

UNITED STATES OF AMERICA
NATIONAL TRANSPORTATION SAFETY BOARD
OFFICE OF ADMINISTRATIVE LAW JUDGES

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Investigation of: *
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COSCO BUSAN/BRIDGE ALLISION *
SAN FRANCISCO, CALIFORNIA * Docket No.: DCA-08-MM-004
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Interview of: CAPTAIN PETER J. McISAAC

Pilot Commission Office
Pier 9
San Francisco, California

Friday,
November 18, 2007

The above-captioned matter convened, pursuant to Notice.

BEFORE: LARRY D. BOWLING

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P R O C E E D I N G S

(No time noted.)

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2
3 MR. BOWLING: All right. Good afternoon. This is
4 Larry Bowling with the NTSB. We're here with portions of our
5 operations cell to interview Captain Peter McIsaac, President of
6 the San Francisco Bar Pilots Association. We are at the Pilots
7 Station at Pier 9 in San Francisco. I'll start with my left and
8 introduce the other members of the operations group.

9 MR. HOLLY: Rick Holly, Department of Fish and Game,
10 Office of Spill Prevention and Response, Field Operations
11 Supervisor.

12 MR. WHEATLEY: Ross Wheatley, Investigator, Coast Guard,
13 San Francisco, Sector San Francisco.

14 MR. BROWN: Steve Brown, representing the American
15 Pilots Association.

16 MR. HURT: Rick Hurt, San Francisco Bar Pilots.

INTERVIEW OF PETER J. McISAAC

18 BY MR. BOWLING:

19 Q. Okay. Good afternoon. Captain McIsaac, for the record,
20 would you give me your full name and then some mailing information
21 on you and telephonic contact, please?

22 A. Yes. It's Peter J. McIsaac, M-c-capital I-s-a-a-c.
23 Best address is probably San Francisco Bar Pilots, Pier 9, East
24 End, San Francisco, California 94111.

25 Q. Okay, thank you.

1 A. And telephone's -----.

2 Q. This e-mail good on you, Captain,
3 -----.com?

4 A. Yes. And just one clarification. I'm President of our
5 Benevolent and Protective Association, which owns the equipment,
6 but I'm Port Agent for the San Francisco Bar Pilot Association.

7 Q. Okay.

8 A. And that -- with Port Agent comes certain duties under
9 the State Board of Pilot Commission, which I'll refer to in the
10 future as the Commission. Under their regulations, I have certain
11 duties within the state regulation.

12 Q. All right. Thank you. Captain, the -- just for
13 background purposes, would you get the -- can you tell me a little
14 bit about your educational experience, focus on anything after
15 high school, both from an educational standpoint, from a non-
16 marine and then marine and again, just the highlights of your
17 (indiscernible)?

18 A. Yes. Well, I -- actually, I was in college when I
19 started my maritime career. I needed a summer job and I had a
20 friend who worked in the -- he ran a small tugboat -- his uncle
21 ran a small tugboat company out in Detroit and I started on the
22 Great Lakes and I'm still working on my college career all these
23 years later. And the -- so that was in 1977, spent a couple years
24 in the Great Lakes and '79 went up to Alaska, worked -- got a job
25 with Crowley Maritime, stayed with them until 1992 or through 1991

1 and -- including one year down here, one year in Seattle. And
2 then from there, I went to -- went into the pilot commission
3 training program and then became a pilot January 1, 1994.

4 Q. Okay. So you obtained your state pilot license in 1994?

5 A. Yes.

6 Q. Okay. What federal licenses do you hold?

7 A. Master, 1600 ton.

8 Q. When did you have that license issued?

9 A. Oh, boy. I believe 1990.

10 Q. All right. Is your state pilot license current?

11 A. Yes.

12 Q. What about your Coast Guard 1600 ton Master License?

13 A. Yes, just renewed it six months ago.

14 Q. Is that oceans or near coastal?

15 A. Near coastal.

16 Q. Okay. Rob Jones has, I'm sure, more than adequately
17 covered the -- your role here with the San Francisco Bar Pilots,
18 so what we'll do is I would like to start, get to the events
19 leading up to and around the 7th of November. But before I do
20 that, I want a little bit of -- about a 48-hour history on you
21 just from a standpoint of your mental condition, your physical
22 condition on the 5th of November, the 6th of November. Do you
23 recall any -- or incidents or situations where you may have been
24 sick, ill, didn't get enough sleep? Can you tell me, in your own
25 words, how your physical and mental condition were in those days?

1 A. Seems like a long time ago.

2 Q. I know it does.

3 A. No, there was nothing, nothing of significance on
4 the 5th. In fact, I don't even recall what I did. On the -- do
5 you want me to start in on the 7th?

6 Q. Well, before -- were you well rested leading up to
7 the 7th?

8 A. Yes, yes.

9 Q. Okay. And were there -- there were no medical issues of
10 any type that would have impacted your judgment or ability to
11 perform functions as a pilot?

12 A. No.

13 Q. Okay. Regarding the 7th, when exactly, can you tell me
14 when you first arrived here at the pilots station on the 7th,
15 ballpark?

16 A. About 0600.

17 Q. Okay. So you reported in to the pilots station
18 about 0600. What was your purpose of reporting in that day at
19 that time?

20 A. Well, we had a monthly membership meeting and we were
21 going to have a Coast Guard presentation at 0930 on the TWIK (ph.)
22 program and then after that, it was going to be followed by a
23 membership meeting and the -- our May and November meetings are
24 typically our biggest meetings because there's a lot of business
25 that we have to get through, so I was expecting a long day, so I

1 came in to finish my port agent's report and then I worked out and
2 was ready to go. I was just finishing getting dressed,
3 essentially, at 8:30 when I got the word that the -- there had
4 been an accident, so -- or an allision.

5 Q. Okay. So around 8:30 you were just getting, basically,
6 out of the shower from having a workout?

7 A. I was just coming out of the door over there --

8 Q. All right.

9 A. -- and -- when a pilot who had just been told by the
10 dispatcher informed me that there had been an allision with the
11 Delta Tower of the Bay Bridge.

12 Q. All right. What pilot was that?

13 A. Captain Cota, John Cota.

14 Q. Yeah, but what pilot --

15 A. Oh, it was Greg Wall.

16 Q. All right.

17 A. Greg Wall was the pilot who informed me.

18 Q. All right. Do you know how Greg Wall -- where did he
19 hear that from?

20 A. He heard it from the dispatcher, I believe.

21 Q. Okay.

22 A. And there was a lot of pilots around at that time
23 because some of them came in early to avoid traffic. You know,
24 there was -- geez, probably 30 guys here by 9:30 just because of
25 the TWIK presentation.

1 Q. Okay. So you were dressed and ready to perform whatever
2 function it was, whether it was attending the meeting or whatever
3 action (indiscernible) and you were ready to go at that time and
4 you heard the -- when you first heard from Greg Wall that there
5 was an allision?

6 A. Yes.

7 Q. Okay. So what did you do at that point? What was your
8 next -- timeline, what did you do?

9 A. I just ran in to dispatch for a second and I was looking
10 on our transview, which is our -- essentially our electronic chart
11 program to -- or AIS program --

12 Q. Um-hum.

13 A. -- to determine where the ship was at that point and I
14 didn't even get to it before my assistant, Fran Black, informed me
15 that Captain Cota was on the phone.

16 Q. Right.

17 A. So I talked to him briefly. He told me that he had
18 allided with the bridge, that the bridge, the tower, itself,
19 seemed fine. It looked like it was mainly damage to the fendering
20 system. And at that point, a -- or --

21 Q. Cota was passing this to you?

22 A. Yes.

23 Q. Because you'd got the phone -- Fran Black, who is one of
24 the administrative support personnel here?

25 A. Yes.

1 Q. Okay.

2 A. So she was at -- she answers my phone if I'm not at my
3 desk.

4 Q. All right. So she basically had the speakerphone up or
5 tapped in to it from her desk?

6 A. Yes.

7 Q. Okay. You took the call and you took the call in your
8 office?

9 A. Yes.

10 Q. All right. All right, so you had -- Captain Cota was on
11 the phone and if you don't mind again, what -- walk me through
12 what he was passing to you.

13 A. He told me that he had hit the -- allided with the Delta
14 Tower, that the tower, itself, seemed fine, that the -- it was
15 mainly damage to the fendering system and he also told me that he
16 was proceeding to Anchorage 7.

17 Q. Okay. So basically, that the he allided with the tower,
18 the fendering system seemed to be the only portion of the
19 structure that had damage --

20 A. Yes.

21 Q. -- and the tower seemed fine and that he was proceeding
22 to what anchorage?

23 A. Anchorage 7.

24 Q. All right. Did -- what was your response back to
25 Captain Cota?

1 A. I told him we'd be out there. I think I told him we
2 were going to run out and check Delta Tower, you know, the base of
3 that and then I would talk to him, eventually.

4 Q. All right. When you say we, did you clarify that with
5 Captain Cota, you just said I'll be coming out or --

6 A. I don't recall.

7 Q. Okay.

8 A. Yeah. I just said that.

9 Q. Basically, you responded that you'll be
10 getting -- you'll get -- how -- do you recall, in your words, how
11 you responded back to him, what you told him was going on?

12 A. No, I just said we were going to check out that tower
13 and actually, one other thing I just remembered is that when I was
14 in the dispatch office before I even got to our chart display, I
15 told the run boat operator, happened to be in the office just
16 checking on the day's work and I told him -- I asked him if the
17 boat was busy, he said no, not right now. I said okay, well get
18 ready. I said we're going to -- I'll need you in a second and
19 then I went over and talked to Captain Cota.

20 Q. All right, run boat operator, who's that?

21 A. Rory -- Rick, do you recall --

22 MR. HURT: Sheridan.

23 THE WITNESS: Sheridan, Sheridan.

24 BY MR. BOWLING:

25 Q. Rory Sheridan, all right. And he's your hundred ton

1 skipper, or your licensed master that runs the -- your pilot boat?

2 A. Yes, yes.

3 Q. Okay. All right. So he said that the run boat was
4 available?

5 A. Yes.

6 Q. And that was the Golden Gate?

7 A. Yes.

8 Q. Okay. All right.

9 A. So then after I talked to Cota, I just grabbed my
10 jacket. Let's see, two -- no, three -- three other pilots came
11 with me; Captain Wall, Captain Coney and Captain Frank Hoburg.

12 Q. Okay.

13 A. So we jumped on the boat -- and there was a deckhand on
14 board and I don't recall his name. I had never seen him before,
15 so --

16 Q. Okay. I think we actually have the -- Richard provided
17 us with the name yesterday. Okay, so basically at that point, you
18 embarked the Golden Gate --

19 A. Yes.

20 Q. -- (indiscernible) boat Golden Gate and with the two
21 crew on board, you, in addition to the pilots; yourself, Captain
22 Wall, Captain Coney and Captain Hoburg. Can you tell me what
23 happened next?

24 A. Well, visibility was a little limited, so we proceeded
25 out. I told him to head immediately toward Delta Tower, because

1 obviously, I wanted to make sure that everything -- you know. You
2 know, obviously with Captain Cota being probably a hundred feet
3 above it when the accident occurred, I wanted to make sure that
4 the tower, itself, looked in good condition, so that was our
5 first -- first place we went is over there and I started making
6 phone calls on the way and my first phone call was to Captain
7 Bill Uberti, the Captain of Port.

8 Q. Okay. And that is identified in your records
9 around 8:37. I think you have the records in front of you there.

10 A. Yes.

11 Q. All right, at least the first call to 415-399-3410 was
12 Captain -- identified as Captain Uberti and that was at 8:37?

13 A. Yes.

14 Q. All right. What was the nature of that call? Had you
15 seen the fendering system of the tower at that point?

16 A. No, no. We were maybe halfway there and I told him that
17 the pilot had reported that he had just allided with the Delta
18 Tower --

19 Q. All right.

20 A. -- a few minutes before. I said, you know, visibility's
21 very limited, I'm heading over there now. I asked him -- he was
22 unaware of it. I think VTS, I'm sure, was aware of it by that
23 time, but they had not called him. So I told him that -- I asked
24 him if he could ensure that Cal Trans was informed and that I was
25 headed to the bridge and I'd be there in about five minutes and

1 that I would call him at that time, once I got a look at the
2 bridge, so --

3 Q. Okay.

4 A. And then I -- at that point, I believe I also told him
5 that we -- that there may be oil in the water because at just
6 about -- I know I was talking to him when I started to see the
7 first signs of a sheen. It wasn't a lot of oil, but it was -- and
8 I did see a sheen, so --

9 Q. Okay. So then that first call, you did -- you did
10 indicate to him that there may be oil in the water?

11 A. I believe so, yes.

12 Q. And I want to browbeat you, Captain. Please don't take
13 it wrong, but I need you to really think and if you have to take a
14 couple minutes and just go through your mind and try and recreate
15 the conversation, because that's going to be critical in some
16 regards, whether you did or you didn't and you know, to believe is
17 a little bit of gray area, so basically, when you called him, you
18 did let him know that there was an allision, what you recall, and
19 at least what you passed to me is that you told him, which was
20 common, I'm sure, you're going to be checking the tower.

21 A. Um-hum.

22 Q. And then you asked him to inform Cal Trans.

23 A. Yes. Or make sure Cal Trans has been informed.

24 Q. Okay. Make sure, okay.

25 A. And I can't say for certain that I did discuss the oil

1 with oil --

2 Q. Okay.

3 A. -- with him at that time.

4 Q. And then if you don't remember, you don't remember, but
5 you believe you did?

6 A. Well, I believe so and I've asked two of the other guys
7 who were there, but -- I asked Captain Coney and Captain Wall and
8 you know, it went from -- it was kind of rapid dial from phone
9 call to phone call to phone call, so I'm not sure, you know, who I
10 told what to and I talked to -- you know, I called him a couple of
11 different times, but I believe I only talked to him one time. I
12 know I talked to him one time. I'm not certain; I think it was
13 the third call to him.

14 Q. Okay, when you called -- after you hung up on the 8:37,
15 it looks like you called Black?

16 A. Fran Black. She's my assistant.

17 Q. Okay, back at the office here. Do you recall what you
18 called back to tell her?

19 A. Yeah, I tried -- she did not answer. I was calling to
20 tell her that we're probably going to -- that we needed to set up
21 the drug test collector.

22 Q. Okay. All right.

23 A. Whatever -- the specimen collector.

24 Q. So she didn't pick up and at 8:44 --

25 A. That's when I called dispatch and told them that we

1 needed to track that guy down and get a (indiscernible). We use
2 (indiscernible). You know, we have six sites, as well as
3 a -- there's a mobile site called Global Collections that are
4 used.

5 Q. And so when you called dispatch, that was your intent,
6 to get --

7 A. Yes.

8 Q. -- Global Collections dispatched for drug testing --

9 A. Yes.

10 Q. -- drug and alcohol testing?

11 A. Yes.

12 Q. Okay. What was the name of the company again?

13 A. Global Collections.

14 Q. Global Collections. Is that local?

15 A. In East Bay.

16 MR. BOWLING: Okay. This is Larry Bowling asking and
17 Ross Wheatley, is that a consortium, local consortium, Ross? I'm
18 not familiar --

19 MR. WHEATLEY: I don't know.

20 MR. BOWLING: All right.

21 BY MR. BOWLING:

22 Q. Back to Captain McIsaac. Captain, if you look at your
23 phone records, about nine minutes after your first call to
24 Captain Uberti, it looks like you had a second call to the Captain
25 of the Port and that is also to his cell phone, correct?

1 A. No, I think that's to his office phone.

2 Q. That's to his office phone, okay.

3 A. And at that time, I was on the scene at Delta Tower.

4 Q. Okay.

5 A. And I was going to inform him that it was -- you know,
6 most of the damage that I could see was to the fendering system,
7 but he did not -- I believe I went to his message machine, so I
8 believe he was on the phone, so I don't think I left a message.
9 Then I called VTS one minute later and told them that they
10 probably needed -- well, that they needed to get the Corps of
11 Engineers, the debris boat dispatched, because there was going to
12 be debris in the water.

13 Q. So after you hung up with the Captain of Port, then you,
14 around 8:47, according to the timeline here, you contacted VTS.

15 A. Yes.

16 Q. And that's when you were passing all this information?

17 A. Yes.

18 Q. Or requests, okay. Did you see or smell any sign of
19 product in the water, oil product in the water at that point?

20 A. Not -- well, I had seen it in the approach, but at that
21 point, there was -- you know, it was obvious that there was black
22 oil on the base of the tower.

23 Q. Okay.

24 A. And I believe that I informed VTS of that, but I'm not a
25 hundred percent sure on that one, either.

1 Q. Okay. Okay. And it looks like you called back to
2 dispatch?

3 A. Yes.

4 Q. Do you recall what that was in reference to?

5 A. Yeah, that one I told them that I was going to use
6 Frank Hoburg, whose job had canceled -- he had an earlier job --

7 Q. Um-hum.

8 A. -- and that I was going to assign him to relieve Cota,
9 eventually.

10 Q. All right. So that was a call back to just let dispatch
11 know of your intentions?

12 A. Yes.

13 Q. Okay. Back to 8:47 when you first tried to call back or
14 really, 8:46 and 8:47, between the Captain of Port and VTS, you
15 did see black oil on the support structure of Delta Tower?

16 A. Yes.

17 Q. Okay. Did you see any pockets of oil in the water at
18 that time or accumulations of oil?

19 A. No, not in the vicinity of Delta Tower. There had been
20 some -- we had gone through some sheens. There was some, you
21 know, some concentration of black oil in the middle of the sheens,
22 but it wasn't -- I mean, it wasn't sheets of oil or anything like
23 that.

24 Q. Okay. So basically, it was sporadic or was it
25 concentrated?

1 A. It was -- I guess a light sheen, you know, it was
2 fairly -- it was a fairly solid stream that we went through as far
3 as being a sheen --

4 Q. Right.

5 A. -- with sporadic spots of --

6 Q. If I had -- imagine yourself in a 25-foot by 25-foot
7 square, if you -- during this time, if I were to take -- crop out
8 the water just at the surface, 25-foot by 25-foot, you know, a
9 perfect square, how much oil would you say on top of the water?
10 Could you -- would that square have been 25 percent full, would it
11 have been 50 percent full? Not necessarily the sheen, but what
12 the -- black oil.

13 A. Oh, black oil?

14 Q. Yeah.

15 A. Probably just a couple percent.

16 Q. Okay.

17 A. It was mainly a sheen and there was -- you know, we had
18 flood current, so --

19 Q. Okay.

20 A. -- I knew --

21 Q. All right.

22 A. -- where it was coming from --

23 Q. Right.

24 A. -- as far as which direction, so --

25 Q. Okay. Okay, so we're at 8:50 and that was a call back

1 to dispatch to basically inform them of your intentions with
2 Captain Hoburg and Captain Cota as far as allowing Captain Hoburg
3 to not necessarily relieve, but take over responsibility for the
4 pilotage from Captain Cota and you called back to VTS at 8:54.

5 A. Yes.

6 Q. Do you recall what that was?

7 A. Yeah, that's when we would've -- let's see. Yeah,
8 that's when I arrived on-scene of the vessel.

9 Q. Okay.

10 A. And that's when we were getting into the heavier oil.

11 Q. Okay. When you say getting into heavier oil, what were
12 you seeing at that point?

13 A. Well, at that point, we were coming up toward the stern
14 and they had a tug tethered on the stern --

15 Q. Right.

16 A. -- the Revolution and he was operating the engine
17 astern, so you know, we didn't get real close, but probably -- I
18 don't know. I guess when we were 200 feet from the tug, you know,
19 the -- the ship started to become more visible and then we -- I
20 told him to go up the port hand of the ship, but we just idling
21 along.

22 Q. Did you have any radio contact with Captain Cota at that
23 point? On the vessel?

24 A. No. No, we had not (indiscernible) on the radio.

25 Q. Okay. But at that point, around 8:54, when the Golden

1 Gate was approaching the vessel, what -- do you recall what
2 position the Golden Gate was relative to the Cosco Busan when you
3 were coming up on the vessel?

4 A. No, not really. What I actually -- well, when I
5 actually made the call, I probably got there 8:52, something like
6 that --

7 Q. Okay.

8 A. -- something like that, as far as coming up on the
9 stern.

10 Q. All right.

11 A. Because I made the call at 8:54 and at that -- you know,
12 came up on the stern, we were idling and then started going down
13 the port hand and that's when I could still see an -- or
14 substantial oil coming out of the hull.

15 Q. Okay.

16 A. And that's when I called VTS and told them that we
17 (indiscernible).

18 Q. All right, so you saw that somewhere around 8:52,
19 thereabouts?

20 A. Yeah, probably 8:53 --

21 Q. Okay. All right.

22 A. -- that I actually saw that part of it.

23 Q. Okay. All right, so that was VTS. Now, there's another
24 call in here at 8:55, it's Miller. Who is that?

25 A. That's Knute Michael Miller. He's the president of the

1 State Board of Pilot Commissioners.

2 Q. All right. And what was the nature of that call?

3 A. That call was to -- oh, just to give him a heads up that
4 there had been a major accident.

5 Q. Okay. Was there any other communications passed at that
6 point to Mike Miller?

7 A. No, no. It was just to give him a heads up so that if
8 he heard something on the news or whatever, he would've heard it
9 -- he would already be aware of it.

10 Q. Okay.

11 A. And actually, I knew that he was coming down here for
12 the TWIK presentation, as well.

13 Q. Okay. All right, at 8:58, there's a call to the
14 operations pilot. You see that?

15 A. Yes.

16 Q. Who is that?

17 A. Operations pilot that day would've been Dan Larwood
18 (ph.).

19 Q. Okay. And what was the nature of that call?

20 A. Oh, I know what. I asked him to get a hold of Captain
21 Pat Moloney of the Commission --

22 Q. Okay.

23 A. -- and inform him that there had been an accident.

24 Q. Okay. All right. Okay, you made another call two
25 minutes later to dispatch.

1 A. Just -- they had called on the radio and were wondering
2 when they were going to get the -- they needed the boat because
3 everything was changing around.

4 Q. Okay.

5 A. (indiscernible). There was some reason they needed to
6 send the boat outside.

7 Q. So dispatch -- call on the radio, VHF, and then you
8 returned the call on the cell phone?

9 A. Yes.

10 Q. Okay.

11 A. And -- yeah, that was it.

12 Q. Okay, all right. VHF. All right, so when you called
13 dispatch, what did you do? Is that when you directed the swap out
14 of the Golden Gate for the Drake?

15 A. Yeah, I just wanted to find out what he needed the boat
16 for and when he needed it.

17 Q. Okay. And that was because of conditions offshore?

18 A. Yeah, there was something -- I don't recall what he
19 said, but he needed to send the boat outside.

20 Q. Okay. All right. Kevin Levy (ph.) or Kevie (ph.) --
21 K. Levin (ph.) --

22 A. Kenny Levin. Yeah, he's our business director.

23 Q. All right.

24 A. And I was just giving him a heads up.

25 Q. All right. And then C.J.

1 A. That's Chris Johnson, and he's our Marine Superintendent
2 and I was calling him, telling him to fire up the pilot boat
3 Drake.

4 Q. Okay. What was -- Mr. Levin, you said, is the correct
5 pronunciation --

6 A. Yes.

7 Q. What's his title?

8 A. Business Director.

9 Q. Okay, Business Director. Is he a pilot, as well?

10 A. No.

11 Q. Okay.

12 A. Ex-Navy.

13 Q. All right. All right, so C.J. was direct -- basically,
14 his -- and contacted him to fire up the Drake?

15 A. Yes, and to get a camera, as well.

16 Q. Okay. 9:06. All right, what were the rest -- I mean,
17 right there in the timeline, 9:06, what were the other
18 pilots -- can you tell me where you were at with the Golden Gate
19 and what were the other pilots on board -- what was going on on
20 the vessel at that time?

21 A. Let's see. I think on that one, we got to go to the
22 pilot vessel Golden Gate log and at 8:55, we put Captain Hoburg
23 onto the Cosco Busan.

24 Q. Okay. All right, so basically -- we'll bounce here to
25 the logs of the Golden Gate. 8:55, Captain Hoburg as the first

1 pilot to depart the Golden Gate for the Cosco Busan, correct?

2 A. Yes.

3 Q. All right. Did you direct Captain Hoburg to embark the
4 Cosco Busan?

5 A. Yes.

6 Q. Okay. All right. We need to take a second and look at
7 this timeline, here, and we'll probably stop here in the phone
8 logs. Captain Coney, who was still on the vessel at that time,
9 correct?

10 A. Yes.

11 Q. Okay. Going over to your phone log -- or your -- excuse
12 me, the log of the Golden Gate, at 0906, the next entry was
13 Captain Coney off to the Cosco Busan.

14 A. Yes.

15 Q. All right, did you direct Captain Coney to board the
16 Cosco Busan?

17 A. He came up and asked -- he said that he had got a call
18 from Frank Hoburg, who was on the bridge of the ship --

19 Q. Right.

20 A. -- and he said that Captain Cota was in the head and he
21 said -- he just said, you know, it might be good if you came up
22 and that way, when Cota does leave, you can escort him down. And
23 that's --

24 Q. Referring to you?

25 A. No, no. Actually, he was referring --

1 Q. Oh, Hoburg to Coney?

2 A. To Coney, yes. And that's what Coney told me, so --

3 Q. All right. Did he express any other concerns based on
4 the nature of the call between Captain Hoburg and himself,
5 Captain Coney, when he -- when he told you about the phone call?

6 A. He just said something like that Frank had told -- I
7 don't know, you know -- Cota's not -- Cota's in the head. I don't
8 know what the scene's going to be when he comes out, you know,
9 so --

10 Q. Okay. And that -- how does that relate to you, do you
11 recall? Was it normal conversation or did it seem -- was
12 Captain Coney in any unusual behavior at that point?

13 A. No. No, not really. I think everyone was, you know,
14 obviously -- you know, the adrenalin was running in everyone. I
15 mean --

16 Q. Right.

17 A. -- you have to have seen the oil in the water and the
18 extent of the damage. Everybody was obviously shaken up or
19 excited.

20 Q. Okay.

21 A. I should not say shaken up, but -- and so
22 before -- right before Blake, Captain Coney, got off, he -- you
23 know. He said what do you think? I said you know, you should go
24 up there and I said we need to swap boats out, so I said just go
25 on up there and I'll give you a call back later when we're headed

1 back.

2 Q. Okay. So at that point -- I'm going to jump back over
3 to your phone log and it looks like around 9:09 you made a phone
4 call to Captain Coney.

5 A. That was incoming.

6 Q. That was an incoming phone --

7 A. You have to look up to the right here.

8 Q. I got you, I got you. So what was the nature of that
9 call from Captain Coney to you?

10 A. That's -- he told me that Cota was out of the head and
11 that everything -- you know, everything was okay.

12 Q. Um-hum.

13 A. And I don't know that he -- yeah. No, I won't comment
14 on that. I was thinking that he may have asked me whether or not
15 he should witness the -- you know, the little alcohol test that --

16 Q. Right.

17 A. I'm not sure about that, so --

18 Q. Okay. Was there any other comments relayed to you from
19 Captain Coney about Captain Cota and the experience with him in
20 the head?

21 A. No, no. He just said that he came out of the head and
22 he's excited, but okay.

23 Q. Okay. Okay, there was a call back to the business
24 direct, Mr. Levin, at that point, at 9:23, and that's after the
25 first call from Mr. Coney or inbound from Mr. Coney and it looks

1 like you went outbound to Kevin around 9:23?

2 A. To Kenny, yeah.

3 Q. Kenny.

4 A. We discussed -- I told him that there is oil in the
5 water and that -- you know, we're probably going to start getting
6 calls from media.

7 Q. Okay.

8 A. And he said that he'd already had one.

9 Q. Okay. All right. Bless you. Okay, let's see here. I
10 want to look at -- there is another call at 9:37 from -- inbound
11 from Coney, Captain Coney. Do you recall what the nature of that
12 call was?

13 A. No, I think I actually made that call. I -- it shows on
14 the right if it's incoming, to the right of the -- where it'll say
15 incoming CL instead of Walnut Creek or something like that.

16 Q. I got you. I think. I'm seeing --

17 A. Yeah. See, just look above -- look at my first call to
18 Coney.

19 Q. Um-hum, right.

20 A. Here it says incoming.

21 Q. Oh, okay. I got you, got you, got you. I was looking
22 at the (indiscernible).

23 A. Yeah, I think that's -- it's --

24 Q. All right.

25 A. He may have Verizon, as well. I think that's

1 why -- what that's about.

2 Q. All right, so Coney --

3 A. Took me a while to figure it out, too.

4 Q. All right. That was an outbound to Coney?

5 A. Yes.

6 Q. All right. At 9:37 and again, so you called -- you
7 called the business director around 9:37. Do you recall what the
8 nature of that call was?

9 A. We were already -- let's see. At that point, I believe
10 we were already back on-scene with the pilot vessel Drake, yeah.
11 We departed at 9:15 on the Drake.

12 Q. Okay.

13 A. And (indiscernible) on the port hand and I just called
14 up to find out how things were going up there and he just -- you
15 know, he said everything's, you know, fine. I think he told me
16 about the alcohol test and --

17 Q. Okay. All right. And I see at 9:40, it looks like an
18 outbound to Bill Uberti.

19 A. Yes.

20 Q. What was the nature of that call?

21 A. That's when I called to reiterate -- I got his message
22 machine. I just told him that we're on-scene and that my plan was
23 to take Captain Cota off the ship. I told him that it's safely
24 anchored, we had a fresh pilot onboard and that we're going to
25 take him back to Pier 9 for drug and alcohol testing and that he

1 would be available to his investigators here.

2 Q. And that's -- those were calls made to Captain Uberti's
3 desk?

4 A. Yes.

5 Q. All right.

6 A. At least I assume --

7 Q. Okay.

8 A. You know, I assume that's his desk.

9 Q. All right, I'll track that number down.

10 UNIDENTIFIED SPEAKER: It is.

11 MR. BOWLING: Okay.

12 BY MR. BOWLING:

13 Q. All right. And then there was another call at 9:41 back
14 to Blake Coney.

15 A. Yes.

16 Q. What about that last call to Blake Coney?

17 A. That was just to tell him that we were standing by the
18 starboard side.

19 Q. Okay.

20 A. I forgot to mention that. When I told -- when
21 Frank Hoburg went up, I told him that they should rig a ladder on
22 the starboard side away from the damage.

23 Q. Okay.

24 A. And the one thing of interest there was, there was
25 surprise that there was oil on the hull on the starboard side and

1 it took me a while to figure it out, but what it was doing is when
2 they backed -- when they worked the engine to stern in
3 Anchorage 9, as the wash went up, it, you know, was taking -- it
4 grabbed some of the oil that was coming around the stern and sent
5 it up on the starboard side.

6 Q. Okay, the vessel was in Anchorage 9 at that point?

7 A. No, Anchorage 7.

8 Q. Anchorage 7.

9 A. Sorry.

10 Q. All right. Let me look through my notes here.

11 The -- your telephone communications with Captain Uberti, at least
12 by records, I count one, two, three calls, all outbound from you
13 to Captain Uberti. The only one you actually talked to Captain
14 Uberti was the first one in the morning at 8:37, is that correct?

15 A. Correct.

16 Q. And then the one at 8:46 and the one at 9:40, you left
17 messages on the phone --

18 A. I don't even think I left a message at 8:46.

19 Q. Okay.

20 A. Once I didn't get him, I called VTS.

21 Q. Okay, what about 9:40?

22 A. Yes, I did leave him a message then.

23 Q. Okay. Do you recall the extent of that message,
24 generally speaking, do you know, not detail at this point, but --

25 A. That was the one where I reiterated my intention to take

1 Captain Cota off there --

2 Q. Okay.

3 A. -- where he would be --

4 Q. Okay. Did you discuss the -- did you tell him or did
5 you left a message, did you discuss or any way state or talk about
6 the level of the product in the water that you were seeing or the
7 debris in the water?

8 A. No. No, not at that point.

9 Q. Was there any conversations going on during the -- when
10 Captain Hoburg and Captain Coney were on the bridge that you're
11 aware of related to Captain Cota's time in the head on the bridge,
12 as far as -- was there any discussion between you and the other
13 members about Captain Cota being in the head?

14 A. No. Well, the only thing I heard was just what Blake
15 told me, after Hoburg had went up there.

16 Q. Right.

17 A. And then he just said, you know, he wants -- Hoburg
18 wants him up here, so --

19 Q. Okay. Did -- when Hoburg and -- when -- excuse me.
20 When you -- when you got Captain Cota onto the Drake, what were
21 the extent of your conversations with him at that point? He was
22 brought down by Mr. Coney, correct?

23 A. Yes.

24 Q. Okay. And walk me through the interactions between you
25 and Captain Cota.

1 A. There was -- well -- there was some discussion, but I
2 don't really recall -- he was concerned about getting off the
3 vessel.

4 Q. Concerned about getting off the vessel for what?

5 A. He said how is it going to look with the Coast Guard and
6 I assured him that I had already talked to Uberti in my initial
7 call, that I told him that, you know, we would be replacing him
8 with a fresh pilot. I said this pilot is obviously going to be
9 shook up and then I told him that I had called back and left a
10 message for Captain Uberti just a few minutes before Cota got on
11 board the Drake, so --

12 Q. Okay. Were there -- were there any other concerns that
13 Captain Drake conveyed to you?

14 A. Captain Cota.

15 Q. Captain Cota, I'm sorry, conveyed to you?

16 A. He just said -- he made a comment about this is a bad
17 one.

18 Q. How did you -- how long have you known Captain Cota?

19 A. Oh, I first worked with him in either 1979 or 1980 up in
20 Cook Inlet in Alaska.

21 Q. Okay. What time was that, ballpark?

22 A. I believe it was early 19 -- or somewhere, 1980, I
23 believe.

24 Q. And -- okay. And do you have a -- your relationship
25 with Captain Cota, is it strictly professional here with the

1 pilots association, or do you have a relationship with him from
2 the standpoint of, you know, friendly acquaintance? Do you visit
3 his house, I mean, do you go to Christmas parties, you know,
4 personal Christmas parties?

5 A. Right. No. No, it's pretty much strictly professional.

6 Q. Okay. So you --

7 A. Our wives are friendly, but it's pretty much
8 professional.

9 Q. All right.

10 A. I've never been to his house and he's never been to
11 mine.

12 Q. Did you notice any behaviorisms, mannerisms that were
13 being displayed by Captain Cota at that point when he came down
14 the pilot ladder with Captain Coney and got onto the Drake? Was
15 there anything about his behavior that struck you as unusual?

16 A. No. Well, you could just tell that he was excited, that
17 he had a lot of adrenalin flowing.

18 Q. All right. How was his speech pattern?

19 A. Kind of rapid.

20 Q. Okay. When you say rapid, was it just talking fast?

21 A. Yes.

22 Q. Okay. Was it understandable or was it unintelligible?

23 A. No, it was understandable.

24 Q. Okay. Did you smell any alcohol on Captain Cota at that
25 time?

1 A. No.

2 Q. Did you have any conversations with him regarding
3 the -- why he was in the head on the bridge after the accident?

4 A. No. No, I did not.

5 Q. Okay. Walk me through that point that Blake Coney
6 brought Captain Cota down to the Drake and then when you actually
7 were with Captain Cota. Can you walk me through the timeline from
8 that point until the time you got back to the pilots station here?
9 What conversations were going on?

10 A. It seems -- let me see. I think I was actually -- I may
11 have been on the phone when he actually boarded the vessel. Let
12 me just see when -- 9:45. I was on the phone for a couple of
13 minutes, like 9:44 -- 9:44, 9:47 and then -- so I think I was
14 actually talking on the phone when he came on deck and then after
15 he got on, we went around and looked at the damage on the port
16 side and from -- and there was a Coast Guard vessel, little patrol
17 boat, aft of the ship.

18 Q. Right. And that was somewhere between 9:45 and 10:15,
19 would you agree? Based on your log, based on the logs.

20 A. Yeah. Well, actually, the Coast Guard boat was actually
21 there when we got back on-scene as far as with the -- so I would
22 say probably around 9:30, when we got back on -- in the immediate
23 vicinity. We did see a Coast Guard boat and I assumed -- I
24 didn't -- we didn't study it long, but it looked like they were
25 back there, just kind of looking, checking out the oil

1 (indiscernible).

2 Q. All right.

3 A. And I should mention that from our initial -- when I
4 initially got into the vicinity at -- what was it, nine -- from
5 about 8:50 to 8:53, that it seemed within about 10 minutes that
6 the oil flow had stopped because it was actually off the hull, you
7 know, the oil was pouring out; it was actually off the hull, so
8 it's coming out with some pressure. And within about 10
9 minutes -- I'm guessing here, my estimate for the -- you know,
10 they got below the -- drop to head pressure was probably around
11 903, 904, that --

12 Q. Okay.

13 A. -- most of the oil had already poured out at that point.
14 And during that time, when we initially got there, there was guys
15 in boiler suits that kept looking over the side.

16 Q. They were crew?

17 A. Yes.

18 Q. Did you see any Coast Guard response personnel on the
19 vessel?

20 A. No, I don't believe they were there yet.

21 Q. All right.

22 A. Yeah, they were not -- they were not even
23 (indiscernible).

24 Q. Too early in the timeline. Okay. Did -- are you
25 familiar with the alcohol test kits that the association keeps for

1 the pilots or provides for the pilots, I should say, saliva test
2 strips?

3 A. Yeah, I'm a little familiar with them.

4 Q. Okay. Do -- who is the -- within the association, who
5 is the manager or who holds that responsibility for ensuring you
6 have --

7 A. Chris Johnson.

8 Q. Chris Johnson?

9 A. C.J., yeah.

10 Q. C.J. Is there -- does the association have regular
11 training on how to utilize the test strip and provide the proper
12 test?

13 A. Yeah, C.J. does.

14 Q. Do you know when the last time the association has held
15 such training for its pilots?

16 A. No. They've only been mandated for -- Ross, help me out
17 here. What year?

18 MR. WHEATLEY: June 2006.

19 THE WITNESS: Okay. So that's when we would've -- we
20 actually had a -- we had a presentation by the Coast Guard, kind
21 of a PowerPoint and --

22 MR. BOWLING: Right.

23 THE WITNESS: -- Q and A session.

24 BY MR. BOWLING:

25 Q. Okay. Did Captain Coney brief you on the -- at least,

1 what his interpretation of the test results were from when he was
2 on the bridge? Of Captain Cota's saliva test?

3 A. I don't recall.

4 Q. Okay. Do you know what either Captain Coney or
5 Captain Cota did with the expended test strip from the alcohol
6 test on the bridge?

7 A. No, I don't. Although, we've all -- we've talked about
8 it where -- in -- you know, this is just generally. When they
9 first went -- when we first put them into circulation and by far,
10 the consensus were that -- you know, the general consensus was you
11 test it and you hang onto it.

12 Q. Right.

13 A. So I assume that Captain Cota kept it, but --

14 Q. Okay. Is there standing guidance from either you or
15 other senior member of the association about the -- what is
16 expected of the pilots with regard to the compliance with the
17 alcohol testing requirements and drug testing requirements? I
18 realize it's in the C.F.R., but is there an internal documentation
19 of your association's expectations to your membership?

20 A. No, no.

21 Q. Okay. How would something like be relayed to the group?

22 A. E-mail, all-pilots e-mail.

23 Q. All-pilots e-mail?

24 A. Um-hum.

25 Q. Have you ever sent out such an e-mail?

1 A. Yes. And -- well, actually, I think it went through
2 Fran Black at the time and then we sent out the -- I believe we
3 also sent out the Coast Guard PowerPoint explaining it.

4 Q. All right. Do you recall when that e-mail went out?

5 A. Summer of '06, but --

6 Q. Okay. Is there a standing -- I'm going to use the term
7 standard operating procedures, but is there a standing notebook or
8 reference point where that if you had an apprentice pilot come
9 into the organization, that he or she could basically come in and
10 get a clear understanding of what the group expected of them other
11 than their maritime responsibilities? In other words, if they
12 were using an association vehicle or certain behaviors that is a
13 norm within the association -- in other words -- you follow me
14 with my question?

15 A. The trainees, you mean?

16 Q. Yeah.

17 A. Yeah, they -- yeah. They do -- there is a training
18 handbook that they are given when they first start the -- but see,
19 the trainees are not -- they are not training under the
20 San Francisco Bar Pilot banner. They're actually employed or
21 engaged by the State Board of Pilot Commissioners.

22 Q. All right, until they get their state license, correct?

23 A. Yes. And they are -- you know, their immediate
24 oversight body is the Evaluation Committee --

25 Q. Um-hum.

1 A. -- which consists of five pilots who have been appointed
2 by the Board and those pilots have to meet certain minimum
3 standards. They have to have been piloting in the Bay area for 10
4 years or more and they can only be on there -- it's like a four-
5 year term. They can only do two terms, so --

6 Q. Okay. Well, this training handbook, is that -- is it
7 generated by the San Francisco Bar Pilots Association or the
8 state?

9 A. By the eval committee, so it's state, essentially.

10 Q. Okay. All right, from a standpoint of in-house
11 documentation via e-mail or other directive, is there anything
12 from the association that clearly identifies what you or the
13 previous president, expects of the pilots regarding chemical
14 testing and drug testing?

15 A. Yeah. We do have a drug test program and it has been
16 approved by the state. It was submitted to the Coast Guard. I
17 believe we had verbal approval, but we never -- we never had -- we
18 never received anything in writing, but it's all based on the DOT
19 standards.

20 Q. All right. And where is that document kept?

21 A. Well, I can pull one up for you.

22 MR. BOWLING: Okay. What I'd ask, if we could, Richard,
23 if you could pull one up prior to the interview. What we can do
24 is we can stop -- we can pause or you know, stop. I'd like to see
25 that before we break the interview off. I don't want you to leave

1 while we're talking to Captain McIsaac, but I would like to see
2 that before I leave. We may or may not have a data request for
3 the document, I don't know. I'd like to take a look at it.

4 BY MR. BOWLING:

5 Q. Okay, again, we'll kind of pause and let Rich, you grab
6 that up and I can look at it while the other members talk to you,
7 but in an effort to keep moving along here, the -- as far as the
8 interaction while Captain Coney was on the bridge, did he ever
9 brief you on the fact that he contacted Captain Dom (ph.)?

10 A. Captain Dohm?

11 Q. Dohm, yeah.

12 A. No. Yeah, I think I actually heard that after the fact,
13 whenever he came in for your interview.

14 Q. Okay. Did you --

15 A. I don't know what the date is.

16 Q. Did you ever relay concerns about the under-
17 keel -- water under the keel of the Cosco Busan to anybody on the
18 bridge, either Captain Hoburg, Captain Coney or Captain Cota when
19 you were on the Drake or on the Golden Gate?

20 A. No, you mean -- it's location at Anchorage 7?

21 Q. At Anchorage 7, yeah.

22 A. No, no.

23 Q. Okay.

24 A. They were actually in the -- they were at the front
25 desk. There's a panel down there.

1 UNIDENTIFIED SPEAKER: Is it getting dark or is it just
2 me?

3 MR. BOWLING: It's dark. I'll tell you what, let's
4 pause briefly. Let me just pause this.

5 (Off the record.)

6 (On the record.)

7 MR. BOWLING: Okay, we are recording.

8 BY MR. BOWLING:

9 Q. The -- Captain McIsaac, the last question I think I have
10 before I turn it over was with regard to the -- once you'd brought
11 Captain Cota back to the facility here, can you tell me what you
12 and he were doing? I know there was a meeting going on, a TWIK
13 meeting. I heard that Captain Cota briefly went in there and had
14 some interaction with Captain Nyborg and I guess, through the rest
15 of the testimony that we've heard from other persons, you were
16 coming and going with all the activity and you had another
17 individual running the meeting for you.

18 A. Yes.

19 Q. Can you tell me, once the Drake got back to the pilots
20 station, what was going on from a timeline standpoint in -- to the
21 best of your knowledge, at your level, your desk, what were you
22 doing?

23 A. We went our separate ways. I believe Cota went
24 to -- went into the head, the drug test -- the Global Collections
25 was here. I don't know when it was, like 10:30, so yeah, I guess

1 we had a little time. When did we get back? We got back at
2 10:15, so he went to -- well, I assume that's where he went.
3 Actually, I can't confirm that, but --

4 Q. Okay.

5 A. You know, eventually he obviously (indiscernible)
6 because the -- just the time stamps on the receipts. And then I
7 went in -- well, I don't really know what I did for the next 10
8 minutes. At one point, I went upstairs. Another point, I --
9 Commander Wood, who had been doing -- or who had been in on the
10 presentation, came down. I talked to him for probably 10 minutes.
11 The ship was just getting underway from Anchorage 7, so he wanted
12 to see, through a pair of binoculars, so I gave him my binoculars
13 and he looked at it. Then another, I believe, a lieutenant
14 commander, who was actually doing the presentation -- I don't
15 recall his name right now.

16 MR. WHEATLEY: I believe it was Lieutenant Parham.

17 THE WITNESS: Yes, it was. Parham.

18 BY MR. BOWLING:

19 Q. So who was providing the -- who was providing the
20 training here on TWIK?

21 A. Lieutenant Parham.

22 MR. BOWLING: Can you spell that for me, Ross?

23 MR. WHEATLEY: Yeah, it's spelled P-a-r-h-a-m.

24 MR. BOWLING: Okay, he was doing the training.

25 BY MR. BOWLING:

1 Q. All right. And Commander Wood was here, as well?

2 A. Yes.

3 Q. All right. So what time did Commander Wood begin
4 surveying the waterfront with binoculars?

5 A. Must have been right around 10:25, somewhere in there.

6 Q. Okay.

7 A. And we were just in my office. I saw him walking by, so
8 I --

9 Q. And where was he surveying the waterfront from?

10 A. Essentially, two offices over.

11 Q. That's where your office is?

12 A. Yes.

13 Q. All right. Did you have any interaction with
14 Commander Wood at that point?

15 A. We talked for a few minutes. The -- you know, obviously
16 the visibility was much better at that point.

17 Q. Um-hum.

18 A. And you know, I just kind of recounted what, you know, I
19 had saw as far as the bridge fendering and then we started talking
20 about the damage and that's when we got the binoculars.

21 Q. Okay. What about the -- any discussions about the
22 quantity of oil in the water?

23 A. No, I don't believe so.

24 Q. All right. Could you smell oil at that time through
25 the -- in the meeting room? Or smell product?

1 A. No, but later -- well, I didn't go up into the meeting
2 room right away, but it was still flood, so I think most of it was
3 down in the south bay at that point --

4 Q. Okay.

5 A. -- and later on, when I was up there -- I was in and out
6 of there a number of times, but later on it was quite strong and I
7 believe that's when it started to happen. There was -- all
8 started coming back.

9 Q. Do you recall what time that was?

10 A. Right around noon is when I -- when it -- when I
11 really -- you know, I had actually left the -- we had a reporter
12 show up. I had left and walked out to the bulkhead at the -- on
13 the (indiscernible) and talked to him for about 10 minutes, so I
14 was in and out of the meeting room quite a bit.

15 Q. Okay. Do you recall what time the two Coast Guard
16 representatives left? Commander Wood.

17 A. Oh.

18 Q. Or it's Woods, isn't it? Wood. Okay, Wood.

19 A. Yeah. No, I don't recall, but it was probably -- no,
20 I -- my estimate would probably be about 10:45, something like
21 that.

22 Q. Okay. Did you -- did they greet you on the way out the
23 door? Did they tell you they were (indiscernible) to Coast Guard,
24 either Commander Wood or Lieutenant Parham?

25 A. No, I think I just asked them if they knew how to get

1 out of here.

2 MR. BOWLING: Okay. I think that's all I have,
3 gentlemen, from my standpoint. I'll turn it over to Rick Holly.

4 BY MR. HOLLY:

5 Q. Rick Holly, Fish and Game, OSPR. Just a couple of
6 questions. Could you describe for me, somewhere in the statute or
7 something, what does a port agent do? What are your duties?

8 A. I essentially have the overall responsibility for
9 managing the pilots and reporting to the Commission. I'm the
10 representative for the pilots at the Commission level. I have
11 certain financial duties, as well, as far as collecting surcharges
12 and giving it -- transferring it to them with a -- you know,
13 essentially, a breakdown, although technically, that's all done by
14 our controller, so -- and she just copies me.

15 Q. So that by managing, you're talking about financial
16 management or --

17 A. No, pretty much all management, including dispatching
18 pilots, assigning pilots to vessels.

19 Q. Is that covered in some statute or something?

20 A. Yes, I can get you a copy of that, if you'd like.

21 Q. That's not necessary. Could you take a couple of
22 snapshots for me? From time that you saw the damage at the Delta
23 span, that's one snapshot -- bear with me for a minute -- to the
24 time when you're heading out to see the Cosco Busan at
25 Anchorage 7, that's two, to the time when you're back here with

1 Commander Wood and this is over a span of hours, I guess, to the
2 time of the tide is ebbing. If I understand correctly, the
3 Cosco Busan was coming -- was underway on a floodtide,
4 (indiscernible) about 8:30 when they had a collision, an allision,
5 excuse me. And that floodtide, it was still flooding until about
6 10:30, eleven, twelve -- twelve o'clock slack water and then
7 (indiscernible). And if you can recall -- and if you can't,
8 that's fine, too -- but -- I guess what I'm getting at is you look
9 at the Delta span and you see oil. And if I recall your testimony
10 correctly, you're heading for the Cosco Busan and you're seeing a
11 sheen with patches of oil and then you're back here when it's
12 still flooding and it's not much of an indication of oil and then
13 when the head comes, you see more or less -- that's the question
14 mark -- of oil and I guess my question, given those points, if I'm
15 not being too obscure here, is at any time or at some time did you
16 realize or did you think there was more or less oil than you had
17 initially thought? Okay, that's (indiscernible).

18 A. When I first -- my first snapshot of what I saw, a sheen
19 was actually when we were transiting over to the Delta tower and
20 that's when we ran through a sheen, like I had said earlier,
21 fairly light, but with some spots of black oil.

22 Q. Um-hum.

23 A. Nothing real solid, but it was actually -- it was almost
24 looking more like it was going through Charlie Delta, in that
25 area, so it wasn't -- there wasn't -- the only oil at the site was

1 what was on the tower, itself, was on the concrete and there was a
2 little bit dripping off, but other than that, there wasn't
3 really -- that's why I called for the debris boat at that point,
4 because there really wasn't -- there wasn't really any oil at the
5 site other than, you know, a little bit dripping off, but that's
6 when I knew that, you know, obviously it had gone into a fuel tank
7 because of the oil. It was almost splashed up onto the foundation
8 of the tower.

9 Q. Um-hum.

10 A. And then when we got on-scene, the only -- when I knew
11 that it was -- there was a lot of oil, I didn't really see it, but
12 I saw the amount coming out of the ship and they were -- you know,
13 they had been backing their engines, so the oil -- it wasn't like
14 there was just this steady -- you know, this steady stream that
15 you could follow --

16 Q. Um-hum.

17 A. -- up to the source. So at that point, you know, I knew
18 that there had been a fair amount of oil had gone into the water,
19 assuming that it was, you know, it had not increased since the
20 initial impact. But really, when we were going from the
21 Delta Tower to the ship, we were running into some sheens, but it
22 wasn't a lot of solid black oil on the water. You know, there
23 were sheens, there was oil, but it wasn't -- I did not have a -- I
24 did not know the extent. In fact, I was surprised when I saw how
25 much oil was coming out of the ship. I thought that I would have

1 seen heavier oil on the surface prior to that.

2 MR. BOWLING: Okay.

3 BY MR. HOLLY:

4 Q. I didn't (indiscernible). What was the visibility, say,
5 at the time you mentioned in was low. From the time you left
6 the -- or was it the same? Pilot station to Delta span to the
7 vessel. About the same? If so, what was it?

8 A. Poor. And I was on the phone mostly. I wasn't on the
9 radar.

10 Q. Okay.

11 A. Kind of on the other side.

12 Q. Sure.

13 A. So certainly less than a half mile because when we first
14 started come up on Delta Tower, I couldn't quite figure out what
15 the -- what I was looking at, you know, because I saw the black
16 and I thought, you know, but the black was up onto the concrete
17 and I thought that it was some sort of a rubber fendering or
18 something, initially --

19 Q. Okay.

20 A. -- because it was still fairly foggy, so you know,
21 probably considerably less than a half mile. I can't really -- I
22 don't know that he put it in the log. I don't think that he did.

23 Q. Okay. I'm just trying to get a feel for, you know,
24 through your eyes, what the visibility is, what you're seeing in
25 limited visibility, if it was, you're probably limited in what you

1 saw, I think.

2 A. It was very limited when we left here. It seemed like
3 it got slightly better over not so much Delta Tower, but towards
4 the ship, you know, we started picking up the ship fairly -- I
5 won't say soon, but you know, once we could see the tog, then you
6 could see the stern of the ship, so --

7 Q. Okay. And that's over --

8 A. Yeah, that's on the other side.

9 MR. HOLLY: Okay. Let's see if I had one more here.
10 That was it. Thank you very much.

11 MR. BOWLING: Ross?

12 BY MR. WHEATLEY:

13 Q. This is Ross Wheatley from Coast Guard and I just have a
14 couple questions for you, primarily focused on your drug testing
15 program. You had indicated that the Coast Guard had come out and
16 done some training relative to the new regulations which were put
17 into place in June of 2006. Since that period of time, have you
18 had any other additional training concerning drug testing, to the
19 best of your knowledge?

20 A. No. We did send out, I believe, a cover letter and all
21 new test strips because they were coming up on the end of their
22 shelf span and I believe that was done in late August or
23 September.

24 Q. Okay, when you indicated that you sent out drug test
25 strips, did you guys actually issue test strips to all the pilots

1 or all the members?

2 A. Yes. And they're on all the -- pilot boats, as well.

3 Q. Okay. Do you happen to recall what brand they are?

4 A. No, no.

5 Q. Would it be possible to get, maybe, a copy of or an
6 example of one of those test strips?

7 A. Sure. And I think you may have called them drug test
8 strip and obviously, they're alcohol test strip.

9 Q. Thank you for correcting me. I mean alcohol. Do you
10 recall -- and has your organization done any type of specific
11 training on use of strips, at all?

12 A. No, just at that initial presentation by the
13 Coast Guard. We talked, I believe -- I believe we -- yeah, we did
14 talk about it and I know that some people have taken them home, in
15 the safety of their house, and tested them to see if they would
16 actually do anything after a glass of wine or a beer or whatever
17 and they did work, so --

18 Q. So at least some of the pilots, under certain
19 conditions, have tested it and they were -- it tested positive
20 when they assumed it would be positive?

21 A. Yes. Yeah, actually after the new strips came out, a
22 couple guys had told me that they had taken the old ones home to
23 test them and that they did, indeed, work so --

24 Q. Captain, do you recall when the last drug program audit
25 was conducted for your organization?

1 A. Audit by who?

2 Q. They're referred to as the drug and alcohol prevention
3 investigators, the DAPI, associated with the Coast Guard. In this
4 case, it would have been Lieutenant Young.

5 A. No, I do not recall. We did revamp it or we did send it
6 to our attorney with some questions, I believe about a year ago,
7 and one of them -- there was a question on the hours and we
8 actually changed the hours and I don't recall exactly when it was,
9 but it had something to do with we had 24, the -- there had been a
10 change where it had gone down to 12, is what I recall, so we
11 actually just changed the document to reflect that change. And
12 don't hold me to the exact specifics on it, but there was a -- we
13 did change it, like I said, about a year ago, to stay in alignment
14 with the regulations.

15 Q. Would it be possible to get a copy of that document?

16 A. Yes. It may not be until tomorrow just because of
17 Fran Black keeps it. She has the master copy. I don't have a
18 copy in my computer, so --

19 MR. WHEATLEY: Great, thank you. I don't have any other
20 questions.

21 MR. BOWLING: Okay. Rick, anything from you?

22 MR. HOLLY: No.

23 MR. BOWLING: I'm sorry. Richard.

24 BY MR. HURT:

25 Q. I just want to make sure I have the scenario of the ship

1 straight. The -- when Coney and Hoburg went up, was that by a
2 pilot ladder or a combination ladder?

3 A. Combination ladder on the port side.

4 Q. Combination?

5 A. Don't hold me to --

6 Q. Okay, it was on the port side?

7 A. Yeah, that was on the port side.

8 Q. Okay. Then subsequently you had them rig a pilot ladder
9 or combination on the starboard side or do you recall?

10 A. Yeah, I told Frank that he should rig that and that's
11 where we -- both Coney -- well, first Hoburg and then Coney went
12 up on the port side and then Cota came down on the starboard side.

13 Q. Cota and Coney came down the starboard side?

14 A. Yes.

15 Q. And that was also by a combination ladder?

16 A. I don't recall.

17 MR. HURT: That's fine. That's all I have.

18 BY MR. BOWLING:

19 Q. The members of the drug test committee with the
20 San Francisco Bar Pilots, was it Sean Gage (ph.)?

21 A. Gabe.

22 Q. Gabe.

23 A. G-a-b-e.

24 MR. BOWLING: All right. I don't have any questions,
25 but we will want to -- just a couple of things we need to ensure

1 we can get access to. We would like to get the records of the
2 last DAPI audit, last submission. We'll get them from the Pilots
3 Association. We'll also need to get -- I'd like to get the, at
4 least, the guidance or doctrine around the committee's purpose and
5 what they do, what they do for the Association. If possible, we
6 could get an unused test kit, if you have some extra ones. One
7 probably -- one we'll definitely have, you know, for the NTSB. We
8 can't duplicate it, so if you have two -- state won't need that,
9 will you? So if we can get one for the Coast Guard, as well, we
10 could take that today, maybe, help -- just add a little more to
11 the case, I mean, just from a standpoint of telling the story. I
12 don't think it would add much to the facts. Did I miss anything,
13 gentlemen?

14 THE WITNESS: The DAPI audit -- can I ask, for
15 clarification -- the DAPI audit, is that done randomly or --

16 MR. WHEATLEY: There's a prescribed period in which all,
17 basically, folks that are required to have a drug test program are
18 supposed to be audited just to verify that you do have an
19 appropriate program that meets the minimum standards established
20 by regulations, et cetera. I don't recall, off the top of my
21 head, exactly what the frequency of that is. I can find out for
22 you, if you'd like and provide you that information. But I do
23 know there's a frequency in which (indiscernible) audited and the
24 current DAPI is Lieutenant Sara Young at the District Office.

25 MR. BOWLING: And we'll need to -- if you don't mind,

1 Ross will -- bit more familiar with this, (indiscernible) in the
2 regs, but -- and we're still on the record here. Just a couple of
3 questions before we do close off the record.

4 BY MR. BOWLING:

5 Q. I lost my train of thought. We were tying in to the
6 drug testing requirements. It is Larry Bowling. (indiscernible)
7 at any time did, throughout the course of the day, Captain
8 McIsaac, did you see the test kit or the little vial that the test
9 strip came in? Did you ever see Captain Cota have that in his
10 hand at any time?

11 A. No. And frankly, we've never put a lot of -- we don't
12 have a lot of confidence in the test strips.

13 Q. Okay.

14 A. Our program was set up to get a real test done as soon
15 as possible.

16 Q. Okay. And that would be done through the Global
17 Collection?

18 A. Well, you know, we have like Catholic Healthcare West is
19 one of the collection centers.

20 Q. Right.

21 A. We have a number of centers that we use. We have them
22 strategically or geographically located, you know, if an accident
23 happens up-river, we can get them and Global, I believe, is the
24 only one that provides mobile service.

25 Q. And they provided the service in this case?

1 A. Yes.

2 MR. BOWLING: Rich, we need a contact with them from
3 you, please, so we'll have the latest submission of the drug
4 testing audit. Yeah, I saw it coming in. An example of the
5 saliva test kit that the pilots use. If you will get me a contact
6 with Global Collection, we'll probably follow up with that
7 individual and I think that was -- oh, I know what it was.

8 BY MR. BOWLING:

9 Q. With regard to in-house documentation within the
10 association -- word this carefully -- of shortcomings that you, as
11 the president, have become aware of with your team. For example,
12 behavior that would be inappropriate or would not be -- but that
13 would be contrary to what the Pilot Association expects of its
14 membership. Do you track such records?

15 A. No. Well, no. Not as far as an official document.
16 My -- as Port Agent, my duty -- if there's something that I think
17 is affecting a pilot and his ability to carry out his duty as a
18 pilot, I have to inform the Commission and I have done that in the
19 past on at least two occasions.

20 Q. All right. Have you ever done that with -- have you
21 ever informed the Pilot Commission of any behavior on Mr. Cota?

22 A. Yes.

23 Q. What was that?

24 A. October 2004, in my previous stint as port agent.

25 Q. Okay. And what was that related to?

1 A. He went into a -- what was described as a rage on board
2 the pilot boat during Fleet Week. We were boarding the vessels
3 to -- you know, for the Parade of Ships. And I heard about it
4 from the pilots who were on the boat and then the captain, or the
5 commander -- well, the captain of the vessel, the Tarwa (ph.), and
6 you have -- we have submitted the file that we have, which
7 includes a letter to the Commission informing the Commission that
8 I was putting Captain Cota on the beach and that I was concerned
9 about his emotional stability or -- and -- so I -- they
10 essentially required some --

11 Q. (indiscernible).

12 A. Okay. They -- the Commission took it from there and
13 interviewed him. I believe they interviewed the captain of the
14 Tarwa and also they asked Captain Cota to submit to some testing.

15 Q. Okay. Were there any incidents after that time that you
16 reported to the Commission?

17 A. No.

18 Q. Okay. Have you ever had a -- would that include if Mr.
19 Cota had appeared for duty here at the Association in a state of
20 intoxication, would that be something you would report?

21 A. Yeah.

22 Q. Okay.

23 A. That's, I think, Item 2 under duties of the port agent.

24 Q. Okay. Are there -- as port agent, is it your
25 responsibility to -- again, to ensure that the pilots are capable,

1 whether it's physically or mentally capable to perform safety
2 sensitive functions on the ships before you dispatch them?

3 A. No. No, you just assume and you know, that the
4 Commission licenses them.

5 Q. Right.

6 A. Obviously, Coast Guard gives them a federal license,
7 Commission gives them their state license and if there's any
8 indication that the pilot is -- that there is problems with the
9 pilot, then it's my duty to inform the Commission.

10 Q. Okay. Is part of that -- how long have you been the
11 president, by the way? I know (indiscernible).

12 A. Port agent of the Association since November 1, 2006 and
13 then I was the port agent prior to that. November 2000 until
14 November 2004.

15 Q. Okay. That is a two-year term?

16 A. Yes, two-year term and then I did two terms last time.

17 Q. All right. And you are -- that's an elected position?

18 A. Yes. I signed up for it.

19 Q. Nobody raises their hand for it? Okay. Were you aware
20 of any other marine casualties that Mr. Cota had been involved in,
21 say, since 2000 and -- 2000?

22 A. No, I know that he had a grounding. Actually, I don't
23 remember the details of that, though. I was no longer port agent,
24 so that I was not involved in it.

25 MR. BOWLING: Okay. I'll pass it around one more time

1 before we wrap up. To my left, to my left, to my left. Captain
2 McIsaac, I appreciate your time. We kept you a little longer than
3 we really should have, but I do appreciate your patience with us.
4 We'll go off the record at this point.

5 (Off the record.)

6 (On the record.)

7 UNIDENTIFIED SPEAKER: (indiscernible), no. And I have
8 another (indiscernible).

9 MR. BOWLING: Yeah. And any -- just your point of
10 contact with whoever the agent was from Global Collection.

11 THE WITNESS: Yeah, I've actually got that right here.
12 (indiscernible) copy of a test. His name is John Simmons (ph.).

13 MR. BOWLING: Global Collection.

14 THE WITNESS: And his phone number is 510-268-4901.

15 MR. BOWLING: Okay, John Simmons. Perfect.

16 THE WITNESS: We're going to see if the (indiscernible).

17 MR. BOWLING: All right. So the bridge we'll check out
18 and head back over to the (indiscernible) building.

19 THE WITNESS: You know, I believe we also have a
20 (indiscernible).

21 UNIDENTIFIED SPEAKER: Yeah, but we don't --

22 THE WITNESS: It was not used in this case since -- and
23 the reason we have it is in the event we can't (indiscernible) out
24 there or something like or --

25 MR. BOWLING: Right.

1 THE WITNESS: Two hours rules really (indiscernible).

2 MR. BOWLING: But I think that's -- you know. And
3 that's why I asked you about the test kit, the test strip.
4 (indiscernible). The test strip satisfies that and to tell you
5 the truth, I would say the vast --

6 (Whereupon, the interview in the above-entitled matter
7 was concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: The Investigation of the Cosco
 Busan/Bridge Allision
 San Francisco, California
 Interview of Captain Peter J. McIsaac

DOCKET NUMBER: DCA-08-MM-004

PLACE: San Francisco, California

DATE: November 18, 2007

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

Karen D. Martini
Transcriber