



UNITED STATES COAST GUARD

**REPORT OF THE INVESTIGATION INTO THE
COMMERCIAL FISHING VESSEL JOHN START (O.N.
949114), LOSS OF LIFE IN THE VICINITY OF
CARPINTERIA, CALIFORNIA ON
DECEMBER 8, 2021**



MISLE ACTIVITY NUMBER: 7400259

U.S. Department of
Homeland Security

United States
Coast Guard



Commandant
United States Coast Guard

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16732/IIA #7400259
09 Oct 2024

**LOSS OF LIFE ON THE COMMERCIAL FISHING VESSEL JOHN START
(O.N. 949114) IN THE VICINITY OF CARPINTERIA, CALIFORNIA
ON DECEMBER 8, 2021**

ACTION BY THE COMMANDANT

The record and the report of the investigation convened for the subject casualty have been reviewed. The record and the report, including the findings of fact, analysis, conclusions, and recommendations are approved subject to the following comments. This marine casualty investigation is closed.

ACTION ON RECOMMENDATIONS

Recommendation 1: Recommend that the Commandant, U.S. Coast Guard amend the regulations in Title 46 Code of Federal Regulations (CFR) Part 28.110 to include language that requires every person working on exposed decks aboard underway commercial fishing vessels to wear a Coast Guard approved Type I, Type II, Type III, or Type V Personal Flotation Device (PFD), as described by 46 CFR § 28.110. Implementation of this requirement would result in a significant reduction of commercial fishermen deaths as the result of falls into the water (witnessed or unwitnessed). Currently, 46 CFR Part 28, Subpart B, Requirements for All Commercial Fishing Industry Vessels, does not require commercial fishermen working underway on exposed decks to wear a PFD. The regulation in 46 CFR § 28.110 only addresses the number, types, stowage, and size requirements of immersion suits and PFDs, but does not address when a PFD must be worn. A requirement addressing when to wear a PFD while working on an underway commercial fishing vessel would reduce the occurrence of crew members engaged in fishing loss of life or injury after a fall into the water.

Action: I partially concur with this recommendation. Requiring all fisherman working on exposed decks aboard underway commercial fishing vessels to wear a Coast Guard approved Type I, Type II, Type III, or Type V Personal Flotation Device (PFD) may not be appropriate in all situations.

However, there is clear benefit in donning an activity appropriate Coast Guard-approved life jacket or buoyant work vest when working over or near water, where the danger of drowning exists. Similar federal regulations exist for Occupational Safety and Health Administration (OSHA) jurisdiction in 29 CFR 1926.106(a). The Coast Guard will pursue a Regulatory Project to pursue PFD requirements that mirror existing towing vessel requirements outlined in Title 46 Subchapter M, part 140.430. Specifically, 46 CFR 140.430 mandates that personnel working on

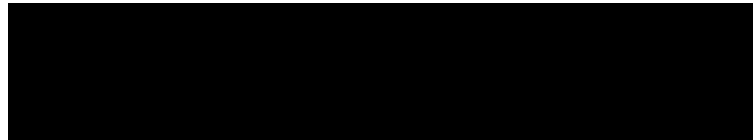
the exterior of a vessel without rails and guards must wear a PFD, immersion suit, or a Coast Guard approved work vest.

Recommendation 2: Recommend that the Commandant, U.S. Coast Guard directs a regulatory initiative that incorporates a requirement within 46 CFR Subpart B that requires all PFDs on commercial fishing vessels operating seaward of the boundary line, north of 32°N or south of 32°S, and Lake Superior be outfitted with personal location beacons (PLBs). Such a requirement would enhance survival chances and recovery times of crewmembers that fall overboard, especially in the cold waters within this zone.

Action: I concur with the intent of this recommendation. The Coast Guard acknowledges that PLBs can enhance mariner recovery should a crewmember fall overboard.

Pursuing a regulatory initiative to require outfitting PLBs on all PFDs on commercial fishing vessels operating seaward of the boundary line, north of 32°N or south of 32°S, and Lake Superior will require a detailed analysis to ascertain the effectiveness of such measures. The Coast Guard intends to analyze the practicality of PLB safety equipment and associated new technologies for use within the commercial fishing industry to determine the appropriate mechanism to promulgate associated requirements or guidance prior to initiating a potential regulatory project.

In the interim, the Coast Guard encourages the commercial fishing vessel industry to leverage new technologies and to voluntarily equip PFDs with PLBs for operations in remote and cold water regions.

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A. M. BEACH
Captain, U.S. Coast Guard
Director of Inspections & Compliance



16732

OCT 13 2023

**COMMERCIAL FISHING VESSEL JOHN START (O.N. 949114), LOSS OF LIFE IN
THE VICINITY OF CARPINTERIA, CALIFORNIA ON DECEMBER 8, 2021**

ENDORSEMENT BY THE COMMANDER, ELEVENTH COAST GUARD DISTRICT

The record and report of the investigation convened for the subject casualty have been reviewed. The record and report, including the findings of fact, analysis, conclusions, and recommendations are approved. It is recommended that this marine casualty investigation be closed.

COMMENTS ON THE REPORT

The Coast Guard Eleventh District proposes the following actions to add new or amend existing U.S. laws or regulations, international requirements, industry standards, or U.S. Coast Guard policies and procedures as a part of this investigation.


Safety Recommendation 11423 Recommend that the Commandant, U.S. Coast Guard amend the regulations in 46 CFR § 28.110 to include language that requires every person working on exposed decks aboard underway commercial fishing vessels to wear a Coast Guard approved Type I, Type II, Type III, or Type V Personal Flotation Device (PFD), as described by 46 CFR § 28.110. Implementation of this requirement would result in a significant reduction of commercial fishermen deaths as the result of falls into the water (witnessed or unwitnessed). Currently, 46 CFR Part 28, Subpart B, Requirements for All Commercial Fishing Industry Vessels, does not require commercial fishermen working underway on exposed decks to wear a PFD. The regulation in 46 CFR § 28.110 only addresses the number, types, stowage, and size requirements of immersion suits and PFDs, but does not address when a PFD must be worn. A requirement addressing when to wear a PFD while working on an underway commercial fishing vessel would reduce the occurrence of crew members engaged in fishing loss of life or injury after a fall into the water.

Safety Recommendation 11424 Recommend that the Commandant, U.S. Coast Guard directs a regulatory initiative that incorporates a requirement within 46 CFR Subpart B that requires all PFDs on commercial fishing vessels operating seaward of the boundary line, north of 32°N or south of 32°S, and Lake Superior be outfitted with PLBs. Such a requirement would enhance survival chances and recovery times of crewmembers that fall overboard, especially in the cold waters within this zone.

ENDORSEMENT ON RECOMMENDATIONS

Administrative Recommendation 1. Recommend this investigation be closed.

Endorsement: Concur. The Coast Guard Eleventh District agrees with the analysis and conclusions of the Investigating Officer and the endorsement of the Officer in Charge, Marine Inspection. No further action is required by the Coast Guard.



RONALD J. CAPUTO
Captain, U.S. Coast Guard
Chief, Prevention Division
By Direction.

U.S. Department of
Homeland Security

**United States
Coast Guard**



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16732
27 Jul 2023

**COMMERCIAL FISHING VESSEL JOHN START (O.N.949114), LOSS OF LIFE IN
THE VICINITY OF CARPINTERIA, CALIFORNIA ON DECEMBER 08, 2021.**

ENDORSEMENT BY THE OFFICER IN CHARGE, MARINE INSPECTION

The record and the report of the investigation convened for the subject casualty have been reviewed. The record and the report, including the findings of fact, analysis, conclusions, and recommendations are approved. It is recommended that this marine casualty investigation be closed.



R. D. Manning
Captain, U.S. Coast Guard
Officer in Charge, Marine Inspection
Los Angeles – Long Beach

Enclosure: Report of Investigation



16732
30 Jun 2023

**COMMERCIAL FISHING VESSEL JOHN START (O.N. 949114), LOSS OF LIFE IN
THE VICINITY OF CARPINTERIA, CALIFORNIA ON DECEMBER 08, 2021.**

EXECUTIVE SUMMARY

At approximately 0256 on December 8, 2021, the master of the JOHN START (38 FT/16 GT) got the vessel underway by himself and departed from Ventura Harbor, California. At approximately 1456, California Department of Fish and Wildlife made a report to Coast Guard Station Channel Islands that the JOHN START appeared to be underway with no one on board and in danger of running aground. Station Channel Islands launched small boat CG-45643 and they arrived on scene at approximately 1545. The crew observed the JOHN START approximately 200 yards from shore with the engine running and in gear. The vessel appeared to be held in place by its fishing net, which the crew assessed to be stuck on entanglements along the bottom of the sea floor. A Coast Guard crewmember boarded the JOHN START and confirmed no one was on board.

Search efforts were carried out from the time of the report until the search was suspended at 1700 on December 9, 2021. The Coast Guard conducted Search and Rescue (SAR) operations with a combined total of 54 asset hours over 607 square miles, using assets from Air Station San Diego, Forward Operating Base Point Mugu, CGC BLACKTIP, CGC NARWHAL, Station Channel Islands, with an additional 5 search missions conducted by Towboat U.S. and Ventura County Fire & Air with negative results. No body was recovered, and the master of the JOHN START was missing and presumed dead.

As a result of its investigation, the Coast Guard has determined that the initiating event for this casualty was the master falling overboard from the JOHN START. The causal factors that contributed to this casualty were: (1) the master fished alone, (2) vessel arrangement, and (3) failure to wear a personal floatation device (PFD).



16732
30 Jun 2023

**COMMERCIAL FISHING VESSEL JOHN START (O.N. 949114), LOSS OF LIFE IN
THE VICINITY OF CARPINTERIA, CALIFORNIA ON DECEMBER 8, 2021.**

INVESTIGATING OFFICER'S REPORT

1. Preliminary Statement

1.1. This marine casualty investigation was conducted, and this report was submitted in accordance with Title 46, Code of Federal Regulations (CFR), Subpart 4.07, and under the authority of Title 46, United States Code (USC) Chapter 63.

1.2. No individuals, organizations, or parties were designated a party-in-interest in accordance with 46 CFR Subsection 4.03-10.

1.3. The Coast Guard was the lead agency for all evidence collection activities involving this investigation. This investigation was supported by Ventura Harbor Patrol. No other persons or organizations assisted in this investigation.

1.4. All times listed in this report are in Pacific Standard Time, using a 24-hour format and are approximate. All bearings and courses are listed as True.

2. Vessel Involved in the Incident



Figure 1: Port side of JOHN START moored in Ventura, CA provided by investigator from MSD Santa Barbara.

Official Name:	JOHN START
Identification Number:	949114
Flag:	United States
Vessel Class/Type/Sub-Type	Commercial Fishing Vessel/Trawler
Build Year:	1987
Gross Tonnage:	16 GT
Length:	38 Feet
Main/Primary Propulsion: (Configuration/System Type, Ahead Horsepower)	High Speed Diesel/ Diesel Reduction/ 450 Ahead Horsepower
Owner:	[REDACTED]
Operator:	[REDACTED]

3. Deceased, Missing, and/or Injured Persons

Relationship to Vessel	Sex	Age	Status
Master/Owner	Male	62	Missing and Presumed Deceased

4. Findings of Fact

4.1. The Incident:

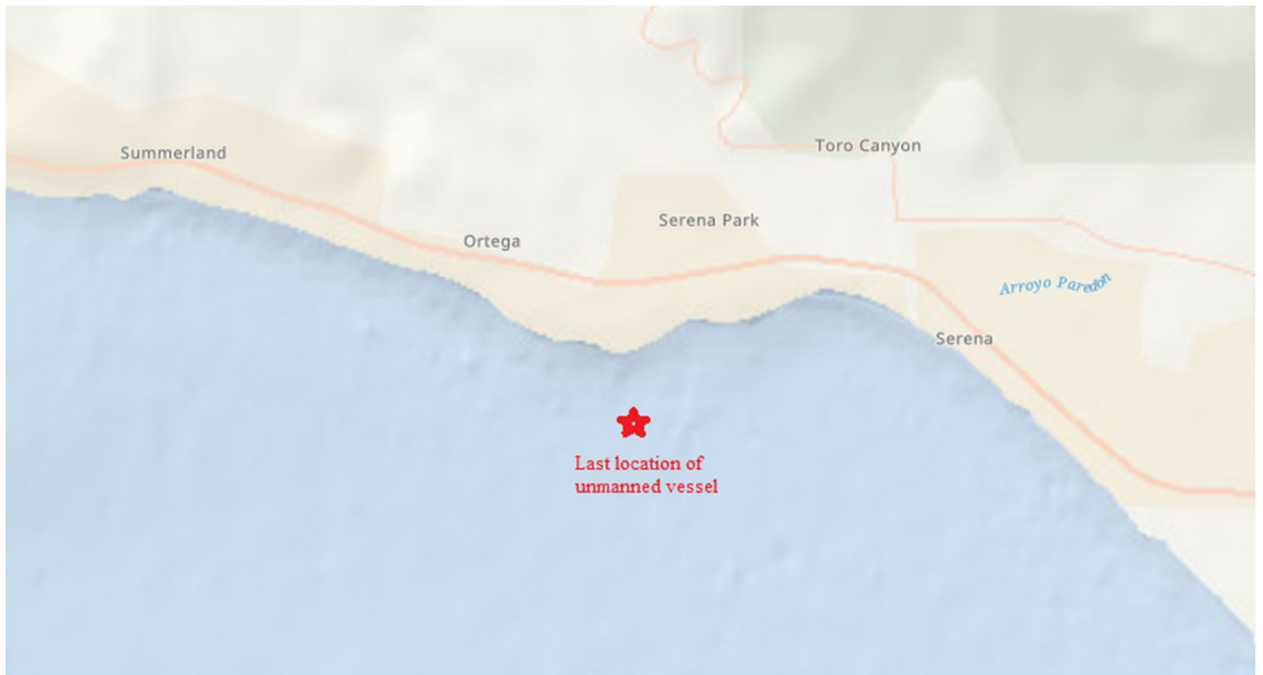


Figure 2: Location of vessel at time of report to the Coast Guard.

4.1.1. On December 8, 2021, the master of the JOHN START got the vessel underway at 0256 by himself and departed from Ventura Harbor, California. The vessel headed northwest with a heading of 280° at approximately 6 knots.

4.1.2. At 0457, the vessel changed course and speed. The heading changed to 325°, and the speed was reduced to 2 knots.

4.1.3. At 0557, vessel altered course, heading west to 256°, maintaining the same speed at an average of 2 knots.

4.1.4. At 0642 vessel changed course to 311 degrees and continued on a northwest heading for the next two and a half hours at an average speed of 1 knot.

4.1.5. Between 0843 (1643 UTC) and 1445 (2245 UTC), the vessel sporadically changed course and speed as it drifted in a northwestern direction while steadily approaching the shore in the vicinity of Carpinteria, California. During this 6-hour window, it is presumed that the Master fell overboard, and the unmanned vessel continued underway with its engine engaged.

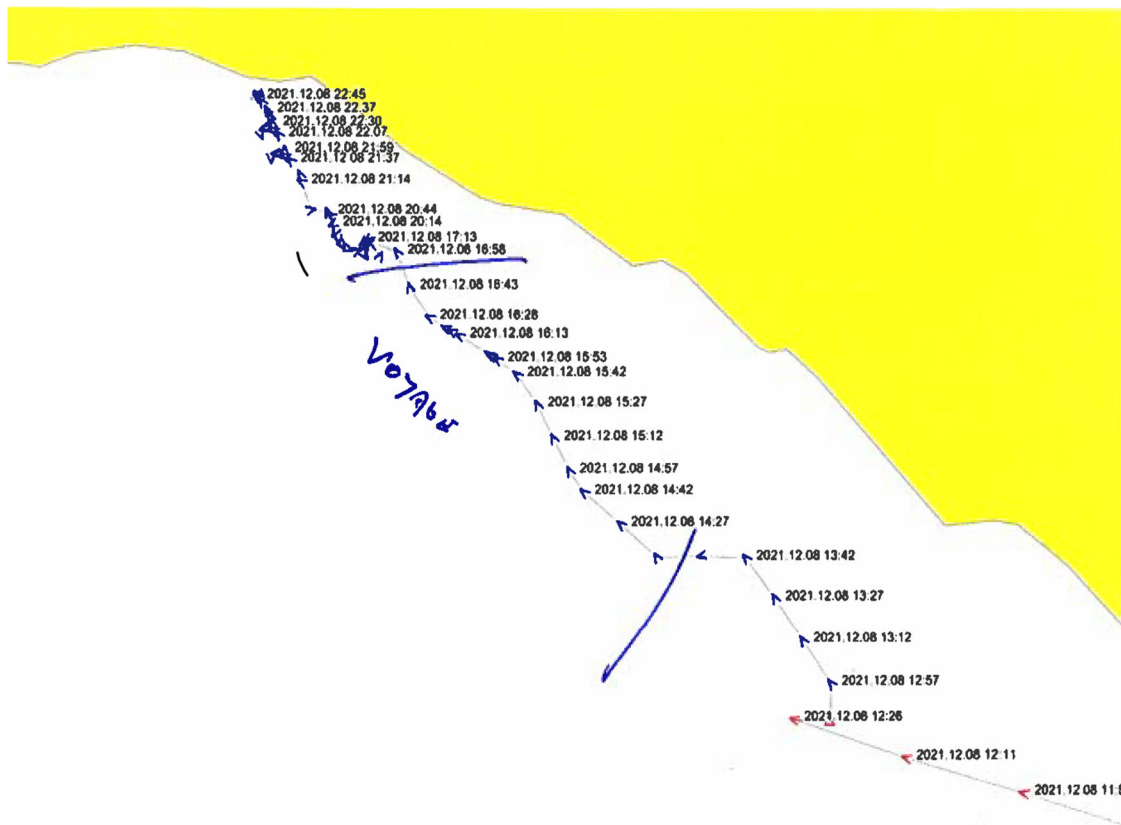


Figure 3: Map of JOHN START's VMS Tracks on 08DEC2021. Times displayed are UTC (PST +8).

4.1.6. At approximately 1450, the California Department of Fish and Wildlife (CDFW) received a report from F/V AELITA, which was in the vicinity, that the vessel JOHN START was getting dangerously close to shore near Carpinteria, California and was

potentially unmanned. At 1456, CDFW notified the Coast Guard that the JOHN START was a possible runaway vessel at location 34° 24.575'N, 119° 34.546'W.

4.1.7. At 1508, Coast Guard small boat CG45643 got underway with five crewmembers from Coast Guard Station Channel Islands and proceeded to the reported location of the JOHN START.

4.1.8. The Coast Guard issued an Urgent Marine Information Broadcast on Channel 16 over VHF/FM radio to notify all traffic in the area of an unmanned vessel. At 1530, Towboat U.S. launched their vessel RETRIEVER from Ventura Harbor and proceeded to the reported location of the JOHN START.

4.1.9. Coast Guard vessel CG45643 arrived on scene at 1545. The crew observed the JOHN START approximately 200 yards from shore with the engine running and in gear. The vessel appeared to be held in place by its fishing net, which the crew assessed to be stuck on entanglements along the bottom of the sea floor.

4.1.10. The CG45643 crew also observed the fishing vessel AELITA was on scene. The vessel AELITA transferred one of its two crewmembers onboard to the JOHN START. AELITA's crewmember confirmed that JOHN START was unmanned and retrieved the vessel's track history. The crewmember relayed the information to the AELITA's captain, who immediately plotted a reverse course of the JOHN START and commenced searching for the master.

4.1.11. On scene weather conditions were as follows: overcast skies; winds: approximately 11 knots from the north/northwest; approximately 7 NM of visibility; air temperature: approximately 60°F; water temperature: approximately 56°F; and waves: approximately 3 feet in height.

4.1.12. At 1615, Towboat U.S. vessel RETRIEVER arrived on scene. The master of the RETRIEVER observed the vessel's two metal fishing doors in their stowed position on the port and starboard sides.



Figure 4: Close-up view of stowed metal fishing doors, portside.

4.1.13. The RETRIEVER maneuvered alongside, and a crewmember boarded the JOHN START. He assessed the vessel and confirmed that the JOHN START was anchored to the sea floor by its entangled fishing net at a depth of approximately 20 feet of water. He attempted to raise the net using the hydraulic winch located on the stern of the vessel, but it held fast.



Figure 5: Hydraulic lever operating the fishing net drum.

4.1.14. At approximately 1631, only 16 minutes remained until sunset (1647). The master of the RETRIEVER elected to assist in the search while daylight remained. In the event the net disentangled from the sea floor, he deployed the anchor from the JOHN START to prevent the vessel from drifting aground.

4.1.15. The crew of the RETRIEVER returned to their vessel and joined the search for the Master of the JOHN START.

4.1.16. Harbor Patrol, Towboat U.S., and Coast Guard vessel and air assets conducted search and rescue operations throughout the evening. At approximately 1730, a second Towboat U.S. vessel, ASSIST VENTURA arrived on scene with two crewmembers.

4.1.17. The crew of the ASSIST VENTURA went onboard the JOHN START at 2042 and successfully disentangled the fishing net. The crew was able to successfully retrieve the net on board and observed that the net was full of fish. One of the crewmembers remained on board, raising the anchor and getting the JOHN START underway under its own power at 2209.

4.1.18. At 2300, the JOHN START safely arrived at the Ventura Harbor Patrol dock and was successfully moored.

4.1.19. At approximately 0500 on December 9, 2021, Forward Operating Base Point Mugu conducted first light searches of the area using Coast Guard aircraft. Coast Guard

Cutters, small boats, and helicopters continued search operations throughout the day until the search was suspended.

4.1.20. Search efforts were carried out until 1700 on December 9th, 2021, by Air Station San Francisco, Forward Operating Base Point Mugu, CGC BLACKTIP, CGC NARWHAL, Station Channel Islands, and Ventura County Fire & Air with negative results. 32 Coast Guard search missions and 37 total searches were completed for a total of 54 hours and 607 square miles searched. No body was recovered, and the master of the JOHN START was presumed dead.

4.2. Additional/Supporting Information:

4.2.1. The JOHN START is a U.S. Commercial Fishing Vessel (CFV) owned by [REDACTED]. The vessel is homeported in Ventura Harbor, California. The vessel has maintained a valid Commercial Fishing Vessel Safety decal since 2004. The last Commercial Fishing Vessel Safety Exam was conducted on June 17, 2020 and the following deficiencies were identified: expired batteries on immersion suit light and life-float light, and expired Emergency Position Indicating Radio Beacon hydrostatic release and registration. All deficiencies were corrected on July 1, 2020 and vessel was subsequently issued a valid safety decal (20-117669).

4.2.2. The vessel master had over 20 years of experience within the commercial fishing industry in the area. His practice was to fish alone and, according to his next of kin, was a very experienced boat operator and an excellent swimmer.

4.2.3. Investigators interviewed witnesses familiar with the operation of the JOHN START and none had ever observed the master wearing a life jacket on board.

4.2.4. On November 20th, 2020, the JOHN START was involved in a marine casualty when it collided with another fishing vessel while underway. It was determined that at the time of the collision, the master of the JOHN START was at the stern of the vessel preparing his fishing gear. The engine was engaged, and the master failed to keep a proper lookout in accordance with navigation rules (MISLE Activity #7100146).

5. Analysis

5.1. *Master fished alone.* With over 20 years of experience in the fishing industry, the owner of the JOHN START was the sole operator of the vessel. As the master of the vessel, his routine operation was to fish alone unless he had a required National Oceanic and Atmospheric Administration (NOAA) observer onboard (the Magnuson Stevens Act requires trained NOAA observers to periodically go onboard Commercial Fishing Vessels to collect data on fishing activities, fishing locations, and gear used). Additionally, the master was involved in a collision with another vessel approximately 1 year prior. He failed to maintain a proper lookout on the vessel as he prepped for fishing operations at the stern (*see 4.2.4.*). The complexity of individually operating a fishing vessel imposes lapses in a sailor's ability to maintain a proper lookout while underway. The next of kin confirmed that he had departed that morning to go fishing and that he was alone. By studying the vessel's track line through the Vessel Monitoring System (VMS), it is reasonable to assume that the master could have fallen overboard at any point between 34°22.14'N, 119° 32.10'W at 0843 hours (1643 UTC) and 34° 24.38'N, 119°34.37'W at 1445 hours (2245 UTC) (*Figure 3*). Search

and rescue assets did not have an exact location of the incident, which significantly expanded the area of search. It is reasonable to assume that if another crewmember had been on board, the master falling overboard would have been recognized. A crewmember would have been able to disengage the vessel's throttle, provide a personal floatation device, or maneuver the vessel to retrieve the master. Additionally, an extra crewmember would have made an immediate notification to the Coast Guard with an exact position, greatly narrowing down the search area.

5.2. *Vessel arrangement.* It is reasonable to assume that the master's last position prior to falling overboard was at the stern, attempting to maneuver the net using the hydraulic controls or directly manipulating the net by hand when he fell overboard. When search and rescue crews arrived on scene, they observed both port and starboard metal doors (also known as plows) were in the stowed position (*Figure 4*), and the vessel was anchored to the sea floor by the entangled fishing net. The position of the doors indicated the vessel had completed initial fishing operations and the master was preparing to retrieve the fishing net. Crewmembers from Towboat U.S. made several attempts to retrieve the net onboard using the hydraulic controls. The outboard position of the hydraulic control station located at the stern of the vessel required the operator to step onto a wood platform in order for it to be operated. The construction of the wood platform was susceptible to becoming slippery in wet conditions, which would have always been present during fishing operations. The location and height of the platform reduced the effective height of the safety rails and increased the potential for tripping hazards to exist. It is reasonable to assume that if the vessel was configured to a higher degree of overboard safety during hydraulic operations, he would not have fallen overboard.



Figures 6 & 7: Hydraulic control location / raised wooden platform (vessel's last known configuration).

5.3. *Failure to wear a PFD.* During the investigation, all witnesses familiar with the master's operation stated they had never observed him wearing a life jacket (4.2.3.). There is no legal

regulatory requirement to wear a life jacket. 46 CFR § 28.110 states, “each vessel must be equipped with at least one immersion suit, exposure suit, or wearable personal flotation device of the proper size for each individual on board.” The vessel was equipped with one immersion suit onboard to meet the requirement, and it was confirmed to be onboard by the attending investigator after the incident. No lifejackets were on board during any previous Commercial Fishing Vessel Safety Exams, and none were located by investigators. It is reasonable to assume that if the master had been wearing a flotation device, he would have been able to stay afloat long enough to be rescued by search and rescue efforts.

6. Conclusions

6.1. Determination of Cause:

6.1.1. The initiating event for this casualty was determined to be the master falling overboard. Despite extensive search efforts, his body was never recovered, and he was presumed dead. Causal factors leading to this event were:

6.1.1.1. Master was fishing alone.

6.1.1.2. Vessel arrangement.

6.1.1.3. Failure to wear a PFD.

6.2. Evidence of Act(s) or Violation(s) of Law by Any Coast Guard Credentialed Mariner Subject to Action Under 46 USC Chapter 77: None.

6.3. Evidence of Act(s) or Violation(s) of Law by U.S. Coast Guard Personnel, or any other person: None.

6.4. Evidence of Act(s) Subject to Civil Penalty: None.

6.5. Evidence of Criminal Act(s): None.

6.6. Need for New or Amended U.S. Law or Regulation: None.

6.7. Unsafe Actions or Conditions that Were Not Causal Factors: None.

7. Actions Taken Since the Incident

7.1. Following the incident, the United States Coast Guard worked with the next of kin to conduct this investigation and to provide a Letter of Presumed Death to the family to serve in lieu of a death certificate.

8. Recommendations

8.1. Safety Recommendations:

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

8.2. Administrative Recommendations:

8.2.1. Recommend this investigation be closed.

8.2.2. In accordance with 46 USC Section 6308; notwithstanding any other provision of law, no part of a report of a marine casualty investigation conducted under 46 USC Section 6301, including findings of fact, opinions, recommendations, deliberations, or conclusions, shall be admissible as evidence or subject to discovery in any civil or administrative proceedings, other than an administrative proceeding initiated by the United States.



Chief Petty Officer, U.S. Coast Guard
Investigating Officer