

1 P R O C E E D I N G S

2 MR. WOODY: The time is 9:07 and we have
3 with us Tron Buell, is that correct?

4 MR. BUELL: Yes.

5 MR. WOODY: And Tron, how do you spell your
6 first name?

7 MR. BUELL: T-R-O-N.

8 MR. WOODY: T-R-O-N.

9 MR. BUELL: Yes. And the last name,
10 B-U-E-L-L.

11 MR. WOODY: Is Tron a nickname or is that --

12 MR. BUELL: No.

13 MR. WOODY: Middle initial?

14 MR. BUELL: A.

15 MR. WOODY: Okay. Age?

16 MR. BUELL: Thirty-three.

17 MR. WOODY: And your address?

18 MR. BUELL: [REDACTED]

19 [REDACTED]

20 MR. WOODY: Zip code?

21 MR. BUELL: [REDACTED].

22 MR. WOODY: [REDACTED] --

23 MR. BUELL: [REDACTED].

24 MR. WOODY: [REDACTED].

25 Okay. We would like your telephone number,

1 which will not become public? Something we can use
2 to contact you.

3 MR. BUELL: [REDACTED]

4 MR. WOODY: [REDACTED]

5 MR. BUELL: [REDACTED]

6 MR. WOODY: [REDACTED]

7 MR. BUELL: It is pretty public already.

8 MR. WOODY: Okay. Could you give me some
9 background of your maritime history, when you
10 started working on boats?

11 MR. BUELL: Yes, I started crewing when I
12 was 10 years old, since 1980, when I started crewing
13 onboard vessels. Started --

14 MR. WOODY: I am sorry, the date?

15 MR. BUELL: 1980.

16 MR. WOODY: 1980.

17 MR. BUELL: Yes. Began operating vessels, I
18 was 16, so like '85, '86, in that area. Went to the
19 Maritime, that was, actually I did that twice,
20 because the first time the Coast Guard wouldn't let
21 me get it because, the first time I was 19. Anyway,
22 got a captain license in '95, I believe it was.
23 Something like that. From, you know, until then I
24 had been crewing the entire time and even after I
25 got my captain's license, I still crewed quite a bit

1 out of the bay, seeing stuff, you know, King
2 Crabbing, and everything. And since '98, pretty
3 much exclusively just, oh, no, since -- Yes, it is
4 '98, I think is it, pretty much as captain. And
5 also I own my own charter boat company in San Diego
6 and bid formally on a local in here and stuff, but,
7 you know, from '80 to now I have been in the
8 industry one way or the other, whether it was
9 crewing, captaining or being a business owner, so,
10 one way or the other, or all three at the same time.

11 MR. WOODY: How long have you been operating
12 say the Norwester or charter boats?

13 MR. BUELL: I brought it in 1999.

14 MR. WOODY: And have you been the operator
15 ever since?

16 MR. BUELL: Yes.

17 MR. WOODY: About how many trips do you make
18 a year?

19 MR. BUELL: Oh, we average about 100, you
20 know. Over this bar?

21 MR. WOODY: Yes.

22 MR. BUELL: Hundred, average.

23 MR. WOODY: A hundred per year.

24 MR. BUELL: Yes, so we cross, you know, so
25 you could say we probably put in two, 250 crossing a

1 year, average.

2 MR. WOODY: Okay. I would like to have you
3 go back now and just tell us, if you would just
4 start your day, the day of the accident, what you
5 did to get your boat ready and get your passengers
6 onboard and --

7 MR. BUELL: Yeah, well, I do the standard
8 every day, which we are required to do. You know,
9 the Coast Guard has a certain set of things that we
10 have to inform, obviously, where all the safety
11 equipment is and all of that. So, that was all
12 perfectly normal, you know, standard procedure to
13 show them where the life jackets are. Some of the
14 guys demonstrate how to put the jackets on. We have
15 placards, you know, that show how to do it and
16 everything. So, that was, everything was normal
17 there. And then, and then we left to go out there.
18 And -- Do you want me to just keep going?

19 MR. WOODY: Yes. And if you think of the
20 time as you go along, just tell us the times.

21 MR. BUELL: Yeah. We went to the bar,
22 yeah, we knew that it was sloppy before we ever got
23 there, but the ocean was fine. That is typical.
24 That is not unusual at all to know that we have to
25 contend with a rough bar. That is what the

1 condition of the thing that we have here, that is
2 commonplace.

3 Got out there and it is also very common
4 for us to not go or go.

5 MR. WOODY: Okay.

6 MR. BUELL: That is just as common. There
7 has been, an easy way to explain it for me is I have
8 had days when everybody else went besides me because
9 I decided I didn't want to go. And I have had days
10 when nobody else went and I went. Because that is
11 only up to me. I am the only one that is going to
12 make that decision. So that is real common. And
13 when I get out there, there was, Steve was there,
14 actually, I -- Were the last ones there?

15 (Pause.)

16 MR. BUELL: We were. We were the last one
17 to the bar. We were the last one to get out there,
18 where the Taki and the D&D and the Oakland Pilot
19 were jogging. What we do is we get out there a lot
20 of times and say, not quite ready yet, so, you know,
21 obviously we sit there and jog and watch and look
22 for, when we are going to time it and what the waves
23 are doing. If it is getting better and, you know --

24 MR. WOODY: Do recollect any times?

25 MR. BUELL: What is that?

1 MR. WOODY: Any recollection of times you
2 have got there?

3 MR. BUELL: Forty five minutes to an hour,
4 because we left the dock at six and it takes 10
5 minutes to get there and when was the accident?

6 MS. SIMON: We sat jogging for about half
7 hour to 45 minutes.

8 MR. BUELL: Yeah, yeah, right in that area.

9
10 About 45 minutes before I saw the spot, for
11 me.

12 MS. SIMON: Which is a lot longer than
13 usual.

14 MR. WOODY: And --

15 MR. BUELL: -- not for a bar like that,
16 though, we sat there for an hour and turned around
17 and come home.

18 MR. WOODY: Would you tell us what you did
19 when you were watching the waves? Did you count
20 them, you time them?

21 MR. BUELL: Yes, in my head, I can't tell
22 you yeah, there was eight on a series in six minutes
23 or something like that, you know. But, it is a
24 mental, subconscious thing for me, how I watch.
25 But, yeah, I was definitely observing that. And I

1 remember, I actually remember sitting on the north
2 side knowing, looking at the south where I typically
3 like to go because we can, because of the way the
4 conditions out there, I can get, anyway, I remember
5 saying, it is totally out. And having to go to the
6 south side, so I could, you know, observe what was
7 going on and look, you know, and really get a good
8 full view of the north side. And that was where I
9 stayed for awhile, jogging until, you know, I had,
10 geez, how do I do that? Like I said, it was kind of
11 a subconscious thing, of how I watched the waves and
12 stuff. Yeah, I time them and everything and know
13 how long the series, but, I don't sit there with a
14 stop watch or anything. So, go ahead.

15 MR. WOODY: Okay. And so you, how did, what
16 were the, can you describe what it was that caused
17 you to recognize an opportunity to get out?

18 MR. BUELL: Yeah, but, I have to use this a
19 little bit.

20 MR. WOODY: Go ahead.

21 MR. BUELL: In the north jetty, okay, and
22 all that stuff is, you know, out here, there is big
23 breaks that were all the way across the middle out
24 here, and I mean, and then, you know, here is the
25 south just to make it clear and these ones were

1 rolling all the way through. These were breaking
2 and stopping. There was a clear hole, a window
3 right there, okay. And then the surf line starts
4 again beyond the tip of this thing, and there was a
5 big hole here, you know, and so everything is
6 calming out and this is all super chopping all the
7 way between the tips. And I sat here, and watched
8 that hole and how often it came open and how long it
9 came open for, and so on and so forth, and I got out
10 here and actually sat there in the chopping and was
11 beyond the tip, when I knew that the timing for it,
12 one wasn't going to roll here that was breaking or
13 anything like that, and I did my shot where I take a
14 pretty good shot in the slop right here, but I know,
15 you know, it is not going to hurt anything. It is
16 not a big one or anything. Then I run out like
17 this, came up on the top of some of these ones that
18 were rolling, but not breaking in this area and you
19 know, did my maneuver like that to get out through
20 that area, because I came over a big wave here, and
21 I knew they were going to be there, but I knew the
22 ones that I was going to be going over weren't going
23 to be breaking at the time -- how we do things, you
24 know, how we have to navigate through a bar like
25 this.

1 And so, I got, oh, I don't know, you, guys,
2 probably, are you familiar with the distance of what
3 that is or anything, where, about where the boat
4 went over was right out in this area, anyway, you
5 know, not, he didn't like choose a much different
6 line than I did.

7 UNIDENTIFIED SPEAKER: Where is the green
8 buoy?

9 MR. BUELL: It is right out here. And that
10 little red one is like here. And I, it is hard to
11 tell the things keep sliding around, and that one
12 has ended up on the beach a couple of times.

13 But, yeah, something like that. Yeah.
14 Anyway, that is, that is my picture of what I did,
15 anyway, I mean, for quick, if you need more, I can
16 do it.

17 MR. WOODY: We might ask you to later on to
18 draw it out.

19 MR. BUELL: Yes.

20 MR. WOODY: But, and when you got out, we
21 understand that you got, after you cleared the whole
22 area of the sand bar, but you made a regular
23 broadcast back to Doug. Can you tell us about that/

24 MR. BUELL: I just called, I think, was that
25 the one where I called up Doug and I said, "Don't

1 tell my mom I went across the big bar", I was like
2 joking. And then Bob said, oh, what did you think?

3 And I said, aw, it is big, it is crumby, you know,
4 I said, I believe, I said, don't bother to get too
5 anxious, just wait until, wait until you are ready,
6 you know, don't, you know. I didn't tell them not
7 to. That is their decision whether they are going
8 to go or not. But, I just made some comments and
9 yeah, it is crumby, don't, don't get a rush.

10 Because we look out for each other, you know, we
11 talk back and forth. Yeah, Ray is calling me from
12 the jetty, saying, geez, I see logs out there and
13 this and that. Watch out. I see one here, you
14 know, and --

15 MR. WOODY: Did you see logs, yourself?

16 MR. BUELL: I saw them mixing around in the
17 eddies and stuff, yeah.

18 MR. WOODY: How close were they to the tips?

19 MR. BUELL: They were right there. Right
20 there. There was logs all over off the tips and
21 stuff. And, you know, so, and all the radio traffic
22 that was going on, I don't, I don't think of it, you
23 know, like any one particular thing. Like I said,
24 Ray calls me from the jetty and he is one of the
25 other skippers who decided not to go, and he said,

1 hey, there are logs there. He is going, yeah, I see
2 a hole over here and then I go through and I go, aw,
3 that was a big crumby bar. So, wait awhile guys, or
4 whatever, you know, or be careful. Because, you
5 know, we, we are concerned about one another, we
6 fish together. We are a team and so on and so
7 forth. And really in the back of my mind, I was
8 thinking of the D&D more than anything, because he
9 is the slowest. And the faster you are, obviously
10 the quicker you get pass something. And I was
11 thinking, mainly concerned about Bob, about his
12 speed of his boat. And I was like, yeah, keep, be
13 patient, keep waiting because I know that boat is a
14 little slower, or whatever, so. I wasn't even
15 thinking of the Taki Too.

16 MR. WOODY: This location where you have
17 drawn the box on the blackboard here, do you, does
18 that clear area reoccur --

19 MR. BUELL: Sure, it does.

20 MR. WOODY: Okay.

21 MR. BUELL: If Doug saw a change in the
22 waves and they were breaking more and more here and
23 here, and that window of opportunity or whatever was
24 here, or over here, he is going to try and go
25 through it, yeah.

1 MS. SIMON: Over a half hour

2 later --

3 MR. BUELL: Yeah, I was fishing when he --

4 MR. WOODY: We might --

5 MR. BUELL: But, that could totally changed
6 because there are a million waves out there, and
7 everything is doing this --

8 MR. WOODY: If I can get the name of the
9 deck hand, for the record, also, we would appreciate
10 it. What is your name, please?

11 MS. SIMON: Christine, C-H-R-I-S-T-I-N-E.
12 Simon, S-I-M-O-N.

13 MR. WOODY: S-I-M --

14 MS. SIMON: O-N.

15 MR. WOODY: Do you have a middle initial?

16 MS. SIMON: L.

17 MR. WOODY: L.

18 This will never leave this room, your age,
19 please?

20 MS. SIMON: I will be 28 on the 26.

21 MR. BUELL: She is almost 30.

22 (Pause.)

23 MR. WOODY: And your address, please.

24 MS. SIMON: It is the --

25 MR. WOODY: Do you ever go out the

1 southwest?

2 MR. BUELL: Usually.

3 MR. WOODY: Usually you go.

4 MR. BUELL: Yeah.

5 MR. WOODY: Okay.

6 MR. BUELL: Because we tend to fish a lot at
7 the closest best spots, so we usually go that way
8 because it is that way. When it comes to navigating
9 through rougher waters, obviously it doesn't matter,
10 we are going to pick whatever side is more
11 appropriate at the time.

12 MR. WOODY: Now, the buoy out there, we
13 asked you to draw two, put your best guess about the
14 buoy, how does the buoy help or does it help?

15 MR. BUELL: No, it doesn't help at all. It
16 has nothing to do with it. Absolutely worthless.
17 When they put that other one in, I wondered why they
18 were wasting their money, right in the middle of it.

19 It is right on top of the shoal where there is a
20 huge break. It is dangerous to me if you were
21 trying to steer out it. If you go pass that buoy,
22 there is a spot of water there is 10 feet deep at
23 low tide. You curl up over the thing and knock it
24 over.

25 MR. WOODY: I see.

1 MR. BUELL: Waste it.

2 MS. SIMON: If you were a vessel that didn't
3 know the area, those buoys are dangerous.

4 MR. BUELL: Yeah.

5 MS. SIMON: If you try to follow them, you
6 would be --

7 UNIDENTIFIED SPEAKER: And that is the
8 norm, if somebody would follow them, because they
9 know --

10 MR. BUELL: Sure, they are coming in, that
11 is your navigation.

12 UNIDENTIFIED SPEAKER: That is what your
13 navigation is, right.

14 MS. SIMON: It is a definitely -- They move
15 so often.

16 MR. BUELL: When I go into a place I don't
17 know, that is what I have to use because that is
18 what is there, and that is their road map. It
19 doesn't apply here. I know the first time that the
20 Gipper came down, he said, I followed the channel
21 and ooh, forget those buoys, do this.

22 MS. SIMON: Well, it is just a common joke,
23 but, when they wash up on the beach, we go, oh,
24 good, they are out of our way.

25 MR. BUELL: Yeah, now they are out of our

1 way.

2 MR. WOODY: Did you take any heavy waves
3 going out, going through there? Any heavy rolling,
4 any pitching or anything like this to your boat?

5 MR. BUELL: I went over large waves, sure,
6 it was, what, 12 foot swell or something like that,
7 so, yeah, I went over larger waves, but nothing
8 that, as I went over them I didn't take white water
9 or was not fearful that, geez, this boat is not
10 going to be able to handle this wave or, you know, I
11 did something wrong, that never crossed my mind.

12 MR. WOODY: Did any of your passengers get
13 wet?

14 MS. SIMON: No. That was what I was going to
15 say, normally I can tell when --

16 MR. BUELL: No.

17 MS. SIMON: I can tell, if we hit one that
18 is bigger than, we are like, oh, that was a big one,
19 this time customers, everybody was just like, you
20 know, we got outside, let's do it again.

21 MR. BUELL: A lot of waves I engaged that I
22 called back to the guys and say, you know --

23 MS. SIMON: But, I, you know, in the
24 previous past, you know, I have had ladies hanging
25 on to the poles inside the galley going, turn

1 around, turn around.

2 MR. BUELL: Well, that is -- Yeah, if
3 somebody doesn't --

4 MS. SIMON: Right.

5 MR. BUELL: -- exactly know what is
6 happening, either.

7 MS. SIMON: No, nobody onboard --

8 MR. BUELL: But, a lot of the waves I gauged
9 it, when you were talking about getting wet or not,
10 the guys would say, oh, how was the crossing, I
11 would say I didn't even get the windows wet. If I
12 got them wet, yeah, obviously, it was sloppy than
13 not. On this particular morning, like I said, I
14 knew I was going to get the windows wet with one pop
15 in the slop, it hangs between the tips during the
16 head and that is exactly what I hit, pop, one spray
17 up, you know, a pretty good bolt sprayed the
18 windows, and I never got them wet after that. It
19 was just rolling over big waves, you know, you
20 didn't want to be in the wrong place at the wrong
21 time. But, it was fine after that.

22 MR. WOODY: I see your course is not a
23 straight one, it bends around. What is the purpose
24 of bending around like that?

25 MR. BUELL: Well, when you are, when you

1 have got, if you have got a, you know, big mountain
2 of water here and like this and say this part of it
3 is breaking right there and I have got, here is the
4 one in front of it, so we are coming out right from
5 the beach. And I might, obviously you don't want to
6 be broadsided to a wave as it curling over, so, I
7 will quite often, they are sitting there, different
8 things you can do, but as I am motoring through
9 them, I will come up over one straight, hit the
10 trough and obviously this area that I want to get to
11 out here that is free of the, of these things that
12 might break, is over here, so I would tend to go to
13 the top of this wave and run sideways in the trough,
14 as far as I could towards that area until that wave
15 got closer to me here, and I turned and went over
16 it.

17 MR. WOODY: I see.

18 MR. BUELL: Over and over again. It is
19 quite common to be running right down the face of a
20 water, while it is, well, I shouldn't say quite
21 common, but, you know, we do it. It is a maneuver
22 where these things break and right here and you curl
23 up and get away from where, because obviously when
24 there is white water, that can affect our boat
25 maneuvers.

1 MR. WOODY: Yes.

2 MR. BUELL: Because they, all the air
3 underneath the boat, it is not tracking like it
4 should and the rudders don't turn, and -- don't get
5 any water, and it is spinning air. So, you don't
6 want to be in that white water, if you happen to be
7 in it, you had better just be cutting straight up
8 through it, you know.

9 MR. WOODY: Okay.

10 MR. BUELL: Anyway, that is why the zig zag
11 effect, I don't know if I took that many exact zig
12 zags or whatever.

13 MR. WOODY: We understand.

14 UNIDENTIFIED SPEAKER: So was the D&D
15 slower than the Taki Too?

16 MR. BUELL: Oh, yeah. Definitely. The Taki
17 was, what, 13 knot boat, approximately. The D&D is
18 nine. Yeah. So, it has a lot more power.

19 MR. WOODY: I would like to ask about --

20 UNIDENTIFIED SPEAKER: Did you watch the D&D
21 and the Taki Too come out?

22 MR. BUELL: I did not observe them crossing.

23

24 (Pause.)

25 UNIDENTIFIED SPEAKER: As you are going out

1 that day, did you have to at stern at all.

2 MR. BUELL: Stern -- propulsion.

3 UNIDENTIFIED SPEAKER: Propulsion, yes.

4 MR. BUELL: (Inaudible.)

5 UNIDENTIFIED SPEAKER: Did you have to do
6 that and do you ever have to do that in conditions
7 similar?

8 MR. BUELL: Yes, people do have to do that
9 in conditions, because that, when a captain has got
10 something that pops up in front of him and he has
11 got to make an instance decision, he still has
12 choices, there could be two or three decisions he
13 might make and all three of them could be correct,
14 it doesn't matter which one he chose, you know, if
15 it was a stern, what is the right move and he chose
16 that or whatever, for that situation, that is
17 different. No matter what a captain does, it still
18 doesn't, you know, you can't outrun the avalanche.

19 If you are in harm's way, it is still going to get
20 you no matter what you do.

21 UNIDENTIFIED SPEAKER: So, it would be a
22 stern to take a lot of the forward motion of the
23 wave --

24 MR. BUELL: Well, a lot of times guys will
25 do a stern propulsion to slow themselves down to or

1 straighten themselves up or back off from something
2 or whatever, you know, for whatever reasons. They
3 are trying to reposition their boat to the best
4 position they want to, in relationship to the ocean.

5 UNIDENTIFIED SPEAKER: You have never
6 operated the Taki Too or --

7 MR. BUELL: Sure, I have.

8 UNIDENTIFIED SPEAKER: You have.

9 MR. BUELL: Yes.

10 UNIDENTIFIED SPEAKER: In conditions similar
11 to this?

12 MR. BUELL: I don't know if I have ever had
13 it out on a crumby bar crossing. I have had it out
14 on days when it, you know, where you didn't, you
15 couldn't --

16 MS. SIMON: Yeah, I --

17 MR. BUELL: Yeah, well, it has been, yeah,
18 but it wasn't, you didn't want to put your binders
19 on going through there. Many times, waves, yes.
20 Maybe not this one per se, but Doug has a lot of
21 times.

22 UNIDENTIFIED SPEAKER: How about the D&D,
23 have you taken that out?

24 MR. BUELL: Oh, yeah.

25 UNIDENTIFIED SPEAKER: Similar conditions to

1 that day?

2 MR. BUELL: Probably not, I have only taken
3 it out a few times and I don't recall being, going
4 through the bar on a day like that.

5 UNIDENTIFIED SPEAKER: Now you say that,
6 there are times you decided not to go out, there are
7 times others decided to go out.

8 MR. BUELL: Sure.

9 UNIDENTIFIED SPEAKER: What do you use to
10 base that decision on? Initiation or --

11 MR. BUELL: Yeah, you are on judgement as to
12 what you and your boat can do. And we base it more
13 on, I mean, besides that, the safety issues first,
14 of you and the boat and the passengers, and this and
15 that. And that can deter you. There are other
16 things, we might base it on what we think is going
17 to happen. I might think, boy, that bar is just
18 going to get ugly when I come back. And that is the
19 worse time. And I might have been wrong, but I
20 didn't go out, so it didn't matter, right, for
21 whatever reason, it, it and everybody else thought
22 it, aw, it is not going to be bad when I come back,
23 so I am going to go out. And they, they base that
24 decision on, for whatever reason they base it on.
25 And I do the same, maybe the crew I have is 29 old

1 year women that, you know, and I might just say,
2 they can't handle anything, so I had better just
3 wait.

4 MS. SIMON: You don't want anyone to --

5 MR. BUELL: Right. The guys I have are --

6 MS. SIMON: -- ideal -- fishing experience
7 to have fun, catch a lot of fish, have a lot of fun.
8 It is not to be scary.

9 MR. BUELL: Right.

10 MS. SIMON: And these people are --

11 MR. BUELL: Yes.

12 UNIDENTIFIED SPEAKER: There is a double
13 concept.

14 MS. SIMON: Exactly, and that is not --

15 MR. BUELL: And that is not the case at all.

16 MS. SIMON: Yeah, that is not what this --

17 UNIDENTIFIED SPEAKER: Okay.

18 MR. BUELL: If I want to capitalized on
19 that, I would get an old 44 and --

20 UNIDENTIFIED SPEAKER: Give them a ride.

21 MR. BUELL: In winter, you know. I think
22 that would be a good --

23 UNIDENTIFIED SPEAKER: You said you were a
24 fairly tight knit group, you all work together.

25 MR. BUELL: Yeah.

1 UNIDENTIFIED SPEAKER: So, there is no good
2 natured ribbing if one says, well, I am not going
3 out today for these reasons, and that is just your
4 decision and --

5 MR. BUELL: Yeah, yeah. No, I don't, we
6 don't, you know, there is no pressure --

7 UNIDENTIFIED SPEAKER: Pressure to --

8 MR. BUELL: Not even a chance.

9 UNIDENTIFIED SPEAKER: Okay.

10 (Pause.)

11 MR. BUELL: The captains are up on the bar
12 watching for us, as we are going across, like I
13 said, they are on the radio telling us, you know,
14 there is a log there and I am not going, well, that
15 is his choice.

16 MS. SIMON: Yeah, or they just -- Just
17 choose, oh, you guys are going to jog for 45
18 minutes, we are just going to leave -- Everybody
19 makes their own decisions.

20 UNIDENTIFIED SPEAKER: Okay.

21 MR. BUELL: Yeah, no pressure.

22 MR. WOODY: How many passengers did you have
23 that day?

24 MR. BUELL: Twenty.

25 MR. WOODY: Okay. Would you like to go

1 first?

2 UNIDENTIFIED SPEAKER: I don't care, Pat or
3 me.

4 UNIDENTIFIED SPEAKER: No, I don't have
5 anything at this time.

6 UNIDENTIFIED SPEAKER: Okay. Just one thing,
7 when you are going out is there any kind of a
8 discussion on with the passengers about if they want
9 to wear life jackets when they get out there?

10 MR. BUELL: Like I said, when we give our
11 speech, but, I tell you what nobody is going to
12 strap people in a life jackets if that is what it is
13 going to take to get out. It is not going to
14 happen. You are not going to go if you are going to
15 have, if you believe, I know, I can speak for
16 myself, and I am pretty sure the other guys, I mean,
17 I know because I have heard them say it before, if
18 you have got to make passengers put on life jackets
19 to go out, you are not going to go. Because if you
20 don't feel, that means you don't feel as comfortable
21 as not having them.

22 UNIDENTIFIED SPEAKER: What about if that
23 decision was not in your hands, it was a law?

24 MR. BUELL: Then it would be wrong.

25 UNIDENTIFIED SPEAKER: Okay.

1 MR. BUELL: Sorry. You know, you get on a
2 plane, where is your life jacket at? It is
3 underneath the seat, they tell you where it is, but
4 they don't make you put it on until -- The thing
5 that they are harping on with this life jacket
6 issue, guys, is they are saying, oh, it would, it is
7 like a seat belt, yeah, it improves your odds, but
8 that is no guarantee that you are not going to die
9 when you fly off a cliff in your car, okay. You
10 are going to get it or you are not. Seat belts
11 help, help you and I can understand that, but those
12 people that got killed, I am guessing from my own
13 experiences up north and stuff, they got smashed,
14 whenever, you have got 20 ton boat falling down on
15 top of you, you can't believe how beat up you get
16 before you ever think of about trying to swim in 50
17 degree water and hold your breath and make it into,
18 that boat beats you up. Why did the guys inside
19 live, because they didn't get beat up so bad. They
20 didn't get smashed by a boat falling on top of them
21 with, that is made out of fiberglass and aluminum,
22 all the things that it is made out of. So, the life
23 jacket thing is not just an issue there at all. And,
24 no, there shouldn't be some rule change. The Coast
25 Guard has done an excellent job of making these

1 vessels safe. And we follow their rules, and the
2 system they set up for us, and the system we use by
3 them is correct, the way it is.

4 MR. WOODY: I would like to ask a follow up
5 question on that life jacket. If you had a life
6 jacket that was not so cumbersome, something that
7 was light, perhaps would inflate when you hit the
8 water, I am only talking about people, would that be
9 something that they would be more willing to wear?
10 I am speaking only of going in and out of the port.

11 MS. SIMON: You would have to ask every
12 person.

13 MR. BUELL: You would have to ask every
14 person because, yeah, their willingness is generally
15 based on the comfortability of the life jacket. I
16 had a lady that morning, go, I am going to put mine
17 on because my kids want me to, and it wouldn't have
18 matter if it was flat, calm or rough. So, that is -
19 - Still totally up to that person.

20 MR. WOODY: What I heard you say the answer
21 was, that if you had to have life jackets, there are
22 two kinds of ways to interpret that. If the
23 condition was such that you had to have life
24 jackets, you wouldn't be going.

25 MR. BUELL: Right. Yeah, that is right.

1 MR. WOODY: I can take your answer that way.

2 MR. BUELL: Right.

3 MR. WOODY: The other way was that, hey,
4 wait a minute, we have got to so, it is bad for
5 business, or if I don't believe it, I won't go. I
6 am an independent person. I just wondered if you
7 could discuss that a little bit, what your feelings
8 are.

9 MR. BUELL: Which one?

10 MR. WOODY: Well, you said if you had to
11 wear life jackets, you wouldn't go.

12 MR. BUELL: Right.

13 MR. WOODY: What was the motivation for
14 saying that, was it --

15 MR. BUELL: Oh, why did I say that?

16 MR. WOODY: Yes.

17 MR. BUELL: Because that is what I believe
18 and I think that is in the line of --

19 MR. WOODY: I am not trying to be tricky.

20 MR. BUELL: Well --

21 MR. WOODY: I am just trying to get to your
22 feelings, did you know there was a time when seat
23 belts in cars, but now we use them.

24 MR. BUELL: I see what you are getting at, I
25 think.

1 MR. WOODY: Okay.

2 MR. BUELL: Okay. So, there is, okay. The,
3 when you think about life jackets, at least as they
4 are now, when you are getting prepared for an
5 emergency situation, right, they are not necessarily
6 a pre emergency situation piece of equipment. You
7 know what I mean?

8 MR. WOODY: Yeah, that is good point, that
9 is a very good point.

10 MR. BUELL: Yeah. So, that is why you
11 don't take, you haven't moved to that step yet, when
12 we are taking, you know, going out there. If we
13 moved to that step, then we don't want to go out
14 there. Because that is over the line of whether you
15 are -- So, yeah, I see where you are coming from.

16 MR. WOODY: Yeah, yeah. And life jackets
17 are something that you keep for emergency and don't
18 use them as a routine thing.

19 MR. BUELL: Right.

20 MR. WOODY: And they might only, in an
21 emergency, worn out or whatever.

22 MR. BUELL: Well, or, yeah, whatever reason,
23 then you are already in an emergency state if you
24 are putting life jackets on or whatever. Not that,
25 if people want to, they are welcome or whatever,

1 that is why it is still, at least the way it is now,
2 it is kind of up to the individual. I don't, if
3 anybody -- It is kind of like the bicycle helmets,
4 you know, for adults. Some people want them, some
5 people don't. It is not necessarily, well, I
6 shouldn't say that.

7 MS. SIMON: Well, you can think of any type
8 of transportation. If you get on the city bus --

9 MR. BUELL: Yeah, you are on a city bus, do
10 you have a seat belt, no.

11 MS. SIMON: But, in the same incident, just
12 as charter fishing to the city bus, you are on a
13 different terrain. They get into a car wreck just
14 as well as a situation like this could occur. You
15 are not requiring them to wear a seat belt, so they
16 have --

17 MR. BUELL: I am sure there are lot more bus
18 crashes.

19 MS. SIMON: I think that if you were to
20 require that of an individual, they would probably
21 accommodate you -- I don't ride the city bus too
22 often, but, I am sure that they probably can
23 accommodate you if that is how you feel as an
24 individual. And that is for you, and you know,
25 those options are available in the, you know, safety

1 speeches in the morning, he is very, very willing
2 and does tell each passenger each morning where they
3 are located. That they are available to wear now,
4 later, whenever you want, you can take them at your
5 own will. They can grab them if they want. I can
6 get them if they want.

7 MR. WOODY: Okay. We appreciate your
8 discussion about this because --

9 MS. SIMON: (inaudible) you know, they have
10 been harping on this life jacket and --

11 MR. BUELL: And that is problem.

12 MS. SIMON: As well as the life raft is in
13 place because it is a Coast Guard requirement. It
14 did its job. You had individuals who did not have -
15 -

16 MR. BUELL: So did the life jackets --

17 MS. SIMON: You have got issues on both
18 sides of the story. Those individuals that made it
19 to the life raft, would they have made it there if
20 they had a life vest on? They may have gotten
21 trapped underneath in an air pocket being able to
22 make it to the life raft. There are so many options
23 --

24 MR. BUELL: If they got hit by the boat,
25 yeah, you can't pinpoint something like life

1 jackets.

2 MS. SIMON: Is it necessary --

3 MR. BUELL: Tammi didn't have a life jacket
4 and she made it, too. Should you be in good
5 physical condition before they allow you to go out
6 on a boat? You know, because that is what saved
7 her, she didn't have a life jacket on. She got,
8 just got lucky and that is what this one kind of
9 comes down to, some people were lucky and some
10 weren't. Life jackets or not, you know, life
11 jackets, seat belts, it improves your odds, no
12 guarantee.

13 Yeah, I had friends that got picked up out
14 of the bay and you could see that they were wearing
15 a survival suit. They had been in the water four
16 hours, you know, how great those are, right. So,
17 there are two sides to that.

18 MS. SIMON: It is an easy to say in a
19 situation like this, oh, if you were wearing your
20 life jacket --

21 MR. BUELL: Yeah.

22 MS. SIMON: That is not necessary the case.
23 And we have seen that and half of the people were
24 and half the people weren't. Now, of the people
25 that didn't make it, were they wearing one, and it

1 got busted off? We don't know. And we never will
2 know. Did they tell you to investigate that? No,
3 they didn't. They just started plastering it across
4 the media that they weren't and --

5 MR. WOODY: Now, we are not, we are not
6 interested the media, we are interested in --

7 MS. SIMON: I know.

8 MR. WOODY: -- in what will help people
9 and --

10 MS. SIMON: It is just disheartening.

11 MR. WOODY: Yeah. You have got to, you have
12 got the service, and if there was some way to make
13 the service safer without making it --

14 MR. BUELL: I know what you are talking
15 about a little bit, but, if you made, if there was a
16 public thing over that, where people just started
17 showing up with those cool orange jackets the guy
18 wears on their own because they, because they
19 thought that was a smart move, like the same guy
20 that wears a helmet when he rides a motorcycle or
21 doesn't. That is fine. I don't have anything
22 against that. But, I don't think what the Coast
23 Guard, the way it is now, should be necessarily
24 change, more public awareness about that those
25 things are helpful or whatever, like I said, helmets

1 became, you were asking about seat belts.

2 MR. WOODY: Right.

3 MR. BUELL: Great, so be it, that is no
4 problem. But, the Coast Guard and us haven't done
5 anything different than we have done in a life time.

6 And people die every year, but it is not because of
7 that set up. That is a good set up.

8 MR. WOODY: I also want to ask a question
9 which I don't think really got answered. He said
10 that if there were a requirement, a rigid well known
11 requirement that you had to have some sort of a
12 device on, how would that, would that be hurtful to
13 your business, just for running across the bar?

14 MR. BUELL: I don't think so. I don't think
15 it would --

16 MR. WOODY: Your point is that --

17 MS. SIMON: It think immediately it would
18 because of the same -- You put somebody --

19 MR. BUELL: Oh, I see what you are saying.
20 Yeah.

21 MS. SIMON: You have made them feel like I
22 need to be worried about my life because I am
23 wearing this.

24 MR. BUELL: From the people's point --

25 MS. SIMON: Do I want to even want to risk

1 that?

2 MR. BUELL: Yeah, then they, sure they would
3 be scared.

4 MS. SIMON: Sure.

5 MR. BUELL: They would be less likely to,
6 yeah, that would hurt business, but it wouldn't
7 change, I thought you meant from my angle, would it
8 make any difference to me. No, I wouldn't care if
9 that was the rule, I would tell them, let's go.

10 MR. WOODY: I see.

11 MR. BUELL: But, yeah, sure.

12 MS. SIMON: Would you want to on to an
13 airplane if they required you to wear a parachute --

14 MR. BUELL: They hand you a parachute when
15 you came in? It would make you think, hmmm.
16 Commercial airlines, you are on a vacation.

17 MR. WOODY: Well, that is kind of the answer
18 I was looking for.

19 UNIDENTIFIED SPEAKER: I have a question.
20 It is not related to this.

21 MR. WOODY: Let's go back to the --

22 UNIDENTIFIED SPEAKER: You have experienced
23 the conditions that day and you have driven the Taki
24 Too, can you speculate on what could happened?
25 Would you be willing to --

1 MR. BUELL: Sure.

2 UNIDENTIFIED SPEAKER: Okay.

3 MR. BUELL: Yeah, I am pretty sure I know
4 what happened, not to the final detail, because I
5 didn't see the thing, but, being, working with Doug
6 and him doing the same thing I do, and putting in
7 what John said and what my sister said, and
8 everything, you know, I have got a pretty good idea
9 of what happened.

10 UNIDENTIFIED SPEAKER: Okay.

11 MR. BUELL: Bar from the fact that he
12 possibly, you know, hammered the throttle and the
13 throttle cable broke. See, we can't, I am just
14 throwing out a wild one so you know that it could it
15 have been anything. But, my guess, my guesses are
16 that he and from what Tammi said, went out and was
17 doing, basically thinking he was doing the same
18 thing, saw his window, which he has done, like I
19 said, probably 10,000 times, a hundred times a year
20 for 25 years, two ways a day.

21 He picked the spot, went through it, a wave
22 that was going a foot tall, or a mile an hour
23 faster, or whatever, Mother Nature, and the
24 combination of that shoaling there, kicked one up
25 worse than it should have been or whatever, you

1 know, you know, a freaker, sneaker, whatever you
2 want to call it, he went over a big one first and
3 Tammi said that he was, oh, man, look at this next
4 one and made a maneuver. But, she knew that it went
5 sideways like this. He had about three choices at
6 that point when he came off of the first one. He
7 could have, like we said, he could have backed up,
8 tried to roll over it, could have punched right
9 through it, or he could have tried to run out around
10 the end of it. I am sure he choose one of those
11 three. If his boat was broadside, my guess is that
12 he choose the latter, dropped the hammer and was
13 going to try to get up around the end of it. He has
14 done that a million times, you know. And so that is
15 how I got out. And for whatever reason, that wave
16 was going a little faster or whatever. Like I said,
17 unless the throttle cable broke off, which you won't
18 know because the thing is gone from the boat. You
19 would never be able to answer that unless you found
20 the piece. But, unless there is something weird
21 like that, I would say it was an accident as in that
22 wave versus that boat and that wave won, you know.

23 UNIDENTIFIED SPEAKER: And the end of it, if
24 he went around the end of it, it would be where the
25 deeper water is, so he is coming around here --

1 MR. BUELL: Well, you don't just necessarily
2 run around the end of one and are in the deep water.

3 You might have to go over two or three and run up
4 some and zig zag your way out through there.

5 UNIDENTIFIED SPEAKER: But, that is the area
6 where he is trying to get to.

7 MR. BUELL: Sure. Yeah.

8 UNIDENTIFIED SPEAKER: Okay.

9 MR. BUELL: I mean, that is my best guess of
10 what happened. Like I said, a couple of, two, three
11 little last second things would have happened.
12 Whatever Doug did, I tell you what, by knowing him,
13 he made the right choice for what the situation was
14 in front of him. There is no doubt in my mind about
15 that. Doug did whatever, whatever was the right
16 thing to do because of what had just happened, he
17 did the right thing. If you have two race car
18 drivers and they are going along and the car in
19 front of both, the tire goes out and the best thing
20 for one to do is turn left, or and it hits another
21 car and those two off and die, he didn't do the
22 wrong thing by turning left. And that guy is an
23 expert driver, right. A kid runs out in front of
24 you in the road, you whip the wheel and go off the
25 road, and crash and break and die, you shouldn't

1 have hit the kid, you know, you still made the right
2 move. And I know that is what Doug did. For
3 whatever, you know, we may never know that he just
4 saw a log at the last second and whipped the wheel,
5 and that would still mean he did the right thing
6 trying to get away from that log or trying to go
7 around a big wave that came up out of nowhere, you
8 know. I know Doug did the right thing.

9 UNIDENTIFIED SPEAKER: Thanks.

10 MR. BUELL: Sure.

11 UNIDENTIFIED SPEAKER: I have got on, I
12 haven't heard anything about, how can we make your
13 port safer, your bar safer out here?

14 MR. BUELL: Okay. You definitely need to and
15 we have been taking boats out for years, and been
16 ignored over and over, and this and that. I am sure
17 you guys have heard about all of that. And what
18 would make it safer, the south jetty is completely
19 wasted, basically. That is, you know, this thing,
20 you have got 100 yards out here, where it, I was
21 watching, a lot of people hit those rocks. This is
22 one of the worse spots right here, because this is
23 where it used to be and right now it is just rocks
24 jetting out of the sand. So, people look and it is
25 incredibly deceiving. Plus, the channel shows you

1 that, you know, to go right through this area and so
2 on and so forth, and the people are looking in there
3 and they say, there is a rock, so, I can go around
4 the end here, well, right here a wave will curl up
5 on you on a perfectly flat day, because it has got a
6 pocket in here where those rocks are and stuff and
7 whew, and that is where those other guys died last
8 summer right there and back in here and everything
9 because that needs to be addressed for sure.

10 The north side is being bent back around
11 like this where is, you see those little, it looks
12 like a little claw there, they didn't make that way.

13 It has been getting knocked around. Also, all this
14 shoaling and sand and all these problems out here,
15 that used to be dredged and I haven't seen it
16 dredged since I was this tall, you know, out here.
17 So, all that needs to be dredged. This area needs
18 to be dredged to the proper depths. Also this area
19 back here, and nobody mentions this very much, along
20 the beach where that jetty is so, they keep throwing
21 sand bags and crap in there, because whatever, they
22 don't have the money to fix it or, or whatever the
23 reason is, this whole area here and the more of that
24 gets eroded back like this, out of the beach, well,
25 why is that eroding? Because of the thing isn't

1 strong enough and thick enough to keep it from
2 eroding, so it keeps eating in there. Where do you
3 think all this sand and all that stuff goes during
4 the northwest currents? It goes -- and ends right
5 there.

6 So, I mean, you have got three problems
7 because of not maintaining it. If they were just
8 maintained, you know, oh, look, we have got to put a
9 few more rocks out here this year and next year we
10 have got to make this a little thicker, and it would
11 help, because they just, they haven't done anything
12 to do it. Like I said, except throw a couple of
13 sand bags in here so the parking lot didn't
14 completely fall away.

15 So, this needs to be strengthened and
16 thicken and stronger and the ends need to be back
17 out where they were originally designed to be
18 because right now where this tip is here, and
19 especially on the north side --

20 (Pause.)

21 MR. BUELL: Let me draw a new picture real
22 quick. And this is a real good idea.

23 (Pause.)

24 MR. BUELL: Here is the, here is where the
25 north jetty is today, okay and here is where it

1 used to be like this, well, the surf line starts
2 here in this area, right. Well, you are suppose to
3 be able to take your boat and get out pass the surf
4 line, okay, but you can't now. You get out here and
5 you turn around the corner, you are right, you are
6 right in the surf line already. So, that is a
7 problem with that, I mean, the jetty not being
8 beyond that. So, the north one. The south one --
9 the south one is a little different.

10 MS. SIMON: What I don't understand, I know
11 everyone is asking how can it be fixed, what can we
12 do, you know, when they talk about the Corps of
13 Engineers is on this and they have got some surveys
14 going on, there is, the Naval Academy, itself, does,
15 they have oceanographers. Get an oceanographer out
16 here. They know what happens, they know what is
17 shoaling is. Tron is not an oceanographer. I mean,
18 he just plainly can see this just from his
19 experience and living here all his life.

20 MR. BUELL: Right.

21 MS. SIMON: These guys, this is their job.
22 And you can just as easy get a college with very
23 trained individuals and professors and the whole bit
24 that have been doing this their whole entire life.
25 There is a Scripps Institution of Oceanography.

1 There is the Naval Academy which is military related
2 to the Coast Guard. And they could probably get to
3 these universities to do it for free.

4 MR. BUELL: Yeah.

5 MS. SIMON: And if, as far as funding, I
6 mean, you utilize resources to get this done, this
7 has already been like way too long and it has killed
8 way too many people for them to ignore it.
9 Thousands and thousands of people cross this bar
10 every year. And because this community isn't so big
11 and so strong and doesn't have the lobbyist and
12 political background that it needs, nothing has been
13 done, hasn't been addressed. I think that maybe this
14 is going to be a huge eye opener and everyone should
15 utilize this opportunity to get something done.

16 MR. BUELL: And I wanted to -- On the thing
17 that you were asking me about explaining about this
18 little bit, all that work and everything, it is not
19 the end off here like life jackets or anything, it
20 is a lot of different factors that work here. I
21 tell you what, if they were repaired, like you are
22 asking them about, to make things safer, yes, it
23 would. It would decrease the odds on as many times
24 as people, not just myself, commercial guys, us,
25 recreational boaters, travel back and forth through

1 that area, when the conditions are not as good as
2 they could be. So, I mean, yeah, fix it up, you
3 will have less accidents. There will be accidents
4 with boats, you know, but, it, the odds would go way
5 down from the accident site. Newport has got a way
6 better record than here or the Columbia, or
7 whatever, because they have got that big nice deep
8 water channel and big nice jetties and -- There are
9 lots of days when we don't go and they are like, you
10 should have been in Newport today because they all
11 went, you know. Same day, same ocean, same swell,
12 same amount of wind, but, their bar is fine.

13 UNIDENTIFIED SPEAKER: Okay. Does the
14 Norwester have a chart plotter?

15 MR. BUELL: Yes.

16 UNIDENTIFIED SPEAKER: Would you have
17 captured your track information from Saturday?

18 MR. BUELL: I can't remember if I erased it
19 or not. I never thought about that would be, I can
20 go look.

21 UNIDENTIFIED SPEAKER: Do we have an
22 interview, Bill, after this?

23 MR. WOODY: Yes, we do.

24 MR. BUELL: What a smart idea, I didn't
25 think of that.

1 MR. WOODY: I can handle that.

2 UNIDENTIFIED SPEAKER: Okay. Maybe I can go
3 down to the boat with you and see if --

4 MR. BUELL: And that Taki has one, too, but
5 the thing is gone. You know, the one top, there is
6 the one inside.

7 UNIDENTIFIED SPEAKER: The one inside is
8 still there.

9 MR. BUELL: Still here. I don't know if you
10 could get anything out of it, but you never know.
11 It is worth a look.

12 UNIDENTIFIED SPEAKER: Can we go down there
13 and take a look and see?

14 MR. BUELL: Yeah, that is fine. I would be
15 interested to look at it. I forgot to, you know,
16 with all the mayhem and all --

17 UNIDENTIFIED SPEAKER: One of the problems
18 that we have been having is that everybody is
19 describing --

20 MR. BUELL: Everybody is drawing --

21 UNIDENTIFIED SPEAKER: And drawing pictures
22 on the drawing erase board and it becomes very
23 difficult for us to attach any significance to --

24 MR. BUELL: Right, but at the same time,
25 though, your numbers change about every five

1 minutes, so don't get too bent out of shape on the
2 exact, because we were like, him and I were talking,
3 and that window, it was here at 8:04, I went out, at
4 8:30 it was here.

5 UNIDENTIFIED SPEAKER: Sure.

6 MR. BUELL: And is why I went there.

7 UNIDENTIFIED SPEAKER: I understand that.

8 MR. BUELL: Sure, we can go look. Yeah, we
9 can go look.

10 MR. WOODY: Before we let you go, though, we
11 would like to get your quick sketch down on a piece
12 of paper. I think --

13 (Pause.)

14 (Tape ended.)