UNITED STATES OF AMERICA
UNITED STATES COAST GUARD

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

TUESDAY
AUGUST 3, 2021

8:00 a.m. – 2:45 p.m.

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148 Pages

A P P E A R A N C E S

U.S. Coast Guard

CAPTAIN TRACY PHILLIPS, Presiding Officer

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MR. ERIC VERDIN

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LT ANTHONY ALGER, Recorder

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National Transportation Safety Board

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Seacor Marine, LLC and Falcon Global Offshore, LLC

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

MR.PAUL STERBCOW, Esq.
First Mate Bryan Mires

Also Present:

LT CHARLES RICHARDSON, U.S. COAST GUARD
(on behalf of Mr. Edwin Thiedeman)

I N D E X

P R O C E E D I N G S

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

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

testimony from Mr. Bryan Mires, First Mate on the SEACOR POWER. Lieutenant Alger will you please administer the oath?

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

WIT: Yes.

Recorder: Please be seated. For the record please state your full name and spell your last.

WIT: Bryan Mires, M-I-R-E-S.

Recorder: Identify your counsel if present to confirm representation.

Mr. Sterbcow: Paul Sterbcow representing Mr. Mires.

Recorder: And, sir if you spell the last name.

Mr. Sterbcow: Sure. S-T-E-R-B-C-O-W.

Recorder: Thank you.

CAPT Phillips: Thank you Lieutenant Alger. Good morning Mr. Mires, thank you for being here today. Can you tell us where you currently work?

WIT: SEACOR Marine.

CAPT Phillips: And what's your position there?

WIT: 1600 ton Mate.

CAPT Phillips: Please tell us what your general responsibilities are for that position.

WIT: Take care of, usually I'll work nights, in charge at night of the vessel, keeping it level when we're jacked. Or when we're underway keeping it safe while in travel.

Keeping the crew on task for what they're supposed to be doing. Taking care of the vessel, doing maintenance. Take care of the safety training and all that on board.

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

WIT: Started out with Superior in 2004 on lift boats. And then SEACOR bought them out. I don't remember which year. So it's been since 2004, about 17 years.

CAPT Phillips: Who did you work for before you worked at Superior?

WIT: TRICO.

CAPT Phillips: What kind of company is that?

WIT: A supply boat company, I worked for about a year and a half with them.

CAPT Phillips: Were you a Mate on the supply boats?

WIT: No, ma'am. I was an OS and got my AB ticket.

CAPT Phillips: What else have you done in the maritime industry?

WIT: That's it. Went from supply boats to jack ups. I went from AB to a Mate, 200 ton Mate then I got my 1600 ton Mate.

CAPT Phillips: Thank you. So how long would you say was your total time that you've been at sea?

WIT: Nineteen years.

CAPT Phillips: When you started working with Superior, that's the first time you were on a lift boat?

WIT: Yes, ma'am.

CAPT Phillips: And was most of your time spent on lift boats once you came over to Superior?

WIT: Yes, ma'am. After that that was it I was always on lift boats.

CAPT Phillips: How many different kinds of lift boats have you worked on?

WIT: Quite a few, probably 8 or 9.

CAPT Phillips: What kind of maritime training do you have?

WIT: I got a STCW, advanced firefighting, GMDSS and radio operating license, radar, water survival. That's all I can think of right now.

CAPT Phillips: Thank you. When was the last time you went through water survival training?

WIT: A year and a half, two years ago. I just did my revalidation for my license.

CAPT Phillips: Do you remember what company gave you that training?

WIT: I was to say it was Flack Alfred right here in Houma, but they changed the name to this school right here. I'm not sure exactly what the name of it is now.

CAPT Phillips: Can you say the name again?

WIT: Flack Alfred.

CAPT Phillips: Have you ever received any lift boat specific training?

WIT: Just on board. Nothing, no schooling. Basically on the job training.

CAPT Phillips: How long have you worked on the SEACOR POWER?

WIT: I was on it for about five years and then they took me off of it, I went to other lift boats and I just got back on it about two years ago.

CAPT Phillips: And did you ever receive any training on the specifics of the SEACOR POWER?

WIT: Like I said just on board training, go over the vessel when I got on board and they showed me around where things were.

CAPT Phillips: Thank you. Thank you for walking us through your background. At this point I would like to take some time for you to walk us through the day of the accident. Starting in the morning when you woke and just kind of going through, remember as many details as you can to share with us.

WIT: I went to bed around 8, 9 O'clock after I got the kids to sleep. And I got up at 2 O'clock that morning to be at the office in time for crew change. We got in the crew change vehicle from the office and I got in the back seat. We rode to Fourchon, Bollinger. I tried to take a nap but I really couldn't sleep in there. I got there at Bollinger around 6 O'clock in the morning. We did the turnover with the other crew. And after that we went inside. Dave called everyone to the galley, everybody on board. He held a safety meeting. He went over crane safety. He went over every drill, the abandon ship drill where to go, life jackets, where the rescue boat was for man overboard and he briefed on, if a fire happened. Then we filled out our risk assessments and JSA for crane work that was going to happen. After that everybody was dismissed. I brought my bags upstairs. I seen we had an internal audit going on and they needed a few things so I looked over that. Then I was called to the galley because somebody had an incident where they had tripped and this happened at about 6:50. So we filled out an incident report, Dave sent it off. I reviewed the internal audit information again noticed they needed pictures so I went downstairs to take the pictures of what they needed. I can remember taking a picture of the standing orders for the engine room. And color code in the engine room. I talked to Darren the Engineer down there for a little bit and helped him out with something on the computer. And I went back up, talked with Dave for a minute. There was repairs going on, on the starboard leg tower. The grate had

gotten knocked off on the last voyage and a life raft, so we were overseeing the repairs on that. After that I went back down to relieve one of the guys. I was given the weights of all the equipment on board and I started recording weights that was given to me by the crane operator. Then when he came back out I gave him back the clipboard. And me and Dave we looked around for any damage that may have been caused by the last voyage around the leg braces and leg towers. Then after that we picked up the walkway waited for the comp man to give us the okay that we were good to go, which we were good. Dave said we were ready to go and he let me jack the boat down, pull it off the dock and get underway. Which was around I want to say 12, it was either 12:30 or 1:30, I can't recall. We got underway, we were working on channel and 10 after 13 traffic for internal boat. We had thunderstorms in the area. Before we left Dave pulled me in his office and we looked at the weather report for which was showing, 2 to 4 foot seas with 15, 10 to 15 knot winds. We got out of the jetties and we were maybe an hour out, I'm not really sure when the GMDSS went off. I looked at it, it said cannot print. My thought was probably the paper is a little low, you know it had paper in it. So we had traffic and platforms and rain squalls so I was going to tend to it later. Around 3 O'clock, 2:40 Dave went downstairs to go send his report in, his evening report. When Dave got back up a rain squall came from behind, which we had 79 mile an hour winds. And we discussed well maybe it will lay down the seas. Shortly after that rain squall we had a whiteout, maybe 5, 10 minutes it's what it seemed like. So I suggested with traffic and platforms in the area that we would soft tag the boat. He said okay. So I engaged the PTO's and took out the clutch on the inboards and started jacking and then maneuvering to bow into the wind to slow my momentum. At which point I noticed we

had a starboard list. I told Dave we have a soft small starboard list. The boat will list some while jacking and turning, so it wasn't a big deal. We got a call on the GAI-Tronics from the galley about water coming in the watertight door. Told him okay, dog it tighter we're jacking now. When I looked back up at the level we were listing more and I told Dave I think we're going over. Dave got at the helm and tried to steer into it. I was going to port, he went to starboard. We continued jacking. I realized we were not going to be able to correct it, so I hit the tilt alarm which sends an alarm to the vessel. This all happened within a minute or two. And during that time we got another call from the galley about the galley door. After I hit the tilt alarm I notice the door, so I grabbed the door we were going over. And that's when I watched Dave, that's when I watched Dave fall. Never seeing him again. As we were going over I noticed the equipment slid off the deck. So as I was hanging I dropped down on the side of the cockpit behind the radar and hollered for anybody if anybody needed any help. I didn't get no response. From there I let that thing go just to press the distress button on the GMDSS. So I stepped across to the back. From the GMDSS I pushed the button until it beeped. And I held it a little longer just to make sure. There was a work vest sitting there from one of the contractors, or an inflatable life jacket and I picked it up and put it on. And I thought how am I going to get out of here. I climbed back up to the door, I was able to push it open. I climbed out and I was sitting on the side of the wheelhouse. And I remember the SART was right there by the door so I grabbed the SART off the wall, on the side of the weather door on the wheelhouse and I kept waiting to see if Dave would come up. And I hollered for anybody outside, nobody answered. A life jacket washed up so I put the life jacket on. Because the first one didn't inflate when I pulled it. I put the horse

collar type life jacket on and then I held on and I got washed off. I got back on the side of the wheelhouse, I got washed off again. The third time I got washed off there was a life ring, I grabbed it, I seen the life raft so I'm swimming to it, they had a big box next to it, tool box. Before I could get to it, it broke free. When I looked back there was someone standing on the superstructure. I don't know who it was. I hollered, but they never heard me. While I'm in the water it was rough and the seas built worse and worse. An absorbent pad washed, a roll of absorbent pads washed up, I grabbed them. But they started tangling in my legs so I let it go. I couldn't hardly tear it, finally got it tore off. Then I had a rope tangled in my legs. So I had a pocket knife in my pocket so I cut the rope free. After that I seen a few boats. I had that SART, I'm like their going to come. I could see them. I could see the whole boat, but they never did. I seen four boats, then I seen a fifth one. I thought they were running weather patterns. And there was a little satellite platform behind them. So my plan was to get on that satellite platform if possible. So I started kicking to line myself up the way I was drifting. The boat was kind of quartering away from me when I first seen it. And every time I would go up on top of the waves I would waive, finally they turned to me. I could see them on the boat, but they still hadn't acknowledged that they seen me, so I kept waiting. Finally they waived back and that's when I knew that they had seen me. And that's when I started getting a little cold. They maneuvered the boat, threw me a life ring and pulled me on board. They got me in the shower, warmed me up, got me some dry clothes and put some Band-Aids on my hand and let me call the office and my wife. They asked if I wanted to go in, I said no keep looking I'm okay. And we stayed out all night looking and stayed by the vessel. I got back into the dock about 10 O'clock the next morning.

CAPT Phillips: Thank you very much. That's a lot of detail. That's very helpful to us. Good job. We have some follow up questions. First topic we're going to focus on is really kind of the immediate things before and after the accident. And the weather that was there on scene that night. On your transit out can you describe for us the ship's motions, was the ship rolling at all, was it heaving, was it yawning, how was it acting?

WIT: That vessel with that one is so wide it doesn't really roll too much, depending on the seas. And the way they were hitting us wasn't bad, we had about 2, 3, 2 to 4 foot seas and it was coming off our starboard bow.

CAPT Phillips: So they were coming off the bow. Was it heaving at all?

WIT: Not really. We weren't even getting water on the deck. Like I say it's so wide it was basically on top of it.

CAPT Phillips: Do you know if there was any kind of current offshore?

WIT: I noticed when we were in the water. When I was in the water there was a big current. But while underway I didn't notice.

CAPT Phillips: Okay. And on your transit out what direction was the wind coming from? I think you said it was 10 or 15 on your way out.

WIT: We were going Southeast, either it was a South, Southeast.

CAPT Phillips: And so the winds were coming from?

WIT: From the South, Southeast at first.

CAPT Phillips: From your bow basically?

WIT: Yes.

CAPT Phillips: And about what time was it when that first rain squall came through ?

WIT: About 3:30ish, maybe a little later maybe closer to 4.

CAPT Phillips: And when the winds first starting picking up did you look at the wind gauge at all?

WIT: Yes. We seen 79 miles an hour. That's when the first squall hit.

CAPT Phillips: So it jumped up from where it was?

WIT: Yes.

CAPT Phillips: To 70.

WIT: 79 miles, yes.

CAPT Phillips: How quickly did it jump?

WIT: Pretty quick. It went from 15 to 20 to 79. And then it slowed back down to around 40. And that's me and, we had discussed that maybe it will lay the seas down for us because it came off our stern.

CAPT Phillips: So the wind was coming from your bow and then it started coming from the stern?

WIT: Stern, yes, ma'am.

CAPT Phillips: And when it started coming from the stern what would you say the time was when it jumped from 15 to 70?

WIT: It was around 4 O'clock. I'm not sure exactly the time.

CAPT Phillips: How much time did it take for that jump to happen?

WIT: A couple of minutes.

CAPT Phillips: And your anemometer is in miles per hour or in knots?

WIT: It was in miles per hour.

CAPT Phillips: And then you said it slowed to about 40?

WIT: Yes, ma'am. It was gusting up to about 40, it was blowing around 30. It sustained for 40 for a little bit then went back down to 30. The last I looked at it was about 32.

CAPT Phillips: And about how long did it stay at that level?

WIT: The next rain squall came was a whiteout and that's when we decided to soft tag. And I didn't look at it again so I'm not sure.

CAPT Phillips: About how much time between when it slowed back down to 40 or 30 and then when the next whiteout?

WIT: About 5, 10 minutes.

CAPT Phillips: Was there rain with the first squall?

WIT: A little bit. But not like the second one.

CAPT Phillips: Can you describe the second one a little bit?

WIT: It was, I didn't notice the wind but I did notice the rain. It was, I couldn't hardly see past the bow of the vessel. I could no longer see the platforms in the distance which were a couple miles away.

CAPT Phillips: So before that hit what would you say the range in visibility was?

WIT: About 5 to 6 miles.

CAPT Phillips: And then you said you couldn't see past the bow of the vessel. Could you see the bow?

WIT: I could see the bow, maybe just a little past it. But it seemed like I couldn't see much past it.

CAPT Phillips: You have a lot of years at sea. Have you ever seen a storm like this before?

WIT: No, ma'am.

CAPT Phillips: You said you talked to Captain Dave about maybe the swells would lay down. Did they?

WIT: At first, yes. They did, it seemed like they did.

CAPT Phillips: Then did they change directions, the swells?

WIT: Yes, ma'am.

CAPT Phillips: What did they change to?

WIT: They came from the North, Northwest.

CAPT Phillips: And how big did they get?

WIT: At first when we started jacking I would say they were probably 2 to 4's, but when I first got in the water they were probably 3 to 6's, maybe less. But they built pretty quick after that.

CAPT Phillips: Before the whiteout hit did you hear anything unusual from the boat?

WIT: No, ma'am.

CAPT Phillips: Did you have any trouble with the engines or any equipment?

WIT: No, ma'am.

CAPT Phillips: When the whiteout hit what happened to the vessel?

WIT: What happened to the vessel?

CAPT Phillips: Yeah. Kind of describe everything for me bit by bit.

WIT: We were making way, we had actually picked up some speed due to the wind change.

CAPT Phillips: How much speed did you pick up?

WIT: We did make I want to say we seen 7 knots, which is not normal for her. Because we usually only make about 4 to 5 knots. But we had slowed back down. And everything seemed normal on the vessel when we started jacking. We got a little starboard list which is, happens sometimes when we were maneuvering the vessel and jacking. But everything seemed normal.

CAPT Phillips: When that wind, you said it picked up – you picked up speed.

WIT: Yes, ma'am.

CAPT Phillips: Did it turn the vessel at all?

WIT: Not that I know of, I didn't notice it.

CAPT Phillips: Did you notice that the vessel seemed to trim at all?

WIT: No, ma'am.

CAPT Phillips: Did it seem like it was listing because of the wind?

WIT: No, ma'am. When we first started jacking it was – I had started turning and that's when I noticed the list. Prior to that it seemed level.

CAPT Phillips: And what was the sequence? When did you get call from the galley?

WIT: We had the whiteout, just jack, we started jacking, as soon as we started jacking we got – and started turning, we got the first call from the galley.

CAPT Phillips: So you started to turn.

WIT: To port.

CAPT Phillips: But before you started jacking?

WIT: I started jacking first, then I started turning.

CAPT Phillips: And you said the starboard list is a little bit normal when you start jacking?

WIT: Yes.

CAPT Phillips: So you started jacking, you have a little bit of a starboard list?

WIT: Yes. It's usually about a half degree, that's it.

CAPT Phillips: And then you started your turn?

WIT: Yes. Well I started my turn when I noticed it being at 2 ½ degree list and I told Dave about it. I said we've got a little starboard list.

CAPT Phillips: So did the list, with 2 ½ degrees did you see that after you started to turn or right before you started to turn?

WIT: After I started turning.

CAPT Phillips: I see. Sorry I'm just trying to get this all in a sequence.

WIT: Yes, ma'am.

CAPT Phillips: And remember. Where was the inclinometer?

WIT: We had two of them. We have one up top in the cockpit if you looked up above the windows and one on the side of the cockpit in the cabin.

CAPT Phillips: So you were looking at the one?

WIT: Up top.

CAPT Phillips: In the cockpit. So you looked at it and started jacking and then you looked at it again once you started to turn?

WIT: Yes, ma'am.

CAPT Phillips: Did you feel the list or did you see it on the inclinometer?

WIT: At first I seen it at first, then when we got that call and I looked back up at it I started feeling, that's what made me look back and we had a 5 degree after we got the call from the galley. That's when I mentioned I think we're going over.

CAPT Phillips: So you saw the 2 ½ degrees and then you got the call from the galley?

WIT: Yes, ma'am.

CAPT Phillips: How long was that call?

WIT: That was just a second. He just told me that there was water coming in the galley door. And I just assumed that they had went out of it, didn't dog it tight enough to seal it back. So I asked him to dog it tighter. And we told him we were jacking.

CAPT Phillips: Did he say the door was closed and it was coming in, or did he say it was open?

WIT: He didn't say. I had sent the AB's down to go look to see if, what the problem was with it so I could get better information.

CAPT Phillips: And when you got the call and you told the AB's to go down.

WIT: Yes.

CAPT Phillips: Can you tell us about how much time it was on the different step? So the time between the 1 ½ degree and the 2 ½ degree and then the 2 ½ degree to 5 degree?

WIT: So when we first started jacking to all the way through was about a minute and a half, two minutes at the most. It went pretty quick once we started getting the list.

CAPT Phillips: So you started jacking and then it was about how much time before you started turning?

WIT: About, right after I started jacking I started into the turn. It was almost simultaneously. But I did engage the legs first before I started the turn.

CAPT Phillips: Okay. And then you saw the 2 ½ degrees and it was when you got the call from the galley and you sent the AB's down, so how much time between the 2 ½ and 5 degrees?

WIT: When I got the call seen the 2 ½ and shortly after that I got the call, then I looked back up after the call and that's when I noticed we had a 5. Probably a minute, maybe 30 seconds.

CAPT Phillips: And then the 5, you saw the 5 degrees and how much time after that elapsed?

WIT: It didn't take long. Dave got in the cock – he got at the controls, maneuvered it starboard and he got on the GAI-Tronics and said get your life jackets, get your life jackets, get your life jackets and then I hit tilt alarms. It probably all happened within a minute.

CAPT Phillips: So the Captain made that announcement on the?

WIT: On the GAI-Tronics.

CAPT Phillips: That's the loud speaker that goes through the boat?

WIT: Yes, ma'am.

CAPT Phillips: And that goes to every part of the boat?

WIT: Yes, ma'am.

CAPT Phillips: He did the life jacket call and then when did you hit the tilt alarm?

WIT: Right after, shortly after that.

CAPT Phillips: When did you hit the GMDSS button?

WIT: After it had rolled over.

CAPT Phillips: Were there lights on, on the bridge?

WIT: I don't recall. But while we're running, usually we have everything off.

CAPT Phillips: When you went in to look for the SART did you have trouble finding it?

WIT: No ma'am. It's strapped right there by the door. I just had to stick my arm in there and grab it.

CAPT Phillips: What were the winds doing when you were in the water, right at first?

WIT: It's hard to say because it was coming from where I was blocked from it. Where I was sitting.

CAPT Phillips: And as you got a little distance from the boat what would you say the winds were doing?

WIT: They were blowing pretty hard because the seas built pretty bad, 10 to 12 foot.

CAPT Phillips: Were you getting spray in your face?

WIT: Yes, ma'am. I had to stay on my stomach. I tried to lay on my back, I was getting too much water in my mouth.

CAPT Phillips: When the water hit you was it stinging?

WIT: It was more breaking over.

CAPT Phillips: I see.

WIT: Onto me and raining. It was raining, it was raining sideways while I was in water. Rain was going sideways. At one point I couldn't see very far while I was in the water. Maybe a quarter of a mile or less.

CAPT Phillips: And how long were you in the water for?

WIT: About 2, 3 hours.

CAPT Phillips: Do you remember the name of the boat that picked you up?

WIT: The CAPE COD.

CAPT Phillips: Thank you very much. I'm going to pause and see if some of the other Coast Guard and NTSB members have some questions about immediately before and after the accident. Mr. Lawrence.

Mr. Lawrence: Thank you Captain Phillips. Mr. Mires. Lieutenant Alger can you bring up Exhibit 202 page 318. I'm just going to bring up a picture of the wheelhouse that we'll be showing [showing Exhibit]. Page 318, Exhibit 202. While he's bringing that up. Did the winds effect your ability to turn the vessel at all?

WIT: Yes. Previously before I've noticed in the past that when the winds get too high, especially in Port or Starboard turn we try not to maneuver when the winds get up.

Mr. Lawrence: Was this one of the cases where it was hard to turn to Port?

WIT: Probably so. But offshore we have a little more maneuverability so we could go forward and make like a bigger turn so. So to turn into isn't that normal for us to do that.

Mr. Lawrence: Did you start the turn first or start jacking first?

WIT: I didn't hear you.

Mr. Lawrence: Did you start the turn first or did you start jacking first?

WIT: It was almost, like I said almost simultaneous. I engaged the legs before I started turning, but it was almost simultaneous.

Mr. Lawrence: Okay. And were you just using the rudders to turn or?

WIT: I was twin screwing the vessel.

Mr. Lawrence: So in this picture of the wheelhouse there's a pedal underneath the wheel, right? Can you just describe what that does?

WIT: We call it a dead man's switch so if somebody – when you're jacking you step on it which engages the legs to let them go down. So if something happens to you while

we're jacking down for location, we got an air gap, if you fall out it's supposed to stop jacking so the boat don't – because one leg may jack faster and if you stay jacking it could cause it to fall over.

Mr. Lawrence: So to jack down you had to stay on that pedal?

WIT: Yes, one foot.

Mr. Lawrence: So when Captain Dave took over you would have had to?

WIT: Stand on it, yes.

Mr. Lawrence: Okay. In this picture, see that video monitor at the top right? Is that showing you spaces on board the SEACOR POWER?

WIT: The one on the top right, yes. The one on the top left does as well but when we're running we usually turn them off so when it gets nighttime to not impede the vision.

Mr. Lawrence: So they were off while you were -----

WIT: That day yes.

Mr. Lawrence: That's all the questions I have.

CAPT Phillips: Thank you Mr. Lawrence. Mr. Verdin.

Mr. Verdin: Thank you Captain. I have few, a couple questions here. You said you had some on board training for the SEACOR POWER, basic training.

WIT: Yes.

Mr. Verdin: That include assessment checkoff's?

WIT: So our vessel with the company we have to do an orientation for anybody new coming on board. And it basically goes over all the equipment and where things are located at.

Mr. Verdin: Okay. Your personal training with regards to operating and maneuvering and learning how to handle lift boats. Can you tell us a little bit about that training?

WIT: Different Captains when they would let me move they would let me – I watched them move it countless times, I've asked questions. That's about all the training that I would have was just with what the Captains would give me.

Mr. Verdin: Okay. A couple of questions. You said the GAI-Tronics broadcasts throughout the vessel?

WIT: Yes, sir.

Mr. Verdin: Does it broadcast, is it connected in the rooms or just the hallways?

WIT: Just the hallways.

Mr. Verdin: And you said one of the SART you reached inside to grab a SART, is the SART located there as well?

WIT: No, sir. It's on the other side. There's two doors in the wheelhouse. One on the Port and one on the Starboard. And we had one by each door.

Mr. Verdin: So that vessel is equipped with two SARTs then?

WIT: Yes, sir.

Mr. Verdin: And you said you hit the GMDSS button on the way out. That's the GMDSS console which is located?

WIT: It's on, you can't see it in that picture, it's back behind from the radar, aft of the radar.

Mr. Verdin: How about the VHFs, are those VHFs on board are they equipped with a distress button as well?

WIT: Yes one of them was.

Mr. Verdin: I know things happen quick, no thought, immediate thought?

WIT: No.

Mr. Verdin: And that's fine. It's understandable. You said before the whiteout you experienced, or your read wind of 70 miles per hour that came suddenly.

WIT: Yes.

Mr. Verdin: Were there any issues with the vessel at that time?

WIT: No, sir.

Mr. Verdin: And that, okay, so that came, you said from the North?

WIT: Yes, sir.

Mr. Verdin: From behind you.

WIT: From behind us.

Mr. Verdin: Did the whiteout come from the same direction?

WIT: Yes I believe so.

Mr. Verdin: Which came later?

WIT: Yes it came after the wind.

Mr. Verdin: And you did not, you said you did not get a chance to look at the speed for that whiteout.

WIT: No I didn't.

Mr. Verdin: I think that's all I got Captain. Thank you.

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

Mr. Ehlers: Good morning Mr. Mires. The whiteout was the rain coming down, was it coming down straight down, at an angle?

WIT: It was at an angle.

Mr. Ehlers: It was at an angle.

WIT: It was almost sideways.

Mr. Ehlers: Almost sideways. And you described that the vessel, when you were jacking down typically had a starboard list, is that correct?

WIT: Yes.

Mr. Ehlers: Was that, how much of that starboard list? How much list would you say was typical?

WIT: I would say about maybe a half to a degree depending on the maneuver we were doing.

Mr. Ehlers: So that 2 ½ degree list that you saw was greater than normal?

WIT: Yes a little bit more. So we had a slight list.

Mr. Ehlers: Was there ever an explanation why the vessel tended to list?

WIT: The only thing that previous Captains or Engineers I've worked with on there we discussed about there's a lot more weight on that side. We've got hose reels, trash compacter, the buffer tank and oily water separator. There's more equipment in the anchor. There was a little more equipment on that side of the boat.

Mr. Ehlers: I see. Did the legs go down at the same rate?

WIT: Pretty close. But some of them, one of them was, usually the starboard was a little faster.

Mr. Ehlers: Could you see on the accident day whether that was the case as well? Was the starboard going down any faster than the port?

WIT: I'm not sure. We have leg counters, but I did look.

Mr. Ehlers: You mentioned that you twin screwed the turn. Can you explain a little bit more what you meant by that? And maybe explain how the engines were when you're lowering the legs.

WIT: So the inboards are used for jacking. So we'll take the clutches out, put PTO, which is power take off, it gives fluid to the hydraulic system. I use those at about 1500 RPMs to jack. And I had the port outboard in reverse at about three quarters maybe a little more to slow my momentum and give me the turn and the starboard outboard was probably about half throttled forward. And I put some rudder to port.

Mr. Ehlers: Do you remember how much rudder you used?

WIT: Not off the top of my head. I want to say it was probably around 25 to 30 is what I usually use.

Mr. Ehlers: And when Captain Ladet took the helm did he swing the wheel? Did he shift the engines? Do you remember what he did?

WIT: He shifted both engines and swung at a hard to starboard.

Mr. Ehlers: Hard to starboard. Did the galley say which door was leaking or have water coming through?

WIT: No, sir.

Mr. Ehlers: Where is the tilt alarm on deck or in the bridge?

WIT: Behind the radar on the port side, it kind of sits low on the side of the dash.

Mr. Ehlers: Lieutenant Alger can you please bring up Exhibit 202 page 308? [Showing Exhibit]. Okay. So you said, say that again where you said it was.

WIT: It's on the port side. It's behind the radar. You can't see it.

Mr. Ehlers: Okay. When you say behind is it just forward of it or is it actually behind?

WIT: Basically where like if you see the general alarm on this side of the plug, it's kind of sitting like right there. But on the other side.

Mr. Ehlers: Alright. When you said you grabbed the door is the door with the round porthole there on the port side is that the door that you were talking about?

WIT: Yes, sir.

Mr. Ehlers: And you said you dropped down on the console. Is that the console there where the radar is?

WIT: Yes, sir.

Mr. Ehlers: And the GMDSS is after that, the desk there with the gray, that's the GMDSS?

WIT: Yes.

Mr. Ehlers: Okay. You mentioned once you're in the water you saw a life raft that blew away. Did you see any other life rafts?

WIT: No, sir.

Mr. Ehlers: Anytime when you're in the water did you see any other life rafts?

WIT: No, sir.

Mr. Ehlers: Okay, thank you. That's all I have.

CAPT Phillips: Thank you Mr. Ehlers. Mr. Muise.

Mr. Muise: Good morning Mr. Mires. I understand that Mr. Scallion and Mr. Morales were both on working days with you.

WIT: Yes, sir.

Mr. Muise: And you sent Mr. Scallion to the galley to check on the water.

WIT: And Chaz, they both went.

Mr. Muise: They both went. Okay, that was my question. Lieutenant Alger if you bring up Exhibit 202 page 319 [showing Exhibit]. This is the GMDSS console on the bridge, is that correct?

WIT: Yes, sir.

Mr. Muise: And Mr. Verdin touch on this a bit, but looking at the picture does this help you remember which distress button that you pressed? I see at least three in there.

WIT: It's on the side. You don't see it in this picture.

Mr. Muise: You cannot see it in this picture. Okay, is it on the starboard side, port side?

WIT: It's going to be on the left side of the picture.

Mr. Muise: The left side.

WIT: Should be at the starboard side.

Mr. Muise: Okay, thank you. Lieutenant Alger can you bring up Exhibit 152 please [showing Exhibit]. And Mr. Mires the rest of my questions are about the search and rescue transponder. We would very much like to understand the limitations of this equipment, especially in the environment. So starting with some training. Do you remember discussing the search and rescue transponder in your STCW basic training?

WIT: I remember we discussed it a little bit. But we did test it on the vessel too with the crew. We would go over it with the crew and show them.

Mr. Muise: Okay. How about in your last Hewitt training, helicopter in the water training?

WIT: A year or two. Two years ago?

Mr. Muise: Were SARTs discussed in that class?

WIT: I don't recall.

Mr. Muise: How about in your GMDSS course?

WIT: I believe, but I don't recall.

Mr. Muise: Have you ever been assessed on board either as part of an audit or part of competency assurance program on using or maintaining SART?

WIT: Yes.

Mr. Muise: Okay. When you're in the water can you tell us how you were holding this and where you were holding this equipment?

WIT: Well at first I was holding it to my chest, but I was holding it out whenever I would see a vessel. But they didn't have a pole or nothing to extend it up. So it was just in my hand.

Mr. Muise: Well is it above the water at all?

WIT: Yes it was above the water.

Mr. Muise: And you notice there's a narrow part and a wider part, which side did you have pointing up?

WIT: I was holding onto the narrow part.

Mr. Muise: You were holding on to the narrow part with the bigger part upright?

WIT: Yes.

Mr. Muise: Lieutenant Alger can we switch to Exhibit 154 [showing Exhibit]. This is the SART, a picture of the SART when it arrives in the NTSB lab. So can you describe for us how you turn the unit on?

WIT: I pulled the tab, pushed it up to the on position.

Mr. Muise: And can you confirm this tab doesn't come lose it stays with the unit once you activate it?

WIT: Yes it stayed with it. I turned it back off once I got back to the house with it.

Mr. Muise: Okay. And there's a little wire seal on there which was in place when we received it. Did you put that back in place?

WIT: The wire seal?

Mr. Muise: Yes, sir.

WIT: I didn't put it back. I might have, I don't recall.

Mr. Muise: There's an indicator light that's supposed to come on when the unit is active. Do you remember seeing that light?

WIT: Yes it was on. It was on when the vessel that rescued me the whole time. Their radar never went off.

Mr. Muise: Can you describe any alarm or noise that the unit made while you were using it?

WIT: I don't recall.

Mr. Muise: This model comes with a pole. And I know you told us that it didn't have a pole. Do you know where it went to?

WIT: We never had one on board.

Mr. Muise: The other search and rescue transponders, the one on the starboard side was it the same make and model?

WIT: Yes I believe so.

Mr. Muise: Did that one have a pole?

WIT: No, sir.

Mr. Muise: Were these units recently replaced onboard?

WIT: Yes, sir.

Mr. Muise: And why was that?

WIT: The other ones were out of date.

Mr. Muise: Thank you Captain that's all the questions I have. Thank you.

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

Mr. Kucharski: Yes, thank you Captain. I would like to go back to the capsizing sequence. Good morning Mr. Mires, thank you. During the actual capsizing sequence could you hear the wind, feel like wind was acting on the vessel?

WIT: I know it was pushing, but I didn't really hear any wind at the time.

Mr. Kucharski: You mentioned earlier that this 70 mile per hour wind, the first gust, there was no list?

WIT: Yes there was no list at the time.

Mr. Kucharski: Do you have an estimate how long that gust lasted for?

WIT: It wasn't long. It blew maybe 10, 15 seconds. And it started coming back down. But the winds stayed up for a little while.

Mr. Kucharski: And the interval again between the first squall and the second squall?

WIT: About 5 minutes, 5 to 10 minutes at the most.

Mr. Kucharski: You mentioned that you turned the vessel, is that correct? Turned the boat right after but before the second squall hit?

WIT: It was not before the second squall hit. It was, when the whiteout came that's when we decided to turn and soft tag and that's when we started the turn.

Mr. Kucharski: And did you initially turn to the left?

WIT: Yes I turned to port, yes.

Mr. Kucharski: And why was that?

WIT: That's just the way I turned that day just to maneuver the bow into the wind to slow our momentum so when we soft tagged there would be no damage to the pads.

Mr. Kucharski: And when the whiteout occurred was there any motion to the vessel? I mean you mentioned about a list. Did you feel any other motion to the vessel?

WIT: She was rocking a little. But mainly just seemed like we were leaning.

Mr. Kucharski: It was rocking a little bit?

WIT: Yeah.

Mr. Kucharski: Side to side?

WIT: Yeah, side to side.

Mr. Kucharski: Did you – did you feel any forward motion at all to the boat?

WIT: No, sir.

Mr. Kucharski: And just to be clear the inclinometers that you looked at that was the one forward?

WIT: Yes, sir.

Mr. Kucharski: The one on the starboard side? Did you look at that one at all?

WIT: No, sir.

Mr. Kucharski: The initial list, when you had the initial list I think you 2, 2 ½ degrees, is that right?

WIT: Yes.

Mr. Kucharski: Did you see any water on deck?

WIT: I don't recall. That was during the whiteout. So we had water, rain water on the deck.

Mr. Kucharski: I'm sorry.

WIT: That was during the whiteout so I did look down where we usually get water on the deck at that time.

Mr. Kucharski: Where do you usually get water?

WIT: You can usually see it right behind the starboard leg tower or port leg tower.

Mr. Kucharski: And how about as the vessel, I think you said the next list was about 5 degrees, is that correct?

WIT: Yes that was the next time I looked up that's when I seen it.

Mr. Kucharski: And were there any other sounds associated with that list? Wind, did you hear the wind howling?

WIT: No, sir.

Mr. Kucharski: Was Captain Ladet on the bridge with you when you started to lower the legs?

WIT: Yes, sir.

Mr. Kucharski: And you mentioned soft tag. Can you explain to us what that is?

WIT: Basically jacking the legs down until they touch bottom and we keep the hull in the water. In emergency situations we do this. And if the weather gets bad or if we're waiting on [in audible] or if we're on location we'll soft tag it. Also we can do this and then contact one of the survey companies to make sure it's safe for us to jack up.

Mr. Kucharski: And why did you choose to do this? I'm sorry.

WIT: It was a whiteout and there were platforms in the area and other vessels.

Mr. Kucharski: And at that time did you have any idea how bad the weather would actually get?

WIT: No, sir.

Mr. Kucharski: I think you mentioned that when you entered the water the seas were about 3 to 6 foot maybe?

WIT: Yes, maybe.

Mr. Kucharski: And was, so was the hull or the bridge wing was it, the bridge was anyway blocking that?

WIT: When I first got in, yes, sir, it was.

Mr. Kucharski: It was.

WIT: It seemed like it was coming, so I really could tell to give you a good estimate. When I first actually got into the water, when I got away from the vessel it seemed like maybe 6 footers. But they built very shortly after.

Mr. Kucharski: Okay so when you got away from the vessel, how far were you from the vessel when you said they were six foot?

WIT: I'm not sure.

Mr. Kucharski: How did you gauge the height of the wave, that actual height?

WIT: Just looking at them. I didn't have nothing to go by.

Mr. Kucharski: You didn't see them up against the bridge wing?

WIT: No, sir. I couldn't see anything.

Mr. Kucharski: Was – did Captain Ladet leave the bridge at all as the first squall line approached?

WIT: No, sir.

Mr. Kucharski: He didn't go down to send, leave and send any logs or anything like that?

WIT: No, sir. He went down and came back up before the first squall.

Mr. Kucharski: Before the first squall.

WIT: Yes, sir.

Mr. Kucharski: And when the person, who was it that actually called you to say there's water coming in the galley?

WIT: It was the cook, Anthony Harper.

Mr. Kucharski: Did he indicate any amount of water?

WIT: No, sir.

Mr. Kucharski: And after you started the initial turn to the left then you went back to the right, is that correct?

WIT: No, sir. I didn't, Captain Dave did.

Mr. Kucharski: Captain Dave turned then to the right?

WIT: Yes, sir.

Mr. Kucharski: And then do you have any idea where the wind was coming from when that happened?

WIT: It would have been probably coming off our port, port side.

Mr. Kucharski: Port side.

WIT: At that point, yes, sir.

Mr. Kucharski: Not on the bow, just on the side.

WIT: Yes.

Mr. Kucharski: Thank you Captain. Thank you Mr. Mires.

CAPT Phillips: Thank you Mr. Kucharski. Thank you Mr. Mires I think we're almost done with the immediate incident questions. I heard you say to Mr. Ehlers that you don't use the inboards, that you use the inboards for jacking down.

WIT: Yes.

CAPT Phillips: Does that mean they are no longer used for propulsion?

WIT: We could take them out, but once we use them for jacking it's just usually using the outboards for maneuvering, those are jacking.

CAPT Phillips: So you weren't, once you started jacking you weren't using the inboards for propulsion any longer?

WIT: Correct.

CAPT Phillips: Thanks. And did you look at the compass at all when you started to turn to port?

WIT: No, ma'am.

CAPT Phillips: Do you have any sense of how far of a turn you were able to make by gauging the wind or anything else?

WIT: Well the winds were coming off our, maybe our port stern, it was probably coming off our port side. I'm not sure exactly, but it was coming off our port once we starting turning.

CAPT Phillips: It was coming off your port? When you started turning back to starboard or?

WIT: Yeah. Once I made a turn to port I got the wind all the way to the winds coming off of our port side and I starting going over when Dave was trying to go back to starboard. And I don't know how far we got back around.

CAPT Phillips: I see. So you would say it was about on your port beam?

WIT: Yes.

CAPT Phillips: When Captain Dave took over?

WIT: Yes.

CAPT Phillips: Thank you. And I heard you tell Mr. Kucharski about some rocking side to side.

WIT: Yes.

CAPT Phillips: At what point was that did you feel it?

WIT: After we got the call and I made the turn, when I started making the turn which would have given us a side sea. Just assumed that's what it was at first.

CAPT Phillips: Do you have any – had you felt rocking like that before?

WIT: Yes.

CAPT Phillips: So it was normal?

WIT: Normal, yes.

CAPT Phillips: Like you would feel with a side sea?

WIT: Yes.

CAPT Phillips: Do you know about how much it was?

WIT: No, ma'am.

CAPT Phillips: Thank you. Just going back to the doors you were trying to escape you said you pushed the door open. Were you pushing vertically, pushing up?

WIT: Yes, ma'am.

CAPT Phillips: So the boat was already on its side?

WIT: It was already on its side, yes, ma'am.

CAPT Phillips: Would you say it was 90 degrees on its side?

WIT: Yes, it may have been a little more. But pretty much 90 degrees.

CAPT Phillips: Thank you. Mr. Verdin.

Mr. Verdin: Thank you Captain. Mr. Mires I had a couple more questions. You described soft tagging and you said, well excuse me back up a little bit. You said the vessel begin to speed up because the wind was coming astern.

WIT: Yes.

Mr. Verdin: And that was obviously due to the wind pushing?

WIT: Yes, sir.

Mr. Verdin: Okay. And you maneuvered to slow the vessels momentum down?

WIT: Yes I had took all engines out of gear. Because I have to take the inboards out to engage the PTOs and disengage the clutch.

Mr. Verdin: So you can soft tag?

WIT: Yes.

Mr. Verdin: What's the normal speed, or what comfortable speed do you like to usually to soft tag? And why at that speed?

WIT: We try to get into zero as possible. You don't want to drag your pads on bottom, it can cause damage to the connection where the pads and the legs meet.

Mr. Verdin: And the effects of the wind coming astern for you, would that have some effect on controlling your speed to get it down to zero?

WIT: Yes. So we turned in to it to push on – to push ahead on the engines and be able to slow.

Mr. Verdin: Okay. Taking back just a little bit. You said that you and Captain Dave looked at the weather report that morning before you left?

WIT: Yes, sir.

Mr. Verdin: Can you tell us what report or how many reports you looked at before you left?

WIT: Just looked at that one with him, we get it sent from the office. And I don't recall who sent the regular report out. But I know our dispatch usually sends it to us.

Mr. Verdin: And I think that's it for now. Thank you Captain. Thank you Mr. Mires.

CAPT Phillips: Thank you Mr. Verdin. Are you okay for a couple more questions about the immediate incident?

WIT: [Nods].

CAPT Phillips: Okay. Thank you Mr. Mires. Mr. Ehlers.

Mr. Ehlers: Thanks Mr. Mires I do appreciate your patience here as we here as we ask seemingly the same questions. But it really is important to get the details very exactly. Back again to the rocking motion that you experienced. At times did you notice did any of the cargo or any of the equipment on deck move?

WIT: Nothing moved until the vessel went all the way, then it started sliding.

Mr. Ehlers: Okay. And you said all the way.

WIT: Like it was already, it felt like it was going over and it started sliding.

Mr. Ehlers: Okay. Any estimate about what angle you were at, what time the cargo started sliding and the equipment starting sliding?

WIT: I can't recall.

Mr. Ehlers: But you were pretty confident the vessel was already headed going over at that point?

WIT: Yes, sir.

Mr. Ehlers: Backing up a little bit to the soft tagging. You mentioned calling Furgo. Could you explain when you're doing the soft tag, can you explain? What's that about?

WIT: So I want to make sure there's no pipelines that we jack up on or anything that we shouldn't put the pads on. So that's why we call Furgo and they'll do like, they have the survey where the pipelines are and they can give us, yeah it's a safe place you can jack up. Or you need to move.

Mr. Ehlers: Okay. And on the accident when you went to soft tag did you have to call Furgo or did you attempt to call Furgo?

WIT: In an emergency situation we'll just soft tag and then we'll call them. If we have to we'll get out the water and then call them.

Mr. Ehlers: Okay. Thank you.

CAPT Phillips: Thank you Mr. Ehlers. Mr. Kucharski.

Mr. Kucharski: Thank you Captain. Again Mr. Mires you said you were on the POWER, the SEACOR POWER about 5 years ago and then you went off and came, so total about 7 years? Have you ever felt the SEACOR POWER heel from a wind gust?

WIT: Not that I can recall.

Mr. Kucharski: Related to wind and seas is there a best heading to take the seas?

WIT: The bow.

Mr. Kucharski: Bow. And is there any reason why it's better on the bow?

WIT: We usually ride higher in the bow on lift boats and jack up boats in general.

Mr. Kucharski: And how about for taking the wind?

WIT: Bow into or stern in.

Mr. Kucharski: Bow or stern?

WIT: Yeah because if you get sideways the cabins like a sail and those legs catch a lot of wind. They'll push you around, make it hard to maneuver.

Mr. Kucharski: So then you would go stern into the wind?

WIT: If that's the only way we can get to it, yes. We try to get bow into it. That's the best way.

Mr. Kucharski: And when the vessel was drifting, and there's wind, does it want to point in any direction?

WIT: I don't recall.

Mr. Kucharski: Were you ever on the SEACOR POWER when the vessel had to be jacked completely out of the water because of weather?

WIT: Yes.

Mr. Kucharski: Could you elaborate a little bit on that?

WIT: It happened about a year ago. We was running, we had a squall come through. Winds were probably blowing 35, 37 on the bow. We called Furgo about a safe jacking area, jacked up.

Mr. Kucharski: You took the boat completely – was it a soft jack?

WIT: We took it out of the water. I mean if it gets too rough we have to get out of the water or it will damage the vessel.

Mr. Kucharski: If you recollect how long that process takes?

WIT: I want to say it was about, it depends on the water depth. The deeper water will take, it's about maybe 5 feet a minute I think the legs jack if I recall right.

Mr. Kucharski: Did that weather come on suddenly?

WIT: That day, yes. Well not really suddenly, we knew were going to probably hit, run into some weather that day.

Mr. Kucharski: Captain those are my weather related type questions. Are we going to continue afterwards?

CAPT Phillips: So right now we're just doing immediately before and after the accident and then we'll get into the rest later. Thank you Mr. Kucharski. At this time I'm going to take a recess. We'll reconvene at 0935. The time is now 0920. The hearing is now in recess.

The hearing recessed at 0920, 3 August 2021

The hearing was called to order at 0936, 3 August 2021.

CAPT Phillips: The time is 0936, the hearing is now in session. Thank you Mr. Mires for going over the incident in detail. We're going to shift a little bit now and talk about the time before you got underway and your transit out to the sea. You said you went to bed at 8 or 9 O'clock the night before, you got up at 2.

WIT: Yes, ma'am.

CAPT Phillips: Is that your typical schedule?

WIT: On crew change day, yes.

CAPT Phillips: Okay. Are you more of a night owl or early bird?

WIT: I usually stay up to about 10 or 11 and then I'll get up around 7, 8 O'clock in the morning.

CAPT Phillips: Okay. So two night before the incident is that probably what you did?

WIT: Yes, ma'am.

CAPT Phillips: And how were you feeling that morning when you got up at 2 the day after?

WIT: I was okay. I was – I didn't feel sleepy or anything.

CAPT Phillips: Were you feeling sick at all?

WIT: No, ma'am.

CAPT Phillips: And I think you said you got to the ship about 6 a.m.?

WIT: Yes, ma'am.

CAPT Phillips: And then you said you did a turnover. Tell us more about what happens during a turnover.

WIT: The Captains have a turnover, which they have a form they fill out. So I write everything down. They'll discuss what's going on and I usually talk to the Mate and he tells me what's been done, maintenance wise.

CAPT Phillips: Is there a form that the Mates do to do the turnover?

WIT: No, ma'am.

CAPT Phillips: Who was the off going Mate?

WIT: Daniel Jones.

CAPT Phillips: And what did he say when he gave you his pass down?

WIT: Not a whole lot. Just the repairs that were being done on the starboard leg tower [in audible]

CAPT Phillips: I heard you mention this before. Tell me more about that.

WIT: The starboard leg tower legs?

CAPT Phillips: Right.

WIT: It's below the crane. So you've got to climb up there to get into the crane. It's a way to get around and grease the crane, the lower part of the crane. And also to get to the upper planetary, the front legs.

CAPT Phillips: And what was wrong with them?

WIT: They lost it in the last voyage.

CAPT Phillips: So it was just a replacement?

WIT: As far as I know, yes, ma'am.

CAPT Phillips: And did you say that was still going on when you got on board?

WIT: Yes, ma'am.

CAPT Phillips: What time did they finish that?

WIT: Shortly before we left.

CAPT Phillips: Was SEACOR personnel doing that work or was it a contractor?

WIT: It was Bollinger Shipyard.

CAPT Phillips: So everything was back in working order when you left?

WIT: Yes, ma'am. They also left us a few more clips for us to install if we wanted a few more on there. But it was secured.

CAPT Phillips: Did Mr. Jones talk to you about anything else when he did the pass down?

WIT: The only thing I can remember is the life raft they lost as well on that voyage. Which was on the starboard side, the middle life raft. It was replaced.

CAPT Phillips: So did they say why they lost the life raft on the previous voyage?

WIT: I don't recall.

CAPT Phillips: He just said they had lost it?

WIT: Yes, ma'am.

CAPT Phillips: And then somebody put on a new one?

WIT: Yes, ma'am. It was already in place.

CAPT Phillips: Did he take you up to look at it all? Or did he just told you about it?

WIT: Where we were standing on the deck we could see it.

CAPT Phillips: Was it the same as the other life rafts?

WIT: Similar, yes, ma'am.

CAPT Phillips: And then earlier you told us about the meeting where Captain Dave brought everyone into the galley. I think he covered a couple of topics, but can you tell me more specifics about what you remember from that in brief?

WIT: I know he talked about the drills, where to go in case of an emergency, where to muster, life jackets. If we had a man overboard where the rescue boat was, what to do for that. And we discussed crane safety, about signaling in and riggers and tag lines. And we would do a risk assessment which is like a JSA. And the contractors had a JSA that we all signed for everybody involved in it signed.

CAPT Phillips: And where did that briefing take place?

WIT: In the galley.

CAPT Phillips: Was everybody there?

WIT: Yes, ma'am.

CAPT Phillips: So how many people was that?

WIT: Everybody on board, would have been 19.

CAPT Phillips: Does anybody do a roll call for those meetings?

WIT: No, ma'am.

CAPT Phillips: Does that get logged anywhere?

WIT: We have a form we fill out, a training form and we usually write like when we do a drill, the drill and what we did for the drill and then we will have everybody sign it.

CAPT Phillips: Did you do that that morning?

WIT: Not yet. He – on those days Dave usually would write it up after we did it, write what we discussed and then he would put everybody's name in there and makes sure everybody signs it.

CAPT Phillips: Now you said you and Captain Dave did a walk around to look at the repairs. Is that what I heard?

WIT: Yes, ma'am. We also, since there was damage done to the aft we also looked at the leg connections where they connected to the deck, the bracing to the deck and around the leg tower for any damage that may have occurred.

CAPT Phillips: Did you find any?

WIT: No, ma'am.

CAPT Phillips: When you're in that safety briefing how did the other crew members appear to be feeling? Anybody seem like they were not doing well?

WIT: No, ma'am, everybody seemed normal. Maybe a little tired, but normal.

CAPT Phillips: How about the contractors?

WIT: The same.

CAPT Phillips: When you get underway does somebody send a report of who's on board?

WIT: Yes, Captain Dave usually sends it to the office.

CAPT Phillips: When you got on board what cabin were you assigned to?

WIT: The Mate's room.

CAPT Phillips: What deck is that on?

WIT: O3.

CAPT Phillips: Lieutenant Alger can you bring up Exhibit 96 please [showing Exhibit]. We're looking at a plan showing the O3 level on SEACOR POWER. At the top of the page is forward. Tell us which cabin would have been yours.

WIT: The port stern.

CAPT Phillips: The one that says four man crew?

WIT: Four man crew, yes, ma'am.

CAPT Phillips: Did you have any roommates?

WIT: Jim was in there.

CAPT Phillips: Mr. Gracien?

WIT: Yes, ma'am.

CAPT Phillips: Is that cabin you were normally assigned to?

WIT: Yes, ma'am.

CAPT Phillips: Do you know who else was in the cabin on that deck -- that day?

WIT: The company man and the Captain.

CAPT Phillips: Nobody else?

WIT: No, ma'am.

CAPT Phillips: I think – what was the weather like when you got onto the ship?

WIT: I'm sorry, there was one more person, two more people in there. Darren and the other Engineer. They were in the Engineer's room.

CAPT Phillips: Okay. We'll take a look at the Exhibit again and maybe you can point that out to me.

WIT: The three man room, stern about next to the recreation room right there on the stern. That's the Engineer's room.

CAPT Phillips: Okay so that's the middle across from the stairwell.

WIT: Yes, ma'am.

CAPT Phillips: And you said Darren's in there and?

WIT: Darren and Larry.

CAPT Phillips: Thank you. So how was the weather when you got onboard SEACOR POWER that morning?

WIT: Sunny. A little bit of clouds.

CAPT Phillips: And you said you talked to Captain Dave about the weather?

WIT: Yes prior to jacking down and leaving.

CAPT Phillips: What did he say when you left?

WIT: He said let's check out the weather report, that's the one we get from the office. Which is normal for every time we jack down and move he would call me in there. We'd both look at it.

CAPT Phillips: So you pulled that up?

WIT: Yes, ma'am.

CAPT Phillips: Where you in Captain David's office?

WIT: Yes, ma'am.

CAPT Phillips: You pulled that up, okay. Was there a lot of discussion about it?

WIT: We just looked at it and looked at the, it's like a 5 day forecast and it's just showing 2 to 4 so it was just normal for us. We were good with it.

CAPT Phillips: Did you check any other sources of weather like on your phone or?

WIT: The night before when I checked the weather channel app it was showing rain. That's all I got.

CAPT Phillips: Anything that made you concerned?

WIT: No, ma'am.

CAPT Phillips: How about the day of, did you look at the forecast the day of?

WIT: No, ma'am.

CAPT Phillips: What other type of equipment do you have on board to receive weather reports?

WIT: GMDSS and the NAVTEX. Any special alerts come over channel 16 when we're on 16.

CAPT Phillips: Tell me more about the way you would receive a weather report on GMDSS.

WIT: It prints it out. You have to go back there and read it.

CAPT Phillips: And are those weather reports tailored for your specific area or the GMDSS when they come in -----

WIT: It's actually a really big area. It's Atlantic Ocean Region West, which is pretty good size. It's the whole East Coast down the Gulf of Mexico. It's a pretty big area.

CAPT Phillips: Do you know what GMDSS stands for?

WIT: Global Marine Distress System.

CAPT Phillips: Thank you. So how often do weather reports come in over GMDSS when you're underway?

WIT: It depends what kind of weather is in the area. When we have fronts or hurricanes it steady goes off.

CAPT Phillips: And you said it prints those out?

WIT: Yes, ma'am.

CAPT Phillips: And what's your normal routine for checking those? Do you go over as soon as something comes in or do you wait and check it once an hour?

WIT: If I'm up there once it prints out, done printing out I'll look at it.

CAPT Phillips: Okay. And let's walk through the same kind of thing with the NAVTEX. Tell me about that.

WIT: It saves, it saves it in the system. You would have to walk over to print it out. You have to walk over there and select what message you want to read, in order to read on the screen.

CAPT Phillips: So you have to push a button to get the report to print it out?

WIT: Not to print out, it should print out on its own.

CAPT Phillips: Okay. So it prints and then you can also view it on the screen?

WIT: Yes.

CAPT Phillips: Okay. And what's your routine for checking the NAVTEX when you're underway?

WIT: Underway when it prints out I usually look at it.

CAPT Phillips: In your experience how often do things come in to NAVTEX?

WIT: It depends on what's going on in the area. Like you can get different alerts on there, safety alerts.

CAPT Phillips: You said it's also a big area that it covers, or is it more area specific?

WIT: I'm 100 percent positive on that.

CAPT Phillips: And you mentioned VHF Channel 16.

WIT: Yes, ma'am.

CAPT Phillips: How often in your experience do you hear weather reports over that?

WIT: It's more of – if someone's in distress more than weather. I don't think I've ever heard any.

CAPT Phillips: Okay. Does VHF have another – does VHF have a weather channel?

WIT: Yes.

CAPT Phillips: Do you usually check that?

WIT: Not all the time. When I was a AB I used to get on there and listen to the weather when I was up in cranes waiting to make a load, make a lift.

CAPT Phillips: Did you check it as a First Mate?

WIT: Every now and then if I know weather is coming to see where it's at.

CAPT Phillips: What kind of policies does SEACOR have related to weather?

WIT: They have – we have safe jacking where we have to jack up if it's more than 5 foot seas. Cranes, there's bad weather for crane, we have to shut it down.

CAPT Phillips: When would you – what type of weather would you consider bad weather for crane operations?

WIT: Lighting or high winds.

CAPT Phillips: Do you have a wind speed for crane operations?

WIT: They did have a set wind, but usually around 30 we shut it down.

CAPT Phillips: How often does the company send weather reports when you're underway?

WIT: If I can recall that morning, in the mornings, they may send one in the afternoon, I'm not 100 percent positive.

CAPT Phillips: Okay. And do they ever send you extra weather reports?

WIT: I don't recall.

CAPT Phillips: If the weather service issued some sort of special warning how do you think you would receive that while you're underway?

WIT: The office could call us or we have satellite phones. Via email or GMDSS.

CAPT Phillips: Do you recall a time in the past you remember it happening, you got an updated weather during the day?

WIT: From the office, no. But from GMDSS, yes it prints out.

CAPT Phillips: When was the last time you remember that ever happening, roughly?

WIT: Probably the last hurricane when it was really bad.

CAPT Phillips: And how about the day of the incident, did you get any updated weather during the day at all?

WIT: No, ma'am. The GMDSS alarm went off, but it said it couldn't print. And I was going to deal with it once we got clear of the platforms and the vessels.

CAPT Phillips: Did you get anything from the office?

WIT: Not to my knowledge.

CAPT Phillips: Did you see if anything came in on NAVTEX?

WIT: No, ma'am.

CAPT Phillips: You didn't see?

WIT: It didn't print, no, ma'am.

CAPT Phillips: What are the operating limits for the SEACOR POWER?

WIT: They have sea conditions they can only run anything under 5 foot. And I believe they have wind limitations as well while underway and jacked up.

CAPT Phillips: Do you know what those are?

WIT: No, ma'am.

CAPT Phillips: In the spring in Louisiana how often do you see thunderstorm warnings?

WIT: Quite a bit.

CAPT Phillips: Do you ever change your plans for getting underway because of a thunderstorm warning?

WIT: If it's going to pass over before we can get out, before we can get out and break the water then we usually will wait it out. Because we don't want to get caught in tight quarters because how they maneuver.

CAPT Phillips: Okay. If it looks like it's going to pass after you're already out of break water do you usually do?

WIT: We'll probably just go ahead and get underway.

CAPT Phillips: Okay. Let's shift off weather a little bit and ask a couple questions about loading the boat that morning. You said at some point you went to check to see how everyone was going. Tell me more about what you did and who you talked to.

WIT: So Chaz and Charlie was spotting. We had talked to them prior, you know put the heavy stuff in the center and then put the other stuff around it. They need a – they

were swapping in the crane taking turns. And I had just taken lunch and I went outside to relieve one of them to go eat. And they just walked and they were recording weights to give to Captain Dave for stability.

CAPT Phillips: Okay. So you said they were spotting, what does that mean?

WIT: Placing equipment on the deck and getting weight and what it was to give to Dave for the stability.

CAPT Phillips: Okay. What's their normal process? How did they decide to put something on deck?

WIT: It's – they've been doing it for years and it's basically like a loadout. If you've worked – doing tubing before they know about where things need to go.

CAPT Phillips: And so the crane operators is the one that decides where to put each item?

WIT: If they have any doubt or questions like the big heavy stuff that would be either me or Dave. And we'll usually give them – where to put it at.

CAPT Phillips: But the guidance they had that morning, just repeat that for me.

WIT: Dave had talked to them, wanted the heavy stuff in the middle, centerline. And put the smaller stuff on the outside around all the big stuff.

CAPT Phillips: And how did they know how something weighs when it comes on board?

WIT: They have a weight indicator on the crane.

CAPT Phillips: Is that something you see from inside the crane operator's booth or outside?

WIT: Inside the crane cab.

CAPT Phillips: And what do they write it on?

WIT: We wrote it on just a tablet – tab, piece of paper.

CAPT Phillips: Okay. Is it a special, especially arranged piece of paper with prewritten

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WIT: No, ma'am. It was just a regular piece of paper and it gives a description of what it is and the weight and Dave can punch it in the stability program. He just has to look and see where it's at on deck and it's a computerized program.

CAPT Phillips: So the piece of paper just says what it is and how much it weighs?

WIT: Yes, ma'am.

CAPT Phillips: It doesn't say where it's positioned or anything?

WIT: How we do it in the past I would usually go ahead and make it easier on them and mark where it's at so he doesn't have to go look.

CAPT Phillips: And how much was on board that day? Was it about normal? Or was it more than usual?

WIT: It's about normal on the load out.

CAPT Phillips: Did the cargo get tied down?

WIT: No, ma'am.

CAPT Phillips: Is that normal?

WIT: For most, this boat Captain yes.

CAPT Phillips: How often did you see it when cargo gets tied down on deck?

WIT: I've seen it when we jack down before, and some Captains. Like I said it depends on the Captain if they want it secured or not. It usually depends on the weather we're going to run into. If we have a possibility of running into weather.

CAPT Phillips: So you've seen some situations where it's secured for underway?

WIT: Yes.

CAPT Phillips: Do you have a rough estimate of the percentage of times you've seen that?

WIT: Maybe 30 percent, 20 percent, depending on the weather. We don't run in rough weather so usually its calm for us on these runs.

CAPT Phillips: So more often it's not secured?

WIT: Yes.

CAPT Phillips: You said it was a normal size load. Was there anything different about the way this load was positioned?

WIT: No, ma'am.

CAPT Phillips: And the information with the weights, were the crane operators getting it to Captain Dave directly?

WIT: Yes.

CAPT Phillips: And then what does he do with that?

WIT: There's a program on his computer he punches in where it's at, the weights and what it is and then it give us – lets us know if we're good to go or not.

CAPT Phillips: The program calculates that for him?

WIT: Yes, ma'am.

CAPT Phillips: And do you know what the result was that day?

WIT: No, ma'am.

CAPT Phillips: Did you look at the draft marks that morning?

WIT: No, ma'am.

CAPT Phillips: Does anybody else look at the draft marks before you get underway?

WIT: I did ask Chaz to go check them. He never reported back to me with them. But he could have gave them to Captain Dave.

CAPT Phillips: What are your typical drafts on the SEACOR POWER when you get underway?

WIT: Usually about 13 ½ to, in the stern. And about 7 or 8 on the bow.

CAPT Phillips: For those that aren't familiar with the boat how much freeboard does that give you?

WIT: It give you a little more freeboard on the front and about 2 ½ feet on the stern.

CAPT Phillips: What's the typical trim when you're getting underway?

WIT: Usually around right on the stern it's heavier due to the cabin and the engine room and all the stuff.

CAPT Phillips: How much difference usually between the stern and the bow?

WIT: So it's a rate so we only have, like I said it's a 8 foot draft mark or a 7 ½ draft mark on the front, but the draft marks don't go all the way to zero on the front.

CAPT Phillips: Did you have any list that day when cargo was loading?

WIT: No, ma'am.

CAPT Phillips: Have you ever seen an instance where you've gotten underway with a list before?

WIT: Yes. On a light ship we tend to have a starboard list. A slight starboard list.

CAPT Phillips: Do you have an estimate on how much?

WIT: About 3 inches difference between port and starboard.

CAPT Phillips: But when it was loaded you didn't see that?

WIT: Depending on how the load out was. Usually we would put a little bit more weight on the port just to counter – counteract it. And depending on the water and the fuel on.

CAPT Phillips: Okay. Then when did you go up to the bridge to start getting ready to get underway?

WIT: After – after we picked up the walkway I walked up there, stopped by the room and looked at the weather. Then I went up there and started all the engines while he sent the office, sent – letting the office know we were getting underway.

CAPT Phillips: Okay. About what time was that when you left and you went to your cabin?

WIT: It was either 1220 or 1320 I can't remember exactly what time.

CAPT Phillips: Okay. And you said you stopped in the cabin?

WIT: Yeah I stopped in the Captain's office and that's when we looked at the weather.

CAPT Phillips: Oh I see. That didn't happen ----

WIT: Yes that happened right before we left.

CAPT Phillips: And then you went up to the bridge?

WIT: Yes, ma'am.

CAPT Phillips: And what did you do on the bridge to get ready to get underway?

WIT: I started the engines, made an announcement.

CAPT Phillips: What kind of announcement did you make?

WIT: First I called the Engineer and ask so the bow thruster for he could start the bow thruster. It's got to have both generators running for it. And then we made an announcement for everybody to stay inside. Don't go outside the vessel when we're jacking down and getting underway.

CAPT Phillips: You made that announcement or did the Captain?

WIT: I made that announcement.

CAPT Phillips: Is that a normal process when you get underway?

WIT: Yes, ma'am.

CAPT Phillips: Why do you say that?

WIT: We usually we didn't want everybody – to let everybody know we're getting underway so they know not to go on the main deck.

CAPT Phillips: And did you do any kind of testing of any equipment before you got underway?

WIT: Yes, ma'am. I tested the steering and the clutches before I jacked down.

CAPT Phillips: Were those working?

WIT: Yes, ma'am.

CAPT Phillips: Did you notice anything unusual about them?

WIT: No, ma'am.

CAPT Phillips: Do you do any kind of passage plan when you're going from one spot to another?

WIT: Yes, ma'am. We have a voyage plan on the Rose Point. The Mate had already plotted it out for us and earlier that day I went over it and we made a minor adjustment to it. Dave wanted to run a little closer to land at one point instead of going so far out, so.

CAPT Phillips: When did you make those adjustments?

WIT: Before lunch.

CAPT Phillips: Did anybody report that anything was wrong with the vessel prior to getting underway?

WIT: No, ma'am.

CAPT Phillips: Who pulled in the gangway?

WIT: Me, Charlie and Chaz. I don't recall who was in the crane. I think it was Chaz in the crane. Charlie was on the deck with me.

CAPT Phillips: And what do you do? Do you?

WIT: I was giving signals to the crane operator and we rigged it up, picked it up and set it on the deck.

CAPT Phillips: And then once you were done with that, what happened next?

WIT: That's when we went upstairs, stopped, they secured the deck and we started jacking down to get underway.

CAPT Phillips: Who were the people that were on watch with you the whole time?

WIT: It was Captain Dave, Darren, Charlie, Chaz and the cook, Anthony Harper and me.

CAPT Phillips: What was everybody's role getting underway?

WIT: The cook he was usually, he was in the galley securing everything, he secured the area, cooking. Darren was engine room watching the engine rooms getting us a bow thruster. And then after the deck was secured Charlie and Chaz usually get on the bow and gives us distance from things as we move away from the dock, other vessels.

CAPT Phillips: And then once you're away from the dock what is their role?

WIT: Lookout.

CAPT Phillips: Where do they stand lookout from?

WIT: The bridge.

CAPT Phillips: Are they both doing that or do they swap out?

WIT: At times they'll both get up there and they'll swap out. They would also be taking care of cleaning and other things that needed to be done on the vessel. As one was watching the other one would be taking care of something else.

CAPT Phillips: Does the SEACOR POWER have a manned Engine room?

WIT: Say that again.

CAPT Phillips: Is the Engine room on the SEACOR POWER manned at all times?

WIT: He's down there. He comes up and down. But he has MCC room, so an electronics room in between both engine rooms. He can sit in there and he can check both engine rooms.

CAPT Phillips: But he doesn't have to be present in the engine room 100 percent of the time?

WIT: No he's not down there 100 percent of time. He will come out and eat with us, bathroom. But he's usually down there for most of part yes.

CAPT Phillips: Did anyone seem unusually tired or fatigued when they were on watch at the time?

WIT: It's a normal crew change day. Everybody's a little fatigued on those days.

CAPT Phillips: And how was the vessel operating when you got underway?

WIT: Seemed normal to me.

CAPT Phillips: Did you have any trouble steering on your way out?

WIT: No, ma'am.

CAPT Phillips: Did you get any alarms of any kind on the way out?

WIT: No, ma'am.

CAPT Phillips: What's the status of the different doors on the vessel when you normally get underway?

WIT: Watertight doors on the main deck, they're all watertight doors, supposed to stay closed. The Engineer has to go in and out of them to go to his engine room. The front ones on the front usually stayed dogged down. The O1, O2, O3, Wheelhouse level all have weather doors. And usually we'll ask if anybody wants to smoke to step out on the landings right there, but don't go on the main deck.

CAPT Phillips: And do you know what the status of the doors were when you got underway on the day of the accident?

WIT: Chaz – Chaz mentioned that he had dogged them down.

CAPT Phillips: I know sometimes on some boats the engine room gets hot and keep the doors open. Is that the case on the SEACOR POWER?

WIT: Not to my knowledge. He usually will shut them, the watertight doors.

CAPT Phillips: Okay. How about the galley?

WIT: The galley door is always closed when we're underway.

CAPT Phillips: Did you ever catch people leaving them open?

WIT: I've seen it once before.

CAPT Phillips: When they weren't supposed to?

WIT: Yes I've seen it before.

CAPT Phillips: Was that a frequent occurrence or?

WIT: Not too much because it's not very easy to get out of them once you dog them down. They're pretty tight.

CAPT Phillips: After you left the dock and underway out what steering mode did you use? Do you have different steering modes?

WIT: Yes I was using the wheel.

CAPT Phillips: Does the system have like a follow up, non-follow up?

WIT: Yes, ma'am.

CAPT Phillips: Do you know which one you were using?

WIT: The follow up I believe.

CAPT Phillips: Did you ever change the mode when you were underway that day?

WIT: No, ma'am.

CAPT Phillips: Is that your preferred mode of steering?

WIT: Yes, ma'am.

CAPT Phillips: Did you use your cell phone at all the day of the accident?

WIT: I just took some pictures, but that was it.

CAPT Phillips: What did you take pictures of?

WIT: The standing orders in the engine room and color code for the internal audit.

CAPT Phillips: Oh for the audit.

WIT: Yes, ma'am.

CAPT Phillips: Did you send those pictures right away to anybody?

WIT: No, ma'am. I got doing other things and I didn't get a chance to send them. I was just going to send them through an email. I was going to take them off my phone and put them into the computer.

CAPT Phillips: But you didn't call or text anybody?

WIT: I don't recall.

CAPT Phillips: Did you see anybody else in the crew that was on watch at the time using their cell phone?

WIT: I don't recall.

CAPT Phillips: Okay. I'm going to pause there and see if the Coast Guard or NTSB folks have questions for you about the day of the accident kind of leading up to the incident. Mr. Lawrence.

Mr. Lawrence: Thank you Captain. Mr. Alger can you bring up Exhibit 59 please, page 37 [showing Exhibit]. We're going to step back and ask you about the wind. We've asked Lieutenant Alger to bring up the operating manual for the SEACOR POWER. You see here the restrictions for offload, wind speed maximally rated at 70 knots. Would you feel comfortable sailing the SEACOR POWER in 70 knot winds?

WIT: No.

Mr. Lawrence: The wave height, that's you said previously the wave height restriction was -----

WIT: That's normal, yeah.

Mr. Lawrence: Five feet is correct. Can you go to page 86 please [showing page 86]. So looking at page 86 Section 8.5.2 is floating conditions, the first bullet there the vessel will not be operated in open water transit within an area over winds more than 50 knots are forecasted. Would you normally operate in 50 knots of wind in floating condition?

WIT: No.

Mr. Lawrence: What would be the maximum wind you would consider safe to transit in?

WIT: About 30 or 40. Because at that point the seas are building, we would have to jack up.

Mr. Lawrence: Okay I think I'm done asking about wind. But now I'm going to step into stability. When you calculate the stability with the program or when Captain Dave did, do you ever have a time when you calculated the stability on the program that made you adjust the deck cargo because the program said that stability would be off?

WIT: No.

Mr. Lawrence: No. Have you ever had the lift boat jack down and have a heel angle and have to jack back up and adjust the cargo?

WIT: No.

Mr. Lawrence: If you can go back to Exhibit 89, sorry [showing Exhibit]. Or Exhibit 59, sorry, page 89 [showing Exhibit]. So this is the, page 89. If you can zoom in on the bottom. So is this what the stability program look like?

WIT: Yes. It's similar, but not quite. It doesn't give you all the formulas. It doesn't – you just got to punch in the weight and how far back from the bow, how far starboard or port and the weight of it and that's how – it automatically calculates it.

Mr. Lawrence: And in Section 11 under trim and calculation it say on the bottom a positive trim indicates down by the stern, negative trim indicates down by the bow. The vessel afloat should have no more than 6 inches of trim by the stern. Have you ever operated SEACOR POWER where it has less than 6 inches of trim by the stern?

WIT: I don't recall.

Mr. Lawrence: Normally what was the trim for SEACOR POWER?

WIT: We would have like I said, I'm not 100 percent positive, I can't answer that.

Mr. Lawrence: When it was light what was the forward and aft drafts?

WIT: Probably six and 12 ½ or something like that on the stern. And six on the bow maybe. I don't really recall.

Mr. Lawrence: Okay. Thank you. That's all I have.

CAPT Phillips: Thank you Mr. Lawrence. Mr. Verdin.

Mr. Verdin: Thank you Captain. Mr. Mires I would like to go back again real briefly. A couple questions here. You said that you checked the weather or kind of discussed that, if you all know the weather is coming out and you're not able to make it out ahead of the weather that you'll typically do, can you elaborate on that a little bit more and kind of give us some explanation of why that would be?

WIT: Depending on if it's a bad cold front or if we know it's going to be rough we won't go out. But if it's only calling for thundershowers it may have some wind in those squalls and we don't like to maneuver in close quarters because the vessel doesn't like to handle in the wind very well. So we try to get out of port before the squall would hit. If the squall was coming we would let it pass if we couldn't get out all the way.

Mr. Verdin: Okay. So if you're all checking the weather and you're seeing an approaching squall and you have time to get out it's better to get out ahead of the squall?

WIT: Yes.

Mr. Verdin: Than to stay in the port if you have to get underway prior?

WIT: Yes.

Mr. Verdin: Okay. Thank you for that. You talked about the GMDSS equipment. You hit the distress button on you GMDSS system, right?

WIT: Yes.

Mr. Verdin: Okay. You've taken GMDSS training, right?

WIT: Yes, sir.

Mr. Verdin: Okay. GMDSS equipment, is that just one piece of equipment or is that a combination, because it's a system, is it a combination of several systems in one?

WIT: It's two.

Mr. Verdin: Excuse me.

WIT: I think it's two. It's got IMARSAT system as well.

Mr. Verdin: Okay. Right. So when you say GMDSS you hear the, you get weather from the GMDSS system.

WIT: Yes.

Mr. Verdin: Would that be your MFH or it's the system that's attached to that back unit, right?

WIT: Yes.

Mr. Verdin: Single side band?

WIT: Yeah.

Mr. Verdin: Okay. So when you're getting weather is it coming in from the INMARSAT system or the high frequency media?

WIT: High frequency.

Mr. Verdin: Okay. Then I think that was it. Oh the stability program. Have you – is there a test in the OPS Manual and your Stability Manual for testing calibration of your stability system?

WIT: No I don't know.

Mr. Verdin: Have you all ever tested the computer stability program that you all use?

WIT: I don't know.

Mr. Verdin: Thank you. That's all I have. Thank you.

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

Mr. Ehlers: Thank you Captain. Going back to when you first showed up to the vessel what was the position it in relation to jacking up? Was the hull out of the water? Was it semi-submerged?

WIT: It was – the hull was still loaded in the water.

Mr. Ehlers: Okay. And what dictates what position that hull is at when you're at a pier? Is there a certain?

WIT: You just tag to make sure we won't float off while we're doing crane operations. And depending on the height of the dock, if it's up higher we have to go up a little higher.

Mr. Ehlers: So do you try and have the main deck level with the dock, is that what you're trying to get to?

WIT: If possible, but sometimes it's not possible and then we'll float off so we have to go up a little bit more.

Mr. Ehlers: Turn to crew change. Were you informed what the reason that the decking on the crane had to be replaced?

WIT: I don't recall them saying anything about it.

Mr. Ehlers: And you said you did a walk around for damage around the legs. Was that – do you always do that when you take over or was that for a specific reason?

WIT: No. Dave told me that they ran into some bad weather and that's when he wanted to take a look at it to make sure.

Mr. Ehlers: And they replaced a life raft. Did they tell you about any of the other life rafts? Were you informed that the life rafts had been strapped down or tied down?

WIT: It was in place.

Mr. Ehlers: They were in place?

WIT: Yes.

Mr. Ehlers: Okay. But no extra strapping had been, you were not aware of any extra strapping?

WIT: I don't recall.

Mr. Ehlers: For the stability program, do you ever use that program or is it always Captain Dave?

WIT: I've used it a couple times.

Mr. Ehlers: Have you? Okay.

WIT: Yes.

Mr. Ehlers: Generally it's the Captain?

WIT: Yes.

Mr. Ehlers: Lieutenant Alger can you bring up Exhibit 138?

Recorder: 138?

Mr. Ehlers: 138 [showing Exhibit]. Alright so this is an email weather report. Is this the weather report that you looked at the morning of the accident?

WIT: Yes.

Mr. Ehlers: And that's what you used to determine it was safe to get underway, is that correct?

WIT: Yes.

Mr. Ehlers: Okay. And when you were looking at that you were looking at the Tuesday, 4:13 forecast there?

WIT: Yes.

Mr. Ehlers: And who sent this out again to the vessel?

WIT: I believe it's the dispatcher.

Mr. Ehlers: Okay. And it looks like it's sent to all of the SEACOR vessels, is that correct?

WIT: Yes.

Mr. Ehlers: Do you know what the location of this forecast is? In other words where this forecast is for?

WIT: No.

Mr. Ehlers: Alright. The getting underway you mentioned the watertight doors and you mentioned that the announcement was made so the crew doesn't go out, so people don't go out on the deck. Is anyone allowed out on the main deck while the vessel is underway?

WIT: You can walk around but usually if they need to go check something we asked them to ask us so we'll know they're on there. But for the most part we try to keep them off the deck.

Mr. Ehlers: Is there an indicator in the wheelhouse or was there an indicator in the wheelhouse of the watertight doors being opened and closed?

WIT: No.

Mr. Ehlers: No.

WIT: Just the engine room going into the MCC space.

Mr. Ehlers: Okay. So there's an indicator on the bridge for just the watertight door between the MCC room?

WIT: Yes I believe so.

Mr. Ehlers: When the, you mentioned that the Engineer to go into the engine room had to go out and through the watertight doors. Did they tend to go through the galley doors to the engine room doors or do they go from using a ladder way to get down?

WIT: Depending. I've seen them use both. But a lot of times they just use the ladder and go up one level. They're usually going to the bathroom, its right there and it's easy to open those doors.

Mr. Ehlers: Okay. So if they were going to use, needed to use the head from the engine room they would go out and up to the O1 level?

WIT: Yes.

Mr. Ehlers: I understand. You mentioned the GMDSS went off and you mentioned it was an alarm. Is that alarm for a distress or is that an alarm for a potential weather report or could it be for either or?

WIT: I'm not sure which one it was. It was just going off and it said could not print. That will also give it an alarm.

Mr. Ehlers: So it's the same alarm no matter if it's a distress call or a weather related?

WIT: It's a little bit different sound. So it was probably the weather.

Mr. Ehlers: It was probably the weather?

WIT: Yes.

Mr. Ehlers: And again when did that happen, do you remember?

WIT: I don't remember exactly the time.

Mr. Ehlers: It was during the transit out?

WIT: We were already out in the Gulf already.

Mr. Ehlers: And was it well before that first squall hit or was it?

WIT: It was a little before.

Mr. Ehlers: A little before.

WIT: Yes.

Mr. Ehlers: Thank you very much.

CAPT Phillips: Thank you Mr. Ehlers. Mr. Kucharski.

Mr. Kucharski: Thank you Captain. Mr. Mires I'll try to keep these in topic without jumping around too much. How do you balance the load on the boat? How did they actually do that?

WIT: How do we balance the load? From experience usually. Like I said most of the jobs you know exactly what equipment is coming on and we've done spotted it so many times that we just put it where we need it.

Mr. Kucharski: And have you ever been on a boat where they had to use ballast water to -----

WIT: No.

Mr. Kucharski: Did you generally load the deck cargo towards the house?

WIT: Yes.

Mr. Kucharski: And why was that?

WIT: To keep the bow up a little bit. It helps it ride better. To keep the water off the deck.

Mr. Kucharski: And what did you say is normal trim?

WIT: It was usually a little bit higher in the bow.

Mr. Kucharski: It was higher?

WIT: Yes. The draft mark would be like I would say 7 or 8 when we're loaded and about 13 ½ on the stern. 7 or 8 in the bow and 13 ½ on the stern.

Mr. Kucharski: So 8 and 13 that would be about 5 foot of trim?

WIT: Yes.

Mr. Kucharski: Was the vessel ever loaded with less trim than 5 foot?

WIT: I may have seen it once or twice, but usually it's always – it's usually higher in the bow like that.

Mr. Kucharski: When you have the deck loaded?

WIT: Yes.

Mr. Kucharski: You mentioned light boat.

WIT: Light boat is about the same. You still ride heavy in the bow, I mean in the stern and light on the bow.

Mr. Kucharski: And when heading out to go out to a job did you ever see the SEACOR POWER leave on an even keel?

WIT: No.

Mr. Kucharski: Shifting into the watertight doors now. Can you tell us how many watertight doors there are?

WIT: Let me count. I would say there was 9 or 10. I can't recall.

Mr. Kucharski: And were they all on the main deck?

WIT: Yes.

Mr. Kucharski: They were?

WIT: Yes. And I also had two in the MCC room that were watertight.

Mr. Kucharski: And those were all considered watertight doors?

WIT: Yes.

Mr. Kucharski: And those are the ones you mentioned kept closed at sea?

WIT: Yes.

Mr. Kucharski: Does the crew ever open them to go in and out at sea?

WIT: Yes.

Mr. Kucharski: Do they call the bridge at all to let you know?

WIT: Not all the time.

Mr. Kucharski: When the boat leaves for sea like Port Fourchon on this trip do you have somebody log or does somebody log in the deck log up on the bridge, do they log that the watertight doors are closed?

WIT: No.

Mr. Kucharski: And I think you were asked if there's a watertight door panel on the bridge, is that correct? Is there one?

WIT: Yes I believe so.

Mr. Kucharski: Do you check this getting underway?

WIT: It's just two lights that lets us know when they, and it just goes to the MCC rooms. It's none of the other watertight doors.

Mr. Kucharski: So did you check it on that particular voyage?

WIT: I don't recall.

Mr. Kucharski: And you were asked about the draft readings when the draft was taken and you said you didn't do it but maybe it was?

WIT: I asked Chaz to go get them. And he may have passed it to Dave. He never came back to me.

Mr. Kucharski: So let me understand. The boat is up, jacked up and then it's brought down in the water. How do they physically get the drafts then?

WIT: Once we get the legs pulled all the way up and then we're sitting how we're going to be riding, he walks up to the edge and you see them.

Mr. Kucharski: Is it just like look over the side?

WIT: Yes.

Mr. Kucharski: Does he do it on, do they generally do it on both sides?

WIT: I'm not 100 percent positive.

Mr. Kucharski: And you mentioned that Chaz checked the watertight doors and said he had them down tight?

WIT: Yes he mentioned he had dogged them tight.

Mr. Kucharski: Do you know what time that was about? Was it after you got past the break water?

WIT: It was past the break water, yes.

Mr. Kucharski: Lieutenant Alger Exhibit 202 please and page 319 [showing Exhibit]. And now so this is the, as you said was the GMDSS suite here on the bridge, is that correct? Yeah?

WIT: Yeah.

Mr. Kucharski: And which one is the SATCU there?

WIT: INMARSAT is on the left.

Mr. Kucharski: On the left on this picture?

WIT: Yes.

Mr. Kucharski: Is that left on 24/7?

WIT: Yes.

Mr. Kucharski: Was that yes?

WIT: Yes.

Mr. Kucharski: Thank you. Do you get TV?

WIT: Yes.

Mr. Kucharski: Was it by satellite or was it?

WIT: Yes it was DirecTV.

Mr. Kucharski: DirecTV. So that came in at sea?

WIT: We didn't have the automatic tracking. We had to turn in and get it.

Mr. Kucharski: You say turn in?

WIT: The dish, yes.

Mr. Kucharski: Dish. And then you will still get TV?

WIT: Yes.

Mr. Kucharski: You said you went to the bridge shortly after the gangway came up.

WIT: Yes. I went to the Captain's office first and checked the weather and then he sent a report, I went up and did the testing.

Mr. Kucharski: And did you stay up there the whole time?

WIT: Yes.

Mr. Kucharski: So what channels, VHF channels do you normally monitor?

WIT: While in port 13 and 10. We keep 13 for traffic and 10 for [in audible]. And once we get out we switch to 16.

Mr. Kucharski: So the vessel was on channel 16 after it left the break water?

WIT: Yes.

Mr. Kucharski: Did you hear any weather warnings on VHF channel 16?

WIT: No.

Mr. Kucharski: In the past in your many years on this boat when you were out there did you ever hear weather warnings on 16?

WIT: No.

Mr. Kucharski: You never heard of PON PON, PON PON, PON PON or anything like that?

WIT: No I don't recall.

Mr. Kucharski: Exhibit 200 please Lieutenant Alger [showing Exhibit]. Have you seen this weather warning?

WIT: Yes. I've seen it.

Mr. Kucharski: Have you ever seen one like this before?

WIT: Yes I've seen them before, yes.

Mr. Kucharski: And how do those get into these weather reports like that?

WIT: Say that again?

Mr. Kucharski: How do they get them, how do you?

WIT: GMDSS.

Mr. Kucharski: Through GMDSS. Can you also get them via computer?

WIT: Yes if we go online. We used to have passwords to get on different web channels and stuff.

Mr. Kucharski: And I don't know if anybody's asked this, is there a computer on the bridge?

WIT: No not on that one.

Mr. Kucharski: So there's no internet access on the bridge?

WIT: No.

Mr. Kucharski: And run this by me. Doesn't SEACOR POWER have an auto pilot?

WIT: No.

Mr. Kucharski: So someone has to steer the boat all the time?

WIT: Yes.

Mr. Kucharski: So where is the computer then that has the internet access?

WIT: Again one in the MCC room, one in the O3 level lounge and the Captain's room.

Mr. Kucharski: One is in the engine room area?

WIT: Yes.

Mr. Kucharski: Captain and then one in the lounge?

WIT: Yes.

Mr. Kucharski: So if you're on watch on the bridge how would you get access to the computer to get weather?

WIT: I would have to go to the O3 level lounge or got Dave would have to get it from his computer. We also weather on the – you could pull it up on, it would give you tides and currents on the Rose Point we had and it had weather programs sometimes.

Mr. Kucharski: Did you get these weather warnings on Rose Point?

WIT: I don't know if it would give you warnings, but it would tell you what the weather was predicted like we see on the email.

Mr. Kucharski: As far as cargo lashing the cargo who made the decision when you left port that day whether to lash or not?

WIT: It's the Captain's decision.

Mr. Kucharski: And how is that decision arrived at, do you know?

WIT: Whatever they prefer. Like I said most lift boat Captains, I've only worked with a few that liked it to be chained down.

Mr. Kucharski: So you've been on there where they've lashed it down?

WIT: Yes.

Mr. Kucharski: Did – was the cargo ever welded to the deck?

WIT: Yes a lot of dive jobs they would have them weld it.

Mr. Kucharski: Lieutenant Alger would you pull up Exhibit 115 please [showing Exhibit]. Have you seen this document before?

WIT: Yes.

Mr. Kucharski: It says DIXIE ENDEVOR, was this the manual that was actually on board the vessel?

WIT: Yes this was the name of the vessel before SEACOR POWER.

Mr. Kucharski: And did you ever consult that manual?

WIT: We would do our inspections in it, that's it.

Mr. Kucharski: Inspection?

WIT: Yes the cargo inspections, the chains and the lashing.

Mr. Kucharski: The lashing and things like that?

WIT: Yes.

Mr. Kucharski: Lieutenant Alger could you pull up Exhibit 116 please [showing Exhibit]. According to this document it's the stop work authority or SWA, unsafe act. Have you seen this before?

WIT: Yes once.

Mr. Kucharski: The date on this one is 5/8/20.

WIT: Yes.

Mr. Kucharski: And I believe you were on board at that time.

WIT: I don't recall. But that might have been the time we had to stop for [in audible].

Mr. Kucharski: For the legs were whipping, do you recall that?

WIT: I don't recall. There were a few times that's happened.

Mr. Kucharski: That's happened before?

WIT: Yes.

Mr. Kucharski: And could you explain what that's like?

WIT: So whipping of the legs is when you get the seas a little bit further apart and you start rocking. They'll start whipping because when you hit really hard like when you come out on a wave and it will shake the boat and it will whip because they're so high up. And during that condition would you change course at all or would you still keep it heading into?

WIT: We would try to change course and then if doesn't get any better we would jack up and get stable out of water and wait for the weather to subside.

Mr. Kucharski: So would you, when the winds are high like that would you try to head into that wind?

WIT: Yes.

Mr. Kucharski: And into the sea?

WIT: Yes to prevent, so when we tag bottom we can stop with strong engines.

Mr. Kucharski: That was my questions, thank you.

CAPT Phillips: Thank you Mr. Kucharski. I think I heard you say that you've used this stability program a couple of times?

WIT: Yes.

CAPT Phillips: When you did use that stability program you said you put in the weight of the equipment on deck and how far back it is and how far to the side it is. Do you enter any other information?

WIT: The size of it, what the dimensions are.

CAPT Phillips: Okay. And did it have a section to enter anything about the ship's tanks or anything?

WIT: Yes also which were – the fuel, how much fuel was on board, how much water was on board.

CAPT Phillips: Thank you. Mr. Ehlers has another question for you.

Mr. Ehlers: Yes thank you Captain. Just a quick follow up on the whipping of the legs that Mr. Kucharski asked you about. When those legs whipped did it effect the hull, in other words the movement of the whole vessel or was it just the legs?

WIT: You could feel it sometimes in the hull, like in the cabin at the wheel.

Mr. Ehlers: Can you describe what it felt like?

WIT: its kind like a quick rocking motion.

Mr. Ehlers: Like a side to side, fore to aft or?

WIT: Fore to aft mostly. Sometimes side to side. But mostly it was fore to aft.

Mr. Ehlers: And how long would it take to subside once you tagged bottom?

WIT: Once we tagged bottom it would take, when we out clear of the water the seas were still rocking, but once you cleared the water it moved very little.

Mr. Ehlers: And the whipping motion before you tagged the bottom would it get steadily worse or was it?

WIT: It would just be periodic.

Mr. Ehlers: Okay, thank you.

CAPT Phillips: Thank you Mr. Ehlers. Mr. Kucharski do you have another question? Go ahead.

Mr. Kucharski: Sorry I just realized. I asked you about the watertight doors being locked. Were the draft readings put in the log book?

WIT: No.

Mr. Kucharski: And when you were underway is the AB always, do you have an AB on watch with you?

WIT: Yes.

Mr. Kucharski: Is that AB always up on the bridge with you?

WIT: Yes. We usually have two AB on tower.

Mr. Kucharski: And one is always on the bridge with you?

WIT: Yes.

Mr. Kucharski: Okay. And I think you were asked about if you were notified by the company calls for weather, was that question asked?

WIT: What's that?

Mr. Kucharski: Were you ever – were you ever on the boat or on watch when a call came in from the company on weather?

WIT: I don't recall. Maybe during a hurricane. But other that I don't recall.

Mr. Kucharski: And would they call directly to bridge, if someone were to call?

WIT: We have a phone that goes to the bridge and the Captain's room.

Mr. Kucharski: Thank you.

CAPT Phillips: Thank you. That's the end of that block of questions. We have another block of questions. Would you prefer to keep going right now or take a short recess?

WIT: Take a short recess.

CAPT Phillips: Okay. We'll take a recess until 1105. The time is now 1051. The hearing is in recess.

The hearing recessed at 1051, 3 August 2021

The hearing was called to order at 1106, 3 August 2021.

CAPT Phillips: The time is 1106, the hearing is now back in session. Mr. Mires I'm going to shift a little to some more non-specific topics, talk about some maintenance and company topics. I think I heard you say when you were answering one question that you took some pictures of standing orders.

WIT: Yes.

CAPT Phillips: Tell me more about those standing orders.

WIT: It was the standing orders for the engine room.

CAPT Phillips: Okay. Are there also standing orders for the bridge?

WIT: Yes.

CAPT Phillips: What kinds of things are in the standing orders?

WIT: It said a lot about weather issues and any weather. Anything unsafe notify the Captain and any questions.

CAPT Phillips: What format was that document in, was it electronic or in paper?

WIT: It was electronic but it was printed out and signed.

CAPT Phillips: And those were written by the Captain?

WIT: To my knowledge yes.

CAPT Phillips: Do you know if there were different ones for different Captains?

WIT: He had different ones, I think they used the same. It was a like a generic. But they would have one for underway, one for jacked up and one for in port.

CAPT Phillips: How often would those get modified?

WIT: I'm not sure.

CAPT Phillips: When was the last time you had to sign it?

WIT: I signed it that morning.

CAPT Phillips: Do you sign it every day or do you sign it before getting underway, or?

WIT: We would sign, so we would sign it whenever we would get underway and then when we jacked up we had one for jacked up and on location and jacked up and sign that one.

CAPT Phillips: How long was it, how many pages?

WIT: Three pages I believe.

CAPT Phillips: Did it talk about any kind of stability topics?

WIT: I don't recall.

CAPT Phillips: Did it talk about any watertight door topics?

WIT: No, ma'am.

CAPT Phillips: Did it talk about cargo on deck?

WIT: I don't recall it talking about the cargo on deck.

CAPT Phillips: Okay, thank you. How often would you conduct drills on the SEACOR POWER?

WIT: Usually about once a week.

CAPT Phillips: What kinds of drills would you do?

WIT: Abandon ship, fire drills and man overboard drill. And we had a drill matrix we other drills we had to do every 90 days.

CAPT Phillips: And who would make the decision to initiate a drill?

WIT: The Captain.

CAPT Phillips: Was it always on the same day or did it depend?

WIT: Depends.

CAPT Phillips: Was there a log to record the drills?

WIT: It was a training report that we would do and then we had a matrix that we kept it logged in and we would log it in the log book.

CAPT Phillips: Did you do that logging or did the Captain?

WIT: He did some and I did some.

CAPT Phillips: Who checks the lifesaving equipment?

WIT: The whole crew and me and Dave and the AB's.

CAPT Phillips: How often does that get checked?

WIT: I check it every hitch, I worked a 14 and 14 schedule.

CAPT Phillips: So that means you're on for 14 days and off for 14 days?

WIT: Yes, ma'am.

CAPT Phillips: And that's what you call the hitch?

WIT: Yes.

CAPT Phillips: Thank you. And if the lifesaving, a piece of lifesaving equipment needed repairs or something fixed what would you do?

WIT: Notify the Captain and he would notify the office.

CAPT Phillips: Were you ever asked to make repairs or modification to any lifesaving equipment?

WIT: No.

CAPT Phillips: Who checks the SARTS?

WIT: Usually me and the other Mate Daniel.

CAPT Phillips: Just for the record do you know what a SART stands for?

WIT: I forget.

CAPT Phillips: No problem. Do you know – could you describe what it does?

WIT: It's a search and rescue transponder.

CAPT Phillips: Thank you. And when you check it what do you do to check it?

WIT: There's a test button you pull the, on those particular ones we had on board you pulled it down and it would be in test. And you turn on the radar to make sure that it's showing up on radar.

CAPT Phillips: When you did those test do you have to take it off the bridge or you can just run that test from the bridge?

WIT: Usually we would step outside the bridge right on the same level.

CAPT Phillips: And if it was working properly what would you see?

WIT: It would pretty much give you like a solid screen and point to where it's at.

CAPT Phillips: And how often would those checks happen?

WIT: Every 30 days.

CAPT Phillips: And the day of the accident do you know if there were any problems with any of the lifesaving equipment or fire fighting?

WIT: No, ma'am.

CAPT Phillips: I guess I asked that question. Were there any problems?

WIT: Yes.

CAPT Phillips: There were problems?

WIT: With that SART it didn't work.

CAPT Phillips: Did you know about that before?

WIT: Nope.

CAPT Phillips: Any other problems with anything you knew about?

WIT: No, ma'am.

CAPT Phillips: Who checks the condition of the watertight doors?

WIT: We usually do them, for Coast Guard inspection they'll check them.

CAPT Phillips: Did the crew ever check them, anyone on the crew ever check them?

WIT: Not that I recall. But when we see the rubber going bad we change the rubber out. As far as a chalk test, no.

CAPT Phillips: In your opinion what was the condition of the seals on the watertight doors?

WIT: Good.

CAPT Phillips: Before you got underway.

WIT: Good.

CAPT Phillips: Out on the main deck is there a metal, not railing, a small bull works that went around the entire deck?

WIT: No. It's just in front of the cabin that keeps equipment from hitting the cabin. A metal walkway, a rack above that kept all the equipment forward.

CAPT Phillips: Okay.

WIT: There's handrails all around the deck.

CAPT Phillips: Okay. How about on the very, very outer edge of the deck, was there any type of bull work there?

WIT: No, it's just handrails.

CAPT Phillips: So if water got on the deck it could wash right back overboard?

WIT: Yes. We have scuff plates it would drain out. It had a little bit of, like a lip that came up past the deck maybe 2 or 3 inches. A little more on the bow.

CAPT Phillips: Okay so along the sides it was just 2 to 3 inches high?

WIT: Yes about 3 inches.

CAPT Phillips: Did you ever see a situation where you felt like that keeping water on the deck?

WIT: Sometimes, but it's never no more than maybe a less than ankle deep. It wasn't a whole lot.

CAPT Phillips: Who's responsible for conducting maintenance on things like the engines or the other engineering equipment?

WIT: The Engineers and SEACOR.

CAPT Phillips: In your opinion what's the overall condition of the vessel? Is it well maintained?

WIT: Yes.

CAPT Phillips: Did you ever hear the Engineers complain about any outstanding maintenance items?

WIT: No.

CAPT Phillips: Which spaces have bilge alarms?

WIT: The rudder rooms, both engine rooms and MCC room and the bow thruster room.

CAPT Phillips: So right at the end you said the thruster room?

WIT: Yes, it's a void. It's in the bow of the boat. It's like tank with the bow thruster in there.

CAPT Phillips: Okay. And the engine rooms are split on the port and starboard side?

WIT: Yes there's a MCC room between them and tool room. Like an electronics room in between them.

CAPT Phillips: The MCC room does it run the full length of the engine room?

WIT: Yes.

CAPT Phillips: Forward to aft?

WIT: Yes.

CAPT Phillips: And so there's a watertight bulkhead in between?

WIT: Yes.

CAPT Phillips: When was the last time you heard a bilge alarm while you were underway?

WIT: It was a rudder room, it's been a few years.

CAPT Phillips: Do you remember anything about what was going on at that point?

WIT: They just needed to tighten the pack.

CAPT Phillips: And you said that was a few years ago?

WIT: Yes.

CAPT Phillips: Did somebody test the bilge alarms?

WIT: Yes we test them every time a Coast Guard inspection.

CAPT Phillips: Did anyone test them in between Coast Guard inspections?

WIT: I believe, but I can't be 100 percent positive.

CAPT Phillips: Is there any equipment or alarms that you would get on the bridge on a regular basis?

WIT: No, ma'am.

CAPT Phillips: I know somebody a little bit earlier brought up stop work authority. Can you describe for us a little bit more for us what that means?

WIT: My understanding is if it's an unsafe act, condition you stop the job and talk about it. We can mitigate the problem. Whatever we have to do to take the measures and mitigate it to make it safe to keep [in audible].

CAPT Phillips: And did you ever use that stop work authority for anything?

WIT: Yes. For weather and jacking up for weather.

CAPT Phillips: When was that?

WIT: Quite a few years ago.

CAPT Phillips: Did you use it any other times?

WIT: I don't recall.

CAPT Phillips: How long had you worked with Captain Dave?

WIT: About two years.

CAPT Phillips: Did you like working for him?

WIT: Yes.

CAPT Phillips: What was your overall impression?

WIT: Very well Captain and he taught me a lot. He was a great guy.

CAPT Phillips: Did you ever see him stop work?

WIT: Yes. Due to weather and jacking down from a location.

CAPT Phillips: Do you know roughly how long ago that was?

WIT: That's within the last two years.

CAPT Phillips: If somebody said that operations were to be stopped because of weather would you see anybody push back or disagree with that decision?

WIT: In the past, but lately no. In the past I have company men would push and try to go on. But now a days they don't push as much safety is becoming bigger and this is probably 16, 17 years ago.

CAPT Phillips: Okay. But you haven't seen that kind of thing happen recently?

WIT: No.

CAPT Phillips: Did you ever see that happen on the SEACOR POWER?

WIT: I don't recall.

CAPT Phillips: I'm going to pause there. Pass it over to Mr. Verdin. He's going to ask you some questions.

Mr. Verdin: Mr. Mires thank you for your testimony today. Just one question about the stop work authority. Did, maybe just help me if you can, did you all use or was it normal to use stop work authority every time you would pause for weather or delay getting

underway for weather? Was that something normal or was that was [in audible]? And I'm trying to make sure you understand. Was it used every time or was it sometimes just normal, say okay we're going to pause or jack down for weather?

WIT: Well in the past it used to not be considered stop work authority. Now recently they started calling it stop work authority for us. Not for jacking up for weather. Maybe if we're already jacked up and we're not getting underway because of the weather I think they would call that stop work authority and we would just be waiting.

Mr. Verdin: Okay, good, good. And if you were underway making your way in or out, for example and had, obviously if you had succeeded and standing by being able to soft tag and get out of the weather you would have called that stop work authority?

WIT: Yes.

Mr. Verdin: Okay. That's all I needed to know. Thank you.

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

Mr. Ehlers: Thank you Captain. Mr. Mires you mentioned a couple actions you took for the internal audit the morning of before getting underway. Can you tell me what the purpose of that audit was?

WIT: They just check in to make sure we're doing all the safety and paperwork properly.

Mr. Ehlers: When you say they, who?

WIT: SEACOR. It was an internal audit, so SEACOR, I think Barrett is in charge of safety, Guy Barrett.

Mr. Ehlers: Okay. And how often is that audit done?

WIT: Two years.

Mr. Ehlers: Two years. And did Barrett come aboard to do the audit?

WIT: He used to but with the COVID going on they were doing it through phone calls and over the internet.

Mr. Ehlers: So anything they needed to check they asked you to check it or the crew to check it?

WIT: The crew yeah. Send it to Dave and Dave would get it, if he had he would take care of it or if he needed somebody else to check something we'll get them to check it and send it.

Mr. Ehlers: What kind of things were checked during the audit?

WIT: Our paperwork to make sure like we had whatever paperwork we're supposed to be doing for certain items. If we had to order to make sure our orders are being done. Our safety equipment.

Mr. Ehlers: You said nobody came aboard because of COVID procedures for this audit, is that correct?

WIT: Correct.

Mr. Ehlers: In previous audits you have somebody come aboard, is that correct?

WIT: Yes.

Mr. Ehlers: And during those audits do they ever check for compliance with policies such as -----

WIT: Yes that's what they were checking.

Mr. Ehlers: Say again.

WIT: Yes that's what they would check, our paperwork polices, our paperwork and make sure we were doing the jobs, they would check that out and watch us. And they would check all the safety equipment.

Mr. Ehlers: Was it only paperwork or did they observe people doing maintenance or observe -----

WIT: If we had maintenance going on they would observe that.

Mr. Ehlers: Okay. Did the audit ever include getting underway? Did anyone ever ride during an audit?

WIT: No.

Mr. Ehlers: Captain Phillips asked you about the bilge alarms. Where do those alarms sound?

WIT: In the bridge and I believe in the Captain's and Engineering Room.

Mr. Ehlers: Did you hear any alarms on the accident day?

WIT: No alarms.

Mr. Ehlers: Not anytime?

WIT: No alarms.

Mr. Ehlers: No alarms. Again Captain Phillips asked you about pressure to get underway from company man and you mentioned there's been a focus on safety. I also know there's a lot of boats laid up right now. Did you ever feel the pressure just from a jobs perspective to get underway or anything to get the job done? You know job security perspective?

WIT: Me no, I haven't.

Mr. Ehlers: Say again.

WIT: I haven't, no.

Mr. Ehlers: Did you ever hear anyone talk about that, concerns about?

WIT: In the past, yes.

Mr. Ehlers: You say in the past.

WIT: I've heard Captains discuss it, you know talking about it. But other than that I haven't seen it or heard in about 17 years.

Mr. Ehlers: Did Captain Dave ever talk about it?

WIT: From the past experience he's had he's talked about it, yes.

Mr. Ehlers: But not in recent times?

WIT: No.

Mr. Ehlers: Thank you very much.

CAPT Phillips: Thank you Mr. Ehlers. Mr. Muise.

Mr. Muise: Mr. Mires I have just one more SART question for you. Captain Phillips questioned on maintenance a little bit. When the batteries are expiring in the old SARTs, the new SARTs that you ordered were they a new purchase or did they come off an old, another boat that was freshly laid up?

WIT: I don't know. We get them from the office.

Mr. Muise: Do you order those, or the crew orders those? Or do you just call the office?

WIT: I'm not sure how they got ordered this time. But we have requisitions we can send in an order in for.

Mr. Muise: Okay.

WIT: But I'm not sure at this time how they got them, so.

Mr. Muise: Thank you for your patience.

CAPT Phillips: Thank you Mr. Muise. Mr. Verdin do you have additional questions?

Mr. Verdin: No, ma'am, I'm sorry.

CAPT Phillips: Thank you. Alright. Mr. Mires at this point I'm going to ask the parties in interest if they have some questions for you. I'll start out today with SEACOR.

Ms. Apps: Good morning Mr. Mires.

WIT: Good morning.

Ms. Apps: My name is Antonia Apps, I represent SEACOR Marine. First I would like to thank you for your time today. I just have a handful of follow up questions based on what's been discussed already today. One of the things I would like to go first is the cargo that was loaded on the vessel that day. In your experience would you say the amount of cargo loaded on that day was small, that was small in size?

WIT: It's about normal.

Ms. Apps: About normal.

WIT: Yes.

Ms. Apps: And has the vessel carried larger loads of cargo with your experience?

WIT: Yes.

Ms. Apps: I want to ask you about the decks and what kind of covering is on the actual decks. Are you familiar with the fact that there is nonskid?

WIT: Yes.

Ms. Apps: Decks on the SEACOR POWER?

WIT: Yes all decks, outside decks are nonskid, have nonskid on them.

Ms. Apps: And does that create extra friction whenever cargo is set on the decks?

WIT: That and for your foot won't slip.

Ms. Apps: And I think you've talked in the past about how you talked about when the nonskid coverage is put down.

WIT: Yes.

Ms. Apps: On decks and you put out an extra materials, you like to make it extra nonskid.

WIT: Yes.

Ms. Apps: Do you remember talking about in the past?

WIT: Yes.

Ms. Apps: And do you remember when that last – when you last participated in that exercise?

WIT: Probably a month or two. Whenever we do maintenance on the deck if we buff out a spot and get the rust out then we put that final coating on the nonskid.

Ms. Apps: You were asked a couple questions about the life rafts. Before getting underway on April 13th did you yourself go over and look at the new life raft that was installed?

WIT: I don't, I remember seeing it from the other side of the deck. I'm sure I walked by it a few times and probably looked at it.

Ms. Apps: Did it look like the life raft was correctly installed to you?

WIT: Yes.

Ms. Apps: If I could just ask you a couple questions about some of the weather instruments on the vessel. I will try not to repeat the questions. I know you were asked about the NAVTEX and the GMDSS console. I would like to show you a picture of the

NAVTEX instrument. Lieutenant Algers will you bring up Exhibit 142 [showing Exhibit]. Mr. Mires do you see that on the screen?

WIT: Yes.

Ms. Apps: Does that look familiar to you?

WIT: Yes.

Ms. Apps: What is that?

WIT: That's the NAVTEX. And you see there's a screen on one part of it on the right hand side?

WIT: Yes.

Ms. Apps: And is that where the weather is displayed?

WIT: It also prints out on where it says push to open, there's paper inside there, right underneath it white paper spits it out.

Ms. Apps: And so when it prints out is it like a cash register?

WIT: Yes.

Ms. Apps: Paper that comes out of there.

WIT: Yes.

Ms. Apps: And if that's out of paper there's an indicator that it's out of paper, right?

WIT: I believe so.

Ms. Apps: And on April 13th was the NAVTEX instrument that you see there, was that out of paper?

WIT: Not to my knowledge.

Ms. Apps: So to your knowledge the NAVTEX was working and operational on April 13th?

WIT: Yes.

Ms. Apps: I want to come back to some of this stop work authorities. Lieutenant Alger if you wouldn't mind taking that exhibit down and put up Exhibit 116, thank you [showing Exhibit]. Mr. Mires this was the exhibit that was distributed has all the [in audible] just to be clear. And you see there's a date it says May 8, 2020. Does that look like the date when the stop work was issued? Do you know?

WIT: I can't be 100 percent positive on that.

Ms. Apps: If I could just ask you to look at the box that says environment conditions, winds, seas, current and visibility, do you see that?

WIT: Yes.

Ms. Apps: And you see it says seas, comma 5 to 7 feet.

WIT: Yes.

Ms. Apps: Do you see that? And do you feel that height and seas that exceeds the maximum on the POWER that it was shown to you in the Operations Manual?

WIT: Yes.

Ms. Apps: And if you look slightly left to that it talks about 30 to 35 winds, do you see that?

WIT: Yes.

Ms. Apps: Do you know if that knots or miles per hour?

WIT: No, I'm not 100 percent positive on that. Probably miles per hour.

Ms. Apps: That does not exceed the maximum winds speed allowed on the manual which is 70 knots, right?

WIT: No it doesn't.

Ms. Apps: And that was nowhere near the 79 miles an hour you experienced on that first squall on April 13th, right?

WIT: That's right.

Ms. Apps: I want to show, actually at the bottom of this Exhibit you see that it's signed by Captain Ledet. Do you see that?

WIT: Yes.

Ms. Apps: Lieutenant Alger may I ask you to put 117 [showing Exhibit]. Mr. Mires do you this is the same type of form we just looked at a minute ago?

WIT: Yes.

Ms. Apps: Do you see there's a different date, it has September 18, 2020, do you see that?

WIT: Yes.

Ms. Apps: And actually Lieutenant Alger if you could scroll to the bottom, And you recognize there David Ledet's name and signature?

WIT: Yes.

Ms. Apps: If we could go back Lieutenant Alger, thank you. Again here just to point out Mr. Mires do you see the seas 5 to 7 feet?

WIT: Yes.

Ms. Apps: And again that's exceeding the maximum for the POWER?

WIT: Yep.

Ms. Apps: And again the winds of 30 to 35, do you see that?

WIT: Yes.

Ms. Apps: Do you remember being on the boat for either of these stop work authorities that were exercised by Captain Ledet?

WIT: I'm sure I was on it, but if I was working nights and he did it during the day I wouldn't know.

Ms. Apps: You can take that down Lieutenant Alger. If I can just turn back to the day April 13th. I just want to cover some of the timing of things. You said you and Captain Ledet looked at the weather together before you departed.

WIT: Correct.

Ms. Apps: Do you remember approximately what time that was?

WIT: It was either, like I said I can't remember if we left at 1220 or 1320, I remember looking at my phone and it was right before that.

Ms. Apps: So just to be clear you looked at the weather on your phone?

WIT: No, ma'am. We looked at it on the computer.

Ms. Apps: It was on his computer.

WIT: Yes.

Ms. Apps: Were you both in his office?

WIT: Yes.

Ms. Apps: And that was shortly before you set sail?

WIT: Yes.

Ms. Apps: Or was it earlier in the morning?

WIT: No it was shortly before.

Ms. Apps: You also talked about having a meeting with Captain Ledet and others for the planning of the voyage. Do you recall that meeting that day?

WIT: Yes we do a – so we hold a risk assessment and we sign the risk assessment tool box column up in the wheelhouse and we get underway.

Ms. Apps: When was that meeting?

WIT: Before, prior – before leaving.

Ms. Apps: Was that before you and Captain Ledet looked at the weather together or was that after?

WIT: I think it was after.

Ms. Apps: So first it was you and Captain Ledet looking at the weather together and then you had the meeting about the plan of the voyage in the wheelhouse?

WIT: Yes.

Ms. Apps: How long did that meeting take to plan the voyage?

WIT: To talk about what's going on, maybe 5, 10 minutes.

Ms. Apps: And was the weather discussed in that meeting?

WIT: No. We went over a little bit of the weather but the basic lookout and maintaining proper watch.

Ms. Apps: After that meeting with the voyage where did you go and Captain Ledet go?

WIT: I stayed in the bridge, I never left out of the bridge. And Dave had to go to send emails so he would leave out but he would come back up.

Ms. Apps: By that point of time you had the meeting on the voyage plan had the gangway already been pulled into the boat?

WIT: Yes.

Ms. Apps: You mentioned earlier that there was what weather you could access on the computer with passwords. Do you recall that?

WIT: Yes.

Ms. Apps: Do you remember if you accessed any of that weather?

WIT: No I forgot the passwords we used to have.

Ms. Apps: And you said you had a phone, did you have internet access at the time?

WIT: Yes but I didn't check my phone.

Ms. Apps: So is it that you are the one who was at wheel pulling the dock, excuse me, the vessel out from the dock?

WIT: Yes.

Ms. Apps: As you were beginning to get underway?

WIT: Yes Dave let me move the boat that day, yes.

Ms. Apps: Are you familiar with AIS, Automatic Identification System data?

WIT: Yes.

Ms. Apps: And is that what you see on the Rose Point that's on the bridge?

WIT: Yes. And also see it on the radar.

Ms. Apps: Sorry.

WIT: You can also see it on the radar.

Ms. Apps: Radar. And are you familiar with the fact that vessels transmit AIS data from the location where they are?

WIT: Yes.

Ms. Apps: And when you get underway do you have to press a button or give some kind of indication that you're underway with the AIS data?

WIT: You're supposed to program in the AIS machine you're underway, engaged in engines.

Ms. Apps: And is there something, did you do that on the 13th?

WIT: On that day I did not.

Ms. Apps: Do you know who did it?

WIT: I don't know.

Ms. Apps: The AIS data for April 13th indicates that the status of SEACOR POWER was switched to underway at approximately 1210. Is that consistent with your recollection of when you were going to get underway?

WIT: Yes.

Ms. Apps: And at that time as you're getting underway I think you testified about that Captain Ledet went downstairs to send some emails, send an email or something like that.

WIT: Yes he went back to send an email to let them know we were departing and he came right back up.

Ms. Apps: Lieutenant Alger can I ask you to show Exhibit 96 [showing Exhibit]. Mr. Mires when Captain Ledet went downstairs to send an email did he use an internal staircase to do so?

WIT: Yes.

Ms. Apps: Is that internal staircase reflected on this exhibit?

WIT: Yes. It's the door next to his door.

Ms. Apps: And so right above this deck is the bridge.

WIT: Yes.

Ms. Apps: Is that correct?

WIT: Yes.

Ms. Apps: And so how long does it take to get down the stairs, just a minute or two?

WIT: A couple seconds.

Ms. Apps: A couple seconds.

WIT: Yeah depending on who's going down.

Ms. Apps: In the Captain's office where the computer is that you look at with him is?

WIT: The Captain's room, the one that says Captain.

Ms. Apps: So Lieutenant Alger can I ask you to take that email down, that exhibit down. And can I ask you to display Exhibit 139 [showing Exhibit]. Mr. Mires this an email from the SEACOR POWER on April 13th at – April 13th of this year. And it indicates it's departing, excuse me, the email time stamp there is 12:17 p.m., do you see that?

WIT: Yes.

Ms. Apps: And then this email writes jacking down from Bollinger Fourchon heading to Main Pass 138, ETA roughly 20-22 hours, all good, David. Do you see that?

WIT: Yes.

Ms. Apps: I take it you did not send that email.

WIT: No Dave did.

Ms. Apps: Is that consistent with the timing that Mr., from your recollection Captain Ledet went downstairs to send the email to let the SEACOR know they were underway?

WIT: Yes.

Ms. Apps: And we have AIS data that indicates that the SEACOR POWER's first movement was at approximately 12:17 so does that suggest that you were in the bridge at the and you were moving the boat?

WIT: Yes I in the bridge already.

Ms. Apps: And you said Captain Ledet then came straight back up after he sent the emails?

WIT: Yes.

Ms. Apps: Were you present when Captain Ledet had phone calls with SEACOR POWER earlier in the morning? Were you present for all his phone calls?

WIT: No.

Ms. Apps: And you testified earlier today that you checked the weather before you went back up to the bridge to turn the engine rooms on.

WIT: Yes.

Ms. Apps: The engines on, excuse me. Do you recall what weather it is you checked at that time?

WIT: It was the one that we got from the SEACOR on the email. It was the email from the office.

Ms. Apps: Was that checking the weather a separate time from when you check with Ledet or the same?

WIT: No it was the same time.

Ms. Apps: You checked it with Ledet?

WIT: Yes.

Ms. Apps: Lieutenant Alger can you put that Exhibit down please. I just want to come to a little later in the afternoon Mr. Mires. I think you said as you were underway it took about an hour and a half to get to the Jetties and the seas were 2 to 3's , 2 to 4's at the time, is that right?

WIT: Yes.

Ms. Apps: So the seas at that time were not rough, correct?

WIT: Correct.

Ms. Apps: And then at some point you mentioned that Captain Ledet went down again to his room to send an email?

WIT: Around 3 O'clock.

Ms. Apps: Lieutenant Alger can I ask you to show Exhibit 140 [showing Exhibit]. Actually Lieutenant Alger my I first ask you to first display the first page and the header on the first page, thank you. Mr. Mires can you see that on the screen?

WIT: Yes.

Ms. Apps: It's again from the SEACOR POWER on April 13th of this year and the time stamp is 3:07 P.M. do you see that?

WIT: Yes.

Ms. Apps: I take it that you did not send this email.

WIT: No.

Ms. Apps: Is that consistent with the time that Captain Ledet went down in the afternoon to send the email that you mentioned?

WIT: Yes. It's the afternoon report we send every afternoon.

Ms. Apps: Lieutenant Alger if I could ask you to go to the second page of this email. That's perfect. Do you see the weather report from Captain Ledet?

WIT: Yes.

Ms. Apps: It indicates the sky was cloudy, the winds Southeast 15 to 20 miles per hour, seas 3 to 4 and visibility 3 to 4 miles. Do you see that?

WIT: Yes.

Ms. Apps: And is that consistent with your recollection of the weather at the time he went down to send that email?

WIT: Yes, pretty close.

Ms. Apps: Give me one minute Captain Phillips. Just two more questions Mr. Mires. Would you say that your overall impression of the SEACOR POWER was it was a good vessel?

WIT: Yes.

Ms. Apps: And is it fair to say that you were overall impression of SEACOR as a company is that they are very good safety wise?

WIT: For the most part yes.

Ms. Apps: Thank you. I no further questions.

CAPT Phillips: Thank you Ms. Apps. Mr. White you will be next. Can you give me an estimate of how long you think your questions will take?

Mr. White: ABS has no questions.

CAPT Phillips: Thank you Mr. White. Mr. Sterbcow can you give me an estimate of how long you think your questions will take?

Mr. Sterbcow: I don't have any questions, thank you.

CAPT Phillips: Thank you. Mr. Kucharski.

Mr. Kucharski: Thank you just one question. Sort of related to the same thing. Actually it may be more than one question sorry. You talked about nonskid, putting nonskid on the deck. Did you do that underway or in port?

WIT: Whenever we were jacked up. We wouldn't mess with it, just in case water got on the deck. Usually when we did maintenance.

Mr. Kucharski: So you were jacked up. There was cargo on the deck when you did that?

WIT: What's that?

Mr. Kucharski: Was there cargo on the deck when you put the nonskid?

WIT: Sometimes.

Mr. Kucharski: But did you do the complete deck or did you just do spot areas?

WIT: Depending. A lot of times we did spots. I can't remember the last time the whole thing was done.

Mr. Kucharski: But it was always when you were jacked up that you did that work?

WIT: Yes.

Mr. Kucharski: No further questions. Thank you.

CAPT Phillips: Thank you Mr. Kucharski. Mr. Verdin.

Mr. Verdin: Yes Captain real quick. Mr. Mires I don't think we've discussed this previously, but maybe we have. But is it normal, you said you were Mate, the Chief Mate, right?

WIT: Yes.

Mr. Verdin: And your responsibilities and duties is to relieve the Master?

WIT: Yes.

Mr. Verdin: For his watch, end of the night anything like that?

WIT: Yes.

Mr. Verdin: And this date Captain Ledet, you and Captain Ledet were working the same watch?

WIT: Yes.

Mr. Verdin: Is that normal?

WIT: No some vessels yes, but this one no. Usually I was just with Captain Dave, Captain Jim was on board. I'm guessing because times are slow, I'm not sure. And they didn't have anywhere else to put him. They put him on board and we utilized him.

Mr. Verdin: So if there was an available Captain on board you and Captain Dave would share the same watch?

WIT: Yes.

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

CAPT Phillips: Thank you Mr. Verdin. Mr. Kucharski.

Mr. Kucharski: One question on that. Was it usual to have an extra person like Captain Gracien on board?

WIT: Only if we went on a voyage over 600 miles.

Mr. Kucharski: Okay. So you did the voyage plan on this, was it over 600 miles?

WIT: No.

Mr. Kucharski: Do you have any idea why they put Captain Gracien on?

WIT: I'm guessing they didn't have anywhere else to put him, and extra guy on the boat.

Mr. Kucharski: Thank you.

CAPT Phillips: Thank you Mr. Kucharski. I'll just wrap it up with my final couple of questions Mr. Mires. Thinking back on the day of the accident do you have any ideas or recommendations on how to prevent something like this from happening in the future?

WIT: The GMDSS instead of it being so wide spread if they could get it narrowed down. That would help out. More communication with the office about weather. Maybe getting in the habit of checking weather, not just relying on somebody else. A SART that works.

CAPT Phillips: Thank you. Is there any other types of equipment that you think would have been useful to have that day?

WIT: No. Maybe they could put store like the safety equipment outside the vessel instead of inside of a cabin. Because if something happens like that you can't go back in and get. But if you're out you might be able to get to go to it.

CAPT Phillips: Thank you. Is there any training that you've heard of that you didn't have that you might think would be useful?

WIT: No, ma'am.

CAPT Phillips: Okay. Is there anything else you would like to tell us about the incident that we didn't already ask about?

WIT: No, ma'am.

CAPT Phillips: Okay. Again thank you very much for coming today and thank you for providing all the details. This is very helpful for our investigation. We're now finished with your testimony for today. However, the Coast Guard retains the right to recall for additional testimony at a later date. Therefore I'm not releasing you as a witness at this time and you remain under oath until I release you as a witness in this investigation.

Please do not discuss your testimony with anyone other than your counsel, the Natation Transportation Safety Board or members of this Coast Guard Marine Board of Investigation. If you have any questions about that you may contact the Legal Advisor, Lieutenant Sharyl Pels. We'll recess for lunch and we'll reconvene at 1300. The time is 1156, the hearing is now in recess. Thank you.

The hearing recessed at 1156, 3 August 2021

The hearing was called to order at 1314, 3 August 2021.

CAPT Phillips: The time is 1314 this hearing is now in session. We'll now hear testimony from Mr. Thiedeman from Coast Guard Headquarters. I would like to thank you in advance for your patience. This is our first virtual witness of the hearing. So we're going to do our best to make sure there's no technical difficulties. Though we may have to pause for adjustments during the testimony. For those of you in the room as a reminder you will not use the audio attached to your zoom log in. You should continue to use the microphones that are on your desk, your table for any audio needs. Lieutenant Alger can you please administer the oath.

Recorder: Please stand and raise your right hand. Please raise your right hand. Mr. Thiedeman can you hear the audio?

WIT: [No response].

Recorder: Can you hear us, sir?

WIT: [No response].

Recorder: Sir, are you able to hear me now?

WIT: [No response].

CAPT Phillips: We're going to take a 5 minute recess to get our audio sorted out. The time is 1317. The hearing is now in recess.

The hearing recessed at 1317, 3 August 2021

The hearing was called to order at 1323, 3 August 2021.

CAPT Phillips: The time is 1323, this hearing is now in session. Lieutenant Alger can you please administer the oath to Mr. Thiedeman?

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

WIT: I do.

Recorder: Please be seated. For the record state your full name and spell your last.

WIT: Edwin Brian Thiedeman, T-H-I-E-D-E-M-A-N.

Recorder: Thank you, sir. And can you identify your counsel that's present to confirm representation?

WIT: Lieutenant Richardson is not yet present. I tried to contact him but I was unable to reach him.

CAPT Phillips: Mr. Thiedeman would you like to wait for your counsel to arrive?

WIT: I'm okay with proceeding.

CAPT Phillips: Okay then lets proceed, thank you.

Recorder: Thank you, sir.

CAPT Phillips: Once they arrive please let us know and we'll go ahead and introduce the person onto the record.

WIT: Yes, ma'am.

CAPT Phillips: Thank you very much for joining us here today. We're going to start of with some background questions. Can you please tell us where you currently work?

WIT: I work in the office of C5I capabilities at Coast Guard Headquarters. C5I stands for Command Control Communications Computers Cyber and Intelligence.

CAPT Phillips: Thank you. And what is your position there in that office?

WIT: I am the sponsor's representative for search and rescue C5I systems.

CAPT Phillips: Can you describe to us what your general responsibilities are in that position?

WIT: Yes, ma'am. As the sponsor's representative I work with the office of search and rescue at Coast Guard Headquarters to define and document the requirements and performance standards for Coast Guard C5I search and rescue systems or services. To support this task I participate in International Bodies such as the International Maritime Organization, IMO. The International Telecommunication Unit, ITU. And the International Electrical Technical Committee, IEC. And National Bodies such as the Radio Technical Commission Maritime, RTCM. And the National Marine Electrical Association, NMEA in developing appropriate technical, performance and testing standards.

CAPT Phillips: Thank you. How long have you worked for the Coast Guard?

WIT: I served 27 as a commissioned officer and now I've served 8 years as a civilian employee.

CAPT Phillips: What have you done during your Coast Guard career?

WIT: For the majority of my Coast Guard career I was involved in the acquisition, maintenance, operation and support of C5I systems such as communication systems including VHF, AIRMAT, HF, and UHF systems, radars, radar beacons or recons, radio beacons, position navigation and timing, or PNT systems such as LORAN-C, GPS, and DGPS and other electronic aids to navigation systems. In my civilian capacity I am primarily involved in search and rescue systems and the associated safety systems and service requirements including the IMO Global Maritime Distress and Safety System, GMDSS. The International SARSAT program for 406 megahertz distress beacons and the International Civil Aviation Organization, IKO, Global Aeronautical Distress and Safety System or GADS.

CAPT Phillips: Thank you. Have you ever spent time underway?

WIT: Yes Captain. I served two years on a Coast Guard Medium Endurance Cutter as a Deck Watch Officer and a Communications Officer.

CAPT Phillips: Thank you. And have you worked for companies besides the Coast Guard?

WIT: Yes. After retiring from active duty I worked as an Independent Consultant. And also at Terracore Incorporated as a technical consulting – consultant assisting in projects related to or supporting Coast Guard acquisitions for system implantation and operation.

CAPT Phillips: What's the highest level of education that you've completed?

WIT: I received a Master's Degree in Electronic Systems at Purdue University.

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

WIT: I hold a program management certificate from the Defense Acquisition University and a Contracting Officer's Representative Level 2 Certificate from the Department of Homeland Security.

CAPT Phillips: Okay, thank you. At this point I'm going to shift and ask you some questions about some search and rescue equipment. I'm going to start out with EPIRBs. Can you tell me what an EPIRB is and what it's used for?

WIT: The EPIRB is an electronic position indicating radio beacon. It is a distress device designed to activate when immersed in water and transfer the signal in the 406-406.1 megahertz panning detectable by satellite. It also transmit a low power 121.5 megahertz signal for global homing. It is essentially a distress device to make others aware that mariners are in distress.

CAPT Phillips: Thank you. And what do EPIRBs generally look like?

WIT: Well the design of EPIRBS may vary, but in general they are a brightly yellow or orange cylindrical shape about 4 inches in diameter and about 8 to 10 inches in length and they taper at each end with an antenna on one end and they will float upright in the water with the antenna upwards. EPIRBs also have a light rope, tether for attaching to a life boat or life raft.

CAPT Phillips: Okay. And where do you usually mount an EPIRB on a vessel?

WIT: In general the guidance is if not in a flow free release bracket the EPIRB should be mounted in a location readily accessible and permitting the EPIRB to free release and float free without any obstructions or entanglements. Typically that on the superstructure, the pilot house or an area like that when the vessel, as the vessel sinks the EPIRB can release and float free of it and activate as designed. If the EPIRB is

mounted in a manual release bracket the EPIRB should be mounted in a location readily accessible by crew and clearly visible and marked. In that case it's often mounted in the pilot house typically near one of the weather deck egress routes so that it can be grabbed and taken when moving towards life rafts or other evacuation craft.

CAPT Phillips: Thank you. And I think I heard you talk a little bit about hydrostatic release, can you tell us more about that?

WIT: Yeah. Hydrostatic release is a specially designed device incorporated into the mounting bracket that will detect a level of water pressure at a defined depth and then activate the release mechanism allowing the EPIRB or other device to flow free. Hydrostatic releases are used in several types of shipboard safety equipment such as life rafts and EPIRBs.

CAPT Phillips: And how would an EPIRB be activated?

WIT: EPIRBs that are compliant with 47 C.F.R. Part E, subpart B are water activated when removed from the mounting bracket. While mounted in the bracket they may be manually activated.

CAPT Phillips: Do you know anything more about a manual activation? How would that happen?

WIT: For EPIRBs it is a two-step action. For example you have to lift a cooper and slide a switch or twist a knob or something that is two positive actions to reduce inadvertent activation. It has to be a conscious effort to activate it. But they are typically very simple to activate. That anyone with no training can look at the pictures on the label of the EPIRB and be able to activate it.

CAPT Phillips: And how are EPIRB signals detected?

WIT: The EPIRB has a flashing light which indicates that the beacon is active and corresponds with transmitting a satellite signal. So every time the light flashes a satellite signal is being transmitted.

CAPT Phillips: And once it's detected by a satellite what happens after that?

WIT: Okay. The signal once detected by the overhead satellites is relayed to a ground station for processing. There's a second signal that's emitted is the 121.5 homing signal and that signal is only locally detected by radio direction finders that is used to assist in the final locating of the active beacon.

CAPT Phillips: And how long does it take for this process of detecting and getting the EPIRB signal to somebody who can take action?

WIT: The time will vary based on which satellites detect the beacon. But typically it is less than 30 minutes. The COSTCAST SARSAT system operates three types of satellites, Low Earth Orbit or LEO, Geosynchronous Orbit or GEO, and Medium Earth Orbit or MEO for detecting and relaying the beacon distress alert signal. The LEOs because of their orbits they're only in view for 20 to 30 minutes every, every 40 minutes. So that's why it could take some time. The GEOs while they cover a much great area and have more instantaneous relay they're further up in orbit so not all the signals reach there if there's any kind of adverse conditions like heavy precipitation or anything else that would intenerate the signal may prevent the GEOs from detecting it. MEO satellite are basically leveraging the global navigation satellite systems and we put SAR repeaters on those. They are in between the LEO orbits and the GEO orbits. They have a much better ability to detect and relay quicker. However, that system is still in its initial operating state and we are still evolving that system and have not declared it fully

operational. So in general we have seen that once a beacon is activated the information is provided to the Coast Guard Command Center or rescue coordination center within 30 minutes or less.

CAPT Phillips: In that description you provided an acronym I think you said COSTCAST SARSAT. Do you know what that acronym is about?

WIT: COSTCAST is the Russian for SARSAT. SARSAT is search and rescue satellite aid tracker. It is a joint International program cosponsored by four countries, Canada, France, the Russian Federation and the United States. It has been in operation since the early 1980's. And it's been a very strong contributor to the detection and response to emergency beacons worldwide.

CAPT Phillips: Thank you. Does an EPIRB tell a satellite where it's located? Or does the satellite detect where the EPIRB is located?

WIT: Not directly. The satellites actually just act as a relay. They detect the EPIRB signal and relay it to the ground station. There are two ways that the EPIRB can indicate its position. The first it has a GNSS or GPS receiver integrated into it and can determine its GPS coordinates and it encodes those coordinates into the digital message in the distress alert. The other way is a little more complicated but we call it independent location. And that is when we receive the signal from an EPIRB from multiple satellites we know where the satellites were, we know when the signals were received and through a very complicated algorithms of mathematics and if you're with LORAN-C Sea it's a similar mathematical problem. The difference is instead of trying to find out where you are based on receiving multiple signals we're solving where the single source was based on receiving the signals through multiple sources. So we're

able to calculate where on the earth within in a probability of error where that beacon originated. And right now the accuracy is on the order of 5 kilometers.

CAPT Phillips: Okay. If I heard you correctly there's multiple signals received they can triangulate the position of the EPIRB.

WIT: Well with the MEO system we have in essence 24 satellites orbiting the earth. At any given time we can receive signals from anywhere from 4 to 8 satellites, the same transmission. So we know how they travel from the source through the satellites and down to ground station. So based on that the time of arrival, the frequency of arrival and all of the mathematics of radio propagation we can calculate the problem source of the transmission. And right now because of errors and the inaccuracies of radio propagation through the miles of atmosphere the errors typically are less than 5 kilometers.

CAPT Phillips: Thank you. What does it mean to register an EPIRB?

WIT: So registration is required under 47 C.F.R. Section 80.1061. Registration provides important information on the owner of the beacon with emergency contact information which permits the rescue coordination center to verify the situation and gather additional information which may facilitate the response actions. For example if a beacon has gone off and we contact the registered the owner but it's not the registered owner that we get it's his wife and she reports to us that he went fishing in the area of Dry Tortugas and he's a diabetic, and you know we just gain valuable information which helps us be better prepared to provide a response. And it narrows the area we're searching if we know that he went to a certain area to fishing. It also

gives us a description of the boat or other craft as the case may be that's involved. With more information we're better prepared.

CAPT Phillips: Thank you. And what happens if an unregistered EPIRB goes off?

WIT: Well an unregistered beacon is treated the same as a registered beacon. The primary difference is that the rescue coordination center has less information available to assist in planning better response actions.

CAPT Phillips: Okay. Is a vessel that's inspected under 46 C.F.R., Code of Federal Regulations, Subchapter L, are they required to carry an EPIRB?

WIT: Yes, ma'am. I had to look that up. But yes under 46 C.F.R. Section 133.60 all offshore supply vessels must carry a category 1 EPIRB meeting the requirements of 47 C.F.R. Part 8.

CAPT Phillips: Are EPIRBs required to have a type approval number?

WIT: Yes all EPIRBs are reviewed by the U.S. Coast Guard. Here at Headquarters the Engineering Office and they will have U.S. Coast Guard approval number in the form 161.011/a number/another number to uniquely identify it. For example the one I looked up is 161.011/93/0 which is for an ACR electronics RLB 41 CAT 1 Class 406 megahertz satellite EPIRB. And also all EPIRBs will have a COSTCAST SARSAT title approval certificate or a tact number which means they have been approved by COSTCAST SARSAT.

CAPT Phillips: And are those approval numbers displayed on the side of the EPIRB or somewhere on the device?

WIT: I don't know if the U.S. Coast Guard approval number is. But the tag number from COSTCAST SARSAT is included on the label. And Lieutenant Richardson has just shown up.

CAPT Phillips: Thank you. Lieutenant Richardson could you please state your name for the record and spell your last name?

COUNSEL: Good afternoon. Lieutenant Charles Richardson, C-H-A-R-L-E-S R-I-C-H-A-R-D-S-O-N.

CAPT Phillips: Thank you. What type of maintenance is required for an EPIRB?

WIT: Maintenance is typically a monthly inspection. And a soft test using [in audible] test functions. Or as described in the manufacture's user guide or technical manual.

CAPT Phillips: Do you ever have to open an EPIRB to do any maintenance?

WIT: No. EPIRBs are designed to be only serviced at a qualified manufacturer's facility. And that service is typically only is replacement of the batteries.

CAPT Phillips: I heard you describe how you would test an EPIRB. How often should someone test an EPIRB?

WIT: Well it used to be monthly it was recommended. However, with the advances in battery and technology and other improvements in electronic circuitry that's not as necessary any more. For example in newer EPIRBs they have a health indicator which does self-diagnostics and they basically will tell you when you're – there's something wrong with the beacon or your battery has reached a level where it will not adequately perform to the required period for the case of EPIRBs for 48 hours. So it would actually, there would be a light that, since the beacon is really always on looking for water to activate it's doing that in the background and if something is detected a red warning

light comes on and it tells you to get it serviced. That's only in the newest beacons. That only came into effect with the latest revision of the standards.

CAPT Phillips: Thank you. So if you needed to test an older EPIRB how would you go about doing that?

WIT: You would use the self-test function as directed in the manufacture's user guide or technical manual. And it would, basically there's a setting on the beacon, you set it to self-test, it runs through the diagnostics and on most beacons you would get a green light if everything works and a red light if something fails. So it's very clear, good, green is good, red is bad.

CAPT Phillips: Thank you. Shifting over I would like to ask you some similar questions but about the SARTs instead of EPIRBs. So can you tell us what a SART is and what it's used for?

WIT: Yes SART is a search and rescue transponder or transmitter. It is basically used in a distress situation to provide locating information to assist rescues.

CAPT Phillips: And what are those devices generally look like?

WIT: Well they differ in appearance based on the manufacturer, but they are typically a highly visible yellow or orange color, cylindrically shaped about 4 to 6 inches in diameter and anywhere from 18 to 24 inches in length. Older SARTs may have larger dimensions because they have more electronics and that required a greater space.

CAPT Phillips: And are there different kinds of SARTs?

WIT: Yes. The IMO has approved to types of SARTs for use. The radar SART which operates in the 9.2 to 9.5 gigahertz band also referred to as the X band radar

frequencies. And the automatic identification system, AIS SART which operates on the AIS 1 and AIS 2 channels. And that's on the VHF frequency band.

CAPT Phillips: Thank you. And where should SARTs be mounted on a vessel?

WIT: SARTs should be mounted in an easily accessible area and clearly marked where crew members can readily retrieve it in an emergency or alternately they can be stored in an inflatable life raft or survival craft.

CAPT Phillips: And when you were talking about the EPIRBs you talked about setting it in a float free location, is that done with a SART as well?

WIT: I haven't heard of it being used in hydrostatic release. SARTs are required to be cable of manual activation and deactivation. And there are provisions allowed for automatic activations. To be included that fit in with the hydrostatic release. But I don't hear of many implemented that way.

CAPT Phillips: Thank you. And do you need to register a SART like you register an EPIRB?

WIT: To my knowledge is not required to register. For example we had a National Registration Database operated by NOAA for all EPIRBs and other emergency beacons operated through the COSTCAST SARSAT system. I am not aware of a national database for registering SARTs.

CAPT Phillips: How do you activate a SART?

WIT: Well as I said the SART must be capable of manual activation, deactivation. The means of this vary by manufacturer and type. In some it may be a rotating switch and other it may be a sliding switch. Some you have to remove a pin and then slide the switch. It just varies on how the manufacturer implemented that. It must be capable of

easily being activated by unskilled personnel. So all of the designs that I have seen are relatively simple and easily operated.

CAPT Phillips: How do you know the SART is activated?

WIT: The SART is equipped with an indicator which is visual, audible, or both that indicate correct operation and will alert survivors to the fact that a radar has triggered the SART.

CAPT Phillips: So you talked about two types of SART, the radar SART and the AIS SART. How do you detect a radar SART?

WIT: In a radar SART it's basically, once it's activated it listens for a radar signal or radar calls and when the radar signal is detected it responds with a pattern of signals that creates a define response on a shipboard radar system display.

CAPT Phillips: And I think I heard you say they're only detected on the X band radars?

WIT: That's correct. They only operate 9.2 to 9.4 gigahertz which is part of the X band radar for maritime – all maritime radars as defined on IMO operate in that band.

CAPT Phillips: What's the typical range of a radar SART?

WIT: The range varies according to the ship radar height above water that's activating it. But it's approximately 5 nautical miles for a radar antenna that's at a height of 15 meters. About 45 feet.

CAPT Phillips: Can you give a little more detail about what a radar will do when it picks up a SART signal?

WIT: So maritime and aviation radars operate in the 9.2 to 9.5 gigahertz frequency band, X band. They will detect a series of 8 returns in a straight radio line. Meaning it's on a line originating in the center of where the ship is and extending out to the edge of

the scope. With the closest return marking the location of the SART. So you will end up with a series of 8 radar blips in a row. It's very unique, very distinctive and it cannot be mistaken for anything else.

CAPT Phillips: Does that display change at all when you get closer or further away from the SART?

WIT: Only when it gets closer to your ship's position. And the range keeps decreasing. But it's still that 8. And the distance between them stays the same. So they're spaced out the same.

CAPT Phillips: Does it matter what setting or scale the radar is on when it receives a SART signal? Or will it pick it up regardless?

WIT: As far as I know the SART will detect a radar pulse and respond to that radar pulse. The point is that the ship's receiver as it's on a longer range setting it may not detect as easily. It's recommended that they use a radar setting on the 10 to 12 knot mile scale for best performance. And if you're searching and you're looking for something that's usually the scale you want to use anyway. It's a lower scale for near in obstacles.

CAPT Phillips: Will a radar give an alarm if it detects a SART?

WIT: Unfortunately I'm not an expert in our radar systems. So I'm not certain on how to answer that question.

CAPT Phillips: Thank you. How are AIS SART signals detected?

WIT: The AIS SART, their signals are received and processed by the ship AIS receiver. The AIS SART signal is specialty coded and will generate an alert to the operator of detection of an AIS SART and if the AIS is integrated with an electronic chart system or

electronic chart display information system that system will display an unique SART icon with the associated text data.

CAPT Phillips: Text data, what kind of text is usually displayed?

WIT: There will be the vessel identify if that's been programed into the SART. So it may be the vessel is giving them a sign number or if they use the default, AIS SART. It depends on if the AIS was configured uniquely for that ship, which it can be. There are abilities to set that. Or if it was just left at the standard configuration, which is the basic default which says it's an AIS SART and here's it location. But it would include the GPS coordinates that are encoded and provided in the transmission. So you would have the ICON and next to it would be the Geospatial latitude and longitude coordinates along with the identifier. Either the generic one as you find like in ITU recommendations or the ship's actual if it was provided.

CAPT Phillips: What is the typical range of an AIS SART?

WIT: The actual range depends on the receivers antenna height and the resulting radio line of sight. Typical receiving range are between 6 to 12 nautical miles for surface ships with a height of an antenna approximately 50 feet. But we know this is significantly greater for AIS signals received by aircraft. And the U.S. Coast Guard dis conduct some test and we demonstrated that AIS SART signals could be received as great as 50 nautical miles.

CAPT Phillips: Okay. Looking at the two different types of SARTs, the radar SART and the AIS SARTs we're going to go through some of the Coast Guard resources and ask you if they can detect them. So does the Coast Guard 45 boat have the capability to detect a radar SART?

WIT: You mean the response boat medium?

CAPT Phillips: Yes.

WIT: Yes, okay. Yes they can detect both the radar that's installed and the AIS equipment can detect both radar SARTs and AIS SARTs appropriately.

CAPT Phillips: Does the Coast Guard Fast Response Cutter have the capability to detect those types of SARTs?

WIT: Yes. I have reached out and talked to the project managers at the C5I service center and the FRCs have a radar capable and they are equipped with AIS systems which are capable.

CAPT Phillips: Does the Coast Guard helicopter, the H65 have the capability to detect radar or AIS SARTs?

WIT: Coast Guard aircraft I've talked with our colleagues in the Aviation Logistics Center, all of our Coast Guard aircraft radars are capable of detecting the radar SART. As to AIS fixed wing aircraft with the equipment we had AIS capability. Rotary wing aircraft do not have AIS capability at this time.

CAPT Phillips: Thank you. Is a vessel inspected under 46 C.F.R. Subchapter L required to carry a SART?

WIT: Again I'm not an expert on that. I looked up the 46 C.F.R. Subchapter L and what I learned from that is that it basically refers you back to the SOLAS Convention Chapters 3 and 4. In review of those I am aware under Chapter 4 that there is a requirement for all vessels subject to the SOLAS, Chapter 4 to carry at least one search and rescue locating device capable of operating in the 9 gigahertz band or on frequencies dedicated for AIS.

CAPT Phillips: Should a SART have an approval number, a type approval number?

WIT: I looked at that and I was not able to determine if it is required by the Coast Guard to have such a number. However, all SARTs are required to comply with the IDC 61097 second edition, which is the old maritime distress and safety system, GMDSS Part 1 radar transponder marine search and rescue, SART operational and performance requirements, methods of testing that require test results. That is required under 47 C.F.R. Part 8.

CAPT Phillips: What type of maintenance is required for a SART?

WIT: In my review of that I found that it's treated as other portable equipment with primary batteries, such as EPIRBs. SART should be tested regular, or should be checked at regular intervals with using methods recommended by the manufacturer and the results of the battery check should be reported in [in audible].

CAPT Phillips: How would you go about testing a SART?

WIT: The method that I had found was to conduct visual inspection for damage to the case and a check of the battery is recommended in the manufacturer user guide or technical manual. And if there is any damage or the battery fails then it should be either serviced by an authorized service facility or replaced.

CAPT Phillips: Okay. Thank you. Now I'm going to turn it over to some of the folks from NTSB to see if they have any questions. Mr. Ehlers.

Mr. Ehlers: Good afternoon Mr. Thiedeman can you see and hear me alright?

WIT: Yes I see and hear you fine.

Mr. Ehlers: Thank you. I just have a couple follow up questions and I'll start with the EPIRB and then go to the SART. So back to the EPIRB you mentioned that the signal

from an EPIRB goes from the unit up to a satellite and then back to a ground station. Who operates those ground stations? What agency, organization?

WIT: In the COSTCAST SARSAT program those ground stations were operated by 45 different national organizations. In the United States they're operated by NOAA.

Mr. Ehlers: Okay.

WIT: It Canada I know it's the Department of National Defense for Canada that operates them. For other countries it depends on how they're set up. But they all, all the ground stations feed into a network with mission control centers which are connected through mission control centers and there's a full redundancy of the data exchanged and shared. So no alert fails to get delivered.

Mr. Ehlers: Okay. So if I understood correctly it goes from the ground station then to a mission control center, a NOAA mission control center if this is a U.S. base signal? Is that correct?

WIT: That's correct. If it's received by one of the U.S. ground stations it's forwarded to the U.S. mission control center which is here in Washington, D.C. where it's processed, correlated with other signals for the same beacon that may have been received from other ground stations. That data is processed and then the position information is put into a message for transmittal to the rescue coordination center who – where the beacon is in their area of responsibility.

Mr. Ehlers: Go ahead.

WIT: No go ahead.

Mr. Ehlers: Is that a completely automated process?

WIT: It's not totally automated but a good portion of it is automated. There are some instances where that there's an anomalous event detected, it notifies the watch stander and the watch stander takes action. But I would say that 95 percent of it is automated.

Mr. Ehlers: Okay. And that's up to the command center, the search and rescue command center from the unit all the way?

WIT: If everything is operating properly the alerts are automatically processed MCC, the geographic coordinates determine which RCC it gets routed to then it's automatically routed to that RCC and then it will basically, in the case of the United States it routed through a central server and then sent to the appropriate rescue coordination center in whatever district the rescue event is occurring.

Mr. Ehlers: And you mentioned that it could take up to 30 minutes to get from the unit to that rescue coordination center, that command center. Is that typical that it takes that long? Is it usually much shorter? Is there any kind of data that shows how long that signal usually takes?

WIT: What we're finding as we implement the MEO satellite constellation that lengthy time is being diminished down to 10 minutes or less. But that's not all cases right now because that system is not fully operational.

Mr. Ehlers: I will go on a tangent that system, does that system have a certain area of coverage?

WIT: The MEO system is global. We have search and rescue payloads on Galileo and GPS satellites that the constellations provide continuous global coverage.

Mr. Ehlers: Is – would the Gulf Coast be an area where that coverage is currently in service? Or is that not, am I asking a poor question?

WIT: No it's in service. The detection of a distress beacon there are a lot of factors that are involved. One is, you know what is the weather conditions? And if there's very heavy rain or other things that would intenerate the signal then that may impair receiving a clear signal that's not corrupted at the satellite. And if the signal is corrupted, even though we know it's there we don't process it because there are too many errors. So we need to get one that's relatively intact but since the beacon is transmitting once approximately once every minute that's usually within 10 minutes we have a good solid signal or two then we can process and move out. The rest of it is just, the system might take again, we say 30 minutes or less and we're always are conservative on that. We're doing much better than that in reality. A lot of times it's a matter of minutes between first detection and first notification to the RCC. It's like less than 10 minutes. But that's not always the case because there's so many areas involved.

Mr. Ehlers: The position that's reported from the unit does it – does that come with a time so that the coordination center knows what the latency of that report is?

WIT: There are a couple of times associated. There's a time associated with what we call the encoded position which means if it has a GNSS or GPS receiver in the beacon the time of that position as determined. And that is encoded into the digital message that's transmitted. Then there's the time of the independent positon which is the MCC's calculations and determination of the position on where it's based upon the times and transmission, time received, frequency received and other factors that allow them to calculate where the signal originated from. Those times are not the same. But they do

allow the RCC's to correlate information and make a best assessment as to the probable location of the beacon.

Mr. Ehlers: You mentioned the GPS and the non-GPS EPIRBs. Is there a requirement to have one or the other as far as certain types of vessels or anything to that along those lines? Like a requirement like a regulatory requirement?

WIT: Actually I'm looking at my notes here. Okay. So all EPIRBs manufactured, imported or sold in the United States and placed into service on or after 17 January 2020 must have a GPS receiver. And thus will provide a coded GPS position that's in the beacon 406 megahertz digital message. So the FCC has required after January 2020 that all beacons manufactured and sold in the United States have that capability. And if I recall correctly after January 2023 all older beacons that do not have that capability will be prohibited from use.

Mr. Ehlers: So until 2023 there's no requirement to back fit if it's already been installed and manufactured?

WIT: As long as it remains serviceable, no.

Mr. Ehlers: Is there a difference in reporting time between a non-GPS and a GPS EPIRB? In other words how long it takes for the RCC to get that signal?

WIT: Not really significant. The processing is about the same. The determination of the independent position really doesn't take that much more time to do this. A matter of, I don't know seconds. It's all done automatically with the computations.

Mr. Ehlers: Okay. Alright. Moving to SART I actually have a similar question regarding the radar versus AIS SART. Is there a requirement to have one or the other type of SART on the vessel?

WIT: To my knowledge IMO permits either kind to meet the IMO requirements. I am not as familiar with the U.S. requirements. But I think we mirror the IMO requirements.

Mr. Ehlers: Alright. Thank you very much.

CAPT Phillips: Thank you Mr. Ehlers. Mr. Muise.

Mr. Muise: Good afternoon Mr. Thiedeman can you hear and see me okay?

WIT: I hear you well.

Mr. Muise: Just a few follow ups for actually Mr. Ehlers questions. Actually earlier you mentioned LEO SAR, MEO SAR, and GEO Station satellites. Can you elaborate a little bit more on the advantages and limitations of each one of those?

WIT: LEO SAR because of the orbital path that they make they are only overhead for approximately 20 to 30 minutes and then it's another 40 minutes before they pass overhead again. So there's a gap in coverage. Also there's a decline in the number of LEO satellites. The system requires a minimum of 4 to meet its operational requirements. We currently have 5 in operation and a 6th one is being added. Because of the drift of the orbit some of the orbits overlap and it requires us to shut down the satellite to avoid interference in the reception of the processing the signals. So that's the base limitation of LEO's. And they're orbiting the earth so they're seeing a smaller section of the earth as they pass over. GEO's they're much further from the earth, they see a larger portion of the earth, but because they're further away from the earth a signal that's been [in audible] or not operating at its maximum power they may not hear it and they may not be able to properly receive and relay it. It may have too many errors in it to be processed. So that's one. And it cannot contribute to the location solution based upon time of received, frequency received. It just – it doesn't contribute the

independent location solution. The MEO satellites right now we have two constellations of approximately 24 satellites each so that's 48 satellites orbiting the earth at any given time on a single point on the earth. You have between 8 and 12 satellites. So that maximizes the opportunity for your signal. It's basically an instantaneously relay. So it reduces the delays. The one downfall for MEO is that there's no ground station to receive the information. The information is lost. And that is typically what we see in areas like the wide spans of the Pacific Ocean. If we don't have a ground station out there to receive the information we might not get alerts processed or relayed to be processed. We're working to resolve that. I know that there's a Nation of Peru, I'm sorry, the Nation of Chille is looking at putting a ground station out in Eastern Island. And that would help tremendously in the vast Pacific Ocean. Other areas that are challenges because of the size of the oceans, South Indian Ocean and areas like that. The Atlantic, North Atlantic, South Atlantic there are enough countries and stations along the coast there that we're not seeing as great of a challenge to being able to detect and process those signals from the beacons. But in all MEO is a great performance. We are only at early operating capabilities stage right now. We're moving towards our initial operating capability and hopefully after that we will be able to receive into the full operating capability and declare that system fully operational for the COSTCAST SARSAT service.

Mr. Muise: Okay thank you. Lieutenant Alger can you bring up Exhibit 225 please, page 1 [showing Exhibit]. Mr. Thiedeman this is a sample of EPIRB alert. This is for this specific incident which I understand you're likely not familiar with. My questions for

you are about, generic about EPIRB. If there's something you think is more important for a SAR controller just let me know.

WIT: What are your questions?

Mr. Muise: Can you see the Exhibit?

WIT: Yes I do.

Mr. Muise: So on this page where it says confirmed position is that a calculated position based on several different hits and then waited for geometry or is that an actual single hit? In other words when you take multiple hits and then apply some sort of algorithm to come up with this confirmed position?

WIT: I'm not used to processing these. A rescue coordination center watch stander would be more familiar with these messages. I'm familiar with the system that generates them, but I typically don't process them myself. But it looks as though this is based on a calculated position. I don't see an indicator that it had a coded position.

Mr. Muise: Okay thank you. A few lines down there is a specific alert with the date time group of 2346Z on the 13th. Is that 2346 what time is that? Is that the time the satellite picked up the signal or the time it was received at the mission control center?

WIT: Without referring back to the technical documentation I would not be able to answer that.

Mr. Muise: Okay thank you. And just to the right of that it gives a satellite number S11, can you tell from there if that's a LEO?

WIT: That's a LEO satellite. It received Florida LEO designated number 3.

Mr. Muise: Is there a list of those earth stations and satellites somewhere in some manual?

WIT: I know there's one at the mission control center. I do not know of any if it is publicly released.

Mr. Muise: Fair enough. And then towards the bottom there's another time there 2349, U.S. mission control center processing time. Do you know what time that refers to? It's about 3 minutes after the first hit.

WIT: I believe that is actually when they finished the processing.

Mr. Muise: Okay thank you.

WIT: But again I would have to refer to the technical documentation to confirm that.

Mr. Muise: Yes, sir. Lieutenant Alger can we scroll forward to page 27. And let's scroll down just a little bit. That's good. So I believe this is the first EPIRB hit for this particular SAR case. There's no latitude or longitude showing. Can you tell us why that may be?

WIT: You meant the what would be about the fourth and fifth line?

Mr. Muise: Yes, sir. At time 2040.

WIT: Latitude, I can say that is because that data right there originated from the Canadian mission control center.

Mr. Muise: Understood. And the satellite G68 can I assume that's the GEO geosynchronous satellite?

WIT: That is correct. And that's why there would be no LAT and LONG encoded with it because GEOs unless – unless the beacon itself had it GEOs do not provide that information.

Mr. Muise: Okay. So one or the other. If it's a geosynchronous satellite and there's no GPS information from the EPIRB, therefore there's no latitude and longitude?

WIT: Correct. Because GEOs can't calculate the position by themselves.

Mr. Muise: And then a few lines down below that where it has the beacon information there's a line that says position device and the answer is NILL. What does that refer to?

WIT: That means that it apparently does not have a GNSS or GPS receiver integrated into the beacon.

Mr. Muise: Okay thank you.

WIT: It's the International standard.

Mr. Muise: I'm done with that Exhibit. Can you tell us the difference between, we talked about GPS and GNSS, what's the correct terminology for different applications?

WIT: Well GNSS is the global navigation satellite systems. That's the International term that encompasses all the contributions to the global navigation services, satellite services. GPS is the U.S. contribution to GNSS and it is the global positioning system. Galileo is the European Union contribution. GLONASS is the Russian Federation contribution. And recently BeiDou is the Chinese Government's contribution.

Mr. Muise: So are these newer EPIRBs capable of Galileo capable, and GLONASS capable or are they solely GPS?

WIT: The current International standards call out having a GNSS receiver. In our conversations with the GNSS receiver manufacturers they basically make a receiver that is I think is currently the most common one is at 64 channels and some of them have more than that, 96 channels or 128 channels. And each channel can track one satellite per channel. So with a 64 channel receiver you could basically track 4 constellations which would be GPS, Galileo, GLONASS and BeiDou. So my experience

in talking to the manufacturers is nobody makes a GPS only receiver unless they're building it for someone who has told them to only make it for GPS.

Mr. Muise: Okay. Thank you. And you mentioned also a sunset clause for 2023 with an older EPIRB. Is there a parallel requirement from other Flag States or the IMO?

WIT: The IMO recently approved resolution MSD 471 at the 101st session of the marine and safety committee. And that resolution made it so that all new installations after July 1st of 2022, yeah of 2022 must have an integrated GNSS receiver. Because they also must have an AIS SART capability. So the beacon and the AIS SART are going to be integrated to a single device.

Mr. Muise: Okay. Thank you. You answered one of my other questions then. If I'm a Coast Guard marine inspector or even a Mate on a boat and I'm looking at one of these EPIRBs how can I tell it's GPS capable or GNSS capable and not one of the older ones?

WIT: Typically they will have an indicator on the label that says it's GNSS enabled or capable. There may also be a light that shows that it has a GNSS lock. Typically the way that works is the light is yellow while it's acquiring and once it acquires and is actively producing positions reports it goes to green. That's not a requirement, but that's how most of the manufacturers implemented that feature. The only way is you could look up the type approval certificate with COSTCAST SARSAT and it will list all the capabilities for the particular beacon. And that is publicly available on the International COSTCAST SARSAT website.

Mr. Muise: I have a few SART questions for you as well. Can you tell us some of the failure modes for the radar based SARTs?

WIT: The primary failure mode that I'm aware of is the battery fails. Either because it is has depleted its energy. Or it's not been properly serviced and taken care of and it is deteriorated and is not capable of providing the required energy. I am not aware of other failure modes other than physical damage or water intrusion if the casing is damaged or things like that.

Mr. Muise: I understand there's guidelines from IMO that these should be at least one meter out of the water and some of the devices with a pole to do that or just to hang from inside the life raft, mount it inside the life boat. Why do they need to be one meter out of the water?

WIT: My expertise relates to the electronics operation of the devices, not the operating them.

Mr. Muise: Okay, fair enough. Regarding both SARTs and EPIRBs is there a database out there of case history, lessons learned or success stories of using SARTs and EPIRBs in the SAR cases?

WIT: If you go to the International COSTCAST SARSAT website there is a newsletter or blog that they maintain that probably provides a lot of history of successful distress beacon cases. I know that the United States maintains an incident history database for the purposes of our own training and internal improvement processes. I'm not aware of the practices of other countries.

Mr. Muise: Do Coast Guard SAR controllers document when EPIRBs and SARTs are used in their database, I think it's called MISLE?

WIT: That's outside my normal expertise. I believe it is required that they indicate the source of notification. And one of the sources would be an EPIRB or SART or another device. But yes I believe that is an entry required for the MISLE case history.

Mr. Muise: Okay, thank you. Captain I had some questions about PLBs, do you have another line of questioning before we?

CAPT Phillips: Go ahead.

Mr. Muise: Okay. Mr. Thiedeman are you familiar with personal locator beacons as well?

WIT: Yes, sir I am. Personal locator beacons are one of the devices supported by the International COSTCAST SARSAT program and the U.S. SARSAT program.

Mr. Muise: Are they authorized for use on U.S. Flag vessels?

WIT: Could you clarify what you mean by authorized?

Mr. Muise: If I were to use one board would it be received by the Coast Guard or some other response agency?

WIT: The use of the PLB anywhere in the world will be treated the same as an EPRIB anywhere in the world. It is processed through the system and delivered to the cognizant rescue coordination center for action.

Mr. Muise: Are there any plans or programs or initiatives to require PLBs on certain vessels?

WIT: That's out of the purview of my responsibilities. I support the technology, not requirements for carriage.

Mr. Muise: Are you familiar with a new provision from 2018 in the U.S. Code that added a requirement for distress signaling and location technology for almost everybody

on board. At least this particular freight vessels beyond the baseline. Would distress signaling and location technology refer to PLBs?

WIT: It could. It could also refer to other emergent technologies and capabilities which are not yet defined.

Mr. Muise: If everybody, if everybody let's say on a supply boat, an OSV were to have one of these PLBs would that overwhelm the SAR system or would it contribute to correlating already existing data?

WIT: I'm assuming you're hypothesizing that all of them are activated at the same time. In the case of the system it would not overload the system. The system is designed to manage up to I think its 150 beacons within a satellite's footprint going off simultaneously. However, all beacons are designed to somewhat randomize their transmissions so they're not all being transmitted at the exact same time. So while they're may be some collisions or interference between signals the majority of them would be detected and it would not significantly impair the processing of the response to those alerts.

Mr. Muise: Okay, thank you. And one last question about a different piece of equipment. Is you, you or your office familiar with rescue equipment on Coast Guard small boats? Specifically I'm looking at line throwing apparatus. Is that something you would approve?

WIT: I'm sorry line throwing apparatus is outside the scope of my duties.

Mr. Muise: Okay. Thank you, sir. Captain that's all the questions I have. Thank you Mr. Thiedeman.

CAPT Phillips: Thank you Mr. Muise. At this point and time I'm going to turn the microphone over the parties in interest to see if they have any questions for you I'll start off with the First Mate.

Mr. Sterbcow: Good afternoon, Paul Sterbcow representing the First Mate Bryan Mires. I have just a few questions. If we could pull up Exhibit 152 [showing Exhibit].

CAPT Phillips: Could I ask you to turn on your video so that the witness can see you?

Mr. Sterbcow: Yes.

CAPT Phillips: Thank you.

Mr. Sterbcow: Exhibit 152 please. This is – the photo we're seeing now is the SART that was being held, that was held by First Mate Mires when he was in the water after the vessel capsized. He's indicated to all of us that he turned it on, there was a green light indication and it apparently failed to communicate with any of the nearby rescue vessel radar equipment. And you just mentioned that battery failure is the only failure mode that you're aware of. And my question is if this particular device displays a green light does that indicate that the battery is in fact working and there is some other reason that this failed to communicate?

WIT: Without consulting the manufacturer's user guide or technical manual I cannot answer that question.

Mr. Sterbcow: And one last question. With respect to the EPRIB transmission, if I understood you correctly did you say that the transmission is vulnerable or susceptible to interruption to the satellite based on prevailing weather conditions?

WIT: No what I said was that heavy precipitation attenuates it's radio signals. And that attenuation may weaken to where they are received gargled or incorrectly. As such then cannot be processed.

Mr. Sterbcow: Okay. Based on the exhibit that we saw before of the EPIRB report can you tell from reading that report whether or not the signal was attenuated at all in this case or was it able to go through without a problem?

WIT: I cannot tell from the report any of its signal reception characteristics.

Mr. Sterbcow: Thank you. Thank you very much. That's all I have. Thank you.

CAPT Phillips: Thank you Mr. Sterbcow. SEACOR, Falcon Global.

Mr. Hemphill: Captain Phillips, thank you. Gary Hemphill for SEACOR Marine, we have no questions at this time. Thank you.

CAPT Phillips: Thank you Mr. Hemphill. American Bureau of Shipping.

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

CAPT Phillips: Thank you Mr. White. Mr. Muise.

Mr. Muise: I'm sorry Captain I had no further questions.

CAPT Phillips: No further question, okay. Thank you. As we're concluding this interview Mr. Thiedeman I was wondering if there was anything else that you would like to tell us that we haven't asked you about related to EPIRBs or SARTs?

WIT: No Captain I cannot think of anything.

CAPT Phillips: Okay. Thank you very much for your assistance today. I appreciate your time and the information you provided to us. You're now released as a witness at this Marine Board of Investigation hearing. Thank you for your cooperation. If I later determine this board needs additional information from you I will contact you through

your counsel. If you have any questions about this investigation you may contact the board Recorder Lieutenant Anthony Alger. At this time we will recess until 0800 on August 4th, 2021. The time is 0, it's 1445. The hearing is now in recess. Thank you.

The hearing recessed at 1445, 3 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