground search party on
23 the northwestern side of St. George Island then that did
24 find some of the sheen along the shoreline.

25 And those are the aircraft that we used on

1 scene. And that is the Coast Guard Cutter Morgenthau on
2 the bottom left there.

3 Q. Thank you Captain. Captain was the life raft
4 ever found?

5 A. Not to my knowledge.

6 Q. Can you speak to any searching that was
7 completed on land, on St. George Island?

8 A. I know that we were in communication with the
9 folks on St. George. And they had ATV's and people on
10 foot out walking the shoreline, and looking for debris,
11 and the evidence. And I believe the only thing that
12 they found was the sheen that I described earlier. But
13 I'd have to verify that by going back and looking at our
14 documentation.

15 Q. Thank you Captain. So Captain we are going to
16 shift focus a little bit from the case operations to the
17 suspension process.

18 A. Okay.

19 Q. Can you please talk to us about the Coast
20 Guard's process for notifying the families of the
21 individuals that were unaccounted for in the fishing
22 vessel Destination?

23 A. Right. There was, we of course don't wait
24 until the end. We are in contact with the families
25 throughout the entire, I think it was about two and a

1 half days of searching, notifying them of, you know,
2 everything that we were doing as far as on scene assets,
3 total number of tract miles searched, number of hours,
4 survival times, et cetera.

5 And finally, I think it was about a little
6 over two days later, two and a half days, we had had to
7 brief Admiral McAllister for suspension. But it was a -
8 - something that we looked at long and hard, and took it
9 well past any anticipated survival times, which we do a
10 lot of times.

11 But yeah, ultimately it rested with the two-
12 star Admiral McAllister at D17. And that's kind of how
13 it went. And we had a Command Center with a lot of
14 people; we had talked to all the family members that
15 were aware. And then finally suspended the search. And
16 you have got it in front of you, the date sometime
17 there.

18 Q. Thank you. This case has significant media
19 interest, and there were many families and friends
20 involved.

21 A. Um-hmm.

22 Q. This case, can you talk about how that factors
23 in to case operations and the suspension process?

24 A. Yes. Well, like I said earlier, we assigned a
25 public affairs officer to take the media calls; there

1 were a lot of them that came in on this case. And it
2 continued to increase over the following days. And my
3 job was to, you know; make sure that my watchstanders
4 could still do their job, in the Command Center. So
5 they handled that.

6 And give me again, the second part of that, as
7 far as --

8 Q. Just how the interactions with family and
9 friends --

10 A. Yeah.

11 Q. How that factors in?

12 A. Well, it is always tough, and it was really
13 tough in a case like this. We, everybody goes out
14 there, I can tell you that Air Station Kodiak, we
15 literally launched everything that we had. In fact, a
16 concern that I had as a SAR mission coordinator was,
17 once all of our assets, I think we had two helicopters,
18 and multiple C130's, we bagged a lot of crews, took them
19 up to and past their permission times.

20 Everybody tried really hard; we really wanted
21 to find these folks. And talking with the family
22 members, you know, we sort of, you know, it was really
23 tough. And we finally came to the conclusion after a
24 long time that it was time to suspend it.

25 But we definitely did it with their full

1 knowledge. And I can tell you that Air Station Kodiak
2 was, and the Coast Guard Cutter Morgenthau, and that
3 aviation crew on the back, did everything they could.
4 And, in fact, most of our assets were at St. Paul, and
5 the weather moved in, and it took us a long time to get
6 them to Kodiak.

7 I was concerned that we would have another
8 case that may come up that we wouldn't be able to
9 respond to because everybody was up there in St. Paul.
10 So it was, it was tough, and that's kind of how it went.

11 Q. Thank you. You spoke to factors that play
12 into the process for concluding searches, including the
13 survivability. Can you just briefly talk about other
14 factors other than probability that go into the Coast
15 Guard's process for concluding searching?

16 A. Beyond probability of surviving?

17 Q. Yes, sir.

18 A. Well there is -- we do all of our research, we
19 make all of our inquiries, and we want to make sure
20 we've got all bases covered. Including any even remote
21 possibilities that these folks may have, you know, maybe
22 gotten to shore or something like that.

23 And we look at all of that beyond just the
24 PSDA and the probability of survivability, you know, and
25 our tables. And, but at some point, you know, we can't

1 continue to be out there. We kind of have a limit that
2 we reach, and we went well beyond it in this case.

3 Q. Thank you sir. Captain, today, do you know if
4 there have been any redevelopments, or if the search for
5 the fishing vessel Destination has been reinitiated by
6 anyone?

7 A. I just saw that, I guess, with sonar that
8 Petty Officer talked about earlier, that's the only
9 thing that I'm aware of, that they actually saw it on
10 the bottom of the ocean. But I am not aware of any
11 additional search efforts going on at this point.

12 Q. Captain Deer, those are all the questions that
13 I have. Thank you very much.

14 A. Yes, sir.

15 MR. GIARD: Commander Muller, I have no
16 further questions for Captain Deer.

17 CDR MULLER: Thank you Mr. Giard. Good
18 afternoon again, Captain.

19 THE WITNESS: Good afternoon.

20 CDR MULLER: I have a few follow-up questions.

21 **EXAMINATION**

22 BY CDR MULLER:

23 Q. Broadly speaking, with your experience,
24 working with command centers, and perhaps there are more
25 specific examples by way of this specific case with the

1 fishing vessel Destination.

2 A. Um-hmm.

3 Q. I wanted to get an appreciation of the command
4 center, the environment, the level and volume of calls
5 that watchstanders, such as OS1 Shipley have to manage
6 in particular these kinds of cases. So if you can help
7 build a picture of what goes on and if I may, you know,
8 some of the distractions, if you will, that may come
9 into play?

10 A. Sure. While I didn't actually do a count, I
11 don't know that that data is available. But I can tell
12 you that I spent most of my, those couple of days in the
13 Command Center, and we probably had, you know, dozens
14 and dozens of calls every day. It would be, you know,
15 I'm guessing probably up to a hundred, by the time it
16 was done.

17 So you have the media calls. Of course, you
18 have inquiries from the family members, which we are
19 happy to take, that comes in to the Command Center.

20 I can tell you by virtue of the magnitude of
21 this case, we had some very senior officers in the
22 Command Center watching it. So we try not to distract
23 the workers. Adding value where we can. But yeah,
24 there is between the media, leadership, we'll get a call
25 occasionally from like PACAREEA, those Command Centers

1 down there asking us if they can help us.

2 But yeah, they've got their work cut out for
3 them, sorting those cases, and triaging them. Or not
4 cases, sorting those calls and triaging them, and
5 getting them to the right departments. But yeah, they
6 definitely, it's a busy twelve hours. And at the end of
7 the twelve hours they need to go home and rest so that
8 they can come back and do it again. So it is a long
9 process, a lot of work.

10 Q. Okay. Thank you. I heard earlier, you
11 mentioned a thirty minute launch window.

12 A. Um-hmm.

13 Q. I believe for helo, for a helicopter, or a
14 fixed wing aircraft. So, I'm trying to get an
15 appreciation is that a goal? Is that an average time?
16 Do crews, you know, I'm trying to get an appreciation --
17 you can't just turn a key in your car, and launch an
18 aircraft. Is that right?

19 A. Right.

20 Q. So is this a minimum, so to speak?

21 A. Well it's, we try to shoot for thirty minutes.
22 In cases like this where you have add extra fuel that
23 takes time, depending on the distance of the cases. An
24 average SAR load for a C130, for example, is 45,000
25 pounds. And they will, usually, for cases like this

1 where it is a great distance off shore, they will add
2 another 10 or 15,000 pounds of gas.

3 And the 60, as well, as they are heading out
4 to Cold Bay, it's a long flight. Their typical fuel
5 load, I think is around 4,000 pounds, and they may fuel
6 it up to 5500.

7 But yeah, it is not just like going out and
8 starting your car in the driveway and taking off. There
9 is very limited infrastructure in Alaska. And you have
10 to make sure you have enough gas to get to the next
11 spot. And you have to be able to navigate through the
12 weather. Anticipate headwinds. Sometimes you
13 anticipate a speed over the ground for a helicopter, say
14 125 knots. You may have a 40 or 50 knot headwind, so
15 you've got to add extra gas to account for that
16 headwinds.

17 But yeah, there is a lot of planning that
18 goes, depending on which direction they send us, and the
19 nature of the case. Sometimes we will have to add extra
20 gear onboard. Depending on the needs of the vessel. So
21 there is a lot of activity happening at the air station
22 prior to getting airborne.

23 Q. This is somewhat of a technical question. And
24 I do not expect you to have the exact answer. The PSDA
25 which is survivability, survival decision guide, or

1 something to that effect.

2 A. Um-hmm.

3 Q. Where depending on if you place a person in a
4 life raft, an emersion suit, a life ring, or just
5 general clothes. There are various forms or factors.

6 A. Right.

7 Q. Broadly speaking, the functional when we are
8 talking functional times. In the Bering Sea in February
9 is it possible that some of those factors would be less
10 than thirty minutes? Functional survivability?

11 A. You know, I'd have to actually go and look at
12 the tables on that. The only thing I can reference by
13 memory is what I eluded to earlier, the four hours. If
14 we are in our dry suit, and we go into the water, we
15 don't have a tear in it. Our survival time is, you
16 know, in the helicopters, four hours.

17 But yeah, if you are, you know, go into the
18 water, and you don't have any protective gear on, not a
19 gummy suit, not in a raft, it is very quick.

20 Q. I'm glad we still have that picture on
21 display. Exhibit 09, page 9, we have a picture there of
22 a Coast Guard C130.

23 A. Um-hmm.

24 Q. Can you describe any equipment lifesaving
25 equipment that the C130 can deploy once they get on

1 scene?

2 A. Sure. We have rafts; we've got MA3, and MA1
3 kits that we can deploy, if we see a need in the water.
4 I've deployed them before. We also have dewatering
5 pumps we can send down to vessels. We have fire
6 suppression kits. And again, this is part of the
7 initial calls that we get. We have our standard SAR
8 load that we have on the C130, which has the rafts in
9 it.

10 But, if there is an additional need of pumps
11 or whatever, we will have to load that up before we take
12 off. And that all happens pretty quickly at the air
13 station. We can also drop flares to help serve as --
14 if we see something in the water, and we drop a flare
15 and put it right by it, a certain factor/vector and a
16 surface asset (sounds like) for the C130.

17 Q. And of course, if you were to drop a life raft
18 if they saw survivors in the water they can do so with a
19 certain amount of accuracy?

20 A. Yes. That is something that we practice.
21 They are proficient at it.

22 Q. Okay, final question for me. And I am --
23 throughout the testimony today, some of the question
24 involved about risk assessment, risk operations. I want
25 to step back a little bit broadly to try and get an

1 appreciation of what that is. Not just in the Coast
2 Guard, but more importantly how that could possibly be
3 used in the maritime industry by mariners, and
4 specifically potentially down the road, if not already,
5 by the fishing fleet.

6 So, if you could describe risk management.
7 And by way of example I have heard about GAR Model.
8 Maybe you can explain what that tool represents, and how
9 it is used within the Coast Guard by our Coast Guard
10 boats, cutters, and aircraft.

11 A. Um-hmm.

12 Q. How they manage risk?

13 A. Sure. I'd be happy to do that. I don't have
14 one of the sheets right in front of me. But going off
15 memory, we fill this out; we will do kind of an IMSAFE
16 checklist. Illness, medication, stress, alcohol,
17 fatigue, and exercise I think is one of the common
18 things. So as a crew of four gets together, and they
19 get ready to go on a flight, if they are just fresh, and
20 it is daylight and they just arrived to work. Obviously
21 they are going to be doing; they will hopefully be doing
22 good.

23 But is anybody feeling badly. We look at the
24 weather. We look at the mission, is it a high risk
25 mission, is it a low risk mission. Is the risk worth

1 the gain? You know, if we are going to go out there,
2 and just go on a training flight and there are
3 thunderstorms in the area, we probably might cancel,
4 because we can catch a trainer the next day. But if
5 there is, you know, a higher need, we will press it a
6 little bit further.

7 If you have already been flying on a case.
8 And so you get back at midnight, and your duty day lasts
9 until 0800 the following morning, and you get a call at
10 three o'clock in the morning to relaunch. Well now your
11 IMSAFE checklist is going to be a little bit different
12 because everybody is tired, they are fatigued.

13 We found that people that are really fatigued
14 fly like they are actually inebriated. We've done some
15 studies on that. So we look at all that. Again, we
16 look at weather, the capabilities of the airplane. Crew
17 experience. A lot of times we will have, if you have
18 two brand new pilots, they may not be quite as
19 comfortable and maybe two more experienced people who
20 have maybe several thousand more flight hours behind
21 them.

22 But here, it is -- and that helps us create a
23 GAR score. And then we -- if it is over -- if it is in
24 the green, we are usually good to go. If it is in the
25 amber or the red, actually if it gets in the red, you

1 have usually got to get a waiver from the commanding
2 officer to actually execute the mission. But if it is
3 in the amber, you may take it up a level and go talk to
4 a more senior person. Say, hey what do you think.

5 So, it is something we, it is kind of a living
6 concept. We use it every day. And, it is a little
7 subjective, but it is definitely something that is an
8 integral part of our aviation community.

9 Q. Okay, so the GAR stands for Green/Amber/Red,
10 which represents the total score across various factors.

11 A. Um-hmm.

12 Q. Risk factors. Who participates in this
13 exercise? Is it limited to just a few individuals on
14 the crew? Or is it the entire crew? And does every
15 participant have a say?

16 A. Every participant has a say. We call it also
17 operational risk management. Everybody gets an equal
18 vote. Finally, in the end, in aviation at least, the
19 aircraft commander has 51 percent of the vote. If we
20 are going to go or not go. But he or she definitely
21 takes the input equally from everybody. Because we each
22 have our own functions. The rescue swimmer has a
23 function. The flight mechanic has function on
24 helicopters, and the co-pilot, and the aircraft
25 commander. So it is never made in a vacuum. And it is

1 a very kind of an open amiable setting that we do it in.

2 Q. Okay. And just by way of example, to help
3 visualize that. An aircrew, you have probably a
4 Lieutenant, maybe LCDR --

5 A. Um-hmm.

6 Q. And then a rescue swimmer, and a flight
7 mechanic, petty officers, maybe a chief.

8 A. Um-hmm.

9 Q. So you would have, in this GAR exercise, the
10 way it is designed, you can have a petty officer speak
11 up, indicate a risk, and articulate that risk, even up
12 to his superiors, to the Lieutenant. And so is that the
13 kind of scenario that could potentially play out?

14 A. Absolutely. I sometimes use examples. A
15 friend of mine recently -- they were out on a helicopter
16 mission, and they were doing an approach to a dark point
17 of the shoreline, all the electricity had been shut off
18 due to storm that had passed through. And the petty
19 officer in the back said, hey I think there are power
20 lines here, as I recall. And they called off the
21 mission. And he said roger that.

22 And they were getting ready to go fly into it.
23 And the petty officer in the back, said I think I recall
24 this. They called it off. The next day they went out,
25 and sure enough, there were power lines throughout the

1 whole area. So again, just by way of example,
2 everybody, absolutely has input, and is valued, and even
3 the most junior member.

4 Q. Thank you Captain. I have no further
5 questions.

6 CDR MULLER: Mr. Gillette do you have any
7 questions?

8 MR. GILLETTE: I have no follow-up questions,
9 Commander.

10 CDR MULLER: Thank you. Mr. Karr, NTSB?

11 **EXAMINATION**

12 BY MR. KARR:

13 Q. Captain, based on, back around the 11th, 12th,
14 13th, of February, based on the reports you received,
15 can you describe the issue that affected that first,
16 MA60 that launched from Kodiak? With the icing?

17 A. Right. They um, it was a cold day. And I
18 don't know, I'd have to go and dig into it, and get
19 specifics on it. All I know, is that they had engine
20 inlet icing as they taxied out to go and take off. And
21 then they can't take off with icing in the engine inlet,
22 because it will, could potentially come out and go into
23 the engine, and cause a flame on, and cause engine
24 issues.

25 So they came back in. And I don't know if

1 they grabbed a different airplane, or addressed that
2 really quickly and used the same airplane. But I could
3 find that out if that was of interest to you.

4 Q. That's good, thank you.

5 A. Okay.

6 Q. No more questions.

7 CDR MULLER: Thank you Mr. Karr. Ms. Spivak,
8 do you have any questions?

9 MS. SPIVAK: No questions.

10 CDR MULLER: Let me just ask one more time to
11 Mr. Giard, any questions?

12 MR. GIARD: No questions, Commander.

13 CDR MULLER: Okay, thank you. Captain, now
14 that we have completed our factual elements of your
15 testimony, per your request in our conversations
16 earlier, where you wanted to take an opportunity to
17 mention a few words to the family members of the fishing
18 vessel Destination.

19 I would offer that this would be an opportune
20 time do so.

21 THE WITNESS: Okay, great. Thank you. So
22 this is, portion is complete, sir?

23 CDR MULLER: Yes.

24 THE WITNESS: All right.

25 (CAPTAIN SPEAKING TO FAMILY MEMBERS -- PER CDR

1 MULLER: OFF THE RECORD.)

2 CDR MULLER: Thank you Captain.

3 THE WITNESS: Commander, thank you.

4 CDR MULLER: Thank you again, Captain. I just
5 want to mention that you are now released as a witness
6 to this Marine Board of Investigation. Thank you for
7 your testimony and your cooperation.

8 If I later determine that this Board needs
9 additional information from you we will contact you. If
10 you have any questions about this investigation you may
11 contact the Marine Board Recorder, Lieutenant Commander
12 Pedro Mendoza.

13 This completes our witness testimony for
14 today. We will recess until Monday morning; reconvene
15 at nine o'clock, thank you.

16 (At 16:19 the proceedings concluded for the day.)

17

CERTIFICATION

This certificate is valid only for a transcript accompanied by my original required signature on this page.

I hereby certify that the proceedings in the matter of Marine Board Investigation of the F/V Destination, heard in the United States Coast Guard Thirteenth District, Seattle Washington, Friday August 11th, 2017, were recorded by means of audiotape.

I further certify that, to the best of my knowledge and belief, page numbers one to one hundred seventy-three constitute a complete and accurate transcript of the proceedings as transcribed by me.

I further certify that I am neither a relative to nor an employee of any attorney or party herein, and that I have no interest in the outcome of this case.

In witness whereof, I have affixed my signature this 11th day of September, 2017.

Sally S. Gessner

Sally S. Gessner, Court Reporter