

*Comments of the Commanding Officer at the October 14, 2000  
Press Conference on the release of the Marine Casualty  
Investigation Report on the disappearance of the fishing vessel  
LINDA E on December 11, 1998.*

Good afternoon. I am CDR Mark DeVries, Commanding Officer of the Marine Safety Office here in Milwaukee. Since the 9<sup>th</sup> of August when I relieved CDR David Lersch at the completion of his tour, I have been responsible for leading the investigation which we would like to share with you this afternoon. Admiral Hull, Commander of the Ninth Coast Guard District has approved the casualty investigation report into the lost of the fishing vessel LINDA E and her crew of three. Admiral Hull is the final action authority on this case. His final approval makes it possible to share the report with you today.

I realize that it is Saturday, making it more difficult for some of you to cover this story. Thank you for coming. We met with the Olsen, Matta and Weborg families this morning to share the report with family members before meeting with you this afternoon. To all the family members and friends of the crew of the LINDA E, please accept my sincere condolences. I hope that the release of our report will help all of you with your very tragic loss.

There are a number of family members with us today. Some have express a willingness to speak with you. At the conclusion of our press conference please feel free to speak with those family members. I ask that you also honor the desire of those who don't wish to make comments or participate in interviews.

The Coast Guard has concluded that the disappearance of the LINDA E was the result of a collision between the Integrated Tug and Barge MICHIGAN/GREAT LAKES and the LINDA E on December 11<sup>th</sup> 1998. The apparent cause of the casualty was the failure of both vessel operators to detect the other vessel and take

sufficient action to avoid collision. A thorough investigation conducted by my investigating officer, LCDR Emond, and a number of assisting experts has resulted in the identification of a number of contributing causes that LCDR Emond will discuss later in this briefing.

Since an investigation was initiated in December of 1998, the intent of the Coast Guard has been to determine the cause of the casualty to the extent possible and the responsibility thereof. The purpose of all marine casualty investigations is to obtain information for the purpose of preventing or reducing the effects of similar casualties in the future. If there is **one thing** that stands out in this investigation more than anything else, it is the recognition of the **incredible importance of standing a proper lookout at all times.**

An equally important purpose of the investigation, is the determination of whether there is any evidence of violation of law or regulation. Investigators have found evidence of failure to follow the Inland Navigation Rules, or otherwise known as the Rules of the Road. I have directed that proceedings be initiated to determine whether suspension or revocation action is warranted against the license held by any mariner involved in this incident. We have also provided a copy of the casualty investigation report to the US Attorney and the Ozaukee County Sheriff for their reviews.

Unlike most marine casualty investigations conducted by the Coast Guard, in the case of the disappearance of the LINDA E on the 11<sup>th</sup> of December 1998, the Coast Guard first had to determine **what** the casualty was. After determining that the casualty was a collision, we then proceeded to determine both **how** and **why** the casualty occurred. I will ask LCDR Emond to discuss some of the details of the report and investigation, which explain how and why the collision occurred. LCDR Emond's discussion will explain

that there is insufficient evidence to determine why the crew of the LINDA E was unable to avoid the collision. He will further explain that it is possible the crew onboard the integrated tug and barge neither **felt, heard, nor observed** the collision with the LINDA E.

Before turning the briefing over to LCDR Emond I would like to review the events that have occurred since the LINDA E disappeared in December of 1998.

Upon learning of the LINDA E's failure to return to Port Washington from a day's fishing on December 11<sup>th</sup>, the Coast Guard undertook one of the largest searches ever conducted on Lake Michigan. This massive search spanned three days and included vessels and aircraft from the Coast Guard, Coast Guard Auxiliary, local emergency response agencies, the Wisconsin Air National Guard and the Canadian Air Force. This extensive search reflects not only the Coast Guard's mandate to rescue mariners in distress, but is indicative of the entire maritime community's desire to help a fellow mariner in distress. But regardless of our heartfelt desire to help the crew of the LINDA E, as we know now, it would be in vain, for the LINDA E was already sitting 260 feet below the surface of Lake Michigan.

Even while search and rescue efforts were underway, investigators began to try to figure out what happened to the LINDA E and her crew. For the ensuing twelve months this effort would continue. Coast Guard investigators examined logs and interviewed the crews of numerous vessels that may have transited the western portion of Lake Michigan on December 11<sup>th</sup>. Paint believed to have been used on the LINDA E was compared to paint taken from one of these vessels. Assisted by the Coast Guard Marine Safety Center, a stability analysis of a similar fishing vessel was conducted. Family members, close friends and acquaintances familiar with the LINDA E provided information on the repair and

maintenance history of the LINDA E. Forty commercial fishermen and others with knowledge of commercial fishing in Lake Michigan were interviewed to gain information regarding typical fishing practices. Despite the continued efforts of many volunteer salvors to locate the LINDA E, the vessel had not been located even after a year of such effort. Much to our own disappointment, due to the limited evidence and inability to draw supportable conclusions the Coast Guard closed our investigation and released the results in December of last year. Our report offered four possibilities to explain the disappearance of the LINDA E. None of the four possibilities were considered more likely than another in view of the evidence available. However, the thoroughness of this first investigation and the information collected would later be extremely valuable to the reopened investigative effort.

When the minesweeper USS DEFENDER became available to search for the LINDA E in June of this year, the Coast Guard provided the best available information as to the likely location of the LINDA E. I appreciate Congressman Mark Green's interest and effort in this case and the participation of the USS DEFENDER. The LINDA E was found on June 18<sup>th</sup> in the same area that the December 1998 search focused, and the Coast Guard reopened its investigation. This investigation became arguably the most complex casualty investigation ever undertaken by the Coast Guard. State of the art computer software was used to model damage and potential vessels that could have been involved. Investigators engaged in accident reconstruction efforts never used before by the Coast Guard in the marine casualty investigation field. With that being said, all of this effort leaves us with a very clear message, **it is absolutely imperative that all mariners stand a proper lookout at all times.** The Coast Guard approved the investigator's report that you have today on October 13<sup>th</sup>, yesterday.

Finally, before turning to LCDR Emond for a more detailed discussion of the report, I'd like to first recognize some people and organizations without whose participation the report would not have been possible. The University of Michigan who's remotely operated vehicle collected the physical and photographic evidence critical to the investigation. The staff of the State of Wisconsin Crime lab for their assistance with evaluating the physical evidence. And Coast Guard Marine Safety Center engineers for their contributions, which LCDR Emond will describe. I have been extremely pleased with the cooperation and effort of all involved with the investigation. Completing such a complex investigation in less than four months is unusual and reflects well on the coordinated efforts of all involved.

*<Investigating Officer's Presentation>*

*<Conclusions>*

Before we take questions, let me briefly discuss what the Coast Guard does next.

The investigating officer has made a number of recommendations that you will find in the report. Admiral Hull has concurred with the investigator's recommendations. The Coast Guard will emphasize the importance of maintaining a proper lookout at all times when underway. Admiral Hull has tasked all District units to increase their vigilance by ensuring all vessel operators comply with the Inland Navigation Rules. We will promote the voluntary use of radar with anti-collision alarm features. We will reiterate to commercial fisherman the inherent risk associated with operating a boat that has no watertight subdivision, and the importance of properly displaying a fishing day shape.

On April 7, 2000 the District Commander canceled all existing exemptions from the requirements to carry EPIRBs (Emergency

Position Indicating Radio Beacon). All commercial fishing vessel owners/operators were notified that while exemptions for the carriage of EPIRBs could still be granted, they would only be allowed under limited conditions.

Specifically related to this casualty, I have initiated proceedings to determine whether suspension or revocation action is warranted in the case of any licensed mariner. These actions are administrative in nature and are directed at the license held by a mariner. They are not directed at the individual. During the proceedings the Coast Guard presents evidence to an administrative law judge who also hears evidence in defense, and renders a decision.

Q&A