U.S. Coast Guard District Formal Investigation Team Opening Statement

Small Passenger Vessel SPIRIT OF NORFOLK

Virginia Beach, Virginia

26 January 2023

This hearing is now in session. I ask those in attendance to please silence all cell phones, and please exit the hearing room to make or receive phone calls.

My name is Commander Randy Waddington, United States Coast Guard, Chief of the Analysis and Compliance Division located at Coast Guard Headquarters in Washington, D.C. I am the Lead Investigating Officer for this Coast Guard District Formal Investigation and the presiding officer over these proceedings.

The Fifth District Commander has convened this investigation under the authority of Title 46, United States Code, Section 6301 and Title 46 Code of Federal Regulations Part 4 to investigate the circumstances surrounding the fire and subsequent total constructive loss of the small passenger vessel SPIRIT OF NORFOLK on June 7, 2022, while transiting the Elizabeth River near the Norfolk Navy Base in Norfolk, Virginia.

The other members that make up this District Formal Investigation Team include Lieutenant Commander Nicole Emmons, Mr. Keith Fawcett, and Lieutenant Commander (select) Thomas Whalen who also serves as the Recorder for this investigation. The legal counsel to this team is Commander (select) Karen Lee. Technical Advisors to this investigation are Commander Eric Roy and Mr. Travis Taylor. The media liaison is Lieutenant Commander Katherine Blue.

Upon completion of the investigation the team will submit its report of findings, analysis, conclusions and recommendations to the Fifth District Commander. The National Transportation Safety Board (NTSB) is participating in this hearing. Mr. Michael Karr is the Investigator in Charge for the NTSB’s SPIRIT OF NORFOLK investigation and he is here with us today.

Witnesses are appearing to provide valuable information that will assist this investigation. We request that all members of the public be courteous to the witnesses and respect their right to privacy. The members of the press are welcome, and provisions have been made during the proceedings to allow the media to be present. The news media may question witnesses concerning their testimony once I have released them from these proceedings.

The investigation will determine as closely as possible the circumstances and factors that contributed to the incident so that proper recommendations for the prevention of similar casualties may be made. Whether there is evidence that any act of misconduct, inattention to duty, negligence, or willful violation of the law on the part of any licensed and credentialed person contributed to this casualty and whether there is evidence that any Coast Guard personnel or any representative or employee of any other Government agency or any other person caused or contributed to the casualty.

The hearing is expected to last until February 3, 2023, with the possibility that follow-on interviews and/or hearing dates may be necessary. If this is necessary, we will advertise those potential dates as we did for this hearing including ensuring the availability of livestream, real-time viewing.

The hearing will explore Coast Guard vessel oversight, Company vessel oversight, Coast Guard Response activities, professional mariner activities, and fire-fighting coordination.  The hearing will also include a review of Coast Guard regulatory safety programs.

 The Coast Guard has designated parties in interest to this investigation.  In Coast Guard Marine casualty investigations, a party in interest is an individual, organization or other entity that under the existing evidence, or because of his or her position may have been responsible for or contributed to the casualty.  A party in interest may also be an individual, organization or other entity having a direct interest in the investigation or demonstrating the potential for contributing significantly to the completeness of the investigation or otherwise enhancing the safety of life and property at sea through participation as party in interest.

All parties in interest have a statutory right to employ counsel to represent them, to cross-examine witnesses.  Witnesses who are not designated as parties in interest may be assisted by counsel for the purpose of advising them concerning their rights.  However, such counsel is not permitted to examine or cross-examine other witnesses or otherwise participate in the investigation.

I will now read the list of those organizations and individuals whom I have previously designated as parties in interest.  After I read the name of each organization or individual, I ask that lead representative announce their appearance on behalf of their client.

* City Cruises
* Bay Diesel
* Captain Ryan Nadeau

This District Formal Team will place all witnesses under oath. When testifying under oath, a witness is subject to the Federal Laws and penalties for perjury for making false statements under Title 18, United States Code, Section 1001. Penalties include, could include a fine of up to $250.000 or imprisonment up to five years or both. The sources of information to which this investigation will inquire are many and varied.

Since the date of the casualty the Coast Guard and NTSB have conducted substantial evidence collection activities; some of that previously collected evidence will be considered during these hearings. Should any person have or believe he or she has information not brought forth, but which might be of direct significance that person is urged to bring that information to my attention by emailing D5publicaffairs@gmail.com. This email address will be continuously monitored.