

My name is Ryan Fitzgerald, Bosun on Utopia IV on the date of the accident, December 23, 2021. I have Certificate of Competency with Bridge Watch Rating(Canadian Shipping Act), Electronic navigation level 1, radar navigation operational level incl ARPA, STCW 11/4(Navigational Watch Rating) , ECDIS certification. I was a member of the Canadian Coast Guard Search & Rescue for 7 years with over 18 years of marine experience.

I was on the Bridge for one hour preceding and at the time of the incident at approximately 22.00 on December 23rd. Approximately in 25 degrees 17.4 minutes North, 77 degrees 37.9 minute West, Sea conditions at the time were, with wind NE 15-20 knot gusts, 1.5m swells from North. Skies were clear.

During the time prior to the incident, I was scanning Radar, visual lookout and monitoring communications. The only contact I observed and acquired on radar was another target app 5.9 miles away at app 2 pm. This target was identified with CPA and cleared. I did not observe any other AIS or radar signal of the other vessel prior to the time of the accident.

I did not hear any radio communications from the vessel involved in this accident nor did I see any lights prior to the accident. Shortly after the impact, I went out to the Bow to observe the other vessel, I did not see any stern lights. At no time on the bridge did I hear any danger signals or contact by the other vessel.

Only Utopia IV issued a Mayday.

As the other vessel began to sink, Utopia IV and Amara conducted a joint rescue operation of the other vessel's crew onto Amara's tender. All crew of the other vessel were rescued safely and transported to shore. Utopia was brought to Nassau, Bahamas under own its own power.

Signed


Ryan Fitzgerald

Date: 12/29/2021



U.S. COAST GUARD WITNESS STATEMENT FORM

(Please Print Clearly)

Witness Name: FRED WENNBURG
Street Address:
City/State/Zip:
Phone No:
Position: CHIEF ENGINEER
Employer Name:
Employer Address:
City/State/Zip:
Phone No:
License/Doc. #

I, the undersigned, make the following statement voluntarily, without threat, duress or promise of reward:

- * I Fred Wennberg - Role Chief Engineer
Credentials Chief Engineer - Master Deck side
Oct 19th covid test for the company - Hotel N.Y. City
* Meet yacht Chelsea Pier N.Y. Oct 23, 2021 1st Day
on Board 1500 - checked All Engine systems.
Started up 11:37 - Underway 1202
Bridge Port 1500 Dropped off owners. Guest.
Bridge Port 1530 Departed. to Fair Haven Mass.
Arrival 2300 Fair Haven Dry Dock. 1st Trip.
* Weather Day of the Accident. December 23, 2021
* Windy - wet. 2 to 3' Sea.
* I saw the capt going to the Aft Direction of the
* Yacht to have a smoke on Back Deck.
* What Experience Bosun seem to have - I do not
* Know His license or Experience - He was New to
* The Vessel.
* I Fred was just off to go for my rest - 2nd
Engineer was on Duty we all have our time on and
off. Sudden. Standing in my cabin - sent flying
into the Bulk Head Forward as we had a crash stop!
Hurting my side - I went the next 2 days after so
I could repair the yacht safety. To get a check up

I have read my statement as documented above (and, if applicable, on continuation pages), and to the best of my knowledge and belief, it is true and correct.

SIGNATURE

Jan 3, 2022
DATE



U.S. COAST GUARD WITNESS STATEMENT FORM


(Please Print Clearly)

Witness Name: FRED WENDBERG Employer Name: _____
 Street Address: _____ Employer Address: _____
 City/State/Zip: _____ City/State/Zip: _____
 Phone No: _____ Phone No: _____
 Position: CHIEF ENGINEER License/Doc. # _____

I, the undersigned, make the following statement voluntarily, without threat, duress or promise of reward:

- * What did you do once the incident happened. I was
- * Preparing to take a shower, so I got dressed and headed for the Eng room called on the radio checking if passengers were ok. Went to Eng room told Engineer start Engines checked for any damages safety checks through out yacht. Brought 3 safety flash lights to our guests, watching for rescue raft the other ships crew. 1 Raft 1 Rescue Boat
- * Direction we were headed towards Bimini Bahamas
- * First time on that route.
- * Hit the Port Aft quarter sank the vessel 20 min
- * The vessel was on a course (vessel other vessel
- * Did you see Nav lights on the Tropic Breeze? (we were going Tropic Breeze
- * Yes in a photo after the incident. Wropic IV
- * I was not in the Bridge or Wheel House
- * What do you think happened on Bridge at the incident? 2 sides to each story the other vessel is also to be on watch they also need to be watching Radar and doing a look out, our Boat I heard some one say they never saw any lights I do not
- * Know for sure during the hits/ hit. I believe the Radar Alarm, ? malfunctioned or setting?

I have read my statement as documented above (and, if applicable, on continuation pages), and to the best of my knowledge and belief, it is true and correct.


SIGNATURE

Jan 3, 2022
DATE



U.S. COAST GUARD WITNESS STATEMENT FORM

Witness Name: Fred Wrenberg (Please Print Clearly) Employer Name: _____
 Street Address: _____ Employer Address: _____
 City/State/Zip: _____ City/State/Zip: _____
 Phone No: _____ Phone No: _____
 Position: Chief Engineer License/Doc. # _____

I, the undersigned, make the following statement voluntarily, without threat, duress or promise of reward:

- * What could have been done differently.
- * 2 men always on the bridge.
- * If someone on watch duty needs to leave
- * the bridge call another crew member for look out.
- * I think experience should be a part in a good crew
- I think conditions - sea - current - weather
- I think speed 20 kts in the day is no problem
- with good conditions
- I believe at night with the wind and
- wet wind shield is a time to check and
- have very good look outs there were
- 2 crew at one point.
- I believe that we all survived and we did
- a great job of rescue and saving the owners
- yacht. safety of the passengers and the
- crew that were injured we should all be
- greatful just like to thank you for conducting
- your statements and I learn every day.
- How to be the best at what you can do.

I have read my statement as documented above (and, if applicable, on continuation pages), and to the best of my knowledge and belief, it is true and correct.

[Redacted Signature]
SIGNATURE

Jun 3, 2022
DATE

The following is a summary of the events prior to and after the accident.

Thursday 23 Dec.

Passage plan created on Time Zero to head from anchor outside Albany, New Providence to anchor off bimini west coast. Weather was checked, AIS programmed, Logged in book, watch schedule confirmed, ETA, anchorage location upon arrival and depth of water, and all GMDSS equipment on.

Started engine, pre departure checks complete and underway at 20:55.

I helped us get underway. I went down to my cabin at app 21:10. It was agreed that captain and I would split the watch for the passage. I would relieve him at 00:30 on the 24 Dec.

The bridge screens were set in following order port to stbd:

1. AMS
2. Conning
3. Time zero Chart 2
4. X-band Radar
5. CCTV

In my cabin, I was awoken by a crash that jolted the boat. I quickly got into clothing and went to wheelhouse.

Upon entering the wheelhouse, I saw the Captain, Matthew on the fore deck and Ryan on one knee next to the controls. Many alarms were activated (main engines, AMS, steering, bucket control RR) I began to silence the alarms.

The time of impact was around 2200 hours or shortly thereafter

Approximate position of the collision.

25* 17.4'N

77*37.9'W

Depth of water 2979m = 9773 Ft

Wind from the NE at 15-20 knots

The swell was approximately 3 feet and we had a slight roll.

Looking out the window, I saw the mast and bridge deck of the vessel we had collided with. We had struck their port quarter. Due to the force of the collision, the two vessels were temporality stuck together. As the swell moved the boats up and down, we broke free from one another.

Called for all persons to muster on the bridge deck aft. I stepped out to stbd wing station to have a better look and saw a man over board from the other vessel. He had a life jacket on and appeared to be ok. I was able to shout to him and he responded with "yes I'm ok"

Put out a May Day on VHF 16 to alert our situation. We were answered by Bahamas defense force (I believe). It was a broken transmission but we were able to send out our location, the situation and number of persons.

All crew and guests accounted for.

It became apparent that the vessel we hit was beginning to sink. I could see the crew onboard donning life jacket and immersion suits.

I went out on stbd wing to yell out to the men in the liferaft. I asked if all persons were in the raft. One man responded saying "one man still on vessel. 6 persons in raft"

After a short amount of time (5-10 min) it became apparent that the last person onboard had stayed onboard to launch the rescue tender they had on the foredeck.

The second generator and main engines were put online for bow thruster and was used to help position the boat. The main engines had shut off in the impact. This is a safety feature that worked as it should.

A plan to recover the crew of the other vessel was made. The best option was to lower the back door and bring them on from our stern. Heaving lines were prepared. I recall Gordon, Tiana and Alex were on scene (need to confirm if anybody else was there). All crew from other vessel were accounted for and using the rescue tender they began tow the liferaft towards our stern. As per CCTV footage you can see the rescue attempt. There is one point when we had a line to the tender and raft but the swell was too much and the tender driver untethered the line from his boat.

M/Y AMARA came onto the scene to assist. They had a tender in tow. And had been on standby while we made the rescue attempt. I asked Amara if it was possible to launch the tender to assist. They said yes. With confirmation over VHF radio the TT Amara was given the all clear to pick up the 7 crew in the raft and rescue tender. Utopia was in position to shield them from the swell and wind.

All 7 crew were onboard the tender. This happened at 23:03 23rd December
Gordon closed the Utopia back door. All crew re mustered. And accounted for.

We began to head to Nassau.

MY Amara stayed with us for majority of the way as an assist because we were not 100% clear of our hull integrity. We could hear "breathing" from the bow as air and water came in and out of the bosun locker.

The TT Amara went directly to shore

The crew and passengers were in lifejackets. Immersion suits were brought out but not donned.

I informed crew and passengers of the situation: we are 20 miles from shore and headed to Nassau to dock at prince George wharf. It will take 1 ½ hours to reach port.

At 00:30 24th December we had 5 high level bilge alarms go off at the same time. Fred, Chief Engineer, was able to confirm that they were false alarms and that we were not taking on water.

All crew and passengers were calm and responded to commands. This truly helped in the situation.

I Took over control and headlined back to the channel entrance, communicated with Harbor patrol then docked the Vessel.

Finished docking at 02:08 Friday 24 December.

Just as we finished the docking the Bahamas defense force arrived to take a statement.

Went to muster again to check with crew and guests.

Tropic breeze did not have their AIS on. Nor did I see a stern light or other lights at that time.

Marine traffic has shown that the last time its AIS was on was in 2020-12-16 23:14 UTC

Jeffrey Wierzba, Chief Officer, now Captain Utopia IV



signed 04 Jan 2022

A large black rectangular redaction mark covers the signature. Above the redaction, there are several handwritten strokes, including a large loop and a vertical line. Below the redaction, there are three large, overlapping loops.

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Re: M/Y UTOPIA IV
Collision with M/V TROPIC BREEZE
December 23, 2021

Matthew W. Inglis, states as follows:

On December 23, 2021 I was employed as Master of the Motor Yacht UTOPIA IV. The Vessel had been anchored that evening off of Albany, Nassau in the Bahamas with the crew and passengers on board. At about 2030 hours the Vessel heaved anchor and got underway on a planned voyage to Bimini. The planned route was to take us around the western side of Nassau and then on a generally north northeast course so as to avoid the Berry Islands and the Bahama Bank. After tending to the anchor, Bosun Ryan Fitzgerald, an STCW-qualified watch stander with radar, radar plotting, ARPA and navigation watch ratings, joined me on the bridge.

Shortly before 2200 hours, I looked out the forward bridge windows and did not see the lights of any vessels. I then checked the radar and no vessels were detected. I adjusted the range up and down and did not see any vessel targets. I then checked the Vessel's Time Zero electronic chart system and again saw no other vessels. No AIS identifiers were observed on either system. At the time, the Vessel was proceeding at about 19-20 knots with a NE wind off the Vessel's starboard bow. I would estimate the visibility to be from 5-7 miles. Seas were in the 3 foot range but with a long swell, the Vessel was riding comfortably.

I advised the Bosun that I was leaving the wheelhouse for a few minutes and that he was to keep a close lookout and radar watch. I asked if he had any questions. He acknowledged my instructions and had no questions.

The purpose of my departure was to make a quick safety and security check of the passengers. Within a few minutes I was almost back to the wheelhouse and was forward of the main dining room when I was thrown against the forward bulkhead and door frame.

In a matter of seconds I was back in the wheelhouse. I looked out the forward bridge windows and could faintly make out a structure ahead of us. I noted that our engines were stopped. I looked out the starboard side door and told the Bosun to follow me to the bow. I climbed up on the anchor chain stopper and saw that our bow was hard up against the stern of the other vessel.

The Bosun and I returned to the wheelhouse and I grabbed my flashlight and returned to the bow. I saw no one on the other vessel. I vaguely recall seeing a very dim light on the other vessel, about as bright as a candle.

I returned to the wheelhouse where the chief mate and other members of the crew had gathered. We sounded Mayday on the VHF and I mustered the crew and passengers. We received a faint Mayday reply from what may have been the Bahamian authorities and I responded to their questions. We also heard from the M/Y AMARA and that they were on route to our location. I did not hear any communications between those authorities and the other vessel.

Shortly thereafter the crew of the other vessel launched and boarded their life raft and later their rescue boat. With our engines restarted, I maneuvered our vessel to bring on the crew from their

raft and rescue boat. Being unsuccessful, I communicated with the Captain of the AMARA (which had arrived on location with a tender in tow) if he could please use his tender to take on the crew from their life raft and boat. This was safely accomplished.

At no time prior to or after the collision did I hear or see any distress calls, distress signals or other emergency signals from the other vessel.

We then safely returned to Nassau with all of our crew and passengers.

Dated: January 3, 2022

Matthew W. Inglis