



# UNITED STATES COAST GUARD

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**REPORT OF INVESTIGATION INTO THE  
CIRCUMSTANCES SURROUNDING THE INCIDENT  
INVOLVING  
CFV MAVERICK / CFV VIKING STORM  
COLLISION/DEATH**

**ON 09/28/2012**



**MISLE Activity Number: 4452622  
ORIGINATING UNIT: SECTOR PUGET SOUND  
MISLE Activity Owner: SECTOR PUGET SOUND  
MISLE Activity Controller: SECTOR PUGET SOUND  
MISLE Case Number: 615096**

U.S. Department of  
Homeland Security

United States  
Coast Guard



Commandant  
United States Coast Guard

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16732/IIA # 4452622  
22 November 2024

**THE COLLISION BETWEEN COMMERCIAL FISHING VESSELS MAVERICK  
AND VIKING STORM RESULTING IN THE SINKING OF THE MAVERICK  
AND SUBSEQUENT LOSS OF LIFE 30 MILES WEST OF LA PUSH, WA ON  
SEPTEMBER 28, 2012**

The record and the report of the investigation for this marine casualty were approved and closed on 15 February 2022.

**COMMANDANT'S ACTION ON RECOMMENDATIONS**

**Recommendation 1:** Currently, 46 Code of Federal Regulations (CFR) Subchapter C, does not establish appropriate and adequate watch standing schedule requirements or fatigue standards for commercial fishermen.

This investigation revealed a latent unsafe condition (LUC) with regard to both vessels' crews, who had been working in the commercial fishing industry for most of their adult life and had grown accustomed to working and operating vessels while fatigued. Because they had become accustom in this culture, they thought that they could operate their vessels safely with minimal sleep. A requirement establishing watch standing schedules and fatigue standards may reduce the occurrence of this LUC on all U. S. commercial fishing vessels. The existence of a regulation mandating watch schedules would break down the culture for commercial fisherman to work, fish, stand watches, and operate vessels safely beyond what they are physiologically capable of doing. This regulation would instead mandate that all mariners aboard commercial fishing vessels meet a minimum rest standard.

Recommend that the Coast Guard amend 46 CFR Subchapter C to include language that requires vessel owners, operators, agent, masters, and person's in-charge, to implement crew endurance management policies and practices.

**Action:** I concur with the intent of this recommendation. The Coast Guard agrees that commercial fishing vessel (CFV) owners and operators should incorporate fatigue awareness and management in their vessel safety programs. Fatigue is known to play a contributing role in casualties where other types of human factors are present (e.g., situational awareness, operator decision making). Vessel safety plans should factor fatigue impacts on safety and performance and incorporate measures to manage and mitigate fatigue and sleep deprivation, particularly during periods of high workloads.

The Coast Guard published Navigation and Vessel Inspection Circular (NVIC) 2-08 *Crew Endurance Management System (CEMS)* ([https://www.dco.uscg.mil/Portals/9/DCO%20Documents/5p/5ps/NVIC/2008/NVIC\\_2-08.pdf](https://www.dco.uscg.mil/Portals/9/DCO%20Documents/5p/5ps/NVIC/2008/NVIC_2-08.pdf)), which provides a

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system of proven practices for managing endurance risk factors that affect operational safety and crewmember efficiency in the maritime industry. Additionally, the Coast Guard published the *Voluntary Safety Initiatives and Good Marine Practices for Commercial Fishing Industry Vessels* ([https://www.dco.uscg.mil/Portals/9/Voluntary\\_%20Safety\\_Initiatives.pdf](https://www.dco.uscg.mil/Portals/9/Voluntary_%20Safety_Initiatives.pdf)) in January 2017, to encourage CFV crews to adopt fatigue combating strategies.

In 2024, the Coast Guard met with the National Commercial Fishing Safety Advisory Committee (NCFSAC) to analyze and develop recommended strategies to address fishing industry fatigue management. The NCFSAC provided recommended updates to the *Voluntary Safety Initiatives and Good Marine Practices for Commercial Fishing Industry Vessels*, further expanding on fatigue management and sleep deprivation content. As a result of the collaboration between the Coast Guard and the NCFSAC, the Coast Guard has established a targeted outreach initiative for calendar year 2025 to promote the *Voluntary Safety Initiatives and Good Marine Practices for Commercial Fishing Industry Vessels* during CFV Dockside Examinations, dock-walks, and other outreach means.

The joint Coast Guard and NCFSAC reviews and actions on mariner fatigue have provided important guidance and resource tools to the maritime industry on crew endurance management strategies. The Coast Guard will continue to consider the effectiveness of these programs to determine if future legislative or regulatory changes are necessary to improve CFV safety.

**Recommendation 2:** Currently, 46 CFR Part 28, does not establish appropriate and adequate watch standing schedule requirements or fatigue standards for commercial fishermen.

This investigation revealed a latent unsafe condition (LUC) with regard to both vessels' crews who had been working in the commercial fishing industry for their entire adult life had grown accustomed to working and operating vessels while fatigued. Because they had grown accustomed in this culture, they thought they could operate their vessels safely with minimal sleep. They were not aware and had not been trained on crew endurance management, nor the impact a crew endurance management system could have on fishing operations and the safe operation of his vessel.

Recommend that the Officer in Charge of Marine Inspection offer fatigue mitigation and crew endurance management training to all commercial fishing vessel operators in his area of responsibility.

**Action:** I concur with the intent of this recommendation. The planned 2025 outreach initiatives detailed in my response to Recommendation 1 will be used to educate the CFV industry on a national scale.

**Recommendation 3:** On September 28, 2012 at approximately 0430PST, the CFV MAVERICK and CFV VIKING STORM collided. During the post casualty interview, all of the CFV MAVERICK crew admitted that they participated in smoking marijuana regularly.

The current regulations do not require a chemical testing program for vessels not required to be operated by a licensed individual.

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Recommend that Commandant amend the chemical testing regulations in 46 CFR Part 16 to include all commercial vessels regardless of tonnage and licensing requirements.

The amended regulations would require all marine employers to conduct pre-employment testing and enroll employees in a chemical testing program. This will minimize the use of intoxicants by merchant marine personnel and to promote a drug free and safe work environment.

**Action:** I partially concur with this recommendation. Commercial fishing vessels less than 200-gross tons are exempt from U.S. Coast Guard preventative chemical testing regulations (e.g., preemployment and random tests). Under current law, chemical testing requirements apply to only Coast Guard inspected vessels and credentialed mariners. Congress must grant the U.S. Coast Guard the authority to include commercial fishing vessels that are currently exempt from preventative chemical testing requirements to achieve the intent of this Recommendation.

The Office of Investigations and Casualty Analysis (CG-INV) is currently coordinating with the Office of Commercial Vessel Compliance (CG-CVC) and NCF SAC to evaluate and consider pursuing a legislative change to extend chemical testing requirements to include all commercial fishing vessels.

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A. M. BEACH

Captain, U.S. Coast Guard

Director of Inspections and Compliance (CG-5PC)

U.S. Department of  
Homeland Security

United States  
Coast Guard



Commandant  
United States Coast Guard

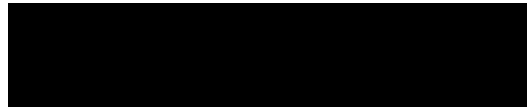
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VIKING STORM RESULTING IN THE SINKING OF MAVERICK AND  
SUBSEQUENT LOSS OF LIFE 30 MILES WEST OF LA PUSH, WA ON SEPTEMBER  
28, 2012**

**ACTION BY THE COMMANDANT**

The record and the report of the investigation convened for the subject casualty have been reviewed. The record and the report, including the findings of fact, analysis, and conclusions are approved. The safety recommendations remain under review and any resulting actions will be documented separately. This marine casualty investigation is closed.



J. D. NEUBAUER  
Captain, U.S. Coast Guard  
Chief, Office of Investigations & Casualty Analysis (CG-INV)





16671  
09June2015

## MEMORANDUM

From:

[REDACTED]  
Marine Investigator

To:

M.W. Raymond, CAPT  
CG SECTOR Puget Sound

Subj:

COLLISION / DEATH INVOLVING THE U.S. CFV MAVERICK (O.N. 549879)  
AND THE CANADIAN CFV VIKING STORM (O.N. 800025) ON SEPT 28, 2012

Ref:

(a) USCG Marine Safety Manual, COMDTINST M16000.10A, Volume V  
(b) COMDT (CG-545) memo 16732 of 17 Mar 11

### Preliminary Statement:

In accordance with references (a) and (b), an investigation was conducted into the collision of the U. S. flagged Commercial Fishing Vessel (CFV) MAVERICK (O.N. 549879) and the inspected Canadian flagged CFV VIKING STORM (O. N. 800025) on September 28, 2012. The subsequent sinking of the CFV MAVERICK resulted in the loss of one crewmember, who was never recovered.

Factual evidence was collected in order to conduct a thorough analysis of the incident. All times are approximate and reflect local Pacific Standard Time. The MISLE Activity number for this investigation is 4452622.

### Executive Summary:

On September 28, 2012, the Canadian CFV VIKING STORM was transiting southbound from Canadian waters enroute to Westport, Washington in dense fog. At approximately 0430, the CFV VIKING STORM collided into the port side of the drifting U.S. CFV MAVERICK approximately 30 nautical miles (NM), west of La Push, Washington. The CFV MAVERICK immediately heeled to starboard, flooded with water, capsized, and sank. Three of the four crew members on board the CFV MAVERICK were rescued by the CFV VIKING STORM. The fourth crew member was unable to be found and on September 29, 2012, the search and rescue operations were suspended and the missing crew member was presumed to have drowned.

Subj: COLLISION/DEATH INVOLVING THE U.S. CFV MAVERICK 16671  
(O.N. 549879) AND THE CANADIAN CFV VIKING STORM 09JUNE2015  
(O.N. 800025) ON SEPT 28, 2012

**U.S. CFV MAVERICK Vessel Data:**



**Photo 1: CFV MAVERICK time and date unknown**

Name:	MAVERICK
Official Number:	549879
Service:	Commercial Fishing Vessel
Year Built	1973
Built By:	Unknown
Gross Tons:	27
Net Tons:	Unknown
Length:	40 FT
Propulsion	1 diesel engine, 160 brake horse power, Single fixed-pitch propeller
Cargo Onboard	Sablefish (Black cod) (815 lbs)
Owner & Operator:	[REDACTED]

**Personnel Data:**

Name	Position	Sex	Age	Status
[REDACTED]	Operator	Male	[REDACTED]	Witness
[REDACTED]	Crew member #1	Male	[REDACTED]	Witness
[REDACTED]	Crew member #2	Male	[REDACTED]	Witness
Kelly Dickerson	Crew member #3	Male	[REDACTED]	Lost at Sea/Presumed dead

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**Canadian CFV VIKING STORM Vessel Data:**



**Photo 2: Canadian CFV VIKING STORM time and date unknown**

Name:	VIKING STORM (Former name: GAIL BERNICE)
Official Number:	800025
Service:	Fishing Vessel
Year Built	1981
Built By:	Benson Brothers Shipbuilding CO.
Gross Tons:	246
Net Tons:	115
Length:	90 Ft
Breadth	27 Ft
Depth	10.4 Ft
Propulsion	1 diesel engine, 940 brake horse power, single fixed-pitch propeller
Cargo Onboard	Pacific Whiting (Hake Fish) (260,145 lbs)
Owner & Operator:	Viking Storm Holdings Inc.(Clackamas Oregon) 63 shares Leader Fishing LTD (British Columbia Canada) 1 share



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**Personnel Data:**

Name	Position	Sex	Age	Status
[REDACTED]	Master	Male	[REDACTED]	Witness
[REDACTED]	Deck hand #1	Male	[REDACTED]	Witness Subject of Investigation
[REDACTED]	Deck hand #2	Male	[REDACTED]	Witness

**Weather:**

Winds:	Light approx 5 knots
Waterway:	Calm
Visibility	Thick fog
Air temperature	Approx. 60° F

**1. Findings of Fact:**

a. The CFV MAVERICK was a fishing vessel with a welded steel hull and deck house. At the time of the occurrence, the vessel was outfitted for long lining. The deckhouse was located forward of amidships and contained the conning station, galley, and master's accommodation. The navigation and communication equipment was located near the conning station and included radar, depth sounder, very high frequency (VHF) radiotelephone, autopilot, chart plotter, and global positioning system (GPS).

b. The CFV VIKING STORM is a large fishing vessel outfitted for trawling. It has a welded steel hull and an aluminum deckhouse located forward of amidships. The deckhouse contains the galley, accommodations for 11 people, an engine room entrance, and stairs to the wheel house. The wheel house is equipped with navigation and communication equipment including radars, depth sounders, sonars, VHF radiotelephones, autopilot, an automatic identification system (AIS), chart plotter, GPS and satellite phone. Fitted atop the vessel's deckhouse are four 1000 watt high pressure sodium (HPS) floodlights. All navigation, communications, and fishing electronics are located around the seated conning position on the starboard side of the wheelhouse.

c. CFV VIKING STORM: On the morning of 23 September 2012, the CFV VIKING STORM returned to Ucluelet, British Columbia from a fishing trip with a complement of 4 crew members, as per its Manning Certificate. One of the two deck hands informed the master of his intention to not participate in the next trip and left the vessel after helping to unload the catch; he was not replaced prior to the vessel departing. The same day, the master also left for scheduled personal reasons and one of the deck hands fleeted up to the master position. Due to the ship losing two workers, another deck hand was hired and reported to the vessel to assist. This put the crew complement at three members. At approximately 1500, the vessel departed Ucluelet for their fishing grounds with the new master and two deck hands board. The vessel fished on 24 September 2012 and then drifted and jogged overnight with just one crew member on watch. At 1000 on 25 September 2012, the vessel travelled to Ucluelet to unload its catch.

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d. CFV MAVERICK: On 25 September 2012 at 1745, the CFV MAVERICK left La Push, Washington for an estimated four day trip to fish for black cod from the fishing grounds off the Washington coast. The operator and three crew members were on board. The first three days of the fishing trip were uneventful. From approximately 0630 to 1900, the crew conducted fishing operations and for the duration of the night all of the crew slept while the vessel drifted with no one on watch.

e. CFV VIKING STORM: The morning of 26 September 2012, the CFV VIKING STORM got back underway from its homeport in Ucluelet, B.C., again the vessel departed with only three of the four required crew.

f. CFV MAVERICK: On the evening of 27 September 2012, the operator prepared to set the vessel up to drift throughout the night. In doing so the deck was set up to drift by leaving two small aft deckhouse lights, the anchor light, and the navigation lights left on. The plotter, VHF radio, and radar were also left on, and the main engine was left running at idling speed.

g. It is industry common practice for fishing vessels in the vicinity of the collision (30 NM off La Push Washington) to drift at night leaving no one awake to stand a look out; however, 33 Code of Federal Regulations (CFR) 83.05 (Navigation Rule 5) requires all vessels to have a lookout at all times while underway.

h. CFV MAVERICK: At approximately 1930, two crew members retired to the crew accommodations. Approximately 15 minutes later, the operator smoked marijuana and then retired for the night. Before retiring, the operator noticed two stationary targets on the radar. They were confirmed to be other fishing vessels in the vicinity that were drifting overnight as well.

i. CFV VIKING STORM: On 27 September 2012 at 2200, the vessel completed fishing operations and departed for Ucluelet to unload its catch. At the beginning of the transit, the master set up the communication and navigational equipment in preparation for a restricted visibility situation that was expected to arise at some point during the voyage. One of the radars was set to 6 NM range, and the other was left on standby. The vessel's 4 HPS floodlights were left on; two were pointed directly towards the bow of the vessel and two were illuminating the vessel's aft deck. The AIS was displayed on both of the vessel's plotters.

j. CFV VIKING STORM: Shortly after the vessel was enroute to for Ucluelet, B.C., the company dispatcher contacted the master with instructions to change the vessel's offload location to Westport, Washington, extending the total voyage distance by more than 200 NM. The master complied with the instructions and altered course for Westport, Washington.

k. CFV VIKING STORM: At 2300, the master requested that deck hand #1 and #2 split the seven hour wheel watch and wake him up at 0600. He and deck hand #1 retired to bed leaving only deck hand #2 to stand lookout and operate the vessel. The master did not leave any standing orders because it was his understanding that he would be advised if conditions changed during the voyage. Deck hand #2 took the first watch, during which the visibility became restricted and four targets were noticed on the operating radar. Deck hand #2 made no adjustments to the navigational equipment.

l. CFV VIKING STORM: On 28 September 2012 at 0200, the deck hand #2 left the wheelhouse temporarily unattended while he went to the accommodations to wake deck hand #1.

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Deck hand #2 then returned to the wheelhouse while deck hand #1 attended to some engineering duties.

m. CFV VIKING STORM: At 0230, deck hand #1 took over the bridge watch. He checked the radar and ensured it was tuned for the foggy conditions. He also checked the AIS display to confirm that no long range targets were posing a risk of collision. Deck hand #1 stated he saw intermittent targets on the displays of the radar but nothing permanent.

n. CFV VIKING STORM: At 0351, deck hand #1 reported to Marine Communications and Traffic Services (MCTS) of Canada on VHF channel 74 that the vessel was crossing latitude 48° N and was leaving their guard. The VIKING STORM then contacted the Canada/U.S. Cooperative Vessel Traffic Service (CVTS) indicating they were entering U.S. Waters, all while on autopilot and making approximately 7.5 knots. Deck hand #1 checked the radar and identified an intermittent target that was 4 to 5 NM almost directly ahead of the vessel; however, this contact did not appear on AIS. He then continued to focus on the AIS for detection of long range opposing targets.

o. CFV VIKING STORM: At approximately 0427, deck hand #1 conducted a visual sweep, checked the AIS and radar before temporarily leaving the wheelhouse unattended while he went to the galley to get some food.

p. CFV MAVERICK: At approximately 0427, crew member #1 on the CFV MAVERICK woke up and saw a bright light illuminating the fog through the deckhouse windows. He attempted to identify the source of the light for approximately a minute, but was not able to see much due to the brightness of the light. As the CFV VIKING STORM's bow wake became visible, crew member #1 realized that a collision was imminent and shouted a warning to the operator.

q. CFV VIKING STORM: Within a couple minutes, deck hand #1 on watch returned from the galley and saw the CFV MAVERICK less than 30 meters directly ahead. He immediately placed the main engine controls to full astern and placed the tiller control hard to starboard.

r. CFV MAVERICK: The operator had heard the crew member's warning but had no time to take evasive action. Within seconds, at 0429 the CFV VIKING STORM's bow struck the CFV MAVERICK's port side at almost a perpendicular angle. The collision occurred approximately 30 NM west of La Push, Washington in position 47°57.05'N, 125°19.47'W.

s. CFV VIKING STORM: The master and deck hand #2 got up immediately, after the collision and went to the wheelhouse where the master took control of the helm and turned the vessel around to search for the CFV MAVERICK. Both deck hands prepared to rescue the survivors from the CFV MAVERICK.

t. CFV MAVERICK: The impact pushed the CFV MAVERICK through the water and rolled the vessel onto its starboard side, at which point it began down flooding. While the deck house was filling with water, crew member #2 swam under water to attempt to open the aft door to escape. After several attempts he stopped due to exhaustion. Crew member #1 attempted several times and finally got the aft door to open, swam out of the CFV MAVERICK accommodation space. He then climbed on top of the wheelhouse and with his bare foot kicked out a window and pulled the operator and crew member #2 from the window as the CFV MAVERICK slipped under the water and sank.

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u. CFV MAVERICK: The operator held on to a floating bladder, crew member #2 held on to a hatch cover, and crew member #1 swam directly towards the CFV VIKING STORM. Crew member #3 was never found and is presumed to have drowned.

v. At 0442, Coast Guard District 13 was notified that a 121.5 EPIRB signal was going off in the vicinity of the collision.

w. At 0447, Coast Guard Sector Puget Sound made radio call outs to the CFV MAVERICK and VIKING STORM.

x. CFV VIKING STORM: At approximately 0449 after rescuing the three crew members, the master called United States Coast Guard (USCG) Sector Puget Sound to report the collision.

y. At 0510, the USCG dispatched a 47 ft Motor Life Boat (MLB) from Coast Guard Station Quillayute River, the USCGC ALERT, and a helicopter from Air Station Sector Field Office Port Angeles to the scene.

z. The master on the CFV VIKING STORM continued to search for the missing crew member until the USCGC ALERT arrived at approximately 0700.

aa. At approximately 0800, the rescued crew members from the CFV MAVERICK were then transferred from the CFV VIKING STORM to the CG 47 ft MLB.

bb. USCG personnel from the USCGC ALERT boarded the CFV VIKING STORM and requested post casualty chemical testing to be completed through the Canadian government. After the master and two deck hands were tested, the CFV VIKING STORM departed the scene enroute to Canadian waters and unloaded their catch in Ucluelet, British Columbia.

cc. Chemical testing results for the personnel on the CFV VIKING STORM later indicated that deck hand #1, who was on watch at the time of the collision, had a [REDACTED]

[REDACTED] The master tested [REDACTED] Deck hand #2 had tested [REDACTED]

dd. At 1658 the 47ft MLB and the crew of the CFV MAVERICK arrived in La Push, Washington. Awaiting their arrival was the marine casualty investigator from Sector Puget Sound and the Officer in Charge from CG Station Quillayute River.

ee. On September 29, 2012 at 1436 the operator of the CFV MAVERICK was chemically tested at Olympic Memorial Hospital in Port Angeles Washington. His sample was subsequently found to be [REDACTED]

## **2. Post Casualty Drug and Alcohol Testing**

a. Post Casualty/ SMI chemical testing was not conducted on the crew of the CFV MAVERICK. However the operator was tested at a local hospital after the 32 hour testing requirement. The CFV MAVERICK was not required to be a part of a chemical testing program and due to time of arrival, stress, and exhaustion the crew had endured, they were unable to complete the chemical testing. Through interviews it was verbally stated by the crew that they all

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participated in smoking marijuana regularly. It was confirmed later that the operator's chemical test was [REDACTED]

b. Post Casualty/ SMI chemical testing was conducted on the crew of the CFV VIKING STORM by the USCGC ALERT medical corpsman. The chemical testing results identified that the deck hand operating the vessel at the time of the incident had [REDACTED]  
[REDACTED]

### 3. Analysis:

a. *Physical Condition:* CFV MAVERICK - The operator and two of his crewmembers were asleep; one of the crewmembers had awoken to use the restroom. It was common practice for the crew to be resting at this time of the early morning.

The crew of the CFV MAVERICK also verbally stated that they participated in smoking marijuana regularly which may have significantly impaired the judgment, motor coordination, and reaction in preventing this marine casualty.

CFV VIKING STORM - The master and a deckhand were sleeping while the other deckhand had recently returned to the bridge from making a sandwich in the vessel's galley, leaving the bridge unattended for a few minutes. Both vessels crew had been working long hours with minimal rest, the VIKING STORM was undermanned causing even more fatigue to each member of its crew.

The deck hand that was operating the CFV VIKING STORM and the master were under the influence of marijuana. This could significantly impair their judgment, motor coordination, and reaction in preventing this marine casualty.

b. *Environmental Conditions:* The incident occurred in the early morning hours, there were light winds and low to moderate swells, heavy fog, and near zero visibility.

c. *Vessel Operation:* CFV MAVERICK- The vessel was drifting with all navigational lights illuminated, engines running, and navigational equipment energized. CFV VIKING STORM- The vessel was underway, making way southbound enroute to Westport Washington to off load its catch.

d. *Vessel Condition:* CFV MAVERICK- The vessel was a documented commercial fishing vessel. The operator was unlicensed and did not require a US Merchant Mariners Credential to operate. CFV VIKING STORM- The vessel was a documented inspected Canadian fishing vessel. The entire crew onboard had the required, current Canadian fishing credentials at the time of the incident.



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**4. Conclusions:**

a. In accordance with Marine Safety Manual, Volume V, the initiating event (or the first unwanted outcome) that led to the sinking and one presumed death was the collision between the two vessels.

b. The causal factors that led to this casualty are as follows:

i. Human Error: There were four human error causal factors identified.

(a). The CFV VIKING STORM had been operating without one of the required crew onboard. [Finding of fact: c, d]

(b). There was only one person standing watch on the bridge of the CFV VIKING STORM at the time of the incident. Minutes before the collision, he left the bridge unattended to make something to eat in the galley. [Finding of fact: l, m, n, o]

(c). The entire crew from the CFV MAVERICK was asleep and no one was standing a look out watch while the vessel was drifting. [Finding of fact: f, g, h]

(d). The crewmen on both vessels were operating with a minimal amount of rest and were fatigued. [Finding of fact: c, d, e, f, g, h]

ii. Environment: There were two environmental causal factors identified:

(a). The vessels were operating in heavy dense fog with nearly zero visibility.  
[Finding of fact: i, k, m]

(b). The incident occurred in the early morning, hours before sunrise.  
[Finding of fact: p, q, r, s, t, u, v, w]

c. The investigation revealed the following:

i. No acts of misconduct, incompetence, negligence, unskillfulness, or willful violation of law committed by any Coast Guard personnel, including an officer or employee, contributed to the cause of the incident.

ii. The evidence indicated that several offenses had been committed that were subject to civil penalty under the laws of the United States:

(a). The VIKING STORM was and had been operating underway for several days with less than the number of crew required on the vessel's manning certificate.

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- (b). Both vessels were underway operating without proper lookouts at the time of the collision.
- (c). The VIKING STORM deckhand on watch at the time of the collision was found to have [REDACTED]
- (d). The entire crew of the VIKING STORM was found to have [REDACTED]
- (e). The operator of the CFV MAVERICK was found to have [REDACTED]
- (f). Both vessels did not use the proper sound producing signals while in heavy fog (restricted visibility).

d. There was no evidence that a criminal act under the laws of United States has been committed.

#### **5. Safety Recommendations:**

##### **a. Safety Recommendation 9556 - Watch Standing Schedule Requirements and Fatigue Standards for Commercial Fishing Vessels:**

Currently, 46 CFR Subchapter C, does not establish appropriate and adequate watch standing schedule requirements or fatigue standards for commercial fishermen.

This investigation revealed a latent unsafe condition (LUC) with regard to both vessels' crews, who had been working in the commercial fishing industry for most of their adult life and had grown accustomed to working and operating vessels while fatigued. Because they had become accustom in this culture, they thought that they could operate their vessels safely with minimal sleep. A requirement establishing watch standing schedules and fatigue standards may reduce the occurrence of this LUC on all U. S. commercial fishing vessels. The existence of a regulation mandating watch schedules would break down the culture for commercial fisherman to work, fish, stand watches, and operate vessels safely beyond what they are physiologically capable of doing. This regulation would instead mandate that all mariners aboard commercial fishing vessels meet a minimum rest standard.

RECOMMEND that the Coast Guard amend 46 CFR Subchapter C to include language that requires vessel owners, operators, agent, masters, and persons in-charge, to implement crew endurance management policies and practices.

##### **b. Safety Recommendation 9557- Fatigue Mitigation and Crew Endurance Training:**

Currently, 46 CFR Part 28, does not establish appropriate and adequate watch standing schedule requirements or fatigue standards for commercial fishermen.

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This investigation revealed a latent unsafe condition (LUC) with regard to both vessels' crews who had been working in the commercial fishing industry for their entire adult life had grown accustomed to working and operating vessels while fatigued. Because they had grown accustomed in this culture, they thought they could operate their vessels safely with minimal sleep. They were not aware and had not been trained on crew endurance management, nor the impact a crew endurance management system could have on fishing operations and the safe operation of his vessel.

RECOMMEND that the Officer in Charge of Marine Inspection offer fatigue mitigation and crew endurance management training to all commercial fishing vessel operators in his area of responsibility.

**c. Safety Recommendation 9605 - Chemical testing program requirement regardless of tonnage and licensing requirements:**

On September 28, 2012 at approximately 0430PST, the CFV MAVERICK and CFV VIKING STORM collided. During the post casualty interview, all of the CFV MAVERICK crew admitted that they participated in smoking marijuana regularly.

The current regulations do not require a chemical testing program for vessels not required to be operated by a licensed individual.

Recommend: Commandant amend the chemical testing regulations in 46 CFR Part 16 to include all commercial vessels regardless of tonnage and licensing requirements.

The amended regulations would require all marine employers to conduct pre-employment testing and enroll employees in a chemical testing program. This will minimize the use of intoxicants by merchant marine personnel and to promote a drug free and safe work environment.

**6. Enforcement Actions:**

**a. No U.S. Coast Guard enforcement action was taken regarding either party:**

i. The crew of the CFV MAVERICK was all asleep minutes prior to the incident and had no way to avoid the collision at the time. No enforcement action was taken against the owner/operator for not having a proper lookout as required by 33 CFR 83.05 since the vessel was lost.

ii. The CFV MAVERICK was not required to be subject to a chemical testing program. However, the operator of the vessel did get chemically tested after the 32 hour requirement. [REDACTED] Being the operator was unlicensed, the National Maritime Center was notified of the [REDACTED] test in case of future attempts to obtain a U.S. merchant mariners credential.

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iii. The CFV VIKING STORM's crew was all Canadian and the vessel was registered in Canada. Once the investigation was complete the vessel was already in its homeport. The U.S. Coast Guard does not have jurisdictional authority to issue civil penalty actions against the crew or vessel ownership since the incident occurred 30 NM offshore, outside of U.S. jurisdictional waters, by a foreign crew. The operator at the time of the incident was found to have [REDACTED]

[REDACTED] Transportation Safety Board of Canada was notified of the CFV VIKING STORM crew's drug testing results and the case has been referred to them for enforcement actions.

**7. Administrative Recommendations:**

- a. I recommend this investigation be closed.

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