



U.S. COAST GUARD SUMMARY OF INVESTIGATING OFFICER ACTIVITY

Matter Investigated: CFV MARY BII – Capsize & Loss of Vessel

Interview of: [REDACTED]
Date/Time: 22MAY2019/1305
Location: Telephone
Phone Number: [REDACTED]
Alternate Phone Number: [REDACTED]
Email: [REDACTED]
Interviewed by: [REDACTED]

The commercial fishing vessel MARY B II (O.N. 274604), capsized at approximately 2206 hours on January 8th, 2019. Ms. [REDACTED] knew Mr. Stephen Biernacki, the operator of the MARY B II, before he purchased that vessel. She had been a deckhand on fishing vessels in Newport since 2009 and had participated in crab, tuna and halibut fisheries. She mentioned she did not “run the block” but was a helping hand and knew how to work on deck. According to Ms. [REDACTED], she met Mr. Biernacki about two and a half years ago at a tavern in Newport, OR. They spoke about fishing and she noted that he spoke as if he already had a vessel he was working on in town. He then “disappeared” and she would see him in passing around town and say hello once in a while. Then, they met again at another tavern. Ms. [REDACTED] explained that she played pool and he played as well, hence they met up again. This time he mentioned that he needed help moving his trailer and she volunteered to help him.

She recalled that another time, as she walked toward a fishing vessel on dock 5, Mr. Biernacki approached her and asked if she wanted to be his deckhand on the fishing vessel RANGER. Mr. Biernacki told her that he was leaving at 3:00 PM that day. They departed to go fishing for tuna and at some point they noted smoke coming out of the engine room. They found that it was due to an exhaust leak and she told him that they should return to port to fix the issue. They returned to port, fixed the leak and departed to continue fishing the following day at 8:00PM.

Ms. [REDACTED] stated that, while on that second trip, the fishing lines where “braided” in a way that it was difficult to untangle. She told Mr. Biernacki that they were “gonna have to go back in” due to this issue. Mr. Biernacki had tied some lines to the back of the boat to get around the problem and continue to fish. Ms. [REDACTED] stated she was actually impressed by that, but still maintained they needed to return to port. Mr. Biernacki had been using a dinghy to attempt to untangle the lines and she considered this to be unsafe and wanted it to stop. Ms. [REDACTED] stated that this was when the arguments started. When asked for an approximate timeframe for when this happened, she said trips with him where during the span of the 26th, 27th and 28th of August 2019.

Ms. [REDACTED] added that Mr. Biernacki had a half-gallon of vodka onboard that he had been drinking. She added that Mr. Biernacki placed the vodka in an Arizona Iced Tea bottle and drank from that bottle while operating. At some point, he finished the bottle of vodka and threw it overboard. Ms. [REDACTED] stated that the bottle flew close to her face when he threw it. She became increasingly concerned due to

Mr. Biernacki's drinking and arguing. He continued drinking throughout the trip, as he had beer onboard as well. She then was more adamant about returning to port.

While in the wheelhouse she heard "Pat" from the fishing vessel KAY and she decided to talk to him on the radio. She told "Pat" that the Captain, Mr. Biernacki, was being a "dick head" and that she wanted to be off the vessel. According to Ms. [REDACTED] that was when Mr. Biernacki came in, hit her on the chin and told her: "you just lost your privileges". She stated that he also tried to shove her in her bunk with the cat the operator had onboard. She added that this might have been Mr. Biernacki's attempt at a joke, but that she still felt unsafe and wanted to go back home.

Shortly after that, the vessel was finally back within cell phone range and Mr. Biernacki began getting texts from "Ryan" asking where they were and saying that the Coast Guard was looking for them. Ms. [REDACTED] stated that she thinks the Coast Guard texted Mr. Biernacki asking for their coordinates. She added that Mr. Biernacki "went crazy" and began telling her that she "ruined his career". He then turned around and began heading to Depoe Bay to sober up before returning to port in Newport. Ms. [REDACTED] stated that he had had a 12 pack of beer (Henry Weinhard), drank a lot while onboard and was urinating a lot. He would drink beer and then follow it with water.

Ms. [REDACTED] stated that she was scared because he was taking her further out to sea. They did not get back until after midnight the following day. When they tied up at the dock, Ms. [REDACTED] did not see the Coast Guard there. She stated that the Coast Guard sent a city cop to the dock and the cop did not believe her when she explained what had occurred. They moored up at Port Dock 7 and Mr. Biernacki went home. The cops never spoke to him. She then had to "wheel" her belongings from dock 7 to dock 5. She added that she went to a boat which belonged to a friend she had sailed with previously and she slept there. She mentioned that she was just trying to survive, that she "does not sleep around" and is only trying to take care of herself. She mentioned that on the trip in, it had been the second time they crossed the Yaquina Bay bar coming in and that she was worried due to his aggressive behavior. Ms. [REDACTED] added Mr. Biernacki drove drunk all the time and did not have a driver's license.

Mr. [REDACTED] mentioned that Mr. Biernacki was even "nasty and mean" when talking to his mother on the phone. She admitted that she could not hear exactly what they were talking about but that she thought it was about money to purchase a boat. She added that his mother "had to" have known that he had an alcohol problem.

When asked whether she ever noticed whether Mr. Biernacki had dentures and was not wearing them, she mentioned that she saw he had partial dentures, not full. When asked whether she ever saw Mr. Biernacki doing drugs while underway she said she did not. She stated that she saw him smoking marijuana, but not on the vessel. She never witnessed any other drug use.

This interview summary is complete and accurate to the best of my knowledge.

[REDACTED]

SIGNATURE OF INSPECTOR/INVESTIGATOR

24 MAY 19

DATE