

Agenda Item 11A: KONA TRADER IRC Report Attachments

Attachment 1: Initial Notice from Port Agent

ATTACHMENT 1

Garfinkle, Allen@BOPC

From: John Carlier <[REDACTED]>
Sent: Wednesday, September 25, 2024 4:12 PM
To: Garfinkle, Allen@BOPC
Subject: RE: Kona Trader

EXTERNAL EMAIL. Links/attachments may not be safe.

Allen,

As per our earlier conversation, confirming that while maneuvering into Stockton Berth 12/13, the M/V Kona Trader's bulbous bow allided with the pier. This occurred at approximately 1515. The pilot of the vessel was Matt Stevens, accompanied by apprentice pilot Christian Barron. The ship's agent is Ronnie Celio with Fillette Green Agency. His cell# is: [REDACTED]. The ship is scheduled to shift from Stockton to Anchorage 9 on 9/27, and then shift up to Richmond berth 21 on 9/30.

Best Regards,
John

Captain John Carlier
Port Agent
San Francisco Bar Pilots

From: Garfinkle, Allen@BOPC <[REDACTED]>
Sent: Wednesday, September 25, 2024 3:55 PM
To: John Carlier <[REDACTED]>
Subject: Kona Trader

Hi John,

Please send me email conformation of the information on the KONA TRADER today.

Thanks,

Allen

Allen Garfinkle
Executive Director
Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun
660 Davis Street, San Francisco, California 94111
[REDACTED]
Phone: 415-397-2253
[REDACTED]

Attachment 2: Port of Stockton Chartlet

ATTACHMENT 2

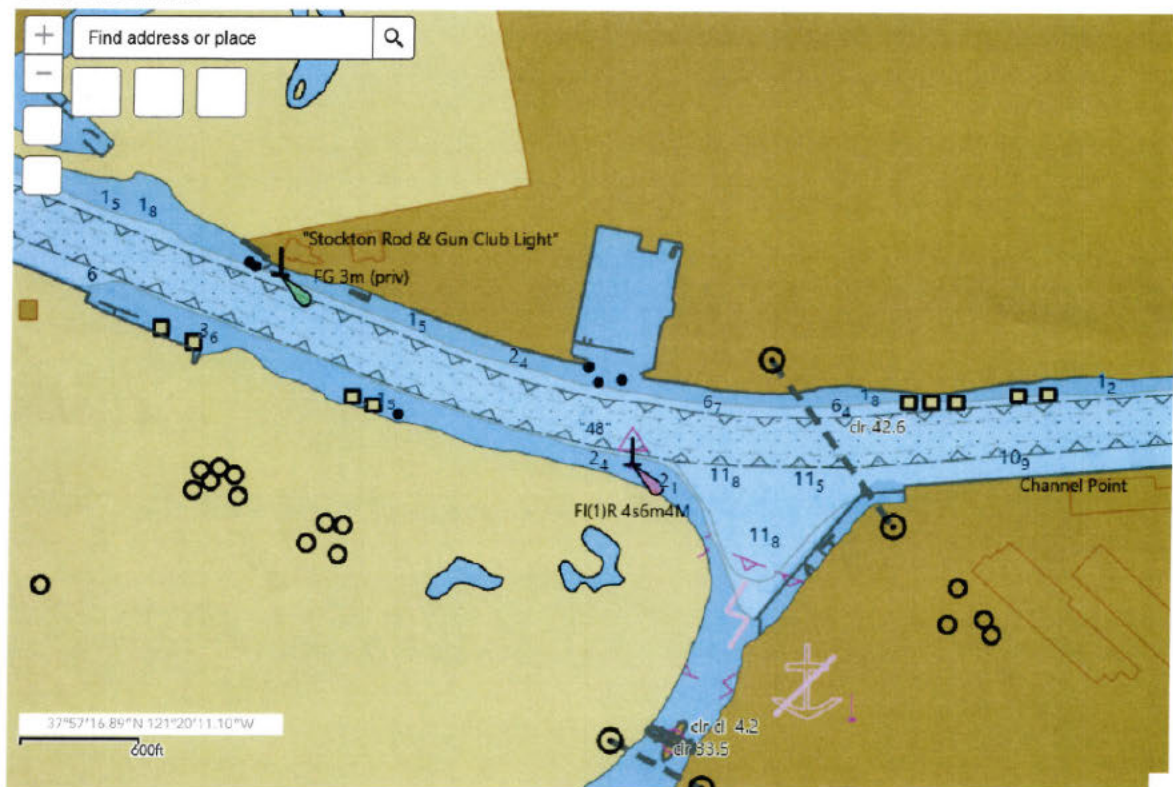
10/16/24, 8:17 AM

Office of Coast Survey



Office of Coast Survey
National Oceanic and Atmospheric Administration
U.S. Department of Commerce

NOAA ENC Viewer

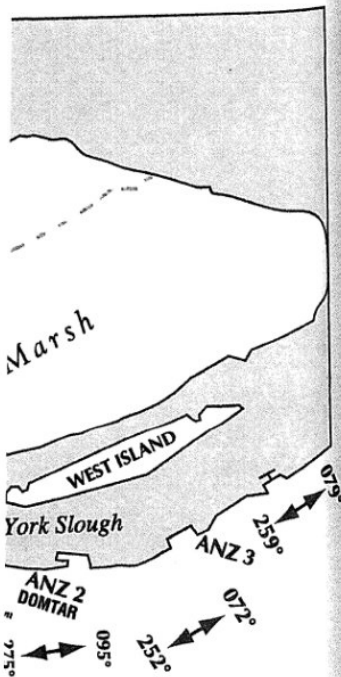


Home | Legend | Contact Us | Privacy Policy | Disclaimer | Information Quality | Freedom of Information Act | USA.gov | Ready.gov | EEO | Take our Survey
Website owned by: Office of Coast Survey

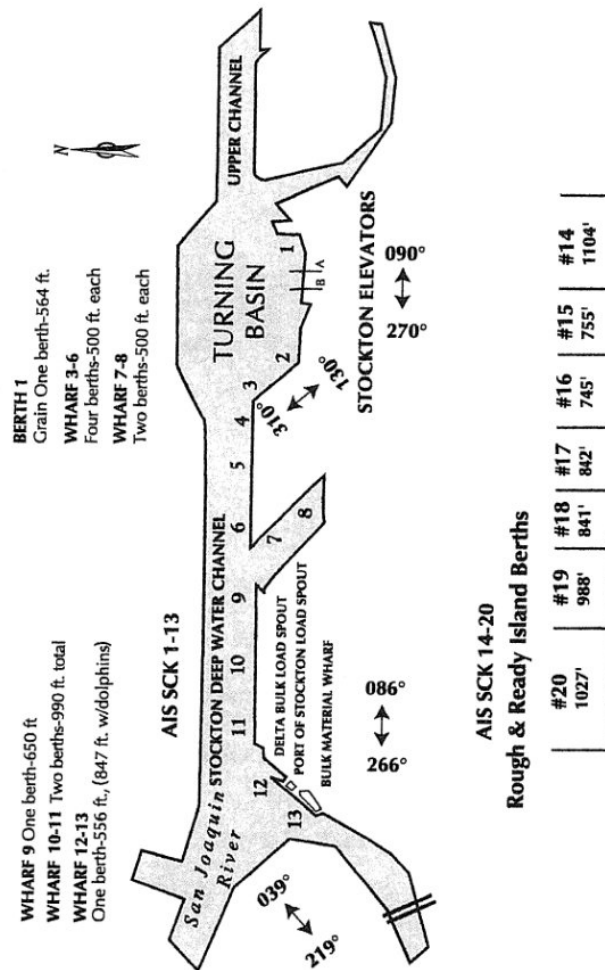
<https://nauticalcharts.noaa.gov/enonline/enonline.html>

1/1

DCH



PORT OF STOCKTON

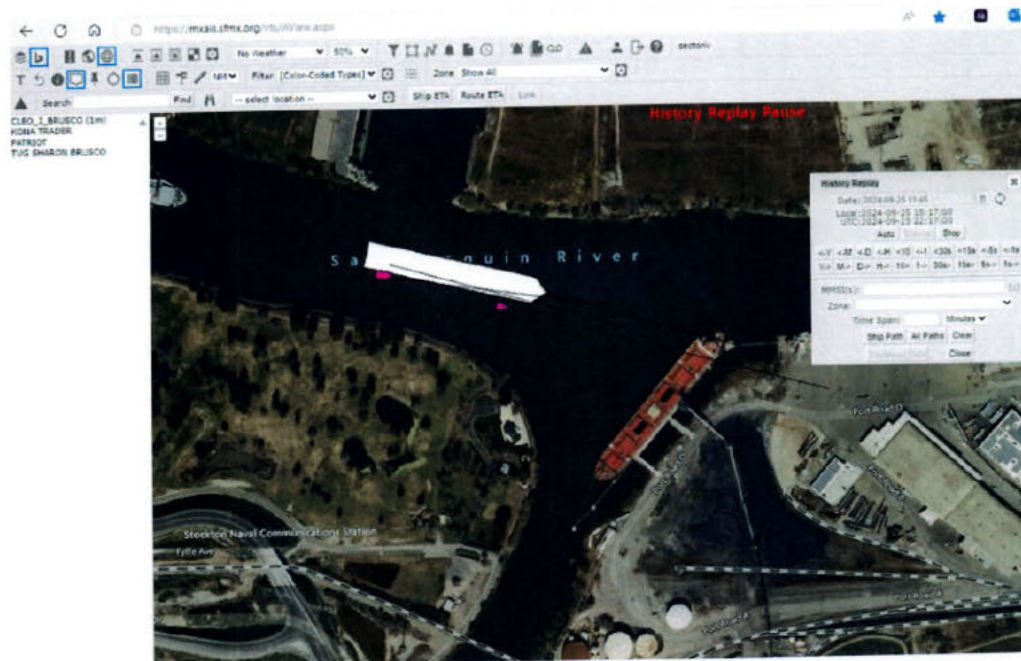


Attachment 3: M/V KONA TRADER Stockton Approach–Marine Exchange AIS Data

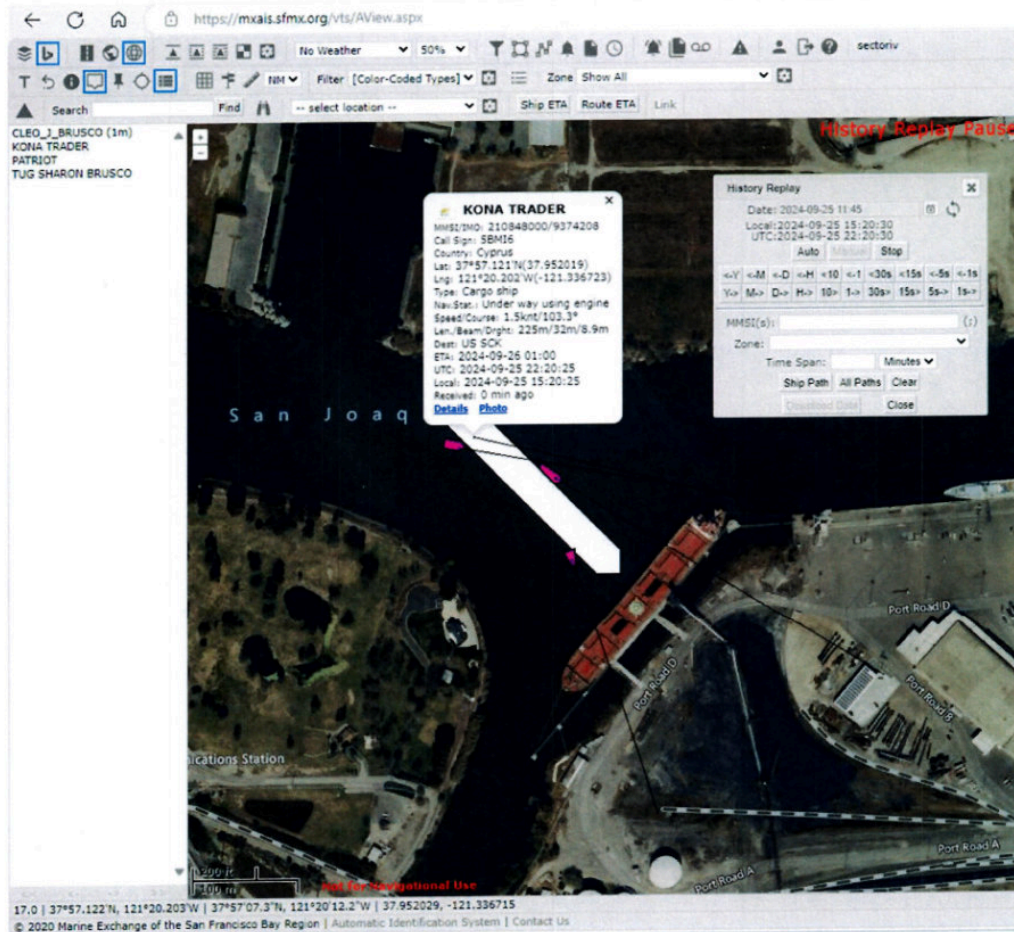
ATTACHMENT 3

M/V KONA TRADER APPROACH TO PORT OF STOCKTON – MARINE EXCHANGE AIS DATA

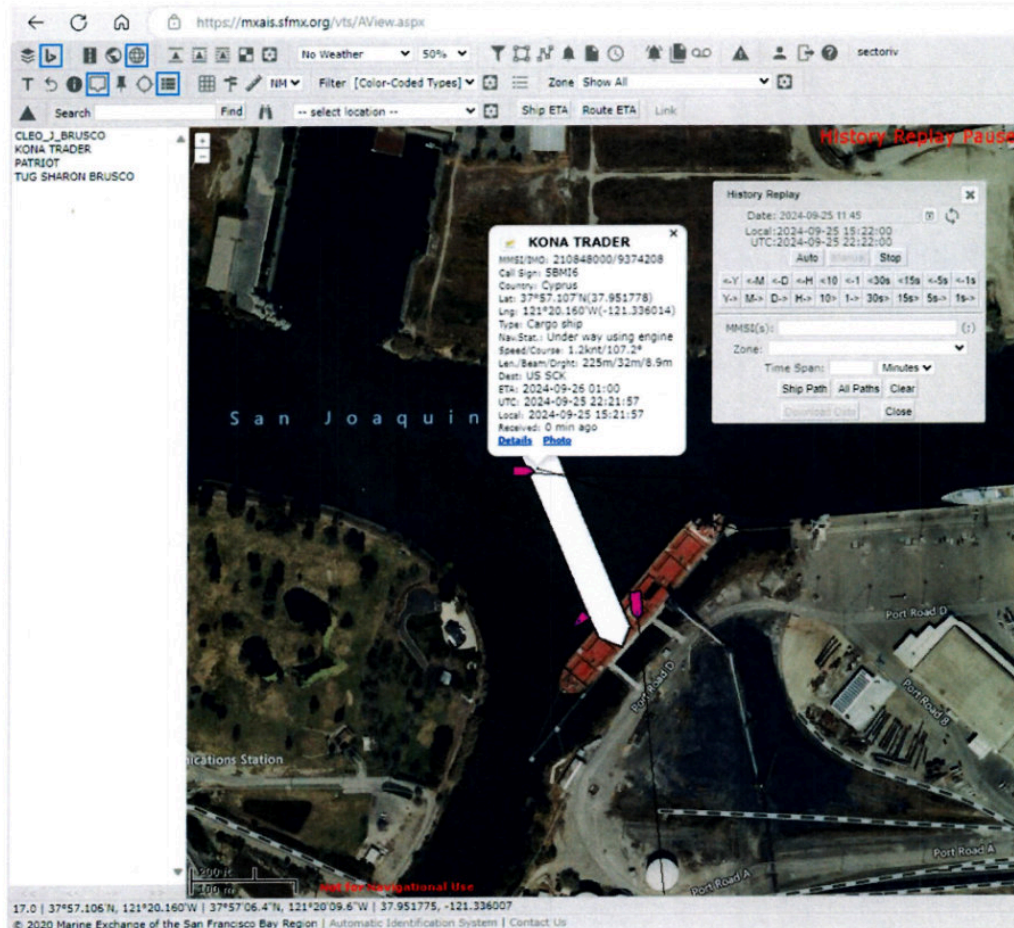
1. Time: 1517 local
2. KONA TRADER speed: 1.6 knt
3. Tug Positions: SHARON BRUSCO – starboard quarter, PATRIOT – starboard bow, CLEO BRUSCO – port bow



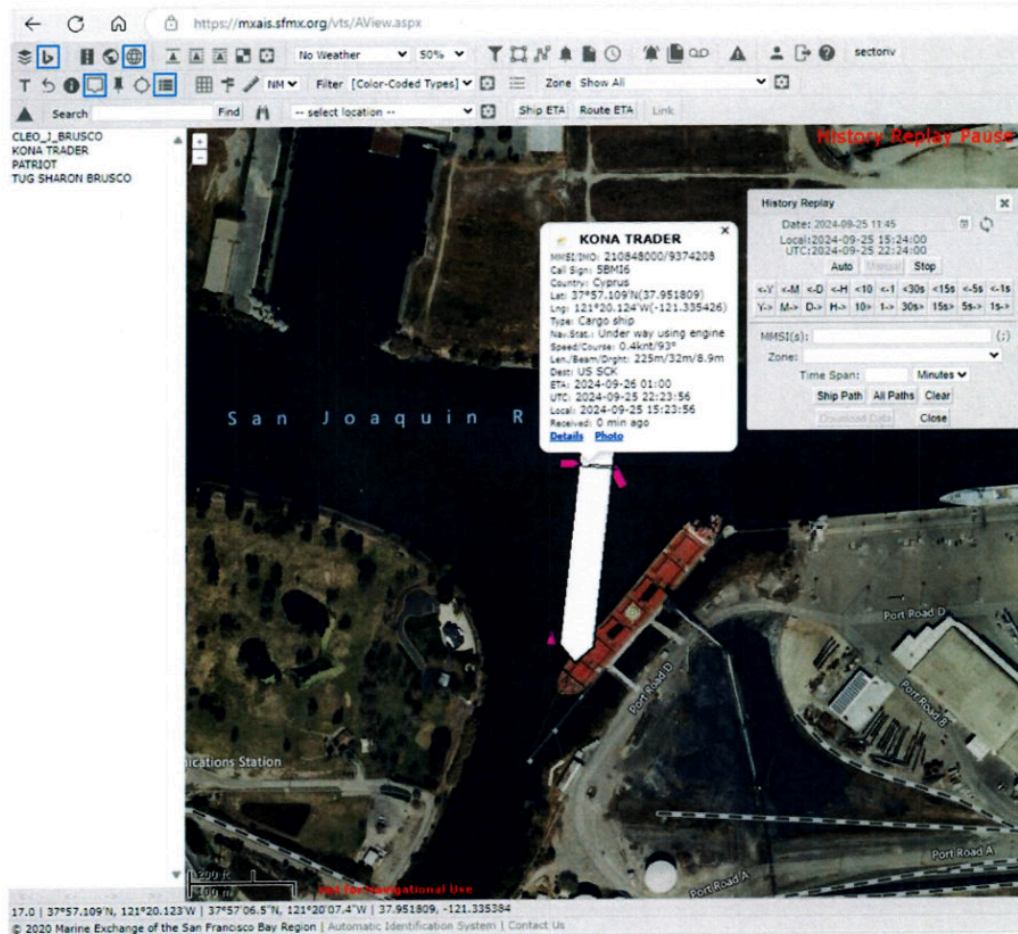
1. Time: 15:20:30 local
2. KONA TRADER speed: 1.5 knt



1. Time: 15:22 local (estimated time of allision)
2. KONA TRADER speed: 1.2 knt



1. Time: 1524 local
2. KONA TRADER speed: 0.4 knt



Attachment 4: M/V KONA TRADER VDR Timeline

ATTACHMENT 4

KONA TRADER VDR TIMELINE (TIMES IN UTC)

After conversion, local time spans 15:17:42 – 15:29:20

22:17:42 so far, it's looking good
22:17:51 rotations good (SOG 1.4 kts)
22:18:40 kick to open the stern
22:18:48 dead slow ahead
22:18:56 300 to the pier (distance given by CLEO)
22:19:12 engine stop
22:19:27 CLEO takes line back
22:19:52 patriot stand by
22:20:00 so here we want headway to get the stern off, but we don't want to go too fast
22:20:04 try to slow the stern's rotation
22:20:44 tug's cast off, port side (referring to the CLEO)
22:20:50 40 meters – captain, "40 ... meters?" – pilot
22:21:07 dead slow astern, PATRIOT back half
22:21:18 slow astern, CLEO half towards
22:21:27 20 meters – captain, "20 meters?" – trainee pilot
22:21:28 PATRIOT back full
22:21:32 slow astern (SOG 1.4 kts)
22:21:41 what's the distance now?
22:21:43 half astern (SOG 1.3 kts)
22:21:52 we hit the pier – captain
22:22:01 CLEO back out
22:22:09 slow astern, PATRIOT stop and hold
22:22:16 engine stop
22:22:24 CLEO just standby the port quarter
22:22:29 PATRIOT 10/90
22:22:47 let's try and stop all this and then reset

22:24:05 captain lets go out to the bridge wing – pilot

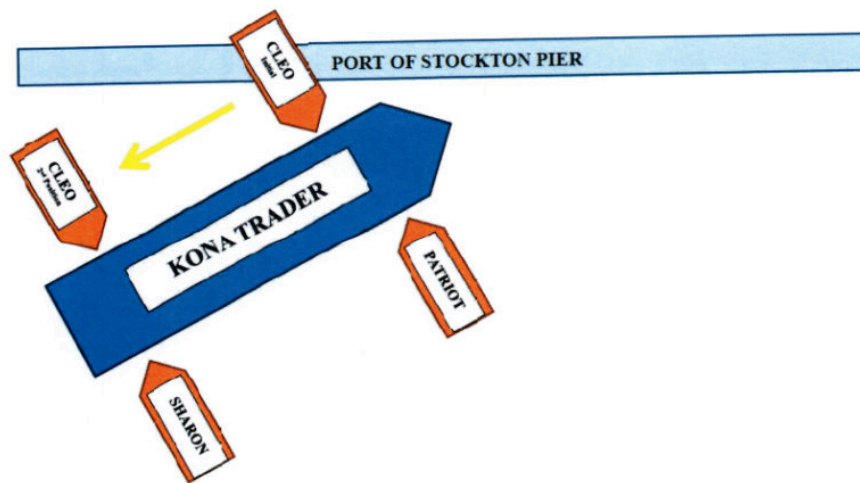
- No bridge audio

22:29:20 port 20 (commands are now coming by radio from the bridge wing)

SELECTED AS END OF VDR TRANSCRIPTION

Tug Arrangement Diagram – produced by (b) (6), not captured via VDR playback

NOT TO SCALE





Bolt holes in horizontal structure. Construction details of pier indicate these holes held bolts that appeared to have been sheered off due to ship contact. Vertical structure, shown upper right, was push out 45deg from original position.

KONA TRADER PORT OF STOCKTON BERTH 12/13
DOI Sept 25, 2024

Kona Trader Contact with Port of Stockton- area of contact



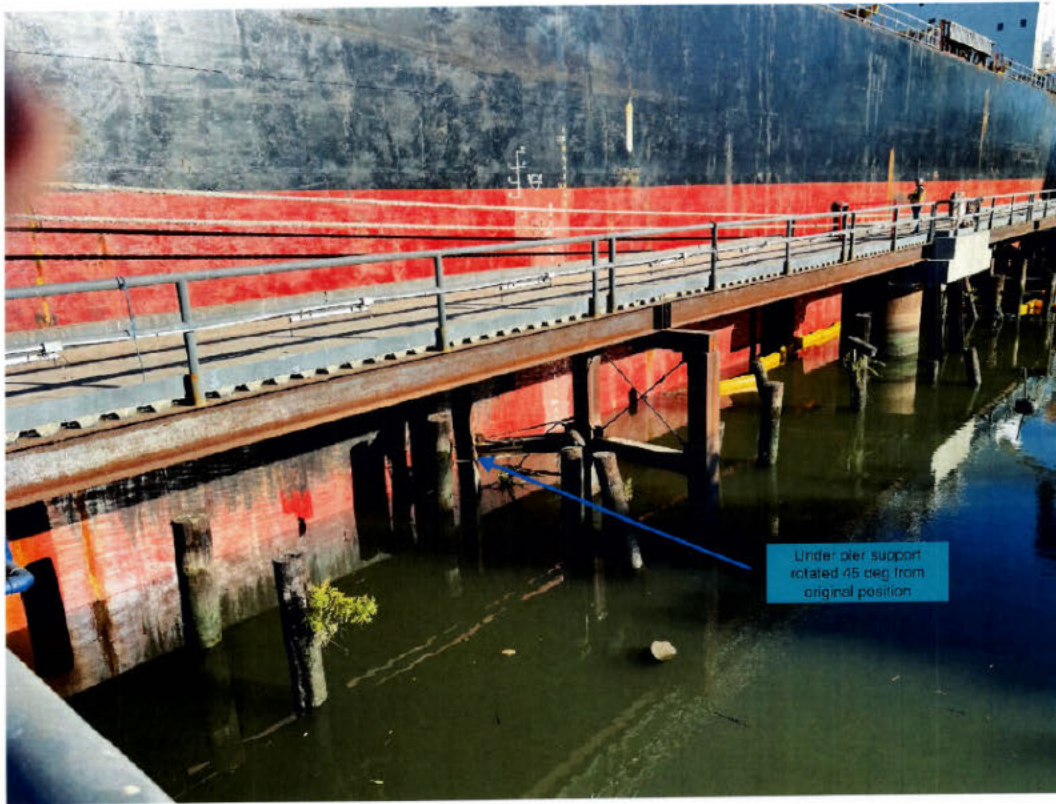
Photo shows what appears to be area of impact. It also shows several contact points. It is unclear to the commission investigator if the Kona Trader struck the dock several times, or the additional areas of impact are from prior ship contact. Paint chips indicate one area of contact was recent.

KONA TRADER PORT OF STOCKTON BERTH 12/13
DOI Sept 25, 2024



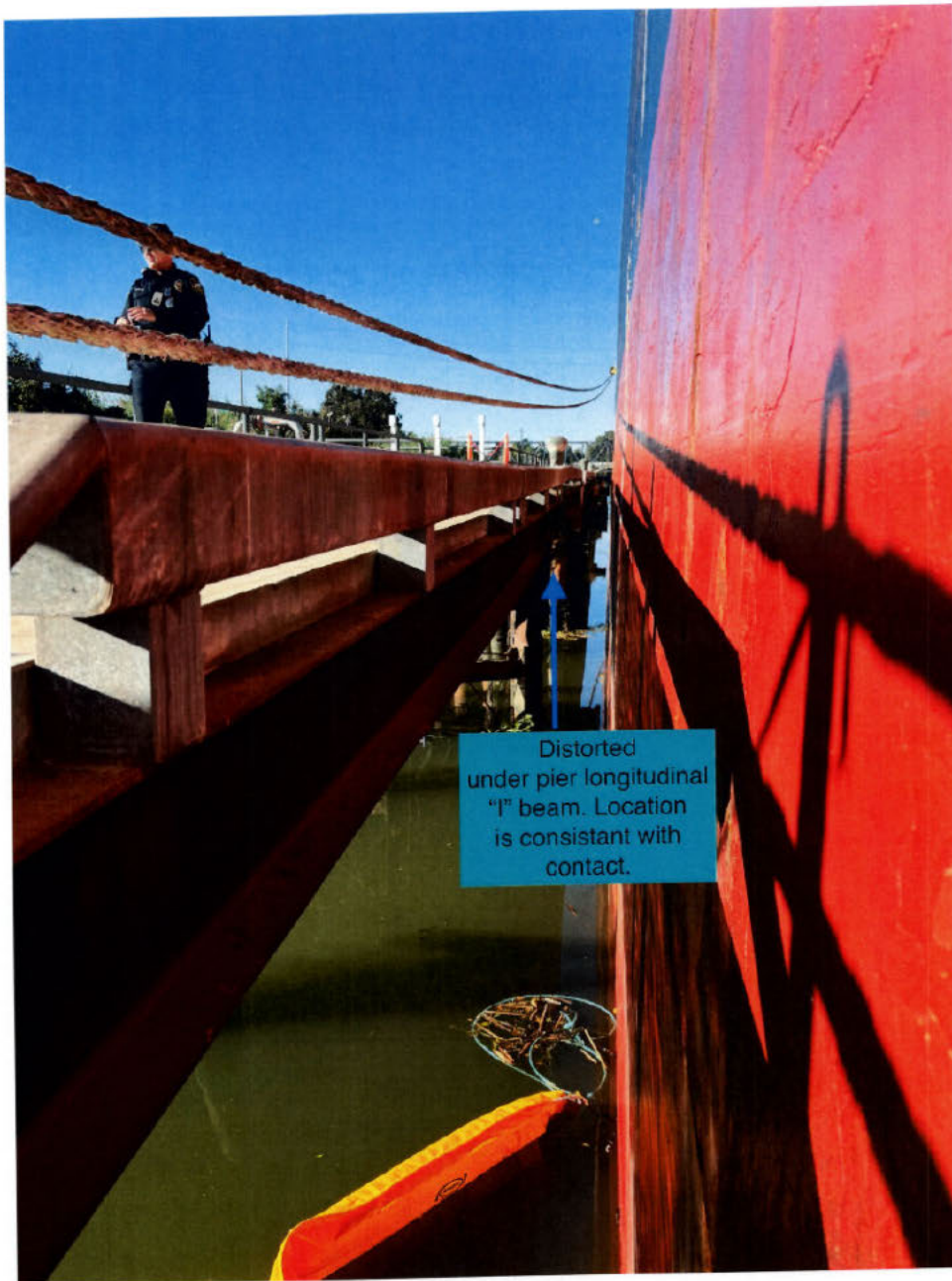
Indications of recently fractured concrete on the top surface and water side pier edge were found. Location of the concrete damage is directly above what appears to be the area of contact with the steel support structure under the pier.

KONA TRADER PORT OF STOCKTON
DOI Sept 25, 2024



Damaged area shown in this photo is same area as show in photo 2, attachment 4, but from a different angle. Note the broken tension rods. This steel pier support detail is repeated several times under the length of the pier. The location shown above is the only one of these details found damaged.

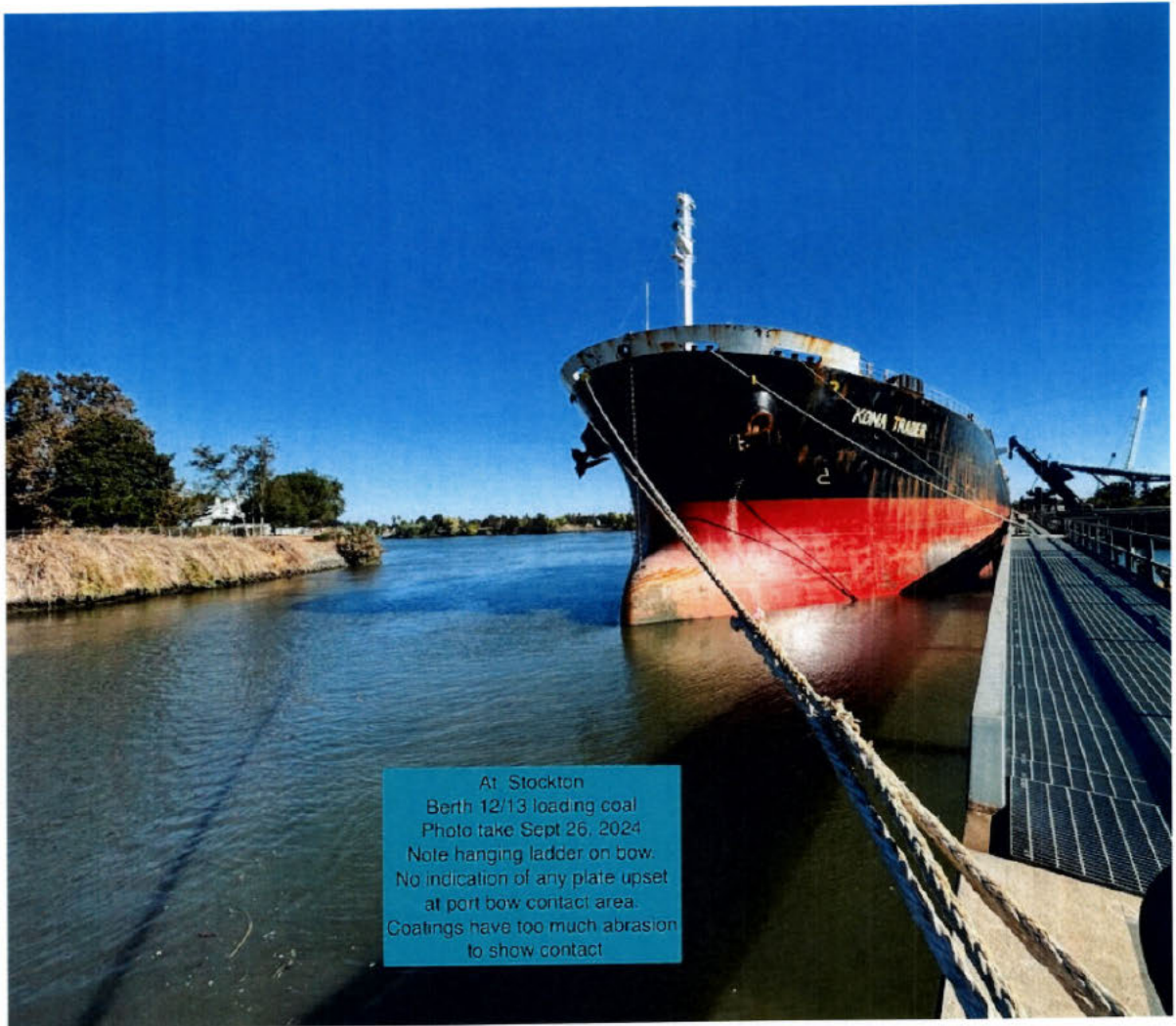
KONA TRADER PORT OF STOCKTON BERTH 12/13
DOI Sept 25, 2024



Distorted
under pier longitudinal
"I" beam. Location
is consistent with
contact.

The concrete pier deck is supported by several "I" beams. The one above is supports the ship side of the pier. It shows damage to the flange and web over 10' of length. The location is consistent with the area of contact.

KONA TRADER PORT OF STOCKTON BERTH 12/13
DOI Sept 25, 2023

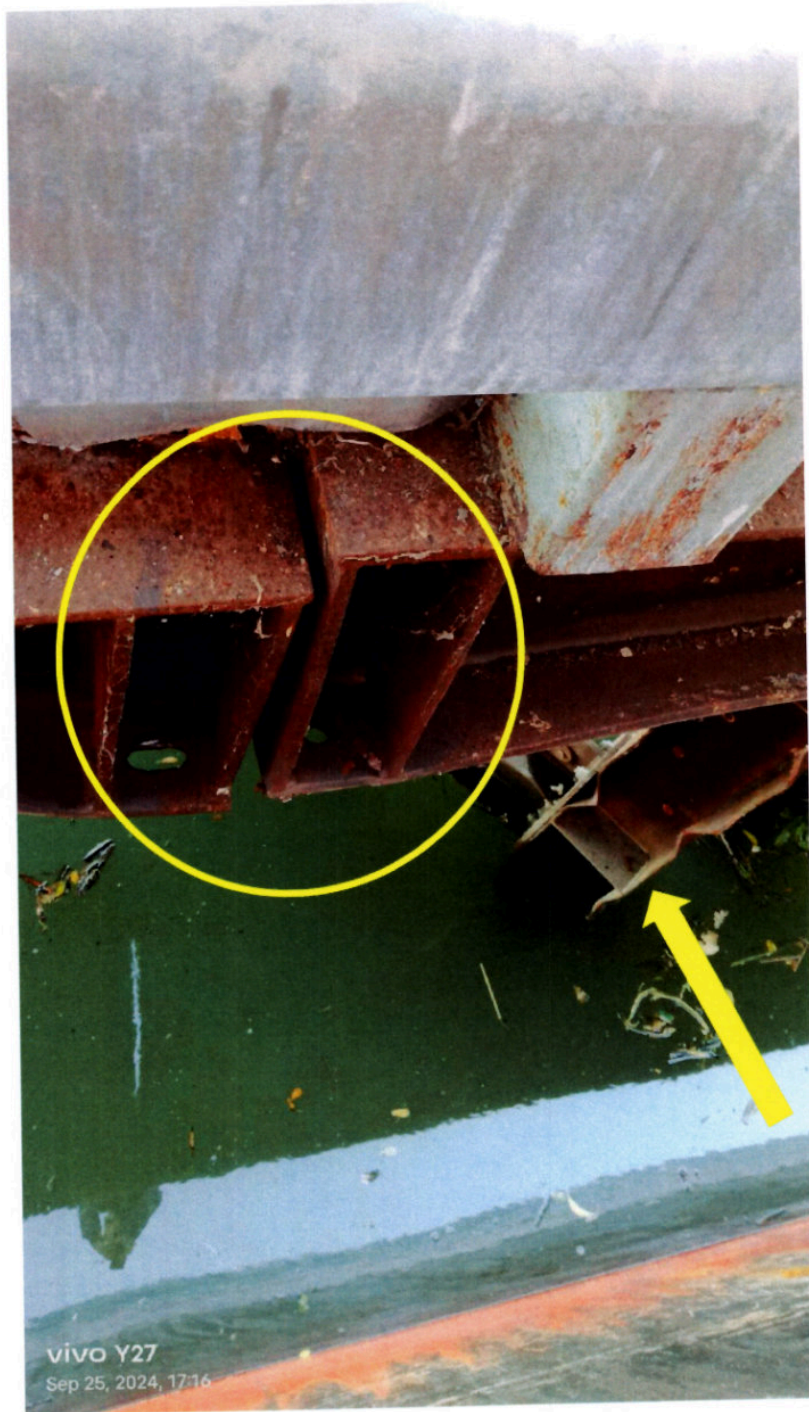


Damage to coatings on bulbous bow were consistent with the age of the hull coatings. No conclusions could be draw by commission investigator of the impact location on the ship through inspecting the bow.

Kona Trader Port of Stockton Dof | September 25, 2024

KONA TRADER – Photos of Damage (Sent by Vessel Agent)



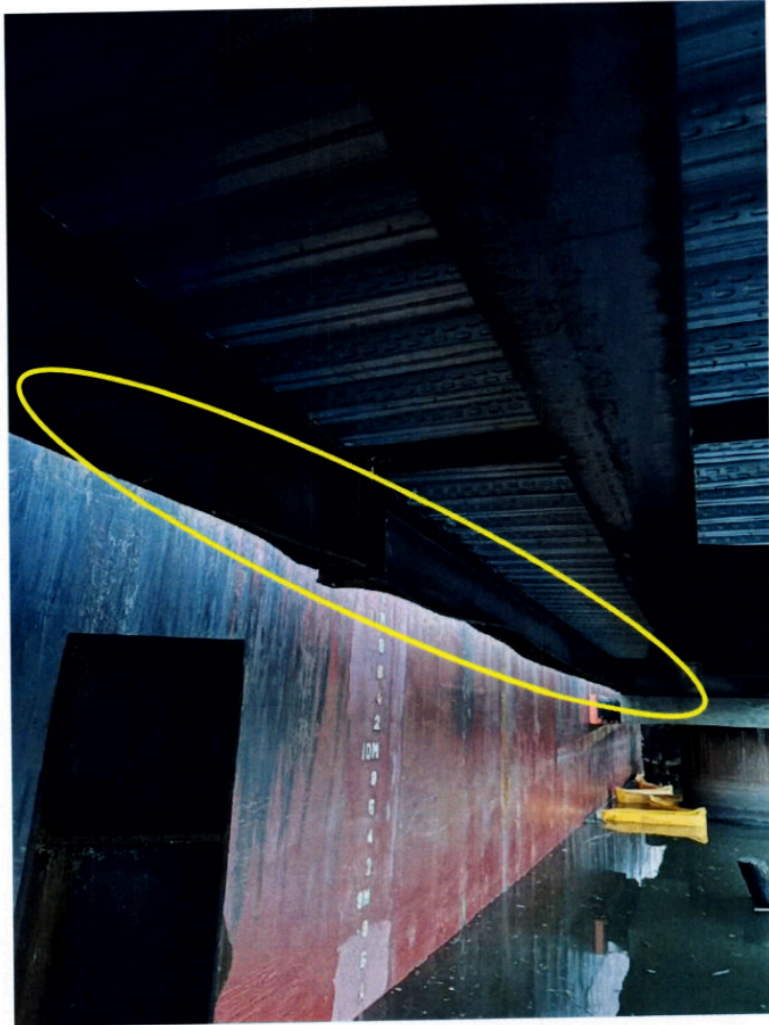




KONA TRADER – Photos of Damage (Sent by (b) (6) , Port of Stockton)







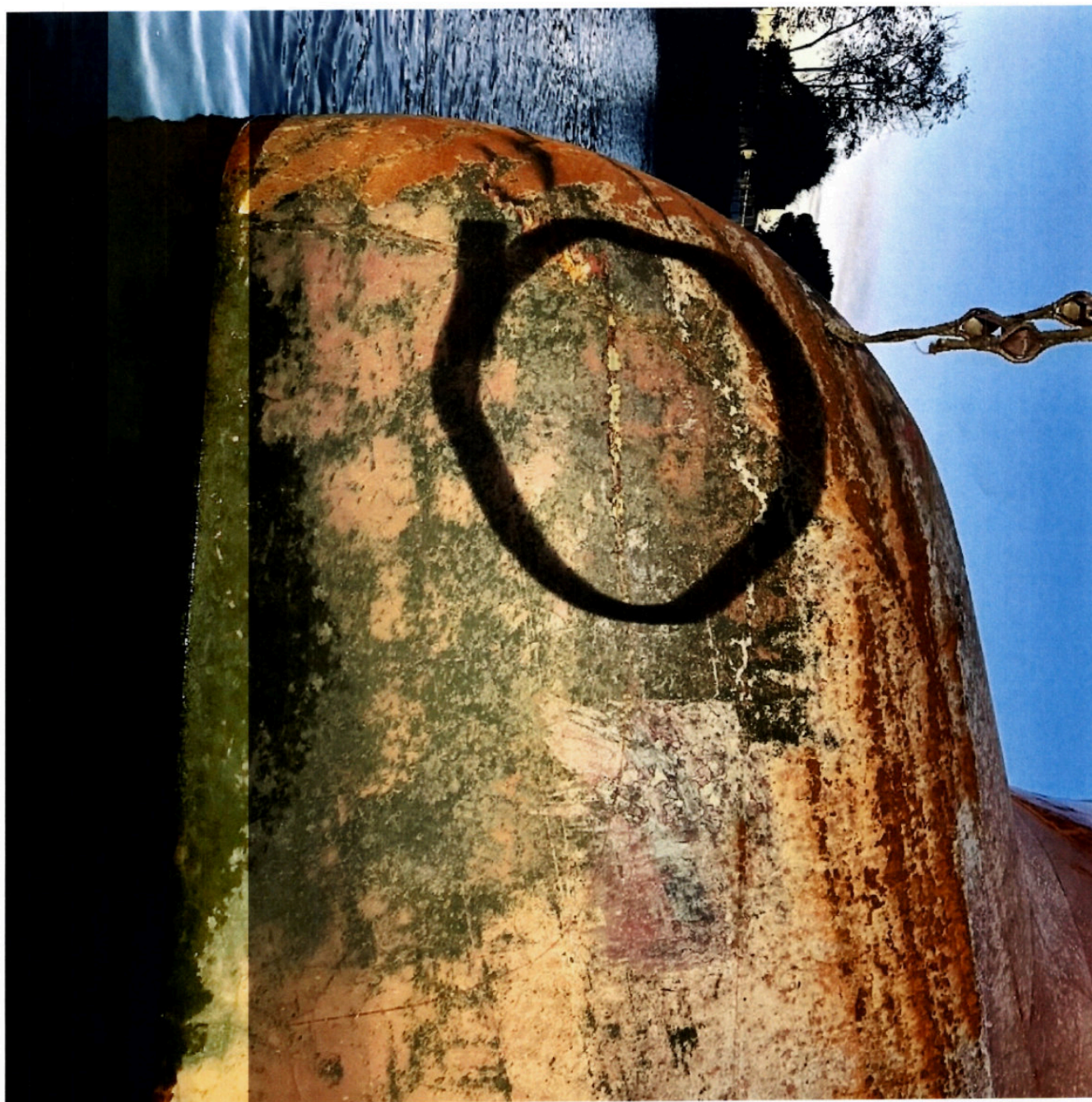






Attachment 6: M/V KONA TRADER, Photographs of Vessel Damage





Report No: MIA0/2024/J5949



**REPORT OF SURVEY FURTHER TO A DETENTION OR
RESTRICTION/NON-DETAINABLE DEFICIENCY**

Name of ship: KONA TRADER
IMO No: 9374208
Port of registry: LIMASSOL, Cyprus
Gross tonnage: 39737
Year of build: 2007
BV Register Number: 34795X
Place of inspection: STOCKTON, CA
Port State Control notified: US Coast Guard, USA.
Date of notification by Port State Control: 25 September 2024

At the request of the Manager/Owner, the undersigned, Surveyor to Bureau Veritas declares having surveyed the above-mentioned vessel at Port of STOCKTON, CA, USA on 26 September 2024 for the purpose of reporting the on-board actions taken as requested by the Port State Control Organization – USCG

The following items were dealt with at this time:

As per the manager/owner, on 25 September 2024, while maneuvering at Stockton Port with pilot on board, the vessel's bow made contact with the berth.

Findings of the Surveyor after survey:

External tanks have been examined visually. Internal forepeak tank was examined visually.

The survey found no apparent signs of buckling, penetrations, indentations, or any other structure damage. There is no loss of critical components of the vessel.

The latest published Rules of the Bureau Veritas Marine Division and the General Conditions therein are applicable.

La dernière édition des Règlements de la Division Marine du Bureau Veritas ainsi que les conditions générales qui y figurent sont applicables.

Any person not a party to the contract pursuant to which this certificate is delivered may not assert a claim against Bureau Veritas for any liability arising out of errors or omissions which may be contained in said certificate, or the errors of judgment, fault or negligence committed by personnel of the Society or of its Agents in the establishment or issuance of this certificate, and in connection with any activities for which it may provide.

Tout personne qui n'est pas partie au contrat aux termes duquel ce document est délivré ne pourra engager la responsabilité du Bureau Veritas pour les inexactitudes ou omissions qui pourraient y être contenues ainsi que pour les erreurs de jugement, fautes ou négligences commises par le personnel de la Société ou par ses agents dans l'établissement de ce document et dans l'exécution des interventions qu'il comporte.

BV Mod Ad. WE 1341

This report is issued within the scope of the BUREAU VERITAS Marine Division General Conditions at the request of the Owner/Manager/Master.



Made at: STOCKTON, CA, USA

On: 26 September 2024

(b) (6)

(b) (6)

Surveyor to Bureau Veritas

(b) (6)

(b) (6)



(b) (6)

The latest published Rules of the Bureau Veritas Marine Division and the General Conditions therein are applicable.

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Toute personne qui n'est pas partie au contrat aux termes duquel ce document est délivré ne pourra engager la responsabilité du Bureau Veritas pour les inexactitudes ou omissions qui pourraient y être relevées ainsi que pour les erreurs de jugement, fautes ou négligences commises par le personnel de la Société ou par ses agents dans l'établissement de ce document et dans l'exécution des interventions qu'il comporte.

BV Mod Ad. WE 1341

Attachment 8: FOIA Request to USCG

ATTACHMENT 8

Garfinkle, Allen@BOPC

From: Garfinkle, Allen@BOPC
Sent: Tuesday, October 1, 2024 2:21 PM
To: Fong, Kevin K CIV USCG SEC SAN FRAN (USA)
Subject: Board of Pilot Commissioners

Good day Kevin,

I hope this email finds you well. Thanks for the information on the RUBY PRINCESS.

Unfortunately, I have a new Freedom of Information Act (FOIA) request for you. This one involves a ship called the KONA TRADER that had an allision with the pier in Stockton, CA on September 25, 2024.

Please provide all reports in the Coast Guard's possession related to the incident involving the KONA TRADER on September 25, 2024. I will accept documents with personal information redacted to preserve confidentiality.

Thank you.

Respectfully,

Allen G.

Allen Garfinkle
Executive Director
Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun
660 Davis Street, San Francisco, California 94111
Phone: 415-397-2253

Garfinkle, Allen@BOPC

From: Fong, Kevin K CIV USCG SEC SAN FRAN (USA) <[REDACTED]>
Sent: Thursday, October 3, 2024 2:52 PM
To: Garfinkle, Allen@BOPC
Subject: RE: Board of Pilot Commissioners

Hello Allen,

I acknowledge receipt of your FOIA request for all reports related to the M/V KONA TRADER allision with Pier 12/13 in the Port of Stockton, California, on September 25, 2024.

The Case number is 1411561, and the case is still in progress with LT Claire Hurley. I will ask LT Hurley to see what evidence (documents/records) she has collected that may be available for release to you.

Respectfully,

Kevin

Kevin Fong
Investigative Support Specialist
Unit FOIA Coordinator

USCG Sector San Francisco
Prevention Department
Investigations Division

[REDACTED]
San Francisco, CA 94130-1527

[REDACTED] Telephone
[REDACTED] Fax

From: Garfinkle, Allen@BOPC <[REDACTED]>
Sent: Tuesday, October 1, 2024 2:21 PM
To: Fong, Kevin K CIV USCG SEC SAN FRAN (USA) <[REDACTED]>
Subject: [Non-DoD Source] Board of Pilot Commissioners

Good day Kevin,

I hope this email finds you well. Thanks for the information on the RUBY PRINCESS.

Unfortunately, I have a new Freedom of Information Act (FOIA) request for you. This one involves a ship called the KONA TRADER that had an allision with the pier in Stockton, CA on September 25, 2024.

Please provide all reports in the Coast Guard's possession related to the incident involving the KONA TRADER on September 25, 2024. I will accept documents with personal information redacted to preserve confidentiality.

Thank you.

Respectfully,

Allen G.

Allen Garfinkle

Executive Director

Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun
660 Davis Street, San Francisco, California 94111

Phone: 415-397-2253



Commander
United States Coast Guard
Sector San Francisco

San Francisco, CA 94130
Staff Symbol: (spv)
Phone: [REDACTED]
Fax: [REDACTED]
Email: [REDACTED]

5720
FOIA 2025-CGFO-00083
December 2, 2024

VIA ELECTRONIC MAIL

Allen Garfinkle
Executive Director
Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun
660 Davis Street
San Francisco, CA 94111-1904

Dear Mr. Garfinkle:

This is the final response to your October 1, 2024, request to the U.S. Coast Guard (USCG) under the Freedom of Information Act (FOIA) for all records related to the M/V KONA TRADER allision with Pier 12/13 in the Port of Stockton, California, on September 25, 2024.

I am granting your request under the FOIA, Title 5 United States Code (USC), Section 552, as amended, and U.S. Department of Homeland Security's (DHS) implementing regulations, Title 6 Code of Federal Regulations (CFR), Chapter I and Part 5.

This office received your request on October 3, 2024. Subsequently, USCG Headquarters' FOIA/Privacy Act Office (CG-6P) assigned FOIA Number 2025-CGFO-00083 to your request. In responding to a FOIA request, the USCG will search for responsive documents in its control on the date the search began. We began our search on October 3, 2024.

During our telephone conversation on November 27, 2024, you agreed to limit your request to specific records identified in the enclosed Records Index: a total of 60 pages, 2 video files, and 1 audio file. In your written request, you had allowed me to redact any personally identifiable information in the records. I have also considered the foreseeable harm standard when reviewing the record set and have applied the FOIA exemptions as required by the statute and the Attorney General's guidance.¹ I consulted with the Investigations Division of Sector San Francisco and as a matter of administrative discretion, I am releasing 26 pages of records, 2 video files, and 1 audio files in their entirety and 34 pages as partially releasable pursuant to FOIA Exemption 6 (Title 5 USC, Section 552(b)(6)).

FOIA Exemption 6 exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The types of documents and/or information that we have withheld may consist of social security numbers, home addresses,

¹ Department of Justice (DOJ), "Freedom of Information Act Guidelines," March 15, 2022, <https://www.justice.gov/ag/page/file/1483516/download>

dates of birth, or various other documents and/or information belonging to a third party that are considered personal. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

Furthermore, in following DHS Instruction 262-11-004, FOIA Officers/Coordinators at the USCG have been instructed to withhold personally identifiable information (PII) and sensitive personally identifiable information (SPII) of USCG personnel unless a determination is made that the disclosure does not raise security or privacy concerns, or if those concerns are outweighed by any public interest in that information. This policy is available online at: <https://www.dhs.gov/publication/foia-compliance-instruction-262-11-004-dhs-employee-personal-identifiable-information>. Under this policy, the names of senior leaders, spokespersons, and political appointees are generally releasable. With respect to this FOIA request, the USCG may have applied FOIA Exemption 6 to protect PII of USCG employees, including names and contact information. To the extent that USCG has withheld employee PII within these records, it has been determined that the employee(s) has/have substantial and legitimate privacy interests and that these interests are not outweighed by any public interest in the operations of the U.S. Coast Guard.

I have enclosed the 60 pages, 2 video files, and 1 audio file with certain information withheld as described above except for the employee/work information already known to you of the involved Pilot, Mr. Matthew Stevens.

Provisions of the FOIA allow us to recover part of the cost of complying with your request. In this instance, because the timeframe for responding to your request was not met, there is no charge.

This completes the U.S. Coast Guard's response to your request. If you need any further assistance or would like to discuss any aspect of your request, please contact this office. You may also contact our FOIA Public Liaison at [REDACTED] or email [REDACTED].

For additional information on the Freedom of Information Act, including Appeals and Mediation, see the DHS's FOIA webpage at <https://www.dhs.gov/foia>.

Sincerely,

[REDACTED]

KEVIN FONG
Freedom of Information Act Coordinator
U.S. Coast Guard
By direction

Enclosures: (1) Responsive Records: 60 pages, 2 video files, and 1 audio file
(2) Records Index

Copy: Commandant (CG-6P)

Attachment 9: Correspondence with M/V KONA TRADER's Agent

ATTACHMENT 9

Garfinkle, Allen@BOPC

From: Fillette Green – SFO <[REDACTED]>
Sent: Tuesday, October 8, 2024 3:24 PM
To: Garfinkle, Allen@BOPC; Fillette Green – SFO
Cc: MV Kona Trader - Bridge; 'HORIZON BULKERS S.A.'
Subject: RE: KONA TRADER

EXTERNAL EMAIL. Links/attachments may not be safe.

Good afternoon Allen,

Thanks your message below and I have Capt. Laury's email address cc with your requested information and they will respond
Accordingly.

Kind Regards,

Ronnie M. Celio
Operations Manager
FILLETTE GREEN SHIPPING SERVICES (USA) CORP
"As Agents Only"



[REDACTED]
South San Francisco, CA. 94080
Office Phone: [REDACTED]
Cell: [REDACTED]
Fax: [REDACTED]
E-Mail: [REDACTED]
As Agents Only, For and on Behalf of our Principal

From: Garfinkle, Allen@BOPC <[REDACTED]>
Sent: Tuesday, October 8, 2024 3:14 PM
To: Fillette Green – SFO <[REDACTED]>
Subject: KONA TRADER

Good day,

I am the Executive Director of the Board of Pilot Commissioners for San Francisco, San Pablo, and Suisun Bays.

We have a state-mandated duty to investigate all marine incidents involving a license of our Board, in this case the San Francisco Bar Pilot on board the KONA TRADER on September 25, 2024.

As part of this investigation, our investigator on scene requested copies of the Bell Book, Logbook, Pilot Card, Master's Statement, copy of USCG 2692 filed, statements from any other crew members who witnessed damage, and any other written records relevant to the event.

Please inform the owners of this request.

Thank you.

Respectfully,

Allen G.

Allen Garfinkle

Executive Director

Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun
660 Davis Street, San Francisco, California 94111

[REDACTED]

Phone: 415-397-2253

[REDACTED]

Attachment 10: Various Correspondence from M/V KONA TRADER's Owner to Bureau Veritas, Vessel's Master, and Vessel's Agent

ATTACHMENT 10

Print copy for: MARINE I
Message: 1290371

From: TECHNICAL MANAGER [REDACTED]
Subject: MV KONA TRADER/ BV Nr 34795X / ATTENDANCE AT STOCKTON / SAN FRANCISCO
Date: September 26th 2024, 03:34:15
To: BV - USA ([REDACTED] (b) (6) @bureauveritas.com, (b) (6) @bureauveritas.com,
Cc: (b) (6) @bureauveritas.com

TO:BV USA
TO:BV PIRAEUS
SUBJECT:MV KONA TRADER/ BV Nr 34795X / ATTENDANCE AT STOCKTON / SAN FRANCISCO

Dear Sirs,

Kindly be advised that our vessel KONA TRADER while maneuvering at Stockton port with pilot on board, came into contact with the berth , with her bow.
Basis the above kindly urgently arrange attendance at Stockton port today 26th Sept for assessment of any damages.

Vessel's agents are:

(b) (6) Operations Manager
FILLETTE GREEN SHIPPING SERVICES (USA) CORP
Fillette Green flag [REDACTED] Long Beach, CA. 90802
Office Phone: [REDACTED]
Cell: (b) (6) Fax: [REDACTED]
E-Mail: [REDACTED]

Thank you in advance for your assistance

Kindly confirm your arrangements

Best Regards

(b) (6)
Technical department
Horizon bulkers

Print copy for: MARINE I
Message: 1290368

From: DPTY DIR (b) (6)
Subject:
Date: September 26th 2024, 03:25:50
To: MV KONA TRADER - BRG (

Urgent

Dear Captain ,

Following the incident of touching berth please be advised that we are arranging a club correspondent to attend for advise and protection of our interests (our Ops reading in copy to notify the club accordingly for attendance now after briefly explaining the incident) . At the same time we are arranging a class representative also to attend for assesement of the damage. Our technical reading in copy to seek for urgent attendance prior we lose sight of the damage internally . To be discussed if this hold being affected (if it actually is) can be left empty until the class attends without changing our schedule.

In the meantime please send us detailed photos from the outside and inside of the touching area on the ship and also of the berth where the vessel hit.

As (b) (6) has advised you make sure that you have proper instructions from our technical dept on how to operate the vdr soonest as not to lose data.

Lastly advise us also if there has been any impact on your schedule because of this incident or berthing has continued without any affect.

Best regards
CE
Horizon

Print copy for: MARINE I
Message: 1290369

From: OPERATION MANAGER (b) (6)
Subject: FW: NW24-226 / KONA TRADER - berth 12/13 structure damage during berthing
Date: September 26th 2024, 03:29:58
To: FILLETTE GREEN CA (b) (6)
Cc: (b) (6) @jeragm.com

Good day

We'll received your message.
Master already notified us and we are arranging for class and Pandi club attendance.
Please assist them for smooth attendance as regards this incident.

Best Regards,

(b) (6)
Manager
Operations Department

Horizon Bulkers S.A.

14561, Kifissia, Greece

Tel: (b) (6)

Mob: (b) (6)

Original Message

Message: 7013663
From: FILLETTE GREEN CA
Subject: FW: NW24-226 / KONA TRADER - berth 12/13 structure damage during berthing
Date: 2024-09-26T03:14:54
To: FILLETTE GREEN CA, (b) (6)
Cc: (b) (6) @jeragm.com

Good Day Horizon Bulker,

Please find below from Port of Stockton and to put you in notification in regards to damage of Dock 12/13 during vessel berthing.

Captain already made some photos of the dock portion that has structural damage and he will send to us soon.

Agent also informed the Master to call his Owner's on this matter so you can act accordingly.

Kind Regards,

(b) (6)
Operations Manager

FILLETTE GREEN SHIPPING SERVICES (USA) CORP

"As Agents Only"



South San Francisco, CA. 94080

Office Phone: [REDACTED]

Cell: (b) (6)

Fax: [REDACTED]

E-Mail: [REDACTED]

As Agents Only, For and on Behalf of our Principal

From: (b) (6)
Sent: Wednesday, September 25, 2024 4:33 PM
To: Fillette Green – SFO <[REDACTED]>
Cc: (b) (6)
Subject: berth 12/13

Hello,

On arrival to PoS, the M/V Kona Trader struck dock 12/13 causing what appears to be significant damage; the Port is placing the M/V Kona trader on notice for all costs associated with damage and delays.

Please reach out with any questions or concerns. A police report of the incident will soon be available.

Thanks,

(b) (6)

(b) (6) | Manager of Maritime Operations | Port of Stockton

[REDACTED] Stockton, CA 95201

Office: [REDACTED]

Cell: (b) (6)

(b) (6)

www.portofstockton.com



Port of Stockton
CALIFORNIA

Attachment 11: USCG Marine Casualty , Commercial Diving Casualty, or OCS-Related Casualty Report (Form CG-2692)

ATTACHMENT 11

DEPARTMENT OF HOMELAND SECURITY U.S. Coast Guard				OMB No: 1525-0061 Exp. Date: 07/31/2022	
REPORT of MARINE CASUALTY, COMMERCIAL DIVING CASUALTY, or OCS-RELATED CASUALTY					
Section I - Reporting Vessel/Facility Information					
1. Vessel or Facility Name MV KONA TRADER		2. Vessel Official Number or IMO Number 9374208		3. Vessel Flag CYPRUS	
4. Vessel Length 224.94 <input type="checkbox"/> Feet <input checked="" type="checkbox"/> Meters		5. Vessel Gross Tons 39,737		6. Vessel Propulsion Type DIESEL	
7. Vessel or Facility Type BULK CARRIER		8. Vessel or Facility Service or Occupation			
9. FOR TOWING ONLY <input type="checkbox"/>	9a. Arrangement: <input type="checkbox"/> Pushing Ahead <input type="checkbox"/> Towing Astern <input type="checkbox"/> Towing Alongside	9b. Number of Vessels Towed: Empty _____ Loaded _____ Total _____	9c. Maximum Size of Tow/Tow-Boat(s): Length _____ feet Width _____ feet		9d. Did one or more of the barges in the tow cause or sustain damage in the marine casualty? <input type="checkbox"/> Yes <input type="checkbox"/> No (If Yes complete and attach one or more CG-2692A forms to this report)
Section II - Reason for Submitting this Report (Check all that apply)					
10. The above vessel was involved in a Marine Casualty consisting in (46 CFR 4.05-1 and 4.05-10): <input type="checkbox"/> 1. Unintended grounding or an unintended strike of (collision with) a bridge <input type="checkbox"/> 2. Intended grounding or intended strike of a bridge that created a hazard to navigation, the environment or the safety of the vessel, or that meets any of the criteria in 3 through 8 below <input type="checkbox"/> 3. Loss of main propulsion, primary steering, or any associated component or control system that reduces the maneuverability of the vessel <input type="checkbox"/> 4. Occurrence materially and adversely affected the vessel's seaworthiness or fitness for service or route <input type="checkbox"/> 5. Loss of life <input type="checkbox"/> 6. Injury that requires professional medical treatment (treatment beyond first aid) and, if the person is engaged or employed on board a vessel in commercial service, that renders the individual unfit to perform his or her routine duties <input checked="" type="checkbox"/> 7. Occurrence causing property damage in excess of \$75,000 <input type="checkbox"/> 8. Occurrence involving significant harm to the environment					
11. The above facility or vessel was involved in a Commercial Diving Casualty involving (46 CFR 197.484): <input type="checkbox"/> 1. Loss of life <input type="checkbox"/> 2. Diving-related injury to any person causing incapacitation for more than 72 hours <input type="checkbox"/> 3. Diving-related injury to any person requiring hospitalization for more than 24 hours					
12. The above facility or vessel was involved in an OCS Facility Casualty Resulting in (33 CFR 146.30 and 146.35): <input type="checkbox"/> 1. Death <input type="checkbox"/> 2. Injury to 5 or more persons in a single incident <input type="checkbox"/> 3. Injury causing any person to be incapacitated for more than 72 hours <input type="checkbox"/> 4. OCS Facility only - Damage affecting the usefulness of primary lifesaving or firefighting equipment <input type="checkbox"/> 5. OCS Facility only - Damage to the facility exceeding \$25,000 resulting from a collision by a vessel with the facility <input type="checkbox"/> 6. OCS Facility only - Damage to a floating OCS facility exceeding \$25,000					
Section III - Associated Parties Information (Fill all fields that apply)					
13. Name of Owner NEFELIA SHIPPING S.A.		Telephone C/O	14. Name of Operator or Manager HORIZON BULKER S.A.		Telephone
Address TRUST COMPANY COMPLEX, AJELTAKE ROAD, AJELTAKE ISLAND, MAJURO, MARSHALL ISLANDS MH96960		Email address C/O	Address ATHENS, GREECE		Email address
15. Name of Master or Person-in-Charge (Last, First, Middle) CAPT. (b) (6)		Telephone (b) (6)	16. Name of Agent (Last, First, Middle) FILLETT GREEN SHIPPING SERVICE		Telephone
Address		Email address	Address		Email address
17. Name of Dive Supervisor (Last, First, Middle)		Telephone	18. Name of Pilot (Last, First, Middle) MATT STEVENS		Telephone (b) (6)
Address		Email address	Address SAN FRANCISCO BAR PILOT OFFICE TEL		Email address
Section IV - Casualty Information					
19. Date/Time (local) of Occurrence 25.09.2024 / 1524LT		20. Location-Name of Body of Water or Waterway: Latitude STOCKTON BERTH #12/13 Longitude:		River Mile Marker: OR 0	
21. Property Damage Estimated Damage Cost(s) to: Vessel: \$ _____ Cargo: \$ _____ Facility: \$ _____ Other: \$ _____		Describe the Extent of Property Damage BENDED RECTANGULAR BAR ON THE BERTH			
22. Status of Involved Persons (If there are 1 or more injured, dead or missing persons complete and attach one or more CG-2692C forms to this Report) Total Number of Persons: _____ On Board the Vessel: 22 Injured: _____ Dead: _____ Missing: _____					

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Reset

Section IV - Casualty Information (continued)		
23. Was This Casualty a Serious Marine Incident (SMI) as Defined in 46 CFR 4.03-2? <div style="display: flex; justify-content: space-between; align-items: flex-start; margin-top: 5px;"> <div style="width: 45%;"> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Not at this Time, But is Likely to Become an SMI </div> <div style="width: 50%; font-size: small;"> (If Yes or is Likely to Become an SMI complete/attach one or more CG-2692B forms to this report) </div> </div>		
24a. Is there any evidence of alcohol or drug use by or intoxication of individuals directly involved in the casualty? <div style="margin-top: 10px;"> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No </div> <div style="font-size: x-small; margin-top: 5px;"> (If Yes, identify those individuals for whom evidence has been obtained and specify the method to obtain such evidence in block 24c) </div>	24b. Did any individual directly involved in a casualty refuse to submit to, or cooperate in, the administration of a timely chemical test, when directed by a law enforcement officer or by the marine employer? <div style="margin-top: 10px;"> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No </div> <div style="font-size: x-small; margin-top: 5px;"> (If Yes, note the individual(s) who refused in block 24c) </div>	
24c. Individuals with evidence of drug or alcohol use, evidence of intoxication, or who refused to submit/cooperate in a timely chemical test (if more space is needed, continue in block 25c) <div style="margin-top: 10px; min-height: 100px;"> NO ANY DRUG/ALCOHOL USED </div>		
24d. Is there evidence that alcohol use contributed to this casualty? <div style="margin-top: 10px;"> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No </div> <div style="font-size: x-small; margin-top: 5px;"> (If Yes, discuss in block 25b) </div>		
25. Nature and Circumstance of the Casualty: <div style="margin-top: 10px;"> 25a. Activity or Operation Being Conducted at the Time of the Casualty: BERTHING ALONGSIDE AT STOCKTON BERTH NO. 12/13 </div> <div style="margin-top: 20px;"> 25b. Description of the Casualty (casualty events and the conditions and actions that were believed to be causal factors as well as any hazards created as a result of the casualty. Attach additional sheets if necessary): WHILE UNDER PILOTAGE WITH A SENIOR AND A TRAINEE PILOT AND DURING VESSEL APPROACHING AT BERTH PORT SIDE ALONGSIDE AND START TURNING THE VESSEL TO STBD, THE CH/OFF REPORTED TO THE BRIDGE THAT THE DISTANCE IS APT 180MTR. DURING THIS TIME THE 2 PILOTS STARTED TALKING WITH REGARDS TO MANUEVER OF THE VESSEL IN THIS AREA. THE TRAINEE PILOT WHO WAS GIVING THE ORDERS , ORDERED TO CAST OFF THE PORT SIDE TUG TO TRANSFER TO THE OTHER SIDE OF THE VESSEL BUT STILL THE VESSEL HAD HEADWAY OF APT 1.5 KTS. THE PILOT ORDERED SLOW ASTERN. THE DISTANCE WAS REDUCING AS PER THE REPORTING OF THE CH/OFF. AFTER THE TUG CASTED OFF THE CHIEF OFFICER REPORTED THAT WE WILL HIT THE BERTH WITH OUR BULBOUS BOW, FINALLY THE DUTY OFFICER WAS ORDERED TO HALF ASTERN BUT IS TOO LATE AND UNFORTUNATELY THE BERTH IS ALREADY TOUCHING OUR BULBOUS. THE INCIDENT WAS REPORTED TO THE COMPANY VIA TELEPHONE AND THE COMPANY INFORMED THE CLASS AND THE F&I CLUB. THE INCIDENT IS STILL UNDER INVESTIGATION. </div> <div style="margin-top: 20px;"> 25c. Any other comments, including with respect to use of or need for emergency response equipment </div>		
Section V - Person Making this Report		
26. Name (PRINT) (Last, First, Middle) CAPT. (b) (6)	27. Signature:	28. Date 09/25/2024
29. Title MASTER	30. Address	
31. Telephone No. (b) (6)	32. Email	
CG-2692 (03/22)		

INSTRUCTIONS FOR COMPLETION OF FORM CG-2692
REPORT OF MARINE CASUALTY, COMMERCIAL DIVING CASUALTY, OR OCS-RELATED CASUALTY

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The Coast Guard estimates that the average burden for this report is 1 hour. You may submit any comments concerning the accuracy of this burden estimate or any suggestions for reducing the burden to: Commandant (CG-INV), U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr Ave SE, Washington, DC 20593-7501 or Office of Management and Budget, Paperwork Reduction Project (1625-0001), Washington, DC 20503.

WHEN TO USE THIS FORM

1. This form satisfies the requirement for written reports of casualties and accidents found in the Code of Federal Regulations for vessels, commercial diving operations, and Outer Continental Shelf (OCS) facilities. Depending on the circumstances surrounding an incident, a written report may be required if it meets one or more of the conditions described in instructions 2 - 4.
2. **VESSELS.** If you are the owner, agent, master, operator, or person in charge of a vessel, other than a public vessel or an uninspected recreational or state-numbered vessel, you must submit a report if your vessel:
 - A. is involved in a marine casualty or accident that occurs upon the navigable waters of the United States, its territories or possessions and meets any of the criteria in block 10, or
 - B. is a United States vessel involved in a marine casualty or accident, wherever such casualty or accident occurs, that meets any of the criteria in block 10, or
 - C. is a foreign vessel engaged in OCS activities as defined in 33 CFR 140.10 and is involved in a marine casualty or accident that meets any of the criteria in block 10, or
 - D. is a foreign tank vessel operating in waters subject to the jurisdiction of the United States, including the Exclusive Economic Zone (EEZ), which involves significant harm to the environment or material damage affecting the seaworthiness or efficiency of the vessel.
3. **DIVING.**
 - A. **Commercial Diving.** If you are the master or person in charge of a vessel or facility from which a commercial diving operation is conducted: (1) at any deepwater port or the safety zone thereof as defined in 33 CFR Part 150; (2) from any artificial island, installation, or other device on the Outer Continental Shelf (OCS) and the waters adjacent thereto as defined in 33 CFR Part 147 or otherwise related to activities on the OCS; (3) from any vessel required to have a certificate of inspection issued by the Coast Guard, including mobile offshore drilling units, regardless of their geographic location; or (4) from any vessel connected with a deepwater port or within the deepwater port safety zone or from any vessel engaged in activities related to the OCS, you must submit a report if there is a diving casualty meeting the criteria in block 11, except if the diving operation is:
 1. performed solely for marine scientific research and development purposes by educational institutions,
 2. performed solely for research and development for the advancement of diving equipment and technology, or
 3. performed solely for search and rescue or related public safety purposes by or under the control of a governmental agency.
 - B. **All Other Diving.** Any occurrence of injury or loss of life to any person while diving from a vessel subject to instruction 2 and using underwater breathing apparatus must be reported under instruction 2.
4. **OUTER CONTINENTAL SHELF (OCS) FACILITIES.** If you are the owner, operator, or person in charge of an OCS facility engaged in OCS activities as defined in 33 CFR 140.10, you must submit a report if your facility is involved in a casualty or accident that meets any of the criteria in block 12.

COMPLETION OF THIS FORM

5. In accordance with 46 CFR §4.05-10, 46 CFR §197.486, and 33 CFR §146.35, this form shall be filled out as completely and accurately as possible. Please type or print clearly. Fill in all blanks that apply to the kind of accident that has occurred. If a block is not applicable, the abbreviation "NA" should be entered in that space. If the answer is unknown and cannot be obtained before the report has to be submitted (i.e. within 5 days of the accident), the abbreviation "UNK" should be entered in that block. If "NONE" is the correct response, enter it in the block.
6. Once completed, deliver, email, or fax this form within 5 days of the casualty to the Coast Guard Sector, Marine Safety Unit, or Activity nearest the location of the casualty or, if at sea, nearest the arrival port. <https://www.uscg.mil/Units/Organization/>
7. Tugs or towboats with tows under their control shall complete blocks 9a through 9d and, if one or more barges in their tow causes or sustains damage or meets any other reporting criteria, use the "Barge Addendum," CG-2692A to report information on the barge(s) involved.
8. If an incident involves multiple barges suffering or causing damage while moored or anchored (such as in a floating area), or breaking away from their moorage and causing or sustaining damage, enter the location of the moorage in Block 1 of the CG-2692 and complete the form except for blocks 2-8. Details for the barges will be entered on the CG-2692A. If a single barge is involved in a marine casualty while moored or anchored, it shall be documented as any other vessel using the CG-2692.
9. If the casualty meets the criteria for a serious marine incident as defined in 46 CFR §4.03, use the "Chemical Drug and Alcohol Testing Addendum," CG-2692B to report information on required drug and alcohol testing following a serious marine incident.
10. If one or more persons on the vessel or facility were injured, killed, or missing as a result of the casualty, use the "Personnel Casualty" Addendum," CG-2692C to report information on the extent of all personnel casualties.
11. For facilities and vessels engaged in OCS activities who are reporting a casualty in accordance with 33 CFR §146.35 or 33 CFR §146.303, use the "Involved Persons and Witnesses Addendum," CG-2692D to provide a list of all involved persons and witnesses to the casualty being reported. The CG-2692D may also be used to provide data on persons involved or witnessing a marine casualty or commercial diving casualty.
12. Block 20 - "Location": Always identify the body of water or waterway. Latitude and longitude to the nearest tenth of a minute should always be entered except in those rivers and waterways where a mile marker system is commonly used. In those cases, the mile number to the nearest tenth of a mile should be entered. If the latitude and longitude, or mile number, are unknown, reference to a known landmark or object (buoy, light, etc.) with distance and bearing to the object is permissible.

Privacy Act Statement

Authority: The authority for this collection is 46 U.S. Code 6101.

Purpose: The Coast Guard uses this information in gathering facts to determine causes surrounding reportable marine casualties. This information assists in promoting the safety of life, property, and the protection of the marine environment through preventing the recurrence of accidents.

Routine Uses: Reportable marine casualty information is needed for Coast Guard investigations of vessel casualties involving injury, death, property damage, environmental damage and dangerous conditions and for preparation and submission of data reports mandated by Congress (see 46 U.S.C. 6301). Information gathered is also used to determine whether new or revised safety laws, regulations, and policies are necessary. Additionally, chemical testing information is needed to improve Coast Guard detection and reduction of drug use by mariners. Any external disclosures of information within this record will be made in accordance with DHS/USCG-013 Marine Information for Safety and Law Enforcement, June 25, 2009, 74 FR 30305.

Disclosure: Furnishing this information is mandatory. Failure to furnish the requested information for occurrences that are reportable marine casualties, diving casualties, or OCS-related casualties may result in civil penalty.

Attachment 12: USCG Summary of Interview with Master of the M/V KONA TRADER

ATTACHMENT 12



U.S. COAST GUARD SUMMARY

Matter Under Investigation: KONA TRADER Allision with Port of Stockton

Phone Call with the Master of M/V KONA TRADER

Date/Time: October 1, 2024 / 1200

Location: Sector San Francisco

The master of the M/V KONA TRADER, (b) (6) called Sector San Francisco after receiving an email request for a CG-2692. Due to language barriers, the vessel's agent, (b) (6), who was onboard the vessel at the time was also on the line.

(b) (6) stated there was 2 pilots onboard for the transit and approach to the pier in Stockton. He stated the senior pilot was Matthew Stevens and there was a training pilot directing most of the tug movements who he believed was named (b) (6).

(b) (6) stated he believed the turn to starboard was late and the vessel had too much forward momentum. He stated he thought the vessel's speed at the time was around 1.5 kts. (b) (6) stated crewmembers on the bow radioed the bridge and told them of the bow's contact with the pier.

(b) (6) stated they vessel informed the terminal of the damage, and he sent an email to the company to request class attendance. He also stated he sent the Coast Guard a copy of the class report the next day.

(b) (6)

(b) (6)

Name/Signature of Investigator

Date October 8, 2024

Attachment 13: Tug Operators' Statements (Includes Statements from Masters of CLEO J. BRUSCO, SHARON BRUSCO, and PATRIOT)

ATTACHMENT 13



[REDACTED] Longview, WA 98632
Phone [REDACTED]
FAX [REDACTED]

2 October 2024

To Whom This May Concern:

After putting up my line on the Tug Patriot for the job on the M/V Kona Trader into Stockton Berth 12; I executed all Pilot orders on command. I was situated on the starboard bow of the ship. I was laying alongside for brakes up the channel as the Pilot was approaching the dock. On the final approach to Berth 12, I was stopped while the Tug Cleo J Brusco was on the port bow, pushing. At one point, the Pilot asked me to be prepared to back up while laying alongside. I informed him that I was already doing so and standing by. I recall the Cleo giving distances to the Pilot as he was pushing the bow to starboard. I could not visibly see the distance from the ship to the dock from my angle on the starboard bow. The pilot asked me afterwards to start backing half power which I did immediately. The Pilot then, asked me to back full power which I did immediately. I then recall the Cleo stating he was running out of room and needed to back clear so not to be pinched between the dock and the ship.

Shortly after backing alongside under the instructions of the Pilot, I was instructed to stop and rollout a 90 to proceed to push the ship back to the dock to complete the landing. The remainder of the job was completed without any further event.

All job times are recorded in the official log. After being informed by the Captain on the Cleo, I was informed that the Pilot was also notified of the incident. I was also informed that any further instructions would be conveyed as part of the investigation.

Kind Regards,

[REDACTED]

Captain Matt Barrett

"The Best in Service"



[REDACTED] Longview, WA 98632

Phone [REDACTED]

FAX [REDACTED]

2 October 2024

To Whom This May Concern:

On the day of Sept 25, 2024, I was the Captain/Operator of the Tug Cleo J Brusco assigned to assist the M/V Kona Trader into dock 12/13 in the Port of Stockton. On arrival of the Kona Trader at the west end of the Port at 1430, I began taking my orders from unit Bravo as the Training Pilot who was working with unit #Tango. I got ordered to put a line up port bow and worked as directed. Coming through the Port dead slow to easy back. On approach to dock 12, I began giving distances to the dock from his bow. First 350ft to the ladder, then 250 Ft. At that time, I got an order to come stem on and take my line down. The ship still had headway on. I got my line down when the bow of the ship was approximately 100 ft to the dock and working dead slow. I reported to the Pilot that he was 50 ft off the dock at this time, and he gave an order to push half. At this point, I was pushing half power and he made contact with the dock while still having headway. I stayed pushing alongside as long as I could before having to tell the Pilot I needed to back out before my boat was damaged. I shifted my boat back to the Port Quarter and resumed taking orders to complete the job.

Sincerely, [REDACTED]

Capt. William B. Nern

"The Best in Service"



[REDACTED] Longview, WA 98632

Phone [REDACTED]

FAX [REDACTED]

02 October 2024

RE: Personal Statement for MV Kona Trader Docking Incident

To Whom it may concern,

The following is a statement to the best of my recollection for the MV Kona Trader Docking Incident:
On Wednesday, 25 September 2024, as Captain of the Sharon Brusco, at 1437 I began trailing astern off the Starboard Quarter of the MV Kona Trader per orders of the Pilot (T-B). I continued to follow in this position through the port until I was asked what speed I felt comfortable to put my line up. I replied "I'm ready if you are", so just past a derrick barge moored east of berth 14, I touched down on the starboard quarter of the ship, slightly aft of the bridewing. Once my line was fast, I informed the pilot I was all fast and running with. Shortly thereafter, my first command was to come to a 90 and push toward on the ship. Doing this for 1-2 minutes, I was told to "stop". I maintained my position in "ready to work" fashion. Another short time progressed, then pilot orders were to push half toward which I followed. I maintained pushing half through the ship's maneuvering toward the berth at 12/13. As the ships stern neared the berth there were numerous commands of stopping, aways, and towards. Once the ship was alongside the berth, we shifted the ship using my vessel at "45 degrees forward for headway" and various commands followed to position the ship for hold #7 per SSA Representative. At 1648 my line was given back, and I was released from the job per pilot orders.

Blaine C Frost [REDACTED]

"The Best in Service"



United States Coast Guard

**MISLE Incident Investigation Report
For
KONA TRADER Allision**

On 25Sep2024 22:21:00 Z



MISLE Activity Number: 8012712
MISLE Case Number: 1411561

I. PRELIMINARY INVESTIGATION – GENERAL INFORMATION

On September 26, 2024, Sector San Francisco Command Center received notification that on September 25, 2024, the M/V KONA TRADER allided with Pier 12/13 at the Port of Stockton and caused an unknown amount of damage.

Initial damage assessment from Port of Stockton representative estimates structural damage exceeding \$75,000. Investigative efforts will be continued in the IIA.

I.I EXCEPTIONS

Marine Casualty Investigation: No

Criteria Met:

Pollution Investigation: NA

Criteria Met:

Personnel Investigation: NA

Criteria Met:

I.II DETAILS

Incident Involves: Marine Casualty, Reportable

Level Of Investigation: Data Collection

IMO Classification: Routine

US Classification: Routine

Serious Marine Incident: No

Was a Marine Board convened by Commandant? No

I.III LOCATIONS

<u>Description</u>	<u>Latitude</u>	<u>Longitude</u>
PORT OF STOCKTON, CA	37°57.1 N	121°19.0 W

I.IV INVOLVED PERSONNEL

Name: (b) (6)

Team Lead: Yes

Point Of Contact: Yes

Role: Investigation Administration/Review

Status: Assigned

Department Id: 007574

Type/Rank: Officer/Military Officer (O3)

Agency Type/Agency: Federal - DHS/U. S. Coast Guard

Source Id/Source: (b) (6) /Direct Access Personnel

Comments:

I.V INVOLVED TEAM

I.VI INVOLVED SUBJECTS

Involved Vessels

Name:

KONA TRADER

Flag:

MARSHALL ISLANDS

Case Number: 1411561

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Primary VIN:	9374208
Call Sign:	V7YJ7
Damage Status:	Undamaged
Role:	Involved in a Marine Casualty
Classification, Type, Subtype:	Bulk Carrier, General, General
Gross Tonnage:	
Net Tonnage:	
Dead Wt. Tonnage:	76596
Length:	711.9
Home/Hailing Port:	Limassol
Keel Laid Date:	05Mar2004
Delivery Date:	14Mar2007
Place of Construction:	
Builder Name:	
Propulsion Type:	Diesel Direct
Ahead HP:	10320
Master:	
Classification Society:	BUREAU VERITAS
Owner:	
Operator:	
Inspection Subchapter:	
Most Recent Vessel Inspection Activity:	7973095, 13Aug2024 15:00:00 Z

Involved Persons

STEVENS, MATTHEW	
Status:	Not at Risk
Role:	Subject of Investigation
Gender:	Male
Age:	
SSN:	(b) (6)
Birth Date:	(b) (6)
Email Address:	
Phone Number:	
Address (Home/Primary Residence):	(b) (6)

Comments:

(b) (6)	
Status:	Not at Risk
Role:	Witness
Gender:	
Age:	
SSN:	
Birth Date:	
Email Address:	(b) (6)
Phone Number:	
Address:	

Comments:

Drug and Alcohol Testing. The following people have been determined by the Coast Guard, Law Enforcement Personnel, and/or the Marine Employer to have been directly involved in a Serious Marine Incident as defined in 46 CFR 4.03-2:

Involved Organizations: None

Involved Facilities

Facility Name:	Port of Stockton
Type:	Waterfront Facility
Status:	Damaged and Not Repaired - Operational

Case Number: 1411561

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Role:
Contact Phone:
Location:

Site of Incident
Latitude: 37°57.0 N
Longitude: 121°17.0 W

Involved Waterways: None

Involved Other Subjects: None

II. INCIDENT INVESTIGATION – GENERAL INFORMATION

On September 25, 2024, at approximately 1521 local time, the Cyprus flagged bulk carrier KONA TRADER (IMO #9374208) allided with Pier 12/13 in the Port of Stockton while mooring. Initially the damage was estimated at \$50,000. Later, after consulting an engineer, the facility reported the damage in excess of \$75,000. After additional repeated requests, the facility failed to provide a concrete damage estimate or list of repairs, therefore the damage was estimated at \$75,000. No damage to the vessel was reported.

As a result of the investigation, the U.S. Coast Guard determined that the initiating event for this casualty was the allision itself. The causal factors leading to the initiating event were:

1. Failure to Recognize Time to Allision
2. Inadequate Ship Handling
3. Use of Multiple Languages on the Bridge

Personnel Casualty Summary

Total Missing = 0
Total Dead = 0
Total Injured = 0
Total At Risk, Not Injured = 0
Total People At Risk = 0

Vessel(s) Status Summary

Actual Total Loss = 0
Total Constructive Loss Salvaged = 0
Total Constructive Loss Unsalvaged = 0
Damaged = 0
Undamaged = 4

Property Damage Summary

Vessel(s) = \$ 0
Cargo = \$ 0
Facility(s) = \$ 75000
Other = \$ 0

* Includes estimates

II.I LOCATIONS

<u>Description</u>	<u>Latitude</u>	<u>Longitude</u>
Port of Stockton	37°57.1 N	121°19.0 W

Case Number: 1411561

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II.II INVOLVED PERSONNEL

Name: (b) (6)

Team Lead: No
Point Of Contact: No
Role: Investigation Administration/Review
Status: Assigned
Department Id: 007574
Type/Rank: Officer - Military Officer (O4)
Agency Type/Agency: Federal - DHS/Federal - DHS
Source Id/Source: (b) (6) /Direct Access Personnel
Comments:

Name: (b) (6)

Team Lead: Yes
Point Of Contact: Yes
Role: Investigating Officer - Field Investigation
Status: Assigned
Department Id: 007574
Type/Rank: Officer - Military Officer (O3)
Agency Type/Agency: Federal - DHS/Federal - DHS
Source Id/Source: (b) (6) /Direct Access Personnel
Comments:

Name: (b) (6)

Team Lead: No
Point Of Contact: No
Role: Investigation Administration/Review
Status: Assigned
Department Id: 007574
Type/Rank: Civilian - GS-12
Agency Type/Agency: Federal - DHS/Federal - DHS
Source Id/Source: (b) (6) /Direct Access Personnel
Comments:

II.III INVOLVED TEAM

II.IV INVOLVED SUBJECTS

Involved Vessels

Name:	CLEO J BRUSCO
Flag:	UNITED STATES
Primary VIN:	537363
Call Sign:	WDC7480
Damage Status:	Undamaged
Role:	Involved in a Marine Casualty
Classification, Type, Subtype:	Towing Vessel, General, General
Gross Tonnage:	
Net Tonnage:	
Dead Wt. Tonnage:	
Length:	71.5
Home/Hailing Port:	LONGVIEW
Keel Laid Date:	

Case Number: 1411561

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Delivery Date: 31Dec1972
Place of Construction: PORTLAND, Oregon, UNITED STATES
Builder Name:
Propulsion Type: Diesel
Ahead HP: 2400
Master:
Classification Society:
Owner:
Operator:
Inspection Subchapter: M
Most Recent Vessel Inspection Activity: 7865222, 08Feb2024 22:42:07 Z
Current Certificate of Inspection: Issued On: 27Aug2020 by Sector San Francisco

Name: KONA TRADER
Flag: MARSHALL ISLANDS
Primary VIN: 9374208
Call Sign: V7YJ7
Damage Status: Undamaged
Role: Involved in a Marine Casualty
Classification, Type, Subtype: Bulk Carrier, General, General
Gross Tonnage:
Net Tonnage:
Dead Wt. Tonnage: 76596
Length: 711.9
Home/Hailing Port: Limassol
Keel Laid Date: 05Mar2004
Delivery Date: 14Mar2007
Place of Construction:
Builder Name:
Propulsion Type: Diesel Direct
Ahead HP: 10320
Master: (b) (6)
Classification Society: BUREAU VERITAS
Owner:
Operator:
Inspection Subchapter:
Most Recent Vessel Inspection Activity: 7973095, 13Aug2024 15:00:00 Z

Name: PATRIOT
Flag: UNITED STATES
Primary VIN: 634172
Call Sign: WDN3299
Damage Status: Undamaged
Role: Involved in a Marine Casualty
Classification, Type, Subtype: Towing Vessel, Ship/Harbor Assist, Oceans Service
Gross Tonnage:
Net Tonnage:
Dead Wt. Tonnage:
Length: 87.9
Home/Hailing Port: SEATTLE
Keel Laid Date:
Delivery Date: 01Apr1981
Place of Construction: ANACORTES, Washington, UNITED STATES
Builder Name: DAKOTA CREEK INDUSTRIES INC
Propulsion Type: Diesel Reduction
Ahead HP: 4250
Master:
Classification Society:
Owner:
Operator:
Inspection Subchapter: M
Most Recent Vessel Inspection Activity: 7996285, 04Sep2024 18:06:35 Z

Case Number: 1411561

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Current Certificate of Inspection:

Issued On: 01Jun2022 by Sector San Francisco

Name: SHARON BRUSCO
Flag: UNITED STATES
Primary VIN: 511361
Call Sign: WDC3033
Damage Status: Undamaged
Role: Involved in a Marine Casualty
Classification, Type, Subtype: Towing Vessel, Pushing Ahead (Towboat), General
Gross Tonnage:
Net Tonnage:
Dead Wt. Tonnage:
Length: 66.0
Home/Hailing Port: SEATTLE
Keel Laid Date: 01Jan1967
Delivery Date: 01Jan1967
Place of Construction: PORTLAND, Oregon, UNITED STATES
Builder Name:
Propulsion Type: Diesel Reduction
Ahead HP: 2600
Master:
Classification Society:
Owner:
Operator:
Inspection Subchapter: M
Most Recent Vessel Inspection Activity: 7438006, 25Apr2022 19:43:11 Z
Current Certificate of Inspection: Issued On: 15Jul2021 by Sector Columbia River

Involved Persons

(b) (6)
Status:
Role:
Gender:
Age:
SSN:
Birth Date:
Email Address:
Phone Number (Mobile):
Address (Home/Primary Residence):

Not at Risk
Subject of Investigation
Male

(b) (6)
(b) (6)
(b) (6)
(b) (6)
(b) (6)
(b) (6)

Comments:

(b) (6)
Status:
Role:
Gender:
Age:
SSN:
Birth Date:
Email Address:
Phone Number (Primary):
Address:
Comments:

Not at Risk
Subject of Investigation
Male

(b) (6)
(b) (6)@gmailplus.com
(b) (6)

STEVENS, MATTHEW

Status:
Role:
Gender:
Age:
SSN:
Birth Date:
Email Address:
Phone Number:

Not at Risk
Subject of Investigation
Male

(b) (6)
(b) (6)
(b) (6)

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Address (Home/Primary Residence):

(b) (6)
(b) (6)
(b) (6)

Comments:

(b) (6)

Status:

Not at Risk

Role:

Witness

Gender:

Age:

SSN:

Birth Date:

Email Address:

(b) (6)

Phone Number:

Address:

Comments:

Drug and Alcohol Testing. The following people have been determined by the Coast Guard, Law Enforcement Personnel, and/or the Marine Employer to have been directly involved in a Serious Marine Incident as defined in 46 CFR 4.03-2:

Involved Organizations: None

Involved Facilities

Facility Name:

Port of Stockton

Type:

Waterfront Facility

Status:

Damaged and Not Repaired - Operational

Role:

Site of Incident

Contact Phone:

Location:

Latitude: 37°57.0 N

Longitude: 121°17.0 W

Involved Waterways

San Joaquin River

Role:

Location

Description:

Port of Stockton

Involved Other Subjects: None

II.V EVIDENCE

Control Number: 8012712 - (b) (6) - 001

Description: CG-2692

Evidence Type: Standard

Collection Information

Date/Time: 08Oct2024 18:32:08 Z

Location: Sector San Francisco

Collected By: (b) (6); U. S. Coast Guard

Attachments

8012712 - (b) (6) - 001 CG-2692; Documentary Evidence;
08Oct2024 18:44:16 Z; No

Control Number: 8012712 - (b) (6) - 002
Description: Company Email Correspondence
Evidence Type: Standard

Collection Information

Date/Time: 08Oct2024 18:35:42 Z
Location: Sector San Francisco
Collected By: (b) (6); U. S. Coast Guard

Attachments

8012712 - (b) (6) - 002 Company Emails 3; Documentary Evidence;
08Oct2024 18:44:53 Z; No
8012712 - (b) (6) - 002 Company Emails 2; Documentary Evidence;
08Oct2024 18:44:44 Z; No
8012712 - (b) (6) - 002 Company Emails 1; Documentary Evidence;
08Oct2024 18:44:30 Z; No

Control Number: 8012712 - (b) (6) - 003
Description: KONA TRADER Master's Statement
Evidence Type: Standard

Collection Information

Date/Time: 08Oct2024 18:37:50 Z
Location: Sector San Francisco
Collected By: (b) (6); U. S. Coast Guard

Attachments

8012712 - (b) (6) - 003 KONA TRADER Master's Statement; Documentary Evidence;
08Oct2024 18:45:10 Z; No

Control Number: 8012712 - (b) (6) - 004
Description: CCTV Video
Evidence Type: Standard

Collection Information

Date/Time: 08Oct2024 18:40:17 Z
Location: Sector San Francisco
Collected By: (b) (6); U. S. Coast Guard

Attachments

8012712 - (b) (6) - 004 Kona Trader Damage to Dock 12 East View; Video;
A second view, "Dock 12 West View" is too large of a file to upload and is saved
locally at Sector San Francisco.; 08Oct2024 18:45:25 Z; No

Control Number: 8012712 - (b) (6) - 005
Description: Radio Comms Playback
Evidence Type: Standard

Collection Information

Date/Time: 08Oct2024 18:41:37 Z
Location: Sector San Francisco
Collected By: (b) (6); U. S. Coast Guard

Attachments

8012712 - (b) (6) - 005 Radio Comms Playback; Documentary Evidence;
08Oct2024 21:11:24 Z; No

Control Number: 8012712 - (b) (6) - 006
Description: Marine Exchange AIS Track
Evidence Type: Standard

Collection Information

Date/Time: 08Oct2024 18:41:56 Z
Location: Sector San Francisco
Collected By: (b) (6); U. S. Coast Guard

Attachments

8012712 - (b) (6) - 006 Marine Exchange AIS Track; Documentary Evidence;
08Oct2024 21:21:22 Z; No

Control Number: 8012712 - (b) (6) - 007
Description: Photos Provided by Vessel Agent
Evidence Type: Standard

Collection Information

Date/Time: 18Oct2024 16:16:48 Z
Location: Sector San Francisco
Collected By: (b) (6); U. S. Coast Guard

Attachments

8012712 - (b) (6) - 007 - Photos Provided by Agent; Photograph;
18Oct2024 16:19:03 Z; No

Control Number: 8012712 - (b) (6) - 008
Description: BV Class Report
Evidence Type: Standard

Collection Information

Date/Time: 18Oct2024 16:17:11 Z
Location: Sector San Francisco
Collected By: (b) (6); U. S. Coast Guard

Attachments

8012712 - (b) (6) - 008 BV Class Report; Documentary Evidence;
18Oct2024 16:19:17 Z; No

Control Number: 8012712 - (b) (6) - 009
Description: Photos Provided by Port of Stockton
Evidence Type: Standard

Collection Information

Date/Time: 18Oct2024 16:17:31 Z
Location: Sector San Francisco
Collected By: (b) (6); U. S. Coast Guard

Attachments

8012712 - (b) (6) - 009 - Photos Provided by Port of Stockton; Documentary Evidence;
18Oct2024 16:19:31 Z; No

Control Number: 8012712 - (b) (6) - 010
Description: Police Report Documents
Evidence Type: Standard

Collection Information

Date/Time: 18Oct2024 16:17:50 Z
Location: Sector San Francisco
Collected By: (b) (6); U. S. Coast Guard

Attachments

8012712 - (b) (6) - 010 Case 24-0168 Supplement 1; Documentary Evidence;
18Oct2024 16:20:05 Z; No
8012712 - (b) (6) - 010 Case 24-0168 photos; Documentary Evidence;
18Oct2024 16:19:55 Z; No
8012712 - (b) (6) - 010 Attach Case 24-0168 entire case; Documentary Evidence;
18Oct2024 16:19:46 Z; No

Control Number: 8012712 - (b) (6) - 011
Description: Trainee Pilot Statement
Evidence Type: Standard

Collection Information

Date/Time: 18Oct2024 16:18:15 Z
Location: Sector San Francisco
Collected By: (b) (6); U. S. Coast Guard

Attachments

8012712 - (b) (6) - 011 Trainee Pilot Statement; Documentary Evidence;
18Oct2024 16:20:26 Z; No

Control Number: 8012712 - (b) (6) - 012
Description: VDR Timeline & Tug Diagram
Evidence Type: Standard

Collection Information

Date/Time: 21Oct2024 20:06:37 Z
Location: Sector San Francisco
Collected By: (b) (6); U. S. Coast Guard

Attachments

8012712 - (b) (6) - 012 VDR Timeline and Tug Diagram; Documentary Evidence;
21Oct2024 20:18:14 Z; No

Control Number: 8012712 - (b) (6) - 013
Description: VDR playback file and associated software is too large to upload. Evidence is stored locally at Sector San Francisco.
Evidence Type: Standard

Collection Information

Date/Time: 21Oct2024 20:10:24 Z
Location: Sector San Francisco
Collected By: (b) (6); U. S. Coast Guard

Attachments

Control Number: 8012712 - (b) (6) - 014
Description: Pilot's Statement
Evidence Type: Standard

Collection Information

Date/Time: 21Oct2024 20:18:34 Z
Location: Sector San Francisco
Collected By: (b) (6); U. S. Coast Guard

Attachments

8012712 - (b) (6) - 014 (b) (6) Pilot Statement; Documentary Evidence;
31Oct2024 18:39:14 Z; No

Control Number: 8012712 - MISLE - 0
Description: MISLE Notification #1198015 for a report of an incident received by Email
Evidence Type: Misle Notification

Collection Information

Date/Time: 01Oct2024 18:40:43 Z
Location: Sector San Francisco
Collected By: (b) (6); U. S. Coast Guard

Attachments

II.VI TIMELINE

25Sep2024 22:00:00 Z to 25Sep2024 22:00:00 Z (Estimated): The KONA TRADER (#9374208) was underway in view of the Port of Stockton.

Timeline Type: Condition
Timeline Subtype: Vessel - Material/Equipment Condition
Location: Known

Case Number: 1411561

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Primary Location: Yes
Description: Port of Stockton

Latitude: 37°57.1 N Longitude: 121°19.0 W

Subject(s) and Details

<u>Name</u>	<u>Type</u>	<u>Status</u>	<u>Role</u>
KONA TRADER	Vessel	Undamaged	Involved in a Marine Casualty
System: Operations/Management			
Subsystem: Vessel Activity			
Component: Underway			
Cite:			
<u>Involves CG Approved Equipment</u> : No			
Security Violation: No			
Deficiency: No			

25Sep2024 22:01:00 Z to 25Sep2024 22:01:00 Z (Estimated): The KONA TRADER had tugs positioned in the following locations: PATRIOT starboard bow, SHARON BRUSCO starboard stern, CLEO J BRUSCO "CLEO" port bow.

Timeline Type: Condition
Timeline Subtype: Vessel - Mooring Arrangement
Location: Known

Primary Location: Yes
Description: Port of Stockton

Latitude: 37°57.1 N Longitude: 121°19.0 W

Subject(s) and Details

<u>Name</u>	<u>Type</u>	<u>Status</u>	<u>Role</u>
KONA TRADER	Vessel	Undamaged	Involved in a Marine Casualty

25Sep2024 22:15:00 Z to 25Sep2024 22:15:00 Z (Estimated): The KONA TRADER had a crewmember placed on the bow to communicate distances to the captain on the bridge. These distances were communicated in the native language of the captain and crewmember then translated to English for the pilots. All distances provided by the KONA TRADER's crew were in meters.

Timeline Type: Condition
Timeline Subtype: Person - Communications Condition
Location: Known

Primary Location: Yes
Description: Port of Stockton

Latitude: 37°57.1 N Longitude: 121°19.0 W

Subject(s) and Details

<u>Name</u>	<u>Type</u>	<u>Status</u>	<u>Role</u>
(b) (6)	Person	Not at Risk	Subject of Investigation

Communications Type: Internal

Communication Direction: Received

Means Of Communication: Verbal

Frequency/Channel:

Frequency Or Channel Used:

Power Setting:

Communications Acknowledged: Yes

Communication Effectiveness: Problems Interpreting Communication

Effectiveness Description: Need for translation from native language to English caused slower transmission.

Interference Encountered: Management Factors

Interference Description: Communication in native language.

25Sep2024 22:18:56 Z to 25Sep2024 22:18:56 Z (Estimated): The KONA TRADER was 300 feet from the pier with a speed over ground of 1.4 kts. The distance of 300 feet was provided by the CLEO.

Timeline Type: Condition

Timeline Subtype: Vessel - Material/Equipment Condition

Location: Known

Primary Location: Yes

Description: Port of Stockton

Latitude: 37°57.1 N Longitude: 121°19.0 W

Subject(s) and Details

<u>Name</u>	<u>Type</u>	<u>Status</u>	<u>Role</u>
KONA TRADER	Vessel	Undamaged	Involved in a Marine Casualty

System: Operations/Management

Subsystem: Vessel Activity

Component: Underway

Cite:

Involves CG Approved Equipment: No

Security Violation: No

Deficiency: No

25Sep2024 22:19:12 Z to 25Sep2024 22:20:00 Z (Estimated): The pilots ordered "engine stop" but noted they required headway to keep the vessel's stern clear.

Timeline Type: Action

Timeline Subtype: Bridge Operations - Shiphandling

Location: Known

Primary Location: Yes

Description: Port of Stockton

Latitude: 37°57.1 N Longitude: 121°19.0 W

Subject(s) and Details

Case Number: 1411561

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<u>Name</u>	<u>Type</u>	<u>Status</u>	<u>Role</u>
MATTHEW STEVENS	Person	Not at Risk	Subject of Investigation

<u>Name</u>	<u>Type</u>	<u>Status</u>	<u>Role</u>
(b) (6)	Person	Not at Risk	Subject of Investigation

25Sep2024 22:19:27 Z to 25Sep2024 22:20:44 Z (Estimated): The CLEO was pinched between the KONA TRADER's bow and the pier. The CLEO took their line back and repositioned to the KONA TRADER's port stern.

Timeline Type: Condition
 Timeline Subtype: Vessel - Material/Equipment Condition
 Location: Known

Primary Location: Yes
 Description: Port of Stockton

Latitude: 37°57.1 N Longitude: 121°19.0 W

Subject(s) and Details

<u>Name</u>	<u>Type</u>	<u>Status</u>	<u>Role</u>
CLEO J BRUSCO	Vessel	Undamaged	Involved in a Marine Casualty

System: Operations/Management
 Subsystem: Vessel Activity
 Component: Underway
 Cite:
Involves CG Approved Equipment: No
 Security Violation: No
 Deficiency: No

25Sep2024 22:20:50 Z to 25Sep2024 22:20:50 Z (Estimated): The KONA TRADER crewmember reported the distance from the vessel's bow to the pier as 40 meters, understood by the pilot to be approximately 120 feet. The KONA TRADER's speed was 1.3 kts.

Timeline Type: Condition
 Timeline Subtype: Vessel - Material/Equipment Condition
 Location: Known

Primary Location: Yes
 Description: Port of Stockton

Latitude: 37°57.1 N Longitude: 121°19.0 W

Subject(s) and Details

<u>Name</u>	<u>Type</u>	<u>Status</u>	<u>Role</u>
KONA TRADER	Vessel	Undamaged	Involved in a Marine Casualty
System: Operations/Management			
Subsystem: Vessel Activity			
Component: Underway			
Cite:			
<u>Involves CG Approved Equipment</u> : No			
Security Violation: No			
Deficiency: No			

25Sep2024 22:21:07 Z to 25Sep2024 22:21:07 Z (Estimated): The pilots ordered dead slow astern, PATRIOT back half.

Timeline Type: Action
 Timeline Subtype: Bridge Operations - Shiphandling
 Location: Known

Primary Location: Yes
 Description: Port of Stockton

Latitude: 37°57.1 N Longitude: 121°19.0 W

Subject(s) and Details

<u>Name</u>	<u>Type</u>	<u>Status</u>	<u>Role</u>
MATTHEW STEVENS	Person	Not at Risk	Subject of Investigation

<u>Name</u>	<u>Type</u>	<u>Status</u>	<u>Role</u>
(b) (6)	Person	Not at Risk	Subject of Investigation

25Sep2024 22:21:27 Z to 25Sep2024 22:21:27 Z (Estimated): The KONA TRADER crewmember reported the distance from the vessel's bow to the pier as 20 meters.

Timeline Type: Condition
 Timeline Subtype: Vessel - Material/Equipment Condition
 Location: Known

Primary Location: Yes
 Description: Port of Stockton

Latitude: 37°57.1 N Longitude: 121°19.0 W

Subject(s) and Details

<u>Name</u>	<u>Type</u>	<u>Status</u>	<u>Role</u>
KONA TRADER	Vessel	Undamaged	Involved in a Marine Casualty
System: Operations/Management			
Subsystem: Vessel Activity			
Component: Underway			
Cite:			
<u>Involves CG Approved Equipment</u> : No			
Security Violation: No			
Deficiency: No			

25Sep2024 22:21:28 Z to 25Sep2024 22:21:32 Z (Estimated): The pilots ordered PATRIOT back full and slow astern.

Timeline Type: Action
Timeline Subtype: Bridge Operations - Shiphandling
Location: Known

Primary Location: Yes
Description: Port of Stockton

Latitude: 37°57.1 N Longitude: 121°19.0 W

Subject(s) and Details

<u>Name</u>	<u>Type</u>	<u>Status</u>	<u>Role</u>
MATTHEW STEVENS	Person	Not at Risk	Subject of Investigation

<u>Name</u>	<u>Type</u>	<u>Status</u>	<u>Role</u>
(b) (6)	Person	Not at Risk	Subject of Investigation

25Sep2024 22:21:50 Z to 25Sep2024 22:21:50 Z (Estimated): The pilots did not take sufficient action to avoid allision.

Timeline Type: Action
Timeline Subtype: Bridge Operations - Collision/Allision Avoidance
Location: Known

Primary Location: Yes
Description: Port of Stockton

Latitude: 37°57.1 N Longitude: 121°19.0 W

Subject(s) and Details

<u>Name</u>	<u>Type</u>	<u>Status</u>	<u>Role</u>
MATTHEW STEVENS	Person	Not at Risk	Subject of Investigation

<u>Name</u>	<u>Type</u>	<u>Status</u>	<u>Role</u>
(b) (6)	Person	Not at Risk	Subject of Investigation

25Sep2024 22:21:52 Z to 25Sep2024 22:21:52 Z (Estimated): The KONA TRADE's bulbous bow allided with the Port of Stockton Pier 12/13.

Timeline Type: Event
Timeline Subtype: Allision
Location: Known

Primary Location: Yes
Description: Port of Stockton

Latitude: 37°57.1 N Longitude: 121°19.0 W

Subject(s) and Details

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<u>Name</u>	<u>Type</u>	<u>Status</u>	<u>Role</u>
KONA TRADER	Vessel	Undamaged	Involved in a Marine Casualty
Location of Impact: Centerline Bow			
Above/Below the Waterline: Above			
Vessel Course: 93			Bearing: True
Vessel Speed: 1.3			Units: Knots

<u>Name</u>	<u>Type</u>	<u>Status</u>	<u>Role</u>
Port of Stockton	Facility	Damaged and Not Repaired - Operational	Site of Incident
Location of Impact:			
Above/Below the Waterline: Below			
Vessel Course:			Bearing:
Vessel Speed:			Units:

25Sep2024 22:22:00 Z to 25Sep2024 22:22:00 Z (Estimated): Port of Stockton Pier 12/13 experienced damage to metal beams and support structures between bollards four and five, and concrete cracking along the walkway's surface.

Timeline Type: Condition
 Timeline Subtype: Facility - Material/Equipment Condition
 Location: Known

Primary Location: Yes
 Description: Port of Stockton

Latitude: 37°57.1 N Longitude: 121°19.0 W

Subject(s) and Details

<u>Name</u>	<u>Type</u>	<u>Status</u>	<u>Role</u>
Port of Stockton	Facility	Damaged and Not Repaired - Operational	Site of Incident
System: Construction/Loadline			
Subsystem: Structures			
Component: Superstructure			
Cite:			
<u>Involves CG Approved Equipment:</u> No			
Security Violation: No			
Deficiency: No			

26Sep2024 14:50:00 Z to 26Sep2024 14:50:00 Z (Estimated): The allision and subsequent facility damage was reported to Coast Guard Sector San Francisco.

Timeline Type: Action
 Timeline Subtype: Incident/Casualty Reporting/Notification - MISLE
 Location: Known

Primary Location: Yes
 Description: Port of Stockton

Latitude: 37°57.1 N Longitude: 121°19.0 W

Subject(s) and Details

Case Number: 1411561

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<u>Name</u>	<u>Type</u>	<u>Status</u>	<u>Role</u>
(b) (6)	Person	Not at Risk	Witness

04Oct2024 15:20:00 Z to 04Oct2024 15:20:00 Z (Estimated): The KONA TRADER submitted a CG-2692 for the incident.

Timeline Type: Action
Timeline Subtype: Incident/Casualty Reporting/Notification - CG-2692
Location: Known

Primary Location: Yes
Description: Port of Stockton

Latitude: 37°57.1 N Longitude: 121°19.0 W

Subject(s) and Details

<u>Name</u>	<u>Type</u>	<u>Status</u>	<u>Role</u>
(b) (6)	Person	Not at Risk	Subject of Investigation

II.VII CORRESPONDENCE

OCMI Endorsement Memo
Source: USCG
Date: 10/1/2024 7:00:41 PM
Attachments:

KONA TRADER OCMI MISLE Endorsement; Other;
(b) (6); 13Nov2024 21:41:32 Z; No

II.VIII CONCLUSIONS – PART 1. CAUSE

Initiating Event:
Allision (25Sep2024 22:21:52 Z)

Precondition

Mismatch - Between Person and Environment - Failure to Recognize Time to Allision
Approximately 2 minutes and 56 seconds before allision, the pilots were given an approximate distance of 300 feet by the tug CLEO. At that time, the pilots should have recognized that given the environment and vessel's headway (speed over ground of approximately 1.3 knots), allision would occur in approximately 2.5 minutes if nothing changed. Later, the pilots were given a distance of 40 meters by crewmembers on the KONA TRADER's bow. At that time, the vessel's headway was still around 1.3 knots and allision would occur in approximately 1 minute. Throughout the evolution, the vessel's speed remained at 1.3 kts. Had the pilots adequately recognized the time to allision after receiving the distance estimations, they may have appropriately slowed the vessel's speed and taken appropriate action to avoid allision.

Condition/Vessel - Material/Equipment Condition (25Sep2024 22:18:56 Z); Port of Stockton; The KONA TRADER was 300 feet from the pier with a speed over ground of 1.4 kts. The distance of 300 feet was provided by the CLEO.; KONA TRADER

Condition/Vessel - Material/Equipment Condition (25Sep2024 22:20:50 Z); Port of Stockton; The KONA TRADER crewmember reported the distance from the vessel's bow to the pier as 40 meters, understood by the pilot to be approximately 120 feet. The KONA TRADER's speed was 1.3 kts.; KONA TRADER

Mismatch - Between Person and Other Person(s) - Use of Multiple Languages on the Bridge

The master and crewmembers on the bow of the KONA TRADER communicated distances in their native language which the master then translated to English for the pilots. This translation caused a small delay in communications between the pilots, captain, and crew. Had the captain and crew communicated in English, the pilots would have immediately understood the information passed and may have taken swifter action to avoid allision.

Condition/Person - Communications Condition (25Sep2024 22:15:00 Z); Port of Stockton; The KONA TRADER had a crewmember placed on the bow to communicate distances to the captain on the bridge. These distances were communicated in the native language of the captain and crewmember then translated to English for the pilots. All distances provided by the KONA TRADER's crew were in meters.; (b) (6)

Production

Execution Error – Attention Failure - Inadequate Ship Handling

Despite receiving estimates of the KONA TRADER's distance to the pier, the pilots failed to adequately slow the vessels speed and forward momentum. Approximately 3 minutes before allision the pilots understood the distance to be approximately 300 feet to the pier and the vessel was moving at 1.3 knots. For approximately 2 minutes between receiving the 300 feet and 40 meter distances the KONA TRADER's engine remained at the "engine stop" command and forward momentum remained at 1.3 kts. The pilots did not order main engine commands or tug commands after receiving the 40 meter distance when collision was imminent. The pilots only ordered "back full" for the port bow tug approximately 20 seconds before allision. Had the pilots executed better ship handling and ordered main engine and tug commands earlier in the mooring evolution, the vessel's speed may have slowed and been significant enough to avoid allision.

Action/Bridge Operations - Shiphandling (25Sep2024 22:19:12 Z); Port of Stockton; The pilots ordered "engine stop" but noted they required headway to keep the vessel's stern clear.; MATTHEW STEVENS, (b) (6)

Action/Bridge Operations - Shiphandling (25Sep2024 22:21:07 Z); Port of Stockton; The pilots ordered dead slow astern, PATRIOT back half.; MATTHEW STEVENS, (b) (6)

Action/Bridge Operations - Shiphandling (25Sep2024 22:21:28 Z); Port of Stockton; The pilots ordered PATRIOT back full and slow astern.; MATTHEW STEVENS, (b) (6)

Action/Bridge Operations - Collision/Allision Avoidance (25Sep2024 22:21:50 Z); Port of Stockton; The pilots did not take sufficient action to avoid allision.; MATTHEW STEVENS, (b) (6)

Failures of Defense Against Subsequent Events in the Incident

II.IX CONCLUSIONS – PART 2. ENFORCEMENT REFERRALS

None

II.X SAFETY RECOMMENDATIONS

Safety Alerts:

Case History Report

15NOV2024 17:42Z

---Administrative Data---

MISLE Case Id: 1411561

Open Date: 26SEP2024 22:44Z

Case Number: 1411561

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Status: Open - In Progress
Title: KONA TRADER Allision
Owning Unit: Sector San Francisco

Originating Unit: Sector San Francisco

Other Activities (Non IMA or Non Sortie) in Case:

MISLE Activity Id: 8010091	Enf Activity Id:	Type: Preliminary Investigation
MISLE Activity Id: 8012712	Enf Activity Id:	Type: Incident Investigation

---Incident Data---

---Involved Subjects---

Vessel Name: CLEO J BRUSCO

Primary VIN: 537363

Role: Involved in a Marine Casualty

Flag: UNITED STATES

Service: Towing Vessel

Damage Status: Undamaged

Call Sign: WDC7480

Gross Tonnage:

Approx. Length: 71.5 Feet

Year Completed: 1972

Propulsion Type: Diesel

Vessel Name: KONA TRADER

Primary VIN: 9374208

Role: Involved in a Marine Casualty

Flag: MARSHALL ISLANDS

Service: Freight Ship

Damage Status: Undamaged

Call Sign: V7YJ7

Gross Tonnage:

Approx. Length: 711.9 Feet

Year Completed: 2007

Propulsion Type: Diesel Direct

Vessel Name: PATRIOT

Primary VIN: 634172

Role: Involved in a Marine Casualty

Flag: UNITED STATES

Service: Towing Vessel

Damage Status: Undamaged

Call Sign: WDN3299

Gross Tonnage:

Approx. Length: 87.9 Feet

Year Completed: 1981

Propulsion Type: Diesel Reduction

Vessel Name: SHARON BRUSCO

Primary VIN: 511361

Role: Involved in a Marine Casualty

Flag: UNITED STATES

Service: Towing Vessel

Damage Status: Undamaged

Call Sign: WDC3033

Gross Tonnage:

Approx. Length: 66.0 Feet

Year Completed: 1967

Propulsion Type: Diesel Reduction

Person Name: STEVENS, MATTHEW

Role: Subject of Investigation

Identification(s)

SSN: (b) (6)

Status: Not at Risk

Birth Date: (b) (6)

Case Number: 1411561

Page 22 of 23

Person Name: STEVENS, MATTHEW

Role: Subject of Investigation

Identification(s)

SSN: (b) (6)

Person Name: (b) (6)

Role: Subject of Investigation

Identification(s)

SSN: (b) (6)

Person Name: (b) (6)

Role: Subject of Investigation

Identification(s)

Passport Number: (b) (6)

Person Name: (b) (6)

Role: Witness

Identification(s)

Person Name: (b) (6)

Role: Witness

Identification(s)

Status: Not at Risk

Birth Date: (b) (6)

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Status: Not at Risk

Birth Date:

Status: Not at Risk

Birth Date:

Facility Name: Port of Stockton

Type: Waterfront Facility

Role: Site of Incident

Facility Name: Port of Stockton

Type: Waterfront Facility

Role: Site of Incident

Primary Identifier: SFDWF004

Primary Identifier: SFDWF004

Waterway: Port of Stockton

Role: Location

Attachment 15: Master-Pilot Information Exchange Card

ATTACHMENT 15

RECOMMENDATIONS FOR VESSELS AT ANCHOR:

Maintain a proper anchor watch at all times, standing by on VHF channels 14 and 13.

Monitor your vessel's position as well as other vessels, both underway and anchored in the immediate area.

Be prepared to use your engines to maintain a safe anchor position, particularly when your vessel swings with the tide or during windy conditions.

THE SAN FRANCISCO BAR PILOTS AND THE MARINE EXCHANGE CAN BE REACHED ON **VHF CH. 10**.

DISTANCES (IN MILES) FROM THE SEA BUOY (SF) TO:

GOLDEN GATE BRIDGE	11
BAY BRIDGE	16
OAKLAND OUTER HARBOR	17
OAKLAND INNER HARBOR	22
REDWOOD CITY	38
RICHMOND LONG WHARF	22
UPRR BRIDGE	42
PORT CHICAGO	47
PITTSBURG / NEW YORK POINT	53
ANTIOCH	61
STOCKTON	91
SACRAMENTO	96

VESSEL SAFETY IS PARAMOUNT

WELCOME TO SAN FRANCISCO BAY AND TRIBUTARIES



MASTER-PILOT INFORMATION EXCHANGE CARD

WE BELIEVE THAT THE MASTER-PILOT INFORMATION EXCHANGE PLAYS AN IMPORTANT ROLE IN LINKING YOUR VESSEL'S NAVIGATIONAL RESOURCES TO THOSE OF THE PILOT. THE EXCHANGE ENHANCES THE LEVEL OF TRUST, SETS TRANSIT EXPECTATIONS, AND ELIMINATES "ASSUMPTIONS" THAT EITHER THE MASTER OR THE PILOT IS AWARE OF A CERTAIN FACT OR SITUATION. BY TAKING THE TIME TO GIVE EACH OTHER THE NECESSARY INFORMATION, THE SAFETY OF OUR TRANSIT WILL BE ENHANCED.

WELCOME TO SAN FRANCISCO BAY

I AM THE SAN FRANCISCO BAR PILOT ASSIGNED TO YOUR VESSEL UNTIL WE ARE MADE FAST TO A DOCK, SECURED AT ANCHOR, OR I AM RELIEVED OR DISEMBARK AT THE OFFSHORE PILOT STATION.

Please provide me with the following:

1. Vessel deficiencies. Advise me of any systems not working properly.
2. Pilot Information Card.
3. Drafts fore and aft, measured in **feet**. Freshwater drafts, if applicable.
4. Air draft measured in **feet**, corrected for trim.
5. Location of navigation equipment.
6. Type of propulsion. Restricted number of air starts on diesels. Propeller type and rotation.
7. Engine notice requirements.
8. Thruster status/horsepower, if equipped.
9. Maneuvering speeds of vessel.
10. Known errors in the gyrocompass.
11. Any deficiencies or unusual characteristics of the navigation or ship control systems.
12. Necessary notice for crew call-out.

Please set up the ship's equipment in the following manner:

VHF Radios: Ch. 13, 14 and working channels.

RADAR: The ship's best radar set in the NORTH UP mode, range scale 3 miles.

Pilot Ladder: Check current requirements with me or the Pilot Station Boat (Ch. 10 or 13). Prior to Pilot transfer, please ensure that the ladder is properly rigged, manned, and well lit at night.

SAFETY FIRST

"The schedule is flexible, the ship is not."

Information for the Captain and Bridge Officers:

Ensure that your AIS destination is set to _____.

The Captain must be immediately available at all times.

An officer fluent in English must be on the bridge at all times.

All orders will be given and acknowledged in English.

The helm must be manned with qualified quartermasters.

At all times, in shore of the demarcation line, you are required to have a proper lookout posted and both anchors sufficiently manned, ready for immediate and controlled release. Please have direct communication with the foredeck.

Inform me before: any changes are made to the **draft/trim** or **operating cranes**.

For all transits, we may, as applicable, discuss/review the following:

Intended Route Plan
Anticipated Traffic
Tides, Currents and Weather
Regulated Navigation Areas (RNA)
Speed Limits
Minimum Underkeel/Air draft Clearances
Tank Vessel Escort Regulations
Berthing/Unberthing Plan



If at anytime, you or a member of your crew has a question about the navigation or safety of the vessel, please communicate your concerns or questions to me immediately. If there are any requirements that you do not understand, please ask so that I may explain further to ensure that they are all complied with.

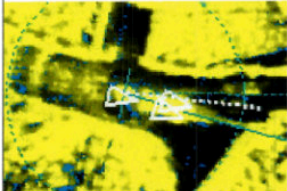
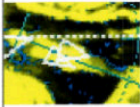
Attachment 16: VDR Transcript

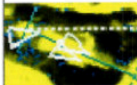
ATTACHMENT 16

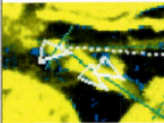
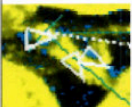

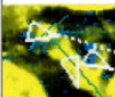
DATE	UTC	PDT(LT)	COMMENTS
25SEP2024	12:20	05:20	DATA START
	13:24	06:24	SBE, GG CALLS, ETA 2 MINUTES ADJUST LADDER TO 2M ABOVE WATER
			<p>0624 - STAY ENROUTE</p> <p>0630 - P.O.B (2) MINUTE WATER LEVEL 4</p> <p>0630 - START HEAVE UP $\frac{f}{f}$</p> <p>0700 - ANCHOR AWEIGHT</p> <p>0705 0707 0712 0715</p>
	13:30	06:30	PILOT(S) ONBOARD
	13:32	06:32	PILOTS ON BRIDGE; APPRENTICE PILOT. "IS ENGINE TESTED? HOW MANY SHACKLES OUT? WHEN READY, START HEAVING ANCHOR" REVIEWS PILOT CARD
	13:34	06:34	PILOT ASKS: "HAVE YOU BEEN UP TO STOCKTON? YOU ARE FAMILIAR WITH RIVER? OK... MIN UKC IS 1.5 METERS. CLEARANCE ON RR BRIDGE IS ABOUT 2 METERS"
	13:36	06:36	<p>"HE'S BEEN UP THERE BEFORE, GOOD TO GO.." ONCE UNDERWAY, KEEP CREWMEMBER FORWARD ANCHOR READY FOR EMERGENCY WE WILL BE UP THERE IN HARBOR ABOUT 14:45</p> <p>NO MPX / NO SFBP CHECKLIST / NO DISCUSSION OF BERTHING/TUGS/CURRENT/ROUTE</p>
	13:47	06:47	TANGO BRAVO CHECKS IN WITH VTS> ANC 9 C1 BOUND FOR STOCKTON 12 DRAFT 29-06. D/E- WEST SPAN
	13:50	06:50	Gossip/etc. small talk throughout. No NAV conversations with Master until next entry below.

	21:15	14:15	Pilot discusses tug arrangement with Master: "We will make fast starboard bow and port bow. Third tug will be made fast on Starboard quarter when the speed comes down" "When we approach the berth, we will let go of port tug and she'll slide out of the way."
	21:16	14:16	Pilot asks: "You've been to Stockton 12?" (no voiced reply from Master) Pilot: "As we approach the berth, if you can have the mate on the bow give distances, opening and closing"
	21:28	14:28	T-B contacts tugs: Patriot Starboard Bow / Clio Port Bow / Sharon Stbd Quarter when slowed down.
	21:35	14:35	T-B asks Captain to make fast tug Stbd Bow first (Patriot)
	21:38	14:38	T-B asks Captain to make fast tug Port bow
	21:41	14:41	Clio fast
	22:09	15:09	Master asks to make fast tug aft? "Not yet Captain". T-B asks: What kind of speed are you looking for to make fast? (tug Sharon) speed 3.0k
	22:11	15:11	Sharon fast Stbd Qtr
	22:12	15:12	STOP ENGINE (NOT RECORDED IN BRIDGE BELL BOOK)

			1931			
			1437 - FWD TUG MADE FAST STBD BOW			PATRIC
			1240 - FWD TUG MADE FAST PORT BOW			CLEO J.
			1510 - AFT TUG MADE FAST			SHARON BRO
			1520 - FWD TUG CAPTED OFF PORT BOW			
				1520	1522	
					1524	
				1530		
			1530			
			1533			
			1535			
				1535 ST	1535 ST	
				1534		
			 Master/Chief Engineer		 Offi	
			RECORDED IN ENGINE BELL BOOK			

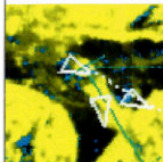
	22:17	15:17	STOP ENGINE 1.6K SOG GPS
	22:17	15:17	ASKS TUG SHARON ON STBD QTR TO COME TO 90 FOR A PUSH SPEED 1.5 KNOTS (THIS WILL TAKE BOW TO STARBOARD AND INCREASE/MAINTAIN SHIP SPEED)
	22:17	15:17	PILOT TO TRAINEE: "SO FAR LOOKING GOOD, DOING ALL THE RIGHT STUFF" "ROTATION IS GOOD/SPEED GOOD" 1.4 KNOTS GPS SOG
	22:18	15:18	TRAINEE: "YEAH, I DIDN'T WANT TO HOLD THAT STERN BELL TOO LONG" [SHOWS THEIR PLAN TO "SLIDE" INTO BERTH TURNING AND SLOWING SIMULTANEOUSLY]
	22:18:04	15:18:04	MASTER RADIO'S OFFICER ON BOW FOR DISTANCE REPORT (TAGALOG) 1.4 KNOTS GPS SOG 
	22:18:11	15:18:11	TRAINEE: ORDERS TUG ON STBD QUARTER TO STOP 1.4 KNOTS GPS SOG
	22:18:28	15:18:28	PILOT TO TRAINEE: "ALLOT OF THIS JOB IS JUST TO...???" CALM AND APPROVING TONE 1.4 KNOTS GPS SOG
	22:18:34	15:18:34	STARBOARD 201.4 KNOTS GPS SOG
	22:18:49	15:18:49	DEAD SLOW AHEAD 1.4 KNOTS GPS SOG 


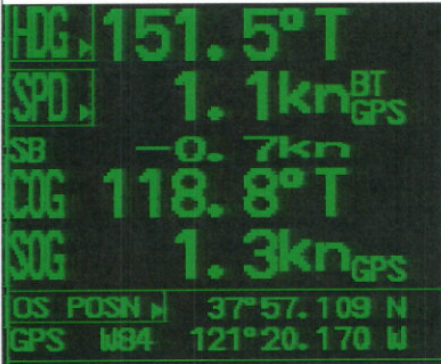
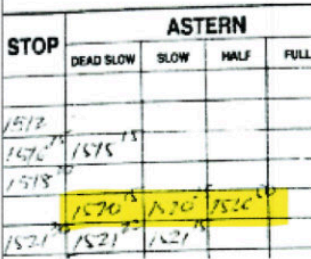
			<table><tr><th colspan="10">ARRIVAL/DEPARTURE/SHIFTING</th></tr><tr><td colspan="2">Voy No.</td><td colspan="4">Draft FWD</td><td colspan="4">Name of Pilot</td></tr><tr><td colspan="2">Date 15 SEPT 2024</td><td colspan="4">Draft AFT</td><td colspan="4">Time Pilot Onboard</td></tr><tr><td colspan="2">Port S.W.A. 17A</td><td colspan="4">Draft MID</td><td colspan="4">Time Pilot Away</td></tr><tr><td colspan="2">Berth PAPILLING</td><td colspan="8"></td></tr><tr><th colspan="5">AHEAD</th><th rowspan="2">STOP</th><th colspan="4">ASTERN</th></tr><tr><th>DEAD SLOW</th><th>SLOW</th><th>HALF</th><th>FULL</th><th>DEAD SLOW</th><th>SLOW</th><th>HALF</th><th>FULL</th></tr><tr><td></td><td>1204²⁰</td><td>1244¹⁵</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td>1451²⁰</td><td>1248²⁰</td><td></td><td></td><td></td><td>1512¹⁵</td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td><td>1516¹⁵</td><td>1515¹⁵</td><td></td><td></td><td></td></tr><tr><td>1518²⁰</td><td></td><td></td><td></td><td></td><td>1518¹⁵</td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td><td></td><td>1520¹⁵</td><td>1520¹⁵</td><td>1520¹⁵</td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td><td>1521²⁰</td><td>1521²⁰</td><td>1521¹⁵</td><td></td><td></td></tr><tr><td>1529²⁰</td><td></td><td></td><td></td><td></td><td>1524¹⁵</td><td></td><td></td><td></td><td></td></tr><tr><td>1530²⁰</td><td></td><td></td><td></td><td></td><td>1532¹⁵</td><td></td><td></td><td></td><td></td></tr><tr><td>1534²⁰</td><td></td><td></td><td></td><td></td><td>1534¹⁵</td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td><td>1535¹⁵</td><td>1534¹⁵</td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td><td>1536¹⁵</td><td>1536²⁰</td><td></td><td></td><td></td></tr></table>	ARRIVAL/DEPARTURE/SHIFTING										Voy No.		Draft FWD				Name of Pilot				Date 15 SEPT 2024		Draft AFT				Time Pilot Onboard				Port S.W.A. 17A		Draft MID				Time Pilot Away				Berth PAPILLING										AHEAD					STOP	ASTERN				DEAD SLOW	SLOW	HALF	FULL	DEAD SLOW	SLOW	HALF	FULL		1204 ²⁰	1244 ¹⁵								1451 ²⁰	1248 ²⁰				1512 ¹⁵										1516 ¹⁵	1515 ¹⁵				1518 ²⁰					1518 ¹⁵											1520 ¹⁵	1520 ¹⁵	1520 ¹⁵							1521 ²⁰	1521 ²⁰	1521 ¹⁵			1529 ²⁰					1524 ¹⁵					1530 ²⁰					1532 ¹⁵					1534 ²⁰					1534 ¹⁵										1535 ¹⁵	1534 ¹⁵									1536 ¹⁵	1536 ²⁰			
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22:18:53	15:18:53	TUGBOAT REPORTS "ABOUT 300 TO THE (LOADER?)" TRAINEE REPEATS REPORT BACK TO TUG	 1.4 KNOTS GPS SOG																																																																																																																																																																																		
22:19:12	15:19:12	STOP ENGINE 1.4 KNOTS GPS SOG																																																																																																																																																																																			
22:19:20	15:19:20	TRAINEE ORDERS TUG ON PORT BOW TO PUSH FULL 1.4 KNOTS GPS SOG PORT TUG LINE ORDERED RELEASED *THIS WILL REQUIRE OFFICER ON BOW TO WALK TO PORT SIDE, RELEASE LINE AND LOWER DOWN TO TUGBOAT. THIS WILL ALSO REQUIRE TUG CAPTAIN TO CONCENTRATE ON CREW AND SAFELY TAKING IN TUG LINE																																																																																																																																																																																			
22:19:48	15:19:48	TRAINEE ORDERS PATRIOT TO "STANDBY FOR BRAKES" 1.6 KNOTS GPS SOG																																																																																																																																																																																			


			
22:19:56	15:19:56	PILOT TO TRAINEE: "HERE WE WANT HEADWAY TO TAKE THE STERN OFF AND IF WE [GO TOO FAST] WE WILL BACK THAT GUY (PATRIOT) AND PULLS US TO STARBOARD" TRAINEE: AGREEING/OK. PILOT: SO WE CAN ALSO SLOW THE ROTATION IF WE STOP (PORT BOW TUG) 1.6 KNOTS GPS SOG	
22:20:11	15:20:11	TRAINEE ORDERS CLIO (ON PORT BOW) DOWN TO HALF POWER (PUSHING) 1.5 KNOTS GPS SOG  	
22:20:28	15:20:28	TRAINEE ORDERS TUG CLIO TO "STOP AND HOLD" 1.5 KNOTS GPS SOG	
22:20:41	15:20:41	OFFICER ON BOW REPORTS TUG CAST OFF ON PORT SIDE 1.5 KNOTS GPS SOG 	

22:20:55	15:20:55	<p>BOW REPORTS IN TAGALOG DISTANCE, MASTER RELAYS TO TRAINEE "DISTANCE FORWARD ABOUT FOUR-ZERO" 1.5 KNOTS GPS SOG</p> 
22:21:05	15:21:05	<p>TRAINEE OR PILOT REPEAT MASTER'S REPORT OF "FOUR ZERO"</p>
22:21:07	15:21:07	<p>DEAD SLOW ASTERN</p> 



22:21:27	15:21:27	TRAINEE REPEATS AND CONFIRMS "20 METERS?" PILOT ORDERS PATRIOT TO BACK "FULL ALONGSIDE" SPEED 1.4K SOG GPS																																																																																																		
																																																																																																				
22:21:32	15:21:32	TRAINEE ORDERS SLOW ASTERN (ERROR/ALREADY ORDERED) BRIDGE WATCH OFFICER REPEATS ENGINE BELL BOOK <table><tr><th colspan="4">AHEAD</th><th rowspan="2">STOP</th><th colspan="4">ASTERN</th></tr><tr><th>DEAD SLOW</th><th>SLOW</th><th>HALF</th><th>FULL</th><th>DEAD SLOW</th><th>SLOW</th><th>HALF</th><th>FULL</th></tr><tr><td></td><td>1744¹⁰</td><td>1744¹⁰</td><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td>1421¹⁰</td><td>1748¹⁰</td><td></td><td></td><td>1512¹⁰</td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td>1476¹⁰</td><td>1575¹⁰</td><td></td><td></td><td></td></tr><tr><td>1818¹⁰</td><td></td><td></td><td></td><td>1518¹⁰</td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td><td>1520¹⁰</td><td>1520¹⁰</td><td>1520¹⁰</td><td></td></tr><tr><td></td><td></td><td></td><td></td><td>1521¹⁰</td><td>1521¹⁰</td><td>1521¹⁰</td><td></td><td></td></tr><tr><td>1579¹⁰</td><td></td><td></td><td></td><td>1521¹⁰</td><td></td><td></td><td></td><td></td></tr><tr><td>1530¹⁰</td><td></td><td></td><td></td><td>1532¹⁰</td><td></td><td></td><td></td><td></td></tr><tr><td>1534¹⁰</td><td></td><td></td><td></td><td>1534¹⁰</td><td></td><td></td><td></td><td></td></tr></table> DECK BELL BOOK	AHEAD				STOP	ASTERN				DEAD SLOW	SLOW	HALF	FULL	DEAD SLOW	SLOW	HALF	FULL		1744 ¹⁰	1744 ¹⁰							1421 ¹⁰	1748 ¹⁰			1512 ¹⁰									1476 ¹⁰	1575 ¹⁰				1818 ¹⁰				1518 ¹⁰										1520 ¹⁰	1520 ¹⁰	1520 ¹⁰						1521 ¹⁰	1521 ¹⁰	1521 ¹⁰			1579 ¹⁰				1521 ¹⁰					1530 ¹⁰				1532 ¹⁰					1534 ¹⁰				1534 ¹⁰				
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22:21:40	15:21:40	TRAINEE ASKS MASTER: "WHAT'S THE DISTANCE NOW?"	
22:21:43	15:21:43	TRAINEE ORDERS HALF ASTERN ENGINE BELL BOOK	 <p>BRIDGE BELL BOOK</p>

			
	22:22:12	15:22:12	<p>TRAINEE: OKAY, CLIO BACK OUT. DEAD... / SLOW ASTERN. PATRIOT STOP AND HOLD. STOP ENGINE</p>

Attachment 17: Letter Brief

RMC LAW

[REDACTED], Napa, CA 94558
[REDACTED]
[REDACTED]

February 19, 2025

Allen Garfinkle
Executive Director
Board of Pilot Commissioners
660 Davis Street
San Francisco, CA 94111

Re: Vessel: M/V KONA TRADER
Pilot: Capt. Matt Stevens
D/I: 25 SEPT 2024

Dear Capt. Garfinkle,

On behalf of Capt. Matt Stevens, we offer our Letter Brief regarding the issues we believe to be relevant in assisting the IRC in its investigation and deliberations. We will discuss the incident, facts and evidence, pertinent legal issues and standards under General Maritime Law and Capt. Stevens' conduct, which, we submit was reasonable throughout these events.

I. INTRODUCTION/BACKGROUND

Capt. Stevens is a graduate of the California Maritime Academy, Class of 2004. After graduation, he sailed as third and second Mate on tankers between 2005 and 2008. Beginning in 2009, until he entered the training program in 2019, he sailed as a Mate and operator for Bay Delta Tug Company. He was accepted into the San Francisco Bar Pilot Training Program in 2019. After two years in the program, he was sworn in as a San Francisco Bar Pilot in July, 2021. He accepted the responsibility of a River Pilot shortly after being sworn in and his record as a San Francisco Bar Pilot has been exemplary.

II. SUMMARY OF PERTINENT FACTS/EVIDENCE

The following is a brief summary of the incident, highlighting facts that bear on Capt. Stevens' actions. Capt. Stevens was assigned to pilot the M/V KONA TRADER on September 25, 2024 from Anchorage 9 to the Port of Stockton Berth 12/13. In preparation for the job, he reviewed all of the pertinent details for the transit including tides, currents, traffic and applicable guidelines the evening before the transit. The M/V KONA TRADER had a length of 738 feet and beam of 105.8 feet. The bridge was located approximately 700 feet from the bow of the ship.

At 06:30 Capt. Stevens boarded the vessel with apprentice pilot Capt. Christian Barron. They introduced themselves to Capt. Laury Hernando. Capt. Stevens had observed and supervised Capt. Barron on prior ship jobs. He was aware that Capt. Barron had worked as a master on ATBs in San Francisco Bay for many years before joining the Bar Pilot Training Program. He

also understood that Capt. Barron was almost finished with the transits and dockings at the Port of Stockton required for the Bar Pilot Training Program. Capt. Stevens asked Capt. Hernando for permission to allow Capt. Barron to handle the vessel under his supervision and Capt. Hernando agreed.

Under Capt. Stevens' supervision Capt. Barron proceeded to conduct a thorough Master/Pilot exchange. Capt. Hernando advised that he had made this transit to Stockton before. At 0700, the anchor was clear and the vessel was underway to Stockton Berth 12/13. The transit would take approximately seven hours, arriving at the Stockton Terminal at around 14:00 hrs. Capt. Barron was to handle the vessel for the entire transit to the Port of Stockton.

During the transit, Capt. Stevens closely supervised Capt. Barron. He observed his decision-making and skilled work all the way from Anchorage 9 to Stockton. Capt. Barron professionally handled the river transit both in his decisions and orders to bridge personnel. Capt. Stevens was aware of Capt. Barron's prior experience at the Port of Stockton and his progress in the Bar Pilot Training Program. Based upon that knowledge and his piloting of this vessel on the river transit, Capt. Stevens decided to have Capt. Barron finish the transit to the dock.

Capt. Steven's assessment of the performance of the bridge personnel was that they appeared competent in the handling of the vessel and understanding and responding to Capt. Barron's several hundred helm and engine orders required for this transit.

Most turning basins in the Bay Area have enough room to enter the turning circle completely and turn the ship evenly by both ends. This maneuver in Stockton is challenging because there is not enough room to turn the ship in a circle and push it alongside the dock. The turning area is shaped more like a triangle. The bow must be pushed to the southwest necessarily approaching very close to the Berth 12/13 dock and the nearby shoaling. Then the stern can be brought around to finish the turn and the vessel moored portside to the dock. When using a tug to push on the port bow for clockwise rotation, the stern also starts to swing, but in the opposite direction of the bow. During this maneuver great care must be taken not to have any sternway, which could result in a stern grounding on the shoaling on the opposite side of the channel.

When berthing at the ore dock (Berth 12/13), the ship exits a narrow channel and makes a right turn to eventually go port side to the dock. This is where and how this docking was taught to be done in the Bar Pilot Training Program. To Capt. Stevens' knowledge, this was the only maneuver used for this berth. During the turn, the stern approaches close to the channel edge and, at the same time, the bow is very close to the dock.

When docking a vessel in challenging and tight approaches, it is usual to request from the Master a bow lookout to give closing distances. At 14:16 while approaching "the west end," which is considered the entrance to the Port of Stockton, Capt. Barron confirmed to the Master that they would need a Mate on the bow to give distances to the dock once they were approaching the berth. Capt. Hernando was familiar with the Stockton Terminal. He understood and acknowledged that he would do so.

The Mate on the bow has the best view during this maneuver. Pilots also usually receive distances given by the assist tugs. But from alongside the ship, the tugs cannot see the actual distance as well as the Mate on the bow. This crew was clearly aware of the extremely small maneuvering clearances at this dock. Distances are typically given by the Mate on the bow in

meters from the dock. This is a obviously a very challenging maneuver requiring complete and competent assistance by the Mate on the bow and bridge crew. Capt. Stevens expected that these experienced mariners would conduct themselves carefully and competently.

At approximately 14:35, Capt. Barron asked to make fast 2 of the 3 assist tugs. The CLEO BRUSCO was made fast on the port bow. The PATRIOT was made fast on the starboard bow. The SHARON BRUSCO would stand by and would put a line up on the starboard quarter once the M/V KONA TRADER got closer to the turning basin. Because the tugs are not very powerful as compared to the tugs used in the San Francisco Bay, initially one tug is needed on each bow to drag or pull alongside to arrest the ship's speed. The pilot is then able to use the ship's engine ahead to maintain positive steering while not increasing headway.

When entering the Port of Stockton, Capt. Stevens has certain speed goals. The practice is to slow down incrementally to maintain positive steering and minimize hydraulic interaction with other vessels. Those goals were achieved as the M/V KONA TRADER entered the channel. At 15:00:00, the M/V KONA TRADER passed another vessel berthed at Rough and Ready Island Berth 14 at a speed of 3.0 kts, using the PATRIOT and the CLEO BRUSCO to control speed. Three knots while passing a ship in Stockton is considered an appropriate and conservative speed.

At 15:06:00, Capt. Stevens discussed with Capt. Barron safe speeds in the maneuvering area. At 15:09:00, Capt. Stevens discussed testing the engine astern before getting into the critical maneuvering area. Testing the engine astern is a prudent and conservative practice. If the engine is tested early, and there are problems, then there is time to stop the ship using tugs and the anchor as necessary.

At 15:18:53, the CLEO BRUSCO reported 300 feet distance from the ore dock (Berth 12/13). At 15:19:12, Capt. Barron ordered the vessel to Stop Engine. At that point, the vessel speed was 1.4 knots and slowing. The vessel was rotating and headed towards the dock. The plan was to use the tugs to continue the clockwise rotation and the bow swing past the dock with the vessel ultimately docking port side to the dock. The tugs were to assist in rotating and slowing the vessel as needed.

The CLEO BRUSCO was ordered to let go its line and the Mate on the bow reported the CLEO BRUSCO let go at 15:20:40. At 15:20:45, Capt. Stevens went out to the port wing to view the area and the stern because it is considered good practice to check visually. The PPU had shown the stern in good position close to the edge of the charted channel. However, visually it looked like there was more room astern than Capt. Stevens expected, which meant that the vessel was getting very close on the bow end. Capt. Stevens had not yet received any approaching distance reports from the Master and the Mate on the bow. Capt. Stevens immediately went back into the wheelhouse. And as he entered, the CLEO BRUSCO reported "55 feet" (15:20:55). But, at almost the same time (15:21:00), the Master reported 40 meters (131 feet) from the Mate on the bow. At nearly the same time over the radio, the Mate on the bow was heard to say what sounded like "2" "0" meters. It then became clear that they had a problem with inaccurate or late distances and action needed to be taken immediately.

At 15:21:06, Capt. Stevens ordered Capt. Barron to "back up". At 15:21:08, Capt. Barron ordered Dead Slow Astern. At 15:21:12, he ordered the starboard tug PATRIOT to Back Half alongside to slow the vessel. At this point, great care was needed due to the fact that these actions

could cause sternway which could risk a stern grounding on the opposite shoaling of this narrow channel. At 15:21:17, Capt Barron then ordered the engine Slow Astern and ordered the CLEO BRUSCO to Push Half to increase rotation to the bow for it to clear the dock. All orders given by Capt. Barron were appropriate as confirmed by Capt. Stevens.

At 15:21:25, the Master reported 20 meters (65 feet) distance to the dock. At 15:21:30 Capt. Barron ordered the PATRIOT to Back Full alongside. Next, he ordered Half Astern at 15:21:45. At 15:21:48, the Master asked the Mate on the bow the distance from the dock and the Master was told that the vessel had touched the dock.

At the order to “back up”, the vessel had a speed of 1.1 knots (or about 2 feet/second) and slowing. The dock damage photos show that the bulbous bow missed clearing the dock by only an estimated 2 or 3 feet. The contact occurred 42 seconds after that order.

First line was at 15:46. They were advised that there was no vessel damage. It appeared that the dock damage was not significant. The dock remained usable.

III. STANDARD OF CARE

A. Pilots Are Obligated to Employ the Ordinary Care and Skill of Their Profession

Maritime law provides that pilots may not be held to a standard of perfection. Rather, “a pilot is required to use the ordinary care of an expert in his profession. [Namely], he must exercise the degree of skill commonly possessed by others in the same employment . . .” *General Petroleum Corp. v. City of Los Angeles*, 42 Cal. App. 2d 591, 595 (1941). Still another court has expressed this standard by explaining that “the duty of the pilot is to exercise that degree of care and skill possessed by the average pilot...” *American Zinc Co. v. Foster*, 313 F. Supp. 671, 682 (S.D. Miss. 1970). Pilot misconduct should only be found if it is shown by a “preponderance of the evidence that a [pilot] operated his vessel in a manner which nautical experience and good seamanship would condemn as unreasonable under the circumstances.” *Id* at 1523 [Emphasis added]. Pilots are not required to be “infallible.” *American Zinc Co. v. Foster*, 313 F. Supp. 671, 682 (S.D. Miss. 1970).

B. The Evaluation By the IRC Should Not Employ Hindsight in Reaching a Decision

Pilots must often make decisions under extremely difficult circumstances and time pressure. The very nature of a pilot’s decisions can subject them to second guessing and judgment by hindsight. Hence, the applicable authorities require that pilots should not be judged by hindsight, but rather by what they knew at the time and under the specific circumstances of the event. In *Andros Shipping Co. v. Panama Canal Co.*, 298 F.2d 720 (1st Cir. 1962), the court expressed this concept when it held as follows:

The decisions of a pilot in the delicate and hazardous task of navigating a large ship through the Panama Canal involve a matter of judgment . . . A court must avoid basing its decisions on hindsight, and it must make allowance for the legitimate differences in technique of various pilots.

298 F.2nd at 725.

This rule was stated again in *Peoples Natural Gas Co. v. Ashland Oil, Inc.*, 604 F. Supp. 1517, 1526 (W.D. Pa. 1985), where the court cautioned against the use of hindsight in judging the pilot: “It is of no moment that in light of hindsight Capt. Lysicki would have used an alternative docking procedure ... A pilot is required to exercise only the ordinary degree of care and skill commonly possessed by others in the same field; he is not required to be prescient.” These cases show that assessing a pilot’s actions based on hindsight is not appropriate.

C. When a Vessel is *In Extremis* a Pilot’s Actions are to be Judged by a Far More Lenient Standard

In extremis exists when the vessel, without prior negligence, is put in the center of destructive natural forces or other circumstances “and a hard choice between competing courses must immediately be made.” *Employers Insurance of Wausau v. Suwannee River Spa Lines, Inc.*, 866 F. 2d 752, 771 (5th Cir.1989).

When a vessel is *in extremis*, a pilot must necessarily be judged by a far more lenient standard. As the respected 5th Circuit Court of Appeals has held, actions when a vessel is *in extremis* “are to be leniently judged because courts should not second guess parties in peril and expect more precise judgments.” *Crescent Towing & Salvage Company v. CHIOS BEAUTY MV*, 610 F.3d 263, 267 (5th Cir. 2010).

The vessel remains *in extremis* until it is safely back under control and in safe waters. See, *Exxon Corp. v. Halcon Shipping Company*, 1995 U.S. Dist. Lexis 524 (Dist. N.J. January 18, 1995).

IV. DISCUSSION

A. Capt. Stevens Carefully Supervised Pilot Trainee Capt. Christian Barron During the Transit and Docking of the M/V KONA TRADER

A threshold issue to discuss is Capt. Stevens’ supervision of Capt. Barron and Capt. Barron’s actions during the transit and docking. As noted above, Capt. Stevens was familiar with Capt. Barron’s abilities. He had observed and supervised him on prior jobs. He was aware that Capt. Barron was almost finished with his required training transits for the Stockton terminal and that Capt. Barron had been in the Bar Pilot Training Program for 14 months and was progressing very well. He was also aware of Capt. Barron’s significant experience prior to entering the Bar Pilot Training Program. Capt. Barron worked as a master of ATBs in San Francisco Bay for many years. These particular vessels can be in excess of 600 feet in length and used mostly for the coastal petroleum trade. Capt. Stevens was well aware that the maneuvering of these vessels in docking, lightering and fueling ships is excellent experience and preparation for entering the Bar Pilot Training Program. Based upon this information, Capt. Stevens reasonably entrusted the transit and docking of the M/V KONA TRADER to Capt. Barron with his supervision.

Capt. Stevens’ supervision and observations of Capt. Barron during the seven-hour transit confirmed his previous understanding of Capt. Barron’s skill and experience. Therefore, as part of Capt. Barron’s training, Capt. Stevens was comfortable with allowing him to take the vessel through the docking evolution under his supervision. Capt. Barron’s conduct was excellent and correct in his responses to the *in extremis* situation that developed during the docking.

B. Capt. Stevens Reasonably Believed That All Resources Were in Place to Successfully Execute the Docking and Maneuver the Vessel Safely

When docking a vessel in challenging and tight approaches, it is usual to request from the Master a bow lookout to give closing distances. In preparation for the docking as the M/V KONA TRADER entered the west end of the Port of Stockton, Capt. Barron confirmed with the Master, Capt. Hernando, that they would need a Mate on the bow to report distances as the vessel approached the dock. Capt. Hernando was familiar with the Port of Stockton having been there previously. He acknowledged that he would do so.

The assist tugs also provide distances alongside the ship. However, the tug operator cannot see the actual distances as well as the Mate on the bow. The bridge on the M/V KONA TRADER is over 700 feet from the bow. Although the pilot's PPU is of great assistance in navigating in this area and setting up the approach, the most reliable information concerning the necessary approach distances to the dock is from the Mate on the bow. Therefore, the Mate on the bow is a critical vessel asset in this docking.

As the pilot owed the vessel the duty to exercise reasonable care, the M/V KONA TRADER and her officers owed Capt. Stevens and themselves the duty of reasonable care as well. It was reasonable for Capt. Stevens to expect that these experienced mariners would conduct themselves carefully and competently. This crew was clearly aware of the extremely small maneuvering clearances at this dock. The approach distances are expected to be given by the Mate on the bow in a timely manner as the vessel gets close to the dock because that person has the best view. The Master and the Mate confirmed that they would assume this responsibility. Capt. Stevens was completely justified in expecting the vessel to provide this critical input for the docking. Unfortunately, they failed to do so.

When the CLEO BRUSCO reported that the vessel was 300 feet from the dock, Capt. Stevens confirmed on his PPU that the vessel was in a good position for its final rotation and approach to the dock. However, given the tight maneuvering distances, he felt it was advisable to check visually even though vessel position looked good on his PPU. Therefore, Capt. Stevens took the extra precaution of stepping out to the port wing to actually view the distance of the stern from the opposite channel bank. At this point, there had been no prior closing distance reports from the Master and the Mate on the bow. What Capt. Stevens observed was that the actual distance between the stern and the channel bank was greater than he had expected based on the PPU information. Consequently, this meant the bow was closer to the dock than expected. The Master and the Mate on the bow should have provided closing distances before this point.

Capt. Stevens immediately returned to the bridge. Upon entering the bridge, the CLEO BRUSCO reported only 55 feet from the dock. And, at almost the same time, the Master reported 40 meters (131 feet). It became immediately clear that one of these distances - most likely the 40 meter report - was wrong and/or late. Nevertheless, even if that report had been correct, there should have been earlier closing distance reports which were not provided by the Master and the Mate on the bow. Capt. Stevens immediately told Capt. Barron to "back up". Capt. Barron responded immediately and appropriately. Unfortunately, despite the prudent action of Capt. Stevens and Capt. Barron, the vessels touched the dock less than one minute later.

A timeline may be helpful to understand the what occurred close to the dock. This information was obtained from Capt. Stevens' PPU data:

15:18:53 CLEO BRUSCO reports 300' to the loader (dock)
15:18:56 Capt. Barron acknowledges

15:19:15 Capt. Barron orders Stop Engine
 15:20:45 Capt. Stevens out on port wing; sees stern distance to opposite channel bank
 15:20:55 Capt. Stevens returns to bridge; CLEO BRUSCO reports 55' distance from the dock
 15:21:00 Master reports "40"
 15:21:06 Capt. Stevens orders "back up"
 15:21:08 Capt. Barron orders Dead Slow Astern
 15:21:12 Capt. Barron orders the PATRIOT Back Half
 15:21:17 Capt. Barron orders Slow Astern
 15:21:21 Capt. Barron orders the CLEO BRUSCO Half Towards
 15:21:25 Master reports "distance about 20"
 15:21:30 Capt. Barron orders the PATRIOT Back Full Alongside
 15:21:43 Capt. Stevens requests distance
 15:21:45 Capt. Barron orders Half Astern
 15:21:48 Master asks Mate on the bow: "How much?"
 15:21:52 Master reports that the vessel hit the dock

At the time that Capt. Stevens ordered the vessel to "back up", it was traveling at 1.1 knots or about two feet a second and slowing. The Master reported a distance of 40 meters (131 feet) from the dock. The vessel contacted the dock about 48 seconds later. At that point, the vessel was rotating clockwise and forward speed was about .8 knots. Obviously, the vessel was much closer to the dock than reported by the Master at that time. As the vessel rotated past the dock, there was a slight contact. If the Master and the Mate on the bow had provided accurate and timely reports, contact would not have occurred. Even with this failure of the crew, the vessel was within 2 or 3 feet of clearing the dock. The failure to provide the correct and timely closing distances was the cause in fact of this incident. Capt. Stevens reasonably relied upon the crew and its experienced officers to give accurate closing distances which they failed to do. That was the sole cause of this incident. At all times, Capt. Stevens and Capt. Barron operated the M/V KONA TRADER in a manner which nautical experience and good seamanship would consider as reasonable under the circumstances.

C. Capt. Stevens' and Capt. Barron's Responses to the Situation Caused by Inaccurate and Untimely Information From the Master and the Mate on the Bow Were Reasonable Under the Circumstances


Maritime law is well settled with regard to the standard to be used in evaluating a pilot's actions when a vessel is *in extremis*. The position of the M/V KONA TRADER's bow being too close to the dock and sternway risk of grounding clearly represented a situation of a vessel *in extremis*. This situation was caused solely by the Master and the Mate on the bow failing to provide timely and accurate closing distances to the dock. There was no negligence of the part of Capt. Stevens in creating this situation. And when this failure of the Master and the Mate on the bow was realized, Capt. Stevens immediately responded by ordering Capt. Barron to "back up" the vessel. Capt. Barron's engine orders were the fastest way to get the engine to respond. Also, this had to be done in a very measured way because of the risk of causing sternway in this very narrow channel and grounding the vessel. As Capt. Stevens has stated, he had no criticism of Capt. Barron's actions. Such were the reasonable actions of the pilot and the pilot trainee during an *in extremis* situation which they did not create.

As the courts have held, in this type of situation in which a hard choice between competing courses must be immediately made, the pilot must necessarily be judged by a far more lenient standard. Hence, as the courts have instructed, the actions of Capt. Stevens with a vessel *in extremis* must be leniently judged here since the reviewing tribunal should not second guess parties in peril and expect more precise judgments. Both Capt. Stevens and Capt. Barron responded to the *in extremis* situation, created by the Master and the Mate on the bow, in the most skilled manner possible.

V. CONCLUSION

Capt. Stevens properly supervised the actions of the pilot trainee, Capt. Barron. Capt. Stevens reasonably believed that all resources were in place to successfully execute the docking of the M/V KONA TRADER. He reasonably relied upon the experienced Master and Mate on the bow to provide timely and accurate information as the vessel approached the dock. The Master and the Mate on the bow failed to do so. This was the sole proximate cause of the incident. We ask that the Board to find that Capt. Stevens conducted himself reasonably under these circumstances and that there was no pilot misconduct.

Respectfully submitted,



Rex M. Clack
RMC Law

CONFIDENTIAL

Attachment 18: CONFIDENTIAL: Board Licensee Statement, Duty Log, and Controlled Substances Testing Results

ATTACHMENT 18

CONFIDENTIAL

CONFIDENTIAL

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Attachment 19: CONFIDENTIAL: Board of Pilot Commissioners Trainee Pilot Statement, Duty Log, and Controlled Substances Testing Results

ATTACHMENT 19

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Attachment 20: CONFIDENTIAL: USCG Interview Summary with Master of the M/V KONA TRADER

ATTACHMENT 20

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Attachment 21: CONFIDENTIAL: Port of Stockton Police Department Report

ATTACHMENT 21

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