

UNITED STATES OF AMERICA
NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

EMPRESS OF THE NORTH
JUNEAU, ALASKA

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* Docket No.: DCA-07-MM-015
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Interview of: CAPTAIN DALE ORGAIN

Empress of the North
Auke Bay, Alaska

Tuesday,
May 15, 2007

The above-captioned matter convened, pursuant to notice,
at 5:20 p.m.

BEFORE: MORGAN TURRELL

APPEARANCES:

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Washington, D.C.

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I N T E R V I E W

(5:20 p.m.)

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2
3 MR. TURRELL: Okay, it's May 15th. We're on the Empress
4 of the North. It's 5:20. We're interviewing the Captain, Dale
5 Orgain. My name is Morgan Turrell, National Transportation Safety
6 Board. To my left?

7 MR. CORBIJN: Nico Corbijn with Majestic America Lines.

8 MR. WILHELM: Mark Wilhelm, representing the witness.

9 CAPTAIN ORGAIN: Dale Orgain, D-A-L-E O-R-G-A-I-N.

10 MR. STRAUCH: Barry Strauch with the NTSB.

11 LT. BRIERLEY OSTRANDER: I'm Lieutenant J. G. Brierley
12 Ostrander, from Sector Juneau.

13 MR. FARLEY: Jim Farley from the U.S. Coast Guard,
14 Office of Investigations and Analysis.

15 MR. LARUE: Liam Larue, NTSB.

16 MR. WEBB: Paul Webb, D-17, Section Master.

17 MR. JULIUS: Chris Julius, NTSB.

INTERVIEW OF DALE ORGAIN

18
19 BY MR. TURRELL:

20 Q. Okay, Dale, if you would, tell me how old you are,
21 please?

22 A. Forty-four.

23 Q. And your city and state of residence?

24 A. Portland, Oregon.

25 Q. Okay, and will you tell me what your occupation is,

1 please?

2 A. I am a Captain aboard the Empress of the North, Merchant
3 Mariner.

4 Q. And how long have you been employed at Majestic?

5 A. Three, a little over three years.

6 Q. Okay. And you have been the captain in all those three
7 years?

8 A. Yes, I have.

9 Q. And what license do you currently hold?

10 A. Master eight gross ton.

11 Q. And you have a (inaudible)?

12 A. (Inaudible). And Merchant Mariner's (inaudible).

13 Q. Okay. If you would, just take us through your
14 background and the chapters, if you will, from say high school to
15 how you got here today.

16 A. High school. I got a Captain's license, a lower level
17 license at Stafford High School. Went to the maritime training
18 school in Stuart, Florida, technical school, in the U.S. Coast
19 Guard. I was there for four years. Got out. Worked commercial
20 shipping for 22 years now. Involved in research vessels,
21 (inaudible). I've been on containers vessels and tankers, a
22 little bit on a tug, towing vessels, and several years on
23 passenger vessels.

24 Q. Okay. Take us through your passenger vessel experience.

25 A. First, the Columbia Queen, when it was operated by Delta

1 Queen Steamboat Lines. And they started to operate on Columbia
2 snake rivers. And that was first, I was the Captain when we
3 started that for a year and a half or so. And then I went to
4 Hawaii on the Patriot, a passenger ship. And then after that,
5 back to the industry into a research vessel of oceaneering and
6 then sought out this (inaudible).

7 Q. Okay. Dale, if you would, just take us through the
8 events, starting with the day before in Skagway, I believe it was,
9 Saturday.

10 A. Skagway was the day before. Saturday was Juneau.

11 Q. Juneau. Start in Juneau there, if you would, Saturday,
12 and then take us through.

13 A. Okay.

14 Q. What time you woke up, what you did, what time you went
15 to bed Saturday through Sunday morning.

16 A. Friday, we arrived in, Friday night we arrived in
17 Juneau. Went to Saturday was turnover day for us in Juneau. We
18 got to bed kind of late. We had a medical evac that day, that
19 evening, Friday evening. So we had a stressful evening. And we
20 had a passenger whose husband passed away and it was a rough time.
21 So we arrived in Juneau a bit early. We dealt with the troopers
22 and the chaplains and all that. So I got to bed late that day,
23 that night, it was Friday night.

24 Saturday morning, we disembarked passengers in the
25 morning. And we were getting ready to board passengers that

1 afternoon, so we had to get the ship ready and catch up on
2 paperwork. The new passengers came aboard. We go through the
3 introduction and the passengers drills and all that their first
4 day aboard, first evening. And that night is full of
5 introductions and of dinner for myself. We get underway from
6 Juneau at approximately 1800 and we went out, getting kind of
7 (inaudible). We were heading to Skagway, but we did make a stop
8 in Auke Bay later that evening about midnight to pick up a band
9 member and some missing luggage.

10 After that the vessel proceeded to Skagway, where we
11 arrived about 6:00 a.m., between 6:00 and 6:30. We were pretty
12 much in Skagway all day. We, you know, at that point in Skagway,
13 it was paperwork day for me, pretty much while we were in Skagway.

14 Oh, I guess the previous night before, just after 12:00,
15 the third officer, one of the third officers, Michael Chase, came
16 down ill, didn't feel well. The chief mate volunteered to do his
17 watch that night. He did his watch from midnight to 4:00. The
18 chief mate was on, you know, knowing we were going to arrive and
19 be secured by 7:00, between 6:30 and 7:00. So he stayed on watch
20 and when I got up that morning, (inaudible) tied up.

21 So then we're in Skagway. Later in the afternoon, the
22 Skagway is kind of an all-crew meeting day and training day.
23 That's kind of when we go through our, you know, whatever our in-
24 house training and all crew safety meeting, things like that, we
25 did that. Both of the mates, or all the mates are up there in

1 that. And then (inaudible) staff. We have bridge tours and
2 introductions and things like that.

3 And then we got underway that night at Skagway at 1730
4 or so, 1720. And let's see, that's when we go towards Glacier Bay
5 the next morning National Park arrival.

6 That evening, I was up on the bridge as we go to a sight
7 seeing area. So usually we're doing things like that. We got in
8 an area of about 30 or so (inaudible). Then we got underway. And
9 I do a dinner, late dinner seating with passengers that evening,
10 which is a process, a couple hour deal. I came up to the bridge
11 after that and discussed the rest of the transit (inaudible) with
12 the watch. And then about 11:30, I left the bridge.

13 I was awoken about 1:30 or so when we (inaudible). From
14 there, it was five hours of organizing the evacuation (inaudible).

15 Q. Okay, tell me a little bit more about the sick third
16 mate, from the time that you found out that he was sick until you
17 put the other mate on watch.

18 A. Well, he hadn't been on watch. He was just, you know,
19 he was with the other guy. When I was informed about the third
20 mate, our third mate Mike, was in the morning at Skagway. So then
21 when I talked to him and he said he had diarrhea, now it's sort of
22 company policy to definitely get him seen by a physician. So he
23 went to the doctor in Skagway who recommended that he be isolated.
24 And it's pretty much our company policy at that point. So, that's
25 what we did. We moved some people around in rooms and things like

1 that. And then it wasn't really a decision, per se, but the third
2 mate watch, it happened that we had two third mates, and rather
3 than, because at that point we were (inaudible) there wasn't two
4 aboard, and the Coast Guard (inaudible) you know, a request,
5 waiver from the Coast Guard (inaudible).

6 Q. Did you have a conversation with the new mate?

7 A. Yes, Marino.

8 Q. Marino.

9 A. I had a conversation with him that afternoon.

10 Q. This is Saturday afternoon or Sunday afternoon?

11 A. This would have been --

12 Q. Monday afternoon?

13 A. This would have been Skagway afternoon, so that would
14 have been --

15 Q. Sunday?

16 A. -- Sunday.

17 Q. Would you please describe that conversation?

18 A. I just told him that generally he was going to be there
19 and he was due to ride because the ultimate goal is to get the
20 most out of, you know, I like them to see each and every person,
21 you know, develop their theories. I like to get him up with the
22 chief mate, get him with the second mate, you know, because they
23 all have their different strengths that he can gain of the vessel
24 and the characteristics about (inaudible).

25 And so he was, they put him on a week early, which was

1 at my request. And so he was going to do a longer hitch,
2 basically, than, a normal is four weeks. So he was going to do a
3 five week session, put him on a week early. And then I talked to
4 him that afternoon and mentioned that the other, Michael was sick,
5 and he was supposed to have been on watch. The chief mate was in
6 agreement. The chief mate, we kind of have a personal closeness
7 of that.

8 Also the other thing that, at that point, to get through
9 the day, I decided to also to help and assist Marino, to take the
10 best (inaudible) aboard, and put him down for the day basically,
11 it was on a watch that was during the day, and you know, get him
12 some (inaudible) and have him also go on that watch. Having two
13 of them do the watch as an assistant to accompany him. And then
14 that would just also cautioned him on, you know, gave him the
15 regular captain's talk when I do meet him, I'm onboard the ship,
16 call me any time, I'm just seconds away. If you've got any doubt
17 or standard thing that we mariners do.

18 Q. Okay. I think you mentioned you put this AB on, Ben, --

19 A. Right.

20 Q. -- as an extra AB so the watch is going to have two ABs?

21 A. Correct.

22 Q. Two ABs and then two ordinaries and security watches?

23 A. No. Generally, there's one AB and one OS at night on
24 every watch. So this particular night, it was two ABs. And the
25 reason, the only reason for that was the assistance to the third

1 mate because this was an AB that, you know, that's relied on by
2 the first mate.

3 Q. Let's talk a little bit about the knowledge and
4 certainly experience onboard the ship. We know he's new. What
5 can you tell me about his experience?

6 A. His experience? Well, he has very little experience. I
7 met him down at (inaudible) at the recruit -- I went down in
8 January at a recruitment session. I spoke with him at that point
9 and you know, what his (inaudible) and goals were because he was
10 very forthcoming about this particular job with the company. I
11 remember starring his name, because we liked him. We meaning
12 myself and the HR representative there. And that was January of
13 last year. And then when he graduated, they went back for
14 interviews and he was the first one still excited about the job.
15 That's what we want. We're going to put (inaudible) excited about
16 this particular job and industry, it's different than most career
17 paths. So (inaudible).

18 Q. So when he steps onboard now, the company sent him up to
19 you, recall, if you can, the first time that he was coming and the
20 conversation that you had with the company about his impending
21 arrival and his first time onboard and so forth.

22 A. Well, his arrival I knew about because it comes out in
23 our schedules, it maps out, you know? And I don't really recall
24 anything -- you know, I actually did recall that his schedule was
25 fairly long, that it was six weeks instead of four. So I called

1 him about that. And they said oh, okay, well, we'll, they had
2 made a mistake. That's the only thing I remember is that I
3 (inaudible). Well we'll send him up a week early and make it a
4 five week trip because they were going to be going four weeks on,
5 so we thought, we were going to give the regular guy his four
6 weeks off. Other than that, you know, I was told that it was
7 Marino, that it was a guy that we liked. You know, remember him,
8 that sort of a conversation.

9 Q. Normally when you had the new employees, is there a
10 regimen of training that you would normally put people through
11 with no experience?

12 A. I wouldn't call it a regimen. I would call it a riding
13 along. You know, generally, when it's on the river, it's
14 different than when it's up here. In Alaska, I mean we only do
15 two places. We have a schedule on the river and a schedule in
16 Alaska. On the river we you know, pretty much they have to see
17 each other (inaudible) rivers, very challenging, very (inaudible)
18 approach it. There are several really concentrated areas of
19 current and things like that.

20 Alaska, you know, this run we do, there is two
21 complicated spots and I'm up for every one of those because of the
22 Harold Straits and Wrangell are spots up here, you know, that we
23 would never do with just the (inaudible). In fact, I have tried
24 and (inaudible) that I have or am capable of doing.

25 So there is not a regimen. There is the getting to know

1 the ship, ask questions. I like to get them to different mates,
2 but that's not a regimen per se, other than for them to ask
3 questions and watch a couple of watches. And generally, we would
4 always schedule, we would take a stronger, or what we have, when
5 we have 4 AB and we have 4 OF, several (inaudible) or that have
6 been here for several years. Of course, those are the people that
7 you would take and would put them with, just because they have
8 seen the runs. But that's what we do differently.

9 Q. Dale, who does the voyage planning for the ship?

10 A. Myself and the second mate.

11 Q. Now what does that process entail and how often do you
12 sit down with him? How often do you repeat the courses?

13 A. It's at the turn of the season, meaning once we've moved
14 up into Alaska, we go over it with the second mate. But it's more
15 like these courses and these things have been our routes for the
16 last four summers here. So, they have not really changed. What
17 changes is, basically, like a (inaudible). So the review is, you
18 know, going to be, well, do we do get in this bay and Skagway?

19 Q. So you've been up here for four seasons?

20 A. The ship has. I've been at this, this I my third, I'm
21 starting my third season. But when I came, courses and routes,
22 and pretty much everything, planning stuff, points that we, you
23 know, our voyage plan consists of will consists of the distances
24 in between main points. The point of call, our security calls,
25 tides and currents for that week at certain spots. So anything

1 with route planning is fairly, it's not complicated as a ship, the
2 crossing of the ship the first time.

3 Q. So in the three years you've been up here has the ship
4 gone through this north of Rocky Island before?

5 A. Yes, most of the time. I mean, yes. There's an option,
6 but most guides will go through that. That's more, it goes more
7 toward (inaudible). I don't really, I mean, it's a half a mile
8 there. I know it seems close, but the ship when it's (inaudible).

9 Q. Okay, so now, I understand these are on the chart and
10 also on Nobeltec?

11 A. Correct.

12 Q. Were those chart courses already in the Nobeltec when
13 you came here?

14 A. Yes.

15 Q. So, they've been here for at least three years. Is that
16 correct?

17 A. That's correct.

18 Q. And so, up until now, has there been any other areas up
19 here in Alaska where you have a quarter mile or similar
20 clearances, tight spots?

21 A. Yes, there's lots. You know, all three peril straits
22 from like (inaudible) island to Sitka is way less than a half a
23 mile. All through the narrows is basically a 300-foot channel,
24 maybe a 600-foot wide channel. And there's (inaudible).

25 Q. So it does have experiences and it looks like the year

1 is different, but there (inaudible).

2 A. We're tighter, oh yes. And we considered this path this
3 particular night, this passage is considered (inaudible).

4 Q. But did you have the courses also already in Nobeltec?

5 A. Correct.

6 Q. Did you, at any time, have the opportunity or did the
7 third mate Marino ever express any doubts to you that (inaudible)?

8 A. If he would have, he wouldn't have (inaudible).

9 Q. Did any of the officers, crew for that matter, express
10 any doubts?

11 A. No.

12 Q. Why did you put the AB, was it, Ben, why did you put
13 him on the watch (inaudible)?

14 A. It's customary because the other AB that was on that
15 watch is Kelly Stewart and what he does, he's been with us since
16 the every first year, but he sailed the first year on the vessel
17 when I wasn't here, and I don't really know him. That is all.
18 It's been a while since he's been on here.

19 You know the ABs on this vessel, if I can explain it,
20 we're on the Columbia River, they are driving, I mean physically
21 driving, probably 80 percent of the time and so an AB who does a
22 season up on the river is very familiar with the vessel
23 (inaudible). So Kelly Stewart, I would consider a competent AB,
24 but I don't know him. I haven't done watches with him. Mr.
25 French, I've done many watches with him. Well not watches, but

1 I've been on the bridge for many hours.

2 Q. So what were the conversations you had with Ben about
3 standing watch with Marino?

4 A. Well, I called him up to the office and actually he was
5 up in my office so that I could make sure that I was getting the
6 facts straight because I was actually filling out the 2692 from
7 the guests aboard the previous day. And while he was up there, I
8 called him up to just to make sure there were a couple of items,
9 because he was the first responder to the gentleman. So I was
10 making sure my facts were correct on that.

11 And then we talked about it then would you be willing to
12 be up there on watch? And about that afternoon at that time, I
13 remember looking at my watch, about 800, calculated he was going
14 to get a good rest and Mr. French (inaudible).

15 Q. You said you stood watch with Ben quite a bit. Would
16 you still be comfortable with his skill set?

17 A. For what skills?

18 Q. What setting would you use to make this turn if you were
19 going to make this turn?

20 A. Settings on autopilot?

21 Q. On the autopilot. Twenty or thirty degrees per minute?

22 A. Most of the turns we make are at ten degrees and the
23 reason is, the only reason is because it keeps the vessel running
24 smoother. When we bump it up, sometimes we bump it up to 20
25 degrees and that would be in order like on the Snake River. If

1 it's bigger than that for me, personally, I go into hand steering,
2 but that's not a big turn (inaudible) wide area. This vessel is
3 very (inaudible). So on autopilot (inaudible) can't imagine.

4 Q. Well do you have the option of going into hand during
5 the turn?

6 A. Oh yes. The mates and the ABs, for that matter, the ABs
7 are used to being in the Columbia River and say go into hand
8 steering and even (inaudible). This stuff like on a lot of these
9 ships, the ABs get so good at driving it, then it's just generally
10 a question to the mate of, I'm going to go around this corner in
11 hand steering, if that's okay with you. And it's usually sure, go
12 ahead, take it out, turn it around.

13 Q. And then some of the documentation your (inaudible) some
14 of the night orders. How often do you write night orders
15 (inaudible)?

16 A. I write night orders if I'm not going to see --
17 something is either unusual or different than the norm, or if it
18 is, if I haven't seen the watches during the day. Generally on
19 the Snake River and the river journeys and on most of our things,
20 I see almost every watch, personally. Many. Sometimes I look at
21 that watch, every watch. And just see how things are going.

22 So, because we're so (inaudible) that night orders
23 aren't, you know, an every night kind of thing.

24 Q. Does the company have any policies or procedures for not
25 standing on the bridge, bridge operations?

1 A. It has procedures for certain things. You know, it has
2 your (inaudible) checklist and items like that. We don't have a
3 kind of CRM stuff. We have general guidelines to master, general
4 guidelines for training and like that. Most of it is geared
5 toward safety, safety type training.

6 Q. Is there a, to your knowledge, is there a check on sheet
7 for new deck officers, put on board?

8 A. We have a check off sheet, a familiarization check off
9 sheet that's vaguely related. But there's not a deck officer
10 check off sheet, to my knowledge.

11 Q. Did the company ever communicate to you -- or how do
12 they communicate with the person that was the watch officer that
13 they have a license, or how is it communicated to you that the
14 person has a license?

15 A. Well, I went to the academy --

16 Q. No, before they send them. Not just him, but anybody.

17 A. Oh, they, I generally will talk to, they'll give a
18 background on the person. I mean, they really didn't ask me on
19 Marino because I pretty much knew him. But they would say, oh
20 this new, you know, we're sending a new guy out. Here's his
21 background. It's from an HR standpoint, it's not really from and
22 they'll say, oh, (inaudible) vessel or he's a real sweet guy or
23 whatever. It doesn't necessarily get our, we have, our deck
24 officers are pretty much hired by our HR (inaudible).

25 Q. Would you characterize in the three years you've been

1 here a high turnover for the ABs and mates?

2 A. I'd say, yes. I mean, compared to other ships there is,
3 yes.

4 Q. In that turnover of personnel, do you get a lot of new
5 and inexperienced people (inaudible)?

6 A. I don't know about needing experience, but we get
7 probably, possibly inexperienced passenger industry. That --
8 definitely. You know, from a navigational standpoint, I mean, I
9 would say (inaudible).

10 Q. How then, when someone new comes onboard, how do you
11 handle the testing of that person?

12 A. Generally by feedback from other deck officers, just by
13 knowing their character, first by talking with them.

14 Q. Did you observe and stand watch with new guys?

15 A. I have, yes. Not a whole watch. But I visit the bridge
16 often.

17 Q. Would you say that then these new personnel on watch
18 (inaudible)?

19 A. No. Unusual for us?

20 Q. Yes.

21 A. No.

22 MR. TURRELL: I'm going to go ahead and turn it over to
23 Chris for a second.

24 BY MR. JULIUS:

25 Q. I have just a general question. Did you have any

1 specific discussions with Ben regarding the particular watch that
2 (inaudible). I mean getting into the decision or the request that
3 he be the AB who was experienced. Would you describe in detail,
4 if you can, the discussions that you had?

5 A. Well, just the one discussion that afternoon on would
6 you be willing to, you know, help the midnight to 4:00 watch and
7 that it would be Marino's first watch and he might have a
8 question. And you know, we were pretty short. I wouldn't call it
9 a route, you know, whatever, because I just, it's a pretty simple
10 communication about it. That's for sure.

11 Q. Anything in the nature of being more assertive, being
12 more forthcoming (inaudible)?

13 A. No. Because I mean, it's not his watch. You know, it's
14 not his watch.

15 Q. (Inaudible).

16 A. Yes.

17 Q. And maybe you would add that you considered in
18 evaluating Marino's ability to (inaudible).

19 A. Say I would add to if it made me consider?

20 Q. Or not question his ability or the decision to put him
21 on (inaudible).

22 A. Oh. If, yes -- well, it just happened to be that Ben
23 was kind of like, I'm going to be getting off later in the week.
24 And normally it's the next week, we would have taken, you know,
25 more of a senior AB. You know, when he was on his scheduled four

1 days. We would have put an AB that I know up, Mr. Stewart, Kelly
2 Stewart, the normal AB on there. Like I said, I just don't -- I'm
3 sure he's a 100 percent confident guy, but I just don't know him
4 as well. So, I would have probably, the chief mate normally makes
5 the AB watches and then kind of submits it to me. This happens on
6 Saturday, you know, when we are on our turnover day. Depending
7 (inaudible) when we post the watch schedule day. It's usually
8 when people get it. But he automatically knows that we've put an
9 AB with a newer man. That's standard for what we do.

10 Q. You wouldn't send Marino in as (inaudible). And what
11 kind of feedback do you ask for?

12 A. With Mike, the first officer, I talked to him a little
13 bit about Marino. And you know basically, we talked and he seems
14 like a bright kid. He's you know, sharp. You know, basically
15 because he went through the checklist with them a couple of times
16 and he went through, you know, I saw him taking him on the bridge
17 tour of all the alarms, you know, and the fire system and things
18 like that. I mean, I didn't speak out.

19 I mean Kevin right now, my second officer, is fairly new
20 to me, too. So, you know, I don't -- you know, I trust him and
21 he's doing a great job.

22 Mike is kind of who I rely on. Mike, my first officer,
23 is not here right now. He's been with me now for about two or
24 three years. He's kind of my go-to guy. So, I don't necessarily
25 -- and Mike Chase, the third officer is new to me as well.

1 You know, so I don't have the personal rapport with
2 those guys quite as much, even though I know they're doing a great
3 job, but I don't want (inaudible), stay on their watch
4 (inaudible). Kevin is new to us from January or so, February, I
5 think, this year and Mr. Chase is new within the last month or
6 two.

7 Q. So the chief and first that you relied on for feedback
8 on the third?

9 A. Well, the chief is the first mate, yes.

10 Q. Dale, have you been involved in any other casualties,
11 groundings, collisions?

12 A. I was onboard when the Empress went aground in the River
13 in Washougal.

14 Q. What was your position, at that time?

15 A. Captain.

16 Q. What year was that?

17 A. That was last May of 2006.

18 Q. And can you describe what occurred there, in your own
19 words?

20 A. What occurred was in my office I heard, I felt the ship
21 vibrating like it, you know, unusually. I ran to the bridge,
22 found us backing hard in a channel where tug was coming up with a
23 white tug with a chip barge that was affected hugely by the wind
24 and current and it was across the lane, kind of blowing our way.
25 The mate was backing down and kind of trying to get out of its way

1 out of the channel. By the time I got up there, he was pretty
2 much out of the channel and the tug was coming. And in 30
3 seconds, we were aground.

4 Q. Anything else? Any other casualties besides of that?

5 A. There was probably 12 years ago, the ground allision
6 collision on the inside passage Bridge of Columbia on a coastal
7 freighter I was captain of.

8 Q. (Inaudible).

9 A. (Inaudible).

10 Q. Just quickly tell us what occurred there.

11 A. What occurred was set by a current rounding a corner and
12 along the passage and sideswiped a bridge.

13 Q. And was your capacity as a captain?

14 A. (Inaudible).

15 Q. Roughly 12 years ago?

16 A. Yes. Maybe it was -- no, it wasn't. It couldn't have
17 been 12 years ago. It was '98 maybe or '99. 1998 or '99. I can
18 get that information.

19 BY MR. LARUE:

20 Q. Liam Larue, NTSB. Typically, how long before you are
21 comfortable letting a new mate stand watch on their own when you
22 get somebody new on the ship? How long do you usually make them
23 break in?

24 A. Well, usually, we usually don't really have a choice
25 about it. It's just kind of a break-in period, in Alaska,

1 generally they fly up and there's really not a break-in period. I
2 mean, on the river, we try to do our best at getting a person here
3 for a week or two and seeing the river. Because if that's not
4 going to happen, there's going to be, the other mates are going to
5 have to cover, you know, basically, fill that spot. (Inaudible).

6 Q. So, for example, you had a new mate that came on in
7 February. Did he have a break-in period?

8 A. Well, he was, he came on during our yard period. And so
9 he was you know, stayed on the bridge and he was kind of like
10 more, his break-in period would have been pretty much like during
11 our start up time. He was in there for the last couple of weeks
12 of our yard period and then he went through our start up period.

13 And then when he did, we had a second officer, the
14 second officer that he was replacing, was he had given his notice,
15 but his job didn't come up for a while. And so he actually rode
16 with Kevin for, I think, a couple weeks on the river.

17 Q. So he had, basically, a break-in period?

18 A. He did, yes.

19 Q. Was there, and the only reason this individual -- what's
20 the reason that this individual didn't have the break-in period
21 that the other mate did?

22 A. Well, I would pretty much demand a break-in period from
23 the office for the river. Meaning, I would push someone's
24 schedule. I pretty much say you can't, in the Columbia River,
25 just go and if you don't have experience on it. I mean, generally

1 it's three days to a week, or you know, whatever it works out to
2 be.

3 You know, we got lucky with Kevin in that I had an
4 officer that was going to go. I mean, that just happened. You
5 know, he happened to be there and said, yes, I'd like to do it.
6 Meaning, the guy that had already (inaudible).

7 Q. And that was on the river?

8 A. Correct.

9 Q. So if he had come to the ship now when you were up there
10 in Alaska, you would have been comfortable with just letting him
11 go at it and taking over the watch?

12 A. Well, go at it in the event of an assignment that was an
13 easy path and course. You know, we would have him get me up any
14 time that it was something that he (inaudible). Like I said,
15 there's never a time when I put someone through a place where
16 they're not, you know, I don't think (inaudible).

17 Q. Would this be a correct statement then that the only
18 reason that you were comfortable with Marino on the watch was
19 because it was easy, an easy watch, in your opinion?

20 A. Well, I don't think that would be it. I felt that it
21 was an easy watch, so it was a good place to start. (Inaudible).

22 Q. Okay. What is the, is there any company policy
23 regarding new crew members taking part in drills? Are there any
24 requirements for that?

25 A. Well, there is. It says that you will participate in a

1 certain, you know, certain drills per, you know, within so many
2 onboard, you know, certain, you know, you have to do a man
3 overboard drill within a certain period of time, and this drill
4 within a certain period of time, which we go well above that in
5 our training.

6 Q. Are there any requirements as far as a new individual
7 doing a drill before getting underway as far as taking over a
8 watch?

9 A. No. There is a drill, there is a requirement as far as
10 passengers go before we get underway. With passengers every week,
11 there is a fire and boat drill. It's more to put the passengers
12 through it, not necessarily the crew.

13 Q. Do you know if Marino took part in any drills, if he has
14 taken part in any drills since he's been onboard?

15 A. We had, you know, our fire training, we had, we did on
16 Friday in Tracy Arm, so he joined with us on Saturday. And we had
17 a safety meeting Saturday that was more of a hotel safety meeting.
18 So he hasn't taken part in the fire or man overboard type drill.
19 We generally do some type of drill once a week.

20 Q. Did you think he would know what to do if there was a
21 fire onboard the ship, if there was any of those emergencies?

22 A. When Marino, his station, since his station bill, the
23 rest of the station bill, his third mates duties was covered by
24 Michael Chase. So his duties in the muster stations were to
25 report to the crew muster stations. But he wasn't really on the

1 station bill, per se, other than report to the crew muster area.

2 Q. What if he was on watch when this occurred, as far as
3 the proper procedures?

4 A. Of a drill?

5 Q. Well, of being notified of a fire, of an alarm going
6 off, what (inaudible).

7 A. He would, you know, like any of them, he would just call
8 me and that's pretty much the first step in our (inaudible), to
9 notify the master and then we get going to our drill area and then
10 (inaudible) station (inaudible).

11 Q. Was there familiarization training with the safety
12 management system before with new crew members?

13 A. There is.

14 Q. Okay, could you describe that for me, please?

15 A. It's a walk through done by a deck officer, usually the
16 chief mate. It goes, you know, he walks the whole vessel, shows
17 the water tight doors, shows the EEDBs, shows fire extinguishers,
18 fire poles. You know, the fire doors, fire screen doors. It goes
19 over some security, our security policies.

20 It goes over, you know, there's a checklist. You know,
21 crew familiarization training thing. And then there's a thing on
22 the bottom saying that you'll do this many drills, you know,
23 you'll participate in a fire drill within so many months.

24 Q. And was this completed for Marino?

25 A. No.

1 Q. But those were scheduled?

2 A. For Marino.

3 Q. When was that scheduled for?

4 A. It was scheduled for Glacier Bay.

5 Q. So did he have, what familiarization with the vessel did
6 he have?

7 A. He had the familiarization of the deck, other deck
8 officers showing him the bridge and you know, characteristics of
9 the bridge, basically.

10 Q. You might have answered this already, but there is no
11 written, like personal qualification standards for --

12 A. No.

13 Q. -- a third officer?

14 Okay, I'm going to jump now to the response side. I
15 believe that you were go to tell the story of when you guys ran
16 aground. If you could continue on from there and, in as much
17 detail as you can remember. I know it was kind of crazy. But
18 just tell me everything you did from the moment you got up to the
19 bridge, who you called, who you talked to, what boats do you
20 remember? Anything you can remember.

21 A. Okay. Well, I came up to the bridge and saw, the first
22 thing I did was look at the radar so I would know what happened.
23 Did we hit a ship? You know, obviously, I'm running up thinking
24 that assumption. I looked at the radar. I looked out the window
25 saw that there was no ship nearby. I assumed there was a

1 collision.

2 At that point, I ran back, you know, I ran over to the
3 life phone, made an announcement to the crew area only and told
4 them to all get up and to get dressed, grab their PFDs and to come
5 up to the main deck.

6 And then I waited for that. I made a couple of
7 emergency calls on the DHF channel 16. The Inspector at Juneau
8 came back quickly. And I kind of told him where we were, our
9 problem, that we had an emergency onboard. And that went back and
10 forth with questions.

11 At that point, I assumed that most of my crew members
12 were up. So I started making announcements to the passengers, at
13 that point. I told them to wake up and get up, there was an
14 emergency situation, and trying to keep them from being alarmed
15 and asked them, at that -- and then by that point, we were
16 getting multiple calls back on the radio from people and we were,
17 some several vessels had called in. Spirit of Columbia, a couple
18 of fishing vessels in the area had called in.

19 We were giving our -- you know, by this time, the people
20 that are required to report to the bridge, we have a couple of
21 recorders and we have like a runner and a second officer is on the
22 bridge. So we pretty much went into our evacuation fields. We
23 got out checklist and went down the list. Until we realized, at
24 that point, we started taking a list and so I knew we holed some
25 of our (inaudible). You know, that happened fairly quick. We

1 were developing a list.

2 So I made announcements for the passengers to go to
3 their muster stations. I was talking to the chief engineer to
4 start sounding tanks and void spaces. I checked to see if we
5 still had power, if I still had bridge control or power, which we
6 did. They immediately sent a (inaudible) up that we were trying
7 to keep it (inaudible).

8 By this point, a couple of fishing vessels were pretty
9 close by. I asked them to come, at that point, you know, by this
10 point, I'm getting reports from the evacuation team on how their
11 floors are doing and they were sending up people, the passengers.
12 And I made a couple of different announcements during that time
13 that there's no, you know, to do it orderly and there's not at --
14 we have plenty of time, just doing it as a precaution at this
15 point. I just wanted to reassure passengers. It can get pretty
16 chaotic, which it didn't actually, so I was getting reports on
17 that quite a bit.

18 The fishing vessels I had come alongside. I got a call
19 from the Spirit of Columbia. The Coast Guard was telling me that
20 they were sending out vessels. At that point, the only, and that
21 there was a couple of tugs called in. The only, the closest
22 vessels were a couple of fishing vessels. So I decided to go
23 ahead and launch the rafts. I launched them on the port side
24 because the list was, we were taking a starboard list and I
25 assumed that would, my thought was that I was going to go to the

1 starboard of the boats, port side with the rafts.

2 I gave the order to go ahead launch all the rafts on the
3 port side, which we have 200 percent capability, 100 percent on
4 each side. So I just wanted, I knew that would take time, so I
5 got that working.

6 I reminded the passengers that we were only doing this
7 as a precaution, things were still good. We're not -- I had
8 engineers checking the voids, not the voids, but in the crew area
9 spaces in between the water tight doors which we have on the ship.

10 And I got a report of no water. And so I assumed, you know, I
11 was assuming that we were forward because I talked to the chief.
12 It had breached the port void. Knowing that my one void is all
13 the way across and we had, it was obvious, at this point, that we
14 had damaged the starboard side. So my thinking was that it was
15 going to list and then it would start righting itself.

16 So several announcements were made to let the passengers
17 know that there is time, because I knew there wasn't water into
18 the (inaudible), and flood the void and we would settle out. We
19 know that, that's why I was assuming, at that point, that would
20 happen.

21 Not wanting to go to the rafts, because I have such
22 older passengers, you know, there was a tug in the area and I
23 asked for his assistance. There was a small passenger vessel. I
24 asked for his assistance. And the fishing boats. The tug was
25 saying that he could come up and go along, go on the hip. And

1 that he had an open barge, fuel barge, but it was an open barge,
2 and he could get a lot of passengers on it.

3 At that point, the tug was talking to me and I saw that
4 he was just several miles away and I assumed that I would get a
5 lot more. I saw the Spirit of Columbia, which is a small
6 passenger vessel. So, between those two, I could get all the
7 passengers on them. That's when I, in my mind said, well, I'm you
8 know, rafts are a last resort, but still, kind of keep them going.

9 So we, in the meanwhile we had had a couple fishing
10 vessels get alongside. I wanted to see how that worked. We
11 stepped over 33 passengers to one and about 16 or 18 to another
12 one. I have good records on that. I think 16 passengers to the
13 other fishing vessel. And as the tug was getting close, I asked
14 (inaudible).

15 At that point, we were thinking about the Spirit of
16 Columbia said he was going to come too, so my thought was to have
17 the fishing vessels come on one side and most passengers taking
18 the tug and then have the passenger vessel on the other side, and
19 load passengers to him. Then he was real concerned about taking
20 very many passengers. So that kind of made me nervous. So I
21 asked the barge if he could come alongside and avoid this fishing
22 vessel shuttle thing. And he said that it was basically flat calm
23 there. Because I knew that if I had to, I could get all the
24 passengers on that barge. (Inaudible) barge that I could just get
25 everybody on there. Because we, the barge when he came through,

1 we put a walkway over to him and people just walked off or could
2 be wheelchaired off onto that barge.

3 We did the same with the passenger vessel, however, he
4 only would take 32 passengers at first, and then he was asked by
5 the Coast Guard if he could take more, which I kind of was
6 assuming that he could get about 150 on there under cover, and
7 keep them kind of (inaudible). And so we pulled the gangway from
8 him. He took 50 passengers. We were trying to get him off and he
9 had wound up hitting a line thrown from a raft in his thruster and
10 wanted to try and get that out before he left.

11 So, we were working on the barge at this point. I had
12 our rescue boats go over and try to help him clear his bow
13 thruster. Because by this time, I knew the Coast Guard Cutter
14 Liberty was approaching and I could get him alongside and really
15 get a lot of passengers on him. So we were working to get him off
16 one side and get the barge along the other side.

17 Meanwhile, a lot of traffic is, you know, we're also
18 (inaudible) DHF traffic. To help me with traffic, I had a couple
19 people that were up there helping me with dealing with phone calls
20 and things like that.

21 We got the barge alongside. We got a bow ramp over to
22 him. The Coast Guard Cutter came alongside. We went ahead, put
23 all the passengers, the rest of the passengers. Got 46 of the
24 crew off. Then in the meantime, while we were doing that, I was
25 asking the smaller vessels if they would pull rafts away from me

1 because, at this point, we had started, I mean, during this time,
2 we had the engineers checking all the voids in all the crew hole
3 spaces. And they were reporting some flooding through hole
4 penetrations where bulkheads were or where piping was passing
5 through the penetrations. So, when I got that word, that's when I
6 knew that I needed to move. And I had controls so I know that,
7 you know, get the passengers off and get the ship either somewhere
8 where I could, where we can control and where I can put it on the
9 beach. My thought was (inaudible) where I know this nice sandy
10 beaches area.

11 The chief and I were talking about different things. We
12 had four of our pumps going. This, I guess, was in the meantime,
13 while or before the barge and the Coast Guard came, a little bit
14 backing up. So he informed me that the bilge, he was in full
15 capacity on a bilge pump and that he was going to attempt to use
16 the fire main and that we would have no firefighting capabilities
17 and I said go ahead and do that.

18 So, at that point, we started, I wouldn't call it making
19 gaining on the flooding, but we had the flooding down to minimal
20 because I was constantly getting reports that it was, you know,
21 there was multiple rooms. Room 19, 16 in the crew area and they
22 would send people down there and they would say there is an inch of
23 water. And you know, 45 minutes later, it was two inches. It
24 wasn't flooding fast. It was flooding fast enough that we needed
25 to get going.

1 So, in the meanwhile, I'm offloading both sides and
2 getting a smaller vessel to start taking my rafts that are all
3 around us because we wound up launching two at the starboard side
4 as well. We could get fishing vessels, (inaudible) I got
5 everybody off. And I knew the Columbia, so I made multiple
6 announcements to people that were going off to take blankets,
7 telling them that at this time the rain had kind of had slowed to
8 just a slight drizzle and before I went ahead and put people off
9 to the barge, it was raining when we first started. By this time,
10 it was two hours later and the rain had tapered off. So I thought
11 to go ahead and go with so many people, knowing that, after
12 hearing the communications between the Columbia, the Ferry
13 Columbia and Sector Juneau, and they were going to be fairly
14 close.

15 Before I offloaded the remainder of, you know the 140
16 passengers or so that remained at that, I told them that they
17 would be out in the weather, not to use cell phones, and
18 (inaudible) fuel barge. And I explained why and said that, you
19 know, that a short time after that, they would be aboard a
20 passenger safe ferry and be under cover.

21 I got them all off, got the life rafts off and we
22 started making our way. And they reported that the transfer of
23 the passengers to Liberty took over on that Coast Guard Cutter,
24 kind of just being in charge of that. By this time, we had
25 passengers on the tug itself, the barge, the Spirit of Columbia,

1 and the Coast Guard Cutter, and then one small Coast Guard
2 (inaudible). The fishing vessel had transferred off their
3 passengers to (inaudible). The three big ones and there was four
4 people on them, the smaller. And then I could hear the Liberty
5 coordinating their efforts to transfer, so we focused on getting
6 the vessel here.

7 And meanwhile, on the way over, we discovered that the
8 starboard C-drive, it obviously had a damaged prop (inaudible)
9 kind of spinning, but it wasn't what it should be, so we had shut
10 that down. And then by this point, the chief engineer is telling
11 me that we're losing by about 25 gallons a minute, which, in my
12 mind, was good enough to change my destination to come to Auke
13 Bay, because I knew that we would get (inaudible) be able to keep
14 up with the flooding, so I switched, in my mind, what we would do.
15 There was dock available here and that we'd be in good
16 (inaudible).

17 There are a lot of little things in there that I
18 (inaudible) general terms.

19 Q. I think, you mentioned that you were logging in
20 passengers as they went off onto the other vessels.

21 A. We did. Well, what we did was we took every passengers'
22 name. Multiple times we said, is everybody accountable. You
23 know, every muster station has a list of all the passengers. So,
24 each muster station is called up. All accounted for. Nobody
25 injured. You know, multiple times we got back to counting. And

1 so when we started going off to passengers, when we started
2 putting people over to the vessels, we would put, you know, so
3 many crew, I mean, so many passengers to several crew, depending
4 on how many went off. And with instructions that the crew,
5 because I knew everyone was accounted for at that point, so what
6 we did was to put a crew member over there and had them get a roll
7 call onboard the vessel. So, Sector Juneau was getting names
8 given to them by each of the vessels that they were onboard.

9 Q. Did you log that on (inaudible)?

10 A. The logs that we were doing were very rough. They were,
11 it was an assistant purser that comes up there and she is sort of
12 the recorder. Basically, I said you know, she's saying what
13 should I write? What should I -- I told her to write down
14 everything she hears. And so, and then there was two of them
15 doing that. And then later there was another AB that came up that
16 had kind of some handwritten notes, too. So that basically was
17 what we, that was the log.

18 I mean, so that now has now -- and then I asked her on
19 the way over if she would just put exactly what she wrote down in
20 bullet form on a paper and she did that. And now, you know, I was
21 going through it to kind of clarify without changing the wording.

22 Because it's very tough to understand. She was getting
23 communication from the radio versus communication from a cell
24 phone versus communications with my chief mate to launch the life
25 raft. And then Sector Juneau and I would say we have this many

1 life rafts. And then, you know, basically it's not very clear as
2 I was hoping it would be, because there's not a definition on who
3 is actually being talked to.

4 I kind of understand it because I was there. I can read
5 through it and go, the time of that, but it's kind of, it's pretty
6 rough.

7 Q. Are there any issues in your mind to how respond
8 (inaudible) onboard the ship (inaudible) getting people off?

9 A. No. I mean, it was, I think that everybody did what
10 they were trained to do. Actually, they did a really good job. I
11 haven't got to talk to any crew members. I sense (inaudible).
12 However, I did talk to our vice president of hotel services and
13 said, you know, I wanted to find out their condition, basically,
14 if they were traumatized or anything. And he said that everybody
15 said that it went very smooth and very calmly. That's what I was
16 getting from the managers of the radios, but the managers are
17 pretty, they're used to it, professional and a little bit older.
18 I have a very young crew, for the most part. And they all did
19 amazingly well, perfectly what we train for. Perfectly.

20 Q. Were there any issues with communications with any of
21 the shore side Coast Guard (inaudible).

22 A. Well, I mean, there wasn't any issues, it's just a lot
23 coming in and there was a lot of people were stepping on each
24 other on the radio. We should have used probably four different
25 channels. But you know, when there is a lot of communicating with

1 trying to coordinate with vessels coming alongside to get them off
2 when the Coast Guard at Sector Juneau is having someone read off a
3 passenger account and actual names of 40 people. And so it's like
4 a 15 minute period when I've got somebody approaching. And I
5 finally, we hailed them and switched them over to like 13 and
6 things like that. So there was a lot of traffic that I had
7 switched over to channel 13 to get vessels alongside.

8 So there was that. I wouldn't say it was confusing, but
9 it was hindered.

10 Q. Last question. Were there any injuries, that you were
11 aware of?

12 A. Showing no injuries. I got reported that after people
13 gathered in muster stations I asked again once they got over to
14 the vessels and the chief mate was in charge of that. And then I
15 asked again when they were en route. I called cell phones to the
16 hotel manager. He said no injuries. But now, when I, when we
17 pulled in, I saw a couple of ambulances sitting over there at the
18 Ferry Terminal and I heard the Captain at the Ferry Terminal, you
19 know that there was ambulances there. So, I don't know if that
20 was just a precaution or if someone called them. I'm not aware of
21 any injuries.

22 Q. Was it daylight when the passengers disembarked?

23 A. No. It was night. It was dark. It was just -- well,
24 it was dark on the first ones. By the time that they transferred
25 to the Columbia, it was getting daylight.

1 MR. TURRELL: Liam?

2 MR. LARUE: That's all I've got, thank you.

3 MR. TURRELL: Barry?

4 BY MR. STRAUCH:

5 Q. Could we go through from the time you went to sleep and
6 what time you awoke for the three days before the accident?

7 (Inaudible).

8 A. A little bit. Not three days.

9 Q. Okay, let's go back three days. That would be, the
10 third day would be what, Thursday?

11 A. I have to go by --

12 Q. Friday.

13 A. Friday was the med-evac day.

14 Q. All right. That's the day (inaudible) because a
15 passenger died?

16 A. Yes. Well, Friday for this vessel, every day on this,
17 in my world, every day is Port or a something. That's how I live
18 by. And Friday is Tracy Arm day. We spend the early day up by
19 6:00 or so, not that early, but 6:00 we're usually down Endicott
20 Arm. Actually we cross the bar it's about 4:30. I have the chief
21 mate, my very experienced chief mate, so he has a set of orders,
22 that I talked to him that night where if there is ice, get me up.
23 If there's not, go ahead and go.

24 I got up probably that day at 6:00. So I'm up before we
25 get into the ice. We got down to (inaudible) Glacier and then we

1 spend the entire day in Endicott Arm and then in Tracy Arm, so
2 it's, you know, ice driving is taxing, but you know, we were in
3 and out of it that day. So I was up all that day.

4 Q. You got up at 6:00?

5 A. About 6:00.

6 Q. (Inaudible).

7 A. (Inaudible).

8 Q. (Inaudible).

9 A. Well, then we get the med-evac and that's the last day
10 of this. Generally our last day of the cruise is a big evening,
11 people are, you know, I am actually out and about quite a bit that
12 evening. And after the med-evac, we got the, you know, I started
13 my evening visiting passengers. And then we got word that Mr.
14 Powell had passed away. So, myself, Ben and the purser went into
15 Mrs. Powell's quarters and told her and we spent some time with
16 her.

17 And then we normally, we have kind of slow ballot,
18 arrived in Juneau around midnight, but we got here a little bit
19 early. And you know, like I said, we probably got to bed about
20 12:30, 1:00.

21 Q. And then Saturday, what time did you get up?

22 A. Saturday, I get up 6:30, passengers (inaudible).

23 Q. Do you know what time you went to sleep on Saturday?

24 A. Saturday night, get underway first evening dinner.

25 Saturday night I was in bed by, oh we had to go to Auke Bay for

1 the luggage. We did that at 11:00, so it was probably about, we
2 did that at 2300, so it was probably about just before midnight.

3 Q. And then Sunday what time did you get up?

4 A. Sunday, 6:00, arriving at Skagway at 6:30.

5 Q. (inaudible) you we were asleep until 11:00 or 11:30.

6 A. No, I get in the bridge about 11:00 and it's probably
7 11:30 here.

8 BY UNIDENTIFIED SPEAKER #1:

9 Q. When did you have an alcohol test?

10 A. It was while we were transiting back. So, it was
11 probably say like 6:00 a.m. by the time we got going, so it was
12 probably by 7:30.

13 Q. (Inaudible) did that drug testing?

14 A. (Inaudible).

15 Q. After the period when you were, I think (inaudible)
16 vessels sought out this company. Why this company?

17 A. Well actually there was, the first introduction to this
18 company was the chief engineer that I have on the Columbia Queen,
19 I remember that, (inaudible), he talked about (inaudible)
20 available. Of course, we mariners see whenever any vessel is
21 unveiled, we see them in the industry magazines and stuff. And he
22 had been approached by the gentlemen was kind of in charge of
23 (inaudible) to be the chief engineer. He's a retired engineer, so
24 he really didn't want to do it. But he had trouble with him about
25 me, that's Mr. Bob Lango (ph.) and of course, me seeing it in the

1 industry magazine, (inaudible) went out to visit the vessel being
2 built in (inaudible) Washington. So I went to visit it and walked
3 around it and was very impressed with it. It was billed as what
4 it was supposed to be, unlike the other passenger vessels there
5 and/or not there.

6 So I did visit. And they offered me the job at that
7 point. It was for a still and we couldn't come to agreement on a
8 schedule and such. So, I kind of left it there and didn't accept
9 the job. So that way, what I mean by seeking out, this company
10 was sort of in my mind. When I left the other company, which was
11 the research vessel, it was oceaneering, in Houston Texas, when I
12 left those guys, just due to (inaudible), just due to lack of
13 advancement opportunities, one vessel thing, I called this company
14 back, (inaudible) the right timing. At this point, they had
15 switched the schedule and had better rotation schedules. And so
16 (inaudible).

17 Q. You said that there is a lot of turn over with this
18 company?

19 A. Well, I wouldn't say there was a lot of turnover. I
20 mean, I had my first officer has been here longer than I have,
21 Captain Norstrum (ph.). The other captain has been here, you
22 know, since, a bit longer than I have, probably six months. So, I
23 mean, this vessel is only basically four years old. And you know,
24 there are three of us officers that are three years and there is
25 an OS, the second officer that I said left earlier this season, he

1 had been here starting as an AB and kind of working his way up.

2 So, I mean, the mates definitely, younger, junior mates
3 will definitely come and go. And I think that's the industry
4 norm. I don't think it's a strange phenomena. We have
5 (inaudible) what it is. Them guys or every different ship that
6 goes by, they wonder what it's like in the deep sea. And you
7 know, we know that we don't have them any longer. That's just
8 kind of the way of the industry.

9 I don't think it's a company thing. I think if I see
10 their wheels turning -- you know, we have a young fellow that's
11 right out of CA last year. He worked with us for a year and a
12 half, did a great job. And now he's gone. They move on.

13 Q. You said that you first met Marino at (inaudible)
14 school.

15 A. (Inaudible).

16 Q. Do you remember how many students you talked to then?

17 A. Probably about 50, I think, at least 50.

18 Q. Of those 50, how many expressed interest in joining the
19 company?

20 A. Ten, twelve.

21 Q. And of those ten or 12, where would you rate Marino?

22 A. He was kind of one of my number one persons because he
23 had knew all about us. You know, most people go, oh, wow, that's
24 those are (inaudible) or whatever or are attracted to us. They go
25 what do you guys do and whereas he came right to us and said, knew

1 in fact what we did. And you know, I'm interested in the
2 passenger industry. You know, this and that. So, that's a guy
3 that's interested because, you know, we're not -- you know, it's a
4 different world. And definitely not the industry that these
5 fellows that are at deep sea. We don't require an unlimited
6 masters. You know, we don't require unlimited tonnage licenses.
7 And so these guys at the Maritime Academy are being sought after
8 by bigger money paying jobs. So we know they're not here for the
9 money, but for the experience and lifestyle.

10 So, to have someone interested is a big thing.

11 Q. And you said that there were no policies on training on
12 new hires?

13 A. There is policies on it. So yes, there's a checklist.

14 Q. Right. That's your familiarization.

15 A. Right. Well, no, and there's a new, there's a
16 familiarization checklist, which we have, which was scheduled for
17 the Glacier Bay day. And because of the (inaudible) it was wound
18 up being a crew safety meeting day. And generally, we, since this
19 was our first week in Alaska and we try to dial things in. And so
20 I mean, we always get that done usually within 24 hours. And
21 that's the norm. And that's if you look back at our records,
22 you'll see that probably 99 percent of all familiarization
23 walkthroughs are done within 24 hours of them boarding the vessel.

24 This particular day, it was well, we'll have to, you
25 know, we'll do this tomorrow, and they were already signed up the

1 next day.

2 Q. Is there anything about Alaska operations that requires
3 special training for somebody who has never been to sea, who has
4 just graduated from (inaudible)?

5 A. Well, you know, I consider these guys that have
6 graduated as pretty, I mean, we have a cadet onboard, we had a
7 cadet each year onboard, you know, I spoke with a lot, taking
8 quite a bit of time, on different things. She had done the tugs
9 on the river, so I mean, they may have just done four years worth
10 of training for their particular -- you know, I don't know,
11 specializing, every ship is a little different as you go along.

12 So, I don't know that it would be, I mean, it's just
13 different than a container ship or whatever, but it's each ship
14 has its idiosyncrasies there are going to be, you know, hard
15 things, and easy things, and whatever. So, I don't know. I
16 consider Marino qualified for the assignment I gave him, for sure.

17 Q. And qualified by virtue of what?

18 A. By virtue of this training and by virtue of what he saw
19 on the bridge (inaudible).

20 Q. And before you turned over the watch to him, how did you
21 ensure that he was familiar with all the bridge equipment that he
22 needed to rely on to effectively handle the watch?

23 A. Well, that I didn't. I personally didn't go over
24 everything with him. There's no -- and normally I don't.
25 Normally it's not me that does that. And it's there's not, it's

1 not a specialized thing. It's not a formal thing that we do.

2 Q. Okay. How would you have been ensured that he was
3 familiar with any peculiarities or any idiosyncrasies?

4 A. To ensure that he was familiar with the (inaudible).
5 Well, I mean, it's just basic navigation.

6 Q. Is there a difference in skill level required for
7 navigating in Alaska either during the day or at night?

8 A. I don't think (inaudible).

9 Q. So you would feel comfortable turning it over to him?

10 A. We pretty much operate at night. I mean in the days, we
11 are tied to a dock for 90 percent of our life, you know, in the
12 day watch, you know, each one of the deck officers kind of like
13 have a, their day is pretty much like one of their watches is at
14 the dock and one of their watches is (inaudible) is generally at
15 night.

16 Q. So if somebody at the company came to you and asked you
17 to write a set of policies for training a person right out of the
18 academy on his first watch, what would you put down?

19 A. You know, probably one of the things would be to stand,
20 you know procedure to stand a watch with the probably more senior
21 guy. It would be to, I would probably put a checklist of
22 (inaudible) together. And show him where the stuff is, you know.

23 UNIDENTIFIED SPEAKER #1: I don't have any more
24 questions.

25 BY LT. J. G. BRIERLEY OSTRANDER:

1 Q. When the company decided to put Marino on the watch, how
2 did that decision-making process go? Did you talk about anybody
3 else (inaudible)?

4 A. No, it was pretty much just you know, I didn't even talk
5 about it (inaudible).

6 Q. Did you consider any alternatives to that?

7 A. No. You mean alternatives like the other, having the
8 other mates do this watch? No, I didn't think (inaudible).

9 Q. And when you put two ABs on that watch, what did you
10 expect the ABs would be doing, the additional AB?

11 A. Well, I just, the reason I put the one that I know knows
12 everything, knows the bridge, you know, sometimes there are, you
13 know, certain alarms that until you recognize what that alarm. I
14 know that if we had gone through it with Marino, that you
15 immediately, you know, I know the difference between a coronation
16 alarm, and an alarm from the engine room, and an alarm from you
17 know, the gyro, and they've got all different sound. You get
18 quite a few. I mean, small little alarms. We get fire screen
19 doors being closed, we're backing in behind, things like that. So
20 a person like Ben would know how to all that stuff, you know, the
21 fire screen door, and he could help in that way.

22 Q. So, did you envision both ABs staying on the bridge?

23 A. Well, I mean, we're required to have a lookout at all
24 times. So I didn't you know, I didn't -- (inaudible) they were
25 not on the bridge?

1 LT. J. G. BRIERLEY OSTRANDER: Can I answer that?

2 MR. TURRELL: I'm sorry?

3 LT. J. G. BRIERLEY OSTRANDER: Can I answer that
4 (inaudible)?

5 MR. TURRELL: I'm sorry?

6 LT. J. G. BRIERLEY OSTRANDER: Can I answer that
7 question?

8 MR. TURRELL: No.

9 CAPTAIN ORGAIN: I ask again, were they not both on the
10 bridge?

11 BY LT. J. G. BRIERLEY OSTRANDER:

12 Q. (Inaudible) on the bridge.

13 A. I didn't know.

14 MR. TURRELL: There were two ABs.

15 CAPTAIN ORGAIN: There was two ABs. There was two ABs
16 and an OS. There was Robin, and Kelly, and Ben on that watch.

17 BY MR. TURRELL:

18 Q. What should they have been doing?

19 A. (Inaudible).

20 Q. But what should they have been doing?

21 A. Well, there's always a guy on rounds that kind of comes
22 through and there's always a lookout. And I would assume that
23 when Mr. French goes on, that there's (inaudible).

24 Q. The other AB, is he qualified to, in your opinion, to
25 drive the ship as well?

1 A. I had never seen him drive the ship. I've seen him,
2 I've only stood, I've only been onboard with him for one week on
3 the Columbia River and he did. On the Columbia River, we have two
4 ABs, we had three licensed people on the bridge. That week that
5 he was there, he did a good job, you know, from what I saw up
6 there, but he didn't do a lot of driving.

7 MR. TURRELL: Go ahead and answer your question.

8 LT. J. G. BRIERLEY OSTRANDER: What's that?

9 MR. TURRELL: Go ahead and answer the question.

10 BY LT. J. G. BRIERLEY OSTRANDER:

11 Q. The second AB was doing rounds with the OS (inaudible).

12 A. For familiarization?

13 Q. He was doing rounds.

14 A. So it was only Ben on. I have not (inaudible) because,
15 you know when an investigation (inaudible) we after that, our
16 transit back, we were wiped out and I didn't (inaudible).

17 Q. Just on a different subject that might apply for me.
18 Marino was on for five weeks and was overlapping one week with the
19 other third mate?

20 A. Yes.

21 Q. And lastly, can you explain, the Coast Guard initially
22 thought you were on Hanus Reef. Can you explain that discrepancy?

23 A. Just what happened was, I guess, we probably gave a lat
24 wrong or if that Hanus Reef came up it was because I just looked
25 on the Nobeltec, as opposed to you know, fixing our position.

1 Things were happening so fast.

2 Q. Okay.

3 A. So the Nobeltec was just --

4 BY MR. TURRELL:

5 Q. So they asked you where you were and you told them.

6 A. Where we were, and I looked on there, we're near Hanus
7 Reef. And I don't know that I ever said on the radio that we had
8 grounded on Hanus Reef. I don't remember. I knew we weren't
9 aground. I knew we were drifting. But that's probably what I saw
10 out there, as opposed to you know, that might have been why, if I
11 did in fact say that on the radio.

12 BY LT. J. G. BRIERLEY OSTRANDER:

13 Q. Do you remember what the Nobeltec looked like
14 (inaudible) it was?

15 A. It was (inaudible).

16 LT. J. G. BRIERLEY OSTRANDER: That's all I've got.

17 MR. TURRELL: Jim?

18 BY MR. FARLEY:

19 Q. Jim Farley. Regarding your duties related to the
20 passengers, dinners and those types of things, do you find those
21 taxing on you?

22 A. Well, they are, I mean, not taxing, but yes, it's work.
23 It is. I mean, you're on stage, so to speak. So it's, is it
24 like you know, I don't know what you compare it to? It's very
25 unusual. When I filled out the Coast Guard, you know, the little

1 page, it has all these little things and none of them fit what I
2 do. You know, and then I wrote down on there vessel operations
3 because there is like sleep, eat, watch, you know, and some people
4 would say having a five course meal for two hours, talking and all
5 that, can be tiring.

6 Q. Do of the vessels in the fleet, that you are aware of,
7 have staff captains that spell (inaudible)?

8 A. No. We're much too small.

9 Q. Okay. What is your rotation? Is it four weeks on and
10 four weeks off?

11 A. Yes, sir.

12 Q. And when did you arrive onboard?

13 A. I came aboard in Seattle on the 30th, April 30th.

14 Q. (Inaudible).

15 A. Right. Then we did a trip through Canada. So that was
16 a repositioning trip, a 13 day trip, as opposed to a (inaudible)
17 and you start a seven day (inaudible).

18 Q. Because of a passenger fatality and some of the stresses
19 of dealing with passengers, did you experience any fatigue? Did
20 you feel tired during the last, you know, four or five days?

21 A. Sure. Yes.

22 Q. And how was your rest when you did (inaudible)?

23 A. Oh, when I sleep, I (inaudible).

24 Q. Regarding the issue with the sick third mate and that
25 assumption of the watch by the new third mate, had you ever

1 considered a six on and six off with your mate, with your deck
2 officer?

3 A. I didn't consider it. You know, in hindsight, maybe I
4 should have considered it, but I would say, I had a mate and I
5 think that I would have had to have written, you know that would
6 have been a -- I don't know. I never considered that. I mean, I
7 didn't consider it in that respect, because I just had full
8 confidence that that watch would have been, it was --

9 Q. When you described your decision-making process probably
10 what, a couple of hours ago now, but when you described it, one of
11 the things that you did mention was saying how you were with the
12 Coast Guard and the idea of sailing short and having to deal with
13 that issue.

14 A. Right.

15 Q. Have you ever had to submit waivers or forms in that
16 regard?

17 A. We have. We've done it for ABs. We've never had to do
18 it for a deck officer.

19 MR. WILHELM: Can I just break in here for a second? In
20 terms of how much (inaudible) we've had one, two hours. You know,
21 at some point, maybe the witness needs a break. And I'm just
22 wondering how much longer we'll be going here?

23 MR. FARLEY: I have some more questions I would like to
24 ask, but I can move along.

25 MR. TURRELL: As soon as, Jim, we'll take a ten minute

1 break, after you're done.

2 MR. FARLEY: After I'm done?

3 MR. TURRELL: Yes.

4 MR. FARLEY: Okay.

5 BY MR. FARLEY:

6 Q. Yes, I'm sure you're tired and need a little.

7 A. (Inaudible).

8 Q. As far as the evacuation, it seems (inaudible), did you
9 have any equipment that didn't operate as planned, life rafts that
10 didn't work?

11 A. I had no equipment that didn't work. I had my chief
12 mate and I discussed that we didn't necessary like the pump up
13 things that launched the life raft. There are these pumps. And
14 he said you know, that slowed us down. And if we did look at, I
15 mean, we discussed how it went on the way back. And that was one,
16 we actually, you know, it's planned to get together to like really
17 have a debriefing between himself and me because it was basically
18 us that was coordinating it. And we had planned to do that and
19 he, you know, his mom passed away yesterday. So, he, the only
20 thing that we got on the way over was he said everybody performed
21 well, this and that. What I didn't like was those pump up things,
22 which we said we'll have to, we'll look at that because it slowed
23 him down. It seemed like it slowed him down a bit. But he's also
24 very particular about everything

25 Q. I'm sure you have a lot to talk about.

1 A. We do. We have a lot to talk about, him and I, between
2 because what you hear on the bridge and what is going, you know,
3 it's a whole different world on what's going on down there. So
4 there's a lot of questions I have. So when we sit down, what's
5 going on and that. So, from a communications standpoint, it went
6 just like we drilled.

7 Q. And on that point, do you have contingency planning,
8 plans for these types of situations?

9 A. We do. Well, the contingency plan would have been to go
10 to raft. That would have been --

11 Q. Okay.

12 A. -- the B plan.

13 Q. Right.

14 A. And then I would have, you know, there is always the
15 idea of beaching your vessel and (inaudible) ramp.

16 Q. I guess I mean, are there contingency plans put in place
17 by company policy somewhere? Emergency procedure?

18 A. Oh, there are.

19 Q. All right. A hypothetical question. Had the weather
20 been a little different, --

21 A. Would I have done something different? Probably. I
22 definitely wouldn't have got, couldn't have got all those vessels.
23 I wouldn't want to have landed a fuel barge on my side if it was
24 rough. And the weather played a role on when I actually put
25 passengers off.

1 I delayed passengers going off once we started, we got
2 to a probably seven and a half, eight degree list that didn't feel
3 very good. And I know that the passengers were a little antsy
4 about it. And then I noticed our starting to come back. At that
5 point, I knew what happened was we were flooding at tank and we're
6 coming back. And I kept having them check for the dry areas in
7 the crew hole. And they said everything's dry, everything's dry.
8 I was getting that for probably the first hour and a half. It
9 was still raining outside and so my thought was, why send them out
10 in the weather. So, I did delay based on the weather, absolutely.

11 Q. Now, do you have a stability program onboard the
12 wheelhouse you get to manipulate?

13 A. No, sir, we don't. I have, really, for a passenger
14 vessel, stability is not huge.

15 Q. Right.

16 A. But what I do do is any time we go into dry dock, I have
17 a longhand form that I do and (inaudible). So I have all the
18 books on it and I have my shortcut version of it that I can do
19 fairly quick.

20 Q. As far as, now I'm talking about the chart for a minute.
21 Who is responsible for writing down the track lines on the chart?

22 A. Second mate.

23 Q. Second mate. Can you explain to everybody why there
24 would be tape on the chart, cellophane tape?

25 A. Because of tears. It gets tears in it and they patch it

1 up that way. Because the second mate, out of all those
2 corrections, would rather kind of have you know, repairs as long
3 as he can, instead of (inaudible) 100 percent (inaudible) which
4 our charts are, rather than transfer it. So, trying to make it
5 last longer.

6 Q. As far as that, the 265 track line inside, --

7 A. Right.

8 Q. -- do you know who put that on that chart?

9 A. That was, you know what, the second officer, probably.
10 I don't know. I'm assuming it was. Because these track lines
11 were not laid by, they've been there.

12 Q. Oh, they've been there. I see. At any point do you
13 review the track lines and approve the charts as laid out, look
14 for hazards, changes?

15 A. If there, well, I have reviewed all of the track lines
16 in the past. And nothing has really changed. So, I would, you
17 know, if we were going to a new area, yes, of course, I would.
18 And especially, I have a new second officer that, you know, I
19 don't know as well as I did.

20 Q. Based on your professional judgment, and roughly
21 estimating the difference of taking that shortcut inside, --

22 A. Uh-huh.

23 Q. -- how much time do you think you would save?

24 A. Well, that current in here, you know, in Icy Straits,
25 probably, let's see, that would be, it's probably a mile, a mile

1 and a half shorter. So that would be six minutes.

2 Q. Six minutes?

3 A. Uh-huh.

4 Q. So a six-minute shortcut?

5 A. Yes, sir. Well, I wouldn't call it a shortcut. Shorter
6 than the other.

7 Q. Shorter than the others?

8 A. Yes.

9 Q. Were you aware of the tide, tidal currents in that area
10 for this period of time?

11 A. It was ebbing.

12 Q. It was ebbing?

13 A. And I was aware of that because it comes into my
14 thinking of getting up into Glacier Bay where there is some very
15 strong current. Not so much here, but as we get further, so I do
16 look at that because of, you know, specific times when we pick up
17 our ranger and we're going through the Glacier Bay with the narrow
18 there at Glacier Bay which gets you know, four and a half knots
19 current, which is significant for a time.

20 Q. But as far as the tidal current in that vicinity about
21 that time?

22 A. It was negligible.

23 Q. Negligible, but with a (inaudible)?

24 A. (Inaudible.)

25 Q. And you would have been coming out of the Lynn Canal?

1 A. Yes, sir.

2 Q. And in your professional judgment, what would that do to
3 the vessel, maneuvering, to take the turn at 265 from the
4 (inaudible) coming down the mouth?

5 A. Well, it's always going to come in. You know, you're
6 going to travel with the current.

7 Q. So you would be setting down?

8 A. Correct.

9 Q. I'm checking off all these questions. Are there any
10 particular ship characteristics, forward house, well pivot point,
11 things like that a new officer might not understand about this
12 particular ship?

13 A. Well, that pivot point is you know, I know the pivot
14 point is probably slightly ahead of what it would be on a
15 (inaudible) ship. But the turning characteristics are much
16 greater on this than any. You know, this vessel is like a sports
17 car as compared to the length of --

18 Q. Right.

19 A. -- any other. So you, it does whatever you want.

20 Q. Now, as far as the emergency situation. Did you ever
21 sound the general alarm?

22 A. I never sounded the general alarm. I had reports from
23 every deck within just a few minutes. And I know that when my
24 voice goes over, I mean, we have a mic that we use. And my
25 consideration of that was to alarm the passengers. And I

1 immediately have deck leaders that report in from every deck. And
2 they're saying, you know, we're manned and ready on the third
3 deck, fourth deck, and that all came through. So, each, I don't
4 know if you'll see, -- well, they (inaudible) they put sharpie
5 marks on each door. See, our hotel staff is highly trained to
6 evacuate the boat. That's one of my, I push that hard. And
7 that's what they did. You'll see marks on the doors where they
8 have made sure they cleared and marked the door, including under
9 the bed, including the veranda, including the showers. and then
10 they mark the door clear or they put a magnet on it as clear.

11 So everyone was reporting to me it was going good. Had
12 I not heard from someone all crew accounted for or all decks, I
13 would have for sure sounded the alarm. But I didn't feel the
14 need.

15 Q. Last question. Was there any urgency to get to Glacier
16 Bay to make this (inaudible) these passengers?

17 A. Well, we have an ETA that we need to make, should meet.
18 But like all officers, I think that, I don't know if you
19 interview all officers, but I am sure that they had all heard me
20 say ETAs, you know, slow down if you're not comfortable. Call me
21 anytime you're not relaxed. I would hope they would. I know all
22 of them have heard it, you know, slow down. I'm not an ETA
23 pusher, not a push the limit guy. So we generally give ourselves,
24 as we did, we have, I mean by taking that turn at 1:00 a.m., you
25 know, we were probably an hour, hour and a half ahead of schedule

1 at that point.

2 MR. FARLEY: Thank you.

3 MR. WILHELM: Okay, I think this is a good time for a
4 break.

5 MR. TURRELL: We'll take a break real quick.

6 (Off the record.)

7 (On the record.)

8 MR. TURRELL: Okay, we're recording once again with Dale
9 Orgain. We took a quick break. And the next questioner is Paul
10 Webb.

11 BY MR. WEBB:

12 Q. Paul Webb, D-17 (inaudible). One questions on, you said
13 characteristics. Do you know what the standard turn, if you're
14 making a turn, a standard turn, if you've got a turn vary or turn
15 range that you go off of to make the turn?

16 A. You know, like a turning radius mark? No, we don't.
17 This vessel never even came out with a, because of the B-Drive,
18 it's you know, it really is, you know, because of the B-Drive
19 operation, you know, when I think of turning radius, I think of
20 the pilot barge and the pilot it gets advanced transfer. Well, we
21 don't really have that. And I've looked for that. Because of our
22 turning radius can be so incredibly, I mean, far beyond, I mean
23 too far. So there isn't really any printed documentation that
24 I've ever seen, even from the builders.

25 Q. So is that even effective when you do a ten-degree --

1 A. Well that's effected by the autopilot. It's effected by
2 the autopilot, you tell it to only turn, you know ten degrees per
3 minute.

4 Q. So (inaudible)?

5 A. Yes, sir.

6 Q. (Inaudible)?

7 A. Oh, absolutely.

8 Q. So, even at a 20 degree, if it's on the autopilot, if it
9 turns forward and what if you did it by hand?

10 A. Well we generally try and not, when we do it by hand and
11 you go beyond 20 degrees, you know that's when you'll starting
12 dumping some wine glasses and stuff. I mean, we can. I've seen,
13 if you're going slower, then that's when they'll actually bump up.
14 If we're just you know, we're running slow or we're running slow
15 by hand, then you can go, I mean, anytime you go beyond 20
16 degrees, when you're up into the 30 degree turning range, you
17 should be under about five kilometers, probably, because it will
18 heel the vessel. There's always the chance that somebody is in
19 the shower or --

20 Q. Okay. Well, this is a little different subject. To
21 clarify, I wasn't sure how much, after the ship hit, did it come
22 off the rocks right away or did, were you sitting there hard
23 aground for --

24 A. No, it came off right away. Because I was up there in
25 seconds and we were well clear.

1 Q. So you popped off (inaudible)?

2 A. Right. I imagine.

3 Q. You don't think (inaudible) reported to the Coast Guard
4 that (inaudible)?

5 A. I think, I don't know. I said, I never said I was
6 aground. I think that, and I'm, you know, to be honest, I don't
7 know what I reported. But I knew in my mind, I wouldn't have said
8 that we were -- I might have said we grounded or something, which
9 I should have said we allisioned or something. Because the second
10 I came up, we were adrift and I knew that.

11 Because that's when I did test the throttle and with the
12 radar, we were probably two tenths of a mile, I assume. Now, I
13 can't be sure, because I don't, you know, when I was glancing at
14 everything, I don't know what range the actual radar was in at
15 that point. You know, I was just glancing.

16 Q. So you stayed basically in the area where you hit. You
17 didn't travel far away from where it happened?

18 A. Right. We did kind of drift a little bit.

19 MR. WEBB: Okay, that's all I have.

20 MR. TURRELL: Nico?

21 BY MR. CORBIJN:

22 Q. Yes, talking about the drift. You have been talking
23 about the currents and the tides. The fact that you drifted
24 wasn't much, is that an indication that there wasn't a hole in the
25 (inaudible) there?

1 A. Yes, there definitely was. I mean, we just basically,
2 we were drifting due to like the, we had were showing that we had
3 four, different times of the morning while I was checking, I had
4 four to seven knots of wind. And most of the time, right around
5 four, which we would say airs. But for this vessel, four knots of
6 wind is huge. I mean, huge.

7 Q. Yes, I understand.

8 A. It's enough to shove.

9 Q. So the drift that you experienced, was it by water or by
10 wind?

11 A. Wind, absolutely.

12 Q. Okay. I'm also confused about the overlap of Marino.
13 He was going to be onboard for five weeks.

14 A. Yes, sir.

15 Q. And only the first week of that is considered to be an
16 overlap with another mate?

17 A. Correct.

18 Q. It was supposed to be.

19 A. Correct.

20 Q. And then the next four weeks was supposed to be
21 (inaudible)?

22 A. Yes, sir.

23 Q. Okay. I'm kind of jumping around here. Is there any
24 requirement for you to socialize?

25 A. No. No, I mean, there's no.

1 Q. Like dinner?

2 A. No, well, there's not a, you know there's no written
3 law, but there's the company, kind of like the company etiquette.
4 This company, long before I was here on this first vessel, that
5 said, that's just kind of how they do it.

6 Q. But it's up to you?

7 A. Oh, sure. If I was too tired or exhausted or something
8 like that, I wouldn't do it.

9 Q. We talked about the special requirements for Alaska.
10 Did you, before the ship came to Alaska, did you brief the crew
11 on, for example, any environmental issues, or BMP, Best Management
12 Practices Plan?

13 A. Yes, sir, we did. I talked about the A-vac that we had,
14 the BMP that we have because --

15 Q. It's like they just (inaudible).

16 A. They're in Alaska. It's a water --

17 Q. Water environmental quality.

18 A. Yes. And we were using the, you know, ours is still
19 2006. And so I talked to Randy about that and I then I talked to
20 the crew saying that the 2006 is still in effect until we get our,
21 you know, it takes a while to get the 2007.

22 And then the briefings that happened at true, you know
23 at mate type meetings are just mainly, this year was a different
24 itinerary than last year. So we talked about, you know, the ice
25 conditions, and the (inaudible) and possible days when we would

1 choose not to do that, what would be best. So it was really
2 itinerary communications. Because we basically, three weeks of
3 doing this and you know every corner you -- when I turn this
4 corner, I'll see the (inaudible) go by. And (inaudible). And
5 when I turn, you know, it becomes pretty clockwork. That is, when
6 I'm up here, it pretty much is.

7 So it's not like making a transit to a new port where
8 you say, hey we're going to see this light, we're going to
9 whatever.

10 Q. Okay. And go to the station bill and Marino's
11 responsibility as part of the station bill, since he was in a
12 passenger cabin, he wasn't on a station. Is that correct?

13 A. Well, it wasn't since he was in a passenger cabin. It
14 was basically --

15 Q. He was (inaudible)?

16 A. -- the other mate was shilling the third, you know, on
17 our station bill is the third mate does this. And so he was
18 really the second third mate. So there's really no spot for him.

19 Q. So during the emergency, this being the GI second mate
20 or third mate, did he fulfill his station bill?

21 A. Yes, sir.

22 Q. Okay. Talking about the grounding of this vessel on the
23 Columbia River. Was the U.S. Coast Guard investigation completed
24 on that one?

25 A. I believe the Coast Guard investigation is not complete.

1 Q. But you don't know?

2 A. No.

3 Q. Do you know if the civil suit that you have against he
4 barge and the tug boat, do you know if that has been completed or
5 not?

6 A. I'm sure it's not because I haven't been, I haven't done
7 a deposition or anything.

8 Q. And on the Columbia River, when you have an AB standing,
9 driving the boat, does he wait for the officer of the watch to
10 guide him to change course?

11 A. Generally, not. Just because of nature, I know that's
12 shocking, but because of the nature of the Snake River, it's kind
13 of like you're always on a turn. So, the standard communications
14 might be more like go ahead and increase that turn a little bit
15 more. Or bump up, or it might be, let's go ahead and go into
16 hand. Or I mean, normal communications that I hear is that the
17 mate kind of watched the turn and says, let's go ahead and go to
18 the hand, or whatever. But generally, you know, the ABs that I
19 have three to four out of eight that can just drive the Snake
20 River and (inaudible). They drive the Snake River better than,
21 you know, right now, I have you know, a couple of newer mates that
22 (inaudible).

23 Now, Alaska is different than the River. Alaska, in my
24 mind, can be done on the autopilot, other than Wrangell Narrows
25 and (Inaudible) Narrows, you know, at one point, technically, you

1 wouldn't have to drive at all. Of course, we encourage it all the
2 time for people to do that. But on the Columbia River, you pretty
3 much mostly drive.

4 Q. So technically, it wouldn't be far fetched saying that
5 the AB would initiate a turn?

6 A. No.

7 Q. (Inaudible).

8 A. Right.

9 Q. Can you tell me a little bit about how Marino was acting
10 just after the incident? Do you have any take on that?

11 A. I don't because I hardly even, when I came up to the
12 bridge -- well, one of the questions that was asked before of who
13 exactly was on the bridge, you know, and you know, I've been
14 thinking about in hindsight, I'm not even sure at the time when I
15 come up to the bridge and for my first hour on the bridge, I
16 hardly saw anything. It was like tunnel vision to a point, to
17 where, so I don't, Marino just went away.

18 I'm sure he was there. But did I communicate with him?
19 Did I? No. I ran up to the bridge, you know, what's going on
20 here, looking around, started my stuff. At that point, at some
21 point, I realize I have two hotel purser and the executive
22 housekeeper, you know, when I looked around, I have people around
23 me that were doing stuff. So I don't know.

24 MR. TURRELL: Chris?

25 BY MR. JULIUS:

1 Q. One question, Dale, about your safety management system.
2 Tell me a little bit about, if you could, briefly describe the
3 station management system with the company (inaudible) audits and
4 how many audits?

5 A. The safety management system is audited by (inaudible)
6 and there's usually and by the ABF. The company part of it is
7 (inaudible) and Randy Burns, kind of both.

8 Q. (Inaudible)?

9 A. And they, and we go, you know, into standard the details
10 safety management.

11 Q. Do you know when the last internal audit was, roughly?

12 A. Internal audit?

13 Q. Internal.

14 A. We're still kind of, we're still waiting for 2006. So
15 2005, I think, I've got a letter up there. And I've got a letter
16 with some stuff in it.

17 Q. Did you participate in that audit?

18 A. No, it was done with Captain Robinson.

19 Q. And how often do company officials ride the ship with
20 you or provide any oversight? Do they ever come on your trips?

21 A. They come on for a day or so. I mean, they never, you
22 know, not the whole week trip.

23 Q. Do they actually make transits with you?

24 A. They have. You know, they have, but do you mean like
25 vice presidents and things like that? No.

1 Q. Company officials of any kind do they cruise?

2 A. They mainly visit in ports and turnovers and things like
3 that.

4 Q. Do you recall them ever being on the bridge at any time
5 during transit?

6 A. No, I don't recall that.

7 Q. Who is the designated person?

8 A. Randy Burns. Now, there is an email out that they have
9 hired a new guy and I clarify that with Chris (inaudible). An
10 email came out that he has been hired and that's official and
11 therefore I called and said okay, if he is going to be the
12 designated person in charge of (inaudible). Technically clarified
13 that with the crew the other day because the word went around that
14 we have a new guy. So I called them and said okay, well, who is
15 the security plan with the crew? He will be by the VTA right
16 now. (Inaudible) any crew members to tell you that.

17 Q. Dale, to your knowledge, were there any, is there
18 equipment or machinery on the vessel that was having an issue,
19 equipment that either in need of repair or not operating?

20 A. Well, the paddle wheel was not operating because we were
21 not operating it. It is part of our propulsion, but it's not
22 inoperable, but we weren't using it at the time.

23 Q. But it operates, but you're not using it.

24 A. Correct.

25 Q. Something that is not functioning correctly?

1 A. No, not machinery.

2 Q. Any equipment, navigation or anything on the bridge that
3 was deficient?

4 A. Oh, there is a short in our engine order telegraph of
5 our paddle. Of the EOP paddle wheel, which is like a, they're on
6 order to replace (inaudible) which in my mind (inaudible). It's
7 not a major navigation (inaudible).

8 MR. TURRELL: I'll go around. Barry?

9 BY MR. STRAUCH:

10 Q. I want to follow up a little bit on the AB (inaudible).
11 What was your expectations to have Ben, the AB, when he initiate
12 turns with Marino on watch?

13 A. Well, I didn't have expectations. My assumption would
14 be Marino as the mate would either initiate them their selves or
15 tell him to initiate the turns. My reason for putting Ben on that
16 watch is with an assistant for technical, not technical navigation
17 per se. My thought for Ben is because there is a lot going on,
18 like we get, like I said the alarm thing, you know, Ben can be, if
19 he had a question that he was uncomfortable with, he could ask Ben
20 or he could call me. It was strictly for his comfort level
21 because Ben, having (inaudible) is a well-spoken, soft-spoken guy
22 that can be, that would be very unintimidating. If he said what's
23 that sound? And he's say, oh, well, let me tell you, sir, it's
24 this sound and that was the fire screen door because they're
25 (inaudible) you know, those things.

1 I didn't have an expectation of how the actual, you
2 know, watch would run. I, myself, if I was a brand new mate, if I
3 put myself in his shoes, then I would (inaudible). And Ben would
4 have, I know Ben well and I know he would have not, he is not,
5 would not withhold anything, would try to help him out as best he
6 can. So I would just assume that Marino had the watch and Ben was
7 there as a nice guy, you know, if there was some sort of alarm or
8 something.

9 And I also kind of would assume that if Marino said,
10 wow, this, and Ben would have suggested, well, why don't you call
11 Dale up? And that's, I don't know, all I can say. I think if you
12 ask the mates, they would tell you that's the case.

13 Q. How often would you say have you, as Captain, gotten
14 somebody, an officer right out of school, with this level of
15 experience?

16 A. We had Nick Lane last year. He was right out of school.
17 And we've had guys that have, you know, not out of academies, but
18 coming from this very small passenger industry, kind of work their
19 way up. But we have like we have a gentleman now that controls a
20 small little passenger catamaran and came over here and just, you
21 know, just got here at 16:00 and (inaudible) which I actually
22 consider further behind. Because this operates more of deep seas
23 than it does a small boat. The guys that come from the boating
24 industry are I think at a disadvantage on this vessel than a guy
25 who (inaudible), in a certain respect, the navigation part of the

1 turning (inaudible).

2 So, with me, a person right out of, there has been Nick,
3 one.

4 Q. Okay, and what was the program, if I can call it that,
5 that was done with him when he came onboard in terms of
6 familiarization (inaudible)?

7 A. I think he was up here for several days. I'm not sure
8 if it was a full week. He started in Alaska and did the Alaska
9 season and then we went on the river. Then we had a guy ride with
10 him for a week on the river. That (inaudible). And actually, I
11 think it was just a couple of days on the river because
12 (inaudible). And I got called several times. You know,
13 (inaudible). And he had done the Alaska cruises.

14 In my mind, the Alaska season is where you should start
15 all new mates, because it's easy. And so now, they, you know,
16 they know all the sounds. They know, you know.

17 Q. And the last question. The passengers who were
18 evacuated, what announcements were made with regard to taking
19 personal belongings, specifically, any necessary medications?

20 A. I didn't make any about personal, about medications.
21 And that was the point that came up. However, what we did set up
22 was that we, people, when they got to their muster stations, were
23 asked by the hotel manager and crew members were sent up to get
24 all of the medications.

25 Q. Who was on that muster station?

1 A. It was Ben at the muster station.

2 MR. STRAUCH: Okay, thank you.

3 MR. TURRELL: Jim?

4 BY MR. FARLEY:

5 Q. Yes, one question about the gyro. Had you had problems
6 with it recently?

7 A. We had. We had an issue in Seattle, well actually it
8 was the last week of the River that the gyro sort of went off.
9 And so when we came to Seattle, we had regular haul inspection and
10 they cleaned the reams and they found a battery that was dead in
11 the battery backup part of it. Which it could have been either
12 one of those two things. And there was an A-35 written before
13 sailing and we left (inaudible).

14 Q. Do your watch officers check gyro area on a routine
15 basis?

16 A. How they do it on the river is by ranges. And in
17 Alaska, there is the one range in the Wrangell Narrows. And to be
18 honest, they don't check ranges routinely, other than comparing
19 that with, and it's basically you're comparing with a course over
20 ground, which I understand, but it's close enough to understand.
21 Because when it went off, I would comport, but I understand it
22 going all the way around (inaudible).

23 Q. Last question. I promise. Do you ever utilize pilots?

24 A. Through Canada. We're required to take a pilot through
25 Canada.

1 Q. (Inaudible)?

2 A. Correct. And there, just because I have, I used to have
3 pilot (inaudible) waivers through Canada. But they require so
4 much (inaudible) time. Since we only go up and down once a year,
5 that's last. And we can't (inaudible).

6 BY MR. TURRELL:

7 Q. On the gyro, when you leave the dock, do you check the
8 heading when you get underway, the dock heading?

9 A. We don't. Well, we do, it's on our pre-departure
10 checklist gyro. But they, to make sure it's operating, I can't
11 tell you that they have actual block headings for each of our
12 routes, but if they do, it's on our pre-departure checklist, to
13 say that it's on and functioning and, you know, I'm sure that it's
14 matching.

15 MR. TURRELL: Liam? Paul?

16 BY MR. WEBB:

17 Q. Did (inaudible) the passenger passing away dealing with
18 the (inaudible) flight. Could you characterize the effect that it
19 may have made on Ben or anybody else (inaudible)?

20 A. Well, Ben is a professional. I mean, he was a Hospice
21 nurse. I mean, he helped me through that. Because it's hard, but
22 did it have an affect? I'm sure it does. Yes. But we wall sat
23 around after it and we said, well, that's, you know, and the woman
24 said, you know, thank you all, and I've seen what you could do.
25 And I mean, that's comforting to us to know that she didn't hold

1 us --

2 But yes, it's really hard. I had a rough time with
3 that, you know, personally. Did it like take away, make me take
4 away from my job? I mean I had passengers to load that day. And
5 I'm sure if you would have asked the passengers that night at
6 introduction if I looked like I was mourning, you know,
7 (inaudible) go on. It affected me. I kind of choked up a few
8 times, you know, when I was in my office writing up the report.

9 MR. TURRELL: Nico?

10 BY MR. CORBIJN:

11 Q. Yes, one more question. Hypothetically, if an officer
12 of the watch, what piece of equipment, sees that the course lines
13 on the piece of equipment are different than the course lines on
14 the chart, what kind of action would you like him to take?

15 A. To correct?

16 Q. Well, I mean, what would you, hypothetically (inaudible)
17 discrepancies between the electronic course lines and the charted
18 course lines?

19 A. I would expect him to change one or two.

20 Q. Would you expect to be informed of that?

21 A. Well, they're, I would expect that I would (inaudible).
22 Well, I've been playing with the Nobeltec today or adjusting
23 (inaudible). The thing is is we have changed from a pinpoint
24 software to a Nobeltec software in the last year or so. And so
25 they, you know the track lines on the chart have been there for

1 probably three and a half years, too.

2 And there's no, I don't know that there's an interface
3 between you know, what they have done and what they do. So, I can
4 assure you that if you went through every one of our charts and
5 went through every Nobeltec that there would be some that are off.

6 I am sure there aren't exactly on points. But are they the
7 general?

8 I mean we stress, I can assure you that we stress that
9 Nobeltec and that (inaudible). I mean it's so many times we tell
10 them that an aid to navigation, so we tell them you learn the
11 river by this.

12 Q. And the chart visual by night?

13 A. Yes, sir.

14 Q. So the course on the chart?

15 A. Yes, sir.

16 MR. TURRELL: Jim?

17 BY MR. FARLEY:

18 Q. You, personally, when was the last time or common
19 occurrence that you actually laid your hands on that chart and
20 look at it?

21 A. I do it fairly often. Yes, sir because I'm involved in
22 a lot of the itinerary planning questions from the office. So, I
23 am measuring out possible, because of what we do, distances from
24 here to this area that we commonly see whales. So yes, sir, I
25 look at the charts fairly often because I wrote this itinerary

1 that we're using this year. And so I've walked every line out
2 there a lot.

3 Q. And you described it earlier. You think you know who
4 put that that 265 degree line in?

5 A. Yes, sir. (Inaudible). He was the second, kind of the
6 main second officer.

7 Q. And you think that's been there for a while?

8 A. It's been there probably for, he was here, he was the
9 second officer at the beginning of, if not the end of the season,
10 let's see, August of this year, probably by the end of the 2005
11 season.

12 Q. And (inaudible) person?

13 A. Taylor. Kanoa, it's K-a-n-o-a, Taylor.

14 MR. TURRELL: Okay, if there aren't any more questions,
15 we'll end the interview. Dale, is there anything you'd like to
16 tell us, questions, comments you'd like to make about this
17 incident?

18 CAPTAIN ORGAIN: No, I mean other than what we
19 discussed. I mean, it seems to be the focus is on whether or not
20 he was qualified and/or I deemed him qualified at this point and I
21 have to say I did.

22 MR. TURRELL: Okay. Go ahead and acknowledge that this
23 is being recorded and I'll end the interview.

24 CAPTAIN ORGAIN: Acknowledge it's being recorded?

25 MR. TURRELL: Yes.

1 CAPTAIN ORGAIN: I acknowledge this was being recorded.
2 (Whereupon, the interview in the above-entitled matter
3 was concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: The Investigation of
 Empress of the North
 Juneau, Alaska
 Marine Accident
 Interview of Dale Orgain

DOCKET NUMBER: DCA-07-MM-015

PLACE: Auke Bay, Alaska

DATE: May 15, 2007

was held according to the record, and that this is the original,
complete, true and accurate transcript which has been compared to
the recording accomplished at the hearing.

Kimberly J. Zogby
Transcriber