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**REPORT
OF THE INVESTIGATION
INTO THE LOSS
OF THE FISHING VESSEL
MFV “DISCOVERY”
OFF THE SOUTH WEST COAST
OF IRELAND
ON 29th JANUARY 2007**

The Marine Casualty Investigation Board was established on the 25th March, 2003 under The Merchant Shipping (Investigation of Marine Casualties) Act 2000

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REPORT No. MCIB/137

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1. SYNOPSIS

- 1.1 While stowing the mornings catch the MFV “Discovery” heeled over to starboard and after a short period capsized. The crew of seven were able to board liferafts and were rescued after four hours by the Oil Tanker MT “Front Commander”. The capsizing happened at position 49.40.5N 10.17.5W at 09.50 hrs on 29th January 2007.

2. FACTUAL INFORMATION

2.1 Vessels Particulars

Length overall	23.41 mts
Registered length	21.18 mts
Beam	6.7 mts
Depth	3.2 mts
Gross tonnage	145 tonnes
Year of build	1980
Builder	Campbelltown Boatyard Scotland
Main Engine	Caterpillar Type D379
Power	421 KW turbocharged diesel
Construction	Steel hull with aluminium and steel shelter deck. Steel wheelhouse aft

Vessel engaged in seine net fishing at the time of the incident

2.2 Crew

Skipper

Mr. Noel O'Sullivan

Second Hand

Mr. David Murphy

Deckhand

Mr. Krzysztof Wolski

Deckhand

Mr. Sebastain Marciniak

Deckhand

Mr. Romualdas Klikunas

Deckhand

Mr. Zbigniew Bryla

Deckhand

Mr. Dmitri Lopotov

Timeline

- | | | |
|------|-------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| 2.3 | 01.00 hrs. - 27.01.2007 | The MFV "Discovery" Departed Castletownbere |
| 2.4 | 07.30 hrs. - 27.01.1007 | Commenced fishing |
| 2.5 | 18.00 hrs. - 27.01.2007 | Concluded work for the day |
| 2.6 | Overnight | Vessel re-positioned 40/50 miles to the Southwest |
| 2.7 | 07.30 hrs. - 28.01.2007 | Commenced fishing |
| 2.8 | 18.00 hrs. - 28.01.2007 | Concluded fishing |
| 2.9 | Overnight | Vessel re-positioned 55 miles South from previous day |
| 2.10 | 07.30 hrs. - 29.01.2007 | Commenced fishing in position Lat 49 40.5N:
Long 10 17.5W |
| 2.11 | 08.15 hrs. - 29.01.2007 | Commenced hauling seine ropes |
| 2.12 | 09.25 hrs. - 29.01.2007 | Crew on deck to work catch into hopper vessel listed 4 to 5° |
| 2.13 | 09.50 hrs. - 29.01.2007 | (Estimated) crew abandon vessel |
| 2.14 | 09.58 hrs. - 29.01.2007 | Vessel capsizes: EPIRB signal detected by satellite for Irish Fishing Vessel EI6179 (registered to FV "Cimarron") |
| 2.15 | 10.07 hrs. - 29.01.2007 | Owner of FV "Cimarron" confirms vessel tied up in Arklow and beacon off. |
| 2.16 | 10.33 hrs. - 29.01.2007 | Beacon remains active and position resolved to 49 40 N 010 16W |
| 2.17 | 11.27 hrs. - 29.01.2007 | Air Corp C252 diverted to area at request of Falmouth Coast Guard |
| 2.18 | 12.17 hrs. - 29.01.2007 | Valentia Coast Guard report MFV "Discovery" known to be in the Search Area and failed to make communications check with FV "Karen Rose" |
| 2.19 | 12.28 hrs. - 29.01.2007 | Liferaft and debris sighted by C252 (Air Corp Casa aircraft)
Two liferafts dropped to survivors from Casa |
| 2.20 | 14.07 hrs. - 29.01.2007 | MFV "Discovery" crew safely on board the MT "Front Commander" |
| 2.21 | 15.43 hrs. - 29.01.2007 | Crew airlifted from MT "Front Commander" by R193` |
| 2.22 | 17.30 hrs. - 29.01.2007 | Crew landed at RNAS Culdrose and checked by Doctor |

3. EVENTS PRIOR TO THE INCIDENT

- 3.1 The MFV “Discovery” sailed from Castletownbere at 01.00 hrs. on 27th January 2007. The vessel had a total of seven crew on board. The skipper and second hand were Irish Nationals and the deckhands were Eastern European. All the deckhands had valid STCW Basic Training Certification issued in their respective domicile states. No emergency drills were carried out during the outbound passage and in fact no emergency drills had ever been carried out while the present crew had been fishing the vessel. Muster lists were posted in the galley and the wheelhouse.
- 3.2 During her stay in Castletownbere the power block and arm, which had been removed for servicing in October 2006, was refitted by Harbour Engineering, Castletownbere. The fresh water was carried in three plastic tanks of 1000 litre capacity on the forward part of the maindeck. This was the arrangement when the present owner had bought the vessel. The vessel had no dedicated freshwater tank.
- 3.3 The skipper rose at 07.00 hrs. and inspected the engine room. Fishing commenced at 07.30 hrs. hours and continued for the day. 78 boxes of fish were stowed in the hold. The vessel repositioned overnight and the following morning the skipper had checked the engine room before the days fishing commenced. A further 80 boxes of good quality fish were stowed in the hold by the end of the day. During the night the vessel had re-positioned to Latitude 49.40.5N, Longitude 010.17.5W.
- 3.4 On the morning of the 29th the skipper again inspected the engine room and all was stated to be satisfactory and fishing commenced at 07.30 hrs. At 08.15 hrs. the seine ropes were hauled and it became apparent that a very good catch had been achieved. To load the catch the skipper moved between the wheelhouse and the power block controls located outside the wheelhouse on the rail close to the power block on the starboard side. The rest of the crew were occupied either in positioning the net over the hopper or on the main deck to begin sorting the catch. The hopper tank was located on the starboard side of the vessel just forward of the wheelhouse.

4. THE INCIDENT

- 4.1 The crew began to take in the net and the catch was split into four “bags” for lifting on board. The vessel began to list immediately and the list increased with each bag loaded. A significant list had developed when the third bag was landed into the hopper such that the crew assisting in this operation on the wheelhouse deck had difficulty swinging the bag into position. However the hauling operation continued and the fourth bag was loaded into the hopper.
- 4.2 The skipper put the engine into gear and attempted to swing the helm to port to throw off the list. There was a brief discussion between the skipper and the second hand in which both agreed that the list was unusual. A crewmember was working on the maindeck and had begun to gut fish when he noticed water accumulating in the starboard scupper as the second bag was taken aboard. He called to his workmate to turn off the deck water but realised the water was not coming from the deck hose.
- 4.3 Water was cleared from the maindeck via non-return valves located in wells on either side of the vessel amidships. Gate valves were also fitted to the discharge pipe at the vessels hull. These were left permanently open and the crew were unaware of their purpose. The crewman who observed the water on deck did not inform the skipper about the developing situation.
- 4.4 As the vessel continued to load fish, the gutting crew could see the amount of water was increasing on the starboard side. The situation continued to deteriorate rapidly and the skipper called to one of the crew to get lifejackets. There was some confusion at this point, a number of crew were acting independently without instruction while others were unaware that the situation had become critical.
- 4.5 A number of crewmen attempted to launch both liferafts. The port liferaft was released first and rolled across the deck momentarily trapping one of the crew against the starboard liferaft. One liferaft was thrown or rolled into the sea and there was a sporadic evacuation of the vessel. As the vessel continued to heel to starboard the cargo derrick fell out of its cradle and landed on the inflated liferaft narrowly missing two of the crew who were trying to board the liferaft. The liferaft was dragged under water by the derrick boom.
- 4.6 Some of the crew had not managed to put on lifejackets or had only partially put them on and were having difficulty in the water. One of the crew took off his lifejacket and gave it to the “second hand” who had abandoned the vessel without a lifejacket. The vessel floated in a capsized condition for a short period and the skipper attempted to swim back to the hull but was unable to make progress due to the diesel fuel floating on the water burning his eyes, mouth and nose.

- 4.7 After an estimated 15 minutes the vessel sank and the second liferaft and the damaged liferaft came to the surface. The crew were in two groups in the water. Five men made for the intact and now inflated liferaft and the skipper tried to reach the same liferaft but was unable to do so.
- 4.8 The men in the intact liferaft tried to row towards the two men in the water but were hampered by the ballast bags in the water under the liferaft and by the paddle snapping in two when they attempted to use it. The skipper noticed he was closer to the damaged liferaft and managed to board it and attempted to re-inflate the damaged chambers without success. He managed to paddle the damaged liferaft to the last remaining crewman in the water and pulled him onboard. The liferaft began sinking under their combined weight so the skipper slipped back into the water and attempted to lash himself to the outside of the liferaft. The EPIRB (electronic position indicating radio beacon) was seen floating on the surface and could be seen flashing.

EVENTS AFTER THE INCIDENT

5. EVENTS AFTER THE INCIDENT

- 5.1 The EPIRB signal was picked up by satellite and notified to MRCC Dublin at 0958UTC. The EPIRB transmitted the call sign EI6179. This call sign is allocated to the FV “Cimarron” and she was located at 10.07 hrs. tied up in Arklow with the EPIRB switched off. The beacon remained active and the resolved position for the location of the signal was Latitude 49.40N Longitude 010.16W.
- 5.2 At 11.27 hrs. an Air Corp CASA was diverted to the area. At 12.13 hrs. a second Irish vessel named FV “Cimarron” was located at a boatyard in Kinsale. At 12.17 hrs. Valentia Coastguard reported that the MFV “Discovery” was fishing close to the EPIRB position and had failed to keep a scheduled communication contact with another vessel. At 12.28 hrs. the Air Corp CASA sighted a liferaft and debris in the water and dropped two liferafts.
- 5.3 As the CASA over flew the area the pilot responded to the waving of the survivors in the liferaft by wagging his wings. This heartened the larger group of survivors but the two men in the damaged liferaft were physically exhausted and reported only that they were aware that an aircraft had flown overhead. The vessels skipper had no recollection of waving to the aircraft. At 14.07 hrs. the MT “Fort Commander”, an oil tanker, reported that it had picked up all the survivors.
- 5.4 The crew of the MT “Fort Commander” carried out first aid on the survivors to reduce the affects of hypothermia. The MFV “Discovery” skipper had little recollection of the rescue and subsequent treatment on the MT “Fort Commander”. At 15.43 hrs. the seven crew were airlifted from the MT “Fort Commander” and flown to RNAS Culdrose where medical personnel further examined them.

6. CONCLUSIONS

- 6.1 The non-return valve on the starboard side was held open by debris or had been damaged allowing water to flood onto the maindeck as the vessel heeled to starboard. The gate valves were left permanently open. The skipper continued to load the catch despite the evident severe heeling of the vessel. The skipper made no attempt to determine the cause of the excessive heel being intent only on getting the fish onboard.
- 6.2 The crew failed to inform the skipper of the deteriorating condition with regards the ingress of water on the maindeck. The capsize occurred as a result of loss of stability caused by loading the catch on the starboard side and free surface effect caused by water back flooding through the non-return valves on the main deck. The stowage of three tonnes of fresh water on the maindeck contributed to the vessels inherent delicate stability.
- 6.3 None of the crew were wearing personal flotation devices while working on deck. No drills or musters had been carried out with the crew. The abandonment of the vessel was confused and chaotic with no clear transmission of the skippers' orders to the crew. The vessels gear, not required for fishing, was not properly stowed and lashed leading to a liferaft being damaged and crew narrowly escaping serious injury when the derrick boom fell out of its rest as the vessel heeled over. Given the confusion on abandoning the vessel the crew owe their survival to the fact the incident occurred in daylight in calm conditions. The "second hand" probably owes his life to the selfless action of the crewman who gave up his lifejacket for him.
- 6.4 The rescue effort was delayed due to the improper coding of the EPIRB and the subsequent confusion this caused. The ambiguity caused by the EPIRB code applying to a vessel tied up in port on the East coast while the signal resolved to the Southwest coast caused a delay in the approval of an over flight of the area. The service agent for the EPIRB had a casual procedure for recording EPIRB call signs when they were submitted for servicing or encoding. This has been rectified with a more formal procedure.
- 6.5 The rescue and subsequent initial first aid treatment of the MFV "Discovery" survivors by the Master and crew of the MT "Fort Commander" was highly professional.

7. RECOMMENDATIONS

- 7.1 Consideration should be given to reviewing the syllabus for fishing vessel Certificates of Competency including reviewing the stability aspects of the syllabus.
- 7.2 The Minister has now introduced a Statutory Certification Requirement S.I. 640 of 2007 and fishing vessel owners are obliged to comply with these.
- 7.3 EPIRBs should not be accepted for coding or servicing unless accompanied by a copy of the vessels Ship Station Radio Licence or written notification from MRAU giving Radio Call Sign and or MMSI number.
- 7.4 Legislation for establishing a register of all EPIRB's (including personal EPIRB's) and a database of such EPIRB's is urgently required.

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APPENDIX 8.1

Appendix 8.1 Photographs of the incident.



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 Department of Transport



30th October 2008

John G. O'Donnell, B.L.,
Chairman,
MCIB

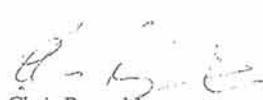
MCIB Draft report 'MFV Discovery'

Dear Mr. O' Donnell,

With regard to para 6.4 of the Draft report in regard to the EPIRB's incorrect registration, the Coast Guard recognises the difficulty that incorrectly or unregistered EPIRB's present to the rescue services. Significant advancements have been made in recent years in taking the 'search' out of search and rescue (SAR) which includes the use of EPIRB's. For such equipment to fulfil its potential the electronic database available to Marine Rescue Coordination staff must be 24/7 available, reliable and up to date.

Whereas in this incident I do not consider that the search for the MFV Cimmamon caused any change to the outcome of the rescue, the Coast Guard are working to improve its awareness of fishing vessel traffic in the Irish SAR region. One element is the development of automatic identification systems (AIS) fitted to large fishing vessels, which give a live picture of inshore fishing activity in the Coordination Centre Operations Room and can also give historical track detail. In this incident the vessel involved was below the mandatory size and neither the MFV Discovery nor the MFV Cimmamon appeared on our plot. The Coast Guard recommends that AIS fitted to smaller fishing vessels would significantly improve the rescue response in many of our incidents. Finally the Fishery Management Centre in the Naval Base provides a VMS picture of fishing activity on request from a Coast Guard Coordination Centre. Further work is ongoing in developing this liaison.

Yours sincerely,


Chris Reynolds,
Director,
Irish Coast Guard,
Department of Transport.



Coast Guard HQ, Leeson Lane, Dublin 2.

Irish Coast Guard
GARDA CÓSTA RIA IRÉANN



MCIB RESPONSE

The MCIB notes the contents of this response and welcomes the points made.