



UNITED STATES COAST GUARD

REVIEW OF MEXICO'S SECRETARY OF COMMUNICATIONS AND TRANSPORTATION INVESTIGATION OF THE CIRCUMSTANCES SURROUNDING THE SINKING OF THE PASSENGER VESSEL

ERIK

IN THE SEA OF CORTEZ ON JULY 3RD, 2011
WITH ONE DEATH AND SEVEN
PERSONS MISSING AND PRESUMED DEAD



U.S. Department of
Homeland Security

United States
Coast Guard



Commandant
United States Coast Guard

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16732
April 19, 2013

Cap. [REDACTED]
Director de Supervisión Operativa de las Capitanías.
Av. Nuevo León No. 210, Piso 8
Col Hipódromo Condesa, Del Cuauhtémoc
C.P. 06100, México, D.F.

Dear Cap. [REDACTED];

I would like to thank you for providing your completed investigation regarding the sinking of the vessel ERIK on July 3, 2011. We have reviewed your report and concur with your analysis and conclusions regarding the causal factors that led to the sinking of the vessel and the subsequent death of 8 U.S. passengers. My lead investigator for this casualty, Lieutenant Commander [REDACTED], has provided a review and comments on your report in enclosure (1).

Your recommendations derived from the investigation will have a significant impact for the increased safety of passengers aboard Mexican passenger vessels. I applaud your ongoing efforts to hold the master and crew of the ERIK accountable for their actions. In accordance with your findings, I am highly encouraged by the increased oversight on the part of the port maritime authorities to ensure passenger vessels like the ERIK conform to your regulations.

I will provide your report, along with our review, to the U. S. Department of State and to all next of kin of the deceased passengers. I thank you for your cooperation with this investigation.

Sincerely,

[REDACTED]
D. S. FISH
Captain, U. S. Coast Guard
Chief, Office of Investigations and Analysis
By direction

Encl: U. S. Coast Guard review

Copy: U. S. Department of State



16732
19 April 2013

MEMORANDUM

From: [REDACTED], LCDR
CG SECTOR Baltimore

To: D. Fish, CAPT
CG-INV

Subj: REVIEW OF MEXICO'S SECRETARY OF COMMUNICATIONS AND
TRANSPORTATION INVESTIGATION OF THE SINKING OF THE PASSENGER
VESSEL ERIK RESULTING IN ONE DEAD AND SEVEN MISSING, PRESUMED
DEAD

1. This memorandum serves as a formal review of Mexico's Secretary of Communications and Transportation (SCT) Report of Investigation detailing the causal factors that lead to the sinking of the Mexico Flag passenger vessel ERIK.
2. Executive Summary - On 02 July 2011, at approximately 1415 local time the ERIK sailed from the Port of San Felipe, Baja California, Mexico with a destination of Isla del Angel to engage in sport fishing activities. There were 43 persons on board consisting of 16 Mexican crew members, and 27 U. S. passengers. During the voyage, the vessel experienced a weather phenomenon known by the local mariners as "El Torito". This weather event included heavy seas and very strong winds. At approximately 0130 – 0230 local time on 03 July 2011, the vessel sank due to loss of stability, water intrusion and flooding caused by the impact of two waves estimated to be 5 to 7 meters (16 to 22 feet) high. This event occurred in the proximity of San Luis Gonzaga Bay with estimated coordinates 29° 56' N and 114° 22' W, southeast of Isle San Luis. Of the 43 persons onboard the ERIK, 35 survived. One passenger was recovered and pronounced dead by Mexican authorities in the Port of San Felipe. Seven passengers are missing and presumed dead.
3. This report was completed with the information provided by Mexico's SCT. Coast Guard personnel were not provided direct access to the evidence or the opportunity to interview the crewmembers. This report is based on a review of the SCT Final report, transcripts of all the crewmembers interviewed by Mexican officials and the interview of the survivors by Coast Guard Personnel. The review provided below outlines variances in the report and witness statements. I agree with the reports assessment of causal factors as well as the recommendations to prevent similar incidents from occurring in the future.

VESSEL DATA

Name:	ERIK
Official Number:	0202065621-5
Flag:	Mexico
Vessel Type:	Passenger
Year Built:	1943
Hull Material:	Steel
Built By:	Shipyard in Holland
Tonnage:	120
Registered Length:	30.80 m
Design Draft:	2.4 m
Breadth:	6.20 m
Propulsion:	Diesel Engine, Caterpillar Model d379
Owner:	Gustavo Velez Perkins
Operator:	Baja Turistica, S.A. de C.V. (Baja Sportfishing)



Figure 1: Photo of M/V ERIK prior to incident, starboard side (unknown location/date).

SUMMARY

On 02 July 2011, at approximately 1415 the ERIK got underway from the Port of San Felipe, Baja California, Mexico with destination of Isla del Angel (Archangel Island), approximately 114 nautical miles southeast from San Felipe to engage in sport fishing activities. There were 43 persons on board consisting of 16 crew members and 27 US passengers.

Around 2330 on 02 July, southeast of Isla Salvatierra, the ERIK experienced bad weather, known by the local mariners as “El Torito.” Sometime between 0130 to 0230, depending on different versions of the events between crewmembers and passengers, the vessel sank due to loss of stability caused by water intrusion/flooding, and the impact of two waves estimated to be 5 to 7 meters (16 to 22 feet). This event occurred in the proximity of San Luis Gonzaga Bay with estimated coordinates 29° 56’ N and 114° 22’ W, southeast of Isle San Luis.

Of the 43 persons onboard the ERIK, 36 managed to abandon the ship with 35 surviving the incident. One passenger was recovered and pronounced dead by Mexican authorities in the Port of San Felipe. Seven passengers are missing and presumed dead.

FINAL DESTINATION: ISLA DEL ANGEL (ISLA ANGEL DE LA GUARDA or ARCHANGEL ISLAND)



Figure 2: Map indicating San Felipe and Isla del Angel

LOCATION OF INCIDENT:



Figure 3: Approximate location where it is believed the vessel ERIK sank

CHARACTERISTICS OF THE “PANGAS”:

Length 6.67 meters (21.88 feet), Beam 1.88 metros (6.16 feet) and Plank 0.66 meters (2.16 feet).



Figure 4: Picture dated 7/3/2009 showing two stacks of “pangas” on the stern of the vessel. This picture was taken before the modifications to enlarge the main deck to accommodate a higher number of “pangas”, and the placement of a fuel tank for their engines.

REVIEW OF SCT REPORT

This review outlines areas of the report where variances were noted between the report and witness statements obtained by the U. S. Coast Guard.

CHAPTER A

INFORMATION ABOUT THE FACTS

Variance between the report and the passenger statements:

Report: The report indicates that [REDACTED] and [REDACTED] (U.S. Passengers) organized the trip, received payment (in some cases) and assigned lodging for the trip.

Passenger Statements: While [REDACTED] and [REDACTED] certainly acted as leaders/liaisons for a group of friends, their relationship to the company was not as an official or formal representational one. Many passengers sent payment and had discussions with ERIK's business associates.

SECTIONS 1 THROUGH 8:

These sections describe general basic information related to the accident, a glossary of terms and abbreviations, and details of the vessel's machinery, bridge equipment, and lifesaving equipment.

Variance between the report and the passenger statements:

Section 7 - Lifesaving Equipment

Report: Lists many items as present (flotation devices, buoys, rings, life rafts, pfds, and two way radios).

Passenger Statements: Even though some passenger reported slightly different quantities of life saving equipment, they all reported fewer (in kind and quantity) items than those listed in the report.

SECTION 9: NARRATION

SECTION 9.1: GENERAL

This section states that the information utilized for the report includes the vessel's file and the interviews of the crewmembers. Additionally, the report declares the interviews for the passengers were not completed by Mexico's Maritime Authority due to the fact that the surviving passengers returned immediately to the United States. These interviews were subsequently provided, analyzed and integrated to the report. This section also describes the number of crew members, number of passengers, purpose of the trip, and final destination.

Variance between the report and the passenger statements:

Report: Claims Mexican authorities were unable to interview passengers because they were immediately transported back to the United States.

Passenger Statements: Mexican authorities did interview the passengers and had them turn in written statements about the event shortly after the rescue; some of the passengers refused to sign the written statements at the time due to claims the statements were altered or failed to reflect what they initially wrote.

SECTION 9.2: FACTS

This section includes a brief description of the accident from 2300, Saturday, July 2nd 2011 to approximately 0130, Sunday, July 3rd, 2011. It describes the actions of the master and the crew during the hours before and at the time of the sinking. The report outlines the working condition of the navigational and communications equipment in the bridge and the alleged notification from the master to the Mexican Navy that the vessel was in distress.

Variance between the report and the passenger statements:

Report: The report is confusing as to whether the Master changed course due to bad weather after 2300 or whether, realizing that it was too late, he decided to keep a steady course. Regardless, it seems to contradict the synopsis/summary part of the report (page 3).

Passenger Statements: Reported no change in course.

Report: Most of the crew and the master related that the navigational system was operating properly.

Passenger Statements: Reported bad and antiquated condition of most items on the bridge.

Report: Claims that on three occasions "la tapa de la bodega de provisiones" became loose due to the waves. The translation of the report lists this as "provisions cover". The Coast Guard investigation team believes they actually mean the hatch of the ice hold.

Passenger Statements: The ice hold's hatch was never/could not stay fully latched.

Report: Claims that around 0030, while "pangas" were being secured, because they had moved, their "tapas" (tops/cover) were in place.

Passenger Statements: The "Pangas" did not have covers and water went in them freely and collected there throughout the storm.

Report: The report indicates that the Master gave direction to a passenger that had entered the bridge as to the location of the life jackets and asked him to inform the other passengers on that deck. The report also indicates that the Master stated that there were only two significant waves that banked the vessel to the port.

Passenger Statements: Claim the Master never verbally acknowledged or gave them any kind of instruction, direction or clarification (during the time of the event). Passengers claim that there were numerous waves not just two.

SECTION 9.3: INITIAL RESPONSE

This section of the report gives a brief description of the initial response by the crew and passengers.

Variance between the report and the passenger statements:

Report: Claims that all passengers were awake and some passengers were given PFDs.

Passenger Statements: Not all passengers were awake and only one passenger received a PFD from the ship.

Report: Master attempted to notify passengers of the situation.

Passenger Statements: Claim Master never verbally acknowledged or gave passengers any kind of instruction, direction or clarification during the event.

Report: Claims that attempts were made to contact the Mexican Navy and other vessels for assistance.

Passenger Statement: Claim that the Master did not make distress calls or call out mayday, even after passengers requested him to do so.

SECTION 9.4: SURVIVAL ACTIONS

This section of the report provides a brief description of the actions by members of the crew and passengers to survive at sea after the sinking of the ERIK. This includes the successful attempts by crewmembers and passengers to swim to shore and seek help to initiate rescue.

Variance between the report and the passenger statements:

Report: Claims 44 PFDs were used.

Passenger Statements: Claim only some of the crew and one passenger had PFDs belonging to the vessel.

ANALYSIS

SECTION 11: GENERAL

This section of the report provides an analysis to determine the possible causes that contributed to the incident and the circumstances surrounding the sinking of the ERIK.

Variance between the report and the passenger statements:

Report (Second paragraph, page 16): Claims the passengers observed that a hold with a faulty hatch was getting flooded with water, and that the Master was not notified.

Passengers: Claim they notified the crew of the flooding situation.

Report (third paragraph, page 17): Mr. [REDACTED] (US Passenger) organized the trip, received payment (in some cases) and assigned lodging for the trip.

Passengers: [REDACTED] and [REDACTED] certainly acted as leader/liaison for a group of friends, but their relationship to company was not an official or formal representational one. Many passengers sent payments and had discussions with F/V Erik's business associates.

Report (Fourth paragraph, page 17): Master claimed he delegated the safety briefing and vessel plan to the trip coordinator.

Passengers: Indicate they did not receive any safety briefing. One passenger did ask for a tour of the ship from one of the passengers who had previously sailed with the vessel.

Report (fifth paragraph, page 17): Claims majority of the passengers were repeat clients and knew ships layout and where the safety equipment was located.

Passengers: While some passengers had made the trip before, when asked, the majority did not know what type of safety equipment was on board or where it was located.

Report (last paragraph, page 17& 18): Passengers were drinking for hours and only one had eaten dinner.

Passengers: Some passengers did consumed alcohol, more than one had dinner.

U.S. COAST GUARD ASSESMENT

The Coast Guard agrees with the report's conclusion that the owner of the vessel completed major modifications altering the original design of the ERIK. These alterations changed the stability calculations for the vessel and reduced its watertight integrity.

The Coast Guard agrees with the report's conclusion that the master and the crew failed to properly provide a safety orientation to the passengers for vessel equipment and lifesaving capabilities.

The Coast Guard agrees with the report's conclusion that the master of the vessel failed to establish an abandon ship plan once it was obvious the vessel stability was compromised due to flooding of spaces below deck.

The Coast Guard agrees with the report's conclusion that the vessel sank due to loss of buoyancy and stability by flooding of interior compartments including the engine room, accommodation spaces and storage spaces.

The Coast Guard agrees with the report's conclusion that the Captain of the Port San Felipe failed to apply its jurisdiction to verify compliance for all major modifications on the passenger vessel ERIK, including the 7 day extension of its expired National Marine Safety Certificate on July 2nd, 2011.

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