

UNITED STATES OF AMERICA
UNITED STATES COAST GUARD

* 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

WEDNESDAY
AUGUST 11, 2021

8:00 a.m. – 3:46 p.m.

A P P E A R A N C E S

U.S. Coast Guard

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PROCEEDINGS

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

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

1 enter a new Exhibit into the record this morning. Exhibit 229 is a screen shot of the
2 SEACOR dispatcher phone. This screen shot captures the time, duration and the
3 phone number associated with the call from the Coast Guard on April 13th, 2021. The
4 parties in interest have all been provided a copy of this Exhibit. This Exhibit is now
5 entered into the record. We will now hear testimony from Mr. Michael Cenac.

6 Lieutenant Alger can you please administer the oath?

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

12 **WIT:** I do.

13 **Recorder:** Please be seated. For the record if you could state your full name and spell
14 your last?

15 **WIT:** Michael Joseph Cenac, C-E-N-A-C

16 **Recorder:** And please identify your counsel, sir.

17 **Counsel:** Antonia Apps for the witness.

18 **Recorder:** Thank you.

19 **CAPT Phillips:** Thank you Lieutenant Alger. Good morning Mr. Cenac thank you for
20 being here today.

21 **WIT:** Good morning.

22 **CAPT Phillips:** I would like to start off and ask you some questions about your
23 background and where you're employed. Can you tell me where you currently work?

1 **WIT:** SEACOR Marine.

2 **CAPT Phillips:** And what's your position there?

3 **WIT:** Quality Health Safety Environmental Manager. Designated Person Ashore.
4 Company Security Officer.

5 **CAPT Phillips:** And how long have you been in that position?

6 **WIT:** All these three roles started 2020, January 2020. Company Security Officer been
7 in that role for 4 ½ , 5 years now. And the QHSC Manager role has been 5 years as
8 well. DPA is the newest role which was January 2020.

9 **CAPT Phillips:** Okay. So that's several different roles. Can you walk through each of
10 them and give us your general responsibilities for each?

11 **WIT:** Yes, ma'am. So the overall would be to establish policy procedure, best practice
12 to protect our people, property and environment. Not only our employees but also
13 anyone sailing onboard our vessel, attending our vessels, anyone around. The
14 environment is not just a direct environmental impact, the future as well. And our assets
15 is not only our vessel asset it could be cargo on board and assets around you. Like
16 facilities you're working adjacent to. One of the big roles with that is not only you know
17 regulatory compliance as we have vessels with multiple Flag States as well as your
18 Classification Societies. And then you look at all your client assets best practice as
19 well. In many of the areas we work in on different requirements and restrictions that we
20 have to comply with.

21 **CAPT Phillips:** Thank you. So that's a good overview. Can you give us a couple
22 more specifics on your role as CSO, Company Security Officer?

1 **WIT:** Your first role as CSO is any vessel you deliver you would do an assessment on it
2 for security. We look at the areas that you will be operating in based on the MARSEC
3 level for that area of operation. Our U.S. Flag vessels are currently working in
4 MARSEC 1 area in U.S. waters. We do have several in South America which is also
5 MARSEC 1. We do have foreign flagged vessels in MARSEC 2 and above in which we
6 would implement high risk waters in excess and we would also monitor them a lot
7 closer. We also receive a security plan for these vessels ensuring proper drills and
8 annual security audit exercises are conducted as well as their SSAS the ship's security
9 alert systems. As well as you do annual audits on board these vessels to ensure that
10 compliance of drills and training, testing of the systems, maintenance on board for the
11 crew.

12 **CAPT Phillips:** Thank you. You said the term MARSEC.

13 **WIT:** Yes.

14 **CAPT Phillips:** Can you define that please?

15 **WIT:** Marine Security level.

16 **CAPT Phillips:** Thank you. And how about for the DPA role?

17 **WIT:** The DPA role, designated person ashore is defined in the ISM Code International
18 Safety Management which is administered by IMO, International Maritime Organization.
19 And there's a chapter in there that basically is defined as when it was first written to
20 essentially provide a link between anyone in the company in the highest level of
21 management with the primary function of safety in mind. It allows the crews and
22 anyone within the company for that matter a link, a person, a liaison that they can go to
23 instead of their direct line of management of who they report to if they have concerns or

1 issues needed to be raised. Someone that they consult in confidence to resolve that
2 issue and mitigate the problem in a safe manner.

3 **CAPT Phillips:** Thank you. And how about the Quality Health and Safety?

4 **WIT:** So the Health Safety Environmental aspect of is directly tied to your ISM Code.
5 As we would implement your safety policy procedure. The Q in the title, Quality
6 Assurance comes from International Standardization Organization, ISO 9001 Quality
7 Assurance. Which we are on our third revision of implementing that standard.

8 **CAPT Phillips:** Thank you. How long have you worked for SEACOR?

9 **WIT:** March 2nd, 2006.

10 **CAPT Phillips:** And who did you work for before that?

11 **WIT:** A company called Vecon [sic] Rental and Supply. It was a service company that I
12 worked for while I was attending college.

13 **CAPT Phillips:** Have you spent time underway?

14 **WIT:** I hold a, or held an operator of uninspected passenger vessels. It's an OUPV, it's
15 primarily a six pack license they refer to commonly for charter fishing. I sailed with that
16 license for about 3 years while I was in college running charters. Underway offshore I
17 hold an OS, it's an OS wipers ticket that I obtained along with the OUPV license. But as
18 far as offshore in the maritime industry onboard a vessel, no I have not.

19 **CAPT Phillips:** So you told us about two credentials you have. Do you have additional
20 professional licenses or certificates?

21 **WIT:** Yes. I graduated from Nicolas State with a Bachelor in Business Administration.
22 As far as certifications go, ISM internal auditor, ISM lead auditor, ISO 9001, 45001,
23 14001 lead auditor as well. And then industry certifications everything from incident

1 management, I'm first aid instructor, hazardous material, there's various certificates on
2 that line.

3 **CAPT Phillips:** What type of training did you receive in order to become a Designated
4 Person Ashore?

5 **WIT:** The initial training was received during the ABS Academy. We attend the internal
6 and lead auditor courses. DPA is a part of that roles and responsibility. And the same
7 goes for Company Security Officer when you take a CSO course is where you're trained
8 on that on the vessel security officer, but Company Security Officer roles and
9 responsibilities. Then prior to on the job training I became an alternate CS – an
10 alternate DPA, CSO for probably 8 years at least, maybe 10 or longer.

11 **CAPT Phillips:** Thank you. How many vessels fall under your, I don't want to say
12 responsibility, but how many vessels would report to you as the Designated Person
13 Ashore?

14 **WIT:** The vessels that I've, I guess report to as you said would be the vessels operating
15 under a document of compliance which can range, the current moment from 56 to 60
16 vessels currently.

17 **CAPT Phillips:** What's the geographical range of where these vessels are located?

18 **WIT:** It's globally. We have vessels in the North Gulf, Southern Gulf, South America,
19 as far as Trinidad areas. We have vessels in Europe, Africa, West Coast, Egypt, Saudi
20 Arabia, Qatar UAE, Singapore. So a global operation.

21 **CAPT Phillips:** Can you tell us a little bit about, can you kind of walk us through your
22 day to day job and what that looks like?

1 **WIT:** So day to day job you'll, the majority of the meetings are scheduled in the early
2 morning hours due to time zone constraints on where we operate. So you'll have your
3 weekly meetings, today's world there's COVID meetings. We'll have general operations
4 meetings. We have a weekly safety meeting with our QHSC team globally. And then
5 we also have business improvement process meetings. We'll have, so we'll have that
6 set of meetings that you work around. And then on a day to day function we'll also
7 continuously monitor audit reports that I will be reviewing, incident accident reports that I
8 will be reviewing. And I also am the one that schedules many of the meetings that we
9 attend. Whether it be for you know management reviews, incident reviews, things of
10 that nature. As well as liaison with all the area operation teams for upcoming things that
11 might need attention. Whether it be for requests, audits, client audits, vessel
12 inspections, flag inspections.

13 **CAPT Phillips:** Who do you work for?

14 **WIT:** John Gillard.

15 **CAPT Phillips:** And are there people that work directly for you?

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

17 **CAPT Phillips:** Who are those people?

18 **WIT:** Names or positions?

19 **CAPT Phillips:** Positions are fine.

20 **WIT:** I have QHSC Superintendents based around the globe. I have one here in North
21 America. I have one in South America. I have a coordinator in Europe. I have another
22 coordinator in Angola. And then I have two Superintendents work back to back 60/60
23 schedule in Saudi Arabia and UAE.

1 **CAPT Phillips:** Thank you. Lieutenant Alger can you bring up Exhibit 78C [showing
2 Exhibit]. In reviewing the job descriptions included in the safety management system
3 I'm interested to know, so let's see let's start at page 169. So based on what you said it
4 sounds like Quality Health Safety Environmental Manger is part of your job. And then I
5 look at page 175. And then I see this sounds like a subordinate job, Quality Health
6 Safety and Environmental Department, but then it also says DPA/CSO there.

7 **WIT:** That's report to.

8 **CAPT Phillips:** I see. So the position described on page 175 reports to all three of
9 those positions.

10 **WIT:** Reports to myself. Because I hold those titles.

11 **CAPT Phillips:** I see. So your job description is what is on 169 then?

12 **WIT:** And this is the Superintendents that we just discussed based around the globe.
13 This would be their responsibilities.

14 **CAPT Phillips:** Okay, thank you. Do you have training that's specific to lift boats?

15 **WIT:** No, ma'am. Not other than on the job training.

16 **CAPT Phillips:** Okay. And you said that there's 56 to 60 vessels depending on the
17 time. What percentage of those are lift boats?

18 **WIT:** Percentage?

19 **CAPT Phillips:** Or numbers.

20 **WIT:** Probably 12 to 15 maybe. In that nature. I can get an exact count later.

21 **CAPT Phillips:** And what other types of vessels are in that category?

22 **WIT:** SEACOR Marine operates lift boats, crew boats, fast support vessels, offshore
23 supply vessels and anchoring and towing vessels.

1 **CAPT Phillips:** As the Designated Person Ashore how often would you say you're
2 getting calls from ships?

3 **WIT:** Daily, multiple times a day. But they're not, I guess to elaborate on that question,
4 what context type of calls are you looking for? Because day to day calls could be
5 different than a DPA related call.

6 **CAPT Phillips:** Okay so walk me through both. What kind of day to day calls do you
7 get and then what kind of DPA calls do you get?

8 **WIT:** Getting a call from a vessel could be anything from a general SMS question, it
9 could be guidance on who to speak with, it could be scheduling a training or meeting of
10 some sort. A DPA related call would be where there will be an issue or concern
11 regarding safety that they need assistance and guidance with.

12 **CAPT Phillips:** Okay how often do you get that second category call?

13 **WIT:** I've had a couple this year so far.

14 **CAPT Phillips:** Could you give us an example?

15 **WIT:** None of them were U.S. Flag or in this region.

16 **CAPT Phillips:** Okay.

17 **WIT:** So do you still want the example?

18 **CAPT Phillips:** Yes please.

19 **WIT:** Okay. So the most recent example I would have that I actually received an email
20 from a crew member on board a vessel, other side of the globe. And the first step was
21 to identify was it a legit email. Obviously cyber security concerns in these days and
22 age. So I contacted HR to confirm it was crew member before I responded. I called the
23 vessel, and their nature of their concern was they were in a shipyard. Part of the

1 shipyard process was to they had to disconnect the water once the vessel was elevated
2 from the vessel and as well the sewage systems on board. And they also had concerns
3 with COVID protocols being adhered to by the shipyard workers. So the nature of the
4 project to disconnect the water and the sewage was supposed to be a short interval, but
5 after the interval exceeded you know a day or so that's where the concerns came.
6 Because they were trying to, they told them they needed to go walk across the parking
7 lot to a public shipyard facility to use. So by the crew member contacting me his
8 concern was to the nature that you know this isn't sanitary, it's not MLC compliant we
9 need our facilities back. Anyone can go a day of doing something like that to work the
10 system, but without them firming of a timeframe when the issue would be resolved,
11 that's where they contacted me. So your first step is obviously to get to the nature of it
12 to find out the truth behind it, which there was a story. Because there's different layers
13 to it. So once we confirmed there was some nature of truth to it, not as egregious as
14 what might have been stated. You know contacted the local country manager and we
15 put the crew in a hotel room until the shipyard was able to resolve the onboard issues of
16 connecting back the sewage and water as needed. As well as we met with the shipyard
17 and local superintendent to hold a safety meeting with them reinforcing COVID safety
18 protocols for our crew's behalf. And in the, I guess the third side of it too is we always
19 try to encourage the crew members to do is to bring their concerns to their Master and
20 the local team first before it elevates to me. So I don't want the panel to think as though
21 that was anyone in our company was okay with those. This crew member bypassed
22 those and came straight to me. Now granted he's utilizing the DPA system that's

1 available to him, which we encourage. But there, the Master and the local team weren't
2 aware of those concerns. So that was the first they heard of it as well.

3 **CAPT Phillips:** Thank you. Do you remember the last time you got a DPA call from a
4 U.S. vessel, a vessel operating here in the U.S.?

5 **WIT:** No, ma'am. Generally speaking the vessels here work directly with their local
6 teams as well as the clients. And we haven't had those type issues where I had to
7 intervene.

8 **CAPT Phillips:** Okay. I would like to ask you to give us a bit of an overview of
9 SEACOR's safety management system.

10 **WIT:** It's a very broad question.

11 **CAPT Phillips:** It is. And I'm not looking for anything extensive. Just kind of, for folks
12 that might not be familiar with the safety management system.

13 **WIT:** Understood.

14 **CAPT Phillips:** Can you just walk me through some high levels?

15 **WIT:** So a safety management system, the original version of it was written in
16 accordance with the ISM Code as we previously discussed which is broke down in
17 chapters. You're very pertinent chapters for us, I guess as far as the panel goes your
18 chapter 3 is where we really start with pertinent items for your management
19 responsibility and authority. So by definition we're required to define our job tasks if we
20 have responsibility to make decisions in regards to the safety of personnel, pollution
21 prevention. So that's why you see the list of management positions, superintendent
22 positions that are directly involved in maintaining the ship, obtaining certifications, you
23 know safety on board the vessel. The next chapter is Designated Person Ashore which

1 is essentially the function that we discussed earlier as well as it has a placard that is
2 required to be posted in all common areas on board the vessel. It has my direct line,
3 cell phone as well as a 24 hour numbers and it has all of our alternates for the region.
4 I think as we're all aware you know cell phones you expect to get every call, but they
5 don't come, so that's why we ensure we have multiple alternates for every area. As well
6 I provide the alternates regardless of where you're at. So it doesn't matter where the
7 vessel is they have someone they can call for advice and guidance. Your next chapter
8 is probably one of the largest and most important is the Master's responsibility. The
9 Master of the vessel has the ultimate authority to oversee all operations on board. He
10 has the longest job description and he probably would be the one that would have the
11 most training and experience in the entire company based on his job description as he
12 oversees all the vessel operations on a day to day function. The next chapter would be
13 chapter 6, resources and personnel. This will give you a breakdown of any other job
14 position on board the vessel. That would be your Chief Engineer, Able Seaman, so on.
15 It would also give you things such as your performance assessment sections, your
16 evaluations, guidance on there, training references, things of that nature. Chapter 7
17 would be shipboard operations. What's pertinent there is you have to look at your ship's
18 capabilities, what your ship's function is, what's its design, what's the mission of it. So for
19 us in our sequence of events we operate multiple types of ships. So you will have to
20 have procedures for an anchor handling vessel. You have to have procedures for
21 product transfer, whether it be bulk liquid for an OSV or a fuel transfer. Deck cargo
22 operations. Lift boat you have a lot of crane operations. You will have – there will be a
23 catering in the procedure in the SMS for cooks. You will have elevating and spotting

1 section for a lift boat. You'll have a dynamic position, you'll have safe navigation. So
2 this chapter would be one that's really going to identify any ship board operations that
3 that vessel is going to be engaged in. Any type of ship that we're operating.

4 **CAPT Phillips:** And then it walks through the procedures?

5 **WIT:** Yes there will be a procedure identified for the function of that particular ship.

6 Your next section would be emergency preparedness. And this would outline you know
7 drills and responsibilities, it would give you references to your drill matrix. It will give
8 them their minimum standard to comply with. As well as references to different flag
9 states. And then you'll also have other drills they'll do on other frequencies based on
10 you know the crew's schedule. What goes on, experience levels of the crew. The
11 Master always has that ability to run more frequent drills as he sees fit. So we'll give
12 him a minimum set of standards and many times we'll go on vessels and see several
13 drills in the same month. And then they'll also run drills for Flag, Class as well as
14 internal audits. You'll see those drills being ran more frequently. Chapter 9 would go
15 into your incident investigation side of the business. That's where they'll have their
16 different stages of investigation levels incident reports. Chapter 10 would be
17 maintenance of shipboard. So that will be your maintenance of the vessel, preventative
18 maintenance program. Give you some general guidance on there, but the meat of it
19 would be the calendar based preventative maintenance program which will give you
20 your, whether it's a weekly preventative maintenance, a monthly, quarterly, annual
21 preventative maintenance on ships. As well as guidance through a task function. If
22 there's a failure it will give them the ability to track it from initial reporting on to what the
23 issue was, how it was resolved. And any records to support those documentations.

1 Your chapter 11 will be document and data control. So this will be things such as you
2 know a document transmittal, it could be computers, phones, you know things of that
3 nature. Retention schedules, for forms and records. Twelve is your verification. So
4 that's where you would get in to like your Master's review, your management review of
5 the SMS. And that would just be from an ISM standpoint. So the safety management
6 we're looking at today that's where the root of it started. So over time as systems grow,
7 management systems grow you look at integrating other standards. So we're a quality
8 management company, you have environmental management, you have occupational
9 health and safety. The U.S. world you'll have SIMS which our SMS is compliant there
10 as well. And then you look at other International Flag States standards in areas of
11 operation. And then we also have best practice guidance that we would inherit from
12 many of our clients around the globe as well.

13 **CAPT Phillips:** Thank you. That's really helpful. Does part of your job involve visiting
14 vessels?

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

16 **CAPT Phillips:** How often would you say you do that?

17 **WIT:** Pre or post COVID world?

18 **CAPT Phillips:** Let's go with pre.

19 **WIT:** Pre-COVID world generally speaking I would be out of the office visiting vessels
20 on board in person probably once a week at least. And those visits in nature could be
21 anything from a security audit, internal audit, general vessel visit, it could be from an
22 incident investigation, it could be client meeting, or Class audit, Flag audit. Whatever
23 the nature would be. But we generally attend the vessel probably once a week.

1 **CAPT Phillips:** And now is most of that done remotely?

2 **WIT:** Yes, ma'am. As we're all aware the restrictions COVID has impressed on us the
3 vessels that we can attend we will in certain areas. But many countries around the
4 world, clients, travel restrictions we're not able to and we're, I think can't might not be
5 the correct word, but it's deemed as though you should for a must. When you must
6 attend. If you can do it remotely we were strongly encouraged to do so because we
7 don't want to have unnecessary exposure to our crews.

8 **CAPT Phillips:** And so pre-COVID some of your visits include some of those other
9 locations you mentioned in Europe or Africa, or South America?

10 **WIT:** No, ma'am. That was prior to that position of overseeing those regions. The
11 International visits pre-COVID world would have been South America. Mexico, Giana,
12 Trinidad.

13 **CAPT Phillips:** Okay, thank you. Is it correct to say that part of your job is ensuring
14 the safety management system is implemented and maintained?

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

16 **CAPT Phillips:** We've heard a little bit about what you do. But can you elaborate a
17 little bit more about how you do that for the company and for the vessels?

18 **WIT:** The implementation?

19 **CAPT Phillips:** How you ensure that it's implemented.

20 **WIT:** So there's various steps when implementing something. So first you have the
21 physical aspect of it. When we roll out a SMS revision it's a digital format it's built in a
22 PDF and linked together. So we'll upload it to all ship's computers through a program
23 called Team Viewer as well it's on our company wide share point to ensure all shore

1 side management has access to it. Then we'll follow that up with an email advising
2 them where it's at. They will have our local superintendents go on board and review the
3 summary of changes with any of the local crew as well as follow up there. We'll do a
4 document transmittal email confirmation with them that it's installed, we'll document that
5 initial training in the training report as well. And then the ongoing training program, the
6 52 week training schedule which covers every section of the safety management system.
7 And then shore side there's a quarterly training that's emailed out to the shore side staff
8 to document as well. And then the ongoing aspect we receive annual Masters reviews
9 of the management system which does include, you know ship's manuals, security
10 plans, and any of the manuals on board as well. It even covers things outside a vessel
11 and that's where the communication side of it with IT functions, it could include the size
12 of the crew, it could include training. Any of the aspects within the company. And those
13 come to myself for review and summary. And we'll hold an annual management review
14 on that. Your annual management review will not only include recommendations from
15 the fleet, it will also include recommendations from shore side, Class, Flag and even
16 clients and certification societies.

17 **CAPT Phillips:** Can you give us an example of something that came to you during one
18 of the annual Master reviews?

19 **WIT:** From which party?

20 **CAPT Phillips:** A vessel sent you suggestions or recommendations for changing the
21 system.

22 **WIT:** Again we're talking about lift boats, I think a good example or recent one we have
23 a lift boat operating, it's a foreign flagged one in the Middle East and one of their

1 upcoming projects was going to be in a I think it was a H2S field. And as a lift boat does
2 not move the same way a regular vessel would. So they can't exactly turn the bow into
3 the wind and get away if there's a H2S leak. So the Master's recommendation was
4 develop some lift boats specific H2S guidelines and procedures. So I worked directly
5 with the crew and they helped develop the procedures that are now in our next revision
6 of our SMS. And then in the short term when he made the recommendation we
7 implemented them on the effective vessels in that region.

8 **CAPT Phillips:** Thank you. How often are document compliance audits required?

9 **WIT:** Internal or external? They're both annual. But we'll have our DOC audits
10 annually. We have multiple branch offices. So your DOC audit process starts with an
11 internal audit of each branch office where you would sample, not only the shore side
12 management records but available vessel records from management teams there from
13 each branch office. And then you'll schedule Class, which Class actually schedules
14 both Flag States to attend at their discretion. We start with the branch offices and we
15 do the main office last to ensure that there are any finding on any of the other offices
16 they properly closed prior to the final office being done.

17 **CAPT Phillips:** And what's your particular role during a DOC audit?

18 **WIT:** I conduct the internal company audit. And as far as the external audit with Flag
19 and Class a direct liaison scheduling and administering, assisting producing the
20 schedule and point of contact with the societies.

21 **CAPT Phillips:** Okay. How long would you say a DOC audit takes?

22 **WIT:** This year it was one full day at each office. And there were multiple auditors at
23 each office. And I believe Marshall Island attended every single office that we had as

1 well. They had a Flag State representative on the audit. So there were two auditors
2 and a Flag State representative if I recall correctly. The two International ones were
3 both done remotely due to COVID restrictions via Microsoft Teams which proved to be a
4 very efficient process where it was, the digital world we live in anything they asked for
5 the management team would be able share a screen where they could review it. And
6 then we would also have the ability to email it to them to where they could develop their
7 audit report based off of the records they requested during the audit.

8 **CAPT Phillips:** How many DOC audits have you been involved with for SEACOR?

9 **WIT:** Every one since I've started with the company.

10 **CAPT Phillips:** And I'll ask you the same kind of questions for the safety management
11 certificate audit. How often are those required?

12 **WIT:** You have an initial, then there's an intermediate, and then a renewal. The
13 certificate is good for 5 years. The intermediate is due between the 2nd and 3rd
14 anniversary date. So if you looking at a timeframe you could say three years, three in a
15 five year period in a sense. If it's a new vessel or new ship to our management system
16 they would have an interim which is a 6 months validation and the initial would come
17 prior to that 6 month window which would give them the ability to implement the system
18 and develop records to prove compliance.

19 **CAPT Phillips:** What is your role during a safety management certificate audit?

20 **WIT:** My current role is to maintain the schedule and ensure that the audits are
21 assigned to a qualified auditor who's been through an external auditor training class. As
22 well as attended audits on behalf of the company to where they can oversee and
23 schedule it appropriately. And then once the audit is completed I work with the

1 superintendent to update the audit schedule to make sure everything's accurate and
2 compliant.

3 **CAPT Phillips:** And for the DOC you walked us through. The internal process first and
4 then the external process. Does that follow the same pattern for the SMC audits?

5 **WIT:** Yes, ma'am. Internally we audit them every year though. Even though the
6 external, the SMC audit would be three to five year, we audit all of our vessels internal
7 audits every year.

8 **CAPT Phillips:** And how long does SMC audit take, an internal audit?

9 **WIT:** The internal audit I think as you've seen on our checklist it is quite long. I've seen
10 them take, if you're in person up to 12 hours depending on the size of the vessel, size of
11 the crew. The larger more complex vessel you'll have more records, you'll have more
12 people to talk to, you'll have more credentials to look at. And if you're looking at a crew
13 boat with a six man crew you can do that, 7, 8 hours more than likely. But to efficiently
14 sample a couple records on every item it takes time.

15 **CAPT Phillips:** Do you attend any SMC audits? You said you schedule them, do you
16 attend them?

17 **WIT:** Today's world I've done one this year. But I've done countless over the years.

18 **CAPT Phillips:** You said you scheduled the auditors. Do you have any rules or
19 guidance about who can conduct an internal audit on the same vessel year to year?

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

21 **CAPT Phillips:** What is unique about a lift boat audit?

22 **WIT:** The uniqueness would be with any vessel type is the nature of their mission. So
23 a lift boat will have legs and cranes. Where an anchor handle will have winches. You

1 know on a crew boat we have a passenger area. So every vessel type has its own
2 nature of the mission so you will have a little differences there. But as far as your
3 management system I would say you're looking at life rafts on each vessel, a station bill,
4 a Mater's standing orders, you know those things are consistent.

5 **CAPT Phillips:** In the audits that you've seen on lift boats have you noticed any
6 frequent common problem areas during audits on lift boats?

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

8 **CAPT Phillips:** When was the last DOC audit for the company?

9 **WIT:** Earlier this year.

10 **CAPT Phillips:** And when was the last audit for the SEACOR POWER?

11 **WIT:** Earlier this year. I believe it was March I want to say.

12 **CAPT Phillips:** Was your role in the SEACOR POWER what you describe where you
13 schedule of the auditors?

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

15 **CAPT Phillips:** Did you go on board that one?

16 **WIT:** No, not this one.

17 **CAPT Phillips:** Recognizing you weren't on board and I know we have a witness
18 scheduled for later today and that was an auditor who was on board for that last audit,
19 correct?

20 **WIT:** I believe that was a remote audit, I don't believe he boarded in person at that
21 audit.

22 **CAPT Phillips:** But he conducted the audit?

23 **WIT:** He conducted the audit, yes, ma'am.

1 **CAPT Phillips:** Okay. So I won't go through a lot of details about the audit specifically.
2 But can you just give me a general summary of what they found and what came out of
3 that audit?

4 **WIT:** I have not reviewed that audit yet as it was not finalized. I receive the audit report
5 from the auditor when it's finalized to review their recommendations whether there's any
6 non-conformities, observations at a completed audit.

7 **CAPT Phillips:** Okay. Can you give us an example of time that you changed SMS
8 processes or procedures as a result of an internal audit? Whether that be company or
9 vessel.

10 **WIT:** From an internal audit? Yes there was one recently, Marshall Island actually has
11 on their internal audit checklist ITT publications it's an International publication for ship
12 stations and we didn't have it on checklist. And we saw some findings on several
13 vessels not receiving the updates of publications soon enough so we added a specific
14 item on our checklist in our publication section for that item.

15 **CAPT Phillips:** Thank you. I would like to shift gears and ask you a little bit about stop
16 work authority. Can you tell us a little bit about what that means?

17 **WIT:** Stop work authority has been one of the best tools that anyone of us working in
18 the industry has. It gives all of us the ability to stop a job if we see it unsafe or
19 uncomfortable with it. Many times it could just be a question or concern with the
20 process, they might not understand it. It could be a training concern or it could just be
21 unsafe in general that requires further mitigation. Stop work authority is primarily used
22 in a function of when someone's asking you to do something, or they're directing you to
23 go somewhere or whatever the job task might be and you say no because it's unsafe.

1 Many of the process approach stop works we're trying to encourage the crew members
2 to report more if you see them say, you know I've heard over time I'm underway and I'm
3 exceeding weather capacities for example. If it's exceeding weather capacity that's a
4 procedural approach that I have to stop. But in a sense there's no one pressuring him
5 to go so if you look by definition it's not technically a stop work, but we want them to
6 document as such to encourage trend analysis. To where we can document these just
7 to see the frequency of them and to help us reinforce the positive of it.

8 **CAPT Phillips:** So you encourage those kind of reports?

9 **WIT:** Of course.

10 **CAPT Phillips:** Can you tell us about some examples of stop work reports that you've
11 seen?

12 **WIT:** Yes. We've seen them from, obviously there's many weather related ones.
13 We've seen stop work for heading changes with offshore facilities. We've seen stop
14 work where the other vessel were coming into a line of fire. We've seen stop work
15 where there's you know cranes too short, you know things of that nature. Many
16 examples of different types that can be mitigated over time. I've seen stop work for
17 request to do simultaneous operations because you don't have the manpower to
18 oversee multiple. So there's been – it's used quite frequent.

19 **CAPT Phillips:** One of those items you mentioned was heading changes for offshore
20 facilities. Can you tell me more about that?

21 **WIT:** So when a vessel request to go alongside a FPSO for example they want to be
22 on the down current side. And depending on the weather condition at the time if we
23 can't DP in an acceptable position we will request for a heading change. And if they're

1 saying no they can't do the heading change but they still want us to come in, they're
2 going to stop the job until the weather conditions change or they're going to change.

3 **CAPT Phillips:** Thank you. How is a stop work cleared or resolved?

4 **WIT:** The resolution of it would to be satisfy the parties that called the stop work and all
5 parties in interest. So the stop work might be as simple as amongst the crew. But if it
6 involves a client and something as the FPSO you'll have to involve them directly as well.

7 **CAPT Phillips:** And so is that done as a written procedure or a meeting or?

8 **WIT:** Yes, there's a written procedure in the SMS that's actually a policy, stop work
9 authority. Then there's a form associated with it. And crew members will hold a safety
10 meeting basically to discuss it with the on watch team updating any risk assessments as
11 required.

12 **CAPT Phillips:** If you had to put a frequency on stop work how often would you say it's
13 exercised in the vessels that you oversee?

14 **WIT:** We average 2 to 4 a week at least.

15 **CAPT Phillips:** Thank you. I'm going to ask you about some items that we saw on the
16 job description. The first one I want to start with, Lieutenant Alger can you bring up
17 Exhibit 78C? [Showing Exhibit]. And we'll look at page 175 please. So earlier you told
18 me that these folks are reporting to you. And I'm looking at, I'm interested to know a
19 little more about the bullet that says ensuring compliance with customer safety program
20 requirements.

21 **WIT:** Yes, ma'am. So depending on the area of the world our clients will have different
22 compliance mechanisms. The primary one here in the U.S. will be SIMS which is a
23 Government required post McOndo [sic]. When the clients implement third party

1 programs the two that we see the most often are ISN Net world and Verforce [sic] and
2 there's a series of questions to comply with not only SIMS but also any of their internal
3 policies and procedures. And what we're required to do is, it's a yes or no digital
4 database and then we have to upload the evidence, the evidence being the policy,
5 procedure, best practice or training or whatever it may be to meet that and prove
6 compliance. Then you receive a scorecard. I believe they call it a RAVS, review and
7 verification system and then we're 100 percent RAVS with our clients.

8 **CAPT Phillips:** Thank you. Just for the folks looking I'm trying to find it, it might be on
9 the next page. Let's see the next page. No. I was going to point it out, but I don't see it
10 now. So, okay. Thank you for explaining that. Going back to your job description,
11 thank you Lieutenant Alger you can bring that down. One of the things that I saw it said
12 ensuring adequate shore base support provided to vessels. Can you tell me more
13 about that?

14 **WIT:** So the primary function there would be if there was a concern, whether it be
15 manpower, equipment support, it could be tools, it could be computer, it could be phone
16 all depending on what it needs. So whenever our fleet grows or shifts location or area
17 of operations we have to shift resources. Some of our newer area of operations would
18 be Guyana so we're moving an office there, we've hired a local coordinator. More
19 recently we're shifting assets to Angola. So we're looking to hire another individual in
20 our department to deal with and provide resources there. So as your client base
21 changes in your area of operations you need to move assets to support it or shore base
22 personnel or equipment and tools as needed. So if there's a question or concern from
23 any of the area management, vessel crews, regarding those assets they can bring it to

1 my attention appropriately addressed with the area management and general manager
2 for that region.

3 **CAPT Phillips:** Thank you. So that sounds a lot like providing logistics and equipment
4 and support.

5 **WIT:** It would be ensuring that it's provided.

6 **CAPT Phillips:** Ensuring it's provided.

7 **WIT:** Yes. I might not be the one to actually physically make that call, but I make sure
8 that if there is anyone not given that resources for their job then I will be the one to
9 mitigate that, seeing if there are any concerns and make sure to provide it. Generally
10 speaking though our management team is proactive when it comes to those type of
11 resources. So I generally do not have to get involved with forcing anyone or requiring it
12 to a degree.

13 **CAPT Phillips:** Okay. Would you say that job description also includes providing
14 processes and procedures to support the vessels?

15 **WIT:** I think that was a different bullet but in a sense yes. If there's a request in a
16 process or procedure for an area of operation, vessel class, vessel type, client. The
17 most recent ones are COVID related implementation of processes and updating COVID
18 response plans.

19 **CAPT Phillips:** What type of support do the vessels receive from the company
20 related to weather forecasting?

21 **WIT:** Broad question. But I think as far as support you're referring to what's available
22 to them? Or what, can you clarify please?

23 **CAPT Phillips:** Available to them, that would be a good starting point.

1 **WIT:** So your availability to them is to meet all your Class and Flag standards. So you
2 will have your NAVTEX, IMARSAT obviously. They're all equipped with multiple VHF
3 stations. And all our vessels are equipped with internet and satellite phones. And email
4 capabilities. So they have the ability to log on and view any weather forecast they like.
5 As well as they can request for any forecast that they like. Or if they do not have a
6 preference they can just simply request for a forecast. Many areas around the world
7 they also receive forecast from your client base as well on top of that.

8 **CAPT Phillips:** Thank you. Are there processes or procedures or other supporting
9 documents for vessels regarding reading or interpreting draft marks?

10 **WIT:** Not that I can recall. I'm not sure I understand the question properly. But not that
11 I recall.

12 **CAPT Phillips:** Okay. Thank you. How about processes or procedures or guidance
13 regarding stability calculations?

14 **WIT:** There's a stability section in there. All the vessels have a stability book approved
15 by Class.

16 **CAPT Phillips:** Can you tell me a little more about what the stability section says?

17 **WIT:** It's generally going to reference the vessel specific stability book because that's
18 where your vessel specific guidance are. Because of our vessels are very different
19 types.

20 **CAPT Phillips:** Looking at another part of your job description I saw something that
21 talks about hazard assessments. Can you tell me a little bit more about that and what
22 the entails?

1 **WIT:** So a hazard assessment generally speaking would be looking at either a new
2 vessel to the industry or a new job task that we're required to go on. Or a new event
3 such as COVID or cyber security which is new. So when we look at a hazard
4 assessment you're looking at that's pre, something that's new to the industry or the
5 company or equipment. You would assess those hazards and you will have a hazard
6 register for the company which will give them a general database of hazards and
7 appropriate procedures associated with them. And we would update them accordingly.

8 **CAPT Phillips:** I'm not super familiar with risk assessments but I know there's different
9 styles of conducting a risk assessment. Do you have a set risk assessment process to
10 do those hazard assessments?

11 **WIT:** Yes there's a procedure in there and then there's also a database on board the
12 vessel. So we provide them with a generic database based off of our hazard register.
13 And it gives them a start. So every vessel class will have their own risk associated with
14 based on, you know it could be their area of operations, the missions, the tasks their
15 going on and then the Master and the crew will go in and update and add as required
16 based on what's risk for their areas. Risk assessments are tiered, I believe there's 5
17 tiers based on the level of risk. It takes into account the likelihood of occurrence as well
18 as the effects that it could have on people, property and environment.

19 **CAPT Phillips:** And what's your role in that process?

20 **WIT:** To ensure that the process is maintained, procedures updated as request.
21 Making sure that the program is implemented and audited accordingly every year.

22 **CAPT Phillips:** Do vessels ask you a lot of question about that process? Do they
23 come to you with a lot of?

1 **WIT:** In my prior position when I was in the field more than I am now, yes you get
2 asked quite frequently. More along the lines of the functionality of how to add and
3 reprint and things of that nature. Not necessarily in the lines of what is a risk. I think the
4 experience level of the Masters they understand that part of it. And to ensure that they
5 document them properly as everyone might be as efficient in the wording that's needed
6 to properly, you know portray that to an audience. So a good risk assessment might
7 have some generic statements, but it's always better when it's verbally conducted as
8 people are generally better at speaking about a topic than they are writing about it.

9 **CAPT Phillips:** Do they ever come to you to ask questions about how to mitigate
10 hazards or risks that are identified in that process?

11 **WIT:** Yes, ma'am. We've had calls about that nature before. And what we will do is
12 point them to the policy or procedure first for that job task that they're inquiring about.
13 And then you will also look at the nature of the vessel. And it's well on your mind as
14 obviously weather is part of all them. To ensure that weather forecast and the
15 projections. Stop work is always part of all of them. And you also look at the forms,
16 your precautions. So depending on the job task you could have permits to work,
17 confined space, hot work permits, there's different permits associated with it. But every
18 job task is risk assessment prior to starting.

19 **CAPT Phillips:** And then the last category from your job description that I would like to
20 know more about is regarding the item that says reports for injuries, accidents, stop
21 work and near misses.

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

23 **CAPT Phillips:** Can you tell me more about those reports?

1 **WIT:** So if you have any occurrence as which you referred to them all, because you
2 could have an incident that could hurt someone. You could have an incident that could
3 damage property. You could have an environmental incident. You could also just have
4 a general illness. So you have a report set up for them. All incidents we're going to
5 request for a level 1 investigation. That's essentially the Master, the senior crew on
6 board looking into the cause of the incident, what can they do to prevent it from
7 happening. The incident reports will come across our distribution list to make sure that
8 we all see them obviously. And then I will review them and we discuss them on a
9 weekly basis with our QHSE team for each region. As your first point of response is
10 going to be that local superintendent. And then we will elevate them to different levels
11 of investigation based on the severity or potential severity of that incident near miss. As
12 we have elevated near misses before and even stop works.

13 **CAPT Phillips:** Thank you. And are the statistics or numbers complied on a regular
14 basis?

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

16 **CAPT Phillips:** And how is that complied? That number complied? A company
17 report?

18 **WIT:** So we do a companywide safety statistic report based on our documental
19 compliance. I will update that one on a quarterly basis. And then every area of
20 operation you will have a different set of criteria as your clients will generally want
21 statistics just on their vessels. And then you will also have area of operations such as
22 the Northern Gulf of Mexico we will have to report as a whole for those programs
23 aforementioned such as [in audible] they want just the Gulf of Mexico stats. So you

1 have to break them down based on where you're at, what your client is. And then we'll
2 see an entire database stats across the board.

3 **CAPT Phillips:** Thank you. I don't know if you'll have background on this, but I have a
4 couple of questions about the contract that SEACOR has in place with Don Jon Smit for
5 vessel response plan, salvage and marine firefighting services.

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

7 **CAPT Phillips:** Do you know what kind of contract is in place with Don Jon for those
8 services?

9 **WIT:** The contract is established for salvage and marine firefighting. It's a regulatory
10 requirement, its part of my vessel response plan.

11 **CAPT Phillips:** Okay. Salvors have different types of contracts. Do you know what
12 type it is?

13 **WIT:** Not following the question, I apologize.

14 **CAPT Phillips:** Okay. Do you know who is responsible for that contract, making sure
15 that contract is in place?

16 **WIT:** That's myself, yes, ma'am.

17 **CAPT Phillips:** Does that contract include services for under water diving?

18 **WIT:** That language I would have to read it again. I don't recall. But that is a service
19 that they provide.

20 **CAPT Phillips:** The evening of April 13th do you know who contacted Don Jon?

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

22 **CAPT Phillips:** To get them engaged?

1 **WIT:** They actually called me before I had a chance to call them. Approximately
2 5:30ish I would say.

3 **CAPT Phillips:** Did they tell you how they heard about the incident?

4 **WIT:** I did not ask.

5 **CAPT Phillips:** Thank you. I'm going to pause there and see if other folks from the
6 Coast Guard or NTSB has some questions for you. I'll start off with Mr. Verdin.

7 **Mr. Verdin:** Thank you Captain. Good morning Mr. Cenac.

8 **WIT:** Good morning.

9 **Mr. Verdin:** Can you briefly describe, I know we discussed stop work authority a few
10 times. Is it – would it be expected or is it required as part of your safety management
11 system policy and procedures to require a Master to complete or stop work authority
12 due to weather standing by waiting on weather or any situations like that?

13 **WIT:** Yes it is expected.

14 **Mr. Verdin:** Expected.

15 **WIT:** Yes, sir. And if they report it and send it in we request for the form to be
16 completed.

17 **Mr. Verdin:** Do you know if it's normally – do they routinely do this? Or is it -----

18 **WIT:** That's a culture change since I've been in this position to enforce and encourage
19 that.

20 **Mr. Verdin:** Okay. We – stop work authority is to stop a bad behavior or potential risk
21 or somebody has something in question. And this, like you said there's a particular
22 form, I understood you say there was a particular form to complete this.

23 **WIT:** Umm huh.

1 **Mr. Verdin:** Is there an additional form or something, simpler form possibly for things
2 with minor things? Like stopping somebody from walking outside in a loading zone
3 without a hard hat or crossing the gangway without a life jacket. Are there additional
4 forms? Could you describe that process?

5 **WIT:** Yes, sir. You're referring to behavior based safety program which ours is called
6 PAUSE to prevent accidents, use safety equipment. It is designed to be essentially a
7 one on one behavior observation. And it is encouraged to observe not only safe
8 behaviors but also at risk behaviors. The primary purpose is to encourage your safe
9 behaviors to reinforce positive attributes and things people are doing. Every at risk
10 behavior you see all within the system is essentially a stop work. Because you're
11 stopping someone from doing something that that person is visualizing as unsafe. But
12 they're categorized a behavior based safety adverse behavior because it's a no name,
13 no blame process. It is designed to give that one on one positive feedback re-
14 encouraging safe behaviors to have someone change their mindset. When teaching a
15 course you're general conversations is you think of over the course of time habitually
16 you might grow into an unsafe behavior and you need that second set of eyes to
17 observe you. So think of when we were all taught driving. We're all taught 10 and 2,
18 you walk around the car, you don't drink your coffee while you're driving and adjust the
19 radio, all these things. And coming to work this morning how many of us did that? But
20 if someone is there to observe you and reinforce how you were taught, reinforce those
21 safe behaviors that will help you remember, help you become more consistent in your
22 work habits, in your safe work behaviors.

1 **Mr. Verdin:** Thank you. Going back to stop work authority while waiting on weather.
2 Say like in this instances if the vessel would have decided prior to getting underway that
3 you know for weather was – they didn't feel comfortable getting underway because of
4 the weather. And they completed their voyage plan and everything else. Would this
5 stop work authority be somehow be implemented in the voyage plan? Or would the
6 voyage plan be implemented as an example in this stop work authority and sent to you?
7 Any kind of way?

8 **WIT:** I think if I'm following correctly, you're asking if the voyage plan is updated after a
9 stop work?

10 **Mr. Verdin:** Right, yeah.

11 **WIT:** Yes. Because your date and time and patterns with the voyage plan could be
12 changed. Your ETAs could change so you will have to have another revision of it to
13 redo once the stop work passes for whatever reason. And the stop work pre-voyage
14 plan very likely could be a weather type scenario.

15 **Mr. Verdin:** And the voyage plan typically includes all watch standers for the Mate and
16 the Master, anybody deck officers on watch that's going to be involved with the entire
17 voyage plan, the entire voyage of the vessel. Typically all bridge officers, or should I
18 say would be involved with that voyage plan, is that correct?

19 **WIT:** I think you're asking me if the bridge team is involved in the development and
20 approval of it.

21 **Mr. Verdin:** Right.

22 **WIT:** Yes, sir. The bridge team is involved with the development and the Master has
23 the ultimate authority to ensure that the voyage plan is properly out.

1 **Mr. Verdin:** And in doing so in their voyage plan if anybody, if the bridge team would
2 have concerns of weather they could also use the stop work authority and bring it up at
3 that time?

4 **WIT:** Of course.

5 **Mr. Verdin:** That's all I got. Thank you.

6 **WIT:** Thank you, sir.

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

8 **Mr. Ehlers:** Good morning Mr. Cenac. Thank you. A couple follow up questions. On
9 the morning of the accident or the day of the accident did you receive any calls as either
10 DPA or QHSE manager from the SEACOR POWER?

11 **WIT:** No, sir. I had not spoke with the vessel that day.

12 **Mr. Ehlers:** You did not?

13 **WIT:** No, sir.

14 **Mr. Ehlers:** The, going to the Don Jon Smit -----

15 **WIT:** Wait, wait, wait. I did not speak with them verbally but we did have
16 communications regarding the slip, trip, fall incident on there. So I just want to be clear
17 about that.

18 **Mr. Ehlers:** Okay. And when did that occur?

19 **WIT:** That was early that morning.

20 **Mr. Ehlers:** You said communications, what were those?

21 **WIT:** I think they were email and text associated with Captain, was it Captain Scott or
22 was it the Mate, I don't recall at that time. But they were basically, they were emailing
23 the forms, pictures, confirming that the gentleman was okay.

1 **Mr. Ehlers:** And then going to the Don Jon Smit contract does that contract include any
2 provision for rescue operation?

3 **WIT:** I will have to confer with the contract, sir.

4 **Mr. Ehlers:** Okay. Does it have any provision for response time?

5 **WIT:** I will have to reread the contract, sir.

6 **Mr. Ehlers:** Okay. I apologize I missed it, what time did Don Jon Smit contact you on
7 the accident day?

8 **WIT:** It was about 5:30 I believe. It was very early in the day.

9 **Mr. Ehlers:** What time did you learn about the accident itself?

10 **WIT:** My first call I believe was approximately 4:37, 4:40. It was a call that was
11 transferred to me from our dispatch from the lift boat ROCK FISH.

12 **Mr. Ehlers:** We'll come back to that. So continuing with the Don Jon so you were
13 contacted by them within an hour of hearing about the accident yourself?

14 **WIT:** 45 minutes or so, yes.

15 **Mr. Ehlers:** And what specifically was discussed in that phone call? I assume a phone
16 call. What specifically was discussed?

17 **WIT:** It was a program – a phone call from their Program Manager. He had heard of
18 the accident. He was calling to offer assistance and see if the accident was as severe
19 as what was initially he heard. And I confirmed yes. I confirmed what their services
20 they could provide. And that's when he said they could offer dive services, support
21 services, and search and rescue. So I asked him to get a schedule on his mobilization
22 time and what services he could offer.

1 **Mr. Ehlers:** Was he able to respond immediately to that or how long before he
2 responded with the services and mobilization?

3 **WIT:** It was less than an hour later. Maybe 30, 40 minutes at the most. I believe his
4 initial report back was they could be there at midnight with a 6 man dive team, Dive
5 Master and assistant.

6 **Mr. Ehlers:** They could be there at what time?

7 **WIT:** Midnight.

8 **Mr. Ehlers:** Midnight. And then say again the composition of the team?

9 **WIT:** Oh 6 man dive team, a Dive Master and an assistant could be there a midnight
10 and that was with us chartering a flight for them in which throughout the phone calls that
11 evening, yes we confirmed it, authorized a charter flight and had them underway.

12 **Mr. Ehlers:** Do you know where that team was coming from?

13 **WIT:** Not off hand, sir.

14 **Mr. Ehlers:** And was that charter flight arranged?

15 **WIT:** Yes, sir.

16 **Mr. Ehlers:** So did that dive team arrive at midnight?

17 **WIT:** Give or take, yes. Somewhere in that timeframe.

18 **Mr. Ehlers:** What kind of support did that dive team need from SEACOR or from
19 others?

20 **WIT:** At a point that evening they confirmed we were going to provide the dive support
21 vessel. And at the time with the weather forecast sea conditions we were going to use,
22 I think it was originally requested for a minimum of crew boat. And SEACOR Marine did
23 not have any active crew boats or OSVs in this region. So we chartered one. I believe

1 our client actually had one on charter that we had sitting at the slip waiting for them
2 when they arrived. And their initial assessment of the vessel was it wasn't satisfactory
3 because it was only a DP1 vessel and they could not dive off of a DP1 vessel without
4 anchoring and mooring that vessel.

5 **Mr. Ehlers:** Okay. So DP1, can you explain that and what did they need?

6 **WIT:** The DP1 vessel is single redundancy for positioning. DP2 would be multiple
7 redundancy system. So they wanted to ensure it had multiple redundancy with the
8 divers in the water. So the next step for us was to charter a secondary vessel which we
9 did. So it was an OSV DP2 vessel from one of our colleagues in the industry I would
10 say. They had a vessel on scene. They went on board that night and then we were in
11 constant contact with the Coast Guard obviously throughout and they had to authorize
12 the dive plan and approve it. So they sent their official down to go on board the vessel
13 as well to meet with the crew and the dive team to do their risk assessment and start
14 the dive operation plan.

15 **Mr. Ehlers:** There's a lot there that I'm going to try to unpack here. So first of all DP is
16 dynamic positioning.

17 **WIT:** Correct.

18 **Mr. Ehlers:** And it's the ability of a vessel to hold position without having to anchor, is
19 that an accurate assessment?

20 **WIT:** Yes. It will hold position when you set it up on location within a certain meter
21 parameter that's acceptable for that vessel's station keeping ability. And that will allow
22 them to have that redundancy while the divers are in the water. So they don't have to
23 worry about the vessel drifting over them while it's on station.

1 **Mr. Ehlers:** Okay. And so a DP2 means they have to have backups available in order
2 to maintain that system if the primary system fails, correct?

3 **WIT:** To a degree, yes. It would be a secondary system to ensure station keeping
4 ability.

5 **Mr. Ehlers:** And so the requirement to have a DP2 vessel, do you know is that Don Jon
6 Smit requirement? Was that a regulatory requirement? Do you know?

7 **WIT:** The request came from Don Jon Smith. As far if it's a requirement by them or
8 regulatory I do not know.

9 **Mr. Ehlers:** Okay. And what time was the DP2 vessel available, made available?

10 **WIT:** That same night.

11 **Mr. Ehlers:** Do you know what time?

12 **WIT:** Not off hand.

13 **Mr. Ehlers:** Okay. And was it there in Port Fourchon?

14 **WIT:** Yes, sir. It was off charter in Port Fourchon, crewed and available.

15 **Mr. Ehlers:** Okay. The dive plan approval that you said that had to be approved by the
16 Coast Guard?

17 **WIT:** Yes, sir.

18 **Mr. Ehlers:** And did the Don Jon Smit team, again you said they showed up about
19 midnight, is that correct?

20 **WIT:** Yes, sir.

21 **Mr. Ehlers:** Did they come with that dive plan?

22 **WIT:** To my knowledge, yes, sir.

1 **Mr. Ehlers:** And were the Coast Guard officials on hand when they arrived or when
2 they presented the dive plan?

3 **WIT:** No, sir they were not.

4 **Mr. Ehlers:** How long did it take to get the approval authority there for the dive plan?

5 **WIT:** It was the next morning, mid to late morning. Maybe lunchtime at the latest.
6 Somewhere in that timeframe.

7 **Mr. Ehlers:** Okay. Do you know why it took so long to get that?

8 **WIT:** The dive operations were considered high risk. Because of the nature of the
9 capsizing of the vessel. And the wind and sea conditions we were experiencing
10 throughout that evening.

11 **Mr. Ehlers:** Okay. So does that mean that the dive operation wasn't held up by the
12 need to approve the dive plan, it was due to the weather conditions?

13 **WIT:** I would say that's an accurate statement. Even if you had a dive plan approved
14 the minute it happened the weather conditions throughout that week would not have
15 allowed them to dive.

16 **Mr. Ehlers:** Okay.

17 **WIT:** And I think that's – we should have, there were some items uploaded to support
18 that with wave heights and sea conditions throughout that evening.

19 **Mr. Ehlers:** So the dive plan, was there required changes once it was reviewed by the
20 Coast Guard?

21 **WIT:** I don't recall.

22 **Mr. Ehlers:** Who is the deciding authority in when diving operations can be conducting
23 regarding environment, etc.?

1 **WIT:** The Dive Master has that authority. He has the final say so.

2 **Mr. Ehlers:** Probably come back to diving operations again. But I want to back up a
3 little bit and I would like you to tell us what – what happened the night of the accident
4 from your perspective. When did you hear about it? Who did you hear about it from?
5 And then what happened from there? And I would like you to provide as much detail as
6 possible.

7 **WIT:** Yes, sir.

8 **Mr. Ehlers:** And then we can – you can summarize the diving again since we've
9 already covered it.

10 **WIT:** So as we stated the first phone call I received was transferred to me from our
11 dispatch from the lift boat ROCK FISH. It was the Captain on board who said he saw
12 the SEACOR POWER capsize South Tim 23. He said he had already notified Coast
13 Guard and there was the Coast Guard Cutter GLENN HARRIS, the ARRATA and
14 another crew boat I believe. Their field boat was already on scene conducting search
15 and rescue operations. And that was approximately 4:37, 4:40. So when I hung up with
16 him my first call was to Joey Ruiz our General Manger of Operations to relay the data
17 and confirm it. Let him know my next course of action was to begin notifying Coast
18 Guard as the point of contacts as we knew they were already on scene. As well as
19 starting our crisis management team notifications. So after speaking briefly with Joey
20 he confirmed that he heard the information already. Then my next call was to U.S.
21 Coast Guard Houma which is our closest Coast Guard office to where we're at. I
22 believe if I recall correctly they took my name and number down and then I kept calling
23 down to different Coast Guard offices until we got in touch with New Orleans Sector.

1 And that was later that afternoon maybe 5ish or so. I believe I spoke with Seth Gross
2 who was the first Coast Guard person I actually spoke that had knowledge of it at that
3 time. And even though they were already on the scene the persons I was getting in
4 contact with did not have knowledge of it. So speaking with Seth Gross that afternoon
5 he did a request for a personnel list. I pulled up the afternoon report which showed 18
6 persons on board, which was his first question. I relayed that information to him
7 verbally. He also asked for their ages, ships diagrams, fire plans, several other pieces
8 of information about the vessel. In which I emailed him copies of those. The afternoon
9 report and any requested information. And then follow it up short time later with the
10 confirmation that there were 19 people on board with the ages and names of every
11 single person on board the vessel. In which he had relayed at that point they were
12 receiving conflicting reports from a survivor that said there were 17. So he asked us to
13 double check with everyone involved in the process again, which we did so and we
14 confirmed it was 19 again. And this all happened within the first hour and a half or so of
15 the actual learning of the casualty itself. During that period of time was when the
16 notifications of Don Jon Smit was made. We also received several updates from the
17 ROCK FISH throughout about ongoing operations offshore and marine access. So that
18 would be your first hour and a half. Do you want me to pause there for any questions
19 before I go on.

20 **Mr. Ehlers:** No go ahead.

21 **WIT:** So the notification chain throughout the night was when the crisis management
22 team came online one of the big things that we practice and drilled with was
23 communication is essential for any crisis. So Microsoft Teams provided us that ability to

1 have everyone on scene, share documents and have constant communication as well
2 as give us the ability to continue to make calls and mute to where you can pull in
3 outside resources. So our teams call ran for the entire week. It might have started right
4 after the accident but we had Presidents, Vice Presidents, General Managers,
5 Operations Technical Team, QHSE Team, everyone on line that same night within 20
6 minutes of the incident happening going through our crisis management side of it.
7 Making our preliminary notifications, not only with the Coast Guard, but on down
8 through salvage and marine side of business. And then later that evening I believe
9 some of the other notifications made, even though there wasn't a pollution reported or
10 threatening we still notified NRC regardless to make sure that they were aware of it and
11 they had a standby team which was in Grand Isle in case pollution was to occur and
12 needed responded to. And that evening I want to say 9 O'clock, no it might have been
13 earlier than that, it was probably 7ish I would say around that time was when the
14 incident command with the Coast Guard changed from Seth Gross to Mr. Michelle
15 Ferguson. And she was the one providing the initial updates with recovers, air assets
16 on scene. I believe she was the one that informed us Bristow was on scene. As far as
17 the Coast Guard Cutters and the 45 footers were on scene. She was the one giving us
18 all that initial update through those first evening hours. Then around I want to say
19 closer to midnight, between 11 and midnight the incident command with the Coast
20 Guard changed to Mr. Will Watson. And then he was our direct point of contact
21 throughout the search and rescue operations from there on out.

22 **Mr. Ehlers:** Okay. You mentioned the teams calls that you used. Did you have a
23 command post of your own or did you do this all remotely?

1 **WIT:** No, sir. So our incident command, your big function is to make sure you divide
2 and assign responsibilities appropriately throughout to ensure that your incident can be
3 managed. Everyone gets the side of the focus. So Joey took on the role of establishing
4 the incident command post. So he departed for Fourchon shortly after we set up the
5 call. And the weather conditions were so poor at that time, you know I think it was Joey,
6 one of our claims assistance and hour HR Manger and maybe our Technical
7 Superintendent were the first ones to go. And Joey chose Bollinger who had a facility
8 for us to use to set up the command post. Once they had safely arrived and
9 reconvened I stopped my teams call, we transfer the responsibility for overseeing it
10 Barret so I could drive down to Port Fourchon. And on arrival you know we had
11 individuals rolling in throughout the night. And those would have been Harbor Police,
12 Fire Department, we had the La Fourche Parrish Police Department as well all coming
13 on scene to provide assistance.

14 **Mr. Ehlers:** You mentioned the crisis management team. Do you have a crisis action
15 plan that the company uses?

16 **WIT:** Yes. It's a business continuity plan.

17 **Mr. Ehlers:** Business continuity plan.

18 **WIT:** Yes, sir.

19 **Mr. Ehlers:** Was that plan exercised on the evening of April 13th?

20 **WIT:** Yes, sir.

21 **Mr. Ehlers:** And that's what you used to set up your command post, is that correct?

22 **WIT:** Yes, sir.

23 **Mr. Ehlers:** Where were you at when you heard about the accident?

1 **WIT:** I was at home.

2 **Mr. Ehlers:** Was most of the shore staff at home?

3 **WIT:** I can't answer where other people were. But I know the office was in a remote
4 working status at that time.

5 **Mr. Ehlers:** Say it again.

6 **WIT:** The office was in a remote working status at that time.

7 **Mr. Ehlers:** And that was because of COVID?

8 **WIT:** Yes, sir.

9 **Mr. Ehlers:** You mentioned, well let me ask this. What support were you asked to
10 provide from the Coast Guard as far as their efforts?

11 **WIT:** So our response to Coast Guard was we will provide any requested, anything
12 needed as they immediately introduced themselves as in charge of the search and
13 rescue. So initially our request from them was information. It was providing anything
14 we knew about the voyage, the crew, plans, things of that nature. We were also
15 providing information in regards to what we've heard from Harbor Police, La Fourche
16 Parrish Police and the industry over VHF radios. So we were able to help communicate
17 things in real time. One of the items I guess that was challenging was the information
18 was coming from very different sources. Whether it be social media, VHF radio, phone
19 calls. You had a lot of Good Samaritans out there assisting in the operations. So to be
20 able to collaborate that data and decipher what was a fact or not and to help work with
21 Coast Guard to get the correct information to them.

22 **Mr. Ehlers:** Would you say that the communications between your command center
23 and the Coast Guard were satisfactory?

1 **WIT:** Yes, sir. The, one of the things that I was really complimentary the Coast Guard
2 on was when Michelle took over the Coast Guard has many lines of communication.
3 She gave me her direct line to make sure I didn't go to a reception desk and wait for
4 transfers and wait for this. So we were command to command discussing the
5 operations to make sure we had – when Will took over he was the same way so that we
6 can make sure that there was nothing lost in communications between SEACOR and
7 the U.S. Coast Guard throughout. One of the things that was very, very helpful to Will is
8 we were receiving calls from other command sectorss. Coast Guard Houma called me
9 back maybe two hours later and wanted to investigate the incident. So they didn't have
10 the knowledge base on the severity of what was going on. They were calling and come
11 and investigate. And said no search rescue got to stand down. And Will Watson gave
12 me the authority said if anybody give you that you tell them my name and tell them to
13 call me. He said we need to focus on search and rescue. So that side of business was
14 very, very beneficial to us and I believe it was for them as well.

15 **Mr. Ehlers:** Did you have anyone in the command center who was familiar, or very
16 familiar with the SEACOR POWER?

17 **WIT:** Yes, sir.

18 **Mr. Ehlers:** And who was that?

19 **WIT:** Joey, Paul, David Cole.

20 **Mr. Ehlers:** They have enough knowledge to help with understanding where people
21 might be and where recovery efforts might need focused?

22 **WIT:** I don't follow that question.

1 **Mr. Ehlers:** They have enough knowledge of the vessel to help rescuers know where
2 to focus their effort?

3 **WIT:** Are you referring to search and rescue or dive Ops?

4 **Mr. Ehlers:** Both.

5 **WIT:** Search and rescue patterns were established by the U.S. Coast Guard based on
6 their formula data. They have programs established to factor in wind, wave height, with
7 the dropped objects where drift patterns might be. So they didn't require assistance
8 from that. They were able to communicate that very early on and show us their patterns
9 and show us how they were conducting their operations efficiently. And from dive
10 operations Don Jon Smit actually does annual drills and exercises with every vessel
11 that's on their program. So they would already have all the plans, procedures and
12 drawings for the vessel. So our role working directly with them was to confirm the data
13 they had and then provide other focal points of entry and vessel drawings and things of
14 that nature for it.

15 **Mr. Ehlers:** So as a side comment the Don Jon Smit had conducted a drill with the
16 SEACOR POWER previous to the accident?

17 **WIT:** They did with all the vessels. They do an annual open 90 contact drill and they
18 have a form they send out. They send it out to myself as a point of contact. We
19 distribute it to the vessels, the vessels call them direct to ensure that the contact and
20 communications are made.

21 **Mr. Ehlers:** Is that an onsite drill or is that a table top drill?

22 **WIT:** Table top is a broad statement. An onsite, if I'm understanding, onsite means
23 they physically go out there, they do not physically go out there. It is an email and

1 phone call type drill where it's to test communication lines and make sure they
2 understand that you know if I have an issue then that vessel can call them and relay
3 that information effectively to them.

4 **Mr. Ehlers:** Okay. Tell me again what time the dive team was ready to go out to the
5 site?

6 **WIT:** I don't recall an exact time. It would have been that next day.

7 **Mr. Ehlers:** Okay. And that was weather driven, once again? I'm sorry I'm repeating
8 things but I want to make this clear.

9 **WIT:** They flew in, they were in Port Fourchon at midnight. The vessel was ready that
10 morning and the Coast Guard assessment had to take place. Then it was weather. I
11 want to say that next day there was a stand down for mission, I believe it was Seth
12 Gross who was back on tower and he was the one that called and said they were
13 standing down on search and rescue due to the weather that afternoon, or that next day
14 or whatever time it was. So there was a search and rescue stand down as well due to
15 weather. So if they couldn't search and rescue they definitely could not dive.

16 **Mr. Ehlers:** Do you know when the divers first had the opportunity to make a dive on
17 the vessel?

18 **WIT:** Not off hand, sir.

19 **Mr. Ehlers:** I'm going to stop. Nope, I'm sorry. I do have another question. You
20 mentioned that one of the chapters in the SMS is incident investigation.

21 **WIT:** Yes, sir.

22 **Mr. Ehlers:** What is the outcome of an incident investigation as part of the SMS?

1 **WIT:** Broad questions. But I think I'm following you. So an incident investigation
2 outcome you're looking to identify any cause or factors. Anything there that was that
3 you need to provide additional, whether it be training for, equipment repairs, pollution
4 response, medical support. And you're also looking at how did you get there? Was it a
5 policy, procedure issue, was it a training issue, was it a risk assessment issue? And that
6 all will come out through your, call it factor analysis as you're working through them.
7 Once you identify whatever, I think a common term is lessons learned or we would
8 identify and communicate that through what we call a weekly rules of occurrences. And
9 then we also follow up with, depending on severity safety alerts, on board training and
10 then we summarize them on what we call a quarterly learning points to make sure that
11 information is distributed throughout our fleet.

12 **Mr. Ehlers:** Okay. Have you conducted an incident investigation into the SEACOR
13 POWER accident?

14 **WIT:** It is ongoing as I'm an active participant with the investigation teams.

15 **Mr. Ehlers:** Okay. Have you had any outcomes of that investigation yet?

16 **WIT:** We're still in the fact finding, data collection phases of it as part of this
17 investigation testimony.

18 **Mr. Ehlers:** Okay. Thank you. Thank you Captain.

19 **CAPT Phillips:** Thank you Mr. Ehlers. It's been about an hour and half. So we're
20 going to go ahead and take a recess. We'll reconvene at 0950. The time is now 0937.
21 This hearing is now in recess.

22 *The hearing recessed at 0937, 11 August 2021*

23 *The hearing was called to order at 0950, 11 August 2021.*

1 **CAPT Phillips:** The time is 0950. This hearing is now in session. I'm now going to
2 turn it over to Mr. Muise with NTSB, has some questions.

3 **Mr. Muise:** Good morning Mr. Cenac.

4 **WIT:** Good morning.

5 **Mr. Muise:** I have some follow up questions mostly what Mr. Ehlers was asking. And
6 I'll apologize for jumping around a little bit here. You mentioned open 90 drills.

7 **WIT:** Yes, sir.

8 **Mr. Muise:** There's other drills out there too, security drills and if I remember right
9 there's a requirement or a quarterly – quarterly drills and an annual exercise in the
10 security regulations is that still the case?

11 **WIT:** So your security regulation got an annual security exercise which is a ship to
12 shore exercise. On board vessels based on MARSEC Level 1 they would be 90 days.
13 As the MARSEC level increases the drills and frequency will increase. Your open 90 or
14 pollution response drill are 90 day drills on board the vessel as well. And then you have
15 an annual ship to shore exercise.

16 **Mr. Muise:** And those annual exercises either open 90 or the security do you use a
17 third party to facilitate that or is that done in house?

18 **WIT:** A third party to what, sir?

19 **Mr. Muise:** Is there a third party that comes up with a scenario and monitors it and
20 actually runs the exercise for you or do you do that?

21 **WIT:** No, sir. No, sir. We work with our Masters. We choose a vessel and I work
22 directly with them and I'll do it unannounced exercise to all the interested parties
23 involved. And we do an exercise based on something that would be realistic, something

1 that we've heard of in the industry, a post-accident type scenario or actually security,
2 you know event that occurred. That's how the scenarios came up with. We work with
3 the Master to make sure that no one else is involved so when we pick drill date and time
4 it is done as a live exercise where you actually go through and you contact all your
5 marine authorities, local authorities, and so forth and so forth to ensure you have
6 appropriate response contact numbers are accurate and everyone understands their
7 roles and responsibilities.

8 **Mr. Muise:** Okay. That was my next questions. Do you actually test the
9 communications and make sure phone numbers are right?

10 **WIT:** Of course.

11 **Mr. Muise:** Does that include various Coast Guard, specific to American waters, Coast
12 Guard, various Coast Guard units, helicopter, search and rescue, are they in there as
13 well?

14 **WIT:** The National Response Center will transfer you to the appropriate division. So if
15 it a search and rescue event, if it's a pollution response event they would take that initial
16 call and then they would feed it all from there. And then regardless of where you're
17 operating IMO produces your area of operations, the contact list on a quarterly basis
18 and so we would send that out. So depending on where your vessel is operating at we
19 would test those contacts as well. So we run these drills at all of our different locations
20 around the world to ensure that your contact numbers actually work. And that who's
21 ever IMO is publishing is correct.

1 **Mr. Muise:** In those various plans that you're exercising if I'm the Captain on one of
2 your vessels and I call the office and I have an emergency whether it's medical or fire or
3 whatever the scenario is who am I talking to? Who am I calling?

4 **WIT:** My number the DPA page as we discussed earlier it's posted in all common
5 locations along with the alternates as well. And they're going to call straight to me.
6 They're going to call straight to our team. They're not going to bypass through any of
7 the main lines. They'll call directly to us.

8 **Mr. Muise:** Okay so I don't have to go through my individual rig manager, vessel
9 manager to get to you in an emergency?

10 **WIT:** No, sir. My number is posted every vessel around the globe.

11 **Mr. Muise:** How about the client, are they included in these drills or, in this case it's
12 TALOS, but any of your clients do they participate in these exercises?

13 **WIT:** Yes, sir. I'll refrain from the clients name out of respect to them, but we recently
14 participated in a mass evacuation drill with one of our clients and one of our crew boats
15 where you had people in the water, collision, accident and we had to activate all the
16 resources for emergency response. We've also participated as the, with another one of
17 our clients separate location as the vessel where they would air lift personnel for
18 medical emergencies and injuries all from our back deck. So we've done both of those
19 recent scenarios this year.

20 **Mr. Muise:** In any of these plans also is there a procedure in there for notifying next of
21 kin?

22 **WIT:** I believe so, yes. I would have to reread exact process on that one though.

1 **Mr. Muise:** Is that something that your safety staff would do? Or does that get
2 deflected to HR? Or who does that?

3 **WIT:** No, sir. HR is the primary contact with that. And in this case they were actually
4 liaison with Coast Guard and NTSB also provided support on that. La Fourche Police
5 Department and Harbor Police also provided next of kin support and contacts as well
6 throughout.

7 **Mr. Muise:** I have some incident specific questions as well. For the SEACOR POWER
8 incident was the client imbedded in your incident management team on scene?

9 **WIT:** No, sir. They were not on scene.

10 **Mr. Muise:** Do you know if somebody from your – the incident management team from
11 SEACOR, did they contact Bristow directly for help or any other helicopter company?

12 **WIT:** No, sir. We contacted U.S. Coast Guard for search and rescue operations and
13 which they provided. Bristow on scene I learned from I believe it was Michelle at that
14 time, and I would have to look back, but one of the Coast Guard Commanders
15 throughout that evening is where I got the notification that Bristow was on scene. I did
16 not receive the formal if it was Coast Guard or who called them then throughout this
17 testimony. That was the first I learned on who notified Bristow.

18 **Mr. Muise:** Okay. I heard you earlier mention the Sherriff Department, the Fire
19 Department.

20 **WIT:** Yes, sir.

21 **Mr. Muise:** A couple of others and Don Jon is listed in your OPA90 plan. Was there
22 any other search and rescue specific agencies that you contacted or initiated? I want
23 you and your team.

1 **WIT:** As far as?

2 **Mr. Muise:** For this case, to help out with this case.

3 **WIT:** U.S. Coast Guard is your primary contact and they oversee the operation and
4 command. So when they sent out the alert and the notice, and I believe it was initiated
5 by ROCK FISH first, it notifies all of your other Good Samaritan vessels in the area as
6 well as agencies. So when we began notifying we started obviously with your locals
7 which is your Fourchon Harbor Police then the La Fourche Parrish Police and then also
8 Terrebonne Parrish Police which is the next Parrish over which we're in now was also
9 notified.

10 **Mr. Muise:** So with nobody from the client on scene in your incident management team
11 how did they get involved with the incident? I mean they have vessels available too as
12 well, right? Is that correct?

13 **WIT:** They provided the first crew boat on scene that night as a proposed vessel for the
14 dive Ops. They're in constant communication with our marketing representative who
15 was the direct contact with the client.

16 **Mr. Muise:** You talked a little bit about the divers, the requirements for a DP2 vessel.
17 Was there any other requirements that they asked for that specific for a supply boat that
18 they for the supply boats? Was there a specific horsepower or size or deck space or
19 was there anything else that delayed the response at all?

20 **WIT:** The first call was initially a 110 foot crew boat would be sufficient. And I think the
21 vessel on scene we had was around 170 foot crew boat. The initial discussion did not
22 involve DP capabilities or not.

23 **Mr. Muise:** Thank you Mr. Cenac.

1 **WIT:** Yes, sir.

2 **CAPT Phillips:** Thank you Mr. Muise. Mr. Kucharski.

3 **Mr. Kucharski:** Yes Captain thank you. Good morning Mr. Cenac.

4 **WIT:** Good morning.

5 **Mr. Kucharski:** Counsel. Thank you for being here. And just for clarification when you
6 said certain things earlier when you said that the superintendents go on board to train or
7 review changes to the safety management system.

8 **WIT:** Yes.

9 **Mr. Kucharski:** Was this the – the superintendents were they QHSE superintendents
10 that you were talking about?

11 **WIT:** Yes, sir. QHSE Superintendents and then even myself participate in those
12 meetings as their availability and I've done them in the past, yes, sir.

13 **Mr. Kucharski:** And I know we've asked ABS about sampling, you talked about
14 sampling when you go on board the vessels in part of the audit. Could you explain your
15 sampling procedures, how you choose certain things?

16 **WIT:** So when we go on a vessel and look at sampling, obviously our checklist follow
17 their safety management system and citations to the exact chapters on what to look for
18 and what should be there. When you're sampling a process we're looking at the
19 document to prove compliance. So if there's a procedure for example that says I need
20 to have drill every 30 days I'm looking for objective evidence to prove that that drill was
21 done every 30 days. If I'm looking for, you know the sampling for oil record book I want
22 to see the last oil change. I'm looking to see that there's records to prove that the last
23 oil change was done. But what we don't do as part of a sampling and audit processes I

1 don't go pull the plug to see if the oil was physically changed or not. I'm looking for the
2 records to prove it was done. I'm looking for the supporting documentations it was
3 done. So if you're looking at say a voyage plan we're looking for the proof the voyage
4 plan was done. We're looking for the document. I'm not going back and say show me
5 the route you rode, I'm looking for the proof that they did it.

6 **Mr. Kucharski:** Thank you for that explanation. Thank you. And back to Don Jon Smit
7 and the drills that they hold with the vessels.

8 **WIT:** Yes, sir.

9 **Mr. Kucharski:** Does the company, shore side participate in those drills? And if so
10 how do they?

11 **WIT:** No, sir. It comes to myself as a point of contact. And we relay the information to
12 the vessel. The instructions are to the vessel for them to contact as they would
13 coordinate directly with their provider. And it's primarily for a point of contact and
14 providing support information. Because when you start a salvage Ops we send them all
15 the plans and drawings, but obviously that firsthand experience will be able to relay
16 more detailed information on the layout and circumstances on what the dive team can
17 expect on arrival.

18 **Mr. Kucharski:** And overall I'm not sure if Captain Phillips asked this, the company has
19 a duty to ensure that the personnel are operating in accordance with the safety
20 management system? Is that a fair statement?

21 **WIT:** I think the question is do we have a duty to ensure the vessels are operating
22 within, yes, sir, yes we do.

1 **Mr. Kucharski:** Okay. And who ensures that they are actually operating in
2 accordance?

3 **WIT:** The who ensures is a team effort throughout all of our global regions. The
4 responsibility lies on myself to make sure that we have the policies, procedures, audit
5 schedules, programs and personnel implemented to prove that and to prove
6 compliance.

7 **Mr. Kucharski:** And Lieutenant Alger Exhibit 148 please [showing Exhibit]. We'll just
8 start from page 1. It's a U.S. Coast Guard NVIC. Did you see this before the accident?

9 **WIT:** Yes, sir.

10 **Mr. Kucharski:** Okay great. So let's jump right down to page 5 and it would be section
11 5. Where it says notwithstanding the overriding authority. Have you seen that section
12 before?

13 **WIT:** Yes, sir. That's directly from ISM Code.

14 **Mr. Kucharski:** Okay, I'm sorry. What is your view of this section?

15 **WIT:** Can you repeat the question?

16 **Mr. Kucharski:** Yeah you've seen this section before. What is your overall view of that
17 section?

18 **WIT:** My overall view is that is consistent with ISM Code Chapter 5, Master's
19 responsibilities as well as our SMS Chapter 5, Master's responsibilities.

20 **Mr. Kucharski:** Okay. And let's look at section 2 where it says, a little bit further down
21 on that page the Designated Person should verify and monitor all safety. How do you –
22 okay verify, but how do you actually monitor that?

1 **WIT:** Monitor safety and pollution prevention activities. Yes, sir. The activity side is
2 monitored through your internal audits would be your verification steps. So I have to
3 review those ensure they're completed in a timely manner. You also verify and
4 processes through your annual Flag State inspections as well as your Classification
5 Society audits. As well as any other regulatory body audits that come on board.
6 Whether it's Port State Controls and Client audits. So your verification process is not
7 only done by us internally it's done by all the interested parties as well.

8 **Mr. Kucharski:** I'm sorry, verification, they mention verification and monitoring.

9 **WIT:** Yes. So when you monitor that's done through your day to day safety statistics
10 and activities of on board, your safety statistics will come in your incident reports. So
11 when you look at safety statistic trending, I think last year our TRR was 0.037 which is
12 industry leading when you – across the board. So when you monitor you produce these
13 on quarterly basis for all of our clients to see as well. As well as your interested parties
14 such as your OMSAS [sic] and IMCAS [sic] where they compare all of our companies
15 and put it out there for us to see. And that helps us develop a way not only to monitor
16 internally but compares to our direct competitors and in other industries as well.

17 **Mr. Kucharski:** So is there any way to monitor the stability is being properly
18 performed?

19 **WIT:** The stability is being monitored on board the vessel by the vessel Master and we
20 sample that process through annual internal audits.

21 **Mr. Kucharski:** So when it says Designated Person your department doesn't get
22 involved in monitoring the stability?

23 **WIT:** Right. So your question appears very vague. Can you clarify?

1 **Mr. Kucharski:** As a safety function – as a safety function so it doesn't monitor?

2 **WIT:** You can't physically monitor stability from shore side. That's done by the Master
3 on board the vessel. If he has concerns with he would thus bring them to our
4 department's attention, use a stop work authority and we would respond accordingly.

5 **Mr. Kucharski:** Could you monitor it if the stability came ashore where you could look
6 at it?

7 **WIT:** I don't follow your question, sir. Stability comes ashore?

8 **Mr. Kucharski:** Yeah the stability calculations if they came ashore where you could
9 monitor that. Would that be a way to do that?

10 **WIT:** No, sir. I think that falls under the Master's responsibility for his stability of his
11 vessel.

12 **Mr. Kucharski:** Thank you. And could we go to page 9 section K1? And at the very
13 bottom of that section in addition companies should establish and maintain procedures
14 for the control of their SMS documentation.

15 **WIT:** Where?

16 **Mr. Kucharski:** Could you ----

17 **WIT:** Where are you at, sir?

18 **Mr. Kucharski:** K, section K.

19 **WIT:** K1

20 **Mr. Kucharski:** 1, yeah. The very last sentence of that section, in addition companies
21 should establish and review procedures for control of SMS documentation.

22 **WIT:** Yes, sir.

1 **Mr. Kucharski:** So what are your – do you have control procedures for any of your
2 documents coming from the vessels themselves? Or that are maintained on the
3 vessel?

4 **WIT:** Yes. SMS Chapter 11 document and data control and there is a retention
5 schedule as well.

6 **Mr. Kucharski:** And where are these documents actually kept?

7 **WIT:** On board the vessel.

8 **Mr. Kucharski:** And you don't have any depository ashore for those documents?

9 **WIT:** Documents is a very broad statement. So you would have to be more specific on
10 which documents you're referring to.

11 **Mr. Kucharski:** No look at the log books, stability forms things like that.

12 **WIT:** No those are maintained on the – the deck logs are maintained on board the
13 vessel as far as stability as well.

14 **Mr. Kucharski:** Okay, thank you for that. Lieutenant Alger could we look at Exhibit 117
15 please? [Showing Exhibit]. And this has to do with the stop work authority on the
16 whipping incident. I know you were asked broad questions on stop work authority. How
17 does this one actually closed?

18 **WIT:** The weather subsided and they got back underway.

19 **Mr. Kucharski:** Did the – was there any shore side participation in closing that out?

20 **WIT:** As far as we don't control the weather to close it. When the weather passes the
21 Master notifies us he's back underway.

22 **Mr. Kucharski:** Okay shore side doesn't review this and have any input to this at all?

1 **WIT:** The input is thanking them for stopping the job. And then thanking them for
2 notifying us to get back underway. That's the input. And that's done via email in
3 response to it.

4 **Mr. Kucharski:** No investigation or discussion with the technical department or
5 operations department on the actual whipping effect?

6 **WIT:** There's nothing to investigate with a weather event, sir.

7 **Mr. Kucharski:** How about the effect of whipping on the actual vessel with legs, is that

8 -----

9 **WIT:** The on board survey is done by the crew and if there's an issue to report then
10 they would report it.

11 **Mr. Kucharski:** Okay so the crew alone would look at the legs to see, shore side
12 wouldn't look at it?

13 **WIT:** Yes.

14 **Mr. Kucharski:** Okay. You personally, do you actually go on board vessels and
15 conduct vessel visits?

16 **WIT:** Yes, sir.

17 **Mr. Kucharski:** And is there anything specific that you look at when you go on board?

18 **WIT:** Just to clarify, pre-COVID, post-COVID?

19 **Mr. Kucharski:** Pre-COVID, yes.

20 **WIT:** Understood. Yes, sir. When we go on board the vessel, vessel visit program I
21 guess is the guidelines is developed to provide us a structure to go on board. Instead of
22 just a day out of the office which some people might view it as. It gives us, you know
23 one of the big common things for me personally is looking at your weekly review of

1 occurrences which is a way for us to communicate anything going on in our fleet. This
2 happened on this vessel, I want you to be aware of it. You discuss through it. It gives
3 you the ability to discuss any safety alerts that go out. As much as the data you send
4 and you want them to read it and you want them to understand it, anyway you can
5 verbally communicate on top of that is always beneficial to the crew. There's no
6 downside to it. I also use vessel visits as a way to generally you know understand how
7 the security is going. From the initial sign in phase. Are they checking IDs, are they
8 signing you in on and off the vessel. I also look at it as an opportunity for myself to
9 actively participate in our behavior based safety program. I've always been a firm
10 believer that if they see you doing it, see you participating actively they're a lot more
11 likely to actively participate as well. So I always try to conduct a behavior based safety
12 observation while on board the vessel. And those are some of the key, every time I go.
13 But then you look at, you know normally you're going for a reason. There are some
14 general vessel visits, but in today's environment I'm going for an audit or there's a
15 reason to go on board. There's some activity upcoming.

16 **Mr. Kucharski:** And the overall risk assessment process, is that only for sea going
17 personnel or does the shore side staff at SEACOR also have some kind of risk
18 assessment process or evolution? Do they assess risk also?

19 **WIT:** Yes it's the same process. We have a hazard registered that identifies as we
20 discussed earlier that identifies the risk of the company and our ships vessel types.

21 **Mr. Kucharski:** And I would like to look at Exhibit 78E as in Echo and will be at page 7
22 [showing Exhibit]. And it's called lift boat and self-elevating unit. And I believe this is
23 part of the risk assessment for ----

1 **WIT:** No, sir. That's a weather working guideline. As far as SMS it's, I believe it's an
2 Excel page. So what you have loaded might not be the entirety of it. It has three tabs
3 on it. One for each vessel class.

4 **Mr. Kucharski:** But as you look down a little bit further at the table is that risk
5 assessment that I'm looking at there?

6 **WIT:** No, sir. That's a table criteria that will give you a score basing environmental
7 elements when you're approaching an offshore facility. It will give them, I guess you
8 could call it a risk assessment to a degree, but it's more of a weather working guidelines
9 is what we call it. I guess if you look at the pure definition of risk assessment identifying
10 the risk as weather, current, visibility and here's your outcome if it's risk or not. So I
11 guess theoretically yes you could call it that. That's not how we refer to it, but yes.

12 **Mr. Kucharski:** Okay. So are you familiar with the parameters, the term the operating
13 parameters of a vessel? Have you seen that table in the safety management system?
14 Would you like me to pull that? Would you like to pull that up so you can?

15 **WIT:** I believe you're referring to the operations manual.

16 **Mr. Kucharski:** Yes.

17 **WIT:** Of a lift boat.

18 **Mr. Kucharski:** Yes.

19 **WIT:** I'm familiar with the terminology. But I do not have all lift boats parameters
20 memorized.

21 **Mr. Kucharski:** Okay.

22 **WIT:** But I'm familiar with it.

1 **Mr. Kucharski:** We'll pull that up and come back to this and look at it briefly. So I
2 understand how this form actually works. Can we look at Exhibit 59 page 37 [showing
3 Exhibit]. So the operating limits in afloat mode, have you seen this table before?

4 **WIT:** Not prior to this investigation.

5 **Mr. Kucharski:** Well we see the wave height 5 feet and wind speed legs fully raised of
6 70 knots, do you see that?

7 **WIT:** Yes, sir.

8 **Mr. Kucharski:** Thank you. Sorry Lieutenant Alger now could we please go back to
9 the previous Exhibit which is 78E and look at page 7? [Showing Exhibit]. And just go
10 down to that there. See where it says waves greater than 10 feet?

11 **WIT:** Yes, sir.

12 **Mr. Kucharski:** So actually I think you have to scroll down a little bit further. That may
13 not be for a lift boat. I want to make sure we're all on the same page here. It shows 7
14 on mine. It should be a lift boat. There we go. Okay. It says 5 feet here. In excess of
15 5. So my simple question is there like a kick out for this spreadsheet where -----

16 **WIT:** Is there a what?

17 **Mr. Kucharski:** A kick out, so let me explain that. So if it's over 5 feet it's already out
18 of the operating parameter does it say bing, bing, bing, stop right here, don't go past
19 go?

20 **WIT:** This is a general document for a large fleet. We're looking at a very vessel
21 specific. So that Master would never let it get to that point. This is generalized
22 document for any vessel to use. And it can be modified for that vessel specific
23 operations, sir.

1 **Mr. Kucharski:** So the Master would then go into this spreadsheet and change the
2 formulation?

3 **WIT:** The Master would start with his vessel specific operating manual parameters. He
4 would not utilize this at that point because he has parameters. Many vessels types do
5 not have parameters or those set guidelines such as you saw on the lift boat POWER.

6 **Mr. Kucharski:** Okay, okay. So there's something in here.

7 **WIT:** This is a guideline for the fleet to give them something to go by if they do not have
8 the vessel specific parameter.

9 **Mr. Kucharski:** So -----

10 **WIT:** That's established from the design of the vessel.

11 **Mr. Kucharski:** So that greater than 5 foot that wouldn't apply to the SEACOR
12 POWER? So there's something in here that says bing, bing don't use this for SEACOR
13 POWER?

14 **WIT:** It's a guideline, sir. What's not to use is the vessel's operation manual that give
15 the Master the direct guidance on how he should operate his vessel.

16 **Mr. Kucharski:** Okay, thank you. Could we look at Exhibit 78C as in Charlie please?
17 [Showing Exhibit]. And that will be at page 213. And where it say planning there, the
18 second sentence shore base and ship base management. It talks about both of those.
19 And then the last part of that sentence and incidents on board company managed
20 vessels. Actually it says shore base and ship base management must be prepared, do
21 you see that?

22 **WIT:** Yes, sir.

1 **Mr. Kucharski:** Okay. Can we now go to page 220? And where it says in section 8.1
2 shore base emergency response team action. You can see that section. And then I
3 would like to pull it together with page 217 and where it talks about the drills every three
4 months. A little bit further, yep. There we go every three months. What's Angle of Loll?

5 **WIT:** Angle of Loll?

6 **Mr. Kucharski:** Yeah. Can you tell me what that is?

7 **WIT:** It's a vessel's angle, it's a leaning.

8 **Mr. Kucharski:** I'm sorry.

9 **WIT:** The way a vessel leans, angle of Loll. If there's -----

10 **Mr. Kucharski:** The way it leans?

11 **WIT:** Stability issue I believe is what the context of that type of drill would be.

12 **Mr. Kucharski:** Okay. And so does the company participate in any of these drills with
13 the vessel?

14 **WIT:** If you scroll up a little bit, sir. That's on board drills.

15 **Mr. Kucharski:** Right. I get it. But I'm asking you when it talks about earlier, that's
16 why I asked about the company participation and what overall on that policy. Do you
17 get involved in any of these drills?

18 **WIT:** The context of your question is do we get involved.

19 **Mr. Kucharski:** Yes, sir.

20 **WIT:** Now there's various states of involve. So I guess to directly answer it would be
21 yes because we do have the crew run drills during internal audits. Occasionally we are
22 on board during regulatory inspections in which they have them run drills so we see
23 them and participate. I have myself participated in on board drills. But on an everyday,

1 every month, every 90 day the answer is no. But yes we do participate when we're on
2 board and during the audit process.

3 **Mr. Kucharski:** Okay. Shore side though, shore side as you're sitting in the office you
4 don't have any coordination like say flooding or any of the emergency situations that are
5 in here?

6 **WIT:** No, sir.

7 **Mr. Kucharski:** Thank you. I do see in there flooding. Is there anything if flooding
8 can't be controlled and the vessel founders?

9 **WIT:** Today's vessels the way they're designed generally speaking they should not the
10 ship's construction to my understanding.

11 **Mr. Kucharski:** The term heavy weather was used throughout the operations manual
12 for the vessel. Is there an actual definition in the manual for heavy weather?

13 **WIT:** I don't recall off hand.

14 **Mr. Kucharski:** Sorry to ask that. You know so much of this program, you're the
15 pinpoint expert. Thank you. Exhibit 59 please and let's go to page 35 [showing Exhibit].
16 And the watertight integrity at section 1. The very end of that sentence it starts off when
17 afloat, do you see that? And then all watertight doors.

18 **WIT:** Umm huh.

19 **Mr. Kucharski:** Okay let me ask this. Secured when not in actual use. What does that
20 mean? Not in actual use?

21 **WIT:** I believe it means what it says, sir. If you're not using the door it needs to be
22 secured.

1 **Mr. Kucharski:** So does that mean walking ingress and egress? Does it mean if you
2 had that open and you were running a hose outside there that you have the door open,
3 is that in actual use? Or say you were bringing ----

4 **WIT:** I don't know what your question is, sir.

5 **Mr. Kucharski:** Moving stores in and out on the deck could you leave that door open
6 since it's in actual use?

7 **WIT:** I don't follow your question, sir. I believe it's when you're not actually using it.

8 **Mr. Kucharski:** So does use mean – include opening the door to let's say -----

9 **WIT:** When what, sir?

10 **Mr. Kucharski:** Taking garbage out or to bring stores in off the deck, would that be
11 actual use?

12 **WIT:** Are they using the door? If they're using it then they're not using it. I think you
13 follow what the document says, sir.

14 **Mr. Kucharski:** Okay, thank you. Does, well actually let me back up a little bit. Did
15 Captain Ledet ever voice any concern to you or your people about performing a task or
16 mission or evolution in a safe manner?

17 **WIT:** The question came across a little fuzzy, could you repeat please?

18 **Mr. Kucharski:** Sorry. Did Captain Ledet ever voice concern about performing a task
19 or a mission or an evolution in a safe manner to you or your people?

20 **WIT:** Nothing that's been brought to my attention.

21 **Mr. Kucharski:** Can you tell us why Jim Gracien was placed on board the SEACOR
22 POWER?

23 **WIT:** Pre-accident I have no knowledge of it.

1 **Mr. Kucharski:** And you said you've been working for SEACOR for at least 5 years in
2 different capacities. How many lift boats were there when you first came to work for
3 SEACOR that they had actually operating?

4 **WIT:** It's been 15 years, sir. And we acquired SEACOR lift boats in 2012. And it was a
5 standalone company with their own document of compliance at that time. And then they
6 merged with SEACOR Marine several years later.

7 **Mr. Kucharski:** So how many vessels that were actually out, not that weren't I think I
8 call it hot stack, warm stack, say that were actually out operating? Do you have
9 numbers on those or any idea?

10 **WIT:** At what point and time, sir?

11 **Mr. Kucharski:** When you first started.

12 **WIT:** When I first started we were over 100 vessels just in the Gulf of Mexico.

13 **Mr. Kucharski:** And they were actually operating?

14 **WIT:** Yes, sir.

15 **Mr. Kucharski:** Now these last set of questions are related to some of your company
16 policies about, well actually first let me ask you did you replace anyone at your current
17 position?

18 **WIT:** Yes, sir.

19 **Mr. Kucharski:** Who was that person?

20 **WIT:** The previous DPA for SEACOR Marine was Willard Robertson.

21 **Mr. Kucharski:** Is that Mr. Robertson, Willard Robertson you said?

22 **WIT:** Yes, said.

1 **Mr. Kucharski:** And did Mr. Robertson leave or did he retire, do you know what the
2 circumstances were?

3 **WIT:** I was not involved in his circumstances of employment.

4 **Mr. Kucharski:** Does the company have a disciplinary process that it goes through for
5 its crew members?

6 **WIT:** Yes, sir. It's in Chapter 6 of the SMS.

7 **Mr. Kucharski:** And are there verbal warnings and written warnings type letters of
8 warning?

9 **WIT:** Yes there is a warning notice and there's a list of offenses as well in the SMS.

10 **Mr. Kucharski:** And you said Chapter 6.

11 **WIT:** Yes, sir.

12 **Mr. Kucharski:** Do you – do you know if there were any disciplinary actions in any way
13 brought by the company against any of the crew members that were on the SEACOR
14 POWER during the accident voyage?

15 **WIT:** I do not have that information, sir.

16 **Mr. Kucharski:** We would be able to get that through your HR Department, could we?

17 **WIT:** Yes, sir. I can request for it.

18 **Mr. Kucharski:** Thank you. Thank you Mr. Cenac. Thank you Captain.

19 **CAPT Phillips:** Thank you Mr. Kucharski. Just to clarify on record the first Exhibit that
20 Mr. Kucharski referenced was Exhibit 148. It was referred to as a NVIC, a navigation
21 vessel inspection circular, that's not correct. It is the Coast Guard work instruction. I'm
22 going to turn the microphone over to Mr. Lawrence.

23 **Mr. Lawrence:** Thank you Captain. Good morning Mr. Cenac.

1 **WIT:** Morning.

2 **Mr. Lawrence:** A few more questions about vessel salvage for you. So have you ever
3 inspected Don Jon's facilities or resources that they have available to respond to an
4 incident like this?

5 **WIT:** No, sir.

6 **Mr. Lawrence:** Has anyone at SEACOR to your knowledge?

7 **WIT:** Not to my knowledge, no.

8 **Mr. Lawrence:** Are you generally aware of what resources they can provide?

9 **WIT:** Generally aware, yes.

10 **Mr. Lawrence:** What would those be?

11 **WIT:** The salvage and marine aspects would be the expertise and knowledge to
12 oversee an operation of this nature and to pull any equipment or resources needed to
13 exercise whatever that salvage and marine, firefighting would be. So when you look at
14 the operations that's on scene currently they equipment that's out there is not Don Jon's
15 equipment it's contracted equipment. So they provide the expertise, plans, procedures
16 and knowledge base and what's need and what's required to pull together to effectively
17 forego their plan.

18 **Mr. Lawrence:** When you were contacted by Don Jon how do you decide which
19 resources you needed from them?

20 **WIT:** We discussed the nature of what we knew about the accident at the time. The
21 vessel was capsized and search and rescue was ongoing. The Program Manager
22 suggested the dive operations to start. And then one of the early on questions I think
23 for Coast Guard and many involved was the phases of it. And I think for all of us to

1 understand which we've been purvey to over the course of this that the salvage has
2 many stages. Your first and primary focus point is search and rescue. First and
3 foremost. The second phase was environment. So the third phase would be salvage
4 and the equipment.

5 **Mr. Lawrence:** Was there anything other than divers that you discussed needing?

6 **WIT:** No, sir. Not on the first call, no, sir.

7 **Mr. Lawrence:** Do you recall them discussing the severity level or tier of response with
8 you?

9 **WIT:** Who?

10 **Mr. Lawrence:** Don Jon.

11 **WIT:** No we did not discuss a tier or severity level at that time.

12 **Mr. Lawrence:** You said you weren't familiar with the contract you had with them.
13 Does the Lloyd's Open Form sound familiar?

14 **WIT:** Yes. When I said I'm not familiar with it I can't site verbatim the direct question he
15 asked. But I am privy to the contract itself, yes.

16 **Mr. Lawrence:** So you have a Lloyd's Open Form in place or you had a Lloyd's Open
17 Form in place with Don Jon?

18 **WIT:** I would have to confirm that, sir.

19 **Mr. Lawrence:** Okay. Did you also have a master services agreement in place with
20 Don Jon?

21 **WIT:** I would have to confirm that, sir.

22 **Mr. Lawrence:** There was some discussion about the contract with your salvage
23 company being required by oil pollution act of 1990. To your knowledge is that contract

1 mostly, I guess you don't have much knowledge of the contract, but would that be
2 mostly focused on pollution or are there -----

3 **WIT:** No, sir. The pollution side you have NRC as your pollution response, national
4 response corporation for pollution response. Don Jon is primarily salvage and
5 firefighting operations. So they're separate entities that's part of that one vessels
6 response plan.

7 **Mr. Lawrence:** Okay. But that vessel response plan falls under the oil pollution act of
8 1990?

9 **WIT:** Yes, sir. I believe that's the C.F.R. it's approved under, yes.

10 **Mr. Lawrence:** Was there a shift in contract when the pollution was removed?

11 **WIT:** I don't follow your question, sir. Because they're separate companies. So your
12 pollution contract is with NRC and your salvage marine firefighting is with Don Jon.
13 They're separate companies. The NRC part of it remains throughout the salvage.
14 Because they say environmental is gone, but we maintain their resources, maintain that
15 contract on site.

16 **Mr. Lawrence:** It's my understanding that the salvage company is required to be
17 contracted because of the oil pollution act. So if the pollution is removed does that
18 change the contract? I guess is the general question.

19 **WIT:** I guess -----

20 **Mr. Lawrence:** Specifically in this case.

21 **WIT:** I guess technically the way you're going. But I would have to research that one,
22 sir. I can't speak off hand on that.

1 **Mr. Lawrence:** Okay. Is Don Jon still working under the direction of SEACOR or are
2 they primarily working under the direction of the insurance company?

3 **WIT:** I can't speak on that question, sir. I've been involved in the investigation.

4 **Mr. Lawrence:** Okay. Are you aware of any contract incentives for the salvage
5 company for providing on a timely services for any part of their operation?

6 **WIT:** No, sir.

7 **Mr. Lawrence:** Thanks. That's all I have.

8 **CAPT Phillips:** Thank you Mr. Lawrence. Mr. Muise.

9 **Mr. Muise:** Thank you Captain. Mr. Cenac just a few follow ups and I apologize I
10 missed these earlier. You told us that you're the first point of contact when there's an
11 emergency or you're alternate when there's an emergency on board a vessel.

12 **WIT:** Yes, sir.

13 **Mr. Muise:** Do you have access to or how do you know the POB for each vessel? How
14 many people are on board?

15 **WIT:** The POB count is on the reports, the morning and afternoon reports that they
16 send out.

17 **Mr. Muise:** Is – does that report include a manifest with names and?

18 **WIT:** No, sir, it does not.

19 **Mr. Muise:** So how do you – where does that manifest come from that has everybody's
20 names and ages? How did you get that?

21 **WIT:** So depending on the vessel type, the vessel themselves if there's no third party
22 personnel that would be managed by HR, SEACOR only personnel. And in the lift boat
23 world they would send in a manifest of people along with their billing code that shows

1 the bunks and rooms on board. At the time of this accident that document had not yet
2 been sent in. They often refer to it a billable log, it's a ship's log and that would show
3 the personnel on board that you're billing back to a client in a sense. And the record
4 when they board the vessel, when they sign in the manifest itself that's on board the
5 vessel.

6 **Mr. Muise:** How about next of kin information? How quickly can you – or how do you
7 get that information?

8 **WIT:** That's from – through Human Resources Department, sir.

9 **Mr. Muise:** How about for your client's people that are on board? Do they – are they
10 responsible for their third party contractors or do you get that information when they –
11 everyday?

12 **WIT:** No, sir. That was managed by the third party contractors.

13 **Mr. Muise:** So in this case you had to go to the client and say how many people – who
14 are these people that are on board?

15 **WIT:** Yes.

16 **Mr. Muise:** And what is their information.

17 **WIT:** And they would notify next of kin.

18 **Mr. Muise:** And they take care of the next of kin notification from their contractors?

19 **WIT:** Yes, sir.

20 **Mr. Muise:** Can you describe in general how that went in this case?

21 **WIT:** The initial phase went well I think. The next of kin one of the early on was how it
22 was expanded. That side of the operation was handled through our HR Department for
23 next of kin with assistance from Coast Guard, NTSB, provided on scene support with La

1 Fourche Parrish. So I was not directly overseeing the next of kin, but I do know they
2 effectively managed it and they scheduled several meetings and to consistently provide
3 information to the families.

4 **Mr. Muise:** And if I remember right you mentioned that there was no client
5 representative imbedded in your incident management team on scene.

6 **WIT:** Not on scene, no, sir.

7 **Mr. Muise:** But you were in contact with them and they were helping out throughout
8 this scenario as the scenario unfolded?

9 **WIT:** I personally wasn't, but we had representatives for SEACOR in contact with them,
10 yes, sir.

11 **Mr. Muise:** Okay. Thank you, sir.

12 **CAPT Phillips:** Thank you Mr. Muise. Mr. Kucharski.

13 **Mr. Kucharski:** Yes, ma'am. Mr. Cenac just a follow on the risk assessment process.
14 I asked about the vessel doing this and you said the shore side follows the same
15 process. Is that correct?

16 **WIT:** For our risk assessment program? Yes, sir.

17 **Mr. Kucharski:** And so are the same hazards, would you agree that there's a hazard
18 and a risk associated with it, is that correct?

19 **WIT:** Yes, sir.

20 **Mr. Kucharski:** And then you have mitigation for the risk, is that correct?

21 **WIT:** Yes, sir.

1 **Mr. Kucharski:** So would the, so I understand the company process here, would the
2 company do a risk assessment for the very same hazard that the ship is doing or the
3 vessel is doing?

4 **WIT:** I think you're at a different level. So for you to understand so if we're looking at a
5 vessel, I'm going on board and if we have a project to do on the vessel I'm a company
6 representative and I participate with the vessel crew on this risk assessment process
7 and that's on board the vessel. I'm not going to do a separate risk assessment than the
8 crew for the same job task. We're going to participate and develop a risk assessment
9 for that job task for that project.

10 **Mr. Kucharski:** Okay. For the job. Now is it also for an evolution? Well then how do
11 you view a job? Is that – would it be a whole voyage would be a job? Or would it be
12 heavy weather?

13 **WIT:** A voyage would be a job. Heavy weather is a hazardous part of that job task.
14 The job task is the voyage itself. And then you look at the risk associated with that
15 voyage. Heavy weather is one of the risk associated with that voyage.

16 **Mr. Kucharski:** So there's no separate risk analysis for heavy weather per se?

17 **WIT:** Heavy weather is not a job task. Heavy weather is a risk. It's a hazard. So you
18 do a risk assessment, you're doing it on an actual job task. Heavy weather is a hazard
19 associated with the job task you're doing.

20 **Mr. Kucharski:** So there's not a separate, like I said the company does a separate one
21 shore side? You work with the vessel then to review it?

22 **WIT:** Yes.

23 **Mr. Kucharski:** Okay. Thank you.

1 **CAPT Phillips:** Thank you Mr. Kucharski. I'll just ask one or two follow up questions
2 on the discussion you had with Mr. Muise about next of kin notifications. I know that
3 you said that HR handles that process.

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

5 **CAPT Phillips:** So tell me if you're not familiar. Does SEACOR keep one person listed
6 as next of kin for each person or do they keep multiple people as the next kin for each
7 employee?

8 **WIT:** That question would be better geared toward the HR representative, ma'am.

9 **CAPT Phillips:** Okay. Then you said when you answered one of his questions you
10 said the next of kin was expanded. Can you tell me more about that?

11 **WIT:** Sorry can you repeat that, expanded?

12 **CAPT Phillips:** When you were talking about how the next of kin process was – how it
13 worked.

14 **WIT:** Oh yes.

15 **CAPT Phillips:** You said it was expanded and you talked about working with Coast
16 Guard.

17 **WIT:** So the way I understand it the next of kin process started very small with the HR
18 group. And Coast Guard offered support, La Fourche Parrish, Harbor Police, even
19 NTSB brought in a representative. So we were looking after our employees as well as
20 notifying the subcontractors including our client and the other representatives on board.
21 And then what we found was the information from them down to the other we wanted to
22 combine it all to have one meeting for everyone. And I believe that's what I was
23 referring to, how it was combined. Instead of us having one and then every client

1 having their own I believe it was more of a streamlined process over time. And that was
2 transpired by the assistance of NTSB and Coast Guard who were very helpful, you
3 know in helping structure that and communicating that information effectively as well as
4 participating in the ongoing salvage ops to make sure that the families were very aware
5 of what was going on before the media was.

6 **CAPT Phillips:** I see. Thank you for walking me through that. Would the HR
7 representatives be the appropriate points of contact understanding the timelines that
8 were associated with next of kin notifications?

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

10 **CAPT Phillips:** Thank you. At this point we'll talk to some parties in interest to see if
11 they have questions. I'll start this morning with SEACOR Marine and Falcon Global.

12 **Ms. Apps:** Thank you Captain Phillips. SEACOR Marine has no questions.

13 **CAPT Phillips:** Thank you Ms. Apps. I'll go to the First Mate next.

14 **Mr. Sterbcow:** Thank you Captain. Mr. Cenac good morning, my name is Paul
15 Sterbcow I represent Bryan Mires. I want to make sure that I understand a couple of
16 things. What's the relationship between SEACOR's vessel response plan that's part of
17 its SMS internal audit and the business continuity plan that you mentioned earlier?

18 **WIT:** So the relationship of a vessel response plan is the function of a vessel itself.
19 The business continuity is the response from the shore side.

20 **Mr. Sterbcow:** Okay. So if we need to know what SEACOR's policy was with respect
21 to shore side response to a vessel in distress at sea it's the business continuity plan,
22 that's the reference document, is that fair?

1 **WIT:** It depends on the nature of the incident. As a security plan will identify you know
2 security response. The pollution response plan will also identify your shore side
3 response as well. So the nature of the accident could dictate that question.

4 **Mr. Sterbcow:** In this particular case the capsizing of the SEACOR POWER when
5 you're talking about response with respect to trying to save lives, would that be a
6 business continuity plan, would that control that narrow issue?

7 **WIT:** The activation of the crisis management team to assist in the search and rescue
8 operations that is directed by Coast Guard, yes.

9 **Mr. Sterbcow:** Okay. In this situation you had mentioned that the SEACOR Don Jon
10 contract, and I may have written this down wrong, I wrote down is part of the vessel
11 response plan. Is that accurate? Or is that not accurate?

12 **WIT:** Part of can be taken into different accounts. So it would be more considerate I
13 guess if you're looking at documentation wise I would say an Annex. Because when
14 you say part of people generally perceive that as one singular PDF for example.

15 **Mr. Sterbcow:** Right.

16 **WIT:** So you would have your response plan, you would have your IMO contact list,
17 you will have your Don Jon Annex, you will have you know NRC contacts. So they're
18 part of the same what they call a vessel response plan.

19 **Mr. Sterbcow:** Got you.

20 **WIT:** Same package I guess would be a better way to clarify that.

21 **Mr. Sterbcow:** In this particular situation would Don Jon reaching out to you with the
22 offer of rescue divers been an extra contractual act on their part? In other words do

1 they have a contractual responsibility to provide divers at that point or was this
2 something that they were offering as an extra service because of the situation?

3 **WIT:** I don't recall the clarity specific point you're asking, sir. I don't recall that.

4 **Mr. Sterbcow:** And I guess the contract, if the service, the diver service were a part of
5 the Don Jon SEACOR relationship we could just refer to the contract and it would tell
6 us?

7 **WIT:** Probably, sir.

8 **Mr. Sterbcow:** Did, you mentioned before a boat, you found a third party vessel off
9 charter at Fourchon that was willing to mobilize and take the divers and the Dive Master
10 and so forth out to the SEACOR POWER?

11 **WIT:** Yes, sir. We discussed several options actually.

12 **Mr. Sterbcow:** Did that boat ultimately take divers to the scene?

13 **WIT:** Which boat. There were two discussed. The first one was a crew boat that was
14 rejected due to DP1 status. The secondary vessel was an OSV that did not.

15 **Mr. Sterbcow:** It did not?

16 **WIT:** No.

17 **Mr. Sterbcow:** What boat mobilized pursuant to SEACOR's response to this capsized?

18 What boat arrived first at the scene if you know?

19 **WIT:** As a SEACOR Marine asset?

20 **Mr. Sterbcow:** Yes.

21 **WIT:** That would be the SEACOR BRAVE.

22 **Mr. Sterbcow:** An that's the boat that we heard about yesterday I think from Paul.

23 **WIT:** I believe so.

1 **Mr. Sterbcow:** Did any boat prior to the BRAVE, did any boat that SEACOR either as
2 its own asset or that it obtained from a third party arrive at the scene to engage in
3 rescue efforts prior to the BRAVE arriving?

4 **WIT:** All third party assets were mobilized by the Coast Guard as part of the emergency
5 response efforts. SEACOR Marine did not have any active crew boats or OSVs in this
6 region to be able to respond.

7 **Mr. Sterbcow:** Okay. And do you have any information or knowledge as to when the
8 BRAVE actually arrived on scene?

9 **WIT:** I would have to research the specific time, sir.

10 **Mr. Sterbcow:** Alright. Would she have kept a log of her activities?

11 **WIT:** Yes all vessels keep a log.

12 **Mr. Sterbcow:** Going forward do you think it's a good idea to try to partner with the
13 client, in this case TALOS to bring them more on board and get them more involved in a
14 vessel in distress rescue response?

15 **WIT:** I don't understand your question, sir. They were involved.

16 **Mr. Sterbcow:** In other words, well let me back up. My understanding, correct me if
17 I'm wrong that TALOS involvement here was that they were called, they said they
18 thought they had a vessel but it turned out that that vessel was not suitable for rescue
19 operations. Is that right?

20 **WIT:** Yes. TALOS was involved, yes, sir.

21 **Mr. Sterbcow:** Now going forward do you think it would be a good idea to consider a
22 plan in place either as part of the time charter or another document where there would
23 be a specific contractual obligation on behalf of the client to help SEACOR in a situation

1 like the SEACOR POWER sinking where they have an affirmative duty to come help
2 you guys?

3 **WIT:** They did assist in the operations, sir.

4 **Mr. Sterbcow:** I understand. But my, and maybe I'm misunderstanding you. Was
5 TALOS's participation strictly voluntary?

6 **WIT:** I do not know if it was contracted or voluntary, sir. But I knew they were
7 participating.

8 **Mr. Sterbcow:** Okay. So you don't know one way or the other what TALOS's
9 contractual obligations with respect to a vessel sinking was on April 13th?

10 **WIT:** No, sir. I'm not involved with the contracts.

11 **Mr. Sterbcow:** Alright. Who is the ISM designated person at SEACOR?

12 **WIT:** I am, sir.

13 **Mr. Sterbcow:** Okay, I just wanted to make sure I understood. Are you aware of any
14 vessel distress response drills that SEACOR conducted with TALOS prior to April 13th
15 '21, a joint exercise?

16 **WIT:** Specifically with TALOS? Not that I'm aware of.

17 **Mr. Sterbcow:** And I asked this question to Paul but I want to make sure because
18 you're obviously in a position to know this. Are you aware of any agreements that
19 SEACOR had with any third party, and I'm just using Bristow as an example, if needed
20 that you could immediately call on to provide emergency vessel distress response
21 services?

1 **WIT:** Additional emergency response services you're not required to hold a contract
2 with them, you can call them as needed. And they were already on scene as we
3 learned from the U.S. Coast Guard.

4 **Mr. Sterbcow:** There's no preexisting business arrangement though between
5 SEACOR and any third party, is that correct?

6 **WIT:** Third party what, sir?

7 **Mr. Sterbcow:** And I'm using this as an example, there would be no agreement,
8 preexisting agreement whereby if something like this happens SEACOR has a business
9 relationship with Bristow, they pick up the phone they call a designated person and say
10 hey we have a vessel down can you guys send a rescue chopper?

11 **WIT:** Bristow is equipped with a hotline number to call for emergency circumstances
12 and they would be scene if you call them as what occurred in this situation.

13 **Mr. Sterbcow:** And that's available – SEACOR knew that?

14 **WIT:** It's available to anyone, sir.

15 **Mr. Sterbcow:** Alright, great.

16 **WIT:** They're an emergency response service.

17 **Mr. Sterbcow:** That's all I have. Thanks very much.

18 **CAPT Phillips:** Thank you Mr. Sterbcow. American Bureau of Shipping.

19 **Mr. White:** Thank you Captain. ABS has no questions.

20 **CAPT Phillips:** Thank you Mr. White. Mr. Kucharski.

21 **Mr. Kucharski:** Yes please. And I don't know Mr. Cenac if you are the person to ask
22 this, but in Exhibit 78C we have the disciplinary procedures what you talked about in

1 Chapter 6. So would you agree that a Master is responsible for disciplinary actions on
2 board his or her vessel?

3 **WIT:** I believe that's the way that procedure is set up. There should be a chart in there
4 to identify that.

5 **Mr. Kucharski:** Okay. And so how about if the Master has to be disciplined? Who –
6 how would that work?

7 **WIT:** There should be a reference in there to the organizational chart that anyone
8 above the Master can discipline.

9 **Mr. Kucharski:** Okay. Are you aware of any disciplinary actions against any of the
10 SEACOR Masters in the past 5 years?

11 **WIT:** All Masters as a whole?

12 **Mr. Kucharski:** Yes, sir.

13 **WIT:** That's a very broad question, sir. I would have to say yes there has been in some
14 point and time. But I would – that's one you would have to research.

15 **Mr. Kucharski:** Thank you.

16 **CAPT Phillips:** Thank you Mr. Kucharski. As we wrap up the questioning I'm
17 interested to know if there's any recommendations or changes that can be made as a
18 result of this accident that might prevent things like this from happening in the future.

19 **WIT:** Ma'am, as a party member I thoroughly look forward to continue working with this
20 team to identify any of those items.

21 **CAPT Phillips:** Thank you. Have there been any big changes at SEACOR?

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

23 **CAPT Phillips:** Since the accident.

1 **WIT:** No big changes.

2 **CAPT Phillips:** Thank you. Is there anything else you would like to tell us that we
3 haven't asked about this morning?

4 **WIT:** No, ma'am. Thank you.

5 **CAPT Phillips:** Thank you. It's a little bit earlier than we had originally scheduled.
6 SEACOR Marine do we anticipate that the next witness would be available at noon if we
7 were to reconvene at noon?

8 **Ms. Apps:** I believe that's feasible Captain Phillips, yes.

9 **CAPT Phillips:** Mr. Cenac.

10 **WIT:** What time was he scheduled.

11 **CAPT Phillips:** We were originally supposed to start at, next session at 1230. But if
12 we were to start at 12?

13 **Ms. Apps:** Can I propose Captain Phillips that we take a recess, we'll make a call to
14 see how far away he is to confirm that we can start by 12?

15 **CAPT Phillips:** That's okay. We asked for him to be a little bit early. So we'll just say
16 1215.

17 **Ms. Apps:** Yes.

18 **CAPT Phillips:** Okay. Mr. Cenac we're now finished with your testimony for today.
19 However, the Coast Guard retains the right to recall you and provide additional
20 testimony at a later date. Therefore, I'm not releasing you as a witness at this time.
21 And you remain under oath until I do release you as a witness in this investigation.
22 Please do not discuss your testimony with anyone other than your counsel, the National
23 Transportation Safety Board or members of this Coast Guard Marine Board of

1 Investigation Team. If you have any questions about this you may contact our Legal
2 Adviser Lieutenant Sharyl Pels. Thank you for being here today and thank you for your
3 cooperation.

4 **WIT:** Thank you, ma'am.

5 **CAPT Phillips:** We will reconvene at 1215. The time is 1054. This hearing is now in
6 recess.

7 *The hearing recessed at 1054, 11 August 2021*

8 *The hearing was called to order at 1215, 11 August 2021.*

9 **CAPT Phillips:** The time is 1215. This hearing is now in session. We will now hear
10 testimony from Mr. Barrett Charpentier. Lieutenant Alger can you please administer the
11 oath?

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

17 **WIT:** Yes, sir.

18 **Recorder:** Please be seated. For the record if you could state your full name and spell
19 your last?

20 **WIT:** Barrett Joseph Charpentier, C-H-A-R-P-E-N-T-I-E-R.

21 **Recorder:** Thank you and if you could identify your counsel please.

22 **Mr. Tompkins:** Peter Tompkins, T-O-M-P-K-I-N-S.

23 **Recorder:** Thank you.

1 **CAPT Phillips:** Thank you Lieutenant Alger. Good afternoon, thank you for coming in
2 today. I'm going to start off and ask you some questions about your background. Can
3 you tell me to start out with where you currently work?

4 **WIT:** I currently work at SEACOR Marine.

5 **CAPT Phillips:** And what's your position there?

6 **WIT:** QHSE Superintendent.

7 **CAPT Phillips:** And how long have you been in that role?

8 **WIT:** Roughly 2 years.

9 **CAPT Phillips:** Can you tell me a little bit about your general responsibilities in that
10 position?

11 **WIT:** General responsibilities in my position would be visiting vessels, doing internal
12 audits of the vessels. Maintaining client databases.

13 **CAPT Phillips:** Thank you. Tell me a little more about maintaining client databases,
14 what does that entail?

15 **WIT:** For example we have IS Net World which is a database for clients to pre-evaluate
16 the company's statistics, safety training records.

17 **CAPT Phillips:** And so you maintain that information?

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

19 **CAPT Phillips:** Thank you. And how long have you worked for SEACOR?

20 **WIT:** SEACOR Marine, I actually started working for MANCO offshore [sic] in 2001
21 which then became Falcon Global, which then became SEACOR Marine.

22 **CAPT Phillips:** Did you have any jobs prior to that in 2001?

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

1 **CAPT Phillips:** Have you spent any time underway?

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

3 **CAPT Phillips:** Tell me more about that.

4 **WIT:** I served as an ordinary seaman and able seafarer deck ratings.

5 **CAPT Phillips:** How long were you underway?

6 **WIT:** As I mentioned before in 2001 I worked for MANCO Offshore I started as an
7 ordinary seafarer, worked my way up to able seafarer in deck ratings. And that was part
8 time while I was going through high school and college. Upon graduating college I went
9 full time with MANCO Offshore as an able seafarer in deck ratings.

10 **CAPT Phillips:** And how many years did you spend with them full time?

11 **WIT:** Full time from 2009 to 2019.

12 **CAPT Phillips:** And then you came over to the position you're in now?

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

14 **CAPT Phillips:** Thank you. So you have your AB credential. Do you have any other
15 professional licenses or certificates?

16 **WIT:** As far as sailing on vessels?

17 **CAPT Phillips:** Or any other type things, do you have any ISO certificates or
18 certifications?

19 **WIT:** Yes, ma'am. I do hold a Master's 100 ton license, Mate 200 ton license as well
20 as ABS certified in internal auditing. The ISM Code Lloyds Register. Certified for ISM
21 auditing and the lead auditor. I have vessel security, office facility security officer,
22 company security officer training by, I believe the name is MARSEC group. As well as
23 incident investigation from ABS group as well.

1 **CAPT Phillips:** Good. Can you walk me through what kind of training you took in order
2 to become a QHSE Superintendent?

3 **WIT:** A QHSE Superintendent so those certifications I just listed go into the job
4 description.

5 **CAPT Phillips:** Okay. Were there anything – was there anything additional specific to
6 that role at SEACOR that you got trained on?

7 **WIT:** I have on the job training from my direct manger Michael Cenac.

8 **CAPT Phillips:** Do part of your responsibilities also include an Alternate Designed
9 Person Ashore title?

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

11 **CAPT Phillips:** Did you get any additional training for that position?

12 **WIT:** The training for that position is covered in the ISM Code which is also part of the
13 certification I mentioned earlier.

14 **CAPT Phillips:** Thank you. Are you responsible for a certain number of vessels or a
15 certain area?

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

17 **CAPT Phillips:** Can you tell me where your responsibility covers?

18 **WIT:** My responsibility covers the vessels in the America's regions.

19 **CAPT Phillips:** How many vessels is that?

20 **WIT:** I would have to look to have the exact number.

21 **CAPT Phillips:** Do you have a range? Around 20, around 30, around 50?

22 **WIT:** I would have to look to see the exact number.

1 **CAPT Phillips:** Okay. Can you walk us through your day to day job? What would a
2 typical day look like for you?

3 **WIT:** Day to day job visiting vessels on a daily basis. Answering phone calls from
4 Masters. Answering questions. Depending on what's going on at the time we have
5 projects in the QHSE Department that we are developing.

6 **CAPT Phillips:** Do you visit vessels every day?

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

8 **CAPT Phillips:** How often would you say you would go out to visit a vessel?

9 **WIT:** At the moment go out to visit a vessel doesn't happen often. We do a lot of
10 remote vessel visiting because of COVID precautions.

11 **CAPT Phillips:** How about before COVID what was your visit schedule like?

12 **WIT:** I would visit the vessel that are in port. I would say I would at least be on vessel
13 every week.

14 **CAPT Phillips:** Okay. And would that entail making trips to South America as well?

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

16 **CAPT Phillips:** Did I hear you say that your supervisor is Mr. Cenac?

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

18 **CAPT Phillips:** Do you have anybody that reports to you? Anybody that works for
19 you?

20 **WIT:** No direct person other than me, no, ma'am.

21 **CAPT Phillips:** You spent a lot of time, you said about 10 years as a full time AB, what
22 kind of vessels were you on during that period?

23 **WIT:** Lift boats.

1 **CAPT Phillips:** The whole time?

2 **WIT:** The whole time.

3 **CAPT Phillips:** As the Alternate DPA how often would you say you get calls from ships
4 because of that, being in that position?

5 **WIT:** Very rarely if ever.

6 **CAPT Phillips:** Do you remember the most – the last one – a call that you got?

7 **WIT:** No, ma'am. No specific instance.

8 **CAPT Phillips:** Okay. We were looking through job responsibilities that were listed in
9 the safety management system. And it looks like one of your responsibilities is to help
10 ensure the safety management system is implemented. Does that sound correct?

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

12 **CAPT Phillips:** Can you walk us through a little bit how you go through and do that?

13 **WIT:** We do our verifications to make sure the vessels have the safety management
14 system on board and they're using it properly through our annual internal audits.

15 **CAPT Phillips:** Okay. So you do your audits on the vessels. Anything else that you
16 would add to that? Other ways that you ensure the system is implemented and
17 maintained?

18 **WIT:** That is the main way we would do that.

19 **CAPT Phillips:** Are you involved when the company has document of compliance
20 audits?

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

22 **CAPT Phillips:** What's your role?

1 **WIT:** My role is to support QHSE Department and to provide evidence that the auditor
2 would ask for to prove that we are in compliance.

3 **CAPT Phillips:** What kind of evidence does that usually mean that you provide?

4 **WIT:** You would have evidence of our internal audits. The efficiency or the efficacy of
5 completing the audit, checklists, incident review verifications, things like that.

6 **CAPT Phillips:** Okay. How many DOC audits have you been involved with, with
7 SEACOR?

8 **WIT:** I'm not positive of the number, but at least two.

9 **CAPT Phillips:** How about safety management certificate audits on vessels, do you
10 get involved in those?

11 **WIT:** Pre-COVID I would be on board the vessel while an ABS auditor was auditing the
12 vessel for their safety management certificates. Just in case the need arises for
13 support.

14 **CAPT Phillips:** How about right now, in COVID times?

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

16 **CAPT Phillips:** Would you typically go on board a vessel before you knew Class was
17 coming for their SMC audit?

18 **WIT:** We tried to do our internal audits prior to the external audit of the vessel.

19 **CAPT Phillips:** How many internal audits does the company do on a vessel each
20 year?

21 **WIT:** One.

22 **CAPT Phillips:** Do you know when the last internal audit was conducted on the
23 SEACOR POWER?

1 **WIT:** That would be a year prior 2019. 2020, sorry.

2 **CAPT Phillips:** In 2020 it was conducted? And that's the most recent one?

3 **WIT:** The most recent one would be in 2021.

4 **CAPT Phillips:** Do you remember what month?

5 **WIT:** It started in March.

6 **CAPT Phillips:** And were you involved in that audit?

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

8 **CAPT Phillips:** What was your role?

9 **WIT:** My role is to conduct the internal audit. It's quite different now as we stated
10 before, post-COVID.

11 **CAPT Phillips:** Was that your first audit that you conducted on the SEACOR POWER?

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

13 **CAPT Phillips:** You were involved with the previous one?

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

15 **CAPT Phillips:** Any others before that?

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

17 **CAPT Phillips:** Do you have an estimated time?

18 **WIT:** 2019, 2020 and then this year would be 2021.

19 **CAPT Phillips:** Okay, thank you. Would you say there's anything unique about
20 conducting an audit on a lift boat?

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

22 **CAPT Phillips:** Are there any specific areas that you have to keep an eye out for on a
23 lift boat? Or watch for?

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

2 **CAPT Phillips:** I'm going to ask Lieutenant Alger to ring up Exhibit 83 please [showing
3 Exhibit]. And we'll take a look at the results of the internal audit on the SEACOR
4 POWER. And looking at the first page and I see 29 March 2021. That's the one –
5 that's the most recent one you were talking about?

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

7 **CAPT Phillips:** And this is the one you conducted?

8 **WIT:** Yes, ma'am. Reviewed.

9 **CAPT Phillips:** Thank you. If you can I would like you to walk me through the
10 document and tell me a little bit about what you did during the audit and what you found.

11 **WIT:** Do you have any specific questions or do you want me to go section by section?

12 **CAPT Phillips:** I think section by section would be good.

13 **WIT:** Section 1 is vessel name, date, the auditor. So here we have an audit completed
14 by vessel crew. Date complete the audit checklist and I reviewed documents that have
15 been submitted. The vessel is aware of the audit prior to the audit. We had discussed
16 it during a vessel visit, a phone call, emails. And opening meeting began at 1830. This
17 would have been the opening meeting of this internal audit with the crew on board at the
18 time.

19 **CAPT Phillips:** Okay. And how about Section 2?

20 **WIT:** The location is where the vessel is located at the time the audit begin. As you
21 can see it was jacked up on location. As well the gangway was certified to be in use.
22 And vessel security check which is the vessel's visitors log we would have looked at a
23 sample for that visitor's log. And last internal audit is dated 9 April 2020.

1 **CAPT Phillips:** Okay. So I'll ask this question now, I think it'll probably apply to some
2 things, so if I heard you correctly the crew does the audits and the crew looked at the
3 visitor's log?

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

5 **CAPT Phillips:** Or do they actually send that to you?

6 **WIT:** They would send – they would send a copy or a sample of the visitor's log to me
7 and I would verify that it was being done correctly.

8 **CAPT Phillips:** Thank you. Can you go to section, the next section please.

9 **WIT:** So for section 3 crew lists, this was one of the pending items that I had. The audit
10 began with one crew on board, which as you can see it would be everyone in the yes
11 section. It was the personnel involved in the opening meeting of the audit. And then
12 the personnel on the bottom were not involved in the opening meeting of the audit. And
13 we did not get to have a closing meeting, that is why those blanks are blank. Joining
14 checklist and vessel familiarization are documents required by the company to
15 complete. Those are the dates of the completions.

16 **CAPT Phillips:** So did they show you those checklist?

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

18 **CAPT Phillips:** And you review them? Okay. Thank you. Next section.

19 **WIT:** So for these, these are policies such as QHSE policy, non-harassment, non-
20 hostile required policy. We were making sure they are posted in the correct areas on
21 board the vessel and as stated before we would get evidence of this being posted on
22 board the vessel. So being that I was not directly in attendance on the vessel we would
23 get pictures of the locations that they are posted. And the interview portion of it gets to

1 ensure that the crew members on board are aware of the policies, they are aware of
2 what they state.

3 **CAPT Phillips:** And that's the interview you conducted with the crew members?

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

5 **CAPT Phillips:** A virtual interview?

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

7 **CAPT Phillips:** What kind of questions did you ask them?

8 **WIT:** So for an example QHSE policy a question I would ask is can you state in your
9 own words what SEACOR related to QHSE policy states.

10 **CAPT Phillips:** Okay, thank you. Section 5.

11 **WIT:** Similar to above. We checked that the Master's standing orders are posted and
12 signed. We do receive picture verification of Master's standing orders posted, ensure
13 they are signed and they do hold instruction, the correct instructions. Same thing with
14 the rest below.

15 **CAPT Phillips:** And tell me about that block that say interview crew members.

16 **WIT:** Interview crew members are fire drills, man overboard and abandon ship, it's
17 similar to the above questions where it would be done by teleconference and I would
18 interview a crew member, depending on who is an opening meeting on their duties
19 during these situations on the station bill.

20 **CAPT Phillips:** And are you using your experience to evaluate their familiarity with
21 their duties in emergency? Or do you have a guide of things they're supposed to be
22 familiar with?

23 **WIT:** We will double check it with the station bill to ensure that they know their duties.

1 **CAPT Phillips:** Thank you. Next section please.

2 **WIT:** So for 6.1 we make sure that they have their drill matrix form which is the record
3 of the dates that they complete their drills. And we make sure that they are doing them
4 on the correct dates without lapsing and the timeline that they're supposed to have
5 those drills completed by. The next one down is SMS training. We have a safety
6 training exhibit in our SMS that states crew members are to complete their weeks
7 trainings to, and the way this one is working here, week 7, 8 and 9 you can see two are
8 done on the same week which they would have been off and they're catching up with
9 the trainings that they would have done whenever they were off tower or on shore
10 leave. For the next one down we receive drills samples which the dates are on there for
11 fire and man overboard. I would have reviewed those drills. For abandon ship the date
12 is not on there being it was a pending item to review. I was waiting for submission of
13 their abandon ship drill. And same thing with the ones below.

14 **CAPT Phillips:** Thank you. And I think I heard earlier this audit hadn't been finished
15 yet, is that correct?

16 **WIT:** The checklist was completed by the crew and the documents were under
17 evaluation by myself. And then I followed up with a request email for additional
18 documentation that was not verified.

19 **CAPT Phillips:** Okay, thank you. Next page please.

20 **WIT:** So for 6.5, bridge fire this is where I would, if in person view them complete a drill
21 or depending on the vessel's internet connectivity and location I can monitor it through
22 video conference. But at the time of this audit it was done by teleconference so I
23 listened in over the telephone while the Master completed a drill.

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

2 **WIT:** Section 7 SMS forms are forms that we have in our SMS. And the dates you see
3 here are samples that they would have provided me for review.

4 **CAPT Phillips:** I see in Section 7.5 it says short service employee. What's a short
5 service employee?

6 **WIT:** A short service employee is a new hire employee. They usually get orange caps
7 and it is required that they fill out a form. For short service employee on board to make
8 sure that they are well familiarized with the vessel.

9 **CAPT Phillips:** Thank you. And the performance assessment is that an assessment of
10 the vessel or is that an assessment of people on board?

11 **WIT:** Personnel.

12 **CAPT Phillips:** Everybody on board gets an assessment?

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

14 **CAPT Phillips:** And this was just a sampling of a couple of them?

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

16 **CAPT Phillips:** Thank you. Do you pick who you want to sample? How does that
17 work?

18 **WIT:** In person audits I would say can you show me an example of, and they would
19 send it to me or same thing right here I will say can you send me an example of a
20 performance assessment and they'll pick it. Or depending on how the audit is going I
21 may pick it myself.

22 **CAPT Phillips:** So sometimes you ask them to provide one and sometimes you say
23 show me the -----

1 **WIT:** Correct.

2 **CAPT Phillips:** Appraisal for this person.

3 **WIT:** Correct.

4 **CAPT Phillips:** Okay. Thank you. Can we go down to the bottom of that page
5 please? Same with the rest of these?

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

7 **CAPT Phillips:** How often are the handover notes completed?

8 **WIT:** Upon change over for Master or Engineer.

9 **CAPT Phillips:** So that's when one crew comes off the boat and another crew comes
10 on?

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

12 **CAPT Phillips:** Do all those handover notes stay on the boat typically?

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

14 **CAPT Phillips:** In this case they provided you some samples. Do you keep those
15 samples in your office if they were being provided as part of an audit?

16 **WIT:** They're kept on share point one drive, yes.

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

18 **WIT:** This is the same section continued.

19 **CAPT Phillips:** Anything notable in any of these – this section?

20 **WIT:** No, ma'am. It's once again sampling documents provided by the vessel.

21 **CAPT Phillips:** Do you remember the non-conformity report they provided to you?

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

23 **CAPT Phillips:** Do you remember if there were any non-conformities reported?

1 **WIT:** For that year, yes, ma'am.

2 **CAPT Phillips:** There were non-conformities reported?

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

4 **CAPT Phillips:** Do you remember an example of one that was included?

5 **WIT:** Not specifically, no, ma'am.

6 **CAPT Phillips:** Okay. Next page please. You can keep going.

7 **WIT:** Section 7 is same thing, it's a continuation of the above. This is stating that we
8 have material safety data sheets on board and available for use.

9 **CAPT Phillips:** Is the block at the end providing amplifying information or is that noting
10 issues? So we see just an open block after 7.34 and it has some information typed in
11 there.

12 **WIT:** That's to verify their risk assessment program on board. That's to ensure that
13 they're doing risk assessment they have, the risk assessment is completed and they are
14 adequate for the job task.

15 **CAPT Phillips:** Thank you. What's in Section 8?

16 **WIT:** Anchor handling and towing. This is not an anchor handling towing vessel.

17 **CAPT Phillips:** Okay. Section 9?

18 **WIT:** Section 9 has a lot to do with maritime labor compliance 2006. So we double
19 check things like ship sanitation certificate. As far as C.F.R.'s are concerned for ship
20 sanitary inspection of galley, pantry mess area, all of that these are logs in a log book to
21 ensure that they are being conducted on the vessel.

22 **CAPT Phillips:** Thank you. Next section. Go ahead to the next page please. And the
23 next page.

1 **WIT:** So for navigation we review a voyage plan. We ensure that they have all this
2 information as required for the voyage. If you have a specific question on these just let
3 me know.

4 **CAPT Phillips:** Thank you. How do you pick which voyage plan to look at?

5 **WIT:** If I'm board I'll ask the Master for a sample, usually one of their more recent
6 voyages. But in this case the Master gave me this sample.

7 **CAPT Phillips:** And what did you look at for the 10.5 severe weather planning?

8 **WIT:** Severe weather planning is for, in this case for the lift boat depending on a
9 system coming through they have planned rigged down times for the vessel to evacuate
10 a location.

11 **CAPT Phillips:** And so what would you be verifying during an audit?

12 **WIT:** So for this it's actually a form that we have, a severe weather planning form and I
13 ensure that it is filled out accurately and completely.

14 **CAPT Phillips:** Thank you. And how about 10.6 for the stability?

15 **WIT:** I ensure that the Master is conducting stability calculations for the vessel for that
16 voyage plan.

17 **CAPT Phillips:** And so what kind of proof would he show you to demonstrate that he
18 did?

19 **WIT:** I apologize. He would show me his stability calculation sheet. As you can see it
20 says it was calculated on the DIXIE ENDEAVOR sheet.

21 **CAPT Phillips:** Okay. Would you go through and verify that the numbers were entered
22 properly? Or would you just look that it was completed?

23 **WIT:** I would look that it was completed.

1 **CAPT Phillips:** Do you know why it says the DIXIE ENDEAVOR sheet?

2 **WIT:** That was the vessel's previous name. That's the calculation sheet that I was
3 given.

4 **CAPT Phillips:** Can you tell me more about 10.8? Can we scroll up a little bit? That's
5 good thank you.

6 **WIT:** 10.8 has to do with the charterer's specific operation procedures.

7 **CAPT Phillips:** And so what would you verify with that?

8 **WIT:** If a charterer has specific operation procedures I would make sure that the vessel
9 is notified about it and that they are following it.

10 **CAPT Phillips:** Do you remember the one that you looked at during the audit?

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

12 **CAPT Phillips:** Do you remember what a 500 meter zone is?

13 **WIT:** 500 meter zone of where they're trying to get to.

14 **CAPT Phillips:** I see. So they're required to be within 500 meters of a certain
15 location?

16 **WIT:** So you usually whenever you have a 500 meter zone compliance it's a specific
17 set of instructions on how they want the vessel to approach a facility outside of 500
18 meters and within 500 meters.

19 **CAPT Phillips:** Thank you. The next page please.

20 **WIT:** GMDSS radio log book is exactly what it says. It's a radio log book that's
21 ensuring that they're doing their daily checks on the equipment and have the correct
22 GMDSS operator credentials.

23 **CAPT Phillips:** So they showed you proof that they had a log book?

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

2 **CAPT Phillips:** And what's the difference between 11.1 utilized and 11.2 complete?

3 **WIT:** Complete with all the information on board for that vessel.

4 **CAPT Phillips:** Thank you. And that is the same with the other log books listed in
5 Section 11?

6 **WIT:** Yes, ma'am. So this is the deck log book. We would take a sample of these
7 entries in the official log book of the vessel.

8 **CAPT Phillips:** And you tell them what day you want to sample?

9 **WIT:** Pre-COVID or post-COVID. So pre-COVID I would just flip to a page and sample
10 it. This I'll say just provide me a sample.

11 **CAPT Phillips:** And they send a picture or they send the?

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

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

14 **WIT:** Nautical charts and publications. So for example we have index of charts on
15 board. We're ensuring chart corrections are completed and for evidence of it I would tell
16 him to give me, for example an entry and local notice to mariners and then show me the
17 corresponding chart correction on their paper charts. And as far as the publications go
18 we ensure that they have the correct publications on board and that they are updated.

19 **CAPT Phillips:** Thank you. Next section please. Not applicable. Keep going please.

20 **WIT:** Same for this. We make sure that they have their ballast water management plan
21 on board as well as their approval letter. That the officers are familiar with the
22 requirements of ballast water management and if they have ballast water then it is

1 recorded. VGP routine visual inspections, maintenance, and discharge logs. We
2 ensure that they are doing these items as required.

3 **CAPT Phillips:** Thank you.

4 **WIT:** Same for these. We check their garbage refuse log make sure that they are
5 using the correct one with the correct definitions on it. Make sure that they have their
6 waste management plan posted. Make sure that they have the ability to lock out
7 sewage discharge if needed and fuel transfer instructions are posted at the station. So
8 we would receive, you know picture documentation of these or file samples.

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

10 **WIT:** Oil record book we check in the oil record book to make sure that it is completed
11 and they are using the correct coding as far as IMO guidance. Making sure they have
12 all their correct paperwork filled out for these samples.

13 **CAPT Phillips:** Thank you. Next section please. Go ahead.

14 **WIT:** Very similar to the rest of the audit. We make sure that these are either given to
15 us as a sample or the correct document is posted at the station. If you see standing
16 orders we get the picture of those standing orders which is posted in their room. We
17 ensure that they have their critical equipment list completed with their spares on board.
18 Critical equipment tested is the log, for this one for example it say monthly emergency
19 generator test, make sure it's logged appropriately. Very similar to the rest of the audit.

20 **CAPT Phillips:** Are there ever discussion on how they conducted critical equipment
21 tests?

22 **WIT:** Conducting the critical equipment test, we go by the C.F.R. Or as far as the
23 emergency generator testing.

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

2 **WIT:** So same thing here. We ensure that for these projects they are completed and
3 the appropriate paperwork, such as permit to work, risk assessments, log out, tag outs
4 or if it has to deal with fuel your DOI's things like that.

5 **CAPT Phillips:** So the project title there that's just a sampling a maintenance program
6 that they did?

7 **WIT:** This is a sample of a project on board which we take, I like to use the changing a
8 light ballast just an example to make sure that we have all of our products in place such
9 as the permit to work, the log out, tag out, the risk assessment for that project. And to
10 see it from initiation to completion.

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

12 **WIT:** So this is a sample of all the things on this checklist. So for life rafts for an
13 example we check the lift rafts and make sure that they have been serviced within the
14 last service date as well as you can see the hydrostatic release expiration date. And for
15 this I would normally, pre-COVID be on board and be able to copy all of this down
16 myself. Post-COVID we receive pictures of verification of all these dates on board.

17 **CAPT Phillips:** Okay. How would you verify 17.4 that the lights and whistles were all
18 on PFD's?

19 **WIT:** They would send me a photograph of a PFD as well as the light on a PFD with
20 the expiration date on the light.

21 **CAPT Phillips:** Would they send you picture of all of the PFD's on board or just one?

22 **WIT:** Just a sample.

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

1 **WIT:** This is general conditions of the vessel. This was completed by the crew on
2 board. And for this as well we would receive picture evidence in each location.

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

4 **WIT:** This is certifications and documentations page. And we make sure that the
5 vessel has all their certifications and documentations on board for that vessel.

6 **CAPT Phillips:** Thank you. Thank you for walking us through all the different things
7 you looked at during the audit. What were the final results of the, I know this is not
8 totally complete, but what were the results so far?

9 **WIT:** Results so far I believe one of those in there we had a recommendation, but as
10 far as the results of the internal audit as you stated has not been finalized. I was
11 pending further documentation.

12 **CAPT Phillips:** Do you remember what the one recommendation was related to?

13 **WIT:** You would have to scroll back up.

14 **CAPT Phillips:** Okay. Were you made aware of any equipment that wasn't working
15 properly?

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

17 **CAPT Phillips:** Did you have any areas of concern after conducting this audit?

18 **WIT:** No, ma'am. Not for the safety of the vessel or the crew.

19 **CAPT Phillips:** You've been in your current role for a couple of years. Have you ever
20 seen a change in processes or procedures at SEACOR as a result of an internal audit?

21 **WIT:** Not to my knowledge.

1 **CAPT Phillips:** Going back to your job description I think one of the other things it says
2 is to ensure adequate shore base support is provided to vessels. How do you ensure
3 support from the shore side?

4 **WIT:** Support from the shore side specifically my role as Alternate DPA if a vessel is
5 not receiving the support that they deem necessary they're going to call the DPA. If
6 they cannot contact him they would contact me for support. To make sure that the
7 vessels are getting what they need.

8 **CAPT Phillips:** Okay. Thank you. At this point I'm going to see if we have any Coast
9 Guard or NTSB folks that have some questions for you. I'll start with Mr. Ehlers.

10 **Mr. Ehlers:** Good afternoon Mr. Charpentier. Thanks for your testimony. I just have a
11 few follow ups from the questions that Captain Phillips asked you. Did you ever conduct
12 unannounced audits?

13 **WIT:** No, sir.

14 **Mr. Ehlers:** When you interview crew members in an audit, report it said interview as a
15 group do you ever interview crew members individually?

16 **WIT:** Yes, sir.

17 **Mr. Ehlers:** When you interview them as a group do you ask them individual questions
18 or would they answer as a group?

19 **WIT:** Individual questions as well.

20 **Mr. Ehlers:** So you direct questions directly to mariners in the room?

21 **WIT:** Yes, sir.

22 **Mr. Ehlers:** You mentioned the Seagull training program, or it was listed again in the
23 audit sheet. Can you describe the Seagull training program or what that is?

1 **WIT:** The crew members on board use Seagull training program for audio, visual
2 learning. It includes videos that they can watch on particular subjects.

3 **Mr. Ehlers:** Okay. Is that provided by a third party provider?

4 **WIT:** Seagull.

5 **Mr. Ehlers:** Okay. Does it have any way to log who attends or who's participated in
6 that training?

7 **WIT:** We log our training on our 10440 training reports.

8 **Mr. Ehlers:** Are those training reports sent ashore?

9 **WIT:** Not all of them I believe, I would have to double check.

10 **Mr. Ehlers:** Say that again.

11 **WIT:** I would have to double check if they were. It really depends on what it is. Not all
12 of them are going to be sent ashore, no, sir.

13 **Mr. Ehlers:** Lieutenant Alger would you bring up Exhibit 83 again, page 10. This is
14 again the audit report [showing Exhibit]. Okay can you scroll up just a little bit? I'd like
15 to take a look at 10.6 again. Do you see 10.6? So for the stability of the vessel, 14
16 November 2020 the Captain provided you a sample, is that correct?

17 **WIT:** Yes, sir.

18 **Mr. Ehlers:** Was that sample a computer file? Was it a photograph, a PDF? What was
19 that sample?

20 **WIT:** PDF.

21 **Mr. Ehlers:** PDF. And has that PDF, did you save that, do you still have that on file?

22 **WIT:** Yes, sir.

23 **Mr. Ehlers:** So you could provide that?

1 **WIT:** Yes, sir.

2 **Mr. Ehlers:** And you mentioned some photographs that were taken in conjunction with
3 this audit. Do you have those photographs as well?

4 **WIT:** They would be saved, yes, sir.

5 **Mr. Ehlers:** Okay. Thank you. I'm sorry. I have additional questions. On April 13th did
6 you receive any phone calls or did you make any phone calls to the SEACOR POWER
7 before it got underway?

8 **WIT:** Before it got underway? Not positive, I would have to check my phone records.

9 **Mr. Ehlers:** Did you receive any phone calls either as the DPA or QHSE Manager after
10 it got underway? As the Alternate DPA I should say.

11 **WIT:** Like I said I would have to check my phone records.

12 **Mr. Ehlers:** Would you remember if you did?

13 **WIT:** Yes.

14 **Mr. Ehlers:** Were you involved at all with the immediate response to the accident?

15 **WIT:** Immediate response we had a Microsoft Teams meeting.

16 **Mr. Ehlers:** You participated in that?

17 **WIT:** Yes, sir.

18 **Mr. Ehlers:** What other role did you play in response to the accident?

19 **WIT:** Support from my role as QHSE Superintendent.

20 **Mr. Ehlers:** In what way? How did you support superintendents?

21 **WIT:** So my support would have been directed by my Manager Michael Cenac. Initially
22 we had the emergency meeting on Microsoft Teams. And then I reported to Port
23 Fourchon, Louisiana.

1 **Mr. Ehlers:** And then what did you do?

2 **WIT:** I would have to check for specifics. Are you asking about anything specifically?

3 **Mr. Ehlers:** Yes. All the specifics. Can you give me a sample of the things you did
4 because that would help me understand what your role was.

5 **WIT:** So one of the things I did immediately after upon recovery of Mr. Bryan Mires I
6 attended to him throughout the day he was recovered and reunited him with his family.

7 **Mr. Ehlers:** Okay. Other things that you did?

8 **WIT:** Maintain contact with the other vessels in the fleet to ensure that they were
9 getting the support that they needed while our management was also busy with this
10 incident. Honestly anything that came up at the time as directed by my manager,
11 general manager to support as needed.

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

13 **CAPT Phillips:** Thank you Mr. Ehlers. Mr. Muise.

14 **Mr. Muise:** Thank you, sir for joining us today. I just have a couple questions about
15 your safety management system. Are you familiar with the SOLAS training manual?

16 **WIT:** Yes, sir.

17 **Mr. Muise:** The copy that I've seen is a 60 page document, but it's not vessel specific.
18 Is there a vessel specific SOLAS training manuals since equipment varies from vessel
19 to vessel, right?

20 **WIT:** Yes, sir. So we provide the vessel with the generic SOLAS training manual which
21 is then updated by the vessel depending on the vessel specific equipment.

22 **Mr. Muise:** And that becomes part of your document control system that's actually a
23 controlled document?

1 **WIT:** That would be kept on board the vessel.

2 **Mr. Muise:** If I understand it right so that has the details of the lifesaving and firefighting
3 equipment for that vessel?

4 **WIT:** Yes, sir.

5 **Mr. Muise:** Okay, thank you. And in your accident investigation procedure it doesn't
6 specify that I can see a methodology, accident methodology. There's many out there. I
7 heard you say you went to ABS accident investigation training. Is that the methodology
8 that SEACOR uses?

9 **WIT:** We use a variety of methods. In our SMS we state we use I believe five Y's,
10 Swiss cheese method. Depending on the training we received and what we're
11 comfortable with as an investigator.

12 **Mr. Muise:** Okay. Thank you, sir.

13 **CAPT Phillips:** Thank you Mr. Muise. Mr. Kucharski.

14 **Mr. Kucharski:** Yes thank you Captain. Thank you Mr. Charpentier. I would like to
15 start with Exhibit 78C and page 175 [showing Exhibit]. And it should be Section 10. Is
16 – does this look like it's your job description?

17 **WIT:** Yes, sir.

18 **Mr. Kucharski:** And all these items are part of your responsibilities?

19 **WIT:** Yes, sir.

20 **Mr. Kucharski:** And Lieutenant Alger back to 83 please. When you audited the vessel
21 you mentioned you looked at sanitary inspection to see if it was logged?

22 **WIT:** Yes, sir.

1 **Mr. Kucharski:** Did you also, did you happen to look in the whole log book or just that
2 one thing that they showed you?

3 **WIT:** I would have looked at the sample page provided by the Master.

4 **Mr. Kucharski:** And was it just the one sample page, do you remember?

5 **WIT:** I don't remember.

6 **Mr. Kucharski:** And did you happen to see if there was any logging for watertight door
7 closures?

8 **WIT:** No I do not remember.

9 **Mr. Kucharski:** And was there any, when you looked at those particular forms, any of
10 them did you see that they were – make sure that they were the most recent forms that
11 the company had?

12 **WIT:** Which forms are you referring to?

13 **Mr. Kucharski:** Any form on there. You looked at whole bunch of forms it shows. Was
14 there any check to see if those were the most recent forms that the vessel had?

15 **WIT:** Yes, sir. You're speaking on the revisions of forms. Yes, sir I would make sure
16 that it was the correct revision.

17 **Mr. Kucharski:** Okay. It was on a specific question about the stability again. If you
18 checked to see it's the correct form as per the manual, did you compare anything?

19 **WIT:** So as far as the stability is concerned that is not an SMS controlled document.
20 That is part of the vessel specific operations procedures. I would ensure that it was
21 done. I would not double check the manual to ensure that is the most recent one.

22 **Mr. Kucharski:** So the manual is not part of the SMS?

1 **WIT:** No the vessel operations manual is separate from the safety management
2 system.

3 **Mr. Kucharski:** Can we look at page 10 please? And 10.3 it says you looked at a risk
4 assessment.

5 **WIT:** This checklist was completed by the vessel's crew. I would have to check my
6 email that was sent to the vessel to ensure that this was one of the documents that was
7 waiting to be verified.

8 **Mr. Kucharski:** I see, okay. So – and then page 11 and that will be Section 11.7
9 where it says any operation activity incident which is considered noteworthy and you
10 have a date there. Was anything noteworthy that came to your mind?

11 **WIT:** I do not recall.

12 **Mr. Kucharski:** And would you have any record about that noteworthy item was?

13 **WIT:** I would have the sample page.

14 **Mr. Kucharski:** Okay. So that would be some of the records that you keep in share
15 point?

16 **WIT:** Yes.

17 **Mr. Kucharski:** And when you check the radio logs that's also on page 11, is there
18 anything in particular you look for?

19 **WIT:** I ensure that their radio log that's done by the vessel is completed. That they are
20 maintaining their watch of their radio, right.

21 **Mr. Kucharski:** Are there any particular things, you say maintain, are there any
22 particular things that you're looking for in the radio log?

1 **WIT:** We make sure that their radio watch is maintained. That's one of the things that
2 we look for.

3 **Mr. Kucharski:** And do you have copies of this one also?

4 **WIT:** Yes, sir we should have copies.

5 **Mr. Kucharski:** Okay, great. And I think Mr. Ehlers asked you about pictures,
6 photographs. You have some or you don't have some? I didn't get the answer.

7 **WIT:** Pictures or photograph of something specific?

8 **Mr. Kucharski:** Yeah did they send any pictures to you from the vessel?

9 **WIT:** Yes, sir.

10 **Mr. Kucharski:** They did, okay. And you still have those as part of the record?

11 **WIT:** As far as to my knowledge, yes, sir.

12 **Mr. Kucharski:** Thank you, thank you. Would you know if the Coast Guard or ABS
13 were conducting their inspections or audits to check and see if the stability is being
14 done properly?

15 **WIT:** To my knowledge it's also part of their audits.

16 **Mr. Kucharski:** And just, this may sound like a silly question, but on that stability form it
17 says it's calculated, it says 14 November 2020, that's on page 10 again. Any reason
18 that you look through one in November?

19 **WIT:** The reason is that date as for that particular voyage in number 10.1 to make sure
20 that it was completed for that voyage plan.

21 **Mr. Kucharski:** Oh I see. So you saw a voyage plan for that particular time?

22 **WIT:** I believe the voyage plan was pending, one of pending documents that I was
23 unable to see.

1 **Mr. Kucharski:** And page 5 of the Exhibit. Sorry to go backwards. But it's item 7.7 it
2 says ship handling appraisal. I won't drag you through this, I mean I think I got the
3 appraisal pinpointed, but you've got a copy of this too that we could see?

4 **WIT:** Sir?

5 **Mr. Kucharski:** We could see the copy of the ship handling appraisal?

6 **WIT:** Yes, sir. I should have a copy of this.

7 **Mr. Kucharski:** And do you, can you tell me that process at all? Do you – who actually
8 appraises the Captain for ship handling?

9 **WIT:** One of the other Masters on board the vessel.

10 **Mr. Kucharski:** Okay. Do they also appraise the, let's say the Mate that's on there
11 too? Is there a ship handling appraisal for the Mate or is just for the Master?

12 **WIT:** Also for the Mate.

13 **Mr. Kucharski:** Also for the Mate, great. Can you tell us about how long it took you to
14 complete this audit?

15 **WIT:** As stated before the checklist was completed, but the verification process was not
16 completed.

17 **Mr. Kucharski:** And all again, all this was by phone and then email. Did they send you
18 the documents by email?

19 **WIT:** Yes, sir.

20 **Mr. Kucharski:** Thank you. No further questions.

21 **CAPT Phillips:** Thank you Mr. Kucharski. Mr. Verdin.

1 **Mr. Verdin:** Thank you. Mr. Charpentier you stated that you, when you check the
2 stability calculations or check the stability you're just checking to see that it's
3 completed?

4 **WIT:** Correct.

5 **Mr. Verdin:** Have you or in your training for your position or does anybody [pause for
6 chirping sound]. Running out of time. Have you personally for your training for your
7 position or are you aware of anyone else at SEACOR that has had any training for
8 calculating stability?

9 **WIT:** As far as myself or as far as anyone at SEACOR?

10 **Mr. Verdin:** Yourself.

11 **WIT:** Myself I have not been trained to calculate stability.

12 **Mr. Verdin:** Are you aware of anyone in SEACOR that's been trained to calculate
13 stability?

14 **WIT:** I wouldn't know their training qualifications.

15 **Mr. Verdin:** Would it be safe to assume – are you familiar with the process of some of
16 the topics for a Master or a Mate to qualify to get their license, endorsement as Master
17 or Mate? Would you say it's safe to say that calculation of stability would be included in
18 that training?

19 **WIT:** Yes, sir.

20 **Mr. Verdin:** So would it be safe to say that you not being qualified or having no
21 experience to calculate stability would be better to calculate stability then someone who
22 has been trained to calculate stability?

23 **WIT:** I'm sorry you're going to rephrase that.

1 **Mr. Verdin:** Okay let me rephrase that. Who would be best suited to calculate stability
2 on board the vessel?

3 **WIT:** The Master on the vessel.

4 **Mr. Verdin:** Not having any training with the calculation of stability would you feel
5 comfortable checking the Captain's work?

6 **WIT:** I would not double check the Captain's work to ensure that it's accurate.

7 **Mr. Verdin:** But you would check to make sure that it was completed?

8 **WIT:** That is correct.

9 **Mr. Verdin:** There was one more thing. Oh the calculations, these calculations were
10 they – how are they done? Do you know how these calculations were done? I mean
11 there's a lot of numbers and stuff that's there and there's guidelines and all these things.

12 **WIT:** I'm not familiar with the vessel specifics stability that go into the calculations and
13 the operating procedures for that vessel.

14 **Mr. Verdin:** But that's something that was done in advance and presented, a tool for
15 the Captain to be able to calculate the stability calculations on board?

16 **WIT:** If I'm understanding your question, yes.

17 **Mr. Verdin:** That it wasn't provided by you or anybody?

18 **WIT:** No it would not be provided by me.

19 **Mr. Verdin:** That would have been possibly engineers, ship designers?

20 **WIT:** Yes, sir.

21 **Mr. Verdin:** That's all I got. Thank you.

22 **CAPT Phillips:** Thank you Mr. Verdin. Lieutenant Alger can you bring up Exhibit 202?
23 [Showing Exhibit]. We received a large file with pictures. And I'm interested to know, I

1 think maybe somebody told me these pictures were provided from the internal survey.
2 But I want to double check with you. So it says, the title says SEACOR survey pictures
3 17 February 2021. Do you know if this was part of the internal audit or was this
4 something separate?

5 **WIT:** This would be separate to my knowledge.

6 **CAPT Phillips:** Okay, thank you. Thank you Lieutenant Alger. Mr. Kucharski.

7 **Mr. Kucharski:** A quick follow up question. I didn't see anywhere on here any
8 watertight door integrity questions or parts of the audit. Was any check – do any of your
9 audits made of compliance to the watertight integrity policy of the company?

10 **WIT:** That would be done by maintenance.

11 **Mr. Kucharski:** Who?

12 **WIT:** That would be a better question for maintenance.

13 **Mr. Kucharski:** Maintenance?

14 **WIT:** Yeah.

15 **Mr. Kucharski:** I'm talking about compliance to make sure that the doors are kept
16 closed.

17 **WIT:** This is – this is done externally by ABS surveys. They do chalk lining.

18 **Mr. Kucharski:** Okay, thank you.

19 **CAPT Phillips:** Thank you Mr. Kucharski. At this time we're going to see if our parties
20 in interest have any questions for you. I'll start off with ABS.

21 **Mr. White:** Thank you, ma'am. ABS has no questions.

22 **CAPT Phillips:** Thank you Mr. White. I'll go to SEACOR next.

23 **Mr. Tompkins:** Thank you Captain. SEACOR has no questions.

1 **CAPT Phillips:** Thank your Mr. Tompkins. I'll go to the First Mate.

2 **Mr. Sterbcow:** Thank you Captain. I'm Paul Sterbcow I represent Bryan Mires in this
3 matter. In Section 10.5 of the audit report it mentions severe weather planning,
4 remember that? Is that a plan in the event of a hurricane and the required evacuation
5 from a job site?

6 **WIT:** Yes, sir.

7 **Mr. Sterbcow:** So that has nothing to do with the weather situation like that existed on
8 April 13th?

9 **WIT:** No, sir.

10 **Mr. Sterbcow:** In Section 10.8 it mentions charterer's navigation and operating
11 procedure. Do you remember that one?

12 **WIT:** Yes, sir.

13 **Mr. Sterbcow:** Do charterer's specific operating procedures in your experience ever
14 include any weather related issues?

15 **WIT:** I wouldn't know if any are, to my knowledge.

16 **Mr. Sterbcow:** Not off the top of your head?

17 **WIT:** No, sir.

18 **Mr. Sterbcow:** In Section 18, it's more of a general vessel inspection observation
19 section, and my question is First Mate Mires testified that one of the things he was
20 going to do on the 13th was use his cell phone to take photographs to send back to the
21 office, and he used the terms as part of the audit. Do you have any idea what he's
22 talking about when he said that?

23 **WIT:** No, sir.

1 **Mr. Sterbcow:** Would it be common for a crew member to be asked in follow up to an
2 audit like the one that started in March when he was out at the vessel to take pictures of
3 certain areas of the boat to send back?

4 **WIT:** As for samples go, yes.

5 **Mr. Sterbcow:** Right. So that wouldn't be unusual?

6 **WIT:** Not for an audit. No, sir.

7 **Mr. Sterbcow:** As part of your role on the response team did you play any role at all in
8 trying to get rescue assets to the site on the SEACOR POWER?

9 **WIT:** No, sir.

10 **Mr. Sterbcow:** Did you play any role in coordinating transportation of the Don Jon
11 divers to the site?

12 **WIT:** No, sir.

13 **Mr. Sterbcow:** Did you have any role in monitoring rescue efforts at the site at any
14 point and time?

15 **WIT:** No, sir.

16 **Mr. Sterbcow:** Did I hear you testify earlier that you actually met with Bryan and his
17 family?

18 **WIT:** I did not meet with his family. I met with Bryan.

19 **Mr. Sterbcow:** When?

20 **WIT:** The day he was rescued.

21 **Mr. Sterbcow:** Where?

22 **WIT:** I met him, I'm pretty sure the dock is called Bollinger's. I'm not sure if it's South,
23 North, you know.

1 **Mr. Sterbcow:** In Fourchon?

2 **WIT:** It's the dock of Bollinger in Fourchon, yes, sir.

3 **Mr. Sterbcow:** Do you remember what time that was?

4 **WIT:** No, sir.

5 **Mr. Sterbcow:** Had he just been rescued and come in when you met him?

6 **WIT:** He just got off the boat that he was rescued.

7 **Mr. Sterbcow:** And what did he tell you?

8 **WIT:** He relived his account of the story.

9 **Mr. Sterbcow:** Did you take any notes, write anything down?

10 **WIT:** No, sir.

11 **Mr. Sterbcow:** Do you know who else if anyone Bryan spoke to with SEACOR Marine
12 at that particular time at Fourchon? Did you see him talk to anyone?

13 **WIT:** In Fourchon?

14 **Mr. Sterbcow:** Yeah. Did you see him talk to anybody else?

15 **WIT:** I did not witness him talk to anyone else.

16 **Mr. Sterbcow:** Do you know if he was interviewed at that point by anyone with the
17 Coast Guard?

18 **WIT:** I do not know.

19 **Mr. Sterbcow:** And how long were you with Bryan at that point?

20 **WIT:** I'm uncertain in the amount of hours but it was good period of time from, my
21 recollection the morning till early to late afternoon.

22 **Mr. Sterbcow:** And he stayed at Port Fourchon that whole time?

23 **WIT:** No, sir.

1 **Mr. Sterbcow:** Do you remember from the time he arrived until the time left? How long
2 was he there approximately?

3 **WIT:** In Fourchon?

4 **Mr. Sterbcow:** In Fourchon.

5 **WIT:** Approximately I would estimate less than 2 hours for sure.

6 **Mr. Sterbcow:** And do you know where he went when he left?

7 **WIT:** Yes, sir.

8 **Mr. Sterbcow:** Where did he go?

9 **WIT:** Do you want me to bring you through the day?

10 **Mr. Sterbcow:** Sure.

11 **WIT:** Okay. From Fourchon on the way out we stopped at a gas station and then we
12 went further up, what they call of the Bayou to the Wal-Mart. After Wal-Mart we went to
13 another gas station in the Wal-Mart parking lot for lunch. From there we went to Ames
14 which is a medical facility to get him checked out in Houma, Louisiana and then from
15 there we stayed in Houma. We went to another Wal-Mart and to the hotel where he
16 stayed until his family met him at the hotel.

17 **Mr. Sterbcow:** Okay. And his family – was the hotel in Houma?

18 **WIT:** Yes.

19 **Mr. Sterbcow:** Was it here?

20 **WIT:** It was in Houma, yes. No, not this hotel.

21 **Mr. Sterbcow:** Okay. Do you remember what hotel it was?

22 **WIT:** I don't know the name.

23 **Mr. Sterbcow:** That's fine. And his family met him there?

1 **WIT:** Yes.

2 **Mr. Sterbcow:** Alright. And was that your last contact with him?

3 **WIT:** Yes.

4 **Mr. Sterbcow:** Thank you. That's all I have. Thanks very much.

5 **CAPT Phillips:** Thank you Mr. Sterbcow. Mr. Kucharski.

6 **Mr. Kucharski:** Yes. Mr. Charpentier Exhibit 83, page 2. And it has the people that
7 took place in this audit on the vessel. And do you recollect if James Endres was part of
8 this audit?

9 **WIT:** Yes. Part of the opening meeting of the audit which occurred on the 29th.

10 **Mr. Kucharski:** Was he there for the whole audit?

11 **WIT:** No, sir.

12 **Mr. Kucharski:** And going down to page 3 at the bottom where it says abandon ship
13 duties, do you know if Endres would have abandoned ship duties during that audit?

14 **WIT:** To my recollection if he was on board he had abandon ship duties if that's the
15 question you're asking.

16 **Mr. Kucharski:** Yeah. So when he was on would he have abandon ship duties?

17 **WIT:** Yes, sir.

18 **Mr. Kucharski:** Okay. Thank you.

19 **CAPT Phillips:** Thank you Mr. Kucharski. We're a little bit ahead of schedule. So we'll
20 take a break, a five minute recess to determine what time we can have our next witness
21 available and we'll come back on the record to announce what time we'll reconvene. So
22 right now we'll reconvene at 1330. Before I do that I'll let you know Mr. Charpentier,
23 thank you for being here today. You're now released as witnesses at this Marine Board

1 Investigation Hearing. Thank you for your cooperation. If I later determine that this
2 board needs additional information from you I will contact you through your counsel. If
3 you have any questions about this investigation you may contact Board Recorder
4 Lieutenant Anthony Alger. The time is now 1326. This hearing is now in recess.

5 *The hearing recessed at 1326, 11 August 2021*

6 *The hearing was called to order at 1330, 11 August 2021.*

7 **CAPT Phillips:** The time is 1330. This hearing is now in session. We have identified
8 that our next witness can be available at 1400. As such we'll take a 30 minute recess
9 and reconvene at 1400. The time is now 1330. This hearing is now in recess. Thank
10 you.

11 *The hearing recessed at 1330, 11 August 2021*

12 *The hearing was called to order at 1400, 11 August 2021.*

13 **CAPT Phillips:** The time is 1400. This hearing is now in session. We'll now hear
14 testimony from Mr. Joey Ruiz. Lieutenant Alger can you please administer the oath?

15 **Recorder:** Good afternoon, sir. A false statement given to an agency of the United
16 States is punishable by a fine and or imprisonment under 18 U.S. Code 1001. Knowing
17 this do you solemnly swear that the testimony you're about to give will be the truth, the
18 whole truth and nothing but the truth, so help you God?

19 **WIT:** I do.

20 **Recorder:** Please be seated. For the record if you could state your full name and spell
21 your last please?

22 **WIT:** Joseph Ruiz, last name R-U-I-Z.

23 **Recorder:** Thank you, sir. And please identify your counsel.

1 **Ms. Apps:** Antonia Apps for the witness.

2 **Recorder:** Thank you.

3 **CAPT Phillips:** Thank you Lieutenant Alger. Good afternoon Mr. Ruiz, thank you for
4 coming in.

5 **WIT:** Good afternoon.

6 **CAPT Phillips:** I'll start out and just ask you some background questions. First
7 question being can you tell us where you currently work?

8 **WIT:** I work at SEACOR Marine in Morgan City, Louisiana.

9 **CAPT Phillips:** And what's your position at SEACOR?

10 **WIT:** General Manger of the Gulf of Mexico.

11 **CAPT Phillips:** How long have you been in that position?

12 **WIT:** About 2 years.

13 **CAPT Phillips:** And how long have you worked for SEACOR overall?

14 **WIT:** Overall since '07 I started at SEACOR. But actually Superior Energy, SEACOR
15 acquired the vessels in 2012.

16 **CAPT Phillips:** And where did you work before Superior?

17 **WIT:** At TRICO Marine. And then before that it was McDermott Fabrication. In '91 I
18 started my career at McDermott and moved over to the shipyard and started working on
19 offshore vessels in '93. And at the end of that year I moved on to TRICO Marine.

20 **CAPT Phillips:** Can you give us a rundown of how much time you spent underway and
21 what kind of boats you've been on?

22 **WIT:** I never really spent any time underway. It was mostly in the repairs. But I can go
23 over that too with TRICO experience. When I started in '93 at TRICO I was [in audible]

1 moved into as a Port Captain in that experience. Then I moved on to Vessel Manager.
2 And about '98 worked into Traffic Manager role. Assistant Director of Operations role
3 and then moved on Director of Operations role. And I ended up leaving in '07 and went
4 on to Superior Energy as overseeing their shipyard operations at the beginning. And
5 then I moved on to Director of Operations. And then Vice President of Operations at
6 Superior Energy. And when SEACOR acquired the lift boats from Superior Energy then
7 same capacity over at SEACOR overseeing the lift boats. And at TRICO I was involved
8 – I was overseeing the PSV's and FSV's at TRICO.

9 **CAPT Phillips:** Thank you. And just for the record can you walk us through those
10 acronyms, PSV, FSV?

11 **WIT:** Platform supply vessel and fast supply vessel.

12 **CAPT Phillips:** Thank you. And I think you said OSV somewhere in there?

13 **WIT:** Yeah offshore supply vessel.

14 **CAPT Phillips:** Thank you. Do you hold any professional licenses or certificates?

15 **WIT:** No, ma'am I do not.

16 **CAPT Phillips:** Can you walk us through what your general responsibilities as General
17 Manager include?

18 **WIT:** I make sure that my team has adequate supplies. Make sure the vessels stay in
19 compliance. And oversee the day to day operations of the vessels in the Gulf of
20 Mexico.

21 **CAPT Phillips:** And who do you work for at SEACOR?

22 **WIT:** John Gillard, the CEO.

23 **CAPT Phillips:** And how many people work for you?

1 **WIT:** I have, currently I have four Technical and two Operations Managers, dispatch.
2 That's pretty much who works for me.

3 **CAPT Phillips:** For those technical folks and the operations folks, do you conduct
4 evaluations on the people that work for you?

5 **WIT:** We do, I haven't done evaluations in some time, but we do have continuous
6 meetings. I meet with my team weekly, talk to them daily. So it's a day to day process
7 for evaluations. Making sure that they're staying on top of their job and responsibilities.

8 **CAPT Phillips:** And can you walk us through what your typical day would look like?
9 What do you get involved in on a day to day basis?

10 **WIT:** Typical day I wake up in the morning. We have a bunch of emails that come
11 through the night. And I go through the emails in the morning, check weather forecasts
12 for our region and also make my phone calls to the Ops Managers, that's Paul Fremin
13 and Clay Stribling [sic]. Check with them to make sure all the vessels are doing fine
14 and the condition of the vessels. And I start my day from there. That could be meetings
15 that we have scheduled. It's an abundance of things that we do throughout the day.
16 And if we have shipyard projects I will reach out to my Technical Manager
17 Superintendent that's overseeing that to verify that everything is going fine with those
18 projects as well.

19 **CAPT Phillips:** Thank you. How many vessels are you currently overseeing in the
20 Gulf of Mexico?

21 **WIT:** We have 8 vessels currently in the Gulf of Mexico that we operate. Five lift boats,
22 two PSV's and one anchor handler.

1 **CAPT Phillips:** And then do you also oversee vessels that are stacked or not in
2 operation?

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

4 **CAPT Phillips:** How many of those do you have right now?

5 **WIT:** We currently have, our anchor handler that is stacked in Morgan City, an FSV in
6 Morgan City. We have three lift boats that are stacked in Amelia and three lift boats that
7 are stacked in Houma. And we have one that we actually reactivated as we speak
8 that's in the Bollinger Shipyard.

9 **CAPT Phillips:** What kind of interactions do you have with the vessels themselves?

10 **WIT:** Just depends. I may reach out to them at times. But 9 times out of 10 I'm talking
11 to my Ops Managers who communicate directly with the vessels.

12 **CAPT Phillips:** Do you ever go on visits to the vessels?

13 **WIT:** Yes, ma'am. On occasions I do, not often, but I do get out and visit the vessels.

14 **CAPT Phillips:** Are there specific reasons you would go out?

15 **WIT:** Just to visit with the crews make sure they have the needed supplies and the
16 managers are taking care of their responsibilities. And also do a general overview of
17 the condition of the vessel.

18 **CAPT Phillips:** I know we're in COVID right now so that probably reduced the number
19 of visits -----

20 **WIT:** Yes.

21 **CAPT Phillips:** You've made. But when was the last visit you made to a vessel?

1 **WIT:** On that regard it's been a little while since I made a visit to the vessels. But I
2 have did a vessel visit with one, with Clay not long ago. A couple weeks ago we
3 actually did a vessel visit for the SEACOR FELIX.

4 **CAPT Phillips:** Pre-COVID how many times would you visit a vessel in a month?

5 **WIT:** Maybe once or twice. Normally if they're in the shipyard I will make a visit to the
6 vessel.

7 **CAPT Phillips:** Do you ever get underway with any vessels?

8 **WIT:** Very seldom.

9 **CAPT Phillips:** Do you remember your last visit on the SEACOR POWER?

10 **WIT:** Yes, ma'am. It was in February.

11 **CAPT Phillips:** Anything notable about that visit?

12 **WIT:** Yes visited the vessel, visited with the crew. Like I normally do made my rounds.
13 They were in the shipyard at that time. But yeah nothing out of the ordinary.

14 **CAPT Phillips:** Were the crews pretty interactive when you went on board?

15 **WIT:** Yes, ma'am. Been knowing the crew for some time now, so yes.

16 **CAPT Phillips:** So they would share things with you?

17 **WIT:** Yes.

18 **CAPT Phillips:** Other than your work that you did in the shipyard on lift boats, have
19 you ever had any other kind of lift boat specific training?

20 **WIT:** Just hands on, on the job training working with the vessels. Operations of the
21 vessels. I have some really good people that I work with that taught me the ropes of the
22 lift boats. So it was a big learning curve for me when I did move over in 2007. But

1 learning operations. But we had a great team and very supportive of each other when I
2 was at Superior.

3 **CAPT Phillips:** Thank you. Shifting now to April 13th I would like you to walk me
4 through everything you remember from that day. Starting in the morning when you got
5 up, kind of walk me through your day and telling us what you did with the incident. I
6 might have to ask you to bring the microphone just a little closer to you so we can catch
7 everything.

8 **WIT:** So on April 13th I woke up like I normally do when I mentioned earlier. Checked
9 my emails, checked the weather forecast for that day. Nothing out of the ordinary.
10 Made my contacts that day as I normally do. And I went about my business that day.
11 And later that afternoon I was in my truck and I received a call, a phone call from my
12 coworker that I used to work with at Superior Energy. And mentioned that the SEACOR
13 POWER had capsized. And I said no way and he said yeah I'm on the phone with my
14 Captain, the ROCK FISH and he said yes the SEACOR POWER had just capsized.
15 And so in that regard about the same time I received a call from Mike Cenac stating that
16 did I hear about the SEACOR POWER, because from what I recall Mike saying I just
17 heard that the vessel capsized. I said well it's confirmed I'm on the phone with Nick my
18 coworker I used to work with at Superior Energy and he confirmed that the SEACOR
19 POWER did capsize. And I reached out to Paul Fremin and let him know. And he said
20 – and that's when I found out about he was trying to reach the vessel as well because
21 he had received an email from dispatch stating about the EPIRB. And so I got back
22 with Mike, started our emergency plan putting it into place. And got kicked off from
23 there. And Mike did a very good job, Mike Cenac did a very good job. He immediately

1 opened up a Teams meeting. Got all hands on deck. We had all the management, our
2 CEO, CFO, counsel, General Counsel was on and whoever, Michael Vandellen [sic],
3 sales Rep was on. Our claims manager Jennifer Fore [sic], myself. And we kept the
4 line open and I told Mike I know we've got to get a command center set up. We've got
5 to get a command center set up. I told him I'm heading home, I'm going to pack a back,
6 I'm heading to Fourchon. I didn't know where my command center was going to be. So
7 on my way down we have a good relationship with Bollinger. I know they have a lot of –
8 they have a lot of trailers at Bollinger North that we call it. So I reached out to my
9 contacts there and they ensured me they would have some room for us to set up shop
10 at one of the trailers, we didn't know. So while we're on the Teams meeting I'm letting
11 them know hey we got a place, we got place. We're going to set up shop there. So we
12 – and that's where I headed. So on my way down unfortunately, I probably left my
13 house about 5:30, I can't really recall exact times, but left my house on my way to
14 Fourchon trying to get there as soon as I can, unfortunately my travel was hampered by
15 an 18 wheeler that was flipped on his side from the weather event that passed earlier
16 that day on the bridge. So I sat on the bridge and waited for that to be cleared. But
17 again we had that Teams meeting and I was on my hands free device in my truck. And
18 constant communication back and forth. We were able to use our cell phones and
19 keeping the line open. So we were getting guidance from upper management. It was
20 all hands on deck at time. And once I arrived at the command center we set up shop
21 and then that's when Mike Cenac ended up leaving heading down to Fourchon. So we
22 had boots on the ground. And they started making – and going back we did make,
23 when I talked to Mike, when I was in my truck and we first made that initial notification

1 that the vessel had capsized Mike had reached out to Coast Guard notified them at that
2 time when he found our early – well I got the initial call from Nick, I want to go back and
3 state that on the record. So Coast Guard was notified at that time. And I don't recall,
4 but I think Paul may have reach out to Coast Guard as well to notify them that we did
5 get answer on that email. So switching gears and going back to the command center
6 we got there. We also made contact with Don Jon Smit, a salvage company to get
7 boots on the ground. So we pretty much contacted the persons that we needed to
8 contact for response to get boot on the ground as soon as possible. So we enacted our
9 plan that we need to get out there as soon as possible to try to – our recovery act
10 efforts. I do know they had a lot of Good Samaritan vessels on location just by the
11 communication that we were having throughout industry. There was a lot of people
12 reaching out offering support. So we also looked at the vessels that we had available,
13 our resources. We did have the SEACOR BRAVE sitting in Morgan City. We made the
14 decision to go ahead and crew it and get it underway for Fourchon too to help out with
15 the rescue efforts. That vessel got underway to, passing through Houma and although
16 it was after midnight when, the same night the incident occurred that night after midnight
17 on the morning of the 14th we were unable to transit through the Houma Nav because
18 the Houma Nav bridge, bridge tender would not open the bridge because of the high
19 water. I made a decision at that point to reroute the vessel back through Eugene Island,
20 go up to Bayou Shane, the river, come out Eugene Sea Buoy and come around. Don
21 Jon Smit did arrive about midnight that night, they had boots on the ground in Fourchon.
22 They started making plans with that. And then the next morning looking for more
23 resources with the BRAVE delayed we made a decision to pick up a vessel from Harvey

1 Gulf, the HARVEY PROVIDER. Before that though TALOS did offer a vessel but it was
2 a DP1 vessel and we needed a DP2 vessel for the operation. So we ended up picking
3 up the HARVEY PROVIDER on the 14th. We did outfit the vessel with equipment.
4 Unfortunately when we went to move out about, it was that afternoon on the 14th
5 sometime the vessel reported an issue with their main – marine gear from what I
6 understand. And then the BRAVE by that time was – pretty much getting close to
7 Fourchon. So we ended up demobing the equipment from the HARVEY PROVIDER
8 and ended up moving it on the BRAVE throughout the night. And then we were able to
9 get on to location on the 15th of April.

10 **CAPT Phillips:** Thank you very much for providing the details. That's a lot of
11 information there so I'm going to go back and ask some follow up questions about a
12 couple different topics. You said you checked the weather that morning?

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

14 **CAPT Phillips:** Can you walk me through what that normal process looks like for you?

15 **WIT:** Yes. We get our weather report from our dispatch. And that weather report
16 showed 3 to 4's, 15 to 20 knot winds that day. And that's the forecast for few days we
17 monitor as well.

18 **CAPT Phillips:** And so when you said you wake up you check emails, you check
19 weather, you check for the weather that comes in an email or you check weather on
20 your own via a different account?

21 **WIT:** I check it on the email.

22 **CAPT Phillips:** Do you ever check the weather report on your phone or any other kind
23 of an App or service?

1 **WIT:** I have a windy App that I'll look at off and on, on my phone. But that particular
2 day I did not.

3 **CAPT Phillips:** If you get those weather forecast in the morning and you see that bad
4 weather is approach somewhere do you ever take action on that?

5 **WIT:** We do take action if we see weather that may be coming in that may affect
6 operations, we do take actions on that, yes, ma'am.

7 **CAPT Phillips:** Can you give me an example of a situation where you took action?

8 **WIT:** We have forecast, if we've got a strong winds from a cold front we make sure we
9 notify our shore base team, go check the lines for the vessels in port. So we do alert
10 the fleet and make calls to the fleet letting them know they may have some impending
11 weather coming. So yes we have in the past.

12 **CAPT Phillips:** So if the forecast was showing bad weather they might call the vessels
13 that are operating underway?

14 **WIT:** It's very possible.

15 **CAPT Phillips:** Who would make those calls, would it be you?

16 **WIT:** No, ma'am, it would be the Ops Manager.

17 **CAPT Phillips:** Would you give them direction to do that or would they do that on their
18 own?

19 **WIT:** They could do it on their own. But sometimes I do give direction as well.

20 **CAPT Phillips:** Does anybody else provide weather to vessels besides the dispatcher?

21 **WIT:** Well Paul Fremin for the lift boats he calls the vessels pretty much every day,
22 checks in with them. And Clay does the same for the PSV's and the anchor handler

1 that we're currently operating. They may talk about the weather, I'm not sure exactly all
2 the communications that's going on. Plus the vessels have the Buoy Weather as well.
3 That they would log on to.

4 **CAPT Phillips:** That's their internet based -----

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

6 **CAPT Phillips:** Provider service. Do you provide, do you call vessels or ask your Ops
7 Manager to call vessels if you see the weather is changing during the day?

8 **WIT:** Normally it's on pre-forecast, weather forecast that we have and we normally
9 make those calls. Just to give them a heads up.

10 **CAPT Phillips:** Were there any situations in past where you reached out directly to a
11 Captain to talk about the weather?

12 **WIT:** Yes for vessels that we may have to get off location for a hurricane. I may talk
13 directly to a Captain in the past.

14 **CAPT Phillips:** Do you have any kind of conversations with the charterers of your
15 vessels to talk about weather?

16 **WIT:** Very, very few conversations I have with our charterers. That's mostly done with
17 our sales team.

18 **CAPT Phillips:** So if a vessel was held up for weather and somebody needed to notify
19 the charterer that would be sales?

20 **WIT:** Yes. We normally contact with the sales person and he would resolved it through
21 his client and notify them that we have some delays.

22 **CAPT Phillips:** A lot of questions about charterers but I think I'll hold those and kind of
23 go back to the walking through the day, the events of the 13th. You said when you

1 called Paul that's when you found out that the Coast Guard had reached out to
2 dispatch, right?

3 **WIT:** Yes.

4 **CAPT Phillips:** Can you tell me the nature of that conversation? What did you learn?

5 **WIT:** I just – I learned that dispatched had sent an email out, I was on that email that
6 they did send out. I did not see it because I was driving at that time. But that's when I
7 found out from Paul that dispatch had sent an email to us notifying us that they were
8 trying to get in touch with the vessel.

9 **CAPT Phillips:** Tell me a little bit about the dispatcher. You said at the beginning the
10 dispatcher works directly for you.

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

12 **CAPT Phillips:** And is there one dispatcher or are there multiple dispatchers?

13 **WIT:** There's multiple dispatchers. There's three dispatchers. They work on a rotation.

14 **CAPT Phillips:** What kind of rotation do they have?

15 **WIT:** They're on 14/7 rotation.

16 **CAPT Phillips:** So 7 days on, 14 days off?

17 **WIT:** 14 days on, 7 days off.

18 **CAPT Phillips:** Does that mean you have two dispatchers on at any one time?

19 **WIT:** One dispatcher on at one time. They work a 12 hour shift.

20 **CAPT Phillips:** When do they turn over?

21 **WIT:** 6 O'clock morning, 6 O'clock in the evening.

22 **CAPT Phillips:** What kind of training did the dispatchers receive when they arrived with
23 the company?

1 **WIT:** Pretty much on the job training.

2 **CAPT Phillips:** Does anybody give them specific training on how to run the weather
3 reports or how to provide those weather reports?

4 **WIT:** Just it goes by, well I think Paul has gotten with them now showing them how to
5 run the weather reports and also from coordinates and how to identify coordinates of
6 different locations they need to provide a weather report for.

7 **CAPT Phillips:** How about training on what to do in an emergency? Do they get
8 training on that?

9 **WIT:** They have – we do have some guidelines in the SMS on what they should pass
10 the phone call that they receive to the right individuals. They pretty much act like a call
11 center.

12 **CAPT Phillips:** So their direction would be if they got a phone call about an EPIRB
13 their direction would be pass that on to the person in the right department?

14 **WIT:** They should pass it on to operations or safety department.

15 **CAPT Phillips:** And you said that emergency procedures is outlined in the SMS?

16 **WIT:** They have a – they have it listed in the SMS that they should call the responsible
17 party in essence.

18 **CAPT Phillips:** Under their duties and responsibility for dispatcher?

19 **WIT:** Yes.

20 **CAPT Phillips:** Thank you. Then moving on to later in the day you said there was
21 contact with Don Jon. Did you make any contact with Don Jon or was that Mr. Cenac?

22 **WIT:** That was actually, the CFO made mention of it on our Team meeting and actually
23 Don Jon reached out to Cenac as well offering their services. So that was

1 communicated through the Teams meeting because we were talking about getting Don
2 Jon to the scene. Proactively Don Jon also reached out to us. So it was – we were
3 communicating that in our Teams meeting.

4 **CAPT Phillips:** Do you know how Don Jon found out about the incident?

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

6 **CAPT Phillips:** Okay. Are you familiar with any of the provisions of the contract
7 between SEACOR and Don Jon?

8 **WIT:** Not clear on that provision, no.

9 **CAPT Phillips:** So do you know if the contract includes that Don Jon will provide the
10 dive services?

11 **WIT:** I did find out that night that they would provide dive services when we started
12 communicating with Don Jon, yes, ma'am.

13 **CAPT Phillips:** But you don't know if that part of the contract?

14 **WIT:** No, ma'am, I don't.

15 **CAPT Phillips:** You said there was a lot of back and forth about the different vessels.
16 And I think you said that eventually you were able to get the SEACOR BRAVE out there
17 on the 15th, did you say?

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

19 **CAPT Phillips:** I would like to ask a little bit about the notification of next of kin. Did
20 you get involved with that process at all?

21 **WIT:** I did, but initially our response we had Jacob, our HR Manager and Claims
22 Manager Jennifer Fore [sic] they came down to Fourchon as well. And they were
23 making initial notifications to the next of kin for the SEACOR employees.

1 **CAPT Phillips:** What does SEACOR keep in your records for each mariner that's an
2 employee of SEACOR, do you keep one next of kin, one primary next of kin
3 information? Or do you keep information about multiple next of kin?

4 **WIT:** I know next of kin, primary next of kin we normally keep on record. I'm not sure if
5 we have any other information.

6 **CAPT Phillips:** So most of the time it's one point of contact for each mariner?

7 **WIT:** Yes. That I know of.

8 **CAPT Phillips:** Were Jacob, you said Jacob and your Claims Manager were they
9 making the notifications themselves?

10 **WIT:** They were reaching out to the families. My understanding they were reaching out
11 to the families, notifying them.

12 **CAPT Phillips:** Do you know when they started making those notifications?

13 **WIT:** Not exact time no.

14 **CAPT Phillips:** Do you know what day?

15 **WIT:** On the 13th they started making, from my understanding they started making
16 notification on the 13th. Reaching out to the families.

17 **CAPT Phillips:** And then I think we heard earlier from Mr. Cenac that initially the other
18 companies are responsible for notifying their employee families.

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

20 **CAPT Phillips:** Is that correct?

21 **WIT:** Yes.

22 **CAPT Phillips:** And then I think we also heard that at some point it was brought
23 together and was kind of joint information flow to all the families?

1 **WIT:** Yes. We started having family briefings down in Fourchon. Where we bring the
2 families in twice a day and meeting with them and giving them updates for rescue
3 efforts that were going on, offshore.

4 **CAPT Phillips:** Do you remember what day the first meeting was?

5 **WIT:** Not sure on the first meeting. It may have been on the 14th, but I'm not clear on
6 that.

7 **CAPT Phillips:** Thank you.

8 **WIT:** Thank you.

9 **CAPT Phillips:** Going back to some questions about charters, what kind of charter
10 does SEACOR have with TALOS?

11 **WIT:** Charter agreement. To hire a lift boat to provide a service to TALOS.

12 **CAPT Phillips:** And so when SEACOR agrees to provide a service to TALOS what
13 does that entail?

14 **WIT:** That entails -----

15 **CAPT Phillips:** What parts are SEACOR and what parts remain in TALOS?

16 **WIT:** Well we'll provide the vessel for the service and they would bring on the
17 equipment to provide the job function that they need to perform using the vessel.

18 **CAPT Phillips:** Can you walk me through the difference between the Master time
19 charter and short form time charter?

20 **WIT:** A Master time charter and those charter agreements are worked out in our
21 Marketing Manager which is Vince Manza [sic].

22 **CAPT Phillips:** So you don't have kind of a basic explanation of what both are?

1 **WIT:** Not really, ma'am. We charter the vessel for a day rate and we perform a service
2 for the vessels.

3 **CAPT Phillips:** Do you know if there's any deadlines associated with the charter
4 agreement?

5 **WIT:** As far as performing the job task we don't have any deadlines that we mandate
6 on a charter agreement.

7 **CAPT Phillips:** So those agreements don't say the vessel has to be at a certain
8 location on a certain time?

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

10 **CAPT Phillips:** Do you have conversations with the charterer on a regular basis?

11 **WIT:** No, ma'am, I don't.

12 **CAPT Phillips:** What's the process for a charterer to tell SEACOR where they need to
13 go, when they need it, what they need it for, and how long?

14 **WIT:** That's normally done with the sales team, they negotiate that with the client. And
15 then we brought in whatever they agreed that this vessel will suit their need and then we
16 start the conversation there where, whatever operation they want to conduct with the
17 vessel, how many people they want to bring on the vessel. And once it's all agreed on
18 the location of vessel we have to vet out the location that we can do the setup, make
19 sure all that is approved. And then we put the vessel on charter and that's pretty much
20 how the operations goes for that.

21 **CAPT Phillips:** It sounds like the sales team is doing a lot of the discussion for
22 charter?

23 **WIT:** Yes, ma'am they do.

1 **CAPT Phillips:** Tell me a little bit about the interaction between the sales team and the
2 Operations Manager who would be the one managing the vessel's schedule.

3 **WIT:** Yes. The Ops Manger and the Sale Manger they work close hand and hand
4 whenever we're putting a job on, putting a vessel on a charter. Just letting them know
5 all the details, how many people is coming on board. Making preplans of what scope of
6 work will be done on the vessel. So there's a lot of communication going back and
7 forth. Ops Manager may ask the Sales Manager to go back to the charterer, need more
8 information for his bottom research. And whatever other information that may be
9 lacking that we need before we can agree to doing it, the charter.

10 **CAPT Phillips:** How much notice do you usually get from a charterer that they need a
11 boat in a certain location?

12 **WIT:** It varies. It really does. It goes from hours to days.

13 **CAPT Phillips:** Goes from? What was that last part, sorry?

14 **WIT:** I said hours to days to weeks. It varies.

15 **CAPT Phillips:** Can you give us an example of a situation where you would get just
16 hours notice that a vessel needs to be somewhere?

17 **WIT:** Yeah. When the salesman calls we've got a job for a particular vessel and, but
18 again we've got to look at the bottom research. So if they have all the information in
19 hand we can mobilize pretty quick. But if there's still information that we need then we
20 won't agree to the charter until we know for sure that we can actually perform the job.
21 For the setups offshore because that's very important to our business for the lift boat.

22 **CAPT Phillips:** If they were making a request to you that it was just a matter of hours
23 would weather factor into that decision?

1 **WIT:** It could, yes, ma'am.

2 **CAPT Phillips:** Have you ever received from a charterer that they were dissatisfied
3 with a Master or crew?

4 **WIT:** Recently, I can't recall any situation that they were dissatisfied with the Master or
5 crew.

6 **CAPT Phillips:** Back a while ago?

7 **WIT:** Yeah I mean it's been a long time since I had any experience like that with a
8 dissatisfied customer with our crew members.

9 **CAPT Phillips:** Would those issues come to you or would they go to sales?

10 **WIT:** They would go to sales. But it will be funneled back to me, myself and Ops
11 Manager, yes, ma'am.

12 **CAPT Phillips:** Did you ever get any complaints from TALOS?

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

14 **CAPT Phillips:** Tell me a little bit about securing cargo on a lift boat before getting
15 underway.

16 **WIT:** For cargo securing that's pretty much up to the Master's responsibility. If he likes
17 to secure cargo or not.

18 **CAPT Phillips:** Lieutenant Alger I would to ask you to bring up Exhibit 123 please
19 [showing Exhibit]. We've got a copy of the Master time charterer with TALOS. And can
20 you go to page 2 please? Section 4, paragraph D3. So it says that the owner shall
21 allow the charterer to use dunnage shifting boards, uprights and shoring equipment
22 already on the vessel. That kind of walks us through the – is that the – is that the

1 responsibility of the charterer to secure the cargo or is still the responsibility of the
2 Master?

3 **WIT:** It's still the responsibility to the Master.

4 **CAPT Phillips:** Thank you.

5 **WIT:** Thank you.

6 **CAPT Phillips:** Thank you Lieutenant Alger. If the vessel is on charter and they get
7 delayed because of weather do you know if SEACOR still pays the day rate during that
8 weather delay or does it goes off charter?

9 **WIT:** It depends, it's case by case by each event. And each customer.

10 **CAPT Phillips:** Can you give us an example of when it would go off charter?

11 **WIT:** We may agree to you know cutting back on the day rate some, instead of
12 charging a full charter day rate you may give them some relief, a percentage of a day
13 rate. If you're down for a certain amount of time. But like I said it's case by case.

14 **CAPT Phillips:** Do you get involved in those discussions?

15 **WIT:** Sometimes I do.

16 **CAPT Phillips:** What's the most common situation you see when there's a weather
17 delay?

18 **WIT:** Normally it's from major storms as hurricanes and stuff like that that actually puts
19 us down for multiple days that's when we really start talking to the customer about relief
20 on a day rate.

21 **CAPT Phillips:** If a Master had to jack up because of a passing front would that
22 normally affect the day rate?

1 **WIT:** Normally it doesn't, but sometimes we can get – or ask for some relief on the
2 charter day rate on occasion.

3 **CAPT Phillips:** Does the charterer go to the Captain to ask for that?

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

5 **CAPT Phillips:** What happens if the vessel is on charter that needs maintenance?

6 **WIT:** Depending on the maintenance that it needs. The severity of the maintenance
7 then we'll make a plan to have the repairs conducted. Sometimes that does entail
8 talking to the charterer. But like I said it depends on the severity of the maintenance
9 that needs to be done.

10 **CAPT Phillips:** You said sometimes you have conversations with the charterer. In the
11 last couple of months have you received any pressure from TALOS?

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

13 **CAPT Phillips:** Do you know if any of the Captains have received any pressure?

14 **WIT:** Not that I know of.

15 **CAPT Phillips:** Do you get notified if the vessel has to stop work?

16 **WIT:** Yes they send us stop work authority notices on email.

17 **CAPT Phillips:** That email would go to a distribution list?

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

19 **CAPT Phillips:** Do vessel Captains get bonuses?

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

21 **CAPT Phillips:** You said no?

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

23 **CAPT Phillips:** Do any of the other crew members get bonuses?

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

2 **CAPT Phillips:** In your role are you involved in any audits of the company or of a
3 vessel?

4 **WIT:** Sometimes I do get involved with audits.

5 **CAPT Phillips:** What would be your role in an audit?

6 **WIT:** Just overseeing making sure that the Captains or the crew members are following
7 everything they need to do to keep the vessel in compliance.

8 **CAPT Phillips:** Thank you.

9 **WIT:** Thank you.

10 **CAPT Phillips:** On the evening of the accident earlier in this hearing we heard some
11 testimony from Bristow Helicopters and they talked about going out there as part of the
12 response. Did Bristow charge you for those services?

13 **WIT:** Not that I'm aware of.

14 **CAPT Phillips:** Okay. At this point I'm going to see if the other Coast Guard or NTSB
15 folks have some questions for you. I'm going to start with Mr. Ehlers.

16 **Mr. Ehlers:** Good afternoon Mr. Ruiz.

17 **WIT:** Hey, good afternoon.

18 **Mr. Ehlers:** You are the senior witness from SEACOR Marine so I want to ask you a
19 couple questions about the company itself.

20 **WIT:** Yes, sir.

21 **Mr. Ehlers:** And answer the best you can, if you don't know the answers let me know.
22 Is SEACOR Marine privately owned or is it publically traded?

23 **WIT:** Publically traded, sir.

1 **Mr. Ehlers:** And is it a subsidiary of SEACOR Holdings?

2 **WIT:** Prior through June '17 we was a subsidiary. We did a spin off on June '17. We
3 did a spin off where SEACOR Marine spun off from SEACOR Holdings. And the two
4 companies operate separately from then on.

5 **Mr. Ehlers:** Okay. So they're completely separated?

6 **WIT:** Yes, that's correct.

7 **Mr. Ehlers:** And that was 2017?

8 **WIT:** Yes, sir.

9 **Mr. Ehlers:** Do you know why the company was spun off from SEACOR Holdings?

10 **WIT:** I don't recall why they spun off, no, sir.

11 **Mr. Ehlers:** Can you describe in very general terms what the company's, this is
12 SEACOR Marine now.

13 **WIT:** Yes, sir.

14 **Mr. Ehlers:** The company's financial position is, is it stable, is it struggling?

15 **WIT:** No we're definitely stable.

16 **Mr. Ehlers:** Stable.

17 **WIT:** The company is stable condition, yes, sir.

18 **Mr. Ehlers:** I understand with the downturn it has been rough in this area, a lot of boats
19 laid up, how has SEACOR Marine been able to remain stable through this time?

20 **WIT:** Well we did reduce the number of vessels that we operate. With the vessels that
21 we kind of operate we fared well through this downturn.

22 **Mr. Ehlers:** Say that again.

1 **WIT:** I said we fared well through the downturn with the market. We are operating with
2 fewer vessels here in the Gulf of Mexico, but other regions of the globe we're going
3 pretty good.

4 **Mr. Ehlers:** So the global market has helped.

5 **WIT:** Yes.

6 **Mr. Ehlers:** As a publically traded company have you ever had pressure from
7 shareholders to cut costs, gain efficiencies and that kind of thing?

8 **WIT:** No, sir.

9 **Mr. Ehlers:** No pressure from shareholders?

10 **WIT:** No pressures, no, sir.

11 **Mr. Ehlers:** Have you ever had to reduce staffing ashore or crews on vessels?

12 **WIT:** We did have to reduce some shore support and crews because of the reduced
13 number of vessels that we're operating.

14 **Mr. Ehlers:** Okay. So going to the crews was that when vessels were put in lay up or
15 the crew in active vessels, was that reduced at all?

16 **WIT:** Crews of active vessels was reduced and along with some of the crew members
17 at that time. We're actually starting to bring more people, trying to hire people back
18 right now because we do have – trying to reactive a couple of vessels as we speak.

19 **Mr. Ehlers:** Okay. Just to be clear was the size of the crew on your vessels reduced
20 or?

21 **WIT:** Now I understand your question. So no we try to keep a good compliment of
22 crew. Always try to have enough crew on board to keep the maintenance and side of

1 things up to speed on the vessels. So we try to keep enough crew members to do that
2 on the vessels that we operate.

3 **Mr. Ehlers:** Have you had to reduce your ability to, or funding and resourcing for
4 maintenance as a result of the downturn?

5 **WIT:** No, sir.

6 **Mr. Ehlers:** I just have a couple more questions about – regarding the dispatchers.
7 You mentioned the dispatcher are responsible for transmitting weather information and
8 also as a call center. What other duties doe the dispatchers have?

9 **WIT:** Other duties they get vehicles ready for crew changes. They may go to the
10 warehouse to make sure all the supplies for the crews are ready to go. They do very
11 little, they do some training, fire recipient training is conducted there with the
12 dispatchers. And that's pretty much it. They really act as a call center for SEACOR.

13 **Mr. Ehlers:** Okay. Where do they normally operate from?

14 **WIT:** We have a Houma Transportation Center on the air base in Houma and that's
15 where they normally operate from.

16 **Mr. Ehlers:** And to be clear they don't dispatch vessels.

17 **WIT:** They do not dispatch vessels. The Operations Manager dispatches vessels.

18 **Mr. Ehlers:** You mentioned sometimes they go to the warehouse. Do they – how do
19 they handles the calls and such when ----

20 **WIT:** They ----

21 **Mr. Ehlers:** Say again?

22 **WIT:** They forward the calls to their phones.

23 **Mr. Ehlers:** So to cell phone?

1 **WIT:** Yes.

2 **Mr. Ehlers:** Okay. So they're able to call – able to receive calls at all times

3 **WIT:** Yes.

4 **Mr. Ehlers:** The dispatcher who was on duty at the time of the notifications started
5 coming in, do you know where he was at? Was he in the office or the warehouse, do
6 you know?

7 **WIT:** I do not.

8 **Mr. Ehlers:** Do the dispatcher have the ability to look at the location of SEACOR
9 vessels when they're in the office in the Transportation Center?

10 **WIT:** They may have that ability. That's not their responsibility.

11 **Mr. Ehlers:** Okay so they don't have access to like an AIS tracking program?

12 **WIT:** I don't recall. Yeah I don't recall that they do.

13 **Mr. Ehlers:** Just give me a second here.

14 **WIT:** And Drew just to clear that up they do have access to Poll Star so we do ask
15 them to track some vessels for us. To go back on your question on that. They do have
16 access to Poll Star that we do ask them to track certain vessels.

17 **Mr. Ehlers:** Okay. Access to, say that again.

18 **WIT:** I said they have access to that Poll Star that we utilize to track vessels when
19 they're on long transits.

20 **Mr. Ehlers:** So this is for particular cases?

21 **WIT:** Yes.

22 **Mr. Ehlers:** Okay. So the day to day operation of the vessel in the Gulf would not be
23 tracked by the dispatcher?

1 **WIT:** That's correct.

2 **Mr. Ehlers:** I want to go then back to the evening of the accident. I believe Mr. Cenac
3 said that originally you attempted to contract a boat and it ended up being a DP1 boat.
4 Do you remember the name of that vessel?

5 **WIT:** I don't remember the name of the vessel, but TALOS actually offered that vessel
6 up for service. And, but I do not recall the name of the vessel.

7 **Mr. Ehlers:** And when did you learn that vessel wouldn't be capable supporting the
8 Don Jon Smit operation?

9 **WIT:** I don't recall the exact time. But I do know the next morning we hired the Harvey
10 Gulf vessel. So sometime during the night or that morning that we figured out.

11 **Mr. Ehlers:** So it was after they had arrived, the Don Jon Smit team?

12 **WIT:** Don Jon came, had arrived at midnight, I'm not sure on timelines when that
13 vessel was disqualified for the project.

14 **Mr. Ehlers:** And you said the HARVEY PROVIDER was the next vessel.

15 **WIT:** Yes.

16 **Mr. Ehlers:** That you attempted to use.

17 **WIT:** Yes.

18 **Mr. Ehlers:** And was the equipment from the divers loaded on to that vessel?

19 **WIT:** We had some equipment loaded on there. I can't recall all the equipment was
20 loaded on there, but we did have some equipment on the vessel.

21 **Mr. Ehlers:** Where was that vessel at, at the time it was being on loaded?

22 **WIT:** From what I recall it was at the Harvey, Harvey Dock. Harvey Gulf Dock in
23 Fourchon.

1 **Mr. Ehlers:** In Fourchon?

2 **WIT:** Yes, sir.

3 **Mr. Ehlers:** And what specifically was the issue with the vessel?

4 **WIT:** We received a call that they had a marine gear issue. That's all I know. That
5 they had some issues.

6 **Mr. Ehlers:** So something with propulsion?

7 **WIT:** Yes.

8 **Mr. Ehlers:** And so at that point that you've already mobilized the SEACOR BRAVE, or
9 was that the time – was that when it was decided to bring the SEACOR BRAVE
10 around?

11 **WIT:** No we started mobilizing the BRAVE on the 13th, the evening of the incident. So
12 we continued. By the time the Harvey Gulf called us and said they had an issue with
13 their vessel the BRAVE was like 4 hours out from Fourchon when we got the call. So
14 we determined it would be better to go ahead and mobilize everything to the BRAVE at
15 that point.

16 **Mr. Ehlers:** And I want to go back then to when the decision to mobilize the SEACOR
17 BRAVE you mentioned the decision to crew the SEACOR BRAVE. Was it not crewed
18 at the time that you made that decision?

19 **WIT:** I can't recall if it had a full crew on it because we had two vessels that were
20 currently in Morgan City. We may have to move some crew around, but I don't recall
21 exactly how many crew members were on the vessel.

22 **Mr. Ehlers:** How long did it take, do you recall to get the vessel underway from when
23 you made the decision to get it underway?

1 **WIT:** I don't recall. To go back to the timeline once we got underway it was probably
2 about 8 O'clock that evening coming out of Morgan City.

3 **Mr. Ehlers:** And then you mentioned the issue of the bridge in the Houma Channel, is
4 that correct?

5 **WIT:** The Houma swing bridge, the bridge tender did not open the bridge. The Captain
6 called me, I reached out to the bridge tender to find out exactly why he couldn't open
7 the bridge. He said due to the fact that the water was so high he didn't want to take
8 chance of opening the bridge with their electronics may get wet with the high water.
9 Then the bridge would become inoperable. So he stood down on his orders. So I made
10 a decision at that point to reroute the vessel.

11 **Mr. Ehlers:** Is that bridge a major thoroughfare?

12 **WIT:** Yes it is.

13 **Mr. Ehlers:** So if that bridge was stuck open would that be an issue for EMS and
14 other?

15 **WIT:** It could. It could have been an issue with EMS, yes, sir.

16 **Mr. Ehlers:** Was the bridge operator aware of the emergency that you were dealing
17 with?

18 **WIT:** I told him that we had an emergency, but he said I just can't take a chance of
19 opening this bridge.

20 **Mr. Ehlers:** Was the SEACOR BRAVE already heading in that direction when you
21 discovered this issue?

22 **WIT:** I didn't discover the issue until the Captain reported it that it was an issue. That
23 the bridge would not open for him.

1 **Mr. Ehlers:** Was the vessel already headed towards the bridge?

2 **WIT:** The vessel was sitting at the bridge.

3 **Mr. Ehlers:** So it had to turn around?

4 **WIT:** It had to turn around, yes, sir.

5 **Mr. Ehlers:** Do you have a sense for how much distance sending it around the other
6 way added to the SEACOR BRAVE's transit?

7 **WIT:** I do not have the exact time. But its hours.

8 **Mr. Ehlers:** Hours.

9 **WIT:** Hours. I don't have the exact time.

10 **Mr. Ehlers:** And I believe you said then on the 14th after the HARVEY PROVIDER was
11 rendered inoperable the SEACOR BRAVE was about 4 hours out from Fourchon.

12 **WIT:** Yes.

13 **Mr. Ehlers:** Do you remember when the BRAVE arrived in Fourchon?

14 **WIT:** I don't recall an exact timeline on that. I know it was in the evening of the 14th and
15 we spent all night outfitting the vessel to try to get underway the next morning.

16 **Mr. Ehlers:** And did the vessel get underway the next morning?

17 **WIT:** Not, again I don't recall exact time but we ended up getting out there sometime
18 during that day, we were able to put divers over that afternoon.

19 **Mr. Ehlers:** Was there anything else besides the various issues with the vessels and
20 bridge that hampered the ability to get a vessel out with the divers?

21 **WIT:** No, sir.

1 **Mr. Ehlers:** Okay. Once the vessel was out and at the accident site I've heard, we've
2 heard that there were weather issues and current issues. Were the divers able to go
3 into the water when they arrived?

4 **WIT:** I don't know exact time for when they arrived. But I do know they were able to get
5 into the water that evening, that afternoon and we did some drop lines for the divers to
6 utilize to get to the vessel. And that's pretty much the activity of that afternoon. The
7 vessel ended up returning to dock that evening, that night. And went back out the next
8 morning.

9 **Mr. Ehlers:** Why didn't the vessel stay out overnight?

10 **WIT:** They were only conducting dive ops during the daylight hours at that time.

11 **Mr. Ehlers:** Okay. Did they have to return for supplies or anything?

12 **WIT:** Not that I recall. Just elected to return.

13 **Mr. Ehlers:** Was the SEACOR BRAVE crew to be able to do 24 hours of operations if
14 they need be?

15 **WIT:** Yes, sir.

16 **Mr. Ehlers:** You mentioned drop lines. Offer an explanation of what that is if you know.

17 **WIT:** I'm not a diver so I really – I do know just from this experience that they needed
18 drop lines, ropes so the divers could get down to the vessel. To the SEACOR POWER.

19 **Mr. Ehlers:** And in that first day that they dove, were they able to enter into the vessel
20 inside the skin of the ship?

21 **WIT:** I don't recall if they were able to reach, you know go inside. I do recall them
22 tapping on the vessel in certain areas to see if they heard anything.

23 **Mr. Ehlers:** Okay. Tapping of the hull to see if someone would tap back?

1 **WIT:** Yes.

2 **Mr. Ehlers:** And did they receive any response to the tapping of the hull?

3 **WIT:** As far as I know we didn't hear anything, no, sir.

4 **Mr. Ehlers:** When the vessel went back in the evening did they return the next day?

5 **WIT:** From what I remember, yes, sir.

6 **Mr. Ehlers:** Is there anything else notable about the diving operations that we should
7 know about as they continued?

8 **WIT:** I know dive ops was difficult throughout this whole operation because of the sea
9 state, the current gave us a lot of issues trying to get the SARS, the divers in the water
10 for rescue. So yes it was very difficult, days after the event with the divers getting into
11 the water. So it was very difficult.

12 **Mr. Ehlers:** Did the divers have the plans for the vessel? Were they able to
13 understand where the spaces were on the vessel?

14 **WIT:** Actually we had our Technical Superintendent on board the vessel, David Cole
15 actually was on board the vessel the entire time educating the crews, the divers exactly
16 the living quarters, the engine room. So he was on board the BRAVE with the Dive
17 Superintendent and divers educating them on the vessel, on the POWER.

18 **Mr. Ehlers:** And they had drawings to work with?

19 **WIT:** Yes, sir.

20 **Mr. Ehlers:** Okay. And you said Mr. David Cole?

21 **WIT:** Yes, sir.

22 **Mr. Ehlers:** He was helping them understand where people might be?

23 **WIT:** That's correct.

1 **Mr. Ehlers:** Did the divers find anyone in their diving operation?

2 **WIT:** Yes, sir. We did find crew members in the engine room, O2 level. So yes we did
3 located some souls on the vessels, yes, sir.

4 **Mr. Ehlers:** And they were deceased?

5 **WIT:** Yes, sir.

6 **Mr. Ehlers:** Anything else about the diving operations that we should know about from
7 your perspective?

8 **WIT:** I know it was a difficult job just talking to those guys. Low visibility. Everything
9 was done by touch. Very difficult. Very dangerous. So I commend those guys going
10 into that vessel and doing what they did. I really do. Thankless operation.

11 **Mr. Ehlers:** Was there any resources that the divers needed that they didn't have
12 available to them that they informed you of? Anything that hampered their operations
13 other than, you mentioned weather, current, such like that?

14 **WIT:** As far as a I know they had everything they needed to make the dives.

15 **Mr. Ehlers:** Okay. Alright thank you, sir.

16 **WIT:** Thank you.

17 **CAPT Phillips:** Thank you Mr. Ehlers. Mr. Kucharski.

18 **Mr. Kucharski:** Yes Captain. Good afternoon Mr. Ruiz.

19 **WIT:** Hi.

20 **Mr. Kucharski:** Thank you for being here. Lieutenant Alger Exhibit 78C as in Charlie
21 please [showing Exhibit]. We'll start out on page 168.

22 **Recorder:** 160?

23 **Mr. Kucharski:** 168. Mr. Ruiz would this be your job description as General Manger?

1 **WIT:** Yes.

2 **Mr. Kucharski:** If you could just now scroll down to page 170 please. For the
3 Technical Manger and Operation Manager. So when we talked to Mr. Fremin yesterday
4 he said there is no Technical Managers at the company, is that correct?

5 **WIT:** I'm pretty much the Technical Manager for the Gulf of Mexico.

6 **Mr. Kucharski:** Great, that's – so going down the list there are there any particular
7 things that you take care of?

8 **WIT:** Well say take care of, I have a team that takes care of this, but I do support them
9 on daily operations of all these items. Hands on with my guys. I support them. So I put
10 my personnel where they need to be put to cover these tasks. So yes I do support
11 them.

12 **Mr. Kucharski:** Okay. So Mr. Saunier mentioned he's a Technical Superintendent.

13 **WIT:** Yes, sir.

14 **Mr. Kucharski:** He reports directly to you then for technical matters?

15 **WIT:** Yes, sir.

16 **Mr. Kucharski:** Okay, thank you. And did SEACOR ever have Technical Mangers?

17 **WIT:** They have them in different regions.

18 **Mr. Kucharski:** Do you find it somewhat challenging in your job as General Manger
19 and then have the Technical Manager duties at the same time?

20 **WIT:** Well my background is technical so it's probably my wheelhouse. I'm very
21 comfortable with it, yes.

22 **Mr. Kucharski:** Do you feel you, prior to the accident you were getting ample sleep on
23 a day to day basis?

1 **WIT:** Yes, sir. I'm fine.

2 **Mr. Kucharski:** Lieutenant Alger could we view Exhibit 129 please, the short form time
3 charter agreement [showing Exhibit]. And I see there, have you seen this document
4 before?

5 **WIT:** I may have, yeah I did.

6 **Mr. Kucharski:** And the daily charter rate down there is redacted our course. And I
7 know Captain Phillips asked you some questions about them. But and you were asked
8 about weather.

9 **WIT:** Yes.

10 **Mr. Kucharski:** And sometimes you gave relief to the charterer for weather.

11 **WIT:** Yes, sir.

12 **Mr. Kucharski:** Are you contractually required to do that?

13 **WIT:** No, sir. We're not contractually required, but we do it, depending on how much
14 down time we have.

15 **Mr. Kucharski:** And is it unusual to have a charter like a charter agreement where
16 there is no separate rate for weather related or delays or anything like that? Is that
17 unusual?

18 **WIT:** Sometimes we do put it in there. And sometimes we don't. It's a case by case for
19 each charterer.

20 **Mr. Kucharski:** Do you have any idea why you didn't put in this agreement?

21 **WIT:** I do not.

22 **Mr. Kucharski:** And I'm not sure if you were asked is TALOS required by the charter
23 agreement, actually by the agreement to provide weather to the vessels?

1 **WIT:** Not that I know of.

2 **Mr. Kucharski:** Sir?

3 **WIT:** I said not that I know of.

4 **Mr. Kucharski:** Do you know if they regularly did?

5 **WIT:** They may get weather reports from the customer. But I mean ultimately the
6 weather reports come from SEACOR.

7 **Mr. Kucharski:** And as far as the decision to actually, for that voyage, the accident
8 voyage for TALOS to put workers on board to ride the vessel out, and I understand
9 that's negotiated.

10 **WIT:** Yes.

11 **Mr. Kucharski:** That they can do that.

12 **WIT:** Yes.

13 **Mr. Kucharski:** Do they do that on every voyage going out to the scene?

14 **WIT:** It's case by case. Sometimes we have multiple crew members. Sometimes we
15 may only have a company man. It just depends. It's case by case.

16 **Mr. Kucharski:** And so is that decision, so I understand correctly, TALOS has the
17 option to do that by the charter agreement?

18 **WIT:** Yes, sir.

19 **Mr. Kucharski:** And then would it be then their final decision to say we're going to put
20 them on for this trip?

21 **WIT:** Yes, sir.

22 **Mr. Kucharski:** Has that changed at all putting people, or crew workers on board going
23 out? Has that changed at all since the accident?

1 **WIT:** No, sir.

2 **Mr. Kucharski:** And if I understand correct on the day of the accident no one shore
3 side is specifically tasked for monitoring the weather?

4 **WIT:** No, sir.

5 **Mr. Kucharski:** So [in audible] where you have an operation in the Netherlands, do you
6 have that operation up there?

7 **WIT:** Come back with your question.

8 **Mr. Kucharski:** There's a port, [in audible] it's in the Netherlands. It shows that
9 SEACOR has an operation up there.

10 **WIT:** Yes.

11 **Mr. Kucharski:** Yes, okay. Is – do you know what type of operations the vessels are
12 doing up there?

13 **WIT:** They have the lift boat JILL in that area.

14 **Mr. Kucharski:** Are they working -----

15 **WIT:** Well they're actually on a heavy lift coming back to this region. And we do have
16 operations there.

17 **Mr. Kucharski:** The heavy lift would be coming back from that region to this region?

18 **WIT:** Yes.

19 **Mr. Kucharski:** Comes across the ocean?

20 **WIT:** Yes. Well it's bring the lift boat JILL back. That's the only – that's the only
21 operations that I was doing there with the vessel, with the lift boat JILL. It was working
22 in the North Sea and we're actually bringing that vessel back.

23 **Mr. Kucharski:** How do they bring it back?

1 **WIT:** We put it on a heavy lift ship.

2 **Mr. Kucharski:** Okay. I was going to be looking at the vessel and the parameters.

3 And do you know were they doing oil filed type work?

4 **WIT:** We were doing wind farm and [in audible] work.

5 **Mr. Kucharski:** That was going to be my next question. So you're engaged in wind
6 turbine, wind farm work?

7 **WIT:** At times.

8 **Mr. Kucharski:** At times. Has there been any talk in the future for charters or
9 possibilities of doing more wind farm work on the U.S. Coast?

10 **WIT:** Yes, sir. On the East Coast.

11 **Mr. Kucharski:** Have you ever considered a simulation or ship handling for your
12 Masters for heavy weather?

13 **WIT:** I haven't.

14 **Mr. Kucharski:** On the lift boats especially.

15 **WIT:** Yeah. On the lift boats we, the max sea state we're looking at is 5 foot seas. So
16 we shouldn't experience heavy weather seas on the lift boat.

17 **Mr. Kucharski:** And I say heavy weather, I use it in the broad umbrella if you will.

18 Which also includes handling wind.

19 **WIT:** Right.

20 **Mr. Kucharski:** You know have you ever seen any simulation or simulators for
21 handling a lift boat with the big legs on them in wind?

22 **WIT:** I haven't been involved.

1 **Mr. Kucharski:** Are you the hiring manager essentially for shore side personnel who
2 work under you?

3 **WIT:** I'm involved with it. But we haven't hired anyone in quite some time. So but I am
4 involved if we do bring on someone from shore side I would be involved in that process.

5 **Mr. Kucharski:** Would you make the final decision whether to hire that person?

6 **WIT:** It would be a team decision.

7 **Mr. Kucharski:** A team decision.

8 **WIT:** Yes, sir.

9 **Mr. Kucharski:** And is there anyone at SEACOR in your team that has a deck or
10 nautical background and if they do are they in a position where they can assess the
11 actions and operations performed by the Captains and deck department on the vessel?
12 Such as navigation, weather forecasting, observations, stability, cargo securing. Is
13 there anyone of your team that has that background and has the position that can do
14 that?

15 **WIT:** I have two Technical Superintendents that were Captains. But we rely on our
16 Captain for that experience and know how.

17 **Mr. Kucharski:** So the Technical Superintendents have the background, but they
18 actually -----

19 **WIT:** Yeah I mean the Captains, that's their responsibility.

20 **Mr. Kucharski:** I see, okay. You mentioned that you looked at the weather for the day
21 for the area outside, the marine weather. Tell me on a day to day basis when you get
22 up in the morning do you look at the weather report?

23 **WIT:** I look at the weather report every day.

1 **Mr. Kucharski:** Is that not only for ships, but to see what kind of weather you're going
2 to have?

3 **WIT:** Pretty much yes.

4 **Mr. Kucharski:** And have you ever seen that the weather is quite different from that
5 forecasted?

6 **WIT:** It's pretty accurate on that Weather Buoy forecast that we use.

7 **Mr. Kucharski:** And you've been around lift boats for a long, long time, correct?

8 **WIT:** Since '07.

9 **Mr. Kucharski:** Okay. And you're familiar with the operational limitations due to seas
10 and winds for lift boats?

11 **WIT:** Yes, sir.

12 **Mr. Kucharski:** So you operate, I think you said PSV's and you have an anchor
13 handling and lift boats.

14 **WIT:** FSV, yes, sir.

15 **Mr. Kucharski:** And are there other vessels in your fleet?

16 **WIT:** Currently that's the fleet that we operate in the Gulf of Mexico.

17 **Mr. Kucharski:** That you have?

18 **WIT:** Yes.

19 **Mr. Kucharski:** But you've ad have other vessels under your fleet, different types?

20 **WIT:** That's pretty much the standard fleet that we have.

21 **Mr. Kucharski:** Standard, okay. And do – would you say that lift boats are more
22 weather sensitive than others of the fleet?

1 **WIT:** I would say all the vessels have parameters that you operate in. So they all have
2 operating procedures by any vessel that you have.

3 **Mr. Kucharski:** So your answer is you wouldn't say they're more weather sensitive to
4 seas or winds?

5 **WIT:** No, sir.

6 **Mr. Kucharski:** Thank you. No further questions. Thank you.

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

8 **Mr. Ehlers:** Mr. Ruiz sorry one more follow up question. The Bristow helicopters that
9 went out the night of the accident do you know who called Bristow and asked for
10 assistance? Did that come from SEACOR?

11 **WIT:** No, sir. I do not know who actually made that phone call to Bristow. Through the
12 communications with the vessels and Good Samaritans and all the communication that
13 were going on I knew that the Bristow was on the scene. So but I'm not sure who made
14 that phone call.

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

16 **CAPT Phillips:** Thank you Mr. Ehlers. Mr. Kucharski do you have another question?

17 **Mr. Kucharski:** Yeah just the last answer I'm sorry Mr. Ruiz. How about wind alone.
18 Would you say that all of the other vessels are just as sensitive as a lift boat to wind in
19 operations – operating parameters where they have to stop?

20 **WIT:** In that regard, yes.

21 **Mr. Kucharski:** I'm sorry?

22 **WIT:** I said in that regard if they have winds and seas and before they get out of their
23 operating procedures we jack the vessel out of the water.

1 **Mr. Kucharski:** Yes, sir. No that's not what I'm asking. I'm saying the sensitivity to
2 winds, okay are the other vessels of your fleet, beside lift boats are they that sensitive to
3 the wind as the lift boats are?

4 **WIT:** No, sir.

5 **Mr. Kucharski:** Thank you.

6 **CAPT Phillips:** Thank you Mr. Kucharski. Mr. Ruiz that's all the Coast Guard and
7 NTSB questions for now. We're going to go out to the parties in interest. It's been
8 about an hour and twenty minutes. Would you like to take a break real quick?

9 **WIT:** We could take a quick break.

10 **CAPT Phillips:** Okay. We will plan to take a break and reconvene at 1520 – 1535.
11 The time is now 1519. This hearing is now in recess.

12 *The hearing recessed at 1519, 11 August 2021*

13 *The hearing was called to order at 1535, 11 August 2021.*

14 **CAPT Phillips:** The time is 1535. This hearing is now in session. Thank you for
15 helping during these questions Mr. Ruiz. At this time I'm going to turn it over to the
16 parties in interest to see if they have any questions. I'll start with the First Mate
17 representative.

18 **Mr. Sterbcow:** Thank you Captain. Good afternoon Mr. Ruiz. My name is Paul
19 Sterbcow I represent Bryan Mires, he was the First Mate. As Operations Manager, and
20 we'll make it specific to this situation, does Mr. Fremin essentially operate like an old
21 time Port Captain would have operated for SEACOR? Do you know? Is it a similar job
22 responsibility?

23 **WIT:** I'm not, the old time Port Captain?

1 **Mr. Sterbcow:** In other words are you familiar with the term, I should have asked this.

2 Are you familiar with the term Port Captain?

3 **WIT:** Yes, sir.

4 **Mr. Sterbcow:** Does SEACOR have a job position in South Louisiana called Port
5 Captain?

6 **WIT:** We have the Technical Superintendent.

7 **Mr. Sterbcow:** Okay. So would the Technical Superintendent function like a Port
8 Captain would function?

9 **WIT:** In that regard, yes.

10 **Mr. Sterbcow:** Alright. And the Technical Superintendent over the SEACOR POWER
11 was who?

12 **WIT:** That was Tommy Saunier.

13 **Mr. Sterbcow:** Alright. Do Mr. Saunier and Mr. Fremin have offices at the Houma
14 facility?

15 **WIT:** No, sir. We have offices in Morgan City.

16 **Mr. Sterbcow:** Their offices are in Morgan City as well?

17 **WIT:** Yes, sir.

18 **Mr. Sterbcow:** And that's where you are?

19 **WIT:** Yes, sir.

20 **Mr. Sterbcow:** Does Morgan City or Houma, do either one of those facilities have the
21 capability to act as a response command center in the event of a capsized like this one?

22 **WIT:** If need be, yes.

1 **Mr. Sterbcow:** Why was it that you had to then create a command center at Fourchon
2 for this particular incident rather than do it in Morgan City or Houma?

3 **WIT:** I wanted to get as close as possible to the incident.

4 **Mr. Sterbcow:** Alright. It was a geographic thing?

5 **WIT:** Absolutely.

6 **Mr. Sterbcow:** Okay. You mentioned before that the dispatcher acts as a call center
7 for SEACOR. Can you explain that a little bit more? What does that mean?

8 **WIT:** That means if they receive a phone call they should take that phone call and pass
9 it on to the proper individual within SEACOR.

10 **Mr. Sterbcow:** Alright. Would the dispatcher be the designated person then to have
11 received the phone call from the Coast Guard in this situation following the EPIRB
12 transmission?

13 **WIT:** Yes.

14 **Mr. Sterbcow:** And what is the dispatcher trained to do if he receives a phone call like
15 that?

16 **WIT:** He should have picked up the phone and called Operations or the Safety
17 Department at that time.

18 **Mr. Sterbcow:** So who that – who would he be trying to call?

19 **WIT:** That would be Paul Fremin.

20 **Mr. Sterbcow:** He would be the primary call?

21 **WIT:** Yes. Because, that or the Safety Department. Either one.

22 **Mr. Sterbcow:** Somebody in the Safety Department?

23 **WIT:** Yes.

1 **Mr. Sterbcow:** Alright. Do you know whether the Microsoft Teams meeting, the
2 original meeting that Mr. Cenac put together on the 13th, was that being recorded?

3 **WIT:** I don't know if that was recorded or not.

4 **Mr. Sterbcow:** If it was would it be SEACOR policy to maintain that recording? Do you
5 know?

6 **WIT:** I do not know, sir.

7 **Mr. Sterbcow:** Is there anyone with SEACOR that you know of that would be
8 designated to receive National Weather Service special marine warnings as part of their
9 job duties?

10 **WIT:** No, sir.

11 **Mr. Sterbcow:** That's all I have. Thank you. Thank you Captain. Thank you Mr. Ruiz.

12 **WIT:** Thank you.

13 **CAPT Phillips:** Thank you Mr. Sterbcow. ABS.

14 **Mr. White:** Thank you Captain. ABS has no questions.

15 **CAPT Phillips:** Thank you Mr. White. SEACOR.

16 **Ms. Apps:** Thank you Captain Phillips. Joe you talked earlier today about your regular
17 job duties and responsibilities and that you were in constant contact with the Operations
18 Managers who worked for you. Are you also in constant contact with Michael Cenac
19 and that's part of your day to day job responsibilities?

20 **WIT:** Absolutely. I talk to Michael Cenac on a daily basis.

21 **Ms. Apps:** Did you also have frequent conversations with Michael Cenac on the
22 evening of April 13th?

23 **WIT:** Yes I did.

1 **Ms. Apps:** And you mentioned that you had a number of conversations, numerous
2 conversations, excuse me with various people from Don Jon Smit on the evening of
3 April 13th. To your knowledge are you the only person from SEACOR having
4 communications with people from Don Jon Smit?

5 **WIT:** We actually had multiple people on the – communicating with Don Jon Smit that
6 night. Michael Cenac was one. We had our General Manager from Latin American that
7 was in Fourchon as well. He was communicating with Don Jon Smith along with David
8 Cole.

9 **Ms. Apps:** You were asked some questions about the conditions under which the
10 divers going in the water and whether or not they had various – had requisite equipment
11 and so on at their disposal. Who was – who would it be to be able to make a decision
12 about whether or not it was safe for the Don Jon Smit divers to carry out their mission or
13 their dives?

14 **WIT:** It would be the Dive Supervisor for Don Jon Smit.

15 **Ms. Apps:** And throughout the evening on April 13 were you coordinating with the
16 Coast Guard about -----

17 **WIT:** Yes.

18 **Ms. Apps:** In respect to search and rescue operations?

19 **WIT:** That's who we were communicating with the Coast Guard as well.

20 **Ms. Apps:** And was the Coast Guard in charge of those search and rescue
21 operations?

22 **WIT:** Yes the Coast Guard was in charge. I want to go back on the night of the 13th
23 that's when you were saying who was communicating with Don Jon it was actually

1 myself, Michael Cenac and David Cole. Our Latin America General Manager was not
2 down in Fourchon at that time. I want to clear that up.

3 **Ms. Apps:** Thank you Joey. I have no further questions.

4 **CAPT Phillips:** Thank you Ms. Apps. A couple final questions for you.

5 **WIT:** Yes, ma'am. I'm interested to know, now that you've had some time to think
6 about the situation, do you have any recommendations or suggestions on how to
7 prevent something like this from occurring in the future?

8 **WIT:** Captain Phillips through the process with NTSB and the investigation along with
9 the process that we're going through here I'm sure there's some learning points that we
10 all can take away from this to make our industry safer.

11 **CAPT Phillips:** Okay. Have there been big changes at SEACOR since the time of the
12 accident?

13 **WIT:** We had some best practices, no policy changes or anything. We had some best
14 practices for pre-departure and stuff for the vessels. But we have site specific weather
15 forecast. And also with a log with everyone assigned to their staterooms. And so we
16 put some best practices in place since the incident.

17 **CAPT Phillips:** Thank you for sharing that. Can you give me a little bit more details?
18 So I think I heard you say there's a best practice to getting site specific weather before a
19 job, is that what I heard?

20 **WIT:** Well for the transit. Before we get underway.

21 **CAPT Phillips:** And you have the dispatcher provide that or the Captain pulls that?

22 **WIT:** The Captain pulls it and puts it on his pre-departure email.

1 **CAPT Phillips:** And what was the second thing you said? You said there was a
2 second best practice.

3 **WIT:** Oh I'm sorry. It's a log that we have that we identify exactly where everyone is
4 staying on board the vessel. What stateroom they're assigned to.

5 **CAPT Phillips:** And that log is kept on the vessel or that's kept ashore?

6 **WIT:** It's kept on the vessel but it's emailed out to our distribution ops.

7 **CAPT Phillips:** So the same distribution that would receive a daily report?

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

9 **CAPT Phillips:** And so that will keep account for the names of people on board as
10 well?

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

12 **CAPT Phillips:** Thank you.

13 **WIT:** Thank you.

14 **CAPT Phillips:** Is there anything else you would like to tell us about that we haven't
15 asked you already?

16 **WIT:** No I don't have comments at this time.

17 **CAPT Phillips:** Thank you Mr. Ruiz for coming in today. Thank you for your
18 cooperation. We're now finished with your testimony for today. However the Coast
19 Guard retains the right to recall you and provide additional testimony at a later date.
20 Therefore, I'm not releasing you as a witness at this time. And you do remain under
21 oath until I do release you as a witness. Please do not discuss your testimony with
22 anyone other than your counsel, the National Transportation Safety Board, or members
23 of this Coast Guard Marine Board of Investigation. If you have any questions about this

1 you may contact the Legal Advisor Lieutenant Sharyl Pels. We will now recess until
2 0800 on August 12th, 2021. The time is now 1546. This is hearing is now in recess.

3 Thank you.

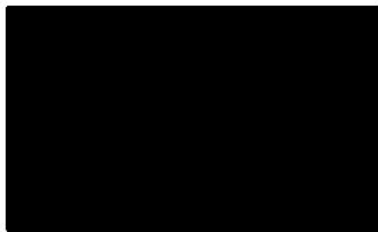
4 *The hearing recessed at 1546, 11 August 2021*

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