

UNITED STATES OF AMERICA
NATIONAL TRANSPORTATION SAFETY BOARD

```

- - - - - x
In the matter of:           :
                             :
SINKING OF U.S. PASSENGER VESSEL :
PANTHER ON                 :
DECEMBER 30, 2002 NEAR    :   DCA3MM018
EVERGLADES CITY, FLORIDA  :
                             :
SECOND INTERVIEW OF:      :
                             :
CAPTAIN DANIEL MAYE       :
- - - - - x

```

Office of Marine Safety
NTSB
490 L'Enfant Plaza East, S.W.
Washington, DC 20594

Tuesday,

January 7, 2003

The above captioned interview was conducted,
pursuant to notice.

BY:

ROBERT FORD
Investigator in Charge
National Transportation Safety Board

Executive Court Reporters

(301) 565-0064

I N D E X

<u>EXHIBIT</u>	<u>MARKED & IDENTIFIED</u>
1	3
PHOTO	
1	6
2	6
3	8
4	9
5	10
6	10
7	12
8	12
9	13
10	14
11	15

P R O C E E D I N G S

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. FORD: It's January 7, 2003. My name is Robert Ford, Investigator with the National Transportation Safety Board. I have Captain Daniel Maye back with me for a second interview. So, we'll start, for the record, Captain Maye, would you state your name?

CAPTAIN MAYE: Yes, my full name is Captain James Daniel Maye, M-A-Y-E.

MR. FORD: Now prior to going on record, the both of us together did a quick design of the Panther I and the seating, and we're going to mark this Exhibit Number 1 and later make a copy of it, and we'll both sign it. If you can just mark out on this Exhibit where you had the passengers sitting about the time you -- just prior to the boat starting to take water.

(The document presented was
marked for identification as
Exhibit 1.)

CAPTAIN MAYE: Okay, Bob, instead of me putting X's in every seat that I believe had an occupant there, I think it would be better maybe, if I put an X in what I believe to be the two seats that were empty.

MR. FORD: Sounds fine by me.

Executive Court Reporters

1 CAPTAIN MAYE: And I'm going to put an X in
2 the starboard -- far starboard bow position, and I'm
3 going to place --

4 MR. FORD: Which is a single seat?

5 CAPTAIN MAYE: Which is a single seat. And
6 over on the port side, about midships, I'm going to
7 place another X. Now, the best of my estimation, those
8 are the two seats that were empty on the Panther that
9 particular day.

10 MR. FORD: Now you've provided me with some
11 photographs, your own personal photographs that we will
12 copy and we will return to you. Now one of the photos
13 shows passengers that also sit along the engine well.

14 CAPTAIN MAYE: That's correct.

15 MR. FORD: And that's a standard practice.
16 There's seating along there.

17 CAPTAIN MAYE: Yes, it is a standard
18 practice, yes.

19 MR. FORD: Okay, but when we got to the
20 scene, all that had been removed and we were not aware
21 of that, so I just wanted to get that on the record.
22 So very good. I'll just initial and you initial, and
23 we're January 7, 03 -- that number is 03.

24 CAPTAIN MAYE: Yes.

1 MR. FORD: What I'd like to start out really,
2 is a discussion about differences between the Panther I
3 and the Panther II. Can you look at the two boats and
4 immediately pick out the difference, or do you have to
5 take a close look?

6 CAPTAIN MAYE: I can distinguish them pretty
7 easily. Panther I has an instrument cover. It's made
8 of plastic. It's a lexan box that is hinged and it
9 goes up and down over the instrumentation, but just for
10 quick assessment of which one's which, that's the
11 easiest to identify that instrument cover.

12 MR. FORD: Okay, I'm showing you a picture
13 here, can you tell me which boat that is from that
14 distance?

15 CAPTAIN MAYE: No, I can't tell from this
16 distance, Bob.

17 MR. FORD: Okay, these two photos were taken
18 the same day. This one was on the rail, and this one
19 was in the water, and that was January 1, 2003. So on
20 that day, you know where each of the boats were, it was
21 a few days after the accident.

22 CAPTAIN MAYE: No, I don't know where the
23 boats were, no.

1 MR. FORD: I'm just going to mark this photo
2 1. I took this photo on January first, that is the
3 Panther II, because it was in the water.

4

5 (The photo presented was
6 marked for identification as
7 Photo Exhibit 1.)

8 CAPTAIN MAYE: I understand.

9 MR. FORD: And this photo I also took, and
10 I'm going to mark this photo 2. It's on the rail, also
11 taken January first, and obviously, since it's on the
12 rail it was after the accident, this is the Panther I.

13 (The photo presented was
14 marked for identification as
15 Photo Exhibit 2.)

16 MR. FORD: What I'd like to ask you about the
17 two boats is their handling characteristics. Were they
18 the same or were there certain differences that you
19 could note?

20 CAPTAIN MAYE: There were certain
21 distinguishable characteristics about the boats in the
22 steering. The Panther I you had a lot of steerage to
23 the right or starboard, and not as much to port, or to
24 the left. Now Panther II was just the opposite. You

1 had more steerage to port and not as much steerage to
2 starboard.

3 MR. FORD: When you say more steerage, you
4 mean a tighter turn? You could make a tighter turn?

5 CAPTAIN MAYE: Exactly.

6 MR. FORD: Now as time progressed -- you've
7 worked on the Panther II, then?

8 CAPTAIN MAYE: Yes, I have.

9 MR. FORD: During December you said you
10 noticed some handling characteristic differences in the
11 Panther I? That's a question.

12 CAPTAIN MAYE: You mean during the whole
13 month of December, Bob, did I notice some --

14 MR. FORD: Yes, throughout the month. From
15 the beginning of the month when the operated the
16 Panther I through December 31st did you ever see any or
17 feel any handling characteristic differences?

18 CAPTAIN MAYE: In Panther I.

19 MR. FORD: Panther I.

20 CAPTAIN MAYE: From like the previous month.

21 MR. FORD: Right.

22 CAPTAIN MAYE: I noticed that after that hard
23 grounding it -- the steering was a little more stiffer
24 to port. Now, you know, the mechanic will verify that
25 I reported that to him and he filled the hydraulic

Executive Court Reporters

1 reservoir on the steering with oil, and it seemed to
2 improve.

3 MR. FORD: I'm going to show you another
4 photo. I'll mark it photo number three.

5

6 (The photo presented was
7 marked for identification as
8 Photo Exhibit 3.)

9 MR. FORD: Could you point out or mark, just
10 say with that -- a one, two, three, where the bilge
11 switches were.

12 CAPTAIN MAYE: You mean mark it right on the
13 photo?

14 MR. FORD: Right on the photo.

15 (Captain Maye marks photo.)

16 MR. FORD: Okay. Where was the -- are you
17 aware of a high bilge alarm?

18 (Whereupon, the hearing was off the record
19 for a brief period for a telephone call.)

20 MR. FORD: Okay, we'll resume. Is there a
21 high level bilge alarm on the Panther I?

22 CAPTAIN MAYE: There's not a high level bilge
23 alarm, but there are indicator lights on these -- on
24 the bilge switches here. When the red light is on it
25 means that the bilge is operating.

Executive Court Reporters

1 MR. FORD: There's no audible alarm?

2 CAPTAIN MAYE: No, no audible alarm.

3 MR. FORD: Can these bilges be shut off?

4 CAPTAIN MAYE: Yes, in the middle position,
5 or center position, they're off.

6 MR. FORD: Can these switches, as close as
7 they are to the wheel, be inadvertently hit? Did you
8 ever have the problem where you accidentally shut one
9 off and noticed it later?

10 CAPTAIN MAYE: Not that I recall. Bob, I've
11 had passengers accidentally -- come aboard with their
12 bag and hit one, but I believe I've always noticed it
13 and turned it to the automatic position.

14 MR. FORD: Okay, that was photo three. I'm
15 just going to mark this as photo four. And as you can
16 see, you'll agree that this is just a close up of the
17 bilge pump switches and visual lights.

18 (The photo presented was
19 marked for identification as
20 Photo Exhibit 4.)

21 CAPTAIN MAYE: That's correct.

22 MR. FORD: How are they to see in bright
23 daylight?

24 CAPTAIN MAYE: I mean you have to -- you have
25 to get in a repetition of glancing down fairly often,

Executive Court Reporters

1 and they're in a position that's down low and if there
2 was an area right up closer to the helm station, it
3 would be easier to see.

4 MR. FORD: Alright, let's go back to the day
5 of the accident, and I'm going to mark the photos as we
6 go. I'm going to start with -- we took a trip, you,
7 me, James Walsh, investigator from the NTSB also, and
8 Keifer Gere from the National Park Service in his NPS
9 boat. So we went to a certain area, we marked, by GPS,
10 two GPS -- yours and the National Park Service GPS, and
11 the positions coincided -- and at that point, I took
12 photos. So what I'm going to do is show you photos and
13 say does this look like the point you were at when you
14 sank.

15 Now, this is photo number 5.

16 (The photo presented was
17 marked for identification as
18 Photo Exhibit 5.)

19 MR. FORD: Does that look like it might be in
20 the area of where the boat sank?

21 CAPTAIN MAYE: Yes, it is.

22 MR. FORD: So now, put that one aside, and
23 here is -- if you can explain this picture -- I'm going
24 to make this photo 6.

1 (The photo presented was
2 marked for identification as
3 Photo Exhibit 6.)

4 MR. FORD: If you could explain what
5 direction we're facing? Are we --

6 CAPTAIN MAYE: We're almost facing westerly.

7 MR. FORD: And is this in the same area that
8 the boat sank?

9 CAPTAIN MAYE: Well, the area where it sank
10 is down the channel here, I'm going to say about 400
11 yards.

12 MR. FORD: Okay, if you could put just a big
13 X there.

14 CAPTAIN MAYE: About where the --

15 MR. FORD: About where it is.

16 CAPTAIN MAYE: -- the sinking occurred?

17 MR. FORD: Right.

18 CAPTAIN MAYE: Okay, about right there.

19 MR. FORD: And that would be almost in the
20 middle -- the perspective in the photo is a little off,
21 but it's really close -- if I put a dot right there,
22 that's about right, then?

23 CAPTAIN MAYE: Well, really on down -- down
24 around the bend there, Bob.

1 MR. FORD: Okay, this is photo 8.

2 (The photo presented was
3 marked for identification as
4 Photo Exhibit 8.)

5 MR. FORD: And we see a marker there. Can
6 you tell me what -- a green day (ph) marker. Can you
7 tell me what marker that is?

8 CAPTAIN MAYE: Number 7.

9 MR. FORD: That is number 7. I'm going to
10 just circle the marker. And does this look like the
11 area, if I was standing pointing a camera, does this
12 look like about the general area where the vessel sank?

13 CAPTAIN MAYE: Right over in this area, right
14 over here.

15 MR. FORD: Okay, if you would just put that
16 an X.

17 CAPTAIN MAYE: Okay.

18 MR. FORD: This will be photo 9.

19 (The photo presented was
20 marked for identification as
21 Photo Exhibit 9.)

22 MR. FORD: Same situation. Can you tell
23 which marker that is?

24 CAPTAIN MAYE: I believe that's channel
25 marker number 6.

1 MR. FORD: Okay. Can you just put arrows
2 pointing to the dot?

3 CAPTAIN MAYE: Okay.

4 MR. FORD: Very good. Thank you. Okay, so
5 that's all I needed marked on that.

6 What I want to look at now is the stern end
7 of -- we're at photo 11, correct? The last one was 10.
8 Photo 11.

9 (The photo presented was
10 marked for identification as
11 Photo Exhibit 11.)

12 MR. FORD: Now, I'm going to circle two
13 items. On the port quarter, a port transom, and on the
14 starboard, you see two little holes there. Do you know
15 what they are?

16 CAPTAIN MAYE: Scupper drains.

17 MR. FORD: And where are they located in
18 relation to the deck?

19 CAPTAIN MAYE: Level with the deck.

20 MR. FORD: So then any water that comes onto
21 the deck would go out?

22 CAPTAIN MAYE: Right.

23 MR. FORD: Or vice versa?

24 CAPTAIN MAYE: Exactly.

1 MR. FORD: Could you tell where the water
2 level was when you first knew you were in big trouble?

3 CAPTAIN MAYE: I'd say about -- I'm going to
4 say about -- the water level was about two to three
5 inches lower than the scupper level.

6 MR. FORD: Okay. So it was still -- maybe if
7 you could just mark it. And just put maybe a W.

8 CAPTAIN MAYE: Okay.

9 MR. FORD: So that was when you first knew
10 you had a problem?

11 CAPTAIN MAYE: Right.

12 MR. FORD: And from there -- so you're saying
13 from there, how quickly before it came over the decks?
14 Or over the bulwark?

15 CAPTAIN MAYE: About two seconds.

16 MR. FORD: About two seconds. Okay. That's
17 photo 11. Now, we have had some statements, and this
18 is not trying to question your statement, we understand
19 this is a time of stress and you're seeing things one
20 way, you're also trying to get emergency response,
21 you're trying to wave down a crabber. What we've had a
22 few that said the boat listed a bit to port and the
23 port quarter submerged a bit, which expedited
24 everything. Did you notice anything like that, or can
25 you recall that happening?

Executive Court Reporters

1 CAPTAIN MAYE: Yes, that's the direction that
2 the crab boat wake flipped over on deck, so
3 possibility, it could have listed a little bit more
4 first, and then it went straight down.

5 MR. FORD: And in a previous discussion, you
6 don't recall who the -- or what the name of the crab
7 boat.

8 CAPTAIN MAYE: No, I do not.

9 MR. FORD: But it was inbound?

10 CAPTAIN MAYE: I can't say for certain.

11 MR. FORD: Okay. Now, in your statement you
12 did say that you had, you had made a turn.

13 CAPTAIN MAYE: Right.

14 MR. FORD: And the other day when we were out
15 on the boat, you said you had turned around to return.

16 CAPTAIN MAYE: Uh-huh.

17 MR. FORD: Did you do any -- some had said
18 you had done a circle, a full 360 around dolphins at
19 the time -- some of the passengers statements. Did you
20 do a circle to turn around the dolphins to get them to
21 jump through your wake?

22 CAPTAIN MAYE: Yes -- I won't say that I just
23 did a complete circle around the dolphin, but I went
24 down, I made a turn and came back by the dolphins and
25 then made another turn, to the best of my recollection.

Executive Court Reporters

1 MR. FORD: Okay, I'm going to stop for a
2 minute.

3 (Whereupon, the hearing was off the record
4 for a brief period.)

5 MR. FORD: Just wanted to resume with just a
6 few more clarifications. During that trip did you go
7 past channel marker 7?

8 CAPTAIN MAYE: I don't recollect going past
9 channel marker 7.

10 MR. FORD: As you wait for passengers to
11 board, sitting at the dock, can you hear the bilge
12 alarms -- not the bilge alarms, the bilges, that
13 they're pumping?

14 CAPTAIN MAYE: No, they're located on the --
15 they exit the hull over on the starboard side, so when
16 I'm loading passengers, I can't visually see them
17 working.

18 MR. FORD: But not see, but hear. Would you
19 hear them cycling on and off? Can you hear those
20 cycling on and off?

21 CAPTAIN MAYE: I wouldn't count on it. I'm
22 engaged in conversation.

23 MR. FORD: The passengers?

24 CAPTAIN MAYE: That were standing in the
25 docking area, Bob?

Executive Court Reporters

1 MR. FORD: No, sitting in the boat. Would
2 they be able to hear the bilges cycling?

3 CAPTAIN MAYE: Perhaps, but with the engine
4 noise -- now, for clarification, even if I'm at the
5 helm, I can't visually see water discharging if I'm at
6 the helm.

7 MR. FORD: I want to go back to the reaction
8 time of the responders. The first person to respond
9 was the crab boat.

10 CAPTAIN MAYE: That's correct.

11 MR. FORD: And he was there almost
12 immediately.

13 CAPTAIN MAYE: Yes.

14 MR. FORD: I'm not trying to put words in
15 your mouth, I'm just going back to the previous
16 interview and I'm saying this is what was said.

17 CAPTAIN MAYE: I understand.

18 MR. FORD: The second person to respond --
19 the second boat to respond was?

20 CAPTAIN MAYE: It was close between the Park
21 Ranger officer and a recreational boat that was in the
22 area.

23 MR. FORD: And can you tell what the time
24 was, from the time you were in the water, personally,
25 to the ranger and the rec boat responding?

Executive Court Reporters

(301) 565-0064

1 CAPTAIN MAYE: My estimate would be about a
2 minute and a half which seems like a lot of time
3 treading that water.

4 MR. FORD: So it was very quickly?

5 CAPTAIN MAYE: Yes.

6 MR. FORD: And how soon after that did the
7 owners and the tour boats come out? How many tour
8 boats came out? Did you say two?

9 CAPTAIN MAYE: Two, yes.

10 MR. FORD: And their names were the Skimmer
11 and the --

12 CAPTAIN MAYE: Panther II.

13 MR. FORD: -- Panther II, and that was in
14 your previous statement that we had that information.
15 How long before they arrived? You were heading
16 inbound, right, if I recall your previous statement.

17 CAPTAIN MAYE: Twelve to 15 minutes, maybe.

18 MR. FORD: When you make turns, full 360s,
19 and say you want to see dolphins and that type of
20 thing, does the boat take a good heel? Normally?

21 CAPTAIN MAYE: Not really. I mean it's got a
22 lot of flat surface on it, and the steerage is such
23 where you can't do really a hard turn, even if you so
24 choose to wanted to.

1 MR. FORD: So you never felt that stability
2 was an issue?

3 CAPTAIN MAYE: No.

4 MR. FORD: Okay, I'm going to give you the
5 opportunity for -- anything else you've thought of
6 since the other day or today -- or anything else you'd
7 like to offer.

8 CAPTAIN MAYE: No, I can't think of anything,
9 Bob.

10 MR. FORD: I appreciate your time, coming
11 back, and if you think of anything additional, I'd
12 appreciate the call. You've been very cooperative and
13 I appreciate it very much.

14 CAPTAIN MAYE: Okay, thank you, Bob.

15 MR. FORD: Thank you.

16 (Whereupon, The statement was concluded.)

17
18