



## **Coast Guard Marine Casualty Investigation General Fact Sheet**

The United States Coast Guard is the nation's leading marine safety organization. One program the Coast Guard employs to promote marine safety is the investigation and analysis of marine casualties, or accidents. The Coast Guard conducts marine casualty investigations under the authority of 46 United States Code Chapter 63. Generally, these investigations are intended to document casualties, uncover their causes, and initiate necessary corrective actions.

Coast Guard marine casualty investigations range from the data collection and tracking of information for minor accidents to formal hearings for accidents involving significant property damage, serious injury, or death. On average, the Coast Guard conducts 5,400 marine casualty investigations per year. Pursuant to the authority contained in Title 46, United States Code, Section 6301 and the regulations promulgated thereunder, Rear Adm. David Throop, Commander 13<sup>th</sup> Coast Guard District, ordered a formal investigation into the loss of the commercial fishing vessel Mary B II and the three person crew.

Formal Investigations of this type are carried out by a Lead Investigation Officer (LIO) with substantial marine casualty investigation experience, and are supported by a team of investigators who are also qualified Coast Guard marine casualty investigators. The investigation is augmented by technical experts, a legal advisor, and other support personnel from units around the Coast Guard.

The Formal Investigation will also designate Parties In Interest. These are persons or organizations who have a direct interest in the investigation, such as owners, licensed mariners, and other individuals whose conduct is under investigation. The primary role of a Party In Interest is to assist the Coast Guard with the fact finding portion of the investigation by exercising their limited rights to call and examine witnesses before the Board. A Party In Interest may also be represented by counsel.

Formal Investigations have the power to administer oaths, issue administrative subpoenas to require the production of relevant books, papers, documents or other evidence, and to summon witnesses for testimony. To accomplish this fact finding the investigation conducts a public hearing. A public hearing is normally open to the public, unless it involves classified information or other information potentially affecting national security.

Following completion of the evidence gathering phase of the investigation, including the public hearings, the investigations will carefully evaluate all evidence to determine, as closely as possible:

- The cause or contributing factors of the casualty;

- Whether there is evidence that any failure of material (either physical or design) was involved or contributed to the casualty, so that proper recommendations for the prevention of the recurrence of similar casualties may be made;
- Whether there is evidence that any act of misconduct, inattention to duty, negligence or willful violation of the law on the part of any licensed or certificated person contributed to the casualty, so that appropriate proceedings against the license or certificate of such person may be recommended and taken under 46 U.S.C. 6301; or
- Whether there is evidence that any Coast Guard personnel or any representative or employee of any other government agency, or any other person, caused or contributed to the cause of the casualty.

At the completion of the investigation, the investigation will prepare a report of investigation containing findings of fact, causal analysis, conclusions, and safety, administration and possible enforcement recommendations. Safety recommendations propose corrective actions, such as regulatory changes, to prevent future casualties. Upon completion of the report of investigation the convening authority typically refers the report and their recommendations to the Coast Guard Commandant who will issue a Final Action Memo (FAM) which provides details on the Coast Guard's response to the conclusions and recommendations contained in the report.

### **Basic Background Factual Information**

#### **Accident Occurrence:**

The accident occurred late in the evening of January 8, 2019. The vessel was attempting to cross the Yaquina Bay Bar off Newport, Oregon in the Pacific Northwest Coast of the United States.

#### **The Vessel:**

The vessel was a commercial fishing vessel engaged in near coastal fishery. It was built of wood in 1957 and 42 feet in length and propelled by a marine diesel engine. The MARY B II had completed a United States Coast Guard dockside safety examination in November 2018. As a result of the accident the vessel was declared a total loss. The Fishing vessel MARY B II was formerly called the fishing vessel BESS CHET.

#### **The Crew:**

There were three people in the crew which comprised the Captain or Operator and two other crew persons. All three crew person perished in the accident.

#### **The Waterway:**

The entrance to the harbor of Newport is Yaquina Bay Bar and it has unique characteristics with breaking surf. Due to this unique characteristic the Coast Guard had established a Regulated Navigation Area to provide safety measures for vessels crossing the bar in adverse weather. There were long stone jetties at the mouth of the waterway to provide some degree of shelter

once vessels had crossed the bar. The offshore portion of the waterway's underwater shoals and bottom change as the sea and current move the sand bottom with the wave and current action.

**The Weather:**

During the afternoon of January 8<sup>th</sup> the weather had deteriorated and continued to deteriorate into the evening. Bar restrictions were in effect and the Coast Guard escorted vessels into the waterway and across the bar as conditions worsened.

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