

Log 370



## National Transportation Safety Board

Washington, D.C. 20594

### Safety Recommendation

**Date:** April 11, 1991

**In reply refer to:** M-91-11

Admiral J. William Kime  
Commandant  
U.S. Coast Guard  
Washington, D.C. 20593-0001

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About 1030 on January 21, 1990, the 37-foot small passenger vessel GAMBLER, O.N. 553817, departed La Push, Washington, with the owner/master, one deckhand, and seven passengers on board for a day of sport fishing off the coast of Washington. Before departure neither the master nor the deckhand prepared a crew or passenger list or gave a safety orientation briefing to the passengers. The vessel transited the Quillayute River Bar, where 10 to 12 feet high waves were breaking, without incident.

About an hour later, the GAMBLER arrived at a fishing area that was about 8.5 miles offshore. About 1430, the weather had deteriorated, and all on board agreed that they should return to La Push. The 600 pounds of fish that had been caught was placed in a box on the centerline of the vessel near the stern. As the GAMBLER approached the coast of Washington no one donned life preservers, and neither the master nor the deckhand recommended their use for crossing the Quillayute River Bar.

About 1545 the GAMBLER was on an easterly heading with the seas astern as it turned left to enter the Quillayute River between James Island and the jetty separating the river and harbor from the beach, causing the seas to come over its port side. As the master was attempting to navigate the bar to enter the harbor, the GAMBLER was struck on the port side by three large waves in quick succession. The first wave rolled the vessel to 45 degrees, the second wave increased the vessel's roll to 90 degrees, and the third wave continued the roll until the vessel capsized. A passenger testified that the fish box broke loose from its deck mountings after the first wave struck the vessel and crushed the deckhand, who was on the stern, against the starboard bulwark and railing. Three passengers were washed into the forward below deck compartment. The master, the deckhand, and the four other passengers were washed overboard as the boat capsized.

A motorist, who was parked near the beach overlooking the Quillayute River entrance, saw the vessel capsize, drove to the Quillayute River U.S. Coast Guard Station in La Push, and notified the Coast Guard of the accident.

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At 1550 the Coast Guard station's 44-foot Motor Life Boat (MLB) was underway and arrived on scene at 1605. A Coast Guardsman involved in the rescue operations reported that the waves were 15 to 20 feet high and the water temperature was about 45 °F.

One of the passengers who had been washed into the forward below deck compartment was later thrown into the sea after the GAMBLER lost its deckhouse and was righted by subsequent wave action. After being tossed by the waves and undertow currents for about 30 minutes, he was rescued from the surf by a shore rescue team about 1615. He suffered from hypothermia and was unable to walk. About 1630, one of the four passengers washed overboard as the vessel capsized was rescued by the Coast Guard in the MLB. He also suffered from hypothermia. The body of a passenger was found on the jetty at the entrance to the bar. Four passengers and two crewmembers remain missing.

When the Coast Guard began its search for survivors, it did not know how many persons had been on the GAMBLER. It determined the number of persons that had been on the GAMBLER from the interviews with the two survivors.

As a result of its investigation of the sinking of the small passenger vessel JOAN LA RIE III<sup>1</sup> off Manasquan Inlet, New Jersey, on October 24, 1982, the Safety Board concluded that the lack of a crew and passenger list ashore unnecessarily complicated and extended the search and rescue effort and impeded the identification of persons missing from the vessel. Consequently, it issued the following safety recommendation to the Coast Guard:

M-84-14

Require that operators of charter fishing boats [small passenger vessels] making an offshore trip or voyage to prepare a crew and passenger list and deposit the list, or copy thereof, at a suitable location ashore before departure.

This recommendation was reiterated in the investigation report for the near capsizing of the charter passenger (small passenger) vessel MERRY JANE<sup>2</sup> at Bodega Bay, California, on February 8, 1986, and in the investigation report of the capsizing of the charter fishing (small passenger) vessel FISH-

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<sup>1</sup>For more detailed information, read Marine Accident Report--"Sinking of the Charter Fishing Boat JOAN LA RIE III off Manasquan Inlet, New Jersey, October 24, 1982" (NTSB/MAR-84/02).

<sup>2</sup>For more detailed information, read Marine Accident Report--"Near Capsizing of the Charter Passenger Vessel MERRY JANE, Bodega Bay, California, February 8, 1986" (NTSB/MAR-86/11).

N-FOOL<sup>3</sup> in the Pacific Ocean at Roca Ben, Baja California Norte, Mexico, on February 5, 1987. Because the Coast Guard intended to include this recommendation in a Notice of Proposed Rulemaking (NPRM) as part of its regulatory project to revise 46 CFR Subchapter T, the recommendation was classified as "Open--Acceptable Action." However, because this recommendation has been pending for 7 years, it is reclassified as "Open--Unacceptable Action."

Also, as a result of the Safety Board investigation of the near capsizing of the MERRY JANE, the Safety Board concluded that when small ocean or coastwise vessels up to 65 feet in length carry passengers, the passengers should wear life preservers while the vessels are leaving and entering ports susceptible to breaking waves similar to those encountered at the entrance to Bodega Bay. As a result, it issued the following safety recommendation to the Coast Guard:

M-86-113

Require that life preservers be worn by passengers on small ocean and coastwise passenger vessels up to 65 feet in length while on open decks during the time that these vessels are leaving or entering ports which are susceptible to breaking waves similar to Bodega Bay, California.

This recommendation was also classified as "Open--Acceptable Action" because the Coast Guard intended to include it in its NPRM as part of its revision of 46 CFR Subchapter T. Because this recommendation has been pending for 4 1/2 years, it is also reclassified as "Open--Unacceptable Action."

As a consequence of the GAMBLER accident investigation, the Safety Board reiterates Safety Recommendation M-84-14 because if information had not been obtained from the two survivors, the Coast Guard and other search groups would not have known how many persons were on the GAMBLER. The Safety Board also reiterates Safety Recommendation M-86-113 because the operator of the GAMBLER did not require passengers or crew to wear life preservers while crossing a bar susceptible to breaking waves. If passengers and crew had been wearing life preservers, some additional lives may have been saved.

In the Safety Board investigation of the capsizing of the charter passenger vessel (small passenger) SAN MATEO<sup>4</sup> at Morro Bay, California, on February 16, 1983, the Safety Board concluded that an audiovisual safety

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<sup>3</sup>For more detailed information read, Marine Accident Report--"Capsizing of the U.S. Charter Fishing Vessel FISH-N-FOOL, Pacific Ocean at Roca Ben, Baja California Norte, Mexico, February 5, 1987" (NTSB/MAR-87/11).

<sup>4</sup>For more detailed information, read Marine Accident Report--"Capsizing of the Charter Passenger Vessel SAN MATEO, Morro Bay, California, February 16, 1983" (NTSB/MAR-83/09).

orientation that includes a demonstration of the proper method to don life preservers would significantly increase the ability of passengers on small passenger vessels to react correctly in an emergency situation. Therefore, it issued the following safety recommendation to the Coast Guard:

M-83-79

Amend 46 CFR 185.25 to require that a safety orientation briefing, which includes a demonstration of the proper method of donning life preservers, be provided to passengers on board small passenger vessels that operate on other than protected waters. This briefing should include a statement that all passengers will be requested to don life preservers when possibly hazardous conditions may be expected to be encountered.

Also, as a result of the Safety Board investigation of the capsizing of the FISH-N-FOOL, the Safety Board concluded that a complete passenger safety briefing is vital to passenger safety on small passenger vessels. This safety briefing should be given to the passengers verbally by a licensed crewmember. Consequently, it issued the following safety recommendation to the Coast Guard:

M-87-113

Amend 46 CFR 185.25-1(d) to require that a licensed crewmember present a verbal passenger safety briefing, which includes all the subjects listed in 46 CFR 185.25-1(d)(1) through (4),<sup>5</sup> to all passengers before getting underway.

Recommendations M-83-79 and M-87-113 were reiterated in a Safety Board safety study, Passenger Vessels Operating from U.S. Ports.<sup>6</sup> These recommendations were classified as "Open--Unacceptable Action" because of the delay by the Coast Guard in acting on them.

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<sup>5</sup>Title 46 CFR 185.25-1(d)(1) through (4) is as follows:

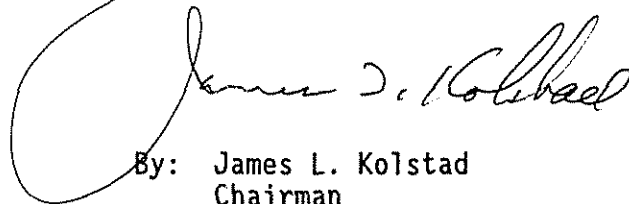
- (1) Stowage location of life preservers;
- (2) Proper method of donning and adjusting life preservers of the types(s) carried on the vessel;
- (3) The type and location of all lifesaving devices carried on the vessel; and
- (4) The location and contents of the "Emergency Checkoff List" required by 185.25-5.

<sup>6</sup>For more detailed information read Safety Study--"Passenger Vessels Operating from U.S. Ports" (NTSB/SS-89/01).

The Safety Board continues to believe that safety orientation briefings are necessary on small passenger vessels. Moreover, as a result of the capsizing of the GAMBLER, it concludes that a combined approach as recommended in M-83-79 and M-87-113 is necessary. Accordingly, the Safety Board has classified these recommendations as "Closed--Unacceptable Action/Superseded" and recommends that the U.S. Coast Guard:

Amend 46 CFR 185.25-1(d) to require that before getting underway the master or other licensed crewmember present a verbal passenger safety briefing to all passengers that includes all of the subjects listed in 46 CFR 185.25-1(d)(1) through (4) and an advisory that during rough water or other hazardous conditions passengers will be required to don life preservers. (Class II, Priority Action)(M-91-11)

Chairman KOLSTAD, Vice Chairman COUGHLIN, and Members LAUBER, BURNETT, and HART concurred in this recommendation.

A handwritten signature in cursive script, reading "James L. Kolstad". The signature is written in black ink and is positioned above the typed name and title.

By: James L. Kolstad  
Chairman