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REPORT OF THE INVESTIGATION
INTO FATAL INCIDENT INVOLVING
THE "GURTEEN LASS"
ON
14th AUGUST 2012

REPORT No. MCIB/224 (No.7 of 2013)



Report MCIB/224 published by The Marine Casualty Investigation Board Printed 29th October 2013.



CONTENTS

		PAGE
1.	SUMMARY	4
2.	FACTUAL INFORMATION	5
3.	NARRATIVE	8
4.	ANALYSIS	10
5.	CONCLUSIONS	12
6.	SAFETY RECOMMENDATIONS	13
7.	APPENDICES	14
8.	CORRESPONDENCE RECEIVED	22



1. SUMMARY

- 1.1 On 14th August 2012 the "Gurteen Lass", fishing number WT 239P, departed from Portnakilly Pier, Clare Island. Mr. Martin Burns, owner of the vessel, was on board and he advised those on shore he wished to check a string of lobster pots between Portnakilly and the south eastern point of the island.
- 1.2 Later, the same day, when the vessel failed to return to port, a search was organised. Wreckage was sighted on the shore near an area referred to as Bachelor's Island, on the south coast of Clare Island and the emergency services were notified.
- 1.3 A short while later a body was sighted in the water. The body was recovered and the identity was confirmed. The emergency services were stood down.



2. FACTUAL INFORMATION

2.1 Vessel Details

Vessel Name: MFV "Gurteen Lass"

D.O.C - 2009

Vessel Type: Timber Currach

Date keel laid: 1998

Overall Length: 5.64m

Beam: 1.40m

Depth: 0.64m

Type of fishing: Polyvolent Potting

Flag: Irish

Port of Registry: Westport

Fleet Number: IRL 001113339

Fishing Number: WT 239 P

Call Sign: EI 8164

Ship Station Licence: July 2005 - Revoked on 16th August 2006

Licence Number: 23955835

Engine Declared: Yamaha Outboard 5.97kW, 8 HP, 27kgs

Engine in use: Yamaha Outboard 11.19kW, 15 HP, 37kgs

Safety Equipment: As per Department of Transport, Tourism and Sports Code

of Practice (COP) for small fishing vessels under 15 metres

overall length.

Safe Manning: Not applicable

Owner: Mr. Martin Burns, Clare Island, Co. Mayo

Note: D.O.C. refers to the title Declaration of Compliance, a document issued by the attending code of practice surveyor and countersigned by the owner of the vessel.

2.2 Voyage details

- 2.2.1 The vessel departed from Portnakilly Pier on the southern side of Clare Island. It is not known if he intended to return to the pier or to the main harbour on the south eastern side of the island. However, it was his routine to return to the pier on days when he went out to fish.
- 2.2.2 The vessel was engaged in lobster potting.
- 2.2.3 There was only one person on board the vessel.

2.3 Casualty Information

- 2.3.1 The vessel broke up close to the shore on the south part of Clare Island, Clew Bay, Co. Mayo. The area is referred to locally as "Bachelor's Island", a rocky formation close to the shore. See Appendix 7.1 and Appendex 7.2.
- 2.3.2 The incident occurred on 14th August 2012. There were no witnesses so the time is undetermined.
- 2.3.3 Weather is reported as good at the time and is not considered to be a factor in the incident. See Appendix 7.3 and Appendex 7.4.
- 2.3.4 The vessel was operated single handed and was powered by an outboard engine. Oars were available as back up.
- 2.3.5 The casualty was the owner/operator of the vessel.





2.4 Shore Authority Involvement and Emergency Response

- 2.4.1 When notified, the emergency response was co-ordinated by the Irish Coast Guard with MRSC Malin Head in charge.
- 2.4.2 The Irish Coast Guard tasked rescue helicopter, R118 and the Royal National Lifeboat Institution lifeboat from Achill Island.
- 2.4.3 The emergency services responded quickly with the search and rescue helicopter and lifeboat tasked within 13 minutes. This was followed up with a "PAN PAN" broadcast within 19 minutes.
- 2.4.4 The casualty was transferred from a local vessel to the lifeboat before being brought ashore on the island.
- 2.4.5 The Garda Síochána in Westport were notified and they despatched an officer from Louisburgh to the island to investigate the incident.
- 2.4.6 The island doctor attended the casualty when he was landed.
- 2.4.7 The local coroner ordered a post-mortem examination of the casualty.

3. NARRATIVE

- 3.1 The vessel was surveyed under the Code of Practice in 2009, four months before it was due such an inspection. A Declaration of Compliance was issued by that company and dated 9th October 2009. This declaration was countersigned by the deceased on 9th October 2009. A copy of the Declaration is contained in Appendix 7.5 of this report.
- 3.2 The vessel's Ship Station Radio licence was issued in July 2005. The licence was cancelled on 16th August 2006, for non-payment of renewal fees.
- 3.3 The vessel departed from a small pier at Portnakilly on Clare Island at approximately 10:15hrs on 14th August 2012. Reports indicate that the casualty intended working one string of pots, as all others had been dealt with on the previous day by his son. There was only one person on board.
- 3.4 The owner of the passenger boat "White Water II" reports that at approximately 13:00hrs he landed some passengers on the island, using the main harbour. At approximately 13:15hrs he thought he heard the sound of a whistle. He was operating off the south-eastern corner of Clare Island at the time. Checking the area with binoculars he noted two people on the shore line, one fishing from the rocks and the other herding sheep along the cliff top. He returned to the island to pick up the passengers at approximately 14:00hrs. He departed from the area at approximately 15:10hrs. "White Water II" had been working (angling) approximately 500 to 600 metres offshore at the time, towards the south-east corner of the island. The position given by the Skipper was 53° 47.385' N 009° 57.731' W.
- 3.5 At approximately 18:00hrs, Mr. Burn's wife noted that Mr. Burns had not returned to the shore. At 18:36hrs, a relative was notified that Mr. Burns was overdue. At 18:40hrs, the relative made contact with the proprietor of Clare Island Ferries Ltd. by mobile telephone advising him of the situation.
- 3.6 He returned to the main harbour and collected crew. At approximately 19:15hrs, they set out to search for the vessel. Together with 3 others, he went out on his Rigid Inflatable Boat (RIB) and proceeded towards Portnakilly to see if the vessel had landed there. Whilst on route they passed a petrol tank floating in the water. They checked the pier at Portnakilly and then returned towards the area where Mr. Burns had laid his pots.
- 3.7 At approximately 19:30hrs, they spotted oars washed up on a small inlet on the coastline, beside an area known locally as Bachelor's Island, towards the southeast corner of the island. They approached the area and noticed rope close to the rocks. They started to pull on the rope, finding it attached to a string of pots (normally approximately 11 in a string). They hauled approximately 7 or 8 pots, which had been checked and freshly baited. The pots were found to be bunched



in a heap and close to each other. Whilst they were doing this it was necessary to use the engine continuously to prevent the RIB from making contact with the rocks.

- 3.8 At approximately 19:36hrs wreckage was noted on the shoreline, close to where the oars had been sighted. Realising something was wrong the skipper of the RIB contacted a work colleague from Achill by mobile telephone, who was a member of the lifeboat crew. The lifeboat crewmember alerted the Irish Coast Guard through Malin Head Radio. MRSC Malin Head tasked both the Search and Rescue helicopter, designated R118, and the Achill Island Lifeboat.
- 3.9 Other islanders arrived on the scene with boats. Whilst the islanders searched along the shoreline, the RIB decided to follow a line from Bachelor's Island towards where they had seen the petrol tank, using this to work out the line of drift. At approximately 20:15hrs, they found the body of Mr. Burns in the water, with a fully inflated personal flotation device, floating face up and still wearing his glasses. At approximately 20:35hrs, the body was recovered from the water and transferred to the Achill Lifeboat. The Achill Lifeboat brought the body to the main harbour and passed it ashore under the care of a local doctor. The deceased was pronounced dead at approximately 21:00hrs.
- 3.10 Westport Gardaí attended the pier at Roonagh.
- 3.11 The depth of water close into the rocky shore was stated to be 2 metres.
- 3.12 On 15th August 2012 a post mortem examination indicated that Mr. Burns drowned.
- 3.13 The engine was examined and confirmed to be a Yamaha two stroke outboard motor, rated at 15 HP. The type was 15 FHM, the model was 684 K L and the serial number was 1053983. The engine could be turned over by the pull cord, indicating that it had not been subjected to hydraulic locking, caused by ingesting water when running.

4. ANALYSIS

- 4.1 Examination of the Declarations of Compliance of Appendix 7.5 and Appendix 7.6 notes as follows:
- 4.1.1 The roll test was carried out in accordance with the Code of Practice with an engine to make the weight of the boat 110 kilogrammes equivalent to the 10/12 pots.
- 4.1.2 The stability check comprised of a Roll Test to establish the approximate GM, Metacentric Height, of the vessel and used the formula as set out in the Code on Intact Stability for All Types of Ships, covered by IMO Resolution A.749 (18), as published by the International Maritime Organisation, Chapter 7.6. For the purpose of this test the Code of Practice surveyors advised that the Marine Survey Office instructed them to use a factor of 0.8 when calculating the GM of a vessel.
- 4.1.3 The GM of the vessel was calculated to be 0.68 m in the laden condition.
- 4.1.4 There was no pot hauler fitted on board the vessel when the Code of Practice Inspection was carried out in 2009, refer to description in Appendix 7.6. The vessel is described as being a timber currach with oars, outboard with oars, no gear fitted.
- 4.1.5 The Code of Practice surveyor in 2009 was unaware that the Ship Station Licence for the vessel had been withdrawn.
- 4.1.6 In 2009, the Personal Location Beacon (PLB) was described as an EPIRB and the date of expiry for the battery was noted as expiring in 2010.
- 4.2 The ship's Station Licence was examined and it was noted that the radio equipment listed was:
- 4.2.1 ICOM M31 hand held VHF transceiver.
- 4.2.2 Unidentified Personal Locator Beacon operating on dual frequencies, 121.5 kHz and 406 kHz. According to the licence this unit was purchased new in 2005 (refer Marine Notice 55 of 2008).
- 4.3 The vessel's Ship Station Licence was revoked on 16th August 2006 for non-payment of fees. The original document clearly showed that the vessel carried a Personal Locator Beacon. This beacon was not registered and was purchased in 2005. It was a dual frequency type which became obsolete in February 2009.
- 4.4 The engine being used by the vessel was of larger size than stated on the Declaration of Compliance. It had a greater power output and weighed 10 kilogrammes more. The Code of Practice surveyor (2009) stated that all the vessels kept their equipment in a storage facility close to the pier and that they

Cont.



- "borrowed an engine to fit to the four currachs tested on the same day transferring it from one vessel to another to save time". Ideally, the equipment for each individual vessel should have been fitted to ensure that all vessels were properly equipped.
- 4.5 None of the vessel's emergency equipment, including 2 x Perry type lifebuoys, flare kit, portable VHF transceiver, or Personal Beacon was activated during the incident.
- 4.6 The location of the plastic container for the emergency equipment has been considered. It was located in the fore part of the hull for the roll test. It would be more advisable to place the container further aft within hand reach of the skipper.
- 4.7 Weather conditions at the time were reported by locals as good, with winds of less than Beaufort Force 3, relatively calm seas but with a south-westerly swell running. Weather conditions provided by the Irish Coast Guard indicate weather as south-easterly at Beaufort Force 3. Met Eireann estimated weather conditions in the sea area to be of southerly winds of Beaufort Force 3 to 5 with a slight west-south-west sea. Data from the M6 indicates winds from a south-easterly direction and up to Beaufort Force 4, decreasing to Force 3 at the time (this buoy is the closest to the scene of the incident).
- 4.8 Tides for the day were predicted as:

High Water 04:40hrs 3.2m Low Water 10:16hrs 1.1m High Water 17:01hrs 3.5m Low Water 22:53hrs 0.7m

CONCLUSIONS

5. CONCLUSIONS

- 5.1 Information provided to the investigation indicates that it is not possible to ascertain the time the incident occurred. Mr. Burns indicated when he left the house that morning that he would not be home until about 6pm. This is when Mrs. Burns became concerned and raised the alarm.
- 5.2 There were no witnesses to the incident. However, indications are that the vessel made contact with the rocks and subsequently broke up.
- 5.3 The reason for the vessel making contact with the rocks cannot be definitively determined. It may have been as a result of the vessel being set in by tide and swell or the vessel capsized due to loss of stability, prior to making contact with the rocks. This loss of stability may have been as a result of the string of pots becoming snagged and a sudden transfer of weight to the head of the pot hauler and/or the vessel was over laden with equipment.
- 5.4 In 2009, when the Declaration of Compliance was issued it was invalid, in that the owner did not possess a valid Ship Station Radio Licence.
- 5.5 The lack of evidence with respect to the other life saving appliances tends to make one believe they were not on board the vessel at the time of loss.





6. SAFETY RECOMMENDATIONS

6.1 The Department of Transport, Tourism & Sport should review the criteria for calculating the stability of open fishing boats.

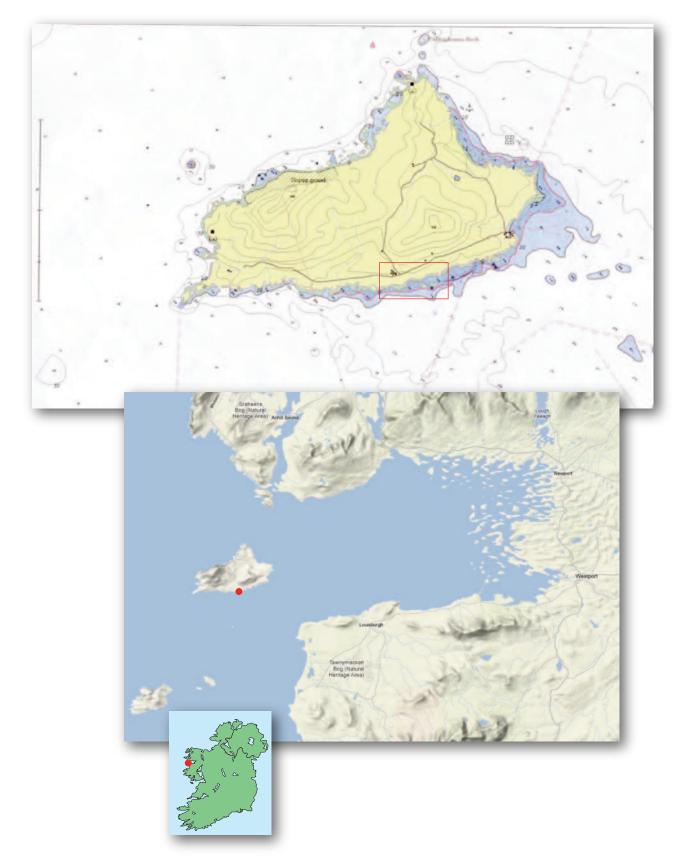
APPENDICES

7. LIST OF APPENDICES

		PAGE
7.1	Chart showing all of Clare Island	15
7.2	Larger scale chart of location	16
7.3	Met Éireann Report	17
7.4	M6 databuoy information	18
7.5	Declaration of Compliance for 2009 (2 pages)	19
7.6	Handwritten notes for 2009 survey	21



Appendix 7.1 Chart showing all of Clare Island.



APPENDIX 7.2

Appendix 7.2 Larger scale chart of location.





Appendix 7.3 Met Éireann Report.



MET ÉIREANN

The Irish Meteorological Service

Glasnevin Hill, Dublin 9, Ireland. Cnoc Ghlas Naíon Baile Átha Cliath 9, Éire. www.met.ie

Tel: +353-1-806 4200 Fax: +353-1-806 4247 E-mail: met.eireann@met.ic



Our Ref. WS3018/2_14736 Your Ref. MCIB/12/224 3/9/2012

Estimate of weather conditions in the sea area off Clare Island, Clew Bay, on the 14th August 2012, between 9 and 15 hours

Winds: Southerly Force 3 to 5.

Weather: There were patches of rain and drizzle with isolated thunderstorms in the area in the morning. It became mostly dry later.

Visibility: good, greater than 10 km.

Seastate: Slight, from a west-south-west direction.

Ed my

Evelyn Murphy B.Sc. M.Sc. Meteorologist Research, Environment & Applications Division Met Éireann



Appendix 7.4 M6 databuoy information.

D	4	
Page		Ot I
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Time	Atm. Press.(mb)	Char.Press. Tend.	Press.Tend. (mb	Wind Dir.(*)	Wind Speed (kn)	Max Gust (kn)	Air Tomp.(*	Dow Point Temp.(°C)	SeaTemp (* C)	wave Per. (s)	Sig. Wave Hqt.(m)	Max Waves Per.	Wave Hgt.	Relative. Hum. (%)
15/08/2012 00:00:00	997.200	8	1.200	120	18.000	25.000	15.400	14.800	15.700	5.000	2.200	-		96.000
4/08/2012 23:00:00	997.800	8	0.400	130	16.000	25.000	15.400	14.200	15.800	5.000	2.000			93.000
4/08/2012 22:00:00	998.400	5	0.300	140	14.000	21.000	15.600	14.900	15.800	5.000	1.800			96.000
4/08/2012 21:00:00	998.200	0	0.100	140	16.000	23.000	16.000	13.800	15.800	5.000	1.700	- 1		87.000
4/08/2012 20:00:00	998.200	0	0.000	130	18.000	33.000	15.600	14.000	15.800	5.000	1.700			90.000
4/08/2012 19:00:00	998.800	3	0.200	120	19.000	25.000	16.000	14.400	15.800	5.000	1.700			90.000
4/08/2012 18:00:00	998.200	6	1.500	120	19.000	25.000	16.000	14.500	15.800	5.000	1.500			91.000
4/08/2012 17:00:00	998.200	8	0.900	110	9.000	16.000	15.500	14.800	15.800	5.000	1.500			96.000
4/08/2012 16:00:00	998.600	7	1.300	130	11.000	23.000	14.300	12.600	15.900	5.000	1.500			90.000
4/08/2012 15:00:00	999.800	5	0.600	130	18.000	23.000	15.700	13.900	15.900	5.000	1.500			89.000
4/08/2012 14:00:00	999.200	8	1.200	130	16.000	23.000	15.700	13.600	15.900	5.000	1.500	3.4		87.000
4/08/2012 12:00:00	1000.200	0	0.700	140	15.000	20.000	15.800	13.500	15.900	5.000	1.500			86.000
4/08/2012 11:00:00	1000.400	3	0.800	150	14.000	20.000	15.800	13.200		6.000	1.700			84.000
4/08/2012 10:00:00	1000.000	2	1.500	160	13.000	20.000	15.700	13.100		6.000	1.600			84.000
4/08/2012 09:00:00	999.600	1	1.400	160	13.000	18.000	15.500	12.800		6.000	1.600			84.000
4/08/2012 08:00:00	999.600	3	0.900	170	12.000	16.000	15.200	12.800		6.000	2.000		- 1	86.000
4/08/2012 07:00:00	998.600	2	0.200	190	10.000	16.000	14.900	12.600		6.000	1.800			86.000
4/08/2012 06:00:00	998.200	7	0.400	170	11.000	16.000	15.100	12.700		6.000	1.600			86.000
4/08/2012 05:00:00	998.800	2	0.300	180	11.000	16.000	15.200	12.300		6.000	1.700			83.000
4/08/2012 04:00:00	998.200	7	0.900	210	10.000	14.000	15.200	12.000	100	6.000	1.700			81.000
4/08/2012 03:00:00	998.600	5	0.300	220	11.000	16.000	15.200	12.200		6.000	1.700			82.000
4/08/2012 02:00:00	998.400	8	0.100	230	12.000	16.000	15.200	12.400		7.000	2.000		1	83.000
14/08/2012 01:00:00	999.200	1	1.500	230	11.000	16.000	15.300	12.900		6.000	1.700		- 1	86.000
4/08/2012 00:00:00	998.800	3	1.200	250	11.000	16.000	15.400	13.400		6.000	2.000			88.000

http://www.marine.ie/observations/IWPData/Observations.as... 29/08/2012



Appendix 7.5 Declaration of Compliance for 2009 (2 pages).



Design, Construction and Equipment of Small Fishing Vessels of less than 15 m Length overall

Code of Practice Declaration of Compliance

To be completed by an Authorised Person

Declarations on page v to be signed by the Authorised Person and Owner

Name of Vessel	Fishing Letters & Number	Official Number	Port of Registry WEST PORT Date keel laid		
GURTEEN LASS	WET 239 P.	LSI 8164			
Overall Length (less than 15 metres)	Breadth	Depth			
J. 64m.	1.40 m.	1998 .			
Engir	Engine Power (kW)				
YAMAHA - Or	5.97 KW				

Name & Address of Owner CLANZ ISLAND
WESTPORT
Co. Mayo

Description of vessel

TIMEN CURRECT LATER OAKS.

GUTTERAILS IN THE DARS.

WE COME FITTED

Description of operational area

home BASE - WED I mive oppositione Clear BAY

SINELE OPERATOR

ROTTING

Appendix 7.5 Declaration of Compliance for 2009 (2 pages).

Notes:

- 1. # indicates Statutory requirements
- 2. * indicates mandatory requirement for Code compliance
- 3. \ddag indicates statutory requirement for vessels \geq 12m L_{oa} and mandatory requirement for Code compliance for vessels < 12m L_{oa}
- Only Statutory and mandatory Code requirements are to be addressed when completing the Declaration.
- 5. If 'No' is answered to any question, please supply, in a separate statement, the reasons why the particular item is not complied with.
- 6. If a particular item is not applicable, please state the reason why.

Name of Vessel	Fishing Letters & Number	Official Number	Port of Registry
ENCHERN LASS	WT 239P	E28164	WESTPORT
hereby declare that on	8/16/69 at	1230 He	I completed t
nspection of the Fishing V	essel GUETI	EEN LASS	
nd that:			
1. the particulars given	on this form are true	and correct;	
			e and is fit for its intend
		ich it is intended to op	erate.
lated at ELANCE	INAND.		
his 979 day of	OCTORNEY	20.5	2)
Signed	<u> </u>		
his Declaration is valid un			nternational Marine Ltd
874 day of	DUTONINO	2013	Foynes, Co. Limerick, Ireland.
	100000000000000000000000000000000000000		Tel. 069-65710
		n by Owner	
we me. Man			
wner(s) of the above-descr			on this form are correct a
	to operate		
at we have no reason to b	to operate.		
at we have no reason to b	Man	un y /2	unno
at we have no reason to b	man	any 12	unn
at we have no reason to be as in which it is intended Signature(s):	man	ling 73	



Appendix 7.6 Handwritten notes for 2009 survey.

	03/10/09
Crateen dass	byle 5 35 ×1. 24 ×0.64 free boad: 6.89 m
1) Marc Compass	My = 125/1 24/25.
is Torch publisher	Day doning only
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a) Dry Runder water	in board) I dane later
12) hofeyachel- 1884 V	ni polypotole.
M GOTH ML:	5.30 × 1.25 ×0.59 1. 0 ×1,0.45 27/1.25/1.29. (i.274),
Continue the S.	10 x 1. 20 x 6 6 c ebd= 0.48 1.14/1.14/ = 1148
Mul	beached

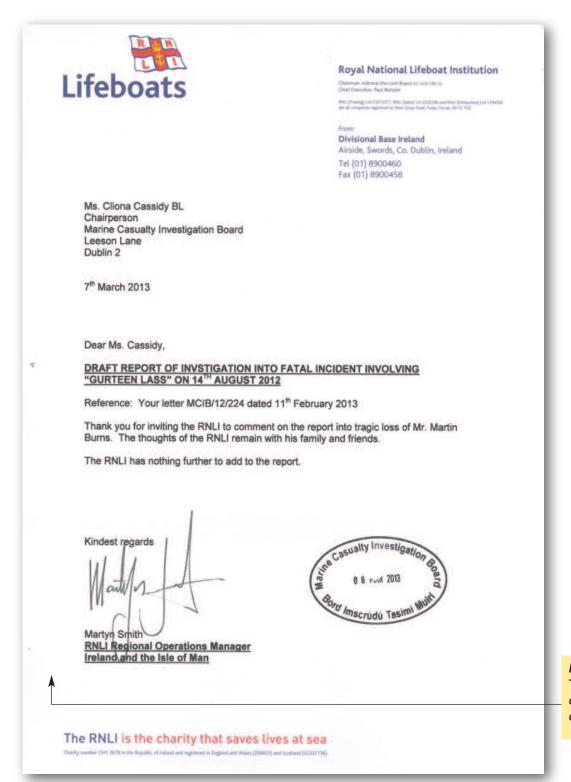
CORRESPONDENCE

8. CORRESPONDENCE RECEIVED

		PAGE
8.1	RNLI and MCIB Response.	23
8.2	Irish Coast Guard and MCIB Response.	24



Correspondence 8.1 RNLI and MCIB Response.



MCIB RESPONSE: The MCIB notes the contents of this correspondence.

Correspondence 8.2 Irish Coast Guard and MCIB Response.









Dear Cliona,

Thank you for a copy of the draft MCIB report into the tragic fatal incident involving 'Gurteen Lass' on the 14th August 2012.

References to MRCC Malin Head throughout should be changed to MRSC Malin Head.

The Coast Guard notes that this is the third report into four fatalities at sea over a two day period in August 2013 and the single thread that unites all three incidents is that these deaths were avoidable. Mr Burns wore a lifejacket and entered the water somewhere between 1015 and 1900. Water temperatures at that time of the year would have meant that Mr Burns chances of survival were very high if he had the means of alerting the Coast Guard of his difficulty. All mariners should understand the importance of maintaining a competent person ashore for every trip to sea and in carrying float free EPIRBs or at least a PLB.

All boat users should tell a responsible person ashore – in effect an emergency contact – where their craft is going, when its leaving, from what port or slip, time due back and where, who is onboard, what safety and communications equipment is carried, what the craft looks like, its name/call-sign and most importantly what action to take when this estimated time of arrival passes. This emergency contact ashore must take on this duty vigilantly and contact the Coast Guard immediately once they become concerned.

Finally it took 96 minutes from when someone realised that there may be a missing boat until the emergency services were informed which is regrettable. These lost minutes may be the difference between survival and death. It is quite distressing in reading this Report and many others like it knowing that Martins life could so easily have been saved.

The Coast Guard requests that consideration should be given to the above points in formulating your safety recommendations.

Director

Chris Reynolds

Irish Coast Guard

Director's Office, Irish Coast Guard, Department of Transport, Leeson Lane, Dublin 2, Ireland. Oifig an Stiùrthóra, Garda Cósta na hÉireann, An Roinn Iompair, Lána Chill Mochargán, Baile Átha Cliath 2, Éire. Tel: + 353 1 6783440, Fax: + 353 1 6620930, email: chrisreynolds@transport.ie MCIB RESPONSE: The MCIB notes the contents of this correspondence.

