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**REPORT INTO FATAL INCIDENT
INVOLVING A CAPSIZED PUNT AT
DUNDALK HARBOUR,
CO. LOUTH
ON
12th FEBRUARY 2012**

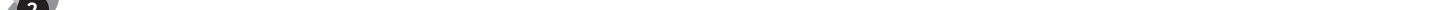
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**REPORT No. MCIB/212
(No.4 of 2013)**



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	PAGE
1. SUMMARY	4
2. FACTUAL INFORMATION	5
3. NARRATIVE	8
4. ANALYSIS	9
5. CONCLUSIONS	10
6. SAFETY RECOMMENDATIONS	11
7. APPENDICES	12
8. CORRESPONDENCE RECEIVED	18

1. SUMMARY

- 1.1. On the afternoon of Saturday 12th February 2012 Mr Stephen Fergus was at home in Dundalk. He received a phone call to come to the assistance of his friend Mr Pat O'Brien. Mr O'Brien was in his boat, anchored on the North side of the estuary of Dundalk harbour. Mr Fergus left home and went to make his way to his own boat which was moored at a buoy on the south side of the estuary of Dundalk harbour. To get to his boat Mr Fergus had to use a small punt. He walked out along the mudflat to the punt, untied it and proceeded to walk toward his boat pulling the punt behind him. After some time Mr O'Brien became anxious as Mr Fergus had not arrived to assist him. Mr O'Brien contacted Mr Fergus's home to discover that he had left home and should have arrived to assist him. The alarm was raised and the emergency services were alerted. Mr Fergus's body and the submerged punt were recovered from the estuary later that evening.

2. FACTUAL INFORMATION

2.1 Boat and Punt Particulars

Punt:	Owned by Mr John Tuite. Mr Fergus had use of the punt to access his boat.
Markings:	Norden NYC on transom.
Hull:	GRP. With timber trim at bow, gunnels and transom.
Dimensions:	Length 2.48m, Breadth 1.31m, Depth 0.47m.
Arrangement:	Open Boat. Three seats one forward, one mid boat and one at stern. Extra buoyancy added under seats. Bow covered back to 380mm. Two oar-locks sockets on each gunnel.
Lines:	One painter forward 10mm diameter 4.6m long. One fibre rope tied at centre seat starboard side and loose in boat, 12mm diameter 3.9m long. One line attached to transom and lead forward, wrapped around and tied to centre seat 10mm diameter.
Boat contents:	Two timber oars 2m long 43mm diameter max. One metal boat hook 25mm diameter, 1380mm long. One plastic bailer. One piece of rope 8mm diameter 1.8m long. One metal oar-lock. The Board understands that the other metal oar-lock was inadvertently retained by a member of the RNLI crew that recovered the punt and it is available if required.
See Appendix 7.1 for photographs of the punt. These were taken on 06/04/2012 at secure storage facility at Dundalk town arranged by An Garda Síochána.	
Boat:	Owned by Mr Stephen Fergus.
Markings:	Sticker on cabin glass No. 2732 Office of Public Works Shannon Navigation.

Hull:	GRP. Partial cabin and removable rear canvas cover. Decked forward for 650mm.
Dimensions:	Length 5.8m Breadth 2.0m Freeboard 0.5m.
Propulsion:	Inboard two cylinder diesel engine mounted forward under deck area. Access to engine via hatch in deck. Engine driving single fixed pitched propeller via propeller shaft.
Steering:	Steering wheel at console at forward end of cabin connected to single rudder.
Lines:	Single line forward attached to buoy.
Additional:	Three fenders on Starboard side. One rope ladder attached to Starboard side.

See Appendix 7.2 for photographs of the boat. These were taken on 15/08/2012 at low tide. The Board understands that this is where the boat was moored to the buoy at the time of the incident.

2.2 Voyage Particulars:

Dundalk bay is tidal. On the day of the incident the tides were as follows:

High Water:	01:57hrs Height 5.01m 14:21hrs Height 5.21m (this is the highest tide for February 2012)
Low Water:	08:12hrs Height 0.44m 20:43hrs Height 0.35m

Mr Fergus had his boat (detailed earlier) moored at a buoy on the mudflats on the South bank of Dundalk harbour estuary close to Soldiers Point. Depending on the tidal conditions Mr Fergus could either walk to his boat or use a small punt (detailed earlier) that was also moored to a buoy but nearer to the shoreline.

The weather conditions on the day were good, cloudy and dry with light winds, good visibility.

See Appendix 7.3 for an aerial view of incident site in Dundalk Estuary. Marked on the map are the estimated positions of Mr Fergus's boat (A) and Mr O'Brien's boat (B).

See Appendix 7.4 for a photo of the mudflat on the southern shore of Dundalk estuary at low tide taken on 06/04/2012. This is approximately the location from which Mr Fergus would have walked out to the small punt and then proceeded out to his boat. Mr Fergus's boat can be seen in the distance across the mudflat.

High water had been at 14:21hrs. Mr Fergus was on his way out to his boat at about 16:00hrs; thus the tide was dropping from its high of 5.21m. The buoy at which Mr Fergus's boat was moored was at the edge of the tidal stream. The mudflat bank drops down to the channel in this location.

There was a strong ebb tide at this time, estimated to be up to 3 knots. In Mr O'Brien's estimation where he was anchored near the north shore of the channel, it would have taken two people to haul the anchor of his boat which is an 8m steel hull boat.

2.3 Shore authority involvement and emergency response.

When it was realised that Mr Fergus was missing a large scale search effort commenced that included:

- RNLI.
- Coast Guard.
- An Garda Síochána.
- Local Sub-Aqua Club.
- Local people from the Dundalk area.

Mr Fergus's body was recovered by Drogheda Coast Guard boat at about 18:00hrs near the lighthouse and brought ashore.

The punt was found partially submerged but upright at 17:28hrs by Clogher Head Lifeboat at co-ordinates 5358.1N 00617.45W. It was brought ashore and taken to a secure storage by An Garda Síochána.

There were no witnesses to the circumstances of the incident. Mr Fergus may have been in the process of getting into the punt or transferring from the punt to his boat when he got into difficulties. The canvas cover on Mr Fergus's boat had not been disturbed indicating that he did not actually gain access to his boat.

The following day at low tide Mr John Tuite carried out a search of the mudflats in the vicinity of Mr Fergus's boat and where the punt had been moored. He found Mr Fergus's waders in the mud adjacent to Mr Fergus's boat. One was about 10m off the stern and one was about 3m off the port side of the boat which was lying with the bow facing west. He handed these over to An Garda Síochána.

The Post Mortem Report recorded the cause of the death of Mr Fergus as 1a - Drowning.

3. NARRATIVE

3.1 On the morning of the incident Mr Fergus had been out in his boat and had met with Mr O'Brien who was also out on the water. Mr O'Brien had anchored his boat and Mr Fergus came up-river to him, tied up to his boat and they chatted for about half an hour. Mr Fergus then went further up river, turned and came back to his mooring. He then went to tie-up his boat and went ashore.

3.2 Mr Fergus went home, had his lunch and was relaxing at home.

Meanwhile Mr O'Brien had remained out on the water. He discovered a problem with the gearbox on his boat. He managed to anchor east of the pier at Bayview (Tipping's Estate) on the north side of the estuary. At about 15:50hrs Mr O'Brien called Mr Fergus on his mobile phone to ask him to come to his assistance.

3.3 Mr Fergus responded immediately. He put on a jump suit, work jacket and waders and drove in his car to near Soldiers Point. He did not take his mobile phone with him. He walked out to where the small punt was moored, untied it and proceeded out to his own boat. He was not wearing a life jacket. The Board understands that two life jackets were subsequently found to have been left in his car.

3.4 There were no witnesses to the incident, thus it has not been possible to determine the cause. The location at which Mr Fergus's boots were found adjacent to his boat and the fact that the punt was not overturned indicate to the Board that he was attempting to transfer from the punt to his boat when he got into difficulties.

4. ANALYSIS

- 4.1 As stated earlier, the tidal current was strong at the time of the incident. Working alone, Mr Fergus, in order to effect the transfer to his boat would have had to manoeuvre the punt up to his boat and then attempt to secure the punt to his boat whilst coping with this tidal current.
- 4.2 An MCIB inspector visited the mudflats on the south shore on two occasions. It was found that the consistency of the mud is quite cloying and arduous to walk on in parts. The Board understands that it is also changeable over time due to tidal and weather conditions and that the guts (small rivulets) that flow over it also alter their course over time.
- 4.3 The Board understands that Mr Fergus was an amiable helpful person. He had been out early in his boat for the morning. He had eaten lunch and was relaxing at home. When called upon, he responded without hesitation, hurrying out to his boat. Thus, the urgency of his response coupled with elements of tiredness and fatigue from his earlier activities may have affected his ability to cope with the task.

5. CONCLUSIONS

- 5.1 Mr Fergus was not wearing a life jacket. He was alone and had no means of alerting anyone to the fact that he was in difficulty. Mr Fergus's boat was moored adjacent to a strong tidal stream on the mudflats.

6. SAFETY RECOMMENDATIONS

- 6.1 That owners and operators of recreational craft should be aware and follow the Department of Transport, Tourism and Sport's Code of Practice for the Safe Operation of Recreational Craft.

7. LIST OF APPENDICES

	PAGE
7.1 Photographs of the punt.	13
7.2 Photographs of the boat.	15
7.3 Aerial view of incident site in Dundalk Estuary.	16
7.4 Photo of the mudflat on the southern shore of Dundalk Estuary.	17

Appendix 7.1 Photographs of the punt.



Appendix 7.1 Photographs of the punt.



Appendix 7.2 Photographs of the boat.



APPENDIX 7.3

Appendix 7.3 Aerial view of incident site in Dundalk Estuary.



Aerial view of incident site in Dundalk Estuary. Marked are the estimated positions of Mr Fergus's boat (A) and Mr O'Brien's boat (B).



Appendix 7.4 Photo of the mudflat on the southern shore of Dundalk Estuary.



Photo of the mudflat on the southern shore of Dundalk estuary at low tide taken on 06/04/2012. This is approximately the location from which Mr Fergus would have walked out to the small punt and then proceeded out to his boat. Mr Fergus's boat can be seen in the distance across the mudflat.

8. CORRESPONDENCE RECEIVED

	PAGE
8.1 Coast Guard	19
MCIB Response	19



4 December 2012

Your Ref. MCIB/12/212
Our Ref 22/52/2

Mr. John O'Donnell
Chairman
Marine Casualty Investigation Board
Leeson Lane
Dublin 2

Re. Draft Report of the Investigation into fatal incident involving a capsized punt at Dundalk Harbour, Co Louth on 12th February 2012.

Dear Mr. O'Donnell,

The Coast Guard extends its deepest sympathies to Mr. Fergus's family. However, we suggest that the conclusions should reflect that if Mr. Fergus had worn his lifejacket on the day he would in all probability have survived.

Regrettably, the Coast Guard deals with many needless deaths every year where if the victim had taken basic safety precautions, including wearing a lifejacket, they would not have perished.

On a second point, when Mr. O'Brien realised he was in some difficulty, even minor, he should have notified the Coast Guard of his circumstances and whereabouts.

Yours sincerely,

Chris Reynolds
Director



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MCIB RESPONSE

The MCIB notes the contents of this correspondence.

