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**REPORT OF INVESTIGATION
INTO THE SINKING OF THE
FV “STRATH MARIE”
OFF INISHOWEN HEAD,
CO. DONEGAL
ON
14th MARCH 2008**

**REPORT No. MCIB 158
(No. 3 of 2010)**

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GLOSSARY

VHF	Very high frequency
LW	Low water
HW	High water
MAIB	Marine Accident Investigation Board, U.K.
AIS	Automatic Identification Systems
MCA	Maritime Coastguard Agency
GPS	Global Positioning System
EPIRB	Emergency Position Indicating Radio Beacon
DSC	Digital Selective Calling
HRU	Hydrostatic Release Unit
COSPAS-SARSAT	An international satellite-based search and rescue distress alert detection and information distribution system

Note: ● All times given as 24 hour clock
● Weather given in Beaufort scale

1. SYNOPSIS

- 1.1 On the 14th March 2008 at approximately 08.45 hrs. the FV “Strath Marie” left Bunagee Pier, Culdaff, Co. Donegal to lift strings of pots. Crewmembers Mr. Francis McDaid and Mr. Daniel McDaid were on board.
- 1.2 The weather forecast was for south to southwest Force 3 or 4 with good visibility and slight to moderate sea state. The reported weather conditions on the day were better than the forecast.
- 1.3 At 17.17 hrs. on 14th of March 2008 a “999” call was made as the “Strath Marie” was overdue.
- 1.4 At 18.13 hrs. on 14th March 2008 the first casualty was recovered from the water and at 20.38 hrs. the second casualty was recovered.
- 1.5 Both men were brought to Altnagelvin Hospital in Derry where they were later pronounced dead.
- 1.6 Parts of the fishing vessel were later recovered and examined along with other evidence to try and establish the cause of the loss of the FV “Strath Marie”.
- 1.7 No direct cause for the loss of both lives has been established.

2. FACTUAL INFORMATION

2.1 Particulars of the vessel

Name of Vessel:	“Strath Marie”
Builders:	Brian McDonald, Co. Donegal
Overall Length:	9.12 metres
Breath:	2.53 metres
Depth:	1.08 metres
Date keel laid:	1976
Engine make, model, power:	Lister, STW2, 15 Kilowatts
Name & Address of Owner:	Mr. Francis H. McDaid, Co. Donegal.
General description of vessel:	Open double ended fishing boat, clinker build, rudder and tiller steering. Vessel was primarily used for fishing with pots.
Operational area:	Lough Foyle and seaward.

2.2 Code of Practice Declaration of Compliance for “Strath Marie” was carried out by Mr. John J. McNelis on 15th July 2005. Refer to Appendix 9.1 of report.

2.3 Modifications to the “Strath Marie” after Code of Practice Declaration of Compliance:
New wheelhouse added forward.
New steel rudder with hydraulic arm.
Slave hauler fitted to hauling derrick on the forward starboard side with steel plates.
Additional electronics added/replaced included fish finder, plotter and VHF.

2.4 The crew of the “Strath Marie” on 14th March 2008 were:
Francis McDaid aged 68 years
Daniel McDaid aged 70 years
Both men had a “lifetime” of fishing experience but had not undertaken any recognised training.

2.5 Met Éireann weather report for sea area 055° 14.58'N, 006° 48.94'W on 14th March 2008 between 06.00 and 20.00 hrs. is at Appendix 9.2.

3. EVENTS PRIOR TO THE INCIDENT

- 3.1 The “Strath Marie” was using the Bunagee Pier at Culdaff on the day because the crane of Portaleen Pier at Glengad was broken.
- 3.2 Sometime between 08.00 and 08.30 hrs. Mr. James McDaid was on Bunagee Pier and saw Messrs. Francis and Daniel McDaid arrive by car. Mr. James McDaid spoke briefly with Messrs. Francis and Daniel McDaid and then left. Shortly afterwards at approximately 08.45 hrs. Mr. James McDaid returned to the pier to see the “Strath Marie” heading out to sea approximately 200 yards from the pier with Messrs. Francis and Daniel McDaid onboard. According to Mr. James McDaid “the sea was very calm as they were heading out and it was a good day”.
- 3.3 Messrs. Francis and Daniel McDaid were planning to lift six strings of pots each holding approximately sixteen pots per string. Information submitted by Mr. Frankie H. McDaid, the owner of the “Strath Marie”, identified that the six strings were at the following locations:
- String 1. 055° 18.4' N 007° 08.4' W
 - String 2. 055° 18.4' N 007° 08.4' W
 - String 3. 055° 17.7' N 007° 06.2' W
 - String 4. 055° 16.9' N 007° 02.5' W
 - String 5. 055° 16.2' N 006° 59.8' W
 - String 6. 055° 16.7' N 006° 57.7' W

Refer to Appendix 9.3 for plot on Admiralty chart 2811.

4. THE INCIDENT INCLUDING SEARCH, RESCUE & AUTOPSY

- 4.1 Little is known of the operations of the “Strath Marie” and the actions of Messrs. Francis and Daniel McDaid in the moments immediately prior to the casualty.
- 4.2 At 17.17 hrs. on 14th March 2008 Malin Head Coast Guard received a “999” call from Mr. Mickey McDaid reporting the “Strath Marie” overdue.

The following is an extract from the Irish Coast Guard log;

- 4.3 At 17.22 hrs. Rescue Helicopter R118 from Sligo tasked for search and rescue.
At 17.24 hrs. PAN Broadcast made into the area.
At 17.25 hrs. Greencastle Coast Guard Unit tasked for search and rescue.
At 17.27 hrs. Portrush Lifeboat requested via Belfast Coast Guard.
At 17.29 hrs. Lough Swilly Lifeboat requested.
At 18.07 hrs. Portrush Lifeboat encountered debris/fish boxes 3.5 miles East North-East of Inishowen head.
At 18.13 hrs. Portrush Lifeboat recovered first casualty from water at position 055° 14.58’N 006° 48.94’W. Refer to Appendix 9.4 for plot on Admiralty Chart 2723. Casualty was not wearing buoyancy aid.
At 18.30 hrs. R118 transferred casualty to Altnagelvin Hospital, Derry.
At 19.03 hrs. Helicopter R118 enroute back from hospital to search area.
At 20.38 hrs. second casualty recovered at position 055° 15.00’N 006° 49.50’W. Refer to Appendix 9.4 for plot on Admiralty Chart 2723. Casualty onboard Greencastle Coast Guard RIB. Casualty was not wearing buoyancy aid.
At 21.29 hrs. Casualty onboard Ambulance enroute to Altnagelvin Hospital

4.4 Report of Autopsy from Queen's University of Belfast

Name:	Mr. Francis McDaid
Age:	68
Date of Death:	14th March 2008
Date and hour of Autopsy:	16th March, 2008 at 08.45 hrs.
Cause of death:	Salt water drowning

Name:	Mr. Daniel McDaid
Age:	70
Date of Death:	14th March 2008
Date and hour of Autopsy:	16th March, 2008 at 10.00 hrs.
Cause of death:	Salt water drowning

5. EVENTS AFTER THE INCIDENT

- 5.1 At 08.00 hrs. on the morning of 15th March 2008 Greencastle Coast Guard Unit and Sligo Helicopter carried out a debris search around the casualty site.
- 5.2 On 16th March 2008 weather conditions precluded search for wreck and debris.
- 5.3 On 17th March 2008 at 13.40 hrs. Greencastle Coast Guard RiB launched to accompany FV “Lady Nuala” to haul pots of “Strath Marie”. First five strings were recovered without undue difficulty and were found to have bait in the pots. At 16.07 hrs. Coast Guard reported possibility of wreck in position 055° 15.64'N 006° 57.8'W. After grappling at end of last row of pots, tangled ropes, pots and fishing gear were recovered. There was also a smell of oil. Pots were found not baited. (Refer to Appendix 9.3 for position on Admiralty Chart 2811). Other loose items such as hand fishing lines known to have been onboard the “Strath Marie” also surfaced free and were collected.



- 5.4 On 26th March 2008 at 08.06 hrs. Belfast Coast Guard reported that the bow section of a halfdecker had been washed ashore at Portmore Rd., Portstewart, Co. Derry. The wreckage was identified as part of “Strath Marie”.



- 5.5 The Naval Diving Section of the Irish Naval Service was requested to locate and survey the missing part of the “Strath Marie” between Wednesday 9th April and Friday 25th April 2008. The central datum used for the duration of the search was position 055° 15.64'N 006° 57.8'W. The Naval Diving Section was not successful in locating the wreck of the “Strath Marie”. (Refer to Appendix 9.5 for report.)

It is believed that storms and heavy weather between 26th March and 9th April 2008 moved and perhaps broke up the wreck from its suspected position.

6. OTHER FACTS TO BE CONSIDERED

- 6.1 The tides for Culdaff on 14th March 2008 were: LW 05.16 hrs., HW 11.45 hrs. (2.3 m), LW 17.19 hrs. HW in Culdaff occurs 4 hrs. 45 mins before HW Belfast. For illustrative purposes of tidal streams this has been rounded up to 5 hrs. Refer to Appendix 9.6 for approximated times of tidal streams along the coast between Culdaff and Lough Foyle.
- 6.2 VHF radio and mobile telephone are known to not always have good reception in the area where the “Strath Marie” was working with pots
- 6.3 On 14th March at 23.00 hrs. MAIB requested information on casualty in relation to beginning an investigation into a possible collision with another vessel. Suspected vessel “Sten Odin” departed Derry on 14th March at 09.10 hrs. and arrived at anchorage at Fannes, Norway at 12.55 hrs. on 16th March 2008.
- 6.4 Norwegian Maritime Directorate boarded the “Sten Odin” on its arrival at Fannes. Visual Inspection of the hull from a small taxi boat was made of the entire hull. No evidence of any new scratches, dents, paint marks or newly painted areas on the “Sten Odin's” hull was found. Onboard the “Sten Odin” the Captain, 2nd Officer, deck hand on watch and other crewmembers were interviewed by the Norwegian Maritime Directorate. According to all persons interviewed nobody had seen or heard any abnormal incidents during the departure of Lough Foyle and the hours following. Refer to Appendix 9.7 for report from Norwegian Maritime Directorate.
- 6.5 In addition, the “Sten Odin” was boarded on the 21st March 2008 by police officers from Strathclyde Police Marine Policing Unit, at Rothsay, Scotland, who spoke to the Master and crew, and examined the vessel. No further information was forthcoming, nor was there any visible damage to the ship.
- 6.6 To determine the exact route of the “Sten Odin” on the morning of 14th March 2008 a Surveyor of the Marine Survey Office visited the Irish Coast Guard at Blanchardstown, Dublin on the 27th March 2008 and the office of the Harbour Master at the Port of Londonderry on the 28th March 2008 to view and note the recorded images from the respective AIS regarding the track of the “Sten Odin” along the Donegal Coast.

It should be noted that the use of an AIS on board depends upon the vessel being fitted with AIS. The tanker “Sten Odin” is fitted with an AIS Class A as required by the SOLAS Convention and it was in operation on sailing from Londonderry. At approximately 11.00 hrs. on 14th of March 2008 the Port of Londonderry pilot disembarked from the vessel and the vessel proceeded north out of Lough Foyle. At approximately 11.19 hrs. the vessel passed the fairway buoy leaving it to port. The vessel altered course to port and proceeded on a course of approximately 316/317° true and at a speed of approximately 10 to 10.5 knots. The vessel maintained this course until approximately 11.55 hrs.

when an alteration of course to port was observed on the recorded AIS track to port. At 11.55 hrs. the vessel was approximately in position with Dunmore Head bearing 236° true at a distance of 5.6' (about 7 miles NE x E from Culdaff). This alteration of course was of a maximum extent of approximately 27° to 28° and lasted approximately six minutes. There was a slight reduction of speed during the alteration (to 9.5 knots approximately). The vessel resumed track on a course of approximately 320° true at approximately 12.01 hrs. There were no other vessels transmitting an AIS signal in this vicinity at this time. The track of the "Sten Odin" as per AIS recording correlates with the scanned copies of the charts received. The course recorder record (scanned) of the vessel which is maintained in Norwegian local time (one hour ahead of GMT) also indicates an alteration of course to port but the time appears out of sync with the charted and AIS records. Refer to Appendix 9.9 on Admiralty Chart 2811 for plot of course and Appendix 9.10 for print out from AIS.

- 6.7 In addition to the "Sten Odin" another boat described by Mr. Frankie H. McDaid as a white speed boat was also reported to have been in the area on 14th March 2008. VHF records were checked with Malin Head Coast Guard to verify if any unusual movements of vessels had occurred in the vicinity of the "Strath Marie" on the day of the casualty. No records were found indicating any unusual movements of such a boat or any other.
- 6.8 At 08.06 hrs. on 26th March 2008 parts of the "Strath Marie" were reported by Belfast Coast Guard as having been washed up at Portmore Rd, Portstewart, Co Derry. All parts were collected and put into storage. A timber specialist, Mr. Gordon Knaggs, was engaged to examine the wreckage for the presence of timber decay or other factors which might have been implicated in the sinking of the "Strath Marie". The examination indicated that the vessel appeared in good condition and no evidence to suggest an impact to the hull was found. Refer to Appendix 9.11 for report.
- 6.9 During the search for evidence on the days following the casualty the GPS chartplotter of the "Strath Marie" was found. The instrument was damaged and had suffered water ingress. The instrument was first sent to the MCA office in Belfast for examination to try and retrieve information detailing the exact last known location of the "Strath Marie". The MCA were unsuccessful in recovering any information from the chartplotter. The chartplotter was then sent to Selex Communications Ltd who specialise in repair and maintenance of such instruments. Again, nothing was recovered from the GPS.
- 6.10 The EPIRB onboard the "Strath Marie" was a GME MT 400. This EPIRB is a Cospas-Sarsat Class 2 manually activated EPIRB. This means that one of the crewmembers would have been required to manually activate the EPIRB to transmit the distress. Whatever caused the "Strath Marie" to sink must have happened in a very short space of time as both crewmembers are understood to have been familiar with the operation of the EPIRB. The EPIRB has not been recovered.

- 6.11 In accordance with the Code of Practice for Fishing Vessels of less than 15m length overall a survey is to be undertaken every four years with an intermediate declaration by Owner completed not less than 21 months nor more than 27 months after the initial inspection date for the issue of the Declaration of Compliance.

This survey was conducted by John J. McNelis & Co Ltd on 15th of July 2005 at Portaleen, Glengad, Co Donegal.

The Declaration by Owner was not signed or available. It is also noted that modifications to the “Strath Marie” were undertaken which should have been indicated on the Intermediate Declaration by Owner and John J. McNelis & Co. Ltd informed of the same.

The radio fitted to the vessel the day of the casualty was known to have been fitted after the survey to replace the previous one. The radio fitted was an Icom IC M504. It is also noted that this radio had a function of DSC, which was not linked to the GPS to enable this function.

There is a typographical error in Chapter 9 of the Declaration of Compliance, which is displayed as Appendix 9.1 to this report. The reference to “A2” should have been “A1”.

7. CONCLUSIONS

- 7.1 Whatever caused the “Strath Marie” to encounter the difficulties which resulted in the sinking of the vessel and consequently the drowning of Messrs Francis and Daniel McDaid must have occurred suddenly and without warning.
- 7.2 Neither the declaration of “Code of Practice Declaration of Compliance” or “Intermediate Declaration by Owner” were signed by the owner as required by the Code of Practice.
- 7.3 The EPIRB belonging to the “Strath Marie” did not activate and was not recovered. The Code of Practice allows for vessels under 12m to have EPIRBs which are activated manually.
- 7.4 The “Strath Marie” did not carry a liferaft. Given the time taken to recover both casualties, had the “Strath Marie” carried and deployed a liferaft the chances of survival of both casualties would have very significantly improved.
- 7.5 The report from the rescue services indicate that neither casualties were wearing approved lifejackets. It is considered very fortunate that both casualties were recovered floating and upright. It is required under the Code of Practice that all fishermen in open boats wear lifejackets at all times. It should also be considered that appropriate clothing for weather conditions should be worn and when considered necessary thermal underclothing and dry suits should be worn. It is worth noting that there is a 40% grant available from B.I.M. for the purchase of immersion suits.
- 7.6 The DSC from the fixed radio installation was not linked to the GPS.
- 7.7 There is no evidence to suggest that any other vessel was involved in the sinking of the “Strath Marie”.

8. RECOMMENDATIONS

- 8.1 It is recommended that the Minister enforces the appropriate elements of the Code of Practice in regard to Declaration of Compliance.
- 8.2 It is recommended that fitting of an EPIRB which is self-activating and mounted in a case with a HRU also be a requirement for fishing vessels less than 15m.
- 8.3 The Department of Transport should review the carriage requirement for inflatable liferafts in the Code of Practice for small fishing vessels to ensure that a greater number of smaller fishing vessels carry such liferafts.
- 8.4 It is recommended that a Marine Notice be issued, emphasising the importance of a GNSS (GPS) receiver providing continuously updated positional data to the VHF DSC equipment onboard, as appropriate. This gives an instant position to rescue services and other vessels in the vicinity when the Distress Button is activated on the VHF DSC of the vessel.
- 8.5 It is recommended the GNSS (GPS) receiver, where fitted, should be connected to the radio battery.

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Appendix 9.1 Code of Practice Declaration of Compliance.



Design, Construction and Equipment of
Small Fishing Vessels of less than 15 m Length overall

**Code of Practice
Declaration of Compliance**

To be completed by an Authorised Person

Declarations on page v to be signed by the Authorised Person and Owner

Name of Vessel	Fishing Letters & Number	Official Number	Port of Registry
STRATH MARIE			
Overall Length (less than 15 metres)	Breadth	Depth	Date keel laid
9.12	2.53	1.05	1976
Engine Make & Model			Engine Power (kW)
LISTER-STN2 -			15 kW.

Name & Address of Owner	FRANK Mc DAID BUNN, CULKENNY, MALIN, CO. DONEGAL
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Description of vessel
Open double ended fishing boat Clinker build - Rudder + tiller steering.

Description of operational area
Lough foyle + SEAWARD

Appendix 9.1 Code of Practice Declaration of Compliance.

Chapter 2 Construction, Structural Strength and Weathertight Integrity

*2.1	Is hull suitable for the intended fishing method and sea areas?			Yes/No	
*2.2	Construction Materials	Hull	Woods	Superstructure	Yes/No
*2.3	Is structure sound, watertight & free from significant damage & corrosion?			Yes/No	
*2.4	Do decks comply?			Yes/No	
2.5	Number of bulkheads	Non-watertight	ONE	Watertight	Yes/No
*2.6	Do bulkhead doors comply with Annex 7 (2.3.4)?			Yes/No	
*2.7	Doors	Coaming height		Yes/No	
		Are doors of sound construction and weathertight?		Yes/No	
2.8	Hatchway coaming height			NONE	
*2.9	Can hatches be secured weathertight?			NONE Yes/No	
*2.10	Do flush hatches comply?			NONE Yes/No	
*2.11	Do skylights comply?			NONE Yes/No	
*2.12	Do side scuttles & portlights comply?			NONE Yes/No	
*2.13	Do windows comply?			NONE Yes/No	
*2.14	Do ventilators comply?			NONE Yes/No	
2.15	Is exhaust system acceptable			Yes/No	
*2.16	Do air pipes comply?			Yes/No	
*2.17.2	Do sea inlets and discharges comply?			Yes/No	
*2.18.3	Do valves, piping & hoses comply?			Yes/No	
*2.19	Do freeing ports comply?			NONE Yes/No	

Chapter 3 Stability

*3.1	Is stability information supplied?			Yes/No
	Are requirements of Annex 7 applied?			Yes/No
*Annex 7 (para.4)	Stability standard applied		ROULED	0.64
Annex 2	Freeboard	0.550m	Roll coefficient	0.8
	Are guidance notes on board?			Yes/No

Chapter 4 Machinery and Electrical Installations

4.1	Machinery			
*4.1.1.1	General Requirements - comply?			Yes/No
*4.1.2	Propulsion Machinery and Stern Gear - comply?			Yes/No
*4.1.4	Controls and Instruments - comply?			Yes/No
*4.1.5	Steering System - comply?			Yes/No
4.2	Electrical Installations			
*4.2.1	General - comply?			Yes/No
*4.2.2	D.C. Systems Up To 24 volts - comply?			Yes/No
*4.2.3	A.C. Systems - comply?			NONE Yes/No
4.3	Pumping & Piping			
*4.3.1	Fuel Oil Installations - comply?			Yes/No
*4.3.2	Cooling Water Systems - comply?			Yes/No
*4.3.3	Bilge Pumping Systems - comply?			Yes/No
*4.3.4	Bilge Pumps - comply?			Yes/No
4.4	Anchors & Cables			
*4.4.1	General - comply?			Yes/No
*4.4.4	Towline - comply?			Yes/No
4.5	Fishing & Handling Equipment			
*4.5.1	Winches, tackles and lifting gear - comply?			Yes/No
*4.5.2	Running gear - comply?			Yes/No

Appendix 9.1 Code of Practice Declaration of Compliance.

Chapter 5 Fire Protection, Detection & Extinction

5.1	Fire Safety			
#5.1.1	Machinery space capable of being closed down?			Yes/No
*5.1.2	Fire Prevention - comply?			Yes/No
*5.1.3	Cleanliness and Pollution Prevention - comply?			Yes/No
*5.1.4	Open-Flame Gas Appliances - comply?		NONE	Yes/No
*5.1.5	Gas Detection - comply?		NONE	Yes/No
5.2	Fire Fighting Appliances			
#5.2.1	Are extinguishers of an approved type			Yes/No
#5.2.2	Portable Extinguishers	Engine room		Serviced Date
		Type	Rating	Nº
		Other spaces	Rating	Nº
#5.2.5		Fire buckets		Nº
#5.2.6	Remote controls for fuel tank valves	Yes/No	Number	Location
			ONE	AF Deck
#5.2.6	Are means of closing skylights, doorways etc to machinery and cargo spaces adequate?			Yes/No

Chapter 6 Protection of Crew

6.1	Protection of Personnel			
*6.1.2	Bulwarks, Guard Rails and Handrails - comply?			Yes/No
*6.1.4	Surface of Working Decks - comply?			Yes/No
#6.1.5	Personal Protective Equipment - comply?			Yes/No
#6.2	Medical Stores - comply?			Yes/No
*6.3	Securing of Heavy Items or Equipment and Fishing Gear etc - comply?			Yes/No

Chapter 7 Life-Saving Appliances

#7.1	Are all items of LSA of an approved type			Yes/No
#7.2	Have relevant items of LSA been serviced			Yes/No
#7.3	1 Lifejacket for every person on board		Yes/No	Nº 2
#7.4	Liferafts sufficient for 100% persons	Yes/No	Nº	Last Serviced
	Hydrostatic Release Unit (HRU)	Yes/No	Nº	Last Serviced
#7.5	Lifebuoys		Total Nº of Lifebuoys	
			Nº with 18m line	
			Nº with combined light & smoke signal	
#7.6	1 Personal Floatation Devices (PFD) for every person on board		Yes/No	Nº 2
#7.8	Distress signals	6 red star	Yes/No	6 parachute rockets
*7.9	Means for Recovering Persons from the Water			Yes/No

Chapter 8 Manning, Training & Certification

#8.2	Manning - comply?			Yes/No
*8.8				Yes/No
*8.3	Standards of Competence - comply?			Yes/No
*8.5	Operation and Maintenance of Propulsion Machinery - comply?			Yes/No
#8.6	Operation of Radio Equipment - comply?			Yes/No
#8.7	Safety Training - comply?			Yes/No
	Is there a copy of the Code of Practice on board?			Yes/No

Appendix 9.1 Code of Practice Declaration of Compliance.

Chapter 9 Radio Equipment

	Sea Area (A1 or A1 & A2)	A1
#9.3	Functional requirements - comply?	Yes/No
#9.4	Installation, location and control of radio equipment - comply?	Yes/No
#9.5	Radio equipment to be provided for all sea areas - comply?	Yes/No
#9.6	Additional radio equipment to be provided for sea areas A1 and A2 - comply?	Yes/No
#9.7	Radio Watches - comply?	Yes/No
#9.8	Sources of energy - comply?	Yes/No
#9.9	Performance standards - comply?	Yes/No
#9.10	Serviceability and maintenance requirements - comply?	Yes/No
#9.11	Radio personnel - comply?	Yes/No
#9.12	Radio records - comply?	Yes/No

Chapter 10 Navigation Equipment Lights, Shapes & Sound Signals

*10.1	Navigation Equipment - comply?	Yes/No
*10.2	Are navigation lights fitted?	Yes/No
#10.3	Steaming Lights - comply?	Yes/No
#10.4	Fishing Lights - comply?	Yes/No
#10.5	Additional Fishing Light - comply?	Yes/No
#10.6	Anchor Light - comply?	Yes/No
#10.7	Positions or Lights - comply? Are any all-round lights obscured by mast, etc. by more than 6°?	Yes/No Yes/No
#10.8	Day Signals	2 Black Cones with apexes together or a basket 1 black ball
#10.9	Sound Signals - comply?	Yes/No
*10.10	Charts and Nautical Publications - comply?	Yes/No

Chapter 11 Accommodation & Working Spaces

*11.6	Toilet Facilities - comply?	NONE	Yes/No
*11.7	Access and Escape Arrangements - comply?	NONE	Yes/No
*11.8	Ventilation - comply?	NONE	Yes/No
*11.10	Lighting - comply?	NONE	Yes/No

Annex 7 New Vessel Construction

1.1	Construction Rules used	
*1.6	Are relevant chapters of Code complied with?	Yes/No
*2	Construction and Structural Strength - comply?	Yes/No
*3	Weather-tight Integrity - comply?	Yes/No
*4	Stability - comply?	Yes/No
*5	Machinery - comply?	Yes/No
*6	Piping Systems - comply?	Yes/No
*7	Shafting and Stern Gear - comply?	Yes/No
*8	Bilge Pumping Systems - comply?	Yes/No
*9	Steering Gear - comply?	Yes/No
*10	Electrical Systems - comply?	Yes/No
*11	Fire Safety - comply?	Yes/No
*12	Accommodation and Working Spaces - comply?	Yes/No

N/A

Appendix 9.1 Code of Practice Declaration of Compliance.

Notes:

1. # indicates Statutory requirements
2. * indicates mandatory requirement for Code compliance
3. ‡ indicates statutory requirement for vessels $\geq 12m L_{oa}$ and mandatory requirement for Code compliance for vessels $< 12m L_{oa}$
4. Only Statutory and mandatory Code requirements are to be addressed when completing the Declaration.
5. If 'No' is answered to any question, please supply, in a separate statement, the reasons why the particular item is not complied with.
6. If a particular item is not applicable, please state the reason why.

Declaration by Authorised Person

Name of Vessel	Fishing Letters & Number	Official Number	Port of Registry
STRATH MARIE			

I hereby declare that on 15/7/05 at PORTAULLEN I completed the inspection of the Fishing Vessel STRATH MARIE and that:

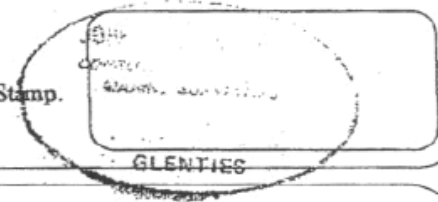
1. the particulars given on this form are true and correct;
2. in my judgement the vessel complies with the Code of Practice and is fit for its intended fishing method and for the sea areas in which it is intended to operate.

Dated at PORTAULLEN, GLENDAW
this 15th day of July 2005

This Declaration is valid until
14th day of July 2009

Signed Sea Meecher

Company Stamp.



Declaration by Owner

I/We FRANCIS McDAID
Owner(s) of the above-described vessel declare that the particulars given on this form are correct and that we have no reason to believe that vessel is not fit for its intended fishing method or for the sea areas in which it is intended to operate.

Signature(s): _____

If company, state position held: _____

Date _____

Appendix 9.1 Code of Practice Declaration of Compliance.

Intermediate Declaration by Owner

(To be completed not less than 21 months nor more than 27 months after the initial inspection date for the issue of the Declaration of Compliance)

Name of Vessel	Fishing Letters & Number	Official Number	Port of Registry

Name & Address of Owner	
-------------------------	--

I/We hereby certify, in respect of the above named vessel, that:

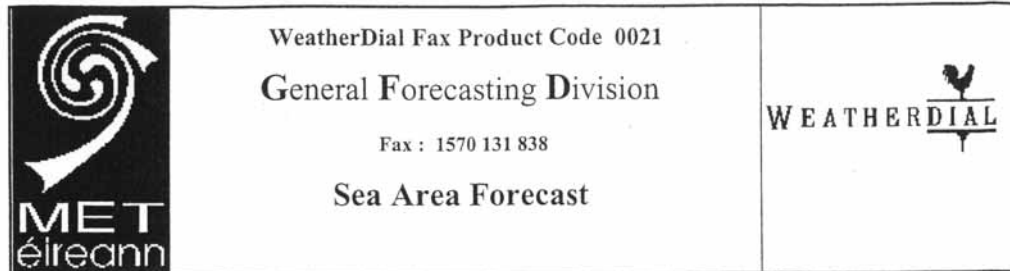
- (i) The particulars given on the Declaration of Compliance remain valid;
- (ii) The safety and other specified equipment have been checked in accordance with the Declaration of Compliance;
- (iii) Such safety and other specified equipment carried are in accordance with the requirements of the Code;
- (iv) Such safety and other specified equipment have been properly maintained and serviced in accordance with manufacturers' recommendations;

Signature(s):

If company, state position held:

Date

Appendix 9.2 Met Éireann Weather Report.



**Sea Area Forecast until 0600 Saturday 15 March 2008
 Issued at 0600 Friday 14 March 2008**

1. Gale warning: NIL

Small craft warning: In operation

2. Meteorological situation at 0300: A light to moderate westerly airflow over Ireland will gradually become east to southeasterly today as a depression of 997 hPa to the southwest of the country, moves northeastwards. An associated warm front over Munster will move northwards

3. Forecast for coasts from Wicklow Head to Mizen Head to Erris Head and for the south Irish Sea :

Wind: Variable force 3 or less, soon becoming east to southeast in the southwest, increasing force 4 to 6 and extending northwards over the region today, occasionally reaching force 7 on the west coast, veering south to southeast this evening, becoming southeasterly tonight and east to southeast overnight.

Forecast for coasts from Erris Head to Belfast Lough to Wicklow Head and for the north Irish Sea:

Wind: West to southwest force 3 or 4, decreasing south to southwest force 3 or less today, backing east to southeast force 4 to 6 this evening and early tonight and occasionally reaching force 7 on northwest coasts, becoming mainly easterly overnight with gale gusts developing in the northwest



Weather for all sea areas: Fair in many areas at first, rain and drizzle over Munster and south Leinster, gradually spreading northwards, reaching north and northeast coasts early tonight. More rain overnight

Visibility for all sea areas: Moderate or poor on Munster and south Leinster coasts, good at first elsewhere, but decreasing moderate or poor as rain moves northwards.

3a. Warning of heavy swell: Nil

4. Outlook for a further 24 hours until 0600 Sunday 16 March 2008: Easterly winds, becoming east to northeast - strong to near gale force on west and north coasts, moderate to fresh on east and south coasts. Widespread rain or showers

Appendix 9.2 Met Éireann Weather Report.

	WeatherDial Fax Product Code 0021	
	General Forecasting Division Fax : 1570 131 838 Sea Area Forecast	

Sea Area Forecast until 1200 Saturday 15 March 2008
Issued at 1200 Friday 14 March 2008

1. Gale warning: Nil
Small craft warning: in force.

2. Meteorological situation at 0900: A complex depression of 1000 hPa, 800 miles southwest of Valentia, moves slowly northeastwards. Its associated warm front will move northwards across Ireland today and tonight.

3. Forecast for coasts from: Mizen Head to Slyne Head to Bloody Foreland

Wind: Between south and east force 4 to 6 but slacker in the north of the area. Increasing east force 6 to 7 tonight between Erris Head and Bloody Foreland and increasing south to southeast force 5 to 6 in remaining areas. Becoming east to northeast force 5 to 7 tomorrow morning, strongest in the north.

Forecast for coasts from: Bloody Foreland to Howth Head to Mizen Head and for the Irish Sea

Wind: Between southwest and southeast force 3 to 5, but slacker along the north coast. Increasing southeast to east force 4 to 5 tonight.

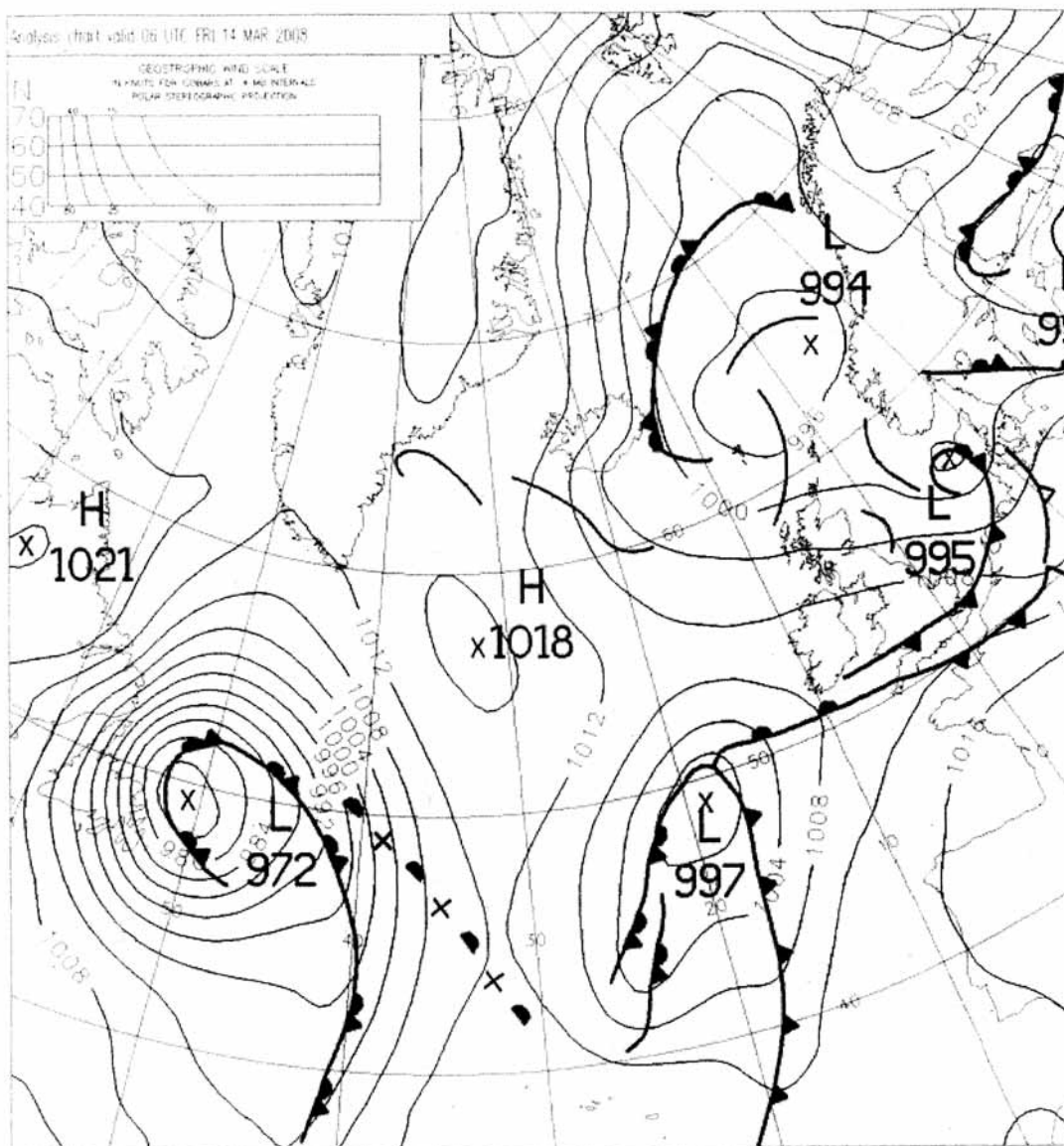
Weather for all sea areas: Scattered outbreaks of rain and drizzle, mainly in western sea areas, with heavier rain developing in the west and north towards evening. Rain in all areas tonight and tomorrow.

Visibility for all sea areas: Moderate to poor in precipitation, otherwise good.

3a. Warning of heavy swell: Nil.

4. Outlook for a further 24 hours until 1200 Sunday 16 March 2008: Fresh to strong east to northeast winds, increasing northeast strong to near gale force during Saturday night with the rain clearing also.

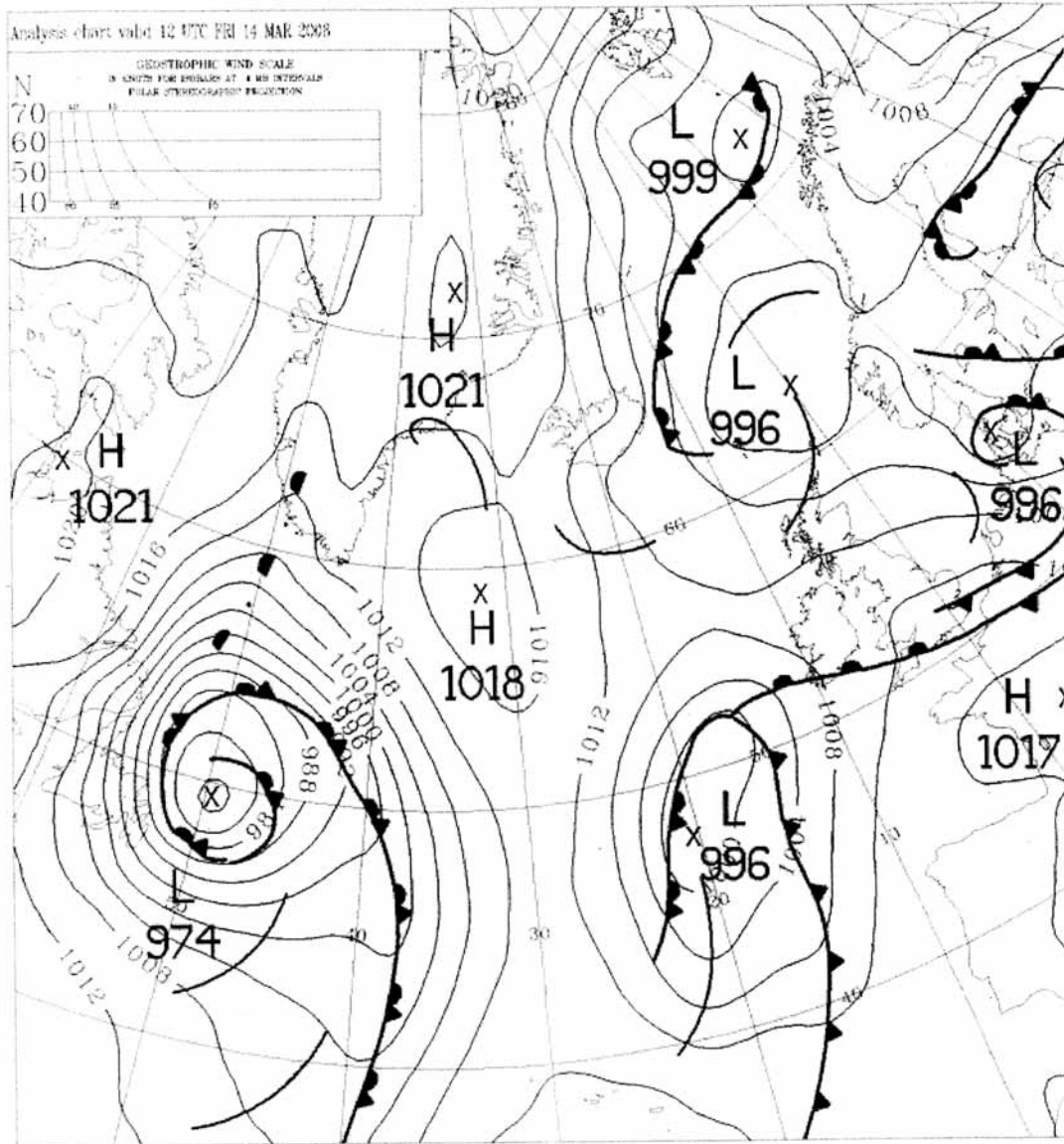
Appendix 9.2 Met Éireann Weather Report.



http://gfd/cafoweb/nwp-arch/2008/03/14/2008031407-t4_pp_xx.ppva89_egrr_06.gif

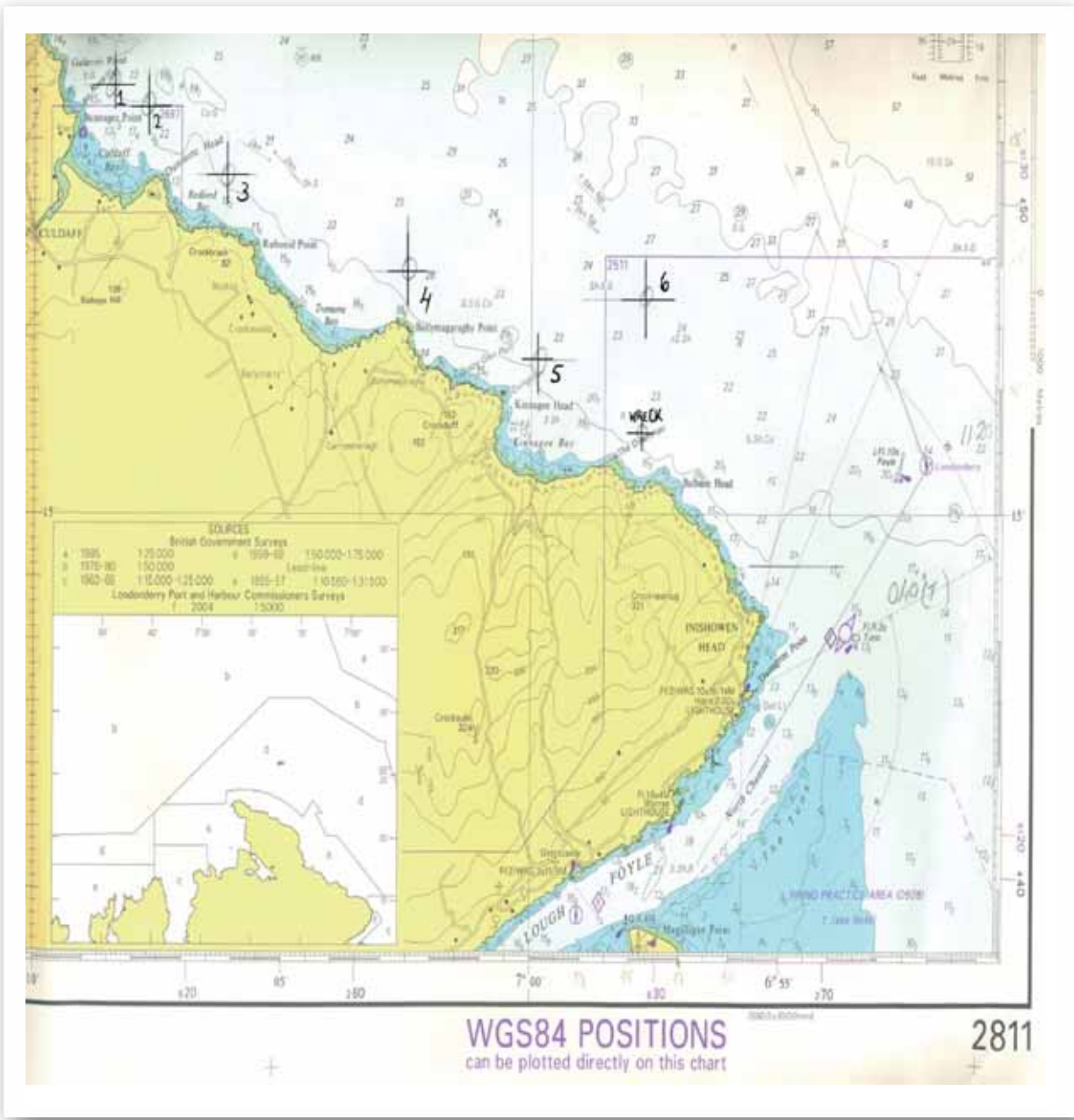
01/07/2008

Appendix 9.2 Met Éireann Weather Report.



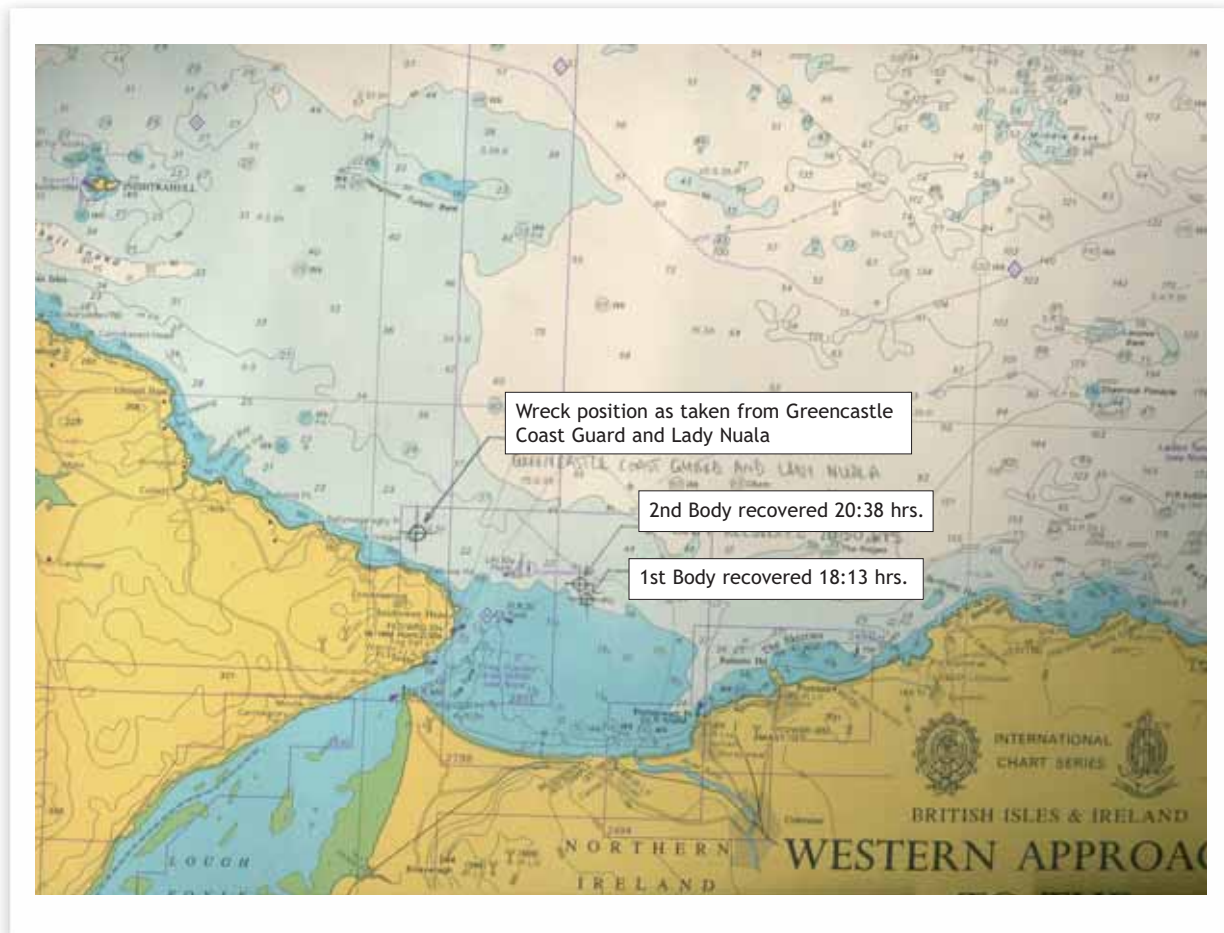
http://gfd/cafoweb/nwp-arch/2008/03/14/2008031414-t4_pp_xx.ppva89_egrr_12.gif 01/07/2008

Appendix 9.3 Admiralty Chart 2811 showing location of strings of pots as given by Mr. Francis H. McDaid owner of the vessel.



APPENDIX 9.4

Appendix 9.4 Admiralty Chart 2723 showing position of recovered victims and wreck.



Appendix 9.5 Navy Diving Section Report.

AN RANNÓG TOMADÓIREA
OIBRÍOCHTAÍ CLADAIGH
BUNÁIT CHABHLAIGH
INIS SIONNACH
CO. CHORCAÍ



DIVING SECTION
SHORE OPERATIONS
NAVAL BASE
HAULBOWLINE
CO. CORK

01 May 2008

Marine Survey Office

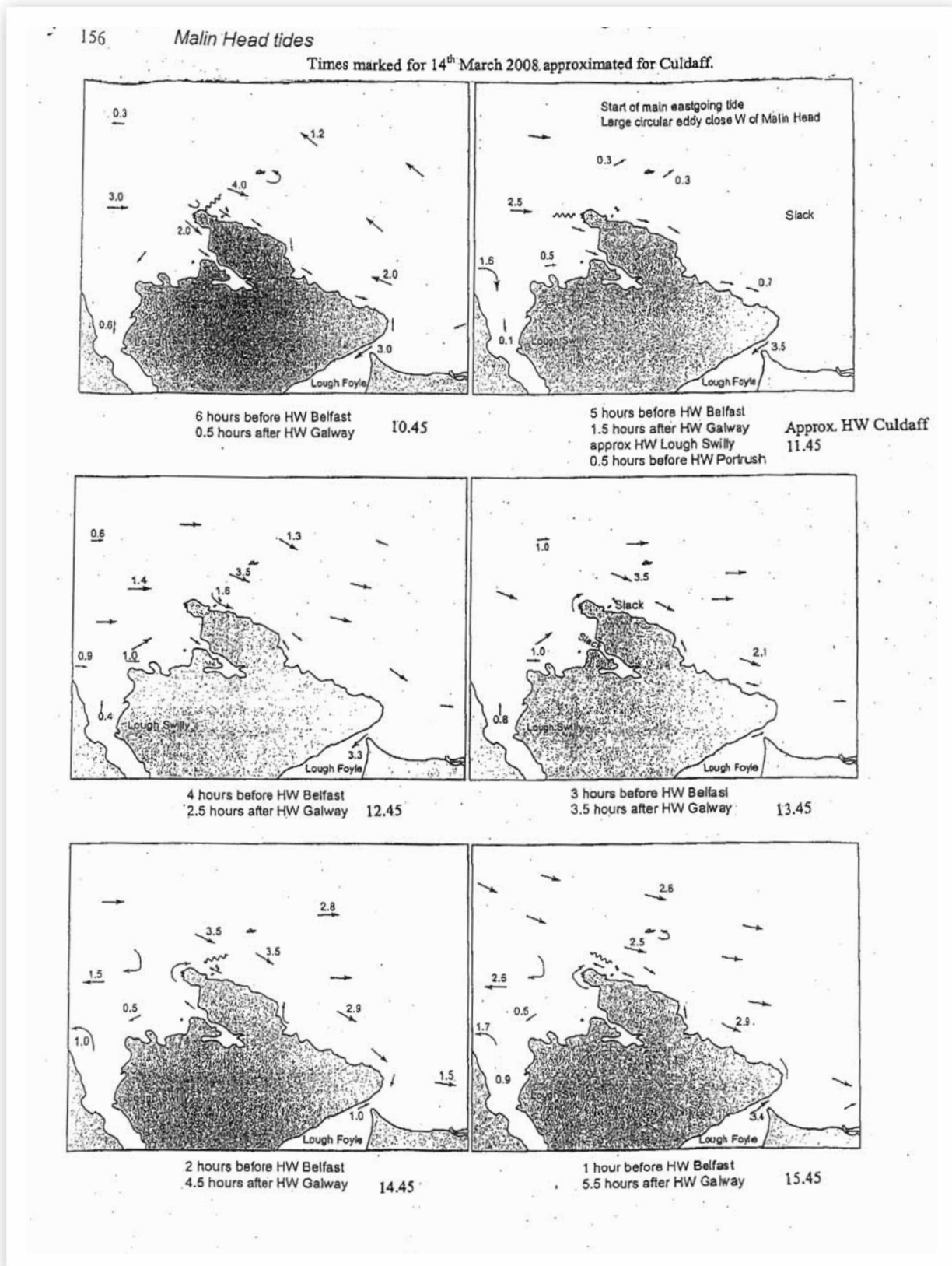
Naval Diving Operation — Fishing Vessel Strath Marie

1. The Naval Diving Section was tasked to locate and survey the fishing vessel Strath Marie between Wednesday 9 April 2008 and Friday 25 April 2008. The central datum used for the duration of the search was Position 55 15.64N 006 57.8W.
2. Divers initially carried out nine dives both on and in the vicinity of the above datum mark.
3. The Naval Diving Section using side scan sonar equipment carried out a survey of the area on 23rd and 24th April 2008. All possible contacts were later dived, identified and disregarded as being the vessel of interest.
4. Submitted for information.

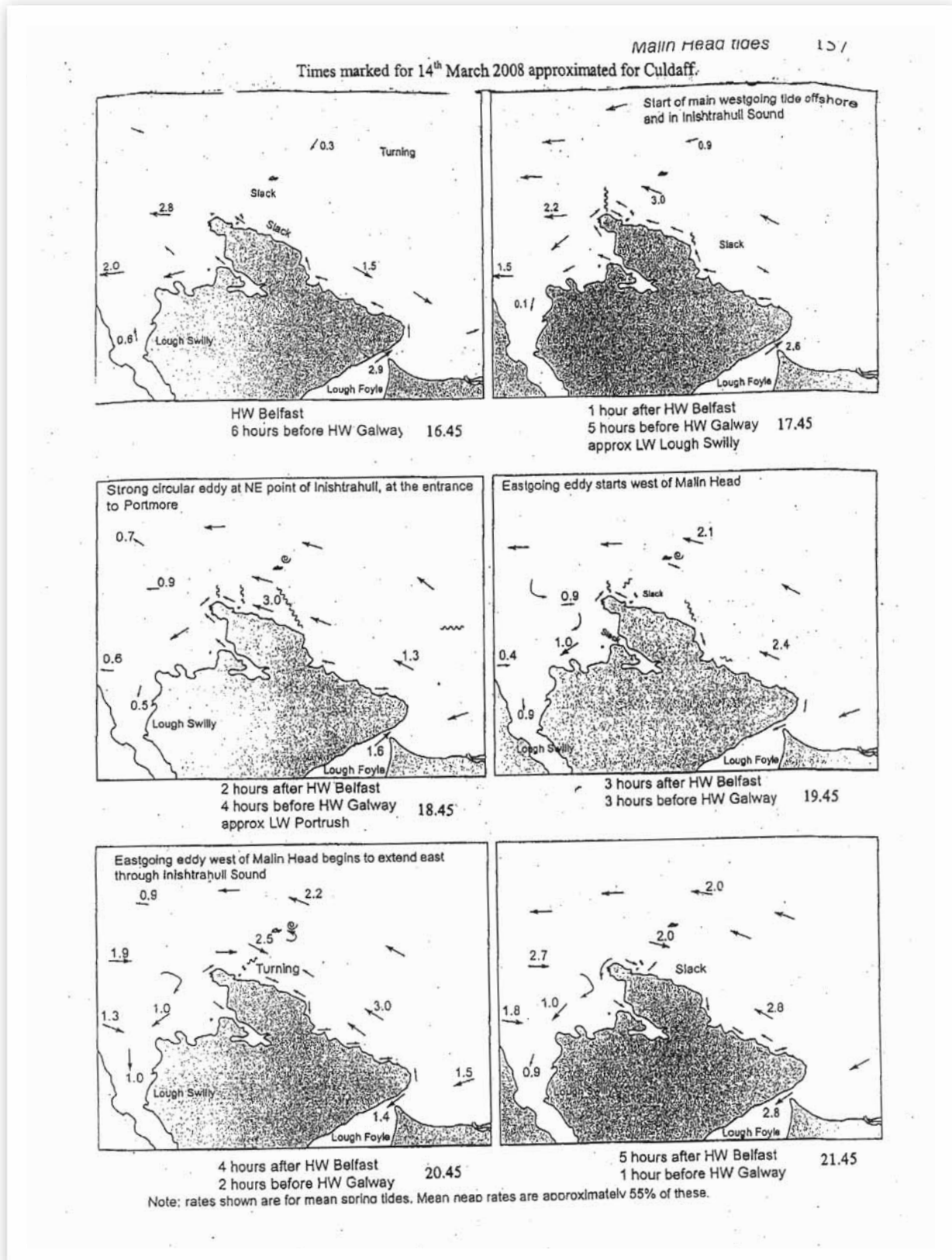
(Original Signed)
Conor Kirwan
Lieutenant
Officer in Charge
Naval Diving Section

APPENDIX 9.6

Appendix 9.6 Tidal streams between Culdaff and Lough Foyle.



Appendix 9.6 Tidal streams between Culdaff and Lough Foyle.



Appendix 9.7 Norwegian Maritime Directorate Report of boarding of "Sten Odin".



Sjøfartsdirektoratet
Norwegian Maritime Directorate

Rapport 18
om inspeksjon, m.v.

Saksbehandling (i Sjøfartsdirektoratet)			<input type="checkbox"/> Til ett.	Sjøfartsdirektoratets saksnummer
			Date	
			Sign.	
Behandlet av	Dato	Oppkrevd gebyr	Arkivomslag	
		<input type="checkbox"/> Ja <input type="checkbox"/> Nei		

Opplysninger om skipet

IMO nr. 9164495	Kjenningsignal LAJCS	Skipets navn STEN ODIN	Hjemsted Bergen	Bruttotonnage 8594
Eier Rederiet Stenersen		Forretningsadresse Solheimsgaten 15, 5088 Bergen		KW -
Klasseinstitusjon <input checked="" type="checkbox"/> DNV <input type="checkbox"/> LR <input type="checkbox"/> BV <input type="checkbox"/> ABS <input type="checkbox"/> GL <input type="checkbox"/> Uklasset		Klassebetegnelse 1a1 Tanker for Chemicals, ESP ICE 1A EO		Klassedato 31.12.2008

Opplysninger om inspeksjonen

Påbegynt 16.03.2008	Avsluttet 16.03.2008	Ant. visitter 1	Ant. limet 3	Sted Fonnesflaket
Verksted				
<input type="checkbox"/> I dokk <input type="checkbox"/> På slipp <input checked="" type="checkbox"/> På vannet				
<input type="checkbox"/> Skriftlig begjæring fra:				Dato

INVESTIGATION – ACCIDENT INVOLVING FISHING VESSEL "STRATH MARIE"

Received a telephone call on the 15th of March, from our station manager, requesting NMD to investigate if there were any evidences of Norwegian vessel Sten Odin/LAJCS had been involved in an accident also involving fishing vessel "Strath Marie" The Norwegian vessel was supposed to have been in the vicinity when the accident happened

The vessel departed Londonderry on the 14th of March at 0910hrs and arrived the anchorage at Fonnes, Norway at 1255hrs on March 16th.

Shortly after the vessel was anchored, I made a visual inspection of her hull from a small taxi boat. The entire hull was surveyed and apart from normal "wear and tear" there were no evidences of any new scratches, dents, paint marks from the fishing vessel or newly painted areas on Sten Odin's hull

Onboard the Sten Odin, I met Captain, 2nd Officer (on watch after quitting pilot) the deckhand on

Opplysninger om inspeksjon fortsetter på neste side

Vedlegg:	<input type="checkbox"/> Påleggsliste	<input checked="" type="checkbox"/> Annet: Extract of Charts, Deck Log, Course Recorder and Crew List
Stasjonens j. nr.	Sted og dato Bergen 17.03.2008	Skipsinspektør Gunnar Stølen
<input type="checkbox"/> Kopi av denne rapporten med vedlegg er sendt til arkivstedet		
I saker hvor det antas at Sjøfartsinspektøren kan bli engasjert må kapteinens navn, adresse og fødselsnummer påføres rapporten.		

KS-0118 B (07.2004 Sdir)

Appendix 9.7 Norwegian Maritime Directorate Report of boarding of “Sten Odin”.

Fortsettelse fra forrige side
(Kjenningssignal / skipets navn påføres hver ny side)

watch. I also talked to crewmembers who had been working out on tank deck. According to them, nobody had seen or heard any abnormal incidents during the departure and for the following hours.

They were asked if any other traffic were observed, and mentioned that a log vessel had arrived the harbour entrance as the Norwegian vessel was departing. No fishing vessels were observed. After pilot disembarked they were overtaken by a ship called Navion Anglia. This was confirmed on a re-play of the chart-machine. I asked the Master if he could copy the chart movements to a disc, but according to him, he was unfamiliar with such an operation.

Enclosed please find a copy of:

- Crew List
- Extract of Deck Log
- Extract of Course Recorder
- Extract of Charts

During the inspection of the vessel's hull, several photos were taken, but as I didn't notice any dents/scratches, these photos will not be enclosed.

Appendix 9.8 Report of Robin J. Young A/Inspector PSNI.



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

Dear Sir

This report is to confirm PSNI actions in relation to the above incident which was reported to us at 22.06hrs 14 March 2008.

The initial notification of the sinking of a lobster vessel in Lough Foyle was made to us at 22.06 hrs by Diane Gadd HM Coastguard watch Manager.

Two male persons from the craft were brought to Altnagelvin Area Hospital but pronounced dead on arrival by Dr McKee

They were: Daniel McDaid DoB 14/5/37 and Frances Mc Daid 5/8/38 both from Culkeeney Malin Co Donegal

Constable Steven Street Waterside PSNI Londonderry appointed as Investigating Officer for the sudden deaths in pursuance of the Coroners Act

Further contact with HM Coastguard gave rise to the suspicion that a larger vessel, the Sten Odin was believed to have been in the area of the sinking during the relevant time and may either have been party to the sinking or have knowledge of it.

In consultation with Supt N Goddard, Ch Supt R Russell, A D/I Holland and Mr Andrew Moll Maritime Investigation Agency a policy was established which gave investigative primacy to Maritime Investigations with assistance from PSNI.

With the Sten Odin believed bound for Mongstad, Norway, PSNI International Liaison was briefed to request Norwegian Authorities to make enquiries from the master and crew of the Sten Odin and have same examined for damage upon arrival.

It is believed the Sten Odin left Mongstad before this could be actioned, and therefore the same request for assistance was made to Police at its next port of call, Glasgow.

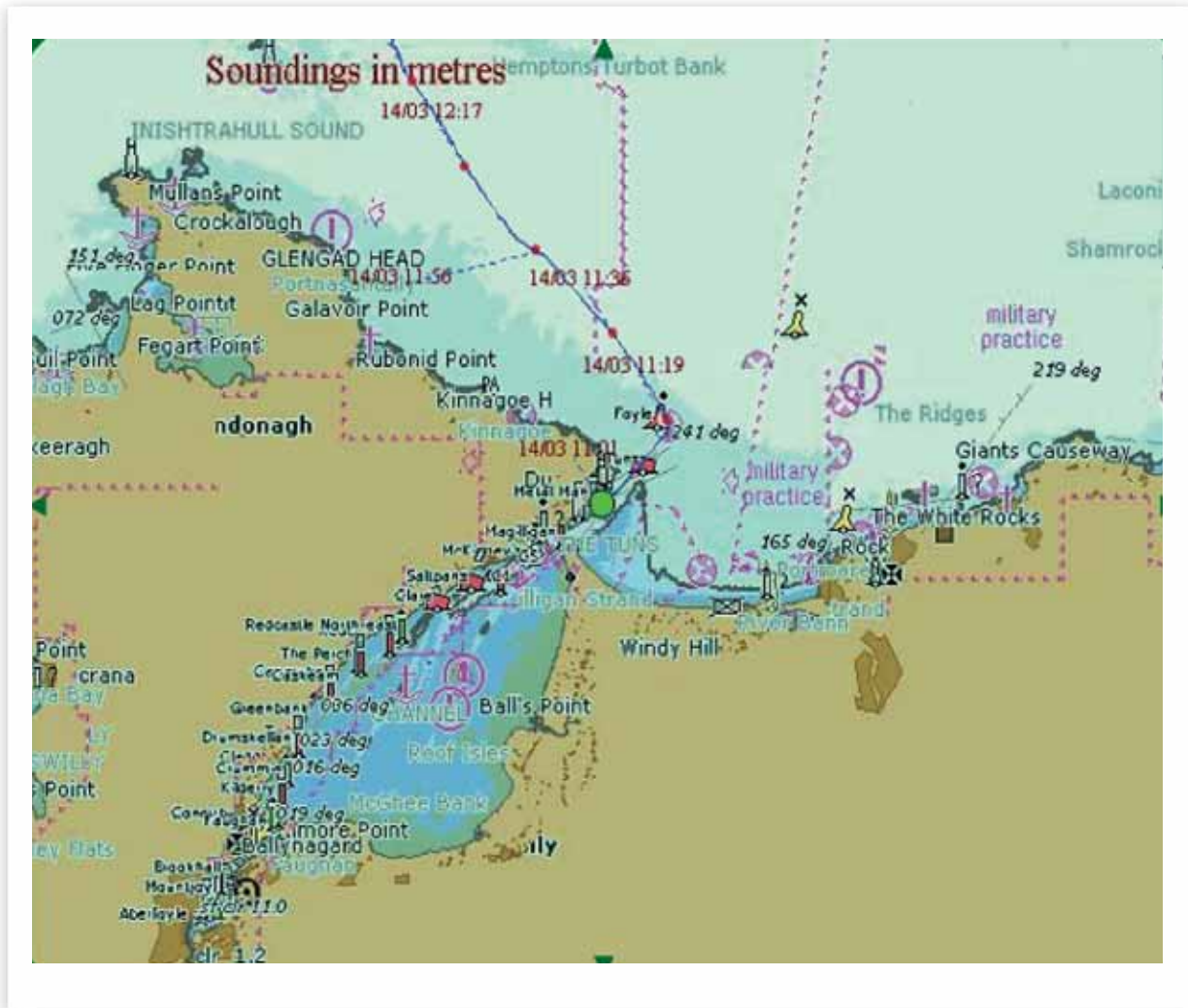
On 21/3/08 Officers led by Sgt Iain Oliphant Strathclyde Police Marine Policing Unit boarded the Sten Odin at Roshtay, spoke to its master Maximo Rico and his crew and examined the vessel to no avail, no further information was forthcoming, nor was there any visible damage to the ship.

Hope this assists you
Regards

Robin J Young
A/Inspector
G District
18595
07927029687

APPENDIX 9.10

Appendix 9.10 Print out of AIS track of “Sten Odin”.



Appendix 9.11 Gordon Knaggs & Associates Report of Timbers of "Strath Marie".

<h1>Gordon Knaggs & Associates</h1>	
<h2>REPORT</h2>	
TITLE:-	Examination of Timbers from Fishing Vessel "Strath Marie"
TO:-	Department of Transport
REPORT REF:-	00834.
ORDER NO.:-	E-mail
DATE OF ISSUE:-	25 th . April 2008
REPORT BY:-	G.R.Knaggs F.I.W.Sc. <i>GRC JS</i>
<p>Gordon Knaggs & Associates, Consultant Timber Technologists, The Gables, Baldoyle Road, Sutton, Dublin 13, Ireland. Telephone/Fax 01 8396783 E-mail gordonknaggs@eircom.net</p>	

Appendix 9.11 Gordon Knaggs & Associates Report of Timbers of “Strath Marie”.

Report No. 00834

25-4-2008

Examination of Timbers from Fishing Vessel “Strath Marie”.**Summary.**

A visit was paid to the premises of Castle Engineering at Castlerock, Co. Derry on 21st. April 2008. Portions of the hull and hull planking from the fishing vessel “Strath Marie” were examined for the presence of decay or other factors which might have been implicated in the sinking of this vessel. The species of timber present were identified. The hull planking and frame were generally sound and free of decay or borer attack. Areas of decay were present in internal stringers. Some other features are commented on.

Examination.

The recovered portions of the vessel were seen at the premises of Castle Engineering, Castlerock, Co. Derry. I understand that these were stored in a locked container prior to my visit.

The sections examined comprised:-

1. An almost complete section of the bows, from stem to bulkhead, and with portside planking for several frames further aft. Total length approx. 3.4m. See Fig. 1. Deck of recent construction on unpainted deck frames, 90x40mm in section, and with 18mm hardwood plywood, glassed over on upper surface. Samson post of mahogany or similar species, 100x85mm. All these components clean and sound.

Clinker planking of Larch, 150-170x15-16mm in section, clenched with copper rivets and roves. Fastenings generally intact. Upper planking, port side, appears newer and with fewer coats of paint. Fibrous break in planking, indicating sound timber.

Appendix 9.11 Gordon Knaggs & Associates Report of Timbers of "Strath Marie".

Report No. 00834

25-4-2008

Frames of Oak in sections lapped over approx 3-400mm and bolted through. No evidence of decay in either frames or planking. Stringers, 70-80x32mm in section, at turn of bilge and 300mm below gunwale level with decay where broken at fixings, Fig. 2. (also see below) Keel not present. This has pulled cleanly away from the planking and frames. Plywood bulkhead slightly displaced from its' original location.

2. Hull Planking.

Eight sections of hull planking of various sizes were present. The largest piece, approx. 3x1m in area on portion of four frames, originated from the port side forward of the sternpost. No evidence of decay here. Many round galvanised nails in good condition still present in aft end of planking. See Fig. 4. Other pieces of planking also sound, albeit with slightly brash fractures in some pieces. Fasteners generally intact.

3. Assorted pieces.

Several short lengths of stringer, one matching broken end at bulkhead. Ends soft. 700x70x42mm section of surfaced pine with white plywood attached. Possibly frame to hatch or doorway.

800x130x32mm, similar to above, with bulkhead type light fitting attached.

Six short pieces of hull planking, same colour as sections above.

Other sections of timber were also present and are clearly not from this vessel.

Species identification.

Samples were taken from a number of frames, hull planks and stringers. These were sectioned, microscopically examined, and the wood species present identified.

The frames were of Oak, *Quercus spp.*

Appendix 9.11 Gordon Knaggs & Associates Report of Timbers of “Strath Marie”.

Report No. 00834

25-4-2008

The hull planking was of Larch, *Larix. Spp.*

The lower stringers were of Spruce, *Picea spp.*, probably *Picea abies*, White deal. The upper stringer, starboard side, was of Pine, *Pinus spp.*, possibly either *Pinus pinaster*, Maritime pine, or *Pinus contorta*, Lodgepole pine.

Decay.

The samples taken for identification were also examined for the presence of fungal hyphae (strands) in the cells, indicative of decay. The larch and oak samples were essentially free of such hyphae or boreholes in the cell walls, while the samples of pine and spruce stringers had such hyphae present.

Notes.

1. I understand that the vessel was 29' (8.8m) long. The large sections seen from bow and stern totalled approx. 6.4m. None of the remaining short pieces could be positively identified as coming from the missing midships section.
2. While there were some scrapes and abrasions on the bow section, there was nothing to suggest an impact in this area.
3. Planking at stem and sternpost was bedded in red lead. Joints in the length of hulking were formed from well-fitting scarf joints.
4. Larch planking on oak frames are species traditionally used in boatbuilding. Spruce, which is less durable, is normally used only in light craft. The species of pine in the other stringer would not normally be used in boat building.
5. There was no evidence of attack by marine borers (Teredo or Gribble).
6. The security of fastening of the keel to the frames and planking is unclear, with the keel apparently pulling away cleanly See Fig. 3.

Appendix 9.11 Gordon Knaggs & Associates Report of Timbers of “Strath Marie”.

Report No. 00834

25-4-2008



Figure 1. Bow section of vessel



Figure 2. Decayed end of stringer. Note good condition of planking at break.

Appendix 9.11 Gordon Knaggs & Associates Report of Timbers of “Strath Marie”.

Report No. 00834

25-4-2008



Figure 3. Foot of bow, with scarf joint in stem, base of Samson post, and missing keel



Figure 4. Port aft planking showing nails pulled from stempost.

10.	CORRESPONDENCE RECEIVED	PAGE
10.1	Norwegian Maritime Directorate MCIB Response	44 44
10.2	An Garda Síochána MCIB Response	45 45
10.3	Naval Operations Command MCIB Response	46 46
10.4	P.A. Dorrian & Co. MCIB Response	47 50
10.5	Irish Coast Guard MCIB Response	52 52
10.6	C.S. Kelly & Co. MCIB Response	53 55
10.7	Gordon Knaggs & Associates MCIB Response	56 56



Our date
2010.02.10
Your reference

Our reference and file no
200922598-4/57/022034
Inquiries to / Direct phone
Terje Sagebakken

Marine Casualty Investigation Board
Leeson Lane Dublin 2
Ireland

NORTHERN OCEAN (ex. Sten Odin) LAJC5 - DRAFT Report of the Investigation into the sinking of the FV Strath Marie off Inishoven Head Co. Donegal 14032008

Dear Ms. Eve Reddin.

The Norwegian Maritime Directorate (NMD) have been studying the DRAFT Report of the investigation into the sinking of the FV "Strath Marie" off Inishoven Head, Co. Donegal – 14th March 2008.

NMD have no comments or observations to make on this Draft Report.

Please note that individual decisions made by the Norwegian Maritime Directorate may be appealed to the Ministry of Trade and Industry. Appeals must be lodged within three weeks with the Norwegian Maritime Directorate.

Yours faithfully,


Knut Kristiansen
Director


Terje Sagebakken
Head of Section



Head office
Postboks 2222
5509 Haugesund
Norge

Office address
Smedasundet 50A
5528 Haugesund
Norge

Billing address
Fakturmottak SSØ
Postboks 4104
2307 Hamar

Telephone +47 52 74 50 00
Telefax +47 52 74 50 01
E-mail
postmottak@sjofartsdir.no

Organization no
NO 974 761 262 MVA
Internet
www.sjofartsdir.no

MCIB RESPONSE

The MCIB notes the contents of this letter.

An Garda Síochána

An Leas-Choimisinéara
(Oibríochtaí)
An Garda Síochána
Ceanncheathrú na nGardaí
Páirc an Fhionn-Uisce
Baile Atha Cliath 8

Tel. / Teileafón (01) 666 2057/8/9

Fax. / Fíacs (01) 666 2060

Please quote the following Ref. No.



Deputy Commissioner
(Operations)
An Garda Síochána
Garda Headquarters
Phoenix Park
Dublin 8

Web Site : www.garda.ie

E-mail : commissioner_ops@garda.ie

OPS 79.13/08
PS 314/08

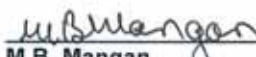
Mr. Kieran Baker
Secretary to the Board,
Marine Casualty Investigation Board,
Leeson Lane,
Dublin 2.

Re: Draft Report into the loss of the Strath Marie.

Dear Mr. Baker,

I am directed by Deputy Commissioner, Operations, to refer to your letter to the Commissioner, dated 14th January 2010, in the above and to advise that An Garda Síochána concur with the recommendations as set out in points 8.1, 8.2, 8.3 and 8.4 of the draft report.

Yours sincerely,


M.B. Mangan
Superintendent for
Deputy Commissioner

26 January, 2010



Mission Statement / Ráiteas Misin :

Working with Communities to Protect and Serve / Ag obair le Pobail chun iad a chosaint agus chun freastal orthu

MCIB RESPONSE

The MCIB notes the contents of this letter. Recommendation 8.4 has been provided for the purpose of added clarity.

L.E. ORLA,
Ceannasaíocht Oibríochtaí-
Cabhlaigh
Bunáit Chabhlaigh
Inis Sionnach
CO. CORCAIGH.

Tel: 087-2417183



L.E. ORLA,
Naval Operations Command
Naval Base
Haulbowline
CO. CORK.

Fax: 087-2010747

18 December 2009

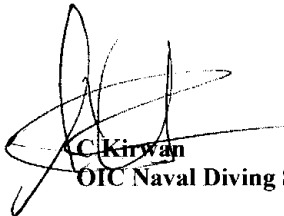
Eve Reddin,
Secretariat,
MCIB.

Dear Ms Reddin,

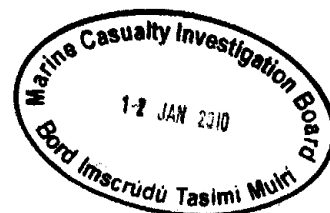
RESPONSE TO MCIB REPORT ON FV "STRATH MARIE"

Ref: A. Draft report on investigation into the sinking of the "Strath Marie" on the 14th March 2008.

1. Having read the report I have no further comments or observations to make on the investigation.



A.C. Kirwan
OIC Naval Diving Section (as on Mar/Apr 2008)



MCIB RESPONSE

The MCIB notes the contents of this letter.

P.A. DORRIAN & CO.

Pat McMyler
Frank Dorrian B.A., LL.B.
P.A. Dorrian Consultant
Patricia Dorrian B.C.L.
Mary Coldrick BA., LLB
Jolene McElhinney BBLS
SOLICITORS

V.A.T. No. IE 6528308 B

Please quote Our Ref. No.

Dublin Office:
24-26 UPPER ORMOND QUAY

*Main Street
Buncrana,
Co. Donegal.*

Telephone: Buncrana (074) 93 61331
Fax No. (074) 93 61915 (5 lines)
DX 66 004 Buncrana
Email: admin@padorrian.com
Web: www.padorrian.com

2.MG.12136

12th January 2010

Mr. John G. O'Donnell
Chairman
MCIB
Leeson Lane
Dublin 2

RE: Strath Marie 14th March 2008
Our client: Frankie McDaid
Draft report investigation fatal accident

Dear Sir,

We refer to the draft report sent to our client Betty McDaid on 10th December 2009.

Due to the inclement weather conditions, work commitments and the big freeze over the past number of weeks our client has only just had an opportunity to consider the report and to furnish it to us. The statutory period for the making of submissions is running and we would ask you to please confirm by return that you will extend the period for submissions in this case which is at the "absolute discretion" of the Board.

We submit that our client is owner of the boat and as a person who suffered loss of family life and who participated in the investigation is entitled to some leeway. To refuse to extend the time in this case having regard to the timing of the issue of the draft report i.e. just before Christmas, the unavailability of experts including their lawyers until now, the inclement weather, the remoteness of their location and their utter dependence on third parties for guidance justifies an extension of time.

The accident was 14th March 2008 and our clients submit that an extension of time would not prejudice anybody in any way, shape or form.

In the meantime, from a cursory inspection of the report, our clients wish to make provisional observations which, in the absence of an extension of time are to be treated as final observations for inclusion in the schedule to the report.

Yours faithfully,

P.A. Dorrian Co.
P.A. DORRIAN & CO.

Report of investigation into the sinking of the FV "Strath Marie" off Inishowen Head, Co. Donegal, resulting in two fatalities

14th March 2008

Observations on draft report by Betty McDaid

1. The investigation was inadequate in that there was a refusal from the outset by the Authorities to conduct a dive at the scene despite favourable weather conditions when the evidence would have been fresh and a real opportunity by way of film or salvage could have been obtained;
2. The investigator showed petulance and impatience particularly with one Frankie McDaid and his unhelpful comments such as "I am fed up with political pressure" were unhelpful and demonstrative of a person intent on minimal compliance with statutory requirements.
3. The failures to respond to requests to preserve evidence and to involve the families of the deceased including the owner of the boat in any real way are inexplicable.
4. The report misquotes the ages of the deceased persons;
5. There has been little or no regard to custom and practice in the fishing industry and a distinct lack of normal investigative techniques such as the taking of statements for inclusion in the report. There is no statement, for example, from the owner and in particular the circumstantial evidence seems to have been ignored such as the custom and practice in the fishing industry when a boat is in trouble for fishermen to remove their boots. Conclusions have not been drawn from evidential matters and for example this would tend to suggest that the men were taken by surprise;
6. There has been a failure to investigate in a real way the prospect of collision with another vessel.
7. There has been no real effort to photograph or film the wreck so that a picture could be presented to experts.
8. The qualifications, experience and expertise of the person conducting the investigation, namely Mr. _____ have not been outlined and there is no confidence that he was an appropriate or suitably qualified person to advise a Committee on the likely conclusions to be reached.
9. A most oblique statement appears in the report concerning radio and telephone signal. The signal is relatively good in this area. Mobile phones will always send out a distress signal emergency call but in any event the comment made "in the area where the "Strath Marie" was working with pots the VHF radio and mobile telephone are known to not always have good reception". This, in fact, is the same for every part of Ireland. We suffer from an unreliable mobile phone signal but it is entirely disputed that any suggestion that there may have been a difficulty in making a mobile telephone call which resulted in the sinking of the ship is rejected. These people clearly did not have an opportunity of making a mayday or emergency call using any of the various opportunities open to them.

10. 6.4 When investigating the death of Irish citizens it is offensive in extremis for the Authorities to rely on a report of a visual inspection from Authorities in Norway. The least that one would expect from the Irish Government or persons investigating on behalf of the Irish people is that they would conduct an inspection themselves. Likewise, no statements are exhibited from crew members which could be tested by any persons having an interest in this matter.
11. It is apparent that the “Sten Odin” was in Scotland also post accident but there is no reference in the report to these matters.
12. It seems that this investigation was conducted because there was a statutory obligation and the bare minimum was done despite the fact that two Irish citizens lost their lives in tragic circumstances and in effect the view is taken that the Authorities do not give a damn.
13. No explanation is given nor does it seem has one been sought as to why the “Sten Odin” slowed down and altered course at the relevant time.



REPLIES TO LETTER OF P.A DORRIAN & CO DATED 12th JANUARY 2010 TOGETHER WITH OBSERVATIONS ATTACHED:

The MCIB notes that an extension of time was granted, as requested, and no further observations were received.

Replies to observations retaining the numerical sequence set out therein:

- 1 The MCIB refutes such contention. The MCIB carried out a full, thorough and professional investigation into this tragic incident. The bodies of the deceased men had already been recovered. The Naval Diving Section of the Irish Navy was on call for some time, awaiting suitable weather conditions to enable them to commence their search.
- 2 The MCIB takes such allegations very seriously and having examined them is satisfied that the investigation was carried out in a professional, efficient and competent manner. The MCIB has great sympathy for the tragic loss sustained by the families of the deceased men.
- 3 The MCIB refutes such allegations. It carried out a thorough investigation and all evidence obtained was, and still is preserved, while all relevant witnesses were contacted during the investigation.
- 4 The report has been amended to reflect the correct ages for both deceased men. The ages of the deceased men were taken from the Coroner's Report which recites incorrect ages for both deceased men.
- 5 MCIB investigations deal with facts and the conclusions to be drawn from facts, only. We cannot, and do not, conclude that the deceased men were taken by surprise because they were recovered wearing their wellington boots.
- 6 The MCIB investigated the possibility of a collision and found no evidence of any collision. MCIB therefore concludes that no collision occurred.
- 7 Photographs of the wreck are contained in the report from Gordon Knaggs & Associates in Appendix 9.11 which details his examination of the wreck.
- 8 It is inappropriate to reference the name of an MCIB investigator in any MCIB report. The report is a report of the Marine Casualty Investigation Board. The MCIB is satisfied that this incident was properly investigated by a team. All MCIB investigators are professional, competent and warranted investigators in accordance with the Merchant Shipping (Investigation of Marine Casualties) Act, 2000.
- 9 The MCIB disagrees with this point. The MCIB does not make any such suggestion. We refer you to the final paragraph of the letter from the Director, Irish Coast Guard dated the 31st December 2009, received under section (36) of the Merchant Shipping (Investigations of Marine Casualties) Act 2000, which states *"...the Coast Guard recognise that there are bays and inlets around the coast where VHF distress calls will not be received by the emergency services."*

- 10 It is recognised international practice for investigators to co-operate with colleagues in other countries. Please see Appendix 9.7 for the report of the Norwegian Maritime Directorate and Appendix 9.8 for the report of Robin J. Young, A/Inspector, PSNI.
- 11 The 'Sten Odin' was inspected in Scotland by Strathclyde Police Marine Policing Unit. Please see final paragraph of PSNI report at Appendix 9.8 for the report of Robin J. Young, A/Inspector, PSNI.
- 12 MCIB refutes such suggestion. The MCIB does not understand the suggestion made that the “...*Authorities do not give a damn.*” The MCIB carried out a thorough and professional investigation into the tragic deaths of these two men.
- 13 There is evidence of one change of course. The alteration of the course of the “Sten Odin” was minimal in both speed and direction. Additionally, the location where this course alteration took place as indicated in Appendix 9.8 was a significant distance of some 8 nautical miles away from the most probable location of the “FV Strath Marie” which was tending its pots in the locations as noted in Appendix 9.3 of this report. Therefore, this alteration is not considered to be relevant to this investigation.

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 Department of Transport
An Roinn Iompair



31st December 2009.

John G. O'Donnell, B.L.,
Chairman,
MCIB

MCIB Draft report FV 'Strath Marie'

Dear Mr O'Donnell,

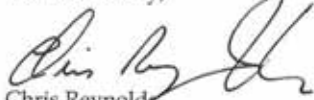
Thank you for allowing the Coast Guard comment on the contents of the draft Report into the sinking of the FV 'Strath Marie' off Inishowen Head, Co. Donegal on the 14th of March 2008. Less than an hour passed between the receipt of the 999 call and the recovery of the first casualty from the water. However it is not known how long Mr. Francis McDaid and Mr Daniel McDaid were in the water before we received this call. We recognise that minutes count in making the difference between a successful rescue and a tragedy and therefore I would like to make some general comments on alerting the emergency services.

Significant advancements have been made in recent years in improving the alert and notification of the Coast Guard to a distress by the fitting of electronic devices such as EPIRB's, DSC linked to a GPS feed and SART's. Taking the 'search' out of search and rescue (SAR) is being significantly enhanced with the statutory requirement to fit Automatic Identification Systems (AIS) to all fishing vessels down to 15m length overall by October 2010. Not only will this give a near live picture of fishing vessel traffic within VHF range of our coast (approximately 40 miles) it will enable Coast Guard SAR Mission Controllers backtrack historical data to rapidly find the point of the sinking; to identify other vessels close by who can respond; to assist in the analysis of the cause of the accident; and to isolate hoax or false mayday alerts. The Coast Guard strongly encourages the fitting of AIS to all vessels whether or not statutorily obliged.

At para 5.3 I would request that the phrase "Greencastle Coast Guard Delta" is amended to Greencastle Coast Guard RiB as 'Delta' is a brand name.

At para 6.2 the Coast Guard recognise that there are bays and inlets around the coast where VHF distress calls will not be received by the emergency services and encourage all vessel owners, regardless of whether a fishing vessel or a leisure craft, to install a float free self-activating EPIRB whether or not statutorily obliged.

Yours sincerely,



Chris Reynolds,
Director Irish Coast Guard.



Coast Guard HQ, Leeson Lane, Dublin 2.

Irish Coast Guard
GARDA COSTA na hÉIREANN



MCIB RESPONSE

The MCIB notes the contents of this letter and has made the necessary amendment.

C. S. KELLY & CO.

Solicitors
Commissioners for Oaths
Notary Public

Market House,
Buncrana,
Co. Donegal.

Telephone: 074 9363111
Fax No: 074 9361844
DX 66 001 BUNCRANA

Our Ref: CFMcL/HOD mf.
Your Ref: MCIB/158

23rd December, 2009

Re: "Strath Marie"

Dear Sir,

Our client, Mrs. Ellen McDaid of Bunn, Culkeeny, Malin, Co. Donegal, has passed to us your letter of the 10th December, 2009, together with the enclosed Report.

It was rather unfortunate that even though your letter was addressed to our client that same was sent in an envelope addressed to our client C/o Mr. Frankie McDaid. Please explain why the letter and Report was not sent to our client at her home address.

Furthermore, we would be obliged if you would let us know why a copy of that Report was not sent to this office as we were then on record as acting for Mrs. Ellen McDaid.

There are a number of issues arising from the Report to which we wish to draw your attention:-

1. The late Daniel McDaid was 70 years old. The late Francis McDaid was 68 years old. Your Report has given the wrong ages for both deceased.
2. It is noted that both bodies were found floating on the surface. It has been brought to our attention that if both men had been drowned then, in the normal course, their bodies would not have floated on the surface of the water.
3. If this boat had sunk from natural causes or over a short period of time then it is common practice for experienced fishermen to remove their Wellingtons before going into the water. Both deceased were found wearing Wellingtons. Clearly, they had not been given time to remove their Wellingtons or to take any safety precautions.
4. No explanation has been offered or furnished for the delay in requesting the Naval Diving Section to carry out an immediate survey of the sunken boat whilst it was lying on the sea bed and before it was broken up and washed away. If such an examination had been carried out immediately then an explanation for the sinking of this boat might have been obtained.

Ciaran F. MacLochlainn B.C.L., Joseph P. Davies B.C.L. Notary Public,
Dervla H. McLaughlin LL.B., Darragh J. McLaughlin LL.B.,
Mary McNamara Dip L.S., Anne Marie McCrystal, LL.B.,
Marie McConnell F.I.L.L.Ex. - Legal Executive.

5. Both deceased had carried mobile phones. No one asked whether they were in possession of mobile phones.
6. V.H.F. should have worked in the area were the boat sank.
7. The investigation in relation to the white speed boat, which was seen in the area, is both inadequate and incomplete.
8. The details from the Sten Odin were to be put on disk and made available. This has not happened and an explanation is required.
9. The Sten Odin places another boat in the area were the boat sank. This aspect of the matter does not appear to have been investigated.
10. No explanation has been given as to why the Sten Odin changed course on at least two occasions and why it slowed down for a period.
11. No enquiry has been made in relation to insurance cover on the Strath Marie in respect of the boat itself or in respect of persons carried thereon.
12. It is unclear from the Report whether the boat was owned by the deceased, Francis McDaid (Senior) or his son, Francis McDaid (Junior).

We have been asked by our client to inform you that the person who carried out the investigation was rude to members of the family of the deceased who raised legitimate queries in relation to this matter.

Please arrange to rectify these errors in the Report and finalise the investigation of these outstanding matters without further delay.

Yours faithfully,

The Chairman,
The Marine Casualty Investigation Board,
Leeson Lane,
DUBLIN 2.

Ciaran F. MacLochlainn B.C.L., **Joseph P. Davies** B.C.L. Notary Public,
Dervla H. McLaughlin LL.B., **Darragh J. McLaughlin** LL.B.,
Mary McNamara Dip L.S., **Anne Marie McCrystal**, LL.B.,
Marie McConnell F.I.I.L.Ex. – Legal Executive.

**REPLIES TO THE OBSERVATIONS OF C.S KELLY BY LETTER DATED
23RD DECEMBER 2009:**

- 1 The report has been amended to reflect the correct ages of the deceased men. The ages of the deceased men were taken from the Coroner's Report, which recites the incorrect age of the deceased.
- 2 The Autopsy Report records the cause of death as drowning in salt water.
- 3 MCIB investigations deal with facts and conclusions to be drawn from facts, only. We cannot, and do not, conclude that the deceased men were taken by surprise or did not have time to take any safety precautions because they were recovered wearing their wellington boots.
- 4 The MCIB does not consider that there was any undue delay in calling in the Naval divers. The bodies of the deceased had already been recovered. The location of the wreck was unknown and no EPIRB signal was recorded. The Naval Diving Section of the Irish Navy was on call, for some time, awaiting suitable weather conditions to enable them to commence their search.
- 5 During the investigation information was sought as to whether the deceased men were in possession of mobile phones. No confirmation in this regard was received. The MCIB investigator was advised that it was known that no mobile phone reception was available where the "Strath Marie" was thought to have sunk.
- 6 There is no record of a VHF radio message having been received from this vessel.
- 7 The investigation found no evidence of a white speed boat at the location and Malin Head Coastguard have no evidence of a white speed boat at the location.
- 8 It is not clear what is meant by this comment. All relevant details from the 'Sten Odin' have been obtained and are included in the report, see Appendix 9.7.
- 9 There is no evidence of any other vessel. The only other boats in the Foyle Estuary are those referenced at Appendix 9.7 and it is clear that neither of those boats could have been involved in the incident. It is possible that the vessel referred to by the 'Sten Odin' was the pilot vessel.
- 10 There is evidence of one change of course. The alteration of the course of the "Sten Odin" was minimal in both speed and direction. Additionally, the location where this course alteration took place, as indicated in Appendix 9.8, was a significant distance of some 8 nautical miles away, from the most probable location of the "MV Strath Marie" which was tending its pots in the locations as noted in Appendix 9.3 of this report. Therefore, this alteration is not considered to be relevant to this investigation.
- 11 This is not a matter for investigation by the MCIB.
- 12 The registered owner of the boat was Francis H. McDaid of Bunn, Culkenny, Malin, Co. Donegal.

The MCIB takes the allegations made in the second last paragraph of the letter of the 23rd December 2009 very seriously. Having investigated the allegations made the MCIB is satisfied that the investigation was carried out in a professional, efficient and competent manner and refutes the contention that the MCIB investigator was rude to any member of the deceased's family. The MCIB has great sympathy for the tragic loss sustained by the families of the deceased.

Gordon Knaggs & Associates
Consultant Timber Technologists

Ms. E Reddin,

MCIB.

12-11-2009

Dear Eve,

This will acknowledge my receipt of the draft report on the sinking of FV "Strath Marie", and I have no observations to make on the findings.

There is just one minor point – in my report, Note 3, there is a reference to "hulking" This should have read *planking*. My apologies for this error.

Yours sincerely,

Gordon Knaggs



Gordon R. Knaggs F.I.W.Sc The Gables Baldoyle Road Sutton Dublin 13 Ireland
Tel/Fax:- 01-8396783 Mob. 087-6886871 E-mail:- gordonknaggs@eircom.net

MCIB RESPONSE

The MCIB notes the contents of this letter.