

## Ford Robert

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**From:** Capelli, Michael LT [MCapelli@MSOMIAMI.uscg.mil]  
**Sent:** Tuesday, September 16, 2003 4:51 PM  
**To:** 'Ford Robert'; 'James.Walsh@ntsb.gov'  
**Cc:** Watson, James CAPT; Goodridge, Nancy CDR; DeJesus, Marcos CWO; Bowling, Larry CDR  
**Subject:** RE: Panther Report



USCG Comments  
toward NTSB Draf...



Maye settlement  
agreement.doc



ALJ Consent Order for  
James Ma...

Bob,  
We've only had a day to review the Draft report, but still wanted to provide you some comments for your meeting tomorrow. We will go over the Draft in more detail and send you updated comments when we get a chance look over the Draft with more time. I've attached three documents the first is our comments regarding the draft. The second is the Settlement Agreement between the USCG and Master of the PANTHER which he accepted. The Third is the Decision and Order from the Administrative Law Judge.

Thank you,  
Mike Capelli, LT  
Senior Investigating Officer  
USCG MSO Miami

-----Original Message-----

**From:** Ford Robert [mailto:fordr@ntsb.gov]  
**Sent:** Tuesday, September 16, 2003 11:38 AM  
**To:** 'DeJesus, Marcos CWO'  
**Subject:** RE: Panther Report

Marc,  
We are going to a Panther report agreement meeting tomorrow. From that point the report goes on notation- which could be a few more weeks. If there are any major errors or factual mistakes, we would like to have in the notation package, I realize you did not get the package on time. So whatever you can do we would appreciate it. If you could let us know how much time you need- we will work with it.

Thanks  
Bob

-----Original Message-----

**From:** DeJesus, Marcos CWO [mailto:MDeJesus@MSOMIAMI.uscg.mil]  
**Sent:** Tuesday, September 16, 2003 11:17 AM  
**To:** Ford Robert  
**Subject:** RE: Panther Report

Bob, when will you need our comments by?

-----Original Message-----

**From:** Ford Robert [mailto:fordr@ntsb.gov]  
**Sent:** Tuesday, September 16, 2003 9:29 AM  
**To:** 'DeJesus, Marcos CWO'  
**Subject:** Panther Report

Marc,  
I received your voice mail. Thanks for getting back to me. Sorry about the mixup on the addresses.

I would have thought the USMail would have forwarded it. It's not as if they never heard of the CG.

Thanks for the reports and will be in touch.  
Bob

USCG Comments toward NTSB Draft Factual Report – Sinking of the U.S. Small Passenger Vessel PANTHER Near Everglades City, FL - December 30,2002.

Answer to specific Questions asked by NTSB.

1. The cost of the Coast Guard's search-and-rescue mission.  
The Coast Guard expended approximately (information not gather today but soon) dollars searching for suspected missing passengers.
2. Confirmation of Press reports cited on page 16 of the report.  
The press reports appear accurate, but we've attached the Settlement Agreement between the Coast Guard and the master in addition to the Administrative Law Judge's Decision and Order. You can use these as your footnotes vice the press reports.
3. Actions taken since the accident by the Coast Guard to improve safety in Everglades National Park.  
We've increased unannounced spot checks of small passenger vessels operating in and around the Park. For example, we (Marine Safety Office Miami) held a join operation w/ National Park Service, Collier County Sheriff's Marine Department, and USCG Station Fort Myers ensuring federal compliance with small passenger vessel regulations. The operation completed with 21 vessels boarded, which resulted in 5 terminated voyages for safety issues. Three USCG Documented Small passenger vessels were also boarded at the dock, which resulted in 2 Certificates of Inspection terminated, requiring complete re-inspections due to major safety deficiencies.

MSO Miami comments regarding Draft Factual Report:

1. The report discusses in detail the analysis of the rotten wood piece. We found that the subject wood piece is structurally insignificant with regard to the vessel but that fact was not mentioned in the report. We also found that the wood piece was a spacer for the hydraulic ram and not part of the vessels watertight integrity. It was further discovered that the wooden stringer and hull (covered with fiberglass) were the structural members responsible for watertight integrity.
2. Page 31 lines 3-7 in the report states that the Coast Guard did not require drug or alcohol use. The Master was given a field sobriety test by a law enforcement officer, therefore, the CG did not require an alcohol test i.e. breathalyzer, however, a post accident drug test was required by both the owner and CG; the Master's results to the drug test were negative. Part of the confusion regarding drug testing was after the Master departed the site the USCG was unable to reach the Master via Cell phone for a period of 24 hours, however, his specimen was deposited on the 31<sup>st</sup> the day after the incident.
3. Page 18 lines 2-4 report states 3 bilge pumps rated at 1500 gallons per hour. We found port quarter pump rated at 2000 g/h starboard quarter at 1500 g/h and engine at 1500 g/h. Also, we didn't see a reference to what types of pumps or how many are required per CFR's.
4. Page 18 lines 16-19 report states discharged through one fitting. We found each electric pump had separate discharges and the hand pump discharged through the manifold.
5. Page 37 lines 2-3 report states owner stated that the CG Inspector advised him to install the cover over the lifejackets. We could not find any deficiency in our inspection reports requiring that installation. We also could not find any regulation that provided the CG Inspector the authority to require removal of such a cover.
6. Page 37 lines 5-15 report mentions life jacket stowage, but doesn't mention what the CFR's require for lifejacket stowage.