

**BEFORE THE
NATIONAL TRANSPORTATION SAFETY BOARD**

In the matter of:)
)
DCA03MM018 SINKING OF U.S.)
PASSENGER VESSEL PANTHER ON)
DECEMBER 30, 2002, NEAR EVERGLADES)
CITY, FLORIDA.)
)
- - - - -)

Office of Marine Safety
National Transportation
Safety Board
490 L'Enfant Plaza East
Washington, D.C. 20594

Friday,
January 3, 2003

TAPE TRANSCRIPTION of CAPT. ANDREW J. ANDERSON II

I N D E X

WITNESS	PAGE
Captain Andrew J. Anderson, II	
By Mr. Ford	3, 38, 42, 68, 82
By Lieutenant LaSalle	35, 58, 74 92, 95
By Ms. Arroya	37, 75, 93
By Mr. Gier	42, 59, 75 90

1 boat taking scuba divers out.

2 And in the off season on that, those seasons
3 in the summer, I would come to the Everglades City and
4 run the tour boat at the national park. And just
5 recently, I came back from St. Thomas running a dive
6 boat over there.

7 MR. FORD: When were you hired by Mr.
8 Hamilton?

9 CAPTAIN ANDERSON: This is my third season,
10 so probably 2000 I came to work, I think, right around
11 Halloween.

12 MR. FORD: Okay. Could you tell us
13 something about the hiring process?

14 CAPTAIN ANDERSON: I worked with a gentleman
15 down in the Keys that was in contact with Mr. Hamilton
16 to take a captain's job, but he ended up accepting a
17 different job elsewhere, and told me that, you know, it
18 sounded like a good place I'd fit in.

19 So through word of mouth, I just basically
20 met with them one day in the gift shop area and he told
21 me to bring my paperwork in, and then they were going
22 to put me on the schedule.

23 MR. FORD: Training and indoctrination, was
24 there any -- explain any of that?

25 CAPTAIN ANDERSON: Training, as far as that

1 position there?

2 MR. FORD: Did you just go up and start
3 operating the boat?

4 CAPTAIN ANDERSON: No. Well, I was required
5 to ride along. Since we give narrated tours of the
6 park, I was required to ride along with other captains
7 on specific vessels.

8 They tried it -- for what my license would
9 allow me to, they put me on the appropriate vessel and
10 I'd get to listen to their narration, and also listen
11 to them tell me their tactics for backing in and
12 pulling into the dock, and various procedures of that
13 nature.

14 Fueling the boat up. So basic overall scope
15 of the vessel that I'd be running, as well as the
16 narration, just so I'd be familiar with what I was
17 pointing out, as far as birds and stuff, and being able
18 to -- I'd know different tricks of tying the boat up
19 and the tide levels, and line handling, and stuff like
20 that.

21 MR. FORD: Do you recall if you gave a pre-
22 employment drug screening?

23 CAPTAIN ANDERSON: Yes, I did do it.

24 MR. FORD: Okay.

25 CAPTAIN ANDERSON: Yes, they actually took

1 care of that and put me into their consortium plan. I
2 already had a valid consortium from the Keys.

3 But the way the Keys consortium, to the best
4 of my understanding is I'd have to use their facilities
5 or something, and that would mean going to Islamorada
6 or something like that.

7 So they put me on the National Marine
8 Consortium and I took the pre-employment test. And
9 then later on, I requested that I had the card so I
10 could have it on my person.

11 MR. FORD: Okay. How many of the boats have
12 you operated for Mr. Hamilton?

13 CAPTAIN ANDERSON: Let's see. I've operated
14 both PANTHER boats, PANTHER ONE AND PANTHER TWO. I've
15 operated the SKIMMER, and I've operated the MANATEE
16 ONE, the medium sized vessel. The only boat I
17 haven't operated were the newer skiffs they got for the
18 back country and the largest boat in the fleet, the
19 MANATEE TWO.

20 MR. FORD: Okay. You're aware that the
21 PANTHER ONE went aground?

22 CAPTAIN ANDERSON: Yes, I am.

23 MR. FORD: When -- were you the captain on
24 that?

25 CAPTAIN ANDERSON: I was the captain when

1 the PANTHER ONE went aground in early December. It was
2 the first tour of the day. I had two passengers on
3 board, and was just a shade off of the channel, trying
4 to show a bird.

5 And I was actually running about half
6 throttle, which I wouldn't have done if I had known I
7 was in water that was too shallow to navigate. And
8 obviously, you want to go in nice and easy if you
9 wanted to get close to something and you might be in
10 too shallow water.

11 It was a slight grounding, because I went
12 over, I felt the boat raise a little bit and then go
13 down, and then I pulled back and gave it neutral there
14 and backed out of it.

15 And I let them know when I got back to shore
16 that I had ran aground because, well, my boat started
17 to overheat on the way in. So instead of letting the
18 engine seize or blow, I decided, when the engine was
19 overheating, to throw an anchor.

20 And there was no saving pride or anything
21 like that, so I threw out an anchor, I let them know
22 that my boat was overheating. And when they came out
23 to get me and the passengers, they transferred the
24 passengers back and they brought the boat back
25 themselves to the sea wall.

1 And upon inspection of the vessel, they said
2 that one of the scuppers was filled up, it had some
3 shells and debris in it, and that's what caused a lack
4 of proper circulation of the water in the engine to
5 keep it cool.

6 MR. FORD: When you refer to scuppers, are
7 you talking about an intake?

8 CAPTAIN ANDERSON: That's right, yes.

9 MR. FORD: Do you remember how many
10 passengers were on board?

11 CAPTAIN ANDERSON: For that initial
12 grounding, two.

13 MR. FORD: Just two passengers?

14 CAPTAIN ANDERSON: Just two passengers.
15 First tour of the day. Those were as few as we got and
16 actually one of them was a girl I was dating that came
17 up from the Virgin Islands.

18 So I remember that morning quite well because
19 I was thoroughly embarrassed that things happened, that
20 they happened that way, but you know, I went on board.

21 It was an interesting incident because, A, I
22 didn't expect it. B, they were all, you know, fine.
23 One gentleman was with one of -- an oceanographic type
24 of counsel, or he goes in little mini subs and collects
25 specimens.

1 So we had a good talk about maritime subjects
2 while we were waiting to get picked up.
3 And they actually brought the boat in under its own
4 power.

5 MR. FORD: Why would it overheat?

6 CAPTAIN ANDERSON: I think that the intake
7 got clogged with shells from the ground against it, and
8 the bottom structure, and the mud and shells and that
9 caused a lack of circulation.

10 And by the time I --

11 MR. FORD: Cool water.

12 CAPTAIN ANDERSON: Yeah. And by the time I
13 got to the beginning of the National Park boundary,
14 which is probably, I'd say, less than a mile, it was
15 already -- the temperature gauges were right on the
16 verge of possibly going off and all of that.

17 So that's when I decided to shut down and not
18 try to chance crossing Chucolofsky Bay.

19 MR. FORD: Who responded? Who came out and
20 got the passengers?

21 CAPTAIN ANDERSON: Stanford, to the best of
22 my memory I think it was Stanford, the engineer or
23 maintenance man at the tour boat. And also I think he
24 also backs up sometimes for back country.

25 MR. FORD: You said you contact them by VHF,

1 right?

2 CAPTAIN ANDERSON: That's correct.

3 MR. FORD: And what -- do you remember what
4 boat he responded with?

5 CAPTAIN ANDERSON: He responded with one of
6 the skiffs, one of the CAROLINA skiffs.

7 MR. FORD: Because there were such few
8 people. Okay.

9 What's the difference between the PANTHER ONE
10 and the PANTHER TWO?

11 CAPTAIN ANDERSON: I like the PANTHER TWO
12 much better. I consider the PANTHER TWO my boat,
13 actually, because that's what I ran most of the seasons
14 I worked there.

15 It seems that the PANTHER TWO turns easier to
16 port. PANTHER ONE turns easier to starboard for some
17 reason.

18 MR. FORD: So there's no confusing the fact
19 that if you went aground on the PANTHER ONE, you know
20 it was the PANTHER ONE?

21 CAPTAIN ANDERSON: Oh, yeah, yeah. And all
22 the captains basically that have been there for a
23 season or so knew the difference. You can look at the
24 boat. They look fairly identical, but one has a cleat
25 on the bow, one has the posts.

1 One has, you know, just different arrangement
2 of certain speakers and stuff like that. You can
3 identify them if you ran them and have a preference of
4 one, you would know the difference.

5 MR. FORD: When you got in, who did you see
6 first?

7 CAPTAIN ANDERSON: I think -- I think it
8 might have been Sammy Hamilton, the owner, or his older
9 son Sam, Sam the third.

10 MR. FORD: Did they say anything to you?

11 CAPTAIN ANDERSON: I told him -- I told him
12 what had happened. Well, actually, I don't think it
13 was the owner, because he saw me later that day and he
14 said to me if this would have happened in season, he
15 would have sent me down the road because he didn't have
16 -- you know, I've been here long enough, I should know
17 to stay in the channel and not venture anywhere past
18 those markers.

19 And that's when I told him that I was only
20 less than ten feet off of this channel marker trying to
21 look at a bird, and I wouldn't -- and you know, he
22 wasn't wanting to hear it.

23 He says stay in the channel. That's all I
24 got to say was forget about it from here. So I think
25 it may have been one of his sons, or I had further

1 conversation with Stanford, the guy who would be
2 actually digging around the vessel and clearing out the
3 intake and stuff.

4 MR. FORD: During your orientations were you
5 ever told make sure you keep in the channel?

6 CAPTAIN ANDERSON: Yes, I was told -- well,
7 yes and no. I'm told to stay in the channel, but then
8 we have season captains that at that stage, early in my
9 tenure with this company, that would take certain
10 little back routes around certain islands, that they
11 worked there long enough and knew that was safe at
12 certain periods of high tide and what not.

13 And as far as the channel goes, I guess
14 depending on how you line up those markers, I was still
15 in the channel. But it's right on the curve or bend in
16 the main channel. It's right by 15.

17 And on my way back from Marker 15, it was an
18 exceptionally low tide day, so the tide was going out
19 quicker than I understandably might not have, you know,
20 calculated it.

21 And I was on my way back in. My tour was
22 done and we saw the dolphin and all that, and I had two
23 people on board. Everyone's happy, so I was coming
24 back at a nice clip.

25 And I just rounded the bend and I thought,

1 well, there's a bird that we haven't identified yet. I
2 want to see if I can show this to them at a little bit
3 closer angle, a little bitty tri-colored Heron, and
4 that's when I felt the boat rise a little bit.

5 It wasn't like a severe, you know, run it
6 aground, where the vessel actually stops, but I
7 actually hovered over something. I felt the change in,
8 I guess, altitude, so to speak, and buoyancy.

9 And that's when I dropped it into neutral and
10 tried to back out and I was freed up relatively quick.

11 But I guess it was enough to get a bunch of debris in
12 the intake.

13 MR. FORD: Were you asked to give a written
14 report?

15 CAPTAIN ANDERSON: No.

16 MR. FORD: Are you familiar with any of
17 these type of reports that sat Coast Guard 2692?

18 CAPTAIN ANDERSON: No, I've never seen one.

19 MR. FORD: And as far as any follow up on
20 that, just if you do it again, or if it was in season
21 you're gone, nothing else was said to you about it?

22 CAPTAIN ANDERSON: Nothing else was said to
23 me. And I actually took it on my behalf to talk to the
24 older boys because I understood that, you know, they
25 had to take a look at it.

1 And, you know, and we already had the PANTHER
2 TWO being set aside to prep it for inspection, and I
3 felt bad that I did this, you know, because, you know,
4 it was embarrassing to me and I don't want to give
5 these guys extra work to do.

6 And I took it on myself to talk to the oldest
7 son saying, you know, hey, I'm sorry, I feel bad about
8 what happened. And he basically told me, hey, things
9 will happen, don't let it bother you.

10 MR. FORD: And when you say it was set
11 aside, could you clarify that?

12 CAPTAIN ANDERSON: I was just told that they
13 were holding out on the PANTHER TWO because they didn't
14 want to take any chances running the boat. They wanted
15 it to be ready for inspection.

16 MR. FORD: So what did they do with the
17 PANTHER ONE?

18 CAPTAIN ANDERSON: The PANTHER ONE was the
19 boat they had been running when I got back for the
20 start of this season.

21 MR. FORD: I mean after the grounding.

22 CAPTAIN ANDERSON: Oh, after the grounding?
23 I was put on a different boat, so I can't say that I
24 witnessed it, but I know they cleaned out the intake,
25 and I think they may have looked at the bilge pumps,

1 but I know they cleaned out the intake.

2 MR. FORD: But they didn't do that while it
3 was wet?

4 CAPTAIN ANDERSON: When it was --

5 MR. FORD: They brought it up on the --

6 CAPTAIN ANDERSON: No, they didn't bring it on
7 the lift. They brought it back to the fuel dock area.
8 It was still in the water. And that's when they
9 started doing the preliminary, trying to see why it
10 wasn't cooling correctly.

11 So it was never brought out of the water for
12 that grounding incident at all.

13 MR. FORD: So to your knowledge, no
14 fiberglass work was done on it, no hull work?

15 CAPTAIN ANDERSON: No.

16 MR. FORD: And --

17 CAPTAIN ANDERSON: It was actually dealt
18 with that afternoon and I think put back into service
19 the next day.

20 MR. FORD: Could you tell us a little bit
21 about the passenger count, how you tell Sammy or
22 whoever, Brenda, I guess, is his wife, how you give the
23 passenger count to them?

24 CAPTAIN ANDERSON: I do it differently, I
25 think, than other captains, because I had very good

1 training working for the National Council of Boy Scouts
2 of America.

3 And safety, of course, is paramount when you
4 deal with the industry. Not only do I carry my own
5 hand-held VHF radio just so that I know I have a
6 working radio at all times, and have convenient access
7 to it, but whenever I get a count from the office, I've
8 got the tickets in my hand for one thing, which has the
9 count of, you know, how many passengers.

10 I do a quick, you know, one, two, three,
11 four, you know, just line of sight, and I will confirm
12 that or deny that with the office and then wait for
13 further instructions.

14 And once we come to an understanding -- if we
15 have two people that just don't show up at the dock to
16 come on a tour, I'll let them know I'm missing two.
17 And they'll either tell me to roll, or tell me not to
18 roll.

19 And when they finally tell me to roll with
20 the number that we both agree on, I'll confirm that
21 number with them once again.

22 And I actually carry a waterproof pen and
23 I'll write down my total on a piece of paper, because
24 I've had situations where one can be unsure how many
25 people are on your boat when you're doing a forty-five

1 degree dive boat.

2 I made a log each time I left the dock with
3 how many I've got, and it's always accessible, it's on
4 my person. So none of this stuff went through tickets
5 if, you know, the shit hits the fan, so to speak.

6 I can actually look at a ticket, one ticket.
7 And by writing that down, that also sticks it in your
8 subconscious a little bit easier then because we're
9 doing this all day long. You know.

10 MR. FORD: Right.

11 CAPTAIN ANDERSON: And when I get home, I
12 write down every trip I take, how many people I took
13 out, so I've got that information just for, you know, I
14 guess selfish reasons.

15 One day I can say I took 10,000 people out on
16 tours or something, but I keep more of a count. Now
17 other captains, I'm not aware of that actually write
18 down that total.

19 You know, as long as they confirm it with the
20 office and -- because most all of the captains, if not
21 every one of them, they do not want to leave that dock
22 when the office says they've got twenty-five people on
23 board and we've only got ten, we're going to have some
24 upset people.

25 And therefore, the office is upset, and the

1 office is the owner. And, therefore, they might get
2 rid of you and find somebody else to run the boat.

3 So usually, from what I hear on the radio
4 with other boats, you're confirming your count before
5 you leave the dock.

6 MR. FORD: In the grounding incident where
7 you said keep it between the markers or you're gone
8 type of thing, was there any other incident you had
9 with him where he said if you do this again you're
10 history?

11 CAPTAIN ANDERSON: No.

12 MR. FORD: Have you ever seen the
13 certificate of inspection for the PANTHER ONE?

14 CAPTAIN ANDERSON: Yes, I have.

15 MR. FORD: Where was it located?

16 CAPTAIN ANDERSON: The PANTHER ONE, there's
17 some compartments on that boat that life jackets go in,
18 and one of them, I remember having to get them out
19 because I was helping get the boat with the life
20 jackets put back in one day, and we were doing a count.

21 This is last season or maybe my first
22 seasons, somewhere where we did have that many people.
23 It was in a compartment in a ziploc bag.

24 MR. FORD: Did you notice the limitations or
25 any that the Coast Guard might have put on it?

1 CAPTAIN ANDERSON: Yes, I did. And I don't
2 recall right now. I was thinking about that this
3 morning on my drive here. I remember one time looking
4 at the certificate of inspection to see exactly how
5 many passengers, and I can't remember if it was thirty-
6 four, or thirty-seven, or thirty-nine.

7 And I think it was plus one on the
8 certificate of inspection as far as the captain and
9 crew.

10 MR. FORD: How about the requirement -- any
11 requirement for a deck hand?

12 CAPTAIN ANDERSON: I was never made aware of
13 any requirement for a deck hand, neither by employers
14 or other captains I worked with.

15 When I got to that operation in the very
16 beginning when I first started with them, this PANTHER
17 boats were without deck hands. The MANATEE ONE, which
18 is the medium size boat in our fleet, had one deck
19 hand, and the MANATEE TWO, our largest boat in the
20 fleet, had two deck hands.

21 MR. FORD: Did you ever feel the need for a
22 deck hand on the PANTHER ONE or PANTHER TWO?

23 CAPTAIN ANDERSON: Yes, and no. I don't
24 know where I'd put them, for one thing. But then I do
25 understand, in the back of my mind, a lot of people on

1 board is a lot of responsibility.

2 Like that grounding, I had two people, so in
3 a crisis that's a little bit easier to manage than
4 people everywhere, you know.

5 But, you know, I go with what the standard
6 procedure was and I didn't feel that on this particular
7 route, and the depth of the water, and the frequency of
8 our boat traffic, because I got high pay in season, and
9 there were boats everywhere, fishing boats, commercial
10 fishermen.

11 Our tour boats were passing each other all
12 the time. I figured that, you know, it must be right
13 because it said it on the code, you know, the
14 certificate of inspection. And I assumed that the
15 vessels were properly staffed when I took the position.

16 MR. FORD: Okay. I'm just going to have a
17 few more. Then I just want you to give an overview of
18 what happened with the PANTHER.

19 I may have a few more questions before you
20 tell us about that.

21 CAPTAIN ANDERSON: Sure.

22 MR. FORD: Any training, fire fighting,
23 crowd control, CPR that you've taken?

24 CAPTAIN ANDERSON: CPR, yes. My card, as
25 far as the Red Cross variety of CPR is not valid any

1 more, but I've taken a professional association of dive
2 instructors rescue diving or first responder course,
3 which I've been led to believe is an equivalent, if not
4 better than the basic CPR card.

5 This was more of a CPR plus additional First
6 Aid, so I do have that training. Fire drill or fire
7 training, as far as STCW stuff, no, I don't have any of
8 that training, other than various drills that we
9 practice when I worked on a different boat in a
10 different organization.

11 MR. FORD: Okay. Now, when you called back
12 in on the VHF on the PANTHER ONE, VHF was working then,
13 or do you have your own hand-held?

14 CAPTAIN ANDERSON: You know, I cannot recall
15 if I used my own hand-held on that particular -- I
16 probably did use my own hand-held.

17 MR. FORD: You carry your own?

18 CAPTAIN ANDERSON: Yeah, I carry my own
19 because I want to make sure I have a proper working
20 radio.

21 MR. FORD: Do you question --

22 CAPTAIN ANDERSON: And I also carry my own
23 cell phone.

24 MR. FORD: Have you had problems with the
25 cell -- I mean the VHS?

1 CAPTAIN ANDERSON: Yes, I have.

2 MR. FORD: So was Mr. Hamilton informed that
3 the VHS were not working properly?

4 CAPTAIN ANDERSON: If not him, the
5 maintenance people and the owner's sons in the group.

6 MR. FORD: Was this a very consistent, not
7 consistent -- could you tell us how --

8 CAPTAIN ANDERSON: Consistent, I guess, in
9 the fact that it was -- I guess we'll try to get stuff
10 done more like as a way of complaining.

11 It's like, you know, I need a radio. And
12 it's been brought up. This is not the first season
13 that there has been a problem. And usually it gets
14 fixed, but last season we were talking about that.

15 We would actually have to have someone walk
16 to the door and do hand signals to the captain how many
17 people on board because his radio didn't work.

18 MR. FORD: And --

19 CAPTAIN ANDERSON: And that's -- and we'd
20 talk about it amongst ourselves as captains. You know,
21 we all meet at the end of the day at, you know, the Oar
22 House Restaurant and Bar and we'll talk about it.

23 And it's like when are we going to get this,
24 you know, and that's one of the main reasons I carry my
25 own radio.

1 MR. FORD: Well, it sounds to me -- were the
2 sons approachable, but the father was not?

3 Am I putting -- I don't want to put words in
4 your mouth.

5 CAPTAIN ANDERSON: No, no, not at all. All
6 of them were approachable, but a lot of it, I felt, was
7 blowing smoke, you know. They -- you know, you could
8 hear what you -- they knew what you wanted to hear.

9 You'd get your hopes up that they're going to
10 be going by West Marine to get this or that, and, you
11 know, I guess they hoped that it would just go away.

12 MR. FORD: How about with bilge pumps? Was
13 there any type of resistance there also?

14 Did you have bilge pumps problems, first of
15 all?

16 CAPTAIN ANDERSON: Yes, I did. I had to run
17 the PANTHER ONE, I would say, -- I'd say maybe two
18 weeks or less before the incident that gathers us
19 around this table.

20 And I was on my way back in with a fully
21 loaded boat, and I'm looking over my shoulder and I'm
22 seeing this much free board before the water comes over
23 the port and stern.

24 And I actually called in because I knew that
25 every now and then the guys leave and go to lunch and

1 what-not, and I called in on the VHF radio, I said I
2 want Stanford or Kenny at the docks when I get back
3 because I appear to be taking on more water than I
4 should be.

5 Now, that boat will sit low when you got, you
6 know, a full capacity and you're getting the dolphin to
7 jump, and people are all gathering toward the stern,
8 but we were on our way back from a tour, no dolphin,
9 everyone was in their appropriate seat, and it looked
10 wrong.

11 And I wanted to make sure that someone would
12 could take care of that because I didn't feel
13 comfortable running another tour unless -- and I had
14 figured the bilge pumps were to blame for that.

15 MR. FORD: As keeper of gear MPS, are you
16 referring to a specific date that the boat went hard
17 aground, or just generally speaking?

18 CAPTAIN ANDERSON: No, the date I'm
19 referring to -- the incident I'm explaining now I say
20 happened two weeks before -- two weeks or less before
21 the boat sank just recently.

22 MR. FORD: Okay. But that's not the same
23 incident you're referring to with the hard ground?

24 CAPTAIN ANDERSON: No, it's not the same
25 incident as running aground.

1 MR. FORD: Did you operate the PANTHER since
2 that day that you're talking about?

3 Were you called in and said I want you to
4 check this?

5 CAPTAIN ANDERSON: I may have the next day,
6 or I may have once or twice, but I basically put on the
7 skimmer.

8 MR. FORD: Okay.

9 CAPTAIN ANDERSON: The bigger --

10 MR. FORD: Okay.

11 CAPTAIN ANDERSON: -- or the more free board
12 on the boat.

13 So when I brought it in, I brought it to the
14 -- I off-loaded my passengers and brought it back
15 around to the fuel dock, and our maintenance guys got
16 on it, and started opening up hatches to look at the
17 various bilge pumps to make sure, you know, closed
18 switches were working.

19 And I went to the rest room, but when I was
20 briefly standing by them, you know, I was just trying
21 to see what they were doing. And they said that things
22 were working.

23 And I came back from the rest room and they
24 said, you know, all the switches were working and I
25 assumed that that -- you know, maybe there was a float

1 switch that was stuck or something.

2 MR. FORD: Let's go to the other boats then.

3 Are you aware of any other incidents with the
4 other boats, collisions, elisions, groundings,
5 flooding, that bilge pump problems, VHF -- well, VHF
6 we've talked about. You've all sat around and talked
7 about that.

8 CAPTAIN ANDERSON: Yeah. No, there was a
9 grounding incident, I think our first season that we --
10 it was actually on the PANTHER TWO and it was another
11 captain that's no longer there.

12 And he went up on some rocks and the boat got
13 a gash in the bottom. Now, that was the PANTHER TWO.

14 MR. FORD: And when was that?

15 CAPTAIN ANDERSON: I think that was my first
16 season there. Yeah, I think so. I think it was two
17 years ago.

18 MR. FORD: Well, since your -- the captains
19 are a fairly tight knit group with this company?

20 CAPTAIN ANDERSON: Yes, they are. Yeah, we
21 all -- and myself, Captain Daniel, Captain Dennis,
22 newly arrived Captain Jim. Captain Jim's been there
23 long than any of us, but we all know each other.

24 We all will gather together and talk. We all
25 trust each other as far as confidentiality.

1 MR. FORD: So it's no surprise to hear that
2 -- well, on December 30th, the PANTHER ONE had another
3 incident. You heard about that.

4 CAPTAIN ANDERSON: Actually, I was the one -
5 - I was in the boat that came out to pick up some of
6 the passengers.

7 MR. FORD: Okay. Why don't you just tell us
8 what happened?

9 CAPTAIN ANDERSON: I was the next boat to be
10 sent out on a tour. We were getting close to the time
11 when we board, about ten minutes before we depart, and
12 I had the SKIMMER and I was with my mate.

13 We were standing by the boat and the owner
14 runs out the door and tells me to get over there double
15 time. And I run over there and he tells me to head
16 out, Captain Daniel sunk the PANTHER and there's people
17 on board.

18 Well, so I immediately ran back to the boat,
19 untied the lines, headed out there. I looked over my
20 shoulder and noticed that the owner's son was heading
21 out there in the PANTHER TWO, which is the boat they
22 had set aside to prep for inspection.

23 We got out to Marker Number 12 where the
24 osprey nest is on the light and noticed a crab boat, a
25 commercial fisherman that had people all over it. You

1 know, they were sitting on it and they were wet.

2 And we came aside. I was on the starboard
3 side of that vessel, and the PANTHER ONE came on the
4 port side, while everyone saw the PANTHER -- or excuse
5 me, the PANTHER TWO came on the port side of that boat.

6 And we secured our lines together and the
7 crab boat in the middle maintained its position in the
8 channel. And I was given twenty people to take back,
9 twenty passengers.

10 MR. FORD: Of the twenty, do you remember
11 how many had life jackets on?

12 CAPTAIN ANDERSON: I don't think anyone had
13 life jackets on, on my vessel.

14 MR. FORD: What was their demeanor at the
15 time? How were they behaving?

16 CAPTAIN ANDERSON: Their demeanor was
17 shaken, wet. I immediately, upon boarding them and
18 untying, questioned as a group if anyone required any
19 immediate medical attention.

20 And I just sort of visually scanned the crowd
21 making sure, you know, no one was going to be giving me
22 a line and they looked like they're ready to suffer,
23 you know, hyperthermic effects or anything like that,
24 because I was prepared to call them in on VHF or cell,
25 whatever means necessary, to get that attention as

1 quickly as possible.

2 MR. FORD: And you said you were on the
3 SKIMMER then?

4 CAPTAIN ANDERSON: I was on the SKIMMER and
5 my mate's name was Harmon. And I instructed Harmon --
6 we had an elderly lady on board that the companion that
7 may have been her son that was with her, that said
8 that, you know, she's an elderly lady so we have some
9 extra foul weather gear on board, so I had the mate put
10 more dry clothing around her to sort of contain the
11 warmth so she wouldn't be chilly.

12 Then I proceeded back to the docks with those
13 twenty passengers and my mate. And behind me was --
14 they transferred over Captain Daniel and the remaining
15 passengers on to the PANTHER TWO.

16 And then the boys, or when I say the boys,
17 Stanford and young Sammy, hopped in a flats boat to go
18 out to take a look at the scene. I wasn't aware where
19 this incident took place, I was just told to go out
20 there and find them and get them.

21 MR. FORD: Did you make any VHF calls back
22 to the office?

23 CAPTAIN ANDERSON: Yes. When I untied my
24 vessel, I immediately called them back saying that I
25 had twenty passengers on board. All appeared to be in

1 okay medical condition, and that we were on our way to
2 the dock.

3 And then, once we got to the dock, I
4 requested that they inform me where they want me to
5 pull up at, because we had two boats coming in and I
6 was unsure if the other boat needed any medical
7 attention.

8 So I wanted to be able to off-load my
9 passengers quickly, so that I could get out of the way,
10 because we both -- we're both the same size boat and we
11 share the same docking facility.

12 MR. FORD: Now, which VHF radio were you
13 using?

14 CAPTAIN ANDERSON: I was using the one in
15 the boat.

16 MR. FORD: So that one worked.

17 CAPTAIN ANDERSON: The SKIMMER one, the
18 SKIMMER one works. And I always radio check whenever I
19 get on one of the boats to make sure. The SKIMMER's
20 radio is also in a more accessible area of the boat
21 where, if you don't have to open up a patch or a
22 cabinet type of arrangement to get at it.

23 MR. FORD: Did you notice the crab boat's
24 name, the first one that would have been on the scene?

25 CAPTAIN ANDERSON: No, I did not notice the

1 name. I'm not local enough down there to know the
2 boats, and I don't remember it having a name that I
3 could see on it.

4 I remember people mentioning the name Clay,
5 because Stanford used to be a crabber and, of course,
6 the boys, I think the owner's sons knew mainly by just
7 looking at a boat who owned it, who ran it, stuff like
8 that.

9 MR. FORD: Do you know how Mr. Hamilton was
10 notified? He was the first one to tell you.

11 CAPTAIN ANDERSON: That I don't know.

12 MR. FORD: Okay.

13 CAPTAIN ANDERSON: I never figured that, or
14 never bothered to ask how he was notified.

15 MR. FORD: Do your knowledge, do all the
16 other captains carry their own personal VHF's?

17 CAPTAIN ANDERSON: No. Actually, Daniel
18 used to until his fell in the water, but the office
19 wouldn't buy him a new one, so --

20 MR. FORD: So you would buy your own and he
21 wanted them to replace the one he dropped?

22 CAPTAIN ANDERSON: Well, we used to have
23 hand-held VHF's.

24 MR. FORD: Oh, Mr. Hamilton provided them?

25 CAPTAIN ANDERSON: Mr. Hamilton provided two

1 annual standard VHF radios, because we had requested it
2 enough times. I guess it spurred some action. And we
3 would use those.

4 And when I got down here for this season, I
5 went to grab them, and found out that one was
6 mysteriously missing. The other one will not accept a
7 charge.

8 And I told him I'd take it home and try to
9 clean up around the battery contacts, and I have a
10 universal charger, I could try to see if it was an
11 adapter problem. And I could never get it to accept a
12 charge.

13 And upon my report, I was told that he was
14 going to take the radios back in and get new ones, or
15 get them replaced.

16 MR. FORD: Okay. Before I turn it over,
17 just any documentation that you saw, operations
18 manuals, maintenance manuals, orientation manuals,
19 emergency manuals from the company, anything like that?

20 CAPTAIN ANDERSON: No.

21 MR. FORD: Okay. Who wants to go.

22 LIEUTENANT LASALLE: I just have a few
23 follow up questions. This is Lieutenant Eric LaSalle,
24 Coast Guard, Miami.

25 You mentioned that you brought twenty people

1 back that night on the SKIMMER?

2 CAPTAIN ANDERSON: Yes.

3 LIEUTENANT LASALLE: Did you have any idea
4 how many people were in the water or on board that
5 night?

6 CAPTAIN ANDERSON: Well, only from
7 experience of running that boat and seeing them when I
8 passed him on the channel. Because when he was going
9 out on a tour, I was coming back.

10 So I knew he was out there and it looked like
11 he was fairly loaded. So I was assuming he had over
12 thirty, you know, thirty or a few more.

13 LIEUTENANT LASALLE: For instance, Mr.
14 Hamilton, he was the first to talk to you, to go out
15 and get the people, to assist?

16 CAPTAIN ANDERSON: Right.

17 LIEUTENANT LASALLE: He didn't say we have
18 this many people?

19 CAPTAIN ANDERSON: No. I was not given a
20 number.

21 LIEUTENANT LASALLE: You have to excuse me.
22 You mentioned Stanford. Is that one of the sons?

23 CAPTAIN ANDERSON: No. Stanford is -- he
24 may be related somehow, but I think he works on the
25 boats along with a gentleman named Kenny, who is an

1 older gentleman that used to be there full-time.

2 LIEUTENANT LASALLE: I apologize. I just
3 when I hear different names, I get --

4 CAPTAIN ANDERSON: Yeah.

5 LIEUTENANT LASALLE: The mate, you mentioned
6 Harmon.

7 CAPTAIN ANDERSON: Harmon.

8 LIEUTENANT LASALLE: Is that his name?

9 Did Captain James have a mate that night?

10 CAPTAIN ANDERSON: Captain James? Daniel?

11 LIEUTENANT LASALLE: Daniel.

12 CAPTAIN ANDERSON: No, there was no mate on
13 that boat. Like I said, all of us captains were never
14 made aware of any requirements for mates on the
15 PANTHERS.

16 LIEUTENANT LASALLE: That's it.

17 MR. FORD: Anything?

18 MS. ARROYA: So when you refer to a standard
19 procedure, when you're referring to that, that means
20 that what you're saying is basically no mates, that's
21 standard procedure?

22 CAPTAIN ANDERSON: That's standard. I've
23 never encountered a mate or being told of them being
24 necessary in my three seasons.

25 MS. ARROYA: And when you notice, and I know

1 you said their names, but I can't remember who it was,
2 when you brought the PANTHER ONE in, that you noticed
3 that there was a low free board that day?

4 CAPTAIN ANDERSON: Yes.

5 MS. ARROYA: A couple of weeks ago.

6 CAPTAIN ANDERSON: Yes.

7 MS. ARROYA: That was after the grounding?

8 CAPTAIN ANDERSON: That was after the
9 grounding that I --

10 MS. ARROYA: The same thing, obviously.

11 CAPTAIN ANDERSON: Right. We had my
12 grounding incident in earlier December. Later on, I
13 had the port free board, the low free board, and then
14 later on was the incident of the boat sinking.

15 And if I may add, Captain Dennis, days after
16 my low free board incident, Captain Dennis had the
17 PANTHER ONE and he actually had to come in slow because
18 I was waiting to fuel up at the end of the day, and I
19 was upset at Dennis, I thought he was running his mouth
20 and wasting my time.

21 And I talked to him later and I found out he
22 had to come in slow because he was having the same free
23 board problem.

24 MR. FORD: Overheating too, or just --

25 CAPTAIN ANDERSON: No, no overheating. Just

1 --

2 MS. ARROYA: Low free boarding?

3 CAPTAIN ANDERSON: Yeah, low free board in
4 the stern.

5 MS. ARROYA: When you brought the vessel in
6 that day that it had low free board, who were the
7 people that checked it out?

8 CAPTAIN ANDERSON: Kenny, which is one of
9 the mechanics.

10 MS. ARROYA: Kenny Wells?

11 CAPTAIN ANDERSON: Kenny Wells. I think it
12 may have just been Kenny. Stanford may have walked
13 over there a few times, or Randy grab a tool or
14 something, but Kenny was the one on the vessel.

15 MS. ARROYA: And could you tell us, if you
16 can recall, where it was that you grounded? Was it
17 near a marker?

18 CAPTAIN ANDERSON: Yes. It was near Marker
19 15.

20 MS. ARROYA: Marker 15?

21 CAPTAIN ANDERSON: Yes. As I was returning,
22 on my return leg of the tour.

23 MS. ARROYA: Do you have any knowledge of
24 what the Coast Guard requires as far as recording?

25 CAPTAIN ANDERSON: I know that as far as

1 technicals and that, I just know if there's a certain
2 amount of damage done, that's something that's supposed
3 to be recorded.

4 And of course I imagine if there's loss of
5 life, or something of that nature, that would be
6 reported as well.

7 MS. ARROYA: So you didn't think it was
8 necessary to report the damage?

9 CAPTAIN ANDERSON: No, I didn't. I didn't
10 think it was necessary because I -- I guess it was
11 safety in mind, I figured that, you know, everyone was
12 safe.

13 We got back to the dock on different vessels,
14 and the vessel basically was towed back -- or not
15 towed back, it came back on its own power. I just
16 didn't want to be the one to jeopardize that engine
17 falling and overheating.

18 So I didn't think that that was report
19 worthy, nor did I ask if it was.

20 MS. ARROYA: When the vessel was brought
21 back in, it was under its own power?

22 CAPTAIN ANDERSON: It was under its own
23 power.

24 MS. ARROYA: Were you steering it or --

25 CAPTAIN ANDERSON: No. I had already off-loaded

1 my passengers on to another vessel and I boarded that
2 vessel and took them back. So I left the mechanics on
3 the boat that I had ran aground and anchored, and they
4 took care of getting it worthy to baby it back in to
5 the dock.

6 MS. ARROYA: So who got it in?

7 CAPTAIN ANDERSON: I think it was Stanford
8 and Kenny.

9 MS. ARROYA: Stanford and Kenny brought it
10 in. Okay. And I have one more question.

11 Okay. But the vessel wasn't towed in?

12 CAPTAIN ANDERSON: Was not towed in, no. It
13 was brought in under its own power, but very slowly. I
14 think they were just trying to keep it from overheating
15 just to get it back to the dock.

16 MS. ARROYA: And it was on its -- what I
17 mean is, there was not another vessel there in case it
18 went down?

19 There was no other vessel there, it just came
20 in on its own?

21 CAPTAIN ANDERSON: Yeah, that's correct.

22 MS. ARROYA: So the other vessel that went
23 in to get it --

24 CAPTAIN ANDERSON: Yeah, that had --

25 MS. ARROYA: -- you had brought it back?

1 CAPTAIN ANDERSON: Yeah, I actually got --
2 we basically just switched vessels. The mechanics came
3 out with the CAROLINA skiff, they got on the PANTHER, I
4 got on the skiff, and I took my people back in.

5 MS. ARROYA: Okay. I had met Stanford, but
6 I haven't met Kenny Wells yet.

7 Do you know of any credentials he holds for
8 mechanics on board vessels or anything like that?

9 CAPTAIN ANDERSON: No, I don't. I do know
10 the consensus among us captains is that he's invaluable
11 to us, you know, because when we have a problem, we
12 know that he will give his full attention to it and
13 we've been satisfied with everything he's done to try
14 to fix any problem we've ever had on a boat from a wire
15 missing to a kill switch malfunctioning, or anything.

16 MR. FORD: Could you just clarify? Kenny,
17 you're taking about, or Stanford?

18 CAPTAIN ANDERSON: I'm talking about Kenny.

19 MR. FORD: Kenny. Okay.

20 CAPTAIN ANDERSON: Stanford's fairly good
21 too, but see, I've not worked with Stanford as long as
22 I've worked with Kenny.

23 MS. ARROYA: Okay. Thank you.

24 MR. GIER: Okay. This is Kiefer Gier with
25 the National Park Service.

1 A few moments ago you had stated that you
2 had passed Captain Daniel going out Indian Key. You
3 were coming in with your vessel --

4 CAPTAIN ANDERSON: Right.

5 MR. GIER: -- inward bound, and he was
6 outward bound.

7 CAPTAIN ANDERSON: Right.

8 MR. FORD: and you noticed his vessel had a
9 large load of people on it.

10 CAPTAIN ANDERSON: Right.

11 MR. GIER: Did you get an opportunity to
12 look at the vessel and notice anything wrong, notice
13 that it was sitting low in the water, that it was
14 sitting low in the stern, that there was an excess of
15 people on board?

16 CAPTAIN ANDERSON: No. Because when I
17 passed him in the tour, he would run the earlier boat
18 and I run the boat almost right after it, so where we
19 would pass each other, we're usually either in a
20 manatee zone, or we're right by the docks. So there
21 was -- he had enough headway for steerage, basically.

22 MR. GIER: But you didn't notice?

23 CAPTAIN ANDERSON: I didn't notice anything
24 out of the ordinary, no.

25 MR. GIER: On his vessel?

1 CAPTAIN ANDERSON: On his vessel.

2 MR. GIER: You didn't notice that it was
3 maybe sitting low in the stern because he had heavy
4 people in the back or --

5 CAPTAIN ANDERSON: No, I didn't notice any.

6 And I guess it would have to be something quite out of
7 the ordinary for me to notice.

8 Of course we're looking at each other going
9 by, but depending on the angle I might not see, you
10 know, how much free board he has in his stern area.

11 MR. GIER: Sure.

12 CAPTAIN ANDERSON: So nothing came to mind
13 when I saw him that would have alerted me to inform him
14 or the office.

15 MR. GIER: Okay. Great.

16 Going back to the incident where you ran the
17 PANTHER ONE aground, that was about what, a week to ten
18 days prior to the incident of the boat sinking?

19 CAPTAIN ANDERSON: No. It was over twenty,
20 probably. This happened maybe the first week of
21 December.

22 MR. GIER: Okay. About the first week of
23 December. When you had that grounding, were you on the
24 -- you said by Marker Number 15.

25 CAPTAIN ANDERSON: Yeah.

1 MR. GIER: On the inside of the channel?

2 CAPTAIN ANDERSON: I was right -- if I could
3 draw a picture for you, perhaps.

4 MR. GIER: That's okay. On the inside
5 curve?

6 CAPTAIN ANDERSON: Yeah. When I'm coming
7 back and I got 15 on my port, and you know, you go
8 around the bend like that and you got Marker 15 right
9 here, and you got your tree line right here, it
10 happened about right there.

11 I was coming back in --

12 MR. GIER: Okay. So it was on the outside
13 part of the turn then.

14 CAPTAIN ANDERSON: Yeah, it was on the
15 outside part of the turn, with the docks being way over
16 here and Indian Key out here. I was heading this way
17 and I crossed to the other side of the channel because
18 there was a little bit of heron right here on the side,
19 and I've got good headway.

20 You know, I'm done with the tour basically
21 and I came around the bend and I was just, you know,
22 going to slide on by. I was starting to slow down a
23 little bit because I was almost close to full throttle.

24 And when I slowed down about mid throttle is
25 when I came around the bend, you know. I guess

1 perspective speaking the marker may have been here more
2 and it happened a little closer.

3 But in my experiences in that area, I
4 understand there's the mud flat or, you know, in this
5 area, but I thought I was clear of that, but the tide
6 that particular morning proved me otherwise.

7 So that's where I was and I don't ever plan
8 on being an artist either.

9 MR. GIER: A mental note, and I'm sure
10 you're familiar, in the winter the tides are different,
11 so it changes the whole perspective of how you can
12 operate your vessel out there.

13 Where you ran aground on that date, are you
14 familiar with what the bottom is like, what type of
15 material on it? Is it muddy, is it shelly?

16 CAPTAIN ANDERSON: I think it's a
17 combination of both.

18 MR. GIER: Of both? What?

19 CAPTAIN ANDERSON: Mud and shells. Because
20 -- well, when they said they cleaned out -- when
21 they were cleaning out the intake in that or the sea
22 strainer, they said they were pulling shells out.

23 And I could actually hear them when I back
24 out of there too, because when --

25 MR. GIER: You can hear what?

1 CAPTAIN ANDERSON: I can hear -- you know,
2 when you're backing out of that situation and you're in
3 pure mud, you might not hear the noises. You hear it
4 on your propeller when they're striking shells.

5 And admittedly so, both myself and Captain
6 Dennis, who tend to run that boat more than other
7 captains, noticed the lack of performance, or perhaps a
8 propeller that's somewhat nicked up.

9 You know, you get that sort of vibration, so
10 there was a - -

11 MR. GIER: And that's after the fact?

12 CAPTAIN ANDERSON: That's after the fact of
13 the grounding.

14 MR. GIER: Okay. So at the point of the
15 grounding, you know you're aground.

16 CAPTAIN ANDERSON: Um-hum.

17 MR. GIER: But you're able to back out.

18 CAPTAIN ANDERSON: Right.

19 MR. GIER: So you're not hard aground.

20 CAPTAIN ANDERSON: That's correct.

21 MR. GIER: But you are aground in what you
22 consider to be shelly because you could hear it as you
23 were backing out?

24 CAPTAIN ANDERSON: I could hear it as I was
25 backing out.

1 MR. GIER: At that point, did you think, you
2 know, I wonder if I did any damage to the bottom of the
3 boat, or if there's an operational issue, or did you
4 think it was just like a simple grounding?

5 CAPTAIN ANDERSON: I thought it was a simple
6 grounding. Of course I'm looking at my bilge pump
7 switches to make sure they're functionable, and I also,
8 one-by-one, as I got off being hard aground, I switched
9 over to manual just to make sure the red light would go
10 on.

11 And I would look, you know, at the
12 appropriate area to make sure that, you know, it's
13 either pumping out or, you know, just in case the
14 switches weren't working, because we're always -- you
15 know, and I'll offer this up to you.

16 I've been very unhappy in the past as far as
17 the lack of attention placed on the bilges on these
18 boats, because I -- to the point where I would actually
19 have to rig a rubber band to keep the switch on manual.

20 MR. GIER: Okay.

21 CAPTAIN ANDERSON: To keep the switch on
22 manual because it would not operate on auto.

23 MR. GIER: So in putting a rubber band
24 around the switch to keep it on manual was a continuous
25 bilge pumping process, correct?

1 CAPTAIN ANDERSON: Yes.

2 MR. GIER: Okay.

3 CAPTAIN ANDERSON: Well, it may not be
4 running all the time, as far as pumping out water, but
5 I put it on manual so that would keep the switch on --

6 MR. GIER: Sure.

7 CAPTAIN ANDERSON: -- so I wouldn't have --
8 you know, just in case I get enthralled in a tour. You
9 know, I didn't want water accumulating when it
10 shouldn't be.

11 MR. GIER: Okay. Understandably.

12 MS. FULLER: I just want to stop you here
13 because I --

14 (Whereupon, the tape was
15 changed to the B side.)

16 MR. GIER: Okay. So in relation to the
17 grounding, you come back on a different boat. That
18 vessel comes back to the docks.

19 Can you verify positively whether or not that
20 boat was ever drydocked after that incident, or exam,
21 or Sammy's exam, or one of his maintenance workers to
22 examine, whatever, or if it was just left in the water,
23 because this is a crucial piece of information?

24 CAPTAIN ANDERSON: Yeah. Positively no,
25 because I don't stay there after work hours. I doubt

1 it. I really highly do that, you know.

2 MR. GIER: Okay. And I understand. I don't
3 -- I'm not -- I don't want you -- to force an answer
4 from you.

5 CAPTAIN ANDERSON: Right.

6 MR. GIER: I just wanted to verify whether
7 you know it was put in drydock or not.

8 CAPTAIN ANDERSON: I imagine if it was
9 pulled into drydock to take a look at, they would have
10 attended to the prop, because both Dennis and I had
11 sensed damage to the propeller in that it just -- it
12 lacked zest, you know, get up and go, and he could feel
13 a slight vibration in it.

14 Also we noticed that it wouldn't turn as well
15 to port. It used to not be able to turn that well to
16 port in the first place, but it was -- it seemed to be
17 that the condition worsened.

18 MR. GIER: So after the grounding you're not
19 positive whether or not it was in drydock, or if it was
20 just inspected, a wet inspection?

21 CAPTAIN ANDERSON: Right.

22 MR. GIER: Okay. So after the fact, so you
23 returned the next day, or any other day, did anybody
24 from that organization come up to you and tell you what
25 the damage was, what the problem was, what happened?

1 CAPTAIN ANDERSON: No. No, that I was
2 unaware of any further damage other than me sucking
3 stuff into the intake.

4 MR. GIER: Okay.

5 CAPTAIN ANDERSON: Other than the propeller
6 got involved.

7 MR. GIER: They said they were pulling
8 shells in a light -- some kind of shelling or sand or
9 whatever out of that intake.

10 CAPTAIN ANDERSON: Right.

11 MR. GIER: Is that possible to do in wet
12 dock?

13 CAPTAIN ANDERSON: I don't know. Well, when
14 I was -- I stood there for that part of it. Actually,
15 Stanford was the one saying you filled this thing up
16 with shells.

17 MR. GIER: How do they get those out if it's
18 in the way?

19 CAPTAIN ANDERSON: I think they had the
20 engine compartment lifted and he was reaching down in a
21 certain area. So maybe it's taken off some type of
22 hose assembly or something, Seacock or through a whole
23 assembly to free that up.

24 I didn't actually see them pull out shells, I
25 heard them report about it when I returned from the

1 rescue there.

2 MR. GIER: Sure. Just giving you the common
3 day grief, right?

4 CAPTAIN ANDERSON: Yeah, yeah.

5 MR. GIER: All right. So in your opinion,
6 like you go aground, but you get off, and you hear the
7 contents of the bottom.

8 In your opinion, did you think I ran aground,
9 I wonder if I did any damage to the bottom of the hull,
10 therefore maybe I should mention to them that it should
11 be inspected, we should check the bottom because of the
12 type of material I ran aground on, or did you think --

13 I know you said you still thought it was a
14 simple grounding.

15 CAPTAIN ANDERSON: Yeah. In my assessment I
16 didn't think it did damage to the bottom. If it did
17 any damage, I figure it was rudder and propeller,
18 because -- and that wasn't really known until we
19 actually took the boat out when it had the shells
20 cleared out of it.

21 Because I only got on a straightaway right to
22 the entrance of the park before I had to shut it down
23 and throw an anchor.

24 MR. GIER: Okay. And so I didn't have a
25 chance to run it, like we usually run it, operationally

1 speaking, until a day or two later, but --

2 MR. GIER: Okay. So having stopped there,
3 now, the day of the grounding --

4 CAPTAIN ANDERSON: Right.

5 MR. GIER: -- it was brought in and
6 repaired. And you operated that boat after the
7 grounding.

8 CAPTAIN ANDERSON: Yes. Not that same day
9 though.

10 MR. GIER: Right. But after the grounding,
11 you operated the boat, and you said you had concerns
12 about the water level, the free board levels in the
13 boat.

14 CAPTAIN ANDERSON: Yeah. But see, that
15 didn't come until a little bit later because we weren't
16 as busy and, therefore, we probably wouldn't notice
17 that as much.

18 MR. GIER: Sure.

19 CAPTAIN ANDERSON: Then all of a sudden, the
20 Christmas rush hits and we're selling out every ride.
21 And on that one particular run is when I noticed that
22 it wasn't --

23 You know, I look back there all the time
24 because you're always, you know, looking for the
25 dolphin, and you're getting them to jump behind the

1 boats. You're always looking back there.

2 But on that one particular incident on my way
3 back in, that was the only incident that I saw the low
4 free board when I was running, because I didn't run it
5 that much after that.

6 MR. GIER: And then you knew later on that
7 Captain Dennis also had the same type of issue. He
8 brought it to your attention, is that right?

9 CAPTAIN ANDERSON: Right. Yeah. In one of
10 our post work gatherings, Dennis mentioned -- because
11 I said I was upset at him for wasting my time the other
12 day, and he says, no, I had to take it in easy because
13 my free board on that boat was real low, and I told
14 them they had to look at the pumps.

15 MR. GIER: So when you were talking to
16 Captain Dennis at that time, did either one of you say
17 maybe we have an issue with the bilges, or water
18 intake, or an excessive amount of water, or anything to
19 that effect?

20 CAPTAIN ANDERSON: Yes. And Kenny redid or
21 re-looked at some of the wiring, you know. Because I
22 would notice, when I'd come into work, they'd be
23 getting the SKIMMER ready to go, that they would always
24 be on the PANTHER with the console lifted up, and maybe
25 fine tuning some wiring.

1 So I think Dennis brought it to their
2 attention, and they looked at it as well.

3 MR. GIER: And they thought it was a wiring
4 problem?

5 CAPTAIN ANDERSON: I'm not sure what results
6 they came up with, but Dennis did bring it to the
7 attention of the mechanics and that, and it was looked
8 at, but I wasn't around.

9 MR. GIER: Okay. The date of the incident,
10 did you arrive at work at the same time as Captain
11 Daniel, or thereabouts, approximately?

12 CAPTAIN ANDERSON: Yes.

13 MR. GIER: Okay. And when Captain Daniel
14 went -- he was obviously operating the PANTHER ONE that
15 day -- and when he went to board his vessel to do his
16 morning routine, do you know if he had a problem on
17 that day with the boat?

18 CAPTAIN ANDERSON: No.

19 MR. GIER: Or there was any problem on the
20 boat?

21 CAPTAIN ANDERSON: No, I didn't. As I
22 recall, I was coming in on my first day after a couple
23 of days off, and I took command of the SKIMMER to get
24 it ready, because usually Daniel and I will switch off
25 every now and then.

1 I'll run the PANTHER, he'll run the SKIMMER,
2 but I --

3 MR. GIER: Let me interrupt you for one
4 second.

5 CAPTAIN ANDERSON: Okay.

6 MR. GIER: So you were running the SKIMMER
7 that day, and Daniel is running the PANTHER, and was
8 the other SKIMMER being operated that day?

9 CAPTAIN ANDERSON: The other PANTHER. We
10 only have one --

11 MR. GIER: Excuse me. The other PANTHER?

12 CAPTAIN ANDERSON: No.

13 MR. GIER: So it's from my understanding
14 like when we were talking to Captain Daniel yesterday,
15 that there was a -- Kenny Wells was on board the
16 PANTHER ONE when he went to retrieve his boat, and that
17 there was an issue with the bilges.

18 Whether it was electronic or not, we don't
19 know, we'll confirm it later, and that Captain Dennis
20 actually had to take a later tour.

21 And so I'm wondering who moved into his spot
22 to take the tour people that he would have done?

23 CAPTAIN ANDERSON: Ah, yeah, maybe that is
24 that day. There was a day that I had to -- that they
25 were taking a look at something. That was Dennis that

1 day. I think it was Dennis running the bar. I don't
2 think it was the day of the incident.

3 I can't recall for sure or not, but I was on
4 the SKIMMER on one of the mornings when they were
5 spending extra time getting the PANTHER ONE ready to
6 go, and they couldn't get it in time for the 9:00
7 o'clock or 9:30 tour, so I took over the rotation.

8 MR. GIER: Okay. And I believe, from other
9 statements, that that was that same day.

10 CAPTAIN ANDERSON: That was that same day?
11 Okay.

12 MR. GIER: That's great.

13 LIEUTENANT LASALLE: I have a quick
14 question.

15 MR. GIER: Go ahead.

16 LIEUTENANT LASALLE: This is Lieutenant
17 LaSalle again.

18 You mentioned that you wanted to get the
19 dolphin to jump.

20 Can you describe that --

21 CAPTAIN ANDERSON: That technique?

22 LIEUTENANT LASALLE: How do you get a --

23 CAPTAIN ANDERSON: On the PANTHER boats,
24 which are the most conducive boats in our fleet for
25 dolphin jumping, because of the wake that the boat

1 creates, we basically get it out to -- we let them see
2 the dolphin ahead of the boat, we aim right toward the
3 dolphin.

4 We tell the people if they want to see the
5 dolphin to work their way toward the back of the boat,
6 which is something that's impossible to say, or even
7 talk about when the boat's fully loaded because there's
8 nowhere to go. It's sardines on one side.

9 I skip that part personally. And we will
10 tell them to watch behind the boat right where the
11 water's curling over, and we probably get it, depending
12 on the weight of the passengers on board, we're maybe
13 running about 2,000.

14 So we're going slow enough to sort of keep
15 the bow up a little bit, and to create that nice surf-
16 like wake behind the boat. And then if the dolphin
17 come behind us, you know, we can hear them without even
18 having to see them.

19 You know, we'll point them out them and then
20 we're, you know, navigating and staying out of the way
21 of other boats and, you know, just keeping a course and
22 letting them enjoy the experience.

23 MR. GIER: Kiefer Gier, National Park
24 Service again.

25 In relation to the bilge lights, bilge

1 alarms, and the light on the PANTHER ONE especially, do
2 you know if there are audible alarms on that boat?

3 CAPTAIN ANDERSON: I've never had one go off
4 on me, so I'm not aware.

5 MR. GIER: Have you ever had --

6 CAPTAIN ANDERSON: I know I'm aware of
7 lights that are on the bilge that say that it's
8 working, you know, or lights up if you put it on
9 manual, or you see it every now and then cycling
10 through on automatic.

11 MR. GIER: Do you know of any problems that
12 go with that notification you needed lights or
13 audibles?

14 CAPTAIN ANDERSON: Well, the switch one time
15 fell into my hand one day. Is that a problem?

16 MR. GIER: I think so.

17 CAPTAIN ANDERSON: Yeah, the assembly of the
18 big bilge pump, when I went to put it on manual like
19 I'm told to do if it appears not working, I did it and
20 the screws were so stripped out that it -- you know,
21 it's in my hands, so I had to --

22 MR. GIER: You said that if there was a
23 problem you were told to put it on manual. Who told
24 you that? Would that be one of the --

25 CAPTAIN ANDERSON: The owner.

1 MR. GIER: The owner. Why would he tell you
2 to do that?

3 CAPTAIN ANDERSON: Well, he came by after
4 the boat had already come in and I guess he heard the
5 radio transmission or something, so he had to come by
6 and see what was going on.

7 And I told -- he asked me what was going on
8 and I said, well, I got to keep my hand on that bilge
9 pump. You know, I don't think the bilge is working
10 correctly. And he says, well, keep your hand on the
11 manual.

12 I said, well, I've got to talk on a
13 microphone, steer a boat, and throttle a boat. He
14 goes, you know, do you want the boat to sink, or do you
15 want to give a tour?

16 And I said, Sammy, I saved your boat and your
17 \$400 for this tour by holding my hand on the manual, so
18 don't tell me, you know, that I need to keep the boat
19 from sinking.

20 That's, of course, paramount in my mind, but
21 I want it attended to correctly. Now, that wasn't
22 verbalized to him, but that's how I felt as a result
23 of, you know, his comments to me about keeping my
24 finger on the manual switch, because I only got two
25 hands.

1 MR. GIER: When he said -- when Mr. Hamilton
2 said to you, keep your hand on the manual bilge pump,
3 what do you want the boat to sink, or something to that
4 effect that you just said?

5 CAPTAIN ANDERSON: Right. Well, I mentioned
6 to him, I said, I got my microphone in one hand. He
7 goes, I don't care about talking. You know, you
8 shouldn't care about talking, you should worry about
9 keeping that boat from sinking.

10 MR. GIER: Do you think when he made that
11 statement to you, do you think he was referring
12 directly to keep it on the manual button because if you
13 don't it will sink, or just generally speaking that --

14 CAPTAIN ANDERSON: I think he was just
15 running --

16 MR. GIER: Just generalizing?

17 CAPTAIN ANDERSON: Yeah, just generalizing.

18 MR. GIER: Okay. In your opinion, would you
19 consider the PANTHER boat safe for operation?

20 CAPTAIN ANDERSON: I think there's -- yeah,
21 I think they're safe.

22 Well, now, in their current state of repair
23 and the items that I've mentioned, not really.
24 Otherwise I wouldn't be bringing my own hand-held if
25 I'm running a PANTHER boat especially. I wouldn't be

1 having to hold a button on manual.

2 MR. GIER: Sure.

3 CAPTAIN ANDERSON: But as far as a hull and
4 a boat that I feel confident in when I'm running it, I
5 prefer to run the PANTHERS out, as long as the
6 weather's good.

7 Now, when the weather gets wet and choppy --

8 MR. GIER: You didn't have to manually hold
9 the bilge pumps before the hard grounding?

10 CAPTAIN ANDERSON: Oh, yeah, I have, I've
11 had to.

12 MR. GIER: You had to?

13 CAPTAIN ANDERSON: And I understand they've
14 done some switch changes and stuff like that in the off
15 season, or maybe before I got down there, but after the
16 hard grounding it seemed like we were having to do it
17 more so.

18 MR. GIER: Okay.

19 CAPTAIN ANDERSON: You know, I would hear --
20 when talking with Dennis, he would tell me that he was
21 holding his hand on the manual on that particular port,
22 yeah, same side, the port aft, to make sure that it was
23 pumping.

24 He said it was pumping continually all the
25 way back on his tour.

1 MR. GIER: On his tour. And this is after
2 the grounding?

3 CAPTAIN ANDERSON: This is after the
4 grounding, after my experience as well with the low
5 free board.

6 MR. GIER: So generally speaking, you are
7 consumed with safe vessels.

8 Are there any -- other than the problems that
9 we've mentioned, are there any other problems,
10 mechanical problems with those boats that you can see,
11 or that you had?

12 CAPTAIN ANDERSON: Not that come to light.

13 MR. GIER: Okay. Do you know the
14 construction of that vessel, what it's made out of?

15 CAPTAIN ANDERSON: Probably a lot more Bondo
16 and stuff than it is -- I think it's wood. It's wood,
17 but there's glass over it.

18 MR. GIER: Fiberglass? An operational
19 question here.

20 Do you know if alcohol is sold on any of
21 those vessels?

22 CAPTAIN ANDERSON: Yeah, I think the two
23 bigger boats.

24 MR. GIER: The MANATEE boats?

25 CAPTAIN ANDERSON: Yeah, MANATEE ONE and

1 MANATEE TWO.

2 MR. GIER: One last question that I can
3 think of.

4 Getting back to the counts situation. So you
5 get their receipts and you confirm back with the
6 office, try to confirm to make sure of the same amount.

7

8 And it sounds like your system, of what
9 you're talking to me, would be a confirmation between
10 the office to say how many people you have on board
11 your vessel.

12 CAPTAIN ANDERSON: Uh-huh.

13 MR. GIER: With the system that you use, or
14 anybody else's system, could there be mistakes? Is
15 there problems with that system to try to be accurate
16 on head counts?

17 CAPTAIN ANDERSON: Sure. Because all the
18 tickets look alike. If you look at a ticket, the only
19 real difference, you know, if you buy a tour for 12:00,
20 and you buy a tour for 10:00 is that time on there.

21 So, you know, they always tell us check the
22 time on the tickets, especially when we're on a busy
23 day, because if you board someone that has the wrong
24 ticket, then all of a sudden the guy with the right
25 ticket shows up, you don't have room for him, then

1 we've got people upset.

2 And, of course, the office doesn't want to
3 refund anyone's money and things like that, so yeah,
4 we're always being instructed to always check the time.

5 MR. GIER: A question that Mr. Ford asked
6 yesterday was an excellent question.

7 Have you ever felt, in any of your time
8 working for Nation Park Service Boat Corporation, that
9 you were told to operate your vessel, or any type of
10 pressure to operate your vessel when you felt it was
11 unsafe?

12 CAPTAIN ANDERSON: Yes.

13 MR. GIER: And where did that pressure come
14 from?

15 CAPTAIN ANDERSON: Probably from ownership.
16 And this --

17 MR. GIER: Can you be specific?

18 CAPTAIN ANDERSON: Yeah, I'd like to be. I
19 would consider that more -- a bulk of it weather
20 related. A lot of times it's nasty out there and, you
21 know, of course we've got people swinging through the
22 area that are on some whirlwind USA vacation, that
23 that's the only day they can come.

24 But then you look out there and it's just --
25 you know, it just doesn't look right. And so we

1 basically just take it slow and deny them, perhaps, the
2 full opportunity to have the tour.

3 But as far as mechanical things, no, but
4 accessories -- well, I don't know if you can even
5 consider VHF radio accessories. That's the thing. I'm
6 required to monitor Channel 16 for my own safety and
7 for my responsibility for any other vessel in distress.

8 So when I don't have a radio and it's well
9 known, you know, even the ticket girls know that one
10 radio doesn't work when you got to go like this and do
11 hand signals to how many tickets they sold, to the
12 captain, that stuff needs to be attended to.

13 As far as my feelings on the operation, I
14 think at one point maybe things were ran okay. I just
15 think there's a certain grasp of maritime concern and
16 safety has been not given the proper attention that it
17 should have been.

18 MR. FORD: I've got a number of more
19 questions, so if you want to take a break? Does
20 anybody want to take a break? Do you want to keep
21 marching on?

22 CAPTAIN ANDERSON: Fine.

23 (Whereupon, a short recess was
24 taken.)

25 MR. FORD: Okay. We can resume then.

1 Regarding the grounding and depths of water,
2 does the owner -- has the owner ever provided you with
3 charts?

4 CAPTAIN ANDERSON: No. There used to be a
5 chart, I think, mounted in the break room.

6 MR. FORD: So that's where you would go to
7 learn --

8 CAPTAIN ANDERSON: Well, one of the
9 captains, I remember when I first started, he would --
10 we would talk about certain things and certain islands.
11

12 And when I would also train with the captains
13 when I first started there, they would tell me that I
14 could get a little bit closer to this, or get a little
15 bit closer there, but stay away from this area.

16 So as far as actually given a chart, or
17 anything like that, no. I would have to look at the
18 wall, and I don't even think that chart's there any
19 more.

20 MR. FORD: And on the break we discussed
21 you'll get us copies of your documents, training, and
22 things like that.

23 CAPTAIN ANDERSON: Right.

24 MR. FORD: We appreciate that very much.

25 Have you ever seen any of the mechanics or

1 brothers working on the boat -- boats, any of the
2 boats, with wetsuits on, or in the water going
3 underneath it?

4 CAPTAIN ANDERSON: No.

5 MR. FORD: You described the hull as solid
6 on the PANTHERS. The hulls are solid?

7 CAPTAIN ANDERSON: Well, I -- they're not
8 made of fiber -- they're wood, but I think they got
9 glass over them.

10 MR. FORD: Okay. Have you ever gone and
11 looked at one of the hulls when it's up on the rail?

12 CAPTAIN ANDERSON: Yes.

13 MR. FORD: And from your visual, but you've
14 never -- have you ever climbed all the way underneath?

15 CAPTAIN ANDERSON: I've never -- no, I've
16 been over and looked at it. I took a few pictures last
17 season, and I saw, you know, the design, the layout of
18 it.

19 MR. FORD: Okay. Now, you mentioned
20 weather. Could you be more specific as to what the
21 weather was?

22 CAPTAIN ANDERSON: The weather was on that
23 incident or the weather that I don't like to run in?

24 MR. FORD: You don't like to run in.

25 CAPTAIN ANDERSON: Well, when we get some

1 winds out there, especially on -- it's a matter of
2 comfort.

3 You've got an eighty year old lady that's
4 there in a windbreaker, and bought a ticket, and she
5 was probably thinking she's supposed to be on that big
6 boat sitting there, and then she hops on my boat with
7 two feet of free board of less, and we've got three
8 foot chop.

9 And also, I'm always watching the weather on
10 the news before I come into work and, you know, small
11 craft advisory, you know, is basically just that.

12 And I guess in my mind, I feel that the
13 concern for the passengers' comfort and the best we can
14 offer them ends when that ticket's sold.

15 MR. FORD: Have you ever gone back to the
16 owner, or the sons, and said, I don't want to run in
17 this?

18 CAPTAIN ANDERSON: Well, we've actually
19 turned around. But we'll go out and then, you know,
20 and we just turn around and come back, and say I'm not
21 doing it. And Dennis, Captain Dennis has done that
22 before. I've done that before too.

23 MR. FORD: Do you hear anything about that?

24 CAPTAIN ANDERSON: No, usually not. They
25 won't challenge.

1 MR. FORD: How about in electrical storms,
2 lightening, have you ever --

3 CAPTAIN ANDERSON: No, I won't even deal
4 with that. I won't even go out.

5 MR. FORD: So you refuse to go?

6 CAPTAIN ANDERSON: Yeah, I won't go on that.
7 And usually if it's something of that nature, you have
8 so much visual cues that the passengers don't even want
9 to get on the boat in the first place. They'll wait
10 and go on a different tour.

11 MR. FORD: Okay.

12 CAPTAIN ANDERSON: But I've been in the
13 middle of a tour, or at the beginning of a tour, and
14 there's been a lot of lightening, I turn around and
15 come back in.

16 MR. FORD: Really now, this is the last one
17 I can think of before I turn it over to Lieutenant
18 LaSalle.

19 How often have you done, or have you ever
20 done, besides that one incident, a boat-to-boat
21 transfer of passengers?

22 CAPTAIN ANDERSON: Oh, I've done boat-to-
23 boat transfers in St. Thomas and the Keys.

24 MR. FORD: No, I mean specifically with this
25 company --

1 CAPTAIN ANDERSON: Oh, with this company?

2

3 MR. FORD: --because of break down --

4 CAPTAIN ANDERSON: I had a transfer last
5 year. I would have incidents where one of our boats
6 overheated. I think I was running the SKIMMER one year
7 when it overheated, and I threw out my anchor and
8 stabilized the boat, and one of the PANTHER boats came
9 by and transferred.

10 I think I've had to pick up people off of the
11 MANATEE ONE when I was on a PANTHER boat myself one
12 season.

13 MR. FORD: Okay. Based on some of the ages
14 of the passengers being young, middle, or old, are you
15 comfortable, do you feel unsafe doing it, or are you
16 uneasy about doing it?

17 CAPTAIN ANDERSON: Depending on the vessel.
18 There's no boat in our fleet that's going to be able
19 to pull up to the MANATEE TWO, our largest boat,
20 because there's just too much of a difference in free
21 board and deck height and stuff like that.

22 But pulling up to a PANTHER and a SKIMMER, it
23 was an easy -- like the day we had to board the people
24 for the incident of the boat sinking, the crab boat and
25 our boat, it was easily transferrable to get on either

1 the PANTHER that came out there, the PANTHER TWO, or
2 the SKIMMER.

3 So I think when it's an issue of transferring
4 passengers from one boat to another, every one of our
5 boats can do that except I've never had it done with
6 the MANATEE TWO, the biggest boat in our fleet.

7 MR. FORD: Okay. Mr. LaSalle.

8 LIEUTENANT LASALLE: Okay. This is
9 Lieutenant LaSalle again. And these are just, you
10 know, quick questions that you can answer for me.

11 How would you describe that they prepare for
12 Coast Guard inspections, or annual inspection?

13 CAPTAIN ANDERSON: I've seen in the past
14 getting ready for Coast Guard inspection. They'd pull
15 the boat over to the slide and pull it up out of the
16 water, and they would paint some stuff, or they would I
17 guess generally give it the once over look, you know,
18 making sure everything's where it should be, and the
19 wiring and that.

20 To tell you the truth, I knew that they were
21 doing -- that they were getting it ready for
22 inspection, but I really wasn't aware of exactly what
23 they were doing.

24 Maybe they'd throw a coat of paint on
25 something, you know, just dress it up, because a lot of

1 times just getting it ready for the season as well.

2 LIEUTENANT LASALLE: The reason why I ask
3 that is because of the bilge pump, you know, switches
4 and what have you that -- do you know if any of that
5 has ever been reported to one of the inspectors?

6 Or better yet, have you ever been present
7 when an inspector came out to the boat?

8 CAPTAIN ANDERSON: Not these boats. Not in
9 this condition, no.

10 LIEUTENANT LASALLE: All right. So you
11 wouldn't know if they have told the Coast Guard about
12 any of these malfunctions?

13 CAPTAIN ANDERSON: No, I'm not aware of
14 that.

15 MS. ARROYA: I have one quick question.

16 Are you aware of any fire blasts, or any hull
17 repairs that they've done on the PANTHER ONE?

18 CAPTAIN ANDERSON: No, I don't think so.

19 MS. ARROYA: Okay.

20 MR. GIER: A quick question. Kiefer Gier,
21 National Park Service again.

22 In your opinion, looking back a couple of
23 days ago, why do you think that PANTHER ONE sank?

24 CAPTAIN ANDERSON: In my opinion, and also a
25 short opinion that Dennis and I both talked about

1 Captain Dennis, another captain that works there, I
2 think that grounding incident of mine may have done
3 something or stressed something, maybe packing land,
4 maybe something was shaft related, where that was
5 taking on water, but not at a fast rate, but maybe at a
6 certain rate if you steered it one way or the other.

7 I think that -- but I never really put the
8 two together until just recently. It wasn't like
9 something that was in my mind, and I'm just waiting for
10 the day it's going to happen. But I think it may have
11 stressed something somewhere in the rudder, or the
12 strut, or any of those attachments to the hull where it
13 may be causing water to come in.

14 MR. GIER: Have you -- has management from
15 Everglades National Park boat tours concession
16 contacted you in the last couple of days since the
17 incident, and told you not to say anything, not to
18 cooperate, not to say anything specific to any
19 investigators, or any people?

20 CAPTAIN ANDERSON: No, I've not been told
21 not to say anything.

22 MR. GIER: There's no pressure on you to not
23 speak freely?

24 CAPTAIN ANDERSON: I was -- no. As far as
25 speaking freely, I think that the owner wanted Dennis

1 to talk in front of the camera.

2 MR. GIER: Which camera?

3 CAPTAIN ANDERSON: Media. Whatever one had
4 that massive satellite jobby out there the other day.

5 MR. GIER: Does the owner know you're here
6 talking to us?

7 CAPTAIN ANDERSON: No, I didn't tell him I
8 was here. And maybe if you state your question
9 differently, you might get a different answer.

10 MR. GIER: Actually, that's okay. I got the
11 answer that I wanted, actually.

12 CAPTAIN ANDERSON: Okay.

13 MR. GIER: Let me just step back one second
14 here. You said that you and Captain Dennis had spoken
15 about formulating an opinion about why the boat sank?

16 CAPTAIN ANDERSON: Right.

17 MR. GIER: And that's Captain Dennis who?

18 CAPTAIN ANDERSON: Gosh, I can't think of --
19 Dennis Borders.

20 MR. GIER: Borders is his last name?

21 CAPTAIN ANDERSON: Yeah, that's his last
22 name.

23 MR. GIER: Okay. And you're saying that he
24 came up with the same conclusion?

25 Mind you, it's hearsay information.

1 CAPTAIN ANDERSON: Sure.

2 MR. GIER: But you were talking freely after
3 work, or at your house?

4 CAPTAIN ANDERSON: Right. We think that
5 that, perhaps, may have contributed to it because not
6 only were the bilge pumps probably not able to keep up,
7 maybe there were too many people toward the aft of the
8 boat.

9 And that combination, maybe there was this
10 weird wake, road wake from another boat, and all that
11 in combination -- well, from what I've understood when
12 I was taking passengers back, you know, I'm trying to
13 keep them calm and this one guy just kept running his
14 mouth talking about how he was sitting in the very back
15 seat and that the water was coming up to his ankles
16 while they were running dolphin.

17 And he's just talking about how this much
18 water before, you know, the water coming into the stern
19 of the boat.

20 MR. GIER: This much being about like two
21 inches or so?

22 CAPTAIN ANDERSON: Yeah, two inches or less.
23 He just gave me this type of gesture with his hand.
24 And so it sounds like maybe upon -- they said they told
25 the captain about it.

1 And perhaps when he slowed down, that wake
2 that he was creating came up and then that was just
3 enough to over compensate for the positive buoyancy of
4 that boat, and just took on more water than it could
5 pump out.

6 And the weight transference of people toward
7 the back, you know, trying to get a better view maybe,
8 all that in combination may have played it.

9 But I think initially adding to that boat
10 taking on water may have been that initial grounding,
11 and stressing something out to where it was taking on
12 water all the time and the pumps maybe not have been
13 catching up.

14 Now, at the dock we wouldn't see them run
15 continually, but underway it seems like that's when you
16 had your problem. So let -- and Dennis and I's
17 conversation about it, maybe something was being
18 stressed whenever the boat was being steered, or the
19 propeller that we could feel the vibration in.

20 Maybe that was the packing gland. We don't
21 know. So in that light, maybe the maintenance people
22 that were checking these bilge switches wouldn't have
23 seen what was causing the leaking because it wasn't
24 underway when they're looking at it.

25 It's at the dock. So it's not under the

1 stresses of actual running. Now, if they had been on
2 board when we were running the boat and looking at
3 things, maybe that would have --

4 MR. GIER: Because you are so familiar with
5 the PANTHERS, more so than probably anybody else in the
6 operation, because you said it was one of your
7 favorites?

8 CAPTAIN ANDERSON: Yeah.

9 MR. GIER: For the vessel to be sitting with
10 less free board like you had stated you and Dennis had
11 an issue with before, and in light of the sinking,
12 would you say that if there was water in that bilges --
13 in the bilges, that it would be a small amount, a
14 medium amount, an excessive amount?

15 CAPTAIN ANDERSON: Normally? In a normal
16 day?

17 MR. GIER: No, I mean in light of what
18 happened.

19 CAPTAIN ANDERSON: I don't understand the
20 question.

21 MR. GIER: Okay. For instance, you said
22 there were three contributing factors to why you think
23 the boat went down.

24 CAPTAIN ANDERSON: Right.

25 MR. GIER: Okay. That there was water in

1 the bilges.

2 CAPTAIN ANDERSON: I would think there would
3 have to -- oh, I understand. I think there would have
4 to be a lot of water in the bilges for it to sit there.

5 Because I've had -- I've had full loads on the PANTHER
6 before and ran dolphin, and never saw the lack of free
7 board that I saw that one day just running under normal
8 circumstances. So there --

9 MR. GIER: When you say full load, how many
10 --

11 CAPTAIN ANDERSON: I'm looking at -- I think
12 there's thirty-four is what we run. Thirty-four,
13 thirty-five. I can't remember.

14 MR. GIER: No extra seats?

15 CAPTAIN ANDERSON: What's that?

16 MR. GIER: No extra seats? Everything's
17 full?

18 CAPTAIN ANDERSON: Yeah, no extra seats,
19 everything full.

20 MR. GIER: I think that's all the questions
21 I've got.

22 MR. FORD: Well, I'd like to go back to
23 asking this question a different way, as you said.

24 Why didn't the owner want this Captain Dennis
25 to appear before the cameras?

1 CAPTAIN ANDERSON: No, he wanted Captain
2 Dennis to appear before the cameras.

3 MR. FORD: Tell me why? What's that all
4 about?

5 CAPTAIN ANDERSON: He wanted Captain Dennis
6 to say that we put mates on board the PANTHER boats if
7 we had more than thirty people on it.

8 MR. FORD: And what did Captain Dennis say,
9 and this is obviously hearsay between you and Captain
10 Dennis, but --

11 CAPTAIN ANDERSON: I was told to get Captain
12 Dennis in between one of my runs, the day that the news
13 media was there, one of the days that the news media
14 was there.

15 And Dennis I had seen earlier that morning in
16 civilian clothes sitting by the dock, and he told me
17 that, hey, Drew, you wouldn't believe this, we've been
18 lied to all this time, saying that we don't -- we
19 actually need a mate on the PANTHER if we have more
20 than thirty.

21 And the old man, meaning Sam, he wants me to
22 talk in front of the camera and say it, so I think I'm
23 out of here. So he left.

24 Well, after one of my other tours, the old
25 man says where's Dennis, he's supposed to be around?

1 He asked me if I knew where he lived. Of course, he
2 lived directly across the street from me, so I was
3 instructed to go get him.

4 And I went over to Dennis' house, and he was
5 there, and I said are you home, or are you gone,
6 because I knew, you know -- we understand if we lie, it
7 comes back to us.

8 Not only in a moral sense, but in the Coast
9 Guard sense, there goes a license, and we're not going
10 to lose it out of this. You know, it isn't worth it.

11 MR. FORD: Did he come and ask you to do the
12 same thing when he couldn't get Captain Dennis?

13 CAPTAIN ANDERSON: That was the question.
14 No, he didn't ask me to do the same thing, but I was
15 told, you know, when he walks in and out of the break
16 room and that, and we were told, you know, that's the
17 way we're going to -- you know, when we have over
18 thirty people, we put a mate on board, you know, like -
19 -

20 MR. FORD: That's the party line.

21 CAPTAIN ANDERSON: Right.

22 LIEUTENANT LASALLE: And verify it again.

23 This is Kiefer again, National Park Service, and
24 verifying this is after the incident.

25 CAPTAIN ANDERSON: Correct.

1 MR. FORD: Before -- I have one major
2 question, but does anyone else have anything else at
3 this point?

4 The first thing is can we call you back
5 again?

6 CAPTAIN ANDERSON: Sure.

7 MR. FORD: Okay.

8 LIEUTENANT LASALLE: Let me ask one more
9 quick question. Kiefer again, with National Park
10 Service.

11 You said you have a break room down there,
12 and the incident occurred a few days ago, and you've
13 obviously worked since then.

14 CAPTAIN ANDERSON: Correct.

15 LIEUTENANT LASALLE: And, you know, the
16 captains are obviously communicating and management
17 stops by here and there.

18 Is there a general feeling about the area of,
19 you know, we need to do some CYA here from the
20 management's standpoint of the concession's operation?

21 Are they trying -- are you saying to me, in
22 your last statement, that they're trying to cover
23 things?

24 CAPTAIN ANDERSON: The only thing that I
25 could mention, as far as CYA, was the mentioning of the

1 mate on the PANTHER. Other than that, it's just
2 general frustration.

3 LIEUTENANT LASALLE: Right. MR.

4 FORD: Thank you. Okay. Anyone else.

5 Because I'm going to give you a wide open
6 question, and you can answer it any way you want.

7 CAPTAIN ANDERSON: Oh, boy.

8 MR. FORD: Anything you'd like to offer,
9 either how to improve safety? You've already said what
10 you think happened. You gave a very good talk on that.

11 The floor is yours. Anything you'd like to
12 offer?

13 CAPTAIN ANDERSON: The only thing, if I was
14 running an operation on the water, where I was in
15 charge of lives, and I guess what -- and I have to
16 bring this back to my training down in the Florida Keys
17 working for the Boy Scouts.

18 We were very safety minded. We would have an
19 emergency plan. And I mentioned that one time in my
20 first season. I go, we need a type of plan to where if
21 something happens out there, we can act more
22 automatically than under emotional stress and all that
23 stuff, and do the right thing.

24 We know what will have to be done when. And
25 I would definitely, if I was running a tour boat

1 operation, or anything with boating, I've got a plan
2 that my mates, my captains, my office staff, my ticket
3 staff, the local --

4 You know, I know he's got an intimate contact
5 with the emergency services of that, you know, town,
6 but I would have something, some plan on where is the
7 quickest place to take an injury and stuff like that,
8 to be able to get them the attention they need.

9 I would definitely have a program of that
10 nature.

11 MR. FORD: Okay. Now, does this go back to,
12 you say, like to the sons, or did you specifically say
13 it to the owner, Mr. Hamilton?

14 CAPTAIN ANDERSON: I think that was one of
15 those in between tour runs where, you know, we're
16 sitting around the place. You know, someone got to
17 talking about some incident, or someone, some captain
18 had a passenger that had a heart attack, you know, on a
19 previous job somewhere else.

20 And I think I just, in passing, I said, we
21 should have a plan of what to do around here.

22 MR. FORD: If you say something to the sons
23 that you have a problem, do you think it makes it to
24 the father?

25 CAPTAIN ANDERSON: Well, it probably does.

1 And I think if I say something to the sons, or to the
2 mechanics, there's a better chance of getting
3 attention, than if it would just be said to the father.

4 MR. FORD: Okay. So the sons will respond?

5 CAPTAIN ANDERSON: The sons usually respond.

6 MR. FORD: Okay.

7 CAPTAIN ANDERSON: You know, they can do
8 what they can. You know, in certain areas they tend to
9 have more leeway than others, I would imagine but, you
10 know, if -- us captains, if we usually have desires, or
11 needs, or requests, we might mention in passing to the
12 father, but the sons are usually where we're going to,
13 because they can understand, perhaps, more so the need
14 of certain repairs, or certain materials.

15 MR. FORD: Anything else you'd like to
16 offer? That was a good one.

17 CAPTAIN ANDERSON: I would have newer boats.

18 I do like the PANTHERS. And I understand the MANATEE
19 ONE, the only reason it's there is because of -- well,
20 this could be hearsay too because, you know, I learned
21 in light of the -- the made on the PANTHER situation.

22 But you know, a lot of those boats are kept
23 around because they keep getting inspected and pass,
24 and they don't allow certain boats of that small of a
25 length to have that many passengers on them any more,

1 so -- like the MANATEE ONE's thirty-nine feet and can
2 hold seventy something people on two decks.

3 And I don't know. As far as a business, you
4 can make some money off that, but as far as that clock
5 ticking, each year that that vessel stays in operation
6 under perhaps below average maintenance, you know, the
7 ideal maintenance schedule, I wouldn't want to -- I
8 wouldn't feel comfortable running the boats, or that
9 operation.

10 MR. FORD: You mentioned a maintenance
11 schedule. Do you know if they have logs of different -
12 -

13 CAPTAIN ANDERSON: I've never seen a log,
14 never seen a log, no.

15 MR. FORD: Even though like the generator
16 people who work on the generator and even if it's not
17 broke, can you check it out, what do you need to do,
18 and check the wiring. And then, you know, ten years
19 from now you can pull the log open and say, well, this
20 is what we did.

21 CAPTAIN ANDERSON: I've never seen one.

22 MR. FORD: You've never seen that.

23 Kiefer, you had another?

24 MR. GIER: Yes, and it's somewhat of a
25 general question also.

1 Generally speaking, in your opinion would you
2 say that the public safety is jeopardized for any type
3 of operational benefit or sales benefit for the
4 concessions?

5 I'm looking at -- what I'm looking at is, is
6 public safety jeopardized, the passengers or the
7 visitors that come down there to take a boat ride,
8 would you say that their safety is possibly jeopardized
9 because of --

10 CAPTAIN ANDERSON: Only if they were aware
11 of something that could lead to an incident like what
12 we had the other day. The owners.

13 MR. GIER: How about like for foul weather,
14 for --

15 CAPTAIN ANDERSON: Sure, there's -- yeah.
16 That's the only condition I can think of. You know, I
17 cover myself because I bring my own radio. Now, that's
18 something where public safety's in danger, if you don't
19 have a radio that does -- you know, that's not
20 functional, and you have a captain that doesn't have
21 his own radio with him.

22 Right there it's jeopardizing the safety of
23 them. So --

24 MR. GIER: Another quick question that just
25 came to mind and I apologize, I don't -- sometimes they

1 just pop in your head.

2 When the vessel sank and you said you had
3 recovered some of the passengers, and none of them had
4 a life preserver, why do you think that is?

5 CAPTAIN ANDERSON: To clarify, none of them
6 on my boat had life preservers. I did notice someone
7 on deck out on the other boat had one actually on, and
8 maybe another one in hand.

9 Well, from what I heard that it went down
10 quick. And maybe when it was going down quick, of
11 course the aft end of the boat is fairly well under
12 water, so you're not going to dive under there in that,
13 you know, murky, muddy water to try to lift up those
14 latches.

15 Probably just the latches. You know, I'm
16 assuming now that the life jackets was the appropriate
17 number on there, because when we inspect them, they
18 aren't touched, you know, unless someone steals one,
19 and I doubt that's going to happen.

20 So I'm sure the life jackets were there.
21 They probably just weren't accessible in that quick
22 period of time. I'm not sure what Daniel's account of
23 how quick it went down.

24 But from what I heard it went down, and it
25 went down, and there's no time to -- unless they're

1 deploying it popping up to the surface on their own, he
2 wouldn't have gotten into them because they're latched
3 in.

4 LIEUTENANT LASALLE: Do you guys give any
5 kind of -- this is Lieutenant LaSalle. Do you guys
6 give any kind of pre-tour right when you get underway,
7 this is where your life jackets are?

8 CAPTAIN ANDERSON: Yes.

9 LIEUTENANT LASALLE: You do?

10 CAPTAIN ANDERSON: Yes.

11 LIEUTENANT LASALLE: All right. So the
12 passengers were aware of --

13 CAPTAIN ANDERSON: Yeah. We tell them that
14 there's life -- usually you can hear it if you stand on
15 the seawall while they're leaving. That's one
16 of the first things we cover is, you know, we welcome
17 them on the boat, and we tell them that we have life --
18 or I tell them we have life preservers located in
19 Compartments below your seat. They're labeled
20 accordingly adult and child sizes.

21 And on the SKIMMER, you can actually say, you
22 know, we have a plaque mounted on the bow that shows
23 you how to put one on if you're unfamiliar. And we may
24 add, you know, it's traditional style. The cord will
25 go, and that's it.

1 MS. ARROYA: It might be a repeat, but I
2 just -- do you feel comfortable or safe when you go out
3 on a PANTHER boat that's fully loaded, and you don't
4 have a mate?

5 Do you think that's a safe operation?

6 CAPTAIN ANDERSON: I had felt safe,
7 actually, except for that one day when I had a little
8 free board.

9 Now, if you start to daydream, you know, and
10 especially in light of this situation, I'm very
11 thankful it wasn't me, and I'm very thankful everyone
12 was safe, but I start to daydream what happens if I was
13 the captain, and all of a sudden I've got thirty
14 people, or thirty-four, or whatever in the water.

15 It sure helps to have another person on your
16 side that hopefully has a little bit of training, and
17 could assist you in accounting for people, keeping
18 everyone with the boat, transferring them from the
19 water into another craft.

20 Yeah. In light of this situation, yeah, it
21 makes sense. But I guess, you know, one of those
22 situations, it's always been done that way. You know,
23 just like the cabin doors on aircraft, you know, the
24 way they lock them now or something.

25 It was always unlocked before. So I guess it

1 CAPTAIN ANDERSON: Yeah, in running that
2 boat as long as I have or, you know, the sister ship,
3 the PANTHER TWO, I was surprised. And I was unsure of
4 why, you know, and what situations unless a big crab
5 boat just came by and just washed an unsurmountable
6 amount of water on it or something.

7 I was trying to figure in my mind how it --
8 how that could have happened. So it was definitely
9 surprising to me.

10 LIEUTENANT LASALLE: That's all I have.

11 MR. FORD: I want to thank you very much for
12 showing up here, and you have been incredibly
13 informative.

14 And, like I say, I hope if we need more
15 information, we can call you and get you back here.

16 CAPTAIN ANDERSON: All right.

17 MR. FORD: Thanks again.

18 CAPTAIN ANDERSON: You'll be getting my
19 renewal paperwork pretty soon too.

20 (Whereupon, the tape
21 concluded.)

22

23

24

25

C E R T I F I C A T E

I hereby certify that this is the transcript of the taped interview of CAPTAIN ANDREW J. ANDERSON II, held before the:

NATIONAL TRANSPORTATION SAFETY BOARD

On: January 3, 2003

In the Matter of:

DCA03MM018 SINKING OF

U.S. PASSENGER VESSEL PANTHER

ON DECEMBER 30, 2002,

NEAR EVERGLADES CITY, FLORIDA

and that this is a full correct transcription of the tape recording.

Date: January 27, 2003

EDNA HOLLANDER
Transcriber