

U.S. Department of
Homeland Security

United States
Coast Guard



Commander
Eleventh Coast Guard District

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JUL 17 2007

MEMORANDUM

From: [REDACTED]
J. E. Long/CAPT
CGD ELEVEN (dcs)

To: [REDACTED] CDR

Subj: BOARD OF INVESTIGATION, COAST GUARD RESPONSE TO F/V BUONA
MADRE AND M/V EVA DANIELSEN COLLISION

Ref: (a) Administrative Investigations Manual, COMDTINST M5830.1
(b) Coast Guard Claims and Litigation Manual, COMDTINST M5890.9
(c) USCG SAR Addendum, COMDTINST M16130.2

1. You are hereby designated senior member of a Board of Investigation under chapter 4 of reference (a). The other member of this board is:

LT [REDACTED], USCG, District Eleven (drm)

You shall inquire into all the circumstances surrounding the Coast Guard response to the likely collision between the M/V EVA DANIELSEN and the F/V BUONA MADRE on 13 July 2007 in the waters off of Pt. Reyes, CA. Your report shall investigate the interaction between Sector San Francisco and search and rescue response assets assigned to this case. The report shall investigate the flow of information between the San Francisco Vessel Traffic Service, Sector San Francisco Operations Center, and Station Bodega Bay. In doing so, you shall make findings regarding the activities and decisions made by key personnel at Sector San Francisco.

2. See Chapter 6 of reference (a) as to specific facts that must be determined. You may recommend appropriate administrative or disciplinary action. You are not required to conduct a hearing. You are not required to take testimony under oath. No opinion shall be expressed concerning liability for any claims or potential claims.

3. Because there is the potential for claims and/or litigation against the United States, paragraphs 1-c-2.c and 4-A-3.d of reference (a) shall be complied with, and the following language applies and shall be included in the first paragraph of your investigative report and interim reports:

This investigation is appointed in contemplation of litigation and to assist attorneys acting on behalf of the Judge Advocate General of the Coast Guard and representing interests of the United States in this matter.

4. Your investigation shall be initiated as soon as possible. The Legal Advisor assigned to this investigation is LT [REDACTED] and he can be reached at [REDACTED]. Your final report is due to me on 10 August 2007. If you are unable to meet these deadlines, provide an explanation for the delay in a statement to me in advance of the applicable deadline.

ENCLOSURE

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BUONA MADRE AND M/V EVA DANIELSEN COLLISION

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5. Your investigative report shall follow the format of enclosure (5) of reference (a). Should you believe that a modification of this format is appropriate, communicate that fact to the D11 JAG Officer and me in advance.

6. To the extent feasible, coordinate the collection of evidence with any other investigators (including any from FBI, CGIS, Sector San Francisco and Sector Portland Casualty Investigators) looking into this matter. To the extent they are relevant and known to you, you may adopt any findings of another federal investigation. Consult with the assigned JAG Officer if you have any questions or any substantive issues arise in the course of your work.

7. You shall comply with the Privacy Act of 1974 and Article 31 of the Uniform Code of Military Justice (see section 2-H and paragraph 4-A-2.c of reference (a)).

8. Because this investigation is conducted in contemplation of litigation, you shall consult with the District JAG Office or me should you have any questions about this assignment. Unless authorized by the D11 JAG Officer, do not discuss or share your deliberations with anyone other than Coast Guard Counsel and me.

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Copy: CGD ELEVEN (d)

LT

LT