

UNITED STATES OF AMERICA  
UNITED STATES COAST GUARD

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\* In the matter of: \*  
\* \* \* \* \*  
\* THE MARINE BOARD OF INVESTIGATION \*  
\* FOR THE CAPSIZING OF THE \*  
\* LIFTBOAT *SEACOR POWER* IN \*  
\* THE GULF OF MEXICO ON APRIL 13, 2021 \*  
\* \* \* \* \*  
\*\*\*\*\*

HOUMA, LOUISIANA

FRIDAY  
AUGUST 6, 2021

8:00 a.m. – 3:34 p.m.

## APPEARANCES

### U.S. Coast Guard

CAPTAIN TRACY PHILLIPS, Presiding Officer

MR. ANDREW LAWRENCE

MR. ERIC VERDIN

LT SHARYL PELS, Legal Counsel

LT ANTHONY ALGER, Recorder

PAC ELIZABETH BORDELON, Media Liaison

CWO4 LAWRENCE BLEVINS, Family Liaison

### National Transportation Safety Board

MR. ANDREW EHLERS, Investigator in Charge

MR. MICHAEL KUCHARSKI

MR. MARCEL MUISE

### Parties in Interest

MS. ANTONIA APPS, Esq.

MR. GARY HEMPHILL, Esq.

MR. PETER TOMPKINS, Esq.

Seacor Marine, LLC and Falcon Global Offshore, LLC

MR. GERARD WHITE, Esq.

MR. JOHN PRESTON, Chief Surveyor Offshore  
American Bureau of Shipping (ABS)

MR. PAUL STERBCOW, Esq.

MR. CHRIS ZAINEY, Esq.

First Mate Bryan Mires

### Also Present:

MS. RACHEL BATTAGLIA, Esq.

(on behalf of Mr. Leonard Guidry)

MR. BRIAN EISENHOWER, Esq.

(on behalf of Mr. Deniz Sharpe and Mr. Kyle Roan)

## INDEX

<u>ITEM</u>	<u>PAGE</u>
Opening Remarks – Captain Tracy Phillips, Presiding Officer	5
Examination of Mr. Leonard Guidry:	
By Captain Phillips	8
By Mr. Verdin	29
By Mr. Muise	30
By Captain Phillips	32
By Mr. Ehlers	33
By Captain Phillips	38
By Mr. White	42
By Mr. Sterbcow	45
By Ms. Apps	52
By Mr. Verdin	71
By Mr. Ehlers	72
By Mr. White	73
By Captain Phillips	73
Examination of Mr. Deniz Sharpe and Mr. Kyle Roan:	
By Captain Phillips	75
By Mr. Lawrence	119
By Mr. Verdin	123
By Mr. Kucharski	126
By Mr. Ehlers	135
By Mr. Muise	136

<u>ITEM</u>	<u>PAGE</u>
Examination of Mr. Deniz Sharpe and Mr. Kyle Roan (cont.)	
By Mr. Kucharski	139
By Mr. Thompkins	140
By Mr. White	144
By Mr. Muise	147
By Captain Phillips	147

## PROCEEDINGS

1  
2  
3 **CAPT Phillips:** The time is now 0800 on August 6th, 2021, this hearing is now in  
4 session. Good morning ladies and gentlemen I'm Captain Tracy Phillips, United States  
5 Coast Guard, Eighth District Chief of Prevention. I and the Chair of the board of the  
6 Marine Investigation and the Presiding Officer of these proceedings. The Commandant  
7 of the Coast Guard has convened this board under the authority of Title 46 United  
8 States Code, Section 6301 and Title 46 Code of Federal Regulations Part 4. The board  
9 is convened to investigate the circumstances surrounding the capsizing of the SEACOR  
10 POWER with the loss of 13 lives on April 13<sup>th</sup>, 2021 while transiting the Gulf of Mexico.  
11 Our investigation will determine the factors that contributed to the accident. This  
12 hearing will examine a variety of different topics including the incident, the events  
13 leading up to the incident, weather, the search and rescue efforts, the condition of the  
14 vessel, the owner, the charterer and the regulatory scheme that applied to the vessel.  
15 Once we identify what contributed to the incident then we will make recommendations in  
16 order to prevent similar accidents from occurring in the future. This may include  
17 recommendations for new laws or regulations. Our Marine Board will determine  
18 whether there's evidence that any act of misconduct, inattention to duty, negligence or  
19 willful violation of the law on the part of any licensed or certificated person contributed to  
20 the casualty. The board will also determine whether there's evidence that any Coast  
21 Guard personnel or any representative or employee of any other Government agency or  
22 any other person caused or contributed to the casualty. Upon completion of the  
23 investigation this Marine Board will submit its report of findings, conclusions and

1 recommendations to the Commandant of the United States Coast Guard. I will now  
2 review the hearing rules for all participants and observers. First we would like to  
3 minimize any disruptions to the board and to witnesses. Please remain silent during  
4 questioning. Any talking or loud noises that are distracting to the board or the witness  
5 will result in a recess. And the audience member engaged in the distracting behavior  
6 will received a warning. Please do not enter and exit the hearing room during witness  
7 testimony unless absolutely necessary. Second, silence all cellphones. Please exit the  
8 hearing room to make or receive all phone calls. Third, treat all witnesses and all other  
9 participants with respect. The witnesses are appearing before the board to provide  
10 valuable information that will assist this investigation. Please be courteous to the  
11 witnesses and respect their right to privacy, both inside and outside the hearing room.  
12 Fourth, all media interviews must be conducted outside of the hearing venue. The  
13 members of the press are welcome to attend the hearing and area has been set aside  
14 for the press during the proceedings. The news media may interview hearing attendees  
15 or witnesses if the are agreeable, but these interviews shall be conducted outside of the  
16 hotel building. Any witness interviews shall be conducted after I have released the  
17 witness from these proceedings. Finally, hearing attendees shall remained masked at  
18 all times and shall comply with other posted COVID protection measures. Hearing  
19 participants may remove their mask during questioning and testimony. Any failure to  
20 follow the hearing rules will result in one warning. If an individual continues to engage  
21 in the same behavior after receiving a warning, that individual will be removed.  
22 Warnings or removal of audience members can cause significant delays in the  
23 proceedings, so we ask for your cooperation in following these rules throughout this

1 important event. Our first witness this morning will be Captain Guidry, this will be a  
2 virtual witness. We will take a brief recess to get all the audio and visual equipment set  
3 up for the virtual witness. We will reconvene at 0810. The time is now 0805. This  
4 hearing is now in recess.

5 *The hearing recessed at 0805, 6 August 2021*

6 *The hearing was called to order at 0809, 6 August 2021.*

7 **CAPT Phillips:** The time is 0809, this hearing is now in session. We will now hear  
8 virtual testimony from Captain Leonard Guidry. Lieutenant Alger can you please  
9 administer the oath?

10 **Recorder:** Good morning Mr. Guidry. Could you please stand and raise your right  
11 hand. A false statement given to an agency of the United States is punishable by a fine  
12 and or imprisonment under 18 U.S. Code 1001. Knowing this do you solemnly swear  
13 that the testimony you're about to give will be the truth, the whole truth and nothing but  
14 the truth, so help you God?

15 **WIT:** I do.

16 **Recorder:** Please be seated. For the record, sir you could please state your full name  
17 and spell your last.

18 **WIT:** My name is Leonard Guidry, G-U-I-D-R-Y.

19 **Recorder:** Thank you. And if you could identify your counsel if present to confirm  
20 representation.

21 **WIT:** Yes it's Rachel Battaglia.

22 **Recorder:** And if you could spell the last name please.

23 **WIT:** B-A-T-T-A-G-L-I-A.

1 **Recorder:** Thank you very much, sir.

2 **CAPT Phillips:** Good morning Captain, thank you very much for being here to assist  
3 us with our investigation. I understand you were on sea trials this week so we really  
4 appreciate you accommodating our schedule so that you could talk with us. I'm going to  
5 start off with some background questions. Can you please tell me where you currently  
6 work?

7 **WIT:** I work in Bollinger Shipyards as their sea trial Captain.

8 **CAPT Phillips:** And how long have you worked for Bollinger?

9 **WIT:** I started working for Bollinger in 1993.

10 **CAPT Phillips:** Can you tell us a little bit about what your responsibilities are as a sea  
11 trial Captain?

12 **WIT:** As a sea trail Captain I'm responsible for the safety of the safe navigation,  
13 operation of the ship. We go out on sea trial testing and we also do crew training of the  
14 Precom crews that come to take the boats out.

15 **CAPT Phillips:** Can you tell us what else you've done in your career?

16 **WIT:** I, when I started on boats I worked boats out in the oil field back in 1985. I started  
17 out as a deckhand working my way up on tug boats, supply vessels, lift barges. And in  
18 1987 I obtained my Mates license, my first license I was a 500 ton Mates license.

19 **CAPT Phillips:** Thank you. How much time would you say you've spent on lift boats?

20 **WIT:** I worked at Aires Marine from it was in 1997 to 1998, it was about 16 months I  
21 believe total there. And I also sea trialed with the lift barges at Bollinger as built since  
22 I've been working there at Bollinger Shipyard.

23 **CAPT Phillips:** Do you know about how many lift barges were trialed?



1 **WIT:** I don't remember how many I've sea trialed. I would say probably about 6 or 7.

2 **CAPT Phillips:** In addition to the Mates license you mentioned do you hold other  
3 professional certificates or licenses?

4 **WIT:** Yes. In 1996 I upgraded to 1600 Ton Master's license. And I also hold a STCW  
5 certification which goes with my license.

6 **CAPT Phillips:** Thank you. Were you underway on the day of April 13<sup>th</sup>, 2021?

7 **WIT:** Yes, ma'am.

8 **CAPT Phillips:** What I would like to do now is I will ask you to walk us through what  
9 happened on the day of the accident of the SEACOR POWER. So I would like you to  
10 start in the morning and kind of walk us through the day and provide us with as many  
11 details you remember that day.

12 **WIT:** Okay, yeah we, I what we were doing that day is underway training for Precom  
13 crew that is going to take that boat. It was the second day of our two days that we do  
14 with each boat. It's called what we call into the nighttime run. So one of the objectives  
15 is to run into the nighttime so that the crew could see what the equipment looks like and  
16 also characteristics running in the dark. So during daylight saving time parts of the year  
17 we begin at 1300 so and run until about 2100 typically after dark. I arrived at the boat  
18 that day at 1230. I settled in, everyone else arrived we did our pre-underway safety  
19 agenda briefing. We knew the line of storms was approaching. We had – I had been  
20 monitoring the weather that day like I always do. During the briefing we discussed the  
21 weather. We decided that we could make it out to our training location before the line of  
22 storms would approach us and just kind of get out there get started and do what we  
23 could and then ride out the line of storms and then continue on with our training after it

1 would pass. So we did that. The forecast that I remember getting through the various  
2 means I was looking at the Weather Channel App, wind finder App that I have. I was  
3 anticipating up to 35 knot winds, obviously as the storm would blow through, 3 to 5 foot  
4 seas and I thought we were well within our capabilities to go out there and do it. And  
5 continue on with the training on the backside of the line of storm that would pass. So  
6 we decided we would go out and do the run. We wrapped up the safety brief and then  
7 commenced our pre-underway light off of the vessel equipment. Check offs and while  
8 we were doing that it was about I guess about 1330 we saw the SEACOR POWER. We  
9 were at our mooring location it's at the Bollinger Fourchon along South Yard along  
10 Bayou Lafourche. We noticed the SEACOR POWER going South bound in Bayou  
11 Lafourche. And these lift barges always something these Coast Guard crewmembers  
12 are always interested in. It's not the first time we've discussed it because they are a  
13 unique design. A lot of them haven't seen designs like that before. And the SEACOR  
14 POWER in particular has always interested me because of the unique crane design  
15 how it tracks around the legs as opposed to having it's own crane pedestal. So we  
16 discussed that. I told the crew you know how they're operated a little bit differently and  
17 such. It was just a topic of discussion just to know it as it came by. Then we completed  
18 our underway light offs and such. About 1400 we got underway started heading out on  
19 Bayou Lafourche. It was about 1430 we were in jetties and the pass there, Belle Pass  
20 that at Port Fourchon. We kind of caught up to the SEACOR POWER, they were still  
21 out around at Buoys 1 and 2 there. And you know we again saw the lift barge as I came  
22 around. And again we talked about them. And again you know we knew that weather  
23 was coming and we discussed how these boats are dangerous in heavy weather

1 conditions and they're not supposed to run in over 5 foot seas. It was just something to  
2 note that we discussed it as they were heading out. And I kind of came up behind them  
3 when I cleared the jetties I headed East to our training location which was a location  
4 where I normally go. It's off of we call Elmo Island [sic] and its right before Grand Isle.  
5 It's about 3 miles South of Caminada Pass there right before Grand Isle. It's area  
6 where there's no oil platforms so it's a good clean open area, it's protected along the  
7 beach that we typically do our training, crew training right there in that area. So again  
8 we're monitoring the weather, watching the line approaching, mainly on the Weather  
9 Channel App with that radar feature. We still had time so we commence our training  
10 evolution which was shaft locking evolution, one of the objectives we had that day. Kind  
11 of set the boat up. Again the training evolution and just as we were wrapping that up  
12 the line of storms got to us. Immediately the wind blew what I saw on our wind gauge  
13 80 knots right away and heavy washed out rain conditions. We were all taken by  
14 surprise by it. I wasn't expecting that heavy of a wind. But you know we just sat there.  
15 I actually had the crew taking the helm at that point. They were conning the vessel at  
16 that point. I was just kind of standing back watching. We were monitoring the radar and  
17 our navigation equipment. I talked to a lot of other vessels near us. So I was just  
18 making sure they wouldn't be coming too close to us as we were riding this weather  
19 event out. A few minutes into it we started hearing distress calls on Channel 16. There  
20 was a couple different things, there was a tug boat off of Barataria Pass. It was mostly  
21 guys that were scared I think at that point while it was happening coming over Channel  
22 16, just to say how bad it was pretty much. So we just continued to ride it out and it  
23 sustained that 80 knot wind, I kept staring at that wind gauge for a good 15, 20 minutes

1 until it finally started to subside a bit. And then this was about 1600 when this weather  
2 event happened. Once it was over we started hearing a small the, someone came over  
3 Channel 16 and said there was a lift barge that had flipped over and were giving  
4 coordinates. We quickly looked at our chart plotter and I kind of immediately knew who  
5 it probably was because I had just followed them out and left them as they were making  
6 their way offshore and it would be right in their path of where the SEACOR POWER  
7 would be. So I decided to go ahead and start easing out towards that area. So I took  
8 the helm from the crew and the winds were diminishing by that point. I would say now  
9 maybe 40 knots, but it was stilling raining, reduced visibility still, but it was getting a little  
10 better as I started heading out towards that location that the person had given over  
11 Channel 16. I called my supervisor here at Bollinger Shipyard letting them know what  
12 was going on. And then pretty quickly after I got off the phone with him I got official on  
13 the SEACOR POWER, the lift barge was flipped over. By then it was probably  
14 approaching 1700, 5 O'clock that afternoon, make my way over towards them  
15 cautiously. And you know we had the crew on board, the Coast Guard crew, I had my  
16 own crew the Bollinger crew on board. So I kind of called them up to the bridge I told  
17 Lieutenant Reggie Reynold was the Perspective CO, Commanding Officer of this Coast  
18 Guard Cutter the GLENN HARRIS. I asked him to kind of get a hold of his crew decide  
19 who he wanted to assist us up in the pilot house and I directed my crew if we would do  
20 small boat, we have a small rescue boat on our ship that I wanted us, our crew, my  
21 crew to operate it just for the fact that we, it's still Bollinger's boat, we're still liable for  
22 the safe operation of the boat. And these Coast Guard crews are, while very  
23 experienced they're still not qualified for that particular platform at that point in the

1 training process. So we discussed that and kind of got set up how we would handle it.  
2 The crew did, the Coast Guard crew did a great job of getting into position. Lieutenant  
3 Reynolds assigned personnel. He had an Operation Specialist First Class on board so  
4 he kind of assigned him to start chronicling all the events as they took place. And  
5 Reggie started communicating with Sector New Orleans giving them what we were  
6 doing and liaison information between the other good Samaritan boats that were in the  
7 area which they had already started searching the debris field that the – that it had left  
8 from the SEACOR POWER with persons in the water. So I, like I said I cautiously set  
9 myself up, the lift barge was flipped kind of from a, I guess the way it was it was like at  
10 and East to West position, bow being to the East and the stern being towards the  
11 Westerly direction. So I came around and I set up, we have an infrared camera on  
12 board the fast response Cutters. So we assigned one of the Boatswain's Mate to work  
13 the camera and he immediately spotted person on the side of the SEACOR POWER  
14 still. There was five person holding on to the piece of cabin that was sticking up out of  
15 the water on the port side towards the forward section on the main deck. So we  
16 decided to launch the small boat, our small rescue boat and see if we could go to them.  
17 By then the sea state, when I left out, backing up a little bit about sea state it was about  
18 2 to 4 foot seas I would say leaving out of Port Fourchon prior to weather passing and  
19 then it quickly built up after it passed, 3 to 5 in the beginning and then the wind had a  
20 Northeasterly aspect after the storm hit us. And then so as we got to the boat it still had  
21 a Northeast, Easterly aspect to it so it wasn't that bad. In retrospect when we arrived at  
22 the scene where men were located on the ship because the way the boat was laying it  
23 kind of gave them a little bit of a leave there where they were. So we got the, we

1 launched the small boat they went up to it but then they kind of tucked in as close as  
2 they thought they could get safely, but they pretty quickly determined that there was  
3 nothing they could do the way persons were. There was just too much structure around  
4 the lift barge, the rest of the cabin. There's a helo pad on the SEACOR POWER which  
5 was obviously sticking out behind it off the stern and it was just right under the waterline  
6 there which you couldn't really see until you were up there close to it. So once they  
7 seen you know there was really nothing they could do and no one, the five persons  
8 weren't attempting to try to get into the water to come to them they turned back and we  
9 retrieved our small boat back again. So I took the FRC and just kind of maneuvered it  
10 off to the kind of the West side, off the might say the lead part of the SEACOR POWER  
11 as close as I thought I could get it. Trying to encourage or just letting them know that I  
12 was there for them. I directed the crew to depart the Jacob's Ladder which we have on  
13 board and we put it off our port side forward brow opening in case someone would get  
14 in the water so we could hopefully retrieve them. At this point like I say Lieutenant  
15 Reynolds was handling radio comms, we were talking to the other good Samaritan  
16 boats that were there. And liaison between Sector New Orleans kind of chronically  
17 everything, passing everything over. I was conning the ship obviously in 40 knot winds,  
18 seas continuously building as this took place you know 6 to 8 and that point I would say  
19 and then just continuing to build 10 to 12's, it just worse and worse with this 40 knot  
20 wind obviously as the evening progressed. We sat there and then sure enough one of  
21 the five person got into the water. I'm not sure how he got into the water, if he got  
22 washed off or he fell or purposely got into the water, but he quickly, I was kind of  
23 surprised he was drifting away as he got in the water in the heavy wind condition. But I

1 was able to, you know the FRC's are equipped with a pendant controller. We had it  
2 plugged in and ready. I was able to get out on the bridge wing using the pendant  
3 controller which controls all the propulsion and steering on the ship and was able to  
4 maneuver myself keeping up with him as he was drifting back. But I was giving him as  
5 much of a lee as I could with my bow as we got closer to him the crew threw a life ring  
6 in the water and then he was able to swim to it and grab it. And we thankfully pulled  
7 him up to the Jacob's Ladder and we were able to get him up onto the vessel. His  
8 name was Zachary, this guy here Louviere I believe. So after that we had him on the  
9 boat. I, there's four persons left on the side of the boat. I brought myself back to that  
10 location. I was kind of concerned because the SEACOR POWER is a big boat and I  
11 knew they had a lot of structure with that. Their legs were long, cranes on the legs  
12 obviously. I couldn't even see the aft leg kind of where I was, but I knew the helo pad is  
13 there. So you know I got as close as I felt safe given all that situation. And you know I  
14 just held myself there just in case another person would get in the water. After a while  
15 we sat there one of RBM's from Station Grand Isle arrived on scene. And he kind of did  
16 really similar to what our small boat did in the beginning when we launched him. He  
17 kind of went in really close, tucked up in at first. We were watching him. And we stayed  
18 fairly close to him. He was between me and the lift barge. He stayed there. He went  
19 really close at first. Obviously he must of seen how all the structure and after a little  
20 while so he backed away a little bit probably to get away from some of that cabin  
21 structure that was right there. So he stayed there and then sure enough the second of  
22 the persons got into the water. And thankfully they were able to retrieve that person  
23 quickly. They went to Port Fourchon with the person. But then quickly thereafter or as

1 this was all happening a second RBM came on scene from Station Grand Isle. So they  
2 were able to pretty quickly get into that location closer to the SEACOR POWER. And  
3 times this was a little difficult like I said wasn't looking at time it was about getting dark  
4 at that point. I would say probably about 1930ish or so by then. The seas were still  
5 building, like I said 10 to 12. I had noticed the aspect of the wind shifting. It was shifting  
6 from like a Northeast aspect to more of an East and then eventually a Southeast aspect.  
7 So the waves were starting to crash up against the deck and the cabin of the SEACOR  
8 POWER in the way they were kind of flipped over with leaning it started to get harder for  
9 the persons to hold on to that little area that they had on the piece of cabin that was  
10 sticking out. So the Bristow helicopter got on scene about then. They lowered a rescue  
11 swimmer, we were watching him. At that point as it was getting dark when the RBM is  
12 really close I kind of shifted my location a little bit further to the South so I could keep  
13 my spotlights better shining on where they were as opposed to being more to the  
14 West. So I moved out and down a little bit trying to help them out with the rescue  
15 swimmer. So as they were coming down we were watching them. You could quickly  
16 see that there was no way they were going to be able to get, tucked up under the barge  
17 the way they were there. But they tried, he went back up, a couple minutes later with  
18 communication they said that they can lower them life jackets, they saw they didn't have  
19 any life jackets on when he went down, the rescue swimmer. So he went back down  
20 and brought them life jackets and a radio. And so they were successful in getting them  
21 life jackets and a radio. Right as all this was happening at some point it's hard to  
22 remember from my previous testimony I watched the third person got into the water.  
23 And that RBM, second RBM actually the first and the second RBM were back on scene



1 by then when he, you know I didn't even really realize what happened with that person  
2 until I heard testimony this week honestly. So that happened with that third person.  
3 The second RBM after that ran into Port Fourchon. Because all about the same time  
4 it's kind of hard to remember exactly when we first got the first radio communications  
5 with this guy name Jay on the handheld radio they were given. There was two persons  
6 left on the side of the cabin by then. Jay talked to Reggie the perspective CO of the  
7 Cutter, Lieutenant. He was talking to him. He did a great job trying to keep them calm,  
8 let them know that we were there. We had a fixed wing aircraft in the area. We were  
9 trying to figure out ways to maybe possibly, we were talking about trying to maybe  
10 deploy a life raft and put it on a tow line and just kind of drift it in there and maybe they  
11 could have gotten into, that was being discussed. But the conditions were, we decided  
12 it was, with all the structure it would have been too dangerous still to try that with a tow  
13 rope and such. It wouldn't have been any way to get it in there. And we're waiting on a  
14 Coast Guard helicopter to come out. We knew they had a Coast Guard chopper on its  
15 way out to the location at that point. The Bristow chopper had to run in to refuel and he  
16 came back out, obviously right after the third person went back missing in the water. So  
17 they went to search for that person. We stayed there, eventually the first RBM had  
18 come back out after they rescued the person in the water they needed to run in for  
19 whatever reason, their time was up or whatever. They left the scene. Sitting there we  
20 talked to Jay a couple of times, I would say for maybe about a half hour. It was 2200 I  
21 would say when we maybe first had contact with him. Talked to him a few times but  
22 then he, again the waves were crashing worse against the side of the cabin, the deck of  
23 the lift barge. So he started talking about a hatch that was where they were. So he said

1 that they could get into this hatch and be a little more protected from the waves  
2 crashing. And then they had the fifth person, I never got a name or description of the  
3 fifth person. So he eventually they went into the hatch and we stayed on scene, we  
4 waited. He did come out once or twice and talked to us. But it seemed a little more  
5 spotty. When he came out the reception wasn't as good with the radio for whatever  
6 reason. You know we assured him that you know help is still on it's way we're still trying  
7 to figure out a way to get to them. So it was about 2230 or so that evening, it had been  
8 a while since we heard from Jay. And Coast Guard helicopter was supposed to be  
9 arriving at about 2300 I believe it was. I started worrying about how the fatigue factor  
10 on the GLENN HARRIS because we were not set up for, we were not a Coast Guard  
11 boat, we're not outfitted with Coast Guard lifesaving equipment like Coast Guard boats  
12 are. And we didn't have a watch duty set up for fresh persons to come on watch or  
13 anything like that. We were just supposed to be going through an 8 hour run. So I  
14 talked to Reggie about letting Sector know that you know we couldn't stay out here all  
15 night and we're going to have to run in at some point. So he called Sector on the  
16 telephone and he told them that. Sure enough it was about 2300 the Coast Guard  
17 chopper arrived on scene. They started doing their assessment and it was about 2315  
18 or so if I remember right they came over the radio and said that they had agreed to the  
19 Bristow's assessment and that night it was too dangerous to try and lower a rescue  
20 swimmer and attempt a rescue of the guys that were already in the hatch on the  
21 SEACOR POWER. So we waited a little while longer and I told Reggie that you know  
22 we have to run in so I started easing up. By this time we had an off shore supply  
23 vessel, some big frag boat we call them. They're a rather large supply the STEM STAR

1       FOUR. They had eased up close to me right behind my stern on location. So they  
2       were able as I left the location they were able to kind of ease up to where I was and  
3       shine their spotlight on the side of the cabin where they were. So I eased back in Port  
4       Fourchon with Zach on board and we arrived at about 12:15 at our mooring location  
5       down at Port Fourchon. The first responders were there to get Zach and tend to his  
6       needs upon arrival. And that's about it.

7       **CAPT Phillips:** Thank you very Captain. That was a lot of information and that was  
8       extremely helpful. You went over a lot of details. I do have some follow up questions,  
9       but you covered most of the things I was going to ask about. So starting out you said  
10      you were on second day of underway training with the pre-commission crew, it that  
11      right?

12      **WIT:** Yes, ma'am.

13      **CAPT Phillips:** Knowing you were going to be out late that night about how much  
14      sleep did you get the night before?

15      **WIT:** I got about 8 hours of sleep I would say. And typically on these into the nighttime  
16      runs I don't leave my home until about 1100. So I will take a leisurely morning and  
17      sometimes take a little nap. I believe I did take a little half hour, hour nap that morning  
18      prior to getting ready to head to town for Port Fourchon.

19      **CAPT Phillips:** And how were you feeling that morning?

20      **WIT:** Good.

21      **CAPT Phillips:** How did the other people on board the ship that day seem to be  
22      feeling?

1       **WIT:** They were good. The crew didn't arrive until right after I did, about 12:30 a  
2       quarter to one. The sea trial crew, my guys they've probably been there a little bit  
3       earlier. And we also have on board with us that day CHAN instructors, we have the  
4       core of Bollinger sea trial crew but then because it was a training and we had our  
5       training division. So they had three instructors from our training division also on board  
6       with us. But you know we all know, we're all fairly well rested to get started.

7       **CAPT Phillips:** And was there anything unusual about the day prior to getting  
8       underway?

9       **WIT:** No other than the, knowing that the line storms was coming down and watching it  
10      and deciding if we would actually get underway. Mainly, I wasn't really as worried about  
11      how bad it would get because I totally was expecting what happened that happened. I  
12      was just concerned about timing. If it would have been passing earlier we would have  
13      just stayed moored and waited before getting underway after it would have passed. So  
14      that's what we were kind of, that was different from a normal day trying to decide if we  
15      had time to get out on location prior to the line of storms hitting us.

16      **CAPT Phillips:** Did you note any problems with any of the equipment on the ship or  
17      the ship itself?

18      **WIT:** No, ma'am.

19      **CAPT Phillips:** What are the operating parameters of this vessel?

20      **WIT:** Oh we're very capable. I know that the design criteria is like 70 knot beam wind.  
21      Design criteria of seas up to at least 25, 30 foot I'm sure, like sea state 4 or 6 I believe.

22      **CAPT Phillips:** I think I heard you say that the forecast you saw before getting  
23      underway was 35 knot winds, 3 to 5 foot seas?

1 **WIT:** Yes, ma'am. That's what I believe I remember, yes.

2 **CAPT Phillips:** And you said -----

3 **WIT:** That's what I was anticipating. I'm sorry. That's what I was anticipating, yes,  
4 ma'am.

5 **CAPT Phillips:** Okay, thank you. And you said you use the weather finder App to get  
6 that and then you said you said you used another source second?

7 **WIT:** Yes. The Weather Channel App. I currently use the Weather Channel App  
8 mainly for the radar to monitor a radar on there. And then the wind finder App is an App  
9 that shows various locations I have saved in there around Port Fourchon and it shows  
10 the current conditions plus the forecast conditions current by hour on a few different  
11 locations around Port Fourchon.

12 **CAPT Phillips:** And does Bollinger provide you with other weather services as well?

13 **WIT:** No, ma'am.

14 **CAPT Phillips:** So you find your sources of weather, up to you what you use?

15 **WIT:** Yes, ma'am.

16 **CAPT Phillips:** Do you know if either one of those Apps pull warnings directly from the  
17 National Weather Service?

18 **WIT:** No, ma'am. I don't believe the wind finder App does weather warnings. As such I  
19 believe the Weather Channel App, I don't believe they do marine warnings. They would  
20 just do weather advisory like thunderstorm warnings and such. Which it had a  
21 thunderstorm warning obviously with that line of storms coming down. But I don't  
22 believe they actually do marine warnings.

1       **CAPT Phillips:** You've been operating on the Gulf for a long time. In your experience  
2       are thunderstorm warnings normal in April?

3       **WIT:** Not all the frequent, not in April. You know we get those cold fronts in the winter  
4       time that always you know can be heavy, lines of storms similar to this. But in April it's  
5       very unusual to get that kind of line of storms coming from the North such as that one  
6       was.

7       **CAPT Phillips:** But in the winter it's not so unusual you'll see those kinds of things roll  
8       through?

9       **WIT:** Yes. Not to that degree. The 35 knot line you know while it's passing you'll get  
10      gusts up to 35 knots is kind of our normal. In the winter time cold front Northeast winds  
11      25, 30 knots in the beginning and it slowly diminishes typically with a cold front. So  
12      that's kind of what I was anticipating something similar to that.

13      **CAPT Phillips:** You said you didn't think the Weather Channel App pulled marine  
14      warnings. Do you have a way to get marine warnings from the weather service?

15      **WIT:** While I'm on the vessel underway Channel 16 they'll disseminate marine  
16      warnings. Which is kind of what you know kind of rely on I guess out there. We also  
17      include the GMDSS on the FRC. So we got the NAVTEX on there and IMARSAT and  
18      HF, DSC radio all aboard the ship. Again that day we were not lit off so we didn't have  
19      any of the equipment on as far as the crew training. So we wouldn't have had any of  
20      these radios or NAVTEX was not turned on until about 1330. I would say during the  
21      light off process of the ship. So up until that point the ship would not have received  
22      anything.

1       **CAPT Phillips:** And so when you got underway what would you say the winds and  
2       visibility was?

3       **WIT:** The winds were about 10 to 15 knots I would say out of the Southeast and the  
4       seas were about 2 to 4 foot I would say as we got of the jetties and running out towards  
5       the training location off the island.

6       **CAPT Phillips:** Which way were the seas coming from at that point?

7       **WIT:** I believe they were out of the Southeast I believe.

8       **CAPT Phillips:** And then you got out to the training ground and I heard you say you did  
9       a training evolution first, what was the name of that training evolution?

10      **WIT:** It a shaft locking evolution.

11      **CAPT Phillips:** Shaft locking.

12      **WIT:** Yes, ma'am. We secure engine and we put a device on the shaft to prevent that  
13      shaft from turning if in case of a casualty with a gear or propeller or something they can  
14      put that device on and we can still get underway with the other engine and that shaft  
15      would not be turning.

16      **CAPT Phillips:** Thank you. So talking about the front itself what direction did this line  
17      of storm come from?

18      **WIT:** The North.

19      **CAPT Phillips:** And you said right away it was 80 knots. Can you kind of describe that  
20      progression from 10 to 15 up to 80?

21      **WIT:** Yeah. Like I said it happened within a minute or two I would say. It was a very  
22      quick surprisingly how quickly it just started blowing that hard. And the rain was  
23      extremely, so washout rain where you could not see out the windows very far at all. It

1 was pretty much just washout rain on the windows. We, again we just rely on the radar  
2 which was pretty washed out by the rain. But we have AIS tides into our ECDIS, chart  
3 plotters so we were just monitoring those couple of boats that we knew were there just  
4 making sure they were staying a safe distance from us as we rode out the weather  
5 condition. It happened very quickly.

6 **CAPT Phillips:** Wow that does sound really quick. What would you say the visibility  
7 dropped down to?

8 **WIT:** Oh to, during that wash out condition just a few hundred feet I would say at the  
9 most. We could just barely see the bow of our own boat during that wash out condition.

10 **CAPT Phillips:** Wow. And you said you were looking at the wind gauge and it said 80  
11 knots.

12 **WIT:** Yes, ma'am.

13 **CAPT Phillips:** You said you watched it for 10 to – 15 to 20 minutes I think.

14 **WIT:** Yes, ma'am.

15 **CAPT Phillips:** Wow. Did it go up and down, was it pretty constant? Can you  
16 describe that a little?

17 **WIT:** It was actually, yeah it was very steady. I was, like I said I kept a good eye on it.  
18 It was pretty steady at 80, 82, between 80 really, it was staying at 80 a lot during that  
19 15, 20 minute time period. And then it went down. Once the line of rain, that heavy,  
20 heavy rain passed the wind came down pretty quickly down to 35, 40 knot range. And it  
21 remained like that, which is even more odd to me is how it remained 35 and to 40 knots  
22 of hours, of even that's on board that night after midnight it was still blowing 35 knot  
23 wind. So it was unusual to me.



1       **CAPT Phillips:** And that was in knots, right? The wind gauge.

2       **WIT:** Yes, ma'am. Yes, ma'am.

3       **CAPT Phillips:** Do you know where the anemometer is on the FRC?

4       **WIT:** Yes so up in our mast we have a pretty substantial structure of a mast, they have  
5 these guard arms that stick out towards starboard. Our weather vane is our port upper  
6 yardarm of our mast.

7       **CAPT Phillips:** How many decks up from the main deck would you say that is?

8       **WIT:** In feet I would say it's probably 35 feet from the main deck.

9       **CAPT Phillips:** Thank you very much. In your experience in the Gulf have you ever  
10 seen a storm like this?

11       **WIT:** No not to this degree. But I have experienced a similar event like this in my  
12 career. At one time I was underway and it was a similar off sequence, I don't remember  
13 what time of year it was, I know it wasn't in the winter time it was probably say March,  
14 April, May timeframe that a similar event happened, but not to this degree. It may have  
15 gotten to maybe 50 knot winds for that one. And sustained wind for a little while after.  
16 But nothing to this degree. But one time before I experienced this similar type of  
17 weather event.

18       **CAPT Phillips:** Thank you. Do you remember about how long ago that was?

19       **WIT:** Oh that would have been probably, it's hard to say at least 20 years ago.

20       **CAPT Phillips:** Did you ever hear any radio calls from the SEACOR POWER on that  
21 day?

22       **WIT:** No, ma'am, no.

1       **CAPT Phillips:** Did you ever have any conversations with them over the radio that day  
2       on your way out while you're passing them or anything?

3       **WIT:** No, no I did not get up to them to have to pass them. I cut out to the East and  
4       they were already off shore clearing buoys 1 and 2 so I did not have to talk to them.

5       **CAPT Phillips:** Was your first notification of the incident the call that was made to  
6       Sector or was it the call that Sector made out afterwards with the broadcast?

7       **WIT:** We heard the call that was made to Sector. I believe it was the ROCK FISH  
8       Captain made that call, yeah.

9       **CAPT Phillips:** And what did you do right when you found out?

10      **WIT:** We jotted down the coordinates that he gave out and plotted it on our chart plotter  
11      and we seen where he was in relation to us.

12      **CAPT Phillips:** About how far away was it?

13      **WIT:** It was about 6 or 7 miles if I remember correctly. It wasn't that far at all.

14      **CAPT Phillips:** It was your decision to head that way? Was it a group decision?

15      **WIT:** It was my decision.

16      **CAPT Phillips:** And you didn't have to call anybody to tell them?

17      **WIT:** Well yeah, obviously I called my boss to let him know, yeah at Bollinger here  
18      that's because I figured he would want to know that. So yeah I called my boss and let  
19      him know that I was going to go look and see if we could help out.

20      **CAPT Phillips:** Thank you for taking quick action to get out there. When you arrived  
21      did the Sector ask you to do anything specifically?

22      **WIT:** No. No I think it was Lieutenant Reynolds that he, you know like I say did a really  
23      good job. He, I guess we became as you guys say like an on scene coordinator vessel,

1 I'm not sure how you designated that, but we kind of took that role I guess. I thought we  
2 would do that in waiting for other Coast Guard assets to come out to the scene. That's  
3 kind of what we were anticipating.

4 **CAPT Phillips:** When you got on scene can you describe the weather when you first  
5 arrived?

6 **WIT:** Yes initially again the wind had come down, probably 35, 40 knot winds at that  
7 point. The seas still had maybe Northeast aspect to them at that point building. At that  
8 point I want to say it was a good 4 to 6 foot seas at our initial arrival at the scene.

9 **CAPT Phillips:** What would you say the visibility was?

10 **WIT:** It had, it was getting better quickly. It was just getting better and better all the  
11 time. The rain was diminishing. It was still drizzling but not raining hard at all at that  
12 point at 1700. So yeah it was, the visibility was progressively getting better. I was able  
13 to see the ROCK FISH off in the distance. He was jacked up at a platform just about a  
14 mile away I would say. And other platforms in the area. And the debris field and the  
15 boats that were searching that debris field for persons in the water. They were  
16 obviously I was watching them on my radar and kind of watching how they, again  
17 surprising to me how they quickly moving away from me searching in that debris field  
18 because of the wind being so strong. And I guess the currents too were pretty strong  
19 that day going from East to West.

20 **CAPT Phillips:** Were some of the civilian vessels out there already there when you  
21 arrived?

22 **WIT:** Yes, ma'am.

1       **CAPT Phillips:** Did anybody give any directions to them or were they just searching  
2       the debris field on their own?

3       **WIT:** They were searching the debris field on their own, ma'am.

4       **CAPT Phillips:** It's really helpful to hear your work to try and get close to the vessel  
5       and what you observed and what you saw. Then you talked about the first person who  
6       got in the water. I think you said you had the Jacob's Ladder down. Did they climb the  
7       Jacob's Ladder on their own or did you have to pull them up?

8       **WIT:** Yes they kind of got to first wrung or two on their own and then we were able to  
9       reach down, the crew members were able to reach down and pull them up the rest of  
10      the way.

11      **CAPT Phillips:** About how much free board in this area where you had your Jacob's  
12      Ladder?

13      **WIT:** It's about 6 feet, I want to say 6 or 7 feet.

14      **CAPT Phillips:** While you were there on scene or while you were approaching the  
15      scene did you have somebody dedicated to watch the radar?

16      **WIT:** I don't recall not really not having like a radar man dedicated to watch the radar. I  
17      was watching it from the helm where I was. And then like I say we had a Boatswain's  
18      Second Class we put him on the Fleeer which is right next to the radar screen so kind of  
19      between he and I we're both looking at the radar screen and he was more focused on  
20      the infrared camera keeping it trained on the side of the cabin.

21      **CAPT Phillips:** That day did you ever see any indications that a SART, search and  
22      rescue transponder had been activated?

23      **WIT:** No. I did not see a SART signal when I got on scene.

1       **CAPT Phillips:** Thank you very much. We're going to turn it over to some other folks  
2       and see if they have some questions. So I'll start with Mr. Verdin, Coast Guard.

3       **Mr. Verdin:** Good morning Captain Guidry. Thank you for being here and most  
4       importantly thank you for being there taking quick actions. You and the crew that day  
5       that's vitally important. And it shows that you saved a life. So I think you were one of  
6       the true hero's of that day. I have a couple questions about the equipment that, the  
7       GMDSS equipment. You said that, oh sorry let me do this. Now can you see me?  
8       Alright a couple questions about your GMDSS equipment. You said that the equipment  
9       was powered up or put on until about 1:30, I'm guessing 1330 you said?

10      **WIT:** Yes, sir.

11      **Mr. Verdin:** That started. Was all the equipment on when you were out doing trials and  
12      on scene during the storm?

13      **WIT:** Yes.

14      **Mr. Verdin:** Did you, and you said you received several distress on 16 and other, was it  
15      just 16?

16      **WIT:** Yes.

17      **Mr. Verdin:** VHF.

18      **WIT:** I was monitoring Channel 16. IMARSAT definitely did not go off because that has  
19      a pretty loud audible alarm I would have heard that. NAVTEX doesn't have an audible  
20      alarm on the FRC's application and it's mounted on the GMDSS console. It's just aft of  
21      the bridge so it's not something that's up where I'm running the vessel from. So I  
22      wouldn't have seen it if it would have popped up. A message would have popped up.

1 You have to go back there look to see a message. So I'm not sure if a NAVTEX  
2 message came through during that time.

3 **Mr. Verdin:** Okay, thank you. And your VHF does DSC capability built into it, right?

4 **WIT:** Yes, sir.

5 **Mr. Verdin:** Did you receive any distress calls via DSC on your VHF or medium  
6 frequency, high frequency radios?

7 **WIT:** No.

8 **Mr. Verdin:** Nope that's all I got. Thank you Captain Guidry.

9 **CAPT Phillips:** Thank you Mr. Verdin. NTSB has some questions. I turn it over to Mr.  
10 Muise.

11 **Mr. Muise:** Good morning Captain thank you for joining us today. Just to follow up real  
12 quick on Mr. Verdin's question about DSC. You said there were no VHF DSC calls. Is  
13 that including the ROCK FISH called, there were multiple distress calls that were going  
14 on? Were any of those by VHF DSC?

15 **WIT:** No. No distress messages off of the DSC went out. It was only regular Channel  
16 16 calls made.

17 **Mr. Muise:** And likewise for the NAVTEX did any of the UMIB or urgent marine  
18 information broadcast, were any of the multiple distress calls go on?

19 **WIT:** Right. I did not monitor, I was not monitoring the NAVTEX and I did not look at it.  
20 So it may have received a message, but I did not look at it. And I can't say that we did  
21 receive one to be honest with you.

22 **Mr. Muise:** When you first arrived on scene what heading had the SEACOR POWER  
23 sailed on? Was it an Easterly or more South Easterly heading?

1 **WIT:** It was an Easterly heading. Like the bow was facing the East. Maybe a little, it  
2 may have had a little bit of a Northeast direction to it. But it was definitely an Easterly  
3 heading that it had fell over on.

4 **Mr. Muise:** Can you confirm for me that the entire helo deck and the entire aft leg were  
5 submerged?

6 **WIT:** Yes.

7 **Mr. Muise:** Did you happen to put yourself between the SEACOR POWER and Mr.  
8 Louviere to create a lee for him?

9 **WIT:** Yeah with an angle as best I could, of course I didn't want a beam sea in that  
10 condition or get too far over so I angled. By then we were, like I said he was moving  
11 quickly away from the SEACOR POWER so we were definitely further away than I had  
12 been when we got him out of the water.

13 **Mr. Muise:** Can you estimate how far he had to swim without a life jacket on?

14 **WIT:** He, oh like I say a lot of it was set and drift pushing him along. He was not really  
15 swimming he was just kind of wadding in the water. Kind of staying in his position  
16 relative to the water he was in. And until I close to him the only time he actually swam  
17 was when we threw the life ring in the water near him and then he swam to the life ring.

18 **Mr. Muise:** Okay. If my math is right he's in the water about 6 minutes, does that  
19 sound right?

20 **WIT:** That would be about right, yes. Close.

21 **Mr. Muise:** I understand that the FRC doesn't come with or Bollinger doesn't provide a  
22 line throwing appliance or line throwing gun with the vessel when it's delivered. And this

1 might be a better question for Lieutenant Reynolds, but do you know if that a part of the  
2 standard outfitting for an FRC later?

3 **WIT:** I don't know.

4 **Mr. Muise:** And as a Gulf of Mexico mariner do you concern yourself with severe  
5 thunderstorm warnings as opposed to marine specific warnings like a Gale warning,  
6 small craft advisory? What catches your attention?

7 **WIT:** Oh they all do. Like I say this thunderstorm warning that we were seeing prior to  
8 getting underway was going to affect our training. So yeah accept it. Obviously a Gale  
9 warning would be a lot more, give us our attention. And maybe something that would  
10 cause us to not get underway if that was anticipated. Yeah pretty much that.

11 **Mr. Muise:** Okay. And the last thing. You talked about the capabilities of the FRC.  
12 Can you touch on some of the particulars of your safe boat?

13 **WIT:** Oh I'm not sure, probably not what the condition was. I'm not sure the operating  
14 parameters are for that small boat.

15 **Mr. Muise:** Okay. Well thank you Captain. Thank you again and please pass my  
16 thanks to your crew.

17 **WIT:** Thank you.

18 **CAPT Phillips:** Thank you Mr. Muise. I realized that in the past couple of questions we  
19 covered a lot of different acronyms so I would just like to go through them for the record.  
20 FRC, if you could just define it.

21 **WIT:** Fast Response Cutter, yeah.

22 **CAPT Phillips:** Thank you.

23 **WIT:** Fast Response, yes, ma'am.



1       **CAPT Phillips:** DSC?

2       **WIT:** Digital Selective Calling.

3       **CAPT Phillips:** Thank you. GMDSS?

4       **WIT:** Global Marine Distress and Safety System.

5       **CAPT Phillips:** Thank you. Do you know what NAVTEX acronym is?

6       **WIT:** I do not actually. I'm not sure what that acronym is for.

7       **CAPT Phillips:** Okay. I think Mr. Verdin can clarify that one.

8       **Mr. Verdin:** Captain I believe the NAVTEX is short for Navigational Telex.

9       **CAPT Phillips:** Thank you Mr. Verdin. Okay. I think I got all the acronyms we just  
10       discussed in the last few questions. I'll turn it over to Mr. Ehlers with NTSB.

11       **Mr. Ehlers:** Good morning Captain thanks for your testimony. Just some follow up  
12       questions based on what my colleagues have already asked. Going back to the wind  
13       finder App that you used to plan your day, is that App focused on – is it a marine  
14       specific App or is it more of a general weather App?

15       **WIT:** It's more of – it's a marine App.

16       **Mr. Ehlers:** It's a marine App, okay.

17       **WIT:** Yes.

18       **Mr. Ehlers:** Go ahead.

19       **WIT:** No I'm good.

20       **Mr. Ehlers:** Is it a subscription service or is it an open source App?

21       **WIT:** its open source App, it's free to download it and use.

1 **Mr. Ehlers:** Okay. In any of the, you mentioned in the forecast you anticipated or the  
2 forecast was anticipating 35 knot winds. In those forecast were those supposed to be  
3 sustained 35 knot winds or was that gusts to 35 knots? Or do you remember?

4 **WIT:** I don't remember. I was anticipating more of a gust to 35 knots during the  
5 thunderstorm. A typical thunderstorm will have gusts up to 35 knots. That's kind of  
6 what I was anticipating.

7 **Mr. Ehlers:** And in any forecast that you looked at or received during that day any  
8 predict the type of winds that you saw, 80 knots or upwards in that area?

9 **WIT:** No.

10 **Mr. Ehlers:** I have another, I think it's an acronym question for you. You mentioned on  
11 your team on board CHAN instructors, is CHAN an acronym?

12 **WIT:** No it's a name of our, the ILS on our training and logistics part of our company.

13 **Mr. Ehlers:** Okay, very well. When you saw the SEACOR POWER out bound in  
14 Bayou Lafourche did you notice did it have any list to it as it was heading out bound?

15 **WIT:** No it looked good, looked level. It looked good leaving out. No problem

16 **Mr. Ehlers:** And then when you passed it up again at Buoy 1 and 2 any list that you  
17 noticed or change in trim that you noticed?

18 **WIT:** No everything looked good.

19 **Mr. Ehlers:** Okay. Mr. Muise asked you a little bit about the small boat you had on  
20 board. What's the size of that boat?

21 **WIT:** It's a 27 foot water jet rescue boat. And commonly deployed in the Coast Guard,  
22 kind of over the horizon I believe they call it. They're the safe boats is the company that  
23 builds them.

1 **Mr. Ehlers:** Okay. Is it a rigid hull inflatable?

2 **WIT:** Yes I think they call it that. It's the boats not provided by Bollinger. It's provided  
3 as part of the outfit to the boat and we get it here in the shipyard just to conduct the  
4 training with and such and trials to get our weights on vessel correct and such. But it's  
5 not actually a Bollinger product. We don't provide the small boats here at Bollinger.

6 **Mr. Ehlers:** Can you briefly describe how that boat is launched and recovered?

7 **WIT:** We have a stern notch where we, with a gate. So we open the gate, we put the  
8 FRC in a, on a FRC the way we do it we go a beam sea kind of to kind of keep the bow  
9 from going up and down too much so not too much water washes into the notch. So we  
10 try to get the water back there stable as possible. And there's a winch with a quick  
11 release. So when we're ready we quick release the small boat and it slides out of the  
12 notch. And then to retrieve it again we open the gate, set our self on the best heading,  
13 the FRC on the best heading and they with a little bit of way on a few knots, 5, about 6  
14 knots and they ride it up into the notch and we catch them with a strap. And then attach  
15 the quick release and winch them back into the notch and close the gate.

16 **Mr. Ehlers:** Is there a limit or seas or conditions that you can launch?

17 **WIT:** Yes I'm sure there is. I'm not sure what the Coast Guard policy is on that. I'm  
18 sure they have an operating guideline to follow. I'm not sure what it is.

19 **Mr. Ehlers:** On the day of the accident what was your comfort level in launching and  
20 recovering the boat?

21 **WIT:** I was – I was not very comfortable with it. I just, you know realized that the gain  
22 you know how the Coast Guard does these GAR models and all that and risk factors  
23 and all that. I figured it was, again by that point at around 1700 the wind – the waves

1 hadn't built up to 10, 12 knots like they were later on. At that point they were maybe 4  
2 to 6 foot seas still. So I still felt comfortable with the crew that was on board, the boat  
3 driver we have is a good boat driver and the third person was one of the CHAN  
4 instructors, he's very experienced, prior Coast Guard guy so I felt comfortable with him  
5 launching and to go see if they could get to the persons on the side of the boat.

6 **Mr. Ehlers:** You answered my next question which was the experience of the crew.  
7 Had you left the boat out there with the conditions as they were worsening been  
8 dangerous for recovering the boat?

9 **WIT:** Yes. Yes definitely later. If we would have left it out there it would have gotten  
10 dangerous for sure. The waves got worse as the evening went on.

11 **Mr. Ehlers:** You mentioned the current that swept some of the survivors away from the  
12 vessel. Can you estimate what the current was out there that day?

13 **WIT:** No. It's kind of hard to say. It's usually about a knot, knot and a half when there's  
14 a strong current like that. But in that situation it was wind driven on top of the natural  
15 currents that were there that day. So it was definitely wind driven. So it was strong. I'm  
16 not sure. I would be guessing to say how quickly things were going from East to West.

17 **Mr. Ehlers:** The current that you saw is that unusual for that area of the Gulf?

18 **WIT:** No, well the one and a half knot, the currents do get pretty strong depending on  
19 the moon cycle at Port Fourchon around that area there. So it comes and goes, you  
20 know the currents, knot, knot and a half currents aren't that unusual at certain times of  
21 the month. But that current obviously with 40 knot winds driving it harder is unusual.

22 **Mr. Ehlers:** At any time prior to arriving on scene did you get any – did you hear any  
23 weather warnings over Channel 16 VHF?

1 **WIT:** No.

2 **Mr. Ehlers:** And after you were on scene did you hear any weather warnings over  
3 Channel 16 after that fact?

4 **WIT:** No. I don't recall. Channel 16 got really busy that evening because of all, it  
5 wasn't only us that had issues. There were other boats that had distress. So, but I  
6 don't remember hearing any weather warning come across after the event took place.

7 **Mr. Ehlers:** Thank you very much Captain.

8 **CAPT Phillips:** Thank you Mr. Ehlers. Looking at the time before we continue with  
9 additional questions I would like to take a short break. We'll reconvene at 0940. The  
10 time is now 0926. This hearing is now in recess.

11 *The hearing recessed at 0926, 6 August 2021*

12 *The hearing was called to order at 0940, 6 August 2021.*

13 **CAPT Phillips:** The time is 0940. This hearing is now in session. Captain we have a  
14 couple follow up questions from the Coast Guard and NTSB. I'll turn it over to Mr.  
15 Ehlers with NTSB to start off.

16 **Mr. Ehlers:** Thank you Captain. I just have one follow up question for you, it may turn  
17 into two we'll see here. As the front rolled through, the first front rolled through did you  
18 have just one squall line or did you have several different squall lines come through?  
19 How did the weather appear as it first hit you?

20 **WIT:** Yeah I don't remember having more than one main squall line where I was. It  
21 seemed like my recollection is only one line where I was.

22 **Mr. Ehlers:** Okay, thank you very much.

1       **CAPT Phillips:** Thank you Mr. Ehlers. Looking back on some of the things you told us  
2       you said that as you were getting close to the jetties and you were on your way out that  
3       is when the SEACOR POWER was at about the same location. I think you mentioned  
4       you had a discussion about the SEACOR POWER and how she handles in the weather.  
5       Did I hear that right?

6       **WIT:** Yeah. With the crew members. Yeah we just, with the pending weather coming  
7       and watching a lift barge go out that just brought up a discussion on the bridge about  
8       you know how lift barges are unstable and you have to be careful in the sea states that  
9       we are running. And I specifically I told them a story about when I was a lift barge  
10      Captain and we had a pending cold front coming. I told the company man that we  
11      would not make it to the location and I would have to jack up and wait out the weather  
12      prior to getting to the location. And he told me we had to leave anyway. So we left  
13      anyway and before front hit us I went ahead and jacked down and we stayed like three  
14      days jacked up in our location. Back then I would just look at the chart in open water  
15      and make sure there wasn't a pipeline charted in the area. And I would tag bottom and  
16      lift myself just off the waves so the waves wouldn't hit the bottom of the vessel and wait  
17      out the weather. That was that discussion.

18      **CAPT Phillips:** About how long ago was that incident?

19      **WIT:** That would have been, yeah that would have been in 1997, late '97 or early '98.

20      **CAPT Phillips:** Okay. You said lift boats are unstable. Can you tell us a little more  
21      about that?

22      **WIT:** Yeah with their legs when you're in a floating position with the legs up drawn all  
23      the way up the center of gravity is high on a lift barge. So if it starts to rock it could flip

1 over. Just like when we do sea trials one of the sea trial task or evolutions that we have  
2 to do with every brand new lift barge is go out in water which is a second cardinal rule of  
3 lift barges, never go in deeper water than you can jack down in. You know so that's  
4 kind of what we would run by. You know don't run seas over 5 foot and don't run  
5 deeper water than you can jack up in so that you could always stay safe. But one of the  
6 sea trial requirements is to go out in water deeper than the legs length and jack the legs  
7 all the way down to the maximum just to ensure that they can travel the whole length  
8 through the towers. So that was always something that we would do. Which changes  
9 the also the stability of the vessel also too at that state is a little suspect. So obviously  
10 when we do that in calm sea conditions.

11 **CAPT Phillips:** Would you say as the legs jack down the vessel's stability changes?

12 **WIT:** Yes.

13 **CAPT Phillips:** Can you describe that a little bit?

14 **WIT:** Well like I said with the legs all the way up the center of gravity is high. Okay, so  
15 as the legs go down the buoyancy changes obviously as it goes down so the center of  
16 gravity comes down. But it gets to a point where the, if it's extreme depths going to your  
17 limits if it gets so far under the vessel that it could cause the vessel to want to keel over  
18 or flip there also.

19 **CAPT Phillips:** In the Gulf lift boats have fairly large pads. If you're moving while  
20 you're jacking do the pads influence the handling of the ship?

21 **WIT:** Yes. So you should try not to be moving when you're tagging bottom. Because  
22 you could damage the legs or bend the legs what have you. So you want to try to be as  
23 stable and stationary as possible as you're tagging the bottom. A lot time when you set

1 up on location you kind of get close, you tag bottom, you know so many feet away  
2 whatever you think is safe depending on the platform and the survey that you get, the  
3 pipelines and such. You tag bottom and then you lift them back up a little bit and then  
4 you maneuver into the location and then you jack the legs back down and retag the  
5 bottom when you're at the position you want to be at.

6 **CAPT Phillips:** When you were running lift boats what was your personal rule of thumb  
7 about how large of a sea state you would operate in?

8 **WIT:** Five feet.

9 **CAPT Phillips:** And did it matter what size lift boat it was?

10 **WIT:** Not really no. At the time the boats I ran was smaller than this one. The boats I  
11 sea trialed. I've heard things in recent years that some of the larger lift barges can go in  
12 higher sea states. I don't know personally exactly what the criteria may be. But with, it  
13 was a 130 lift barge the RAM THREE that I was Captain on at Aries Marine. And that's  
14 pretty much the general rule of thumb is five foot and that's what we ran with at Aries  
15 Marine company wide.

16 **CAPT Phillips:** And what was your personal limit for the winds? At what point would  
17 you say I need to jack up?

18 **WIT:** Back then I don't really recall if we like a policy, it's been a few years ago, what  
19 the policy would be. But obviously it would be a wind that would prevent me from being  
20 able to keep the boat stationary.

21 **CAPT Phillips:** And roughly how much would that be?

22 **WIT:** Probably about 30, 35 knots I would say.



1       **CAPT Phillips:** Thank you. When you were describing on scene events you were  
2 talking about the radio conversations you had with the SEACOR POWER crew that was  
3 still on board. You said they started at some point to talk about a hatch. Do you  
4 remember that conversation and do you remember if they said they were opening the  
5 hatch?

6       **WIT:** Yes I do remember that conversation. I don't remember if they said they were  
7 opening it or if it was already opened. I just remember them talking about a hatch that  
8 they can get into and get better shelter from the waves crashing against the cabin.

9       **CAPT Phillips:** And based on the conversations that you were hearing could you tell if  
10 the crew members could hear what you were saying?

11       **WIT:** Yes.

12       **CAPT Phillips:** So based on their responses you felt that they could hear you?

13       **WIT:** Yes. Again in the beginning especially when we first had communication with  
14 them it was better. The last couple of communications we had with them it was starting  
15 to, it was breaking up a bit. It was a little more difficult to communicate with him those  
16 last couple of short communications he had with us.

17       **CAPT Phillips:** Do you remember what the last several conversations were generally  
18 about?

19       **WIT:** It was generally about, again him asking for help still and how they were going to  
20 take shelter in that space inside the ship I guess, inside where that hatch was.

21       **CAPT Phillips:** Thank you. If you knew that the weather was going to be 80 knot  
22 winds would you have gotten underway that day?

23       **WIT:** No, ma'am.

1       **CAPT Phillips:** If you knew the weather was going to be 50 knot winds say, would you  
2       have gotten underway?

3       **WIT:** Probably not, no, ma'am.

4       **CAPT Phillips:** Thank you. At this point I'm going to ask if the parties in interest have  
5       any questions for you. I'm going to start with the American Bureau of Shipping.

6       **Mr. White:** Thank you Captain. Good morning, thank you for your testimony and your  
7       efforts on the day of the incident. You indicated that in your testimony this morning that  
8       after receiving a location for the capsized location of the SEACOR POWER that you  
9       plotted it and you determined that the GLENN HARRIS was approximately 6 to 7 miles  
10      from it. Is that correct?

11      **WIT:** Yes, sir.

12      **Mr. White:** And if I ask you what the relative bearing was ----

13      **WIT:** It was, yeah. It was about, the heading was about Southwest of us, about 225.

14      **Mr. White:** Okay. And you also indicated that based on the plotted location of the  
15      SEACOR POWER, the capsized location that you thought the ROCK FISH was  
16      approximately 1 mile from the POWER, is that correct?

17      **WIT:** I believe so, yes, sir.

18      **Mr. White:** And the ROCK FISH at that point was jacked up on location?

19      **WIT:** Yes.

20      **Mr. White:** Do you recall, if I represented to you that the SEACOR POWER capsized at  
21      approximately 1539 do you recall when you would have received the plotted location  
22      from the Coast Guard or the authorities as to where the SEACOR POWER was?

1 **WIT:** Right. I, when? I would say the calls went out at probably 1620 if I remember  
2 right. The events started around 1600 and it was around 1620 that we started hearing  
3 the distress call about the SEACOR POWER.

4 **Mr. White:** Okay. And prior to 1620 when the storm that passed over can you tell me  
5 what speed or course you were following, if any at that time?

6 **WIT:** Prior to the storm hitting like I said we were doing that shaft locking training  
7 evolution which requires us to stay dead ship in the water. We've got to hold the boat to  
8 prevent the shaft from turning. So we were just holding location for about an hour  
9 actually prior to the storm hitting us in that same spot.

10 **Mr. White:** Okay. So even when you were holding location you still would have been  
11 about 6 to 7 miles from the POWER?

12 **WIT:** Yes. We were in that same location, yes.

13 **Mr. White:** And while in that location to the best of recollection as the front passed over  
14 you the winds had increased from 35 knots to approximately 80 or 82 knots, is that  
15 correct?

16 **WIT:** Yeah actually the winds weren't 35 knots prior to the front line hitting us. It was  
17 more like 15, 10 to 15 knots prior to and then it jumped up to the 80 knot winds.

18 **Mr. White:** And can you give me the approximately time frame that the wind increased  
19 from the 15 knots up to the 80 knots?

20 **WIT:** It happened very quickly like I say, within a minute or two. It was very quick.

21 **Mr. White:** And as far as your observations of the wind that was based on the  
22 anemometer on the GLENN HARRIS, correct?

1 **WIT:** Correct. And just from my experience looking out on the seas seeing them right  
2 beforehand. I wasn't really looking at the anemometer prior to the wind event. I'm just  
3 going by what I knew it was just by the wave height and wave reaction to the wind.

4 **Mr. White:** Sitting here today do you specifically recall that the anemometer's speed  
5 would be read in knots?

6 **WIT:** Yes.

7 **Mr. White:** And as far as the direction of the wind would the anemometer read the  
8 direction in true wind or relative wind?

9 **WIT:** FRC it displays in both.

10 **Mr. White:** Okay. And do you recall, I know you were sort of on location, but do you  
11 recall whether the anemometer was set for true or relative wind at that time?

12 **WIT:** We, where I was looking the anemometer was inputs into our chart plotter system  
13 and when you bring up the meteorological page in there it shows both down at the  
14 bottom side by side. You see the relative and the true at the same time.

15 **Mr. White:** Okay. And was there any apparent difference between the relative and the  
16 true?

17 **WIT:** It was the same. Because we were staying stationary.

18 **Mr. White:** And as far as the direction, direction of the wind when it was recorded as 80  
19 knots what was the direction of the wind?

20 **WIT:** It was North, Northeast direction. We use the relative when we station keeping  
21 like that. It helps us determine our bow heading to keep our bow into the wind as best  
22 we can. So I use relative frequently when I'm station keeping to keep my bow in the  
23 right aspect. But the true wind direction that was coming it was definitely North,

1 Northeast as the wind came by then it fell into that Northeasterly wind pattern with the  
2 35, 40 knot winds that sustained afterwards.

3 **Mr. White:** And as far as the weather equipment on the GLENN HARRIS I understood  
4 that the, while the NAVTEX aboard you had just started powering it up around 1330, is  
5 that correct?

6 **WIT:** Yes, sir. Yes.

7 **Mr. White:** And I don't know the capabilities of the GLENN HARRIS but is there any –  
8 is there any saving of weather data on any of the information or instruments that you  
9 have aboard the GLENN HARRIS?

10 **WIT:** If it saves it?

11 **Mr. White:** Yeah.

12 **WIT:** Yeah messages in the NAVTEX save. I believe, I'm not sure, but I believe it  
13 saves the last 500 messages it would receive in its history. The NAVTEX does.

14 **Mr. White:** Okay. Captain thanks again and thanks for the efforts on that day. Nothing  
15 further Captain.

16 **CAPT Phillips:** Thank you Mr. White. First Mate.

17 **Mr. Sterbcow:** Thank you Captain. Captain my name is Paul Sterbcow I represent  
18 First Mate Bryan Mires who was on the SEACOR POWER but was rescued by a good  
19 Samaritan.

20 **CAPT Phillips:** Mr. Sterbcow are you willing to turn on your camera?

21 **Mr. Sterbcow:** I sure am.

22 **CAPT Phillips:** Thank you.

1 **Mr. Sterbcow:** Is that okay? Sir. When you were at the dock before you started your  
2 voyage did you take the weather into account in terms of whether you would delay your  
3 departure and or how the weather may affect the upcoming training when you got into  
4 open water?

5 **WIT:** Yes. We considered that. We considered the timing of the weather coming to, I  
6 didn't want to be, if it was going to be sooner than before we were ready to get  
7 underway I was going to wait it out at the dock and get underway after. Because it was  
8 forecasted to get better right after the front line passed. But we determined that we had  
9 plenty of enough time to get out to the training location prior to the weather front line  
10 passing.

11 **Mr. Sterbcow:** Had you been the Captain of the SEACOR POWER would you have  
12 undergone the same thought process about whether or not that vessel should leave the  
13 dock given the weather information that you had at the time?

14 **WIT:** Yes of course I would have definitely before leaving out on any voyage I would be  
15 considering the weather.

16 **Mr. Sterbcow:** And when the SEACOR, when you saw the SEACOR POWER about  
17 2:30 at buoy's 1 and 2 and you had that discussion about lift boat characteristics, in  
18 your mind did think that the SEACOR POWER might be in any danger as a result of the  
19 weather that you knew as coming?

20 **WIT:** That's a tough call, I can't really say. You know the forecast wasn't beyond its  
21 capabilities. You know it was probably close to it, but the forecast wasn't beyond its  
22 capabilities so it's kind of hard to say what I would have done with that particular vessel  
23 given the situation.

1 **Mr. Sterbcow:** Would, if you were aboard the SEACOR POWER and got into a  
2 weather situation that you thought posed danger to the vessel and the crew would your  
3 response have been to attempt a soft tag at that point?

4 **WIT:** Yes.

5 **Mr. Sterbcow:** Is that standard operating procedure?

6 **WIT:** Yes. And try, I would definitely try to do it prior to the weather hitting me. You  
7 know I was always pretty cautious with these lift barges when I ran them. So I would  
8 have definitely tried to you know soft tag and get lifted up out of the water actually  
9 before any major weather event would have took place if I was expecting seas to get  
10 over 5 foot.

11 **Mr. Sterbcow:** So in this particular situation would you have wanted to anticipate and  
12 possibly pick a location to soft tag relative to the timing of this front?

13 **WIT:** Correct.

14 **Mr. Sterbcow:** Now when you arrived at the SEACOR POWER if I understood you  
15 correctly, she was oriented East to West and the wind was blowing from the North. Did  
16 I understand that correctly?

17 **WIT:** No. It was more of a Northeast, East Northeast.

18 **Mr. Sterbcow:** Was that from a rescue standpoint was that situation, the wind blowing  
19 from North to Northeast the most advantageous to allow potential rescuers to safely  
20 rescue the 5 persons on board the SEACOR POWER? Was that your best chance?

21 **WIT:** It was but it was still really bad to be honest with you. The way the structure was  
22 around that location it was still impossible to get to where they were in the water

1 because the seas were still like, I say 4 to 6 foot it got much worse later, but it was still  
2 bad at that point. But if it, it's kind of hard to say.

3 **Mr. Sterbcow:** Well from your standpoint on the GLENN HARRIS was their only  
4 chance of rescue for them to get in the water and then have available assets pick them  
5 out of the water versus trying to get them off the boat?

6 **WIT:** Right. Definitely it was better, it was better then. The sooner would have been  
7 better, yes. Because it got progressively worse as the evening went on. Especially with  
8 the shifts of the wind more out of the South or East, and then a South where the waves  
9 are crashing right, like you said, more against the area where they were than it did at  
10 first.

11 **Mr. Sterbcow:** So as time went on the situation changed such that the waves changed  
12 direction and instead of coming from say somewhat askew I assume but from the hull  
13 side of the vessel, it turned around and now the waves were hitting directly where the  
14 persons on board were located?

15 **WIT:** Correct.

16 **Mr. Sterbcow:** Okay. Now did you all definitively identify 5 persons on board through  
17 your infrared camera system?

18 **WIT:** Yes. I certain we had the 5 people accounted for. It was the only people there.

19 **Mr. Sterbcow:** And is there name for that system?

20 **WIT:** It's a, we call it a flare. It's a forward looking infrared camera. It's infrared, it's  
21 night vision.

22 **Mr. Sterbcow:** Right. So it picks up silhouettes and that's how you know -----

23 **WIT:** Yes.



1 **Mr. Sterbcow:** It's a dark image?

2 **WIT:** Heat signatures, yes. Heat signatures, yes.

3 **Mr. Sterbcow:** Do you know if that system keeps a recording to where you could go  
4 back and look at it later?

5 **WIT:** Yes it does.

6 **Mr. Sterbcow:** And have you given that recording to anyone?

7 **WIT:** Yes we have.

8 **Mr. Sterbcow:** And to whom?

9 **WIT:** I'm not sure. The Coast Guard.

10 **Mr. Sterbcow:** Okay so an agency has the recordings?

11 **WIT:** Yes, yes.

12 **Mr. Sterbcow:** Thank you. Now do you know whether or not the first of the five to be  
13 rescued was Mr. Louviere, did you rescue the first?

14 **WIT:** Yes.

15 **Mr. Sterbcow:** Do you know who the second person to be rescued was?

16 **WIT:** I do not know his name. That was the RBM that got him.

17 **Mr. Sterbcow:** That's what I was going to ask you. So the RBM would have gotten  
18 POB number 2? As far as you know.

19 **WIT:** Yes, sir.

20 **Mr. Sterbcow:** And the person number 3 is that the person who fell in the water after  
21 the helicopter left and then could not be located?

22 **WIT:** Yes.

23 **Mr. Sterbcow:** And did you ever see that person?

1 **WIT:** No other than the silhouettes from the infrared camera. I wasn't able to, I was  
2 never able to the faces of any these other individuals other than Mr. Zachary.

3 **Mr. Sterbcow:** Okay. And that actually answers my question. So other than Mr.  
4 Louviere you had the silhouette picked up by the infrared camera but you didn't actually,  
5 or to your knowledge nobody on your boat actually visualized and saw what they were  
6 wearing, how big they were, that physical characteristics of any individual?

7 **WIT:** No.

8 **Mr. Sterbcow:** Okay. Now after the third person fell in the water and could not be  
9 located do you know what happened to persons 4 and 5?

10 **WIT:** Yes. They're the one, person 4 is Jay. Person 5 I don't know. He was the one  
11 with Jay and they are the two that we radio coms with that eventually made their way  
12 into this hatch to obtain better shelter from the increasing waves hitting up against the  
13 cabin.

14 **Mr. Sterbcow:** And I think you said you eventually just lost all radio contact with Jay.

15 **WIT:** Yes.

16 **Mr. Sterbcow:** Are you aware, we heard testimony a few days ago, were you aware  
17 that one of the 45 foot boats actually recovered an responsive body and then got caught  
18 in the waves and so forth and lost that person?

19 **WIT:** Yes. I didn't, I was not aware that happening. I thought they never found him. It  
20 was only from the testimony I heard earlier this week about how they actually found him  
21 and lost him and then their own crew member went overboard.

22 **Mr. Sterbcow:** Do you have any idea, and I think I probably know the answer, do you  
23 have any idea when that happened relative to when person number 3 went in the water

1 and was never found before you lost radio contact with Jay and the other crew  
2 member?

3 **WIT:** Yeah I have a couple notes here. My notes have some times they're not exact  
4 but I have a bit of timeline here that I could tell you about. And the second person was  
5 about 1930. It looks like it must have been about 2100 I would say. Between 2100 and  
6 2130 that the third person got into the water. It was about 2045 I got radio coms with  
7 Jay. And it was 2200, 10 O'clock that evening that Jay went into the hatch with the  
8 other person for the first time.

9 **Mr. Sterbcow:** Alright. In that timeframe do you have any idea as to when the other 45  
10 foot Coast Guard boat found the unresponsive person in the water, who subsequently  
11 fell off that boat?

12 **WIT:** I'm not sure.

13 **Mr. Sterbcow:** Okay.

14 **WIT:** I'm not sure. Like I said I wasn't aware that event had happened as they were  
15 looking. All I knew was that they were looking and that they had ran into Port Fourchon  
16 after because they had issues. I didn't know what the issue was.

17 **Mr. Sterbcow:** And let me ask you about the conditions that day, do you recall at this  
18 time around 11th, 12<sup>th</sup>, 13<sup>th</sup> of April that there was a series of low pressure systems that  
19 were going through the Gulf from West to East over a course of a few days. Do you  
20 remember that?

21 **WIT:** Yes, yes. That was a pattern we were in at the time. It lasted for a while. Every  
22 so many days these low pressure systems were going from West to East at that time.  
23 So it was just, it was something that was just happening. You know it was a pattern that

1 we were in. So I guess my thinking there was that day people just expected it to be  
2 another one like had been passing two or three times before this one. Not anticipating it  
3 to be as severe as this one was.

4 **Mr. Sterbcow:** And is it fair to say, I mean I've heard about the GLENN HARRIS, I  
5 haven't seen pictures or know anything, but is it fair to say in your experience that the  
6 GLENN HARRIS was far more capable by design in operational ability to handle  
7 adverse weather than the SEACOR POWER was?

8 **WIT:** Yes definitely.

9 **Mr. Sterbcow:** And you were at the helm of the GLENN HARRIS and knowing its  
10 capability it sounds like you still took weather into account and it was a major factor in  
11 you planning your activities that day, correct?

12 **WIT:** Yes, sir.

13 **Mr. Sterbcow:** I don't have anything further. I really appreciate it. And thank you on  
14 behalf of the families.

15 **CAPT Phillips:** Thank you Mr. Sterbcow. SEACOR Marine and Falcon Global.

16 **Ms. Apps:** Yes Captain Phillips. Thank you. Captain Guidry before I get started I want  
17 to thank you for your time and on behalf of SEACOR POWER, excuse me the SEACOR  
18 Marine I would like to echo the sentiments of Captain Phillips and Captain Verdin. To  
19 thank you for all the action you took on that day. We were very lucky to have you so  
20 close to the POWER. And your quick actions saved lives, so thank you. If we can start  
21 by asking you, we talked a little bit about AIS data in the questions. Does the GLENN –  
22 what is AIS data just to be clear?

1 **WIT:** It's automatic identification system. A system in which vessels transmit their  
2 location and status and direction underway, moored and such to other vessels.

3 **Ms. Apps:** And is the GLENN HARRIS equipped with the AIS data in the sense of the  
4 GLENN HARRIS itself will transmit AIS data to identify it's location?

5 **WIT:** Yes.

6 **Ms. Apps:** And when, as the Captain of the GLENN HARRIS when you switch to  
7 underway do you take any action to indicate with respect to the AIS transmitted  
8 information that you are underway?

9 **WIT:** Yes, we, yes.

10 **Ms. Apps:** What do you do?

11 **WIT:** I don't always do it personally, I have a team of people here in the shipyard,  
12 technicians that usually handle the radios and such so they would do it.

13 **Ms. Apps:** So it does, somebody does change the status from stationary or docked  
14 method at the port or the dock to underway?

15 **WIT:** Right. Yeah it doesn't happen automatically.

16 **Ms. Apps:** Right. And then after that point the AIS data will indicate when you actually  
17 leave the dock for example?

18 **WIT:** Correct.

19 **Ms. Apps:** So we have some AIS data I think it shows the GLENN HARRIS leaving the  
20 dock at approximately 2:45 p.m. on the 13<sup>th</sup>. Does that – consistent with about the time  
21 you first started moving the boat? The GLENN HARRIS.

22 **WIT:** No I thought when we got underway was more about, it would have been 2 p.m.,  
23 1400 I believe.

1 **Ms. Apps:** Let me ask you to look. I'm going to show you a video. If I could ask  
2 Lieutenant Alger to show the video which is in Coast Guard Exhibit 1. I believe it starts  
3 on slide 23 [showing Exhibit]. This goes a little fast Captain Guidry to be clear. So I'm  
4 going to ask, it starts from earlier in the day, I'm going to ask Lieutenant Alger if he's  
5 able to pause the video at the time the GLENN HARRIS moves. It may be a little tricky  
6 but if Lieutenant Alger could do that that would be great. And if you can just confirm you  
7 can see it.

8 **WIT:** Right. Okay, yeah I see it.

9 **Ms. Apps:** And the time is on the top left hand side there. And you can see Captain  
10 Guidry many boats going out that morning. And now you see the POWER moving with  
11 the green bar.

12 **WIT:** Right.

13 **Ms. Apps:** And you continue to see other boats leaving.

14 **WIT:** Right. That's consistent where they're passing my location, mooring location.

15 **Ms. Apps:** And you can sort of see, there's another boat leaving. You can sort of see  
16 the GLENN HARRIS on the left out there.

17 **WIT:** Right.

18 **Ms. Apps:** Now it's moving. Pause.

19 **WIT:** I can see that. Right, there we are, yeah. That's about 1432, yeah it would have  
20 been about right.

21 **Ms. Apps:** Okay, approximately, okay. 1432.

22 **WIT:** Right.

1 **Ms. Apps:** So prior to the time that you were leaving then at 1432, or 2:30 in the  
2 afternoon you had already been on board and in the bridge or wheelhouse for a period  
3 of time, right?

4 **WIT:** Yes.

5 **Ms. Apps:** Would you say you were, how long before you left were you on the bridge?

6 **WIT:** I arrived at the vessel at 12:30 and I pretty much stayed in the bridge while on  
7 there. I mean I may have gone up and down a couple times, but it's from about 12:30 I  
8 was on board.

9 **Ms. Apps:** You were going out that day for various training exercises, is that right?

10 **WIT:** Yes.

11 **Ms. Apps:** And were the training exercised designed to experience really severe  
12 weather?

13 **WIT:** No. The training we that we do is familiarization training of the vessel, the  
14 equipment on board the vessel. We don't train operational training or anything like that  
15 with these Coast Guard crew members. It's just training to familiarize them with the  
16 equipment of the FRC and its operating characteristics, how to handle the ship and  
17 such.

18 **Ms. Apps:** When you – when you talk about training on the equipment does that  
19 include the weather instruments that are on the bridge?

20 **WIT:** Yes. They get trained a familiarization. These crews have like a, they come in  
21 with a given knowledge level and it's not so much teaching them basic navigation or  
22 weather its more teaching them where on a FRC they see the data that gets recorded or  
23 sent to them. More than teaching actual weather or navigation.

1 **Ms. Apps:** Okay. When there were people on the bridge, excuse me, let me start  
2 again. The – when you were underway or even before you were underway were there  
3 others in the bridge with you who were looking at the information?

4 **WIT:** Yes.

5 **Ms. Apps:** And you said you turned the NAVTEX on I think you testified around 1, or  
6 1:30 that day, is that right?

7 **WIT:** Yeah it would have been around 1:30 when the, it was actually the crew the cell  
8 crew members that would have been energizing all the different pilot house equipment  
9 on the ship.

10 **Ms. Apps:** Let me come back to the NAVTEX in one second while we still have this  
11 video up. Lieutenant Alger could you just play it through. I think you may have rewound  
12 it. I wanted to play it through to the time when the GLENN HARRIS passed the  
13 POWER.

14 **WIT:** Right.

15 **Ms. Apps:** I think we're seeing it from the start again Captain Guidry, just so you  
16 understand what you're seeing.

17 **WIT:** Right.

18 **Ms. Apps:** So.

19 **WIT:** Obviously my, I probably got out of the reception or whatever receiver was  
20 receiving the AIS signal.

21 **Ms. Apps:** I think we may have passed it. I think this may be a little tricky to show, but.  
22 Yeah. Thank you Lieutenant Alger. Do you see? So how far away would you say you



1 were from the POWER when you passed them? I think you testified near buoys. You  
2 passed it twice?

3 **WIT:** Right. See those two little, the red and the green buoys just South of the jetties,  
4 that's buoys 1 and 2. So I could see them just as I was coming down the – through the  
5 jetties before this, they were just past those buoys.

6 **Ms. Apps:** And you testified earlier that you thought it looked good and there was no  
7 list on the POWER when you went past it. Do you recall that?

8 **WIT:** Yes it looked good, yes.

9 **Ms. Apps:** Do you agree – and I think you said earlier that you didn't think the vessel  
10 was overloaded, is that right?

11 **WIT:** It looked good.

12 **Ms. Apps:** And it looked like it was traveling in the sort of normal and usual way?

13 **WIT:** Yes.

14 **Ms. Apps:** If I could ask you to put up Coast Guard Exhibit 142. Captain Guidry I  
15 wanted to come back to the NAVTEX instrument. I'm going to show you a picture of a  
16 NAVTEX instrument. This is not, to be clear from the GLENN HARRIS this is -----

17 **WIT:** Right.

18 **Ms. Apps:** This is just a picture that we have of the NAVTEX instrument.

19 **WIT:** On the SEACOR POWER?

20 **Ms. Apps:** Does that, it is in fact from the SEACOR POWER. But does that look  
21 similar to the instrument that you had in the GLENN HARRIS?

1 **WIT:** Yes and no. The display if you look the display that you see there, the lighter  
2 gray unit is very similar to ours. But we do not have a print out on the GLENN HARRIS.  
3 It's just display.

4 **Ms. Apps:** Okay you don't have the print out on the GLENN HARRIS. But you can go  
5 back and look at the messages, I think you testified, right?

6 **WIT:** Yes.

7 **Ms. Apps:** And is part of this training, and I'm sorry if I asked this already, but there  
8 were other folks on the bridge with you that day, right?

9 **WIT:** Right.

10 **Ms. Apps:** And were any of them being trained or on how to use these weather  
11 instruments?

12 **WIT:** No not that particular day. That would have happened prior to that. Today would  
13 have been just bridge light offs which they had already had done a few times prior to  
14 this. It was just normal bridge light offs prior to getting underway. Usually it's an  
15 electronic technicians from the crew that would be the ones powering this equipment  
16 up.

17 **Ms. Apps:** And no one told you that they saw – how many people do you think were on  
18 the bridge at starting around 1:30 to 2:30 before you left?

19 **WIT:** Yeah when we came in it was quite a bit comparatively. There was probably, it  
20 came and went like I say up to 12 people could be in the bridge at one time during this  
21 light off process. There's Boatswain's Mates, there's command personnel, there's  
22 Operation Specialist and then there's our electronics people. So they go between, we  
23 have room down below called the C4ISR room which is where all the servers and

1 computers and the main radios are located on the ship. So they have to go down there  
2 to get all that started. And typically we'll, others like the Boatswain's Mates will light off  
3 the more basic like the GPS's and the Radar, eventually the steering and things like that  
4 on the bridge. But this particular equipment is part of the GMDSS equipment that we  
5 would probably be waiting for an electronic technician to come to the helm after they  
6 light off all the equipment down below. So I'm pretty confident that was an electronic  
7 technician that turned that NAVTEX on that day.

8 **Ms. Apps:** And nobody alerted you I take it in the half an hour before you left that any  
9 kind of weather alert had come across the NAVTEX system?

10 **WIT:** No.

11 **Ms. Apps:** Can you take that down Lieutenant Alger, thank you. I want to ask you a  
12 couple questions about your process for assessing weather in advance of your  
13 voyages, any particular voyage Captain Guidry. I know you're a Captain of  
14 approximately 20 years of experience. Do I have the math right there?

15 **WIT:** I've actually been working a little longer than that unfortunately I'm getting a little  
16 old here. But yeah I've been out there for about 35 years actually.

17 **Ms. Apps:** I beg your pardon, I didn't mean to understate that. I apologize. So when  
18 you, prior to leaving for a voyage you take upon yourself to make a weather assessment  
19 before you leave, is that fair to say?

20 **WIT:** Definitely, yes.

21 **Ms. Apps:** Do you ever consult the people back on shore about the weather before you  
22 leave?

1 **WIT:** Yeah well if it's going to be a situation where I may not get underway or I'm  
2 concerned about it. I would call my bosses here at Bollinger and inform them about it  
3 letting them know what I plan on doing just so they could know our status.

4 **Ms. Apps:** Is it fair to say that you make the decision about whether or not to get  
5 underway based on your own weather assessment?

6 **WIT:** Yes.

7 **Ms. Apps:** And do you believe as the Captain you're responsible for determining  
8 whether or not weather is appropriate for the vessel to depart in?

9 **WIT:** Yes.

10 **Ms. Apps:** On the day coming to April 13<sup>th</sup> I think you testified earlier that when you  
11 were leaving, before you left you did check a number of weather sources, is that right?

12 **WIT:** Yes.

13 **Ms. Apps:** The wind finder App I think you mentioned.

14 **WIT:** Yes.

15 **Ms. Apps:** And there was some other sources that you checked as well?

16 **WIT:** Yes. I, the Weather Channel App I use. That one mainly for, especially for  
17 marine, because it's mostly a land map. You look at forecast you get a good idea. But I  
18 was mainly tracking the line of storms on there late radar feature on the Weather  
19 Channel App.

20 **Ms. Apps:** And you indicated I think earlier in your testimony that it would be gusts of  
21 up to 35 knots, but that it would come back down to 15 knots. That was the weather  
22 that you at that time, correct?

23 **WIT:** Yeah that's what I was anticipating, yes.

1 **Ms. Apps:** You also used the term Gale force winds earlier in your testimony Captain  
2 Guidry, do you recall that?

3 **WIT:** Yeah someone else mentioned Gale force warnings, marine warnings.

4 **Ms. Apps:** Do you know what speeds and knots Gale force warnings are?

5 **WIT:** Yeah I'm not sure off the top of my head to be honest with you. I think it's around  
6 50 knots.

7 **Ms. Apps:** Does it sound like it could be 35, 34 to 50 knots, is that Gale force do you  
8 know one way or another?

9 **WIT:** I, maybe it could be I don't know if it's that low. I think it's a little higher. I may be  
10 wrong.

11 **Ms. Apps:** When you did refer to small craft advisories earlier in your testimony what is  
12 a small craft advisory? Do you recall any of the language that is contained in small craft  
13 advisory?

14 **WIT:** Yeah. When we have a small craft advisory it will be disseminated. Sometimes,  
15 a lot of times over Channel 16 or it will come out on these NAVTEX what have you,  
16 whatever. And it just gives a statement saying that they have a small craft advisory with  
17 winds in excess of whatever number. Small boats should exercise caution it could  
18 cause damage. It's pretty much how the statements would usually go.

19 **Ms. Apps:** Okay. So I have a couple more things Captain Guidry.

20 **WIT:** Okay.

21 **Ms. Apps:** When you turn down to the, when you got out and to the, you know out  
22 where you were doing your training exercises. When the storm hit I think you testified at  
23 some point it got up to, was it 80 knots, or 80 miles per hour? 80 knots.

1       **WIT:** 80 knots yes.

2       **Ms. Apps:** And it's fair to say that took you by surprise, is that right?

3       **WIT:** Yes, yes.

4       **Ms. Apps:** And I think you talked about how that was unusual to see that high of winds  
5       at the time, right?

6       **WIT:** Yes.

7       **Ms. Apps:** And could you recall how quickly it moved from, I think you testified it  
8       started around 35 but it got up to about 80, do you recall how quickly that happened?

9       **WIT:** It started as about 10 to 15 knot winds prior to the line hitting us. And how quickly  
10      it went up to 80 knots and it was within 2 minutes.

11      **Ms. Apps:** Thank you Captain Guidry. One of the things you were asked about is lift  
12      boats and their susceptibility to weather and you talked about your experience on a prior  
13      lift boat. When was the last time you were Captain of the lift boat that you mentioned?

14      **WIT:** When I worked on, when I ran them as my employment was back in 1998. I left,  
15      actually I left Aires Marine to come to be the full Captain here at Bollinger Shipyard in  
16      1998. And then I since then, but it's still been quite a few years since we've built a lift  
17      barge here in Bollinger Shipyard. I don't remember exactly when was the last time I sea  
18      trialed a lift barge at Bollinger, but it's been at least 12 to 15 years.

19      **Ms. Apps:** In your earlier testimony you were talking about being a Captain of lift barge  
20      where you went out and you jacked up for three days. Do you recall that testimony?

21      **WIT:** Right, yes.

22      **Ms. Apps:** And I think you testified the size of that lift boat it was 130 feet long, do you  
23      recall that?

1 **WIT:** Yes, yes.

2 **Ms. Apps:** Do you recall how big the legs were?

3 **WIT:** That's what they were. That was the class, they were 130 foot legs.

4 **Ms. Apps:** I beg your pardon.

5 **WIT:** That's how they class them. Yes.

6 **Ms. Apps:** The legs were 130 feet, right?

7 **WIT:** Correct.

8 **Ms. Apps:** And do you know what the length of the vessel was?

9 **WIT:** The beam, I don't remember exactly it would have been about 70 feet, 65, 70 feet  
10 the beam. And the length may have been 90, 80, 90 feet. I don't remember exactly.

11 **Ms. Apps:** How big were the lift barges, well let me start again. Was that the last time  
12 you actually, I may a little confused here Captain Guidry, so forgive me. But was that  
13 when you Captained that lift boat that was -----

14 **WIT:** Right.

15 **Ms. Apps:** Approximately 70 feet long.

16 **WIT:** For Aries Marine. Right.

17 **Ms. Apps:** Was that the last time you actually were Captain of the lift boat?

18 **WIT:** No there were boats that Bollinger build, the lift barges that I sea trialed were  
19 significantly bigger than that. They were, I don't remember exactly, they were around  
20 about 200, up to 230 foot legs on a couple for sure. And I know that we built with a  
21 beam of 90 feet. I'm not sure on the length of those.

22 **Ms. Apps:** Do you agree that a larger lift boat has great weather capacity than a  
23 smaller lift boat in size?

1 **WIT:** I would say so, yes.

2 **Ms. Apps:** You testified earlier when you were Captain of the Aries, the smaller lift boat  
3 that we've just been talking about that you were prefer not to travel in winds of 30 to 35  
4 knots, do you recall that testimony?

5 **WIT:** Yeah I would probably, that would probably I was estimating it, that would  
6 probably be about when obviously a 35 knot wind building up a sea over 5 foot so I  
7 would probably not be transiting in 35 knot winds. Plus you may not be able to hold  
8 yourself stationary on the water at that wind to be able to – to tag bottom and lift up  
9 properly regardless of the sea condition. So yeah.

10 **Ms. Apps:** Sorry Captain I didn't mean to cut you off.

11 **WIT:** That's okay.

12 **Ms. Apps:** And that's what you, this when you were saying that earlier that was in  
13 reference to the Aries lift, lift boat, correct?

14 **WIT:** Yes.

15 **Ms. Apps:** You just mentioned there you're saying 35 foot seas because you, excuse  
16 me, 35 knot winds excuse me and that would be accompanied typically be 5 foot seas,  
17 right?

18 **WIT:** Oh it would be probably greater than 5 foot seas with 35 knot winds.

19 **Ms. Apps:** So to your knowledge is it always 5 foot seas with 35 knot winds, do you  
20 know one way or another how that works?

21 **WIT:** No. It's a bit different variables that create a sea state versus wind speed  
22 depending on the duration of time, currents, location, water depth. It's really hard to  
23 say. But a 35 knot wind would probably create I would say in my experience it would



1 probably create probably more like a 12 foot sea over time. A 15 knot wind is usually,  
2 the rule of thumb is what is creating white caps and starts making seas build a bit. So  
3 as the wind increases from that say 20 knots then you'll probably see about 5 foot seas  
4 with a 20 knot wind I would say.

5 **Ms. Apps:** So it depends on the circumstances, is that fair?

6 **WIT:** Correct.

7 **Ms. Apps:** I think one of the things you talked about also is while in transit lift boats  
8 may be more susceptible to weather than say the GLENN HARRIS. Once they're  
9 jacked up they're much more stable, is that fair to say?

10 **WIT:** Yes.

11 **Ms. Apps:** So in some sense, in some ways they can be a safer vessel because they  
12 can go out and jack up and withstand higher seas and higher wind speeds if you like.

13 **WIT:** Right.

14 **Ms. Apps:** Than other boats, even the GLENN HARRIS for example.

15 **WIT:** Correct. When they're jacked up in a stable location they definitely are more  
16 stable than a boat that would be floating in the water.

17 **Ms. Apps:** And as you sit here today do you remember the specific parameters for the  
18 wind speed or the wave height for the Aires that you were the Captain of?

19 **WIT:** Yeah I don't remember if we had a wind policy, what that would have been. But it  
20 was definitely 5 foot seas was the wave height policy.

21 **Ms. Apps:** You also mentioned that its obviously important to make sure that where the  
22 boat jacks up. The depth of the water is such that the legs are long enough to be able  
23 to jack up, I mean that's fairly obvious I supposed.

1       **WIT:** Right.

2       **Ms. Apps:** Is that right?

3       **WIT:** Yeah.

4       **Ms. Apps:** In the area that SEACOR POWER was in are you aware that the depth of  
5       the sea was less than the size of their legs, which I will tell you is 265 feet?

6       **WIT:** Right, yeah definitely. It's only about, where they were at was about probably 50  
7       foot or a little less, somewhere of 45 to 50 foot water depth where they flipped over at.

8       **Ms. Apps:** If I could turn now to the time when the, as the storm passed and your first  
9       learned of the capsizing, I think you testified earlier that you heard over the radio at  
10      approximately 1620 you said you heard information from the ROCK FISH over Channel  
11      16. Is that right?

12      **WIT:** I believe it was the Captain on the ROCK FISH, yes that we heard with the initial  
13      call out.

14      **Ms. Apps:** And the initial call out indicated that the POWER or the lift boat had  
15      capsized, right?

16      **WIT:** Correct.

17      **Ms. Apps:** And at some time after that the ROCK FISH also relayed a communication  
18      about how many people it thought were on board the POWER, do you recall that?

19      **WIT:** No.

20      **Ms. Apps:** I think you have some, I think a time line you may have submitted. I don't  
21      know if you have your notes with you?

22      **WIT:** Yeah. Talking about the ROCK FISH?

1 **Ms. Apps:** Yes do you recall at approximately 1730 or 5:30 p.m. the ROCK FISH  
2 relayed a communication from the POWER, excuse me the ROCK FISH relayed a  
3 communication regarding the POWER that the personnel capacity on board was 18  
4 people?

5 **WIT:** No. I do not recall that.

6 **Ms. Apps:** I want to come back and ask you about the time line for the boat, the small  
7 boat that you put out, you lowered into the water.

8 **WIT:** Right.

9 **Ms. Apps:** After you arrived. So just to be clear you arrived around 5:10 p.m. that  
10 evening?

11 **WIT:** Yes.

12 **Ms. Apps:** Would you say you arrived to the location of the POWER around 5:10 p.m.,  
13 is that right?

14 **WIT:** Correct.

15 **Ms. Apps:** How soon after you arrived did you have the small boat go into the water?

16 **WIT:** It was probably 15, 20 minutes after I along the scene.

17 **Ms. Apps:** Could it have been, just one moment. Let me ask you if this time line  
18 makes sense to you Captain Guidry. Is it possible that at approximately 5:27 the  
19 GLENN HARRIS recovered the small boat out of the water, so that was the end of the  
20 attempt?

21 **WIT:** Yeah that could be about right.

22 **Ms. Apps:** I beg your pardon?

1       **WIT:** Yeah it didn't stay out very long. So it would probably be close to about right.

2       Yeah that adds up.

3       **Ms. Apps:** How long do you think the boat was out there trying to, the small boat was  
4       out there trying to rescue?

5       **WIT:** Probably only about 15 minutes. Yeah so they went out, they left me, I wasn't  
6       that far away, they left me went out, got real tucked up close to them and realized the  
7       danger of the situation and there was no way they could really do anything for those  
8       guys and quickly kind of backed away and came back to me and I retrieved them.

9       **Ms. Apps:** Right. One moment Captain Guidry I'm just checking my notes to see if I  
10      have anything else.

11      **WIT:** Alright.

12      **Ms. Apps:** And just to confirm I think you testified that you know typically you would  
13      receive weather advisories or special marine warnings over Channel 16 if you were to  
14      hear them at all, correct?

15      **WIT:** Yes.

16      **Ms. Apps:** And that night, that afternoon you did not hear a special marine warning?

17      **WIT:** No, not on Channel 16, no.

18      **Ms. Apps:** You didn't hear it prior to the time you left, correct?

19      **WIT:** No.

20      **Ms. Apps:** And you didn't hear it you know up until the time you started hearing the  
21      mayday calls and the information about the SEACOR POWER capsizing, is that right?

22      **WIT:** No, not that I can recall.

23      **Ms. Apps:** You testified earlier that when the line of storms or the front passed you -----

1       **WIT:** Yes.

2       **Ms. Apps:** That, and I'm going again back prior to the time you came towards, you  
3 know you moved towards the POWER.

4       **WIT:** Right.

5       **Ms. Apps:** When the front passed you it produced I think you said white out conditions,  
6 is that right?

7       **WIT:** Yes.

8       **Ms. Apps:** Yes. How long after the white out conditions subsided did you get  
9 underway to go towards the SEACOR POWER's location?

10       **WIT:** It was probably, it's hard to say, 10, 15 minutes.

11       **Ms. Apps:** And while you were on route on the way towards the SEACOR POWER ----

12       **WIT:** Yes.

13       **Ms. Apps:** I think you said you had radar, and had infrared and you obviously had  
14 other people on board with you.

15       **WIT:** Right.

16       **Ms. Apps:** Were you and others on the lookout for any potential persons in the water  
17 as you were transiting?

18       **WIT:** Definitely yes. But like we were East of the SEACOR POWER we weren't in that  
19 kind of mode because we knew it would have been impossible for anything from the  
20 SEACOR POWER to be where we were. Because I came from the East. Anything that  
21 came off the SEACOR POWER would have went to the West.

22       **Ms. Apps:** So were you – does that mean you were making all due haste towards the  
23 SEACOR POWER when you were underway towards them?

1 **WIT:** No I was actually, I was not going full power. It was still really windy and rough,  
2 you know building sea conditions and the visibility wasn't all great. It was getting better  
3 but it still wasn't all that great. I was probably, I don't remember the speed I ran to go to  
4 the SEACOR POWER from my location. But it was only about between 10 to 15 knots.

5 **Ms. Apps:** And that -----

6 **WIT:** We did have lookouts, we would have noticed if there was something in the water,  
7 in the bridge.

8 **Ms. Apps:** Right. So the reason though that you were proceeding at that speed was  
9 because that was the only safe way to get to where you were going, is that fair to say?

10 **WIT:** Yes, that's safe speed. With the reduced visibility.

11 **Ms. Apps:** And as you were proceeding did the visibility get better?

12 **WIT:** Yes. It actually was, yes.

13 **Ms. Apps:** And I think you testified that the Coast Guard air assets did not get on  
14 scene until later that evening, do you recall that testimony?

15 **WIT:** Yes.

16 **Ms. Apps:** And are you aware that's because of the weather conditions and the wind  
17 conditions were too dangerous to permit them to access the scene earlier?

18 **WIT:** I'm not sure why. What was their timing, the cause of wind would have come out  
19 there. All I know is that a fixed wing aircraft came out, it was a little earlier. I guess it  
20 was after dark so I would say it probably around I guess 20, 2100 the fixed wing aircraft  
21 was on location. And definitely the Coast Guard chopper got there around 2300.

22 **Ms. Apps:** Do you feel you certainly got to the location as fast as you possibly could  
23 given the weather conditions, is that fair?

1 **WIT:** Correct, yes.

2 **Ms. Apps:** Captain Guidry I have no further questions. I want to really thank you for  
3 your time and like I said from the outset we are deeply grateful for all the efforts that you  
4 undertook on the 13<sup>th</sup> of April, thank you.

5 **CAPT Phillips:** Thank you Ms. Apps.

6 **Mr. White:** Captain excuse me, could ABS have one brief follow up question?

7 **CAPT Phillips:** The Coast Guard and the NTSB has some follow up questions that  
8 might answer your question. I'll start with Mr. Verdin please.

9 **Mr. Verdin:** Thank you Captain. Mr. Guidry of weather broadcast related questions if I  
10 may. Obviously I think you stated about small craft advisories. That generally gets your  
11 attention when you're looking at forecasts?

12 **WIT:** Yes if I were to hear one come over Channel 16 I would definitely listen. They do  
13 a PON PON like to switch over to 22 or something like that, I would probably switch  
14 over and listen to it.

15 **Mr. Verdin:** Okay. Do you, I know you have taken out many vessels and you've sailed  
16 many large vessels. Do you view an off shore vessel as a small craft vessel?

17 **WIT:** Not really. When I hear small craft advisors I think more of my outboard and  
18 things like that. Recreational smaller vessels to be honest with you. But it's still  
19 something I would listen to hear the details of what they're saying the conditions are  
20 going to be like.

21 **Mr. Verdin:** Alright. So just to be clear that I'm understanding you clearly, although it  
22 gets your attention and you will look it and listen for the information you're pretty  
23 confident with that off shore vessel that you're able to handle the weather, generally?

1       **WIT:** Generally, yes.

2       **Mr. Verdin:** Alright. What about the special marine warnings. Does that get your  
3 attention any higher?

4       **WIT:** They all pretty much would, yeah I guess a special marine warning would  
5 definitely interest me and I would want to hear what it is.

6       **Mr. Verdin:** Okay. That's all I got. Thank you again Captain.

7       **CAPT Phillips:** Thank you Mr. Verdin. Mr. Ehlers.

8       **Mr. Ehlers:** Thank you again Captain I just have two quick follow up questions based  
9 on the answer you provided to some of the other folks here. During the 15 to 20  
10 minutes that you had winds of 80 knots could you have maneuvered if you had to? In  
11 other words I know you were holding position, but were the conditions such that you  
12 pretty much were hold to or could you have maneuvered?

13       **WIT:** I was pretty much hold to right there. My bow was into the wind and I wouldn't  
14 have been able to do very much maneuvering in that situation. It was just a hold steady  
15 situation.

16       **Mr. Ehlers:** Okay, thank you. And then at the accident site when the life jackets were  
17 dropped to the two remaining people on the vessel could you tell whether they were  
18 able to put on those life jackets?

19       **WIT:** Yes I believe they did. Obviously I was running the ship. I wasn't looking but the  
20 guys on board my boat said they had put the life jackets on.

21       **Mr. Ehlers:** Okay, thank you.

22       **CAPT Phillips:** Thank you Mr. Ehlers. Mr. White did your follow – did your question  
23 get answered?



1 **Mr. White:** No actually it hadn't. It's just one questions if I may follow up.

2 **CAPT Phillips:** I understand you have a follow up question. Let me be clear to all the  
3 parties in interest I do not want to set a precedent that follow up questions will normally  
4 be allowed. I will allow it this one time. Go ahead Mr. White.

5 **Mr. White:** Thanks Captain. Captain over the course of the two minute time frame  
6 where the wind increased to 80 knots can you describe for us what you observed if  
7 anything concerning the sea state?

8 **WIT:** In that couple, maybe initial time I would imagine that the sea, because the wind  
9 shifted, okay I didn't observe it obviously I couldn't see anything, but typically what  
10 would happen is that it would lay down from you and then pick right back up from the  
11 other direction especially with a 80 knot wind.

12 **Mr. White:** Did you observe any height of seas as far as the sea state?

13 **WIT:** It was like I said 2 to 4 foot in the beginning from the Southeast and, or a  
14 Southerly direction and then the seas built after the 80 knot winds and the subsequent  
15 35, 40 knot winds it was more of an Easterly sea, Northeast, East and then Southeast  
16 as the evening went on.

17 **Mr. White:** Thank you Captain. Nothing further. Thanks Captain.

18 **CAPT Phillips:** Thank you Mr. White. Captain Guidry thank you again for your  
19 patience there has been a lot of questions but it's really helpful to hear your answers to  
20 all of these questions. Looking back on that day now that you've had some time to  
21 reflect is there anything you think you may have done differently?

22 **WIT:** No.

1       **CAPT Phillips:** Thinking about the situation do you have any ideas or  
2       recommendations for future situations like this? Anything that you would – any training  
3       or equipment you would like to have or any other recommendations?

4       **WIT:** Yeah obviously this was kind of un-forecasted you know so it would be really hard  
5       to say what we could do different with that. Maybe those – it seems like to me the  
6       mariners are relying on that Channel 16, that's what we all listen to all the time versus  
7       some of these other pieces of equipment that we have installed so. Maybe making it  
8       more of a regular thing to put weather advisories out over Channel 16 would be helpful.

9       **CAPT Phillips:** Okay, thank you. Anything else?

10      **WIT:** That's about it.

11      **CAPT Phillips:** Okay. Is there anything else that you think we should know about that  
12      we haven't asked you?

13      **WIT:** No. That's pretty much covered it.

14      **CAPT Phillips:** Thank you. Captain Guidry you are now released as witness at this  
15      Marine Board Investigation Hearing. Thank you for your cooperation. If I later  
16      determine that this board needs additional information from you I will contact you  
17      through your counsel. If you have any questions about this investigation you may  
18      contact Marine Board Recorder Lieutenant Anthony Alger. Again, thank you for your  
19      quick response on the day of the accident. Thank you for your time today. We'll take a  
20      recess for lunch. We will reconvene at 1200. The time is now 1058. This hearing is  
21      now in recess.

22                   *The hearing recessed at 1058, 6 August 2021*

23                   *The hearing was called to order at 1200, 6 August 2021.*

1       **CAPT Phillips:** The time is 1200. This hearing is now in session. We will now hear  
2 testimony from Mr. Kyle Roan and Mr. Deniz Sharpe from ABS. Lieutenant Alger can  
3 you please administer the oath?

4       [Wit 1 = Mr. Roan. Wit 2 = Mr. Sharpe]

5       **Recorder:** Please stand and raise your right hand. A false statement given to an  
6 agency of the United States is punishable by a fine and or imprisonment under 18 U.S.  
7 Code 1001. Knowing this do you solemnly swear that the testimony you're about to  
8 give will be the truth, the whole truth and nothing but the truth, so help you God?

9       **Wit 1:** Yes.

10       **Wit 2:** Yes.

11       **Recorder:** Please be seated. Sir, if you could please state your full name and spell  
12 your last.

13       **Wit 2:** My first name is Dennis and my last name is Sharpe, S-H-A-R-P-E. D-E-N-I-Z.

14       **Recorder:** Thank you Sir. And same for you, sir.

15       **Wit 1:** Kyle Roan, K-Y-L-E. R-O-A-N.

16       **Recorder:** Thank you, sir. And please identify counsel if present.

17       **Counsel:** Brian Eisenhower, E-I-S-E-N-H-O-W-E-R.

18       **Recorder:** Thank you.

19       **CAPT Phillips:** Thank you Lieutenant Alger. I would like to start off with some  
20 background questions. So I'll start with you Mr. Roan first and then go to you Mr.  
21 Sharpe. Mr. Roan could you tell us where you currently work?

22       **Wit 1:** Yes I'm an auditor for the American Bureau of Shipping.

23       **CAPT Phillips:** And how long have you worked for ABS?

1 **Wit 1:** 27 years.

2 **CAPT Phillips:** And how much of that time have you been an auditor?

3 **Wit 1:** At least 24.

4 **CAPT Phillips:** Can you tell us your general responsibilities as an auditor?

5 **Wit 1:** Sure. I'm considered the Regional Lead Auditor for the area for the New  
6 Orleans area up to Mobile. I assist in Houma as well. A Regional Lead Auditor duties  
7 include report reviews, monitoring other auditors, training, mentoring, client consultation  
8 with regard to the questions from our clients and regulatory issues, and primarily audits.

9 **CAPT Phillips:** Thank you. Where did you work before you worked for ABS?

10 **Wit 1:** I worked Glenn Eagle Ship Management in Houston, Texas. We managed the  
11 reflagged Kuwait oil tankers amongst other ships, oil tankers, chemical tankers, cargo  
12 ships and for almost 5 years.

13 **CAPT Phillips:** And you said that was Glenn Eagle?

14 **Wit 1:** Yes, ma'am. Glenn Eagle Ship Management.

15 **CAPT Phillips:** Thank you. Have you spent time underway?

16 **Wit 1:** Yes, ma'am. Before that nearly 12 years at sea.

17 **CAPT Phillips:** What type of vessels did you serve on?

18 **Wit 1:** Primarily towing vessels, off shore support vessels, small cargo ships. A pretty  
19 wide spread career. Fire boats, ship docking, anchor handling, but primarily oil field.

20 **CAPT Phillips:** Do you hold any professional licenses or certificates?

21 **Wit 1:** Yes but presently on continuity. Last license was 3000 gross tons, ITC tons,  
22 sorry. Masters, limited Master's license.

23 **CAPT Phillips:** How many tons, I didn't hear that sorry?

1 **Wit 1:** 1600, and ITC 3000.

2 **CAPT Phillips:** And additional licenses or certificates?

3 **Wit 1:** No. My career has been primarily with ABS since, that was since August 2016.

4 **CAPT Phillips:** What's the highest level of education you completed?

5 **Wit 1:** I graduated from a small maritime school, that no longer has the program, but it  
6 was similar to Piney Point to give you an example in Texas and an Associate's degree  
7 in Ocean Marine Technology. From there I went straight to sea. That was in 1978.

8 **CAPT Phillips:** Can you tell us a little bit about what kind of training you need to  
9 become an auditor?

10 **Wit 1:** Sure. ABS has a really good training program. It's continuous education  
11 constantly. We're probably taking, we recently had an updated course similar to –  
12 related to the U.S. Coast Guard interpretations of the ISM Code. Focusing in on safety  
13 culture and the ISM Code. And that was, for an example that was like a month long  
14 course. That was with the pre-work and the after work and the presentations facilitating  
15 some real good program. But there's, ma'am, we're always taking a training course  
16 constantly. I was afraid you were going to ask that and I almost printed out my  
17 transcript to bring it. But every month there's something.

18 **CAPT Phillips:** And is there specific courses that you need to finish in order to become  
19 an auditor?

20 **Wit 1:** Sure, sure. There's IAC approved courses we completed. Mine was many  
21 years ago, but through ERCA [sic] and ANAB [sic] they're approved auditor courses and  
22 approved by IAC. I actually completed most of the ISO certifications standards as well

1 from ISO 14001 environment, ISO 9001 quality management, 50001 energy  
2 management, 45001 health and safety. So I got most of the certifications years ago.

3 **CAPT Phillips:** There were a lot of acronyms right there. So I just want to clarify some  
4 of those for the record. Could you spell what IAC means?

5 **Wit 1:** IAC is international association of classifications. Class society.

6 **CAPT Phillips:** Thank you. ISO?

7 **Wit 1:** International standardization organization.

8 **CAPT Phillips:** And then you said two in there, ELAP?

9 **Wit 1:** ERCA. ERCA are approved certification bodies for the ISO standards.

10 **CAPT Phillips:** Thank you. So in order to become an auditor you have to take these  
11 IS courses and these ISO courses?

12 **Wit 1:** It's preferred, it's not, the ISM Code course is obviously mandatory. But these  
13 other certifications and training courses are something a little more, those are more  
14 certifications basically. You don't have to. As a matter of fact the Coast Guard  
15 recommends ISO 9001 as to be an approved auditor. It's not mandatory but it's  
16 recommended. And that's the quality management system, ISO 9001.

17 **CAPT Phillips:** Then does ABS have any sort of on the job training in order to become  
18 an auditor?

19 **Wit 1:** Yes we do. We have – there's so many qualification audits as the new auditor  
20 has to, after completing the course that you have to do. I think its five total. It's with at  
21 least one company and three to four additional renewal audits on vessels. And then  
22 after that it's pretty much a learning process. But not too many audits actually get the  
23 initial certification.

1       **CAPT Phillips:** And how long would you say the process takes to become an auditor  
2       with ABS?

3       **Wit 1:** Well it's difficult to say it depends on an auditors, the individual's availability. A  
4       lot of time they may be busy doing surveys and it make take, it could take – it could take  
5       months. If somebody's really wanting to get certified quickly it could be as short as  
6       within a month.

7       **CAPT Phillips:** Thank you Mr. Roan. Mr. Sharpe. Where do you currently work?

8       **Wit 2:** Excuse me?

9       **CAPT Phillips:** Where do you currently work?

10      **Wit 2:** I work in the Houma office as Principal Surveyor in Charge.

11      **CAPT Phillips:** Surveyor in Charge is that what you said?

12      **Wit 2:** Principal Surveyor in Charge.

13      **CAPT Phillips:** Principal Surveyor in Charge, thank you. And how long have you been  
14      in that position?

15      **Wit 2:** Maybe I would say four months.

16      **CAPT Phillips:** How long have you worked for ABS?

17      **Wit 2:** 13 years and some change. I started in 2008.

18      **CAPT Phillips:** And what did you do before you came to ABS?

19      **Wit 2:** I was a merchant marine. I sailed, I worked for AMO, American Maritime Officer  
20      for 17 years. And then before that I worked for some Polinania companies and also  
21      some Croatian companies at that time which was Yugoslavia so it was Yugoslavia  
22      company at that time.

23      **CAPT Phillips:** What type of ships did you sail on?

1 **Wit 2:** All kinds of ships. From containers to car carriers to tankers, general cargo  
2 vessels. All big ships. I never worked with any off shore, you know little vessels.

3 **CAPT Phillips:** Do you hold any professional licenses or certificates?

4 **Wit 2:** Yes. I have a Chief Engineer unlimited license which expired, I didn't renew it.  
5 And I have some other licenses which I gave to ABS education training, plenty of them.  
6 But that would be the only one which I have from outside of the ABS. Plus a college  
7 degree in Engineering, Marine Engineering.

8 **CAPT Phillips:** Are you – you said your role right now is Principal Surveyor in Charge.  
9 Are you also an auditor for ABS?

10 **Wit 2:** Yes. I'm auditor for ISM and ISPS and MLC inspector too. Maritime Labour  
11 Convention inspector.

12 **CAPT Phillips:** And ISPS?

13 **Wit 2:** ISPS is International Ship Security Systems.

14 **CAPT Phillips:** Thank you. Do you have any training specific to lift boats?

15 **Wit 2:** I did ABS training I did it a while ago. It was a training in ABS internal which  
16 addresses MODU and MO's and lift boats are a part of that. And self-elevating units.

17 **CAPT Phillips:** Was that an in person training or an online training?

18 **Wit 2:** That is in person. That was pre-COVID time. Pre-COVID before it was.

19 **CAPT Phillips:** So what kind of audits does ABS conduct on board vessels?

20 **Wit 2:** We do ISM audits. Every vessel which is more than 500 gross tons on  
21 international voyage is supposed to comply with the ISM Code which is created by the  
22 IMO and IAC, international maritime organizations. This is – we also do ISPS audits,



1 which is ships security audits. But on a foreign flagged vessel, not U.S. flagged  
2 vessels. You guys take care of the U.S. flagged vessels.

3 **CAPT Phillips:** So ABS does conduct audits on both U.S. flagged and foreign flagged?

4 **Wit 2:** As an recognized organization if we are chosen to do this is what we will do.

5 **CAPT Phillips:** Thank you. For those folks that are listening and that may not be  
6 familiar with ISM, could you just tell us a little about the international safety  
7 management?

8 **Wit 2:** Yes, absolutely. The international safety management, ISM as we call it here is  
9 created by IMO between the other companies involved. And as I said before every  
10 vessel which is more than 500 gross tons and possibly international voyage they have  
11 to comply with it. The process of complying starts with a management system approval.  
12 So the company who has to or want to be ISM certified they have to create a  
13 management system manual which we supposed to review. We review them. So how  
14 do we review them? We review them because we compare whatever the company  
15 proposed with the ISM Code issued by them. Then we took, let's say we take IMO  
16 Code and ISM Code in one hand and we take their management proposal in the other  
17 one and then we compare and determine if they align with ISM Code said is covered in  
18 their management system manual. So if it we approve it, they get a letter of approval.  
19 And then if it's not we just communicate and then until it matches, until its fixed. And  
20 then they get the letter of approval. Because sometimes the companies miss  
21 something or they want to make it their own way. But once this is approved they get a  
22 letter of approval and then at that point we have to approach the company to do an  
23 interim ISM audit. Which is called DOC which is a document of compliance. This is

1 what the company wants. Since the company is just getting in the system  
2 implementing, if there's is not too much records to check so we give them interim which  
3 is good for one year only. So then to give them the time to start implementing and  
4 communicating to the vessels and everything else. So now once they got that one year  
5 certificate then we can approach the vessels and since the vessel also probably don't  
6 have enough history to audit we give them interim certificate which is validity for six  
7 months minus one day. So that's going to give them the time to start implementing the  
8 system and that's the time also that the clock starts to tick. So because there's six  
9 months to collect the evidence so we can come back to audit. Originally by the ISM  
10 Code 90 days is really not enough time to approach the vessel and check if they have  
11 enough history to be – it has to be something to be audited there. And then after 90  
12 days we can go back to the company, also we can give them the convention or  
13 voluntary, depends the document of compliance. So then we would go back to the  
14 vessel and then we would do up to 90 days probably the same thing. And this is how  
15 they start getting into the process. And then they're subject to company annual  
16 verification of compliance. And the vessels have to be visited twice in a five years.  
17 Which means their initial and then they have intermediate which would be in the second  
18 or third year and then they have renewal when the time comes for certificate to expire.  
19 And that's just a rolling process on and on all the time. And then if we find, I mean if we  
20 find some – when we visit the vessel or we visit the company we can find certain things  
21 that's not in compliance. Because ISM is always shown it to me, prove it to me, do what  
22 you said you're going to do. So what we do we just verify against their management  
23 system and the real situation where it is. If you find some different situation there we

1 will issue a non-conformity. A non-conformity they can be minor and they can be major.  
2 Also there is an observation if something is not non-conformity yet but possibly  
3 sometime in the future can lead to be a non-conformity. So we've got to note it there's  
4 also going to be also some kind of little warning so the company will keep an eye on  
5 that before it maybe get bigger. Regarding non-conformities and I mentioned we have a  
6 minor and we have a major. Minor is something which doesn't really compromise safety  
7 management system to the extent that the property, people survivability is some kind of  
8 great danger or something. And major is something which is really important,  
9 something that has to be addressed right away and downgraded to be a minor before  
10 let's say in the case the vessel has to leave, some can leave with the minor of non-  
11 conformity on the record. It has to be downgraded to the minor, the major has to be  
12 downgraded to the minor in order for the vessel to have a free to sail. And same thing  
13 applies to the company which means has a file of certificate and we find a non-  
14 conformity that certificate will be replaced. I'm sorry, wrong. If the vessel has a non-  
15 conformity when we have to issue the certificate at that point that certificate would be  
16 taken away and a short term certificate will be issued for only for five months. Once we  
17 accept the corrective action plan which is proposed by the ship owner or manager in  
18 this case, then we will reinstate the previous certificate with the same expiration date.  
19 This is how the system will work.

20 **CAPT Phillips:** Very good. Thank you for the overview. What is the name of the  
21 certificate that goes to the vessel?

22 **Wit 2:** Safety management certificate or SMC.

23 **CAPT Phillips:** Thank you.

1 **Wit 2:** And the one for the company is document of compliance or DOC we call it.

2 **CAPT Phillips:** Thank you. And you said the DOC audits are conducted annually?

3 **Wit 2:** They have a window between the first and the fifth year. They have a window  
4 on every anniversary date three months before and three months after. But they're not  
5 supposed to have expired over the certificate expiring date. Because they're in non-  
6 compliance for sure.

7 **CAPT Phillips:** And how many DOC audits would an auditor normally complete every  
8 week, or month or year?

9 **Wit 2:** I mean -----

10 **CAPT Phillips:** Estimate.

11 **Wit 2:** This area is very busy. Port Fourchon and the companies this is probably one of  
12 the busiest places in the world. So I would say you're asking annual how many?  
13 Annually I would say maybe 15, 10 to 15 somewhere.

14 **CAPT Phillips:** And how long does the DOC audit generally take?

15 **Wit 2:** They have, they have a table populated by IMO and IAC and it says depends on  
16 what's the number of the affected personnel which is part of your audit, because some  
17 company they have four or five people and it shouldn't take long. But let's say if you  
18 have more than eight, think more than six people you've got to spend eight hours. And  
19 you have more people to audit then of course audit is going to take more time. If we  
20 had big companies like in the case of SEACOR or maybe Chouest or maybe some  
21 other companies we would probably bring a couple auditors to do because there is a lot  
22 to check there.

1       **CAPT Phillips:** And if you brought several people to do about how long would it take  
2 for a big company like SEACOR?

3       **Wit 2:** It depends how many people we would bring. I would probably say in this case  
4 maybe a day with a couple of guys.

5       **CAPT Phillips:** And Mr. Sharpe have been involved in DOC audits for SEACOR or  
6 Falcon Global?

7       **Wit 2:** Yes.

8       **CAPT Phillips:** How many:

9       **Wit 2:** I think it was only one, Falcon Global was, the period of Falcon Global was very,  
10 very short. That was just in the transition period. And then if I remember they were  
11 running under SEACOR management system as far as I remember. But it was only  
12 maybe once. Just one year. And then everything that SEACOR took over everything  
13 and Falcon kind of was phased out.

14       **CAPT Phillips:** But you remember being involved in one DOC audit for them, that  
15 company?

16       **Wit 2:** With Falcon?

17       **CAPT Phillips:** With SEACOR.

18       **Wit 2:** Yes, yes. Absolutely, yes.

19       **CAPT Phillips:** Thank you. Mr. Roan how many DOC audits have you been involved  
20 with for SEACOR?

21       **Wit 1:** I think probably four. And you're probably wondering why so many. Because  
22 we have rule of consecutive audits. And I think I indicated before during the NTSB  
23 hearing that one of the reasons Deniz and I both attended SEACOR so often was

1 because they had some complex issues going on. Meaning with central, globalization  
2 of their document of compliance, which not too many people knew how to deal with.  
3 The branch office, branch offices that were in the mix and well as, and before that you  
4 have to look at the history. The formation of purchasing these boats, these lift boats  
5 from Superior. They were Falcon lift boats to the movement of offices, closing of  
6 offices, restructuring offices. Complex issues with regard to how to handle DOC's,  
7 reissuance, how to handle this with the different Class Societies that were involved.  
8 And not too many people were familiar with. That's why I jumped in and got involved.  
9 And that's one of the reasons I've been attending the audits, the DOC audits which I  
10 think I felt like they were well on their way and in a good position I probably did not have  
11 to attend this last one. Probably only because this was the renewal and you had two  
12 offices in Europe that were involved. If you throw that to the average auditor even  
13 surveyor, even senior guy in charge they would not know how to deal with it. So there's  
14 your answer. That's why consecutive audits.

15 **CAPT Phillips:** And you said you've been involved with four audits spread over how  
16 much time?

17 **Wit 1:** Last, probably three, four years annual. This was the renewal.

18 **CAPT Phillips:** Thank you. And I would like to talk about SMC audits for a little while.  
19 So I think I heard that SMC audits are done twice in five years, correct?

20 **Wit 1:** Yes.

21 **CAPT Phillips:** And how many vessel audits would an auditor normally conduct in a  
22 year?

1 **Wit 1:** It really varies. You know most of our auditors are also surveyors. And they're  
2 busy with survey work as well. So some auditors may not do two audits a year. Where  
3 you would have people like Deniz and myself will be doing 140. As much as 200 a  
4 year. So others on average though a busy auditor is going to probably be doing 12  
5 audits a month. Okay, to give you an idea. A busy, busy auditor that's pretty much  
6 doing nothing but audits.

7 **CAPT Phillips:** And how long does an SMC audit usually take?

8 **Wit 1:** On an OSV for instance 5 hours. On a tanker, we can go down the line.  
9 Intermediate audit on a tanker probably 10 hours. On a bulk carrier intermediate 8  
10 hours. Initial renewal 10 hours. If you have problems 12. A drill ship 3 days. A tug  
11 boat, the sub M boats 3 hours, no more than 4. This is if you know what you're doing.  
12 A towing vessel with a crew of say six to ten, probably no more than 5 hours about like  
13 an OSV.

14 **CAPT Phillips:** Thank you. What how about a lift boat?

15 **Wit 1:** Intermediate audit 8 hours. Initial renewal, not much longer. Unless you have  
16 problems. When you have problems these things drag in sometimes 10, 12 hours.  
17 Problems meaning non-conformities, maintenance issues, regulatory issues. We run  
18 into everything.

19 **CAPT Phillips:** And what are some of the things that you look at when you conduct an  
20 SMC Audit?

21 **Wit 1:** Again all about safety culture. We're looking at those leading and lagging  
22 indicators. Leading meaning unsafe conditions, near misses, frequency of internal  
23 audits, frequency of safety meetings. Lagging indicators on what's the results. For

1 example accident, 835's, 2692's. What has been the history of the vessel, maintenance  
2 issues. That kind of shows the picture and that applies to both the company, the DOC  
3 audit and the vessel, the SMC audit. Those leading and lagging indicators and that  
4 safety culture is what we really focus on. And that sets the tone and tells you which  
5 direction you need to go.

6 **CAPT Phillips:** Do you have a checklist for an SMC audit?

7 **Wit 1:** I have so many cheat sheets my car is full of them from C.F.R.'s to, I have so  
8 many that I finally they end up in the floor board, so yes we do. But you do so many of  
9 these, at least he and I do you almost can quote this stuff off the top of your head. I've  
10 had many Coast Guard inspectors with me travel on inspection team that ask where's  
11 your checklist. And when you do so much of this you remember it as your job. Now yes  
12 I do like to bring those checklist though because it's an easier reference than C.F.R.s  
13 and, or Sub M vessels and RCP stuff or R 46 C.F.R. subchapter M. Those are very  
14 handy. But you really get to where you know how to do this. You know where to look,  
15 you know once that tone is set where to go, those audit trails and it's like any other job.  
16 You get proficient at it.

17 **CAPT Phillips:** Right. So ABS has created a checklist for a new auditor to use as a  
18 guide?

19 **Wit 1:** No. We still use our, our standard auditor notes that is identical to the ISM  
20 Code. But there's so much training that's supported the guys pretty much pick it up.  
21 And they develop their own techniques. And use their own checklist which comes from  
22 many, many sources. The guys and the gals, excuse me.



1       **CAPT Phillips:** When you go on a series of vessels for SMC audits will you check the  
2       same thing on every different vessel or would you do different things on different  
3       vessels?

4       **Wit 1:** We do different things. You know why? Because you step aboard a vessel and  
5       something's going to catch your eye. You know I commented to him, meaning NTSB if I  
6       walk aboard a vessel and I see some maintenance issues or hazards you know I'm not  
7       going to look at a float stability plan, I'm going to be looking at those hazards first. If I  
8       see maintenance issues I'm going in that direction. If I don't get greeted at the gangway  
9       I may go that direction. This is a, this is not, these policies and procedures are never  
10      set in stone. You've got to have a feel for the vessel, the crew, how they react when  
11      you're talking to them. So there's a little bit more to this than a checklist.

12      **CAPT Phillips:** So the auditor aboard will decide which areas to focus on during the  
13      audit?

14      **Wit 1:** Yes, ma'am. Yes, ma'am. But we do have to cover the elements of the code.  
15      That's required and we'll do it. It just depends on the depth you cover those elements.

16      **CAPT Phillips:** For those who aren't familiar can you just summarize what the general  
17      categories or elements would be?

18      **Wit 1:** Sure I can quote it verbatim if you like. We, we're always going to look at  
19      maintenance, Section 10. We're going to look at Section 8 emergency preparedness.  
20      We're going to look at Section 9, obviously non-conformity reporting. Always going to  
21      check the DPA Section 4, designated person. Section 3 company 3.1 letter in case  
22      you've got a registered owner versus a manager that company resources. We would  
23      check Section 6, resources and personnel always. But also this is a, and of course

1 Section 12 which is verification. But you have to realize this is a sampling. We may  
2 look further into emergency preparedness as opposed to the DPA obviously on board.  
3 We're going to be looking at drills more so than wanting to make sure that the crew  
4 member knows who his DPA is. And I know that makes sense. We're going to be  
5 looking at maintenance records on board the vessel more so than you're looking at,  
6 than another area.

7 **CAPT Phillips:** How many SMC audits have you conducted on SEACOR vessels?

8 **Wit 1:** Without having an accurate audit log in front of me I would estimate probably 8,  
9 10.

10 **CAPT Phillips:** And how many SMC audits did you conduct on the SEACOR POWER?

11 **Wit 1:** Just one. If I'm not mistaken I actually did an audit on the vessel when it was  
12 owned by Superior, a previous company. If I'm not mistaken. I've done so many I can't  
13 keep count. But the POWER I did the last intermediate which was in June 2020. So  
14 just the intermediate on the POWER.

15 **CAPT Phillips:** Thank you. Mr. Sharpe how many SMC audits have you conducted on  
16 SEACOR vessels?

17 **Wit 2:** Last four or five months I didn't too many audits because I changed my job  
18 function. But before this year I did SEACOR EAGLE. That was the one which was  
19 doing a salvage operation on the SEACOR POWER. And maybe one or two more.  
20 Maybe tops. As he said without record in front of me I just don't, maybe three total all  
21 together I would say. This year. And I was never on the SEACOR POWER. We  
22 issued the certificate with the same expiration date because the company changed the  
23 address.

1       **CAPT Phillips:** I thought you said you were never on the SEACOR POWER.

2       **Wit 2:** No.

3       **CAPT Phillips:** Okay, thank you. Is there anything unique about an audit on a lift  
4       boat?

5       **Wit 2:** You have to be familiar with the certain procedures it's specific type of the  
6       vessel. And there are certain procedures don't apply to some other vessels. Some  
7       other type of vessels. And then you know in my early career with ABS I did a lot of  
8       surveys on lift boats too. And then so it's certain things you know jacking, you know  
9       preloading, you know you have a lot of hydraulics there for the legs you know special  
10      addition inspections you have to do from the survey side. And that also applies you  
11      carry all that knowledge into the ISM side. And then there's a certain, but other than  
12      that that's just an off shore support vessel.

13      **Wit 1:** A lift boat is a very complex animal, yes there is. It is different. Very complex  
14      and all you have to do is read the operations manual and you'll know what I'm talking  
15      about. Very complex.

16      **CAPT Phillips:** So when you're going on board for the audit how does that complexity  
17      factor into your audit?

18      **Wit 1:** Well we do our job. But there's tricks of the trade on how to get through it and  
19      look at the compliance without spending two weeks. Because they're already complex.  
20      And let's face it you could spend two weeks. So you've got to get a snapshot, a pretty  
21      picture and if you've got problems they'll usually jump out at you. You don't have to  
22      look too far. But what do I mean by that? You know you've heard about these job  
23      packages we've been looking at during the DOC audit and on board. Same thing. We'll

1 look at the, instead of looking at a voyage plan, excuse me, instead of looking at a  
2 particular individual form and a procedure like jacking procedures or afloat stability I'll  
3 say Captain what was the last job you were on? You know let's look at the history. And  
4 I'll look at, he'll pull out a package, an envelope with everything they did on that job.  
5 Like on the SEACOR POWER for instance they were on a job in May at Ship Shoal 224  
6 or something like that, it's in my notes. And as you can see in my notes I made a list of  
7 pre-spotting, pre-loading, stability, right down the list you can see it in my notes. That  
8 means I was looking at those forms and verifying that they were following those  
9 procedures in the Ops Manual. Okay just as an example. So those are some of the  
10 tricks to the trade I'm talking about instead of taking a voyage plan and working it from  
11 start to finish. If you did that you may do one but you won't do another one because  
12 you won't have time. So by looking at those summarization of report that that vessel  
13 has to comply with from starting a job to finishing gives you a good indication of whether  
14 or not they're complying. Now if you're wondering well how deep do you get into it, well  
15 when you look at the forms enough you can catch things, you'll see them. You will see  
16 the problems that pop up. Like how long they pre-loaded for. A risk assessment prior  
17 to jacking. Notes on the heel and the trim, things like that. You see little things by  
18 looking at these records to see whether if they're in compliance. The best example that  
19 is one of the Exhibits I think is 116, is that stop work authority that the SEACOR  
20 POWER had used it in May on that job. And if I'm not mistaken it was with TALOS.  
21 Good example right there. So we see that stop work authority relative to what  
22 happened in this instance with this tragedy. What would you think? To me it looks like  
23 he's complying with it. Saw it not once, I saw two of them that I heard about later in

1 September after I was there. So that tells me they're complying. Excuse me, it shows  
2 evidence of compliance. It documented evidence. Rephrase that. That's what it  
3 shows. So those are some of the tricks of the trade I'm talking about without spending  
4 the week. Same thing in the office. That's what I would probably do different if I had to  
5 do it over again. I would take one of those voyage plans and I would trace it down from  
6 start to finish and every record. But that's in hindsight. In general those are some of  
7 things that you get through because read that Ops manual that tells the story. Its 500  
8 pages. A lot of it is in the SMS the Fleet Ops Manual with SEACOR. Except for some  
9 things that are not there like stability forms. There's a couple of things. But in general  
10 it's all in the FOM. The FOM, ma'am meaning Fleet Ops Manual which is their safety  
11 management system.

12 **CAPT Phillips:** Thank you that was helpful. Since you started discussing the last audit  
13 you conducted on the SEACOR POWER that a good time to go into that. And I think  
14 we have some audit notes. I don't know if it's Exhibit 63 or 64. Does anybody know?  
15 Let's try 63 to start with.

16 **Wit 1:** I think it is 63.

17 **CAPT Phillips:** It might be 67.

18 **Mr. White:** 63 is for the DOC audit. You may want to try 64.

19 **Wit 1:** That's it.

20 **CAPT Phillips:** This would have been the DOC?

21 **Wit 1:** No ma'am that's the SEACOR, I'm sorry that office, the DOC, yes, ma'am.

22 Sorry.

23 **CAPT Phillips:** Okay let's take a look at 64 please [showing Exhibit].

1 **Wit 2:** That's my notes. That's not his. That's also DOC. That's my notes.

2 **CAPT Phillips:** Also DOC?

3 **Wit 2:** That's my notes, yes.

4 **CAPT Phillips:** Okay. Can you pull up 67 please Lieutenant Alger [showing Exhibit].

5 **Wit 1:** Now that's the SEACOR POWER notes from the last intermediate audit.

6 **CAPT Phillips:** And that was the time you were on board Mr. Roan?

7 **Wit 1:** Yes, ma'am. June of 2020.

8 **CAPT Phillips:** Can you walk us through your notes and tell us what you have?

9 **Wit 1:** You bet. You bet. Now you have to realize that if we wrote everything we saw  
10 you would be sitting there writing the whole time. So some of these are scratch notes.

11 You'll always see the DOC expiration which you see at the top. Where the vessel was  
12 attended. The next hot topic is the job safety and assessments, risk assessments.

13 Which is 1.2.2.2. And as you can see, you see the preloading underway in channel,  
14 underway in the Gulf, voyage plan and pre-departure. Those were risk assessments  
15 that the Captain showed me.

16 **CAPT Phillips:** And if you don't have any notes after that means you were happy with  
17 the results of those?

18 **Wit 1:** Yes. I don't think it gets any better than that as far as, look at those items. I  
19 mean he almost covered everything. The next key point to me is applicable codes,  
20 guidelines, there we usually reference the vessels class, the class, statutory, and  
21 training certificates. But also other documentation, other ship's documentation. You  
22 know I just happened to mention CSR, but I mean sometimes you know I'll reference  
23 where the fire, well there it is, fire systems was done 2/18/21. Expiration of the COI, but

1 I'll sometimes mentioned a lot of things. I'll go into firefighting, I mean firefighting  
2 certification and. Now we of course reference for instance you always mention cyber  
3 security and associated risk assessments on this front page. There's a comment right  
4 there to the left, that GMDSS logs, like I started to write something and didn't finish.  
5 You know that's been a little over a year ago and at minimum when you see, when I  
6 write GMDSS that tells me I looked at three things. I looked at the log book, I verified  
7 they did a daily function test and weekly contact with a DSC station, and that I looked at  
8 the front of the book to verify the GMDSS operators, who they were and qualified. But it  
9 looked like I got side tracked and didn't finish.

10 **CAPT Phillips:** You just said you would look at three things. You say look at the log  
11 book, you verified the operations and what is number three?

12 **Wit 1:** The weekly test, contact with a DSC station.

13 **CAPT Phillips:** Okay.

14 **Wit 1:** Now that's, unless I get – unless I see something that I don't like and then I'll do  
15 the function test. I'll make them do that. Or excuse me, not make them I will request  
16 that they do it.

17 **CAPT Phillips:** And what's written on the right hand side?

18 **Wit 1:** Review certificate binder. And that means I reviewed all their Class and  
19 statutory certificates, COD. I'm stumped but there's thousands of certificates as you  
20 know. Not thousands, but they're a thick binder.

21 **CAPT Phillips:** And April 22<sup>nd</sup> is written up there after Class.

22 **Wit 1:** That's probably the Class certificate expiration. I would guess that's what that  
23 was.

1       **CAPT Phillips:** Thank you. Okay. Can we go to the next page please?

2       **Wit 1:** Since I knew that the manual already had the job descriptions and ORG chart I  
3       just jotted that down. I seen it many, many times. You don't want to leave these things  
4       blank here, they're referenced elsewhere. Like 1.4.4 my hot point is Section 9 of the  
5       Code where it talks about analyzing incidents, accidents, investigating corrective  
6       actions. But I put something there. Check HSE performance. That's health, safety,  
7       environmental and performance incident reporting. The next is emergency drills. See  
8       attached. I have an attached drill record to this report. Next is the internal audits. I just  
9       referenced the last internal audit which is 9 April '20. By the way let me back up. On  
10      that front page I without fail usually mention under that applicable codes guidelines on  
11      the 830 – the Coast Guard 835s are also, I forgot this, sorry. The P6, we'll always run a  
12      P6 on every vessel, a U.S. flagged vessel and you know why that is. And to look at the  
13      history, 835 history. So here let's go, keep moving Section 2 policies, placards, station  
14      bills. That's just short jotting notes that I put. I'm looking at the station bills, placards,  
15      posters around the vessel. Shut offs, closures, stuff like that. Safety policies posted.  
16      Keep going.

17      **CAPT Phillips:** Can you go to the next page please?

18      **Wit 1:** Here's the designated person that referenced and I just said all crew familiar  
19      with his name. I didn't want to spend much time on that. His placards were posted on  
20      the vessel. Let's keep going.

21      **CAPT Phillips:** What does 3.3 say? No evidence to?

22      **Wit 1:** No evidence to the contrary in maintenance or support from the company.

23      **CAPT Phillips:** Thank you. Scroll down please. Next page.



1 **Wit 1:** Okay there at the top I just reference where the Master's responsibilities is, is in  
2 Section 5 of the FOM. The next one was safety meeting and emergency drill activity.  
3 Where I looked at the monthly meetings or weekly safety meetings and emergency  
4 drills. And I actually attached those to the report. Next was the standing orders verified.  
5 You see that tilt alarm next to it, on a lift boat that – they have a tilt alarm. It's actually in  
6 the standing orders. I wrote that up years ago and now they all have it in there, so.  
7 Next was the Master's management review, it was 1/23/20. That's annual. Next under  
8 5.2, I always ask the Captain, Captain give me three examples of what you won't do,  
9 that you consider overriding authority. And this is what the Captain said. Five foot  
10 wave height restrictions, preloading time and jacking situations.

11 **CAPT Phillips:** Tell us more about that. What does that mean to you?

12 **Wit 1:** We could talk the rest of the afternoon on that. That's, and he's unsure about  
13 pre-spot maybe. That's he's stuck in the mud trying to get the legs up and he's  
14 watching weather. Those are three operations, key operational issues that was in the  
15 back of mind.

16 **CAPT Phillips:** So he was faced with a problem in one of these scenarios?

17 **Wit 1:** Yeah.

18 **CAPT Phillips:** That means he has overarching authority, is that how I'm to read that?

19 **Wit 1:** Yes, ma'am. That's exactly right. And he hit the hot spots. He really did.  
20 Those are key operational issues. That first one after this incident the first thing I did is  
21 pulled those notes. And pulled this report. Look at it. As any smart auditor will do. You  
22 know that stuck with me there. That item number 1.

23 **CAPT Phillips:** Thank you.

1 **Wit 1:** One last comment on that is we feel like sometimes they already know the hot  
2 spots and the critical overriding authority. They already know. And sometimes it makes  
3 you wonder you know are you just hearing what they want you to hear. But I don't think  
4 so. I think the Captain was very sincere and he knew.

5 **CAPT Phillips:** Do you remember who the Captain was when you were conducting the  
6 audit?

7 **Wit 1:** It was Captain Ledet.

8 **CAPT Phillips:** Next page please. Captain was conversant with the SMS and he was,  
9 very. I had audited him when he, I believe he was with Superior. That's verifying MD's,  
10 merchant marines documents, licenses and medicals. Next is orientation records all  
11 within 6 months, yeah. This was a regular crew on board if I recall. And they were very  
12 familiar with the boat.

13 **CAPT Phillips:** Scroll up a little please. Down, sorry.

14 **Wit 1:** This is just saying they had a Seagull video training program. A 52 week  
15 calendar training drill program. The Seagull video is to say that, you know I wanted to  
16 justify in the notes that the company does have an ongoing training program for the  
17 crew. Just like we have MOXIE [sic] media, XYZ company down the street might. They  
18 use Seaman's Church. They do have, a lot of shipping companies use Seagull as well  
19 but, and again you could write – you could write probably more better notes. But you  
20 may be there for a week. So it's all about time management.

21 **CAPT Phillips:** Next page please.

22 **Wit 1:** Okay. My favorite shipboard plans. This is where you could go crazy in the Ops  
23 Manual. There's the Master's navigation audit he did on 1/24/20. The next one was

1 walk about the vessel and the ER, general walk about. These other notes are isolated  
2 shipboard plans. There's a bi-weekly rigging lifting and rigging, that came right out of  
3 the Ops Manual. Check crane annual inspections. It's a lift boat, you certainly want to  
4 look at crane inspections and certifications. There's your starboard and port cranes that  
5 the annuals are done then. And the next thing here is I happened, again this was that  
6 cut that time and get a good indication if they're in compliance with the Ops Manual.  
7 And there you go right there. There's the job, the job number, the location, the site  
8 history and pre-spotting and jacking, the arrival, checks and departure, the voyage plan,  
9 the JSA's, even the rest and work hours. And then you see that little arrow to the right,  
10 job folder and you see that arrow to the right of that, operations manual supports. And  
11 that was just a 14 day job. And I know you're wondering when you wrote, because I  
12 was asked this in the NTSB hearing about, I'm not sure if I wrote, I thought you would  
13 probably be asking about stability because I was this in the NTSB hearing did I look at  
14 the stability records when I was on board the POWER and the answer is I could have  
15 but I don't remember looking at it other than the job package here. In this package, the  
16 afloat and jacked up stability forms were there, but I didn't look any further for current  
17 situation when they were in Fourchon they were slightly jacked up out of the water and I  
18 didn't because they had very little deck cargo if any. And I saw this. And this was a  
19 good way to see compliance. And what really caught my eye, it caught my eye then or I  
20 probably would have gone further is the stop work authority that they exercised in May  
21 of 2020 which was the month before, not this job, it could have been this job, but it  
22 seems to me that stop work authority that Exhibit 116 was Eugene Island another  
23 location. But it had to have been on board and I probably saw it. I didn't note it, but I

1 probably saw it or I would have looked further. And keep in mind this was a year ago.

2 So in other words they had the records. I was satisfied.

3 **CAPT Phillips:** Thank you. Let's look at page 7 please.

4 **Wit 1:** Well they did an excellent drill, a man overboard drill and I wrote port bow  
5 because they moved around, they put the rescue boat in the water, they did an excellent  
6 drill. Those notes item number 1 was just the most recent abandon, fire and man  
7 overboard drills. The next item is just noting their 52 week drill and training matrix, I  
8 think it was attached to the report. And the last one there number 3 was crew familiarity  
9 with the firefighting lifesaving appliances and their duties during emergency drills. The  
10 crew really did a good drill. You can always tell when are records are perfect and  
11 everything looks perfect, do a drill and that usually tells the story. And they did a good  
12 drill.

13 **CAPT Phillips:** Okay. Page 8.

14 **Wit 1:** They had no incident, recordable, pollution violations in over 12 months. I think  
15 it was longer than that. And I even recall this, the P6 said they had outdated oil record  
16 book, I remember that. And there were two radios, two portable radios missing from the  
17 fire suits I think. If I'm not mistaken, that there were two items in the last Coast Guard  
18 annual. And those were issued and those were entered in P6. And that was – it's  
19 attached to the report you can actually see it. So there wasn't much. They had no, they  
20 had no, so again that's where those --- you're wondering to yourself well okay well had  
21 did this happen. Well again where's the lagging indicators. The leading indicators were  
22 on there, where's the lagging indicators. You're not seeing it. See what I mean, you're

1 not seeing it. And you didn't see it through the DOC audit because he and I looked. Of  
2 course we looked. We focus in on that. So we're just as shocked as you are.

3 **CAPT Phillips:** What's number 2 say there?

4 **Wit 1:** Near miss reporting was active.

5 **CAPT Phillips:** Thank you. Next page.

6 **Wit 1:** Critical equipment checklist 10300, that's a form number. It was actually  
7 attached. Normally I don't do that but I caught it so you could see the critical  
8 equipment checklist. Not you, but I just, I think I did a good job. The next item was  
9 weekly vessel condition report I always look at. The next item was bi-weekly SIP which  
10 is the self-inspection program. It's the old Coast Guard original program that everyone  
11 used 20 years ago. They're getting away from it now. So with SEACOR they're moving  
12 to HELM. But with this boat was still using the SIP program. You know where they had  
13 the summary of corrections every month and correct. It was a Coast Guard approved  
14 program years ago. And very few companies are still using it. The last item was a  
15 crane bi-weekly inspection two per, I think that says month, two per month. So we look  
16 at the cranes. This is not just pencil whipping. We look at, we walk around. I say show  
17 me, show me, show me, show me, show me, show me. This was a little short  
18 on maintenance on notes. We, obviously we walk through the engine room and split  
19 engine rooms and look, anything leaking, shafts, generators, cable penetrations, head  
20 tanks, day tanks, generators and this, of course this SIP self-inspection program  
21 monthly, ICR's as you're familiar with probably, the old ICR's. We look to see if there  
22 are any problems. So this vessel had no issues.

23 **CAPT Phillips:** Thank you. Page 10 please.

1 **Wit 1:** Documentation I just referenced the latest SMS, revision 17. Crew accessibility  
2 and awareness of the revisions. Forms were well controlled. I thought they did a good  
3 job on the forms. It's all electronic. That could, you know, that keeps the system up to  
4 date. And just I made a note that review ship's certificates and other documentation.  
5 We try to look at everything that we can look at. And as you know the Coast Guard  
6 interp – well I don't even want to go down that road, but I was going to say Coast Guard  
7 interpretations there's references like good stuff, like documents required to be on board  
8 vessels. That kind of stuff, those references we usually look at all those documents.

9 **CAPT Phillips:** Okay. Next page please.

10 **Wit 1:** That's saying SMS 12 provides, that means for a 12 month intervals and it's  
11 provided in their SMS. Last internal audit was 9 April '20. There were only two  
12 observations, that's what that means up there. Crew were very conversant with the  
13 audit criteria. When I write that, that means that the crew were up to speed with the  
14 management system. In other words they answered the questions. The only comment I  
15 would like to make in here also is that we don't see these boats when they're loaded  
16 out. If you're going to ask me would you do a different audit when they're loading out,  
17 my answer would be yes. We don't see them when they're loading out. We're usually  
18 called in when they're – before they load out. Because there's a lot of stuff that's easy  
19 to miss out of the Ops Manual. Okay, a lot of stuff.

20 **CAPT Phillips:** For example?

21 **Wit 1:** Cargo deck height. That's not more than 6 inch heel on the stern, stuff like trim,  
22 sorry on the stern. Stuff like that. Is the Captain really filling out the form, those things.  
23 Oh you could go on and on. I can't memorize this stuff verbatim. I as well, I used to,

1 I'm getting older. But I used to take the Ops Manual and sit there with the Captain and  
2 go over it. The whole darn thing. And when I started doing some of these lift boats  
3 Danus and Carol and Superior years ago, 15, 20 years ago I would actually go through  
4 these manuals with the Captain and I wrote more non-conformities and these  
5 companies finally got wise and started integrating it in their SMS. And that's what  
6 you're seeing here. Yes I used to. Those could be some of the opportunities for  
7 improvement. Is load outs. Doing the assessment during a load out possibly.

8 **CAPT Phillips:** Thank you. Page 12 please.

9 **Wit 1:** These are all Part B of the certification items here like window periods for  
10 intermediates, interim, you know times 6 months, just certification issues. They're  
11 important. We do reference these sometimes when somebody goes to do an audit.  
12 They say where's this written. Well it's right here. It's very valuable information and  
13 that's Part B.

14 **CAPT Phillips:** Is there anything else past this that you think is worth talking about  
15 today?

16 **Wit 1:** No. We sometimes forget PR9 and the IAC recommendations 41. You know  
17 I've been doing this for 20 something years and I have to go back and refresh my  
18 memory. Those are, all those guidance that you all indicated in your interpretations by  
19 the way were excellent. I hate to say it. Hate to admit it, but they were very good. And  
20 good refreshers.

21 **CAPT Phillips:** Can you, for the information of the folks listen can you tell us what a  
22 PR is?

23 **Wit 1:** Procedural requirement, it's an IAC procedural requirement.

1       **CAPT Phillips:** Okay. Thank you Lieutenant Alger. It's been about an hour and fifteen  
2 minutes so let's go ahead and take a recess. We'll reconvene at 1330. The time is now  
3 1312. This hearing is now in recess.

4               *The hearing recessed at 1312, 6 August 2021*

5               *The hearing was called to order at 1329, 6 August 2021.*

6       **CAPT Phillips:** The time is 1329. This hearing is now in session. Mr. Roan thank you  
7 very much for walking us through your SMC audit notes. It's very helpful to hear the  
8 process and understand what you looked at on the SEACOR POWER the last time you  
9 were on board. Just a couple follow up questions on that. You talked about doing a  
10 walk around on the vessel, and you talked about some of the things in the engine room  
11 that you would look at. When you did your walk around would you normally look at  
12 watertight doors?

13       **Wit 1:** Yes we do look at watertight doors. But keep in mind this vessel was slightly  
14 jacked up and in port. So I'm not looking to see if the watertight doors were closed.  
15 What I would be looking at is I would be looking at the rubber gasket material and make  
16 sure that they did close without daylight and no steel problems, wastage around the  
17 doors. But other than that, no I mean their inport, doors are open.

18       **CAPT Phillips:** Would you typically close the doors on your walk around?

19       **Wit 1:** Sure. Even if I have an inkling, just a suspicion in a minute yes, I would close it.  
20 I don't recall closing those doors though, checking them. Not, it's been too long. It's  
21 been a year, over a year now.

22       **CAPT Phillips:** And on that SMC audit did you have any observations or non-  
23 conformities?



1 **Wit 1:** No did not. Could I have written them, probably so. But there was more good  
2 than bad. Meaning go through the code and records, the key records was all good.  
3 And the drill. Could you keep digging and find something, of course you could. I'm not  
4 so sure how value added that would be, but you can always find a non-conformity.

5 **CAPT Phillips:** Thank you. And moving now over to the DOC audit that was  
6 performed on SEACOR, the last one. I think I heard both of you were there for that  
7 DOC audit? Okay. Mr. Sharpe I think we will start with you. Lieutenant Alger can you  
8 bring up Exhibit 64 please [showing Exhibit]. And I'll just check to see if these are your  
9 notes from the DOC audit.

10 **Wit 2:** Yes they are.

11 **CAPT Phillips:** Thank you.

12 **Wit 2:** Can I start?

13 **CAPT Phillips:** Yes please.

14 **Wit 2:** So I always started the notes with just basic stuff. The location, company  
15 certifications, they're certified from ISO. Then they operate administration flagged  
16 vessels, which is Marshall Island that's MA, and U.S.A. And the scope of the audit of  
17 renewal. That little S which is in a circle that means they're safety certified. There are  
18 different types of certifications, you have HSQE and EN. They're only S, this is like the  
19 minimum requirement for certifications, only S. Then also there is mention that they  
20 have two branch offices. One is in Abu Dhabi and the other one is in the Netherlands.  
21 And they were audited separately. Always before we approach the main headquarters  
22 for DOC audit. Of course in this two audits if some kind of non-conformity we call it  
23 branches. If this two branch offices have some kind of non-conformity we would

1 probably wait for them to be closed and addressed maybe before we issue a certificate,  
2 a full term DOC certificate. Then let's see here. It says here the next one will be  
3 application of code guidelines and standards. It says there on the, if you rise it a little  
4 more it says which ones apply. So if it applies to the ABS certification SOLAS because  
5 they're all SOLAS vessels and also this is IMO, MARPOL and C.F.R. because it's U.S.  
6 flagged. So all this thing is taken into consideration when once we do the audits.

7 **CAPT Phillips:** Sorry there was just two acronyms there. SOLAS?

8 **Wit 2:** SOLAS is safety of life at seas.

9 **CAPT Phillips:** And MARPOL?

10 **Wit 2:** MARPOL is maritime, it's marine pollution.

11 **CAPT Phillips:** Thank you.

12 **Wit 2:** Marine pollution.

13 **CAPT Phillips:** Okay let's go a little further please.

14 **Wit 2:** Also it says here that the Marshall Island, Marshall Island flagged representative  
15 was present for the audit. To all duration of the audit. And then the requirements of this  
16 code may be applied to all vessels. That's the scope of the DOC audit. All the vessels  
17 one way or the other has to be covered. Which big part of them covered on the  
18 Marshall on the branch offices because they operate certain amount of vessels. I think  
19 maybe between both of them maybe 30 something. I think only 15 if I recall right  
20 operated under the DOC, operated from the Morgan City office. Everything else is not  
21 there it's somewhere else.

22 **CAPT Phillips:** And it says, the next section 1.3 is this verified, I think it's through?

1 **Wit 2:** Yes the requirements of this code may be applied to all ships. Which mean ISM  
2 Code should be applied to whatever ship it applies to which is 500 gross tons and  
3 international voyage. And what I wrote there is that, what I wrote is that this is the  
4 scope of this audit actually. That's the scope of the audit. Verified through on this  
5 company audit. This is what I wrote.

6 **CAPT Phillips:** Thank you.

7 **Wit 2:** Sometimes I can't write my own notes.

8 **CAPT Phillips:** Next page please.

9 **Wit 2:** Then here we have function requirements for the safety management system.  
10 Every company should develop, this actually means that every company is supposed to  
11 have who wants to the ISM Code. Also had developed a management system which  
12 they have. It's on their electronic shape. And they have it developed and it's approved.  
13 They mention safety and environmental policy which is definitely part of safety  
14 management system it's one of the main things. It says here posted, so in the offices  
15 and on the vessel which I verified a while ago was posted there so everybody can see  
16 it. And it is a part of the safety management manual we did verify that. Instruction,  
17 procedures make sure safe operations. That's part of the safety management system.  
18 That's actually the purpose of the safety management system to protect property,  
19 personnel and environment. Letters of authority we verified organizational chart for the  
20 company. We make sure that the positions are filled as the organizational chart shows.  
21 Procedure for reporting accident, 1.4.4 to 1.4.6 that is the part of the safety  
22 management system and it is included in the safety management system itself. Going  
23 back to the safety and environmental policy we know that it's posted in the offices and

1 that was verified. Most of them they just, I don't remember the details, it's a pretty big  
2 chapter. But it says most likely pollution has to bring to zero or something similar like  
3 that. And of course the organizational chart that shows the DPA and of course who is in  
4 charge and how it is followed.

5 **CAPT Phillips:** Can we go back up to the bottom of page 2 please. It looks like that  
6 last things says audited and none?

7 **Wit 2:** None noted. It means that, I was probably talking about that nothing, it  
8 complies. Nothing noted.

9 **CAPT Phillips:** Thank you.

10 **Wit 2:** It should be written a little better, but.

11 **CAPT Phillips:** Page 3 please.

12 **Wit 2:** Page 3 in the section number 3 this is also 3 to 1 letter which means the  
13 company, some of the company owns the vessels and the other companies manage the  
14 vessel. They have to have a letter which designates you know authority and  
15 management from owner company to the management company. The ISM cares only  
16 for the managing company. Because they are the one who implemented the ISM most  
17 of the time. That is the case almost of the time. Define the document of responsibility of  
18 authority, I really didn't wrote anything there because the company operates their own  
19 and crews, their own vessels. So the letter 3.1 wasn't necessary at the time. And this  
20 shore based support was verified to the audit. It's such a big chapter it covers almost  
21 everything. So I didn't write anything there. DPA that is one of the questions we don't  
22 most like ask to the company. We just verify his position in the organizational chart is  
23 correct. This is something which is something which is verified during the opening

1 meeting with the vessel most of the time. It just has to be posted on the vessels and in  
2 the company also and I'm sure the company people knows who the DPA is.

3 **CAPT Phillips:** Go to the next section please.

4 **Wit 2:** Section number 5 the company should clearly define, I read through their  
5 manual a lot and I know it stated that the Master is the overriding authority, he is the  
6 one in charge and has the final decision of everything. We also verify that the  
7 implement of the safety of the company. This is also something which is a big part and  
8 verify in action of vessel that the company, that the crew members know what the  
9 company wants them to know providing safety alerts, fleet memos and some other way  
10 of informing them of something that the company wants them to know. Appropriate  
11 orders. This vessel here which operates from this SEACOR building, they're all English  
12 speaking vessels. And crew is all English speaking. Therefore, that wouldn't be  
13 questioned. Master is also obligated to do the safety management system, Master  
14 manages review in a period recommended not to exceed 12 months. Which we verify  
15 in the beginning of the audit, we always start with all the internal audits which that part  
16 covers. And also that the all the vessel has a Mater managing, then we go into it,  
17 scrutinize that a little to see if we see something out the ordinary. Maybe somebody  
18 complained about something, maybe there is a problem with something. And then we  
19 would ask the company to react on it and then get some kind of back feed and action on  
20 it to see how that has progressed. We didn't see anything which is out of the ordinary.  
21 And this 5.2 this is also something we always ask. I know it's a part of the safety  
22 management system, but this is also one of the opening conversations with the crew  
23 members from the vessel. Which we discuss it with them to make sure that, you know

1 that they know who's in charge of in every vessel situation, who made the decision, the  
2 final decision should the operation go forward, should the vessel leave, should you  
3 know, stuff like that. Depending on what is different factors which would be weather, or  
4 cargo preloading, whatever it is. So this is very straight forward. This is a part of safety  
5 management system, I do know that.

6 **CAPT Phillips:** Okay. Next to 5.1.1 there's a word underlined it looks like. What is  
7 that word all the way on the right?

8 **Wit 2:** 5.1.1?

9 **CAPT Phillips:** Yep.

10 **Wit 2:** I know I think this is, I don't know. Sometimes I just write like that. It doesn't  
11 mean anything. I don't think it means anything.

12 **CAPT Phillips:** Okay.

13 **Wit 2:** This is just the way I write. Yeah I can see the line, since English speaking I put  
14 the line over everything.

15 **CAPT Phillips:** Thank you.

16 **Wit 2:** Section number 6 this is the one which I actually check according to the plan.  
17 Ship's, I'm sorry a DOC plan. I remember I was talking to Mr. Jacob Charpentier he's in  
18 charge of human resources. And we went to the big extend through the vessels which  
19 we check crew credentials, merchant marine documents, their medical also do they  
20 have TWIC or what the situation with that. We also verify that the crewing is correct  
21 according to the COI for the U.S. flag vessel and according to the Marshall Island safe  
22 manning document. So we prepare, I asked him to pull the COI out and then see who's  
23 on the vessel and then from the information of the COI look at the horsepower for the

1 Engineers on the gross tonnage for the deck, deck guys and then we compare if their  
2 license is appropriate for the title of the vessel they're on.

3 **CAPT Phillips:** How many vessels did you do that for?

4 **Wit 2:** Oh I think we did all 15. Fifteen which operated from this side, yes. Including  
5 SEACOR POWER. Given the necessary support, I mean we ask them if they have any  
6 problem with communication with the vessels and everything else. Manning the  
7 qualified, certified, medical, this is what I just talked about. Appropriate manning in  
8 accordance with the COI and flag administration, in this case Marshall Island safe  
9 manning document. Procedure to ensure that new personnel, this is orientation forms,  
10 somebody called it familiarization forms. This forms most of the time we didn't verify in  
11 the company, we verified that on the vessel. Because most of the company they don't  
12 send their forms to the office. Some of them do, but most of them they just keep them  
13 and as the crew members rotate to their rotations they stay on the vessel and just put  
14 them out. And if it's a new revision they just audit them to them to the new revision. If  
15 it's a different from the new revision and the old revision. The company should ensure  
16 that this all, I wrote here, I mean I didn't go through all these chapters as it says but I  
17 covered all of them. Let's say I could tell you that personnel of the company will have  
18 an understanding of rules and regulations. This is almost likely covered on the vessels  
19 during the opening meetings. The company I mean it's not much really to check there.  
20 Training, this is one which is also important. The company should establish procedures  
21 for identifying any training. This I did verify for numerous crew members. This is  
22 actually goes straight to the evaluation forms. That's one of the things. Which mean we  
23 would look into it and scrutinize if we see that someone maybe has an evaluation which

1 says needs improvement or not satisfactory, or whatever. The first thing we ask after  
2 that would be is this guy still on the vessel, I mean what did you do about it. Because  
3 you certainly don't want to have the same guy who's not good at something to stay  
4 there and just without any addressing further addressing from the company itself.  
5 Additional training, maybe some other external training, you know something. The  
6 company should establish, yeah this is the various fleet memos and safety alerts  
7 circulating within the company and the vessel regarding this 6.6. And then of course it's  
8 all English, English speaking crew so working language that's what I think it is and it's  
9 very understandable to everybody to understand it. What we would verify here this is  
10 also something to be verified on the vessel as most likely. Because what we check the  
11 most important thing is when the vessel changes the crew, a rotation change we want to  
12 make sure that the other crew members who are coming to the vessel know exactly  
13 what the other crew shared with the company at that time. So they go home and then  
14 the other crew is supposed to know about it too. This is something what we would  
15 probably verify. And then this communication ensure that the ship's personnel, this is  
16 something that we verify on the vessel itself, the last section 6.7. You know when you  
17 get the opening meeting you can understand right away how deep is the crew in the  
18 ISM. How much they understand. That's why we always start to ask the basic  
19 questions on the vessel. So you wouldn't ask it in the company. Like who the DPA,  
20 what's the critical equipment, that's all vessel questions most likely.

21 **CAPT Phillips:** Okay. And for section 6.6 you said you would want to make sure that  
22 the new crew knows what the old crew told the company. How would you do that during  
23 a DOC audit?



1 **Wit 2:** You would, this is something that you would verify on the vessel too. This is  
2 more strict to the vessel because you know vessel, the company usually stays the  
3 same. The people who you want to know something the company wasn't they're the  
4 one who went home, the other people come back. The new people on the ship don't  
5 know where the other people know and nobody tells them. If especially if it's really  
6 important. So this is what you would check most likely with the vessel. You would  
7 check the records for the safety meeting, then we would see who knows about it, whose  
8 name is on the roster and then we would keep going from there. This is more like a  
9 ship thing, it's a vessel thing. I'm sorry it's not like something you would ask. We can  
10 verify with the company do they communicate. And I know they do because I know they  
11 have this weekly thing they send out all the time. Now if that's done on the vessel that's  
12 something that you mostly likely confirm with the vessel.

13 **CAPT Phillips:** Thank you. Next page please.

14 **Wit 2:** This is a big one. This is, and I wrote less than any other place, but it's the  
15 biggest one probably. What we do sometime in this case we go to the safety  
16 management system and we just see that everything is covered there. Now the  
17 implantation of that is also something that you would probably verify, not probably but  
18 which is verified on the vessel. So this is various procedures and everything that is a  
19 part of the safety management system. And you know the records, some of the records  
20 that they would have in the company, some records they would not. Some records are  
21 just kept on the vessel, so.

22 **CAPT Phillips:** Okay. Next page please.

1 **Wit 2:** Emergency preparedness. I know and it was shown to us on the screen the  
2 vessel, the company has a matrix with numerous drills. They have so many drills and  
3 They also have interval with them, interval with them and it says when they are  
4 supposed to be done in the week, number of the week, third week or fourth week. And  
5 this is where the ship's have also been following that. We would verify here that they  
6 have it. It was done and how good it was done, this is something also to verify on the  
7 vessel. It also be obligated to do the emergency drill. We check one, we pick the one  
8 to do. And then we would just verify how good they are and how familiar on that  
9 particular drill. This is something which I like to check in the field on the vessel itself  
10 and I'm asking. Drills and exercises, this is all the same thing. I know we verified the  
11 company has a once a year they do have a drill with the vessel which they have to do. I  
12 didn't write any of that. But they I do remember that. And programs and drills and  
13 exercises to prepare for emergency action. This is all the drills.

14 **CAPT Phillips:** Okay.

15 **Wit 2:** Alright. This is also very important section for me. First thing what we look  
16 when we come to the company we pull the P6 report for every vessel which is operated  
17 in that area by that company. And that gives us right away the picture we, you know do  
18 we have a problem? Maybe some vessel had more problems than the other one. And  
19 then we would go to P6 also one indication for companies, company does an internal  
20 audit on every vessel. And then we would, this is what we do always and most likely on  
21 the beginning of the internal audit. I'm sorry, beginning of the DOC audit. We do that in  
22 the beginning and then see what they find, what do they separate and decide what is  
23 the problems and then the next question would be what did you do to prevent it. And

1 then they're supposed to show the root cause analysis, corrective action plan, sometime  
2 intermediate corrective plan and then final corrective action plan. So how are they  
3 going to close this problem. But the root case is very important in this case. This is  
4 what something, something that definitely going to prevented thing. We find something  
5 little, but nothing really that would stick out as far as I remember. And also procedures,  
6 and the procedures there section 9., I know they have it and they know how to address,  
7 how to address the non-conformity and what to do. If we see maybe the root cause is  
8 not correct we would maybe react on it. So between P6, their internal audits, Master  
9 management interviews, I think this area is covered pretty good. You know whatever  
10 happened to any of their vessels anywhere there might be some information what we  
11 don't know which we run into some times that is not in P6 and it's not there. But then  
12 there's nothing we can do about it. And I discussed that with the Coast Guard.

13 **CAPT Phillips:** Next page please.

14 **Wit 2:** This is also one of the most important sections. Maintenance is incredibly  
15 important. We start our audits where we walk towards the vessel already. You can see  
16 how the vessel looks, what is it and this is something what we scrutinize. We went to  
17 numerous vessels and checked the suspense reports or vessel deficiency lists or  
18 everything where they have some requisitions and orders. And then we will experience,  
19 you know we didn't find anything [in audible] or anything from the old program related to  
20 the helm, which is a very good program. And then they had all these processed  
21 established. You know they have windows, they have job descriptions what has to be  
22 done, how to perform the job, all the steps, everything was there. And regarding when  
23 we looked at the jobs we didn't find anything that really sticks out. Critical equipment

1 we paid special to and this is also one of the questions we always ask on the opening  
2 meeting when we visit the vessels because that's very important to factor. This section  
3 from 10.2 to 10.34 that's all maintenance program. And that's just part of it. It's just  
4 built in. And I mean we did, we sample a lot of vessels. I think we sampled all the 15  
5 vessels which are covered on the Morgan City office. And we didn't find nothing which  
6 is, you know out of the ordinary. It was just normal maintenance items here and there  
7 waiting for the parts. I know the COVID was a little problem here also to supplying  
8 some parts back and forth. But nothing really important there we could see. I  
9 remember that.

10 **CAPT Phillips:** Okay. And did I hear you say you went to the vessels or you just  
11 looked at records pertaining to the vessels?

12 **Wit 2:** We looked at records. We looked at the records. This was – this became a  
13 huge screen. I mean just go vessel by vessel from the list and show me vessel, show  
14 me what's overdue on the vessels, show me you know the critical thing whatever it is.  
15 And we really didn't find anything there. Was very well covered. And as I said the  
16 COVID was that time in full blow so some parts sometime took a little longer to deliver  
17 to the vessel, some of the vessels than usual.

18 **CAPT Phillips:** Thank you.

19 **Wit 2:** Section 11 this is, the SEACOR has a live safety management system manual  
20 which means when they update something in the base on their server everything, every  
21 ship will access the management system manual is going to have a new update. So we  
22 didn't really find anything. This also something we would find if you're on the vessel and  
23 somebody pulled some old form from somewhere which are saved and it wasn't taken

1 right out of the system. Changes are regulated, that's why we have our revisions. 11.3  
2 is the last chapter. We know that each vessel has it. You know this new era of  
3 electronic thing half of this thing is just like that. You can, what you see is what you see  
4 and then when you come on the ship you might find something. Which sometimes  
5 happens. I don't have a page 12, do you have a page 12? Oh no here it is. This is to  
6 verify the company did internal audits. Because you know in addition to every audit if  
7 you do internal audit and Master manage, if your company is also obligated to do, if you  
8 want to comply with the ISM Code to do the management review and their internal  
9 audit. And this is what we verified. And you know we talked to DPA, we had a very,  
10 very nice presentation on that. And it was very, very good. And what they find, I don't  
11 go to details what they find with their internal audit, but I know it was addressed. And  
12 there was some defined let's say by ISM, you know they're very good guys, the DPA  
13 especially is. So if they find something they have 30 days to do a corrective action plan  
14 and they have 90 days to do implementation whatever the problem is which varies from  
15 problem to problem. But other than that there's not much you can say.

16 **CAPT Phillips:** Thank you for sharing that with us.

17 **Wit 2:** You're welcome. Thank you very much.

18 **CAPT Phillips:** Did you have any observations for non-conformities?

19 **Wit 2:** No. We didn't have anything, I think the presentation of the company was very  
20 corporative. I mean everything that we ask it was showed to us. Beautiful presentation  
21 was very, very good. I have to say. One of the best I probably I did.

22 **CAPT Phillips:** Thank you. Lieutenant Alger can you bring up Exhibit 63 please?

23 [Showing Exhibit]. Mr. Roan are these your notes for that same DOC audit?

1 **Wit 1:** Yes. Do you want me to go over them?

2 **CAPT Phillips:** Not in detail. I don't think we need to go down line by line. Would you  
3 have looked at different things than Mr. Sharpe did or would you have looked at the  
4 same things in general?

5 **Wit 1:** We generally look at similar, similar things. He actually interviewed person to  
6 person, most of the people in HR personnel. And we split the maintenance. I think he  
7 took chartering. And that's indicated in the audit plan.

8 **CAPT Phillips:** Okay. So what would have been one of your big focus areas for that  
9 audit?

10 **Wit 1:** Well again the reason I even attended because of the complexity with the  
11 globalized DOC and I wanted to make sure the branch offices, this year the Coast  
12 Guard was notified of these branch offices. Because they were, even though they  
13 manage primarily Marshall Island's flagged vessel they're attachments to U.S. DOC.  
14 Which means that I didn't want the Coast Guard coming back later saying hey how  
15 come you didn't notify us. They will probably will never manage a U.S. flagged vessel  
16 over there, but occasionally they do. And being a branch office they have to be, that's  
17 Coast Guard's involvement so for U.S. flagged vessels. So that's one of the reasons I  
18 really jumped in to make sure those notifications were made correctly and that all made  
19 were aware. And I did that.

20 **CAPT Phillips:** Is there anything notable from your notes that you want to highlight for  
21 us today?

22 **Wit 1:** These suspense reports you know that the company summarizes for each  
23 vessel, you know really incorporates everything, the documents, the certificates, the

1 maintenance, the crew, the customer, HSE performance, upcoming audits, and  
2 regulatory issues. And when you see that clean across the board that says something.  
3 When we had those leading and lagging indicators here and you look at the  
4 maintenance you're seeing a pretty clean record, you're seeing a lost time injury rate of  
5 0.35 for the year, with one lost time injury that's a pretty good safety record. That's  
6 what we were seeing. So you know I felt pretty good about it when we left or I would  
7 have stayed, or we would have stayed.

8 **CAPT Phillips:** Did you have any observations or non-conformities?

9 **Wit 1:** No, ma'am. And I think that if we, again could you find a non-conformity? Of  
10 course I could. I could write 10. But again there was more good than bad. And that's  
11 the way I look at it. Is it going to be valued added? Is it going to change things or am I  
12 just digging to find a non-conformity?

13 **CAPT Phillips:** Thank you. At this point I'm going to turn it over to some of the other  
14 Coast Guard folks to see if they have questions. I'll start with Mr. Lawrence.

15 **Mr. Lawrence:** Thank you Captain, Mr. Roan, Mr. Sharpe thanks for being here. I  
16 think fortunately we had such experienced auditors that did the last audits on SEACOR  
17 POWER. I think you said surveyors can conduct audits. What is the qualification  
18 process to be able to conduct audits?

19 **Wit 2:** What are you asking, what is the process to do the audits?

20 **Mr. Lawrence:** What's the qualification process?

21 **Wit 2:** Well you have sea time, certain time I forgot the details on the company, it's all  
22 approved by the ABS Headquarters if you can become an auditor. You have to work at  
23 least 5 years I think for ABS. And then you have to pass the approved training which is

1 in order you want to put yourself starting in the auditing you have to, it is required for us  
2 to do ISO 9001 which is a quality system then you take the lead auditor course. After  
3 you do that you've got to do three audits on the vessels being observed and then one  
4 company audit being observed. And at that point you became an ABS auditor.

5 **Mr. Lawrence:** Do you have to be qualified in both SMC and DOC audits to be an  
6 auditor?

7 **Wit 2:** Yes that's the same thing, yes.

8 **Mr. Lawrence:** You can't just be one or the other?

9 **Wit 2:** No, no.

10 **Mr. Lawrence:** Okay. And who in the organization gives assignments to do an audit?

11 **Wit 2:** Well it's start we look have a little, let's say you have a sea going experience  
12 that definitely helps. If you work for ABS for a certain time you know the systems  
13 already, you've been on many ships, you work in the industry that is a potential  
14 candidate. And then of course he wants to do it.

15 **Mr. Lawrence:** Okay. For this specific audit on SEACOR, SEACOR POWER how is it  
16 assigned to you two?

17 **Wit 2:** You know the company asks for the audit, they send request. Then we choose  
18 who might be best for that job maybe. And then somebody will see it's a little more  
19 complex issue maybe we just want the most experienced auditor most of the time.  
20 Once you're an auditor you're an auditor. And all the, and before you became auditor  
21 you've got to be a surveyor course. So you know what you're walking on.

22 **Mr. Lawrence:** Okay so you guys decide what audits you go on?



1 **Wit 2:** Yes, yes. Well sometime we have a person who coordinates and then when the  
2 audit comes in we just assign it to somebody. Somebody who is a licensed, I'm sorry,  
3 who's an auditor. It might be some more complex job which we're looking for somebody  
4 more experienced like let's say my colleague the DOC audit because of the position  
5 within the three companies back and forth, you know so at that point we know that we  
6 went to do it. Because we were in from the beginning there.

7 **Mr. Lawrence:** So is it this coordinator that decides that it's going to be a complex  
8 audit and you will need very senior auditors?

9 **Wit 2:** We always, we always discuss that. You know between auditors, between R&A,  
10 a principal so we talk about it. And then of course in the surveyor give the auditor, since  
11 he's got to be a surveyor too is doing maybe a survey on the lift boat it definitely helps.  
12 Because he's familiar with the machinery, the system.

13 **Wit 1:** In New Orleans the Principal Surveyor in Charge assigns the jobs. But it's up in  
14 the air all the time. Because people go off shore, they're assigned to another survey, so  
15 even though they assign someone they doesn't mean anything. And he's right about  
16 the complex, you try to send somebody that has a little experience. You don't want a  
17 new guy that's – really don't know the company and has no knowledge. So we try, we  
18 really try to avoid these consecutive audits by the way. And going back to the same  
19 company, we don't like that. We don't want to do it. I don't really want to do it. In this  
20 case with SEACOR we had no choice, nobody knew what they were doing. Meaning  
21 they didn't know the company. They didn't know all the complexities to these branch  
22 offices. That was the reason for that.

1 **Mr. Lawrence:** Okay so the Principal Surveyor in New Orleans assigns the auditor, or  
2 they're really in charge of that and not the Principal Surveyor saying Houma, which  
3 would be you Mr. Sharpe?

4 **Wit 2:** No for this now, how the system works we have a person who is in charge of  
5 scheduling. When the audit comes in he assigns it somebody to do that audit. Of  
6 course let's say in the case more complex audit let's say drill ships or something we're  
7 going to send somebody who's more experienced who's familiar with the systems  
8 because it's something else really.

9 **Mr. Lawrence:** Okay and this was a very complex audit you said a couple of times.  
10 But they appeared to done very well on it for both the DOC and SMC for the SEACOR  
11 POWER. So for their next audit would you then say that it's not as complex because  
12 you know things have been good in the past now it's kind of less risk, would you say  
13 that?

14 **Wit 2:** No I would say if somebody's familiar with the unit it's easier for him to know  
15 where the weak points might be, what they need to check more and it makes it a little  
16 easier of course if you're familiar with the unit and you know, I mean what is this thing  
17 about.

18 **Mr. Lawrence:** Okay but you could send a more junior auditor the next time?

19 **Wit 2:** I can't say that. I'm not sure. We will definitely talk about it.

20 **Mr. Lawrence:** Okay. And then for the SMC specifically on the SEACOR POWER  
21 what was the decision to send Mr. Roan who I would say very senior auditor, why, was  
22 there some problem before that caused you to have concern about SEACOR POWER?

23 **Wit 2:** I didn't send Mr. Roan.

1 **Wit 1:** Yeah I think that just my availability and there was a Tropical Storm and she was  
2 three days before the end of the window of the intermediate audit. So that was a good  
3 window to catch. She was in Fourchon, in harbor, safe harbor. So just availability. It  
4 could have worked a different – someone else could have gone, but you know these  
5 guys are busy. These surveyors are busy and you can't negotiate schedules all the  
6 time, you know. So no other reason.

7 **Mr. Lawrence:** Okay. That's all the questions I have.

8 **CAPT Phillips:** Thank you Mr. Lawrence. Mr. Verdin.

9 **Mr. Verdin:** Thank you Captain. Mr. Roan, Mr. Sharpe. A couple questions here. We  
10 talked about looking at certain items, physical items on board a vessel during an audit.  
11 But also you talked about looking at things and being a surveyor. Could you, for those  
12 that aren't aware of the processes could you describe what's the difference between an  
13 auditor and a surveyor when we get out on these vessels?

14 **Wit 1:** Sure. As an auditor we're looking at processes. But you think I'm not going to  
15 look at hardware too when the boat gets to its next port and there's a hole in the deck  
16 and I'm busy looking at records and never even paid attention to a vent that damaged or  
17 a hole in the deck or you know a generator that was blowing oil, no way. So you see  
18 why there's got to be a general examination, inspection in addition to the review of the  
19 records. Because you're going to be accountable for it later if you don't look. That I can  
20 tell you. So yes it is a record, it is more processes that we're looking at as opposed to  
21 hardware as a surveyor, no doubt about it. But there are many times as an auditor I'll  
22 do things equivalent to an annual survey just as peace of mine, for peace of mine, to  
23 know that things are in good condition.

1 **Mr. Verdin:** So to put it in simpler terms if I, as an auditor, if I see something that is  
2 broken or maybe not properly maintained or something like that I'm generally looking for  
3 the processes of why that piece of equipment fail or broke or it's not maintained  
4 according to whatever it is, more so than the physical it needs to be fixed?

5 **Wit 1:** Exactly. Like a PSC and detentions or Coast Guard has a, got deficiencies with  
6 a ship in the river. I'm not going on board repeating the Coast Guard 835's or form B,  
7 I'm not going to repeat what they said. I'm going to take what they said and I'm going to  
8 find out how come it happened. Why did it happen.

9 **Mr. Verdin:** Good that brings me up to my next questions. How do you all treat Coast  
10 Guard 835's or internal audits or any of things, those findings, are those viewed as non-  
11 conformities or are they investigated or reviewed and looked at for corrective actions?  
12 What's the process? How do they get documented and recorded.

13 **Wit 1:** Yes, yes. There's not a company we don't go into to this day that that 835 better  
14 be in their corrective action system.

15 **Mr. Verdin:** Can we go back and explain a little bit about the requirement for ISM, the  
16 requirement and all those things, just generally, generally, just real general ISM? I  
17 believe Mr. Sharpe you said vessels over 500 gross tons on an international voyages.

18 **Wit 2:** That's right. That's the basic requirement. International, so there's two types of  
19 certificate. There is a convention and a voluntary. Voluntary might be driven by the  
20 company, maybe a client whoever the vessel works for. And it's mandatory if you have  
21 500 gross tons and you might be an international voyage. Now some of the companies,  
22 some of the vessels they might not do international voyage, but they never know.  
23 Tomorrow the job might show up and they might have to need it. And that's why they

1 keep the SMC there. Regardless of operating only maybe in the Gulf area, but if the job  
2 choose tomorrow maybe in some other places they would be ready, they have the SMC  
3 if they're more than 500 gross tons and they're going to go on international voyage.

4 **Mr. Verdin:** Okay. And ABS is one of the recognized organizations that it's qualified to  
5 conduct these ISM audits and stuff?

6 **Wit 2:** That is correct.

7 **Mr. Verdin:** They do this on behalf of the Coast Guard flag state?

8 **Wit 2:** That's exactly right.

9 **Mr. Verdin:** Alright. So that brings me back to, because I've heard Mr. Roan talk about  
10 when he did the SMC audit and that he informed someone about the audit. Can you –  
11 who did you inform? What organization?

12 **Wit 1:** Well we – we're required as you know that's in NAVIC 599 which is Coast Guard  
13 requirements. It's a 14 day notification for the DOC and a 7 day notification for an ISM  
14 SMC audit. Now we were pretty much on the mark on the DOC audits, but you know  
15 these vessels really move, they're moving. And sometimes we don't quite make that 7  
16 day notification but we do our best. We – ships are moving and sometimes that hard to  
17 reach.

18 **Mr. Verdin:** Do you know the reason why for that notifications? Requirement for  
19 notification?

20 **Wit 1:** Sure. We have a traveling inspection team go with all the time. More so on  
21 complex jobs, but still and observing for the flag. So I think for various reasons they  
22 want to make sure we're doing our job properly.

23 **Mr. Verdin:** So occasional a traveling inspector will attend these audits?

1 **Wit 1:** Yes.

2 **Mr. Verdin:** Had they, had the traveling inspectors attended either one of them, the  
3 DOC or the SMC for the SEACOR POWER?

4 **Wit 1:** The SMC they did not, I don't think they had time. But if we hadn't done the  
5 audit we would have been outside the window and it would have created more  
6 problems. The DOC audit they plenty of time. And the Coast Guard did not attend.  
7 They have before in the past, but they did not this year. And however, Marshall Islands  
8 representative did attend.

9 **Mr. Verdin:** Okay. So but they do have the option to attend?

10 **Wit 1:** Yes.

11 **Mr. Verdin:** Okay that's all I got. Thank you.

12 **CAPT Phillips:** Thank you Mr. Verdin. NTSB has some questions so I'm going to turn  
13 the microphone over to Mr. Kucharski.

14 **Mr. Kucharski:** Thank you Captain. Mr. Roan, Mr. Sharpe thank you very much for  
15 coming here and helping us assemble pieces to this accident. And for jogging your  
16 memories going back sometimes a year and a half ago to look at notes on there, thank  
17 you. So would you say, either one of you, would you say, would it be fair to say that the  
18 SEACOR's safety management is a fairly complex system that has other parts besides  
19 the operations manual? Is that fair to say?

20 **Wit 1:** I mean the SEACOR's safety management system is very well established and  
21 not overly complicated, the fleet Ops manual itself. The operations manual specific to  
22 the lift boats are very cumbersome and its 500 pages. A lot of material. That is a little  
23 on the complex side, yes.

1 **Mr. Kucharski:** And I know you were asked about how long it takes to audit.

2 Specifically on the SEACOR POWER how long was that audit?

3 **Wit 1:** The intermediate audit you know I think I spent close to 8 hours.

4 **Mr. Kucharski:** And on the DOC audit?

5 **Wit 1:** The DOC audit Deniz and I spent a day, but consider it two days because it's  
6 two of us. Two men days.

7 **Mr. Kucharski:** It was the two of you, thank you.

8 **Wit 1:** But keep in mind also there were only 15 vessels in operation the other ones  
9 were laid up. So they had a group, a close knit group running the company all right  
10 there. So there were only 15 vessels. Now if all, you know 100 vessels were operating  
11 it's a different story. I may be there 3, 4, 5 days. So that was the reason.

12 **Mr. Kucharski:** So the, I know you've been asked a number of questions about what  
13 you choose to look at the two of you. Would you say the process that you go through is  
14 a sampling process is that what it is?

15 **Wit 1:** Yes.

16 **Mr. Kucharski:** Is that what it's called an ISM sampling?

17 **Wit 1:** Yes.

18 **Mr. Kucharski:** And for the document of compliance audit when you sample, do you  
19 sample for every vessel, going back and forth with the company?

20 **Wit 1:** We did this last year or this year because there were only 15 in operation. And  
21 you can see all through my notes when I said everything I meant like on the  
22 maintenance records, yeah we looked at every vessel. On regulatory, Class statutory,  
23 performance. So we covered every vessel. Now just take the SEACOR POWER for

1 instance, okay. She was off charter, off charter at the time. So I made a comment in  
2 my notes that I looked later where morning report and suspense report. So that's the  
3 only thing I looked at on the SEACOR POWER because I had been on her a year ago  
4 and she wasn't working. We still looked at the maintenance records, but that's it.

5 **Mr. Kucharski:** So the sampling does it include making sure that the vessel personnel  
6 are actually performing the tasks they are required to do for the safety management  
7 system?

8 **Wit 1:** That focal point is on board the vessel when we're doing an SMC audit on board  
9 the vessel really primarily. Does it mean that Deniz didn't look at those records in HR,  
10 no he did. He looked as much as he could. But that's – that focal point is on board the  
11 vessel.

12 **Mr. Kucharski:** Is there any other process under the ISM besides the auditing process  
13 that you do in the performing of the DOC, the safety management certificate? Is there  
14 any other process to ensure that vessel personnel are actually following the details of  
15 say the operations manual?

16 **Wit 1:** Well the first thing that comes to mind is the 52 week calendar base drill and  
17 training program. They have a robust training plan that -- that comes to mind first. The  
18 second thing is probably their Seagull based training modules, kind of like the MOXI  
19 Media Seaman's Church. Seagull. And specifically the Ops manual I may be missing  
20 something in my mind here, but no I don't – I can't off hand think that, off hand no.

21 **Mr. Kucharski:** Would internal auditing be a process to ensure that?



1 **Wit 1:** Yes. But that's not training, that's verification. And they do that. Their internal  
2 audits do cover key performance indicators from the Ops manual. Those operational  
3 areas. They do cover that. Because I've seen it in their internal audits in the past.

4 **Mr. Kucharski:** Can we just look at Exhibit 59, just the first page please Mr. Alger  
5 [showing Exhibit]. Just scroll down a little bit. I think I asked you this before in your  
6 interview, but since that interview do you know if this was the, this revision 4 was the  
7 actual manual that was on board the SEACOR POWER when you did your safety  
8 management certificate audit?

9 **Wit 1:** On the vessel, and the reason I can't answer that so quickly is because you've  
10 got to realize I've seen these things for years. Was this the one, did I pull it up and say  
11 Captain let me see that Ops manual? I knew the Captain well enough to know that  
12 we've been through this before. So did I ask to see the manual? No I didn't. I may  
13 have. That's been over a year ago and I've done hundreds of jobs since then. So it's  
14 hard to remember.

15 **Mr. Kucharski:** Do you recollect if there was a requirement for the SEACOR POWER  
16 personnel to secure cargo in the safety management system or the operations manual?

17 **Wit 1:** Most definitely, yes.

18 **Mr. Kucharski:** And did you sample that in your last audit?

19 **Wit 1:** No. I didn't because the vessel was – did I record wise, yes. Did I physically  
20 see, no. Because there was no cargo on board. Remember they were inport Port  
21 Fourchon slightly jacked up. So other than the job packages that come out of the job  
22 packages, the reports no. Because there was nothing to in the future to sample. That  
23 was the last job they were on in May. You see what I mean. In May of 2020 on that

1 ship shoals 224D. And because of that the only thing I could go by was the latest job.  
2 And no, I mean there wasn't anything to look at there. I hit those key points and I didn't  
3 look any further. Could I have gone back further maybe, I suppose. I didn't. There was  
4 Tropical Storm going on. I was trying to make sure I did the job and got out of there.

5 **Mr. Kucharski:** Besides the job packages would you look at log book entries? Did  
6 they have a deck log on there?

7 **Wit 1:** Yes, yes.

8 **Mr. Kucharski:** Did they have any entries in there about securing cargo?

9 **Wit 1:** Just don't recall.

10 **Mr. Kucharski:** You, I believe you mentioned you looked at a stability form, you looked  
11 at stability calculations. Was that for the SEACOR POWER do you recollect?

12 **Wit 1:** Yes on the May job. No on the current because current meaning because they  
13 were in Fourchon, jacked up and I did not look at anything later than the May 2020 job.  
14 Because there was no afloat stability requirement past that job. And the Captain had  
15 the reports readily available and that's what I looked at.

16 **Mr. Kucharski:** Do you recollect, did you look at any stability log? Was it jacked up or  
17 any type?

18 **Wit 1:** Not in her current condition June of 2020. Again in May yes. Looked at the job  
19 package, but not anything after that.

20 **Mr. Kucharski:** So you wouldn't – you said, I'm sorry, you said you may have?

21 **Wit 1:** No, no. In the May, in the May, May 2020 they were on a job and the month  
22 before I was on board the vessel. And in that job that, it's in my notes you can look at it,  
23 was all the reports for the job. And there was a stability document in there.

1 **Mr. Kucharski:** Do you remember if it was on an excel spreadsheet or if it was on the  
2 form in the Ops manual?

3 **Wit 1:** I'm thinking it was the form. It's just, again that's a year ago.

4 **Mr. Kucharski:** Understood, thank you. Do you know if there was a requirement, an  
5 operation manual requirement to keep the watertight doors closed at sea?

6 **Wit 1:** Yes most definitely.

7 **Mr. Kucharski:** When you performed your vessel audit did you look at anything at any  
8 log book that said that they do that?

9 **Wit 1:** I looked at the log, but I wasn't specifically looking to see if they closed  
10 watertight doors. Because think it about it a minute. The vessels in port jacked up, the  
11 doors are open, no problem they can do that. So I mean any good seaman would not  
12 go off shore without closing the watertight doors. And I, from my experience with the  
13 vessel I don't believe they did. But I don't want to speculate. I mean, but it wasn't  
14 something I was so hot on looking at in port.

15 **Mr. Kucharski:** Did you have any conversations with the Master? You said you  
16 interviewed the Master.

17 **Wit 1:** Sure I did. Yeah we talked about everything. I looked at a ton of records. I just  
18 didn't – why would I focus on a watertight door with him in port and a watertight door  
19 outside the galley was open. Why would I want to, yeah I may shut it if I'm going to do  
20 an inspection to make sure I didn't see daylight and the gasket was good. But other  
21 than that the dogs were okay and free. But otherwise no it's not something – that  
22 wasn't something I was really keen on – there's no reason to.

1 **Mr. Kucharski:** Mr. Sharpe, well I guess either one of you could answer it,  
2 communications back and forth between the vessels and the company did you look at  
3 them on your DOC audit?

4 **Wit 2:** That's something that we mostly likely verified, not mostly, verified on the  
5 vessels. I know they send fleet memos and safety alerts to the vessel regularly. Now  
6 the next step and the most important is they're discussing with the vessel or not to what  
7 extent. So that's something I would verify on the vessel itself.

8 **Mr. Kucharski:** Could we, Lieutenant Alger pull up Exhibit 67 again [showing Exhibit].  
9 And start with page 1. I believe Mr. Roan you, these are your notes correct?

10 **Wit 1:** Right, yes.

11 **Mr. Kucharski:** About midway down there it says underway or UW in Gulf, do you see  
12 that?

13 **Wit 1:** Right.

14 **Mr. Kucharski:** And did you look at the risk assessment did you say?

15 **Wit 1:** Yes I did.

16 **Mr. Kucharski:** Was the weather a part of that risk assessment?

17 **Wit 1:** Yes.

18 **Mr. Kucharski:** And down to page 3. Where it says in section 3.2 the left hand side  
19 there, fourth line down say performing and verifying work relating to effecting safety and  
20 pollution. And further on it says the company should define the document responsibility.  
21 Does this relate to the personnel on the vessel or the company verified? Sorry Mr.  
22 Sharpe.

23 **Wit 1:** Company, yes.

1 **Mr. Kucharski:** Company, okay. And page 7 please. Sorry wrong page. Back to  
2 page 4, sorry about that. Page 4 at the bottom where it talks about the jacking  
3 situations, do you see that at the very bottom of your notes there?

4 **Wit 1:** Yes.

5 **Mr. Kucharski:** Were any of those jacking situations related to heavy weather?

6 **Wit 1:** I think that's what he was referring to. When I, I got three good answers and  
7 three good points from an experienced Master. So we didn't really go any further.

8 When he mentioned that to me that satisfied me. Because those are important aspects  
9 there.

10 **Mr. Kucharski:** So your answer is you do recollect heavy weather?

11 **Wit 1:** Sir?

12 **Mr. Kucharski:** You do recollect heavy weather jacking in those discussions?

13 **Wit 1:** No I'm assuming that is what he was referring to. In all situations. Just different  
14 jacking situations to include weather. He didn't elaborate any further than that.

15 **Mr. Kucharski:** Thank you. Lieutenant Alger page, I'm sorry Exhibit 64, page 7  
16 [showing Exhibit]. I think Mr. Sharpe.

17 **Wit 2:** Yes. This is – this was attached to the work order, their drill matrix. With the  
18 weeks when everything has to be performed and a window and what window has to be  
19 performed. And we look at it, we verify it against the – something there to look at let's  
20 say the window for the certain drills. Let's say it was a steering drill, you know the  
21 C.F.R. would say not exceeding 90 days. Sometimes the people put it quarterly. This  
22 what you would look at and we would kind of scrutinize it a little. But all the drills are

1 there to my knowledge. And they have some other drills in preparation I think as far as I  
2 remember.

3 **Mr. Kucharski:** So my specific question, questions are did you see any drills or  
4 exercises between the company and the vessel?

5 **Wit 2:** We didn't ask for that. And I think the drill was performed, something was  
6 presented to us. I'm not sure 100 percent what drill was it. But I know they there was  
7 communication with the company and the vessel regarding the drill. I'm not sure what  
8 drill, a pollution drill or some other drill. I'm not sure 100 percent. I don't want to  
9 speculate also. I'm not really sure. But I know we discussed them.

10 **Mr. Kucharski:** Back to Mr. Roan. I believe you said you looked at, you said you  
11 looked at the internal audits of the vessel, is that correct?

12 **Wit 1:** Yes.

13 **Mr. Kucharski:** And did you look, so you looked at the SEACOR POWER internal  
14 audits, is that correct?

15 **Wit 1:** Yes.

16 **Mr. Kucharski:** What was your view of the company's auditing? Did you feel it was it  
17 ensured the vessel personnel were adhering to the Ops manual requirements?

18 **Wit 1:** I think so yes. They were pretty thorough internal audits. Could they have been,  
19 yeah they can always be better. I think they were alright. That's where you, if you want  
20 better, you want the best then that's what you do get in the Ops manual and keep  
21 digging. But I think it was fine.

1 **Mr. Kucharski:** And my last question is for Mr. Roan. What was your, you interviewed  
2 Captain Ledet, you spent time with him on board the SEACOR POWER. What was  
3 your view of his work ethic, how he did on board the vessel?

4 **Wit 1:** Very experienced. Again I was very shocked at this situation, this tragedy. Very  
5 shocked, very shocked. Because imagine how we feel after being in the company. So  
6 we're wondering the same thing. But I think a very experienced Master.

7 **Mr. Kucharski:** Thank you. Thank you Captain.

8 **CAPT Phillips:** Thank you Mr. Kucharski. Mr. Ehlers.

9 **Mr. Ehlers:** Thank you Captain. Thank you gentlemen. Mr. Roan if I understood you  
10 correctly you had mentioned that if you could do an audit during load out it might be  
11 advantageous. Is that, am I stating that close to what you had said? Okay. Who, the  
12 timing of an audit is that a discretion of the operator?

13 **Wit 1:** Yes.

14 **Mr. Ehlers:** Does ABS have any discretion in that regard?

15 **Wit 1:** Not until, unless we're up against some kind of timeframe. The end of the  
16 window. Otherwise that's operator's discretion.

17 **Mr. Ehlers:** Okay. And Mr. Kucharski asked you some question about stability and you  
18 had reviewed stability calculations in the packages that you reviewed, or work package  
19 you reviewed during the SMC is that correct?

20 **Wit 1:** Really Mr. Ehlers I really didn't go over the calculations. We look to see that its  
21 done. Could I have, yeah I could. Going down the Ops manual and spend a lot of time.  
22 But I, no we don't scrutinize the calculation. We make sure that they're done, we look  
23 over them, that's what we do.

1 **Mr. Ehlers:** So you looked at a document that showed that the calculations had been  
2 done, is that a fair statement?

3 **Wit 1:** But for the SEACOR POWER, if you're referring to the SEACOR POWER that  
4 was in the May job, the May of 2020 14 day job for Talos, I think it was for Talos  
5 Energy.

6 **Mr. Ehlers:** Understood. It wasn't the present stability it was the stability from the  
7 previous job?

8 **Wit 1:** Correct. A month ago. And it wasn't the current, I just really didn't see having to  
9 go there.

10 **Mr. Ehlers:** Okay I understand. We've learned in previous testimony this week that the  
11 stability program that the vessel is using was not approved by ABS. Were you aware of  
12 that?

13 **Wit 1:** Sure, sure.

14 **Mr. Ehlers:** And that's acceptable to use a program that's not approved by the  
15 Classification Society?

16 **Wit 1:** I didn't make those rules. And I don't think the vessel is required to have an  
17 approved, Class approved loading program like for instance on a bulk carrier. It wasn't  
18 a requirement.

19 **Mr. Ehlers:** Okay, thank you.

20 **CAPT Phillips:** Thank you Mr. Ehlers. Mr. Muise.

21 **Mr. Muise:** Thank you Captain. Good afternoon gentlemen. We talked a little bit about  
22 plans and procedures I think it's all in the 7 in the Code. And this is for either one of  
23 you. It mentions, and the wording is key shipboard operations. Plans and procedures



1 are required for key shipboard operations. So who gets to decide on what is a key  
2 shipboard operation? Is there a list provided by the IACS or Class Society or the Flag  
3 State? I mean where does that list come from?

4 **Wit 1:** That's a good question. I look at key shipboard operations as, I don't think  
5 there's a job I go on that I don't make sure I know what section navigation is in,  
6 maintenance and cargo Ops. So think about it. For this purpose, audit purposes those  
7 are key shipboard operations. That's the way I see it as an auditor.

8 **Mr. Muise:** So more often than not it's a subjective decision on what to write a  
9 procedure for? It's not a quantitative risk analysis that says alright this is higher risk  
10 procedure we need – or this is a higher risk operation and I need a procedure?

11 **Wit 1:** That's the way I see it. But I didn't quite understand. You said something about  
12 the risk.

13 **Mr. Muise:** Do you, when I'm writing my SMS is there ever a quantitative risk analysis  
14 that would tell me alright these are the operations that I need a procedure for? Or is it  
15 subjective? Is it?

16 **Wit 1:** Oh I see. No I think that it's self-explanatory. A company like SEACOR is going  
17 to address those elements. I want to make sure I quite understand you as long as  
18 you're not referring to the risk that the company is supposed to identify. But you weren't  
19 referring to risk, you were referring to shipboard plans.

20 **Mr. Muise:** Yes, sir. So my question is when you're looking at company's SMS how do  
21 you decide if there's enough there? And if there's no procedure for anchoring or jacking  
22 or, is that okay?

1 **Wit 1:** That's a good question. I've reviewed a lot of manuals. I'm reviewing one right  
2 now. And it comes to experience, it really does. Because you can easily miss  
3 something. Now you know it's a good question, but I think covering the elements of the  
4 Code, going through the Code like we do I don't see how you could miss anything of  
5 significance as long as you follow the Code. That's what we're supposed to do and  
6 that's what we do.

7 **Mr. Muise:** Okay I'm sorry. But there is to your knowledge no list by – from IACS or  
8 from ABS or from any of the Flag States that say you have to have these – these are  
9 your minimum key operations?

10 **Wit 1:** I would say no there's not.

11 **Mr. Muise:** Okay. You're each in a unique position to see not just one vessel, one  
12 company but the whole fleet. And you touched earlier on culture. How would you  
13 assess the culture right now as it is? Or do all these tools focus us into the high  
14 probability low consequence stuff like first aid cases and hand injuries as opposed to  
15 those hazards that are going to cause major accidents? Are you spending all your time  
16 on the little stuff and not enough time, not just you, but the industry in general safety  
17 meetings, audits, the whole package? Is the culture hyper focused on the little stuff but  
18 these major hazards get – slip by? I'm sorry that was a handful there, sorry.

19 **Wit 1:** That's hard to answer. I mean looking at their TIR rate, their total injury rate and  
20 looking at their history you know it just looked clean. It is what it is. And it's clean. And  
21 so there was no significant accidents to focus on.

22 **Mr. Muise:** So would it be helpful to have a tool that focuses you on major accidents  
23 like, and I'm sure you're familiar with the safety case or a hazard ID study or hazard

1 probability study, those kinds of things? Would that be helpful, would that be useful to  
2 channel all of us in a different direction? Or is that going to far?

3 **Wit 1:** Yeah I don't know, sir. I don't know. If this was, again this was still a shock to  
4 all of us. We're looking at it, we're still thinking and looking and investigating ourselves.

5 **Mr. Muise:** Okay. Thank you gentlemen.

6 **CAPT Phillips:** Thank you Mr. Muise. Mr. Kucharski.

7 **Mr. Kucharski:** I'm sorry Mr. Roan I did have a follow on question. Were you aware  
8 that they were using an excel spreadsheet to calculate stability?

9 **Wit 1:** I had seen it before but I couldn't remember whether it was previously during  
10 Falcon days or Superior. But I did know that they had a stability form what you see now  
11 in the Ops manual. I do know that. I have seen that spreadsheet before. Do I want to  
12 call names and names of companies and who they were, I don't think that's of  
13 relevance. Yes I had seen it.

14 **Mr. Kucharski:** So I'm trying to wrap my head around this. So if you had a form in the  
15 Ops manual and a spreadsheet duplicating or trying to duplicate that form, would there  
16 be any concern that everything was correct on this spreadsheet?

17 **Wit 1:** Yes but that's hypothetical. Because I didn't do enough investigation. I would  
18 be speculating.

19 **Mr. Kucharski:** Okay. Thank you.

20 **CAPT Phillips:** Thank you Mr. Kucharski. Before we get into party in interest  
21 questions we'll take a brief recess. We'll reconvene at 1505. The time is now 1452.  
22 This hearing is now in recess.

23 *The hearing recessed at 1452, 6 August 2021*

1           *The hearing was called to order at 1509, 6 August 2021.*

2           **CAPT Phillips:** The time is 1509, this hearing is now in session. At this time I would  
3 like to turn it over to the parties in interest to see if they have questions. I'll start with the  
4 First Mate. Please identify yourself and state your name for the record.

5           **Mr. Zainey:** Good afternoon Captain. Chris Zainey here on behalf of First Mate Bryan  
6 Mires.

7           **CAPT Phillips:** Could you please spell your last name?

8           **Mr. Zainey:** Sure, Zainey, Z-A-I-N-E-Y.

9           **CAPT Phillips:** Thank you. Do you have any questions?

10          **Mr. Zainey:** Captain no questions at this time. Thank you.

11          **CAPT Phillips:** Thank you. SEACOR Marine and Falcon Global.

12          **Mr. Thompkins:** Thank you Captain. Gentlemen I just have a few questions for you. I  
13 guess the first question is for both of you. We spent a fair amount of time earlier  
14 explaining to Captain Phillips questions about your education and training. Would you  
15 both agree that you believe yourself to be well trained and qualified to be auditors for  
16 ABS at the time you inspected the SEACOR POWER and SEACOR Marine?

17          **Wit 1:** Yes.

18          **Mr. Tompkins:** Mr. Sharpe?

19          **Wit 2:** Yes.

20          **Mr. Thompkins:** Thank you. And this panel has taken you through very detailed  
21 breakdown of the scope of your audits, both with respect to the SEACOR POWER and  
22 with respect to SEACOR Marine I want to be clear for the record I would just ask

1 Lieutenant Alger to put up Exhibit 61 [showing Exhibit]. Starting with Mr. Sharpe can  
2 you identify this document for us?

3 **Wit 2:** Yeah this is the safety management certificate for the vessel SEACOR POWER.  
4 It says self-elevating unit which is correct. The address is correct. If you scroll more  
5 down you will see the dates of validity. My signature is there on the bottom for a reason  
6 because the vessel changed, I'm sorry the company changed the address to Morgan  
7 City from Houma, to Morgan City. And nothing changed, nothing else changed and the  
8 safety management system was the same so why we just reissued the certificate with  
9 the same expiration date.

10 **Mr. Thompkins:** Thank you. And then go back up. So you see just above the  
11 signature area where it says this is to certify that the safety management system of the  
12 ship, meaning the SEACOR POWER has been audited and that it complies with the  
13 requirements of the international management code, the safe operations of ships and  
14 for pollution prevention, the ISM Code following verification that the document of  
15 compliance, that's what we talked about earlier for the company SEACOR is applicable  
16 to this type of ship.

17 **Wit 2:** Yes.

18 **Mr. Thompkins:** Did I read that correctly?

19 **Wit 2:** Yes. There is, do you want me to clarify that?

20 **Mr. Thompkins:** Well yes. I'm trying to confirm that this is your certification, that you  
21 done all the work that you described for the panel and that you were satisfied that this  
22 vessel met all those standards.

1 **Wit 2:** That's correct. Keep in mind this is a non-attendance work order. Which means  
2 we issued this certificate on the date of issue I was not on the vessel. The only thing  
3 was the vessel was certified already and the only name or the change was the address  
4 of the company itself.

5 **Mr. Thompkins:** Right. I'm just trying to tell the people watching this that this  
6 certificate certifies -----

7 **Wit 2:** Yes that's correct. That is correct.

8 **Mr. Thompkins:** Alright then scroll down Lieutenant to the second page. And then  
9 hold there. And Mr. Roan that's certifying your signature on June 9, 2020, correct?

10 **Wit 1:** Yes.

11 **Mr. Thompkins:** And that was done, that signature was done and the stamp placed on  
12 it after you did the work you described for the panel to verify for yourself that the vessel  
13 would pass all the ABS rules and regs, is that right?

14 **Wit 1:** Yes.

15 **Mr. Thompkins:** Thank you. Mr. Sharpe earlier on in your testimony I thought I hear  
16 you say that any vessel over 500 gross tons was required to have these inspections that  
17 you did?

18 **Wit 2:** Any vessel over 500 gross tons or international voyage.

19 **Mr. Thompkins:** In the case of SEACOR they have some vessels that are less than  
20 500 tons?

21 **Wit 2:** Yes they do. I assume they do. They don't have to be certified so we don't  
22 even have to know about it for the ISM Code.

1 **Mr. Thompkins:** Right. But do they get some of those certified even though they're not  
2 obligated to?

3 **Wit 2:** Yes. They're not obligated, absolutely. If they don't fall into that window they  
4 don't have to do anything.

5 **Mr. Thompkins:** But my point is they don't have to do it, but they do it for those others,  
6 correct?

7 **Wit 2:** I would have to check in the system. I'm not sure if they have any more if they  
8 do. They do.

9 **Mr. Thompkins:** You say yes?

10 **Wit 2:** Yes.

11 **Mr. Thompkins:** And Mr. Sharpe you describe your work with SEACOR, and from your  
12 experience would you describe SEACOR as having a very good safety management  
13 system?

14 **Wit 2:** My view of their safety management system with the company changes and the  
15 company with the personnel improved very much. It was always good, but it's very,  
16 very good. It's very detailed, it's very straight point, straight forward.

17 **Mr. Thompkins:** And you've heard about the name Michael Cenac and he is the  
18 designed person ashore for SEACOR. You interact with him, do you not?

19 **Wit 2:** Yes I do.

20 **Mr. Thompkins:** And would you say that Mr. Cenac did an excellent job in that role in  
21 assisting you with respect to your audits?

22 **Wit 2:** He did everything that we asked for, me and my colleague was presented with a  
23 clear straight forward way. So the answer is yes.

1 **Mr. Thompkins:** Now leaving aside from the vessel's standpoint talking about the  
2 company, SEACOR Marine as a company did you find them to be very effective when it  
3 came to preparing for these audits and having the paperwork available that you asked  
4 for needed?

5 **Wit 2:** They were very, very prepared. Very prepared. Everything was – they have a  
6 fantastic presentation. I mean everything was right there waiting for us. And everything  
7 which we asked was there.

8 **Mr. Thompkins:** You describe them a very -----

9 **Wit 2:** Yes.

10 **Mr. Thompkins:** Competent and professional company?

11 **Wit 2:** Yes I do.

12 **Mr. Thompkins:** Mr. Roan do you agree with those assessments?

13 **Wit 1:** Yes.

14 **Mr. Thompkins:** Do you agree that SEACOR had addressed all the relevant risk that  
15 you saw in it's operations manual?

16 **Wit 1:** Yes.

17 **Mr. Thompkins:** Thank you both.

18 **CAPT Phillips:** Thank you Mr. Thompkins. American Bureau of Shipping.

19 **Mr. White:** Yes Captain thank you. Mr. Roan you had spent some time having to go  
20 through your notes with respect to the ISM audit on the SEACOR POWER. If I could  
21 ask the Lieutenant to put Exhibit 50 up on the screen please [showing Exhibit]. And just  
22 to clarify after you prepared your notes and conducted your audit of the SEACOR  
23 POWER is Exhibit 50 a true and accurate copy of the ISM audit that was issued by you?



1 **Wit 1:** Yes.

2 **Mr. White:** Lieutenant would you put Exhibit 53 please [showing Exhibit]. We had  
3 similarly spent some time having to go over your notes in connection with the DOC audit  
4 that was performed on SEACOR Marine, LLC. Is Exhibit 53 a true and accurate copy of  
5 the report that you issued in connection with your audit or DOC audit of SEACOR  
6 Marine?

7 **Wit 1:** Yes.

8 **Mr. White:** Lieutenant would you put up Exhibit 62 please [showing Exhibit]. Mr.  
9 Sharpe in connection with the activities by both auditors on the – during the DOC audit,  
10 can you explain what the ISM audit plan is as its shown on the screen as Exhibit 62?

11 **Wit 2:** Yes of course. The audit plan it shows the timeline how the audit actually went  
12 through. Before we got this plan we had a preliminary plan which we discuss with the  
13 company to make sure that everybody, that's also plan to against the organizational  
14 charts. So when we look at it who's going to be there, what department we're going to  
15 audit, who's going to be available. Because sometimes somebody is traveling or is  
16 somewhere else or cannot be there for any other reason. And then that plan proceeds  
17 to this plan here. This is the real actual plan from the audit itself. The preliminary is just  
18 something for planning purposes. This is the plan what we did – what we did at that  
19 time.

20 **Mr. White:** And if you look at page 2 of Exhibit 63 there's a list of areas and the  
21 timeframes and the departments that were visited or consulted. During the course of  
22 your DOC audit did you and Mr. Roan follow that plan?

1 **Wit 2:** Yes. That is correct. That plan is actually the actual real plan. This is a  
2 timeframe is correct, this is what we actually do. It's not pre-planned. This is actual  
3 time what we did.

4 **Mr. White:** And Lieutenant I'm actually looking for Exhibit 62, page 2 of 9 [showing  
5 Exhibit]. And I don't know if you can reorient the page 2 on the screen.

6 **Wit 2:** That shows exactly the departments and the timeframe where we talk about the  
7 department and their applicable subject lines. And that is correct. I saw that plan so  
8 many times already.

9 **Mr. White:** And if we scroll down to page 8 of 9. What is this form?

10 **Wit 2:** This is interview, we call it attendance list. So this list is the personnel who was  
11 actually in the office. Who we actually talked to. And some of them we talked to them  
12 in the opening, see we have three lines, opening, interview, and closing. So some of, if  
13 you follow the check marks you can see that the opening meetings and who was there  
14 in the beginning. Interview is the one who they actually talked to. And the closing is the  
15 one who we complete -- when we complete the audit this is the one which we discuss  
16 the findings if any, which in this case was not any. But all the details. But this is the list  
17 of all personnel who was there in person. Then there is one more list which shows the  
18 personnel of who were virtually present on the screen just from various places in the  
19 Gulf of Mexico or maybe also Caribbean area.

20 **Mr. White:** And if we look at page 9 of 9 is that the list that of people that attended the  
21 DOC by ----

22 **Wit 2:** That is correct. That's the people who virtually attended. They were on the  
23 screen present for most, I mean coming in and out. But present for most of the audit.

1 **Mr. White:** Thank you. I have nothing further. Thanks Captain.

2 **CAPT Phillips:** Thank you Mr. White. Mr. Muise.

3 **Mr. Muise:** Gentlemen I just have one question for each of you. With your extensive  
4 experience with this code and it's been around for a little over 20 years now for most  
5 vessels, or many vessels. Is there a weakness in the code or are a recommendation to  
6 correct the code, maybe fix it? Or somehow amend the code just something that we  
7 can do to prevent major accidents like this? Is there an improvement opportunity out  
8 there?

9 **Wit 1:** Sir, I can't think of any additional recommendations.

10 **Mr. Muise:** How about in the implementing guidelines? Either the IMO guidelines or  
11 the IACS recommendation?

12 **Wit 1:** No.

13 **Mr. Muise:** Okay. Thank you, sir.

14 **CAPT Phillips:** Thank you Mr. Muise. Do either one of you have anything additional  
15 that you would like to share that we haven't already asked you about?

16 **Wit 2:** I don't.

17 **CAPT Phillips:** Okay, thank you very much. Thank you for coming today. Thank you  
18 for answering our questions. Both of you are now released as witnesses at this Marine  
19 Board of Investigation Hearing. Thank you for your cooperation. If I later determine that  
20 this board needs additional information from you I will contact you through your counsel.  
21 If you have any question about this investigation please contact the Marine Board's  
22 Recorder which is Lieutenant Anthony Alger. At this time we will recess for the

1 weekend. We will reconvene at 0800 on Monday, August 9<sup>th</sup>, 2021. The time is now  
2 1524. This hearing is now in recess. Thank you.

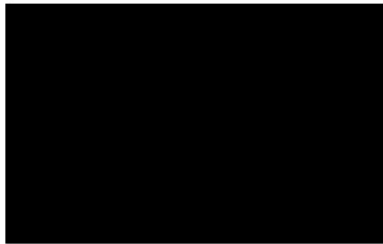
3 *The hearing recessed at 1534, 6 August 2021*

UNITED STATES OF AMERICA  
UNITED STATES COAST GUARD

In the Matter of:

THE MARINE BOARD OF INVESTIGATION INTO THE CAPSIZING OF THE L/B  
SEACOR POWER ON 13 APRIL 2021 WHILE TRANSITING THE GULF OF  
MEXICO

I, [REDACTED], an officially designated and qualified  
Court Reporter of the United States Coast Guard, hereby certify  
that the foregoing proceedings were taken by me and transcribed  
by me, and is a true record of the testimony of all witnesses,  
and of the proceedings herein contained. I further certify that  
there is no interest attached, either financially or by virtue  
of relationship with any party hereto, on my part.



Court Reporter/Paralegal Specialist  
U. S. Coast Guard, Eighth District