



CORONER'S REPORT
INTO THE DEATH OF

FOISY
SURNAME

GERALD VICTOR JOSEPH
GIVEN NAMES

OF

100 MILE HOUSE
MUNICIPALITY OF RESIDENCE

I, Michael B. Green, a Coroner in the Province of British Columbia, have investigated the death of the above named, which was waived to me on the 24th day of March, 2006, and as a result of such investigation have determined the following facts and circumstances:

Gender: MALE FEMALE
Age: 45 YEARS
Death Premise: FERRY/SHIP/BOAT
Place/Municipality of Death: VANCOUVER Date of Death: MARCH 22, 2006
Municipality of Illness/Injury: HARTLEY BAY Time of Death: 0140 HOURS

MEDICAL CAUSE OF DEATH

(1) Immediate Cause of Death: a) presumed drowning

DUE TO OR AS A CONSEQUENCE OF

Antecedent Cause if any: b) ferry passenger

DUE TO OR AS A CONSEQUENCE OF

Giving rise to the immediate cause (a) above, stating underlying cause last. c)

(2) Other Significant Conditions Contributing to Death:

BY WHAT MEANS Passenger aboard a ferry that ran aground and sank.

CLASSIFICATION OF DEATH ACCIDENTAL HOMICIDE NATURAL SUICIDE UNDETERMINED

Date Signed: SEPTEMBER 16, 2010

Michael B. Green, Regional Coroner
Province of British Columbia



CORONER'S REPORT
INTO THE DEATH OF

FOISY

SURNAME

GERALD VICTOR JOSEPH

GIVEN NAMES

INVESTIGATIVE FINDINGS

Summary

On March 21, 2006 at 2000 hours, the passenger and vehicle ferry *Queen of the North* departed Prince Rupert for Port Hardy. There were 101 passengers and crew aboard. After entering Wright Sound from Grenville Channel, the ferry ran aground along the north side of Gill Island at approximately 0022 hours on March 22. The ferry sustained damage to its hull, lost its propulsion, and drifted for approximately one and one quarter hours before sinking in 430 meters of water at 0140 hours. Although the passengers and crew abandoned the ferry before it sank, two passengers were later determined to be missing. Gerald Victor Joseph Foisy and his spouse are presumed to have been on board when the ferry sank.

The ship

The *Queen of the North* was built in Bremerhaven, Germany in 1969. It was a cruise-ship style ferry 125 meters in length and 19.2 meters in width. It was capable of carrying 115 vehicles and as many as 650 passengers, including 60-65 crew members. The ship had a displacement of 8,806 tons and a cruising speed of 22 knots. The *Queen of the North* had eight decks, with decks 1 and 2 holding the engine rooms and related engineering and store rooms; deck 2 also contained crew quarters. Decks 1 and 2 were below the ship's waterline. Decks 3 and 4 held vehicles, and decks 5 and 6 held public and crew eating and lounge areas, as well as thirty five staterooms in the rearward third of the ship. Deck 7 contained the bridge in the forward most section, followed by officers' quarters and dining; the rearmost section contained another twenty staterooms. Life rafts and lifeboats were located outside deck 7, with one lifeboat on each side and life raft stations and life-jacket lockers both ahead of and behind the lifeboat locations on each side. An inflated, powered rescue boat was also located on the port side. Deck 8 was a restricted area holding the smoke stack and mechanical rooms.

The *Queen of the North* underwent an annual refit requiring three months, beginning October 3, 2005 and finishing February 27, 2006. Inspections were performed by Transport Canada, BC Ferries, and the ship's crew, which included approving all the navigation equipment. A Steamship Inspection Certificate was issued by Transport Canada on March 2, 2006, allowing the *Queen of the North* to return to passenger service. The full complement of crew had joined the ship and four trips on two routes were completed in the week before the *Queen of the North* sank on March 22, 2006.

The route

The *Queen of the North* normally operated on two routes: Prince Rupert to Queen Charlotte Islands (Haida Gwaii) and return, or Prince Rupert to Port Hardy and return (the inside passage). The inside passage follows southeast through the Grenville Channel, into Wright Sound, east into the Princess Royal Channel and on southeast, through the Fitz Hugh Channel and on to Port Hardy. The inside passage route is 274 nautical miles (507 kms.) long and requires 15 hours.

The Incident

On March 21, 2006, the *Queen of the North* departed Prince Rupert at 2000 hours enroute to Port Hardy. There



CORONER'S REPORT
INTO THE DEATH OF

FOISY

SURNAME

GERALD VICTOR JOSEPH

GIVEN NAMES

were fifty nine passengers and forty two crew members aboard (101 total). The ship's progress southeast down the Grenville Channel was uneventful until it was approaching Sainty Point at 0003 hours on March 22 and radioed its position, prior to exiting Grenville Channel and entering Wright Sound. Sainty Point was one of the waypoints from which the *Queen of the North* was required to make a radio report to establish the ship's location. The Marine Communications and Traffic Services centre (MCTS) is the Canadian Coast Guard vessel traffic management system on specific VHF radio channels for specific geographic areas. MCTS tracks commercial vessel traffic by radio [from call-in points] and is usually supported by radar. The routine radio transmission from near Sainty Point was the last radio communication from the *Queen of the North* until it made a radio call at approximately 0024 hours that the ship had run aground.

Sainty Point is also the location at which the ship normally would make a course change eastward to cross Wright Sound and enter the Princess Royal Channel. Instead, records and investigation revealed that the *Queen of the North* proceeded on its heading from Sainty Point (132.5 degrees) without significant change of course or speed (17.5 knots) for another 14 minutes, until running aground on the northeast shore of Gil Island. At 0022 hours, the *Queen of the North* struck the rocky bottom shoreline of Gil Island on her starboard side, tearing open the hull at three points below the waterline, shearing off the starboard propeller blades, and losing steering control and propulsion. The ship's Master (who is in overall command and is identified through job description as Emergency Duty Number [EDN] #1) was summoned immediately by the Quartermaster (EDN #7) and took command of the emergency response and abandonment of the ship.

The Bridge Crew

The *Canada Shipping Act* governs all shipping in Canada and sets the rules BC Ferries must follow. Under the act, which appears at times ambiguous in its regulations, BC Ferries' interpretation allowed, under the existing conditions and up to the time of the incident, two crew members to operate as the *Queen of the North's* bridge crew after passing Sainty Point. These two crew members were the Fourth Officer (EDN #5), as the Officer of the Watch, and the Quartermaster (EDN #7). Had the ship's auto-pilot been disengaged, or visibility been reduced, or other traffic been present, or navigation hazards been present, a third crew member would have been required on the bridge. A third crew member, the Second Officer (EDN #3), had been on the bridge, but left for a meal break after passing Sainty Point and prior to the ship exiting Grenville Channel; he was eating nearby the bridge and carried a handheld radio for emergencies.

The Response

Reports determined that upon the ship's initial grounding, the on-watch engineering officer reported the engine room was flooding, that the engine room crew had safely evacuated the space, and they had executed the Master's order to close all watertight doors. The general alarm was sounded in crew areas, followed by repeated public address announcements instructing passengers to assemble on the outer boat deck (Deck 7). In the intervening time between the ship's impact and its abandonment (approximately 50 minutes), crew reportedly physically banged on cabin doors and issued evacuation instructions; it was reported that fifty three of fifty five cabins were confirmed to have been physically searched. At 0028 hours, MCTS (the Marine Communications and Traffic Services centre) issued a north coast-wide Mayday, asking any vessels in the area to respond to the scene. At nine minutes after the impact (0031 hours), the *Queen of the North* radioed that she



CORONER'S REPORT
INTO THE DEATH OF

FOISY

SURNAME

GERALD VICTOR JOSEPH

GIVEN NAMES

had a five degree list to starboard. At 0054 hours, she reported that the ship was being abandoned. The ship's Master was the last to leave the ship, and the ship was listing 15 degrees to starboard at that time. There were no further radio communications from the ship after this time. At 0112 hours, radio communication from the lifeboats informed MCTS that the crew and passengers had successfully abandoned ship; that all were aboard two lifeboats and five life rafts which were tied together; and the process of conducting a count of all persons had begun. No role call or head count of passengers and crew was conducted prior to the loading of lifeboats and life rafts, although a count during the loading process was done. The off-ship count of persons varied between 96 and 102; finally the tentative figure reported to the Coast Guard was 96. The *Queen of the North* sank from view at 0140 hours and came to rest at a depth of 430 meters.

Starting at 0145 hours, a series of private vessels, plus the Coast Guard ship *Sir Wilfred Laurier*, began arriving at the scene and off loading crew and passengers from the lifeboats and life rafts. These came from the general area and from the community of Hartley Bay, a small First Nations community of approximately 200 people located near the south end of Grenville Channel. The majority of the crew and passengers were taken aboard various vessels and were transported to Hartley Bay in small groups at different times; this resulted in persistent confusion and conflicting head counts. The *Sir Wilfred Laurier* took thirty six persons onboard, although their initial count also was inaccurate. Finally, at 0833 hours on March 22, all the lists were reconciled with BC Ferries' records, and it was determined that Gerald Foisy and his spouse were missing from the rescued passengers and crew.

The Search

The Joint Rescue Coordination Centre (JRCC) is operated by the Canadian Armed Forces and is based in Victoria. The JRCC is responsible for coordinating all air and marine incident searches within Canada and Canada's international waters. It can utilize resources from the military, the Coast Guard, the Rescue Squadron at CFB Comox, the RCMP, as well as private individuals and organizations. The JRCC, in concert with their designated on-scene commander, run an active search until it is officially complete or curtailed.

Within approximately fifteen minutes of the *Queen of the North's* first report of running aground, the *Sir Wilfred Laurier*, a nearby private fishing vessel, and a fleet of six Hartley Bay vessels had all begun to respond to the scene. The JRCC further "tasked" an array of five Coast Guard vessels and Buffalo and Cormorant aircraft at CFB Comox to aid in the response and search. The search objectives modified over the following hours from the *Queen of the North* itself, to the lifeboats and life rafts and their occupants, and finally to the two missing passengers, Gerald Foisy and his spouse. The search was continued and widened a further 5 miles until the Coast Guard, using their survivability models, concluded there was a zero percent chance of anyone in the water surviving. At 1415 hours on March 22, JRCC called off the search and turned the case over to the RCMP as a missing person's investigation.

Dives on the Wreckage

On June 15, 2006, an unmanned, submersible, remote operating vehicle explored the wreckage of the *Queen of the North* in order to recover any equipment or information that would assist in the investigations. There were four dives made, concluding on June 17, which successfully recovered the ship's "black box" and its navigation



CORONER'S REPORT
INTO THE DEATH OF

FOISY

SURNAME

GERALD VICTOR JOSEPH

GIVEN NAMES

computer. In addition, the dives established that it was not possible for the vehicle to enter the ship (other than the bridge) to search for the bodies of the missing persons, nor was visibility such that the cabin windows revealed anything useful. No human remains were found.

Efforts to Account for the Missing

After it was confirmed that Gerald Foisy and his spouse were missing from among the rescued passengers, and while the sea and air search activity was still underway, RCMP contacted all the hotels and motels in Prince Rupert in an unsuccessful effort to locate the two missing persons. Similarly, MCTS broadcast repeated requests through March 22 for anyone with any knowledge of the two persons' whereabouts to contact MCTS. However, a family member had by then already informed officials that he had witnessed Gerald Foisy and his spouse boarding the *Queen of the North* at 2000 hours the evening of March 21.

It was established that when Gerald Foisy and his spouse boarded the ferry, they had paid an extra fee to upgrade their cabin to one with a shower; they were assigned a cabin on Deck 7, but no confirmation of their occupancy of a specific cabin number remains in existence. Although BC Ferries' manifests did not necessarily agree with those created by the ship's Purser, and the ship's records were lost in the sinking, one cabin which could not be confirmed to have been searched was the cabin BC Ferries' manifest listed for Gerald Foisy and his spouse (B1). Other passengers reported inconsistent records regarding their own cabin numbers. Two other passengers on the ferry stated that they had dined with Foisy and his spouse aboard the ship on the evening of March 21. Other crew or passengers also were able to confirm that Gerald Foisy and his spouse had been present on the *Queen of the North* before it sank.

Various early reports from several passengers that they believed they had seen Gerald Foisy or his spouse during the rescue activities or at Hartley Bay were not verifiable and eventually were reasonably discounted. RCMP undertook extensive efforts to locate the missing persons or finally to verify the presumption of their deaths. Extensive searches on Gil Island and on the shoreline were conducted to determine whether either person might have fallen overboard and have swum to shore afterward. Over the following days, weeks, and months RCMP contacted family members of both Gerald Foisy and his spouse and confirmed that no one had heard from or seen either person since their departure from Prince Rupert.

Supreme Court Declaration of Death

On April 3, 2007, in Vancouver, BC, the Supreme Court of British Columbia granted a petition and issued an order pursuant to Section 3 of the Survivorship and Presumption of Death Act that declared Gerald Foisy and his spouse presumed dead for all purposes as of March 22, 2006. Because the declaration was made by the Court in Vancouver, Vancouver is shown by Vital Statistics Agency, BC as the place of death. The place of injury is shown in this Coroner's Report as the nearest municipality to Gil Island, which is Hartley Bay.

Investigations

Search and Rescue (SAR) produced *SAR Operation Report, SAR Queen of the North*, JRCC, Victoria, V2006-0583. The agency's conclusions and recommendations may be found in this report.



CORONER'S REPORT
INTO THE DEATH OF

FOISY

SURNAME

GERALD VICTOR JOSEPH

GIVEN NAMES

BC Ferries produced Divisional Inquiry #815-06-01 and Divisional Inquiry Addendum #815-06-01A. The corporation's conclusions and recommendations may be found in this report.

The Transportation Safety Board of Canada (TSB) produced Marine Investigation Report M06W0052, Striking and Subsequent Sinking, Passenger and Vehicle Ferry, Queen of the North, Gil Island, Wright Sound, British Columbia, 22 March 2006. The agency's conclusions and recommendations may be found in this report.

RCMP produced a confidential report for Crown Counsel.

Investigation Conclusions

The multiple investigations produced numerous conclusions and recommendations. The principle issues addressed a few key points: that EDN #5 had failed to make the required course correction after passing Sainty Point; that EDN #5 and EDN #7 had failed to maintain an adequate lookout and had lost situational awareness in the following time period before running aground at Gil island; and that EDN #7 was not considered adequately qualified and so a third, qualified crew member should have been present on the bridge. Investigations also were able to rule out weather, instrumentation, or mechanical failure as having played any role in the running aground and sinking of the *Queen of the North*.

CONCLUSION

I find that Gerald Victor Foisy died in Wright Sound on March 22, 2006 of presumed drowning as the result of the sinking of the *Queen of the North*. I classify this death as accidental and make no recommendations.

.....
Michael B. Green, Regional Coroner
Province of British Columbia