



UNITED STATES COAST GUARD

**MISLE INCIDENT INVESTIGATION REPORT FOR
LOSS OF LIFE INVOLVING THE
COMMERCIAL FISHING VESSEL
GASTON'S LEGACY (O.N. 1138317) IN THE
ATLANTIC OCEAN NEAR NANTUCKET,
MA ON AUGUST 12, 2023**



**MISLE ACTIVITY NUMBER:
7781113**

U.S. Department of
Homeland Security

United States
Coast Guard



Commandant
United States Coast Guard

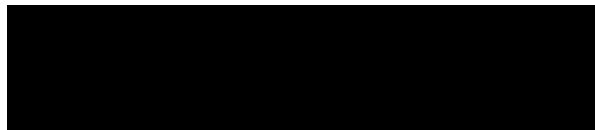
2703 Martin Luther King Jr. Ave. SE
Washington, DC 20593-7501
Staff Symbol: CG-INV
Phone: (202) 372-1032
E-mail: CG-INV1@uscg.mil

16732/IIA #7781113
February 4, 2025

**THE LOSS OF LIFE ONBOARD THE COMMERCIAL FISHING VESSEL GASTON'S
LEGACY (O.N. 1138317) IN THE ATLANTIC OCEAN NEAR NANTUCKET, MA
ON AUGUST 12, 2023**

ACTION BY THE COMMANDANT

The record and the report of investigation completed for this marine casualty have been reviewed by the Office of Investigations & Casualty Analysis. The record and the report, including the findings of fact, analyses, and conclusions are approved. This marine casualty investigation is closed.



E. B. SAMMS
Captain, U.S. Coast Guard
Chief, Office of Investigations & Casualty Analysis (CG-INV)

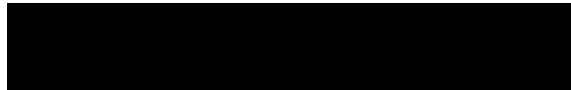


16732
27 Jan 2025

**LOSS OF LIFE INVOLVING THE COMMERCIAL FISHING VESSEL GASTON'S
LEGACY (O.N. 1138317) IN THE ATLANTIC OCEAN NEAR NANTUCKET, MA
ON AUGUST 12, 2023**

**ENDORSEMENT BY THE COMMANDER,
FIRST COAST GUARD DISTRICT**

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, conclusions, and recommendations are approved subject to the following comments. It is recommended that this marine casualty investigation be closed.



D. E. O'CONNELL
Captain, U.S. Coast Guard
Chief of Prevention
By direction



16732
January 7, 2025


**LOSS OF LIFE INVOLVING THE COMMERCIAL FISHING VESSEL GASTON'S
LEGACY (O.N. 1138317) IN THE ATLANTIC OCEAN NEAR NANTUCKET, MA ON
AUGUST 12, 2023**

ENDORSEMENT BY THE OFFICER IN CHARGE, MARINE INSPECTION

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, conclusions, and recommendations are approved subject to the following comments. It is recommended that this marine casualty investigation be closed.

COMMENTS ON THE REPORT

1. This unfortunate event displays the importance of the necessary precautions while underway on commercial fishing vessels (CFV). The dynamic environment and strenuous work highlight the importance of remaining fully aware of one's limits and the wellbeing of the crew.
2. The Coast Guard regulates CFVs under Requirements for Commercial Fishing Vessels, 46 Code of Federal Regulations Part 28, among other regulations, and requires safety examinations to be conducted at least once every five years when CFVs operate greater than three nautical miles from the territorial sea baseline, or when 16 or more persons are employed on a CFV. The regulations applicable to CFVs prescribe requirements governing the design, construction, and outfitting of CFVs. However, it does not regulate the wearing of safety equipment while working on deck or require the use of closed-circuit television cameras.
3. It is important to note the inherent dangers when engaging in CFV operations. This incident shows that it may be prudent of CFV companies to exceed the regulatory standards and implement best practices to help ensure the safety of their vessels and crews in hopes of preventing a similar incident occurring in the future.


Y. MOON
Captain, U.S. Coast Guard
Commander, Sector Southeastern New England



16732
October 7, 2024

**LOSS OF LIFE INVOLVING THE COMMERCIAL FISHING VESSEL GASTON'S
LEGACY (O.N. 1138317) IN THE ATLANTIC OCEAN NEAR NANTUCKET, MA ON
AUGUST 12, 2023**

EXECUTIVE SUMMARY

On August 12, 2023, the uninspected commercial fishing vessel GASTON'S LEGACY (Official Number 1138317) was underway with 03 persons onboard, approximately 4 miles south of Nantucket, MA, actively engaged in fishing for flounder. At approximately 2205 Eastern Daylight Time (EDT), the captain reported via radio that Crewmember 1 was missing from the vessel. The captain and remaining crewmember (Crewmember 2) recovered the deployed fishing gear and began searching for Crewmember 1 by retracing the vessel's track line. The Coast Guard and nearby fishing vessels searched for the missing crewmember until the Coast Guard officially suspended the search at 1935 EDT on August 13, 2023, with negative results.

The crew of GASTON'S LEGACY continued searching for Crewmember 1 until 2100 EDT on August 13, 2023, with negative results. Upon conclusion of the search, the vessel began its return voyage to its homeport at Beaufort Inlet Seafood Company in Beaufort, NC. On August 16, 2023, at approximately 1900, GASTON'S LEGACY arrived at its homeport.

On August 17, 2023, at approximately 1230 EDT, Crewmember 1 was found deceased near Sakonnet Point, RI, by a recreational vessel and subsequently recovered by Newport Fire Department. He was found wearing a backpack and had his wallet on his person. The Rhode Island Medical Examiner (ME) took receipt of the body to perform the autopsy and a toxicology screen. The ME completed the Coroner's Report on April 12, 2024, with the cause of death determined to be drowning; the manner of death was undetermined. The toxicology report confirmed the presence of anti-depressants and Naloxone, a medication used to rapidly reverse the effects of an opioid overdose.

As a result of its investigation, the Coast Guard determined that the most likely initiating event for this casualty was when Crewmember 1 entered the water, which subsequently led to his loss of life. The causal factors that were determined to likely have contributed to the events are as follows: (1) bulwarks were not high enough to eliminate the possibility of a person from going overboard, (2) lack of closed-circuit television cameras, and (3) failure to don a personal flotation device.



16732
October 7, 2024

**LOSS OF LIFE INVOLVING THE COMMERCIAL FISHING VESSEL GASTON'S
LEGACY (O.N. 1138317) IN THE ATLANTIC OCEAN NEAR NANTUCKET, MA ON
AUGUST 12, 2023**

INVESTIGATING OFFICER'S REPORT

1. Preliminary Statement

- 1.1. This marine casualty investigation was conducted, and this report was submitted in accordance with Title 46, Code of Federal Regulations (CFR), Subpart 4.07, and under the authority of Title 46, United States Code (USC) Chapter 63.
- 1.2. No individuals, organizations, or parties were designated a party-in-interest in accordance with 46 CFR Subsection 4.03-10.
- 1.3. The Coast Guard was lead agency for all evidence collection activities involving this investigation. Due to this investigation involving a loss of life, the Coast Guard Investigative Service (CGIS) was notified and agreed to provide technical assistance as required. The Rhode Island Medical Examiner conducted the autopsy and provided the coroner's report. No other persons or organizations assisted in this investigation.
- 1.4. All times listed in this report are approximate, and in Eastern Daylight Time using a 24-hour format.

2. Vessels Involved in the Incident

Official Name:	GASTON'S LEGACY
Identification Number:	1138317
Flag:	United States
Vessel Class/Type/Sub-Type:	Fishing Vessel/Fish Catching Vessel/General
Build Year:	2003
Gross Tonnage:	136 GRT
Length:	88.4'
Main/Primary Propulsion:	Diesel/520 HP

Owner/Operator:	Fulcher Trawling LLC New Bern, North Carolina
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Figure 1: GASTON'S LEGACY (August 16, 2023/USCG)

3. Deceased, Missing, and/or Injured Persons

Relationship to Vessel	Sex	Age	Status
Crewmember 1	Male	41	Deceased

4. Findings of Fact

4.1. The Incident:

- 4.1.1. On August 12, 2023, at approximately 2100 hours, GASTON'S LEGACY and its three-person crew of a captain and 2 deckhands was underway in the Atlantic Ocean, approximately 4 miles south of Nantucket, MA, actively fishing for flounder.
- 4.1.2. At approximately 2104, the captain was on watch on the bridge when he heard someone whom he assumed was Crewmember 1 going through the ice box on deck. Crewmember 2 was asleep in his stateroom.
- 4.1.3 Sometime between 2104 and approximately 2138, Crewmember 1 donned his backpack and either fell or jumped over the side of the vessel.
- 4.1.4 At approximately 2138, the captain was walking the deck to check the deployed fishing gear when he found Crewmember 1's hat on the deck forward of the starboard winch, approximately 4 feet aft of the shucking shack.



Figure 2: Starboard side forward of the winch. (August 16, 2023/USCG)

- 4.1.5 At approximately 2139, the captain set Crewmember 1's hat on some nets in the aft shucking shack, then went to look for Crewmember 1 to tell him where his hat was.



Figure 3: Crewmember 1's hat in the aft shucking shack. (August 16, 2023/USCG)

- 4.1.6 At approximately 2145, the captain was unable to locate Crewmember 1 on-board the GASTON'S LEGACY, so he woke Crewmember 2 to assist in finding him.
- 4.1.7 At approximately 2150, the captain and Crewmember 2 searched throughout the vessel for Crewmember 1.
- 4.1.8 At approximately 2205, after an unsuccessful search on-board the vessel, the captain marked the man overboard location on the vessel's chart plotter and reported to the Coast Guard via radio that Crewmember 1 was not on the vessel and requested their assistance.
- 4.1.9 At approximately 2207, The captain and Crewmember 2 hauled in the deployed fishing gear so they could retrace the track line to search for Crewmember 1.
- 4.1.10 At approximately 2210, the Coast Guard deployed multiple assets to search for Crewmember 1.

- 4.1.11 At approximately 2212, GASTON'S LEGACY began their search for Crewmember 1.
- 4.1.12 At approximately 2220, multiple nearby fishing vessels joined in the search for Crewmember 1.
- 4.1.13 On August 13, 2024, at approximately 1935, the Coast Guard suspended its search for Crewmember 1 with negative results.
- 4.1.14 At approximately 2100, GASTON'S LEGACY and its crew suspended the search for Crewmember 1 with negative results.
- 4.1.15 On August 16, 2024, at approximately 1900, GASTON'S LEGACY arrived at the vessel's homeport at Beaufort Inlet Seafood Company in Beaufort, NC.
- 4.1.16 On August 17, 2024, at approximately 1030, Crewmember 1 was found deceased near Sakonnet Point, RI, by a recreational vessel. He was found wearing his backpack and had his wallet on his person.

4.2 Additional/Supporting Information:

- 4.2.1 GASTON'S LEGACY was an uninspected commercial fishing vessel homeported in Beaufort, NC.
- 4.2.2 The environmental weather conditions at the time of the incident were clear skies, average wave height of 2.4 feet, wind speed at 10 miles per hour with gusts up to 13 miles per hour, air temperature of 73° Fahrenheit, and water temperature of 75° Fahrenheit.
- 4.2.3 The regulatory requirements for commercial fishing industry vessels are contained in 46 Code of Federal Regulations (CFR) Part 28. 46 CFR 28.410(b) requires the height of bulwarks to be at least 39 1/2 inches (1 meter) from the deck, except, where this height would interfere with the normal operation of the vessel (such as fishing or fishing gear deployment), a lesser height may be substituted.
- 4.2.4 The bulwark forward of the starboard winch was 36 1/2 inches high.
- 4.2.5 Closed circuit television cameras were not required on uninspected commercial fishing vessels.
- 4.2.6 GASTON'S LEGACY was not equipped with closed circuit television cameras on-board the vessel.

- 4.2.7 The captain had 39 years of experience working on fishing vessels and had completed multiple previous trips on GASTON'S LEGACY.
- 4.2.8 Though most of Crewmember 1's work history is unknown; he was an Army veteran and completed one previous trip on-board the vessel that lasted approximately 10 days with the captain and Crewmember 2.
- 4.2.9 Crewmember 2 had 30 years of experience working on fishing vessels and had completed multiple previous trips on GASTON'S LEGACY with the captain.
- 4.2.10 Crewmember 1's belongings were discovered packed in his stateroom.

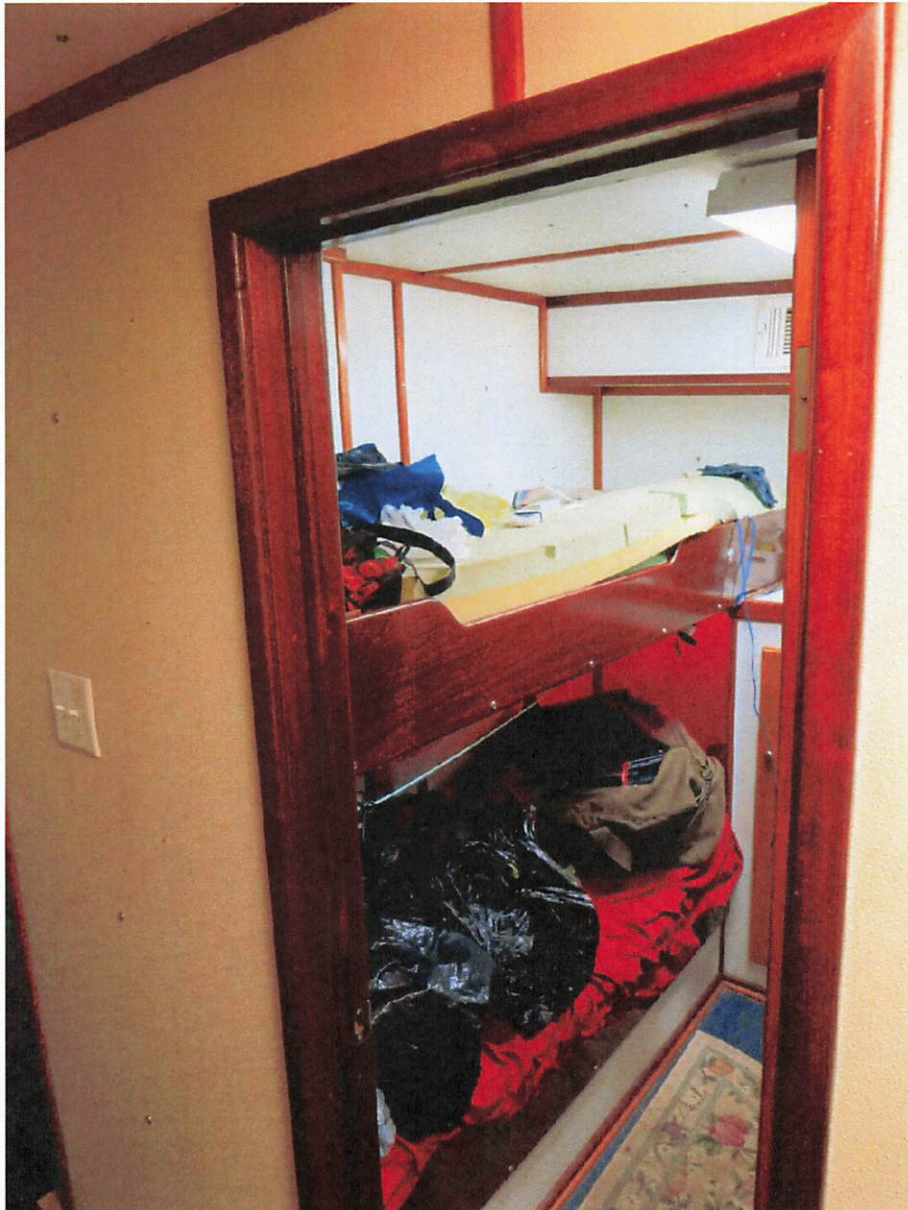


Figure 4: Crewmember 1's stateroom. (August 16, 2023/USCG)

- 4.2.11 The items in Crewmember 1's stateroom that were taken as evidence were: (A) two 4-milligram (mg) Narcan sprays and 1 JK OMG vape stick, evidence tag #257550; (B) 1 bottle of Buspirone 10 mg prescribed to Crewmember 1, evidence tag #257549; (C) 1 zip lock bag containing 2 small bags of a green leafy substance, 1 Pink Tetrahydrocannabinolic acid (THCA) roll, 1 clear pipe, 1 red pipe, and 1 black pipe, evidence tag #277548; and (D) 3 papers with incoherent notes, evidence tag #257457.

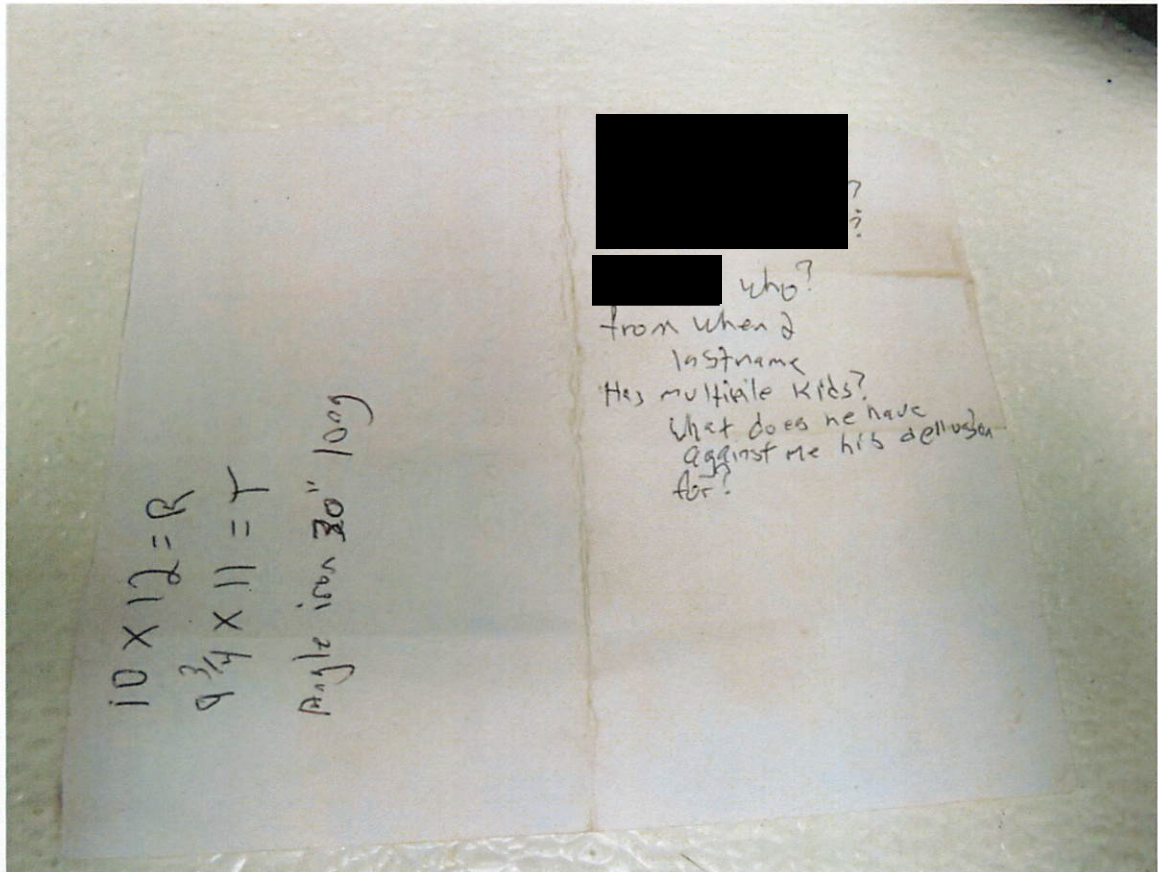


Figure 5: One of the notes found in crewmember 1's stateroom. (August 16, 2023/USCG)

- 4.2.12 An item that was found in Crewmember 1's stateroom and not taken into evidence was a sticker for the Veterans Crisis Line.
- 4.2.13 According to an article titled "Delirium Tremens" in the online National Library of Medicine, delirium tremens, also known as alcohol withdrawal delirium, is known to occur as early as 48 hours after abrupt cessation of alcohol in those with chronic use and can last up to 5 days. The initial minor withdrawal symptoms are characterized by anxiety, insomnia, palpitations, headache, and gastrointestinal symptoms. These symptoms usually occur as early as 6 hours after cessation of alcohol use. After 12 hours, minor withdrawal symptoms can progress to alcohol hallucinosis, a condition characterized by visual hallucinations. Delirium Tremens is characterized by visual hallucinations, profound confusion, tachycardia, hypertension, hyperthermia, agitation, and

diaphoresis (sweating to an unusual degree). It has an anticipated mortality of up to 37% without appropriate treatment.

- 4.2.14 Based on his criminal history and items that were found in his stateroom, it is presumed that Crewmember 1 had a history of alcohol and substance abuse.

5. Analysis

- 5.1. **Bulwarks were not high enough to eliminate the possibility of a person from going overboard.** 46 CFR 28.410(b) requires the height of bulwarks to be at least 39 1/2 inches from the deck unless that height would interfere with the normal operation of the vessel, a lesser height may be substituted. The height of the bulwark forward of the winch where it is presumed that Crewmember 1 entered the water was 36 1/2 inches. One possible scenario that was considered was Crewmember 1 intentionally entered the water. The plausibility of this scenario is based on the deceased's reported history of substance abuse and the presumption that he may have been experiencing alcohol withdrawal delirium. These factors may explain why Crewmember 1's belongings were packed in his state room and why he was wearing his backpack when he entered the water. The other possible scenario is that Crewmember 1 may have lost his balance which may have led to him falling overboard. The minimum bulwark height requirement of 39 1/2 inches does not eliminate the potential for a person to either jump or fall overboard.
- 5.2. **Lack of closed-circuit television cameras.** A closed-circuit television (CCTV) camera system allows multiple areas of a vessel to be monitored from a single location. CCTV cameras are not required for uninspected commercial fishing vessels. GASTON'S LEGACY did not have any CCTV cameras onboard the vessel. Though they are not required, had GASTON'S LEGACY had CCTV cameras installed with a monitor on the bridge, then the captain may have seen Crewmember 1 at the moment he went overboard and in time to save his life.
- 5.3. **Failure to don a personal flotation device.** A personal flotation device (PFD) gives a person additional buoyancy to help stay afloat in the water. Crewmember 1 was not wearing a PFD when he was recovered, and no PFDs were missing from GASTON'S LEGACY. Had Crewmember 1 been wearing a personal flotation device, then he may have survived.

6. Conclusions

- 6.1. Determination of Cause:

- 6.1.1. The initiating event for this casualty occurred when Crewmember 1 entered the water. Whether this was due to a loss of balance or an intentional departure from

the vessel remains unclear. Presumed actions or conditions which caused Crewmember 1 to leave the vessel were:

6.1.1.1. The bulwarks were not high enough to eliminate the possibility of a person entering the water.

6.1.2 Upon entering the water Crewmember 1 subsequently drowned.

6.1.2.1 There were no close circuit television cameras onboard the vessel.

6.1.2.2 Crewmember 1 was not wearing a personal flotation device.

6.2. Evidence of Acts or Violations of Law by Any Coast Guard Credentialed Mariner Subject to Action Under 46 USC Chapter 77: There was no evidence of a violation by a credentialed mariner involved in this casualty.

6.3. Evidence of Acts or Violation of Law by U.S. Coast Guard Personnel, or any other person: There were no acts of misconduct, incompetence, negligence, unskillfulness, or violations of law by Coast Guard Employees that contributed to this casualty.

6.4. Evidence of Acts Subject to Civil Penalty: This investigation did not identify acts that would be subject to civil penalty.

6.5. Evidence of Criminal Acts: This investigation did not identify violations of criminal law.

6.6. Need for New or Amended U.S. Law or Regulation: This investigation identified no matters needing new or amended U.S. law or regulation.

6.7. Unsafe Actions or Conditions that were Not Causal Factors: This investigation identified no unsafe actions or conditions that were not causal factors.

7. Actions Taken Since the Incident

7.1. There were no findings of concern or safety alerts issued following this incident.

8. Recommendations

8.1. Safety Recommendations: There were no proposed actions to add new or amend existing U.S. laws or regulations, international requirements, industry standards, or U.S. Coast Guard policies and procedures as part of this investigation.

8.2. Administrative Recommendations:

8.2.1. Recommend this investigation be closed.



Investigating Officer
U.S. Coast Guard