

U.S. Department of
Homeland Security

United States
Coast Guard



Commander
Eleventh Coast Guard District

Coast Guard Island, Bldg. 50-6
Alameda, CA 94501-5100
Staff Symbol: d
Phone: (510) 437-3968
Fax: (510) 437-5793

5800
NOV 4 2008

MEMORANDUM

P. F. ZUKUNFT
From: P. F. ZUKUNFT, RDML
CGD ELEVEN

To: CGD ELEVEN (dcs)
Info: CG SECTOR San Francisco

Subj: FINAL ACTION ON BOARD OF INVESTIGATION OF COAST GUARD RESPONSE
TO THE COLLISION OF F/V BUONA MADRE AND M/V EVA DANIELSEN

Ref: (a) Administrative Investigations Manual, COMDTINST M5830.1A

1. Having considered reference (a), appropriate actions are hereby ordered, and this administrative investigation is closed. A summary of the pertinent facts and my opinions based on those facts are provided herein. Progress with respect to the ordered actions shall be reported on a monthly basis to D11(dcs) until all ordered actions have been completed.

2. Factual Summary.

a. At approximately 1200 PDT on 13 July 2007, M/V EVA DANIELSEN, a 291-foot Bahamian-flagged freight ship, departed Richmond, California, en route Portland, Oregon. The vessel transited San Francisco Bay and followed a course within the Northern Offshore Traffic Lane. At 1654, after exiting the traffic lane at its conclusion off Point Reyes, the vessel, intending a change of course, made passing arrangements with F/V MARJA, agreeing to pass her stern. Vessel Traffic Service (VTS) San Francisco facilitated communications between the two vessels although the area was beyond VTS radar coverage. On-scene weather at the time consisted of seven-knot winds, three-foot seas, and observed six-foot waves. The master of the EVA DANIELSEN later reported visibility at the time to be no more than 200-300 meters (approximately 220-330 yards) due to heavy fog.

b. At 1712, VTS received a radio call from the master of the EVA DANIELSEN stating, "Look like that we have collision with small fishing boat." After reporting her position as approximately six nautical miles west of Point Reyes, the master said that he had come to a stop, turned the vessel, and begun looking for the boat. The master also mentioned that despite the passing arrangements his second mate had made with the fishing boat, "it look like that he hit it." The VTS Supervisor immediately relayed the collision report to the Sector San Francisco Command Center (SCC). The VTS Operator responsible for the offshore sector then hailed the EVA DANIELSEN and asked if the master believed he hit "F/V MARTHA" to which the master replied, "Yes... uh, just a moment... look like that we can see something." After a brief pause,

the master again told VTS to wait a moment before ending his transmission. VTS consequently began conducting callouts for "F/V MARTHA" on VHF-FM channels 12, 13 and 16. At 1720, VTS asked EVA DANIELSEN for an update and the master reported that he could not see any fishing vessels in the vicinity. At 1725, VTS queried EVA DANIELSEN and the fishing community to determine whether there were any other vessels in the area. At approximately the same time, SCC briefed Air Station San Francisco on the possible collision and directed them to begin preparations for launch.

c. VTS issued an Urgent Marine Information Broadcast (UMIB) at 1731 asking all mariners to keep a sharp lookout for the vessel "MARTHA" and to provide assistance if possible. At 1732, Station Bodega Bay advised SCC of their preparations to get underway and Station Golden Gate offered to provide assistance if necessary since the reported position was just beyond their area of responsibility. At approximately the same time, USCGC HAWKSBILL, which had been on station near the San Francisco sea buoy (approximately 32 nautical miles away), diverted toward the reported position.

d. At approximately 1733, in response to further queries, the master informed VTS that he was not on the bridge at the time of the incident, but that his second mate was and the second mate reported that the fishing vessel was "close under the bow." Attempting clarification, VTS asked the master whether he thought it was the same vessel EVA DANIELSEN had on radar prior to making passing arrangements. The master acknowledged that he thought it was the same vessel. The VTS Operator then issued a SECURITÉ broadcast requesting that fishing vessels in the vicinity of Point Reyes contact VTS. About the same time, the SCC Sector Duty Officer (SDO) briefed the SCC Supervisor on the possible collision, reporting that EVA DANIELSEN had lost radar contact and communications with a vessel with which they had made prior passing arrangements.

e. At 1735, in response to the SECURITÉ broadcast, an unknown fishing vessel asked VTS if they were looking for MARJA (vice "MARTHA"). Although reluctant to reveal working frequencies to the Coast Guard, the operator relayed to other fishing vessels in the area that they needed "to go look for this guy." A second fishing vessel, KAY BEE, also informed VTS that the vessel in question was MARJA from Morro Bay. Shortly thereafter, MARJA reported in to VTS. Upon hearing MARJA's call, KAY BEE suggested that a different vessel must have been involved. KANDI DAWN, yet another fishing vessel in the area, then called in to report that they were retrieving gear and would then head toward the reported position. VTS acknowledged KANDI DAWN's intentions and began questioning MARJA about her passing arrangements with EVA DANIELSEN. MARJA confirmed making the arrangements and stated that EVA DANIELSEN had altered course and safely passed her stern 20-30 minutes earlier.

f. When VTS contacted the master of the EVA DANIELSEN with this information, he stated, "Maybe in this big fog, uh... this vessel appears closer than it was to my second mate. Anyhow, we make circle and is looking for possibility maybe some other vessel is involved." The master went on to say that "Time and everything corresponding to this is the vessel, MARJA, only because we check if there was any other vessels together with MARJA, very close

to her.” The VTS Operator then asked the master if he was reporting any damage to EVA DANIELSEN, to which the master replied, “Negative, negative... I cannot find any damages.” MARJA then reported that she and F/V ROGUE were within one half-mile of each other and that EVA DANIELSEN had gone between them. VTS then asked MARJA to contact ROGUE.

g. At approximately 1736, a motor lifeboat from Station Bodega Bay got underway en route the reported position. In a conversation between SCC and VTS, VTS offered to continue broadcasting the UMIB. The VTS Supervisor also informed SCC that the master of the EVA DANIELSEN did not experience a shudder or noise, but that “they had the vessel on radar, it was close, and then they [didn’t] have it anymore.”

h. At 1741, an unknown fishing vessel reported to VTS that he had spoken with ROGUE earlier and that he was fine. The master of the EVA DANIELSEN then told VTS that it looked like everybody was fine and that they probably just rang a “false alarm”. He reiterated that he felt no shudder and found no traces of paint on EVA DANIELSEN’s hull, and he concluded, “Only... we pass too close to this vessel, that’s all.” MARJA then agreed that they thought it was a false alarm and that everybody was fine.

i. At approximately 1743, the SCC SDO concluded, with the concurrence of VTS and SCC watch personnel, that no collision had occurred. SCC then authorized VTS to release EVA DANIELSEN and allow her to depart the scene. At 1745, the VTS Operator cleared EVA DANIELSEN for departure, reporting that the Coast Guard no longer believed there to be an indication of distress. At 1746, the SCC SDO stood down the Air Station and informed the SCC Supervisor that MARJA had been located along with two other fishing vessels in the area. The SCC Supervisor concurred with standing down the responding units. At 1748, SCC notified Station Bodega Bay that they could stand down, and at approximately 1750, SCC also stood down CGC HAWKSBILL.

j. Estimated transit times to datum of the original report for each of the responding Coast Guard units ranged from 43 minutes to two hours. Station Bodega Bay’s MLB 47305 could have been on scene and beginning a search within 43 to 49 minutes of launch. When they were stood down at 1748, the MLB was the nearest Coast Guard asset to the reported position at about 13.5 nautical miles, or about 34 minutes, away, and would likely have arrived on scene by 1830. CGC HAWKSBILL could have been on scene within 92 minutes of diverting, or by approximately 1900. The ready helicopter from Air Station San Francisco had not yet departed when they were stood down. Given a 30-minute launch window and a 30-minute transit, they could have been on scene in approximately one hour after the order to launch (though the Air Station had not been ordered to launch by the time of stand down, they had been directed to prepare for launch at approximately 1725, putting them on scene, at the earliest, at around 1830.) Station Golden Gate, though not launched, would have taken about two hours to get one of their assets on scene. The earliest estimate of arrival by both the Station Bodega Bay MLB and Air Station San Francisco would have been around 1825-1830, with continued restricted visibility for on scene search conditions. HAWKSBILL likely would not have arrived until about 1900. Sunset on July

13, 2007, occurred at 2035, leaving just over 2 hours of daylight for a search by the earliest arriving units.

k. Unbeknownst to the Coast Guard, EVA DANIELSEN crew, or the other fishing vessels off Point Reyes, Mr. Paul Wade of Santa Cruz, California, was also fishing in the area on 13 July 2007. His vessel, F/V BUONA MADRE was a 28-foot, wooden-hull fishing vessel carrying a marine radio, radar, manual EPIRB, an adult immersion suit, and a life ring. Witnesses stated that Mr. Wade had fueled the vessel at Spud Point Marina in Bodega Bay on 12 July and had gotten underway alone. Earlier archive pictures of the vessel appear to show at least one radar reflector.

l. In addition to EVA DANIELSEN, the F/Vs MARJA, ROGUE, and KANDI DAWN were in the immediate vicinity, available and willing to search with more than two hours of daylight remaining on 13 July. VTS was in contact with these vessels; however, no concerted effort was made by either VTS or SCC to organize and task these vessels with search areas. On 13 July, these vessels, along with VTC and EVA DANIELSEN, became collectively convinced based on their radio communications that no collision occurred. The SDO adopted that belief at approximately 1740.

m. At 0839 on 14 July 2007, Station Bodega Bay received a call from F/V CALIFORNIA GIRL who reported finding a body in the water wearing a lifejacket in a position approximately 7.5 nautical miles west of Point Reyes, and 4.6 miles NW of EVA DANIELSEN's position when she first reported her possible collision the previous afternoon. The body, later identified as being that of Mr. Paul Wade, was recovered by Coast Guard and Good Samaritan vessels along with debris later correlated to be from BUONA MADRE.

n. While the circumstances surrounding Mr. Wade's death are uncertain, he almost certainly survived the initial collision as the manually-activated light on his life jacket was still illuminated. Coast Guard survivability modeling data shows that a person of Mr. Wade's size, wearing similar apparel found on Mr. Wade, in similar weather and sea conditions for that date and location, could have been expected to survive up to 6.9 hours in the water, presuming no other injury. The autopsy report on Mr. Wade noted "Drowning (minutes)" as the cause of death.

o. Paint samples taken from the bow of EVA DANIELSEN after her arrival in Portland, OR, within days of her report of a collision matched samples of paint used on the hull of BUONA MADRE.

3. Opinions.

a. Mr. Paul Wade died from drowning after his fishing vessel BUONA MADRE collided with M/V EVA DANIELSEN while both vessels transited through fishing grounds and shipping lanes off Point Reyes in heavy fog at around 1710 on 13 July 2007. The Coast Guard did not employ the full range of search and rescue resources available to immediately respond to the suspected collision at sea.

b. Several misleading clues during the initial investigation and response led the Coast Guard watchstanders, the crew of the EVA DANIELSEN, and the crews of several fishing vessels in the area to conclude that there had not been a collision. This premature and incorrect conclusion limited further investigation that might have resulted in earlier discovery of Mr. Wade or debris from BUONA MADRE.

c. EVA DANIELSEN, having presumably given due attention to nearby radar contacts before altering course, did not detect BUONA MADRE on radar. This is evidenced by the fact that the second mate made passing arrangements with MARJA, the vessel that he saw to be nearest. When the second mate reported colliding with a fishing boat, he thought it was MARJA since he had made passing arrangements with her. When MARJA checked in unharmed, the hunt logically turned to the next nearest known vessel. MARJA reported to the Coast Guard that the only other nearby vessel was ROGUE and that EVA DANIELSEN had passed safely between them. That fact was substantiated when another vessel contacted ROGUE and reported her to be fine.

d. EVA DANIELSEN had the best perspective in developing information that might indicate whether a collision had in fact occurred. She had immediately stopped, reported to the Coast Guard, and turned around to search the area, but was never able to locate debris in the water or even other fishing vessels in the area. The master neither felt nor heard a collision, and the crew reported finding no damage to the vessel or paint on the hull, telltale signs of a collision. When all of the known fishing vessels in the area reported in unharmed, the master of the EVA DANIELSEN finally concluded himself that it was a "false alarm" since everything pointed to the idea that MARJA had been the nearest vessel. MARJA also agreed that no collision had occurred and that everybody was fine.

e. Even with misleading information, the timeliness of the SCC's initial response actions fell short of meeting the Search and Rescue (SAR) policy standards expected for distress or potential distress incidents. The Coast Guard SAR Addendum, COMDTINST M16130.2D, requires Coast Guard units to "appropriately respond without delay to any notification of distress, even if suspected to be a false alert or hoax." SCC relied on VTS to conduct an in-depth inquiry before initiating a response, rather than recognizing the potential SAR aspects of the case and assuming control of the on scene investigation and response by nearby vessels. SCC delayed in deploying Coast Guard SAR assets, deferring to VTS investigation efforts prior to launch. Finally, SCC stood down the response entirely after becoming convinced, based on VTS communications and actions, that a collision had not occurred.

f. SCC personnel also made omissions in briefing the incident to Command and District staff, thereby decreasing the number of checks and balances in the response system. While it is arguable whether SCC should have notified District staff of the incident, the fact remains that at least two important links in the Sector chain of command were left initially uninformed of the collision while the SCC investigated. The Prevention Department, charged with responding to and investigating marine casualties, was never informed of the possible collision. And, the SCC

Supervisor failed to ensure that the Response Department Chief was properly briefed as directed in the Sector Command Center's Standard Operating Procedure (SOP).

g. Communication errors stemming from a lack of direct communication between principals likely degraded the quality and accuracy of information needed to make response decisions. Specifically, instead of establishing direct communications with EVA DANIELSEN, SCC relied on VTS to manage the communications. VTS in turn communicated directly with EVA DANIELSEN's master, although he was not on the bridge at the time of the collision. A trained SAR Controller likely would have insisted on questioning the second mate directly. As it was, the second mate passed information to the master; the master communicated with VTS; and VTS relayed the information to SCC, the entity charged with managing the response.

h. SCC's decision to classify this case as a false alert and to stand down responding units was inappropriate, since the authority for these actions rests solely with the Sector Commander. In particular, the SDO acted without authority when she concluded that no collision had occurred and stood down the Air Station. Likewise, the SCC Supervisor had no authority to stand down the remaining units. While it can be argued that the incident never became a SAR case, I disagree. Even though the SCC never directed a launch, CG units did respond after hearing the UMIB and were awaiting further direction from the SCC. Since a decision was required to release these responding assets, there was a case. Ultimately, SCC's conclusion that a collision had not occurred and their subsequent deactivation of responding units was not consistent with Coast Guard policy given the available facts that EVA DANIELSEN had lost a radar contact and believed that they had collided with a fishing vessel while transiting a known fishing area during poor visibility due to heavy fog. Once units were launched, or prepared for launch, formal suspension or closure processes should have been followed.

i. The response by Coast Guard SAR units was outstanding. I commend the crews of Air Station San Francisco, Station Bodega Bay, USCGC HAWKSBILL and Station Golden Gate for their attention and immediate actions upon receipt of the UMIB or launch direction. Even had they not been stood down, the probability of detecting and ultimately rescuing Mr. Wade was minimized due to the amount of time it would have taken to reach the reported position; prevailing weather; and remaining daylight.

4. Actions.

a. Several remedial actions have been implemented by the Sector and District in the wake of this incident, including:

(1) SCC all-hands training reinforcing the Sector Commander's sole authority to stand down SAR units, and to reiterate guidelines for assuming control of a case;

(2) Cross-training of SCC watchstanders in all command center positions;

(3) A requirement for all SCC personnel to read and acknowledge the recently updated U.S. Coast Guard Command Center Manual, COMDTINST M3120.20;

(4) Promulgation of a standard briefing format requiring the briefer to include concurrence or other recommendations from senior staff and watchstanders;

(5) Instructions to SDO's to use a Passdown Log for all ongoing cases; and,

(6) A VTS San Francisco proposal to add remote radar sites at Point Reyes and Pillar Point to provide increased radar coverage, redundancy, finer target resolution, and increased detection and tracking capabilities. District Eleven (dp) has strongly endorsed and forwarded this proposal.

b. The following actions are ordered to optimize Coast Guard SAR response in future cases. No fault or liability should be assumed by virtue of the fact that these actions have been ordered.

(1) Sector San Francisco and all Eleventh District Sectors, Group and Air Stations, as appropriate, shall:

- i. Examine the feasibility of co-locating VTS operations with the SCC. This would minimize communication problems and provide better situational awareness;
- ii. Provide basic SAR orientation training to all VTS personnel as part of Operator and Supervisor training;
- iii. Establish a method for immediate retrieval of .wav files in the VTS and SCC;
- iv. Evaluate the feasibility of developing a proactive protocol for notifying Vessel Movement Reporting System (VMRS) users of areas of fishing vessel activity, particularly during known fishing seasons and periods of restricted visibility;
- v. Ensure that all phone lines in the SCC are recorded;
- vi. Establish the means for the SCC to transmit, receive, and monitor radio traffic on VTS-specific channels, particularly channel 12 (offshore traffic), channel 13 (bridge-to-bridge), and channel 14 (San Francisco Bay traffic); and,
- vii. Utilize conference calls or "virtual briefs" to facilitate more accurate and timely communications among Command Cadre. If the incident is urgent, the SDO shall initiate a virtual brief to concurrently inform the Command Cadre.

(2) In addition, Sector San Francisco shall modify Sector San Francisco SOP, Section 7.4.3, to be consistent with the District Eleven SOP, paragraph 3-A-21, regarding receipt of distress information. The current Sector policy discusses using all investigatory tools upon receiving an initial report whereas District policy places proper emphasis on obtaining only the most critical information before dispatching resources and notifying the vessel in distress of Coast Guard response actions.

Subj: FINAL ACTION ON BOARD OF INVESTIGATION OF
COAST GUARD RESPONSE TO THE COLLISION OF F/V
BOUNA MADRE AND M/V EVA DANIELSEN

5800

(3) Eleventh District (dr) shall:

- i. Examine SAR Mission Controller (SMC) and case suspension authority within the District to include a plan for periods of absence among Command Cadre; and,
- ii. Forward a recommendation under separate correspondence to CG-3RPR-3 to propose revising the second statement in Table 3-5 of the U.S. Coast Guard Command Center Manual, COMDTINST M3120.20, which requires command centers to "Release Urgent Marine Information Broadcast (UMIB) or Marine Assistance Request Broadcast (MARB) within 15 minutes of initial notification, if case warrants." Cases that warrant a UMIB are typically those that involve immediate danger, yet a time limit of 15 minutes does not effectively convey the sense of urgency with which such cases should be prosecuted. I recommend changing the minimum mission critical objective for UMIB/MARB issuance to as soon as practical, ideally within 7 minutes.

(4) Eleventh District (dt) shall evaluate the feasibility of recording all communications over the Tandberg video conferencing system.

(5) Eleventh District (dp) shall consider extending San Francisco Bay's Northern Traffic Lane by five to ten miles. This change would minimize commercial vessel course changes within a popular offshore fishing location, thereby ensuring more predictable commercial vessel movements and facilitating navigational safety.

(6) Eleventh District (dcs) shall consider all appropriate administrative actions, including personnel actions, remedial training, and re-qualifications, among others.

#

Copy: CGD ELEVEN (dr), (dt) and (dp)
CG MLC PAC (lo)
CG SECTOR San Diego
CG SECTOR Los Angeles/Long Beach
CG GROUP Humbolt Bay