Attachment 7.

Pursuant to the request of the Coast Guard I am providing a statement detailing the events that occurred on Friday September 13, 2013. This statement is in addition to the statements I provided to the inspectors on that same date. All of these statements are given to the best of my recollection.

At the scheduled departure time, the quartermaster was in the number 2 end bridge and gave the all clear over the hand held radio. This is standard procedure and was followed in accordance to training and standard protocol. The Hyak proceeded to back out of the Lopez dock to the east.

The second mate was learning procedures on the working end bridge. The second mate was on the helm, I gave her the course of 315 degrees, which is standard protocol and the usual course given the boat traffic. We were building speed at full-ahead. The tug and tow Rosario was on an easterly course in Harney Channel approximately abeam Hudson Point. I made passing arrangements to go port to port with the Rosario. There was also a sailboat, (later to be known and identified with the vessel name Norma Rae) under sail tacking toward Orcas southeasterly of the Tug Rosario at a distance of approximately a mile and a quarter from the Hyak that was heading 325 degrees nearly the same direction as my vessel on the port hand side. The vessel on my starboard side (Incident Vessel) was a sailboat of smaller length approximately 25 feet under power (no sails visible) that was also heading towards Orcas Island. The vessel was one half mile west of Foster Point at the entrance of Harney Channel heading approximately 315 degrees at a distance of approximately one and an eighth mile from Hyak. The incident vessels distance from Foster Point, proximity to shoal water on its' current northwest heading, prevented passing this vessel on anything but the port side. We had clear passage through both the two small vessels, leaving one to port and the other to starboard on opposite sides of the channel. This was communicated to the second mate (helmsman). At the time we left the dock I had no concerns as we had clear passage through these vessels.

The small vessels were staggered, one forward to port and one forward to starboard. The incident vessel under power to starboard was more southeasterly than the sailboat Norma Rae under sail, still going the same direction as my vessel. This left my vessel and the two small vessels to the Rosario's port hand side. The way that the boats were configured and traveling at this time still posed no hazards to any of the vessels. As we were starting to overtake the small vessel on the Hyak's starboard side, the helmsman (second mate) said small boat is getting closer. I gave the order to "Come left, and blow the whistle if you feel it is necessary". I was training the Second Mate as helmsmen, and as such, provided her direction in how to deal with this scenario. The Second Mate did not blow the whistle at this time.

The regular quartermaster walked onto the bridge. I looked over to check the second mate (helmsman) to ensure that she had followed my directions, and saw that she had hard right rudder on. I immediately, in a raised voice said, "Hard left rudder, you're on hard right rudder!" She responded "Oh, you mean my other left." She then went full left rudder.

Given the lack of the whistle, and the fact that I saw she had not followed my directions regarding the rudder direction, I immediately took action to attempt to avoid the impending collision and minimize any damage. I ran between the radar and the steering console and saw the small boat turning to port to cross our bow. I knocked the second mate (helmsman)

out of the way and went full astern, I sheered the rudders to veer away from vessel. I looked to see where the small boat was and saw it disappear under our starboard rub rail. The regular quartermaster was watching the small boat, and I heard it hit.

I rang bells for the rescue boat; told the engine room on the speaker we had a collision and to shut the watertight doors. The second mate asked, “what should I do?” This was a bit of a surprise since it is standard protocol upon ringing the bells to launch the rescue boat. I said launch the rescue boat. I saw a man in the incident vessel putting on a yellow life vest. Channel 16 was blasting "ferry boat hit boat" and "mayday taking on water". I believe that these broadcast were coming from the Norma Rae and the incident vessel. I got my vessel stopped. Our rescue boat was now underway.

A yacht reached the incident vessel first. My rescue boat bosun said that the man was safe and on board the yacht, and then inquired what I wanted him to do next. I directed him to determine the medical condition of the man and to try to get his contact information. The man said he was okay but shaken and declined medical assistance. The Bosun informed me they were transferring the man to another boat. The sailboat Norma Rae reached the scene of incident, the tug and tow Rosario passed to port. I told the bosun to give my cell phone number to the Captain of the Norma Rae so the captain could update me on the man’s condition. Later it was revealed that both parties of the Norma Rae and the incident vessel were friends.

Captain Faust on the MV Chelan asked if we needed assistance. I said, “No that we are fine, thank you”. Chelan said they would be standing by.

My Chief Mate, on hand held radio, said we have a doctor on board, does the man need medical aid? The bosun passed this information along to the man and the Captain of the Norma Rae, and again they declined medical assistance.

Fish and Game towed the damage vessel away towards Lopez Island, passing our vessel to starboard.

The Norma Rae headed towards Orcas Island. We retrieved our rescue boat and got underway and proceeded to the Orcas Island dock. We off-loaded cars and passengers and were ordered not to load. The Chief Engineer checked all spaces below and above deck, hatches and voids, while we checked hull for damage with our rescue boat. We noticed a scrape on the vessel but did not notice any significant damage at that time. The Engineer did not report any damage to our vessel.

The Captain of the Norma Rae came to the dock’s barrier arms, and called me on my cell phone. I asked him to come aboard so I could get some information from him about the injured man, his name, boats name, etc. He gave me the injured man’s name and boat and town he lived in. He told me his name and the name of his sailboat the Norma Rae. He said he called the aid car and said the injured man was having chest pains and a bruise on his leg. Then he said, “I saw the whole thing, who is going to come and talk to me about who is at fault and who is to blame?” I told him the Coast Guard would come and talk to him and he needed to make a statement. I told him to get the injured man to the hospital and assured him the Coast Guard would be in touch with him.

I doubt that this person could have actually witnessed anything that occurred given his location, direction of travel and the fact that he was under sail and tacking in front of a tug boat.

We had been told to stay at Orcas and wait for the Coast Guard and the Sheriff and to take no passengers. We had arrived at the Orcas dock at 1415.

We were dockside waiting for the Coast Guard and Sheriff to come aboard. Captain Mooney called and asked why we were not letting the sheriff on board? I said, we are waiting for them, and that they are on the dock, but not coming aboard. While on the phone I asked those on the bridge, who is not letting the sheriff come on board? The chief mate said he told them they could not come aboard, and, I said why did you tell them that and the chief mate said, "I was waiting for the port captain to call me". I said go let them on board. I said to Captain Mooney who was still on the phone, okay. Two members of the Coast Guard and two deputy sheriff's came aboard. The bosun let them up to the bridge. The quartermaster, second mate, chief mate, and myself were on the bridge. The Coast Guard said they wanted to talk to the three people on the bridge at the time of the incident.

The chief mate immediately started giving his statement. I said you were not on the bridge when it happened. The Coast Guard escorted him off the bridge. The Coast Guard then proceeded to take statements from the quartermaster and second mate. They took their statements separately.

I was taken by both sheriffs to my quarters. I was tested for vision and peripheral vision, then I was taken into the passageway to follow exact instructions. I was then asked to perform field sobriety tests by walking heel to toe on a tile line on the deck, then to look at my feet and count my steps for nine steps and slowly turn around look at my feet and count nine steps back. Then I was told to put my feet together and hold one leg up while I was being timed with hands at my side while counting. Then I was asked to blow into the breathalyzer, which I voluntarily consented to do and did.

The quartermaster was then asked to consent to a breathalyzer and to my knowledge agreed and did so. The chief mate was also asked to consent and take a breathalyzer, which also occurred. The Second Mate to my knowledge was not asked to consent to a breathalyzer examination. The Coast Guard did not take a statement from me, the Master. The Coast Guard asked the sheriffs if I passed the field sobriety tests and breathalyzer and they said yes I had passed.

I asked the Coast Guard about the injured man and why the ambulance hasn't left? The Coast Guard said they did not know. One of the Coast Guard officers was called and told to transport the injured man on their zodiac boat to Friday Harbor.

The sheriffs and Coast Guard then left my vessel. I called Operations and said that we passed but are waiting for permission to be released by the Coast Guard. Operations said they are working on that phone call. Captain Mitchell called me to ask if I was okay, since I was the only one on board with a masters license. I said I passed all tests and I was good. Operations called and said we could depart but without passengers on board. At 1614 we departed the Orcas dock in route to the Anacortes dock. We arrived at slip 3, at 1715. Operations called while underway for Anacortes and I was told the Coast Guard would be

arriving to investigate and wanted to talk to the entire crew and that no one was to leave or come aboard upon arrival. The Coast Guard came aboard to investigate, interviewed the crew and checked the vessel for damage. The Chief engineer, Assistant Engineer, Master, Second mate and Quartermaster had urinalysis exams in the Anacortes dock supervisors office.

Sincerely, Captain Patricia Whaley