

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, 2017

REPORTER'S OFFICIAL TRANSCRIPT OF PROCEEDINGS

VOLUME VI of IX

DATE TAKEN: Monday, August 14, 2017

TIME: 0900-1556

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. WALLEEN, 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
Commander Scott Muller	VI-6
WITNESS:	
DOUGLAS SHELFORD	VI-10
Captain F/V Aleutian Lady with Shelford Fisheries	
Examined by Mr. Gillette	VI-12
Examined by CDR Muller	VI-30
Examined by Mr. Karr	VI-34;66
Examined by Mr. Suffern	VI-54
BILLY CORNETT	VI-72
Captain F/V Clipper Surprise, Clipper Seafoods	
Examined by Mr. Gillette	VI-73
Examined by CDR Muller	VI-81
Examined by Mr. Karr	VI-85;96
Examined by Mr. Suffern	VI-86
DEHAR JORGE	VI-99
Captain F/V Polar Sea	
Examined by Mr. Gillette	VI-101
Examined by CDR Muller	VI-120;140
Examined by Mr. Karr	VI-124;138
Examined by Mr. Suffern	VI-133
CHARLES GROESBECK	VI-144
Caption F/V Bering Rose	
Examined by Mr. Gillette	VI-145
Examined by Mr. Karr	VI-155
Examined by Mr. Suffern	VI-156
WILLIAM PROUT	VI-163
Captain F/V Silver Spray	
Examined by Mr. Gillette	VI-164
Examined by CDR Muller	VI-18-;200
Examined by Mr. Karr	VI-185;201
Examined by Mr. Suffern	VI-194

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

P R O C E E D I N G S

Start Time 0900

OPENING STATEMENT

CDR MULLER: Good morning, this hearing will come to order. Today is August 14th, 2017, the time is 0900. We are continuing at the 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 the Title 46, Code of Federal Regulations, Part 4, to investigate the circumstances surrounding the sinking of the F/V 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 preventing similar casualties. Whether there is evidence that any

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

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

13 This session will focus on the vessel's
14 construction, stability, and maintenance history. The
15 vessel's regulatory compliance and safety examinations,
16 crewmember duties and qualifications, pre-accident
17 events, operations and voyage track; environmental
18 factors including forecasted and prevailing weather and
19 sea state. The Coast Guard search and rescue
20 operations, industry and regulatory safety programs,
21 survey imagery of the sunken vessel.

22 I have previously determined that the
23 following individual is a Party-in-Interest to this
24 investigation. Mr. David Wilson represented by Ms.
25 Spivak of Holmes, Weddle, and Barcott LLC. This party

1 has a direct interest in the investigation, and has
2 demonstrated the potential to contributing
3 significantly to complete the investigation, or
4 otherwise enhancing the safety of life and property at
5 sea through participation as Party-in-Interest.

6 All parties-in-interest have a statutory right
7 to employ counsel to represent them, to cross-examine
8 witnesses, and to have witnesses called on their
9 behalf.

10 I will examine all witnesses at this formal
11 hearing under oath or affirmation, and witnesses will
12 be subject to federal laws and penalties governing
13 false official statements.

14 Witnesses who are not parties-in-interest may
15 be advised by their counsel concerning their rights.
16 However, such counsel may not examine or cross-examine
17 other witnesses or otherwise participate.

18 These proceedings are open to the public and
19 to the media. I ask for the co-operation of all
20 persons present to minimize any disruptive influence on
21 the proceedings in general, and on the witnesses in
22 particular. Please turn your cell phones or other
23 electronic devices off, or to silent or vibrate mode.
24 Please do not enter or depart the hearing room except
25 during periods of recess.

1 Flash photography will be permitted during
2 this opening statement and during recess periods. The
3 members of the press are, of course welcome, and an
4 area has been set aside for your use during the
5 proceedings. The news media may question witnesses
6 concerning the testimony they have provided here, but
7 only after I have released them from these proceedings.
8 I ask that such interviews be conducted outside this
9 room.

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

19 The Coast Guard relies on strong partnerships
20 to execute its missions, and this Marine Board of
21 Investigation is no exception. The National
22 Transportation Safety Board provided a representative
23 for this hearing, Mr. Michael Karr. He is the
24 Investigator-in-Charge of the NTSB investigation. Mr.
25 Karr would you like to make a brief statement?

1 MR. KARR: Good morning I am Michael Karr
2 Investigator-in-Charge for the National Transportation
3 Safety Board investigation of this accident. The NTSB
4 has joined this hearing to avoid duplicating the
5 development of facts. Nevertheless, I wish to point
6 out that this does not preclude the NTSB from
7 developing additional information separately from this
8 proceeding if that becomes necessary.

9 At the conclusion of the hearing, the NTSB
10 will analyze the facts of this accident, and determine
11 the probable cause independent of the Coast Guard. We
12 will issue a report of the NTSB findings, and if
13 appropriate the NTSB will issue recommendations to
14 correct safety problems discovered during this
15 investigation.

16 And to my right is Mr. Paul Suffern. He is a
17 meteorologist with the National Transportation Safety
18 Board. He will be participating in today's hearing.

19 CDR MULLER: Thank you. We will now hear
20 testimony from Mr. Shelford. Mr. Shelford, please come
21 forward to the witness table, and LDCR Mendoza will
22 administer your oath, and ask you some preliminary
23 questions.

24 LDCR MENDOZA: Please raise your right hand.

25 **WITNESS**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. DOUGLAS SHELFORD

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

THE WITNESS: Yes.

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

THE WITNESS: Yeah, my name is Douglas Shelford, S-H-E-L-F-O-R-D

LCDR MENDOZA: Would you please state your currently employment and position title.

THE WITNESS: I am the Captain of the fishing vessel Aleutian Lady with Shelford Fisheries.

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

THE WITNESS: Numerous certificates for safety, medical.

LCDR MENDOZA: Thank you, sir.

CDR MULLER: Good morning again Mr. Shelford.

THE WITNESS: Good morning.

CDR MULLER: Pleased to meet you again on behalf of our team. We had the pleasure of meeting you in Dutch Harbor in early April. Had a chance to tour your crab vessel, the Aleutian Lady. And I have to

1 really say, it was very helpful, and established a good
2 foundation for the team going forward with the
3 investigation. And I also appreciate your presence and
4 contributions today.

5 With that, I would like to hand over to Mr.
6 Jim Gillette who will be leading the questions for you.

7 **EXAMINATION**

8 BY MR. GILLETTE:

9 Q. Good morning Mr. Shelford, my name is James
10 Gillette with the United States Coast Guard. If at any
11 time you don't understand a question that is asked, just
12 request that the question be re-addressed, or re-
13 phrased.

14 If at any time you need to take a recess,
15 please ask. Also remember to speak up loud and clear to
16 assist our court reporter to transcribe the hearing.

17 With that said, I would like to start asking
18 questions. Mr. Shelford can you share with us how long
19 you have been a commercial fisherman? And how long you
20 have been the captain on board the Aleutian Lady?

21 A. I have been a full-time fisherman for about
22 thirty-five years. But my dad also started me when I
23 was thirteen, where I would spend a month of each summer
24 until eighteen on the crab deck. So closer to forty
25 years.

1 Q. And how long have you been the captain on
2 board the Aleutian Lady?

3 A. First time I ran the Aleutian Lady was in
4 1990, twenty-seven years.

5 Q. You also mentioned that you had some
6 certificates. Can you go a little more in detail what
7 those certificates are?

8 A. Yeah, I hold a drill instructor certificate,
9 advanced first aide certificate, I am OSHA certified to
10 the level of training, OSHA.

11 Q. What is the drill instructor?

12 A. Drill instructor is an educational course that
13 most captains do take. And what it does is it educates
14 us in how to properly conduct safety drills, how to
15 inform our crew, how to include our crew in the drills.
16 It is just an educational course, you know.

17 Q. Where did you take that course at?

18 A. MPBOA, I believe.

19 Q. Can you say that one more time?

20 A. Oh shoot. I honestly forget the name of the
21 company.

22 Q. Okay.

23 A. Yeah, and/or how the acronym works.

24 Q. Okay.

25 A. Yeah.

1 Q. I'm going to show Exhibit 241, page four.
2 This is Alaska Department Fish and Game co-operate
3 Registration. I guess the first question would be what
4 exactly does a co-op mean? And can you explain to us
5 exactly what this exhibit represents?

6 A. This exhibit is required by Alaska Department
7 of Fish & Game for any two or more vessels to be able to
8 fish each other's gear legally without having our own
9 Fish and Game numbers on our gear.

10 Q. Okay. Mr. Shelford, I'd like to get your
11 professional view as a captain aboard a Bering Sea crab
12 boat, concerns to crab rationalization, and how a
13 Northern and Southern Quota Share affects your
14 operations. Can you speak about that?

15 A. Well, that's a pretty broad question. I guess
16 that it -- are you referring to how they work? How
17 northern shares are --

18 Q. Yes. If you could explain, kind of how the
19 Northern and Southern Shares work for you as far as
20 completing your operations of offloading crabs.

21 A. Yeah, okay. As far as the difference between
22 Northern and Southern to us fisherman, is at the
23 beginning of the season we are allocated a certain
24 amount of crab to be caught. Of that, there is -- a
25 certain amount is assigned to Northern A, meaning it

1 needs to be delivered to St. Paul Island, specifically.
2 And/or South A, that is either paired with any one of
3 the handful of markets that are in Dutch Harbor, or
4 Akutan, or Kinko.

5 As far as how we fish them, is we will
6 generally begin a season, and we are specifically
7 talking about snow crab, opilio here.

8 Q. Okay.

9 A. When we begin a season we will always start by
10 fishing our Northern A first to get them to the island
11 as quickly as possible. After that we will go and fish
12 our South A, and take it to whatever market they were
13 paired with.

14 Q. Is there a reason why you fish the Northern
15 Share first, as opposed to the Southern Share?

16 A. Well, Trident Seafoods processes, I believe,
17 all of the Northern A Shares, for all the markets. And
18 they are the sole facility to actually process them.
19 They try to target a certain timeframe to open and close
20 the island, for ice reasons. For, I guess, well I'm not
21 entirely sure why there is a certain timeframe we are
22 given. But they like to get the island opened and
23 closed as soon as possible.

24 Q. Can you tell me if you have ever had any
25 problems or concerns about offloading deliveries? And

1 it you miss dates, or if you miss delivery dates, how
2 does that affect your operation?

3 A. Well, I have missed dates before. Trident
4 Seafoods, or more pointedly, Ray Nomura is the fleet
5 manager there. He does a good job of shuffling us
6 around. Bringing in one boat, you know, shuffling us
7 around to help coordinate how the crab comes in. If I
8 need a couple extra days, I can contact him in advance,
9 and he tries to move boats around to accommodate the
10 fleet.

11 Q. Is there any negative effects on your
12 operations if you don't show up on time?

13 A. There can be.

14 Q. Can you share with us what those might be?

15 A. Well, there is times when we will have to
16 leave the grounds before we have what we need to catch.
17 For that reason alone. It falls on the captain's
18 discretion to decide whether he ends a trip early to get
19 to that offload date on time if he is unable to change
20 his date.

21 The ramifications of that are that we end up
22 having to go out for another trip. So rather than
23 being able to bring that total amount of crab in with
24 one trip, now economically we have to support the
25 expenses, and time for a second delivery.

1 Q. How far in advance are offload delivery dates
2 scheduled? And can you share with us who sets up those
3 times?

4 A. Well for the Northern A, it would be Ray at
5 Trident. And this year here was a -- he changed it up a
6 little bit, but I thought it worked pretty well. He
7 went to a three-day notification. So we weren't pre-
8 setting -- at the beginning of a trip, normally we will
9 call ahead and go, hey ten days from now I want to come
10 to the island and offload.

11 This year here, it was three days before you
12 believe you'll be in to offload, call me. Which gave
13 him the three-day period to try to schedule us in. And
14 from that point we would just work with him and he would
15 work with the other boats to shift that group within
16 that smaller timeframe to make it work for everybody.

17 Q. Is that set up with you being the captain or
18 is it set up with an owner, or some sort of co-op with
19 Ray? Or is it just you, directly as a captain that
20 makes those time arrangements?

21 A. Well, as far as myself goes, I handle all the
22 -- my own offload scheduling. I prefer not to go
23 through the office. It seems to mess things up a little
24 bit.

25 Q. Okay, I would like to slightly shift the focus

1 to weather in the Bering Sea, and how it affects the
2 Aleutian Lady's operations. Does the Aleutian Lady have
3 a written or verbal policy about heavy weather? And if
4 so, can you elaborate about that?

5 A. Could you explain that a little further?

6 Q. Yeah, do you guys have, on the Aleutian Lady;
7 do you have any written or verbal policy on how you guys
8 combat heavy weather up in the Bering Sea?

9 A. Would that be specifically written for myself,
10 or for the crew?

11 Q. For the crew, written by you.

12 A. On watch?

13 Q. Yeah, as far as some sort of policy that may
14 be out for the crew to have an understanding of hey,
15 these -- when we have heavy weather, this is what we are
16 going to do. I'm just trying to figure out if it is
17 something that is just said, hey, by the captain, hey we
18 have weather that is coming in, and this is how we are
19 going to affect it.

20 Or is it something that is already posted in
21 advance, that kind of tells the crew, hey listen if we
22 ever get this type of weather while we are out, this is
23 what we are going to prepare for. Do you follow me on
24 that?

25 A. Yeah. We do have a safety manual for the boat

1 that more specifically talks about, you know, conduct,
2 and how we handle the equipment, who's running it, who
3 can and can't run it. It is more based on that.

4 As far as weather conditions go, and how we address
5 them, that's a day to day decision-making process. It
6 is generally the captain's discretion how he informs the
7 crew. How he handles that weather, whether it be icing,
8 or just foul weather in general, or staffing situations
9 where we are putting a lot of pots on board. It is a
10 day to day decision-making process; it's generally the
11 captain's responsibility.

12 Q. Can you speak about the measures you take to
13 reduce the effects of icing caused from sea spray?

14 A. Well, to minimize sea spray freezing
15 for the boat, if it is severe, we will either jog with
16 the weather, move slowly in the seas. And when -- at
17 times that is not adequate. Where -- during those times
18 you will either shut down and drift to minimize the
19 amount of spray coming over the rail. And you can turn
20 downwind, and jog downwind, where it pretty much
21 alleviates all ice-making. We have lots of different
22 de-icing tools on board the vessel that we will use to
23 de-ice the boat as we go.

24 Q. Can you share with us what some of those are?

25 A. I think the most used tool at our disposal is

1 large Teflon mallets, they have a cylinder shaped head,
2 it is about nine, ten inches long, five inches in
3 diameter on the end of a four foot handle. And it is
4 very effective in de-icing. We also use rock bars.
5 Which is, essentially a one inch round, six foot tall
6 piece of round bar steel flattened at one end.
7 Crowbars, shovels, are the go to.

8 Q. Have you ever had to set pots because of ice
9 build-up? And if so, can you elaborate about that?

10 A. Several times, many times. And not in recent
11 years. I guess I have one, I guess, prominent story.

12 Q. I'd love to hear it.

13 A. Okay. This was several years ago before the
14 IFQ came into effect. We all, it was when the fleet was
15 very large. We would -- we all left at the same day
16 back then, to get underway to the grounds for the
17 opener.

18 We had north/northeast, forty, forty-five
19 knots that day. The whole fleet had all their gear on
20 board as did I. By the time we got up west of St.
21 George up onto the shallow shelf, I was immediately
22 setting at least the first tier off the top of my stack.
23 Which I was stacked four high at that time.

24 So I shed, or set off my whole top layer to
25 get rid of heavy ice that had built on those pots. At

1 that point, within four hours of setting the third tier
2 off, another couple hours, I was setting the second tier
3 off. By the time I got to the grounds to start the
4 season, I only had seventy pots left on board for the
5 season. And I'll make a note that also there were --
6 one of the mariner boats was not able to set gear off
7 that day and he didn't make it.

8 Q. Do you ever consider in advance, like a
9 forecasted weather, if you see it in advance, that you
10 are going to be in a heavy spray to load less pots on
11 deck prior to leaving?

12 A. Absolutely.

13 Q. Okay. All right Mr. Shelford, I'd like to get
14 your professional view of what it is like to transit
15 near St. George and St. Paul Island. Can you elaborate
16 on the challenges? And if the islands are used for
17 protection?

18 A. The islands are used for protection. On a
19 northeast, St. George is good protection. As is St.
20 Paul. Westerlies neither island are very good. But
21 they suffice, will knock the sea height down, is about
22 all they are good for. Are we referring to just wind
23 and sea? Or current -- or --

24 Q. Yeah, wind and seas. Is there any
25 difficulties sailing around the Pribilofs as opposed to

1 anywhere else out there in the Bering Sea?

2 A. Well, it is generally shallow all the way
3 around the islands there, so that the current tends to
4 move faster when in shallow water. I think it is a good
5 place to be cautious around in foul weather.

6 Q. Once again, I would like to slightly shift
7 focus to vessel stability. Have you seen the size and
8 weight of crab pots change over the years? And if so,
9 can you talk about that a little bit?

10 A. Are you talking about the aging of the pot?

11 Q. No, not the aging of the pot. Just the actual
12 size and the weight. You've been fishing for a long
13 time, have you see like when you purchase new pots, have
14 you been purchasing heavier weights than what you used
15 to, and sizes?

16 A. Well, most of the fleet uses a standard size,
17 7 x 7. And they were all generally very close in size
18 and weight, as far as the bar sizes go. The pots lose
19 weight with age. That's kind of -- as a matter of fact
20 they stop fishing when they get too old. The just get
21 too light and they start moving around on the bottom.

22 As far as the differential between how they
23 were made thirty years ago until now, there is very
24 little difference, if any.

25 Q. Do you know what the current size, or what is

1 the current size and weight of crab pots you are
2 currently using?

3 A. Approximately 750 pounds. Which, most of my
4 gear is older. So there is definitely some weight
5 reduction there.

6 Q. How much does the gear that you put inside the
7 crab pots, such as the shots and the buoys weigh? Do
8 you know that?

9 A. I don't know specifically. I have never
10 weighed shots of line, or buoys.

11 Q. Do you combine the crab pot weights and the
12 crab pot gear weight together when redoing your
13 stability book? And if so, can you elaborate about
14 that?

15 A. When you are doing your stability book, the --
16 whoever did your stability report is using buoys and
17 lines as part of their equation in the weight of the
18 pot.

19 Q. Does loading bait factor into your stability
20 assessment? If so, can you elaborate?

21 A. For myself? Or are you referring to --

22 Q. For yourself, for the Aleutian Lady. Do you
23 consider -- does loading bait come into your assessments
24 when you are doing stability?

25 A. For myself no. The vessel I run is quite a

1 bit larger, and wider than your average crab boat. And
2 it is usually a very stable vessel. Bait load has very
3 little effect on her.

4 Q. Do you call the Coast Guard prior to each
5 fishing season? And if so can you elaborate why you
6 call them, and what they assist you with? If they do
7 assist you with anything?

8 A. Are you referring to the spot check that --

9 Q. Sure.

10 A. -- that they ask you to do? I've done it
11 several times, but not every time. And essentially what
12 they are doing is they are: reviewing our safety
13 equipment; whether we are crossing the threshold of the
14 amount of gear we should have on board; making sure the
15 bilge alarms are working; just verifying the boat is
16 seaworthy and in compliance with safety.

17 Q. Okay. Now if you would, could you tell us a
18 little about your working and personal relationship with
19 Captain Hathaway?

20 A. Jeff and I have been friends and fishing
21 partners for a lot of years. Yeah.

22 Q. All right. The Destination fished for cod ten
23 days in 2016.

24 A. I'm sorry, say that again.

25 Q. Yes, sir. The Destination fished for cod for

1 ten days in 2016 and 27 days in 2017, are you aware of
2 why the Destination fished for cod for an extra
3 seventeen days in 2017? And if so, can you elaborate
4 about that?

5 A. I am unaware of why he fished longer this
6 year.

7 Q. Okay. Mr. Shelford I would now like to shift
8 the focus to the Destination and their voyage between 9
9 February until 11 February 2017.

10 Can you tell us where the Aleutian Lady was
11 located between the 9th of February through the 11th of
12 February? And can you elaborate on the weather and the
13 seas that you were experiencing?

14 A. We had a stretch of good weather, but it was
15 cold. We were having 25 knots of wind, jump up to 30,
16 back down, but it was cold. I believe our temperatures
17 were right around the mid-20's through most of that
18 time. I feel like the 8th, 9th.

19 Then the 10th, it was blowing northeast 35,
20 the temperature dropped down 24 degrees, 23 degrees,
21 where I was at. Like I said, the weather over that
22 period leading up to that. It would pick up to 35
23 knots, drop back down to 20, 25. It would just kind of
24 come and go. It never really built a very big sea
25 height, even though it was a steady northeast.

1 Q. During that timeframe did you guys experience
2 any icing caused by the sea spray?

3 A. Yes.

4 Q. Can you elaborate a little about what you guys
5 experienced? And what you guys did to combat it?

6 A. I did not have to break ice for the first
7 three days of that weather, even though we were building
8 ice. I was primarily in the same location not moving
9 real fast, or spending a lot of time moving quickly into
10 the weather. So I did not build very much ice.

11 But the sea state was just not that bad. We
12 just weren't throwing that much ice, or throwing that
13 much spray to build ice.

14 I believe we did stop and break ice on the
15 10th. Yeah, I think the day before the incident -- that
16 day it was -- there, I had stopped and the whole crew
17 had them out breaking ice.

18 Q. In reference to the Pribilofs, where were you
19 actually operating at during that timeframe?

20 A. I was just below the 57th parallel, and
21 approximately 50 miles straight west of St., just
22 west/northwest of St. George.

23 Q. Did Captain Hathaway ever share any
24 engineering issues that he may have been experiencing on
25 the Destination? And if so, could you speak about

1 what those problems were?

2 A. There were very few. As far as the
3 Destination goes, there were very few. I can recall
4 twice in the past where he had some steering issues. He
5 broke a propeller shaft once, and I think that's about
6 it, other than that -- I wish I had as few problems as
7 he had.

8 Q. Were any of those conversations that you had,
9 were any of those from 2016, or 2017?

10 A. No.

11 Q. Did you have any conversations with Captain
12 Hathaway on or between the 9th of February and the 11th
13 of February 2017? And can you speak about everything
14 that you can remember about those conversations?

15 A. Well, that conversation could get pretty
16 colorful. Yeah. Boy, yeah. Our conversations were
17 mostly about our forming a game plan.

18 You know, like I said, fish together, I was
19 sharing with him what I was seeing in my gear, what I
20 thought the crab was doing. He was aware that fleet-
21 wide we were having a lot of sand flea issues. So he
22 was going to make sure he brought out a lot of that
23 extra squid to help combat the sand flea.

24 None of us were really happy about the lack of
25 bait, or the fact that we had to bring out a lot of

1 extra bait, because they were -- at least we were told
2 there was not enough at the island. Ray felt that
3 Trident would run out before the fleet was done. I,
4 like Jeff, brought out a lot of extra bait.

5 Q. Do you know how much bait that the Destination
6 had on board?

7 A. I don't.

8 Q. Do you know what he planned to doing with the
9 extra bait? As far as, was it going to stay on board?
10 Was he going to place it somewhere when he went fishing?
11 Do you know what his plans were with the bait?

12 A. He took his second trip worth of bait on board
13 to bring to St. Paul Island for storage. I, my bait
14 freezer is big. So I had the equivalent of two trips of
15 bait on board as well. But I, I had I think four
16 pallets of bait on deck when I left town, Dutch Harbor.

17 Q. Do you know where he got the extra bait?

18 A. I don't.

19 Q. Do you know as far as pounds how much would
20 the first set be?

21 A. For --

22 Q. We are trying to estimate, you know, how much
23 bait wait on board, poundage wise. Do you know how much
24 he was using -- you said he has, he brought enough for
25 the second part of fishing. Did we know how much the

1 first part would have been as far as how many pounds he
2 would have had the first part then?

3 A. You mean the first trip?

4 Q. The first trip, yes.

5 A. He would have used? I can't specifically say
6 what his bait plans are. I use a factor of 8 to 9
7 pounds of bait per pot for -- and I figure out how many
8 pots I believe I am going to haul for a trip, and I use
9 that to calculate.

10 Q. On February 11th, 2017, can you talk about how
11 you were notified that the Destination was missing? And
12 can you elaborate if you contributed into such process?

13 A. When I heard about it I was fifty miles away,
14 so I was of no help to Jeff and the guys.

15 (Pause, witness gathering himself.)

16 CDR MULLER: Hey Jim -- Mr. Gillette, let's
17 take a break. We are going to recess for fifteen
18 minutes.

19 (At 1239 a fifteen minute recess was taken.)

20 CDR MULLER: Good morning again, the hearing
21 will come to order. We are continuing on with Mr.
22 Shelford. After our recess, it is common for the Board
23 to just remind the witness that they are still under
24 oath. So Mr. Gillette do you have any further
25 questions?

1 MR. GILLETTE: Thank you Mr. Shelford.
2 Commander, I do not have any more questions

3 CDR MULLER: Thank you. I have a few follow-
4 on questions.

5 **EXAMINATION**

6 BY CDR MULLER:

7 Q. And some of this is, again, to develop my
8 appreciation and understanding of crabbing operations in
9 the Bering Sea. I believe you mentioned -- let me ask
10 it this way, just does your vessel have a stability
11 information book?

12 A. Yes.

13 Q. Has it been updated from time to time over the
14 years? Are you aware?

15 A. Yes.

16 Q. On what occasions did you or the vessel owner
17 decide to update the stability book?

18 A. My vessel is permitted to do more than just
19 one fishery. We are also a catcher processor for cod;
20 we have long line catcher processor in the past, cod pot
21 process in the past, still do. While we were long
22 lining we were a part of the ACSUS/Axus (sounds like)
23 program since its onset. For about a decade, I think we
24 were close to it. We were part of the ACSA Program.
25 The ACSA Program required us to update our stability

1 booklet, as well as fall under the guidelines set for us
2 within the ACSA Program.

3 Q. So is your vessel still under the ACSA
4 Program? Or would that only be the case if you were
5 longline?

6 A. If we went back into longline, we would have
7 to get back into full compliance, which wouldn't be very
8 hard.

9 Q. Okay. I believe, and we confirmed this with
10 other witnesses, you know, during the week, so are you
11 familiar with ACSA when it comes to stability, I believe
12 there is a five year review. Does that sound about
13 right?

14 A. Yes. It follows a lot of the same standards
15 as ABS.

16 Q. Okay. And I also appreciate or understand you
17 don't have your stability book in front of you. So I'm
18 just broadly speaking, again, just to get an
19 appreciation of how, in this case, how vessel captains
20 utilize stability information books. The ones that we
21 have seen so far on crabbers include what could be
22 termed in different ways across different books. But
23 essentially addresses icing conditions.

24 I have seen one stability book where there
25 would be a winter column. I've seen another stability

1 book where it had pot loads under icing conditions. So
2 I would imagine, does your stability book have a similar
3 provision that limits the number of pots during icing
4 conditions? And my question really is, how do you apply
5 that? When icing conditions are actually present?
6 About to be present? Is it an annual thing? So how do
7 you apply icing conditions with, in accordance with your
8 stability book?

9 A. Well I have not run a boat that had a
10 provision that said winter condition. It is either
11 icing or non-icing is all I have ever seen. And icing
12 conditions are exactly that. If you were going to put
13 gear on board your vessel in icing conditions you follow
14 a table that specifies what you can or cannot carry.
15 Your load configuration changes.

16 There are tables that will specify how much
17 fuel you may have on board with what fish holds are
18 full, which corresponds how many pots you can -- you are
19 allowed to put on board the boat under those icing
20 conditions. In non-icing conditions it has a like
21 table, but it is, it just allows more pots.

22 Q. Okay, thank you.

23 A. Um-hmm.

24 Q. Earlier we saw an exhibit; you also have that
25 exhibit in front of you. This is the exhibit that we

1 looked at earlier.

2 A. Okay.

3 Q. Exhibit 241, page four. So this is the Alaska
4 Department of Fish & Game, which indicates that your
5 vessel has -- rather, in this case the Destination has -
6 - shares pots with the Aleutian Lady, correct?

7 A. Yes.

8 Q. Okay. So how often does that kind of scenario
9 play out during a typical season? Where you pick up
10 pots for, you know, somebody listed on that kind of
11 certificate?

12 A. This is a provision the Alaska Department of
13 Fish & Game specifically put into effect, so that groups
14 of boats could share gear if it became necessary. At
15 the end of the season, if you are capped out on quota,
16 you have reached your poundage limit, and you still have
17 gear baited with crab in it. You know, for instance, in
18 this case, if Jeff at the end of his season, he still
19 had a hundred pots in the water, baited. I could
20 legally go and haul them and retain the crab. That is
21 generally why we do that.

22 At the beginning of every season since this
23 rule came into effect, Jeff, and I, and Dan on the
24 Constellation have always had each other in our own co-
25 ops, in case that situation came up.

1 Q. Is it a, frequency wise, per season, how often
2 does it take place? Is it a rare occurrence?

3 A. I -- no, oh very rare.

4 Q. Okay.

5 A. I think the last time, I think the last time I
6 hauled one of Jeff's pots was a King crab season 4 or 5
7 years ago, even though we always do one of these.

8 Q. Okay.

9 CDR MULLER: I have no further questions.

10 Now National Transportation Safety Board, Mr. Suffern do
11 you have any questions? Oh, Mr. Karr, NTSB?

12 **EXAMINATION**

13 BY MR. KARR:

14 Q. This is Michael Karr of the NTSB. Yes, I do
15 have some questions. Mr. Shelford, could you describe
16 the voyage of the -- of your vessel when you left Dutch
17 Harbor until you returned to port. Just a brief
18 overview of when you left Dutch, where you went, and
19 when you returned.

20 A. I won't have specific dates.

21 Q. No. That's good; I'm not looking for specific
22 dates. I'm looking for a general recollection of what
23 your vessel did. If you could tell me when you left,
24 that would be good.

25 A. I don't have the specific date of when I

1 departed town to start the season.

2 Q. Would you have that available in a log book?

3 A. Absolutely.

4 Q. Okay, great. Do you remember approximately
5 when? Was it early February, late part of January?

6 A. That would have been the beginning of
7 February.

8 Q. And, I know you don't have the exact date.
9 But about how long were you on the opilio voyage?

10 A. When this incident happened, I was only 5 or 6
11 days into my season starting.

12 Q. And about how much longer after that did you,
13 you know, continue to catch your quota?

14 A. The duration of my season?

15 Q. Yes.

16 A. Approximately two months.

17 Q. And how many pots did you have on board when
18 you left to begin the opilio season?

19 A. Two hundred and thirty.

20 Q. And how many stacks were there?

21 A. I was stacked three-high all the way, and
22 maybe fifteen pots or so on tier four.

23 Q. And were those closer to the bow of the
24 vessel, or at the stern?

25 A. I usually stack them mid-ship.

1 Q. And what was the crew size?

2 A. Six.

3 Q. Do you recall what your quota was? The amount
4 of your quota?

5 A. Approximately 450,000 pounds or so.

6 Q. Was that quota all yours, or did some belong
7 to another vessel?

8 A. We fish multiple permits.

9 Q. And what does that mean?

10 A. The ah, when I say permits, quota owners.
11 Whether they are retired fisherman that own quota. We
12 also catch crab for a group of individuals that own
13 quota. Well I guess it is a very complicated story
14 there. But we fish several permits that -- from
15 previous boat owners.

16 Q. Do you recall what your individual permit was,
17 for your vessel?

18 A. The allocation?

19 Q. Yes.

20 A. Of the quota? I don't.

21 Q. Do you recall, if, you know -- can you tell me
22 if you knew if Jeff, Captain Hathaway was catching other
23 folk's quotas?

24 A. I don't know.

25 Q. Did you continue in opilio season after the

1 Trident plant closed?

2 A. Yes.

3 Q. Can you tell me, are there separate quotas for
4 -- so you met your quota for the North Plant, and then
5 you still had quota for the South Plant?

6 A. Yes. I completed my North A Shares within a
7 few days of the plant closing, it was very close to the
8 end.

9 Q. Do you know if Captain Hathaway also was going
10 to work with the South Plant?

11 A. The South Plant?

12 Q. Or the South, I forgot the term, but there is
13 a north and south.

14 A. He had South and North quota.

15 Q. Captain Hathaway had South and North quota?

16 A. Um-hmm.

17 Q. How many times did you unload crab at the
18 North -- at the Trident facility, just during this
19 opilio season?

20 A. Once.

21 Q. And you maximized, you met your quota with
22 that one delivery?

23 A. Yes.

24 Q. 450,000 pounds?

25 A. No. I believe I brought in 220,000 or so.

1 Q. And the remaining, and any other portion of
2 your quota was going to go towards the other plant?

3 A. Yes. The rest was South A, B Shares, and C.

4 Q. Can you describe the unloading process at the
5 Trident Plant from the time you dock until you leave?
6 Give me a general idea of the time, the activity that
7 goes on, what the crew does during that time period.

8 A. Well, the normal procedure to offload at St.
9 Paul Harbor is to --

10 Q. Well, can you tell me what -- can you recall
11 what you did during this last voyage, during this last
12 opilio season?

13 A. You are going to have to elaborate a little
14 more on that question.

15 Q. Well, when you -- what -- I'd like to hear
16 about the process. And what I'd like to do is I'd like
17 to hear you recollect how you actually carried it out
18 during this last season in February.

19 A. I enter the harbor, I tie up to the dock, pump
20 down our tanks. The offload crew step on board, offload
21 the crab. When the -- when we are done offloading, we
22 clean the tanks, do our paperwork at the office of the
23 Trident. Re-flood our tanks, and clear the harbor, and
24 head back out to sea.

25 Q. And about how long does that take?

1 A. Trident is very fast. They are the single
2 fastest offload plant in Alaska. I was probably in and
3 out of there in eighteen hours.

4 Q. When you arrived at the Trident to unload, did
5 you arrive at the time you were scheduled to arrive, or
6 were there any delays?

7 A. No, I showed up right on time. I believe I
8 went pretty much right under chute, as we call it, the
9 offload position.

10 Q. After you pulled up your last pot and sailed
11 to Trident, did you have to wait at all at sea before
12 you went right into the chute? I mean, did you catch
13 your -- did you catch your quota of crab ahead of when
14 you scheduled time at plant?

15 A. I was fortunate enough to be able to get on
16 good enough fishing to get my quota done. It was a very
17 close call to -- before they were going to close the
18 plant. I did encounter foul weather when we were
19 heading in to the island that might have delayed me a
20 few hours.

21 Q. And did you -- was there any sea ice going
22 into the plant?

23 A. There might have been some just glazing in the
24 harbor at the time, but I don't recall.

25 Q. Can you recall if you had to adjust -- make --

1 do you recall if you had to adjust your speed to make
2 sure you didn't do any ice damage to your hull?

3 A. At that -- I have certainly entered that
4 harbor through a lot of pack ice. I have been stuck in
5 ice. I have put dents in hulls trying to get into that
6 harbor. I have overheated my main engines trying to get
7 into that harbor. I recall a time I have spent three
8 days stuck in ice. I think you can probably hear these
9 tales from most captains.

10 Q. Do you recall if there were any forecasts for
11 sea ice?

12 A. Not that day, no. Actually, it was pretty
13 uneventful other than; I believe we had a southerly wind
14 getting into the harbor. So there was surf getting into
15 the breakwater there that day. And it was due to come -
16 - to come back up south/southwest at thirty-five or so.
17 Which I was in a hurry to get back out of the harbor
18 because you can get trapped in that harbor. And that
19 can be pretty exciting.

20 Q. When you left Dutch Harbor for the Pribilofs
21 did you experience any sea ice along the way? Or, not
22 sea ice, but heavy freezing spray?

23 A. Departing St. Paul?

24 Q. Pardon?

25 A. Departing St. Paul you said?

1 Q. No, when you began your voyage, when you
2 operated from Dutch Harbor to head to the Pribilofs?

3 A. No. Actually up until just a few days before
4 this incident there had been a pretty mild winter. Just
5 slight glazing, only.

6 Q. All right. Well I'd like to ask you about any
7 prior voyages, over your years as captain when you did
8 leave Dutch Harbor and sail for the islands. Did you
9 ever sail when you had sea ice?

10 A. Of course.

11 Q. I'd like to ask you some questions about the
12 wheelwatches that would have been stood, particularly at
13 night. So do you, as a captain, would you as a captain
14 ever stand wheelwatches when you are traveling from
15 Dutch Harbor to the Pribilof Islands?

16 A. Of course.

17 Q. And how long would that -- now you say, of
18 course, you would get in there for the voyage, would the
19 rest of crew just (inaudible word) north? You would be
20 a regular part of the wheelwatch?

21 A. Always.

22 Q. Rotation?

23 A. Always.

24 Q. Always? And would all your crewmembers
25 participate in that wheelwatch rotation?

1 A. It depends on my crew at the time. But no,
2 generally not.

3 Q. Generally four? Five?

4 A. Generally 3 to 4. I sit most of the watches.

5 Q. And when you are standing the wheelwatch
6 transiting from Dutch Harbor up to the islands, how long
7 is that watch for each person?

8 A. I will generally place the upper share crews
9 on watch; position the chief engineer mid-watch between
10 myself, so that he can do his engine room checks. Then
11 I do an engine room check as well when he's laying down.
12 My upper share, or most qualified watches, I will put
13 the less experienced crew on watch with them so that
14 those crewmembers can educate the younger guys.

15 Q. That term you used, was it upper share?

16 A. Upper share means a, you know, a guy that is
17 just well experienced, a competent watch.

18 Q. At night, how long are those wheelwatches?

19 A. I never extend a watch more than two hours.

20 Q. Do they usually change on the hour? When
21 would a new person come on watch? Would that --

22 A. No, I will do a -- I rarely will do a one hour
23 watch for anybody. That seems to be less productive.
24 The only time I do that is when I know the crew is quite
25 tired, toward the end of a trip. And in those

1 instances, it will be one hour. And I will team up the
2 crew, where I have two guys on watch at any one time.

3 Q. All right. And when that two-hour watch
4 switches, is it on the -- on an hour, like ten o'clock
5 or twelve o'clock?

6 A. Oh I see. Not necessarily.

7 Q. What would -- why won't -- when might it
8 change?

9 A. Well it may be on the hour or on the half
10 hour.

11 Q. And how many people would be -- at night,
12 during one of those two-hour periods, how many people
13 would be up on watch?

14 A. Well again, that depends on the situation.
15 Every sit can be different. I will generally not spend
16 any more than 6 to 8 hours out of the wheelhouse. In
17 icing conditions, bad weather, I'm usually up every
18 three hours just to look things over. Less serious
19 conditions every six hours. It is kind of more
20 dependent on the situation, the sea state.

21 Q. All right. Now again, everything I'm asking
22 you is based on a previous voyage from Dutch Harbor --

23 A. Yes.

24 Q. -- to the islands. So, if you are not up
25 there, and the engineer is not up there, there is going

1 to be one person that is not asleep?

2 A. Yeah, at least one competent watch at all
3 times.

4 Q. All right.

5 A. With a watch alarm on ten minutes.

6 Q. And then during -- what's -- can you describe
7 the tasks that the wheelwatch will do? And when I say
8 that, you know, the first task they'll do is they will
9 be, they will steer the boat. But are there any other
10 tasks that they would undertake during that watch
11 period?

12 A. Yeah. We do hourly engine room checks, all
13 watchstanders will, are required to go down to the
14 engine room, do a walk through, check the engine room.
15 All of my competent watches are aware of the rolling
16 period of the vessel, and are instructed to keep an eye,
17 and time that rolling period, to ensure that we are not
18 losing stability. If we have a stack of gear on board,
19 they walk out each corner of the wheelhouse look down
20 the side, make sure the stack is remaining tight, and
21 secure.

22 Q. Can you tell me more about that roll standard?
23 The roll instructions you've given the crew?

24 A. Rolling period?

25 Q. Right.

1 A. Well the rolling period of a vessel is pretty
2 much a static number. Every boat has its own. And when
3 a boats is in its, pretty much in any sea state it will
4 maintain that certain rolling period. As you gain
5 weight or lose stability that rolling period will
6 lengthen, which is a good indicator of a potential
7 problem arising.

8 Q. Can you tell me how you expected your crew at
9 night when they are on the wheelwatch, by themselves, to
10 keep an eye on ice accumulations?

11 A. Well as I just stated, part of their watch, on
12 the hour is to step out each corner of the wheelhouse,
13 look -- when gear is on board. And peer down the side
14 of the stack. To maintain a watch on the fore or
15 (inaudible word), and watching the scuppers, the drain
16 boards on the deck and the bow, to make sure they are
17 not icing over and holding water and do engine room
18 checks.

19 Q. What are the freeing ports like on your
20 vessel? The -- or scuppers, the ones, you know, back on
21 the deck that allow the water to leave the fishing deck?
22 Are they on a hinge that opens up as the water flows
23 through and then they close?

24 A. Well that would be a scupper. And no we do
25 not; we have freeing ports on my vessel. We don't have

1 any scupper freeing ports.

2 Q. Well can you describe those freeing ports to
3 me?

4 A. Yeah. There are just, essentially a cut
5 opening in the rail between the weather deck and the
6 bulwarks itself, that allows any water that comes on the
7 deck or onto the bow, to freely run off.

8 Q. So can you -- can you describe how ice
9 accumulation blocks that?

10 A. Well when it is -- if it is cold enough, a
11 certain amount of water will continue to stick. And the
12 freeing ports will slowly close in. When they start
13 closing in, they stop allowing a lot of the water to run
14 off. When it is really cold they can close off
15 completely. When it is not so cold, the amount of water
16 that is standing there, tends to melt through itself.
17 It is a pretty easy task to keep them free of ice.

18 When they start getting closed up, we just
19 slow the boat down. Jog into the weather. A couple of
20 crew will throw some rain gear on and go out there with
21 some hammers, and crowbars, and just open them up. It
22 doesn't take more than 15 to 20 minutes.

23 Q. Does ice accumulate on the -- and in the area
24 of the freeing ports, does ice accumulate on the outside
25 of the hull that could block the freeing ports?

1 A. Yes.

2 Q. And also on the inside?

3 A. Yes.

4 Q. At night on your vessel, has this occurred
5 where the wheelwatch, on his own, would jog the vessel,
6 and then go and knock the ice out of the freeing ports?

7 A. No.

8 Q. What would a crewmember do if he saw --

9 A. He would -- he is instructed to wake me.

10 Q. All right. What are some of the other
11 instructions you have given to your crew with regard to
12 icing?

13 A. I --

14 Q. Is there a certain level of ice that you want
15 to be -- let me ask you this. When does the crew wake
16 you up when it is icing?

17 A. I don't like more than three inches of ice
18 covering the fore bulwarks. And if ice starts
19 accumulating above the second tier on the gear, then I -
20 - I will shorten up the interval that I'm sleeping.

21 Q. So when you get called, can you tell me
22 specifically, give me specific examples of when you have
23 been called. I.e. the scenario. The person on watch
24 says captain we've got more than three inches on the
25 forward board. Has that occurred?

1 A. Yeah, I can --

2 Q. Okay. And have you ever --

3 A. -- yeah, which time?

4 Q. -- at other times, other times has the watch
5 said, captain we've got five inches on the second? You
6 know, we've got five inches on the stacks?

7 A. I've always caught it myself due to the --
8 like I said it -- as the weather conditions become more
9 critical, my interval of sleeping becomes less. I will
10 take less watches then, but be required to be woken up
11 every two hours, every three hours, every four hours
12 depending on the accumulation.

13 Q. Are there any slang terms for icing
14 accumulation on a ship or on crab pots?

15 A. Not that I know of.

16 Q. What do you call it when the crab pots get
17 iced up?

18 A. What you just said, iced up.

19 Q. When you were telling us earlier about
20 dropping pots, and you ended up fishing with only
21 seventy. Did you ever recover those missing pots?

22 A. Yes.

23 Q. Tell me how sand fleas affect the bait.

24 A. Sand fleas are problematic in the Bering Sea,
25 particularly in areas where there is patchy hard bottom

1 with mud bottom. The last couple years they have been
2 getting worse. There are times in the Bering Sea where
3 you have a hard time setting pots anywhere without your
4 bait being gone within an hour. Where they will not
5 fish, you won't catch any crab.

6 Q. And what's a sand flea?

7 A. A sand flea is a -- they look like a very
8 small shrimp, about a quarter inch to a half inch long.
9 They get to one inch after they've eaten your bait. And
10 they are ferocious. They can take ten pounds of
11 herring, and squid, your sardines, and your bait set-up,
12 down to nothing but white bones in an hour or two, three
13 maybe at the most. Codfish down to white bones in no
14 time at all.

15 Q. And I thought I heard you say that squid is a
16 little better.

17 A. Squid is more resilient, it takes a little
18 longer bait-life we call it on the bottom when there are
19 sand fleas around. You get a little more fishing time
20 out of them.

21 Q. When you were talking to Captain Hathaway when
22 he was on his way up, did he say where he had stored the
23 bait that he had purchased?

24 A. No.

25 Q. And when you were talking to Jeff, did he

1 express to you how many trips he expected to make to
2 meet his quota?

3 A. Not specifically.

4 Q. And did he give you any description of how
5 long his time out there would be? To meet his quota?

6 A. Well, in our discussion we were talking about
7 the plan of me catching some of his North A. Because,
8 according to Trident's shut down, drop dead date -- well
9 I rephrase that, there is not a drop dead date. But we
10 are very much encouraged to have all of our North A done
11 by that date.

12 I had a certain amount of crab on board
13 already, and my fishing was going pretty good. I had
14 contacted my office, who helps manage in the co-op as a
15 whole, or as our contact into the co-op about me
16 catching Jeff's, some of Jeff's North A, since we did
17 not believe, Jeff didn't believe he had time left to
18 catch it. Because of that date.

19 I believed that I could catch all of my North
20 A, most of his, and bring it to the island before the
21 date. Where Jeff would have, you know, had to go out
22 and catch 80, 90,000 pounds and bring it in to the
23 island too. Which would have been very difficult for
24 him to do, you know, in that period of time. But at
25 least it got it down to somewhat manageable amount of

1 time for him. That was part of our discussion that
2 night.

3 Q. Did Captain Hathaway explain why he didn't
4 think he had enough time to unload all his quota at
5 North A?

6 A. Well, the obvious reasons are is because we
7 are sent emails that say when the island is going to
8 close. And that tells us we have got to get going.

9 Q. Well, what I'm looking for is, you know the
10 plant's going to close so you -- I would imagine you
11 plan to catch your quota in time to get there before the
12 plant closed. So did anything change from -- did he
13 explain anything about planning they have had?

14 A. Well, that was us discussing a plan to help
15 get that North A of his caught in time. I believe the
16 co-op manager might, may have been shopping around to
17 try to find other people to maybe catch some as well.
18 And when we do that, there is a direct transfer.

19 For instance, if I caught some of his North A,
20 then I would then catch some of his South A, for him, we
21 would just do the change, a direct swap.

22 Q. Did Captain Hathaway make any -- share
23 anything else with you about the voyage up from Dutch
24 Harbor, the past cod season, his crew?

25 A. We talked about his cod season, sounded like

1 fishing was pretty good. I think that he wasn't real
2 happy about having to bring the next trip of bait up to
3 the island. He obviously couldn't keep it on board, it
4 would melt or ruin by the time it got used. You know,
5 he was having to do what he had to do to get the job
6 done.

7 Q. How did having that extra bait affect his
8 plans?

9 A. Well without it he would have not been able to
10 complete his second trip if Trident ran out. He would
11 have, at the end of his first trip would have had to run
12 all the way back to Dutch Harbor, or Akutan, or Peter
13 Pan in King Cover, purchase more bait. And run all the
14 way back out to the grounds to start his second trip.
15 Instead of offloading trip one, loading bait, and
16 running right back out to the grounds to get fishing.

17 Q. Well, it sounds like it is a good thing that
18 he had the bait on board, so he didn't have to run back
19 to Dutch.

20 A. For the -- same reason why I brought my trip
21 two bait out myself as well. I just had the room to
22 keep it.

23 Q. But was he complaining about having to bring
24 the extra bait?

25 A. Yes.

1 Q. And why would he complain about that? I --
2 yeah --

3 A. Well yeah, he is already under the gun to get
4 his North A caught. And now he was burning another, yet
5 another day just to bring bait to the island. It would
6 have been nice to know that the island had adequate bait
7 for us. This is not something that is one year
8 specific. This is ongoing. This is more, multiple
9 years, the standard, so to speak.

10 Q. And it is related to the time of the -- it's
11 related to the end, coming up to the end of the plant's
12 operation. So they are reducing their inventory of
13 bait. So otherwise during the rest of the season they
14 are going to have plenty of bait?

15 A. I am unaware of what they keep in inventory
16 there. For several years, I always receive an email
17 that generally tells me to bring lots of bait.

18 Q. Can you describe how -- can you describe how
19 you came to tell me -- with the delay of one day, tell
20 me how he would be delayed from his, from getting to the
21 fishing grounds by having to deliver the bait.

22 A. Well it is -- had he not brought his second
23 trip of bait, had to bring it with him to the island,
24 offload it in St. Paul, run back out to the grounds, set
25 his gear. His course line would have been Dutch Harbor

1 to the grounds, and not to St. Paul.

2 Q. And where was he -- where was Captain Hathaway
3 going to first start to fish?

4 A. At the forty and the forty, is where he was
5 going to start, right above me about twenty miles.

6 Q. And what was that referred to as?

7 A. It's a longitude/latitude. And it is -- he
8 wanted to start just north of me a little bit.

9 Q. All right. Thank you Mr. Shelford.

10 MR. KARR: I am through with my questions.

11 CDR MULLER: Okay. Thank you Mr. Karr. Mr.
12 Suffern, NTSB do you have any questions?

13 MR. SUFFERN: Yes Commander Muller, I have
14 questions.

15 **EXAMINATION**

16 BY MR. SUFFERN:

17 Q. Mr. Shelford thank you for your time this
18 morning. I'm going to turn my attention a little bit
19 more towards the weather conditions that you described
20 on the 8th, 9th, 10th, and 11th. And kind of following
21 up on what Mr. Gillette was -- his line of questioning
22 there. And what you saw on your vessel there.

23 Could you describe -- I know that you said in
24 reference to his questions on the 8th and the 9th, you
25 were not picking up that much ice. But on the 10th, you

1 said that you had to spend some time breaking ice there.
2 Do you recall the ice accrual rate? Was there freezing
3 spray about a half an inch an hour? Quarter of an inch
4 an hour on the 10th? On the 11th? Do you remember any
5 rates around those dates of ice?

6 A. I can't specifically say the actual rate. I
7 had about three day accumulation on the boat when I
8 chose to stop and break ice, which was on the 10th.

9 Q. And about how much ice was on your vessel at
10 that time when you decided to break?

11 A. Three to five inches.

12 Q. Okay. And you were saying the winds were from
13 the northeast about 20 to 25, but gusting to 35?

14 A. It seems like toward the evening it would come
15 up and blow at a good steady 35. We had a real
16 prominent flood current, you know, to the
17 north/northwest, actually.

18 That would stand the waves up, so it was kind
19 of a nasty chop, as we call it. And, but that, the
20 weather seemed to be more squally. Where it would be
21 blowing 35, maybe even 40 at times, and then drop back
22 down to 20/25 for quite a while.

23 The morning that it happened, I had just
24 gotten up, it was after the boat actually had sank. And
25 it was, but when I woke up it was actually unlimited

1 visibility. I might have had twenty knots of wind, and
2 other than a residual swell there was really no sea that
3 had come down that night.

4 Q. And do you recall the swell and sea wave
5 height? About how high that was at your location?

6 A. Well, you know, I had probably about a 6 to 8
7 foot ground swell, a long drawn out ground swell.

8 Q. Okay. Was there any communication between
9 yourself and other vessels around the 10th and the 11th,
10 as far as how much ice they were picking up?

11 A. No. After the fact I heard stories of guys
12 that were saying it was, you know that they had built
13 quite a bit of ice, and they were having to break ice,
14 and I was a little bit puzzled by that. I just didn't
15 witness that type of -- usually when it is in the 23/24,
16 I think there were times during the day it would get up
17 to like 25 and that is only three or four degrees under
18 salt water freezing temp.

19 When I had run into -- a lot of it would even
20 melt off from the, you know, heavier water coming over
21 the bow. I just didn't, didn't -- maybe it was where I
22 was further away from the ice pack or something. But I
23 did not really ever see it get lower than 22 degrees.

24 Q. And during earlier testimony, you mentioned a
25 specific event where you had to shed pots due to icing

1 you were seeing. How was the freezing spray around this
2 particular incident on a scale of 1 to 10, 10 being the
3 worst freezing spray you have ever, event you have ever
4 had. And then one being, you know, nothing at all.
5 Where in that scale was this particular ice that you
6 were seeing on the 10th and the 11th?

7 A. I -- like I said I had three days'
8 accumulation before I even thought about breaking ice.
9 And I did, just for the ease of breaking it. If it gets
10 about past 3 to 4 inches thick, it becomes a lot harder
11 to break.

12 Q. Okay.

13 A. When it is 1 to 2 inches thick it is kind of a
14 pain to break, it takes a lot more time. But it seems
15 like there is a -- around that three inch, where one
16 solid hit with a hammer shatters it. It comes off in
17 nice big pieces; you can cut your time of breaking ice
18 down substantially, if you just kind of let it get to
19 that one level.

20 Q. Okay, so from a scale of 1 to 10 was it --

21 A. Oh, I didn't really give it much thought.

22 Q. Okay.

23 A. I, you know, I just didn't. I wasn't too
24 concerned about the ice at that point.

25 Q. Okay.

1 A. The weather just was not that bad.

2 Q. Okay. Has sheltering behind terrain, or an
3 island ever been useful for you in freezing spray
4 conditions?

5 A. Absolutely.

6 Q. And if so, could you describe an event where
7 it's helped out?

8 A. Well, a number of years ago I was fishing
9 about seventy-five miles west/southwest of St. George.
10 And during that time the weather forecasts were less
11 than accurate -- and no offense.

12 Q. None taken.

13 A. Okay. And instead of it blowing forty, it was
14 more like fifty maybe plus. And the temps dropped down
15 to you know, five degrees. We were no longer fishing we
16 were just staying afloat, pretty much just breaking ice.
17 It got to the point where we really couldn't keep up.
18 It was blowing out of the, kind of north/northwest; it
19 was more northerly if I remember right.

20 I just, I -- I finally just sent the guys in,
21 cleaned it up as best we could and pinned the throttle
22 to the wood as we speak. As fast as we could, just put
23 it in a ditch and ran for St. George. We got behind the
24 island, by the time I was there the ice was way thicker
25 than I ever liked it to be.

1 Q. About how close to the island do you need to
2 be, or to St. Paul or St. George to be sheltered behind
3 the island? Do you need to be within half mile,
4 nautical mile, or a mile?

5 A. Well, you know, St. George is -- it depends on
6 the wind direction, you know, your positioning on the
7 island, how much lee you can pick up and how far away.
8 I mean, if you are coming from westward, a northerly is
9 not much help until you get up, you know within a couple
10 miles of the island. Or actually behind it.

11 If you are coming from south, you know, from
12 Dutch Harbor, northeast you are going to be picking up a
13 lee of a southeast thirty-five, and within four miles
14 you will start experiencing a lee.

15 Q. Okay. Could you please describe how you
16 gather your weather information?

17 A. I have my office email me once to twice a day,
18 depending on the, the coming weather. And that's why I
19 receive it via email on the boat. I print it out, and
20 keep it with me. I have a five day forecast updated
21 daily to twice a day.

22 Q. And whose weather forecast, or do you know
23 whose weather forecast you are getting?

24 A. National Weather Forecast, Anchorage, I
25 believe.

1 Q. Okay. Do you wish, outside of email, do you
2 wish there were other ways that you could receive
3 weather information? Or do you feel like that email is
4 good enough for you?

5 A. It would be great if somebody would allocate
6 some more money to you guys, so we can get some better
7 radio equipment out there to the Cold Bay, Kodiak --
8 Kodiak's mic's been on the fritz for about five years.
9 We rarely even hear them because he clips in and out.

10 Q. Okay.

11 A. But they are so underfunded now it is just
12 hard to get anything out of them. I don't even bother
13 listening anymore, honestly.

14 Q. So you are speaking specifically about the
15 NOAA weather radios and picking those up?

16 A. Yeah. Yeah they are just, yeah they are, you
17 know, they just need some money thrown at them or
18 something. I don't know why they can't afford to give
19 the guy a mic but it would be nice. Maybe they have
20 now, I literally, it's been a year since I even bothered
21 listening to him because they'd just be clipping in and
22 out.

23 Q. So there's no point when you are sailing
24 around Kodiak that you can really pick it up at all?

25 A. Well, you might be referring to the VHF

1 automatic transmission they have there, that's great.
2 But outside of twenty miles, fifteen miles of land you
3 don't pick that up.

4 Q. Okay. Do you keep any type of weather logs as
5 far as the weather that you encounter as you are
6 fishing?

7 A. Yeah, my wheelhouse log is filled out daily,
8 and in that, I will always include what the weather is
9 at the time.

10 Q. So, is that something that you do hourly, or
11 every six hours, every twelve hours or what you remember
12 from the day as far as the weather encountered?

13 A. No. I'll enter the weather in my log once a
14 day.

15 Q. Okay. Do you, when you encounter weather
16 conditions, do you report to other ships, is that
17 something you keep just within your ship, or you share
18 that back with the home office or anything like that?

19 A. I will often share my weather emails with my
20 partner boats.

21 Q. Would you be willing to share your weather
22 information, if there was an easy way to do it, to the
23 National Weather Service, or other folks as far as, you
24 know, we picked up this much ice on this day, or we are
25 seeing stronger winds than you are forecasting. Would

1 you be willing to share your information to help make
2 the weather forecasts better or ...

3 A. I think if there was just a -- I think a lot
4 of the problems are with the crab fleet, more
5 specifically the crab fleet that is. Is that most crab
6 boats I've been on don't have the best barometers, they
7 are -- when was the last time they were calibrated?
8 What kind of accuracy are we giving you? I think that
9 has always been my concern with sharing data is
10 accuracy.

11 I know that you guys have a lot of tug boats
12 out there that share their daily information with you,
13 and they are a little more educated when it comes to
14 these things. I would certainly not have a problem
15 sharing my weather that I'm experiencing, via email.
16 Yeah. I guess if there was a provision for it I wouldn't
17 have a problem.

18 Q. Okay. Do you feel like you receive enough
19 warning when there are freezing spray conditions
20 forecast, going to come up on the grounds do you feel
21 like you get enough heads up as far as the weather
22 forecast?

23 A. Yes.

24 Q. And so you receive those warnings via email as
25 well when you get the latest text forecast?

1 A. Yes.

2 Q. How much time do you need to adequately
3 prepare for freezing spray conditions on your boat?

4 A. It's more about -- it's not more about
5 preparing, because we are always prepared for icing
6 conditions in the winter months. It is more about
7 planning our trip. For during and into the trip,
8 nearing the end of the season we know we have gear to
9 bring in.

10 We -- that enters my plot to figure out how
11 I'm going to finish this trip, start this trip, what I'm
12 going to do with the gear, whether I separate, you know,
13 there's times when I will -- five days of bad weather
14 come and I'll get my gear very close together in icing
15 conditions, even if it hurts my fishing, for the sake of
16 not moving around too much and building a lot of ice.
17 Getting more gear hauled, you know what I'm saying?

18 They are -- the weather forecast, whether it
19 is icing or not is vital to my planning of a trip,
20 ending a trip, starting a trip.

21 Q. Is there a decision point that you have,
22 personally, where you decide whether, or when it is time
23 to shelter behind an island either for wind conditions
24 or for freezing spray conditions?

25 A. Yes, there are definitely times when I'll seek

1 shelter. It is very rare. But yes, there's times.

2 Q. So, and that decision point is at fifty knots
3 from a certain direction? Is that three inches of ice?
4 Or is it just dependent on how much gear you have on
5 board?

6 A. Well, it is more about wind velocity. You
7 know it is about the sea state that that wind is going
8 to produce. All us guys out there that have been out
9 there for a long time know that you watch a really deep
10 southwester, right. If it is going to blow forty-five
11 knots out of the southwest and that wind direction is
12 steady all the way out to the chain. You know that it's
13 not going to be a twelve foot sea, or fourteen foot sea,
14 it's going to be twenty-five foot seas, even though the
15 wind velocity is not that much.

16 But then, you might have a sixty-five knotter
17 coming through that's just a front, and it's not that
18 deep, and you just put your nose into it and wait for it
19 to pass. You know what I'm saying? It is more about
20 the sea state, how deep that wind is, how far out is it
21 coming from to tell you just how bad that weather is
22 going to get. So it is not so much the velocity of
23 wind.

24 Q. Okay. Earlier, you spoke briefly on the
25 current conditions around St. George and dealing with

1 those. Is there a particular sea state, and wind set up
2 that is difficult, or dealing with the current
3 conditions around St. George Island as far as, you know,
4 if the wind is from the southwest it is harder to
5 navigate around St. George, but if the wind is from the
6 northwest it is easier?

7 A. No. There is no wind direction around any of
8 the islands that are easy. You know, when you get, any
9 time you get up close to land mass the waves close up,
10 they shorten up, move faster, the current runs faster,
11 when it is going up against it, it makes a very nasty
12 chop. So, I'm always cautious when I'm nearing land in
13 any type of inclement weather.

14 Q. All right.

15 MR. SUFFERN: Commander Muller that is all the
16 questions I have, thank you.

17 CDR MULLER: Thank you Mr. Suffern. Ms.
18 Spivak do you have any questions?

19 MS. SPIVAK: No questions, thank you Captain
20 Shelford.

21 CDR MULLER: Mr. Gillette?

22 MR. GILLETTE: I have no follow-up questions,
23 sir.

24 CDR MULLER: All right. Mr. Shelford, this
25 this concludes the questions that we have for you --

1 MR. KARR: Scott, I have a follow-up.

2 CDR MULLER: Okay. Excuse me. NTSB, Mr.

3 Karr?

4 **EXAMINATION**

5 BY MR. KARR:

6 Q. Mr. Shelford, can you tell me how ice
7 accumulates inside the crab pot stack?

8 A. Well a crab pot isn't a solid surface, right?
9 It is 4" mesh. So a certain amount of that water spray
10 will not just adhere to the bars or the web, it will
11 penetrate the stack and freeze inside of it.

12 However, it does not take long for them to
13 become a solid surface, where the water does not go
14 inside anymore.

15 Q. How far down the stack have you seen the water
16 freeze?

17 A. You mean up the stack?

18 Q. Well let me -- does the lowest stack ever
19 accumulate ice?

20 A. It's the, that's usually where most of the ice
21 is accumulated. As the stack gets higher, less ice is
22 accumulated. The wind tends to pick spray up. And the
23 higher the wind velocity it kind of tends to keep it
24 down.

25 If you are bucking straight in to wind, of

1 course, then it is throwing it up quite a bit. But
2 either way, the higher the stack usually the less ice is
3 carried.

4 Q. All right.

5 A. Most of your ice weight is between the second
6 tier and lower.

7 Q. In conversations that you've had over the
8 years with Captain Hathaway has he ever shared with you
9 what he expected of his nighttime wheelwatch? What
10 tasks he expected them to do?

11 A. No.

12 Q. And with regard to your last trip, your last
13 trip on board your vessel, how many -- what kind of days
14 did your crew work? Were they eight hour days, twelve
15 hour days, sixteen hour days, mixed, sixteen hour days?
16 I'm trying to get an idea how tired they might have
17 been?

18 A. I'll generally fish eighteen hour days, and
19 shut down for six hours. Usually seven hours with a
20 rotating clock, giving them a half hour to gear down,
21 half hour to gear up, six hours in the rack.

22 Q. And then that would be one person on the wheel
23 during that time?

24 A. Yes.

25 Q. Did that person ever fall asleep?

1 A. He would be in trouble if he did.

2 Q. But, on this recent trip, did anyone fall
3 asleep while they stood their two-hour watch after
4 working eighteen hours?

5 A. I use a watch alarm that is always on while
6 the crew is on watch, set at a 10 or 12 minute interval.
7 If a crewmember did fall asleep there would be an alarm
8 sounded in, within 10 or 12 minutes. It requires the
9 deckhand to press a reset button on that device every 10
10 to 12 minutes or it will go off. I would add that that
11 is a pretty standard procedure through the whole fleet.

12 Q. All right. Thank you. One last question.
13 With regard to weather, did you know that there is a
14 process out there that allows you to look at the heavy
15 freezing rain forecast, the wind, the temperature, the
16 seawater temperature, and predict the amount of ice that
17 would accumulate on your vessel?

18 A. Yeah, yeah gotta love those equations that
19 don't necessarily always work out.

20 Q. I was going to -- next question is do you use
21 that?

22 A. No.

23 Q. Have you used that in the past?

24 A. No, there are so many variables to it. And
25 you know, honestly, I mean they teach you all these

1 things in sea school and wad them up on the piece of
2 paper you wrote them down on and throw them out the
3 window. I think your, I think experience will trump, in
4 the Bering Sea, I think there are standards out there,
5 that it may be in different demographics. The Bering
6 Sea is kind of a place all its own.

7 I do put a lot of faith in that. However, the
8 fleet, in general, particularly over the last fifteen
9 years is much, much more educated with stability,
10 safety.

11 I can't even begin to tell you how far we have
12 come since I was a deckhand, a long time ago, when it
13 comes to all the above.

14 Q. All right. Thank you, Captain.

15 A. Um-hmm.

16 CDR MULLER: Any further questions Mr. Karr?

17 MR. KARR: No further questions.

18 CDR MULLER: Mr. Suffern?

19 MR. SUFFERN: No further questions.

20 CDR MULLER: Ms. Spivak?

21 MS. SPIVAK: No, thank you.

22 CDR MULLER: Mr. Gillette?

23 MR. GILLETTE: None.

24 CDR MULLER: I have no further questions. So
25 that concludes our questions for you Mr. Shelford.

1 Before we close, are there any aspects, information that
2 you would like to share with the Board for our
3 consideration related to our investigation of this
4 marine casualty?

5 THE WITNESS: Nothing that I haven't already
6 voiced.

7 CDR MULLER: Okay. Thank you.

8 THE WITNESS: Thank you, guys.

9 CDR MULLER: So with that, I have to read a
10 quick statement. You are now released as a witness at
11 this Marine Board of Investigation. Thank you for your
12 testimony and co-operation. If I later determine that
13 this Board needs additional information from you, I will
14 contact you.

15 If you have any questions about this
16 investigation, you may contact the Marine Board
17 Recorder, LCDR Mendoza. Thank you again for your time.

18 THE WITNESS: All right. And thank you guys
19 for taking this time, and gathering this information.
20 Hopefully good will come of it. Good day.

21 MR. KARR: Thank you.

22 CDR MULLER: Thank you. We will take a five
23 minute recess.

24 (Whereupon a five minute recess was taken.)

25 CDR MULLER: Good morning, this hearing will

1 come to order. We will now hear testimony from Mr.
2 Cornett. Mr. Cornett are you on the line?

3 THE WITNESS: Yes, sir.

4 CDR MULLER: Okay, good morning.

5 THE WITNESS: Good morning.

6 CDR MULLER: Let me just read a quick
7 statement to get you up to speed about the layout that
8 we have here at the Board. We are calling from Seattle,
9 Washington. We are conducting a Mariner Board of
10 Investigation into the sinking of the fishing vessel
11 Destination.

12 In the room we have members of the Board,
13 Lieutenant Commander Mendoza, Mr. Jim Gillette and
14 myself, Commander Muller as Chair. The NTSB, Mr. Mike
15 Karr and Mr. Paul Suffern, they are conducting an
16 independent investigation. We also have a
17 representative from the Party-in-Interest.

18 THE WITNESS: All right.

19 CDR MULLER: So during your testimony today,
20 you may receive questions from the Board Members, the
21 NTSB or the Party-in-Interest. This public hearing is
22 being recorded.

23 Okay, and I understand that you are underway
24 communicating with us via satellite telephone, is that
25 correct?

1 THE WITNESS: Yeah, that is correct.

2 CDR MULLER: Okay. Are you in a place you can
3 answer our questions?

4 THE WITNESS: Sure.

5 CDR MULLER: Okay. With we'll get started.
6 LDCR Mendoza will issue the oath.

7 LCDR MENDOZA: Sir, please stand and raise
8 your right hand.

9 **WITNESS**

10 **MR. BILL CORNETT**

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: I do.

15 LCDR MENDOZA: Sir, could you please state
16 your full name and spell your last name for the record.

17 THE WITNESS: My name is Billy Joe Cornett,
18 that is C-O-R-N-E-T-T.

19 LCDR MENDOZA: Would you state your current
20 employment and position title sir?

21 THE WITNESS: I am currently employed with
22 Clipper Seafoods out of Seattle, Washington as the
23 captain of a 130' longline fishing vessel, the Clipper
24 Surprise.

25 LCDR MENDOZA: Do you hold any professional

1 licenses or certificates?

2 THE WITNESS: What's that?

3 LCDR MENDOZA: Do you hold any professional
4 licenses or certificates?

5 THE WITNESS: No.

6 LCDR MENDOZA: Thank you, sir.

7 CDR MULLER: Mr. Cornett, Mr. Gillette will
8 now start with your questions. Mr. Gillette?

9 THE WITNESS: Okay.

10 **EXAMINATION**

11 BY MR. GILLETTE:

12 Q. Good morning Mr. Cornett, my name is James
13 Gillette with the United States Coast Guard, can you
14 hear me over the phone?

15 A. Yeah, I can hear you fine.

16 Q. Okay, great. If at any time you don't
17 understand a question that is asked, just request that
18 the question be readdressed or rephrased.

19 If at any time you need to take a recess
20 please ask. Also remember, to speak up loud and clear
21 to assist the court reporter to transcribe the hearing.
22 With that said, I would like to start asking questions.

23 A. That's fine. Can you hear me?

24 Q. I do hear you, Mr. Cornett.

25 A. Okay.

1 Q. Mr. Cornett, can you share with us how long
2 you have been a commercial fisherman and how long you
3 have been the Captain on board the Clipper Surprise?

4 A. I have been fishing since 1987 in the Bering
5 Clipper in the Gulf of Alaska. And I've been in the
6 employment of Clipper Seafoods since 1988. And I have
7 been captain of this boat for ten years.

8 Q. Can you tell us a little about the Clipper
9 Surprise? What type of boat it is, what's the length
10 and so forth?

11 A. The Clipper Surprise is a 130 x 30. It is a
12 converted offshore supply vessel that was converted by
13 Clipper Seafoods in 1987. The boat was built in 1979 at
14 Eastern Shipbuilding in Panama City, Florida.

15 Q. On the Clipper Surprise, what is your fishing
16 operation? What do you guys fish for out there?

17 A. Right now we are fishing for Turbot. We are
18 185 miles west of St. Matthew Island on the edge
19 fishing. For Turbot we are a longline vessel.

20 Q. I would like to hear from you about the
21 weather that you experience out on the Bering Sea.
22 Could you start by telling us if the Clipper Surprise
23 has any written or verbal policies about heavy weather?
24 And if so, can you elaborate about that?

25 A. We have our stability instructions on heavy

1 weather and icing on board the vessel. And during heavy
2 weather employees are to secure all the hatches, which
3 is a normal procedure for heavy weather and the icing.
4 The ice loads for what we are rated is all labeled on
5 our, in our stability addendum.

6 Q. Can you speak about how icing from sea spray
7 affects the Clipper Surprise, and what measures do you
8 take on board to reduce the effects?

9 A. The Clipper Surprise is fairly well insulated
10 from icing. It's got a smooth structure, there's not a
11 whole lot of, not a lot of extended steel or lattice
12 work to attract ice. It can hold a fairly large ice
13 load if it has to. I've seen icing on this boat in
14 excess of a foot over the years, when I wasn't operating
15 it. But traditionally we don't allow icing on this
16 boat to accumulate more than 4 or 5 inches before we get
17 out and break it off.

18 Q. Can you talk to us about what you have
19 available on the Clipper Surprise to monitor weather as
20 well as what you do to use forecast weather?

21 A. We have the internet here. So I get my
22 weather from the National Weather Service. So there is
23 also UHF radio, and there's numerous weather sites on
24 the internet that we have access to from the satellite.

25 Q. Mr. Cornett, I would like to get your

1 professional view of what it is like to transit near St.
2 George and St. Paul Island. Can you elaborate on the
3 challenges and also if the islands are used for
4 protection. Can you elaborate a little about that?

5 A. Yeah. If you have a big Nor'easter or a lot
6 of northerly, if it's winter time, you can go up and run
7 up into Zapadni Bay and jog around and wait for the
8 weather to clear. Which is what we did, actually, on
9 the trip previous to the Destination's loss. We spent a
10 day and a half jogging in front of the island and
11 staying out of the weather to prevent us from heavy
12 icing and big seas.

13 Q. All right. I would now like to shift the
14 focus to the late hours of February 10th, and the early
15 morning hours of February 11th. Can you start by
16 telling us where you were located, and what was the
17 reasoning for you being where you were at?

18 A. February 10th, we were located just west of
19 St. George Island, approximately ten miles. At the
20 closest we were six miles from the beach. And at the
21 furthest we were about fifteen miles from the beach. And
22 we were there fishing pacific cod that trip, and the
23 weather was coming up.

24 They were forecasting for -- I, you know,
25 here, I've got it on my phone -- heavy freezing spray

1 warnings, small craft advisories. It was northeast 25,
2 northeast 20, northeast 30, north 30.

3 So we were just fishing in the shelter of the
4 lee of that island, and was -- we were doing okay, the
5 seas weren't too bad in there, and we were fairly well
6 protected from the brunt of the weather. Although, we
7 were still making ice, we weren't steaming (sounds like)
8 in it, but it was just accumulating on the boat, it was
9 cold.

10 Q. How much ice did you guys accumulate on board?

11 A. We had approximately four inches, maybe a
12 little bit more on the boat (inaudible word).

13 Q. I didn't hear you very well. Could you repeat
14 that again?

15 A. We had approximately four, four inches of ice.

16 Q. Okay, thank you.

17 A. Did you get that?

18 Q. I did, thank you. Did you receive weather
19 updates, and if so, can you elaborate who from, and were
20 they accurate from what you were actually experiencing?

21 A. You'll have to repeat that, you are breaking
22 up.

23 Q. Did you receive weather updates at that time,
24 and if so, who did you get those from? And also, were
25 they accurate from what you were actually experiencing?

1 A. Oh, okay. The weather we got from the
2 National Weather Service that was my weather forecast.
3 That was, the one I got was on the 10th, and that was
4 forecasting from the night of the 10th up through
5 Wednesday of the previous -- or through the week. And
6 we usually find the weather to be a little low on their
7 forecasts. You can usually add five knots, to their
8 weather forecast without any problem at all. If it says
9 thirty-five, you are going to see forty. So, as far as
10 a heavy freezing spray that -- it was that time of year,
11 it was blowing from the north/northeast for so long, it
12 was cold.

13 Q. You said that sometimes you could give an
14 extra five. At that time did you actually experience an
15 extra five?

16 A. Oh yeah, yeah, it was blowing pretty good. We
17 were getting thirties, gusts of thirty-five.

18 Q. Did you have any radio contact with the
19 Destination?

20 A. Did I contact the Destination?

21 Q. Yeah, did you have any radio contact with the
22 Destination?

23 A. No sir, I did not have any radio contact with
24 them. The only contact we saw them with was on the
25 radar, and to the AIS.

1 Q. Can you elaborate a little about that, what
2 you saw on the radar, the AIS? And if you can, tell me
3 what timeframe that was that you noticed that?

4 A. We saw them early in the morning, I don't
5 know, it would probably be six in the morning, thinking
6 back about it. And over the course of the night they
7 were transiting on the west side of St. George Island,
8 they were hugging the beach real tight, within a mile.
9 That is pretty close being next to the beach. And we
10 just figured they were just staying out of the weather,
11 or trying to stay out of the weather. And prevent any
12 further ice, I would imagine.

13 We watched them transit across the west side
14 of the island. And then they went off the end of Gulloy
15 Point, and we lost AIS contact with them at that point.
16 And we didn't think anything of it at the time, because
17 it is not unusual, AIS is transmitted through a VHF
18 link, line of sight. And once they get 10, 15 miles
19 away, we have no more contact with them. And then the
20 target would disappear. That's considered normal for
21 us. So we had no reason to suspect anything otherwise.

22 Q. So when you say, normal, that occurs often in
23 your opinion? That you lose AIS around that area?

24 A. Yeah. They were probably, they were that far
25 away, so it is common for -- if it is a really big boat

1 you can have AIS contact thirty miles away. But a
2 small boat like the Destination, ten miles, fifteen
3 miles, that's entirely normal to lose contact with them
4 at that range.

5 Q. All right. On the 11th of February 2017, can
6 you talk about how you were notified that the
7 Destination was missing? And if so, can you elaborate
8 if you contributed to any of the search process?

9 A. Our first notification that the Destination
10 was possibly missing, was when the Coast Guard started
11 calling for them, because they must have gotten an EPIRB
12 signal, and they were calling for them repeatedly.

13 And then there was a C130 that came over. And
14 they were calling for them. And then shortly
15 thereafter, a couple of Coast Guard helicopters showed
16 up, and they were flying over the area looking for them.
17 And that was our first notification that the boat had
18 been lost. There was no mayday, no chatter on the
19 radio, it was quiet. And then Coast Guard started
20 looking for them.

21 And then a helicopter dropped a drift buoy up
22 around where the EPIRB was at. And they flew all around
23 and never contacted us once. And being as we were
24 probably the only boat on that side of the island at the
25 time. I would imagine we would have seen or heard

1 something if they had, if the Destination had actually
2 said anything. But there was no -- there was nothing
3 from the radio.

4 Q. Okay. Thank you Mr. Cornett. Please stay on
5 line. We have other people that are going to ask
6 follow-up questions.

7 MR. GILLETTE: Commander those are all my
8 questions for Mr. Cornett.

9 CDR MULLER: Thank you Mr. Gillette. Mr.
10 Cornett this is Commander Muller.

11 THE WITNESS: Morning.

12 CDR MULLER: Good morning. I have one or two
13 follow-up questions.

14 THE WITNESS: Okay.

15 **EXAMINATION**

16 BY CDR MULLER:

17 Q. So after you received the notification from
18 the Coast Guard, when they began their call outs, what
19 was the nature of those calls from the Coast Guard?

20 A. They were merely calling, they were calling
21 for the boat, and they just kept repeatedly calling the
22 Destination. And that was our first indication that
23 there was something wrong.

24 And then there were some other boats that were
25 (inaudible word) to the Coast Guard, said that they

1 hadn't heard anyone. And they were being called by the
2 Coast Guard by one of the helicopters that was looking
3 for them, or the C130, I don't remember which one it
4 was. It was still dark, then. So there was just some
5 radio chatter back and forth between them and the Coast
6 Guard. And between Anchorage and the helicopter or the
7 C130, but there was -- nobody contacted us.

8 Q. Did you hear any calls from the Coast Guard
9 requesting or asking any available mariners in the
10 vicinity to search that area and assist?

11 A. Nope, I didn't hear any calls asking for
12 assistance other than to keep a sharp eye, and keep a
13 look out for anything. Notify the Coast Guard if you
14 saw anything that was all we got. And we were, if the
15 boat was adrift, or somebody was in the water, we would
16 have seen them, because the wind was blowing right to
17 us.

18 So we looked for all the next day -- all that
19 night, all the next day as we hauled back and forth
20 across part of the island. Well, if there was going to
21 be anybody here we are going to see them, because we are
22 right in line with the, where the boat was reportedly
23 missing at. And the way the weather was blowing it
24 would have blown them right to us.

25 And the search buoy that the helicopter

1 dropped, actually ended up wrapped up around our
2 flagpole, on the end of one of our sats. So, we were
3 right in the path of anything that came out of there.

4 Q. Do you recall the date and time you discovered
5 the drift buoy on your flagpole?

6 A. Let me go back here and look. It was the day
7 after they dropped it. We didn't actually (inaudible
8 word) until then. Let me look and see if I can see
9 where it is at here -- okay. It looks like February
10 12th is when we would have, the 12th or the 13th is when
11 we were -- set their string on the 12th. And it was
12 wrapped up around the end of our flagpole.

13 The Morgenthau came along the bottom of the
14 island. They came steaming around the bottom of the
15 island the next day looking for the boat. And they must
16 have been tracking signal from the buoy, because they
17 came across, south, overtop of our gear, and then they
18 made a turn to the southwest and headed right to the end
19 of our set.

20 And I didn't really think nothing of it -- I
21 didn't call them, they never called me. And then they
22 got down, right to the end of our set, and then they
23 turned back to the northeast and started doing a search
24 grid looking for the boat. The looked all day long. We
25 watched them on radar track them all day long. They

1 didn't see anything.

2 But they ran over our flag pole when they came
3 by and cut that, they cut the flagpole off. And when we
4 went up to haul that set that night the flagpole was
5 missing and we had -- we chased it down and found the
6 drift buoy attached to it that's how we came upon that.

7 Q. Did you recover the drift buoy? And if so,
8 what did you do with it?

9 A. We kept it on board. We recovered it and kept
10 it on board.

11 Q. Did you inform the Coast Guard that you
12 recovered it?

13 A. No.

14 Q. Did you return it to the Coast Guard?

15 A. No, I didn't.

16 Q. Do you still have it?

17 A. It was ruined. It was full of sea water and
18 ruined. It was just a pile of rust inside. Those drift
19 buoys are just a couple pieces of Styrofoam that are
20 glued together, wires sticking out of them. The sea
21 water goes right inside of them, they don't last very
22 long.

23 I think they are a throw away item for the
24 Coast Guard. They put them in water and never look at
25 them, once they get their, whatever data they are

1 looking for, they -- I seriously doubt they ever recover
2 them. It was just, that thing wound up around our gear.

3 Q. Did you happen to take a picture of it?

4 A. I don't think, I don't have anything here on
5 the boat. I don't think so.

6 Q. Okay.

7 A. I don't think --

8 Q. Do you still have it? Or did you just throw
9 it out and --

10 A. I --

11 Q. -- what did you do with it?

12 A. I think it may still be at my dad's house. I
13 took it down to have him take a look at it. And he may
14 still have the thing. But ah --

15 Q. Okay.

16 A. Like I said, when we cracked it open it was
17 just a rusted circuit board inside of it.

18 Q. Okay.

19 CDR. MULLER: I have no further questions.

20 Now to NTSB, Mr. Karr?

21 **EXAMINATION**

22 BY MR. KARR:

23 Q. Hi Captain, this is Mike Karr of the NTSB.

24 And Captain, can you describe the nighttime wheelwatch
25 on board your vessel during icing conditions when there

1 is only one person on the bridge. And I'd like you to
2 describe the tasks that that person would undertake.

3 A. Well the (inaudible word) driving the boat at
4 night, and we are just hauling gear, so he -- his job is
5 just to maintain watch of the boat overnight to make
6 sure that the gear is hauled properly, fish are brought
7 on board. And ensure the safety of the crewmembers who
8 are working on there. And if there is a problem, he is
9 to get me up. And then I would deal with the problem at
10 that point.

11 Q. Is there any time when there would be no crew
12 up, and it would only be the wheelwatch?

13 A. No. No, we are a twenty-four hour operation,
14 so we are running, we run twenty-four hours a day.

15 Q. All right.

16 A. There's always, there is always people up, we
17 are always working.

18 Q. All right, thanks Captain.

19 MR. KARR: I don't have any more questions.

20 CDR MULLER: Thank you Mr. Karr. Mr. Suffern?

21 **EXAMINATION**

22 BY MR. SUFFERN:

23 Q. Morning Mr. Cornett. Thank you for your time
24 this morning. I am a meteorologist with the NTSB. And
25 so I'm going to ask you a few weather related questions

1 as far as how you experience things. Around the 10th
2 and the 11th, do you recall how quickly the ice was
3 accruing on your vessel? Was it a half inch an hour,
4 was it an inch an hour? Do you recall?

5 A. Oh, it would be less than a half an inch an
6 hour. We are not moving very fast. We are only moving
7 about a knot through the water. A knot and a half in
8 the water, so unless we are pounding back into it, the
9 ice accrues at less than a half an inch an hour. And it
10 is, it's real minor. It just kind of slowly builds; we
11 get out and knock it off.

12 Q. Could you describe the sea conditions
13 surrounding the 10th and the 11th? You said you had a
14 northeast wind. Do you recall how high the swell and
15 the wave heights were at your location?

16 A. Let's see, on the 10th and the 11th, 10, 12
17 feet, probably.

18 Q. Were the sea height, and then swell heights,
19 were they less if you were closer to St. George? You
20 said you traveled between fifteen miles and six miles,
21 at six miles away were you -- were the wave heights
22 less? Or was it all about the same?

23 A. Oh, wave heights were significantly less as
24 you get closer to the island. The further away you get
25 the bigger the sea. (Inaudible few words), part of the

1 (inaudible few words). No, you get up close to the
2 island it lays down pretty good. Like I said, that
3 previous trip we spent a day and a half jogging in
4 Zapadni Bay because the weather was so bad. There was a
5 couple other boats in there hiding out from the weather.
6 They were much closer to the beach than we were, but we
7 couldn't get in that tide. So we just jogged back and
8 forth in front. But yeah, the sea and swell heights
9 were significantly reduced closer to land.

10 Q. How close do you have to be to the island to
11 experience less seas?

12 A. Oh, five miles, five miles the seas will drop.
13 Because, like I said, the closer you get the ah, it's
14 much less there. The night they were transiting out,
15 I'd say they were probably a mile, or closer to the
16 beach. They ran tight. So, they were definitely trying
17 to stay out of the weather.

18 Q. Was there any communication between your
19 vessel and any other vessels as far as what the other
20 vessels were experiencing as far as freezing spray?

21 A. No. No, we didn't talk to anybody. We just
22 watched boats transited by us. I was wondering why some
23 of them were running in that weather, because I wouldn't
24 have been running anywhere, it was too much ice to be
25 running.

1 Q. How was this freezing spray event for you, on
2 a scale of 1 to 10, 10 being the worst event you have
3 experienced, and one being nothing at all, how was the
4 freezing spray on this particular event?

5 A. Oh, I'd say probably a three. I've seen some
6 pretty bad icing. This didn't even come close to that.
7 I mean, we weren't going anywhere, we were just sitting
8 there, you know, basically transiting back and forth
9 across from the island, at a knot, or a knot and a half,
10 so we are not taking any ice.

11 Had we been seeing it at 6, 7 knots blasting
12 into that weather, yeah we would have -- it would have
13 been a significant event. We would have had to have
14 stopped and knocked the ice off the boat because you
15 would have been (inaudible word), steaming into that
16 weather.

17 I mean we had come out of St., or Dutch Harbor
18 before, steaming north, years ago, we had a captain
19 steaming us north into a northeast forty and we made
20 significant amounts of ice, enough to cause the boat to
21 list over to the starboard pretty good. But I got up,
22 and -- yeah, you'll make a lot of ice steaming into the
23 weather, compared to just sitting there jogging back and
24 forth.

25 Q. Ah --

1 A. So for us it wasn't, it wasn't a significant
2 ice even, but we were, we weren't traveling either. So
3 we were pretty much stationary.

4 Q. Thank you. Earlier, during a question with
5 Mr. Gillette you said you received your weather
6 information via the National Weather Service, could you
7 describe how you received that? Did you check their
8 website? Do you get an email with that information? DO
9 you get a text message?

10 A. No, I check their website. And I check it,
11 usually when I'm getting weather I'll check it 2 or 3
12 times a day if it is updated. And I check it, and I
13 record it on my phone. I record it here, I've got it on
14 the 10th, and then I recorded it again on the 13th.

15 And yeah, we knew the weather was coming. And
16 so yeah, I was checking it pretty close, because we were
17 (inaudible word) the gear to accommodate the weather.
18 And so yeah, we check their website all the time. In
19 fact, I have been checking it today twice, because we
20 have weather coming here. So yeah, we are always
21 checking that.

22 Q. Do you wish there were any other ways that you
23 could receive that weather information?

24 A. Yeah, that would be nice if we could have
25 received it a little quicker. I mean, it's good that we

1 can get it this way because, you know, we used to get it
2 over the radio. That was so hit and miss. But it's --
3 you always want more information faster, but that
4 requires a faster internet, we are lucky to have, we are
5 lucky to have a stable satellite platform right now that
6 is even allowing us to have this conversation, because
7 ten years ago this wouldn't even have been possible.

8 Q. Do you keep any weather logs of the type of
9 information, or type of weather that you encountered on
10 your ship, like a daily log of the weather? Or do you
11 record it every six hours or anything like that?

12 A. I keep those weather forecasts, I keep -- I
13 try to keep those logs on my phone, so that's my weather
14 log, so I try to (inaudible word). That way I store it
15 there, so I can look back, like for something like this.
16 I can look back at the weather and say, well on the
17 10th; this is what it was doing.

18 So, that forecast was through the week. It
19 was (inaudible word) Monday through Wednesday was north
20 thirty. And then it went to north forty. Yeah, I try
21 to (inaudible word), it's convenient.

22 Q. So when you encounter weather conditions do
23 you ever report the weather to any other ships that
24 weather information? Do you ever share, you know, what
25 you are experiencing? Hey, this is different than what

1 the forecast is, it's worse, or it is better or anything
2 like that?

3 A. Sure, I do when, with our other vessels. I
4 mean, we have sister vessels, corporate (inaudible
5 word), and we talk all the time and I see what the
6 weather is, because he's -- right now he is sixty miles
7 north of me, and -- the way this weather (inaudible few
8 words), I can go out to (inaudible few words), compare
9 with other boat's, and notice that it is not doing what
10 it says it's going to do. Or keep checking another
11 weather resource. And his weather resource says, he's
12 supposed to be doing, you know, one thing, and we are
13 (inaudible word) it's doing something completely the
14 opposite of that.

15 But, as far as other vessels out there, I
16 mean, unless there is some reason we have to make
17 contact with them, like they are fishing, and we are
18 fishing or -- we are fishing where they are fishing, or
19 they are transiting too close to us, or something like
20 that. We would have no contact with them.

21 Q. So you, you keep that weather information
22 between you and your sister ship. Would you ever be
23 willing to share that weather information that you
24 encounter with the National Weather Service?

25 A. Yeah, if there was a better way to do it. I

1 mean, it's not like I can call the National Weather
2 Service and say hey, the weather up here is really bad.
3 You guys are off by ten knots. It's just not that easy.

4 Q. So if there was a way to do it conveniently,
5 you would be willing to do that.

6 A. Oh sure. Give me some more bandwidth on my
7 (inaudible word), would be possible to do that. But, we
8 start the bandwidth, I mean, you know, (inaudible few
9 words) that kind of information back and forth.

10 Q. And how do you receive weather and weather
11 warnings about freezing spray information? Do you
12 receive that from the National Weather Service?

13 A. Yes, sir.

14 Q. Do you feel like you receive enough time to be
15 able to do something, you know, it is -- are the
16 freezing spray warnings available in time for you to
17 take action?

18 A. Oh yeah, I mean we knew, we knew this freezing
19 spray was coming days in advance. And we said, well we
20 are going to have to turn the gear, because it's going
21 to blow northeast, or stuff blows north as we were, or
22 no, it's going to blow northeast. We need to set up to
23 haul that way. And we, we turned our gear, we turned
24 three sets to the northeast so we could accommodate that
25 weather, and we ended up getting hung out by -- after

1 the Coast Guard ran over our (inaudible word), we had to
2 haul that backwards. With the starboard side of the
3 boat to the wind. Subjecting the crews to the weather
4 for about six hours.

5 So yeah, we knew it was coming. But, you
6 know, sometimes there's not a lot you can do about it.
7 It takes so long to get gear on board. But, sometimes
8 longer than you would like, that's for sure. But yeah,
9 we knew it was coming, so it's not like anybody didn't
10 know.

11 Q. Is there a decision point that you have as the
12 captain to decide whether to shelter behind an island or
13 not in freezing spray conditions?

14 A. Oh sure. When I start seeing the weather come
15 up around forty knots, we get heavy freezing spray, and
16 if we are close enough to get behind an island to hide,
17 then that's the decision I'll make usually.

18 But, like right now, if I had heavy weather,
19 there's no place to go a 180 miles from any kind of
20 land. So, you know, it would just be, you turn the
21 boat up into the wind, or turn the boat down wind, and
22 just run with it, or jog up into it to prevent any -- we
23 wouldn't want to be seen around that stuff.

24 Q. As a captain, do you see any challenging
25 current conditions when you are steaming around St.

1 George Island at all? Do the -- is there a particular
2 wind direction that's worse, or a current condition
3 that's worse when you are steaming around St. George?

4 A. St. George is really bad on the southwest.
5 And southwest is about the worst weather we see. Those
6 are the (inaudible few words), because there's nothing
7 out there to stop them, and they get really big. We've
8 got, we've got some southwest coming, and we get some
9 westerly sixteen foot seas here for two days.

10 So, yeah, the westerly/southwest is better,
11 exposed to that west side of the island. And that
12 happens to be where we were fishing, and where the
13 Destination was transiting through was on the west side.
14 But that's a northeast, northerly. So they had some
15 protection there. I don't know whether they had stopped
16 to knock the ice off, I would have.

17 Q. Thank you Mr. Cornett, that's all the
18 questions I have right now.

19 MR. SUFFERN: Commander Muller?

20 CDR MULLER: Thank you Mr. Suffern. Ms.
21 Spivak?

22 MS. SPIVAK: No questions.

23 CDR MULLER: Okay, Mr. Gillette?

24 MR. GILLETTE: No follow-up questions.

25 CDR MULLER: Mr. Karr?

1 MR. KARR: One follow-up question.

2 **EXAMINATION**

3 BY MR. KARR:

4 Q. Can you define the hit or miss with regard to
5 the radio weather forecasts?

6 A. Well, you know, they announce the weather all
7 the time, and you get far enough away and you can barely
8 hear it. And sometimes the weather conditions are so
9 bad you couldn't hear it at all on the radio. And with
10 the advent of the internet, satellite communications it
11 is pretty much made the radio version of the weather
12 obsolete, I don't think anybody uses that anymore.

13 I know I don't, because it is, it is too slow,
14 a real long way from Kodiak. So, unless the weather is
15 just right, you can hear it sometimes you can barely
16 hear the weather at all, in fact, when that was all we
17 had, I can remember being out in Dutch Harbor and not
18 being able to hear the weather, because it was just too
19 bad, we weren't getting a signal from the radio.

20 Q. Do you have the radio on in your wheelhouse
21 now, listening to the --

22 A. I have two of them out there.

23 Q. Tuned to the weather broadcast?

24 A. Yes, 4125.

25 Q. That you don't --

1 A. -- that's VHF. I have VHF, I have the weather
2 channel on VHS from St. Paul that I can't hear up here,
3 we are too far away.

4 Q. All right. Thank you Captain.

5 MR. KARR: No more questions.

6 CDR MULLER: Okay, Mr. Cornett, can you hear
7 me, this is Commander Muller?

8 THE WITNESS: Yeah, get you fine.

9 CDR MULLER: Okay, that concludes our
10 questions that we have for you. Before I wrap up with
11 you, is there any elements or issues related to this
12 investigation that you think the Board should consider
13 that was not otherwise captured with these questions?

14 THE WITNESS: No, not really. I mean, you
15 guys found the boat, didn't you?

16 CDR MULLER: I'm sorry, can you repeat that?

17 THE WITNESS: You guys found the boat, didn't
18 you?

19 CDR MULLER: Yes, we found the boat via NOAA's
20 survey, as well as Coast Guard survey operations.

21 THE WITNESS: It was found, it was right off
22 the end of St. George, wasn't it?

23 CDR MULLER: Yes.

24 THE WITNESS: Yeah, yeah, right where we,
25 right where we lost it at, is the spot right where they,

1 they came around that corner, with that wind, and it was
2 over with for them. So, I figured that's, you know,
3 with the heavy icing we were looking at it and saying,
4 well they never stopped to knock that ice off when they
5 steamed out of Dutch. And they came around the corner
6 and that was it, I'm sure. It was probably laying on
7 its side (inaudible word) stack (inaudible word). So ...

8 CDR MULLER: Right. We will get to that type
9 of testimony towards the end, later on in the week.

10 THE WITNESS: Okay. I'll still be here.

11 CDR MULLER: Okay sir, well good luck with
12 your fishing. I just need to read a statement --

13 THE WITNESS: Okay --

14 CDR MULLER: -- I need to read a statement and
15 then I will release you as a witness, okay? Mr.
16 Cornett?

17 THE WITNESS: Okay. Yes.

18 CDR MULLER: You are now released as a witness
19 at this Marine Board of Investigation. Thank you for
20 your testimony and co-operation.

21 THE WITNESS: Okay.

22 CDR MULLER: If I later determined that this
23 Board needs additional information from you, I'll
24 contact you.

25 THE WITNESS: Okay.

1 CDR MULLER: If you have any questions about
2 this investigation please contact us. Thank you.

3 THE WITNESS: Okay, thank you.

4 CDR MULLER: All right.

5 THE WITNESS: Bye.

6 CDR MULLER: Okay, we are going to continue to
7 press on before lunch. We have one more witness for
8 this morning. So we are going to recess for five
9 minutes.

10 (Whereupon a five minute recess was taken.)

11 CDR MULLER: Okay, good morning again. This
12 hearing will come to order. We will now hear testimony
13 from Mr. Jorge. Mr. Jorge are you on the line?

14 THE WITNESS: Yes, I am.

15 CDR MULLER: Yes hi, good morning, this is
16 Commander Scott Muller.

17 THE WITNESS: Good morning.

18 CDR MULLER: LCDR Mendoza will now administer
19 your oath, and ask you some preliminary questions.

20 THE WITNESS: Okay.

21 LCDR MENDOZA: Please stand and raise your
22 right hand.

23 **WITNESS**

24 **MR. DEHAR JORGE, CAPTAIN F/V POLAR SEA**

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: I do.

4 LCDR MENDOZA: Sir, please state your full
5 name and spell your last name.

6 THE WITNESS: Mr. Dehar Jorge, J-O-R-G-E.

7 LCDR MENDOZA: Would you state your current
8 employment and position title?

9 THE WITNESS: I am employed by the company
10 (Inaudible company name) LLC. I am the Captain of the
11 fishing vessel Polar Sea.

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

14 THE WITNESS: Yes, I do, a one hundred ton.

15 LCDR MENDOZA: Thank you, sir.

16 CDR MULLER: Mr. Jorge, this is Commander
17 Muller again.

18 THE WITNESS: Yes.

19 CDR MULLER: Before we get started I just want
20 to read out a brief statement so you have an
21 understanding of the presence that we have here, in this
22 room.

23 THE WITNESS: Okay.

24 CDR MULLER: We are calling from Seattle,
25 Washington. And we are conducting a Marine Board of

1 Investigation, into the sinking of the fishing vessel
2 Destination. In the room we have members of the Board,
3 LCDR Mendoza, Mr. Jim Gillette, and myself as the chair.

4 The NTSB is also present, Mr. Mike Karr, and
5 Mr. Paul Suffren. Also present is a representative from
6 the Party-in-Interest, the vessel's owner
7 representative, attorney. This is a public hearing;
8 therefore we have a number of persons in the room
9 present with us including family and friends of the
10 fishing vessel Destination.

11 As a public hearing, this is also being
12 recorded. I understand you are underway at this time,
13 is that correct?

14 THE WITNESS: Yes, I am.

15 CDR MULLER: Are you in a place where you can
16 answer our questions?

17 THE WITNESS: Yes, I am.

18 CDR MULLER: Thank you. Mr. Gillette?

19 **EXAMINATION**

20 BY MR. GILLETTE:

21 Q. Good morning Mr. Jorge.

22 A. Good morning.

23 Q. My name is James Gillette with the United
24 States Coast Guard. Can you hear me clearly over the
25 phone?

1 A. Yes, I can.

2 Q. Okay. I hear you clearly, as well. If at any
3 time you don't understand a question that is asked, just
4 request that the question be readdressed or rephrased.

5 If at any time you need to take a recess
6 please ask. And also remember to speak up loud and
7 clear to assist our court reporter to transcribe the
8 hearing. With that said, I would like to start asking
9 questions.

10 Mr. Jorge can you share with us how long you
11 have been a commercial fisherman? And how long you have
12 been the captain on board the fishing vessel Polar Sea?

13 A. Yes. Again, I am a commercial fisherman for
14 about twenty-four years. I've been the captain on the
15 Polar Sea about four years now.

16 Q. Can you describe a little about the Polar Sea,
17 what's its length?

18 A. It is a 105 with 32 and a half width. And
19 house forward boat. And built by (inaudible name).

20 Q. Okay. I would like to get your professional
21 view as a captain aboard a Bering Sea crab boat, with
22 concerns to Crab Rationalization, and how a Northern and
23 Southern Quota Shares affects your operation. Can you
24 speak about that?

25 A. Yes, now, thank God for the way things are

1 right now. And we have time to catch our quota, and so
2 that helps us quite a bit. And then working quotas, you
3 know, we are part of a co-op, so you know, we divide it
4 and we deal with the (inaudible word) up north. And
5 then the (inaudible few word), we deliver down south.
6 So, it is just pretty much the way things are, you know.
7 And it is, you know, it is not (inaudible word), it is
8 just, you know, the Bering Sea, normally we are fishing
9 around the island up north.

10 So we can deliver both ways, but it is, you
11 know, it is definitely convenient sometimes to deliver
12 up north, and sometimes it is better to deliver in the
13 south. So, it is just up to the ways the Quota is
14 divided. We have (inaudible few words).

15 Q. Can you tell us if you have ever had any
16 problems or concerns about offloading deliveries? And
17 if you miss delivery dates, how does that affect your
18 operations?

19 A. No, I mean, delivery dates, you know, there
20 are delivery dates, it is hard to pinpoint the time and
21 date, and everything changes and varies so much, you
22 know, in terms of delivery. You know we ah, you know,
23 it's, it is just not a day, in the -- you know, it is
24 normal, and I'll be a day late, or a day earlier, you
25 know, it is -- that is just the way that crab fishing

1 is.

2 Q. How far in advance are offload delivery dates
3 scheduled? And can you share with us who sets up those
4 times?

5 A. Normally we deal straight with the cannery,
6 our captain, us running the boat, you know, we talk to
7 them, and then provide them what we think, we predict
8 when the boat will be full, or we want to come in. And
9 so we decide that, when we want to be in.

10 And then we coordinate it with the co-op, with
11 the manager of the co-op. And they let us know where, I
12 mean, we have to deliver it, or we got Quota still open
13 up North, or we gotta go south. But pretty much the way
14 I run is, we -- I do speak with the cannery.

15 Q. Okay, thank you. I would now like to slightly
16 shift the focus to weather in the Bering Sea, and how it
17 affects the Polar Sea's operation. Does the Polar Sea
18 have a written or verbal policy about heavy weather?
19 And if so, can you elaborate about that?

20 A. Yeah, I mean we have the ability, of course,
21 like every other vessel does, you know. But the weather
22 on the Bering Sea, is just the (inaudible few words),
23 it's pretty much a (inaudible word), boat, you know, it
24 is cold in the winter, you know, it is change, you know,
25 and we just got to deal with (inaudible word).

1 You know, we got to wait, you know, got a
2 weather report and communicate with people, talk to
3 people. And we got our emails, you know, we receive
4 emails. But, yeah, in the wintertime, you know, it is
5 cold. And then it can be warm too, you know, it varies.

6 Q. Can you speak about the measures you take on
7 board the Polar Sea to reduce the effects of icing
8 caused by sea spray?

9 A. My policy, you know, on the wintertime, is
10 slow and (inaudible word). So, the slower you go, the
11 less ice you make and the faster you go the more ice you
12 make. So slow and fast, and we just, you know, we try
13 to keep the ice off boat as much as possible, you know.
14 And we keep a good eye on it, and you know, and that's
15 the way it is. And it is hard to explain, and we just,
16 you just see it, and then you just look at it, you know,
17 it is slow and (inaudible word).

18 Q. Have you ever had to set pots because of ice
19 buildup? And if so, can you elaborate about that?

20 A. No, I never did myself. I mean, not that I
21 recall. I should think, no, normally not. And you
22 know, yeah if we have to, of course, then we always do.
23 And ah, yeah, if we have to, we have to, you know. But,
24 myself, I don't recall, I don't think I recall making
25 that -- because I --

1 Q. Okay, Mr. Jorge. I would now like to get your
2 professional view of what it is like to transit near St.
3 George and St. Paul Island. Can you elaborate on the
4 challenges?

5 A. Yes, you know, it is just a, you know,
6 sometimes you get (Inaudible word) in there, you know,
7 it is -- you just, you have to pay attention, it's a lot
8 of traffic, you know, it can be pretty traffic there.
9 You know, and so you just, yeah, you have got to just
10 pay attention. You know, and when you travel through
11 there -- and yeah, I don't, it's pretty much, yeah; you
12 gotta pay attention, that's pretty much how it is there.

13 Q. What do you have to pay attention to?

14 A. To the tides, and I make sure you don't have
15 another vessel, you know, and stay clear of everything.
16 And but it can get hard. It depends on, you know, how
17 change (inaudible few words), normally, you get
18 (inaudible few words).

19 And but there and then you go, normally we go
20 to deliver in St. Paul, and getting in there can be
21 tricky sometimes, you know, you got to be, call, you got
22 to notify people that we are coming in and going out.

23 Q. Are the islands there ever used for protection
24 from weather?

25 A. Yes.

1 Q. Can you elaborate a little about that?

2 A. Yeah, when we get weather and we fish around
3 there, you know, we go to the island and hide and anchor
4 and wait for weather to calm down.

5 Q. All right, once again, I would like to
6 slightly shift the focus to vessel stability. Can you
7 talk to us about if you have seen the weight of crab
8 pots, the weight and size of crab pots change over the
9 years?

10 A. No, I don't see the change on it. I mean, we
11 have our own pots, and we deal with our own gear, so we
12 know what we have. And, but I don't see that, you know,
13 the only way it changes, you know, if you put an extra
14 shot on, if you go with three shots, or if you go deep
15 or go two shots, and go shallow. That's the only way it
16 changes the weight of the gear. Just how many shots you
17 have on the pots.

18 Q. What is the current size and weight of the
19 crab pots that you use on board the Polar Sea?

20 A. It is about 650 pounds or 700 pounds. We have
21 6.5 x 7.

22 Q. How much gear do you normally put inside the
23 crab pot? And what are the weights of the gear that you
24 put inside?

25 A. I'd say somewhere around a 100 pounds, a 120

1 pounds, it depends on how many shots we put inside the
2 pot.

3 Q. Do you combine the crab pot weight and the pot
4 gear weight together when reviewing your stability book?

5 A. We pretty much know what they weigh. So we
6 just go by the stability report, what we have. And
7 that's how we -- that's the way I run here, you know,
8 just see what -- how many pots, and then we (inaudible
9 word) the weather condition, and then I (inaudible word)
10 from there.

11 Q. Does the weight of the pots in your stability
12 book match the actual weight of crab pots that you have
13 on board, and if not, can you elaborate how you make
14 adjustments to comply with the stability book?

15 A. The stability book done by, it was done by the
16 weight of the pots we have. And those pots being the
17 weight, I think they are the ones that (inaudible word)
18 the boat. So we buy the boats with those, with the same
19 pots, and we buy more pots, and it is the same size, 6.5
20 x 7.

21 Q. Does the actual weight of those pots actually
22 match your stability book?

23 A. Yes, it does.

24 Q. Okay. Does loading bait factor into your
25 stability assessment? And if so, can you elaborate?

1 A. Yes, you know, we compensate, you know. We
2 have our -- we look at the stability report, and we see
3 how much fuel we have, and yeah, we just, the bait, of
4 course, any weight on the boat is going to change your
5 stability on the boat. And we just go by what it says
6 on the book. And then we -- and that's how we do it.

7 Q. Do you call the Coast Guard prior to each
8 fishing season? And if so, can you elaborate why you
9 call them and what they assist you with?

10 A. I call before, prior to leaving the dock, we
11 call for King crab. And for them to take a look at the
12 boat, and pots on the boat. They have done that before.
13 And the other way we call the Coast Guard for the Coast
14 Guard sticker. And we have done that in Dutch Harbor
15 and then we done one this year in Seattle.

16 Q. I would now like to shift our focus on the
17 Destination, and their voyage of 09 February until 11
18 February, 2017. Can you talk to us where the fishing
19 vessel Polar Sea was located between the 9th through the
20 11th of February?

21 A. We were east of the islands; I don't know
22 approximately how many miles. But yeah, we were east of
23 the island fishing, and then on the 10th, we depart
24 where we were fishing and head towards the island.

25 Q. I lost what you just said there, Mr. Jorge.

1 Can you repeat that?

2 A. We were east of the island fishing. And
3 between the 9th and the 11th, and then after we
4 (inaudible few words), I think it was the 10th; we took
5 off, from whatever we were fishing on the grounds, and
6 heading towards St. Paul.

7 Q. When you say -- did you say west of the island
8 or east of the island?

9 A. East. East of the island.

10 Q. Do you know, approximately how far away from
11 the island you were?

12 A. Let me take a look here. I'm going to be
13 approximately here --

14 (Brief pause.)

15 A. -- about 85 miles, 81 miles.

16 Q. Okay. Can you elaborate a little about the
17 weather and the seas that you were experiencing in that
18 timeframe?

19 A. You know, on the 9th, if I recall correctly,
20 it was not as bad. There was -- I had a cold day on the
21 Bering Sea, it was kind of -- it was getting cold. And
22 we were chipping ice at night time. And I believe on
23 the 10th, the weather started picking up again. And --
24 I would say probably it was about thirty-five miles an
25 hour and sea conditions maybe fifteen footers, around

1 that, if I recall correctly.

2 Q. Did you receive weather updates? And if so,
3 can you elaborate who they were from? And also, were
4 they accurate with what you are actually experiencing?

5 A. Yes. I receive numerous weather reports every
6 day. We communicate with the other boats, and I receive
7 the emails, with the weather through my computer on
8 board. And we also communicate with the other partners
9 that we fish together, that I fish together.

10 And then we always evaluate weather conditions.
11 And the wave report with the cannery. And you know, the
12 cannery always advices us, and let us know that, like
13 how we think it is going. And so, we have several
14 communications and warnings. And on different sources.

15 Q. Was the weather reports you were getting, were
16 they accurate with what you were actually experiencing?

17 A. Yes, pretty much, you know. It varies a
18 little bit, sometimes. But, pretty much it is right on
19 it.

20 Q. All right, Mr. Jorge in front of you -- do you
21 have Exhibits 107 through 120?

22 A. What I am looking up here. Yes, I do.

23 Q. Okay. Exhibit 107 through 120 are photos
24 provided by the fishing vessel Polar Sea with ice on
25 board. What I'd like to do is have you speak about

1 them. When they were taken, and where they were taken,
2 and why did you take these photos. So I'd like, kind of
3 like a description from you, about those.

4 And I'd like to start with photo Number 107,
5 and it is a little bit (inaudible word) I know we are
6 over the phone. So I'm going to kind of go picture by
7 picture. I'll just call out the number, and then if you
8 could just tell us what it is that we are actually
9 looking at if you can. So I'd like to start with Number
10 107, do you have that picture 107?

11 A. Yes, I sure do.

12 Q. Could you tell us when and where that picture
13 was taken and why these photos were taken?

14 A. That was on the 11th that was St. Paul dock.
15 And we were start chipping ice off the boat.

16 Q. Just to make sure we are looking at the right
17 picture, what do you see in front of you?

18 A. Just the name Polar Sea, and the wheelhouse,
19 with some ice taken off from the side of it, on the
20 wheelhouse on there, kind of forward on the starboard
21 side.

22 Q. Okay. I'd like to go to Photo 108, Exhibit
23 No. 108. Can you describe this photo?

24 A. Yeah. That's us approaching, getting inside
25 the harbor with it had a little of ice on the water.

1 And we tried to navigate through there slowly, until
2 getting to the dock.

3 Q. We are going to go to Exhibit No. 109. Can
4 you tell us what this photo is?

5 A. That is from the bow of the boat, they had a
6 little bit of ice there.

7 Q. Do you know roughly what time that photo was
8 taken?

9 A. You know, I thought it was in the early
10 morning -- I believe, that's the time, it took us a
11 while to -- we were getting the ice off the cleats so we
12 can tie off the boat.

13 Q. Early morning on what date?

14 A. On the 11th.

15 Q. Okay, I'd like to now show Exhibit No. 110.
16 Can you explain what this photo is?

17 A. Well I'm getting to 111, 110 -- this is
18 approaching St. Paul, but I don't believe that was the
19 same date, because it looks like that is daylight.

20 Q. Okay. I'd like to go to Exhibit No. 111. Can
21 you explain what this photo is?

22 A. That is us getting in, on the dock and
23 approaching the dock. And that was the edge of the ice
24 there before we approached the dock on the 11th.

25 Q. What dock is that that we are looking at?

1 A. That's at St. Paul Island

2 Q. Is that the Trident Seafoods dock?

3 A. Yes, that's right.

4 Q. Okay. I'd like to see Exhibit No. 112. Can
5 you describe this, please, 112?

6 A. Yes, I got it, 112 that was getting through,
7 breaking the ice approaching the dock.

8 Q. Do you have a timeframe of when that was
9 taken?

10 A. I believe it is also the 11th.

11 Q. You believe what, sir?

12 A. The 11th.

13 Q. Okay. Exhibit No. 113, can you tell us what
14 this picture is?

15 A. I'm sorry -- one at a time here, 113, one
16 second --

17 Q. Are you able to --

18 A. Exhibit No. 113, I believe that's the one with
19 ice on the house.

20 Q. Can you look at Exhibit No. 113 again?

21 A. Yeah, hold on a second. I'm trying to scroll
22 down here, 115.

23 Q. Exhibit No. 113.

24 A. Yeah, Exhibit No. 113, that's the guys
25 breaking ice at the bow on the 11th.

1 Q. Okay. Can we see Exhibit 114; can you tell us
2 what this photo is? Mr. Jorge?

3 A. Yes. I'm just trying to scroll down, because
4 they are not in order.

5 Q. Okay. Exhibit No. 114.

6 A. Exhibit No. 114. Exhibit No. 113, that's the
7 guys breaking ice on the bow.

8 Q. Okay. What about Exhibit No. 114, are we
9 talking about the same --

10 A. Exhibit No. 114, I keep going back to the
11 Exhibit No. 113. Exhibit No. 114?

12 Q. Yes.

13 A. That was prior to that, the last one that was
14 the morning of the 10th, we were breaking ice.

15 Q. Okay. Now we are going to go to Exhibit No.
16 115, can you tell us what this photo is?

17 A. I keep going back to the same picture, Exhibit
18 No. 118, I have 116, 119, I wish it was in order.

19 Q. Yes, it is Exhibit No. 115.

20 A. Yeah, I keep going back to the same ones here,
21 and I wish it was in order, because I cannot open it,
22 that one. Exhibit No. 116, 119, 120 --

23 Q. Okay, why don't you --

24 A. I'm trying to get back to the Exhibit No. 115.
25 Okay, I've got Exhibit No. 115, that's the wheelhouse of

1 the boat on the 10th, not the 11th.

2 Q. Okay. What is Exhibit No. 116, are you able
3 to open that one?

4 A. Okay, Exhibit No. 115 I got, 120, 118, 116?

5 Q. Exhibit No. 116.

6 A. Yes. That's the anchor of the boat together
7 with the wheelhouse, we are icing up on the 10th.

8 Q. Okay. How about Exhibit No. 117, are you able
9 to open that one up?

10 A. Yes. That is also the wheelhouse with the
11 anchor on the side.

12 Q. Okay. Exhibit No. 118?

13 A. Yes, that's the anchor on the bow of the boat.

14 Q. Okay. Exhibit No. 119

15 A. Also the anchor and the (inaudible word), and
16 the bow.

17 Q. And Exhibit No. 120.

18 A. It is the same thing, the anchor and the
19 wheelhouse.

20 Q. Thank you for your patience, going through all
21 those photos.

22 A. It was hard to see the numbers with all the
23 ice, and the background here on the phone.

24 Q. Can you tell us, roughly how thick that ice in
25 those photos that we are looking at?

1 A. On the house, I'd say approximately three
2 inches thick.

3 Q. How about the ice towards the front of the
4 bow?

5 A. That was about (inaudible few words), because
6 the anchor wench, you know, it is, I'd say probably can
7 be in some spots it can be 5, 6 inches thick. You know,
8 it is very hard to say for sure.

9 Q. How long did it take for all that ice to
10 accumulate?

11 A. It depends how fast you are going, weather
12 conditions, and yeah it varies, so many -- yeah, it
13 varies. You know, it can be pretty quick if you are
14 going really fast. It can go slow. If you are going
15 slow, it doesn't build as much. To take that ice off,
16 we were in St. Paul, and it took about a day, pretty
17 much.

18 Q. Sorry, Mr. Jorge, I wasn't able to hear you
19 clearly. How long did it take that ice to accumulate
20 that thickness?

21 A. It varies, you know. On our boat, that took
22 us a day and a half to get that much ice on, on that
23 part, the anchor there, that much, to two days, probably
24 a day and a half or two. But I don't recall for sure, I
25 understand, it was a while ago. And to take that ice

1 off took us a whole day when we were on the dock just
2 chipping ice.

3 Q. Did you have to make any decisions concerning
4 crew safety or safety of the vessel during this
5 timeframe? And if so, could you elaborate?

6 A. Yes, I do. And you know, you have to see the,
7 you know, the conditions that they were, how cold it is,
8 and you know, give them enough time to warm up inside
9 the vessel, and to have a cup of coffee. And be sure
10 that I keep ice off the boat. You know, and that's
11 pretty much the way we do it.

12 Q. How many times during that day and a half did
13 you have to stop your crabbing operations to take care
14 of ice?

15 A. If I recall correct, about four times.

16 Q. Roughly how long did it take each time to help
17 combat that ice before you started back up?

18 A. Approximately, I would say about five hours
19 each time.

20 Q. I thought I heard you say also that you pulled
21 back into St. Paul with ice. Did I hear that correctly?

22 A. That is correct.

23 Q. Were you scheduled to go to St. Paul? Or did
24 you go to St. Paul for any particular reason?

25 A. We go to St. Paul; we were going to pick up

1 some parts for the boat. And the ice, also. So we were
2 trying to, you know, take some time off, and relax, and
3 get this ice off the boat, because it was getting --
4 there was just so much, and we were getting rid of the
5 ice, and the weather was picking up so we decided to go
6 in to get this ice off.

7 Q. On February the 11th, 2017 can you talk to us
8 about how you were notified that the Destination was
9 missing? And can you elaborate if you contributed to
10 the search process?

11 A. Yes, I was between the islands, and I'm not
12 sure exactly how far we were -- I received a call from
13 the Coast Guard to try to contact the fishing vessel
14 Destination. And I made a call, a few calls on Channel
15 16, trying to contact. And we cannot, we could not help
16 with the search because we definitely were in very heavy
17 ice, and the weather conditions. And then we -- and
18 that's the only reason we did not go, for our own
19 safety.

20 And trying to take, you know -- but we
21 provided everything we could, and we thought therefore
22 there was, I don't recall which one it was. And heading
23 in that direction, he had no ice on board. But he was
24 coming from the island. And then, I cannot tell for
25 sure, but if he is coming from the island it probably

1 was no ice on board.

2 Q. Did icing assist you in your decision-making
3 to go to St. Paul as opposed to going to the area, the
4 last known area of the Destination? Did you go to St.
5 Paul due to icing? As opposed to go to the last known
6 area of the Destination?

7 A. Yes, that's correct. I go to St. Paul because
8 of my ice condition on the vessel.

9 Q. All right. Thank you Mr. Jorge.

10 MR. GILLETTE: Commander, I have completed my
11 questions for Mr. Jorge. Mr. Jorge, please stay on the
12 line. We have other members who are going to ask
13 questions.

14 THE WITNESS: Okay.

15 CDR MULLER: Thank you Mr. Gillette. Mr.
16 Jorge, this is Commander Muller.

17 THE WITNESS: Good morning.

18 CDR MULLER: Yeah, good morning. I have a few
19 follow-up questions.

20 **EXAMINATION**

21 BY CDR MULLER:

22 Q. So when I, when we ask for -- when you hear
23 somebody say how much does your pot weigh, what do you
24 say? How many pounds?

25 A. I say about 700 pounds.

1 Q. When you say 700 pounds is that -- do you mean
2 just for the pot, itself? Just the steelwork and the
3 webbing?

4 A. Yes, with the shots on, and the buoy, pretty
5 much, I can say it is about 700 pounds.

6 Q. So 700 pounds and that includes the shots and
7 buoys?

8 A. Yes, that's correct. And that is
9 approximately.

10 Q. And what was the size of those pots again?

11 A. 6.5 x 7.

12 Q. And I believe you mentioned that depending on
13 how many shots, but about 120 pounds of gear, of shots
14 and buoys right?

15 A. Yes. That's pretty much close enough, yes.

16 Q. So that means your pot would weigh less than
17 600 pounds to be 700 pounds, right? Total?

18 A. Yes. Our pot is normally, I mean, it is a
19 little less than that normally, the pot, that everybody
20 uses. And normally a lot of people are using (inaudible
21 word). But, so our pot is a little lighter than other
22 pots because of type of (inaudible word), being a 6.5.

23 Q. Do you have your stability book in front of
24 you by any chance? If not, no worries.

25 A. I don't.

1 Q. Okay. Do you just happen to recall what your
2 stability book mentions?

3 A. What's that?

4 Q. What does your stability book mention
5 regarding pot weight?

6 A. Oh, we got a number of things in there, you
7 know, how much fuel on board, how much bait on board,
8 and you got two different books, the one for ice
9 conditions, the one for regular conditions. And then
10 with the front tank full --

11 Q. Right.

12 A. Two tanks down, or one tank down.
13 So it is, I mean, it is a lot of things.

14 Q. Okay. Do you recall if your stability book --
15 again, I understand you don't have it in front of you --
16 but do you recall if it mentioned, specifically, how
17 much the pots weigh? And does it also mention if that
18 weight includes the line and buoys?

19 A. I don't, yeah, I don't recall that. But I
20 can, yeah, it probably does in there. But, that was
21 done that way, but I don't have it in front of me where
22 --

23 Q. Understood, understood. Okay. Earlier when
24 you were discussing what steps you take, or can take to
25 help reduce the accumulation of icing, you mentioned

1 slow and fast. Basically, you slow down to prevent ice
2 build-up. Can you define what slow is?

3 A. Slow is, it is pretty much idle, you know.

4 (Inaudible few words), is less spray as possible. Every
5 spray that comes over the bow, is ice accumulation that
6 you are taking on the vessel. And of course, then the
7 faster you go the more ice you are going to get.

8 Q. Thank you, again, with -- for the patience,
9 reviewing those pictures with us. Do you normally take
10 pictures when your vessel accumulates ice?

11 A. I like to, yeah I like to. To review it, and
12 to take a look at it, and you know, it is always good
13 information for myself. And you know, it is always, I,
14 I like to do it because you keep looking at it, and then
15 you see it, how fast it goes, and how it can happen. So
16 yeah, normally I do.

17 Q. So with this, these icy conditions, where
18 would it stack up compared to previous icing conditions
19 you experienced on board on a scale of 1 to 10? You
20 know, 1 being a very light event, and 10 being the most,
21 more extreme event?

22 A. So on that date, what do I think on a scale of
23 1 to 10, what I --

24 Q. Yeah, was this a significant event, average
25 event, typical event?

1 myself. I'll now hand the phone over to the NTSB, Mr.
2 Karr?

3 **EXAMINATION**

4 BY MR. KARR:

5 Q. Hi Mr. Jorge, this is Michael Karr of the
6 NTSB. Can you tell me when you began fishing this
7 year's opilio season?

8 A. When did I start it?

9 Q. Yes.

10 A. I think it was February 2nd, if I recall
11 correctly.

12 Q. And how -- what was your quota?

13 A. About 640 or 630, I don't know exactly the
14 amount, but it was over 600.

15 Q. And where -- was that for North A?

16 A. Can you repeat the question?

17 Q. Was that quota all for North A? Or was some
18 of that for South A?

19 A. You know, I don't do the paperwork. This is
20 out in the co-op, and they determine, you know, the
21 number of boats that we are fishing together as a
22 partner in the co-op. And they accumulate sometimes, if
23 we have to (inaudible few words). We make contact with
24 the cannery, and so via email and sometimes on the
25 radio. But yeah, we always have North Quota and South

1 Quota. But sometimes don't deliver North, sometimes we
2 deliver our South and the other boats deliver the North
3 Quota, so...

4 Q. Well on your last trip in February, did you
5 also deliver some crab to the South?

6 A. Oh, I deliver most of ours to the South. Most
7 of it to the South.

8 Q. Okay, thanks.

9 A. I say about eighty percent of it, I mean,
10 roughly.

11 Q. And how long, how long did it -- how many
12 trips did you make to the plant in St. Paul to unload
13 crab --

14 A. One trip, I think one trip if I recall
15 correctly, it was just one.

16 Q. Did you unload any crab on that trip into St.
17 Paul when you went to knock off the ice?

18 A. Yes, I did.

19 Q. Was that the one trip?

20 A. Yeah that was the only one, yeah, that's
21 correct.

22 Q. So you had met your North A Quota?

23 A. I don't know if I did. I don't know exactly
24 how much Quota we have up north. But the co-op
25 calculates how much we have, and the owners know what we

1 have. But, I don't know how much Quota we have up
2 north. I know it is (inaudible few words). And some of
3 the other boats take in North Quota.

4 Q. So, who gave you instructions to head south
5 after you unloaded your North Quota?

6 A. Probably the owners.

7 Q. And can you tell me what was your
8 understanding with regards to who was going to catch the
9 rest of your North Quota?

10 A. No. I, you know, I, you know, it's a co-op.
11 You know, it is the owner's option, and then it is the
12 co-op managers, and they are the ones that stipulate
13 where the Quotas go. The only thing we do is just run
14 the boats and catch the crab. And any time -- where we
15 go with the crab, we just received emails and phone
16 calls, and that's how that goes.

17 (Brief pause.)

18 A. I had a year that, I think it was 2 or 3 years
19 ago, I delivered zero crab up north. All my crab goes
20 south.

21 Q. How many pots, during the opilio season how
22 many pots and how many stacks did you have on board your
23 boat when you left Dutch Harbor?

24 A. We had about four high, and about 187, I don't
25 recall exactly the amount, the number. But yeah, you

1 know, I think about 187.

2 Q. All right. And what, and how many crew
3 including yourself were on board?

4 A. Six including myself.

5 Q. And I'm curious to learn how you operated, how
6 you, as the captain expected the vessel to be operated
7 at night when the vessel was sailing at night. Not, you
8 know, let's say, going from Dutch Harbor up to the
9 Pribilofs, or going from one location to another and
10 while the rest of the crew was sleeping, and there was
11 one person in the wheelhouse. Can you tell me the tasks
12 of that person?

13 A. Yes. Normally I drive ninety-five percent of
14 the time; I'm up in the wheelhouse. And my stateroom is
15 located three steps down behind the house. And with the
16 wheelhouse -- wheelwatchers, and boats are two miles
17 they gotta get me up. Or anything happens. Or anything
18 that not seems right, they gotta get me up, and we have
19 communications.

20 And normally I have my phone up, every two and
21 a half hours, I get a call on my phone that, just alert,
22 just come up and take a look around. But that's how we
23 -- that's the way I operate.

24 Q. What if there is a forecast of freezing spray?
25 What direction do you give the crew with regard to

1 monitoring the ice accumulations?

2 A. I get up a lot if we have icing conditions if
3 we have pots on board. So we just go slow, and then if
4 they see that we are making a lot of ice. But normally
5 I get up. I get up quite a bit, you know, if we are
6 (inaudible few words) if we know the weather is going to
7 get cold enough, so we normally -- yeah, we just
8 monitor, and you know, and it is just (inaudible few
9 words).

10 Q. Well, if there is a forecast of heavy freezing
11 spray -- well let me say this, if you are actually in
12 freezing spray, do you automatically reduce your speed?
13 Or do you proceed at normal speed?

14 A. Oh no, I definitely reduce my speed. And ah,
15 you know, yeah, yeah, I reduce my speed.

16 Q. How do you judge the amount to reduce your
17 speed?

18 A. I go as slow as possible. I probably will --
19 in the south, you know, it is (inaudible word) to take,
20 you know, and the wind direction, and the direction you
21 go in, you know it can, yeah, that all depends on the
22 direction you are going and how cold it is.

23 Q. What instructions -- what would the wheelwatch
24 person do -- how does the wheelwatch person evaluate the
25 ice accumulation on the crab pot stack?

1 A. All the guys that have been here, you know,
2 been with me for quite a while. And normally they just,
3 they call me if they see ice coming up, and we see ice
4 started on the pots. We have not have that happen to us
5 in quite a while. And we don't have the pots on board -
6 - when the freezing spray was coming up. And so we
7 don't have that this year.

8 Q. In general, can you describe how someone on
9 the bridge would view ice accumulation on pots stacked
10 four high?

11 A. They probably just keep an eye on it. But
12 normally, I am up here, and I will evaluate that.

13 Q. Well, when you look at it, how do you look at
14 -- I mean, you are underway, there is freezing spray
15 coming up on the bridge, or outside. So how do you,
16 under those conditions, check out the ice accumulation
17 on the crab pots?

18 A. Yeah, I mean, just, you just do. You know,
19 normally if we see enough ice building up, we want to
20 get rid of some pots and we put them on the water. If
21 it is that bad. And you know, it is just, you know.
22 You look at it, and you start building ice. And if you
23 think that one stack being dangerous, or if we just have
24 two pots off.

25 Q. All right.

1 A. And instead maybe two layers off. You know,
2 that's ah, you know, it is so many variables, and it is
3 hard to dictate. But, you know, you know. And I think
4 there is, yeah, you know.

5 Q. Well Captain, I'm interested in exactly what
6 they do to see. For example, do they look out the rear
7 window?

8 A. Oh yeah, absolutely, we look out the back
9 window, we have a door that is from top to bottom, and
10 we got four windows on the back of wheelhouse. And so
11 there is plenty of view on the back of the -- the boat.
12 You can see clear the whole stack on the back of the
13 boat. So you can tell if you are building ice.

14 Q. All right. And would you ever go out -- does
15 anyone ever go outside in the freezing spray to look at,
16 from the bridge?

17 A. Ah we just open the door and we can see it
18 pretty clear. And you know, of course we can go out if
19 it comes to that point.

20 Q. And my last question is regarding this -- the
21 pictures you showed us.

22 A. Um-hmm.

23 Q. I've got two questions. Did your freeing
24 ports close up because of the ice?

25 A. (Inaudible few words), ports because of ice.

1 Q. I'm talking about holes in bulwark on the
2 fishing deck that allows the water to run off.

3 A. Yes, you obviously do that. We got a -- on
4 this vessel, we've got heaters on the buoys on the side
5 of the boat. And we keep those heaters on in the
6 wintertime. And we always have the breakers on out
7 there.

8 What it does -- (inaudible word) ice on here
9 to the buoys on the side of the boat, and that's what it
10 does. It slides, the goal here is to just keep the ice
11 off the boat, and make sure that (inaudible word) is
12 clear but there was runoff.

13 Q. And when you went to look at the life raft,
14 how much ice was on the hydrostatic release?

15 A. Ah, I cannot recall for sure. But there was a
16 thin layer of ice, not a thick layer of ice, but I think
17 a layer of ice on the life raft behind, directly behind
18 the wheelhouse. That is a little bit more protected.

19 And I know we caught too much on the third
20 release. And on -- above the house, there was a little
21 bit more ice on it, a little bit more than a thin layer.
22 And then it was -- that ices up, you know, the whole
23 thing was iced up. But it was, you just, but that was
24 easy just to chip that off, and get the ice off of it.

25 Q. Okay, thank you, Mr. Jorge, I have no more

1 questions.

2 A. Okay, thank you.

3 **EXAMINATION**

4 BY MR. SUFFERN:

5 Q. Good morning Mr. Jorge. My name is Paul
6 Suffern, I am a meteorologist with the NTSB and I have a
7 few questions, follow-up questions.

8 A. Okay.

9 Q. The pictures that you showed were all from ice
10 that had accrued on the 10th. Do you know how fast the
11 ice was accruing? Was it accruing at about a half an
12 inch an hour, an inch an hour, a quarter of an inch an
13 hour, or was it variable?

14 A. It was variable, you know, it is hard, really
15 hard to say. When you are hauling pots, you just
16 (inaudible few words). And then you are in transit to
17 the next string. And then of course you -- I mean,
18 depending on how the ice conditions, what direction you
19 go in. Then you change, if you get the wind off the
20 stack, you go a little faster. And of course you don't
21 build ice on the house if you go forward, into it, on
22 one direction, you want to make ice, or you go slower.

23 But it is hard to dictate, exactly, you know,
24 how thick you build in a half an hour, in an hour. We
25 know it was there. It is hard to dictate, or pinpoint

1 exactly how fast it builds.

2 Q. Could you describe the sea conditions that you
3 experienced on the 10th there, as far as swell and wave
4 height combined?

5 A. It was about, wind at about 35, 35 to 40. And
6 I would say about a 15 foot sea.

7 Q. Was there any communication between your
8 vessel and other vessels as far as freezing spray that
9 other vessels were seeing?

10 A. Yes, I was communicating with a few other
11 vessels. I mean, just the people you work with,
12 normally. And we just talk about the ice conditions.

13 Q. Do you recall how much ice they were seeing?

14 A. They were getting a little bit, like the way
15 we did, you know. We were chipping ice, it was hard to
16 communications with them, because we are, we keep losing
17 communications because of that, yeah, was breaking up.

18 Q. Do you ever shelter behind an island for
19 freezing spray conditions?

20 A. Yes, we do.

21 Q. Could you describe an event where you had to
22 do that?

23 A. Yes, we have been in St. George before because
24 of, yeah, we are down in St. George and we are down in
25 St. Paul. And this year, when we were in St. Paul, I

1 talked to the cannery to see if they would let us stay
2 there for extra-long time, extra time for -- we stayed
3 there as long as we could before other vessels comes in
4 to offload.

5 Q. Can you please describe how you receive your
6 weather information? I believe you told Mr. Gillette
7 earlier, you receive emails. Do you receive it any
8 other way?

9 A. Yes, we receive it through emails. We have a
10 sat phone, a dispatch phone, we talked to another
11 vessel, and then we get phone calls from cannery
12 sometimes. And then, if the weather is increased we do
13 it that way. You know, there are several ways we are
14 receiving weather. Especially when it gets bad. So we
15 get it more.

16 Q. Who do you receive the emails from?

17 A. From the office, they are sent every morning,
18 and every afternoon most of the time, from the office,
19 from the company.

20 Q. Do you recall what forecasts you are getting?
21 Is it a National Weather Service forecast?

22 A. Yeah, they come from (inaudible few words), I
23 think that is NOAA, they come from NOAA.

24 Q. Do you wish there were any other ways that you
25 could receive weather information?

1 A. Yes. I mean, you know, yes. I mean I -- you
2 know, it has always been pretty close, when NOAA puts it
3 out, you know. And sometimes they send us email, you
4 know ask what are we seeing at the present time. And
5 then we try and respond to them. And but yeah, the more
6 you know, the better it is, you know, the more
7 communications we have the more sources we have, the
8 better it is.

9 Q. Do you keep any weather logs of the weather
10 that you encounter daily?

11 A. No, I don't. It's on the computer.

12 Q. Do you receive and weather information about
13 freezing spray warnings, heavy freezing spray warnings?

14 A. They all come with the forecast, if it does,
15 it is that condition.

16 Q. Do you feel like you receive enough time for
17 planning or sheltering when you receive those warnings?

18 A. If we need to yes, we definitely go to
19 shelter.

20 Q. Is there a decision point that you have as the
21 captain to go shelter behind an island due to freezing
22 spray? Does it have to -- the ice have to accumulate to
23 such an amount? Does the wind have to be -- what are --
24 do you have a decision point?

25 A. Yes, absolutely, we have to make a decision

1 point.

2 Q. So what is your decision point as when you are
3 captaining the Polar Sea?

4 A. If we have -- yeah, I mean, it's our decision.
5 If you have pots on board, or if it is a really heavy
6 freezing spray and you are not keeping up with the ice.
7 And it is a several, you know, you have several
8 different things.

9 I mean, you just -- we just know when you need
10 it. You know, if your crew is getting pretty tired, and
11 it is really cold, and then you need to give them a
12 break. And then it is taking longer to get the ice off
13 the boat. And so it is, yeah, it is a lot of variables
14 on that too.

15 Q. So it sounded like from your earlier testimony
16 that you went to St. Paul because of ice on the 10th
17 there. What decision point did you make there, that you
18 had to go to St. Paul?

19 A. It was getting pretty cold, and then, and we
20 were getting very -- they are all getting tired by that
21 point. And so, it was a good time to go in and deal
22 with the ice, and they have a good night sleep, at the
23 dock. Or if I can get a little bit of rest, it was a,
24 yeah, so that was one of the decisions.

25 Q. All right.

1 MR. SUFFERN: That's all the questions I have
2 for right now, Commander Muller.

3 CDR MULLER: Okay, thank you Mr. Suffern. Ms.
4 Spivak?

5 MS. SPIVAK: No questions.

6 CDR MULLER: Okay. Mr. Gillette?

7 MR. GILLETTE: None.

8 CDR MULLER: Mr. Karr?

9 **EXAMINATION**

10 BY MR. KARR:

11 Q. Captain Jorge.

12 A. Yes.

13 Q. On your bridge, what system do you use so that
14 the watchstanders do not fall asleep?

15 (Radio issues on witness side.)

16 A. I'm sorry, I have the radio here. Could you
17 repeat the question?

18 Q. What system do you have on the bridge so that
19 the watchstanders do not fall asleep at night?

20 A. We have a wheelwatch alarm, and it goes from
21 two minutes all the way up to two hours.

22 Q. And can you tell me how that works?

23 A. That works when I put -- it doesn't work, the
24 autopilot doesn't work if the wheelwatch alarm is going.
25 The steering doesn't work if the alarm on the vessel is

1 not on, the panel for all the alarms on board. So
2 that's all tied together.

3 Q. So if -- so help me understand that. So if
4 the automatic pilot is on, is the wheelwatch alarm on?

5 A. Yes, absolutely. If the wheelwatch alarm is
6 not on the autopilot doesn't work.

7 Q. So if someone is steering the vessel manually,
8 how do they stay awake using that alarm?

9 A. Stay awake or the alarm comes on -- the alarm
10 never goes off, even if you are steering manually the
11 alarm is on.

12 Q. Oh okay, all right. And how did -- when you
13 had all that ice on the 10th, how did your vessel behave
14 at sea?

15 A. You know, it is, we do not have any pots on
16 board, and it was -- you know, it came to a point that
17 it became heavy. And then we just take the ice off.

18 Q. So after you left with no pots on board, so
19 after you left St. Paul, and emptied your holds, then
20 you went back and picked up your pots?

21 A. No, I did not.

22 Q. Is that part of the co-op process?

23 A. No, the co-op does not dictate where we are
24 fishing. It is just; we have the (inaudible word) pots
25 around, (inaudible few words) in the area. And you

1 know, maybe they will come out one way, or come out
2 another direction, you know it is crab fishing.

3 Q. So help me understand your process for
4 fishing. I'll ask this question. So after you left St.
5 Paul where did you go?

6 A. Go back to my gear.

7 Q. Oh, okay. All right. Thanks, I have no more
8 questions.

9 CDR MULLER: Now I just thought of one
10 question.

11 MR. KARR: I have another one too.

12 CDR MULLER: Okay. You go first.

13 BY MR. KARR:

14 Q. You said you could set your alarm for two
15 minutes to two hours.

16 A. Yes.

17 Q. From what you know, do all the industry alarms
18 work that way?

19 A. As far as I know. I know my vessels that I
20 work here, you know, that's the way it is set up. And
21 other vessel that I run, I've run a few other boats and
22 they all work the same.

23 Q. On your vessel, on the Polar Sea, how long is
24 yours set for?

25 A. Normally I set it between 10 to 15 minutes.

1 Q. All right, thank you Captain.

2 A. No problem.

3 CDR MULLER: Mr. Jorge this is Commander

4 Muller again.

5 THE WITNESS: Yes.

6 **EXAMINATION**

7 BY CDR MULLER:

8 Q. For clarity, when you were transiting on the
9 10th and 11th of February towards St. Paul, did you have
10 pots on board?

11 A. No, I did not.

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

13 CDR MULLER: Ms. Spivak?

14 MS. SPIVAK: No questions.

15 CDR MULLER: Mr. Gillette?

16 MR. GILLETTE: No questions.

17 CDR MULLER: Mr. Karr?

18 MR. KARR: No.

19 CDR MULLER: Mr. Suffern?

20 MR. SUFFERN: No questions.

21 CDR MULLER: Okay. Mr. Jorge that concludes
22 the questions that we specifically have for you. At
23 this time is there any information that you feel the
24 Board should consider that we otherwise did not ask?

25 THE WITNESS: No, I don't.

1 CDR MULLER: Okay Mr. Jorge, I am going to
2 release you, I just need to read a quick statement,
3 okay?

4 THE WITNESS: Okay.

5 CDR MULLER: You are now released as a witness
6 at this Marine Board of Investigation. Thank you for
7 your testimony and co-operation. If I later determine
8 that this Board needs additional information from you,
9 we will contact you.

10 If you have questions about this investigation
11 you can contact the Marine Board Recorder, LCDR Mendoza.
12 Thank you again for your time.

13 THE WITNESS: Not a problem at all. And just
14 so I make sure you guys know, we understand the
15 contract. (Inaudible few words), arranging a time today
16 when we can be here, and have phone service. But they
17 did not contact me. If I don't answer because I am out
18 of cell range, but leave a message and I'll get back to
19 you guys as soon as I can.

20 CDR MULLER: Thank you.

21 THE WITNESS: Not a problem.

22 CDR MULLER: Okay. Thank you for bearing with
23 us, pushing through lunch time. I have a little bit
24 after one o'clock. So we will take a recess one hour,
25 reconvene at two o'clock. And then we have two other

1 witnesses for this afternoon, thank you.

2 (At 1:04 a luncheon recess was taken.)

3 CDR MULLER: Good afternoon, the hearing will
4 come to order. We would like to call the next witness,
5 Mr. Groesbeck. Mr. Groesbeck are you there?

6 THE WITNESS: Yes, I am present.

7 CDR MULLER: Hi. Good afternoon. This is
8 Commander Scott Muller, I and the chair of the Marine
9 Board.

10 THE WITNESS: How are you doing?

11 CDR MULLER: Good.

12 THE WITNESS: Fine.

13 CDR MULLER: I am going to just read a quick
14 statement here so you get some awareness of who is in
15 the room at this time.

16 THE WITNESS: Okay.

17 CDR MULLER: Because your testimony, of
18 course, is, we have you on speakerphone. So we are
19 calling from Seattle, Washington. We are conducting a
20 Marine Board of Investigation into the sinking of the
21 fishing vessel Destination.

22 In the room we have members of the Marine
23 Board, LCDR Mendoza, Mr. Jim Gillette, and myself as the
24 chair. The NTSB is present with Mr. Mike Karr and Mr.
25 Paul Suffern. They will be conducting an independent

1 investigation. The owner's representative as the Party-
2 in-Interest is also here.

3 This is a public hearing, and as such we have
4 members, a number of persons in the room present,
5 including family and friends of the fishing vessel
6 Destination. This public hearing is being recorded.

7 I understand that you are calling from Mount
8 Vernon, Washington, is that correct?

9 THE WITNESS: Yes, it is.

10 CDR MULLER: So are you in a place where we
11 can -- where you can answer our questions?

12 THE WITNESS: Yes, I am.

13 CDR MULLER: Okay, thank you. LDCR Mendoza if
14 you would, issue the oath.

15 LCDR MENDOZA: Sir, could you please stand and
16 raise your right hand.

17 THE WITNESS: Okay.

18 **WITNESS**

19 **MR. CHARLES GROESBECK/CAPTAIN BERING ROSE**

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

23 THE WITNESS: Yes, I do.

24 LCDR MENDOZA: Please be seated. Sir, could
25 you please state your full name and spell your last name

1 for the record.

2 THE WITNESS: Yes, Charles Groesbeck, G-R-O-E-
3 S-B-E-C-K.

4 LCDR MENDOZA: Could you state your current
5 employment and position title.

6 THE WITNESS: Say that again, please?

7 LCDR MENDOZA: Would you state your current
8 employment and position title?

9 THE WITNESS: I am the Captain of the Bering
10 Rose.

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

13 THE WITNESS: Yes, fifteen hundred ton
14 uninspected, two hundred ton inspected Coast Guard
15 license. I've had it about twenty-five years.

16 LCDR MENDOZA: Thank you, sir.

17 THE WITNESS: I have been running the Bering
18 Rose for the last twenty-nine years.

19 CDR MULLER: Okay. Mr. Groesbeck, I am going
20 to turn you now to Mr. Jim Gillette who will be leading
21 off with the questions for you.

22 THE WITNESS: Okay, thank you.

23 **EXAMINATION**

24 BY MR. GILLETTE:

25 Q. Good afternoon Mr. Groesbeck, my name is James

1 Gillette with the United States Coast Guard. Can you
2 hear me clearly on the other end of the phone?

3 A. Yes sir, I can.

4 Q. Okay, Mr. Groesbeck I hear you clearly as
5 well. If at any time you don't understand a question
6 that is asked, just request that the question be
7 readdressed or rephrased.

8 If at any time you need to take a recess
9 please ask. Also remember, to speak up loud and clear
10 to assist the court reporter to transcribe the hearing.
11 With that said, I would like to start asking questions.

12 A. All right, go ahead.

13 Q. I heard in your opening comments that you have
14 been a fisherman for a long time, and that you have also
15 been on the, the captain on board the Bering Rose for, I
16 believe I heard twenty-nine, is that correct?

17 A. That is correct.

18 Q. Prior to the Bering Rose, before that how long
19 have you been fishing commercially?

20 A. I have been fishing since I was seventeen
21 years old. Since 1972 I am sixty-two right now.

22 Q. Can you tell us a little about the Bering
23 Rose, and speak briefly about your fishing operations.

24 A. We are a shore based Pollack trawler, so we go
25 out and catch Pollack. And chill it in refrigerated sea

1 water. And then deliver to plants in Dutch Harbor where
2 they offload them in about 12 to 18 hours. Then we go
3 back out again. For the winter season and the fall --
4 the winter season and the summer season.

5 Q. I would like to slightly shift some of the
6 focus to weather in the Bering Seas and how it affects
7 the Bering Rose operations. Does the Bering Rose have a
8 written or verbal policy about heavy weather? And if
9 so, can you elaborate about that?

10 A. Well we have a stability report that, you
11 know, tells us, you know, how much -- you know, if we
12 came in with a deck load, you know, how much we can
13 bring in with certain icing conditions. So that has
14 icing on there and how much fish we can bring in above
15 the tanks, which we typically don't do.

16 Q. Can you speak --

17 A. It shows all the different conditions, of you
18 know, how much fuel and water you have on board and all
19 that, it's a fairly lengthy booklet.

20 Q. Can you speak about the measures you take to
21 reduce the effects of icing caused from sea spray?

22 A. We slow down, go slower or don't leave the
23 dock.

24 Q. I would also like to get your professional
25 view of what it's like to transit near St. George and

1 St. Paul Island. Can you elaborate on any challenges
2 that those islands cause?

3 A. Well coming around St. George Island where the
4 last signal of the Destination was is a notorious place
5 because of the tides and current that are coming around
6 at that northwest corner. We have iced up a lot in the
7 past, over the years, Zapadni Bay, and on up, with the
8 winds pretty much out of the same direction, out of the
9 northeast, like that night. And we took pretty, you
10 know, full (inaudible word), around that corner to see
11 if the weather has come down. You know, it is a pretty
12 nasty spot right there.

13 Q. Is it worse at any time of the year?

14 A. Well winter time, obviously. You know, it is
15 typically colder up on the islands than it is down in
16 Dutch Harbor too.

17 Q. Do you ever use the islands for protection?

18 A. Yeah, Zapadni Bay, right there, right --
19 that's on the west side of St. George, the bay called
20 Zapadni Bay, and we often anchor up there.

21 Q. Can you talk to me about where the Bering Rose
22 was located between the 9th of February through the 11th
23 of February?

24 A. So the 9th -- just tell me which day it was
25 that the Destination sank? Which morning did the EPIRB

1 go off? Did it go off on the 9th or did it go off on
2 the 10th?

3 Q. It went off on the 11th.

4 A. It went off on the 11th. Okay, so it would
5 have been the 9th, I believe we left Dutch Harbor and
6 went up to St. George to go fishing. And we fished the
7 evening of the 10th, or the afternoon of the 10th, and
8 caught some fish, but it was too small, the fish. The
9 fish was small so we decided at that point on the
10 evening of the 10th to go around to the east side of St.
11 George that night, and just jogged over there slowly to
12 see if we could see some fish signs on the other side,
13 sometimes they are bigger over there.

14 We got over there in the early morning hours
15 and didn't see anything. And so, then we came back
16 across the top of the island, the north side of St.
17 George. And we were basically about 8 to 10 miles away
18 from the EPIRB position when you guys started announcing
19 on 4A, and Channel 16. So we were coming back across.
20 And then we started searching all day after that.

21 Q. Can you elaborate about the weather and the
22 seas that you were experiencing at that time?

23 A. It was out of the northeast, 35, 40, heavy
24 freezing spray, that's where that picture came from that
25 my crewmember took. He just took it when he was going

1 on watch around the south side of the island. But we
2 just were jogging around, (inaudible word) and trying
3 not to make a lot of ice. And what else?

4 Q. Were you experiencing ice accumulation on the
5 deck? And if so, could you speak about that?

6 A. Yeah, yeah, because all the spray that, you
7 know, any time you have spray there, you know, it
8 sticks. So, it was, you know, it was up on the top
9 (inaudible word). I believe we stopped halfway through
10 the night and jogged, you know, (inaudible few words),
11 radar spring, our lower radar. And well actually, the
12 GPS signals that go out.

13 So you start, they start beeping in
14 wheelhouse, you know, get a good signal. But we go out
15 there, you know, scrape, gently scrape (inaudible few
16 words). And then speed up again. We did that once, I
17 believe, that evening when we are going around the south
18 side.

19 Q. Did you receive weather updates? And if so,
20 can you elaborate who from?

21 A. Say that question again, please?

22 Q. Did you receive weather updates? And if so,
23 can you elaborate who you were receiving them from?

24 A. We get NOAA weather updates, you know, that
25 come across on the -- well on an internet connection.

1 And we, you know they get updated I think at four in the
2 afternoon, and at four in the morning, twice a day.

3 Q. Were they accurate from what you were actually
4 experiencing?

5 A. They are accurate, yeah, to a degree, yeah.

6 Q. Were they accurate on the 11th?

7 A. I can't remember what it said, actually, but
8 you know, I'm sure, it is thirty-five, I mean, you know,
9 if it is anything over forty knots, we tend not to leave
10 in heavy icing conditions, we tend to stay put. So ...

11 Q. All right. I'm about to show Exhibit No. 121.
12 This is a photo of ice on board the Bering Rose provided
13 by the Bering Rose. You just said you had this photo in
14 front of you. Can you describe who took this photo, and
15 what is it that we are looking at?

16 A. We are in the wheelhouse. Like I said, my
17 crewmember took it. He was on watch and the ice -- it
18 just shows the ice build-up. So if you turn around and
19 look aft, look towards the stern, it's the -- actually
20 it is the captain's statement, it is the deck -- the
21 roof you are looking at, and then the rails that go
22 around it, and then the mast, you see the mast there, I
23 believe. And it is just, you know, showing a lot of --
24 this, you know, I believe it is snowing, and spray, and
25 ice build-up on the way over there.

1 That was probably all done that night because
2 we usually, you know, when we are towing stuff like
3 that, (inaudible few words) when we were fishing that
4 afternoon, a lot of the ice was knocked off the boat.
5 So that ice was just built up that evening.

6 Q. Was there any specific reason why he took that
7 photo? Does he always take photos of the icing outside,
8 or was there any reason specifically to take it that
9 night?

10 A. I don't know, he, you know, everybody's got
11 their iPhones, and they like taking pictures. I have
12 no, no idea why he took it that night. Maybe he thought
13 it was kind of an arty photo, I don't know. But maybe
14 he wanted to show his wife, or something when he got
15 into town, I have no idea.

16 Q. What night was that photo taken? Was it taken
17 on the 10th of February?

18 A. That's what he claims.

19 Q. Okay.

20 A. That's what he claims.

21 Q. Did you have or hear any communications from
22 the Destination? And if so, can you talk about that?

23 A. I didn't have any communications. The
24 communication I saw was that area, target on my globe,
25 my computer screen.

1 Q. Can you talk about that AIS target, what you
2 saw?

3 A. I just saw the sat line coming up. And then I
4 saw a last position on it, that was approximately one
5 hour, you know, it ended about one hour before the, we
6 heard about it on the EPIRB. It wasn't a steady target,
7 because I was on the other side of the island, so I
8 didn't have a full, you know, signal the whole time.
9 But it was just marks where (inaudible few words), I
10 just kept it on the screen. I think the gentleman that
11 interviewed -- captain (inaudible name), has the
12 pictures that I have it, or they came in the wheelhouse
13 and there were some pictures on the computer of the AIS
14 target. And you guys have it --

15 Q. On the 11th of February, 2017, can you talk
16 about how you were notified that the Destination was
17 missing? And also, can you elaborate if you contributed
18 to the search process?

19 A. You are asking me how I was notified on the
20 11th.

21 Q. That's correct.

22 A. I heard it on channel 16, initially. And then
23 in 4A, about 4125 on the single side band. And I ended
24 up -- so I believe, the other boat that was up there was
25 talking on channel 16 the crabber -- I can't remember

1 his name right now. He was talking to the Coast Guard
2 on 4125 trying to get a position, an updated position
3 for the Destination.

4 Q. Did you contribute to any of the search
5 process? And if so, can you elaborate about that?

6 A. Did I contribute what now?

7 Q. Into the search process?

8 A. Yeah, we searched all day. So, from seven in
9 the morning until well after dark. Initially it was
10 just that initial area of the EPIRB signal. It was, you
11 know, there was two different readings that were coming
12 out for the EPIRB, and we were trying to figure out
13 which one it was.

14 And then we, you know, we saw the buoys, and
15 things like that, and then, you know, at that point, I
16 felt it was good that we trying to find a raft, you
17 know. Because couldn't see anything, and didn't see
18 anything else. And with the way the wind was blowing my
19 (inaudible word) was, the raft was going to get blown,
20 you know, blown down in the wind to the southwest.

21 So we searched down to the southwest trying to
22 find the life raft before they started, the C130's
23 started doing their search pattern. And basically did
24 that all day long. And then came up to the immediate
25 area there, in the evening and we searched some more.

1 Q. You said you saw some buoys; did you pick up
2 any other gear?

3 A. The buoy no, we didn't pick up the buoy.

4 Q. What other gear did you see?

5 A. We said we -- well we heard about it on the
6 radio. And then we, I thing saw a bait jar, one bait
7 jar that was just floating, and then an oil slick later
8 on the morning, some oil on the water.

9 Q. Okay, thank you Mr. Groesbeck.

10 A. What's that now?

11 Q. Thank you Mr. Groesbeck.

12 A. Oh, okay.

13 MR. GILLETTE: Commander I have completed all
14 my questions. Mr. Groesbeck, if you could stay on the
15 line we have other people that are going to ask you
16 questions. Thank you.

17 THE WITNESS: All right, okay.

18 CDR MULLER: Okay. Thank you Mr. Gillette. I
19 have no further questions. NTSB, Mr. Karr?

20 **EXAMINATION**

21 BY MR. KARR:

22 Q. Captain what's the length of your vessel?

23 A. (No audible answer.)

24 CDR MULLER: Mr. Groesbeck?

25 THE WITNESS: Yes.

1 CDR MULLER: Okay, one moment.

2 BY MR. KARR:

3 Q. Captain this is Michael Karr of the NTSB.

4 Captain what's the length of your vessel?

5 A. 125 feet.

6 Q. And can you describe the system that you have
7 in your wheelhouse that keeps your wheelwatch awake?

8 A. A watch alarm.

9 Q. Can you describe --

10 A. -- every twenty minutes.

11 Q. Can you -- is that watch alarm able to be
12 adjusted to different time lengths?

13 A. Oh yeah, yeah.

14 Q. Do you know --

15 A. But it is not tied into the security system.

16 Q. Pardon me?

17 A. It is not tied into the autopilot; it is an
18 independent watch alarm that's off to the side.

19 Q. And do you ever -- are you fishing 24/7, or do
20 you ever transit between different locations?

21 A. (Inaudible few words), typically we just fish
22 until the boat is full, and then come back into town.
23 But, you know, if the fish are too small or something,
24 then we will change areas.

25 Q. All right thanks.

1 to town.

2 So, but that was a -- you know, it was bucking
3 up into it, it was a considerable amount, you know, I
4 don't think it was quite an inch an hour, but it was
5 over a quarter of an inch.

6 Q. When you were east of St. George, what were
7 the sea conditions like when you were there? Both the
8 swell and the wave height combined?

9 A. Well, I mean, it had been blowing for a while,
10 but it, you know, it wasn't really steep, nasty swell.
11 But I would say, you know, it was fifteen, fifteen
12 footers. And there was, you know, some spray that was
13 coming off. And I wasn't out there the whole time,
14 either, I would come up in the wheelhouse, and tell the
15 crew where to go, you know. And then once we got it
16 around -- we didn't buck up into it for very long. We
17 turned and put it on our stern.

18 Q. Okay, thank you. Was there any communications
19 between your vessel and any other vessels as far as what
20 other vessels were seeing with freezing spray
21 conditions?

22 A. No, I don't think for me. I talked to the
23 crabber that was up there after we started searching,
24 but I don't think that really came up.

25 Q. How was the freezing spray on 10th and the

1 11th, how was this event like any other freezing spray
2 events that you've had from a scale of 1 to 10, you
3 know, how bad was the ice that you were seeing?

4 A. Seven.

5 Q. Could you -- I know, you described a little
6 bit earlier in your testimony about the -- how you got
7 some weather information. Could you describe that more
8 fully? Do you receive emails? Do you receive it any
9 other way or anything like that?

10 A. Well, I mean, as for -- some, our coordinators
11 in Dutch Harbor typically just get it across via email
12 from the NOAA site.

13 Q. And you receive it how many times a day?

14 A. It gets updated twice a day, I believe.

15 Q. Are there any other ways of receiving weather
16 information that you would like to have?

17 A. That I would like to have? Well I listen to
18 the side band and stuff like that. But, and then, you
19 know Channel 16. But every -- yeah, I mean, I'd love to
20 have graphics and all that, but we are not -- maybe
21 that's the ship (inaudible few words). That's always
22 nice to have.

23 Q. Okay. Do you keep any logs of the weather
24 that you encounter there, on board? Do you take daily,
25 weather logs or every 24, or every 12 hours, or every 6

1 hours, or anything?

2 A. No, in fact we, no. You know, if it is
3 blowing 35 or 40, I'll make a note of it when I'm
4 fishing, but typically not, no.

5 Q. Do you feel like you receive adequate warning
6 with freezing spray forecasts that you are getting?

7 A. Yeah I do, I do. You know, what we are
8 getting into, yes.

9 Q. Do you have a decision point as the captain
10 when to shelter behind an island, you know, if you get
11 this much ice, or if the wind is this strong, or seas?

12 A. Yeah, I mean, you know obviously, you know, it
13 takes hours and hours to knock it off the boat. So you
14 don't -- you might as well just go slow, and not build
15 it up much. You know, when we come out of town we go
16 really slow.

17 But, you know, we are not a crabber either, we
18 don't have a lot of -- big stack of pots behind us
19 either, so it is a lot easier for us to get out there
20 and shed the ice.

21 Q. Earlier you spoke of the current conditions
22 and the sea state conditions there around the northwest
23 side of St. George Island. Is there any particular wind
24 direction that's worse when you are transiting that part
25 of St. George to deal with that current?

1 A. Out of the northeast, just like it was that
2 day. That would be the worst. Or if it came out of the
3 southwest, you don't usually see that too much in the
4 wintertime. Whenever the winds area against the tide is
5 the worst.

6 MR. SUFFERN: All right, thank you. That's
7 all the questions I have for right now Commander Muller.

8 THE WITNESS: Okay.

9 CDR MULLER: Thank you Mr. Suffern. Ms.
10 Spivak?

11 MS. SPIVAK: I will come up there.

12 CDR MULLER: Okay.

13 MS. SPIVAK: Seems to be easier. Good
14 afternoon Captain, can you hear me?

15 THE WITNESS: Yes, I hear you fine.

16 MS. SPIVAK: Okay. My name is Svetlana Spivak
17 and I represent the vessel owners of the Destination. I
18 don't have any questions for you, but wanted to thank
19 you for your efforts to locate the vessel, and the crew
20 of the vessel. Thank you.

21 THE WITNESS: Thank you. Sorry, we couldn't
22 have been more help.

23 CDR MULLER: Thank you Ms. Spivak. Okay, Mr.
24 Gillette do you have any further questions?

25 MR. GILLETTE: No further questions.

1 CDR MULLER: Mr. Groesbeck, can you hear me?
2 This is Commander Muller?

3 THE WITNESS: Yeah. Not as well as I can hear
4 the others, but yeah, I can hear you.

5 CDR MULLER: Okay. So this concludes the
6 questions that we have for you this afternoon.

7 THE WITNESS: Okay.

8 CDR MULLER: Before I release you is there any
9 elements or issues you think the Marine Board should
10 consider that perhaps was not otherwise addressed here,
11 with these questions?

12 THE WITNESS: No.

13 CDR MULLER: Okay thank you. So I'm going to
14 read a statement to release you from testimony. But I'm
15 going to ask that you still stay on the line.

16 THE WITNESS: Okay, for how long?

17 CDR MULLER: Just for a few minutes --

18 THE WITNESS: Oh, okay.

19 CDR MULLER: Because the family members here
20 in the room would like to speak to you off the record as
21 well.

22 THE WITNESS: Sure.

23 CDR MULLER: By way of thanks. So, and then
24 after I read the statement we are going to take a
25 fifteen-minute recess. So Mr. Groesbeck, you are now

1 released as a witness at this Marine Board of
2 Investigation. Thank you for your testimony and co-
3 operation.

4 If I later determine that this Board needs
5 additional information from you, I will contact you. If
6 you have any questions about the investigation please
7 contact LCDR Mendoza. Thank you.

8 THE WITNESS: Sure.

9 CDR MULLER: And again, if you could just
10 please stay on the line.

11 THE WITNESS: Roger.

12 (Off the record while families talk to witness.)

13 CDR MULLER: Good afternoon, this hearing will
14 now come to order. We will now hear testimony from Mr.
15 Prout. Mr. Prout if you would please come forward to
16 the witness table and LDCR Mendoza will administer your
17 oath and ask you some preliminary questions.

18 LCDR MENDOZA: Please raise your right hand.

19 **WITNESS**

20 **MR. WILLIAM PROUT/CAPTAIN SILVER SPRAY**

21 A witness produced on call of the Coast Guard
22 was duly sworn according to the law, was examined and
23 testified as follows:

24 THE WITNESS: Yes, I do.

25 LCDR MENDOZA: Please be seated. Sir, please

1 state your full name and spell your last name for the
2 record.

3 THE WITNESS: Yes, my name is William Prout;
4 spell the last name P-R-O-U-T.

5 LCDR MENDOZA: Could you state your current
6 employment and position title.

7 THE WITNESS: My current employment I am part
8 owner and operator of the 116 foot vessel Silver Spray
9 that is owned by Silver Spray Seafoods, LLC.

10 LCDR MENDOZA: Do you hold any professional
11 licenses or certificates?

12 THE WITNESS: No.

13 LCDR MENDOZA: Thank you sir.

14 CDR MULLER: Okay, Mr. Prout, again welcome.

15 Thank you for your presence and participation today.

16 We haven't personally met, but I feel like we have
17 because I have seen a few of the YouTube videos that you
18 posted over the last few months.

19 THE WITNESS: Okay. Yes.

20 CDR MULLER: And during our preliminary
21 investigation, we actually found those helpful.

22 THE WITNESS: I'm glad.

23 CDR MULLER: And on behalf of the Coast Guard,
24 we thank you for your efforts on the morning of the
25 event. We are a missing teammate.

1 A. I started fishing in 1975 and in 1978 I
2 started running my first crab boats, and continued
3 running boats, different boats throughout those years.
4 And actually started running the Silver Spray
5 approximately ten years ago.

6 Q. I would like to get your professional view as
7 a captain aboard a Bering Sea crab boat with concerns to
8 Crab Rationalization and how a Northern and Southern
9 Quota Share affect your operation, can you speak about
10 that?

11 A. With rationalization we have a lot of
12 flexibility where we can deliver our crab at times. You
13 know, sometimes we are going to be delivering strictly
14 all of our crab up north. Sometimes we will have loads
15 to bring to the south. And we have a co-op system that
16 kind of lets us move our crab around a little bit. So
17 it just makes things quite a bit easier for deliveries
18 at times. Sometimes we might get stuck with one last
19 northern delivery, or stuck with one last southern
20 delivery that makes it a little bit harder to travel
21 those areas. But generally it gives us a lot of
22 flexibility, our offloading times, dates when we work
23 with the system.

24 Q. Can you tell us if you have ever had problems
25 or concerns about offloading deliveries, and if you miss

1 your delivery date, how does it affect your operation?

2 A. I've had problems before, one year in
3 particular I -- it might have been 2006, we were trying
4 to make it to a delivery port into St. Paul and we got
5 stuck in the ice for about eighteen hours getting into
6 the harbor. And that was one of the concerns that we
7 have, transiting through ice to get into the delivery
8 ports. And what was the second part you were asking me
9 on that?

10 Q. How does that affect your operations?

11 A. Yeah. Just not being able to get to a port,
12 and maybe having that designated time to deliver there.
13 And as far as maybe not making a delivery date, there is
14 usually flexibility to deliver another date. And
15 sometimes you might think that's the only date that you
16 can deliver, but there's always flexibility in the
17 system, I believe.

18 Q. How far in advance are offload delivery dates
19 scheduled, and can you share with us who sets up those
20 times?

21 A. We deal with the fleet manager mainly out of
22 St. Paul. And then if we are going to deliver to south,
23 which we deliver a lot to Trident Seafoods in Akutan, we
24 would coordinate with the fleet manager in Akutan. So,
25 how far in advance? It varies. It can vary from three

1 days, to five days, to one day. If there is an opening
2 and you want to go in and deliver, you can go in on a
3 twenty-four hour notice. So there is usually some
4 flexibility, usually.

5 Q. Are you told in advance about St. Paul? Like
6 what time they were going to shut down their factories
7 this year for opilio season?

8 A. This year, maybe just in a general
9 conversation with somebody. But it really didn't affect
10 us because we start our fishing operation about January
11 15th, and we planned on being done right about February
12 15th.

13 Q. Okay. I would like to slightly shift the
14 focus to weather in the Bering Seas, and how it affects
15 the Silver Spray operations. Does the Silver Spray have
16 a written or verbal policy about heavy weather, and if
17 so could you elaborate about that?

18 A. No. We have no written operating procedure
19 for heavy weather, that's all at the captain and
20 myself's discretion there. We always err on the side
21 of caution. Weather, icing, especially with
22 rationalization we do not need to go out in things that
23 we see that are not in the favorable step for our crew
24 or the vessel now.

25 Q. Can you speak about the measures you take to

1 reduce the effects of icing caused from sea spray?

2 A. You want to always pay attention to the air
3 temperature, the water temperature, the wind. We will
4 go as far as wrapping a plastic wrap on the parts of our
5 apparatus, say our hand rails, our anchor winches, our
6 cranes, our -- some of our booms, we will have a plastic
7 wrap that kind of sheds water off to keep freezing from
8 there. And generally just, you know, constantly paying
9 attention to the elements, slowing the vessel down and
10 seeking shelter if it persists to a manner that you
11 can't control anymore.

12 Q. Do you do those same measures to protect the
13 life raft?

14 A. No we do not wrap the life raft. The life
15 raft is right outside one of our doors, it is visible
16 constantly.

17 Q. I'd like to get your professional view of what
18 it is like to transit near St. George and St. Paul
19 Island, can you elaborate on any of the challenges that
20 the Pribolofs cause you?

21 A. Sometimes transiting there can be like a good
22 relief, because you have shelter from maybe some ongoing
23 weather. You know, you can always go to one lee side,
24 or anchor up. Which we've anchored up at the island a
25 number of times over the years because of weather, or

1 icing, or just stopping there for a bad forecast.

2 But a lot of times, you can go on one side,
3 there is a lot of current, and the current going up
4 against the wind can cause the seas to kind of choppy
5 and closer together, and reduce the speed of the vessel
6 at the same time.

7 Q. Once again, I would like to slightly shift the
8 focus to the vessel stability. Can you talk to us about
9 if you have seen the weight of crab pots change over the
10 years? The weight and size?

11 A. I can't think where they've changed. The crab
12 pots can actually get smaller in time as electrolysis
13 eats the steel away. But what percentage that is? It
14 is probably a minimal amount. We will weigh our crab
15 pots sometimes just out of curiosity to see what they
16 weigh. But I have a, myself, we have a wide range of
17 different diameter steel. Some pots might weigh 675
18 pounds, then we might have some that weigh up to 750
19 pounds. So there is a variance in our own pots because
20 of the time we bought them, or who bought from, and the
21 structure of them.

22 Q. On one transit do you carry the different
23 sized pots on the same transit?

24 A. Yeah. They are all the same size 7 foot x 7
25 foot x 34 inches in depth. But, like I said, the steel

1 diameter, themselves, might vary the weight a little
2 bit.

3 Q. How about the weight of the shots of lines,
4 and buoys that are inside? Do you know how much those
5 weigh?

6 A. Those weigh approximately forty pounds per
7 shot.

8 Q. How many shots do you guys generally carry,
9 let's say during opilio season?

10 A. All of our pots are all standardized with
11 about a hundred pounds of line would be in them.

12 Q. Do you combine the crab pot weight and the pot
13 gear weight together when reviewing your stability book?

14 A. Yes, we do.

15 Q. Does the weight of pots in your stability book
16 match the actual weight of crab pots? And if not, can
17 you elaborate how you make the adjustments to comply
18 with the stability book?

19 A. There is some variance from the weight in my
20 stability book to what our pots actually weigh. And how
21 I adjust this -- our stability on my boat, itself, and
22 all stability books are somewhat different. They are
23 somewhat very detailed, and you really have to know what
24 you are looking at. Unless you just want to look at
25 straight numbers, carrying "X" amount of pots in this

1 condition.

2 My boat, itself, is rated for 210 crab pots;
3 we never put that many pots on there. Especially with
4 rationalization. Pre-rationalization we used to carry
5 that amount. But now with the rationalization, we put a
6 load of about 155 to 160 pots, so it is reduced by about
7 twenty-five percent, I believe. Just because we do not
8 need to carry in a safety factor.

9 Q. Why do you consider rationalization helping
10 out your safety factor? Why did it help you reduce your
11 crab pot load?

12 A. We do not need -- we have a Quota System, and
13 we have "X" amount of pounds to catch, and we can take
14 ten days to catch that, three weeks to catch that. And
15 there's less crab pots on the ground. And I believe
16 that my own style of fishing, we are more efficient
17 fishing with less numbers of crab pots.

18 Prior to rationalization you were more
19 efficient with a greater number of crab pots. So it is
20 just the dynamics of the fishery, how it is changed, in
21 my opinion.

22 Q. Does loading bait factor into your stability
23 assessment? And if so, can you elaborate?

24 A. In my Stability Report it has criteria for the
25 amount of pounds of bait. And I believe mine says ten

1 thousand pounds. But again, post rationalization, we do
2 not even -- don't carry as much bait as we used to,
3 because we just don't need to carry as much. We make
4 shorter trips, in my own style of fishing, trying to do
5 things efficiently. So we do not, say, load up on bait
6 prior to a fishing trip.

7 Q. On the Silver Spray, how much, how much are
8 the crab pots allowed to weigh? Or what does your
9 stability book say that a crab pot --

10 A. Our crab pots, in the Stability Report says
11 760 pounds.

12 Q. Okay. And that does include the --

13 A. Lines and buoys.

14 Q. -- lines and buoys?

15 A. Yes.

16 Q. And does it say that on the Stability Report?

17 A. It says that right in the Stability Report,
18 yes.

19 Q. Okay. Do you call the Coast Guard prior to
20 each fishing season? And if so, can you elaborate why
21 you call them, and what they assist you with?

22 A. Yeah. Prior to leaving port with your full
23 complement of pots is, I think is we are required to do
24 that. So sometimes I leave the port of Kodiak, where I
25 reside, we will call them up, and they will sometimes

1 come down and give you just a dockside examination.
2 Other times we might be in the port of Akutan. We will
3 call them up and they just log it in. Or I have seen
4 when we call up in Dutch Harbor they will come down and
5 have a visit on the boat. Maybe look over your
6 stability report, and your pots.

7 Q. Who requires you to call them?

8 A. I believe that is under the National Marine
9 Fisheries, with our regulation, our checklist. I don't
10 know if that is an actual requirement, but it is on my
11 checklist, and that's what we do.

12 Q. Okay. Mr. Prout, I would now like to shift
13 our focus on the Destination and their voyage on the 9th
14 of February until the 11th of February. Can you talk to
15 where the Silver Spray was located between the 9th of
16 February through the 11th of February?

17 A. Yes. I'll even go a few days before that. We
18 had -- we were just finishing up about a five day
19 fishing trip, and we were transiting to St. Paul Island
20 on the 9th of February. I believe we arrived in St.
21 Paul around six p.m. on the 9th for a scheduled offload
22 of our crab five a.m. on the 10th.

23 The 9th, I believe we had some, you know, nice
24 weather probably twenty-eight degrees or something like
25 that. So, you know, we'd had a good stretch of good

1 weather right before that. Now, I know the forecast was
2 saying it was going to get colder. So, we went in to
3 St. Paul, offloaded our crab starting the morning of the
4 10th, and got done later afternoon. Did some little
5 maintenance work on the boat. And we were -- this was
6 going to be our last trip, we just had to go back out
7 pick our crab pots up, catch a small amount of crab to
8 bring to the south delivery port.

9 So looking at the weather, and our timeframe,
10 I decided to just anchor up until morning time. Just
11 because I don't really care to travel later at night,
12 your ice build-up is going to be more during late hours
13 than it is daylight hours from my experience.

14 So at five a.m. on the 11th, we were anchored
15 up out in front of the Port of St. Paul. Pulled our
16 anchor and started proceeding to the southeast to
17 retrieve the last bit of our crab pots. We had about
18 65, 70 miles to travel. And I was up with my son,
19 drinking our coffee and kind of rolling around a little
20 bit. Because it was cold, it was twelve degrees that
21 morning. At approximately 6:15, between 6:15 and 6:30 I
22 heard the Coast Guard calling on the marine VHF radio
23 for the Destination, saying that an EPIRB had gone off.

24 And at that point I was like, oh well, knowing
25 that vessel and part of the crew on there, and the type

1 of outstanding boat it was, I didn't think much of that.
2 Because I've seen EPIRB's go off before, especially
3 during icing conditions when boats have de-iced, and
4 knocked into their EPIRB inadvertently.

5 So shortly after 6:30, I think the Coast Guard
6 had called me up to -- on the VHF, to see if I could
7 give a hail to the Destination on the VHF. Which I did,
8 and I tried several more times with no response. At
9 that time, I'm kind of thinking, well, you don't know
10 what procedures people have in their wheelhouse. Do
11 they turn their radio off for some reason? Does
12 somebody have headphones on listening to music or -- you
13 don't know. And I still don't think that I was thinking
14 at that time that there was any type of emergency.

15 Comes around seven a.m. I'm thinking,
16 measuring out, I go, that's about twenty some miles away
17 from my location, position. I'll have to change course,
18 and we better go down there anyways and look, even
19 though the Coast Guard did not request me to go down
20 there. I changed course to go down there.

21 And as we were traveling, it's going to take,
22 maybe about two and a half hours to get to that
23 position. We kept calling, with no response. As we got
24 closer, it was still dark. So around 8:45 in the
25 morning I was turning, we have big bright sodium lights

1 for fishing at nighttime. I turned those on and off
2 several times, just to see if I could see any type of a
3 signal in the darkness.

4 And I didn't see anything. And then about
5 9:30 a.m. got to that location started seeing few items
6 in that morning, 9:30, 9:35 we got to that location
7 where we started seeing a few, a few items in the water.

8 Q. Can you share with us what items you saw and
9 recovered?

10 A. Yeah. The first item that we came upon was
11 just a floating buoy, just a regular buoy. And knowing
12 the Destination, and knowing its Fish and Game Number,
13 I saw that that was not the Destination's buoys. So I'm
14 still kind of saying, let's -- that has nothing to do
15 with this boat, that's just a lost buoy. But generally
16 you don't see a lot of lost buoys out in the Bering Sea.
17 You would think you do, beachcombing you will, but not
18 floating around.

19 So, and then we started looking a little bit
20 more, and we found another buoy. And I think we
21 retrieved one of them and it still did not have any
22 identifying marks from the Destination. And I think
23 probably by about ten a.m. the Coast Guard C130 arrived
24 on scene. And they directed us to some other debris
25 that we retrieved.

1 Q. And what other debris did you retrieve on the
2 Silver Spray?

3 A. We retrieved, they led us to the EPIRB. We
4 retrieved the EPIRB. And we retrieved the life ring.
5 And there was some other stuff that we tried to
6 retrieve. There was a big wooden working deck platform
7 that we tried to retrieve, but it was just -- we
8 couldn't get it out of the water. So, and that was
9 basically what we retrieved off the -- for the debris.

10 Q. You said a few minutes ago that it was an
11 outstanding -- "Outstanding boat it was" --

12 A. Yeah.

13 Q. Were you familiar with the Destination?

14 A. I can't say that I have ever been on the
15 Destination, but I just know the -- the reputation of
16 it. You can kind of tell by looking at a man's fishing
17 gear, how things are taken care of. Everything was all
18 orderly and meticulous in sequence and taking --
19 numbering was perfect and the buoys set for all the same
20 length. And knowing the captain on there, he just, you
21 know, he just ran a good, good, good ship. And the boat
22 was, you know, if you saw it, it sticks out as a good
23 looking boat.

24 It's like having somebody's car, that's a bad
25 car, or that's a good car, you know, the people have it

1 washed, they, you know, the oils are changed. And it
2 just, it was a well-maintained vessel from the sights
3 that I have seen of it.

4 Q. Where have you seen it before?

5 A. I'm familiar with that boat for -- there is
6 not that many boats out there fishing. So we pretty
7 much know a lot about every boat. We've seen it in
8 Dutch Harbor, we've seen it in Akutan, seen it in Sand
9 Point, so all along the port for a number of years.

10 Q. All right. Thank you Mr. Prout. When you
11 were in port in St. Paul, did you have any -- or leading
12 up to going to the port in St. Paul, did you have any
13 ice accumulation on your vessel? And did you do
14 anything on, at the port in St. Paul to remedy any of it
15 while you were there?

16 A. No. As I stated, prior to coming into St.
17 Paul, that whole week was really nice weather for the
18 Bering Sea. Fifteen knots of wind, temperatures, you
19 know, low thirties, you are not going to get any ice, no
20 spray or anything. So by the time we had gotten to St.
21 Paul we didn't have any ice on our boat because we were
22 just -- just that weather window that was very nice.
23 So...

24 Q. And one more time, where were you fishing at
25 during that time?

1 new pots for fifteen years probably. But I bought a
2 surplus of used pots. And those used pots we will
3 continually upgrade those. You know, maybe 15 to 20
4 pots per year. We own about four hundred crab pots.

5 So about five percent of my pots I will pull
6 out of our piles, maybe do some re-welding, add some
7 more steel to them from some of the bars that have
8 gotten deteriorated, put new web on them. So crab pots,
9 there is a life-expectancy, so maybe fifteen years would
10 be a good lifetime for a crab pot.

11 Q. So you mentioned, do you -- with those pots,
12 when you repair them, do you do it yourself, or do you
13 send them to a particular --

14 A. We used to repair them all ourselves, but
15 these days there are some good services. And we bring
16 them to a place that actually repairs posts for us,
17 adding to steel and putting new web on them.

18 Q. Okay.

19 A. Right in Kodiak, we do that.

20 Q. So you mentioned earlier that occasionally or
21 from time to time you weigh your crab pots, I think you
22 mentioned out of curiosity or something to that effect.

23 A. Yes.

24 Q. So, can you -- that process, is it -- what
25 does that involve? Is it difficult to do, or is it only

1 because you happen to have a scale nearby?

2 A. We have ownership of a couple hanging scales,
3 so it is very simple to put the hanging scale on there,
4 just out of our own curiosity, like I said. Sometimes
5 we have crab pots that fish better. And well, why does
6 this pot fish better? Is it the weight in it or you
7 know, maybe the age of it? So just basically out of our
8 own curiosity I'll weigh a pot just to see what they
9 weigh.

10 And to show your crewmembers to, you know, you
11 want to inform crewmembers what these pots weigh for,
12 you know safety reasons. That's why people get injured
13 from the pots; they are a big heavy piece of steel. So
14 just kind of a nice practice to look at every now and
15 then. We don't do it on a regular basis, but we have
16 done it in the past a few times.

17 Q. Okay. So this scale that you said you happen
18 to -- you own a few of them.

19 A. Yeah.

20 Q. Is that something you keep on board?

21 A. At times we do have the scale on board. We,
22 actually right now my vessel has the scales on board it
23 right now as we are employed in the summertime, during
24 salmon processing. So the same scales, it is just a --
25 we keep them on board the boat because it is, we have

1 some good secure areas to keep sensitive equipment like
2 that on board.

3 Q. I just want to turn to the EPIRB a little bit.
4 So on the morning of the 11th, you arrived on scene you
5 mentioned you communicated with the Coast Guard C130 and
6 they directed you to search a certain location, is that
7 correct?

8 A. Yes.

9 Q. Did they direct you to where the EPIRB was
10 eventually?

11 A. I can't recall, I believe that was the helo
12 that directed us to the EPIRB, yes.

13 Q. So you recovered the EPIRB. A little bit is
14 influenced, or I've seen a YouTube video, where you had
15 the crew film the recovery of it.

16 A. Yeah.

17 Q. And there's a moment there where somebody on
18 your crew was communicating, I believe with the Coast
19 Guard helo, or Coast Guard aircraft, I can't tell which
20 one. But, were you given instructions by the Coast
21 Guard to do anything with that EPIRB, and what was it?

22 A. I don't recall any, no, I don't recall
23 anything. We retrieved it, had it on board, and we did
24 turn it over to Coast Guard personnel when we got to
25 Kodiak. But I don't recall how that was, transpired for

1 communicating with somebody.

2 Q. Okay. Were you asked to turn it off or
3 anything?

4 A. No. We turned it off on our own. We turned
5 it off on our own, told them that it had been
6 extinguished. Just because --

7 Q. Okay. You did that on board?

8 A. Yes, we did.

9 Q. All right.

10 A. Um-hmm.

11 Q. What, do you remember what that process
12 involved?

13 A. It is just, just the EPIRB; I believe there is
14 just a switch to turn it off with there. I can't recall
15 exactly what -- one of the other crewmembers did it. I
16 believe my son did.

17 Q. Okay.

18 A. So, I don't know the process that he did for
19 turning that off.

20 Q. I believe you have to press a button that
21 says, "Press".

22 A. Yeah.

23 Q. And then slide a switch to the left and then
24 back to the right, does that sound about right?

25 A. That sounds about right, yes.

1 Q. Okay. And you recall there is a light that
2 flashes, not having in front of me -- it flashes for
3 some time period, like every forty seconds, or something
4 --

5 A. Um-hmm.

6 Q. -- when it is transmitting.

7 A. Yeah.

8 Q. And did you happen to see the light transmit,
9 do you recall?

10 A. My focus wasn't on the EPIRB at that time, so
11 I don't recall that.

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

13 A. You are welcome.

14 CDR MULLER: NTSB, Mr. KARR?

15 **EXAMINATION**

16 BY MR. KARR:

17 Q. Good afternoon, Captain.

18 A. Good afternoon.

19 Q. You have been here, listening to some of the
20 earlier testimony so you know that I'm going to ask for
21 some information about your voyage. And then also your
22 watch routine.

23 A. Yes.

24 Q. So what's the length of your vessel?

25 A. The Silver Spray is 116 foot overall length.

1 Q. Right. And how many stacks did you have your
2 pots in?

3 A. Excuse me?

4 Q. Your pot stack was how high?

5 A. During that day we had zero pots on board that
6 morning. We were still engaged in fishing so no pots.

7 Q. All right. How about when you started --

8 A. When we started, we have a main deck level
9 sitting on edge. And then on top of that we will have
10 three flat tiers, with maybe sometimes a fourth tier up
11 on top of that. So generally three or four tiers.

12 Q. And your crew size?

13 A. Total crew on board is usually six, sometimes
14 seven.

15 Q. What was your quota for the North A?

16 A. I can't divide that up right here. I can tell
17 you the overall Quota was approximately 350,000 pounds.
18 During the season we trade back and forth with A Shares,
19 B Shares, Captain Shares, North and South, so I assume
20 probably at the start of season we probably had about
21 250,000 pounds of Northern A Shares.

22 Q. And how many times did you land a catch at the
23 Trident facility?

24 A. I would have to say three times.

25 Q. I've heard other captains say they've

1 completed their quota in one load. Can you tell me why
2 your vessel took three loads?

3 A. With rationalization, I just fish a little
4 different style. You know, if the weather is bad we do
5 not have to be out there. I will go in to the port to
6 offload instead of trying to fill the boat up with the
7 capacity of 230,000 pounds. We might go in with 100,000
8 pounds; just because there is a good weather window,
9 there might be an unloading date. And I just believe
10 that we are somewhat more efficient doing it that way.
11 We might not be more efficient, but that is just kind of
12 a, my style of fishing.

13 Q. And what do you -- during those days that you
14 are not fishing, what does the vessel do?

15 A. We are always doing something. But generally,
16 if we went in to unload, it might because of weather.
17 And we will offload our product and it's on a boat,
18 there is usually something to do with some maintenance,
19 or wait for the weather to come down. And then proceed
20 back out to the fishing grounds.

21 Q. Would you say -- so what I hear you say is
22 that you would actually be close to port, or anchored
23 close to shore waiting for the weather to get better
24 before you went out?

25 A. That is correct, yes.

1 Q. Did you experience any sea ice when you were
2 delivering your product any of those three times?

3 A. We did have some sea ice conditions; I don't
4 remember the exact dates. You know, in January, or part
5 of February. But we did have a little bit of icing this
6 winter. And the day we left St. Paul, there was icing
7 conditions, obviously the morning of the 11th. But we
8 didn't have any severe icing during our fishing season
9 this year.

10 Q. Now I'd like to talk to you about how you, you
11 know, how you ship, or how you give direction to your
12 crew for tasks at night when they are the sole person in
13 the wheelhouse directing the vessel.

14 A. Yeah.

15 Q. So could you describe that for me?

16 A. Yeah, we have watches at varying times,
17 depending on how much work we've done. If we had a
18 longer day the watches might be shortened up into
19 smaller segments. If we are transiting and have not had
20 to do much for say the prior twenty-four hours, our
21 standard watches are usually about two hours. And I
22 have course lines drawn in on our electronic charts the
23 crew watches, and stays on course to given points, and
24 changes course at different points.

25 We have engine room watches, to check engine

1 room and plumbing system there that we do every two
2 hours. We have greasing that goes on every six hours on
3 the boat. We have video cameras in the engine room
4 there that are monitored, and we have watch alarms that
5 are on twenty-four hours a day. Basically I guess that
6 would be the type of, our watch system there.

7 Q. All right.

8 A. We have a note pad written right down there,
9 that all crew looks at prior to their watch. If there
10 is any special instructions, checking for this or that,
11 or you know, and icing conditions too. You always want
12 to have that noted, that we watch for any heavier icing
13 conditions. And being the captain of a boat for a
14 number of years, I've learned to sleep with pretty light
15 eyes. That means, any type of a noise that you hear,
16 you have to get up and check and my crew does the same
17 thing.

18 Q. On a night of freezing spray, how do the --
19 how does that wheelman keep an eye on the stack behind
20 him?

21 A. You are constantly looking at the stack, and
22 just seeing if ice is accumulating. But if you have a
23 big load of pots on the boat, say your main deck. If
24 you just have a main deck of crab pots, you can see
25 everything pretty good. But as soon as you start

1 stacking pots flat on top of that main deck, those main
2 deck pots are kind of harder to see.

3 So you just have to pay close attention, you
4 know, to given points ice is maybe accumulated on, maybe
5 on your rails. But it is still very hard sometimes to
6 tell if you are in bad icing how much ice is on that
7 lower deck of pots.

8 Q. And then on your vessel how do the guys, how
9 does the crew look? Do they look through windows?

10 A. On my boat we have 360 degree visibility in
11 the wheelhouse. So you can turn right around and see
12 your back deck. The design of my boat is a little bit
13 different than some boats. So we, we don't have very
14 many blind spots.

15 Q. Would your wheel people ever go outside onto
16 the Bridgeway?

17 A. No. Well I'm not going to say no. You might
18 go out there. But yeah --

19 Q. And when --

20 A. -- but when it is cold out in the wintertime I
21 don't like guys going outside if they don't have to, so
22 yes.

23 Q. All right, and then just, another thing I'd
24 like to ask you about is for those short watches at
25 night, what do the crew normally wear when they come up

1 from having slept for a couple hours to serve an hour or
2 two watch and then go back to bed? What are they
3 wearing sweatpants, t-shirt?

4 A. Sweatpants is a good general, general thing
5 and sometimes they are cold too, you know, getting out
6 of bed, even though the boats are nice and warm, just
7 sweatpants, sweatshirt, yeah, that would be a good
8 standard apparel.

9 Q. With regard to the co-op and the quota system,
10 if you have someone else -- you said your quota was
11 350,000 pounds.

12 A. Yes.

13 Q. Let's assume that that was for the North.

14 A. Okay.

15 Q. Let's say you had someone else deliver 150,000
16 pounds, who receives money for that? I mean, does the
17 crew of your vessel receive any money for the 150,000
18 pounds that someone else delivered?

19 A. What we -- what we do when -- if somebody else
20 was delivering my 150,000 we will do a one for one swap
21 with the Southern Shares, with Southern Shares. We
22 rarely release crab out to somebody else without
23 something in return. So we will, if we trade crab it is
24 usually a one for one swap, North for South.

25 Q. Have you done that before?

1 A. Yes, yes.

2 Q. If --

3 A. Yeah, I will -- every season we do some sort
4 of trade with our crab, whether it is Red King crab,
5 bairdi crab, or snow crab, there is always some sort of
6 flexibility in the system that we do trade, whether it
7 is A Shares, B Shares, or C Shares, it is somewhat of a
8 complicated system, but it is still very simple. Yeah.

9 Q. Well, could you describe how you accomplish it
10 on the fly out in the Bering Sea?

11 A. We have a co-op manager, and I will just make
12 a call to her and say we want to trade crab with vessel
13 b, and I will trade my Northern for his, my Northern A
14 Shares for maybe his B Shares. And she will just
15 contact the other Quota Share owner of the vessel, or
16 who maybe owns the Quota, or is leasing that Quota. And
17 it is just kind of a verbal contract between two people.
18 We just trade it.

19 Q. Is there any negative connotation associated
20 with doing that?

21 A. There can be, and there, you know, it can be
22 beneficial to both parties too, at the same time.
23 Sometimes there might be a little bit of difference in a
24 landing tax in one port to another. Well, you just kind
25 of -- that goes -- throw that into the wash. You might

1 have to burn a little more fuel to deliver to one port
2 or another. Well, sometimes, there are a lot of
3 unforeseen things that could happen fishing, and you
4 know, you might be going north and trade for South, and
5 when you go to the south you buy more supplies down
6 there. So things generally work out beneficial for both
7 parties.

8 Q. This past opilio season, was there any
9 disadvantage to switching, and then you being the person
10 that had to deliver to the south?

11 A. I can't answer that -- it's kind of a, kind of
12 a black light, you really don't know until after the
13 fact. So --

14 Q. As --

15 A. Yeah, we still have to go out and catch the
16 crab. And after you catch the crab, well delivering is
17 kind of, that's the good part, you are delivering your
18 product, you've caught your product so you'd have to
19 deliver it up in one point to another point, it's just
20 kind of a -- to me it doesn't make any difference
21 sometimes. But, it can.

22 So every situation is different. You don't
23 know if the weather is going to be bad, or maybe you had
24 a breakdown during that time. So it just, generally you
25 just try to go with the flow. Catch our product and

1 deliver it, what we think is the most efficient way.
2 Sometimes it is not the most efficient way, but it
3 always works out. So ...

4 Q. All right, thanks for that answer.

5 A. Yeah, okay.

6 Q. During your opilio season trip, were you able
7 to fish the entire thirty days you were there with the
8 bait that you brought?

9 A. No, no. We don't overload our boat with pots
10 anymore because we have pots stationed in different
11 parts of our fishing area. We store pots in St. Paul
12 Island, we store pots in Akutan, we store pots in King
13 Cove. Just strategically place pots so we don't have to
14 overload.

15 And same thing with our bait. We do not need
16 to bring a large amount of bait. For a couple reasons I
17 don't like to use old bait, I'm particular what we use.
18 So I like to have my freezer empty at the end of the
19 season. This was a shorter season and when we started,
20 where we purchase our bait from had ample supply of bait
21 for the season for us.

22 Q. So once you were in the Bering Sea, near St.
23 Paul, where did you obtain bait when you needed it?

24 A. When we go in and unload our crab, we will
25 replenish our bait supply for the amount of days; I

1 think needed, plus some extra. So we might buy 5,000 to
2 7,000 pounds for a trip.

3 Q. And who did you buy that bait from?

4 A. We usually get that through Trident Seafoods.

5 Q. All right. And I will hand the phone to Paul
6 Suffren.

7 A. Okay.

8 **EXAMINATION**

9 BY MR. SUFFERN:

10 Q. Good afternoon Mr. Prout.

11 A. Good afternoon.

12 Q. A few more weather related questions here, to
13 follow-up on, and just get your perspective from the
14 Silver Spray as Captain there. When you left the harbor
15 there, in St. Paul, can you describe the weather
16 conditions as you were heading southward there, that you
17 encountered?

18 A. Yeah.

19 Q. After getting out of the shelter?

20 A. Yeah. When we left St. Paul, I believe the
21 weather was about twelve degrees. I listen to the NOAA
22 weather quite frequently, and the marine weather radio.
23 And they had their hourly updates of air temperature in
24 St. Paul, St. George, Dutch Harbor air temperature. I
25 believe it said it was twelve degrees that morning.

1 And when we left, we were on kind of a
2 southeast course. And it was blowing between 25 and 30
3 knots of wind out of the northeast. And you know,
4 that's enough wind for -- they called it probably heavy
5 freezing spray there that morning. Even though we
6 didn't transit long in that direction, we didn't
7 accumulate much but you can still call it heavy freezing
8 spray.

9 Q. Could you please describe how you get your
10 weather information?

11 A. I get the weather email updates twice a day,
12 and I get it from different locations, the general area
13 that we fish in, and I'll look at outlying areas. I'll
14 look at air temperature in Dutch Harbor, St. Paul. You
15 know, I like looking at the weather so we get weather
16 from a lot of different parts of the State here in
17 Alaska. And then we will also listen to VHF weather
18 when we are in range.

19 Q. So, and who sends those emails to you twice a
20 day?

21 A. I have to request those. It is through my --
22 one server we use.

23 Q. On the, around the 10th and the 11th were you
24 talking to any other vessels as far as the freezing
25 spray conditions that they were seeing before you left

1 port?

2 A. I don't recall speaking with anybody. But, I
3 probably did, but I don't recall who it was. We are in
4 communications with other people that we fish close by,
5 that have gear in the same proximity.

6 There is a vessel, the Trailblazer, we
7 converse probably on a daily basis when we are out in
8 the fishing grounds, and we kind of work together with
9 him. But I don't recall if we talked about weather,
10 icing, or what it was.

11 Q. Okay. Outside of the email and VHF radio are
12 there any other ways that you would like to receive
13 weather information?

14 A. I've been fishing for quite a few years, so
15 years ago our single side band radio was our sole use
16 way of getting weather in the morning. We still listen
17 to that every now and then. But that's pretty
18 infrequent, and the times vary, and it is hard to
19 pinpoint when they actually broadcast there, it seems
20 like, these days.

21 Q. So they are, do you feel like the ways you get
22 weather information is good for you?

23 A. With our email system, yes.

24 Q. Do you feel like you receive adequate enough
25 amount of warning for freezing spray conditions?

1 A. Yes.

2 Q. And about how much time do you need to prepare
3 for freezing spray if that's in the forecast there as
4 far as changing things, or going to shelter, or anything
5 like that, or does it depend?

6 A. We can have freezing spray and work through
7 it. You know, it's basically our air temperature that
8 we look at there. If freezing spray gets on the boat,
9 we can always de-ice the boat. It is a heavy job to do,
10 you know, using hammers and shovels to clean the boat
11 off. But you can kind of always work through.

12 But if you have gear on the boat and you are
13 transiting, then that's just a different situation
14 there. Then you have to kind of maybe seek shelter, or
15 transit during a different timeframe, or just use your
16 best judgment.

17 Q. Is there a decision point that you have as
18 captain that, or times that you are going to go shelter
19 as far as specific wind direction and amount of ice on
20 the boat?

21 A. Yeah there is, yeah. Usually, with the number
22 of years of experience I have had. If you get heavy
23 freezing spray you are not going to go put a load of
24 pots on, on my vessel anyways. And so, we will just
25 kind of wait for the -- weather is always going to

1 change, it's always going to be different, we know that.

2 So you might have to wait a day, you might
3 have to wait two days; you might even have to wait three
4 days. But the weather will change and then you can go
5 out there, and maybe it is safer, and more efficiently
6 load your gear on.

7 But I don't know if everybody does that.
8 People have different boats, different areas that they
9 might be traveling in and a lot of different scenarios
10 kind of come out with icing conditions. But you always
11 want to proceed on the side of caution.

12 Q. Are there any challenges with the current
13 conditions, as you have experienced them around St.
14 George Island when you traverse there?

15 A. I haven't seen where I would consider, you
16 know, a life threatening situation when we go around St.
17 Paul or St. George. But you can always see that there
18 is a little difference in the sea conditions with the
19 current. It can be, worse conditions, or it actually
20 can be nicer conditions around there. Like I say, you
21 just -- you don't know because the tide and current
22 table are not very accurate around those two stations.

23 Q. Okay thank you.

24 MR. SUFFERN: Commander Muller, that's all my
25 questions.

1 CDR MULLER: Thank you.

2 (Brief pause.)

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

5 MS. SPIVAK: I don't have any questions. But I
6 would like to thank Captain Prout for his efforts, and
7 his crew's efforts to locate the vessel and its crew.
8 Thank you.

9 THE WITNESS: You are very more than welcome.

10 CDR MULLER: I'll go ahead and ask.

11 **EXAMINATION**

12 BY CDR MULLER:

13 Q. Did we ask you about bridge watch alarms? Do
14 you have them installed?

15 A. Yes, we do. Yeah, I have my watch alarm, and
16 I have that on 24/7 these days.

17 Q. And do you have some kind of setting range?

18 A. Our range, it can be anywhere from nine hours
19 to one minute. And I generally leave it right at
20 fifteen minutes. And that is not interfaced with
21 anything else. It is just push-button activated, that
22 you have to push every fifteen minutes. We can go as
23 low as ten minutes sometimes, depending on where we are
24 going. But fifteen minutes, is our good rule of thumb.

25 Q. And do you use it? Do you have it on board

1 and --

2 A. Do I use it? I said, that is on 24-7 when we
3 are transiting, yes.

4 Q. Right. Okay.

5 CDR MULLER: Mr. Karr?

6 **EXAMINATION**

7 BY MR. KARR:

8 Q. And Captain, that current at the top of St.
9 George, it's a tidal current, so it can go from east to
10 west, or from west to east?

11 A. I can't tell you, you know it is -- exactly
12 the direction it goes. If we are on the southern tip of
13 St. Paul Island, that one generally runs, you know,
14 maybe a 100 degrees, 280. So, roughly around there, you
15 know, east to west there. And then on the tip of St.
16 George is a little bit different. So I, I can't tell
17 you exactly the direction that that is running. Because
18 I'm sure it varies at times, you get wind driven
19 currents, and things will change.

20 So it is -- we don't have a good accurate
21 current predictor in that area from -- if you look at
22 the NOAA charts that we use, tide and current charts, it
23 has nothing for St. George. So it is somewhat
24 unpredictable.

25 Q. All right, thank you.

1 CDR MULLER: Okay, thank you Mr. Karr. We are
2 going to take a fifteen minutes recess. So if you could
3 still -- we still have a few more questions for you,
4 thank you.

5 THE WITNESS: Sure. Okay.

6 (Whereupon a brief recess was taken.)

7 CDR MULLER: Okay, good afternoon again. The
8 hearing will come to order. Thank you for that recess,
9 we took a fifteen minute huddle. It's always a good
10 thing to do, to consult with each other and compare
11 notes, making sure that we captured, met our objective
12 for the day. After that huddle, we have no further
13 questions.

14 MS. Spivak do you have any questions?

15 MS. SPIVAK: No questions, thank you.

16 CDR MULLER: Okay, so before I release you, I
17 just, we typically ask all our witnesses if there is
18 any component, or aspect, or issue that you would like
19 the Board to consider. Or elements that we otherwise
20 did not address.

21 THE WITNESS: Yeah, there is one thing I'm
22 kind of -- I'd like to look at a little bit. When
23 this, the EPIRB initially went off, you know, I don't
24 have the exact time, I'm sure somebody has the exact
25 time when that first came out.

1 And who gets notified with that, how that
2 whole chain goes through. The EPIRB's gone off, the
3 VMS has been extinguished, and there is no AIS signal,
4 seems to me that all those three factors should have
5 been employed, you know, immediately, you knew that
6 there was an emergency. It wasn't like maybe something
7 has gone off. Maybe that EPIRB has gone off, from
8 somebody hitting it with ice, which my initial thoughts
9 were.

10 But with those three things going off at the
11 same time, within a short five minute timeframe, I
12 believe I should have been notified of that, being a
13 vessel in the area, to proceed there immediately. And
14 I wasn't -- I wasn't even requested to turn and go down
15 there. And I kind of, I question that to this day.
16 Why I was not told to go down there. I did that on my
17 own.

18 You know they are offering for assistance, and
19 all that. But with all that information that the Coast
20 Guard had, presumably -- I don't know what you guys
21 look at -- they should have requested me to proceed
22 there immediately. That's one of my concerns.

23 CDR MULLER: Okay, I will try to address that
24 to the best as I can.

25 THE WITNESS: Okay.

1 CDR MULLER: I am not the SAR subject matter
2 expert. That being said, we -- last Friday we did have
3 our SAR subject experts testify. And we learned a
4 little bit more.

5 THE WITNESS: Okay.

6 CDR MULLER: What I understood, and I'm not
7 conducting analysis here, and it is just all rote
8 memory on my part. But I think they articulated -- and
9 some of this is just the process, many things take
10 place in the Command Center when the Coast Guard
11 receives some type of distress call.

12 THE WITNESS: Um-hmm.

13 CDR MULLER: And there are some mechanisms in
14 place to verify the information. And then as they
15 start to inform and start to deploy assets.

16 One of those processes is a radio call to the
17 area, the fleet essentially. And I think they call it
18 an Urgent Marine Broadcast.

19 THE WITNESS: Um-hmm.

20 CDR MULLER: And it is something to the effect
21 of advertising to all the mariners of a situation of a
22 certain nature taking place at a certain location. And
23 then it is usually followed up with some kind of
24 request for action. All vessels in the vicinity please
25 proceed to that area, and contact the Coast Guard with

1 information, or something to that effect.

2 So, I don't think it is necessarily -- well,
3 so that is so when a mariner hears that they contact
4 the Coast Guard. So did you hear a call like that?

5 THE WITNESS: I don't recall exactly hearing
6 their Urgent Marine Request coming out there. We might
7 not have had our side band on right at that time. But
8 when they do that, they are just requesting vessels to
9 keep a sharp lookout, assist if possible.

10 CDR MULLER: Um-hmm.

11 THE WITNESS: And you know that could, that is
12 a pretty wide range. You assist if you are two hundred
13 miles away; you assist if you are fifty miles away.
14 But, I just think in this instance, would it have made
15 a difference? I would have really liked to have been
16 there sooner, and that just, that's my own feeling.

17 CDR MULLER: Okay.

18 THE WITNESS: Yeah, um-hmm.

19 CDR MULLER: Yes, and we do pass notes to each
20 other.

21 THE WITNESS: Yeah.

22 CDR MULLER: And I got a note here. So the
23 other thing, I think what you are getting at too, is
24 because the Coast Guard utilized AIS as a tool to get
25 an idea of those vessels that have it on, that are

1 broadcasting, that seem to be in the vicinity, and
2 start engaging in direct comms with those vessels?

3 THE WITNESS: Yes.

4 CDR MULLER: And so that is your, is that your
5 suggestion? Is that knowing that if the Coast Guard
6 would have noticed the AIS, that you would have been
7 one of the few, or many vessels in a location, they
8 would start communicating with those vessels. And in
9 your case, your vessel?

10 THE WITNESS: They did contact me. I don't
11 know how they knew that I was in the area. Was it from
12 my VMS, or was it from my AIS, when I was transmitting
13 that?

14 CDR MULLER: Well okay.

15 THE WITNESS: But yeah, my concern again, was
16 how much information do they have? And do they use
17 every piece of information when these three signals
18 that a vessel gives out were extinguished within a
19 matter of minutes after the vessel had its accident.

20 And I -- all I knew about was an EPIRB. And
21 if I would have known that there was more, we maybe
22 would have changed course ten minutes sooner, fifteen
23 minutes sooner, I don't know. But I just -- time is of
24 the essence, sometimes in an emergency, and it is just
25 a concern of mine.

1 CDR MULLER: Okay. Well received.

2 THE WITNESS: Okay.

3 CDR MULLER: Anything further, sir?

4 THE WITNESS: None.

5 CDR MULLER: Okay. Again, I want to thank you
6 on behalf of the Board, and the Coast Guard search and
7 rescue efforts for your efforts and participation as a
8 Good Samaritan in responding to the fishing vessel
9 Destination distress call.

10 THE WITNESS: Yes, and I thank you for having
11 me here.

12 CDR MULLER: Thank you.

13 THE WITNESS: Okay.

14 CDR MULLER: So sir, I just have to read a
15 quick statement for the record. You are now released
16 as a witness at this Marine Board of Investigation.
17 Thank you for your testimony and cooperation. If I
18 later determine that this Board needs additional
19 information from you I will contact you.

20 If you have any questions about this
21 investigation you may contact the Marine Board Recorder
22 LCDR Pedro Mendoza. And again, thank you for your kind
23 service.

24 THE WITNESS: Okay, you are welcome.

1 CDR MULLER: This completes our witness
2 testimony for today. We will recess until tomorrow
3 morning and reconvene at nine o'clock, thank you.

4 **(The proceeding then concluded.)**

5

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, Monday August 14, 2017, were recorded by means of audiotape.

I further certify that, to the best of my knowledge and belief, page numbers one to two hundred eight 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 25th day of September, 2017.

Sally S. Gessner

Sally S. Gessner, Court Reporter