

Factual Report – Attachment 1

Interview Transcripts

OPERATIONAL FACTORS

ANC21FA069

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

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N1249K DE HAVILLAND FATALITY *

IN KETCHIKAN, ALASKA, *

Accident No.: ANC21FA069

ON AUGUST 5, 2021 *

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Interview of: JAMES LARSON, Director of Operations
Southeast Aviation

Ketchikan, Alaska

Monday,
August 9, 2021

APPEARANCES:

DAVID LAWRENCE, Senior Aviation Accident Investigator
National Transportation Safety Board

TOM JOHNSON, Aviation Safety Inspector
Federal Aviation Administration

BRENT COLE, ESQ.
Law Office of Brent R. Cole, P.C.
(On behalf of Mr. Larson and Southeast Aviation)

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I N T E R V I E W

(12:00 p.m. ADT)

MR. LAWRENCE: All right. Let's get started here.

My name is David Lawrence with the NTSB. I'm here to speak with Mr. Larson about the accident in Misty Fjord -- Mystic Fjords or --

MR. LARSON: Misty.

MR. LAWRENCE: Misty Fjords -- thank you -- last Thursday, the DH-2. What I want to do, and if you wouldn't mind, also, as we go through this, just speak up so we get it on the tape and stuff. But this is -- I want to assure you this is a very normal part of our process to talk to the management personnel of an operation that's involved in an accident. So I want you to, you know, feel free to share with us what you know, because that's what we're here for. You're an expert on this operation and such, so just share with us -- it's a safety investigation and I want you to know that anything you say, anything on the transcription, nothing will be used for certificate enforcement actions.

So I'll go around and make sure everybody's introduced so you know who's here.

David Lawrence, NTSB.

MR. JOHNSON: Tom Johnson, FAA.

MR. COLE: Brent Cole, the company.

MR. LAWRENCE: And your name?

MR. LARSON: James Larson, the director of operations.

1 MR. LAWRENCE: Great.

2 So during the course, I'll ask a few questions and, you know,
3 just share with us whatever you can. If there's a question I ask
4 that you don't understand, because I'm not in this world of
5 flying, aerial work in the mountains and stuff, so if there's
6 something you don't understand, ask me to clarify. If there is
7 something -- if you don't know an answer, that's fine, that's an
8 answer. "I don't know" is just perfectly acceptable.

9 So is there anything that you have question wise about the
10 process?

11 MR. LARSON: No.

12 MR. LAWRENCE: Okay. Great. So let's get started.

13 INTERVIEW OF JAMES LARSON

14 BY MR. LAWRENCE:

15 Q. I'm going to do the easy questions first. James, let me get
16 your full name, please.

17 A. James Joseph Larson.

18 Q. And how old are you?

19 A. Fifty-seven.

20 Q. Great. And what's your title here at Southeast?

21 A. Director of operations.

22 Q. Okay. Great. How long have you been director of operations
23 here?

24 A. Eight years.

25 Q. Okay.

1 A. That's approximate.

2 Q. Okay. And what is your role as the director of operations
3 here?

4 A. Just to help oversee the, kind of the entirety of the
5 operation: training, you know, what's going on with maintenance,
6 you know, manual stuff, operational control, helping find -- you
7 know, hire pilots, things -- you know, evaluating pilots. It's
8 all in our GOM there, I think, but those are the basic stuff.

9 Q. Okay. Great. So give me, if you could -- is it James or
10 Jimmy? What do you like?

11 A. Jim.

12 Q. Jim's fine?

13 A. Yeah.

14 Q. Okay. Jim, if you could just give me like a Cliff Notes
15 version of your background, just a Cliff Note version?

16 A. So I grew up -- I'm from Ketchikan. I grew up here, and
17 started flying off this waterfront in 1985. And did that for
18 about 5 years and then went north to, you know, fly bigger
19 equipment. I worked at Era Aviation, worked at MarkAir --

20 Q. I'm sorry. What aviation?

21 A. Era Aviation out of Anchorage.

22 Q. AARA, A-A-R --

23 A. E-r-a.

24 Q. Okay. Era. Yeah.

25 A. And that was Twin Otters. And then I went to work for

1 MarkAir Express flying Twin Otters, and they had some floatplanes,
2 Caravans and turbine Beavers and stuff. And then I ended up
3 getting hired at MarkAir, the bigger airline, and flew 737s with
4 them. And then I came back here for a few years and I got a job
5 at National Airlines for 5 years. I was there with them for 5
6 years. I was flying the 757, and the last year I was there I was
7 a captain on the 7-5. And then went to work for -- I came back up
8 here when they went out of business (noise interruption) --

9 Q. Thank you.

10 A. I came back up here when they went out of business and
11 continued to fly floatplanes because I needed a job. I got hired
12 at Alaska Airlines, worked there for almost 2 years. And quit
13 Alaska Airlines and went to work for the state of Idaho flying the
14 governor. And I was home every night and I thought that was
15 awesome, and then that turned out not to be really much of a
16 flying job at all. It was more of an office job.

17 Q. I bet it was fascinating though.

18 A. Eh, it's politicians and I didn't --

19 Q. Yeah, yeah.

20 A. -- fit in very well there. And then I got hired at Guardian
21 probably about 15 years ago, and that's been the best job I've
22 ever had. And I don't miss the airlines at all. I miss -- I
23 just -- I like being home with my family. And then all during
24 that time with Guardian, I've been helping out part-time on the
25 waterfront doing whatever I can for -- you know, like I've known

1 Kos here for my whole life, and I think I've been here off and on
2 since '07 at this company. That's, you know, typical tramp pilot
3 resume.

4 Q. Absolutely not. Very impressive.

5 Are you a director of operations on any other --

6 A. No. No.

7 Q. And then if you could, just a guesstimate on your total
8 flight time?

9 A. About 23,000.

10 Q. You beat me. How much of that, just estimated, pilot in
11 command time?

12 A. Oh, most of it. Probably 20,000.

13 Q. And have you flown the Beaver?

14 A. Yeah, I've got -- I've had a lot of Beaver time.

15 Q. Yeah. Like I said, some of these questions may be very
16 simple, but I just -- I got to --

17 A. Yeah. So estimate, I'm just estimating probably 6- or 7,000
18 hours in the Beaver. All, you know, this waterfront.

19 Q. Here in Ketchikan?

20 A. Yes.

21 Q. And have you flown with the accident captain before?

22 A. Oh, yeah. Yeah, he -- I've flown with Rolf multiple times.
23 He's flown my family multiple times. Yeah, very familiar with
24 Rolf's -- as a pilot ability.

25 Q. Okay. Well, talk to me about that. Tell me about his

1 ability.

2 A. Just a pro, you know. Good pilot, good -- better person.
3 Never ever worried about him.

4 Q. Were you in a Beaver when you flew with him or --

5 A. Yeah. Yes.

6 Q. So tell me a little bit about -- a little bit more about Rolf
7 as far as where he lived, how -- was he employed here, those type
8 of things.

9 A. So Rolf, I've known him for over 30 years. He was up here
10 right as I was starting my career. He's from the Seattle area.
11 And I don't know how many seasons he's been up here. Just off the
12 top of my head, it's got to be -- I think he's been up here 20
13 different seasons, you know, over the years. Worked for most
14 everybody on the waterfront at one time or another. There's been
15 quite a few operators. Some aren't here anymore.

16 Q. Right.

17 A. And I would be -- you know, as far as -- it would be a shock
18 to me to find anybody that he ever worked with that would have
19 anything bad to say about him as a pilot or as a person. It just
20 would shock me.

21 So I've known him a long time. Worked with him as a line
22 pilot at a couple different companies, and then worked with him
23 here as a fellow line pilot, and then worked with him here also
24 as, you know, him being the primary pilot and me being, you know,
25 training and check guy here.

- 1 Q. Okay. So he was the primary pilot here?
- 2 A. He was the primary pilot here.
- 3 Q. And was he a check airman?
- 4 A. No. Just line pilot.
- 5 Q. Okay. How was he employed? Was he by contract or employed
- 6 full time?
- 7 A. He was -- well, I mean, yeah, I mean summer seasonal. I'm
- 8 not sure, but --
- 9 Q. So when he wasn't up here, he wasn't earning income off of
- 10 you guys?
- 11 A. That's correct.
- 12 Q. It was just when he was up here?
- 13 A. Yes.
- 14 Q. Is it by contract or --
- 15 A. No. It just -- and I'm not sure how Abby and Kos do that, if
- 16 they rehire him every year or they -- I'm not -- you know, I don't
- 17 know how that works.
- 18 Q. Yeah. Okay.
- 19 A. If he gets unemployment when he's not here, I don't know how
- 20 any of that stuff works.
- 21 Q. Okay. For -- I should have asked this earlier about you.
- 22 Are you full time here?
- 23 A. Well, Kos is full time here when I'm -- he's required to have
- 24 a DO, and that's me.
- 25 Q. Okay.

1 A. So I -- you know, I guess it would be full time, you know.

2 Yeah.

3 Q. Okay. And I apologize if this feels uncomfortable. I'm
4 trying to find -- this is standard stuff that we ask. Are you a
5 direct employee of them or do you get paid by contract or by
6 season?

7 A. I get paid by the month.

8 Q. Okay.

9 A. Yeah.

10 Q. And finishing up, you gave me the hours. What certificates
11 do you have?

12 A. I have a -- it's a ATP. I'm type rated in the 757, 767, Lear
13 45, Lear 35, Beech 400. It's a 737 second in command type on
14 there. And then commercial privilege -- or actually ATP
15 multiengine sea, multiengine land, single engine land, and
16 commercial privileges (indiscernible). I think that's how the
17 whole thing reads.

18 Q. Yeah. Right. It's not an oral examine. I'm just trying
19 to --

20 A. Yeah. I'm just trying to think how it is laid out on that
21 card.

22 Q. Right. Not a problem.

23 A. I think I got it all.

24 Q. And you said you've been here for a while. So when would you
25 say your hire date was?

1 A. So I first began -- worked here in 2007.

2 Q. Medical certificate?

3 A. First class. Yeah, I actually just got a new first class
4 last night.

5 Q. And limitations on that?

6 A. No.

7 Q. Wow. Good for you.

8 So I'll tell you, right now, let's go back to that day, last
9 Thursday. Walk me through what you were doing, what your role
10 was, were you here, how'd you hear about it and all that.

11 A. Okay. Well, that day for me was a day off at Guardian, and I
12 was working next door for Carlin Air on his Beaver. I had a trip
13 that left at -- I think it was 6:30 in the morning, the other
14 direction, out to the northwest. And I was pretty busy back to
15 back till about 3 o'clock. I was just coming back for fuel and
16 then right back out again.

17 I heard about it on -- I think it was my -- it might have
18 been my second trip I did. I came back to the dock and talked to
19 James, the dock guy, and he told me there was an ELT, didn't know
20 anything more than that. And I had another trip -- you know, I
21 had people waiting, so I took back off again that way, going the
22 other way. By the time I got back from that trip, they confirmed
23 that they had an aircraft down and it was our -- it was Rolf,
24 1249.

25 Q. Um-hum.

1 A. And what do you, as far as just the rest of the day?

2 Q. Yeah. After you learned about it, then what did you do?

3 A. Came up and saw Jim, Abby, and, well, that was probably it.
4 That was -- I mean nobody really knew anything other than the
5 plane was down, you know, and just hoping for the -- you know,
6 hoping for some good news as far as survivors and -- but then, you
7 know, later they confirmed that there wasn't any.

8 And as far as -- did you ask about weather or anything like
9 that?

10 Q. I will, but I'm just -- right now, well, what did you do
11 during the course of the day?

12 A. Yeah, I just came up here and, you know, waited. I did have
13 another trip later that afternoon that went to the Unuk River, and
14 I went that way, went out on the island -- the back side of the
15 island and came back through -- on the way back, came back through
16 the area Rolf flew. And by then, the weather had dropped
17 considerably so I didn't get anywhere near where he was. But
18 there wasn't any other airplane out there by that time. It was
19 probably around -- I'm thinking it was probably around 4 o'clock
20 in the afternoon. But I just thought maybe there was something I
21 could do, but it was already -- they were done for the day at that
22 point. And then I came back here and we just spent the rest of
23 the night -- I think we were here till 8 o'clock, 8:30, just
24 trying to, you know, figure things out or do what, you know -- it
25 was pretty chaotic.

1 Q. I can imagine. When you were out flying were you anywhere
2 close over to Misty or anything?

3 A. Not anytime when -- during the -- when it happened. It was
4 much later in the afternoon. And we figure from -- has the
5 accident at about just before 11 o'clock, and I wasn't out in the
6 area till probably 3:30 and that happened in -- yeah.

7 Q. Yeah. You mentioned weather. So what about the weather that
8 you saw out there?

9 A. It had dropped by then back there, and he -- you know, it
10 was -- there were scattered layers, there was broken layers at
11 1500, there was rain squalls in the area. Not a whole lot of wind
12 but, like I said, I couldn't get anywhere near where he was at.

13 Q. Right.

14 A. I think he was up at 1800 feet. So I couldn't get up
15 anywhere near that high. I'd say generally about 1,000 feet back
16 in there at the time I was there.

17 Q. Ceilings?

18 A. Thousand to 1500 foot ceilings. Plenty of good visibility
19 underneath.

20 Q. Right. I just want to make sure, when you say 1,000 feet
21 ceilings back there, you mean back toward --

22 A. Back where I was.

23 Q. Where you were?

24 A. Yeah, I was --

25 Q. Where were you at that time?

1 A. I was south of where he was, coming back across there, Ella
2 Lake kind of --

3 Q. Ella Lake?

4 A. Ella Lake area and Big Lake, and then into Thorne Arm over to
5 Carroll Inlet. So I was kind of south of his route.

6 Q. Boy, I wish I knew where these places were.

7 A. I can show you.

8 Q. I know.

9 A. Yeah.

10 Q. Do you got a map you can show me?

11 A. Yes.

12 UNIDENTIFIED SPEAKER: Put it up, I'll take this off.

13 MR. LAWRENCE: No, he'll show it right here. Thanks.

14 UNIDENTIFIED SPEAKER: Draw his route, too.

15 MR. LARSON: Okay. So this is just, you know, rough, but
16 this X is where he's at.

17 BY MR. LAWRENCE:

18 Q. Right.

19 A. I was here. Then I --

20 Q. So you were up in north and you came down --

21 A. Yeah, I came -- I went up there this way.

22 Q. Right.

23 A. I came back, and so I was well south of him.

24 Q. Okay.

25 A. This is all the way lower down here where I was.

- 1 Q. Okay.
- 2 A. So this is all low muskegs where I was.
- 3 Q. So you came actually by the weather cam down here?
- 4 A. Yep. Yep, all the way to --
- 5 Q. Misty Fjords weather cam?
- 6 A. Yep. I was -- there's Ella Bay, Ella Lake.
- 7 Q. And so this is, what, Behm Canal?
- 8 A. Behm Canal. Yes, sir.
- 9 Q. Okay. So you came down Behm Canal south of his position --
- 10 A. Yes.
- 11 Q. -- and made a right turn and stayed over --
- 12 A. Yeah. The lower muskegs and these low lakes all the way
- 13 back.
- 14 Q. Okay.
- 15 A. Yeah.
- 16 Q. And so where was it that you said it was about 1,000 feet?
- 17 A. So we got -- anywhere from, you know, this -- as soon as I
- 18 got over Ella Lake, she dropped down to, you know, 1500, maybe
- 19 some scattered stuff below.
- 20 Q. And that's just out to the east of where --
- 21 A. Yeah. Right.
- 22 Q. -- Rolf was?
- 23 A. Right.
- 24 Q. Or where the accident site was?
- 25 A. Yes.

1 Q. Okay.

2 A. And it was -- you know, there was some rain squalls here and
3 there, but as far as, you know, visibility for me, it was fine.

4 Q. Underneath 1,000 foot?

5 A. Yeah.

6 Q. Okay.

7 A. I don't think I got below 1200 feet the whole time. You
8 know, there was some scattered stuff below me here and there, but
9 not, you know --

10 Q. But when you're up here to the east of where Rolf's airplane
11 ended up, about what was the ceiling in this area?

12 A. Oh, it was good until we got like down here south end of the
13 lake.

14 Q. Right.

15 A. And then it dropped down.

16 Q. Okay. To about --

17 A. It was probably 2,000 feet going all along this line here.

18 Q. Along Behm Canal?

19 A. Yeah.

20 Q. But once you got down here to the east of where the accident
21 site was --

22 A. Yeah. And then it looked like it was socked in pretty good
23 where -- that valley where he was. Like I say, I didn't even get
24 any -- I didn't even turn up there. It was kind of socked in
25 then.

1 Q. And on your route coming down that you're east here, the
2 ceiling, you said, you were at 1200.

3 A. Yeah, it was -- I mean the ceilings were anywhere from 1,000
4 to 1500 from probably south Ella all the way into, you know,
5 Mountain Point.

6 Q. Okay.

7 A. Yeah.

8 Q. Great. I appreciate you showing that to me.

9 A. Yeah, no problem.

10 Q. I appreciate that. Sorry I marked up your map.

11 A. No, no, that's -- we got lots. Yeah.

12 Q. Okay. Good.

13 So for you guys flying air charters, you are on demand. So
14 when you go out there, is there like a set route or a published
15 route that you guys fly?

16 A. Yes. I'll show you up here.

17 Q. Okay.

18 A. So this is a letter of agreement, and it's been a work in
19 progress here. It started, I think, in '09.

20 Q. Okay. It's a letter with who?

21 A. A letter of agreement. It's every operator on the waterfront
22 has signed this thing.

23 Q. Okay.

24 A. It's been revised several times. The original is --

25 Q. There you go.

1 A. -- 1/15/09. It's a voluntary letter and it has to do with
2 routing and altitudes and frequencies and reporting points. And
3 we've hit this pretty hard because we do a lot of Misty flights,
4 so we want our guys really familiar with that.

5 Q. Right.

6 A. I can give you a copy of that obviously.

7 Q. I would appreciate that.

8 A. It's up there in your stack of documents there, so but --

9 Q. Okay. I appreciate that.

10 A. Yes.

11 Q. So let me just -- you know, from just a narrative standpoint,
12 tell me what -- if you're going up to Misty Fjords where Rolf was,
13 tell me what the generally accepted flight path to go up there.
14 What do they do? Do they land someplace?

15 Q. Yeah.

16 A. What's the typical route?

17 A. So the typical route would be -- it's actually -- there's a
18 couple of them on there. But the typical route is --

19 Q. Can we use this -- it'll refresh? Thanks.

20 A. Sure. It'd be Mountain Point, and then you go Carroll Inlet
21 over to Thorne Arm, up through Ella Lake, and then over -- right
22 into Rudyerd Bay.

23 Q. Okay.

24 A. When you get into Rudyerd Bay there's kind of a little route
25 in there. You know, you go into Punch Bowl Cove. If you can go

1 through what we call the cut, you go through there, look at Big
2 Goat, and then come down and land in the fjord or go over to Nooya
3 and land. There's three or four places you can land out there
4 normally. And on the way back, we come out of Rudyerd Fjord so
5 not to cross --

6 Q. Could you spell that, by the way? The canal or --

7 A. R-u-d-y-a-r-d [sic].

8 Q. Okay.

9 A. And then coming -- we come out of the fjord so as not to
10 cross paths with the guys coming in.

11 Q. Right.

12 A. And then follow back to Ella Lake, down Thorne Arm, and cross
13 over to Carroll, and then Mountain Point, and -- so that's sort of
14 the standard route when you can go that way. That's called the
15 short way.

16 The long way, we go all over the water the whole entire way,
17 and it's basically from Ketchikan we go all the way down around
18 Point Alva, up the Behm, and into Rudyerd.

19 Q. Got it.

20 A. So this is the short way, and the way I did it, and this is
21 the long way.

22 Q. Right. Why would you go around the long way?

23 A. It can be down over the land, you know, over the island.

24 Q. Down, you mean ceilings?

25 A. Like too low to go -- not good enough visibility to go that

1 way. But on -- if you stay over water sometimes you can go this
2 way and still have your minimums.

3 Q. Right. But when you say down, do you mean ceilings, low
4 ceilings?

5 A. Yeah.

6 Q. It's down? Okay.

7 A. Yeah.

8 Q. Okay. And the route that Rolf took, coming through here?

9 A. So he was north of the standard route. And, you know, you
10 wouldn't go north of the standard route unless you had really good
11 weather. I mean, that's speculating.

12 Q. Yeah.

13 A. I don't know what he was thinking about, but that's how I
14 would've approached it. If it was good enough to go north of the
15 standard route, you would have good weather.

16 Q. Talk to me about that some more. Where do you mean north of
17 the standard route?

18 A. Well, so he was -- here's the standard route.

19 Q. Right.

20 A. And here's his route, north of there.

21 Q. Okay.

22 A. And the terrain's higher to the north.

23 Q. Right.

24 A. So I know it gets up there 3700 and --

25 Q. So this point right here that you put right here --

1 A. That's Big Goat Lake. That's where he landed.

2 Q. Okay. He landed at Big Goat Lake.

3 A. Roughly 2,000 feet elevation. The nice thing about landing
4 in Big Goat is you're already 2,000 feet up when you leave so you
5 don't have to climb. You know, you already --

6 Q. Right.

7 A. -- start out at 2,000 feet, so it's, you know --

8 Q. So this path that he took out this way, this is a little bit
9 further north than normal?

10 A. Yeah. So, you know, generally you'd come either out of Big
11 Goat or down in the fjord somewhere. Sometimes you land in Nooya,
12 but you come out the fjord this way.

13 Q. Um-hum.

14 A. And, you know, there's a rock out there we like to show them.
15 So you'd be, you know, 1,000 feet or so down, and then work your
16 way up through here.

17 Q. Okay. And you alluded to this north route that he took
18 instead of coming over the fjord, the north route?

19 A. He jumped over the ridge there, and it's prettier and, you
20 know, you got to have better ceilings.

21 Q. That's what I was going to ask. Why would a pilot go up to
22 the north? Just scenic?

23 A. Just showing them -- yeah, just scenic. It's a scenic tour,
24 so --

25 Q. Okay. Is it typically just the one time that you land? You

1 know, you land at Big Goat Lake --

2 A. Yeah. He --

3 Q. -- and then you go anyplace and land?

4 A. Well, he went there earlier that day and just did the same
5 thing, landed at Big Goat. So he was twice in Big Goat that day.
6 But, you know, there's several places to land on. You can land
7 down here in the south arm, over here in Nooya. Up in the head
8 end you can land in Punch Bowl. You know, there's -- those are
9 the most common places.

10 Q. Okay.

11 A. And I don't know if I was -- on the standard route, when you
12 get out there, you got into the fjord, up through Punch Bowl, over
13 Punch Bowl Lake -- this is what we call the cut.

14 Q. Um-hum.

15 A. And we show them the big waterfall coming out of Big Goat,
16 and then come down here. And that's the inbound and the outbounds
17 are coming out here, to provide separation.

18 Q. But the outbounds from Big Goat, typically when you get to
19 this point, whether -- however you get to the Behm Canal, you go
20 south and then --

21 A. You would fly down the Rudyerd and then over to Ella Bay and
22 into Ella Lake.

23 Q. Is this Ella -- what's this?

24 A. This is Ella Bay.

25 Q. Okay. So you would enter it --

1 A. Yeah.

2 Q. -- to land on the west side of Ella Bay --

3 A. Right.

4 Q. -- and then work your way over?

5 A. Yes.

6 Q. Okay. And without looking at the standard that agreed with
7 all -- agreement with all the other operators, is that the
8 standard that everybody's agreed to?

9 A. That is what they call -- I think the word they use is the
10 standard route. It's depicted on here. It didn't show up very
11 well, but I'll find it. Okay. So there's a -- it didn't show up
12 very well, but this is depicted as the standard Misty route. The
13 red line is the outbound route, you know, up through -- here's
14 Ketchikan over here. So up Carroll, over Thorne, down to Ella,
15 out Ella Bay, and into Rudyerd, right? And then coming back is
16 the blue line, so just a little bit north of there but basically
17 follows the same route back.

18 Q. Can you do me a favor? Show Tom and Brent what you were
19 pointing out --

20 MR. COLE: I already know.

21 MR. LAWRENCE: You already know? Okay.

22 MR. LARSON: So, Tom, this is what they call the standard
23 Misty route. Here's Ketchikan. We go around Mountain Point, up
24 Carroll, jump over to Thorne, into Ella Lake here, and then Ella
25 Bay, and into Rudyerd Fjord here. And then coming out of there,

1 we come down the fjord and just a little bit north of the red line
2 all the way back. That's what they call the standard route.

3 MR. JOHNSON: Okay. It actually could come through
4 (indiscernible) --

5 MR. LAWRENCE: Yeah, you can --

6 MR. LARSON: Yeah. I mean, it's a voluntary thing that we,
7 you know, we all sign and try and -- it's mainly for so you know
8 what the other guys are doing and you're not crossing paths.
9 There's not -- there's a couple choke points, but there really
10 isn't any if you do it -- there really isn't any of this going on.

11 MR. JOHNSON: Crossing?

12 MR. LARSON: Yes.

13 MR. JOHNSON: No crossing over.

14 MR. LARSON: Yeah, that's kind of the whole idea behind it.

15 BY MR. LAWRENCE:

16 Q. Okay. I appreciate you showing that to me.

17 The day of the accident, was there a lot of traffic back in
18 the fjord there at Misty?

19 A. So we're gathering information on that. I mean there was
20 other airplanes back there that day. I don't know. Jeff -- I was
21 flying for Jeff and we didn't get out there until later in the
22 day, and it wasn't Misty. It was a Fish & Game thing. But I
23 think I -- we just had a couple trips back there that day. Maybe
24 Misty Fjords there, still kind of wonder if they were flying in
25 and out that. But there was other airplanes flying that day back

1 there. Dave, our chief pilot, Dave, owns Family Air, a 185, one
2 airplane. He was back there that day. Definitely there was other
3 airplanes back there.

4 Q. For Rolf, how many trips -- what was -- how many trips had he
5 taken?

6 A. That was his second trip. His first trip was to Misty. So
7 he just seen, you know --

8 Q. Well, okay, so this is his second trip.

9 A. Second trip.

10 Q. His first one he went to Misty also, right?

11 A. Yeah.

12 Q. Do you know the time frame about when he took off the first
13 one and came back and then --

14 A. Yeah. I want to say 8 o'clock, right in there somewhere.
15 And the second one was about 10 o'clock, roughly, maybe a little
16 bit earlier. I mean I can definitely find out from Kos.

17 Q. Sure. Well, that's part of some of the information I've
18 asked for.

19 A. Yeah, and Kos is going to say yes. Okay. I have, actually,
20 the exact times here. So Kos does a flight log here.

21 Q. Okay.

22 A. Hang on. The first one he has out at 7:52 and in at 9:21, on
23 the first trip. And the outbound on the second trip was 9:39 he
24 left and he has an estimated time getting back at 11:39.

25 Q. So the first trip was 7:52 in the morning?

1 A. Yes.

2 Q. And he returned at 9:52 [sic]?

3 A. Yep.

4 Q. Are these estimates or are they --

5 A. No, these are -- Kos writes them down.

6 MR. COLE: What time did you say he came back?

7 MR. LAWRENCE: On the first trip?

8 MR. LARSON: On the first one?

9 MR. COLE: Yeah, the first trip.

10 MR. LARSON: 9:52. 9:21.

11 MR. COLE: You said two things, so I just wondered --

12 MR. LAWRENCE: Yeah.

13 MR. LARSON: I might have read the, I might have read the

14 ETA.

15 MR. LAWRENCE: Yeah.

16 MR. COLE: I didn't mean to interrupt. I just --

17 MR. LAWRENCE: No, that's good. Let's make sure that we get

18 this right.

19 MR. LARSON: So I'm -- Kos puts an ETA down --

20 MR. LAWRENCE: Gotcha.

21 MR. LARSON: -- just when he expects them back, and here's

22 the actual.

23 BY MR. LAWRENCE:

24 Q. So he left, actual was 0752, and his actual is 0921?

25 A. Yes.

1 Q. Got it.

2 A. Yeah.

3 MR. LAWRENCE: Thank you, Brent.

4 BY MR. LAWRENCE:

5 Q. And then he took off on the second trip --

6 A. Yeah, 0939.

7 Q. Okay. 0939, and he was estimated to return at 11:39?

8 A. Yeah.

9 Q. Is that normal, for a 2-hour?

10 A. Kos allows some extra time because just that's what he
11 thinks. You know, if it ends up being later than that, there's
12 definitely something going on, I think is -- you'd have to ask him
13 why he allows 2 hours.

14 Q. Right.

15 A. The trip only takes an hour and a half, give or take.

16 Q. Okay. Great. I appreciate you telling me that.

17 So for the passengers, and I'll get to the specifics for
18 these five, but in general how do you get the passengers? How do
19 they find about you guys to book an air charter with you?

20 A. So it's -- generally it's online. You know, Koss has an
21 online thing. He also works with travel agencies to get the trips
22 also. He has a booth down here, where as people get off the ship
23 and get -- you know, walk up and buy a trip.

24 Q. Um-hum. Is the booth in the visitor's center there or --

25 A. I think he's got one in there and I think he has an outdoor

1 booth, too, at one of the docks. He'll know all that better than
2 me.

3 Q. Sure. And if you don't know, that's fine, but for this
4 particular flight, those five passengers, do you know how they
5 were booked?

6 A. So it looks like -- again, we'll double check with Kos, but
7 it looks like these four are from a travel agency, and this one is
8 a sales guy off the dock, is how I interpret that.

9 Q. Okay. So you're saying the four that were a travel agency
10 was because -- I don't know what SEG --

11 A. I don't either.

12 Q. -- on the manifest says.

13 A. I'm not sure either.

14 Q. Okay. That's fine. But that indicates those were travel
15 agents?

16 A. I think so.

17 Q. Okay. We'll clarify that.

18 A. Yeah, Kos will know exactly.

19 Q. Okay. And one was off the dock?

20 A. Yes.

21 Q. Are you aware if Southeast has any kind of contract or
22 agreement with any of the cruise lines?

23 A. I'm not aware of one.

24 Q. Okay. Do you know if anybody around here -- it's a small
25 community.

1 A. Yeah.

2 Q. So do you know if any of the other operators have contracts?

3 A. Yeah. I think Taquan Air works with big cruise ship
4 companies directly. I'm not sure about Misty. I'd be guessing on
5 that.

6 Q. That's fine. No need to guess.

7 So, in general, they have the online and on the docks --

8 A. Dock sales, yes.

9 Q. -- dock sales and such, and that's the typical, you would
10 say?

11 A. And the -- and whatever in the travel agency or the trip, you
12 know, the travel companies that Kos works with. And I don't know
13 the names.

14 Q. Okay. Let me ask you about Rolf's previous accident that was
15 in July. Can you tell me about that?

16 A. Yeah. It was Coffman Cove, which is a little community up to
17 the northwest of us about 50 miles or so. He dropped off four
18 passengers there in the morning, and departed Coffman Cove empty,
19 just him. And on takeoff, before he was in the air, he hit a
20 channel marker right there in Coffman Cove, right in front of the
21 ferry dock. It was a green channel marker probably about, I don't
22 know, just 4½ feet high. I'm just estimating.

23 I helped go to (indiscernible) later that day. It looked
24 like he hit it pretty much straight on, the prop hit it. There
25 really wasn't much damage to the cowl. The strut bar was

1 chopped in two and the floats were in pretty good shape, but they
2 towed in. When he hit it, the airplane flipped over. And in
3 the -- and Rolf got right out, no problem. No injuries. But in
4 the process of flipping over, it was quite a bit of damage to the
5 wing and he broke some struts and things.

6 Q. Yeah.

7 A. So I think -- I'm not sure where that investigation's at
8 right now, but it was determined an accident because of the
9 damage.

10 Q. Was the FAA involved in that?

11 A. It was Brice Banning with the NTSB, and the FAA rep was Lana.
12 I'm not sure what her last name is. She lives in town here, with
13 the FAA.

14 Q. Okay. As director of operations, what were your actions
15 after that particular accident?

16 A. All right. I got some notes on that. So Dave Rocke at
17 Family Air went up and got Rolf, brought him back here to the base
18 here, and we had Rolf do a drug test. And then --

19 Q. Do you know the results of that?

20 A. Yeah. It was negative.

21 Q. Okay.

22 A. Brice Banning, I was talking to him on the phone. He wanted
23 to talk to Rolf as soon as possible and interview him on what
24 happened. And he said I could be -- sit in on the interview. He
25 directed me not to do any coaching, which I did not do. And he

1 just wanted to know what happened. In the interview was Brice on
2 the phone, Rolf, myself, Jim Kosmos, and Andrew -- I don't know
3 his last name. He was out of Juneau, out of the Juneau FSDO, a
4 avionics inspector out of the Juneau FSDO, was also on the
5 telephone. And Rolf just told Brice what happened.

6 And afterwards, Kos and I were able to talk to Rolf and just
7 went over everything, talked about -- some of the things that came
8 up in the interview was like complacency. Rolf mentioned, you
9 know, he mentioned pressure, but he -- you know, he explained it.
10 Not company pressure but just pressure he put on himself. And we
11 went over company expectations again, which is just please don't
12 feel pressure, you know, and -- we had a long talk with Rolf. And
13 then at that point we had our other airplane still in maintenance
14 so there's nothing for Rolf to do, and so he went back to Seattle
15 for about a week. And during that time, we -- you know, I think
16 Kos talked to him on the phone quite a bit and we decided that
17 we -- if he would come back, if he was okay coming back, we were
18 okay with him coming back and flying.

19 And there was a lot of talk, a lot of discussion between he
20 and Kos and the chief pilot, Dave, and other, you know -- when
21 they'd go call other places Rolf had worked prior and, you know,
22 just everybody said the same thing, you know, he's going to be
23 even a safer pilot after that, you know. He just didn't see it.
24 It could've happened to anybody.

25 Q. I was going to ask this earlier because this will be the

1 follow-up a question I should have asked earlier, where do you
2 guys -- as a 135 certificated operator, do you have any kind of
3 formalized training on the Beaver?

4 A. Yes.

5 Q. Tell me about that.

6 A. So we have a training manual that we train off of and a GOM.
7 And we train, you know, specifically on the Beaver systems. We do
8 all the required training that's in the manual, both manuals.

9 Q. Okay. For both manuals. Which two?

10 A. The GOM and the training manual.

11 Q. All right.

12 A. Yeah.

13 Q. Thank you. And so you have formalized training defined in
14 the GOM and the training manual. Other than asking if he was okay
15 to come back, was there any additional training that was given to
16 him?

17 A. So we -- there was a -- when he got back from Seattle, we had
18 him take the airplane out and just fly it and -- you know, we kind
19 of left it, you know, is he ready to -- you know, he had to tell
20 us if he was ready to come back and felt okay coming back. We
21 didn't have at that time -- I mean at that time we didn't have any
22 problem with him coming back and going to work for us and
23 (indiscernible) here.

24 Q. I appreciate that. How many pilots other than Rolf do you
25 have?

1 A. So I fly occasionally here, not very much, just because I
2 have, you know, another job. We have James Davis, who you've met,
3 Dave Rocke, and we have Mike Rhoads is another guy that would --
4 he's a Lynden pilot that has time off that comes through town and
5 he's current on our -- he hasn't flown for a while, but he's
6 current on our -- you know, he has a current check ride so he
7 would be available if we needed him. But for the most part, it
8 was Rolf and Jim doing the flying this season. And Rolf was on a
9 basic 3 weeks on, 1 week off schedule.

10 Q. I'm sorry. Three weeks on?

11 A. One week off. We try to give them like a week to go home
12 every month and then James would cover that week.

13 Q. When Rolf was up here for those 3 weeks, where did he stay?

14 A. He stayed in the apartment right next door.

15 Q. Did he stay up here with his wife or family?

16 A. No. It was just him.

17 Q. Is that an apartment you guys have?

18 A. I think Kos -- and you'll have to ask Kos, but I believe Kos
19 rented that out for him for the summer.

20 Q. How you doing? You need water or anything? You doing okay?

21 A. I'm great.

22 Q. We're pretty close to the end here.

23 A couple of equipment questions. Did the -- did 49-Kilo have
24 a TAWS?

25 A. No.

1 Q. Okay. Spidertracks?

2 A. Yes.

3 Q. There was an iPad found. Did you -- did Rolf use an iPad?

4 A. Yeah. I think he had it in the airplane that day with the
5 ForeFlight app on there, and had ADS-B in and out so he could see
6 the other airplanes in the area and they could see him.

7 Q. And the ForeFlight that he used, was that a Southeast account
8 or his personal one?

9 A. That was Southeast.

10 Q. Do you know the -- what was the account information?

11 A. I have no idea.

12 Q. I'll get that.

13 A. I don't know.

14 Q. Okay. And let me ask you about the FAA. Do you know who the
15 POI is?

16 A. His name's Jon Percy, out of the Juneau FSDO.

17 Q. Okay. And has Jon been out here?

18 A. No. We've spoken to him on the phone several times. He's
19 not been down yet.

20 Q. And you said yet. What does that mean?

21 A. He thought he would be coming down possibly.

22 Q. Prior to the accident or after?

23 A. Well, he had planned a trip prior to the accident to come
24 down just to do his kind of usual come down and looking things
25 over. And he thought that would still happen, but he wasn't for

1 sure on it.

2 Q. So how long had Jon Percy been the POI on this certificate?

3 A. So Jon has -- was our POI for years, several years, and then
4 now is it 2 -- I'm just -- these are estimates.

5 Q. Yeah.

6 A. A couple, 2, 3 years ago, Jon went into another area and we
7 had a new POI, and then another POI real briefly, and now we got
8 Jon back. And there was a lot -- you know, they were having some
9 turnover. We ended up having like three different POIs within,
10 you know, fairly rapid succession. We got Jon back now as our
11 POI.

12 Q. Okay. You said Jon hadn't been down there. Had any of the
13 temporary or the short-term POIs -- you said you had multiple
14 POIs.

15 A. Right. Yes.

16 Q. Any of those guys come down?

17 A. Not during -- no, not pertaining to this.

18 Q. So to your knowledge, there have been no FAA surveillance
19 activities on property, like looking at manuals, looking at
20 airplanes, anything like that, you have not seen any FAA personnel
21 here?

22 A. Lana, who is a maintenance inspector and lives in town, was
23 investigating the Coffman Cove, so she was down here. I think she
24 was kind of running that investigation or at least collecting
25 documents and --

1 Q. Okay. But her role is investigation wise for that particular
2 accident?

3 A. Yeah. Yeah.

4 Q. Okay. It wasn't for routine surveillance?

5 A. No, no. No.

6 Q. Okay. Have you ever seen any FAA personnel down here for
7 routine surveillance activities? What I mean is looking at
8 manuals, looking at airplanes. Have you ever had anybody --

9 A. Yes.

10 Q. -- down here outside the investigation?

11 A. Recently or just --

12 Q. Anytime.

13 A. Oh, yeah, yeah. Of course.

14 Q. Oh, okay. Tell me about that.

15 A. Yeah, they would come down and, you know, talk to TJ, our
16 maintenance -- our DOM, and do a ramp check, you know, just the
17 normal things.

18 Q. Do you know when the last time that occurred?

19 A. I'm not -- I don't. But it was not -- there wasn't any
20 interruption in that type of thing. They'd come down -- they come
21 down generally in the summer and they do, you know, their --
22 they're here, you know, check, looking at everybody.

23 Q. Yeah.

24 A. Just that kind of stuff. Yeah, there was no interruption in
25 that.

1 Q. Okay. Just so --

2 A. I guess Covid, you know -- Covid probably, you know -- we
3 didn't really fly much last year because of Covid, so they weren't
4 really around much last season.

5 Q. Just double checking I've got some of my stuff. You've been
6 real helpful. This is great.

7 MR. LAWRENCE: Let me ask Tom, if you have any questions?

8 MR. JOHNSON: No. I think you got them all.

9 BY MR. LAWRENCE:

10 Q. I know there's no way, and I don't want you to speculate or
11 anything like that, but have you guys decided to do anything -- I
12 know you don't have aircraft right now, but do you know what the
13 plans are for the certificate?

14 A. I have not had any conversation with Kos about that. It's --
15 he's got to take some time and -- we all do I think.

16 Q. Right.

17 A. You know, we've got -- you know, try and make it simple.
18 Safety is what, you know, we're trying to be all -- you know, we
19 had an accident and that's -- we're trying to figure this out.

20 Q. And considering this is a safety investigation, so we're just
21 doing the same thing you -- you know, we're trying to figure out
22 what happened and such. Is there anything you can think of that
23 maybe I haven't asked about that might be able to help us with or
24 might be helpful for the investigation? Somebody we should talk
25 to?

1 A. I know -- nothing, you know, nothing comes right to my mind
2 right now. I certainly would -- if something did, I wouldn't
3 hesitate to get in touch with you. If I, you know -- and I'm sure
4 Kos feels -- you know, we would -- if something comes up and we
5 think we need to explore, we will definitely communicate that to
6 you.

7 Q. Okay.

8 A. We're hoping that you can figure this out, you know.

9 Q. We're going to. We will.

10 And if, like you just said, if there's anything that you can
11 think of, because a lot of times people, after a couple days of
12 metabolizing everything that's gone on, they get a little clarity
13 and they'll do the ceiling stare where you're looking at the
14 ceiling and said, I should have said this or I should have offered
15 this and such. I just want you to know you can contact us
16 anytime. You can contact me anytime.

17 A. All right. Thank you, sir.

18 Q. You guys are party to the investigation, so we're going to be
19 asking, you know, for information and things like that. So it's
20 going to be a collaborative approach for this investigation, so --
21 we'll get to it. Okay.

22 MR. LAWRENCE: Anything else, Tom? Brent?

23 MR. JOHNSON: No. I'm good. We pretty much went over --
24 (Whereupon, the interview was concluded.)

25

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: N1249K DE HAVILLAND FATALITY
 IN KETCHIKAN, ALASKA
 ON AUGUST 5, 2021
 Interview of James Larson

ACCIDENT NO.: ANC21FA069

PLACE: Ketchikan, Alaska

DATE: August 9, 2021

was held according to the record, and that this is the original,
complete, true and accurate transcript which has been transcribed
to the best of my skill and ability.



Kay Maurer
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of: *

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N1249K DE HAVILLAND FATALITY *

IN KETCHIKAN, ALASKA, *

Accident No.: ANC21FA069

ON AUGUST 5, 2021 *

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Interview of: JAMES KOSMOS, Owner
Southeast Aviation

Ketchikan, Alaska

Sunday,
August 8, 2021

APPEARANCES:

DAVID LAWRENCE, Investigator
National Transportation Safety Board

TOM JOHNSON
Federal Aviation Administration

JAMES LARSON, Southeast Aviation Director of Operations
Southeast Aviation

BRENT R. COLE, P.C.
Attorneys for Alaskans

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I N T E R V I E W

(1:15 p.m. ADT)

1
2
3 MR. LAWRENCE: Let's get started. We're here on -- to talk
4 to the owner of Southeast Aviation about the accident that
5 occurred last Thursday, and I want to, first off, let you know
6 that the NSTB, and I'm sure the FAA, we all extend our condolences
7 to your group and the families and such. I'm sorry we're here,
8 but, as I've explained to you before, our role is safety. So our
9 whole point of being here is to try and find out what happened so
10 we can prevent anybody else from going through this again.

11 My name is David Lawrence. I'm with the NTSB. I'm going to
12 go around the room and let everybody introduce themselves.

13 MR. JOHNSON: Tom Johnson, FAA.

14 MR. COLE: Brent Cole.

15 MR. LARSON: James Larson.

16 MR. KOSMOS: Jim Kosmos, Southeast Aviation.

17 MR. LAWRENCE: Great, and -- I know we've talked before, but
18 I want to make sure you understand that our role is safety.
19 Anything that's said here during the course of the investigation
20 is not going to be used for enforcement or certificate (ph.)
21 actions. I know I've already briefed you about the FAA's role
22 here; it's the exact same as mine. So anything learned can't be
23 used for enforcement or certificate actions.

24 So I want you to feel comfortable --

25 MR. KOSMOS: Yeah.

1 MR. LAWRENCE: -- answering anything and helping us in any
2 way --

3 MR. KOSMOS: Yes.

4 MR. LAWRENCE: -- to try and find out what happened. I'll
5 ask you a few questions, and then I'll let Tom and --

6 MR. LARSON: Jimmy.

7 MR. LAWRENCE: -- Jimmy, thank you. Sorry. I'll let Jimmy
8 -- also ask any questions if they have any. We're not going to be
9 very long, but if I ask a question that you don't know the answer
10 to, Jim, just say I, you know, ask me to repeat it and I'll be
11 happy to. If I ask you a question you don't know the answer to,
12 "I don't know" is a perfectly acceptable --

13 MR. KOSMOS: Good.

14 MR. LAWRENCE: -- response. Okay? So I just want to make
15 sure every -- we're clear on and --

16 MR. KOSMOS: Yeah.

17 MR. LAWRENCE: -- great. Do you have any questions about the
18 process or anything so far right now?

19 MR. KOSMOS: I don't.

20 MR. LAWRENCE: Okay. Good.

21 INTERVIEW OF JAMES KOSMOS

22 BY MR. LAWRENCE:

23 Q. Let me just start off with easy ones. Can I get your full
24 name?

25 A. James Kosmos, K-O-S-M-O-S. No middle initial.

- 1 Q. How old are you?
- 2 A. I'm 60.
- 3 Q. And can I call you Jim, James, what would you -- Kos?
- 4 A. Call me Kos, that works.
- 5 Q. Kos? Okay.
- 6 A. That works.
- 7 Q. Everybody out over the dock that it was this morning --
- 8 A. Yeah.
- 9 Q. -- they were using --
- 10 A. I've been here 40 years, 42 years. Many people don't know my
- 11 real name.
- 12 Q. -- right, and what is your title here?
- 13 A. I'm the owner.
- 14 Q. Okay.
- 15 A. Member (ph.).
- 16 Q. All right. Are you a pilot?
- 17 A. I have a pilot's license.
- 18 Q. What kind?
- 19 A. It's a private.
- 20 Q. Okay.
- 21 A. With a seaplane rating.
- 22 Q. But you don't fly this kind of plane?
- 23 A. No, I do not.
- 24 Q. Okay. And if you could give me just a cliff notes version of
- 25 your background, just a brief how did you get to here to be owner

1 (ph.)?

2 A. I was -- I started working with Temsco helicopters and U.S.
3 bark nine (ph.) in 1981 I believe, '81, '82, '81 and worked with
4 Temsco helicopters. And, you know, that was pretty much at
5 ground, but I worked alongside them and, you know, helped rig --
6 rig their helicopters up, did a lot of different things out there
7 that involved, you know, from, you know, checking -- doing
8 maintenance and rigging helicopters and, you know, breaking rocks
9 and things like that.

10 And I -- then I started working for Temsco Airlines about --
11 even though I've had friendship and been out there to Temsco quite
12 a few times and helped them over the years over projects. I
13 started working at Temsco Airlines in 1980... '85 I believe, and I
14 was basically a ramp rat and worked the ramp. And then I started
15 to, you know, supervise the ramp and just, you know, going to the
16 post office, picking up cargo, and that's the people I was
17 responsible for.

18 And when that company closed down in 1999, December 1999, I
19 got a call from Jerry Scadero (ph.) at Teflon, and he asked me to
20 come work there. And I said, "Sure", and I worked for him as a
21 cargo manager from 1999 to December of 2000. And -- hang on just
22 a sec -- let me back up for a sec. I started for him in 1990 --
23 1990 is when Temsco closed down, so I worked for them for nine
24 years. And I was the cargo manager and enjoyed doing that, worked
25 with a lot of great people. And when they shut down, within a

1 year, my father passed away and I was with him.

2 And, to make a long story short, Jerry Scadero happened to
3 see me in 2000, and we talked about buying a hanger, working
4 together. I've always had a good relationship with Jerry. And
5 then in -- on May of -- let me make a long story short -- May of
6 -- May 25, on my birthday in 2001, we started the company, and it
7 was originally going to be Jerry, Ernie (ph.), and I -- Jerry and
8 I, and then Ernie became a partner just before we consummated the
9 deal on May 25, 2001.

10 And we've had, you know, a lot of fun working together, and
11 in the beginning, I was supposed to be -- work get my license and
12 to be one of the pilots in the future. And I worked the ramp, I
13 drove the van, I did all, you know, everything you could think of
14 around here. And then Jerry and Ernie decided, a year later, that
15 maybe I should just run the business-end of the company, so that's
16 what I've been doing since then.

17 And Jerry sold out, I think, in 2007, 2008 -- somewhere
18 around there, and then after our accident in 2012, I think the
19 Spring of 2013 is when Ernie finally decided -- actually, it was
20 the end of that year I believe, 2012, that he, you know, sold out.
21 So...

22 Q. What 2012 accident were you referring to?

23 A. What's that?

24 Q. What 2012 accident were you referring to?

25 A. May 2012, we had -- Ernie was flying out the Niblack --

1 Q. To where?

2 A. -- Niblack --

3 Q. Okay.

4 A. -- the Niblack mine, and he had some weather and landed. I
5 think he clipped the beach, and -- rocky beach.

6 Q. Okay. How many employees do you have at Southeast?

7 A. Right now, we have about five.

8 Q. Okay. How many pilots do you utilize?

9 A. How many pilots do I what?

10 Q. Do you utilize? I should speak up, and I apologize.

11 A. Right now, basically about four. Two to four. I mean, they
12 share Rolf with (indiscernible) but we also have Jim David helping
13 us. And Jim whenever we can, you know, get Jim and Dave Rocke
14 also, so four. And then Abby's (ph.), you know, an employee also,
15 so about five.

16 Q. And are the pilots that you utilize, besides your Director of
17 Operations, are the other pilots on a payroll or are they paid per
18 season -- how are they compensated?

19 A. The pilots are paid by the month.

20 Q. Is that during the season only or every month?

21 A. In the summer, yeah.

22 Q. So in general, how do you -- I'm sorry. How do you advertise
23 and attract customers to your business?

24 A. We have the website, we have a couple of seals -- sales
25 kiosks, and we have some travel aid (indiscernible) and companies

1 that we work with, travel/travel agents.

2 Q. Okay. Do you have any contracts with any of the cruise
3 lines?

4 A. No, sir.

5 Q. And I know you're not an expert on what others -- but it's a
6 small community here. Are you aware of any other businesses here,
7 to you your knowledge, if they have contracts with any of the
8 cruise lines?

9 A. I believe Taquan Air has contracts with the cruise ships,
10 and... possibly, Misty Fjords Air.

11 Q. If there are others that have them, I'm just kind of curious,
12 have you thought of or approached the cruises to maybe have some
13 contractual agreement with Southeast?

14 A. No.

15 Q. Why not?

16 A. We're doing fairly well on our own.

17 Q. Talking about Rolf, tell me about him.

18 A. Kind, professional, diligent... caring. He was very good about
19 -- sorry, I'm trying to think of the word right now. I'm sorry,
20 I'm having a hard time here, but he was -- when it came to looking
21 things overall, he was quite comprehensive just from looking at
22 weather and getting down and getting his airplane ready. He made
23 sure that everything was top notch, you know, from pre-flight, you
24 know, making sure everything is in the airplane, documentation --
25 a very good pilot.

1 And -- give me just a moment here. Smart, very sharp.

2 Q. Have you flown with him --

3 A. He understood the business.

4 Q. -- sorry to interrupt. Have you flown with him before?

5 A. Yes.

6 Q. In what capacity?

7 A. Rides to, you know, flying from one point to another; just
8 flying the Niblack or flying on some trip, I'd go with him.

9 Q. How long have you known Rolf?

10 A. I've known Rolf since the mid-1980's.

11 Q. So his work up here, can you tell me a little bit about his
12 schedule and how long was he on; how long was he off; where did he
13 stay; things like that when he came out here during the season?

14 A. For the season, he would have an apartment here close-by. We
15 would get him a place, and this year, he happened to be right next
16 door. Carly and I got him a nice apartment right upstairs. And...
17 repeat the question one more time.

18 Q. What was his schedule when he came up --

19 A. His schedule was -- he worked -- he had seven days off a
20 month and would work, like, six in the morning until -- his
21 schedule was, like, six to -- trying to, you know, having a hard
22 time here -- six to, like, you know, it's -- six to eight, I
23 think, was his time, or five to seven. I can't remember.

24 Q. -- uh-huh.

25 A. But... but he was basically off, you know, seven days a month.

1 He had a relief named Jim Davis.

2 Q. So typically, how many flights a day would Rolf, during the
3 season, operate?

4 A. Four, five, six.

5 Q. Would those --

6 A. Or three or four, depending on the weather.

7 Q. -- right. Would those be, let's say, a good day that's back
8 in Misty Fjords, and its nice weather; would they be back-to-back-
9 to-back-to-back? You know what I'm talking about? They come
10 in -- I don't know if you had hot loads with people on and on.

11 A. No, you know, we had half an hour between flights.

12 Q. Okay. You've known him a long time. You're, you know,
13 knowledgeable about him. Had he ever voiced any concerns or
14 issues at home with his family; financial issues; did he have any
15 troubles that you were aware of?

16 A. He had -- his mother had Alzheimer's. They were getting -- I
17 think she was 90 years old and getting Alzheimer's, and his
18 brother was having some issues. When he came back, I talked to
19 him a little bit about it. I asked him if, you know, how he felt,
20 and I wanted to make sure he was here, ready, 100% with us. I
21 wanted to make sure that he was here, that he was mentally,
22 physically, and he was happy to be back.

23 Q. Let me ask you about that. What do you mean by "back"? He
24 had been coming up here for --

25 A. Yeah.

1 Q. -- multiple years; right? Are you referring --

2 A. Glad to be back from Ketchikan.

3 Q. Okay.

4 A. Glad to come back and fly.

5 Q. So tell me about the accident that he had in July.

6 A. He took off from Elfin Cove the morning of July 9th, and he
7 struck a channel marker. And we're very lucky the airplane was
8 without injury, and we had Dave bring it back to town.

9 Q. Did you talk to him about that --

10 A. Yeah --

11 Q. -- afterwards?

12 A. -- of course.

13 Q. Okay. Tell me about those conversations.

14 A. It was real -- I gave him some time, and then we sat here for
15 a good, couple two or three hours. He felt bad about what
16 happened. I basically told him our biggest concern wasn't for
17 him, and the airplane wasn't the big problem. It's -- you know,
18 we care for him. We wanted to ease his pain; you know. He was
19 apologetic, and he felt bad.

20 Q. Did he mention anything about pressure or anything --

21 A. No.

22 Q. -- that he felt?

23 A. No.

24 Q. Okay. And as the owner of this company, you probably don't
25 get involved with the FAA as much but tell me about your

1 interactions with the FAA over the years since you've owned this
2 company.

3 A. With -- I talked with, you know, Jon Percy quite a bit and,
4 you know, Doll, and with quite a few folks that try to be, you
5 know, active in the -- in all the meetings that we've had here,
6 and we've had a good relationship with the FAA.

7 Q. Do you recall the last time the FAA had come out here and
8 done a physical presence inspection of your operation?

9 A. They're here quite often. You know, Lana's -- Lana comes in
10 quite a bit. She's the Principal Maintenance Inspector. And
11 during the COVID we didn't see them as much, but we're
12 telephonically connected. We've had some online meetings and
13 communications. Mr. Clark Miller has been here also, and...

14 Q. You said that you'd been "active in meetings". Tell me, what
15 meetings? This wasn't necessarily with the FAA --

16 A. The air two meetings.

17 Q. Yeah, talk to me about that.

18 A. The air two meetings are -- have been every spring and in the
19 fall, and quite comprehensive; it would be most of the day at the
20 Sunny Point Cannery -- Sunny Point Hotel there at the landing.
21 And there was a lot of discussion, you know, about a lot of
22 different topics. Safety is paramount. There were different
23 speakers, you know, from the camp folks who, you know, talking
24 about the, you know, the body and the tresses on the body, and,
25 you know, different outside forces. And -- being -- having a good

1 team of people around you and not pushing your pilots; being
2 professional at all times; being safe at all times.

3 Q. Was -- during the course of any of these meetings, was there
4 any general consensus or agreement from the operators on how you
5 were going to procedurally go through and fly the fjords and these
6 air tours?

7 A. Well, we have a letter of agreement, an LOI [sic], that we
8 follow.

9 Q. An LOA?

10 A. A letter of agreement -- LOA, yes.

11 Q. Okay. Are you a signatory on that?

12 A. Yeah.

13 Q. Okay. And in general, not detailed, but in general what does
14 that LOA say?

15 A. It sets the frequencies, the routes, reporting points. You
16 know, it talks to the belief, you know, that the inside of the --
17 this pattern belongs to the helicopters, and they stay over the
18 water. Communications, you know, keeping their lights on or, you
19 know, they have the lights on. Procedures operating inside and
20 out pattern.

21 Q. What pattern?

22 A. This -- the inside of the pattern here [indicating].

23 Q. Oh, here over --

24 A. The channel.

25 Q. -- okay. When did this agreement come about?

1 A. I don't know the date.

2 Q. Was there any trigger to -- any event that triggered this
3 industry -- local industry agreement?

4 A. It was after an accident. I just, for the life of me, can't
5 remember the date.

6 Q. Okay. Do you recall which accident --

7 A. Because of -- because it was an accident, and we wanted to
8 have this -- you know, be as safe as possible.

9 Q. Do -- you don't recall which accident it was?

10 A. I want to say it was one of the, you know, one of the
11 Teflon's first accident I believe.

12 Q. And so --

13 A. It separates -- you know, separation of each other.

14 Q. -- so it's -- this agreement is just the operators are
15 operating out of Ketchikan down here, and you, I don't want to put
16 words in your mouth, but it's essentially the operators'
17 agreement --

18 A. Yes.

19 Q. -- with each other?

20 A. With each other, correct.

21 Q. Okay. Was the FAA involved in the development of these
22 procedures and this agreement in any way?

23 A. They had oversight. They asked us to come up with it, you
24 know, together, and that's what we all did.

25 Q. This may be a subjective answer to this question, but I'm

1 curious: I know you don't go out there and fly it, but in general,
2 is everybody, in your opinion, compliant or -- with these -- this
3 agreement, are they in compliance with the procedures and the
4 routes and such? I guess, Jimmy, what I'm asking --

5 A. (Indiscernible) -- I believe that --

6 Q. -- okay.

7 A. -- everybody does their best.

8 Q. Okay. I guess, in your opinion, is it working, this
9 agreement?

10 A. I don't know.

11 MR. LAWRENCE: Let me see a (indiscernible). Jimmy, you're
12 doing great. Do you need some water or --

13 MR. KOSMOS: No.

14 MR. LAWRENCE: -- you need a break? You're doing okay?
15 You're doing great. Tom, do you have any questions?

16 BY MR. JOHNSON:

17 Q. Just like a general, I guess, like, how do you guys check
18 weather and (indiscernible)?

19 A. First thing we do when we come in, I look at my -- look at
20 the weather on my Foreflight on my phone. I look at it the day
21 before too and see what's coming, and I check it again in the
22 morning, (indiscernible) windy. I go over to the aviation and
23 marine weather. I'll contact, like, if it's a camp just to see
24 what's happening out there, and I'll talk to the other operators.
25 I'll go overs the cams; take a close look at the cams; look for

1 trends.

2 Q. Will you guys, I guess, when you're, kind of, trying to
3 figure out your flights for the day, will you just, like, have a
4 day where just you say "We're not going to go today" or do you
5 just play it by ear or do you...

6 A. We look at the weather, and if it's -- it looks like going to
7 be a weather (indiscernible) for a while, we'll hold. A lot of
8 times, we won't -- we'll spend the whole day here with -- we'll
9 just look at the weather, look at what's going to happen in the
10 afternoon. If it doesn't look like it's any good, you know, we
11 won't fly.

12 Q. Okay. Do you guys get any flak from the cruise ships or your
13 passengers for not going?

14 A. I think people are, you know, people get sad when their trips
15 get cancelled, but that doesn't matter much, you know. We're the
16 ones that have to fly back.

17 Q. Yeah.

18 A. No good, don't do it.

19 Q. Okay.

20 A. I -- it doesn't bother me when we have to cancel somebody's
21 tour.

22 Q. Okay.

23 A. It's best for both parties.

24 Q. Right. Do you usually have the pilots give that news, or do
25 you have someone else that will do that? You do it? Okay. When

1 you brought Rolf back, did you guys think that he needed to do,
2 like, any kind of retraining with him or...

3 A. We had long conversations with Rolf. We wanted to see how he
4 felt, how he looked, and take the airplane out and fly around a
5 bit. I wanted to, I wanted to see from the moment he got here,
6 you know, how he was getting in the airplane and preparing like
7 he'd always prepared. I just, you know, I didn't see any changes
8 in that.

9 We had a discussion about, again, how he felt, how things are
10 at home. I went -- we had a meeting with the FAA FAAS team. The
11 FAA was not in town, but they gave us some things to talk about,
12 and I went through that with Rolf. We talked about, you know,
13 before you land somewhere -- basically, not to be rushed, you
14 know. Take your time to fly over any location before you land,
15 you know, or orbit here, you know, patch around, look, make sure
16 everything is clear. Communicate, keep your landing light on,
17 don't ever get in a hurry -- because I can manage the people.

18 I'm trying to remember everything we went through. It was
19 quite a bit, but just a deep heart-to-heart, you know. He knows
20 we love him, and we want the very best. But if he wasn't ready, I
21 want to know.

22 Q. So you'd leave that up to him as well? I think that's all
23 I've got.

24 A. No. Leave it up to him? Repeat that please.

25 Q. Well, I just wanted to make sure that it was also -- that he

1 knew that it was his -- that he had a say in it, you know, like --

2 A. Yeah --

3 Q. -- that you both agreed --

4 A. -- he had a say in it.

5 Q. All right.

6 A. I cared -- he cared for, for us, our company, and our
7 program, and it's not like some companies I've worked with in the
8 past, that we didn't really have any close relationships with each
9 other. We had a very close relationship with each other. My
10 friend.

11 MR. LAWRENCE: Jim, do you have anything for Kos?

12 MR. LARSON: No.

13 MR. LAWRENCE: Okay.

14 MR. LARSON: Thank you.

15 BY MR. LAWRENCE:

16 Q. I just have a couple of just follow-ups, Kos --

17 A. Yes.

18 Q. -- and then we'll be done. Who has, at this part 135
19 certificate holder, who has operation control? Because I haven't
20 seen your ops specs, but who has operation control?

21 A. I do.

22 Q. Okay.

23 A. Jimmy, David.

24 Q. Okay. And just -- I don't mean to, you know, go too far with
25 this, but in your mind what does that mean, by you having

1 operation control, Jimmy and David; what does that mean?

2 A. It makes me a shepherd, to watch over every aspect of the
3 business from the moment in the morning I come in two hours early,
4 make sure that everything's, and everybody, is ready. You know,
5 look good, feels good.

6 Q. Yep.

7 A. The airplane is running good; talk about some of the trips
8 that are coming up, you know; what the weather's doing, you know.
9 I've always told them that, you know, the elements -- we love what
10 we do here. This is not about the money. We can go when we can
11 go.

12 Q. Let me ask a little bit about that. Who can cancel a flight
13 here?

14 A. I can, and the pilot can. The DO, the chief pilot can.

15 Q. So any one of the other pilots, if they see something they
16 have the authority --

17 A. Absolutely.

18 Q. -- to cancel it? Okay. The iPads: do you issue those, or
19 are they the pilot's iPads?

20 A. They're ours.

21 Q. They're yours? Okay. And what, and what are those used for?

22 A. They're used for -- to aid the pilot. You know, give them --
23 try to give them as many tools as possible.

24 Q. Like what?

25 A. Like a, you know, a moving map, you don't see other aircraft,

1 to be able to be seen. The weather conditions, you know; there's
2 -- gives you the weather. There's some synthetic vision, flight
3 planning.

4 Q. Flight planning. Do the -- your pilots a VFR flight plan for
5 every flight?

6 A. Correct. We're a flight service.

7 Q. They file a VFR flight plan for every flight?

8 A. Yes.

9 Q. Okay. Is that, and I have not seen your GOM, so I'm, kind
10 of, asking in the blind -- is that what it's procedurally what
11 it's called for every flight?

12 A. We're supposed to have plan with the FAA -- with the FAA
13 Flight Service.

14 Q. Okay. So every flight between -- you only have 30 minutes.
15 Right? Sometimes you're scheduling, and you only have 30 minutes.
16 During that 30-minute timeframe, they're expected to file a flight
17 plan for the next flight?

18 A. Many times, what they'll do is contact Flight Service in the
19 morning if they plan on flying and then give them their trip
20 information, and then they will activate that trip.

21 Q. The Foreflight account: is that a Southeast Aviation account
22 that you use?

23 A. (Inaudible response.)

24 Q. Okay. And offline, I'll get the login information from you
25 on that.

1 A. Well, the challenge with that is that with the passwords all
2 over the years I've just told the guys to, you know -- I asked
3 Rolf, I believe, to go ahead and just put in his information if
4 he's using it, and then he has, you know all the, you know,
5 basically the login information and password.

6 Q. But that's a company password and login information; correct?

7 A. I had them put in their own information in there.

8 Q. Got it. Their -- for their individual iPad they would have
9 -- they would --

10 A. Yeah.

11 Q. -- tailor it to their password or whatever? Okay.

12 A. It's -- nothing's really company. I mean, we give as many
13 tools to our pilots as we can.

14 Q. And this follow-up -- I'm not sure I asked you about the
15 training, but typically what type of training do you provide
16 either initial or recurrent, on-going -- what type of training
17 does the company provide their pilots?

18 A. Initial and recurrent.

19 Q. Briefly describe the initial.

20 A. If they're a new pilot they -- you know, I start off with,
21 you know, a resume and with a, you know, we -- all the pilots
22 we've had in the past, we've all had history together. We've
23 never hired anybody that we didn't know or had, you know -- but
24 initial is -- there's a lot to it. There's a pre-employment; we
25 have drug tests; there's paperwork; there's, you know, you know,

1 flight, and you know -- there's a lot of different things, and I'm
2 just trying to -- just drawing a --

3 Q. Well --

4 A. -- blank.

5 Q. -- let me help you out. Is there a ground school?

6 A. Yes.

7 Q. Okay. Where does that occur?

8 A. Here.

9 Q. Okay. Who gives that ground school?

10 A. Jim Larson and Dave Rocke.

11 Q. Okay. So the DO and the Chief Pilot?

12 A. [Inaudible response.]

13 Q. Okay. Is there flight training?

14 A. Yes.

15 Q. And how is that conducted?

16 A. Jim Larson. (Indiscernible.)

17 Q. Okay. And Jim Larson does that?

18 A. Jim Larson and Dave Rocke.

19 Q. Got it. Are they the evaluators as well?

20 A. Yes, they will evaluate. They are -- I trust their
21 judgement.

22 Q. Okay. You may know this, because you're the person that's
23 paying the bills, but in general -- this is a fueling question:
24 how much fuel do the pilots -- and we'll talk to the others later,
25 but how much fuel do the pilots typically depart with?

1 A. The Misty Fjords tour generally a pack of 20, so 35 and 55
2 gallons about.

3 Q. 35 --

4 A. 35 plus 20.

5 Q. -- okay. So explain to me when you -- what you mean by 35
6 plus 20 (indiscernible).

7 A. There's a front tank, and 20 in the center tank, basically.

8 Q. So 35 in the front and 20 in the center?

9 A. 25 in the center -- 20 in the center, yeah. 20 to 24, I
10 mean --

11 Q. Okay.

12 A. -- depending on the weather.

13 Q. Do they refuel each time?

14 A. Yes.

15 Q. Prior to every flight?

16 A. Prior to every flight; correct.

17 Q. And I'm trying to understand the logistics -- were the
18 airplanes parked out here [indicating] --

19 A. Yes.

20 Q. -- and you fly them -- where would you fly them to pick up
21 the passengers?

22 A. We -- we'd pick them up at the visitor center or the dock,
23 and we bring them right here [indicating].

24 Q. Pick them up in a van or something to go get them?

25 A. Pick them up in a van.

1 Q. Okay.

2 A. And we'll talk to them here [indicating].

3 Q. And you load over here [indicating], right behind us?

4 A. Load right behind you, yes.

5 Q. Okay.

6 MR. LAWRENCE: Tom or Jimmy, do you have anything else?

7 MR. JOHNSON: No.

8 MR. LARSON: No.

9 MR. LAWRENCE: Kos, I really appreciate you talking to us,
10 and I know this is difficult. One thing I want you to know is
11 that we are going to work diligently. It may take some time, but
12 we are going to work hard to try and find answers for you.

13 MR. KOSMOS: That's what we all want.

14 MR. LAWRENCE: Right, and we do as well. A lot of times
15 after you talk with us and such, you spend a couple of days,
16 you'll metabolize what we've talked about, and they have that
17 feelings there where you're lying down saying, "Oh, my gosh. I
18 just thought of something that I probably should have shared."

19 Is there anything, now, you can think of that might help the
20 investigation, considering it's a safety investigation? Maybe
21 somebody we need to go talk to or something to look at that you
22 can think of?

23 MR. KOSMOS: I've been going out through my head for the last
24 three days.

25 MR. LAWRENCE: Right. Well --

1 MR. KOSMOS: The pilots, yeah.

2 MR. LAWRENCE: -- and we will, we will. But over the course
3 of time, if you think of something that comes up, if you mind,
4 that you think would help us, I want you to know and I want you to
5 feel comfortable just contacting us. You can contact me directly
6 and just say, you know, "I just thought of this. This might be of
7 help." Okay? Can you think of anything else that maybe -- any
8 questions you have for me?

9 MR. KOSMOS: Appreciate what you're doing. Thank you.

10 (Whereupon, the interview 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: N1249K DE HAVILLAND FATALITY
 IN KETCHIKAN, ALASKA
 ON AUGUST 5, 2021
 Interview of James Kosmos

ACCIDENT NO.: ANC21FA069

PLACE: Ketchikan, Alaska

DATE: August 8, 2021

was held according to the record, and that this is the original,
complete, true and accurate transcript which has been transcribed
to the best of my skill and ability.



Kali Haney
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of: *

*

N1249K DE HAVILLAND FATALITY *

IN KETCHIKAN, ALASKA, *

Accident No.: ANC21FA069

ON AUGUST 5, 2021 *

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* * * * *

Interview of: JAMES DAVIS, Line Pilot
Southeast Aviation

Ketchikan, Alaska

Sunday,
August 8, 2021

APPEARANCES:

DAVID LAWRENCE, Investigator
National Transportation Safety Board

TOM JOHNSON, Aviation Safety Inspector
Federal Aviation Administration

JIM LARSON, Director of Operations
Southeast Aviation

BRENT COLE, ESQ.
Law Office of Brent R. Cole, P.C.
(On behalf of Mr. Davis and Southeast Aviation

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I N T E R V I E W

1
2 MR. LAWRENCE: We're here to in -- because of the August 8th
3 -- or I'm sorry, the August 5th, accident involving 1249 Kilo. My
4 name is David Lawrence, I'm with the NTSB, I'm an Operations
5 Investigator. I'll go around the room so well know who we are.
6 Tom?

7 MR. JOHNSON: Tom Johnson, FAA.

8 MR. COLE: Brent Cole.

9 MR. LARSON: James Larson, Director of Operations.

10 MR. LAWRENCE: So --

11 MR. DAVIS: And I'm Davis, yeah.

12 MR. LAWRENCE: I'll get your name in just a second. So, let
13 me go over some preliminaries. Just so you know, this isn't
14 safety investigation, and my condolences, our condolences to you
15 and the whole Southeast family and the -- it's hard to go through
16 this, and I know -- and I just want you to understand this is a
17 safety investigation, we're trying to find out what happened so we
18 ensure it doesn't happen again, and this is part of the process,
19 it's typical for us to talk to you know the pilots, the
20 management, and such of a certificated operator, so this is
21 nothing unusual for us, I know it is for you.

22 I want you to also understand that during the course of our
23 conversation we have the FAA here, and they are a party to our
24 investigation. What I mean by party is, they're -- I can't do all
25 of it by myself and have knowledge of everything, so we bring

1 people into help us with the process, and they're called party
2 members. FAA is a party member and actually we have made the
3 company a party member, and that's why Jim's here. So, the FAA is
4 here, but his role is no different from mine. We're trying to
5 find out together what happened, so I want you to feel comfortable
6 that nothing you say here can be used for certificate or
7 enforcement actions on your pilots' certificate, I've got nothing
8 to do with that.

9 So, also, as -- I'll ask some questions and then we'll just
10 let Tom and Jim see if they have any follow up questions as brief
11 as possible. If I ask you a question you don't know the answer,
12 just tell me, I don't know the answer. It's perfectly acceptable.
13 If I ask a question, you don't understand please ask me to clarify
14 it, I don't live and reside in the world of flying, that's yours
15 and stuff. So, I may say something that doesn't make sense, just ask
16 me to explain it.

17 MR. DAVIS: Okay.

18 MR. LAWRENCE: Okay. Do you have any questions about the
19 process or anything else?

20 MR. DAVIS: No, sir.

21 INTERVIEW OF JAMES DAVIS

22 BY MR. LAWRENCE:

23 Q. Okay. And I'm going to try and speak up and because we're
24 going to be -- we're tape recording for transcription, I'll try to
25 ask you to do the same. Let's start off with the easy ones, if

- 1 you would tell me your full name and age.
- 2 A. James Joseph Davis. 27.
- 3 Q. All right, and what is your role here at Southeast?
- 4 A. Line Pilot.
- 5 Q. Okay, how long have you been here?
- 6 A. Since April.
- 7 Q. April of this year?
- 8 A. Mm-hmm.
- 9 Q. Okay. Certificates that you hold?
- 10 A. Commercial pilot single engine, land and sea with
- 11 (indiscernible).
- 12 Q. All right. And just a guestimate of your total time?
- 13 A. It's roughly about 3,000.
- 14 Q. Okay, and how much of that time is in the Beaver?
- 15 A. About 1,700.
- 16 Q. Is all that here?
- 17 A. Uh.
- 18 Q. Obviously not, since April.
- 19 A. (Indiscernible).
- 20 Q. Huh?
- 21 A. Taquan.
- 22 Q. So, are you employed by both? Do you fly for both?
- 23 A. Yes.
- 24 Q. Okay. Where did you get your training on the Beaver?
- 25 A. Taquan.

1 Q. Okay. So, are you considered an employee here or contract?

2 A. Employee.

3 Q. Employee. How are you compensated? Monthly, weekly?

4 A. Daily.

5 Q. Daily? So, any day you are flying you will get paid. If
6 you're on a day where you don't fly, you don't get paid? Is that?

7 A. If I'm here I'm paid.

8 Q. Okay. Is that similar over at Taquan?

9 A. Yes.

10 Q. Okay. Okay. And if you could give me just a cliff notes
11 version of your -- is it James, Jimmy, Jim? How do you? There
12 are a lot of Jim's in this company.

13 UNIDENTIFIED SPEAKER: There's a lot of Jim's.

14 MR. DAVIS: I prefer Jim.

15 BY MR. LAWRENCE:

16 Q. Jim? Okay, thank you.

17 A. Or Jimmy.

18 Q. Okay. Give me just a brief cliff notes version of your
19 background, what got you here.

20 A. I learned to fly in south Florida. I started off as a banner
21 pilot, and then I flew the full planes out in the Bahamas, and
22 after doing that I came up here and I've been flying in Alaska
23 since 2017.

24 Q. Moment, let me shut the window so that we can hear. All in
25 the Beaver since 2017?

1 A. No.

2 Q. What have you been flying?

3 A. Last year I flew a (indiscernible) carrier for Wolf Lodge,
4 and I also flew for Grand Aviation in Bethel and Renfro's, last
5 thing I mentioned was in Bethel.

6 Q. So, when you came --

7 A. But I was in the 207.

8 Q. Okay.

9 A. 207.

10 Q. When you came here to Southeast, talk me through the process
11 of -- were you recruited and such and then what did you do once
12 you got here, training wise and such?

13 A. I was flying in my off time from Bethel, and I was brought in
14 by Dave Brow (ph.) and trained by Jim Lawrence and Dave both
15 before doing the check-ride.

16 Q. Okay. Curious what was involved in the check-ride, just in
17 general.

18 A. Maneuvers in the air, step tax hearing water work stuff like
19 that.

20 Q. Okay.

21 A. Along with an oral portion.

22 Q. All right. Is there like a ground school or anything?

23 A. Yeah, I did ground school with Dave.

24 Q. Okay. Were you working the day of the accident?

25 A. Not here.

1 Q. So, where were you working?

2 A. Taquan.

3 Q. Okay. So, tell me about that day, your observations. What
4 was your work schedule and where'd you go and?

5 A. I was doing just basic scheduled flights for Tack One, then
6 to I believe Hollis and from there then I believe I was I was in
7 Metlakatla that morning as well.

8 Q. Mountain?

9 A. Metlakatla.

10 Q. Metlakatla, okay. And not being familiar with this area, or
11 any of those areas close to Misty Fjord.

12 A. Metlakatla is 12 minutes to Southeast.

13 Q. When were you there, about what time of day?

14 A. I believe 7:30 in the morning.

15 Q. Okay.

16 A. That day's a bit foggy.

17 Q. Understand. Which leads me to my next question, what was the
18 weather like in that area on that flight?

19 A. Beautiful.

20 Q. Did you ever get a chance to fly with Morrell (ph.)?

21 A. I have not.

22 Q. You ever interacted with him?

23 A. Oh, yeah.

24 Q. Okay, tell me about him.

25 A. Pretty straight forward guy, said it how it was. Lot of

1 experience.

2 Q. Mm-hmm.

3 A. Very friendly.

4 Q. Did he ever mention any concerns about flying here at
5 Southeast?

6 A. No.

7 Q. Okay. Did he ever mention any concerns he was having at
8 home, family anything distracting to him?

9 A. No.

10 Q. Have you flown the Misty Fjord flights, okay, tell me about
11 those flights, what typically do you do?

12 A. I fly passengers out to the monument, show them around the
13 area, land out there. Discuss the history, the geological
14 formations, and we turn back to Ketchikan, roughly about an hour
15 and a half flight.

16 Q. About an hour and a half flight?

17 A. Well, the flight itself is an hour, the entire tour is an
18 hour and a half.

19 Q. So, when you land, you're talking about 30 minutes where you
20 land or so?

21 A. Roughly.

22 Q. Yeah, okay. Is it typically the spot that you always land?

23 A. No.

24 Q. Okay, so it's pilot's choice?

25 A. Mm-hmm.

1 Q. Depending on what?

2 A. The weather and tides.

3 Q. Is there some sort of set route that you take to get out
4 there, we're talking the Misty portion, any set route that you
5 take?

6 A. Pretty much, going from here to Mountain Point, and then dog
7 leg it out to Roderick Bay the Ella Lake.

8 Q. Okay. And where would you land most the time?

9 A. In Roderick Bay. In the bay itself.

10 Q. Okay. And then after 30 minutes you get up and you get back
11 in the air was there some type of standard route to get back to
12 Ketchikan?

13 A. Pretty much the same way you came back out of just being
14 mindful of ongoing -- outgoing traffic.

15 Q. I'm not one of these mountain kinds of guys, so is there
16 enough gap space to -- for separation if people coming -- going
17 out and coming back?

18 A. Yes.

19 Q. Okay. And how do you separate -- is it just visual
20 separation or are there altitudes that you try and maintain
21 separate?

22 A. Typically (indiscernible).

23 Q. Okay. Are there any -- on these routes are there any weather
24 minimums?

25 A. Well, aside from basically being able to see through the

1 passes and being able to maintain VFRs (ph.).

2 Q. Okay. So, what about ceilings, is there a minimum ceiling
3 requirement?

4 A. No, just as long as you can maintain 500-foot AGL or better.

5 Q. 500-foot AGL altitude?

6 A. Mm-hmm.

7 Q. Okay.

8 A. Or, better.

9 Q. You guys are running in class G airspace out there?

10 A. Yeah.

11 Q. You felt any pressure to get back from a charter, like 30
12 minutes or so because you may have another back-to-back. Or maybe
13 you have an obligation of a timeline, have you ever had any kind
14 of pressure to maybe not do the standard route and come around,
15 because it takes longer, I would assume. Correct?

16 A. I've never had any pressure.

17 Q. Okay. Have you ever -- I'm sure you're probably familiar with
18 what Ralf's essential route was?

19 A. Mm-hmm.

20 Q. Coming back and such. Having seen that, is that part of any
21 kind of standard routing coming back?

22 A. Pretty much, yes.

23 Q. So, that pass that was he going -- when he crossed the lake
24 and he was coming through, that was a standard route or is that
25 published any place?

- 1 A. It's not published.
- 2 Q. Okay. Are any of the standard routes published?
- 3 A. They are in the TAPA agreements.
- 4 Q. Okay. What's it called?
- 5 A. Tongass Pilots Association.
- 6 Q. I'm not familiar with that association. What is that?
- 7 A. It's an organization of all the pilots here in Ketchikan.
- 8 Q. Okay. Of the pilots?
- 9 A. And the operators.
- 10 Q. Oh, okay.
- 11 A. All of the operators sign the agreement.
- 12 Q. Got it. Is it voluntary or mandatory?
- 13 A. Voluntary.
- 14 Q. In your experience with the two operations that you're at
- 15 here, how are the guys complying with it?
- 16 A. (Indiscernible) is pretty -- pretty strict at being followed.
- 17 Q. Okay. How about the other operators out here?
- 18 A. For the most part, yeah.
- 19 Q. What do you mean for the most part?
- 20 A. I'm not watching everybody else --
- 21 Q. Yeah.
- 22 A. -- when I'm flying. I'm making sure I'm flying --
- 23 Q. Got it. In that agreement, and I might have asked him that,
- 24 apologize I might have missed it. Is there a ceiling, I don't
- 25 want to say requirement, but is there a ceiling recommended

1 guidance for the Misty area?

2 A. I do not know.

3 Q. Okay. So, you said 500 feet earlier, so as long as you can
4 maintain 500 feet, you're good to go in the Misty?

5 A. Mm-hmm.

6 Q. I'm sorry, is that a yes or a no?

7 A. Yes.

8 Q. Okay, I'm not trying to quiz you, I'm just trying to
9 understand what the minimums are and so you could go into Misty at
10 -- with a 500-foot ceiling, or let's say a 600-foot ceiling so you
11 have a clear of clouds because you're class G, so that would be
12 okay?

13 A. Mm-hmm.

14 Q. Okay.

15 A. Yes.

16 Q. That's a, yes?

17 A. Yes, I'm sorry.

18 Q. Okay. That's okay. We have a transcript. Do you, with your
19 experience going into Misty and some of the other areas are there
20 any concerns here flying in those areas and what would those
21 concerns be?

22 A. The other traffic and the weather.

23 Q. Okay. What are your concerns about other traffic?

24 A. Just talking to each other and being able to see each other.

25 Q. Okay. And not being familiar with this area, tell me what

1 your concern about the weather is.

2 A. It can change very rapidly here.

3 Q. You've seen that before personally? Weather changed rapidly?

4 A. Mm-hmm.

5 Q. Okay, and in what regards, what do you mean? Give me an
6 example.

7 A. It can get very nice very quickly, or vice versa.

8 Q. You flew the 49 Kilo, correct?

9 A. Yes.

10 Q. Yes, okay. Tell me about the airplane.

11 A. It was a pretty good airplane. (Indiscernible).

12 Q. Maintenance wise, was it maintained?

13 A. It was.

14 Q. Any challenges in particular 49 Kilo that was different from
15 other Beavers that you flew?

16 A. The only difference would be it had a nose extension. Which
17 just means you have to fly it a little differently.

18 Q. In what regards?

19 A. Just the way you feel the airplane and kept an eye that you
20 did have a forward CP.

21 Q. Did that give any kind of sight picture out of the cockpit
22 different than other? Beavers?

23 A. Not really. No.

24 Q. Okay. Have you flown a Beaver either, so you're the expert
25 on that. How much visibility do you have at other cockpit

1 forward?

2 A. Pretty good visibility.

3 Q. Okay. Pretty good's not great, so.

4 A. We had great visibility.

5 Q. You had great visibility?

6 A. Yeah.

7 Q. Over the nose?

8 A. Yeah.

9 Q. Okay. Typically, which airspeed do you fly at when you're
10 coming back from a route like in Misty?

11 A. Between 105 miles an hour and 110.

12 Q. Any part of that standard route coming back from Misty that
13 is particularly more challenging than other portions of the route?
14 And if you need me to explain just let me know.

15 A. Could you explain?

16 Q. Sure. I'm just curious if there's gaps or there's terrain
17 clearance that is reduced in certain areas that becomes a little
18 bit more challenging. In other words, you've got to be on
19 centerline in that gap. Are there any areas there that are --

20 A. There's never that type.

21 Q. Really?

22 A. Yeah.

23 Q. Okay. Obviously based on a lower altitude when the terrain
24 is above you. But there's no challenging areas where turns would
25 be --

1 A. No.

2 Q. Okay. So, during that whole route, in your opinion and based
3 on your experience was there enough run to maneuver, to move the
4 airplane out of terrain if it was rising or a threat?

5 A. Yes.

6 Q. Tell me about the performance capability of the --

7 A. It's a very good performer.

8 Q. Can you elaborate on that?

9 A. It climbs very well. Flies very well.

10 Q. What would a climb rate be if you were to try to just -- what
11 was the typical climb rate? And what would be a maximum climb
12 rate be safe for a load, you know, a good load on the airplane?

13 A. About 500 feet per minute.

14 Q. Would that be the normal or that would be the max performance
15 climb?

16 A. Normal.

17 Q. And what would -- if you needed to climb that airplane right
18 now, what would be the performance be?

19 A. You could probably get 800 to 1000.

20 Q. Feet per minute?

21 A. With proper power application.

22 Q. What's proper power application? What do you mean by that?

23 A. Bringing it up to climb power, or potentially maximum safe
24 take-off power.

25 Q. Okay. You ever had to do that?

1 A. No.

2 Q. Typical fuel-load that Southeast wanted you guys to load for
3 a Misty run?

4 A. Typically, a tank in plane, or 55 gallons.

5 Q. So, a tank in 20, just for a layman like me.

6 A. The middle tank is 35 gallons, and then the front tank is
7 also 35 gallons, so a middle tank and a front tank. Then 20 in
8 the front tank.

9 Q. That went really fast, and I wasn't catching up typing again,
10 so let's try that again.

11 A. 55 gallons --

12 Q. Total?

13 A. Yes. The -- a full middle tank, and 20 gallons in the front
14 tank.

15 Q. And the full middle's 35?

16 A. Yes, sir.

17 Q. Got it. And 20 on the (indiscernible). Do you know any of
18 the other pilots that fly for Southeast?

19 A. Just in passing, or Jim or Dave.

20 Q. You knew them from your training and --

21 A. Yes.

22 Q. -- (indiscernible). So, you're flying under a Part 135
23 certificate. Who here at Southeast, particularly this just from
24 this operation; who has operational control here?

25 A. Bob Chicazmos (ph.).

1 Q. Okay. Have you ever had to not fly, or refuse to fly the
2 flight?

3 A. No.

4 Q. Do you have the ability to cancel a flight?

5 A. I have the ability to refuse it if I want to.

6 Q. In your experience here at Southeast have you ever been
7 pressured to take a flight that you didn't feel safe?

8 A. No.

9 Q. Do you have any concerns about maintenance of the aircraft at
10 Southeast?

11 A. No.

12 MR. LAWRENCE: Tom, do you have anything?

13 MR. JOHNSON: Yes, there was one -- he asked if -- do you did
14 a flight at 7:30 in the morning and you said the weather was
15 beautiful? So, what would that be here? Because I think
16 beautiful here is different then --

17 UNKNOWN SPEAKER: Beauty is in the eye of the beholder.

18 MR. DAVIS: High overcast.

19 MR. JOHNSON: Okay, all right.

20 MR. DAVIS: (Indiscernible).

21 MR. JOHNSON: Okay.

22 MR. DAVIS: It was just a nice day.

23 MR. JOHNSON: Okay.

24 MR. DAVIS: It was very nice in the morning.

25 MR. JOHNSON: Okay. (Indiscernible) And probably -- so the

1 agreement that everybody has, do you think that's working well?

2 MR. DAVIS: I think so. Yes.

3 MR. JOHNSON: Okay. I think we're done.

4 MR. LAWRENCE: Jimmy?

5 MR. LARSON: Just one thing, on your, in Jimmy's letter out
6 the --

7 MR. LAWRENCE: Well, yeah. Ask him a question because you
8 can't make a statement. So, if you have a question for him --

9 MR. LARSON: Okay.

10 MR. LAWRENCE: You can ask a question.

11 MR. LARSON: All right, I was getting cold vibes. So, thank
12 you.

13 MR. LAWRENCE: Totally understand.

14 BY MR. LAWRENCE:

15 Q. So I'm curious just a couple of follow ups. The iPads, those
16 are issued by cause to you guys.

17 A. Yes.

18 Q. Okay, and what are those used for?

19 A. Records for navigation.

20 Q. Okay, anything else?

21 A. (Indiscernible) orients.

22 Q. Does traffic concern during the season --

23 A. Yes.

24 Q. -- going back in there? In what regard?

25 A. There are a lot of airplanes around there, and a lot of

1 inexperienced pilots.

2 Q. I assume you have experienced that?

3 A. I was one of the inexperienced pilots at one point.

4 Q. Yeah. Okay. Is there a lot of turnover of the pilot corps
5 that come up here and fly during the season?

6 A. Typically, no. Not on the waterfront here.

7 Q. Let me ask if you -- while you've been flying for Southeast
8 have you ever seen an FA inspector or have you ever been ramp
9 checked since you've been here?

10 A. I have not been ramp checked here.

11 Q. Have you been ramp checked at any of the operators here in
12 Ketchikan that you've operated for?

13 A. I've been ramp checked at Templar (ph.).

14 Q. When was that, just curious?

15 A. Early July, I believe.

16 MR. LAWRENCE: I think that's just about -- if anybody
17 doesn't have anything else, Tom?

18 MR. JOHNSON: One thing -- I appreciate it -- your time with
19 us. A lot of times, this is a safety investigation, Jimmy, and we
20 try to find out what, you know, what happened so we are going to
21 have you come in. And a lot of times after we talk to people they
22 may have -- think of something down the road.

23 MR. DAVIS: Mm-hmm.

24 MR. JOHNSON: Is -- while I got you now, is there anything
25 you can think of that would help our investigation? Is there

1 anybody we can speak with that you think that would provide
2 valuable information? Witnesses? Somebody that you heard maybe
3 saw something?

4 MR. DAVIS: No.

5 MR. LAWRENCE: Well, after the course of time. After a
6 couple of days there might be something you metabolized what we
7 talked about or what we -- you may think of something that you
8 know might be helpful. A name of somebody that may have been
9 flying out there at the time that may have heard something. So,
10 just please, you know I invite you to just let us know and give us
11 a call.

12 MR. DAVIS: Mm-hmm.

13 MR. LAWRENCE: Just try and help out as much as you can.
14 Okay? Any questions you have for me?

15 MR. DAVIS: Okay. I appreciate it.

16 (Whereupon, the interview 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: N1249K DE HAVILLAND FATALITY
 IN KETCHIKAN, ALASKA
 ON AUGUST 5, 2021
 Interview of James Davis

ACCIDENT NO.: ANC21FA069

PLACE: Via telephone

DATE: August 8, 2021

was held according to the record, and that this is the original,
complete, true and accurate transcript which has been transcribed
to the best of my skill and ability.

Brittany Hay

Brittany Hay
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of: *

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N1249K DE HAVILLAND FATALITY *

IN KETCHIKAN, ALASKA, *

Accident No.: ANC21FA069

ON AUGUST 5, 2021 *

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Interview of: DAVID DOYON, JR., Director of Operations
Misty Fjords Air & Outfitting
(Witness)

Ketchikan, Alaska

Monday,
August 9, 2021

APPEARANCES:

DAVID LAWRENCE, Senior Aviation Accident Investigator
National Transportation Safety Board

TOM JOHNSON, Aviation Safety Inspector
Federal Aviation Administration

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I N T E R V I E W

(10:45 a.m. ADT)

MR. LAWRENCE: Let's get started.

David Lawrence, NTSB, Tom Johnson, FAA, and --

MR. DOYON: David Doyon, Jr., Misty Fjords Air, director of operations.

MR. LAWRENCE: Great. Thanks for talking to us.

INTERVIEW OF DAVID DOYON, JR.

BY MR. LAWRENCE:

Q. I understand that there were -- that you had some -- you were a witness or you have some information you can provide?

A. Yes.

Q. So just go ahead.

A. Okay. I'm going to go back to the day this happened, just -- the 5th of August.

Q. Yeah. Great.

A. Thursday, August 5th.

Q. Right.

A. Okay. So what I can tell you guys is that we had two flights in the area. I was one of the flights and one of my other pilots was on another flight. We had an aircraft depart -- or a De Havilland Beaver departed Ketchikan right around 10 o'clock in the a.m. for Misty Fjords National Monument. We had 3- to 4,000 foot ceilings in the national monument according to the weather camera, so we had definitive good weather. We had good weather

1 for the outbound portion of the flight.

2 I departed Ketchikan somewhere in the neighborhood of 11 to
3 11:15 a.m., approximately. My destination was Mirror Lake, which
4 is right up at the head of Thorne Arm, very close to the scene of
5 the accident. Approximately 11:15 to 11:30, I rendezvoused with
6 one of our aircraft, a De Havilland Beaver, in the sea level pass
7 vicinity. We were in the neighborhood of 15- to 1800 foot
8 ceilings, and we both crossed paths, you know, approximately 1500
9 feet right there at sea level.

10 He flew back to Ketchikan, informed me that the weather in
11 the Ella Bay drainage was no-go, which we call the short route
12 back to Ketchikan. So our pilot elected to fly down to Princess
13 Bay, intending on going around Point Alva, but after observing
14 that the sea level pass was wide open with no issue whatsoever, he
15 elected to come through there. We both rendezvoused there again.
16 My mission was to go into Mirror Lake and pick up a total of seven
17 passengers and return to Ketchikan. Correction, five passengers.
18 I had two outbound to assist with the five people that I was
19 picking up in Mirror Lake.

20 So it was fast moving weather, rain, fog, primarily.
21 Southeast winds were not heavy, so visibility in places was low
22 across the center of the island. I had absolutely no problem
23 going into Ella Lake or Mirror Lake; total VFR flight. I entered
24 the South Ella area, you know, at approximately, you know, 12- to
25 1500 foot MSL. Landed Mirror Lake. Routine. Helped put the

1 skiffs up, picked up my guests, and approximately 20 minutes to 30
2 minutes later, departed Mirror Lake. Came back outbound to South
3 Ella, upon which time our De Havilland Beaver was already back in
4 Ketchikan. I arrived at South Ella, came down in the Thorne Arm,
5 and noticed several floatplanes and a helicopter circling over
6 what's called the Shoal Cove LORAN station, the old Coast Guard
7 station.

8 I was able to finally raise Temsco 415. They informed me
9 that there was a search underway for a downed aircraft, yellow
10 De Havilland Beaver. So they asked if I'd be available to help,
11 so I elected to follow the ELT signal in the interest of time. I
12 flew several grids in approximately 20 minutes of searching down
13 in the beach. You know, we were flying along at 5- to 800 foot in
14 the search area of Thorne Arm trying to pinpoint the aircraft. I
15 got to the point where, you know, fuel was obviously a
16 consideration, approaching my reserve. I elected to come back to
17 Ketchikan. Unloaded my guests in Ketchikan.

18 Temsco asked me to come back out and assist, so I refueled
19 and I picked up our chief pilot here in Ketchikan, and we both
20 flew out and assisted for roughly an hour to try to find this
21 aircraft. The ELT's still going strong. So upon returning to
22 Thorne Arm to the scene, I was informed by Temsco they had to
23 return for fuel, so I carried on the search with one other
24 De Havilland Beaver. And we flew the grid for at least 20
25 minutes, at which time Coast Guard 2-5 Rescue arrived at the

1 scene. We all took a sector in the vicinity. We continued flying
2 the grid. Some areas were weak; some areas were really strong
3 with the signal. After roughly an hour --

4 Q. You were just using 21.5 to --

5 A. Right.

6 Q. -- listen for it?

7 A. We were listening for it on 21.5 and communicated on 122.75.

8 So we basically flew the standard grid patterns. We did
9 everything we could to locate the aircraft. We were, you know,
10 getting on about an hour, an hour plus of flying at this point, so
11 we elected to fly back up to Mirror Lake, through the Mirror Lake
12 drainage. The area -- and just to back up a little bit. I was
13 never able to fly in and out of the Mirror Lake drainage. I had
14 to go via Ella Lake, which is, you know, next to Mirror. It's
15 basically the second way to get into the lake. There's two ways
16 in and out.

17 Q. Right.

18 A. I got up into the Mirror Lake drainage. The signal was very
19 strong. So I alerted the Coast Guard where our location was, told
20 them we have a very, very strong signal up in this valley. They
21 said, okay, we'll come up. So they met us right at the mouth of
22 Mirror Lake. They asked that we do an about-face and they'll
23 follow us down the valley. So we did, we followed down to the
24 Third Lake drainage, which comes out below Mirror. They said they
25 were getting a really good swing at that point down a small

1 corridor valley as you exit Mirror Lake to the north. And they
2 said they got a good swing with their equipment -- you know, they
3 were able to go down in there, see through the fog and get down
4 into the valley. And then at which point they discovered -- you
5 know, they got on station and discovered the accident aircraft.

6 And we basically had more weather move in, so we flew back
7 out of Mirror Lake down into Behm Canal, came back around, came
8 through the same sea level pass, and then returned Ketchikan after
9 they were already on the scene. We asked if there was anything we
10 could do and they said no, we have it from here. And Temsco had
11 also come back out, so there was plenty of help on the ground at
12 that point. And that was it. So we returned to Ketchikan and
13 called it a day.

14 We cancelled our following trips because weather had come
15 down, and anytime an accident happens, it's just prudent to
16 cancel. So that's what we did. We continued operating to the
17 west throughout the day in more favorable weather conditions, and
18 that was how the day unraveled. So --

19 Q. Yeah. How long after you got notification that you were on
20 site up there doing the grid pattern? When you were first
21 notified that there was something and somebody said, you know, can
22 you help us, and then you were doing the grid pattern in that
23 area, how long a time frame?

24 A. Upon initially discovering that there was a downed aircraft,
25 when I first got the note, it would have been, you know,

1 approximately noon, right around 12 o'clock straight up.

2 Q. At any point in time on the grid pattern did you -- and you
3 probably didn't see it, but were you in that area, the south part
4 of that same hill, in that valley --

5 A. Yes.

6 Q. -- where it was? What was the weather like?

7 A. We didn't have any more than 900 foot ceilings, I believe, at
8 that time looking up that valley. And --

9 Q. You got 2,000 plus on top of that hill, right?

10 A. I would say, you know, to get in and out of Mirror Lake we
11 need 1500 feet comfortably to go up that valley, and I believe
12 that the weather had come down to about approximately 900 feet.
13 So just pointing this out here, Mirror Lake is this one here, and
14 where the accident, right down --

15 MR. JOHNSON: You might want to borrow a pen.

16 MR. DOYON: Yeah. So it would've been right in -- just make
17 sure I'm in the right place here. It would've been right here
18 approximately.

19 BY MR. LAWRENCE:

20 Q. Okay. So that's a little bit to the northwest of -- what's
21 that -- Parry Peak or --

22 A. Painted Peak.

23 Q. Painted Peak. Okay.

24 A. Yeah.

25 Q. Good. So it was like up in here someplace?

1 A. It was right about where the pen mark is, right up in the
2 foothills there.

3 Q. Right. And then the -- he comes down and curves out right
4 here.

5 A. Yes.

6 Q. So you got a valley that's kind of -- he was in this valley.

7 A. There's a small shoot that comes out to the right, and
8 basically, you know --

9 Q. And this is Ella Lake right up here?

10 A. And that's Ella Lake.

11 Q. So, you know, the normal route coming out of Ella Lake, is it
12 more down this path?

13 A. Well, planes will take two different paths. They'll either
14 go -- they'll go Ella to Mirror, and then down to Mirror Lake
15 where it says the word "Creek" --

16 Q. Right.

17 A. -- down to Thorne Arm. It's more of a straight shot. That's
18 one route. The normal route is to start here. Let's say we're
19 coming back from Misty Fjords. Rudyerd Bay is where we're going
20 to exit the fjords. We're going to come up Ella Creek. We're
21 going to follow into Ella Lake, and then we're going to come
22 straight down to where the little double cabin dots are --

23 Q. Yeah.

24 A. -- and we're going to enter Thorne Arm. Then we're going to
25 cross over and we're going to go back to Ketchikan.

- 1 Q. Where's Big Goat?
- 2 A. Big Goat Lake is right there.
- 3 Q. So coming out of Big Goat, it would be the same. When you
- 4 get to Behm here, you're still going to come in this way, right,
- 5 and come down?
- 6 A. That's what we call the short route.
- 7 Q. Yup.
- 8 A. The long route we consider coming around Point Alva --
- 9 Q. Through here.
- 10 A. -- and following the water out.
- 11 Q. Yeah.
- 12 A. And then there's a couple shortcuts across the island where
- 13 you can go Princess Bay to what we call sea level creek, sea level
- 14 pass. And oftentimes, you know, you put yourself in a position of
- 15 going to Alva and then you take a look over here, and if it's open
- 16 to cross over, which it was --
- 17 Q. Right.
- 18 A. So, I mean if -- you know, I've --
- 19 Q. Is this -- let me just ask you. Coming from Ella and doing
- 20 like about a 210 out, maybe a 200 degree out, this little valley
- 21 here, is that where normally people will come --
- 22 A. No.
- 23 Q. -- leaving Ella?
- 24 A. No.
- 25 Q. They would normally come down this way over the Thorne Arm?

1 A. Yup. Either Ella or Mirror Lake drainage, but normally you
2 don't come down this valley if you -- you know, if there's any
3 weather whatsoever.

4 Q. Have you ever seen anybody come down this valley over Painted
5 Peak?

6 A. We have all flown it multiple times.

7 Q. Right.

8 A. But it's in good weather. You know, you need at least a
9 couple thousand feet to come through there.

10 Q. Well, we flew it yesterday in a helicopter. And when we were
11 up at Ella, you can see right above Painted Peak that this is like
12 a straight shoot out to open, to the Carroll Inlet.

13 A. Yeah.

14 Q. It's a straight shoot. This one right here, this comes out a
15 little bit.

16 A. So you want to talk about what my opinion is or do you
17 guys --

18 Q. Well, you can give us your opinion, yeah.

19 A. Okay.

20 Q. Absolutely. You're an experienced --

21 A. You know, based on the weather that I saw that day, I
22 couldn't go out of lower Mirror Lake, and the accident had already
23 happened at this point. Once I got --

24 Q. Where's Mirror Lake?

25 A. It's the big one here.

1 Q. Okay. Yeah.

2 A. So I was up here picking up at this cabin.

3 Q. Okay.

4 A. And I knew full well that lower Mirror was obscured, but exit
5 through Ella is solid. You have one exit here and you have one
6 exit here. There's a couple ways to get out of the lake. So I
7 actually flew down to the lower Ella, looked at my exits before I
8 went and entered Mirror, making sure that I had two options to
9 leave, and it looked real favorable.

10 So my opinion is that the plane left through south Ella, the
11 accident aircraft --

12 Q. Where on the map?

13 A. Went through Ella Creek.

14 Q. Yeah, south -- okay.

15 A. My opinion is he came into Ella Lake intending -- and then
16 looked at south Ella, realized it was obscured. He doubled back
17 and he went into Mirror Lake, looked at the outlet of Mirror Lake.
18 And this is a small valley and there's not much turnaround room in
19 there.

20 Q. Right.

21 A. My opinion is, is that he went down, got to the point of no
22 return, looked down that shoot that we're talking about, that
23 valley that leads down to Shoal Cove, probably saw the light,
24 probably went downhill trying to descend under the overcast, and
25 ended up IMC and --

1 Q. Right in this area?

2 A. -- controlled flight into terrain situation.

3 Q. When you were up here, did you see down either one of these
4 valleys?

5 A. No. And that's why we had to have the Coast -- I could see
6 down the Mirror Lake drainage.

7 Q. But that's over -- yeah, that's over here.

8 A. Right down here.

9 Q. Right.

10 A. Because we actually flew from Third Lake up here, met the
11 Coast Guard, and then we flew back down together. But I could not
12 see down this valley where the accident aircraft was located.

13 Q. What valley?

14 A. This valley over here. It's right about where this dot is
15 here, somewhere in there. So I would --

16 Q. (Indiscernible)

17 A. -- (indiscernible) a little better.

18 Q. Yeah, actually, it's up here, because it comes out right
19 there.

20 A. Yeah. So basically it comes out right above the LORAN
21 station.

22 Q. Okay.

23 A. It's a really steep valley up behind that LORAN station that
24 goes in. And my opinion was -- is that, you know, it was fast
25 moving weather, he went to lower Mirror. Perhaps he saw a way

1 through there. Perhaps there was no other alternative but to turn
2 down the valley that he went down.

3 Q. What were the ceilings in that area down south along those
4 two ridge lines that go south of Ella?

5 A. We couldn't -- well, south of Ella was, you know, anywhere
6 from 12- to 1500 foot. That was at the lowest point. But, you
7 know, it cleared right up to 1800, 2,000 feet when we were up
8 there doing our search.

9 Q. Right.

10 A. We had fast moving weather. So we had a really good window
11 of time to conduct the search.

12 Q. Yeah.

13 A. But I would say during the time that I met our aircraft and
14 the accident, we think it just happened. That was probably the
15 worst of it. And he elected to go a way that, you know, wasn't
16 favorable. It was low, fast moving rain fog and dense, you know,
17 zero visibility conditions in places. It was very patchy. So --

18 Q. Was that route that he took open earlier in the day?

19 A. That I don't know because we never flew it.

20 Q. Okay.

21 A. We generally don't take flightseeing through that route
22 because it's -- you know, it goes against, you know, your margins
23 as far as having the distance from the hills, distance from the
24 ground. It's a small valley and, you know, like I said, you don't
25 want to go through there much lower than 2,000 feet if you want to

1 adhere to basic part 135 standards, so --

2 Q. Yeah. Yeah.

3 A. There is a way out down the saltwater, and that's all it is.
4 But in the weather that we had, it wouldn't have been a favorable
5 route to take that day. Helicopters had a really a hard time just
6 getting up in there to, you know, to scan it and look at it. And
7 the Coast Guard -- Temsco couldn't even get up in there and the
8 Coast Guard's the only one that really could with their equipment
9 that they have on board. They have total synthetic vision.

10 Q. Okay. So that's not a typical route, and that's not the
11 route that the Ketchikan commercial users letter of agreement kind
12 of says -- they were supposed to go down to -- down further,
13 right, and --

14 A. Right. So it's the letter of agreement, which is a voluntary
15 letter that we -- our agreement is this is how we're going to
16 operate with the FAA in Ketchikan on a standardized tour route.

17 Q. But you would come -- they would come in up here, right?

18 A. Yeah. Let me show you. I have a copy of the agreement.

19 Q. I've got -- I've seen it.

20 A. Oh, you have? Okay.

21 Q. Yeah, I've got a copy.

22 A. I'm sorry. I had --

23 Q. That's okay. But, you know, was that Smeaton Island?

24 A. Right.

25 Q. But they come in up this -- he came in up this way, but it's

1 basically you're -- the typical is come in this -- take a right
2 turn here and then --

3 A. Straight --

4 Q. -- straight shot to Ella and then come straight toward Thorne
5 Arm.

6 A. Yes.

7 Q. And then come out over --

8 A. And then come through Gnat Cove to what we call the dogleg,
9 this turn here. And then Mountain Point, return to Ketchikan.

10 Q. Right.

11 A. So that's typically the short route.

12 Q. Yeah, but the -- I get that the long route's preferred over
13 the Behm and all the way down. But the short route didn't include
14 this?

15 A. No.

16 Q. Okay. It didn't -- when I say this, for the recording, I'm
17 talking about north of here where Painted Peak is, this valley
18 where -- where they were was not part of -- he extended further
19 south than what the turn toward Thorne Arm typically is.

20 A. Yes.

21 Q. Okay.

22 A. And bear in mind that, you know, it's a voluntary route and
23 it does say in the agreement that, you know, pilots are free to
24 deviate as necessary based on weather, you know, from those
25 routes. It is a letter of agreement that's a voluntary. And it's

1 always been that way, as far as the arrangement that the local
2 operators have with these routes. So it's not like Grand Canyon
3 tours, it's not like Hawaii, where it is a strict, you know --

4 Q. Right. Right.

5 A. You know, if there's weather, then obviously they are free
6 to --

7 Q. It's guidance only. It's not mandatory that everybody fly
8 that route.

9 A. Yeah.

10 Q. Yet?

11 A. Yeah. I mean, there's --

12 Q. Oh, you said yeah. I'm sorry. I thought you said yet.

13 A. Yeah. I mean there's going to be some changes obviously.
14 And, you know, we can talk about the follow-up here, whenever you
15 guys like, how we proceed, you know, changes to the agreement.

16 Q. Go ahead. Yeah -- go ahead.

17 A. So, you know, this is the second accident that's happened in
18 this vicinity in the last, you know --

19 Q. Yeah, the midair wasn't that far away.

20 A. The midair was one of them and then there was another one in
21 south Ella that happened, you know, loss of nine lives in, I want
22 to say, 2015, turbine Otter, coming through this route. Similar
23 day --

24 Q. Promech? This is the Promech?

25 A. Yeah.

1 Q. Yeah.

2 A. Similar day, similar conditions. You know, he went in at
3 about 1600 feet, took a turn down the wrong valley. So, you know,
4 we're all kind of looking at this and looking at the trend of
5 what's going on and, you know, there's definitely going to have to
6 be some changes made and recommendations on, you know, how we can
7 operate these routes safer in the future.

8 Q. What would you recommend, having flown in here, with your
9 experience?

10 A. I would recommend that, you know, when weather comes to a
11 certain level, instead of crossing the island, that it strictly be
12 an over-the-water route if it permits for VFR minimums and high
13 tour quality. The tour quality often has to exceed the VFR
14 minimums. We're not just taking people from point A to point B.
15 I mean it's not just 500 and 2. We have to maintain -- we have to
16 actually give a quality tour.

17 Q. Those are your weather minimums, 500 and 2?

18 A. That's the FAR 135.

19 Q. From 135? And you don't have a waiver for sightseeing or
20 anything like that?

21 A. No. No, but anytime we're operating sightseeing tours back
22 in Misty Fjords, you know, our company minimums are, you know, at
23 least 1500 on route to 2,000 feet in the fjords. You know, we
24 want people to be able to see. So 2,000 is kind of like -- if
25 it's any lower than that, they're not seeing much. So it's not --

1 Q. It's not a sightseeing tour.

2 A. It's not a sightseeing flight at that point, so you know --
3 but the challenge has always been the on route weather conditions.
4 It can be wide open, a bluebird day back here, and here we are
5 with, you know, having to cross a fairly large island with a lot
6 of peaks or taking the water route, which is definitely the most
7 acceptable way to go when it's questionable weather. So, you
8 know, you're also looking at aircraft that maybe I don't believe
9 had, you know, a TAWS capability on board. I'm sure, you know,
10 there's a lot of factors leading up to -- you know, causal
11 factors.

12 So I think the way we're going to have to change this is to
13 get together as a group and establish, you know, a real hard line
14 set of dos and don'ts, you know, for crossing over this island
15 and --

16 Q. Didn't work this time.

17 A. And it didn't work the time before. And, you know, how many
18 times are we going to go through this before, you know, before
19 things --

20 Q. There's a lot of competition down here, and so, you know --

21 A. Well, let me just say something with regard to the
22 competition. There is a lot of competition but it's friendly
23 competition. You had -- you know, it used to be in the old days
24 before deregulation, it was taboo to share weather with any
25 company. That was strictly forbidden.

1 Q. Right.

2 A. But we're talking to each other at 4, 5 in the morning here,
3 first light, every day about what the conditions are. We're
4 sharing weather from operator to operator about what the
5 conditions are.

6 Q. And the FAA weather cams help as well.

7 A. FAA weather cams are huge. So all of these operators,
8 including, you know, the owner of the accident aircraft,
9 participated in our last safety meeting after the Coffman Cove --

10 Q. Right.

11 A. -- aircraft loss.

12 Q. When he hit the -- yeah, when he hit the buoy.

13 A. We all participated in a safety meeting. We discussed
14 weather at Misty Fjords National Monument and how the season was
15 going to go. We discussed that we haven't done in 2019 due to
16 Covid. We discussed that, you know, it has to be a very
17 conservative season, and everybody was on board with that. And
18 here we are dealing with this now. And, you know, I don't know
19 any more than that as far as, you know, what led up to it. All I
20 know is that everybody did their part and everybody in earnest
21 talks about weather every day and -- these are very cautious guys.
22 And, you know, the fellow that was the pilot in this case of the
23 accident aircraft --

24 Q. You knew Rolf?

25 A. I knew Rolf, yeah. I did. And he was my peer. He's, you

1 know, 20 years older than I am, so he definitely had a lot of
2 experience in the area. I've never known him as a -- you know,
3 having a cavalier attitude or being a cowboy pilot. He's always
4 been very conservative. Always shared weather and been very
5 safety conscious on all the routes that we would fly this year.
6 So I don't have a bad thing to say about the guy.

7 I know that he had a, you know, an unfortunate business --
8 that green can that was out there in Coffman is against a green
9 background and it's right in the line of fire of takeoff and
10 couldn't be in a worse place.

11 Q. You mean the green -- the buoy?

12 A. Yeah.

13 Q. Yeah.

14 A. So I -- you know, I don't know if this was, you know, an act
15 of God or just a weather phenomenon. But my opinion of the pilot
16 is that he was a cautious individual, you know, with family that,
17 you know, never has a history of pushing hard nor a cavalier
18 attitude. So -- you know, one of the good ones, as far as I'm
19 concerned.

20 Q. Right. I was interested yesterday in seeing how many -- it's
21 almost every hill has its own like micro weather pattern and
22 it's -- each valley is different. You know, the weather is just
23 different everywhere. And I can see where it would -- you know,
24 weather could sock in someplace in a moment's notice one place and
25 it could be clear on the other valley right next to it or

1 something.

2 A. Yeah.

3 Q. Depending on the winds and how it, you know --

4 A. The island creates its own weather patterns. And a lot of
5 islands in southeast are like that. You know, you're -- you know,
6 you have a lower terrain on this side of the island and on this
7 northern half you have this higher terrain. And those mountains
8 create their own weather. Southeast wind is predominantly coming
9 in this direction and these low pressure rain (indiscernible).
10 High pressure, it's northwest arctic winds coming down and it
11 usually means good weather for us.

12 Q. So I'm not a mountains flyer and such, but I'm kind of
13 curious why -- what was the point of developing a short route
14 through there? Is it time? Gas? Is there really more to see
15 down there? I mean what is the reasoning?

16 A. Well, the main reasoning was, is that a good portion of the
17 Misty Fjords National Monument encompasses this part of the island
18 and it's always been a very scenic part of the island. And over
19 the course of years and product development, that's -- that was,
20 you know, also part of the main tour route. It's not just on the
21 mainland. It's actually part of the island, at least a third of
22 our (indiscernible) encompasses, you know, is part of the monument
23 there. So --

24 Q. Right.

25 A. You know, and it's always been a route crossing over that's

1 been a straight stretch. You know, some tours are 75 minutes,
2 some are an hour and 45, hour and a half. There's various lengths
3 of tours -- they're not all standardized -- based on the company.

4 Q. Well, what's the time difference if you take the short route
5 coming down and work your way down through Thorne's Arm versus
6 coming up through the Behm and coming around the long route?
7 What's the time difference?

8 A. Maximum of 10 minutes.

9 Q. Okay.

10 A. So we've always encouraged our flight crews to never consider
11 the time and always take the overwater route if needed, and for a
12 number reasons. You know, mainly you're over the water, there's
13 no obstacles. And if visibility reduces to the point where you
14 have to deviate and exercise your emergency authority, chances are
15 it's flat calm if it's low visibility and you can land.

16 Q. You can land, yeah.

17 A. And we've always encouraged people to land and wait it out
18 and then, you know, explain it later, you know, when you get back.
19 But it ensures safety and that these things don't happen.

20 I happen to know that the accident aircraft had another
21 flight at 11:30 that he had to depart on. We actually operated
22 that flight for --

23 Q. Southeast.

24 A. -- Southeast. And, you know, when you have an hour and a
25 half tour, you leave at 10 and you got to be back at 11:30 for a

1 quick turn, you know, you got to hustle. So --

2 Q. Short route would be enticing.

3 A. Sure.

4 Q. Yeah.

5 A. If the weather's open. You know, if the weather's clear
6 enough and -- and, you know, we've all been there. We've always
7 been -- tell to all our flight crews, you know, don't let the
8 schedule run you, you run the schedule. You know, and in the
9 summertime around here, it's a small seasonal based economy with a
10 short operating season. And, you know, if you don't have your
11 chief pilot and your director of operations out in the field
12 flying day to day in the trenches with your guys, you know, the
13 risk is elevated. It goes up.

14 A lot of us have SMS programs that -- you know, we mitigate
15 the flights. We look at the weather. And this day was well
16 within our -- you know, it was within -- it was in a cautionary
17 area but it wasn't -- didn't exceed the weather minimums for the
18 day, so we had a good day to do this.

19 Q. And just to refresh my memory, down there south of Ella, in
20 that ridge line area, you were down in that doing the grid
21 pattern. What was the ceiling about? I know it's not the same
22 time frame as the accident, but what was the ceiling?

23 A. You know, from up against the hills and out, you know, about
24 a mile off the hills, it was right around the 900 foot level.

25 Q. Okay.

1 A. Was the hard deck ceiling. And, you know, out here in Thorne
2 Arm it was much higher obviously.

3 Q. Right.

4 A. But against the peaks, the weather was stacking up, you know,
5 900 to 1,000, I'd say, on the high side. That was specifically in
6 the accident area though. Now around in the south Ella drainage
7 and the Big Lake, Third Lake vicinity, these little lakes --

8 Q. Right.

9 A. -- this was all, you know, 12- to 1500 feet and we were able
10 to easily navigate VFR up this valley and do our recon.

11 Q. Just for the recording, you said this out to the southeast of
12 Ella Lake?

13 A. Yes.

14 Q. And up over Ella Lake was relatively good?

15 A. Yeah. I had 1500 to 2,000 feet when I exited with my guests
16 out the south end of Ella Lake.

17 Q. Okay.

18 A. And worked my way back down to saltwater without evening have
19 to try. So --

20 Q. But south down toward these two --

21 A. Yeah.

22 Q. -- ridge lines.

23 A. Stacked up pretty good in there.

24 Q. And north of Painted Peak is pretty stacked up?

25 A. Yeah.

1 Q. 8- to 900 feet, you said?

2 A. I'd say 900 or 1,000 on the high side.

3 Q. Okay.

4 A. Ragged 900 feet. Enough to where we couldn't go up in that
5 valley and look. We couldn't conduct our search up in that valley
6 because it wasn't -- it just wasn't there. It's a small valley
7 with very little turnaround room not conducive to fixed wings.

8 Q. Well, let me ask you -- you know, it's subjective and stuff.
9 Do guys, if they know they're going down a valley that probably
10 spills out toward open water and such, would they punch through
11 clouds if they are guessing -- I know it's a guess, but if they
12 feel like they're coming down a valley that's going to spit out
13 into open water, would they punch through the clouds?

14 A. No. Absolutely not.

15 Q. All right. I know you guys wouldn't, but I'm just --

16 A. No. And I mean that with -- and I'm speaking for the whole
17 group. People don't fly that way here. And my opinion only is,
18 is that, you know, he went inadvertent IMC and ended up down
19 against the hills. It was my opinion that he definitely didn't
20 choose to go down that route.

21 My opinion is he got to the south Mirror drainage, went in
22 too far, you know, typically -- and statistically that's the big
23 problem here. It's transition from VFR to inadvertent IMC.
24 That's historically what's been going on with the CFIT accidents
25 in Alaska. And, you know, based on the statistics and the safety

1 meetings that the FAA puts on every year, that's a hot topic every
2 year.

3 Q. Safety meetings, how often are the FAA down here?

4 A. They're down here, well, for two scheduled safety meetings,
5 pre- and postseason meetings. Then we conduct our Tongass
6 Aircraft Pilot's Association voluntary group meeting also with
7 that twice a year and we also have emergency meetings that are
8 called anytime an accident or an incident takes place.

9 Q. Did you all have one yet on this one?

10 A. Yes.

11 Q. When was that?

12 A. Oh, I'm sorry, not for this accident, but for the Coffman
13 Cove accident.

14 Q. The Coffman -- yeah.

15 A. But until, you know -- we're going to have another one, but
16 this had to happen first, you know, with regard to NTSB, the
17 insurance, and, you know, all the factors here, and the families.
18 So generally speaking, it's usually a week after that we'd have
19 our follow-up meeting. So --

20 Q. So is the guidance working, your opinion?

21 A. As far as the tour operating?

22 MR. JOHNSON: The agreement, the LOA.

23 BY MR. LAWRENCE:

24 Q. Yeah. The guidance for the agreement?

25 A. I believe that it is. But there again, you know, there

1 are -- pre-Covid there were 14 airlines here in this town. And,
2 you know, there are many single mom and pop airlines in this town,
3 there are larger airlines in this town. So there's a very large
4 variety of pilots, and some are in state, some are out of state.

5 Q. And they're all seasonal for the most part.

6 A. A lot of people are seasonal that work here, you know. I see
7 the pressures of, you know, the gentleman that flew here having
8 to, you know -- Christ, this was 3 -- a few days after 3 weeks
9 went by, you know, that he's back in the saddle with another
10 airplane trying to make it happen for the owner. And --

11 Q. You're talking about Rolf?

12 A. Yeah.

13 Q. Yeah.

14 A. You know, it puts tremendous pressure on him and, you know --
15 I don't know. All I know is that from my chair as the director of
16 operations, that wouldn't have been my first choice.

17 Q. To bring him back?

18 A. Yeah.

19 Q. Ever or that soon?

20 A. Ever.

21 Q. Oh.

22 A. That's just the way it is in this business. You only get one
23 chance. So --

24 Q. Is the inventory of pilots that are qualified -- and I'm
25 saying that, qualified as, you know -- are the inventory of pilots

1 that can do this that small?

2 A. Yes.

3 Q. It is?

4 A. Yeah. And I can say that it's -- there's very few qualified
5 people that have the local experience and the local knowledge to
6 carry on doing this year after year. And it's a very, very small
7 cross-section of pilots.

8 Q. Well, you mentioned SMS and risk mitigation. Because this
9 seems to me to be high risk type of aviation.

10 A. Certainly. In general it is.

11 Q. So do you guys have an SMS?

12 A. Yes.

13 Q. Okay. And you all have risk mitigation strategies and all
14 that type of stuff?

15 A. Every flight.

16 Q. Do you know other operators, if they have risk mitigation
17 strategies, SMS, anything like that?

18 A. I know one other operator in town that has an SMS program,
19 Taquan Air. And it's just --

20 Q. They're just larger as well.

21 A. Yeah, we're the two largest companies in town, Misty and
22 Taquan.

23 Q. Okay.

24 A. So we have a program that we -- we've been a Medallion Shield
25 carrier in the past. When Medallion lost funding, we carried on

1 with a new SMS program. And it works well for a small company.
2 And, you know, it takes the 40 years of experience we have
3 accident and incident free, and it ties it together and allows us
4 to mitigate and document the weather and mitigate every flight,
5 you know, the weather patterns that we deal with. But one thing
6 it's taught us is that we're just as susceptible as anybody else.

7 Q. Sure.

8 A. And it's not a shield whatsoever to protect us.

9 Q. You mitigate, you don't eliminate.

10 A. That's right.

11 Q. Are your aircraft TAWS? Do you have TAWS on yours?

12 A. Yes.

13 Q. Any other means to determine, you know, separation, terrain
14 avoidance, that you guys use? Like ForeFlight or anything?

15 A. We have ADS-B in our aircraft and we have TAWS equipment on
16 our aircraft. And, you know --

17 Q. How beneficial is that for you?

18 A. The Medallion -- or, I'm sorry, the Capstone program as a
19 whole was probably the most beneficial thing to ever come down the
20 pike in Ketchikan, in Southeast Alaska. You know, Phase 1 started
21 out in Bethel, Alaska, and Phase 2 was Southeast Alaska, and Phase
22 3 was going to be statewide, it was going to be available to
23 everyone. They ran out of funding at the end of Phase 2.

24 But the annual training took place every year right here.

25 Everybody had to go through -- you know, to understand the glass,

1 they provided simulators. When that dried up in about 2008, guess
2 what? The accidents came back strong, controlled flight into
3 terrain accidents. And they also touched on that many times at
4 our safety meeting, that when training went from third party to
5 in-house after we adopted this glass equipment, after the Capstone
6 program was over, there was a wide variation of results with
7 training and, you know --

8 Q. Because it was in-house?

9 A. It's in-house. It depended on robust --

10 Q. It depended on who wrote the training program for each --

11 A. We call it migration. You know, you're taught something, you
12 know, right here, and then it's passed down to three or four
13 hands, and then by the time it gets to the sixth guy, the training
14 process has completely changed from the original intention.

15 Q. It's a telephone game.

16 A. It's a very normal thing. And it's nothing to be scared of,
17 it just happens. And you have to be able to recognize that within
18 your ranks and understand that, hey, you know, we have to go back
19 to the fundamentals. So after the Promech accident 2005, we
20 lobbied the FAA to get us funding to bring in third-party training
21 again for this equipment. We got a bunch of money. We brought
22 the people back. We did a whole nother round of simulator
23 training to get the director of operations, the chief pilot, get
24 all these people flushed up again so they could pass this
25 knowledge back on. We feel like it helped. We had some good

1 years. But here we are again.

2 This equipment's aging. It's failing in most of the
3 airplanes. People are going and pulling it out. They're going
4 with, you know, poor man's ADS-B and ForeFlight, you know, which
5 on a scale of 1 to 10, you know, it's okay but it's not like true
6 glass and true TAWS, you know. It's okay. You know, and if you
7 have an iPad and you want to subscribe, it's better than nothing
8 but it's not great, in my opinion. It's remote. It's not built
9 into the ship like a Garmin G1000 or a, you know, modern package
10 that IFR aircraft are using. What we received in the Capstone
11 program was dumbed down IFR stuff for VFR aviation and it was
12 truly beneficial. So it would be nice to see something come back
13 to replace this equipment and get another program like that in the
14 works.

15 You got more ADS-B towers down in southern Southeast, where
16 we got three down here or something. We're the largest commercial
17 floatplane operator in Southeast Alaska and yet we have the fewest
18 amount of weather cams and the fewest amount of ADS-B towers, you
19 know. Funding.

20 Q. Right.

21 A. You know? So I'd like to see new equipment. I'd like to see
22 a real push to -- you know, either that or we got to turn it into
23 the Grand Canyon or we got to turn it into Hawaii.

24 Q. Canned tours.

25 A. It's got to be one or the other. So with regard to CFIT,

1 with regard to midair collisions, you know, traffic avoidance, you
2 know, are we going to go with TCAS-II systems, you know, because
3 the ADS-B stuff is so spotty here? We go with shadowing
4 typically. You know, it has to make this triangle: aircraft,
5 satellite, ground base station, back to aircraft, and it's making
6 this -- you guys well know, multiple times in a second, and it has
7 to be real time. But with the mountains and the shadowing and the
8 low level flying that's happening here, it's unreliable. So a lot
9 of us have adopted Spidertracks, which is a Iridium based tracking
10 system. You know, so we have both in our aircraft, and it seems
11 to be beneficial from a search and rescue point of view but it
12 doesn't keep you from running into hills. And until we can gain a
13 true corporate safety culture here with all operators, you know --

14 I've discussed this with other people already thus far, and
15 you know, an opinion of one of the director of operations that
16 used to work at one of the big airlines in town says there needs
17 be an independent liaison that, you know, works between the FAA
18 and the local operators, somebody that's not affiliated with any
19 company, that needs to be permanently based here. All the
20 companies training materials needs to be available to that person
21 and there needs to be a continuous effort. But how that would get
22 funded is, you know --

23 Q. You said 2019 there were 14 operators down here. After
24 Covid, what do you -- how many operators are there now?

25 A. Nine.

1 Q. Nine?

2 A. Yeah, I believe so.

3 Q. Okay.

4 A. Roughly. And just -- you know, and the fleet size went down
5 considerably. You know, some were -- you know, 2019 was a -- or
6 2020 was a really slow year, you know.

7 Q. Well, and not as many -- no cruise ships coming in and that
8 type of stuff.

9 A. Yeah.

10 Q. Yeah.

11 A. So I think that one of the worst things that could ever
12 happen to us was 2020 for proficiency, for pilots, for staffing.
13 You know, the bottom just fell out of this program and, you know,
14 here we are picking up the pieces again, then all of a sudden it's
15 back on and -- I don't know. And it's also cranking up right at
16 the peak fatigue time of the season, in August, you know.

17 Q. Um-hum.

18 A. We discussed this openly with the FAA prior to this accident
19 happening: Hey, guys, get back on board with the program. You
20 know, you have fatigue going on, you have, you know, schedules,
21 you have weather, you haven't done this in a year. All these
22 things were discussed and everybody signed the minutes and the
23 agreement and we had very thorough communication after the Coffman
24 Cove accident about, hey, we got to get back on the horse here,
25 guys, and get it together here locally.

1 And we've always had a good rapport with the FAA and a good
2 relationship. They've allowed us to govern our own affairs, you
3 know, as far as helping to decide the routes. You know, this LOA
4 was perpetuated after a midair from a helicopter and a floatplane
5 back in '89, and that's how it started. Because there used to be
6 no pattern. It was just this free for all, starburst of aircraft
7 going off in different directions taking off from the taxiways,
8 you know, all the good stuff, right? So the stuff that we --
9 couldn't operate that anymore.

10 And it's been a good tool, but there's -- you know, over the
11 years we've just done our best to keep this agreement in tact and
12 keep people following it, you know. After the midair, we all
13 signed an addendum to the agreement saying we wouldn't fly up in
14 the Ketchikan lakes area anymore. We want to cut down on all the
15 returning traffic coming into Ketchikan lakes, because there's no
16 standardized routes up there, so we're all going to voluntarily
17 not fly up there period. So 95 percent of the operators are on
18 board with it. There's still 5 percent that fly it freely because
19 it's their God-given right and they don't want their freedoms
20 invaded.

21 Q. What was this on the May -- there was a May revision on the
22 LOA. What was that?

23 A. That was strictly frequencies and, you know, making it easier
24 to understand the changeover frequencies. It was more of just a,
25 you know, just a cleanup, make it easier to understand what we're

1 currently doing. And that came from, you know, our partners out
2 at Ketchikan, Alaska. Larry Larrabee and his crew put in some
3 good work on the LOA, saying, hey, this is -- some of the
4 frequencies and changeovers are a little confusing, let's clean it
5 up and make it a little easier for everyone to understand.

6 Q. Right.

7 A. Ketchikan Flight Service was on board with it. We were on
8 board with it. Great. Let's do it. Put a stamp on it. Made
9 that revision and it's posted, so -- TAPA.pro is the website that
10 we use to house the Ketchikan and Juneau LOA.

11 Q. Right.

12 MR. JOHNSON: I got a whole bunch of questions, but I --

13 MR. LAWRENCE: Go for it.

14 MR. JOHNSON: -- are we running out of time?

15 MR. DOYON: No.

16 MR. LAWRENCE: Oh, no. We're here.

17 MR. JOHNSON: Okay.

18 MR. LAWRENCE: We will stay as long as we need to.

19 MR. JOHNSON: I just keep coming up with them.

20 BY MR. JOHNSON:

21 Q. Do you guys train CFIT avoidance procedures?

22 A. Um-hum.

23 Q. Okay.

24 A. Yes, we do. We have QBase training that was perpetuated from
25 the 2007 accidents in Misty Fjords, the CFIT Beaver accident that

1 happened in Misty Fjords. After that, the FAA FAASTeam was
2 created and funding came in. We got this magical CD that was
3 called QBase training that allowed us to identify what
4 deteriorated visibility would look like. And it's an exercise in
5 understanding the ceilings, the forward visibility, and what to do
6 as a pilot. And, yeah, I mean, it's old software. It needs to be
7 updated. And it'd be nice to see, you know, a more current
8 version of QBase training come from the FAA.

9 Q. So that still works, but I guess maybe if you're a newer
10 operator you might not have access to that because it's quite a
11 bit older?

12 A. Everybody has to do it. It's mandatory that QBase training
13 be accomplished every year.

14 Q. Mandatory for your company, but I'm talking about other
15 companies.

16 A. I believe it's mandatory for everybody.

17 Q. Oh.

18 A. Don't quote me on that though.

19 Q. For the LOA or --

20 A. No. Specifically to, you know, as far as the FARs go. I
21 believe that all companies have to conduct QBase training. But I
22 can show you what the CD looks like. We have a little simulator
23 in our room here that we -- you know, you have inadvertent IMC,
24 flat light and whiteout conditions. And you have to basically
25 train --

1 Q. Okay.

2 A. -- you know, the inadvertent IMC, the 180-degree turn. We
3 train them to land, you know. And when we go out and we do our
4 annual training with -- you know, as either a check airman or with
5 the FAA, you know, we have to conduct that in the cockpit and
6 demonstrate that yes, you can do a 180-degree turn or you can turn
7 around before you get into that situation.

8 Q. Yeah. Okay. Do you guys do scouting flights?

9 A. We do. The scouting flights don't take place as much anymore
10 because the weather cameras paint a pretty good picture as far as
11 understanding, you know, what the ceilings and visibilities are.
12 So probably one of the biggest benefits of that is it shows you a
13 clear day image and then the current image. And they're updated
14 every 10 minutes so you're able to do a comparison.

15 We trained our flight dispatch and our pilots to look at
16 these images and go, okay, a clear day, it says the top of this
17 peak is 2,000 feet. Can you see it on the current image? No.
18 Okay. What would you estimate the visibility and ceiling is? And
19 you can basically paint picture and understand a conservative
20 level and go, okay, this is below minimums. That's one of our key
21 mitigation tools.

22 So weather cameras for Misty Fjords are on New Eddystone Rock
23 and there's also one down here at Twin Islands, and there's one
24 right here in the middle of Thorne Arm. So this triangle gives us
25 a pretty clear understanding of what the weather is.

1 Q. Okay. What happens if the passengers miss their cruise
2 coming back? Meaning, is there pressure on a pilot to get back
3 because of that?

4 A. Well, obviously there's always -- you always want to make
5 sure people make their cruise. But we have the ability, as
6 owners, to hold the cruise ship. It's just a phone call, we can
7 call cruise line agencies and say, hey, guess what, our plane's
8 running about 15 to 30 minutes late, we have this many guests on
9 board, these are their names. They'll say, hey, no problem, we'll
10 just hold the -- we'll hold the ramp. Now if it's a 6-hour delay,
11 that's a different story. But generally speaking, 15 to 30 minute
12 delay is probably the worst you're going to encounter for weather,
13 especially fast moving weather. So I don't think the cruise
14 ship -- missing a cruise ship is an issue. I can only -- we've
15 never missed a ship and I've only ever seen one or two groups ever
16 miss ships in the last 20 years of doing this.

17 Q. Okay.

18 A. Very rare does it ever happen. So I don't feel that pressure
19 of that is, you know, a causal factor.

20 Q. Okay. What about, on the other side, how long, I guess, will
21 you guys delay taking off for weather before you say, hey, we're
22 not going to be able to get out and back for you to make your
23 cruise ship, we'll just refund your money?

24 A. We have a 2-hour block allocated for an hour and 30 minute
25 tour, so we have about a 30-minute -- if it goes any closer,

1 anything beyond 15 to 20 minutes, it's kind of a no-brainer, you
2 know. And the trend is really what's so key when you're calling
3 the weather. And you're looking at -- say, it's early morning and
4 the fog's burning off. You know, if the forecast isn't for it to
5 burn off, then, you know, we try to get people refunded right away
6 so they can replan their day and not have to hang on the hook
7 waiting for marginal weather to become good enough to go. So, you
8 know, there's a -- it's a small window, 30 minutes, for our
9 company.

10 Q. Okay. All right.

11 A. So, and the way it goes, when we're flying these tours and we
12 have one cancellation in the morning when we're flying for the
13 cruise lines -- like I fly for Disney and Silver Seas. One
14 cancellation equals a cancellation for the day.

15 Q. Oh.

16 A. That's cruise line policy. But it's not policy with regard
17 to independent sales and independent smaller airlines.

18 BY MR. LAWRENCE:

19 Q. You said you had contracts with which cruise?

20 A. We contract with Disney cruise line and Silver Seas.

21 Q. Okay. Any of the others that you know in the area contract
22 with the cruises?

23 A. Well, the large company, Taquan, is the main cruise ship
24 vendor. They handle pretty much all the rest of them.

25 Q. And the rest of these guys are --

1 MR. LAWRENCE: I'm sorry to interrupt, Tom.

2 MR. JOHNSON: No.

3 BY MR. LAWRENCE:

4 Q. The rest of these guys are kind of ad hoc online flyers --

5 A. Yeah. Independent sales, you know, online. There's the
6 wholesale market, you know, the booth sales. There's the street
7 cargo barkers, that type of sale tactic. There's, you know, a
8 very large variety. There's independent travelers that are
9 staying here that flew Alaska Airlines that want to go on tours.
10 You know, so it's a fairly large cross-section of travelers. So,
11 but the bulk of them come off the ships and book directly with the
12 big carriers.

13 BY MR. JOHNSON:

14 Q. Did you guys have a preseason meeting this year?

15 A. We didn't due to Covid.

16 Q. Okay. All right. Okay. And then, do you guys train your
17 guys to fly to the LOA and --

18 A. Let me back up a second. We had a preseason meeting with the
19 FAA, a Zoom meeting, where all operators participated in that.

20 Q. Okay.

21 A. But the TAPA meeting didn't happen.

22 Q. Okay. All right. That's kind of what I was getting at.

23 And then you guys train the LOA and enforce it on your guys?

24 A. We do. Specifically within our company ranks we can enforce
25 it, but we can't enforce it on other --

1 Q. No, that's fine. Got an idea that it's --

2 A. -- competing airlines.

3 Q. It's voluntary for, I guess, management to say whether or not
4 they want to do it. But if management signs it, you guys expect
5 that if you're going to sign it you're going to enforce it with
6 your pilots?

7 A. Yeah. If our dispatcher and our management are going to sign
8 the flight mitigation paperwork with a pilot, then it is
9 understanding that everybody is in the same agreement, you know.
10 So for us, you know, based on risk levels, it requires three key
11 players to dispatch in each flight individually.

12 Q. Okay.

13 A. So, and we have to have somebody at the helm in management
14 and in dispatch anytime a flight's out with our company, just
15 based on our SMS policy.

16 Q. Okay. I know it's probably hard to speak for other
17 operators, but do you know -- I guess you said you got to have the
18 QBase training. So the other operators should presumably have
19 CFIT and IMC avoidance procedures that they train?

20 A. Yeah. I mean I know that that requirement, that FAR hasn't
21 gone away since the accidents in 2007, and that was -- you know,
22 it's been a continuous evolution. And with Medallion, you know,
23 they provided simulators, too, by the way. They had two very
24 large, nice big simulators that were available to the general
25 public, to all -- you know, and then when that funding went away,

1 I want to say 2018 --

2 Q. Yeah.

3 A. -- somewhere in there -- winter of 2018, the simulators went
4 away, training disappeared.

5 Q. Where did they go?

6 A. The Civil Air Patrol ended up adopting them.

7 Q. Oh.

8 A. And so they're no longer available for part 135 operators.
9 So it's just kind of a, you know --

10 Q. That's a bummer.

11 A. Yeah. So those of us that have maintained -- you know, we
12 have little desktop simulator units, you know, that are basic
13 equipment that's actually in our aircraft, Garmin and Chelten
14 equipment, and that's what we're using to train our guys, and it's
15 the minimum, you know. But even that's not available to all
16 operators.

17 Q. Right. Yeah, yeah.

18 MR. JOHNSON: Well, that's all I got.

19 Dave.

20 MR. LAWRENCE: I appreciate it.

21 MR. DOYON: Well, yeah, it's unfortunate. I mean there's a
22 lot of challenges yet to come here, and I think -- you know, I
23 really hope that we can -- you know, rather than -- or I'd rather
24 just figure out a way, a path forward here. I'm a FAA Team
25 volunteer for the FAA, and I have been for probably the last, you

1 know, 7, 8 years now. And so my job as, you know, chairman of the
2 Tongass Aircraft Pilot's Association, is the work between the FAA
3 and the local operators and try to, you know, keep everybody on
4 the LOA. Part of my job is to promote training, to promote SMS,
5 to get these tools out there in everybody's hands, you know.

6 BY MR. LAWRENCE:

7 Q. This pilot association you were talking about, this is
8 essentially the signatories on the LOA, right?

9 A. Yes. That's correct.

10 Q. Okay. It's not a union. It's just a group of --

11 A. It's strictly a voluntary -- it's a volunteer safety group,
12 is all it is.

13 Q. Okay. Is there a safety designee for each operator on that
14 or is it just --

15 A. Generally speaking, it's a director of operations or a chief
16 pilot. A lot of small companies don't have an actual safety
17 person in their ranks. You know, small companies just aren't
18 structured that way, you know. So it oftentimes will fall on the
19 DO or the chief pilot to be that person, you know, because they're
20 the ones that are teaching the CFIT avoidance and they're the ones
21 keeping a rein on on their pilots if they're out flying in the
22 field. So, to me, that's the -- they're the most useful people.
23 And then a lot of times there's the owners, you know, will be
24 there, too, you know, of these big companies and small companies.
25 They'll all be here. And, you know, every owner -- everybody was

1 here at this last go-around that we had, our emergency meeting
2 here after the Coffman Cove accident, and everybody participated.
3 It was a nice long meeting, very productive.

4 Q. And some of these smaller operators, I know the pilots are
5 seasonal. Do the the DOs and the chief pilots fly for other air
6 operators and stuff like that?

7 A. Yeah. You know, I hate to say that that's one of the big
8 challenges here of having a small hiring pool. You know, there
9 are multiple DOs and multiple chief pilots that fly for various
10 airlines. Some work all night in their ambulance world and work
11 all day as a floatplane pilot. Some -- you know, there's no
12 specific FAR that says you can't do a 14-hour duty day for Company
13 A and also do a 14-hour duty day for Company B. You can only fly
14 8 hours between those two companies, but it's unfortunately a gray
15 area in the business that, you know, sometimes lets fatigue out of
16 its box.

17 Q. Right. And how do you maintain standardization, too?

18 A. Yeah. And how can you fly for one company and be the chief
19 pilot or the DO and also, you know, work at another company full
20 time and expect to have any kind of, you know, command from the
21 top down?

22 Q. Right.

23 A. How do you have a corporate culture with nobody being there?

24 Q. Sure.

25 A. So, you know, it's a challenge. I'm fortunate that, you

1 know, my dad and I work here at the company. He's the chief
2 pilot. I'm the DO. But we have a third-party director of
3 maintenance and, you know, a lot of times it's -- you know, a lot
4 of companies don't have that. But there's challenges even in our
5 circles. You know, it's like, hey, one guy might be on vacation,
6 the other guy's out flying. At what point, you know, do you
7 have -- so we've had to put in multiple different strategies for
8 managing, you know, the day-to-day flight operations. Like
9 bringing on extra dispatchers, people that are part 121 qualified
10 dispatchers, you know, to sit in that seat and help make those
11 managerial decisions in our -- you know, of our management team as
12 an air carrier. So, it's hard when you're a small company. We're
13 not all big companies like you have up north in Alaska. So I'd
14 like to see, you know, everybody step up and have a stronger
15 corporate culture, but --

16 Q. Hard to do when you only have four employees.

17 A. Yeah, it is. But it is doable. And you can slim down --

18 Q. Sure it is.

19 A. -- and that's what we learned with Medallion, is that -- we
20 were one of the smallest companies to ever have a shield status,
21 you know, and we felt like we stood out in that group because we
22 could slim this monstrosity program down to something that scaled
23 down that actually applied to our company. Not just a paper show,
24 but something that actually works for us that people could get on
25 board with. And if the owners and management aren't into it,

1 nobody's going to -- nobody cares.

2 Q. Buy-in.

3 A. It's got to start from the top down. The owner's got to be
4 one up there going to the safety meetings and the upper
5 management. It can't just be the lone director of safety, the job
6 that nobody wants. It has to start from the top if you want
7 safety to really mean something.

8 MR. JOHNSON: Yeah. How many pilots do you guys have?

9 MR. DOYON: We have four primary and four relief pilots for
10 our fleet of four aircraft. So that's -- and that's skeleton
11 crew. That's Covid. That's a skeleton crew for us, you know.

12 MR. JOHNSON: Wow.

13 MR. LAWRENCE: Thanks, Dave. I really appreciate it.

14 MR. DOYON: Yeah. Sorry to drone on. I don't mean to
15 venture my opinions. I just --

16 MR. LAWRENCE: No, this good information. I really
17 appreciate it.

18 MR. DOYON: I'm just speaking from the heart and everything I
19 told you guys is, you know, 100 percent to the best of my
20 knowledge with regards to the day and the weather that we dealt
21 with. So --

22 (Whereupon, the interview was concluded.)

23

24

25

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

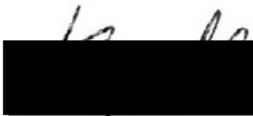
IN THE MATTER OF: N1249K DE HAVILLAND FATALITY
 IN KETCHIKAN, ALASKA
 ON AUGUST 5, 2021
 Interview of David Doyon, Jr.

ACCIDENT NO.: ANC21FA069

PLACE: Ketchikan, Alaska

DATE: August 9, 2021

was held according to the record, and that this is the original,
complete, true and accurate transcript which has been transcribed
to the best of my skill and ability.




Kay Maurer
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of: *

*

N1249K DE HAVILLAND FATALITY *

IN KETCHIKAN, ALASKA, *

Accident No.: ANC21FA069

ON AUGUST 5, 2021 *

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Interview of: DAVID ROCKE, Chief Pilot
Southeast Aviation

Ketchikan, Alaska

Monday,
August 9, 2021

APPEARANCES:

DAVID LAWRENCE, Investigator
National Transportation Safety Board

TOM JOHNSON, Aviation Safety Inspector
Federal Aviation Administration

JIM LARSON, Director of Operations
Southeast Aviation

BRENT COLE, ESQ.
Law Office of Brent R. Cole, P.C.
(On behalf of Mr. Larson and Southeast Aviation)

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I N T E R V I E W

(1:00 p.m. ADT)

MR. LAWRENCE: So, we can get started so we can get going. My name is David Lawrence, I'm with the NTSB out of Washington, D.C., and we're here for the accident 49 Kilo last week.

MR. ROCKE: Okay.

MR. LAWRENCE: I want to assure you -- first off, my condolences to everybody. I told Jim and Kos and everybody, you know, we're really sorry for your loss. But that's our process, we're going to come down here and try and see what we can do to help to prevent it from happening again. So, it's a really typical process. You -- I don't know if you've gone through this before, but we always want to talk to the 119s on the certificate. So, this is very typical for us. We use a part system, so I'm going to go around the room and let everybody introduce themselves and actually say your affiliations.

MR. JOHNSON: Tom Johnson, FAA.

MR. COLE: I'm Brent Cole, here for the company.

MR. LARSON: James Larson, Southeast Aviation director of ops.

MR. LAWRENCE: And I'll get to you in just a second. Our whole point, like I said, is a safety investigation. The FAA is in the room, they are a party to the investigation. But anything they learn during the course of this investigation they cannot use in enforcement and certificate action. Tom's role is no different

1 than mine, we're just trying to find out what happened. So, it's
2 all safety related. So, I just want you to feel free to, you
3 know, share your thoughts.

4 MR. ROCKE: Okay.

5 MR. LAWRENCE: The other thing is, we are going -- I'll be
6 taking some notes as we go, so I apologize if I don't make eye
7 contact. If I ask a question that you don't really understand or
8 something, ask me to repeat it. I'll try to rephrase it or
9 something like that. If there's a question I ask that you don't
10 understand or you don't have an answer to, like you just don't
11 know, I don't know is perfectly acceptable, okay?

12 MR. ROCKE: Uh huh

13 MR. LAWRENCE: So, any questions on the process?

14 MR. ROCKE: No.

15 MR. LAWRENCE: Okay.

16 INTERVIEW OF DAVID ROCKE

17 BY MR. LAWRENCE:

18 Q. If I could, let's start with the easy ones and just get your
19 full name and age?

20 A. David Allen Rocke, R-O-C-K-E. I am the chief pilot of
21 Southeast Aviation.

22 Q. Uh huh.

23 A. I'm 68.

24 Q. Uh huh.

25 A. What was the other part?

1 Q. That was it, you got it all. And as the chief pilot for
2 Southeast, what are your roles and responsibilities just briefly?

3 A. To check out the pilots -- not the training part, that's Jim.
4 I look over the records, I keep that on one of the decision makers
5 on whether you can go or not. I've helped with the paperwork
6 that's had to be -- you know, the GOM and AM (ph.), and the ops
7 specs.

8 Q. All right. Are you -- I know that in this small community
9 there are a lot of multiple roles that certain people do, are you
10 chief pilot of any other certificate?

11 A. I own Family Air Tours.

12 Q. So, are you just the owner or --

13 A. It's a single-pilot operation.

14 Q. Okay. But it's a 135?

15 A. It's a 135 single pilot, single-plane operation.

16 Q. So, you're basically chief pilot and --

17 A. I'm everything.

18 Q. Yeah, you're everything. Good. Just briefly, what's your
19 total time? We ask all pilots this.

20 A. It's a little bit over 18,000 hours.

21 Q. Okay. Pilot in command time? You can just guess.

22 A. It's probably 17,000 --

23 Q. Thousand-ish, yeah. Like 17,000 plus, right?

24 A. Uh huh.

25 Q. All right. Okay, that's good. How much time do you have in

1 the beaver?

2 A. The beaver, I have a little bit over 5,000, I think.

3 Q. Okay. And if you would, just kind of give me a brief
4 background -- kind of the Cliffs Notes version of your background?
5 Just a brief overview.

6 A. I started flying in Ketchikan in 1990. I was the chief pilot
7 for the old Taquan Air, I was the director of operations for the
8 new Taquan Air for a year. I've owned Family Air Tours for 20
9 years now.

10 Q. What aircraft do you fly for Family Air --

11 A. 185.

12 Q. 185, super. Did you know Rolf?

13 A. Uh huh.

14 Q. Can you talk to be about Rolf?

15 A. In what ways?

16 Q. How did you know him? What kind of guy was he? What kind of
17 pilot was he?

18 A. I knew him from here as a pilot. He -- every time that I was
19 with him or anything he seemed like a very good pilot. He told me
20 he had 45 years of flying; he hadn't had any accidents up until
21 this year.

22 Q. Uh huh.

23 A. He seemed to be a safe pilot when I was -- you know, any time
24 that I was around him.

25 Q. Uh huh. What was he -- did you get to know him as a person

1 or anything?

2 A. Not real close. But yeah, he was positive, you know, I don't
3 know what else to say.

4 Q. Yeah.

5 A. Seemed, you know, to make reasonable decisions and things
6 like that.

7 Q. Okay. Did you do any of those -- I know you're not in the
8 training, but did you do any of his training or evaluations while
9 he was here?

10 A. Only in the sense of when he had the first accident. I
11 talked to him about it, what was going on and why he felt it
12 happened and stuff.

13 Q. Okay. While we're on that, let me just ask you -- so, was
14 there any kind of remedial training for him after that July 9th
15 accident?

16 A. There was remedial talking to. You'd have to ask Jim about
17 training. But I -- yeah, I don't think it was training per se.

18 Q. Okay. So, you're not aware of any remedial training in the
19 aircraft or any kind of -- or ground school or flight?

20 A. Just in that he -- we talked about what was going on there.
21 That's all.

22 Q. Yeah, and what'd he say?

23 A. He said that he let himself push himself to, you know, to
24 hurry and that he missed that -- missed the buoy; he was steering
25 around some other things.

1 Q. After this talk, how did you feel about bringing him back?

2 A. I didn't have a problem with bringing him back. I thought he
3 would still be the pilot that he had been before. I thought that
4 maybe he would be a little bit more -- he would let himself not
5 get in a hurry or any of those things, that he would slow down.

6 Q. Whose decision was it to bring him back?

7 A. I think all of us had -- we talked about it.

8 Q. Yeah. Any concerns about bringing him back after he just had
9 an accident?

10 A. I didn't really, no.

11 Q. Hmm?

12 A. I didn't have any concerns about bringing him back.

13 Q. Okay. Let me shift gears here a second, Dave, and talk about
14 the day of the event, I know you were out flying that day as well.
15 So, let's just kind of go with the day, what you saw, what you
16 heard, what happened in your flying and what you saw as well?

17 A. The first flight I had was out to Wilson Lake, which is out
18 in the Misty Fjords.

19 Q. About what time?

20 A. It was -- I don't know. I could find out, but I don't know.

21 Q. Okay. Morning, though, right?

22 A. It was in the morning and it was -- well, the weather was
23 fine, you know. Rolf, actually, flew over me. He was doing a
24 Misty Fjords flight; I was taking fishermen out to Wilson. And
25 so, we briefly -- you know, I said hi, how are you doing, he said

1 that he was okay and he said, you know, be out of your hair or
2 something in a couple minutes. He was about 25 hundred feet or
3 so.

4 Q. Uh huh.

5 A. That was okay. So, then I went -- took people to Anan, which
6 is the opposite way.

7 Q. Where -- what was that?

8 A. Anan.

9 Q. Anan?

10 A. It's A-N-A-N.

11 Q. Uh huh.

12 A. It's a bear viewing venue, I dropped my guide people there, I
13 flew back to town. I picked up people at the airport to take them
14 to Meyers Chuck, which is a town over here. When we took off at
15 that point, the plane service station asked if I could fly out
16 towards -- you know, Bold Island and -- because they thought
17 somebody had heard an ELT going off. I went out there, went as
18 far as Bold Island.

19 Q. Bold?

20 A. Yeah, Bold Island is just down south here. I didn't hear
21 anything, turned around and went to Meyers Chuck.

22 Q. Yeah.

23 A. And then I went from Meyers Chuck back to Anan to get
24 my -- the people in Anan. I came back, I went out to get the
25 people at Wilson Lake again. At that time, though, the weather

1 was down. About -- I think I moved that out to Thorne Arm -- to
2 the mouth of Thorne Arm. So, that would be -- I was at Cone
3 Island. I came back into town, I waited and the weather lifted
4 for a little bit and went back out to -- picked up the people at
5 Wilson, that must've been -- by then it must've been 5:00 or so
6 and brought them back. And then that was the end of my day.

7 Q. How did you hear about the accident?

8 A. I'm not sure. I think I just heard it through a number of
9 people.

10 Q. Okay. You had mentioned you went to go get the people up at
11 Wilson Lake and at that time the weather was down.

12 A. Yeah.

13 Q. What was the weather?

14 A. It was not bad leaving here, it was maybe a thousand leaving
15 here. The fog went down to the water when I got to Thorne Arm.
16 That's when I turned around and came back.

17 Q. So, were you up anywhere near Ella Lake or the area up that
18 way?

19 A. No.

20 Q. Okay.

21 A. I mean, that was 15 miles away from where I was.

22 Q. Okay. After you heard about the accident, what did you do?

23 A. I came over and talked to the people here. It was pretty
24 crowded in here. I told Jim if he needed anything from me to give
25 me a call, and then I went back.

1 Q. Okay. Were you aware of any -- do you guy, in your manuals,
2 have any type of emergency plan in your GOM?

3 A. Just the emergency -- the numbers for all of us.

4 Q. In any of your manuals, is there any type of emergency
5 procedures that you're supposed to do, contact flight service,
6 maybe contact the NTSB or the local system?

7 A. (Indiscernible).

8 Q. Okay. Just --

9 A. Well, they all show that, you know, in an emergency -- or in
10 an accident that we have to, you know, contact the NTSB and the
11 FAA.

12 Q. All right.

13 A. Jim had already done this.

14 Q. How many pilots do you have here at Southeast?

15 A. Well, right now we've got five.

16 Q. Are those your five right there?

17 A. Yeah.

18 Q. Four? You had five --

19 A. Well, we don't have Rolf now.

20 Q. Right.

21 A. Yes.

22 Q. Okay. So, you had five prior to the accident?

23 A. Yeah. I wasn't current -- my check ride is not current.

24 Q. Okay. You're the chief pilot, so, you know, tell me about
25 how you manage and oversee these four -- five pilots?

1 A. Well, basically I review the -- you know, the books that they
2 have. We've talked -- all of us have known each other for quite a
3 long time. What -- you know, a lot of what I've done is update
4 the ops manuals and then, you know, to make sure that everybody
5 has them and has the availability to it.

6 Q. Uh huh.

7 A. That's kind of pretty much --

8 Q. Are you responsible for the ops specs?

9 A. Informally, yes.

10 Q. Okay. You signed them?

11 A. I signed them, yes. So, I'm responsible for those planes.

12 Q. Okay. Formally?

13 A. What?

14 Q. Formally or informally?

15 A. Well, formally I sign them, so I'm responsible for them.

16 Q. I'm just curious why the director of operations didn't sign
17 those and you did?

18 A. He does also.

19 Q. He did both -- he signed the ops specs as well?

20 A. He signs ops specs also.

21 Q. Okay. But the ops specs -- the initial initiation on the 135
22 certificate, you sign those?

23 A. I'm sorry, say that again?

24 Q. For the initial 135 certificate, your signature is on those?

25 A. No. For the initial 135 certificate Jerry Scadero (ph.) is

1 on that.

2 Q. Okay.

3 A. And they're not, you know --

4 Q. Okay.

5 A. I've been the -- I've only been the chief pilot for -- since
6 last year.

7 Q. Thanks. And who was the chief pilot prior?

8 A. I forgot the last name. He was -- I just him, too.

9 Q. Okay.

10 A. Anyways, Fred (ph.) was the chief pilot before me.

11 Q. You guys, do you have -- and I know it's a small outfit but
12 this is a typical question, do you, as chief pilot, have regular
13 meetings with them? Safety meetings? Can you explain how you get
14 together and disseminate information to these guys?

15 A. We haven't had formal safety meetings. But yeah, I check in
16 here daily or every other day. I, you know, of course have Jim's
17 number and we talk if there's any problems that we have to talk
18 out.

19 Q. You said you check in here every day or every other day, what
20 are you --

21 A. My office is just down -- two things down. So, I come in and
22 talk to them, see what's going on, what they're doing that day.

23 Q. Okay. Another question that's very typical, operation
24 control here at Southeast, who has operation control?

25 A. Jim Larson, myself, Jim Kosmos.

1 Q. And how do you exercise your operation control, you,
2 yourself?

3 A. If I was here and I looked out and I said it's -- you know,
4 it bad or -- I check the weather every morning, of course, because
5 I'm flying also.

6 Q. Uh huh.

7 A. We discuss that and see how it's going, you know, how the
8 pilots are doing, and what's happening.

9 Q. And then what?

10 A. If there was a problem then we would decide not to go or to,
11 you know --

12 Q. So, would it be kind of a group decision or can you, as chief
13 pilot, say no --

14 A. I think any three of us could decide that it was not good
15 enough to go -- not good enough to fly.

16 Q. Now, it's challenging weather up here sometimes, do the
17 pilots that are flying for the certificate have the ability to
18 cancel a flight?

19 A. Uh huh, of course.

20 Q. Yes?

21 A. Yeah.

22 Q. Oh, okay. Does that happen often that the pilots make that
23 decision?

24 A. I think -- yes, they have the ability to do it if it's -- if
25 they see that they can't -- you know, that it's not a good thing.

1 But I think we usually agree on all of that stuff. And at any
2 time that they're flying, they can determine that it's time to
3 stop the plane.

4 Q. Just an equipment question, did either of these airplanes
5 have TAWS on them?

6 A. No.

7 Q. Okay. So, what did your pilots use for terrain avoidance?

8 A. For --

9 Q. Terrain avoidance.

10 A. We fly only VFR.

11 Q. So, see and avoid is the method?

12 A. Uh huh.

13 Q. It's just your opinion, but is that sufficient in this type
14 of terrain?

15 A. It should be, yes.

16 Q. Do you have TAWS in your personal -- your aircraft that work
17 for Family?

18 A. I have the -- I have an ADSP, it does have terrain, you know,
19 capabilities to it. It's not kind of our standards.

20 Q. Do you use it when you fly for your company?

21 A. To fly or to --

22 Q. Do you use it when you fly?

23 A. I have used it to look at things, but not in an IFR; I fly
24 VFR. So, I can use it to see is this valley good, you know, is it
25 lower than what I'm flying at right now.

- 1 Q. The company issued iPads to the pilots, correct?
- 2 A. Uh huh. They're actually issued to the plane.
- 3 Q. Okay. And what were the iPads to be used for?
- 4 A. They were supposed to be set up for ADSP, I believe.
- 5 Q. You -- I don't understand.
- 6 A. I'm not sure that they -- I don't know if that one was in
7 operation at that time.
- 8 Q. The 49 Kilo?
- 9 A. Yeah.
- 10 Q. Just on -- I guess -- I don't know about policy or guidance
11 or anything like that, should it have been operational?
- 12 A. I don't know. I would've liked it to be in operation.
- 13 Q. Okay. Were the iPads issued primarily for navigation and
14 terrain clearance or was it just --
- 15 A. No.
- 16 Q. What was -- what were they I'm sorry if you're repeating but
17 they were --
- 18 A. For the ADSP. Actually, I think that was operational for
19 ADSP. I've seen it on my screens.
- 20 Q. And what was the Spidertracks issued for -- or used for?
- 21 A. For flight following.
- 22 Q. And tell me about the flight following using Spidertracks,
23 who did that?
- 24 A. That was done with -- Jim did that, Jim Kosmos.
- 25 Q. Okay. Did you have the ability to monitor the Spidertracks?

- 1 A. I don't, not from my office. I've tried to set it up.
- 2 Q. You tried to set it up?
- 3 A. Yeah. I haven't -- wasn't able to yet.
- 4 Q. Okay, because?
- 5 A. I'm somewhat computer illiterate.
- 6 Q. You and me are in the same boat. So, I don't know if you
- 7 would know what software the iPads are running, would you?
- 8 A. They have ForeFlight on them.
- 9 Q. ForeFlight? Did you have ForeFlight -- were you able to look
- 10 at the ForeFlight or access the ForeFlight account for the
- 11 company?
- 12 A. Did I do the account? No.
- 13 Q. No, access it. Were you able to get into the ForeFlight
- 14 account?
- 15 A. Not to change anything.
- 16 Q. Just to look at anything?
- 17 A. I can look at the iPad on it.
- 18 Q. But not on a computer?
- 19 A. No.
- 20 Q. No? Were any of the -- or was 49 Kilo IFR equipped?
- 21 A. No. I mean, I guess -- explain yourself?
- 22 Q. Did it have the minimum equipment required for an IFR flight?
- 23 A. No.
- 24 Q. Okay. What did it lack?
- 25 A. Well, none of the equipment was -- had recent currency

1 certifications on it for an IFR flight. It had the basic
2 instruments that would've allowed you to keep it upright and
3 whatever. But not -- you couldn't have don't an IFR flight
4 legally on it.

5 Q. Okay. So, were your Southeast pilots -- they were not given
6 297 IFR currency checks. Is that correct?

7 A. No.

8 Q. Okay. Did Southeast provide training, and you would've been
9 included in this, for inadvertent IMC penetration or --

10 A. Yes.

11 Q. Tell me about that?

12 A. It's the same training that all VFR pilots -- VFR daily
13 pilots get. Turnaround -- if you have -- well, we don't have that
14 so -- basically, avoid turnaround, you know, and that's part of
15 the check ride every year.

16 Q. So, did any of the Southeast pilots get any specialized CFIT
17 avoidance?

18 A. Only that that you get for the regular, you know, training.

19 Q. What would that -- what do you mean by --

20 A. Avoid turnaround, you know.

21 Q. So, no specialize CFIT avoidance training?

22 A. Well, they -- everybody gets -- it's not IFR training, but
23 it's IFR -- part of the check ride is to do -- to operate
24 the -- playing by the instruments that are in the plane.

25 Q. Right. Okay, that's part of the evaluation, I'm talking

1 about the training. What do they get before they go to the
2 evaluation right? What type of training?

3 A. Well, that's the same thing.

4 Q. See and turnaround?

5 A. Yeah.

6 Q. Is there any regulatory requirement to get CFIT training?

7 A. I'd have to look.

8 Q. Okay. Who's responsible for the registration on the aircraft
9 here?

10 A. Kosmos.

11 Q. Okay. Did you know when the expiration date on the
12 registration for 49 Kilo was?

13 A. I don't.

14 Q. Did you ever fly it?

15 A. Yes.

16 Q. When was the last time?

17 A. I'd have to look.

18 Q. Okay. Guess?

19 A. June something.

20 Q. June of this year?

21 A. Whenever it first came back online.

22 Q. Okay.

23 A. I only -- so, I don't know.

24 Q. I missed that.

25 A. I only flew it a couple times when it came back online.

1 Q. Back online from?

2 A. It was -- when the other plan went -- you know, had its
3 accident, there was about a week, maybe a little bit more, while
4 that -- while 49 Kilo was not -- they're not going through annual
5 gate (ph.). So, the gate went through annual and then it came
6 back online.

7 Q. Okay, I didn't know that. Thanks. Has -- I guess has any
8 pilot? Are you responsible or -- I guess there are some
9 responsibilities to ensure that the aircraft is legal, correct?

10 A. Uh huh.

11 Q. I believe it's AIROD? It's been a long time.

12 A. Uh huh.

13 Q. Okay. Is that responsibility for each pilot to ensure prior
14 to every flight?

15 A. Well, it's not something you check every flight. But yes, it
16 should be legal.

17 Q. Okay. So, that's a basic requirement for pilots to do?

18 A. Uh huh.

19 Q. That's not a 135 or anything like that?

20 A. Right.

21 Q. And registration would be a part of that?

22 A. Yeah.

23 Q. Okay. Were you aware that the registration for 49 Kilo
24 expired on June 30th?

25 A. I was not.

1 Q. Were you -- I would assume since you were not that the owner
2 or the director of operations didn't inform you either?

3 A. They did not.

4 Q. Okay. Are you part of any kind of mail service, or email, or
5 something that comes to the company? In other words, do you get
6 copied in on FAA correspondence with Southeast?

7 A. I -- yes.

8 Q. Okay. You don't recall getting anything from the FAA as far
9 as the registration, either a warning or expiration notice?

10 A. I do not.

11 Q. Okay. How are you doing? Do you need water or anything,
12 Dave? We're almost done.

13 A. No, I'm good. I appreciate it.

14 Q. So, this is kind of hazardous -- I would -- you would
15 probably agree, hazardous type of flying -- it's more hazardous
16 than -- or there's more risk, I should say, involved in this type
17 of mountain flying, it'd be hard stay out of the clouds and avoid
18 CFIT. Would you agree?

19 A. More hazardous than?

20 Q. Good point. There's -- let me rephrase that, there is more
21 risk in mountain flying with challenging weather than it would be
22 in, say, other part of CONUS? Would you agree?

23 A. I don't know. I think that it's a challenging flight.

24 Q. Challenging, that's a better word. I should've used that.

25 Thank you very much. So, there's greater challenges in this type

1 of flying. You would agree?

2 A. Than?

3 Q. Than flying 152 in Wichita -- or in Kansas or something like
4 that?

5 A. I've never been in Kansas, but more challenging than Florida,
6 yeah.

7 Q. Okay, great. So, how do you, and how does Southeast, manage
8 those risks?

9 A. That seems awful broad.

10 Q. Yeah.

11 A. So, basically, we look at the weather, we are all experienced
12 pilots, and I don't fly when I feel that the risks outweigh the
13 ability to do it safely.

14 Q. Okay. What is that threshold?

15 A. I think the threshold is different for different pilots. I
16 don't know. I don't fly when it's not legal, so 502. Personally,
17 I don't fly over 30 knots -- I don't take off over 30 knots.

18 Q. Of wind?

19 A. Of wind, yeah.

20 Q. Okay. I was thinking a Beaver can really get in the air
21 quick. Okay. So, those are personal ones. But I'm wondering for
22 the company, have they established any kind of limitations? Any
23 kind of guidance to help them -- the pilots manage the risks from
24 a standardized point.

25 A. Well, standardized is what's legal. We have not set a wind.

1 Q. I'm sorry, standardized is what's legal?

2 A. There are legal -- yeah.

3 Q. Yeah. Are you familiar with safety management systems, SMS?

4 A. Uh huh.

5 Q. That's a yes?

6 A. Yes, I have.

7 Q. Yeah, okay. What are you familiar with? What more do you
8 know about SMS?

9 A. I've seen what Taquan had in place and what the medallion
10 (ph.) processes were.

11 Q. Does Southeast have any type of SMS or any process of
12 developing an SMS?

13 A. Not formally.

14 Q. Okay. So, not formally, what would be informal?

15 A. Well, informal is that we've looked at the weather, we've
16 checked out whether we think it's, you know, appropriate to go
17 places than some places.

18 Q. Right. Any type of other -- I know I asked about TAWS, but
19 any other type of flight data monitoring system or program?
20 Something to take a look at operational data?

21 A. In the airplane?

22 Q. Yeah.

23 A. No. It's very unsophisticated airplane.

24 Q. Okay. So, nothing that's recorded that you can come back and
25 look at?

1 A. I don't know what -- I don't believe so.

2 Q. Okay.

3 A. I don't know what ForeFlight does.

4 Q. So, kind of a broad question for you, I ask this of a lot of
5 chief pilots, how do you know your pilots are doing what they're
6 supposed to be doing?

7 A. I observe them while they're -- while I'm out there flying
8 with them. That's about the only way that -- if -- I listen
9 around to other people too. If anybody had a complaint, which
10 nobody's had a complaint on any of them at this point.

11 Q. You said you were flying out there. Is it when you're out
12 there and you're --

13 A. I'm out there flying in my airplane; I'm looking at the other
14 pilots and seeing what they're doing.

15 Q. Okay. Had any concern with what they were doing just because
16 your observation is just from your airplane watching them.

17 A. Of course.

18 Q. Any concerns?

19 A. I haven't had any concerns.

20 Q. Okay. But there's no other means to know exactly -- other
21 than when you're looking out your window and seeing them in
22 another airplane, there's nothing that you look at from a data
23 standpoint?

24 A. The only other data that we -- that I would see is if I was
25 in while there were other people flying and looking at

1 Spidertracks. I didn't see that.

2 Q. Do you look at that?

3 A. I periodically do, yeah.

4 Q. When was the last time that you looked at Spidertracks?

5 A. It's probably been the end of June or something like that.

6 Q. Okay. The -- were you a part or do you get involved -- I
7 would with Family you did, maybe Southeast, the letter of
8 agreement for the Ketchikan commercial users?

9 A. Uh huh.

10 Q. Are you familiar with that?

11 A. I am.

12 Q. What is that? Just from layman's terms, what is that?

13 A. It's basically a voluntary agreement on routes within the
14 area here and in the Misty Fjords.

15 Q. Okay. Typically, what is the route for Misty?

16 A. Well, the typical for Misty is to go from here -- basically
17 through Thorne Arm and -- I haven't looked at the updated one that
18 long, but then over to Rudyerd Bay. Through Rudyerd Bay, through
19 what's called The Cut which would be --

20 Q. It goes into Beam?

21 A. No. Across Beam, into Rudyerd Bay --

22 Q. Okay.

23 A. -- until it comes to a lake and then over to the waterfalls,
24 down South Arm, and possible to the end of Rudyerd. Back around
25 through what's called the Y, back out that way.

1 Q. Yeah.

2 A. Back out through Rudyerd, over to Ella Lake, down Ella Lake,
3 back through and back to Ketchikan.

4 Q. Okay. You all ever deviate from that route?

5 A. Yes.

6 Q. Based on what?

7 A. Well, I do. I mean, it's a voluntary route based on almost
8 anything. You would definitely deviate if you had weather issues.

9 Q. So, weather would be the primary factor if somebody would
10 deviate from that route?

11 A. There are many reasons you might deviate from that route.

12 Q. Okay. I'm just curious, with your experience, what would be
13 some of the reasons?

14 A. There's nobody else out there and they wanted to look at
15 something particular.

16 Q. So, maybe a sightseeing type of thing?

17 A. It is a sightseeing thing.

18 Q. Okay. So, you looked at the Spidertracks last time in June.
19 Have you ever looked at the Spidertracks to see if your pilots
20 were flying on a routinely basis; the same route or something
21 different than the one in the LOA?

22 A. No.

23 Q. Okay. It's just your opinion -- what's your opinion of the
24 LOA?

25 A. In that it's voluntary, I think that it's a good thing that

1 was originally set up for the times when it becomes crowded in the
2 Mistys so that there'd be a -- so you would be expecting to see
3 airplanes at certain places, going certain places. But again,
4 it's voluntary.

5 Q. Yeah. I totally get that. In your experience going back in
6 there and such, are other operators basically following the
7 guidance of the LOA?

8 A. I think in general they are, yes.

9 Q. Have you had a chance to look at the Spidertracks that Rolf
10 flew on the accident flight?

11 A. I haven't.

12 MR. LAWRENCE: Okay. I know you're probably listening to me.

13 Tom, do you have any --

14 BY MR. JOHNSON:

15 Q. Do you guys do scouting flights?

16 A. You mean to check out the weather? Yes.

17 Q. Okay. What happens if the passengers are late coming back
18 and they miss their trips?

19 A. I don't know what their -- if they miss their cruise, they
20 probably have to get in a jet and go join up with it.

21 Q. Okay, all right. Would there be any pressure on the pilots
22 to get them back so they don't miss their cruise?

23 A. I think he would try to. I don't think that that pressure
24 outweighs the weather considerations.

25 Q. Okay. Do you guys -- when you do the training, do you train

1 the pilots through all the equipment in the airplane? Okay.

2 MR. LAWRENCE: That's a yes?

3 MR. ROCKE: Yes.

4 MR. LAWRENCE: Okay.

5 BY MR. JOHNSON:

6 Q. Do you know if there was a preseason meeting this year?

7 A. Safety wise?

8 Q. Right, yeah.

9 A. I think it was via satellite.

10 Q. Oh, okay. Were you on that?

11 A. Uh huh.

12 Q. Okay, all right. Did you attend the emergency one after the
13 accident?

14 A. I did not.

15 MR. JOHNSON: Okay. You already asked him about the CFIT
16 avoidance. That's all I got.

17 MR. LAWRENCE: Jim?

18 MR. LARSON: I don't have anything.

19 BY MR. LAWRENCE:

20 Q. Okay, just a couple follow ups. That day -- we received the
21 paperwork for his schedule and got out and not his in for the
22 first flight, and obviously his out and not his in on the third
23 flight. Was he scheduled -- or his second flight, I apologize.
24 His first, we have the out and in, second one, we have the out,
25 which was the accident flight, was he scheduled for a third?

1 A. I don't know.

2 Q. Okay. How much of a challenge is it in this area, with this
3 type of flying, to get pilots to fly for you?

4 A. I don't know. We've -- it's become very different in, you
5 know, during COVID and everything. Southeast -- and this is
6 before me, but Southeast has always had very experienced pilots,
7 you know. I guess I really can't tell you that.

8 Q. Okay. Is there, like, a pilot shortage out here, is just
9 hard to -- you know, people are leaving and you don't get as many
10 people coming in?

11 A. I haven't seen that. But I would think, you know.

12 Q. Yeah.

13 A. Up until June -- you know, up until June 20, I was a single
14 pilot operator, I just had myself to worry about.

15 Q. Yeah. Why did you take the chief pilot position here?

16 A. It was slow. They needed somebody to look over -- you asked
17 before about the ops manuals and stuff, I had done a lot of that
18 with the old Taquan.

19 Q. You mean the ops specs?

20 A. The ops specs, and the GOM, and the hazmat stuff.

21 Q. And I -- correct me if I'm wrong, but a lot of the pilots
22 here and -- the pilots that you're the chief pilot of here,
23 operate for other outfits as well, correct?

24 A. In this particular operation, yes.

25 Q. So, are they employees of Southeast, or are they contract?

1 A. They are employees.

2 Q. They are? In what regards? What makes them employees?

3 A. They're legally employees as far as the state of Alaska goes,
4 they get paid a wage and, you know, they take taxes out of it.
5 So, they are not contractors.

6 Q. There's no contract?

7 A. Right.

8 Q. Yeah. Per se, they're not signing a piece of paper and
9 saying I am going to collect for Southeast or anything like that,
10 okay. Would you characterize them as seasonal employees?

11 A. In the past they've been -- they've had seasonal employees.
12 Rolf was a seasonal employee. The rest of us are flying around
13 here all year round.

14 Q. As a chief pilot, are you concerned about the standardization
15 of this group of pilots that fly for Southeast when most all of
16 them -- not the 119s, but all of them are flying for other
17 carriers -- or operators as well?

18 A. I don't -- no, I don't view that as a concern.

19 Q. Can you elaborate on that? What do you mean?

20 A. Well, different companies have slightly different ops specs,
21 although, most of them are pretty similar, the equipment's
22 basically the same.

23 Q. But the operational considerations as far as how the
24 aircrafts operate, I'm not talking about the ops specs, not the
25 legal agreement with the FAA on how to fly it. But things like

1 checklist usage, call outs -- you don't call outs on a single
2 pilot, but the things you do that maybe some operators have
3 different minimums or anything like that. Is it standard, or is
4 there a problem keeping what one pilot that's flying for Southeast
5 doing, preventing him, or not doing something that maybe another
6 carrier allows and maybe you guys don't?

7 A. I don't think so, no.

8 Q. Okay. Have you done any check rides or evaluations on any of
9 these other pilots? I know I asked you about Rolf, but --

10 A. I haven't. I just -- we just put me on as training pilot.
11 So --

12 Q. How many training -- I'm sorry.

13 A. I'm sorry. No, I haven't. So, I haven't done any real
14 training here, we just started that -- we just put me in that
15 position.

16 Q. Prior to -- well, as of right now, who does the training and
17 who does the evaluations?

18 A. Jim.

19 Q. He does both the training and the evaluations?

20 A. Uh huh.

21 MR. LAWRENCE: Okay.

22 Anything else, Tom?

23 MR. JOHNSON: No

24 MR. LAWRENCE: Jim, anything else?

25 MR. LARSON: No.

1 BY MR. LAWRENCE:

2 Q. I know that, you know, we're here for a safety investigation
3 and such, so I'm open to any suggestions. Is there anybody that
4 you can think of that maybe we should talk to help?

5 A. I don't really know. I don't know who you've talked to,
6 first of all, but --

7 Q. Well, you can give me the names of anybody you've thought of
8 and I'll tell you if we've already talked to them. You know, I'm
9 really sorry for the loss and that you all are going through this.
10 But we are going to try and find out what happened so we can
11 prevent it from happening again; it's a cliché, but it's a true
12 one. Down the road, if there's any point in time where you think
13 of something, you know, you metabolize all this and a couple of
14 days later you say wow, I should've said this or maybe I can help
15 with that, please contact us, and let us know, okay?

16 A. Okay.

17 Q. All right.

18 A. Have they recovered the aircraft at this point?

19 Q. No, they have not.

20 A. Okay, so they don't even know --

21 Q. We haven't done any kind of examination of the aircraft right
22 now.

23 A. Okay.

24 Q. Any other questions I can help you with?

25 A. Nope, that's it.

1 (Whereupon, the interview 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: N1249K DE HAVILLAND FATALITY
 IN KETCHIKAN, ALASKA
 ON AUGUST 5, 2021
 Interview of David Rocke

ACCIDENT NO.: ANC21FA069

PLACE: Ketchikan, Alaska

DATE: August 9, 2021

was held according to the record, and that this is the original,
complete, true and accurate transcript which has been transcribed
to the best of my skill and ability.




Carolyn Hanna
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of: *

*

N1249K DE HAVILLAND FATALITY *

IN KETCHIKAN, ALASKA, *

Accident No.: ANC21FA069

ON AUGUST 5, 2021 *

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Interview of: JANA BOLER, Principal Maintenance Inspector
Federal Aviation Administration

Ketchikan, Alaska

Tuesday,
August 10, 2021

APPEARANCES:

DAVID LAWRENCE, Senior Aviation Accident Investigator
National Transportation Safety Board

HEIDI KEMNER, Investigator in Charge
National Transportation Safety Board

TOM JACKY, Aerospace Engineer (Systems)
National Transportation Safety Board

DAVID KEENAN, Aviation Safety Inspector
Federal Aviation Administration

MATTHEW SMITH, ESQ.
Federal Aviation Administration
(On behalf of Ms. Boler)

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I N T E R V I E W

(9:15 a.m. ADT)

MR. LAWRENCE: All right. Let's get started.

My name is David Lawrence with the NTSB. I'm investigating the April -- or, I'm sorry -- August 5th of this year accident, November-1249-Kilo. And one of the things I've kind of learned since I've been here, this is a pretty tight community. I know you're local, too. So on behalf of NTSB and everybody on the team, we offer our condolences for the loss to the community.

This is a normal part of the process. We always talk to the principals to any certificate holder, so this is nothing special. It's very normal.

Where I'd like to start off is going around the room, just everybody introduce themselves and their affiliation, and then we can get started. Who'd like to start?

MS. KEMNER: I'm Heidi Kemner, and I'm the investigator in charge of the accident. I'm an air safety investigator with the NTSB.

MR. KEENAN: I'm Dave Keenan. I'm an air safety investigator with the Office of Accident Investigation out of Washington.

MR. JACKY: And I'm Tom Jacky. I'm an aerospace engineer with the National Transportation Safety Board in Washington. I'm the airworthiness group chair.

MR. SMITH: For the record, Matthew Smith with the FAA's Office of the Chief Counsel, and I will be Ms. Boler's

1 representative.

2 MR. LAWRENCE: And since -- speaking of Matt, 49 831 says --
3 831.7 says that you can have one representative of your choice.
4 Is Matt who you choose to have sit in with you?

5 MS. BOLER: Yes. I would like to have Matt.

6 MR. LAWRENCE: Great. And per prior agreement, that we
7 talked to Matt and yourself prior, we're going to be tape
8 recording this for transcription, if that's okay with you?

9 MS. BOLER: Yes, sir. That's fine.

10 MR. LAWRENCE: Great. A couple of preflight actions. I'm
11 going to be taking some notes even though we're transcribing and
12 such. So I type like this. When I was flying with airlines my
13 co-pilots hated me because I type with two fingers. So I
14 apologize if I'm playing catch-up with my notes and I don't make
15 eye contact. Don't read anything into that, okay?

16 MS. BOLER: Okay.

17 MR. LAWRENCE: If I ask you a question that you don't know
18 the answer to, "I don't know" is a perfectly acceptable answer.
19 And if there is a question I ask that you don't understand what
20 I'm trying to ask, ask me to clarify.

21 MS. BOLER: Okay.

22 MR. LAWRENCE: And the same thing, if there's an answer that
23 you give and it's in like FAA speak or something like that, I
24 might ask you to just kind of layman's terms --

25 MS. BOLER: Sure.

1 MR. LAWRENCE: -- (indiscernible), is that okay? Okay.

2 Any questions about the process before we get started?

3 MS. BOLER: No, sir.

4 MR. LAWRENCE: It's David. Okay. Good.

5 INTERVIEW OF JON PERCY

6 BY MR. LAWRENCE:

7 Q. Let me lob the underhand ones first. Let me get your full
8 name and age.

9 A. Full name Lana Michelle Boler. And what did you need?

10 Q. Age.

11 A. Fifty-two.

12 Q. And what is your current title?

13 A. Aviation safety inspector airworthiness.

14 Q. Okay. Just generally, so you're a principal maintenance
15 inspector on the Southeast certificate?

16 A. Yes. That's correct.

17 Q. Okay. Very cool. What are your roles and responsibilities
18 as a PMI?

19 A. As a PMI, I do surveillance on all of the air carriers that
20 I'm assigned, on all of the airmen associated with the air
21 carriers, focusing on maintenance personnel; surveillance on
22 aircraft, providers of maintenance. I'm assigned various
23 designees in our district, oversight of them, that are not
24 necessarily associated with the air carriers. I conduct
25 investigations on complaints, incidents, accidents. Generally.

1 Q. Okay. Great. That's perfect. And I'll get into -- I'm
2 going to ask you a little bit about the organizational structure.
3 You talked to me about some of the designees. But before I do
4 that, can I just get a general Cliff Notes version of your
5 background, what led you here?

6 A. Sure. So I have been in the aviation maintenance industry
7 for -- it's got to be close to 30 years. I'd have to actually
8 count. Over half of that has been in Southeast Alaska, some of it
9 here in Ketchikan back in the '90s. I was hired on with the FAA
10 in 2007, so I'm coming up on my 15th year as an aviation safety
11 inspector.

12 Q. Okay. Pilot license, anything like that?

13 A. Back in the day, I had a student pilot's license. I do have
14 a mechanic's certificate with airframe and powerplant ratings, and
15 an inspection authorization that's current.

16 Q. Great. So let me get right to it. Tell me about the -- a
17 little bit about the organizational structure of the FSDO, and
18 we'll get all the way down, if you can include the designees that
19 you have?

20 A. Okay. So are you talking like internal structure on how --

21 Q. Yeah, yeah.

22 A. Okay. So I work for the Juneau Flight Standards District
23 Office, which is based in Juneau. I am a remotely-sited inspector
24 here in Ketchikan. My office manager is Joseph Pocher. He
25 resides in Juneau. My direct supervisor, frontline manager is

1 Brad Sapp, and he also is in Juneau. That's our internal --

2 Q. Okay. Great. And then the designees you have under you when
3 you're helping with certificate oversight?

4 A. So the designees that are assigned to me are all mechanics
5 with inspection authorizations.

6 Q. Is TJ one of those?

7 A. Yeah, TJ Criscola is one.

8 Q. Okay. So how many certificates are you overseeing?

9 A. Currently, I believe I have around 26.

10 Q. Okay. That you are actual assigned PMI on?

11 A. That's correct.

12 Q. Okay. That's a lot -- why don't you kind of characterize
13 your workload as a PMI.

14 A. Generally during the summer months, so I would say third
15 quarter, fourth quarter of the fiscal year, I usually have at
16 least -- let's not put last year in there because --

17 Q. Right. I understand.

18 A. -- other years are much different, due to Covid. Generally I
19 have between 20 and 30 DCTs to accomplish, data collection tools,
20 and various activities on top of that.

21 Q. Various activities versus --

22 A. So complaints, investigations, accidents, issuing
23 certificates, special flight permits, things like that. Those
24 don't go to a DCT usually.

25 Q. Yeah. So you're busy?

1 A. Yes.

2 Q. Okay. So the summer months are probably higher workload than
3 off, since it's in season here?

4 A. Yes.

5 Q. Okay. Just generally, how many 135 operators in the
6 Ketchikan area that are doing commercial sightseeing?

7 A. I believe it's 10 to 12, generally. There have been a few
8 that have gone out of business in the last couple of years, so --
9 I haven't done a count since then.

10 Q. Okay. But that -- generally maybe a dozen or a couple less?

11 A. Something like that, yeah.

12 Q. Okay. Tell me about Southeast Aviation.

13 A. My knowledge of Southeast Aviation is they have been in
14 business for a while. I do not recall when they were
15 certificated, quite honestly. Small operation. Since I have been
16 assigned here in 2017, I think they've operated at the most three
17 aircraft, one year. That reduced, you know, down to a couple or
18 one when Covid hit last year. And honestly, I'm not sure if they
19 even operated last year. If they did, it was very, very small.

20 Q. Yeah, probably like everybody else.

21 A. Exactly.

22 Q. Right. Can you tell me a little bit about your interaction
23 with them? How often do you interact with -- and I'm not talking
24 about with TJ, the DOM. I'm just talking about the operation and
25 the owner and the pilots.

1 A. Okay. So I usually will visit the operators at least once to
2 twice a month, whether that's visiting their main office or their
3 maintenance hangar or both, sometimes more. It just kind of
4 depends on what they have going on.

5 Q. Right. Do you actually go to their maintenance hangar or
6 will you go out to TJ's place? Because most -- I'm assuming most
7 of these carriers have him as a DOM on their certificate.

8 A. So of the ones that are required to have a director of
9 maintenance --

10 Q. Right.

11 A. -- most of them have him.

12 Q. Right.

13 A. Not all.

14 Q. Okay.

15 A. So their maintenance facility is the one and the same.

16 Q. Right.

17 A. At Peninsula Point.

18 Q. Right. Okay. This is just a characterization, so it's a
19 subjective opinion, but how would you characterize their
20 compliance with regulations? I'm talking about Southeast.

21 A. Generally speaking, they comply. I recall in the past they
22 have had -- I identified concerns and issues that they have
23 corrected.

24 Q. Just a general overview of what those concerns and issues
25 were that they corrected?

1 A. Let's see, I'm trying to recall. They're documented in my
2 data collection tools.

3 Q. Sure. And so, for clarity, I've also asked for PTRS, TAWS,
4 any of that data that's on the operator itself. I haven't seen
5 it. So I'm going to have that, so I'm not going to hold you to
6 anything. Eventually I'll get that information. But I'm just
7 kind of curious what those aspects that were of concern?

8 A. I'm trying to recall. The most recent was the discovery
9 of -- so their director of maintenance had one of their aircraft
10 in for maintenance. I can't remember if it was a 100-hour or an
11 annual or whatever. During that inspection, he had -- yeah, he
12 had removed equipment that had been previously installed as a
13 major alteration and in the maintenance records was not documented
14 as accomplishing yet another major alteration.

15 Q. Right.

16 A. So that was one of the findings. I can't come up with
17 anything else at the moment.

18 Q. That's okay. That's fine. Do you know if they have an SMS?

19 A. They do not.

20 Q. Okay. Do you know if they have any type of safety reporting
21 system or risk management protocols?

22 A. So let me back up to your SMS question --

23 Q. Sure.

24 A. -- to clarify that a little bit more. So they are not
25 required to have an SMS per the rule, but they also do not have a

1 voluntary SMS program that's recognized by the FAA.

2 Q. They haven't -- to your knowledge, have they applied for --

3 A. No.

4 Q. -- for a voluntary program?

5 A. They have not.

6 Q. Any other risk management tools, protocols they practice that
7 you're aware of?

8 A. Other than what's in their processes and procedures in their
9 general operations manual, no.

10 Q. Okay. Do you know if any of their aircraft had any type of
11 flight data or operational monitor systems on board their
12 aircraft?

13 A. Not that I'm aware of. And I don't know -- I guess I
14 should -- I should probably clarify. I do know that they use
15 Spidertracks.

16 Q. Yeah.

17 A. But that's not -- I don't know that --

18 Q. Right. Yes. Exactly. And I was just more curious if they
19 had anything that monitored the operational performance of either
20 the aircraft or the pilots, an FDR --

21 A. No.

22 Q. Some of these are going to kind of be obvious questions,
23 but -- how would you characterize their overall safety culture?
24 It's a certificated operator so that's an important aspect.

25 A. Absolutely. So their safety culture, they have always been

1 very responsive. If I had a question or if there was a concern or
2 a finding, they were always very responsive to get it corrected.
3 I do know that. There was never any having to circle back to them
4 multiple times. It was always very -- they were always very
5 responsive with whoever -- whether it was the owner, operations
6 side or the maintenance side, either one.

7 Q. Yeah. And we're going to talk to Jon, too, to get the
8 operational side, and I'll ask the same question.

9 Aside from the -- because I'll ask you about the July 9th
10 accident, but aside from that, how would you characterize their
11 overall safety record?

12 A. To my knowledge, they had a good safety record.

13 Q. Okay. You kind of touched on it about your communications
14 with them. How often would you communicate with, you know,
15 Southeast Aviation? Who would be your POC?

16 A. I would say, generally speaking, at least during the summer,
17 right, because winter they didn't necessarily operate --

18 Q. Right.

19 A. -- but during the third and fourth quarters of the year, I
20 usually see them once to twice a month at least. And sometimes
21 it's a ramp check on a pilot, right, so I would talk to the pilot.
22 Sometimes I was with the owner because he does dispatch and flight
23 following. Sometimes it was --

24 Q. Locating.

25 A. Yeah.

1 Q. Yeah.

2 A. All those terms, I -- being old school, I kind of interchange
3 those.

4 Q. Exactly. I do, too.

5 A. I recognize that there's dispatchers officially versus, you
6 know -- which they don't have.

7 Q. Yeah.

8 A. And then other times it was with -- my main point of contact
9 is the director of maintenance.

10 Q. Okay. Mainly the director of maintenance?

11 A. Yes.

12 Q. Got it. When was the last time you were out there; do you
13 recall?

14 A. I was at Southeast Aviation the day of the accident, the
15 fatal accident. Let me clarify that since there were two.

16 Q. Yeah.

17 A. Yes.

18 Q. At the time of the accident or did you go out there
19 afterwards?

20 A. Let's see. I'm not really sure when the accident happened,
21 but I was -- after they knew it was missing --

22 Q. Got it.

23 A. -- before they found it.

24 Q. Okay. Yeah. Let me go ahead and ask about for the day of
25 the accident. How did you learn about it, and just kind of go

1 through what you did that day.

2 A. So I got a call from the POI, principal operating -- Jon
3 Percy, asking if I had heard, and I had not heard anything. So he
4 clarified that their -- he was made aware that there was an
5 aircraft missing and that they had received an ELT signal. And he
6 told me that the aircraft belonged to Southeast Aviation and that
7 they were looking or they were starting to look. And about that
8 time I was actually in town and I saw Temsco go by and I saw, you
9 know, people heading out in that direction, people -- aircraft,
10 helicopters. So I -- we had a short conversation. And, of
11 course, they only had one airplane so it was pretty obvious which
12 one.

13 So I stayed in town and I think I went over to Southeast
14 Aviation, oh, gosh, maybe 45 minutes to an hour later. And my
15 intention was to observe their emergency procedures because
16 everybody has those, and to, you know, find out when -- if they
17 found it, when -- yeah.

18 Q. Okay. So you observed their emergency procedures. What did
19 they do in your observation?

20 A. So they were in constant contact with Temsco, who was
21 actually doing the search. They talked -- they tried to talking
22 to the boats out in the area to see if any of the boats had
23 received any radio calls or heard anything, saw anything. And
24 they had pilots there even from other operations who were there.
25 They were looking at maps to see -- you know, try and -- they were

1 looking at their -- comparing their Spidertrack data that they
2 had, maps. That's what I recall. Yeah.

3 Q. Did you know the pilot?

4 A. Yes.

5 Q. How?

6 A. I had -- well, I had ramped him before during regular
7 surveillance, and then I had spoke with him regarding his accident
8 on the 9th of July.

9 Q. We'll get to that in a second.

10 A. The investigation.

11 Q. Right. I know you were involved -- you were intimate in
12 that, so I'll talk about that in a second. I'm curious if you
13 and, to your knowledge, Jon, have reviewed any of his pilot
14 records or anything like that?

15 A. I did look at his pilot records as part of the first
16 accident, and I also -- now I can't remember. I was going to say
17 I thought I provided them to Jon the day of the second accident,
18 but I, honestly, I can't remember now one way or the other if I
19 did or not.

20 Q. Would that have been just the airman registry information?

21 A. No.

22 Q. What else did you look at?

23 A. So I had already had copies of his pilot records from the
24 operator. So the ones that they are required to keep with regards
25 to his training records, his duty time records, his check ride

1 records, those are all that (indiscernible).

2 Q. Yeah, the 8410s and stuff that -- for the 293s and 299 checks
3 and stuff like that?

4 A. Correct.

5 Q. Okay. So you had a chance to review all that. Did you see
6 anything that stood out?

7 A. He had had his recurrent training and his -- not being
8 operations, I'm not sure. It was either the 293 or the other
9 one --

10 Q. Right.

11 A. -- ride on the same date, on May 12th, and they were
12 accomplished by the director of operations for the company, James
13 Larson.

14 Q. Right. And we do have those records. I mean if you want to
15 refresh your memory or see them, you're welcome to.

16 A. No. I still have them for the --

17 Q. Right. Do you ever -- have you ever done an en route
18 inspection on Rolf?

19 A. No.

20 Q. Okay. You had one today, though, right?

21 A. Correct.

22 Q. And so, to your knowledge, has anybody in the FSDO done any
23 kind of en route?

24 A. I have no idea.

25 Q. Okay. But you have not?

1 A. I have not.

2 Q. Do you do any en route inspections on any operators since
3 you're remote down in this area?

4 A. On the local operators, I have not.

5 Q. Okay. And why?

6 A. I have not because it wasn't in my surveillance plan and
7 there was no maintenance indicators that would necessitate driving
8 me to actually do an en route for maintenance reasons.

9 Q. Right. Okay. But you do ramp inspections on pilots, so
10 you're checking their certificates and their logs and stuff like
11 that.

12 A. Generally check their certificates. The ramp inspections
13 that I do are focused more on the aircraft.

14 Q. Got it. Okay.

15 A. And the discrepancy records in the aircraft and, yeah, the
16 aircraft part of it.

17 Q. But you do kind of blend it a little bit of operational
18 oversight, like the ramp inspections by asking for the pilot
19 certificate and things like that?

20 A. Correct.

21 Q. But you have not done any en routes on any of the 10 to a
22 dozen that are out there?

23 A. No. The en route -- I'm trying to recall. The last en route
24 that I did was on Island Air Express, which is -- I guess you
25 could consider them local. They're on Prince of Wales. They come

1 here all the time.

2 Q. What kind of aircraft?

3 A. Caravans.

4 Q. Oh, interesting. Big airplane.

5 A. So I guess, in a way, I think local but they're actually --
6 they kind of are because they do scheduled runs for Ketchikan.

7 Q. And when -- you said that was the last one.

8 A. Yeah.

9 Q. When was that?

10 A. I don't recall.

11 Q. You can WAG.

12 A. A couple years.

13 Q. Okay.

14 A. A year or two. I'm not sure. Nobody did anything last year,
15 so --

16 Q. All right. So we get to the July 9th accident that Rolf had.
17 So talk to me about that and your involvement.

18 A. So I was assigned the accident by my frontline manager. So
19 by the time I was assigned, I was in contact with the director of
20 maintenance to advise him to secure the records and advise him
21 that I wanted to inspect the wreckage because it was actually --
22 it came back very quickly. I actually found out about the
23 accident prior to our office finding out, so -- through social
24 media. So I actually had (indiscernible) that it had occurred,
25 about the same time I think that they called, the operator called.

1 So the wreckage showed up quickly, quite honestly. They
2 recovered it very quickly. And so I was able to go out to the
3 wreckage, which was positioned at Peninsula Point at the hangar
4 that -- their maintenance facility hangar. So I went and did my
5 initial inspection of the aircraft, took pictures. I went to
6 their main base here in town and took pictures of all of the pilot
7 records for the pilot that was involved. And then conducted the
8 investigation. Talked to the charter boat captain who was first
9 on the scene to rescue the pilot off the float, and saw -- you
10 know, so I got pictures from him and a statement from him. And I
11 contacted the pilot. And this was after he had conducted his
12 interview with the -- so the NTSB interviewed him and there was
13 another FAA inspector who attended that interview. So I followed
14 back up around as part of the accident investigation and talked to
15 the pilot again to make sure he had anything else to add or
16 anything changed since then.

17 Q. So you did your portion separate from the NTSB as part of
18 your nine point (indiscernible) --

19 A. Yeah. No, I wasn't involved.

20 Q. What did he say?

21 A. Essentially he -- his statement, which he told me in his
22 second statement, that it was all correct, what he told NTSB the
23 first time, was he had -- he was in a hurry. He was in a hurry to
24 get back to do another flight, and so instead of taxiing all the
25 way out into the middle of the channel to ensure that he did

1 not -- that he avoided any known obstructions in the channel, he
2 did a shortcut and took off closer to shore, which essentially put
3 the channel buoy directly in front of the aircraft. And what he
4 said was that he didn't see the buoy but that he believed that the
5 aircraft hit the buoy on the right side and essentially destroyed
6 the right side of the aircraft. And because the left wing
7 collapsed, he had to exit the aircraft out the right side door
8 because it blocked the door, the left door.

9 Q. Okay. Yeah. Was he airborne? Did he say he was airborne?

10 A. He said he was not. Inspection of the aircraft wreckage says
11 otherwise.

12 Q. In what regards? I'm not a maintenance person, so --

13 A. So the buoy -- so I got a plan, a diagram of the buoy from
14 the Coast Guard because it is their buoy. And the buoy was 6 feet
15 7 inches tall at the top of the light, because there's a light on
16 top of it. If you measure generally, and there's give or take
17 some inches --

18 Q. Um-hum.

19 A. If you measure from the waterline to 6 foot 7 inches up on
20 the aircraft, that puts the top of the buoy at the bottom of the
21 window on the pilot's door. The first impact marks on the
22 aircraft -- so the prop -- back up a little. The prop on the
23 aircraft sticks up down below, the blades are below that by quite
24 a bit.

25 Q. Yeah.

1 A. So the first impact marks anywhere on the aircraft are --
2 were about I would say 8 to 10 inches up on the propeller and then
3 the front strut bar on the floats, meaning that the aircraft
4 had to have been up higher in the air when it first impacted
5 because the spinner, the cowling were perfect. Had he hit it when
6 he was still on the water, all of that would have been -- had been
7 significant damage. And it would have transferred green paint,
8 because there was green paint all over the front of the spreader
9 bar and a little bit on the prop tips, nowhere else.

10 So when I talked to the charter boat captain, the charter
11 boat captain confirmed that when he talked to the pilot at the
12 accident scene when he rescued him, the pilot said that he was in
13 his takeoff run when he spotted the buoy, and he tried to pull
14 back to go up and over the buoy and didn't make it, which is more
15 consistent with what was shown on the wreckage.

16 Q. Yeah. That's interesting. Did he ever change his statement
17 after he talked to you guys from -- because there's a disconnect
18 between what he told the captain and what he told you.

19 A. Correct.

20 Q. Did he ever come back?

21 A. When I called and I talked to him after -- much -- it was
22 probably, generally speaking, a couple weeks after his initial
23 statement with the NTSB and FAA. And I asked him about his
24 statement and I asked him if he had any -- if he remembered
25 anything differently, because people under stress and shock at the

1 initial part of it, you know, once they decompress, then they
2 start thinking things that they didn't remember back then, if
3 anything was different, if anything -- and he said no, that his
4 original that he made was correct.

5 Q. I'm curious. I've also made a request into the FAA for the
6 EIN and AIDS database for its enforcement actions, any accidents,
7 incidents. I haven't seen yet. But to your knowledge, was the
8 FAA proceeding with any enforcement action on him based on the
9 July 9th?

10 A. Yes. I initiated an enforcement action after completing the
11 accident investigation.

12 Q. You initiated. So what's kind of that process?

13 A. So completion of the accident, I finalized the 8020-23 form,
14 which is our documentation of the accident and the factors in the
15 nine area responsibility. And on that -- I think that was roughly
16 the 23rd of July. Don't hold me to that. It's generally --

17 Q. That's my birthday.

18 A. -- generally speaking. And then as part of completing that
19 we have to put if we -- you know, if any of the nine areas were
20 identified as being associated with the cause, and then any
21 actions that were taken as part of that, including an area to fill
22 out -- or to complete for enforcement action, which I put the
23 enforcement number on there that I initiated.

24 So following that, I drafted a letter of investigation, and
25 that has to go through our office for management approval as well

1 as -- I believe that it was also routed through the CMT, or the
2 POI and the (indiscernible), I think. That's normally how the --
3 and then it gets mailed certified return receipt along with a
4 regular mail letter LOI as well.

5 Q. To the pilot?

6 A. Correct. That's a pilot action --

7 Q. Right. So was -- that's the process to that point. It never
8 got to the point where an actual suspension of certificate
9 occurred?

10 A. No. When the accident, the second accident occurred --

11 Q. Right.

12 A. -- when the fatal accident occurred, the LOI had been -- was
13 gone; it had been mailed. And I had drafted Section B of the
14 enforcement action documenting the reasoning and my recommendation
15 for an action on the pilot, but we as FAA inspectors don't
16 actually get to decide. We can recommend based on our opinion and
17 the facts of the case that we write. The final determination will
18 be with our ATC.

19 Q. Right. Do you mind sharing what your recommendation was?

20 A. Certificate suspension.

21 Q. Okay. Was -- following the July 9th, I know you were doing
22 enforcement on the pilot, was there any additional surveillance
23 that was elevated for Southeast Aviation as an organization?

24 A. On the maintenance, I did not because there was no
25 maintenance-related items, other than what I already told you,

1 which was the follow-up with the director of maintenance on his
2 incorrect action of doing a major alteration without proper
3 documentation and assessment.

4 Q. I'm not really sure about this, but are there separate DCTs
5 for follow-up investigative work based on risk of a certificated
6 carrier? Like if they're involved in an accident or something
7 like that, you assign additional DCTs to a workload plan that you
8 have?

9 A. Yes, that can be an action to assign additional data
10 collection tools.

11 Q. Right.

12 A. Sorry.

13 Q. And my next question would be did that occur?

14 A. Like I said, I do maintenance ones. I'm not allowed to do
15 operations ones.

16 Q. Okay.

17 A. I actually won't -- I can't. So the POI was informed and I
18 don't know -- I don't know.

19 Q. Okay. Yeah, we're going to talk to him, so I'll find out and
20 such. I just didn't know if you had any DCTs that were additional
21 to your workplan?

22 A. No.

23 Q. Okay. Let me move to the actual airplane since that's kind
24 of more in your area and such. For 1249-Kilo, were you aware that
25 the registration on that expired on June 30th of this year?

1 A. Not until a couple days ago.

2 Q. And why were you not aware of that?

3 A. Well, when I was doing the accident investigation on the
4 first one, that was the only aircraft that they had that they were
5 operating. So Kilo was actually in heavy maintenance at the time,
6 so we're talking July 9th, and was -- they weren't flying. So I
7 had no reason to ramp it because it wasn't operating.

8 Q. Okay. But the initial warning letter of the pending
9 registration expiration came from -- I don't know what branch it
10 is. Is it the certification branch or registration? I don't know
11 what it is. There's a letter they send to the registered owner
12 and the operator of a pending expiration.

13 A. I guess it would come from aircraft registry.

14 Q. Yeah.

15 A. That's a guess. I'm not positive.

16 Q. Okay. I'll have to look it up. I have it on here. But I'm
17 curious, internally does the FAA, when they do that to an airplane
18 that's on a certificate, whether it's 135 or 121, do you guys get
19 looped in on that?

20 A. Not that I'm aware of.

21 Q. Okay.

22 A. And I'm not sure that registry would know if the aircraft was
23 operated by a carrier or not. I don't know.

24 Q. Okay. There's no search engine or something that would show
25 a --

1 A. I don't know what they --

2 Q. -- tail number or --

3 A. I don't know what they have access to.

4 Q. Okay. Well, let me ask you this. If you have an airplane
5 that's pending and you're a maintenance inspector, would it be
6 helpful and beneficial for you to know in advance the certificate
7 is going to -- or the registration is going to expire?

8 A. All information is beneficial --

9 Q. True.

10 A. -- when it comes to carriers.

11 Q. Sure.

12 A. So yes.

13 Q. But you're in a little unique position because you're remote
14 here in this area. So would it be beneficial for you to have
15 knowledge of a pending expiration or one that actually did expire?

16 A. Yeah, absolutely.

17 Q. What would you do if you learned that?

18 A. I would go talk to the carrier.

19 Q. Right.

20 A. Absolutely. Yeah.

21 Q. And then if it was -- this is all, you know, hypothetical.
22 But if a registration had expired, what would you do or what would
23 your actions be?

24 A. Oh, the action when I talk to the carrier would be, if it is
25 expired, then, you know, it could be a violation to operate until

1 it is renewed.

2 Q. Right.

3 A. Yeah.

4 Q. Okay. But you never got just -- I know I probably asked it
5 already. But you never got either the warning for expiration or a
6 copy of the actual expiration that they sent?

7 A. No, sir.

8 Q. Is -- and this may be a legal question and out of your realm,
9 but if the registration on an airplane that's the sole airplane on
10 the certificate has expired and the FAA has asked for that
11 certificate back, that certificate doesn't have an airplane on it.

12 MR. SMITH: The question?

13 MR. LAWRENCE: Well, does that -- let me ask the question.

14 Thanks, Matt.

15 BY MR. LAWRENCE:

16 Q. If an operator with a 135 certificate has no aircraft on
17 their certificate, what happens to the certificate?

18 A. So there's a rule, and I can't remember which one it is. But
19 there is a rule that says air carriers will have exclusive use of
20 one aircraft, at least one aircraft. And so if, in our guidance,
21 that I recall, there is a grace period if somebody sells one and
22 they want to buy one, something along those lines.

23 Q. Yeah.

24 A. There is a grace period for them to comply with the rule and
25 actually get exclusive use of one aircraft. So when I say

1 exclusive use, it doesn't mean they have to own it. They could be
2 leasing it, but they have to be the exclusive lease -- lessor of
3 that aircraft. They have to provide a copy of the lease showing
4 that before it's on their certificate.

5 Q. Would that have to be on -- listed in the OpSpecs before they
6 can operate that --

7 A. That is correct.

8 Q. -- on a certificate?

9 A. Yeah.

10 Q. Because they'd have to do a revision to their D068 or
11 whatever that is for the listed aircraft.

12 A. Oh, D85, yes.

13 Q. 85. Thanks.

14 A. Yeah.

15 Q. Thank you. I'm almost done here, I think. Great.

16 I want to kind of go off realm here a little bit and ask you
17 about the Capstone project. Are you familiar with that?

18 A. Yes.

19 Q. Great. Just kind of tell me about that, and I'm kind of
20 looking at what the impact of Capstone was to this particular
21 Ketchikan commercial sightseeing of which Southeast was part of.

22 A. So when Capstone equipment was installed back -- gosh, what
23 has that been -- a while ago, many years ago, I think it actually
24 had a -- it was a benefit because of the information that it was
25 actually then providing to the pilots. It was also a challenge

1 because most of these pilots were VFR day-only pilots, were not
2 used to that kind of information. So there was certainly a risk
3 curve with that. Well, they learned how to use the equipment and
4 not -- and balance that with looking out the window, as they say,
5 and using the information they were given.

6 Since I have been back here in 2017 on, this Capstone
7 equipment has -- we've seen in the maintenance side of things,
8 we've seen a lot of failures of the equipment. And in
9 conversations with the maintenance people about the equipment, and
10 then that kind of trickles into the operations side of the
11 equipment, right, they actually -- most of the feedback I have
12 gotten is that, you know, the equipment's antiquated and really
13 there's much better equipment out there. So they're starting to
14 rotate out the equipment for newer Garmin equipment, I think is
15 their -- they, as operators, are finding more beneficial and more
16 reliable.

17 Q. Okay. Are you seeing any of, like, the smaller operators
18 maybe as this equipment ages and they need to replace it, like for
19 the Garmins and 296s and such, that they're not really doing that
20 because it costs money now that it's not subsidized?

21 A. Some of the smaller carriers have had delays in installing --
22 like when they start up, in installing some equipment like that,
23 some ADS-B equipment. But honestly, the only pushback that I've
24 gotten from anybody not wanting to install the equipment was
25 because their opinion was the equipment refocused the pilot's

1 attention inside the cockpit instead of outside, and they were not
2 willing to install the equipment for that reason, because they
3 wanted their pilots outside the cockpit all the time, period. I
4 can say that the operator has since put in some at least ADS-B out
5 equipment.

6 Q. Right.

7 A. After a couple years.

8 Q. While you mentioned that, are there any requirements for
9 ADS-B for these sightseeing operators in the Misty Fjord and --

10 A. As far as I know, regulatory wise, no. And that's only based
11 on the discussions I've had with the POI.

12 Q. Right.

13 A. Right?

14 Q. Right.

15 A. Aerospace is more his --

16 Q. Sure. Okay. That's my last question, so I'm not going to
17 throw that in.

18 Were you familiar with the Magellan program?

19 A. No.

20 Q. Okay. Oh, I'm sorry, Medallion.

21 A. Yes.

22 Q. I said Magellan. I mean Medallion. Can you tell me a little
23 bit about that?

24 A. There were some operators here in town that were part of the
25 Medallion program. I'm not sure what other information you're

1 asking about.

2 Q. Well, I'm kind of curious because it's FAA funded, too. So
3 we have two programs. Like we have one program for equipment and
4 such and then this other Medallion program that I believe was more
5 providing like CFIT training and things. This may be out of your
6 area, and I apologize. But I'm just wondering if you saw, being
7 based here with the operators, any benefit of what Medallion was
8 providing to the operators for inadvertent IMC, CFIT, things like
9 that?

10 A. The only benefit, the only benefit, in my opinion, that I saw
11 with the Medallion program was their desktop flight training
12 devices -- they weren't really simulators -- that they provided
13 for essentially anybody, not just the carriers, to use for
14 training. Although they were in recent -- before they left, so
15 would have been like -- when I got here in 2017, they were already
16 antiquated operation wise.

17 Essentially, and this is strictly my opinion, in dealing with
18 the operators while the Medallion program was still here, it was
19 counterproductive because the operators tended to focus more on
20 the Medallion procedures and processes and not their required
21 manuals that the FAA requires per the regulation.

22 Q. Thanks. Going outside a little further and such, are you
23 familiar with Ketchikan commercial users' letter of agreement that
24 they have in this area for operators?

25 A. Oh, for the Tongass Area Pilot's Association LOA? Yes.

1 Q. Yeah. It's -- but I think it's titled the Ketchikan
2 Commercial Users.

3 A. Yes.

4 Q. Yeah. So you're familiar with that?

5 A. Yes.

6 Q. Can you tell me just a little bit about that?

7 A. I can tell you that it's voluntary. I can tell you that all
8 of the operators signed the agreement, at least when it was last
9 signed in 2019, and I think that's when they had their last
10 meeting, to my knowledge.

11 Q. There was a May update this year.

12 A. Yeah, I -- that's good.

13 Q. Yeah. Are you involved in any of those meetings or have you
14 had a chance to attend that?

15 A. No. The FAA is not invited to those meetings.

16 Q. They've gone to none of the users group meetings to
17 participate?

18 A. Not that I'm aware of.

19 Q. Okay.

20 MR. SMITH: I just want to clarify that last question. Did
21 you ask if the FAA goes to any of those meetings? Is that what
22 the question was?

23 MR. LAWRENCE: User group meetings, yeah.

24 MR. SMITH: Okay. And I didn't hear what your response was?

25 MS. BOLER: So the FAA is not invited to those meetings. Now

1 do not confuse those with the preseason/postseason meetings.
2 They're separate.

3 BY MR. LAWRENCE:

4 Q. Got it. But as far as --

5 A. As far as the meetings that pertain to that LOA and that
6 group, no.

7 Q. Okay. Was there anybody that facilitated that group and is
8 like -- takes charge of that group and leads that, to your
9 knowledge?

10 A. To my knowledge, the president of the group is the director
11 of operations for Misty Fjords Air now. At least it was the last
12 time I looked. It could be different. I don't know.

13 Q. All right. And since Matt brought it up, typically each
14 year, is it correct that there is a preseason and postseason
15 briefing that occurs with the users out here?

16 A. Typically yes.

17 Q. Typically. And I would say last year was atypical?

18 A. Correct.

19 Q. All right. So does the FAA participate in the pre-brief and
20 post-brief?

21 A. Yes.

22 Q. When do those usually occur?

23 A. Generally, my recollection is March and September.

24 Q. And in what role do you participate?

25 A. I attend.

1 Q. Do you provide any information to them?

2 A. I provide -- I have provided feedback to our FAAS team
3 person -- people who actually run the meeting. So I get a lot of
4 feedback from carriers and I provide that to them on the meetings.
5 I also get requests from the carriers on what they would like to
6 see in the meetings and I pass that back. So it's information
7 passing --

8 Q. Yeah. Okay.

9 A. -- transfer.

10 Q. Was there a pre-brief for the 2021 season?

11 A. Yes.

12 Q. Do you remember when that was?

13 A. No. I think March. A lot's happened.

14 Q. I'm assuming that it was not in-person, correct?

15 A. Correct.

16 Q. Okay. So it was some type of virtual meeting?

17 A. Correct.

18 Q. You may not remember when that was, but do you remember any
19 of the concerns that the operators voiced during that pre-brief?

20 A. No. I don't recall. My recollection is it was all
21 information from the presenters going out. There wasn't a lot of
22 discussion coming back.

23 Q. Do you recall any presentations concerning risks associated
24 with pilots who hadn't flown these these mountains in a year
25 during Covid?

1 A. I do not recall.

2 Q. Okay. I guess it's a proficiency issue, and I was just
3 curious if anybody brought that up?

4 A. I don't recall.

5 Q. Okay. Was that at any point in time one of your concerns,
6 about the proficiency of pilots coming back after being off?

7 MR. SMITH: Before you answer -- and again, I'm being
8 nitpicky, but the question -- I assume that she had concerns. The
9 way it was asked, if you'd just clarify if she does have concerns
10 or not?

11 MR. LAWRENCE: I'll be happy to do that.

12 MR. SMITH: If you'd -- yeah, thanks.

13 MR. LAWRENCE: Yeah.

14 MR. SMITH: I know it's a little --

15 BY MR. LAWRENCE:

16 Q. Did you, in your opinion, did you have any concerns with
17 these pilots coming back after a year of not having proficiency in
18 this type of mountain flying?

19 A. My concerns, which I had a discussion with the ops --
20 principal operations inspector for this area in June. My concerns
21 were with the carriers across the board with regard to findings I
22 was seeing and coming across during regular surveillance. While
23 small, I relayed that my concern was that was painting a picture
24 of them putting their excitement in being back to flying and
25 making money over being diligent in their processes and procedures

1 for operations, if that makes any sense?

2 Q. Um-hum.

3 A. So it wasn't necessarily with the pilots in particular. It
4 was with the carriers overall. And it wasn't just one. It was --
5 and I quantify that by consistent, small things that carriers of
6 this -- their experience and knowledge of operating in this area
7 and how long they've been certificated, should not have -- those
8 things should not have been happening.

9 MR. LAWRENCE: Okay. You're probably tired of listening to
10 me. I apologize for rambling a little bit.

11 MS. BOLER: You're fine.

12 MR. LAWRENCE: Let me go around the table, see if anybody has
13 any follow-ups.

14 Heidi?

15 BY MS. KEMNER:

16 Q. I have two questions. You were talking about the emergency
17 procedures on the day of the accident and that you were at the
18 carrier an hour after it happened and they were talking to a lot
19 of boats in the area. Did you hear about any SOS calls from this
20 airplane that the boats heard?

21 A. I recall there was confusion, and that was a big discussion.
22 So there was a report that one of -- that a boat had fielded or
23 heard a distress call. But the confusion was whether that was
24 just the pan-pan that came out from the Coast Guard when they
25 picked up the ELT or if it was actually a boat heard a distress

1 call from the actual aircraft. And when I left there that
2 afternoon after they found the aircraft, they still had not
3 clarified that.

4 Q. Okay.

5 A. So I don't know what the result was of that.

6 Q. Okay. That's really helpful. Thank you.

7 And then the second line was, did this airplane, 1249-Kilo,
8 fly at all this season prior to this? Prior to the accident from
9 the previous aircraft.

10 A. I believe it did. Sometime between whenever it came out of
11 maintenance -- so the last time I saw it was in the maintenance
12 hangar disassembled for maintenance. But I did, I actually did
13 see pictures of it at the dock -- was it a day or two before that
14 accident. So somebody had taken pictures and posted it just
15 sitting at the airport dock.

16 Q. Okay.

17 A. You know, people --

18 Q. Yeah, it's a pretty plane, take a picture of it, too. But it
19 didn't fly before July 9th?

20 A. Not to my knowledge. Uh-uh.

21 Q. Okay.

22 MS. KEMNER: That's all I had.

23 MR. LAWRENCE: Tom?

24 BY MR. JACKY:

25 Q. So my side of it is airworthiness side, so I'm just going to

1 ask a question about the Beaver kind of general, in that do you
2 have concerns about the ongoing overall maintenance of that
3 airplane flying in this area? What are your concerns, if you have
4 any, from a maintenance side?

5 A. I don't have any concerns with the maintenance of the
6 aircraft or the people that are -- that have to maintain it. With
7 regard to inspections being done at the appropriate times, the
8 major units being overhauled, major appliances and the engine and
9 the prop or governor being overhauled at appropriate times,
10 accomplishments of airworthiness directives, I've not seen any
11 significant issues with tracking any of that, accomplishing any of
12 those inspections. No significant findings of airworthiness on
13 any of the ramp inspections as well.

14 The only maintenance concern, and it really wasn't with the
15 aircraft, that came up -- it was before the accident. I don't --
16 it was before the accident on July 9th, but I don't recall the
17 time frame, is they were having problems with the preflight unit
18 installed, and I think it was on that aircraft. Anyway, I had a
19 couple of discussions with the director of maintenance over the
20 ADS-B unit failing, not working properly, failing altogether. I
21 can't remember the exact time frame, but it was early this summer.
22 But aircraft wise, I haven't seen anything of concern that way.

23 Q. And just to clarify, that was 1249-Kilo that they had the
24 preflight concern?

25 A. I would have to look back at my notes. I can't be positive

1 if it was that aircraft or the one that was in the accident on the
2 9th. I can't remember.

3 Q. Okay.

4 A. I do know that I did relay that concern to our aircraft
5 certification office down in Texas, because we had -- I had
6 established communication with them a year or two ago on preflight
7 units that were failing and figured that they would want to know
8 current failures as well. So I did forward that information to
9 them so that they could be aware. I know that the units have to
10 go back to the manufacturer for repair, is what I was told. So I
11 thought maybe they could actually follow up with the manufacturer
12 and find out what's going on. But I honestly, I can't remember
13 which aircraft it was.

14 Q. Okay.

15 A. They only have two, but --

16 Q. And would that sort of information, the relay to the
17 manufacturer, would that be in the DCT information? Would that
18 show up there if that was an ongoing concern or it happened
19 multiple times? With any operator, not necessarily this --

20 A. It probably would have been an activity, which is essentially
21 the new PTRS, not the old in SAF. I wouldn't necessarily have put
22 it on a DCT unless I was actually doing a DCT at the time.

23 MR. JACKY: Okay. Those are my questions.

24 MR. LAWRENCE: Matt? Dave?

25 MR. SMITH: I do not. Thanks.

1 MR. KEENAN: Yeah. I just have a couple follow-ups real
2 quick, briefly.

3 BY MR. KEENAN:

4 Q. Talking about the Ketchikan commercial users LOA -- this is
5 in your opinion as somebody who's out here amongst these people.
6 Is it working?

7 A. No.

8 Q. Tell me about that.

9 A. I don't believe so because we have been informed when we've
10 asked them -- I'll give you an example. The revision that was
11 done in 2019 following the midair, my understanding was it removed
12 the fixed-wing aircraft from the Ketchikan lakes area which is
13 covered in the LOA. So that left the Ketchikan lakes area for
14 helicopter traffic and the fixed-wing outside of that, which is a
15 good thing. However, that summer -- don't remember the time
16 frame -- I was monitoring radio frequencies for traffic and noted
17 there was a fixed-wing back in the Ketchikan lakes area. So I
18 contacted the operator of the aircraft when they returned to their
19 base and asked them why they were in there because the LOA
20 specifically said no. And they said, well, the LOA is only
21 voluntary. There you go. That's why I say that.

22 Q. That's one instance, and I agree with you. But would -- are
23 you aware of any other instances, either, you know, direct
24 knowledge or third party that people are maybe not complying? I
25 don't want to say comply; it's voluntary. I get that. But they

1 are not following the guidance from the LOA?

2 A. You know, because it really doesn't have anything to do with
3 maintenance, I can't really tell you.

4 Q. Okay. Fair enough. And last question, you are down here
5 talking to these people quite often. You live here amongst them.
6 You're knowledgeable about what they do. I don't want you to
7 speak for the FAA, but I'm wondering, based on your experience
8 with these people, what is it that can be provided to them,
9 whether the FAA, NTSB, whatever government agency, what is it we
10 can provide them to make this area safer for passengers flying on
11 these commercial sightseeing?

12 A. So 2 years ago, myself and the other POI at the time,
13 submitted a safety recommendation with regard to the Misty Fjords
14 area. I'm trying to recall what -- because it was mostly
15 operations but we did it together, what we recommended needed to
16 happen. And I believe part of it is mandating ADS-B in and out
17 for anybody operating back there. I can't remember.

18 Q. That's okay.

19 A. Yeah.

20 Q. There was internally a recommendation within the FAA as far
21 as ADS-B and maybe something else -- we can ask Jon about it. He
22 may not have been the POI at the time.

23 A. I think our recommendation was that if they wanted to fly
24 back there they would -- we would -- we recommended that they
25 develop an OpSpec similar to the OpSpec that they get in Hawaii

1 for their -- I realize it's different with regard to a national
2 park. And I'm speaking generally because, like I said, this is
3 kind of outside maintenance. But to have more control and
4 oversight over the types of operations and what they do and they
5 routes they take, tied to a contract with the FAA and OpSpecs. I
6 don't recall the rest of the safety recommendations.

7 Q. And I lied to you, I've got one more question. I just
8 thought of this. 1249-Kilo, did it have ADS-B in and out?

9 A. I can't recall. I'd have to look.

10 Q. Okay.

11 A. I look at a lot of airplanes and, you know, and they change
12 equipment.

13 Q. Yeah.

14 A. Upgrade it, whatever. So I'd have to look.

15 Q. Okay.

16 MR. LAWRENCE: Anybody have any other questions?

17 Great. I can't tell you how much I appreciate your time.
18 Thanks for spending it with us and helping us out. I offer this
19 to anybody I talk to. A lot of times after we talk, you know, you
20 metabolize what we go over and stuff and after a day or two
21 sometimes you kind of have that ceiling stare, saying, oh, I just
22 thought of something, you know, I want to clarify it. I want to
23 offer to you that you can hold of us anytime. I mean, obviously
24 run it through Matt stuff and get ahold of us if there's any
25 additional information that you have.

1 Do you have any questions for me?

2 MS. BOLER: No, I don't think so.

3 MR. LAWRENCE: Okay. Thank you so much.

4 (Whereupon, the interview 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: N1249K DE HAVILLAND FATALITY
 IN KETCHIKAN, ALASKA
 ON AUGUST 5, 2021
 Interview of Jana Boler

ACCIDENT NO.: ANC21FA069

PLACE: Ketchikan, Alaska

DATE: August 10, 2021

was held according to the record, and that this is the original,
complete, true and accurate transcript which has been transcribed
to the best of my skill and ability.



Kay Maurer
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of: *

*

N1249K DE HAVILLAND FATALITY *

IN KETCHIKAN, ALASKA, *

Accident No.: ANC21FA069

ON AUGUST 5, 2021 *

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Interview of: JON PERCY, Principal Operations Inspector
Federal Aviation Administration

Ketchikan, Alaska

Tuesday,
August 10, 2021

APPEARANCES:

DAVID LAWRENCE, Senior Aviation Accident Investigator
National Transportation Safety Board

HEIDI KEMNER, Investigator in Charge
National Transportation Safety Board

TOM JACKY, Aerospace Engineer (Systems)
National Transportation Safety Board

DAVID KEENAN, Aviation Safety Inspector
Federal Aviation Administration

MATTHEW SMITH, Attorney
Federal Aviation Administration
(On behalf of Mr. Percy)

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I N T E R V I E W

(10:45 a.m. ADT)

MR. LAWRENCE: Well, then let's get started.

My name is David Lawrence with the NTSB, and we're here investigating the August 5th accident involving 1249-Kilo. It's a normal process, Jon, to talk to the principals. You've been through this before, so this is just a regular part of the process, investigative process.

I know you guys have a very close community around here, particularly with Lana and such, and on behalf of myself, the NTSB, and everybody with the investigation, we offer our condolences for the loss to this community. Obviously our role, as you know, is to try and find out what happened so we can prevent it again. So hopefully talking with you gets us a little bit more closer to that step.

What I'll do now is go around the room and let everybody that's here introduce themselves with their affiliation.

MS. KEMNER: I'm Heidi Kemner, and I am IIC for this accident, and I am an air safety investigator with the NTSB.

MR. KEENAN: Dave Keenan. I'm an air safety investigator with the Office of Accident Investigation out of headquarters.

MR. JACKY: I'm Tom Jacky. I'm an aerospace engineer with the NTSB, and I'm the airworthiness chair for this investigation.

MR. SMITH: And I'm Matt Smith the with the FAA's Office of the Chief Counsel, and I'll be representing Jon this morning.

1 MR. LAWRENCE: And speaking of Matt, 49 831.7 says you can
2 have a representative if that's who you want. Is Matt who you
3 want?

4 MR. PERCY: Matt is who I want.

5 MR. LAWRENCE: Great. And per prior conversations, we're
6 going to tape record this for transcription later, if that's okay
7 with you?

8 MR. PERCY: That is okay with me.

9 MR. LAWRENCE: Okay. Great.

10 So let's do some of the preflight stuff. I'm going to start
11 asking some questions, just, you know, general questions, and
12 we'll kind of talk about the investigation, some of the oversight
13 roles that you had on here. Then I'll give the other -- team an
14 opportunity to maybe ask a few questions as well.

15 I will be typing this even though we're going to be
16 transcribing this, just for myself. I apologize because I type
17 like this. I'm old school. So if I type slow and I'm not making
18 eye contact, please don't read anything into that.

19 If I ask a question that you don't know the answer to, "I
20 don't know" is a perfectly acceptable answer, okay? That's fine.
21 And if I do ask a question that you're not sure about, ask me to
22 clarify it. I may ask something outside my realm and then you're
23 not sure what it is, so please stop me and say, "What do you
24 mean?" Okay?

25 MR. PERCY: Okay.

1 MR. LAWRENCE: All right. Do you have any questions about
2 the process?

3 MR. PERCY: I do not.

4 MR. LAWRENCE: Okay. Perfect.

5 INTERVIEW OF JON PERCY

6 BY MR. LAWRENCE:

7 Q. Let's start with the underhanded lob questions, and let's get
8 your name and -- full name and age.

9 A. It's Jonathan David Percy, 51.

10 Q. I like the David.

11 A. Sorry, 50; 51 in September. Jumped the gun a little bit.

12 Q. Do you want me to call you Jonathan, Jon?

13 A. Jon is fine.

14 Q. Jon? That would be J-o-n?

15 A. J-o-n.

16 Q. I've seen that before. Okay, J-o-n. Perfect.

17 And, I'm sorry, your age?

18 A. It's 50.

19 Q. Great. And what is your title with the FAA?

20 A. Principal operations inspector.

21 Q. And just for the record, are you the POI for Southeast
22 Aviation?

23 A. I am.

24 Q. Just general roles and responsibilities as a POI?

25 A. The roles and responsibilities basically fall into several

1 categories, which would be certification, surveillance,
2 enforcement, investigations, and safety promotion.

3 Q. Okay. And if you could give me just a kind of Cliff Notes
4 version of your background, what led you to the FAA here?

5 A. I flew -- after finishing up grad school, I took flying
6 lessons in Alaska, Anchorage. I pursued a flight instructor
7 certificate. I instructed for approximately 1200 hours, and then
8 I accepted a job with Wings of Alaska in Juneau, and then worked
9 for both Wings Airways and Wings of Alaska till approximately
10 October of 2007. I think I started with them in 2000 or 2001. I
11 instructed from about '97 to that time.

12 Q. And then when did you come on with the FAA?

13 A. When I finished with Wings of Alaska and Wings Airways in
14 October of 2007.

15 Q. Okay. Curious. What did you fly with Wings?

16 A. I flew on the De Havillands, both Otters, Beavers, and
17 Caravans, 206, 207.

18 Q. Good airplane, 206. It's a flying gas can.

19 Are you current in any aircraft right now?

20 A. I'm only current in floats right now.

21 Q. Which float?

22 A. Not according -- I'm not -- as far as the FAA is concerned,
23 I'm not. I have to still go to formal flight training. That's
24 next week.

25 Q. Okay.

1 A. It kind of lapsed with Covid, and I took a different job for
2 a while and I wasn't in the flight program until again just
3 recently.

4 Q. Yeah, I was just curious if you had 90-day currency on
5 anything.

6 A. Yeah, on the floatplanes. On floatplanes, I do, yeah.

7 Q. Just the floats. Beavers? Otters?

8 A. It's just category class, but it was in a 170.

9 Q. Okay. If you could kind of give me an overview of the
10 organizational structure at the FSDO where you work? How is that
11 structured from a management and inspector staffing?

12 A. We have an office manager. We have two frontline
13 supervisors. We have -- and then we have inspectors under the
14 supervisors.

15 Q. Do you have any designees under you that's for ops?

16 A. No.

17 Q. Okay. And how many certificates do you currently manage?

18 A. I currently manage approximately 20 135 certificates.

19 Q. Twenty-one [sic] part 135 certificates?

20 A. Yeah.

21 Q. Okay. Are those primarily here in the Ketchikan area?

22 A. Yeah, Ketchikan and some in Juneau and Petersburg, Wrangell,
23 but mostly southeast.

24 Q. How many are down here that you're POI in the Ketchikan area?
25 Just a guess.

1 A. All of them. So however many that is, maybe --

2 Q. A dozen? Twenty?

3 A. Probably a dozen.

4 Q. Okay. About a dozen? All right.

5 So you got a dozen down here, you have 21 part 135
6 certificates overall. How would you characterize your workload?

7 A. My workload is -- it's a lot. It's heavy, I suppose is the
8 appropriate term.

9 Q. Manageable, in your opinion?

10 A. If there weren't any of the other elements of the job that
11 came up, it would be manageable, but we have accidents and pilot
12 deviations in addition to managing the certificates.

13 Q. Yeah. Are there no other ASIs in the FSDO in Juneau that can
14 offload to handle deviations and things like that?

15 A. As far as operations are, we have one inspector who is also
16 in town who I'm training. He's brand new. And then we have Matt
17 Dahl in the Kenai Peninsula, and we have another inspector that's
18 coming on who I think you've all just met, and he's going to be
19 working with us, too, but -- I know Alissa is over in Rhode Island
20 right now.

21 Q. Okay. In Rhode Island?

22 A. Yeah. Since Covid, she hasn't come back yet.

23 Q. Okay. You're getting a good guy, by the way, up here.

24 A. Oh, good.

25 Q. Working with us.

1 So kind of just tell me about Southeast Aviation. What do
2 you know about them?

3 A. I've known -- you know, since I -- they were established
4 before I got in with the FAA and, you know, I've always felt that
5 they had a positive safety culture. In my experience working with
6 them as a POI previously, I never had any enforcements or negative
7 findings.

8 Q. When did they get their 135 certificate; do you recall?

9 A. I believe it was 2001.

10 Q. Would you generally characterize them as compliant with the
11 regulations?

12 A. Yes.

13 Q. Do they have, to your knowledge, an SMS program?

14 A. They do not.

15 Q. Okay. Do they have any kind of program or safety reporting
16 system that manages risk?

17 A. I don't believe so.

18 Q. Okay. Do they have flight data monitors on any of their
19 aircraft? Well, I guess there's really none now, but did they?

20 A. Like a black box, that kind of a thing? Like a flight --
21 none of the aircrafts, really, that I know of have flight data
22 recorder in Southeast Alaska, if that's what you're asking.

23 Q. Well, let me clarify. Flight data monitor like an
24 operational monitor. It could be anything, like an Appareo, a
25 tape recorder on the dash or some type of means to -- not a crash

1 resistant type of recorders. Something to record and maybe
2 download to monitor the operation or monitor pilot actions. It
3 doesn't have to be an FDR, but any type of recording device?

4 A. Aside from -- and I don't know what this aircraft had in it.
5 I've been -- was recently just back to a POI about a month ago.
6 But aside from the Chelten equipment, I don't know if there was
7 any other equipment on board that would monitor that.

8 Q. Okay. You said recently back here. So you were a POI for a
9 while, then you --

10 A. I took a FAAS team job in February of 2020. And Clark Miller
11 was the previous POI here. He left and I was requested to come
12 back as a POI.

13 Q. Okay. I know you said they had a good safety culture. Can
14 you kind of elaborate what you mean by that?

15 A. Well, I've had many conversations with Jim Kosmos, the owner.
16 I've felt he was sincere in his views on safety and that he didn't
17 pressure pilots, and that flying safely and operating safely was
18 paramount.

19 Q. Can you -- how can you characterize their safety record?

20 A. Aside from no enforcements and being compliant, that's about
21 the extent. I don't have any enforcements. They're a compliant
22 operator. I haven't been made aware of any other occasions where
23 they're flying unsafe and out of compliance.

24 Q. Okay. We'll touch on the July 9th accident in a few minutes,
25 but -- describe your communications and interactions with

1 Southeast Aviation, like who's your point of contact, how often
2 are you talking to these guys?

3 A. My point of contact is either the owner, Jim Kosmos, or the
4 DO, James Larson.

5 Q. How often are you interacting with these guys?

6 A. Probably at least once or twice a month, year round.

7 Q. Once or twice a month. And what would those interactions
8 entail?

9 A. Either my normal surveillance or just discussions about the
10 local area, best practices and safety.

11 Q. I'm curious what -- what would be examples of best practices
12 that you would share with them?

13 A. Well, it's not best practices that I would share with them.
14 It's just how they operate and how they're -- he would explain to
15 me that he would tell his pilots that he manages the money and he
16 manages safety, and not to worry about it. Don't be in a rush and
17 take your time, and operating on the tours in a safe manner. I
18 don't share best practices with him, but they will comment as --
19 we have, as you know, the safety meetings that we'll discuss
20 things like that and TAPA meetings they have.

21 Q. Right. And when you're talking about ramp inspections, maybe
22 base inspections, some of the surveillance activities that's
23 within your responsibility, how many of those inspections, rather
24 than just conversations, but actually workplan surveillance
25 activities, do you do with Southeast?

1 A. Well, I've only been back a month, so I haven't done any.

2 Q. Okay. Just because it's so recent. But when you do general,
3 not just Southeast, how many surveillance activities that are part
4 of DCTs that are part of your workplan do you do, in general, for
5 any of them?

6 A. For the fiscal year? I'm not -- I guess I don't understand
7 your question.

8 Q. Yeah. Let me rephrase it. In general, for the typical
9 operator, how many times are you out there? For any typical
10 operator, how many times do you go per year to do a surveillance
11 activity on that certificate?

12 A. I'll try to see each operator in Ketchikan at least once or
13 twice a month, ideally twice a month and once a month if I get
14 pulled somewhere else. That's in the summertime. In the
15 wintertime maybe --

16 Q. Less?

17 A. Less.

18 Q. Yeah. Do you come out here and do that?

19 A. Um-hum.

20 Q. So once or twice a month you're up here in --

21 A. Yeah.

22 Q. Okay. So let's talk about the day of the accident. I'm
23 curious, how did you learn about this particular accident, not the
24 July 9th, but this accident on the 5th, and what was your
25 response?

1 A. Jim Kosmos called me roughly around 11 o'clock, I believe,
2 and told me that they had a missing aircraft. My response was to
3 keep me informed. And I asked the details. He said he left at
4 approximately 9:39 and had a flight, I think, at 11:30 and he
5 was -- hadn't reported back yet but they had an ELT and they're
6 looking into it.

7 Q. He said they had a flight at 11:30 -- he had another flight?

8 A. I think he said, yeah, he had a flight at 11:30.

9 Q. Did he say where that was going?

10 A. Uh-uh.

11 Q. And that they -- he had notified you there was an ELT?

12 A. Um-hum.

13 Q. Yes? That's yes?

14 A. Yes.

15 Q. Okay.

16 A. Sorry. I know that doesn't translate well on the --

17 Q. Yeah. And you just told him to keep you informed; is that
18 correct?

19 A. Yes.

20 Q. Did you go over to their offices at all?

21 A. No.

22 Q. You weren't up here --

23 A. No.

24 Q. -- at the time? You were still in Juneau?

25 A. Correct.

1 Q. I should have asked that.

2 A. And then I informed Lana, and I think Lana went over to the
3 office for the rest of the day.

4 Q. Right. Have you had a chance to review the pilot's records?

5 A. I haven't yet.

6 Q. And why not yet?

7 A. Since the accident?

8 Q. Yeah.

9 A. Lana said she had seen it and she had reviewed it the first
10 time. But the accident was Thursday. I'm here today.

11 Q. Yeah. Okay. Did you know Rolf, the accident pilot?

12 A. I did.

13 Q. Can you briefly tell me about him, what you knew?

14 A. Nothing that -- other than that he worked for Southeast
15 Aviation. I don't know anything about him on a personal level.

16 Q. Right. As a pilot, can you tell me what -- anything about
17 him? Did you do any ramp inspections or --

18 A. I've done en route inspections with him back in, I think,
19 2015 was the last one that was with him specifically. That was
20 satisfactory.

21 Q. What was the nature of that en route inspection back in 2015?
22 Was he -- who was he working for when you did that?

23 A. I believe it was Southeast Aviation. I'd have to review my
24 records. The pilots here work for several companies at a time.

25 Q. Yeah. Did anything trigger you going up and doing the en

1 route?

2 A. No. Well, the NTSB recommendation to do air tour en routes.
3 So we do multiple air tour en routes a year.

4 Q. How many would you do a year? Or how many do you do a year?

5 A. At least five or six. I try to do one with every operator at
6 least once. It could be more.

7 Q. Yeah. And what do you do? Just sit in the back and observe?

8 A. No. I usually -- I'll try to sit in the front, if I can.
9 And if not, then I'll sit in a position where I can see the
10 instrument panel.

11 Q. Um-hum. And I know it's a long time ago, 2015, but do you
12 recall anything about Rolf's piloting skills or --

13 A. No. The result of the surveillance was satisfactory, meaning
14 that everything was in compliance.

15 Q. Right. Okay. Did you ever give Rolf a check ride, flying
16 check or -- you already an inspection, but anything else other
17 than the en route?

18 A. Not that I recall.

19 Q. Okay. Let's talk about the July 9th accident that he had.
20 Are you aware of that?

21 A. Yes.

22 Q. Okay. And what was your involvement from the FAA side for
23 that July 9th accident?

24 A. Just being made aware of the developments as they progressed
25 through Lana, who was assigned to that accident.

1 Q. Were there any actions that the FAA did take or intended to
2 take on the pilot or the operator?

3 A. From what I understand, yes.

4 Q. Okay. What is it that you understand those actions were
5 going to be?

6 A. I believe that Lana had an open investigation and had mailed
7 a letter of investigation to the pilot.

8 Q. Were you linked in on the LOI? I mean, does she -- as the
9 other principal on the certificate?

10 A. I didn't see the LOI.

11 Q. Okay. I was just curious. After the July 9th accident, from
12 an operational standpoint, was there any increased surveillance
13 activity, any additional DCTs that were applied to Southeast as a
14 result of the accident?

15 A. The DCTs that I had, it looks like were still open. So the
16 DCTs that I have would still be applicable. Clarke, the previous
17 POI, doesn't appear to have done that work. I don't know what
18 Lana added. And I didn't know -- I mean, we knew that Rolf -- it
19 was determined that Rolf had acted, allegedly, in a careless
20 manner, but I didn't, again, see anything systemic with the
21 company.

22 Q. I didn't know if there was any, in the FAA, an automatic
23 trigger based on an accident or a defined accident, that
24 automatically triggers some type of additional surveillance. I
25 know you had open DCTs, but was there anything additional to pile

1 on, so to speak?

2 A. I don't believe so. And if there's been updates to the
3 system where it does that, I'm unaware of it. I haven't been
4 working with that system for nearly 2 years.

5 Q. I know the LOI is, you know, still open and any enforcement
6 actions, but have you, as a POI, made any recommendations to
7 Southeast Aviation as a result of that accident? Whether formal
8 or informal.

9 A. Well, we discussed the accident, Jim Kosmos and I, and tried
10 to determine why Rolf thought he might have been in a hurry. And
11 Jim Kosmos couldn't come up with a reason because he says the same
12 thing he tells me before, that he tells him not to worry about
13 that, just worry about flying safe and don't worry about the
14 finances and the schedule.

15 Q. Do you know if Southeast made any changes since that July 9th
16 accident?

17 A. I'm unaware of any changes that they made.

18 Q. Either procedural or policy wise or anything like that,
19 you're not aware of any changes?

20 A. Uh-uh.

21 Q. Okay. Were you aware that 1249-Kilo, the accident airplane,
22 had an expired registration that expired June 30th, was operated
23 for almost a month with paying passengers without a registration?
24 Were you aware?

25 A. I was not aware.

1 Q. Okay. You were not aware until I just told you or --

2 A. That is correct. This is the first I've heard of that.

3 Q. I'm curious why a principal would not have that information
4 provided to them internally to the FAA? Is there a mechanism
5 within the registration department, and I don't know what it is,
6 with the FAA, that they would automatically notify a principal if
7 one of the airplanes that are on a certificate that you're
8 overseeing is -- got an expired registration?

9 A. We'll often get notification of insurance, when it's due or
10 expired, but I haven't ever remembered seeing any notification of
11 expired registration as a POI. Possibly it would go to the PMI
12 and not me. I'm not sure.

13 Q. Okay. Whose responsibility on a preflight is it to ensure
14 that the registration's on board and current?

15 A. The pilot.

16 Q. Right. So I guess wouldn't you have some -- wouldn't it be
17 beneficial for the POI to have the knowledge?

18 A. Certainly.

19 Q. If you had that knowledge that the registration was expired,
20 what would you in general do? Not just for this particular case,
21 but what would you do if you had knowledge that one of your
22 certificate carriers or operators had an expired registration?

23 A. Well, obviously, we'd bring it to the attention of the
24 operator, if they were unaware, and then start the compliance
25 program process.

1 Q. This is kind of an offbeat question, but let me ask you --
2 they only have one airplane on the certificate, which is 49-Kilo,
3 and the registration on it was expired. And so during the course
4 of the month, what is the status of their part 135 certificate if
5 they don't have an airplane that's legal on there?

6 A. If they don't have -- well, if they don't have an aircraft on
7 D85, then -- they have to have exclusive use of an aircraft.

8 Q. Right.

9 A. You can also have exclusive use of an aircraft that's not
10 typically airworthy if it's in extended storage. But I -- with
11 the expired registration, they should -- that seems like something
12 that could be handled relatively quickly, and seems like had they
13 known that it was expired or we knew that it was expired, we would
14 have pursued an immediate remedy.

15 Q. Right. But they'd have to have at least one on a D85, right?

16 A. Yes.

17 Q. Tell me about your recollection of the Capstone project when
18 it was funded and operational down here and such. Can you kind of
19 just give me your thoughts or your recollection of the Capstone
20 and its impact on these operators in Ketchikan?

21 A. I'm trying to understand your question. What benefits did it
22 have? What shortcomings? What --

23 Q. Yeah. Yeah, exactly. What benefits and what shortcomings
24 were there when the Capstone project was operational and
25 affecting -- and these guys were using it down here?

1 A. Well, when it initially started, I feel like it was, and
2 still do, that it's a great tool for situational awareness. I
3 know there were operational issues or equipment issues that were
4 manifesting initially, and there was -- over the years, I felt
5 that they had done a pretty good job at fixing those. But I feel
6 that any addition to situational awareness is positive.

7 Q. In your dealings with the operators down here, how receptive
8 were they of the Capstone?

9 A. I believe everybody was highly receptive and I can't -- I
10 think most aircraft were -- took advantage of that voluntary
11 program and had it installed.

12 Q. Right. Any concerns on your part as this -- that program and
13 the equipment begins to age in these older airplanes?

14 A. I'm hearing more and more reports about the equipment
15 starting to give them more difficulty and then the availability
16 for replacing the original equipment is getting much more
17 difficult and that it would be helpful to have maybe another
18 program like that or to have other equipment that would be
19 equivalent, or find an equivalent addition to situational
20 awareness that they were getting from the Capstone.

21 Q. It seems to me, and I'm not a mountain flyer, like maybe
22 you -- more your experience, but is there any requirement for CFIT
23 or inadvertent IMC training for part 135 operators?

24 A. Yes.

25 Q. Can you explain it?

1 A. Well, the inadvertent IMC is in the training and part of
2 every check ride that -- just what procedure are they going to
3 follow if they enter inadvertent IMC. If they're IFR certified
4 and equipped and they're able -- mountain flying is not an option
5 around here, suddenly pick up an IFR clearance. But the only
6 option they have here is to turn around, 180 degrees, and
7 hopefully get back into VFR conditions, or land straight ahead if
8 they're in that condition as well.

9 Q. What about CFIT training?

10 A. The CFIT training, they have -- they're using the cue-based
11 training, was part of every year tour for a while. And the CFIT
12 training, controlled flight into terrain, is the same thing. The
13 inadvertent IMC, or if we're -- one of the things that we'll see
14 in training programs and test for is, you know, 180-degree weather
15 turns and recognizing deteriorating weather and which directions
16 are you going to turn if you need to get back, if you still have
17 shoreline, that kind of stuff.

18 Q. Is that a requirement for 135?

19 A. CFIT training is a requirement of 135? I know we require the
20 cue-based training, but I don't know if CFIT is specifically
21 addressed.

22 Q. Based on your experience out here, do you think that -- or do
23 you believe that improved ADS-B coverage would be a benefit to the
24 commercial sightseeing tours out of Ketchikan?

25 A. From my understanding in speaking to Jimmy Wright or James

1 Wright, that the aircraft will continue to communicate with each
2 other. So I know that back in that midair is maybe what we're
3 getting at here, is that he was certain that the aircraft had the
4 ability to communicate with each other, but the ability to -- per
5 the operator, is to see the aircraft on their software systems, is
6 what's lacking. So I don't know -- I mean most everybody seems to
7 use Spidertracks, right now anyway, and I think that gives them
8 pretty solid coverage.

9 Q. Well, is Spidertracks a tool that the pilot uses in the
10 airplane to avoid turning?

11 A. No.

12 Q. So what tools do they use out here to not hit a mountain?

13 A. Well, ideally their eyes.

14 Q. Yeah. What other tools, though, besides the see and avoid?

15 A. The tools that we have, and if it's a turbine, I guess we
16 have the terrain awareness.

17 Q. Um-hum.

18 A. And then we have the equipment like Chelten and Garmin that
19 give you topography and altitudes. But I mean all the flying that
20 they're doing out here is supposed to be VFR and you have to have
21 your visibility and your ceiling requirements. And the addition
22 of situational awareness tools, equipment is beneficial but, in my
23 eyes, superfluous because they shouldn't get themselves typically
24 into a situation like that, and it's difficult to understand how
25 it keeps happening.

1 Q. Do you recall the Medallion program?

2 A. Yes.

3 Q. And, you know, tell me about that and what benefits or lack
4 of benefits were --

5 A. I think initially they had a lot of growing pains. When I
6 was in industry, I think the intent was positive, but they, like
7 everyone else, was lacking resources to effectively monitor or
8 effectively run the program. I think over the years they got
9 better and I think at the very least it helped build, again, a
10 positive safety culture and at least bring the discussions to the
11 table and get people talking about risk management and maintenance
12 and other things such as the cue-based training.

13 Q. This is just your opinion, but have you seen any noticeable
14 difference in safety since the funding went out on Capstone and
15 Medallion?

16 A. Well, we had an increase in accidents, but I can't say that I
17 would be able to positively correlate that with the Medallion
18 losing funding.

19 Q. Right. Or Capstone and --

20 A. Capstone.

21 Q. Yeah. Okay. I'm going to ask you a little bit about the --
22 I kind of going all over, but I'm almost done. Thanks, Jon. The
23 Ketchikan users, the commercial users letter of agreement.

24 A. Um-hum.

25 Q. Okay. Can you tell me -- explain a little bit about that or

1 talk a little bit about that?

2 A. A letter of agreement is a document signed by all the
3 operators, where they'll volunteer to follow the recommendations
4 of the LOA or the basis of the LOA that prescribe routes, the
5 altitudes and the frequencies. It identifies the choke points
6 and -- pretty much that's the extent of that.

7 Q. Okay. What's the FAA involvement in that?

8 A. It's just to encourage operator development and improvement
9 of the LOA. We don't have a hand in writing the LOA.

10 Q. But you encourage --

11 A. Absolutely, all the operators to participate and be
12 signatories to the LOA.

13 Q. Does the FAA participate in any of the meetings for the LOA
14 group?

15 A. Not unless they're brought up in the safety meetings. The
16 meetings that they have -- in the FAA-sponsored preseason meetings
17 and postseason meetings, it's usually brought up, but we don't go
18 to the TAPA meetings, or they also have a operator-only meeting
19 prior to the preseason meetings usually.

20 Q. Right. So let me characterize. So the LOA meetings are
21 centric to the operators and they participate in that, and you
22 have an encouragement function. You don't -- aren't part of the
23 LOA meetings. But the preseason and the postseason briefings are
24 different, correct?

25 A. Right.

1 Q. Tell me about the preseason meetings and postseason meetings,
2 knowing that last year was a little bit different.

3 A. Well, we usually -- it started off much different, where it
4 was a little less formal and we would get together and we would
5 discuss things that we had seen. We've asked if anybody -- any of
6 the operators have identified any safety risks. We would discuss
7 things that we had seen in our surveillance and all work together
8 and try to figure out the best way to mitigate the risks that were
9 identified. Later, we started adding guest speakers and it
10 became, you know, much more structured and formal. And then we'll
11 try to bring in speakers that have knowledge about the FAA weather
12 cams or the NTSB is usually a party to these. We also have ADS-B
13 discussions. It just changes every year usually.

14 Q. This year was there a pre-brief before season?

15 A. The preseason meeting?

16 Q. Yes.

17 A. In May.

18 Q. And can you tell me what was discussed? I'm assuming it was
19 virtual?

20 A. Yes.

21 Q. Okay. Can you tell me what was discussed at that meeting?

22 A. We had discussed ADS-B, human factors, the weather cams,
23 and -- I'd have to look at the agenda.

24 Q. Yeah. Just generally.

25 A. But we can get that for you.

1 MR. LAWRENCE: Yeah, if we could, Dave, that would be like
2 deliverable. We'd like to just get the agenda on that.

3 BY MR. LAWRENCE:

4 Q. I'm curious. Was there any discussion of the fact that there
5 hadn't been a lot of flying, and I guess I'm leaning towards --
6 the question's a proficiency question. Nobody's been out there
7 doing a lot of work. Was there any discussion of lack of
8 proficiency in flying these hills and mountains?

9 A. Well, most of the pilots that were still around were not
10 seasonal pilots. They were locals, long-time residents, right,
11 when it was -- because they didn't bring back the seasonal
12 employees. So we have a lot of experienced pilots, I guess, with
13 Southeast Alaska. But there is talked about, you know, and our
14 concern was to jump into tours when you haven't been doing them
15 for 2 years. But the pilots that were operating them, Rolf
16 included, has flown hundreds probably.

17 Q. And you bring up a good point as far as the pilots. I wanted
18 to ask you about this. I'm kind of learning that a lot of these
19 pilots, the inventory is not really great, where there are pilots
20 that really are operating or flying for multiple different
21 operators. And you also have some that are director of operations
22 for one and could be a director of operations for another. I know
23 the director of maintenance is like director of maintenance for
24 almost all of them. Is there a concern on your part that you have
25 pilots flying out there with different operators who may be using

1 different SOPs or procedures?

2 A. In Southeast Alaska here, I don't believe there's enough
3 variation in the way that the operators operate that it would be a
4 negative transfer.

5 Q. And what do you base that on?

6 A. Well, it's the equipment that they're flying with, and I've
7 been the POI for them and watched every operator operate and at
8 some point or another reviewed all their training programs and
9 GOMs, and they're all very similar.

10 MR. LAWRENCE: Okay. You're getting tired of hearing from
11 me, Jon, so let me ask Heidi if she would like to follow up with
12 anything?

13 MS. KEMNER: No. No. It's great.

14 MR. LAWRENCE: Tom?

15 BY MR. JACKY:

16 Q. So I'm the airplane side guy. I'm not really in operations,
17 so forgive me if I'm -- I don't get this right. But you mentioned
18 they have equipment -- some operators may have equipment that
19 gives them situational awareness. Is that strictly terrain or is
20 there an option to do, say, weather conditions or anything like
21 that?

22 A. Aside from what is already available in the Chelten, and I
23 don't know when some of the other -- what Garmin has available to
24 them. I'm not as familiar. But I don't believe that the weather
25 that they would be getting on those systems would be accurate for

1 the Misty Fjords, even if there's no -- I don't think -- I think
2 there's very little radar coverage back there and zero reporting
3 point -- I mean zero weather reporting stations back there, or at
4 least minimal. So -- but I don't know -- I don't believe they
5 have -- most operators have the ability to pull up weather in the
6 Misty Fjords.

7 MR. JACKY: I think that's it.

8 BY MR. LAWRENCE:

9 Q. I just have one quick follow-up, Jon. Lana had mentioned to
10 us about some internal recommendations that were made for
11 improving safety in Ketchikan. I think they were the -- I can't
12 remember what the name she said, the Ketchikan safety
13 recommendations that came basically from the operations and
14 maintenance side and it went internal to the FAA. Can you talk to
15 anything about that?

16 A. I don't know what she's referring to.

17 Q. And it may have been a time when you were out of the -- you
18 know, you weren't here and you just came back in. I just didn't
19 know if you were aware of any internal recommendations for
20 improved safety in Ketchikan.

21 A. We had a -- and she might be referring to, and I'm just
22 guessing that this is what she's talking about, is the midair --
23 the Ketchikan midair workgroup that dealt with the factors
24 involved with the recent midair here and discussing the various
25 issues that came out of that and how to fix it and what are some

1 recommendations to improve the safety on the aircraft.

2 Q. You don't have to recite them, but I'm just kind of curious.
3 In general, what were those kind of recommendations? What were
4 they leaning toward?

5 A. Well, a lot of it had to do with ADS-B, survival equipment.
6 There were recommendations to encourage the operators to improve
7 on the letter of agreement, the routes. And I think there was
8 around 12, but I can't remember all of them.

9 Q. Do you think that letter of agreement -- this is just your
10 opinion, is it working?

11 A. Well, with hindsight, I would have to say no.

12 Q. What makes you say no?

13 A. Because we're having accidents. And I'm not sure that the
14 letter of agreement is being followed in every case, as it's not
15 regulatory. So, you know, we encourage it and it works if
16 everybody follows it, but if not everybody's following it, then
17 it's valueless.

18 Q. Yeah.

19 MR. LAWRENCE: Does anybody have any more questions for Jon?

20 BY MS. KEMNER:

21 Q. Just an overview. I'm a new pilot in the area and I'm taking
22 a job with one of these companies, what's the training process to
23 get to know Misty Fjords? Because that's a lot of area and
24 territory back there, a lot of valleys and --

25 A. Well, my understanding is that area, you would go under your

1 initial training like you would with any other company, and then
2 you're going to do familiarization flights back in the Mistys, and
3 you're going to learn it that way.

4 Q. Okay.

5 MR. LAWRENCE: Anybody else?

6 BY MR. LAWRENCE:

7 Q. Let me just -- I'm just wondering how to close and ask you a
8 very broad question. You have experience down here. You're a
9 Beaver and an Otter pilot and you've flown out here and you know
10 these people. I'm curious. In your opinion, not speaking for the
11 FAA, but just in your experience, what is it that needs to be done
12 or could be of benefit more immediate? What changes can we do,
13 maybe collaboratively between the FAA and the NTSB, what is it
14 that we can do? What tools can we provide to make this thing
15 safer so we can prevent these from happening again?

16 A. And I've been thinking about this nonstop from over all the
17 years. And one of the tools that helps and that they took away,
18 and I'm not sure why, was our unannounced surveillance. And that
19 I think, again, was a recommendation by the NTSB, and that's
20 having an inspector on a paid ticket fly without announcing --

21 Q. Like a ghost rider.

22 A. Exactly. And that was extremely effective. Because now, not
23 only do we have somebody on a flight -- that is always beneficial,
24 but the operators never know when it is. And so it kind of forces
25 them into integrity. And for some reason or another, it was

1 discontinued and we've constantly been trying to get that back in
2 place.

3 Q. That would have to be something that is provided to -- an
4 access to any ASI. Because I would imagine that you and Lana up
5 here --

6 A. It would (indiscernible).

7 Q. Right. Exactly. But any ASI that come up here. What is the
8 limitation from doing that?

9 A. Well, part of the limitation would be where they're sitting.
10 And again, as an inspector, we can't allow a regulation to be
11 violated knowingly. You know, so how do we stop the pilot is one
12 of the things we come up with if they're starting to proceed into
13 a situation that's unsafe? You know, how do we get the attention
14 of the pilot? There is some briefings and some discussions on
15 that. And I've been in them, too, where I was sitting directly
16 behind the pilot, I thought maybe -- this was not anyone -- this
17 wasn't in Ketchikan, but -- it appears that we might be trying to
18 go up through a pass that was, you know, in and out of obscurity.
19 And I was ready to tap him, but he made the right call before I
20 had to blow my cover, I guess is the term. But I felt it was
21 close.

22 But it was a good procedure and that would be the limitation,
23 and possibly that's one of the problems that made people think
24 about it, is that if they were going to fly into worsening
25 conditions, what position would that ASI be in to help, to stop

1 that?

2 Q. Intervene?

3 A. Right, to intervene.

4 Q. Right. Is there a funding limitation on something like that
5 as well?

6 A. There's a funding limitation on everything.

7 Q. Yeah. Exactly. Fascinating. Anything else that you can
8 think of?

9 A. Well, I think that, personally, in my opinion, is that the
10 LOI -- LOA is not working, like you said, and that we need to move
11 something more towards an SFAR that we have in other areas of the
12 country.

13 Q. Like Hawaii?

14 A. Um-hum. Or Grand Canyon.

15 Q. Right.

16 A. And I think it needs to be regulated.

17 Q. Excellent point.

18 MR. LAWRENCE: That's all I have, Jon. Do you have any
19 questions for me?

20 MR. PERCY: No.

21 MR. LAWRENCE: Thanks.

22 (Whereupon, the interview was concluded.)
23
24
25

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: N1249K DE HAVILLAND FATALITY
 IN KETCHIKAN, ALASKA
 ON AUGUST 5, 2021
 Interview of Jon Percy

ACCIDENT NO.: ANC21FA069

PLACE: Ketchikan, Alaska

DATE: August 10, 2021

was held according to the record, and that this is the original,
complete, true and accurate transcript which has been transcribed
to the best of my skill and ability.



Kay Maurer
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of: *

*

N1249K DE HAVILLAND FATALITY *

IN KETCHIKAN, ALASKA, *

Accident No.: ANC21FA069

ON AUGUST 5, 2021 *

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Interview of: MICHAEL RHOADS, Pilot
Southeast Airlines

Via telephone

Thursday,
August 19, 2021

APPEARANCES:

DAVID LAWRENCE, Investigator
National Transportation Safety Board

PAUL SUFFERN, Meteorologist Investigator
National Transportation Safety Board

TOM JOHNSON, Representative
Federal Aviation Administration

BRENT COLE, Representative
Southeast Airlines

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I N T E R V I E W

(9:00 a.m. ADT)

MR. LAWRENCE: My name is David Lawrence. I'm with the NTSB, and I'm in the process of investigating the accident on the 5th of August for 1249K.

On behalf of the investigative team and also all of NTSB, our condolences for your loss. I know he was a good patriot, and you knew Rolf. So we're sorry for that loss.

Let me just do some pre-flight stuff real quick and we'll get you on your way so you can go make some money. This is a very normal part of the process to talk to some of the pilots that had flown with the operator. So I don't want you thinking anything that we're looking for anything special.

MR. RHOADS: No problem. I've (indiscernible) this before.

MR. LAWRENCE: Okay. Good. That's really good.

So we've got several people on the phone, but beforehand, so that I don't have to type a bunch of notes and such, we're tape-recording this just for transcription later so that we can kind of get this over with really quick and get you on your way if that's okay.

MR. RHOADS: No problem, sir.

MR. LAWRENCE: Okay. Great, thanks.

I'm going to go around the room, let everybody introduce themselves and what their role is for the investigation.

Paul, I'll start with you.

1 MR. SUFFERN: Hi. Good morning, there. My name is Paul
2 Suffern. I'm a meteorologist investigator with the NTSB, and I'll
3 be helping out on (indiscernible) this case.

4 MR. LAWRENCE: Great. Thanks, Paul.
5 Tom?

6 MR. JOHNSON: Yeah. This is Tom Johnson. I'm representing
7 the FAA on the operations site.

8 MR. LAWRENCE: Thanks, Tom. And just so you know -- because
9 you've gone through this before, so you probably are aware, Mike,
10 but Tom's role in the FAA is no different than ours. We're just
11 trying to find out what happened so we can prevent it from
12 happening again.

13 So his role is pure safety. Anything learned during the
14 investigation and such can't be used for certificate acts or
15 anything. So I want you to feel free to open up and talk to us
16 and such because there's no ramifications to you on this. We're
17 just trying to --

18 MR. RHOADS: Okay.

19 MR. LAWRENCE: -- do the safety investigation.
20 And then we've got Brent on the line.

21 MR. COLE: Yup. I'm sorry. I'm here on behalf of the
22 company, just helping out facilitate things. And I'm on mute so
23 if I don't respond immediately, that's the reason.

24 MR. LAWRENCE: Great. And that reminds me that if everybody
25 else at this point in time just can go on mute, and that way we

1 won't get any feedback.

2 So Brent's who you want to represent you?

3 MR. RHOADS: Say that one more time.

4 MR. LAWRENCE: Is Brent who you would like to represent you?

5 MR. RHOADS: I wasn't aware I needed representation, but I
6 guess if he's part of the company representation, that satisfies
7 me.

8 MR. LAWRENCE: Okay. Great, thanks. You're afforded one
9 representative, whoever you want. So that's why we ask.

10 MR. RHOADS: Okay.

11 MR. LAWRENCE: Yeah. So just real quick, I'm going to be
12 maybe taking a few notes and stuff when I talk, so I apologize if
13 I don't respond really quick. Don't think anything of that.

14 If any question I ask at any point in time you don't know the
15 answer to, I don't know is a perfectly acceptable answer, okay?

16 So any questions about the process?

17 MR. RHOADS: No, sir.

18 MR. LAWRENCE: Okay. Great. Let's get started.

19 INTERVIEW OF MICHAEL RHOADS

20 BY MR. LAWRENCE:

21 Q. Let me get your full name, Mike.

22 A. Michael Curtis Rhoads, R-H-O-A-D-S.

23 Q. Great. How old are you, Mike?

24 A. I am 53.

25 Q. Great. And what is your current title? What do you do right

1 now?

2 A. Well, I've got several jobs. So are you asking about
3 Southeast Aviation or are you asking about something else?

4 Q. Any of them. Just -- I know you were a seasonal pilot, I
5 would assume for Southeast, correct?

6 A. Yup. I'm a (indiscernible) Ketchikan pilot. I am light
7 equipment. I work for Lynden Air Cargo. I'm the Hercules around
8 the globe. And I'm the director of operations for 135 Company,
9 and the chief pilot for another 135 Company. And the check airmen
10 for three different companies.

11 Q. Okay. Who are you director of operations for? I think you
12 had something to do with Carlin, correct?

13 A. I'm a chief pilot for Carlin and the director of operations
14 for a company in Arlington, Washington called Point to Point Air.

15 Q. Okay. Great.

16 A. That's actually where I was this morning, or where I am this
17 morning.

18 Q. Okay. I appreciate that. So if you could just give me -- I
19 always ask this of the pilots -- can you give me a cliff-notes
20 version of your background? Just a brief version of your
21 background.

22 A. I started flying in '85. I've been in Alaska for
23 approximately the last 30 years flying for a handful of different
24 operators, 135 and 121.

25 I flew the Learjet as a captain for 5 years for Guardians.

1 I've flown for almost 13 years for Lynden on the Hercules.

2 And I've flown for nearly 30 years in a variety of smaller
3 crafts all over the state of Alaska from Dutch Harbor to Kodiak to
4 Bethel to Kotzebue to Ketchikan, and everywhere in between.
5 Mostly slow planes: Beavers and Otters.

6 And I learned how to fly down in Everett, Washington at Paine
7 Fields, where I worked for the Boeing Company for four years after
8 I got out of AMP School and college down at Everett Community
9 College.

10 Q. Great.

11 A. I stayed pretty active with small airplanes. I purchased my
12 own aircraft in January. Well, it's -- I've had a few, but I got
13 one and I've been working on it down here in Arlington for the
14 last six months.

15 Q. Okay. Great. When did you start flying for Southeast?

16 A. That's a good question. I think about six years ago. And
17 extremely part-time, and then of course -- I don't know if you've
18 been on site or not, but Carlin Air owns the building that
19 Southeast Air operates out of so I've known Kos for the better
20 part of 20 years and I've helped him out many times over that
21 period since he's at Southeast.

22 But I'd say that I've been a part-time pilot for him for six
23 to seven years if I recall correctly.

24 Q. Okay. So did you know Rolf?

25 A. I knew Rolf well, yes.

1 Q. Can you tell me about him?

2 A. Well, what I know of Rolf was he was a highly experienced
3 Beaver pilot. I knew him when he worked for Kos. I knew him when
4 he worked for SeaWind. And I've known him since he's been at
5 Southeast.

6 I know that he, in the last half a dozen years or maybe even
7 more than that, he was mostly a seasonal pilot. He'd come up for
8 the summer season and then go back down to Washington where he
9 lived in Cle Elum.

10 Q. And just so you know, I have been up to Ketchikan, so I know
11 where you're talking about the building and where they dock the
12 airplanes, and Carlin's right next door. I've met Jeff as well.

13 A. Yeah.

14 Q. Okay. Do you know -- when he came up to Ketchikan and he
15 would do seasonal work for Kos, would he do any seasonal work for
16 any of the other operators simultaneously?

17 A. Not that I'm aware of. I'm sure he was asked but I don't
18 believe that he did.

19 Q. Okay. Did you ever get a chance to fly with him?

20 A. I've flown with Rolf a couple times over the years when my
21 kids work out at a fishing lodge, and he's been kind enough to
22 drop me or the kids off out at the lodge from time to time when I
23 visited.

24 And let's see. This year when he came up, the only time I
25 rode with him this year was during his check ride -- when he came

1 back on for his re-qualification check ride.

2 Q. Did you give him the 299 or did somebody else?

3 A. Jimmy Larson gave him the actual 299. I was sitting in the
4 back and then after they were finished with his 299 ride, we
5 accomplished 293 A and B, and 299 ride.

6 Q. Okay. Just your general impression of him as a pilot -- his
7 skills and things like that?

8 A. I'm sorry. Say that again.

9 Q. Yeah. Just your general impressions since you rode in the
10 back. Can you give me an impression of how he was as a pilot?

11 A. Rolf was confident and he was smooth with the manipulation of
12 controls. And he showed high competence in the Beaver aircraft.

13 Q. Okay. Did you ever get a chance to fly with him out on any
14 of the routes itself? Or just during that check ride in the 293
15 and 299s?

16 A. This year, only on the check ride. Previous to that, I rode
17 with him only to get out to the fishing lodge where my kids
18 worked, and he dropped me off there, picked me up.

19 Q. All right. Let me ask you a little bit about the training,
20 since you did a check ride with Jimmy Larson and such. Can you
21 kind of tell me a little bit about the training you received when
22 you were at Southeast?

23 A. Usually, the training setup there is very similar amongst the
24 smaller operators -- well, actually, all of the operators, as near
25 as I can tell, since I also helped out at Taquan from time to

1 time.

2 The recurrent training was pretty straightforward. Get
3 through the bookwork, and then usually after the bookwork was
4 complete, we'd go out. And if it was a recurrent or
5 requalification, we would do the check ride. If it was more
6 training required than that, then there would be another flight in
7 addition to that instead of doing the check ride.

8 Q. Okay. In the (indiscernible) portion, is there any kind of
9 discussion about weather specific to the Ketchikan area?

10 A. That always comes up with all the operators, including
11 Southeast. And one of the concerns is, people talked about, well,
12 should there be additional cameras? Are the cameras that are
13 there adequate? And then any kind of use of the reporting as far
14 as the different frequencies for going back to Misty.

15 Usually, the conversations talk about the Misty and the Misty
16 layout and the weather back there. Obviously, we talked about
17 more in (indiscernible) and stuff operationally, but weather is
18 always an issue.

19 Q. Okay. Any specialized training for things like inadvertent
20 IMC or anything like that? Like a desktop sim or anything you all
21 had?

22 A. No desktop sim, but what we generally do is do under the
23 hood. We'll do left and right-hand 180 degree turns, both with a
24 climb and a descent. For instance, we'll have the (indiscernible)
25 airmen also, and we'll have them fly on a heading and climb 500

1 feet, and a right or left turn at 180 degrees, and then have them
2 do the other turn and descend, and so forth, as a means of
3 inadvertent IMC.

4 Q. Okay. I just want to make sure I'm understanding, when you
5 say they usually do that, are you talking Southeast or one of your
6 other companies specifically?

7 A. Well, that's what we did this year at Southeast when I did my
8 ride. And that's what we do at other companies as well. That's
9 actually what I did to the guy that I gave a check ride to today.

10 Q. Okay. Good. But you don't do a 297 check because it's all
11 VMC props specs, correct?

12 A. Correct.

13 Q. Okay. So there's no instrument currency required, or are any
14 of the operators you work for requiring any kind of instrument
15 currency?

16 A. Only flying the Hercules for Lynden Air Cargo.

17 Q. Okay. And just generally, how would you characterize the
18 quality of the training you got at Southeast? Did you think that
19 this is adequate training doing the under the hood work only, and
20 not having any kind of simulation or anything like that? Cue-
21 based training?

22 A. Well, I always thought that the actual airplane manipulation
23 of the controls and 180-degree turn was better than the cue-based
24 training. The only time that you were sort of ad-libbing on
25 something like that was when you were flying the airplane and

1 trying to pretend that the visibility goes bad and doing the turn.

2 So it was easier just to do it -- not easier. It was more
3 relevant to do it under the hood as though you'd already gone IMC,
4 rather than on the cue-based training I've done in the simulator
5 for a few different places -- was basically you would turn down
6 the visibility until they decided to turn and go from there.

7 Basically, we were doing the same thing in the airplane with
8 a hood. We just weren't doing the deteriorating weather
9 visibility.

10 Q. Okay. Tell me a little bit about what you typically see back
11 in the Misty, too. What kind of weather are you seeing back in
12 there?

13 A. Well, in comparison to Ketchikan, the weather in the Misty is
14 generally better. And on this particular day, that was the case.

15 I wasn't out there that morning. However, I spoke with
16 Michelle who had been out there, brought the gun out, done a trip,
17 and come back. Michelle had gone out, and on her way back talked
18 to him on his way out. And the weather was reported to be pretty
19 good out there.

20 And what you'll typically find is, you'll find the lower
21 ceiling and visibility close to town. And then as soon as you
22 turn the corner for the Misty, the ceiling and visibility usually
23 increase a lot. Usually, unless the wind is from a specific
24 angle, the wind dies down a bit, and it's generally better
25 conditions out in the Misty Fjords than it is in Ketchikan.

1 Q. So when you were talking about when you round the corner,
2 when you get down towards mountain-point, and then you make the
3 left turn heading up that way toward Behm Canal and all that?

4 A. Yes, sir. As soon as you round the corner and get into
5 (indiscernible), you're generally going into increasingly better
6 weather. It's usually the case.

7 Q. Right. Do you guys -- either Southeast or any of the people
8 you fly with -- ever send out scout planes in the morning to go
9 check the visibility?

10 A. Usually between the operators around in town, somebody does
11 if it's questionable. And then all the operators tend to talk
12 amongst each other.

13 I know that working for the different operators that I have,
14 I've personally done that with nearly every operator I've ever
15 been at.

16 Q. Okay. But there's not any kind of structured scout airplane
17 amongst the operators, it's just whoever goes out first, correct?

18 A. Correct. Yes.

19 Q. Do you know where, or were you told kind of where Rolf was
20 and where he had the accident -- the general area?

21 A. Well, the morning that it happened -- or midday that it
22 happened -- I was in the office with Kos. And what I want to
23 say -- I saw the spider tracks that showed the location for where
24 it leads -- his last recording point was.

25 And I know that particular area well. And you can sort of

1 picture -- if he was coming out of Mirror Lake, and the weather
2 was deteriorating towards the outlet of Mirror Lake, I can
3 appreciate and visualize his -- look down that valley, there's two
4 little cuts that lead down into (indiscernible).

5 Q. You're right.

6 A. (Indiscernible) coming out of Mirror Lake, you'll be able
7 to -- it'll be lower at the outlet of Mirror Lake and over Third
8 Lake.

9 And then what happened is, a lot of times, you can see right
10 down into Carroll Inlet, and you can slide right down through
11 there, which is what I kind of envisioned him doing based on where
12 he was located.

13 Q. Right.

14 A. Prior to that, he had been upwards of 2800 feet. I mean, he
15 had -- what Michelle had reported is pretty good weather back
16 there. So it would've been something, in my mind, that
17 deteriorated when he got back to the Mirror Lake area.

18 Q. Right. And instead of going straight down that inlet where
19 you'd come out over pseudo-open water, that right turn down one of
20 those narrow valleys, I should say and all -- is that valley where
21 he was, is it pretty narrow to you as an experienced pilot?

22 A. Yeah, it's pretty narrow. But generally, if you poked your
23 nose down from Mirror Lake and it gets pretty narrow in the
24 drainage, you hit (indiscernible). Most of the time, you'd be
25 able to look down one of those two cuts and see through, and most

1 guys would turn and go down there rather than go down the outlet
2 of Mirror, which is increasingly narrower to lower conditions a
3 lot of times.

4 Q. Right. But you weren't up flying that day back in there,
5 were you?

6 A. I was not, unfortunately.

7 Q. Okay.

8 A. Or maybe fortunately.

9 Q. Right. I'm now kind of curious also, because we've had
10 several people tell us that generally, when they go down these
11 cuts, like you said, you make your right turn. If you can't go
12 all the way down from that main cut coming off the Mirror, and you
13 want to take a right turn and go in with those, they typically
14 will fly to the side so that it gives you a little bit more room
15 to maneuver the Beaver for a 180 if you have to get out of there.

16 A. Yeah, definitely. You would go down one side or the other
17 side. Yes.

18 Q. Okay. So that's pretty standard. I don't do this kind of
19 flying, Mike, so I'm just kind of understanding. That's pretty
20 standard from in the, maybe -- I don't want to say hug, but you
21 know what I mean. Just fly to one side so you have the 180 room
22 to get out.

23 A. Absolutely. I mean, that's something that I've trained with
24 everybody that I train with, and we talked about it in training,
25 ground training, and in check rides. You're going to head up this

1 valley, what do you want to do and where do you want to be? And
2 we take into consideration where the wind is coming from so that
3 you wouldn't want to be on the down wash side. You'd want to be
4 on the up flow on the upwind side.

5 Things to think about like that, as far as turning around,
6 yeah.

7 Q. I've never flown a Beaver, Mike. How maneuverable is it?

8 A. Remarkably maneuverable.

9 Q. Okay. Even with the floats?

10 A. Yup.

11 Q. Okay. So have you ever -- you're familiar with that area.

12 I'm curious if on a general day where there is little tops that
13 are being obscured and such, are those inlets and those little
14 cuts that you were talking about susceptible to maybe lower
15 ceilings, visibility, mist -- things like that?

16 A. Well, generally, you'll get the (indiscernible) from that
17 cloud of tops. And like I said, a lot of times you'd be able to
18 see down to the right, down through some of those valleys, and use
19 that as sort of an escape route, if you will, rather than going
20 out the outlet of Mirror Lake. And the idea there is, you're
21 descending down through one of those valleys.

22 But what I want to say -- I lost my train of thought.
23 Typically, the mountains would be obscured, and the valleys below
24 will be open.

25 Q. Okay. I'm just kind of curious also, are you familiar with

1 the Ketchikan Commercial Users Group Agreement that all the
2 operators have signed?

3 A. Yes.

4 Q. What is that?

5 A. Well, essentially, that's an agreement that everybody says
6 that if we're going to operate out in the northeast side of
7 Ketchikan, in certain areas we're going to be on uncertain
8 frequencies making reporting points at common points that people
9 are aware of and use a general route -- nothing set in stone, but
10 it's kind of a counter-clockwise route in the Rudyerd Bay area,
11 and then outbound on a southerly route, and back inbound to
12 Ketchikan on a little bit more northerly route.

13 Q. Right.

14 A. And that was exactly the way Rolf went that particular day.
15 He went out to Carroll Inlet, across Thorne Arm, across Behm
16 Canal. And he came back out of the upper end of Rudyerd Bay area,
17 across Manzanita, and down into Mirror, and down into one of those
18 little valleys.

19 Q. Right. Is it typical for him to do a stopover at Big Goat?

20 A. Yeah. Everybody kind of has their own favorite spot they
21 like to go out there. And it just depends on the conditions. My
22 guess is that if he stopped at Nooya Lake on one trip, he'd stop
23 at Big Goat on the next trip. And just to kind of -- I do it to
24 kind of keep my interest level up, if you will.

25 Q. Back to that Users Group, kind of the general routes and

1 things that everybody kind of agreed on. Just kind of curious --
2 in your experience, are people actually adhering to those routes?

3 A. Yes, I would say that everybody is pretty good about that.
4 And if they're not, usually somebody will -- for instance, if the
5 weather dictates that you can't do the route the way you should,
6 then people are real talkative on the radio saying that we're
7 going against the flow, or we're going reverse on the route. They
8 make it pretty well-known and obvious that they're doing something
9 different.

10 Otherwise, people will probably pipe up and make -- I don't
11 know if I want to say snide comments, but they'll make comments
12 saying, hey, going the wrong way, or something like that.

13 Q. Are the guys out there -- all but operators when they're out
14 in Misty -- I know there's frequencies and they're talking about
15 reporting points. But is it generally accepted that they're
16 giving weather reports like, I see this area that is blocked, I
17 see that area is blocked? Is that kind of common out there, that
18 people are sharing that weather information?

19 A. That is very common. For instance, you'll be entering the
20 mouth of Rudyerd Bay, and the people that are out there might lend
21 you the information saying, well, the cut is open, which is sort
22 of a narrow spot back there to pass through.

23 Or if you're in (indiscernible) town, someone meeting you in
24 the Eddystone area might say, Ella Lake or Mirror Lake looked good
25 on the way back and it was kind of low here, or kind of good

1 there.

2 People offer the reports and people ask for the reports from
3 time to time.

4 Q. Great. I'm going to have Paul ask you a few questions here
5 in a second. But let me just finish up real quick about the
6 weather cameras.

7 How important are they?

8 A. I think they're pretty important. I found that having the
9 weather cameras lessens the number of times that you send scouting
10 trips, which lessens the exposure to have an incident, say, on a
11 scouting trip if the weather is really crummy. And you're less
12 likely to go further out there to check it out if you can see that
13 the camera is bad out there.

14 So I'm an advocate for the cameras. And I think that they've
15 proven themselves all over the state as well as other places in
16 Canada to be very beneficial.

17 Q. So you have (indiscernible) and you have Misty Fjords, those
18 two cameras.

19 Are there any locations around the national monument that you
20 think maybe having additional cameras would be beneficial for?
21 And if so, where?

22 A. I think that the cameras being located in Behm Canal,
23 possibly off of Mountain Point, down into Revillagigedo Channel,
24 or up into Carroll or George Inlets would be fine.

25 Having one out in actual Misty Fjords I don't think is that

1 beneficial because it's such a steep and rugged area. You're only
2 going to get a small snapshot of a small area of which, if the
3 camera is good in Behm Canal, you're going to be able to tell if
4 it's good if the other camera -- without even looking at it.

5 Q. Right.

6 A. So I don't know that we need a camera in Misty Fjords
7 National Monument. But we definitely could use one or two between
8 Behm Canal and Ketchikan, a couple of places.

9 MR. LAWRENCE: Great. I appreciate it.

10 Paul, do you have any questions for Mike?

11 MR. SUFFERN: Yeah. I've got a couple of questions. And
12 Mike, I appreciate your time today. Yeah, just a couple of
13 follow-up questions regarding the weather-related things and given
14 your experience, quite a different place is, I guess, my weather
15 questions will be just related to your flying in Southeast Alaska.

16 BY MR. SUFFERN:

17 Q. So can you kind of run me through how you check weather
18 before a flight? So you're getting up today, and you're flying to
19 Ketchikan. You can kind of run me through, at least weather-wise,
20 what you're looking at before the flight.

21 A. Well, usually what I'll do -- and on a typical day,
22 hopefully, this doesn't sound too elementary -- but typically, if
23 I'm going to be flying for the day, I'll wake up in the morning
24 and usually check and see what Ketchikan weather is, and Klawock
25 weather, to see what the flow is as far as wind direction and

1 things like that.

2 I'll wake up and look out of my house window, and I'll be
3 able to tell pretty quickly where I live -- which is above
4 Ketchikan -- whether or not I can see Deer Mountain and what's
5 going on as far as visibility, and what kind of conditions there
6 are.

7 But for me to go out there, generally, I get in and look at
8 what we've got in the channel there in (indiscernible), and then
9 the cameras -- either over towards Prince of Wales if I'm going
10 that way, or over to Rudyerd Bay if I'm going that way.

11 So I use the cameras and I use sort of just local knowledge,
12 backed up with the actual information from Ketchikan-Klawock to
13 see what they've got reported-wise.

14 And then some of the things I use -- I use the weather buoy
15 down in Dixon Entrance, the Central and the Western, and
16 (indiscernible). Because whatever is going on out in that area is
17 going to be going on in Ketchikan in about two hours.

18 But the only thing there generally reporting is wind
19 direction and velocity.

20 Q. Okay. And just a quick follow-up on that -- when you're
21 talking about Klawock and Ketchikan weather, are you talking about
22 just (indiscernible)? Are you talking about the taps as well?

23 A. I look at the (indiscernible) and the taps.

24 Q. And you find the taps to be helpful? Or you find what's
25 going on in real time and I guess, what you were talking about --

1 using the buoy and kind of projecting two hours away. Is that
2 more useful?

3 A. Well, what's more useful to me is a couple of (indiscernible)
4 to see what the trend is. And then if the trends are looking
5 good, that's better than the forecast because the forecast can be
6 wildly different than the reality.

7 And I know that they do well, and they try hard, but the
8 forecast at times can be wildly different than what it actually
9 is. Both good and --

10 Q. As far as -- yeah. As far as graphics, do you ever use the
11 Alaska Aviation Weather Unit page at all? Or any of those
12 graphics?

13 A. No.

14 Q. And then as far as the weather -- one more, I guess,
15 pre-flight question. So that's kind of what you do on a typical
16 day before you head out. And then, say, you're (indiscernible)
17 onto your first flight, and then you're coming back, are you able
18 to or do you check any weather in between say your first and
19 second flight? Or do you just (indiscernible) communicate with
20 the radio, (indiscernible)?

21 A. Well, one of the most important things about Ketchikan is
22 having that local flight service station. And those people
23 develop local knowledge on the weather, the weather patterns, and
24 the pilots that are out reporting this stuff.

25 And by doing that, you develop a trust with them, and they

1 develop experience over time to feed you information that is
2 valuable. So during the course of the day, they pull pilot
3 reports from people, and they're generally passing those on to us
4 unsolicited, which is awesome.

5 But I mean, I'm a big proponent of the folks in Ketchikan
6 flight service and having on-site people with common local
7 knowledge. It makes a huge difference.

8 Q. Okay. And as far as --

9 A. If they were -- yeah. Because I think the general
10 consensus -- and I'm speaking just for myself and what I think
11 other people think -- is, for instance, if Ketchikan was remoted
12 out of Juneau, I don't even think people in Ketchikan would even
13 talk to Juneau radio other than maybe to pile flight plans.

14 So there's -- unless you have that local person standing
15 there in the window, or talking to other people, or understanding
16 it, it's of no value.

17 And it's not that the people in Juneau aren't good. They're
18 certainly good. But they are not useful at all for Ketchikan.
19 Just like the people in Ketchikan would be of no use up in Juneau.

20 Q. Thanks. That's very helpful perspective. Just going back,
21 one quick thing that you were talking to Dave about -- talking on
22 the radio and sharing weather back and forth there, and
23 (indiscernible) with how the area is. Is service part of that?
24 And are they -- when you're sharing weather back and forth, would
25 that make it, all make it into (indiscernible)? Or is that just

1 sharing --

2 A. I didn't make it into (indiscernible). And I have a history
3 of calling Ketchikan radio for specific things when I'm asking
4 questions about stuff. Like if I haven't heard or seen anything,
5 I'll call up and say, if you have anybody out west, what are you
6 hearing here and there? Is anybody getting across Prince of Wales
7 to Harris River?

8 And if they don't have that information or if they do have
9 that information, they disseminate what they can and pass it on.

10 Q. That's helpful (indiscernible). And nobody is
11 (indiscernible), as you're flying out through the day, do you have
12 anyone back in the office that's kind of monitoring the weather
13 cameras with radio -- flights from your specific company or others
14 that are out and about to say hey, conditions are getting lower or
15 higher, or something like that? (Indiscernible) back in the
16 office?

17 A. Well, in this particular case, this particular company, I
18 think that if you took all of the companies and Ketchikan and
19 compared who fusses over it more, who worries about it more, and
20 who's paying attention to it more than any other company, it's
21 Kos.

22 And I think because of that, I think he is killing himself
23 over all of this, because he's trying to figure out what
24 (indiscernible) he's done.

25 And it breaks my heart, this whole situation, because he -- I

1 don't even know how to explain it. He drives the pilots crazy
2 with information. And I don't mean that in a derogatory way.
3 It's just that he's constantly saying, well, hey, I talked to so-
4 and-so, hey, I'm flipping cameras, hey, I did this, hey, I did
5 that.

6 Kos is on it more than any other carrier that I've ever flown
7 with. Because of that, I think this is just killing him.

8 Q. Thanks. That's helpful. Do you -- when you're flying
9 around, do you have any other or are you back to using any other
10 electronic flight (indiscernible)? Like FlightAware, or
11 ForeFlight, or anything like that while you're going around?

12 A. It depends on what I'm doing. But an average day in
13 Ketchikan, I don't really use -- I use JetPro or FliteDeck Pro for
14 anything I'm doing IFR or long-distance. And I do ForeFlight.
15 But I don't do too much of that around Ketchikan because I've just
16 sort of taken the stance where if I can't see where I'm going, I
17 don't go.

18 I mentioned Kos (indiscernible), I'd say most of the company
19 is there in Ketchikan. Like a lot of the (indiscernible) and the
20 (indiscernible) and what's going on from time to time during the
21 day is just -- I think Kos is much more proactive about it.

22 MR. SUFFERN: Okay. Thank you, Mike. You've been very
23 helpful.

24 Dave, that's all the questions I have for right now.

25 MR. RHOADS: All right. Well, no problem.

1 MR. LAWRENCE: Thanks, Paul. Thanks a lot, Paul.

2 Tom, do you have any questions for Mike? Tom Johnson?

3 MR. JOHNSON: Yeah. Sorry about that. I was trying to get
4 unmuted. Can you hear me now?

5 MR. LAWRENCE: Yes.

6 MR. SUFFERN: I can hear you.

7 MR. JOHNSON: Okay.

8 BY MR. JOHNSON:

9 Q. I just did have a couple. Just talking about that
10 ForeFlight, since you were just talking about it -- it was our
11 understanding that the iPads with the ForeFlight were issued to
12 the airplane so you guys could use them.

13 Did you ever use them at Southeast?

14 A. Yes. They were in there. I mean, I never purposely took it
15 out. If it was there, I certainly used it.

16 I'm just saying in general -- like the Carlin Air airplane
17 doesn't have that. And when I'd flown at Taquan, their airplanes
18 don't have that.

19 But Kos always had something going on with that, and he would
20 put stuff in there for the pilots.

21 Q. Okay. You were talking before about your inadvertent IMC
22 procedures. Did you guys have the same thing for CFIT avoidance?

23 A. Well, we kind of considered that all-inclusive.

24 Q. Okay.

25 A. Because CFIT avoidance and inadvertent IMC are sort of

1 synonymous with each other and making a turn to get out of the
2 situation is the purpose of the maneuver.

3 Q. Okay. All right. So being a seasonal pilot -- if you had to
4 cancel, did you get paid or not?

5 A. I believe Rolf got paid. I know that I got paid whether I
6 flew or didn't.

7 I know Rolf, that's the same. Oddly enough, that's kind of a
8 Southeast thing, whereas many places out on the (indiscernible)
9 delta and some other places around the state, if you don't fly you
10 don't get paid.

11 But in Ketchikan, if you show up to work, you're paid for the
12 day, whether you do ten flights or zero flights. And that's
13 pretty reassuring to me because at least that way I don't feel
14 like I'm making decisions with my wallet.

15 Q. Right. Exactly. Did you guys always file the flight plans
16 at Southeast?

17 A. Yes.

18 Q. Right.

19 A. You don't have the ability to do flight calling with every 30
20 minutes unaccompanied on radio. You have to file a flight plan.

21 Q. Okay. And was there any ever pressure on you guys to do
22 flights to get these passengers up on flights even if it was iffy
23 weather?

24 A. I think overall my opinion is, I think there's probably been
25 anxiety about all of this with COVID and not working and no cruise

1 ships and the business being low -- things like that.

2 But I don't know how to say this without disparaging Jeff
3 Carlin or Kos, but they've fussed and worried over everything to
4 the point that they didn't -- I never felt like they had their
5 foot on my back and were pushing me out the door. It seemed like
6 they were second-guessing and questioning anything they heard
7 concerning the flight that could affect it.

8 Now, I know other companies I haven't felt that way on. But
9 I look at just the way Jeff is, and the way Kos is. They were
10 constantly concerned about their people and their passengers to
11 the point where they wanted everyone to have a good experience,
12 not just get them in the airplane so that they could get their 100
13 bucks.

14 So I don't believe that to be the case at both the companies.
15 Q. Okay. When you were flying for Southeast, do you feel like
16 you could've turned down a flight at any time?

17 A. Yup. And I have. And Rolf has, many times.

18 Q. Okay.

19 A. I mean, I've witnessed Rolf doing it. And not just having to
20 do with weather --

21 Q. Did he get -- okay. And did he get any pushback from
22 management on refusing the flight?

23 A. Not that I ever saw.

24 Q. Okay.

25 A. Yeah. If you went to Kos -- and I use Jeff because I kind of

1 consider Jeff and Kos a very similar animal, if you will -- if you
2 go to him and say, look, the weather sucks, we're not going, that
3 was the end of it. Or, I'm tired, I need a break, and, I've been
4 going at this since 5:00 this morning, or whatever -- they're
5 like, okay, no problem, take a break.

6 Q. Okay.

7 A. And like I said, I've personally seen Rolf turn down flights
8 for both weather and for fatigue. And I don't recall Kos ever
9 getting in Rolf's or anybody's face, including mine, about, well,
10 I've got to get this done.

11 I never saw that. And I don't even remember too many
12 underhanded comments off to the side after the facts about
13 anything like that.

14 Q. Fair. Was there any ever pressure to get the passengers back
15 so that they didn't miss their cruise ship?

16 A. I think that you couldn't not leave Ketchikan with the people
17 without in the back of your mind, keeping in mind, that you had to
18 get them back.

19 And I don't know that there was excessive pressure, but you
20 left with the same understanding that you're taking a round trip.
21 You're not just taking them to the Misty. And I personally have
22 cancelled trips because I wasn't sure I could get them back. And
23 I know that other pilots at both Southeast and some of the other
24 companies like Carlin -- and I hate to bring up Carlin again, but
25 same thing -- I felt that if we couldn't complete the trip and get

1 them back, we didn't go.

2 If I was sitting on the ground out in Misty Fjords and the
3 weather was super crappy, well, that's the way it worked out.

4 Q. So does the weather change that quickly, where you could've
5 made the decision and been fine, and then once you get out there,
6 it turns on you?

7 A. Typically, the weather out in Misty Fjords does not change
8 that quickly, in my experience. Now, there's times where it kind
9 of -- if it was crummy on the way out and then got worse, well,
10 that's not a big change. That's just it continued to get worse.

11 But going from decent weather to super crappy weather over
12 the course of the route -- like I said earlier, typically the
13 weather was worse in Ketchikan and worse between Ketchikan and,
14 say, Carroll Inlet, or Thorne Arm, or Behm Canal.

15 But then once you got out there -- because you could get back
16 pretty close to Ketchikan. And if the weather was truly crappy,
17 and you couldn't make it into the (indiscernible), well, you could
18 make it to the road system, I suppose, if necessary.

19 But I never felt like -- you left with the understanding that
20 it was a round trip, and you tried to plan it that way and perform
21 it that way.

22 Q. Okay. Have you ever had any issue with the fueler there at
23 Carlin?

24 A. No. Like what kind of issue?

25 Q. For instance, they didn't give you the fuel that you wanted,

1 or just forgot to fuel you while you get passengers.

2 A. Even if I do, it still comes back to me, right? So if I
3 said, put a tank in 24, and I ran down there and jump in the
4 airplane and taxi off the dock and I've got 16 gallons in the
5 front tank and nothing in the middle tank because he never had
6 time to do it, that's still my fault.

7 But has that ever happened? I'd be lying to you if I said
8 that it's never happened to me. Has it ever happened to Rolf? I
9 would have to fare that maybe the guy got busy and didn't. But I
10 can't imagine Rolf leaving the water and not looking down and
11 thinking I've got enough fuel.

12 Q. Okay.

13 A. Is fuel a question for this particular flight?

14 Q. Well, everything is until we figure it out.

15 A. Sure. But if you ask the dock guy, say, hey, I need this or
16 that, or a gallon of oil, they were usually (indiscernible) on the
17 spot. If something wasn't there or wasn't completed, that would
18 be an anomaly, not something that happened very often.

19 Q. Okay. And was there ever any kind of paperwork to account
20 for any of the fuel loaded onto you? Or did you just check your
21 gauges once you got in?

22 A. Check the gauges, or a lot of times the fuel that we've had
23 in the past, I would tell them, leave the door open on the Beaver,
24 and then I'll check the caps and close it up myself.

25 But the gauges on the Beaver happen to be particularly good.

1 But I guess it just depends on where you fuel with the fueler and
2 the gauges on the airplane.

3 MR. JOHNSON: I think that's all I've got. I think we got
4 everything else on my list.

5 MR. LAWRENCE: Great.

6 MR. RHOADS: All right.

7 MR. LAWRENCE: Thanks, Tom.

8 BY MR. LAWRENCE:

9 Q. Hey, Mike, I just have a couple of follow-ups and I just want
10 to get some clarity on your trainer avoidance, or TAS, system, and
11 did you guys ever use TAS in these aircraft?

12 A. Well, we had it on the Capstone aircraft. And I'm trying to
13 think of what --

14 Yeah, I mean we had it on the Otters, and we had it on the
15 Capstone-equipped Beavers.

16 We used -- especially when there would be -- you'd see it
17 change color and turn everything red around you.

18 I guess I'm not understanding the question correctly.

19 Q. Well, I'm just wondering if it was used. I know it was part
20 of the Capstone program. Some of this equipment is kind of aging
21 out there, and we've had people tell us a little bit about
22 nuisance warnings when you're flying low, and it sets like that.

23 In your experience, do other pilots use the TAS system, or do
24 they just turn it off because of the nuisance alerts?

25 A. I've been guilty of both. I would only be guessing as to

1 what the other guys did.

2 Depending on where you were flying and what you were doing,
3 the TAS would be going off continuously amidst the
4 (indiscernible). So it certainly it would make sense to turn it
5 off out there just because otherwise it's going constantly.

6 Q. Right. And I just want to be clear as far as for Southeast
7 Aviation, when you flew for them, did you have specific identified
8 weather minimums to begin a tour?

9 A. Just the 135 minimums because at the end of the day, it's a
10 tour. And I would say that in general, a tour wouldn't leave at
11 the 135 minimums because we just never felt like that was much of
12 a tour. And (indiscernible) the airplane.

13 And I think that Kos and Jeff's thought process on that was
14 that if we couldn't give them a decent tour, it wasn't worth
15 going. And you couldn't give a tour in those kind of weather
16 conditions.

17 To say that we have a specific weather minimum -- nothing
18 comes to mind as specific, like 1,000 feet and three miles, or 500
19 feet and two miles, or 2,000 feet and five miles. Nothing like
20 that. But you would be able to look at the cameras and kind of
21 disseminate the weather to see what you could end up with so that
22 the overall big picture was a decent trip.

23 Q. Yeah. I get it. But the bottom would be basically -- since
24 you're a Class G airspace and you're just a mile in clear clouds,
25 you've got to stay 500 above obstacles and stuff like that. So

1 it's essentially 500 and one?

2 A. Yeah. Except for under 135 was the 203 -- we've got to have
3 two miles minimum visibility unless the ceiling is over 1,000
4 feet, right?

5 Q. Right. Okay.

6 A. I mean, (indiscernible) airspace for (indiscernible) might be
7 a mile in clear clouds. But it's not a mile in clear clouds for
8 part 135 aircraft.

9 Q. Got it. And since you were in the office the day of the
10 accident and when Kos was there, did you or do you know if Rolf
11 was scheduled for a third flight after he returned?

12 A. Honestly, I do not know that answer. When I heard there was
13 an aircraft missing, I was standing in dispatch at Taquan. And
14 when we heard that we were getting an ELT, I left Taquan and drove
15 down to Southeast, walked in, and told Kos, what do you need me to
16 do?

17 And his phone was blowing up. So for a while there, I took
18 his phone. He sat down and just looked at the spider tracks and
19 looked at the names of the people. And I don't know that he
20 had -- I don't know if he had one more trip, or ten more trips, or
21 no trips.

22 Q. Okay.

23 A. Because I never asked the question or looked.

24 MR. LAWRENCE: That's fine.

25 Tom or Paul, do you have anything? Any other questions for

1 Mike before we let him go?

2 MR. SUFFERN: No other questions from me. Thank you, Mike.
3 I appreciate it again.

4 MR. RHOADS: You're welcome.

5 MR. LAWRENCE: Tom?

6 MR. JOHNSON: Nope from me. But thanks.

7 MR. LAWRENCE: Mike, thanks a lot. I really appreciate your
8 time. And at any point in time you think of anything, since this
9 is a safety investigation that might help us -- names of somebody
10 that may have been out there that we probably haven't talked to,
11 or any other information you can provide us -- feel free to get
12 ahold of Brent and just run that over to us.

13 Because sometimes you think of things a day or two later and
14 say, well, maybe this will be helpful. So I just offer that
15 you --

16 MR. RHOADS: I'm going to assume that you guys have spoken to
17 Michelle.

18 MR. LAWRENCE: Yes.

19 MR. RHOADS: Okay. Because she was the only one that I know
20 of that was out there.

21 MR. LAWRENCE: Right. With Island Wings?

22 MR. RHOADS: Yeah.

23 MR. LAWRENCE: Right.

24 All right, Mike. Thanks a lot. I really appreciate your
25 time.

1 MR. RHOADS: You're welcome. And like I said, sorry about
2 the hour delay there. I just got held up on a check ride that I
3 was giving to somebody.

4 MR. LAWRENCE: No sweat. I'm glad that we could accommodate.
5 Thanks so much for your time. Thanks, everybody.

6 MR. RHOADS: All right. Thank you, guys.

7 MR. SUFFERN: Thank you.

8 MR. LAWRENCE: All right. Bye.

9 (Whereupon, the interview was concluded.)
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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

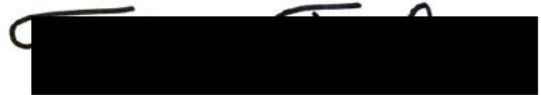
IN THE MATTER OF: N1249K DE HAVILLAND FATALITY
 IN KETCHIKAN, ALASKA
 ON AUGUST 5, 2021
 Interview of Michael Rhoads

ACCIDENT NO.: ANC21FA069

PLACE: Via telephone

DATE: August 19, 2021

was held according to the record, and that this is the original,
complete, true and accurate transcript which has been transcribed
to the best of my skill and ability.



Tahura Turabi
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of: *

*

N1249K DE HAVILLAND FATALITY *

IN KETCHIKAN, ALASKA, *

Accident No.: ANC21FA069

ON AUGUST 5, 2021 *

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* * * * *

Interview of: TREVOR WILLS, Pilot
Southeast Aviation

Via Telephone

Thursday,
August 19, 2021

APPEARANCES:

DAVID LAWRENCE, Senior Aviation Accident Investigator
National Transportation Safety Board

TOM JOHNSON, Aviation Safety Inspector
Federal Aviation Administration

PAUL SUFFERN, Meteorologist
National Transportation Safety Board

BRENT COLE, ESQ.
Law Office of Brent R. Cole, P.C.
(On behalf of Mr. Wills)

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I N T E R V I E W

(10:05 a.m. ADT)

MR. LAWRENCE: Let's just get started right off the bat so that, you know, we can get you done and back out to your activities. My name is David Lawrence with the NTSB. I'm investigating the accident back on the 5th of this month for 1249-Kilo.

And just so you know, Trevor, I know you're part of Southeast as a seasonal pilot, but, you know, our condolences for your loss. I know what you guys are going through and I'm really sorry for this. But I want you to -- I assure you that talking to other pilots within the company is a very standard part of what we do, so I don't want you to read anything into this. It's just a normal part of gathering information. So I really do appreciate that.

MR. WILLS: Yes.

MR. LAWRENCE: Great.

So what I'm going to do is, there's a couple of people that are on the call that are participating. I'm just going to go around the room and let them introduce themselves, their affiliation and what they're doing on the investigation.

Paul, if you'll go first.

MR. SUFFERN: I'd be happy to. My name is Paul Suffern. Good morning, there. And I am a meteorologist investigator with the NTSB.

1 MR. LAWRENCE: Great.

2 Tom?

3 MR. JOHNSON: Tom Johnson. I'm representing the FAA.

4 MR. LAWRENCE: Great.

5 And just so you know, too, Trevor, that the FAA, when they
6 participate in our investigations, they're just like Paul and I,
7 as far as like the NTSB, they are just trying to find out what
8 happened so that we can prevent it from happening again. They're
9 not here for certificate action or any kind of enforcement, so
10 they really are here to help in this case. So feel free to, you
11 know, be open and not worry about any of those issues that -- with
12 the FAA. Okay?

13 MR. WILLS: Okay.

14 MR. LAWRENCE: And I know we have Brent on the line. Brent
15 Cole is your representative, right?

16 MR. WILLS: Right.

17 MR. LAWRENCE: All right. Great. And if I could get
18 everybody to mute their phones, and I'll just start off here.
19 First off, just a couple of preflight items. So that I don't have
20 to type up a bunch of notes and everything, if it's okay with you,
21 I'm just type recording this for transcription later, and that way
22 it makes it easier and we can kind of get you on your way quickly.
23 Is that okay with you?

24 MR. WILLS: Yeah.

25 MR. LAWRENCE: Okay. Great. And a couple other things.

1 I'll ask some questions. The other guys may have a couple of
2 follow-up questions, but if you don't know the answer to
3 something, Trevor, just say so, "I don't know the answer" or "I
4 don't know" because that's a perfectly acceptable answer. If I
5 ask you something that you don't understand and want me to clarify
6 that, please just stop me and ask me to clarify that. I just want
7 to make sure we're all clear in the information that we're
8 getting. Okay?

9 MR. WILLIS: Right. Understood.

10 MR. LAWRENCE: All right. Great. Let me just start off, do
11 you have any questions about the process?

12 MR. WILLIS: No, not yet. I don't think so.

13 MR. LAWRENCE: Okay.

14 INTERVIEW OF TREVOR WILLIS

15 BY MR. LAWRENCE:

16 Q. Let's start off with the underhanded ones. If I can get your
17 full name and age?

18 A. Trevor Robert Willis, and I'm 38.

19 Q. Wells or Willis? W-e-l-l-s?

20 A. Willis, W-i-l-l-s.

21 Q. Got it. And you're 38?

22 A. Correct.

23 Q. Okay. And what is your current title or what is your current
24 job?

25 A. I'm the chief pilot at Pirate Airworks.

1 Q. Pirate Airworks? Okay.

2 A. Right.

3 Q. And do you have any -- or did you do any flying for
4 Southeast?

5 A. Last winter I did a couple of flights.

6 Q. Okay.

7 A. I couldn't tell you the exact days.

8 Q. All right. Not a problem. Can you just kind of give me
9 your -- a Cliff Notes version of your background, Trevor, so we
10 know, you know, your experience level coming in?

11 A. Oh, okay. Yeah, I got upwards of 10,000 hours in Beavers in
12 Southeast Alaska. I was born and raised here, and I've worked for
13 most of the outfits in town. This has kind of been my whole
14 career.

15 Q. Okay. So for most of the outfits, and do you work for
16 several at the same time?

17 A. I do occasionally, but that's just when things are slow in
18 the wintertime. I'll just ask around and see who needs help.
19 Most of my flying had been for a company called Pacific Airways
20 that just went out of business. But, yeah, it was just one of
21 those things where you just see who needed help, and that's what a
22 lot of us do.

23 Q. Right. When was the last time -- you said it was last winter
24 that, I believe, you flew a couple flights for Southeast. Do you
25 recall just -- was it during the winter and did you fly any at all

1 seasonally this year?

2 A. No. No, I don't help them out in the summer. I fly for
3 Pirate in the summer. So it was just in the off season, just
4 really occasionally, you know, just -- he had some Niblack line
5 work, you know, so I'd help him out with that.

6 Q. Um-hum. Did you know Rolf?

7 A. I did, yes.

8 Q. Can you just tell me a little bit about Rolf?

9 A. He would come up in the summers. You know, I always liked
10 Rolf. I don't know a whole lot about his background. You know,
11 he was mostly just -- he was Kos's tour pilot in the summertime.
12 Yeah, like I said, I just talked to him once in a while.

13 Q. Was he Kos's primary tour pilot when he came up seasonal?

14 A. I can't really answer that. I'm not sure. He had a couple
15 of guys that would come up in the summertime and, yeah, they were
16 his primary tour pilots. I mean, Rolf had been there every season
17 for, gosh, I want to say 4 or 5 years.

18 Q. Yeah. Did you ever get a chance to fly with Rolf?

19 A. No. No, I never did. He was never up here in the
20 wintertime. I just talked to him on the radio in the summertime
21 because I was doing my own thing.

22 Q. Right. Do you know anybody that had any concerns about Rolf?
23 Even though you didn't fly with him, did anybody else have any
24 concerns about flying with him?

25 A. No. No, I never heard one complaint about Rolf ever.

1 Q. Okay. So when you did the flying for Kos, you know, the off
2 and on, were you on the 135 certificate when you were doing that?

3 A. Yes.

4 Q. Okay. Did you go through the training then at Southeast?

5 A. Yes.

6 Q. Can you just kind of give me a Cliff Notes version of what
7 kind training they provided you?

8 A. Oh, just standard 135 training. It was just the ground and
9 the check ride. They kind of had a section that was heavier
10 emphasis on Niblack because they had some problems there before.
11 That was in their training.

12 Q. I'm sorry --

13 A. But other than that, it was --

14 Q. Could you repeat that? Emphasis on what?

15 A. Oh, Niblack. It was a mine they flew to on the south end of
16 Prince of Wales. That was the only thing that was different about
17 their training as opposed to everybody else's. It was just the
18 basic 135 air taxi training.

19 Q. Do you recall if they provided any additional or specialized
20 CFIT training or inadvertent IMC training?

21 A. Just the same as everybody else did.

22 Q. Which is what?

23 A. Which is, you know, if there's -- ground, there's a written
24 quiz that covers part of it, and then you're covered -- you cover
25 it with the check ride in the flight training portion, you know,

1 just the foggles, turn to headings and getting out of trouble.

2 Q. View-limiting devices like a hood or --

3 A. Correct.

4 Q. Yeah. Okay. Okay. So it sounds like a silly question, but
5 I'm going to go ahead and ask anyway. You have experience flying
6 back in the Mistys?

7 A. Yep.

8 Q. All right. Kind of tell me about that, flying back in there.
9 And I'm more wanting to learn a little bit about some of the
10 challenges of flying back in the Misty Fjords and weather wise,
11 you know, traffic wise, whatever.

12 A. Well, you know, it's mountain flying like everything else
13 around here and you do have weather problems. I mean, that's kind
14 of the name of the game. In the summertime it's the -- you know,
15 as the accident we had before, you know, you kind of get --
16 traffic gets kind of heavy. So it's kind of everything across the
17 board. You know, it's heavy traffic, weather can be bad, and it's
18 mountain flying. But if it all goes well and everybody's talking
19 on the radio and everybody's on the same page, it should be
20 perfectly safe.

21 Q. Is there any area of Misty Fjords that are a little bit more
22 challenging weather wise than others?

23 A. Yeah. Yeah. Yeah, we all have. I mean there's good years
24 and bad years. You know, it's -- it helps when there's a lot of
25 people in the air because, you know, you have -- you know, you can

1 get real-time weather from other pilots. But, yeah, this year
2 there's not a lot of that. There's not as many people flying,
3 so --

4 Q. Yeah. I was actually asking if there's geographically in the
5 Mistys, is there certain areas within the Mistys that are maybe
6 more prone to changing weather or low weather or just a little bit
7 more challenging flying?

8 A. Usually the stretch coming back to town, so on the back side
9 of Revilla. Once you get into the fjords, the weather changes a
10 little bit. You usually have higher ceilings, better vis.

11 Q. So do you guys -- you use those weather cams, and I'm just
12 curious how beneficial those weather cams have been for you guys?

13 A. I always use them. I mean, I was just using them today,
14 trying to look north from Point Higgins. I mean, they're really
15 handy. I'm pretty sure everybody else in town uses them as well.

16 Q. Any areas in the Mistys specific that it would be beneficial
17 to have a weather cam? Because I know you've got the Minx and the
18 Misty Fjords cams. Anyplace else that might be beneficial?

19 A. Yeah, I guess those are the only two back there so you got to
20 kind of interpolate what you're looking at. There's -- not
21 offhand. You might -- that might be a question for some more
22 dedicated tour guys.

23 Q. Okay. How often do you actually go in the Mistys?

24 A. Very rarely anymore. That's -- I don't really -- I haven't
25 done that in a couple years now.

1 Q. Okay. When you were doing this, going back in the Mistys or
2 flying out of Ketchikan, were you familiar with the Ketchikan
3 commercial users group agreement that basically had some
4 guidelines that all the operators signed off on that? Are you
5 familiar with that?

6 A. That might have come around after I stopped doing it. I'm
7 not familiar with that.

8 Q. Okay. And I guess you are knowledgeable of Jim Kosmos. Can
9 you kind of tell me a little bit about Jim?

10 A. Nicest guy I ever met, and that's the truth. He -- I loved
11 working for him. I was kind of flattered when he asked me if I
12 wanted to help him out. He always pays good, never pushes. He's
13 one of the few guys that would just never push. He just
14 completely leaves it up to the pilots.

15 Q. Okay. Did you ever fly the actual accident airplane, 1249-
16 Kilo?

17 A. Yeah. Yeah.

18 Q. Okay. Anything special about that particular airplane? Any
19 challenges for that particular airplane?

20 A. No. It was just a regular Beaver. I actually really enjoyed
21 flying it. It was a really nice airplane.

22 Q. Okay. And then I'm going to ask you a couple of things
23 from -- these are techniques, I guess, about flying and mountain
24 flying. I have not done that. I'll be honest with you. And
25 we've kind of heard that as you're going into -- say, you're

1 flying into certain valleys and such, a technique a lot of pilots
2 use to maybe fly on one side of the mountains, you know, on each
3 side of the valley, fly kind of close to one side so that gives
4 you some opportunity to maybe do a 180 if the weather goes down.
5 Is that true or how do most pilots fly when they're going through
6 the valleys?

7 A. Yeah. Yeah, you want to stick to one side or the other, and
8 you want to keep one eye over your shoulder and leave a way out so
9 you don't get pinched. You know, I'll usually stick to the right
10 side so I can make a left turn if I have to. But I think that
11 kind of falls back on preference.

12 Q. Yeah. So you have better visibility if you're on the right
13 side of the mountains to --

14 A. No, just -- it's just how you want to make your turns.
15 Everybody's different. But, you know, in a tight valley, I'll
16 usually stick to the right side so I can make a left turn. But,
17 yeah, that's more or less what you do. You want to stick to one
18 side so you leave yourself some room.

19 Q. Okay. So you'd never go down the center if you could avoid
20 it, right?

21 A. Well, yeah, you don't want to do that for a lot of reasons.
22 Another one might be, you know, the visibility's low, there might
23 be traffic coming the other way. You know, you kind of want to
24 stick to the right side.

25 Q. Got it. So did you guys, when you were flying back in there

1 or any of your other mountain flying in Southeast Alaska, do you
2 use TAWS or any other terrain warning systems?

3 A. Usually just whatever's on the Garmin. But I mean, most of
4 everything we do is just all visual, just out the window. You
5 know, you don't get yourself in a situation where you can't see
6 down.

7 Q. Right.

8 A. So -- yeah, yeah, but most all -- everything now does have
9 some kind of terrain alert on it.

10 Q. Do you use that, or in mountain flying are you kind of
11 susceptible to all these alerts going off all the time?

12 A. I've never really flown anything that had terrain alerts
13 blaring at you. But, honestly, yeah, you just try not to get
14 yourself in a situation where you have to use that. I mean, you
15 make sure you can see the mountains before you go -- run one in
16 there, you know.

17 Q. Yeah.

18 MR. LAWRENCE: Let me ask Paul Suffern if he has anything for
19 Trevor. Do you have any questions?

20 MR. SUFFERN: Just a couple.

21 BY MR. SUFFERN:

22 Q. And, Trevor, I appreciate your time today. Again, Paul
23 Suffern, meteorologist. I'm going to just ask a few questions
24 about just your general background when you're flying out of
25 there. You know, as far as weather before your flight, what are

1 kind of the tools that you use before you go on a flight there
2 weather wise?

3 A. Well, my stuff, what I do now is kind of specific. I just
4 fly to Yes Bay Lodge. So, you know, we look for a good ceiling,
5 you know, usually 1-6 or 700 feet in town, because it tend to be
6 lower out towards the lodge. But, yeah, as far as checking
7 weather away from town, just use the webcams and then you call --
8 we'll usually call out to the lodge and see what the weather's
9 doing on that end. Unfortunately, like with the tours in the
10 fjords, you don't have anybody to call on that end. All you got
11 is the weather cams.

12 Q. Okay. And while you're in town, do you use -- you know,
13 you're flying out of town, do you use like the METAR? Do you find
14 the TAFs valuable? Anything else that you --

15 A. TAFs and METARs mostly is what I look -- everybody's a little
16 different. They'll check the marine weather. That's real handy
17 for around here. But I usually just check the TAF and the METAR
18 for Ketchikan.

19 Q. Okay. And do you find the TAF valuable or, you know, are
20 there certain situations where you find it challenging or --

21 A. It's actually the more accurate, I think, of the weather we
22 check lately. It's been pretty spot on this summer. But, yeah,
23 that's why I've been using it.

24 Q. Okay. And as far as other graphics besides the web cameras,
25 do you ever check the weather information on the Alaska Aviation

1 Weather Unit website?

2 A. No. No, the only other thing I would use is just Windy, at
3 Windyty app. It gives you a pretty good idea of what the winds
4 are doing, but, you know, not really the cloud visibility -- or
5 the cloud ceilings and visibility isn't really that accurate on
6 there, but -- yeah, that's about all I use.

7 Q. Okay. When you -- yeah, I'm familiar with the Windy app
8 there. Do you use that on your phone or tablet, or do you use the
9 desktop version?

10 A. Phone.

11 Q. And then sounds like you use it for wind. Do you ever check
12 like wind gusts or other little tabs? I heard you said that the
13 visibility and other things are not helpful, but outside of wind,
14 is there other things that you found helpful?

15 A. Yeah, that's mainly what I use it for, just the wind, and a
16 lot of us do. And it's actually -- whatever model they use, it's
17 actually pretty accurate. It's actually a really good tool.

18 Q. So, and the reason they're using it for the wind, they're
19 using it for like fuel calculations as far as going out there or
20 knowing the weather ahead? Weather is going to go from the
21 southwest today so I need to be careful on this side of the
22 terrain or something like that?

23 A. Yeah. Yeah, that's more it. Just the conditions you'd have
24 to deal with when you get out there. Because most places you're
25 going there are no weather reporting stations, and so that's

1 really handy to know.

2 Q. Okay. So just to clarify, so you're using it kind of the
3 weather's going to be coming from this direction today, kind of
4 thing?

5 A. Yeah. Yeah, just where to stay away from, what to look for,
6 that kind of thing. Not as much for flight planning and all that.

7 Q. Okay. Do you use any other, I guess, weather applications
8 such as like ForeFlight or Garmin or anything else?

9 A. No. No, that's about all I use. I just check the NOAA
10 forecast and then the METARs and the TAFs, and then move onto
11 Windy. That's kind of my morning routine.

12 MR. SUFFERN: Okay. Okay, that's all the questions I have.
13 I appreciate your time today, Trevor.

14 MR. WILLS: Yeah, no problem.

15 MR. LAWRENCE: Hey, Tom, you got any questions for Trevor?

16 MR. JOHNSON: Yeah, just a couple.

17 BY MR. JOHNSON:

18 Q. You did say something about pay at Southeast. Did you get
19 paid when there was weather cancellations when you flew for
20 Southeast?

21 A. He paid me a salary. I don't believe so -- yeah, yeah, he
22 did. He would pay me if I just came in and sat there, didn't do
23 anything.

24 Q. Is that kind of common for Southeast?

25 A. That was a while ago. Yeah, it's -- some employers will do

1 it, some won't. You know, Kos is such a nice guy, if you came in
2 at 7 in the morning and then sat there all day waiting for
3 weather, you know, he felt bad that you were sitting there, so
4 he'd pay you. He would never push you out the door. Great guy.

5 Q. Okay. When you flew for Southeast, did you always file
6 flight plans?

7 A. Yes. Yeah, that was in his OpSpecs.

8 Q. Okay. When you were flying for him, did you ever fly
9 passengers for cruise ships or was it just mining stuff? I guess
10 you said it was off season, right?

11 A. Yeah. I never, I never did that. All my stuff was off-
12 season stuff.

13 Q. Okay.

14 MR. JOHNSON: All right. I think that's all I got, Dave.

15 BY MR. LAWRENCE:

16 Q. Yeah, Trevor, I just wanted to just double check something.
17 When Kos -- when you were flying for Kos, was there somebody
18 dedicated in the office at Southeast to monitor the Spidertracks
19 or anything like that?

20 A. That was Kos. He was always right on it. He always had the
21 big screen up. Anytime you ran into a little bit of weather or
22 deviated at all, he'd shoot you a text or something and ask if
23 everything was okay. He was always really good about that.

24 Q. Okay. Did you all ever do any kind of typical communication
25 via text or cell phone while you were out there or was he just

1 monitoring Spidertracks? I'm just curious what other
2 communications he had with you during your time flying with him.

3 A. Yeah, the Spidertext, I guess you can -- I never had that set
4 up on my phone. But back and forth between Ketchikan and the
5 south end of Prince of Wales where I was going, you had cell
6 coverage for most of that, so we would just text. That was the
7 easiest way to talk to each other.

8 Q. Right. Is that capable or that capability exists if you're
9 flying back in the Mistys?

10 A. No. No, it doesn't.

11 Q. Because there's no cell coverage?

12 A. No, there's no cell coverage once you get away from town in
13 that direction.

14 Q. Okay.

15 MR. LAWRENCE: Anybody else have any questions for Trevor?

16 Okay. Hearing none, Trevor, do you have any questions of me?

17 MR. WILLS: I don't think so.

18 MR. LAWRENCE: Okay. Well, I can't tell you how much I
19 appreciate your time. Thanks so much for calling in.

20 Brent, thank you as well. Tom, Paul, thanks everybody.

21 Trevor, good luck to you. Okay?

22 MR. WILLS: All right. Thanks, guys.

23 MR. LAWRENCE: All right. Thanks, everybody.

24 MR. SUFFERN: Thank you so much.

25 (Whereupon, the interview was concluded.)

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: N1249K DE HAVILLAND FATALITY
 IN KETCHIKAN, ALASKA
 ON AUGUST 5, 2021
 Interview of Trevor Wills

ACCIDENT NO.: ANC21FA069

PLACE: Via Telephone

DATE: August 19, 2021

was held according to the record, and that this is the original,
complete, true and accurate transcript which has been transcribed
to the best of my skill and ability.



Kay Maurer
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of: *

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N1249K DE HAVILLAND FATALITY *

IN KETCHIKAN, ALASKA, *

Accident No.: ANC21FA069

ON AUGUST 5, 2021 *

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Interview of: JAMES KOSMOS, Owner
Southeast Aviation

Ketchikan, Alaska

Sunday,
August 8, 2021

APPEARANCES:

DAVID LAWRENCE, Investigator
National Transportation Safety Board

TOM JOHNSON
Federal Aviation Administration

JAMES LARSON, Southeast Aviation Director of Operations
Southeast Aviation

BRENT R. COLE, P.C.
Attorneys for Alaskans

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I N T E R V I E W

(1:15 p.m. ADT)

1
2
3 MR. LAWRENCE: Let's get started. We're here on -- to talk
4 to the owner of Southeast Aviation about the accident that
5 occurred last Thursday, and I want to, first off, let you know
6 that the NSTB, and I'm sure the FAA, we all extend our condolences
7 to your group and the families and such. I'm sorry we're here,
8 but, as I've explained to you before, our role is safety. So our
9 whole point of being here is to try and find out what happened so
10 we can prevent anybody else from going through this again.

11 My name is David Lawrence. I'm with the NTSB. I'm going to
12 go around the room and let everybody introduce themselves.

13 MR. JOHNSON: Tom Johnson, FAA.

14 MR. COLE: Brent Cole.

15 MR. LARSON: James Larson.

16 MR. KOSMOS: Jim Kosmos, Southeast Aviation.

17 MR. LAWRENCE: Great, and -- I know we've talked before, but
18 I want to make sure you understand that our role is safety.
19 Anything that's said here during the course of the investigation
20 is not going to be used for enforcement or certificate (ph.)
21 actions. I know I've already briefed you about the FAA's role
22 here; it's the exact same as mine. So anything learned can't be
23 used for enforcement or certificate actions.

24 So I want you to feel comfortable --

25 MR. KOSMOS: Yeah.

1 MR. LAWRENCE: -- answering anything and helping us in any
2 way --

3 MR. KOSMOS: Yes.

4 MR. LAWRENCE: -- to try and find out what happened. I'll
5 ask you a few questions, and then I'll let Tom and --

6 MR. LARSON: Jimmy.

7 MR. LAWRENCE: -- Jimmy, thank you. Sorry. I'll let Jimmy
8 -- also ask any questions if they have any. We're not going to be
9 very long, but if I ask a question that you don't know the answer
10 to, Jim, just say I, you know, ask me to repeat it and I'll be
11 happy to. If I ask you a question you don't know the answer to,
12 "I don't know" is a perfectly acceptable --

13 MR. KOSMOS: Good.

14 MR. LAWRENCE: -- response. Okay? So I just want to make
15 sure every -- we're clear on and --

16 MR. KOSMOS: Yeah.

17 MR. LAWRENCE: -- great. Do you have any questions about the
18 process or anything so far right now?

19 MR. KOSMOS: I don't.

20 MR. LAWRENCE: Okay. Good.

21 INTERVIEW OF JAMES KOSMOS

22 BY MR. LAWRENCE:

23 Q. Let me just start off with easy ones. Can I get your full
24 name?

25 A. James Kosmos, K-O-S-M-O-S. No middle initial.

- 1 Q. How old are you?
- 2 A. I'm 60.
- 3 Q. And can I call you Jim, James, what would you -- Kos?
- 4 A. Call me Kos, that works.
- 5 Q. Kos? Okay.
- 6 A. That works.
- 7 Q. Everybody out over the dock that it was this morning --
- 8 A. Yeah.
- 9 Q. -- they were using --
- 10 A. I've been here 40 years, 42 years. Many people don't know my
- 11 real name.
- 12 Q. -- right, and what is your title here?
- 13 A. I'm the owner.
- 14 Q. Okay.
- 15 A. Member (ph.).
- 16 Q. All right. Are you a pilot?
- 17 A. I have a pilot's license.
- 18 Q. What kind?
- 19 A. It's a private.
- 20 Q. Okay.
- 21 A. With a seaplane rating.
- 22 Q. But you don't fly this kind of plane?
- 23 A. No, I do not.
- 24 Q. Okay. And if you could give me just a cliff notes version of
- 25 your background, just a brief how did you get to here to be owner

1 (ph.)?

2 A. I was -- I started working with Temsco helicopters and U.S.
3 bark nine (ph.) in 1981 I believe, '81, '82, '81 and worked with
4 Temsco helicopters. And, you know, that was pretty much at
5 ground, but I worked alongside them and, you know, helped rig --
6 rig their helicopters up, did a lot of different things out there
7 that involved, you know, from, you know, checking -- doing
8 maintenance and rigging helicopters and, you know, breaking rocks
9 and things like that.

10 And I -- then I started working for Temsco Airlines about --
11 even though I've had friendship and been out there to Temsco quite
12 a few times and helped them over the years over projects. I
13 started working at Temsco Airlines in 1980... '85 I believe, and I
14 was basically a ramp rat and worked the ramp. And then I started
15 to, you know, supervise the ramp and just, you know, going to the
16 post office, picking up cargo, and that's the people I was
17 responsible for.

18 And when that company closed down in 1999, December 1999, I
19 got a call from Jerry Scadero (ph.) at Teflon, and he asked me to
20 come work there. And I said, "Sure", and I worked for him as a
21 cargo manager from 1999 to December of 2000. And -- hang on just
22 a sec -- let me back up for a sec. I started for him in 1990 --
23 1990 is when Temsco closed down, so I worked for them for nine
24 years. And I was the cargo manager and enjoyed doing that, worked
25 with a lot of great people. And when they shut down, within a

1 year, my father passed away and I was with him.

2 And, to make a long story short, Jerry Scadero happened to
3 see me in 2000, and we talked about buying a hanger, working
4 together. I've always had a good relationship with Jerry. And
5 then in -- on May of -- let me make a long story short -- May of
6 -- May 25, on my birthday in 2001, we started the company, and it
7 was originally going to be Jerry, Ernie (ph.), and I -- Jerry and
8 I, and then Ernie became a partner just before we consummated the
9 deal on May 25, 2001.

10 And we've had, you know, a lot of fun working together, and
11 in the beginning, I was supposed to be -- work get my license and
12 to be one of the pilots in the future. And I worked the ramp, I
13 drove the van, I did all, you know, everything you could think of
14 around here. And then Jerry and Ernie decided, a year later, that
15 maybe I should just run the business-end of the company, so that's
16 what I've been doing since then.

17 And Jerry sold out, I think, in 2007, 2008 -- somewhere
18 around there, and then after our accident in 2012, I think the
19 Spring of 2013 is when Ernie finally decided -- actually, it was
20 the end of that year I believe, 2012, that he, you know, sold out.
21 So...

22 Q. What 2012 accident were you referring to?

23 A. What's that?

24 Q. What 2012 accident were you referring to?

25 A. May 2012, we had -- Ernie was flying out the Niblack --

1 Q. To where?

2 A. -- Niblack --

3 Q. Okay.

4 A. -- the Niblack mine, and he had some weather and landed. I
5 think he clipped the beach, and -- rocky beach.

6 Q. Okay. How many employees do you have at Southeast?

7 A. Right now, we have about five.

8 Q. Okay. How many pilots do you utilize?

9 A. How many pilots do I what?

10 Q. Do you utilize? I should speak up, and I apologize.

11 A. Right now, basically about four. Two to four. I mean, they
12 share Rolf with (indiscernible) but we also have Jim David helping
13 us. And Jim whenever we can, you know, get Jim and Dave Rocke
14 also, so four. And then Abby's (ph.), you know, an employee also,
15 so about five.

16 Q. And are the pilots that you utilize, besides your Director of
17 Operations, are the other pilots on a payroll or are they paid per
18 season -- how are they compensated?

19 A. The pilots are paid by the month.

20 Q. Is that during the season only or every month?

21 A. In the summer, yeah.

22 Q. So in general, how do you -- I'm sorry. How do you advertise
23 and attract customers to your business?

24 A. We have the website, we have a couple of seals -- sales
25 kiosks, and we have some travel aid (indiscernible) and companies

1 that we work with, travel/travel agents.

2 Q. Okay. Do you have any contracts with any of the cruise
3 lines?

4 A. No, sir.

5 Q. And I know you're not an expert on what others -- but it's a
6 small community here. Are you aware of any other businesses here,
7 to you your knowledge, if they have contracts with any of the
8 cruise lines?

9 A. I believe Taquan Air has contracts with the cruise ships,
10 and... possibly, Misty Fjords Air.

11 Q. If there are others that have them, I'm just kind of curious,
12 have you thought of or approached the cruises to maybe have some
13 contractual agreement with Southeast?

14 A. No.

15 Q. Why not?

16 A. We're doing fairly well on our own.

17 Q. Talking about Rolf, tell me about him.

18 A. Kind, professional, diligent... caring. He was very good about
19 -- sorry, I'm trying to think of the word right now. I'm sorry,
20 I'm having a hard time here, but he was -- when it came to looking
21 things overall, he was quite comprehensive just from looking at
22 weather and getting down and getting his airplane ready. He made
23 sure that everything was top notch, you know, from pre-flight, you
24 know, making sure everything is in the airplane, documentation --
25 a very good pilot.

1 And -- give me just a moment here. Smart, very sharp.

2 Q. Have you flown with him --

3 A. He understood the business.

4 Q. -- sorry to interrupt. Have you flown with him before?

5 A. Yes.

6 Q. In what capacity?

7 A. Rides to, you know, flying from one point to another; just
8 flying the Niblack or flying on some trip, I'd go with him.

9 Q. How long have you known Rolf?

10 A. I've known Rolf since the mid-1980's.

11 Q. So his work up here, can you tell me a little bit about his
12 schedule and how long was he on; how long was he off; where did he
13 stay; things like that when he came out here during the season?

14 A. For the season, he would have an apartment here close-by. We
15 would get him a place, and this year, he happened to be right next
16 door. Carly and I got him a nice apartment right upstairs. And...
17 repeat the question one more time.

18 Q. What was his schedule when he came up --

19 A. His schedule was -- he worked -- he had seven days off a
20 month and would work, like, six in the morning until -- his
21 schedule was, like, six to -- trying to, you know, having a hard
22 time here -- six to, like, you know, it's -- six to eight, I
23 think, was his time, or five to seven. I can't remember.

24 Q. -- uh-huh.

25 A. But... but he was basically off, you know, seven days a month.

1 He had a relief named Jim Davis.

2 Q. So typically, how many flights a day would Rolf, during the
3 season, operate?

4 A. Four, five, six.

5 Q. Would those --

6 A. Or three or four, depending on the weather.

7 Q. -- right. Would those be, let's say, a good day that's back
8 in Misty Fjords, and its nice weather; would they be back-to-back-
9 to-back-to-back? You know what I'm talking about? They come
10 in -- I don't know if you had hot loads with people on and on.

11 A. No, you know, we had half an hour between flights.

12 Q. Okay. You've known him a long time. You're, you know,
13 knowledgeable about him. Had he ever voiced any concerns or
14 issues at home with his family; financial issues; did he have any
15 troubles that you were aware of?

16 A. He had -- his mother had Alzheimer's. They were getting -- I
17 think she was 90 years old and getting Alzheimer's, and his
18 brother was having some issues. When he came back, I talked to
19 him a little bit about it. I asked him if, you know, how he felt,
20 and I wanted to make sure he was here, ready, 100% with us. I
21 wanted to make sure that he was here, that he was mentally,
22 physically, and he was happy to be back.

23 Q. Let me ask you about that. What do you mean by "back"? He
24 had been coming up here for --

25 A. Yeah.

1 Q. -- multiple years; right? Are you referring --

2 A. Glad to be back from Ketchikan.

3 Q. Okay.

4 A. Glad to come back and fly.

5 Q. So tell me about the accident that he had in July.

6 A. He took off from Elfin Cove the morning of July 9th, and he
7 struck a channel marker. And we're very lucky the airplane was
8 without injury, and we had Dave bring it back to town.

9 Q. Did you talk to him about that --

10 A. Yeah --

11 Q. -- afterwards?

12 A. -- of course.

13 Q. Okay. Tell me about those conversations.

14 A. It was real -- I gave him some time, and then we sat here for
15 a good, couple two or three hours. He felt bad about what
16 happened. I basically told him our biggest concern wasn't for
17 him, and the airplane wasn't the big problem. It's -- you know,
18 we care for him. We wanted to ease his pain; you know. He was
19 apologetic, and he felt bad.

20 Q. Did he mention anything about pressure or anything --

21 A. No.

22 Q. -- that he felt?

23 A. No.

24 Q. Okay. And as the owner of this company, you probably don't
25 get involved with the FAA as much but tell me about your

1 interactions with the FAA over the years since you've owned this
2 company.

3 A. With -- I talked with, you know, Jon Percy quite a bit and,
4 you know, Doll, and with quite a few folks that try to be, you
5 know, active in the -- in all the meetings that we've had here,
6 and we've had a good relationship with the FAA.

7 Q. Do you recall the last time the FAA had come out here and
8 done a physical presence inspection of your operation?

9 A. They're here quite often. You know, Lana's -- Lana comes in
10 quite a bit. She's the Principal Maintenance Inspector. And
11 during the COVID we didn't see them as much, but we're
12 telephonically connected. We've had some online meetings and
13 communications. Mr. Clark Miller has been here also, and...

14 Q. You said that you'd been "active in meetings". Tell me, what
15 meetings? This wasn't necessarily with the FAA --

16 A. The air two meetings.

17 Q. Yeah, talk to me about that.

18 A. The air two meetings are -- have been every spring and in the
19 fall, and quite comprehensive; it would be most of the day at the
20 Sunny Point Cannery -- Sunny Point Hotel there at the landing.
21 And there was a lot of discussion, you know, about a lot of
22 different topics. Safety is paramount. There were different
23 speakers, you know, from the camp folks who, you know, talking
24 about the, you know, the body and the tresses on the body, and,
25 you know, different outside forces. And -- being -- having a good

1 team of people around you and not pushing your pilots; being
2 professional at all times; being safe at all times.

3 Q. Was -- during the course of any of these meetings, was there
4 any general consensus or agreement from the operators on how you
5 were going to procedurally go through and fly the fjords and these
6 air tours?

7 A. Well, we have a letter of agreement, an LOI [sic], that we
8 follow.

9 Q. An LOA?

10 A. A letter of agreement -- LOA, yes.

11 Q. Okay. Are you a signatory on that?

12 A. Yeah.

13 Q. Okay. And in general, not detailed, but in general what does
14 that LOA say?

15 A. It sets the frequencies, the routes, reporting points. You
16 know, it talks to the belief, you know, that the inside of the --
17 this pattern belongs to the helicopters, and they stay over the
18 water. Communications, you know, keeping their lights on or, you
19 know, they have the lights on. Procedures operating inside and
20 out pattern.

21 Q. What pattern?

22 A. This -- the inside of the pattern here [indicating].

23 Q. Oh, here over --

24 A. The channel.

25 Q. -- okay. When did this agreement come about?

1 A. I don't know the date.

2 Q. Was there any trigger to -- any event that triggered this
3 industry -- local industry agreement?

4 A. It was after an accident. I just, for the life of me, can't
5 remember the date.

6 Q. Okay. Do you recall which accident --

7 A. Because of -- because it was an accident, and we wanted to
8 have this -- you know, be as safe as possible.

9 Q. Do -- you don't recall which accident it was?

10 A. I want to say it was one of the, you know, one of the
11 Teflon's first accident I believe.

12 Q. And so --

13 A. It separates -- you know, separation of each other.

14 Q. -- so it's -- this agreement is just the operators are
15 operating out of Ketchikan down here, and you, I don't want to put
16 words in your mouth, but it's essentially the operators'
17 agreement --

18 A. Yes.

19 Q. -- with each other?

20 A. With each other, correct.

21 Q. Okay. Was the FAA involved in the development of these
22 procedures and this agreement in any way?

23 A. They had oversight. They asked us to come up with it, you
24 know, together, and that's what we all did.

25 Q. This may be a subjective answer to this question, but I'm

1 curious: I know you don't go out there and fly it, but in general,
2 is everybody, in your opinion, compliant or -- with these -- this
3 agreement, are they in compliance with the procedures and the
4 routes and such? I guess, Jimmy, what I'm asking --

5 A. (Indiscernible) -- I believe that --

6 Q. -- okay.

7 A. -- everybody does their best.

8 Q. Okay. I guess, in your opinion, is it working, this
9 agreement?

10 A. I don't know.

11 MR. LAWRENCE: Let me see a (indiscernible). Jimmy, you're
12 doing great. Do you need some water or --

13 MR. KOSMOS: No.

14 MR. LAWRENCE: -- you need a break? You're doing okay?
15 You're doing great. Tom, do you have any questions?

16 BY MR. JOHNSON:

17 Q. Just like a general, I guess, like, how do you guys check
18 weather and (indiscernible)?

19 A. First thing we do when we come in, I look at my -- look at
20 the weather on my Foreflight on my phone. I look at it the day
21 before too and see what's coming, and I check it again in the
22 morning, (indiscernible) windy. I go over to the aviation and
23 marine weather. I'll contact, like, if it's a camp just to see
24 what's happening out there, and I'll talk to the other operators.
25 I'll go overs the cams; take a close look at the cams; look for

1 trends.

2 Q. Will you guys, I guess, when you're, kind of, trying to
3 figure out your flights for the day, will you just, like, have a
4 day where just you say "We're not going to go today" or do you
5 just play it by ear or do you...

6 A. We look at the weather, and if it's -- it looks like going to
7 be a weather (indiscernible) for a while, we'll hold. A lot of
8 times, we won't -- we'll spend the whole day here with -- we'll
9 just look at the weather, look at what's going to happen in the
10 afternoon. If it doesn't look like it's any good, you know, we
11 won't fly.

12 Q. Okay. Do you guys get any flak from the cruise ships or your
13 passengers for not going?

14 A. I think people are, you know, people get sad when their trips
15 get cancelled, but that doesn't matter much, you know. We're the
16 ones that have to fly back.

17 Q. Yeah.

18 A. No good, don't do it.

19 Q. Okay.

20 A. I -- it doesn't bother me when we have to cancel somebody's
21 tour.

22 Q. Okay.

23 A. It's best for both parties.

24 Q. Right. Do you usually have the pilots give that news, or do
25 you have someone else that will do that? You do it? Okay. When

1 you brought Rolf back, did you guys think that he needed to do,
2 like, any kind of retraining with him or...

3 A. We had long conversations with Rolf. We wanted to see how he
4 felt, how he looked, and take the airplane out and fly around a
5 bit. I wanted to, I wanted to see from the moment he got here,
6 you know, how he was getting in the airplane and preparing like
7 he'd always prepared. I just, you know, I didn't see any changes
8 in that.

9 We had a discussion about, again, how he felt, how things are
10 at home. I went -- we had a meeting with the FAA FAAS team. The
11 FAA was not in town, but they gave us some things to talk about,
12 and I went through that with Rolf. We talked about, you know,
13 before you land somewhere -- basically, not to be rushed, you
14 know. Take your time to fly over any location before you land,
15 you know, or orbit here, you know, patch around, look, make sure
16 everything is clear. Communicate, keep your landing light on,
17 don't ever get in a hurry -- because I can manage the people.

18 I'm trying to remember everything we went through. It was
19 quite a bit, but just a deep heart-to-heart, you know. He knows
20 we love him, and we want the very best. But if he wasn't ready, I
21 want to know.

22 Q. So you'd leave that up to him as well? I think that's all
23 I've got.

24 A. No. Leave it up to him? Repeat that please.

25 Q. Well, I just wanted to make sure that it was also -- that he

1 knew that it was his -- that he had a say in it, you know, like --

2 A. Yeah --

3 Q. -- that you both agreed --

4 A. -- he had a say in it.

5 Q. All right.

6 A. I cared -- he cared for, for us, our company, and our
7 program, and it's not like some companies I've worked with in the
8 past, that we didn't really have any close relationships with each
9 other. We had a very close relationship with each other. My
10 friend.

11 MR. LAWRENCE: Jim, do you have anything for Kos?

12 MR. LARSON: No.

13 MR. LAWRENCE: Okay.

14 MR. LARSON: Thank you.

15 BY MR. LAWRENCE:

16 Q. I just have a couple of just follow-ups, Kos --

17 A. Yes.

18 Q. -- and then we'll be done. Who has, at this part 135
19 certificate holder, who has operation control? Because I haven't
20 seen your ops specs, but who has operation control?

21 A. I do.

22 Q. Okay.

23 A. Jimmy, David.

24 Q. Okay. And just -- I don't mean to, you know, go too far with
25 this, but in your mind what does that mean, by you having

1 operation control, Jimmy and David; what does that mean?

2 A. It makes me a shepherd, to watch over every aspect of the
3 business from the moment in the morning I come in two hours early,
4 make sure that everything's, and everybody, is ready. You know,
5 look good, feels good.

6 Q. Yep.

7 A. The airplane is running good; talk about some of the trips
8 that are coming up, you know; what the weather's doing, you know.
9 I've always told them that, you know, the elements -- we love what
10 we do here. This is not about the money. We can go when we can
11 go.

12 Q. Let me ask a little bit about that. Who can cancel a flight
13 here?

14 A. I can, and the pilot can. The DO, the chief pilot can.

15 Q. So any one of the other pilots, if they see something they
16 have the authority --

17 A. Absolutely.

18 Q. -- to cancel it? Okay. The iPads: do you issue those, or
19 are they the pilot's iPads?

20 A. They're ours.

21 Q. They're yours? Okay. And what, and what are those used for?

22 A. They're used for -- to aid the pilot. You know, give them --
23 try to give them as many tools as possible.

24 Q. Like what?

25 A. Like a, you know, a moving map, you don't see other aircraft,

1 to be able to be seen. The weather conditions, you know; there's
2 -- gives you the weather. There's some synthetic vision, flight
3 planning.

4 Q. Flight planning. Do the -- your pilots a VFR flight plan for
5 every flight?

6 A. Correct. We're a flight service.

7 Q. They file a VFR flight plan for every flight?

8 A. Yes.

9 Q. Okay. Is that, and I have not seen your GOM, so I'm, kind
10 of, asking in the blind -- is that what it's procedurally what
11 it's called for every flight?

12 A. We're supposed to have plan with the FAA -- with the FAA
13 Flight Service.

14 Q. Okay. So every flight between -- you only have 30 minutes.
15 Right? Sometimes you're scheduling, and you only have 30 minutes.
16 During that 30-minute timeframe, they're expected to file a flight
17 plan for the next flight?

18 A. Many times, what they'll do is contact Flight Service in the
19 morning if they plan on flying and then give them their trip
20 information, and then they will activate that trip.

21 Q. The Foreflight account: is that a Southeast Aviation account
22 that you use?

23 A. (Inaudible response.)

24 Q. Okay. And offline, I'll get the login information from you
25 on that.

1 A. Well, the challenge with that is that with the passwords all
2 over the years I've just told the guys to, you know -- I asked
3 Rolf, I believe, to go ahead and just put in his information if
4 he's using it, and then he has, you know all the, you know,
5 basically the login information and password.

6 Q. But that's a company password and login information; correct?

7 A. I had them put in their own information in there.

8 Q. Got it. Their -- for their individual iPad they would have
9 -- they would --

10 A. Yeah.

11 Q. -- tailor it to their password or whatever? Okay.

12 A. It's -- nothing's really company. I mean, we give as many
13 tools to our pilots as we can.

14 Q. And this follow-up -- I'm not sure I asked you about the
15 training, but typically what type of training do you provide
16 either initial or recurrent, on-going -- what type of training
17 does the company provide their pilots?

18 A. Initial and recurrent.

19 Q. Briefly describe the initial.

20 A. If they're a new pilot they -- you know, I start off with,
21 you know, a resume and with a, you know, we -- all the pilots
22 we've had in the past, we've all had history together. We've
23 never hired anybody that we didn't know or had, you know -- but
24 initial is -- there's a lot to it. There's a pre-employment; we
25 have drug tests; there's paperwork; there's, you know, you know,

1 flight, and you know -- there's a lot of different things, and I'm
2 just trying to -- just drawing a --

3 Q. Well --

4 A. -- blank.

5 Q. -- let me help you out. Is there a ground school?

6 A. Yes.

7 Q. Okay. Where does that occur?

8 A. Here.

9 Q. Okay. Who gives that ground school?

10 A. Jim Larson and Dave Rocke.

11 Q. Okay. So the DO and the Chief Pilot?

12 A. [Inaudible response.]

13 Q. Okay. Is there flight training?

14 A. Yes.

15 Q. And how is that conducted?

16 A. Jim Larson. (Indiscernible.)

17 Q. Okay. And Jim Larson does that?

18 A. Jim Larson and Dave Rocke.

19 Q. Got it. Are they the evaluators as well?

20 A. Yes, they will evaluate. They are -- I trust their
21 judgement.

22 Q. Okay. You may know this, because you're the person that's
23 paying the bills, but in general -- this is a fueling question:
24 how much fuel do the pilots -- and we'll talk to the others later,
25 but how much fuel do the pilots typically depart with?

1 A. The Misty Fjords tour generally a pack of 20, so 35 and 55
2 gallons about.

3 Q. 35 --

4 A. 35 plus 20.

5 Q. -- okay. So explain to me when you -- what you mean by 35
6 plus 20 (indiscernible).

7 A. There's a front tank, and 20 in the center tank, basically.

8 Q. So 35 in the front and 20 in the center?

9 A. 25 in the center -- 20 in the center, yeah. 20 to 24, I
10 mean --

11 Q. Okay.

12 A. -- depending on the weather.

13 Q. Do they refuel each time?

14 A. Yes.

15 Q. Prior to every flight?

16 A. Prior to every flight; correct.

17 Q. And I'm trying to understand the logistics -- were the
18 airplanes parked out here [indicating] --

19 A. Yes.

20 Q. -- and you fly them -- where would you fly them to pick up
21 the passengers?

22 A. We -- we'd pick them up at the visitor center or the dock,
23 and we bring them right here [indicating].

24 Q. Pick them up in a van or something to go get them?

25 A. Pick them up in a van.

1 Q. Okay.

2 A. And we'll talk to them here [indicating].

3 Q. And you load over here [indicating], right behind us?

4 A. Load right behind you, yes.

5 Q. Okay.

6 MR. LAWRENCE: Tom or Jimmy, do you have anything else?

7 MR. JOHNSON: No.

8 MR. LARSON: No.

9 MR. LAWRENCE: Kos, I really appreciate you talking to us,
10 and I know this is difficult. One thing I want you to know is
11 that we are going to work diligently. It may take some time, but
12 we are going to work hard to try and find answers for you.

13 MR. KOSMOS: That's what we all want.

14 MR. LAWRENCE: Right, and we do as well. A lot of times
15 after you talk with us and such, you spend a couple of days,
16 you'll metabolize what we've talked about, and they have that
17 feelings there where you're lying down saying, "Oh, my gosh. I
18 just thought of something that I probably should have shared."

19 Is there anything, now, you can think of that might help the
20 investigation, considering it's a safety investigation? Maybe
21 somebody we need to go talk to or something to look at that you
22 can think of?

23 MR. KOSMOS: I've been going out through my head for the last
24 three days.

25 MR. LAWRENCE: Right. Well --

1 MR. KOSMOS: The pilots, yeah.

2 MR. LAWRENCE: -- and we will, we will. But over the course
3 of time, if you think of something that comes up, if you mind,
4 that you think would help us, I want you to know and I want you to
5 feel comfortable just contacting us. You can contact me directly
6 and just say, you know, "I just thought of this. This might be of
7 help." Okay? Can you think of anything else that maybe -- any
8 questions you have for me?

9 MR. KOSMOS: Appreciate what you're doing. Thank you.

10 (Whereupon, the interview 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: N1249K DE HAVILLAND FATALITY
 IN KETCHIKAN, ALASKA
 ON AUGUST 5, 2021
 Interview of James Kosmos

ACCIDENT NO.: ANC21FA069

PLACE: Ketchikan, Alaska

DATE: August 8, 2021

was held according to the record, and that this is the original,
complete, true and accurate transcript which has been transcribed
to the best of my skill and ability.



Kali Haney
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of: *

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N1249K DE HAVILLAND FATALITY *

IN KETCHIKAN, ALASKA, *

Accident No.: ANC21FA069

ON AUGUST 5, 2021 *

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Interview of: JAMES LARSON, Director of Operations
Southeast Aviation

Ketchikan, Alaska

Monday,
August 9, 2021

APPEARANCES:

DAVID LAWRENCE, Senior Aviation Accident Investigator
National Transportation Safety Board

TOM JOHNSON, Aviation Safety Inspector
Federal Aviation Administration

BRENT COLE, ESQ.
Law Office of Brent R. Cole, P.C.
(On behalf of Mr. Larson and Southeast Aviation)

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I N T E R V I E W

(12:00 p.m. ADT)

MR. LAWRENCE: All right. Let's get started here.

My name is David Lawrence with the NTSB. I'm here to speak with Mr. Larson about the accident in Misty Fjord -- Mystic Fjords or --

MR. LARSON: Misty.

MR. LAWRENCE: Misty Fjords -- thank you -- last Thursday, the DH-2. What I want to do, and if you wouldn't mind, also, as we go through this, just speak up so we get it on the tape and stuff. But this is -- I want to assure you this is a very normal part of our process to talk to the management personnel of an operation that's involved in an accident. So I want you to, you know, feel free to share with us what you know, because that's what we're here for. You're an expert on this operation and such, so just share with us -- it's a safety investigation and I want you to know that anything you say, anything on the transcription, nothing will be used for certificate enforcement actions.

So I'll go around and make sure everybody's introduced so you know who's here.

David Lawrence, NTSB.

MR. JOHNSON: Tom Johnson, FAA.

MR. COLE: Brent Cole, the company.

MR. LAWRENCE: And your name?

MR. LARSON: James Larson, the director of operations.

1 MR. LAWRENCE: Great.

2 So during the course, I'll ask a few questions and, you know,
3 just share with us whatever you can. If there's a question I ask
4 that you don't understand, because I'm not in this world of
5 flying, aerial work in the mountains and stuff, so if there's
6 something you don't understand, ask me to clarify. If there is
7 something -- if you don't know an answer, that's fine, that's an
8 answer. "I don't know" is just perfectly acceptable.

9 So is there anything that you have question wise about the
10 process?

11 MR. LARSON: No.

12 MR. LAWRENCE: Okay. Great. So let's get started.

13 INTERVIEW OF JAMES LARSON

14 BY MR. LAWRENCE:

15 Q. I'm going to do the easy questions first. James, let me get
16 your full name, please.

17 A. James Joseph Larson.

18 Q. And how old are you?

19 A. Fifty-seven.

20 Q. Great. And what's your title here at Southeast?

21 A. Director of operations.

22 Q. Okay. Great. How long have you been director of operations
23 here?

24 A. Eight years.

25 Q. Okay.

1 A. That's approximate.

2 Q. Okay. And what is your role as the director of operations
3 here?

4 A. Just to help oversee the, kind of the entirety of the
5 operation: training, you know, what's going on with maintenance,
6 you know, manual stuff, operational control, helping find -- you
7 know, hire pilots, things -- you know, evaluating pilots. It's
8 all in our GOM there, I think, but those are the basic stuff.

9 Q. Okay. Great. So give me, if you could -- is it James or
10 Jimmy? What do you like?

11 A. Jim.

12 Q. Jim's fine?

13 A. Yeah.

14 Q. Okay. Jim, if you could just give me like a Cliff Notes
15 version of your background, just a Cliff Note version?

16 A. So I grew up -- I'm from Ketchikan. I grew up here, and
17 started flying off this waterfront in 1985. And did that for
18 about 5 years and then went north to, you know, fly bigger
19 equipment. I worked at Era Aviation, worked at MarkAir --

20 Q. I'm sorry. What aviation?

21 A. Era Aviation out of Anchorage.

22 Q. AARA, A-A-R --

23 A. E-r-a.

24 Q. Okay. Era. Yeah.

25 A. And that was Twin Otters. And then I went to work for

1 MarkAir Express flying Twin Otters, and they had some floatplanes,
2 Caravans and turbine Beavers and stuff. And then I ended up
3 getting hired at MarkAir, the bigger airline, and flew 737s with
4 them. And then I came back here for a few years and I got a job
5 at National Airlines for 5 years. I was there with them for 5
6 years. I was flying the 757, and the last year I was there I was
7 a captain on the 7-5. And then went to work for -- I came back up
8 here when they went out of business (noise interruption) --

9 Q. Thank you.

10 A. I came back up here when they went out of business and
11 continued to fly floatplanes because I needed a job. I got hired
12 at Alaska Airlines, worked there for almost 2 years. And quit
13 Alaska Airlines and went to work for the state of Idaho flying the
14 governor. And I was home every night and I thought that was
15 awesome, and then that turned out not to be really much of a
16 flying job at all. It was more of an office job.

17 Q. I bet it was fascinating though.

18 A. Eh, it's politicians and I didn't --

19 Q. Yeah, yeah.

20 A. -- fit in very well there. And then I got hired at Guardian
21 probably about 15 years ago, and that's been the best job I've
22 ever had. And I don't miss the airlines at all. I miss -- I
23 just -- I like being home with my family. And then all during
24 that time with Guardian, I've been helping out part-time on the
25 waterfront doing whatever I can for -- you know, like I've known

1 Kos here for my whole life, and I think I've been here off and on
2 since '07 at this company. That's, you know, typical tramp pilot
3 resume.

4 Q. Absolutely not. Very impressive.

5 Are you a director of operations on any other --

6 A. No. No.

7 Q. And then if you could, just a guesstimate on your total
8 flight time?

9 A. About 23,000.

10 Q. You beat me. How much of that, just estimated, pilot in
11 command time?

12 A. Oh, most of it. Probably 20,000.

13 Q. And have you flown the Beaver?

14 A. Yeah, I've got -- I've had a lot of Beaver time.

15 Q. Yeah. Like I said, some of these questions may be very
16 simple, but I just -- I got to --

17 A. Yeah. So estimate, I'm just estimating probably 6- or 7,000
18 hours in the Beaver. All, you know, this waterfront.

19 Q. Here in Ketchikan?

20 A. Yes.

21 Q. And have you flown with the accident captain before?

22 A. Oh, yeah. Yeah, he -- I've flown with Rolf multiple times.
23 He's flown my family multiple times. Yeah, very familiar with
24 Rolf's -- as a pilot ability.

25 Q. Okay. Well, talk to me about that. Tell me about his

1 ability.

2 A. Just a pro, you know. Good pilot, good -- better person.
3 Never ever worried about him.

4 Q. Were you in a Beaver when you flew with him or --

5 A. Yeah. Yes.

6 Q. So tell me a little bit about -- a little bit more about Rolf
7 as far as where he lived, how -- was he employed here, those type
8 of things.

9 A. So Rolf, I've known him for over 30 years. He was up here
10 right as I was starting my career. He's from the Seattle area.
11 And I don't know how many seasons he's been up here. Just off the
12 top of my head, it's got to be -- I think he's been up here 20
13 different seasons, you know, over the years. Worked for most
14 everybody on the waterfront at one time or another. There's been
15 quite a few operators. Some aren't here anymore.

16 Q. Right.

17 A. And I would be -- you know, as far as -- it would be a shock
18 to me to find anybody that he ever worked with that would have
19 anything bad to say about him as a pilot or as a person. It just
20 would shock me.

21 So I've known him a long time. Worked with him as a line
22 pilot at a couple different companies, and then worked with him
23 here as a fellow line pilot, and then worked with him here also
24 as, you know, him being the primary pilot and me being, you know,
25 training and check guy here.

1 Q. Okay. So he was the primary pilot here?

2 A. He was the primary pilot here.

3 Q. And was he a check airman?

4 A. No. Just line pilot.

5 Q. Okay. How was he employed? Was he by contract or employed
6 full time?

7 A. He was -- well, I mean, yeah, I mean summer seasonal. I'm
8 not sure, but --

9 Q. So when he wasn't up here, he wasn't earning income off of
10 you guys?

11 A. That's correct.

12 Q. It was just when he was up here?

13 A. Yes.

14 Q. Is it by contract or --

15 A. No. It just -- and I'm not sure how Abby and Kos do that, if
16 they rehire him every year or they -- I'm not -- you know, I don't
17 know how that works.

18 Q. Yeah. Okay.

19 A. If he gets unemployment when he's not here, I don't know how
20 any of that stuff works.

21 Q. Okay. For -- I should have asked this earlier about you.
22 Are you full time here?

23 A. Well, Kos is full time here when I'm -- he's required to have
24 a DO, and that's me.

25 Q. Okay.

1 A. So I -- you know, I guess it would be full time, you know.

2 Yeah.

3 Q. Okay. And I apologize if this feels uncomfortable. I'm
4 trying to find -- this is standard stuff that we ask. Are you a
5 direct employee of them or do you get paid by contract or by
6 season?

7 A. I get paid by the month.

8 Q. Okay.

9 A. Yeah.

10 Q. And finishing up, you gave me the hours. What certificates
11 do you have?

12 A. I have a -- it's a ATP. I'm type rated in the 757, 767, Lear
13 45, Lear 35, Beech 400. It's a 737 second in command type on
14 there. And then commercial privilege -- or actually ATP
15 multiengine sea, multiengine land, single engine land, and
16 commercial privileges (indiscernible). I think that's how the
17 whole thing reads.

18 Q. Yeah. Right. It's not an oral examine. I'm just trying
19 to --

20 A. Yeah. I'm just trying to think how it is laid out on that
21 card.

22 Q. Right. Not a problem.

23 A. I think I got it all.

24 Q. And you said you've been here for a while. So when would you
25 say your hire date was?

1 A. So I first began -- worked here in 2007.

2 Q. Medical certificate?

3 A. First class. Yeah, I actually just got a new first class
4 last night.

5 Q. And limitations on that?

6 A. No.

7 Q. Wow. Good for you.

8 So I'll tell you, right now, let's go back to that day, last
9 Thursday. Walk me through what you were doing, what your role
10 was, were you here, how'd you hear about it and all that.

11 A. Okay. Well, that day for me was a day off at Guardian, and I
12 was working next door for Carlin Air on his Beaver. I had a trip
13 that left at -- I think it was 6:30 in the morning, the other
14 direction, out to the northwest. And I was pretty busy back to
15 back till about 3 o'clock. I was just coming back for fuel and
16 then right back out again.

17 I heard about it on -- I think it was my -- it might have
18 been my second trip I did. I came back to the dock and talked to
19 James, the dock guy, and he told me there was an ELT, didn't know
20 anything more than that. And I had another trip -- you know, I
21 had people waiting, so I took back off again that way, going the
22 other way. By the time I got back from that trip, they confirmed
23 that they had an aircraft down and it was our -- it was Rolf,
24 1249.

25 Q. Um-hum.

1 A. And what do you, as far as just the rest of the day?

2 Q. Yeah. After you learned about it, then what did you do?

3 A. Came up and saw Jim, Abby, and, well, that was probably it.
4 That was -- I mean nobody really knew anything other than the
5 plane was down, you know, and just hoping for the -- you know,
6 hoping for some good news as far as survivors and -- but then, you
7 know, later they confirmed that there wasn't any.

8 And as far as -- did you ask about weather or anything like
9 that?

10 Q. I will, but I'm just -- right now, well, what did you do
11 during the course of the day?

12 A. Yeah, I just came up here and, you know, waited. I did have
13 another trip later that afternoon that went to the Unuk River, and
14 I went that way, went out on the island -- the back side of the
15 island and came back through -- on the way back, came back through
16 the area Rolf flew. And by then, the weather had dropped
17 considerably so I didn't get anywhere near where he was. But
18 there wasn't any other airplane out there by that time. It was
19 probably around -- I'm thinking it was probably around 4 o'clock
20 in the afternoon. But I just thought maybe there was something I
21 could do, but it was already -- they were done for the day at that
22 point. And then I came back here and we just spent the rest of
23 the night -- I think we were here till 8 o'clock, 8:30, just
24 trying to, you know, figure things out or do what, you know -- it
25 was pretty chaotic.

1 Q. I can imagine. When you were out flying were you anywhere
2 close over to Misty or anything?

3 A. Not anytime when -- during the -- when it happened. It was
4 much later in the afternoon. And we figure from -- has the
5 accident at about just before 11 o'clock, and I wasn't out in the
6 area till probably 3:30 and that happened in -- yeah.

7 Q. Yeah. You mentioned weather. So what about the weather that
8 you saw out there?

9 A. It had dropped by then back there, and he -- you know, it
10 was -- there were scattered layers, there was broken layers at
11 1500, there was rain squalls in the area. Not a whole lot of wind
12 but, like I said, I couldn't get anywhere near where he was at.

13 Q. Right.

14 A. I think he was up at 1800 feet. So I couldn't get up
15 anywhere near that high. I'd say generally about 1,000 feet back
16 in there at the time I was there.

17 Q. Ceilings?

18 A. Thousand to 1500 foot ceilings. Plenty of good visibility
19 underneath.

20 Q. Right. I just want to make sure, when you say 1,000 feet
21 ceilings back there, you mean back toward --

22 A. Back where I was.

23 Q. Where you were?

24 A. Yeah, I was --

25 Q. Where were you at that time?

1 A. I was south of where he was, coming back across there, Ella
2 Lake kind of --

3 Q. Ella Lake?

4 A. Ella Lake area and Big Lake, and then into Thorne Arm over to
5 Carroll Inlet. So I was kind of south of his route.

6 Q. Boy, I wish I knew where these places were.

7 A. I can show you.

8 Q. I know.

9 A. Yeah.

10 Q. Do you got a map you can show me?

11 A. Yes.

12 UNIDENTIFIED SPEAKER: Put it up, I'll take this off.

13 MR. LAWRENCE: No, he'll show it right here. Thanks.

14 UNIDENTIFIED SPEAKER: Draw his route, too.

15 MR. LARSON: Okay. So this is just, you know, rough, but
16 this X is where he's at.

17 BY MR. LAWRENCE:

18 Q. Right.

19 A. I was here. Then I --

20 Q. So you were up in north and you came down --

21 A. Yeah, I came -- I went up there this way.

22 Q. Right.

23 A. I came back, and so I was well south of him.

24 Q. Okay.

25 A. This is all the way lower down here where I was.

- 1 Q. Okay.
- 2 A. So this is all low muskegs where I was.
- 3 Q. So you came actually by the weather cam down here?
- 4 A. Yep. Yep, all the way to --
- 5 Q. Misty Fjords weather cam?
- 6 A. Yep. I was -- there's Ella Bay, Ella Lake.
- 7 Q. And so this is, what, Behm Canal?
- 8 A. Behm Canal. Yes, sir.
- 9 Q. Okay. So you came down Behm Canal south of his position --
- 10 A. Yes.
- 11 Q. -- and made a right turn and stayed over --
- 12 A. Yeah. The lower muskegs and these low lakes all the way
- 13 back.
- 14 Q. Okay.
- 15 A. Yeah.
- 16 Q. And so where was it that you said it was about 1,000 feet?
- 17 A. So we got -- anywhere from, you know, this -- as soon as I
- 18 got over Ella Lake, she dropped down to, you know, 1500, maybe
- 19 some scattered stuff below.
- 20 Q. And that's just out to the east of where --
- 21 A. Yeah. Right.
- 22 Q. -- Rolf was?
- 23 A. Right.
- 24 Q. Or where the accident site was?
- 25 A. Yes.

1 Q. Okay.

2 A. And it was -- you know, there was some rain squalls here and
3 there, but as far as, you know, visibility for me, it was fine.

4 Q. Underneath 1,000 foot?

5 A. Yeah.

6 Q. Okay.

7 A. I don't think I got below 1200 feet the whole time. You
8 know, there was some scattered stuff below me here and there, but
9 not, you know --

10 Q. But when you're up here to the east of where Rolf's airplane
11 ended up, about what was the ceiling in this area?

12 A. Oh, it was good until we got like down here south end of the
13 lake.

14 Q. Right.

15 A. And then it dropped down.

16 Q. Okay. To about --

17 A. It was probably 2,000 feet going all along this line here.

18 Q. Along Behm Canal?

19 A. Yeah.

20 Q. But once you got down here to the east of where the accident
21 site was --

22 A. Yeah. And then it looked like it was socked in pretty good
23 where -- that valley where he was. Like I say, I didn't even get
24 any -- I didn't even turn up there. It was kind of socked in
25 then.

1 Q. And on your route coming down that you're east here, the
2 ceiling, you said, you were at 1200.

3 A. Yeah, it was -- I mean the ceilings were anywhere from 1,000
4 to 1500 from probably south Ella all the way into, you know,
5 Mountain Point.

6 Q. Okay.

7 A. Yeah.

8 Q. Great. I appreciate you showing that to me.

9 A. Yeah, no problem.

10 Q. I appreciate that. Sorry I marked up your map.

11 A. No, no, that's -- we got lots. Yeah.

12 Q. Okay. Good.

13 So for you guys flying air charters, you are on demand. So
14 when you go out there, is there like a set route or a published
15 route that you guys fly?

16 A. Yes. I'll show you up here.

17 Q. Okay.

18 A. So this is a letter of agreement, and it's been a work in
19 progress here. It started, I think, in '09.

20 Q. Okay. It's a letter with who?

21 A. A letter of agreement. It's every operator on the waterfront
22 has signed this thing.

23 Q. Okay.

24 A. It's been revised several times. The original is --

25 Q. There you go.

1 A. -- 1/15/09. It's a voluntary letter and it has to do with
2 routing and altitudes and frequencies and reporting points. And
3 we've hit this pretty hard because we do a lot of Misty flights,
4 so we want our guys really familiar with that.

5 Q. Right.

6 A. I can give you a copy of that obviously.

7 Q. I would appreciate that.

8 A. It's up there in your stack of documents there, so but --

9 Q. Okay. I appreciate that.

10 A. Yes.

11 Q. So let me just -- you know, from just a narrative standpoint,
12 tell me what -- if you're going up to Misty Fjords where Rolf was,
13 tell me what the generally accepted flight path to go up there.
14 What do they do? Do they land someplace?

15 Q. Yeah.

16 A. What's the typical route?

17 A. So the typical route would be -- it's actually -- there's a
18 couple of them on there. But the typical route is --

19 Q. Can we use this -- it'll refresh? Thanks.

20 A. Sure. It'd be Mountain Point, and then you go Carroll Inlet
21 over to Thorne Arm, up through Ella Lake, and then over -- right
22 into Rudyerd Bay.

23 Q. Okay.

24 A. When you get into Rudyerd Bay there's kind of a little route
25 in there. You know, you go into Punch Bowl Cove. If you can go

1 through what we call the cut, you go through there, look at Big
2 Goat, and then come down and land in the fjord or go over to Nooya
3 and land. There's three or four places you can land out there
4 normally. And on the way back, we come out of Rudyerd Fjord so
5 not to cross --

6 Q. Could you spell that, by the way? The canal or --

7 A. R-u-d-y-a-r-d [sic].

8 Q. Okay.

9 A. And then coming -- we come out of the fjord so as not to
10 cross paths with the guys coming in.

11 Q. Right.

12 A. And then follow back to Ella Lake, down Thorne Arm, and cross
13 over to Carroll, and then Mountain Point, and -- so that's sort of
14 the standard route when you can go that way. That's called the
15 short way.

16 The long way, we go all over the water the whole entire way,
17 and it's basically from Ketchikan we go all the way down around
18 Point Alva, up the Behm, and into Rudyerd.

19 Q. Got it.

20 A. So this is the short way, and the way I did it, and this is
21 the long way.

22 Q. Right. Why would you go around the long way?

23 A. It can be down over the land, you know, over the island.

24 Q. Down, you mean ceilings?

25 A. Like too low to go -- not good enough visibility to go that

1 way. But on -- if you stay over water sometimes you can go this
2 way and still have your minimums.

3 Q. Right. But when you say down, do you mean ceilings, low
4 ceilings?

5 A. Yeah.

6 Q. It's down? Okay.

7 A. Yeah.

8 Q. Okay. And the route that Rolf took, coming through here?

9 A. So he was north of the standard route. And, you know, you
10 wouldn't go north of the standard route unless you had really good
11 weather. I mean, that's speculating.

12 Q. Yeah.

13 A. I don't know what he was thinking about, but that's how I
14 would've approached it. If it was good enough to go north of the
15 standard route, you would have good weather.

16 Q. Talk to me about that some more. Where do you mean north of
17 the standard route?

18 A. Well, so he was -- here's the standard route.

19 Q. Right.

20 A. And here's his route, north of there.

21 Q. Okay.

22 A. And the terrain's higher to the north.

23 Q. Right.

24 A. So I know it gets up there 3700 and --

25 Q. So this point right here that you put right here --

1 A. That's Big Goat Lake. That's where he landed.

2 Q. Okay. He landed at Big Goat Lake.

3 A. Roughly 2,000 feet elevation. The nice thing about landing
4 in Big Goat is you're already 2,000 feet up when you leave so you
5 don't have to climb. You know, you already --

6 Q. Right.

7 A. -- start out at 2,000 feet, so it's, you know --

8 Q. So this path that he took out this way, this is a little bit
9 further north than normal?

10 A. Yeah. So, you know, generally you'd come either out of Big
11 Goat or down in the fjord somewhere. Sometimes you land in Nooya,
12 but you come out the fjord this way.

13 Q. Um-hum.

14 A. And, you know, there's a rock out there we like to show them.
15 So you'd be, you know, 1,000 feet or so down, and then work your
16 way up through here.

17 Q. Okay. And you alluded to this north route that he took
18 instead of coming over the fjord, the north route?

19 A. He jumped over the ridge there, and it's prettier and, you
20 know, you got to have better ceilings.

21 Q. That's what I was going to ask. Why would a pilot go up to
22 the north? Just scenic?

23 A. Just showing them -- yeah, just scenic. It's a scenic tour,
24 so --

25 Q. Okay. Is it typically just the one time that you land? You

1 know, you land at Big Goat Lake --

2 A. Yeah. He --

3 Q. -- and then you go anyplace and land?

4 A. Well, he went there earlier that day and just did the same
5 thing, landed at Big Goat. So he was twice in Big Goat that day.
6 But, you know, there's several places to land on. You can land
7 down here in the south arm, over here in Nooya. Up in the head
8 end you can land in Punch Bowl. You know, there's -- those are
9 the most common places.

10 Q. Okay.

11 A. And I don't know if I was -- on the standard route, when you
12 get out there, you got into the fjord, up through Punch Bowl, over
13 Punch Bowl Lake -- this is what we call the cut.

14 Q. Um-hum.

15 A. And we show them the big waterfall coming out of Big Goat,
16 and then come down here. And that's the inbound and the outbounds
17 are coming out here, to provide separation.

18 Q. But the outbounds from Big Goat, typically when you get to
19 this point, whether -- however you get to the Behm Canal, you go
20 south and then --

21 A. You would fly down the Rudyerd and then over to Ella Bay and
22 into Ella Lake.

23 Q. Is this Ella -- what's this?

24 A. This is Ella Bay.

25 Q. Okay. So you would enter it --

1 A. Yeah.

2 Q. -- to land on the west side of Ella Bay --

3 A. Right.

4 Q. -- and then work your way over?

5 A. Yes.

6 Q. Okay. And without looking at the standard that agreed with
7 all -- agreement with all the other operators, is that the
8 standard that everybody's agreed to?

9 A. That is what they call -- I think the word they use is the
10 standard route. It's depicted on here. It didn't show up very
11 well, but I'll find it. Okay. So there's a -- it didn't show up
12 very well, but this is depicted as the standard Misty route. The
13 red line is the outbound route, you know, up through -- here's
14 Ketchikan over here. So up Carroll, over Thorne, down to Ella,
15 out Ella Bay, and into Rudyerd, right? And then coming back is
16 the blue line, so just a little bit north of there but basically
17 follows the same route back.

18 Q. Can you do me a favor? Show Tom and Brent what you were
19 pointing out --

20 MR. COLE: I already know.

21 MR. LAWRENCE: You already know? Okay.

22 MR. LARSON: So, Tom, this is what they call the standard
23 Misty route. Here's Ketchikan. We go around Mountain Point, up
24 Carroll, jump over to Thorne, into Ella Lake here, and then Ella
25 Bay, and into Rudyerd Fjord here. And then coming out of there,

1 we come down the fjord and just a little bit north of the red line
2 all the way back. That's what they call the standard route.

3 MR. JOHNSON: Okay. It actually could come through
4 (indiscernible) --

5 MR. LAWRENCE: Yeah, you can --

6 MR. LARSON: Yeah. I mean, it's a voluntary thing that we,
7 you know, we all sign and try and -- it's mainly for so you know
8 what the other guys are doing and you're not crossing paths.
9 There's not -- there's a couple choke points, but there really
10 isn't any if you do it -- there really isn't any of this going on.

11 MR. JOHNSON: Crossing?

12 MR. LARSON: Yes.

13 MR. JOHNSON: No crossing over.

14 MR. LARSON: Yeah, that's kind of the whole idea behind it.

15 BY MR. LAWRENCE:

16 Q. Okay. I appreciate you showing that to me.

17 The day of the accident, was there a lot of traffic back in
18 the fjord there at Misty?

19 A. So we're gathering information on that. I mean there was
20 other airplanes back there that day. I don't know. Jeff -- I was
21 flying for Jeff and we didn't get out there until later in the
22 day, and it wasn't Misty. It was a Fish & Game thing. But I
23 think I -- we just had a couple trips back there that day. Maybe
24 Misty Fjords there, still kind of wonder if they were flying in
25 and out that. But there was other airplanes flying that day back

1 there. Dave, our chief pilot, Dave, owns Family Air, a 185, one
2 airplane. He was back there that day. Definitely there was other
3 airplanes back there.

4 Q. For Rolf, how many trips -- what was -- how many trips had he
5 taken?

6 A. That was his second trip. His first trip was to Misty. So
7 he just seen, you know --

8 Q. Well, okay, so this is his second trip.

9 A. Second trip.

10 Q. His first one he went to Misty also, right?

11 A. Yeah.

12 Q. Do you know the time frame about when he took off the first
13 one and came back and then --

14 A. Yeah. I want to say 8 o'clock, right in there somewhere.
15 And the second one was about 10 o'clock, roughly, maybe a little
16 bit earlier. I mean I can definitely find out from Kos.

17 Q. Sure. Well, that's part of some of the information I've
18 asked for.

19 A. Yeah, and Kos is going to say yes. Okay. I have, actually,
20 the exact times here. So Kos does a flight log here.

21 Q. Okay.

22 A. Hang on. The first one he has out at 7:52 and in at 9:21, on
23 the first trip. And the outbound on the second trip was 9:39 he
24 left and he has an estimated time getting back at 11:39.

25 Q. So the first trip was 7:52 in the morning?

- 1 A. Yes.
- 2 Q. And he returned at 9:52 [sic]?
- 3 A. Yep.
- 4 Q. Are these estimates or are they --
- 5 A. No, these are -- Kos writes them down.
- 6 MR. COLE: What time did you say he came back?
- 7 MR. LAWRENCE: On the first trip?
- 8 MR. LARSON: On the first one?
- 9 MR. COLE: Yeah, the first trip.
- 10 MR. LARSON: 9:52. 9:21.
- 11 MR. COLE: You said two things, so I just wondered --
- 12 MR. LAWRENCE: Yeah.
- 13 MR. LARSON: I might have read the, I might have read the
- 14 ETA.
- 15 MR. LAWRENCE: Yeah.
- 16 MR. COLE: I didn't mean to interrupt. I just --
- 17 MR. LAWRENCE: No, that's good. Let's make sure that we get
- 18 this right.
- 19 MR. LARSON: So I'm -- Kos puts an ETA down --
- 20 MR. LAWRENCE: Gotcha.
- 21 MR. LARSON: -- just when he expects them back, and here's
- 22 the actual.
- 23 BY MR. LAWRENCE:
- 24 Q. So he left, actual was 0752, and his actual is 0921?
- 25 A. Yes.

1 Q. Got it.

2 A. Yeah.

3 MR. LAWRENCE: Thank you, Brent.

4 BY MR. LAWRENCE:

5 Q. And then he took off on the second trip --

6 A. Yeah, 0939.

7 Q. Okay. 0939, and he was estimated to return at 11:39?

8 A. Yeah.

9 Q. Is that normal, for a 2-hour?

10 A. Kos allows some extra time because just that's what he
11 thinks. You know, if it ends up being later than that, there's
12 definitely something going on, I think is -- you'd have to ask him
13 why he allows 2 hours.

14 Q. Right.

15 A. The trip only takes an hour and a half, give or take.

16 Q. Okay. Great. I appreciate you telling me that.

17 So for the passengers, and I'll get to the specifics for
18 these five, but in general how do you get the passengers? How do
19 they find about you guys to book an air charter with you?

20 A. So it's -- generally it's online. You know, Koss has an
21 online thing. He also works with travel agencies to get the trips
22 also. He has a booth down here, where as people get off the ship
23 and get -- you know, walk up and buy a trip.

24 Q. Um-hum. Is the booth in the visitor's center there or --

25 A. I think he's got one in there and I think he has an outdoor

1 booth, too, at one of the docks. He'll know all that better than
2 me.

3 Q. Sure. And if you don't know, that's fine, but for this
4 particular flight, those five passengers, do you know how they
5 were booked?

6 A. So it looks like -- again, we'll double check with Kos, but
7 it looks like these four are from a travel agency, and this one is
8 a sales guy off the dock, is how I interpret that.

9 Q. Okay. So you're saying the four that were a travel agency
10 was because -- I don't know what SEG --

11 A. I don't either.

12 Q. -- on the manifest says.

13 A. I'm not sure either.

14 Q. Okay. That's fine. But that indicates those were travel
15 agents?

16 A. I think so.

17 Q. Okay. We'll clarify that.

18 A. Yeah, Kos will know exactly.

19 Q. Okay. And one was off the dock?

20 A. Yes.

21 Q. Are you aware if Southeast has any kind of contract or
22 agreement with any of the cruise lines?

23 A. I'm not aware of one.

24 Q. Okay. Do you know if anybody around here -- it's a small
25 community.

1 A. Yeah.

2 Q. So do you know if any of the other operators have contracts?

3 A. Yeah. I think Taquan Air works with big cruise ship
4 companies directly. I'm not sure about Misty. I'd be guessing on
5 that.

6 Q. That's fine. No need to guess.

7 So, in general, they have the online and on the docks --

8 A. Dock sales, yes.

9 Q. -- dock sales and such, and that's the typical, you would
10 say?

11 A. And the -- and whatever in the travel agency or the trip, you
12 know, the travel companies that Kos works with. And I don't know
13 the names.

14 Q. Okay. Let me ask you about Rolf's previous accident that was
15 in July. Can you tell me about that?

16 A. Yeah. It was Coffman Cove, which is a little community up to
17 the northwest of us about 50 miles or so. He dropped off four
18 passengers there in the morning, and departed Coffman Cove empty,
19 just him. And on takeoff, before he was in the air, he hit a
20 channel marker right there in Coffman Cove, right in front of the
21 ferry dock. It was a green channel marker probably about, I don't
22 know, just 4½ feet high. I'm just estimating.

23 I helped go to (indiscernible) later that day. It looked
24 like he hit it pretty much straight on, the prop hit it. There
25 really wasn't much damage to the cowl. The strut bar was

1 chopped in two and the floats were in pretty good shape, but they
2 towed in. When he hit it, the airplane flipped over. And in
3 the -- and Rolf got right out, no problem. No injuries. But in
4 the process of flipping over, it was quite a bit of damage to the
5 wing and he broke some struts and things.

6 Q. Yeah.

7 A. So I think -- I'm not sure where that investigation's at
8 right now, but it was determined an accident because of the
9 damage.

10 Q. Was the FAA involved in that?

11 A. It was Brice Banning with the NTSB, and the FAA rep was Lana.
12 I'm not sure what her last name is. She lives in town here, with
13 the FAA.

14 Q. Okay. As director of operations, what were your actions
15 after that particular accident?

16 A. All right. I got some notes on that. So Dave Rocke at
17 Family Air went up and got Rolf, brought him back here to the base
18 here, and we had Rolf do a drug test. And then --

19 Q. Do you know the results of that?

20 A. Yeah. It was negative.

21 Q. Okay.

22 A. Brice Banning, I was talking to him on the phone. He wanted
23 to talk to Rolf as soon as possible and interview him on what
24 happened. And he said I could be -- sit in on the interview. He
25 directed me not to do any coaching, which I did not do. And he

1 just wanted to know what happened. In the interview was Brice on
2 the phone, Rolf, myself, Jim Kosmos, and Andrew -- I don't know
3 his last name. He was out of Juneau, out of the Juneau FSDO, a
4 avionics inspector out of the Juneau FSDO, was also on the
5 telephone. And Rolf just told Brice what happened.

6 And afterwards, Kos and I were able to talk to Rolf and just
7 went over everything, talked about -- some of the things that came
8 up in the interview was like complacency. Rolf mentioned, you
9 know, he mentioned pressure, but he -- you know, he explained it.
10 Not company pressure but just pressure he put on himself. And we
11 went over company expectations again, which is just please don't
12 feel pressure, you know, and -- we had a long talk with Rolf. And
13 then at that point we had our other airplane still in maintenance
14 so there's nothing for Rolf to do, and so he went back to Seattle
15 for about a week. And during that time, we -- you know, I think
16 Kos talked to him on the phone quite a bit and we decided that
17 we -- if he would come back, if he was okay coming back, we were
18 okay with him coming back and flying.

19 And there was a lot of talk, a lot of discussion between he
20 and Kos and the chief pilot, Dave, and other, you know -- when
21 they'd go call other places Rolf had worked prior and, you know,
22 just everybody said the same thing, you know, he's going to be
23 even a safer pilot after that, you know. He just didn't see it.
24 It could've happened to anybody.

25 Q. I was going to ask this earlier because this will be the

1 follow-up a question I should have asked earlier, where do you
2 guys -- as a 135 certificated operator, do you have any kind of
3 formalized training on the Beaver?

4 A. Yes.

5 Q. Tell me about that.

6 A. So we have a training manual that we train off of and a GOM.
7 And we train, you know, specifically on the Beaver systems. We do
8 all the required training that's in the manual, both manuals.

9 Q. Okay. For both manuals. Which two?

10 A. The GOM and the training manual.

11 Q. All right.

12 A. Yeah.

13 Q. Thank you. And so you have formalized training defined in
14 the GOM and the training manual. Other than asking if he was okay
15 to come back, was there any additional training that was given to
16 him?

17 A. So we -- there was a -- when he got back from Seattle, we had
18 him take the airplane out and just fly it and -- you know, we kind
19 of left it, you know, is he ready to -- you know, he had to tell
20 us if he was ready to come back and felt okay coming back. We
21 didn't have at that time -- I mean at that time we didn't have any
22 problem with him coming back and going to work for us and
23 (indiscernible) here.

24 Q. I appreciate that. How many pilots other than Rolf do you
25 have?

1 A. So I fly occasionally here, not very much, just because I
2 have, you know, another job. We have James Davis, who you've met,
3 Dave Rocke, and we have Mike Rhoads is another guy that would --
4 he's a Lynden pilot that has time off that comes through town and
5 he's current on our -- he hasn't flown for a while, but he's
6 current on our -- you know, he has a current check ride so he
7 would be available if we needed him. But for the most part, it
8 was Rolf and Jim doing the flying this season. And Rolf was on a
9 basic 3 weeks on, 1 week off schedule.

10 Q. I'm sorry. Three weeks on?

11 A. One week off. We try to give them like a week to go home
12 every month and then James would cover that week.

13 Q. When Rolf was up here for those 3 weeks, where did he stay?

14 A. He stayed in the apartment right next door.

15 Q. Did he stay up here with his wife or family?

16 A. No. It was just him.

17 Q. Is that an apartment you guys have?

18 A. I think Kos -- and you'll have to ask Kos, but I believe Kos
19 rented that out for him for the summer.

20 Q. How you doing? You need water or anything? You doing okay?

21 A. I'm great.

22 Q. We're pretty close to the end here.

23 A couple of equipment questions. Did the -- did 49-Kilo have
24 a TAWS?

25 A. No.

1 Q. Okay. Spidertracks?

2 A. Yes.

3 Q. There was an iPad found. Did you -- did Rolf use an iPad?

4 A. Yeah. I think he had it in the airplane that day with the
5 ForeFlight app on there, and had ADS-B in and out so he could see
6 the other airplanes in the area and they could see him.

7 Q. And the ForeFlight that he used, was that a Southeast account
8 or his personal one?

9 A. That was Southeast.

10 Q. Do you know the -- what was the account information?

11 A. I have no idea.

12 Q. I'll get that.

13 A. I don't know.

14 Q. Okay. And let me ask you about the FAA. Do you know who the
15 POI is?

16 A. His name's Jon Percy, out of the Juneau FSDO.

17 Q. Okay. And has Jon been out here?

18 A. No. We've spoken to him on the phone several times. He's
19 not been down yet.

20 Q. And you said yet. What does that mean?

21 A. He thought he would be coming down possibly.

22 Q. Prior to the accident or after?

23 A. Well, he had planned a trip prior to the accident to come
24 down just to do his kind of usual come down and looking things
25 over. And he thought that would still happen, but he wasn't for

1 sure on it.

2 Q. So how long had Jon Percy been the POI on this certificate?

3 A. So Jon has -- was our POI for years, several years, and then
4 now is it 2 -- I'm just -- these are estimates.

5 Q. Yeah.

6 A. A couple, 2, 3 years ago, Jon went into another area and we
7 had a new POI, and then another POI real briefly, and now we got
8 Jon back. And there was a lot -- you know, they were having some
9 turnover. We ended up having like three different POIs within,
10 you know, fairly rapid succession. We got Jon back now as our
11 POI.

12 Q. Okay. You said Jon hadn't been down there. Had any of the
13 temporary or the short-term POIs -- you said you had multiple
14 POIs.

15 A. Right. Yes.

16 Q. Any of those guys come down?

17 A. Not during -- no, not pertaining to this.

18 Q. So to your knowledge, there have been no FAA surveillance
19 activities on property, like looking at manuals, looking at
20 airplanes, anything like that, you have not seen any FAA personnel
21 here?

22 A. Lana, who is a maintenance inspector and lives in town, was
23 investigating the Coffman Cove, so she was down here. I think she
24 was kind of running that investigation or at least collecting
25 documents and --

1 Q. Okay. But her role is investigation wise for that particular
2 accident?

3 A. Yeah. Yeah.

4 Q. Okay. It wasn't for routine surveillance?

5 A. No, no. No.

6 Q. Okay. Have you ever seen any FAA personnel down here for
7 routine surveillance activities? What I mean is looking at
8 manuals, looking at airplanes. Have you ever had anybody --

9 A. Yes.

10 Q. -- down here outside the investigation?

11 A. Recently or just --

12 Q. Anytime.

13 A. Oh, yeah, yeah. Of course.

14 Q. Oh, okay. Tell me about that.

15 A. Yeah, they would come down and, you know, talk to TJ, our
16 maintenance -- our DOM, and do a ramp check, you know, just the
17 normal things.

18 Q. Do you know when the last time that occurred?

19 A. I'm not -- I don't. But it was not -- there wasn't any
20 interruption in that type of thing. They'd come down -- they come
21 down generally in the summer and they do, you know, their --
22 they're here, you know, check, looking at everybody.

23 Q. Yeah.

24 A. Just that kind of stuff. Yeah, there was no interruption in
25 that.

1 Q. Okay. Just so --

2 A. I guess Covid, you know -- Covid probably, you know -- we
3 didn't really fly much last year because of Covid, so they weren't
4 really around much last season.

5 Q. Just double checking I've got some of my stuff. You've been
6 real helpful. This is great.

7 MR. LAWRENCE: Let me ask Tom, if you have any questions?

8 MR. JOHNSON: No. I think you got them all.

9 BY MR. LAWRENCE:

10 Q. I know there's no way, and I don't want you to speculate or
11 anything like that, but have you guys decided to do anything -- I
12 know you don't have aircraft right now, but do you know what the
13 plans are for the certificate?

14 A. I have not had any conversation with Kos about that. It's --
15 he's got to take some time and -- we all do I think.

16 Q. Right.

17 A. You know, we've got -- you know, try and make it simple.
18 Safety is what, you know, we're trying to be all -- you know, we
19 had an accident and that's -- we're trying to figure this out.

20 Q. And considering this is a safety investigation, so we're just
21 doing the same thing you -- you know, we're trying to figure out
22 what happened and such. Is there anything you can think of that
23 maybe I haven't asked about that might be able to help us with or
24 might be helpful for the investigation? Somebody we should talk
25 to?

1 A. I know -- nothing, you know, nothing comes right to my mind
2 right now. I certainly would -- if something did, I wouldn't
3 hesitate to get in touch with you. If I, you know -- and I'm sure
4 Kos feels -- you know, we would -- if something comes up and we
5 think we need to explore, we will definitely communicate that to
6 you.

7 Q. Okay.

8 A. We're hoping that you can figure this out, you know.

9 Q. We're going to. We will.

10 And if, like you just said, if there's anything that you can
11 think of, because a lot of times people, after a couple days of
12 metabolizing everything that's gone on, they get a little clarity
13 and they'll do the ceiling stare where you're looking at the
14 ceiling and said, I should have said this or I should have offered
15 this and such. I just want you to know you can contact us
16 anytime. You can contact me anytime.

17 A. All right. Thank you, sir.

18 Q. You guys are party to the investigation, so we're going to be
19 asking, you know, for information and things like that. So it's
20 going to be a collaborative approach for this investigation, so --
21 we'll get to it. Okay.

22 MR. LAWRENCE: Anything else, Tom? Brent?

23 MR. JOHNSON: No. I'm good. We pretty much went over --
24 (Whereupon, the interview was concluded.)

25

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: N1249K DE HAVILLAND FATALITY
 IN KETCHIKAN, ALASKA
 ON AUGUST 5, 2021
 Interview of James Larson

ACCIDENT NO.: ANC21FA069

PLACE: Ketchikan, Alaska

DATE: August 9, 2021

was held according to the record, and that this is the original,
complete, true and accurate transcript which has been transcribed
to the best of my skill and ability.



Kay Maurer
Transcriber